



THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

VOLUME I,

COMPRISING (WITH VOLUME II) THE PERIOD FROM MARCH 3, 1789,
TO MARCH 3, 1791, INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS,
BY JOSEPH GALES, SENIOR.

WASHINGTON:

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1834.

INTRODUCTION.

VERY soon after the Treaty of Peace, by which the Independence of the United States was recognised by the Government from which they had effected their separation, the want of a general superintending power over commerce, with the correlative power of taxation, was almost universally felt, and very generally deplored by the inhabitants of all the States, though not to the same extent in all.

It was easier to see the defect, and to feel the evils which flowed from it, than to provide the remedy. Intelligent citizens, however, soon busied themselves in devising the means of forming a Union, which should possess the requisite authority, and become the foundation of certain and durable prosperity.

Of the manner in which this desirable object was consummated, the following brief account is condensed from *Marshall's Life of Washington*, the most authentic history of that period :

While the advocates for Union were exerting themselves to impress its necessity on the public mind, measures were taken in Virginia, which, though originating in different views, terminated in a proposition for a general Convention to revise the state of the Union.

To form a compact relative to the navigation of the rivers Potomac and Pocomoke, and of part of the bay of Chesapeake, commissioners were appointed by the Legislatures of Virginia and Maryland, who assembled in Alexandria, in March, 1785. While at Mount Vernon on a visit, they agreed to propose to their respective Governments the appointment of other commissioners, with power to make conjoint arrangements, to which the assent of Congress was to be solicited, for maintaining a naval force in the Chesapeake; and to establish a tariff of duties on imports, to which the laws of both States should conform. When these propositions received the assent of the Legislature of Virginia, an additional resolution was passed, directing that which respected the duties on imports to be communicated to all the States in the Union, who were invited to send deputies to the meeting.

On the 21st of January, 1786, a few days after the passage of these resolutions, another was adopted by the same Legislature, appointing certain commissioners, "who were to meet such as might be appointed by

the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States; to examine the relative situation and trade of the said States; to consider how far a uniform system in their commercial relations may be necessary to their common interest and their permanent harmony; and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable the United States, in Congress assembled, effectually to provide for the same."

In the circular letter transmitting these resolutions to the respective States, Annapolis, in Maryland, was proposed as the place, and the ensuing September as the time, of meeting.

The Convention at Annapolis was attended by commissioners from only five States, [New York, New Jersey, Pennsylvania, Delaware, and Virginia.] These, after appointing Mr. Dickinson their Chairman, proceeded to discuss the objects for which they had convened. Perceiving that more ample powers would be required to effect the beneficial purposes which they contemplated, and hoping to procure a representation from a greater number of States, the Convention determined to rise without coming to any specific resolutions on the particular subject which had been referred to them. Previous to their adjournment, however, they agreed on a Report to be made to their respective States, in which they represented the necessity of extending the revision of the federal system to all its defects, and recommended that Deputies for that purpose be appointed by the several Legislatures, to meet in Convention in the city of Philadelphia, on the second day of the ensuing May.

The reasons for preferring a Convention to a discussion of this subject in Congress, were stated to be "that, in the latter body, it might be too much interrupted by the ordinary business before them, and would, besides, be deprived of the valuable counsels of sundry individuals who were disqualified by the constitution or laws of particular States, or by peculiar circumstances, from a seat in that assembly."

A copy of this Report was transmitted to Congress in a letter from the Chairman, stating the inefficacy of the Federal Government, and the necessity of devising such further provisions as would render it adequate to the exigencies of the Union.

On receiving this Report, the Legislature of Virginia passed an act for the appointment of Deputies, to meet such as might be appointed by other States; to assemble in Convention at Philadelphia, at the time, and for the purposes specified in the recommendation from the Convention which had met at Annapolis.

At the time and place appointed, the Representatives of twelve States convened. In Rhode Island alone, a spirit sufficiently hostile to every species of reform was found, to prevent the election of Deputies on an occasion so generally deemed momentous. Having unanimously chosen General WASHINGTON for their President, the Convention proceeded, with closed doors, to discuss the interesting and extensive subject submitted to their consideration.

On the 17th of September, the Constitution was presented to the American public. The instrument, with its accompanying resolutions, was, by the

unanimous order of the Convention, transmitted to Congress in the following letter:

IN CONVENTION, September 17, 1787.

SIR: We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be preserved; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety—perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus, the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not, perhaps, to be expected; but each will, doubtless, consider, that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants. By the unanimous order of the Convention.

GEO. WASHINGTON, President.

His Excellency the President of Congress.

Congress resolved, unanimously, that the Report, with the letter accompanying it, be transmitted to the several Legislatures, in order to be submitted to a Convention of Delegates chosen in each State by the People thereof.

After a discussion of the Constitution in the Conventions of the several States, during which its ultimate fate hung for some time in dubious and painful suspense, the Conventions of eleven out of the thirteen States assented to, and ratified the Constitution in the following form:

INTRODUCTION.

CONSTITUTION OF THE UNITED STATES,

AS ORIGINALLY ADOPTED.*

WE, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall be directed by law. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts eight; Rhode Island and Providence Plantations one; Connecticut five; New York six; New Jersey four; Pennsylvania eight; Delaware one; Maryland six; Virginia ten; North Carolina five; South Carolina five; and Georgia three.

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker, and other officers, and shall have the sole power of impeachment.

SECTION 3.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

* The Amendments subsequently adopted, and which are now a part of the Constitution, will be found in the Appendix, at the close of this volume.

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SECTION 4.

1. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make, or alter such regulations, except as to the places of choosing Senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5.

1. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment request secrecy; and the yeas and nays of the members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

SECTION 6.

1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to or returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either House during his continuance in office.

SECTION 7.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and, if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the person voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8.

The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States;

2. To borrow money on the credit of the United States;

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6. To provide for the punishment of counterfeiting the securities and current coin of the United States;

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7. To establish post offices and post roads;
8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;
9. To constitute tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
11. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years;
12. To provide and maintain a navy;
13. To make rules for the government and regulation of the land and naval forces;
14. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;
15. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
16. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of Government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and,
17. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SECTION 9.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.
2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.
3. No bill of attainder, or *ex post facto* law, shall be passed.
4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.
5. No tax or duty shall be laid on articles exported from any State; no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.
6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.
7. No title of nobility shall be granted by the United States, and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any King, Prince, or foreign State.

SECTION 10.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility.
2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States, and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign Power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.—SECTION 1.

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected as follows:
2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.
3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a

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list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the House of Representatives. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice President.

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President; and such officer shall act accordingly until the disability be removed, or a President shall be elected.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

SECTION 2.

1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SECTION 3.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and, in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

SECTION 4.

1. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.—SECTION 1.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, in both

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of the Supreme and inferior courts, shall hold their offices during good behaviour; and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

SECTION 2.

1. The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a State shall be a party, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

SECTION 3.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.—SECTION 1.

1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SECTION 2.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3.

1. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

SECTION 4.

1. The United States shall guaranty to every State in this Union a republican form of Government, and shall protect each of them against invasion; and, on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.

ARTICLE V.

1. The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution; or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

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ARTICLE VI.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

1. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.

John Langdon,
Nicholas Gilman.

MASSACHUSETTS.

Nathaniel Gorham,
Rufus King.

CONNECTICUT.

William Samuel Johnson,
Roger Sherman.

NEW YORK.

Alexander Hamilton.

NEW JERSEY.

William Livingston,
David Brearly,
William Paterson,
Jonathan Dayton.

PENNSYLVANIA.

Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymet,
Thomas Fitzsimons,
Jared Ingersoll,
James Wilson,
Governor Morris.

Attest,

WILLIAM JACKSON *Secretary.*

GEORGIA.

William Few,
Abraham Baldwin.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

NORTH CAROLINA.

James Madison, Jun.

VIRGINIA.

John Blair,
James Madison, Jun.

MARYLAND.

James McHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

DELAWARE.

George Read,
Gunning Bedford, Jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

NORTH CAROLINA.

James Madison, Jun.

VIRGINIA.

John Blair,
James Madison, Jun.

MARYLAND.

James McHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

DELAWARE.

George Read,
Gunning Bedford, Jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

NORTH CAROLINA.

James Madison, Jun.

VIRGINIA.

John Blair,
James Madison, Jun.

MARYLAND.

James McHenry,
Daniel of St. Tho. Jenifer,
Daniel Carroll.

DELAWARE.

George Read,
Gunning Bedford, Jun.
John Dickinson,
Richard Bassett,
Jacob Broom.

SOUTH CAROLINA.

John Rutledge,
Charles Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler.

The preparatory measures having been taken for bringing the Constitution into operation, and the necessary elections of Representatives, Senators, President, and Vice President, having been held, nothing remained to start it into life but the assembly and organization of the two Houses of Congress.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE FIRST CONGRESS, BEGUN AT THE CITY OF
NEW YORK, MARCH 4, 1789,

UNDER THE CONSTITUTION SUBMITTED BY THE FEDERAL CONVENTION IN
PHILADELPHIA, SEPTEMBER 17, 1787.

[This seems to be a proper place to notice a fact, which is necessary to account for the meagreness of the report of the Senate proceedings in the earlier days of the Government, viz: that the Legislative as well as Executive sittings of the Senate were held *with closed doors* until the second session of the third Congress, with the single exception of the discussion of the contested election of A. GALLATIN, as Senator from Pennsylvania, during which discussion the galleries were opened by a special order of the Senate. On the 20th February, 1794, the Senate came to a resolution that, after the end of that session of Congress, the galleries of the Senate should be permitted to be opened whilst the Senate should be engaged in its Legislative capacity, unless specially ordered otherwise. This, it will be perceived, was an important change in the constitution of the Senate.]

WEDNESDAY, March 4, 1789.

This being the day for the meeting of the new Congress, the following members of the Senate appeared and took their seats:

From New Hampshire, JOHN LANGDON and PAINE WINGATE.
From Massachusetts, CALEB STRONG.
From Connecticut, WILLIAM S. JOHNSON and OLIVER ELLSWORTH.
From Pennsylvania, WILLIAM MACLAY and ROBERT MORRIS.

From Georgia, WILLIAM FEW.

The members present not being a quorum, they adjourned from day day to day, until

WEDNESDAY, March 11.

When the same members being present as on the 4th instant, it was agreed that a circular should be written to the absent members, requesting their immediate attendance.

THURSDAY, March 12.

No additional members appearing, the members present adjourned from day to day, until

WEDNESDAY, March 18.

When no additional members appearing, it was agreed that another circular should be written to eight of the nearest absent members, par-

ticularly desiring their attendance, in order to form a quorum.

THURSDAY, March 19.

WILLIAM PATERSON, from New Jersey, appeared and took his seat.

FRIDAY, March 20.

No additional member appeared.

SATURDAY, March 21.

RICHARD BASSETT, from Delaware, appeared and took his seat.

A sufficient number of members to form a quorum not appearing, the members present adjourned from day to day, until

SATURDAY, March 28.

JONATHAN ELMER, from New Jersey, appeared and took his seat.

No other member appearing, an adjournment took place from day to day, until

MONDAY, April 6.

RICHARD HENRY LEE, from Virginia, then appearing, took his seat, and formed a quorum of the whole Senators of the United States.

The credentials of the members present being read and ordered to be filed, the Senate pro-

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ceded, by ballot, to the choice of a President, for the sole purpose of opening and counting the votes for President of the United States.

Ordered, That Mr. ELLSWORTH inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates, and counting the votes of the Electors of the several States in the choice of a President; and that the Senate is now ready, in the Senate Chamber, to proceed in the presence of the House, to discharge that duty; and that the Senate have appointed one of their members to sit at the Clerk's table to make a list of the votes as they shall be declared; submitting it to the wisdom of the House to appoint one or more of their members for the like purpose.

Mr. ELLSWORTH reported that he had delivered the message; and Mr. BOURNOR, from the House of Representatives, informed the Senate that the House is ready forthwith to meet them, to attend the opening and counting of the votes of the Electors of the President and Vice President of the United States.

The Speaker and the members of the House of Representatives attended in the Senate Chamber; and the President elected for the purpose of counting the votes, declared that the Senate and House of Representatives had met, and that he, in their presence, had opened and counted the votes of the Electors for President and Vice President of the United States, which were as follows:

That Mr. ELLSWORTH, PATERSON, MACLAY, STRONG, LEE, BASSETT, FEW, and WINGATE, were appointed a committee to bring in a bill for organizing the Judiciary of the United States.

Messrs. ELLSWORTH, LEE, STRONG, MACLAY, and BASSETT, were appointed a committee to prepare rules for the government of the two Houses in cases of conference, and to take under consideration the manner of electing Chaplains, and to confer thereupon with a committee of the House of Representatives.

The same committee were also to prepare rules for conducting the business of the Senate.

WEDNESDAY, April 8.

The Senate proceeded to ballot for a Secretary, and SAMUEL ALYX OTIS, Esq., was elected.

Cornelius Maxwell was appointed Messenger.

THURSDAY, April 9.

Messrs. LANGDON, JOHNSON, and FEW, were appointed a committee to make arrangements for receiving the President, and were empowered to confer with any committee of the House of Representatives that may be appointed for that purpose.

MONDAY, April 13.

RALPH IZARD, from South Carolina, CHARLES CARROLL, from Maryland, and GEORGE REED, from Delaware, appeared and took their seats.

The report of the committee to prepare rules for conducting the business of the Senate was read, and ordered to lie for consideration.

Messrs. JOHNSON, IZARD, and MACLAY, were appointed a committee to confer with any committee appointed on the part of the House of Representatives, upon the future disposition of the papers in the office of the late Secretary of Congress, and report thereon.

The committee appointed to make arrangements for receiving the President, were directed to settle the manner of receiving the Vice President also.

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ments for receiving the President, were directed to settle the manner of receiving the Vice President also.

Mr. CARROLL and Mr. IZARD were added to the Judiciary Committee.

TUESDAY, April 14.

TRISTRAM DALTON, from Massachusetts, appeared and took his seat.

A letter was written to the Mayor of the city of New York, by the President of the Senate, acknowledging the respect shown to the Government, and accepting of the offer made by him of the City Hall for the use of Congress.

WEDNESDAY, April 15.

The committee appointed the 7th of April, to prepare a system of rules to govern the two Houses in cases of conference, to take into consideration the manner of electing Chaplains, and to confer thereon with a committee of the House of Representatives, reported:

That they had conferred with a committee of the House of Representatives, for that purpose appointed. Whereupon,

Resolved, That, in every case of an amendment to a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient time, to be agreed on by their chairman, meet in the conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

The committee above mentioned, further reported:

That two Chaplains, of different denominations, be appointed to Congress for the present session, the Senate to appoint one, and give notice thereof to the House of Representatives, who shall, thereupon, appoint the other; which Chaplains shall commence their services in the Houses that appoint them, but shall interchange weekly.

Which was also accepted.

The committee to whom it was referred to consider of, and report respecting the ceremonial of receiving the President, and the arrangements necessary for the reception of the Vice President, agreed to the following report, viz:

That Mr. Osgood, the proprietor of the house lately occupied by the President of Congress, be requested to put the same, and the furniture thereof, in proper condition for the residence and use of the President of the United States, and otherwise, at the expense of the United States, to provide for his temporary accommodation.

That it will be more eligible, in the first instance, that a committee of three members from the Senate, and five members from the House of Representatives, and be appointed by the two Houses respectively, attend to receive the President, at such place as he shall embark from New Jersey to this city, and conduct him, without form, to the house lately occupied by the President.

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side of Congress; and that, at such time thereafter as the President shall signify it will be most convenient for him, he be formally received by both Houses.

That a committee of two members from the Senate, and three members from the House of Representatives, to be appointed by the Houses respectively, as soon as the Vice President of the United States, as soon as he shall come to this city, and, in the name of the Congress of the United States, congratulate him on his arrival.

Which report was read and accepted.

The Senate proceeded to the consideration of the report of the committee upon rules for conducting the business of the Senate, and, after some progress, adjourned to 11 o'clock to-morrow morning.

THURSDAY, April 16.

The Senate proceeded by ballot to the choice of the committees, conformably to the report of the committee of both Houses, agreed to on the 15th instant: Mr. LANGDON, Mr. CARROLL, and Mr. JOHNSON, were appointed to wait on the President, and Mr. ELLSWORTH, and Mr. DALTON, were appointed to wait on the Vice President.

Ordered, That Mr. STRONG, Mr. IZARD, and Mr. LEE, be a committee to report a mode of communication to be observed between the Senate and House of Representatives with respect to papers, bills, and messages, and to confer thereon with such committee as may be appointed by the House of Representatives for that purpose.

The report of the committee appointed to determine upon rules for conducting business in the Senate, was agreed to. Whereupon,

Resolved, That the following rules, from No. I to XIX, inclusive, be observed:

I. The President having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected that shall have been made in the entries.

II. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper while the journals or public papers are reading, or when any member is speaking in any debate.

III. Every member, when he speaks, shall address the chair, standing in his place, and when he has finished, shall sit down.

IV. No member shall speak more than twice in any one debate on the same day, without leave of the Senate.

V. When two members rise at the same time, the President shall name the person to speak; but in all cases the member first rising shall speak first.

VI. No motion shall be debated until the same shall be seconded.

VII. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member, delivered in at the table, and read by the President before the same shall be debated.

VIII. While a question is before the Senate, no motion shall be received unless for an amendment.

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for the previous question, or for postponing the main question, or to commit it, or to adjourn.

IX. The previous question being moved and seconded, the question from the chair shall be: "Shall the main question be now put?" And if the yeas prevail, the main question shall not then be put.

X. If a question in debate contain several points, any member may have the same divided.

XI. When the yeas and nays shall be called for by one-fifth of the members present, each member called upon shall, unless for special reasons he be excused by the Senate, declare, openly and without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically.

XII. One day's notice at least shall be given of an intended motion for leave to bring in a bill.

XIII. Every bill shall receive three readings previous to its being passed; and the President shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.

XIV. No bill shall be committed or amended until it shall have been twice read, after which it may be referred to a committee.

XV. All committees shall be appointed by ballot, and a plurality of votes shall make a choice.

XVI. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, without debate; but, if there be a doubt in his mind, he may call for the sense of the Senate.

XVII. If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

XVIII. When a blank is to be filled, and different sums shall be proposed, the question shall be taken on the highest sum first.

XIX. No member shall absent himself from the service of the Senate without leave of the Senate first obtained.

FRIDAY, April 17.

The petition of Leonard Bleecker, to be appointed Sergeant-at-arms, was read, and ordered to lie on the table.

SATURDAY, April 18.

A letter from the Speaker of the House to the President was read, enclosing a concurrence of the House, with the resolve of Senate of the 15th, upon the mode of conference between the Senate and House of Representatives; also, a concurrence upon the mode of choosing Chaplains.

On motion,

Resolved, That the following be subjoined to the standing orders of the Senate:

XX. Before any petition or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer.

MONDAY, April 20.

JOHN HENRY, from Maryland, and JAMES GUNN, from Georgia, appeared and took their seats.

Messrs. STRONG and IZARD were appointed a committee to wait on the Vice President, and conduct him to the Senate Chamber.

TUESDAY, April 21.

The committee appointed to conduct the Vice President to the Senate Chamber, executed their commission, and Mr. LANGDON, the Vice President *pro tempore*, meeting the Vice President on the floor of the Senate Chamber, addressed him as follows:

Sir: I have it in charge from the Senate to introduce you to the Chair of this House; and, also, to congratulate you on your appointment to the office of Vice President of the United States of America.

After which Mr. LANGDON conducted the Vice President to the Chair, when the Vice President addressed the Senate as follows:

Gentlemen of the Senate:

Invited to this respectable situation by the suffrages of our fellow-citizens, according to the Constitution, I have thought it my duty cheerfully and readily to accept it. Unaccustomed to refuse any public service, however dangerous to my reputation, or disproportionate to my talents it would have been inconsistent to have adopted another maxim of conduct at this time, when the prosperity of the country, and the liberties of the people, require, perhaps, as much as ever, the attention of those who possess any share of the public confidence.

I should be destitute of sensibility, if, upon my arrival in this city, and presentation to this Legislature, and especially to this Senate, I could see, without emotion, so many of those characters, of whose virtuous exertions I have so often been a witness—from whose countenances and examples I have ever derived encouragement and animation; whose disinterested friendship has supported me, in many intricate conjunctures of public affairs, at home and abroad; those celebrated defenders of the liberties of this country, whom menaces could not intimidate, corruption seduce, or flattery allure: those intrepid assertors of the rights of mankind, whose philosophy and policy have enlightened the world, in twenty years, more than it was ever before enlightened in many centuries, by ancient schools, or modern universities.

I must have been inattentive to the course of events, if I were either ignorant of the fame, or insensible to the merit of those other characters in the Senate, to whom it has been my misfortune to have been hitherto personally unknown.

It is with satisfaction that I congratulate the people of America on the formation of a national Constitution, and the fair prospect of a consistent administration of a government of laws; on the acquisition of a House of Representatives, chosen by themselves; of a Senate thus composed by their own State Legislatures; and on the prospect of an Executive authority, in the hands of one whose portrait I shall not presume to draw. Were I blessed with powers to do justice to

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his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory. This can only be effected by a discharge of the present exalted trust on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations, whether they have been denominated Presidents or Consuls, Kings or Princes, where shall we find one, whose commanding talents and virtues, whose over-ruling good fortune, have so completely united all hearts and voices in his favor! who enjoyed the esteem and admiration of foreign nations and fellow-citizens with equal unanimity! Qualities so uncommon, are no common blessings to the country that possesses them. By those great qualities, and their benign effects, has Providence marked out the head of this nation, with a hand so distinctly visible, as to have been seen by all men, and mistaken by none.

It is not for me to interrupt your deliberations by any general observations on the state of the nation, or by recommending or proposing any particular measure. It would be superfluous, to gentlemen of your great experience, to urge the necessity of order. It is only necessary to make an apology for myself. Not wholly without experience in public assemblies, I have been more accustomed to take a share in their debates, than to preside in their deliberations. It shall be my constant endeavor to behave towards every member of this most honorable body with all that consideration, delicacy, and decorum, which becomes the dignity of his station and character; but if, from inexperience or inadvertency, any thing should ever escape me inconsistent with propriety, I must entreat you, by imputing it to its true cause, and not to any want of respect, to pardon and excuse it.

A trust of the greatest magnitude is committed to this Legislature; and the eyes of the world are upon you. Your country expects, from the results of your deliberations, in concurrence with the other branches of Government, consideration abroad, and contentment at home—prosperity, order, justice, peace, and liberty. And may God Almighty's Providence assist you to answer their just expectations.

WEDNESDAY, April 22.

Saturday next was assigned for proceeding to elect a Chaplain.

The petition of William Finnie to be appointed Sergeant-at-arms, was read and laid on the table.

THURSDAY, April 23.

The committee appointed on the 16th of April, to report a mode of communication to be observed between the Senate and House of Representatives, with respect to papers, bills, and messages, and to confer thereon with such committee as may be appointed by the House of Representatives for that purpose, have conferred with a committee of the House, and have agreed to the following report:

When a bill or other message shall be sent from the Senate to the House of Representatives, it shall be

carried by the Secretary, who shall make one obeisance to the Chair, on entering the door of the House of Representatives, and another on delivering it at the table into the hands of the Speaker. After he shall have delivered it, he shall make an obeisance to the Speaker, and repeat it as he retires from the House.

When a bill shall be sent up by the House of Representatives to the Senate, it shall be carried by two members, who, at the bar of the Senate, shall make their obeisance to the President, and thence, advancing to the Chair, make a second obeisance, and deliver it into the hands of the President. After having delivered the bill, they shall make their obeisance to the President, and repeat it as they retire from the bar. The Senate shall rise on the entrance of the members within the bar, and continue standing until they retire.

All other messages from the House of Representatives shall be carried by one member, who shall make his obeisance as above mentioned; but the President of the Senate, alone, shall rise.

Read and accepted.

On motion,

Resolved, That a committee, consisting of three members, be appointed to consider and report, what style or titles it will be proper to annex to the offices of President and Vice President of the United States; if any other than those given in the Constitution. Also, to consider of the time, place, and manner, in which, and the person by whom, the oath prescribed by the Constitution shall be administered to the President; and to confer thereon with such committee as the House of Representatives shall appoint for that purpose. [Mr. LEE, Mr. IZARD, and Mr. DALTON, were chosen.]

FRIDAY, April 24.

On motion, to reconsider the commission of the committee appointed the 23d instant, to report what titles shall be annexed to the offices of President and Vice President. Passed in the affirmative.

On motion, that the following words, "What titles it will be proper to annex to the offices of President and of Vice President of the United States; if any other than those given in the Constitution," be struck out. Passed in the negative.

On motion, that the words "style or" before the word "title," be added. Passed in the affirmative.

SATURDAY, April 25.

The Right Reverend SAMUEL PROVOST was elected Chaplain.

A letter from CHARLES THOMSON, Esq., dated the 24th of April, 1789, directed to the President of the Senate, purporting his having delivered to General WASHINGTON the certificate of his being elected President of the United States, was read, and ordered to be filed.

The committee appointed to consider of the time, place, and manner, in which, and of the person by whom, the oath prescribed by the Constitution shall be administered to the Presi-

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ment of the United States, and to confer with a committee of the House appointed for that purpose, report:

That the President hath been pleased to signify to them, that any time or place which both Houses may think proper to appoint, and any manner which shall appear most eligible to them, will be convenient and acceptable to him; that requisite preparations cannot probably be made before Thursday next; that the President be on that day formally received by both Houses in the Senate Chamber; that the Representatives' Chamber being capable of receiving the greater number of persons, that, therefore, the President do take the oath in that place, and in the presence of both Houses. That, after the formal reception of the President in the Senate Chamber, he be attended by both Houses to the Representatives' Chamber, and that the oath be administered by the Chancellor of the State of New York.

The committee further report it as their opinion, that it will be proper that a committee of both Houses be appointed to take order for conducting the business.

Read and accepted.

Whereupon, Mr. LEE, Mr. IZARD, and Mr. DALTON, on the part of the Senate, together with a committee that may be appointed on the part of the House of Representatives, were empowered to take order for conducting the business.

An order of the House of Representatives, concurring in the appointment of a committee on their part to confer with a committee appointed on the 24th instant, on the part of the Senate, to consider and report, "what style, &c., it will be proper to annex to the offices of President and Vice President," was read, by which it appeared, that Mr. BENSON, Mr. AMES, Mr. MAISON, Mr. CARROLL, and Mr. SHERMAN, were appointed on the part of the House.

MONDAY, April 27.

The committee appointed to take order for conducting the ceremonial of the formal reception, &c., of the President, reported:

That it appears to them more eligible that the oath should be administered to the President in the outer gallery adjoining the Senate Chamber, than in the Representatives' Chamber, and, therefore, submit to the respective Houses the propriety of authorizing their committee to take order as to the place where the oath shall be administered to the President, the resolution of Saturday assigning the Representatives' Chamber as the place, notwithstanding. [Read and accepted.]

Resolved, That after the oath shall have been administered to the President, he, attended by the Vice President, and members of the Senate and House of Representatives, proceed to St. Paul's Chapel, to hear divine service, to be performed by the Chaplain of Congress already appointed. [Sent to the House of Representatives for concurrence.]

TUESDAY, April 28.

Received from the House of Representatives the report of a joint committee on the ceremo-

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nial to be observed in administering the oath, &c., to the President; and a bill to regulate the time and manner of administering certain oaths. The report was read and ordered to lie on the table; and the bill received its first reading.

The committee appointed to report a mode of communication between the two Houses with respect to papers, bills, &c., and to whom the subject was committed, having again conferred with the committee of the House of Representatives, agreed upon a report, which was read, and ordered to lie for consideration.

WEDNESDAY, April 29.

The Senate proceeded to the second reading of the bill to regulate the time and manner of administering certain oaths; and, after debate, it was committed to Messrs. STRONG, PATERSON, REED, JOHNSON, and HENRY.

A letter from the Speaker of the House of Representatives, to the Vice President, was read, communicating the concurrence of the House on a report of a joint committee, on the mode of communicating papers, bills, and messages, between the Senate and House of Representatives:

Also, the concurrence of the House with the Senate, on the appointment of a committee respecting the future disposition of the papers in the office of the late Secretary; and Mr. TRUMBULL, Mr. CADWALLADER, and Mr. JACKSON, were joined.

THURSDAY, April 30.

The report of the committee on the mode of communication between the Senate and House of Representatives, was taken up, and, after debate, postponed.

Mr. LEE, in behalf of the committee appointed to take order for conducting the ceremonial of the formal reception, &c., of the President of the United States, having informed the Senate that the same was adjusted, the House of Representatives were notified that the Senate were ready to receive them in the Senate Chamber, to attend the President of the United States, while taking the oath required by the Constitution. Whereupon, the House of Representatives, preceded by their Speaker, came into the Senate Chamber, and took the seats assigned them, and the joint committee, preceded by their Chairman, agreeably to order, introduced the President of the United States to the Senate Chamber, where he was received by the Vice President, who conducted him to the Chair, when the Vice President informed him, that "the Senate and House of Representatives of the United States were ready to attend him to take the oath required by the Constitution, and that it would be administered by the Chancellor of the State of New York." To which the President replied, he was ready to proceed; and being attended to the gallery in front of the Senate Chamber, by the Vice President and Senators, the Speaker and Re-

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presentatives, and the other public characters present, the oath was administered. After which, the Chancellor proclaimed, "Long live George Washington, President of the United States!"

The President, having returned to his seat, after a short pause arose, and addressed the Senate and House of Representatives as follows:

Fellow-citizens of the Senate, and of the House of Representatives:

Among the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary, as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be effected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe—who presides in the councils of nations—and whose providential aids can supply every human defect—that his benediction may consecrate to the liberties and happiness of the people of the United States, a Government instituted by themselves, for these essential purposes: and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible hand which conducts the affairs of men more than the people of the United States. Every step by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united Gov-

ernment, the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted, cannot be compared with the means by which most Governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking, that there are none under the influence of which the proceedings of a new and free Government can more auspiciously commence.

By the article establishing the Executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject, further than to refer to the great Constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that, as on one side no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free Government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire: since there is no truth more thoroughly established, than that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness; between duty and advantage; between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity: since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of Government, are justly considered as deeply, perhaps as finally, staked, on the experiment entrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution, is rendered expedient at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good: for, I assure myself, that whilst you carefully avoid every alteration which might endanger the benefits of a united and effective Government, or which ought to await the future lessons of

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experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more imprudently forfeited, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since He has been pleased to favor the American people with opportunities for deliberating in perfect tranquility, and dispositions for deciding with unparalleled unanimity on a form of Government for the security of their Union, and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this Government must depend.

G. WASHINGTON.

April 30, 1789.

The President, the Vice President, the Senate, and House of Representatives, &c. then proceeded to St. Paul's Chapel, where divine service was performed by the Chaplain of Congress, after which the President was reconducted to his house by the committee appointed for that purpose.

The Vice President and Senate returned to the Senate Chamber; and

Upon motion, unanimously agreed, That a committee of three should be appointed to prepare an answer to the President's Speech. Mr. JOHNSON, Mr. PATERSON, and Mr. CARROLL, were elected.

FRIDAY, May 1.

The report of the joint committee, to whom was recommended the mode of communication between the Senate and House of Representatives, as made by the committee on the part of the Senate, was taken up, and not accepted.

The same report of the committee on the part of the House, and the acceptance thereof by the House, was considered in the Senate, and it was determined that it should lie until further order.

A motion, "That, when a messenger shall come from the House of Representatives to the Senate, and shall be announced by the door-

keeper, the messenger shall be received at the bar of this House by the Secretary, and the bill or paper that he may bring shall there be received from him by the Secretary, who shall deliver it to the President of the Senate," was committed to Mr. ELLSWORTH, Mr. LEE, and Mr. READ.

And the committee were instructed to report a mode of sending papers, bills, and messages, from the Senate to the House of Representatives.

SATURDAY, May 2.

Agreed, That, until a permanent mode of communication shall be adopted between the Senate and House of Representatives, the Senate will receive messages by the Clerk of the House, if the House shall think proper to send him; and the Secretary at the bar of the Senate, and by him be conveyed to the President.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, brought to the Senate the proceedings of the House on a resolution of the Senate of the 27th ult.; also, communicated the appointment of the Rev. WM. LYNS, D. D., one of the Chaplains of Congress.

Mr. SWANE, from the committee to whom the bill from the House of Representatives was referred, to regulate the time and manner of administering certain oaths, reported sundry amendments thereto, which were assigned for consideration on Monday next.

MONDAY, May 4.

The Senate proceeded to the consideration of the report of the committee on the bill to regulate the time and manner of administering certain oaths.

In line 1, strike out the words "Congress of the United States," and insert, "Senate and Representatives of the United States of America, in Congress assembled."

At the end of the second paragraph, add the words "of the Senate," and insert the following clause: "And be it further enacted, That the members of the several State Legislatures, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State in which such office shall be held to administer oaths. And the members of the several State Legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who, by the law of the State, shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner as, by the law of the State, he or they shall be directed to record or certify the oath of office."

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In the last paragraph, strike out the words "of the United States of America," in the third and fourth lines, and insert the same words in the fourth line next after the words "as the case may be;" and which, being accepted, Tuesday morning, 11 o'clock, was assigned for the third reading of the bill.

TUESDAY, May 5.

The bill to regulate the time and manner of administering certain oaths was read the third time, and passed with amendments.

Ordered, That the Secretary carry the aforementioned bill to the House of Representatives, together with the amendments, and address the Speaker in the words following:

"SIR: The Senate have passed the bill entitled 'An act to regulate the time and manner of administering certain oaths,' with amendments, to which they desire the concurrence of your House."

Ordered, That when a bill has passed the Senate the Secretary shall endorse the final determination thereon, and the day when such final determination was taken, previous to its being transmitted to the House of Representatives.

Adjourned to Thursday morning.

THURSDAY, May 7.

The committee appointed to confer with such committee as might be appointed on the part of the House of Representatives, to report what style or titles it will be proper to annex to the offices of President and Vice President of the United States, if any other than those given in the Constitution, reported.

Which report was ordered to lie for consideration.

The report of the committee upon the motion committed May 1st was considered, and the first paragraph thereof accepted; whereupon,

Ordered, That, when a messenger shall come from the House of Representatives to the Senate, and shall be announced by the door-keeper, the messenger or messengers being a member or members of the House, shall be received within the bar, the President rising when the message is by one member, and the Senate also when it is by two or more; if the messenger be not a member of the House, he shall be received at the bar by the Secretary, and the bill or papers that he may bring shall there be received from him by the Secretary, and be by him delivered to the President.

The committee appointed to prepare an answer to the President's Speech, delivered to the Senate and House of Representatives of the United States, reported as follows:

SIR: We, the Senate of the United States, return you our sincere thanks for your excellent Speech delivered to both houses of Congress; congratulate you on the complete organization of the Federal Government; and felicitate ourselves and our fellow-citizens on your elevation to the office of President—an office highly important by the powers constitutionally annexed to it, and extremely honorable from the manner in which the appointment is made. The unanimous suf-

frage of the elective body in your favor, is peculiarly expressive of the gratitude, confidence, and affection of the citizens of America, and is the highest testimonial at once of your merit and their esteem. We are sensible, sir, that nothing but the voice of your fellow-citizens could have called you from a retreat chosen with the fondest predilection, endeared by habit, and consecrated to the repose of declining years. We re-joice, and with us all America, that, in obedience to the call of our common country, you have returned once more to public life. In you all parties confide; in you all interests unite; and we have no doubt that your past services, great as they have been, will be equalled by your future exertions; and that your prudence and sagacity as a statesman will tend to avert the dangers to which we are exposed, to give stability to the present Government, and dignity and splendor to that country which your skill and valor as a soldier so eminently contributed to raise to independence and empire.

When we contemplate the coincidence of circumstances, and wonderful combination of causes, which gradually prepared the people of this country for independence; when we contemplate the rise, progress, and termination of the late war, which gave them a name among the nations of the earth; we are, with you, unavoidably led to acknowledge and adore the great Author of the universe, by whom empires rise and fall. A review of the many signal instances of divine interposition in favor of this country claims our most pious gratitude; and permit us, sir, to observe that, among the great events which have led to the formation and establishment of a Federal Government, we esteem most auspicious and important

In the execution of the trust reposed in us, we shall endeavor to pursue that enlarged and liberal policy to which your Speech so happily directs. We are conscious that the prosperity of each State is inseparably connected with the welfare of all, and that, in promoting the latter, we shall effectually advance the former. In full persuasion of this truth, it shall be our inviolable aim to divest ourselves of local prejudices and attachments, and to view the great assemblage of communities and interests committed to our charge with an equal eye. We feel, sir, the force, and acknowledge the justness of the observation, that the foundation of our national policy should be laid in private morality. If individuals be not influenced by moral principles, it is in vain to look for public virtue; it is, therefore, the duty of legislators to enforce, both by precept and example, the utility, as well as the necessity, of a strict adherence to the rules of distributive justice. We beg you to be assured that the Senate will, at all times, cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties of this great confederated Republic.

We commend you, sir, to the protection of Almighty God, earnestly beseeching him long to preserve a life so valuable and dear to the people of the United States; and that your administration may be prosperous to the nation, and glorious to yourself.

Read and accepted; and

Ordered, That the Vice President should affix his signature to the Address, in behalf of the Senate.

Mr. BECKLEY, the Clerk of the House of Representatives, delivered a message, purporting "that the House had concurred with the Senate in the

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to the President's Speech further reported; whereupon it was agreed, That the Senate should wait on the President at his own house on Monday next, at a quarter after 11 o'clock, and that the Vice President then present the Address of the Senate, as agreed to on the 7th instant.

The Senate proceeded to determine the classes, agreeably to the resolve of yesterday, on the mode of carrying into effect the provision of the second clause of the third section of the first article of the Constitution; and the numbers being drawn, the classes were determined as follows:

Lot No. 1, drawn by Mr. Dalton, contained Mr. Dalton, Mr. Ellsworth, Mr. Elmer, Mr. Maclay, Mr. Read, Mr. Carroll, and Mr. Grayson; whose seats shall, accordingly, be vacated in the Senate at the expiration of the second year.

Lot No. 2, drawn by Mr. Wingate, contained Mr. Wingate, Mr. Strong, Mr. Paterson, Mr. Bassett, Mr. Lee, Mr. Butler, and Mr. Few; whose seats shall, accordingly, be vacated in the Senate at the expiration of the fourth year.

Lot No. 3, drawn by Mr. Langdon, contained Mr. Langdon, Mr. Johnson, Mr. Morris, Mr. Henry, Mr. Izard, and Mr. Gann; whose seats shall, accordingly, be vacated in the Senate at the expiration of the sixth year.

SATURDAY, May 16.

A message from the House of Representatives informed the Senate that the House had concurred in the appointment of a committee, consisting of Mr. Sylvester, Mr. Wynkoop, and Mr. Smith of South Carolina, to confer with a committee appointed on the part of the Senate the 13th instant, and to report what newspapers the members of Congress shall be furnished with at the public expense; and that it was an instruction to the said committee, on the part of the House, to receive proposals for printing the acts and other proceedings of Congress.

The question being taken, "Whether the Senate will give a similar instruction to the committee on their part?" it passed in the affirmative. And the Secretary informed the House of Representatives of the concurrence.

Ordered, That the petition from sundry printers, presented to the Senate, be referred to the committee of the Senate appointed the 13th instant.

The committee appointed the 14th of April to consider the mode of keeping and publishing the journals, &c., reported; and the report was ordered to lie on the table.

MONDAY, May 18.

Agreeably to the order of the 15th instant, the Senate waited on the President of the United States at his own house, when the Vice President, in their name, delivered to the President the Address agreed to on the 7th instant. To which the President of the United States was pleased to make the following reply:

GENTLEMEN: I thank you for your Address, in which the most affectionate sentiments are expressed in the most obliging terms. The coincidence of circumstances which led to this auspicious crisis, the confidence reposed in me by my fellow-citizens, and the assistance I may expect from counsels which will be dictated by an enlarged and liberal policy, seem to promise a more prosperous issue to my administration than a diffidence of my abilities had taught me to anticipate. I now feel myself inexpressibly happy in a belief that Heaven, which has done so much for our infant nation, will not withdraw its providential influence before our political felicity shall have been completed, and in a conviction that the Senate will at all times co-operate in every measure which may tend to promote the welfare of this confederated republic. Thus supported by a firm trust in the great Arbiter of the universe, aided by the collective wisdom of the Union, and imploring the divine benediction on our joint exertions in the service of our country, I readily engage with you in the arduous but pleasing task of attempting to make a nation happy.

G. WASHINGTON.

The Clerk of the House of Representatives brought to the Senate a bill for laying a duty on goods, wares, and merchandises, imported into the United States; which he informed the Senate the House had passed, and to which they desired the concurrence of the Senate.

The bill above mentioned was read a first time, and Thursday next was assigned for the second reading.

Ordered, That Mr. Lee be a committee, on the part of the Senate, to join any committee appointed for that purpose on the part of the House of Representatives, to lay before the President of the United States, for his approbation, a bill to regulate the time and manner of administering certain oaths; after it shall be enrolled, examined by the said committee, and signed by the Speaker of the House of Representatives and by the Vice President.

TUESDAY, May 19.

The Secretary carried to the House of Representatives the resolve of the Senate, passed the 18th instant, appointing a committee on their part, to lay before the President a bill to regulate the time and manner of administering certain oaths; after it shall be enrolled, &c.

The committee to whom was referred the motion for printing the journals of the Senate, and furnishing each member with a copy thereof; and also, to report upon the mode of keeping the journals, and who were instructed to consider whether the minutes be amended, so as to record only the acts of the Senate on the journal, reported as follows:

"That one hundred and twenty copies of the journals of the legislative proceedings only be printed once a month, commencing the first publication on the first day of June next, and that each member be furnished with a copy; that the proceedings of the Senate, when they shall act in their executive capacity, shall be entered and kept in separate and distinct books.

"That every vote of the Senate shall be entered on

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the journals, and that a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the journals.

"That the journals, previous to each publication, be revised by a committee, to be appointed from time to time for that purpose," which report was accepted.

The committee appointed to confer with a committee of the House of Representatives, and report what newspapers the members of Congress shall be furnished with at the public expense, reported in part; which report was ordered to lie on the table.

Ordered, That Mr. PATERSON, Mr. CARROLL, and Mr. WINGATE, be a committee to revise the journal, previous to its publication.

WEDNESDAY, May 20.

The petition of Thomas Allen, to supply the stationery that may be wanted for the use of Congress, was read, and referred to the committee on petitions of a similar nature.

THURSDAY, May 21.

WILLIAM GRAYSON, from Virginia, appeared and took his seat.

Resolved, That all bills on a second reading shall be considered by the Senate in the same manner as if the Senate were in a committee of the whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

Mr. GRAYSON was added to the committee appointed the 13th of May, "to define the crimes and offences that shall be cognizable under the authority of the United States, and their punishment."

FRIDAY, May 22.

A message from the House of Representatives informed the Senate that they had appointed Messrs. Partridge and Floyd, a committee on their part, to lay before the President, after it shall have passed the formalities prescribed in the resolve of the 18th of May, the bill to regulate the time and manner of administering certain oaths.

The committee appointed to examine the aforementioned bill, reported, that they had performed the service; whereupon, the bill was signed by the Vice President, and was, by the committee thereunto appointed, laid before the President of the United States for his approbation.

MONDAY, May 25.

The Senate proceeded to consider the bill for laying a duty on goods, wares, and merchandises imported into the United States; and, after progress, adjourned.

The Senate to-day, for the first time, entered upon Executive business, having received from the President of the United States a communication covering a report from the Secretary of War, on the negotiations of the Governor of the Western Territory with certain northern and north-

western Indians, and the treaties made in consequence thereof at Fort Harmar, on the 9th of January, 1789, which was read, as follows; and ordered to lie on the table.

That the several treaties of peace which have been made with the northern tribes of Indians, and those northwest of the Ohio, since the conclusion of the late war with Great Britain, are as follows, to wit:

1st. The treaty at Fort Stanwix, on the 22d day of October, 1784, between Oliver Wolcott, Richard Butler, and Arthur Lee, Commissioners Plenipotentiary from the United States, on the one part, and the sachems and warriors of the Six Nations on the other.

2d. The treaty entered into by the said Commissioners Plenipotentiary and the sachems and warriors of the Wyandot, Delaware, Chippawa, and Ottawa nations of Indians, at Fort McIntosh, the 21st day of January, 1785.

3d. The treaty at the mouth of the Great Miami, the 31st day of January, 1786, between commissioners from the United States, and the chiefs and warriors of the Shawanoe nation.

That the treaties of Fort Stanwix and Fort McIntosh were entered on the journals of the United States, in Congress assembled, June 3d, 1786; and the treaty of the Miami on the 17th day of April, 1786.

That it may be proper to observe, that the Indians are greatly tenacious of their lands, and generally do not relinquish their right, excepting on the principle of a specific consideration expressly given for the purchase of the same.

That the practice of the late English colonies and Government, in purchasing the Indian claims, has firmly established the habit in this respect, so that it cannot be violated but with difficulty, and an expense greatly exceeding the value of the object.

That the treaties of Fort Stanwix and of Fort McIntosh do not state that the limits therein defined are by virtue of a purchase from the Indians.

That the said treaties have been opposed and complained of, will appear by the representation to Congress accompanying this report, marked No. 1.

That, in consequence of the said representation, Congress, on the 21st day of July, 1787, passed the following resolve:

"Resolved, That the Superintendent of Indian Affairs for the Northern Department inform the Five Nations, the Hurons, and other Indian nations, who joined in the representation made to Congress, dated the 18th day of December, 1786, that Congress, on the 18th of the present month, July, 1787, received their said representation, and have taken it into their serious consideration, and in due time will send them an answer."

That, on the 5th of October following, Congress resolved:

"That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country northwest of the Ohio, and about Lake Erie, as soon after the 1st of April next as convenient; may be, and at such place and at such particular time, as the Governor of the Western Territory shall appoint, for the purpose of knowing the causes of uneasiness among the said tribes, and hearing their complaints, of regulating trade, and amicably settling all affairs concerning lands and boundaries between them and the United States.

"That the Governor of the Western Territory hold

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the said treaty, agreeably to such instructions as shall be given him for that purpose."

That, on the 12th of October, 1787, Congress resolved:

"That twenty thousand dollars be, and hereby are, appropriated for the purpose of Indian treaties, whenever the same shall hereafter be judged necessary by a majority of the United States in Congress assembled; and that the resolutions for holding a general treaty with the Indians, passed the 5th day of the present month, be, and they are hereby repealed."

That, on the 22d of October, 1787, Congress resolved:

"That the Governor of the Western Territory be, and he is hereby empowered, to hold a general treaty with the Indian tribes the ensuing spring, if in his judgment the public good requires it, and that he be authorized to draw for such sums of money, appropriated by the resolve of Congress of the 12th instant, as may be necessary to effect this object, not exceeding the sum of fourteen thousand dollars."

That, on the 2d of July, 1789, Congress resolved:

"That the sum of twenty thousand dollars, in addition to the fourteen thousand dollars already appropriated, be appropriated for defraying the expenses of the treaties which have been ordered, or which may be ordered to be held in the present year, with the several Indian tribes in the northern department, and for extinguishing the Indian claims; the whole of the said twenty thousand dollars, together with six thousand dollars of the said fourteen thousand dollars, to be applied solely to the purpose of extinguishing Indian claims to the lands they have already ceded to the United States, by obtaining regular conveyances for the same, and for extending a purchase beyond the limits hitherto fixed by treaty: but that no part of the said sums be applied for any purpose other than those above mentioned."

That the instructions to the Governor of the Western Territory, marked No. 2, will further show the sense of Congress on this subject.

That the treaties of Fort Harmar, on the 9th of January, 1789, with the sachems and warriors of the Six Nations, the Mohawks excepted, and with the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawatam, and Sac nations, inhabiting part of the country northwest of the Ohio, appear to have been negotiated by the Governor of the Western Territory, so as to unite the interests of the United States with the justice due the said Indian nations.

That the reservation, in the treaty with the Six Nations, of six miles square round the fort at Oswego, is within the territory of the State of New York, and ought to be so explained as to render it conformable to the Constitution of the United States.

That, if this explanation should be made, and the Senate of the United States should concur in their approbation of the said treaties, it might be proper that the same should be ratified and published, with a proclamation enjoining an observance thereof.

All which is humbly submitted to the President of the United States.

H. KNOX.

WAR OFFICE, May 23, 1789.

TUESDAY, MAY 26.

A message from the House of Representatives informed the Senate that they had appointed a

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MONDAY, June 1.

The Secretary carried to the House of Representatives the concurrence of the Senate upon a resolve of the House on the 29th of May, on the mode of receiving communications from the President of the United States.

A message from the House of Representatives, by Mr. BROCKLEY, their Clerk.

Mr. PRESIDENT: I am directed to inform the Senate that the President has affixed his signature to a bill to regulate the time and manner of administering certain oaths, and has returned it to the House of Representatives, from whence it originated.

The Senate proceeded in the consideration of the bill for laying a duty on goods, wares, and merchandises imported into the United States; and, after debate, adjourned.

TUESDAY, June 2.

The resolve of the House of Representatives of the 28th ultimo was considered as follows:

The House proceeded to consider the two reports, one made the 19th instant, the other the 26th instant, by the committee appointed to confer with a committee of the Senate, to consider and report what newspapers the members of Congress shall be furnished with at the public expense, and to receive proposals for printing the acts and other proceedings of Congress; and the first report, in the words following:

"That, in their opinion, public economy requires that the expense heretofore incurred by the public, of supplying every member of Congress, should be retrenched in future; but, as your committee consider the publication of newspapers to be highly beneficial in disseminating useful knowledge throughout the United States, and deserving of public encouragement, they recommend that each member of Congress be supplied, at the public expense, with one paper, leaving the choice of the same to each member; and that it be the duty of the Secretary of the Senate, and Clerk of the House of Representatives, to give the necessary directions to the different printers, to furnish each member with such paper as he shall choose."

Resolved, That this House doth disagree to the said report.

The other report being again read, and amended to read as follows:

"That it would be proper that it should be left to the Secretary of the Senate and Clerk of the House of Representatives, to contract with such person as shall engage to execute the printing and binding business on the most reasonable terms, the paper being furnished by the said Secretary and Clerk, to such person, at the public expense; that such person as they shall contract with shall be obliged to render a state of his accounts quarterly; and that six hundred copies of the acts of Congress, and seven hundred copies of the journals, be printed, and distributed to the executive and judicial, and heads of departments of the Government of the United States, and the executive, legislative, and judicial of the several States."

Resolved, That this House doth agree to the said report.

And, on the question of concurrence on the first report, it was postponed.

The other report was read, and concurred with an amendment, viz: after the words "and distributed to the," insert "members of the legislative, to the."

The Senate proceeded in the consideration of the bill for laying a duty on goods, wares, and merchandises imported into the United States.

WEDNESDAY, June 3.

Proceeded in the consideration of the bill for laying a duty on goods, wares, and merchandises imported into the United States; and further postponed the second reading until to-morrow.

The Secretary informed the House of Representatives of the concurrence of the Senate, in a resolve of the 28th of May, upon the mode of printing the acts and journals of Congress, as agreed to yesterday; and requested the House of Representatives to send to the Senate "An act to regulate the time and manner of administering certain oaths."

A message from the House of Representatives brought to the Senate the act last mentioned, and informed the Senate of the concurrence of the House of Representatives in their amendment on a resolve of the 28th May, on the mode of printing the acts and journals of Congress.

Ordered, That Mr. LANGDON administer the oath to the VICE PRESIDENT; which was done accordingly.

And the VICE PRESIDENT administered the oath, according to law, to the following members: Messrs. LANGDON, WINGATE, STRONG, DALTON, JOHNSON, ELLSWORTH, PATTERSON, MACLAY, MORRIS, READ, BASSETT, CARROLL, HENRY, LEE, GRAYSON, IZARD, VEW, GUNN.

The same oath was, by the VICE PRESIDENT, administered to the Secretary, together with the oath of office.

Ordered, That Messrs. MORRIS, CARROLL, LANGDON, READ, and LEE, be a committee to consider and report the mode of communicating the acts of Congress to the several States in the Union, and the number necessary for that purpose.

THURSDAY, June 4.

On the report of the committee, appointed the 3d June, to consider the mode of communicating the acts of Congress to the several States in the Union,

Resolved, That, in ten days after the passing of every act of Congress, during the present session, or until some other regulations shall be adopted, twenty-two printed copies thereof, signed by the Secretary of the Senate and Clerk of the House of Representatives, and certified by them to be true copies of the original act, be lodged with the President of the United States; and that he be requested to cause to be transmitted two of the said copies, so attested as aforesaid, to each of the supreme Executives in the several States.

The Secretary carried the aforesaid resolve to

the House of Representatives for their concurrence. The Senate proceeded to the second reading of the bill for laying a duty on goods, wares, and merchandises imported into the United States; and the further consideration of the bill was postponed until to-morrow.

FRIDAY, June 5.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, who informed the Senate of the concurrence of the House on the resolution of the 4th of June, upon the mode of communicating the acts of Congress to the Executive of the several States in the Union.

According to the order of the day, the Senate proceeded in the second reading of the bill for laying a duty on goods, wares, and merchandises imported into the United States.

MONDAY, June 8.

PIERCE BUTLER, from South Carolina, appeared and took his seat. The Vice President administered the oath to Mr. BUTLER.

The Senate concurred with the resolution of the House of Representatives, that every member of the present Congress, who is not yet furnished with a copy of the journals of the late Congress, shall, on application to the Keeper of the Records of the late Congress, be entitled to receive a complete set of such journals.

The Senate proceeded in the second reading of the bill for laying a duty on goods, wares, and merchandises imported into the United States, and agreed that Mr. ELLSWORTH, Mr. MORRIS, Mr. LEE, Mr. BUTLER, and Mr. DALTON, be a committee to consider and report the expediency of adding a clause prohibiting the importation of goods from China, or India, in ships or vessels other than those belonging to the citizens of the United States.

TUESDAY, June 9.

Sundry petitions were presented. The bill imposing duties on tonnage was read a first time, and Tuesday next was assigned for the second reading.

The Senate proceeded in the second reading of the bill for laying a duty on goods, wares, and merchandises imported into the United States; and Wednesday next was assigned for the third reading of the bill.

WEDNESDAY, June 10.

Agreeably to the order of the day, proceeded to a third reading of the bill for laying a duty on goods, wares, and merchandises imported into the United States.

THURSDAY, June 11.

Proceeded in the third reading of the bill for

laying a duty on goods, wares, and merchandises imported into the United States.

And the question being taken upon the bill, it was concurred in with sundry amendments.

The Senate entered on Executive business, and received from the President of the United States a communication in relation to the functions and prerogatives of Consuls, Vice Consuls, &c., which was ordered to lie for consideration.

FRIDAY, June 12.

Mr. LEE, in behalf of the committee thereto appointed, reported a bill to establish the judicial courts of the United States.

The Senate entered on Executive business. They referred the President's Message of the 25th ult., to a committee, consisting of Messrs. FEW, READ, and HENRY.

The consideration of the Message of the 11th instant was postponed.

MONDAY, June 15.

Proceeded to the second reading of a bill imposing duties on tonnage; and, after debate, adjourned.

TUESDAY, June 16.

Proceeded in the second reading of the bill imposing duties on tonnage.

The Senate entered on Executive business. A communication from the President informed them that Mr. JEFFERSON wished to return home, and he proposed WILLIAM SHORTT, Esq. to take his place as Minister to France. Laid on the table.

WEDNESDAY, June 17.

Agreeably to the order of the day, proceeded to the third reading of the bill imposing duties on tonnage, and concurred in the same, with sundry amendments.

Ordered, That a committee, to consist of Messrs. BUTLER, MORRIS, LANGDON, DALTON, and LEE, be appointed to arrange and bring forward a system for the regulation of the trade and intercourse between the United States and the territory of other Powers in North America and the West Indies, so as to place the same on a more beneficial and permanent footing.

The committee, appointed May the 9th, to view the rooms in the City Hall, and to confer with a committee of the House of Representatives appointed for that purpose, reported.

Ordered, That the report lie for consideration. The Senate went into Executive business. They examined into the fitness of Mr. SHORTT to supply the place of Mr. JEFFERSON, but came to no conclusion.

THURSDAY, June 18.

The Senate went into Executive business, and confirmed the appointment of Mr. SHORTT to take

charge of our affairs at the Court of France, during the absence of the Minister.

FRIDAY, June 19.

The committee, appointed May 9th, to view the rooms in the City Hall, and to confer with a committee of the House of Representatives, appointed for that purpose, reported in part:

"That the two rooms on the first floor, in the southwest angle of the said hall, are not necessary for the accommodation of Congress; and that the mayor of the city be notified thereof, that the said rooms may be occupied by such persons as the corporation may employ to take charge of the building."

Read and accepted, and sent to the House of Representatives for concurrence.

MONDAY, June 22.

Proceeded to the second reading of the bill to establish the judicial courts of the United States; and, after progress, adjourned.

TUESDAY, June 23.

Resumed the consideration of the bill to establish the judicial courts of the United States; and, after progress, adjourned.

WEDNESDAY, June 24.

Proceeded in consideration of the bill to establish the judicial courts of the United States.

A message from the House of Representatives brought to the Senate the concurrence of the House upon the report of a committee, appointed May the 9th, to view the rooms in the City Hall; a bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs, which had passed the House of Representatives, and to which the concurrence of the Senate was desired.

THURSDAY, June 25.

Proceeded to consider a message from the House of Representatives on the amendments proposed by the Senate to a bill for laying a duty on goods, wares, and merchandises imported into the United States, and agreed to a part of the proposed amendments, and disagreed to others.

The Senate proceeded to the consideration of the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs; which was read the first time, and ordered to lie for consideration.

Proceeded in the second reading of a bill to establish the judicial courts of the United States; and, after debate, adjourned.

FRIDAY, June 26.

Resumed the consideration of the bill to establish the judicial courts of the United States.

SATURDAY, June 27.

Mr. MORRIS, in behalf of the committee appointed to confer with a committee of the House of Representatives upon the amendments proposed to a bill for laying a duty on goods, wares, and merchandises imported into the United States, and upon a bill imposing duties on tonnage, reported upon the respective bills; and the reports were ordered to lie for consideration.

Resumed the consideration of the bill to establish the judicial courts of the United States.

MONDAY, June 29.

Resumed the consideration of the bill to establish the judicial courts of the United States.

The bill for laying a duty on goods, wares, and merchandises imported into the United States, was carried to the House of Representatives, with the amendments as agreed to.

TUESDAY, June 30.

The Senate resumed the consideration of the bill to establish the judicial courts of the United States; and, after debate, adjourned.

WEDNESDAY, July 1.

Resumed the consideration of the bill to establish the judicial courts of the United States.

THURSDAY, July 2.

The Senate resumed the consideration of the bill to establish the judicial courts of the United States.

FRIDAY, July 3.

Resumed the consideration of the bill to establish the judicial courts of the United States; and, after debate, adjourned.

MONDAY, July 6.

Read the second time the bill to establish the judicial courts of the United States, and assigned to-morrow for the third reading.

The bill to establish the Treasury Department was read a first time, and Monday next was assigned for a second reading.

The second reading of a bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs, was deferred to Thursday next.

A bill to establish an Executive Department, to be denominated the Department of War, was read a first time, and Friday next was assigned for a second reading.

A message from the House of Representatives informed the Senate that the President of the United States had affixed his signature to a bill for laying a duty on goods, wares, and merchandises, imported into the United States, and had returned it to the House of Representatives; and that the House had appointed a committee on their part, to be joined by a committee on the part of

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the Senate, for the purpose of examining an enrolled bill imposing duties on tonnage, and to lay the same before the President of the United States for his approbation. He also communicated to the Senate a resolve of the House of Representatives, providing that there be prefixed to the publication of the acts of the present session of Congress a correct copy of the Constitution of the United States.

The resolve of the House of Representatives, providing that a copy of the Constitution of the United States be prefixed to the publication of the acts of the present session of Congress, was read; whereupon,

Resolved, That the Senate do concur therewith.

TUESDAY, July 7.
According to the order of the day, proceeded to the third reading of the bill to establish the judicial courts of the United States.

WEDNESDAY, July 8.
The Senate resumed the consideration of the bill to establish the judicial courts of the United States.

THURSDAY, July 9.
The Senate resumed the consideration of the bill to establish the judicial courts of the United States.

FRIDAY, July 10.
The bill to establish the judicial courts of the United States underwent further discussion.

SATURDAY, July 11.
Resumed the consideration of the bill to establish the judicial courts of the United States, which was further discussed.

MONDAY, July 13.
Mr. BUTLER, in behalf of the committee appointed the 17th of June, to bring forward a system for the regulation of the trade and intercourse between the United States and the territory of other Powers in North America and the West Indies, so far as to place the same upon a more beneficial and permanent footing, reported; and the report was ordered to lie for consideration. Resumed the third reading of "a bill to establish the judicial courts of the United States," and which was recommitted.

TUESDAY, July 14.
Proceeded to the second reading of a bill for establishing an Executive Department to be denominated the Department of Foreign Affairs; and, after debate, adjourned.

WEDNESDAY, July 15.

A message from the House of Representatives informed the Senate that they had passed a bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States; to which they requested the concurrence of the Senate.

The above bill was read a first time, and Friday next was assigned for a second reading.

Resumed the consideration of the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

THURSDAY, July 16.

Resumed the consideration of the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

FRIDAY, July 17.

Resumed the consideration of the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs; and agreed, line 1st, to expunge the words "Congress of the United States," and insert, "Senate and House of Representatives of the United States of America, in Congress assembled;" and assigned to-morrow for its third reading.

On motion, that, on the final question upon a bill or resolve, any member shall have a right to enter his protest or dissent on the journal, with reasons in support of such dissent, provided the same be offered within two days after the determination on such final question:

Passed in the negative.

The engrossed bill to establish the judicial courts of the United States was read; and, upon the question, "Shall the bill pass?" the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS.—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Gunn, Henry, Johnson, Izard, Morris, Paterson, Read, and Strong.

NAYS.—Messrs. Butler, Grayson, Langdon, Lee, Maday, and Wingate.

So the bill passed; and the Secretary was directed to carry the same to the House of Representatives for concurrence.

SATURDAY, July 18.

Agreeably to the order of the day, proceeded to a third reading of the bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs, which was amended, and passed.

Assigned Monday next for the second reading of the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States.

MONDAY, July 20.

The Secretary carried to the House of Repre-

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sentatives, for their concurrence, a bill to establish the judicial courts of the United States; and, A bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs; concurred in by the Senate, with amendments.

Agreeably to the order of the day, proceeded to the second reading of the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States; and, after debate, it was committed to Messrs. MORRIS, LANGDON, CARROLL, DALTON, and LEE, to report such additions and alterations as they may judge requisite.

A message from the House of Representatives informed the Senate that they had passed a bill for the establishment and support of light-houses, beacons, and buoys; and that they have concurred in the amendments proposed by the Senate to a bill for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

TUESDAY, July 21.

Resumed the second reading of the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States; and assigned to-morrow for third reading.

A message from the House of Representatives brought up a bill to provide for the government of the territory northwest of the river Ohio.

The bill to provide for the government of the territory northwest of the river Ohio was read a first time, and Wednesday was assigned for a second reading.

The bill for the establishment and support of light-houses, beacons, and buoys, was read a first time, and to-morrow was assigned for a second reading.

The bill to establish an Executive Department, to be denominated the Department of War, was read a second time, and the further consideration of it was postponed until to-morrow.

The bill to establish the Treasury Department was read a second time, and ordered to lie for consideration.

The Senate entered on Executive business, and *Ordered*, That the Secretary of Foreign Affairs attend the Senate to-morrow, and bring with him such papers as are requisite to give full information relative to the consular convention between France and the United States.

WEDNESDAY, July 22.

The Senate were to-day mostly engaged in Executive business. The Secretary of Foreign Affairs attended, agreeably to order, and made the necessary explanations; and the following resolution was entered into:

Whereas, a convention referred this day to the Senate bears reference to a convention pending between the Most Christian King and the United States, previous to the adoption of our present Constitution.

1st CON.—3

Resolved, That the Secretary of Foreign Affairs, under the former Congress, be requested to peruse the said convention, and to give his opinion how far he conceives the faith of the United States to be engaged, either by former agreed stipulations, or negotiations entered into by our Minister at the Court of Versailles, to ratify in its present sense or form, the convention now referred to the Senate.

THURSDAY, July 23.

The bill for the establishment and support of light-houses, beacons, and buoys, was read a second time, and committed to Messrs. MORRIS, LANGDON, and DALTON.

On the question, whether the clauses in the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, providing, "that oaths shall be administered to the master, or other persons having the charge or command of any ship or vessel," shall be expunged, and the words, "and the owner's and master's declaration, with penalties for false entry," be substituted? Passed in the negative.

FRIDAY, July 24.

The committee appointed on the bill for the establishment and support of light-houses, beacons, and buoys, reported amendments, which were read and ordered to be printed.

The committees requested a recess, to give opportunity to perfect their reports.

SATURDAY, July 25.

RUFUS KING, from New York, appeared and took his seat.

The second reading of the bill to provide for the government of the territory northwest of the river Ohio, was further postponed to Monday next.

MONDAY, July 27.

PHILIP SCHUYLER, from New York, appeared and took his seat.

A message from the House of Representatives informed the Senate that they had passed a bill for settling the accounts between the United States and individual States, which was sent for their concurrence; and informed the Senate that the President of the United States had affixed his signature to a bill for the establishment of an Executive Department, to be denominated the Department of Foreign Affairs, and had returned the same to the House of Representatives.

The first mentioned bill was read a first time, and July the 29th was assigned for a second reading.

Proceeded to the third reading of a bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States; and

Resolved, That the Senate do concur therein, with sundry amendments.

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The Senate entered on Executive business. The Secretary of Foreign Affairs reported his opinion upon the consular convention between France and the United States, as follows:

"The Secretary of the United States for the Department of Foreign Affairs, under the former Congress, in pursuance of the resolution of the 22d of July, 1789, reports:

"That he has compared the two conventions of 1784 and 1788.

"That the copies of them, received from Mr. Jefferson, and now before the Senate, are so printed, and their variations so clearly marked, as that he cannot contrast them in a manner better calculated for an easy and accurate comparison.

"That, in his opinion, there exist in the convention of 1788, no variations from the original scheme sent to Doctor Franklin in 1782, nor from the convention of 1784, but such as render it less ineligible than either of the other two.

"That, although he apprehends that this convention will prove more inconvenient than beneficial to the United States, yet he thinks that the circumstances under which it was formed render its being ratified by them indispensable.

"The circumstances alluded to are these:

"The original scheme of 1782, however exceptionable, was framed and agreed to by Congress.

"The convention of 1784 was modelled by that scheme, but in certain instances deviated from it; but both of them were to be perpetual in their duration.

"On account of those deviations, Congress refused to ratify it, but promised to ratify one corresponding with the scheme, provided its duration was limited to eight or ten years; but they afterwards extended it to twelve.

"By an instruction to Mr. Jefferson of 3d October, 1786, he was, among other things, directed to propose to the King, 'That the said convention be so amended as perfectly to correspond with the scheme in every part, where a deviation from the same is not permitted by the said act of 1782; and, further, that he represent to His Majesty the desire of Congress to make the said convention probationary, by adding a clause for limiting its duration to eight or ten years; that he assure His Majesty of the determination of Congress to observe, on all occasions, the highest respect for candor and good faith in all their proceedings; and that on receiving the convention, so amended, and with such a clause, they will immediately ratify it.'

"In the letter which accompanied these instructions is the following paragraph:

"The original scheme of the convention is far from being unexceptionable, but a former Congress having agreed to it, it would be improper now to recede; and, therefore, Congress are content to ratify a convention made conformable to that scheme, and to their act of the 25th January, 1782, provided a clause limiting its duration be added."

"On the 27th July, 1787, Congress gave to Mr. Jefferson a commission, in general terms, to negotiate and conclude, with His Most Christian Majesty, a convention for regulating the privileges, &c., of their respective consuls.

"In one of the letters then written to him is this paragraph:

"Congress confide fully in your talents and discretion, and they will ratify any convention that is not liable to more objections than the one already, in part,

concluded; provided that an article, limiting its duration to a term not exceeding twelve years, be inserted."

"As the convention in question is free from several objections to which the one of 1784 was liable, and in every respect, preferable to it, and as it contains a clause limiting its duration to twelve years, it seems to follow, as of necessary consequences, that the United States ought to ratify it.

"All which is submitted to the wisdom of the Senate.

"JOHN JAY."

TUESDAY, July 28.

Mr. JOHNSON, in behalf of the committee appointed the 13th of May, reported a bill for the punishment of certain crimes against the United States, which was read a first time, and Monday next was assigned for a second reading.

The Secretary carried to the House of Representatives the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, or merchandises, imported into the United States; concurred in, with amendments.

On motion, the Senators from the State of New York proceeded to draw lots for their classes, in conformity to the resolve of the 14th of May; and two lots, No. 3, and a blank, being, by the Secretary, rolled up and put into the box, Mr. SCHUYLER drew blank; and Mr. KING having drawn No. 3, his seat shall accordingly be vacated in the Senate at the expiration of the sixth year.

The Secretary proceeded to put two other lots into the box, marked Nos. 1 and 2; and Mr. SCHUYLER having drawn lot No. 1, his seat shall accordingly be vacated in the Senate at the expiration of the second year.

WEDNESDAY, July 29.

Resumed the second reading of the bill for the establishment and support of light-houses, beacons, and buoys.

Resumed the second reading of the bill to establish the Treasury Department; and postponed the further consideration thereof until to-morrow.

Proceeded to the second reading of the bill for settling the accounts between the United States and individual States; and assigned to-morrow for a third reading.

The Senate entered on Executive business; and having duly considered the convention between His Most Christian Majesty and the United States of America, for the purpose of defining and establishing the privileges and functions of their respective consuls and vice-consuls, transmitted to the Senate by the President of the United States, through the Secretary for Foreign Affairs:

Resolved, unanimously. That the Senate do consent to the said convention, and advise the President of the United States to ratify the same.

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THURSDAY, July 30.

Proceeded to a third reading of the bill for settling the accounts between the United States and individual States; and resolved, that the Senate do concur therein; and the Secretary notified the House of Representatives accordingly.

Proceeded to the consideration of the bill for the establishment and support of light-houses, beacons, and buoys.

Proceeded to the consideration of the bill to establish the Treasury Department; and assigned to-morrow for a third reading.

On motion, that the sense of the Senate should be taken on the following resolve, to wit:

Resolved, That a clause passed, or amendment made, in committee, shall not be revised in the same committee, but may be so done in the Senate; and no amendment or clause agreed to in the Senate shall be reconsidered until the next reading of the bill, except at the third reading of a bill, when, by the consent of the Senate, it may be amended.

Passed in the negative.

FRIDAY, July 31.

Proceeded to a third reading of the bill to establish the Treasury Department, which was passed after being amended; and the Secretary carried the bill to the House of Representatives, concurred in with the amendments; also, the concurrence of the Senate in the resolve of the 31st July, and the appointment of Mr. WINGATE as a standing committee, jointly with a committee of the House, to examine and present the enrolled bills that may pass the Senate and House of Representatives from time to time.

Proceeded to the second reading of the bill to provide for the government of the territory northwest of the river Ohio; and postponed the consideration thereof to Monday next.

MONDAY, August 3.

Proceeded to the second reading of the bill to provide for the government of the territory northwest of the river Ohio; and assigned to-morrow for a third reading.

The bill for the establishment and support of light-houses, beacons, and buoys, concurred in with amendments, was carried to the House of Representatives by the Secretary.

The bill to establish an Executive department, to be denominated the Department of War, was considered, and a third reading postponed until to-morrow.

The bill for the punishment of certain crimes against the United States was read a second time; and the further consideration thereof was postponed.

The Senate entered on Executive business. The President communicated to them a list of about one hundred appointments as collectors, naval officers, and surveyors. The Senate advised and consented to about one-half the list; the rest lay till to-morrow.

TUESDAY, August 4.

Proceeded to a third reading of the bill to establish an Executive department, to be denominated the Department of War; which the Senate concurred in, with amendments.

Proceeded to a third reading of the bill to provide for the government of the territory northwest of the river Ohio; which passed.

A message from the House of Representatives brought up a bill for making compensation to the President and Vice President of the United States, and desired the concurrence of the Senate therein.

Informed the Senate that the House had agreed to the amendments to the bill for the establishment and support of light-houses, beacons, and buoys;

Brought up the acceptance, by the House of Representatives, of a report of a joint committee upon the mode of presenting addresses, the enrollment of bills, &c.;

Together with the appointment of Messrs. WADSWORTH, CARROLL, and HARTLEY, a committee, to join with a committee of the Senate to be appointed for the purpose, "to consider of and report when it will be convenient and proper that an adjournment of the present session of Congress should take place; and to consider and report such business, now before Congress, and such as may be conveniently postponed to the next session; and, also, to consider and report such matters, now before Congress, but which it will be necessary should be considered and determined by Congress before an adjournment."

The Senate again entered on Executive business, and advised and confirmed all the remainder of the list of appointments presented yesterday, one excepted.

WEDNESDAY, August 5.

Proceeded to a first reading of a bill for allowing a compensation to the President and Vice President of the United States, and assigned to-morrow for the second reading.

Appointed Messrs. SPRONG, ELLSWORTH, and CARROLL, a committee, jointly with the committee of the House of Representatives, to that purpose appointed, to consider what business is necessary to be acted upon prior to an adjournment, and to report a proper time at which an adjournment shall take place, agreeably to a proposition from the House of Representatives of the 4th of August.

The resolve of the House of Representatives, on the report of a joint committee appointed the 8th of May, upon the enrollment and presentation of the acts of Congress, &c., was read, and ordered to be printed for the consideration of the Senate.

A message from the House of Representatives brought up the concurrence of the House on the amendments proposed by the Senate to the bill to establish an Executive department, to be denominated the Department of War; and their concurrence on the proposed amendments to the

bill to provide for the government of the territory northwest of the river Ohio.

Mr. BUTLER, in behalf of the committee to whom it was referred "to arrange and bring forward a system to regulate the trade and intercourse between the United States and the territory of other Powers in North America and the West Indies," reported:

That it will be expedient to pass a law for imposing an increased duty of tonnage, for a limited time, on all foreign ships and other vessels that shall load in the United States, with the produce of the same, to any port or place in America whereto the vessels of the United States are not permitted to carry their own produce; but such a law being of the nature of a revenue law, your committee conceive that the originating bill for that purpose is, by the Constitution, exclusively placed in the House of Representatives.

Your committee beg leave further to report, as their opinion, that it will be expedient to direct a bill to be brought in for imposing similar restraints upon the trade of the European settlements in America with the United States, that are imposed on the trade of the United States with those settlements.

Resolved, That the first clause of this report be accepted, and that the remainder of the report be referred, and that it be an instruction to the committee, in case it shall be their opinion that a legislative provision ought to be made on the subject of that commitment, to report a bill for that purpose; and that Messrs. ELLSWORTH, KING, and READ, be added to the committee.

THURSDAY, August 6.

The Senate proceeded to a second reading of the bill for allowing a compensation to the President and Vice President of the United States, and committed it to Messrs. MORRIS, READ, ELMER, SCHUYLER, LANGDON, CARROLL, ELLSWORTH, STRONG, FEW, IZARD, and LEE.

The following joint rules, established between the two Houses, were received from the House of Representatives:

"That while bills are on their passage, between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

"After a bill shall have passed both Houses, it shall be duly enrolled on parchment, by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

"When bills are enrolled, they shall be examined by a joint committee of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills, as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

"After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

"After a bill shall have thus been signed in each House, it shall be presented, by the said committee, to

Along with this object, I am induced to suggest another, with the national importance and necessity of which I am deeply impressed—I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure, on which the honor, safety, and well-being of our country so evidently and so essentially depend; but it may not be amiss to observe, that I am particularly anxious it should receive as early attention as circumstances will admit, because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several States, by means of the many well-instructed officers and soldiers of the late army; a resource which is daily diminishing by death and other causes. To suffer this peculiar advantage to pass away unimproved, would be to neglect an opportunity which will never again occur, unless, unfortunately, we should again be involved in a long and arduous war.

NEW YORK, August 7, 1789.

The above Message was ordered to lie for consideration.

Mr. MORRIS, in behalf of the committee on the bill for allowing a compensation to the President and Vice President of the United States, reported an amendment, to wit:

To expunge, in the provision for the Vice President, "five thousand dollars," and insert "six thousand dollars."

On motion to reduce the provision for the President of the United States, from "twenty-five thousand" to "twenty thousand dollars."

Passed in the negative.

On motion to make the provision for the Vice President, eight thousand dollars, instead of five thousand dollars:

Passed in the negative.

And, on motion, the further consideration of this clause of the bill was postponed.

The concurrence of the Senate upon the resolve of the House on the mode of enrolment, and the presentation of bills, &c., was carried to the House of Representatives.

The Senate entered on Executive business.

The following Messages from the President were laid before them:

Gentlemen of the Senate:

My nomination of Benjamin Fishbourn for the place of naval officer of the port of Savannah not having met with your concurrence, I now nominate Lachlan McIntosh for that office.

Whatever may have been the reasons which induced your dissent, I am persuaded they were such as you deemed sufficient. Permit me to submit to your consideration whether, on occasions where the propriety of nominations appear questionable to you, it would not be expedient to communicate that circumstance to me, and thereby avail yourselves of the information which led me to make them, and which I would with pleasure lay before you. Probably my reasons for nominating Mr. Fishbourn may tend to show that such a mode of proceeding, in such cases, might be useful. I will, therefore, detail them.

First. While Colonel Fishbourn was an officer, in actual service, and chiefly under my own eye, his conduct appeared to me irreproachable; nor did I ever hear

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business is necessary to be acted upon prior to an adjournment, and to report a proper time at which an adjournment shall take place, reported; and the report was ordered to lie for consideration.

A Message from the House of Representatives brought up a bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and requested the concurrence of the Senate therein.

A Message from the President of the United States, by General Knox:

Gentlemen of the Senate:

I have directed a statement of the troops in the service of the United States to be laid before you for your information.

These troops were raised by virtue of the resolves of Congress of the 20th of October, 1786, and the 3d of October, 1787, in order to protect the frontiers from the depredations of the hostile Indians; to prevent all incursions on the public lands; and to facilitate the surveying and selling of the same, for the purpose of reducing the public debt.

As these important objects continue to require the aid of the troops, it is necessary that the establishment thereof should, in all respects, be conformed by law to the Constitution of the United States.

GEO. WASHINGTON.

New York, August 10, 1789.

The Senate proceeded to the second reading of a bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes.

Ordered, That it be committed to Messrs. MORRIS, DALTON, LANGDON, BUTLER, and KING.

The Senate entered on Executive business.

On motion to commit the Message from the President of the United States relative to the nomination of Mr. Fishbourn: It was postponed until a committee, appointed on the 6th of August to wait on the President of the United States, should report.

TUESDAY, August 11.

Proceeded to the first reading of the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and assigned to-morrow for the second reading.

WEDNESDAY, August 12.

The Senate proceeded to the consideration of the bill for the punishment of certain crimes against the United States; and postponed the further consideration thereof until to-morrow.

Proceeded to a second reading of the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; the further consideration of which was postponed.

The Senate then entered on Executive business. The committee, to whom was referred the Message of the President of the 25th of May, with the Indian treaties and papers accompanying it, reported.

The consideration of the report was postponed until the 26th instant.

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order that he may be sent forward, as soon as may be, to act with the Commissioners of Indian Affairs in the southern department, appointed pursuant to a resolution of Congress passed on the — day of — and aid them in carrying into effect a treaty that is proposed to be held with the Creek nation on the 15th day of September next, in the State of Georgia, at the Rock-Landing.

"That the sum of — dollars be delivered to the said superintendent, to be appropriated for the immediate purposes of the said treaty; for which sum he shall be accountable.

"That the President of the United States be requested to instruct the said superintendent and commissioners to hear, and fully investigate, all the complaints and grievances of the said Creek Indians, and to use all the means in their power to quiet their minds, and to do them ample justice, agreeably to the aforesaid resolution of Congress and instructions heretofore given for that purpose: That, if the said Indians should prove refractory, or refuse to treat and establish peace on just and reasonable terms, then, and in that case, the said superintendent and commissioners be directed to make immediate report thereof to the President of the United States, and Congress will make such grants of money, and pursue such other measures, as will be necessary for the safety and protection of the inhabitants of the southern frontiers, and best secure the peace of the United States."

It passed in the negative.

On motion that it be

Resolved, That the President of the United States be authorized and empowered, and he is hereby authorized and empowered, should the Creek Indians decline to make peace with the State of Georgia, to take effectual measures for covering the State of Georgia from the incursions of the Indians, either by ordering some of the troops now at Fort Harnar to march to the frontiers of Georgia, or by embodying such a number of the militia as he shall think sufficient to ensure to the citizens of Georgia protection, and the cultivation of their lands in peace and security; and that he be empowered to draw on the Treasury for defraying the expenses of the same."

And on motion for the previous question, to wit:

"Shall the main question be now put?"

It passed in the negative.

TUESDAY, August 18.

The Senate proceeded to the second reading of the bill providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.

Ordered, That the rules of the House be so far dispensed with, as that the said bill shall have a third reading at this time.

It was read accordingly.

The Senate entered on Executive business.

The following Communication was read from the President:

Gentlemen of the Senate:

In conformity to the law re-establishing the Western Territory, I nominate Arthur St. Clair, Governor; Winthrop Sargent, Secretary; Samuel Holden Par-

sons, John Clevens Symmes, and William Barton, judges of the court. I also nominate Ebenezer Tucker, surveyor of Little Egg Harbor, in the State of New Jersey.

GEO. WASHINGTON.

New York, August 18, 1789.

The consideration thereof was postponed until to-morrow.

WEDNESDAY, August 19.

A message from the House of Representatives informed the Senate that the House had concurred in their amendments proposed to the bill providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.

THURSDAY, August 20.

The Senate proceeded to the consideration of the bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes; and, after progress,

Ordered, That the further consideration thereof be postponed.

The Senate entered on Executive business. The following Communication was read from the President:

Gentlemen of the Senate:

In consequence of an act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same, I nominate Benjamin Lincoln as one of three commissioners whom I shall propose to be employed to negotiate a treaty with the Southern Indians. My reason for nominating him at this early moment is, that it will not be possible for the public to avail itself of his services on this occasion, unless his appointment can be forwarded to him by the mail which will leave this place to-morrow morning.

GEO. WASHINGTON.

New York, August 20, 1789.

Proceeded to consider the nominations of Governor, &c. of the Western Territory, as contained in the Message from the President of the United States of the 18th August, and the Senate did advise and consent to the appointment of

Arthur St. Clair, to be Governor of the Western Territory;

Of Winthrop Sargent, to be Secretary; and Of Samuel Holden Parsons, John Clevens Symmes, and William Barton, to be Judges.

Proceeded to consider the nomination of Ebenezer Tucker, to be Surveyor of Little Egg Harbor, in the State of New Jersey, and of

William Gibb, to be Collector of Folly Landing, in the State of Virginia. And the Senate did advise and consent to their being appointed to office, agreeably to the nominations respectively.

Also, proceeded to consider the nomination of Benjamin Lincoln, as one of the three commissioners to be employed to negotiate a treaty with the Southern Indians.

And the Senate did advise and consent to his appointment accordingly.

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Mr. Izard, in behalf of the committee appointed the 6th of August, "to wait on the President of the United States, and confer with him on the mode of communication," &c. reported:

The consideration of which was postponed until to-morrow.

FRIDAY, August 21.

The Senate proceeded to the consideration of the bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes.

Ordered, That the bill be read the third time to-morrow.

The Senate entered on Executive business. They proceeded to consider the report made by Mr. Izard, yesterday, as follows:

The committee appointed to wait on the President of the United States, and confer with him on the mode of communication proper to be pursued between him and the Senate, in the formation of treaties, and making appointments to offices, reported:

Resolved, That when nominations shall be made in writing by the President of the United States to the Senate, a future day shall be assigned, unless the Senate unanimously direct otherwise, for taking them into consideration; that when the President of the United States shall meet the Senate in the Senate Chamber, the President of the Senate shall have a chair on the floor, be considered as at the head of the Senate, and his chair shall be assigned to the President of the United States; that when the Senate shall be convened by the President of the United States to any other place, the President of the Senate and Senators shall attend at the place appointed. The Secretary of the Senate shall also attend to take the minutes of the Senate.

That all questions shall be put by the President of the Senate, either in the presence or absence of the President of the United States; and the Senators shall signify their assent or dissent by answering *aye* *no*, *aye* or *no*.

Another Message was received from the President, viz:

Gentlemen of the Senate:

In addition to the nomination which I made yesterday, of Benjamin Lincoln, as one of the three commissioners to be employed to negotiate a treaty with the Southern Indians, I now nominate Cyrus Griffin and David Humphreys, as the two other commissioners to be employed to negotiate the before-mentioned treaty.

NEW YORK, August 21, 1789.
GEO. WASHINGTON.

Proceeded to the consideration of the last reported nominations, and the Senate did advise and consent to the appointments accordingly.

Also, the following Message:

Gentlemen of the Senate:

The President of the United States will meet the Senate, in the Senate Chamber, at half-past eleven o'clock to-morrow, to advise with them on the terms of the treaty to be negotiated with the Southern Indians.

GEO. WASHINGTON.

NEW YORK, August 21, 1789.

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in favor of the Cherokees could be immediately adopted by the General Government.

"The commissioners for negotiating with the Southern Indians may be instructed to transmit a message to the Cherokees, stating to them, as far as may be proper, the difficulties arising from the local claims of North Carolina, and to assure them that the United States are not unmindful of the treaty at Hopewell, and as soon as the difficulties which are at present opposed to the measures shall be removed, the Government will do full justice to the Cherokees.

"The distance of the Choctaws and Chickasaws from the frontier settlements seems to have prevented those tribes from being involved in similar difficulties with the Cherokees.

"The commissioners may be instructed to transmit messages to the said tribes, containing assurances of the continuance of the friendship of the United States, and that measures will soon be taken for extending a trade to them, agreeably to the treaties of Hopewell. The commissioners may also be directed to report a plan for the execution of the said treaties respecting trade.

"But the case of the Creek nation is of the highest importance, and requires an immediate decision. The cause of the hostilities between Georgia and the Creeks is stated to be a difference in judgment concerning three treaties made between the said parties, to wit: at Augusta, in 1783, at Galphinton, in 1785, and at Shouderbone, in 1786. The State of Georgia asserts, and the Creeks deny the validity of the said treaties.

"Hence arises the indispensable necessity of having all the circumstances respecting the said treaties critically investigated by commissioners of the United States, so that the further measures of Government may be formed on a full knowledge of the case.

"In order that the investigation may be conducted with the highest impartiality, it will be proper, in addition to the evidence of the documents in the public possession, that Georgia should be represented at this part of the proposed treaty with the Creek nation.

It is, however, to be observed, in any issue of the inquiry, that it would be highly embarrassing to Georgia to relinquish that part of the lands stated to have been ceded by the Creeks, lying between the Ogeechee and Oconee rivers; that State having surveyed and divided the same among certain descriptions of its citizens, who settled and planted thereon until dispossessed by the Indians.

"In case, therefore, the issue of the investigation should be unfavorable to the claims of Georgia, the commissioners should be instructed to use their best endeavors to negotiate with the Creeks for a solemn conveyance of the said lands to Georgia.

"By the report of the commissioners who were appointed under certain acts of the late Congress, by South Carolina and Georgia, it appears that they have agreed to meet the Creeks on the 15th of September ensuing. As it is with great difficulty the Indians are collected together at certain

seasons of the year, it is important that the above occasion should be embraced, if possible, on the part of the present Government, to form a treaty with the Creeks. As the proposed treaty is of great importance to the future tranquillity of the State of Georgia, as well of the United States, it has been thought proper that it should be conducted on the part of the General Government by commissioners whose local situations may free them from the imputation of prejudice on this subject.

"As it is necessary that certain principles should be fixed, previously to forming instructions for the commissioners, the following questions, arising out of the foregoing communications, are stated by the President of the United States, and the advice of the Senate requested thereon.

"1st. In the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees than the one herein suggested?

"2d. Shall the commissioners be instructed to pursue any other measures respecting the Chickasaws and Choctaws than those herein suggested? "3d. If the commissioners shall adjudge that the Creek nation was fully represented at the three treaties with Georgia, and that the cessions of land were obtained with the full understanding and free consent of the acknowledged proprietors, and that the said treaties ought to be considered as just and equitable: in this case shall the commissioners be instructed to insist on a formal renewal and confirmation thereof? and in case of a refusal, shall they be instructed to inform the Creeks that the arms of the Union shall be employed to compel them to acknowledge the justice of the said cessions?

"4th. But if the commissioners shall adjudge that the said treaties were formed with an inadequate or unauthorized representation of the Creek nation, or that the treaties were held under circumstances of constraint, or unfairness of any sort, so that the United States could not, with justice and dignity, request or urge a confirmation thereof: in this case, shall the commissioners, considering the importance of the Oconee lands to Georgia, be instructed to use their highest exertions to obtain a cession of said lands? If so, shall the commissioners be instructed, if they cannot obtain the said cession on better terms, to offer for the same, and for the further great object of attaching the Creeks to the Government of the United States, the following conditions: 1st. A compensation in money or goods, to the amount of ——— dollars; the said amount to be stipulated to be paid by Georgia, at the period which shall be fixed, or, in failure thereof, by the United States. 2d. A secure port on the Altamaha, or on St. Mary's river, or at any other place between the same, as may be mutually agreed to by the commissioners and the Creeks. 3d. Certain pecuniary considerations to some, and honorable military distinctions to other influential chiefs, on their taking oaths of allegiance to the United States. 4th. A solemn guarantee by the United States to the Creeks of

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their remaining territory; and to maintain the same if necessary, by a line of military posts.

"5th. But if all offers should fail to induce the Creeks to make the desired cession to Georgia, shall the commissioners make it an ultimatum?"

"6th. If the said cessions shall not be made an ultimatum, shall the commissioners proceed and make a treaty, and include the disputed lands within the limits which shall be assigned to the Creeks?"

marked; making the Oconee the line, and the other parts of the treaty be concluded? In this case, shall a secure port be stipulated, and the pecuniary and honorary considerations granted?"

In other general objects shall the treaties formed at Hopewell with the Cherokees, Chickasaws, and Choctaws, be the basis of a treaty with the Creeks?"

"7th. Shall the sum of twenty thousand dollars, appropriated to Indian expenses and treaties, be wholly applied, if necessary to a treaty with the Creeks? If not, what proportion?"

Whereupon the Senate proceeded to give their advice and consent.

The first question, viz: in the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees than the one herein suggested?" was, at the request of the President of the United States, postponed.

"The second question, viz: 'Shall the commissioners be instructed to pursue any other measure respecting the Chickasaws and Choctaws than those herein suggested?' being put, was answered in the negative.

The consideration of the remaining questions was postponed till Monday next.

MONDAY, August 24.

The Senate was to-day wholly engaged in Executive business.

THE PRESIDENT OF THE UNITED STATES being present in the Senate Chamber, attended by General Knox.

The Senate resumed the consideration of the state of facts, and questions thereto annexed, laid before them by the President of the United States, on Saturday last. And the first question, viz: "In the present state of affairs between North Carolina and the United States, will it be proper to take any other measures for redressing the injuries of the Cherokees than the one herein suggested?" being put was answered in the negative.

The third question, viz: "If the commissioners shall adjudge that the Creek nation was fully represented at the three treaties with Georgia, and that the cessions of land were obtained with the full understanding and free consent of the acknowledged proprietors, and that the said treaties ought to be considered as just and equitable: in this case, shall the commissioners be instructed to insist on a formal renewal and confirmation thereof, and, in case of a refusal, shall they be instructed to inform the Creeks that the arms of the

Union shall be employed to compel them to acknowledge the justice of the said cessions?" was wholly answered in the affirmative.

The fourth question, and its four subdivisions, viz: "But if the commissioners shall adjudge that the said treaties were formed with an inadequate or unauthorized representation of the Creek nation, or that the treaties were held under circumstances of constraint or unfairness of any sort, so that the United States could not, with justice and dignity, request or urge a confirmation thereof: in this case, shall the commissioners, considering the importance of the Oconee lands to Georgia, be instructed to use their highest exertions to obtain a cession of said lands?" If so, shall the commissioners be instructed, if they cannot obtain the said cessions on better terms, to offer for the same, and for the further great objects of attaching the Creeks to the Government of the United States, the following conditions:

"1st. A compensation, in money or goods to the amount of ——— dollars; the said amount to be stipulated to be paid by Georgia at the period which shall be fixed, or, in failure thereof, by the United States.

"2d. A secure port on the Altamaha or on St. Mary's river, or at any other place between the same, as may be mutually agreed to by the commissioners and the Creeks.

"3d. Certain pecuniary considerations to some, and honorary military distinctions to other influential chiefs, on their taking oaths of allegiance to the United States.

"4th. A solemn guarantee by the United States to the Creeks of their remaining territory, and to maintain the same, if necessary, by a line of military posts," was wholly answered in the affirmative. The blank to be filled at the discretion of the President of the United States.

The fifth question, viz: "But if all offers should fail to induce the Creeks to make the desired cession to Georgia, shall the commissioners make it an ultimatum?" was answered in the negative.

The sixth question being divided, the first part, containing as follows, viz: "If the said cessions shall not be made an ultimatum, shall the commissioners proceed and make a treaty, and include the disputed lands within the limits which shall be assigned to the Creeks?" was answered in the negative.

The remainder, viz: "If not shall a temporary boundary be marked, making the Oconee the line and the other parts of the treaty be concluded?" and "In this case shall a secure port be stipulated, and the pecuniary and honorary considerations granted?"

"In other general objects, shall the treaties formed at Hopewell, with the Cherokees, Chickasaws, and Choctaws, be the basis of a treaty with the Creeks?" were all answered in the affirmative.

On the seventh question, viz: "Shall the sum of twenty thousand dollars, appropriated to Indian expenses and treaties, be wholly applied, if necessary, to a treaty with the Creeks? If not what proportion?" It was agreed to advise and con-

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sent to appropriate the whole sum, if necessary, at the discretion of the President of the United States.

THE PRESIDENT OF THE UNITED STATES withdrew from the Senate Chamber, and the Vice President put the question of adjournment; to which the Senate agreed.

TUESDAY, August 25.

Mr. MACLAY presented a draft of ten miles square, including the borough of Lancaster, with a letter, containing a description of the same, from Edward Hand, directed to the Honorable ROBERT MORRIS and the Honorable WILLIAM MACLAY.

Mr. MACLAY likewise nominated Wright's Ferry, on the Susquehanna; Yorktown, west of the Susquehanna; Carlisle, west of the Susquehanna; Harrisburg, on the Susquehanna; Reading, on the Schuylkill; and Germantown, in the neighborhood of Philadelphia, as different places in Pennsylvania, which had been proposed for the permanent seat of Government of the United States.

The letter being read, was, together with the draft, ordered to lie for consideration.

Proceeded to the third reading of the bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes; and

Resolved, That the Senate do concur therein with sixty-nine amendments.

Also, the bill to establish the Treasury Department, with an adherence of the House of Representatives to a part of the eighth amendment, to wit: "Whenever the Secretary of the Treasury shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office."

Also, the resolve of the House of Representatives of the 24th of August, "that the Vice President and Speaker of the House of Representatives do adjourn their respective Houses on the twenty-second day of September next, to meet again on the first Monday in December next."

Also, the resolve of the House of Representatives, "that certain articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States;" and requested the concurrence of the Senate therein.

The Senate proceeded to consider the resolve of the House of Representatives of the 24th of August, "to adhere to the part of their eighth amendment," before recited, and,

On motion that the Senate do recede therefrom, the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEA—Messrs. Bassett, Carroll, Ellsworth, Elmer, Henry, King, Morris, Paterson, Read, and Schuyler—10.

NAY—Messrs. Butler, Dalton, Few, Gunn, Johnson, Izard, Langdon, Lee, MacLay, and Wingate—10.

The Senate being equally divided, the Vice

President determined the question in the affirmative. So it was

Resolved, That the Senate do recede from so much of the eighth amendment as was disagreed to by the House of Representatives.

The Senate proceeded to consider the resolve of the House of Representatives of the 24th of August, proposing "that the Vice President and Speaker be empowered to adjourn the Senate and House of Representatives, respectively, on the 22d of September, &c.; and it was agreed to.

A message was received from the House of Representatives, with seventeen articles to be proposed as additions to, and amendments of, the Constitution of the United States. [Such of these articles as have been agreed to, and ratified, will be found in the appendix to this volume.]

Resumed the consideration of the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

Ordered, That it be committed to Messrs. King, MORRIS, CARROLL, IZARD, and LEE.

WEDNESDAY, August 26.

The Senate proceeded to the consideration of the bill for the punishment of certain crimes against the United States; and, after progress, adjourned.

The Senate entered on Executive business.

Proceeded to consider the report of a committee, appointed June the 10th, on Indian treaties made at Fort Harmar, the 9th day of January, 1789, viz:

The committee, to whom was referred the Message of the PRESIDENT OF THE UNITED STATES of the 25th of May, 1789, with the Indian treaties and papers accompanying the same, report:

That the Governor of the Western Territory, on the 9th day of January, 1789, at Fort Harmar, entered into two treaties; one with the sachems and warriors of the Six Nations, the Mohawks excepted; the other with the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattima, and Sac nations; that those treaties were made in pursuance of the power and instructions heretofore given to the said Governor by the late Congress, and are a confirmation of the treaties of Fort Stanwix, in October, 1784, and of Fort McIntosh, in January, 1785, and contain a more formal and regular conveyance to the United States of the Indian claims to the lands yielded to these States by the said treaties of 1784 and 1785.

Your committee, therefore, submit the following resolution, viz:

That the treaties concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Esq., Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Six Nations, (the Mohawks excepted,) and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattima, and Sac nations, be accepted; and that the President of the United States be advised to execute and enjoin an observance of the same.

Ordered, That the consideration thereof be postponed.

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THURSDAY, August 27.

The Senate proceeded to the consideration of the bill for the punishment of certain crimes against the United States.

Ordered, That the bill be engrossed.

Mr. KING, on behalf of the committee to whom was referred the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses, reported amendments.

Ordered, That to-morrow be assigned for taking the same into consideration.

FRIDAY, August 28.

A message from the House of Representatives, by their Clerk, informed the Senate that the President of the United States had signed an enrolled resolve, for carrying into effect a survey directed by an act of the late Congress, of the 6th of June, 1788; he brought up an enrolled bill to establish the Treasury Department, signed by the Speaker of the House of Representatives; and an engrossed bill to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes, and requested the concurrence of the Senate therein. He also informed the Senate, that the House of Representatives had concurred in the amendments proposed to the bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes, with amendments to the third and fifty-seventh amendments proposed by the Senate.

The Senate resumed the consideration of the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; which was passed, with amendment.

The Senate proceeded to consider the message from the House of Representatives of the 28th of August, proposing amendments to the third and fifty-seventh amendments of the Senate to a bill for registering and clearing of vessels, regulating the coasting trade, and for other purposes.

MONDAY, August 31.

The Senate proceeded to the third reading of the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; which was passed, with amendments.

A message from the House of Representatives brought to the Senate a bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks; to which the concurrence of the Senate was requested. The bill passed its first reading.

Ordered, That this bill be read a second time to-morrow.

TUESDAY, September 1.

The Senate proceeded to the second reading of the bill for establishing the salaries of the Execu-

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to which one representative shall be added for every subsequent increase of sixty thousand persons; it passed in the affirmative.

THURSDAY, September 3.

A message from the House of Representatives brought up the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses, and informed the Senate that the House of Representatives had disagreed to the first, second, and third amendments, and had agreed to all the others.

Also, the bill to suspend part of the act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States.

FRIDAY, September 4.

The Senate proceeded in the consideration of the resolve of the House of Representatives of the 24th of August, on "Articles to be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States."

MONDAY, September 7.

Agreeably to the order of the day, the Senate proceeded in the third reading of the bill to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes; and, on the report of the committee,

Resolved, To concur therein, with amendments. The Senate proceeded in the third reading of the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks; and

Resolved, to concur therein, with amendments. The bill to suspend part of an act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, was read the first time.

Ordered, That this bill be read the second time to-morrow.

The Senate proceeded to the consideration of the resolve of the House of Representatives of the 2d of September, on their disagreement to the first, second, and third amendments of the Senate to the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

On motion, that the Senate do adhere to their first amendment to the said bill;

And the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS—Messrs. Bassett, Butler, Dalton, Ellsworth, Gunn, Henry, Johnson, Izard, King, Lee, Morris, and Read—12.

NAYS—Messrs. Carroll, Elmer, Paterson, Schuyler, and Wingate—5.

So it was *Resolved*, That the Senate do adhere to the first amendment to the said bill.

Resolved, That the Senate do recede from their second and third amendments to the said bill.

Proceeded in the third reading of the bill for allowing a compensation to the President and Vice President of the United States; and, on motion of the committee,

Resolved, That the Senate do concur in the said bill, with the following amendments, to wit: In the compensation to the Vice President, strike out "five thousand," and insert "six thousand."

Ordered, That the Secretary do carry the bill to the House of Representatives, and request their concurrence in the amendment.

The Senate resumed the consideration of the resolve of the House of Representatives of the 24th of August, on "Articles to be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States."

On motion, to adopt the twelfth article of the amendments proposed by the House of Representatives, amended by the addition of these words to the article, to wit: "where the consideration exceeds twenty dollars;" it passed in the affirmative.

On motion to adopt the thirteenth article of the amendments proposed by the House of Representatives, it passed in the affirmative.

On motion to adopt the fourteenth article of the amendments proposed by the House of Representatives, it passed in the negative.

In the consideration of the fifteenth article proposed by the House of Representatives, on motion to add the following to the proposed amendments, to wit: "That the General Government of the United States ought never to impose direct taxes, but where the moneys arising from the duties of impost and excise are insufficient for the public exigencies; nor then, until Congress shall have made a requisition upon the States to assess, levy, and pay their respective portions of such requisitions; and in case any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such State's proportion, together with interest thereon, at the rate of six per cent. per annum, from the time of payment prescribed by such requisition;" it passed in the negative.

On motion to add the following to the proposed amendments, viz: "That the third section of the sixth article of the Constitution of the United States ought to be amended, by inserting the word "other" between the words "no" and "religions;" it passed in the negative.

TUESDAY, September 8.

The Senate proceeded in the consideration of the resolve of the House of Representatives of the 24th of August, "On articles to be proposed to the Legislatures of the several States as amendments to the Constitution of the United States." Several amendments were proposed, but none of them were agreed to. The subject was postponed till to-morrow.

SENATE.]

Proceedings.

[SEPTEMBER, 1789.]

A message from the House of Representatives brought up the bill for allowing a compensation to the President and Vice President of the United States; and informed the Senate that the House of Representatives had disagreed to the amendment thereon:

Also, the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks, with part of the amendments agreed to, and another part disagreed to.

Also, the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and informed the Senate that the House of Representatives requested a conference on the subject-matter of the disagreement of the two Houses on the said bill, and had appointed Messrs. SHERMAN, TUCKER, and BRAXTON, managers on the part of the House of Representatives; and, also, that the House of Representatives had concurred in their amendments to the bill to provide for the safe-keeping of the acts, records, and seal of the United States.

The Senate proceeded to consider the disagreement of the House to a part of their amendments to the bill for allowing a compensation to the President and Vice President, insisted on their amendment, and requested a conference; and the Senate receded from their amendments to the bill for establishing the salaries of the Executive officers, &c. The Senate also agreed to a conference proposed by the House on the matter of disagreement between the two Houses to the bill for allowing compensation to the members of the Senate and House of Representatives, &c. and appointed as a committee on their part, Messrs. KING, IZARD, and MORRIS.

The Senate entered on Executive business. They proceeded to the consideration of the Message from the President of the United States, of the 25th of May, 1789, accompanying the treaties formed at Fort Harmar, by Arthur St. Clair, Esq., on the part of the United States, viz: a treaty with the sachems and warriors of the Six Nations, (the Mohawks excepted,) and a treaty with the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattama, and Sac nations. Whereupon,

Resolved, That the President of the United States be advised to execute and enjoin an observance of the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattama, and Sac nations.

WEDNESDAY, September 9.

The Senate proceeded in the consideration of the resolve of the House of Representatives on the several States as amendments to the Constitution, and agreed to a part of them, and disagreed to others; of which they informed the House.

SEPTEMBER, 1789.]

Proceedings.

[SENATE.]

Meredith to be Treasurer, it passed in the affirmative.

Ordered, That the further consideration of the Message from the President of the United States, be postponed until to-morrow.

SATURDAY, September 12.

Mr. MORRIS, on behalf of the committee appointed on the 11th September, to consider the bill to suspend part of an act to regulate the collection of duties on the tonnage of ships and vessels, &c., reported it with an amendment; which was concurred with.

The Senate again entered upon Executive business, and proceeded in the consideration of the Message from the President of the United States of the 11th of September; and,

On the question to advise and consent to the appointment of Oliver Wolcott, Jun., of Connecticut, to be Auditor for the Department of the Treasury of the United States, it passed in the affirmative.

On the question to advise and consent to the appointment of Joseph Nourse, (in office,) Register, it passed in the affirmative.

On the question to advise and consent to the appointment of Henry Knox, Secretary for the Department of War, it passed in the affirmative.

On the question to advise and consent to the appointment of George Turner for Judge in the Western Territory, it passed in the affirmative.

On the question to advise and consent to the appointment of Peter Kemp for Surveyor in the district of Rappahannock, it passed in the affirmative.

On the question to advise and consent to the appointment of Charles Chilton, for Surveyor of Town Creek, in the district of Patuxent, State of Maryland, it passed in the affirmative.

Ordered, That the further consideration of the Message from the President of the United States of the 11th of September, be postponed for a few days.

MONDAY, September 14.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill for the temporary establishment of the Post Office; and,

Ordered, That this bill have the third reading to-morrow.

A message from the House of Representatives informed the Senate that the House of Representatives had concurred in the amendments proposed by the Senate to a bill to suspend part of an act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States.

TUESDAY, September 15.

The Senate proceeded to the third reading of the bill for the temporary establishment of the Post Office.

Resolved, That the engrossed bill for the temporary establishment of the Post Office do pass.

WEDNESDAY, September 16.

The following Message from the President of the United States, was received by the Secretary of War:

Gentlemen of the Senate:

The Governor of the Western Territory has made a statement to me of the reciprocal hostilities of the Wabash Indians, and the people inhabiting the frontiers bordering on the river Ohio, which I herewith lay before Congress.

The United States, in Congress assembled, by their acts of the 21st day of July, 1787, and of the 12th August, 1788, made a provisional arrangement for calling forth the militia of Virginia and Pennsylvania, in the proportions therein specified.

As the circumstances which occasioned the said arrangement continue nearly the same, I think proper to suggest to your consideration the expediency of making some temporary provision for calling forth the militia of the United States for the purposes stated in the Constitution, which would embrace the cases apprehended by the Governor of the Western Territory.

GEO. WASHINGTON.

September 16, 1789.

THURSDAY, September 17.

Mr. LEE, in behalf of the committee appointed to prepare a bill for organizing the Judiciary of the United States, reported a bill to regulate processes in the courts of the United States.

Ordered, That this bill have the first reading at this time.

Ordered, That this bill be read the second time to-morrow.

A message from the House of Representatives informed the Senate that the House of Representatives adhered to their disagreement to the amendment proposed by the Senate to a bill for allowing a compensation to the President and Vice President of the United States; and that the House of Representatives had concurred in the bill for the temporary establishment of the Post Office. It also informed the Senate that the House of Representatives had concurred in the bill to establish the judicial courts of the United States, with amendments; to which amendments the concurrence of the Senate was requested.

Ordered, That the last mentioned bill, together with the amendments, be committed to Messrs. ELLSWORTH, BUTLER, and PATERSON.

The Senate entered on Executive business.

The following Message was received from the President of the United States:

Gentlemen of the Senate:

It doubtless is important that all treaties and compacts formed by the United States with other nations, whether civilized or not, should be made with caution, and executed with fidelity.

It is said to be the general understanding and practice of nations, as a check on the mistakes and indiscretions of ministers or commissioners, not to consider

any treaty negotiated and signed by such officers, as final and conclusive, until ratified by the Sovereign or Government from whom they derive their powers. This practice has been adopted by the United States respecting their treaties with European nations, and I am inclined to think it would be advisable to observe it in the conduct of our treaties with the Indians; for, though such treaties being, on their part, made by their chiefs or rulers, need not be ratified by them, yet, being formed on our part by the agency of subordinate officers, it seems to be both prudent and reasonable that their acts should not be binding on the nation until approved and ratified by the Government. It strikes me that this point should be well considered and settled, so that our national proceedings, in this respect, may become uniform, and be directed by fixed and stable principles.

The treaties with certain Indian nations, which were laid before you with my message of the 25th May last, suggested two questions to my mind, viz: 1st, Whether those treaties were to be considered as perfected, and consequently, as obligatory, without being ratified? If not, then 2dly, Whether both, or either, and which of them, ought to be ratified? On these questions I request your opinion and advice.

You have, indeed, advised me "to execute and enter into an observance of" the treaty with the Wyandots, &c. You, gentlemen, doubtless intended to be clear and explicit; and yet, without further explanation, I fear I may misunderstand your meaning: for if by my executing that treaty you mean that I should make it (in a more particular and immediate manner than it now is) the act of Government, then it follows that I am to ratify it. If you mean by my executing it, that I am to see that it is carried into effect and operation, then I am led to conclude, either that you consider it as being perfect and obligatory in its present state, and therefore to be executed and observed; or, that you consider it to derive its completion and obligation from the silent approbation and ratification which my proclamation may be construed to imply. Although I am inclined to think that the latter is your intention, yet it certainly is best that all doubts respecting it be removed. Permit me to observe, that it will be proper for me to be informed of your sentiments relative to the treaty with the Six Nations, previous to the departure of the Governor of the Western Territory; and therefore I recommend it to your early consideration.

GEO. WASHINGTON.

September 17, 1789.

Ordered, That the President's Message be committed to Messrs. CARROLL, KING, and READ.

FRIDAY, September 18.

A message from the House of Representatives was received, which informed the Senate that the House of Representatives had agreed to postpone the consideration of the bill for the punishment of certain crimes against the United States, which had passed the Senate, and was sent to the House of Representatives for concurrence, until the next session of Congress. It also brought up a resolve of the House of Representatives making it "the duty of the Secretary of State to procure, from time to time, such of the statutes of the several States as may not be in his office," to which the concurrence of the Senate was requested.

The Senate proceeded to the second reading of the bill to regulate processes in the courts of the United States.

Ordered, That the further consideration thereof be postponed until to-morrow.

The resolve of the House of Representatives of the 18th September, empowering the Secretary of State to procure, from time to time, such of the statutes of the several States as may not be in his office, was read; whereupon,

Resolved, That the Senate do concur in the above resolution sent up for concurrence by the House of Representatives.

The Senate entered on Executive business.

Mr. CARROLL, on behalf of the committee appointed yesterday, reported as follows:

The committee, to whom was referred a Message from the President of the United States of the 17th September, 1789, report:

That the signature of treaties with the Indian nations has ever been considered as a full completion thereof, and that such treaties have never been solemnly ratified by either of the contracting parties, as hath been commonly practised among the civilized nations of Europe: wherefore, the committee are of opinion, that the formal ratification of the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattama, and Sac nations, is not expedient or necessary; and that the resolve of the Senate of the 8th September, 1789, respecting the said treaty, authorizes the President of the United States to enjoy a due observance thereof.

That, as to the treaty made at Fort Harmar, on the 9th of January, 1789, between the said Arthur St. Clair and the sachems and warriors of the Six Nations, (except the Mohawks,) from particular circumstances affecting a part of the ceded lands, the Senate did not judge it expedient to pass any act concerning the same.

Ordered, That the consideration of the report be postponed until Monday next.

The Senate proceeded to consider the Message from the President of the United States, of September 11th, nominating William McPherson as surveyor of the port of Philadelphia; and, Upon the question to advise and consent to his appointment, it passed in the affirmative.

SATURDAY, September 19.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill to regulate processes in the courts of the United States.

Ordered, That the rules be so far dispensed with, as that the last recited bill have the third reading at this time. Ordered, That the bill be engrossed.

A message from the House of Representatives brought up a bill for amending part of an act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the

United States to which the concurrence of the Senate was requested.

Ordered, That the last recited bill now have the first reading.

Ordered, That the rules be so far dispensed with, as that this bill have a second reading at this time.

Ordered, That this bill have the third reading on Monday next.

A message from the House of Representatives brought up the bill for allowing certain compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States; and informed the Senate that the House of Representatives had agreed to all the amendments proposed to the said bill, except the fourth, to which they had disagreed.

The Senate proceeded to consider the disagreement of the House of Representatives to their fourth amendment to the bill last recited; and,

Resolved, That the Senate do recede therefrom.

MONDAY, September 21.

Mr. MORRIS, in behalf of the Senators from the State of Pennsylvania, introduced a resolve, of the General Assembly of that State, of March the 5th 1789, making "a respectful offer to Congress of the use of any or all the public buildings in Philadelphia, the property of the State, &c., in case Congress should, at any time, incline to make choice of that city for the temporary residence of the Federal Government," which was read.

Ordered, That it lie for consideration.

A message from the House of Representatives brought up a resolve of the House of this date, to agree to the 2d, 4th, 8th, 12th, 13th, 16th, 18th, 19th, 25th, and 26th amendments, proposed by the Senate, to "Articles of amendment to be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States;" and to disagree to the 1st, 3d, 5th, 6th, 7th, 9th, 10th, 11th, 14th, 15th, 17th, 20th, 21st, 22d, 23d, and 24th amendments; two-thirds of the members present concurring on each vote; and "that a conference be desired with the Senate on the subject-matter of the amendments disagreed to," and that Messrs. MADISON, SHERMAN, and VIVING, be appointed managers of the same on the part of the House of Representatives.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it be recommended to the Legislatures of the several States to pass laws, making it expressly the duty of the keepers of their jails to receive, and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner thereof, during the time such prisoners shall be therein confined; and, also, to support such of said prisoners as shall be committed for offences.

Ordered, That the Secretary do carry this 1st Cox.—4

TUESDAY, September 22.

A message from the House of Representatives brought up an order of the House of Representatives, for postponing the adjournment of Congress until the 26th of September, for concurrence.

The Senate proceeded to consider the order of the House of Representatives of this day, "re-scinding the order to the Vice President, and Speaker, of the 25th of August, to adjourn the respective Houses of Congress on the 22d, and empowering them to adjourn the same on the 26th instant;" and,

Resolved, That the Senate do concur in the said order.

Ordered, That the bill to establish the seat of Government of the United States have the first reading at this time.

Ordered, That it be read a second time to-morrow.

The Senate entered on Executive business.

They proceeded to consider the report of the committee, appointed the 17th, on the President's Message of that date; and,

On motion to postpone the report, to substitute the following, to wit:

Resolved, That the Senate do advise and consent that the President of the United States ratify the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Wyandot, Delaware, Ottawa, Chippewa, Pottawattama, and Sac nations.

It passed in the affirmative.

And it being suggested that the treaty concluded at Fort Harmar, on the 9th day of January, 1789, between Arthur St. Clair, Governor of the Western Territory, on the part of the United States, and the sachems and warriors of the Six Nations, (except the Mohawks,) may be construed to prejudice the claims of the States of Massachusetts and New York, and of the grantees under the said States, respectively;

Ordered, That the consideration thereof be postponed until next session of Senate.

SENATE.]

Proceedings.

[SEPTEMBER, 1789.]

WEDNESDAY, September 23.

A message from the House of Representatives brought up the bill to recognise, and adapt to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned; to which concurrence was requested.

Ordered, That the bill brought up from the House of Representatives this morning be now read the first time.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill to establish the seat of Government of the United States; and, after progress, adjourned.

THURSDAY, September 24.

A message from the House of Representatives brought up the bill to alter the time for the next meeting of Congress; the bill to explain and amend an act for registering and clearing vessels, regulating the coasting trade, and for other purposes; and "a resolve on the petition of Baron de Glubeck;" to which he requested the concurrence of the Senate.

Ordered, That the bill to explain and amend an act for registering and clearing vessels, regulating the coasting trade, and for other purposes, be now read the first time.

The Senate proceeded in a second reading of the bill to establish the seat of Government of the United States.

On motion to strike out these words, "in the State of Pennsylvania," after the word Susquehanna, line 4th, and the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS—Messrs. Bassett, Butler, Carroll, Grayson, Gunn, Henry, Izard, and Lee—8.
NAYS—Messrs. Dalton, Ellsworth, Johnson, King, Macley, Morris, Paterson, Read, Schuyler, and Wingate—10.

So it passed in the negative.

On motion that these words, "at some convenient place on the banks of the river Susquehanna, in the State of Pennsylvania," lines 3d and 4th, be stricken out, it passed in the negative.

On motion for reconsideration, on a suggestion that the question was not understood, it passed in the affirmative.

And, on the main question, the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS—Messrs. Bassett, Butler, Dalton, Ellsworth, Grayson, Gunn, Lee, Morris, Paterson, Read, and Wingate—11.
NAYS—Messrs. Carroll, Henry, Johnson, Izard, King, Macley, and Schuyler—7.

So it passed in the affirmative.

On motion to insert, in the room of the word stricken out, "at some convenient place on the northern bank of the river Potomac," it passed in the negative.

On motion to restore these words, "at some convenient place on the banks of the river Susquehanna,"

convenient place on the banks of the river Susquehanna,"

A motion was made to postpone this, to insert the following motion, to wit: to fill the blank with these words, "in the counties of Philadelphia, Chester, and Bucks, and State of Pennsylvania, including within it the town of Germantown, and such part of the Northern Liberties of the city of Philadelphia as are not excepted by the act of session passed by the Legislature of the said State."

And the question of postponement passed in the affirmative.

And, on the main question, the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS—Messrs. Bassett, Dalton, Ellsworth, King, Morris, Paterson, Read, Schuyler, and Wingate—9.
NAYS—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Johnson, Izard, Lee, and Macley—9.

The numbers being equal, the VICE PRESIDENT determined the question in the affirmative.

The Senate entered on Executive business.

The following Message from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

I nominate for the Supreme Court of the United States—

For Chief Justice—John Jay, of New York.
For Associate Judges—John Rutledge, of South Carolina; James Wilson, of Pennsylvania; William Cushing, of Massachusetts; Robert H. Harrison, of Maryland; John Blair, of Virginia.

I also nominate, for District Judges, Attorneys, and Marshals, the persons whose names are below, and annexed to the districts, respectively, viz:

Districts.	Judges.
Maine	David Sewell.
New Hampshire	John Sullivan.
Massachusetts	John Lowell.
Connecticut	Richard Law.
Pennsylvania	Francis Hopkinson.
Delaware	Gunning Bedford.
Maryland	Thomas Johnson.
Virginia	Edm. Pendleton.
South Carolina	Thomas Pinckney.
Georgia	Nathaniel Pendleton.
Kentucky	Harry Innes.
Districts.	Attorneys.
Maine	William Lithgow.
New Hampshire	Sam. Sherburne, Jun.
Massachusetts	Christopher Gore.
Connecticut	Pierpont Edwards.
Pennsylvania	William Lewis.
Delaware	George Read, Jun.
Maryland	Richard Potts.
Virginia	John Marshall.
South Carolina	John Julius Pringle.
Georgia	Mat. McAllister.
Kentucky	George Nicholas.
Districts.	Marshals.
Maine	Henry Dearborn.
New Hampshire	John Parker.
Massachusetts	Jonathan Jackson.
Connecticut	Philip Bradley.
Pennsylvania	Clement Biddle.
Delaware	Allan McLean.

SEPTEMBER, 1789.]

Proceedings.

[SENATE.]

Districts.—Continued.

Maryland, - - - Nathaniel Ramsey.
Virginia, - - - Edward Carrington.
South Carolina, - - - Isaac Huger.
Georgia, - - - Robert Forsyth.
Kentucky, - - - Sam. McDowell, Jun.
GEO. WASHINGTON.

FRIDAY, February 25.

The Senate, agreeably to the order of the day, proceeded in the second reading of the bill to establish the seat of Government of the United States.

On motion to strike out these words, "And that, until the necessary buildings shall be erected therein, the seat of Government shall continue at the city of New York,"

And the yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Lee, and Macley—7.
NAYS—Messrs. Bassett, Dalton, Ellsworth, Johnson, Izard, King, Morris, Paterson, Read, Schuyler, and Wingate—11.

So it passed in the negative.

On motion to amend the second section, to read as follows:

"And be it further enacted, That the President of the United States be authorized to appoint three commissioners, who are, under his direction, to locate a district, not exceeding ten miles square, in the said counties, and including therein the said Northern Liberties and town of Germantown, and to purchase such quantity of land within the same as may be necessary, and to accept grants of lands for the use of the United States, and to erect thereon, within four years, suitable buildings for the accommodation of the Congress and of the officers of the United States."

It passed in the affirmative.

On motion to strike out the two last sections, and to substitute the following:

"Provided, That no powers herein vested in the President of the United States, shall be carried into effect until the State of Pennsylvania, or individual citizens of the same, shall give satisfactory security to the Secretary of the Treasury to furnish and pay, as the same may be necessary, one hundred thousand dollars, to be employed in erecting the said buildings."

It passed in the affirmative.

Ordered, That this bill be read the third time to-morrow.

A message from the House of Representatives informed the Senate that the House of Representatives had passed a resolve requesting "the President of the United States to transmit to the Executives of the several States, which have ratified the Constitution, copies of the amendments proposed by Congress to be added thereto; and like copies to the Executives of the States of Rhode Island and North Carolina; and that the House requested the concurrence of the Senate therein. It also informed the Senate, that the House of Representatives had passed a bill making appro-

priations for the service of the present year; to which concurrence was also requested.

Ordered, That the last mentioned bill be now read the first time.

Ordered, That this bill be read the second time to-morrow.

The Senate proceeded to consider the Message from the House of Representatives of the 24th, with amendments to the amendments of the Senate, to "Articles to be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States," and, Resolved, That the Senate do concur in the amendments proposed by the House of Representatives to the amendments of the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives had passed a resolve appointing a joint committee "to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public thanksgiving and prayer to be observed; and, "An act, providing for the payment of the invalid pensioners of the United States;" to all which the concurrence of the Senate was requested.

The Senate proceeded to consider the amendments of the House of Representatives to the bill to regulate processes in the courts of the United States, and

Resolved, That the Senate do concur in all the amendments except the first, in which they do not concur.

The Senate proceeded in the second reading of the bill to alter the time for the next meeting of Congress. It was read the third time.

SATURDAY, September 26.

The following Message was received from the President of the UNITED STATES, by Mr. Jay:

Gentlemen of the Senate:

Having yesterday received a letter written in this month, by the Governor of Rhode Island, at the request, and in behalf, of the General Assembly of that State, addressed to the President, the Senate, and the House of Representatives of the eleven United States of America in Congress assembled, I take the earliest opportunity of laying a copy of it before you.

GEO. WASHINGTON.

September 26, 1789.

Ordered, That the Message, together with the letter therein referred to, lie for consideration.

Resolved, That the order of the 22d instant, directing the President of the Senate and Speaker of the House of Representatives, to adjourn their respective Houses on this day, be rescinded; and, instead thereof, that they be directed to close the present session by adjourning their respective Houses on the 29th instant.

A message from the House of Representatives informed the Senate that the House of Representatives had concurred in the above resolve. The Senate proceeded to the second reading of the bill making appropriations for the service of the present year.

SENATE.]

Proceedings.

[SEPTEMBER, 1789.]

Ordered, That it be committed to Messrs. READ, BUTLER, KING, ELLSWORTH, and MORRIS. A message from the House of Representatives informed the Senate that the House of Representatives do *trust* on their amendment to the bill to regulate processes in the Courts of the United States.

The Senate proceeded to the third reading of the bill to establish the seat of Government of the United States.

On motion to postpone the further consideration thereof, it passed in the negative.

On the question, "Shall this bill pass?" The yeas and nays being required by one-fifth of the Senators present, the determination was as follows:

YEAS.—Messrs. Bassett, Dalton, Ellsworth, Johnson, King, Morris, Paterson, Read, Schuyler, and Wingate—10.

NAYS.—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Izard, and Lee—7.

So it passed in the affirmative.

Ordered, That the Secretary do carry this bill to the House of Representatives, and request their concurrence in the amendments.

The Senate proceeded to consider the amendment insisted on by the House of Representatives to the bill to regulate processes in the Courts of the United States.

Ordered, That a conference be proposed on the subject-matter of disagreement; that Mr. ELLSWORTH, Mr. KING, and Mr. READ, be managers thereof on the part of the Senate; and that the Secretary do carry a message to the House of Representatives accordingly, and request the appointment of managers of the conference on their part.

A message from the House of Representatives informed the Senate that the House had agreed to the proposed conference, and had appointed Messrs. WHITE, BURKE, and JACKSON, managers on their part.

The Senate proceeded to the first reading of the bill providing for the payment of the invalid pensioners of the United States.

Ordered, That this bill be committed to Messrs. READ, BUTLER, KING, ELLSWORTH, and MORRIS.

The Senate proceeded to the second reading of the bill to recognise and adapt to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned.

The Senate proceeded to the third reading of the bill for amending part of an act to regulate the collection of duties imposed by law on the tonnage of ships and vessels, and on goods, wares, and merchandises, imported into the United States.

Ordered, That this bill be committed to Messrs. READ, MORRIS, and DALTON.

The Senate proceeded to the second reading of the bill to explain and amend an act for register-

ing and clearing vessels, regulating the coasting trade, and for other purposes.

Ordered, That this bill be committed to Messrs. READ, MORRIS, and DALTON.

The Senate proceeded to consider the following resolve of the House of Representatives of the 25th instant, to wit:

"*Resolved*, That a joint committee of both Houses be appointed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public thanksgiving and prayer, to be observed, by acknowledging, with grateful hearts, the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness.

"*Ordered*, That Messrs. BOURNOR, SUMNER, and SRIVASTRA, be appointed of the said committee on the part of this House."

Resolved, That the Senate do concur in the last recited resolution, and that Messrs. JOHNSON and IZARD be the committee on the part of the Senate.

Resolved, That Messrs. JOHNSON and IZARD be a committee on the part of the Senate, together with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and acquaint him that Congress have agreed upon a recess on the 29th inst.

The Senate entered on Executive business. All the appointments proposed by the President in his Message of the 24th instant were confirmed.

And the following Message was received from the PRESIDENT:

Gentlemen of the Senate:

I nominate, for the district of New York, James Duane, Judge; William S. Smith, Marshal; Richard Harrison, Attorney.

For the district of New Jersey, David Brainer, Judge; Thomas Lowry, Marshal; Richard Stockton, Attorney.

And I likewise nominate Thomas Jefferson, for Secretary of State; Edmund Randolph, for Attorney General; Samuel Osgood, for Postmaster General.

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And the appointments were immediately confirmed.

MONDAY, September 28.

A message from the House of Representatives informed the Senate that the House had concurred in the appointment of a committee on their part "to wait on the President of the United States and to acquaint him of the intended recess of Congress on the 29th instant;" and that Messrs. VINING, LEE, and GILMAN, were joined.

Mr. READ, on behalf of the committee appointed on the bill to explain and amend an act for registering and clearing of vessels, regulating the coasting trade, and for other purposes, reported the same with an amendment.

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Ordered, That the report of the committee be postponed to take up the bill.

The Senate proceeded in the third reading of the last recited bill, and

Resolved, That this bill do pass with the amendment.

Mr. READ, in behalf of the committee appointed on the bill for amending part of an act to regulate the collection of the duties imposed by law on the tonnage of ships, or vessels, and on goods, wares, and merchandises imported into the United States, reported non-concurrence; whereupon,

Resolved, That this bill do not pass.

Mr. READ, in behalf of the committee on the bill to recognise and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned, reported amendments.

Ordered, That the report be postponed to take up the bill.

Proceeded in the third reading of the bill.

Resolved, That this bill do pass with the amendments reported by the committee.

Mr. READ, in behalf of the committee appointed on the bill providing for the payment of the invalid pensioners of the United States, reported concurrence.

Ordered, That this bill be now read the second time.

Ordered, That the rules be so far dispensed with as that this bill have a third reading at this time.

Resolved, That this bill do pass.

The managers appointed on the part of the Senate to confer on the subject of the disagreement of the two Houses on the first amendment proposed by the House of Representatives to the bill to regulate processes in the Courts of the United States, reported that they could not agree on a report;

And, on motion to adopt the following resolution, to wit: That the Senate do agree to the first amendment proposed by the House of Representatives, with an amendment, by striking out, after the word "issuing," in the third and fourth lines of the first section, the following words: "out of any of the Courts of the United States of America," shall be in the name of the President of the United States of America, and if they issue," and, by inserting after the word "execution," in the second line of the second section, the words "except their style," it passed in the negative.

On motion that the Senate do recede from the first amendment, it passed in the negative.

On motion that the Senate do adhere to the first amendment, a motion was made to postpone this in order to reconsider the first proposition; and it passed in the affirmative.

And on motion to adopt the proposed amendment to the first amendment made by the House of Representatives on the bill, it passed in the affirmative.

A message from the House of Representatives brought up the bill for establishing a permanent seat of Government; and informed the Senate,

that the House had concurred in the amendments thereto, with the following amendment: "And provided that nothing herein contained shall be construed to affect the operation of the laws of Pennsylvania, within the district ceded and accepted, until Congress shall otherwise provide by law."

Mr. READ, on behalf of the committee appointed to consider the bill making appropriations for the services of the present year, reported amendments.

Ordered, That the report of the committee be postponed, and that this bill have its third reading at this time.

Resolved, That this bill do pass, with the amendments reported by the committee.

A message from the House of Representatives informed the Senate that the House of Representatives had agreed to the amendment of the amendment to a bill to regulate processes in the Courts of the United States; also, to the amendments to the bill to explain and amend an act for registering and clearing vessels, regulating the coasting trade, and for other purposes; also, in the amendments proposed to the bill making appropriations for the service of the present year.

The Senate proceeded to the consideration of the amendment proposed by the House of Representatives to the amendment of the Senate to the bill to establish the Seat of Government of the United States.

On motion that the further consideration of this bill be postponed to the next session of Congress, it passed in the affirmative.

TUESDAY, September 29.

The following Communications from the President were received by Mr. Jay:

Gentlemen of the Senate:

His Most Christian Majesty, by a letter dated the 7th of June last, addressed to the President and members of the General Congress of the United States of North America, announces the much lamented death of his son, the Dauphin. The generous conduct of the French monarch and nation towards this country renders every event that may affect his or their prosperity interesting to us; and I shall take care to assure him of the sensibility with which the United States participate in the affliction which a loss so much to be regretted must have occasioned, both to him and to them.

SEPTEMBER 29.

GEO. WASHINGTON.

Gentlemen of the Senate:

Having been yesterday informed by a joint committee of both Houses of Congress that they had agreed to a recess, to commence this day, and to continue until the first Monday of January next, I take the earliest opportunity of acquainting you, that, considering how long and laborious this session has been, and the reasons which, I presume, have produced this resolution, it does not appear to me expedient to recommend any measures to their consideration at present, or now to call your attention, gentlemen, to any of those matters in my department which require your advice and consent, and yet remain to be despatched.

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A message from the House of Representatives informed the Senate that the House had concurred in all the amendments to the bill to recognize and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, except the seventh, to which they had disagreed.

The Senate proceeded to consider the last amendment, disagreed to by the House of Representatives, on the bill to recognize and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned; and, *Resolved*, To insist on the said seventh amendment.

Ordered, That the Secretary do acquaint the House of Representatives herewith.

The Senate proceeded to the third reading of the bill to allow the Baron de Glaubeck the pay of a captain in the army of the United States.

Resolved, That this bill do pass.

A message from the House of Representatives informed the Senate that the House of Representatives had passed the following resolve, to which the concurrence of the Senate was requested: "*Ordered*, That it shall be the duty of the Secretary of the Senate and Clerk of the House, at the end of each session, to send a printed copy of the journals thereof, respectively, to the supreme Executives and to each branch of the Legislature of every State;" it also informed the Senate that the House of Representatives had receded from their disagreement to the seventh amendment of the Senate to a bill to recognize and adapt to the

Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, and for other purposes therein mentioned; and that the House had passed the bill to allow the Baron de Glaubeck the pay of a captain in the army of the United States.

The Senate proceeded to consider the last recited order of the House of Representatives.

Resolved, That the Senate do concur therein. A message from the House of Representatives informed the Senate that the House of Representatives had finished the business of the session, and were ready to adjourn, agreeably to the order of the two Houses of Congress.

The Senate entered on Executive business.

They confirmed the appointment of William Carmichael, as *Chargé des Affaires* from the United States of America to the Court of Spain; and, also, a number of officers of the army; which nominations differ from the existing arrangement only in the following cases, to wit:

Lieutenant Erikuries Beatty promoted to a vacant captaincy in the infantry; Ensign Edward Spear promoted to a vacant lieutenantancy of artillery; Jacob Meleher, who has been serving as a volunteer, to be an ensign, vice Benjamin Lawrence, who was appointed nearly three years past, and has never been mustered or joined the troops; which were all confirmed.

The business of the session being brought to a close, the Vice President, agreeably to the resolve of the two Houses on the 28th instant, adjourned the Senate to the first Monday in January next, then to meet at the City Hall, in the city of New York.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE FIRST CONGRESS, BEGUN AT THE CITY OF NEW YORK, MARCH 4, 1789.

WEDNESDAY, March 4, 1789.

This being the day fixed for the meeting of the new Congress, the following members of the House of Representatives appeared and took their seats, viz:

From Massachusetts—GEORGE THATCHER, FISHER AMES, GEORGE LEONARD, and ELBRIDGE GERRY.

From Connecticut—BENJAMIN HUNTINGTON, JONATHAN TRUMBULL, and JEREMIAH WADSWORTH.

From Pennsylvania—FREDERICK AUGUSTUS MUHLBERG, THOMAS HARTLEY, PETER MUHLBERG, and DANIEL HEISTER.

From Virginia—ALEXANDER WHITE.

From South Carolina—THO'S. TUDOR TUCKER.

A quorum of the members not being present, the House adjourned until to-morrow, at eleven o'clock.

MONDAY, March 23.

The following members appeared, to wit: From New Jersey, ELIAS BOUDINOT; and from Maryland, WILLIAM SMITH.

No additional member appeared on the 24th.

WEDNESDAY, March 25.

JONATHAN PARKER, from Virginia, appeared and took his seat.

No additional member arrived until the 30th instant.

MONDAY, March 30.

GEORGE GALE, from Maryland, and THEODO- RICK BLAND, from Virginia, appeared and took their seats.

No additional member on the 31st instant.

WEDNESDAY, April 1.

Two other members appeared, to wit: JAMES SCHUREMAN, from New Jersey, and THOMAS SCOTT, from Pennsylvania, who forming a quorum of the whole body, it was, on motion, *Resolved*, That this House will proceed to the choice of a Speaker by ballot.

The House accordingly proceeded to ballot for a Speaker, when it was found that a majority of the votes were in favor of FREDERICK AUGUSTUS MUHLBERG, one of the Representatives from Pennsylvania. Whereupon, Mr. MUHLBERG was conducted to the Chair, from whence he made his acknowledgments to the House for so distinguished an honor.

The House then proceeded in the same manner to the appointment of a Clerk, when it was found that Mr. JOHN BECKLEY was elected.

On motion, *Ordered*, That the members do severally deliver in their credentials at the Clerk's table.

THURSDAY, April 2.

LAMBERT CADWALADER, from New Jersey, appeared and took his seat.

On motion, *Ordered*, That a committee be appointed to

THURSDAY, March 5.

Several other members attended, viz: from New Hampshire, NICHOLAS GILMAN; from Massachusetts, BENJAMIN GOODHUE; from Connecticut, ROGER SHERMAN and JONATHAN STURGIS; and from Pennsylvania, HENRY WYNKOOP; and no other members arriving, a quorum not being present, the House adjourned, from day to day, until the 14th instant.

SATURDAY, March 14.

The following members took their seats, to wit: JAMES MADISON, Junior, JOHN PAGE, and RICHARD BLAND LEE, from Virginia.

A quorum not being yet present, the House adjourned, from day to day, until the 17th instant.

TUESDAY, March 17.

SAMUEL GRIFFIN, from Virginia, took his seat.

WEDNESDAY, March 18.

ANDREW MOORE, from Virginia, took his seat.

No other member appearing, the House adjourned, from day to day, until the 23d instant.

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prepare and report such standing rules and orders of proceedings as may be proper to be observed in this House. And the following members were named on said committee, to wit: Messrs. GILMAN, GERRY, WADSWORTH, BOUNDINOT, HARTMAN, LEVY, SMITH, LEE, TUCKER, MADISON, SHERMAN, and GOODHUE.

Resolved, That a Doorkeeper and Assistant Doorkeeper be appointed for the service of this House.

On motion,
Ordered, That it be an instruction to the committee appointed to prepare and report such Standing Rules and Orders of proceedings as may be proper to be observed in this House, that they also report the duty and services of a Sergeant-at-arms, or other proper officer for enforcing the orders of the House.

FRIDAY, April 3.
GEORGE CLYMER, from Pennsylvania, appeared and took his seat.

SATURDAY, April 4.
GEORGE PARTRIDGE, from Massachusetts, appeared and took his seat.

MONDAY, April 6.
DANIEL CARROLL, from Maryland, appeared and took his seat.

Ordered, That leave be given to bring in a bill to regulate the taking the oath of affirmation prescribed by the sixth article of the Constitution; and that Messrs. WHITE, MADISON, TRUMBULL, GILMAN, and CADWALLADER, do prepare and bring in the same.

On motion,
Resolved, That the form of the oath to be taken by the members of this House, as required by the third clause of the sixth article of the Constitution of the Government of the United States, be as followeth, to wit: "I, A. B., a representative of the United States in the Congress thereof, do solemnly swear (or affirm, as the case may be) in the presence of Almighty God, that I will support the Constitution of the United States. So help me God."

A message from the Senate, by Mr. ELLSWORTH:
Mr. Speaker: I am charged by the Senate to inform this House, that a quorum of the Senate is now formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the Electors of the several States, in a choice of a President and Vice President of the United States; and that the Senate is now ready in the Senate Chamber to proceed, in presence of this House, to discharge that duty. I have it also in further charge to inform this House that the Senate has appointed one of its members to sit at the Clerk's table to make a list of the votes as they shall be declared, submitting it to the wisdom of this House to appoint one or more of its members for the like purpose.

On motion,
Resolved, That Mr. Speaker, attended by the House, do now withdraw to the Senate Chamber, for the purpose expressed in the message from the Senate.

pose expressed in the message from the Senate; and that Mr. PARKER and Mr. HARTER be appointed, on the part of this House, to sit at the Clerk's table with the member of the Senate, and make a list of the votes as the same shall be declared.

Mr. SPEAKER accordingly left the Chair, and, attended by the House, withdrew to the Senate Chamber, and after some time returned to the House.

Mr. SPEAKER resumed the Chair.
Mr. PARKER and Mr. HARTER then delivered in at the Clerk's table a list of the votes of the Electors of the several States in the choice of a President and Vice President of the UNITED STATES, as the same were declared by the President of the Senate, in the presence of the Senate and of this House, which was ordered to be entered on the Journal.

On motion,
Ordered, That a message be sent to the Senate to inform them that it is the desire of this House that the notifications of the election of the President and Vice President of the United States should be made by such persons, and in such manner, as the Senate shall be pleased to direct; and that Mr. MADISON do communicate the said message.

TUESDAY, April 7.

The SPEAKER laid before the House a letter from the Mayor of the city of New York, covering certain resolutions of the Mayor, Aldermen, and Commonalty of the said city, appropriating the City Hall for the accommodation of the General Government of the United States; which were read, and ordered to lie on the table.

Mr. BOUNDINOT, from the committee appointed to prepare such Rules and Orders of proceedings as may be proper to be observed in this House, made the following report:

"The committee to whom it was referred to prepare such Standing Rules and Orders of proceedings as may be proper to be observed in this House, have, according to order, prepared the same, and agreed to the following report:
Resolved, That it is the opinion of this committee that the rules and orders following are proper to be established as the Standing Rules and Orders of this House, to wit:

I.—*Touching the duty of the Speaker.*
He shall take the chair every day at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members.

He shall rise to put a question, but may state it sitting.
Questions shall be distinctly put in this form, viz: "As many as are of opinion that—(as the question

* For this list see the Senate Journal.

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may be) say Aye: And, after the affirmative voice is expressed—"As many as are of a contrary opinion, say No."

If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative going to the right, and those in the negative to the left of the chair. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the numbers in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House.

The Speaker shall appoint committees, unless it be determined by the House that the committee shall consist of more than three members, in which case the appointment shall be by ballot of the House.

In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal, and in case of such equal division, the question shall be lost.

II. Of Decorum and Debate.

When the House adjourns, the members shall keep their seats until the Speaker go forth; and then the members shall follow.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to Mr. Speaker.

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member called to order shall immediately sit down, unless permitted to explain, and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice to the same question, without leave of the House; not more than once, until every member choosing to speak shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out or across the House; nor either in such case, or when a member is speaking, shall entertain private discourse, or read any printed book or paper; nor whilst a member is speaking, shall pass between him and the chair.

No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

Every member who shall be in the House when a question is put, shall vote on one side or the other, unless the House, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker; or being in writing, it shall be handed to the Chair, and read aloud by the Clerk before debated.

Every motion shall be reduced to writing, if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the

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House, but may be withdrawn at any time before a decision or amendment.
When a question is under debate, no motion shall be received, unless to amend it, to commit it for the previous question, or to adjourn.

A motion to adjourn shall always be in order, and shall be decided without debate.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by five members; and until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question no member shall speak more than once without leave.

Any member may call for the division of a question, where the sense will admit of it.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted, under color of amendment, as a substitute for the motion or proposition under debate.

Committees consisting of more than three members shall be ballotted for by the House; if upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and where there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases where others than members of the House may be eligible, there shall be a previous nomination.

If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken twice on the day preceding shall be permitted to speak again without leave.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that on which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials, and other papers addressed to the House, shall be presented through the Speaker, or by a member in his place, and shall not be debated or decided on the day of their first being read, unless where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members (including the Speaker, if there be one,) shall be authorized to compel the attendance of absent members.

Upon calls of the House, or in taking the ayes and noes on any question, the names of the members shall be called alphabetically.

III. Of Bills.

Every bill shall be introduced by motion for leave, or by an order of the House on the report of a committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion

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to bring in a bill; and every such motion may be committed.

Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment, and, if committed, then a question shall be, whether to a Select Committee, or to a Committee of the whole House; if to a Committee of the whole House, the House shall determine on what day. But if the bill be ordered to be engrossed, the House shall appoint a day when it shall be read the third time. After commitment, and a report thereof to the House, a bill may be re-committed, or at any time before its passage.

All bills ordered to be engrossed shall be executed in a fair round hand.

The enacting style of bills shall be, "Be it enacted by the Senators and Representatives of the United States in Congress assembled."

When a bill shall pass, it shall be certified by the Clerk, noting the day of its passing at the foot thereof. No bill amended by the Senate shall be committed.

IV.—Of Committees of the whole House.

It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the whole House on the state of the Union. In forming a Committee of the whole House, the Speaker shall leave his chair, and a Chairman to preside in committee shall be appointed.

Upon bills committed to a Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk, on a separate paper, and so resubmitted to the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

All amendments made to a report committed to a Committee of the whole, shall be noted and reported as in the case of bills.

All questions, whether in committee or in the House, shall be propounded in the order they were moved, except that, in filling up blanks, the largest sum and longest day shall be first put.

The rules of proceeding in the House shall be observed in committee, so far as they may be applicable, except that limiting the times of speaking.

On motion,

Ordered, That the Chief Justice of the State of New York be requested to attend this House, at the hour of its meeting to-morrow, for the purpose of administering to the Speaker, and other members of the House, the oath re-

quired by the Constitution, in the form agreed to yesterday.

And then the House adjourned.

WEDNESDAY, April 8.

Two other members, to wit: JOHN LAWRENCE, from New York, and THOMAS FITZSIMONS, from Pennsylvania, appeared and took their seats.

The Chief Justice of the State of New York attended, agreeably to the order of yesterday, and administered the oath required by the Constitution, in the form agreed to on Monday last, first to Mr. SPEAKER in his place, and then to the other members of the House present, to wit: Fisher Ames, Elias Boudinot, Theodore Bland, Lambert Cadwalader, George Clymer, Daniel Carroll, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Elbridge Gerry, George Gale, Samuel Griffin, Benjamin Huntington, Thomas Leonard, Richard Bland Lee, John Lawrence, Peter Muhlenberg, James Madison, Junr., Andrew Moore, George Partridge, John Page, Josiah Parker, Jonathan Sturges, Roger Sherman, James Schureman, William Smith, Thomas Scott, Geo. Thatcher, Thomas Tudor Tucker, Henry Wynkoop, and Alexander White.

DUTIES ON IMPORTS.

On motion, the House resolved itself into a Committee of the whole on the state of the Union, Mr. PAGE in the Chair.

Mr. MADISON.—I take the liberty, Mr. Chairman, at this early stage of the business, to introduce to the committee a subject, which appears to me to be of the greatest magnitude; a subject, sir, that requires our first attention, and our united exertions.

No gentleman here can be unacquainted with the numerous claims upon our revenue; nor with the impotency which prevented the late Congress of the United States from carrying into effect the dictates of gratitude and policy.

The Union, by the establishment of a more effective Government, having recovered from the state of imbecility that heretofore prevented a performance of its duty, ought, in its first act, to revive those principles of honor and honesty that have too long lain dormant.

The deficiency in our Treasury has been too notorious to make it necessary for me to advert upon that subject. Let us content ourselves with endeavoring to remedy the evil. To do this a national revenue must be obtained; but the system must be such a one, that while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us that such a system is within our power; for I apprehend that both these objects may be obtained from an impost on articles imported into the United States.

In pursuing this measure, I know that two points occur for our consideration. The first respects the general regulation of commerce; which, in my opinion, ought to be as free as the policy of nations will admit. The second relates

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to revenue alone; and this is the point I mean more particularly to bring into the view of the committee.

Not being at present possessed of sufficient materials for fully elucidating these points, and our situation admitting of no delay, I shall propose such articles of regulation only as are likely to occasion the least difficulty.

The propositions made on this subject by Congress in 1783, having received, generally, the approbation of the several States of the Union, in some form or other, seem well calculated to become the basis of the temporary system, which I wish the committee to adopt. I am well aware that the changes which have taken place in many of the States, and in our public circumstances, since that period, will require, in some degree, a deviation from the scale of duties then affixed; nevertheless, for the sake of that expedition which is necessary, in order to embrace the Spring importations, I should recommend a general adherence to the plan.

This, sir, with the addition of a clause or two on the subject of tonnage, I will now read, and with leave, submit it to the committee, hoping it may meet their approbation, as an expedient remedy eligible by the urgent occasion there is for the speedy supplies of the federal treasury, and a speedy rescue of our trade from its present anarchy.

Resolved, As the opinion of this committee, that the following duties ought to be levied on goods, wares, and merchandise, imported into the United States, viz:

On rum, per gallon, — of a dollar; on all other spirituous liquors, — on molasses, — on Madeira wine, — on all other wines, — on common bobea tea per lb., — on all other teas, — on pepper, — on brown sugars, — on loaf sugars, — on all other sugars, — on cocoa and coffee, — on all other articles, — per cent. on their value at the time and place of importation.

That there ought, moreover, to be levied on all vessels in which goods, wares, or merchandise shall be imported, the duties following, viz: On all vessels built within the United States, and belonging wholly to citizens thereof, at the rate of — per ton.

On all vessels belonging wholly to the subjects of Powers with whom the United States have formed treaties, or partly to the subjects of such Powers, and partly to citizens of the said States, at the rate of — On all vessels belonging wholly or in part to the subjects of other Powers, at the rate of —

Mr. BOUNDINOT.—The necessity of adopting some measure, like the one proposed by the honorable gentleman from Virginia, is too apparent to need any argument in its support. The plan which he has submitted to the committee, appears to be simple and sufficiently complete for the present purpose; I shall, therefore, for my own part, be content with it, and shall move you, sir, that the blanks be filled up in the manner they were recommended to be charged by Congress in 1783. My reason for this is, that those sums have been approved by the Legislatures of every State represented on this floor, and of consequence must have been agreeable to the sense

of our constituents at that time; and, I believe, nothing since has intervened to give us reason to believe they have made an alteration in their sentiments.

Mr. WHITE.—I wish filling up the blanks may be deferred until the business is more matured; nor will this be attended with a loss of time, because the forms necessary to complete a bill will require so much as to give gentlemen leisure to consider the proper quantum of impost to be laid, as well as the enumerated articles as on the common mass of merchandise rated ad valorem; for, as was hinted by my colleague, something may have occurred to render an alteration in the sums recommended in 1783 in some degree necessary; and if so, time will be given to consider the subject with more attention in the progress of the bill, and no unnecessary delay can arise; wherefore, I move you, sir, that the committee now rise, report progress, and ask leave to sit again.

Mr. MADISON.—I do not consider it at this moment necessary to fill up the blanks, nor had I it in contemplation at the time I offered the proposition. I supposed that most of the gentlemen would wish time to think upon the principles generally, and upon the articles particularly; while others, who, from their situation and advantages in life, are more conversant on this subject, may be induced to turn their particular attention to a subject they are well able to do justice to, and to assist the committee with their knowledge and information; unless such gentlemen are now prepared and disposed to proceed in filling up the blanks, I shall second the motion for the committee's rising.

Mr. PARKER.—As it is impossible that gentlemen should be prepared to go into the immediate discussion of my worthy colleague's motion for raising an impost, I shall heartily concur in the motion for the committee's rising.

The question on rising being put, was agreed to; when

Mr. SPEAKER resumed the Chair, and Mr. PAGE reported progress.

Adjourned until to-morrow.

THURSDAY, April 9.

EGBERT BENSON, from New York, and ISAAC COLES, from Virginia, appeared and took their seats.

Mr. BOUNDINOT, from the committee appointed to prepare rules for the government of the House, made a further report; which, being read, was ordered to lie on the table.

Mr. LEONARD and Mr. WYNKOOP asked and obtained leave of absence.

The SPEAKER laid before the House a letter from OLIVER ELLSWORTH, Esq., a member of the Senate, stating the appointment of a committee of that House to confer with a committee to be appointed on the part of this House, in preparing a system of rules to govern the two Houses in cases of conference, and to regulate the appointment of Chaplains.

Whereupon, Messrs. BOUNDINOT, SHERMAN,

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TUCKER, MADISON, and BLAND, were elected by ballot for that purpose.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PACES in the Chair.

Mr. LAWRENCE.—The subject of the proposition laid before the committee by the honorable gentleman from Virginia, (Mr. MADISON,) will now, I presume, Mr. Chairman, recur for our deliberation. I imagine it to be of considerable importance, not only to the United States, but to every individual of the Union. The object of the revenue alone would place it in this situation, and in this light I mean now to consider it. If I am not mistaken, the honorable mover of the plan viewed it as a temporary system, particularly calculated to embrace the Spring importations; therefore, in order to discover whether the mode laid before you is well calculated to answer this end, it will be proper to consider its operation. The plan consists of certain distinct propositions; one part is intended to lay a specific sum on enumerated articles, the other a certain per cent. ad valorem: perhaps simplifying the system may be productive of happy consequences, and it strikes me that confusion and perplexity will be best avoided by such a measure; hence, it may be proper to lay a duty at a certain rate per cent. on the value of all articles, without attempting an enumeration of any; because, if we attempt to specify every article, it will expose us to a question which must require more time than can be spared, to obtain the object that appears to be in the view of the committee. A question, I say, sir, will arise, whether the enumeration embraces every article that will bear a duty, and whether the duty to be affixed is the proper sum the article is able to bear. On this head, sir, I believe that the committee have not materials sufficient to form even the basis of the system, beside being wholly incompetent to determine the rate most advantageous to the article of revenue, and most agreeable to the interest and convenience of our constituents. Knowledge on these points can only be obtained by experience; but hitherto we have had none, at least of a general nature. The partial regulations made by the States, throw but little light on the subject, and its magnitude ought to induce us to use the greatest degree of caution.

A system of the nature which I hinted at, will, in my opinion, be not only less complex and difficult in its formation, but likewise easier and more certain in its operation; because the more simple a plan of revenue is, the easier it becomes understood and executed: and it is, sir, an earnest wish of mine, that all our acts should partake of this nature. Moreover, by adopting the plan I have mentioned, you will embrace the Spring importations and give time for digesting and maturing one upon more perfect principles; and, as the proposed system is intended to be but a temporary one, that I esteem to be best which requires the least time to form it.

With great deference I have submitted these sentiments to the committee, as what occurred to me to be the better plan of the two; though, I must own, it is a subject on which I am not so fully informed as I wish to be, and therefore hope the indulgence of the committee in considering it.

Mr. FITZSIMONS.—I observe, Mr. Chairman, by what the gentlemen have said, that the proposed plan of revenue is viewed by them as a temporary system, to be continued only until proper materials are brought forward and arranged in more perfect form. I confess, sir, that I carry my views on this subject much further; that I earnestly wish such a one which, in its operation, will be some way adequate to our present situation, as it respects our agriculture, our manufactures, and our commerce.

An honorable gentleman (Mr. LAWRENCE) has expressed an opinion that an enumeration of articles will operate to confuse the business. So far am I from seeing it in this point of view, that, on the contrary, I conceive it will tend to facilitate it. Does not every gentleman discover that, when a particular article is offered to the consideration of the committee, he will be better able to give his opinion upon it than on an aggregate impost laid on such article by individual States is more or less known to every member in the committee. It is also well known that the amount of such revenue is more accurately calculated and better to be relied on, because of the certainty of collection, less being left to the officers employed in bringing it forward to the public treasury. It being my opinion that an enumeration of articles will tend to clear away difficulties, I wish as many to be selected as possible; for this reason I have prepared myself with an additional number, which I wish subjoined to those already mentioned in the motion on your table; among these are some calculated to encourage the productions of our country, and protect our infant manufactures; besides others tending to operate as sumptuary restriction upon articles which are often termed those of luxury. The amendment I mean to offer is in these words: I shall read it in my place, and, if I am seconded, hand it to you for the consideration of the committee:

Resolved, As the opinion of this committee, that the following duties ought to be laid on goods, wares, and merchandise, imported into the United States, to wit:

[The articles enumerated for duty were beer, ale, and porter; beef, pork, butter, candles, cheese, soap, cider, boots, steel, tables, cordage, twine or pack thread, malt, nails, spikes, tacks, or brads; salt, tobacco, snuff, blank books, writing, printing, and wrapping paper; pasteboard, cabinet ware; buttons, saddles, gloves, hats, millinery, castings of iron, slit, or rolled iron; leather, shoes, slippers, and gold shoes; coach, chariot, and other four wheel carriages; chaise, sloop, or other two wheel carriages; nutmegs, cinnamon, cloves, raisins, figs, currants, almonds.]

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This motion was seconded by Mr. SCHUREMAN. Mr. WARREN.—I shall not pretend to say that there ought not to be specific duties laid upon every one of the articles enumerated in the amendment just offered; but, I am inclined to think, that entering so minutely into the detail, will consume too much of our time, and thereby lose us a greater sum than the additional impost on the last mentioned articles will bring in; because there may be doubts whether many of them are capable of bearing an increased duty; but this, sir, is not the case with those mentioned in the motion of my colleague: for I believe it will be readily admitted on all sides, that such articles as rum, wines, and sugar, have the capacity of bearing an additional duty besides a per cent. ad valorem. His system appears to be simple, and its principles, I conceive, are such as gentlemen are agreed upon, consequently a bill founded thereupon would pass this House in a few days; the operation of the law would commence early, and the treasury be furnished with money to answer the demands upon it. This law would continue until mature deliberation, ample discussion, and full information, enabled us to complete a perfect system of revenue: for, in order to charge specified articles of manufacture, so as to encourage our domestic ones, it will be necessary to examine the present state of each throughout the Union. This will certainly be a work of labor and time, and will perhaps require more of each than the committee have now in their power. Let us, therefore, act upon the principles which are admitted, and take in the most material and productive articles, leaving to a period of more leisure and information a plan to embrace the whole.

Mr. TUCKER.—In common with the other gentlemen on this floor, I consider the subject which engages our present deliberations as of very great importance as it relates to our agriculture, manufactures, and commerce; I also consider it of consequence that we should give full satisfaction to our constituents by our decision, be that whatever it may; and I think this most likely to be effected by establishing a permanent regulation, although, in the interim, a temporary system may be expedient. I wish, also, in the outset of this business, to attend to the interests of every part of the Union; this, I take it, can only be done by collecting the opinion of the members from the several States. At present, I look upon it as impracticable, because the representation from the States is not upon an equal footing; we ought to have a much fuller House than we have before we enter on the subject in its fullest extent. By looking around me, I perceive there is no representative, except myself, southward of Virginia; and whatever my opinion may be with respect to the propositions before you, I must own that I wish to be acquainted with that of my colleagues; besides, I acknowledge myself incompetent to decide at this time on a subject of such magnitude; but, even if I had more competency, I should hesitate, without I could consult with the members whose interests are inseparable from that part of the Union which I have the honor to represent.

I was in hopes, sir, that every thing which the committee had in contemplation would be secured by possessing a general impost, whilst a fuller consideration of the subject might be deferred to a future day, when the committee would have more leisure and information to enable them to determine and digest a plan capable of giving more general satisfaction.

I have no objection, sir, to go so far into the matter as to pass a law to collect an impost ad valorem, whilst it is understood to be but a temporary system; and likewise to lay a duty on such enumerated articles of importation as have been heretofore considered as proper ones by the Congress of 1783. So far, sir, the matter may be plain to us, and we run no hazard of doing any thing which may give dissatisfaction to any State in the Union. The duties proposed by the Congress of 1783 were, I believe, five per cent. on the value of all goods imported, and an additional duty on a few enumerated articles. This recommendation of Congress has been so universally received by the several States, that I think we run no risk of giving umbrage to any by adopting the plan; but the other articles, which have just been offered, are, I apprehend, to many of us so novel, and, at the same time, so important, as to make it hard to determine the propriety of taxing them in a few hours, or even in a few days.

I wish, with the honorable gentleman from New York, that the system we now adopt be considered as a temporary one, securing a duty only upon such articles of importation as are generally agreed to be proper; and, on this account, I wish the article of tonnage, mentioned in the first list of propositions, to be postponed; because, with respect to it, the different States are not upon an equal footing. It appears evidently to bear harder upon some States than upon others. In some they wish a high duty upon tonnage, even so high as to preclude the admission of foreign vessels altogether, having sufficient to carry on their whole trade within themselves. Others again wish more moderate duties, inasmuch as it may be convenient to employ foreign shipping in their commerce; whilst some others wish only such duty to be laid as to answer the sole purpose of revenue, being constrained, for want of vessels of their own, to employ foreigners in the transportation of their productions, which productions must eventually pay every charge of this nature.

I do not, sir, at this time, wish to enter into the merits of this subject; but just to state what I conceive to be the views and interests of the several States, in order that gentlemen may judge how far it would be prudent at this time to take a decisive step in matters so replete with difficulty as we see this to be, in reconciling the various and adverse interests of the Union, especially when it is considered that the vote of the committee, if carried into execution, will not place the eastern and southern States upon an equal footing.

In order to preserve the peace and tranquillity of the Union, it will become necessary that mutual deference and accommodation should take

place on subjects so important as the one I have first touched upon. And, in order that this may take place, it is proper that gentlemen deliver their sentiments with freedom and candor. I have done this in a manner which I conceived it my duty to do, and shall just repeat that I wish to confine the question to that part of the motion made by the honorable gentleman from Virginia, (Mr. Madison,) which respects laying a general impost on the value of all goods imported, and the small enumeration which precedes it: if it is in contemplation to do otherwise, I shall be under the necessity of moving for a division of the question. If I should lose this, and a high tonnage duty be insisted on, I shall be obliged to vote against the measure altogether; when, if the business is conducted on principles of moderation, I shall give my vote for it to a certain degree.

Where different interests prevail, it is to be supposed adverse sentiments will arise, and the gentlemen from those States which are interested in having a high tonnage duty laid on foreign shipping will naturally be more favorably inclined to a corresponding measure, than those from other States whose interest it would be to have little or no duty at all. Hence, all that can be expected, is such a degree of accommodation as to insure the greatest degree of general good, with the least possible evil to the individuals of the political community.

Mr. HARTLEY.—The business before the House is certainly of very great importance, and worthy of strict attention. I have observed, sir, from the conversation of some of the members, that it is in the contemplation of some to enter on this business in a limited and partial manner, as it relates to revenue alone; but, for my own part, I wish to do it on as broad a bottom as is at this time practicable. The observations of the honorable gentleman from South Carolina, (Mr. Tucker,) may have weight in some future stage of the business, for the article of tonnage will not probably be determined for several days, before which time his colleagues may arrive and be consulted in the manner he wishes; but surely no argument, derived from that principle, can operate to discourage the committee from taking such measures as will tend to protect and promote our domestic manufactures.

If we consult the history of the ancient world, we shall see that they have thought proper, for a long time past, to give great encouragement to the establishment of manufactures, by laying such partial duties on the importation of foreign goods, as to give the home manufacturer a considerable advantage in the price when brought to market. It is also well known to this committee, that there are many articles that will bear a higher duty than others, which are to remain in the common mass, and be taxed with a certain impost ad valorem. From this view of the subject, I think it both politic and just that the fastening hand of the General Government should extend to all those manufactures which will tend to national utility. I am therefore sorry that gentlemen seem to fix their minds to so early a period as 1783; for we very well know our circumstances are much

changed since that time: we had then but few manufactures among us, and the vast quantities of goods that flowed in upon us from Europe, at the conclusion of the war, rendered those few almost useless; since then we have been forced by necessity, and various other causes, to increase our domestic manufactures to such a degree as to be able to furnish some in sufficient quantity to answer the consumption of the whole Union, while others are daily growing into importance. Our stock of materials is, in many instances, equal to the greatest demand, and our artisans sufficient to work them up even for exportation. In these cases, I take it to be the policy of every enlightened nation to give their manufactures that degree of encouragement necessary to perfect them, without oppressing the other parts of the community; and, under this encouragement, the industry of the manufacturer will be employed to add to the wealth of the nation.

Many of the articles in the list proposed by my worthy colleague will have this tendency, and therefore I wish them to be received and considered by the committee; if sufficient information cannot be obtained, as to the circumstances of any particular manufacture, so as to enable the committee to determine a proper degree of encouragement, it may be relinquished; but at present it will, perhaps, be most advisable to receive the whole.

Mr. MADISON.—From what has been suggested by the gentlemen who have spoken on the subject before us, I am led to apprehend we shall be under the necessity of travelling further into an investigation of principles than what I supposed would be necessary, or had in contemplation when I offered the propositions before you.

It was my view to restrain the first essay on this subject principally to the object of revenue, and make this rather a temporary expedient than anything permanent. I see, however, that there are strong exceptions against deciding immediately on a part of the plan, which I had the honor to bring forward, as well as against an application to the resources mentioned in the list of articles just proposed by the gentleman from Pennsylvania.

I presume, that, however much we may be disposed to promote domestic manufactures, we ought to pay some regard to the present policy of obtaining revenue. It may be remarked, also, that by fixing on a temporary expedient for this purpose, we may gain more than we shall lose by suspending the consideration of the other subject until we obtain fuller information of the state of our manufactures. We have at this time the strongest motives for turning our attention to the point I have mentioned; every gentleman sees that the prospect of our harvest from the Spring importations is daily vanishing; and if the committee delay levying and collecting an impost until a system of protecting duties shall be perfected, there will be no importations of any consequence on which the law is to operate, because, by that time, all the Spring vessels will have arrived. Therefore, from a pursuit of this policy,

we shall suffer a loss equal to the surplus which might be expected from a system of higher duties.

I am sensible that there is great weight in the observation that fell from the honorable gentleman from South Carolina, (Mr. Tucker,) that it will be necessary, on the one hand, to weigh and regard the sentiments of the gentlemen from the different parts of the United States; but, on the other hand, we must limit our consideration on this head, and, notwithstanding all the deference and respect we pay to those sentiments, we must consider the general interest of the Union; for this is as much every gentleman's duty to consider as is the local or State interest—and any system of impost that this committee may adopt must be founded on the principles of mutual concession.

Gentlemen will be pleased to recollect, that those parts of the Union which contribute more under one system than the other, are also those parts more thinly planted, and consequently stand most in need of national protection; therefore they will have less reason to complain of unequal burdens.

There is another consideration: the States that are most advanced in population, and ripe for manufactures, ought to have their particular interests attended to in some degree. While these States retained the power of making regulations of trade, they had the power to protect and cherish such institutions; by adopting the present Constitution, they have thrown the exercise of this power into other hands; they must have done this with an expectation that those interests would not be neglected here.

I am afraid, sir, on the one hand, that if we go fully into a discussion of the subject, we shall consume more time than prudence would dictate to spare; on the other hand, if we do not develop it, and see the principles on which we mutually act, we shall subject ourselves to great difficulties. I beg leave, therefore, to state the grounds on which my opinion, with respect to the matter under consideration, is founded, namely, whether our present system should be a temporary or a permanent one? In the first place, I own myself the friend to a very free system of commerce, and hold it as a truth, that commercial shackles are generally unjust, oppressive, and impolitic; it is also a truth, that if industry and labor are left to take their own course, they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened Legislature could point out. Nor do I think that the national interest is more promoted by such restrictions than that the interest of individuals would be promoted by legislative interference directing the particular application of its industry. For example, we should find no advantage in saying, that every man should be obliged to furnish himself, by his own labor, with those accommodations which depend on the mechanic arts, instead of employing his neighbor, who could do it for him on better terms. It would be of no advantage to the shoemaker to make his own

clothes to save the expense of the tailor's bill, nor of the tailor to make his own shoes to save the expense of procuring them from the shoemaker. It would be better policy to suffer each of them to employ his talents in his own way. The case is the same between the exercise of the arts and agriculture—between the city and the country—and between city and town; each capable of making particular articles in abundance to supply the other: thus all are benefited by exchange, and the less this exchange is cramped by Government, the greater are the proportions of benefit to each. The same argument holds good between nation and nation, and between parts of the same nation.

In my opinion it would be proper also for gentlemen to consider the means of encouraging the great staple of America, I mean agriculture; which I think may justly be styled the staple of the United States, from the spontaneous productions which nature furnishes, and the manifest advantage it has over every other object of emolument in this country. If we compare the cheapness of our land with that of other nations, we see so decided an advantage in that cheapness, as to have full confidence of being unrivalled. With respect to the object of manufactures, other countries may and do rival us; but we may be said to have a monopoly in agriculture; the possession of the soil, and the lowness of its price, give us as much a monopoly in this case as any nation or other parts of the world have in the monopoly of any article whatever; but with this advantage to us, that it cannot be shared or injured by rivalry.

If my general principle is a good one, that commerce ought to be free, and labor and industry left at large to find its proper object, the only thing which remains will be to discover the exceptions that do not come within the rule I have laid down. I agree with the gentleman from Pennsylvania, that there are exceptions important in themselves, and which claim the particular attention of the committee. Although the freedom of commerce would be advantageous to the world, yet, in some particulars, one nation might suffer to benefit others, and this ought to be for the general good of society.

If America was to leave her ports perfectly free, and make no discrimination between vessels owned by her citizens and those owned by foreigners, while other nations make this discrimination, it is obvious that such policy would go to exclude American shipping altogether from foreign ports, and she would be materially affected in one of her most important interests. To this we may add another consideration, that by encouraging the means of transporting our productions with facility, we encourage the raising them; and this object, I apprehend, is likely to be kept in view by the General Government.

Duties laid on imported articles may have an effect which comes within the idea of national prudence. It may happen that materials for manufactures may grow up without any encouragement for this purpose; it has been the

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case in some of the States, but in others regulations have been provided, and have succeeded in producing some establishments, which ought not to be allowed to perish, from the alteration which has taken place: it would be cruel to neglect them and divert their industry to other channels; for it is not possible for the hand of man to shift from one employment to another without being injured by the change. There may be some manufactures, which, being once formed, can advance towards perfection without any adventitious aid, while others, for want of the fostering hand of Government, will be unable to go on at all. Legislative attention will therefore be necessary to collect the proper objects for this purpose, and this will form another exception to my general principle.

I observe that a sumptuary prohibition is within the view of some of the proposed articles, and forms another exception. I acknowledge that I do not, in general, think any great national advantage arises from restrictions passed on this head, because, as long as a distinction in point of value subsists, sumptuary duties, in some form or other, will prevail and take effect.

Another exception is embargoes in time of war. These may necessarily occur and shackle the freedom of commerce; but the reasons for this are so obvious, that it renders any remark unnecessary.

The next exception that occurs, is one on which great stress is laid by some well informed men, and this with great plausibility. That each nation should have within itself the means of defence, independent of foreign supplies: that in whatever relates to the operations of war, no State ought to depend upon a precarious supply from any part of the world. There may be some truth in this remark, and therefore it is proper for legislative attention. I am, though, well persuaded that the reasoning on this subject has been carried too far.

The difficulties we experienced a few years ago of obtaining military supplies, ought not to furnish too much in favor of an establishment which would be difficult and expensive; because our national character is now established and recognized throughout the world, and the laws of war favor national exertion more than intestine competition, so that there is good reason to believe that, when it becomes necessary, we may obtain supplies from abroad as readily as any other nation whatsoever. I have mentioned this because I think I see something among the enumerated articles that seems to favor such a policy.

The impost laid on trade for the purpose of obtaining revenue may likewise be considered as an exception; so far, therefore, as revenue can be more conveniently and certainly raised by this than any other method, without injury to the community, and its operation will be in due proportion to the consumption, which consumption is generally proportioned to the circumstances of individuals, I think sound policy dictates to use this means; but it will be necessary to confine our attention at this time peculiarly to the object of revenue, because the other

subject involves some intricate questions, to unravel which we perhaps are not prepared. I have no objection to the committee's accepting the propositions offered by the gentleman from Pennsylvania, because so far as we can enumerate the proper objects, and apply specific duties to them, we conform to the practice prevalent in many of the States, and adopt the most laudable method of collecting revenue; at least preferable to laying a general tax. Whether, therefore, we consult ease and convenience in collection, or pursuing habits already adopted and approved, specific duties, as far as the articles can be properly enumerated, is the most eligible mode of obtaining the end in contemplation. Upon the whole, as I think some of the propositions may be productive of revenue, and some may protect our domestic manufactures, though the latter subject ought not to be too confusedly blended with the former, I hope the committee will receive them, and let them lie over, in order that we may have time to consider how far they are consistent with justice and policy.

Mr. BOWDISH.—I believe that it will not be disputed, that the best and easiest way of supplying the public wants, is by raising a revenue on the importation of goods by way of impost, though the manner in which it should be done, I confess, is a subject on which I stand greatly in need of information. I should, therefore, most cordially comply with the request of the gentleman from South Carolina (Mr. TUCKER) in order to obtain time for consideration, and to wait the arrival of the absent gentlemen, in order that we may have that assistance which is to be derived from them. Did I consider the question on the present motion final, I should be at a loss how to act; but this, I take it, is not the case. I presume it is intended by the mover only to lay his motion on the table, with the original propositions open for debate and consideration, till the committee are possessed of sufficient information to proceed. I also confess, that, in general, I am in favor of specific duties on enumerated articles. I shall therefore vote for the amendment; but, in doing this, I shall not consider myself as bound to support the whole, nor, indeed, any particular article which, upon due consideration, I may deem either impolitic or unjust; for I cannot conceive, that, by adopting the amendment, we tie up our hands, or prevent future discussion. No, sir, that is not the case; and as I trust we all have the same object in view, namely, the public good of the United States, so I hope that a willing ear will be lent to every proposition likely to promote this end; nor do I doubt but gentlemen are mutually inclined to sacrifice local advantages for the accomplishment of this great purpose.

I confess, sir, that I do not consider myself master of the subject, and shall therefore wait for information from those gentlemen who are best able to give it. I think we are much indebted to the gentleman from Pennsylvania for going so far into the subject as his list of articles shows he has done; but I would beg of him to inform me, if there is any thing peculiar in the manufacture

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of glass, as I observe it is omitted in his enumeration; if there is nothing improper in adding this article, I shall certainly move for it, as I suppose we are capable of manufacturing this as well as many of the others—in fact, it is well known that we have, and can do it, as well as most nations, the materials being almost all produced in our country. If there is anything improper in it, I hope gentlemen will inform me; if there is not, I see no reason against its being enumerated with the others.

Mr. FITZSIMONS.—I hope there will be no difficulty in receiving the propositions I had the honor to present. When we come to consider them, article by article, for the purpose of taxing them, gentlemen will be at liberty to object; and if they offer good reasons for it, they may get them struck out; but this, I apprehend, cannot so conveniently be done in the present state of the business.

Mr. MADISON.—I suppose that the reason which induced the gentleman from Pennsylvania to introduce the list of articles now before us, is similar to the one which actuated me to enumerate those in the first proposition, namely, that they were capable, on the principle of policy, of bearing a higher duty than those left in the common mass to be taxed ad valorem. If gentlemen, on considering them, should think any incapable of sustaining such addition, they will be at liberty to move to have them struck out and restored to the general mass of articles, so that I see no very strong reason against receiving them for consideration.

The motion was put by the Chairman, and it was agreed to add them to the first list of articles introduced by Mr. MADISON.

On motion of Mr. LEE, the committee rose and reported progress, and the House adjourned.

FRIDAY, April 10.

The House met, but adjourned without doing any business.

SATURDAY, April 11.

Mr. SMITH, (of Maryland) presented a petition from the tradesmen, manufacturers, and others, of the town of Baltimore, which was read, setting forth, That, since the close of the late war, and the completion of the Revolution, they have observed with serious regret the manufacturing and the trading interest of the country rapidly declining, and the attempts of the State Legislatures to remedy the evil failing of their object; that, in the present melancholy state of our country, the number of poor increasing for want of employment, foreign debts accumulating, houses and lands depreciating in value, and trade and manufactures languishing and expiring, they look up to the Supreme Legislature of the United States as the guardians of the whole empire, and from their united wisdom and patriotism, and ardent love of their country, expect to derive that aid and assistance which alone can dissipate their just apprehensions.

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hensions, and animate them with hopes of success in future, by imposing on all foreign articles, which can be made in America, such duties as will give a just and decided preference to their labors; discountenancing that trade which tends so materially to injure them and impoverish their country; measures which, in their consequences, may also contribute to the discharge of the national debt and the due support of the Government; that they have annexed a list of such articles as are or can be manufactured amongst them, and humbly trust in the wisdom of the Legislature to grant them, in common with the other mechanics and manufacturers of the United States, that relief which may appear proper.

Ordered, That the said petition be referred to the Committee of the Whole on the state of the Union.

Agreeably to the order of the day, the House went into a Committee of the Whole on the state of the Union.

Mr. LEE.—The articles proposed for objects of imposts again recur. I wish, therefore, that the committee proceed to consider each separately; by this means we shall get through the business with expedition and facility.

Mr. GOODHUE.—I think when the original motion was introduced, it was only intended as a temporary expedient; but, from what has fallen from the gentlemen on this subject, I am led to believe that idea is abandoned, and a permanent system is to be substituted in its place. I do not know that this is the best mode of the two, but perhaps it may take no more time than the other, if we apply ourselves with assiduity to the task. As it does not appear that all the articles proper to bear an additional tax are yet selected, and as I wish the list to be as complete as possible, that the committee may have, in one view, all that is intended on the occasion, I shall beg to add—upon anchors for every 112 lb.; upon every dozen wool cards; upon wrought tin ware; upon every box of lemons; upon every barrel of limes.

The committee agreed to add these articles to the list.

Mr. CLYMER submitted it to the consideration of the committee, how far it was best to bring propositions forward in this way. Not that he objected to this mode of encouraging manufactures and obtaining revenue, by combining the two objects in one bill. He was satisfied that a political necessity existed for both the one and the other, and it would not be amiss to do it in this way, but perhaps the business would be more speedily accomplished by entering upon it systematically. It would be better to appoint a subcommittee to collate the materials, and bring them before the House better digested than they came now. He threw out these sentiments for the consideration of the committee, without any great degree of confidence that they were right, or founded in strict order.

The CHAIRMAN was of opinion that a motion of the kind just mentioned would be out of order, because a committee could not appoint another committee; the House appoints all committees.

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Mr. Boudinot.—I am sorry, Mr. Chairman, to hear it suggested by any gentleman, that the position for a temporary system of revenue is abandoned; it is not my sentiment that it should be so. When I rise on a question of this magnitude, and which, particularly from my local circumstances, I may be considered inadequate to the discussion of, nothing ought to be supposed to accustom me but a desire of obtaining information and performing my duty; and when my sentiments differ from those of well informed gentlemen, they will attribute it to the true cause—the want of better information, and not a wish to oppose; but the better any measure is digested and understood, the more likely we are to avoid partial ideas and attend to what is most beneficial to the general good. The subject in debate was originally brought forward as a temporary expedient to obtain revenue to support the exigencies of the Union. It has been changed by successive motions for amendment; and the idea of a permanent system, to embrace every object connected with commerce, manufactures, and revenue, is now held up in its stead. I admit that the accomplishment of what gentlemen have in view is very desirable, and if we had time for the necessary discussion, it ought immediately to engage the attention of the committee; but I feel such a want of information and ability to judge of the propriety of many articles already enumerated, at the same time I think I discover similar embarrassments in other gentlemen, that makes me think the present moment is, in some degree, improper for deliberating, when we have so little time to spare. It appears to me that this business of raising revenue, points out two questions of great importance, demanding much information. The first is, what articles are proper objects of taxation, and the probable amount of revenue from each. The second is, the proper mode of collecting the money arising from this fund, when the object and its amount are ascertained. There are three sources from which we may gain information on the first question: namely, from the revenue laws of the different States, for I believe a partial revenue has been raised almost in every State by an impost. The second source of information, and a very natural one, is the great body of merchants spread throughout the United States; this is a very respectable and well informed body of our fellow-citizens, and great deference ought to be paid to their communications—they are in a peculiar situation under the present Constitution, to which they are generally esteemed sincere friends—they are also more immediately interested in the event of the proposed measure, than any other class of men. To this Government they look for protection and support, and for such regulations as are beneficial to commerce; for these reasons I think they deserve our confidence, and we ought to obtain from them such information as will enable the Congress to proceed to a general permanent system on more solid principles. The last source from which we are to derive information is the Executives of the States, stating the opera-

tion and production of the different revenue laws in the States respectively, by which we can judge of the effect likely to be produced by the system we establish, as well as the aggregate produce of a general impost. This will also tend to prevent our burthening the people at large with unreasonable duties, and cramping trade without an adequate reason.

With regard to the second question, the mode of collecting duty, I own I do not see any information so satisfactory as I could wish. When I recollect the numerous volumes of laws made to secure and regulate this point, the inefficacy of them all, though accompanied with the most terrible denunciations and penalties, and the careful observing eye of long experienced officers—I say, when I recollect all this, and consider it may be necessary for the United States to adopt a similar plan, I own that I almost shrink from the task as an extraordinary work, requiring the most superior abilities.

Though there may be some circumstances which may render the business more easy, such as the virtue of the people and the inflexibility of the officers, yet there are also difficulties of a superior magnitude to those encountered by other nations. When we look at the boundaries of the United States; when we contemplate the proximity of the eastern territory and the British provinces; when we turn to the northwest, and observe Vermont leagued with Canada in pouring in upon the interior country the manufactures of Britain; when we consider the natural and political situation of Rhode Island, and judge from the nefarious principles which they have lately held, and the vicinity of their coast to the extensive shores of Connecticut and Long Island, we shall have reason to apprehend that she is ready to take every advantage of the United States that lies in her power. When I observe the shores of New Jersey, Pennsylvania, and Delaware; the wide stretched-out shores of Maryland and Virginia, with the waters of the Chesapeake flowing between a winding course of three hundred miles, penetrating in this distance, six or seven times the borders of different States; the coast of North Carolina, not yet in the Union; the borders of South Carolina and Georgia upon the Atlantic, with their numerous inlets, altogether present such a group of difficulties and embarrassments, as we cannot remove in the little time we have, nor regulate upon the information now before us. The inference I would draw from this is, that we should not precipitate a business which some of us think the committee at this time incompetent to; but it is not for me to desire that such delay should take place—the State I have the honor to represent being altogether agricultural, at best it partakes but little of the commerce of the Union, therefore we shall not be so materially injured by an improper regulation of this subject, as those which derive greater advantages from commercial transactions.

There are gentlemen on this floor well calculated to represent the mercantile interests of this country, and in whose integrity and abilities I

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have the highest confidence; but it is the duty of the members of this body to see that the principles upon which we act, are those calculated to promote the general good, and not confined to the local interests of a few individuals, or even individual States, so that they will decline trusting alone to this species of information, when another is attainable.

I am aware of an objection to this mode of reasoning; it will be alleged that the pressing necessities of the United States for revenue require immediate relief, and permit no delay. This I admit, and it is this which makes me prefer a temporary system for the present to a permanent one. Let us take, then, the resolution of Congress, in 1783, as presented by the honorable gentleman from Virginia, (Mr. Madison,) and make it the basis of our system, adding only such protecting duties as are necessary to support the manufactures established by the Legislatures of the manufacturing States. Thus far, we can go with safety, if we do not descend into a minute enumeration; such articles as are readily admitted to duty, serve legislative encouragement, we may take into the list.

With regard to the collection of the revenue, I would recommend that until a general plan can be devised, officers should be appointed to collect the impost and protecting duties, in the manner, and under the penalties, directed by the laws of the proper State. It may be said that there are some States which have no revenue laws of this kind, and, consequently, no officers to execute them; I would, in every such case, subject them to the laws of the next adjoining State. By adopting a plan upon these principles, we shall gain time sufficient to obtain full information in the manner I have pointed out, and also reap the harvest of the Spring importations; the latter of these objects, I apprehend, will be totally lost by any other system that has yet been suggested.

Whatever permanent system we may devise ought to be calculated to give efficacy to trade, while it gives supplies to our treasury. This cannot be done well, if done speedily; while, on the other hand, we might get a temporary one framed against the arrival of the President, without injury to commerce or manufactures, and greatly to the interest of the Union.

If any gentleman thinks as I do, he will second me in moving, that the committee rise and report as their opinion, the appointment of a committee for the purpose of framing such a temporary law.

Mr. Bland hoped the committee would not rise, but as it has become a question whether the impost system should be permanent or temporary, he was inclined to favor any motion that should be made to ascertain that point, and was of opinion with the worthy member who spoke last, that the committee had not sufficient materials to enable them to erect a permanent one at this time. He, however, wished the gentleman to withdraw his motion for the present, until this point was ascertained; and he conceived this moreover to be necessary, because many gentlemen would be guided in voting the quantum of duty upon each

article, by knowing whether the system was intended to be continued for a longer or a shorter period.

Mr. Lee was of opinion with Mr. Bland, and seconded his motion for taking the sense of the House on the question proposed.

Mr. Fitzsimons thought it best to make the system as perfect as possible before the committee determined its duration.

A desultory conversation took place on the rising of the committee and on Mr. Bland's motion, during which it was remarked by

Mr. Madison, that the subject which was under consideration divided itself, as had been observed by the honorable gentleman from Jersey, into two parts; and hence he concluded that they might very properly be provided for by two separate bills; and while the Committee of the Whole are selecting articles and taxing them, another committee can be employed in devising the mode of collection. This method he thought more likely to reconcile the opinions of the committee than any he had heard suggested.

At length the question was taken on Mr. Boudinot's motion for the committee to rise, and determined in the negative.

The committee proceeded to Mr. Bland's motion, which being withdrawn,

Mr. Madison observed, that it was impossible, from the peculiar situation of Congress, that the subject of revenue could be entered upon methodically, otherwise he should expect gentlemen prepared with documents stating the national wants, and national resources, and by the one prove the necessity of the other; but though the probable amount of a tax on enumerated articles and tonnage could not now be come at, he trusted in future that it would, and in the interim he recommended gentlemen to exert themselves in giving and procuring information, in order to get some system formed as speedily as possible. With a view to this, he moved, when the committee rose, they should report as the opinion of the Committee of the Whole that a committee be appointed for the purpose of preparing a bill to regulate the mode of collecting duties on imports and tonnage. Then the committee could be ready with a bill on this part of the subject, by the time the Committee of the Whole had gone through the article.

This motion was adopted by the committee. Mr. Fitzsimons agreed with the gentleman from Virginia, that the leading considerations in the business were the necessities and wants of the Union, and the best means of relieving them. No gentleman objected to the mode of impost; he therefore was led to believe that it was an eligible mode. The necessities of the State, including the instalments and interest of the foreign and domestic debt, and the current expenses of the Government, he thought might require annually (to use a round sum) about three millions of dollars. This sum he then looked upon as necessary to be raised in the present session. As gentlemen seemed to agree a large sum should be obtained by impost, they would consequently be ready to vote for as high duties as could be collected, with-

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out sacrificing the commercial or agricultural interests of the country. This consideration he hoped would be settled in the minds of the members before they proceeded to fill up the blanks annexed to the particular articles. It will no doubt be observed, that a duty on some articles will press unequally upon particular States; now all that can be done to equalize them is, to burden others again which enter into the consumption of the other States, with a duty which shall make them sustain a uniform proportion of the whole system.

Mr. SHERMAN gave it as his opinion, that in fixing the duties on particular articles, if they could not ascertain the exact quantum, it would be better to run the risk of erring in setting low duties than high ones, because it was less injurious to commerce to raise them than to lower them; but, nevertheless, he was for laying on duties which some gentlemen might think high, as he thought it better to derive revenue from impost than from direct taxation, or any other method in their power. He moved that the article of rum should be charged with fifteen cents per gallon—he used the term cents because it was a denomination of the national coin, fixed by the late Congress, ten of which make a *dime*, and ten *dimes* one dollar.

Mr. SMITH was apprehensive fifteen cents would be too high, and therefore moved ten cents, which he thought would raise more revenue than the other.

Mr. MADISON advised and moved for the rising of the committee, in order to give gentlemen time to make up their minds respecting the quantum of impost to be laid on each article.

The question on rising was put and carried, whereupon the committee rose, and reported the resolution offered by Mr. MADISON, and a committee was appointed in conformity thereto. Adjourned till Monday.

MONDAY, April 13.

WILLIAM FLOYD, from New York; THOMAS SWINCKSON, from New Jersey; JOSHUA SENEY, from Maryland; EDWARDS BURKE, DANIEL HUGER, and WILLIAM SMITH, from South Carolina, appeared and took their seats.

On motion.
Ordered, That Mr. BENSON, Mr. PETER MULLENBERG, and Mr. GRIFFIN, be a committee to consider of and report to the House respecting the ceremonial of receiving the PRESIDENT, and that they be authorized to confer with a committee of the Senate for the purpose.

The House proceeded to consider the report from the committee appointed to prepare such further rules and orders of proceeding as may be proper to be observed in this House, which lay on the table; and the said report was read, and is as followeth:

Resolved, That it is the opinion of this committee that the rules and orders following ought to be established as additional standing rules and orders of this House, to wit:

1. That any member may excuse himself from serv-

ing on any committee, at the time of his appointment, if he is then a member of two other committees.

2. That no member absent himself from the service of the House, unless he have leave, or be sick and unable to attend.

3. Upon a call of the House, for which at least one day's notice shall be requisite, the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall be again called over; the doors shall then be shut, and those for whom no excuses, or insufficient excuses, are made, may, by order of the House, be taken into custody.

4. It shall be the office and duty of a Sergeant-at-Arms to attend the House during its sitting, to execute the commands of the House, from time to time, and all such process, issued by authority thereof, as shall be directed to him by the Speaker, and either by himself, or special messengers appointed by him, to take and detain in his custody members or other persons ordered by the House to be taken or committed.

5. A proper symbol of office shall be provided for the Sergeant-at-Arms, of such form and device as the Speaker shall direct, which shall be placed on the Clerk's table during the sitting of the House; but when the House is in committee, shall be placed under the table. The Sergeant-at-Arms shall, moreover, always bear the said symbol when executing the immediate commands of the House, during its sitting, returning the same to the Clerk's table when the service is performed.

6. Every member, or other person, ordered into custody, shall pay to the Sergeant-at-Arms — for every arrest, and — for each day's custody and release; also, — per mile, for travelling expenses, going and returning, unless the payment thereof shall be remitted by the House.

7. A standing Committee of Elections shall be appointed, to consist of seven members; it shall be the duty of the said committee to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such matters as shall or may come in question, and be referred to them by the House, touching returns and elections, and to report their proceedings, with their opinion thereupon, to the House.

8. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities.

Resolved, That it is the opinion of this committee, that joint rules ought to be established between the two Houses, to provide for the mode of communicating messages, of holding and conducting conferences, and all other cases of proceeding requiring previous mutual agreement.

The first resolution being read a second time, and debated by paragraphs, the first, second, third, seventh, and eighth clauses, were, on the question put thereupon, agreed to by this House.

The fourth, fifth, and sixth clauses were severally read a second time, and ordered to be recommitted to the same committee.

The second resolution was read a second time, and ordered to lie on the table.

On motion, the House proceeded to ballot for a standing Committee of Elections.

The members elected, Messrs. CLYMER, AMES,

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BENSON, CARROLL, WHITE, HUNTINGTON, and GILMAN.

The SPEAKER laid before the House a letter from the Hon. JOHN LANGDON, a member of the Senate, communicating an instruction to a committee of that House, to report if any, and what, arrangements are necessary for the reception of the Vice President, which was read.

Ordered, That the said letter be referred to the committee appointed to consider of, and report to the House, respecting the ceremonial of receiving the President; and that it be an instruction to the said committee to report upon the said letter also.

A petition of the shipwrights of the city of Charleston, in the State of South Carolina, was presented to the House and read, stating the distress they are in from the decline of that branch of business, and the present situation of the trade of the United States, and praying that the wisdom and policy of the National Legislature may be directed to such measures, in a general regulation of trade, and the establishment of a proper navigation act, as will tend to relieve the particular distresses of the petitioners, and, in common with them, those of their fellow-shipwrights throughout the United States.

Ordered, That the said petition be referred to the Committee of the Whole House on the state of the Union.

TUESDAY, April 14.

Mr. WHITE presented, according to order, a bill to regulate the taking the oath of affirmation prescribed by the sixth article of the Constitution; which was received and read the first time.

Mr. BOUNDNOT reported, from the committee to whom was recommended certain clauses of the report for establishing additional rules and orders of proceeding to be observed in this House, that the committee had, according to order, reconsidered the same, and agreed to a report thereupon, which he delivered in at the Clerk's table, where the same was twice read, the blanks therein filled up, and, on a question put thereupon, agreed to by the House as followeth:

Resolved, That it is the opinion of this committee, that the rules and orders following ought to be established, as additional standing rules and orders of this House, to wit:

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings, to execute the commands of the House from time to time, and all such process, issued by authority thereof, as shall be directed to him by the SPEAKER.

A proper symbol of office shall be provided for the Sergeant-at-Arms, of such form and device as the SPEAKER shall direct, which shall be borne by the Sergeant when in the execution of his office.

The fees of the Sergeant-at-Arms shall be, for every arrest the sum of two dollars; for each day's custody and release, one dollar; and for travelling expenses, going and returning, one-tenth of a dollar per mile.

DUTIES ON IMPORTS.

The House again resolved itself into a Com-

mittee of the Whole on the state of the Union; Mr. PAGE in the Chair.

Mr. BLAND, from Virginia, thought the committee not prepared to enter on the business of impost in the accurate manner which the form of the propositions seemed to imply. No gentleman on the floor could be more desirous than he was to go into the measure of a permanent system; but he could not agree to proceed at this time, for want of information. When he looked at the list of articles, he saw some calculated to give encouragement to home manufactures. This might be in some degree proper; but it was a well known fact, that the manufacturing arts in America were only in their infancy, and far from being able to answer the demands of the country; then certainly you lay a tax upon the whole community, in order to put the money in the pockets of a few, whenever you burden the importation with a heavy impost. He was likewise apprehensive that the federal treasury would lose a considerable supply, if the necessary time was taken to perfect a permanent system; he therefore wished a temporary one, and made a motion to obtain the sense of the committee on this point, as well as on the mode of collection.

He adverted to the subject of tonnage, observing that it was well known that America did not furnish a number of ships sufficient for the transportation of its products; therefore any high duty on this article would embarrass the agriculture, which, as his colleague had before observed, was the staple of the country.

Mr. SCOTT.—The subject before us naturally divides itself into two heads. First, what articles shall be the subject of a particular tax, and what shall remain in the common mass liable to an impost *ad valorem*? The second, what the sum is that is proper for the article we select? For both these points will be necessary, because it can hardly be supposed that all articles can be enumerated, while some certainly ought. This being the case, it leads us to inquire what rule or principle shall be laid down in order to make a proper discrimination; for surely some reason should be assigned for this distinction. I presume the particular article which is to be subjected to an extraordinary duty must either come at so cheap a rate, according to its intrinsic value, as to bear a greater impost without being unreasonably expensive, or it must be one which we do not stand in need of at all, and only used for the purposes of luxury. If an article does not come within one of these descriptions, I see no reason why it should be taxed in an extraordinary manner.

My present design, therefore, is, that the committee should, in the management of this business, conduct their motions in this way. By treating it so, the work may be expedited much more than it can by the vague and indeterminate manner of our procedure hitherto. I would, therefore, recommend that each article be taken up separately, and considered whether it is a proper one for the committee to select or not. There may be some articles which ought not to be selected; and I think

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I discover one enumerated in the list before us, which, so far from meriting a high duty, ought not to be taxed at all; for these reasons, I hope the committee will proceed in the manner I have described, and fairly give their sense on the propriety of each article as it occurs.

Mr. MADISON.—I apprehend, sir, that the motion made by my colleague (Mr. BLAND) is out of order; not only because the committee have determined to proceed in the business and fill up the blanks, but because it would be one committee giving instruction to another; for, although we are a committee of the whole House, we cannot exercise the powers belonging to the House, among which is that of instructing committees. It surely is in the recollection of every member, that a committee is appointed upon the subject, which is in the view of the gentleman's motion, namely, that for regulating and ascertaining the mode of collecting the impost. I presume, therefore, that if any instructions are necessary to be given respecting the discharge of the duty of the committee appointed to this business, they ought to come from the House. The motion, therefore, if it is proper at all, is proper only before the House.

Mr. BLAND did not wish to take up the time of the committee in debating a question of order; but he would just observe, that he looked upon the committee alluded to by the gentleman last up, as appointed on a different subject from that he proposed to the consideration of the committee. They were appointed to devise and digest a mode of collection adapted to a permanent system of revenue, which the House, at a time of more leisure, might complete; but the object he had in contemplation was, for the committee to agree to use a less perfect one in the interim, in order to embrace two or three hundred thousand dollars arising from the Spring importations, which he dreaded the loss of, if the business was not soon completed. However, as the motion was objected to as put of order, he would withdraw it for the present, and offer it to the House when the committee rose.

On motion of Mr. GALE, the word *rum* was changed into distilled spirits of Jamaica proof.

Mr. LAWRENCE proposed to lay twelve cents on this article, saying, I believe, Mr. Chairman, it will be necessary to consider, when we are about to lay a duty on any article, how far it is likely to be collected, especially if our main object is to obtain revenue by our impost. I trust it does not require much illustration to prove to the satisfaction of the committee, that if you lay your duties too high, it will be a temptation to smuggling; for, in the proportion which that sum bears to the value of the article, will be the risk run in every attempt to introduce it in a clandestine manner, and, if this temptation is made too strong, the article will furnish no revenue. I believe, if the committee shall impose a duty of fifteen cents, as proposed by the gentleman from Connecticut, (Mr. SHERMAN), it will be so strong a temptation for smuggling, that we shall lose our revenue altogether, or be compelled to use a mode of col-

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the law to enforce the collection of, I shall vote for it.

Mr. FITZSIMONS.—I shall observe further, sir, that in Pennsylvania this article is charged with an impost amounting to near three-ninths of a dollar, and an excise in addition of eight-ninths. This is collected from about eight hundred thousand gallons, without any great difficulty. The highest sum proposed to the committee very little exceeds that collected in Pennsylvania, and I suppose that any mode which will ensure the one, will enable us with an equal degree of certainty to obtain the other.

Mr. BOURNOR.—I am in favor of taxing this article as high as there is a probability of collecting the duty. I think our doing so will answer two or three good purposes. The present object of the committee is to raise a revenue, and no article on the list before you is more likely to be productive than this one; but a high duty may also discourage the use of ardent spirits, if not, it may discourage the West Indies from turning their molasses into rum. This being the case, they have no other market for molasses than this country, and our own distilleries, with the advantages arising therefrom, will be able to rival them in the manufacture of that article; so far it may tend to the benefit of the country. I conceive it might be proper, on these accounts, to lay a much higher duty than has been proposed, were it not for the considerations mentioned by the gentleman from New York, that we run a risk of losing all by grasping at too much.

Mr. LAWRENCE.—The sum proposed is higher than the duty collected in this State, which is about eight cents; I fear, therefore, that it cannot be collected. If we are to reason and act as moralists on this point, I am certain it is the wish of every member to prevent the use of ardent spirits altogether, for their influence on the morals of the people is of the most pernicious kind. Nor does the mischief terminate here, as I apprehend it is equally destructive to the health; but we are not to deliberate and determine on this subject as moralists, but as politicians, and endeavor to draw (if I may use the expression) from the views of mankind that revenue which our citizens must, in one form or other, contribute. The question is, what shall be the duty on any particular article? To accomplish this purpose, we must determine by the circumstances of that article.

Now, if we lay a high duty on Jamaica rum, it is supposed it will prevent the consumption; but then the purpose we have in view is frustrated, either because we cannot collect the tax, or the object of it is no longer imported. The consequence in this latter case would be, that the morals of our citizens are not impaired; yet it does not appear to me that this consequence would certainly flow from a system of high duties. I rather fear it would lead no further than to set men on schemes to evade the duty; and none of us are ignorant of the ingenuity and invention which can be exercised, when interests prompts mankind to an evasion of the law. We know the situation of the different States; the coast disposed by its

prodigious extent to favor every means of illicit trade. A cargo of rum could be landed in Jersey, and the whole, reshipped in small vessels, might soon be brought into this city. If this should be the effect of our law, we have no other way to correct the operation, but by adopting a mode of collection odious to all, on account of the numerous train of officers it would require in its execution. But there would also be a danger of vessels running into creeks and small inlets, for the purpose of landing their cargoes, as well as on the sea-shore. Hence, a necessity would arise of employing a number of vessels to check and correct such abuses, and the probable event would be, that all the impost collected would go to defray the expense of getting it into the treasury.

Rum is an article of great consumption throughout the Union. The State I have the honor to represent has imported, from April, 1786, to April, 1787, a quantity exceeding eight hundred and fifty thousand gallons, of which only sixty-seven thousand were exported; consequently, the remainder has been consumed among ourselves, and the people of that part of New Jersey which draws its supplies from this city. Now, it appears to me not improbable that we shall lose a great deal of the revenue, if we lay the duty so much higher than heretofore. Being impressed with these sentiments, I must vote against the motion for fifteen cents.

Mr. BOURNOR inquired of the gentleman from New York, if rum was not also subject to an excise in that State.

Mr. LAWRENCE.—There is no other duty than what I have mentioned, which is permitted to be drawn back on exportation.

Mr. MADISON did not see how the importing States could be injured by a high duty more than the others, as all duties came into the federal treasury. He observed, that if Pennsylvania had been able to collect with certainty a duty amounting to about twelve cents, when the two neighboring States not only declined to co-operate, but pursued a counter interest, there could be no doubt but so small an addition as three cents, laid to affect generally the whole Union, might with equal certainty be collected.

The committee now agreed to tax ardent spirits, of Jamaica proof, fifteen cents; and all other spirituous liquors twelve cents.

On filling up the blank on molasses:

Mr. MADISON.—It is agreed, I presume, that spirits of every kind are proper objects of taxation, but whether we shall tax spirits in the case before us, or whether we shall tax the article from which it comes, is a question worthy of the consideration of the committee for several reasons. I believe it will be best to lay our hands on the duty, by charging this article on its importation, to avoid a more disagreeable measure. I would, therefore, lay such a duty on molasses, as is proportioned to what we have affixed upon rum, making an allowance in favor of our own manufacture. I think eight cents per gallon will allow a sufficient advantage to them, but of this I am not positive, and, therefore, shall not pertinaciously insist.

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ciously adhere to that sum, if it be thought too high; but I presume I am right in the principle upon which I contend, that we ought to collect the duty on the importation of molasses, in preference to any other way.

Mr. PARKER observed, that the distilleries made a very great profit on the manufacture of this article, and it would be increased by the difference which was made in duty between it and West India rum. He was an advocate for laying it on molasses, because he did not think this a proper time to enter upon an excise law; if the duty operated to discourage the consumption of New England rum, he thought it would have very happy consequences; he therefore seconded the motion for eight cents.

Mr. LAWRENCE.—Shall we, Mr. Chairman, tax articles which are necessities of life equally as if they were luxuries? I apprehend not. In some parts of the United States, this article is used as a necessary among the poorer class of citizens; consequently, if you tax it high, you unequally burden that part of the community who are least able to bear it. When the Congress of 1783 had it in contemplation to tax this article, I believe they did not propose more than one penny. Perhaps the change that has taken place since that time would warrant us to double that sum. For my part, I should be willing to allow it, but the honorable gentleman from Virginia proposes four times as much as I judge to be proper. If it could be collected, it would amount to a very large sum; but let us examine the probability there is of being able to do it. When you compare the tax with the price of the commodity, leaving out the consideration of its being a necessary of life, you find it is one to three. I ask gentlemen to tell me candidly, will not the payment of the duty be evaded? And shall we not deceive ourselves in calculating upon a revenue which we can never collect?

I believe, if I am well informed on this subject, the tax which I propose will amount to about forty thousand dollars, so great is the importation of this article. By the tax the honorable gentleman proposes, it would amount to one hundred and sixty thousand, which, I fear, is more than can or ought to be collected.

This article, as was before observed, is a raw material for manufacture, and which, when distilled, is exported in considerable quantities. If a heavy duty is laid, will it not prevent the exportation? But, should we even allow a drawback on what is exported, it will, nevertheless, considerably encumber the trade by obliging the merchant to advance much of his capital in duties, and will still remain an oppression to the poor, who consume it in substance.

Mr. MADISON viewed the present question in two points of light. First, as it respected the use of the article in the substance; and second, as it related to a manufacture of considerable importance. If it was possible to make a discrimination between them, he was ready to agree to one in favor of the first class; but, conceiving this to be impracticable, he thought the question was re-

ducible to this, whether our revenue should be lessened as much as distilled spirits confessedly ought to pay, and our country, consequently, filled with a baser liquor, or whether we shall tax an article which will indirectly tax the rum manufactured from it in due proportion to what is brought from the islands.

I do not conceive (continued Mr. MADISON) that the quantity of this article manufactured and exported to foreign countries, is any wise considerable. I find by an account of the exports of Massachusetts, (which appears to be authentic,) and it is a State that manufactures in full proportion to any other State in the Union, that there have been shipped off to different parts of this country, 40,943 gallons of rum manufactured there; to Nova Scotia, 801 gallons; to Europe, 1,206; and to Africa and the East Indies, 897 gallons.

So that the great exportation which the gentleman from New York mentions, is made to the different parts of the United States, and not to foreign countries; the duty, therefore, will be principally paid by our own citizens, who are the consumers. The gentleman has mentioned a drawback as a relief to the manufacturers. He does not, perhaps, consider the advantage which a general regulation of trade gives to the State manufacturing rum. The admission of that commodity into every State is perfectly free under the new Constitution, and unencumbered with the duties heretofore laid by the State Legislatures; from which, it is manifest that a drawback, so far as relates to the coasting trade, is unnecessary. I think, also, that the small quantity exported to Europe and Africa is too incon- siderable to justify the Legislature in allowing drawbacks, under which system great frauds can easily be committed upon your revenue: to what purpose shall we collect revenue, if it is put in the power of every individual clandestinely to reclaim it, without a possibility of our discovering the injustice?

If a discrimination can be suggested, I shall readily agree to it; but I think it cannot be done unless we substitute an excise, or a tax on stills, neither of which would be equally convenient or productive, and therefore neither would be proper for the House to agree to. The proportion between the duty on country rum at eight cents, and West India at twelve cents, is a considerable difference in favor of home-made spirits, and sufficient to answer the purpose of protecting the manufacture.

Mr. FRIZZMONS.—I think the duty on this article depends, in a great measure, upon what has been already agreed to. If the tax on West India and country rum is not well proportioned, it may be destructive of the end we have in contemplation. If agreeably to the idea of the gentleman from New York, we affix a low duty, a great deal more rum will, in all probability, be distilled and used than heretofore; of course, it will effectually rival the Jamaica rum, and the Union will lose the revenue which we calculate upon. Eight cents, I apprehend, is as well proportioned to the other taxes as can be devised. Country rum is

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worth two shillings and three pence, which is more than half the price of Jamaica spirits, so that rum of the former quality can be used so much cheaper, as to establish itself a greater consumption than heretofore. It has been mentioned as a necessary of life; the fact is admitted; but shall it be inferred from thence that no duty ought to be collected from molasses, while you impose one on sugar, which is equally a necessary of life among the Middle and Southern States? Although the remark has been made already, I must repeat it, and beg the committee to bear in mind, that whenever a tax on a particular article seems to bear harder on one State than another, we must endeavor to equalize it by laying some other to restore an equilibrium to the system.

Mr. GOODHUE considered molasses as a raw material, essentially requisite for the well being of a very extensive and valuable manufacture. It ought likewise to be considered (as was truly stated) a necessary of life. In the Eastern States it entered into the diet of the poorer class of people, who were, from the decay of trade and other adventitious circumstances, totally unable to sustain such a weight as a tax of eight cents would be upon them. Moreover, the tax was upon particular States as well as individuals, for it was a fact of public notoriety, that Massachusetts imported more molasses than all the other States together. She imports from 30,000 to 40,000 hogsheads annually. He would make one observation more. It had been the policy of Great Britain, as he well remembered, to encumber and depress the distillation of molasses. To do this, at one time they laid a duty of three pence sterling per gallon. It was conceived to be an oppressive measure, but it had little other effect than to cause heart-burnings and enmity. It produced no revenue, and the Parliament were forced to reduce the duty to a penny. From experience, therefore, as well as from the arguments before urged, he was inclined to believe that the committee would be satisfied with fixing a lower sum. He could not consent to allow more than two cents.

Mr. MADISON had heard an observation made by the gentleman from Pennsylvania, which he thought lessened the force of the objection taken against taxing molasses as a necessary of life. Those who used it in substance escaped the tax on sugar, at least so much of it as the one was a substitute for the other. He feared that there was no other way of coming at the duty on country rum, but laying one on the material from which it was extracted, and he did not think eight cents out of the way.

Mr. GOODHUE replied, that eight cents was nearly half the first cost, and consequently disproportionate to the tax on foreign rum. He also observed, that the gentleman from Virginia, when he was stating the rum exported abroad, must surely have read wrong, for to his certain knowledge, several vessels were principally loaded with this article every year.

• This article, in the exports from Massachusetts,

Mr. THATCHER.—It appears to me, that for the want of a certain and fixed principle to act upon, there is a great danger of making some improper establishments. It is for this reason that I wish not to hurry on the business with so much precipitation. Did gentlemen consider, when they agreed to a high duty on ardent spirits, that it would be a pretext for increasing the duties on a necessary of life? I presume a principal reason why a high tax on spirits was admitted, was in order to discourage the use of it among ourselves. If this was the intention of the committee, I have no objection to the burden; but, even here, I fear difficulties will arise. Did we judiciously examine whether the spirit of the law accords with the habits and manners of the people? and did we assure ourselves of the full execution of the law? If we did not, the act becomes impolitic; because a law which cannot be executed, tends to make the Government less respectable.

Consider molasses as a raw material, and, on this account, you cannot agree to burden it with an unequal tax; consider it as a necessary of life, entering daily into the consumption of the lower class of people, and the duty on it ought to be extremely low. I do not see how we are to get clear of this embarrassment, unless we rescind what we have already done; because, if the principle for taxing ardent spirits be to lessen the consumption, in order to preserve the health and morals of the people, it will apply as forcibly to tax country rum eight cents, as is now proposed, as it did to tax Jamaica rum fifteen cents. I am not an enemy to making the impost the principal instrument of revenue, yet I fear we have not proceeded with due deliberation. It was my wish to take up the subject, as has been frequently mentioned, and form a law on the most simple principles, leaving time, information, and reflection, to form a system of impost, on more extensive and particular principles, fitted equally to affect the whole and every part of the Union.

For these reasons, I shall move, if I am in order, to take up the resolution of Congress, of 1783, and lay on duties as nearly similar as can well be and those recommended at that period; and then move for a committee to go on to review and consider of certain regulations necessary to form a permanent system at some future period.

Mr. CLYMER.—The advocates for a low duty repeatedly mention this article as a raw material necessary to support a considerable manufacture; but do they consider that the consumption of country rum is attended with an injury to a much more valuable manufacture, the raw material for which is furnished by our own agriculture, and which is divested of the pernicious qualities attached to ardent spirits—I mean the manufacture of malt liquors?

Mr. ABER.—I have not had the advantage of stands thus: "Country rum—hogsheads shipped to the several parts of the United States, 5,377, value \$49,943; to Nova Scotia, 89 hogsheads, value \$901; to Europe, 134 hogsheads, value \$1,206; and to Africa and the East Indies, 897 hogsheads, value \$8,073."

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hearing all the arguments in support of the eight cents proposed; but those I have heard I am not satisfied with. The principles on which this tax is founded, I understand to be that it is an article of luxury, and of pretty general consumption, so that the duty is expected to fall equally upon all; but that it will not operate in this manner, I think is easily demonstrable. Can a duty of fifty per cent. ad valorem, paid, as it were, in an exclusive manner, by the State of Massachusetts, be equal? No, sir. But taking it as a part of the general system, can it be equal unless a proportionable duty, equal to fifty per cent. is laid upon articles consumed in other parts of the Union? No, sir; and is it in the contemplation of gentlemen to lay duties so high as to produce this equality? I trust it is not; because such duties could never be collected. Is not, therefore, eight cents disproportioned to the rates fixed, or intended to be imposed on other articles? I think it is; and, if to these considerations we add what has been said before, relative to its being a raw material important to a considerable manufacture, we cannot hesitate to reject it.

The people will indubitably continue to use ardent spirits, until the slow operation of the law shall produce other habits; and while they continue to use them, it is better for this country that they use the kind which is wished to be indirectly taxed. It must be better, because it is manufactured within ourselves, and gives useful employment to a considerable number of our fellow citizens. It must be better because the goods which we export for the raw materials are drugs upon our hands. Certainly the trade is mutually beneficial to the parties concerned; but it is so in a greater degree to us than to them. We exchange for molasses, those fish that it is impossible to dispose of anywhere else; we have no market within our reach, but the islands from whence we get molasses in return, which again we manufacture into rum. These circumstances form a material link in our chain of navigation, and upon our success in navigation the most important interests of the United States depend. It is scarcely possible to maintain our fisheries with advantage, if the commerce for summer fish is injured, which I conceive it would be very materially, if a high duty is imposed on this article; nay it would carry devastation throughout all the New England States, it would ultimately affect all throughout the Union. Will gentlemen who declare themselves the friends of manufactures support the opinion, that a raw material ought to be saddled with an excessive duty, that the imposition should be at a higher rate than what is laid upon manufactured articles; at a time too when the price is such that the home manufacture cannot support a successful competition with the other, even in our own markets? No, gentlemen will not be so inconsistent: they know and advocate the policy of supporting the manufactures of our country, by giving them such advantages as are consistent with the general good.

I shall proceed to show the importance of the

present subject, in another point of light. The taking of fish on the Banks is a very momentous concern, it forms a nursery for seamen, and this will be the source from which we are to derive maritime importance. It is the policy of some nations to drive us from this prolific source of wealth and strength; but what their detestable efforts have in vain endeavored to do, you will accomplish by a high duty on this article. Our situation with respect to the fishing banks, and our vicinity to the West India Islands, are natural advantages, which all the machinations of jealousy cannot prevent us the enjoyment of. The habits of our fishermen are well calculated to improve these advantages to perfection, and no nation can carry on the business at so small an expense; it is these circumstances that render our fish cheap, while this cheapness insures us a sale, and enables us to be successful competitors in every port that will receive us. Our best fish will find its way to the best markets, while the slaves in the West Indies will consume the refuse. If we can exchange that part, therefore, which would be otherwise thrown away, it is so much clear gain to the community. Hence, this country by increasing the demand of our fish increases the navigation; gentlemen will therefore be cautious how they adopt a measure that affects, or only seems to affect, one of the most important interests of the United States.

However gentlemen may think the use of this article dangerous to the health and morals of our fellow-citizens, I would also beg them to consider, that it is no more so than every other kind of spirituous liquors; that it will grow into an article for exportation; and although I admit we could export it even encumbered with the duty proposed, yet by it we run the risk of having the manufacture totally ruined, for it can hardly now stand a competition at home with the West India rum, much less can it do so abroad. If the manufacturers of country rum are to be devoted to certain ruin, to mend the morals of others, let them be admonished, that they prepare themselves for the event; but in the way we are about to take, destruction comes on a sudden, they have not time to seek refuge in any other employment whatsoever. If their situation will not operate to restrain the hand of iron policy, consider how immediately they are connected with the most essential interests of the Union, and then let me ask if it is wise, if it is reconcilable to national prudence, to take measures subversive of your very existence? For I do contend, that the very existence of the eastern States depends upon the encouragement of their navigation and fishery, which receive a deadly wound by an excessive impost on the article before us.

I would concur in any measure calculated to exterminate the poison covered under the form of ardent spirits, from our country; but it should be without violence. I approve as much as any gentleman the introduction of malt liquors, believing them not so pernicious as the one in common use; but before we restrain ourselves to the use of them, we ought to be certain that we have

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malt and hops, as well as brew-houses for the manufacture. Now I deny that we have these in sufficient abundance to the eastward; but if we had, they are not taxed. Then why should the poor of Massachusetts be taxed for the beverage they use of spruce, molasses, and water? It surely is unreasonable. I hope gentlemen will not adopt the motion for eight cents until they are furnished with some better evidence of its propriety and policy than any that has yet been given, or as I suspect that can be given.

Mr. FITZSIMONS was pleased that gentlemen went so fully into the discussion of a subject which they conceived of great importance, but he begged them not to lose sight of an observation that had already been made, that whenever a particular duty was supposed to bear hard on any one member of the Union, it ought to be regarded as part only of a system bearing equally upon all. He was a friend to commerce, it was his particular profession, and what he had principally devoted his attention to; and therefore it might justly be imagined he was unwilling to fetter it with restraints; but as a member of this body, he considered it proper to forego a pertinacious adhesion to that system, when its interest came in competition with the general welfare.

The gentleman from Massachusetts (Mr. AMES) has represented the proposed regulation as tending eventually to the ruin of the commerce, fisheries, and manufactures of that State. I do not believe (added he) such a consequence would result from a duty of eight cents on a gallon of molasses; if I did, I would be one of the last to advocate the measure; but to understand this circumstance more fully, let us proceed to an inquiry of the ground on which we stand. The State of Massachusetts imports a greater proportion of this article than any other in the Union; she will have therefore (say the opponents of the measure) to pay exclusively all the impost upon it. Let us examine this. Some part of the molasses is consumed in the substance, but all the remainder is distilled: this must either be consumed in the State, or exported from it; in the latter case, I propose that all the rum shipped to foreign nations, should draw back the duties it had paid as molasses. This would obviate all that was said relative to the competition between this State and other nations at a foreign market. As to what is exported but consumed in some parts of the United States, it is but proper that a duty should be paid; and although it may be advanced in the first instance by the people of Massachusetts, yet it will be ultimately paid by the consumers in other parts.

What is consumed within the State itself, gentlemen surely do not mean to have excluded from a duty. If they consume more country rum than West India, they pay a less duty than those States which consume a greater proportion of the latter. As to what is used in its raw unmanufactured state, it will be sufficient to observe, that it is generally a substitute for sugar, the consumers will therefore avoid the tax on that article, and pay it on the other. In Pennsylvania they mostly

use sugar; now, if the people there pay a tax on that article, it is but distributive justice that the people of Massachusetts pay one on the article they use for the same purpose.

I do contend, that if a less, or much less duty on this article is laid, it will rival foreign rum so far as to prevent its importation in a considerable degree, whereby the United States will lose the revenue expected from it, or the operation of the tax will be unequal upon the consumer of sugar and molasses, which cannot certainly be the wish of any member, if I may judge from the conciliating disposition which is prevalent in the committee.

Mr. AMES stated the difference in the price of country rum and West India—the former was worth two shillings and three pence, the latter twice as much, so that there was not observed a proper ratio in taxing the one eight cents and the other twelve cents. He stated the difficulty of collecting so high a duty, and expressed an apprehension that the committee would deceive themselves in calculating upon it for any great production. He was satisfied it would hereafter become necessary to lower the duty from eight cents, if the committee should now agree to lay it, and appealed to their wisdom, if it was not better, and less injurious to the fair trader at any time, to increase than diminish the duties. This circumstance demanded the attention of the committee, though he would not press it further, being satisfied that gentlemen's candor would induce them to acknowledge the propriety of such policy.

He had mentioned before the devastation which he conceived likely to take place, if a high duty was laid on this article. The observation was thought by the gentleman who spoke last, to be altogether without foundation; he hoped it was. But here his reason and wishes were at variance. He was convinced that the fishery had for some years past been very unproductive; not but that the fish were to be had in plenty, and the fishermen's abilities were equal to any other in the world; but because they could not find a market to dispose of the product of his labor. He was pretty certain the trade would have been abandoned by many who have carried on a losing trade, had it not been for the hope that a more energetic government would be framed, which would give them that support which the importance of the subject required.

All he wished on the present occasion, was to lay such a duty as should protect the manufacture. He feared no loss to the revenue; because if the duty was low, all molasses would be entered and paid for, whereas, if it was high, it would induce an illicit trade, as injurious to the morals of the people as the consumption of our country rum. In addition, he considered it a necessary of life, and would never consent to tax it fifty per cent. upon its value, nor did he believe any other gentleman would, if considered that the tax would operate more against the poor than the rich, because the poor were the principal consumers of the article.

Mr. GOODPASTER.—Fifteen cents, the sum laid on

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Jamaica spirits, is about one-third part of its value; now eight cents on molasses is considerably more; the former is an article of luxury, as was observed when it was under consideration, therefore that duty might not be improper; but the latter cannot be said to partake of that quality in the substance, and when manufactured into rum it is no more a luxury than Jamaica spirits. I cannot see, therefore, why molasses ought to be taxed forty or fifty per cent. when the other pays but thirty-three. Surely the substance ought not to pay at this rate—then what good reason can be offered for the measure?

Mr. LAWRENCE adverted to the price of the molasses, which at the place of importation was worth one shilling and nine pence. West India rum he stated to be worth three shillings and four pence or three shillings and sixpence—the duties were not in the same proportion. He thought the labor of distillation ought not to be taxed—a gallon of molasses gave a gallon of rum; but it ought not to be charged even upon the principles of the advocates for high duties, at more than six cents.

Mr. BOURNOR had attended to the arguments of the gentlemen on both sides of the question, and was led to believe the proportion was not properly observed. By the resolution of Congress, in 1783, the molasses was fixed upon due consideration at one penny, and West India rum at four pence. The proposed proportion was two-thirds of what is charged on West India rum. He thought this too high, as it would be an encouragement on a considerable manufacture; six cents were therefore a more equitable rate than eight cents were; he believed also, that it was as much as the article would bear, especially if it was considered that the whole of the article was not manufactured into rum, but a large proportion consumed in substance. This might also be near what is intended to be charged on sugar; by fixing it at this rate, the necessity of lowering the duty at some future day would be avoided, which he thought an object worthy of the committee's consideration.

Mr. GOODHUE observed that even six cents bore no kind of proportion to the tax laid in Massachusetts upon this article; it was much too high, and could not fail of giving great dissatisfaction among the people.

Mr. AMES.—If the committee pass a resolution that shall have a tendency to injure the sale of country rum, the fact is, that being unable any longer to export it, we shall have such a quantity on hand as to occasion the ruin of those concerned in the manufacture; for unless it is exported, they have no means of disposing of it. The quantity annually exported is very considerable, and it gives employ to several thousand tons of shipping; if therefore the trade is stopped by our restrictions, it will have a fatal effect upon our navigation, the encouragement of which is admitted to be of high importance to every part of the Union.

Mr. MADISON stated, that the rum exported in one year since the peace, amounted to six hun-

drd and eighty-three thousand and some odd gallons, the principal part of which was sent to different parts of the United States; now, if a considerable difference was made in the duties between West India rum and that of our own manufacture, the consequence would be, that an inferior liquor would overspread the country, and the revenue become unproductive; but he did not wish, objectionable as the manufacture of this article was, that it should have no encouragement. If gentlemen would be satisfied with a small reduction, he would withdraw his motion for eight cents; but he believed six cents would be too low, he therefore moved to tax it with seven cents.

Mr. BOURNOR wished the gentleman to consider the difference in the price; if he did that, he would allow it to be reduced to six cents; if this principle could now be fixed, it would carry them through the whole.

Mr. PATRICK allowed, if all the molasses was distilled into rum, that a small duty might be proper; but when it was considered as an article of sustenance to the poor, and as a requisite to the support of the fisheries and navigation, he hoped the committee would allow but a very small one, indeed. He wished it was possible to discriminate between what was manufactured into rum, and what was consumed in the raw state, because a higher duty might be collected in the former case than in the latter.

Mr. FITZSIMONS stated, that there were 327,000 gallons of rum imported into Pennsylvania in 1785, which would tend to show how great a part was consumed by the citizens of the Union; a demand in one State so great as this, proved how likely it was for New England rum to rival the West India. He thought the prices of the two articles gave the country rum a very considerable advantage, and therefore, a duty of seven cents could not be very injurious to the manufacture.

The question was put on seven cents and lost. And it was agreed to fill the blank with six cents.

On filling up the blank on Madeira wine, Mr. SHERMAN moved fifteen cents.

Mr. GILMAN moved twenty cents, and Mr. HARTLEY moved thirty cents, in order (as he observed) to make it correspond with the rate per cent. on the value; as the principle of proportion seemed to be admitted by the committee.

Mr. SHERMAN said, it appeared to him to be pretty well proportioned; because those who accustomed themselves to drink wine, consumed two or three times as much as those who used spirits, and consequently paid a due proportion.

Mr. FITZSIMONS.—I shall move you, sir, that the blank be filled with fifty cents. I observed some gentlemen, in their arguments on the last article, laid great stress upon the impropriety of taxing the necessities of life that were principally consumed by the poorer class of citizens. I do not think any of the members of this committee consider the article of Madeira wine a necessary of life, at least to those whose incomes are only sufficient for a temperate subsistence; therefore no objection of this kind can be made on the

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present occasion. The propriety of a high tax on wines, I apprehend, is self-evident, whether we consider the price of the article, or the ability of the people to pay who consume it. The value of a pipe of Madeira wine, I believe, is about two hundred dollars; a hogshead of rum is worth about forty dollars. The ability of those who consume the one and the other are, I suppose, in nearly the same ratio. I do not pretend to know what are the intentions of gentlemen on this subject, but my wish is, to raise so considerable a revenue from imports as to render it unnecessary to apply to any other mode. If this be the wish of the committee also, they will be inclined to raise a great part of it from the consumption of those people who are best able to pay, among whom we may, with great propriety, reckon the consumers of Madeira wine.

Mr. P. MÜHLENBERG thought his colleague's observations were very judicious, and said they met exactly his ideas; he therefore seconded the motion for fifty cents.

Mr. BLAND.—I am not against laying any sum on this article which there is a probability of collecting; but I am afraid we are running wild in the business, and although we appear to be in search of revenue, we are pursuing a track that will lead us wide of our mark. I am really suspicious, if we lay a duty of fifty cents upon Madeira wine, we shall not have a single gallon entered in any port of the United States, and we shall fully verify to the world the truth of an old maxim, that two and two, in finance, do not make four. I would therefore suggest to the committee, the propriety of considering well, whether they can or cannot collect the high duty proposed. If they are well convinced that it can be done, and will satisfy me only that there is a probability of its being the case, I shall cheerfully concur in the motion; but at present I am of opinion we shall not be able to obtain any revenue whatsoever if the tax is laid so high.

Mr. LAWRENCE apprehended the gentleman from Pennsylvania (Mr. FITZSIMONS) was mistaken in the price of Madeira wine; he had stated it to be worth two hundred dollars a pipe; it might be so when sold for consumption, but it was not worth more than half that sum at the time of importation; wherefore, on the principle of proportioning the impost to the value, he would propose twenty cents.

Mr. FITZSIMONS.—I mentioned two hundred dollars as the value of a pipe of Madeira wine when sold for consumption, and so far as my experience goes, I believe it to be the case. Madeira wine is not only regulated by the first cost and charges on transportation, but also by the time it is kept to prepare it for consumption; and I know, sir, there are Madeira wines at a less price imported, which are not consumed; but I believe what is actually consumed sells for little less than the sum I mentioned. No wine can be bought in the island of Madeira for less than twenty-four pounds sterling the pipe. This, with the expense and charges of shipping, freight, &c., will bring the lowest kind of wine far beyond what the gen-

tleman from New York estimates it at. Comparing, therefore, the duty with the value of the article, I believe it will be found that fifty cents is not much too high; if therefore the committee will not grant that sum, they certainly will be for something near it.

Mr. BOURNOR.—I agree entirely with the principle of laying duties according to their relative value, and hope the committee will keep up the line of proportion as near as possible. It is only in the application of this principle on the present occasion, that I differ with the honorable gentleman from Pennsylvania, for whose opinions I have the highest respect. I confess, too, that he is much better able to ascertain the price of foreign articles than I am; but I believe, with regard to this one of Madeira wine, I have it in my power to ascertain it pretty well. I take it, that a pipe of wine usually costs at Madeira from twenty-five to thirty pounds sterling; but then I would wish the committee to take into consideration that this wine is paid for there in our own produce at a very advantageous rate, which reduces the nominal sterling sum down in value to a like sum of our currency. I therefore look upon it, that we may calculate the cost of a gallon of Madeira wine at one dollar; for I cannot conceive that any gentleman entertains an idea of taking the risk the merchants runs in importing the wine, or the increased value it obtains during the time it takes to ripen for sale. In laying our duties we ought to apportion it to the value of the article at the time and place of importation, without taking advantage of such adventitious circumstances. Besides, a considerable loss attends in keeping Madeira. The storage is no inconsiderable expense, and the evaporation is an actual loss in quantity, which the merchant is obliged to replace by filling up the cask. Under these considerations, I think it may be admitted, that twenty or twenty-five cents per gallon is a sufficient tax. Moreover, it may be easily demonstrated, that such a duty would be more productive than fifty cents, because it would be with greater certainty collected. There is another reason that induces me to think twenty cents more proper; fifty cents for a gallon of wine is a large sum for a merchant to lay down in duties; it must abridge his mercantile operations, and consequently tend to discourage the Madeira trade, which, in my humble opinion, is one of the most advantageous America has left to her, from the selfish policy that actuates some foreign Powers; therefore we ought not to burden it to so great a degree as the proposed duty seems to have in contemplation.

Mr. LAWRENCE thought that a pipe of Madeira was not worth more than he had before intimated at the time it was imported. It was true, that as the wine increased in age it became more valuable, and, on an average, might be valued at the time of consumption at about two hundred dollars; now, if he was right, and from the observations that were already made, he concluded that laying a duty of fifty cents would be fifty per cent. on the value, or rather more, because a pipe of Madeira generally held more than one hundred

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gallons, and its value seldom on exceeded one hundred dollars. He thought it would operate as a premium to encourage smuggling, and therefore was not inclined to vote for more than twenty cents.

Mr. FITZSIMONS withdrew his motion for fifty cents, and moved thirty-three and one-third cents. The question was put upon thirty-three and one-third cents as the highest sum, and agreed to, being twenty-one votes for it, and nineteen against it.

The next article, "on all other wines," presented itself in order for the consideration of the committee.

Mr. HENRY observed there was a great variety of wines included in that general expression, the prices of which were very different; some worth even more than Madeira, and others less; he submitted, therefore, to the committee the propriety of discriminating and taxing them according to their value.

Mr. BONDINOT acquiesced in the remark. Mr. FITZSIMONS did not think it worth while, at this time, to engage the committee in making such a discrimination. The rich wines were imported in no very considerable quantities, and if the duty was laid pretty high, it would tend to exclude the most inferior and low wines from being introduced.

It was thereupon agreed to lay twenty cents on all other wines.

The next article on the list was "bohea tea," on which

Mr. FITZSIMONS observed that he meant this article not only as a revenue, but as a regulation of a commerce highly advantageous to the United States. The merchants of this country have, from a variety of circumstances, and finding their trade restrained and embarrassed, been under the necessity of exploring channels to which they were heretofore unaccustomed. At length they have succeeded in discovering one that bids fair to increase our national importance and prosperity, while at the same time it is lucrative to the persons engaged in its prosecution. I mean, sir, the trade to China and the East Indies. I have no doubt but what it will receive the encouragement of the Federal Government for some time to come. There is scarcely any direct intercourse of this nature, but what requires some assistance in the beginning; it is peculiarly necessary in our case, from the jealousy subsisting in Europe of this infant branch of commerce. It has been thought proper, under some of the State Governments, to foster and protect a direct communication with India. I hope the Government of the United States has an equal disposition to give this trade their encouragement.

I wish, therefore, the committee would pass over the article for the present, and permit it to come in at another place in the list, where I mean to move a discrimination in the duty on teas, according as they are imported, directly from China in our own ships, or in any ships from Europe. Mr. MANISON expressed an apprehension that if the two objects of revenue and commerce were

he had also prepared, and purposes shortly to publish, another book under the title of the "History of the American Revolution," and praying that a law may pass for securing to the petitioner, his heirs and assigns, for a certain term of years, the sole and exclusive right of vending and disposing of the said books within the United States.

Also, a petition of John Churchman, setting forth that, by several years' labor, close application, and at great expense, he hath invented several different methods by which the principles of magnetic variation are so explained, that the latitude of a place being given, its longitude may be easily determined; and praying that a law may pass for vesting in the petitioner, his heirs and assigns, an exclusive right of vending spheres, hemispheres, maps, charts, and tables, on his principles of magnetism, throughout the United States; as, also, that he may receive the patronage of Congress to enable him to perform a voyage to Baffin's Bay, for the purpose of making magnetical experiments to ascertain the causes of the variation of the needle, and how near the longitude may be thereby ascertained.

Ordered, That the said petitions be referred to a committee of three, and that Messrs. TUCKER, WHITE, and HURTINGTON, be the said committee. A petition of David Ramsay, of the State of South Carolina, was presented to the House and read, setting forth that Mr. William Smith, a member returned to serve in this House as one of the representatives for the State of South Carolina, was, at the time of his election, ineligible thereto, and came within the disqualification of the third paragraph of the Constitution, which declares "that no person shall be a representative who shall not have been seven years a citizen of the United States," and praying that these allegations may be inquired into by the House.

Referred to the Committee on Elections. Mr. BENSON, from the committee to whom it was referred to consider of and report to the House respecting the ceremonial of receiving the PRESIDENT, and to whom was also referred a letter from the Chairman of a Committee of the Senate to the SPEAKER, communicating an instruction from that House to a committee thereof, to report if any, and what, arrangements are necessary for the reception of the PRESIDENT, made the following report:

"That Mr. Osgood, the proprietor of the house lately occupied by the President of Congress, be requested to put the same, and the furniture therein, in proper condition for the residence and use of the President of the United States, to provide for his temporary accommodation."

"That it will be most eligible, in the first instance, that a committee of three members from the Senate, and five from the House of Representatives, to be appointed by the Houses respectively, to attend to receive the President at such place as he shall embark from New Jersey for this city, and conduct him without form to the house lately occupied by the President of Congress, and that at such time thereafter, as the President shall signify it will be convenient for him, he be formally received by both Houses."

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"That a committee of two members from the Senate, and three members from the House of Representatives, to be appointed by the Houses respectively, wait on the President of the United States, as soon as he shall come to this city; and, in the name of the Congress of the United States, congratulate him on his arrival."

And a committee of five was balloted for and chosen accordingly, for the purpose of waiting on the President.

Another committee of three was appointed to wait on the Vice President.

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The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PACE in the Chair; the question being on inserting, in the list of dutiable articles, beer, ale, and porter—

Mr. FITZSIMONS meant to make an alteration in this article, by distinguishing beer, ale, and porter, imported in casks, from what was imported in bottles. He thought this manufacture one highly deserving of encouragement. If the morals of the people were to be improved by what entered into their diet, it would be prudent in the National Legislature to encourage the manufacture of malt liquors. The small protecting duties laid in Pennsylvania had a great effect towards the establishment of breweries; they no longer imported this article, but, on the contrary, exported considerable quantities, and, in two or three years, with the fostering aid of Government, would be able to furnish enough for the whole consumption of the United States. He moved nine cents per gallon.

Mr. LAWRENCE seconded the motion. He would have this duty 30¢ high as to give a decided preference to American beer; it would tend also to encourage agriculture, because the malt and hops consumed in the manufacture were the produce of our own grounds.

Mr. SMITH, of Maryland, was opposed to such high duties as seemed to be in the contemplation of some members of the committee. He thought enough might be raised if the tax was lowered. He formed this opinion from some calculations he had made with respect to the imports at Baltimore. He stated them to amount for the last year, at the rate now proposed, to £238,163; to this, if he added five other districts in Maryland, the probable amount of which, on the same principle, would be £185,537; then, these two sums multiplied by twelve, the supposed proportion that Maryland ought to bear of the national debt, would produce £5,324,400, a sum exceeding very considerably what the wants of the Union required.

Mr. GALE thought a duty of nine cents would operate as a prohibition upon the importation of beer and porter. He remarked the advantages which America possessed in growing malt and hops for the manufacture of these articles. In addition to this, the risk and expense of bringing it from Europe was to be considered. Upon the whole, he concluded so high a duty as nine cents would give the brewers here a monopoly, defeat

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the purposes of obtaining revenue, enhance the price of the consumer, and thereby establish the use of spirituous liquors. For these considerations he was against that sum.

Mr. SINKINS declared himself a friend to this manufacture, and thought if the duty was laid high enough to effect a prohibition, the manufacture would increase, and, of consequence, the price be lessened. He considered it of importance, inasmuch as the materials were produced in the country, and tended to advance the agricultural interest.

Mr. MADISON moved to lay an impost of eight cents on all beer imported. He did not think this sum would give a monopoly, but hoped it would be such encouragement as to induce the manufacture to take deep root in every State in the Union; in this case it would produce the collateral good hinted at by the gentleman from New Jersey, which, in his opinion, was an object well worthy of being attended to. He observed that, in the State of New York, the article paid a duty equal to six cents on importation, and if brought in foreign vessels, it amounted to eight cents; and yet quantities of it were still imported, which proved that eight cents would not amount to a prohibition.

The committee agreed hereupon to charge it at eight cents.

On all beer, ale, or porter, imported in bottles, per dozen, twenty-five cents. Agreed to without debate.

On every barrel of beef it was moved to lay a duty of a dollar per barrel.

Mr. BLAND thought that very little revenue was likely to be collected on this article, let the duty be more or less; and as it was to be had in sufficient quantities within the United States, perhaps a tax amounting to a prohibition would be proper.

Mr. THATCHER admitted that there was beef enough to be got in every part of the country, but it was fresh beef. Some States, from local circumstances, were unable to sell and preserve it, therefore a tax on this article would operate as a partial tax upon those States. If there is a sufficient quantity in the other States to answer their own consumption, they will feel no part of the burden; but it appeared unnecessary to him to lay this restriction, because he found some States capable of exporting beef on terms as reasonably low as any other country could, and it could not, therefore, be contended for as a requisite encouragement to this branch of the agricultural interest.

Mr. GOODRUE did not contend that it was necessary to lay a particular duty on beef, although it was among the enumerated articles admitted by the committee. He was satisfied of the fact, that meat could be put up here cheaper than in Europe, and afforded at a less price, so there was little to apprehend from rivalry.

Mr. MADISON thought that almost every State in the Union had more of this article than was necessary for its own consumption, and consequently there was no danger of its being imported, unless the quality of the foreign beef was superior. He would not object to gentlemen gratify-

ing themselves with this meat, especially as the consumption was neither so great nor general as to affect the revenue, and therefore he judged it might be struck out.

Mr. TUCKER thought with the gentleman from Virginia, that the regulation was unnecessary, and that it would be better to throw it into the common mass, taxable at a certain rate per cent. He therefore moved to have it struck out.

Upon these considerations, the articles of beef, pork, and butter, were all struck out.

Mr. FITZSIMONS moved to lay a duty of two cents on all candles of tallow per pound.

Mr. TUCKER observed that some States were under the necessity of importing considerable quantities of this article also, while others had enough, and more than enough, for their own consumption; therefore the burden would be partially borne by such States. As the committee had just rejected some articles upon this principle, he would move that this be struck out likewise.

Mr. FITZSIMONS.—I am not for striking out, sir. Every article imported into the State that gentleman represents, from which revenue is to be raised, he moves to have struck out; but I wish the committee to consider a moment before they join in sentiment with him. The manufacture of candles is an important manufacture, and far advanced towards perfection. I have no doubt but in a few years we shall be able to furnish sufficient to supply the consumption of every part of the Continent. In Pennsylvania we have a duty of two pence per pound, and under the operation of this small encouragement the manufacture has gained considerable strength. We no longer import candles from Ireland or England, of whom a few years ago we took considerable quantities; the necessity of continuing those encouragements which the State Legislatures have deemed proper, exist in a considerable degree; therefore it will be politic in the Government of the United States to continue such duties till their object is accomplished.

Mr. TUCKER would be glad to know what article it was that South Carolina would not contribute her full proportion of tax upon? he saw none; on the contrary, so far as the enumeration went, the impost would bear unequally upon her, and he feared many others in the list would increase the imposition. He thought it the duty of the committee to guard against an unequal distribution of the public burden in every case, and therefore wished the duty on this article to be a moderate one; not because it affected the State he represented, for it did not do this to any degree—as wax candles were there principally consumed, the material for which was the production of the Southern States—but because other States, not having this advantage, might be oppressed.

Mr. BORDINOT apprehended most States imported considerable quantities of this article from Russia and Ireland; he expected they would be made cheaper than they could be imported, if a small encouragement was held out by the Gov-

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ernment, as the materials were to be had in abundance in our country.

Mr. LAWRENCE thought that if candles were an object of considerable importation, they ought to be taxed for the sake of obtaining revenue, and if they were not imported in considerable quantities, the burden upon the consumer would be small, while it tended to cherish a valuable manufacture. He seconded Mr. FITZSIMONS's motion for two cents; which was carried in the affirmative upon the question being put.

On all candles of wax or spermaceti, per pound, six cents; cheese, four cents; soap, two cents; boots, per pair, fifty cents; on all shoes, slippers, or goloshes made of leather, ten cents; on all shoes or slippers made of silk or stuff, ten cents; on all steel unwrought, per 112 pounds, —.

Mr. LEE moved to strike out this last article, observing that the consumption of steel was very great, and essentially necessary to agricultural improvements. He did not believe any gentleman would contend that enough of this article to answer consumption could be fabricated in any part of the Union; hence it would operate as an oppressive, though indirect tax upon agriculture, and any tax, whether direct or indirect, upon this interest, at this juncture, would be unwise and impolitic.

Mr. TUCKER joined the gentleman in his opinion, observing that it was impossible for some States to get it but by importation from foreign countries. He conceived it more deserving a bounty to increase the quantity, than an impost which would lessen the consumption and make it dearer also.

Mr. CLYMER replied, that the manufacture of steel in America was rather in its infancy; but as all the materials necessary to make it were the produce of almost every State in the Union, and as the manufacture was already established, and attended with considerable success, he deemed it prudent to emancipate our country from the manacles in which she was held by foreign manufactures. A furnace in Philadelphia, with a very small aid from the Legislature of Pennsylvania, made three hundred tons in two years, and now makes at the rate of two hundred and thirty tons annually, and with a little further encouragement would supply enough for the consumption of the Union. He hoped, therefore, gentlemen would be disposed, under these considerations, to extend a degree of patronage to a manufacture which a moment's reflection would convince them was highly deserving protection.

Mr. FITZSIMONS judged that the gentlemen who were against the article had taken for granted what was not founded in fact. It was said that it would operate as an oppressive tax upon agriculture, and could not be obtained otherwise than from foreign countries. The first objection depended upon the sum with which the blank should be filled up; for his part, he had not an idea of increasing it beyond five shillings per hundred weight; this would affect the agricultural interest very little, even suppose it was to be paid upon

all that was used; but he hoped to prove that sufficient quantities could be made in America for her consumption. My colleague has staged, and I believe very justly, that in Philadelphia they made, in less than two years, three hundred tons, and if the demand was increased, they could manufacture as many thousands, with a small encouragement from the General Government. Suppose five shillings per hundred weight was imposed, it might be, as stated, a partial duty; but would not the evil be soon overbalanced by the establishment of such an important manufacture? a great and principal manufacture for every agricultural country, but particularly useful in the United States. When viewed in this light, he had no doubt but every member of the committee would readily assent to a small duty.

Mr. MADISON thought the object of selecting this article to be solely the encouragement of the manufacture, and not revenue, for on any other consideration it would be more proper, as observed by the gentleman from Carolina, (Mr. TUCKER,) to give a bounty on the importation. It was so materially connected with the improvement of agriculture and other manufactures, that he questioned its propriety even on that score. A duty would tend to depress many mechanic arts in the proportion that it protected this; he thought it best to reserve this article to the non-enumerated ones, where it would be subject to a five per cent. ad valorem.

Mr. TUCKER considered the smallest tax on this article to be a burden on agriculture, which ought to be considered an interest most deserving protection and encouragement; on this is our principal reliance, on it also our safety and happiness depend. When he considered the state of it in that part of the country which he represented on this floor, and in some other parts of the Union, he was really at a loss to imagine with what propriety any gentleman could propose a measure big with oppression, and tending to burden particular States. The situation of South Carolina was melancholy; while the inhabitants were deeply in debt, the produce of the State was daily falling in price. Rice and indigo were become so low as to be considered by many not objects worthy of cultivation; and gentlemen will consider that it is not an easy thing for a planter to change his whole system of husbandry in a moment; but accumulated burdens will drive to this, and add to their embarrassments. He thought an impost of five per cent. as great an encouragement as ought to be granted, and would not oppose that being laid. He called upon gentlemen to exercise liberality and moderation in what they proposed, if they wished to give satisfaction and do justice to their constituents.

Mr. FITZSIMONS thought, if gentlemen did not get rid of local considerations, the committee would make little progress. Every State will feel itself oppressed by a duty on particular articles, but when the whole system is perfected, the burden will be equal on all. He did not desire, for his part, to obtain exclusive advantages for Pennsylvania; he would contend, and undertake to

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prove, that by the duties already agreed to, that State sacrificed as much as any other. Indeed, if he had said more, he believed himself capable of proving the position. Being of this opinion, he hoped the committee would agree to grant her an advantage which would revert back upon the other parts of the Union, without operating, even for the present, to the material disadvantage of any. Some States were, from local circumstances, better situated to carry on the manufacture than others, and would derive some little advantage on this account in the commencement of the business. The Eastern States were so situated, perhaps some of the Middle ones also; but will it therefore be insisted upon, that the Southern States pay more of the impost on foreign goods than these? For his part, he never could conceive that the consumption of those articles by the negroes of South Carolina would contribute to the revenue as much as that of the white inhabitants of the Eastern States. But laying aside local distinctions, what operates to the benefit of one part in establishing useful institutions, will eventually operate to the advantage of the whole. With these considerations, he cheerfully submitted the article to the discretion of the committee, moving to fill the blank with sixty-six cents.

Mr. BLAND considered a tax of sixty-six cents a very heavy duty on agriculture and the mechanic arts, and was averse to granting it.

Mr. BOURNOR moved fifty-six cents, which motion was agreed to.

On nails and spikes, it was agreed to lay one cent per pound; on tanned cordage, fifty cents per 112 pounds; on untanned cordage, sixty cents per 112 pounds; on twine or pack-thread, one hundred cents per 112 pounds.

Mr. MADISON said, that he was not clear as to the policy of taxing cordage. He thought ship-building an object worthy of legislative attention, and questioned the propriety of raising the price of any article that entered so materially into the structure of vessels. But if it was politic to lay an impost on cordage, would it not be the same with regard to hemp? He thought it would, and therefore moved it.

Mr. BOURNOR.—Hemp is a raw material, necessary for an important manufacture, and therefore ought not to be subject to a heavy duty. If it was the product of the country in general, a duty might be proper, but this he believed was not the case.

Mr. MADISON.—I said before that I very much doubted the propriety of laying a duty on such articles as entered into ship-building; but if it is necessary to lay a duty on cordage for the purpose of encouraging the manufacture, and making us independent of the world as to that article, it is also politic to endeavor to make us alike independent for the raw material; a great proportion of the land in the Western country is peculiarly adapted to the growth of hemp, and it might be there cultivated to advantage, if the labors of the husbandman were protected by the Government.

Mr. BOURNOR thought the soil of this country

ill adapted to the cultivation of hemp; even the strong low lands which are fit for it, soon became exhausted; it impoverished the lands wherever it grew, and destroyed the agricultural stamina. If he was not mistaken in this opinion, he thought the committee would, with him, disagree to the motion.

Mr. PARRINOR thought a duty on hemp would tend to discourage the American navigation, the trade, and fisheries, without any good resulting to warrant such an injury. It was not ascertained whether hemp could be furnished in any tolerable quantities to answer the demand, and if, upon experience, it should be found that the quantity was insufficient, what a stab this would prove to all concerned in ship-building.

Mr. AMES expressed a doubt of the policy of taxing either cordage or hemp, because while it tended to encourage the agriculture or manufacture, it discouraged the maritime interest, and therefore the discouragement, in the event, would reflect back upon those interests it was intended to cherish.

Mr. MOORE declared the Southern States well calculated for the cultivation of hemp, and, from certain circumstances, well inclined thereto. He conceived it the duty of the committee to pay as much respect to the encouragement and protection of husbandry (the most important of all interests in the United States) as they did to manufactures.

Mr. FITZSIMONS thought there was a clear distinction between taxing manufactures and raw materials, well known to every enlightened country. He had no doubt but hemp enough could be raised for the home consumption, nay for exportation also, and why it was not done he could not say. He recollected that, before the Revolution, very little was imported; now considerable quantities are brought from England. When such a bulky article is capable of paying double freight, first from Russia and then from England, besides its first cost, he conceived that what was produced in America had a very considerable advantage. It could not be urged that the people are unacquainted with the cultivation, because it had been carried to a very great perfection in former years. If eight dollars a hundred is not a sufficient inducement to farmers to raise hemp, it is a proof that they direct their labors to more profitable productions, and why should legislative authority be exercised to divide their attention? Or, for this purpose, why should navigation and ship-building be necessarily burdened? He concluded with declaring, that no duty which the Congress would agree to lay, could give encouragement to the cultivation of hemp, if the present price of that article was insufficient.

Mr. SCOTT stated a fact or two, being perhaps as well acquainted with the Western country as any member of the committee. The lands along the frontiers, he could assure the committee, were well calculated for the cultivation of this plant; it is a production that will bear carriage by land better than any other, tobacco not excepted. He believed an encouragement of the kind now

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moved for would bring, in a year or two, vast quantities from that country, at little expense, to Philadelphia, even from the waters of the Ohio; the inhabitants expect some encouragement, and will be grateful for it. Although a gentleman has called it a bulky article, yet as much can be packed upon a horse as a horse can carry, or in a wagon as four horses can draw; so that its bulk will not prevent our countrymen from seeking a market on the waters of the Atlantic. The committee rose and reported, and The House adjourned.

THURSDAY, April 18.

A bill to regulate the taking the oath of affirmation prescribed by the sixth article of the Constitution, was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

The House proceeded, by ballot, to the appointment of a committee of five, to attend, with a committee from the Senate, to receive the President of the United States at such place as he shall embark at from New Jersey for this city.

The members elected were Messrs. BOURNOR, BLAND, TUCKER, BENSON, and LAWRENCE.

On motion, That Messrs. GILMAN, AMES, and GALE, be a committee, in conjunction with a committee from the Senate, to wait upon the Vice President of the United States upon his arrival in this city, and to congratulate him thereupon in the name of the Congress of the United States.

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The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PAES in the Chair.

Mr. HARTLEY.—Notwithstanding what gentlemen had said yesterday to enforce the propriety of laying a duty on hemp, it was in the knowledge of every gentleman, that America did not furnish this article in quantities sufficient for its consumption; any restraint, therefore, on the importation of the raw material would strike at the root of the manufacture. A contrary policy was pursued by England in all cases where a raw material was necessarily imported. He conceived that the sense of the committee was already expressed to countenance the making of cordage, which is a most necessary and valuable branch of ship-building, therefore he doubted the policy of the proposed measure, but for the sake of conciliation he would agree to a very small duty.

Mr. MOORE thought it good policy to encourage the manufacture of cordage, but was not convinced that it was bad policy to encourage likewise the growth of the raw material in America, so that we might become as independent of all the world for this article, as we are already for every other used in the structure of vessels. He believed it would be difficult to persuade the farmer that his interest ought to be neglected to encourage particular artisans; he therefore begged the committee to do as much for them as was in

their power, believing that the event of such policy would mutually benefit the manufacturer and agriculturist.

Mr. HENRIS remarked that a heavy duty on hemp would not encourage the raising of it this year, because the time was elapsed for commencing the cultivation; but a duty, to take place at some future time, would no doubt be beneficial. He assured the committee of the ability of the land in America to grow hemp, equal to any part of the world; and, therefore, joined heartily in giving it legislative encouragement, in order to induce the people to turn their attention more particularly to the subject, but would recommend the duty to be laid so as to commence its operation at a distant day.

Mr. WHITS remarked, what was good policy in England might be the contrary in America. England was a maritime nation, and therefore she gave a bounty on such articles as were requisite to support her maritime importance. America was an agricultural country, and therefore ought to attend to the encouragement of that interest. If the Legislature take no notice of this article, the people will be led to believe it is not an object worthy of encouragement, and the spirit of cultivation will be damped; whereas, if a small duty only was laid, it might point out to them that it was desirable, and would induce an increase of the quantity. Our lands are capable of bearing this plant many years without being exhausted. He could not say exactly what sum would be proper to fill the blank with, but mentioned seventy-five cents for the consideration of the committee.

Mr. PARRINOR admitted the propriety of encouraging agriculture, but it ought not to be done at the expense of the ship-builders, especially as the good would not balance the evil. He told the committee that hemp had risen, within three or four years, forty per cent in Russia, owing, perhaps, to the increased demand which the present Northern war occasioned. This naturally operated to encourage the cultivation in America, and perhaps was sufficient, without the aid now intended to be given. If gentlemen were desirous of having it stand among the selected articles, he should not object, but hoped the duty would not exceed five per cent. Forty cents were about equal to that rate, and he moved to fill the blank with that sum.

Mr. LAWRENCE.—A high duty would prevent the importation of hemp, and encourage that of cordage; so that the raw material would be lessened for the manufacture, and the quantity of foreign ready-made cordage increased. The effect of this would be the annihilation of the manufacture, without any advantage to the husbandman; for when sufficient quantities could be raised, there would be no person to work it up; or, if gentlemen persisted in laying a duty on hemp, they must agree to reconsider that on cordage, for the purpose of raising it, in order to make the two bear such a proportion as that the home manufacture might have a preference over the foreign.

Mr. GOODHUE was disposed to lay a duty on

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hemp for the purpose of encouraging the cultivation, but he did not think that the duty on cordage was proportioned to what the gentleman from Virginia (Mr. WARR) had proposed on hemp. He therefore insisted on the propriety of raising the former.

Mr. PARSONS informed the committee, that the State of Massachusetts imposed only a duty of one per cent. on the importation of hemp, which was applied to form a bounty of a dollar per hundred weight on that raised within the State.

Mr. BOURNOR took it for granted that hemp would be subjected to a duty, and accorded with the gentleman from Massachusetts in making it forty cents. He thought this would combine the two interests in such a manner as to do the most good and least evil. He confessed that he was against taxing this article, because of the uncertainty which he conceived there was of raising it in America; but as that point was determined against him by the testimony of gentlemen well qualified to judge, he would acquiesce in laying a small duty.

Mr. HARTLEY preferred giving a bounty on hemp of American growth, to taxing the foreign, because the existence of the manufacture, and of ship-building also, was involved in the price of the raw material. He hoped America would soon become in reality what nature had destined her to be—a maritime nation. He therefore could not think it good policy to pursue measures which must cramp the growth of a fleet.

Gentlemen had made some remarks upon a country well qualified for the cultivation of hemp. He believed what had been advanced was fact. He should say nothing at this time to ascertain how far it would be proper to endeavor to settle the Western country. Though he had a real friendship for that new world, yet the policy of taxing the navigation of the Atlantic States for the purpose of encouraging their agriculture, was a question worthy of some consideration. He would add no more, but a wish that the committee would lay the duty low.

Mr. MOORE made some observations on the propriety of encouraging the home manufactures. It had already been mentioned as incongruous to blend the subject in the present bill, therefore he would say nothing on that point; but it was undoubtedly the interest of the husbandman to get what he wanted, at the cheapest rate. By the encouragement given to manufactures you raise them in price, while a competition is destroyed which tended to the advantage of agriculture. He thought the manufacturing interest ought not to stand in the way of the other; but as the committee had agreed to give it encouragement, he hoped the other would receive its share of legislative support. Seventy-five cents on hemp will not more than equal what was laid on cordage, and therefore he should vote for it.

Mr. WARR thought, with the gentleman from Pennsylvania, that the United States would furnish this article in sufficient abundance, not only for home consumption, but for exportation. The maritime Powers of Europe do not raise the arti-

cle, but obtain it principally from Russia; these Powers are as well disposed to take it from us as from Russia. Our back lands are extremely well adapted to its cultivation; a road to bring it to market is opening; the Potomac extends her navigable waters into the interior country, and a communication will be established with the river Ohio and the western waters. The gentleman from Pennsylvania (Mr. HARTLEY) had hinted at the propriety of settling the Western territory; it was his opinion that every encouragement ought to be given, them to engage their affection; that the administration of the Government ought to be such as to give satisfaction to all parts of the Union, but it is peculiarly our interest to render that country advantageous; her fertile lands, and streams easy of descent, would pour into the Atlantic States, through the channels he had mentioned, a profusion of wealth, and hemp in abundance. The Shenandoah river disembogues into the Potomac, the South Branch communicates with it also, and a number of other rivers whose lands will produce immense quantities. He considered that this, in a short time, would do more towards encouraging ship-building than a bounty, as had been mentioned by some gentlemen.

Mr. SCOTT thought he had as perfect a sense of the relation between agriculture and commerce, as any man; in a word, he knew the one could not exist without the other. I think, added he, that if the landed interest is ruined by our regulations, the ruin of the manufacturing interest must be a necessary consequence. Our country furnishes none of the precious metals or jewels; we have nothing to depend upon but the productions of the soil, and the overplus of these productions is of little value, unless a market takes it off. We have no market but what our merchants procure; hence the necessity of both interests going hand in hand—they must stand or fall together. Agriculture is entitled to its proportion of encouragement, so also are manufactures and commerce, and for no more than that proportion do I contend. Manufactures are useful establishments; we found their convenience in the last war; but our circumstances do not admit us to become an extensive manufacturing country. We cannot contemplate the exportation of our manufactures to foreign nations; we cannot, by reason of the demand for labor, vie with Europe; her inhabitants are numerous, and their industry would be lost unless employed in the arts; the compensation made to them is comparatively small. But our country, from its extent, is like a world within itself, and its inhabitants will find a readier support from cultivating the land than from manufacturing; the latter interest is limited from its very nature; so that I take it for granted it is not intended to sacrifice the one interest to the other. I said yesterday, that a small duty on imported hemp would produce a great quantity from a country now useless to us in a considerable degree. Hemp will bear the expense of carriage, which no kind of grain can; and, consequently, increase the value of our vacant territory; but if there was no convenience by the route of the Po-

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tomac, or across the mountains, to bring to your seaports the hemp which you want, yet the Mississippi would furnish the means; and, with the encouragement, nay, but small encouragement, of the General Government, more of this article would issue out of the mouth of that river alone than the whole of the United States could consume. We who live there are no strangers to its navigation, nor do we find it difficult to construct boats of great dimensions, capable of floating down many tons; but large quantities will be furnished also from the strong and vigorous lands in the back parts of Pennsylvania and other States. I know very well both the nature of the plant and its cultivation. It will exhaust lands, as said by the gentleman from New Jersey, (Mr. BOURNOR,) but it is not to be apprehended as doing injury to those I have described. Considering this business of great importance to the whole Union, I shall be in favor of it, knowing that if the people on the other side of the mountains only hear of the encouragement being proposed by Congress, they will lay hold of it as a hope, and be encouraged to draw forth the bounties of nature from a rich and fertile soil.

Mr. BURKE thought it proper to suggest to the committee what might be the probable effect of the proposed measure in the State he represented, (South Carolina,) and the adjoining one, (Georgia.) The staple products of that part of the Union were hardly worth cultivation, on account of their fall in price; the planters are, therefore, disposed to pursue some other. The lands are certainly well adapted to the growth of hemp, and he had no doubt but its culture would be practised with attention. Cotton is likewise in contemplation among them, and if good seed could be procured, he hoped it might succeed. But the low, strong rice lands, would produce hemp in abundance—many thousand tons even this year, if it was not so late in the season. He liked the idea of laying a low duty now, and encouraging it against the time when a supply might be had from our own cultivation.

Mr. MADISON feared seventy-five cents was too high; he was doubtful whether it would not have been as well to have left out cordage; for if a duty on hemp was impolitic because it burdened navigation, so also was that on cordage. He by no means approved of measures injurious to ship-building, which he considered in a three-fold view: first, as it related to vessels employed in the coasting trade; second, as it respected those employed in those channels of trade, the stream of which depends upon the policy of foreign nations; and third, as it was connected with vessels built for sale. With respect to the first, no doubt but we can prevent any discouragement from the operation of the duty, because we can make such discrimination as will prevent a rivalry; but, in relation to the two other points, and particularly the last, he was sensible that every penny laid upon cordage would enter into the price of the vessel, and, by raising the price, drive the purchasers to seek a better bargain at other hands. Fearful, therefore, of injuring this interest, he

should vote for a small duty at present, in hopes of being able to see, in a little time, sufficient quantities of hemp brought to market, as predicted, at even a less price than is given now for the imported.

Mr. SMITH agreed to forty cents, provided the committee would make it one dollar at the end of two years.

Mr. MADISON could not judge of the alteration in the circumstances of this country two years hence, and therefore did not like the kind of provision mentioned. He preferred making it a positive sum, and moved fifty cents; which was agreed to.

On malt.

Mr. SHERMAN thought this might be struck out, on the same principle that beef and pork had been, there was none imported.

Mr. FLETCHER replied, that there had been considerable and recent importations of this article into the United States—30,000 bushels in one year; certainly this interferes with the products of the country. He moved ten cents per bushel, and it was agreed to.

On motion of Mr. AMES, barley was taxed six cents, and lime one hundred cents. He just stated that these articles were imported in considerable quantities from a neighboring State that had not yet adopted the Constitution; and, perhaps, said he, our political situation is such as to make some regulation on this head necessary.

On nails, spikes, tacks, and brads.

Mr. LEE did not think we were ripe for such extensive manufactures as some gentlemen seemed desirous of encouraging; but this was particularly objectionable, because it was a tax upon the improvement of estates, unless the articles could be furnished as cheap and abundantly at home as they were by foreign nations. He moved to strike it out.

Mr. MADISON conceived this, like a tax on hemp, would increase the price of ship-building; spikes and nails were necessary for the construction of vessels.

Mr. BLAND thought a duty on nails an unequal tax, burdening the Southern States, but not felt by the Northern, who made only enough for their own consumption; he opposed it also on account of its being an article of indispensable necessity.

Mr. GOODhue informed the gentlemen who were opposed to a duty on nails, that great quantities of them were manufactured for exportation in Massachusetts and Pennsylvania, and he believed some other States; and, in a little time, enough might be made to supply all North America.

Mr. AMES thought this a useful and accommodating manufacture, which yielded a clear gain of all it sold for, but the cost of the material; the labor employed in it would be thrown away, probably, in many instances. It could not be said that it required a large capital, or extraordinary abilities, to acquire a knowledge of the art. It has grown up, with little encouragement, to an astonishing degree of perfection; it has become usual for the country people in this State to erect

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small forges in their chimney corners, and in winter, and on evenings when little other work could be done, great quantities of nails were made even by children; perhaps enough might be manufactured in this way to supply the continent. These people take the rod iron of the merchant, and return him nails; in consequence of this easy mode of barter, the manufacture is prodigiously great. But these advantages are not exclusively in the hands of the people of Massachusetts; the business can be prosecuted in a similar manner in every State exerting equal industry. He hoped the article would remain in the hill.

Mr. SHEPARD.—The gentlemen object to these articles because they are necessary; and cannot be furnished in quantities equal to the demand; but I am of opinion, if they cannot now be had in such plenty as is wished for, they may in a very short time. Every State can manufacture them, although they cannot make nail rods. Connecticut has excellent iron ore, of which bars are made, but she gets nail rods from this city; others can do the like, and until all the States can supply themselves by their own industry, for which purpose they have everything at their hands, it may not be amiss for the Government to get some revenue from the consumption of foreign nails.

Mr. TUCKER judged, from what was said of the little expense and great facility of manufacturing nails, that it stood in no need of legislative assistance. Why lay a duty on foreign nails, when they cannot rival you if you make them as good and as cheap? Will not the five per cent. duty, with freight and shipping charges, be sufficient encouragement? He thought it would, and therefore was averse to any other duty. He observed also, that it would burden ship-building, and was, consequently, against those employed in that business.

Mr. PARSONS observed that, to the eastward, no spikes at all were imported, and few or no nails, except of some particular kinds. If spikes were not imported to the southward, he would join gentlemen in striking them out.

Mr. AMES thought it proper to add a few more observations. The committee were already informed of the flourishing condition of the manufacture, but they ought not to join the gentleman from South Carolina (Mr. TUCKER) in concluding that it did not therefore deserve legislative protection. The commerce of America, particularly the southern parts, had, by the force of habit and English connexions, been setting strong upon the British coasts; it required the aid of the General Government to divert it to a more natural course. Good policy and sound wisdom demonstrated the propriety of an interchange between the different States in the Union: to procure this political good some force was necessary. Laying a small duty on foreign manufactures might induce, from motives of interest as well as inclination, one fellow-citizen to barter with, or buy of another, what he had long been accustomed to make from strangers. Allowing this remark its due weight, he had no doubt but that the committee would concur in laying a small protecting duty in favor of

this manufacture. Again: from the situation of the manufacturer in Europe, and the one in America, he concluded this encouragement was necessary. In Europe, the artisan is driven to labor for his bread; stern necessity, with her rod of iron, compels his exertions; but in America invitation and encouragement are necessary; without them the infant manufacture droops, and its patron seeks, with success, a competency from our cheap and fertile soil.

Mr. FITZSIMONS was not very solicitous about the duty. He thought the manufacturers would have but little to apprehend if the Legislature should decide against them; for the fact was that nails were at this moment made cheaper, and, in the opinion of some judges, better than those coming from England. Before the Revolution, the people in America were not permitted to erect slitting mills. Now they have several, and are independent of all the world for the materials necessary for carrying on the business in the most extensive manner. So far as the duty respected the manufacture in Pennsylvania, it was his opinion that refusing it would do no material injury, and he believed it would draw but little money into the treasury; yet, nevertheless, he was willing to allow a small one, because it conformed to the policy of the States, who thought it proper, in this manner, to protect their manufactures. He believed neither spikes nor nails for ship-building were imported; they were generally large and heavy, and were made in the country, according to the builder's orders.

On the motion, nails and tacks and brads were one cent per pound, but tacks and brads were struck out.

On salt, per bushel.—Mr. BRIDGE.—I need not observe to the committee that this article is a necessary of life, nor that black cattle, sheep, and horses, do not thrive without it; but I know likewise that it is a tax particularly odious to the inhabitants of South Carolina and Georgia, to whom the price is already oppressively great. The back parts of that State are obliged to haul all they consume two, three, or four hundred miles in wagons, for which they pay about seven shillings sterling. Add to this the first cost, which is about one shilling, though sometimes more, and you will find the burden sustained by those who live remote from the sea-shore sufficiently unequal. I hope, therefore, the committee will not agree to it.

Mr. LAWRENCE hoped a duty would be laid on the article; it was in general use, and the consumption so regular, that it was much to be depended upon as a source of revenue; but the duty ought not to be so high as to make it oppressive. The additional burden to those who live remote from the coast will not be unreasonable; they will pay no greater impost than every other class of consumers, and the tax mixing with the price will be less sensibly felt. The remote settler does not pay on other articles equal to the inhabitant who resides near the Atlantic. He does not consume the linen and cloth of Europe, the tea of

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the East, the sugar and spirits of the West Indies, in any thing like such proportion. Can he be said then to be oppressed with a small and equal tax upon salt, an article which is consumed equally in the interior and exterior country? He certainly cannot. But there is one observation which may be urged as an objection; being aware of this, he would propose, at a proper time, the allowance of a drawback upon all salted fish and provision exported. He moved to impose a duty of six cents per bushel.

Mr. TUCKER felt an aversion to laying a duty on salt, from several motives. It would bear harder upon the poor than upon the rich. The true principle of taxation is, that every man contribute to the public burdens in proportion to the value of his property. But a poor man consumes as much salt as a rich man. In this point of view, it operates as a poll-tax, the most odious of all taxes; it does not operate simply as a poll-tax, but is heavier on the poor than on the rich, because the poor consume greater quantities of salted provision than the rich. Nor does it bear equally upon every part of the country; for it is consumed in a greater proportion by cattle at a distance than by those near the sea-shores. Moreover, the duty collected on the importation will enter into the price of the article, and the countryman will pay the retailer a profit on the tax, perhaps of four times its amount. For which reasons, he was more averse to this article being taxed than any other whatsoever.

Mr. SCOTT declared himself decisively against the duty, although he admitted a most certain revenue could be drawn from it, on account of its universal demand and utility. But he did not think these considerations alone amounted to a sufficient reason why this necessary article should be taxed; if they did, the arguments would prove too much, it would extend to the use of water and common air. He presumed the old arguments often urged by gentlemen in favor of manufactures did not apply, because no encouragement would be sufficient to establish it.

From the nearest part of the Atlantic coast, where salt can be obtained, to the next nearest in the Western territory, is a distance of eight hundred or one thousand miles: all the intermediate space must be supplied from one for the other; over the mountains it must be carried on pack-horses. This of itself is a sufficient tax upon the consumer; how oppressive then must it be to increase the burden.

It has been mentioned that this tax will be an odious one. I have no pretension to the gift of prophecy; but I am willing to let my name go to posterity in giving it as my opinion, that if you lay a high duty on such an indispensable necessary of life, it will be bad policy, and go high to shipwreck the Government. I have reasons of a political nature to support my opinion; but I do not think I should be justified in mentioning them at present; but I will venture to say this much, that I fear it will have a tendency to shake the foundation of your system, which I look upon as the only anchor of your political salvation. Will

it not be wise, therefore, to let the administration of your power slide gently along inoffensive to so great a body? Let them become reconciled to your views before you stretch out the hand of oppression. Throw salt, if it must be taxed, into the mass of articles, and lay your per cent. a little higher to make up the deficiency. This will be less odious, and, on the score of revenue, amount to the same thing. I consider taxes, in this point of view: the exigencies of the Union call for a sum of money annually; it must be raised in some way by a tax on the community. It is no matter to the individual whether he pays his proportion by a tax on salt, or any other article he consumes, but the wisdom of Government will direct which. The money must be had from some source; and may be taken from any; yet prudence will dictate to obtain it by means the least odious, the least unpopular, and most pleasing. All taxes, I admit, are odious; but they are comparatively so. Let, therefore, this article be left out of the enumeration, and do not apply to it until other means have failed, because it would be a very partial and most odious tax.

Mr. MOORE observed upon the inequality, as it respected the consumption of the article by cattle; some States raised more than others, consequently they consumed more; some parts of the same State were in a like situation. The people on the sea-coast pursued merchandise; those in the back parts raised cattle, which he was bold to say consumed five times as much salt as the lower country, and would pay the tax in the same proportion. It has been said, that if they pay more on salt, they pay less on other articles—agreed. But there are a number more which may perhaps unequally affect them; yet it is an argument of small weight to say, because we in large commercial cities are regulated in a sumptuary manner for indulging in luxuries, you who are obliged to retrench them shall pay a tax upon the necessities of life. In short, the tax appeared to him not only unpopular, but unjust likewise, and he would not agree to it.

Mr. SMITH (of South Carolina).—If any further arguments were necessary to convince the committee of the impropriety of the present measure, more might be urged, though what has been said is sufficient to demonstrate that it will be attended with a great deal of dissatisfaction, and in proportion to that dissatisfaction will be the danger of having your laws contemned, opposed, or neglected in the execution. It is well known, that however small the duty, it will furnish a pretext to the seller to extort a much greater sum from the consumer. Another observation. It is believed that the inhabitants of the interior part of South Carolina are opposed to the new Government; it will be a melancholy circumstance to entangle ourselves, at this time, among the shoals of discontent; yet no stronger impulse could be given for opposition than the proposed tax: conceiving it in this light he was against the measure.

Mr. SCOTT added that the price of salt where he lived was four dollars a bushel; the country was settled three or four hundred miles beyond

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him, and he supposed the price there to be greater.

Mr. LAWRENCE thought it would be better for the committee to take time to examine what had been urged against the tax, and as it was the usual time for adjourning, the committee might rise and defer their decision till to-morrow.

Whereupon the committee rose, and the House adjourned.

FRIDAY, April 17.

BENJAMIN CONTESS, from Maryland, appeared and took his seat.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PAGE in the Chair; the question of laying a duty on salt recurred.

Mr. LAWRENCE.—I had the honor yesterday of delivering my sentiments in favor of this duty; but observations were made by gentlemen from different parts of the House against the measure.

The principal objection was, that the tax was an odious one. It was admitted by a worthy gentleman from Pennsylvania (Mr. SCOTT) that all taxes are odious; this is certainly true, for the people are not pleased with paying them; nothing but necessity will induce a Government to have recourse to them. It is also true, that some are more odious than others. From what has been said, it may be seen that a tax on salt is not so in general, but only in particular parts of the Union; the remote inhabitants, it is said, will be dissatisfied, because it increases the price of the commodity, and they use more of it than others. It is mentioned as partaking of the nature of a capitation tax, but this kind of tax is odious, more from its manner of operation than its nature. We find in some States where it is in use, the people live easy under it; for example, it is not complained of in some of the Eastern States. We have not much to apprehend from a tax on salt in this State; the people are satisfied with it; at least the complaints are neither so loud nor so general, as to make us apprehensive for the existence of the Government we live under. Its operations, though the contrary was predicted, go on with as much ease since an impost has been laid, as they did before. I believe, likewise, we have only to try the experiment, to be convinced it would have a similar effect throughout the Continent; for I cannot persuade myself that it is generally looked upon in so odious a light as some gentlemen imagine. It was also said, that the tax would be unequal, and the objects of inequality were two. The poor man would pay as much as the rich; but this is not the case; the rich are generally more profuse in their consumption than the poor; they have more servants and dependents also to consume it; consequently the whole amount of their consumption must be in a proportionable ratio. The other inequality was its different operation in different States, and even in different parts of the same State. On exami-

nation, this objection also may be obviated. Gentlemen tell you the high price of this article at three or four hundred miles distance; is it not hence presumable that there they consume as little as possible, while along the sea-coasts they use it with a liberal hand? But whether it be consumed on the sea-coast, or on the western waters, the tax is the same, or but inconsiderably augmented; for I take it the great addition which is made is in consequence of the charge of carriage. I cannot, therefore, see by what magic gentlemen will prove to you that it is increased four or fivefold. We must also take into contemplation the number of persons who consume it; here it will appear, that the weight of population is much greater on the sea-coast than in the western parts of Pennsylvania, Virginia, and Carolina, consequently the consumption must be greater. It is said the argument I urged was not a good one; because it proved too much, that an article of general consumption was not the best article for taxation; now, I believe the maxim is just, and when examined will be found so. Taxes, to be just, should affect all, and equally affect them, and not be left to fall partially upon a few. This is more the case with salt than any other article which has yet been taxed, and I believe is the only tax which will get at the pockets of those to whom it is said to be obnoxious. But how comes it, if the other articles are equally consumed in the back countries, that gentlemen did not urge the argument of expense on transportation, and the pretext that a tax would furnish the service to extort from the consumer?

I believe gentlemen will find it difficult to point out any kind of support which they give to Government, if this duty shall be refused; yet it was hinted that the Government would be endangered if they were called upon for this. We are now entering on a subject of a delicate nature, and I wish to treat it as such; but I will not suppose the Government hazarded by making a revenue law that is right and justifiable on general principles; if it is, upright men may be willing to risk the consequences. The inhabitants of every part may find in this law some articles more burdensome on them than that particular article is on every other part; but yet the aggregate paid by them toward the exigencies of Government is equalled by a disproportion in some other article.

If I did not think the object before the committee of great importance, I would not consume their time in contending for it; but, relying on it as an equitable and very productive fund, I must trespass a few words further. This article is of general consumption; perhaps it may be averaged at three bushels to a family annually; the tax on this will be light, none can be oppressed, and yet it will bring into the treasury a very large sum. If any family consumes more and expends it upon their cattle, it ought to be considered that it enters into the price of the cattle when brought to market, and ultimately falls upon the consumer. Mr. MOORE had said yesterday, that the duty would operate unequally; he thought so then, and had not yet altered his opinion, because the

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back inhabitants consumed five times as much as those on the sea-coast; he had expressed no apprehension that the duty would endanger the Government.

Mr. MADISON.—From the nature of the arguments made use of on this occasion, it is necessary to proceed with some circumspection, though not to depart from that policy which can be justified by reason and experience. I am willing to trust a great deal to the good sense, justice, and penetration of our fellow-citizens for support; and though I think it might be just to lay a considerable duty generally upon imported articles, yet it would not be prudent or politic, at this time, to do so. Let us now proceed to consider the subject before us, on the principles of justice and principles of policy. In the first point of view we may consider the effect it will have on the different descriptions of people throughout the United States; I mean different descriptions, as they relate to property. I readily agree that, in itself, a tax would be unjust and oppressive that did not fall on the citizens according to their degree of property and ability to pay it; were it, therefore, this single article which we were about to tax, I should think it indispensable that it should operate equally, agreeably to the principle I have just mentioned. But in order to determine whether a tax on salt is just or unjust, we must consider it as part of a system, and judge of the operation of this system as if it were but a single article; if this is found to be unequal, it is also unjust. Now, examine the preceding articles, and consider how they affect the rich, and it will be found that they bear more than a just proportion according to their ability to pay; by adding this article, we shall rather equalize the disproportion than increase it, if it be true, as has been often mentioned, that the poor will contribute more of this tax than the rich. When we consider the tax as it operates on the different parts of the United States, dividing the whole into the northern, middle, and southern districts, it will be found that they contribute also in proportion to their numbers and ability to pay. If there be any distinction in this respect, it will be perceived to be in favor of the southern division, because the species of property there consists of mouths that consume salt in the same proportion as the whites, but they have not this property in the middle and northern districts to pay taxes for. The most important objection is, that the western part of our country uses more salt than any other; this makes it unequal; but, considered as part of a system, the equilibrium is restored, when you find this almost the only tax they will have to pay. Will they contribute any thing by consuming imported spirits? Very little. Yet this is a principal source of revenue; they will submit upon what they procure at home; and will they submit to a direct tax, if they murmur at so light a one on salt? Will they submit to an excise? If they would, I trust it is not in the contemplation of gentlemen to propose it. Certainly it requires but time for reflection to discover, in every point of view, the justness of the measure

now proposed. If then, there be no particular objection on the footing of justice, it must be an argument in favor of the policy; for it cannot be presumed that good policy deviates from the principles of justice. There may exist prejudices against measures founded in the strictest justice and soundest policy; but certainly they will flee before reason and conviction. While in search of revenue, for such essential and important purposes as urge us at present, we cannot discriminate, and spare one part of the community. This would be unjust, and excite those complaints which some gentlemen seem to fear.

It has been said, by the enemies of this Government, that its administration would immediately betray the features of tyranny and oppression. It was likewise said, that its operations would be gentle and insinuating at first, in order to obtain the confidence of the people to enable it to supplant the State Governments. Would not a discriminating policy seem to make good these charges? Let us then avoid it with caution, and endeavor to distribute the public burden with a just and equal hand. In short, under whatever point of view you consider this tax, I think it will be seen to be improper to expunge it. I would make it moderate, and, in so doing, it cannot be unjust, nor can the popular clamor be excited.

Mr. HUNTINGTON had no apprehension of danger arising from the odiousness of the tax in the State he came from; his constituents would inquire the reasons why it was imposed, and when they found it was from principles of justice, and to promote the public good, they would pay it without reluctance. From the nature of the article, he looked upon it as the means of a certain and sure revenue, and if it was not now used as such, it would be done on some future occasion with considerable advantage. In France, a duty was paid equal to two shillings and six-pence per bushel, which is more than the value of the article; in England the duty was considerable, but cannot say how much. A duty of six cents per bushel here would yield a great revenue, and no man would feel the oppression. If it is alleged that it will affect the husbandman or grazier with large herds of cattle, are they not rich—at least rich enough to pay six cents on a bushel of salt? Certainly such a tax is too trifling to be much complained of, even if it was unequal; but I think it has been clearly demonstrated to be otherwise.

Mr. WHITE, after some doubts, had made up his mind against the article being taxed. We ought to pass no law that is unjust or oppressive in its nature, or which the people may consider as unjust or oppressive; a duty on salt would be considered in that light by a great number. Our constituents expect some ease and relief, particularly the poorer sort of people. It seems to be granted, from all that has been said, that it will affect them in a manner which no other tax can, though, it is said, they will not be affected beyond their proportion, as they pay nothing for the consumption of wine, spirits, &c., because they use

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none. One reason which influenced the committee to tax those articles, was to abolish the use of them altogether, or prevent the excesses they occasioned. Now will you urge in argument for taxing the poor, that they already practise that temperance which you desire to bring universally about? All taxes, it is admitted, are odious, and some merely from opinion; but if they are odious from opinion, they ought to be carefully guarded against, especially if the Government depends upon opinion for support. The present Constitution was adopted by a small majority in some States, and in the opinion of many is not so favorable to the rights of the citizens as could be desired; wisdom and prudence will, therefore, teach us not to exercise powers under it which opinion may judge oppressive. Considering the political state of Kentucky and the Western country, we ought to be careful how we give them umbrage; means at this moment are using to detach them from the Union, and place them in a different situation. This may be promoted in some degree by the slightest tax; for there are those who would gladly seize any advantage arising from a discontent among our citizens. It cannot be thought that this duty would be so productive as to warrant the risk we run in opposing the public opinion.

Mr. SCOTT.—I grant that the policy of this measure is mere matter of opinion; as its advocates have stated; it cannot be otherwise, because we have had no experience of it, and every gentleman will form that opinion from facts that have fallen under his knowledge. Now, from the facts known to me, I doubt its policy exceedingly. I would, therefore, be clear for passing it over for the present. Perhaps my local situation gives me an opportunity to know these facts better than most members on this floor, and this knowledge has prevailed with me to be of opinion, that the present measure would have very destructive consequences. I mean to give this opinion to the committee; they will make such use of it as they please; but before I proceed further, I will just remark, that I do not think the reasons on the point of justice well founded. I think they have taken for granted facts that do not exist. It was supposed that the inhabitants of the back country did not use their proportion of the other articles which were taxed. Are we to believe that a bottle of Madeira, or of rum, never crossed the Alleghany mountains, or went more than fifty or one hundred miles from the seacoast? Sir, on the banks of the Ohio, I must say, though I am sorry to say it, there exists as great a rage for every species of luxury which the people can lay their hands on, as there does even in the city of New York; and how should it be otherwise? Have they not the example from yourselves? If a countryman comes among you for a time, is he not initiated and accustomed to your manners? Will he not too often carry home your fashions and your vices? Certainly he will. Then why should gentlemen suppose that these people do not contribute their proportion on other articles? I can sit at a door in a country village, five hun-

ded miles from this place, and see nine out of ten of its inhabitants dress in European clothes. I can there procure wines, both in quality and quantity, equal to those on the seacoast. If the people do not consume as much there, it arises merely from their inability to buy and pay for it; but they consume in proportion to their property and wealth. Now, if the position, that people ought to pay taxes in proportion to their property be true, and I believe it is, and the inhabitants of the Western country contribute equally their part on all which has been laid, it remains only to inquire how the duty proposed will operate. I need not repeat the arguments already used to show its inequality. The gentleman from Virginia (Mr. Madison) has conceded the point. He has said, that if we were laying this particular tax, it would be an improper one because of its inequality. Now, then, I think it does come before us upon its own bottom; and as it is an unequal one, so is it an improper one. What is unjust is impolitic. On the principles of justice and policy, then, the measure ought to be rejected. I hope the opposition, which is apprehended, may not take place against your Government, as the wisdom and patriotism of this body will never, I am satisfied, furnish their enemies with weapons of destruction.

Mr. FITZSIMONS felt hurt by some of the arguments he had heard; whilst the Congress of the United States continue to act upon principles of justice, they have little to apprehend from their enemies. He hoped never to see any other principle govern them; it was paying their constituents a bad compliment to say, that they would oppose measures founded on such a basis; for his part, he did not think so little of their good sense and discernment. If gentlemen had proved that the proposed measure was founded in injustice, they would have some pretext for exciting alarms, but he did not think they had done this; he thought the contrary position was better established. At first view, it must be discernable that this article is of such a nature as to insure the collection of the duty; it is too bulky for smuggling; the average quantity which a family would consume could not exceed five bushels annually; this, at six cents per bushel, is less than one-third of a dollar; and are gentlemen serious when they talk of this sum being so oppressive as to endanger the Government? He knew very well that this ground had been trodden by almost every State Legislature on the Continent, and address enough had been used to make some think it an unpopular measure, but he could never see a reason for this opinion. It had been urged that we had better defer the subject under discussion for the present, and take it up hereafter. One reason why he was in favor of high and general duties, in the first instance, was to avoid the imputation which had been laid against the administration of this Government by its opponents; he would not attempt to deceive the people as to its powers; if a tax on salt will be right some time hence, it is right now.

Mr. SMITH, of Maryland, said, they collected

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eight cents in his State, and it caused no complaint that he knew of.

The question on imposing six cents on salt was put and carried, as was a motion for a drawback on salted provisions and fish.

On manufacture tobacco, Mr. SHERMAN moved six cents, as he thought the duty ought to amount to a prohibition. This was agreed to.

On snuff, ten cents per pound. Mr. CARROLL moved to insert window and other glass. A manufacture of this article was begun in Maryland, and attended with considerable success; if the Legislature were to grant a small encouragement, it would be permanently established; the materials were to be found in the country in sufficient quantities to answer the most extensive demand.

A desultory conversation arose in the committee respecting the propriety of receiving the motion at this time, when it was agreed to add on all window and other glass, except black quart bottles, ten per cent. ad valorem.

Mr. CLYMER informed the House of the state of the paper mills in Pennsylvania; they were so numerous as to be able to supply a very extensive demand in that and the neighboring States; they annually produce about 70,000 reams of various kinds, which is sold as cheap as it can be imported. This manufacture certainly is an important one; and having grown up under legislative encouragement, it will be wise to continue it. Thereupon it was agreed to lay an impost of seven and a half per cent. ad valorem on blank books, writing, printing, and wrapping paper, and paste-board; the same, without debate, was laid upon canes, walking-sticks, whips, clothing ready made, on gold, silver, and plated ware, and on jewellery and paste work; upon cabinet ware, buttons of metal, saddles, gloves of leather, all hats of beaver, fur, wool, or mixture of either, all millinery, castings of iron, or slit or rolled iron, all leather tanned or tawed, or manufactures thereof, except such as are otherwise rated.

On every coach, chariot, or other four wheel carriage, and on every chaise, solo, or other two wheel carriage, or parts thereof, fifteen per cent. ad valorem.

CHAPLAINS; &c.

The committee rose; and the SPEAKER having taken the Chair, a letter was received from the Senate, communicating a report of a joint committee, agreed to by the Senate, respecting the appointment of Chaplains, and the mode of conducting conference; also, an appointment of a committee to confer with a committee of the House on an eligible mode of conveying bills, papers, and messages. The House concurred in the report of the joint committee, and appointed a committee to confer on the subject proposed.

SATURDAY, April 18.

Mr. WHITE, from the Committee of Elections, reported that the committee had examined the certificates and other credentials of the members

returned to serve in this House, and found them entitled to take their seats; which report was concurred with.

A petition of the mechanics and manufacturers of the city of New York, whose names are thereunto subscribed, was presented to the House and read, setting forth that, in the present deplorable state of trade and manufactures, they look with confidence to the operations of the new Government for a restoration of both, and that relief which they have so long and anxiously desired; that they have both subjoined a list of such articles as can be manufactured in the State of New York, and humbly pray the countenance and attention of the National Legislature thereto.

Ordered, That the said petition be referred to the Committee of the whole House on the state of the Union.

Mr. CLYMER reported, from the Committee of Elections, to whom it was referred to report a proper mode of investigating and deciding on the petition of David Ramsay, of South Carolina, suggesting that William Smith, returned a member of this House, as elected within that State, was, at the time of his being elected, ineligible; that the committee had agreed to the Clerk's table, upon which he delivered at the Clerk's table, where the same was read, and ordered to lie on the table.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PAGE in the Chair.

On motion of Mr. GOODRICH, anchors at seven and a half per cent. ad valorem, was added.

On motion of Mr. SHERMAN, nutmegs, cinnamon, raisins, figs, currants, and almonds, were struck out.

Mr. AMES introduced wool cards, with observing that they were manufactured to the eastward as good and as cheap as the imported ones.

Mr. CLYMER mentioned, that in the State of Pennsylvania, the manufacture was carried to great perfection, and enough could be furnished to supply the demand. A duty of fifty cents per dozen was imposed on wool cards.

On wrought tin ware, seven and a half per centum ad valorem; on every quintal of fish, seventy-five cents.

Mr. FITZSIMONS moved the following: "On all teas imported from China or India, in ships built in the United States, and belonging wholly to a citizen of citizens thereof, as follows: on bohea tea, per pound, six cents; on all souchong teas, twenty cents; on all other teas, ten cents.

On all teas imported from any other country, or from China or India, in ships which are not the property of the United States, as follows: on bohea tea, per pound, ten cents; souchong, and other black teas, fifteen cents; on superior green teas, thirty cents; on all other green teas, eighteen cents per pound.

Mr. FITZSIMONS supported the motion, by ob-

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serving that one effect of the late glorious Revolution was, to deprive the merchants of America of most of the channels of commerce which they had before pursued. This circumstance obliged them to search for other sources to employ their vessels in. It had been discovered that a pretty lucrative trade could be carried on with the countries in the East; the merchants have gone largely into it, and it at present gives employment to some thousand tons of American shipping, and seamen; our success has been so great, as to excite the jealousy of Europe, and nothing is left undone to cramp or prevent our commercial operations in that quarter. The Legislature of Pennsylvania, impressed with the importance of the subject, had granted it aid by discriminating in the manner he proposed to the committee; and with the like aid from the Government of the United States, the merchants may no longer fear the machinations of the opulent companies in Europe, who are unwilling to let us partake of a trade they so long have had a monopoly of. Already the trade to India has had a very happy effect in favor of our inhabitants, by reducing commodities brought from thence to one-half of their former price, and yet a sufficient profit is left to enable those concerned to carry it on with advantage.

Mr. MADISON felt a reluctance in being obliged to state his reasons why he doubted the policy of the proposed measure. What, said he, is its object? It is not to add to the revenue, for it will in fact tend to diminish it, in that proportion which the importation from China lessens that from other parts; it is not to increase our commerce, for long voyages are unfriendly to it; it is not to increase the importation of necessary articles, for India goods are mostly articles of luxury; it is not to carry off our superfluities, for these articles are paid for principally, if not altogether, in solid coin. If the trade is beneficial at all to the United States, it must be in this single point of view, that the articles can be imported cheaper through that channel than any other; and, if so, that it is the interest of the people to be supplied as cheap as possible. There are no collateral good purposes to claim our attention in this case. It is not in the nature of things that we should derive any other advantage than the one I have mentioned, without it is that of raising our India commerce from its weak and infant state to strength and vigor; to enable it to continue supplies at a cheaper rate than they could otherwise be obtained.

Mr. GOODHUE replied to Mr. MADISON's observations, respecting the mode of paying for India goods, by informing the committee that very considerable quantities of ginseng, naval stores, lumber, and provisions, were shipped; other articles were sent also, and disposed of at ports on this side of China, in order to procure the most suitable cargo; so that we do not pay principally for their commodities in solid coin, but send off superfluities to a considerable amount, much more than if we were to procure our teas and nankeens from any part of Europe.

Mr. MADISON had not made the objection

merely because the specie was exported, but to show that it did not bring in an equivalent, as the goods were mostly of that kind which are termed luxuries.

Mr. BOURNOR declared himself a friend to the Indian commerce. He thought it encouraged the employment of shipping, and increased our seamen; he knew its advantages to agriculture. The gentlemen from Virginia (Mr. MADISON) supposed that little of our productions were sent in exchange for India goods; but our beef, pork, flour, and wheat, were shipped for this purpose, not to China, yet to ports where proper cargoes were taken in to answer the trade. Encouragement and protection were necessary to prevent the large companies in Europe from underselling our merchants, which they would readily do, at considerable loss, if they could, in consequence, put a stop to our trade. He hoped, therefore, the committee would not hesitate in adopting the motion. The motion was adopted accordingly.

On coal per bushel — cents.
Mr. BLANN informed the committee, that there were mines opened in Virginia capable of supplying the whole of the United States, and, if some restraint was laid on the importation of foreign coal, those mines might be worked to advantage. He thought it needless to insist upon the advantages resulting from a colliery, as a supply for culinary and mechanical purposes, and as a nursery to train up seamen for a navy. He moved three cents a bushel.

Mr. HARTLEY was willing to admit a moderate duty, but thought three cents would be a great discouragement to those manufactures which necessarily consume large quantities of fuel. He moved one cent.

Mr. PARKER said, that a less sum than three cents would not answer the purpose intended. Coal came from England as ballast, and was sold so low, as almost to prevent the working of their mines in Virginia. He hoped, if the committee were disposed to encourage them, they would portion the means to the end; a duty of one cent would be void; nothing under what was moved by his colleague (Mr. BLAND) could answer the purpose. He hoped, therefore, the committee would agree to three cents.

On the question, there appeared a majority in favor of three cents. After which the committee rose, and the House adjourned.

MONDAY, April 20.

ABRAHAM BALDWIN, and JAMES JACKSON, from Georgia, appeared and took their seats.

Mr. TUCKER, from the committee to whom was referred the petition of John Churchman and David Ramsay, reported that the committee had, according to order, had the said petitions under their consideration, and agreed to a report thereupon; which he delivered in at the Clerk's table, where the same was twice read, and debated by clauses.

The first clause, in the words following, to wit: "That the committee have conferred with Mr.

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Churchman, and find that he has made many calculations which tend to establish his position, that there are two magnetic points which give direction to the needle; that upon this doctrine he has endeavored to ascertain from a given latitude, and a given variation, what must be the longitude of the place; and having applied his principles to many instances in Cook's voyages, has found the result to correspond with considerable accuracy with the real facts, as far as they could be determined by the reckoning of the ship: That the object to which Mr. Churchman's labors are directed is confessedly of very high importance, and his ideas on the subject appear to be ingenious: That, with a view of applying them to practice, he has contrived a map and a globe, whereby to show the angles which are made by the intersection of the real and the magnetic meridians in different parts of the earth: That he is also engaged in constructing tables for determining the longitude at sea upon magnetic principles: That the committee are of opinion, that such efforts deserve encouragement, and that a law should pass to secure to Mr. Churchman, for a term of years, the exclusive pecuniary emoluments to be derived from the publication of these several inventions; was again read, and, on the question put thereon, agreed to by the House.

The second clause, in the words following, to wit:

"With respect to the voyage proposed by Mr. Churchman to Baffin's Bay, the committee are cautious of recommending, in the present deranged state of our finances, a precipitate adoption of a measure which would be attended with considerable expense; but they are of opinion, that at a future day, if Mr. Churchman's principles should be found to succeed in practice, it would be proper to give further encouragement to his ingenuity; was again read, and, on a motion made, was ordered to lie on the table.

The third clause, in the words following, to wit: "On the subject of the petition of Doctor David Ramsay, your committee report it as their opinion, that a law should pass to secure to him the exclusive right of publishing and vending, for a term of years, the two works mentioned in the petition;" was read, and, on the question put thereupon, agreed to by the House.

On these clauses, the following debate took place:

Mr. MADISON.—I wish that the committee had stated the expenses attending a voyage to Baffin's Bay, for the purpose of discovering the cause of the magnetic variation, as proposed by Mr. Churchman, that the House might be better able to judge of its propriety. Well aware as I am that public bodies are liable to be assailed by visionary projectors, I nevertheless wish to ascertain the probability of the magnetic theory. If there is any considerable probability that the projected voyage would be successful, or throw any valuable light on the discovery of longitude, it certainly comports with the honor and dignity of Government to give it their countenance and support. Gentlemen will recollect, that some of the most important discoveries, both in arts and sciences, have come forward under very unpromising and suspicious appearances.

I am also well aware that the deranged situation of our treasury would not warrant us in

spending considerable sums in visionary pursuits; but if an inconsiderable sum will answer on this occasion, and there is a probability of improving the science of navigation, I see no reason against it. Gentlemen who have been on the committee understand the subject best, and they will please give the House their sentiments.

Mr. WATTS said that the proposed voyage had nothing to do with the principle of magnetic variation; it was intended to ascertain the cause, if the principle was true, it could be applied to practice without knowing the cause which produced it; therefore, the committee had reported in the manner before them.

Mr. BRACE understood from Mr. Churchman that it would take a small vessel about four months, in the summer time, to be in the high northern latitudes, attending him in his researches into the cause of the magnetic variation. He thought Mr. Churchman's theory ingenious and deserving patronage; but the voyage to Baffin's Bay was rather premature.

Mr. PAGE wished the committee to state the expense, because he thought the Legislature ought to assist Mr. Churchman in the voyage, if it would not cost too great a sum. It is true that the theory can be carried into practice whether the cause is discovered or not; but as the theory depends upon the cause, a knowledge of this would demonstrate the truth of the other. Mr. Churchman's system consists in applying the magnetic variation to the discovery of longitude. He lays down two magnetic points, to which the needle is attracted, and a magnetic equator, defining the nature of the curves formed by the magnetic meridians, the periods of revolution of the magnetic points, their courses, latitudes and longitudes, their diurnal, monthly, and annual situation, for any time past, present, or to come, with rules to apply these principles and materials to use. Mr. Churchman establishes the truth of this theory from calculations, compared with the actual observations made by Captain Cook and others. Having examined some of the calculations he was astonished at the surprising agreement he found—they generally agreed within a few miles, and only one case where they differed more than a degree. If the use of this discovery was as extensive as he imagined, and he had every reason to believe it would be so, it was certainly a discovery that would do honor to the American name. He thought some advantage might be derived from the projected voyage; and if the expense did not exceed five or eight hundred dollars, it might be prosecuted. If Government did not lend their aid, he expected individuals would patronize it, and furnish the means by subscription. He expressed a willingness on his part to join in such a measure, if the application to the Legislature was unsuccessful.

Mr. HUNTINGTON delineated the system also, and approved of it; but thought the voyage would be unsuccessful, if for nothing else, for the want of proper instruments. The use of Mr. Churchman's theory depended, in a great measure, upon obtaining the magnetic variation with accuracy;

but if an inconsiderable sum will answer on this occasion, and there is a probability of improving the science of navigation, I see no reason against it. Gentlemen who have been on the committee understand the subject best, and they will please give the House their sentiments.

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for which purpose Mr. Churchman contemplated some improvement on the compass; if he was successful in this, the discovery would no doubt answer the object in view.

Mr. SHAWMAN did not think the voyage would be of any help to the gentleman, and therefore should agree to the report.

Mr. TUCKER expressed a doubt whether the Legislature has power, by the Constitution, to go further in rewarding the inventors of useful machines, or discoveries in sciences, than merely to secure to them for a time the right of making, publishing, and vending them: in the case of a doubt, he thought it best to err on the safe side.

The House now decided upon the propositions of the committee, as before stated, and ordered bills to be brought in, securing the right of publishing, &c., of their respective works, to John Churchman and David Ramsay.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. PAGE in the Chair.

The following clause of the bill was agreed to, viz: "On all other articles, five per cent. on their value at the time and place of importation, except tin in pigs, tin plates, lead, old pewter, brass, iron or brass wire, copper in plates, wool, dyeing woods and dyeing drugs, (other than indigo,) raw hides, beaver, and all other furs, and deer skins."

Mr. FITZSIMONS proposed a drawback of six cents per gallon on all rum distilled in the United States, exported without the limits of the same. Mr. MADISON asked if the quantity of rum so exported was very considerable? He believed it was not; and he would not, for the sake of encouraging that branch of trade, open a door by which frauds on the revenue could be committed equal to the whole duty collected.

Mr. FITZSIMONS could not say what quantity of rum was exported in that way; but he feared, unless a drawback was allowed, it would be a great injury to the manufacture. At the time, the duty of six cents on molasses was laid, he thought it was understood, the committee would allow a drawback on the rum exported. There seems to be an apprehension that the system of drawbacks will operate to the disadvantage of the revenue; but he believed a mode could be devised to prevent frauds in this case, fully as effectually as on the importation. If this was not done, it would be time enough for gentlemen to oppose it; they would have this opportunity, because a bill, regulating the manner of collection, he presumed, would pass at the same time with the one for levying the duties. If drawbacks were not allowed, it would be a very considerable restraint on commerce, particularly on the India trade, which he believed was likely to be considerably extended. He was sorry the gentlemen from Massachusetts were not there in their places,* to give information to the committee

* The delegates from that State were gone to meet the Vice President, who was expected in town this day.

respecting the quantity exported from that State; from Pennsylvania the quantity was but small. Mr. LAWRENCE could give no exact information relative to the quantity of New York rum exported, but, from what he understood, supposed it to be about one thousand hogsheads annually; it was entitled to a drawback, and there was no reason to believe this had been the occasion of frauds on the revenue: he should agree to the measure.

Mr. MADISON was sorry the gentlemen from Massachusetts were absent, because they could give authentic information with respect to the quantity. He had in his hands a statement of the exports from Massachusetts, which he believed to be pretty accurate, from January 1st to December 31st, 1787. From this it appeared, that there were exported during that period to Nova Scotia, eighty-nine hogsheads; to Europe, one hundred and thirty-four hogsheads, and eight hundred and ninety-seven to Africa and the East Indies. Now he submitted to the committee how far it was proper to adopt a measure for such a trifling consideration, which would become a most dangerous cover to the clandestine trade that must necessarily follow. Rum will, no doubt, be exported in the day and brought back in the night, for the sake of drawing back the duty, as has been done already in similar cases.

Mr. FITZSIMONS contended for drawbacks generally, but on this article it was particular injustice to omit it. The manufacture of rum was of considerable importance in the Eastern States, but it would not be able to stand a successful competition with West India rum in foreign countries, while loaded with a duty of six cents per gallon. The tax on molasses was that sum and he looked upon it to be the same thing as if it had been paid on the rum at distillation: one gallon of the former yielding but one of the latter.

Mr. MADISON thought there were very few cases in which drawbacks ought to be allowed, perhaps none but what related to the East India trade. The small proportion of distilled rum exported did not justify so great a risk; but of the small proportion which went abroad, the greatest part went to the coast of Africa. He feared this trade was inconsistent with the good of mankind, and ought to be reprobated instead of encouraged. If gentlemen were to consider the great advantages derived to the distillers from the present Government, they would perhaps think them sufficient for their encouragement without allowing drawbacks. The annual exportation from Massachusetts to the several ports of the United States is five thousand three hundred and twenty-seven hogsheads. This quantity was formerly subjected to an equal duty with the West India rum. If, under these circumstances, country rum could command this great sale, what will it do now when the communication is free, and many parts of the United States laid open to this trade, that were shut before? This consideration alone ought to do away all complaints for want of a drawback.

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Mr. BLAND said the committee had spent several days in encouraging manufactures, by selecting articles for revenue, and were now extending their views to the encouragement of commerce. He thought there was some impropriety in combining the clause proposed in this part of the bill, and even doubted if it was in order; therefore would vote against it.

The question was put on the motion for a drawback on country rum, and lost.

Mr. FITZSIMONS had another clause upon the same subject, only on more general principles; he hoped gentlemen would consider well before they doomed it to share the fate of the former. It was to this purpose: that all the duties paid, or secured to be paid, upon goods imported, shall be returned or discharged upon such of the said goods, as shall within — months be exported to any country without the limits of the United States, except so much as shall be necessary to defray the expense that may have accrued by the entry and safe keeping thereof. The subjects of duties and drawbacks are so connected by their nature, that he did not see how they were to be separated. Gentlemen did not imagine that what had been done tended to favor commerce; it certainly did not. Every impost which is paid is a disadvantage to the person concerned in trade, and nothing but necessity could induce a submission to it. The interest of the landholder is undoubtedly blended with the commercial interest; if the latter receive an injury, the former will have to sustain his proportion of it: if drawbacks are not allowed, the operations of trade will be considerably shackled; merchants will be obliged, in the first instance, to send their cargoes to the place of consumption, and lose the advantage of a circuitous freight, which alone is a profit of no small magnitude.

Mr. HARTLEY expressed his sorrow for the last decision of the committee; he wished the question had not been put in the absence of the gentlemen from Massachusetts, who were on a business in some degree of a public nature. The present motion was only just brought in; he submitted, therefore, to the committee, if it were not best to pass it over for the present, in order to give time for consideration.

Mr. LAWRENCE was for expediting business, but thought, nevertheless, that deciding questions at this time, when several members were absent, did not tend to that point, because the question would be agitated again in the House.

Mr. BOWDITCH endeavored to evince the propriety of drawbacks, by facts within his knowledge. A large quantity of Madeira wine was imported for the express purpose of exporting it again; now, not to allow a drawback of the duty in this and similar cases, would encumber trade exceedingly.

On motion of Mr. CLYMER, the committee rose, and the Speaker resumed the Chair.

MANNER OF TAKING OATHS.

The bill regulating the manner of taking the oath prescribed by the Constitution, was committed

ted to the Committee of the Whole; after proceeding some time in considering it, the committee rose and reported progress: And the House adjourned.

TUESDAY, April 21.

Mr. HARTLEY asked and obtained leave of absence.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole, on the state of the Union, Mr. PAGE in the Chair.

The motion respecting drawbacks, proposed yesterday by Mr. FITZSIMONS, was adopted without debate.

A motion being under consideration for laying a duty of six cents per ton on all vessels built in the United States, and owned by a citizen or citizens thereof, and all vessels foreign built, but now owned by such citizens:

Mr. MADISON observed, that some small provision of this kind was necessary for the support of light-houses, hospitals for disabled seamen, and other establishments incident to commerce. The motion was agreed to.

The next motion proposed was—"on all vessels belonging wholly to subjects of Powers in alliance with the United States, or partly to the subjects of those Powers, and partly to the citizens of the United States, — cents per ton."

Mr. GOODHUE laid it down as a maxim, that the tonnage duty ought to bear a certain ratio to the freight; for which reason he had made some calculations to determine what proportion any given sum would bear to the average of the freights both to Europe and the West Indies. A vessel of two hundred tons carried three or four hundred barrels, the freight of which to the West Indies might be estimated at five shillings, to Europe at one dollar. Now calculate this at the average, and five per cent. on the freight would be about seventy-two cents; whether the duty should be rated at four, five, or six per cent. on the freight, he submitted to the committee; but as this motion was confined to those nations in alliance with us, he would move but sixty cents.

Mr. BOWDITCH, on the principle last mentioned, proposed thirty cents.

Mr. GOODHUE.—There would be no occasion to lay additional duties on ships owned by foreigners, if our own vessels were not subjected to charges in foreign ports over and above what the natives pay. It is the operation of this unequal burden that renders it necessary for us to discriminate. It becomes us, therefore, to ascertain what these extraordinary impositions are, in order to regulate our conduct. I am very well satisfied, in my own mind, that thirty cents will be very inadequate to the object. Those who are acquainted with the disadvantages under which our commerce labors, will readily see that sixty cents are not fully equal to the extra duties imposed on American vessels in foreign ports, and consequently, not sufficient to establish that

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preference which we ought to give our own navigation.

Mr. LAWRENCE.—The subject before us requires the most particular consideration, for several important reasons. I shall, therefore, without apology, proceed to state some observations. In a former debate it was remarked, that the duty on tonnage must eventually fall upon the productions of our country. If this is a just observation, we ought to consider whether the prices that those productions bear at foreign markets are such as to bear this extra imposition. If we have not shipping enough of our own, (and that point, I imagine, will be conceded me,) we shall be under the necessity of employing foreign vessels in the transportation of such articles as we have to dispose of; the owners, knowing our necessity, will take advantage of the duty to raise their freight; and thus the duty will inevitably fall upon ourselves.

It is well known to this committee, that in the different ports of the United States we have a variety of articles peculiarly calculated for exportation, and which we are obliged to export, such as rice, lumber, tobacco, potash, flaxseed, and a great many others; besides, it is also well known, that we have not that quantity of American shipping, which is required in the transportation of these articles; it is necessary, therefore, that we either employ foreigners, or suffer our commodities to perish on our hands. If this be true, you will have, as I said before, to consider whether the articles we thus export are capable of bearing this additional burden upon the prices they bring in foreign markets: I think they are not. Gentlemen from the Southern States mentioned the other day, that the planters had begun to turn their attention to other productions than those they were accustomed to the cultivation of, because their staple commodities could no longer be exported to advantage. If difficulties of this kind exist now, without the operation of a tonnage act, what will they be when so considerable a burden is laid upon them? But what advantage will accrue from the regulation, when the duty we impose upon foreigners must revert back, in its operation, upon us? Besides, as the duty must be paid out of the price of the articles exported, it will, in effect, be the same as a tax upon such articles, which is expressly forbidden by the Constitution. If foreigners enhance their freight in proportion to the duty, and our commodities are unable to bear the additional expense, gentlemen will have reason to depreciate the consequences; it must unavoidably check domestic industry, the sole foundation of national welfare and importance. For what stimulus will the farmer have to raise more produce than is necessary for his own support? Will he toil in cultivating the fruits of his labor, when his granaries? Once destroy this spring of industry, and your country totters to ruin. Will the proposed high duty have such effect? I fear it may; and therefore shall be for a much lower sum. Thirty cents will be a sufficient duty.

Mr. HARTLEY, thinking sixty cents too high, proposed one-third of a dollar, or thirty-three and one-third cents.

Mr. GOODHUE was fully of opinion that the duty ought not to be laid so high as to prevent foreign shipping from coming amongst us, while they were useful or necessary to our navigation nor yet so high as to injure the sale of our own productions in foreign markets. But can it be said, that a duty of less than five per cent. on the tonnage of foreign vessels can be attended with such ill consequences? He apprehended it could not, and was very well satisfied that sixty cents was as little as could be mentioned, to give encouragement to our own vessels.

Mr. FITZSIMONS admitted the importance of the subject as stated by the gentleman from New York, (Mr. LAWRENCE,) and thought it the duty of the committee to consider well its effects before they came to a decision. There could be no doubt entertained of the policy of meeting the commercial regulations of foreign Powers with commercial regulations of our own. In these regulations, the policy is for each to obtain for its own vessels an advantage over those belonging to foreign nations. We certainly ought not to be less attentive to our interest than others are to theirs; every advantage, therefore, which can be justly given to our own shipping is due them. Happy effects may no doubt be derived from the present policy; but, on this head, I am not altogether so sanguine as some gentlemen seem to be with the encouragement proposed. The merchant may be induced to vest more considerable sums in property of this kind than heretofore, and at some future period we may become at least the carriers of our own commerce. In this case, too, we have every reason to believe the freight will be less than it is at the present time in foreign vessels.

A calculation of what may be the proper duty, made from the freight of a ship, is but an indefinite way of coming at the object. He understood the gentleman from Massachusetts (Mr. GOODHUE) to have calculated the freight of a voyage, at five per cent. on the value of the vessel; but surely the gentleman was mistaken. He believed no ship paid a clear profit of five per cent. to the owner, at this time; such was the embarrassed state of American commerce.

The tonnage employed in the transportation of the productions of America, he estimated at about 600,000 tons; of this two-thirds are owned by citizens, the other one-third by foreigners. From this view of our navigation, he very much doubted if any restrictions which could be laid on foreign vessels would produce immediately, or at a very short period, the additional tonnage necessary to supply the whole American trade. We are limited, said he, in this particular, by not possessing capital sufficient to do it. If a merchant vests his capital in shipping, he will want it in the operations in which it is now employed; yet, nevertheless, he was firmly of opinion, that good policy required a discrimination between our own and foreign vessels, in order to give the former

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encouragement. America must, from her natural situation, participate considerably in the commerce of the world, and ought to have the means of protecting it; but while this is gradually growing up into strength, it would be impolitic to deprive ourselves of the convenience which foreign shipping affords. Then we will not adopt such a duty as must deter foreigners from coming amongst us until we are in better circumstances. If we lay a duty at two-thirds of a dollar per ton on the vessels of nations in alliance, we cannot propose to lay less than a dollar on those with whom we have not treaties. A ship of two hundred tons will then have to pay two hundred dollars; a very considerable expense, perhaps much more than our trade can bear. If we are to discriminate between nations in treaty and those not in treaty, I should prefer the lowest sum proposed on the first, and the highest on the other.

There was an observation made by the gentleman from New York, (Mr. LAWRENCE,) which though it does not apply strictly to the subject under consideration, it may not be amiss to remark upon. It is said, that the duty on tonnage must inevitably fall upon the produce of the country, and be a reduction of so much of the planter's profits; this assertion is probably founded on a presumption that foreigners can draw their supplies conveniently from other parts of the world. But these articles are not conveniently to be had from any other quarter; consequently, if they are necessary to the people of those nations which we supply, the duty will fall upon them. Lumber and flour are necessary to the West Indies; but the truth is, they cannot be obtained anywhere else than from America. As our shipping are restrained from carrying these articles to the place of consumption, it may certainly be thought good policy to draw a revenue from those vessels that carry them for us. Rice is not raised in any other country sufficient to supply the European market; it is so with tobacco; of consequence, the consumer must pay what we demand. But it would not be prudent to lay our restraints too heavy, lest we deprive ourselves of the use of foreign shipping; thirty cents is probably enough to answer every good purpose.

Mr. TUCKER.—I am willing to give every proper encouragement to ship-building in the United States, but I cannot consent that it should bear heavily on certain States, while part of their burden is received by others as a bounty. I mean to move, therefore, for a small duty, although I am sensible that it will be exclusively borne by a few of the Southern members of the Union. Some States, it is well known, have more tonnage than is sufficient to carry all their small productions to a market; of course, a duty on foreign ships will not affect them. Other States, which have considerable quantities of more bulky articles to export, require a greater number of ships, having few or none of their own, must consequently be subjected to the whole of the additional duty; for, whether the vessels be foreign or American, the freight will be the same. Much of the produce of South Carolina is carried off by foreign-

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ers, and in American shipping a considerable quantity is exported. The duty will be paid equally, in either case, by the shipper, for the freight of American vessels will be raised to an equality with the other; and of all this money so paid, there comes into the Treasury that part only collected from foreigners; the rest, as I said before, goes as bounty to benefit the owners of American ships. I trust it cannot be said by the advocates for high tonnage, that the States most likely to be affected by such a measure do not bear a proportion to the other taxes, because it is flagrant that they bear more than their proportion. Where, then, let me ask, is the justice of extending it?

So far as I can make a calculation in my own mind, I conclude that the duty on tonnage proposed by the gentleman from Massachusetts (Mr. GOODHUE) would amount, on what is employed at the port of Charleston alone, to forty or fifty thousand dollars annually—one-third of the whole tonnage is foreign, the other two-thirds American. The first is all that could come into your Treasury; the latter goes, need I repeat it, into the pockets of individuals, as an extra reward for serving us. I think a bounty of thirty thousand dollars to our Eastern brethren would be no inconsiderable one from the port of Charleston alone; but I fear that it is more than it is able to afford. But besides drawing this to themselves, you are to consider they are exempt from contributing any part of the duty on foreign tonnage.

I wish gentlemen also to consider, that there remains another addition to be made to the duty on tonnage—I mean that of nations with whom the United States have formed no treaty. If we lay sixty cents now, and contemplate a still higher sum on the other, it will certainly be insupportable to those States which have no shipping; I think the lowest sum that has been mentioned is as much as can be required by any State; I am sure it is more than some are able to bear. Being convinced in my own judgment of this, I will move twenty cents, and think it fully sufficient to effect what gentlemen have in contemplation; it will be a liberal encouragement to an interest which I wish success to; and though it is at the expense of a few States, I shall be satisfied with the measure, under a hope that it may eventually promote the general welfare.

Mr. BENSON wished a previous question, to ascertain whether there should be a discrimination in the manner proposed or not? For his part, he did not discover, from any thing that had been said, the principle of policy or interest which was to guide us on this occasion. He supposed it was intended that the Dutch and French ships should be preferred to English. Now, if this policy was for the interest of America, he was content; but he saw nothing that pointed out the necessity. Are we bound by treaty or compact to make this discrimination? If we are, it is certainly proper to make it. But he did not know of any treaty which directed our conduct in this affair. He knew our treaties mentioned that they should be entitled to the same advantages as the most fa-

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avored nations, but this does not, even by construction, mean that we should prefer them to every other. If it is for the advantage of our country to give this preference, although we are not bound to do it, he would be content it should be so; but he wished gentlemen would decide this point before a question was taken on filling up the blank.

Mr. BRIDGE thought sixty cents a very extravagant impost upon the tonnage of foreign shipping. Did gentlemen see the extent of the mischief, or were they unacquainted with the present state of the staple productions of Virginia, Carolina, and Georgia, which, if carried to market, are so fallen in price as not to reward the planter's toil; whilst great part of our tobacco and rice, for want of vessels to carry them, are now decaying in our warehouses? Will not restrictions therefore tend to hurt those productions? If they will, he trusted gentlemen would be moderate in laying them; he was satisfied that the citizens of the State he came from considered a high tonnage duty as a great evil; he saw it in the same light also, and was therefore opposed to it.

Mr. SHERMAN would trouble the committee no further than just to remark, that the policy of laying a high tonnage on foreign vessels, whether in treaty or not in treaty, was at best but a doubtful point. The regulation is certainly intended as an encouragement to our own shipping; but if this is not to be the consequence of the measure, it must be an improper one. If a large duty is laid on foreigners coming into our ports, they will be induced to counteract us, by increasing the restraints which our vessels already labor under in theirs. But sixty cents will surely be too high in the present case, if it is proposed to lay more on foreigners not in treaty. Not seeing, therefore, any advantage resulting from high duties on tonnage, he should vote against the sixty cents.

Mr. MADISON.—Some gentlemen have seemed to call in question the policy of discriminating between nations in commercial alliance with the United States, and those with whom no treaties exist. For my own part, I am well satisfied that there are good and substantial reasons for making it. In the first place, it may not be unworthy of consideration, that the public sentiments of America will be favorable to such discrimination. I am sure, with respect to that part from which I come, it will not be a pleasing ingredient in your laws, if they find foreigners of every nation put on a footing with those in alliance with us. There is another reason, which, perhaps, is more applicable to some parts of the Union than others; one of the few nations with which America has formed commercial connexions has relaxed considerably in that rigid policy it before pursued—not so far, to be sure, as America could wish, with respect to opening her ports to our trade; but she has permitted our ready built ships a sale, and entitled them to the same advantage, when owned by her own citizens, as if they had been built in France, subjecting the sale to a duty of five per cent. The British market receives none; the disabilities of our ships to trade with their colonies continue, even if they are purchased by the

subjects of Great Britain; of consequence, they cannot be sold without a considerable loss. Nay, so cautious are they to prevent the advantages we naturally possess, that they will not suffer a British ship to be repaired in America, beyond a certain proportion of her value; they even will not permit our vessels to be repaired in their ports.

Another consideration has some weight with me in deciding the question of discrimination. The policy of our ally, from the views of the minister employed, has frequently been adverse to the interest of this country. The person who has had the charge of our affairs at that Court has long been soliciting a relaxation in our favor, and although it cannot be declared that he has succeeded, yet there is reason to believe he has made some impressions, which our conduct ought to avoid effacing; they are such as merit national attention, and might justify a discrimination at this time, although it may be proper to hold ourselves at liberty to pursue that policy which a change may make necessary. There are also other considerations which ought to be taken into view. From artificial or adventitious causes, the commerce between America and Great Britain exceeds what may be considered its natural boundary. I find from an examination of the accounts of tonnage for the three large States of Massachusetts, Virginia, and South Carolina, that the tonnage of nations in alliance with us holds no proportion with that of Great Britain, or of the United States. This is a proof that a very small direct commerce takes place between those countries and this; that there is less of direct intercourse than there would naturally be if those extraneous and adventitious causes did not prevent it; such as the long possession of our trade, their commercial regulations calculated to retain it, their similarity of language and manners, their conformity of laws and other circumstances—all these concurring have made their commerce with us more extensive than their natural situation would require it to be. I would wish, therefore, to give such political advantages to those nations, as might enable them to gain their proportion of our direct trade from the nation who has acquired more than it is naturally her due. From this view of the subject, I am led to believe it would be good policy to make the proposed discrimination between them. Is it not also of some importance, that we should enable nations in treaty with us to draw some advantage from our alliance, and thereby impress those Powers that have hitherto neglected to treat with us, with the idea that advantages are to be gained by a reciprocity of friendship? If we give every thing equally to those who have or have not formed treaties, surely we do not furnish to them any motive for courting our connexion.

It has been objected, that the price of our produce at foreign markets would not bear this additional burden, and that the freight must be paid by the planters. It will be unnecessary, after what was said by the gentleman from Pennsylvania, (Mr. FITZSIMMONS,) to take up the time of the committee in observing that foreigners must

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receive our tobacco, rice, &c., in American shipping, if they cannot be otherwise got. There may be a discrimination made in other respects besides in tonnage, so that a very high impost on this article need not be insisted upon. But will any gentleman say, British vessels ought to enjoy in American ports greater advantages than are enjoyed by Americans in British ports? Yet, were the duties laid equal in both cases, the British merchant would have a very great superiority. In the first place, some of the most valuable ports which she possesses, and most conducive to our interest, are absolutely closed, while every port in the United States is open to her without restriction or limitation. Again, even in those which it is permitted America to enter her vessels, she must bring nothing but the produce of her own soil, whilst the British ship makes circuitous voyages, and brings with her the produce of every quarter of the globe. These are material advantages; and take the whole of these observations together, I think they furnish substantial reasons for making the proposed discrimination.

Mr. LAWRENCE.—The question in this case, I take it, will be the policy of giving a preference to one nation above another. I would ask the gentleman over the way, (Mr. MADISON,) if we have experienced advantages from the Powers with whom we have treaties, sufficient to entitle them to this preference? If we have, and are under obligations to them for such advantages, I shall be the last man to say any thing to prevent a grateful discharge of those obligations; if we are under no such, we are left to act from what we may consider our best interest; for nations, as well as individuals, are guided by the principle of interest. If, then, it will operate against the interest of the United States, it will be bad policy to give this preference; if it is congenial to and consistent with that interest, then it becomes our duty to give it. The gentleman last up has stated several considerations why a preference should be given to the vessels of foreigners in treaty. He tells you, the public sentiment is in favor of the measure. I would ask him how is the public sentiment, in this case, to be collected? Is it to be collected from the conversation of individuals, or from the acts of public bodies? If from the conversation of individuals, I am not so well informed as he is, because I never heard it mentioned; if from the acts of public bodies, we may be on a footing, because they are to be come at with a little inquiry and application. Now, if my memory serves me right, I believe no discrimination has been made but by one State. I know the State I have the honor to represent on this floor has made none; we consider all foreigners upon an equal footing, and that it is not our interest to give a preference to any, and therefore we do not do it. The gentleman says, there has been a relaxation in the policy of one Power in alliance with us, and in France we may now sell ships built in America under certain regulations; but, probably, this privilege may be no benefit to us. I believe we have not sold more than two vessels in that country since the alteration has been made,

and these, perhaps, without advantage; if I am mistaken, let me be set right, and let the gentleman make it appear that we can draw a benefit from this relaxation sufficient to justify the present measure. He mentioned also an expectation of some further alterations in our favor. I admit we may have such expectation, but probably it may not be realized. Some time ago, we had some privilege respecting the importation of oil into France; but an alteration has taken place on this subject, and our privilege, together with the benefit, is gone. The gentleman mentioned, that the commerce of Britain with this country was too great in proportion to that of other nations; but this is a point not for the Government to settle. I maintain, that the merchants of America are well able to understand and pursue their own interests, and the advantages which they obtain tend to the wealth and prosperity of the Union. If they find it their interest or convenience to form connexions with the subjects of one nation in preference to another, why should the Government interfere to dissolve it? They should be left to themselves, like the industrious bee, to gather from the choicest flower the greatest abundance of commercial sweets.

I believe there is a propriety in discriminating between our own citizens and foreigners; but as to the latter, there is no good reason for establishing a preference among them. It is not contended that we are bound by treaty to do any such thing; if we are not bound by treaty, then we are left at liberty to pursue our particular interest. And here I would ask gentlemen, if it can be our interest, not having vessels enough of our own, to discourage the competition among foreigners for our carrying trade? If we give a preference, we destroy the competition. The Dutch, I am informed, navigate the cheapest of any nation; they have a treaty with the United States: of course, they will carry our produce in the first instance; but as they will not furnish enough, we must look further, to France. This nation does not accommodate us with enough either. We then go to nations not in treaty, and subject ourselves to this additional burden, and must give them what they exact. We are told that American vessels have not the same advantage in British ports that British ships have in America. This may be true; but it must be considered, that our vessels are on an equal footing with their own in carrying the produce of our country, while articles of the same nature, imported from other parts of the world, pay an additional duty. It may be well on this occasion to observe, that the nation against which this regulation is directed, may be disposed to meet you with a similar regulation, and destroy that part of our carrying trade which remains to us. At present we can export potash, lumber, iron, and other articles to England, and we pay no higher duty than British vessels, but a small alien duty to which all nations are subjected. Upon the whole, it is good policy, I believe, to let commerce take its own course, and not to attempt discrimination, which may eventually prove more injurious to us than we at present conceive. We

ought to contemplate our own interest as a nation, and pursue what appears to be the best calculated to promote that end, as we are under no obligations to the contrary, from either the principles or practice of those Powers with whom subsist commercial treaties.

Mr. MADISON.—I am a friend to free commerce, and, at the same time, a friend to such regulations as are calculated to promote our own interest, and this on national principles. The great principle of interest is a leading one with me, and yet my combination of ideas on this head leads me to a very different conclusion from that made by the gentleman from New York, (Mr. LAWRENCE.) I wish we were under less necessity than I find we are to shackle our commerce with duties, restrictions, and preferences; but there are cases in which it is impossible to avoid following the example of other nations in the great diversity of our trade. Some reasons for this were mentioned on a former occasion; they have been frequently illustrated in the progress of this business, and the decision of the committee has proved them to be necessary.

I beg leave to remark in answer to a train of ideas which the gentleman last up has brought into view, that although interest will, in general, operate effectually to produce political good, yet there are causes in which certain factitious circumstances may divert it from its natural channel, or throw or retain it in an artificial one. Have we not been exercised on this topic for a long time past? Or why has it been necessary to give encouragement to particular species of industry, but to turn the stream in favor of an interest that would not otherwise succeed? But laying aside the illustration of these causes, so well known to all nations, where cities, companies, or opulent individuals engross the business from others, by having had an uninterrupted possession of it, or by the extent of their capitals being able to destroy a competition, let us proceed to examine what ought to be our conduct on this principle, upon the present occasion. Suppose two commercial cities, one possessed of enormous capitals and long habits of business, whilst the other is possessed of superior natural advantages, but without that course of business and chain of connexions which the other has: is it possible, in the nature of things, that the latter city should carry on a successful competition with the former? Thus it is with nations; and when we consider the vast quantities of our produce sent to the different parts of Europe, and the great importations from the same places; that almost all of this commerce is transacted through the medium of British ships and British merchants, I cannot help conceiving that, from the force of habit and other consoling causes, that nation is in possession of a much greater proportion of our trade than she is naturally entitled to. Trade, then, being restrained to an artificial channel, is not so advantageous to America as a direct intercourse would be; it becomes therefore the duty of those to whose care the public interest and welfare are committed, to turn the tide to a more favorable direction.

In the trade of South Carolina is employed annually about 56,977 tons of shipping. The proportion of French and Dutch is about 2,100 tons, while that of Great Britain is about 19,000. In Massachusetts the quantity is about 85,551 tons; it is stated, that there are belonging to the State, 76,857, the remainder is foreign, and mostly British. In Virginia we have 56,272 tons; 26,903 British, and only 2,664 of the French and Dutch. I cannot, from this view of the subject, be persuaded to believe that every part of our trade flows in those channels which would be most natural and profitable to us, or those which reason would dictate to us, if we were unincumbered of old habits and other accidental circumstances that hurry us along.

It has been asked by the gentleman from New York, (Mr. LAWRENCE,) what evidence we had that the public sentiments of America were in favor of discrimination? Perhaps it would be improper on this occasion to adduce any other proof of the fact, than from the transactions of public bodies; and here, I think, is abundant proof to be found. The State of Virginia, if I am not mistaken, lays a double duty on tonnage; French and Dutch vessels pay half a dollar per ton, while the vessels of Great Britain are subjected to one dollar. There are other distinctions in our revenue laws manifesting the same principle; some of them establish a preference to French wines and brandy. In Maryland, a similar policy has prevailed. I believe the difference there is about one-third in favor of our allies, (if I err, the gentlemen from that State can set me right;) in Pennsylvania, there is a discrimination of about a fourth. I do not certainly recollect, but I believe the like policy exists in other States; but I have not had an opportunity of searching their laws on this point, but what I have enumerated are facts affording substantial proof that the public sentiment does favor the discrimination.

Mr. BALDWIN observed, that the question immediately before the committee was of less importance than the one which had been argued by the gentleman from Virginia (Mr. MADISON) and the gentleman from New York (Mr. LAWRENCE.) He was glad to have this question discussed, and thought the gentleman had very properly called in the public sentiment as an argument in favor of his motion for discrimination; but the gentleman over the way wants evidence of what the public sentiment is. I think, said he, we have a strong proof of what the public sentiment is in the very existence of the House. This sentiment he believed to be the cause of the revolution under which we are about to act. The commercial restrictions Great Britain placed upon our commerce in pursuing her selfish policy, gave rise to an unavailing clamor, and excited the feeble attempt which several of the State Legislatures made to counteract the detestable regulations of a commercial enemy; but these proving altogether ineffectual to ward off the effects of the blow, or revenge their cause, the convention at Annapolis was formed for the express purpose of counteracting them on general principles. This convention

found the completion of the business impossible to be effected in their hands; it terminated, as is well known, in calling the convention who framed the present Constitution, which has perfected a happy revolution in politics and commerce.

The general expectation of the country is, that there shall be a discrimination; that those nations who have not yet explained the terms on which an intercourse shall be carried on, or who have by establishing regulations bearing hard upon such intercourse, may know our ability and disposition to withhold, or bestow advantages, according as we find a principle of reciprocity prevailing. Thinking a discrimination necessary, and knowing that the voice of the people calls for it, we shall not answer the end for which we came here, by neglecting or refusing to make it.

Mr. FITZSIMONS was well aware from the beginning that the debate would turn in the manner it had done. The question which was now brought forward was well worthy of consideration and discussion, but he would add no more to the latter than barely to state to the committee such facts as would tend to point out the difference of the policy of the two principal nations in their regulations as they affected the commerce of America, leaving it to the judgment of the committee to draw such conclusions from them as are proper. He believed it true, as stated by the gentleman from Virginia, that of all the foreign shipping employed in our trade, three-fourths at least belong to the British; nor did he think it difficult to account for this being the case. The citizens of America, previous to the Revolution, were possessed of shipping nearly enough to carry on their whole commerce; but during the war they were not only deprived of the shipping they before possessed, but the means of acquiring others availed themselves of the opportunity of establishing among us merchants, agents, and factors of that nation. It is by means of these men, and the capitals of Britain, that we are furnished with vessels for the transportation of our productions; it is by this means that almost the whole of our trade is carried on in some States. These observations, added to what had been offered before, would show clearly the circumstances by which that nation had got such a large proportion of our trade.

Let us proceed now to ascertain what is the difference between the regulations of France and England relative to the commerce of this country. Into the ports of Great Britain an American vessel can bring the produce of the United States, but nothing else. He believed our ships paid no more duties on such articles than if imported in British bottoms, except what was for the support of lights; but this in some cases falls pretty heavy, but it is no more than all other nations have to pay. In the ports of France, an American vessel is admitted nearly on an equal footing with the vessels of their own subjects. There was a distinction made by the gentleman from Virginia, (Mr. MADISON,) which he conceived had not been fully attended to. The ships of this country sold

in France are entitled to all the privileges of French built ships, in her colonial trade as well as any other. Our ships may be sold in England also, but they cannot be employed in her colonial trade, consequently the price must be lessened by the restriction of their use. In the West India islands the American vessels are not permitted to enter, but ships belonging to the subjects of Great Britain may carry any of our produce to those places; there is no prohibition in this respect. In the French West India islands American shipping is admitted indiscriminately with their own, but then the articles which are allowed to be carried there are few and of little value; they are lumber, live stock, and fish; the latter subject to a heavy duty. To some States it is highly beneficial that their productions should be carried off to the West Indies, although in British bottoms; but then it ought to be remembered that the articles calculated for the consumption of the islands are of such a nature that they cannot be obtained elsewhere; so that it may be fairly inferred the admission of them is not intended as a favor to America.

The gentleman from Connecticut (Mr. SHARMAN) apprehended, if we laid restrictions on the foreign trade, we might be met with equal restrictions on the part of foreigners; but there is no danger of that. Every thing which Great Britain takes from us, is taken because she cannot get it any where else; or if it is to be had at any other market, it is not at a price so cheap as ours. Rice for that market cannot be got in sufficient quantities, tobacco the same. Lumber for her islands she has attempted unsuccessfully to procure from another quarter. Being thus circumstanced, we do not run any risk of losing that commerce by any regulation we may enter into. But, for our own sake, we ought not to carry them so far as to deprive ourselves of the convenience they afford, whilst we are unsupplied with shipping of our own. But certainly we can draw a revenue from their consumption by a tonnage duty, as it must unavoidably be paid by the consumer and not the planter.

The question of policy has been well explained, and therefore nothing more need be added; but submitting the decision to the sense of the committee, he would rest the facts and conclusions here.

Mr. GOODHUE withdrew his motion for sixty cents.

Mr. HARTLEY's motion for thirty-three and one-third cents was put and lost, but the question on thirty cents was put and carried.

The next question, "on all vessels belonging wholly or in part to the subjects of other Powers, at the rate of — cents per ton."

Mr. LAWRENCE moved to fill up the blank with the same sum as they had just agreed to.

Mr. MADISON supposed the gentleman, by this motion, intended to equalize the restrictions about to be laid on foreign nations, as he was opposed to a discrimination; if so, he acted consistently with his principles. But, said he, I am actuated by a different sense of interest; and therefore shall be

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in favor of a larger sum than that proposed. The more the subject has been examined, the greater necessity there appears for discrimination. If it is expedient for America to have vessels employed in commerce at all, it will be proper that she have enough to answer all the purposes intended; to form a school for seamen, to lay the foundation of a navy, and to be able to support itself against the interference of foreigners. I do not think there is much weight in what has been observed relative to the duty we are about to lay in favor of American vessels, being a burden on the community, and particularly oppressive to some parts; but if there were, it may be a burden of that kind which will ultimately save us from one that is greater.

I consider that an acquisition of maritime strength is essential to this country; if ever we are so unfortunate as to be engaged in war, what but this can defend our towns and cities upon the sea-coast? Or what but this can enable us to repel an invading enemy? Those parts which are said to bear an undue proportion of the burden of the additional duty on foreign shipping, are those which will be the most exposed to the operations of a predatory war, and require the greatest exertions of the Union in their defence; if, therefore, some little sacrifice is made by them to obtain this important object, they will be peculiarly rewarded for it in the hour of danger. Granting a preference to our own navigation will insensibly bring it forward to that perfection so essential to American safety; and though it may produce some little inequality at first, it will soon ascertain its level, and become uniform throughout the Union, a higher duty will become necessary on these principles, as well as on those of discrimination. The preference we give to foreign nations in alliance over those not in treaty will tend to increase the trade of our allies; but it will also enable our own shipping to carry on lower terms than that nation who is in possession of such an unnatural proportion of commerce.

Mr. FITZSIMONS moved to fill the blank with sixty cents, and was seconded by Mr. GOODHUE.

Mr. TUCKER expressed himself in favor of some discrimination; he thought it ought to be made on the principles mentioned by the gentleman from Virginia, (Mr. MADISON;) but he feared he should not be able to vote with gentlemen on the present question, because he conceived the rate proposed was too high. If the committee would agree to fix the duty on this article at thirty cents, and reconsider their last vote, and reduce that to twenty, he should concur with them; but, as he thought thirty cents enough for the highest, he was inclined to vote for that sum, only he feared it would seem to infer that he was not in favor of discrimination if he did so; but to avoid if possible the difficulty to which he was exposed, he would move thirty-five cents, with an intention hereafter to reduce the first article to twenty.

Mr. MADISON begged leave to express an idea which he thought would reconcile gentlemen to a more considerable duty than seemed to be con-

templated. It was admitted on all hands that America did not furnish shipping sufficient for the transportation of her own produce, and the apparent quantity would decrease from what it was now represented to be, if gentlemen considered that the American vessels, mentioned in the custom-house reports, may clear three, four, five, or six times a year, and consequently multiply the gross amount without its being substantially true. Another circumstance that decreases this apparent quantity is that foreigners have, in some instances, in order to obtain the privileges of our ships, masked their property under the American name. This reduction of our shipping service only to show the indispensable necessity of applying means to raise it up to what it ought to be. But in doing this we ought to be careful in avoiding any sudden or violent effect upon our commerce by the rise of freight. Let, then, the operation of the present discrimination continue for such a length of time as it is likely will procure us a sufficient quantity of tonnage of our own, and then let the duty be increased to a greater degree. This may be done by a small addition to the clause, saying that the duty shall be a certain sum, but that, after another day, it shall be increased to a larger sum. Thus will both the objects of gentlemen be effected. Ship-building will be encouraged, and the freight will not be raised. He made a motion similar to what he had expressed.

Mr. TUCKER felt himself sorry to be obliged to make local observations on the question before the committee, but the duty he owed his constituents, as well as his duty to the whole community, called upon him to repeat what he had said on former occasions respecting the burden which a heavy tonnage duty would be upon the State of South Carolina. He hoped gentlemen would forbear adding to their oppression; if a high duty must be laid, let it be determinate, that the people may know what they are to bear; do not introduce an idea that their burdens are in future to be increased. He hoped gentlemen who wished for national encouragement to their ship-building would be moderate, as they plainly saw that it must be done at the expense of their neighbors.

Mr. FITZSIMONS remarked, that the sum now proposed was not so high as to prevent foreigners from continuing our trade. As a proof of this he instanced Virginia. The tonnage duty was one dollar in that State, and yet he believed they found no difficulty in getting British ships to carry their produce; besides, he did not think sixty cents exceeded much, if any thing, the average of the tonnage duties laid by the State Government. Even in the State which the gentleman complains is so likely to suffer, they have a tonnage duty, perhaps not quite so high as the one proposed. If a high tonnage duty will raise the freight, even then the conclusion which that gentleman drew does not follow; for the price of freight will equalize itself. A vessel will readily remove to where the best freight is to be got, and by their numbers soon reduce the price, or raise

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it elsewhere to an equality. They would readily go from Massachusetts to Carolina, and all the expense would be the sending of a vessel from one port to another: besides, foreign tonnage is more or less employed by every part of the Union.

The question on the motion proposed by Mr. MADISON, respecting the increase of the duty at a certain time, was put, and the House divided equally; it lying with the CHAIRMAN to decide, he did it in the negative, remarking that he did not see any necessity for using the words, because the subject was always in the power of the Legislature.

Mr. BOUNDWOT moved fifty cents; which motion, after sixty cents had been negatived, was adopted by the committee.

On motion of Mr. FITZSIMONS, seconded by Mr. GOODHUE, it was provided that no vessel built within the United States, and belonging to a citizen or citizens thereof, whilst employed in the coasting trade, or in the fisheries, shall pay tonnage more than once in any one year. Nor shall any ship or vessel built within the United States, pay tonnage on her first voyage.

The committee rose, and reported the foregoing resolutions as agreed to. The report was ordered to lie on the table, and the House adjourned.

WEDNESDAY, April 22.

PETER SYLVESTER, from New York, appeared and took his seat.

The House resolved itself into a Committee of the Whole on the bill to regulate the taking the oath or affirmation prescribed by the sixth article of the Constitution, Mr. PAGE in the Chair. After going through the bill and making some amendments therein, the committee rose and reported the bill with the amendments; which report was ordered to lie on the table.

THURSDAY, April 23.

JOHN HATHORN, from New York, appeared and took his seat.

Mr. RICHARD BLAND LEE reported, from the committee appointed to confer with a committee of the Senate, in reporting a proper mode of communicating papers, bills, and messages, between the two Houses, that the committee had, according to order, met and conferred with a committee of the Senate thereupon, and had agreed to a report; which he delivered in at the Clerk's table, where the same was read, and ordered to lie on the table.

Ordered, That the report from the Committee of the Whole House on the bill to regulate the taking the oath or affirmation prescribed by the sixth article of the Constitution, be put off until to-morrow.

FRIDAY, April 24.

Mr. BOUNDWOT reported, from the committee appointed to attend with a committee from the

Senate, to receive the PRESIDENT OF THE UNITED STATES, at the place of his embarkation from New Jersey, that the committee did, according to order, together with a committee from the Senate, attend at Elizabethtown, in New Jersey, on the 23d instant, at which place the two committees met the President, and thence embarked for this city, where they arrived about three o'clock in the afternoon of the same day, and conducted him to the house appointed for his residence.

The House proceeded to consider the report from the committee appointed to confer with a committee of the Senate in reporting a proper mode of communicating papers, bills, and messages between the two Houses, which lay on the table, and the said report being twice read, was, on a motion made, ordered to be recommitted to the same committee.

On motion, Resolved, That so much of the standing rules and orders of this House as prescribes the enacted style of bills, be rescinded.

The SPEAKER laid before the House a letter from the Vice President of the United States, enclosing a resolution of the Senate, appointing a committee to consider and report what style or titles it will be proper to annex to the office of President and Vice President of the United States; if any other than those given in the Constitution; also to consider of the time, place, and manner in which, and the person by whom, the oath prescribed by the Constitution, shall be administered to the President, and to confer thereon with such committee as this House should appoint for that purpose; whereupon,

Ordered, That a committee, to consist of five members, be appointed for the purpose expressed in the resolution of the Senate.

The members elected were Messrs. BENSON, AMES, MADISON, CARROLL, and SHERMAN.

DUTIES ON IMPORTS.

The House then proceeded to consider the resolutions reported by the Committee of the Whole on the state of the Union.

Mr. BOUNDWOT complained that the articles were generally taxed too high, not too high for the article to bear, but too high for the due collection of the revenue. Every thing we tax should be considered as it relates to the interest of the importer, as well as other circumstances; now, if it is discovered that the duties are so great as to make it a beneficial trade to the merchant to run his goods, he will do so, and injure the revenue.

When this subject was before the Committee of the Whole, he expressed a desire for gentlemen to get information from such sources as were likely to be the purest; in conformity with this desire, he had endeavored to avail himself of the few leisure moments which his avocations allowed him, in order to ascertain what would be the amount of the duties, the risk of smuggling, and what degree of temptation merchants will be under to engage in this practice. The duty on spirits is so high as to afford a very strong temptation; and when we consider the extensiveness

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of our seacoasts, we shall find it impossible to place our guards so thick as to prevent the importer from falling into the practice. We ought not, therefore, to make the inducement so strong as to endanger the loss of the revenue. But suppose, on experience, we discover the fatal tendency of the measure, can we lower it with convenience? Certainly we cannot as regards the fair trader.

The article of Madeira wine will bear a heavy duty, as well as spirits; but, in laying a duty on it, we ought to consider its situation. That we pay for it in the produce of our country, is one consideration; but when it arrives, it is not immediately productive; it is necessary to keep it some years before it is fit for sale. Now, on a cargo of two hundred pipes of Madeira, the duties will amount to three thousand or two thousand six hundred pounds; this is a very large sum for a merchant to pay from his capital; no doubt the Government will give some credit, but we cannot give a credit equal to the merchant's necessity. The temptation will be increased from the want of means to discharge the duty; and the advantage of clearing three thousand pounds on a cargo will make it the most advantageous trade a person can engage in. Will not so large a reward as this awaken all his powers to defraud you, and to evade the checks which you are obliged to establish? But if many officers are necessary to watch the faithful collection of the impost, they will defeat the object of revenue as much as a loss by smuggling; they will consume the whole in compensating their services; besides, such establishments are odious to the people, and will render the Government itself unpopular.

The duty on 2,500,000 gallons of West India rum, which is less than the quantity actually consumed in America, calculated at one shilling only, will amount to 125,000 pounds; the duty on 5,000 pipes of Madeira wine will be at least £67,500, besides the twelve cents on all other wines. What an extravagant sum—above half a million of dollars for these two articles alone! Can this be in proportion to our wants? Surely it exceeds them. But it is to be feared, after all, that these high duties will diminish the revenue rather than increase it. Such is the natural consequence resulting from an extension of the subject beyond what it is capable of bearing. He knew a fact in point: when molasses was subjected to a duty of six-pence a gallon in this State, a person who was considerably in the trade, did not pay at the rate of a farthing per gallon for seven or eight years; but when the duty was reduced to a penny, he paid £1,200 annually. This anecdote will serve to show the committee the propriety of not exceeding the bound of moderation, if revenue is their object. In order to begin to make the reduction, he moved to lower distilled spirits of Jamaica proof from fifteen to twelve cents per gallon.

Mr. Madison was sensible that high duties had a tendency to promote smuggling, and in case those kinds of fraud were successfully practised, the revenue must be diminished; yet he believed

the sum proposed on spirits was not so high as to produce those effects to any considerable degree. If any article is capable of paying a heavy duty, it is this; if the duty on any article is capable of being collected with certainty, it is this; if a duty on any article is consonant with the sentiment of the people of America, it is this; why then should not the article be made as tributary as possible to the wants of Government? But, besides these favorable circumstances, I think the combination of the merchants will come in aid of the law; the people will also lend their aid. These circumstances would do much toward insuring the due collection of the revenue.

Mr. Jackson seconded Mr. Boudinot's motion for reducing the duties, because he was well convinced they were too high even to be well collected, unless we establish custom-houses every ten or twelve miles, like watch-towers, along the sea-coasts. When trade is so unproductive, the Legislature ought to be careful how they make it more worth a man's while to live by committing frauds upon the revenue than by practising honest commerce.

There is another consideration which particularly regarded the Georgia trade. That country, abounding with lumber of the most luxurious growth, could only exchange it for rum; and a very considerable commerce grew out of this intercourse favorable to Georgia. This would be affected by the imposition of heavy duties; but commercial considerations, we shall be told, form only a secondary object in this business. There is another proposition in which he acquiesced; it would be more convenient, and more to the honor of the House, to make their first essay with low duties; because, if they persisted in laying them high, they would be compelled to an inglorious retreat, and the Government would be insulted. In the State he represented, it was next to impossible to collect the revenue, the country was so intersected with navigable creeks and rivers, if the people were disposed to evade the payment of it; and there was no more certain way to produce this disposition than by making it their interest to defraud you.

Mr. Wadsworth conceived the duty much too high, and joined the gentlemen of the opposition in believing it never could be collected; the quantity of rum imported was full 4,000,000 gallons annually; can it be thought that the whole of this duty will be paid, or even a considerable part of it? He thought it would not. The British, when in possession of this country, only imposed a duty of three pence sterling on molasses; but, with all their custom-house officers, their navy, their cutters, and energetic Executive, they were unable to obtain it. When it was reduced to one penny, they got something. How, then, can the Federal Government expect, without these aids, to collect a higher duty, when even the specie in the country is insufficient to pay the whole amount of it? If we attempt a thing that is impracticable, we shall expose our weakness, without effecting any one good purpose whatsoever; by moderating the duties we shall obtain revenue,

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and give that encouragement to manufactures which is intended; but by persisting in keeping them so high, we shall obtain nothing, and the law will be destructive of itself.

Mr. Fitzsimons.—If it is the opinion of the House that the duties agreed to in the committee cannot be collected with any tolerable certainty, they will agree to a reduction. One gentleman tells you it is impossible to prevent smuggling; another that there is not money enough in the country to pay the duties; and another that their amount exceeds the wants of the United States. Have gentlemen made a calculation of the amount of those duties? If they have, do they find it exceeds even the probable wants of the United States? If it does this, it will be improper to make a demand of so much; but I believe, if the calculation was made, and the whole of the duties carried into the total, we shall still fall something short of what is absolutely necessary to discharge our national obligations and support the Government; but if there is not money enough in the Union to pay these things, the Government must go without it; we can have no alternative. But whether any or all of those observations are true, is but matter of opinion; we have not the means of ascertaining them with precision; for my own part, I entertain sentiments very different from those delivered by the gentlemen in opposition. One of them stated a fact relative to the collection of the duty on molasses when at six pence and one penny per gallon; no doubt it is true, but the inference does not hold good in the case before us; the gentleman only proposes a reduction from fifteen to twelve cents. Whether we can prevent smuggling or not, it will be best ascertained when the bill for collecting the duties shall be brought forward. Such a bill is now in the hands of the committee, and I trust that it will be adequate to the object; if it guards sufficiently against smuggling, or if it guards the revenue of twelve cents, it will require but very little more circumspection to secure fifteen. The gentleman from New Jersey states the embarrassments to which the importer will be subjected by having to make such large payments for duties out of his capital; he supports this by supposing a merchant obliged to pay three thousand pounds on two hundred pipes of Madeira; but there are very few such cargoes imported into the United States. But suppose there were, cannot the bill I alluded to before regulate the time and manner of payments, so as to give an opportunity to the owner to sell enough of the article to discharge the duty before it is demanded? This is the practice in England, where the duties frequently exceed double the value of the article, and by a mean of this kind he can avoid employing his capital in the payment of the duty. Gentlemen have remarked on the impossibility there is of preventing an illicit trade being carried on. I know it will be more difficult to provide against this in some States than in others; but gentlemen will recollect, that generally those places where goods can be landed with privacy are places of but little

consumption; it will, therefore, be necessary to remove them to others, and I trust this removal can be so guarded against as to frustrate the attempt. To defraud the revenue in this view, a person who has got his goods on shore in Georgia will be little higher his object than if they were in the West Indies. The duty on a hoghead of rum will be about sixteen or eighteen dollars; the fraudulent trader will calculate the cost to remove a hoghead landed at these unfrequented places to the place of consumption, with the common charge for risk, and extra one for illicit trade, and will find perhaps that the profit to himself is small and precarious. Now, whether we fix the duty at twelve or fifteen cents, it will be equally easy, or nearly so, to secure our object—revenue.

The gentleman from Jersey has recommended to the committee to gain information. I have endeavored to inform myself of the public opinion, and of the opinion of merchants, and can say, as the result of my inquiries, that if it was possible to obtain a revenue of double the amount from ardent spirits, it would give general satisfaction in Pennsylvania. I believe in some States the proposed duties would be paid under almost any system of collection with great certainty; where it cannot be so obtained, the law must aid the officer sufficiently to attain the object.

The gentleman from Georgia says it will injure the trade of his State, because they export their lumber and take rum in payment; I think they have very little advantage by such an exchange. It is said, that we shall, on experience of the predicted disadvantages, be compelled to lower the duties. I believe it would be injurious to the Government to have revenue laws that could not be executed; but that, I trust, is not likely to be the case with the present; because the mode of collection can, I think, without great expense, be so regulated as to secure a faithful performance of what it directs. If the duties should lessen the consumption and importation of distilled spirit, a great good is effected; it will tend to improve the morals of the people; if it does not produce that consequence it will afford the more revenue. It is a proper object of a sumptuary regulation, not only as it is a luxury, but inasmuch as it is a luxury of the most mischievous kind. As I think the collection of twelve or fifteen cents equally secure, and as the best source of obtaining revenue is by impost, I shall be for the highest sum; knowing that, if there is not money enough in the country to pay the necessary sum for the support of Government, a recourse to excise or direct taxes cannot produce more.

Mr. Boudinot was not ashamed to confess that he wanted the advantages of commercial knowledge on a question where the principles of trade were interwoven; but he opposed high duties on a conviction in his own mind that they could not be collected. He repeated some few of his former arguments to show why he held this opinion; but it was not the particular article of rum that he was opposed to; it was the high scale on which the duties were laid generally, and that only from

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an idea that greater revenue might be obtained from less duties.

Mr. LAWRENCE.—The gentleman from Pennsylvania (Mr. FITZSIMONS) has observed, that a high duty on rum will tend to improve the morality of our citizens, at the same time he expects to raise a considerable revenue from the importation; if the consumption is lessened, the object of revenue is defeated; and the deficiency rendered uncertain. The true object I take to be this, that we lay our duties in such a manner as to produce the greatest quantity of revenue from each article which it is capable of yielding, considering its nature and circumstances. Here, then, it is worthy of consideration, whether we have laid the impost on rum so as to obtain the payment of the duty on the whole quantity imported, or whether it will not occasion so much to be smuggled as will lessen the amount of the revenue below what a lighter duty would bring into the treasury. If the fact is, that smuggling is increased by high duties, the revenue runs great risk of loss. Now, several gentlemen contemplate that this will be the case here, and they imagine this because the duty is much higher than the mean rate of all the duties laid throughout the Union. It is higher than has been laid by any particular State; besides, it does not correspond in a ratio with the other articles. As the quantity already imported has paid but a small duty, it may be afforded at a moderate price, but what hereafter is imported, if it pays a much higher duty, cannot come in competition with the former; so that the importer must either keep the latter upon hand, or introduce it without the payment of any duty at all. The fact which was mentioned by the gentleman from Jersey (Mr. BOURNOR) has made a deep impression on my mind; from which I plainly foresee that, if the duty is laid too high, it will be an irresistible inducement to smuggling, and smuggling will take place; if smuggling does take place, it will probably tend more to corrupt the morals of the people than can be amended by restricting the use of rum. After they once have a habit of smuggling, it is but chance whether lowering the duties would root out the evil; for when once the business is established, and connexions formed, it will be easy to carry it on for a less profit than it was before it had been got into train. It is said, that the sense of the people, and the combination of the merchants, will assist the Government in the collection of the duty, and prevent smuggling. I have a high opinion of the merchants of America, and believe them to be a virtuous body of men; but I fear, like every other body of men, they may be induced to evade your laws if their interest is concerned in the event; and their interest will be concerned, if the profit from smuggling is likely to be considerable, after defraying the charge of risk. But there can be no absolute reliance on circumstances of this nature; our reliance ought to be on the law; and if the law does not take effectual means to secure the collection, we are not to expect our citizens will do it. I think, then, before we get through the impost bill, we

ought to see what security the one for collection will afford; if it is not sufficient to obtain the object in view, no doubt can remain but that the duties ought to be lowered. It is at present the sense of well-informed men, both in Congress and out of doors, that the duties are too high to be collected, and being of that opinion I shall vote for the reduction. On this principle I hope the amendment will take place.

Mr. TUCKER wished the duties to be lowered, and proposed to the committee to strike off seven cents from the fifteen; by varying his motion in this manner, he expected the sense of the House could be taken on his proposition first, notwithstanding the rule that "the question shall be put on the highest sum first." He joined in the opinion that high duties were productive of smuggling; that notwithstanding the powers and vigilance of custom-house officers, and the whole Executive, contraband trade is carried on in every nation where the duties are so high; the facility with which it could be done in America ought to show a prudent Legislature the degree of probability; unless this can be guarded against, what will the law avail? It can avail nothing. Besides, the higher the duty is laid, the more you expose the officer to the temptation of being corrupted; when that is done, the revenue will be very unproductive.

Mr. BLAND would second the gentleman last up, but thought it was not in order to have the question taken first on the lowest sum.

Mr. MADISON.—The question is not whether the whole scale of duties agreed to in the committee shall be reduced, but whether the particular duty on the article of spirit. I will not differ with the gentleman altogether, and say that none of the subsequent articles are too high to be collected with certainty, but I am not convinced by any thing yet said that fifteen cents per gallon is too much to be laid upon spirit of Jamaica proof. The gentleman from New York says, the example of the States has proved that high duties are not expedient, and that this article does not correspond with the rate they have fixed to it. The State Governments, no doubt, collected what duty they thought best, but it does not follow that the General Government cannot collect more than the State Governments have done. The people adopted the new Constitution, I believe, under a universal expectation that we should collect higher duties; we must do this, I believe, if we mean to avoid direct taxation, which was always a mean of revenue in the particular States. But with respect to what the States have judged expedient to be derived from this source, let us turn to authentic acts; they will neither deceive nor mislead us. We find, in Massachusetts, one-sixth of a dollar laid some years ago; if it did not succeed, was it not owing to the inauspicious policy of the neighboring States? In Pennsylvania the consumer of rum pays to Government ten pence a gallon.

The same gentleman has said, that our laws ought to be such as to execute themselves, and not depend upon the support of the people; now

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I cannot discern how the law can execute itself without the support of the people, therefore I think it right to place the dependence where I have imagined it will be well supported. It was also remarked, that smuggling depraves the morals of the people. If we are to consider the effect of our laws in this point of view, (laying aside the corruption which the general use of rum occasions,) let us consider what will be the effect of a deficiency in the revenue, by the proposed reduction of the impost; and no gentleman has suggested a substitute for this defalcation, nor pretends that we shall raise more than we want. What, then, will be the consequence? Lessening the impost will prevent the Government from performing its engagements, and doing justice to its creditors. Have we not seen the turpitude of such conduct, and the consequent contamination of morals? Examine both sides, and say which of these evils is most to be deprecated. But if people are disposed to enter into a system of smuggling, they will find a better interest in running fine goods with only five or ten per cent. than in such a bulky and inconvenient article as rum at thirty per cent. A worthy gentleman from Connecticut (Mr. WADSWORTH) suspects that there is not money enough in the country to pay the duties. If there is any dearth of money, let us take measures to prevent the importation of rum, and then we may get money for our produce, and soon supply the vacancy. I cannot believe the virtue of our citizens is so weakly fortified as not to resist the impression which a seeming interest in the article of smuggling, is no proof to me of a natural disposition to evade a just tax; they conceived themselves at that time oppressed by a nation in whose councils they had no share, and the resistance on this principle was justified to their consciences; but as the case is altered, so that each has an equal voice in every regulation, I do not despair of a great revolution in sentiment in this particular, when it is known and understood that the man who wounds the honor of his country by a baseness in defrauding the revenue, only exposes his neighbors to further and greater impositions. Under this impression, I trust the great body of the people will unite and drive out smuggling from our country.

Mr. FITZSIMONS observed to the House, that the decision of the present question, in his mind, involved some very important alterations in the present measure; the consequences resulting from which ought to be well considered. In order, therefore to gain time for this purpose, he would move an adjournment; whereupon the House adjourned.

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SATURDAY, April 25.

The House, according to the order of the day, received the report from the Committee of the whole House, to the bill to regulate the taking the oath or affirmation prescribed by the sixth article of the Constitution; and the amendments to the said bill being read and amended at the Clerk's table, were agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

Mr. BENSON, from the committee appointed to consider of the time, place, and manner in which, and of the person by whom the oath prescribed by the Constitution shall be administered to the President of the United States, and to confer with a committee of the Senate for the purpose, reported as followeth:

"That the President hath been pleased to signify to them, that any time or place which both Houses may think proper to appoint, and any manner which shall appear most eligible to them, will be acceptable to him: that requisite preparations cannot probably be made before Thursday next; that the President be on that day formally received by both Houses in the Senate Chamber; that the Representatives' Chamber being capable of receiving the greater number of persons, that therefore, the President do take the oath in that place, and in the presence of both Houses; that after the formal reception of the President in the Senate Chamber, he be attended by both Houses to the Representatives' Chamber, and that the oath be administered by the Chancellor of this State.

"The committee further report it as their opinion, that it will be proper that a committee of both Houses be appointed to take order for further conducting the ceremonial."

The said report was twice read; and, on the question put thereon, agreed to by the House. Ordered, That Messrs. BENSON, AMES, and CARROLL be a committee on the part of this House, pursuant to the said report.

DUTIES ON IMPORTS.

The House then resumed the consideration of the resolutions respecting the impost, as reported by the Committee of the Whole on the state of the Union.

The motion made yesterday by Mr. BOURNOR for reducing the impost on spirits from fifteen to twelve cents per gallon, was put and lost.

Mr. SMITH, of Maryland, stated, that there was propriety in discriminating on the article of spirits between nations in and not in alliance with us; for which reason he proposed that a duty of six cents per gallon be laid on all spirit of Jamaica proof imported from the dominions of nations in alliance.

Mr. LEE observed, that a preference was given to our allies in the tonnage; if more was necessary to be done, he would rather do it in that way, than by making such alterations in the system as would give a preference to the articles individually which America takes from them.

Mr. LAWRENCE.—French brandy, I take it, is as destructive to the morals and health of the people as West India rum; therefore the argument drawn from that consideration does not apply in favor of reducing the duty on the former. If we pay for French brandy in the produce of our country, we do the same for West India rum; therefore that argument is not more favorable to the one than to the other. I believe, in short, every argument that applies in one, will apply in both instances; whether, therefore, it respects the

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morals of the people, commerce, or revenue; there is no reason for the reduction, unless it be on the principle that the whole of the duties are too high, and it is proposed to lower them generally. But one observation further may be necessary, to show the effect a partial reduction may have upon the revenue; if brandy can be imported at a less price than rum, the consumption will increase, and in proportion as the consumption of brandy increases, that of West India rum will diminish; if the importation of West India rum is lessened, the revenue will lose all the difference between the duty on that article and French brandy.

Mr. FITZSIMONS thought, when the discrimination was agreed to in the article of tonnage, as much was done as the House could be disposed of at this time to do, it was certainly enough to manifest the good disposition of the United States towards those nations it was intended to befriend; perhaps it was doing as much as commercial principles would warrant. At any rate, the measure would lessen the revenue without giving any material preference, and therefore was improper.

Mr. PAGE thought that brandy was a more wholesome spirit than any other; but if it was not so, it was less noxious, and on that account merited more favor. But the real principle on which the motion was founded, was certainly a discrimination favorable to our allies, and on this account he would support it.

Mr. FITZSIMONS reminded the House, that the French had already, by the vote of the committee, a very considerable advantage in the article of wine. The French wines were frequently of the most superior quality, and yet were subjected only to an equal duty with the lowest from other countries.

Mr. MADISON.—Discriminations, however small, may have a good political effect; even a difference of one cent on brandy may have a tendency to advance the interest of the United States. I differ essentially from the gentleman from New York (Mr. LAWRENCE) on the subject of preference. I think we have a great deal in our power by this policy, if we make a right use of it. I wish to teach those nations who have declined to enter into commercial treaties with us, that we have the power to extend or withhold advantages as their conduct shall deserve. If the situation of our country and our public wants admitted the experiment, I should interdict the importation of rum altogether, until we should be allowed to carry to the West India islands, in our own vessels, the produce of America, which necessity compels them to take. In any case, where we have made a treaty to open all our ports to the vessels of a nation, without stipulating for reciprocal advantages, I agree we must abide by it; but where we have entered into no stipulations, I would give no encouragement unless equal advantages were obtained on our side. We have now the power to avail ourselves of our natural superiority, and I am for beginning with some manifestation of that ability, that foreign

nations may or might be taught to pay us that respect which they have neglected on account of our former imbecility. This language and these sentiments are the language and sentiments of our constituents. The great political revolution now brought about, by the organization of the new Government, has its foundation in these sentiments. Sensible of the selfish policy which actuated a nation long disposed to do all she could to discourage our commercial operations, the States singly attempted to counteract her nefarious schemes; but, finding their separate exertions ineffectual, with a united voice they called for a new arrangement, constituted to concentrate, conduct, and point their powers, so as to obtain that reciprocity which justice demands. The arrangement has taken place, and though gentlemen may contend that we are not at this moment prepared to use it in the latitude I could wish, yet let them concur in doing what shall indicate, that, on a proper occasion, we dare exert ourselves in defeating any measure which commercial policy shall offer hostile to the welfare of America. The mere showing such a disposition, at this time, may have a good effect. I believe such a discrimination as is proposed will be a manifestation of that disposition; but perhaps a less discrimination may effect the business as well as a large one; if so, I would rather brandy should be reduced two or three cents below West India rum, and then the revenue would be but little diminished, and the consumption could not be supposed to increase considerably.

Mr. SHERMAN.—The probable amount of the duties we have agreed to, will not, in my opinion, exceed two millions of dollars. This sum is insufficient to answer the public exigencies, therefore I should be sorry to reduce much upon any article. In this case it is not intended, perhaps, to make a great reduction; it is only to show a preference to our allies; but if the discrimination on tonnage is not sufficient for that purpose, I would rather make a discrimination on any other article than on brandy, the importation of which does not deserve encouragement from any part of the world.

Mr. LAWRENCE.—It seems to be admitted that the supply from the impost will not effectually answer the demands of the United States, and that the article of rum is to be principally relied upon for raising revenue. These considerations induced the House not to agree with the motion of the gentleman from New Jersey (Mr. BOURDINOT) for reducing distilled spirits. Gentlemen who urged those considerations are now advocating the reduction of the duty of other spirits of equal proof. The natural consequence of this measure must be to encourage the importation of the latter, and limit the importation of the other. Will not this diminish the revenue? And do gentlemen come forward with a substitute which will provide for the deficiency? I say, if the consumption of Jamaica spirit is lessened, that of brandy will be increased, and we lessen our revenue in order to pay tribute to our allies; to manifest our regard at a great expense to ourselves; but

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nevertheless, we are told it is proper to do it, and the public sentiment of our country is in favor of the measure, though it is contrary to the principle of interest which governs all nations. When it is a proper time to make these discriminations, I shall not be against it; but the United States are not in a condition at present to engage in a commercial warfare. Such regulations as these will be met with other regulations by the nation against which they are aimed, and they will probably operate with more severity on us than ours can upon them. I feel myself impressed with as lively a sense of gratitude to the French nation for their important services during the late Revolution, as any man; yet I have an equal affection for the interests of my country; and before I accede to a measure like the present, I ask this question—whether we are in such a condition as to make it necessary for the United States to pay tribute to our allies? For what are these sacrifices to be made? Is our commerce on such a favorable footing with them as to require this manifestation of regard on our parts? We have the privilege of entering with our vessels into some particular ports in the West Indies, but the advantage is but small, and we have done something on tonnage to show our sense of the favor; surely gentlemen will admit it is sufficient, and not call upon us for more, if they compare the actual benefit derived from our commerce with Britain, to the real advantages afforded by the French trade. We can export any of our produce to England in our own bottoms, and it pays no higher duty than if it was carried in British vessels; we export our produce to the British West India islands, but it is in their vessels; it is the policy of that nation to improve her maritime importance by navigation laws, giving a preference to her own shipping. Can we export our produce to France, or the French West Indies, on such good terms? Then the preference, in a commercial view, is on the other side. The exportation of iron, lumber, and potash to Britain is very considerable; but we are told these articles cannot be got elsewhere, yet they are frequently imported into England from other countries, but subjected to a much higher duty than ours. If Britain was to oblige our article to pay similar duties, it would soon counterbalance every good we promise ourselves from discrimination. True it is, we have a right to regulate our commerce, and declare the terms upon which foreigners shall trade among us, but we ought to consider the expediency of exercising our powers so as not to give umbrage to a nation from whose policy we derive considerable advantage, especially as we are not in a condition to wage a war of commercial regulations with her. There may a time come, and soon, when our tonnage shall be increased, and our manufactures improved, so as to enable us to come forward with regulations adverse to the commerce of that nation. At present, I deem such measures impolitic; but when the moment of our improvement arrives, I shall be as well disposed to enter on that business as any gentleman. At this time, it is certainly impolitic,

inasmuch as it affects the revenue, and engages us in commercial hostilities. If the House only makes a diminution of two cents per gallon, and it should change the consumption from rum to brandy, it will be a very considerable loss on four million gallons—it will be eighty thousand dollars annually.

Mr. MADISON.—I did not rightly comprehend the gentleman who has just sat down; when he supposed the discrimination which is moved for to be merely the payment of a tax or tribute to our allies, and, therefore, cannot reply particularly to what I did not comprehend; but I acknowledge with pleasure the services America derived from that nation, and I admit the justice of the debt we owe her; but I never meant that the preference we are inclined to show her, in common with nations with which we have commercial treaties, should be considered as a tribute to our allies; I consider it rather as a lesson to those Powers that are not within that description. If it reduces the revenue, it is a good object so far as the reduction goes; if it is reduced one or two cents, it will have no sensible effect upon the amount of the duties collected from distilled spirits. In Virginia, brandy from France, imported in either French or American bottoms, is clear of duty, whilst the duty on rum is six pence per gallon that money. There have not, however, been imported more than 10,000 gallons annually, till very lately, and now it amounts to but 12,000, while the quantity of West India rum is from 500,000 to 600,000. This tends to show the proportion the two articles bear to each other, and the effect it would have on the revenue. The gentleman supposes that a difference of one or two cents will change the consumption from rum to brandy; but commercial people do not suddenly alter their operations. Besides, the habits and prejudices of the community are not easily removed; the habit of using rum is so fixed, that it will perhaps take more than a century to change it to another object—hence the evil, which the gentleman contemplates as resulting from the present measure must be remote indeed. But I am clearly of opinion, that a discrimination will have the most salutary effects; it will redound both to the honor and interest of America to give some early token of our capacity and disposition to exert ourselves to obtain a reciprocity in trade.

Let us review the policy of Great Britain towards us. Has she ever shown any disposition to enter into reciprocal regulations? Has she not, by a temporising policy, plainly declared that until we are able and willing to do justice to ourselves, she will shut us out from her ports, and make us tributary to her? Have we not seen her taking one legislative step after another to destroy our commerce? Has not her Legislature given discretionary powers to the Executive, that so she might be ever on the watch, and ready to seize every advantage the weakness of our situation might expose? Have we not reason to believe she will continue a policy void of regard to us, whilst she can continue to gather into her lap the

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benefits we feebly endeavor to withhold, and for which she ought rather to court us by an open and liberal participation of the commerce we desire? Will she not, if she finds us indelusive in counteracting her machinations, continue to consult her own interest as heretofore? If we remain in a state of apathy, we do not fulfil the object of our appointment; most of the States in the Union have, in some shape or other, shown symptoms of disapprobation of British policy. Those States have now relinquished the power of continuing their systems, but under an impression that a more efficient Government would effectually support their views. If we are timid and inactive, we disappoint the just expectations of our constituents, and I venture to say we disappoint the very nation against whom the measure is principally directed.

It has been said that Great Britain receives all the produce of this country in our own bottoms. I believe that in some ports of that kingdom our vessels are admitted, but those in the West Indies, into which we want admission most, are closely barred against us; but the reason that she admits us, because it is necessary to repay herself for her exports to this country, and to constitute herself a market for this and the European nations. Adventitious causes have drawn within the commercial vortex of her policy almost all the trade of America; and the productions of the most distant climes, consumed among us, are tributary to her revenue. As long, therefore, as we do not protect ourselves, and endeavor to restore the stream of commerce to its natural channel, we shall find no relaxation on the part of Britain; the same obnoxious policy will be pursued while we submissively bear the impression. This is a copious subject, and leads to serious and important reflections. After what has passed, I am certain that there is a disposition to make a discrimination, to teach the nations that are not in alliance with us that there is an advantage to be gained by the connexion; to give some early symptom of the power and will of the new Government to redress our national wrongs, must be productive of benefit. We soon shall be in a condition, we now are in a condition, to wage a commercial warfare with that nation. The produce of this country is more necessary to the rest of the world than that of other countries is to America. If we were disposed to hazard the experiment of interdicting the intercourse between us and the Powers not in alliance, we should have overtures of the most advantageous kind tendered by those nations. If we have the disposition, we have abundantly the power to vindicate our cause. Let us but show the world that we know justly how to consider our commercial friends and commercial adversaries. Let us show, that if a war breaks out in Europe, and is extended and carried on in the West Indies, we can treat with friendship and succor the one, while we can shut the other out of our ports. By these favors, without entering into the contest, or violating the law of nations, or even the privilege of neutrals, we can give the most decided advantage.

I will not enlarge on this subject; but it must be apparent to every gentleman, that we possess natural advantages which no other nation does; we can, therefore, with justice, stipulate for a reciprocity in commerce. The way to obtain this is by discrimination; and, therefore, though the proposed measure may not be very favorable to the nations in alliance, yet I hope it will be adopted for the sake of the principle it contains. I should rather be in favor of a small discrimination than a large one, on purpose to avoid the loss of revenue which, any how, in this article, will be but trifling.

Mr. FRIZZIMONS was firmly of opinion, that the trade of the United States was of so much importance to Great Britain, that she would willingly grant our shipping reciprocal advantages in the West India ports rather than run the risk of losing it; he was entirely in sentiment with the gentleman from Virginia, (Mr. MADISON,) that it would be possible to meet that nation with regulations that would force her to open her West India ports. If the importation of rum was to be prohibited to any considerable degree, it would produce this effect; for if it was not for the market the United States afforded for the consumption of rum, the sugar colonies would not be worth keeping; the rum alone bears the whole expense of cultivation. The quantity consumed in other parts is but small, so that a measure of this kind would have the most desirable effect; but how far it would be politic, at this moment, to adopt a severe remedy for the evil, was doubtful; it is, perhaps, much better to make only a small discrimination for the present.

He would not repeat the observation he had made on a former occasion, to show the policy of a similar measure, but would just add, that Great Britain took nothing from America which she could procure as cheap elsewhere, and there can be but very little danger that she will do any thing to make those articles cost the consumer more money; and any obstacles she might throw in to embarrass that part of our commerce must inevitably have that effect.

Mr. SMITH, of Maryland, in reply to the gentleman from New York, (Mr. LAWRENCE,) who had said that the British admitted all the produce of America into the ports of England, would call to the recollection of the committee a very considerable production which was restricted, unless it exceeded a certain rate in that kingdom—it is wheat and flour; besides, our vessels are always subjected to higher duties than British. For these reasons he hoped the clause would prevail. The motion then for agreeing to the discriminating clause was put and carried, and the duties were ordered to be, on all spirits of Jamaica proof imported from nations in alliance, twelve cents per gallon; on all other spirits from the same nations, ten cents.

Mr. BOUNDNOT moved to reduce the duty on Madeira wine, from an apprehension that it would be injurious to the commerce of the United States. The observations he had made on a former occasion respecting the amount of the duty,

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the length of time it was requisite to keep this wine before it was fit for sale, and the embarrassment a forced sale must occasion to the merchant, induced him to endeavor to prevail on the House to lower the duty.

Mr. MADISON acquiesced in reducing this duty, because it was too high to insure its due collection, to twenty-five cents.

Mr. FRIZZIMONS opposed the reduction, and thought the duty proportionably low; the collection of the impost on wine would be as secure as the impost on rum. As to the objection that the merchant could not pay them, he might either deposit a part as security for the payment, or bond the debt, and obtain time. He thought, that it was a revenue principally paid by the rich, that no objection could lie against continuing it at thirty-three and one-third cents.

The question on reducing the duty to twenty-five cents was put and carried.

The duty on all other wines was, of consequence, reduced from twenty cents to fifteen.

On motion of Mr. AMES, the duty on barley and lime was struck out; and shoes were reduced from ten to seven cents.

The remainder of the report was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Vice President of the United States, notifying the House that the Senate had appointed the Rev. Doctor PROCTOR Chaplain to Congress on their part; and then
The House adjourned.

MONDAY, April 27.

The engrossed bill to regulate the time and manner of administering certain oaths, was read the third time and passed, and ordered to be sent to the Senate for their concurrence.

On motion.

Resolved, That this House will, on Friday next, proceed by ballot to the appointment of a Chaplain to Congress on the part of this House.

The SPEAKER laid before the House a letter from the Vice President of the United States, enclosing certain proceedings of the Senate, touching the ceremonial of the formal reception of the President of the United States, by both Houses; which were read, and ordered to lie on the table.

Mr. BENSON, from the committee of both Houses, appointed to take order for conducting the ceremonial of the formal reception of the President of the United States, reported as follows:—

“That it appears to the committee more eligible that the oath should be administered to the President in the outer gallery adjoining the Senate Chamber, than in the Representatives’ Chamber, and therefore submit to the respective Houses the propriety of authorizing their committees to take order as to the place where the oath shall be administered to the President, the resolutions of Saturday, assigning the Representatives’ Chamber as the place, notwithstanding.”

The said report being twice read,

Resolved, That this House doth concur in the said report, and authorize the committee to take order for the change of place thereby proposed.

The SPEAKER laid before the House a letter from the Vice President of the United States, enclosing two orders of the Senate, one of the 13th instant, appointing a committee to confer with any committee to be appointed on the part of this House, respecting the future disposition of the papers, &c. in the office of the late Secretary of the United States: the other of the 27th instant, for the attendance of both Houses, with the President of the United States, after the oath shall be administered to him, to hear divine service at St. Paul’s Chapel: which was read, and ordered to lie on the table.

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The House resumed the consideration of the resolutions reported by the Committee of the Whole on the state of the Union.

Mr. FRIZZIMONS proposed that a duty of one hundred cents be laid on cables and cordage, instead of the fifty cents. He hoped this alteration would take place, otherwise the object the committee had in view would be defeated. It is now become the interest of the importer to introduce cordage instead of hemp; the freight is lower and the value greater.

Mr. GOODHUE said that there ought to be a proper proportion observed, and therefore he would second the motion.

Mr. MADISON thought the question deserved a careful examination; it had been discussed in the committee, and it was then determined to be as necessary to promote agriculture as manufactures; that the labor of extracting materials from the bosom of the earth was as useful as that employed in giving them form; nothing had been said to invalidate that policy, and therefore he did not see it requisite to cherish the one more than the other by protecting duties.

Mr. FRIZZIMONS admitted the policy of encouraging agriculture. He was with the gentleman in that measure; he hoped it might tend to supersede the necessity of importing both hemp and cordage; but if some distinction was not made at present, to give the latter an advantage over the former, we should have cordage imported altogether, and the manufacture destroyed for want of materials.

Mr. GEARY remarked, that the duty which was laid on cordage was intended to give a preference to the manufacture of that article; fifty cents was deemed equal to the object, but no sooner was it laid, than the committee imposed a duty of fifty cents on hemp, by which means the manufacture was as much without encouragement as if nothing had been done. He begged gentlemen to consider how important a manufacture of this kind is to the navigation of the country, and he was persuaded they could not hesitate to agree to the motion now proposed.

Mr. MADISON observed, that if cordage was so essential an ingredient in navigation, hemp was also useful; he doubted from the beginning the

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policy of subjecting either of them to a duty. It was unnecessary to repeat the arguments he had collected them, and he satisfied that it was improper to raise the price of an article necessary to shipbuilding.

Mr. WADSWORTH.—There is a material difference between the two objects. There is but little hemp raised in America; the manufacture of cordage is carried to great perfection; if a duty is laid upon the former, it will be necessary to lay it heavier upon the latter, or we shall prevent the European hemp from coming amongst us; the making of cordage will be altogether at a stand in America, while all our supplies of this article are drawn from Europe; the consequences will be dreadful. The loss of this manufacture will go far towards the annihilating our navigation.

Mr. MADISON said, that one hundred cents was too much to be allowed on cordage. As a difference was necessary in the duty between the two articles, he would move seventy-five cents.

The question on one hundred cents was taken and lost, and seventy-five cents adopted. It was then proposed by Mr. FITZSIMONS that tarred cordage should be taxed ninety cents; this was agreed to. On motion of Mr. HEISTER, a duty of sixty cents on hemp was agreed to, but not to take place till the 31st December, 1790. Twine and pack thread was raised to two hundred cents per one hundred and twelve pounds.

On molasses:

Mr. GOODRUE.—The committee have postponed the consideration of this subject in order to indulge the members of Massachusetts with an opportunity to get information, that so they might meet the discussion with greater ability; but I believe they have been unsuccessful on this head. No communications have been received from our State; we must therefore proceed to consider and judge the question by those lights which our own minds afford. The article of molasses is intimately connected with the fisheries of our country; it is produced almost altogether in the French West India islands; it is procured from them in exchange for our fish: nine months are our fishermen employed on the Banks, but a part of the Summer months the fish they catch is unfit for any other market; therefore if we do not find a market for this kind of fish, they must remain unsold, nor can we get any thing in return even when it is sold but molasses or rum; for they allow us to bring away no other articles. The reason why they allow us those is because they do not wish them to be imported into Europe, lest they should interfere with their wines. It is a well known fact, that if we did not take those articles, they would prohibit our fish. From this view, it appears to me, that if the importation of molasses should fall through, our fisheries must fall with it: it will likewise be well for the House to consider, that molasses is a necessary of life; at least custom has made it such among the poorer class of our people; those who cannot afford the expense of sugar, use molasses. Each of our fishermen consumes, on an average, twelve gallons

annually, while employed in his business. Now the committee have duties this article at thirty per cent. upon the prime cost, which is greater in proportion to its value than any on the list. The reason that was urged in support of a high duty was, that the revenue might be raised from country rum, in a ratio with what had been levied on West India. If this is the principal reason, I think it would be more just to raise it by way of excise at the still-head, and not include that in the rough state consumed by the poor. To equalize this duty, we have agreed to one penny a pound on brown sugar; but six cents per gallon on 30,000 hogsheads of molasses will raise 180,000 dollars, which is a much greater sum than all the sugar consumed in America will pay. Massachusetts imports that quantity of molasses, and would contribute more than Pennsylvania for all the rum and sugar imported into that State; for, on a calculation from the late statements, I find the duty on both these articles amounts to no more than 164,000 dollars; yet Massachusetts imports her proportion besides of West India rum and sugar. Now, it appears to me, that on the principle of equality, this duty is too high, because it affects one State more than all the others together; besides it is too high in comparison with the duty now collected in the several States. In New York it is trifling; in Virginia it falls among the mass of non-enumerated articles; in Massachusetts it pays no duty. I am well persuaded that the House would not wish to subject any State to heavier burdens than the others; but it will be the case, unless they separate the distilled spirit from the raw substance. If this can be done no other way, it can be done by excise, which will give less umbrage to Massachusetts than so high an impost. The House will therefore consider well before they decide the question, and on principles of justice and policy reduce the duty.

Mr. SHERMAN had not made up his mind on the subject; but he thought it necessary that some way should be devised of coming at a proportionable duty on country rum, otherwise the preference it would obtain, by the lowness of the price, must occasion a considerable diminution of the revenue, by lessening the consumption of foreign rum. If an excise was an agreeable tax, perhaps it might be so managed as to answer the end; but he feared it was a disagreeable one in some States, and ought therefore to be well considered before it was laid. He would, while he was up, mention another idea. He had said, in a former debate, that he would rather give our allies a preference over other foreign nations in any article than spirits. Molasses is an article principally imported from the colonies of nations in alliance; a discrimination, therefore, in favor of such molasses would be a substantial benefit, and he recommended it in lieu of that on brandy.

Mr. JACKSON was opposed to a reduction of the duty; he thought it ought to be laid high, in order to come at the necessary tax on rum. He knew the distilleries gave a gallon of rum for a gallon of molasses, and therefore the impost on

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each ought to be in due proportion, otherwise country rum would be sold fifty per cent. cheaper than West India. If he considered the subject, as it related to the morality and health of his fellow-citizens, he might venture to pronounce the New England rum five hundred times as bad in its effects as any from the West Indies; if therefore the House wished to obtain revenue, or discourage the use of bad spirits, they would continue the present rate.

Mr. GERRY.—It is clear by this time to the House, that we have in contemplation no other mode of obtaining revenue but the impost, at least for the present; the impost must come from the commercial States, and therefore the burdens should be light, or one part of the community is oppressed more than the other. It may be said that the duty falls eventually upon the consumer, and therefore all the States participate in the payment. But gentlemen will admit the importer pays the revenue in the first instance, and I grant that if he sells his commodities on good terms, he provides for the re-payment; but in case of failure in the person to whom he sells them, he loses the duty, and the consumer does not pay it. Considering the deplorable condition of our country, it is not unlikely but misfortunes of this kind will frequently happen. This argument is directed against high duties generally, or, in other words, it is directed against the rate of almost every article on the list. The article of molasses is now imported under very great disadvantages; but if it is burdened with an impost of six cents per gallon, the trade must be given up; the price of it has latterly increased in the West Indies so much as to make it scarcely worth importing. If on a cargo of two hundred hogsheads a merchant has to pay down three hundred and ninety-six pounds more for the impost, he had better not bring it; but gentlemen will tell us, that he may have time by giving security for the payment. Sir, such is the scarcity of money in the country, that it will put him under the necessity of forcing a sale for the molasses. But if the whole of this article was made into rum, six cents would be an over proportioned duty, both as it relates to the price and quality of West India rum; but when the fact is otherwise, and very large quantities are consumed in the raw state by the people, and the poorest of the people too, it certainly must be judged too heavy. There are no breweries in our country; it may be our misfortune, but the people there use molasses, with spruce and hops, as a substitute, and why should they be taxed for this inoffensive liquor more than the consumers of beer brewed from malt? How would the middle States view a tax on malt beer? They would think it unwise and oppressive; yet a tax on molasses affects the Eastern States in a similar manner.

This duty will prevent the sale of molasses to the distiller; it must reduce his capital, and he cannot buy so much as he used to do; to obviate this objection, it is proposed that a drawback shall be allowed upon what is exported. But why should such policy be necessary? It is very well

known that drawbacks injure both trade and revenue, and ought therefore to be avoided.

My colleague over the way has justly stated the injury it will do the fisheries. At a time when the policy of every country is pointed against us, to suppress our success in this important branch, when it is with extreme difficulty that it continues its existence, shall we lay burdens upon it, which it is unable to support? A fisherman uses, while engaged in his occupation, twelve gallons of molasses; add to this what is consumed in his family, and one man will on an average pay one hundred and eighty cents. Can gentlemen tell you that one hundred and eighty cents is no burden upon that class of men, while its operation is as a poll-tax—a poll-tax towards which the poor contribute more than the rich? Every increment laid upon this branch of our trade acts in the nature of a bounty to other nations. If this important interest is injured, it will not only destroy the competition with foreigners, but will induce the people to sell their property in the United States, and remove to Nova Scotia, or some other place where they can prosecute their business under the protection of Government. There are at this time four hundred and eighty sail of vessels engaged in the fisheries, amounting to 27,000 tons, constantly employed during the season; it may fairly be supposed that the exportation of the fish requires half as many more, say thirteen thousand tons; and is this interest, together with the ship building and fishermen, to be sacrificed for a revenue which is unjust and unequal in its principles? Do gentlemen flatter themselves it will be borne without murmuring? It certainly will not; for these people, in adopting the Constitution, expected to be relieved from burdens? If they find them increased, it is natural to suppose they will be dissatisfied.

It has been frequently observed, that rum is injurious to the morals of the people; if I could have my wish, it should not be to diminish, but to annihilate the use of it, both foreign and domestic, within the United States; but to encourage the importation from the West Indies, and destroy our own distilleries, can never be good policy; yet a duty of six cents per gallon on molasses will destroy the capital of the distillers and ruin the men. But why do this? To prevent the use of rum! yet gentlemen consider the consumption of spirits as their great source of revenue. It has been observed that the tax is unequal, and that the duty on molasses used in Massachusetts will amount to more than all the duties on molasses, rum, and sugar used in Pennsylvania. I would be glad, then, to know upon what principle gentlemen extend the duty to such a height on molasses? Will any gentleman say it is more a luxury than sugar? and yet it is taxed in more than a double proportion to it. In short, whether it is considered as it affects our fisheries, our ship building, and our commerce, or whether we consider it as too high for collection—which it certainly is—it must be admitted that the object is not worth the sacrifice, especially as it may be accomplished in a more just and certain manner by an excise.

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Mr. SYLVESTER concurred in the tax for the purpose of raising revenue, but he did not wish it to bear hard on any class of citizens, especially the poorer class. Was all the molasses imported distilled into rum, he should not have hesitated to lay even a higher duty; but as the gentleman had explained the effect it would have in Massachusetts, he was inclined to agree with the Eastern members, and reduce it one cent, so as to stand at five; but as it was growing late, he moved an adjournment; which being agreed to, the House adjourned.

TUESDAY, April 28.

Mr. RICHARD BLAND LEE, from the committee to whom was recommended the report respecting the mode of communicating papers, bills, and messages, between the two Houses, reported as follows:

"When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent."

"The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate."

"Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper."

The said report was twice read, and, on the question put thereupon, agreed to by the House.

A letter from Matthias Ogden, of New Jersey, referring to sundry petitions from citizens of that State, complaining of illegality in the late election of representatives for that State to this House, was read and ordered to lie on the table.

The order of the Senate of the 13th instant was read, appointing a committee to confer with any committee to be appointed on the part of this House, respecting the future disposition of the papers in the office of the late Secretary of the United States: whereupon,

Ordered, That Messrs. THUMBULL, CADWALLADER, and JACKSON, be a committee for that purpose.

DUTIES ON IMPORTS.

The House resumed the consideration of the resolutions reported by the Committee of the Whole on the state of the Union.

The impost on molasses being under consideration,

Mr. SHERMAN said: This subject was spoken of pretty largely yesterday; I wish the gentlemen would come forward with some plan that will secure the revenue on rum. They intimated that this could be done by way of excise; if it can I shall have no objection to reducing the impost on molasses to two cents, as I do not wish to burden the consumption of that article in the raw state.

Mr. WADSWORTH.—I am opposed to a high duty on molasses for the reasons assigned yesterday. Besides, the arguments respecting the

morals and health of the people are not well grounded; the fishermen and seamen belonging to the Eastern States are the principal consumers of country rum; they drink more of it perhaps than any other class of people, yet they are a healthy, robust set of men; and as for their morals, I believe they will not suffer from a comparison with their neighbors. But let us waive any further remarks on this head, with which at this time we have little to do, and consider the effect a duty of six cents will produce. The capital employed in this business of distillation amounts, at least, to half a million of dollars; it has been proved that the fisheries depend upon the molasses trade: this trade cannot be carried on unless the article is manufactured into rum, and if the manufacture is encouraged, it is likely to become an important branch of commerce. Considerable quantities of New England rum are at present sent to Africa and other parts, and a market is lately opened for it in the north of Europe. This extension of our commerce is a likely way to increase the number of our seamen; for this purpose, and as one of the best nurseries for this purpose, and gentlemen admit the necessity of improving our maritime importance; but the whole of this business is so connected with the molasses trade that, if you destroy that, the others must fall with it. The duty being so high will never be collected; the people conceiving it to be an unequal and unjust tax, will justify to themselves the illicit trade which you drive them into. Every individual will be interested to smuggle the article, and the extent of their sea-coast, their numerous inlets and harbors, will furnish abundant means for doing it without fear of detection. I will venture to say, that one-fourth part of the duty can never be collected, even if you fill the country with custom-house officers; but, if it could be collected, the trade of New England and the fisheries would be ruined; a capital of half a million of dollars would be thrown out of use, and thirty thousand tons of shipping would be unemployed; for which reason I hope the House will join in reducing the duty.

Mr. THATCHER.—I did not intend to rise on this occasion, because commerce is a subject with which I cannot pretend to be well acquainted; yet, as the interests of my constituents are at stake, and the impolicy of the measure is so glaring as not to require a very deep research, I may venture to give my opinion without being deemed presumptuous; besides, I might not give my fellow-citizens that satisfaction in the performance of my duty which they have a right to expect, if I were to pass the subject over with a silent vote.

It has, on former occasions, been argued by the members of this House, that a duty which is in itself either unreasonable or partial in its operation ought not to be laid, unless for the purpose of equalizing the system. Now, that a duty of six cents on molasses is unreasonable, will appear, if we only consider it as a necessary of life, or as a raw material requisite for the well-being of an important manufacture. It is a necessary of life;

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the people in the Eastern States have been so long in the habit of using it in their food and drink, that it would be little less than a revolution of nature to change them from it. We have done something on this occasion to favor the breweries in the Middle States; then why should we deprive our Eastern brethren of a simple liquor which they equally approve?

It has been proved that the success of the navigation and fisheries of Massachusetts depend upon this trade; six cents will amount to a prohibition; then the question will regard the policy of producing such effects by our regulations. This article, considered as a raw material for a well-established and profitable manufacture, ought not to be prohibited; but when distilled into rum, it is said to be injurious to the health and morality of the people. I shall not take up the time of the committee with an examination of this position; but, supposing it to be admitted, I will ask the gentlemen if molasses ought on this account to be taxed any more than other materials that are worked up into more pernicious liquors; such as rye, apples, and peaches? What would be the opinion of the gentleman from Virginia, if a member was to propose a duty on those articles equal to six cents, and urge as a reason for so doing, that it was necessary, in order to keep up the ratio between whisky and Jamaica spirits? I conceive they would deem the proposition and argument absurd; they would never consent to its being done. What, then, ought to be the language of the people of New England on a proposal for taxing an article equally as useful to them as fruit is to the Southern States? I will place the subject in one other point of view, with the leave of the Chair, before I conclude the subject. How is the exchange brought into the State? It is the exchange procured by the hard labor and industry of the Eastern inhabitants; they toil late and early, day and night, in a business beset with danger and difficulty; they go in search of fish to the Banks, remote from their home, and when these are procured they cannot consume them, they must dispose of them to foreign markets. But no market offers unless by barter, it is of necessity that they bring back molasses in exchange; this, then, becomes the produce of their industry, as much as the rice and tobacco of Virginia and Carolina become the staple articles of the labor of those States. Can any reason be assigned why the industry of Massachusetts should be imposed, while that of the other States goes free? and to my mind it is equal, whether the produce itself, or the returns for it are subjected to a duty. The effects are the same; it operates to discourage the pursuit; but the returns for tobacco and rice are not imposed in any thing near a proportion with molasses. Let us compare it in one other point of light. Suppose a member from Massachusetts was to propose an impost on negroes, what would you hear from the Southern gentlemen, if fifty dollars was the sum to be laid? And yet this is not more than the proportion laid upon molasses. If the pernicious effects of New England rum have been justly lamented, what

can be urged for negro slavery? Certainly there is no comparison; but I will avoid the enumeration of its evils, and conclude with a hope that, if the House will not condescend to strike it out, they will reduce it to two cents. It will be unnecessary to recapitulate the immediate connection between this article, the fisheries, and our navigation. I trust it is clearly seen by the House, if a high duty is still insisted upon molasses, you will have to go further, and provide energetic means for the execution; for the people will hardly bear a tax which they cannot but look upon as odious and oppressive. If gentlemen are determined in persisting on what was carried in the Committee of the Whole, they ought to know, with as much precision as possible, what they are to expect. If the support and good will of four hundred thousand citizens are worthy of cultivation, the House will decide the present question with candor and moderation; they will ever consider that their laws ought as much as possible to be conformable to the customs, habits, and sentiments of that people whose conduct they are intended to regulate.

Mr. BODDINOT.—I am sorry, Mr. SPEAKER, at this stage of the business, to hear any thing that sounds like an attachment to particular States, when we are laying a general duty to affect the whole. For my part, I consider myself as much the representative of Massachusetts as of New Jersey, and nothing shall prevail on me to injure the interest of the one more than the other. I profess myself a friend to the present revenue system, because it is the best way of getting money to supply our necessities. I am the more attached to it, because I conceive it will prevent an application to direct taxes. I say, I would avoid every thing which would make a difference between the States, and therefore I like the system before you; it goes upon the principle of mutual concession. It would be impossible to impose a duty on any article that will not affect one State more than some others; but we have endeavored to equalize the burdens as much as possible. I confess, at the same time, that I consider the duty on molasses too high; but it is for the same reason that I consider all the other articles too high. I do not conceive that it is much out of proportion to rum. The object I have in view by the impost is, to produce revenue enough to answer the necessities of the United States, and to have it done according to system. I have endeavored to establish some principle by which we should be governed in laying the duties. I have endeavored to do this in my own mind, and have fixed on about twenty-five per cent. on the value of the articles at the time and place of importation. If we infringe this principle, it ought to be in favor of a raw material, to increase the manufacture of an article within the Union, or secure the collection of the revenue. I confess, Mr. SPEAKER, I agree with the gentlemen from Massachusetts, that six cents are too high. If we reckon the cost of the molasses, we shall find five cents to be nearer the proportion of twenty-five per cent. which we have laid on other articles.

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If we consider it as a raw material we ought to make some further allowance; if we admit on this account the reduction of one cent more, it will be as much as is necessary. If we then take up the idea that molasses is a necessary of life, and that a great part of it enters into the support of the inhabitants, I think we may justly lower it another cent. By this allowance we shall come down to a proper medium, and secure the collection of the duty. If we could accomplish our object of taxing rum in any other way than by laying a duty on the raw material, perhaps it might be proper to reduce it to what gentlemen have mentioned; but, as I despair of this, I think three cents would be as low as we ought to go. As to the proposition for an excise to be levied at the still-head, I cannot vote for it; the very name of such a tax is odious, nor will the multiplication of officers necessary to collect it be less so; but I believe this idea has not met any countenance in the House.

It has been hinted, that four hundred thousand people disapprove the measure. I give every weight to information which gentlemen lay before the House, but in this case I take it to be no more than matter of opinion. I have so high an idea of the good sense and patriotism of the citizens of Massachusetts, that I never can be persuaded that if this House, on principle, think it expedient to lay a duty on any particular article, the inhabitants of that State will rise in opposition to the measure. I believe them to be as well affected to the Government as any other part of the United States, and that our acts will receive as ready attention and as prompt execution among them as elsewhere, provided we act on principle.

I felt myself sorry to hear a comparison drawn between the Eastern and Southern States. I thought the reasoning used on that point fallacious; the principles were not true; so, of consequence, the conclusion was erroneous. The inference was this, that from the labor and industry of the Eastern people fish were obtained, and from the labor of the Southern States, other articles of commerce were produced. The question was then asked, why should the articles obtained in exchange for the one be subjected to higher duties than the other? If this were the case, I should admit, with the gentleman, that it was a partial imposition; but do not we lay an equal duty on the articles imported into the Southern States? Let the gentleman examine the list, and say, if the articles taken in exchange for tobacco and rice do not pay as much as molasses. Some articles essential to agriculture are considerably taxed, such as steel and salt; but they pay above twenty-five per cent. on the rum they receive, which is more than I contend ought to be paid upon molasses. But gentlemen ought not to contend that all the duty paid on molasses is taken out of the pockets of the inhabitants of Massachusetts. They export to other parts of the United States great quantities of their rum, the consumer of which repays the duty on molasses. The port of Philadelphia alone, in one year, received of this article 360,000 gallons; will not

treated as foreign rum; yet even under the disadvantage which this must have occasioned, we find that the exportation to the several parts of the United States, amounts annually to 500,000 or 600,000 gallons; a certain proof that it is able to carry on a successful competition in America with West India rum, without the aid of Government; and that the preference given by this revenue system, and by the new Constitution, which permits its free entry into every State, will enable the manufacture to rise into an importance hitherto unknown to it.

We are told that molasses is not merely used in the distilleries, but that it enters into the subsistence of the inhabitants as an article of food, and that in this light it bears harder upon the poor than upon the rich. I will not deny but the consumption of molasses in substance is greater in the eastern States than in the others; but I do presume that this disproportion of consumption is productive of an equalization in the system. If we compare the consumption of the northern and southern States, as it respects the articles of sugar and molasses, we shall find that the duty on the molasses does not bear harder upon the one than sugar does upon the other; for reduce a gallon of molasses to weight, in order to make the comparison fairly, you will find it weighing at least eight pounds; now, eight pounds of this article, taxed at six cents, cannot be so much as eight pounds of sugar at one cent per pound, so that on the ground of equality I do not see there is any room for the opposition to maintain themselves. It has been said, that the duty will be burdensome on the merchants, and require greater capitals than they possess, or will necessarily lessen their operations. There may be some weight in this consideration; but let me ask the gentlemen if it does not apply to our duties in general? Will they say that the objection is sufficient to deter us from this mode of taxation? I apprehend it will not be said, because it has been constantly admitted in this House, that although it is an inconvenience, yet it is such a one as must be submitted to, to avoid a greater; either we must derive a revenue from this source, or take a mode much more exceptionable.

But how will it affect the fisheries? It is said that if rum is indirectly taxed, through molasses, it will ruin this interest; yet, at the same time, the State of Massachusetts collects near seventeen cents per gallon from rum. Then there must be a drawback allowed on what is consumed in that business; but I am informed there is no drawback allowed, so that the fisheries at present labor under greater discouragement from the policy of Massachusetts, than they will be exposed to from the policy of the United States. The gentlemen have told us that the duty cannot be collected from a supposition that the officers will neglect their duty, or that the high impost furnished such a temptation that the people cannot withstand it, and must, of consequence, engage in an illicit trade. If this supposition is warrantable, how can the duty affect the fisheries? If it is not warrantable, can it be supposed that a duty of three-

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fourths of a cent on a pound of sweetening, in the form of molasses, will mortally affect the terms on which the fishermen carry on their business? And will it contribute to the success of other nations engaged in the same employment? When gentlemen so repeatedly tell us it will be impossible to guard against smuggling, I own it has made some impression on my mind. I fear we shall encounter difficulties in this part of our regulations; but I trust they will not be greater, as they respect the collection of a duty on molasses, than on other articles, the bulk and weight of which, added to the smallness of its value, will rather deter people from engaging in a clandestine trade of this kind, than almost any other. I believe more just apprehensions may be entertained with respect to tea, a pound of which is taxed at twenty cents. I do not, therefore, conceive that the arguments drawn from the danger of smuggling molasses are of an insuperable nature.

It has been suggested to the House, that there would be more propriety and convenience in substituting an excise in lieu of part of the impost duty. For my part, I consider such a tax inexpedient, if not impolitic. It will not be necessary to go into a discussion of its expediency, for it is a question not before the House. It will be time enough to enter upon the subject when it has been proved by experience that the impost is ineffectual; at present, I will content myself with observing, that an excise, in my opinion, would be received with indignation in some parts of the Union, and it is not for this Government to distrust any of its citizens if it can be avoided.

It has been said, that the duty agreed to by the committee is higher than has been laid by any particular State upon molasses. Granted: but are gentlemen unacquainted with this circumstance—all the rum imported from New England into those States was subjected to a heavy duty, and the duty on the rum answered the purpose which the committee had in contemplation when they agreed to six cents per gallon on molasses. The States have now disqualified themselves from this means of self-defence; if the General Government, therefore, does not defend them, they will be abandoned altogether to the effects of a torrent poured in upon them by the Massachusetts distillers. Surely gentlemen who are in favor of reducing the impost on molasses, do not consider the effect it will have upon the revenue; when it stands at six cents, it leaves a bounty of several cents to favor a competition with West India rum. We have been witnesses to the great quantity manufactured even when the raw material had a high duty upon it, and had to contend with foreign rum, which was duty free. I have no doubt but under this favorable regulation the manufacture will increase; if the duty shall be reduced, we bid fair to lose the great revenue we expect from West India rum, and have its place supplied with a baser spirit. Thus the interests of 3,000,000 of our fellow-citizens are to be sacrificed to the establishment of a few distilleries.

If on a general view of the system, gentlemen

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had proved that Massachusetts would be injured, they might, with propriety, contend for the reduction of this article; but I think I can say with truth, and support the position, that that end of the continent will not bear a greater proportion of the public burden than the other: there are, as has been often remarked before, parts of this system which bear harder upon some States than others; but, take the whole together, the duties will not be unequal. Those States that raise less produce export less; consequently they import less, and consume in the same proportion: if so, they must pay less impost than other States. It is on these principles I contend against a reduction of the duty, and I think the House, upon a strict examination of the subject, will be found to have shown a great degree of liberality to their eastern brethren, when they were satisfied with carrying the impost on molasses no higher than six cents.

Mr. AMES.—I appeal, Mr. SPEAKER, with confidence, to the justice of this House, though I am far from being convinced that any liberality has been shown in fixing the duty on molasses; but I am persuaded that Congress will adopt no measures but those they can justify on principle to their constituents.

I conceive, sir, that the present Constitution was dictated by commercial necessity more than any other cause. The want of an efficient Government to secure the manufacturing interests, and to advance our commerce, was long seen by men of judgment, and pointed out by patriots solicitous to promote our general welfare. If the duty which we contend against is found to defeat these objects, I am convinced the representatives of the people will give it up. I trust that gentlemen are well satisfied, that the support of our agriculture, manufactures, navigation, and fisheries, are objects of very great moment. When gentlemen contemplate the fishery, they admit its importance, and the necessity we are under of encouraging and protecting it, especially if they consider its declining situation; that it is excluded from those advantages which it formerly obtained in British ports, and participates but in a small degree of the benefits arising from our European allies, whose markets are visited under severe restrictions; yet, with all these discouragements, it maintains an extent which entitles it to the fostering care of Government. There are taken, upon an average, 400,000 quintals of fish; in this branch of business, as was stated by my colleague, there are employed 24,000 tons of shipping in the transportation of the fish to market and in the returns of molasses, near an equal tonnage is employed. The building of these vessels furnishes no inconsiderable employment to another important interest; the vessels, it is true, are but small yet, after every deduction on this account, the concern will be found interesting to the public welfare. If it is true, and I believe it is, that agriculture and commerce are mutually dependent upon each other, and there is a probability that the additional burden we have imposed will injure the latter, gentlemen ought to be cautious how they persist.

If they even doubt of its effects being hurtful, they ought not to vote for its continuance; now, I think I can raise such doubts in gentlemen's minds, and dare commit myself to their candor for the consequences. Notwithstanding gentlemen have expressed a uniform desire to encourage manufactures, (and I have been with them in accomplishing this object,) they now desert their principles. When it has been contended that the raw material, it has been replied that the manufacture is pernicious. It has been said that promoting our own distillation will exclude foreign rum, and consequently affect the revenue; but does not the same argument apply to every article of domestic manufacture? Has it not all along been contended that it is proper in the General Government to nurture those interests which have had the particular regard of the individual States, upon the principle that the State Legislatures knew feelingly what were the best means to advance their interest? Has not the position been fully established, that promoting the interests of particular States increases the general welfare? After this, can gentlemen tell us we are advocating a local policy? That we are sacrificing the interest of 3,000,000 of people to the establishment of a few New England distilleries? For my part, I ground my opinion upon national principles; and from these I conclude that molasses ought not to be taxed, or taxed but very lightly.

The gentleman from Virginia fears the loss of revenue from the success of this manufacture. To quiet his apprehensions it will be only necessary for me to remind him of what he ingeniously urged a few days ago on this point, in order to obtain a discrimination in favor of the brandy of France. He told us that, although the State of Virginia had imposed no duty on brandy, but a heavy one on West India rum, that under this encouragement there were not more than 10,000 gallons of brandy imported, while there were 600,000 gallons of rum; inferring from this fact that there was no probable ground for suspecting the consumption to change from the one to the other article. If no danger is to be apprehended from brandy, much less can New England rum stand a competition with Jamaica spirit; the force of habit will not be more easily overcome in this case than the other. Besides, it is well known that a great proportion of the people will not drink it at all; it is a kind of genteel thing to affect disgust and loathing at the very name, much less will they suffer the despised liquor to pollute their mouths. So far are we from having ground to dread the effect of a competition on this side, that the contrary may be justly apprehended. The custom and fashion of the times countenance the consumption of West India rum. I consider it good policy to avail ourselves of this means to procure a revenue; but I treat as idle the visionary notion of reforming the morals of the people by a duty on molasses. We are not to consider ourselves, while here, as at church or school, to listen to the harangues of speculative piety; we are to talk of the political interests committed to

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our charge. When we take up the subject of morality, let our system look towards that object, and not confound itself with revenue and protection of manufactures. If gentlemen conceive that a law will direct the taste of the people from spirituous to malt liquors, they must have more romantic notions of legislative influence than experience justifies.

When it was asked what is the occasion of a high duty? it was answered, that it is necessary in order to come at the proper tax on rum; but I insist that there is no such necessity while an excise is within our reach, and it is in this mode only that you can obtain any considerable revenue. The gentleman from Virginia has said that the manufacture of country rum is in no kind of danger of destruction from the duty on molasses. He has stated to the House the quantity made before the Revolution, and goes on to argue that, as West India rum paid no duty, and molasses paid some, if the manufacture thrived under these disadvantages, why should it not continue to support itself in future? I believe this matter easy to be accounted for, though I fear it will not be in my power to make a proselyte on the occasion. I should be vain of such success, and therefore I shall proceed.

There were many very considerable markets for New England rum cut off entirely by the Revolution; even those that remain we have to encounter with rivals, who successfully contend for a preference. Previous to the late war we had a market in Nova Scotia, Newfoundland, and Canada, all the Southern Colonies, Europe, and Africa. We are now obstructed from going to many of those, to Quebec, and Newfoundland; and our trade gains no ground in others to make up the difference. Consider the state of the fisheries. At that time we possessed them unrivalled; it was the policy of Britain to favor our efforts; believing that our success tended to increase her maritime strength, she dealt out to us an annual bounty equal to £20,000 sterling for the fish we took. All her ports were open to us; we could carry it to what market we pleased, and obtain molasses at a low price for the distilleries. But the present state of the business bears no comparison with its former situation; the trade is confined to a less channel, in which, instead of bounties, we meet with restrictions. Our fish pay a duty of twelve dollars a quintal, which is given by Government as a premium in favor of their own fisheries. This imposition amounts to more than the value of the article; yet, even under all these discouragements, there are but six ports in the West Indies that we can go to: St. Lucia, three in Hispaniola, one in Guadeloupe, and one in Martinico. This being the case, the duties are rigidly exacted of us, and we have no other means of vending it but by the exchange of molasses. Nor is this the end of the evil; I fear it is seriously to be apprehended that we may shortly be deprived of this market also. The merchants of L'Orient have represented to the King that it would be for the interest of their colonies to distil the molasses in the islands. Upon the strength of this idea, distil-

houses are erected there, and bid fair to rival us in the business of supplying not only Europe and Africa, but even our own country. Now, from this view of the ground on which we stand, will gentlemen say we can maintain and defend ourselves as well as we did before the war? If we even had the same advantages in vending the rum, the business would not be equally profitable, as the price of molasses has increased, and our fish has fallen. In short, unless some extraordinary measures are taken to support our fisheries, I do not see what is to prevent their inevitable ruin. It is a fact that near one-third of our fishermen are taken from their profession—not for want of skill and abilities in the art, for here they take the rank of every nation on earth—but from the local, chilling policy of foreign nations, who shut us out from the avenues to our market. If, instead of protection from the Government, we extend to them oppression, I shudder for the consequences. But I will not enlarge on this head, trusting that gentlemen are convinced of the importance of the interest, and do not mean to destroy it.

Mr. SPEAKER, we are not to consider molasses in the same light as if it was in the form of rum. We are not to tax a necessary of life in the same manner as we do a pernicious luxury. I am sensible an attempt to draw a critical line of distinction in this case, between what is a necessary and what is a luxury, will be attended with some difficulty; but I conceive the distinction sufficient for our present purposes, if it prove molasses to be necessary for the subsistence of the people. No decent family can do without something by way of sweetening; whether this arises from custom or necessity of nature is not worth the inquiry; if it is admitted to be a requisite for the support of life, a tax on it will be the same as a tax on bread; it is repugnant to the first principles of policy to lay taxes of this nature in America. What is it that entitles the United States to take rank of all the nations of Europe, but because it is the best country for the poor to live in? If we go on taxing such articles as salt and molasses, these advantages will not long continue to be ours. It may be said that sugar is also a necessary of life—true; but molasses, inasmuch as it is cheaper, can be more easily obtained, and enters more into the consumption, at least of the poor. They apply it to various uses; it is a substitute for malt in making beer; and shall it be said that the General Government descends to small beer for its revenue, while strong beer remains duty free? Why shall this difference be made between the common drink of one part of the continent and the other, unless it be with a view to drive the people to drinking simple water? The gentleman from Virginia contends that the consumers of eight pounds of sugar pay more than those who use eight pounds of molasses; this may be true, but from the variety of ways in which molasses is used, eight pounds is sooner consumed than six or four pounds of sugar, which makes up the difference. But do gentlemen mean that the poorest and weakest part of the community shall

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pay as much for what they use as the richer classes? Is this the reward of their toil and industry?

It has been stated as a fact by my colleague, (Mr. Goodhue,) that Massachusetts will pay more by the impost on molasses than Pennsylvania will on both rum and sugar. The population and strength of these two States are nearly equal; then why should this disproportion be contended for? Is it supposed that Massachusetts will not contribute her proportion on other articles? This, on examination, will be found not to be the case. Gentlemen say the State that exports least, imports least; but, does it not follow, that this State pays according to her ability to pay? If the products of Massachusetts are neither so rich or valuable as those of the Southern States, ought she to pay the impost in the same proportion?

The question is plainly reducible to this: shall we tax a necessary of life in the same proportion as a luxury? Gentlemen will not contend for either the justice or policy of such a measure; but they say the necessity of the case obliges them; they cannot come at the luxury but through the raw material. They say they cannot lay an excise. I ask why not? People may justly think it burdensome to raise all our supplies from impost. Much can be obtained from this source, to be sure, by touching every thing; but I would recommend touching such things as are essential to subsistence lightly, and bring in the excise as a means of obtaining the deficiency; it will be the more certain way of making country rum contribute its proportion. I am not against a duty in this shape; but if the hand of Government is stretched out to oppress the various interests I have enumerated, by an unequal and oppressive tax on the necessities of life, I fear we shall destroy the fond hopes entertained by our constituents, that this Government would insure their rights, extend their commerce, and protect their manufactures. Mothers will tell their children, when they solicit their daily and accustomed nutriment, that the new laws forbid them the use of it, and they will grow up in a detestation of the hand which proscribes their innocent food and the occupation of their fathers; the language of complaint will circulate universally, and change the favorable opinion now entertained to dislike and clamor.

The House will not suppose we are actuated by local interests in opposing a measure big with such dangerous consequences to the existence of the Union. They will admit we have reason for persisting in our opposition to a high duty, and may be inclined to join us in reducing it either to five per cent, or, at most, to one cent per gallon. If the apprehensions we have expressed shall be realized, let it rest upon the advocates of the present measure; we have done our duty, and it only remains for us to submit to that ruin in which the whole may be involved.

Mr. Wadsworth wished to show from facts, that fisheries and distilleries were better able to support themselves before the Revolution, than they would be under the present arrangements.

This appeared from a retrospective view of the trade; the duties paid in the Dutch islands did not amount to more than five or eight stivers the quintal on fish, now they were from twenty to twenty-five. The port charges were one-half less than they are at this time; payments were then made in the most advantageous manner, now we are limited, and spirits is all we can get in exchange; they then took fish of an inferior quality, now we carry to Surinam the best kind. These facts will show gentlemen that the business of the fisheries and distilleries labors under considerable embarrassments. Another great source of profit was found in the African trade; the American vessels had then the liberty of engaging in the slave trade, now they are prohibited. He did not make these observations to prevent a proper duty from being obtained from country rum; he wished it and every kind of distilled spirit to contribute to the public exigencies; but he thought molasses ought not to be taxed in the same proportion; an excise would obtain revenue on principles of justice, and therefore was to be preferred to the present measure.

Mr. SYLVESTER.—I believe the discussion has been so full on this, as well as on former occasions, that there will not be much advantage in extending it, especially as gentlemen differ so widely in opinion. I would, therefore, hope that the question will be taken, and the duty fixed by way of compromise; if it is either too low or too high, it may no doubt have some of the inconveniences mentioned, to avoid which it will perhaps be better to take a middle course.

Mr. MARSH.—The gentleman from Massachusetts (Mr. Ames) has endeavored to prove that no advantage the General Government can give to New England rum will bring it into use; he proves this by the observations I made the other day relative to the effect produced in Virginia, where French brandy is imported in certain vessels free of duty. I shall add nothing more on this point, than stating what is well known to be the case. In Virginia, the habits of the people are so strong in favor of rum, both foreign and domestic, that it requires the greatest exertion to change them; they consume vast quantities of this article. If we lay the duty low, the more of it will come within their power, and the transition from one kind of rum to another is more easy.

It was asked, if the business of distillation was able to support itself under the discouragement of Government, why would it not do as well when it received encouragement? To this it was replied, that some of the channels of the trade are dried up, and some obstacles now occur in procuring the raw material. But is not the population of the United States increased? And is not the home market daily extending by natural means? What then is to be expected from the encouragement given but an enlarged demand? But after all the embarrassments which the gentleman from Massachusetts has detailed, it does not appear that the number of distilleries are lessened; nor did we hear any thing in reply to the

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observation I made, respecting the use of this article in the fisheries. Can they suffer more under the policy of the United States than they are subjected to by the State of Massachusetts? The hardships which our regulations expose them to are not greater than those of every other part of the continent.

Another argument was used to show, that the State of Massachusetts did not contribute in proportion to other States. It was stated, that where the produce was small, the exports and imports were in the same proportion. Compare the imports of Massachusetts with those of Virginia, and you will find they do not exceed one-third of what the latter amounts to; then, of consequence, under a system of impost, they do not pay in proportion either to their population or representation. The Southern States import many articles which the Eastern States do not; many things which are necessary to the poor; and why may we not, with equal justice, color our reasoning with a description of our sufferings? May not public exclamations be excited, and the children, for want of clothes, be taught to breathe a vindictive spirit? But let me ask gentlemen, why these apprehensions for one part of the Union more than the other? Are the Northern people made of finer clay? Do they breathe a clearer air? Do their breasts burn with a more generous ardor for their rights as men, or for their country's happiness and glory? Are they the chosen few? Are all others to be oppressed with accumulated burdens, and they to take their course easy and unrestrained? No; I trust the General Government will equally affect all; it was instituted for the protection of all, and it is expected it will accomplish the end for which it was established. But this can only be done by acts of justice and impartiality, and on this ground I leave the decision to the House.

Mr. FITZSIMONS.—I beg leave to trouble the committee with an observation or two before the question is decided. It has been said by the gentleman from Massachusetts, that there are 3,000,000 gallons of molasses imported into that State; if so, there is at least 1,000,000 gallons of rum exported, and certainly the gentlemen do not contend that they pay the duty on the rum consumed abroad. The price of molasses is about twenty-nineths of a dollar, the duty is about five, and the expense of the distillation may be six more, in all thirty-one nineths, or two shillings and seven pence. Other rum usually costs about three shillings, or three shillings and six pence, to which add one shilling duty, it will bring it, to the consumer, to near four shillings and six pence. A gallon of New England rum can be afforded for almost one-half of the price of West India, and will gentlemen tell us, that this regulation will destroy their distilleries and fisheries? But it will affect the manufacture in other States as well as Massachusetts. The business is carried on to a considerable extent both in New York and Philadelphia, and it is my opinion the duty could be well collected, at least at the latter. Nor are the poor inhabitants of Massachusetts to

be taxed otherwise than all others; in Pennsylvania, considerable quantities of molasses are used; though perhaps not quite as much as to the northward, so that the objection of inequality does not lie to such an extent as has been mentioned.

Gentlemen say molasses is a necessary of life, and infer from thence that, it ought not to be taxed. If we are not to lay the impost on articles in common use, I fear we shall obtain but little revenue. It is said the fisheries will be ruined, because each fisherman consumes twelve gallons annually. Suppose there are eight men to each of the 480 vessels employed in this business, who use molasses at this rate, what will the whole amount to? \$2,800! And are gentlemen serious when they assert this will ruin our commerce and navigation? It is a tax of not quite three-quarters of a dollar per man. Is it to be imagined any one's proportion can be less, and provide for the wants of Government.

Mr. GOODHUE.—It has been mentioned, Mr. SPEAKER, that Massachusetts does not import one-third part of the amount which Virginia does. But the gentleman did not offer to prove this, so that I take it to be a mere matter of opinion; for my part, I think she imports equally as much. It was said that two gallons of country rum will cost no more than one of West India. A gallon of molasses is worth a quarter of a dollar before it is distilled; West India rum about two pence; molasses was purchased for much less before the war, while the fish and lumber we gave in exchange is fallen, so that the trade is hardly worth carrying on.

I take it, Mr. SPEAKER, that we are in an error. They who contend for a high duty have nothing but taxing rum in view, and we want them to consider it as a necessary of life. Certainly the two objects have no kind of connexion. If we lay a moderate duty on the fish, and an excise upon the latter, we shall both have our desires accomplished. We ought to use a considerable share of circumspection in this business, and not give any just cause of uneasiness, especially at the commencement of the Government. Though I do not pretend to say that Massachusetts will not be as quiescent and obedient to our laws as any State in the Union, yet the people will consider a high duty on molasses as injurious to their interests in the fisheries and navigation, and contrary to wisdom and those principles of justice and policy, which they expect govern the present Legislature. We ought to draw our lesson from experience. You have heard that Great Britain, with all her power, was unable to obtain a duty of three pence a gallon; learn wisdom from her; she reduced it to one penny, and succeeded in the collection. The defiance of her laws was in consequence of the measure running counter to the sentiments of the people.

Mr. AMES said, he should be sorry if he had made use of any language to injure any gentleman's feelings. He did not mean to infer that the people of Massachusetts possessed any excellence over their Southern brethren; far from it. He was satisfied that their hearts beat with equal

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warmth, and their minds contemplated with equal precision; he believed that the most cordial regard subsisted on the part of the citizens of Massachusetts toward their fellow-citizens in other States; he therefore hoped that nothing local would be attributed to him on the occasion.

Was the language of gentlemen to be, let us lay a poll-tax of three-fourths of a dollar on the fishermen, I ask, would the House sit quiet even to hear the proposition? It is not because a tax is light that it is proper. It is supposed that the fishermen must be poor if they are not able to pay this. I contend they are very poor, they are in a sinking state, they carry on their business in despair; but gentlemen will ask us, why then do they not quit the profession? I answer, in the words that are often used in the Eastern country respecting the inhabitants of Cape Cod, they are too poor to live there, and they are too poor to remove. With respect to our distilleries, the gentleman assumes as a fact they have not declined; but the contrary is true—there is not more than three-fourths of the business done now that used to be, beside the quantity is not only lessened, but the profit on what is sold is also less. Those nations that used to supply us with the raw material are becoming our rivals; even our home market is not secured to us.

Gentlemen who contend for the encouragement of agriculture, should recollect that nature has denied us fertility, but she has placed along our shores an inexhaustible store. To labor on our land seems to be exerting ourselves against nature; our industry is therefore directed to a more productive business, and ought not this to be entitled to equal encouragement with any other. A tax upon molasses has been sufficiently demonstrated to be a tax upon the fisheries; and will gentlemen continue this burden upon Massachusetts alone, when she pays her full proportion on all other articles, according to her abilities to consume them? Oppression will lead to smuggling, and when once a system of this kind is formed, the persons engaged in it will not stop at molasses alone, they will include every other article in an illicit trade, so that it is impossible to know the extent of the evil, or provide a remedy. If these facts and arguments are sufficient to produce doubts in gentlemen's minds, they will hesitate in concurring with the committee in this article of the report; for, in cases of uncertainty, I take it to be the wisest way not to proceed in a dubious track.

Mr. GRANT.—After what I said yesterday on this subject, it cannot be necessary for me to go again fully into the argument; what I then advanced has been answered in few cases. I mentioned the difficulties to which a merchant would be subjected who would have to advance the duties; he must sell to a loss, or have a large capital for the purpose; no argument has been urged to show an impropriety in this reasoning. A cargo and outfit of a vessel worth £1000, lawful money, would bring in return 22,000 gallons of molasses; this, as I said yesterday, will pay £396, a duty of near forty per cent. upon the cargo. It

was also mentioned, that a large quantity of the article was used by the poor of the seaports; a high duty must necessarily raise the price or lessen the consumption, in which case it will be an additional discouragement to the trade. If the price is raised, the distiller must likewise increase his capital or manufacture less; if so, the demand is again decreased. If it is necessary to destroy the manufacture on account of the injury it does to the morals of the people, the proprietors ought to be indemnified. But if rum is still to be used among us, let us give a preference to our own manufacture. By discouraging the molasses trade, you lessen the demand for fish, which are exported to be exchanged for that article.

It has been said, that a fisherman uses but twelve gallons. I include his family, and make it thirty; for this he has to pay two dollars annually. Is not this a burden? Gentlemen must own it is.

The gentleman from Virginia refers us to a period before the Revolution, when the manufacture supported itself under a duty. The kingdom of Great Britain was at that time in the zenith of her power; she had her board of commerce, her vessels of war, and bodies of troops to support the measure; she sent over an army before she gave it up; at last she was compelled to reduce it. But do gentlemen mean to engage Congress to support its measures in this way. The Parliament had an object to contend for; they did not like their New England colonies to interfere with the business of their West India islands; they wished to totally destroy our distilleries, but could not succeed. This Government has no object of this kind; then shall we give chagrin to those people of whom we exact support? Are we not putting to hazard the affections of the numerous citizens concerned in this business, who have been the warm advocates of the Constitution from an expectation of benefit to their particular interests? And this for the sake of a measure that must defeat itself. The duty will exceed the risk of smuggling; the latter, perhaps, not being more than five per cent., the former forty per cent., on the value of the article.

If, therefore, we lay an excise upon the rum, and a small duty on molasses, we shall prevent the necessity of a clandestine trade, obtain a greater revenue, and avoid those injuries which are so justly apprehended to extend to our fisheries and navigation.

Mr. JACKSON.—I have attended through the whole of this debate, but have been unable to discover any new light reflected on the subject. I do not mean to trespass upon the patience of the committee but for a moment. The gentleman from Massachusetts tell us that fish is an article of duty is imposed upon molasses, the business is ruined. Let me ask them, are there not other articles of trade of great moment to the southward? What is to become of the lumber of Georgia? We are obliged to take rum in the West Indies in exchange for our lumber, upon which we pay fifteen cents a gallon duty. The gentlemen are not

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for reducing this; so I hope they will admit their arguments on this point to be obviated.

One gentleman has thrown out a remark respecting the slaves in the Southern States. I know the subject is not before the House; but I beg just to observe, that however slavery may be condemned in the Eastern States, it is impracticable to cultivate the Southern country without their assistance.

The question on striking out six cents was determined in the negative.

Mr. FITZSIMONS revived his motion which was lost in the committee; that a drawback of three cents per gallon be allowed on all rum distilled in the United States, and which shall be exported without the limits thereof. This was agreed to.

On motion of Mr. MADISON, the clauses of the report respecting the duty to be laid on tonnage, was postponed. And then the House appointed a committee to bring in a bill or bills, pursuant to the report as adopted.

WEDNESDAY, April 29.

The petitions of the citizens of New Jersey, whose names are thereunto subscribed, complaining of the illegality of the election of Representatives to Congress for that State, as referred to in Mr. Ogden's letter of yesterday, were read: Whereupon,

Ordered, That the said petitions be referred to the Committee of Elections, and that it be an instruction to the said committee, to report a proper mode of investigation and decision thereupon.

The House proceeded to consider the report from the committee of elections, (which lay on the table) on the petition of David Ramsay of the State of South Carolina, suggesting that William Smith returned a member of this House as elected within that State, was, at the time of his election, ineligible; and the said report being amended to read as followeth:

"That in this case it will be sufficient in the first instance, that a committee take such proofs as can be obtained in this city respecting the facts stated in the petition, and report the same to the House. That Mr. Smith be permitted to be present from time to time when such proofs are taken, to examine the witnesses, and to offer counter proofs, which shall also be received by the committee, and reported to the House.—That if the proofs so to be reported shall be declared by the House insufficient to verify the material facts stated in the petition, or such other facts as the House shall deem proper to be inquired into, it will then be necessary for the House to direct a further inquiry, and especially the procuring whatever additional testimony may be supposed to be in South Carolina, as the case may require.—That all questions arising on the proofs be decided by the House without any previous opinion thereon reported by a committee.

"*Resolved*, That this House doth agree to the said report, and that it be an instruction to the Committee of Elections to proceed accordingly."

On motion,

Ordered, That a committee be appointed to prepare and report an estimate of the supplies re-

quisite for the present year, and of the net produce of the impost as agreed to by the House, and that Messrs. GERRY, SMITH, (of Maryland,) and PARKER, be of the said committee.

The House proceeded to consider the following resolution of the Senate, to wit:

"In Senate, April 27.

Resolved, That after the oath shall have been administered to the President, he, attended by the Vice President, and the members of the Senate and House of Representatives proceed to St. Paul's Chapel to hear divine service, to be performed by the Chaplains to Congress already appointed." Whereupon,

Resolved, That this House doth concur with the Senate in the said resolution; amended to read as followeth, to wit:

"That after the oath shall have been administered to the President, the Vice President and members of the Senate, the Speaker and members of the House of Representatives will accompany him to St. Paul's Chapel to hear divine service performed by the Chaplains of Congress."

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.—Adjourned.

THURSDAY, April 30.

JONATHAN GROUT, from Massachusetts, appeared and took his seat.

This being the day on which the President of the United States was inaugurated no other business, of course, was attended to. The President's Address to both Houses appears in the proceedings of the Senate, page 27.

FRIDAY, May 1.

The SPEAKER laid before the House a copy of the Speech of the President of the United States, to both Houses of Congress, delivered yesterday in the Senate Chamber, immediately after his inauguration, which being read,

On motion,

Resolved, That the said Speech be committed to a Committee of the whole House.

The House accordingly resolved itself into a Committee of the Whole, Mr. PAER in the Chair. And after adopting the following resolution, the committee rose, and reported it to the House, which agreed to it.

Resolved, That it is the opinion of this committee, that an Address to the President ought to be prepared, expressing the congratulations of the House of Representatives, on the distinguished proof given him of the affection and confidence of his fellow citizens, by the unanimous suffrage which has appointed him to the high station which he fills; the approbation felt by the House of the patriotic sentiments and enlightened policy recommended by his Speech; and assuring him of their disposition to concur in giving effect to every measure which may tend to secure the liberties, promote the harmony, and advance the happiness and prosperity of their country.

Ordered, That a committee to consist of five members be appointed to prepare an Address pursuant to the said resolution. The members elect-

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ed are Messrs. MADISON, CLYMER, SHERMAN, GALE, and BENSON.

A motion was made that the House do come to the following resolution:

Resolved, That ——— per annum, be the compensation to be allowed to the President of the United States, during the term for which he is to be elected.

The said resolution being read, was committed to a Committee of the Whole House.

The House then proceeded by ballot to the appointment of a Chaplain to Congress on the part of this House. Upon examining the ballots, it appeared that the Rev. WILLIAM LINN was elected.

SAMUEL LIVERMORE, from New Hampshire, appeared and took his seat.

MONDAY, May 4.

Mr. SMITH presented a petition from the shipwrights of the town of Baltimore, praying the attention of Congress to the increase of American shipping and tonnage, and the passage of a suitable navigation act for its encouragement. Referred to the Committee of the Whole on the state of the Union.

Four other petitions were presented.

A petition of Alexander Lewis, of the State of Pennsylvania, was presented to the House, and read, setting forth that he had discovered and constructed an easy and expeditious method of impelling boats of twenty-five tons burden and under, through the water, against any current or stream however rapid; as also an easy method of raising a sufficient quantity of water twenty feet in height, to turn any mill; and praying that an act may pass to secure to him, his heirs, &c., for the term of twenty-one years, an exclusive right of constructing boats upon his model, in the United States.

Also, a petition of Andrew Newell and Seth Clark, of the State of Massachusetts, praying that the proper officer may be authorized to receive and examine their accounts as assistant-commissionaries of issues, the lapse of time limited for that purpose by the late Congress notwithstanding.

Also, a petition of Sarah Parker, of the State of Massachusetts, praying that some relief may be granted for the support of herself and a large family of children, being the widow and orphan of Lieutenant Colonel Moses Parker, who was wounded and made prisoner by the British troops in the battle of Charlestown, on the 17th of June, 1775, and was afterwards confined in the jail of Boston, and there died of his wounds in the month of July following.

Also, a petition of Martha Walker, of Boston, in the State of Massachusetts, praying that some relief may be granted her, as the distressed widow of Thomas Walker, Esq., late of Boston, who, at the commencement of the late Revolution, abandoned a very considerable property in the province of Quebec, and attached himself to the interests and fortunes of the United States.

Ordered, That the said petitions do severally lie on the table.

DUTIES ON TONNAGE.

On motion of Mr. GOODHUE, the House resumed the consideration of the report of the Committee of the Whole on the state of the Union.

The clauses relative to the tonnage of vessels, discriminating between foreign nations in alliance and not in alliance with the United States, being under consideration.

Mr. LAWRENCE moved to strike out the discrimination, conceiving that, in the present situation of our country, we ought to be cautious not to express satisfaction or dissatisfaction with respect to the conduct of foreigners; so far as is prudent and right, we ought to preserve an exact neutrality; and act according as circumstances exist. It will be necessary, said he, to consider this subject in two points of view; first, as it respects the necessity of our employing foreigners; and, secondly, how far a regulation that is intended to meet the conduct of those nations not in alliance with us is proper on our part, and what effects will probably flow from the discrimination in this particular. It was stated, when this subject was under consideration before, that the United States had not a sufficient quantity of tonnage to transport its produce. It was said, by the gentleman from Pennsylvania, that its aggregate was but one-third of the tonnage employed for this purpose, if so we are indebted to foreigners for the other two-thirds.

Mr. FRIZZMONS.—I think the gentleman has misunderstood me. I believe I said, and the fact is, that near two-thirds of the tonnage is our own, and but one-third foreign.

Mr. LAWRENCE.—I understood him, as I stated it, that two-thirds belonged to foreigners; however, the greater part of this foreign tonnage is owned in Great Britain. Being indebted to foreigners for their vessels, I ask, is it proper to give a bounty to some of them, especially as it operates as a duty upon the articles exported? Why make the discrimination? It is said we should enable those nations, with whom we have commercial treaties, to participate more largely of our trade; but at present they do not supply us with ships for the purpose of carrying it on. If we cannot get vessels from these favored nations, we must have them from others, or, the alternative is, we must keep our produce to perish in our hands. If the vessels are indispensably necessary, the very circumstance of our wanting them will oblige us to give the freight that is asked. Is it reasonable, when we are under the necessity of having vessels, and are from our circumstances obliged to give foreigners what freight they ask, to expect our own citizens to let theirs for less than what is paid to foreigners? Then the enhanced price of freight will be laid on all, whether foreign or domestic. If I am right in these considerations, let me ask gentlemen, will the produce of the country bear burdens of this nature? Every gentleman will determine for himself. The gentlemen from South Carolina and Virginia will determine whether their valuable and important staples, whether even their rice and

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tobacco, which have no rivals in the European markets, will, or possibly can, bear such an excessive burden? Let the gentlemen from the Middle States determine whether such is the flourishing state of their agriculture, as to enable them to pay a freight of this kind? If the articles to be vendied at foreign markets cannot, and I trust gentlemen have already determined in their own minds that they cannot, bear the expense, this measure will produce the most mischievous consequences. Mr. Speaker, it will discourage agriculture itself; it will destroy the soul of the nation, the ardent industry of the people. If the products of your soil cannot be sent to market, they must lay and perish; the planter and husbandman having no stimulus to labor, the prospect must be languid, and a universal cessation of operative industry stretch over all your land.

Let us now proceed to consider the subject in the second point of view, as a regulation to meet the conduct of those nations which have not formed commercial treaties with us. We have no treaty of commerce with either Spain, Portugal, or Great Britain; yet these are nations with whom the United States carry on a very beneficial commerce, as lucrative and useful to our interest as any we have with nations in alliance with us. The proposed discrimination does not apply particularly to one nation more than to another, the expression is general, as it respects all Powers with whom the United States have or have not commercial treaties. Now, is it to be supposed that they will remain quiet under this unfavorable discrimination? I believe it is more natural to suppose that they will meet you with similar regulations. Spanish and Portuguese vessels will pay the same tonnage as British; now, from them the Eastern States have some ill to apprehend; considerable quantities of fish are exported to the dominions of Portugal and Spain, will they not lay a duty on the fish unfavorable to us and advantageous to some other Power concerned in that business? This must operate to reduce the profits on American fish—and I believe it is well known to this House, the gentlemen have, on a former occasion, fully stated it to us, that the fisheries are incapable to bear the smallest increase of its burdens without doing an essential injury to the trade. I need not, therefore, amplify on this head.

It is true, Great Britain has not hitherto entered into a commercial treaty with the United States. Perhaps it is not worth the inquiry why this has not been done; but surely if we mean to induce her to form one with us, it is more likely to be brought about by moderation than by a war of commercial regulations. It is well known that that Power stands high in the opinion of all nations; its character for riches and power is justly great; its commercial importance is well known to us. Hence we have but little to expect by a commercial warfare, nor can it be necessary, when the object we aim at can be obtained in a more eligible manner. At least, had we not better try the effect of moderation? It is certainly the advice of prudence to do so; if we find this

mean to be unsuccessful, we can certainly apply the other. We always have it in our power, and after being disappointed in temperate measures, we can urge the other more properly.

If we make them our friends, it may be advantageous to us; if they become our enemies in commerce, it may have a disagreeable and inconvenient effect. They can restrict us more than we can them; the nation, by being long established, is possessed of capital to bear the loss of a suspension of trade; we are, as it were, the creatures of yesterday, unable to stand such competition, even if we exert ourselves to the utmost said before, and repeat it now, that we draw great advantages from our commerce with England, which we run the risk of losing without an object worthy the sacrifice. We are admitted into their ports on terms more favorable than any other nation; articles brought from America do not pay the duty, to which the like are subject from other parts of the globe, which is a source of considerable benefit to our commerce. If my information is right, our vessels are admitted into their ports in the East Indies. This trade is likely to become of the greatest importance to the United States. We not only have vessels that answer for this branch of commerce, but furnish considerable produce for carrying it on. I am told that there are not less than forty-seven vessels, at this time, on voyages to the countries beyond the Cape of Good Hope. This trade may be materially affected by the policy of the British nation, which has an amazing influence in that quarter of the world. I trust, no friend to the navigation of America will pursue measures destructive to this trade; it is the only one to compensate us for the loss of the West India trade, and yet the regulations of Britain may essentially injure us in that quarter. Upon the whole, I would recommend temper and moderation to the House; if they find these will not, or are not sufficient to produce the effect they contemplate, then take the mode now proposed; it can then be done with more propriety than at present. These are the hasty thoughts which have occurred to my mind against the measure; and I beg gentlemen to believe, that I am actuated only by the purest motives for my country's good, in opposing what I consider as prejudicial to her interest. I wish my country to do those actions which I am certain will reflect honor upon her councils, and bring to her sons that happiness which we are bound by duty to labor for. I would not have her, at her entrance into life, show an intemperate disposition, or do any thing which she might have cause to repent of hereafter.

Mr. MADISON.—I conceive, Mr. Speaker, that we must consider this as a general question, involving these points: How far it is expedient, at this time, to make a discrimination between foreign nations and the United States, for the purpose of promoting and accelerating the improvement of the American navigation? And how far it is expedient to make such a discrimination between foreigners, as may induce them to permit us to extend our own navigation on principles

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of reciprocity? For I imagine those subjects will be found to be connected. The arguments offered against the measure are founded on a maxim of impolicy. It is stated, that as we have not vessels enough of our own to transport the produce of our country, and as this produce sells low, we ought not to enter into regulations that will increase the price of freight. The plain meaning of which I take to be let us employ those vessels that will do our business cheapest, making no kind of discrimination whatever. If this argument has weight, it goes against discriminating in favor of our own shipping. I admit, that laying fifty cents on foreign vessels, and but six on our own, is a regulation by which the owners of American shipping will put a considerable part of the difference into their pockets. This, sir, I consider as a sacrifice of interest to policy; the sacrifice is but small, but I should not contend for it; if we did not stand in need of maritime improvements. Were it not for the necessity we are under of having some naval strength, I should be an advocate for throwing wide open the doors of our commerce to all the world, and making no kind of discrimination in favor of our own citizens. But we have maritime dangers to guard against, and we can be secured from them no other way than by having a navy and seamen of our own; these can only be obtained by giving a preference. I admit it is a tax, and a tax upon our produce; but it is a tax we must pay for the national security. I reconcile it to the interest of the United States that this sacrifice should be made; by it we shall be able to provide the means of defence, and by being prepared to repel danger, is the most likely way to avoid it. This tax, therefore, may prevent the horror of a war, and secure to us that respect and attention which we merit.

I am a friend to the navigation of America, and shall always be as ready to go as great lengths in favor of that interest, as any gentleman on this floor. I have it in contemplation to propose a distant time to be fixed, at which these high duties on tonnage shall begin to operate; by which means the interests of that part of the community employing foreign shipping will be unaffected for the present, and the other part will have time to increase its tonnage, so as to answer for the transportation of the produce of all America.

With relation to the discrimination proposed to be made between foreigners, I think nothing new has been offered now. It has not been denied, and therefore I take it to be tacitly admitted, that the public sentiments are friendly to such a discrimination as is proposed. I do not think it necessary, therefore, to relate particularly some facts, which would have shown that almost all the States in the Union have manifested their opinion on the subject, that a discrimination ought to be made, and ought to operate particularly on Great Britain. A discrimination of this kind first appeared in New Hampshire; the influence of its example expanded the whole extent of the Union, and State after State adopted regulations for the salutary purpose of checking a power that was

monopolizing our trade; but finding, from fatiguing experience, that their separate efforts were ineffectual, they united in forming the Government under which we deliberate. I will not say only, that if, in the first act of Congress, we abolish this favorite distinction, we disappoint the expectations of the warmest friends and advocates of the Constitution, but we shall also disappoint the expectations of its enemies, and the people of Britain. The policy manifested by that nation towards us since the Revolution must evince to every thinking mind the necessity of extending our commerce to other channels, and no longer suffer her to regulate and limit us in this particular. The policy of her Parliament has been on the watch to seize every advantage which our weak and unguarded situation exposed; she has bound us in commercial manacles, and very nearly defeated the object of our independence.

We all know there was a time when Britain showed a disposition to form the treaty we wish for. This resulted from an apprehension that the United States possessed both the power and inclination to do themselves justice. The moment she discovered we had not the power to perform our contracts, her disposition changed. Now, for my part, I can discover no motive for that nation to alter its conduct; if, now that we have the power, we want the inclination. They will persevere in their selfish interest, and narrow policy, to exclude us from a reciprocal share of trade; they will continue the ability to the Executive Magistrate to regulate the intercourse by circumstances as they arise, but ever studious to their own interest alone. The gentleman from New York seems to apprehend, that if we commence commercial hostilities, we shall suffer by reprisals. For my part, I am not afraid of suffering in the contest; her interests can be wounded almost mortally, while ours are invulnerable. She is sensible of this; and the people of America are not unacquainted with the natural advantages possessed over her: if it were necessary, and means of a pacific nature were not immediately successful, America could defend herself. Suppose Great Britain not pleased with our regulation, but disposed to counteract and oppose us with other restrictions, and we proceed to do each other all the injury which commercial prohibitions can produce; which, let me ask, of the parties, are most vulnerable? How we could sustain our wounds I will not say; those who know our country well, will have but little uneasiness on that head. But, though I do not say how we could sustain our wounds, I can point out how we could inflict most deadly ones. If we were to say, that no article should be exported from America to the West Indies, but what went in our own bottoms, we should soon hear a different language from any that has ever been held out to us on the subject of commercial regulations. It may be said, the British West Indies could draw supplies from the mother country; but these would be only precarious; there are always times when they must be dependent upon us, even for the necessary subsistence, to save them from destruction.

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Duties on Tonnage.

[H. or R.]

Now, let me ask, what article is that we are dependent upon Great Britain for, that is necessary for our subsistence? If it be said there are articles of convenience we must have from her, I beg gentlemen to look round and observe, that those materials for manufactures which she supplies us with, and fabricates in the highest perfection, are to be found in the United States, and within these few years, we have made rapid advances in manufacturing ourselves. This must eventually lessen the imports from Britain, and her independent situation arises from the flourishing condition of her manufactures and commerce. I have, therefore, no fears of entering into a commercial warfare with that nation; if fears are to be entertained, they lie on the other side. I could go more largely into this subject, and demonstrate clearly that we have infinite advantages over her. Even at this moment we hear the cry of distress from one part of her dominions, which can only be relieved by the resources they have in this country. But I will not take up the time of the committee longer on this subject, nor dilate upon the nature and extent of the direct trade carried on between foreigners and us, and the circuitous one through Great Britain, from which she derives great advantages; nor show the comparative motives we have for making a discrimination between her and other foreign nations. Whales oil is prohibited in Britain; at least subjected to a duty amounting to a prohibition, but it is admitted into France. I need not remark the value which we ought to set upon this part of our commerce; fisheries are, perhaps, the best nurseries for seamen of any employment whatever. Rice is also an article received by them, and enters considerably into the consumption of the people; these articles are making their way through that country, and will open a considerable vent for the surplus that we have. In this point of view, it is important not to take any steps that would check that spirit which seems disposed to favor the commerce and interests of America. Tobacco is also consumed in considerable quantities in France; undoubtedly it is our interest that a direct trade should be carried on with that kingdom in this article. Eighty or ninety thousand hogsheads of this article have been shipped to Great Britain, of which scarcely 15,000 are consumed there; the remainder is sent off to other countries; 20,000 hogsheads of this very tobacco is consumed in France. It is not the fault of our merchants that this supply does not go direct to that kingdom, as good policy would dictate. I need not repeat the advantages to be derived from a direct intercourse with those nations, whose inhabitants consume the staples of our country. I conceive, where no special reason to the contrary exists, we may consider trade in its natural channel when the articles are carried immediately to the consumer. Considering our trade in this point of view, a great part of ours is extremely diverted from the course it ought to pursue; but a small proportion of it flows in any other than in that between Great Britain and us; our policy, therefore, as I stated on a former occasion, ought to be calculated to

give it that impulse which nature directs. I wish that any general principle would permit us to make a distinction between Spain and Britain, but I do not know, there is such a general principle—there is none in the possession of this House to avail ourselves of. We must consider Spain as a nation not having formed a treaty of commerce with us. If they are disposed to make such a treaty, they will only be subjected for a short time to the inconvenience which the proposed measure will inflict. Admitting that the duty on tonnage is not very agreeable to every part of the Union, yet their momentary inconvenience must give way to considerations of greater importance. I have no reason to suppose, that the sense of the House will lead us to disagree to the measure. I have made these remarks, not because I thought they would influence the vote of any gentleman, but because I thought it decent to show the principles upon which our determination is founded. I trust there will be a majority, and a large majority too, in favor of the proposed discrimination; indeed, the question stands predetermined; we have made a discrimination on the article of spirits upon the same principle; it would be a violation of propriety, therefore, to suppose a contrary decision in this case.

Mr. Fitzsimons.—I shall not speak as to the policy of the measure; I mean to confine myself to stating a few facts, as I did when the subject was before the Committee of the Whole House. The gentleman from New York (Mr. Lawrence) has said, that I stated the foreign tonnage as two-thirds of the whole employed by the United States. It is possible that I made this mistake in my language, but the truth is, that one-third only is foreign, and of this a very considerable proportion is British. The state of the tonnage in Massachusetts is nearly all American, in New York, 55,000 tons of the same, and 30,000 foreign; nearly the same proportion is employed at Philadelphia. Maryland employs about three American to two foreign; in Virginia and South Carolina, they are nearly equal; in Georgia, the difference is two-thirds foreign, and one-third American; so that, upon the whole, there is little more than one-third foreign. This statement very considerably lessens our dependence upon foreign nations from what has been imagined by the gentleman who has spoken in opposition; nor does it follow that we shall pay the freight upon all our exports in proportion as we lay the duty. If we take a view of the trade of the United States, we shall discover that it will not necessarily be the consequence.

What are the articles Great Britain takes of America? A great proportion of the lumber used in the West Indies, indeed I may say the whole—a great proportion of the lumber used within that kingdom. The West Indies cannot draw her supplies elsewhere; if you were, therefore, to lay a duty of forty per cent. upon the freight, the consumers in those islands must pay it. The same observation holds good as it respects our intercourse with Britain; the articles she takes from us cannot be supplied from

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any other country. Experience has proved, that every one of these articles has been advanced in price in the proportion as it has been encumbered, and the high freight only serves as a pretext to increase the rate to the consumer. It is not just, therefore, to say that the articles are of less value in our country, for in instances of this kind the burden must fall upon those who use them. It is not the case with the rice of South Carolina, nor with the tobacco of Virginia, nor ever can be, unless there is a competition with other countries in the sale of these articles. Flax is a very necessary article in one of their most important manufactures; the seed of this plant is sedulously sought for in America because it is superior to their own, or because it is inconvenient to raise it; but if they find it necessary, will they not be obliged to pay the price when increased by a small tonnage duty? Will gentlemen contend against me, that the citizens of the United States do not pay the taxes and duties laid by Britain on the articles we consume? They certainly will not do this. Why, then, do they contend that we are to bear the duty of tonnage paid on exportation? The advantages Great Britain derives from our commerce, besides its absolute necessity to her existence, are considerations too important for her to sacrifice for a paltry regulation of fifteen pence a ton upon her shipping, and this is all that the proposed discrimination subjects her to. You have heard it declared, that the number of British vessels are not lessened, although there is a duty of six shillings and eight pence per ton in some of the States. They still find it in their interest to pursue our beneficial commerce. I admit that a tax on tonnage increases the freight, but it is equally certain that the tax, in almost every instance, falls upon the consumer.

Our commerce with Spain and Portugal is beneficial, and it may be proper to consider what effects our regulations are likely to produce, as they respect those Powers; but with England we risk nothing. As long as they find it in their interest to continue the American trade, there is no fear of their discontinuing it, and this will be the case as long as we consume her manufactures, and give her in return our produce, which enables her to extend her commerce to other parts of the world.

Mr. WADSWORTH.—I am opposed to all discrimination between foreign nations, unless I can discover some solid reason for the measure. We enjoy equal advantages, with respect to our trade, from those nations that are not in alliance with, as from those to whom we are linked by commercial treaty. Why, therefore, shall we give a preference that may be odious, and draw injurious restrictions upon our commerce? It is to Great Britain that we are indebted for a market for our lumber, our pot and pearl ash, our naval stores, rice, and tobacco; in short they take every thing we have to dispose of except our fish and oil. But our fish finds a better market in countries with whom the United States have no alliance, than in those of Powers in commercial treaty

with us; the price is better, and we are better paid. But gentlemen are mistaken when they say that Britain cannot draw her supplies from another quarter. We have several competitors in her market for various articles, and it is the preference they give us in the duties and charges, that renders it unsuccessful on the part of our opponents. It is said that flaxseed cannot be obtained elsewhere; yet gentlemen must recollect that very small supplies, of this article were furnished by America during the war. Britain drew the deficiency from Holland. This proves that their dependence is not exclusively upon us for flaxseed. Is it good policy to deprive ourselves of the advantage which we possess, without a probability of acquiring greater? There is very little prospect of success in a commercial struggle with Britain, and I do not see any great benefits that arise from the trade of our allies that will warrant the sacrifice. It appears to me, that, by making the discrimination now in contemplation, we pay a compliment that is of very little consequence in the estimation of the nation in whose favor it is intended. They employ a very inconsiderable tonnage in the American trade, and those few vessels are all that can receive a profit from the regulations. Besides, it is admitted that the United States have not vessels enough of their own for the transportation of their produce; can it be good policy, then, to destroy a competition among foreigners for the remainder of our carrying trade?

If gentlemen will show me the advantages arising from our commercial connexions where we are bound by treaty, I will join them in a measure which is likely to produce similar effects on other nations; but, when I see no one interest that will be promoted by it, I feel diffident lest we do a substantial injury to the cause we attempt to support.

Mr. CLYMER appealed to the public acts of America for the sentiments of the people respecting a discrimination, from which it would appear that Britain was looked upon in commerce as a hostile nation. But it was the wish of all to increase the intercourse between France and the United States. The little direct trade carried on between that kingdom and America is favorable to us; that to Great Britain the contrary. We receive money for what we carry to France, with which our mercantile operations are increased: we are not paid with rum, as in our British West India trade. This is a fact of notoriety; it has become a subject of complaint in that country, that we take no returns in manufactures from her, as we do from a neighboring nation. These advantages, therefore, backed by the voice of the people, warrant a preference of the nature of what is now intended.

Mr. PAGE was sorry to trouble the House upon this occasion after so much had been said, and he would not have done it, if it had not been that he conceived it proper to notice some remarks which had escaped the gentleman who argued in opposition to the proposed measure. It had been said, that America obtained greater advantages from

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nations not in commercial alliance with us, than from those that were. He would leave this point to be settled by the gentlemen who had heard the facts stated on both sides, and turn to consider it in another point of view. The committee, when they had this report under consideration, endeavored to adopt a successful mode of raising a revenue. If a duty on tonnage will have this effect, we ought to agree to it; for, to what other subject of revenue can we go that will prove equally productive? It is therefore requisite that we lay this kind of tax; in so doing, if it is necessary to discriminate between our own citizens and foreigners, why is it not likewise proper to discriminate between our commercial friends and commercial enemies? If the policy is good in one case, it is so in the other. We must not only encourage our friends to continue in alliance, but hold out an advantage to those of whom we want a reciprocity. It has always been the practice of that very nation to discriminate who it is suspected will take umbrage at our doing it. Has not Britain laid heavy duties upon the wines of France, and lower on those of Portugal, in order to encourage the trade and commerce of their ally. They have, by this means, made France agree to receive their manufactures. It is the practice of wise nations to adopt regulations of this nature; and most undoubtedly, if any nation on earth has a right to expect a favorable regulation on our side, it is the one that, I may say, has given us the power to deliberate. I conceive such a regulation wise, just, and politic; the contrary policy I view as pusillanimous, founded in folly, injustice, and impolicy. For my part, I wish for greater discrimination than is now proposed. Instead of resting it here, I should have consented to have gone much further. I believe the price of freight has not risen in Virginia, though the British vessels are subjected to a tonnage duty of double the amount of what is now proposed. Something of this nature might give the merchants of America such maritime advantages, that our commerce would shortly be placed on a respectable footing. We might then expect a beneficial treaty to be formed with Britain; and it is my opinion, that if a decisive discrimination was made, we should scarcely pass the act before offers of that kind would be made.

Mr. JACKSON.—I am in favor of a discrimination, but I like the idea thrown out by the gentleman from Virginia, (Mr. MADISON,) that the high duty commence its operation at a distant day; but I am not for a very great discrimination. Some gentlemen, who advocate this side of the question, have contended that Great Britain is obliged to receive certain articles from America; and, therefore, if we lay heavy duties upon transportation, they will fall upon the consumer. Now I must beg leave to mention a fact or two in point. In the State of Georgia we have a pretty high tonnage duty, but our produce falls in price. The rice, about two or three years ago, sold for thirteen or fourteen shillings; now it is difficult to procure nine shillings per hundred weight. This proves that these articles are not so necessary to

the British subjects as to induce them to give what we ask; therefore, the gentlemen's arguments go too far, when they intend to prove that nation altogether dependent upon us. The prices for the Southern staples are generally lower than what they were before the war; and I am very apprehensive that a high tonnage will reduce them still lower. The tonnage of the State of Georgia is about 20,000 tons, of this, two-thirds are British. If the duty is laid so high as to prevent them from coming amongst us to transport our produce, what is to become of our planters? It is said that this measure will raise us into considerable maritime importance, by making a favorable discrimination. I admit that this may eventually take place, with prudent encouragement; but if, before we have got shipping enough of our own, we discard foreigners, we must injure the husbandman; the profits of his labor must perish upon his hands, for want of the means requisite to convey them to market.

If the tonnage duty is commenced at a distant day I shall favor the sum proposed; but if it is immediately to take place, I should think twenty or twenty-five cents a ton sufficient, and even this ought not to take place before December, 1790. Though I am a friend to discrimination, yet I am opposed to a high duty, until we have vessels enough of our own to answer the purposes of domestic navigation and foreign transportation.

Mr. LAWRENCE.—I do not think the regulation in contemplation will embrace the object gentlemen have in view. The discrimination between our own vessels and foreigners is intended to increase the quantity of American tonnage. The discrimination between foreigners is also intended to increase the tonnage of our allies. But will this proposed measure have such effect? I think, for my part, that a preference of twenty cents per ton will not draw vessels belonging to those nations into this branch of commerce, so as to answer the purpose of supplying the deficiency in our means of transportation. If the preference is so small as not to induce their vessels to navigate for us, the means are not proportioned to the end; but if the regulation is to induce Great Britain to grant us reciprocity in commerce, and our trade is of such high importance to that nation, let us adopt measures more effectual than this small discrimination; let us say, that they shall receive no supplies from us but what are conveyed to them in our own bottoms. The gentleman from Pennsylvania, (Mr. FIRZMONGER,) says, it is not true that the freight will reduce the price to the farmer. He supposes the articles of tobacco and rice necessities, and whatever price they are held at must be given for them, and then the whole expense will fall upon the consumer. This proves too much, and consequently proves nothing. Suppose we lay twenty shillings per ton on vessels, it must enter into the price of tobacco and rice, and the articles must still be purchased; yet, if the price is increased, the demand becomes limited. A man does not consume so much when the price of an article is high, as he does when it is moderate; consequently, if the

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planter was to get his usual profit on what was sold, he would lose on all that remained on hand, owing to the limitation of the demand. The same reasoning holds good with respect to flaxseed, lumber, and potash; at the same time it will be well to consider, whether the increase on the freight will not be such as to prevent our sending them altogether.

The oil at one time imported into France is restricted at another. I am willing to enter into stipulations with that nation for the admission of the article; but, until something is done by treaty on this head, there is no security in the temporary regulations made by that or any other nation. I would not be understood to be against discriminating between ourselves and foreigners. No, sir, I admit the policy and propriety of such a measure, but I contend we ought not to discriminate between foreign nations. As for the claim of gratitude which has been urged, I think it but of small weight. If we are bound, I presume it is by treaty, and whatever we are so bound to do, I cheerfully concur in; but, if we are free, it never can be deemed want of gratitude to decline doing what will be injurious to our interests; it is what a nation has a right to expect from another. The gentlemen say they are sorry to discriminate between Spain and Portugal; they wish to favor these nations: the former has some claim also upon our gratitude; but it is a matter of certainty that those nations will receive an injury by the proposed policy, and it may draw down upon that part of our commerce very inconvenient and injurious restrictions. But say the gentlemen, no general principle can be adopted, and at the same time permit us to accept them. If this be the case, why pursue measures which have this fatal tendency, without any certainty of advantage from another quarter?

Great Britain would not enter into a commercial treaty with us, because she saw we had not power to perform our engagements. If this was the true reason for her declining to form a treaty, there is a high degree of probability, that, now the objection is removed, she may evince a disposition to be bound to us by a link of that nature which we wish. Is it prudent, then, at this time, to defeat the measure we aim at by a paltry regulation aimed against her of fifteen pence per ton? I conceive it is not, and hope the House will reject it.

Mr. MADISON.—I believe a few considerations that lie in a compass, will be sufficient to guide us in our determination on the present occasion. Although it is an old maxim, that trade is best left to regulate itself, yet, circumstances may and do occur to require legislative interference. The principles which have actuated us in laying duties on several articles of import are founded upon this necessity. Our commerce with France and Great Britain may be considered in the same point of view, the one is depressed beyond what its nature deserves, and the other enhanced beyond its due proportion. The justice of this remark is too flagrant to be disputed. A considerable quantity of our produce goes through Great Britain into

France; does not this demonstrate that our commerce flows in an improper channel, and calls loudly on us to give it a different direction? I think the good policy of fostering the trade of France cannot be doubted; we must make the other nation feel our power to induce her to grant us reciprocal advantages. Gentlemen will not contend, that we ought to allow her every thing, and trust to her gratitude. They say it is a slender obligation; for my part, I have no hopes from that source; because I have all along observed her seizing to herself every advantage in commerce that presented to her view by all the ingenuity she could devise. Gentlemen admit, that we are now in a different situation from what we were when she declined entering into treaty with us, and they expect she will now come forward with generous offers. But permit me to ask gentlemen, if it is not the same thing whether we want the power or the will to compel them to do us commercial justice? Yet, do not the gentlemen's arguments tend to create an opinion that we have not the power? They caution us to be afraid of reprisals. If she really believes us to be afraid on this head, will she not act in the manner she has hitherto done when we really did not possess the power? When I hear remarks of this nature, the more convinced I am of the necessity there is of making a discrimination to convince her of our power, and make her see that her interest is concerned in being on terms of friendship with us; it will be the most likely way to obtain from her the advantages we contend for. I have no doubt in my own mind but that it will have this effect. Can it be expected that she will shut her ports against us, when she re-exports the greater part of what she takes from us, for instance tobacco? Will she refuse to receive this article, when she does not consume the tenth part of what she carries from the United States? Will she shut her ports to the raw materials necessary for her manufactures? I think her dependence, as a commercial and manufacturing nation, is so absolutely upon us, that it gives a moral certainty that her restrictions will not, for her own sake, be prejudicial to our trade.

Gentlemen who fear any ill effect upon the agricultural interests, apprehend it from a supposition that the discrimination will be high. Now I profess, it is not so much for a high duty as for the policy of the measure that I advocate it. I shall be content with a small preference, and surely no doubt can be entertained of its justice or propriety.

Mr. SHERMAN was opposed to the discrimination. In his opinion, the great principle in making treaties with foreign Powers, was to obtain equal and reciprocal advantages to what were granted, and in all our measures to gain this object the principle ought to be held in view. If the business before the House was examined, it would appear to be rather founded on principles of resentment, because the nation of Great Britain has neglected or declined forming a commercial treaty with us. He did not know that she discriminates between these States and other

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Address to the President.

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Powers who are not in treaty with her, and therefore did not call upon us for retaliation; if we are treated in the same manner as those nations we have no right to complain. He was not opposed to particular regulations to obtain the object which the friends of the measure had in view; but he did not like this mode of doing it, because he feared it would injure the interest of the United States.

Before the House adjourned, Mr. MADISON gave notice, that he intended to bring on the subject of amendments to the Constitution, on the 4th Monday of this month.

TUESDAY, May 5.

Mr. BENSON, from the committee appointed to consider of, and report what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the Constitution, and to confer with a committee of the Senate appointed for the same purpose, reported as follows:

"That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution."

And the said report being twice read at the Clerk's table, was, on the question put thereupon, agreed to by the House.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Mr. MADISON, from the committee appointed to prepare an Address on the part of this House to the President of the United States, in answer to his Speech, to both Houses of Congress, reported as follows:

The Address of the House of Representatives to George Washington, President of the United States.

SIR: The Representatives of the People of the United States present their congratulations on the event by which your fellow-citizens have attested the preference of your merit. You have long held the first place in their esteem. You have often received tokens of their affection. You now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues. You enjoy the highest, because the truest honor, of being the First Magistrate, by the unanimous choice of the freest people on the face of the earth.

We well know the anxieties with which you must have obeyed a summons from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station. And we cannot doubt that it will be rewarded with all the satisfaction with which an ardent love for your fellow-citizens must review successful efforts to promote their happiness.

This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you mean to commence your administration, and the enlightened maxims by which you mean to conduct it. We feel with you the strongest obligations to adore the visible hand which has led the American people through so many difficulties, to cherish a conscious re-

sponsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit in a system of legislation founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance; and will, we trust, be decided, under the influence of all the considerations to which you allude.

In forming the pecuniary provisions for the Executive Department, we shall not lose sight of a wish resulting from motives which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence now to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre of a character which has so many titles to admiration.

Such are the sentiments which we have thought fit to address to you. They flow from our own hearts, and we verily believe that, among the millions we represent, there is not a virtuous citizen whose heart will disown them.

All that remains is, that we join in your fervent supplications for the blessings of Heaven on our country; and that we add our own for the choicest of these blessings on the most beloved of our citizens.

Said Address was committed to a Committee of the Whole; and the House immediately resolved itself into a committee. Mr. PAGE in the Chair. The committee proposing no amendment thereto, rose and reported the Address, and the House agreed to it, and resolved that the SPEAKER, attended by the members of this House, do present the said Address to the PRESIDENT.

Ordered, That Messrs. SINICKSON, COLES, and SMITH, (of South Carolina,) be a committee to wait on the PRESIDENT, to know when it will be convenient for him to receive the same.

Mr. CLYMER, from the committee appointed for the purpose, reported a bill for laying a duty on goods, wares and merchandise, imported into the United States, which passed its first reading.

Mr. BLAND presented to the House the following application from the Legislature of Virginia, to wit:

VIRGINIA, to wit:

IN GENERAL ASSEMBLY, Nov. 14, 1788.

Resolved, That an application be made in the name and on behalf of the Legislature of this Commonwealth to the Congress of the United States, in the words following, to wit:

"The good People of this Commonwealth in Convention assembled, having ratified the Constitution submitted to their consideration, this Legislature has, in conformity to that act, and the resolutions of the United States in Congress assembled, to them transmitted, thought proper to make the arrangements that were necessary for carrying it into effect. Having thus shown themselves obedient to the voice of their constituents, all America will find that, so far as it depended on them, that plan of Government will be carried into immediate operation."

"But the sense of the people of Virginia would be but in part complied with, and but little regarded, if we went no farther. In the very moment of adoption, and coeval with the ratification of the new plan of Government, the general voice of the Convention of this State pointed to objects no less interesting to the people we represent, and equally entitled to our attention. At the same time that, from motives of affection to our sister States, the Convention yielded their assent to the ratification, they gave the most unequivocal proofs that they dreaded its operation under the present form."

"In acceding to the Government under this impression, painful must have been the prospect, had they not derived consolation from a full expectation of its imperfections being speedily amended. In this resource, therefore, they placed their confidence, a confidence that will continue to support them, whilst they have reason to believe that they have not calculated upon it in vain."

"In making known to you the objections of the people of this Commonwealth to the new plan of Government, we deem it unnecessary to enter into a particular detail of its defects, which they consider as involving all the great and unalienable rights of freemen. For their sense on this subject, we beg leave to refer you to the proceedings of their late Convention, and the sense of the House of Delegates, as expressed in their resolutions of the thirtieth day of October, one thousand seven hundred and eighty-eight."

"We think proper, however, to declare, that, in our opinion, as those objections were not founded in speculative theory, but deduced from principles which have been established by the melancholy example of other nations in different ages, so they will never be removed, until the cause itself shall cease to exist. The sooner, therefore, the public apprehensions are quieted, and the Government is possessed of the confidence of the people, the more salutary will be its operations, and the longer its duration."

"The cause of amendments we consider as a common cause; and, since concessions have been made from political motives, which, we conceive, may endanger the Republic, we trust that a commendable zeal will be shown for obtaining those provisions, which experience has taught us are necessary to secure from danger the unalienable rights of human nature."

"The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay. The slow forms of Congressional discussion and recommendation, if, indeed, they should ever agree to any change, would, we fear, be less certain of success. Happily for their wishes, the Constitution hath presented an alternative, by admitting the submission to a convention of the States. To this, therefore, we resort as the source from whence they are to derive relief from their present apprehensions."

"We do, therefore, in behalf of our constituents, in the most earnest and solemn manner, make this application to Congress, that a convention be immediately called, of deputies from the several States, with full power to take into their consideration the defects of this Constitution that have been suggested by the State Conventions, and report such amendments thereto as they shall find best suited to promote our common interests, and secure to ourselves and our latest posterity the great and unalienable rights of mankind."

"JOHN JONES, Speaker Senate.
"THOMAS MATTHEWS, Speaker Ho. Del."

After the reading of this application,

sons be properly weighed, unless it be done in committee? Therefore, I hope the House will agree to refer it.

Mr. HUNTINGTON thought it proper to let the application remain on the table, it can be called up with others when enough are presented to make two-thirds of the whole States. There would be an evident impropriety in committing, because it would argue a right in the House to deliberate, and, consequently, a power to procrastinate the measure applied for.

Mr. TUCKER thought it not right to disregard the application of any State, and inferred that the House had a right to consider every application that was made; if two-thirds had not applied, the subject might be taken into consideration, but if two-thirds had applied, it precluded deliberation on the part of the House. He hoped the present application would be properly noticed.

Mr. GERRY.—The gentleman from Virginia (Mr. MADISON) told us yesterday, that he meant to move the consideration of amendments on the fourth Monday of this month; he did not make such motion then, and may be prevented by accident, or some other cause, from carrying his intention into execution, when the time he mentioned shall arrive. I think the subject, however, is introduced to the House, and, perhaps, it may consist with order to let the present application lie on the table until the business is taken up generally.

Mr. PAGE thought it the best way to enter the application at large upon the Journals, and do the same by all that came in, until sufficient were made to obtain their object, and let the original be deposited in the archives of Congress. He deemed this the proper mode of disposing of it, and what is in itself proper can never be construed into disrespect.

Mr. BLAND acquiesced in this disposal of the application. Whereupon, it was ordered to be entered at length on the Journals, and the original to be placed on the files of Congress.

DUTIES ON TONNAGE.

The House then resumed the consideration of the Report of the Committee of the Whole on the state of the Union, in relation to the duty on tonnage.

Mr. JACKSON (from Georgia) moved to lower the tonnage duty from thirty cents, as it stood in the report of the committee, on ships of nations in alliance, and to insert twenty cents, with a view of reducing the tonnage on the vessels of Powers not in alliance. In laying a higher duty on foreign tonnage than on our own, I presume, said he, the Legislature have three things in contemplation: first, The encouragement of American shipping; secondly, Raising a revenue; and, thirdly, The support of light-houses and beacons for the purposes of navigation. Now, for the first object, namely, the encouragement of American shipping, I judge twenty cents will be sufficient, the duty on our own being only six cents; but if twenty cents are laid in this case, I conclude that a higher rate will be imposed upon the vessels of

nations not in alliance. As these form the principal part of the foreign navigation, the duty will be adequate to the end proposed. I take it, the idea of revenue from this source is not much relied upon by the House; and surely twenty cents is enough to answer all the purposes of erecting and supporting the necessary light-houses. On a calculation of what will be paid in Georgia, I find a sufficiency for these purposes; and I make no doubt but enough will be collected in every State from this duty. The tonnage employed in Georgia is about twenty thousand tons, fourteen thousand tons are foreign; the duty on this quantity will amount to £466 13s. 4d. Georgia currency. I do not take in the six cents upon American vessels, yet this sum appears to be as much as can possibly be wanted for the purpose of improving our navigation.

When we begin a new system, we ought to act with moderation; the necessity and propriety of every measure ought to appear evident to our constituents, to prevent clamor and complaint. I need not insist upon the truth of this observation by offering arguments in its support. Gentlemen see we are scarcely warm in our seats, before applications are made for amendments to the Constitution; the people are afraid that Congress will exercise their power to oppress them. If we shackle the commerce of America by heavy impost, we shall rivet them in their distrust. The question before the committee appears to me to be, whether we shall draw in, by tender means, the States that are now out of the Union, or deter them from joining us, by holding out the iron hand of tyranny and oppression. I am for the former, as the most likely way of perpetuating the Federal Government. North Carolina will be materially affected by a high tonnage; her vessels in the lumber trade will be considerably injured by the regulation; she will discover this, and examine the advantages and disadvantages of entering into the Union. If the disadvantages preponderate, it may be the cause of her throwing herself into the arms of Britain; her peculiar situation will enable her to injure the trade of both South Carolina and Georgia. The disadvantages of a high tonnage duty on foreign vessels are not so sensibly felt by the northern States; they have nearly vessels enough of their own to carry on all their trade, consequently, the loss sustained by them will be but small; but the southern States employ mostly foreign shipping, and unless their produce is carried by them to market it will perish. At this moment there are not only rice and lumber, but five thousand hogheads of tobacco lying in the warehouses for want of shipping. Gentlemen may talk of raising a maritime force, and increasing the number of our commercial vessels; but what is to be done in the mean time with the products of agriculture? They must be laid up to rot in warehouses; they must wait till a future day before they can be disposed of; the poor planters are to suffer this inconvenience for a few years, to increase the building of ships. Persecuted as these men are by British tyrants, in the shape of creditors, we are about to impel them to certain

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destruction. Every artifice was used, every net was spread, to involve them in this dilemma. Courtied by luxury, which exposed all its charms to impassion their souls, and prompted on by the flattering terms of obtaining a gratification of their wishes by a long credit, these men have put themselves into the power of commercial harpies. At length, roused from their lethargy, they have made exertions to disentangle themselves. The sale of their produce has hitherto enabled them to avoid the most dreadful evils; but take this out of their power, and there remains nothing to save them from the loathsome dungeon, and their families from perishing for want of the common necessities of life. Then may the people of the State of Georgia have reason to repent the prompt and decided part they have taken in this second revolution. Disappointed in that relief which they expected from a general and efficient Government, they will only have to seek obscurity and a wretched existence in some remote corner of the land, despairing of ever obtaining hereafter the wonted comforts and enjoyments of life.

I shall just mention to the House one observation more, to show that the produce of the Southern States cannot bear a high tonnage duty. The value of rice, tobacco, and indigo, has fallen so much in foreign markets, that they are no longer worth the exportation. The merchants complain that they lose by those remittances; and they have now got into the practice of sending off specie; forty thousand dollars have been sent in one vessel. This is a daily practice, and we shall shortly have no specie left to pay our debts. The difficulty will be increased, as no money will remain to pay for the duties imposed on the articles imported. I hope the Government will not insist upon our walking before we are able to creep, or compel us to make bricks without straw. These are my sentiments on the present question; if they have weight, the House will agree with me in reducing the duty; but if the House persist in continuing the high rates agreed to in committee, I shall content myself with having done my duty by warning them of the danger.

Mr. Ames.—I hope the reduction moved for by the gentleman who has just sat down will not be agreed to; for I trust the House is not satisfied with the reasons offered in its support. A great deal has been now said respecting the jealousy entertained of the advantages given by this preference to some States; a great deal was also said before the committee adopted the measure. I do not think this doctrine of jealousy is natural to us. I know it has been cultivated by the British, and disseminated through the United States; they had their particular views in exciting such ideas; but I do not believe that because we have various we have opposite interests. Upon examination there will be found but few of our interests that clash with each other so much as to admit a well grounded jealousy. Nature has so arranged our circumstances, that the people of the several States pursue various employments which support each other. If one end of the continent is employed in manufactures and commerce, the

other is attentive to agriculture; so far are they, therefore, from being rivals, that, both in a natural and political sense, they mutually are necessary and beneficial to each other's interests. I wish gentlemen, before they insist upon this jealousy, would point out the causes of its existence. So far from this being the case, I believe the individual interest of each part is compatible with the general interest; and that the public opinion is the same, is clearly demonstrated by the attachment professed by every part to remain in union—it is acknowledged that on this principle our existence as a nation depends.

This being the case, I do not listen with any great degree of concern to arguments founded on that cause. So far from surveying the affluence or ease of my Southern brethren with the jaundiced eye of jealousy, I contemplate their prosperity with ineffable satisfaction. I look with an equal eye upon the success of every State through the whole extent of United America. I wish their interests to be equally consulted; and, if I may judge of the feelings of the people, by those of their representatives on this floor, I may venture to say, there was never less reason to apprehend discord or envy than at this time. I believe the fact is so, because I feel it. I appeal with confidence to the gentlemen round me, whether they have not found the disposition of those who were suspected most to favor navigation, ready to concede what was asked for the encouragement of every other interest? Whether a like conciliatory conduct has not been observed by the advocates of manufactures? I ask gentlemen whether the language they have heard from the several parts of this House has not been much more congenial to their sentiments than they expected, and the measures pursued more coincident to their feelings than what they looked for? I believe, at the moment I am making this observation, the breasts of gentlemen beat in concert with it. I am sure my feelings accord most cordially in the sentiment.

I believe the encouragement of our navigation is looked upon to be indispensably necessary; its importance has never been denied. Now, I ask if gentlemen are inclined to support and extend our navigation, whether they are not willing to proportion the means to the end, and adopt measures tending to increase the quantity of American shipping? It has been often justly remarked, that the Constitution under which we deliberate originated in commercial necessity. The mercantile part of our fellow-citizens, who are the firm friends to an equal and energetic Government, hope the improvement of our navigation may obtain the attention of Congress; it is but justice that it be early attended to, and it will give general satisfaction to find it considered as an important object by the General Government. The most liberal of the friends of American commerce only wish for such regulations as may put our navigation on a footing with foreigners. If other nations have restricted our navigation by regulations or charges, we must restrict them by a tonnage, or some other duty, so as to restore an

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equality; but this will not be found to be the case in the present instance. The moderate and inconsiderable duty of thirty cents on foreigners in treaty, and fifty cents on others not in treaty, will not enable our vessels to go abroad with as much advantage as foreigners can come here; so that the proposed encouragement may perhaps fall short of procuring us a maritime strength equal to our national security.

The gentleman from Georgia (Mr. Jackson) says, that five thousand hogsheads of tobacco are now rotting in the warehouses for want of ships to carry them to market. If this is the case, it proves we have depended long enough upon foreigners to supply us with the means of transportation; let us now make some provision that will prevent the like taking place again. If proper encouragement is now given, we may perhaps in a short time have enough of shipping to supply all the States. If the productions of another year must lie in the planters' hands, they will feel a greater loss and inconvenience than the payment of half a dollar additional freight per ton, if it was certain that they would be subjected to such a burden.—Judge from this circumstance whether there is a competition of interests in the United States. Does not the contrary appear to be the fact? Gentlemen will please to consider how unfavorable it is to commerce, to have the success of their business depend upon the caprice or mercy of any foreign nation. If your produce is to lie till they come to carry it away, you cannot be said to have the command of your property, or possess those advantages which the bounty of nature has given you. How much better is it to go with vessels of our own in search of a market, than to wait for others to take our produce away until it perishes on our hands? Let me ask gentlemen if they think the produce of Massachusetts would be sold if we were unable to seek a market for ourselves? Would foreigners come to New England in search of our whale oil and fish? No, foreigners are hostile to our fisheries; so far from encouraging us, by buying what we have for sale, they wish and labor to destroy our trade; their attempts are defeated by our ability to go abroad and seek a market for ourselves. This demonstrates clearly that, in order to extend the sale of our productions, we must have vessels of our own to find out a market, and be guided by actual experience to that which is best.

The observations of gentlemen tending to show that one end of the continent will suffer more by the regulation contemplated by the House than the other, are, I conceive, not well founded. The price of freight will equalize itself. If the people of Carolina or Georgia pay a high freight in consequence of the tonnage duty, the State of Massachusetts must pay the same, or her vessels will go to the southward in search of freight, so that the Eastern States have no peculiar interest in the measure. It has been suggested, that because Massachusetts has foreign vessels in her employ, she cannot transport produce for others—Massachusetts, by reason of that influence which Britain has, is obliged to receive some of her supplies

in foreign bottoms, but this is only a proof that the evil requires a remedy. I might here easily draw a picture of the distress to which the eastern country is subjected for want of a protecting hand; her shipwrights are glad to work for two shillings and sixpence a day, or less, and less will not maintain them and their families. Their lumber is of no value, it lies rotting in the forests, for want of encouragement to frame it into ships; the other artisans are clamorous for employment, and without a speedy relief they will have to desert the country. I believe if this relief is extended to them, it will give a spring to their industry, and a little time will render them serviceable to their fellow-citizens in the South. They will find markets for their tobacco which is now rotting, and their valuable productions will be transported to all parts of the globe. From these circumstances, I am led to beg gentlemen to consider, that the improvement and extension of our navigation is one of the most important objects that can come before the Legislature; that there are abundant proofs that a regulation in favor of American shipping is absolutely necessary to restore them to an equality with foreigners; and if they are convinced with me of its importance and necessity, they will not think the sums agreed to in committee too high for the purpose of protecting the navigation of the United States.

Mr. Jackson.—I said, Mr. Speaker, that there was a considerable quantity of tobacco lying in our warehouses, for want of vessels to carry it off. The gentleman from Massachusetts (Mr. Ames) says, that if this is the case, it is time to take the staff into our own hands, and encourage the growth of American vessels. Yes, sir, but let us see the American ships, and then I will consent not only to fifty cents per ton, but to a total prohibition of foreigners. But I say again, do not compel us to make bricks without straw, nor oblige us to carry off our produce without shipping; if Massachusetts has not shipping enough for her own use, she can furnish none for the use of others.

Mr. Ames was obliged to the gentleman for his offer to exclude foreigners, but he did not wish to go so far. He had hoped that a shorter period than gentlemen seemed to contemplate, would be sufficient to improve the navigation of the United States, and expected every State as well as Massachusetts would be able to transport a great part of its own productions.

Mr. Burke.—Something has been said relative to a jealousy subsisting in the Southern States respecting the navigation interest; I shall, therefore, make an observation or two on that subject. So far as my own knowledge of that country goes, I believe the citizens look with indignation at the power which foreigners have over their commerce. So far from being jealous of the Eastern States, they look forward to some future day when their navigation will be secured to that part of the Union. They know that it possesses superior maritime advantages, and expect they will hereafter afford security to them. They know, that from the spirit and industry of the

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people of New England, they may derive commercial and agricultural benefits. This is also my own judgment on the point. I know they cannot now supply us with vessels to transport our produce, but I hope the time will shortly come when they will have the ability; in the mean time, when I consider how much the Southern staples are fallen in price, and the great debts due in that country, I must say, that I fear a heavy tonnage will be attended with very dangerous consequences. There are very few foreigners but British come among us, and a high duty laid upon their ships will fall severely upon the planters. The Southern people are willing to render any assistance to increase the maritime importance of the Eastern States as soon as they are able; if, therefore, a distant period is fixed for the commencement of the high duties, I shall be in favor of them; but if they are to take place immediately, I fear they will do a great deal of injury in the present deranged and calamitous situation of our country.

Mr. GOUGH was glad to hear from the several parts of the House, that there was a disposition to give a preference to American shipping. This principle being fixed, it only remained for the House to ascertain the proper degree of encouragement to be given; the rate agreed to in the committee was not more than good policy required. The gentleman from Georgia fears that the people of his State will suffer for want of vessels, or pay a higher freight than their neighbors; but a high duty is not contended for in the first instance, it is only such a degree of encouragement with foreigners in our own carrying trade. The same gentleman has said, Massachusetts has not vessels enough for her own commerce, and therefore cannot furnish any for others; although Massachusetts employs 7 or 8000 tons of foreign shipping; yet it is supposed she supplied the other States with 30,000 tons. The circumstance of 5,000 hogheads of tobacco lying rot for want of vessels, when some thousand tons of ours are idle for want of employment, does not prove the want of shipping, so much as that the price of the article is too high for a foreign market. If the produce is held so high as not to bear the expense of transportation, the merchants who import will be obliged to send off money in payment. In order to remedy these inconveniences in future, it will be necessary to hold out sufficient encouragement for the construction of vessels. Perhaps it may be good policy to allow a moderate tonnage duty at this time, to be increased hereafter.

Mr. MADISON.—I believe every gentleman who hears the observations from the different quarters of this House, discovers great reason for every self upon the evident disposition which has been displayed to conduct our business with harmony and concert.

We have evinced a disposition different from what was expected to arise from the different interests of the several parts of the Union. I am persuaded, that less contrariety of sentiment has

taken place than was supposed by gentlemen, who did not choose to magnify the causes of variance; every thing we have hitherto done, tends to make this evident. The importance of the Union is justly estimated by all its parts; the being founded upon a perfect accordance of interest, it may become perpetual. I know that the point before us has often been selected as a proof that there was an incompatibility of interest in the United States. On this opinion I beg leave to remark, that the difference in point of capacity in the several States to build ships and furnish seamen, is much less than has generally been supposed. From the extremity of the Northern States until we reach South Carolina, materials of all sorts for ship-building can be obtained in abundance from the bounty of nature; even Georgia abounds with materials of superior quality; although their population disqualifies them for ship-building at present, yet their advantages are such as to enable them in a short time to rival the most prosperous State. In the next place, I may remark, that so far as the encouragement of our own shipping will be given at the expense of the people of the United States, it will diffuse and equalize its operations in every part. The ships belonging to one place will, like the people, seek employment in another where better wages are obtained, and this, in its operations, will level any inequalities supposed to arise from legislative interference.

With respect to the particular article before the House, I do not think it requires the discussion that has been gone into. If we consider the small proportion of shipping belonging to nations in commercial alliance with the United States, a duty of thirty cents per ton will be found to affect, in a very small degree, the interest of any particular State; if it increases a supply from that quarter, the burden will lighten in proportion. With respect to the clause which follows, I have in view to make a proposition to obviate the complaints of the Southern States. I mean that the duty shall be light until the 1st of January, 1791, when it shall be increased; this will give a considerable opportunity for those States that are able, to make gradual preparations to fill up the vacancy that will be left by the withdrawing of foreigners. The more I have been able to collect and compare facts, with respect to American and foreign shipping, the more I am persuaded that it is in our power, in a very short time, to supply all the tonnage necessary for our own commerce. It was said, that the foreign tonnage consisted of two-thirds of what we employed; the facts before me warrant a result more favorable to the navigation of America. It appears from the returns of Massachusetts, that she employs in her commerce 76,857 tons of American, and but 8,794 foreign; New York, 55,000 American, and 30,000 foreign; Pennsylvania, 44,089 tons of her own vessels, and 28,012 belonging to various other nations; Maryland gives employment to 35,671 tons, the property of citizens of the United States, and 26,061 belonging to foreigners; Virginia employs rather more foreign vessels, namely, 29,567 tons,

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and less American, viz. 26,705; South Carolina has engaged in her trade 31,904 American, and 25,073 foreign; and Georgia employs but 6,500 American, and 13,500 foreign; so that, besides this latter, no State employs so great a proportion as two-thirds of foreigners. New Hampshire, Connecticut, New Jersey, and Delaware, I have not been able to ascertain, but I think there is good reason to believe, that the proportion in those States is considerably in favor of American vessels.

The tonnage employed in the seven States I have enumerated, amounts to 437,641 tons, of which 160,907 are all that is owned by foreigners. If I can draw any conclusion from this statement of facts, it is that we have a greater proportion of shipping than has been supposed. This circumstance, annexed to our capacity of increasing the quantity of our tonnage, gives us a favorable presage of our future independence.

It has been said that the Eastern States have not vessels to transport our produce. I believe, from a variety of circumstances, that the vessels of Massachusetts have not been so readily employed in the Southern commerce as could be wished. This will, perhaps, continue to be the case, except our own citizens carry on our trade. At present, it is almost exclusively in the hands of British merchants, and as long as their vessels are upon an equality with ours, they will naturally be inclined to give a preference to their own; but I hope to see this matter soon rectified, and the citizens of one State enabled to assist those of another, and receive mutual benefits and advantages. To accomplish this without doing an injury to any part of the Union, I would propose to reduce the duty only to 25 cents, and increase it at the end of the next year to 60 cents.

Mr. SMITH (of South Carolina).—I apprehend, Mr. Speaker, that on the question of interest with respect to the navigation law, the interests of the Northern and Southern States are more at variance than gentlemen seem apprised of. In my opinion, it would be the interest of the Southern States to give a bounty upon tonnage. In the opinion of the gentlemen from the northward, it is proper to lay a heavy duty. To be sure, I must acknowledge the liberality of gentlemen in not going quite so far as their interest would seem to lead them, but I fear they go farther than will serve the interest of the Southern States. The State of South Carolina is in a very deplorable condition from the ravages of the late war; the inhabitants were mostly plundered of the conveniences and necessities of life; they had to incur considerable debts in consequence; but very heavy debts existed before the war, subject to an interest of 8 per cent. The State is also considerably in debt, the domestic debt alone amounts to a million sterling, and there will be no way to pay this off but by recourse to direct taxation. The State owes to foreigners about one hundred thousand pounds sterling, which must be paid in specie, and also raised by direct taxation. Under these circumstances, the people must endeavor to obtain the best price for their produce; any measure,

therefore, that tends to diminish that price will add to their embarrassment.

Gentlemen tell us of the quantity of American ships we may expect, of the low price of labor, and the superabundance of materials to construct them; that they can probably be built at this time for half of what the British build theirs; yet they do not come much among us. Our foreign transportation is made principally in British vessels; indeed, we are at the mercy of foreigners in this particular, and unless they come to us we must be ruined; it would be unwise, therefore, to adopt a measure that would amount to a prohibition. The American tonnage employed in South Carolina has been stated at 31,904 tons, but it is to be considered that these are principally coasting vessels, carrying little or none of our produce, and that they enter eight or ten times in a year. This reduces the apparent quantity to a very inconsiderable actual amount, and leaves us more dependent upon foreigners than we appeared on the first view to be. When these circumstances are duly weighed, I hope gentlemen will not attribute it to a want of liberality in the Southern States, because they are not willing to go so far with them as to destroy the agriculture of their country.

I have some doubts in opposing my judgment to gentlemen who have better information; but, so far as I am able to form an opinion, I think the demand for the rice of South Carolina will depend upon the price, and that the freight which is paid for taking it to market will fall upon the shipper. Rice is carried to those countries where it will come cheaper than the grain used for bread. Great Britain takes considerable quantities of rice, but it is not for her own consumption; she seeks out markets of this kind, and disposes of it to a profit, to pay her circuitous freight. She will not be able to continue this traffic if she has to pay us half a dollar duty; for whatever is added to the freight must be taken off the commodity. The planter will have to lower his price, or the exportation must be cut off. If this be the case, it is evident that a duty on navigation is against the interest of South Carolina and all the agricultural States. I think we have already shown sufficient attention to the manufacturing States, by the impost duties which are agreed to. Gentlemen will please to remember that the revenue from most of the articles that are taxed will be drawn from the Southern States. We must give an increased price for our necessary supplies, or refrain from their consumption; or we must part with our productions at a less rate. This will be an evil we are unable to sustain in our present distressed condition. You will consider again, if the consumption of the imports is lessened, there will be less reason for British ships to come to us. If the quantity of tonnage is diminished, I need not repeat to the House the consequences. The British merchants will hardly send their ships in ballast to South Carolina for the sake of carrying our produce; the principal reason why we have the advantage of their trade is because we take their manufactures and give our produce in exchange. It is said we ought to

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encourage our allies to come among us and participate in our trade. I do not think the difference proposed between foreign nations can accomplish this object. Nothing less than a duty equal to a prohibition on British ships can do it. Our connections are kept up with them by the vast debts due to her merchants and factors; it is their policy to continue us in these commercial fetters. Year after year they import fresh cargoes, and give us credit for the articles we want, taking from time to time our produce in payment. Nothing, therefore, will be a complete remedy, unless you can prevent the consumption of British goods. I believe the people of South Carolina are willing to make sacrifices to encourage the manufacturing and maritime interests of their sister States; but I hope gentlemen will not press the matter too far, and while they are securing advantages to themselves bear too hard upon others. I wish, therefore, for their consent to reduce the tonnage on the vessels of our allies to twenty cents, and on British bottoms to thirty cents. But if gentlemen persist in keeping up the rate laid in the committee it will be injurious to the trade of the Southern States generally, and oppressive to the planters in particular, who have not yet recovered from the losses and misfortunes entailed upon them by having their country the seat of war. The distress of the inhabitants of South Carolina has been extreme; it has engaged them to pass a law of a questionable, not to say false policy. But the time is now come to prevent a repetition of the measure; yet their debts must be paid; and it is well known that they have not a farthing of specie circulating among them, by reason of a depreciated paper medium from ten to fifteen per cent. below par. How, then, can they ever look for ease or content but by getting a good price as a reward for their industry? If the Government prevent by this heavy tonnage duty, they must be answerable for the consequences.

Mr. GOODRICH had no intention to injure the interest of the Southern States. He was sorry for their distresses, and wished every encouragement and protection should be given them. With a view, therefore, of obviating the inconveniences suspected by gentlemen, he would second the motion of the gentleman from Virginia, (Mr. MADISON,) if the gentleman would bring it forward, relative to adding a distant day for the high duties to commence their operation.

Mr. BOWDITCH—I look upon this subject as of considerable importance to the prosperity and welfare of the United States; of considerable importance as it affects the interests of the individual States. Whenever I speak of trade, I must own that I feel as if I were out of my element. I can only form my opinion, and determine from such facts as are before me, and the information I get from gentlemen on the floor. I take it the object in view is to raise a revenue for the support of your Government, and that it must be obtained from one quarter or another; it must either come from an impost on goods, a duty on tonnage, or

from direct taxes laid upon the citizens of the Union. We all seem to agree that, where it can be done with propriety, it is most eligible to take it from trade. Under these impressions, we agreed to an impost upon goods, wares, and merchandise. I believe there is no gentleman but would give up every restraint upon commerce, if it were possible to do so without encumbering it with protecting regulations. Then, with respect to the proposed duty on tonnage, it will be necessary to ask if it be reasonable in itself, and such as will, in an adequate degree, supply the wants of the Union, without adding too much to the embarrassments which trade labors under? For my part, I conceive the best evidence on this point the House is in possession of arises from the conduct of the different States throughout the Union. It will appear, by referring to their laws, that they have generally adopted the idea of discrimination, and often laid it upon the tonnage. Pennsylvania has laid a duty per ton on vessels of nations in treaty, and a much higher one on those who are not in treaty. Maryland has laid 1s. 8d. per ton on those in treaty, and 2s. 8d. on those who are not in treaty, except British. The British vessels pay 6s. 8d. besides two per cent. on goods imported therein, over and above what is paid by others. Virginia lays 3s. 6d. upon those in treaty, and 6s. 6d. their money, on the nations not in treaty, besides the addition of two per cent. ad valorem on all merchandise so imported. Carolina lays a duty of 2s. 9d. sterling upon British sugars, and 1s. 8d. only on those of other nations. This duty, both in principle and consequence, is the same as the one now under consideration. These duties upon the vessels of foreigners in alliance with us average about 2s. 6d. per ton; consequently, we are within the mark when we propose thirty cents, or a sum equal to about 2s. 3d. This being the case, I should conceive, if there be no further objection, that a duty of thirty cents was just and reasonable, and could not have a bad effect in any part of the United States. But gentlemen have stated objections from the peculiar circumstances of some of the States. These objections ought to be attended to, and seriously considered. The spirit of accommodation evinced by both sides of the House is really a subject of congratulation, and gentlemen will not press hard for a measure that militates against the interest of others. The State of South Carolina requires us to be tender, with regard to her, in this instance. She wishes to emancipate herself from the slavery in which, by adventitious circumstances, she is entangled.

Now, sir, I am of opinion that the true way to enable her to regain her strength and vigor would be to render her independent of the attendance of foreigners upon her. I think, too, that it might be done in a little time; because, under a small encouragement, our navigation would grow up, so that her sister States might supply her with vessels enough. With this assistance she would soon clear herself of her incumbrances. When she comes to consider the present regulation in this point of view, she will be satisfied with it,

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although it may seem to bear a little hard at first. To prove that these expectations are not chimerical, I need only mention the present situation of our India trade, a commerce of but yesterday, and yet there are no less than forty-seven sail of vessels, at this moment, on voyages to and from that country. If these go so far in search of freight, I should imagine employment nearer home would be more agreeable. I think nothing but an imposition on foreign shipping, equal to what the Americans sustain in other countries, can enable us to be a maritime nation; and, without this, the abundance nature has lavished upon us will be of little avail. But these advantages ought to be grasped at with caution. I would not materially injure any State by our regulations, if the object could be accomplished by other means. I am willing to go so far with the gentlemen as to reduce the duty to twenty-five cents, but to increase it hereafter in the manner proposed by the gentleman from Virginia, (Mr. MADISON.) This, I take it, will furnish us with a considerable revenue; and as the quantity of foreign shipping decreases, the revenue will still be the same, by an increase of the rate of tonnage; it will also be serving the Southern States, which I am willing on every occasion to do, as far as good policy admits.

Mr. TUCKER.—It appears to me that we should rather study to give relief to the citizens of the United States than to add to their burdens. If we inquire particularly into the measure now before the House we shall find it will be very burdensome, and one that will bear unequally. It will be harder upon some States than on others, and some will not at all be affected by it. Those States that have ships of their own pay but six cents per ton upon what they use; others who have none are obliged to pay a much greater proportion towards the revenue, while it is a principle that all duties shall be equal. The exports of South Carolina are more bulky, and consequently employ a greater quantity of tonnage than the Eastern States. The gentleman from Virginia (Mr. MADISON) favored us with a statement of the tonnage employed in seven of the United States: it amounted to 437,000 tons. The proportion employed by South Carolina, by his statement, is about 60,000 tons; and this appears from the returns of the custom-house of the port of Charleston alone. There are other ports in South Carolina: the tonnage employed therein amounts to several thousand tons more than stated. This, too, was a report for the year 1787, since which time our exports have increased considerably. Certainly the quantity of rice made and exported last year is twenty or thirty thousand tierces more than was shipped the year before; of course there must be more shipping employed now than there was then. These considerations may justly be allowed to increase the proportion of the tonnage of South Carolina to 70,000 tons. Then is 70,000 tons to 437,000 the proportion by which she is represented in this House. The representation of that State is one-thirteenth part of the whole, but the revenue she is to contribute is in the ratio of

a sixth or a seventh. Now, on this calculation, it appears she pays a tonnage duty nearly equal to double what could be required of her by direct taxation.

Gentlemen have shown themselves extremely tenacious whenever they apprehended their States were likely to suffer more from a regulation than others. I do not mean to reflect upon them for this conduct. They may suppose themselves better acquainted with the local circumstances and ability of their immediate constituents than other gentlemen are, and can foresee the probable effects better. Under these impressions they give opposition. They not only have a right to do so, but it is their duty, and they would be blamable if they did not. I do the same on this occasion, on the same principle.

It ought to be considered, further, that the States who have no shipping of their own, pay the duty to go out of their States, because the price of freight will be the same for American shipping as for foreign. The duty on the whole quantum will be paid, but a great proportion does not go into the public treasury; it goes into the pockets of the owners of American vessels.

It has been observed, that the exports of this country cannot be obtained from any other quarter, and it is inferred therefrom, that, however much we increase the price, it must be paid by the consumer. The weight of the observation has been in a great measure removed by the remarks of several gentlemen, but I do not think the inference is fairly drawn. It is a fact, that the merchants who have had this produce, have not been able to increase the demand: so far from it, in some years they have lost thirty or forty per cent. by the business. This, then, is a proof that the burden falls upon the planter, and not on the consumer. The quantity we send to market must be used: the price depends upon the quantity and demand. As a further proof, I need only mention, that last year there was more rice exported from South Carolina than in former years, and the price at Charleston fell from 14s. to 10s. per cwt.

By these observations, I have only attempted to show the effects of a general regulation; but if any discrimination takes place, and bears exclusively upon particular States, the measure most undoubtedly becomes more exceptionable. The discrimination on shipping will certainly raise the freight to the amount of the highest duty. Both American vessels and those of our allies will take advantage of the situation of South Carolina, and receive the same sum from as the British, who pay a considerable part of it into the treasury. From some accounts of the custom-house, it appears that the tonnage employed at Charleston amounts to 62,000 tons; add the tonnage of the other ports, as I said before, and it will be 70,000. Gentlemen have contended that two-thirds of our shipping are American. If their proportions are just, then South Carolina will have to pay the highest tonnage we lay on the whole 70,000 tons she employs. Consequently two-thirds of this sum are given as a bounty to

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American shipping; and but one-third goes into the treasury to increase the revenue. Then it appears that the object of the tonnage duty is not so much to raise revenue, as to give encouragement to the shipping of the other States. The Northern States will pay none of these burdens, if they export their produce in their own bottoms, or if it should happen that the owners of ships take the advantage of the high duty. The consequence will be, that they only pay a bounty to their own shipping, and the money does not go out of their State; but when it is paid by the Southern States, it goes for the benefit of others, out of the country, never to return.

The gentleman from Jersey (Mr. BOURNOR) has made some calculation of the tonnage duties under the former Confederation, and it appears to him from thence, that the States are willing to come into a tonnage duty nearly to the same amount of what is now proposed. That this is every where the case I deny. But admitting it, for argument's sake, to be as he has said, that all the States have laid duties of this nature, it only proves two things: first, that they were in a state of independence, at liberty to do what they pleased in their own ports; and secondly, that the duties or impost so collected continued in their treasury for their own use and convenience. It was a matter of no small consequence whether the supplies were obtained in this way or another, for it was only a transfer from one tax to another; it was paid to the State, and did not leave the country. The Southern States are willing to submit to the inconvenience of a general regulation of commerce; but let them not bear an undue proportion of the burden. They are willing to accede to something further for the encouragement of American navigation; twenty cents on one class of foreigners, and thirty on another, will give the shipping of the United States considerable advantages. These we are willing to lay. I hope gentlemen will not insist upon forty or fifty, because I think it really oppressive, and will certainly give displeasure to the Southern States.

Mr. BLAND hoped gentlemen would get more information, and be better prepared to determine the question to-morrow, when he expected the subject would be taken up again; at present it was growing late; it was high time to adjourn. He moved the adjournment, and the House agreed to it.

A message from the Senate informed the House, that they had passed the bill to regulate the time and manner of administering certain oaths, with amendments, to which they desired the concurrence of this House.

WEDNESDAY, May 6.

JOHN VINING, from Delaware, appeared and took his seat. The bill for laying a duty on goods, wares, and merchandises imported into the United States, was read a second time, and ordered to be committed to a Committee of the Whole House to-morrow.

A petition of Arthur Greer, of the State of Pennsylvania, was presented to the House and read, setting forth that he has invented a machine which he conceives has reduced to a certainty the discovery of the true longitude or departure from any given meridian north of the equator; and praying that an exclusive patent for his discovery may be granted him for the space of twenty-one years.

Ordered, That the said petition do lie on the table.

On motion of Mr. SHERMAN, the House entered upon the consideration of the amendments of the Senate to the bill for regulating the time and manner of administering certain oaths.

The following amendments being before them, to wit:

"That the members of the several State Legislatures, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State in which such officer shall be held to administer oaths. And the members of the several State Legislatures, and all executive and judicial officers of the several States who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons who, by the law of the State, shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner as, by the law of the State, he or they shall be directed to record or certify the oath of office."

Mr. GERRY said, he did not discover what part of the Constitution gave to Congress the power of making this provision, except so much of it as respects the form of the oath; it is not expressly given by any clause of the Constitution; and if it does exist, must arise from the sweeping clause, as it is frequently termed, in the eighth section of the first article of the Constitution, which authorizes Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government or officer thereof." To this clause there seems to be no limitation, so far as it applies to the extension of the powers vested by the Constitution; but even this clause gives no legislative authority to Congress to carry into effect any power not expressly vested by the Constitution. In the Constitution, which is the supreme law of the land, provision is made, that the members of the Legislatures of the several States, and all executive and judicial officers thereof, shall be bound by oath to support the Constitution. But there is no provision for empowering the Government of the United States, or any officer or department thereof, to pass a law obligatory on the members of the Legislatures of

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the several States, and other officers thereof, to take this oath. This is made their duty already by the Constitution, and no such law of Congress can add force to the obligation; but, on the other hand, if it is admitted that such a law is necessary, it tends to weaken the Constitution which requires such aid; neither is any law, other than to prescribe the form of the oath, necessary or proper to carry this part of the Constitution into effect; for the oath required by the Constitution, being a necessary qualification for the State officers mentioned, cannot be dispensed with by any authority whatever other than the people, and the judicial power of the United States, extending to all cases arising in law or equity under this Constitution. The judges of the United States, who are bound to support the Constitution, may, in all cases within their jurisdiction, annul the official acts of State officers, and even the acts of the members of the State Legislatures, if such members and officers are disqualified to do or pass such acts, by neglecting or refusing to take this oath. He concluded his observations, by submitting to the House the propriety of appointing a committee of conference, to state to the Senate the doubts of the House upon this subject.

Mr. BLAND had no doubt respecting the powers of Congress on this subject. The evident meaning of the words of the Constitution implied, that Congress should have the power to pass a law, directing the time and manner of taking the oath prescribed for supporting the Constitution. There can be no hesitation respecting the power to direct their own officers, and the constituent parts of Congress; besides, if the State Legislatures were to be left to arrange and direct this business, they would pass different laws, and the officers might be bound in different degrees to support the Constitution. He not only thought Congress had the power to do what was proposed by the Senate, but he judged it expedient also, and therefore should agree to the amendment.

Mr. JACKSON—I believe this House, and the other branch of the Legislature, have the power, by the Constitution, to pass a law, obliging the officers of the State Governments to take the oath required by the Constitution that their States have adopted, and which has become the supreme law of the land. I believe the general opinion of the House inclines to favor this sentiment. It then only remains to examine the measure on the principle of policy. Here I must give my opinion. I believe, sir, that it is not time to bring it forward, that it is not expedient at present, because some jealousies exist respecting the jurisdiction of the Federal and State Governments. The States had better be left to regulate this matter among themselves, for an oath that is not voluntary is seldom held sacred. Compelling people to swear to support the Constitution, will be like the attempts of Britain, during the late Revolution, to secure the fidelity of those who fell within the influence of her arms, and, like those attempts, they will be frustrated; the movement the party could get from under her wings,

the oath of allegiance was disregarded. If the State officers will not willingly pay this testimony of their attachment to the Constitution, what is extorted from them against their inclination is not much to be relied on. Besides, it argues a jealousy in the National Government, which can have no foundation. Can any thing show more friendly to the Union than adopting the Constitution, and sending us here to administer it? If we judge from these circumstances, there is good reason to believe that the State Governments will pay a proper attention to the duty enjoined upon them by the Constitution. I shall readily agree, if they do not pay this attention, that the National Legislature ought to exercise its powers to compel them; but they know the necessity there is for conforming to what the Constitution orders; if they neglect it, it becomes in some degree a relinquishment of their power in Government. No State Legislature can pass an act that will have the efficacy of a law. Suppose a judge on the bench were to condemn a criminal to die for an offence; the sentence could not be carried into execution, if the judge had omitted to qualify himself for the discharge of the duties of his office. In short, there would be a total stagnation of the Government, its vital powers would be suspended, until they were revived by the action of the Constitution. Besides, the Constitution partakes of the nature of a compact; it guarantees to the State Governments the principles of a republican government, conditionally, that the States conform themselves to what is declared in the Constitution; they must therefore take the oath directed by the Constitution, or infringe the compact; in which case, I apprehend, the guaranty is virtually withdrawn; this is another inducement for the States to perform their duty.

It is not necessary to press the measure at this time, because we see the States daily coming into those measures directed in the Constitution; when they thus voluntarily do their duty, where is the necessity of cramming an oath down their throats? For my part, I do not conceive, if a man is forced to take an oath, that he is bound to keep it; at least it is not generally believed to be so, for how often have we seen a man swear three or four times backward and forward during the late war? Oaths were then seldom kept longer than suited the convenience of the party; therefore I am against imposing them when we can possibly do without them; and in the present case we can, perhaps, better do without them.

Mr. LAWRENCE.—I believe, Mr. Speaker, if there is any thing improper in making provision that the officers shall take an oath to support the Government, the fault cannot properly be charged upon us, because the provision is already made, and adopted by our constituents, and we are to suppose that some beneficial effects were intended by it; while we are reprobating the measure let us take care we do not fall under the censure, which the observation of the gentlemen last up brought to our view, of taking an oath, and neglecting to fulfil the duties enjoined by it. I

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believe, sir, that the persons who are to take this oath in conformity to the Constitution, will conceive themselves, after having taken such oath, under an obligation to support the Constitution. It has been said by one gentleman, that Congress have not the power to carry this regulation into effect. Only a few words will be necessary to convince gentlemen that Congress have this power. It is declared by the Constitution, that its ordinances shall be the supreme law of the land. If the Constitution is the supreme law of the land; every part of it must partake of this supremacy; consequently, every general declaration it contains is the supreme law. But then these general declarations cannot be carried into effect without particular regulations adapted to the circumstances. These particular regulations are to be made by Congress, who, by the Constitution, have power to make all laws necessary and proper to carry the declarations of the Constitution into effect. The Constitution likewise declares that the members of the State Legislatures, and all officers, executive and judicial, shall take an oath to support the Constitution. This declaration is general, and it lies with the supreme Legislature to detail and regulate it. The law is to supply the necessary means of executing the principle laid down; for how can it be carried into effect in any other manner? This explanation, I trust, convinces gentlemen that the power of enacting such a law exists in Congress. But whether it is good policy or not to do it, depends upon a variety of circumstances; for my own part, I think it prudent to make the necessary regulations for carrying into effect this part of the Constitution. I imagine some good effects were intended by the provision, nor can I think the feelings of the State officers will be injured by taking an oath to support the Government, when the people, in the language of the Constitution, have said they shall. Why should gentlemen suppose the members of the Legislature, or any public officer, have objections to take an oath, when the people have declared one shall be taken by them? I conceive there can be no rational objection on their part. I shall, therefore, be in favor of the amendment proposed by the Senate, trusting that good effects will arise from our making such a regulation.

Mr. SYLVESTER.—I am an advocate for supporting the dignity of the House, and to me it appears somewhat inconsistent that we should change our sentiments, in order to conform to the amendment of the Senate, without knowing the reason upon which they have founded the proposed measure. No doubt, but sufficient reasons have occurred to them, but none have appeared to this House. If we are to follow the Senate in all the alterations they propose, without hearing reasons to induce a change, our time in deliberation is taken up unnecessarily. With respect to any member of this House who has not taken the oath, I concur that they are to pay obedience to what the authority of the Legislature may order of this head. Nay, I am equally clear that the power to regulate the members of the State Governments in

taking the oath, is either lodged with the Congress of the United States, or no where. But it appears to me that the State Legislatures have a concurrent power with Congress in this regulation, for the officers of the General Government and State Governments are called upon in the same manner. "The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation, to support the Constitution." These are the words of that instrument. The question, then, is reduced to its expediency, whether it is good policy to exercise the power or not? I am afraid, Mr. Speaker, if we exercise this power, it may be considered an interference with the State Governments. I would rather leave them to their discretion, trusting they would come forward and take the oath; it is unnecessary for us to intermeddle, if they will conform to what is directed by the Constitution. It appears to me most prudent that, till we see a disposition in the State Governments to neglect this duty, we do not, by law, oblige them to perform it. I wish the Government to go on gradually in administering the Constitution, and not give umbrage even to its enemies, by a compulsory act, when there appears no necessity for it.

I could not concur in the amendment proposed by the Senate, even if I considered it not inconsistent in the House to adopt a measure they had previously rejected, unless some good reasons were offered to show its propriety; not but if I have been mistaken, I am always ready to retract my error, upon better information.

Mr. SHERMAN was not afraid of being charged with inconsistency. He had voted against a similar clause when the bill was before the House, but he was convinced now of its propriety; he thought it more eligible to have a general provision for taking the oath, than particular ones. It also appeared necessary to point out the oath itself, as well as the time and manner of taking it. No other Legislature is competent to all these purposes; but, if they were, there is a propriety in the Supreme Legislature's doing it. At the same time, if the State Legislatures take it up, it cannot operate disagreeably upon them, to find all their neighboring States obliged to join them in supporting a measure they approve. What a State Legislature may do will be good as far as it goes; on the same principle, the Constitution will apply to each individual of the State officers—they may go, without the direction of the State Legislature, to a justice, and take the oath voluntarily. This, I suppose, would be binding upon them. But this is not satisfactory; the Government ought to know that the oath has been properly taken, and this can only be done by a general regulation. If it is in the discretion of the State Legislatures to make laws to carry the declaration of the Constitution into execution, they have the power of refusing, and may avoid the positive injunctions of the Constitution. As our power in this particular extends over the whole Union, it is most

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proper for us to take the subject up, and make the proper provision for carrying it into execution, according to the intention of the Constitution.

Mr. BOUNDWATER wished to remove the gentleman's objections arising from inconsistency. The clause that was rejected by the Committee of the Whole on this bill, contained a penalty for the neglect of taking the oath as prescribed; but the amendment of the Senate was not objectionable on that account, because it contained no such provision.

As to the policy or expediency of the measure, he entertained not the least doubt respecting it. The Constitution said only that the officers of Government should be bound by oath, leaving to Congress to say what oath. In short, it was the duty of the House, as had been well said by the gentleman from New York, (Mr. LAWRENCE,) to detail the general principles laid down in the Constitution, and reduce them to practice.

He would enforce the expediency of the measure with one further remark. Several of the State Legislatures were sitting at this time, and had expressed a wish or expectation that such a regulation would be made by the General Government; if from principles of false policy the measure did not take place, the State Legislatures might neglect it also, and it was well known that their officers cannot act without it; hence the legality of their acts may be called in question, and give cause to a great deal of uneasiness and confusion.

The question on concurring with the Senate in their amendments to the bill was carried, with an amendment, that the members of the State Legislatures be directed to take the oath at their next sessions respectively.

The bill was, by order of the House, returned to the Senate as amended.

Mr. LAWRENCE, from New York, presented to the House an application, in the name and behalf of the Legislature of that State, addressed to the Congress of the United States; which being read, was ordered to be filed.

DUTIES ON TONNAGE.

The House resumed the consideration of Mr. SMITH's motion to reduce the tonnage duty on the vessels of foreign countries in alliance with the United States, from thirty cents per ton to twenty cents.

Mr. LAWRENCE.—I rise against striking out thirty cents to insert twenty. Probably, Mr. Speaker, if the motion had been instead of twenty, to insert fifty, I should not have risen to oppose the motion. Thirty cents I consider rather too small than too large an encouragement to navigation. I am sorry to find, sir, that this subject has been considered in the light of an opposition between the two extremes of the continent; because I apprehend every individual in the United States is alike interested; it is the mark of an honorable system necessary to the good of the whole. However, if gentlemen still think that any part of this system of finance bears harder on one part than on another, I shall

be more delicate in voting or using arguments to oppose them. But I will, with the liberty of the House, proceed to prove, that this part of our system does not bear so much harder upon one part than another, as gentlemen seem to think. In order to do this, I shall endeavor to examine the principles laid down by the honorable gentlemen who support the idea, that a tonnage duty will bear much heavier on the Southern States than on the Northern ones, previously making some observations on what has been urged by the gentlemen from Georgia (Mr. JACKSON) and South Carolina, (Mr. SMITH,) concerning the poverty of those States. They, with great ingenuity, eloquence, and, I may add, candor, displayed the desperate situation of those States; but, can it be unknown to this honorable House, that other States are also very poor? There are, you know, Mr. Speaker, certain degrees of poverty. It may be difficult, without the proper documents, to ascertain the relative degree of poverty between one State and another. The two Southernmost States are said to be oppressed with an enormous public debt; so are all the other States. It is said, that they have great difficulty in getting their produce carried to market. It may be so, but does not the whole of the commodities of those States find their way to market? There are not only different degrees of poverty, but there are also two kinds of poverty, which I will just point out to the gentlemen. The one is the poverty of those States which have got valuable productions on hand that they cannot carry to market—the other is, the poverty of having nothing to carry there, or very little. I need not trouble myself with repeating which of these kinds is the best subject for taxation. However, as I do not conceive this present article was particularly intended to be a tax upon one part of the Union more than another, I shall not dwell longer upon this point, but proceed to observe, and endeavor to prove, that this is a tax upon foreigners only; a tax which foreigners are very able and willing to pay: that is, they will not forsake the trade on account of this tax being laid upon it. It has been observed by the gentleman from South Carolina, (Mr. SMITH,) that the reason why British shipping get so much more freight than the vessels of the United States is, because of the debt which the Southern States owe to the people of Great Britain, and that those people are ready to receive their debts in produce, as soon as it can be got ready for them. This is just and kind of the citizens of South Carolina to use these means of extricating themselves from their difficulties; but I would ask the gentlemen, if they entertain any well founded apprehensions that the British merchants, for the trifling difference of the proposed tonnage duty, will neglect to call upon them, and collect in their debts in this manner? But if they had not this inducement, the duty is too inconsiderable to retard them from pursuing the profitable business of our carrying trade. Can it be thought, when we have so fair an opportunity to tax foreigners, that we should be acting the manly

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part to shrink from the experiment? I ask, would it be following their own example? Does the admiral to a participation in her carrying trade? Are we the carriers of our own produce into the West India islands, where they cannot make a shift to live without our assistance? Yet every person knows it would be our interest to go there, and we should be glad to have the privilege, on moderate terms, as well as Great Britain has, to trade to the Southern States; but, instead of a reciprocal advantage arising from our intercourse with Britain, she will not admit us into her ports in that quarter, upon any terms whatever. We cannot get from there even a single hoghead of sugar, while their ships get full freighted here. The British merchant cannot complain of a trifling duty of only one hundred tons and fifty dollars upon a vessel of three hundred tons; why, sir, it is so inconsiderable that it could not be felt, or hardly thought of. If we agree to this duty, we shall have something to give up to Britain when she is willing to enter into treaty with us for those advantages we mean to stipulate for in their West India trade. That is a profitable branch of business, and the people are ready to return to it as soon as they have it in their power. It is more profitable to our people than ever the carrying trade to the southward will be, because it is more in their way. But Great Britain will not be induced by a small temptation to favor our commerce; she is jealous of the profits arising from her carrying trade, and will admit none that she can help to participate in that business. We have now an opportunity of making our own terms, and have little more to do than take hold of the advantages which are, as it were, put into our hands.

It has been said, by another gentleman from South Carolina, (Mr. TUCKER,) that this is not a tax upon Great Britain, but a bounty in favor of our brethren of the Eastern States, who will get the money for two-thirds of the tonnage employed in America, from the planters and farmers who send their productions to market. Let us examine this point a little. Do not we all believe that the consumer pays the duty on every thing he consumes? This is a universal maxim, and although it may not be strictly true to the utmost nicety of calculation, yet it is generally true. Is the tax on molasses paid by the planter in the West Indies? By no means; it is a duty paid by the people who use it, either raw in substance, or distilled into spirit. No person can possibly conceive, that the duties we pay on merchandise imported, is a duty paid by the people of foreign countries from whence we get them; nor can they say that they are any more necessities of life than the rice, flour, iron, and lumber we ship to other nations.

Another idea is strongly insisted upon, that the duty in contemplation is too great a sacrifice to make in favor of the Northern States, that thirty cents is much too high a duty on the ships of our allies, or too great an encouragement to the Northern ship-building. In the first place, we are not laying a burden upon any particular

part of the United States. If I understand the matter rightly, the duty is to pervade the whole, and if there be benefit arising from the measure, it may be taken by all. But it will encourage the ships of the Northern States, gentlemen say. I trust it will; but does not the effect of the benefit expand to every part? A system cannot be improper which, beside producing considerable revenue, operates beneficially on a great part of the community, without injury to any. Thus it is, that a duty on clothing is eligible; while it raises revenue it promotes frugality and industry; a duty on rum is said to improve the morals of the people, by lessening the consumption, therefore it is proper; though, by the by, I question whether the duty we have laid on spirits will lessen the consumption. The tonnage duty, beside raising revenue, gives encouragement to the industry of ship-builders; but this encouragement is not confined to Northern States, it may be participated in by the middle and Southern ones. But then it is said that the Southern States are not possessed of navigation. Why are they not? They certainly might become proprietors of ships if they thought proper. The crops they raise will purchase ships, if they have not the convenience for building them; if they make more profit by their produce than by ship-building, so much the happier are they, and so much the better able to contribute their share of the public taxes. From all of these considerations, I am induced to think, that the duty agreed to by the committee is rather too low than too high, at any rate it cannot be thought too high.

Mr. BLAND.—I am in favor of the lowest sum, although I am a friend of the proposed discrimination. I conceive, Mr. Speaker, that it is a most important duty incumbent upon the Legislature, to attend particularly to the interest of the agricultural part of the United States. I do not think we are prepared, at this early period, to give to commerce the high encouragement proposed by the resolution before you. The gentleman who was last up observed, that the British merchants would not be deterred by the tonnage duty from coming to take our produce in payment of their debts. He may be mistaken in this opinion; he should recollect the new Constitution makes treaties the supreme law of the land, and under that foreigners may recover, in the federal courts, the amount of their debts by a legal process; the severe execution of this law may enable them to obtain our produce even at a cheaper rate than what it now sells for. Independent of our want of tonnage to transport our commodities, we should feel considerable disadvantages; but being at the mercy of the British merchants for our transportation, the Southern States will suffer prodigiously by a duty on their shipping, as they will be forced to employ them, and to give them what they demand.

Gentlemen say, they have it in contemplation to raise revenue by a tonnage duty. I think, Mr. Speaker, it is but doubtful policy to lay a tax on commerce, and burden the agriculture of America. If you aim at expelling foreigners, I have serious

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apprehensions you will throw the trade of the Union into a species of convulsion that may prove dangerous. Is it proper, therefore, to risk a subject of such magnitude at present? If the policy of encouraging ship-building in the manner proposed was clear, it would be a different case; but there is even in this House a great contrariety of opinion on that point. From this circumstance, I conclude that the measure under consideration is of questionable policy. I should therefore be in favor of adopting some temporary system, in order to give time to the House to get information relative to the state of agriculture and commerce; for without a more perfect knowledge of those two interests, than we at present have, I believe our regulations will be imperfect, if not inexpedient.

Mr. JACKSON.—Are we of the Southern States to lose our agricultural advantages? If we cannot carry our produce to market, we are cut off from the means of paying our debts, or improving our country. This, in our deplorable situation, will unpeople our lands, for no State is in such a situation as Georgia and South Carolina. New Jersey suffered a great deal no doubt from the ravages of war, but were they so generally exiled, and their property laid in ruins? Are they at this moment warring on their frontiers? Have they heavy debts hanging over their heads? No, New Jersey cannot now be so distressed; she has successfully recovered, and her wounds are nearly healed over, while those of South Carolina and Georgia are deep and painful as ever. If our commerce is restrained, how are we to pay our debts? No merchant will take our produce, unless he can export and dispose of it to advantage. What will he do, then? Why, sir, the poor planter must be left to his mercy, and we know the tender mercies of the British nation to be cruel. If this is not experienced in the Eastern States, it is happy for them; but the iron hand of oppression is held over the Southern ones. I dread every thing that can increase its weight, fearful lest it check the operations of industry. The agricultural interest ought to be encouraged and protected, instead of depressed, being the principal and leading interest of the United States, requiring the serious attention of the Legislature, and we ought to be governed, on this occasion, by what will be most conducive to its support.

Mr. FITZSIMONS.—I consider this as a very important subject, Mr. Speaker; it is of considerable importance as it respects the State I have the honor to represent. Some gentlemen have seemed to suppose, that the duties we have imposed are favorable to commerce, and that we have done a great deal to befriend those engaged in that pursuit; but, sir, it is not true that an import is an encouragement to commerce, the direct contrary is the fact. Look at the revenue then which you are about to derive from that interest, and say, if it does not require some degree of protection in return. All that your merchants ask, or expect, for the sacrifices they make for the general good, is, that a preference be given to American shipping. The Representatives of the

people will gratify them in this, if we can show that the support of their interest is intimately connected with the interest and welfare of their country. I do not know how it happens, that gentlemen give up the idea of revenue from this source; but to my mind, the revenue derived from a foreign tonnage will be very considerable, and paid by the people of other nations; for, notwithstanding all that has been said to the contrary, I can demonstrate, that considerable quantities of our produce will go to a market where our vessels cannot go, and that the consumer, in such case, must pay the duties we lay on the ships that carry on that trade. I instance several articles so circumstanced on a former occasion; it will be unnecessary to repeat them to the House.

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How it becomes contemplated by some gentlemen, that the tonnage duty on foreign vessels will be exclusively paid by the Southern States, I cannot tell; I think they are not well warranted in such a supposition. The calculation of the tonnage employed in America, as stated, and I believe it was stated from good authority, by the gentleman from Virginia, (Mr. MADISON,) does not support the opinion. The foreign tonnage by that calculation is, Massachusetts, 8,000; New York, 30,000; Pennsylvania, 28,000; Maryland, 26,000; Virginia, 29,000; South Carolina, 25,000; and Georgia, 13,000; (I leave out fractional parts of thousands.) Now, if it is really as gentlemen suppose, but which I do not think, that the whole of this revenue falls upon the individual State where the duty is collected, where is the great inequality that has been spoken of? Look once more at what each contributes, and see if the proportion is so great as apprehended. But admitting the inequality, is its inconvenience to be compared to the great national advantages resulting from such encouragement?

It was said, by some gentleman on a former day, that a considerable part of the produce was lying upon hand for want of shipping to carry it off, and in the State where this is the case no tonnage duty exists. I do not know from whence the information came; but I doubt the gentleman was deceived in assigning the cause why the produce was left to perish in the warehouses. I believe, where it has, often happened that considerable loss has been sustained by purchasing articles at too high a rate, those people who have met with the misfortune are apt to decline giving a price for it. The gentleman, I think, acknowledged that the merchants concerned in shipping the rice of the Southern States, had met with a loss of from 20 to 50 per cent. on what they sent abroad. If this is the case, can any body suppose they will continue a trade with this evident disadvantage? The gentlemen from the tobacco countries may expect the same; the exporters of that article have suffered similar misfortunes. We ought not, therefore, to say that the reason why our produce remains on hand is, because there is no shipping to carry it off. Such things have happened when there has been no want of shipping. If the price of produce is greater at home than abroad, it would not be transported, if the vessels were

doubly as numerous in our ports as they are. Yet gentlemen complain that the price of produce is too low. We have, since the peace, received very high prices for our produce; but I believe the average price is now generally higher than the average price before the Revolution. I remember tobacco was cheaper then than it is now. It is truly said, that the price of an article depends upon the quantity and demand; the first has increased very considerably, and the latter little, if any. The cultivation of tobacco has extended itself over South Carolina and Georgia. Before the Revolution there was scarcely any raised there. Gentlemen do not imagine, because the fertility of our lands, and the industry of our citizens, double the quantity of produce we have for sale, that the people of other countries shall consume double what is customary. A man can use but little more snuff or tobacco, if it is much cheaper than common, and I still say the consumer pays the price, although that price depends upon the quantity at market, and the demand for it.

It is apprehended by some gentlemen, that a foreign tonnage duty will fall exclusively upon the Southern States. We have seen this opinion not well founded; and the effect is supposed by them to be this. As they have no shipping of their own, they depend upon foreigners; that these will desert them because they cannot afford to pay fifty cents per ton; and of consequence the produce of those States must perish unsold. Let us examine and see how likely it is, that such consequences will result from the proposed measure. There is shipped to Great Britain annually, about 50 or 60,000 hogsheds of tobacco, of which the subjects in that kingdom consume about 13 or 14,000, the remainder is shipped to other countries. Tobacco pays a freight from here to England of from thirty to forty shillings—sterling per hogshed, beside commissions and charges of twenty shillings more; after this, the quantity re-shipped pays another freight before it reaches the country where it is consumed. Do gentlemen think the merchants of Great Britain would resign this lucrative trade, and the employment of so many thousand tons of shipping for the trifling duty of half a dollar per ton? What does three shillings and nine pence amount to on a hogshed of tobacco, or a cask of rice? On tobacco one shilling and six pence, and about one shilling on a cask of rice. Will this affect the agriculture and destroy the commerce of South Carolina or Georgia? Will it be equal to the burden which American vessels are subjected to in British ports? Sir, the amount of the light money alone in England is about twenty pounds sterling on our ships. They have innumerable advantages in their own ports over us, and they have exclusive advantages in our ports. They can take in freight for the British West India islands, and we cannot carry them a barrel of flour. The trade between America and that part of the British dominions is of the very first importance to that nation. Of the four millions gallons of rum imported into America, three millions five hundred thousand come from the British colonies. If we did not furnish

a market for this article, it would be useless to them; but this is not the only advantage they derive from us, we furnish them with certain articles necessary for the existence of the colonies, which are either exclusively got here, or the price is so moderate that it is not worth their while to get them elsewhere. But some things are not to be got in any other country; a proof of this need hardly be adduced. You have seen the Northern colonies planted since the peace, to rival us in those supplies; but you see those colonies themselves dependent upon us, also, for necessities. During the last war, they paid in the islands fifteen pounds sterling per 1000 for hogsheds staves, Scanthing, boards, shingles, and staves, can only be got from America. Without these they can neither build nor cover their houses; they cannot procure casks for their produce, but if they could get them from any other, it would not be worth their while, because of the expense. Can gentlemen suppose Britain would forego the advantage of supplying us with 3 or 4,000,000 gallons of rum annually, and carrying in return the most valuable of our commodities? Would they be driven from our ports by such a paltry consideration as three shillings and nine pence, Pennsylvania currency, per ton, yet the revenue to us would be considerable, although the duty is but moderate. I look upon the measure as a wise and politic one, worthy of the Representatives of the United States. I do not believe any such dangers will arise from the execution of it as has been predicted; the burden will be unequal in a very small degree at first, and must soon equalize itself; therefore, in my opinion, not one of the objections made to it ought to have any weight on the minds of the members.

Before I quit the subject, I will add one further consideration. The United States can have no commerce without a Navy. Whenever a war shall break out, what a situation will this country be in? How are we to protect our trade? And upon the success of our commercial enterprises depends the sinews of our strength. If our commerce is ruined, our revenue from the impost annihilated, but if we increase our navigation, and add to the number of our seamen, we shall become respectable, and may be able to pursue our obvious interest in supplying the parties engaged with the superabundance of our soil, and enable us to stipulate for reciprocal advantages in the West India commerce. If we do not now, while we have time, improve our situation, two or three British frigates may prevent us from gathering these benefits hereafter. The decided advantages of having ships of our own to transport our produce, is too apparent to be much insisted upon. Every gentleman can see how the commercial and agricultural interests are blended in this case, and that the benefits conferred on the first reflect with great strength upon the last. I shall conclude, with repeating the expectation of the commercial part of your citizens. They ask a preference for their own ships, in order to restore the commerce of America, which was nearly ruined by the effects of the last war. They

do not ask a high duty, a moderate one will suffice. I wish to fix in gentlemen's minds, that high duties are not advantageous to merchants, and therefore it is seldom that they are benefited by them. High duties require a considerable part of their capital in money, and the payments do not always come at the most convenient seasons; besides, they subject their operations to restraints, and are therefore injurious. I will not enumerate the advantages of the proposed measure as to the revenue it will raise, nor try to show the probable increase of shipping it will in a few years produce. I am satisfied with the equality of the duty, and its salutary effect as it respects the political, commercial, and agricultural interests of the United States, and shall therefore vote against any reduction that has been, or may be proposed.

Mr. BLAND.—I never am actuated by narrow or selfish principles, and I should suppose that gentlemen, though they differ with me in opinion, are actuated in a similar manner. The gentleman last up seems to doubt every information given to the House, in argument, except his own. In matters of calculation, I always pay a deference to informed and intelligent minds, and when a member speaks on the subject of commerce, I conclude he speaks with information; but he may err in a desultory calculation as well as others, and it does appear to me, that no member can be possessed of the proper data to form a judgment upon. Under this impression, I could wish we had not gone so early into a system of perpetuity. If we had adopted some temporary expedient to secure our main object, revenue, and then ordered the proper information to be laid before us from all parts of the Union, we should be able to walk with rectitude. I fear at some future day, when we review our proceedings, we shall be concerned to discover how much we have deviated from that path. I do not presume to say it is intentional in the House, because I believe every gentleman present is disposed to promote the general welfare; but it may arise from want of that full information and mature knowledge which the subject most unquestionably demands. No satisfactory impressions have been made on my mind how to vote on this occasion; yet I am anxious so to assimilate the interests of the two ends of the continent, as well as the intermediate parts, that the greatest possible degree of public good may be produced by the least degree of evil. The agricultural interest is the permanent interest of this country, and therefore, ought not to be sacrificed to any other.

Mr. BALDWIN.—After the subject has been gone through so fully, it remains for me to say but little. I should not have risen at all on this occasion, if it had not been to express my approbation of the proposition promised by the gentleman from Virginia, (Mr. MADISON,) respecting a small discrimination at present in favor of American shipping, and looking forward to a greater difference at a future day. I hope the decision will be in this way.

The question now before the House, is for the reduction of the tonnage duty on the vessels of

foreign nations in treaty with us. I would then ask, if there is such an overbearing and preponderating influence, as to make them dangerous to the American navigation? So far as we are informed, the vessels of such Powers form but a small part of what are engaged in our commerce. Suppose, then, we reduce the discrimination between our own vessels and theirs; it will be an encouragement for more of them to come. And is it not desired by gentlemen that more of them should come? That they want encouragement for this purpose, is capable of complete demonstration. We see every day, the manufactures of those countries and the produce of this, which they require for their consumption, coming and going in vessels belonging to other nations. This circumstance forms a clear and evident proof that our commerce is not in its natural channel. The report makes a discrimination against them, of at least five times as much as the whole duty on American vessels amounts to. If the difference was double, or even treble as much at this time, it would give great encouragement, and not materially affect the revenue, and might be extended hereafter, so as to produce the effect which gentlemen aim at. Their object, if I understand them right, is not so much to give our shipping employment, for the present, as it is to induce the building of them in future, so as to lay the foundation for a marine. Then I take it, Mr. Speaker, their object will be better attained by the measure proposed by the gentleman from Virginia; that is, lowering the duty now, and increasing it two or three years hence; to which period we are compelled to look for those improvements in our navigation which seem to be wished by every gentleman on this floor.

Mr. AMES.—It has been said, that the duty on foreigners ought not to exceed more than two or three times what has been laid upon our own tonnage. I beg to remind gentlemen, it never was the intention of the House to impose any duty whatever on American shipping: the six cents that were laid upon a different principle. This being the case, gentlemen will not draw any inference from what was done, to favor what is yet to be done; where the principles are inconsistent, the comparison does not hold good.

Mr. GOODRICH.—The difference proposed is but a trifle in favor of foreigners; indeed the whole duty is but low; perhaps it may be best to be so. But I arose only to call on gentlemen to reflect upon the necessity there is of encouraging the American navigation, and see how much the Southern States are interested in the measure. Suppose, and it is no unlikely supposition, a war was to break out in Europe between any Power and the nation carrying on so much of our commerce: she could not send vessels without encountering a freight proportionate to the risk. In such a case, the gentlemen to the southward must look at home for the means of transportation. If it could not be got here, their produce must remain on hand; it could not be sent to market.

Mr. MADISON.—I do not differ with my colleague, (Mr. BALDWIN,) when he says that the agri-

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cultural interest ought not to be sacrificed. I consider every other interest as secondary; but yet some concessions ought to be made, in order to prevent the ruin of a very important concern. If the question was, which of the two should be destroyed by the preference we give, I should have no hesitation; but I believe both interests are compatible and consistent with each other. I do not consider this subject as it respects revenue; my great object is to provide a maritime defence against a maritime danger. I wish, in doing this, that the burden should be equally borne; but I do not think a small disproportion is a sufficient reason for rejecting the measure. The expedient I proposed will tend to lessen the inequality, and therefore I hope it will be agreed to. I shall move it, if the question for reducing now before the House is agreed to.

Mr. Ames declared himself against reducing the duty so low, and asked the gentleman what he meant to propose, for the present, on the vessels of nations not in treaty?

Mr. Madison replied, that he would move to reduce it from fifty to forty; but then he would make it sixty cents per ton, after December, 1790.

Mr. Paine said forty cents was really nothing; fifty was but a mere trifle. If gentlemen had attended to what had been said, they must see that such a reduction would render the whole nugatory. Ninety or a hundred cents would be very little after the time mentioned. Can gentlemen seriously believe that a small duty of fifty cents is too high, when they see the British ships paying double that sum every day in Virginia? He conceived the discriminating duty highly proper, and was decidedly in favor of it. If revenue were not obtained by this means, Congress would be obliged to have recourse to direct taxation. He need not tell gentlemen how much more injurious this would be to agriculture than a tonnage duty. Their long experience on this point would satisfy their feelings better than he could their judgment. He hoped every proposition for a reduction of the duty would be rejected by the committee.

The question was put for reducing the duty from thirty cents per ton to twenty cents, on the vessels of nations with whom the United States have formed commercial treaties, and passed in the negative.—Adjourned.

THURSDAY, May 7.

Mr. Smith, of South Carolina, from the committee appointed to wait on the President of the United States, to know when it will be convenient for him to receive the Address of this House, reported:

That the committee had, according to order, waited on the President, and that he signified to them that it would be convenient to him to receive the said Address at 12 o'clock on Friday, at such place as the House shall be pleased to appoint. Whereupon,

Resolved, That as the Chamber designed for the President's receiving the respective Houses is

not yet prepared, this House will wait on the President to present their Address in the room adjacent to the Representatives' Chamber.

On motion,
Resolved, That a Committee of three members be appointed to confer with any Committee to be appointed on the part of the Senate, in preparing and reporting joint rules to be established between the two Houses, for the enrollment, attestation, publication, and preservation of the acts of Congress; as also on the mode of presenting addresses, bills, votes, or resolutions, to the President of the United States.

The members appointed, were Mr. BLAND, Mr. THUMBULL, and Mr. VINING.

DUTIES ON TONNAGE.

The House resumed the consideration of the report of the Committee of the Whole on the duty on tonnage. The proposition was to lay a duty of fifty cents per ton on all vessels belonging wholly or in part to the subjects of all other Powers.

Mr. Madison moved to reduce it to forty cents, and at the end of the year 1790, to increase it to seventy-five cents. He was satisfied to go as far as seventy-five, because he expected, under such encouragement, a sufficient number of vessels for the whole commerce of America might be constructed. If he was not too sanguine in this expectation, the measure would be both safe and expedient.

Mr. Smith, of Maryland.—Both in Virginia and Maryland, British ships pay a higher duty than what is proposed; yet they continue to carry on an extensive trade in those States, which, in my opinion, proves those sums to be too low. American shipping derives considerable advantages from the regulations made in this respect by those two States. If that protection is withdrawn from them by the General Government, it will subject our commerce to very great inconveniences and absolute distress. I shall therefore be opposed to the reduction.

Mr. Ames.—The gentlemen from the Southward, who suppose their States most likely to be affected by a discrimination in the tonnage duty, have concluded their arguments with a candor which I conceive does honor to their patriotism. They declare themselves willing to encourage American shipping and commerce, though they do not join with us in the sum we think necessary to be laid on foreign tonnage to accomplish so important an object. If sufficient encouragement is given, and by our regulation American vessels are put on a footing with foreigners, I think we may flatter ourselves with the prospect of seeing our navigation immediately flourish. We have reason to expect a very considerable addition to our shipping in the course of one year. Experience has convinced us, that 25,000 tons can be built within double that period, by the town of Boston alone. The other ports in Massachusetts can furnish 37,000 tons, New Hampshire a considerable quantity, and if the other States furnish their proportion, we shall soon find ourselves

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independent of European nations for the transportation of our products. If forty cents are present, and the seventy-five cents in expectation, are thought a sufficient encouragement for the purpose, I shall not object to the motion.

Mr. Goodhue.—On the same principle, as expressed by other gentlemen, I should be willing to lower the duty, not only to forty cents, but to thirty-five, provided, at the end of two years, it was raised so as to answer the purpose intended; but I think, in that case, we ought to go to eighty or ninety cents. I am by no means an advocate for high duties in the first instance, if there is any probability of their being partially oppressive.

Mr. Fitzsimons.—If it is intended to increase the duty at the expiration of two years, it is certainly proper to reduce it in the interim; but I very much question such policy. The business of ship-building, I conceive, stands at this moment in want of the greatest encouragement in our power to give. If sufficient encouragement is given, at this time, to produce a quantity of shipping adequate to the demand, when we once are in possession of them the business will stand in need of no further encouragement. If the citizens of the United States were now in possession of a sufficient quantity of shipping, and had the ability to employ them, I conceive they would not stand in need of any encouragement whatever. But this is not the case, and therefore an encouragement is requisite. At the conclusion of the last war, we were left without shipping; and from our inability to carry on commerce, by reason of the oppression we were subjected to by foreign Powers, the building of vessels has made but slow progress in the several States. Hence it becomes necessary to give encouragement sufficient to induce merchants to vest a greater portion of their capital in this way. The proposed encouragement is not very high, and even under it, I should not expect a quantity of shipping would be furnished equal to the demand, in less than four or five years. It would be brought forward by slow and gradual degrees; they will continue, year by year, to increase them, until the number is competent to the demand. The business of ship-building being so relaxed, persons of that occupation have turned to other avocations, and some sensible advantage must appear, to induce them to return to their original profession. A proof of this is evidenced by the situation of Philadelphia. Before the Revolution, 5,000 tons of shipping were annually built in that city: last year the whole tonnage was but 1,300, so much has it declined there. If it revives from its present languishing condition, it must be by great fostering care and protection, and by slow and gradual degrees. It does not appear to me that fifty cents are more than necessary for its immediate encouragement. Gentlemen will be pleased to recollect that it is always in the power of Congress to increase it.

Yesterday, gentlemen seemed to think that encouraging our own vessels would injure the agricultural interest, because they cannot get British vessels to carry off their produce. I beg to re-

mind them that a very considerable aid is furnished by the commercial to the agricultural interest, in finding markets for a considerable part of their produce, which British shipping does not carry off. It is well known, the vessels of that nation are prohibited carrying any salted provisions, more than they want for their ships' use. It is her policy exclusively to supply her dependencies with that article; so that none goes off but what is transported in our own vessels. I think, from the account of exports of our State for one year, 40,000 barrels of beef have gone abroad, and 100 tons of butter. These commodities could not have been exported, if we had not had ships of our own to send them in. Gentlemen see what an advantage results to agriculture from this one source alone. Since the merchants of America have opened a direct trade with India, which were scarcely known before last year. Six or seven hundred thousand weight of ginseeng was shipped, and we exported one hundred thousand weight the year before, which would never have been sent, had not our commercial exertions opened the way for a direct intercourse with that country. Advantages of a similar nature will be sought and found, when our navigation extends into its natural channels. The sooner we are enabled to do this, the better.

Gentlemen will recollect, on the article of hemp, immediate encouragement was contended for. It was not opposed by the commercial gentlemen in this House. But without encouragement is given to building and fitting out ships, the demand for hemp will be small; for very little advantage will arise from exporting it: the great market must be furnished by ourselves. Upon the whole, I conclude against the motion, believing our ship-building to need encouragement more at this time than it will at any subsequent period.

Mr. Jackson.—The gentlemen from Massachusetts have, I must own, behaved with liberality. One is willing to reduce the duty to forty cents, another gentleman is more liberal still—he is willing to go lower; but not so the gentlemen from Pennsylvania and Maryland; they are actuated by other principles. They call to my mind a passage of scripture, where a king, by the advice of inexperienced counsellors, declared to his people, "my father did lade you with a heavy yoke, but I will add to your burdens." A steady pursuit of this counsel brought about the separation of his kingdom. These gentlemen want us even to go further. They bring forward calculations upon the moment, and pass them for information,—the mere calculations of yesterday,—and demonstrate thereby the propriety of their measures. They may consider some States of less importance than others, because they do not contribute the same quantity of revenue; but let them remember, the widow's mite is as good as the rich man's offering; so the mite of Georgia is equal to the revenue of Pennsylvania.

The gentleman from Pennsylvania has mentioned the article of hemp: let him take example

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from the conduct of its friends. They liberally agreed to lessen the duty for the present, to increase it after the year 1790. What is the return remains for gentlemen to show?

Mr. PAGE was decidedly against any alteration. He thought the encouragement contended for was essentially necessary; but if it was not, the measure ought to be adopted, in order to avoid direct taxation. Any little inequality would soon subside, and the direct intercourse promoted by the regulation would compensate for any disadvantages it might occasion.

Mr. BURKE.—It has been observed, in the former part of the debate, that the people of the Southern States might buy ships, if they did not build them. There are none owned in Carolina: we are destitute both of ships and seamen, and unable to procure them; it would be folly in us, therefore, to burden them with duties. Though, it is true, that there are men there who live in affluence, are rich in lands and servants, yet I believe they are universally in debt. This may be fairly inferred from the laws they have made to favor debtors. It would take twelve years to enable people there to pay their State and private debts; they are therefore very unable to sustain any new burdens, especially when their produce is so fallen in price as not to pay the expense of cultivation. I do not say this is to be attributed to the want of vessels to carry it off, though there may probably be a great want in this respect; and if there is, gentlemen tell you they are unable to make up the deficiency. If this be the case, they ought to be contented with a moderate duty for the present; and as my mind is strongly impressed with the importance of encouraging the American navigation, I shall join them in doing something that may be productive of that effect.

Mr. MADISON.—As there is a great diversity of sentiment respecting the policy of the duty, I am very happy to find it is not prescribed by the geographical situation of our country. This evinces that it is merely difference of opinion, and not difference of interest. Gentlemen of the same State differ as much as gentlemen from the extremes of the continent. As no objection is made to giving some encouragement, we ought to endeavor to harmonize upon the quantum. I doubt very much if any proposition that can now be brought forward will coincide with the sentiments of this body more than the one that is before us. I am not anxious to reduce the encouragement too low, nor to throw to a very distant day the advanced rate intended by my modification of the measure; so gentlemen need not apprehend any evil to arise from its adoption.

Gentlemen who are opposed to giving sufficient encouragement to ship-building, ought to recollect an argument that was considered of weight in the case of encouraging manufactures. It is certain that manufactures have been reaped up by the fostering care of State Legislatures, displayed in the shape of protecting duties; but the people, by the adoption of this Constitution, have put it out of their power to continue them. The provision for the support of navigation, made by the

several States, ought to induce us to suppose even a higher tonnage duty pleasing to them, at least in those States where a higher tonnage duty has been laid. Those States, not being able to continue their encouragement, expect that we will attend to their policy, and protect their citizens in the property they were led to acquire under the State regulations. If we disappoint them, they will suffer more than is consistent with good policy. I am not apprehensive that forty cents will be so low as to occasion any discontent.

It has been supposed, that the burden of this duty would particularly fall upon the planters of the Southern States. There may be some justice in the suspicion; but forty cents, I think, will not excite complaint from that quarter, when the advantages are properly considered. A maritime force is essentially necessary to the United States, and, in time of war, will be particularly employed in defence of the weaker part. South Carolina and Georgia, having neither seamen nor shipping, must depend upon the other States for their defence. If, therefore, the duty will promote this strength, it will render the Union respectable and safe, and ultimately favor their interest.

Mr. SMITH, of South Carolina.—Gentlemen have endeavored to persuade us, that a high tonnage duty will be beneficial to the Union; but I would as soon be persuaded to throw myself out of a two story window, as to believe a high tonnage duty was favorable to South Carolina. Gentlemen tell us that we are in great want of shipping and a navy—that sufficient encouragement for ship-building must be given before we can expect it; but I think, let the encouragement be what it may, many years will elapse before we have sufficient for the export of our commodities. I know Massachusetts cannot furnish us, because there are adventitious causes to prevent it. The course of the stream in which our navigation has so long flowed, cannot be altered in a day. The debts due from the merchants of that country to the British, will be an insuperable bar. Suppose they should send ships to transport our produce to a foreign market, they have no connexions abroad to transact their business, no house in a commercial line to employ in the sales. What are they to bring back in return? They must come in ballast; and will the mere transportation of our crop be a sufficient inducement to engage them to come here? If they had more shipping than they wanted, we should still labor under the same difficulty, and employ foreigners; because, the business is unchangeably in their hands, and the very moment the tonnage duty is increased, it will be an inducement to them to raise the price of freight.

It has been said, and justly said, sir, that the States which adopted the Constitution, expected its administration would be conducted with a favorable hand. The manufacturing States wished the encouragement of manufactures, the maritime States the encouragement of ship-building, and the agricultural States the encouragement of agriculture. Let us view the progress we have made in accommodating their interests: We

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have laid heavy duties upon foreign goods, to encourage domestic manufactures; we are now about to lay a tonnage duty for the encouragement of commerce; but has any one step been taken to encourage the agricultural States? So far from it, that all that has been done operates against their interest: every duty we have laid will be heavily felt by South Carolina, while nothing has been done to assist, or even encourage her or her agriculture.

We have been told, that these measures will benefit the Southern States, because we want shipping and manufactures, and it would be better to take them from our friends than from strangers. We know the governing principle in trade to be interest; but leaving that out of the question, I believe there are causes existing which will prevent the introduction of the manufactures of the Northern States into the Southern ones; beside the long commercial connexion subsisting between South Carolina and Great Britain, there is another advantage she possesses over others: it is the custom of British merchants to send out their goods upon credit; they establish agents and houses to deal them out to planters as they are wanted, and take their crops in return. Now, without the manufacturers of Massachusetts, or any of the other States, pursue the same conduct, they would not be able to sell their commodities. It is well known, that we have not ready money there to pay down for the articles we want, credit being the established medium of trade in that country. Gentlemen must see that it would take much time and the strongest efforts to alter it, though I am sensible that we pay severely for the indulgence; yet the habit, being established, is hard to be broken.

If we are by custom or necessity obliged to take British goods, that nation will load them with heavy duties to counteract our policy. The manufacturing States will not feel this evil: the only method we have, sir, to extricate ourselves from our distress, is by the sale of our crops; any imposition laid upon tonnage will affect the price of them, and lessen our power to pay our debts, and thereby emancipate ourselves from the commercial fetters by which we are bound; until which time it will be impracticable for us to deal with any other country.

Mr. LAWRENCE.—There have been circumstances mentioned in the course of this debate, which I think may be useful in ascertaining whether the proposed duty of fifty cents on tonnage be too high or not. It appears that there is a duty in Georgia equal to 1s. 8d. sterling; in South Carolina, 1s. 3d. besides something on goods imported in foreign bottoms; in Virginia and Maryland it is much greater. How, then, can gentlemen from those States contend that the proposed duty is so much too high as to occasion the fatal consequences they foretell? When we consider the valuable produce of the Southern States, we are led to believe that the difference of ten cents per ton can make no material difference in the price. Will it materially affect the price of rice or tobacco? Neither of these articles

would pay more than five cents per cask, if the duty should be reduced.

The duty, therefore, cannot be fairly said to be too high for the Southern States; it is not contended to be too high for the middle ones; it is not too high for us.

If we consider the subject as it relates to revenue, it will form a material object for our attention; if the duty be considered as a bounty to the maritime States, it will be admitted that it is our interest to increase our navigation.

The regulation proposed by the gentleman from Virginia, to increase the duty to seventy-five cents at the end of two years, may never take effect; before that period arrives, a treaty may be formed with the nation that is our great commercial rival. I am, therefore, in favor of a permanent regulation, rather than one holding out an encouragement that will never take place.

Mr. JACKSON.—The gentleman last up thinks the reduction of ten cents will not materially affect the Southern States, yet he supposes it will injure ship-building: how it can hurt one interest by being reduced, and not wound the other by its increase, I do not clearly understand; for my part, I do not see the weight of such arguments.

Mr. LAWRENCE.—I consider the difference of ten cents to be too small for contention; the arguments of the gentlemen in opposition go as much against a duty of forty cents as against fifty.

Mr. PAGE.—I have heard all the arguments now brought against this measure, urged over and over again, when a tonnage duty was contended against in the same manner in Virginia. It was then merely a trial, but now we have the arguments resulting from experience in our favor. We find the British shipping still crowding our ports, although the tonnage duty is twice as great as is now proposed; and although the price of produce has fallen within that time, yet I am persuaded it must be attributed to other causes than this. Let the experiment be made with firmness, and I venture to say, it will turn out the same in other States as in ours. I acknowledge the gentlemen's arguments have weight, but they go against any tax whatsoever being laid on tonnage. But experience has demonstrated to us, that such a duty is attended with advantages; it will encourage ship-building, and render us independent for the transportation of our produce. Let, therefore, no suggestions of the kind that have been offered deter us from pursuing, with firmness and decision, the plan adopted by the committee.

Mr. WADSWORTH.—If the gentleman who has brought forward this proposition had proposed thirty cents instead of forty, I should have agreed to the motion, because it would have destroyed the discrimination between the vessels of nations in treaty, and those not in treaty with us; but in every other point of view, I should be against a reduction. Foreign vessels will be better circumstanced under a duty of fifty cents, than American can free of duty. The charges on foreign bottoms in our ports are very small; there is not, I believe, a vessel of ours that goes to Europe, that

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does not pay, in light money and other charges, more than fifty cents per ton.

Mr. MANISON.—The subject of discrimination is not now within our view; it has been decided by a great majority; I think there were not more than nine members against it. I do not mean, by the arguments that I have urged, to prove that the increase of tonnage has a tendency to raise the price of freight; all my object has been to quiet the apprehensions of gentlemen who hold that opinion. I do not think it will keep away foreign vessels from visiting us, nor increase the burden on our Southern commerce, so much as has been calculated; and even if it did, the extension of our navigation would be an adequate compensation. The price of freight before the late Revolution was higher than it is at present; perhaps it may be lower when ships are furnished in larger quantities.

Mr. TUCKER.—I fear the gentlemen who look for a sufficient quantity of shipping to answer the demands of our commerce in so short a space as two years, will find themselves deceived. I think, therefore, it would be improper to lay a high tonnage duty, commencing at that period, if it appears expedient, a future Legislature may give such encouragement, but they are not bound to perform our engagement. After they have seen the effect of the present regulation, they will be better able to judge of what is right in this particular than we can do. I am doubtful whether the measure would place the United States in a better or worse situation than a duty of fifty cents; a commutation of this kind, in order to save ten cents for two years, and admit an addition of twenty-five cents forever afterwards, appears a doubtful policy. At any rate, the Congress might feel themselves, in some degree bound to raise the duty to seventy-five cents, when their judgments might tell them it was inexpedient—they will then have cause to complain of our anticipation. I should, I think, rather be in favor of fixing a certain tonnage duty at present, and leave it to the consideration of a future Legislature, whether to increase it or not, according to the circumstances of the case. I think thirty cents as much as can be given, with propriety, at this time; considering the interest of the State I have the honor to represent, I believe it will bear harder on some States than on others, acting partially and not generally. When I speak of the State I represent, I would not be thought actuated by improper motives; I think every gentleman is bound to support, in a proper manner, the interest he is well acquainted with, and believes to be conducive to the general welfare. A great deal has been said respecting the duties that have been laid on tonnage in the Southern States. I begged the attention of the House, on a former occasion, to a striking difference there is in duties imposed by the State, for its own particular advantage, and what are about to be laid for the benefit of the United States. Every duty imposed, I consider as a tax on the inhabitants of South Carolina. If that tax is to bear harder on them than on other States, I pronounce it unequal and unjust. I con-

sider the tax on tonnage in this light; but as I am willing to give encouragement to our navigation, so I shall not oppose a moderate duty on foreign vessels; as I also conceive a discrimination proper between those nations in alliance with us and those with whom we have no treaties subsisting, I am disposed to admit a larger sum than thirty cents; I would propose thirty-five, upon the express condition of reducing the duty already agreed to, to twenty or twenty-five, when a bill shall come forward founded upon the principles now agreed to.

The question was here put on Mr. MANISON'S motion, and lost.

The House then decided upon the original proposition, which being agreed to, it was

Resolved, That there ought to be levied on all vessels entered or cleared in the United States, the duties following, to wit:

On all vessels built within the United States, and belonging wholly to citizens thereof, at the rate of nine cents per ton.

On all vessels not built within the United States, but now belonging wholly to citizens thereof, at the rate of six cents per ton.

On all vessels belonging wholly to the subjects of Powers with whom the United States have formed treaties, or partly to the subjects of such Powers, and partly to the citizens of the said States, at the rate of thirty cents per ton.

On all vessels belonging wholly or in part to subjects of other Powers, at the rate of fifty cents per ton. Provided, That no vessel built within the United States, and belonging to a citizen or citizens thereof, shall pay tonnage more than once in any one year; nor shall any ship or vessel built within the United States pay tonnage on her first voyage.

Provided also, That no vessel be employed in the transportation of the produce or manufactures of the United States, or any of them, coastwise, except such vessel shall be built within the United States, and the property of a citizen or citizens thereof.

The same was, on a question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. WADSWORTH, Mr. HEISTER, and Mr. SENEY, do prepare and bring in the same.

FRIDAY, May 8.

The Speaker, attended by the members of the House, withdrew to the room adjoining the Representatives' Chamber, and there presented to the President of the United States the Address agreed to on Tuesday last, to which he returned the following answer:

GENTLEMEN:

Your very affectionate Address produces emotions which I know not how to express, I feel that my past endeavors in the service of my country are far overpaid by its goodness; and I fear much that my future ones may not fulfil your kind anticipation. Alas that I can promise is, that they will be invariably directed by an honest and ardent zeal; of this resource my heart assures me. For all beyond, I rely on the wisdom and

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patriotism of those with whom I am to co-operate, and a continuance of the blessings of Heaven on our beloved country.

The Speaker and members being returned into the House:

Mr. GERRY, from the committee appointed, presented, according to order, a bill for collecting duties on goods, wares, and merchandises imported into the United States; and the same was received and read the first time.

Ordered, That the Clerk of this House do procure one hundred copies of the said bill to be printed for the use of the members of this House.

On motion. Ordered, That the committee appointed on the 29th ultimo, to report an estimate of the supplies requisite for the present year, and of the net produce of the impost, as agreed to by the House, be authorized and instructed to collect early and authentic statements of the particular articles of foreign produce and manufactures annually imported into, and of all the articles exported from, the several States, and the value of such imports and exports; also, the number of vessels, both foreign and domestic, entered and cleared during that time, specifying their tonnage, and the nations to which they respectively belong; specifying, also, the exact numbers of each particular description of vessels of each nation, and the amount of tonnage of each particular vessel.

On motion. Resolved, That this House will, on Tuesday next, proceed by ballot to the appointment of a Sergeant-at-Arms.

DUTIES ON IMPORTS.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill for laying a duty on goods, wares, and merchandises imported into the United States.

Mr. PAGE in the Chair.

Mr. TUCKER.—As I am desirous of beginning with moderate duties, I deem it proper, at this stage of the business, to offer my reasons in support of this opinion, that, if it be the opinion of the committee, we may go uniformly through the list, and make the necessary reduction. I am opposed to high duties, particularly for two reasons: 1st, because they will tend to introduce and establish a system of smuggling; and, 2dly, because they tend to the oppression of certain citizens and States, in order to promote the benefit of other States and other classes of citizens. I cannot say I have a peculiar aversion to a high duty on distilled spirits; I may, therefore, be suspected of inconsistency in moving to reduce it; but I do it on the principle of a general reduction. If I do not succeed on the first article, I shall despair of succeeding on the others.

It appears to me that if we lay high duties on the importation of goods, a system of smuggling will be adopted before we can possibly make the necessary provision to prevent it. I take it, sir, that proper regulations respecting the collection

is all our security against illicit trade. From a variety of circumstances, it appears to me, we shall not only be a long time in completing such a system, but, for want of experience, many of the regulations will be of a dubious propriety. Gentlemen will recollect we have an extensive sea-coast, accessible at a thousand points, and upon all this coast there are but few custom-houses where officers can be stationed to guard the collection of the duties; therefore, we labor under considerably greater disadvantages than a thicker settled country is liable to. I apprehend, if we consider the present state of our population, we shall conclude it impracticable to establish a sufficient number of custom-houses, on those parts of the coast most assailable, to render us perfectly secure in the collection of our duties. If it were practicable, the expense would be a formidable objection; it would require more revenue to support such a system than all we shall derive from the impost. But we know in Great Britain, where the duties are high, no expense is spared in the collection, yet smuggling is carried on to a very considerable amount; the risk run by this class of people is very great, the penalties are very severe, and the vigilance of the officers renders detection not very improbable. As this is the case, under the administration of a very powerful Government, I apprehend ours, which is only in its infancy, will be unable to prevent its taking place, otherwise than by a system of moderate duties. If we begin with laying them high, there will be an immediate temptation to engage in a system of smuggling, a system of which may soon be formed, so as to render our future efforts ineffectual; it is better to avoid the temptation, than to punish the evil. A man that is disposed to trade fairly, will be brought under the necessity of falling into the same practice, or giving up his business; for the higher the duty, the greater the advantage the smuggler has over the fair trader, being compelled by necessity to engage in a contraband trade, or to forego the means of a livelihood. Smuggling will be no longer dishonorable, no longer difficult, and none will be found opposing the practice; repeated efforts to corrupt will be successful among even the officers of your customs; they at first may resist the temptation, but when they find the practice general, their vigilance will wink at a contraband trade, and smuggling will be considered as a matter of course. They will consider the reward given them for being out of the way as a benefit to which they are entitled. For these reasons I shall be against a system of high duties, and because I fear there is danger of a system of smuggling being introduced before proper arrangements are made to prevent it; or if we had time to make such arrangements, they must inevitably be ineffectual.

The other reason for which I am opposed to high duties on enumerated articles is, because it tends to the oppression of a certain description of citizens and particular States, in order to promote the advantage of other States and other citizens. The State I have the honor to rep-

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resent will be injured by such duties, yet that State requires relief rather than additional oppression. We may very well know, that there are several States that do not import those articles, consequently they do not contribute their proportion to the support of the Union. On the principle of lessening the inequality, if the motion I now make shall be seconded and approved by the committee, I will go on to make a reduction on most of the articles, beginning with this; so as to have them on a lower scale than that we have at present before us. It was with a view to bringing about this measure, that I voted for a high duty on molasses, when that article was first before us. If the duty on West India rum is reduced, I shall be willing to make a proportionable reduction on molasses. When this list of duties came before the House from the Committee of the Whole, I found the scale was adhered to, and was therefore under the necessity of voting as I did, for the highest sum rather than the lowest. In doing this, I was actuated by a desire of having some security of the Eastern members for the general reduction which I wish to bring about. I was convinced by their arguments, that a high duty on molasses is oppressive to the poor. I do not wish to add to their burdens; on the contrary, I should be glad to exempt them from taxation altogether, if it was in my power; but this, I apprehend, cannot be done: they must be taxed in proportion to the other citizens. An impost duty on articles of importation will affect the poor of every State, provided they consume the goods brought from foreign countries. I could not answer for my conduct, if I did not agree to a heavy tax upon the Eastern States, when I found the Southern ones taxed in that proportion. If the gentlemen of Massachusetts think the duty on molasses bears too heavy on their State, they may remedy the evil by agreeing to a general reduction. If they insist that the burden operates unequally and oppressively, it is not the fault of us, who are compelled to the measure by a similar imposition on the consumption of our State.

I would observe further, that a high duty not only tends to the encouragement of smuggling, but it likewise raises in my mind, a scruple respecting the allowance of a drawback, as I conceive every drawback becomes an additional encouragement to smuggling. In many instances, I fear it may be found, that the drawback will amount to more than all the duties paid in the States which are entitled to it. Considering the situation of the States of North Carolina and Rhode Island, which are not in the Union, their contiguity to the other States will increase the facility with which smuggling can be carried on; it will be easy to import articles from Europe and the West Indies into their ports, and send them by land, or even water, to the adjacent States. When these are smuggled into the United States, they may be re-exported and entitled to receive a drawback, although the revenue was not collected upon the importation. If we agree to moderate duties, it will be much easier to regulate our system on this head; if our revenue is found not to

be quite so productive as gentlemen calculate upon a system of higher duties, which, by the by, appears to me to be very unlikely, we shall be better able to judge what we can do after a trial, than we can possibly at present; at any rate, it will be but a small loss; whereas, by a large scale, we may throw the whole Union into confusion, and there will be no remedy by which we can recover what we have now in our power; for a reduction of duties, when they are once laid, is productive of the most serious consequences. Having, therefore, a strong impression upon my mind, that we hazard a great deal in imposing high duties in the first instance, I should not have been satisfied with having done my duty, if I had not stated my doubts and difficulties to the committee; but having done this, I shall content myself with their decision, be it what it may.

On motion, the further reading of the bill was postponed. Adjourned.

SATURDAY, May 9.

JEREMIAH VAN RENSSLAER, from New York, appeared and took his seat.

The bill for collecting duties on goods, wares, and merchandises imported into the United States, was read the second time, and committed to a Committee of the Whole.

The following communications were received from the Senate by Mr. Otis, their Secretary.

Ordered, That, when a message shall come from the House of Representatives to the Senate, and shall be announced by the doorkeeper, the messenger or messengers, being a member or members of the House, shall be received within the bar, the President rising when the message is by one member, and the Senate also when it is by two or more. If the messenger be not a member of the House, he shall be received at the bar by the Secretary, and the bill or papers that he may bring shall there be received from him by the Secretary, and be by him delivered to the President.

Mr. SPEAKER: The Senate have disagreed to the report of a committee appointed to determine what style or titles it will be proper to annex to the office of President and Vice President of the United States, if any other than those given in the Constitution; and have appointed a committee to consider and report under what title it will be proper for the President of the United States in future to be addressed, and confer thereon with such committee as this House may appoint for that purpose. The Senate have also appointed a committee to view and report how the rooms in the City Hall shall be appropriated, and to confer with any committee this House may appoint for that purpose.

DUTIES ON IMPORTS.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill for laying a duty on goods, wares, and merchandises imported into the United States. Mr. PAGE in the Chair.

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Mr. TUCKER.—The observations I made yesterday were intended to apply generally against a system of high duties. As to the particular article of spirits, I have no objection to a high duty being laid upon it, provided it can be strictly collected; for I do not wish to give encouragement to the consumption of that article, though, I fear, no duty we can lay will tend much to discourage it. I thought that if it was the general opinion of the House to lessen the duties, it would be a saving of time to discuss it on a motion to reduce the first article. I repeat the observation, that high duties are improper, because they are impolitic, and likely to defeat the object of revenue; less will be collected on them than on moderate ones. If it be considered as an encouragement to manufactures to lay heavy duties on enumerated articles, it is a tax on one part for the emolument of another. Five per cent. upon all articles imported would raise a considerable revenue, and be a sufficient encouragement to manufactures, especially if we add to this five per cent. the expense of freight and other charges of importation on foreign goods. The five per cent. in the bill is to be collected on the value of the goods at the time and place of importation; the value of goods within the United States is twenty-five per cent. more than they cost in Europe; adding this, therefore, to the other advantages, and it will be a considerable encouragement; but, besides all this, there are many articles made here as cheap, and cheaper, than they can be imported. Gentlemen who have given us this information, know the fact to be so in their respective States; in them, therefore, the operation of the measure would be just and politic, but it does not apply with the same force as it respects South Carolina and some other States. Although in Boston and Philadelphia they can manufacture certain wares cheaper than they can import them, yet they are not brought at the same price to Charleston; hence the operation is unequal and a partial tax upon us. Another thing to be considered is, even if these articles could be furnished us at home as cheap as we get them from abroad, whether we should have equal advantages? If a cargo of nails were to be sent to Carolina, I would be glad to know how we are to purchase it? Would the makers of shoes be content to go there and retail them? If they would, they might be brought there; but I apprehend, if they have not established connexions in that country, they could never be disposed of. Can they expect the planters to come in a body, and take off their goods upon their arrival? It is not even expected that they could; it must be left to them to judge, whether they do not purchase them in a better way by taking them upon credit, and paying for them in their crop. Gentlemen will not pretend to say that we do not know our own interest, and therefore they will teach us. These reasons will not go down with the people; they will take to themselves the right of judging what is most conducive to their interests. Gentlemen cannot argue from the fact, that we do not consume the articles made within their States, as readily and willingly as those imported from abroad, mere-

ly because we do not wish to encourage them. Facts prove the direct contrary; we have shown a disposition to encourage articles from their States, which can be made in our State in great abundance. I will mention a few of them, although it may appear disgraceful for South Carolina to take from any country what she can furnish herself. We have imported to the city of Charleston vegetables for table use, which we can raise as well as any part of the world; yet no complaint was made by the agricultural interest of that State, that we imported foreign productions to their prejudice; no duty was imposed to discourage the use of them; all we considered was, whether they came cheaper when brought from abroad than when raised at home, concluding the cheapest to be the best.

On the same principles that are now urged, our citizens might have contended that we should impose a duty on all articles which could be produced at home. No imposition on the importation was laid in order to encourage the productions of our country; the same principle ought to have induced us to lay a duty on the importation of flour. We make but little of that; our constituents consume rice in place of it. It might have been said, that a heavy duty should have been laid in order to prevent the interference with our staple commodity. The planters should have said, we will compel you to eat rice, and after being some time in the habit, you will find you like it as well as we; indeed, this argument might be extended to a measure calculated to oblige the other States to use rice in their daily food. It might be said, that it was necessary in order to give encouragement to the productions of the Southern States, but I believe such arguments would have had no weight if they had been used; yet they are similar to what have been brought forward by gentlemen for the encouragement of domestic manufactures.

Mr. SPEAKER, if gentlemen are content with moderate duties, we are willing to agree to them and give every reasonable encouragement in our power, but we cannot consent to very great oppression. I once more wish that gentlemen will consider great duties as imposing a heavier burden upon the Southern States, as they import more, the other less; and the sum we pay towards the revenue must be in proportion to our importation. I therefore move, in order to begin with the first article, that distilled spirits be reduced six cents per gallon.

Mr. JACKSON seconded this motion, and would assign his reasons for it, but they had been so fully stated by the honorable mover.

Mr. AMES.—I wish the committee may consider, with the attention the subject demands, whether the duties are too high or not? It is hardly possible, I own, to contemplate this subject as a practical question. We shall find it necessary to consider attentively, before we proceed any further, what the objects of our Government are; having discovered them, we are to consider whether the proposed measure will answer the purposes intended. I believe, in every point of view that we can possibly consider it, the subject of

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revenue will be thought to be one of the primary objects to which the power of Government extends. It has long been apprehended, that an ill administration of the new Constitution was more to be feared, as inimical to the liberties of the people, than any hostility from the principles of the Constitution. Of all the operations of Government, those which concern taxation are the most delicate as well as the most important. This observation applies to all governments. Revenue is the soul of Government, and if such a soul had not been breathed into our body politic, it would have been a lifeless carcass, fit only to be buried. I would wish this soul might be actuated by rational principles, that, in establishing a revenue system, we might go on a superior principle to that which has heretofore been the governing principle in the United States; that we might consider what was most adequate to the object. The nature of the revenue system in this Government is to the last degree important; for want of the soul, the late Government was found utterly incapable of invigorating and protecting industry, or securing the Union; therefore these seem to be the great objects which we are to accomplish. I consider the present question as a direct application to the principles of the Constitution; it will either support or destroy them. If the revenue system should fall with oppressive weight on the people, if it shall injure some in their dearest interests, it will shake the foundation of the Government. However the newspapers may stand your friends, and trumpet forth panegyrics on the new Constitution, if your administration does not give satisfaction, you will find all ineffectual that they can do, whilst the people are against you. This being admitted, the Government will not push their regulations too far; they will consider the weaknesses and prejudices of the individual members of the Union. When they lay a tax, they will consider how far it is agreeable to them, and how far the measure is wise in itself. If it is said the article to be taxed is a luxury, and the Government is zealous to correct the vice, they will be careful they do not do it in too severe a manner; the principle would be capable of great expansion: all the enjoyments of social life are luxuries, and, as objects of revenue, we ought to set a price on the enjoyment, without suppressing their use altogether. Neither ought we to consider what the article in this point of view is able to pay, so much as what we may reasonably expect to collect from it.

I believe various opinions are entertained on this subject. I have been told, the sentiments of some respectable merchants favor high duties, but I know there are as respectable gentlemen, whose judgment and information are much to be relied upon, decidedly of the contrary opinion, who think that we are treading upon ice; that if we impose these high duties at this time, we are doing an irreparable injury to our country; to that opinion I am myself inclined. I do apprehend very great inconveniences will result from pursuing these measures. I fear the collection would be insecure, your laws not be executed, and, of consequence,

your Government fall into contempt. In collecting a revenue, I would determine with accuracy what might be expected; but in case of high duties, no calculation can be made; it rests with the self-interest of individuals to determine what shall be paid. Notwithstanding all the observations which gentlemen have made, to show the probability of collecting the duties with certainty, I have still very serious doubts, and if the Government cannot collect the revenue, the system is not worth supporting. Government is founded in necessity, its powers are to check the unruly sallies of self-interest; to restrain which requires an unwearied attention in every department of Government. It can hardly be thought good policy, therefore, to incite them, by great allurements, to violate the laws, to which mankind are naturally too prone. Now, we know that there are but two ways to prevent the perpetration of fraud upon the revenue, arising from an impost upon the importation of merchandise; one is, to lay the duties so low as not to offer an inducement to smuggling; the other is, by increasing the impediments and risk, so as to counterbalance the temptation. The checks and precautions ought to amount to a complete evidence that the law cannot be evaded, otherwise we not only suffer a loss of money but of reputation also. Taking it upon this principle, I am at a loss to imagine how gentlemen can suppose they can collect thirty or forty per cent. on the value of goods imported, unless our laws are better constructed than the laws of other nations. In those countries, where the best regulations have been adopted upon the experience of ages, it is found impossible, in cases of high duties, to prevent illicit trade; how can we, then, who have not that experience, nor a more nervous Executive, expect to raise forty per cent. in the first instance? For my part, I despair of it. What grounds have gentlemen for entertaining such ideas? Do they think there is any thing in our local situation to enable them to make sure work of it? They have told us, that the Governments of the Southern and Middle States heretofore collected the duties with tolerable certainty. I admit it, because there are natural causes existing there rendering the collection practicable; but there are no such causes to the Eastward. The Chesapeake and Delaware are the two great avenues through which the navigation must enter into those countries; the other avenues are few, and may be easily guarded. Add to this another consideration, that their trade is principally carried on in large vessels, and by foreigners; their citizens are generally concerned in agriculture. These circumstances compounded operate thus. If they are subjected to high duties, strangers have less knowledge of the country, and are without the connexion necessary to insure success to smuggling; besides, the people, considering the money as coming out of the pockets of foreigners, are more desirous of having it paid with certainty, than they would probably be if it was demanded of their friend and neighbor. But let us consider the situation of Massachusetts and New Hampshire. The

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foreign shipping employed in their trade is very inconsiderable, consequently the motive which operates in Virginia will be insensibly felt in those States; but the citizens of Massachusetts are generally a commercial people, the greater proportion along the coast are engaged in commerce. Perhaps, if I thought so highly of State honors as the subject demands, I might be concerned at being obliged to speak the truth; but the duty I owe to the Union induces me to forego every consideration of that nature. If I am under an impression that your laws will be unpopular, and left without that support from the people necessary for their due execution, I must come forward and warn you of the danger. From the experience we have had of the opposition of our people to the British acts of Parliament, because they were either unjust or unpopular, I am led to fear, if the same opinion is entertained with respect to our ordinances, that they will be defeated in a similar manner. The habit of smuggling pervades our country. We were taught it when it was considered rather as meritorious than criminal; therefore we have just reason to apprehend their success in evading the public impositions, although the temptations should be small.

The State of Massachusetts has a prodigious extent of seacoast, of near one thousand miles in length, indented with innumerable bays and rivers, forming the finest, most accessible, and secure harbors in the world. It must be impossible to guard them all, even if our population was crowded; add to this, that there are two thousand sail of vessels, large and small, coming in and going out constantly. If this statement is true, I ask gentlemen whether a law can be enforced that is repugnant to the judgment, feelings, and interests of so large a proportion of the people, possessing every possible advantage to elude your grasp? The former Government, with a watchful vigilance and anxious desire, endeavored in vain to seize this object. The State Government, instituted by the people themselves for their particular benefit, have hitherto been unable to execute laws of this nature. If the same cause for evasion exists under the General Government, will it not produce the same effect? I know of no peculiar power residing in us that the State Governments were not in the possession of at the time they made unsuccessful efforts to obtain revenue by a system of high duties: what, then, do we expect? The merchants are to associate, and form a phalanx in our support; private honor is to be called in aid of public measures. If this is done, what then? I have no doubt of the virtue and patriotism of many of these gentlemen; the most respectable merchants will disdain to smuggle; but there will ever be found a band of inferior characters, I care not what you call them, infamous parasites, ready to defraud your revenue by evasion, or any other means in their power. These men will get the business into their hands, and being under no restraint of honor or virtue, rob you by secret means of the great essential to the well-being of the Government. It will become impracticable to support it by

other means, and we shall stand a monument of imbecility to future ages.

If gentlemen will consider how large a revenue may be drawn from the commerce of this extensive and fertile country, they will know the value of the stake they play for, and not risk it at a single cast. If we begin with laying moderate duties, it will redound to our honor, and give our constituents a confidence in the Government. When this shall be well established, and when they find themselves happy under its benign influence, they will be bound by an interest arising from experience, as well as by principle, to support you. Under these manifestations of mutual regard, the duties may increase as the wants of Government demand, without exciting clamor or complaint. If my principles are right, and they rest upon the sure basis of experience, it will not be enough that gentlemen say our duties will probably be collected; they must go further, and demonstrate that there cannot be a reasonable doubt entertained of our success. The magnitude of the object we risk demands as great a degree of certainty as to its effects as the nature of the case will admit. If a heavy impost is the least beyond what the powers of Government can reach, a punctual collection of the difference in the duties will not compensate for the hazard we engage in.

I submit it to gentlemen to say, whether there is any other reason for laying high duties but what arises from pecuniary considerations? If there be not, and it is well known that a moderate duty realizes as much revenue as a high one, gentlemen will concur in the reduction. It is easy to determine by experience, that it will be agreeable to the citizens; if so, it will bring them in individually to the aid of the Government, which they will learn to venerate and obey. How much better is this than holding out temptations for men to enrich themselves and beggar your treasury, to trample on your laws, and despise the Government itself?

Mr. MADISON.—The right understanding of this subject is of great importance. The discussion has been drawn out to a very considerable length on former occasions. The chain of ideas on which the subject is suspended, is not very long, nor consists of many links. The present Constitution was framed to supply the defects of the one that has preceded it. The great and material defects of it are well known to have arisen from its inability to provide for the demands of justice and security of the Union. To supply those defects, we are bound to fulfil the public engagements; expectation is anxiously waiting the result of our deliberations; it cannot be satisfied without a sufficient revenue to accomplish its purposes. We cannot obtain the money any other way but by taxation. Among the various objects of this nature, an impost on merchandise imported is preferable to all others, and among the long list of articles included in the bill, there is not one more proper for the purpose than the article under consideration. The public sentiment has strongly pointed it out as an object of revenue. I con-

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ceive, therefore, that it will be our duty to draw from this source all the money that it is capable of yielding. I am sure that it will not exceed our wants, nor extend to the injury of our commerce. How far the powers of Government are capable of going on this occasion, is matter of opinion; we have had no direct experiment of what can be done under the energy and popularity of the new system; we must recur to other sources for information, and then, unless the circumstances are alike, the comparison may not be true. We have been referred to the experience of other nations; if that is to guide us on this subject, I am sure we shall find precedents for going much further than is now proposed. If I do not mistake the calculations that I have seen of duties on importation, they amount to more on an average than fifteen per cent.; the duty on ardent spirits in all nations exceeds what is in contemplation to be laid in the United States. I am sensible that the means which are used by those nations to ensure the collection, would be odious and improper in this country; but I believe the means which this country is capable of using, without exciting complaint or incurring too much expense, would be as adequate to secure a duty of fifteen per cent. as the powers of any other nation could be to obtain ninety or one hundred per cent. If we consult the experience of the United States, it does not admonish us that we are proceeding too far; there are duties now under collection, in some States, that amount nearly to the same as those we have in contemplation. A duty collected under the feeble operation of the State Governments, cannot be supposed beyond our powers, when those duties have been collected by them, with feeble powers, but under a competition, not to say opposition, of the neighboring States. I am led, from a knowledge of these circumstances, to believe that when we have established some general rule, and have the co-operation of all the members of the Union, we shall be able to do what is proposed by this bill, better than any one State could execute it with its separate strength. If we consult the opinion of the merchants, we shall not find them a very sure guide. Merchants do not pretend to infallibility; but if they did, they have given a proof to the contrary, by their difference of opinion on this subject. Gentlemen of that profession, both within these walls and out of doors, have been as much divided on this point as any other description of men. I believe them to be the best informed as to the probable effects of an impost system, but they are not exempt from the infirmities of human nature. We know there is an essential difference between the interest of merchants and the interest of commerce; we know there may be distinctions also between the interest of commerce and of revenue; and that in some cases we must sacrifice the one to the other. I am not sure that we are not under the necessity of doing both in the business before us. It is barely matter of opinion what revenue the General Government will be able to draw from the system now proposed. This being the case, I have endeavored to

make up mine, from the best materials in my power. I pay great respect to the opinions of mercantile gentlemen, and am willing to concede much to them, so far as their opinions are regulated by experience; but if I am to be guided by this information, it will not lead me to agree to the reduction of the duties in the manner contemplated for. It is said, that if we reduce at all, we must go through the whole. Now I doubt whether the duty on the article of rum exceeds that proportion which pervades the long list before us. It does not amount to more than thirty per cent., while some other articles stand at forty; some articles again that are not enumerated, but which fall within the general mass at five per cent., are more likely to be introduced clandestinely than this article, if it stood at fifty per cent. I am sure, if we reduce the whole system in the manner now proposed, all the duty we shall be able to collect will be very incompetent to what the public necessities demand. We must turn our eyes, then, to some other source that will fill up the deficiency. There are but two objects to which, in this dilemma, we can have recourse—direct taxation and excises. Direct taxation is not contemplated by any gentleman on this floor, nor are our constituents prepared for such a system of revenue; they expect it will not be applied to, until it is found that sufficient funds cannot be obtained in any other way. Excises would give particular disgust in some States, therefore gentlemen will not make up the deficiency from that quarter. I think, upon the whole, it is better to try what will be produced by a plan which is favored by the public sentiment. This will give a support to our laws equal to the greatest energy of a strong execution. The citizens of America know that their individual interest is connected with the public. We shall then have the strong motive of interest acting in favor of the Government in a peculiar manner. But I am not inclined to trust too much to this security. I would take in the aid of the best regulations in our power to provide; these, acting in concert, would give a moral certainty to the faithful collection of the revenue. But if gentlemen notwithstanding will persist in contending against such a system, and cannot offer us a substitute, we must fail of the primary object for which the Government was created. If upon experience we find that the duties cannot be safely collected, it may be proper to reduce them; but if we get them too low in the first instance, and they do not yield a sufficiency to answer the just demands of the public creditors and the expenses of Government, the public reputation must suffer.

I need not inform gentlemen we are surrounded with difficulties; they are seen on every side; but they appear as few and as surmountable on the side of the bill, as they do in any other part of the prospect. If we give way on this article, we are to do so upon all others. It is not for any reason peculiar to Jamaica spirits that the reduction is moved for; hence, I conceive, if gentlemen meet with success in opposing this duty, we shall be reduced to a system inadequate to our wants, and

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thereby defeat the chief object of our appointment. Mr. BLAND.—I join with the gentlemen who are disposed to lower the duties. Although I feel the necessity we are under of raising revenue, as much as any other gentleman possibly can, yet I think we ought to deliberate fully upon the means before we adopt them. It is demonstrable, nay, it is self-evident, that laying high duties, in the first instance, will beget smuggling; and I fear our regulations respecting the collection, will prove the impracticability of defeating the practice. But when we come to consider the subject in another point of view, I trust such a system will be found unnecessary. The enumerated articles in this bill are very numerous; they are taxed from fifty per cent. downwards; the general mass pays five per cent. The calculations made by the late Congress, who no doubt maturely considered the subject, found a list of eight articles only, and those at one-fourth, or one-fifth of the rate now proposed, would produce a revenue of nine hundred and fifteen thousand six hundred and fifty-six dollars annually.

When we add to this calculation a circumstance of notoriety, the increase of our importation, we shall find that we levy, or mean to levy, greater sums than the public necessities require. There will not be found specie enough within the United States to pay the duties: four times the rate of what the former Congress recommended will produce three millions six hundred thousand dollars. The enumeration is four times as great also; hence we may infer that the amount will reach thirteen or fourteen millions. At least, we shall be convinced that we are upon too high a scale. But where is the necessity of raising the impost to this degree? There are other means of revenue, and such as will not give disgust. We have already proposed a duty on tonnage; there is the Post Office, and some other things which the ingenuity of Government can devise, and is entitled to, for the purpose of revenue; if it is therefore unnecessary to levy such oppressive taxes, what other pretext can be set up for adopting the system? Independent of every other consideration, this ought to induce us to lower them. But there are other and weighty considerations; but as they have been well urged by the gentleman from Massachusetts, (Mr. ARES,) I shall not touch upon them. It is said that it is merely matter of opinion whether they are too high or not; if so, let us be careful not to venture too far on such ground. It will be much better to reduce it in the manner proposed by the gentleman from South Carolina, and increase it hereafter, than strain the measure too high at present.

Mr. SHERMAN.—After this subject had been debated in a Committee of the Whole, and then in the House, upon the report, and every argument that could be thought of had been urged, both on the general and particular amount of the duties proposed, and the probable effects of a deduction, I did not expect to have heard the same debate take place again. Gentlemen have a large field to display their abilities in, but I do

not think it contains any new matter that will induce a single gentleman to alter his opinion on the subject. The great object is to raise a sum of money adequate to supply our wants; and let us dispute as we will about the mode, the fact is it must be raised. The people have sent their representatives here for this purpose; it is for their benefit that we raise the money; and not for any peculiar advantage to ourselves; the objects are to pay the debt, and to provide for the general welfare of the community. The first of these objects I take to be, that we pay our debts. There are very many meritorious characters who furnished us with essentials in the hour of imminent danger, who, from the imbecility of our former Government, have not been able to get even the interest of what they loaned us. I believe it is the first wish of the people throughout the United States to do justice to the public creditors, and to do it in such a manner, that each may contribute an equal part according to his abilities. We have very considerable arrears due on this account, upon not only the domestics but foreign debt; there are several instalments not yet discharged, and considerable of the interest not yet paid. No statement can be made of the expenses of Government, so as to ascertain what quantity of revenue will be demanded on that head, but saying that they will be much the same under this Government as the former, and we shall have occasion for a very considerable sum to defray the expenses. I believe we are not able to make a very accurate calculation of what the system proposed in the bill will yield. The late Congress contemplated a million of dollars from this source, which, in aid of the requisition, they supposed sufficient for the purpose of paying the instalments of the national debt and interest; but that sum alone will now be found very short of what is wanted, without the aid of direct taxes. It is very material that we lay the burden as equal as possible, in whatever mode we pursue to obtain revenue: a great deal of care has been taken in distributing the proportion with equity; I apprehend, therefore, that we shall not be able to make it much more equitable by any alteration than it is at present. I think, also, that the people will pay more freely a duty of this nature than they will in direct taxes. If gentlemen prevail in getting the duties lowered to what the late Congress proposed, they will find themselves obliged to have recourse to direct taxation for a million and a half, or two millions of dollars. It then only remains for us to consider, whether it will be more agreeable to the people to reduce the impost in this manner, and raise the deficiency by direct taxes. If these duties are to be considered as a tax on the trading part of the community alone, they are improper; but this, I believe, is not the case; the consumer pays them eventually, and they pay no more than they choose, because they have it in their power to determine the quantity of taxable articles they will use. A tax left to be paid at discretion must be more agreeable than any other. The merchant considers that part of his capital applied to the payment of the duties

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the same as if employed in trade, and gets the same profit upon it, as on the original cost of the commodity.

As to the tax on distilled spirit, it will be felt as little as any other whatever; and from this source we are to expect a very considerable proportion of the revenue. If we attend to what every body says abroad, we shall have a great deal to do, for there is a great variety of opinion. I have received information from a gentleman of knowledge and experience on this point, and he says that it is his opinion, and the general opinion of those about him, that the duty on distilled spirits is too low by one half: the same are the sentiments even of the importers of this article. The duty on it cannot be said to be unequal, as it has been contended on other articles; it is pretty generally consumed throughout the United States. The State I belong to is at a considerable distance from the West Indies, yet she consumes no inconsiderable quantity, much more than I wish she did. The gentleman from South Carolina seems to suppose that the duty will bear harder upon his State than upon others. I cannot think it will be the case; but if they consume more, they should agree to a high duty, in order to lessen the consumption. As to the subject of collection, they refer us to what was done under the Government of Britain: in my opinion the comparison does not hold good. It was thought lawful by the people of America to evade those duties, because they were unconstitutionally laid; they were not represented in the Parliament of Great Britain, and it is a principle that taxation is founded upon representation. As to the collection of the State duties since the peace, I think the Governments have labored under greater disadvantages than the United States will under this system; the duties that were collected by them went into the treasury of the particular State into which the goods were imported; the people who consumed those goods in other States, thought it a peculiar hardship to pay into their funds what they thought ought to belong to the United States. The great embarrassment arose from this inequality; under the present system, each State will pay alike, and will be alike benefited.

One gentleman has observed, that there is not money enough to pay all the duties imposed in this bill; but is it not as easy to introduce money as merchandise? When there is a demand for it, the merchants will bring it in, for they can as well bring less of a commodity and more money; so that, if this should take place, the objection will be done away. It is in this way that we must be supplied with cash, because we have neither gold nor silver mines to draw it from; if we get it, it must be imported and will be imported, if it is more advantageous than the importation of other articles.

I think we ought to rely a great deal on the virtue of our constituents; they will be convinced of the necessity of a due collection of the revenue; they will know that it must be done in this way, or it will be by direct taxation. I believe the people will prefer this mode of raising revenue,

and will give all the assistance in the execution of the law that is in their power; and as the mercantile part of the people will see that it is equally laid, though it may be something higher than the States have hitherto required, they will submit themselves to our ordinance, and use their influence to aid the collection. I know there will be some characters concerned in an illicit trade, acting without principle, but I think we can restrain them. If there is a degree of infamy attached to the wretches concerned in smuggling, and the practice is detested by the community, a man will scarcely be able to carry on such trade with advantage. It appears to me, therefore, that we had best let the system remain as it is; the duties are reasonable, and will operate as equitably on the people at large as practicable; it will, at the same time that it raises revenue, tend to enrich the country, by promoting the industry and economy of our citizens.

Mr. WHITE.—When this system first came before the committee, I was opposed to enter into an enumeration, because I supposed much time would be taken up in the discussion, which would be an absolute loss of revenue, perhaps to a greater amount than the difference between the duties of such a system and the one proposed by the late Congress; but as it was thought proper by the committee to proceed in the way that we have done, it would be presumption in me to say, that the duty on every article has been perfectly digested and properly laid, but I believe every article stands as well as can be upon the information we are in possession of. I believe very few, if any, of the articles can be disapproved of. The gentlemen last up has anticipated every thing that occurred to me on the subject. The question appears to turn upon this point, whether the duties can be collected or not? For my part I have no doubt but they can. It has justly been said by the gentleman from Massachusetts (Mr. AMES) that money is the soul of government; that, without such a soul, government cannot exist; then it will be necessary that we obtain this vivifying principle. The most popular mode of doing it is by way of impost, and I believe it was a prevailing motive with the people to adopt the new Constitution. I am satisfied in my own mind that it will be the most agreeable and least oppressive of any mode in our power; if a popular measure could be effected without law, what may we not expect from the co-operation of both? Before the Revolution, a private commercial combination regulated the importations between America and Britain. If any man was suspected of an infraction of the non-importation agreement, his conduct was strictly watched; if his guilt was discovered, he was published and held up to the world as an enemy to his country. Something like this may be expected to take place now; because every man is convinced of the importance and necessity of enforcing the revenue laws of the Union. This, in addition to our legal establishments, will give an efficacy to public measures which other countries are unacquainted with.

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The Eastern States cannot be viewed in the odious light which is reflected upon them on account of their former conduct. That they combined in a system of smuggling was accident; it does not belong to their patriotic spirit; they are, I flatter myself, the friends of good government; they know the value of union, and would do nothing from principle to injure the general welfare. At the time when they defeated the machinations of a British Parliament to effect their ruin, they looked upon the measures not only as oppressive, but unconstitutional and unjust, and the man who opposed them with vigor and success was regarded as his country's friend. But the contrary will now be the case, and the man who shall aim at the destruction of his country by frauds on her revenue will be considered her greatest enemy. The man who can stab to the vitals and spill the heart's blood of the Government (for money is the vital principle) must be base indeed. These circumstances will make a deep impression on every mind, and each will furnish his individual aid to obtain the full and due execution of the law. If this spirit prevail, and become general, there will be no difficulty in carrying the regulation into operation.

Mr. FITZSIMONS.—I have listened with an anxious desire of hearing something important on the question which now agitates the committee; but I must say that nothing of that kind has reached me. There has not a single argument been used this day but what has been urged before. After this remark it will not be expected that I should take up the time of the committee by making a reply to what I conceive has been fully replied to already. But as much has been said respecting the public opinion on the amount of the duties, I must beg them to excuse me a few words on that point.

With respect to the opinion of commercial men—and I live in a State where commerce is pretty well understood and pursued, a State whose imports are as great as any in the Union—from that quarter I have received information differing essentially from what has been stated by the gentleman from Massachusetts; so far are they from complaining of them in that State, that they think them rather low; they have no doubt as to the collection. Having heard the same sentiment from other quarters, I think, so far as the commercial opinion can be ascertained, I may venture to assert it is in favor of the duties agreed to. The particular article of spirits is peculiarly fitted for raising a considerable duty; it is of small value, great bulk, and general consumption. These are circumstances which make the revenue certain and important. If gentlemen believe rum an irresistible temptation at fifteen cents per gallon, they must imagine several articles charged but five per cent. ad valorem equally so, because they can be smuggled with greater profit and less risk of detection. A man can carry on his shoulders valuable goods subjected to a duty of five times as great an amount as what is charged upon a hoghead of rum. A pound of Hyson tea at two shillings is a greater incentive to smuggling than

a gallon of rum at fifteen cents; yet I do not remember to have heard gentlemen contend against the duty on teas on that account. If revenue is to be raised by way of impost, we must select those articles that are least liable to become objects of illicit trade. I believe a proper attention has been paid to this point, and am, therefore, well satisfied with the list contained in the bill.

A gentleman from Virginia (Mr. BLEND) has said that the present scale of duties will raise a revenue of 13,000,000 dollars. If he is well founded in his opinion, most certainly the duties ought to be reduced, because it is a much larger sum than the wants of the Union require; but I cannot flatter myself into such a belief; thirteen millions of dollars is too great a sum to be expected, even if all the powers and exertions of Congress were drawn into action. But let us examine what may be the wants of the United States during the current year. The expense on the civil list cannot be estimated with accuracy for want of an establishment of the various departments; but it will probably equal the expense of the late Congress, if you conceive the members of the Legislature to be paid but of the Federal Treasury; add to this the sums stated to be arrears by an estimate I have seen from the Board of Treasury, it will amount to four millions five hundred and ninety-seven thousand dollars; then the instalments of the foreign debt, together with interest on the same, and interest on the domestic debt, for which provision remains to be made, will probably increase it to eight millions of dollars. Now, if gentlemen apprehend we shall raise more revenue than that sum within the current year, it will operate as a strong motive upon them to vote for the reduction of the duties; and if gentlemen suppose that the duty is so high upon rum as to convince them it will inevitably be evaded, it will be a sufficient argument to induce them to vote for the present motion.

The collection of our revenue has been compared to the collection of Great Britain; but she collects four shillings sterling per gallon on West India rum, six times as much as we have agreed to, and yet I believe a very unimportant quantity of Jamaica spirits is smuggled into that kingdom. The smuggling trade is mostly carried on from France and the Netherlands, in small vessels, where the risk and insurance is inconsiderable. I believe large vessels are very seldom concerned in such contraband trade, because they hazard more than overbalances every consideration of profit resulting from success. The circumstances of America and Britain are different; America is remote from commercial nations, and European goods that are made dutiable by this law must generally be imported in vessels of considerable value. If the owner attempts to save a part of the duties, or evade the laws, he will risk the whole, for, I trust, Congress will not neglect any security that may be derived from sufficient penalties upon the violators of the law. For my part, I have no doubt but the revenue will be faithfully collected; but certainly there are many other articles more liable to objection on this account

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than rum, yet there was no adverse argument urged against them: therefore I suppose the committee were satisfied with them as they stand. Mr. Ames.—The gentleman from Pennsylvania set out with informing us that nothing new had or could be offered on the subject; yet you found, Mr. Chairman, the gentleman had a good deal to say, which I thought new and much to the purpose. As to applying the observation to myself, in common with the advocates for low duties, I shall decline it, only noting that the long discussion which the subject has had would restrain me from rising on this occasion more than any remarks of the nature made by the gentleman from Pennsylvania and Connecticut; but I am actuated by higher motives than a regard to my own feelings, otherwise I should come reluctantly forward to press arguments which the committee may be fatigued with listening to. But I feel such strong impressions on my mind, with regard to the effects our impost law is likely to produce, that I cannot pass it over with a silent vote. I must admonish gentlemen that the events, which may result from our present measures are of the most alarming nature. When I was up before, I endeavored to show the degree of power the Government could exercise without being charged with an ill administration.

I shall now proceed briefly to consider the arguments used in reply to what has been advanced by the advocates for moderate duties. I believe it is a good rule to judge of the strength of a cause by the arguments used to defend it; and here I must take the liberty of saying that the gentlemen on the other side of the question have adduced not one to support their opinion that has carried conviction to my mind. I consider that, by a decision of this question, the good which the new Government is expected to produce may be rendered problematical. Though I am fully impressed with the necessity there is for revenue to supply the public expenses, yet I cannot believe we are likely to obtain more by heavy duties than by temperate ones, and it is to this point that my arguments tend. I do not believe that in either case we shall procure fully sufficient to supply the public demands. If we have to procure eight millions of dollars, I venture to say not near the half could be raised by an impost system; but admitting that it could by a high scale of duties for the first year, it could not be done in the subsequent ones. Now, I regard this as a permanent system of revenue rather than a productive one; if it is laid high, you will find your collection annually diminish. Now, will any Government take such measures in gathering in its harvest as to ruin the soil? Will they rack-rent their tenants in such a manner as to deprive them of the means of improving the estate? Such can never be the policy of this enlightened country. We know, from the fundamental principles of republics, that public opinion gives the tone to every action of the Government—the laws ought to correspond with the habits and manners, nay, I may almost add, wishes of the people.

Well, Mr. Chairman, we are told a tax upon

rum is popular; I will agree with the gentleman; but still a high duty will induce people to run it, and though the consumer may pay the tax without complaining, yet it will go into the pockets of individuals who defraud your revenue. Gentlemen have complained that we do not offer a substitute for what we find fault with. I will endeavor to explain a system I would place in the room of this. I would reduce the duties generally so low as to hold out no encouragement to smuggling; in this case it is more than probable the amount of the impost at the end of one year would exceed the collection under the present rate. By giving this proof of moderation and wisdom, we should obtain the public favor and confidence; the Government would be acquiring strength, its movements would be more certain, and we could in every subsequent year extend the system and make the whole productive; then it would be in the power of Government, by aids, to improve our agriculture, manufactures, and commerce. Our imports are now very great; by the increase of our commerce we shall probably find our revenue produce twice as much seven years hence as it can be expected to do at present.

The duty on West India rum is moderate and popular, say gentlemen; it is not the interest of Massachusetts that it should be reduced; so I am arguing against the interest of the State I have the honor to represent. The higher the duty on West India rum, the more country rum will be posited in my hands if I were to be actuated by a local motive of this nature. The higher the duty, the more officers must be multiplied, the more guards must be employed, the more troops must be kept in pay, for the suppression of clandestine trade. Under high duties, the people will pay much, the Government receive little. Will they not, then, justly complain of the useless burdens you have imposed? Useless I call them, unless Government have in contemplation to make them conducive to oppress and injure their constituents. If you punish severely the breach of your laws, will not the people combine against them? Will it not be an additional source of dissatisfaction, that the attempts to relieve them are unsuccessful? If gentlemen consider this subject seriously, they will see cause to be alarmed. Who, in this case, can you apply to for support? Not to the people, they want an alleviation of their miseries; you have, then, nothing left but the impotency of a Government not sufficiently matured to support itself.

Gentlemen say that the funds to be produced by the proposed impost are insufficient for the public demands; if so, why not stop somewhat shorter? If we must have recourse to some other mode of obtaining revenue, let us divide the burden, and not destroy one means will not it too heavily; if we do, the other means will not only have its own proportion to sustain, but the accumulation of its weakened fellow. Or, do gentlemen suppose they will clear the United States of incumbrances by one effort? They do

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not. Why are we to grasp at so much in this way? It would be much better to call in the aid of other taxes and excises, than, by overloading, depress one of the most capable and valuable funds in our possession. Under the British Government, they have excise, stamp duties, impost, malt, and land-tax, from which to defray their expenses; why should we endeavor to do that with a single fund, when we have more in our power?

The gentleman from Pennsylvania (Mr. Fitzsimons) has mentioned the great probability there is of getting a great duty from this article, because the consumption is more extensive in the United States than in any other part of the world; but this circumstance will furnish a strong inducement to smuggle. He says there is but a small quantity of rum smuggled into England. Gentlemen no doubt consider that Great Britain is an island well watched; her cutters and custom-house boats are ever on the look-out; but, with all these guards, and the advantage of her insular situation, she is unable to prevent smuggling.

It has been remarked, that under the State laws, experience has taught us that such duties as the bill has in contemplation can be collected; and the gentleman says, if they be collected under the State laws, they can be collected under this Government. If they have been able to collect high duties in Virginia, it is because their trade is confined to enter at one channel. But it is not so with the Eastern States; there every attempt to raise high duties has proved ineffectual; and the universal opinion there is, that five per cent. would be more productive of revenue than fifty. This is not mere matter of opinion, as has been said, but is demonstrable from facts.

The principle of taxation is to produce the greatest sum of money with the greatest ease to the community. If a gentleman in trade has on hand a cargo of rum, he is able to afford it at a less price than the person who imports it subject to these duties; therefore, the latter will be under the necessity of smuggling, or storing his commodities, for he cannot afford to sell at a loss. A gentleman has mentioned, that if we do not succeed in the collection of these duties, we may lower them. But will any gentleman say, that if we lose our duty by the establishment of a system of smuggling, we shall not continue to lose after the law shall be repealed, and a lower rate of duties is imposed? If gentlemen depend upon this fund alone, I think they ought not to strain it too much; though I do not know why we should not take to our aid an excise duty; it certainly is not unpopular as it respects the distillation of spirits. If I were an enemy to the Constitution, I should be an advocate for high duties; because it would disgust the people, and render the Government unpopular; but, as I am a sincere friend to the Government now established, and desire its perpetuity, I am against any measure which I think will endanger its existence.

Mr. Madison.—Let us compare the probable amount of the revenue proposed to be raised by

this system, with what is raised in Great Britain, and we shall be apt to infer that they are not so oppressive as gentlemen seem to insinuate. Taking the highest estimate that I have heard mentioned, and it will not produce three millions of dollars. The population of the United States exceeds three millions of souls, hence the tax does not amount to one dollar per head. Great Britain, on the highest estimation, does not contain eight millions of inhabitants, and has an annual revenue to provide of thirteen millions sterling. It is true she has recourse to other means beside an impost for the purpose of obtaining such a revenue; but those other means are certainly more objectionable in that country, and would be much more so here. Each individual of that kingdom pays eight times as much as is required by the United States; now, where is the propriety of making a comparison between them?

Mr. Baldwin asked if the Government of the United States of America was four or five times worse to be administered than the Governments in Europe? Whether the public opinion was four or five times more unfavorable to such an administration? If these questions are answered in the affirmative, then the inferences which gentlemen have drawn of the impracticability of collecting the duties laid in the bill, are just. But this is not allowing the General Government the common chance of executing its laws. If it were the wisest Government on earth, it might be allowed a chance of doing one quarter of what others perform. If we find by experience, that we are too weak to execute a system which is so much easier than other nations have adopted, it may be proper to alter it. We shall be better able to judge how far we are likely to succeed, when the bill for the collection of the revenue is brought forward. Such a bill is now in the hands of a committee, and it is to be hoped, when they report it, it will be found sufficient to insure the collection; till then, it will be best to continue the rate as it stands.

Mr. Bourne.—When we consider the arguments of gentlemen on both sides of this question, we shall find they do not differ so much as, on a superficial view, gentlemen may be led to imagine. It is agreed, that a revenue must be obtained adequate to our wants; but some gentlemen think we shall not receive a greater sum because we lay a high duty; in this opinion I am with them. I think the present is a favorable time to lay an impost duty, and expect very considerable aid from the public spirit; but I am in favor of a low duty, because I would do nothing to check that spirit. If we lay high duties, and a man finds smuggling the most profitable business he can follow, we shall have to contend with private interest. If we lay a light duty of thirty or forty per cent., the temptation will be too strong for resistance, and the sum collected may not amount to ten per cent. on the whole importation; whereas, if we lay twenty or fifteen per cent., the whole may probably be collected, and the treasury be better filled, because it does not

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hold out so strong an inducement to evade the payment of the duties. Another objection has been stated which is of great weight: a system of high duties will necessarily engage us in a system of drawbacks. If we are forced into this measure, it will be a great injury to the revenue.

We ought also to consider the inconvenience to which high duties will subject our merchants. It is a common case in America that our mercantile capitals are limited. Gentlemen engaged in commerce can ill spare so large a proportion in the payment of duties.

It has been mentioned by gentlemen, that Great Britain collects four shillings sterling per gallon on rum; yet she is exposed to great difficulties in obtaining it. But I ask gentlemen, whether Great Britain ever laid such a high duty in the first instance as we are about to impose? I believe they did not: they began, I apprehend, with moderate duties, and increased them as circumstances authorized, when the people became habituated to the imposition. This is the very principle I wish to adopt, and show the world that our conduct is founded in wisdom, propriety, and experience. If we shall discover our mistake in laying high duties, and are driven by necessity to reduce them, such measures will operate to the injury of the fair trader; whereas, if we increase them by degrees, it will be rather favorable to their interest than otherwise; at all events, it will injure none.

If a sense of the committee could be obtained on a general reduction of ten or fifteen per cent. on the rate the articles now stand at, I should be glad to vote in favor of such a motion; but I could not approve of reducing the article of rum alone, because I do not think it charged out of proportion with the others.

Mr. JACKSON differed from his colleague, (Mr. BALDWIN.) He thought, although the British laid four shillings on rum, they did not collect it; and that their custom-house establishments were so expensive as to leave a mere trifle for the net produce of the impost duty. If America employed such a host of revenue officers as to secure the payment of high duties, there would be very little left, after compensating their services, to supply the federal treasury.

Mr. WADSWORTH desired gentlemen to consider that the citizens of the United States owned vessels as well calculated for smuggling as any that were employed between the Netherlands and England; therefore, they had little more security against smuggling than Great Britain.

Mr. JACKSON.—It was well observed by the honorable gentleman from Connecticut, (Mr. WADSWORTH,) that America has vessels well adapted for smuggling: I can declare it from my own knowledge, to be the fact. It is not, Mr. Chairman, the large vessels coming off long voyages that we are to apprehend danger from; it is our coasters, small vessels constantly coming in and going out; these can run goods from foreign ports adjacent to the United States; they are best acquainted with the unfrequented parts,

where they can deposit their cargoes with safety, and will make use of these advantages to defraud your revenue.

With regard to the equity of the impost system, I conceive direct taxation will be more equitable. We, in the Southern States, shall then pay in proportion to our numbers; but under this law we shall contribute much more.

Gentlemen talk of improving the morals of the people by taxation. For my part, I conceive revenue has nothing to do with the morals of the people; therefore such considerations, have no weight on my mind. All that I contemplate is, drawing as much money as we can with equity; and here I believe more can be obtained by a less impost than by a greater; therefore, I am in favor of reducing the duties. It will likewise be more honorable to the Government to begin gradually and win the affections of the people, rather than disgust them by oppressive measures; for, if we lose their confidence, we lose our power and authority.

Mr. GERRY.—It appears to me, that gentlemen place their arguments on the name of high duties, rather than on principle; for if they were certain that the energy of Government would effect all they aspire at, then it would follow, that we have nothing more to do than to name the sum we want. But if these ideas are not well supported, the superstructure they have raised upon them must fall to the ground. The energy of your Government depends upon the approbation of the people. No doubt the citizens of the United States will support the Government they have adopted, so long as they approve the measures it pursues, but no longer. Gentlemen trust much, on this occasion, to the co-operation which they expect from their constituents; but I would wish them to examine this argument. These duties are to be collected from the several States into which certain goods are imported. If the people of Massachusetts shall conceive any particular duty peculiarly oppressive on them, they will seek to evade it. This opens a door for smuggling all the other articles.

I conceive gentlemen to be mistaken with respect to the effects which high duties will produce on the mercantile interest. I think there cannot be a doubt but they will be obliged to smuggle; if they mean to continue their business, their capital will be insufficient for the purposes of commerce and the payment of high duties. Gentlemen will not draw knowledge from the experience of Great Britain; therefore, it is unnecessary to adduce her example. But let us see what we are taught by the practice of our own States. Massachusetts drew a very considerable revenue from an impost; she lately tried to increase it by doubling the duties; but, instead of doing so, they found the revenue lessened, and they were obliged to alter what they had so injudiciously attempted. I am willing to suppose with gentlemen, that the Government is invested by the Constitution with sufficient energy to carry any regulation of this kind into effect; but is this the time to try the energy of your Government, when your com-

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merce is struggling with every kind of difficulty and embarrassment? Formerly, our merchants were able to extend their operations by the means of an established credit in Britain; but unfortunately this is no longer the case. How, then, is it possible they can continue their trade when you lop off another part of their capital? Besides, as was said by the worthy gentleman from Virginia, (Mr. BEARD,) there is not money enough in the United States to pay the duties. I believe it is well known, that our commerce is greatly distressed by the universal want of specie; there has not been less in circulation for many years than there is at this time. Gentlemen who have property cannot convert it into money; then how will the merchant be able to raise cash for the payment of duties equal to thirty or forty per cent. on his capital? These are serious and alarming circumstances, and such as prove to my mind that commerce was never less able to bear a high impost than at present, nor ever stood in greater need of the fostering hand of Government for its support. If gentlemen are convinced of the truth of these observations, and they are so notorious that they cannot have escaped the knowledge of any one, they will see the necessity of turning their attention to the encouragement of navigation and trade, rather than think of drawing an oppressive revenue from them.

When gentlemen compare these duties with those collected in Great Britain, they ought to consider that the mercantile capital in this country bears no kind of proportion to the capital of that kingdom. When gentlemen tell us that England raises four times as much by way of impost, do they not know that the capital engaged in the commerce of that nation is ten times as great as in America? If they admit this, then it follows that we cannot pretend, with equal ease, to levy a quarter of what is there collected.

I do not pretend to deny the necessity we are under of raising revenue, or that an impost is the most certain and agreeable means in our power; but I contend against straining the duties so high as to make them burdensome, and occasion the establishment of a clandestine trade, which will prove destructive of the end we aim at.

Mr. MADISON submitted, whether the burden would not operate more on the Southern States than the Northern. The duties could be collected in the Middle States, this was proved by the experience of some years; for they had collected in those States, in many instances, duties nearly equal to what were proposed. In the Eastern States, it was the interest of the manufacturers to see the duties were well collected; they had been imposed to favor their interests. The distillers would exert themselves in aiding the Government to collect the duty on foreign rum, because it particularly interfered with country rum; from hence he concluded that the impost could be collected with tolerable certainty even in that country most convenient for carrying on a clandestine trade.

Mr. AMES contended that it would be the particular interest of one set of men to evade the

payment of the duties. As mankind was governed by interest, it required all the attention of the Government to prevent a breach of the law; because, when the banks and bulwarks of defence were once broken down, the full tide of clandestine commerce would overflow the country. Gentlemen recollected the circumstances which attended the depreciation of the late Continental money. Some persons, from motives of interest or necessity, first made a distinction between it and specie, and although every exertion was made by the patriotic among our citizens to prevent the alarming evil, yet every thing was insufficient; they were at length obliged to acquiesce in measures they could not prevent. This was the case on that occasion, and will be the case whenever our laws or regulations run counter to private interest.

Mr. SHERMAN.—The gentleman from Massachusetts (Mr. AMES) has said, that because we cannot raise the whole sum necessary to supply our wants, we should be content to stop half way. I know we shall not be able to obtain money enough by the impost to pay off our whole debt, but then I wish to raise as much as possible in this way. I believe the people are able to pay as much as the necessities of the Government require; if they are not, we shall never restore the public credit, which is one of the chief ends of our appointment. I believe they are not only able but willing to contribute sufficient for this purpose. The resources of this country are very great if they are properly called into action; and although they may not be so great as those of Britain, yet it should be remembered, that nation has occasion for twelve times as much revenue as the United States.

Gentlemen have had recourse to popular opinion in support of their arguments. Popular opinion is founded in justice, and the only way to know if the popular opinion is in favor of a measure, is to examine whether the measure is just and right in itself. I think whatever is proper and right, the people will judge of and comply with. The people wish that the Government may derive respect from the justice of its measures; they have given it their support on this account. I believe the popular opinion is in favor of raising a revenue to pay our debts, and if we do right, they will not neglect their duty; therefore, the arguments that are urged in favor of a low duty will prove that the people are contented with what the bill proposes. The people at this time pay a higher duty on imported rum than what is proposed in this system, even in Massachusetts; it is true it is partly laid by way of excise, but I can see no reason against doing it in this way as well as the other.

The article of molasses is a good deal used in that country, but I do not think it so much a necessary of life but that every citizen could live without it; and I believe the people would be very well contented to contribute their proportion of the public expenses by a small duty on that article. Those who consume foreign luxuries are generally able to pay for them. When gentlemen

have recourse to public opinion, to support their arguments, they generally find means to accommodate it to their own; the reason why I think public opinion is in favor of the present measure is, because this regulation in itself is reasonable and just.

Some gentlemen think a system of moderate duties will be capable of improvement; every subsequent year they may be increased, and so become more and more productive. If we were on the eve of a war, in which it is presumable our expenses would increase, such policy might be proper; but as we want it only to pay a certain debt, the demand will decrease, and we shall have less occasion for an increase of revenue.

I think if we should not support public credit now we have the ability, the people will lose all confidence in the Government. When they see public bodies shrink from their duty, what can be expected but they will neglect theirs also? It cannot be for the interest of the people of the United States that they should continue to pay a high interest, and suffer an accumulation of the principal of the national debt till some distant period. Will any gentleman assure us that the people will then be better able to pay it off than at present? Have they any certain evidence that we shall grow richer as we delay the establishment of our credit and the payment of our debts? I think they have not; therefore it is best to get out of debt as fast as possible, and while we have the command of funds amply sufficient for the purpose.

Mr. LAWRENCE.—It has been intimated by gentlemen in favor of high duties, that it will limit the consumption of foreign articles; if this be the case, the quantity imported will be lessened; if it is our object to raise revenue, it is certainly unwise to destroy the object from which the revenue is to be collected. It is supposed the amount of the duties will be insufficient to answer the public wants; and yet the public creditors have great expectations from this resource. Let us therefore be careful how we destroy it; if revenue is our primary object, and the other considerations but secondary, we should do nothing to operate against that principle.

Mr. MADISON.—It does not follow, because it will in some degree limit the consumption, that we ought not to lay a high duty on rum; if it has that effect, it will be an ample compensation for the loss of revenue; but probably, as we extinguish our debt, we shall have the less occasion for the revenue itself.

Mr. GOODRICH.—The object of the committee is to raise revenue, I take it. This would, perhaps, be best done by reducing the duty, but I am not inclined to reduce it so low as some gentlemen seem to desire; it may be reduced a few cents, and therefore I move to insert ten instead of twelve.

The question was taken for striking out the twelve cents, as it stood in the bill, on all spirits of Jamaica proof, imported from the dominions of nations in alliance with the United States, in order to leave it blank, to be filled up hereafter.

The House divided on the question; 19 in favor of the motion, and 26 against it. So it passed in the negative. Adjourned.

MONDAY, May 11.

A committee, consisting of Messrs. WHITE, SCOTT, and STURGIS, was appointed to confer with the committee appointed by the Senate, to view and report in what manner the rooms in the City Hall shall be appropriated.

ON TITLES.

The House took into consideration the message from the Senate, communicated on Saturday last, respecting the disagreement of the Senate to the report of a joint committee, on the subject of annexing titles to the offices of President and Vice President.

Mr. PARKER moved a resolution to the following effect:

Resolved, That this House having, on Tuesday last, adopted the report of their committee appointed to confer with a committee of the Senate, stating, "That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution; and having, in their Address to the President of the United States, on Friday last, proceeded to act pursuant thereto, deem it improper to accede to the proposition made by the Senate, as communicated by their order of the 9th instant, for appointing a committee to confer with a committee of this House, in considering and reporting under what title it will be proper for the President of the United States in future to be addressed.

Mr. PAGE seconded the motion, observing, that in his opinion, the House had no right to interfere in the business; the Constitution expressly prescribed the power of Congress as to bestowing titles. He did not conceive the real honor or dignity of either of these situations to consist in high sounding titles. The House had, on a former occasion, expressed their disapprobation of any title being annexed to their own members, and very justly too. After having so fully and explicitly declared their sentiments against such measures, he thought it behooved them to be explicit with the Senate. Indeed, he felt himself a good deal hurt, that gentlemen on this floor, after having refused their permission to the Clerk to enter any more than their plain names on the journal, should be standing up and addressing one another by the title of "the honorable gentleman." He wished the practice could be got over, because it added neither to the honor nor dignity of the House.

Mr. LEE approved of the appointment of a committee to confer with a committee of the Senate, as the mode due to the occasion; but he was against adding any title.

Mr. TUCKER.—When this business was first brought before the House, I objected to the appointment of a committee to confer with a committee of the Senate, because I thought it a subject which this House had no right to take into consideration. I then stood single and unsupported.

ported in my opinion, but have had the pleasure to find since, that some gentlemen on this floor agree that I was right. If I was then right, I shall, from a stronger reasoning, be right now in opposing the appointment of another committee on the same subject. The joint committee reported that no titles ought to be given; we agreed to the report, and I was in hopes we should have heard no more of the matter. The Senate rejected the report, and have now sent us a resolution, expressive of a determination to give a title, to which they desire our concurrence. I am still of opinion that we were wrong in appointing the first committee, and think that we shall be guilty of greater impropriety if we now appoint another. What, sir, is the intention of this business? Will it not alarm our fellow-citizens? Will it not give them just cause of alarm? Will they not say, that they have been deceived by the convention, that framed the Constitution? That it has been contrived with a view to lead them on by degrees to that kind of government which they have thrown off with abhorrence? Shall we not justify the fears of those who were opposed to the Constitution, because they considered it as insidious and hostile to the liberties of the people? One of its warmest advocates, one of the framers of it, (Mr. Wilson, of Pennsylvania,) has recommended it by calling it a pure democracy. Does this look like a democracy, when one of the first acts of the two branches of the Legislature is to confer titles? Surely not. To give dignity to our Government, we must give a lofty title to our Chief Magistrate. Does the dignity of a nation consist in the distance between the first magistrate and his citizens? Does it consist in the exaltation of one man, and the humiliation of the rest? If so, the most despotic Government is the most dignified; and to make our dignity complete, we must give a high title, an embroidered robe, a princely equipage, and finally, a Crown and hereditary succession. Let us, sir, establish tranquility and good order at home, and wealth, strength, and national dignity will be the infallible result. The aggregate of dignity will be the same, whether it be divided among all, or centred in one. And whom, sir, do we mean to gratify? Is it our present President? Certainly, if we expect to please him, we shall be greatly disappointed. He has a real dignity of character, and is above such little vanities. We shall give him infinite pain; we shall do him an essential injury. We shall place him in a most delicate and disagreeable situation; we shall reduce him to the necessity of evincing to the world his disapprobation of our measures, or of risking some diminution of that high reputation for disinterested patriotism which he has so justly acquired. It is not for his gratification; for, whose, then, are we to do this? Where is the man among us who has the presumption and vanity to expect it? Who is it that shall say—for my aggrandizement three millions of people have entered into a calamitous war; they have persevered in it for eight long years; they have sacrificed their property, they have spilt their blood, they have rendered thousands of families

wretched by the loss of their only protectors and means of support? This spirit of imitation, sir, this spirit of mimicry and apery will be the ruin of our country. Instead of giving us dignity in the eye of foreigners, it will expose us to be laughed at as apes. They gave us credit for our exertions in effecting the Revolution, but they will say that we want independence of spirit to render it a blessing to us.

Mr. TRUMBULL moved for the appointment of a Committee of Conference, to consider on the difference which appeared in the votes of the two Houses upon the report of the joint committee.

Mr. BURKE hoped the House would express their decided disapprobation of bestowing titles in any shape whatever; it would be an indignity in the House to countenance any measures of this nature. Perhaps some gentlemen might think the subject was a matter of indifference; but it did not appear to him in that light. The introduction of two worlds which he could mention into the title of these officers, would alter the Constitution itself; but he would forbear to say anything further, as he had a well-grounded expectation that the House would take no further notice of the business.

Mr. GOODRICH thought the conference unnecessary, because the House had not only adopted the report of their committee, but proceeded to act in pursuance thereof.

Mr. SENEY joined the last gentleman in sentiment, and thought it an unnecessary waste of time to give the subject any longer discussion.

Mr. MADISON.—I may be well disposed to concur in opinion with gentlemen that we ought not to recede from our former vote on this subject, yet at the same time I may wish to proceed with due respect to the Senate, and give dignity and weight to our own opinion, so far as it contradicts theirs, by the deliberate and decent manner in which we decide. For my part, Mr. Speaker, I do not conceive titles to be so pregnant with danger as some gentlemen apprehend. I believe a President of the United States, clothed with all the powers given in the Constitution, would not be a dangerous person to the liberties of America, if you were to load him with all the titles of Europe or Asia. We have seen superb and august titles given, without conferring power and influence, or without even obtaining respect. One of the most impotent sovereigns in Europe has assumed a title as high as human invention can devise; for example, what words can imply a greater magnitude of power and strength than that of High Mightiness? This title seems to border almost upon impiety; it is assuming the pre-eminence and omnipotence of the Deity; yet this title, and many others cast in the same mould, have obtained a long time in Europe, but have they conferred power? Does experience sanction such an opinion? Look at the Republic I have alluded to, and say if their present state warrants the idea?

I am not afraid of titles, because I fear the danger of any power they could confer, but I am

wretched by the loss of their only protectors and means of support? This spirit of imitation, sir, this spirit of mimicry and apery will be the ruin of our country. Instead of giving us dignity in the eye of foreigners, it will expose us to be laughed at as apes. They gave us credit for our exertions in effecting the Revolution, but they will say that we want independence of spirit to render it a blessing to us.

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against them because they are not very reconcilable with the nature of our Government or the genius of the people. Even if they were proper in themselves, they are not so at this juncture of time. But my strongest objection is founded in principle; instead of increasing, they diminish the true dignity and importance of a Republic, and would in particular, on this occasion, diminish the true dignity of the first magistrate himself. If we give titles, we must either borrow or invent them. If we have recourse to the fertile fields of luxuriant fancy, and deck out an airy being of our own creation, it is a great chance but its fantastic properties would render the empty phantom ridiculous and absurd. If we borrow, the servile imitation will be odious, not to say ridiculous also; we must copy from the pompous sovereigns of the East, or follow the inferior potentates of Europe; in either case, the splendid tinsel or gorgeous robe would disgrace the manly shoulders of our chief. The more truly honorable shall we be, by showing a total neglect and disregard to things of this nature; the more simple the more Republican we are in our manners, the more rational dignity we shall acquire; therefore, I am better pleased with the report adopted by the House, than I should have been with any other whatsoever.

The Senate, no doubt, entertain different sentiments on this subject. I would wish, therefore, to treat their opinion with respect and attention. I would desire to justify the reasonable and republican decision of this House to the other branch of Congress, in order to prevent a misunderstanding. But that the motion of my worthy colleague (Mr. PARKER) has possession of the House, I would move a more temperate proposition, and I think it deserves some pains to bring about that good will and urbanity, which, for the despatch of public business, ought to be kept up between the two Houses. I do not think it would be a sacrifice of dignity to appoint a Committee of Conference, but imagine it would tend to cement that harmony which has hitherto been preserved between the Senate and this House; therefore, while I concur with the gentlemen who express, in such decided terms, their disapprobation of bestowing titles, I concur also with those who are for the appointment of a Committee of Conference, not apprehending they will depart from the principles adopted and acted upon by the House.

Mr. WHITE did not approve of a Committee of Conference, because the House had already determined the question by unanimously adopting the report of the joint committee. He did not think that it was worth while having the subject longer contested; he was satisfied both the spirit of the Constitution and the spirit of the people disapproved of titles.

Mr. BLAND would be careful of giving umbrage to the Senate, because he wished that the unanimity and moderation which subsisted between the two Houses might continue. He considered the present as a very proper opportunity for the appointment of a Committee of Conference. The two Houses had disagreed on the

report of their committees; it was proper, therefore, that they should mutually assign their reasons, in order to bring about an agreement to the same resolution. He hoped, therefore, that such a committee would be appointed, though he had no expectation that the House would give up an opinion they so justly and decidedly entertained respecting titles.

Mr. PARKER wanted to know what was the object of gentlemen in the appointment of a Committee of Conference? The committee could only say that the House had refused their consent to annexing any titles whatever to the President and Vice President; for certainly the committee would not descend into the merits of a question already established by the House. For his part, he could not see what purpose was to be answered by the appointment of such a committee. He wished to have done with the subject, because while it remained a question in the House, the people's minds would be much agitated; it was impossible that a true republican spirit could remain unconcerned when a principle was under consideration, so repugnant to the principles of equal liberty.

Mr. SHERMAN thought it was pretty plain that the House could not comply with the proposition of the Senate. The appointment of a committee on the part of the House, to consider and determine what style or title will be proper to annex to the President and Vice President, would imply that the House meant that some style or title should be given. Now this they never could intend, because they have decided that no style or title ought to be given; it will be sufficient to adduce this reason for not complying with the request of the Senate.

Mr. JACKSON wondered what title the Senate had in contemplation to add dignity or lustre to the Presidential Chair. For his part he could conceive none. Would it add to his fame, to be called after the petty and insignificant princes of Europe? Would styling him His Serene Highness, His Grace, or Mightiness, add one title to the solid properties he possessed? He thought it would not; and therefore conceived the proposition to be trifling with the dignity of the Government. As a difference had taken place between the two Houses, he had no objection to a conference taking place. He hoped it might be productive of good consequences, and that the Senate might be induced to follow the laudable example of the House.

Mr. MADISON was of opinion that the House might appoint a Committee of Conference without being supposed to countenance the measure. The standing rule of the House declared, that, in case of disagreeing votes, a Committee of Conference should be appointed. Now, as the case provided for in the rule had actually happened, he inferred that it was proper to proceed in the manner directed by the rules of the House. The subject was still open to discussion, but there was little probability that the House would rescind their adoption of the report. I presume gentlemen do not intend to compel the Senate into their

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measures; they should recollect that the Senate stand upon independent ground, and will do nothing but what they are convinced of the propriety of; it would be better, therefore, to treat them with delicacy, and offer some reasons to induce them to come into our measure. He expected this would be the result of a conference, and therefore was in favor of such a motion.

Mr. SENEY intended nothing disrespectful to the Senate, but he conceived, after having adopted the report of the committee, it would derogate from their own dignity, to rescind a unanimous resolution; and for what other purpose could a conference be appointed by the House? They must certainly suppose that there might be ground for changing their opinion. Nothing of this kind appeared to him, and therefore he was of opinion it would be a useless consumption to waste any more time about it.

Mr. CLYMER thought that there was little occasion to add any title either to the President or Vice President. He was very well convinced, by experience, that titles did not confer power; on the contrary, they frequently made their possessors ridiculous. The most impotent Potentates, the most insignificant Powers, generally assumed the highest and most lofty titles. That they do not indicate power and prerogative is very observable in the English history; for when the Chief Magistrate of that nation bore the simple style of His Grace or Highness, his prerogatives were much more extensive than since he has become His Most Sacred Majesty.

Titular distinctions are said to be unpopular in the United States; yet a person would be led to think otherwise, from the vast number of honorable gentlemen we have in America. As soon as a man is selected for the public service, his fellow-citizens, with liberal hand, shower down titles on him—either excellency or honorable. He would venture to affirm there were more honorable esquires in the United States than in all the world besides. He wished to check a propensity so notoriously evidenced in favor of distinctions, and hoped the example of the House might prevail to extinguish that predilection which appeared in favor of titles.

Mr. PAGE—If I thought the motion made by my colleague in the least degree disrespectful, I should not have seconded it. I would be the last man on this floor to treat that worthy body with disrespect; but I believe it cannot be construed to have such a meaning. If we were to let the resolution lie on the table, it would not be disrespectful. But what is the object of the motion? Simply to inform the Senate that we cannot rescind a resolution adopted in consequence of the report of a joint committee. If the conduct of either House is in the least degree disrespectful, (though I do not conceive it is,) the body who declined adopting the report, after knowing the sense of the other to be in its favor, is the most so.

But on what are a committee to confer? Not upon what title shall be bestowed, because we have no right to enter on the subject; and here I

must tell gentlemen I differ from them, when they think titles can do no harm. Titles, sir, I say, may do harm, and have done harm. If we contend now for a right to confer titles, I apprehend the time will come when we shall form a reservoir for honor, and make our President the fountain of it. In such case, may not titles do an injury to the Union? They have been the occasion of an eternal faction in the kingdom we were formerly connected with, and may beget like inquietude in America; for I contend, if you give the title, you must follow it with the robe and the diadem, and then the principles of your Government are subverted.

Mr. LEE moved the previous question as the best mode of getting rid of the motion before the House: he was supported by a sufficient number. And on the question, Shall the main question be now put? it passed in the negative; and so the motion was lost.

On motion, it was Resolved, That a committee be appointed, to join with such committee as the Senate may appoint, to confer on the disagreeing votes of the two Houses, upon the report of their joint committee, appointed to consider what titles shall be given to the President and Vice President of the United States, if any others than those given in the Constitution. Messrs. MADISON, PAGE, BENSON, TRUMBULL, and SHERMAN, were the committee elected.

IMPOST BILL.

The House then went into a Committee of the Whole on the bill for laying a duty on goods, wares, and merchandises imported into the United States. Mr. PAGE in the Chair.

The question on laying a duty on molasses being under consideration:

Mr. TUCKER—Notwithstanding I am anxious for a reduction of the duties on all the articles in the bill, yet my vote on molasses will be regulated by what the committee shall determine in other cases, as I do not conceive it to be out of proportion. If a general reduction takes place on the other articles, I shall be disposed to make a reduction on this article; but as mine is but a single vote, gentlemen may not be inclined to favor my proposition for a general reduction, in order to gain my assent to a reduction on this particular article.

Mr. GOODHUE was of opinion that the duties were too high for collection; but he did not agree with the gentleman from South Carolina (Mr. TUCKER) that the duty on molasses was rated in proportion to the other articles, and therefore the question, whether molasses shall be reduced or not, did not depend on a general reduction, but on its own bottom; if it was rated too high for collection and proportion, the committee would agree to reduce it.

Mr. FARRISMORE expected the gentleman from South Carolina would vote in the manner he had pledged himself; he had promised to vote for reducing the duty on molasses if the committee reduced the duty on other articles; now, as they

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had decided against a reduction, he hoped the gentleman would be in favor of the duty on molasses, as it stood in the bill, and not vote in the manner he had promised.

Mr. TUCKER.—The gentleman last up has certainly misunderstood me. I made no promise. I said my vote would depend upon the reduction of the other articles, but I was indifferent as to rum; I did not consider the State I represented as being either particularly benefited or injured by a duty on rum; and therefore did not urge any arguments in favor of reducing that article, more than I thought it might be proper to preserve the ratio, as fixed by the House, between the several articles. If gentlemen think rum can bear a high duty, and be safely collected, I have no objection to letting it remain. But there are some articles that bear heavily and unequally upon South Carolina; now, I think it my duty to vote in such a manner as to prevent her from bearing an undue proportion of the tax to be collected; I am, consequently, obliged to vote for a high tax on articles used in other States, (if my State is highly taxed,) however unequally it may fall. I shall therefore vote so as to endeavor to oblige other States to bear their true proportion of the aggregate sum. I wish to defer any determination on the article of molasses until we have gone through the other articles, that I may know how to vote on this. If gentlemen think my single vote of no consequence, they may proceed; but I may think the duty too high on molasses, and may be disposed to make it five cents, or less, if a reduction is made in the other articles; but I would not be understood to pledge myself for any particular sum.

Mr. AMES thought the gentleman from Pennsylvania (Mr. FITZSIMONS) had misunderstood the gentleman from South Carolina (Mr. TUCKER) respecting his pledging himself to vote in favor of molasses. He believed the gentleman from South Carolina incapable of making any improper accommodation either on this or on any other occasion; the subject had never been mentioned to him, nor he believed to any body else, much less could the gentleman's intention be the result of bargain or compromise. For his own part, he would never consent to such a degradation of his rights as a member of the House, as to stipulate for the exercise of his opinion.

Mr. TUCKER.—If the gentleman from Pennsylvania (Mr. FITZSIMONS) supposes that I have bargained to vote for or against any measure, he does me wrong; and if he charges me with such actions, I desire he may state his reasons and explain himself. I did not hear perfectly what he said when he was up before, and therefore did not refute any improper construction he might have put on my arguments.

Mr. FITZSIMONS had no difficulty in declaring his meaning. He understood, when the article of rum was under consideration, that the gentleman held out a promise to vote for the reduction of the duty on molasses if the committee would agree with him in reducing generally. This promise was not made in a private manner; it was

made by the gentleman in his place. He could not recite the particular expression of the gentleman, but he understood from it that the gentleman pledged himself to reduce the duty on molasses, if the gentlemen from the Eastern States would join him in a general reduction.

Mr. TUCKER.—I expressed a wish for a general reduction to take place throughout the whole system; but I never made a promise with regard to a reduction of any particular article.

Mr. SENEY observed, that the discussion of molasses had been deferred when the subject was last before the House, in order to give time for a full investigation; but he conceived that no such reason now existed, in favor of its lying over, and therefore hoped the House would proceed to decide upon it.

Mr. AMES was willing to proceed to the consideration of that subject; he did not wish it deferred to the end of the list, that it might be held over them *in terrorem*; there were several articles in the list, which he did not conceive to be taxed too high for collection, or out of proportion with others, therefore it was likely they would not be reduced. If this was the case, the reduction would not be general, and the gentleman from South Carolina might not think it his duty to favor the reduction of molasses. He wished every article to stand upon its own bottom. If molasses was too high, the committee would lower it; if not they will continue it at the rate it is, and the business would be done with. If the committee were disposed to proceed, he was ready to take up the subject.

Mr. CARROLL saw no reason for postponing the business at this time. When the subject was suspended on a former occasion, several gentlemen from Massachusetts were absent on business, but it was surely unnecessary now to have any delay. After the repeated discussions it had undergone, he was satisfied gentlemen were prepared for a decision, and he hoped the question might be taken, and the committee proceed to get through the business. Gentlemen should consider the daily loss which the revenue sustained by the delay of this bill; he cautioned them against considering overmuch, and letting slip the opportunity they now had to supply the public wants.

Mr. WADSWORTH would not go over the old ground; and enumerate all the reasons why a reduction of the duty on this article should take place. He satisfied himself with saying it was out of proportion, and too high ever to be collected with certainty; he wished the committee to lower it to three or four cents, and apply to an excise for the deficiency, not conceiving an excise on distilled spirits to be inconvenient or unpopular.

Mr. AMES was sensible that any further discussion of the present subject was unpleasant, nay, it was painful to the committee; but he had such impressions on his mind in regard to its importance, that he must trespass on them again. On all subjects demonstration is desirable, but there is only one science capable of complete demonstration. Many other sciences admit of differ-

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degrees of demonstration; but of all the sciences on earth, the science of politics is the least capable of affording satisfactory conclusions, while it is the one that, from its importance, requires the greatest degree of certainty; because when we are to consider those things which relate to the welfare of nations, it is of consequence, and nothing can be more desirable than that we adopt just principles in order to come at proper conclusions. In this science it is dangerous to adopt the visionary projects of speculators, instead of principle. We ought to be cautious, therefore, in selecting the information upon which we form our system.

He trusted to make it appear in the course of his arguments, that the propriety of the particular measure under discussion depended upon local knowledge, and yet it would be found of national concern. He believed it could be clearly proved to be as much the interest of one part as of another to have the duty reduced.

It was laid down as a principle, that all duties ought to be equal. He believed, if gentlemen gave themselves time for consideration, they would not contend this duty was equal. He said he had made some calculations, which demonstrated the inequality to a very surprising degree. The tax operated in two ways: first, as a tax on a raw material, which increased the price of stock and narrowed the sale; and second, as a tax on an article of consumption. It required the every part of the Union to render the duty equal in its operation; but no gentleman contended that the consumption or distillation was equal. The gentleman from Virginia said, on a former occasion, that Massachusetts would not contribute her proportion of the national revenue, because her exports were not equal to the Southern States, and of consequence her imports are less; but if this fact is examined, it will be found that she does export in full proportion with the Southern States. Examine her custom-house books and you will find it; but Massachusetts is greatly concerned in navigation, and the wages of her seamen ought to be added to the amount of the profits of her industry. Then if we consider her consumption, we shall find it in proportion to five more moderate than the opulent citizens of Virginia or Carolina, yet they have not such a number of blacks among them, whose living is wretched, consequently the average consumption per head will be nearly the same. The fact is, that all taxes of this nature will fall generally in proportion to the ability to pay.

Laying a heavy duty on molasses incurs the necessity of allowing a drawback on country rum. By this system we may lose more revenue than we gain; any how, it will render it very uncertain. It is a question of some importance, whether it would not be beneficial to the United States to establish a manufacture, which would be very lucrative. But waiving that consideration, he would ask gentlemen, if there was any propriety in taxing molasses in its raw state with a

duty intended to be laid on rum? Certainly this had better be by way of excise. In this mode the revenue would escape fraud by smuggling, which would otherwise be unavoidable. The tax was such a temptation, being thirty per cent upon its value, that no checks could prevent a clandestine trade being carried on.

Without the molasses trade is continued, the fishery cannot be carried on. They are so intimately connected, that the weapon which wounds the one will stab the other. If by such measures as these we ruin one of the most valuable interests of the United States, will not the people have a right to complain, that, instead of protecting, you injure and destroy their pursuits? He did not mean to say that the people would form unwarrantable combinations; but their exertions to support the Government will be damped; they will look with chagrin on the disappointment of their hopes; and it will add to their vexation, that they have been deceived under the most flattering appearances; for who could conceive that a Government, constructed and adopted in the manner this has been, could ever be administered to the destruction of that welfare which it was formed to support?

He recommended experience as the best guide, and said, that it was decidedly against high duties, particularly on molasses; and concluded with appealing to the justice and wisdom of the committee for a determination on this subject.

Mr. CARROLL would not take up the time of the committee with saying a word on the main subject, but begged them to consider of how much importance it was to the Union to get this bill into operation. If every article was to be again debated in the manner it had already been, he could see no end to the business. Unless gentlemen could advance some new and weighty arguments, he thought the time mispent in recapitulating those that had been unsuccessfully urged twice or three times before.

Mr. MADISON thought the arguments against the duty were inconsistent. He believed the gentlemen in opposition had not replied to an observation he had made, and which was of great force on his mind. The gentlemen all say, that a heavy duty will ruin the distilleries and fisheries, and the people concerned in them; yet they profess themselves willing to lay the same duty, but in two forms instead of one. Now he would be glad to know if the distilleries and fisheries would not be precisely in the same situation, let which would take place?

On motion, the committee rose, and the House adjourned.

TUESDAY, May 12.

The SPEAKER laid before the House the petition of Jedediah Morse, stating that he has, at great labor, expense, and risk, compiled and published a geographical and historical treatise of the United States, entitled "The American Geography, or a View of the present Situation of the United States of America," embellished and

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illustrated with two original maps, and praying that an exclusive right may be secured to him of publishing the same for a limited time. Also, a petition of a number of the citizens of the State of New Jersey, whose names are thereunto subscribed, in opposition to a petition of sundry other citizens of the said State, complaining of the illegality of the election of Representatives from that State returned to serve in this House.

Mr. CUYLER, from the Committee of Elections, to whom it was referred to take proofs of the facts stated in the petition of David Ramsay, suggesting that William Smith, elected a member of this House, within the State of South Carolina, was at the time when he was elected, ineligible, by reason that he had not been seven years a citizen of the United States, reported as follows:

That Mr. SMITH appeared before them, and admitted that he had subscribed, and had caused to be printed in the State Gazette of South Carolina, of the twenty-fourth of November last, the publication which accompanies this report, and to which the petitioner doth refer as proof of the facts stated in his petition; that Mr. SMITH also admitted that his father departed this life in the year one thousand seven hundred and seventy, about five months after he sent him to Great Britain; that his mother departed this life about the year one thousand seven hundred and sixty; and that he was admitted to the bar of the Supreme Court in South Carolina in the month of January, one thousand seven hundred and eighty-four.

The Committee also report the following counter proofs, produced by Mr. SMITH, viz: Printed copies of the following acts of the Legislature of the State of South Carolina, viz: An act, entitled "An act to oblige every free male inhabitant of this State, above a certain age, to give assurance of fidelity and allegiance to the same, and for other purposes therein mentioned," passed the twenty-eighth of March, one thousand seven hundred and seventy-eight; an act, entitled "An act disposing of certain estates, and banishing certain persons therein mentioned," passed the twenty-sixth of February, one thousand seven hundred and eighty-two; an act, entitled "An act to alter and amend an act, entitled 'An act for disposing of certain states, and banishing certain persons,' passed at Jacksonburgh, in the State of South Carolina, on the twenty-sixth day of February, in the year one thousand seven hundred and eighty-two," passed in March, one thousand seven hundred and eighty-three; an act, entitled "An act to confer the right of citizenship on aliens," passed the twenty-sixth of March, one thousand seven hundred and eighty-four; also, an ordinance of the Legislature of the said State, entitled "An ordinance to encourage subjects of foreign States to lend money at interest on real estates within this State," passed the twenty-sixth of March, one thousand seven hundred and eighty-four; a certified copy of an extract from an act of the Legislature of that State, entitled "An act for raising and paying into the public Treasury of this State, a tax for the uses therein mentioned," passed the ninth of September, one thousand seven hundred and seventy-nine; and a printed copy of the constitution of South Carolina; also a certificate from John Edwards and William Hort, Commissioners of the Treasury of that State, under their seal of office.

Ordered, That the said report lie on the table.

The House, according to the order of the day, proceeded by ballot to the appointment of a Sergeant-at-Arms; and, upon examining the ballots, a majority of the votes of the whole House was found in favor of Joseph Wheaton.

Mr. TAYLOR, from the Committee appointed to confer with any Committee from the Senate, respecting the future disposition of the papers in the office of the late Secretary of the United States, made a report; which was read, and ordered to lie on the table.

A message, from the Senate, informed the House, that they had appointed a Committee to confer with the Committee of this House on the disagreeing votes of the two Houses on the subject of titles.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole, Mr. PAGE in the Chair, on the Import bill.

The article of molasses being still under consideration:

Mr. AMES wished to reply to the observation made yesterday by the gentleman from Virginia. Does that gentleman, said he, recollect, if we lay an excise, we prevent the burden from being imposed upon the poor for their subsistence, as molasses, in the raw state, will be lightly taxed? In the next place, it is more favorable to the importers of that article than the impost; it does not require so large a proportion of their capital to be advanced in payment of duties, nor do they run the risk of bad debts, because it may be so regulated that the retailer shall secure the duty. Another reason is, it will save the expense of a numerous host of custom-house officers, waiters, &c. These considerations proved, that if the excise was no better than an impost, it was no worse; and as the duty would be better collected, and give less reason for smuggling, which, above all things was dangerous to the revenue, it was sufficient to warrant the committee in giving the excise duty a preference.

Mr. GOODHUE would not trouble the House long on the subject; but begged leave to repeat the manner in which the molasses trade was connected with the fisheries, and the fisheries with the navigation; that, if the first is injured, the other two are wounded through its side. About three-fifths of all the fish that are put up for that market, are of an inferior quality, and would not sell elsewhere. The French would not permit us to carry them there, but because we take their colonies send the molasses to France, lest it interfere with their brandy. Now, any impediment to the exportation of molasses, will prevent the exportation of fish; if we cannot export the fish, for what purpose shall we continue our fisheries? And if they are given up, how are we to form seamen to man our future navy?

Mr. MADISON said his mind was incapable of discovering any plan that would answer the purpose the committee have in view, and not produce greater evils than the one under consideration.

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He thought an excise very objectionable, but as no actual proposition for entering into such a system was before the committee, he forebore to say any thing further about it. He admitted an excise would obviate in part some of the difficulties; but he did not think the answer given to his argument altogether satisfactory; yet there was another argument he urged on a former occasion remaining unanswered—it was, that, at this moment, the fisheries, distilleries, and all their connexions, were laboring under heavier duties than what is now proposed; true, the duty is collected in a different mode, but it affects the consumer in the same manner. The gentlemen have said, to be sure, that the duty is evaded; but if half is collected, it will amount to more than six cents per gallon.

It is said that a tax on molasses will be unpopular, but not more so than a tax on salt. Can gentlemen state more serious apprehensions in the former than the latter case? yet the committee did not forego a productive fund, because the article was a necessary of life, and in general represented for people to complain of the oppression of Government, have not the citizens of the Southern States more just ground of complaint than others? The system can only be acceptable to them, because it is essentially necessary to be adopted for the public good.

Gentlemen argue, that a tax on molasses is unpopular, and prove it by experience under the British Government. If this is to be adduced as a proof of the popularity of the measure, what are we to say with respect to a tax on tea? Gentlemen remembered, no doubt, how odious this kind of tax was thought to be throughout America; yet the House had, without hesitation, laid a considerable duty upon it. He did not imagine that a duty on either of those articles, was in itself objectionable; it was the principle upon which the tax was laid that made them unpopular under the British Government.

It is said that this tax is unjust; now, he had not a single idea of justice, that did not contradict the position. If it be considered as it relates to rum, he was certain the consumers of foreign rum paid a larger proportion of revenue into the Treasury than the consumers of country rum; they paid more than equal distributive justice required; if it was considered as it respected molasses, there would appear no injustice. Molasses was consumed in other States; but if it was not, sugar was used in its stead, and subjected to a duty full as high as that on molasses. But dismissing both these considerations, and even admitting the whole weight to fall on the Northern States, it would not be disproportioned, because, in the long list of enumerated articles subject to a high duty, they imported few or none; indeed, the articles were pretty generally taxed for the benefit of the manufacturing part of the northern community; see loaf sugar, candles, cheese, soap, &c. He hoped gentlemen would not infer from this observation, that he thought the encouragement held out by the bill to manufactures improper; far from

it; he was glad to see their growing consequence, and was disposed to give them every aid in his power. From this view of the subject, he was inclined to adhere to the bill, and not make any reduction.

Mr. GERRY hoped the committee would not consider the subject as finally decided; he thought it deserving of further investigation, and expected the committee would be satisfied of the propriety of making some reduction. He felt a concern at being obliged to extend the discussion, but his duty impelled him to oppose a measure, he conceived injurious to his country.

He meant to consider the subject in two points of view: First, he would begin by premising, that the business of finance was a business of difficulty and delicacy; in Europe, it is considered in this light, and requires to be conducted by the most able and enlightened men. In America, we had hitherto but little experience in this science, and perhaps not more than one man is qualified to fill such an important station as financier; surely, then, Congress ought to be well assured of the justice and propriety of the principle they adopt; they ought to have sufficient understanding and information to be able to demonstrate that their calculations are right. But we are defective in documents to guide us on our way, we are going onward blindfolded, and have seriously to apprehend evils from every step. Nations who are well informed on these points by the experience of ages, never attempt to lay a duty, in the first instance, so high as we propose to do; they begin with small impositions, in order to try what the article will bear, and how far the people are disposed to sustain the pressure in that particular part. They also have in view the certainty of the collection; if they find all these circumstances manageable, then they gradually increase the duty until the imposition becomes equal to what the article will bear. But he had forgot himself; he ought not to touch upon this point, because gentlemen are above deriving advantages from experience; although we are a young Government, yet to be established, we are enumerating and laying duties that could only be proper after many years experience. Now, admitting these duties to be proper some years hence, was it not impolitic in Congress to load the people immediately upon getting the power of doing it, and burdening them in a heavier manner than they ever experienced even under the British Government?

Gentlemen had contended that a duty of six cents per gallon on molasses was just and equal; for his part, he could not discover, with all the exertions his mind was capable of making, how gentlemen prove this to be the case; it appeared to him partial and oppressive.

The principle laid down in the Constitution for an equal distribution of taxes was, that they shall be apportioned among the several States, according to their respective number of inhabitants. This principle is made positive as it respects direct taxes; but he thought the equality ought to extend itself to every possible case. The power possessed by the House, with regard to revenue and the

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power of making all necessary laws, enabled the General Government to exist independent of subordinate associations; but if they were inclined to annihilate the State Governments, yet it would be their interest to attend to the advantages of the community, and administer their power so as not to make it burdensome and oppressive. Now, he wished to know what principle of justice authorized the committee to lay a duty of six cents on molasses? Unfortunately for Massachusetts, she imports a greater quantity than the whole Union besides. This makes her interest stand alone, and her representatives are left to labor the point, knowing the ill effect it will have upon their constituents. Under these circumstances, it is necessary to pay particular attention to the justice of the measure; gentlemen should consider that, in such cases, there is danger of interest prevailing over equity and policy. Certainly, if the measure is pursued, we shall discover this effect in the end.

Gentlemen have considered the arguments brought against this duty as standing upon local ground, advocating the local interest of Massachusetts. He would examine this position. It is the interest of a majority of the people of that State, that as much revenue should be drawn from molasses as possible. I say it is the interest of the State, for their interest is divided between the landed and commercial; the landed interest predominates, and it was always supposed that the commercial bore a greater share of the public burden than it ought. The conduct of the State of Massachusetts ought to be esteemed by us as the best guide to discover how far our commercial regulations, as they respect that State, are consistent with policy, if she furnishes the best example. Can we find that she ever imposed a duty of six cents per gallon on molasses? Not a single instance can be produced where she raised revenue from this article. If they then never laid a duty upon it, and they were disposed to get every thing in their power from commerce, we must conclude that if it could have been laid, they would have done it. It is not the landed citizen, if he might use the term, who consumes molasses; it is the inhabitants of the sea coast; the former had the power, and they were interested to lay such a tax, it might therefore be expected they would have done it, if they had not been convinced it would have destroyed the fisheries and navigation of the State.

Now, he wished to know upon what principle the committee would proceed to lay a tax which the State Government had considered as injudicious. Was it to make them bear a due proportion of the public expense? Gentlemen had intimated that it was just for this reason, but what was the true state of the question? Massachusetts consumed of every article as much as other States, according to her numbers. If the returns of the custom-house were examined, this would be found to be the case. If the gentlemen from Georgia, Carolina, or Virginia, contend that we do not consume as much, and the result of an impartial inquiry is that we consume more, what

reason can be offered why we should be exposed to the full operation of this high duty on molasses? Is it because it falls exclusively upon the Eastern States to pay such extravagant duties? Certainly gentlemen will not insist upon this principle. If Massachusetts pays her proportion on other articles, we will never consent to add 120,000 dollars more, when all the rest of the Union will not pay half the sum.

The gentleman from Virginia told us, that Virginia exports more than Massachusetts. I think three times as much. This was a secret never known till the gentleman had disclosed it. When gentlemen want a position to support their arguments, they assume the commerce of their States to be very small, and hence a heavy tonnage duty ought not to be laid, lest they should be ruined altogether; but if they are to prove the quantum of revenue they contribute, their commerce is magnified, and becomes three times as great as the commerce of the most commercial State in the Union. He thought gentlemen ought to be consistent in their facts and arguments, but he believed such an opinion was without foundation. How, said he, do gentlemen ascertain this to be the case? He had examined the subject with considerable attention, but could find no ground for such a supposition; the gentleman from Virginia [Mr. Madison] had enumerated a number of articles which were imported into Virginia. They were mere trifles, candles and soap. He would wish to know, if the duty on hemp and cordage did not amount to more than all such articles taken together. But the articles of which gentlemen complain can be bought among them as cheap as they can in the Eastern States, allowing only for freight. If they must have European goods, it is to be presumed they suppose them of better quality, and ought to pay in proportion.

If it was admitted that a duty of six cents was a reasonable one upon rum, why will gentlemen choose a mode of levying it, which the State avoided for fear of ruining their commerce? But gentlemen are afraid of an excise, because it is unpopular; rather than run any risk on this account, they would put to the hazard one of the most essential interests of the United States, he meant the fisheries and navigation; but after all, we shall be under the necessity of having recourse to an excise, because this source of revenue will be insufficient for the public wants. The deficiency must be made up either in that way or by direct taxation. He did not think gentlemen would prefer a capitation tax to an excise; for his part, he would choose the latter.

The gentleman from Virginia (Mr. Madison) cannot see how an impost on molasses can affect the distilleries and fisheries. After having been repeated over and over again, it would be unnecessary that he should dwell on this point. But every one could see the connexion; if we do not import molasses, we cannot carry on our distilleries nor vend our fish; and it will be impossible to import molasses under such heavy duties, at least the future importation will be limited to two-thirds of the present, because the demand will

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be in proportion to the increase of price, and the merchant will not have capital to import more than two-thirds of his usual quantity.

He would not reiterate the arguments respecting the fisheries; it was well known to be the best nursery for seamen, the United States had no other, and it never could be the intention of gentlemen to leave the navigation of the Union to the mercy of foreign Powers. It is of necessity, then, that we lay the foundation of our maritime importance as soon as may be, and this can be done only by encouraging our fisheries. It is also well known that we have a number of rivals in this business desirous of excluding us from the fishing banks altogether. This consideration of itself is sufficient to induce a wise legislature to extend every encouragement to so important a concern. In any regulation they make, by which it can be effected, they ought to be sure of the ground on which they go.

It appeared to him, that six cents would have the most ruinous consequences to the general interest; he therefore hoped gentlemen would agree to reduce it, if not so as to place it among the ad valorem articles, at least down to two cents. However, as the committee are not prepared to say the particular sum proper to be laid, he hoped they would agree to leave it a blank, to be filled up at some future stage of the business.

The question was now taken on striking out six cents, and passed in the affirmative: ayes 24, noes 22.

Propositions were severally made for filling up the blank with two, three, four and five cents; five being the highest was first put and agreed to: ayes 25, noes 23.

The committees proceeded to consider the subsequent articles; but not having time to go through the whole, they rose, and reported progress, and the House adjourned.

WEDNESDAY, May 13.

Mr. THATCHER presented a petition from the merchants and traders of the town of Portland, in Massachusetts, stating that the proposed duty on molasses will operate injuriously on New England, and praying that the article may remain free from duty.—Ordered to lie on the table.

The petition of John Fitch, of Pennsylvania, was presented, stating that he is the original discoverer of the principle of applying steam-power to the purposes of navigation, and has obtained an exclusive right therein for a term of years, in the States of Virginia, Delaware, Pennsylvania, New Jersey, and New York, and praying that his rights may be secured to him by law, so as to preclude subsequent improvers upon his principle from participation therein, until the expiration of his granted right. Referred to a committee, consisting of Messrs. HUNTINGDON, CADWALADER, and CONTEE, to report thereon.

DUTIES ON IMPORTS.

The House again resolved itself into a Committee of the Whole on the Import Bill, Mr. PAGE in the Chair.

Mr. AMES moved to insert china, crockery-ware, and gunpowder; he thought them articles of luxury.

Mr. FITZSIMONS desired the gentleman to change the expression from crockery to earthen and stone ware, which being done, the committee agreed to insert china, earthen, and stone ware, at seven and a half per cent. ad valorem, but negatived gunpowder. The committee afterwards added looking-glasses and brushes.

Mr. PARKER moved to insert a clause in the bill, imposing a duty on the importation of slaves, of ten dollars each person. He was sorry that the Constitution prevented Congress from prohibiting the importation altogether; he thought it a defect in that instrument that it allowed of such a practice; it was contrary to the Revolution principles, and ought not to be permitted; but as he could not do all the good desired, he was willing to do what lay in his power. He hoped such a duty as he moved for would prevent, in some degree, this irrational and inhuman traffic; if so, he should feel happy from the success of his motion.

Mr. SMITH, of South Carolina, hoped that such an important and serious proposition as this would not be hastily adopted. It was a very late motion for the introduction of new subjects. He expected the committee had got through the business, and would rise without discussing any thing further. At least, if gentlemen were determined on considering the present motion, he hoped they would delay it for a few days, in order to give time for an examination of the subject. It was certainly a matter big with the most serious consequences to the State he represented; he did not think any one thing that had been discussed was so important to them, and the welfare of the Union, as the question now brought forward; but he was not prepared to enter on any argument, and therefore requested the motion might either be withdrawn or laid on the table.

Mr. SHERMAN approved of the object of the motion, but he did not think this bill was proper to embrace the subject. He could not reconcile himself to the insertion of human beings as an article of duty, among goods, wares, and merchandise. He hoped it would be withdrawn for the present, and taken up hereafter as an independent subject.

Mr. JACKSON, observing the quarter from which this motion came, said it did not surprise him, though it might have that effect upon others. He recollected that Virginia was an old settled State, and had her complement of slaves; so she was careless of recruiting her numbers by this means; the natural increase of her imported blacks was sufficient for their purpose; but he thought gentlemen ought to let their neighbors get supplied, before they imposed such a burden upon the importation. He knew this business was viewed in an odious light to the Eastward, because the people were capable of doing their own work, and had no occasion for slaves; but gentlemen will have some feeling for others; they will not try to throw all the weight upon those who have assisted in lightening their burdens; they do not wish

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to charge up for every comfort and enjoyment of life, and at the same time take away the means of procuring them; they do not wish to break us down at once.

He was convinced, from the inaptitude of the motion, and the want of time to consider it, that the candor of the gentleman would induce him to withdraw it for the present; and if ever it came forward again, he hoped it would comprehend the white slaves as well as black, who were imported from all the jails in Europe; wretches, convicted of the most flagrant crimes, were brought in and sold without any duty whatever. He thought that they ought to be taxed equally with the Africans, and had no doubt but the constitutionality and propriety of such a measure was equally apparent with the one proposed.

Mr. TUCKER thought it unfair to bring in such an important subject at a time when debate was almost precluded. The committee had gone through the impost bill, and the whole Union was impatiently expecting the result of their deliberations; the public must be disappointed, and much revenue lost, or this question cannot undergo that full discussion which it deserves.

We have no right, said he, to consider whether the importation of slaves is proper or not; the Constitution gives us no power on that point; it is left to the States to judge of that matter as they see fit. But if it is a business the gentleman is determined to discourage, he ought to have brought his motion forward sooner, and even then not have introduced it without previous notice. He hoped the committee would reject the motion, if it was not withdrawn. He was not speaking so much for the State he represented as for Georgia; because the State of South Carolina had a prohibitory law, which could be renewed when its limitation expired.

Mr. PARKER had ventured to introduce the subject after full deliberation, and did not like to withdraw it. Although the gentleman from Connecticut (Mr. SHERMAN) had said, that they ought not to be enumerated with goods, wares, and merchandise, he believed they were looked upon by the African traders in this light. He knew it was degrading the human species to annex that character to them; but he would rather do this than continue the actual evil of importing slaves a moment longer. He hoped Congress would do all that lay in their power to restore to human nature its inherent privilege, and, if possible, wipe off the stigma under which America labored. The inconsistency in our principles, with which we are justly charged, should be done away, that we may show, by our actions, the pure beneficence of the doctrine we hold out to the world in our Declaration of Independence.

Mr. SHERMAN thought the principles of the motion, and the principles of the bill, were inconsistent; the principle of the bill was to raise revenue, the principle of the motion to correct a moral evil. Now, considering it as an object of revenue, it would be unjust, because two or three States would bear the whole burden, while he believed they bore their full proportion of all the

rest. He was against receiving the motion into this bill, though he had no objection to taking it up by itself, on the principles of humanity and policy; and therefore would vote against it if it was not withdrawn.

Mr. AINS joined the gentleman last up; no one could suppose him favorable to slavery; he detested it from his soul; but he had some doubts whether imposing a duty on the importation would not have the appearance of countenancing the practice; it was certainly a subject of some delicacy, and no one appeared to be prepared for the discussion. He therefore hoped the motion would be withdrawn.

Mr. LIVERMORE was not against the principle of the motion; but in the present case he conceived it improper. If negroes were goods, wares, or merchandise, they came within the title of the bill; if they were not, the bill would be inconsistent. But if they are goods, wares, or merchandise, the five per cent. ad valorem will embrace the importation, and the duty of five per cent. is nearly equal to ten dollars per head; so there is no occasion to add it even on the score of revenue.

Mr. JACKSON said, it was the fashion of the day to favor the liberty of slaves. He would not go into a discussion of the subject; but he believed it was capable of demonstration that they were better off in their present situation than they would be if they were manumitted. What are they to do if they are discharged? Work for a living? Experience has shown us they will not. Examine what has become of those in Maryland; many of them have been set free in that State. Did they turn themselves to industry and useful pursuits? No, they turn out common pickpockets, petty larceny villains. And is this mercy, forsooth, to turn them into a way in which they must lose their lives; for when they are thrown upon the world, void of property and connexions, they cannot get their living but by pilfering. What is to be done for compensation? Will Virginia set all her negroes free? Will they give up the money they cost them, and to whom? When this practice comes to be tried there, the sound of liberty will lose those charms which make it grateful to the ravished ear. But our slaves are not in a worse situation than they were on the coast of Africa. It is not uncommon there for the parents to sell their children in peace; and in war, the whole are taken and made slaves together. In these cases, it is only a change of one slavery for another; and are they not better here, where they have a master, bound by the ties of interest and law, to provide for their support and comfort in old age or infirmity, in which, if they were free, they would sink under the pressure of woe for want of assistance?

He would say nothing of the partiality of such a tax; it was admitted by the avowed friends of the measure; Georgia, in particular, would be oppressed. On this account, it would be the most odious tax Congress could impose.

Mr. SCHUREMAN hoped the gentleman would withdraw his motion, because the present was not

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the time or place for introducing the business. He thought it had better be brought forward in the House, as a distinct proposition. If the gentleman persisted in having the question determined, he would move the previous question, if he was supported.

Mr. MADISON.—I cannot concur with gentlemen who think the present an improper time or place to enter into a discussion of the proposed motion. If it is taken up in a separate view, we shall do the same thing at a greater expense of time. But gentlemen say that it is improper to connect the two objects, because they do not come within the title of the bill; but this objection may be obviated by accommodating the title to the contents. There may be some inconsistency in combining the ideas which gentlemen have expressed, that is, considering the human race as a species of property; but the evil does not arise from adopting the clause now proposed; it is from the importation to which it relates. Our object in enumerating persons on paper with merchandise, is to prevent the practice of actually treating them as such, by having them in future forming part of the cargoes of goods, wares, and merchandise to be imported into the United States. The motion is calculated to avoid the very evil intimated by the gentleman.

It has been said that this tax will be partial and oppressive; but if a fair view is taken of this subject, I think we may form a different conclusion. But if it be partial or oppressive, are there not many instances in which we have laid taxes of this nature? Yet are they not thought to be justified by national policy? If any article is warranted on this account, how much more are we authorized to proceed on this occasion? The dictates of humanity, the principles of the people, the national safety, and happiness, and prudent policy, require it of us. The Constitution has particularly called our attention to it; and of all the articles contained in the bill before us, this is one of the last I should be willing to make a concession upon, so far as I am at liberty to go, according to the terms of the Constitution or principles of justice. I would not have it understood that my zeal would carry me to disobey the inviolable commands of either.

I understood it had been intimated, that the motion was inconsistent or unconstitutional. I believe, sir, my worthy colleague has formed the words with a particular reference to the Constitution; any how, so far as the duty is expressed, it perfectly accords with that instrument. If there are any inconsistencies in it, they may be rectified. I believe the intention is well understood, but I am far from supposing the dictum improper. If the description of the persons does not accord with the ideas of the gentleman from Georgia, (Mr. JACKSON,) and his idea is a proper one for the committee to adopt, I see no difficulty in changing the phraseology.

I conceive the Constitution, in this particular, was formed in order that the Government, whilst it was restrained from laying a total prohibition, might be able to give some testimony of the sense

of America with respect to the African trade. We have liberty to impose a tax or duty upon the importation of such persons, as any of the States now existing shall think proper to admit; and this liberty was granted, I presume, upon two considerations: The first was, that until the time arrived when they might abolish the importation of slaves, they might have an opportunity of evidencing their sentiments on the policy and humanity of such a trade. The other was, that they might be taxed in due proportion with other articles imported; for if the possessor will consider them as property, of course they are of value, and ought to be paid for. If gentlemen are apprehensive of oppression from the weight of the tax, let them make an estimate of its proportion, and they will find that it very little exceeds five per cent. ad valorem; so that they will gain very little by having them thrown into that mass of articles; whilst, by selecting them in the manner proposed, we shall fulfil the prevailing expectations of our fellow-citizens, and perform our duty in executing the purposes of the Constitution. It is to be hoped, that, by expressing a national disapprobation of this trade, we may destroy it, and save ourselves from reproaches, and our posterity the imbecility ever attendant on a country filled with slaves.

I do not wish to say any thing harsh to the hearing of gentlemen who entertain different sentiments from me, or different sentiments from those I represent; but if there is any one point in which it is clearly the policy of this nation, so far as we constitutionally can, to vary the practice obtaining under some of the State Governments, it is this. But it is certain a majority of the States are opposed to this practice; therefore, upon principle, we ought to discountenance it as far as is in our power.

If I were not afraid of being told that the representatives of the several States are the best able to judge of what is proper and conducive to their particular prosperity, I should venture to say that it is as much the interest of Georgia and South Carolina as of any in the Union. Every addition they receive to their number of slaves, tends to weaken and render them less capable of self-defence. In case of hostilities with foreign nations, they will be the means of inviting attack, instead of repelling invasion. It is a necessary duty of the General Government to protect every part of the empire against danger, as well internal as external. Every thing, therefore, which tends to increase this danger, though it may be a local affair, yet, if it involves national expense or safety, becomes of concern to every part of the Union, and is a proper subject for the consideration of those charged with the general administration of the Government. I hope, in making these observations, I shall not be understood to mean that a proper attention ought not to be paid to the local opinions and circumstances of any part of the United States, or that the particular representatives are not best able to judge of the sense of their immediate constituents.

If we examine the proposed measure, by the

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agreement there is between it and the existing State laws, it will show us that it is patronized by a very respectable part of the Union. I am informed that South Carolina has prohibited the importation of slaves for several years yet to come. We have the satisfaction, then, of reflecting that we do nothing more than their own laws do at this moment. This is not the case with one State. I am sorry that her situation is such as to seem to require a population of this nature; but it is impossible, in the nature of things, to consult the national good, without doing what we do not wish to do to some particular part.

Perhaps gentlemen contend against the introduction of the clause on too slight grounds. If it does not comport with the title of the bill, alter the latter. If it does not conform to the precise terms of the Constitution, amend it. But if it will tend to delay the whole bill, that, perhaps, will be the best reason for making it the object of a separate one. If this be the sense of the committee, I shall submit.

Mr. GRAY thought all duties ought to be laid as equally as possible. He had endeavored to enforce this principle yesterday, but without the success he wished for; he was bound by the principle of justice, therefore, to vote for the proposition. But if the committee were desirous of considering the subject fully by itself, he had no objection; but he thought when gentlemen laid down a principle, they ought to support it generally.

Mr. BURKE said, gentlemen were contending for nothing; that the value of a slave averaged about eighty pounds, and the duty on that sum at five per cent. would be ten dollars. As Congress could go no further than that sum, he conceived it made no difference whether they were enumerated or left in the common mass.

Mr. MADISON.—If we contend for nothing, the gentlemen who are opposed to us do not contend for a great deal. But the question is, whether the five per cent. ad valorem on all articles imported, will have any operation at all upon the introduction of slaves, unless we make a particular enumeration on this account. The collector may mistake; for he would not presume to apply the term goods, wares, and merchandise to any person whatsoever. But if that general definition of goods, wares, and merchandise is supposed to include African slaves, why may we not particularly enumerate them, and lay the duty pointed out by the Constitution, which, as gentlemen tell us, is no more than five per cent. upon their value. This will not increase the burden upon any; but it will be that manifestation of our sense expected by our constituents, and demanded by justice and humanity.

Mr. BLAND had no doubt of the propriety or good policy of this measure. He had made up his mind upon it; he wished slaves had never been introduced into America. But if it was impossible at this time to cure the evil, he was very willing to join in any measures that would prevent its extending further. He had some doubts whether the prohibitory laws of the

States were not in part repealed. Those who had endeavored to discountenance this trade by laying a duty on the importation, were prevented by the Constitution from continuing such regulation, which declares that no State shall lay any impost or duties on imports. If this were the case, and he suspected pretty strongly that it was, the necessity of adopting the proposition of his colleague was more apparent.

Mr. SHERMAN said the Constitution does not consider these persons as a species of property; it speaks of them as persons, and says, that a tax or duty may be imposed on the importation of them into any State which shall permit the same, but they have no power to prohibit such importation for twenty years. But Congress have power to declare upon what terms persons coming into the United States shall be entitled to citizenship; the rule of naturalization must however be uniform. He was convinced there were others who ought to be regulated in this particular, the importation of whom was of an evil tendency, he meant convicts particularly. He thought that some regulation respecting them was also proper; but it being a different subject, it ought to be taken up in a different manner.

Mr. MADISON was led to believe, from the observation that had fallen from the gentleman, that it would be best to make this the subject of a distinct bill: he, therefore, wished his colleague would withdraw his motion, and move in the House for leave to bring in a bill on the same principles.

Mr. PARKER consented to withdraw his motion under a conviction that the House was fully satisfied of its propriety. He knew very well that these persons were neither goods nor wares, but they were treated as articles of merchandise. Although he wished to get rid of this part of his property, yet he should not consent to deprive other people of theirs by any act of his, without their consent.

The committee rose, reported progress, and the House adjourned.

THURSDAY, May 14.

A message from the Senate informed the House, that they had appointed a committee to confer with such committee as shall be named on the part of the House, to report what newspapers the members of Congress shall be furnished with during the session at the public expense.

The petition of Archibald McLean, of the city of New York, printer, was presented, praying to be employed to execute such portion of the printing of Congress as they may think proper to allot him.

A petition from the distillers of Philadelphia and its vicinity, suggesting the propriety of a greater difference in the duties on rum and molasses imported than had been proposed.

Said petitions were ordered to lie on the table. The petition of Jedediah Morse presented some days ago, was referred to a committee, consisting of Messrs. HUNTINGTON, CADWALADER, and Con-

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tee; and that from the citizens of New Jersey, be referred to the Committee of Elections.

A petition was presented from Englehart Cruse, praying for a grant of exclusive privilege for a term of years, to construct and vend within the United States, an improved steam engine, which he has invented, for raising water for the purposes of mills, manufactories, &c. Referred to the same committee to which Mr. Morse's petition is referred.

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The House then again went into a Committee on the impost bill, Mr. PAGES in the Chair.

Mr. SMITH moved to add a clause allowing a drawback of ten per cent. on the duty payable on all goods imported in American vessels, owned and navigated according to law, by citizens of the United States; which was carried by a vote of 30 to 16.

The committee then rose, and reported the bill with amendments; which, being agreed to by the House, it was ordered to be engrossed for a third reading. Adjourned.

FRIDAY, May 15.

Mr. BLAND, from the committee appointed to confer with a committee of the Senate, in preparing proper rules to be established between the two Houses, for the enrolment, attestation, publication, and preservation of the acts of Congress, and to regulate the mode of presenting the addresses, and other acts, to the President of the United States, made a report, which was read, and ordered to be referred to a Committee of the Whole House.

Ordered, That Mr. SYLVESTER, Mr. WYNKOOP, and Mr. SMITH (of South Carolina,) be a committee to confer with the committee appointed by the Senate, to report what newspapers the members of Congress shall be furnished with at the public expense; and that it be an instruction to the said committee, on the part of this House, to receive proposals for printing the acts and other proceedings of Congress, and report thereupon.

The several petitions of Francis Childs and John Swaine, and of Samuel Loudon and Son, praying to be employed in the printing business of Congress, were presented to the House, and together with the petition of Archibald McLean, presented yesterday, to same effect, ordered to be referred to the committee last appointed.

Several other petitions of the citizens of New Jersey, praying that the elections of Representatives from that State may be declared valid, were presented to the House, and ordered to be referred to the Committee of Elections.

A petition of the Baron de Glaubeck, praying the consideration of Congress for certain losses and military services during the late war; also, a petition of Bartlett Hinds, a wounded officer in the Massachusetts line of the late Continental army, in behalf of himself and the Continental pensioners in that State, praying relief against

certain injuries which they have sustained under the operation of the acts of the late Congress, were presented to the House, and ordered to lie on the table.

Mr. WHITE, one of the Representatives from Virginia, presented to the House a resolve of the Legislature of that State, of the 27th of December, 1788, offering to the acceptance of the Federal Government ten miles square of territory, or any lesser quantity, in any part of that State, which Congress may choose, to be occupied and possessed by the United States, as the seat of the Federal Government; which was read, and ordered to lie on the table.

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An engrossed bill for laying a duty on goods, wares, and merchandises, imported into the United States, was read a third time, and, on a motion made, ordered to be recommitted to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into the said committee; and, after some time, the committee rose, and reported the bill with amendments, which were agreed to by the House.

Mr. MADISON made a motion further to amend the said bill, by adding to the end thereof a clause for limiting the time of its continuance.

Mr. AMES expressed a doubt of the propriety of the motion. He thought the bill ought to be commensurate with the wants of Government.

Mr. FITZSIMONS.—For want of a proper knowledge of the true situation of our affairs, we are unable to determine how far the present provision is equal to the necessities of the Union, and this circumstance will tend to add considerably to our embarrassment in limiting the duration. If we make the time too short to supply the public wants, we shall not hold out to the public creditors a sufficient security for the punctual payment of their debts. If we should want to raise money by a loan, we could only expect it according to the duration of the fund: this makes the present motion a subject of serious consideration. Not that I object to what the gentleman has in contemplation, but I wish such language to be used to be till the wants are supplied, and thereafter cease. I am not of opinion that it should be for half a century, because I hope our national debt will be extinguished in much less time; but really I must confess, at this moment, I feel considerable embarrassment in determining in my mind the period for which it should exist, whether an enumerated term of years, or a general declaration during the continuance of the public wants.

I think it will be necessary specially to appropriate this revenue; indeed, I think all revenue should be appropriated at the time it is granted; but our want of knowledge respecting our situation makes it impracticable to direct a special appropriation at this time. Hence I cannot see what ought to be the decision of the House on the present motion. I think something of this kind ought to be done, but I cannot say particularly what. I believe other gentlemen will, on

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if its limitation was determined, it would always be in the power of the Government to make it commensurate with what the public debts and contingencies required.

The Constitution, as had already been observed, places the power in the House of originating money bills. The principal reason why the Constitution had made this distinction was, because they were chosen by the people, and supposed to be best acquainted with their interests and ability. In order to make them more particularly acquainted with these objects, the democratic branch of the Legislature consisted of a greater number, and were chosen for a shorter period, so that they might revert more frequently to the mass of the people. Now, if a revenue law was made perpetual, however unequal its operation might be, it would be out of the power of this House to effect an alteration; for if the President chose to object to the measure, it would require two-thirds of both Houses to carry it. Even if the House of Representatives were unanimous in their opinion that the law ought to be repealed, they would not be able to carry it, unless a great majority appeared in the Senate also.

He observed, that an honorable gentleman had thought that no appropriation of the public money could be made for a longer term than two years. This was true, as it related to the support of armies; but the question here did not appear to be respecting an appropriation. It was the revenue itself, which, without any appropriation, might continue flowing into the public treasury independent of the will of the people, and might thereby become a convenience in the hands of some other department of the Government, for the purpose of oppression. Experience might also forcibly suggest the necessity and importance of alterations in the law, yet, without this clause, it might never be in the power of the House to make them.

Mr. BODINOT said, he was in favor of the motion at the first view; but it was without proper consideration. He had attended to the arguments with a great desire of obtaining information, the consequence had been, that such difficulty arose in his mind on the subject, that he was unprepared to give his assent to it. He considered the want of public credit as one of the greatest evils the Legislature had to encounter; that such had been our situation for a long time under the late Government, that we were unable to perform any of the functions necessary to promote the public welfare. From this melancholy consideration, he was induced to join in every Constitutional measure to promote so laudable an end. He did conceive that if the present bill was limited in its operation or duration, it would prevent the growth of public credit. He thought, unless some very valuable advantage was to result from the limitation which gentlemen had in view, it ought not to be adopted; for his part, he could discover none. He considered a law always to be in the power of the Legislature. It was true there were checks to prevent a hasty repeal, or adoption of any measure whatsoever. These checks were no

doubt intended for a wise purpose. The Constitution had given them, and it was a fair inference to suppose that the Senate ought to be trusted in this particular as well as the House. He did not apprehend any danger from the money being in the treasury; because it could not be touched without the special appropriation of Congress, and the receipts and expenditures of the public revenue must be published, which was an additional security. He apprehended that the limitation would not be equal to the demands of Government, because he thought they would continue unsatisfied for a longer term than gentlemen seemed willing to allow the law to exist. The time mentioned by the former Congress, and to which they requested the concurrence of the several States, was, that the impost duties might be continued for twenty-five years. This request was made on full consideration, and they did not think it was more than sufficient to discharge the principal and interest of the national debt. He concluded, therefore, that it was better to let the law remain without limitation; because when they found the purposes for which it was intended were accomplished, it would be in the power of Congress to repeal the law.

Mr. LAWRENCE thought the present was a subject of great importance, and he lamented it was not brought forward at an earlier period, because he feared the time would not allow that full discussion or deliberation which ought to take place. He wished also that the House was acquainted with the necessities of the United States, that so they might make provision accordingly; but these two points were mere matter of speculation as to their precise amount; yet he believed it was agreed on all hands, that the ways and means provided in this bill for the support of Government, the payment of interest and instalments of the foreign and domestic debt, were, so far as agreed to, inadequate to the object. If this be the case, the public debt must accumulate; and as we do not know when the time may come for its extinguishment, the provision cannot be limited; for every gentleman will agree, that if the demand for revenue be increasing, the fund ought to be commensurate to the object. Is there any time when the civil list will cease its demand? If there is not, there will be a perpetual call for revenue. He thought it absolutely impossible to provide for the payment of the debts, if the bill was limited to two, three, or four years; such a precarious provision would never tend to the re-establishment of public credit. If the bill was not limited, it would always be in the power of the Legislature to lower the duties or make such other alteration as might, upon experience, be thought beneficial to the community; whereas if the bill were limited, it would be thought improper to make any amendments during the term for which it is enacted, although those amendments appeared indispensably necessary. But why is this degree of caution necessary? Will not the administration of public affairs be conducted in future by representatives as good as ourselves? Will they have less wisdom or virtue to discover

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this occasion, find it easier to see the difficulty than to obviate it; but I hope those who have considered it will give their sentiments to the House, in order to enable us to form a judgment of what may be most expedient and proper.

Mr. LEE thought the operation of the law could not be well understood; that it was a system of experiment, and ought to be temporary, in order that a future Congress might make such amendments as time should discover to be necessary. How perfect soever the theory might appear, practice might prove it otherwise; he therefore wished its operation limited for three or five years. He thought it would be wise in the House to adopt the motion, in order to prevent any injustice which a permanent and imperfect regulation might have on posterity. He expected this would beget confidence in the Government which was to him a very desirable object.

Mr. WHITE.—The Constitution having authorized the House of Representatives alone to originate money bills, places an important trust in our hands, which, as their protectors, we ought not to part with. I do not mean to imply that the Senate are less to be trusted than this House; but the Constitution, no doubt for wise purposes, has given the immediate Representatives of the people a control over the whole Government in this particular, which for their interest they ought not to let out of their hands. Besides, the Constitution says further, that no appropriation shall be for a longer term than two years, which of consequence limits the duration of the revenue law to that period; when, if it is found conducive to the public welfare, it may be continued by the legislators appointed by the people, and who alone are authorized to declare upon this question in the first instance.

As to the restoration of our credit, or procuring of loans; if those who have money to lend, have confidence in our Government, and that confidence can only be regained by a punctual discharge of our engagements, we shall be able to draw the advantages from those causes which we formerly did. It was sufficient heretofore, and from the energy of the Government it is now more worthy of trust.

Mr. LIVERMORE hoped but little time would be taken up in the discussion of this subject, the people were anxiously waiting the result of their deliberations; besides, the impost was daily slipping away. He had no doubt of the propriety of the motion, because from the acknowledged imperfections of the bill, it would never do for a permanent system. If the people, who consider themselves subjected to very high and very unequal duties, find no termination of the grievance, they will immediately adopt measures in their defence, to thwart the views of Government; but if they understand the law as temporary, and only passed in order to gain experience for forming a better system, they will be induced to give it fair play, and bear the burden without complaint, trusting to the wisdom and justice of Congress for such alterations as practice may show to be necessary.

Besides, the objects for which the revenue is now wanting, will decrease annually; this will be an additional reason for limiting its duration. He was not for a very short term, he thought five, seven, or ten years would be more eligible than two or three, but he was decidedly against making it perpetual.

Mr. SINICKSON had understood that one of the objects of the bill was the re-establishment of public credit; but it never could be imagined that a law, limited to three or four years, could do this in any great degree; nor could any advantage arise from loans negotiated and terminated within such a short period. Under these impressions, he conceived the motion struck at the credit of the new Government, which the people had just established.

If the law was discovered to operate unequally, it might be amended by a future Legislature, who would take care to supply new funds to replace those which were either given up or reduced.

Mr. MADISON.—When he offered this amendment to the bill, he thought its propriety was so obvious and striking, that it would meet no opposition. To pass a bill, not limited in duration, which was to draw revenue from the pockets of the people, appeared to be dangerous in the administration of any Government; he hoped, therefore, the House would not be less cautious in this particular than other nations are, who profess to act upon sound principles. He imagined it might be considered by their constituents as incompatible with the spirit of the Constitution, and dangerous to republican principles, to pass such a law unlimited in its duration.

He hoped it would not be understood by gentlemen who opposed his motion, that he supposed them to be actuated with a desire to do injury to either of those principles; he believed them to be moved only by an ardent desire to promote the general welfare, by the re-establishment of public credit. He would heartily join his labors with theirs, to effect this object, but wished to do it in a way, that while they served their country, they might secure the liberties of the people, and do honor to themselves. Besides the restoration of public credit, he thought the act had in view the encouragement of a particular description of people, which might lead them into enterprises of a peculiar nature, for the protection of which the public faith seemed to be pledged. But would gentlemen infer from hence, that no alteration ought to take place if the manufactures were well established?—The subject appeared to him in a twofold point of view; first, to provide for the exigencies of Government, and second, for the establishment of public credit; but he thought both these objects could be obtained without making the bill perpetual. If the Government showed a proper attention to the punctual performance of its engagements, it would obtain the latter; the other would be secured by making provision as the occasion demanded. If the bill was to be made perpetual, it would be continued after the purpose for which it was adopted had ceased; the error would in this case be irremediable; whereas,

and pursue the good of their fellow-citizens than we have?

As to the appropriation of this revenue, he was sorry the information before the House did not warrant them to proceed to that part of the business: he hoped it might be well done at some future period, but till it was done, not a farthing of the revenue could be paid out of the treasury. Where must the bill for the appropriation originate? It must be here. Then what ground have the House to fear the check of the Senate, or the President, in a case where they still retain all the power in their own hands? For it is as much in their power to limit this bill, by limiting the appropriation, as it is by the clause now proposed.

If he supposed the liberties of the people would be endangered unless the motion obtained, he most surely would be in support of it; but he thought the liberties of the people would ever be secure, while they chose men of wisdom and integrity to represent them. He had no reason to believe the people would be inattentive to this great privilege; and if it were exercised with discretion, there was no reason to apprehend that Congress would continue to collect an oppressive revenue, after the object for which it was imposed had ceased to exist. He was well persuaded, if the bill were limited, it would have the effect the gentleman from New Jersey (Mr. SINICKSON) mentioned, namely, that of injuring the public credit.

Mr. BLAND.—Our public credit consists of two branches; first, as it respects the evidences of our debt, in the hands of those from whom we have had money or services; and secondly, as it respects our ability to borrow in future. Now, the first branch of public credit depends upon the punctuality with which the interest is paid; but this, in foreign nations, does not depend upon the limitation of the act. Do gentlemen suppose our laws, like those of the Medes and Persians, unchangeable? Can any person, who has read our Constitution, believe that it is in our power to pass a law without limitation? No, it is impossible. Every person knows that a future Congress may repeal this, and every other law we pass, whenever they think proper. Taking the subject in this point of view, gentlemen would see that the arguments in favor of a perpetual revenue were more specious than solid; while those for a limitation contemplated the best and safest means of avoiding difficulty, in the repeal or alterations which hereafter might be thought necessary. Nothing but experience could demonstrate the propriety or impropriety of the present measures; therefore they ought to be adopted merely by way of trial. The Government ought to be cautious in its first setting out, lest it alarm the people; and he thought his constituents would be much alarmed, if they conceived the power of the purse to be given into the hands of the other branches of the Government. The Constitution had particularly entrusted the House of Representatives with the power of raising money; great care was necessary to preserve this privilege

allege that the debt would accumulate, because the United States must make provision for the annual extinguishment of a part. If the revenue arising from the impost be insufficient for this purpose, recourse must be had to some other fund which will enable us to perform the engagements of the late Congress. It is true; the debt is large, and will take time to pay it off, but he had no doubt but it would be done according to contract, and with honor to the Union. How, then, can gentlemen suppose the revenue ought to be perpetual, in order to be commensurate with the object? If they contemplated the contraction of more debts in future, the supposition might be true; but he saw no reason why gentlemen should extend their views so far. He thought if a future war, or some other untoward circumstance, should increase the national debt, it ought to be provided for by the Government who were acquainted with the necessity. He thought the House ought to consider seriously before they parted with their powers; it was easy for them to pass a bill to give power, but it was difficult to recall it. He had seen many instances of this kind; one in particular, in the State from which he came, where the Legislature had given the appointment of sheriffs, and some other little matters out of their hands, and had been a long time endeavoring to get it back; but they had not been able to obtain it. He had no suspicions of any character in the Senate, but the Constitution had made that body in some degree perpetual, to obtain a permanency in the laws; if, therefore, this revenue bill had once their approbation, they might be inclined to continue it, even against the sentiments of the people; and of the House. Though he was not against trusting gentlemen who now composed the Senate, he was against trusting their successors.

He thought the faith of the United States sufficiently pledged to the public creditors, not only by the late Congress, but by the Constitution, which showed a particular attention to their interest. It then only remained, by efficient measures, to perform its stipulations; and this ever would, be a duty on the representatives of the people, until it was fully complied with. In confidence that it might be done within a reasonable time, he was for a period neither so short nor so long as had been mentioned. About seven or ten years, he thought, would effect the object the gentlemen had in view and he would join them in voting for that time.

Mr. SMITH, of South Carolina, was also in favor of the clause; he conceived the only reason of weight urged against it, related to the restoration of public credit, but he thought every person possessed a stock or debt of the United States; the same feelings and reasonings as those which they would know that their demands depended upon a higher source than Congress, and might be sure that we would do our duty in making particular provision. If Congress neglected this, one part of the creditors would compel them. If it was found that the United States were not disposed to pay their

debts, foreigners would find the means to make them. Taking it therefore for granted, that Congress would always provide for these objects, he would proceed to consider what effect might arise from a permanent or temporary provision. If the latter were made, the creditors would honor us for our exertions, and confide in our continuing to provide for them in the manner we should find upon experience most convenient to the community. If the system was declared to be a perpetual provision for the payment of their interest, it would give no hope, in the first place, for the redemption of the capital; and in the second, if Congress were to alter it, and which, in all probability, they shortly must, the security would be impaired, and an essential injury done to the public credit, which we are so desirous to revive.

How can gentlemen contend that the bill is not commensurate to the object? Do they know what the object is? He supposed it would be appropriated as mentioned, to the support of Government and the payment of the interest and principal of the national debt; but such appropriation had not taken place, and it was uncertain whether it ever would. He thought it would be better to bring in a bill specially appropriating this fund to the payment of the foreign debt, and then it might be declared that it should continue, and be applied to this use, until the foreign debt was cleared. He conceived it would be unconstitutional to make the law perpetual, and therefore he was in favor of the clause.

Mr. AMES considered this as a very important question; and in order that his own mind might be fully enlightened, he had listened with the most unwearied attention to the arguments urged on both sides; but he was far from being satisfied that the motion was necessary or proper for the House to adopt. The principal reason offered in its support was, that the revenue is not specially appropriated; but he could not perceive that this furnished a reason why the clause should be introduced; either gentlemen are afraid that the Senate will not agree to the appropriation, or they will agree. If they will agree, there is no reason for distrust; if they will not agree with the House, then we ought not to trust them with this bill, until we bring forward a clause for the purpose of appropriating the fund it is intended to raise. Gentlemen tell us the act is imperfect, and therefore ought to be limited; if this be the case, it may be a good reason for recommending the bill, but can be none for adopting the clause. If we have not taken up time enough in adjusting it, and considering the several parts of this law, let it be readjusted and reconsidered in a Committee of the Whole, until gentlemen are satisfied as to its perfection.

Gentlemen tell us they are willing to make the revenue commensurate with the debt. If they do this, all the inconveniences resulting from the imperfection of the system will be entailed upon for a number of years. Other gentlemen mention a year or two for its limitation. Can the House listen seriously to such a proposition? If we were to tell our creditors that we are making

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provision for them for one year, would it tend to inspire them with confidence in our wisdom or justice? Would our foreign creditors believe we were scrupulously fulfilling our engagements with them? No: nothing less than a fixed, permanent system, can beget confidence or give security. An illusory system of one or two years duration would engender distrust; its very visage would make the public suspect deception. If we do not mean to deceive, why not make the provision commensurate to the occasion? His idea of a temporary act was *pro hac vice*, by way of experiment; but he thought the House could not make the experiment with this bill, because the public credit would not admit of it. If this act be made for one year, will it not be a considerable expense to the public by going over all the ground again, which had taken the House such a length of time to discuss?

Gentlemen have insisted upon the necessity of keeping the purse-strings in their hands. What do they mean by this? What power have the House over the money that comes into the treasury? Are they at liberty to apply it to their own use? Do not Congress declare the revenue to be the property of the public creditors, when they appropriate it to their use? Shall we say the people, then, keep the purse-strings in their hands? For what honest purpose shall they keep them? Why shall we, the House of Representatives, detain the money of foreigners? Does it not seem to carry fraud on the face of it? One gentleman says that he is unwilling to trust a future Senate; but if it shall be of equal integrity with the present, why should he hesitate? The State will be equally careful of obtaining a good representation, for their own sakes. But suppose the reverse should happen, do we not act wisely in making a provision for the security of our honor and the public welfare, which cannot be destroyed by one misguided branch of the Legislature? Now, suppose this law to expire, and the Senate should be unwilling to provide for the objects we have in contemplation, will this not prevent the representatives of the people from carrying their wishes into execution? But if the Senate be willing to co-operate with the House, for what honest reason do we endeavor to retain this power? Besides, if the act is imperfect, will it not be easier to correct the imperfect part than to frame a new system? Surely gentlemen are under a great mistake when they suspect danger to arise from the revenue continuing to flow into the public treasury. Have not the House a complete command over it? No money can be drawn out but by appropriations by law. The President cannot touch it. Does it increase the power of the Senate? The Senate have no command over it, unless authorized by law. Can the House of Representatives make any use of it? They cannot get a farthing, because the consent of the Senate is required to enable them to draw for it. What has been the conduct of Great Britain, in relation to her funds? What has carried the credit of that kingdom to a superior eminence, but the attention she has paid to public credit?

He considered these advantages as having made that nation rich and powerful. He believed a like conduct on our part would produce the same consequences, because our Government is of such a nature as to give the public creditors the greatest security they could wish. If the revenue is appropriated, and the law for collecting it is without any limitation, the funds cannot be taken away without a positive act of injustice, to which both Houses of the Legislature must assent by a majority of two-thirds, or three independent parties must unite. It was therefore three to one in favor of the public creditor, that the funds appropriated to his use, would not be annihilated. Under these circumstances, Government might more safely be trusted. This, he observed, was not the case under despotic princes; their will alone could tear away the security of the subject. Under a pure democracy, the case was almost as bad; no confidence could be placed, because the caprice and whim of one body could dictate a change.

Now an act that expires at a limited period revives the topics of partial politics and opposing interests, which involves expense; besides, it affords less confidence, because a variety of circumstances occur to prevent a continuation of the necessary provision to establish the foundation of credit. It may be prevented by the mere disagreement of the two Houses. This uncertain situation of the public credit will prevent the Government from re-leasing their foreign and domestic debt, which might otherwise be done to very great advantage at a reduced interest. Viewing the subject in all these points of light, he could not help being opposed to the motion.

Mr. PAGE expressed his surprise to find gentlemen opposed to the limitation of the bill, who had complained so much of its imperfections. He thought a measure of the kind now proposed absolutely necessary to reconcile these gentlemen to particular parts of the bill. For his own part, he had objections to some articles, and for that reason, if there was no other, he would be in favor of the limitation. It had been frequently asserted that half the revenue would be lost by smuggling. Can this, then, he would ask, be a bill proper to perpetuate, or fit for the restoration of the credit of the United States? He asked gentlemen whether they would lend a hand to rivet round the necks of their fellow-citizens a regulation which experience has convinced them was unjust, unequal, and oppressive? Yet the gentleman from Massachusetts (Mr. AMES) had declared that experience had convinced him that at least one particular article was subjected to a duty of this kind.

He did not believe public credit could be restored otherwise than by a strict and positive adherence to our engagements, and a faithful performance of the duties they undertook. While this continued to be a leading feature of the Government, he would be bold to say that we should daily grow in reputation, prosperity, and happiness. He hoped, therefore, that a particular attention would be paid to their future conduct, and that each member would emulate the other in pro-

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viding for the revival of public credit, by acts of justice to the holders of public securities. Mr. GENAY asked his colleague if he advocated carrying the taxes to such an extent as to accumulate sums in the treasury for which the United States had no particular use? Yet if this revenue law were made perpetual, it would collect money into the public coffers after the national debt was paid. This would be such a temptation to the Executive to possess itself by force of the treasures of the nation, as he hoped would never be put in its way. If our commerce and population increased, this revenue would increase in the same proportion. He could not, therefore, bear the idea of all this money being collected into one spot, unless there was an absolute demand for it. He thought it incompatible with the liberty and security of the people, and therefore hoped the House would agree to a short limitation.

Mr. MANISON, for the sake of accommodation, would make another proposition. He was extremely sorry to differ with gentlemen about modes, when their object appeared to be the same. He thought the spirit of the Constitution and the structure of the Government rendered it improper to pass a perpetual revenue law. The arguments had been clear on this point; but as there was an evident propriety in making the means commensurate to the occasion, he was inclined to give the bill such a perpetuity as would answer the purpose of providing for the public debt and restoring the national credit. He thought this might be done by modifying his motion so as to refer to the collection bill; for he hoped, before that passed, the House would be able to ascertain the appropriation, and could limit it accordingly. The words he would propose were, that this act should not continue and be in force longer than the — day of —, unless otherwise limited by the act providing for the appropriation. As he had heard it intimated that the yeas and nays would be called on this question, he was desirous of rendering the clause as satisfactory as possible.

Mr. AMES could not bear to lie under the imputation of inconsistency, with which he was charged, inasmuch as he contended against the limitation of a bill he had opposed as oppressive in some of its parts. He believed the amendment now offered was new to almost every gentleman. For his part, he had always supposed it was intended as a permanent system. He remembered many gentlemen had made use of this expression, through the various debates which had taken place in the several stages of the bill. He had understood it in this light, and had therefore combated, with some degree of energy, such parts as appeared to him impolitic or unjust. He imagined the gentlemen on both sides had labored to make the bill as perfect as possible, with a view of making an equitable provision for the public exigencies, which should affect all parts of the Union with the greatest degree of impartiality.

Mr. SHERMAN, observed, that when Congress applied to the several States for the five per cent. impost, they judged it would enable them to ex-

tinguish the national debt in twenty-five years; but, in addition to this fund, they expected to make annual requisitions on the States for one and a half million of dollars at least; so that gentlemen could not expect the whole to be paid by this single fund in a short time. He wished a limitation to the law in general terms, such as until the debt, foreign and domestic, is discharged. He thought a short term would make an unfavorable impression upon the minds of the public creditors, and tend in a great measure to cloud the happy prospects that began to brighten the political hemisphere of this country.

Mr. GENAY expressed an intention of calling the yeas and nays if he was supported, because he thought it a question in which the essential interests of the people were deeply involved. Mr. LAWRENCE said, he held his present opinion upon the purest principles of patriotism, and an ardent love for his country's happiness. He had no objection to the yeas and nays being taken, as he was not inclined to disguise his sentiments.

Mr. PAGE was glad the yeas and nays were called, as it would give gentlemen an opportunity of showing to their constituents their approbation of a measure calculated to secure the blessings of liberty to themselves and posterity.

Several members rose to speak on this question, when Mr. AMES moved the adjournment, fearing gentlemen would grow warm upon the question. Whereupon, the House adjourned.

SATURDAY, May 16.

Mr. SENEY, from Maryland, presented to the House an act of the Legislature of that State, offering to the acceptance of Congress ten miles square of territory, in any part of the said State, for the seat of the Federal Government, which was read and ordered to lie on the table.

A petition of Duncan Campbell, of the city of New York, was presented to the House and read, praying that compensation might be made him for sundry advances which he made during the late war, for the service of the United States.

Ordered, That the said petition lie on the table. A petition of John Fenno was presented to the House and read, praying to be employed in the printing service of the United States.

Ordered, That the said petition be referred to the committee appointed yesterday, for receiving proposals for printing the acts and other proceedings of Congress.

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The House resumed the consideration of the amendment proposed yesterday to the bill for laying a duty on goods, wares, and merchandises imported into the United States, and the said amendment was read as follows: "And be it further enacted by the authority aforesaid, that this act shall be in force until the — day of —, and from thence until the end of the next session of Congress which shall happen thereafter."

The question was called for, and Mr. LAWRENCE required the yeas and noes.

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Mr. JACKSON wished to say a few words on the bill. The eyes and noses being called for, he conceived it his duty to state his reasons for his vote. He declared himself to be in favor of the limitation, for the reasons offered by honorable gentlemen yesterday. He said he had as ardent a desire to re-establish public credit, and place it on a good footing, as any member on that floor, yet he did not think making this law perpetual would have that tendency. He had no doubt but every subsequent Legislature would be equally desirous of doing justice to the creditors of the Union, and he therefore felt no uneasiness in leaving such provision to be made by them. If the next Legislature were disposed to violate the public honor, would the law now under consideration stand in their way? For his part, he could not conceive it an insuperable bar. The establishment of public credit depends upon the practice of an honest and upright policy; it will not depend upon paper promises; it must be true and substantial payments that will restore to us our lost honor. If Government do this, our credit will be re-established, let the funds be obtained in what manner they may. He thought the foundation of public credit ought to be laid at home before the superstructure was raised. To do this, the confidence of the people was to be gained; they must be satisfied of the justice of our measures; and this cannot be, unless it impartially affects every part of the Union. Now, some parts of the present bill are very exceptionable to the Southern States; even the Northern gentlemen are far from unanimously approving them. He believed there was not a member who liked every part of the bill. Under these circumstances, what was to be expected but complaints from the people, and a consequent repeal of the bill. He did not wish to insinuate that the Senate would be so depraved as to oppose the public voice, but they might misunderstand it; they were a permanent body, and might be more inclined to support what they considered the honor of the Government, than the convenience of the people.

The House of Representatives appeared to him to be the body best calculated to know and feel the interests of their immediate constituents; they ought, therefore, to preserve the power of redressing grievances, and not give too much into the hands of the Senate. He acknowledged the claims which those that fought and bled for their country had upon the justice of Congress; but he did not believe that clam of citizens would complain or murmur at this House for keeping purse-strings in their hands when it was considered necessary to the security and happiness of the people.

Mr. WARRR did not see the necessity of calling the yeas and nays; he thought the measure was intended to have one of these two objects, either to show that one part of the House had mistaken the interest of their country, and ought to be held up to posterity, in order that their memories may be charged with their want of knowledge; or that there is a part of this House who think them-

selves more wise and patriotic than the majority. He never called the yeas and nays in his life, nor believed he ever should; but he was willing to have his vote appear, in all cases, when gentlemen thought proper to perpetuate the decision of the House in that way. On this occasion he would vote in favor of the amendment, and would endeavor to answer the objections, which, if well founded, would be a subject of great uneasiness in his mind, considering how he intended to give his vote. It was said, that a temporary law would have a tendency to injure the credit of the United States; he believed the credit of the United States was established on as solid principles as the most solemn act could recognize; he meant that part of the public credit which respected the debt contracted, and the engagements entered into before the adoption of the Constitution. If gentlemen would reflect, they would find it making part of our social compact. He believed no other country had made an act of this nature, to secure the just claims of their creditors. From this view of the subject, what more is necessary to be done than to carry the Constitution into effect? He would ask gentlemen if they believed that foreigners would scrutinize into our revenue system? Would they examine our ways and means, in order to determine the degree of confidence they ought to have in us as a nation? Would the public creditors scrutinize in this manner the modes by which Government meant to accomplish their ends? He thought it hardly probable the people would take the pains of examining the minute details of a revenue system; they would rather inspect our actions, and if they see our conduct directed by wisdom and prudence, they would be confirmed in the belief of that justice in Government which the Constitution has assured them of. If our payments are in future punctually made, and the full amount of the interest regularly discharged, the national credit will be re-established.

He would now proceed to examine, whether rendering this law perpetual would be a wise and prudent measure. It had been well observed by the gentleman from Georgia, (Mr. JACKSON,) that every part of the law would bear harder on some States than on others; perhaps there was no State in the Union which would not be in some degree dissatisfied. He could perceive, by the sentiments of gentlemen in this House, that the burdens would be peculiarly felt; under these impressions, gentlemen have expressed themselves more warmly than perhaps they ought. There had been predictions of the most dangerous consequences of high duties, which he would not repeat; if these dangers were not imaginary, would it be prudent in the House to risk these consequences, and make these dangers unavoidable by rendering the law perpetual.

Much pains had been taken to impose the burdens as equally as possible. If the duty on molasses bears hard upon one State, the tonnage duty would bear equally so upon others. But still it is probable that there are unequal pressures laid by the bill, which experience alone could enable

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the Legislature to alter to the satisfaction of all parties. The system was great, complex, and comprehensive; it embraced commerce, manufactures, agriculture, finance, and, in short, every thing in which a nation can be concerned. Will it be prudent, then, under our present disadvantages, and without information, to enact a law affecting the highest interests of the people, which can never be repealed but by the consent of three independent bodies? Gentlemen have told us, that no valuable purpose can be answered by making the law temporary; now, he thought a valuable purpose could be answered by it. The two Houses of Congress, with the qualified negative of the President, formed the legislative power of the United States; they are distinct powers to be exercised by both branches of the Legislature. The House had been told, on a former occasion, that the Senate possessed greater powers than the Representatives. He admitted that, in some instances, they had greater powers; but with respect to revenue matters, they certainly had less, and very properly so. Shall we then give up to a body, who has already a superiority over us, those superior powers which we possess relative to revenue? A perpetual system would give the Senate greater advantages than Constitutionally they ought to enjoy. He thought it of little consequence for the House to possess the right of originating money bills, if those money bills were made perpetual. The exercise of this right would be lost, and he thought it necessary that every part of Government should feel itself dependent upon the people. We have been told, with truth, that the Senate are a virtuous body; they are so, and he hoped would remain so for ages yet to come, nay, for ever; and, in his legislative capacity, he would act upon no other supposition. But still it ought to be remembered, that they would always be men, and liable to all the errors, frailties, and infirmities, with the rest of their fellow mortals; besides, they were constituted in some measure for purposes to which the other branch was incompetent; while this House was constituted for purposes for which the Senate is unequal. It is a well grounded republican maxim, that taxation and representation should depend each on the other. The people should be taxed only by representatives chosen for that purpose. This principle was written in the hearts of our British ancestors; it had been maintained by the best blood of our citizens, and he hoped it would descend with the fullest energy to our posterity. What, said he, are we about to do? A great branch of revenue, indeed the only branch, to which an application is now proper, or expected by the people, is about to be put out of our hands forever; for it would not be in the power of this House, or any future House, to annihilate those funds without the consent of the Senate and the concurrence of the President. Now, the Senate are not an equal representation of the people; in that body the States have equal numbers, while, in this House, the representation is proportioned to their population. Delaware sends one, Georgia three, and Virginia ten. Is it

possible, in the nature of things, that two Senators can be as well acquainted with the feelings and interests of the people of Virginia, as ten men selected from among them, and taken from the several parts of the State? Will the people be satisfied to have that body able to continue a revenue system which their immediate representatives think oppressive, or perhaps unnecessary? Certainly they would not; whatever the wisdom and virtue of the Senate may be, he was convinced they were not competent for those peculiar objects for which a just representation is absolutely necessary. The Senate, it is true, is not a House of Lords; they do not possess any properties materially distinguishing them from the members of the House of Representatives; but, though the distinction is not so striking in the one case as in the other, yet it was nevertheless real. The House of Lords is created by the King, and is a permanent body; the Senate is chosen by the State Legislatures, and though the individuals have not a permanency in office, yet the body never ceases to exist.

These circumstances, in the constitution of the Senate, afforded a powerful objection to the new system of government; and the people would never have adopted it had they supposed that the powers of this body were unlimited in continuing a system of taxation, which had at any time met the approbation of their particular representatives.

He supposed, if an excise was laid, or direct taxes were found necessary, the people would be oppressed by them, because the same principle that made an impost law perpetual would apply in all other cases. What, then would become of the boasted privilege of the people, the right of taxing themselves? He expressed a willingness to pass a revenue law commensurate with the occasion, to operate until the public debts are paid. This was all the creditors could demand or expect, and all the House could with safety do. He might be told that the Senate would be as ready to repeal the law as the House of Representatives; but, perhaps, the Senate could not be as well informed of the situation of the people, although they might be wise men; because it is not in the nature of things that two men should possess as much information of the circumstances and wishes of the people as ten men could; besides, there is something in the nature of man which would not suffer him easily to part with power. He could cite some striking instances of this spirit. He could refer to a remarkable one which took place in the State from which he came.

About the year 1670 an insurrection was raised in Virginia. After its suppression, the Assembly, to manifest their loyalty, passed an act giving the same privilege to the Governor and Council, with respect to scandalous words spoken of them, as the statute *De Scandalis Magnatum* gives to the Peers of Great Britain. The Assembly were soon after impressed with an opinion that these privileges were incautiously transferred, and endeavored to recover them. It was a uniform prac-

tice of the House of Representatives to send up a bill for that purpose every session; but although the Council always proved themselves the friends of liberty, and joined the Assembly, both in their legislative and individual capacities, in a warm and spirited opposition to British tyranny, yet they would never consent to repeal that act to the very last moment of their existence.

Mr. TUCKER did not think it necessary to give his opinion otherwise than by his vote, because gentlemen, who had yesterday delivered their sentiments in favor of the clause, had anticipated what he had to say. But as he found himself influenced by the call for the ayes and noes on this question, he should be induced to state some of his reasons in favor of the amendment. He said he was glad the ayes and noes had been called, and if it had not been done by any other gentleman, he should have conceived himself bound to have done it; because he did not think himself at liberty, but on very particular occasions, to make a law perpetual. He wished to see a doctrine established never to pass a law without limitation, unless justified by some extraordinary circumstances. Nothing, he thought, could ever justify such an act but the immutability of the object, and the absolute necessity and simplicity of every thing relating to it. If the House passed a perpetual revenue law, which had not an immutable object, they would abridge their own power, and destroy one of the great privileges of the people. Every bill of this nature, more or less, narrows the powers of this House, and throws it into the hands of the Executive and a minority of the Senate; for it is to be considered, that whenever we pass a bill on any subject, every matter in that bill contained is given up to the Executive and one-third of the Senators—so much so that it is out of the power of this House, even with a unanimous vote, to recover any part of it. At this rate we may go on, from time to time, in passing laws transferring our powers, and at length become mere cyphers in the Government. The Senate would be able, with these advantages, to retain every privilege that was transferred, and it is natural to suppose they would have the inclination: or if they surrender this power, they might do it in commutation for other privileges. A change of circumstances might render a change of the law necessary; a revolution in commerce and manufactures might make some alterations proper, even if this bill be now perfect; for what is equal and just to-day might be otherwise two years hence.

Now, supposing these circumstances to occur in two years, and a new House of Representatives to have met, desirous of making those alterations which experience had demonstrated to be necessary, what would they say when they found we had parted with the power which the Constitution intended for the immediate representatives of the people? Would they not justly charge us with betraying the privileges we are sworn to maintain, by transferring the power of raising revenue to the Executive and Senate? He did not suppose they would neglect the public good ;

but he contended the House had no right to transfer any part of their power to be exercised by any body whatsoever.

Mr. SYLVESTER was in favor of the limitation clause. A good deal had been said in the House respecting the jarring interests of the several States. It had been confessed on all hands that this was an experimental law; he viewed it as such, and expected, in the course of a few years, the Legislature would be able to discover the errors of this day. But what advantage can result from their knowledge, if they have not power to make the necessary alterations, or to build up a new system more perfect than the old? He had examined the annals of history, but was unable to discover that any nation had ever established a perpetual revenue law. He imagined gentlemen would admit these reasons to be sufficient to warrant the vote they were about to give.

Mr. CLYMER was of opinion that, if the bill were suffered to stand as it was, without the addition of the limiting clause, it would not be perpetual, as gentlemen seemed to imagine. He did not think it could be considered as a law in perpetuity, unless there was an express declaration to that effect. He had no doubt but a few years' experience would enable Congress to correct this bill. But if it was limited to ten or twelve years, it could not be done within that period without a violation of the public faith. He thought this act, like the acts of Parliament, should be commensurate with its object. The public credit could be supported only by providing funds to answer the demand.

The design of this clause, he supposed, was to prevent a misapplication of the revenue; but this could be secured by attending to the appropriation. The House would have, in this case, an effectual check over the Executive power, as well as over the other branch of the Legislature. He thought this was as much as they ought to have, consistent with the distribution of the powers made by the Constitution.

Mr. SINNICKSON did not expect this was to be a perpetual law, incapable of alteration; but he wished to see it a permanent system. The idea of a temporary system was long ago said to be out of the contemplation of the House. He should only observe, in addition to this, that our credit depended essentially upon what should be done at this time. He thought if the revenue existed merely upon the breath of the Legislature, for one or two years at a time, we should never attain that object. He thought that the public good required something substantial to be done in favor of those who had lent the public money in the hour of distress.

Mr. BOURN thought himself obliged to say a few words more, in order to justify the part he should take in the division of the House on this question. He conceived the manner in which the motion was brought before the House, after the bill was supposed to be gone through, did not give such opportunity for the members to consider the subject as its importance seemed to require, and which might have been had if it

had been brought forward at an earlier period. If, said he, we are to have the measures of the Parliament of Great Britain hung about our necks in all our public proceedings, and observations from their practice perpetually sounding in our ears, that practice ought to be defined and established. He believed that in the whole volumes of the statute law there was not one single revenue act to be found with a limitation. He believed that the revenue laws passed fifty, sixty, eighty, and near a hundred years ago, in that kingdom, existed at the present moment. We have long seen and been convinced of the infirmities of the former Confederation, and shall we now rivet those infirmities upon the present Constitution? Are we never to stand upon a certain and solid foundation? Is not our public credit totally gone?

Has not experience convinced us that the loss of it would have been our total destruction, if the generous exertions we have lately made had not revived some degree of confidence in our future measures? Are we not so deeply in debt as to give us reason to believe that it will require many years to emancipate ourselves? If this is the case, will a revenue law for one or two years bring that relief which is expected? Will it prevent an increase of the public debt? Will it restore value to the evidences of that debt held by our creditors? He would ask any man, whether, if the United States were in the situation in which they were the last war, he would be induced to lend money upon a temporary and inadequate fund provided for two years? He believed the answer would be to the negative.

A gentleman has said that foreigners will not examine our acts in detail, to see whether sufficient security is afforded for their debt. He was of a different opinion. Would gentlemen say that they never examine a security? Would they lend money for ten years, to be repaid by annual instalments, when the funds extended no further than five years? He thought they had seen enough of public faith, and public bodies, to induce them to use greater caution. Look at the situation of the public creditors; see their disappointments and distresses, and say whether any thing short of an actual provision for the principal and interest of their debt can give them satisfaction? But can this be done by a temporary revenue law of one or two years? He did not mean that the law should be perpetual, because it was not in the power of the Legislature to pass such; he meant it should be adequate to the object. He contended it was an impropriety in language to call a law perpetual which it was always in the power of Congress to repeal or alter; and said, a law limited to ten or twelve years was more out of their power than one in which nothing was declared with respect to its perpetuity; the latter was always subject to the will of the Legislature, the former could not be altered during that period without a violation of the public faith.

Some gentlemen say they never will consent to a perpetual law; if this is the case, there will be an end to the Government. Do gentlemen

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tem, that it was the effect of compromise; but nevertheless, he thought it as free from defects as it was possible a revenue system could be formed with such materials as the House possessed; but if it was imperfect, he did not see the difficulties some gentlemen mentioned, in altering and amending it when experience shall have pointed out its defects.

He was sorry the appropriations could not be made at this time, for want of a knowledge of the public debt and current expenses; but he hoped it might be done before the members left their seats, and then gentlemen might have an opportunity of making this law commensurate with the object they have in view.

He would observe further, that all which had been said by gentlemen respecting public credit, tended to injure it and promote a spirit of speculation. He hoped it would not be understood, that this House were against providing an ample fund for the payment of the debts eventually, and for the punctual discharge of the interest in the interim. If we mean to borrow money, it is certain those who lend will judge of the security; and it is to be hoped, they will not think, from any thing that has been said here, that the Legislature hesitates to provide good and sufficient funds for their security.

Mr. BOURNOR acquiesced in the motion now brought forward for the sake of accommodation, although he thought the bill would stand better without any limitation clause whatever.

Mr. PAGE was against the latter part of this clause. It had been justly said, that the bill would be oppressive; but, from the necessity of the times, the people will submit to it. Shall we not let them see the end of their burden in the law itself? Are they to look into another bill for that purpose? Perhaps after the Senate have agreed to this act, they may oppose the limitation in the subsequent one; they may insist upon having this in perpetuity, and then the object which the House have in view will be defeated.

Mr. SMITH, of South Carolina, moved a division of the question.

Mr. LEE wished to strike out that part of the motion which related to the exception.

Mr. LIVERMORE seconded Mr. LEE.

The question was put, and that part of the clause lost.

The question now stood as originally introduced to the House.

The previous question was then demanded by five members: Shall the main question be now put? And on the question, shall the main question be now put? it was resolved in the affirmative.

And then the main question being put, that the House do agree to the amendment proposed to the said bill, it was resolved in the affirmative—ayes 41, noes 8.

The ayes and noes being called for by one-fifth of the members present:

Those who voted in the affirmative, are,
Messrs. Abraham Baldwin, Egbert Benson, Theodorick Bland, Adamus Burke, Daniel Carroll, Isaac

Coles, Benjamin Contee, Thomas Fitzsimons, William Floyd, George Gale, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Samuel Griffin, Jonathan Grout, John Hathorn, Daniel Heister, Benjamin Huntington, James Jackson, Richard Bland Lee, George Leonard, Samuel Livermore, James Madison, junior, Andrew Moore, Peter Muhlenburg, John Page, Josiah Parker, George Partridge, Jeremiah Van Rensselaer, Joshua Seney, Thomas Scott, William Smith, William Smith of South Carolina, Jonathan Sturges, Peter Sylvester, Jonathan Trumbull, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Alexander White, and Henry Wynkoop.

Those who voted in the negative, are,

Messrs. Fisher Ames, Elias Boudinot, Lambert Cadwalader, George Clymer, John Lawrence, Roger Sherman, Thomas Simmickson, and George Thatcher.

The clause being added, it was agreed to fill the blank so as to read the first day of June, 1796.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

A message from the Senate informed the House that they had instructed their committee appointed to confer with a committee of this House, and report what newspapers the members of Congress shall be furnished with, at the public expense, to receive proposals for printing the acts and other proceedings of Congress.

An engrossed bill, for laying a duty on goods, wares, and merchandises, imported into the United States, was read a third time, and the blanks therein filled up.

Resolved, That the said bill do pass, and that the title be, "An act for laying a duty on goods, wares, and merchandises, imported into the United States."

Ordered, That the Clerk of this House do carry the said bill to the Senate, and desire their concurrence.

MONDAY, May 18.

A petition of John Bryce, of the city of New York, was presented to the House and read, praying to be employed as a stationer and book-binder to Congress.

Also the several petitions of Edward Evelith Powers, and Thomas Greenleaf, printers, praying to be employed in the printing service of Congress.

Ordered, That the said petitions be referred to the committee appointed to receive proposals for printing the acts and other proceedings of Congress.

Resolved, That leave be given to bring in a bill concerning the importation of certain persons into the United States, prior to the year 1808, and that Mr. PARKER, Mr. SIMMICKSON, and Mr. MUHLBURG, do prepare and bring in the same.

On motion, ordered, that a committee be appointed to prepare and bring in a bill, providing for the actual enumeration of the inhabitants of the United States, in conformity to the Constitu-

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tion, and for the purposes therein mentioned; and that Mr. GOODHUE, Mr. HEISTER, and Mr. SENEY, be of the said committee.

COLLECTION OF DUTIES.

The House resolved itself into a Committee of the Whole on the bill for collecting the duties on goods, wares, and merchandises imported into the United States. Mr. PAGE in the Chair.

Mr. LAWRENCE wished this subject delayed a few days, that the whole system of impost and tonnage might be decided upon, because the extension necessary to be used in the collection depended on the quantity of the duties.

This bill was founded upon the laws of the several States, and was very inadequate to the objects of the General Government, whose measures ought to be perfectly equal. By the laws of some States, they rate the goods at the value at the time and place of importation; in others, at their value at the place from whence they were exported; this would cause a difference in the duties of twenty-five or fifty per cent., and the Constitution declares, that all duties, imposts, and excises shall be equal. Moreover, some States admitted paper in payment of duties; in cases where this medium was depreciated there would also be an inequality. For these reasons, and others that might readily occur, he wished the business to lie over.

Mr. HUNTINGTON had doubts respecting the constitutionality of the bill, besides being well satisfied of its incompetency: the inequalities mentioned by the gentleman from New York were very apparent; he would add another. The collection would be enforced with a greater or less degree of energy, according to the systems of the several States, and would be unequal. Besides, there are some States without impost and collecting laws, and, by the bill, they are to be governed by the laws of the adjoining State; he thought this would justly give ground of umbrage. How would one State like to be regulated by the laws of another which they had no power in forming? The State he represented would find itself in this predicament. He hoped the bill would be changed, and a system introduced upon general principles.

Mr. JACKSON thought the bill imperfect, and liable to all the objections mentioned. If a temporary system, for laying an impost of five per cent. upon all goods imported, had taken place at the first meeting of Congress, he should have agreed to some regulation of this kind, merely to embrace the Spring importations; but as that was passed, he was for making the collection bill of a similar nature with the impost bill.

Mr. Vining saw insuperable difficulties in passing such a law as this. Delaware and Jersey stood in the same predicament as Connecticut with respect to an impost law. He hoped, therefore, from a regard to those States, the bill would be given up; he thought the best way to get rid of the business would be for the committee to rise. This being agreed to, Mr. PAGE said, he was at a loss to make a regular report, as the committee

had given no particular instructions: but, the truth was, they desired to have nothing more to do with the bill. Whereupon, it was ordered to lie on the table.

The House then went into a Committee of the Whole on the report of the committee respecting the enrolment and preservation of the acts of Congress, and to regulate the mode of presenting addresses, &c. to the President, and made some progress in considering the same; after which they rose and reported.

Adjourned.

TUESDAY, May 19.

A message from the Senate announced that they had appointed a committee, to join a committee on the part of this House, to present to the President of the United States the bill, entitled "An act to regulate the time and manner of administering certain oaths," after the same shall be duly engrossed, examined, and signed by the Speaker of this House, and the President of the Senate.

Ordered, That Mr. PARTRIDGE and Mr. FLOYD be appointed a committee on the part of this House, for the purpose expressed in the message from the Senate.

Mr. SYLVESTER, from the committee appointed to confer with a committee of the Senate, to consider and report what newspapers the members of Congress shall be furnished with, at the public expense, and to receive proposals for printing the acts, and other proceedings of Congress, made a report, which was read, and ordered to lie on the table.

EXECUTIVE DEPARTMENTS.

On motion of Mr. BOURNOR, the House resolved itself into a Committee of the Whole House on the state of the Union, Mr. TRUMBULL in the Chair.

Mr. BOURNOR—I rise, Mr. Chairman, with diffidence, to introduce a subject to the consideration of the committee, which I had hoped would have been brought forward by an abler hand; the pressing necessity of it must alone be my excuse. The great Executive departments which were in existence under the late Confederation, are now at an end, at least so far as not to be able to conduct the business of the United States. If we take up the present Constitution, we shall find it contemplates departments of an Executive nature in aid of the President: it then remains for us to carry this intention into effect, which I take it will be best done by settling principles for organizing them in this place, and afterwards appointing a select committee to bring in a bill for the same. I need say little to convince gentlemen of the necessity which presses us into a pursuit of this measure. They know that our national debt is considerable; the interest on our foreign loans, and the instalments due, amount to two millions of dollars. This arrearage, together with the domestic debt, is of great magnitude, and it will be attended with the most dreadful consequences to let these affairs run into confusion and ruin,

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for want of proper regulations to keep them in order.

I shall move the committee, therefore, to come to some such resolution as this: That an office be established for the management of the finances of the United States, at the head of which shall be an officer to be denominated the Secretary of Finance. I am not tenacious of the style, perhaps some other may be proper, but the object I have in view is to establish the department; after which we may go on to narrate the duties of the officer, and accommodate the name to the acts he is to perform. The departments under the late Constitution are not to be models for us to form ours upon, by reason of the essential change which has taken place in the Government, and the new distribution of Legislative, Executive, and Judicial powers.

If gentlemen then agree with me so far, I shall proceed to restrain the Secretary of Finance, and all persons under him, from being concerned in trade or commerce, and make it his duty to superintend the treasury and the finances of the United States, examine the public debts and engagements, inspect the collection and expenditure of the revenue, and to form and digest plans for its improvement. There may be other duties which gentlemen may add, as I do not pretend to have perfectly enumerated them all. After this point is settled, we may then go to the consideration of the War Department and the Department of Foreign Affairs; but, for the present, I would wish to confine ourselves to the Department of Finance.

Mr. BENSON wished the committee to consider what he judged to be a previous question, namely, how many departments there should be established? He approved of the division mentioned by the gentleman; but would, with his leave, move that there be established in aid of the Chief Magistrate, three Executive departments, to be severally denominated the Department of Foreign Affairs, Treasury, and War. After determining this question, if it was a proper division, the Committee might proceed to enumerate the duties which should be attached to each.

Mr. BOURNOR was not tenacious of the form he had thrown his motion into, it was the substance he contended for; he had therefore no objection to the gentleman's motion. While he was up, he would correct a mistake into which he had fallen; it respected the arrangement of the interest and instalments of the foreign debt. He had learned from good authority, since he sat down, that there was nothing due on this account, but that it was completely paid up to the present year; but this did not do away the necessity of the present motion.

Mr. BLAND objected to the last motion as too indefinite, and feared the committee would precipitate the business, if they did not order the motions to lie on the table until to-morrow, or rather rise and refer it to be digested by a select committee.

Mr. WHITE wished gentlemen had been more particular in bringing this question forward, and

had pointed out the nature and extent of the powers proposed to be given, so that his mind might be able to embrace the whole subject.

Mr. BOURNOR said, he could apologize for not bringing the business on in another way. It seemed to be a settled point in the House that a Committee of the Whole was the proper place for determining principles before they were sent elsewhere; he had therefore adopted that mode on the present occasion, though his own judgment would incline him to pursue that last mentioned by the gentleman from Virginia, (Mr. BLAND.) He conceived the necessity of having such an office was indisputable; the Government could not be carried on without it; but there may be a question with respect to the mode in which the business of the office shall be conducted; there may also be a question respecting the constitution of it, but none with respect to the establishment of either of the three departments he had mentioned.

Mr. PARTRIDGE wished the committee to attend to one object at a time. If they had determined upon the propriety of the Department of Finance, they could go on to the next, and so on until they had decided upon all they conceived necessary; for his part, he could not see any reason for determining there should be three or five great departments; or what was the object of such a question, unless it was to decide the whole business at once.

Mr. BENSON said, his motion was founded upon the Constitutional division of these powers; the Constitution contemplated them, because it gave the President the right of requiring the opinion of the principal officer in each of the Executive departments, upon any subject relating to the duties of their respective offices. If gentlemen were inclined to waive the determination for the present, he had no objection; it was certainly a subject of great importance, and required time for consideration.

Mr. VINING thought the gentleman should have added another department, viz: the Home Department. The territorial possessions of the United States, and the domestic affairs, would be objects of the greatest magnitude, and he suspected would render it essentially requisite to establish such a one.

Mr. BOURNOR wished to confine the question to the Department of Finance.

A motion was made by Mr. BLAND for the committee's rising.

Mr. MADISON hoped they would not rise until the principles were settled. He thought it much better to determine the outlines of all business in a Committee of the Whole. He was satisfied it would be found, on experience, to shorten their deliberations. If the gentleman who had offered motions to the committee would withdraw them, he would offer one, which he judged likely to embrace the intentions of both gentlemen.

Mr. BENSON withdrew his motion, and Mr. MADISON moved, that it is the opinion of this committee, that there shall be established an Executive Department, to be denominated the

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Department of Foreign Affairs, at the head of which there shall be an officer, to be called the Secretary to the Department of Foreign Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate; and to be removable by the President.

That there shall be a Treasury Department, &c.

That there shall be a War Department, &c.

Mr. VINING seconded the motion, and offered to amend it, by adding the Domestic Department, *mutatis mutandis*. He said this department, in his opinion, was of absolute necessity, more requisite than either of the other three, except the Department of Finance; the present and increasing duties of such a department will oblige them to make the establishment.

Mr. LIVERMORE was not prepared to decide on the question even as now brought forward, nor did he see a reason why the Department of Foreign Affairs was placed at the head of the list. He thought the Treasury Department of more importance, and consequently deserved the precedence.

As to the Domestic Department just mentioned by the gentleman from Delaware, he thought its duties might be blended with the others, and thereby save the United States the expense of one grand department. If the gentleman, therefore, would wait to see what were the duties assigned to them severally, he would be able to judge respecting his motion with greater propriety.

Mr. VINING withdrew his motion for the present.

And the committee agreed to the establishment of the Department of Foreign Affairs, and placing at the head thereof an officer to be called the Secretary of Foreign Affairs; but when they came to the mode of appointing the officer—

Mr. SMITH (of South Carolina) moved to strike out the words "who shall be appointed by the President, by and with the advice and consent of the Senate." He conceived the words to be unnecessary; besides, it looked as if they were conferring power, which was not the case, for the Constitution had expressly given the power of appointment in the words there used. He also objected to the subsequent part of this paragraph, because it declared the President alone to have the power of removal.

Mr. PAGE saw no impropriety in passing an act to carry into execution the views of the Constitution, and therefore had no objection to repeat those words in the resolution. He thought if the committee stopped there, they would be under no difficulty respecting the propriety of their measure, but if they went further, they might meet with considerable embarrassment.

Mr. MADISON remarked, that as there was a discretionary power in the Legislature to give the privilege to the President alone of appointing inferior officers, there could be no injury in declaring in the resolution the Constitutional mode of appointing the heads of departments; how-

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ever, if gentlemen were uneasy, he would not object to strike it out.

Mr. LEY thought this officer was an inferior officer; the President was the great and responsible officer of the Government; this was only to aid him in performing his Executive duties; hence he conceived the power of appointing to be in the gift of the Legislature, and therefore the words were proper.

Mr. SMITH (of South Carolina.)—This officer is at the head of a department, and one of those who are to advise the President; the inferior officers mentioned in the Constitution are clerks and other subordinate persons. The words are only a repetition of the words in the Constitution, and are consequently superfluous.

The question was taken on striking out those words, and carried in the affirmative.

The committee proceeded to the discussion of the power of the President to remove this officer.

Mr. SMITH said he had doubts whether the officer could be removed by the President. He apprehended he could only be removed by an impeachment before the Senate, and that, being once in office, he must remain there until convicted upon impeachment. He wished gentlemen would consider this point well before they decided it.

Mr. MADISON did not concur with the gentleman in his interpretation of the Constitution. What, said he, would be the consequence of such construction? It would in effect establish every officer of the Government on the firm tenure of good behaviour; not the heads of Departments only, but all the inferior officers of those Departments, would hold their offices during good behaviour, and that to be judged of by one branch of the Legislature only on the impeachment of the other. If the Constitution means this by its declarations to be the case, we must submit; but I should lament it as a fatal error interwoven in the system, and one that would ultimately prove its destruction. I think the inference would not arise from a fair construction of the words of that instrument.

It is very possible that an officer who may not incur the displeasure of the President, may be guilty of actions that ought to forfeit his place. The power of this House may reach him by the means of an impeachment, and he may be removed even against the will of the President; so that the declaration in the Constitution was intended as a supplemental security for the good behaviour of the public officers. It is possible the case I have stated may happen. Indeed, it may, perhaps, on some occasion, be found necessary to impeach the President himself; surely, therefore, it may happen to a subordinate officer, whose bad actions may be connived at or overlooked by the President. Hence the people have an additional security in this Constitutional provision.

I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself, if he suffers them to per-

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petrate with impunity high crimes or misdemeanors against the United States, or neglects to superintend their conduct, so as to check their excesses. On the Constitutionality of the declaration I have no manner of doubt.

Mr. BENSON.—If we refer to the Constitution for light on this subject, it will appear evident that the objection is not well founded: The objection is this: that an officer ought not to be removed but by impeachment; then every officer is appointed during good behavior. Now, the Constitution expressly declares, that the Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behavior. If it is declared, that they are to hold their offices by this particular tenure, it follows that the other officers of the Government should hold them only at pleasure. He thought this an important question, and one in which they were obliged to take the Constitution by construction. For although it detailed the mode of appointing to office; it was not explicit as to the superseding; this clause, therefore, would be a mere declaration of the Legislative construction on this point. He thought the importance and necessity of making the declaration, that the Chief Magistrate might supersede any civil officer was evident, and he should therefore vote in favor of the clause as it stood.

Mr. VINING said: there were no negative words in the Constitution to preclude the President from the exercise of this power; but there was a strong presumption that he was invested with it: because it was declared, that all Executive power should be vested in him, except in cases where it is otherwise qualified; as, for example, he could not fully exercise his Executive power in making treaties, unless with the advice and consent of the Senate—the same in appointing to office.

He viewed the power of removal, by impeachment, as a supplementary security to the people against the continuance of improper persons in office; but it did not consist with the nature of things, that this should be the only mode of removal; it was attended with circumstances that would render it insufficient to secure the public safety, which was a primary object in every Government. Witness a transatlantic instance of its incompetency—he meant the famous case of Mr. Hastings. With what difficulty was that prosecution carried on! What a length of time did it take to determine! What is to be done while the impeachment is depending? For, according to the ideas of the gentleman from South Carolina, (Mr. SMITH,) he cannot be removed but on conviction. If he cannot be removed, I should suppose he cannot be suspended; and what security have the people against the machinations of a bad man in office? He had no doubt but the Constitution gave this power to the President; but, if doubts were entertained, he thought it prudent to make a Legislative declaration of the sentiments of Congress on this point. He was therefore in favor of the clause.

Mr. BLAND thought the power given by the Constitution to the Senate, respecting the appointment to office, would be rendered almost

nugatory if the President had the power of removal. If the first nomination of the President should be disapproved by the Senate, and the second agreed to, he had nothing to do but wait the adjournment of Congress, and then fill the vacancy with his favorite; who, by thus getting into the possession of the office, would have a considerable chance of permanency in it. He thought it consistent with the nature of things, that the power which appointed should remove; and would not object to a declaration in the resolution, if the words were added, that the President shall remove from office, by and with the advice and consent of the Senate. He agreed that the removal by impeachment was a supplementary aid favorable to the people; but he was clearly of opinion, that the same power that appointed had, or ought to have, the power of removal.

Mr. JACKSON wished the motion had been referred to a sub-committee to digest: it seemed to him they were building the house before the plan was drawn. He wished to see the system reduced to writing, that he might leisurely judge of the necessity and propriety of each office and its particular duties.

With respect to the question before the House, he was of opinion that if the House had the power of removal by the Constitution, they could not give it out of their hands; because every power recognised by the Constitution must remain where it was placed by that instrument. But the words in the Constitution declare, in positive terms, that all civil officers shall be removed from office on impeachment for, and conviction of, high crimes and misdemeanors; and however long it may take to decide, in this way it must be done. He did not think the case of Mr. Hastings ought to be brought forward as a precedent for conducting such business in the United States. He believed whenever an impeachment was brought before the Senate, they would proceed with all imaginable speed to its termination. He should, in case of impeachment, be willing to go so far as to give the power of suspension to the President, and he thought this all the security which the public safety required; it would prevent the party from doing further mischief. He agreed with the gentleman in the general principle, that the body who appointed ought to have the power of removal, as the body which enacts laws can repeal them; but if the power is deposited in any particular department by the Constitution, it is out of the power of the House to alter it.

Mr. MADISON did not conceive it was a proper construction of the Constitution to say that there was no other mode of removing from office than that by impeachment; he believed this, as applied to the Judges, might be the case; but he could never imagine it extended in the manner which gentlemen contended for. He believed they would not assert, that any part of the Constitution declared that the only way to remove should be by impeachment; the contrary might be inferred, because Congress may establish offices by law;

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therefore, most certainly, it is in the discretion of the Legislature to say upon what terms the office shall be held, either during good behavior or during pleasure. Under this construction, the principles of the Constitution would be reconcilable in every part; but under that of the gentleman from South Carolina, it would be incongruous and faulty. He wondered how the gentleman from Georgia (Mr. JACKSON) would reconcile his principles so far as to permit the President to suspend the officer. He begged his colleague (Mr. BLAND) to consider the inconvenience his doctrine would occasion, by keeping the Senate constantly sitting, in order to give their assent to the removal of an officer; they might see there would be a constant probability of the Senate being called upon to exercise this power, consequently they could not be a moment absent. Now, he did not believe the Constitution imposed any such duty upon them; why, then, said he, shall we enjoin it, especially at such expense of the public treasure?

Mr. BOURNIEUR would by no means infringe the Constitution by any act of his; for if he thought this motion would lead the committee beyond the powers assigned to the Legislature, he would give it a decided negative; but, on an impartial examination of that instrument, he could not see the least foundation for such an objection; however, he was glad the question had come forward, because he wished to give a Legislative construction to this part of the Constitution.

The gentlemen who denied the power of the President to remove from office, founded their opinion upon the fourth section of the second article of the Constitution, where it is declared, that all officers shall be removed from office on impeachment for, and conviction of, treason or bribery. If their construction is admissible, and no officer whatever is to be removed in any other way than by impeachment, we shall be in a deplorable situation indeed. Consider the extent of the United States, and the difficulty of conducting a prosecution against an officer, who, with the witnesses, resides a thousand miles from the seat of Government. But suppose the officer should, by sickness, or some other accident, be rendered incapable of performing the functions of the office, must he be continued? And yet it is to be apprehended, that such a disability would not furnish any good ground for impeachment; it could not be laid as treason or bribery, nor perhaps as a high crime or misdemeanor. Would gentlemen parrow the operation of the Constitution in this manner, and render it impossible to be executed?

When the committee come to consider the clause respecting the removal by impeachment, they will find it is intended as a punishment for a crime, and not intended as the ordinary means of re-arranging the Departments. We find in the clause in the Constitution subsequent to the one just mentioned, that the Judges are declared to hold their offices during good behavior; but if this is the tenure by which all offices are to be held, where is the necessity of this explicit dec-

laration in favor of the Judges? Now, if any thing is to be drawn by construction from this part of the Constitution, it is that the Judges alone are to hold their offices during good behavior; but all other officers during pleasure, unless otherwise provided in the Constitution. He was certain, from the nature of things, that it was not the intention of the Constitution to prevent the President from removing an officer who was found to be wholly unfit or incapable of doing his duty.

Mr. WHITE thought no office under the Government was to be held during pleasure, except those which are to be constituted by law; but all the heads of departments are to be appointed by the President, by and with the advice and consent of the Senate. He conceived that, in all cases, the party who appointed ought to judge of the removal, except in those cases which by the Constitution are excepted, and in those cases impeachment and conviction are the only mode by which they can be removed. Although this committee may consider of the expediency of the present measure, yet the Senate would check, or correct, an improper decision; and he would ask the supporters of this part of the resolution, whether they expected the Senate would part with a power which they might think the Constitution vested in them? He had doubts respecting the authority of the House to decide this question, and was very tenacious of doing any thing that would look like an encroachment on the privileges of the other branch of the Legislature.

Mr. THATCHER asked, why the Judges were particularly mentioned in the Constitution as holding their offices during good behavior, if it was not supposed that, without this express declaration in their favor, they in common with all other officers not immediately chosen by the State Legislatures and the people, would hold them during pleasure? The clause respecting impeachment was particularly calculated for removing unworthy officers of the other description. Holding this construction of the Constitution to be right, he was in favor of the clause as it stood.

Mr. JACKSON acknowledged the Judges held their offices during good behavior, and he believed the Legislature had the power of determining the time an office should continue, but did not think they could give to the President alone the power of removing those who were appointed with the concurrence of the Senate.

Mr. SMITH admitted that Congress had a right to say that an office should be held a limited time, or for one year; but if no precise period was fixed, he conceived the officer's appointment to be during good behavior, and that the person could not be removed by the President. The Constitution expresses the precise time for which the President of the United States shall be chosen; if no precise time had been fixed, he should conceive the tenure to be during good behavior. Now, on the same principle, he apprehended, if the Legislature did not fix a precise time for the Secretary of Foreign Affairs to hold his office, he would keep it during good behavior; all that could be done in case of

misbehaviour would be, to suspend the officer until after trial and conviction, when he would be removed. A gentleman has asked, what must be done if an incumbent is found unfit for his office? He would answer, the person must remain there. What must be done if a member of this House is found unfit to perform the business of his constituents? Certainly he must and will continue on this floor. You cannot remove him unless guilty of some crime. He did not hold the opinion mentioned by some gentlemen, that the power who appoints can remove, because there were several cases where those who appoint have not the power of removal. In some of the State Governments, the chief Executive Magistrate appoints to office, but cannot remove. So, under this Constitution, neither the people nor the Legislature can remove the members of the Senate or House of Representatives; nor can the Electors remove the President or Vice President, both of whom they appoint to those offices. He apprehended the power which the Constitution gave to Congress of establishing certain offices by law, would enable them to limit the tenure of the office; but if Congress declined the exercise of this power, the officers appointed would continue in their station during good behaviour.

Mr. LAWRENCE apprehended the words of the resolution limited the tenure of the office in the manner which the honorable gentleman last up seemed to admit to be proper. To be sure, it did not denominate the period by years or days, but it nevertheless fixed a precise period for its existence, viz. during the pleasure of the President. The Constitution had certainly intended that Congress should define the tenure of office, or it would never have declared the Judges should continue during good behaviour. This Constitutional provision in their favor, was to render them independent of the Legislature, which it was not supposed would be the case if nothing on this head had been declared. It is the only thing which prevents us from making them dependent upon the will of the President for their continuance in office, or from ordaining that their commission shall expire at the end of a certain term of years.

He conceived, as the Constitution was silent with respect to the time the Secretary of Foreign Affairs should remain in office, that it therefore depended upon the will of the Legislature to say how the department should be constituted and established by law, and the conditions upon which he shall enjoy the office. We can say he shall hold it for three years from his appointment, or during good behaviour; and we may declare unfitness and incapacity causes of removal, and make the President alone judge of this case. We may authorize the President to remove him for any cause he thinks proper. It is in our power to make such declaration; but at the same time the Constitution provides, that the President shall not have it in his power to hold a person in office who has been guilty of crimes or misdemeanors against the Government; the power of removal in such cases is in the Legislature, by impeachment. The only question which remained, he considered to be,

could the Legislature safely trust the President with this power? The question of right he conceived to be indisputable; it was merely a question of expediency. Gentlemen admit that we have a right to limit the duration of the office. What is authorizing the removal by the President but limiting it? and if we conceive this the best method of limiting it, why shall it be objected to as unconstitutional? If it increases the responsibility of the President, and certainly it does this, why should the Legislature hesitate in obtaining the highest security for the public interest and safety?

Mr. SYLVESTER thought the Constitution ought to have a liberal construction, and therefore was of opinion that the clause relative to the removal by impeachment was intended as a check upon the President, as already mentioned by some gentlemen, and to secure to the people, by means of their representatives, a Constitutional mode of obtaining justice against speculators and defaulters in office, who might be protected by the persons appointing them. He apprehended the doctrine held out by the gentleman from South Carolina would involve the Government in great difficulties, if not in ruin, and he did not see it was a necessary construction of the Constitution. Why, then, should the House search for a meaning, when the Constitution inconsistent with itself, make a more rational one is at hand? He, however, inclined at present to the sentiments of the gentleman from Virginia, (Mr. BLAND,) who thought the Senate ought to be joined with the President in the removal, as they were joined by the Constitution in the appointment to office.

Mr. GOODRICH was decidedly against combining the Senate in this business. He wished to make the President as responsible as possible for the conduct of the officers who were to execute the duties of his own branch of the Government. If the removal and appointment were placed in the hands of a numerous body, the responsibility would be lessened. He admitted there was a propriety in allowing the Senate to advise the President in the choice of officers; this the Constitution had ordained for wise purposes; but there could be no real advantage arising from the concurrence of the Senate to the removal, but great disadvantages. It might beget faction and party, which would prevent the Senate from paying proper attention to the public business. Upon the whole, he concluded the community would be served by the best men when the Senate concurred with the President in the appointment; but if any oversight was committed, it could best be corrected by the superintending agent. It was the peculiar duty of the President to watch over the executive officers; but of what avail would be his inspection, unless he had a power to correct the abuses he might discover.

Mr. MADISON.—I look upon every Constitutional question, whatever its nature may be, as of great importance. I look upon the present to be doubly so, because its nature is of the highest moment to the well-being of the Government. I have listened with attention to the objections which have

been stated, and to the replies that have been made, and I think the investigation of the meaning of the Constitution has supported the doctrine I brought forward. If you consult the expediency, it will be greatly against the doctrine advanced by gentlemen on the other side of the question. See to what inconsistency gentlemen drive themselves by their construction of the Constitution. The gentleman from South Carolina, (Mr. SMITH,) in order to bring to conviction and punishment an offender in any of the principal offices, must have recourse to a breach of the common law, and yet he may there be found guilty, and maintain his office, because he is fixed by the Constitution. It has been said, we may guard against the inconvenience of that construction, by limiting the duration of the office to a term of years; but, during that term, there is no way of getting rid of a bad officer but by impeachment. During the time this is depending, the person may continue to commit those crimes for which he is impeached, because if his construction of the Constitution is right, the President can have no more power to suspend than he has to remove.

What fell from one of my colleagues (Mr. BLAND) appears to have more weight than anything hitherto suggested. The Constitution, at the first view, may seem to favor his opinion; but that must be the case only at the first view; for, if we examine it, we shall find his construction incompatible with the spirit and principles contained in that instrument.

It is said, that it comports with the nature of things, that those who appoint should have the power of removal; but I cannot conceive that this sentiment is warranted by the Constitution; I believe it would be found very inconvenient in practice. It is one of the most prominent features of the Constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the Executive officers thereof; any thing, therefore, which tends to lessen this responsibility, is contrary to its spirit and intention, and, unless it is saddled upon us expressly by the letter of that work, I shall oppose the admission of it into any act of the Legislature. Now, if the heads of the Executive departments are subjected to removal by the President alone, we have in him security for the good behaviour of the officer. If he does not conform to the judgment of the President in doing the executive duties of his office, he can be displaced. This makes him responsible to the great Executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department. But if the President shall join in a collusion with this officer, and continue a bad man in office, the case of impeachment will reach the culprit, and drag him forth to punishment. But if you take the other construction, and say he shall not be displaced but by and with the advice and consent of the Senate, the President is no longer answerable for the conduct of the officer; all will depend upon the Senate. You here destroy a real respon-

sibility without obtaining even the shadow; for no gentleman will pretend to say the responsibility of the Senate can be of such a nature as to afford substantial security. But why, it may be asked, was the Senate joined with the President in appointing to office, if they have no responsibility? I answer, merely for the sake of advising, being supposed, from their nature, better acquainted with the character of the candidates than an individual; yet even here the President is held to the responsibility—he nominates, and, with their consent, appoints. No person can be forced upon him as an assistant by any other branch of the Government.

There is another objection to this construction, which I consider of some weight, and shall therefore mention to the committee. Perhaps there was no argument urged with more success, or more plausibly grounded against the Constitution, under which we are now deliberating, than that founded on the mingling of the Executive and Legislative branches of the Government in one body. It has been objected, that the Senate have too much of the Executive power even, by having a control over the President in the appointing to office. Now, shall we extend this connection between the Legislative and Executive departments, which will strengthen the objection, and diminish the responsibility we have in the head of the Executive? I cannot but believe, if gentlemen weigh well these considerations, they will think it safe and expedient to adopt the clause.

Mr. GERRY.—The Constitution provides for the appointment of the public officers in this manner: The President shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law. Now, if there be no other clause respecting the appointment, I shall be glad to see how the heads of departments are to be removed by the President alone. What clause is it that the President gives his power in express terms? I believe there is none such. If there is a power of removal, besides that by impeachment, it must vest somewhere. It must vest in the President, or in the President and Senate, or in the President, Senate, and House of Representatives. Now there is no clause which expressly vests it in the President. I believe no gentleman contends it is in this House, because that would be that mingling of the Executive and Legislative powers gentlemen deprecate. I presume, then, gentlemen will grant, that if there is such a power, it vests with the President, by and with the advice and consent of the Senate, who are the body that appoints. I think we ought to be cautious how we step in between the President and the Senate, to abridge the power of the one, or increase the other. If the power of removal vests where I suppose, we, by this declaration, undertake to transfer it to the President alone. It has been mentioned, that it is proper to give this power to the President, in order to make him

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more fully responsible for this officer. I am for supporting the President to the utmost of my power, and making him as responsible as possible. I would therefore vest every gift of office, in the power of the Legislature, in the President alone; but I cannot think we ought to attempt to give him authority to remove from office, in cases where the Constitution has placed it in other hands.

Mr. LIVERMORE considered this as a Constitutional question, and was of opinion, that the same power which appointed an officer, had the right of removal also, unless it was restrained by an express declaration to the contrary. As the President, by and with the advice and consent of the Senate, is empowered to appoint ambassadors, certainly they have a right to remove them and appoint others. In the case of the judges, they must be appointed for life, or during good behaviour. He had no idea, that it could ever enter into the heart of any man living, that all officers appointed under the Constitution were to have a perpetuity in office. The judges themselves would not have had this right, if had not been expressly given by the Constitution, but would be removable in like manner with ambassadors, other public ministers, and consuls. He took it, therefore, in the present case, that the President and the Senate would have the power of removing the Secretary of Foreign Affairs. The only question, therefore, which appears to be before the committee is, whether we shall give this power to the President alone? And with that he thought they had nothing to do. He supposed, if the clause was left out, the President and the Senate would proceed, as directed by the Constitution, to appoint the officer; and hereafter, if they judged it necessary, would remove him; but if they neglected to do so, when it was necessary, by reason of his misdemeanors, this House would impeach him, and so get rid of him on conviction.

Mr. BLAND.—It seems to be agreed on all hands, that there does exist a power of removal; the contrary doctrine would be a solecism in Government. If an officer embezzles the public money, or neglects or refuses to do the duties of his appointment, can it be supposed there is no way of getting rid of such a person? He was certain it was essentially necessary such a power should be lodged somewhere, or it would be impossible to carry the Government into execution. Their inquiries were therefore reduced to this point: Does it reside, agreeably to the Constitution, in the President, or in the President and the Senate? The Constitution declares, that the President and the Senate shall appoint, and it naturally follows, that the power which appoints shall remove also. What would be the consequence of the removal by the President alone, he had already mentioned, and need not repeat. A new President might, by turning out the great officers, bring about a change of the ministry, and throw the affairs of the Union into disorder: would not this, in fact, make the President a monarch, and give him absolute power over all the great departments of Government? It signifies nothing that the Sen-

ate have a check over the appointment, because he can remove, and tire out the good disposition of the Senate.

His colleague had objected to the removal in this way, because the Senate would be kept constantly sitting. He did not think this objection of any weight, because the Constitution made some other things their duty, which would require them to be pretty constantly sitting. He alluded to the part they were called upon to perform in making treaties; this, therefore, would be a trifling objection.

Mr. BENSON thought it was not absolutely necessary to make any provision on this head, because the power was given to the President by the Constitution; but as the argument had been pretty well gone into, he would add no more at present, than just to remark an error the gentleman last up had fallen into. He had supposed the President to have the powers of a monarch, that he could introduce and keep a favorite in office in despite of every other branch of the Government: the Senate was an effectual check to a system of favoritism, and it lay in the power of the House to correct any abuse arising from such a system, if it unhappily was fallen into.

Mr. BLAND insisted that the check of the Senate was not sufficient, if the power of removal was taken from them. Indeed, he was satisfied, from the privilege the President had of nominating and filling up vacancies *pro tempore*, he would become absolute, if he alone had the power of removal. He was therefore against this part of the motion, both on principle and policy. He therefore, with the advice and consent of the Senate, "so that the power of removal might be declared to be in the same body as the Constitution placed the appointment."

Mr. CLYMAN said, the power of removal was an Executive power, and as such belonged to the President alone, by the express words of the Constitution: "the Executive power shall be vested in a President of the United States of America." The Senate were not an Executive body; they were a Legislative one. It was true, in some instances, they held a qualified check over the Executive power, but that was in consequence of an express declaration in the Constitution; without such declaration, they would not have been called upon for advice and consent in the case of appointment. Why, then, shall we extend their power to control the removal which is naturally in the Executive, unless it is likewise expressly declared in the Constitution?

The question on adding the words "by and with the advice and consent of the Senate," as moved by Mr. BLAND, was put and lost.

Mr. WHITE.—It has been said, that the Senate are not an Executive body. I grant that they are not an Executive body when they are sitting for Legislative purposes; but they are an Executive body when performing their Executive functions as required in the Constitution.

Every question respecting treaties or public officers must go through their hands. Why shall

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we make the President responsible for what goes through other hands? He is not solely responsible, agreeably to the Constitution, for the conduct of the officers he nominates, and the Senate appoints; why then talk of obtaining a greater degree of responsibility than is known to the Constitution?

We are told, that we ought to keep the Legislative and Executive departments distinct; if we were forming a constitution, the observation would be worthy of due consideration, and he would agree to the principles; but the Constitution is formed, and the powers blended; the wished-for separation is therefore impracticable.

Mr. VIVING remarked, that the argument of the gentleman from Pennsylvania (Mr. CLYMAN) was too well founded to be overturned by the critical distinction made by the gentleman last up, and was sufficient to convince gentlemen, if they would consider it well, that the Constitution vested the power of removal in the President alone. He begged the committee to consider the monstrous effect it would produce if the Legislature went on to mingle the Legislative and Executive powers. He would place it in one other point of view, and then have done with the subject. It is well known, that the Senate are to decide upon an impeachment made by this House. Now, can they be impartial judges when they have already given judgment in the case? Suppose the President communicates his suspicions to the Senate respecting the malfeasance of a public officer, and they, from factious or party views, or, indeed, for want of full information, refuse their consent to the removal; can they be the equal and unbiased judicature which the Constitution contemplates them to be? He thought they could not.

Mr. PAGE requested the committee to delay the decision of this question, because he did not wish gentlemen to commit themselves, without having fully reflected upon the subject. It had presented itself to his mind, as one of the most momentous questions that could arise, in which the rights of the People, the energy of Government, and the liberty of posterity were staked. He begged them not to cast the die, on which the fate of millions was hazarded, until they had maturely considered the subject. He felt a degree of security in the check the Senate had over the President, in appointing to office; but he should not think himself safe, if the power of removal was in the President alone.

The question was now taken, and carried by a considerable majority, in favor of declaring the power of removal to be in the President.

TREASURY DEPARTMENT.

The committee then proceeded to the consideration of the Treasury Department.

Mr. GERRY knew nothing of the system which gentlemen propose to adopt, in arranging the Treasury Department. He thought they were hurrying on business too rapidly. Gentlemen had already committed themselves on one very important point; he hoped the honorable mover of this proposition would explain his intentions,

before the committee decided the question. He could not see where it might lead.

The late Congress had, on long experience, thought proper to organize the Treasury Department, in a mode different from that proposed by the resolution. He would be glad to know what the reasons were that should induce the committee to adopt a different system from that which had been found most beneficial to the United States. He hoped gentlemen would give time for considering the subject maturely; wherefore, he would move to postpone it, for the present, and proceed to the War Department.

Mr. BOURNOT rose, to express his surprise that gentlemen should say that they were not prepared, when the subject had been often mentioned to the House, and its necessity was self-evident. He had a week ago proposed to refer it to a select committee, but had been overruled. He was told then, that the proper mode of doing the business was, to go into a Committee of the Whole. He had taken that mode, in consequence, and hoped the business would not be unnecessarily delayed. Mr. GOUGH admitted the necessity of having a Treasury Department, as said by the gentleman last up, was self-evident; but it was not obvious whether the Department should be placed under one man, or a Board of Commissioners. In order to have time for considering the question, he would second the motion for postponing.

Mr. BENSON said, the motion of postponement was contrary to the rules of the House. The gentleman might move the committee to rise, and the effect would be the same. While he was up, he would declare his sentiment to be in favor of a single head of this Department, rather than three; but he would have the principal officer well checked in the execution of his trust.

The motion being changed for the rising of the committee, it was agreed to.

WEDNESDAY, May 20.

TREASURY DEPARTMENT.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. TRUMBULL in the Chair. The resolution for establishing the Treasury Department being under consideration:

Mr. GERRY.—We are now called upon, Mr. Speaker, to deliberate, whether we shall place this all-important Department in the hands of a single individual, or in a Board of Commissioners. I presume the gentleman, who has brought forward this string of propositions, means, that this officer shall have power to examine into the state of the public debt and expenses, to receive and disburse the revenue, to devise plans for its improvement and expansion, and, in short, to superintend and direct the receipts and expenditure, and govern the finances of the United States; having under him officers to do the subordinate business of registering and recording his transactions, and a Comptroller to control his operations with respect to the accounts and vouchers,

more fully responsible for this officer. I am for supporting the President to the utmost of my power, and making him as responsible as possible. I would therefore vest every gift of office, in the power of the Legislature, in the President alone; but I cannot think we ought to attempt to give him authority to remove from office, in cases where the Constitution has placed it in other hands.

Mr. LIVERMORE considered this as a Constitutional question, and was of opinion, that the same power which appointed an officer, had the right of removal also, unless it was restrained by an express declaration to the contrary. As the President, by and with the advice and consent of the Senate, is empowered to appoint ambassadors, certainly they have a right to remove them and appoint others. In the case of the judges, they must be appointed for life, or during good behavior. He had no idea, that it could ever enter into the heart of any man living, that all officers appointed under the Constitution were to have a perpetuity in office. The judges themselves would not have had this right, if it had not been expressly given by the Constitution, but would be removable in like manner with ambassadors, other public ministers, and consuls. He took it, therefore, in the present case, that the President and the Senate would have the power of removing the Secretary of Foreign Affairs. The only question, therefore, which appears to be before the committee is, whether we shall give this power to the President alone? And with that he thought they had nothing to do. He supposed, if the clause was left out, the President and the Senate would proceed, as directed by the Constitution, to appoint the officer; and hereafter, if they judged it necessary, would remove him; but if they neglected to do so, when it was necessary, by reason of his misdeemeanors, this House would impeach him, and so get rid of him on conviction.

Mr. BLAND.—It seems to be agreed on all hands, that there does exist a power of removal; the contrary doctrine would be a solecism in Government. If an officer embezzles the public money, or neglects or refuses to do the duties of his appointment, can it be supposed there is no way of getting rid of such a person? He was certain it was essentially necessary such a power should be lodged somewhere, or it would be impossible to carry the Government into execution. Their inquiries were therefore reduced to this point: Does it reside, agreeably to the Constitution, in the President, or in the President and the Senate? The Constitution declares, that the President and the Senate shall appoint, and it naturally follows, that the power which appoints shall remove also. What would be the consequence of the removal by the President alone, he had already mentioned, and need not repeat. A new President might, by turning out the great officers, bring about a change of the ministry, and throw the affairs of the Union into disorder: would not this, in fact, make the President a monarch, and give him absolute power over all the great departments of Government? It signifies nothing that the Sen-

ate have a check over the appointment, because he can remove, and tire out the good disposition of the Senate.

His colleague had objected to the removal in this way, because the Senate would be kept constantly sitting. He did not think this objection of any weight, because the Constitution made some other things their duty, which would require them to be pretty constantly sitting. He alluded to the part they were called upon to perform in making treaties; this, therefore, would be a trifling objection.

Mr. BENSON thought it was not absolutely necessary to make any provision on this head, because the power was given to the President by the Constitution; but as the argument had been pretty well gone into, he would add no more at present, than just to remark an error the gentleman last up had fallen into. He had supposed the President to have the powers of a monarch, that he could introduce and keep a favorite in office in despite of every other branch of the Government: the Senate was an effectual check to a system of favoritism, and it lay in the power of the House to correct any abuse arising from such a system, if it unhappily was fallen into.

Mr. BLAND insisted that the check of the Senate was not sufficient, if the power of removal was taken from them. Indeed, he was satisfied, from the privilege the President had of nominating and filling up vacancies *pro tempore*, he would become absolute, if he alone had the power of removal. He was therefore against this part of the motion, both on principle and policy. He therefore moved to add to the words of the motion, "by and with the advice and consent of the Senate," so that the power of removal might be declared to be in the same body as the Constitution placed the appointment.

Mr. CLYMER said, the power of removal was an Executive power, and as such belonged to the President alone, by the express words of the Constitution: "the Executive power shall be vested in a President of the United States of America." The Senate were not an Executive body; they were a Legislative one. It was true, in some instances, they held a qualified check over the Executive power, but that was in consequence of an express declaration in the Constitution; without such declaration, they would not have been called upon for advice and consent in the case of appointment. Why, then, shall we extend their power to control the removal which is naturally in the Executive, unless it is likewise expressly declared in the Constitution?

The question on adding the words "by and with the advice and consent of the Senate," as moved by Mr. BLAND, was put and lost.

Mr. WHITE.—It has been said, that the Senate are not an Executive body. I grant that they are not an Executive body when they are sitting for Legislative purposes; but they are an Executive body when performing their Executive functions as required in the Constitution.

Every question respecting treaties or public officers must go through their hands. Why shall

we make the President responsible for what goes through other hands? He is not solely responsible, agreeably to the Constitution, for the conduct of the officers he nominates, and the Senate appoints; why then talk of obtaining a greater degree of responsibility than is known to the Constitution?

We are told, that we ought to keep the Legislative and Executive departments distinct; if we were forming a constitution, the observation would be worthy of due consideration, and he would agree to the principles; but the Constitution is formed, and the powers blended; the wished-for separation is therefore impracticable.

Mr. VINING remarked, that the argument of the gentleman from Pennsylvania (Mr. CLYMER) was too well founded to be overturned by the critical distinction made by the gentleman last up, and was sufficient to convince gentlemen, if they would consider it well, that the Constitution vested the power of removal in the President alone. He begged the committee to consider the monstrous effect it would produce if the Legislature went on to mingle the Legislative and Executive powers. He would place it in one other point of view, and then have done with the subject. It is well known, that the Senate are to decide upon an impeachment made by this House. Now, can they be impartial judges when they have already given judgment in the case? Suppose the President communicates his suspicions to the Senate respecting the malfeasance of a public officer, and they, from factions or party views, or, indeed, for want of full information, refuse their consent to the removal; can they be the equal and unbiased judicature which the Constitution contemplates them to be? He thought they could not.

Mr. PAGE requested the committee to delay the decision of this question, because he did not wish gentlemen to commit themselves, without having fully reflected upon the subject. It had presented itself to his mind, as one of the most momentous questions that could arise, in which the rights of the People, the energy of Government, and the liberty of posterity were staked. He begged them not to cast the die, on which the fate of millions was hazarded, until they had maturely considered the subject. He felt a degree of security in the check the Senate had over the President, in appointing to office; but he should not think himself safe, if the power of removal was in the President alone.

The question was now taken, and carried by a considerable majority, in favor of declaring the power of removal to be in the President.

TREASURY DEPARTMENT.

The committee then proceeded to the consideration of the Treasury Department.

Mr. GERRY knew nothing of the system which gentlemen propose to adopt, in arranging the Treasury Department. He thought they were hurrying on business too rapidly. Gentlemen had already committed themselves on one very important point; he hoped the honorable mover of this proposition would explain his intentions,

before the committee decided the question. He could not see where it might lead.

The late Congress had, on long experience, thought proper to organize the Treasury Department, in a mode different from that proposed by the resolution. He would be glad to know what the reasons were that should induce the committee to adopt a different system from that which had been found most beneficial to the United States. He hoped gentlemen would give time for considering the subject maturely; wherefore, he would move to postpone it, for the present, and proceed to the War Department.

Mr. BOURNOR rose, to express his surprise that gentlemen should say that they were not prepared, when the subject had been often mentioned to the House, and its necessity was self-evident. He had a week ago proposed to refer it to a select committee, but had been overruled. He was told then, that the proper mode of doing the business was, to go into a Committee of the Whole. He had taken that mode, in consequence, and hoped the business would not be unnecessarily delayed.

Mr. GOODRICH admitted the necessity of having a Treasury Department, as said by the gentleman last up, was self-evident; but it was not obvious whether the Department should be placed under one man, or a Board of Commissioners. In order to have time for considering the question, he would second the motion for postponing.

Mr. BENSON said, the motion of postponement was contrary to the rules of the House. The gentleman might move the committee to rise, and the effect would be the same. While he was up, he would declare his sentiment to be in favor of a single head of this Department, rather than three; but he would have the principal officer well checked in the execution of his trust.

The motion being changed for the rising of the committee, it was agreed to.

Adjourned.

WEDNESDAY, May 20.

TREASURY DEPARTMENT.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. TRUMBULL in the Chair. The resolution for establishing the Treasury Department being under consideration:

Mr. GERRY.—We are now called upon, Mr. Speaker, to deliberate, whether we shall place this all-important Department in the hands of a single individual, or in a Board of Commissioners. I presume the gentleman, who has brought forward this string of propositions, means, that this officer shall have power to examine into the state of the public debt and expenses, to receive and disburse the revenue, to devise plans for its improvement and expansion, and, in short, to superintend and direct the receipts and expenditure, and govern the finances of the United States; having under him officers to do the subordinate business of registering and recording his transactions, and a Comptroller to control his operations with respect to the accounts and vouchers,

H. or R.]

Treasury Department.

[MAY, 1789.]

Before this committee proceed one step farther in this business, they ought seriously to consider the situation of this country, and what will be the consequence of appointing such an officer; consider how it will affect the public in general, the revenue, and even the Government itself. He is declared, in the list of duties assigned him in the paper read yesterday by the gentleman from New York, (Mr. Benson,) to have the power to form and digest the accounts, and to control all the officers of the Department. It is evident, that we put his integrity to the trial, by such an arrangement. If he is disposed to embezzle the public money, it will be out of the power of the Executive itself to check or control him in his nefarious practices. The extension of his business to the collectors of at least fifty seaports, (over whom the naval officer can have no control, with respect to the money received,) will furnish abundant opportunities for peculation. In addition to the moneys arising from the impost, he may have to do with large sums derived from other quarters, for the sale of the vacant lands, the money of defaulters now due to the United States, and the revenue arising from taxes and excises. Admit these innumerable opportunities for defrauding the revenue, without check or control, and it is next to impossible he should remain unsullied in his reputation, or innoxious with respect to misapplying his trust.

Other great opportunities may arise in case of an anticipation of the public revenue; or, if it is necessary to prevent the injury which a rapid depreciation of the securities occasion to public credit, he may be employed in purchasing them, in order to advance the credit of the Union. But what is to prevent the greatest imposition in this business? Charging them to the public at their nominal value, it is not in the power of the Government to check this species of speculation; what then is the situation of your officer? He must subject himself to suspicion: indeed, it is as much as his reputation is worth to come into a place of this kind; he can hardly preserve his integrity. His honor, credit, and character, must inevitably be injured. He cannot prove himself innocent of the suspicion, because it is the negative side of the question. He can offer nothing more in his defence than a mere denial of the crime.

There is another point which ought to be well considered: This officer is to digest and form the accounts. He can consequently give the business such complexity, as to render it impossible to detect his impositions; and as the inferior officers, who might discover the fraud, are to be appointed by the principal, will they not consequently be men after his own heart?

Taking these circumstances together, it must be very disagreeable to the person appointed, provided he is an honest, upright man; it will be disagreeable also to the people of the Union, who will always have reason to suspect, that a partiality is shown to the collectors, and other officers of the State to which he belonged. This has absolutely been the case, and was productive of very

great dissatisfaction. I would be glad to know of the gentlemen, who are for vesting these powers in a single person, where they will find the man who is capable of performing the duties of a financier? For it is not the mere calling him a financier, and giving him a large salary, that will enable him to perform his functions in such a manner as to give satisfaction. We had once a gentleman who filled such a department, and I believe the only one in the United States who had knowledge and abilities by any means competent to the business; but that gentleman is now employed in another branch of the Government, and cannot be called to this trust. During the late war, Congress thinking it necessary to employ a financier, were led to inquire for a proper character to fill such an office; but not being able to discover such a one in this country, in whose abilities they had sufficient confidence, they wrote to Doctor Price a letter, to induce him to come to America, and accept of an appointment under them, for the superintendence of their finances. He wrote, in answer, that he felt with gratitude the honor which they had done him by their application, and signified, that he was desirous of rendering every service in his power to aid the glorious cause in which America was embarked; but, from his advanced situation in life, and infirmities of body, he was under the necessity of declining. This circumstance serves to show how difficult it is to get a proper person for so arduous an undertaking. But it appears to me, that if we could fix upon a person equal to the office, involving him in forming accounts, and such trifling business, would divert his attention from the more important duties he is called upon to perform. The proper business of finance, I take it, ought to be to consider of the means to improve the revenue, and introducing economy into the expenditures; to recommend general systems of finance, without having any thing to do with the actual administration of them, because, if he engaged in the Executive business, we shall be deprived of his talents in more important concerns. If it should be granted that there is a person of abilities to be found, adequate to the duties of the office, I want to know where the advantage arises of appointing him alone in preference to a Board? If you have commissioners, you have an opportunity of taking one from each grand division of the United States, namely, the Eastern, the Middle, and Southern Districts. If this person is a member of the Board, is it not evident you will have every advantage from his abilities in such a situation, as you would if he were placed in office without control? If he was possessed of such genius, he could employ it more usefully as a Commissioner of the Board of Treasury, than when left to perform all the drudgery of the Executive part; because while his fine imagination was busied in reducing a chaos to a beautiful system, his colleagues might perform those parts which required less elevation of thought; by dividing the burden, the business would be done with more regularity and facility. Surely no advantage to the public would arise from giving him the sole man-

MAY, 1789.]

Treasury Department.

[H. or R.]

agement of the business, but much inconvenience might; besides, it must unavoidably, as I said before, subject him to suspicions unfavorable to his reputation. This has absolutely been realized; it is not a mere chimera, a matter of speculation. We have had a Board of Treasury, and we have had a Financier. Have not express charges, as well as vague rumors, been brought against him at the bar of the public? They may be unfounded, it is true; but it shows that a man cannot serve in such a station without exciting popular clamor. It is very well known, I dare say, to many gentlemen in this House, that the noise and commotion were such as obliged Congress once more to alter their Treasury Department, and place it under the management of a Board of Commissioners. We have seen speculations excited from this quarter against the Government itself, and painful insinuations of design by his appointment to the Senate. I mention these circumstances to exhibit to your view the inconvenience to which an officer is subjected by constituting an office of this nature. If the gentleman I have alluded to had been a member of the Board of Treasury, he would not have been subjected to the charges which were brought against him. In such a situation, he could have rendered the services his great abilities enabled him to do, without exposing his character to be torn to pieces by malevolence or detraction.

We are to pay some attention to the prejudices and wishes of our constituents, especially when their sentiments have been strongly declared for or against this or that mode of administration. We find such an officer unprecedented in the several States; and I believe it would not be agreeable to have a single officer, and his assistants, collecting the money, or controlling the revenue arising in those States; yet you make it one of his powers that money shall not be drawn without a warrant from the financier. There is no person of this kind mentioned in the Constitution; not even the President, nor Vice President and Senate, have a control over the Treasury; yet we put all this power into the hands of one great man, who is to be the head of the department. It appears to me, that by so doing, we shall establish an office giving one person a greater influence than the President of the United States has, and more than is proper for any person to have in a republican Government.

Perhaps it may be objected, that we should study economy. If we employ three persons to conduct this business, we shall have to pay them more than would be required for a salary for an individual. But this I take to be a very light consideration, compared with securing the public treasury. A single officer to have the command of three or four millions of money, possesses a power very unsafe in a republic; but I apprehend we may employ three commissioners for the same sum that we shall be obliged to pay for one financier; if we have great officers we must allow large salaries.

I am desirous of supporting the President; but the Senate requires to be supported also in their

Constitutional rights. To this body belongs the confidence of the States; while the President rests his support upon them he will be secure. They, with this House, can give him proper information of what is for the public interest, and, by pursuing their advice, he will continue to himself that good opinion which is justly entertained of him. If we are to establish a number of such grand officers as these, the consequences appear to me pretty plain. These officers, bearing the titles of minister at war, minister of state, minister for the finances, minister of foreign affairs, and how many more ministers I cannot say, will be made necessary to the President. If by this establishment we make them more respectable than the other branches of the Government, the President will be induced to place more confidence in them than in the Senate; the people will also be led to consider them as more consequential persons. But all high officers of this kind must have confidence placed, in them; they will in fact be the chancellors, the ministers of the nation. It will lead to the establishment of a system of favoritism, and the principal magistrate will be governed by these men. An oligarchy will be confirmed upon the ruin of the democracy; a Government most hateful will descend to our posterity, and all our exertions in the glorious cause of freedom will be frustrated: we shall go on till we reduce the powers of the President and Senate to nothing but a name. This surely, sir, does not comport with the conduct of the House. We have been very tenacious of giving a title to the President, lest it should be implied we desired to increase his power. We would tell him by no other appellation than merely President of the United States. I confess I was not such a stickler about titles as all this, because I did not consider that the liberties of the people could be hurt by such means; but I am not clear that the Constitution authorizes us to bestow titles; it is not among the enumerated powers of Congress. But if the Constitution did authorize it—[A call to order was made by some of the members, and Mr. GEARY was desired to confine himself to the point; the subject of titles was not before the House.] Mr. GEARY proceeded, and said the Senate were Constitutionally the highest officers of Government, except the President and Vice President; that the House was about to supersede them, and place over their heads a set of ministers who were to hold the reins of Government, and all this to answer no good purpose whatever; because the same services could be obtained from subordinate officers.

In short, a Board of Treasury would conduct the business of finance with greater security and satisfaction than a single officer. He had a very good opinion of the gentleman who formerly administered the finances of the United States, and doubted if another of equal qualities could be found; but it was impossible for any person to give satisfaction in such a station. Jealousy would unavoidably be entertained; besides, no inconvenience resulted from the present arrangement of that department; therefore, there could

be no good reason to induce a change. If the House were truly republican and consistent, they would not admit officers, with or without titles, to possess such amazing powers as would eventually end in the ruin of the Government. Under these impressions, he moved to amend the resolution so as to read, "there shall be established a Treasury Department, at the head of which there shall be three commissioners, to be denominated the Board of Treasury."

Mr. Wadsworth.—My official duty has led me often to attend at the treasury of the United States, and, from my experience, I venture to pronounce that a Board of Treasury is the worst of all institutions. They have doubled our national debt. (I do not mean by this observation to censure any man who has been in that office: I presume they were honest men, and did as well as could be done under such a system.) But I do not remember a single instance, in any one board, that I found them to have a system that would give even tolerable satisfaction; there appeared a want of confidence in the members of them all: they seemed to have no fixed principles to guide them, nor responsibility for their conduct.

I have had also transactions at the treasury whilst it was managed by a Superintendent of Finance. As to what fell from the gentleman last up, (though without intention, I dare say, to affect or prejudice the character of that officer, it may possibly have such an effect.) I think it necessary to state my sentiments, which are formed from my own experience as well as from report. I had great transactions with him, and must say that there did appear to be system in his management, and responsibility in his negotiations. I dare risk my fortune and character with him, because there was unity in the office, and somebody in whom I could confide. The nature of the office is better calculated to give satisfaction than the other. I will not pretend to enumerate the savings he made, by introducing economy throughout the whole departments under Congress, because I do not know them all; but they were very considerable. The administration of the finances was clear to the meanest capacity. Receipts and expenditures were stated simply; they were published to the world. The heads of the Treasury Department, the Board of Commissioners, I do not believe have closed their accounts to this very day. I do not say it is for want of ability, will, or honesty, that this event has not taken place. I conceive it to be owing to their want of system in conducting their business. I wish the committee had before them the transactions of the board for one single month; they would find what I have remarked to be too well founded. Instead of system and responsibility, they would find nothing but confusion and disorder, without a possibility of checking their accounts. I know I am heard by one gentleman who is acquainted with these truths by experience.*

* It is presumable he alluded to Mr. GAZAR, a member of a Committee of Congress, appointed to superintend the Treasury.

of the public knowing their situation; there is no possibility of getting on with the public accounts and closing them; there has not been the transactions of more than one of the great departments completely settled, owing to a radical defect in their constitution; they cannot proceed with that unity and decision necessary to insure justice. As to what the gentleman said, with respect to the difficulty of getting a proper officer to fill the department, I will just observe, that I do not believe it impossible, and am therefore prepared to attempt it.

Mr. GERRY asked, what he had said that induced the gentleman (Mr. Wadsworth) to believe it tended to prejudice the reputation of the late financier?

Mr. WADSWORTH replied, that he (Mr. GERRY) had mentioned a clamor raised against him, and that it had not subsided, because his accounts were unsettled; he had therefore endeavored to show the cause to which these circumstances were owing.

Mr. GERRY stated, that if such powers were given to a financier, he would be obnoxious and the people suspicious. These suspicions would injure his reputation, because it would be out of his power to prove them groundless. I mentioned a fact said he, to prove this position; the fact is notorious; but I did not mention it with a view to prejudice the gentleman, because I believe the insinuations charged against him in the public papers are without good grounds.

Mr. WADSWORTH had understood the gentleman as he had explained himself, but nevertheless the expressions were so loose as to leave suspicion room to maintain its ground; he had recapitulated facts also with an intention to do justice to a character that had been, he apprehended, unjustly and wantonly aspersed.

Mr. BENSON stated, that in the year 1781, from the very great derangement of public affairs, Congress were induced to place the Treasury Department under the superintendence of an individual. It is true, after the conclusion of the war, in the latter end of 1783, or beginning of 1784, Congress again changed their system, and placed the department in the hands of three commissioners, to be taken as the gentleman has said, one from the Eastern, one from the Middle, and one from the Southern district; which regulation I think induced above twenty applications. Some gentlemen on this floor will doubtless recollect an observation that was made at that time, that if this trust had been to be reposed in one responsible individual, not perhaps more than three of the candidates would have had confidence to come forward as applicants for the office.

For his part, he conceived that it required the same abilities in every individual of the commissioners, as was necessary, if a single person was placed at the head of the Department. If men competent to the undertaking are so difficult to be found, you will increase the embarrassment of the President threefold by making the arrangement the gentleman contends for. The principle upon which the gentleman advocates the appointment

ment of a board of treasury, would apply in favor of a change in the Constitution, and we ought to have three Presidents of the United States instead of one, because their business might be done with more regularity and facility; but he did not think the argument to be well founded.

If it was the duty of the House to use economy in their establishments, one officer would certainly require less salary than three; however, he believed the arguments of the gentlemen were premature. He should not find fault with the duties of the officer before they were proposed to the consideration of the committee.

The motion under consideration proposed nothing more than that a Secretary should be placed at the head of the Department. It said nothing of the duties which he was to perform. When the bill came forward, no doubt, proper checks would be provided to prevent this officer from abusing his trust.

Mr. GALDWIN thought that there were very few gentlemen, who had much to do with public business, but had turned their attention to this question. He had employed his reflection upon the subject for some time, and his sentiments were against the establishment of a board of treasury. He was persuaded there was not so much responsibility in boards as there was in individuals, nor is there such good ground for the exercise of the talents of a financier in that way. Boards were generally more destitute of energy than was an individual placed at the head of a Department. The observations of the gentleman from Massachusetts were of great weight, so far as they inferred the necessity of proper checks in the department having care of the public money; if they had system, energy, and responsibility, he should be in favor of them; but his experience had convinced him of the contrary. He was not an advocate for an unlimited authority in this officer. He hoped to see proper checks provided; a Comptroller, Auditors, Register, and Treasurer. He would not suffer the Secretary to touch a farthing of the public money, beyond his salary. The settling of the accounts should be in the hands of the Auditors and Comptroller; the registering them to be in another officer, and the cash in the hands of one unconnected with either. He was satisfied that in this way the treasury might be safe, and great improvements made in the business of revenue.

Mr. MADISON had intended to have given his sentiments on this subject; but he was anticipated in some things by the gentleman last up. He wished, in all cases of an Executive nature, that the committee should consider the powers that were to be exercised, and where that power was too great to be trusted to an individual, proper care should be taken so to regulate and check the exercise, as would give indubitable security for the perfect preservation of the public interest, and to prevent that suspicion which men of integrity were ever desirous of avoiding. This was his intention in the present case. If the committee agreed to his proposition, he intended to introduce principles of caution, which he supposed would

any weight in them, he imagined they applied with equal force against Boards. The commissioners were men equally fallible and exposed as the Secretary, Comptroller, and Auditors.

The gentleman had asked, where a proper character for a financier was to be found? America has seen one man equal to the task; but he would not undertake to say that that gentleman was the only one fit for the business. If talents of this kind were hard to be found, he was for establishing the Department in this way, in order to bring up men to a knowledge of this science. He had no idea of sending to a foreign nation for a person; it would be dishonorable to the United States. But he could not believe any foreigner adequate to the business. The utility of this officer consists in his knowledge of the manners, habits, customs, wealth, and pursuits; the temper, genius, and disposition of the people. This cannot be acquired but by a long residence and actual observation. A foreigner has not this advantage, and therefore must be unfit to direct the finances of America.

Mr. BLAND thought the decision of the House would depend upon the propriety of the powers which were annexed to the office, and the checks and restraints to which the whole of the department was subjected. Hence he thought they were taking the business up at the wrong end. He joined gentlemen in thinking the management of the public money was a matter of the most serious consideration, in which every citizen was more or less concerned. If a man were to be placed at the head of this department, without check or control, he would be a dangerous officer; but if his powers could be effectually restrained from doing the public an injury, he thought he might be rendered serviceable. Under these impressions, he had essayed to define the powers proper to be given. If they met the approbation of the committee, he was ready to vote in favor of the clause, adding thereto a Board of Commissioners.

Mr. GERRY joined the gentleman last up: he thought the powers ought first to be determined, because, after the committee had consented to have such an officer, gentlemen might insist upon such powers as would render him improper; in which case, gentlemen will have committed themselves, and cannot decently retract.

Mr. VINING thought there was an unnatural combination intimated by the gentleman from Virginia, (Mr. BLAND.) He could by no means think of uniting a Financier and Board of Treasury. He was sorry to hear the anecdote mentioned by the gentleman from Massachusetts. It is to be supposed that we have no character in America fit for a place at the head of our Treasury? Are we to send to England for Doctor Price? Much as he valued and respected that character, he should be sorry to see him preside in one of the great departments of Government. He felt the humiliation so sensibly that he should never again boast of the genius or abilities of his country. But he believed that event took place for want of information; because experience had

convinced the world that America possessed a man equal to the arduous undertaking. He did not doubt that, on inquiry, many more might be found adequate to the business.

Mr. GERRY did not look upon it as derogatory to the dignity of the United States to look abroad for men of merit to perform their services. During the late war, they had employed useful officers in the army, who taught tactics to the troops. Finance was a system requiring time and attention in its acquirement. The kingdoms of Europe were not above seeking out and employing men of abilities in this way, although they were unqualified by law to hold any office. Did the King of France refuse the service of Necker because he was a Protestant, and his father an alien? He was equally tenacious of the honor of his countrymen with the gentleman from Delaware, but he thought it no disparagement to them to say they were not well acquainted with the most abstruse science in the world, which they never had any necessity to study.

The question on the amendment proposed by Mr. GERRY was taken and lost; after which the resolutions respecting the Treasury and War Department, as proposed by Mr. MADISON, were both agreed to.

Mr. VINING then proposed the establishment of the Domestic Department upon the same principles; but, on motion of Mr. BOUNDINOT, the committee rose and reported the resolutions agreed to.—Adjourned.

THURSDAY, May 21.

EXECUTIVE DEPARTMENTS.

The House proceeded to consider the resolution reported yesterday from the Committee of the whole House on the state of the Union, and the same being amended to read as follows:

Resolved, That it is the opinion of this committee that there ought to be established the following Executive departments, viz: A Department of Foreign Affairs, at the head of which shall be an officer to be called Secretary to the United States for the Department of Foreign Affairs, removable by the President. A Treasury Department, at the head of which shall be an officer to be called Secretary to the United States for the Treasury Department, removable by the President. A Department of War, at the head of which shall be an officer to be called Secretary to the United States for the Department of War, removable by the President.

Resolved, That this House doth concur with the committee in the said resolution; and that a committee, to consist of eleven members, be appointed to prepare and bring in a bill or bills pursuant thereto.

The members elected were Mr. BALDWIN, Mr. VINING, Mr. LIVERMORE, Mr. MADISON, Mr. BOUNDINOT, Mr. BURKE, Mr. FITZSIMONS, Mr. BOUNDINOT, Mr. WADSWORTH, Mr. GERRY, and Mr. CADWALADER.

Mr. CLYMER, from the Committee of Elections, to whom it was referred to report a proper mode of investigating and deciding on the petitions of a number of the citizens of New Jersey,

principles he urged in favor of a Board against the Constitution. It might with equal justice be said, that gentlemen, who contended for a Secretary of the Treasury, desired to have a single legislator; one man to make all laws, the revenue laws particularly, because among many there is less responsibility, system, and energy; consequently a numerous representation in this House is an odious institution.

Mr. BOUNDINOT considered the question to be, whether the Department should be under the direction of one or more officers. He was against Boards, because he was convinced by experience that they are liable to all the objections which gentlemen have stated. He wished the committee had it in their power to turn to the transactions of this Department since the Revolution, to examine the expenditures under former Boards of Treasury, and under the Superintendent of Finance; it would so confound them, that he was sure no gentleman would offer another argument in favor of Boards. He was not acquainted with the management under the present board. He had not been in the habit of doing business with them. But between the administration of the former and the Superintendent of Finance, there was an intolerable comparison. He was far from being astonished at the jealousy and suspicion entertained of that valuable officer; he rather wondered that the clamor was not more loud and tremendous. He could not repeat all the causes there were for accusation against him, but surely they were not inconsiderable. He remembered one hundred and forty-six supernumerary officers were brushed off in one day, who had long been sucking the vital blood and spirit of the nation. Was it to be wondered at, if this swarm should raise a buzz about him? The reform which daily took place made him no inconsiderable number of enemies. The expenditures under the Board of Treasury had been enormous. They were curtailed in the quartermasters, commissaries of provision and military stores, in the hospital, and every great department established by Congress; so that, besides those who were offended by a removal, every one who was affected by this economy, or parsimony, if they will call it so, were incensed against him. It was impossible to gain friends among those people by a practice of this kind. He would state a circumstance which might give the committee some small idea of what the savings under the Superintendent were. The expenditure of hay at a certain post was one hundred and forty tons; such was the estimate laid before him; yet twelve tons carried the post through the year, and the supply was abundant, and the post was as fully and usefully occupied as it had ever been before.

He wished gentlemen to examine whether the other arguments did not preponderate in favor of a single administration. He thought that there was certainly more responsibility and system likely to be acquired in this way than in the other. He saw no weight in the objections stated by the gentleman, respecting the collusion between the Secretary and the Collectors; but if there was

give satisfaction on that point. As far as was practicable, he would have the various business of this important branch of the Government divided and modified, so as to lull at least the jealousy expressed by the gentleman from Massachusetts; indeed, he supposed, with the assistance of the committee, it might be formed so as to give satisfaction. He had no doubt but that the offices might be so constituted as to restrain and check each other; and unless an unbounded combination took place, which he could by no means suppose was likely to be the case, that the public would be safe and secure under the administration. He would favor the arrangement mentioned by the worthy gentleman from South Carolina, (Mr. BALDWIN,) and after that was separated from the Secretary's duties, he believed the officer would find sufficient business to employ his time and talents in rendering essential services to his country. This arrangement he considered would answer most of the objections which had been urged.

If a board is established, the independent officers of Comptroller and Auditor are unknown; you then give the aggregate of these powers to the board, the members of which are equal; therefore you give more power to each individual than is proposed to be trusted in the Secretary; and if apprehensions are to be entertained of a combination, they apply as forcibly in the case of two or three commissioners combining, as they do in the case of the Secretary, Comptroller, and other officers. If gentlemen permit these sentiments to have their full weight, and consider the advantages arising from energy, system, and responsibility, which were all in favor of his motion, he had no doubt of their according with him on this question.

Mr. GERRY.—If an individual has a control over the Treasury Department; if no money can be received or expended but by him, or on his warrant, he did not see any check which could be provided to prevent a misapplication of such powers, nor any means by which a man could demonstrate he had preserved his integrity. He thought these things were better guarded under a Board, and therefore preferred one. Gentlemen, to be sure, had asserted there was no responsibility in a Board; he denied the fact. A Board of three commissioners are surely as responsible for their measures as an individual for his; each person of them is responsible for the act of the Board, or, if one of them should deny his acquiescence to the matter in question, the charge may be determined by having recourse to the journal of their transactions, because whenever an order or resolution takes place, they enter their names for or against the measure in their books. These circumstances show they are responsible; and undoubtedly there is more security in having three persons consulted, than confiding all to the uncontrolled caprice of a single individual. He did not see the necessity of an officer to improve the revenue; that he took to be the peculiar business of the Federal Legislature. He could answer to the gentleman (Mr. BENSON) who applied the

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complaining of the illegality of the election of the members holding seats in this House; as elected within that State, made a report, which was read and ordered to lie on the table.

The House proceeded to consider the report from the Committee of Elections, stating the proof of the facts charged in the petition of David Ramsey, suggesting that WILLIAM SMITH, returned a member of this House for the State of South Carolina, was, at the time of his election, ineligible, by reason that he had not been seven years a citizen of the United States.—Adjourned.

FRIDAY, May 22.

CONTESTED ELECTION.

The House resumed the consideration of the report on Mr. SMITH's case.

Mr. LAWRENCE moved the recommitment of the report, with instructions to the committee, to examine and report facts arising from the proofs, in order to save the time of the House in the inquiry.

Mr. LIVERMORE objected to this motion, and said, if he was to decide upon Mr. SMITH's eligibility, he would hear the evidence, and not commit to any man whatsoever to inquire for him. After some desultory conversation on the recommitment and mode of proceeding, it was agreed to examine the evidence in favor of Mr. SMITH, the facts alleged by Doctor Ramsey, in proof that Mr. SMITH was not seven years a citizen of the United States, being admitted. Whereupon, it being moved and seconded, that the House do agree to the following resolution:

Resolved, That it appears to this House, upon full and mature consideration, that the said WILLIAM SMITH had been seven years a citizen of the United States, at the time of his election.

Mr. SMITH.—As the House are inclined to hear the observations I have to make, I shall begin with admitting the facts stated in the memorial of Doctor Ramsey, hoping the House will excuse the egotism into which I am unavoidably drawn. I was born in Charleston, South Carolina, of a family whose ancestors were among the first settlers of that colony, and was sent to England for my education when I was but twelve years of age. In 1774, I was sent to Geneva, to pursue my studies, where I resided until 1778. In November, that year, I went to Paris, where I resided upwards of two months in the character of an American gentleman. Immediately on my arrival there, I waited on Doctor Franklin, Mr. Adams, and Mr. A. Lee, the commissioners from Congress to the Court of France, as a citizen of America, and was received as such by them. In January, 1779, I left Paris for London, whither I went to procure the means of embarking for America, from the gentleman who had been appointed my guardian by my father when I was first sent to Europe in 1770, and from whom alone I had any hope of obtaining such means. But in this endeavor, I was disappointed, and remained some

time in England, with the hope of receiving remittances from Charleston. Here again my expectation was defeated. The rapid depreciation of the Continental money rendered the negotiation of money transactions extremely difficult, and thus I remained till the fall of Charleston. I took this opportunity of studying the law, but could not be called to the bar, because I had not taken the oath of allegiance to Great Britain, which is a necessary qualification. After the surrender of Charleston, the whole State of South Carolina, fell into the hands of the enemy, and it was impossible at that time to return. No sooner, however, did I acquire the means, and an opportunity offered, than I prepared myself to go back to America. I quitted London for that purpose in October or November, 1782, not in a vessel bound to Charleston, then a British garrison, and which I certainly should have done, had I considered myself a British subject, and which would have been most convenient, as there were vessels constantly going from London to Charleston; but I travelled to Ostend, and there embarked in a neutral vessel bound to St. Kitt's, from whence it was my intention to proceed to a Danish island, and thence to some American port in North Carolina or Georgia, from whence I could reach the American camp. In the beginning of January, 1783, I sailed from Ostend, but was detained a considerable time by contrary winds, and in the middle of the month of February, was shipwrecked on the coast of England, and was obliged to return to London in order to procure another passage. These circumstances unavoidably prevented my return to Charleston, until some time in November, 1783.

On my arrival at Charleston, I was received by my countrymen as a citizen of the State of South Carolina, and elected by their free suffrage a member of the Legislature in November, 1784. In the August following, I was chosen, by the Governor and Council, a member of the Privy Council, and this election was confirmed by the Legislature the October following. In September, the same year, I was elected one of the Wardens of the City of Charleston. In November, 1786, I was again elected into the Legislature; again in November, 1788; I was elected at the same time that I was elected to the House of Representatives of the United States, the September preceding having been chosen again a Warden of the city.

After having stated these facts, he went on adhering to the laws referred to in the report of the committee, which he said, he conceived to be applicable to the present case.

In September, 1779, a question was discussed in the Legislature of South Carolina, respecting the young men who were sent abroad for their education, and it was determined that it was most for the interest of the State, that they should be allowed to continue in Europe till they were twenty-two years of age; after which the law provided they should be doubly taxed if they did not return. This law might fairly be supposed to recognise the citizenship of all the young men in

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a similar predicament with himself. It allowed them all to be absent until they were twenty-two years of age; but even after that period it did not deprive them of the right of citizenship; it only subjected them to the penalty of a double tax. This he contended was a sort of compact with him, that if he chose to be absent after that time, he should suffer a certain penalty, which, in its own nature, implied that his citizenship remained; but before he attained that age, South Carolina was in such a situation that her best friends were compelled to be absent, and take refuge in distant countries. It was not till some time after that the friends of the American cause began to assemble in that State; the absentee law, therefore, never operated on him, and he never was doubly taxed.

In February, 1782, the Legislature met at Jacksonburg, and discriminated between friend and foe, between American and British subjects, by disposing of the estates of the latter, and banishing them; from an inspection of the law passed at that time, it would be evident in what light they viewed him. He had landed property in the State, but was himself in England; yet they did not attempt to confiscate his property, or subject him to an amercement. The absentee law was his safeguard, he had the permission of the State to be abroad.

If the Legislature in 1782 recognised as citizens some of those persons whose estates were confiscated for adhering to Great Britain, and for being disaffected to America, *a fortiori*, did it not recognise as a citizen one whose estate was not forfeited, who had not been deemed worthy of punishment, and who had been absent under the sanction of the law?

By the constitution of South Carolina it appears that no person was eligible to a seat in the Legislature until he had resided three years, nor to a seat in the Privy Council until he had resided five years in the State. He had a seat in both those bodies before he had resided two years in the State of South Carolina, and no objection was ever made on that score. He could not have been qualified for either, had not the people of South Carolina deemed his residence in that State such a residence as gained him a qualification; or had they not supposed the qualification required in the constitution applied only to new comers and new citizens, for whom that residence was necessary to wean them from their local prejudices and national habits, and to attach them to the Commonwealth. Had they not, in short, supposed him to have been a citizen during the Revolution, and attached to his native State by every tie which could bind an individual to any country? Three years residence was either not required of him, or his former residence was deemed within the meaning of the Constitution.

An act to confer the right of citizenship on aliens was passed March 26, 1784. For the purpose of possessing the subordinate rights of citizenship, such as an exemption from the alien duty, a residence of one year, and taking the oath of allegiance, was sufficient. To confer a right of voting at elections, a person must have been

admitted a citizen two years prior to his voting; but for the higher privileges of a citizen, being eligible to offices of trust, to a seat in the Legislature and Privy Council, the alien must have been naturalized by law. Now, in November, 1784, he was elected into the Legislature, and took his seat without objection in January, 1785, and was elected into the Privy Council, October, 1785; all without being naturalized by law.

In October, 1785, when he was elected to the Council, his election was opposed, but the objection now brought forward was not then made; and the memorialist himself, who was a member of the Legislature, voted in favor of the choice; though, unquestionably, unless he was considered by the Legislature as a citizen before he returned to Charleston, nothing had afterwards occurred to make him so, and the alien act of 1784 positively required a naturalization by act of Assembly to give him a qualification.

The constitution of South Carolina is silent as to citizenship, but allowed any person to vote at elections who had resided a year in the State, and paid a certain tax; to be a member of the Assembly he must have resided three, and to be a Privy Counsellor five years previous to his election, but nothing was said about citizenship. The act of 1784, however, expressly defined who should and who should not be deemed citizens; and, consequently, all persons who did not become citizens must have been held to be aliens, and considered so, till they had conformed to the alien act of 1784. Now, as he was admitted to offices of trust, to which aliens were not admissible, and as he was admitted to them without having the rights of citizenship conferred upon him, in pursuance of that act, it followed clearly, that the people of South Carolina and the Legislature acknowledged him to be a citizen by virtue of the Revolution.

He went on to observe, that, from the doctrine laid down by the memorialist, it was difficult to ascertain when he did become a citizen of South Carolina. When he was admitted to the bar in 1784, he did no act which made him a citizen, the bare act of taking an oath of qualification to an office could not convert an alien to a citizen. The constitution seemed to imply a mere residence of a year, by giving a right to vote, gave a right of citizenship; if that were the case, and if his residence prior to the Revolution was considered such a residence as the constitution required, then he was a citizen, by virtue of the constitution, after having resided a year in Carolina. Now, it was clear, his residence prior to the war was deemed such a residence as the constitution required; because he was admitted to vote and admitted to a seat in the Legislature and Council by right of such residence, not having had the requisite residence since the war, and yet being deemed qualified. If, therefore, that part of the constitution which gave a right of voting, in consequence of a year's residence and paying a certain tax, virtually conferred citizenship, by giving a right to vote, (and it appeared absurd that a right to vote should be given to persons not citi-

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zens,) and if, also, his residence, prior to the Revolution, was deemed a sufficient residence, then he was a citizen by virtue of the Constitution. The points that seemed most to be relied upon by the memorialist were:

1st. That residence was actually necessary to confer citizenship, or, in other words, that a person could not become a citizen of a country till he has resided in it.

2d. That a person could not become a citizen till he was of age to choose his country.

In answer to the first, he denied that residence in the country was absolutely necessary. Was it to be supposed, he asked, that when a man sent his son into another country for his education and improvement, the son was thereby to lose any political benefits which might, during such temporary absence, accrue to his country? If his father had lived a few years longer, would there have arisen any question on this subject? Would he not, though absent, have acquired, according to the petitioner's own positions, a right of citizenship? And should his death at such an early period not be deemed a sufficient misfortune for him, without using that as a pretence for making him an alien? Those who represented him in Carolina as his guardians, who were in *loco parentis*, were residents in Carolina at the declaration of independence.

His property was in Carolina, his money in the treasury, assisting to carry on the war. The declaration of independence affected him as much, though at Geneva, as it did those in Carolina; his happiness, that of his dearest connexions, his property, were deeply interested in it; his fate was so closely connected with that of Carolina, that any revolution in Carolina was a revolution to him. Though a minor, as soon as he heard of the independence of America, he considered himself an American citizen.

If a person could not become a citizen of a country without residing in it, what should be said of those gentlemen who had been in Europe during the war, and were now in high office in America? Several of them went to Europe before the war, were there at the declaration of independence, and did not return to America till after the war, or about the close of it. When did their citizenship commence? According to the petitioner, they could not become citizens of America until they returned to America and took an oath of allegiance to the States; but Congress employed them in offices of great confidence, before they had returned to America or taken such oath. Congress, therefore, considered them citizens by virtue of the Revolution.

It had been said that Carolina had called on her young men to come to her assistance. This was not the true state of the case. Carolina thought that her young men who were abroad for their education, should not be taken from their studies till they were twenty-two years of age, and doubly taxed them after that. His guardian wrote to him that he had permission of the Legislature to be absent till he was twenty-two, and that he should be doubly taxed after that age.

It has been also said that Carolina tendered an oath, to discover who were friends, and who were enemies. In March, 1778, the Legislature of South Carolina passed an act to oblige every free male inhabitant of that State, above sixteen years of age, to take an oath of allegiance to the State. As there were notoriously many persons then in the State who were inimical to its liberties, such a step was necessary to give a reasonable cause for obliging them to quit the country. With that view, the oath was generally tendered only to those who were suspected or known not to be friendly to the cause. He had been informed by several persons who were zealous partisans, and then in Carolina, that they had never taken any oath of allegiance, and that it had not been required of them on this occasion.

The act directed that those who did not take it should quit the State; and, if they returned, should be dealt with as traitors and suffer death. Let us examine whether this act can, in any respect, apply to the present question.

1st. It particularly mentioned "inhabitants of the State of South Carolina." It could not, therefore, apply to persons who were abroad.

2dly. It directed that the oath should be taken before a justice of peace in Carolina; this could not, therefore, extend to a person then at Geneva.

3dly. It was directed to be taken in one month after the passing of the act; and it was not possible that I should hear of the existence of such an act in less than three months.

4thly. It was directed that, if the persons refused to take it, they should quit the State; but I was already out of it.

5thly. Those who refused to take it, were prevented from acquiring or conveying property, and rendered incapable of exercising any profession. But on my return to Carolina I took possession of my estate, part of which consisted of lands and houses, which had been mine since the year 1770; and I was immediately admitted to the exercise of the profession for which I was educated.

6thly. The act directed that, if any person returned to Carolina after having refused to take the oath, he should be put to death as a traitor; and yet, on my return, never having taken the oath, I was elected a member of the Legislature, and a Privy Councillor; and, instead of being deemed a criminal myself, I acted as Attorney General to punish others; and yet the petitioner, in one of his late publications, lays great stress on the applicability of this act.

Secondly, there could be no doubt that a minor might be a citizen, from the very words of the Constitution, which admitted a person to be a member of the House of Representatives at twenty-five, and yet required a citizenship of seven years. This was of itself a sufficient refutation of every thing contained in the petition on this head. The Constitution acknowledged that a person might be a citizen at eighteen; if so, there was no reason why a person might not be one at sixteen or fourteen.

Mr. LEE said the committee had now to deter-

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mine whether Mr. SMITH was a citizen of South Carolina during his absence from home, or not. If the laws of that State recognised him as such, the question was determined, because this House could not dispute a fact of that kind. From the reference that has been made to the constitution and laws of South Carolina, and the circumstances which took place under them, with respect to Mr. SMITH, it was convincing that he was acknowledged there to be a citizen in consequence of the Revolution.

Mr. THATCHER thought the examination had been full; the facts stated in the memorial were admitted; but, nevertheless, it appeared from other facts, that Mr. SMITH was received and respected as a citizen of that standing which the Constitution required. He had considered the subject maturely, and was now ready for the decision.

The petition of Dr. Ramsey was again read, in which he stated, "That citizenship with the United States is an adventitious character to every person possessing it, who is how thirty years of age; and that it can, in no case, have been acquired but in one of the following modes: 1st, By birth or inheritance. 2dly, By having been a party to the late Revolution. 3dly, By taking an oath of fidelity to some of the States. 4thly, By tacit consent. 5thly, By adoption: and that Mr. SMITH cannot have acquired the character of a citizen in either of these modes, seven years ago. He cannot be a citizen by birth or inheritance, for he was born in 1758, in South Carolina, while a British colony; and his parents were both dead many years before the declaration of independence; his birthright and inheritance can, therefore, be no other than that of a British subject; for no man can be born a citizen of a Government which did not exist at the time of his being born; nor can parents leave to their children any other political character than that which they themselves possessed."

After going on to state his reasons why Mr. SMITH could not have acquired citizenship in any of the other modes, he proceeds to say, that he "conceives that birth and residence in this country, before the Revolution, could not confer citizenship on Americans who were absent when independence was declared, while they were absent, and anterior to their returning and joining their country under its new and independent Government; for, on that supposition, many persons hostile to these States must be admitted citizens; those who have been born for thirteen years before the declaration of independence, within the posts of our northwestern frontiers, which are unjustly detained from us by the British, would be citizens. Our East India trade would be laid open to the numerous natives of this country, who are now dispersed over Europe and the West Indies. If birth and residence within the limits of the United States before the Revolution conferred the rights of citizenship, persons of the aforesaid description, who have neither done nor hazarded any thing for our independence, might trade to the East Indies as citizens of the United States."

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from the circumstance of their having been born in this country thirty or forty years ago, and after having glutted our market with extravagant importations, carry the whole profits of their commerce to their present residence in foreign countries. These, and many other dangerous consequences, would, as your petitioner apprehends, follow from the establishment of a precedent, by which it was acknowledged, that a native of this country might be a citizen of the United States before he lived under their Government."

Mr. MADISON.—I think the merit of the question is now to be decided, whether the gentleman is eligible to a seat in this House or not; but it will depend on the decision of a previous question, whether he has been seven years a citizen of the United States or not.

From an attention to the facts which have been adduced, and from a consideration of the principles established by the Revolution, the conclusion I have drawn is, that Mr. SMITH was, on the declaration of independence, a citizen of the United States; and unless it appears that he has forfeited his right, by some neglect or overt act, he had continued a citizen until the day of his election to a seat in this House. I take it to be a clear point, that we are to be guided, in our decision, by the laws and constitution of South Carolina, so far as they can guide us; and where the laws do not expressly guide us, we must be guided by principles of a general nature, so far as they are applicable to the present case.

It were to be wished, that we had some law adduced, more precisely defining the qualities of a citizen or an alien; particular laws of this kind have obtained in some of the States; if such a law existed in South Carolina, it might have prevented this question from ever coming before us; but since this has not been the case, let us settle some general principle before we proceed to the presumptive proof arising from public measures under the law, which tend to give support to the inference drawn from such principles.

It is an established maxim that birth is a criterion of allegiance. Birth, however, derives its force sometimes from place, and sometimes from parentage; but, in general, place is the most certain criterion; it is what applies in the United States; it will, therefore, be unnecessary to investigate any other. Mr. SMITH founds his claim upon his birthright; his ancestors were among the first settlers of that colony.

It is well known to many gentlemen on this floor, as well as to the public, that the petitioner is a man of talents, one who would not lightly hazard his reputation in support of visionary principles: yet I cannot but think he has erred in one of the principles upon which he grounds his charge. He supposes, when this country separated from Great Britain, the tie of allegiance subsisted between the inhabitants of America and the King of that nation, unless, by some adventitious circumstance, the allegiance was transferred to one of the United States. I think there is a distinction which will invalidate his doctrine in this particular, a distinction between that primary

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allegiance which we owe to that particular society of which we are members, and the second—allegiance we owe to the Sovereign established by that society. This distinction will be illustrated by the doctrine established by the laws of Great Britain, which were the laws of this country before the Revolution. The Sovereign cannot make a citizen by any act of his own; he can confer denizenship; but this does not make a man either a citizen or subject. In order to make a citizen or subject, it is established, that allegiance shall first be due to the whole nation; it is necessary that a national act should pass to admit an individual member. In order to become a member of the British empire, where birth has not endowed the person with that privilege, he must be naturalized by an act of Parliament.

What was the situation of the people of America, when the dissolution of their allegiance took place by the declaration of independence? I conceive that every person who owed this primary allegiance to the particular community in which he was born, retained his right of birth, as a member of a new community; that he was consequently absolved from the secondary allegiance he had owed to the British Sovereign. If he were not a minor, he became bound, by his own act, as a member of the society who separated with him from a submission to a foreign country. If he were a minor, his consent was involved in the decision of that society to which he belonged by the ties of nature. What was the allegiance, as a citizen of South Carolina, he owed to the King of Great Britain? He owed his allegiance to him as a King of that society to which, as a society, he owed his primary allegiance. When that society separated from Great Britain, he was bound by that act, and his allegiance transferred to that society, or, the Sovereign which that society should set up; because it was through his membership of the society of South Carolina that he owed allegiance to Great Britain.

This reasoning will hold good, unless it is supposed that the separation which took place between these States and Great Britain, not only dissolved the union between those countries, but dissolved the union among the citizens themselves: that the original compact which made them altogether one society, being dissolved, they could not fall into pieces, each part making an independent society; but must individually revert into a state of nature; but I do not conceive that this was, of necessity, to be the case; I believe such a revolution did not absolutely take place. But in supposing that this was the case, lies the error of the memorialist. I conceive the colonies remained as a political society, detached from their former connexion with another society, without dissolving into a state of nature; but capable of substituting a new form of Government in the place of the old one; which they had, for special considerations, abolished. Suppose the State of South Carolina should think proper to revise her constitution, abolish that which now exists, and establish another form of Government: surely this would not dissolve the social compact.

It would not throw them back into a state of nature. It would not dissolve the union between the individual members of that society. It would leave them in perfect society, changing only the mode of action, which they are always at liberty to arrange. Mr. SMITH being then, at the declaration of independence, a minor, but being a member of that particular society, he became, in my opinion, bound by the decision of the society, with respect to the question of independence and change of Government; and if afterwards he had taken part with the enemies of his country, he would have been guilty of treason against that Government to which he owed allegiance, and would have been liable to be prosecuted as a traitor.

If it be said, that very inconvenient circumstances would result from this principle, that it would constitute all those persons who are natives of America, but who took part against the revolution, citizens of the United States, I would beg leave to observe, that we are deciding a question of right, unmixed with the question of expediency, and must, therefore, pay a proper attention to this principle. But I think it can hardly be expected by gentlemen that the principle will operate dangerously. Those who left their country, to take part with Britain, were of two descriptions—minors, or persons of mature age. With respect to the latter, nothing can be inferred with respect to them from the decision of the present case; because they had the power of making an option between the contending parties; whether this was a matter of right or not is a question which need not be agitated in order to settle the case before us. Then, with respect to those natives who were minors at the Revolution, and whose case is analogous to Mr. SMITH's, if we are bound by the precedent of such a decision as we are about to make, and it is declared that they owe a primary allegiance to this country, I still think we are not likely to be inundated with such characters; so far as any of them took part against us, they violated their allegiance, and opposed our laws; so, then, there can be only a few characters, such as were minors at the Revolution, and who have never violated their allegiance by a foreign connexion, who can be affected by the decision of the present question. The number, I admit, is large who might be acknowledged citizens on my principles; but there will very few be found daring enough to face the laws of the country they have violated, and against which they have committed high treason.

So far as we can judge by the laws of Carolina, and the practice and decision of that State, the principles I have adduced are supported; and I must own, that I feel myself at liberty to decide, that Mr. SMITH was a citizen at the declaration of independence, a citizen at the time of his election, and, consequently, entitled to a seat in this Legislature.

Mr. BOUNDINOT expressed an apprehension, that the principle supported by the gentleman from Virginia would tend to injure the State of New Jersey very considerably. He was afraid it would

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be construed to embrace all the natives of America who had deserted their country's cause during the late war; and, on this account, he was against deciding in favor of the proposed resolution, though he believed Mr. SMITH to be fairly and Constitutionally entitled to a seat in that House.

Mr. JACKSON.—I differ widely from the gentleman from Virginia (Mr. MANISON) on the subject of allegiance and the social compact, and hold the principles advanced by him exceedingly dangerous to many of the States, and, in particular, to the one I have the honor to represent. The situation of America, at the time of the Revolution, was not properly to be compared to a people altering their mode or form of Government. Nor were there two allegiances due, one to the community here, another to that of Great Britain. We were all on a footing; and I contend the principle is right, in some degree of a total reversion to a state of nature amongst individuals, and to a mere parental or patriarchal authority, where the heads had families dependent on them; the former, right in his own eyes, and the cause which he thought just; and, in the latter cases, the children followed the will of the father, who chose for them, as the person who brought them into life, and whose fortunes they were to inherit. I conceive the whole allegiance or compact to have been dissolved. Many of the States were a considerable period without establishing constitutions or forms of Government, and during that period we were in a little better state than that of nature; and then it was, that every man made his election for an original compact, or tie, which, by his own act, or that of his father for him, he became bound to submit to. And what, sir, would otherwise be the result? And if the gentleman's doctrines of birth were to be supported, those minors who, with British bayonets have plundered and ravaged, nay, cruelly butchered their more virtuous neighbors—the sons of the most inveterate traitors, whose names deservedly sounded in every bill of confiscation; and the minors, sons of those who sheltered themselves under the shade of the British King, and supported his armies, if not with arms, with the resources of war, until the hour of danger was over—those, I say, after the blood of thousands has been spilt in the establishment of our Government, can now come forward and sneer at the foolish patriots, who endured every hardship of a seven years' war, to secure to them the freedom and property they had no hand in defending. Sir, did we fight for this? Was it for this the soldier watched his numerous nights, and braved the inclemency of the seasons? Will he submit, after having gained his point at the expense of property and the loss of constitution, to have those sentiments established? If he will, he has fought to little purpose indeed.

Sir, I again contend, that when the Revolution came on, we were all alike with respect to allegiances, and all under the same social tie. An Englishman born did not conceive himself more liable to be condemned for treason than an American, had the enemy succeeded; nor would there

have been any distinction in the laws on coming to a trial. But, sir, how should this primary allegiance be known to belong to the less, or American community, where the majority did not prevail? In Georgia, the majority were opposed to American measures; agreeably to the gentleman's reasoning, the minors must have been all on the British side; and yet many of them, on arriving to years of discretion, behaved well and valiantly with us. To corroborate this, sir, I will remark, that, for a considerable period, we had no general or federal Government, or form of constitution, and yet were in arms. I would ask what state we were in then? Neighbor was against neighbor, and brother against brother. But, sir, the gentleman says, the hardened minor will not return. Sir, experience has proved the contrary. The Middle and Eastern States, except Pennsylvania, New Jersey, and New York, never had the enemy long with them; there was not the same trial of men, and they knew not the audacity of those villains. After having received their equivalent for, in many cases, feigned losses, from the British Crown, they are daily returning and pushing into office. It is necessary we should guard against them. Britain, although humiliated, yet has a longing eye upon this country; she has yet posts in it. Although it is improbable that so many of these people will get into Congress as to form a corrupt majority, yet they have ambition and resentment enough to attempt it. At this moment, sir, in Georgia, are some of the most daring bringing ejectments for estates which their fathers had deservedly forfeited, although themselves had imbrued their hands in the blood of their fellow citizens.

Now, to the present case: Highly as I regard the gentleman (Mr. SMITH) as a valuable member, and esteem his abilities, I can only form my opinion on the leave given him by the State to be absent. If that principle is introduced into the resolution, I will vote in favor of Mr. SMITH's eligibility; but if not, I must decline voting. Which he accordingly did when the question was put.

Mr. TUCKER hoped that the yeas and nays would be taken on this question, not because he had any doubt in his own mind of Mr. SMITH's right to a seat, but because he had been solicited by Dr. RAMSAY to have the yeas and nays taken. The yeas and nays were taken, as follows:

YEAS—Messrs. Baldwin, Benson, Boudinot, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gilman, Goodhue, Heister, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Moore, Mahlenburg, Page, Van Rensselaer, Seney, Schureman, Scott, Sinnenickson, Smith, of Maryland, Sturgis, Sylvester, Thatcher, Trumbull, Tucker, Vining, White, and Wynkoop.

Jonathan Grout voted in the negative.

Adjourned until Monday.

MONDAY, May 25.

THOMAS SUMTER, from South Carolina, appeared and took his seat.

[H. OF R.]

New Jersey Elections—Duties on Tonnage.

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NEW JERSEY ELECTIONS.

The House proceeded to consider the report from the Committee of Elections, to whom it was referred, to report a proper mode of investigation and decision on the petition of a number of the citizens of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State; and the said report being amended to read as follows:

"That it will be proper to appoint a committee before whom the petitioners are to appear, and who shall receive such proofs and allegations as the petitioners shall judge proper to offer in support of their said petition, and who shall, in like manner, receive all proofs and allegations from persons who may be desirous to appear and be heard in opposition to the said petition, and to report to the House all such facts as shall arise from the proofs and allegations of the respective parties."

Resolved, That this House doth agree with the committee in the said report, and that it be an instruction to the said Committee of Elections to proceed accordingly.

The members appointed were Messrs. PARTRIDGE, FLOYD, and THATCHER.

On motion,

Ordered, That the Committee of the Whole House on the state of the Union be discharged from further proceeding on the motion to them committed, for making a compensation to the President of the United States for his services; and that a committee be appointed to take into consideration the subject of compensation, to be made for the services of the President, Vice President, the members of the Senate and of the House of Representatives, and to report thereupon.

The members appointed were Messrs. BALDWIN, Vining, LIVERMORE, MADISON, BENSON, BURKE, FITZSIMONS, BOUDINOT, WADSWORTH, GERRY, CADWALADER, and SMITH, of Maryland.

Mr. WADSWORTH presented, according to order, a bill imposing duties on tonnage; and the same was received, and read the first time.

A petition of the shipwrights of the city of Philadelphia, whose names are the unto subscribed, was presented to the House and read, stating such regulations as they conceive will tend to the advancement and increase of American shipping, and praying the attention of Congress thereto.

Ordered, That the said petition do lie on the table.

TUESDAY, May 26.

A bill imposing duties on tonnage was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

Mr. SYLVESTER, from the committee appointed to confer with a committee of the Senate, to consider and report what newspapers the members of Congress shall be furnished with at the public expense, and to receive proposals from the print-

ers for printing the acts and other proceedings of Congress, made a further report, which was read and ordered to lie on the table.

WEDNESDAY, May 27.

A message from the Senate informed the House that they had appointed a committee to confer with the committee appointed by this House, on the proper method of receiving into either House bills or messages from the President of the United States.

DUTIES ON TONNAGE.

The House resolved itself into a Committee of the Whole, Mr. TRAUMBULL in the Chair, on the bill imposing duties on tonnage; and, after making several amendments thereto, directed their Chairman to report when the House should think proper to receive the same.

Mr. FITZSIMONS, from the committee appointed, presented, according to order, a bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States; and the same was received and read the first time.

THURSDAY, May 28.

DUTIES ON TONNAGE.

The House proceeded to consider the amendments made yesterday in Committee of the Whole, to the bill imposing duties on tonnage, which were agreed to; and the bill, as amended, was ordered to be engrossed and read a third time to-morrow.

On motion,

Resolved, That every such member of the present Congress as is not yet furnished with a set of the journals of the late Congress, shall, on application to the keeper of the records and papers of the said late Congress, be entitled to receive a complete set of such journals.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House proceeded to consider the two reports, the one made on the 19th instant, the other on the 26th instant, by the committee appointed to confer with a committee of the Senate, to consider and report what newspapers the members of Congress shall be furnished with at the public expense, and to receive proposals for printing the acts, and other proceedings of Congress; and the first report, in the words following, viz:

"That, in their opinion, public economy requires that the expense heretofore incurred by the public, of supplying every member of Congress with all the newspapers printed at the seat of Congress, should be retrenched in future; but as your committee consider the publication of newspapers to be highly beneficial in disseminating useful knowledge throughout the United States, and deserving of public encouragement, they recommend that each member of Congress be supplied, at the public expense, with one paper, leaving the choice of the same to each member; and that it be the

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duty of the Secretary of the Senate, and Clerk of the House of Representatives, to give the necessary directions to the different printers to furnish each member with such paper as he shall choose."

Which being read and debated:

Resolved, That this House doth disagree to the said report.

The other report being again read, and amended to read as followeth:

"That it would be proper that it should be left to the Secretary of the Senate, and Clerk of the House of Representatives, to contract with such persons as shall engage to execute the printing and binding business on the most reasonable terms, the paper being furnished by the said Secretary and Clerk to such person at the public expense. That such persons as they shall contract with shall be obliged to render a state of their accounts quarterly, and that six hundred copies of the acts of Congress, and seven hundred copies of the journals, be printed and distributed to the Executive and Judiciary, and heads of departments of the Government of the United States, and the Executive, Legislative, and Judiciary of the several States."

Resolved, That this House doth agree to the said report.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

WESTERN LANDS.

The House, on motion of Mr. SCOTT, went into a Committee of the Whole on the state of the Union, for the purpose of considering certain resolutions he had prepared respecting the disposal of the land in the Western Territory, Mr. TRAUMBULL in the Chair.

Mr. SCOTT presumed there was little need of argument to prove to the committee the necessity of taking speedy measures with respect to the unsettled lands in the Western Territory. The dissolution of the Board of Treasury, and the death of the late geographer of the United States, are adventitious circumstances, which tend to increase the necessity. Gentlemen are acquainted with the number of sales which have been made to some of the citizens of the United States; they consequently know that the United States are under an obligation to complete the surveys of those lands which they have made sale of. They know, also, that until this is done, they cannot receive a farthing of the millions of dollars due on those contracts; they will not only be unable to receive the principal, but will be paying interest for the same. Besides this, there are other considerations for putting the business on a new footing. The mode hitherto pursued of selling lands has been very expensive to the United States. Perhaps, on inquiry, we shall find that the specie it has cost us in getting the land surveyed, and sales completed, would have purchased as many certificates as we get for the sale of the land. The lands are also proposed to be sold in too great quantities. It is very difficult to form a company for the purchase of a million acres. It ought to be sold in small quantities to make the sales more certain and numerous, and, consequently, increase the public income. On this principle, it will be

well to open a land office, and grant the soil in such quantities as may suit the applications. By this means more may be expected for the purchase, than when it is struck off at a wholesale price by the million acres; and in this way the land office will be conducted without expense, which will be fixed on the purchaser, so that the whole money the lands may bring will come into the treasury without deduction.

There are other considerations why a land office should be opened for the sale of that territory in the way just mentioned. There are, at this moment, a great number of people on the ground, who are willing to acquire by purchase a right to the soil they are seated upon. Allured by its fertility, the agreeableness of the climate, and the prospect of future ease to themselves and families, they would not seek a change. Kentucky, already full—at least there are no more valuable lands to be got there with a clear title—can receive no more emigrants; they therefore turn their wishful eyes upon the lands of the Union. They hope to get them of Congress upon as good terms as they can procure them of the speculators. What will these men think who have placed themselves on a vacant spot, anxiously waiting its disposition by the Government, to find their pre-emption right engrossed by the purchaser of a million of acres? Will they expose themselves to be preyed upon by these men? They might submit to this, but they have other offers.

There are seven thousand souls waiting for lands; they will have them here or elsewhere; but there is some danger, if they cannot be accommodated within the boundaries of the United States, they will do one of two things: either move into the Spanish territory, where they are not altogether uninvited, and become an accession of power to a foreign nation forming to us a dangerous frontier; or they will take this course, move on the United States' territory, and take possession without your leave. What then will be the case? They will not pay you money. Will you then raise a force to drive them off? That has been tried; troops were raised and sent under General Harmer to effect that purpose. They burnt the cabins, broke down the fences, and tore up the potato patches; but three hours after the troops were gone, these people returned again, repaired the damage, and are now settled upon the lands in open defiance of the authority of the Union. But nevertheless they are willing to pay an equitable price for those lands; and, if they may be indulged with a pre-emption to the purchase, no men will be better friends to the Government. They went on the ground with an intention of purchasing, and are kept there by a hope that the Government will see their interest, and dispose of the land upon reasonable terms. But if you do not listen to their request, if you neglect or despise their offers, and they prove too weak to resist the omnipotent arm of Government, they will have recourse to a neighboring Power for protection. Hopes of that protection are now held out to them; it is my duty to inform

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you of the fact. They will be led to think their interest is separate from yours on the Atlantic shores. It will take prudent management to prevent the fatal effects of a commotion in that country. One of the most unhappy things we could do, would be to refuse selling those lands in less quantities than by the million of acres; it would certainly be a cause of disgust, if not of separation. If the object was to prevent the settlement of the country, it would be another thing; but that cannot be accomplished, it is not in the power of any force on earth to prevent the increase of the population now begun; it is, therefore, much better that we should incline them to friendship than oblige them to become our enemies. The emigrants who reach the Western country will not stop till they find a place where they can securely seat themselves. Your lands tempt them to pitch there; but, to secure them, they must have a well grounded hope that the lands they cultivate may become their own. To encourage this you must open that territory to them, and let them have lands for pay. You must go further, you must open the land office in that country, because it will be impossible for the indigent persons to travel far for an office-right. You can then establish a government among them, and derive advantages from them which are now totally lost. They wish for your government and laws, and will be gratified with the indulgence; but they wish also to acquire property under them; they wish for your lands, and what good reason can be offered to warrant a denial? If they cannot get your land, they must go further and obtain it of foreigners, who are desirous of having them at any rate, who will give them lands without pay.

These observations are sufficient, no doubt, to evince the necessity of doing something with respect to the Western territory, and something different from what has hitherto been done. In order that the committee may have a full view of my ideas, I will read the plan I have in my hand upon which a law may be founded.

Mr. S. here read a previous resolution, to be followed by the plan, which was to this effect:

Resolved, That it is the opinion of this committee, that an act of Congress ought to pass for establishing and regulating a land-office, for the sale of the vacant and unappropriated land in the Western territory.

[Here, by way of separate resolutions, followed in detail the constituent parts of this office, and the routine in which the business should be conducted, directing the expense of the office to be supported by the fees payable before the warrants and patents were delivered.]

Mr. Boudinot was well convinced of the importance of the subject; but did not think the committee ripe for a decision. The other departments were not established, therefore it was best to leave the resolutions on this subject as much at large as possible. He had no objection to an adoption of a general resolution, and the appointment of a sub-committee, to consider of and arrange the business; but he could not consent to limit it in the manner the gentleman proposed.

Perhaps the measure might interfere with the former arrangements, and it would be difficult if not unjust to alter them. Besides, the plan of the business was mere matter of experiment. Moreover, the necessity of such an establishment may be superseded by throwing the business into the hands of one of the three great departments, which the House had agreed to organize. For these reasons, he moved to amend the resolution by striking out the words "a land office," which would leave the subject at large.

Mr. LEE seconded this motion. Mr. VINING took it, that the committee ought to carry this measure into effect as speedily as it was possible. He was convinced, from what the gentleman near him (Mr. Scott) had said, that it was indispensably necessary that a land office should be established. He did not conceive this business could be engrafted upon either of the three grand departments; there must be an independent, unconnected office, established in the Western country, where the necessary communications may be made, and the money can be secured to the officer of the treasury. Why then should gentlemen combine objects which are distinct in their nature, and throw the whole weight of this branch of the Government upon another already well burdened with business?

Mr. Scott admitted his measure to be mere matter of experiment, but gentlemen ought not to object to it on that account, because it was an experiment that would cost nothing; the officers were to have nothing but fees for their services.

Mr. CLYMER did not believe the committee were prepared for a decision at this time. He considered the subject to be as intricate and difficult as it was interesting; and therefore hoped full time would be given for investigation. Many persons had purchased large quantities of lands of the late Congress, with a view to sell them out in small lots, to accommodate the people who are inclined to settle upon them. If Congress now open a land office for the sale of small quantities, it will no doubt overcast the prospect of advantage which induced the former, and may induce future purchasers to apply for large grants. These observations, and others which would readily occur to every gentleman, would satisfy the committee that they ought not to precipitate the business. For this reason, he moved the rising of the committee.

Mr. WHITE opposed the rising of the committee, for the reasons suggested. He was confident every member saw the propriety of doing something speedily in the business, and he hoped they would agree to the resolution, as the best mode of disposing of the land, and giving satisfaction to the people.

Mr. MADISON had no objection to the rising of the committee, as the means of obtaining information; but he thought the business deserving of the earliest attention. The clear and full manner in which the gentleman from Pennsylvania had opened the subject to the view of the committee, left no doubt on his mind of the propriety of taking some early measures to accomplish the

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business in the manner suggested by that gentleman. The facts and intelligence mentioned were too important to be passed lightly over; he should for the present agree to rise, but hoped the subject would be resumed in the House.

The question was taken on the first resolution moved by Mr. SCOTT, and passed in the affirmative; the others remaining on the table. The committee then rose, and reported progress.

Mr. GERRY then moved, that a committee be appointed to consider the state of the unappropriated lands in the Western territory, and to report thereupon.

Mr. VINING thought this motion contradictory to the one just adopted in committee. If time was necessary for obtaining information, it was useless to set a committee about the business, because every gentleman might have easy access to all the former Congress had done on this subject.

Mr. PAGE disliked the appointment of a sub-committee on business which was before the whole, and doubted if it was in order.

Mr. GERRY said, it was of importance that the House should be made master of this subject, and he knew no way so likely to proceed in it, as by appointing a sub-committee to consider and inquire into the state of those lands. He looked upon this proposition to be detached from what was before the Committee of the Whole, yet, it was of that nature as to reflect light upon the subject. He therefore hoped his motion would be agreed to.

Mr. SCOTT did not design to hurry the House or the committee into any measures, especially if they were of doubtful policy; from his local situation he was possessed of facts, which it was impossible for many members of that House to be acquainted with. These facts he thought led to considerations of great importance to the United States. Under these circumstances, his duty led him to communicate to the House the information he had already given. He was far from wishing that Congress should proceed in the dark in their determinations on this subject; he rather wished for every information to be brought forward which could tend to illustrate it; and for that reason had cheerfully acquiesced in the rising of the committee. As he had some doubts with respect to the propriety of this motion, he hoped it would not be precipitated; he thought it was unnecessary to appoint a committee to consider the state of the unappropriated lands in the Western territory, because their situation was such as to stare every one in the face. No gentleman in that House was ignorant of the great sum of money due to Congress, upon completing the surveys of the grants already made. He supposed, likewise, that it was not in the power of the United States to make any alterations in their contracts with the purchasers of the land; a committee would therefore be useless.

He thought it was very clear, from the facts he had stated, that there was a necessity of adopting some measures like those he had proposed. If

the gentleman by his motion intended to embarrass the business, or prevent any but the million-acre purchasers from acquiring lands in that country, he was certain it would do an essential injury to the interests of the United States; the people, who are now disposed to settle, would go to the Spanish or English colonies; they would form a place of refuge, for all the outcasts of the Atlantic States, who, in such case, would become very dangerous neighbors. He had done his duty by bringing the subject before the House, and had no doubt but that others would do what was right in determining upon this question.

The motion was hereupon decided in the affirmative, and a committee consisting of Messrs. SCOTT, HUNTINGDON, and SHERMAN, was appointed. Adjourned.

FRIDAY, May 29.

The engrossed bill imposing duties on tonnage was read the third time, passed, and ordered to be sent to the Senate for concurrence.

Mr. PARRANDE, from the committee appointed to confer with a committee of the Senate, on the proper method of receiving into either House bills or messages from the President of the United States, made a report; and the said report was amended to read as followeth:

"That until the public offices are established, and the respective officers are appointed, any returns of bills and resolutions, or other communications from the President, may be received by either House, under cover, directed to the President of the Senate, or Speaker of the House of Representatives as the case may be, and transmitted by such person as the President may think proper."

A bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States, was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

MONDAY, June 1.

A message from the Senate stated their agreement to the report on the mode of receiving into either House bills or other communications from the President of the United States, as the same had been amended by this House.

COLLECTION OF REVENUE.

The House went into a Committee of the Whole, Mr. TRUMBULL in the Chair, on the bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States.

And after some time spent therein, the committee rose and reported progress, and obtained leave to sit again.

Mr. BALDWIN, from the committee appointed to take into consideration the subject of compensations to be made for the services of the President and Vice President, the members of the Senate and House of Representatives, made a

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report; which was read and ordered to lie on the table.

On motion,
Ordered, That Mr. SMITH, (of South Carolina,) Mr. LAWRENCE, and Mr. AMES, be a committee to prepare and report a bill or bills to establish a uniform system on the subject of bankruptcies throughout the United States.

TUESDAY, June 2.

The SPEAKER, pursuant to the directions of the act entitled "An act to regulate the time and manner of administering certain oaths," proceeded to administer the oath to support the Constitution of the United States, in the form prescribed by the said act, to the following members of this House, who had not before taken a similar oath, viz: ABRAHAM BALDWIN, EGBERT BENSON, ED-ANUS BURKE, ISAAC COLES, BENJAMIN CONTEE, WILLIAM FLOYD, JONATHAN GROUT, JOHN HATHORN, JAMES JACKSON, SAMUEL LIVERMORE, JEREMIAH VAN RENSSELAER, JOSHUA SENEY, THOMAS SINICKSON, PETER SYLVESTER, THOMAS SUMTER, JONATHAN TRUMBULL, JOHN VINING, and JEREMIAH WADSWORTH.

The same oath, and moreover the oath of office, prescribed by the said act, were also administered by the Speaker to the Clerk.

Mr. HUGER and Mr. SMITH, (of South Carolina,) produced certificates under the hand of the Chief Justice of New York, of their having taken the oath to support the Constitution of the United States before the said Chief Justice, pursuant to a former resolution of this House.

Mr. BALDWIN, from the committee appointed, presented, according to order, a bill to establish an Executive department, to be denominated the Department of War; which was received, and read the first time.

Mr. BALDWIN, from the committee appointed, presented, according to order, a bill to establish an Executive department, to be denominated the Department of Foreign Affairs; which was received, and read the first time.

COLLECTION OF REVENUE.

The House then resolved itself into a Committee of the Whole, and resumed the bill for the collection of the revenue.

On motion, it was voted that the consideration of the two first articles should be postponed: the third article, which is in these words, viz:

"That there shall also be constituted the following ports, which shall be ports both of entry and delivery, to wit:" was taken up, when

Mr. LIVERMORE proposed, that *Portsmouth*, in New Hampshire, should be one of the ports of entry and delivery to fill up the blank. *Machias* and *Portland* were next mentioned; upon which many observations were made by different members—chiefly with respect to the number of ports for entry and delivery which it might be necessary to constitute. The committee appeared to be divided in sentiment; and some gentlemen having observed, that they were not

sufficiently prepared to decide what ports would be most suitable in the several States, it was moved, that the committee should rise, and make the further consideration of the bill the order of the day for to-morrow.

The vote on this motion being taken, it passed in the negative.

The committee then proceeded in filling up the blank, when the following ports were agreed upon, viz:

Portsmouth, in *New Hampshire*.

Massachusetts.—*Portland*, *Newburyport*, *Gloucester*, *Salem*, *Marblehead*, *Boston*, *Plymouth*, *Dighton*, *New Bedford*, *Sherbourne*, *Nantucket*, *Connecticut*.—*New London*, *New Haven*, *Norwalk*.

State of New York.—*City of New York*, *Sag Harbor*.

New Jersey.—*Perth Amboy*, *Egg Harbor*, *Salem*.

Pennsylvania.—*Philadelphia*.

Delaware.—*Wilmington*.

The committee then rose, and the Chairman reported progress.

On motion,

Ordered, That it be an instruction to the committee appointed the 11th of April, to prepare and bring in a bill or bills for regulating the collection of imposts and tonnage in the United States, that they do prepare and bring in a bill, directing the mode of registering and clearing vessels, ascertaining their tonnage, and regulating the coasting trade, pilots, and light-houses.

On motion, the House then adjourned.

WEDNESDAY, June 3.

A message from the Senate informed the House that they had agreed to the amended report for the publication of the acts of Congress, with an amendment, to which they desired the concurrence of this House.

The House proceeded to consider the proposed amendment and agreed to it; of which the Clerk was directed to inform the Senate.

The two bills to establish the Department of War and the Department of Foreign Affairs, were read a second time, and ordered to be committed to a Committee of the Whole.

A message from the Senate informed the House, that they were about to proceed to take the oath to support the Constitution of the United States, pursuant to the "act to regulate the time and manner of administering certain oaths," and request that the act may be sent to them for that purpose.

COLLECTION OF REVENUE.

The House then again resolved itself into a committee, Mr. TRUMBULL in the Chair.

The bill to regulate the collection of the revenue came again under consideration—when further progress was made in filling up the blank, by agreeing to the following, as ports of entry and delivery, viz:

Maryland.—*Chestertown*, *Oxford*, *Vienna*, *Bal-*

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timore, *Snow Hill*, *Georgetown*, *Annapolis*, *St. Mary's Patuxent*.

Virginia.—*Norfolk* and *Portsmouth*, *Hampton*, *Yorktown*, *Urbana*, *Alexandria*, *Kinsale*, *Foley's Landing*, *Cherrystone*, *South Quay*.

South Carolina.—*Charleston*, *Georgetown*, *Beaufort*.

Georgia.—*Savannah*, *Sunbury*, *Brunswick*, *St. Patrick's on St. Mary's river*.

Province of Maine in Massachusetts.—*Pemborough*, *Bath*, on *Kennebeck river*, *Wiscasset*, on *Sheepcut river*, *Penobscot*, *Machias*, *Passamaquoddy*, *York*, *Barnstable*, in the county of *Barnstable*.

The Speaker resumed the Chair, and the Chairman reported that the committee had, according to order, had the said bill under consideration, and made further progress therein.

Resolved, That this House will, to-morrow, again resolve itself into a Committee of the whole House on the said bill.

THURSDAY, June 4.

A message from the Senate informed the House that they had passed the following resolution, to which they request the concurrence of the House, to wit:

Resolved, That, in ten days after the passing of every act of Congress, during the present session, or until some other regulation shall be adopted, twenty-two printed copies thereof, signed by the Secretary of the Senate, and Clerk of the House of Representatives, and certified by them to be true copies of the original acts, be lodged with the President of the United States; and that he be requested to cause to be transmitted two of the said copies, so attested as aforesaid, to each of the Supreme Executives in the several States. To which resolution they desire the concurrence of this House.

COLLECTION OF REVENUE.

The House again resolved itself into a Committee of the Whole on the bill to regulate the collection of revenue, Mr. TRUMBULL in the Chair; when the following ports of entry and delivery were added to the bill, viz:

Massachusetts.—*Kennebunk*.

Virginia.—*West Point*, *Newport*, *Tappahannoc*, *Fredericksburg*, *Suffolk*, *Bermuda Hundred*, *City Point*, *Rocket's Landing*.

New Jersey.—*Burlington*, *Newark*, *New Brunswick*.

The committee then rose, reported progress, and obtained leave to sit again.

Mr. LAWRENCE proposed to insert a clause to this effect: that all ships or vessels arriving at New York from any foreign port, and destined to the city of Hudson, Albany, Esopus Creek, Poughkeepsie, or Newburg, on Hudson river, shall enter at the port of New York; and having there paid the duties, or secured them to be paid, they may then proceed to either of said ports to deliver their cargoes; the collector at New York putting on board a land or tide waiter, and taking effectual means to prevent frauds. This clause was adopted.

Mr. JACKSON introduced another clause, providing for the forming of the sea-coast of the State of Georgia into four districts, to include ports of entry and delivery. This division was agreeable to the laws of that State. This was adopted, as was also a clause, introduced by Mr. GOODRICH, similar to that of Mr. LAWRENCE, which provided that vessels bound up Merrimack river should enter and pay, or secure the duties, at Newburyport.

The committee then rose.

Mr. BALDWIN, from the committee appointed to bring in a bill or bills for the arrangement of the three Executive departments, reported a bill for the Treasury Department; which was read, and laid on the table.

Mr. BENSON gave notice that to-morrow he should move for a Committee of the Whole on the state of the Union, to take up the proposition respecting Rhode Island.

FRIDAY, June 5.

The House took into consideration the resolution yesterday received from the Senate, providing for the transmission of copies of the acts of Congress to the several Executives of the States, and concurred therewith.

The bill for establishing the Treasury Department was read a second time, and committed to a Committee of the Whole.

Mr. AMES presented a petition from the tradesmen and manufacturers of Boston, praying the attention of Congress to the encouragement of manufactures and to the increase of American shipping, by such regulations as the wisdom of the National Legislature shall judge most consistent with the interest, prosperity, and happiness of this extensive empire. Ordered to lie on the table.

COLLECTION OF REVENUE.

The House again went into a Committee of the Whole on the bill to regulate the collection of the revenue, Mr. TRUMBULL in the Chair; when the following additions were made to the ports of entry and delivery:

Massachusetts.—*Ipswich*, *Manchester*, *Beverly*, *Danvers*, *Lynn*, *Charlestown*, *Medford*, *Swansey*, or *Freetown*, *Westport*, *Duxbury*.

Virginia.—*Petersburg*, *Cumberland*, *Smithfield*.

Mr. VINING gave notice, that on Wednesday next he should submit to the House a resolve, providing for the establishment of a fourth subordinate Executive Department to be denominated the Department of the Secretary of the United States for Domestic Affairs.

Mr. BENSON presented for consideration the resolution which he yesterday gave notice of his intention of introducing in relation to the admission of Rhode Island into the Union, and moved that the House immediately go into a Committee of the Whole on the state of the Union, for the purpose of discussing his proposition.

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The resolution is in the following words: "The Congress of the United States do resolve and declare it to be their most earnest desire, that the Legislature of the State of Rhode Island and Providence Plantations, do recommend to the people of that State to choose delegates to meet in convention, and to whom the Constitution of the United States is to be submitted, conformably to the unanimous resolution of the United States in Congress assembled, of the 28th of September, 1787."

Mr. PAGE.—I think of Rhode Island as the worthy gentleman from New York does; but, as a member of Congress, I doubt the propriety of this body interfering in the business. If I put myself, for a moment, into the situation of a citizen of a State that has refused to accede to the Constitution of the United States, I must admit that I should watch your actions with a jealous eye; I should be apprehensive of undue influence, if I were to see you throw your weight into the scale. But what occasion is there for adopting such a resolution? Are gentlemen afraid to leave them to their own unbiased judgment? For my part I am not; it will demonstrate the goodness of the Constitution, if it be adopted upon mature consideration, without any aid but its own intrinsic value. As to amendments, when we come to consider of them, I dare say they will be such as to make the Constitution more agreeable; but, for the present, I think it improper to have any thing to do with the gentleman's motion; I hope he may be prevailed upon to withdraw it; he has done his duty by bringing it forward; but if it does not meet the approbation of the House, it will be a useless waste of time to give it any further discussion. The gentleman has shown sufficiently his attachment to the Federal Government, by the earnestness he shows to have it adopted throughout the United States. But, in addition to this, let him consider where such measures may lead us. Because the Legislature of Rhode Island have neglected or refused to submit the consideration of the Constitution to a convention, we are to recommend it, and express a most earnest desire that they will comply. But suppose they decline doing what you require, what is next to be done? I hope gentlemen will hesitate before they go any further. I think we should be employed more in the line of our duty, by attending to the interests of our constituents, and completing the organization of a Government which is not within our powers. Why should we interfere with the concerns of our sister States, who have not yet joined the new Government? I trust the gentleman will see the impropriety of his motion, and agree to withdraw it.

Mr. BENSON.—I hope we shall not go into an examination of the resolution at this stage of the business; my motion goes no further, than that the House should resolve itself into a Committee of the Whole, for the purpose of considering the resolution; therefore, when the House is in committee, it will be time enough to enter into the merits of the question. I admit, that it is not

impossible but we may find, when we are in committee, that we cannot do any thing in the business; yet I think it proper to let that question rest until we go there. But, as the subject is of great importance, I have no doubt but the House will agree to my motion.

Mr. SMITH (of South Carolina).—I think we ought to go into committee, and hear what the gentleman has to say on the subject. Though I must acknowledge I am at present against the adoption of the resolution he has proposed; yet it is possible, when he has stated his reasons, and pointed out the necessity of it, that I may alter my opinion; but I wonder why the gentleman has omitted North Carolina.

Mr. SHERMAN.—I think Rhode Island stands in a different situation from North Carolina. When this Constitution was formed in the convention, North Carolina was represented there; she, as well as the adopting States, submitted that instrument to a convention of the people; but not having adopted it, she has again called a convention, and is proceeding to reconsider it as fast as convenient; so that such a request as is now proposed would be unnecessary with respect to them. As Rhode Island did not send members to the first convention, there was a delicacy in transmitting the proceedings to them, and Congress could not, perhaps, apply to them with the same propriety as to another. But all we are now to consider, I believe, is, that we invite the State of Rhode Island to join our confederacy; what will be the effect of such a measure we cannot tell till we try it.

Mr. PAGE said, though he had a great deference for the mover, yet he conceived the motion ought not to come before Congress. He feared they would make themselves a party in the business, if they interfered; and he wished to avoid having any thing to do with their bickerings and disputes; it was enough for us to do the business we were sent upon, and not to attempt works of supererogation. From the respect he had for the gentleman, and from the delicate situation in which the House was involved, he hoped that the motion would be withdrawn.

Mr. AMES.—If the situation of the House is delicate, it is also dangerous in some degree; but he did not think it would relieve them by withdrawing the motion. If the gentleman felt serious on the subject, if there were danger in the measure, it ought to be well examined. But this was an argument for going into a Committee of the Whole. Surely gentlemen are not afraid of means of coming at that knowledge? It is not possible to conceive that this question can be long evaded. Then what advantage is proposed from procrastination? For his part, he could discover none; and, therefore, was in favor of resolving into a Committee of the Whole.

Mr. PAGE had heard the word danger, but did not hear distinctly the gentleman's arguments. He thought the House run the risk of involving themselves as parties, and of incurring all the dangers to which such a situation would expose

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them. He thought the best way to avoid the danger was to stay where we are.

Mr. MADISON.—I believe, Mr. Speaker, there are cases in which it is prudent to avoid coming to a decision at all, and cases where it is desirable to evade debate; if there were not cases of this kind, it would be unnecessary to guard our discussions with the previous question. My idea on the subject now before the House is, that it would be improper in this body to expose themselves to have such a proposition rejected by the Legislature of the State of Rhode Island. It would likewise be improper to express a desire on an occasion where a free agency ought to be employed, which would carry with it all the force of a command. How far this is contemplated on the present occasion, I cannot tell; but I heartily wish that as little may be said about it as possible. I conceive this to be one of the cases to which the previous question is applicable; and, if the gentleman means to call the House to a direct decision on this motion, I shall step between, and interpose the previous question.

Mr. AMES.—I am against the previous question being taken, because I wish the House to consider the motion made by the gentleman from New York; it is admitted to be a question of considerable importance; if it is, it ought to be considered; otherwise, we are shutting the door on information, and putting it out of our power to ascertain the propriety or impropriety of the motion.

I should be glad to know if any gentleman contemplates the State of Rhode Island disavowed from the Union; a maritime State, situated in the most convenient manner for the purpose of smuggling, and defrauding our revenue. Surely, a moment's reflection will induce the House to take measures to secure this object. Do gentlemen imagine that State will join the Union? If they do, what is the injury arising from the adoption of the resolution intended to be submitted to the committee? Is there any impropriety in desiring them to consider a question which they have not yet decided? It has been suggested, by an honorable gentleman, that this desire will operate as a demand. If a wish of Congress can bring them into the Union, why should we decline to express such a wish?

It has been said, that Rhode Island has never called a convention; the other States have. Then why should we decline to request them to do what every other State has been called upon to perform? The gentleman from Virginia seems afraid we should sacrifice our dignity by making this request. Let it be remembered, Great Britain lost her colonies by sacrificing her interest to her dignity. We ought, therefore, to be careful how we act upon ideas of this kind. There seems some disposition in that State to join her sister States in adopting the Constitution. Then, why shall we decline encouraging that good spirit by approving the measure?

Mr. WHITE thought it best to put the previous question, because it was improper for this Legislature to interfere in their deliberation. If they were disposed to adopt the Constitution, it would

be best to let them exercise their judgment, independent of any influence which a recommendation from Congress might have.

The previous question being insisted upon, was put—"Shall the main question be now put?" and it was determined in the negative.

Adjourned.

MONDAY, June 8.

MICHAEL JENIFER STONE, from Maryland, appeared, and took his seat.

Mr. GOUGH presented a petition from Nicholas Pike, of Newburyport, praying an exclusive interest, for a limited time, in the publication of his System of Arithmetic.—Referred to a select committee.

AMENDMENTS TO THE CONSTITUTION.

Mr. MADISON rose, and reminded the House that this was the day that he had heretofore named for bringing forward amendments to the Constitution, as contemplated in the fifth article of the Constitution. He then addressed the Speaker as follows: This day, Mr. Speaker, is the day assigned for taking into consideration the subject of amendments to the Constitution. As I considered myself bound in honor and in duty to do what I have done on this subject, I shall proceed to bring the amendments before you as soon as possible, and advocate them until they shall be finally adopted or rejected by a Constitutional majority of this House. With a view of drawing your attention to this important object, I shall move that this House do now resolve itself into a Committee of the Whole on the state of the Union; by which an opportunity will be given, to bring forward some propositions, which I have strong hopes will meet with the unanimous approbation of this House, after the fullest discussion and most serious regard. I therefore move you, that the House now go into a committee on this business.

Mr. SMITH was not inclined to interrupt the measures which the public were so anxiously expecting, by going into a Committee of the Whole at this time. He observed there were two modes of introducing this business to the House. One by appointing a select committee to take into consideration the several amendments proposed by the State Conventions; this he thought the most likely way to shorten the business. The other was, that the gentleman should lay his propositions on the table, for the consideration of the members; that they should be printed, and taken up for discussion at a future day. Either of these modes would enable the House to enter upon business better prepared than could be the case by a sudden transition from other important concerns to which their minds were strongly bent. He therefore hoped that the honorable gentleman would consent to bring the subject forward in one of those ways, in preference to going into a Committee of the Whole. For, said he, it must appear extremely impolitic to go into the consideration of amending the Government, before it is organized, before it has begun to operate. Certainly,

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upon reflection, it must appear to be premature. I wish, therefore, gentlemen would consent to the delay: for the business which lies in an unfinished state—I mean particularly the collection bill—is necessary to be passed; else all we have hitherto done is of no effect. If we go into the discussion of this subject, it will take us three weeks or a month; and during all this time, every other business must be suspended, because we cannot proceed with either accuracy or despatch when the mind is perpetually shifted from one subject to another.

Mr. JACKSON.—I am of opinion we ought not to be in a hurry with respect to altering the Constitution. For my part, I have no idea of speculating in this serious manner on theory. If I agree to alterations in the mode of administering this Government, I shall like to stand on the sure ground of experience, and not be treading air. What experience have we had of the good or bad qualities of this Constitution? Can any gentleman affirm to me one proposition that is a certain and absolute amendment? I deny that he can. Our Constitution, sir, is like a vessel, just launched, and lying at the wharf; she is untried, you can hardly discover any one of her properties. It is not known how she will answer her helm, or lay her course; whether she will bear with safety the precious freight to be deposited in her hold. But, in this state, will the prudent merchant attempt alterations? Will he employ workmen to tear off the planking and take saunder the frame? He certainly will not. Let us, gentlemen, fit out our vessel, set up her masts, and expand her sails, and be guided by the experiment in our alterations. If she sails upon an uneven keel, let us right her by adding weight where it is wanting. In this way, we may remedy her defects to the satisfaction of all concerned; but if we proceed now to make alterations, we may delace a beauty, or deform a well proportioned piece of workmanship. In short, Mr. Speaker, I am not for amendments at this time; but if gentlemen should think it a subject deserving of attention, they will surely not neglect the more important business which is now unfinished before them. Without we pass the collection bill we can get no revenue, and without revenue the wheels of Government cannot move. I am against taking up the subject at present, and shall therefore be totally against the amendments, if the Government is not organized, that I may see whether it is grievous or not.

When the propriety of making amendments shall be obvious from experience, I trust there will be virtue enough in my country to make them. Much has been said by the opponents to this Constitution, respecting the insecurity of jury trials, that great bulwark of personal safety. All regulations may be done away, by proper regulations on this point, and I do not fear but such regulations will take place. The bill is now before the Senate, and a proper attention is shown to this business. Indeed, I cannot conceive how it could be opposed; I think an almost omnipotent Emperor would not be hardy enough

to set himself against it. Then why should we fear a power which cannot be improperly exercised?

We have proceeded to make some regulations under the Constitution; but have met with no inaccuracy, unless it may be said that the clause respecting vessels bound to or from one State be obliged to enter, clear, or pay duties in another, is somewhat obscure; yet that is not sufficient, I trust, in any gentleman's opinion to induce an amendment. But let me ask what will be the consequence of taking up this subject? Are we going to finish it in an hour? I believe not; it will take us more than a day, a week, a month—it will take a year to complete it! And will it be doing our duty to our country, to neglect or delay putting the Government in motion, when every thing depends upon its being speedily done?

Let the Constitution have a fair trial; let it be examined by experience, discover by that test what its errors are, and then talk of amending; but to attempt it now is doing it at a risk, which is certainly imprudent. I have the honor of coming from a State that ratified the Constitution by the unanimous vote of a numerous convention: the people of Georgia have manifested their attachment to it, by adopting a State Constitution framed upon the same plan as this. But although they are thus satisfied, I shall not be against such amendments as will gratify the inhabitants of other States, provided they are judged of by experience and not merely on theory. For this reason, I wish the consideration of the subject postponed until the 1st of March, 1790.

Mr. GOODRICH.—I believe it would be perfectly right in the gentleman who spoke last, to move a postponement to the time he has mentioned; because he is opposed to the consideration of amendments altogether. But I believe it will be proper to attend to the subject earlier; because it is the wish of many of our constituents, that something should be added to the Constitution, to secure in a stronger manner their liberties from the inroads of power. Yet I think the present time premature; inasmuch as we have other business before us, which is incomplete, but essential to the public interest. When that is finished, I shall concur in taking up the subject of amendments.

Mr. BURKE thought amendments to the Constitution necessary, but this was not the proper time to bring them forward. He wished the Government completely organized before they entered upon this ground. The law for collecting the revenue is immediately necessary; the Treasury Department must be established; till this, and other important subjects are determined, he was against taking this up. He said it might interrupt the harmony of the House, which was necessary to be preserved in order to despatch the great objects of legislation. He hoped it would be postponed for the present, and pledged himself to bring it forward hereafter, if nobody else would.

Mr. MADISON.—The gentleman from Georgia (Mr. JACKSON) is certainly right in his opposition to my motion for going into a Committee of the Whole, because he is unfriendly to the object I

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have in contemplation; but I cannot see that the gentlemen who wish for amendments to be proposed at the present session, stand on good ground when they object to the House going into committee on this business.

When I first hinted to the House my intention of calling their deliberations to this object, I mentioned the pressure of other important subjects, and submitted the propriety of postponing this till the more urgent business was despatched; but finding that business not despatched, when the order of the day for considering amendments arrived, I thought it a good reason for a farther delay; I moved the postponement accordingly. I am sorry the same reason still exists in some degree, but it operates with less force, when it is considered that it is not now proposed to enter into a full and minute discussion of every part of the subject, but merely to bring it before the House, that our constituents may see we pay a proper attention to a subject they have much at heart; and if it does not give that full gratification which is to be wished, they will discover that it proceeds from the urgency of business of a very important nature. But if we continue to postpone from time to time, and refuse to let the subject come into view, it may occasion suspicions, which, though not well founded, may tend to inflame or prejudice the public mind against our decisions. They may think we are not sincere in our desire to incorporate such amendments in the Constitution as will secure those rights, which they consider as not sufficiently guarded. The applications for amendments come from a very respectable number of our constituents, and it is certainly proper for Congress to consider the subject, in order to quiet that anxiety which prevails in the public mind. Indeed, I think it would have been of advantage to the Government if it had been practicable to have made some propositions for amendments the first business we entered upon; it would have stifled the voice of complaint, and made friends of many who doubted the merits of the Constitution. Our future measures would then have been more generally agreeably supported; but the justifiable anxiety to put the Government into operation prevented that; it therefore remains for us to take it up as soon as possible. I wish then to commence the consideration at the present moment; I hold it to be my duty to unfold my ideas, and explain myself to the House in some form or other without delay. I only wish to introduce the great work, and, as I said before, I do not expect it will be decided immediately; but if some step is taken in the business, it will give reason to believe that we may come to a final result. This will inspire a reasonable hope in the advocates for amendments, that full justice will be done to the important subject; and I have reason to believe their expectation will not be defeated. I hope the House will not decline my motion for going into a committee.

Mr. SHERMAN.—I am willing that this matter should be brought before the House at a proper time. I suppose a number of gentlemen think it their duty to bring it forward; so that there is no

apprehension it will be passed over in silence. Other gentlemen may be disposed to let the subject rest until the more important objects of Government are attended to; and I should conclude, from the nature of the case, that the people expect the latter from us in preference to altering the Constitution; because they have ratified that instrument, in order that the Government may begin to operate. If this was not their wish, they might as well have rejected the Constitution, as North Carolina has done, until the amendments took place. The State I have the honor to come from adopted this system by a very great majority, because they wished for the Government; but they desired no amendments. I suppose this was the case in other States; it will therefore be imprudent to neglect much more important concerns for this. The executive part of the Government wants organization; the business of the revenue is incomplete, to say nothing of the judiciary business. Now, will gentlemen give up these points to go into a discussion of amendments, when no advantage can arise from them? For my part, I question if any alteration which can be now proposed would be an amendment, in the true sense of the word; but, nevertheless, I am willing to let the subject be introduced. If the gentleman only desires to go into committee for the purpose of receiving his propositions, I shall consent; but I have strong objections to being interrupted in completing the more important business; because I am well satisfied it will alarm the fears of twenty of our constituents where it will please one.

Mr. WHITE.—I hope the House will not spend much time on this subject, till the more pressing business is despatched; but, at the same time, I hope we shall not dismiss it altogether, because I think a majority of the people who have ratified the Constitution, did it under the expectation that Congress would, at some convenient time, examine its texture and point out where it was defective, in order that it might be judiciously amended. Whether, while we are without experience, amendments can be digested in such a manner as to give satisfaction to a Constitutional majority of this House, I will not pretend to say; but I hope the subject may be considered with all convenient speed. I think it would tend to tranquilize the public mind; therefore I shall vote in favor of going into a Committee of the Whole, and, after receiving the subject, shall be content to refer it to a special committee to arrange and report. I fear, if we refuse to take up the subject, it will irritate many of our constituents, which I do not wish to do. If we cannot, after mature consideration, gratify their wishes, the cause of complaint will be lessened, if not removed. But a doubt on this head will not be a good reason why we should refuse to inquire. I do not say this as it affects my immediate constituents, because I believe a majority of the district which elected me do not require alterations; but I know there are people in other parts who will not be satisfied unless some amendments are proposed.

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Mr. SMITH, of South Carolina, thought the gentleman who brought forward the subject had done his duty: he had supported his motion with ability and candor, and if he did not succeed, he was not to blame. On considering what had been urged for going into a committee, he was induced to join the gentleman; but it would be merely to receive his propositions, after which he would move something to this effect: That, however desirous this House may be to go into the consideration of amendments to the Constitution, in order to establish the liberties of the people of America on the securest foundation, yet the important and pressing business of the Government prevents their entering upon that subject at present.

Mr. PAGE.—My colleague tells you he is ready to submit to the Committee of the Whole his ideas on this subject. If no objection had been made to his motion, the whole business might have been finished before this. He has done me the honor of showing me certain propositions which he has drawn up; they are very important, and I sincerely wish the House may receive them. After they are published, I think the people will wait with patience till we are at leisure to resume them. But it must be very disagreeable to them in manner it has been for six weeks past; they will be tired out by a fruitless expectation. Putting myself into the place of those who favor amendments, I should suspect Congress did not mean seriously to enter upon the subject; that it was vain to expect redress from them. I should begin to turn my attention to the alternative contained in the fifth article, and think of joining the Legislatures of those States which have applied for calling a new convention. How dangerous such an expedient would be I need not mention; but I venture to affirm, that unless you take early notice of this subject, you will not have power to deliberate. The people will clamor for a new convention; they will not trust the House any longer. Those, therefore, who dread the assembling of a convention, will do well to acquiesce in the present motion, and lay the foundation of a most important work. I do not think we need consume more than half an hour in the Committee of the Whole; this is not so much time but we may conveniently spare it, considering the nature of the business. I do not wish to divert the attention of Congress from the organization of the Government, nor do I think it need be done, if we comply with the present motion.

Mr. VINING.—I hope the House will not go into a Committee of the Whole. It strikes me that the great amendment which the Government wants is expedition in the despatch of business. The wheels of the national machine cannot turn, until the impost and collection bill are perfected; these are the desiderata which the public mind is anxiously expecting. It is well known, that all we have hitherto done amounts to nothing, if we leave the business in its present state. True; but say gentlemen, let us go into committee; it will take but a short time; yet may it not take a con-

siderable proportion of our time? May it not be procrastinated into days, weeks, nay, months? It is not the most facile subject that can come before the Legislature of the Union. Gentlemen's opinions do not run in a parallel on this topic; it may take up more time to unite or conciliate them than is now imagined. And what object is to be attained by going into a committee? If information is what we seek after, cannot that be obtained by the gentleman's laying his propositions on the table; they can be read, or they can be printed. But I have two other reasons for opposing this motion; the first is, the uncertainty with which we must decide on questions of amendment, founded merely on speculative theory; the second is a previous question, how far it is proper to take the subject of amendments into consideration, without the consent of two-thirds of both Houses? I will submit it to gentlemen, whether the words of the Constitution, "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments," do not bear my construction, that it is as requisite for two-thirds to sanction the expediency of going into the measure at present, as it will be to determine the necessity of amending at all. I take it that the fifth article admits of this construction, and think that two-thirds of the Senate and House of Representatives must concur in the expediency as to the time and manner of amendments, before we can proceed to the consideration of the amendments themselves. For my part, I do not see the expediency of proposing amendments. I think, sir, the most likely way to quiet the perturbation of the public mind, will be to pass salutary laws; to give permanency and stability to Constitutional regulations, founded on principles of equity and adjusted by wisdom. Although hitherto we have done nothing to tranquilize that agitation which the adoption of the Constitution threw some people into, yet the storm has abated and a calm succeeds. The people are not afraid of leaving the question of amendments to the discussion of their representatives; but is this the juncture for discussing it? What have Congress done towards completing the business of their appointment? They have passed a law regulating certain oaths; they have passed the impost bill; but are not vessels daily arriving, and the revenue slipping through our fingers? Is it not very strange that we neglect the completion of the revenue system? Is the system of jurisprudence unnecessary? And here let me ask gentlemen how they propose to amend that part of the Constitution which embraces the judicial branch of the Government, when they do not know the regulations proposed by the Senate, who are forming a bill on this subject?

If the honorable mover of the question before the House does not think he discharges his duty without bringing his propositions forward, let him take the mode I have mentioned, by which there will be little loss of time. He knows, as well as any gentleman, the importance of completing the business on your table, and that it is best to finish one subject before the introduction of another.

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He will not, therefore, persist in a motion which tends to distract our minds, and incapacitate us from making a proper decision on any subject. Suppose every gentleman who desires alterations to be made in the Constitution were to submit his propositions to a Committee of the Whole; what would be the consequence? We should have strings of them contradictory to each other, and be necessarily engaged in a discussion that would consume too much of our precious time.

Though the State I represent had the honor of taking the lead in the adoption of this Constitution, and did it by a unanimous vote; and although I have the strongest predilection for the present form of Government, yet I am open to information, and willing to be convinced of its imperfections. If this be done, I shall cheerfully assist in correcting them. But I cannot think this a proper time to enter upon the subject, because more important business is suspended; and, for want of experience we are as likely to do injury by our prescriptions as good. I wish to see every proposition which comes from that worthy gentleman on the science of Government; but I think it can be presented better by staying where we are, than by going into committee, and therefore shall vote against his motion.

Mr. MADISON.—I am sorry to be necessary to the loss of a single moment of time by the House. If I had been indulged in my motion, and we had gone into a Committee of the Whole, I think we might have rose and resumed the consideration of other business before this time; that is, so far as it depended upon what I proposed to bring forward. As that mode seems not to give satisfaction, I will withdraw the motion, and move you, sir, that a select committee be appointed to consider and report such amendments as are proper for Congress to propose to the Legislatures of the several States, conformably to the fifth article of the Constitution.

I will state my reasons why I think it proper to propose amendments, and state the amendments themselves, so far as I think they ought to be proposed. If I thought I could fulfil the duty which I owe to myself and my constituents, to let the subject pass over in silence, I most certainly should not trespass upon the indulgence of this House. But I cannot do this, and am therefore compelled to beg a patient hearing to what I have to lay before you. And I do most sincerely believe, that if Congress will devote but one day to this subject, so far as to satisfy the public that we do not disregard their wishes, it will have a salutary influence on the public councils, and prepare the way for a favorable reception of our future measures. It appears to me that this House is bound by every motive of prudence, not to let the first session pass over without proposing to the State Legislatures, some things to be incorporated into the Constitution, that will render it as acceptable to the whole people of the United States, as it has been found acceptable to a majority of them. I wish, among other reasons, why something should be done, that those who had been friendly to the adoption of this Constitution may have the

opportunity of proving to those who were opposed to it that they were as sincerely devoted to liberty and a Republican Government, as those who charged them with wishing the adoption of this Constitution in order to lay the foundation of an aristocracy or despotism. It will be a desirable thing to extinguish from the bosom of every member of the community, any apprehensions that there are those among his countrymen who wish to deprive them of the liberty for which they valiantly fought and honorably bled. And if there are amendments desired of such a nature as will not injure the Constitution, and they can be ingrafted so as to give satisfaction to the doubting part of our fellow-citizens, the friends of the Federal Government will evince that spirit of deference and concession for which they have hitherto been distinguished.

It cannot be a secret to the gentlemen in this House, that, notwithstanding the ratification of this system of Government by eleven of the thirteen United States, in some cases unanimously, in others by large majorities; yet still there is a great number of our constituents who are dissatisfied with it; among whom are many respectable for their talents and patriotism, and respectable for their jealousy they have for their liberty, which, though mistaken in its object, is laudable in its motive. There is a great body of the people feeling under this description, who at present feel much inclined to join their support to the cause of Federalism, if they were satisfied on this one point. We ought not to disregard their inclination, but, on principles of amity and moderation, conform to their wishes, and expressly declare the great rights of mankind secured under this Constitution. The acquiescence which our fellow-citizens show under the Government, calls upon us for a like return of moderation. But perhaps there is a stronger motive than this for our going into a consideration of the subject. It is to provide those securities for liberty which are required by a part of the community; I allude in a particular manner to those two States that have not thought fit to throw themselves into the bosom of the Confederacy. It is a desirable thing, on our part as well as theirs, that a re-union should take place as soon as possible. I have no doubt, if we proceed to take those steps which would be prudent and requisite at this juncture, that in a short time we should see that disposition prevailing in those States which have not come in, that we have seen prevailing in those States which have embraced the Constitution.

But I will candidly acknowledge, that, over and above all these considerations, I do conceive that the Constitution may be amended; that is to say, if all power is subject to abuse, that then it is possible the abuse of the powers of the General Government may be guarded against in a more secure manner than is now done, while no one advantage arising from the exercise of that power shall be damaged or endangered by it. We have in this way something to gain, and, if we proceed with caution, nothing to lose. And in this case it is necessary to proceed with caution; for while we

feel all these inducements to go into a revision of the Constitution, we must feel for the Constitution itself, and make that revision a moderate one. I should be unwilling to see a door opened for a reconsideration of the whole structure of the Government—for a reconsideration of the principles and the substance of the powers given; because I doubt, if such a door were opened, we should be very likely to stop at that point which would be safe to the Government itself. But I do wish to see a door opened to consider, so far as to incorporate those provisions for the security of rights, against which I believe no serious objection has been made by any class of our constituents: such as would be likely to meet with the concurrence of two-thirds of both Houses, and the approbation of three-fourths of the State Legislatures. I will not propose a single alteration which I do not wish to see take place, as intrinsically proper in itself, or proper because it is wished for by a respectable number of my fellow-citizens; and therefore I shall not propose a single alteration but is likely to meet the concurrence required by the Constitution. There have been objections of various kinds made against the Constitution. Some were levelled against its structure because the President was without a council; because the Senate, which is a legislative body, had judicial powers in trials on impeachments; and because the powers of that body were compounded in other respects, in a manner that did not correspond with a particular theory; because it grants more power than is supposed to be necessary for every good purpose, and controls the ordinary powers of the State Governments. I know some respectable characters who opposed this Government on these grounds; but I believe that the great mass of the people who opposed it, disliked it because it did not contain effectual provisions against the encroachments on particular rights, and those safeguards which they have been long accustomed to have interposed between them and the magistrate who exercises the sovereign power; nor ought we to consider them safe, while a great number of our fellow-citizens think these securities necessary.

It is a fortunate thing that the objection to the Government has been made on the ground I stated; because it will be practicable, on that ground, to obviate the objection, so far as to satisfy the public mind that their liberties will be perpetual, and this without endangering any part of the Constitution, which is considered as essential to the existence of the Government by those who promoted its adoption. The amendments which have occurred to me, proper to be recommended by Congress to the State Legislatures, are these: First, That there be prefixed to the Constitution a declaration, that all power is originally vested in, and consequently derived from, the people. That Government is instituted and ought to be exercised for the benefit of the people; which consists in the enjoyment of life and liberty, with the right of acquiring and using property, and

persons, their houses, their papers, and their other property, from all unreasonable searches and seizures, shall not be violated by warrants issued without probable cause, supported by oath or affirmation, or not particularly describing the places to be searched, or the persons or things to be seized.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, to be informed of the cause and nature of the accusation, to be confronted with his accusers, and the witnesses against him; to have a compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence. The exceptions here or elsewhere in the Constitution, made in favor of particular rights, shall not be so construed as to diminish the just importance of other rights retained by the people, or as to enlarge the powers delegated by the Constitution; but either as actual limitations of such powers, or as inserted merely for greater caution.

Fifthly. That in article 1st, section 10, between clauses 1 and 2, be inserted this clause, to wit: No State shall violate the equal rights of conscience, or the freedom of the press, or the trial by jury in criminal cases. Sixthly. That, in article 3d, section 2, be annexed to the end of clause 2d, these words, to wit: But no appeal to such court shall be allowed where the value in controversy shall not amount to ——— dollars: nor shall any fact triable by jury, according to the course of common law, be otherwise re-examinable than may consist with the principles of common law. Seventhly. That in article 3d, section 2, the third clause be struck out, and in its place be inserted the clauses following, to wit:

The trial of all crimes (except in cases of impeachment, and cases arising in the land or naval forces, or the militia when on actual service, in time of war or public danger) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, of the right of challenge, and other accustomed requisites; and in all crimes punishable with loss of life or member, presentment or indictment by a grand jury shall be an essential preliminary, provided that in cases of crimes committed within any county which may be in possession of an enemy, or in which a general insurrection may prevail, the trial may by law be authorized in some other county of the same State, as near as may be to the seat of the offence.

In cases of crimes committed not within any county, the trial may by law be in such county as the laws shall have prescribed. In suits at common law, between man and man, the trial by jury, as one of the best securities to the rights of the people, ought to remain inviolate. Eighthly. That immediately after article 6th, be inserted, as article 7th, the clauses following, to wit:

The powers delegated by this Constitution are appropriated to the departments to which they are respectively distributed: so that the Legislature

persons, their houses, their papers, and their other property, from all unreasonable searches and seizures, shall not be violated by warrants issued without probable cause, supported by oath or affirmation, or not particularly describing the places to be searched, or the persons or things to be seized.

The powers not delegated by this Constitution, nor prohibited by it to the States, are reserved to the States respectively. Ninthly. That article 7th be numbered as article 8th.

The first of these amendments relates to what may be called a bill of rights. I will own that I never considered this provision so essential to the Federal Constitution as to make it improper to ratify it, until such an amendment was added; at the same time, I always conceived, that in a certain form, and to a certain extent, such a provision was neither improper nor altogether useless. I am aware that a great number of the most respectable friends to the Government, and champions for republican liberty, have thought such a provision not only unnecessary, but even improper; nay, I believe some have gone so far as to think it even dangerous. Some policy has been made use of, perhaps, by gentlemen on both sides of the question: I acknowledge the ingenuity of those arguments which were drawn against the Constitution, by a comparison with the policy of Great Britain, in establishing a declaration of rights; but there is too great a difference in the case to warrant the comparison: therefore, the arguments drawn from that source were in a great measure inapplicable. In the declaration of rights which that country has established, the truth is, they have gone no farther than to raise a barrier against the power of the Crown; the power of the Legislature is left altogether indefinite. Although I know whenever the great rights, the trial by jury, freedom of the press, or liberty of conscience, come in question in that body, the invasion of them is resisted by able advocates, yet their Magna Charta does not contain any one provision for the security of those rights, respecting which the people of America are most alarmed. The freedom of the press and rights of conscience, those choicest privileges of the people, are unguarded in the British Constitution.

But although the case may be widely different, and it may not be thought necessary to provide limits for the legislative power in that country, yet a different opinion prevails in the United States. The people of many States have thought it necessary to raise barriers against power in all forms and departments of Government, and I am inclined to believe, if once bills of rights are established in all the States as well as the Federal Constitution, we shall find, that, although some of them are rather unimportant, yet, upon the whole, they will have a salutary tendency. It may be said, in some instances, they do no more than state the perfect equality of mankind. This, is sure, is an absolute truth, yet it is not absolutely necessary to be inserted at the head of a Constitution.

In some instances they assert those rights which are exercised by the people in forming and establishing a plan of Government. In other instances, they specify those rights which are retained when particular powers are given up to be exercised by the Legislature. In other instances, they specify positive rights, which may seem to result from the nature of the compact. Trial by jury cannot be considered as a natural right, but a right resulting from a social compact, which regulates the action of the community, but is as essential to secure the liberty of the people as any one of the pre-existent rights of nature. In other instances, they lay down dogmatic maxims with respect to the construction of the Government; declaring that the Legislative, Executive, and judicial branches, shall be kept separate and distinct. Perhaps the best way of securing this in practice is, to provide such checks as will prevent the encroachment of the one upon the other.

But, whatever may be the form which the several States have adopted in making declarations in favor of particular rights, the great object in view is to limit and qualify the powers of Government, by excepting out of the grant of power those cases in which the Government ought not to act, or to act only in a particular mode. They point these exceptions sometimes against the abuse of the Executive power, sometimes against the Legislative, and, in some cases, against the community itself; or, in other words, against the majority in favor of the minority.

In our Government it is, perhaps, less necessary to guard against the abuse in the Executive Department than any other; because it is not the stronger branch of the system, but the weaker. It therefore must be levelled against the Legislature, for it is the most powerful, and most likely to be abused, because it is under the least control. Hence, so far as a declaration of rights can tend to prevent the exercise of undue power, it cannot be doubted that such declaration is proper. But I confess that I do conceive, that in a Government modified like this of the United States, the great danger lies rather in the abuse of the community than in the Legislative body. The prescription in favor of liberty ought to be levelled against that quarter where the greatest danger lies, namely, that which possesses the highest prerogative of power. But this is not found in either the Executive or Legislative departments of Government, but in the body of the people, operating by the majority against the minority. It may be thought that all paper barriers against the power of the community are too weak to be worthy of attention. I am sensible they are not so strong as to satisfy gentlemen of every description who have seen and examined thoroughly the texture of such a defence; yet, as they have a tendency to impress some degree of respect for them, to establish the public opinion in their favor, and rouse the attention of the whole community, it may be one means to controul the majority from those acts to which they might be otherwise inclined.

It has been said, by way of objection to a bill

of rights, by many respectable gentlemen out of doors, and I find opposition on the same principles likely to be made by gentlemen on this floor, that they are unnecessary articles of a Republican Government, upon the presumption that the people have those rights in their own hands, and that is the proper place for them to rest. It would be a sufficient answer to say, that this objection lies against such provisions under the State Governments; and there are, I believe, but few gentlemen who are inclined to push their theory so far as to say that a declaration of rights in those cases is either ineffectual or improper. It has been said, that in the Federal Government they are unnecessary, because the powers are enumerated, and it follows, that all that are not granted by the Constitution are retained; that the Constitution is a bill of powers, the great residuum being the rights of the people; and, therefore, a bill of rights cannot be so necessary as if the residuum was thrown into the hands of the Government. I admit that these arguments are not entirely without foundation; but they are not conclusive to the extent which has been supposed. It is true, the powers of the General Government are circumscribed, they are directed to particular objects; but even if Government keeps within those limits, it has certain discretionary powers with respect to the means, which may admit of abuse to a certain extent, in the same manner as the powers of the State Governments under their constitutions may to an indefinite extent; because in the Constitution of the United States, there is a clause granting to Congress the power to make all laws which shall be necessary and proper for carrying into execution all the powers vested in the Government of the United States, or in any department or officer thereof; this enables them to fulfil every purpose for which the Government was established. Now, may not laws be considered necessary and proper by Congress, (for it is for them to judge of the necessity and propriety to accomplish those special purposes which they may have in contemplation,) which laws in themselves are neither necessary nor proper; as well as improper laws could be enacted by the State Legislatures, for fulfilling the more extended objects of those Governments? I will state an instance, which I think in point, and proves that this might be the case. The General Government has a right to pass all laws which shall be necessary to collect its revenue; the means for enforcing the collection are within the direction of the Legislature; may not general warrants be considered necessary for this purpose, as well as for some purposes which it was supposed at the framing of their constitutions the State Governments had in view? If there was reason for restraining the State Governments from exercising this power, there is like reason for restraining the Federal Government.

It may be said, indeed it has been said, that a bill of rights is not necessary, because the establishment of this Government has not repealed those declarations of rights which are added to

the several State constitutions; that those rights of the people which had been established by the most solemn act, could not be annihilated by a subsequent act of that people, who meant and declared at the head of the instrument, that they ordained and established a new system, for the express purpose of securing to themselves and posterity the liberties they had gained by an arduous conflict.

I admit the force of this observation, but I do not look upon it to be conclusive. In the first place, it is too uncertain ground to leave this provision upon, if a provision is at all necessary to secure rights so important as many of those I have mentioned are conceived to be, by the public in general, as well as those in particular who opposed the adoption of this Constitution. Besides, some States have no bills of rights, there are others provided with very defective ones, and there are others whose bills of rights are not only defective, but absolutely improper; instead of securing some in the full extent which republican principles would require, they limit them too much to agree with the common ideas of liberty. It has been objected also against a bill of rights, that, by enumerating particular exceptions to the grant of power, it would disparage those rights which were not placed in that enumeration; and it might follow by implication, that those rights which were not singled out, were intended to be assigned into the hands of the General Government, and were consequently insecure. This is one of the most plausible arguments I have ever heard urged against the admission of a bill of rights into this system; but, I conceive, that it may be guarded against. I have attempted it, as gentlemen may see by turning to the last clause of the fourth resolution.

It has been said that it is unnecessary to load the Constitution with this provision, because it was not found effectual in the constitution of the particular States. It is true, there are a few particular States in which some of the most valuable articles have not, at one time or other, been violated; but it does not follow but they may have, to a certain degree, a salutary effect against the abuse of power. If they are incorporated into the Constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the Legislative or Executive; they will be naturally led to resist every encroachment upon rights expressly stipulated for in the Constitution by the declaration of rights. Besides this security, there is a great probability that such a declaration in the federal system would be enforced, because the State Legislatures will jealously and closely watch the operations of this Government, and be able to resist with more effect every assumption of power, than any other power on earth can do; and the greatest opponents to a Federal Government admit the State Legislatures to be sure guardians of the people's liberty. I conclude, from this view of the subject, that it will be proper in itself, and highly politic, for

the tranquillity of the public mind, and the stability of the Government, that we should offer something, in the form I have proposed, to be incorporated in the system of Government, as a declaration of the rights of the people.

In the next place, I wish to see that part of the Constitution revised which declares that the number of Representatives shall not exceed the proportion of one for every thirty thousand persons, and allows one Representative to every State which rates below that proportion. If we attend to the discussion of this subject, which has taken place in the State conventions, and even in the opinion of the friends to the Constitution, an alteration here is proper. It is the sense of the people of America, that the number of Representatives ought to be increased, but particularly that it should not be left in the discretion of the Government to diminish them, below that proportion which certainly is in the power of the Legislature, as the Constitution now stands; and they may, as the population of the country increases, increase the House of Representatives to a very unwieldy degree. I confess I always thought this part of the Constitution defective, though not dangerous; and that it ought to be particularly attended to whenever Congress should go into the consideration of amendments.

There are several minor cases enumerated in my proposition, in which I wish also to see some alteration take place. That article which leaves it in the power of the Legislature to ascertain its own emolument, is one to which I allude. I do not believe this is a power which, in the ordinary course of Government, is likely to be abused. Perhaps of all the powers granted, it is least likely to abuse; but there is a seeming impropriety in leaving any set of men without control to put their hand into the public coffers, to take out money to put in their pockets; there is a seeming indecorum in such power, which leads me to propose a change. We have a guide to this alteration in several of the amendments which the different conventions have proposed. I have gone, therefore, so far as to fix it, that no law varying the compensation, shall operate until there is a change in the Legislature; in which case it cannot be for the particular benefit of those who are concerned in determining the value of the service. I wish, also, in revising the Constitution, we may throw into that section, which interdicts the abuse of certain powers in the State Legislatures, some other provisions of equal, if not greater importance than those already made. The words, "No State shall pass any bill of attainder, *ex post facto* law," &c., were wise and proper restrictions in the Constitution. I think there is more danger of those powers being abused by the State Governments than by the Government of the United States. The same may be said of other powers which they possess, if not controlled by the general principle, that laws are unconstitutional which infringe the rights of the community. I should, therefore, wish to extend this interdiction, and add, as I have stated in the 5th resolution, that no State shall violate the equal

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right of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every Government should be disarmed of powers which trench upon those particular rights. I know, in some of the State constitutions, the power of the Government is controlled by such a declaration; but others are not. I cannot see any reason against obtaining even a double security on those points; and nothing can give a more sincere proof of the attachment of those who oppose this Constitution to these great and important rights, than to see them join in obtaining the security I have now proposed; because it must be admitted, on all hands, that the State Governments are as liable to attack these invaluable privileges as the General Government is, and therefore ought to be as cautiously guarded against.

I think it will be proper, with respect to the judiciary powers, to satisfy the public mind on those points which I have mentioned. Great inconvenience has been apprehended to suitors from the distance they would be dragged to obtain justice in the Supreme Court of the United States, upon an appeal on an action for a small debt. To remedy this, declare that no appeal shall be made unless the matter in controversy amounts to a particular sum; this, with the regulations respecting jury trials in criminal cases, and suits at common law, it is to be hoped, will quiet and reconcile the minds of the people to that part of the Constitution.

I find, from looking into the amendments proposed by the State conventions, that several are particularly anxious that it should be declared in the Constitution, that the powers not therein delegated should be reserved to the several States. Perhaps other words may define this more precisely than the whole of the instrument now does. I admit they may be deemed unnecessary; but there can be no harm in making such a declaration, if gentlemen will allow that the fact is as stated. I am sure I understand it so, and do therefore propose it.

These are the points on which I wish to see a revision of the Constitution take place. How far they will accord with the sense of this body, I cannot take upon me absolutely to determine; but I believe every gentleman will readily admit that nothing is in contemplation, so far as I have mentioned, that can endanger the beauty of the Government in any one important feature, even in the eyes of its most sanguine admirers. I have proposed nothing that does not appear to me as proper in itself, or eligible as patronised by a respectable number of our fellow-citizens; and if we can make the Constitution better in the opinion of those who are opposed to it, without weakening its frame, or abridging its usefulness in the judgment of those who are attached to it, we act the part of wise and liberal men to make such alterations as shall produce that effect.

Having done what I conceived was my duty, in bringing before this House the subject of amendments, and also stated such as I wish for and approve, and offered the reasons which oc-

able gentleman, a member of this House, has been attacked in the public newspapers on account of sentiments delivered on this floor. Have Congress taken any notice of it? Have they ordered the writer before them, even for a breach of privilege, although the Constitution provides that a member shall not be questioned in any place for any speech or debate in the House? No; these things are offered to the public view, and held up to the inspection of the world. These are principles which will always prevail. I am not afraid, nor are other members, I believe, our conduct should meet the severest scrutiny. Where, then, is the necessity of taking measures to secure what neither is not can be in danger?

I hold, Mr. Speaker, that the present is not a proper time for considering of amendments. The States of Rhode Island and North Carolina are not in the Union. As to the latter, we have every presumption that she will come in. But in Rhode Island I think the anti-federal interest yet prevails. I am sorry for it, particularly on account of the firm friends of the Union, who are kept without the embrace of the Confederacy by their countrymen. These persons are worthy of our patronage; and I wish they would apply to us for protection; they should have my consent to be taken into the Union upon such application. I understand there are some important mercantile and manufacturing towns in that State, who ardently wish to live under the laws of the General Government; if they were to come forward and request us to take measures for this purpose, I would give my sanction to any which would be likely to bring about such an event.

But to return to my argument. It being the case that those States are not yet come into the Union, when they join us, we shall have another list of amendments to consider, and another bill of rights to frame. Now, in my judgment, it is better to make but one work of it whenever we set about the business.

But in what a situation shall we be with respect to those foreign Powers with whom we desire to be in treaty? They look upon us as a nation emerging into figure and importance. But what will be their opinion, if they see us unable to retain the national advantages we have just gained? They will smile at our infantine efforts to obtain consequence, and treat us with the contempt we have hitherto borne by reason of the imbecility of our Government. Can we expect to enter into a commercial competition with any of them, while our system is incomplete? And how long it will remain in such a situation, if we enter upon amendments, God only knows. Our instability will make us objects of scorn. We are not content with two revolutions in less than fourteen years; we must enter upon a third, without necessity or propriety. Our faith will be like the *punica fides* of Carthage; and we shall have none that will repose confidence in us. Why will gentlemen press us to propose amendments, while we are without experience? Can they assure themselves that the amendments, as they call them, will not want amendments, as

soon as they are adopted? I will not tax gentlemen with a desire of amusing the people; I believe they venerate their country too much for this; but what more can amendments lead to? That part of the Constitution which is proposed to be altered, may be the most valuable part of the whole; and perhaps those who now clamor for alterations, may, ere long, discover that they have marred a good Government, and rendered their own liberties insecure. I again repeat it, this is not the time for bringing forward amendments; and, notwithstanding the honorable gentleman's ingenious arguments on that point, I am now more strongly persuaded it is wrong.

If we actually find the Constitution bad upon experience, or the rights and privileges of the people in danger, I here pledge myself to step forward among the first friends of liberty to prevent the evil; and if nothing else will avail, I will draw my sword in the defence of freedom, and cheerfully immolate at that shrine my property and my life. But how are we now proceeding? Why, on nothing more than theoretical speculation, pursuing a mere *ignis fatuus*, which may lead us into serious embarrassments. The imperfections of the Government are now unknown; let it have a fair trial, and I will be bound to show ourselves; then we can tell where to apply the remedy, so as to secure the great object we are aiming at.

There are, Mr. Speaker, a number of important bills on the table which require despatch; but I am afraid, if we enter on this business, we shall not be able to attend to them for a long time. Look, sir, over the long list of amendments proposed by some of the adopting States, and say, when the House could get through the discussion; and I believe, sir, every one of those amendments will come before us. Gentlemen may feel themselves called by duty or inclination to oppose them. How are we then to extricate ourselves from this labyrinth of business? Certainly we shall lose much of our valuable time, without any advantage whatsoever. I hope, therefore, the gentleman will press us no further; he has done his duty, and acquitted himself of the obligation under which he lay. He may now accede to what I take to be the sense of the House, and let the business of amendments lie over until next Spring; that will be soon enough to take it up to any good purpose.

Mr. GERRY.—I do not rise to go into the merits or demerits of the subject of amendments; nor shall I make any other observations on the motion for going into a Committee of the Whole on the state of the Union, which is now withdrawn, than merely to say, that, referring the subject to that committee, is treating it with the dignity its importance requires. But I consider it improper to take up this business, when our attention is occupied by other important objects. We should despatch the subjects now on the table, and let this lie over until a period of more leisure for discussion and attention. The gentleman from Virginia says it is necessary to go into a consideration of this subject, in order to satisfy the people.

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For my part, I cannot be of his opinion. The people know we are employed in the organization of the Government, and cannot expect that we should forego this business for any other. But I would not have it understood, that I am against entering upon amendments when the proper time arrives. I shall be glad to set about it as soon as possible, but I would not stay the operations of the Government on this account. I think with the gentleman from Delaware, (Mr. VINING,) that the great wheels of the political machine should first be set in motion; and with the gentleman from Georgia, (Mr. JACKSON,) that the vessel ought to be got under way, lest she lie by the wharf till she beat off her rudder, and run herself a wreck ashore.

I say I wish as early a day as possible may be assigned for taking up this business, in order to prevent the necessity which the States may think themselves under of calling a new convention. For I am not, sir, one of those blind admirers of this system, who think it all perfection; nor am I so blind as not to see its beauties. The truth is, it partakes of humanity; in it is blended virtue and vice, errors and excellence. But I think if it is referred to a new convention, we run the risk of losing some of its best properties; this is a case I never wish to see. Whatever might have been my sentiments of the ratification of the Constitution without amendments, my sense now is, that the salvation of America depends upon the establishment of this Government, whether amended or not. If the Constitution which is now ratified should not be supported, I despair of ever having a Government of these United States.

I wish the subject to be considered early for another reason. There are two States not in the Union; it would be a very desirable circumstance to gain them. I should therefore be in favor of such amendments as might tend to invite them and gain their confidence; good policy will dictate to us to expedite that event. Gentlemen say, that we shall not obtain the consent of two-thirds of both Houses to amendments. Are gentlemen willing then to throw Rhode Island and North Carolina into the situation of foreign nations? They have told you that they cannot accede to the Union, unless certain amendments are made to the Constitution; if you deny a compliance with their request in that particular, you refuse an accommodation to bring about that desirable event, and leave them detached from the Union.

I have another reason for going early into this business. It is necessary to establish an energetic Government. My idea of such a Government is, that due deliberation be had in making laws, and efficiency in the execution. I hope, in this country, the latter may obtain without the dread of despotism. I would wish to see the execution of good laws irresistible. But from the view which we have already had of the disposition of the Government, we seem really to be afraid to administer the powers with which we are invested, lest we give offence. We appear afraid to exercise the Constitutional powers of the Government, which the welfare of the State requires, lest a

jealousy of our powers be the consequence. What is the reason of this timidity? Why, because we see a great body of our constituents opposed to the Constitution as it now stands, who are apprehensive of the enormous powers of Government. But if this business is taken up, and it is thought proper to make amendments, it will remove this difficulty. Let us deal fairly and candidly with our constituents, and give the subject a full discussion; after that, I have no doubt but the decision will be such as, upon examination, we shall discover to be right. If it shall then appear proper and wise to reject the amendments, I dare to say the reasons for so doing will bring conviction to the people out of doors, as well as it will to the members of this House; and they will acquiesce in the decision, though they may regret the disappointment of their fondest hopes for the security of the liberties of themselves and their posterity. Thus, and thus only, the Government will have its due energy, and accomplish the end for which it was instituted.

I am against referring the subject to a select committee, because I conceive it would be disrespectful to those States which have proposed amendments. The conventions of the States consisted of the most wise and virtuous men of the community; they have ratified this Constitution, in full confidence that their objections would at least be considered; and shall we, sir, preclude them by the appointment of a special committee, to consider of a few propositions brought forward by an individual gentleman? Is it in contemplation that the committee should have the subject at large before them, or that they should report upon the particular amendments just mentioned, as they think proper? And are we to be precluded from the consideration of any other amendments but those the committee may report? A select committee must be considered improper, because it is putting their judgments against that of the conventions which have proposed amendments; but if the committee are to consider the matter at large, they will be liable to this objection, that their report will only be waste of time. For if they do not bring forward the whole of the amendments recommended, individual members will consider themselves bound to bring them forward for the decision of the House. I would therefore submit, if gentlemen are determined to proceed in the business at this time, whether it is not better that it should go, in the first instance, to a Committee of the Whole, as first proposed by the gentleman from Virginia?

Some gentlemen consider it necessary to do this to satisfy our constituents. I think referring the business to a special committee will be attempting to amuse them with trifles. Our fellow-citizens are possessed of too much discernment not to be able to discover the intention of Congress by such procedure. It will be the duty of their representatives to tell them, if they were not able to discover it of themselves, they require the subject to be fairly considered; and if it be found to be improper to comply with their reasonable expectations, to tell them so. I hope

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Amendments to the Constitution.

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there is no analogy between federal and punie faith; but unless Congress shall candidly consider the amendments which have been proposed in confidence by the State conventions, federal faith will not be considered very different from the *punica fides* of Carthage. The ratification of the Constitution in several States would never have taken place, had they not been assured that the objections would have been duly attended to by Congress. And I believe many members of these conventions would never have voted for it, if they had not been persuaded that Congress would notice them with that candor and attention which their importance requires. I will say nothing respecting the amendments themselves; they ought to stand or fall on their own merits. If any of them are eligible, they will be adopted; if not, they will be rejected.

Mr. LIVERMORE was against this motion; not that he was against amendments at a proper time. It is enjoined on him to act a rational part in procuring certain amendments, and he meant to do so; but he could not say what amendments were requisite, until the Government was organized. He supposed the judiciary law would contain certain regulations that would remove the anxiety of the people respecting such amendments as related thereto, because he thought much of the minutiae respecting suits between citizens of different States, &c. might be provided for by law. He could not agree to make jury trials necessary on every occasion; they were not practised even at this time, and there were some cases in which a cause could be better decided without a jury than with one.

In addition to the judiciary business, there is that which relates to the revenue. Gentlemen had let an opportunity go through their hands of getting a considerable supply from the impost on the Spring importations. He reminded them of this; and would tell them now was the time to finish that business; for if they did not sow in seed-time, they would be beggars in harvest. He was well satisfied in his own mind, that the people of America did not look for amendments at present; they never could imagine it to be the first work of Congress.

He wished the concurrence of the Senate upon entering on this business, because if they opposed the measure, all the House did would be mere waste of time; and there was some little difficulty on this point, because it required the consent of two-thirds of both Houses to agree to what was proper on this occasion. He said, moreover, it would be better to refer the subject generally, if referred to them at all, than to take up the propositions of individual members.

Mr. SHERMAN—I do not suppose the Constitution to be perfect, nor do I imagine if Congress and all the Legislatures on the continent were to revise it, that their united labors would make it perfect. I do not expect any perfection on this side the grave in the works of man; but my opinion is, that we are not at present in circumstances to make it better. It is a wonder that there has been such unanimity in adopting it, considering

the ordeal it had to undergo; and the unanimity which prevailed at its formation is equally astonishing; amidst all the members from the twelve States present at the Federal Convention, there were only three who did not sign the instrument to attest their opinion of its goodness. Of the eleven States who have received it, the majority have ratified it without proposing a single amendment. This circumstance leads me to suppose that we shall not be able to propose any alterations that are likely to be adopted by nine States; and gentlemen know, before the alterations take effect, they must be agreed to by the Legislatures of three-fourths of the States in the Union. Those States which have not recommended alterations, will hardly adopt them, unless it is clear that they tend to make the Constitution better. Now, how this can be made out to their satisfaction I am yet to learn; they know of no defect from experience. It seems to be the opinion of gentlemen generally that this is not the time for entering upon the discussion of amendments: our only question therefore is, how to get rid of the subject. Now, for my own part, I would prefer to have it referred to a Committee of the Whole, rather than a special committee, and therefore shall not agree to the motion now before the House.

Mr. GERRY moved, that the business lie over until the 1st day of July next, and that it be the order for that day.

Mr. SUMNER—I consider the subject of amendments of such great importance to the Union, that I shall be glad to see it undertaken in any manner. I am not, Mr. Speaker, disposed to sacrifice substance to form; therefore, whether the business shall originate in a Committee of the Whole or in the House, is a matter of indifference to me, so that it be put in train. Although I am seriously inclined to give this subject a full discussion, yet I do not wish it to be fully entered into at present, but am willing it should be postponed to a future day, when we shall have more leisure. With respect to referring to a select committee, I am rather against it; because I consider it as treating the applications of the State conventions rather slightly; and I presume it is the intention of the House to take those applications into consideration as well as any other. If it is not, I think it will give fresh cause for jealousy; it will rouse the alarm which is now suspended, and the people will become clamorous for amendments. They will decline any further application to Congress, and resort to the other alternative pointed out in the Constitution. I hope, therefore, this House, when they do go into the business, will receive those propositions generally. This, I apprehend, will tend to tranquillize the public mind, and promote that harmony which ought to be kept up between those in the exercise of the powers of Government, and those who have clothed them with the authority, or, in other words, between Congress and the people. Without a harmony and confidence subsist between them, the measures of Government will prove abortive, and we shall have still to lament

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Collection of Duties.

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Collection of Revenue.

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that imbecility (and weakness which have long marked our public councils. Mr. VINE found himself in a delicate situation respecting the subject of amendments. He came from a small State, and therefore his sentiments would not be considered of so much weight as the sentiments of those gentlemen who spoke the sense of much larger States. Besides, his constituents had prejudged the question, by a unanimous adoption of the Constitution, without suggesting any amendments thereto. His sense accorded with the declared sense of the State of Delaware, and he was doubly bound to object to amendments which were either improper or unnecessary. But he had good reasons for opposing the consideration of even proper alterations at this time. He would ask the gentleman who pressed them, whether he would be responsible for the risk the Government would run of being injured by an *interregnum*? Proposing amendments at this time, is suspending the operations of Government, and may be productive of its ruin.

He would not follow the gentleman in his arguments, though he supposed them all answerable, because he would not take up the time of the House; he contented himself with saying, that a bill of rights was unnecessary in a Government deriving all its powers from the people; and the Constitution enforced the principle in the strongest manner by the practical declaration prefixed to that instrument; he alluded to the words, "We the people do ordain and establish."

There were many things mentioned by some of the State Conventions which he would never agree to, on any conditions whatever; they changed the principles of the Government, and were therefore obnoxious to its friends. The honorable gentleman from Virginia had not touched upon any of them; he was glad of it, because he could by no means bear the idea of an alteration respecting direct taxes, judging of elections, &c. He found he was not speaking to the question; he would therefore return to it, and declare he was against committing the subject to a select committee; if it was to be committed at all, he preferred a Committee of the Whole, but hoped the subject would be postponed.

Mr. MADISON found himself unfortunate in not satisfying gentlemen with respect to the mode of introducing the business; he thought, from the dignity and peculiarity of the subject, that it ought to be referred to a Committee of the Whole. He accordingly made that motion first, but finding himself not likely to succeed in that way, he had changed his ground. Fearing again to be discomfited, he would change his mode, and move the propositions he had stated before, and the House might do what they thought proper with them. He accordingly moved the propositions by way of resolutions to be adopted by the House.

Mr. LIVERMORE objected to these propositions, because they did not take up the amendments of the several States.

Mr. PAOR was much obliged to his colleague for bringing the subject forward in the manner he had done. He conceived it to be just and fair. What was to be done when the House would not refer it to a committee of any sort, but bring the question at once before them? He hoped it would be the means of bringing about a decision.

Mr. LAWRENCE moved to refer Mr. MADISON's motion to the Committee of the Whole on the state of the Union.

Mr. LES thought it ought to be taken up in that committee; and hoped his colleague would bring the propositions before the committee, when on the state of the Union, as he had originally intended.

Mr. BOURNOR wished the appointment of a select committee, but afterwards withdrew his motion.

At length Mr. LAWRENCE's motion was agreed to, and Mr. MADISON's propositions were ordered to be referred to a Committee of the Whole. Adjourned.

TUESDAY, June 9.

On motion. Resolved, That so much of the standing rules and orders as direct that, upon a division of the House on any question, the members who vote in the affirmative shall go to the right, and those in the negative shall go to the left of the Chair, be rescinded; and that, in future, when a division is called for, those in the affirmative of the question shall rise from their seats, and those in the negative remain sitting.

COLLECTION OF DUTIES.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill to regulate the collection of duties imposed on goods, wares, and merchandise, imported into the United States. Mr. TRUMBULL in the Chair. Previous to making any further nomination of ports of entry and delivery, it was moved, that the shores, bays, rivers, creeks, and harbors, be divided into as many districts as there are ports of entry in the United States. This motion, after a discussion, was adopted.

It was moved to insert a clause, whereby masters of ships and other vessels, loaded with goods, wares, and merchandise, and bound into the United States from any foreign port, should be obliged to produce duplicate manifestoes of their respective cargoes, to any officers of the customs that may demand the same, previous to their entering the ports of destination.

This motion gave rise to a lengthy conversation, which terminated in withdrawing the motion.

It was then voted, that a collector, a naval officer, and a surveyor, should be appointed for each of the following ports, viz: Boston, New York, Philadelphia, Baltimore, Norfolk, and Portsmouth; Alexandria, Virginia; Georgetown, Maryland;

Charleston, South Carolina; and Savannah. The committee then rose and reported progress, and the House adjourned.

WEDNESDAY, June 10.

COLLECTION OF REVENUE.

The House again went into a committee on the bill to regulate the collection on imported goods; Mr. TRUMBULL in the Chair.

On motion of Mr. MADISON, a clause was inserted, which provides "that there shall be a surveyor at each of the ports of delivery only," excepting certain ports to be enumerated.

The motion of Mr. AMES, which was withdrawn yesterday, was again brought forward by that gentleman, and adopted as a clause, to be inserted in the bill. It provides, That every master, or other person, having charge or command of a ship or vessel bound to any port of the United States, shall be obliged to produce, on demand, to any officer, or person authorized for the purpose, two manifestos, specifying in words, the true contents of the cargo on board such ship or vessel, one of which manifests the officer is to endorse, and return to the captain, noting the time when the same was produced to him. The other he is to transmit to the naval officer of the port to which the said vessel is bound.

Several other propositions were produced, and debated, but not accepted. The committee then rose, reported progress, and the House adjourned.

THURSDAY, June 11.

COLLECTION OF REVENUE.

The House again resolved itself into a Committee of the Whole on the bill to regulate the collection of duties, Mr. TRUMBULL in the Chair, when—

Mr. PARKER moved to insert the following clause in the bill, viz: "Provided that no ship or vessel, not belonging wholly to a citizen or citizens of the United States, shall be permitted to enter or unlade at any other than the following ports, viz:"

This clause, the gentleman observed, was necessary to hold up a preference to our own navigation, to secure to the citizens of the States exclusively the coasting trade; it would conduce more effectually to securing the revenue, and was a provision sanctioned by the practice of other commercial countries.

Several other observations were made, when Mr. FITZSIMONS proposed that the clause should be amended by adding, "Nor shall any ship or vessel from India, China, or beyond the Cape of Good Hope, and bound to the United States, enter or unlade but at the following ports, viz:"

This clause, with the amendment, occasioned considerable discussion. In opposition to the first, it was observed that the restriction could not, with propriety, be confined to foreign vessels, on account of smuggling, as our own citizens, pos-

sessing superior advantages for that business, would more probably evade the laws than strangers; that it would operate altogether in favor of those States who employed no foreign shipping; and as sufficient had been done to encourage our own navigation, it was to be expected that the motion would be withdrawn.

With respect to the clause restricting vessels from India, it was said that it would tend to the creating of monopolies, to give undue advantage to particular ports, to their aggrandizement and that of individuals residing in or near such ports, while it would deprive those who resided at a distance from them, and whose capitals were limited, from adventuring in those voyages, as was now the case.

In support of the clause, it was observed that foreigners could, with propriety, be restricted from entering those ports which they had not been accustomed to frequent; and, for this reason, no injury would be done to the persons residing at such places; but to circumscribe our own navigation within narrower limits than it had been used to, would be productive of extensive ill consequences; it would cut off a great proportion of the trade of the United States, and, in a manner, depopulate the sea-coast. That the experience of other countries was in favor of restricting foreigners to narrower limits than our own citizens, they could not be supposed to be actuated by any motives of attachment to the Government or country to induce a compliance with the revenue laws.

With respect to the restriction on India ships, it was said that goods from that country were more easily smuggled than any other; that this restriction was of the last importance to the revenue, as one boat-load of India goods would pay a greater impost than a whole cargo from the West Indies; that it would be impolitic to suffer this trade to be carried on from ports favorably situated for smuggling; and that it had been found necessary to restrict British India ships to the port of London, to prevent frauds upon the revenue.

Many other observations were made, when the question on the amendment proposed by Mr. FITZSIMONS being taken, it passed in the affirmative.

The vote being then taken on the whole, it passed also in the affirmative.

The ports to be established by this clause are yet to be named.

Further progress was made in the bill, and several amendments agreed to.

The committee then rose, reported progress, and the House adjourned.

FRIDAY, June 12.

A message from the Senate informed the House that the Senate had passed a bill for laying a duty on goods, wares, and merchandises imported into the United States, with several amendments, to which they requested the concurrence of this House.

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Duties on Imports.

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On motion, That Messrs. Vining, Stone, and Jackson, be added to the committee to whom was referred the subject of reporting a bill, directing the mode of registering and clearing vessels, ascertaining their tonnage, and for regulating the coasting trade, pilots, and light-houses.

COLLECTION OF REVENUE.

The House then formed itself into a Committee of the Whole on the bill to regulate the collection of impost duties, Mr. TOWNSEND in the Chair. Considerable progress was made in the bill; but, after some time spent thereon, they rose, and asked and obtained leave to sit again.

SATURDAY, June 13.

COLLECTION OF REVENUE.

The House again resolved itself into a Committee of the Whole on the bill to regulate the collection of the duties imposed on goods, wares, and merchandises imported into the United States; Mr. TOWNSEND in the Chair. The bill underwent further discussion, and the general sentiment of the committee on the subject was pretty generally ascertained. Many observations were made as to the most eligible mode of realizing the duties into the public treasury. But previous to any ultimate decision, on motion of Mr. FITZSIMONS, the committee rose, for the purpose of affording an opportunity of referring the subject to another committee, in order that a new bill might be reported. A motion to that effect was carried, and Messrs. GOODHUE, FITZSIMONS, LAWRENCE, BURKE, LIVERMORE, SHERMAN, and JACKSON, formed the committee.

Mr. GERRY proposed a resolution, making it a standing order of the House, that, in future, the House shall adjourn from Friday to Monday; and

Mr. LEONARD offered a resolution for prefixing the Constitution to the first volume of the Laws of Congress, when printed. Both resolutions were ordered to lie on the table.

MONDAY, June 15.

JOHN BROWN, from Virginia, and THEODORE SPOWICK, from Massachusetts, appeared and took their seats.

On motion of Mr. GOODHUE, it was Ordered, That Mr. SMITH, of Maryland, and Mr. PARKER, from Virginia, be added to the committee appointed on Saturday last, on the subject of collecting duties on imports.

WESTERN LANDS.

Mr. SCOTT, from the committee to consider the state of the unappropriated lands in the Western territory, reported. This report contained a very particular geographical account of that country.

Ordered, That this report be referred to a Committee of the Whole upon the state of the Union.

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the opinion of respectable commercial characters was in favor of the proposed duties, particularly the duty on spirits, which, agreeably to their ideas, could be easily collected, even if it had been set at a higher rate.

TUESDAY, June 16.

A motion was made by Mr. WHITE, of Virginia, and adopted, that seats be provided for such members of the Senate as please to attend the debates, within the bar of the House.

The House then proceeded to consider the remainder of the amendments proposed by the Senate to the impost bill. The House did not concur in the same fixed by the Senate for this act to be in force, viz: the 1st of July next; but substituted the 1st of August; when the following being read, were acceded to, viz:

To insert playing cards at a duty of ten cents per pack.

Cotton at three cents per pound.

To allow a drawback on brandy and geneva exported from the United States.

After the words "exported out of the limits of the United States," to add the following, viz: as settled by the late treaty of peace.

To strike out the sentence which provided for allowing a drawback of five cents per gallon on spirits distilled from molasses in the United States, and exported out of the same.

The discount of ten per cent. on goods, wares, and merchandise, imported in vessels built in the United States, and owned by a citizen or citizens thereof, was extended to goods, &c. imported in vessels not built in the United States, but which were owned by a citizen or citizens thereof, on the 16th May last, and continued so till the time of the importation of such goods.

DEPARTMENT OF FOREIGN AFFAIRS.

The House then resolved itself into a Committee of the Whole on the bill for establishing an Executive department, to be denominated the Department of Foreign Affairs; Mr. TOWNSEND in the Chair.

The first clause, after recapitulating the title of the officer and his duties, had these words: "To be removable from office by the President of the United States."

Mr. WHITE.—The Constitution gives the President the power of nominating and, by and with the advice and consent of the Senate, appointing to office. As I conceive the power of appointing and dismissing to be united in their natures, and a principle that never was called in question in any Government, I am averse to that part of the clause which subjects the Secretary of Foreign Affairs to be removed at the will of the President. In the Constitution, special provision is made for the removal of the judges; that I acknowledge to be a deviation from my principle; but as it is a Constitutional provision, it is to be admitted. In all cases not otherwise provided for in the Constitution, I take it, that the principle I have laid down is the governing one. Now the Constitution has associated the Senate with the President,

in appointing the heads of departments. The Secretary of Foreign Affairs is the head of a department; for the words of the law declare, that there shall be a department established, at the head of which shall be an officer to be so denominated. If, then, the Senate are associated with the President in the appointment, they ought also to be associated in the dismissal from office. Upon the justice of this construction, I take the liberty of reviving the motion made in the Committee of the Whole, for striking out these words: "to be removable from office by the President of the United States."

Mr. SMITH, of South Carolina.—The gentleman has anticipated me in his motion; I am clearly in sentiment with him that the words ought to go out. It is in the recollection of the committee, that when the subject was last before us, this power was excepted to; and although the words were then allowed to stand, it was generally understood that it should be further debated. I then was opposed to giving this power to the President, and am still of opinion that we ought not to make this declaration, even if he has the power by the Constitution.

I would premise that one of these two ideas are just: either that the Constitution has given the President the power of removal, and therefore it is nugatory to make the declaration here; or it has not given the power to him, and therefore it is improper to make an attempt to confer it upon him. If it is not given to him by the Constitution, but belongs conjointly to the President and Senate, we have no right to deprive the Senate of their Constitutional prerogative; and it has been the opinion of sensible men that the power was lodged in this manner. A publication of no inconsiderable eminence in the class of political writings on the Constitution, has advanced this sentiment. The author, or authors, (for I have understood it to be the production of two gentlemen of great information,) of the work published under the signature of *Publius*, has these words:

"It has been mentioned as one of the advantages to be expected from the co-operation of the Senate in the business of appointments, that it would contribute to the stability of the Administration. The consent of that body would be necessary to displace as well as appoint. A change of the Chief Magistrate, therefore, would not occasion so violent or so general a revolution in the officers of the Government, as might be expected if he were the sole disposer of offices. Where a man in any station has given satisfactory evidence of his fitness for it, a new President would be restrained from attempting a change in favor of a person more agreeable to him, by the apprehension that the discountenance of the Senate might frustrate the attempt, and bring some degree of discredit upon himself. Those who can best estimate the value of a steady Administration, will be most disposed to prize a provision which connects the official existence of public men with the approbation or disapprobation of that body, which, from the greater permanency of its own composition,

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sition, will, in all probability, be less subject to inconstancy than any other member of the Government."

Here this author lays it down, that there can be no doubt of the power of the Senate in the business of removal. Let this be as it may, I am clear that the President alone has not the power. Examine the Constitution; the powers of the several branches of Government are there defined; the President has particular powers assigned him; the Judiciary have in like manner powers assigned them; but you will find no such power as removing from office given to the President. I call upon gentlemen to show me where it is said that the President shall remove from office. I know they cannot do it. Now, I infer from this, that, as the Constitution has not given the President the power of removability, it meant that he should not have that power; and this inference is supported by that clause in the Constitution which provides that all civil officers of the United States shall be removed from office on impeachment for, and on conviction of treason, bribery, or other high crimes and misdemeanors. Here is a particular mode prescribed for removing; and if there is no other mode directed, I contend that the Constitution contemplated only this mode. But let me ask gentlemen if any other mode is necessary. For what cause should a man be removed from office? Do gentlemen contend that sickness or ignorance would be a sufficient cause? I believe, if they will reflect, they cannot instance any person who was removed for ignorance. I venture to say there never was an instance of this nature in the United States. There have been instances where a person has been removed for offences. The same may again occur, and are therefore judiciously provided for in the Constitution. But in this case, is he removed for his ignorance, or his error, which is the consequence of his ignorance? I suppose it is for his error, because the public are injured by it, and not for incapacity. The President is to nominate the officer, and the Senate to approve. Here is provision made against the appointment of ignorant officers. They cannot be removed for causes which subsisted before their coming into office. Their ignorance, therefore, must arise after they are appointed. But this is an unlikely case, and one that cannot be contemplated as probable.

I imagine, sir, we are declaring a power in the President which may hereafter be greatly abused; for we are not always to expect a Chief Magistrate in whom such entire confidence can be placed as in the present. Perhaps gentlemen are so much dazzled with the splendor of the virtues of the present President, as not to be able to see into futurity. The framers of the Constitution did not confine their views to the first person who was looked up to to fill the Presidential chair. If they had, they might have omitted those checks and guards, with which the powers of the Executive are surrounded. They knew, from the course of human events, that they could not expect to be so highly favored of heaven as to have the blessing of his administration more than seven or fourteen

years; after which, they supposed a man might get into power, who, it was possible, might misbehave. We ought to follow their example, and contemplate this power in the hands of an ambitious man, who might apply it to dangerous purposes. If we give this power to the President, he may, from caprice, remove the most worthy men from office. His will and pleasure will be the slight tenure by which an officer is to be held, and of consequence you render the officer the mere State-dependent, the abject slave of a person who may be disposed to abuse the confidence his fellow-citizens have placed in him.

Another danger may result. If you desire an officer to be a man of capacity and integrity, you may be disappointed. A gentleman possessed of these qualities, knowing he may be removed at the pleasure of the President, will be loth to risk his reputation on such insecure ground. As the matter stands in the Constitution, he knows, if he is suspected of doing any thing wrong, he shall have a fair trial, and the whole of his transactions be developed by an impartial tribunal. He will have confidence in himself when he knows he can only be removed for improper behaviour. But if he is subjected to the whim of any man, it may deter him from entering into the service of his country; because, if he is not subservient to that person's pleasure, he may be turned out, and the public may be led to suppose, for improper behaviour. This impression cannot be removed, as a public inquiry cannot be obtained. Besides this, it ought to be considered, that the person who is appointed will probably quit some other office or business in which he is occupied. Ought he, after making this sacrifice in order to serve the public, to be turned out of place, without even a reason being assigned for such behaviour? Perhaps the President does not do this with an ill intention; he may have been misinformed. For it is presumable that a President may have around him men envious of the honors and emoluments of persons in office, who will insinuate suspicions into his honest breast, that may produce a removal. Be this as it may, the event is still the same to the removed officer. The public suppose him guilty of malpractices. Hence his reputation is blasted, his property sacrificed. I say his property is sacrificed, because I consider his office as his property. He is stripped of this, and left exposed to the malevolence of the world, contrary to the principles of the Constitution, and contrary to the principles of all free Governments, which are, that no man shall be despoiled of his property, but by a fair and impartial trial.

These are serious considerations, and such, I trust, as will make impressions on the minds of gentlemen anxious to promote the public welfare, and secure distributive justice to themselves and their posterity.

When this subject was laid before the committee, it was said that it appeared absurd that an inferior officer should be removed only by impeachment. There is a clause in the Constitution empowering Congress to vest the appointment of inferior officers in the President alone, in courts

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of law, or heads of departments. These offices may also be established on such terms as the Legislature shall judge proper; but neither the appointment or removal of heads of departments can be otherwise performed than is directed by the Constitution.

To return to my argument. I have stated that if the power is given by the Constitution, the declaration in the law is nugatory; and I will add, if it is not given, it will be nugatory also to attempt to vest the power. If the Senate participate, on any principle whatever, in the removal, they will never consent to transfer their power to another branch of the Government; therefore, they will not pass a law with such a declaration in it.

Upon this consideration alone, if there was no other, the words should be struck out, and the question of right, if it is one, left to the decision of the Judiciary. It will be time enough to determine the question when the President shall remove an officer in this way. I conceive it can properly be brought before that tribunal; the officer will have a right to a mandamus to be restored to his office, and the judges would determine whether the President exercised a Constitutional authority or not.

Some gentlemen think the Constitution takes no notice of this officer, as the head of a department; they suppose him an inferior officer in aid of the Executive. This, I think, is going too far; because the Constitution, in the words authorizing the President to call on the heads of departments for their opinions in writing, contemplates several departments. It says, "the principal officer in each of the Executive departments."

I have seriously reflected on this subject, and am convinced that the President has not this power by the Constitution, and that, if we had the right to invest him with it, it would be dangerous to do so.

Mr. HUNTINGTON.—I think the clause ought not to stand. It was well observed that the Constitution was silent respecting the removal, otherwise than by impeachment. I would likewise add, that it mentions no other cause of removal, than treason, bribery, or other high crimes and misdemeanors. It does not, I apprehend, extend to cases of infirmity or incapacity. Indeed, it appears hard to me, that after an officer has become old in an honorable service, he should be impeached for this infirmity. The Constitution, I think must be the only rule to guide us on this occasion; as it is silent with respect to the removal, Congress ought to say nothing about it, because it implies that we have a right to bestow it, and I believe this power is not to be found among the enumerated powers delegated by the Constitution to Congress.

It was said, if the President had this authority, it would make him more responsible for the conduct of the officer. But if we have a vicious President, who inclines to abuse this power, which God forbid, his responsibility will stand us in little stead. Therefore, that idea does not satisfy me that it is proper the President should have this power.

Mr. SEDGWICK.—I wish the words to be struck out, because I conceive them to be unnecessary in this place. I do conceive, Mr. Speaker, that this officer will be the mere creature of the law; and that very little need be said to prove to you that of necessity this ought to be the case. I apprehend, likewise, that it requires but a small share of abilities to point out certain causes for which a person ought to be removed from office, without being guilty of treason, bribery, or malfeasance; and the nature of things demands that it should be so. Suppose, sir, a man becomes insane by the visitation of God, and is likely to ruin our affairs, are the hands of Government to be confined from warding off the evil? Suppose a person in office, not possessing the talents he was judged to have at the time of the appointment, is the error not to be corrected? Suppose he acquires vicious habits, an incurable indolence, or total neglect of the duties of his office, which forebode mischief to the public welfare, is there no way to arrest the threatened danger? Suppose he becomes odious and unpopular by reason of the measures which he pursues, (and this he may do without committing any positive offence against the law,) must he preserve his office in despite of the public will? Suppose him grasping at his own aggrandizement, and the elevation of his connections, by every means short of the treason defined by the Constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquillity, plundering you of the means of defence, by alienating the affections of your allies, and promoting the spirit of discord; is there no way suddenly to seize the worthless wretch, and hurl him from the pinnacle of power? Must the tardy, tedious, desultory road, by way of impeachment, be travelled to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principles of the Government? Sir, the nature of things, the great objects of society, the express objects of this Constitution, require that this thing should be otherwise.

Well, sir, this is admitted by gentlemen; but they say the Senate is to be united with the President in the exercise of this power. I hope, sir, this is not the case; because it would involve us in the most serious difficulty. Suppose a discovery of any of those events which I have just enumerated were to take place when the Senate is not in session, how is the remedy to be applied? This is a serious consideration, and the evil could be avoided no other way than by the Senate's sitting always. Surely no gentleman of this House contemplates the necessity of incurring such an expense. I am sure it will be very objectionable to our constituents; and yet this must be done, or the public interest be endangered by keeping an unworthy officer in place until that body shall be assembled from the extremes of the Union.

It has been said that there is danger of this power being abused, if exercised by one man. Certainly the danger is as great with respect to the Senate, who are assembled from various parts

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of the continent, with different impressions and opinions. It appears to me that such a body is more likely to misuse this power than the man whom the united voice of America calls to the Presidential chair. As the nature of the Government requires the power of removal, I think it to be exercised in this way by a hand capable of exerting itself with effect, and the power must be conferred upon the President by the Constitution, as the executive officer of the Government.

I believe some difficulty will result from determining this question by a mandamus. A mandamus is used to replace an officer who has been removed contrary to law; now, this officer being the creature of the law, we may declare that he shall be removed for incapacity, and, if so declared, the removal will be according to law.

Mr. MADISON.—If the construction of the Constitution is to be left to its natural course, with respect to the Executive powers of this Government, I own that the insertion of this sentiment in law may not be of material importance, though, if it is nothing more than a mere declaration of a clear grant made by the Constitution, it can do no harm; but if it relates to a doubtful part of the Constitution, I suppose an exposition of the Constitution may come with as much propriety from the Legislature, as any other department of the Government. If the power naturally belongs to the Government, and the Constitution is undecided as to the body which is to exercise it, it is likely that it is submitted to the discretion of the Legislature, and the question will depend upon its own merits.

I am clearly of opinion with the gentleman from South Carolina, (Mr. SMITH,) that we ought in this, and every other case, to adhere to the Constitution, so far as it will serve as a guide to us, and that we ought not to be swayed in our decisions by the splendor of the character of the present Chief Magistrate, but to consider it with respect to the merit of men who, in the ordinary course of things, may be supposed to fill the Chair. I believe the power here declared is a high one, and, in some respects, a dangerous one; but, in order to come to a right decision on this point, we must consider both sides of the question; the possible abuses which may spring from the single will of the First Magistrate, and the abuse which may spring from the combined will of the Executive and Senatorial disqualification.

When we consider that the First Magistrate is to be appointed at present by the suffrages of three millions of people, and, in all human probability, in a few years' time by double that number, it is not to be presumed that a vicious or bad character will be selected. If the Government of any country on the face of the earth was ever effectually guarded against the election of ambitious or designing characters to the first office of the State, I think it may with truth be said to be the case under the Constitution of the United States. With all the infirmities incident to a popular election, corrected by the particular mode of conducting it, as directed under the present system, I think we may fairly calculate that the instances

will be very rare in which an unworthy man will receive that mark of the public confidence which is required to designate the President of the United States. Where the people are disposed to give so great an elevation to one of their fellow-citizens, I own that I am not afraid to place my confidence in him, especially when I know he is impeachable for any crime or misdemeanor before the Senate, at all times; and that, at all events, he is impeachable before the community at large every four years, and liable to be displaced if his conduct shall have given umbrage during the time he has been in office. Under these circumstances, although the trust is a high one, and in some degree, perhaps, a dangerous one, I am not sure but it will be safer here than placed where some gentlemen suppose it ought to be.

It is evidently the intention of the Constitution, that the first Magistrate should be responsible for the Executive department; so far therefore as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to his country. Again, is there no danger that an officer, when he is appointed by the concurrence of the Senate, and has friends in that body, may choose rather to risk his establishment on the favor of that branch, than rest it upon the discharge of his duties to the satisfaction of the Executive branch, which is constitutionally authorized to inspect and control his conduct? And if it should happen that the officers connect themselves with the Senate, they may mutually support each other, and for want of efficacy reduce the power of the President to a mere vapor; in which case, his responsibility would be annihilated, and the expectation of it unjust. The high Executive officers, joined in cabal with the Senate, would lay the foundation of discord, and end in an assumption of the Executive power; only to be removed by a revolution in the Government. I believe no principle is more clearly laid down in the Constitution than that of responsibility. After premising this, I will proceed to an investigation of the merits of the question upon Constitutional ground.

I have, since the subject was last before the House, examined the Constitution with attention, and I acknowledge that it does not perfectly correspond with the ideas I entertained of it from the first glance. I am inclined to think, that a free and systematic interpretation of the plan of Government will leave us less at liberty to abate the responsibility than gentlemen imagine. I have already acknowledged that the powers of the Government must remain as apportioned by the Constitution. But it may be contended, that where the Constitution is silent, it becomes a subject of legislative discretion; perhaps, in the opinion of some, an argument in favor of the clause may be successfully brought forward on this ground: I, however, leave it for the present untouched.

By a strict examination of the Constitution, on what appears to be its true principles, and considering the great departments of the Government in the relation they have to each other, I have my

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doubts whether we are not absolutely tied down to the construction declared in the bill. In the first section of the first article, it is said, that all Legislative powers herein granted shall be vested in a Congress of the United States. In the second article, it is affirmed that the Executive power shall be vested in a President of the United States of America. In the third article, it is declared that the Judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as Congress may, from time to time, ordain and establish. I suppose it will be readily admitted, that so far as the Constitution has separated the powers of these great departments, it would be improper to combine them together; and so far as it has left any particular department in the entire possession of the powers incident to that department, I conceive we ought not to qualify them further than they are qualified by the Constitution. The Legislative powers are vested in Congress, and are to be exercised by them uncontrolled by any other department, except the Constitution has qualified it otherwise. The Constitution has qualified the Legislative power, by authorizing the President to object to any act it may pass, requiring, in this case, two-thirds of both Houses to concur in making a law; but still the absolute Legislative power is vested in the Congress with this qualification alone.

The Constitution affirms, that the Executive power shall be vested in the President. Are there exceptions to this proposition? Yes, there are. The Constitution says, that in appointing to office, the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we a right to extend this exception? I believe not. If the Constitution has invested all Executive power in the President, I venture to assert that the Legislature has no right to diminish or modify his Executive authority.

The question now resolves itself into this, Is the power of displacing, an Executive power? I conceive that if any power whatsoever is in its nature Executive, it is the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office, by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his Executive power, to make such appointment? Should we be authorized, in defiance of that clause in the Constitution,—“The Executive power shall be vested in a President,” to unite the Senate with the President in a President, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an Executive nature as the other; and the first only is authorized by being excepted out of the general rule established by the Constitution, in these words, “the Executive power shall be vested in the President.”

The Judicial power is vested in a Supreme

Court; but will gentlemen say the judicial power can be placed elsewhere, unless the Constitution has made an exception? The Constitution justifies the Senate in exercising a judiciary power in determining on impeachments; but can the judicial power be further blended with the powers of that body? They cannot. I therefore say it is incontrovertible, if neither the Legislative nor Judicial powers are subjected to qualifications, other than those demanded in the Constitution, that the Executive powers are equally unabateable as either of the others; and inasmuch as the power of removal is of an Executive nature, and not affected by any Constitutional exception, it is beyond the reach of the Legislative body.

If this is the true construction of this instrument, the clause in the bill is nothing more than explanatory of the meaning of the Constitution, and therefore not liable to any particular objection on that account. If the Constitution is silent, and it is a power the Legislature have a right to confer, it will appear to the world, if we strike out the clause, as if we doubted the propriety of vesting it in the President of the United States. I therefore think it best to retain it in the bill.

Mr. VINING.—I hoped, Mr. Chairman, after the discussion this subject had received on a former occasion, that it would have been unnecessary to re-examine it. The arguments against the clause are reiterated; but, I trust, without a chance of success. They were fully answered before; and I expect the impressions made at that time are not already effaced. The House, as well as the Committee of the Whole, have determined that those words shall be inserted in the bill; the special committee could therefore do no less than place them where they are; a deference is due to the decision of the House.

The House has determined to make a declaration of their construction on the Constitution. I am perfectly in sentiment with the majority on this occasion; and contend, that if this power is not in the President, it is not vested in any body whatever. It cannot be within the Legislative power of the Senate, because it is of an adverse nature; it cannot be within the Executive power of the Senate, because they possess none but what is expressly granted by the Constitution. If gentlemen will point out where the Constitution confers this power upon the Senate, I will read my recantation, and subscribe to the justness of their doctrine.

I am not satisfied that removability shall be acquired only by impeachment. Were the advocates of this doctrine aware of its consequences, when they advanced it? The Senate has the sole power of trying impeachments; the President is here out of the question. If no officer can be Constitutionally removed but by impeachment, it applies to subordinate officers as well as heads of departments. For the Constitution only gives power to Congress to establish officers by law, and vests the appointment in the President. If these officers are not removable but by impeachment, what is to become of our affairs, when any of the accidents occur which were enumerated by the

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gentleman from Massachusetts (Mr. SEDGWICK?) Are we to take the circuitous route of impeachment? The dilatory and inefficient process by that mode, will not apply the remedy to the evil till it is too late to be of advantage. Experience has fixed an eternal stigma upon the system of impeachment; witness the case I mentioned, the other day, of Warren Hastings before the British Lords; what delays and uncertainty with the forms of trial, details of evidence, arguments of counsel, and deliberate decision! I ask gentlemen, can there be a greater evil than this in any Government? Why, then, will gentlemen advocate a doctrine so obnoxious to the principles of the Constitution, when a more favorable construction is at hand?

As to the principle of the gentleman from Virginia, (Mr. WHITE,) that he who appoints must remove; it may be a good one, but it is not a general one. Under this Government, officers appointed by the people are removed by the representatives of the State Legislatures. I take it that the best principle is, that he who is responsible for the conduct of the officer, ought to have the power of removing him; by adhering to this principle, we shall be led to make a right decision on the point in debate. Perhaps it might be equally right that the responsible person should have the appointment of those who are to aid him. But this case is qualified by an express stipulation in the Constitution; and, therefore, must be submitted to. Yet, nevertheless, the responsibility is kept up: the President takes the lead in the business; he nominates, wherefore he becomes answerable for the officer. But whose officer is he? Not the Senate's; for they have no Executive business to perform. The executive duties are all vested in the President. Then the President exercises the duties of foreign affairs. He is answerable for his conduct—to whom? To be sure, to the Senate. But he does not appoint the officer; he first selects, without advice of the Senate; he cannot appoint. This is a check to an improper choice; but does not destroy the responsibility of the President, if he nominates a vicious or improper character.

It may be contended, on the gentleman's principles, that the President shall have the power of removal; because it is he who appoints. The Constitution says, he shall nominate, and, under certain qualifications, appoint. The Senate do not appoint; their judgment only is required to acquiesce in the President's nomination. Where, then, is the natural responsibility placed? Because, where that is, ought to be the power of removal. The Constitution contemplates no other principle. If we were to insert a contrary one, the Government must go to destruction.

Mr. WHITE.—Mention has been made of impeachment, as the only mode of removing an officer. I will explain my ideas on this point, in order that the committee may be masters of my particular objections to the clause. I consider impeachments necessary to be employed in cases respecting an officer who is appointed during good behaviour. Thus the judges can only be removed

by impeachment. The President and Vice President hold their offices for the terms mentioned in the Constitution, not liable to be removed from office in any other way. These circumstances are a deviation from my general principle; but have nevertheless a proper ground to be supported on. The electors who appoint the President, cannot assemble to exercise the authority which would naturally be in them. With respect to the judges, it is found necessary for the proper and uncorrupt administration of justice, and the security of freedom, to have them independent in their stations, so that they be not removable at pleasure. To them, therefore, the doctrine of impeachment is peculiarly applicable. It may properly be extended further, in cases where the President is desirous of retaining an officer who ought not to be retained. This House has the power of controlling him, and may impeach the officer before the Senate. In either of these three cases impeachments are necessary.

I have no doubt in my mind, but an officer can be removed without a public trial. I think there are cases in which it would be improper that his misdeeds should be publicly known. The tranquillity and harmony of the Union might be endangered, if his guilt was not secreted from the world. I have therefore no hesitation in declaring as my sentiment, that the President and Senate may dismiss him.

The Constitution contemplates a removal in some other way besides that by impeachment; or why is it declared in favor of the judges only, that they shall hold their offices during good behaviour? Does not this strongly imply, that, without such an exception, there would have been a discretionary power in some branch of the Government to dismiss even them?

My colleague (Mr. MADISON) has acknowledged the clause to be unnecessary, if the Constitution is allowed its free operation. Now it is my wish that it should have such an operation, and not be wrested by a declaration in a law contrary to what I take to be the true construction. If we are silent on this point, it will probably be allowed a fair interpretation when the power is required to be exercised; but if it could not be adjusted easily in that place, I would rather the Judiciary should decide the point, because it is more properly within their department.

I differ also with my colleague in the principle that he has laid down, that this is in its nature an Executive power. The Constitution supposes power incident to Government, and arranges it into distinct branches, with or without checks; but it enumerates under each Department the powers it may exercise. The Legislature may exert its authority in passing laws relating to any of its particular powers. The Executive power is vested in the President; but the Executive powers so vested, are those enumerated in the Constitution. He may nominate, and, by and with the advice and consent of the Senate, appoint all officers, because the Constitution gives this power, and not because the power is in its nature a power incident to his department. My ideas of

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the Legislative and Executive powers are precisely the same. The Legislature may do certain acts because the Constitution says they shall have power to do them, and the Executive Magistrate is authorized to exercise powers because they are vested in him by the same instrument. It has given him the power of appointment under certain qualifications; the power of removal is incident to the power of appointment, and both equally dependent upon the arrangement made in the Constitution; consequently, a dismissal from office must be brought about by the same modification as the appointment.

Several objections have arisen from the inconvenience with which the power must be exercised, if the Senate is blended with the Executive; and therefore it is inferred that the President ought exclusively to have this power. If we were framing a Constitution, these arguments would have their proper weight, and I might approve such an arrangement. But at present, I do not consider we are at liberty to do that. The Constitution is already formed, and we can go no further in distributing the powers than the Constitution warrants.

It was objected that the President could not remove an officer unless the Senate was in session; but yet the emergency of the case might demand an instant dismissal. I should imagine that no inconvenience would result on this account; because, on my principle, the same power which can make a temporary appointment, can make an equal suspension; the powers are apposite to each other.

The gentleman says, we ought not to blend the Executive and Legislative powers further than they are blended in the Constitution. I contend we do not. There is no expression in the Constitution which says that the President shall have the power of removal from office; but the contrary is strongly implied; for it is said, that Congress may establish officers by law, and vest the appointment, and consequently the removal, in the President alone, in the courts of law, or heads of Departments. Now, this shows that Congress are not at liberty to make any alteration by law in the mode of appointing superior officers; and, consequently, that they are not at liberty to alter the manner of removal.

Let us, then, leave the constitution to a free operation, and let the President, with or without the Senate, carry it into execution. Then, if any one supposes himself injured by their determination, let him have recourse to the law, and its decision will establish the true construction of the Constitution.

Mr. BOURNOR.—This is a question, Mr. Speaker, that requires full consideration, and ought only to be settled on the most candid discussion. It certainly involves the right of the Senate to a very important power. At present, I am so impressed with the importance of the subject, that I dare not absolutely decide on any principle, although I am firmly persuaded we ought to retain the clause in the bill; and, so far as it has been examined, I agree that it is a Legislative

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construction of the Constitution necessary to be settled for the direction of your officers. But if it is a deviation from the Constitution, or in the least degree an infringement upon the authority of the other branch of the Legislature, I shall most decidedly be against it. But I think it will appear, on a full consideration of this business, that we can do no otherwise than agree to this construction, in order to preserve to each Department the full exercise of its powers, and to give this House security for the proper conduct of the officers who are to execute the laws.

The arguments adduced, are to show that the power of removal lies either in the President and Senate, or the President alone, except in the cases of removal by impeachment. There is nothing, I take it, in the Constitution, or the reason of the thing, that officers should be only removable by impeachment. Such a provision would be derogatory to the powers of Government, and subversive of the rights of the people. What says the Constitution on the point? (I fear, sir, it has not been rightly comprehended.) That the House of Representatives shall have the sole power of impeachment; that the Senate shall have the sole power to try all impeachments; and judgment shall not extend further than to removal from office, and disqualification to hold it in future. Then comes the clause declaring absolutely that he shall be removed from office on impeachment for, and on conviction of treason, bribery, or other high crimes or misdemeanors. It is this clause which guards the rights of the House, and enables them to pull down an improper officer, although he should be supported by all the power of the Executive. This, then, is a necessary security to the people, and one that is wisely provided in the Constitution. But I believe it is nowhere said that officers shall never be removed but by impeachment; but it says they shall be removed on impeachment. Suppose the Secretary of Foreign Affairs shall misbehave, and we impeach him; notwithstanding the clearest proof of guilt, the Senate might only impose some trifling punishment, and retain him in office, if it were not for this declaration in the Constitution. Neither this clause, nor any other, goes so far as to say it shall be the only mode of removal; therefore we may proceed to inquire what the other is. Let us examine whether it belongs to the Senate and President. Certainly, sir, there is nothing that gives the Senate this right in express terms: but they are authorized, in express words to be concerned in the appointment. And does this necessarily include the power of removal? If the President complains to the Senate of the misconduct of an officer, and desires their advice and consent to the removal, what are the Senate to do? Most certainly they will inquire if the complaint is well founded. To do this, they must call the officer before them to answer. Who, then, are the parties? The supreme Executive officer against his assistant; and the Senate are to sit as judges to determine whether sufficient cause of removal exists. Does not this set the Senate over the head of the President?

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But suppose they shall decide in favor of the officer, what a situation is the President then in, surrounded by officers with whom, by his situation, he is compelled to act, but in whom he can have no confidence, reversing the privilege given him by the Constitution, to prevent his having officers imposed upon him who do not meet his approbation?

But I have another more solid objection, which places the question in a more important point of view. The Constitution has placed the Senate as the only security and barrier between the House of Representatives and the President. Suppose the President has desired the Senate to concur in removing an officer, and they have declined; or suppose the House has applied to the President and Senate to remove an officer obnoxious to them, and they determine against the measure, the House can have recourse to nothing but an impeachment, if they suppose the criminality of the officer will warrant such a procedure. Will the Senate then be that upright court which they ought to appeal to on this occasion, when they have prejudged your cause? I conceive the Senate will be too much under the control of their former decision, to be a proper body for this House to apply to for impartial justice.

As the Senate are the dernier resort, and the only court of judicature which can determine on cases of impeachment, I am for preserving them free and independent, both on account of the officer and this House. I therefore conceive that it was never the intention of the Constitution to vest the power of removal in the President and Senate; but, as it must exist somewhere, it rests on the President alone. I conceive this point was made fully to appear by the honorable gentleman from Virginia, (Mr. MADISON,) inasmuch as the President is the supreme Executive officer of the United States.

If the doctrine of the gentleman from South Carolina is true, then it follows, that every officer has perpetuity in office, at least during good behavior. If this is to be the case, there was no necessity for declaring in the Constitution that the judges shall hold their offices during good behavior. This would be destroying the responsibility of the President, and establishing such a principle in the Government as would be extremely dangerous.

It was asked, if ever we knew a person removed from office by reason of sickness or ignorance. If there never was such a case, it is, perhaps, nevertheless proper that they should be removed for those reasons; and we shall do well to establish the principle.

Suppose your Secretary of Foreign Affairs rendered incapable of thought or action by a paralytic stroke: I ask whether there would be any propriety in keeping such a person in office, and whether the *salus populi*, the first object of republican Governments, does not absolutely demand his dismissal. Can it be expected that the President is responsible for an officer under these circumstances, although when he went into office he might have been a wise and virtuous man,

and the President well inclined to risk his own reputation upon the integrity and abilities of the person?

I conceive it will be improper to leave the determination of this question to the judges. There will be some indelicacy in subjecting the Executive action in this particular to a suit at law; and there may be much inconvenience if the President does not exercise this prerogative until it is decided by the courts of justice.

From these considerations, the safety of the people, the security of this House, and the adherence to the spirit of the Constitution, I am disposed to think the clause proper; and as some doubts respecting the construction of the Constitution have arisen, I think it also necessary. Therefore, I hope it will remain.

Mr. SMITH, of South Carolina.—I have attended to the arguments of the gentlemen who oppose the motion for striking out, and I apprehend that their reasoning is not perfectly consistent. The construction of some gentlemen is, that the power of removal is given to the President by the Constitution. Others are of opinion that the Constitution is silent; and therefore the House ought to give it. To oppose these adverse arguments, I must return to my strong ground on which my opponents dare not venture. I state again, that if the Constitution has given the power, it is unnecessary to give it here; or if it has not given it, we have no right to confer it, because it is not within the enumerated powers delegated to Congress.

Gentlemen have said that it is proper to give a legislative construction of the Constitution. I differ with them on this point. I think it an infringement of the powers of the judiciary. It is said, we ought not to blend the legislative, executive, or judiciary powers, further than is done by the Constitution; and yet the advocates for preserving each department pure and untouched by the others, call upon this House to exercise the powers of the judges in expounding the Constitution. What authority has this House to explain the law? But if it has this privilege, the Senate is also invested with it as part of the Legislature; and, in exercising it on the present question, we shall be likely to differ. If the Constitution is silent, and gentlemen admit this, it is possible the Senate may view it with a favorable eye to their own right, and reject the bill on account of this clause. A great deal of mischief has arisen in the several States, by the Legislatures undertaking to decide Constitutional questions. Sir, it is the duty of the Legislature to make laws; your judges are to expound them.

It has been said, that cases of impeachment do not extend to officers who are indolent or delirious. I said before, that if a person become indolent, he will neglect his duty, and for that cause I presume he may be impeached. Gentlemen have found out that impeachment is a tedious process; I apprehend the person who is impeached will not think it a dilatory process, but such a one as is wisely inserted in the Constitution for the protection of his person and property. The delay of

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which gentlemen complain is the greatest bulwark of liberty. Our ancestors, who were tenacious of their privileges, guarded them in the best manner they could devise to prevent the inroads of despotism. As well may gentlemen complain of the tedious process in other criminal cases, by indictment of a grand jury and trial by a petit jury. I hope it is not contemplated (if it is, I hope never to see adopted in this country a summary process) to hurry on judgment without reflection. Such doctrine may suit the meridian of Turkey, where a Cadi can give the order and the bowstring at the same moment.

If the Constitution does not extend to insanity, or disability by reason of sickness, then let the law declare him removed until his recovery. But gentlemen's arguments go to prove that the Constitution authorizes the removal for this reason. Why, the same argument would apply to the President and Vice President, if they were to become delirious; yet I think they could not Constitutionally be removed for such a cause.

The Constitution declares that an officer shall be removed by impeachment for treason, bribery, or other high crimes or misdemeanors; yet the doctrine of gentlemen will enable the President, or the President with the advice of the Senate, to inflict the punishment without trial, when the Constitution requires it to be done on impeachment and conviction. This appears to me so inconsistent, that I can by no means be reconciled to it. If this be wrong in the Constitution, it may be proper to amend it in that particular; and when the subject of amendments is taken up, let Congress recommend it with the other improvements to that system. But we cannot now proceed on this idea. For my part, I think, under the Constitution as it now stands, we have no other way to remove an officer than by impeachment.

The gentleman from Virginia has said, that the power of removal is Executive in its nature. I do not believe this to be the case. I have turned over the Constitutions of most of the States, and I do not find that any of them have granted this power to the Governor. In some instances, I find the Executive Magistrate suspends, but none of them have the right to remove officers; and I take it that the Constitution of the United States has distributed the powers of Government on the same principles which most of the State Constitutions have adopted. For it will not be contended that the State Governments did not furnish the members of the late convention with the skeleton of this Constitution.

The gentlemen have observed, that it would be dangerous if the President had not this power. But is there not danger in making your Secretary of Foreign Affairs dependent upon the will and pleasure of the President? Can gentlemen see the danger on one side only? Suppose the President adverse to a just and honorable war which Congress have embarked in, can he not countenance the Secretary of War (for it is in contemplation to establish such an officer) in the waste of public stores, and misapplication of the sup-

plies? Nay, cannot he dragoon your officer into a compliance with his designs, by threatening him with a removal by which his reputation and property would be destroyed? If the officer were established on a better tenure, he would dare to be honest; he would know himself invulnerable in his integrity, and defy the shafts of malevolence, though aimed with Machiavelian policy. He would be a barrier to your Executive officer, and save the State from ruin.

But, Mr. Chairman, the argument does not turn upon the expediency of the measure. The great question is with respect to its constitutionality. And as yet I have heard no argument advanced sufficiently cogent to prove to my mind that the Constitution warrants such a disposition of the power of removal; and until I am convinced that it is both expedient and constitutional, I cannot agree to it.

Mr. GERRY.—Some gentlemen consider this as a question of policy; but to me it appears a question of constitutionality, and I presume it will be determined on that point alone. The best arguments I have heard urged on this occasion came from the honorable gentleman from Virginia, (Mr. MADISON.) He says the Constitution has vested the Executive power in the President; and that he has a right to exercise it under the qualifications therein made. He lays it down as a maxim, that the Constitution vesting in the President the Executive power, naturally vests him with the power of appointment and removal. Now I would be glad to know from that gentleman by what means we are to decide this question. Is his maxim supported by precedent drawn from the practice of the individual States? The direct contrary is established. In many cases the Executives are not in particular vested with the power of appointment; and do they exercise that power by virtue of their office? It will be found that other branches of the Government make appointments. How then can gentlemen assert that the powers of appointment and removal are incident to the Executive Department of Government? To me it appears at best but problematical. Neither is it clear to me that the power that appoints naturally possesses the power of removal. As we have no certainty on either of these points, I think we must consider it as established by the Constitution.

It has been argued, that if the power of removal vests in the President alone, it annuls or renders nugatory the clause in the Constitution which directs the concurrence of the Senate in the case of appointments; it behooves us not to adopt principles subversive of those established by the Constitution. It has been frequently asserted on former occasions, that the Senate is a permanent body, and was so constructed in order to give durability to public measures. If they are not absolutely permanent, they are formed on a renovating principle, which gives them a salutary stability. This is not the case either with the President or House of Representatives; nor is the Judiciary equally lasting, because the officers are subject to natural dissolution. It appears to

me that a permanency was expected in the Magistracy; and therefore the Senate were combined in the appointment to office. But if the President alone has the power of removal, it is in his power at any time to destroy all that has been done. It appears to me that such a principle would be destructive of the intention of the Constitution expressed by giving the power of appointment to the Senate. It also subverts the clause which gives the Senate the sole power of trying impeachments, because the President may remove the officer in order to screen him from the effects of their judgment on an impeachment. Why should we construe any part of the Constitution in such a manner as to destroy its essential principles, when a more consonant construction can be obtained?

It appears very clear to me, that however this power may be distributed by the Constitution, the House of Representatives have nothing to do with it. Why then should we interfere in the business? Are we afraid that the President and Senate are not sufficiently informed to know their respective duties? Our interposition argues that they want judgment, and are not able to adjust their powers without the wisdom of this House to assist them; to say the least on this point, it must be deemed indelicate for us to intermeddle with them. If the fact is, as we seem to suspect, that they do not understand the Constitution, let it go before the proper tribunal; the judges are the Constitutional umpires on such questions. Why, let me ask gentlemen, shall we commit an infraction of the Constitution for fear the Senate or President should not comply with its directions? It has been said by my colleague, that these officers are the creatures of the law; but it seems as if we were not content with that; we are making them the mere creatures of the President. They dare not exercise the privilege of their creation, if the President shall order them to forbear; because he holds their thread of life, his power will be sovereign over them, and will soon swallow up the small security we have in the Senate's concurrence to the appointment, and we shall shortly need no other than the authority of the Supreme Executive officer to nominate, appoint, continue, or remove.

Mr. Ames.—When this question was agitated at a former period, I took no part in the debate. I believe it was then proposed, without any idea or intention of drawing on a lengthy discussion, and to me it appeared to be well understood, and settled by the House; but since it has been reiterated and contested again, I feel it my bounden duty to deliver the reasons for voting in the manner I then did, and shall now do. Mr. Chairman, I look upon every question which touches the Constitution as serious and important, and therefore worthy of the fullest discussion, and the most solemn decision. I believe, on the present occasion, we may come to something near certainty, by attending to the leading principles of the Constitution. In order that the good purposes of a Federal Government should be answered, it was necessary to delegate considerable powers;

and the principle upon which the grant was made, intended to give sufficient power to do all possible good, but to restrain the rulers from doing mischief.

The Constitution places all Executive power in the hands of the President, and could he personally execute all the laws, there would be no occasion for establishing auxiliaries; but the circumscribed powers of human nature in one man, demand the aid of others. When the objects are widely stretched out, or greatly diversified, meaning through such an extent of territory as that the United States possess, a minister cannot see with his own eyes every transaction, or feel with his hands the minutiae that pass through his department. He must therefore have assistants. But in order that he may be responsible to his country, he must have a choice in selecting his assistants, a control over them, with power to remove them when he finds the qualifications which induced their appointment cease to exist. There are officers under the Constitution who hold their office by a different tenure; and from are appointed during good behaviour; your judges are the delicacy and peculiar nature of their trust, it is right it should be so, in order that they may be independent and impartial in administering justice between the Government and its citizens. But the removability of the one class, or immovability of the other, is founded on the same principle, the security of the people against the abuse of power. Does any gentleman imagine that an officer is entitled to his office as to an estate? Or does the Legislature establish them for the convenience of an individual? For my part, I conceive it intended to carry into effect the purposes for which the Constitution was intended.

The Executive powers are delegated to the President, with a view to have a responsible officer to superintend, control, inspect, and check the officers necessarily employed in administering the laws. The only bond between him and those he employs, is the confidence he has in their integrity and talents; when that confidence ceases, the principal ought to have power to remove those whom he can no longer trust with safety. If an officer shall be guilty of neglect or infidelity, there can be no doubt but he ought to be removed; yet there may be numerous causes for removal which do not amount to a crime. He may propose to do a mischief; but I believe the mere intention would not be cause of impeachment. He may lose the confidence of the people upon suspicion, in which case it would be improper to retain him in service; he ought to be removed at any time, when, instead of doing the greatest possible good, he is likely to do an injury to the public interest by being continued in the administration.

I presume gentlemen will generally admit that officers ought to be removed when they become obnoxious; but the question is, how shall this power be exercised? It will not, I apprehend, be contended, that all officers hold their offices during good behaviour. If this be the case, it is a most singular government, I believe there is not ano-

ther in the universe that bears the least semblance to it in this particular; such a principle, I take it, is contrary to the nature of things. But the manner how to remove is the question. If the officer misbehaves, he can be removed by impeachment; but in this case is impeachment the only mode of removal? It would be found very inconvenient to have a man continued in office after being impeached, and when all confidence in him was suspended or lost. Would not the end of impeachment be defeated by this means? If Mr. Hastings, who was mentioned by the gentleman from Delaware, (Mr. VINING,) preserved his command in India, could he not defeat the impeachment now pending in Great Britain? If that doctrine obtains in America, we shall find impeachments come too late; while we are preparing the process, the mischief will be perpetrated, and the offender will escape. I apprehend it will be as frequently necessary to prevent crimes as to punish them; and it may often happen that the only prevention is by removal. The superintendent power possessed by the President will, perhaps, enable him to discover a base intention before it is ripe for execution. It may happen that the Treasurer may be disposed to betray the public chest to the enemy, and so injure the Government beyond the possibility of reparation; should the President be restrained from removing so dangerous an officer, until the slow formality of an impeachment was completed with, when the nature of the case rendered the application of a sudden and decisive remedy indispensable?

But it will, I say, be admitted, that an officer may be removed. The question then is, by whom? Some gentlemen say by the President alone; and others, by the President, by and with the advice of the Senate. By the advocates of the latter mode, it is alleged, that the Constitution is in the way of the power of removal being by the President alone. If this is absolutely the case, there is an end to all further inquiry. But before we suffer this to be considered as an insuperable impediment, we ought to be clear that the Constitution prohibits him the exercise of what, on a first view, appears to be a power incident to the Executive branch of the Government. The gentleman from Virginia (Mr. MADISON) has made so many observations to evince the constitutionality of the clause, that it is unnecessary to go over the ground again. I shall therefore confine myself to answer only some remarks made by the gentleman from South Carolina, (Mr. SMITH.) The powers of the President are defined in the Constitution; but it is said that he is not expressly authorized to remove from office. If the Constitution is silent also with respect to the Senate, the argument may be retorted. If this silence proves that the power cannot be exercised by the President, it certainly proves that it cannot be exercised by the President, by and with the advice and consent of the Senate. The power of removal is incident to Government; but, not being distributed by the Constitution, it will come before the Legislature, and, like every other omitted case, must be supplied by law.

Gentlemen have said, when the question was formerly before us, that all powers not intended to be given up to the General Government were retained. I beg gentlemen, when they undertake to argue from implication, to be consistent, and admit the force of other arguments drawn from the same source. It is a leading principle in every free Government, it is a prominent feature in this, that the Legislative and Executive powers should be kept distinct; yet the attempt to blend the Executive and Legislative departments in exercising the power of removal, is such a mixing as ought not to be carried into practice on arguments grounded on implication. And the gentleman from Virginia, (Mr. WARREN's) reasoning is wholly drawn from implication. He supposes, as the Constitution qualifies the President's power of appointing to office, by subjecting his nomination to the concurrence of the Senate, that the qualification follows of course in the removal.

If this is to be considered as a question decided by the Constitution, and submitted on the footing of expediency, it will be well to consider where the power can be most usefully deposited for the security and benefit of the people. It has been said, by the gentleman on the other side of the House, (Mr. SMITH,) that there is an impriety in allowing the exercise of this power; that it is a dangerous authority, and much evil may result to the liberty and property of the officer, who may be turned out of business without a moment's warning. I take it, the question is not whether such power shall be given or retained; because it is admitted on all hands, that the officer may be removed; so that it is no grant of power; it raises no new danger. If we strike out the clause, we do not keep the power, nor prevent the exercise of it; so that the gentleman will derive none of the security he contemplates by agreeing to the motion for striking out. It will be found that the nature of the business requires it to be conducted by the head of the Executive; and I believe it will be found even there that more injury will arise from not removing improper officers than from displacing good ones. I believe experience has convinced us that it is an irksome business; and officers are more frequently continued in place after they become unfit to perform their duties, than turned out while their talents and integrity are useful. But advantages may result from keeping the power of removal in *terrorem* over the heads of the officers; they will be stimulated to do their duty to the satisfaction of the principal, who is to be responsible for the whole Executive department.

The gentleman has supposed there will be great difficulties in getting officers of abilities to engage in the service of their country upon such terms. There has never yet been any scarcity of proper officers in any department of the Government of the United States; even during the war, when men risked their lives and property by engaging in such service, there were candidates enough. But why should we connect the Senate in the removal? Their

attention is taken up with other important business, and they have no constitutional authority to watch the conduct of the Executive officers, and therefore cannot use such authority with advantage. If the President is inclined to shelter himself behind the Senate, with respect to having continued an improper person in office, we lose the responsibility, which is our greatest security; the blame among so many will be lost. Another reason occurs to me against blending these powers. An officer who superintends the public revenue will naturally acquire a great influence. If he obtains support in the Senate, upon an attempt of the President to remove him, it will be out of the power of the House, when applied to by the First Magistrate, to impeach him with success; for the very means of proving charges of mal-conduct against him will be under the power of the officer; all the papers necessary to convict him may be withheld while the person continues in his office. Protection may be rendered for promotion, and as this officer has such extensive influence, it may be exerted to procure the reelection of his friends. These circumstances, in addition to those stated by the gentleman from New Jersey, (Mr. BOURNICKOT,) must clearly evince to every gentleman the impropriety of connecting the Senate with the President in removing from office.

I do not say these things will take effect now, and if the question only related to what might take place in a few years, I should not be uneasy on this point, because I am sensible the gentlemen who form the present Senate are above corruption; but in future ages, (and I hope this Government may be perpetuated to the end of time,) such things may take place, and it is our duty to provide against evils which may be foreseen, but, if now neglected, will be irremediable.

I beg leave to observe further, that there are three opinions entertained by gentlemen on this subject. One is, that the power of removal is prohibited by the Constitution; the next is, that it requires it by the President; and the other is, that the Constitution is totally silent. It therefore appears to me proper for the House to declare what is their sense of the Constitution. If we declare justly on this point, it will serve for a rule of conduct to the Executive Magistrate: if we declare improperly, the judiciary will revise our decision; so that at all events, I think we ought to make the declaration.

Mr. LIVERMORE.—I am for striking out this clause, Mr. Chairman, upon the principles of the Constitution, from which we are not at liberty to deviate. The honorable gentleman from Massachusetts, (Mr. SENEWICK,) calls the Minister of Foreign Affairs the creature of the law, and that very properly; because the law establishes the office, and has the power of creating him in what shape the Legislature pleases. This being the case, we have a right to create the office under such limitations and restrictions as we think proper, provided we can obtain the consent of the Senate; but it is very improper to draw as a conclusion, from having the power of giving birth to

a creature, that we should therefore bring forth a monster, merely to show that we had such power. I call that creature a monster that has not the proper limbs and features of its species. I think the creature we are forming is unnatural in its proportions. It has been often said, that the Constitution declares the President, by and with the advice and consent of the Senate, shall appoint this officer. This, to be sure, is very true, and so is the conclusion which an honorable gentleman (Mr. WHITTE) from Virginia drew from it, that an officer must be discharged in the way he was appointed.

I believe, Mr. Chairman, this question depends upon a just construction of a short clause in the Constitution. "The President shall have power, by and with the advice and consent of the Senate, to appoint ambassadors, other public ministers and consuls, judges of Supreme Court, and all other officers of the United States." Here is no difference with respect to the power of the President to make treaties and appoint officers, only it requires in the one case a larger majority to concur than in the other. I will not by any means suppose that gentlemen mean, when they argue in favor of removal by the President alone, to contemplate the extension of the power to the repeal of treaties; because, if they do, there will be little occasion for us to sit here. But let me ask these gentlemen, as there is no real or imaginary distinction between the appointment of ambassadors and ministers, or Secretaries of Foreign Affairs, whether they mean that the President should have the power of recalling or discarding ambassadors and military officers, for the words in the Constitution are "all other officers," as well as he can remove your Secretary of Foreign Affairs. To be sure they cannot extend it to the judges, because they are secured under a subsequent article, which declares they shall hold their offices during good behaviour; they have an inheritance which they cannot be divested of, but on conviction of some crime. But I presume gentlemen mean to apply it to all those who have not an inheritance in their offices. In this case, it takes the whole power of the President and Senate to create an officer, but half the power can uncreate him. Surely a law passed by the whole Legislature cannot be repealed by one branch of it; so I conceive, in the case of appointments it requires the same force to supersede an officer as to put him in office.

I acknowledge that the clause relative to impeachment is for the benefit of the people; it is intended to enable their representatives to bring a bad officer to justice who is screened by the President; but I do not conceive, with the honorable gentleman from South Carolina, (Mr. SMITH,) that it by any means excludes the usual ways of superseding officers. It is said in the Constitution that the House shall have the power of choosing their own officers. We have chosen a clerk, and, I am satisfied, a very capable one; but will any gentleman contend we may not discharge him and choose another, and another, as often as we see cause? And so it is in every

other instance; where they have the power to make, they have likewise the power to unmake. It will be said by gentlemen that the power to make does not imply the power of unmaking; but I believe they will find very few exceptions in the United States.

Were I to speak of the expediency, every one of my observations would be against it. When an important and confidential trust is placed in a man, it is worse than death to him to be displaced without cause; his reputation depends on the single will of the President, who may ruin him on bare suspicion. Nay, a new President may turn him out on mere caprice, or in order to make room for a favorite. This contradicts all my notions of propriety; every thing of this sort should be done with due deliberation; every person ought to have a hearing before he is punished. It is on these considerations that I wish the general principles laid down by the gentleman from Virginia (Mr. WHITE) may be adhered to.

I will add one word more and have done. This seems, Mr. Chairman, altogether to be aimed at the Senate. What have they done to chagrin us? Or why should we attempt to abridge their powers, because we can reach them by our regulations in the shape of a bill? I think we had better let it alone. If the Constitution has given them this power, they will reject this part of the bill, and they will exercise that one privilege judiciously, however they may the power of removal. If the Constitution has not given it to them, it has not vested it any where else; consequently, this House would have no right to confer it.

On motion, the committee rose and reported progress.

— WEDNESDAY, June 17.

GEORGE MATTHEWS, from Georgia, appeared and took his seat.

DEPARTMENT OF FOREIGN AFFAIRS.

The House resolved itself into a Committee of the Whole on the bill establishing an Executive department, to be denominated the Department of Foreign Affairs; Mr. TAUNBULL in the Chair. The clause, "to be removable by the President," being under consideration—

Mr. HARTLEY.—I was not present when this question was first brought before the House; but I heard the arguments which were yesterday urged against the President's exercising the power of removal, and am by no means satisfied that they are well founded. If no better are brought forward, I shall be against striking out. It was contended by one gentleman that the appointment to this office was to be during good behaviour; and asserted by others that the President had not the power of removal without the advice and consent of the Senate. I mean to offer a few remarks on these positions; but first I would observe that this is an office of considerable importance, if we are to judge by the duties assigned in the body of the bill. In all commercial countries it will require men of high talents to fill such an office, and great responsibility. It is necessary to

connect the business in such a manner as to give the President of the United States a complete command over it; so, in whatever hands it is placed, or however modulated, it must be subjected to his inspection and control. This certainly is the fair construction of the Constitution, and a practical recognition of the principles upon which republican Governments are founded in general, and this in particular.

I apprehend, Mr. Chairman, that this officer cannot be considered as appointed during good behaviour, even in point of policy; but with respect to the Constitutionality, I am pretty confident he cannot be viewed in that light. The Constitution declares the tenure of the officers it recognises, and says one class of them shall hold their offices during good behaviour—they are the judges of your Supreme and other Courts; but as to any other officer being established on this firm tenure, the Constitution is silent. It then necessarily follows, that we must consider every other according to its nature, and regulate it in a corresponding manner. The business of the Secretary of Foreign Affairs is of an executive nature, and must consequently be attached to the Executive Department.

I think the gentleman from South Carolina goes too far in saying, that the clause respecting impeachments implies that there is no other mode of removing an officer. I think it does not follow, that because one mode is pointed out by the Constitution, there is no other, especially if that provision is intended for nothing more than a punishment for a crime. The fourth section of the second article says, that all civil officers shall be removed on conviction of certain crimes. But it cannot be the intention of the Constitution to prevent by this a removal in every other way: such a principle, if once admitted, would be attended with very inconvenient and mischievous consequences.

The gentleman further contends, that every man has a property in his office, and ought not to be removed but for criminal conduct; he ought not to be removed for inability. I hope this doctrine will never be admitted in this country. A man when in office ought to have abilities to discharge the duties of it; if he is discovered to be unfit, he ought to be immediately removed, but not on the principles that gentleman contends for. If he has an estate in his office, his right must be purchased, and a practice like what obtains in England will be adopted here; we shall be unable to dismiss an officer without allowing him a pension for the interest he is deprived of. Such doctrine may suit a nation which is strong in proportion to the number of dependents upon the Crown, but will be very pernicious in a Republic like ours. When we have established an office, let the provision for the support of the officer be sufficient to compensate his services; but never let it be said that he has an estate in his office when he is found unfit to perform his duties. If officers are to be held during good behaviour, it is easy to foresee that we shall have as many factions as heads of departments. The consequence would

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be corruption in one of the great departments of Government; and if the balance is once destroyed, the Constitution must fall amidst the ruins. From this view of the subject, I have no difficulty to declare, that the Secretary of Foreign Affairs is an officer during pleasure, and not during good behaviour, as contended for.

One gentleman (Mr. WHITE) holds the same principles, but differs with respect to the power which ought to exercise the privilege of removal. On this point, we are reduced to a matter of construction; but it is of high importance to the United States that a construction should be rightly made. But gentlemen say it is inconsistent with the Constitution to make this declaration; that, as the Constitution is silent, we ought not to be explicit. The Constitution has expressly pointed out several matters which we can do, and some which we cannot do; but in other matters it is silent, and leaves them to the discretion of the Legislature. If this is not the case, why was the last clause of the eighth section of the first article inserted? It gives power to Congress to make all laws necessary and proper to carry the Government into effect.

I look upon it that the Legislature have therefore a right to exercise their discretion on such questions; and however attentively gentlemen may have examined the Constitution on this point, I trust they have discovered no clause which forbids this House interfering in business necessary and proper to carry the Government into effect.

The Constitution expressly grants to the President the power of filling all vacancies during the recess of the Senate. This is a temporary power like that of removal, and liable to very few of the objections which have been made. When the President has removed an officer, another must be appointed; but this cannot be done without the advice and consent of the Senate: where then is the danger of a system of favoritism? The President, notwithstanding the supposed depravity of mankind, will hardly remove a worthy officer, to make way for a person whom the Senate may reject. Another reason why the power of removal should be lodged with the President, rather than the Senate, arises from their connexion with the people. The President is the representative of the people in a near and equal manner; he is the guardian of his country. The Senate are the representatives of the State Legislatures; but they are very unequal in that representation. Each State sends two members to that House, although their proportions are as ten to one. Hence arises a degree of insecurity to an impartial administration; but if they possessed every advantage of equality, they cannot be the proper body to inspect into the proper behaviour of officers, because they have no Constitutional powers for this purpose. It does not always imply criminality to be removed from office, because it may be proper to remove for other causes; neither do I see any danger which may result from the exercise of this power by the President, because the Senate is to be con-

sulted in the appointment which is afterwards to take place. Under these circumstances, I repeat it, that I have no doubt in my own mind, that this office is during pleasure, and that the power of removal which is a mere temporary one, ought to be in the President, whose powers, taken together, are not very numerous, and the success of this Government depends upon their being unimpairable.

Mr. LAWRENCE.—I was in hopes, as this question was pretty fully discussed before, the House would not have been troubled again with it. But as much has again been said in opposition, I should not feel a conscious discharge of my duty, unless I offered those sentiments which have forcibly impressed my mind with their weight, and induced me to vote in favor of the clause.

It has been objected against this clause, that the granting of this power is unconstitutional; it was also objected, that if not unconstitutional, it is unnecessary; that the Constitution must contain in itself the power of removal, and have given it to some body or person of the Government to be exercised; that therefore the law could make no disposition of it, and the attempt to grant it was unconstitutional, or the law is unnecessary; for if the power is granted in the way the clause supposes, the Legislature can neither add to nor diminish the power by making the declaration.

With respect to the unconstitutionality of the measure, I observe that if it is so, the Constitution must have given the power expressly to some person or body other than the President; otherwise it cannot be said with certainty that it is unconstitutional in us to declare that he shall have the power of removal. I believe it is not contended that the Constitution expressly gives this power to any other person; but it is contended that the objection is collected from the nature of the body which has the appointment, and the particular clause in the Constitution which declares that all officers shall be removed on conviction. It will be necessary to examine the expressions of that clause; I believe it will be found not to comprehend the case we have under consideration. I suppose the Constitution contemplates somewhere the power of removal for other causes besides those expressed as causes of impeachment. I take it, that the clause in the Constitution respecting impeachments, makes a provision for removal against the will of the President; because the House can carry the offender before a tribunal which shall remove him, notwithstanding the desire of the Chief Magistrate to keep him in office. If this is not to be the construction, then a particular clause in the Constitution will be nugatory. The Constitution declares that the judges shall hold their offices during good behaviour. This implies that other officers shall hold their offices during a limited time; or according to the will of some person; because if all persons are to hold their offices during good behaviour, and to be removed only by impeachment, then this particular declaration in favor of the judges will be useless. We

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are told that an officer must misbehave before he can be removed. This is true with respect to those officers who hold their commissions during good behaviour, but it cannot be true of those who are appointed during pleasure, they may be removed for incapacity, or if their want of integrity is suspected; but the question is, to find where this power of removal resides.

It has been argued, that we are to find this in the construction arising from the nature of the authority which appoints. Here I would meet the gentlemen, if it was necessary to rest it entirely on that ground. Let me ask the gentlemen, who appoints? The Constitution gives an advisory power to the Senate; but it is considered that the President makes the appointment. The appointment and responsibility are actually his; for it is expressly declared, that he shall nominate and appoint, though their advice is required to be taken. If from the nature of the appointment we are to collect the authority of removal, then I say the latter power is lodged in the President; because by the Constitution he has the power of appointment; instantly as the Senate have advised the appointment, the act is required to be executed by the President. The language is explicit: "He shall nominate, and, by and with the advice and consent of the Senate, appoint;" so that if the gentlemen's general principle, that the power of appointing shall remove be true, it follows that the removal is to be President.

It has been stated as an objection, that we should extend the powers of the President, if we give him the power of removal; and we are not to construe the Constitution in such way as to enlarge the Executive power to the injury of any other; that, as he is limited in the power of appointment by the control of the Senate, he ought to be equally limited in the removal.

If there be any weight in this argument it applies as forcibly against vesting the power conjointly in the President and Senate; because if we are not to extend the powers of the Executive beyond the express detail of duties found in the Constitution, neither are we at liberty to extend the duties of the Senate beyond those precise points fixed in the same instrument; of course, if we cannot say the President alone shall remove, we cannot say the President and Senate may exercise such power.

It is admitted, that the Constitution is silent on this subject, but it is also silent with respect to the appointments it has vested in the Legislature. The Constitution declares, that Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or heads of departments; yet says nothing with respect to the removal. Now, let us suppose the Legislature to have vested the power of appointment in the President in cases of inferior officers; can the intention of the Constitution in this, contemplating this mode of appointment, for the sake of convenience, be ever carried into effect? If we say nothing respecting the removal, what would be the consequence if the Legislature should not make the declaration?

Could it be supposed that he would not have the authority to dismiss the officer he had so appointed? To be sure he could; then, of course, in those cases in which the Constitution has given the appointment to the President, he must have the power of removal for the sake of consistency. For no person will say, that, if the President should appoint an inferior officer, he should not have the power to remove him when he thought proper, if no particular limitation was determined by the law. Thus stands the matter with respect to the Constitution. There is no express prohibition of the power nor positive grant. If then we collect the power by inference from the Constitution, we shall find it pointed strongly in favor of the President, much more so than in favor of the Senate combined with him.

This is a case omitted, or is it not. If it is omitted, and the power is necessary and essential to the Government and to the great interests of the United States, who are to make the provision and supply the defect? Certainly the Legislature is the proper body. It is declared they shall establish offices by law. The establishment of an office implies every thing relative to its formation, constitution, and termination; consequently, the Congress are authorized to declare their judgment on each of these points. But, if the arguments of the gentleman from South Carolina (Mr. SMITH) prevail, that as the Constitution has not mediated the removal of an officer in any other way than by impeachment, it would be an assumption in Congress to vest the President, courts of law, or heads of departments, with power to dismiss their officers in any other manner. Would a regulation of this kind be effectual to carry into effect the great objects of the Constitution? I contend it would not. Therefore, the principle which opposes the carrying of the Constitution into effect, must be rejected as dangerous, and incompatible with the general welfare. Hence, all those suppositions, that, because the Constitution is silent, the Legislature must not supply the defect, are to be treated as chimeras and illusory inferences.

I believe it is possible that the Constitution may be misconstrued by the Legislature; but, will any gentleman contend, that it is more probable that the Senate, one branch only of the Legislature, should make a more upright decision on any point than the whole Legislature, especially on a point in which they are supported by some gentlemen to be so immediately interested, even admitting that honorable body to have more wisdom and more integrity than this House? Such an inference can hardly be admitted; but I believe it seldom or never was contended, that there was more wisdom or security in a part than in the whole.

But, supposing the power to vest in the Senate, is it more safe in their hands than where we contend it should be? Would it be more satisfactory to our constituents for us to make such a declaration in their favor? I believe not.

With respect to this and every case omitted, but which can be collected from the other provisions made in the Constitution, the people look

up to the Legislature, the concurrent opinion of the two branches, for their construction; they conceive those cases proper subjects for legislative wisdom; they naturally suppose, where provisions are to be made, they ought to spring from this source, and this source alone.

From a view of these circumstances, we may be induced to meet the question in force. Shall we now venture to supply the defect? For my part, I have no hesitation. We should supply the defect; we should place the power of removal in the great Executive officer of the Government.

In the Constitution, the heads of departments are considered as the mere assistants of the President, in the performance of his Executive duties. He has the superintendence, the control, and the inspection of their conduct; he has an intimate connexion with them; they must receive from him his orders and directions; they must answer his inquiries in writing when he requires it. Shall the person having these superior powers to govern, with such advantages of discovering and defeating the base intentions of his officers, their delinquencies, their defective abilities, or their negligence, be restrained from applying these advantages to the most useful, nay, in some cases, the only useful purpose which can be answered by them?

It appears to me, that the power can be safely lodged here. But it has been said by some gentlemen, that if it is lodged here, it will be subject to abuse; that there may be a change of officers, and a complete revolution throughout the whole Executive department, upon the election of every new President. I admit this may be the case, and contend that it should be the case, if the President thinks it necessary. I contend, that every President ought to have those men about him in whom he can place the most confidence, provided the Senate approve his choice. But we are not from hence to infer, that changes will be made in a wanton manner, and from capricious motives; because the Presidents are checked and guarded in a very safe manner with respect to the appointment of their successors; from all which it may be fairly presumed, that changes will be made on principles of policy and propriety only.

Will the man chosen by three millions of his fellow-citizens be such a wretch as to abuse them in a wanton manner? For my part, I should think with the gentleman from Virginia (Mr. Madison) that a character thus selected and honored by his country is entitled to my confidence; and I see no reason why we should suppose he is more inclined to do harm than good. Elected as he is, I trust, we are secure. I do not draw these observations from the safety I conceive under the present Administration, or because our Chief Magistrate is possessed of irradiated virtues, whose lustre brightens this Western hemisphere, and incites the admiration of the world. But I calculate upon what our mode of election is likely to bring forward, and the security which the Constitution affords. If the President abuses his trust, will he escape the popular censure when the period which terminates his elevation ar-

rives? And would he not be liable to impeachment for displacing a worthy and able man, who enjoyed the confidence of the people?

We ought not to consider one side alone, we should consider the benefit of such an arrangement as well as the difficulties. We ought also to consider the difficulties arising from the exercise of the power of removing by the Senate. It was well observed by an honorable gentleman (Mr. Sedgwick) on this point, that the Senate must continue in session the whole year, or be hastily assembled from the extremes and all parts of the continent, whenever the President thinks a removal necessary. Suppose an ambassador or minister plenipotentiary negotiating or intriguing contrary to his instructions, to the injury of the United States, before the Senate can be assembled to accede to his recall; the interest of his country may be betrayed, and the evil irreparably perpetrated. A great number of such instances might be enumerated, sufficient to convince gentlemen that, with respect to the expediency, the power of removal ought not to be in the Senate.

I take it, Mr. Chairman, that it is proper for the Legislature to speak their sense upon those points on which the Constitution is silent. I believe the judges will never decide that we are guilty of a breach of the Constitution, by declaring a Legislative opinion in cases where the Constitution is silent. If the laws shall be in violation of any part of the Constitution, the judges will not hesitate to decide against them; where the power is incident to the Government, and the Constitution is silent, it can be no impediment to a Legislative grant; I hold it necessary in such cases to make provision. In the case of removal, the Constitution is silent; the wisdom of the Legislature should therefore declare where the power resides.

Mr. Jackson.—Much time, Mr. Chairman, has been taken up in discussing this question; but, considering its importance, I trust no complaint will be made on this account. Although I am at all times unwilling to trespass on the committee, I cannot sit still and pass this subject with a silent vote. As a Constitutional question, it is of great moment, and worthy of full discussion. I am, sir, a friend to the full exercise of all the powers of Government, and deeply impressed with the necessity there exists of having an energetic Executive. But, friend as I am to an efficient Government, I value the liberties of my fellow-citizens beyond every other consideration; and where I find them endangered, I am willing to forego every other blessing to secure them. I hold it as good a maxim as it is an old one, of two evils to choose the least.

It has been mentioned, that in all Governments the Executive Magistrate has the power of dismissing officers under him. This may hold good in Europe, where monarchs claim their powers *jure divino*, but it never can be admitted in America, under a Constitution delegating only enumerated powers. It requires more than a mere *ipse dixit* to demonstrate that any power is in its na-

ture Executive, and consequently given to the President of the United States by the present Constitution; but if this power is incident to the Executive branch of Government, it does not follow that it vests in the President alone, because he alone does not possess all Executive powers. The Constitution has lodged the power of forming treaties, and all Executive business, I presume, connected therewith, in the President, but it is qualified by and with the advice and consent of the Senate, provided two-thirds of the Senate agree therein; the same has taken place with respect to appointing officers. From this I infer, that those arguments are done away which the gentleman from Virginia (Mr. Madison) used to prove, that it was contrary to the principles of the Constitution that we should blend the Executive and Legislative powers in the same body. It may be wrong that the great powers of Government should be blended in this manner; but we cannot separate them; the error is adopted in the Constitution, and can only be eradicated by wedding it out of that instrument; it may therefore be a proper subject for amendment, when we come to consider that business again.

It has been observed, that the President ought to have this power to remove a man when he becomes obnoxious to the people or disagreeable to himself. Are we, then, to have all the officers the mere creatures of the President? This thirst of power will introduce a treasury bench into the House, and we shall have ministers obtrude upon us to govern and direct the measures of the Legislature, and to support the influence of their master. And shall we establish a different influence between the people and the President? I suppose these circumstances must take place, because they have taken place in other countries. The Executive power falls to the ground in England, if it cannot be supported by the Parliament; therefore a high game of corruption is played, and a majority secured to the ministry by the introduction of placemen and pensioners.

The gentlemen have brought forward arguments drawn from possibility. It is said, that our Secretary of Foreign Affairs may become unfit for his office by a fit of lunacy, and therefore a silent remedy should be applied. It is true such a case may happen, but it may also happen in cases where there is no power of removing. Suppose the President should be taken with a fit of lunacy, would it be possible by such arguments to remove him? I apprehend he must remain in office during his four years. Suppose the Senate should be seized with a fit of lunacy, and it was to extend to the House of Representatives; what could the people do but endure this mad Congress till the term of their election expired? We have seen a King of Great Britain in an absolute fit of lunacy, which produced an *interregnum* in the Government. The same may happen here with respect to our President; and although it is improbable that the majority of both Houses of Congress may be in that situation, yet it is not impossible. But gentlemen have brought forward another argument with respect to the judges. It

is said they are to hold their offices during good behaviour: I agree that it ought to be the case. But is not a judge liable to the act of God as well as any other officer of Government? How ever great his legal knowledge, his judgment, and integrity, it may be taken from him at a stroke, and he rendered the most unfit of all men to fill such an important office. But can you remove him? Not for this cause, it is impossible; because madness is no treason, crime, or misdemeanor. If he does not choose to resign, like Lord Mansfield, he may continue in office for ninety or one hundred years, although seldom so long have any men retained their faculties.

But let me ask gentlemen, if it is possible to place their officers in such a situation as to deprive them of their independency and firmness; for I apprehend it is not intended to stop with the Secretary of Foreign Affairs. Let it be remembered, that the Constitution gives the President the command of the military. If you give him complete power over the man with the strong box, he will have the liberties of America under his thumb. It is easy to see the evil which may result. If he wants to establish an arbitrary authority, and finds the Secretary of Finance not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed of principles more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne upon the ruins of your visionary republic. Let no gentleman say I am contemplating imaginary dangers, the mere chimeras of a heated brain. Behold the baleful influence of the royal prerogative when officers hold their commission during the pleasure of the Crown!

At this moment, see the King of Sweden, timorous at arbitrary power, shutting up the doors of his Senate, and compelling, by force of arms, his shuddering counsellors to acquiesce in his despotic mandates. I agree that this is the hour in which we ought to establish our Government; but it is an hour in which we should be wary and cautious, especially in what respects the Executive Magistrate; with the present, I grant, every power may be safely lodged. Black indeed is the heart of that man who even suspects him to be capable of abusing them. But alas! he cannot be with us forever: he is liable to the vicissitudes of life; he is but mortal, and though I contemplate it with great regret, yet I know the period must come which will separate him from his country; and can we know the virtues or vices of his successor in a very few years? May not a man, with a Pandora's box in his breast, come into power, and give us sensible cause to lament our present confidence and want of foresight?

A gentleman has declared, that as the Constitution has given the power of appointment, it has consequently given the power of removal. I agree with him in all the Constitution expressly grants, but I must differ in the constructive reasoning. It was said by the advocates of this Constitution, that the powers not given up in that instrument were reserved to the people. Under

this impression, it has been proposed, as a favorite amendment to the Constitution, that it should be declared that all powers not expressly given should be retained. As to what gentlemen have said of its giving satisfaction to the people, I deny it; they never can be pleased that we should give new and extraordinary powers to the Executive; we must confine ourselves to the powers described in the Constitution, and the moment we pass it, we take an arbitrary stride towards a despotic Government.

The gentleman from New York (Mr. LAWRENCE) contends that the President appoints, and, therefore, he ought to remove. I shall agree to give him the same power in cases of removal that he has in appointing; but nothing more. Upon this principle, I would agree to give him the power of suspension during the recess of the Senate. This, in my opinion, would effectually provide against those inconveniences which have been apprehended, and not to expose the Government to those abuses we have to dread from the wanton and uncontrolled authority of removing officers at pleasure. I am the friend of an energetic Government; but while we are giving vigor to the Executive arm, we ought to be careful not to lay the foundation of future tyranny. I think this power too great to be safely trusted in the hands of a single man, especially in the hands of a man who has so much Constitutional power. I believe if those powers had been more contracted, the system of Government would have been more generally agreeable to our constituents; that is, at present, it would conform more to the popular opinion at least. For my part, though I came from a State where the energy of Government can be useful, and where it is at this moment wanting, I cannot agree to extend this power; because I conceive it may, at some future period, be exercised in such a way as to subvert the liberties of my country; and no consideration shall ever induce me to put them in jeopardy. It is under this impression that I shall vote decidedly against the clause.

Mr. CLYMER.—If I were to give my vote merely on Constitutional ground, I should be totally indifferent whether the words were struck out or not; because I am clear that the Executive has the power of removal as incident to his department; and, if the Constitution had been silent with respect to the appointment, he would have had that power also. The reason, perhaps, why it was mentioned in the Constitution, was to give some further security against the introduction of improper men into office. But in cases of removal there is not such necessity for this check. What great danger would arise from the removal of a worthy man, when the Senate must be consulted in the appointment of his successor? Is it likely they will consent to advance an improper character? The presumption therefore is, that he would not abuse this power; or, if he did, only one good man would be changed for another.

If the President is divested of his power, his responsibility is destroyed; you prevent his efficiency, and disable him from affording that secu-

rity to the people which the Constitution contemplates. What use will it be of calling the citizens of the Union together every four years to obtain a purified choice of a representative, if he is to be a mere cipher in the Government? The Executive must act by others; but you reduce him to a mere shadow, when you control both the power of appointment and removal; if you take away the latter power, he ought to resign the power of superintending and directing the Executive parts of Government into the hands of the Senate at once, and then we become a dangerous aristocracy, or shall be more destitute of energy than any Government on earth. These being my sentiments, I wish the clause to stand as a Legislative declaration, that the power of removal is constitutionally vested in the President.

Mr. PAGE.—After so much has been said, I should not presume to trouble the House with my sentiments, but that I seconded the motion. I do contend it must appear to every person who reads the Constitution, without hearing the ingenious explanations that have been made, that the clause in the bill is unconstitutional. How is it to be reconciled to the clause which relates to impeachment, or the clause vesting the appointment in the President, by and with the advice and consent of the Senate? But, independent of these considerations, it must appear improper. I venture to assert, that this clause of the bill contains in it the seeds of royal prerogative. If gentlemen lay such stress on the energy of the Government, I beg them to consider how far this doctrine may go. Every thing which has been said in favor of energy in the Executive, may go to the destruction of freedom, and establish despotism. This very energy, so much talked of, has led many patriots to the Bastille, to the block, and to the halter. If the Chief Magistrate can take a man away from the head of a department, without assigning any reason, he may as well be invested with power, on certain occasions, to take away his existence. But will you contend, that this idea is consonant with the principles of a free Government, where no man ought to be condemned unheard, not till after a solemn conviction of guilt on a fair and impartial trial? It would, in my opinion, be better to suffer, for a time, the mischief arising from the conduct of a bad officer, than admit principles which would lead to the establishment of despotic prerogatives. Gentlemen may be, and no doubt are, actuated by honest motives in supporting this clause; but I lament them as laboring under a fatal error, which may ruin their country.

There can be little occasion for the President to exercise this power, unless you suppose that the appointments will be made in a careless manner, which by no means is likely to be the case; if, then, you have a good officer, why should he be made dependent upon the will of a single man? Suppose a colonel in your army should disobey his orders, or cowardly flee before the enemy; what would the general do? Would he be at liberty to dismiss the officer? No; he would suspend him until a court martial was held to de-

cide the degree of guilt. If gentlemen had been content to say that the President might suspend, I should second their motion, and afterwards the officer might be removed by and with the advice and consent of the Senate; but to make every officer of the Government dependent on the will and pleasure of one man, will be vesting such arbitrary power in him, as to occasion every friend to liberty to tremble for his country. I confess it seems to me a matter of infinite concern, and I should feel very unhappy if I supposed the clause would remain in the bill.

Mr. SHARMAN.—I consider this as a very important subject in every point of view, and therefore worthy of full discussion. In my mind it involves three questions: First, whether the President has, by the Constitution, the right to remove an officer appointed by and with the advice and consent of the Senate? No gentleman contends but that the advice and consent of the Senate are necessary to make the appointment in all cases, unless in inferior offices where the contrary is established by law; but then they allege that, although the consent of the Senate is necessary to the appointment, the President alone, by the nature of his office, has the power of removal. Now, it appears to me, that this opinion is ill-founded, because this provision was intended for some useful purpose, and by that construction would answer none at all. I think the concurrence of the Senate as necessary to appoint an officer as the nomination of the President; they are constituted as mutual checks, each having a negative upon the other.

I consider it as an established principle, that the power which appoints can also remove, unless there are express exceptions made. Now the power which appoints the judges cannot displace them, because there is a Constitutional restriction in their favor; otherwise the President, by and with the advice and consent of the Senate, being the power which appointed them, would be sufficient to remove them. This is the construction in England, where the King has the power of appointing judges; it was declared to be during pleasure, and they might be removed when the monarch thought proper. It is a general principle in law, as well as reason, that there shall be the same authority to remove as to establish. It is so in legislation, where the several branches whose concurrence is necessary to pass a law, must concur in repealing it. Just so I take it to be in cases of appointment; and the President alone may remove when he alone appoints, as in the case of inferior offices to be established by law.

Here another question arises, whether this officer comes within the description of inferior officers? Some gentlemen think not, because he is the head of the Department of Foreign Affairs. Others may perhaps think that, as he is employed in the Executive department, in aid of the President, he is not such an officer as is understood by the term Heads of Departments; because the President is the head of the Executive department, in which the Secretary of Foreign Affairs serves. If this is the construction which gentle-

men put upon the business, they may vest the appointment in the President alone, and the removal will be in him of consequence. But if this reasoning be not admitted, we can by no means vest the appointment, or removal either, in the Chief Magistrate alone. As the officer is the mere creature of the Legislature, we may form it under such regulations as we please, with such powers and duration as we think good policy requires. We may say he shall hold his office during good behaviour, or that he shall be annually elected. We may say he shall be displaced for neglect of duty, and point out how he shall be convicted of it; without calling upon the President or Senate.

The third question is, if the Legislature has the power to authorize the President alone to remove this officer, whether it is expedient to invest him with it? I do not believe it is absolutely necessary that he should have such power, because the power of suspending would answer all the purposes which gentlemen have in view by giving the power of removal. I do not think that the officer is only to be removed by impeachment, as is argued by the gentleman from South Carolina, (Mr. SMITH,) because he is the mere creature of the law, and we can direct him to be removed on conviction of mismanagement or inability, without calling on the Senate for their concurrence. But I believe, if we make no such provision, he may constitutionally be removed by the President, by and with the advice and consent of the Senate; and I believe it would be most expedient for us to say nothing in the clause on this subject.

Mr. STONE.—I think it necessary, Mr. Chairman, to determine the question before us. I do not think it would do to leave it to the determination of courts of law hereafter. It should be our duty, in cases like the present, to give our opinion on the construction of the Constitution.

When the question was brought forward I felt unhappy, because my mind was in doubt; but since then I have deliberately reflected upon it, and have made up an opinion perfectly satisfactory to myself. I consider, that in general, every officer who is appointed should be removed by the power that appoints him. It is so in the nature of things. The power of appointing an officer arises from the power over the subject on which the officer is to act. It arises from the principal who appoints having an interest in and a right to conduct the business, which he does by means of an agent. Therefore, this officer appears to be nothing more than an agent, appointed for the convenient dispatch of business. This is my opinion on this subject, and the principle will operate from a Minister of State down to a tide-waiter. The Constitution, it is admitted by every gentleman, recognises the principle. Because it has not been denied, whenever general appointments are made under the Constitution, that they are to be at will and pleasure; that where an appointment is made during good behaviour, it is an exception to the general rule. There you limit the exercise of the power which appoints. It is thus in the case of the judges.

H. or R.]

Department of Foreign Affairs.

[JUNE, 1789.]

Let us examine, then, whence originates the power of Congress with respect to the officer under consideration. I presume it is expressly contained in the Constitution, or clearly deducible from that instrument, that we have a right to erect the Department of Foreign Affairs. No gentlemen will consent to a reduction or relinquishment of that power. The Constitution has given us the power of laying and collecting taxes, duties, imposts, and excises; this includes the power of organizing a Revenue Board. It gives us power to regulate commerce; this includes the power of establishing a Board of Trade. To make war, and organize the militia; this enables us to establish a Minister at War, and generally to make all laws necessary to carry these powers into effect. Now it appears to me that the erection of this department is expressly within the Constitution. But there is a provision in the Constitution which takes away from us the power of appointing officers of a certain description. They are to be appointed by the President, by and with the advice and consent of the Senate. Then the Constitution limits the Legislature in appointing certain officers, which would otherwise be within their power.

It will then become a considerable question, as it has been in my mind, that as, in the nature of things, the power which appoints removes also, and as the power of appointment by the Constitution is placed in the President and Senate, whether the removal does not follow as incidental to that power? But I am averse to that construction, as the terms of the Constitution are sufficient to invest the Legislature with complete power for performing its duties. And as it has given the power of making treaties, and judging of them, to the Senate and President, I should be inclined to believe, that as they have an immediate concern in and control over this business, they therefore ought to have the power of removal. It may be said, with respect to some other officers, that, agreeably to this principle, the President alone ought to have the sole power of removal; because he is interested in it, and has the control over the business they manage. For example, take the Minister at War. The President is the commander-in-chief of the army and militia of the United States; but the ground is narrowed by the Senate being combined with him in making treaties; though even here again the ground is reduced, because of the power combined in the whole Legislature to declare war and grant supplies. If it is considered that Congress have a right to appoint these officers, or dictate the mode by which they shall be appointed, (and I calculate, in my own opinion, the manner of dismissal from the mode of appointment.) I should have no doubt but we might make such regulations as we may judge proper. If the Constitution had given no rule by which officers were to be appointed, I should search for one in my own mind; but as the Constitution has laid down the rule, I consider the mode of removal as clearly defined as by implication it can be. It ought to be the same as that of the appointment. What quality of the human

mind is necessary for the one that is not necessary for the other? Information, impartiality, and judgment in the business to be conducted, are necessary to make a good appointment. Are not the same properties requisite for a dismissal? It appears so to me.

I cannot subscribe to the opinion delivered by some gentlemen, that the Executive, in its nature, implies the power to appoint the officers of Government. Why does it imply it? The appointment of officers depends upon the qualities that are necessary for forming a judgment on the merits of men; and the displacing of them, instead of including the idea of what is necessary for an Executive officer, includes the idea necessary for a Judicial one. Therefore it cannot exist, in the nature of things, that an Executive power is either to appoint or displace the officers of Government. Is it a political dogma? Is it founded in experience? If it is, I confess it has been very long wrapped up in mysterious darkness. As a political rule, it is not common in the world, except in monarchies where this principle is established, that the interest of the State is included in the interest of the Prince: that whatever injures the State is an injury to the Sovereign; because he has a property in the State and the Government, and he is to take care that nothing of that kind is to be injured or destroyed. He being so intimately connected with the well-being of the nation, it appears a point of justice only to suffer him to manage his own concerns. Our principles of Government are different; and the President, instead of being master of the people of America, is only their great servant. But if it arises from a political dogma, it must be subject to exceptions, which hold good as they are applied to Governments which give greater or less proportions of power to their Executive. I shall only remark, that the Constitution, in one part of it, so far as I can see, supposes that the President is the sole judge of the merits of an appointment. It is very forcible to my mind, that the Constitution has confined his sole appointment to the case of inferior officers. It also strikes me, from the clause that gives the President the power to grant reprieves and pardons for offences against the United States, except in cases of impeachment, that the Constitution reposes a confidence in the Senate which it has not done in this officer; and therefore there is no good reason for destroying that participation of power which the system of Government has given to them.

Whether it would be expedient to give the power of removal to the President alone, depends on this consideration: they are both bodies chosen, with equal care and propriety; the people show as much confidence in the one as in the other. The best President and the best Senate will always be chosen, it is to be presumed, that they can get. Now I would ask, in all cases where the integrity and confidence is the same, whether it is more likely that one man should do right, and exercise his power with propriety, than a number of men with the aid of each other's deli-

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berations? Is it more likely that a number of men should do wrong than one man? Let us examine, shortly, the temptations of one and the other. It would be more difficult for a majority to be obtained in a body composed of members of thirteen independent States, in favor of despotic measures, than might justly be expected from the caprice or want of judgment in a single individual. Is it likely the danger would be so great? I apprehend it is not. All the difficulties and embarrassments that have been mentioned, can be removed by giving to the President the power of suspension during the recess of the Senate; and I think that an attention to the Constitution will lead us to decide that this is the only proper power to be vested in the President of the United States.

Mr. MANISON.—However various the opinions which exist upon the point now before us, it seems agreed on all sides, that it demands a careful investigation and full discussion. I feel the importance of the question, and know that our decision will involve the decision of all similar cases. The decision that is at this time made, will become the permanent exposition of the Constitution; and on a permanent exposition of the Constitution will depend the genius and character of the whole Government. It will depend, perhaps, on this decision, whether the Government shall retain that equilibrium which the Constitution intended, or take a direction towards aristocracy or anarchy among the members of the Government. Hence, how careful ought we to be to give a true direction to a power so critically circumstanced! It is incumbent on us to weigh with particular attention, the arguments which have been advanced in support of the various opinions with cautious deliberation. I own to you, Mr. Chairman, that I feel great anxiety upon this question; I feel an anxiety, because I am called upon to give a decision in a case that may affect the fundamental principles of the Government under which we act, and liberty itself. But all that I can do on such an occasion is, to weigh well every thing advanced on both sides with the purest desire to find out the true meaning of the Constitution, and to be guided by that, and an attachment to the true spirit of liberty, whose influence I believe strongly predominates here.

Several constructions have been put upon the Constitution relative to the point in question. The gentleman from Connecticut (Mr. SHERMAN) has advanced a doctrine which was not touched upon before. He seems to think (if I understood him rightly) that the power of displacing from office is subject to Legislative discretion; because it having a right to create, it may limit or modify as it thinks proper. I shall not say but at first view this doctrine may seem to have some plausibility. But when I consider that the Constitution clearly intended to maintain a marked distinction between the Legislative, Executive, and Judicial powers of Government; and when I consider, that, if the Legislature has a power, such as is contended for, they may subject and transfer at discretion powers from one department

of our Government to another; they may, on that principle, exclude the President altogether from exercising any authority in the removal of officers; they may give it to the Senate alone, or the President and Senate combined; they may vest it in the whole Congress, or they may reserve it to be exercised by this House. When I consider the consequences of this doctrine, and compare them with the true principles of the Constitution, I own that I cannot subscribe to it.

Another doctrine, which has found very respectable friends, has been particularly advocated by the gentleman from South Carolina, (Mr. SUMNER.) It is this: when an officer is appointed by the President and Senate, he can only be displaced for malfeasance in his office by impeachment. I think this would give a stability to the Executive department, so far as it may be described by the heads of departments, which is more incompatible with the genius of republican Governments in general, and this Constitution in particular, than any doctrine which has yet been proposed. The danger to liberty, the danger of mal-administration, has not yet been found to lie so much in the facility of introducing improper persons into office, as in the difficulty of displacing those who are unworthy of the public trust. If it is said that an officer once appointed shall not be displaced without the formality required by impeachment, I shall be glad to know what security we have for the faithful administration of the Government? Every individual, in the long chain which extends from the highest to the lowest link of the Executive Magistracy, would find a security in his situation which would relax his fidelity and promptitude in the discharge of his duty.

The doctrine, however, which seems to stand most in opposition to the principles I contend for, is, that the power to annul an appointment is, in the nature of things, incidental to the power which makes the appointment. I agree that if nothing more was said in the Constitution than that the President, by and with the advice and consent of the Senate, should appoint to office, there would be a great force in saying that the power of removal resulted by a natural implication from the power of appointing. But there is another part of the Constitution, no less explicit than the one on which the gentleman's doctrine is founded; it is that part which declares that the Executive power shall be vested in a President of the United States. The association of the Senate with the President in exercising that particular function, is an exception to this general rule; and exceptions to general rules, I conceive, are ever to be taken strictly. But there is another part of the Constitution, which inclines, in my judgment, to favor the construction I put upon it; the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer when once appointed

is not to depend upon the President for his official existence, but upon a distinct body, (for where there are two negatives required either can prevent the removal.) I confess I do not see how the President can take care that the laws be faithfully executed. It is true, by a circuitous operation he may obtain an impeachment, and even without this it is possible he may obtain the concurrence of the Senate, for the purpose of displacing an officer; but would this give that species of control to the Executive Magistrate which seems to be required by the Constitution? I own, if my opinion was not contrary to that entertained by what I suppose to be the minority on this question, I should be doubtful of being mistaken, when I discovered how inconsistent that construction would make the Constitution with itself. I can hardly bring myself to imagine the wisdom of the convention who framed the Constitution contemplated such incongruity.

There is another maxim which ought to direct us in expounding the Constitution, and is of great importance. It is laid down, in most of the Constitutions or bills of rights in the republics of America; it is to be found in the political writings of the most celebrated civilians, and is every where held as essential to the preservation of liberty, that the three great departments of Government be kept separate and distinct; and if in any case they are blended, it is in order to admit a partial qualification, in order more effectually to guard against an entire consolidation. I think, therefore, when we review the several parts of this Constitution, when it says that the Legislative powers shall be vested in a Congress of the United States, under certain exceptions, and the Executive power vested in the President with certain exceptions, we must suppose they were intended to be kept separate in all cases in which they are not blended, and ought, consequently, to expound the Constitution so as to blend them as little as possible.

Every thing relative to the merits of the question as distinguished from a Constitutional question, seems to turn on the danger of such a power vested in the President alone. But when I consider the checks under which he lies in the exercise of this power, I own to you I feel no apprehensions but what arise from the dangers incidental to the power itself; for dangers will be incidental to it, rest it where you please. I will not reiterate what was said before with respect to the mode of election, and the extreme improbability that any citizen will be selected from the mass of citizens who is not highly distinguished by his abilities and worth; in this alone we have no small security for the faithful exercise of this power. But, throwing that out of the question, let us consider the restraints he will feel after he is placed in that elevated station. It is to be remarked, that the power in this case will not consist so much in continuing a bad man in office, as in the danger of displacing a good one. Perhaps in the great danger, as has been observed, of abuse in the Executive power, lies in the improper continuance of bad men in office. But the power we

contend for will not enable him to do this; for if an unworthy man be continued in office by an unworthy President, the House of Representatives can at any time impeach him, and the Senate can remove him, whether the President chooses or not. The danger then consists merely in this: the President can displace from office a man whose merits require that he should be continued in it. What will be the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable by this House, before the Senate for such an act of mal-administration; for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust. But what can be his motives for displacing a worthy man? It must be that he may fill the place with an unworthy creature of his own. Can he accomplish this end? No; he can place no man in the vacancy whom the Senate shall not approve; and if he could fill the vacancy with the man he might choose, I am sure he would have little inducement to make an improper removal. Let us consider the consequences. The injured man will be supported by the popular opinion; the community will take side with him against the President; it will facilitate those combinations, and give success to those exertions which will be pursued to prevent his re-election. To displace a man of high merit, and who from his station may be supposed a man of extensive influence are considerations in the mind of any man who may fill the Presidential chair. The friends of those individuals and the public sympathy will be against him. If this should not produce his impeachment before the Senate, it will amount to an impeachment before the community, who will have the power of punishment, by refusing to re-elect him. But suppose this persecuted individual cannot obtain revenge in this mode; there are other modes in which he could make the situation of the President very inconvenient, if you suppose him resolutely bent on executing the dictates of resentment. If he had not influence enough to direct the vengeance of the whole community, he may probably be able to obtain an appointment in one or the other branch of the Legislature; and being a man of weight, talents, and influence, in either case he may prove to the President troublesome indeed. We have seen examples in the history of other nations, which justifies the remark I now have made. Though the prerogatives of the British King are great as his rank, and it is unquestionably known that he has a positive influence over both branches of the legislative body, yet there have been examples in which the appointment and removal of ministers have been found to be dictated by one or other of those branches. Now if this be the case with an hereditary Monarch, possessed of those high prerogatives and furnished with so many means of influence; can we suppose a President, elected for four years only, dependent upon the popular voice, impeachable by the Legislature, little, if at all, distinguished for wealth, personal talents, or influence from

the head of the department himself; I say, will he bid defiance to all these considerations, and wantonly dismiss a meritorious and virtuous officer? Such abuse of power exceeds my conception. If any thing takes place in the ordinary course of business of this kind, my imagination cannot extend to it on any rational principle. But let us not consider the question on one side only; there are dangers to be contemplated on the other. Vest this power in the Senate jointly with the President, and you abolish at once that great principle of unity and responsibility in the Executive department, which was intended for the security of liberty and the public good. If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest officers, the middle grade, and the highest, will depend, as they ought, on the President, and the President on the community. The chain of dependence therefore terminates in the supreme body, namely, in the people, who will possess, besides, in aid of their original power, the decisive engine of impeachment. Take the other supposition; that the power should be vested in the Senate, on the principle that the power to displace is necessarily connected with the power to appoint. It is declared by the Constitution, that we may by law vest the appointment of inferior officers in the heads of departments; the power of removal being incidental, as stated by some gentlemen. Where does this terminate? If you begin with the subordinate officers, they are dependent on their superior, he on the next superior, and he on—whom? On the Senate, a permanent body; a body, by its particular mode of election, in reality existing forever; a body possessing that proportion of aristocratic power which the Constitution no doubt thought wise to be established in the system, but which some have strongly expected against. And let me ask gentlemen, is there equal security in this case as in the other? Shall we trust the Senate, responsible to individual Legislatures, rather than the person who is responsible to the whole community? It is true, the Senate do not hold their offices for life, like aristocracies recorded in the historic page; yet the fact is, they will not possess that responsibility for the exercise of Executive powers which would render it safe for us to vest such powers in them. But what an aspect will this give to the Executive? Instead of keeping the departments of Government distinct, you make an Executive out of one branch of the Legislature; you make the Executive a two-headed monster, to use the expression of the gentleman from New Hampshire. (Mr. Livermore,) you destroy the great principle of responsibility, and perhaps have the creature divided in its will, defeating the very purposes for which a unity in the Executive was instituted. These objections do not lie against such an arrangement as the bill establishes. I conceive that the President is sufficiently accountable to the community; and if this power is vested in him, it will be vested where its nature requires it should

be vested; if any thing in its nature is executive, it must be that power which is employed in superintending and seeing that the laws are faithfully executed. The laws cannot be executed but by officers appointed for that purpose; therefore, those who are over such officers naturally possess the Executive power. If any other doctrine be admitted, what is the consequence? You may set the Senate at the head of the Executive department, or you may require that the officers hold their places during the pleasure of this branch of the Legislature, if you cannot go so far as to say we shall appoint them; and by this means, you link together two branches of the Government which the preservation of liberty requires to be constantly separated.

Another species of argument has been urged against this clause. It is said, that it is improper, or at least unnecessary, to come to any decision on this subject. It has been said by one gentleman, that it would be officious in this branch of the Legislature to expound the Constitution, so far as it relates to the division of power between the President and Senate; it is incontrovertibly of as much importance to this branch of the Government as to any other, that the Constitution should be preserved entire. It is our duty, so far as it depends upon us, to take care that the powers of the Constitution be preserved entire to every department of Government; the breach of the Constitution in one point, will facilitate the breach in another; a breach in this point may destroy that equilibrium by which the House retains its consequence and share of power; therefore we are not chargeable with an officious interference. Besides, the bill, before it can have effect, must be submitted to both those branches who are particularly interested in it; the Senate may negative, or the President may object, if he thinks it unconstitutional.

But the great objection drawn from the source to which the last arguments would lead us is, that the Legislature itself has no right to expound the Constitution; that wherever its meaning is doubtful, you must leave it to take its course, until the Judiciary is called upon to declare its meaning. I acknowledge, in the ordinary course of Government, that the exposition of the laws and Constitution devolves upon the Judiciary. But I beg to know, upon what principle it can be contended, that any one department draws from the Constitution greater powers than another, in marking out the limits of the powers of the several departments? The Constitution is the charter of the people to the Government; it specifies certain great powers as absolutely granted, and marks out the departments to exercise them. If the Constitutional boundary of either be brought into question, I do not see that any one of these independent departments has more right than another to declare their sentiments on that point.

Perhaps this is an omitted case. There is not one Government on the face of the earth, so far as I recollect, there is not one in the United States, in which provision is made for a particular authority to determine the limits of the Constitu-

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tional division of power between the branches of the Government. In all systems there are points which must be adjusted by the departments themselves, to which no one of them is competent. If it cannot be determined in this way, there is no resource left but the will of the community, to be collected in some mode to be provided by the Constitution, or one dictated by the necessity of the case. It is therefore a fair question, whether this great point may not as well be decided, at least by the whole Legislature as by a part, by us as well as by the Executive or Judiciary? As I think it will be equally Constitutional, I cannot imagine it will be less safe, that the exposition should issue from the Legislative authority than any other; and the more so, because it involves in the decision the opinions of both those departments, whose powers are supposed to be affected by it. Besides, I do not see in what way this question could come before the judges, to obtain a fair and solemn decision; but even if it were the case that it could, I should suppose, at least while the Government is not led by passion, disturbed by faction, or deceived by any discolored medium of sight, but while there is a desire in all to see and be guided by the benignant ray of truth, that the decision may be made with the most advantage by the Legislature itself.

My conclusion from these reflections is, that it will be Constitutional to retain the clause; that it expresses the meaning of the Constitution as must be established by fair construction, and a construction which, upon the whole, not only consists with liberty, but is more favorable to it than any one of the interpretations that have been proposed.

Mr. GERRY.—I am clearly of opinion with the gentleman last up, that it is of importance to decide this question on its true principles; and am free to declare, that I shall be as ready to oppose every innovation or encroachment on the rights of the Executive as upon those of the Legislature. I conceive myself bound to do this, not only by oath, but by an obligation equally strong—I mean the obligation of honor.

I wish, sir, to consider this question so far, as to ascertain whether it is, or is not, unconstitutional. I have listened with attention to the arguments which have been urged on both sides; and it does appear to me, that the clause is as inconsistent with the Constitution as any set of words which could possibly be inserted in the bill.

There are two questions relative to this clause: The first, whether the sovereignty of the Union has delegated to the Government the power of removal? And the second, to whom? That they have delegated such power has been clearly proved by the gentlemen who advocate the cause; who justly say, if the power is not delegated, the clause in the Constitution declaring the appointment of judges to be during good behaviour would be nugatory, unless some branch of Government could otherwise have removed them from office. As to the second question, it depends upon the first; if the power is delegated, it must vest in some part of the Government. The gentlemen

will agree, that this House has not the power of removal; they will also agree that it does not vest in the Judiciary; then it must vest in the President, or the President by and with the advice and consent of the Senate; in either of these cases, the clause is altogether useless and nugatory. It is useless if the power vests in the President; because, when the question comes before him, he will decide upon the provision made in the Constitution, and not on what is contained in this clause. If the power vests in the President and Senate, the Senate will not consent to pass the bill with this clause in it; therefore the attempt is nugatory. But if the Senate will assent to the exercise of the power of removal by the President alone, whenever he thinks proper to use it so, then in that case the clause is, as I said before, both useless and nugatory.

The second question which I proposed to examine is, to whom the power of removal is committed. The gentlemen in favor of this clause have not shown that, if the construction that the power vests in the President and Senate, is admitted, it will be an improper construction. I call on gentlemen to point out the impropriety, if they discover any. To me, it appears to preserve the unity of the several clauses of the Constitution; while their construction produces a clashing of powers, and renders of none effect some powers the Senate by express grants possess. What becomes of their power of appointing, when the President can remove at discretion? Their power of judging is rendered vain by the President's dismission; for the power of judging implies the power of dismissing, which will be totally insignificant in its operation, if the President can immediately dismiss an officer whom they have judged and declared innocent.

It is said, that the President will be subject to an impeachment for dismissing a good man. This in my mind involves an absurdity. How can the House impeach the President for doing an act which the Legislature has submitted to his discretion?

But what consequence may result from giving the President the absolute control over all officers? Among the rest, I presume he is to have an unlimited control over the officers of the Treasury. I think if this is the case, you may as well give him at once the appropriation of the revenue; for of what use is it to make laws on this head, when the President, by looking at the officer, can make it his interest to break him? We may expect to see institutions arising under the control of the revenue, and not of the law.

Little then will it answer to say we can impeach the President, when he can easily cover all his crimes by an application of the revenue to those who are to try him. This application would certainly be made in case of a corrupt President; and it is against corruption in him that we must endeavor to guard; not that we fear any thing from the virtuous character who now fills the Executive chair; he is perhaps to be safer trusted with such a power than any man on earth; but it

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is to secure us against those who may hereafter obtrude themselves into power.

But, if we give the President the power to remove, (though I contend the Constitution has not given it him, there is no power on earth that can except the people, by an alteration of the Constitution, though I will suppose it for argument's sake,) you virtually give him a considerable power over the appointment, independent of the Senate; for if the Senate should reject his first nomination, which will probably be his favorite, he must continue to nominate until the Senate concur; then immediately after the recess of the Senate he may remove the officer, and introduce his own creature, as he has this power expressly by the Constitution. The influence created by this circumstance, would prevent his removal from an office which he held by a temporary appointment from his patron.

This has been supposed by some gentlemen to be an omitted case, and that Congress have the power of supplying the defect. Let gentlemen consider the ground on which they tread. If it is an omitted case, an attempt in the Legislature to supply the defect, will be in fact an attempt to amend the Constitution. But this can only be done in the way pointed out by the fifth article of that instrument, and an attempt to amend it in any other way may be a high crime or misdemeanor, or perhaps something worse. From this view of our situation, gentleman may perhaps be led to consent to strike out the clause.

In Great Britain there are three estates, King, Lords, and Commons; neither of these can be represented by the other, but they conjointly can form constructions upon the rights of the people which have been obtained sword in hand from the Crown. These, with the legislative acts, form the British Constitution; and if there is an omitted case, Parliament has a right to make provision for it. But this is not the case in America, consisting of a single estate. The people have expressly granted certain powers to Congress, and they alone had the right to form the Constitution; in doing so, they directed a particular mode of making amendments, which we are not at liberty to depart from.

The system, it cannot be denied, is in many parts obscure; if Congress are to explain and declare what it shall be, they certainly will have it in their power to make it what they please. It has been a strong objection to the Constitution, that it was remarkably obscure; nay, some have gone so far as to assert that it was studiously obscure, that it might be applied to every purpose by Congress. By this very act the House are assuming a power to alter the Constitution. The people of America can never be safe, if Congress have a right to exercise the power of giving constructions to the Constitution different from the original instrument. Such a power would render the most important clause in the Constitution nugatory, and one without which, I will be bold to say, this system of Government would never have been ratified. If the people were to find that Congress meant to alter it in this way they would revolt at

the idea; it would be repugnant to the principles of the Revolution, and to the feelings of every freeman in the United States.

It is said, that the power to advise the President in appointing officers, is an exception to a general rule. To what general rule? That the President, being an Executive officer, has the right of appointing. From whence is this general rule drawn? Not from the Constitution, nor from custom, because the State Governments are generally against it. Before the gentleman had reasoned from this general rule, he ought to have demonstrated that it was one; he ought to have shown that the President, *ex officio*, had the power to appoint and remove from office; that it was necessarily vested in the Executive branch of the Government.

It is said to be the duty of the President to see the laws faithfully executed, and he could not discharge this trust without the power of removal. I ask the gentleman, if the power of suspension, which we are willing to give, is not sufficient for that purpose? In case the Senate should not be sitting, the officer could be suspended, and at their next session the causes which require his removal might be inquired into.

It is said to be incumbent on us to keep the departments distinct. I agree to this; but then, I ask, what department is the Senate of, when it exercises its power of appointment or removal? If legislative, it shows that the power of appointment is not an executive power; but if it exercises the power as an executive branch of Government, there is no mixing of the departments; and therefore the gentleman's objections fall to the ground.

The dangers which lie against investing this power jointly in the Senate and President, have been pointed out; but I think them more than counterbalanced by the dangers arising from investing it in the President alone. It was said, that the community would take part with the injured officer against the President, and prevent his re-election. I admit that the injured officer may be a man of influence and talents, yet it is fifty to one against him, when he is opposed by such a powerful antagonist. It is said, that if the Senate should have this power, the Government would contain a two-headed monster; but it appears to me, that if it consists in blending the power of making treaties and appointing officers, as executive powers, with their legislative powers, the Senate is already a two-headed monster; if it is a two-headed monster, let us preserve it a consistent one; for surely it will be a very inconsistent monster, while it has the power of appointing, if you deprive it of the power of removing. It was said, that the judges could not have the power of deciding on this subject, because the Constitution is silent; but I ask, if the judges are not *ex officio* judges of the law; and whether they would not be bound to declare the law a nullity, if this clause is continued in it, and is inconsistent with the Constitution? There is a clause in this system of Government that makes it their duty. I allude to that which authorizes the Pre-

sident to obtain the opinions of the heads of departments in writing; so the President and Senate may require the opinion of judges respecting this power, if they have any doubts concerning it. View the matter in any point of light, and it is utterly impossible to admit this clause. It is both useless and unnecessary; it is inconsistent with the Constitution, and is an officious interference of the House in a business which does not properly come before them. We expose ourselves to most dangerous innovations by future Legislatures, which may finally overturn the Constitution itself.

Mr. BENTON.—The question has been stated as respecting a construction of the Constitution; and it has been asked, how this meaning is to be determined? I suppose a legislative construction is to be admitted, as I conceive there must be given, generally, to the Government, the power of removal at pleasure; because it cannot be rationally intended that all offices should be held during good behaviour, because the Constitution has declared one office to be held by this tenure. If the Constitution intends that all other offices shall be held during will and pleasure, the question will be, during whose will and pleasure? If we declare in the bill that the officer shall be removable by the President, it has the appearance of conferring the power upon him. Now, I think this improper; because it would be admitting which House to be possessed of an authority which would destroy those checks and balances which are cautiously introduced into the Constitution, to prevent an amalgamation of the legislative and executive powers. For this reason, I shall take the liberty of submitting an alteration, or change in the manner of expression, so that the law may be nothing more than a declaration of our sentiments upon the meaning of a Constitutional grant of power to the President. Can the gentleman be serious who tells us, that this is a case to be proposed as an amendment to the Constitution? Does he suppose, whenever a doubt arises in this House, (and it will be a doubt, if an individual doubts,) with respect to the meaning of any part of the Constitution, we must take that mode? Or does he really suppose that we are never to take any part of the Constitution by construction? This I conceive to be altogether inadmissible; for it is not in the compass of human wisdom to frame a system of Government so minutely, but that a construction will, in some cases, be necessary. This is such a case; and we ought most assuredly to declare our sentiments on the occasion.

I will not repeat what has been said, to prove that the true construction is, that the President alone has the power of removal; but will state a case to show the embarrassment which must arise by a combination of the Senatorial and Legislative authority in this particular. I will instance the officer to which the bill relates. To him will necessarily be committed negotiations with the Ministers of foreign Courts. This is a very delicate trust. The supreme Executive officer, in superintending this department, may be entangled

with suspicions of a very delicate nature, relative to the transactions of the officer, and such as from circumstances would be injurious to name; indeed, he may be so situated that he will not, cannot, give the evidence of his suspicion. Now, thus circumstanced, suppose he should propose to the Senate to remove the Secretary of Foreign Affairs; are we to expect the Senate will, without any reason being assigned, implicitly submit to his proposition? They will not. Suppose he should say, he suspected the man's fidelity; they would say, we must proceed further, and know the reason for this suspicion; they would insist on a full communication. Is it to be supposed that this man will not have a single friend in the Senate who will contend for a fair trial and a full hearing? The President then becomes the plaintiff, and the Secretary the defendant. The Senate are sitting in judgment between the Chief Magistrate of the United States and a subordinate officer. Now, I submit to the candor of the gentlemen, whether this looks like good government? Yet in every instance when the President thinks proper to have an officer removed, this absurd scene must be displayed. How much better, even on principles of expediency, will it be, that the President alone have the power of removal.

It has been warmly contended, that the power of removal is incidental to the power of appointment. It may be true in general, but upon examination, we shall find there is a distinction in this case from what the general principle supposes. If the President and Senate are to be considered as one body, deliberating together on the business of appointments, every individual of which participates equal powers, the reasoning that has been urged will hold good. But I take it for granted that they are two distinct bodies, and can only give a simple affirmative or negative. No member of the Senate has power to offer an original proposition. In short, the moment we depart from this simple idea, that the provision in the Constitution is intended for any other purpose but to prevent the President from introducing improper persons into office, we shall find it difficult to form any certain principle upon which they ought to act; and our opinions and deliberations will be discordant and distracted.

Gentlemen ask, will not the power of suspending an officer be sufficient to prevent mal-conduct? Here is some inconsistency in their arguments. They declare that Congress have no right to construe the Constitution in favor of the President, with respect to removal; yet they propose to give a construction in favor of the power of suspension being exercised by him. Surely gentlemen do not pretend that the President has the power of suspension granted expressly by the Constitution; if they do, they have been more successful in their researches into that instrument than I have been. If they are willing to allow a power of suspending, it must be because they construe some part of the Constitution in favor of such a grant. The construction in this case must be equally unwarrantable. But admitting it proper to grant this power, what then? When an officer

is suspended, does the place become vacant? May the President proceed to fill it up? Or must the public business be likewise suspended? When we say an officer is suspended, it implies that the place is not vacant; but the parties may be heard, and, after the officer is freed from the objections that have been taken to his conduct, he may proceed to execute the duties attached to him. What would be the consequence of this? If the Senate, upon its meeting, were to acquit the officer, and replace him in his station, the President would then have a man forced on him whom he considered as unfaithful; and could not, consistent with his duty, and a proper regard to the general welfare, go so far as to entrust him with full communications relative to the business of his department. Without a confidence in the Executive department, its operations would be subject to perpetual discord, and the administration of the Government become impracticable.

But, suppose the Senate to be joined with the President in the exercise of the power of removal, what mode will they proceed in? Shall the President always propose the removal, or shall the Senate undertake this part of the business? If so, how are they to act? There is no part of the Constitution which obliges the President to meet them, to state his reasons for any measure he may recommend. Are they to wait upon the President? In short, it appears to me, that introducing this clashing of the powers which the Constitution has given to the Executive, will be destructive of the great end of Government. So far will restraining the powers of that department be from producing security to the liberties of the people, that they would inevitably be swallowed up by an aristocratic body.

The amendment which I propose will be to this effect: (it will have to come in some other part of the bill,) that "whenever the said officer shall be removed by the President," and strike out the words "to be removable by the President."

Mr. SMITH, of South Carolina.—The gentlemen, by their arguments in favor of this clause, show us what ought to be, rather than what is, in the Constitution; but I do not think this the ground on which this question should be contested. I think, if the power be not found in the Constitution, we ought not to grant it. I am sorry to take up the time of this committee, at this late hour of the day, but I cannot deny myself the privilege of replying to some of the arguments which have been urged in opposition to those I have advanced. I mean to do this in as summary a manner as I possibly can. It has been inferred from the clause in the Constitution, declaring the judges to hold their offices during good behaviour, that there are no other officers who hold their offices by this tenure. Now, I apprehend, that this clause was inserted to distinguish them from other officers who hold their offices for a limited period: for example, the House of Representatives for two years, the Senate for six, the President and Vice President for four; and, in order to prevent the Legislature from declaring that they should be elected during a limited

period, it was seen to be proper to have them independent; and that could only be secured by such a declaration in the Constitution. It would be improper that they should depend on this House for the degree of permanency which is essential to secure the integrity of judges. With respect to the other offices to be established by law, there is nothing to prevent us from limiting their appointment to two or three years. Let us then limit the duration of Secretary of Foreign Affairs for as short a period as is thought to be salutary. Here we are not restricted. But I conceive, as the Constitution now stands, they cannot be removed in any other way but by impeachment.

Another gentleman, in his arguments, has declared, as his opinion; that, in fact, the President has the power of appointment; and infers from that, upon the general principle that those who appoint may remove, that the President has the power of removal also. But it appears extraordinary, that the gentlemen who have urged the great security arising from an appointment from the President and Senate, should now contend that the President alone has that power; if this be true, where is that boasted security?

It has been said also, that the same reason which applies against giving this power to the President, applies against vesting it in the Senate; but I do not think they apply with equal force. On this point, I need only refer gentlemen to the authority I quoted before. *Publius* shows clearly the superior advantage of having the President and Senate combined in the exercise of this power.

It is contended that the Legislature have the power of supplying the defect, if this is an omitted case. I cannot be of that opinion. But it is unnecessary to extend this argument, after what has been urged by the gentleman from Massachusetts, (Mr. GENAY.) If the Legislature can supply defects, they may virtually repeal the Constitution.

Gentlemen say we ought not to suppose such an abuse of power in the President. But the Constitution wisely guards against his caprice in the appointment; and why should we abate the security in cases of removal? The Constitution contemplates infirmity in the Chief Magistrate; makes him removable by impeachment, and provides the Vice President to exercise the office, upon such a contingency taking place. But it is supposed that the President may be impeached for an abuse of this power. How can that event take place? He will tell you he thought it incumbent on him to displace the officer, because he apprehended the public tranquillity was in danger; and if he erred, it was the error of the head, not of the heart. And will any House of Representatives ever be found to impeach the Chief Magistrate of the United States for an error in opinion?

It was observed, that it would be inconvenient, as the Senate were not always in session. The same objection lies against associating the Senate with the President in making treaties. If this is an inconvenience, it is imposed upon us by the

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Constitution, and must be submitted to. If he finds the advice of the Senate necessary in either case, he must convene them to obtain their assistance; they are neither of them likely to happen frequently; the inferior officers may be regulated by law, leaving the heads of departments only subject to the operation of this power.

The gentleman from Connecticut, (Mr. Sherman,) seemed to think this officer might be considered as an inferior officer, and therefore subject to Legislative directions respecting his appointment and removal; because the President is the Executive head of the department, and this officer is only to aid the President. Some gentlemen have spoken of a two-headed monster in the Government; but I think, in this view, we shall find the Executive a three-headed monster, a real Cerberus. The resolution upon which this bill is founded comprised three heads of departments; if these are appendages to the Executive, what kind of a monster do you form? And yet your Constitution admits these officers to be heads of departments.

It has been said, that the Legislature may give their opinion on the Constitution. I agree with gentlemen if they mean that, as an individual, we may give our single opinion; but I never can admit it to be right in our Legislative capacity to influence the judges, and throw our weight into either scale to warp their decision. I think it highly criminal to attempt to bias their judgment in any way.

It was said, that there was more danger in continuing a bad man in office than in displacing a good one; and that the Constitution seemed to suppose this, by giving the House of Representatives the power of removal. I grant there is more danger in one case than in the other; but I am afraid the President will have it in his power to continue a bad man in office, and this part of the argument I believe has not yet been touched upon; I shall, however, be concise in my observations. It is declared in the Constitution, that judgments, in cases of impeachment, may extend to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States. Suppose it in contemplation to remove some creature of the President's by means of impeachment, in order to displace him from all his employments, and to prevent his ever thereafter disseminating poison through the councils of his country. If the impeachment is permitted to succeed, the poison is removed, and the nation is rid of him. But suppose the President snatches him from his fate, by interposing his authority, saying, you complain of the man, I will save you the trouble of proceeding by that circuitous route of impeachment; I will remove him without delay. By this collusion, the wretch's fame is in some measure preserved; and when the President has waited until the storm of obloquy has ceased to blow, and the public mind has returned to a tranquil state, he obtrudes the man again into office, when, in fact, he might ever to be disqualified from participating in any thing honorable or profitable which the Government has to bestow.

Thus, then, may be accomplished the evil which is most to be dreaded, and which the honorable gentleman from Virginia (Mr. Madison) says the Constitution meant to guard against, by giving the House of Representatives the power of trying impeachments.

An honorable gentleman has said, he did not see how this case could be brought before a court of justice in order to obtain their decision. That gentleman is no stranger to a just and venerable law maxim. Wherever a man has a right, he has a remedy; if he suffers a wrong, he can have a redress; he would be entitled to damages for being deprived of his property in his office.

One of the greatest arguments brought forward on this occasion is, that this authority is implied in the grant of Executive authority which is made in the Constitution; the Executive power shall be vested in the President. This I apprehend proved too much, and therefore proves nothing; because it implies that powers which are expressly given by the Constitution, would have been in the President without the express grant. I ask the gentleman, if the Constitution had been silent with respect to his exercising the power of granting reprieves and pardons, whether the President would have that authority? I apprehend it is in some degree an Executive power. It is exercised by some of the Executives even in the United States; but there have been great doubts about the exercise of it in others. It has been said, in some of them, that as this Constitution did not give it, the Governor has no right to it; and this they prove by the Constitutions of other States, in which an express grant is made. For instance, the Constitution of Massachusetts declares that the Governor shall have the power to grant reprieves, &c.; but if it had not been given him, he would not have had it. If the convention who framed the Constitution meant that he should have the power of removal, the propriety of inserting it must have occurred to them, where it is said he should have power to see the laws faithfully executed, and he should commission all officers; there are other places in which it would well come in. As it must have occurred to them, they never intended to give it to him.

I apprehend, if he saw an officer misbehaving, he would transmit the necessary information to us, and leave us to determine whether the person should be impeached or not; and the business could, in my judgment, be satisfactorily accomplished in this way. From all these reasons, there will be no doubt but the Constitution does not give the power; that the Legislature ought not to supply its defects; and that even if it were a matter of doubt, we ought by no means to interfere in adjusting or determining it. Therefore, in whatever point of view you consider it, the clause ought not to stand as part of the bill.

Mr. Vining.—I am extremely solicitous, Mr. Chairman, that this clause should stand as part of the bill, and therefore must beg to add a few words more in its support. I take this power to be necessary, sir, to the execution of your Gov-

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ernment. In vain do we contemplate the wisdom of a Legislative branch; in vain do we expect the energy of the Executive arm, and in vain will be the integrity and independence of the Judiciary, if one department after another is to be stripped of its budding powers. The branches will not expand their umbrageous and salutary verdure to shelter our sons from the tempest of calamity, nor delight them with the fair fruits of good government, for which they are in anxious expectation. I have listened, sir, with some degree of avidity to the arguments offered on this subject. I find the point of expediency and responsibility is accorded to, and the question now turns upon the constitutionality of the measure. Here, sir, I agree with gentlemen, it does turn on the construction of the Constitution; and to my mind the construction which we give is irresistibly true. Does the Constitution say such a construction shall be given? I ask gentlemen, does the Constitution, does reason, does experience, does any one principle upon which good government depends, deny our construction? I believe not one of them.

What kind of a monster this will be, I do not pretend to say; whether it will have two heads, three heads, or four heads, as gentlemen contend; but I will be bold to say, it is a monster of a peculiar enormity; for gentlemen are putting the heads where the tails should be, or rather making it without any head at all. If we do not permit the President to exercise this power, surely this will be the most unreasonable thing in nature.

The argument of convenience is strong in favor of the President; for this man is an arm or an eye to him; he sees and writes his secret despatches, he is an instrument over which the President ought to have a complete command. I hope gentlemen, who request us not to be dazzled with the splendor of the President, will not themselves be misled by the brightness of Senatorial dignity, and suffer officers to skulk out of the President's enfeebled reach within the effluence of their lustre, which is most likely to lay the foundation of universal empire over the liberties of the people. If the President removes a valuable officer, which seems to be the great danger of the gentleman from South Carolina (Mr. Sumner) apprehends, it would be an act of tyranny which the good sense of the nation would never forget; but if the Senate turns out a good man, they might be re-elected by the Legislatures. But the Senate may remove a good officer without feeling any injury; they are not feelingly sensible of the advantages arising from his labors, because they do not act in concert with him; while the President, by such a removal, deprives himself of a valuable and necessary aid. When a good officer is obtained, the President has every motive of justice, self-interest, and public good, to retain him in his situation. None of these motives operate, or but faintly operate, upon the Senate.

Does the Constitution any where say the President shall not have the power? It does not. But the principles of the Constitution declare that the Legislative and Executive Departments shall

be kept distinct. An express declaration of this kind is sought for as an amendment to the Constitution; and would gentlemen be so weak as to confound them in the first operation of the Government?

It has been asked, if the same properties are not requisite in removing a man from office as to appoint him? I apprehend a difference in the degree of information necessary. A man's ability may be known to many persons; they may entertain even a good opinion of his integrity; but no man, without a superintending power, can bring this fidelity to the test. The President will have every opportunity to discover the real talents and honesty of the officer; the Senate will have none but from common fame. How then are their properties equal?

The Departments of Foreign Affairs and War are peculiarly within the powers of the President, and he must be responsible for them; but take away his controlling power, and upon what principle do you require his responsibility?

The gentlemen say the President may suspend. They were asked if the Constitution gave him this power any more than it gave him the power of removing. Do they contend the one to be a more inherent power than the other? If they do not, why shall it be objected to us that we are making a Legislative construction of the Constitution, when they are contending for the same thing?

I look upon it as begging the question, to say the power that appoints must likewise remove. The position ought to be proved. For my part, I think where the responsibility is, and where the power of overseeing and controlling resides, that there also must be the power of removal.

If the Constitution does not prohibit the exercise of this power, I conceive it to be granted, either as incidental to the Executive Department, or under that clause which gives to Congress all powers necessary and proper to carry the Constitution into effect. This being the case, we are at liberty to construe, from the principles and expressions of the Constitution, where this power resides. This, I trust, is what we are about to do; and after the full discussion which the subject has had, I flatter myself we shall do it with a degree of unanimity which I most ardently wish.

On motion, the committee then rose, and the SPEAKER resumed the Chair.

THURSDAY, June 18.

The petition of Robert Frazier, late a soldier in the Continental army, was presented, praying that compensation may be made him for military services rendered during the late war.

Ordered to lie on the table.

A message from the Senate informed the House that they had passed the bill imposing duties on tonnage, with several amendments, to which they desired the concurrence of this House.

DEPARTMENT OF FOREIGN AFFAIRS.

The House then again went into a Committee

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of the Whole on the bill for establishing the Department of Foreign Affairs, Mr. TRUMBULL in the Chair. The clause "to be removable by the President," being still under consideration.

Mr. WAITE.—This question, complicated in its nature, and interesting in its consequences, has occasioned a serious and solemn debate; although some gentlemen have thought it to clear in its nature, and trivial in its consequences, as to exercise in their surprise at its being brought a second time under the consideration of the House. For my own part, I consider it as the most important question that has yet come before the Legislature of the Union; I am sure it is the most important question I ever had a voice in discussing, or a vote in determining; except that of adopting the Constitution itself in the Convention of Virginia. I consider the day on which the sense of the House is to be taken on this subject as a memorable day in the annals of America. I do not consider the question as, simply, whether the power of removing the great officers of the Government shall be vested in the President, or the President and Senate? The Constitution has determined that point. I do not consider it a question before us to determine, whether officers are to be held during good behaviour, or during the pleasure of those who appoint them? I suppose on a fair and necessary construction of the Constitution, that matter is also settled. All these arguments, therefore, tending to show that the one or the other mode of appointment or removal is proper of improper, or that they ought to be despatched by impeachment, are inapplicable to the present case; but the respectability of the characters who support these arguments entitle them to some respect. But I shall pass over them, and proceed to inquire, whether we may grant the Constitution has not ourselves, powers which the Constitution has not given, either in express terms or by necessary implication? This I conceive to be the true question; and it is a question of the importance which has been stated.

It is not contended, that the power which this bill proposes to vest is given to the President in express terms by the Constitution; or that it can be inferred from any particular clause in that instrument. It is sought for from another source, the general nature of Executive power. It is on this principle the clause is advocated, or I mistake the arguments urged by my colleague, (Mr. MADISON.) It was said by that gentleman, that the Constitution having invested the President with a general Executive power, thereby all those powers were vested which were not expressly excepted; and therefore he possessed the power of removal. This is a doctrine not to be learned in American Governments; is no part of the Constitution of the Union. Each State has an Executive Magistrate; but look at his powers, and I believe it will not be found that he has in any one, of necessity, the right of appointing or removing officers. In Virginia, I know, all the great officers are appointed by the General Assembly. Few, if any, of a subordinate nature are appointed by the Governor, without some

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modification. The case is generally the same in the other States. If the doctrine of the gentleman is to be supported by examples, it must be by those brought from beyond the Atlantic; we must also look there for rules to circumscribe the latitude of this principle, if indeed it can be limited. Upon the principle by which the Executive powers are expounded, must the Legislative powers be determined. Hence we are to infer, that Congress have all Legislative powers not expressly excepted in the Constitution. If this is the case, and the President is invested with all Executive powers not excepted, I do not know that there can be a more arbitrary Government. The President will have the powers of the most absolute Monarch, and the Legislature all the powers of the most sovereign Legislature, except in those particular instances in which the Constitution has defined their limits. This I take to be a clear and necessary deduction from the principle on which the clause in the bill is founded. I will mention the exceptions, and then let gentlemen form their opinion of the Government, if it is thus constituted. The President is limited in the appointment of ambassadors, consuls, judges, and all other officers, and in making treaties, but no further. Take from him these, and give him all other powers exercised by Monarchs, and see what they will be. There are also exceptions to the Legislative power; such as, they shall not for a certain period prohibit the importation of slaves; that direct taxes shall be apportioned in a particular manner; that duties, imposts, and excises, shall be uniform; that they shall grant no titles of nobility, no bill of attainder; no *ex post facto* law shall be passed; no preference in commerce to be given; no money to be drawn but by law. These are the exceptions to the Legislative powers. Now give them all the powers which the Parliament of Great Britain have, and what kind of a Government is yours? I cannot describe it. It appears to me as absolute and extensive as any despotism. Then we must adhere to the limits described in the Constitution. If we advance one step beyond its boundaries, where are we to draw the line to circumscribe our powers, or secure the liberties of our fellow-citizens?

I understand our system as differing in form and spirit from all other Governments in the world. It is in part national, and in part federal; and though it is more extensive in its powers than most other Governments, yet the Congress is not to be compared to National Legislatures; to these general powers are granted, with or without particular reservations in favor of the rights of the people; to these the gentlemen's arguments will apply, but to no other. Here is no analogy. This is a Government constituted for particular purposes only; and the powers granted to carry it into effect are specifically enumerated, and disposed among the various branches. If these powers are insufficient, or if they are improperly distributed, it is not our fault, nor within our power to remedy. The people who bestowed them must grant further powers, organize those already granted in a more perfect manner, or suffer from

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the defect. We can neither enlarge nor modify them.

This was the ground on which the friends of Government supported the Constitution. It was a safe ground; and I venture to say it could not have been supported on any other. If this principle had not been successfully maintained by its advocates in the convention of the State from which I came, the Constitution would never have been ratified. I do not mean to retail the solemn debates which took place upon this point, or the popular harangues intended to defeat its adoption. I will only quote the ratification by the State of Virginia, in which you will discover, in strong terms, the sense of the federal party on this subject; I say the federal party, because they drew it up without the interference of any other, though it was a clause agreeable to both sides of the House. [The part of the ratification alluded to was a clause proposed as an amendment to the Constitution, to reserve to the States individually the powers not delegated by the Constitution, nor prohibited by it, to the States.]

How far the establishment of the principle which I oppose may tend to the completion of the Union, I will not undertake to say. I will only remark, that the State of North Carolina has expressed nearly the same sense as Virginia, with this difference only, that she would not adopt the Constitution until she was satisfied of the establishment of this great principle, that we should not, by constructive acts, enlarge our powers, in order, at a future day, to swallow up the State Governments. And Virginia took, in my opinion, the more prudent course; she adopted the Constitution under a firm belief that this security would be obtained.

I would suggest to gentlemen the local situation of that State. It is contiguous to Kentucky, and, united with it, forms a territory of amazing extent, from the Atlantic shores to the banks of the Ohio. The people of this tract are in such a situation that a single spark from this House would kindle a flame which it would be difficult, if not impossible, to extinguish, and excite such a dread as would render them utterly irreconcilable to our Government.

This is not a vain fear or apprehension. The opposers of the Constitution formed their arguments upon it. They contended that the Constitution was defective, that you would go beyond it and make constructions in your favor, and assume powers which the people never intended to grant. My apprehensions, therefore, are not mere chimeras of my own invention; I hope they are ill founded, and may be contradicted by the event.

The measure proposed, I acknowledge, is advocated by respectable and known friends of the Union within these doors, and by many without. But I believe much of this arises from the clause in question conferring the power on a man whom all the world admire, and whom they know will never abuse it. But on this occasion I would

forget who is President; yet I would not forget that the worst of precedents are often established in the best of times. We may give a power to a particular man in office, because he will not abuse it; but we cannot take it away from his successor, who may be disposed to make an ill use of it. I do not mean to infer from this, that if the Constitution had invested the power in the President, it would be dangerous or improper that he should have it. I do not determine this question, or give an opinion upon it; because it is unnecessary to decide it; the true question before us being simply a Constitutional one.

Without entering into the evils which may arise, as gentlemen on both sides of the House have done, let us consider whether greater evils will not arise from our explaining the Constitution at this time; if such events as I have apprehended should arise from our attempt to exercise an unconstitutional authority, it would more than counterbalance any possible good that can result from our decision within a moderate period of time. But is there any necessity for the measure? If the Constitution has given this power to the President, which some gentlemen suppose, cannot he exercise it without our passing an act on the subject? If the Constitution has not given it to him, shall we go beyond the limits that are set us in order to extend it to him? I hope not. But it seems a difficult point to determine whether he has or has not this power by the Constitution, because some gentlemen contend he has, others that he has not. Why need we be concerned to determine this point? It will be better to leave the construction to himself; if it should become necessary to exercise this authority, let him consider its powers. I will venture to say, the occasion for the exercise of it will be a better comment on the Constitution than any we can give; it will better explain it to the people, and more perfectly reconcile it to them than any law from the Legislature.

It would be better for the President to extend his powers on some extraordinary occasions, even where he is not strictly justified by the Constitution, than that the Legislature should grant an improper power to be exercised at all times. I believe there is not an Executive power but which goes sometimes beyond the strict letter of the law. But a partial evil is easier sustained than a general one. I will relate an example. In Virginia, when the operations of the war required the exertions of the Chief Magistrate beyond the authority of the law, our late Governor, Nelson, whose name must be dear to every friend to liberty, was obliged to issue his warrants, and impress supplies for the army; though it was well known he exceeded his authority. His warrants were executed, his country was benefited by this resolute measure, and he himself afterwards indemnified by the Legislature. This corresponds with the practice under every limited Government. And although I do not wish to encourage acts of this kind, I say it would be better for the Executive to assume the exercise of such a power on extraordinary occasions, than for us to delegate

to him authority to exercise an extraordinary power on all occasions.

Some gentlemen have supposed that the Constitution has made no provision for the removal of officers; and they have called it an omitted case, or defect. They ask if we may not supply that defect? I say, in general, we may not; for if we can assume the right of supplying defects and making alterations, we may go on and make the Constitution just what we please. But as a further answer, I say it is not an omitted case; for the Constitution having directed by whom officers shall be appointed, it does direct also by whom they shall be removed. But that doctrine was so well supported yesterday by the gentleman from Maryland, (Mr. STONE,) that I need not add any thing on that head, and I will not trouble the committee with repetitions. This must have been in the contemplation of the gentlemen who formed the Constitution. Is it probable they never thought about the manner in which an officer should be displaced, when they provided so many regulations relative to it? When they directed that the judges should hold their offices during good behaviour, did they not intend all others should be held during pleasure? So far then from being an omitted case, I contend it is fully provided for by fair construction of the Constitution. I mean, before I sit down, to say something on construction in general, which will throw light on this sentiment.

Gentlemen have supposed that the President may suspend; and that as he has a right to make a temporary appointment, he has also a right to make a temporary removal: I think he has, so far as it corresponds with his power of appointment.

It has been said, if the concurrence of the Senate be necessary, they may refuse to concur when a removal is proper. If we are to suppose that the Government cannot be executed in its present form, there is no remedy for such a misfortune. But we are not to suppose it; we are to presume the Senate will do their duty. You may go on without end in supposing. You may suppose the President may not do what is right; you may even suppose this House may not do what is right; what is the consequence? Why, our constituents must bear with us till they have an opportunity of applying a remedy. But shall we, because the Senate may do wrong, give the President the power to act without them? Is it contended that the President has any superior agency in this business because he nominates? We may as well contend, on the same principle, that because this House has the exclusive power of originating money bills, we may repeal a law of that nature without the consent of the Senate. It has been asked, whether a person in the elevated station of the President would abuse his trust? I do not presume he will, but I presume he may: to prevent such evils, the Constitution has wisely guarded the exercise of every power. But I would ask, is there more danger of the Senate's abusing their trust than the President's? A gentleman (Mr. SHERMAN) has resorted to

that part of the Constitution which says, that Congress may, by law, vest the appointment of such inferior officers as they may think proper, in the President alone, in the courts of law, or in the heads of departments; and infers from hence, that the President is to consider himself as the head of all these departments. These arguments come from a gentleman whom I always hear with pleasure, on account of his sound reasoning and perspicuity of expression; but, in this case, I differ from him widely. Who are the heads of departments? We are to have a Secretary for Foreign Affairs, another for War, and another for the Treasury; now, are not these the principal officers in those departments? They are denominated such in the bills, and in the former resolution of the House; if they are, they are the heads of those departments. But who are the inferior officers? The chief clerks, and all others who may depend upon them. These, then, are the inferior officers, whose appointments may be vested in the respective heads of departments. I would beg just to observe here, that the gentlemen who formed the Constitution seem not inclined, at all events, to give to the President the power of appointing even these inferior officers, to which is attached the power of removal.

When I set out, I said that the Constitution marks the precise limits to the deliberations of Congress, and also something with respect to construction; it may, at first view, appear somewhat inconsistent. I promised to explain on this head. I say, sir, that whatever is granted in general terms, that which is in its own nature attached to it, and necessary to render that grant of effect, must also go with it, without particular explanation. Without this principle Congress could not execute the system of Government. To elucidate this point, you will observe, that the Constitution vests in the Government the power of appointing supreme and inferior judges. By natural and necessary construction, therefore, the Legislature may say how many judges there shall be, how often, and where they may hold their terms, and what their salaries shall be. These are natural and safe constructions; but constructions of every other kind are beyond the limits of the Constitution.

I should not have troubled the committee so long; but on a matter of so much importance, one that lies so heavily on my mind, and for which I am so anxiously concerned, I could not avoid expressing my sentiments fully. I am strongly impressed with the idea, that giving powers which are not within the letter of the Constitution, will be to the people a circumstance of alarm and terror. I would wish to avoid exciting apprehensions, and therefore leave the power to the discretion of the Chief Magistrate; let him exercise it, if he judges it necessary, on any occasion; and that circumstance may reconcile the people to it. This brings to my mind an observation made on Legislative construction. I imagine the Legislature may construe the Constitution with respect to the powers annexed to their department, but subject to the decision of the judges. The same

with regard to the Executive: the President and Senate may construe the power in question, and as they determine respecting the mode of removal, so they may act, but liable also to the decision of the Judiciary.

Mr. PAGE.—I cannot acquit myself of the duty I owe to my constituents and my own feelings, to pass this subject with a silent vote. I recollect when this argument was first brought forward, that great stress was laid upon increasing the President's responsibility. I think it had more weight with some gentlemen than it deserved; for, instead of increasing his responsibility, I think it diminishes it—because I hold it an incontrovertible maxim, that the more power you give him, the more his responsibility is lessened. By making the heads of all the departments dependent upon the President, you enable him to swallow up all the powers of Government; you increase his influence, and every one will be studious to please him alone. This was never the intention of the Constitution, or he would have the sole power of appointing. The framers of the Government had confidence in the Senate, or they would not have combined them with the Executive in the performance of his duties. The Constitution also has confidence in the heads of departments: the President is directed to have their advice relative to the particular duties of their stations. Now, what necessity let me ask gentlemen, was there for a Constitutional provision to enable the President to obtain their advice if it was understood that all such officers were to be the mere creatures of the President, dependent upon his will alone? Would not such a situation compel them to do every thing he directed?

The clause in the Constitution which provides that all civil officers of the United States shall be removed from office on impeachment for, and conviction of, high crimes and misdemeanors, plainly includes all officers and offences which it is in contemplation to make the President sole judge of. I ask gentlemen, then, if the clause in the bill is not subversive of the right which the Senate holds under this clause of the Constitution?

I would caution those gentlemen who are so fond of energy in their Government, that they do not go too far, and lay the foundation of a future despotism. By this grant of power you secure the President against impeachment; you fence him round with a set of dependent officers, through whom alone it is probable you could come at the evidence of the President's guilt, in order to obtain his conviction on impeachment.

It has been said, if we strike out the words in the bill, we shall leave this power to the Senate. I contend, Mr. Chairman, that it is safer to leave it to the President and Senate than to the President alone; but I do not conceive that we decide the question, by any means; when we strike out the clause, we leave it only where we found it.

Some gentlemen contend that the Senate are a dangerous and aristocratic body; but I contend that they are a safe and salutary branch of the Government, representing the republican Legislatures of the individual States, and intended to

preserve the sovereignty and independence of the State Governments, which they are more likely to do than the President, who is elected by the people at large. A popular President, influenced by the sentiments of his electors, may be induced to believe that it would be best for the general interest that those Governments were destroyed; but as long as we have that body independent of him, and secured in their authority, we may defy such impotent attempts; they will watch his conduct, and prevent the exercise of despotic power. But if they are weakened and stripped of their essential authority, they will become weak barriers against the strides of an uncontrolled power. If you take from them their right to check the President in the removal of officers, they cannot prevent the dismissal of a faithful servant, who has opposed the arbitrary mandates of an ambitious President. The principles laid down in the Constitution clearly evince that the Senate ought not only to have a voice in the framing of laws, but ought also to see to their execution.

If this clause is inserted in the bill, it will excite the jealousy of the people; and I venture to predict, there will be a tenfold clamor for amendments to the Constitution. I myself shall never be satisfied unless I see fourfold checks upon the President. It will inevitably lead to the establishment of those odious prerogatives which we, by an arduous conflict, have been endeavoring to get rid of.

I will not take up more of your time, Mr. Chairman; but I call on the gentlemen to reflect. They must see plainly, that conferring this power, so far from making the President more responsible, diminishes his responsibility, and inclines to establish him an independent monarch.

Mr. SENECA.—Notwithstanding the length of the debate, and the fatigue gentlemen have undergone, I still flatter myself that the importance of the subject will entitle me to a further indulgence. It is not, however, my intention to traverse the vast field which lies before me, nor attempt a general discussion, after what has taken place. My intention at present is to remark upon two or three cases that have particularly struck my mind. First, it is contended, on each side of the question, that it is already a matter of Constitutional determination; and, if so, gentlemen on one side say there is no necessity for the interpretation of the Legislature upon it. Again, it is contended that the power of removing is incidental to the power of appointing, and necessarily consequential upon it. In forming the Union, did it necessarily follow that the convention should give the one as incidental to the other? I believe gentlemen will hardly extend their arguments so far. Then the rule is by no means well founded; and the Constitution might have given the power of appointment to one branch of the Government, and the removal to another.

The gentleman from Virginia (Mr. WARRE) has laid down a leading principle in the Government, that where a general authority is granted to one branch, every thing subordinate and necessary to effect the object follows of course. The

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power of creating offices is given to the Legislature. Under this general grant, the Legislature have it under their supreme decision to determine the whole organization, to affix the tenure, and declare the control. This right of determining arises, not from express words, but by natural construction. So the Legislature may determine that an office may be held three, five, or seven years; to be removed by the President, the President and Senate, or the Legislature, or any other person whom they might introduce into office, merely for that particular purpose. This appears to me to be the true construction; and unless something as decisive is shown from the Constitution, I shall favor this opinion.

I am obliged to contradict, and would therefore ask pardon for the observation. It is not conceded on one side, though affirmed on the other, that the power of appointing vests in any sense in the Senate. The words in the Constitution, (and the arguments have been drawn only from their construction,) lead to a different object. It is therein said that the President shall nominate and appoint: the words are clear. Now, if we take another power, which is made analogous in the same clause, the power of making treaties, will any one contend that treaties are made by the Senate?

The words in this instance are: "He shall have power, by and with the advice and consent of the Senate, to make treaties." So the legislative power is lodged in the Senate and House of Representatives; yet this legislative power is exercised to a certain degree under the influence of the Executive Magistrate. But has it ever been considered, that the President constitutes part of the Legislature? Why, therefore, will gentlemen contend, that the influence which one branch of the Legislature has over the Executive, vests that branch with Executive powers? The doctrine of the Constitution is the reverse of this. I shall not undertake to say that it is with more plausibility contended that the power of removal is constitutionally in the President; because the powers of Government, being distributed among distinct bodies, and all executive authority being vested in him, he therefore has it of course. But I think the fact may be as fairly inferred upon the principle of the gentlemen from Virginia (Mr. WHITTE,) in favor of the President, who expressly nominates and appoints, as in favor of the President and Senate. But these arguments have been held up in so many points of view, that it will be time misapplied further to dwell upon them: it was with another view that I arose.

It will be agreed on all hands, that this officer, without observing on the subject at large, is merely to supply a natural incompetency in man. In other words, if we could find a President capable of executing this and all other business assigned to him, it would be unnecessary to introduce any other officer to aid him. It is, then, merely from necessity that we institute such an office; because all the duties detailed in the bill are, by the Constitution, pertaining to the department of the Executive Magistrate. If the question respected the expediency, I should be content to advocate it

on that ground. If expediency is at all to be considered, gentlemen will perceive that this man is as much an instrument in the hands of the President, as the pen is the instrument of the Secretary in corresponding with foreign Courts. If, then, the Secretary of Foreign Affairs is the mere instrument of the President, one would suppose, on the principle of expediency, this officer should be dependent upon him. It would seem incongruous and absurd, that an officer who, in the reason and nature of things, is dependent on his principal, and appointed merely to execute such business as is committed to the charge of his superior, (for this business, I contend, is committed solely to his charge,) I say it would be absurd, in the highest degree, to continue such a person in office contrary to the will of the President, who is responsible that the business be conducted with propriety, and for the general interest of the nation. The President is made responsible; and shall he not judge of the talents, abilities, and integrity of his instruments? Will you depend on a man who has imposed upon the President, and continue him in office when he is evidently disqualified, unless he can be removed by impeachment? If this idea should prevail, which God forbid, what would be the result? Suppose even that he should be removable, by and with the advice and consent of the Senate, what a wretched situation might not our public councils be involved in! Suppose the President has a Secretary, in whom he discovers a great degree of ignorance, or a total incapacity to conduct the business he has assigned him; suppose him inimical to the President, or suppose any of the great variety of cases which would be good cause for removal, and impress the propriety of such a measure strongly on the mind of the President, without any other evidence than what exists in his own ideas, from a contemplation of the man's conduct and character day by day—what, let me ask, is to be the consequence, if the Senate are to be applied to? If they are to do any thing in this business, I presume they are to deliberate, because they are to advise and consent. If they are to deliberate, you put them between the officer and the President. They are then to inquire into the causes of removal; the President must produce his testimony. How is the question to be investigated? Because, I presume, there must be some rational rule for conducting this business. Is the President to be sworn to declare the whole truth, and to bring forward facts? or are they to admit suspicion as testimony? or is the word of the President to be taken at all events?

If so, this check is not of the least efficacy in nature. But if proof be necessary, what is then the consequence? Why, in nine cases out of ten, where the case is very clear to the mind of the President that the man ought to be removed, the effect cannot be produced, because it is absolutely impossible to produce the necessary evidence. Are the Senate to proceed without evidence? Some gentlemen contend not. Then the object will be lost. Shall a man, under these circumstances, be saddled upon the President, who has been appointed for no other purpose but to aid the

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President in performing certain duties? Shall he be continued, I ask again, against the will of the President? If he is, where is the responsibility? Are you to look for it in the President, who has no control over the officer, no power to remove him if he acts unfeelingly or unfaithfully? Without you make him responsible, you weaken and destroy the strength and beauty of your system. What is to be done in cases which can only be known from a long acquaintance with the conduct of an officer? But so much has been said on this subject, that I will add no further observations upon it.

Let me ask, what will be the consequence of striking out these words? Is the officer to be continued during an indefinite time? For it has been contended that he cannot be removed but by impeachment. Others have contended that he is always in the power of those who appoint him. But who will undertake to remove him? Will the President undertake to exercise an authority which has been so much doubted here, and which will appear to be determined against him, if we consent to strike out the words? Will the Senate undertake to exercise this power? I apprehend they will not. But if they should, would they not also be brought before the judges, to show by what authority they did it? Because it is supposed by one gentleman, that the case might go before that tribunal, if the President alone removed the officer. But how is this to be done? Gentlemen tell you, that the man who is displaced must apply for a mandamus to admit him to his office. I doubt much if this would be adequate to the purpose. It would be difficult to say whether the mandamus should be directed to the President, to the President and Senate, to the Legislature, or to the people. Could the President be compelled to answer in a civil suit, for exercising the powers vested in him by law and by the Constitution? The question upon either of those points would be involved in doubt and difficulty.

If these observations strike the committee in the same point of light, and with the same force that they have struck my mind, they will proceed to determine the present question, and I have no doubt they will determine rightly.

Mr. LEE.—I agree with my worthy colleague, (Mr. WHITTE,) that the day on which this question shall be decided will be a memorable day, not only in the history of our own times, but in the history of mankind; that on a proper or improper decision, will be involved the future happiness or misery of the people of America. Viewing the subject in this light, I am influenced by its importance, and weigh with scrupulous attention the arguments which induce a preponderation in either scale. Hitherto, they appear favorable to that decision which accords with my sentiments of expediency and Constitutionality. I hope that a great majority of this House coalesce in these sentiments; for I trust, upon mature reflection and full discussion, the reasoning of the gentlemen in opposition will be found to be more specious than solid.

My colleague has said, that if the principle that

all powers of an Executive nature, except such as are qualified in the Constitution, belong by implication to the President, and the same principle is applied to the Legislature, this Government would be the most tyrannical on earth.

[Mr. WHITTE interrupted Mr. LEE, and declared he never made use of such an expression: he said it would possess the powers of the most absolute Government.]

Mr. LEE.—The gentleman should remember that this Government is not vested with those ample powers which he contemplated when he made this observation. This Government is invested with powers for enumerated purposes only, and cannot exercise any others whatever.

He advises us to adhere strictly to the Constitution. I hope we shall. But I would not act under the influence of arguments addressed to the passions of the committee. This, sir, is a subject to be decided on cool and dispassionate reasoning, and not in the heat of fervid declamation, or under the fears and apprehensions arising from the situation of North Carolina or Kentucky: such references, therefore, appear to me unfit to be made on the present occasion. I hope no gentleman will conceive that this is a power that can in any way endanger the general welfare; I believe it can do no such thing.

It has been said by my colleague, (Mr. WHITTE,) that the Constitution does not vest the power of making this declaration by law. Here, sir, I disagree with him; because the Constitution vests in Congress power to make all laws necessary and proper to carry into execution the powers vested by the Constitution in the Government of the United States, or in any department or officer thereof. Now, he admits that the Constitution vests the power of removal, by necessary implication, in the Government of the United States. Have not Congress, therefore, the power of making what laws they think proper to carry into execution the powers vested by the Constitution in the Government of the United States?

It is laid down as a maxim in Government by all judicious writers, that the Legislative, Executive, and Judicial powers, should be kept as separate and distinct as possible, in order to secure the liberties of the people. And this maxim is founded on the experience of ages; for we find, that however Governments have been established, however modified in their names or forms, if these powers are blended in or exercised by one body, the effects are ever the same; the public liberty is destroyed.

The several States, in forming their constitutions, have attended particularly to this sacred maxim. We find they sedulously separated these powers of Government; and many of their declarations of rights were intended to perpetuate the inviolable truth. The framers of the Constitution of the United States came from among the people, who venerated this general principle; they were the select and honored sons of those people, who, like them, were impressed with sovereign respect for a truth which supported the great object of a good and free Government. Characters

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like these, with such impressions, were not likely to forego principles in which they were nurtured. Did they forego them? Examine the result of their deliberations, and see how carefully they are preserved. They have divided our Government into three principal branches, with express declarations, that all Legislative power shall rest in one, all Executive in another, and the whole Judicial in a third. It is our bounden duty to imitate their great example, and to support the separation which they have formed. The Legislature has the power to create and establish offices; but it is their duty so to modify them as to make them conform to the general spirit of the Constitution. The people ought to know what belongs to each department; what belongs to the Executive Magistrate, and what is expected from him. Upon what can their sense be exercised, unless they know the particular powers invested in every branch? If a mischievous Legislative act be passed, they look to the Legislature, they remonstrate with you, and ask, why was this done? If a wicked Executive act is perpetrated, they look to the Executive Magistrate, and ask, why did you do this, or suffer it to be done? If an improper decision takes place in a court of law, they ask of the Judiciary to correct the error. It is by separating and keeping distinct these powers, that the public jealousy can be directed to those objects which are most necessary to be watched; they can discover the error, and know who to blame. But if the powers are blended, their attention is divided, and the responsibility, if not annihilated, is greatly diminished. On the public jealousy, therefore, the freedom of the Government exists; for if the Government is not watched, it either becomes negligent or tyrannical; and to induce the people to keep an observing eye over the actions of men in power, they must have their object specific and single.

Now, as I contend we have the power to modify the establishment of officers, so ought we, Mr. Chairman, to modify them in such a way as to promote the general welfare, which can only be done by keeping the three branches distinct; by informing the people where to look, in order to guard against improper Executive acts. It is our duty, therefore, to vest all Executive power belonging to the Government, where the convention intended it should be placed. It adds to the responsibility of the most responsible branch of the Government, and, without responsibility, we should have little security against the depredations and gigantic strides of arbitrary power. I say it is necessary, sir, to hold up a single and specific object to the public jealousy to watch; therefore it is necessary to connect the power of removal with the President. The Executive is the source of all appointments; it is his responsibility complete unless he has the power of removal. If he has this power, it will be his fault if any wicked or mischievous action is committed; and he will hardly expose himself to the resentment of three millions of people, of whom he holds his power, and to whom he is accountable every four years.

If the power of removal is vested in the Senate, it is evident, at a single view, that the responsibility is dissipated, because the fault cannot be fixed on any individual; besides, the members of the Senate are not accountable to the people; they are the representatives of the State Legislatures; but even if they were, they have no powers to enable them to decide with propriety in the case of removals, and therefore are improper persons to exercise such authority.

Mr. Boudinot.—Notwithstanding the long investigation which this question has undergone, I must beg the attention of the committee to a few sentiments further. I have attended with the greatest care to the arguments which have been brought forward on both sides. I respect the characters of the gentlemen who advocate the amendment; their arguments have struck me with considerable force, and induced me to tread with caution. Sir, the efficacy of our Government must depend upon the determination of this House respecting the present question. For my part, I shall certainly attend to the terms of the Constitution in making a decision; indeed, I never wish to see them departed from or construed, if the Government can possibly be carried into effect in any other manner. But I do not agree with the gentlemen that Congress have no right to modify principles established by the Constitution; for, if this doctrine be true, we have no business here. Can the Constitution be executed if its principles are not modified by the Legislature? A Supreme Court is established by the Constitution; but do gentlemen contend that we cannot modify that court, direct the manner in which its functions shall be performed, and assign and limit its jurisdiction? I conceive, notwithstanding the ingenious arguments of the gentleman from Virginia (Mr. WHITE,) and the gentleman from South Carolina, (Mr. SMITH,) that there has not been, nor can be, any solid reason adduced to prove that this House has not power to modify the principles of the Constitution. But is the principle now in dispute to be found in the Constitution? If it is to be found there, it will serve as a line to direct the modification by Congress. But we are told that the members of this House appear to be afraid to carry the principles of the Constitution into effect. I believe, sir, we were not sent here to carry into effect every principle of the Constitution; but I hope, whenever we are convinced it is for the benefit of the United States to carry any of them into effect, we shall not hesitate. Under these impressions, the committee will conceive with me, that every thing relative to the situation of North Carolina and Kentucky ought to be thrown out of the question. What influence ought North Carolina to have over this body? They are not represented; we are to consider the question on its own merits, and, if we find it calculated to increase the public security, we need not hesitate from an apprehension so uncertain, so visionary, as the one that has been laid before us.

Having premised thus far, I shall offer a few remarks upon what has been advanced by the

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gentlemen who support the motion for striking out the clause; and I shall endeavor to show, even on their own principles, that this power is vested in the President of the United States, and ought to be so decided by Congress.

The principle of the Constitution is generally to vest the Government in three branches. I conceive this to be completely done, if we allow for one or two instances, where the Executive and Legislative powers are intermixed, and the case of impeachment. These cases I take to be exceptions to a principle which is highly esteemed in America. Let gentlemen attend to what was said by some of the conventions when they ratified the Constitution. One great objection was, that the powers were not totally separated. The same objection is, I believe, to be found among the amendments proposed by the State of North Carolina. Now, I conceive, if we do any thing to conciliate the minds of the people to the Constitution, we ought not to modify the principle of the Government, so as to increase the evil complained of, by a further blending of the Executive and Legislative powers, and that too upon construction, when gentlemen deny that we ought to use construction in any case.

Now let us take the Constitution, and consider, from the terms and principles of it, in whom this power is vested. It is said by some gentlemen to be an omitted case; I shall take up the other principle, which is easier to be maintained, that it is not an omitted case, and say the power of removal is vested in the President. I shall also take up the principle laid down by the gentleman from Virginia (Mr. WHITE) at the beginning of his argument, that, agreeably to the nature of all Executive powers, it is right and proper that the person who appoints should remove. This leads me to consider in whom the appointment is vested by the Constitution. The President nominates and appoints; he is further expressly authorized to commission all officers. Now, does it appear from this distribution of power that the Senate appoints? Does an officer exercise powers by authority of the Senate? No; I believe the President is the person from whom he derives his authority. He appoints, but under a check; it is necessary to obtain the consent of the Senate; but after that is obtained, I ask who appoints? Who vests the officer with authority? Who commissions him? The President does these acts by his sole power, but they are exercised in consequence of the advice of another branch of the Government. If, therefore, the officer receives his authority and commission from the President, surely the removal follows as a coincidence.

Now, let us examine whether this construction consists with the true interests of the United States, and the general principles of the Constitution. It consists with the general principles of the Constitution; because the Executive power is given to the President, and it is by reason of his incapacity that we are called upon to appoint assistants. Mention, to be sure, is made of the principal officers in departments; but it is from

construction only that we derive our power to constitute this particular office. If we were not at liberty to modify the principles of the Constitution, I do not see how we could erect an office of Foreign Affairs. If we establish an office avowedly to aid the President, we leave the conduct of it to his discretion. Hence the whole Executive is to be left with him. Agreeably to this maxim, all Executive power shall be vested in a President. But how does this comport with the true interest of the United States? Let me ask gentlemen where they suspect danger? Is it not made expressly the duty of the Secretary of Foreign Affairs to obey such orders as shall be given to him by the President? And would you keep in office a man who should refuse or neglect to do the duties assigned him? Is not the President responsible for the Administration? He certainly is. How then can the public interest suffer?

Then, if we find it to be naturally inferred from the principles of the Constitution, coincident with the nature of his duty, that this officer should be dependent upon him, and to the benefit of the United States for what purpose shall Congress refuse a legislative declaration of the Constitution, and leave it to remain a doubtful point? Because, if Congress refuses to determine, we cannot conceive that others will be more entitled to decide upon it than we are. This will appear to give ground for what gentlemen have asserted, that we are afraid to carry the Constitution into effect. This, I apprehend, will not be doing our duty.

Gentlemen say they have a sufficient remedy for every evil likely to result from connecting the Senate with the President. This they propose to do by allowing the power of suspension. This, in the first place, does not answer the end, because there is a possibility that the officer may not be displaced after a hearing before the Senate. And, in the second place, it is entirely inconsistent with the whole course of reasoning pursued by the gentlemen in opposition. I would ask them, if the Constitution does not give to the President the power of removal, what part is it that gives the power of suspension? If you will, in one case, construe the Constitution, you may do it in another; for I look upon it as dangerous to give the power of suspension by implication, as to give the full power of removal. Gentlemen observe, that I take it for granted that the President has no express right to the power of suspension, and that, if he is to exercise it, it must be drawn by constructive reasoning alone from the Constitution. If we are to exercise our authority, we had better at once give a power that would answer two valuable purposes, than one altogether nugatory. In the first place, it would entirely separate the Legislative and Executive departments, conformably to the great principles of the Constitution; and, in the second place, it would answer the end of Government better, and secure real benefits to the Union.

The fears of the gentleman from Virginia (Mr. WHITE) appear to me unfounded. Why does he

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suppose the inhabitants of North Carolina will take umbrage at our decision? It cannot be because we are averse to uniting the Executive and Legislative departments; because they are avowed opponents to that doctrine. They cannot be afraid of the President, by reason of his having the power to exercise such authority, for the danger does not lie on that side. The great evil, as was stated by the gentleman from Virginia (Mr. Madison) yesterday is, that bad officers shall continue in office, and not that good ones may be removed; yet this last is all that is in the power of the President. If he removes a good officer, he cannot appoint his successor without the consent of the Senate; and it is fairly to be presumed, that if at any time he should be guilty of such an oversight, as to remove a useful and valuable officer, the evil will be small, because another as valuable will be placed in his stead. If it is said that this is an injury to the individual, I confess that it is possible that it may be so. But ought we not in the first place to consult the public good? But on mature consideration, I do not apprehend any very great injury will result to the individual from this practice; because, when he accepts of the office, he knows the tenure by which he is to hold it, and ought to be prepared against every contingency.

These being the principles on which I have formed my opinion, in addition to what was stated, I do conceive that I am perfectly justified to my constituents and to my oath, to support this construction. And when I give my vote that the President ought to have the power of removal from office, I do it on principle; and gentlemen in the opposition will leave us to the operation of our judgments on this, as well as every other question that comes before us. For my part, I conceive it is impossible to carry into execution the powers of the President in a salutary manner, unless he has the power of removal vested in him. I do not mean, that if it was not vested in him by the Constitution, it would be proper for Congress to confer it; though I do believe the Government would otherwise be very defective, yet we would have to bear this inconvenience until it was rectified by an amendment of the Constitution. For my part, I would adhere to every principle contained in it, however defective, and not infringe it for any purpose whatever. In so doing, we shall be justified by our constituents, and have nothing to dread from those apprehensions which have been held out; because I trust in the good sense of our fellow-citizens, that while we do our duty, they will not be backward on their part, to conform to theirs.

Mr. Jackson.—I think it necessary to answer a few of the arguments that have been brought forward on the other side of the House, although I am well satisfied the subject has been worn threadbare. With respect to what has been said about the business being ingeniously handled, I agree with the gentleman that the discussion of the bill has been ingenious; and it has been ingeniously brought forward; for the committee have taken care to bring in the present bill, previous to

the bill for organizing the Treasury, that the principle might be established before that more delicate business came into view.

A gentleman from Massachusetts (Mr. Sedgwick) has brought forward some arguments which are of great weight. But whilst I acknowledge their weight generally, I must beg leave to differ with him in one particular. He conceives the President, or President and Senate, to be the head of all the Executive departments of Government. Now I cannot see it in this point of light. I would ask where is the necessity, if this doctrine was true, of grafting into the Constitution a power to authorize the President to receive the advice of the Senate; and require the opinion in writing of the heads of departments? I appeal to the good sense of the committee to determine whether these offices are not established by the Constitution as heads of departments. How then can they be merely instruments of the President, to conform implicitly to his will? For I deny the principle that they are mere creatures of the law. They have Constitutional rights which they may exercise. If the President alone is the head of the whole Executive Department, and these the mere creatures of law, where is the necessity of calling their heads of departments in the Constitution? Surely the convention did not use a redundancy of words, and insert a clause without a meaning. They either must have done this, or contemplated your Secretary of Foreign Affairs as head of an Executive Department. Where else shall we search for a meaning? Shall we look into the bill now before the House? That bill states gentlemen in the face; it acknowledges the Secretary of Foreign Affairs to be the head of a department. Shall the Constitution be taken up and construed? If it is, it should not be construed in the manner which the gentlemen have adopted.

I agree with the honorable member last up, that we have a right to modify the judiciary system, and, in doing this, that construction is necessary. But it is a construction of a different kind from what is now contended for; we have a right to extend the powers of that department by construction. There is a great difference between organizing and modifying a department, and modifying the principles of the Constitution; there would be great danger in this. If we begin once to construe and define the principles of the Constitution, there is no end to our power; we may begin with the alpha and go to the omega, changing, reversing, and subverting every principle contained in it. This never can be the meaning of the Constitution; this never was the intention of our constituents; they never sent us here for the purpose of altering the system of Government; they reserved that power to themselves.

I differ with gentlemen who say that the Senate have no part of the Executive power, or that the President has no part of the Legislative authority. I consider them as checks upon each other, to prevent the abuse of either; and it is in this way the liberties of the people are secured. I appeal for the truth of this sentiment to the

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writings of Publius. He has proved that the Senate is a check upon the Executive, for the express purpose of securing the freedom of the people.

Gentlemen have come forward and told us that a power of this kind is necessary to prevent a misapplication of the public money; and to make the officer completely controllable by the President, would be the best security for his fidelity. But the vigilance of the House of Representatives, and the power of impeachment and punishment, would be a better security; for, if the President has the power of removing all officers who may be virtuous enough to oppose his base measures, what would become of the liberties of our fellow-citizens? Your treasury would fall into his hands; for nobody in that department would dare to oppose him. Having then the army and the treasury at his command, we might bid a farewell to the liberties of America forever. The balance would be on his side; and if we were to lose the benefit of the Constitution for a day, a month, or a year, it could never be regained, but by an arduous and dreadful conflict. I repeat it again, there are but two things necessary to make a man a despot, the purse and the sword. The Constitution gives to the President the power of the latter, and the Legislature is about to give the power of the former into his hands; when this is done the liberties of the people are surrendered to his discretion.

Gentlemen have said that the power in the hands of the Senate would be equally dangerous; but let me ask them whether most danger is to be apprehended from a power vested in the hands of one or many? Besides, the Senate is a body perpetually changing, returning to, and removing from the mass of the people, which will also be continually watched over by the State Legislatures. It will be readily admitted, that the State Governments are good sentinels and proper checks over their conduct. In this view, I look upon the Senate as a more harmless body than gentlemen seem inclined to suppose it. But it is not so with the President—he is Constitutionally armed with high and dangerous powers, which, if left unchecked and unrestrained, might be productive of dangerous consequences. But to extend those powers would increase the danger to an alarming degree; if you grant him the power of removing whom he pleases from office, you will give him a complete control over the whole Treasury Department. Having got the sword, give him the purse, with the army and navy, and what is there left for him to require? With the command of the strong box, he would be able to raise up a legion of officers to support his measures, secure his election, and thus perpetuate his political existence. Gentlemen will not contend that there is no fear of corruption, when the President has the power of bribing by a disposal of the public treasure among his partisans. Let us look round at this moment, and see the progress we are making towards venality and corruption. We already hear the sounding title of *Highness* and *Most Honorable* trumpeted in our ears, which, ten

years since, would have exalted a man to a station as high as Haman's gibbet. These titles have been echoed, even in the Boston papers, a town which, fifteen years ago, would acknowledge no lord but the Lord of Hosts.

I call upon gentlemen to show me, why the heads of departments are necessarily dependent upon the President, when the Constitution specifically points them out. I cannot, for my part, admit that any part of the Constitution authorizes the President to exercise an uncontrolled power over them, because I perceive, as a fundamental principle in the Constitution, that the exercise of all power should be properly checked and guarded; and the Senate is the proper check on the President, and the President on the Senate and this House. These being my sentiments, and conceiving it the only way to secure the rights of the people, I shall be against the clause, and hope it may be rejected.

Mr. Scott.—Before I call again for the question, although I confess I have been long since ready for it, I beg leave to say a few words, and I assure the committee I do not mean to be tedious. I have listened to the arguments in support of this motion these three days with great attention, and think, when taken together, they consist in this, the raising of a great number of frightful pictures, which, at first sight, appear very terrible; but when they are attentively contemplated, they appear to be the vagaries of a disordered imagination. Let us examine one or two of these frightful pictures, merely as a sample of the whole set, and see what they amount to. The most frightful of all that has been brought into view is, that the Treasurer must be the mere creature of the President, and conform to all his directions, or he arbitrarily removes him from office, and lays his hands violently upon the money chest; then, having the sword and the purse, you see the President boldly advancing, supported by the army and navy, and the money chest in the back ground, engaging the liberties of the people; armed with all this omnipotence of power, the protector rushes onward with irresistible impetuosity;—so sudden and fatal is the stroke, that the expiring Genius of America has hardly time faintly to say, Farewell Liberty! Thus despotism rides triumphant, and freedom and happiness are trampled in the dust. Strange, that all this should arise from the Executive Magistrate having the power of removal. But gentlemen tell us, that if we keep the Treasurer out of the power of the President, he cannot injure us; that, being thus independent, your strong box will be well guarded, and the President cannot get your money unless he steals it; and if he steals it, and the Treasurer sees him, he will tell. This will lead to an impeachment, and we shall get rid of the cause of our apprehensions. But the Constitution says, that no money shall be taken out of the Treasury but by appropriations: this alone, I think, a sufficient answer to all that has been said, and will serve to soften down the harsh features which the terrible picture I have just now mentioned displayed. I say, sir, our money may be in the Treas-

ary by millions, and, without special appropriation by the Legislature, neither the President, Treasurer, nor both together, can touch a farthing of it, unless they steal it. This being the case, I see as little security to the Treasury in the independence of this officer, as danger arising from his dependence, without a single exception; for if the President, with a strong army at his back, comes violently to lay hold of the money chest, this officer stands but a very poor security against such a power. I think the President, supported with the army and navy, making a descent upon your Treasury, would be very apt to carry away the money. Arguments like these may tend to amuse, but they can make no serious impression; it is only drawing pictures on a wall, in order to batter them down with our own knuckles.

Another picture is drawn, by way of comparison, between the Senate and the President; and we have gone into arguments to prove who are nearest akin to the people. Here we have run deep into the science of calculating kindred; and it seems to be concluded by the supporters of this motion, that the Senate is much nearer related to them than the President. Therefore, the latter, as a stranger, must not be entrusted with the removal of officers, but our kinsmen, the Senate, may. But is this a fair construction of the relationship? Is anything more plain than that the President, above all the officers of Government, both from the manner of his appointment, and the nature of his duties, is truly and justly denominated the man of the people? Is there any other person who represents so many of them as the President? He is elected by the voice of the people of the whole Union; the Senate are the Representatives of the State sovereignties; the Representatives of that species of beings which, if anything stands in the way of the just execution of the Federal Government, they are the creatures. The separate sovereignties of the several States are the most effectual bar to prevent the operations of the present system; yet this body is held up as more nearly related to the people than the President himself, when no man in the United States has their concurrent voice but him. Hence it appears, that, although this picture is not quite so ludicrous as the first, it is equally a caricature; and so of the rest. Sir, I have really felt amazed how these kind of arguments ever found their way into the minds of wise and enlightened men.

Mr. GOODHUE.—It has long been an opinion entertained of the people of America, that they would not trust the Government with the power of doing good lest it should be abused; but, contrary to the expectation of its enemies, a Constitution is formed providing those powers which we suffered so much for want of under the old Confederation. The question on the present occasion seems to stand on nearly the same ground, whether we shall trust the power of doing good to the Executive Magistrate, or deprive him of it for fear he may abuse it. The Constitution has recognised three great branches of the Govern-

ment, and distributed among them all the powers which are granted. I conceive, therefore, in no case whatever can any kind of construction be put to lessen the powers of either of those branches. The only security which the Constitution means to give us is, to call the officers of Government to account if they abuse their powers, and not to cramp their exercise so as to make them inefficient.

It is contended by some gentlemen, that the Constitution has, by implication, vested the power of removal in the President and Senate; but are we to decide a question by implication in favor of the Senate, and not to construe any part of the Constitution in favor of the President? It has also been said, that the power would be more safe in the hands of the Senate than in that of the President; but I do not view it in that light. It has, however, been justly shown, that it would be a very inconvenient and useless power for them to be possessed of it. It is in nothing similar to the power they have in appointments. There they are really useful by their advice; because it is more probable that the Senate may be better acquainted with the characters of the officers that are nominated than the President himself. But after their appointments such knowledge is little required. The officer is placed under the control of the President; and it is only through him that the improper conduct of a person in a subordinate situation can be known. He therefore is the only person who can properly apply the remedy; unless, indeed, the officer's mal-practices are so conspicuous as to furnish ground for impeachment; and this power, vested by the Constitution in the House of Representatives and Senate, will apply the remedy in such case, if the President should neglect, or if the officer should be a favorite of his. Moreover, it appears very clear to me, that the Senate, who are a judicial body, ought not to meddle with the business of removal; because they will have prejudged the case, if an impeachment should thereafter be made.

Mr. JACKSON.—I admit, sir, the justness of an old observation, that ridicule is the test of truth. I would rather, that my arguments were caricatured against a wall, to be battered down by my own knuckles, than join a system forging chains for my country. It will be a matter of small consolation to the gentleman from Pennsylvania, when the hour of repentance arrives, that he has been facetious at the expense of his fellow-citizens' security.

Mr. GERRY.—So far, Mr. Chairman, am I from feeling hurt by the ludicrous situation in which our arguments are placed by the gentleman from Pennsylvania, that I am obliged to him for the relaxation it has afforded. These sportive fancies unbend the mind, and make us in better humor with each other. But no gentleman expects that we shall be laughed out of our reason or our liberty.

The Parliament of England is one of the most important bodies on earth; but they can do nothing without the concurrence of the Executive Magistrate. The Congress of the United States

are likely to become a more important body; the Executive Magistrate has but a qualified negative over them. The Parliament of England, with the consent of the King, can expound their Constitution; in fact, they are the Constitution itself. And Congress may, if once the doctrine of construction is established, make the Constitution what they please; and the President can have no control over them.

It has been said by my colleague, (Mr. SEPOWICK,) that the President not only nominates, but appoints the officers; and infers from hence, that as the power of removal is incidental to the power of appointing, the President has the power of removal also. But I should be glad to know how it can, with justice, be said that the President appoints. The Constitution requires the consent of the Senate; therefore they are two distinct bodies, and intended to check each other. If my colleague's is a true construction, it may be extended further, and it may be said, that in the act of nominating, the assent of the Senate is virtually given; and, therefore, he has a right to make the whole appointment himself, without any interference on the part of the Senate. I contend, sir, that there is just as much propriety in the one construction as in the other. If we observe the enacting style of the statutes of Great Britain, we shall find pretty nearly the same words as those used in the Constitution, with respect to appointments.—“Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of Parliament.” Here it might be said that the King enacts all laws; but I believe the truth of this fact will be disputed in that country. I believe no one will pretend to say that the King is the three branches of Parliament; and, unless my colleague will do all this, I never can admit that the President in himself has the power of appointment.

My colleague has gone further, to show the dependence of this officer on the President. He says, the necessity of appointing a Secretary of Foreign Affairs arises from a natural defect in man; that if the President were able to administer all these departments, there would be no occasion of making provision by law. If the President had power superior to the limits of humanity, he might render his country great services; but we are not likely to have any such President; the Constitution itself contemplates none; it makes provision for the infirmities of human nature; it authorizes us to establish offices by law; and this is the ground upon which we stand. Indeed, this is the ground that was assumed yesterday by my colleague, when he said that this officer was the creature of the law. If he is the creature of the law, let him conduct according to law, and let it not be contended that he is the creature of the President; because he is no further the creature of the President, than that he is obliged to give his opinion in writing when required. But it is said, the President is responsible for the conduct of this officer. I wish to know what this responsibility is. Does it mean, if a subordinate Executive officer commits treason, that the President is

to suffer for it? This is a strange kind of responsibility. Suppose, in the case of the Secretary of the Treasury, there should be a defalcation of the public revenue; is he to make good the loss? Or if the head of the army should betray his trust, and sacrifice the liberties of his country, is the President's head to be the devoted sacrifice? The Constitution shows the contrary by the provision made for impeachment; and this I take to be one of the strongest arguments against the President having the power of removing one of the principal officers of Government—that he is to bear his own responsibility.

It has been urged by the gentleman over the way, (Mr. SCOTT,) that the President is the man of the people, and their particular representative. Now how this can warrant those strong terms in which it has been asserted, I leave the committee to determine, when he can be elected by electors appointed by the State Legislatures. Is the creature of the deputy of a deputy nearer to the people than the creature of their deputy? Would that gentleman consider the issue of his wife's maid nearer akin to him than the issue of his wife?

The question before the committee must be decided on one of these two grounds: either they must suppose this power is delegated particularly to the President by the Constitution, or it is not. Let us examine these two cases. If gentlemen say that it is delegated by the Constitution, then there is no use for the clause; but if it is not particularly delegated to the President by the Constitution, and we are inclined to authorize him to exercise this power, I would ask gentlemen, whether this is the proper way to do it? Whether a little clause, hid in the body of a bill, can be called a declaratory act? I think it cannot. It looks as if we were afraid of avowing our intentions. If we are determined upon making a declaratory act, let us do it in such a manner as to indicate our intention. But perhaps gentlemen may think we have no authority to make declaratory acts. They may be right in this opinion; for, though I have examined the Constitution with attention, I have not been able to discover any clause which vests Congress with that power. But if the power of making declaratory acts really vests in Congress, and the judges are bound by our decisions, we may alter that part of the Constitution which is secured from being amended by the fifth article; we may say, that the ninth section of the Constitution, respecting the migration or importation of persons, does not extend to negroes; that the word persons means only white men and white women. We then proceed to lay a duty of twenty or thirty dollars per head on the importation of negroes. The merchant does not construe the Constitution in the manner that we have done. He therefore institutes a suit, and brings it before the Supreme Judiciary of the United States for trial. The judges, who are bound by oath to support the Constitution, declare against this law; they would, therefore, give judgment in favor of the merchant. But, say Congress, we are the Constitutional expounders

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of this clause, and your decision in this case has been improper. Shall the judges, because Congress have usurped power, and made a law founded in construction, be impeached by one branch, and convicted by the other, for doing a meritorious act, and standing in opposition to their usurpation of power? If this is the meaning of the Constitution, it was hardly worth while to have had so much bustle and uneasiness about it. I would ask gentlemen, if the Constitution has given us power to make declaratory acts, where is the necessity of inserting the fifth article for the purpose of obtaining amendments? The word amendment implies a defect; a declaratory act conceives one. Where, then, is the difference between an amendment and a declaratory act? I call upon the gentleman to point out what part of the Constitution says we shall correct that instrument by a declaratory act. If gentlemen once break through the Constitutional limits of their authority, they will find it very difficult to draw a boundary, which will secure to themselves and their posterity that liberty which they have so well contended for.

Several gentlemen rose to speak, but sat down again upon a call for the question, which seemed to be pretty general through the House; when Mr. SUMNER arose, and begged gentlemen not to be so precipitate. If they considered the importance of the question, and the consequences of the decision, they would reflect more deliberately before they gave their votes. For his part, he sat patiently, and attended seriously to the arguments offered on both sides. He had received considerable information from the discussion which had already taken place, and he hoped that more light would still be thrown upon it, if gentlemen were not precluded from pursuing the subject by a precipitate call for the question. He hoped gentlemen would give further time, and let other members speak, who were desirous of delivering their sentiments.

Mr. SHERMAN.—The importance of this question requires mature deliberation; the more I have heard it discussed, the more convinced I am that the clause ought to be struck out. If we suppose (and gentlemen do suppose on this side of the question) that the power is vested in the President by the Constitution, why should we intermeddle in the matter? Why are we officiously to intrude our opinions upon the President? Are we to suppose he is unacquainted with his duty, and is to be taught it by our superior wisdom? I apprehend that the electors who chose the President, thought him competent to understand his duty; what then can induce us to give our advice unasked? If he was in doubt, and was to apply to us for such a purpose, there might be some propriety in it. The convention, who formed this Constitution, thought it would tend to secure the liberties of the people, if they prohibited the President from the sole appointment of all officers. They knew that the Crown of Great Britain, by having that prerogative, has been enabled to swallow up the whole administration; the influence of the Crown upon the Legislature subjects both

Houses to its will and pleasure. Perhaps it may be thought, by the people of that kingdom, that it is best for the Executive Magistrate to have such kind of influence; if so, it is very well, and we have no right to complain that it is injurious to them, while they themselves consider it beneficial. But this Government is different, and intended by the people to be different. I have not heard any gentleman produce an authority from law or history which proves, that where two branches are interested in the appointment, one of them has the power of removal. I remember that the gentleman from Massachusetts, (Mr. SENECA,) told us, that the two Houses, notwithstanding the partial negative of the President, possessed the whole Legislative power; but will the gentleman infer from that, that because the concurrence of both branches is necessary to pass a law, a less authority can repeal it? This is all we contend for.

Some gentlemen suppose, if the President has not the power by the Constitution, we ought to vest it in him by law. For my part, I very much doubt if we have the power to do this. I take it we would be placing the heads of departments in a situation inferior to what the Constitution contemplates; but if we have the power, it will be better to exercise it than attempt to construe the Constitution. But it appears to me, that the best way will be to leave the Constitution to speak for itself whenever occasion demands.

It has been said, that the Senate are merely an advisory body. I am not of this opinion, because their consent is expressly required; if this is not obtained, an appointment cannot be made. Upon the whole, I look upon it as necessary, in order to preserve that security which the Constitution affords to the liberty of the people, that we avoid making this declaration, especially in favor of the President, as I do not believe the Constitution vests the authority in him alone.

Mr. AMES.—I believe there are very few gentlemen on this floor who have not made up their opinions; therefore it is particularly disagreeable to solicit their attention, especially when their patience is already exhausted, and their curiosity satisfied; but still I hope to be of some use in collecting the various arguments, and bringing them to a point. I shall rather confine myself to this task, than attempt to offer any thing that is new. I shall just observe, that the arguments of the gentleman from Pennsylvania, (Mr. SCOTT,) which are complained of as being ridiculous, were arguments addressed to the understandings of the committee; my own understanding was enlightened by them, although they wore the garb of pleasantry. But to proceed to my main object.

The question, so far as it relates to the Constitution, is this: Whether it has vested the sole power of removing in the President alone, or whether it is to take place by and with the advice and consent of the Senate? If the question of constitutionality was once despatched, we should be left to consider of the expediency of the measure. I take it to be admitted on all

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hands, though it was at first objected to by a worthy gentleman from South Carolina, that the power of removal from office, at pleasure, resides somewhere in the Government. If it does not reside in the President, or the President and Senate, or if the Constitution has not vested it in any particular body, it must be in the Legislature; for it is absurd to suppose that officers once appointed cannot be removed. The argument tending to prove that the power is in the President alone, by an express declaration, may not be satisfactory to the minds of those gentlemen who deem the Constitution to be silent on that head. But let those gentlemen revert to the principles, spirit, and tendency of the Constitution, and they will be compelled to acknowledge that there is the highest degree of probability that the power does vest in the President of the United States. I shall not undertake to say that the arguments are conclusive on this point. I do not suppose it is necessary that they should be so; for I believe nearly as good conclusions may be drawn from the refutations of an argument as from any other proof. For it is well said, that *destructio unius est generatio alterius*.

It has been said, and addressed with solemnity to our consciences, that we ought not to destroy the Constitution, to change or modify it; nay, it has been inferred that it is unnecessary and dangerous for us to proceed in this inquiry. It is true we may decide wrong, and therefore there may be danger; but it is not unnecessary. We have entered too far in the discussion to retreat with honor to ourselves, or security to our country. We are sworn as much to exercise Constitutional authority, for the general good, as to refrain from assuming powers that are not given to us. We are as responsible for forbearing to act, as we are for acting. Are we to leave this question undetermined, to be contended for between the President and the Senate? Are we to say, that the question to us is indissoluble, and we therefore throw it upon the shoulders of the President to determine? If it is complex and difficult, it is certainly disingenuous in us to throw off the decision; besides, after so long a debate has been had, a decision must be made, for it never would do to strike out the words; as that would be deciding, and deciding against the power of the President.

It must be admitted that the Constitution is not explicit on the point in contest; yet the Constitution strongly infers that the power is in the President alone. It is declared that the Executive power shall be vested in the President. Under these terms all the powers properly belonging to the Executive department of the Government are given, and such only taken away as are expressly excepted. If the Constitution had stopped here, and the duties had not been defined, either the President had had no powers at all, or he would acquire from that general expression all the powers properly belonging to the Executive department. In the Constitution the President is required to see the laws faithfully executed. He cannot do this without he has a con-

trol over officers appointed to aid him in the performance of his duty. Take this power, out of his hands, and you virtually strip him of his authority; you virtually destroy his responsibility—the great security which this Constitution holds out to the people of America.

Gentlemen will say that, as the Constitution is not explicit, it must be matter of doubt where the power vests. If gentlemen's consciences will not let them agree with us, they ought to permit us to exercise the like liberty on our part. But they tell us we must meet them on the ground of accommodation; and give up a declaration that the power of removal is in the President, and they will acquiesce in declaring him to have the power of suspension; but they should recollect, that in so doing we sacrifice the principles of the Constitution.

It has been frequently said, that the power of removing is incidental to the power of appointing; as the Constitution implies that all officers, except the judges, are appointed during pleasure, so the power of removal may, in all cases, be exercised. But suppose this general principle true; yet it is an arbitrary principle, I take it, and one that cannot be proved. If it were denied, it could not be established; and if it were established, it is still doubtful whether it would make for the adverse side of this question or not; because it is doubted whether the Senate do actually appoint or not. It is admitted that they may check and regulate the appointment by the President, but they can do nothing more; they are merely an advisory body, and do not secure any degree of responsibility, which is one great object of the present Constitution. They are not answerable for their secret advice; but if they were, the blame, divided among so many, would fall upon none.

Certainly this assumed principle is very often untrue; but, if it is true, it is not favorable to the gentleman's doctrine. The President, I contend, has expressly the power of nominating and appointing, though he must obtain the consent of the Senate. He is the agent; the Senate may prevent his acting, but cannot act themselves. It may be difficult to illustrate this point by examples which will exactly correspond. But suppose the case of an executor, to whom is devised land, to be sold with the advice of a certain person, on certain conditions; the executor sells, with the consent, and upon the conditions required in the will; the conditions are broken;—may the executor re-enter for the breach of them? Or has the person with whom he was obliged to consult in the sale, any power to restrain him? The executor may remove the wrongful possessor from the land, though perhaps by the will, he may hold it in trust for another person's benefit. In this manner the President may remove from office, though, when vacant, he cannot fill it without the advice of the Senate. We are told it is dangerous to adopt constructions, and that what is not expressly given, is retained. Surely it is as improper in this way to confer power upon the Senate as upon the President; for, if the power

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is not in the President solely by the Constitution, it never can be in the President and Senate by any grant of that instrument. Any arguments, therefore, that tend to make the first doubtful, operate against the other, and make it absurd. If gentlemen, then, doubt with respect to the first point, they will certainly hesitate with respect to the other. If the Senate have not the power, and it is proved that they have it not, by the arguments on both sides, the power either vests with the President or the Legislature; if it is at the disposal of the latter, and merely a matter of choice with us, clearly we ought not to bestow it on the Senate; for the doubt, whether the President is not already entitled to it, is an argument against placing it in other hands. Besides, the exercise of it by the Senate would be inconvenient; they are not always sitting; it would be insecure, because they are not responsible; it would be subversive of the great principles of the Constitution, and destructive to liberty, because it tends to intermingle Executive and Legislative powers in one body of men; and this blending of powers ever forms a tyranny. The Senate are not to accuse offenders; they are to try them; they are not to give orders, but, on complaint, to judge of the breach of them. We are warned against betraying the liberties of our country; we are told that all power tends to abuse; it is our duty, therefore, to keep them single and distinct. Where the Executive swallows up the Legislature, it becomes a despotism; where the Legislature trenches upon the Executive, it approaches towards despotism; and where they have less power than is necessary, it approximates towards anarchy. We should be careful, therefore, to preserve the limits of each authority in the present question. As it respects the power of the people, it is but of little importance. It is not pretended that the people have reserved the power of removing bad officers. It is admitted on all hands, that the Government is possessed of such power; consequently, the people can neither lose nor gain power by it. We are the servants of the people; we are the watchmen, and we should be unfaithful in both characters, if we should administer the Government as to destroy its great principles and most essential advantages. The question now among us is, which of these servants shall exercise a power already granted? Wise and virtuous as the Senate may be, such a power lodged in their hands will not only tend to abuse, but cannot tend to any thing else. Need I repeat the inconveniences which will result from vesting it in the Senate? No, I appeal to that maxim which has the sanction of experience, and is authorized by the decision of the wisest men; to prevent an abuse of power, it must be distributed into three branches, who must be made independent, to watch and check each other. The people are to watch them all. While these maxims are pursued, our liberties will be preserved. It was from neglecting or despising these maxims that the ancient commonwealths were destroyed. A voice issues from the earth which covers their ruins, and proclaims to mankind the sacredness of

the truths that are at this moment in controversy. It is said that the Constitution has blended these powers which we advise to keep separate, and therefore we ought to follow in completing similar regulations. But gentlemen ought to recollect that that has been an objection against the Constitution; and if it is a well-founded one, we ought to endeavor, by all that is in our power, to restrain the evil rather than to increase it. But, perhaps, with the sole power of removal in the President, the check of the Senate in appointments may have a salutary tendency. In removing from office, their advice and consent is liable to all the objections which have been stated. It is very proper to guard the introduction of a man into office by every check that can properly be applied; but after he is appointed, there can be no use in exercising a judgment upon events which have heretofore taken place. If the Senate are to possess the power of removal, they will be enabled to hold the person in office, let the circumstances be what they may that point out the necessity or propriety of his removal. It creates a permanent connexion; it will nurse faction; it will promote intrigue to obtain protectors, and to shelter tools. Sir, it is infusing poison into the Constitution; it is an impure and unchaste connexion; there is ruin in it; it is tempting the Senate with forbidden fruit; it ought not to be possible for a branch of the Legislature even to hope for a share of the Executive power; for they may be tempted to increase it, by a hope to share the exercise of it. People are seldom jealous of their own power; and if the Senate become part of the Executive, they will be very improper persons to watch that department; so far from being champions for liberty, they will become conspirators against it. The Executive department should ever be independent, and sufficiently energetic to defeat the attempts of either branch of the Legislature to usurp its prerogative. But the proposed control of the Senate is setting that body above the President; it tends to establish an aristocracy. And at the moment we are endangering the principles of our free and excellent Constitution, gentlemen are undertaking to amuse the people with the sound of liberty. If their ideas should succeed, a principle of mortality will be infused into a Government, which the lovers of mankind have wished might last to the end of the world. With a mixture of the Executive and Legislative powers in one body, no Government can long remain uncorrupt. With a corrupt Executive, liberty may long retain a trembling existence. With a corrupt Legislature, it is impossible; the vitals of the Constitution would be mortified, and death must follow on every step. A Government thus formed would be the most formidable curse that could befall this country. Perhaps an enlightened people might timely foresee and correct the error; but if a season were allowed for such a compound to grow and produce its natural fruit, it would either banish liberty, or the people would be driven to exercise their unalienable right, the right of uncivilized nature, and destroy a monster whose voracious and capacious jaws would crush

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and swallow up themselves and their posterity. The principles of this Constitution, while they are adhered to, will perpetuate that liberty which it is the honor of Americans to have well contended for. The clause in the bill is calculated to support those principles; and for this, if there was no other reason, I should be inclined to give it my support.

Mr. LIVERMORE.—I think gentlemen ought to consent to strike out the words, even upon their own principles; for we ought not to blend the Legislative with the Executive powers; and surely a declaration like that contained in the bill, is an interference on our part with the Executive Department. Leave them to do their duty, and let us do ours.

The decision of this question depends upon the construction of a short clause in the Constitution, in which is designated the power of the President. It is said he shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; he shall nominate, and, by and with the advice and consent of the Senate, appoint ambassadors, other public ministers and consuls, justices of the Supreme Court, and all other officers of the United States. Strange constructions have been given to this advice and consent of the Senate, which, if agreed to, will make the whole Constitution nothing, or any thing, just as we please. If we can deprive the Senate of their power in making treaties, and say with truth that they have no authority in the business, the Legislature will become a dangerous branch of the Government. So in the case of appointing officers; if it can be truly said that these heads of departments are the servants of the President alone, we shall make the Executive Department a dangerous one. I should not dwell so strongly on these two points, had not a gentleman from Massachusetts (Mr. SNOWICK) asserted that the power of appointing did not vest, in any sense, in the Senate, nor that they were instrumental in making treaties; that all officers were the servants of the President, and he alone responsible.

Mr. SNOWICK imagined the gentleman had misunderstood him, because he said, when he was last up, that it was not conceded on this side that the power of appointing vested in the Senate, nor in the case that appeared analogous, namely, that of making treaties; but he did not deny that the concurrence of the Senate was necessary to the completion of the act. He had undertaken to say that the Legislature were at liberty to determine that an officer should be removable by the President, or by whom they pleased; that he was absolutely the creature of the law, and subject to Legislative discretion. He also said it was more plausibly contended that the power of removal was more constitutionally in the President than in the President and Senate; but he did not say that the arguments on either side were conclusive.

Mr. LIVERMORE did not desire to lay any stress upon arguments which he had misunderstood. He would therefore pass over what he had intended to say on that head; and he would endeavor

vor to give such a construction to the clause he had read, as would justify the House in striking out the words from the bill.

If the consent of the Senate be absolutely requisite with respect to appointments, it is one thing; but if the President has no more to do than to ask their opinion, or to receive their advice, it is another thing. The latter appeared to him to be the sentiment of another gentleman from Massachusetts, (Mr. AMES.)

[Mr. AMES rose and denied such an opinion. His idea was that the President was the agent, and the Senate a check to regulate his agency.]

Mr. LIVERMORE.—I shall take it, then, with the consent of gentlemen, that the Senate has an absolute control over the President in cases of appointment. Now, being thus appointed, how are officers to be displaced? On this point, I undertake to give my opinion; though, in the first place, I must differ with one of the gentleman on this side of the question, (Mr. SMITH, of South Carolina.) I do not admit that any man has an estate in his office. I conceive all officers to be appointed during pleasure, except where the Constitution stipulates for a different tenure, unless indeed the law should create the office or officer, for a term of years. After observing this, I must contend, with the honorable gentleman from Virginia, (Mr. WHITTE,) that the power of removal is incidental to the power of appointment. If it were the President alone that appointed, he alone could displace. If the President and Senate, by a joint agreement, appointed an officer, they alone have the power to supersede him; and, however any gentleman may say he doubts, or does not understand the force of this principle, yet to me it appears as clear and as demonstrable as any principle of law or justice that I am acquainted with. There is another method of displacing officers expressly pointed out by the Constitution; and this implies, in the clearest manner, that in all other cases, officers may be removed at pleasure; and, if removed at pleasure, it must be at the pleasure of the parties who appointed them.

Congress are enabled, by the Constitution, to establish offices by law. In many cases, they will no doubt vest the power of appointing inferior officers in the President alone. They have no express right, by the Constitution, to vest in him the power of removing these officers at pleasure; yet no gentleman will contend that inferior officers ought not to be removable at pleasure. How, then, can the President acquire this authority, unless it be on the principle that the power of removal is incidental, and the natural consequence of the power of appointing. If gentlemen will maintain consistency, they will be compelled to acknowledge the force of this principle; and if they acknowledge the principle, they must agree to strike out the words.

Mr. SMITH, of South Carolina. As my silence may be construed into a dereliction of my former sentiments, I beg permission of the committee to assure them, that my opinion on the question of constitutionality has undergone no change what-

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ever. Indeed, the arguments of gentlemen in favor of the clause have gone mostly on the point of expediency, and have tended rather to show us what the Constitution ought to be than what it is.

An honorable gentleman, (Mr. Madison,) of great abilities, and who was a member of the convention that formed the Constitution, has given us an interpretation of the first words in the second article, which requires some examination before it is admitted. He says that all powers incidental to the Executive Department, are vested in the President of the United States. What powers are Executive, or incidental to the Executive Department, will depend upon the nature of the Government; because some powers are vested in the Executive of a monarchy that are not in an aristocracy, and in the Executive of an aristocracy that are unknown in a democracy. The Legislatures of republics appoint to office; this power is exercised by the Executive of monarchies. In England the King appoints all officers; and do gentlemen contend that Executive powers vest in the President? The King confers titles of nobility, but the Constitution prohibits the United States from granting any. Does it restrain the President, or Congress, from the exercise of this Executive power? I believe it restrains Congress. If so, the Constitution did not contemplate that the President should exercise all Executive power, or the Constitution did not understand the power of conferring titles as an Executive power. Hence, what I contend for is evinced, that Executive powers must take their complexion from the nature of the Government. Can the President establish corporations? Can he prevent citizens from going out of the country? He cannot. Yet these powers are exercised, as Executive powers, by the King of Great Britain. There are a variety of other powers exercised, as Executive powers, to which the President is not entitled. From this I am led to believe that the gentleman may be wrong, when he considers the power of removal as an Executive power, and incidental to the prerogative of the President. For my part, I conceive the President is to exercise all Executive powers granted in the Constitution, as the Legislature is to exercise all Legislative authority, according to these words in the first article: "All Legislative powers herein granted shall be vested in a Congress of the United States."

However solemnly the contrary doctrine may be insisted upon, however ridiculously our arguments may be treated, I hope we shall preserve a due attention to the reason and nature of things, and to the Constitution; and not suffer ourselves to be forced or laughed out of our principles. Ridicule is said to be the test of truth; and, to be sure, that touchstone has been applied, with what success I leave gentlemen to determine. For my part, though I admit the gentleman's talent at caricature, yet I should never think of employing him at portrait work.

The extreme desire which gentlemen have manifested to retain this clause, makes me sus-

picious that they do not themselves think there is good reason to believe the President would think of exercising the authority which they are so desirous of giving him to understand that he ought. To my mind, it is a strong proof that gentlemen do not think the power is vested in him by the Constitution. If gentlemen were satisfied by the Constitution gave this power to the President, they would not hesitate, at the request of so numerous and respectable a part of the House, to strike out the words. I say they would not hesitate to do this, because they did not hesitate to strike out similar words. When the business was first brought before the Committee of the Whole, gentlemen will recollect, that the motion for establishing the Departments of Finance, War, and Foreign Affairs, was first introduced; it contained a clause declaring that the officers should be respectively appointed by the President, by and with the advice and consent of the Senate. Gentlemen, who are now in the minority, declared such a clause to be unnecessary, because the Constitution had already given the power. The solidity of this reasoning was admitted by a majority of the House at that time; even the honorable gentleman from Virginia (Mr. Madison) acquiesced in striking out the words. If gentlemen wished to be considered consistent, they will consent to strike out the words, "to be removable by the President;" provided they are of opinion that the Constitution vests this authority in the President alone. If it is not vested by the Constitution in the President alone, will gentlemen undertake to vest it in him by law, when it is so well contended that the Constitution vests it in the President and Senate?

Mr. Madison.—The question now seems to be brought to this, whether it is proper or improper to retain these words in the clause, provided they are explanatory of the Constitution. I think this branch of the Legislature is as much interested in the establishment of the true meaning of the Constitution, as either the President or Senate; and when the Constitution submits it to us to establish offices by law, we ought to know by what tenure the office should be held; and whether it should depend upon the concurrence of the Senate with the President, or upon the will of the President alone; because gentlemen may hesitate in either case, whether they will make it for an indefinite or precise time. If the officer can be removed at discretion by the President, there may be safety in letting it be for an indefinite period. If he cannot exert his prerogative, there is no security even by the mode of impeachment; because the officer may intrude himself behind the authority of the Senate, and bid defiance to every other department of Government. In this case, the question of duration would take a different turn. Hence it is highly proper that we and our constituents should know the tenure of the office. And have we not as good a right as any branch of the Government to declare our sense of the meaning of the Constitution?

Nothing has yet been offered to invalidate the

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doctrine, that the meaning of the Constitution may as well be ascertained by the legislature as by the judicial authority. When the question emerges as it does in this bill, and much seems to depend upon it, I should conceive it highly proper to make a legislative construction. In another point of view it is proper that this interpretation should now take place, rather than at a time when the exigency of the case may require the exercise of the power of removal. At present, the disposition of every gentleman is to seek the truth, and abide by its guidance when it is discovered. I have reason to believe the same disposition prevails in the Senate. But will this be the case when some individual officer of high rank draws into question the capacity of the President, with the Senate, to effect his removal? If we leave the Constitution to take this course, it can never be expounded until the President shall think it expedient to exercise the right of removal, if he supposes he has it; then the Senate may be induced to set up their pretensions. And will they decide so calmly as at this time, when no important officer in any of the great departments is appointed to influence their judgments? The imagination of no member here, or of the Senate, or of the President himself, is heated or disturbed by faction. If ever a proper moment for decision should offer, it must be one like the present.

I do not conceive that this question has been truly stated by some gentlemen. In my opinion it is not whether we shall take the power from one branch of the Government and give it to another; but the question is, to which branch has the Constitution given it? Some gentlemen have said, that it resides in the people at large; and that if it is necessary to the Government, we must apply to the people for it, and obtain it by way of amendment to the Constitution. Some gentlemen contend, that although it is given in the Constitution, as a necessary power to carry into execution the other powers vested by the Constitution, yet it is vested in the Legislature. I cannot admit this doctrine either; because it is setting the Legislature at the head of the Executive branch of the Government. If we take the other construction of the gentleman from South Carolina, that all officers hold their places by the firm tenure of good behaviour, we shall find it still more improper. I think gentlemen will see, upon reflection, that this doctrine is incompatible with the principles of free Government. If there is no removability but by way of impeachment, then all the Executive officers of Government hold their offices by the firm tenure of good behaviour, from the Chief Justice down to the tide waiter.

Mr. Smith interrupted Mr. M., and said that he had admitted that inferior officers might be removed, because the Constitution had left it in the power of the Legislature to establish them on what terms they pleased; consequently, to direct their appointment and removal.]

Mr. Madison had understood the gentleman as he now explained himself. But still he contended, that the consequences he had drawn would ne-

cessarily follow; because there was no express authority given to the Legislature in the Constitution to enable the President, the courts of law, or heads of the departments, to remove an inferior officer; all that was said on that head was confined solely to the power of appointing them. If the gentleman admits that the Legislature may vest the power of removal, with respect to inferior officers, he must also admit that the Constitution vests the President with the power of removal in the case of superior officers; because both powers are implied in the same words. The President may appoint the one class, and the Legislature may authorize the courts of law or heads of departments to appoint in the other case. If then it is admitted that the power of removal vests in the President, or President and Senate, the arguments which I urged yesterday, and those which have been urged by honorable gentlemen on this side of the question for these three days past, will fully evince the truth of the construction which we give, that the power is in the President alone. I will not repeat them, because they must have full possession of every gentleman's mind. I am willing, therefore, to rest the decision here; and hope that it will be made in such a manner as to perpetuate the blessings which this Constitution was intended to embrace.

Mr. PACE.—The more I hear on this all-important question, the more I am alarmed. Gentlemen fear much from a blending of the Legislative and Executive authorities; and I do not blame their fears, for they are but too well grounded; but then they ought not to press for the interference of the Legislature in a matter which they acknowledge wholly to be within the Executive department. I think, upon their own principles, they ought to join us in striking out the clause, and leave this question where it ought to be. There is no fear but a proper interpretation will be made, if the Chief Magistrate is a friend to his country. He will exercise his authority when it is required; and if he judges himself to be possessed of the power of removal, he will use it, and submit it to his country to judge whether he was vested with it or not.

But I am astonished at the arguments of gentlemen, who contend, that granting this authority to the President is the best security to public liberty. Has any State in the Union ever thought it necessary to put such a power into the hands of their Chief Magistrate, in order to secure the liberties of the citizen? If it is that great security which some gentlemen seem to think, it is strange that it should never, as yet, have been thought of under the State Governments. If no State has yet given such a power, I think we are setting a bad example to begin it; if any have done it, we do ill not to set them a better.

When I seconded my colleague's motion for striking out these objectionable words, I contented myself with saying nothing more than that I seconded his motion. This I did, sir, to save time, and avoid a repetition of what I had said when the subject was before discussed. I lay it down as a rule, sir, not to use more words here

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than are absolutely necessary to explain the motives which induced me to vote in a certain manner; or which I humbly conceive may serve to elucidate the subject, and induce some members to vote with me. But, sir, on the present occasion, as much has been said and repeated against the motion which I seconded, and as it is a question of great importance, I must again break through the rule which I had imposed on myself, and give a loose to my imagination, as others have done; if my laconic method of arguing does not strike the House, the members who dislike long speeches must excuse me for being troublesome to them.

I cannot agree to let these words stand as part of the bill, because I think them incompatible with the spirit, if not with the letter of the Constitution; as better calculated to excite the jealousy of Republics, than to secure the due administration of the affairs of our new Republics; and as directly tending to confirm the suspicion of those who have asserted that the new Government would run instantly headlong into a monarchy. Having this idea of the matter, and being persuaded at the same time that the heaped-up powers on the Chief Magistrate especially as the bill proposes, does not render him more responsible; but, on the contrary, by increasing his importance, and multiplying his dependants, directly tends to diminish his responsibility, and secure him, if not against suspicion, at least against charges of delinquency. To the argument which has been urged against the amendment, which is drawn from the necessity of having energy in Government, despatch, secrecy, and decision, I think all these advantages may be had, without putting the respectable heads of departments in a situation so humiliating, that I can scarcely suppose a man of true independent spirit, and fit to be in such an office, could submit to it. This doctrine, if pushed as far as it will go, will lead to great lengths—to imprisonment—nay, to execution. Why may it not be said that the President may remove a judge from his bench, or a colonel from his regiment? Does it not appear that much mischief may be done by a corrupt judge, or by a treacherous or cowardly colonel? Yet the former must be impeached, and the latter tried by a court-martial. In the latter case, indeed, as Commander-in-Chief, he may arrest, secure, and decide. And here, I confess, I should see no impropriety in those who wished to guard against the evils they talk of, if they were to move to amend the clause, by proposing that the President should have the power to arrest and imprison, as well as remove; nor do I see any thing amiss in declaring in what manner an officer who is to be appointed under a law shall be removed. The law may with propriety say, what shall be the qualification and what the disqualification of the officer? But, sir, I wish, in the first place, to get rid of an expression which I think will furnish arms to our enemies to attack our Government with fresh vigor, and will discourage our friends, and which must serve to break down the spirit of our officers of State, and make them

crouch before the President, as the heads of such departments at Constantinople now do before the Grand Seigneur. I see here no prerogatives. Strike out the clause, sir, and you leave your officers responsible to the President, but not subject tools to him. You leave him responsible to Congress, and to our fellow-citizens, his constituents. If he see cause, it will be his duty to lodge information to ground an impeachment; and, in the mean time, he will take such measures as the public good may require. If treason be committed, a commitment on impeachment, and trial, may follow.

The mischief which is past the President may retract. He may cause it to be punished by Constitutional means, and by the controlling power given in the bill itself. In my opinion, he may prevent a reputation of the mischiefs. Sir, it is to our infant republic—on which, too, the eyes of the whole world are fixed; on which the future prospect of the happiness of mankind depends—of great consequence to avoid every step which may even appear to be leading it into the fatal paths of tyrannical Government. Every sentence of our laws, sir, should be carefully guarded against expressions which may tend to increase the insolent hopes of the enemies of our Government, and the anxious fears of its friends. Every word ought to be expunged from our laws which can have that tendency, if not absolutely and evidently necessary for the public good.

Sir, the arguments in favor of the clause which I wish to expunge, are such as have laid the foundation of energy in Government, as I said before, the true doctrine of tyrants. I know, sir, nevertheless, that here it is the true doctrine of freemen, patriots, of men who wish to see it only applied to support that Government which they think is wisely calculated to preserve the liberties of their country. But, sir, I warn those patriots against the use of arguments, which, above all others, may, to their grief and mortification, be cruelly turned against them. For my part, I shall ever prefer the security of my fellow-citizens, whether in or out of office, to a rigid observance of the rules of office; and an independent spirit in our officers, to a prompt servility. Energy of Government may be the destruction of liberty; it should not, therefore, be too much cherished in a free country. A spirit of independence should be cultivated; a sense of honor and virtue nourished with care; and though some irregularities might take place, they would be such as could not endanger public liberty.

I wish to strike out the clause too, sir, because we shall leave the Constitution to the proper expositors of it, and because it ill becomes the representatives of a free people, in their first act, to show an eagerness to extend the powers of the Executive.

The friends of the clause support it, because it tends to make the President responsible, and prevents the Senate from exercising a power not vested in them by the Constitution, which they think has already invested them with too much

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power; they require singleness in the Executive power; to extend the energy of Government. Need I repeat that this energy is often employed against the liberty of a people, than in favor of it? The liberty and security of our fellow-citizens is our great object, and not the prompt execution of the laws. Indecision, delay, blunders, nay, villainous actions, in the administration of Government, are trifles compared to legalizing the full exertion of a tyrannical despotism. Good God! what, authorize in a free republic, by law, too, by your first act, the exertion of a dangerous royal prerogative in your Chief Magistrate! What! where honor and virtue ought to be the support of your Government, will you infuse and cherish meanness and servility in your citizens, and insolence and arbitrary power in your Chief Magistrate, when you know that thousands of virtuous citizens are dissatisfied with your Government, because they think they see the seeds of monarchy in it? And two whole States have refused to unite with you, because they think your Government dangerous to their liberties; will you openly insert words which fully justify their opinions and fears?

Let me ask again, does increasing the power and multiplying the dependants of the President diminish his responsibility? How is the President responsible for the conduct of officers whom he appoints, with the advice of the Senate? Why not, if the Constitution be silent, as some say, make the Senate responsible for their advice in this case, and say, that the President, with their advice and consent, may suspend and deprive persons of office? Why should they, of whose persons gentlemen are so much afraid, be screened from censure, for the malpractices of the heads of departments, more than the President? If the clause remain in the bill, the case may stand thus: the Senate may concur in appointing an able, faithful officer; the President may remove him for not being subservient to his views. So that here is a good method to procure a good officer, and a summary process to get rid of him at the same time—the sure means of producing resentment and animosity between the President and Senate, and taking away all responsibility from the latter, and diminishing that of the former. Thus, then, we see the doctrine of responsibility fails to support the clause.

It has been repeatedly said, strike out the clause, and you give the Senate the power they ought not to have. How does this give a power? It may leave the Constitution at large, and that may give the power; and, indeed, those gentlemen seem to be aware that it does, or they would not say that the Senate will have the power, if we do not take it away. The truth is, the Constitution does give that power, and wisely gives it to the Senate, to secure the inhabitants of the respective States. It is to no purpose to say that nations do not blend or separate the power in the manner we have done by our Constitution, and to draw inferences from them that it is improper, because England, and the other nations of Europe, are totally different

in their Constitutions from confederated America. It is said the officers ought to be commissioned *durante bene placito, et ne daretur se bene gererent*—a monstrous doctrine. As to inferior officers, who, we are told, must also be impeached, Congress have a Constitutional right to empower the President to appoint, and I suppose to remove also; not that the power necessarily follows appointments.

The call for the question was now pretty general through the House, and several gentlemen were up to speak, when Mr. SUMNER rose, and begged the patience of the committee until tomorrow. He appealed to their candor on the occasion; and hoped other gentlemen, who were disposed to speak, would be indulged with the privilege. He therefore moved that the committee rise and report progress.

Mr. LEE hoped the committee would not rise, and that the subject would be decided. He did not think it possible it could receive any further elucidation. Gentlemen should remember it had been, on a former occasion, one whole day under consideration, and now, again, it had been debated for three days; this was surely allowing time enough for its discussion; besides, if it was not, gentlemen would have a further opportunity of delivering their sentiments, for the decision now will not be final.

Mr. STONE said, he had some further observations to make on this subject, but he would not press the committee to hear him; if they were inclined to indulge him on this point to-morrow he should be sensible of the favor.

Mr. MADISON said, that he did not wish to prescribe the privileges of the members of a hearing; if the gentlemen were disposed to deliver any further sentiments to the committee, he should not insist upon a decision at this time.

The committee now rose, and the House adjourned.

FRIDAY, June 19.

A message from the Senate informed the House that the Senate recede from several of their amendments to the bill "for laying a duty on goods, wares, and merchandises imported into the United States," disagreed to by this House; and insist on their other amendments to the same bill, also disagreed to by the House. The Senate have also agreed to the report of the joint committee, appointed to view and report on the appropriation of the rooms in the City Hall, to which they desire the concurrence of this House.

DEPARTMENT OF FOREIGN AFFAIRS.

The House again resolved itself into a Committee of the Whole on the bill for establishing the Department of Foreign Affairs, Mr. TOWNSEND in the Chair. The question on striking out the words "to be removable by the President" being still under consideration,

Mr. JACKSON, from Georgia.—I am well aware how disagreeable and irksome it must be to have another member rise on this question; but when

I consider that the liberties of my country may be suspended on the decision of this question, I feel myself compelled to trespass once more on the patience of the committee. And I cannot but think the time well spent that has been employed in the consideration of this business; it is of great magnitude in every point of view, whether it be considered as a Constitutional question, or a question of expediency. And gentlemen will excuse me, if my language should not be adapted to that delicacy to which so respectable a body is entitled. I have accustomed myself to a blunt integrity of speech, which I hope the goodness of my intentions will excuse. For I do most verily believe, that this power will become inimical to liberty, and blast all those delightful buds of happiness which the establishment of the new Constitution flattered us would expand and ripen into fruition.

It has been strenuously contended, as necessary to the security of freedom, that the Executive branch of the Government should not be blended with the Legislative, but ought to be divided and kept separate and distinct. Now, that this doctrine exists in practice as well as theory, I beg to be convinced. I do not pretend that such an excellency in Government is undesirable. I only wish permission to ask gentlemen (and will they candidly answer me?) to bring forward a single instance in any Government, when and wherever, in which the Executive and Legislative authorities are not blended. Search the annals of history—for I disclaim Utopian politics; search the archives of Rome, the records of Carthage; inspect the historic page of Grecian Republics; examine the Jewish theocracy—and will gentlemen say they can bring evidence of the fact? No, the whole assemblage of ancient Governments, so far as has come within the knowledge of the present age, bears ample testimony against them. Turn we then to the middle age; and not one solitary ray of this benign principle is to be discovered; in that period of Cimmerian darkness, the powers of Government were blended in the most confused chaos. Let us turn our eyes then to the enlightened hemisphere that brightens on our Atlantic shores. The Governments of Europe are in an improving state; but none, I apprehend, have yet arrived to that perfection which gentlemen have contemplated. That which we have been taught to consider most pure and favorable to liberty, is the Government of Great Britain. There we shall find that the Executive authority is connected with, and forms a part of, the Legislative, and this upon Constitutional ground; it expands itself further, and within its capacious grasp actually holds the Legislative as well as the Executive powers. If we do not find it there, we will not look for it in the despotisms of the East. Come we then to this country, where the broad effulgence of the sun of liberty shoots down upon its votaries its most vivifying rays; where the head, nurtured by science, is capable to plan the most pure and unsullied system, for the regulation and government of free-born men, who so highly prize the inestimable palm they so lately won;

who would rather sink into annihilation than sacrifice it at the altar of despotism or anarchy. Look into the production of her chosen sons—look at your own Constitution. Do gentlemen find that it is modelled upon their principles? Are the Legislative, Executive, and Judicial powers kept separate and distinct? No, Mr. Chairman, they are blended; not, to be sure, in so high or dangerous a degree, but in all the possible forms they are capable of receiving; the Executive has a qualified check upon the Legislature; the Legislature exercises the powers of the Judiciary and Executive. Thus, then, I take it, neither our Government, nor that of any nation which now exists, or hath heretofore existed, was strictly founded upon the principles contended for. I call upon gentlemen, therefore, to convince me, (for I am open to conviction,) how it can be necessary to vest in the President of the United States the power of removal, upon the principle of keeping the Executive department separate and distinct? Gentlemen will not, they cannot, dispute my facts. How then can they contend for inferences, contradicted by such demonstrable and clear hypotheses?

An honorable gentleman, yesterday, was pleased to treat my honest apprehensions as the mere chimeras of a frightened fancy; but let me assure him, they are not the visionary conceits of an individual; I believe they will be found to be the sentiments of the major part of our constituents. We know well how much they dread the accumulation of power in the hands of the President; not that they fear the exercise of it by a Washington, but the time may come when venality will subliminate and diffuse itself through the system, and corrupt the whole Constitution, destroying its beauty, consuming its spirit, and subverting its frame. Then will be the time that the patriotic heart will sincerely lament the legislative effusions of an ungoverned moment.

Why should gentlemen complain of my raising spectres, as they term them, when they have indulged themselves in them on less momentous occasions? Those very gentlemen who are boldest now, were the most timid then. Witness the sad forebodings with which we were entertained when it was proposed to tax molasses. Witness the prophetic alarms to rouse our apprehensions on the subject of amendments to the Constitution. The gentleman from Pennsylvania engraved to himself a grim and terrible image, to which we were called upon to bow the knee, by making proper regulations respecting the Western territory. I wish gentlemen to be more consistent, and not complain of practices in which they themselves indulge. I have as much right to raise my spectre as another; but on this occasion, it is not a mere shadow which I have brought forward, but a reality. For, if you take away the powers from one branch of the Government, and give them to another, there is an end of liberty. Judge Blackstone says, that when the Constitutional bulwarks are removed from one part of the Government to another, the whole is subverted, and an end put to the Constitution. How was it that

Carthage lost her liberty? How have all the ancient republics been swallowed up in the gulf of tyranny and despotism, but by an accumulation of power in one particular branch of their Governments? How careful, then, ought we to be in the preservation of those limits which the Constitution has prescribed. If, then, the Constitution has vested the power of removal in the President and Senate, we ought, on no pretence whatever, to change the body authorized to exercise it. The words of the Constitution forcibly imply our construction; and it has never yet been proved, nay, it has hardly been controverted, that the power which appoints is not the power to remove.

It is admitted, that in cases of ambassadors and public ministers, it would be improper to recall them without the concurrence of the Senate; because the Senate are combined with the President, and strongly too, in the objects of their negotiations. How then can gentlemen discriminate? The Constitution vests the power of appointing in the one case, the same as in the other; and these officers are also public ministers; the Constitution views them in that light; they are styled the heads of departments, and are appointed to advise the President.

But setting aside the Constitutionality of the question, where it must be admitted we have the advantage, let us examine the question of expediency, and meet gentlemen on their own ground. In this circle we must expect to meet spectres indeed. Has not your President got the sword in his own hands? for I look forward to the time when America will have both an army and a navy. I do not confine myself to the present period. You may then have a President different from the magistrate that at present fills the Chair. If then he has the power of removing and controlling the Treasury Department, he has the purse-strings in his hand; and you only fill the strong box, and collect the money of the empire, for his use. The purse and the sword will enable him to lay prostrate the liberties of America. Is this a mere spectre? No. Experience confirms the observation, a wise people will never let their freedom lie at the will and pleasure of any man.

Another observation has been made to prove the expediency of this measure. It was said by the gentleman from Virginia, that the President was chosen by and from the mass of the people, and therefore might be safely trusted. But the President may be chosen by electors appointed by the State Legislatures; and therefore he is an improper person to be entrusted with this authority. He is not accountable to the people; for they have no immediate hand in appointing or rejecting him. While some gentlemen assert, and others deny, the responsibility of the President, there is danger in deciding. These opposing opinions cannot be reconciled; and therefore will give no proper data to decide in favor of the President.

I call once more on gentlemen to answer me this question, and I shall rest satisfied in giving up my opinion; let them prove to me that it was not the intention of this Constitution to blend the

Executive and Legislative powers. If these are the principles of the Constitution, why will gentlemen contend for the independency of each branch of the Government? The celebrated Mr. Wilson agrees with me in this sentiment; for he declares that the Senate was constituted a check upon the President. Let gentlemen turn over his speeches delivered in the convention of Pennsylvania, and they will find he asserts it as an incontrovertible fact. This sentiment is confirmed by other writers of reputation. It is our business to preserve the Constitution inviolate; and if these are its principles, we are to see that they are not injured or deviated from.

Mr. BALDWIN.—I have felt an unusual anxiety during the debate upon this question. I have attentively listened to the arguments which have been brought forward, and have weighed them in my mind with great deliberation; and as I consider a proper decision upon it of almost infinite importance to the Government, I must beg the indulgence of the House while I submit a few observations.

The main ground on which the question is made to rest is, that, if we adopt this clause, we violate the Constitution. Many of the gentlemen who advocate the present motion for striking out, would, if they could do it with consistency to the Constitution, be in favor of the clause. We have been reminded of our oaths, and warned not to violate the solemn obligation. This injunction has come from so many parts of the House, that it arrested my whole attention for a few minutes; and then they produced us the clause in the Constitution, which directed that officers should be appointed by and with the advice and consent of the Senate. They then tell us, that they should be removable in the same manner. We see the clause by which it is directed that they should be appointed in that manner, but we do not see the clause respecting their removal in the same way. Gentlemen have only drawn it as an inference from the former; they construe that to be the meaning of the Constitution, which we construe the reverse. I hope, therefore, gentlemen will change their expression, and say, we shall violate their construction of the Constitution, and not the Constitution itself. This will be a very different charge; unless the gentlemen pretend to support the doctrine of infallibility, as it respects their decisions; and that would perhaps be more than the House would be willing to admit, and more than the people in this country are accustomed to believe.

I have said, the gentlemen rest their principal opposition on this point, that the Constitution plainly means that the officers must be removed in the way they are appointed. Now, when gentlemen tell me that I am going to construe the Constitution, and may interpret it in a manner which was never intended, I am very cautious how I proceed. I do not like to construe overmuch. It is a very delicate and critical branch of our duty; and there is not, perhaps, any part of the Constitution on which we should be more cautious and circumspect than on the present.

I am well authorized to say, that the mingling the powers of the President and Senate was strongly opposed in the convention which had the honor to submit to the consideration of the United States, and the different States, the present system for the Government of the Union. Some gentlemen opposed it to the last; and, finally, it was the principal ground on which they refused to give it their signature and assent. One gentleman called it a monstrous and unnatural connexion, and did not hesitate to affirm it would bring on convulsions in the Government. This objection was not confined to the walls of the convention; it has been the subject of newspaper declaration, and perhaps justly so. Ought not we, therefore, to be careful not to extend this unchaste connexion any further?

Gentlemen who undertake to construe, say that they see clearly that the power which appoints must also remove. Now, I have reviewed this subject with all the application and discernment my mind is capable of, and have not been able to see any such thing. There is an agency given to the President in making appointments, to which the Senate are connected. But how it follows that the connexion extends to the removal, positively I cannot see. They say that it follows as a natural, inseparable consequence. This sounds like logic. But if we consult the premises, perhaps the conclusion may not follow. The Constitution opposes this maxim more than it supports it. The President is appointed by electors chosen by the people themselves, or by the State Legislatures. Can the State Legislatures, either combined or separate, effect his removal? No. But the Senate may, on impeachment by this House. The Judges are appointed by the President, by and with the advice and consent of the Senate; but they are only removable by impeachment. Hence, the President has no agency in the removal. Hence, I say, it is not a natural consequence, that the power which appoints should have the power of removal also. We may find it necessary that subordinate officers should be appointed in the first instance by the President and Senate. I hope it will not be contended that the President and Senate shall be applied to in all cases when their removal may be necessary. This principle, sir, is not pursued by the Senate themselves. In the very bill that is now before this House, sent down by the Senate, to establish the Judicial courts of the United States, it is directed, that a marshal shall be appointed for each district, who shall have power to appoint one or more deputies; and these deputies are to be removable from office by the judge of the district court or the circuit court sitting within the district, at the pleasure of either. It is not said that they shall be appointed by the marshal, who may remove them at pleasure; which ought to be the case if the maxim is true, that the power which appoints necessarily has the power of removal. But I dispute the maxim altogether; for though it is sometimes true, it is often fallacious; but by no means is it that kind of conclusive argument which they contend for.

Gentlemen proceed in their constructions, and they ask, why did not the convention insert a clause in the Constitution, declaring the removal to be in a manner different from the appointment? They tell us that it must naturally have occurred to them, and that here and there was the proper place to insert such a clause. Now, let me ask them also, if theirs is the natural construction, why the convention, after declaring that officers should be appointed by and with the advice and consent of the Senate, did not add, to be removed in like manner? It must have as naturally occurred to insert that such a clause might have been moved and contended for; but it is hardly probable it would meet with success from those who opposed giving the Senate any check or control whatsoever over the powers of the President, much less was it probable that those gentlemen who opposed it there, should wish to enlarge it by construction; for my part, I hope never to see it increased in this way. What of this nature is brought in by the letter of the Constitution, let it be there; but let us never increase evils of which we have some right to complain.

A gentleman asks, where is the danger of mixing these powers, if the Constitution has already done it? That gentleman knows, that it has always been viewed as an evil; and an association of the Legislative and Executive powers in one body has been found to produce tyranny. It is a maxim among the wisest legislators not to blend the branches of Government further than is necessary to carry their separate powers into more complete operation. It was found necessary to blend the powers to a certain degree; so far we must acquiesce. The Senate must concur with the President in making appointments, but with respect to the removal they are not associated; no such clause is in the Constitution, and therefore I should conclude that the convention did not choose they should have the power. But what need was there that such a clause should be there? What is the evil it was intended to guard against? Why, we are afraid the President will unnecessarily remove a worthy man from office, and we say it is a pity the poor man should be turned out of service without a hearing; it is injurious to his reputation; it is his life, says the gentleman from New Hampshire, (Mr. Livermore); it is cruelty in the extreme. But why are we to suppose this? I do not see any well-grounded apprehension for such an abuse of power. Let us attend to the operation of this business. The Constitution provides for—what? That no bad man should come into office. This is the first evil. Hence we have nothing to dread from a system of favoritism: the public are well secured against that great evil; therefore the President cannot be influenced by a desire to get his own creatures into office; for it is fairly presumable that they will be rejected by the Senate. But suppose that one such could be got in, he can be got out again in despite of the President. We can impeach him, and drag him from his place, and then there will be some other person appointed.

Some gentlemen seem to think there should be another clause in the Constitution, providing that the President should not turn out a good officer, and then they would not apprehend so much danger from that quarter. There are other evils which might have been provided against, and other things which might have been regulated; but if the convention had undertaken to have done them, the Constitution, instead of being contained in a sheet of paper, would have swelled to the size of a folio volume. But what is the evil of the President's being at liberty to exercise this power of removal? Why, we fear that he will displace not one good officer only, but, in a fit of passion, all the good officers of the Government, by which, to be sure, the public would suffer. But I venture to say, he would suffer himself more than any other man. But I trust there is no dearth of good men. I believe he could not turn out so many, but that the Senate would still have some choice, even he was to do this, what would be the consequence? He would be obliged to do the duties himself; or, if he did not, we would impeach him, and turn him out of office, as he had done others. I must admit, though, that there is a possibility of such an evil, but it is a remote possibility indeed. I think gentlemen must concede, that, if there should be such a passion, such a resentment, as I have supposed between the President and the heads of departments, the one or the other ought to be removed. They must not go on pulling different ways, for the public will receive most manifest injury. Therefore it mitigates the appearance of the evil by suffering the public business to go on, which, from their irreconcilable difference, would otherwise be at a stand.

But some gentlemen seem to think this is not the only evil that ought to be apprehended. They say it would increase the power of the President to a most alarming degree indeed; that the preservation of the liberties of our country would be rendered impracticable; that an accumulation of powers in the hands of the President would establish a tyranny; that America would no longer furnish an asylum to persecuted freedom which she was wont to do. But is all this strictly true? We have seen in our day the sword, and almost every power, exist in the hands of one man, without destroying the happiness of this country. He was the head of the Church and State; the fountain of honor; could appoint and remove all the officers of this Government; yet this man, with the aid of many millions of pounds sterling, with a numerous host of men, and perhaps the finest navy in the world, had it not in his power entirely to ruin this country. The difference between the two characters is great indeed. A man elected for but four years, and an hereditary Monarch—subject to impeachment, and ever dependant upon the will of the people for his re-election. Checked and surrounded as his powers are, I see little cause for apprehension. In the honest integrity of my heart, I confess I see nothing to alarm my fears on this subject.

There was a turn given to this clause, which seemed to make it appear that we ought to agree to strike it out. It is said, that the power is already given by the Constitution, and therefore it is unnecessary to retain the clause in the bill. Others again contend that we are giving the power by construction to the President, which we ought not to do. The gentleman from Connecticut (Mr. SHERMAN) tells us, we should leave it to the President to discover what is his duty on this subject. At first there appeared great plausibility in this observation, and I was inclined to favor that opinion; but on further reflection, it appears to me as had a sentiment as any that has been suggested. The great division of this committee proves that it is a question not so easily resolved as others which have heretofore engaged our attention. Now, if we, who are a disinterested branch, find so much difficulty in determining the point, how much more will the President and Senate, who are parties concerned, be perplexed in the decision? Gentlemen may say that the Senate would choose to have it left to the parties themselves. Then why should we interfere? But I am persuaded, when the Senate perceive we are disinterested parties, they will respect our decision. I feel a most profound respect for that honorable body, and I never wish to see them disturbed in the exercise of any part of their power; but I do conceive they will receive with pleasure our opinion on this question; and therefore I am inclined to give it. We are fellow-laborers together, endeavoring to raise on the same foundation a noble structure, which will shelter us from the chilling blasts of anarchy, and the all-subduing storms of despotism. Hence, I flatter myself they will receive this assistance kindly at our hands; but, if they are otherwise inclined, they have the power to counteract what we may do. But I would by no means retreat at this time from a decision; I would let the bill go forward with our full determination; the Senate will receive it with candor. Gentlemen say it properly belongs to the Judiciary to decide this question. Be it so. It is their province to decide upon our laws; and if they find them to be unconstitutional, they will not hesitate to declare it so; and it seems to be a very difficult point to bring before them in any other way. Let gentlemen consider themselves in the tribunal of justice, called upon to decide this question on a mandamus. What a situation! almost too great for human nature to bear, they would feel great relief in having had the question decided by the representatives of the people. Hence, I conclude, they also will receive our opinion kindly.

Mr. SYLVESTER.—In the debate of yesterday, sir, we were entertained with the marvellous, the sublime, and the picturesque. We had monsters with heads and without heads; we had the powers of the Government distorted into every shape. But this, sir, is not the proper treatment which the important question demands. We ought, sir, in my opinion, to consider this subject seriously, as it relates to its constitutionality and expediency, and not to suffer our deliberations to be warped

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on either hand by too great apprehension or self-sufficiency. It has been insisted upon by the gentlemen against the clause, that we should not go into a construction of the Constitution, because we have no right to infer anything from it in this way; yet all their arguments are founded upon construction and implication, and lead to the very object, which they caution us to avoid. But I will agree with the gentlemen in the opposition, that if it can be demonstrated that our interpretation is contrary to the true meaning of the Constitution, we ought not to proceed to the decision; but if it is a doubtful point, (and it appears so by the controversy we have had, and by the contrariety of sentiments advanced,) I hold it to be prudent and wise to come to a decision.

The question, to be sure, has had a thorough, if not tedious investigation. But I do not repine, because I conceive the time has been well spent, as it now appears clearly that there is nothing in the clause contradictory to either the letter or spirit of the Constitution. This being demonstrated to satisfaction, the only question which remains is, whether we shall give our opinion by declaration or implication? With respect to a declaration, I would observe, that if the power of removal is lodged in the President by the Constitution, it is useless for us to interfere; and if it is not lodged there by the Constitution, can we give it? It does not appear to be expressly given by that instrument; but there is nothing in contradiction to it.

I lay it down, then, as a positive case, that the President is invested with all Executive power necessary to carry the Constitution, and the laws passed in pursuance thereof, into full effect, so far as these powers are unchecked and uncontrolled by express stipulations in the Constitution. If the exceptions, with respect to appointments, had not been made, the President would have had that power, as well as the power of removal. In the first, his power is eclipsed by the interference of the Senate; but, in the last, the manifestation is clear. Both these powers being inherent in the Executive branch of the Government, must remain there; yet the Congress have the power to give them ground to act upon. The Constitution declares, that Congress shall have power to make all laws necessary and proper to carry into execution all the powers contained therein. Now, the first power of nomination and appointment could not be exercised, unless Congress were to call offices into existence by law; for particular offices are not mentioned in the Constitution; they are to be created by law. If, then, we are authorized to create them, we are warranted to modify them in the same way as has already been fully explained by gentlemen who have gone before me.

Gentlemen have urged, that those who have the power to appoint may remove. This doctrine may be extended further. Those who have the power to create may also destroy. Now, I would infer from this, that the House having the power lodged with them of creating offices, and passing all laws necessary to carry the Constitu-

tion into effect, they have a right to declare the tenure by which the office shall be held. Having then the power to create offices, and discharging from office, they have a right to delegate the exercise of it to whom they please. And to whom can this be more properly entrusted than to the President of the United States?

Another clause in the Constitution gives the Congress power to vest, by law, the appointment of such inferior officers as they think proper in the President alone. If the officers to whom this bill relates are of such a nature, (and this seems to some gentlemen a doubtful point,) we have power to invest the President at least with the removal.

It is insisted upon, that there can be no appointment but by and with the advice and consent of the Senate, nor discharge but in the same way. What does this lead to? The President is the whole Executive branch of Government; and yet you so fetter him, by attaching to him a Legislative branch, that he has little or no agency in discharging a public officer who holds his commission of him alone. Another gentleman contended, that impeachment was the only way to remove an officer. Many gentlemen, who oppose this clause, oppose his principle; but they should remember, that the mode of connecting the Senate to the President in discharging from office, is little or nothing different from an impeachment; and if this is the only way of removing officers, they have all of them an inheritance in office. For this reason, both their doctrines prove too much; consequently, they prove nothing.

Let us consider the expediency of establishing the doctrine, that officers have a tenure in office for life, or during good behaviour, which it is said will be the case if no time is limited in the bill. All officers will have to be impeached; this will require a vote of this House, and a trial before the Senate. If the necessity for dismission is pressing, clearly the mode by impeachment is not likely to answer the purpose. It can never be thought expedient to establish a doctrine so big with mischief, and likely to drive the whole Government into confusion. It is not the doctrine of the Constitution, and therefore ought not to be sanctioned. If it was to be found there, however inconvenient it might be, we should put up with it; because I do believe there is not a member in this House who is disposed to violate a Constitution he has sworn to support. I trust, and am fully persuaded, we shall not do it by our decision.

Surely it will not be any longer contended that we have no right to give our sentiments? We certainly have that right, for without such a power we could pass no law whatever. It is certain that the Judiciary will be better able to decide the question of Constitutionality in this way than any other. If we are wrong, they can correct our error; if we are right, the question will be decided at a time when no ill can result from factious or contentious parties; all is now still, and a favorable disposition to listen to reason prevails.

Conceiving, therefore, that we do not infringe the Constitution, and that the public good requires

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it, I am in favor of making the decision, and enabling the Executive Magistrate to exercise the duties vested in him, whenever he supposes the good of his country requires such an exertion: observing that, if this power was anywise obnoxious to the Constitution, I should be opposed to it.

Mr. STONE.—It is hardly to be expected, Mr. Chairman, that any thing new can be offered at this stage of the debate; the committee will therefore believe that the motives for delivering our opinions do not arise so much from an expectation of being able to convince, as from a desire to assign the reasons upon which our vote is founded.

I consider this as a very important question; the decision of which will form a leading feature in all our future conduct, and give the tone to the administration of the Government. But, if the evils we apprehend should absolutely arise from our determination, I do not conceive, with some other gentlemen, that we are inevitably ruined. I believe the people can apply a remedy; and I have no doubt but they have sense and resolution enough for that purpose.

The people of America, so far as they are included in a majority, and so far as they have expressed their sense of amendments, have adopted this Constitution. It was not adopted because they considered it perfect, or because they supposed it would become so; even if all their amendments took place; but because they supposed it would more effectually answer the purposes of union than any other. All the objections that were made to the Constitution went to secure the liberties of the people. I believe, and so far as my information goes it is true, that there is no State but thinks the General Government sufficiently efficient. We, who are to administer the Government, ought to carry it into execution agreeably to that principle. We must, independent of any consideration that the powers are too large here, or too small there, judge impartially of all the component parts of the Government; and however our affections may be drawn to the one part or to the other, we must preserve the Constitutional connexion and balance. It is not, according to my idea, that because the people have given a gross amount of power, they are indifferent as to the disposal of it, or that the Legislature may distribute it as they please. What makes a free Government? The equal power of the three branches of the Legislature, or two Legislative and one Executive; these acting independently and controlling each other in a precise, Constitutional manner. If these powers are blended or assimilated in one body, it becomes a tyranny. Then you ought to keep the balance as the Constitution directs, not as fancy dictates.

I should be extremely unhappy if I could believe that the association of the powers of the President and Senate is so monstrous as some gentlemen conceive. If it is true that all Governments are odious and dangerous which associate the Legislative and Executive powers in one body, I should be the last man to support this; because in all the great business of the Executive department

ment, in every thing serious and affecting the Government, there is not only a temporary association, but a continued one. The first and most interesting communication of these powers is of a continued duration. The appointing officers is but a temporary connexion; but in making treaties, in which all our concerns are at stake, the connexion is durable. Is not the same information necessary for two-thirds of the Senate, as for the President, as they are to advise him in the negotiation, and concur with him in the ratification? And how can this necessary information be obtained, but by a connexion with the Executive Magistrate? Hence, if the association of the Executive and Legislative powers in one body be odious and dangerous, we are in a dangerous and odious situation under this Government.

What portion of power have Congress? I suppose it is necessary to keep the balance between the Executive Magistrate and the Senate. What is this balance? It is laid down in the Constitution that the President shall nominate, and the Senate approve; we are bound, then, to carry this balance throughout all the subjects to which it relates. If the President has the sole power of removal, you destroy the power of the Senate; and though you do not expressly put the power of appointment in the President alone, yet you put it there effectively, because he may defeat, by removal, the joint appointment. Will this be giving the proper balance which the Constitution directs? No; it will be directly the reverse.

Suppose the Constitution had been so far silent with respect to displacing officers, as to have left it within the power of the Legislature to lay down a rule on that subject. How would you lay down that rule? In favor of the President. Why? Because the Senate has too much power already, and you would give it to the President to equalize the power. This would not be right, I conceive; because I believe we are bound to support the intention of the Constitution as well as the letter. Suppose we have powers to distribute, what is to guide us in the distribution? Our own caprice? No. Look into the Constitution, and see where like powers are distributed. If I found powers distributed, I would follow the example with a similar distribution, and not impose sentiments of my own for a guide, when I had more certain and proper ones to lead me.

A separation of the powers of Government, between the Legislative, Executive, and Judicial branches, is considered as the proper ground for our opinion, and a principle which we must admit. Are we to get it brought into the Constitution? For I apprehend there is no such principle as a separation of those powers brought into the Constitution at present, but to the degree which an examination will appear to exist. Is there any express declaration, that it is a principle of the Constitution to keep the Legislative and Executive powers distinct? No. Has the Constitution in practice kept them separate? No. Whence is this idea drawn? That it is a principle in this Constitution, that the powers of Government should be kept separate? No sure ground

is afforded for it in the Constitution itself. It is found in the celebrated writers on government; and, in general, I conceive the principle to be a good one. But if no such principle is declared in the Constitution, and that instrument has adopted exceptions, I think we ought to follow those exceptions, step by step, in every case to which they bear relation.

It has been granted by every gentleman, that dismissal may take place without trial. Some gentlemen have agreed that it ought to take place by those who appoint. Though this seems to be admitted as a pretty good general rule, no reason has been assigned for it. I believe that one may be adduced. Comparing small things with great, and reason of the thing, if the case was brought home to him. A man is employed as an agent to manage our concerns; and if no limitation is given to the agency, and we are displeased, we can dismiss the agent if we think proper. I believe an attorney is always removable at the will of his employer. Although there is not a statute that has laid down the rule in express terms, yet it is as much the law of the land as if it had been declared by an absolute statute. It follows, then, upon the same principle, that the Government has a right to remove its officers in every case, but where express limitations are made.

It has been said, that if we have a right to dismiss, the right vests in the President, because he nominates and appoints. It has been said, that if the Government has the power, it belongs to the President, and the Senate. Which ever of these assertions is true, it is founded on implication. Now, the clearest implication, and the one most exactly conformable to the Constitution, is to give it to the President and Senate. Who, by the Constitution, is to judge of the qualifications of the man, and his fitness for office? The Senate. The President only nominates a person for their consideration; they judge upon the propriety of the nomination. Go through the Constitution, from the beginning to the end, and you will not find a single instance where the President has solely the power of appointing any man to an office under the United States. This regulation may have been wrong; the convention may have been misled on this point; but still it is the Constitution. Perhaps the convention conceived, that establishing a power in the Executive to choose and control the great officers of Government, was a power too dangerous to be vested in a single person; therefore, throughout the whole Constitution, they never once invested the President with this power. Such must have been their idea on the subject, or why did they direct the Legislature to vest, as they should think proper, the appointment of inferior officers in the President alone, heads of departments, or courts of law? If it is proper to construe the Constitution by implication, we should carry the implication throughout; and hence we show the President is, in no instance, entrusted with the power of appointing to office.

But it is said, that the power of removal is

naturally and necessarily vested in the President as Executive Magistrate, and cannot be taken from him. This is a very important question; but the affirmative is founded on implication. I never was fond of implicating; it is but a doubtful way of determining the sense of any instrument. If the Executive Magistrate has not the power of displacing officers, then the clause is wrong; for you grant a power which you have no right to grant. If the President has the power by the Constitution, does not the House assume a power of granting what is altogether unnecessary? Is this not declaring that it is a doubtful point, and, therefore, we will grant the power; we will place it in the hands of the Executive, because we conceive it partakes of the nature of that department, not knowing whether the Constitution ever vested us or him with such authority? It has been contended, on some former occasions, respecting a bill of rights, that if you did not designate all the rights of human nature, you gave up those which were omitted. If you undertake in this bill to grant a power, you imply that you have the power to grant, or withhold, at discretion.

Now, if the position, that all Executive power vests in the President, is true and solid, the extension of it can never run into absurdity. If gentlemen determine Executive powers by implication, however dangerous the ground may be, we must go through; the Congress must have all Legislative power; all the departments of Government must have the powers which implication construes to belong to them. Again, if the power of removal is not incidental to the power of choosing, we must go through. There is a variety of clerks, commissioners of commerce, of the mint, of the army and navy; who is to appoint these officers? The Constitution tells you, in some cases the President and Senate; and in others, the President alone. This House appoints its own officers; but, in every case, the President has the power of removal; because the power is incidental to the Executive. How are we to get rid of this absurdity? Besides, if all Executive power is vested in the President, what right has this House to prescribe him rules to interfere in forming Executive officers? The Executive can better form them for itself. If implication prove the President purely Executive, it is inconsistent to modify. The gentleman from Virginia says, we may limit the duration of this officer. But why do this? The Executive powers are constitutional. Why are we to suspend their operation? But what would signify this interference of the Legislature, if it could produce no good? If the present office is wholly Executive, the House has no right to meddle in the business.

I believe we shall be deprived of the safe mode of getting rid of this officer, and have one introduced that will be subversive of every authority which the Constitution vests with respect to appointments in the President and Senate.

If gentlemen will tell us that powers, impliedly Executive, belong to the President, they ought to go further with the idea, and give us a correct

idea of Executive power, as applicable to their rule. In an absolute monarchy there never has been any doubt with respect to implication; the monarch can do what he pleases. In a limited monarchy, the prince has powers incident to his prerogative. How far will a Federal Executive, limited by a Constitution, extend in implications of this kind? Does it go so far as absolute monarchy? Or is it confined to a restrained monarchy? If gentlemen will lay down their rule, it will serve us as a criterion to determine all questions respecting the Executive authority of this Government.

My conception may be dull; but telling me that this is an Executive power, raises no complete idea in my mind. If you tell me the nature of Executive power, and how far the principle extends, I may be able to judge whether this has relation thereto, and how much is due to implication.

If I look to the Constitution, or nature of things, I should be led to conclude that the body choosing agents has the power of dismissing them; because the power naturally lodges in those who have the interest and management of the concern. The Executive business of this officer is under the superintendence and management of the Senate, as well as the President. Treaties with foreign nations must be conducted by the advice of the Senate, and concluded with their consent. Hence results a necessity in that body's having a concern in the choice and dismissal of the Secretary of Foreign Affairs. I do not see any other sure or safe bottom on which the question can be determined.

I will just advert to a few arguments which go to prove that officers, once appointed, ought not to be removed in the manner contended for, without insisting upon them at this late period of debate.

In the nature of things, in all appointments, there is an implied contract: on the part of the officer, that he will perform the service; and on the part of those who appoint him, that he shall have an adequate reward. In the engagement of the officer, qualities, commensurate with the duties, are required: in the reward, the dignity of the station and the qualities of the officer ought to be estimated. And although, in this engagement, an officer may dispense with certain forms of trial, yet he can never surrender a natural right; he cannot engage to be punished without being guilty, or dismissed without being useless. It has been well observed, that the appointment ought to cease when the causes of it no longer exist; but it is equally clear that it ought to continue as long as the reasons remain. And although, in public and private life, it may be proper to discharge an agent without divulging the reason; yet clearly a good reason ought to precede the dismissal, because, otherwise, you do an act of injustice by a breach of contract.

And if we have now the power to make the rule, we ought to make it conform to these principles. Let justice and reason operate as profitably, as secretly, and as quickly as may be; but

let not their agency be superseded by the passions we disapprove.

In the scale of responsibility this power has been weighed, and determined to be lodged with the President on that account. But wherefore? I consider the Senate more responsible than the President. The Senate must keep a journal of their proceedings; their acts are manifested to the power appointing them, who are always in existence. The electors of the President meet for a moment, to make their choice; but will the conduct of a President be investigated? Will they have materials to form their judgment upon?

Or will their existence bear an extension sufficient for any other purpose than barely to meet in their respective States, and vote by ballot for two persons, and to make out a certificate of their proceedings? Is there the same degree of responsibility? When a Senate is appointed, the Legislature of the respective States will keep a watchful eye over their conduct; and if they are displeased with a Senator, they will not hesitate to turn him out; they can effect this on information and deliberation. The State Legislatures are in the habit of discussing questions respecting the general good; they will discuss the propriety of the Senate's conduct; while the electors of the President are too widely spread, and too short a time assembled, to effect a purpose of this nature.

It has been judged by some gentlemen a dreadful affair that the President should become a party before the Senate; it would degrade his dignity. It was said, the Judiciary would be pleased if this weighty question could be taken off their hands.

To what a height do gentlemen exalt that character in their own minds! How far above the level of the people, when they consider it derogatory to his dignity to institute an examination into the conduct of an officer next to himself in rank! when they consider it almost above human nature to determine a question of right between the President and a great officer of the United States. If gentlemen have an idea that this character is to have such a degree of elevation above the community, it is time to think of restraining his power. Upon what does power depend? Not upon the strength of arm, but opinion. If gentlemen will exalt a character above themselves, call him what you will, he will be possessed of monarchy. In this enthusiasm of confidence, we seem to forget the confidence we have in the President, Senate, and great officers of Government in appointments, as compared with the confidence in the President in removals. Why, if the powers of inquiry, judgment, impartiality, and discernment, stipulated by the Constitution in the President and Senate to select good men and the first characters into office, will you place more confidence in the President alone than in the Senate and heads of departments together? This is inconsistent with the confidence which the Constitution reposes in the Executive.

We have expended our treasure, our blood, and our time, to very little purpose, if we do not think that liberty and safety exalt the human species. From the meanest to the highest rank in life, the

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propriety of conduct arises from the security and independence of situation. I will not pursue the argument further, than to observe, that from these principles it is, that there is more liberty and nobleness of soul in a common man in America, than in a Minister of State in Turkey; but if the principles for which the advocates of this clause contend are adopted, it will give this influence. If a man is a candidate for an office, held by the tenure of will and pleasure, he must examine his soul, and see if there are qualities in him to enable him to cringe, and submit to the arbitrary mandate of the President; if he finds these qualities in his disposition, he is suited for the business; but if the Constitution is to be justly administered, and he finds himself disposed to sacrifice to the pleasure of the Chief Magistrate, although he possesses qualities which, as I said before, suited him for his employment, yet he is unfit for the office.

— Mr. Vining.—I am impressed with the importance and magnitude of the present subject, equally with other gentlemen.

In the body politic, Mr. Chairman, the Executive authority is a marked feature; and the question in my mind is, shall we deform it by displacing it, or give it that fixture which the Constitution intended, and which a due regard to symmetry and proportion requires. It has been well demonstrated that the various powers of Government ought to be exercised by distinct bodies, in order to provide a happy administration, and secure to the nation the blessings of freedom; or if they are any way blended, it ought not to exceed that degree necessary to execute good government.

But gentlemen tell us that this is not the language of the Constitution. My honorable friend from Georgia (Mr. Jackson) has gone so far as to ask us for an instance in any Government, where this principle obtains. To investigate this question fully, would lead us into an extensive field of historical research. I will, therefore, in order to save time, admit that, in most countries, this division of power is faintly defined. Yet, in Great Britain, where this doctrine is strongly advocated, the lines of distinction are deeply marked. It is true, the Executive authority is blended with the Legislative; but how far does this extend? No further than to assure a salutary administration of that form of Government. But, say gentlemen, the power which Great Britain leaves in her Executive Magistrate would, in this country, be an alarming subject. I am pleased with the great concern manifested by honorable gentlemen for the preservation of liberty; and admit with them, that it is involved in our decision. But suffer me to explain why I think so.

There have been few Governments overthrown by the independence of the Executive. What are the consequences of clipping its wings? Anarchy and confusion, and a struggle between the Legislative and Executive, in which the latter is generally sacrificed on the altar of despotism. Thus, the liberty of the people to be involved in our decision. If by Legislative encroachment we weaken the Executive arm, we render it in-

capable of performing the functions assigned it by the Constitution, and subject it to become an easy prey to the other branches of the Government.

Gentlemen may tell us, that the Executive, with the command of the military, may acquire uncontrollable power. Perhaps some experience may authorize the inference. But, let me ask, what has been the cause? I take it that adequate powers have been denied the Executive, or taken from it. In either case, the Executive must have exercised authority not legally vested, in order to continue the operations of Government. And being once accustomed to assume power, the habit is easily confirmed; so that shortly the aggregate of power assembles on the ground where you refused a just participation. Now, if you allow a just distribution of the powers of the Government, you leave the Executive no pretext to justify an unconstitutional seizure on its part. The King of Great Britain has the command of the army and navy; but have those engines of despotism been called into action to wrest from the people, powers not legally vested in the Crown? The answer must be in the negative. And why has this not been done? Because the Constitutional powers of the British monarch are sufficient to answer the purposes of the Government.

Let us turn to Sweden and Poland for an illustration of this doctrine; for examples to convince us of the dangerous tendency of denying the Executive a due proportion of power. In Sweden, the limited power of the King was nearly annihilated by an aristocracy. And what has resulted from that circumstance? Why, at this moment, you find the monarch compelled, for the security of his nation, to assume all the powers of despotism; and you behold the nation submitting cheerfully to the event, nay, joining the throne in establishing an arbitrary Government; by which all their rights as men and privileges as citizens are immolated at the shrine of prerogative.

The legislative authority in Poland belongs essentially to the Diet; though the Senate is the soul of this body, she retains royalty without fearing her Kings. The object of the Poles has been to guard against what was called the encroachments of the throne. It is not (said they) but a century ago) a master that we want, it is only a chief; some went further, and asserted, that a free people wanted no chief at all.

This republican language became the prevailing style in all assemblies of State. And to what has it led? Placed under the absolute Government of a single person, they continually complained of the weight of the yoke. Left to the enjoyment of liberty, they knew not how to use it for their own good; and by abridging the efficacy of the Executive, they fell into intestine commotion, which delivered them up an easy prey to their ambitious neighbors. Are we to learn nothing from these dreadful examples? Will gentlemen persist in contracting the Constitutional powers of the Executive? Will they, against their own principles, acquiesce in blend-

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ing Executive and Legislative powers? Far off may that period be, when the Congress of the United States shall shorten the arm of her Executive. Success in such a measure will fore-run the obsequies of freedom.

Mr. Chairman, I am confounded with the diversity of arguments used on this occasion. I know not how to reply. Some gentlemen say it is wrong, it is cruel, to take away the wealth, the reputation, (and this word is synonymous, in the apprehension of others, with life,) from your public officers without an impeachment; and yet, gentlemen on the same side of the question admit, that an officer may be properly removed by the President, by and with the advice and consent of the Senate, or, in other words, without impeachment.

Will gentlemen view for a moment the effect of their arguments? Suppose the President desires to remove a bad officer, and the Senate refuse; what is to become of your impeachments, I say, sir, that the House of Representatives, combined with your Executive, will be unable to procure the dismissal of an officer who is hourly betraying his trust, and that in the most open and flagrant manner. If your proofs are clear as a mathematical demonstration, it is all in vain; your tribunal, which is to decide upon the impeachment, has prejudged the question. I will, nevertheless, on account of the expected patriotism of that body, admit, that there is a possibility of obtaining justice. But are the interests, the rights, and happiness of this great community, to depend upon a bare possibility alone, when our Constitution has provided safety and stability to the public welfare? We say that the mode of removing bad or obnoxious officers by impeachment is tedious and uncertain at best; but it is not to be relied on, if the Senate are connected with the President in the general power of removing; for it would ever be in the power of a faction, or a party in the Senate, so to clog the wheels of our political machine, as to render its motions slow and unavailing. And this they could do without being in the least degree responsible. Let not gentlemen talk of their responsibility, and compare it with the President's. We do not predict shadowy and chimerical evils. What we fear has actually happened; the mischief of precedent is already established; the Senate declare their concurrence in appointments, by ballot. In this secret mode, through cabals, through intrigue, they will be able to defeat every salutary agency of the Executive, in seeing his instruments perform their duty.

Mr. STONE.—Do I understand the gentleman? Does he tell us that the Senate decide by ballot? I should be glad to ascertain the fact.

Mr. Vining.—They did so yesterday. I presume I need not mention the consequences of such procedure. But where is the responsibility when a man can hide his vote? If they do an obnoxious thing, they will say, I did not vote so; and shift the blame from themselves. Where will you go to ascertain the fact? Into the dark recesses of

a ballot-box, and there you will seek for tickets, whose hand-writing is to serve as a clue to this business of mystery. But, behold! the tickets are torn, and scattered to the wind.

This Government, Mr. Chairman, let us remember, rose like Hercules' brawny frame from its cradle. Let us avail ourselves of the wisdom and experience of former ages. Let us aggregate the knowledge of every nation, to give its nerves their vigor, and each muscle its due strength; that, like that demi-god, it may strangle, even in its infancy, the malignant and venomous efforts of its subtle invaders.

Who, let me ask, is the Chief Magistrate under this Government? The President. What are his duties? To see the laws faithfully executed; if he does not do this effectually, he is responsible. To whom? To the people. Have they the means of calling him to account, and punishing him for neglect? They have secured it in the Constitution, by impeachment; to be presented by their immediate representatives; if they fail here, they have another check when the time of election comes round. But what are the duties, and what is the responsibility of the Senators? In their legislative capacity it is not intended that they shall assist the President; it is an additional Executive authority. Is it compatible with the principles of the Constitution, that the Legislature should assume Executive power, or is it done in order to make itself responsible? Surely not. But if it was admissible, what degree of responsibility is acquired through the Senate? They are not the representatives of the people; they are the representatives of the State sovereignties, as was well observed by the honorable gentleman from Pennsylvania, (Mr. Scott;) who are nothing less than accountable to the people. They may have a policy to pursue not altogether consistent with the *salus populi*, and are only responsible to the State sovereignties.

The gentleman from Maryland (Mr. STONE) compares the point in question with that of an attorney; for my part, I do not conceive the application well made. The Senate are combined with the President to aid him in the choice of his officers. The officers are not the agents of the Senate; they do not act for the Senate; they act for the Executive Magistrate. If you give the Senate a power in the removal, you give them an agency in the Executive business which the Constitution never contemplated. If, therefore, the honorable gentleman's arguments mean any thing, they mean that the Senate ought to have complete power over the attorney of the President.

Mr. STONE said, that the gentleman did not seem to understand his general principle, that the power which appoints is naturally vested with power over the agent. He by no means admitted that the business of the Secretary of Foreign Affairs was to be done exclusively for the President; he conceived the Senate was constitutionally vested with power over that department.

Mr. Vining.—If I have misapprehended the gentleman's argument on this point, I will waive

my reply, and proceed to what seems to assume a more serious appearance. It is contended, that if the Constitution does not vest the power of removal in the President, we have no right to give it. The Constitution authorizes a complete Government, and leaves it to the Legislature to organize it by creating the necessary offices. The power of establishing offices implies complete power over them, and gives to Congress a right to form them on such principles as shall appear to be most conducive to the public good. To establish officers immovable, is not contemplated by the Constitution but in the case of the Judges. If they are removable, Congress have authority to declare by whom, unless some express provision on this head was made in the Constitution. No express provision being made, it remains for this House to declare their sentiments. I will not recapitulate the arguments which were well urged by the gentleman from Virginia, (Mr. Madison,) to show that if the Constitution had made express provision, there can be no impropriety in declaring it by law.

Upon the whole, it appears to me, Mr. Chairman, that the object of every gentleman on this floor is the same, however various and diversified the roads we pursue to attain it; from which opinion, I am led to conclude, that however a misguided zeal may terrify us with alarms, we shall coolly and deliberately unite in carrying into complete operation the Legislative and Executive powers vested in this Government, as the only means under heaven of securing to ourselves and posterity the blessings of freedom and tranquillity.

Mr. GEARY.—If we take this step, Mr. Chairman, we shall have to take another, which may shake the Government itself. How judicious this may be at this time, I leave the advocates of the clause in question to determine.

The gentleman opposite to me, from Georgia, (Mr. BALDWIN) has asserted, that we mean to put a construction upon the Constitution, and that the clause is only a violation of our construction, and not of the Constitution itself. I think he is wholly mistaken with respect to the opponents of this clause. I can speak for myself. I am decidedly against putting any construction whatever on the Constitution, for several reasons. Sir, we are not the expositors of the Constitution; but if we were the expositors, we ought to give our exposition by a declaratory act, and not foist it in where no one would ever look for it. But if it were done by a declaratory act, I conceive it would be impossible to draw the line at which declaratory acts should stop. Hence we should alter the Constitutional mode of amending the system of Government. Another difficulty would also arise: the judges are the expositors of the Constitution and the acts of Congress. Our exposition, therefore, would be subject to their revision. In this way the Constitutional balance would be destroyed; the Legislature, with the Judiciary, might remove the head of the Executive branch. But a further reason why we are not the expositors is, that the Judiciary may dis-

agree with us, and undo what all our efforts have labored to accomplish. A law is a nullity, unless it can be carried into execution; in this case, our law will be suspended. Hence all construction of the meaning of the Constitution, is dangerous or unnatural, and therefore ought to be avoided.

This is our doctrine, that no power of this kind ought to be exercised by the Legislature. But we say, if we must give a construction to the Constitution, it is more natural to give the construction in favor of the power of removal vesting in the President, by and with the advice and consent of the Senate; because it is in the nature of things, that the power which appoints, removes also. If there are deviations from this general rule, the instances are few, and not sufficient to warrant our departure on this occasion. We say our construction is superior also, because it does not militate against any clause of the Constitution; whilst a contrary construction militates against several, and, in some respects, renders them mere nullities.

The gentleman from Virginia (Mr. Madison) dwells strongly on the necessity of keeping the departments of Government separate and distinct. What does he mean? Does he infer that there is not a natural affinity between the power of appointing and removing, and therefore they ought to be kept separate? I presume not. He would admit there is such an affinity. Then I would ask, in what character does the Senate act in case of appointments? They act as an advisory and Executive body. If they are Executive in the act of appointing, there is no clashing of powers, consequently no blending in the case of removal. But if gentlemen say, that, in appointments, the Executive and Legislative powers are blended, their position is contrary to what they say are the true principles of the Constitution.

We have the power to establish offices by law; we can declare the duties of the officer; these duties are what the Legislature directs, and not what the President; the officer is bound by law to perform these duties. But this clause militates against the institution itself; for the President is to have the power of preventing the execution; the office, and its duties, are suspended on the pleasure of the President. Suppose an officer discharges his duty as the law directs, yet the President will remove him; he will be guided by some other criterion; perhaps the officer is not good-natured enough; he makes an ungraceful bow, or does it left leg foremost; this is unbecoming in a great officer at the President's levee. Now, because he is so unfortunate as not to be so good a dancer as he is a worthy officer, he must be removed. The Senate, and this House, may think it necessary to inquire, why a good officer is dismissed. The President will say, it is my pleasure; I am authorized by law to exercise this prerogative; I have my reasons for it, but you have no right to require them of me. This language may be proper in a monarchy; but in a republic every action ought to be accounted for. How can you impeach the President, as was said by the honorable gentleman from Virginia, (Mr. Madison,)

for exercising a power vested in him by law? Sir, it is an absurdity to talk of impeachments on such occasions, when the officer is shielded by the law.

There is a consistency under a monarchy of the King's exercising the power of appointment and removal at pleasure. In Great Britain, this is the prerogative of the throne; where it is likewise held a maxim, that the King can do no wrong. The Chief Magistrate under this Constitution is a different character: there is a Constitutional tribunal, where he may be arraigned, condemned, and punished, if he does wrong. The reason of this distinction I take to be this: The majesty of the people receives an injury when the President commits an improper act, for which they are to receive satisfaction. Kings have a property in Government, and when a Monarch acts unwisely he injures his own interest, but is accountable to none; because satisfaction is due to himself alone. He is established in his office for life; it is an estate to him, which he is interested to transmit to his posterity unimpaired. The good of the people, upon principles of interest, will be his peculiar study. He ought, therefore, to have power to act in such a manner as is most likely to secure to him this object; then, necessarily, he must have the right of choosing or displacing his agents. There can be no difficulty on this point; but in a confederated republic, the Chief Magistrate has no such trust; he is elected but for four years, after which the Government goes into other hands. He is not stimulated to improve a patrimony, and therefore has no occasion for complete power over the officers of the Government. If he has such power, it can only be made useful to himself by being the means of procuring him a re-election, but can never be useful to the people by inducing him to appoint good officers or remove bad ones. It appears to me that such unbounded power vitiates the principles of the Constitution; and the officers, instead of being the machinery of the Government, moving in the regular order prescribed by the Legislature, will be the mere puppets of the President, to be employed or thrown aside as useless lumber, according to his prevailing fancy.

If gentlemen will take this step, they must take another, and secure the public good by making it the interest of the President to consult it; they must elect him for life, or, what will be more consistent still, they must make his office hereditary. Then gentlemen may say, with some degree of truth, that he ought to have the power of removal, to secure in his hands a balance in the Government. But if gentlemen are willing to remain where they are, and abide by the Constitution, regarding its true principles, they will not contend that there is a necessity, or even a propriety, in vesting this power in the President alone.

Gentlemen tell us they are willing to consider this as a Constitutional question, and yet the bill shows that they consider the Constitution silent; for the clause grants the power in express terms. This also implies that the Legislature have a right to interfere with the Executive power, con-

trary to their avowed principles. If the Legislature have not the power of removal, they cannot confer it upon others; if they have it, it is a legislative power, and they have no right to transfer the exercise of it to any other body. So, view this question in whatever point of light you please, it is clear the words ought to be struck out. Mr. SHERMAN.—I wish, Mr. Chairman, that the words may be left out of the bill, without giving up the question either way as to the propriety of the measure. Many of the honorable gentlemen who advocate this clause have labored to show that the President has, Constitutionally, the power of removal. If this be a well-founded opinion, they ought not to let the words remain in the bill, because they are of such a nature as to imply that he had not the power before it was granted him by the law.

If gentlemen would consent to make a general law, declaring the proper mode of removal, I think we should acquire a greater degree of unanimity, which, on this occasion, must be better than carrying the question against a large minority.

The call for the question being now very general, it was put, shall the words "to be removable by the President," be struck out?

It was determined in the negative; being yeas 20, nays 34.

Mr. CARROLL proposed a clause, limiting the operation of the act, under a hope that a time would come when the United States would be disengaged from the necessity of supporting a Secretary of Foreign Affairs. He thought the policy of limiting establishments, in their nature not always necessary, evident to every thinking mind; and he hoped Congress would pursue the principle on this and every similar occasion. He viewed the natural situation of this country as some security against our being drawn into the vortex of European politics; but the present bill afforded a means of attraction which it was prudent to guard against.

Mr. BENSON saw no necessity for the clause, for his mind did not contemplate a time when a Secretary of Foreign Affairs would be an unnecessary or useless officer.

Mr. MADISON thought limitations ought never to be made, unless for special reasons; because it would be destructive of the salutary permanency of the laws, which was an object of no inconsiderable magnitude.

Mr. AMES had no doubt of the good intention of the worthy and honorable mover; but he thought a limitation would be injurious. The United States is a member of the society composed of the assemblage of all the nations of the earth; and it is impossible, as a member of this great society, but that there ever will be a natural obligation to maintain an intercourse with them. If the gentleman discovered that he had mistaken his principle, he flattered himself the motion would be withdrawn.

Mr. STONE expressed himself in favor of the motion, in order that the House might preserve their due share of the Government. If the officer

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became expensive, and was so much under the control of the President, he would never consent to the repeal of a law which thus extended his influence.

Mr. LIVERMORE thought, with the honorable gentleman from Maryland, (Mr. CARROLL,) that the United States might look forward to a time when the officer would be unnecessary; and, therefore, was in favor of the proposed limitation.

Mr. GERRY.—I am in favor of something of this kind; but I do not see that it is absolutely necessary we should be obliged to re-make our laws every three or four years. This would be giving ourselves much trouble, and causing great expense to our constituents. I do not know but we may manage better in another way. If a gentleman has a carriage and horses, he may sell the horses and keep the carriage. This will not occasion so much expense: he may buy horses again when he wants them. So I would let the bill remain, but limit the appointment of the officer to a term of years.

Mr. BODINOT remarked, that the House always had the officer in their power, because they could limit his salary, or determine it altogether, if they judged proper.

Mr. CARROLL thought the object of his motion favored by the public opinion. His own sentiments were clearly in favor of it. He did not presume to lead in this business, but should submit to the fate of his amendment.

Mr. SENECA was of opinion that the commerce of America would flourish under the new Government, and, as that extended, he apprehended the necessity of maintaining this officer would increase; he should, therefore, be against the motion.

Mr. STONE.—If you make this law permanent, and give permanent salaries, which is very likely to be the case, the House will have no control over this department, unless two-thirds of both Houses acquiesce in the repeal.

Mr. WHITE would move to strike out the clause respecting the salary, and then the House might have the check mentioned by the gentleman from Jersey, (Mr. BODINOT.)

Mr. MANISON said, that limiting the bill would abridge a power which the committee had declared to belong to the President; but limiting the officer, as mentioned by the gentleman from Massachusetts, would do so in a still greater degree. He thought the power, with respect to granting salaries, always secured to the House its due portion of the powers of Government.

Mr. CARROLL withdrew his motion, in order to give an opportunity to the gentleman from Virginia (Mr. WHITE) to make a proposition for striking out the salary clause.

Hereupon, Mr. WHITE's motion for striking out was put and agreed to.

The committee then rose and reported the bill, with the proposed amendments, to the House.—Adjourned.

MONDAY, June 22.

DEPARTMENT OF FOREIGN AFFAIRS.

The bill for establishing the Department of Foreign Affairs, as reported by the Committee of the Whole, being taken up by the House, for consideration.

Mr. CARROLL renewed in the House the motion for limiting the duration of the bill, which he yesterday made and withdrew.

On the question, shall the clause be added? it was determined in the negative.

The question which had been so many days agitated in the Committee of the Whole, was now renewed by Mr. GERRY, when,

Mr. BENSON moved to amend the bill, by altering the second clause, so as to imply the power of removal to be in the President. The clause enacted, that there should be a chief clerk, to be appointed by the Secretary of Foreign Affairs, and employed as he thought proper, and who, in case of vacancy, shall have the charge and custody of all records, books, and papers appertaining to the department; and the amendment proposed that the chief clerk, "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy," shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the department.

Mr. BENSON declared, if he succeeded in this amendment, he would move to strike out the words in the first clause, "to be removable by the President," which appeared somewhat like a grant. Now, the mode he took would evade that point, and establish a legislative construction of the Constitution. He also hoped his amendment would succeed in reconciling both sides of the House to the decision, and quieting the minds of gentlemen.

Mr. PAGE expressed a desire of calling the yeas and nays on the question which had so long agitated them. He was apprehensive that, by shifting the ground in the manner now proposed, the journal would not declare truly the question which had been so long contested.

Mr. LAVAUGHN viewed the clause as a legislative declaration; for which reason he should be well satisfied with it as it stood. He should be glad to meet the gentlemen on ground of accommodation; but he did not think it likely to be effected by the proposed alteration.

Mr. MANISON admitted the objection made by the gentleman near him (Mr. BENSON) to the words in the bill; they certainly may be construed to imply a legislative grant of the power. He wished every thing like ambiguity expunged, and the sense of the clause explicitly declared, and therefore seconded the motion. Gentlemen have all along proceeded on the idea that the Constitution vests the power in the President; and what arguments were brought forward respecting the convenience or inconvenience of such a disposition of the power, were intended only to throw light upon what was meant by the compilers of the Constitution. Now, as the words proposed

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by the gentleman from New York expressed to his mind the meaning of the Constitution, he should be in favor of them, and would agree to strike out those agreed to in committee.

Mr. SWAIN, of South Carolina.—I believe gentlemen are convinced of the impropriety of the clause carried in the committee; and though they are not willing to relinquish openly their principles, yet they will do it by agreeing to their amendment. Will they pretend to carry their point by a side blow, when they are defeated by fair argument, on due reflection? For my part, Mr. Speaker, I hold any declaration whatsoever an infringement on the Constitution; but at the same time, if it be done, I hold it more candid and manly to do it in direct terms, than by an implication like the one proposed.

Mr. SENECA.—I wish the honorable mover of the amendment had been content with the decision of yesterday; because I apprehend the discussion of the question which he has agitated will take up some time, without any possible advantage. For my part, I do not see the difficulty which seems to strike his mind. If I understand the subject rightly, there seem to be two opinions dividing the majority of this House. Some of these gentlemen seem to suppose that, by the Constitution, and by implication and certain deduction from the principles of the Constitution, the power vests in the President. Others think that it is a matter of legislative determination, and that they must give it to the President on the principles of the Constitution. Now, suppose either of these sentiments to be just, there is no impropriety in the other's assenting to the mode of expression already adopted: yet, if the latter opinion which I stated is the true one, there is an evident impropriety in agreeing to the amendment, and it may tend more to divide than unite the House. I hope the gentlemen will therefore withdraw his motion, at least until the old question on striking out be decided.

Mr. BENSON had no objection to let his motion lie on the table. But his objection to the clause arose from an idea that the power of removal by the President hereafter might appear to be exercised by virtue of a legislative grant only, and consequently be subjected to legislative instability, when he was well satisfied in his own mind, that it was fixed by a fair legislative construction of the Constitution.

Mr. MANISON withdrew his second to the gentleman's motion for the present, and proposed to the gentlemen who thought the Constitution vested the power in the President and Senate, to try their opinion, by moving to add after the words "to be removable by the President," "by and with the advice and consent of the Senate." This motion, he thought, would give gentlemen a fair opportunity of trying the question, and recording their opinions. He begged gentlemen in opposition would not consider the motion of the gentleman from New York (Mr. BENSON) as a dereliction of the principle hitherto contended for; because it had no other effect than varying the declaration which the majority were inclined to

make; consequently, there was no room for exclusion on the part of the minority.

[Here followed a desultory conversation respecting the manner in which the question should be put; during which Mr. SENECA said he would admit Mr. BENSON's amendment, because it could do no harm, being only a repetition of the words in the first clause; but he would vote against striking out in the first clause, when that question came before the House.]

The question on the amendment proposed by Mr. BENSON, was taken by the yeas and nays, which are as follows:

YEAS.—Messrs. Ames, Baldwin, Benson, Brown, Burke, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Lawrence, Lee, Leonard, Madison, Moore, Muhlenberg, Scott, Sedgwick, Seney, Simeon, Smith, of Maryland, Sylvester, Thatcher, Trumbull, Vining, and Wadsworth—80.

NAYS.—Messrs. Cadwalader, Coles, Gerry, Grout, Hathorn, Huntington, Livermore, Matthews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of South Carolina, Sturgis, Sumter, Tucker, and White—18.

So the amendment was carried in the affirmative.

Mr. BENSON now moved to strike out of the first clause the words "to be removable by the President."

Mr. PAGE insisted that gentlemen had changed their ground by the amendment which had just taken place. It was now left to be inferred from the Constitution that the President had the power of removal, without even a legislative declaration on that point, which they had heretofore so strongly insisted upon. He would submit to the majority how far this comported with their arguments, and leave them to say if they had not evacuated untenable ground.

He did not wish to say much more on the subject, after it had been so well discussed; but could not help observing that, to a man of common sense, nothing appeared in the Constitution from which it might be inferred that the power of removal vested in the President. All that was expressed in the instrument itself related to removing by impeachment. How far they were tied down by the letter of the Constitution he would not positively say; but if any thing was to be drawn even from analogy, it was in favor of the President, by and with the advice and consent of the Senate. Besides, the exercise of such a prerogative by a Chief Magistrate is incompatible with the principles of a free Government. The gentlemen tell us that these are the principles of the Constitution. I know not what were the intentions of its framers, but I see and judge of the work by my faculty of understanding; and nothing appears to convince me that the Constitution distributes the power in the manner gentlemen have said. If we were framing a Constitution, it might be proper to discuss the propriety of vesting the power of removal in the President; but as we are acting under one which we are sworn to support, I presume we are not at liberty to vary it by implication. I observed on a former

occasion, that in doing this we do what is not only unnecessary, but dangerous. It will excite the jealousy of the people, raise fresh alarms, and create new rumors. We shall lose the confidence of our constituents, without which no Government can be well administered. I said before that gentlemen did not consider the extent of their doctrine, when they contended so strongly for energy in government. Energy in government may become a despotism. The people of America, I will be bold to say, do not wish a government energetic to this degree. They wish the Government to be as the Constitution has fixed it, and its powers to be exercised in the manner it has pointed out; and not to be accumulated upon the Chief Magistrate, in order to make him like a sovereign whose yoke they disdained to bear.

Let me remind gentlemen once more of the situation of this country. There are thousands of our fellow-citizens dissatisfied with this feature of the Constitution. There are two whole States which have not adopted our Constitution. Can this be the time to make your Government more odious—to show a disposition towards monarchy? It cannot be. The patriots of America will never do ought to drive their country into that anarchy from which it is but just arising; they will not force the people to be loudly clamorous for amendments; yet such is the evident tendency of the present policy.

I earnestly hope that the words which we have all along contended against may be struck out; for, desirable as this bill is, I would rather lose it altogether than pass it in its present form.

Mr. MADISON.—I am in favor of the motion for striking out, but not upon the principles of my worthy colleague. I will briefly state my reasons for voting in the manner I intend. First, altering the mode of expression tends to give satisfaction to those gentlemen who think it not an object of legislative discretion; and second, because the amendment already agreed to fully contains the sense of this House upon the doctrine of the Constitution; and therefore the words are unnecessary as they stand here. I will not trouble the House with repeating the reasons why the change of expression is best, as they are well understood. But gentlemen cannot fairly urge against us a change of ground, because the point we contended for is fully obtained by the amendment. It was truly said by the gentleman from New York, (Mr. BEXSON,) that these words carry with them an implication that the Legislature has the power of granting the power of removal.

It is needless to assign my reasons why I think the Legislature not in possession of this power; they were fully explained before. I therefore shall only say, if there is a principle in our Constitution, indeed in any free Constitution, more sacred than another, it is that which separates the Legislative, Executive, and Judicial powers. If there is any point in which the separation of the Legislative and Executive powers ought to be maintained with greater caution, it is that which relates to officers and offices. The powers relative to officers are partly Legislative and partly

Executive. The Legislature creates the office, defines the powers, limits its duration, and annexes a compensation. This done, the Legislative power ceases. They ought to have nothing to do with designating the man to fill the office. That I conceive to be of an Executive nature. Although it be qualified in the Constitution, I would not extend or strain that qualification beyond the limits precisely fixed for it. We ought always to consider the Constitution with an eye to the principles upon which it was founded. In this point of view, we shall readily conclude that if the Legislature determines the powers, the honors, and emoluments of an office, we should be insecure if they were to designate the officer also. The nature of things restrains and confines the Legislative and Executive authorities in this respect; and hence it is that the Constitution stipulates for the independence of each branch of the Government.

Let it be understood that the Legislature is to have some influence both in appointing and removing officers, and I venture to say the people of America will justly fear a system of sinecures. What security have they that offices will not be created to accommodate favorites or pensioners subservient to their designs? I never did conceive, that so far as the Constitution gave one branch of the Legislature an agency in this business, it was, by any means, one of its most meritorious parts; but so far as it has gone, I confess I would be as unwilling to abridge the power of that body as to enlarge it. But considering, as I do, that the Constitution fairly vests the President with the power, and that the amendment declares this to be the sense of the House, I shall concur with the gentlemen in opposition so far as to strike out these words, which I now look upon to be useless.

I have a great respect for the abilities and judgment of my worthy colleague, (Mr. PAGE,) and am convinced he is inspired by the purest motives in his opposition to what he conceives to be an improper measure; but I hope he will not think so strange of our difference, if he considers the small proportion of the House which concurs with him with respect to impeachment being the only way of removing officers. I believe the opinion is held but by one gentleman besides himself. If this sentiment were to obtain, it would give rise to more objections to the Constitution than gentlemen are aware of; more than any other construction whatever. Yet while he professes to be greatly alarmed on one account, he possesses a stoic apathy with respect to the other.

Mr. SENECA did not mean to trouble the House with the reasons upon which his opinion was founded. He supposed every gentleman had made up his mind upon full deliberation. He had made up an opinion for himself, and intended to be guided by this opinion in giving his vote.

He believed there were a thousand circumstances which would demand a removal from office, of which the President alone could be the proper judge; therefore, the President alone ought to possess the power. He excluded cases of im-

peachment; but he thought it was the discretion of the Legislature to authorize the exercise of it, because they had complete power over the duration of the offices they created. Hence he deemed it necessary to make an express grant of the power of removal; but strike out these words, and there is no express grant in the bill. Now, if he was right in his construction, it became necessary to retain the words; they could do no harm for the reasons before mentioned, and they stand very well with the amendment already agreed to. If he erred in judgment, no injury could arise from the error. But if other gentlemen err in their construction, we have a weak, decrepit explanation, which the President may not easily understand. For if he supposes the Constitution totally silent, he can hardly draw authority from your law; and he will be reduced to the dilemma of acting in the manner related of the late Governor of Virginia by an honorable gentleman from that State, (Mr. WHITE,) which is by no means to be wished.

Mr. GERRY was glad to find the majority had relinquished the right of the Legislature to grant this power. If they would go further, and leave the operation of the Constitution uninfluenced, they would do right; but certainly it is improper for the House to throw its weight into the scale with the President, to counteract what gentlemen think a constitutional imbecility.

Mr. MOORE expressed his approbation of the motion, after what had been carried, because he would not have it thought that the Legislature possess a right to confer powers not vested in them by the Constitution.

Mr. LAWRENCE was against striking out the words, because he thought the Legislature had power to establish offices on what terms they pleased. The Constitution secured the independence of the judges, by making their appointment during good behavior; but would any gentleman contend that Congress could not make this tenure likely to be most productive of public good? If this was admitted, the Legislature might abridge the constitutional power of the President respecting the removal of such officers. To avoid this clashing of opinions, he wished the words to remain in the bill.

Mr. BOURNOR was against the motion, because the Constitution vested all executive power in the President. The power of designating and appointing officers to execute the laws was in its nature executive. Consequently, the President would appoint *ex officio* if he had not been limited by the express words of the Constitution. Hence he inferred, *ex officio*, he would remove, without limitation; but as debate had arisen, and the question been seriously agitated, he was clear for making a legislative declaration, in order to prevent future inconvenience.

He had another reason. The arguments on a similar motion had taken up four days; they were such as convinced a large majority of the House that the words ought to remain in the bill. Now, to strike out after such mature deliberation, argued,

a fickleness which he hoped never to see affect this honorable body. No new arguments have now been urged. The former ones were conclusive, or they were not conclusive; if they were conclusive, we did right in keeping in the words; if they were not conclusive, we ought to have given them up. They appeared then to be conclusive, and appear still to be so; therefore he would vote against the motion.

Mr. TUCKER.—I am embarrassed on this question, as the yeas and nays are called; because the vote is taken in such a manner as not to express the principles upon which I vote.

In the Committee of the Whole, I voted for striking out the words that are now proposed to be struck out; and my reason was, I was doubtful whether it was proper to vest on this occasion the power in the President alone. It appears to me, that the power is not necessarily vested in the President by the Constitution, neither in the President and Senate. I find no words that fix this power precisely in any branch of the Government. It must, however, by implication, be in the Legislature, or it is no where, until the Constitution is amended. I presume the implication is at least equally favorable to the Legislature as to any other branch, if it necessarily belongs to the Government. I apprehend a law is necessary in every instance to determine the exercise of the power. In some cases, it may be proper that the President alone should have it. I am not clear in my own mind, what general rule, if any, can be established on this subject. Perhaps in other cases it may be lodged with the President and Senate; or it may be given to the heads of departments. But whoever is invested with it, it must be in consequence of a law; and the Legislature have a right to vest it where they please. For my part, I am not under those serious apprehensions which gentlemen have expressed. I do not apprehend that vesting it in the President, or President and Senate, will effect a change of Government; but at the same time, I am anxious to preserve a consistency, and that the business should be settled upon proper ground.

I said I was against the words in the committee, because I doubted if the President was the proper person to exercise this authority. The amendment adopted this morning I likewise voted against, because I do not wish that the law should imply that the power of removing officers at pleasure is a Constitutional right vested in him. Now, I would rather a law should pass vesting the power in improper hands, than that the Constitution should be wrongly construed. If we say the President may remove from office, it is a grant of power; and we can repeal the law, and prevent the abuse of it. But if we, by law, imply that it is a Constitutional right vested in the President, there will be a privilege gained, which the Legislature cannot affect; at least, the reversion of such a solemn opinion will occasion much inconvenience, not to say confusion.

For these reasons, I shall now be against striking out the words, though I wish to have some modification of them; but the last question

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being carried, has left me in doubt what to propose, to be consistent with my opinions. I am precluded from adding, by and with the advice and consent of the Senate; and perhaps it would be out of order to change the word remove into suspend.

Mr. HARTLEY was against striking out, and so would every gentleman be, he trusted, who was not fully convinced that the power of removal vested by the Constitution is in the President. He owned he had some doubts on that head himself; perhaps some others might be in the same predicament; but he had none with respect to the propriety of the President's exercising that prerogative, and therefore should readily consent to grant it. This might be done by retaining the words, and without going beyond the avowed limits of the legislative authority.

Mr. VINING acquiesced in striking out, because he was satisfied that the Constitution vested the power in the President; and he thought it more likely to obtain the acquiescence of the Senate on a point of legislative construction on the Constitution, than to a positive relinquishment of a power which they might otherwise think themselves in some degree entitled to.

A desultory conversation followed; and the question was put and decided by the yeas and nays, as follows:

YEA—Messrs. Ames, Baldwin, Benson, Brown, Burke, Clymer, Coles, Gerry, Goodhue, Griffin, Grob, Halborn, Huntington, Leonard, Livermore, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Scott, Sherman, Simmickson, Smith, (of South Carolina,) Sturgis, Sumner, Vining, and White—31.

NAY—Messrs. Bondinot, Cadwalader, Carroll, Contee, Fitzsimons, Gilman, Hartley, Heister, Lawrence, Lee, Schureman, Sedgwick, Seney, Smith, (of Maryland,) Sylvester, Thatcher, Trumbull, Tucker, and Wedgworth—19.

The words being struck out, the bill was ordered to be engrossed, and read the third time tomorrow.—Adjourned.

TUESDAY, June 23.

Mr. HUNTINGTON, from the committee appointed for the purpose, reported a bill to promote the progress of science and useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries, which passed its first reading.

DUTIES ON IMPORTS.

The House took up for consideration the Senate's amendments to the impost bill which the House on the 16th instant had refused to concur in, and which a message from the Senate now informed them they would not recede from.

Mr. THATCHER moved to agree to the amendment of the Senate in the enacting style, with an amendment. The House originally sent the bill up in this form, "Be it enacted by the Congress of the United States," the Senate proposed as an amendment, "Be it enacted by the Senate

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and Representatives," and Mr. Thatcher wished to add the words "House of" before "Representatives"—observing that the word Senate spoke of the collective body of the Senators, and the word Representatives alluded to the individual members of this House only, and did not comprehend their Legislative function. There ought to be an equality in the enacting style; therefore the words "House of" were necessary. This motion was agreed to.

The clause discriminating between the distilled spirits of nations in treaty, or otherwise, was now taken into consideration.

Mr. LEE was disposed to agree with the Senate on this article, because it would have but little effect, and therefore was not worth the delay; but he should be immovable with respect to the discrimination in the article of tonnage. He was far from abandoning his principle by this concession; it was merely the effect of deference and respect for the Senate, and a desire to set the Government in motion.

Mr. PAGE.—Gentlemen on a former occasion called this discrimination an empty compliment to our allies; yet it is that very compliment for which nations have stickled. It is the practice of nations to reciprocate advantages to each other's commerce; and hereby we manifest that spirit of attention and generosity which will do honor to the councils of America.

Mr. GERRY said, there were various opinions respecting the treaties which the United States had entered into. But admitting them to be beneficial, what are the principles upon which they are formed? Upon principles of reciprocity. What obligation are we laid under by them? Merely to fulfil the part we have stipulated to perform. Are there other obligations? If there are obligations of honor and generosity, will a difference of two cents on a gallon of distilled spirits discharge them? Will this be considered by our allies as paying a debt of gratitude? I apprehend not. Will it draw on a war, as it has been called, of commercial regulations, with a kingdom which has much in her power? If it does, will the benefit equal this disadvantage? If it does not compensate it, we shall be bad politicians to adopt measures injurious to our common good. Coercive measures ought not to be pursued in preference to lenient ones, unless there is a moral certainty of success by the former, and but a doubtful chance by the latter. If we should fail in our object, our impotence will become the scoff of the world, and our commerce be destroyed. Gentlemen ought to be well assured that they will not be compelled to recede with disgrace from a system of this kind, before they venture to adopt it. I have no conviction of this nature; and therefore I am willing to strike out the clause.

Mr. PAGE declared treaties to be beneficial, and gratitude a principle by which nations ought to be actuated. He feared nothing from retaliation; he was too confident of success to dread a commercial war with the nation alluded to. It had been demonstrated by his worthy colleague, (Mr.

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Madison,) and by a respectable commercial character and worthy member of this House from Pennsylvania, (Mr. FITZSIMONS,) that Great Britain, consistently with her interest, could not be disposed to retaliate; and while her interest opposed retaliation, there was no apprehension of defeat. Is Virginia compelled to recede from her commercial warfare? She has discriminated in a superior manner to what is now proposed; but Britain, careful of her interest, does not choose to enter the lists against her; she is tenacious of the American trade, and will be cautious how she throws it from her. I need not go, said he, over the old arguments. I trust they are sufficiently impressed on the mind of every member, and will determine him to adhere to that vote which, I am bold to say, does honor to the Government, and will terminate in promoting the common interest and general welfare of our constituents. Either, Mr. Speaker, let us insist upon our disagreement, or appoint a committee of conference; but by no means relinquish our object without a single new reason being offered to induce us thereto.

Mr. BONDINOT was clearly for holding up the discrimination in this place as well as the other, though he admitted we were under no obligation by treaty to do either. And are nations deprived of discretion? Can we, ought we, to do nothing unless bound thereto by treaty? Certainly it may be demonstrated that the contested discrimination is salutary to the national interest; hence it is a proper measure for this House to pursue. It has been hinted, that treaties are not beneficial to the United States. Was this the language that venerable patriots of America held when they formed our treaty of alliance with the French nation, when they solicited the attention and friendship of the princes of Europe in the day of calamity and danger? Far other were our sentiments then. But now it is thought another opinion may be entertained—away with the idea.

Treaties, Mr. Speaker, no doubt are beneficial, when properly and reciprocally made. The United States, desirous of settling their intercourse with the European nations and their dependencies, wish to meet them on this ground. Hence it is we propose a discrimination as an inducement for them to treat. Without something of this kind, what temptation have they to listen to our desires? If we do not employ the means an efficient Government has put into our hands for bringing about this wished-for event, it is to be feared our supineness will never permit us to take that station among nations, for which God and nature have designed us. This moment is the happy one by which the world may be taught our character: much depends on first impressions. We have little to fear from a nation which knows the value of our friendship, but which our imbecility has encouraged to take an advantage of us. She can never be disgusted at our policy; she has shown us an example. But if she even were displeased, she is not in a situation to enter into a commercial warfare. Yet it by no means follows, because we take measures to regulate our commerce, that Britain must attempt to fetter our in-

tercourse with her. She has it in her power to become a favored nation at the moment she designs to enter into treaty with us. What can she require more? What more can be granted to her? So far, Mr. Speaker, will this measure be from promoting a commercial war, that I apprehend it will be productive of happy commercial alliances; therefore I hope this House will have firmness enough to persist in their vote of discrimination.

Mr. BENSON.—The more he reflected, the more he was convinced that the former decision of the House was unwise. He had heard no advocate for this measure, except within these walls; from which he inferred that it was not a favorite measure with the people of America. He thought we were in possession of as many advantages in our intercourse with nations between which and the United States no commercial treaty subsisted, as we were with those nations with which Congress had formed treaties. From this consideration, and because he apprehended consequences inimical to the interests of the Union, he hoped the House would agree with the Senate in their amendment.

Mr. MANIXON had spoken so much on former occasions on this subject, that he had little more to say. He presumed that it had been fully proved that the voice of America was in favor of the motion. He had been informed that the Senate did not differ with the House in the principle that discrimination was proper, but they contemplated a detached and pointed law on this subject. Perhaps their method might be eligible, but he was not inclined to risk a certainty for an uncertainty. Their measures might not be proposed this session, or, if proposed, might not be acted upon; but, if they could, then this part of the impost law might be repealed. He was clearly for adhering to the disagreement.

Mr. BENSON thought the voice of the Union was against the measure; he formed this opinion from such materials as came to his hands. But waiving that point, he conceived the measure impolitic, and that was sufficient to induce him to vote against it; and since he found the Senate of the same opinion with himself, he had no hesitation to declare against it.

Mr. SANDWICK said the public opinion was too uncertain a ground to decide the present question upon; it might be one thing in Massachusetts, another in New York, and a different one in Virginia. The principle of gratitude might also be left out of the question. It then would stand upon its true bottom—is the measure just in itself, and conducive to the interest of this country? Is it justice to give up part of our revenue, when we have unceasing demands upon it? Certainly not. Is it our interest to lessen the duty on distilled spirits? Certainly we lose revenue by it, which we are not in a capacity to do. From these two considerations he would vote in favor of the Senate's amendment.

Mr. AMES called upon gentlemen to recollect the situation of the United States, and the urgent necessity there was for passing the revenue law.

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He submitted to the House how much better it would be to let this subject be taken up distinctly, than make it a reason for delaying the great business they were sent here to complete. He was, however, strongly opposed to being led by the principle of gratitude in matters relative to the public weal. The obligation of a treaty never required more than what its terms stipulated for; therefore, in matters of commerce and matters of revenue, interest ought to be the predominating principle.

Mr. MANSON thought this bill would gain nothing by an immediate passage, because it could not operate until the collection bill was passed, and that would certainly, by the specimen the House had had of it, take some time. He would not agree to relinquish the present discrimination in hopes of obtaining a future one; and he contended that a discrimination was warranted upon the predominating principle alluded to by the gentleman last up; but he would agree to appoint a Committee of Conference on this clause, in hopes a compromise might take place.

Mr. WADSWORTH opposed the discrimination as ineffectual, and not because it was on unjust principles. He knew one or two things in the power of Congress, which would compel Great Britain to treat with us on terms of reciprocity. If gentlemen were disposed to pursue these, he would join them with all his heart; but any thing short of it will only irritate, and not produce any real national advantage whatever. His first object would be to interdict the trade which supplied the British dependencies with the necessities of life. He was bold to say that Nova Scotia, the settlement founded by Britain to rival the United States, could not exist without such aid; her West India settlements would also feel the want of our commerce; the whole body of her colonies would be clamorous to regain the advantages thus suspended, and compel the mother country to adopt measures for their and our mutual convenience and interest; this he apprehended would be good policy, and perfectly warrantable. But a trifling discrimination may lose us the advantages we now have in British ports, without obtaining a compensation in exchange; for of whom are we to expect a compensation? Not of Britain, unless she is compelled; not of France, for the inducement is too trifling. I am sorry, said he, that I am drawn to make some observations on national generosity, because they may not tend to show that our allies display that virtue towards us in a very conspicuous manner. When this and the tonnage bill were first before the House, the commercial advantages granted the United States by Great Britain were pointed out; they appeared to exceed the privileges of our commerce with France in substance, though perhaps the latter were, in some instances, more showy. With respect to the British West Indies, we are on a footing with other nations, so that gentlemen ought not to complain, as they have done, of our suffering an indignity by submitting to such restrictions. But what shall I say with respect to our intercourse with the French islands?

Our trade there is exposed to the most exorbitant charges; our vessels and seamen to indignities which I wish not to mention. But gentlemen need not be surprised at this view, when they look around and behold the custom-houses we have suffered them to erect in America. We cannot visit an island without a passport from them. I will not dwell upon what they exact for this necessary paper; but we admit, by paying it, their authority in this country over our commerce. If this picture of our situation be not sufficiently humiliating, I could color it with an enumeration of the contumelies and insults which our people have actually received. I could inform this honorable body, that our captains, with their officers and seamen, have been dragged from on board their ships at midnight, for the breach of laws never promulgated, by the caprice or wanton cruelty of a petty officer. Our venerable heads of families, our most virtuous citizens, have been thus, and more, ignominiously treated by the subjects of our great ally. Perhaps we have obtained a promise of better treatment in future, by making our well-grounded complaint; but let me pause a moment, and ask gentlemen whether they know a nation on earth whose friendship is worth purchasing at such a price? For my part, I know of none. Is the advantage of exporting to the place of consumption as many hogsheds of tobacco as the Government will admit, a compensation? In my mind it is a question whether this article does not yield a better return from Great Britain than elsewhere; therefore the trade in it to other countries is not valuable enough to induce the freemen of America tamely to submit to impositions and indignities which debase the rank of an independent nation. Gentlemen may have formed high notions of our commerce with France; but I submit it to the enterprising and most assiduous of our merchants, to those who have had long connexions with that country, and who have formed their judgments upon the sure ground of experience, to say if the French trade is profitable to America; if this were the fact, many more of our traders would have found it out; for I believe the citizens of the Union are as sagacious in making such discoveries as any people whomsoever.

With these impressions on my mind, I cannot but join with the Senate in their amendment, which I hope may be carried; but I shall never oppose; on the contrary, I will support every effectual measure for compelling the nations of the world to treat with us on the principles of reciprocity.

The question for concurring with the Senate in striking out the discrimination on distilled spirits was put; upon which the House divided, and there appeared twenty-five in the affirmative, and twenty-seven in the negative; so the question of concurrence was lost. Adjourned.

WEDNESDAY, JUNE 24.

DEPARTMENT OF FOREIGN AFFAIRS.

The engrossed bill "for establishing an Execu-

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tive Department, to be denominated the Department of Foreign Affairs," was read the third time.

Mr. SUMNER.—This bill appears to my mind so subversive of the Constitution, and in its consequences so destructive to the liberties of the people, that I cannot consent to let it pass, without expressing my detestation of the principle it contains, I do it in this public manner, in order to fulfil what I think to be by duty to my country, and to discharge myself of any concern in a matter that I do not approve.

Mr. PAGE discovered the fate of the bill; he knew it must pass; but, nevertheless, he would decidedly give it his negative, and he hoped the respectable minority which he had the honor of voting with hitherto on the question of removability, would unite with him firmly in their opposition; and in order to record to their constituents the sentiments they maintained, he moved to take the question by the yeas and nays.

One-fifth of the members present joined in requiring the yeas and nays; whereupon they were taken, and are,

YEAS.—Messrs. Ames, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimon, Gilman, Goodhue, Griffin, Hartley, Heister, Hugor, Lawrence, Lee, Madison, Moore, Muhlenburg, Schureman, Scott, Sedgwick, Seney, Simmickson, Sylvester, Trumbull, and Vining—29.

NAYS.—Messrs. Coles, Gerry, Grout, Hathorn, Huntington, Jackson, Leonard, Livermore, Matthews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumter, Thatcher, Tucker, and White—22.

So the question was determined in the affirmative, and the Clerk directed to carry the bill to the Senate, and desire their concurrence.

DUTIES ON IMPORTS.

The House now resumed the consideration of the message from the Senate, touching their amendments to the Import bill.

After going through the same, and agreeing to three amendments, and rejecting six, it was Ordered, That a committee of conference be desired with the Senate upon the subject-matter of the amendments disagreed to; and Messrs.

Boudinot, Fitzsimons, and MADISON, were appointed managers at the said conference, on the part of the House.

DEPARTMENT OF WAR.

The House then went into a committee on the bill for establishing the Department of War, Mr. TRUMBULL in the Chair.

Mr. BENSON proposed, with respect to the Secretary's being removable by the President, a similar amendment to that which had been obtained in the bill establishing the Department of Foreign Affairs.

Mr. SHERMAN thought it unnecessary to load this bill with any words on that subject; he conceived the gentleman ought to be satisfied with having had the principle established in the other bill.

Mr. PAGE was of the same opinion, but further thought it argued a doubt, even in the mind of the majority, of the truth of their principles, and they wanted, by repetition, to force that upon the mind which was not impressed by right reason. The question on the amendment was taken without further debate, and carried in the affirmative, twenty-four to twenty-two.

Some other small alterations being made, the committee rose, and reported the bill as amended; which being partly considered, the House adjourned.

THURSDAY, JUNE 25.

Mr. WYCKOFF presented the petition of Samuel Briggs, of Philadelphia, praying for the exclusive privilege of constructing and vending a machine for making nails by mill-work. Ordered to lie on the table.

DEPARTMENT OF WAR.

The House resumed the consideration of the amendments reported by the Committee of the Whole to the bill for establishing the War Department; which being agreed to, the bill was ordered to be engrossed.

A message from the Senate informed the House that they agree to the amendment proposed by this House to their amendment to the bill for laying a duty on goods, wares, and merchandises imported into the United States; insist on their fourth and fifth amendments to the said bill; agree to the proposed conference on the subject-matter of the other amendments thereto, and have charged their managers to confer also on the said fourth and fifth amendments. The Senate likewise agree to the amendments proposed by this House to their first and ninth amendments to the bill imposing duties on tonnage; and also to the proposed conference on the subject-matter of the other amendments to the said bill.

TREASURY DEPARTMENT.

The House then resolved itself into a Committee of the Whole on the bill for establishing the Treasury Department, Mr. TRUMBULL in the Chair. The second clause being under consideration—

Mr. PAGE objected to the words making it the duty of the Secretary to "digest and report plans for the improvement and management of the revenue, and the support of the public credit," observing that it might be well enough to enjoin upon him the duty of making out and preparing estimates; but to go any further would be a dangerous innovation upon the Constitutional privilege of this House; it would create an undue influence within these walls, because members might be led, by the deference commonly paid to men of abilities, who give an opinion in a case they have thoroughly studied, to support the minister's plan, even against their own judgment. Nor would the mischief stop here; it would establish a precedent which might be extended, until we admitted all the ministers of the Government on the floor, to explain and support the plans they

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have digested and reported; thus laying a foundation for an aristocracy or a detestable monarchy.

Mr. TUCKER.—The objection made by the gentleman near me is, undoubtedly, well founded. I think it proper to strike out all the words alluded to, because the following are sufficient to answer every valuable purpose, namely, "to prepare and report estimates of the public revenue and public expenditures." If we authorize him to prepare and report plans, it will create an interference of the Executive with the Legislative powers; it will abridge the particular privilege of this House; for the Constitution expressly declares, that all bills for raising revenue shall originate in the House of Representatives. How can the business originate in this House, if we have it reported to us by the Minister of Finance? All the information that can be acquired, may be called for, without adopting a clause that may undermine the authority of this House, and the security of the people. The Constitution has pointed out the proper method of communication between the Executive and Legislative departments; it is made the duty of the President to give, from time to time, information to Congress of the state of the Union; and to recommend to their consideration such measures as he shall judge necessary and expedient. If revenue plans are to be prepared and reported to Congress, here is the proper person to do it; he is responsible to the people for what he recommends, and will be more cautious than any other person to whom a less degree of responsibility is attached. Under this clause, you give the Secretary of the Treasury a right to obtrude upon you plans, not only undigested, but even improper to be taken up.

I hope the House is not already weary of executing and sustaining the powers vested in them by the Constitution; and yet it would argue that we thought ourselves less adequate to determine than any individual what burdens our constituents are equal to bear. This is not answering the high expectations that were formed of our exertions for the general good, or of our vigilance in guarding our own and the people's rights. In short, Mr. Chairman, I can never agree to have money bills originated and forced upon this House by a man destitute of Legislative authority, while the Constitution gives such power solely to the House of Representatives; for this reason, I cheerfully second the motion for striking out the words.

Mr. BRANSON.—If the proposed amendment prevail, the bill will be nearly nugatory. The most important service that can be rendered by a gentleman who is at the head of the Department of Finance, is that of digesting and reporting plans for the improvement of the revenue, and supporting public credit; and, for my part, I shall despair of ever seeing your revenue improved, or the national credit supported, unless the business is submitted into the hands of an able individual. I thought this subject was well understood, from the debate on the original motion. It was then insisted upon by an honorable gentleman, Mr. GRANT, who opposed the appointment of a Secretary of the Treasury, that his important duties

ought to be "to consider of the means of improving the revenue and introducing economy into the expenditures, and to recommend general systems of revenue." Now, what more than this is required by the clause?

For my part, I am at a loss to see how the privilege of the House is infringed. Can any of the Secretary's plans be called bills? Will they be reported in such a form even? But admitting they were, they do not become bills, unless they are sanctioned by the House; much less is the danger that they will pass into laws without full examination by both Houses and the President. From this view of the subject, so far is the clause from appearing dangerous, that I believe it discovers itself to be not only perfectly safe, but essentially necessary; and without it is retained, the great object of the bill will be defeated.

Mr. GOODHUE.—We certainly carry our dignity to the extreme, when we refuse to receive information from any but ourselves. It must be admitted, that the Secretary of the Treasury will from the nature of his office, be better acquainted with the subject of improving the revenue or curtailing expense, than any other person; if he is thus capable of affording useful information, shall we reckon it hazardous to receive it? For my part, when I want to attain a particular object, I never shut my ears against information likely to enable me to secure it.

Mr. PAGE.—I can never consent to establish, by law, this interference of an Executive officer in business of legislation; it may be well enough in an absolute monarchy, for a Minister to come to a Parliament with his plans in his hands, and order them to be enrolled or enacted; but this practice does not obtain even in a limited monarchy like Britain. The Minister there, who introduces his plans, must be a member of the House of Commons. The man would be treated with indignation who should attempt in that country to bring his schemes before Parliament in any other way. Now, why we, in the free Republic of the United States, should introduce such a novelty in legislation, I am at a loss to conceive. The Constitution expressly delegates to us the business of the revenue; our constituents have confidence in us, because they suppose us acquainted with their circumstances; they expect, in consequence of this knowledge, we will not attempt to load them with injudicious or oppressive taxes; but they have no such security, if we are blindly to follow perhaps an unskilful minister. It does not answer me, Mr. Chairman, to say the House has a right of deliberating and deciding upon these plans, because we may be told, if you prune away this part or that part of the system, you destroy its efficiency. Therefore we must act with caution; we must either take or reject the whole; but if we reject the whole, sir, we are to depend upon ourselves for a substitute. How are we to form one? For my part, I should not despair, that the united wisdom of this House could procure one; but if we are to do this, in the second instance, why cannot we attempt it in the first? I have no objection to our calling upon this or any other offi-

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cer for information; but it is certainly improper to have him authorized by law to intrude upon us whatever he may think proper. I presume, sir, it is not supposed by the worthy gentleman from New York (Mr. BRANSON) that we shall be at a loss to conceive what information would be useful or proper for us to require, that we must have this officer to present us with what he chooses. When the President requires an opinion of him, the Constitution demands him to give it; so, under the law, let him send his opinion in here, when it is asked for. If any further power is given him, it will come to this at last: we, like the Parliament of Paris, shall meet to register what he dictates. Either these reports of the Secretary are to have weight, or they are not; if they are to have weight, the House acts under a foreign influence, which is altogether improper and impolitic; if they are to have no weight, we impose a useless duty upon the officer, and such as is no mark of our wisdom.

Mr. AMES hoped the subject might be treated with candor and liberality; he supposed the objections were made on those principles, and therefore required a serious answer. The worthy gentleman who first expressed his aversion to the clause seemed to be apprehensive that the power of reporting plans by the Secretary would be improper, because it appeared to him to interfere with the legislative duty of the House, which the House ought not to relinquish.

Whenever it is a question, Mr. Speaker, said he, whether this House ought, or ought not, to establish offices to exercise a part of the power of either branch of the Government, there are two points which I take into consideration, in order to lead my mind to a just decision; first, whether the proposed disposition is useful; and, second, whether it can be safely guarded from abuse. Now I take it, sir, that the House, by their order for bringing in a bill to establish the Treasury Department in this way, have determined the point of utility; and, if they have erred in adopting that opinion, I will slightly make an inquiry. How does it tend to general utility? The Secretary is presumed to have the best knowledge of the subject of finance of any member of the community. Now, if this House is to act on the best knowledge of circumstances, it seems to follow logically, that the House must obtain evidence from that officer; the best way of doing this will be publicly from the officer himself, by making it his duty to furnish us with it. It will not be denied, sir, that this officer will be better acquainted with his business than other people can be. It lies within his department to have a comprehensive view of the state of the public revenues and expenditures. He will, by his superintending power over the collection, be able to discover abuses, if any, in that department, and to form the most eligible plan to remedy or prevent the evil. From his information respecting money transactions, he may be able to point out the best mode for supporting the public credit; indeed, these seem to me to be the great objects of his appointment.

It is, perhaps, a misfortune incident to public

assemblies, that from their nature they are more incompetent to a complete investigation of accounts than a few individuals; perhaps in a Government so extended, and replete with variety in its mode of expenditure as this, the subject may be more perplexing than in countries of smaller extent and less variety of objects to guard. The science of accounts is at best but an abstruse and dry study; it is scarcely to be understood but by an unwearied assiduity for a long time; how then can a public body, elected annually, and in session for a few months, undertake the arduous task with a full prospect of success? If our plans are formed upon these incomplete investigations, we can expect little improvement; for I venture to say, that our knowledge will be far inferior to that of an individual, like the present officer. Hence I contend, sir, that the Secretary is a useful and invaluable part of the Government.

I would not have it understood that I am against an inquiry being made into this subject at every session of the Legislature. I think such a practice highly salutary, but I would not trust to a hasty, or perhaps injudicious examination of a business of this magnitude; on the contrary, I would take every precaution in ascertaining the foundation upon which our revenues are to stand. If we consider the present situation of our finances, owing to a variety of causes, we shall not doubt perceive a great, although unavoidable confusion throughout the whole scene; it precepts to the imagination a deep, dark, and dreary chaos; impossible to be reduced to order without the mind of the architect is clear and capacious, and his power commensurate to the occasion; he must not be the flitting creature of a day; he must have time given him competent for the successful exercise of his authority. It is with an intention to let a little sunshine into the business that the present arrangement is proposed; I hope it may be successful, nor do I doubt the event. I am confident our funds are equal to the demand, if they are properly brought into operation; but a bad administration of the finances will prove our greatest evil.

But, is our proposed arrangement safe? Are the guards sufficient to prevent abuse? I am perfectly satisfied it can be made so, and hope the united exertions of both Houses will effect it. How is the power complained of by the honorable gentlemen over the way (Mr. PAGE and Mr. TUCKER) unsafe? We are told, the plans reported may have an undue influence. Upon what ground is this opinion rested? Do the gentlemen apprehend the facts will be fallaciously stated? If so, I would ask, cannot they be detected? If facts are faithfully stated, and the deductions are fair, no doubt the plan will be patronized; and will gentlemen say that it ought not? I believe there is little danger of imposition, for a person in this situation would hardly run the risk of detection, in a case where detection might be easy by an examination of the books and vouchers, and his reputation be destroyed.

What improper influence could a plan reported openly and officially have on the mind of any

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member, more than if the scheme and information were given privately at the Secretary's office? Nor, Mr. Chairman, do I approve what the gentlemen say with respect to calling on the Secretary for information; it will be no mark of inattention or neglect; it will be time to consider the questions you propound; but if you make it his duty to furnish you with plans of information on the improvement of the revenue and support of public credit, and he neglect to perform it, his conduct or capacity is virtually impeached. This will be furnishing an additional check.

It has been complained of as a novelty; but, let me ask, gentlemen, if it is not to an institution of a similar kind that the management of the finances of Britain is the envy of the world? It is true, the Chancellor of the Exchequer is a member of the House that has the sole right of originating money bills; but is that a reason why we should not have the information which can be obtained from our officer, who possesses the means of acquiring equally important and useful knowledge? The nation, as well as the Parliament of Britain, holds a check over the Chancellor: if his budget contains false calculations, they are corrected; if he attempts impositions, or even unpopular measures, his administration becomes odious, and he is removed. Have we more reason to fear than they? Have we less responsibility or security in our arrangement of the Treasury department? If we have, let us improve it, but not abridge it of its safest and most useful power. I hope the committee will refuse their approbation of the present motion.

Mr. LIVERMORE.—I shall vote for striking out the clause, because I conceive it essentially necessary so to do. The power of originating money bills within these walls, I look upon as a sacred deposit, which we may neither violate nor divest ourselves of, although at first view it may appear of little importance who shall form a plan for the improvement of the revenue. Although every information tending to effect this great object may be gratefully received by this House, yet it behooves us to consider to what this clause may lead, and where it may terminate. Might it not, by construction, be said, that the Secretary of the Treasury has the sole right of digesting and reporting plans for the improvement of the revenue? This construction may appear a little extraordinary, but it is not more so than some constructions heretofore put upon other words; but however extraordinary it may be, it may take place, and I think the best way to avoid it, will be to leave out the words altogether. It is certainly improper that any person, not expressly entrusted by our constituents with the privilege of taking their money, should direct the quantum and the manner in which to take it.

But if there is not the danger I have mentioned, of giving power exclusively to this officer, I would ask gentlemen, and I submit it to their candor to say, whether it must not have a tendency to render the minds of the members indifferent on the subject, if the business is to be arranged and conducted by another, who, we are told, is

better capable of understanding it than ourselves? Certainly, we shall hardly think it worth while to trouble our heads about the business. How far this will disappoint the object of our election, may be plainly seen. For my part, I think the power too great to be entrusted in any hands but those of the Representatives of the people, where the Constitution has deposited it, unless it be to a committee especially appointed by the House for that purpose.

Some allusions, Mr. Chairman, have been made with respect to the origin of this power. Gentlemen have intimated that it was copied from the powers vested in the First Lord of the Treasury. I am not of this opinion. I rather believe the committee, in searching for precedents, have turned to the former appointment of a Superintendent of Finance under the late Confederation, and, having discovered this enumerated among his powers, have copied it into the bill, not advertent to the different circumstances of the present and former Congress; for to them alone was not confined the power of originating revenue plans. Besides, it might be safe in them, because they possessed the Legislative and Executive power; they could abolish his plans and his office together, if they thought proper; but we are restrained by a Senate, and the negative of the President. We have no power over him, therefore, we ought to be cautious of putting dangerous powers into his hands.

Mr. SPOWICK.—If the principle prevails for curtailing this part of the Secretary's duty, we shall lose the advantages which the proposed system was intended to acquire. The improvement and management of the revenue is a subject that must be investigated by a man of abilities and indefatigable industry; if we mean to have our business advantageously done. If honorable gentlemen will for a moment consider the peculiar circumstances of this country, the means of information attainable by the individual members of this House, and compare them with the object they have to pursue, they will plainly perceive the necessity of calling to their aid the advantages resulting from an establishment like the one contemplated in the bill; if they weigh these circumstances carefully, their objections, I trust, will vanish. Coming, Mr. Chairman, as we do, from different parts of the Union, from States where the objects of revenue are different, where the circumstances and views of the people are different, and in a great degree local, it appears to me that no one member can be so fortunate as to possess the extensive knowledge attainable by this officer. Another circumstance induces me to draw the same conclusion. We shall find systems adopted to defeat the collection of the revenue, but it will be impossible for any of us to become so well acquainted with these machinations as to defeat their object; but from the advantageous position we give the Secretary of the Treasury, and the multifarious objects of his attention, he may watch over and detect their plans; he will have a better capacity to propose a remedy than any member of the Legislature.

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I do not apprehend any undue influence operating on the members of this House, because I am persuaded there will ever prevail an independent and indignant spirit within the walls of Congress, hostile to every venal attempt. Nor do I believe it possible to color, with a semblance of justice, either false or base measures against the public welfare; the wisdom of this House can never be thought so meanly of. I trust a majority will always be found wise and virtuous enough to resist being made the tools of a corrupt administration. I, therefore, with confidence, approve the object of the clause.

I will mention one other circumstance, of no inconsiderable force, in favor of the bill. Coming, as I said we do, from districts with different ideas, perhaps different objects to pursue, much time will necessarily be consumed before a current is found in which the mind of the majority will run; and even then, gentlemen will not be certain they have procured all the information that could be obtained. It appears, therefore, to me, from the reason and nature of things, to be our duty, as wise legislators, to form such a reservoir for information as will supply us with what is necessary and useful at all times.

Mr. BOUNDWATER.—A proper jealousy for the liberty of the people is commendable in those who are appointed and sworn to be its faithful guardians; but when this spirit is carried so far as to lose sight of its object, and instead of leading to avoid, urges on to the precipice of ruin, we ought to be careful how we receive its impressions. So far is the present measure from being injurious to liberty, that it is consistent with the true interest and prosperity of the community. Are gentlemen apprehensive we shall be led by this officer to adopt plans we should otherwise reject? For my part, I have a better opinion of the penetration of the representation of the people than to dread any such visionary phantoms.

Let us consider whether this power is essentially necessary to the Government. I take it to be conceded by the gentlemen, that it is absolutely necessary because it may be serviceable, but do not choose to have it communicated in this way. If the Secretary of the Treasury is the proper person to give the information, I can see no other mode of obtaining it that would be so useful. Do gentlemen mean that he shall give it piecemeal, by way of question and answer? This will tend more to mislead than to inform us. If we would judge upon any subject, it would be better to have it in one clear and complete view, than to inspect it by detachments; we should lose the great whole in the minutiae, and, instead of a system, should present our constituents with a structure composed of discordant parts, counteracting and defeating the operation of each other's properties.

Make your officer responsible, and the presumption is, that plans and information are properly digested; but if he can secrete himself behind the curtain, he might create a noxious influence, and not be answerable for the information he gives. I conceive this great principle of respon-

sibility to be essentially necessary to secure the public welfare; make it his duty to study the subject well, and put the means in his power; we can then draw from him all the information he has acquired, and apply it to its proper use. Without such an officer, our plans will be ineffectual and inconsistent. I have seen too much the want of a like officer in the State Legislatures, not to make me very desirous of adopting the present plan. It has been said, that the members coming from the different parts of the Union are the most proper persons to give information. I deny the principle. There are no persons in the Government to whom we could look with less propriety for information on this subject than to the members of this House. We are called from the pursuit of our different occupations, and come without the least preparation to bring forward a subject that requires a great degree of assiduous application to understand; add to this the locality of our ideas, which is too commonly the case, and we shall appear not very fit to answer the end of our appointment. Witness the difficulty and embarrassments with which we have hitherto been surrounded. If we had the subject digested and prepared, we should determine with ease on its fitness, its combination, and its principles, and might supply omissions or defects without hazard; and this in half the time we could frame a system, if left to reduce the chaos into order.

Mr. HARTLEY rose to express his sentiments, as he did on every occasion, with diffidence in his own abilities; but he looked upon the clause as both unsafe and inconsistent with the Constitution. He thought the gentleman last up proved too much by his arguments; he proved that the House of Representatives was, in fact, unnecessary and useless; that one person could be a better judge of the means to improve and manage the revenue, and support the national credit, than the whole body of Congress. This kind of doctrine, Mr. Chairman, is indelicate in a republic, and strikes at the root of all legislation founded upon the great Democratic principle of representation. It is true mistakes, and very injurious ones, have been made on the subject of finance by some State Legislatures; but I would rather submit to this evil, than, by my voice, establish tenets subversive of the liberties of my country.

Notwithstanding what I have said, I am clearly of opinion it is necessary and useful to take measures for obtaining other information than what members can acquire in their characters as citizens; therefore, I am in favor of the present bill; but I think these words too strong. If it was modified so as to oblige him to have his plans ready for this House when they are asked for, I should be satisfied; but to establish a legal right in an officer to obtrude his sentiments perpetually on this body, is disagreeable, and it is dangerous, inasmuch as the right is conveyed in words of doubtful import, and conveying powers exclusively vested by the Constitution in this House. One gentleman (Mr. Ames) has said, that the Secretary would be responsible for the plans he

introduces. Very true; but how are we to detect the impositions they contain; for he says, we require more time and leisure to make the scrutiny than falls to our lot, so that it does not afford the degree of responsibility which his observations supposed.

Mr. GERRY expressed himself in favor of the object of the clause; that was, to get all the information possible for the purpose of improving the revenue, because he thought this information would be much required, if he judged from the load of public debt, and the present inability of the people to contribute largely towards its reduction.

He could not help observing, however, the great degree of importance they were giving this, and the other Executive officers. If the doctrine of having prime and great ministers of State was once well established, he did not doubt but we should soon see them distinguished by a green or red ribbon, or other insignia of Court favor and patronage. He wished gentlemen were aware of what consequences these things lead to; that they might exert a greater degree of caution.

The practice of Parliament in Britain is first to determine the sum they will grant, and then refer the subject to a Committee of Ways and Means: this might be a proper mode to be pursued in this House.

Do gentlemen, said he, consider the importance of the power they give the officer by the clause? Is it not part of our Legislative authority? And does not the Constitution expressly declare that the House solely shall exercise the power of originating revenue bills? Now, what is meant by reporting plans? It surely includes the idea of originating money bills, that is, a bill for improving the revenue, or, in other words, for bringing revenue into the treasury. For, if he is to report plans, they ought to be reported in a proper form, and complete. This is giving an indirect voice in Legislative business to an Executive officer.

If this be not the meaning of the clause, let gentlemen say what it is, and to what extent it shall go; but if my construction is true, we are giving up the most essential privilege vested in us by the Constitution. But what does this signify? The officer is responsible, and we are secure. This responsibility is made an argument in favor of every extension of power. I should be glad to understand the term. Gentlemen say the Secretary of the Treasury is responsible for the information he gives the House. In what manner does this responsibility act? Suppose he reports a plan for improving the revenue, by a tax which he thinks judicious, and one that will be agreeable to the people of the United States; but he happens to be deceived in his opinion; that his tax is obnoxious, and excites a popular clamor against the minister—what is the advantage of his responsibility? Nothing. Few men deserve punishment for the error of opinion; all that could be done would be to repeal the law, and be more cautious in future in depending implicitly on the judgment of a man who had led us into an impolitic measure. Suppose the revenue should

fall short of his estimate, is he responsible for the balance? This will be carrying the idea further than any Government hitherto has done. What then is the officer, to be responsible for, which should induce the House to vest in him such extraordinary powers?

It was well observed by the honorable gentleman over the way, (Mr. PALMER,) that when his bill or plan is before the House, we must take or reject the whole; for if the individual members are so uninformed on the subject as they have been represented, it will be next to presumption to prepare an alteration; we should be told it was his duty officially to present plans, and our duty officially to pass them; that he is better informed than any other man, nay, better than the collective wisdom of the country. But this argument goes further still, and it may be justly asked, what occasion is there for a session of Congress? It incumbers the nation with a heavy expense, without rendering it any service. For, if we can neither alter nor improve the Secretary's plans, we can only consume our time to no avail. Under these circumstances, it will be patriotic to lay down our authority, and vest it in the great minister we have established.

Mr. LAWRENCE.—I do not see consequences so dangerous as some gentlemen seem to apprehend; nor did they appear to them. I believe, when the subject was last under consideration. I recollect Mr. Chairman, that some difficulty was made about establishing this office, because it was feared we could not find men of sufficient abilities to fill it. The duties were then properly deemed of a high and important nature, and enumerated as those proposed in the bill. It was supposed by an honorable gentleman, that the powers here expressed might be lodged in a board, because an individual was incompetent to undertake the whole. But now we have the wonderful sagacity of discovering, that if an individual is appointed, he will have capacity to form plans for improving the revenue in such an advantageous manner, as to supersede the necessity of having the representatives of the people consulted on the business; he will not only perform the usual duties of a Treasury Board, but be adequate to all purposes of legislation. I appeal to the gentleman for his usual candor on this occasion, which will assure us that he has wire-drawn his arguments.

I hope, sir, if we give this power to an individual, we shall have judgment enough to discover whether his plans are consistent with the public happiness and prosperity; and while we exercise this judgment, there can be no cause to apprehend the chimerical effects portrayed by the gentleman last up.

It is said to be giving him the power of legislation. Do we give him power of deciding what shall be the law? While we retain this power, he may give us all the information possible, but can never be said to participate in legislative business; he has no control whatever over this House. I see no danger, but a great deal of benefit, arising from the clause; by making it his duty to study the subject, we may reasonably expect information.

How is it said, that the power of reporting plans for the improvement of the revenue, is the power of originating money bills? The Constitution declares that power to be vested solely in this House. Now, will gentlemen say a money bill is originated by an individual member if he brings it forward? It cannot be originated, in my opinion, until the sense of the House is declared; much less can a plan for the improvement of the revenue be said to be a money bill.

Mr. GERRY admitted that he gave it as his opinion, that it was not an easy thing to find a proper person for conducting the finances in this country; there were but few in Europe who possessed abilities equal to the undertaking. He said before, that he knew but one in America, and believed there were not many to be found. These were his sentiments then, and he had made no discoveries since that warranted a change of opinion. But perhaps the advocates of the bill are acquainted with a gentleman fit for the business; if they are, it is more than he pretended to be, unless, as he said before, it was an honorable member of the Senate, who had made more progress in acquiring a knowledge of this difficult science, than any other person he had heard of.

He would not proceed on this subject, because the House had determined to appoint such an officer, and thereby put an end to the debate. By that vote, they supposed they could find a man equal to the task; he hoped they might, but he was really apprehensive of a disappointment, when he considered the confused and embarrassed state of our public debts and accounts; however, he submitted to the voice of his country.

The gentleman last up, said he, did me the honor of noticing what I said on a former occasion; but I appeal to himself whether my words were conveyed in the language of the bill. Did I advise any thing like this? Has not the gentleman sagacity enough to discover that my arguments went no further than this, that he was the proper person to give information respecting the public revenues and expenses, the mode of collecting, and the probable remedy for abuses?

But certainly this House contains more information relative to the proper means of supporting the national credit, and how far our constituents are capable of sustaining an increase of taxes, or which mode of assessment would yield more satisfaction. Yet gentlemen propose to give the power of advising the House, in all these cases, to the Secretary of the Treasury. It was always my opinion, that the representative body, from their sense of feeling, was a better judge of taxation than any individual, however great his sagacity, or extensive his means of information.

The gentleman says, we only give him power to give information; that is what I wish, but the clause goes further. Is digesting and reporting plans merely giving information? These plans will have to undergo the consideration of the House, I grant; but they must have some influence coming from such high authority, and if they have this in any degree whatever, it is sub-

versive of the principles laid down in the Constitution.

The gentleman says, a bill is not originated until it has obtained the sense of the House; what is it then? The bill now under consideration has not obtained the sense of the House, yet I believe that gentleman himself conceives it to be a bill; he uses the term when he is speaking of it, and will hardly deny that it has originated. I think, sir, whenever the House order a committee to bring in a bill, or give leave to a member to read one in his place, that by that order they originate the bill; and here it is that I am apprehensive of a diminution of our privilege. By this law you give the Secretary the right of digesting and reporting all plans, which is but another word for bills, for the management and improvement of the revenue, and supporting public credit. To what an extent these last words may reach, I shall not pretend to say; but certainly they may include the operations of more departments than one. If the clause will bear the construction I have mentioned, it is altogether unwarrantable. I said, I differed from the gentleman with respect to the origin of bills, but perhaps this phrase may be applicable to a bill on its passage; all bills, from the time they are admitted before the House, may be said to be on their passage; but they are originated, as I take it, at their introduction.

Mr. FITZSIMONS was not certain that he understood the objections which were made against the clause; but if he did, it was a jealousy arising from the power given the Secretary to report plans of revenue to the House. No gentleman, he believed, had objected to his preparing a plan, and giving it in when it was called for. If this were the case, perhaps harmony might be restored to the committee by changing the word report into prepare; he would therefore move that amendment, in order to try the sense of the House.

Mr. MADISON.—After hearing and weighing the various observations of gentlemen, I am at a loss to see where the danger lies. These are precisely the words used by the former Congress, on two occasions, one in 1783, the other in a subsequent ordinance, which established the Revenue Board. The same power was also annexed to the office of Superintendent of Finance, but I never yet heard that any inconvenience or danger was experienced from the regulations; perhaps, if the power had been more fully and frequently exercised, it might have contributed more to the public good.

There is a small probability, though it is but small, that an officer may derive a weight from this circumstance, and have some degree of influence upon the deliberations of the Legislature; but compare the danger likely to result from this clause, with the danger and inconvenience of not having well-formed and digested plans, and we shall find infinitely more to apprehend. Inconsistent, unproductive, and expensive schemes, will be more injurious to our constituents than the undue influence which the well-digested plans of

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a well-informed officer can have. From a bad administration of the Government, more detriment will arise than from any other source. The want of information has occasioned much inconvenience and unnecessary burdens under some of the State Governments. Let it be our care to avoid those rocks and shoals in our political voyage, which have injured, and nearly proved fatal to, many of our cotemporary navigators.

A gentleman has asked, what is meant by responsibility? I will answer him. There will be responsibility in point of reputation, at least a responsibility; and supposing there is no personal responsibility, yet we know that men of talents and ability take as much care for the preservation of their reputation as any other species of property of which they are possessed. If a superior degree of wisdom is expected to be displayed by them, they take pains to give proofs that they possess it in the most unequivocal manner; this of itself will insure us no small degree of exertion.

With respect to originating money bills, the House has the sole right to do it; but if the power of reporting plans can be construed to imply the power of originating revenue bills, the Constitution is inconsistent with itself, in giving the President authority to recommend such measures as he may think expedient or necessary; but the construction is too unnatural to require further investigation.

I have admitted there is a small probability of a small inconvenience, but I do not think it any more an argument against the clause, than it would be an argument against having windows in a house, that it is possible the wind and the rain may get in through the crevices.

Mr. LIVERMORE expressed an apprehension that the clause originated from a clause in an ordinance of the former Congress; he found now he was not mistaken; but he wished gentlemen to distinguish, in the manner he had attempted to do, between the proprieties of this Congress and that, from which they might discover the impropriety of adopting it.

He thought gentlemen had sufficiently extolled the excellence of this office, and its advantages. He remembered that the grant of this power to the officer who formerly presided at the head of the finances, had produced some morsels of this kind; the five per cent. impost, a poll tax, and a land tax, if his memory served him right, were submitted; how far these were likely to meet the approbation of the Union, he did not say; but certainly one of them would meet few patrons. From this specimen, he did not form so favorable an opinion as some gentlemen expressed of the revenue plans, prepared, digested, and reported by a Secretary of the Treasury.

Mr. PAES added, that the late Congress were obliged to submit their plans to the State Legislatures; consequently, there was less danger of undue influence. As this was his principal fear, he would vote against every thing like giving him authority to bring his plans before the House.

Mr. LIVERMORE declared the amendment proposed by Mr. FRIZZIMON'S unsatisfactory, and by no means removing the ground of complaint.

Mr. TUCKER likewise objected to the amendment, because its effect would be precisely the same with the words standing in the bill. Why, said he, should the Secretary be directed to prepare plans, unless it is intended that the House should regularly call for them? The views of the gentleman are to have a uniformity in the system of finance; but how can this be effected, without the plans are always brought before us? Whatever the House shall presume to do on independent principles, may break in upon the Secretary's system, or make him vary his propositions, in order to accommodate them to what we have done. If we must adopt plans for the sake of uniformity, we must adopt them at all times, or lose our object.

However useful it may be to obtain information from this officer, I am by no means for making it a matter of right in him to intrude his advice. I admit, information may at all times be acceptable, but I think advice should never come but when required. Are we to be advised on all occasions, because we don't know when to require it? Are the members of this House incapable of asking for assistance when they want it? Why have we not affronted the other branches of the Government, as well as this House? Why have we not said that the Secretary of Foreign Affairs should prepare and digest plans for the formation of treaties, and report them to the President and Senate, who are exclusively to manage that concern? The cases are exactly similar; but we did not choose to offer them such an indignity. If it is right in one instance, it is equally so in every other. We ought to have given the Secretary at War an opportunity of exercising his ingenuity, in devising plans of fortifications to strengthen our shores and harbors; we ought, in every case, where we have to decide, appoint officers with the same view to aid our deliberations, and, in fine, to perform the whole duties for which we were elected.

Mr. HARTLEY expressed himself satisfied with the amendment proposed by Mr. FRIZZIMON'S.

Mr. STONE was not afraid of giving the officer the power of reporting plans, because he was sure Congress would, in every case, decide upon their own judgment. A future Congress would not pay such a deference, even to their predecessors, as to follow in their footsteps, unless they were convinced of the good policy of their measures. He thought, if the House wanted to make use of the information acquired by the Secretary, they ought to give him notice of their intention; consequently, something of this kind was proper in the bill.

Mr. SHERMAN thought the principle held up by the clause, was absolutely necessary to be received. It was of such a nature as to force itself upon them; therefore it was in vain to attempt to elude it by subterfuge. It was owing to the great abilities of a financier, that France had been able to make the exertions we were witnesses of a few years ago, without embarrassing the nation.

JUNE, 1789.]

Tonnage Bill.

[H. OF R.]

This able man, after considerably improving the national revenue, was displaced; but such was the importance of the officer, that he has been restored again.

The honorable gentleman, said he, from South Carolina, (Mr. TUCKER,) has asked why we did not make a similar provision in the case of the Departments of Foreign Affairs, and of War, to assist the President. If he had consulted the Constitution, he would have found it unnecessary, because it is there made the duty of the heads of department to answer the inquiries of the President in writing. It is the proper business of this House to originate revenue laws; but as we want information to act upon, we must procure it where it is to be had, consequently we must get it out of this officer, and the best way of doing so, must be by making it his duty to bring it forward.

I do not contend for a word; if the spirit of the clause is retained, I am satisfied.

Mr. BALDWIN.—I do not see what we are guarding against by striking out the words, unless gentlemen mean to go so far as to introduce a prohibitory clause, and declare that the Secretary of the Treasury shall be restrained from digesting or preparing plans for the improvement of the revenue. If there is any evil in having him attend to this branch of the business, I cannot see how to avoid it. Suppose the officer is a bad man, and there are others like him in this House, (for this must be what the gentlemen are afraid of;) and suppose he has prepared a scheme for speculation, which he hopes to get adopted by making dupes of the honest part; how are you to hinder it from being brought forward? Cannot his friends introduce it as their own, by making and seconding a motion for that purpose? Will you restrain him from having access to the members out of doors? And cannot he infuse his dangerous and specious arguments and information into them as well in the closet as by a public and official communication? But, Mr. Chairman, can this House, or if it can, will it, prevent any of their constituents from bringing before them plans for the relief of grievances or oppressions? Every individual of the community can bring business before us by petition, memorial, or remonstrance, provided it be done in a decent manner. How then do you propose to restrain the Secretary of the Treasury? I think the clause is very well as it stands, and shall therefore be against the amendment.

Mr. PAGE'S motion for striking out the clause being put and negatived.

The question on Mr. FRIZZIMON'S motion to amend the bill, by striking out the word "report," and inserting *prepare*, was taken and carried by a great majority.

After which the House adjourned.

FRIDAY, June 26.

A number of members attending the interesting conference which to-day took place with the Senate on the impost and tonnage bills, no business was done in this House.

SATURDAY, June 27.

The engrossed bill for establishing the Department of War was read the third time, passed, and sent to the Senate for its concurrence.

REVENUE BILL.

Mr. BOUNDINOT, from the managers on the part of this House in the conference with the Senate, on the subject of the amendments to the Impost bill, reported that the conference had agreed to pass the bill as amended by the Senate, with some additional amendments, viz: the duty on distilled spirits of Jamaica proof, to be reduced from fifteen cents to ten cents per gallon. The duty on all other spirits to be reduced from twelve to eight cents per gallon. The duty on beer, ale, porter, or cider, imported in casks, from eight to five cents per gallon. The duty on beer imported in bottles, from twenty-five to twenty cents per gallon. The duty on coal from three to two cents per bushel.

TONNAGE BILL.

Mr. BOUNDINOT reported further with respect to the Tonnage bill, and the House agreed to the Senate's amendment in the third section, whereby foreign vessels are allowed to carry goods coastwise, upon paying fifty cents per ton at each entry.

And in the first section, whereby all ships built within the United States, and afterwards sold to foreigners, pay twenty cents per ton at each entry less than if such vessel had been built in a foreign country.

The House then took up the amendment proposing to strike out the clause discriminating between the tonnage of vessels belonging to nations in treaty, and those not in treaty.

On this clause it was observed by Mr. MADISON, that nothing had been urged at the conference, by the managers on the part of the Senate, in favor of this amendment, but what had been repeated over and over again, by the opponents to the clause in its original form, in this House. But it was not contended by the Senate, that the principle was improper; so far from it, they thought some measure of a similar tendency to be necessary, and were inclined to take the subject up, but on a different scale, and to extend it further than the House had hitherto contemplated. He had, however, some doubts whether it would not be more prudent to adopt the moderate style of the bill, than apply to rasher expedients; if the end could be attained, without departing from the principles of moderation, it would redound to the honor of the Government; but, at all events, it was prudent to begin with measures of this temper; if they were found ineffectual, it might then be time enough to attempt more coercive regulations. For these reasons he was in favor of the bill as it stood, without the Senate's amendment.

There was another circumstance that had considerable weight on his mind; it was universally admitted, that something ought to be done this session, both for the dignity of the United States, and to answer the high expectation of the people;

[H. or R.]

Tonnage Bill.

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but if the proposed discrimination be relinquished, there is little probability of any other plan being adopted, inasmuch as the time of both Houses will be fully occupied in organizing the Government, and cannot, without some inconvenience, be diverted to any other object. Yet, if it should so happen, that the plan proposed, by the Senate can be gone through, the law may contain a clause for repealing this part of the Tonnage bill, and no inconvenience will arise.

Mr. LAWRENCE presumed, if the question was not carried for striking out the discriminating clause, the bill would be lost; and as it was a matter of great consequence in the scale of revenue, he wished to show the part he took, and would call for the yeas and nays, if he was supported.

Mr. VINING declared, with much decision, that he would rather the bill should be lost than passed without a discriminating clause. He had listened to the arguments used at the conference yesterday with the greatest attention, and a mind open to conviction, and had discovered that the good of the country required the absolute adoption of the principle. He was by no means actuated by resentment to Britain for her former usage; she had pursued what she took to be her interest; and we, as an independent nation, have a right to do the same. He hoped a majority of this House would join with the voice of their constituents, and contend for discrimination to the last.

Mr. JACKSON had also attended the conference, and with a disposition similar to that declared by the honorable gentleman from Delaware, (Mr. VINING,) but his convictions were directly the reverse. The proposed discrimination would irritate the nation against whom it is aimed, without being of any service to us. He thought the idea a mistaken one, though several States had adopted it. The State he represented, among the rest, pursued this plan of increasing the shipping; but he was bold to say that not a single French vessel had been induced to come to Georgia, in consequence of the favor shown them by the discrimination; but the planter had paid the additional impost on all the British shipping they employed. He apprehended the same consequences would result from this clause, and therefore joined with the Senate in striking it out.

Mr. FRIZZMONS did not mean to go into any argument on this subject, but he thought it necessary for the United States to meet the regulations of Britain with other regulations; for that reason he wished the bill to pass as it went from the House; but if the Senate, or any other member of this House, thought proper to come forward with a more effectual plan, he would give it his support, and then repeal this part of the present bill. Yet he should be extremely sorry to lose the bill, as it was essential to the mercantile interest in the United States; for without the bill English ships would pay no more duty than our own.

Mr. SHEERMAN was well convinced there was a large and decided majority in both Houses, and that it was the universal voice of the Union that

America should meet commercial restrictions with commercial restrictions; but there might be some disagreement about the best way to effect this point. He did not think it the voice of the people that Congress should lay the commerce of a nation under disadvantages, merely because we had no treaty with them. It could not appear a solid reason in the minds of gentlemen, if they considered the subject carefully; therefore it was not the proper principle for the Government to act upon. He would mention one that appeared to him more equitable, namely, lay a heavy duty upon all goods coming from any port or territory to which the vessels of the United States are denied access; this would strike directly at objects which the honorable gentleman had in view, without glancing upon other ports to which we are allowed access.

Mr. LIVERMORE approved the bill as it went up originally; but since there was great danger of losing it by persisting in the discrimination, he would accede to the Senate's amendment, hoping that something more effectual might be fallen upon; in the mean time he consoled himself with the advantage the amendment procured to the revenue, for it was intended by the House to charge our allies but thirty cents per ton, whereas the Senate have set them all equal at fifty cents per ton.

Mr. MOORE favored the principle of discrimination, but feared if it were laid on tonnage it would operate unequally, those States paying most who employed the greatest quantity of foreign shipping.

Mr. GOODHUE proposed to let the tonnage bill lie on the table, in order to give the Senate an opportunity of originating a bill on the subject of discrimination, which the Committee of Conference had informed them was in contemplation. If the House consented to this, they might have their choice of the two schemes, and prefer the most eligible.

Mr. MADISON agreed to this expedient, though he doubted if any thing better could be procured. He should regret the loss of the bill, but he would be extremely sorry to give up the point. The House had shown a spirit of accommodation by giving up the discrimination in the impost bill on brandy and spirits; and he believed it was on the principle of adhering more firmly to it in the bill now before them; he hoped, therefore, if the question was taken, that they would decide the point as they had hitherto done.

The question was put, by consent, on Mr. GOODHUE's proposition for letting the bill lie on the table; which being rejected—

The motion for agreeing with the Senate being about to be taken, Mr. LAWRENCE withdrew his call for the yeas and nays; whereupon it was decided in the usual manner; and there were twenty-five in favor of the motion, and twenty-six against it. So the question was lost.

Adjourned.

MONDAY, June 29.

A petition from William Finnie, deputy quar-

[JUNE, 1789.]

Treasury Department.

[H. or R.]

termaster general in the Southern Department during the late war, was read, praying a reimbursement of moneys expended by him in the public service.—Ordered to lie on the table.

Mr. GOODHUE, from the committee to whom the collection bill was committed, reported, that the committee had prepared an entire new bill as an amendment and substitute to the former one, which was read, and ordered to be committed to a Committee of the Whole.

A message from the Senate informed the House that they agree to the amendments proposed by the House to the Senate's amendments to the Impost bill.

Mr. SCOTT moved to take up the report of the committee appointed to consider and report the state of the unappropriated lands in the Western Territory, observing to the House that the Treasury bill embraced this matter, and he wished them to have the whole subject fairly before them, so as to connect it in a satisfactory manner.

Mr. BRADSON wished the business of the Western Territory to lie over till the Treasury bill was gone through.

Mr. SENEWICK reminded gentlemen, that their attention had been called to the Treasury business last, and it would be best to finish it before they went upon fresh matter.

TREASURY DEPARTMENT.

Mr. SCOTT's motion being negatived, the House went into a Committee of the Whole, Mr. TRAUBULL in the Chair, on the Treasury bill.

On motion of Mr. VINING, the following words were struck out, being part of the powers assigned to the Secretary of the Treasury, "to conduct the sale of the lands belonging to the United States, in such a manner as he shall be by law directed," and afterwards these were inserted, "to execute such services respecting the sale of the lands of the United States, as may by law be required of him."

Mr. BURKE gave notice that he meant to bring in a clause to be added to the bill to prevent any of the persons appointed to execute the offices created by this bill from being directly or indirectly concerned in commerce, or in speculating in the public funds, under a high penalty, and being deemed guilty of a high crime or misdemeanor.

Mr. MADISON observed, that the committee had gone through the bill without making any provision respecting the tenure by which the Comptroller is to hold his office. He thought it was a point worthy of consideration, and would, therefore, submit a few observations upon it.

It will be necessary, said he, to consider the nature of this office, to enable us to come to a right decision on the subject; in analyzing its properties, we shall easily discover they are not purely of an Executive nature. It seems to me that they partake of a Judiciary quality as well as Executive; perhaps the latter obtains in the greatest degree. The principal duty seems to be deciding upon the lawfulness and justice of

the claims and accounts subsisting between the United States and particular citizens: this partakes strongly of the judicial character, and there may be strong reasons why an officer of this kind should not hold his office at the pleasure of the Executive branch of the Government. I am inclined to think that we ought to consider him something in the light of an arbitrator between the public and individuals, and that he ought to hold his office by such a tenure as will make him responsible to the public generally; then again it may be thought, on the other side, that some persons ought to be authorized on behalf of the individual, with the usual liberty of referring to a third person, in case of disagreement, which may throw some embarrassment in the way of the first idea.

Whatever, Mr. Chairman, may be my opinion with respect to the tenure by which an Executive officer may hold his office according to the meaning of the Constitution, I am very well satisfied, that a modification by the Legislature may take place in such a partake of the judicial qualities, and that the legislative power is sufficient to establish this office on such a footing as to answer the purposes for which it is prescribed.

With this view he would move a proposition, to be inserted in the bill; it was that the Comptroller should hold his office during

years, unless sooner removed by the President: he will always be dependent upon the Legislature, by reason of the power of impeachment; but he might be made still more so, when the House took up the Salary bill. He would have the person re-appointable at the expiration of the term, unless he was disqualified by a conviction on an impeachment before the Senate; by this means the Comptroller would be dependent upon the President, because he can be removed by him; he will be dependent upon the Senate, because they must consent to his election for every term of years; and he will be dependent upon this House, through the means of impeachment, and the power we shall reserve over his salary; by which means we shall effectually secure the dependence of this officer upon the Government. But making him thus thoroughly dependent, would make it necessary to secure his impartiality, with respect to the individual. This might be effected by giving any person, who conceived himself aggrieved, a right to petition the Supreme Court for redress, and they should be empowered to do right therein; this will enable the individual to carry his claim before an independent tribunal.

A provision of this kind exists in two of the United States at this time, and is found to answer a very good purpose. He mentioned this, that gentlemen might not think it altogether novel. The committee, he hoped, would take a little time to examine the idea.

Mr. STONE thought it necessary to have time allowed the committee for considering the proposition; it was perfectly novel to him, and he dared to say the same of many other members; but, at the first view, he thought he saw several objec-

tions to it. As the Comptroller was an inferior officer, his appointment might be vested in the President by the Legislature; but, according to the determination which had already taken place, it did not necessarily follow that he should have the power of dismissal; and before it was given, its propriety ought to be apparent. He did not know whether the office should be held during good behaviour, as the gentleman proposed; for if it was intended to be held during a term of years, and then the officer to be reappointed, if he had not been convicted on impeachment, it would be tantamount to holding it during all the time he behaved well. But he thought all officers, except the judges, should hold their offices during pleasure. He also thought it unnecessary to consider the Comptroller as a judge, and give, by an express clause in the bill, a right to the complainant to appeal from his decision. He considered this as the right of every man, upon the principles of common law, therefore securing it by the statute would be a work of supererogation.

Mr. SMITH, of South Carolina, approved the idea of having the Comptroller appointed for a limited time, but thought during that time he ought to be independent of the Executive, in order that he might not be influenced by that branch of the Government in his decisions.

Mr. SPOWICK did not rise to oppose the measure, but to suggest some doubts of its effects. The first was, as mentioned by the gentleman from Maryland, (Mr. STONE,) that the officer would hold his office by the firm tenure of good behaviour, inasmuch as he was to be reappointed at the expiration of the first term, and so on.

Mr. MADISON begged the gentlemen would excuse him for this interruption, but he suspected he was misapprehended; he said the officer should be reappointable at the expiration of the term—not reappointed.

Mr. SPOWICK acknowledged he had misunderstood the gentleman; but, as he had now explained himself, he did not see that the proposition came up to the intention he had expressed: so far from making him independent, as a judge ought to be, it subjected him to more subordination than any other officer.

He also conceived that a majority of the House had decided that all officers concerned in Executive business should depend upon the will of the President for their continuance in office; and with good reason, for they were the eyes and arms of the principal Magistrate, the instruments of execution. Now the office of Comptroller seemed to bear a strong affinity to this branch of the Government. He is to provide for the regular and punctual payment of all moneys which may be collected, and to direct prosecutions for delinquencies; he is to preserve the public accounts, to countersign warrants, and to report to the Secretary. These are important Executive duties, and the man who has to perform them ought, he thought, to be dependent upon the President.

He did not mean, by what he said, to give a decided opinion, but merely to suggest for consid-

eration some doubts which had arisen in his mind since the subject was introduced.

Mr. BENSON did not like the object of the motion, because it was, in some measure, setting at naught the question which had already been carried.

He wished there might be some certainty in knowing what was the tenure of offices; he thought they were well fixed now, if nothing more was done with the question. The judges hold theirs during good behaviour, as established by the Constitution; all others, during pleasure. He was afraid that the present motion would lead to a different construction from the one lately adopted; by devices of this kind, he apprehended the Legislature might overthrow the Executive power; he would therefore vote against it, if it were not withdrawn.

Mr. MADISON did not wish a decision on the subject, further than gentlemen were prepared.

When I was up before, said he, I endeavored to show that the nature of this office differed from the others upon which the House had decided; and, consequently, that a modification might take place, without interfering with the former distinction; so that it cannot be said we depart from the spirit of the Constitution.

Several arguments were adduced to show the Executive Magistrate had Constitutionally a right to remove subordinate officers at pleasure.

Among others it was urged, with some force, that these officers were merely to assist him in the performance of duties, which, from the nature of man, he could not execute without them, although he had an unquestionable right to do them if he were able; but I question very much whether he can or ought to have any interference in the settling and adjusting the legal claims of individuals against the United States. The necessary examination and decision in such cases partake too much of the Judicial capacity to be blended with the Executive. I do not say the office is either Executive or Judicial; I think it rather distinct from both, though it partakes of each, and therefore some modification, accommodated to those circumstances, ought to take place. I would, therefore, make the officer responsible to every part of the Government.

Surely the Legislature have the right to limit the salary of any officer; if they have this, and the power of establishing offices at discretion, it can never be said that, by limiting the tenure of an office, we devise schemes for the overthrow of the Executive department.

If gentlemen will consult the true spirit and scope of the Constitution, they will perhaps find my propositions not so obnoxious as some seem to think. I did not bring it forward for immediate decision; I am very willing to let it lie over for further consideration.

The committee rose and reported progress, after which the House adjourned.

TUESDAY, June 30.

TREASURY DEPARTMENT.

The House again went into a Committee of the

Whole on the bill establishing the Treasury Department, Mr. TOWNSEND in the Chair.

Mr. MADISON withdrew the proposition which he yesterday laid upon the table; and Mr. BURKE introduced his additional clause, which, after some alteration and addition proposed by Mr. FITZSIMONS and others, was made part of the bill.

The committee then rose, and reported the bill, with the proposed amendments, which were ordered to lie on the table.

WEDNESDAY, July 1.

TREASURY DEPARTMENT.

The House took up the report of the Committee of the Whole on the bill establishing the Treasury Department; when the several proposed amendments were agreed to, and the bill was ordered to be engrossed for a third reading.

TONNAGE BILL.

A message was received from the Senate, informing the House that they had concurred with the House in an amendment, (by which the wording of the bill was somewhat altered,) but that they adhered to their amendment of striking out the discrimination in favor of the shipping of our allies, and against others.

The House proceeded to the consideration of the said message.

Mr. SHERMAN observed, that the House had the ultimatum of the Senate; therefore all that remained was for the House to decide.

Mr. PAGE owned this to be a necessary bill, but necessary as it was, he would sooner lose it than renounce the doctrine contained in the contested clause.

Mr. FITZSIMONS saw, if the House persisted any further, that the bill would be lost; from a knowledge of this fact, he was induced to adopt the Senate's amendment; but he left them to answer for the consequences to their constituents and to the world. If gentlemen would take a retrospective view, they would see that the House had done all that was incumbent upon them to carry a measure through, which they conceived to be essential to the national interest; they had insisted upon their determination; they had adhered to their opinion; and now they were reduced to the alternative of losing the bill, or foregoing their sentiments. In this dilemma, he thought it best to accede to the proposition of the Senate, because the provision which this bill contained was all that the mercantile interest got for the sacrifices they had made in the Impost bill. They certainly expected some advantages from another part of the system, when they assented to pay all the duties in advance by way of impost.

Mr. VINING hoped, as the gentlemen had stood firm in three trials upon this point against the Senate, they would persevere to the end. He said it would be committing the dignity of the House to recede from an opinion they had so often solemnly declared, without any new argument being offered against them. But was it true that nothing could be done if the bill was lost? Could

not the subject be taken up in another, or might not the bill be over for two or three weeks, in order to compare it with the discrimination intended by the Senate? But if the decision now took place, he hoped it would be as heretofore, otherwise it might be considered that the House was under the government of the Senate, and adopted their opinions without arguments being offered to convince their judgments. He would not add a syllable on the propriety of the measure, because it was well understood.

Mr. SPOWICK said, he was informed there was a very considerable majority in the Senate in favor of the amendment, and reminded the House there was but a majority of one on this floor when the bill was last before them. If, said he, we set out with a determination that a bill shall be lost, unless the whole body of the Senate will submit to a majority of one in this House, the whole Legislative business must cease; because it is hardly possible that an independent body will submit in this manner.

The point in dispute is not, as has been intimated, the most important in the bill, which contains a discrimination in favor of our own navigation against all foreigners whomsoever; the other object is, a discrimination between foreign nations. In the first and primary object, the Senate agree with the House: in the second, they only differ in the mode. If we would defend ourselves, and be really independent of foreign nations, we ought to make the first species of discrimination; but it does not follow that we ought to sacrifice this advantage because we cannot attain the other. Nor can acting on the principles of conciliation be beneath the dignity of this House. There is a particular virtue in moderation; it often gains where it seems to lose. We may relinquish the discrimination in this bill, and bring forward another, in which we can contend for it without prejudice to any other concern.

The question was now reduced to this: whether we should prefer a small advantage to a great one? Whether the whole revenue arising from the foreign navigation should be given up for the sake of exercising a fanciful predilection and preference for one foreign nation over another?

Mr. STONE.—The Constitution supposes that the two branches of the Legislature may disagree, because it gives both Houses the power of proposing or concurring with amendments. If they have not this power, whenever the two Houses disagree, the business would be at an end. The same consequence would result from the doctrine advanced by the honorable gentleman from Delaware, (Mr. VINING.) If it was honorable to adhere, neither House ought to retract its opinion; but while the gentleman made this an argument in favor of our determination, what is to become of the honor and dignity of the Senate? Certainly he intends to compel them to make a sacrifice of it to what he thinks the public good. If this opinion is well founded, it must happen in every case of disappointment, where a law is passed by an accommodation, that one or both branches are dishonored.

JULY, 1789.] [H. OF R.]

JULY, 1789.] [H. OF R.]

Collection of Duties.

Tonnage Bill.

determining the western boundary of the State of New York, and to ascertain the quantity of land lying west of the said boundary, and included between the northern boundary of the State of Pennsylvania and Lake Erie.

If we cannot do all the good we wish, let us do all we can; and while we remember the present state of our commerce, we shall hardly be satisfied in our own minds with the loss of such an important bill. I have still the same opinion with respect to the discrimination, but I am willing to forego it, rather than lose the whole.

Ordered to be referred to Messrs. PAGE, SCOTT, and BALDWIN.

Mr. JACKSON was willing to go as far as any gentleman to obtain what appeared to be for the public good; actuated by this principle, he had given up his private opinion on the subject of tonnage, to what appeared to him to be the sense of the Union.

Resolved, That there be prefixed to the publication of the acts of the present session of Congress a correct copy of the Constitution of Government for the United States.

He rose only to make this observation, and hoped other gentlemen would give up their private sentiments, when the good of their country required it.

COLLECTION OF DUTIES.

Mr. VINING said, the clause had been carried through the House by a larger majority than there was in the Senate; but he owned the majority had diminished.

The House then went into committee on the Collection bill.

Mr. GERRY informed the House, that the Senate had appointed a committee to prepare a plan for accomplishing the end proposed to be attained by the contested clause; he therefore hoped the House would accede.

Mr. CARROLL stated to the committee that the gentlemen from Maryland had met, and endeavored to accommodate the peculiar situation of that State to the principles of the bill, but he was sorry that they could not do it in a satisfactory manner. He reminded them how much the collection depended on the good will of the merchant, and what care ought to be taken to avoid oppressing one part of the Union more than another. There was a leading principle that ought to be established in order to give satisfaction, and that was, to make the regulations general; then no part could complain; but if the ports were variously restricted, it might tend to create some degree of acrimony towards the Government, among that class of citizens who had warmly patronized it, and upon whom much depended for furnishing it with revenue. He mentioned these general ideas to the committee, and hoped they would be carried along, and have their weight in every future regulation.

He did not understand what gentlemen meant by the term accommodation, as applied in this instance. Was there any thing like accommodation on the part of the Senate? No, they insist peremptorily upon their amendment; they have taken no middle ground on which we could meet them; we must either give up the principle of policy, or lose the bill.

Mr. FRIZZMONS was well satisfied that the subject was difficult; the House had found it so, for they had labored the point for some weeks without success. He hoped every gentleman was disposed to concede something, in order to bring the business to an end. He acknowledged the peculiar situation of the navigation of the Chesapeake and its numerous waters; but he begged gentlemen would not insist upon any extraordinary privileges on that account, if they could avoid it, because it would tend to retard the great work they had in hand; besides, as there was a likelihood of getting considerable revenue from that quarter, they ought to submit to more restraints to secure it, than those ports at which little or no business is done.

They might have done with propriety, as the subject has been so long before both Houses. Perhaps it may be a question whether they have authority to originate a bill of this kind; it is a matter of revenue; and, as such, must be exclusively brought forward by the House of Representatives.

Several gentlemen contended that a spirit of mutual forbearance and conciliation was indispensably necessary; that concessions and sacrifices must be made to secure the great object in contemplation; and that every indulgence not incompatible therewith, would certainly be extended. The committee then proceeded to the consideration of other clauses, and after some time spent therein, they rose and reported.

It is said, that the Senate are nearly unanimous in their opinion.

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Mr. MADISON.—Those who suppose that the loss of the present bill will be irreparable, may do right to agree with the proposition of the Senate; but it does not appear to me in this light. I believe a bill might be substituted, within a convenient time, for securing the advantages to our own vessels, in as full a manner as is done by the present, about which neither House would differ.

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Tuesday, July 7.

A message from the Senate informed the House, that they had concurred in the resolution for referring to the acts of the present Congress a correct copy of the Constitution, and had appointed a committee to act jointly with a committee of this House to examine enrolled bills.

COLLECTION OF DUTIES.

The House again resolved itself into a Committee of the Whole on the new Collection bill. Mr. Trumbull in the Chair. After some time spent therein, the committee reported progress, and obtained leave to sit again.

Wednesday, July 8.

Mr. Page, from the committee to whom the petition of Andrew Ellicott was referred, made a report, which was ordered to lie on the table.

COLLECTION OF DUTIES.

The House again went into a Committee of the Whole on the new Collection bill. Mr. Trumbull in the Chair, and made further progress therein; but, not having got through the same, had leave to sit again.

Thursday, July 9.

Mr. Gerry, from the committee appointed to prepare and report an estimate of the supplies requisite for the present year, and of the net produce of the impost, as agreed to by the House, made a report, which was ordered to lie on the table, and be printed.

COLLECTION OF DUTIES.

The House, in Committee of the Whole, Mr. Trumbull in the Chair, again resumed the consideration of the new Collection bill. Not having got through the bill, the committee again rose and reported progress.

Friday, July 10.

COLLECTION OF DUTIES.

The House again went into a Committee of the Whole, Mr. Trumbull in the Chair, and after going through the new Collection bill; and after going through the same, rose, and reported the bill, with the proposed amendments, to the House. The House resolved to take up and consider the report to-morrow.

Saturday, July 11.

COLLECTION BILL.

The House proceeded to consider the report of the Committee of the Whole on the bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States; and the proposed amendments having been read and amended, were agreed to by the House.

Ordered, That the bill, as amended, be engrossed for a third reading.

considerable part of the soil, and that far from being the most excellent, has been disposed of, yet the sales amount to 4,936,863 dollars; land for almost five millions of specie dollars has been already sold in that district, a sum amounting to near one-fifth—to more than one-sixth—of the whole domestic debt of America. This treasure, which we possess, has done thus much towards extinguishing a debt bearing hard upon every part of the Union. Have any of the States done as much? Have any of them made an exertion equal to this inconsiderable effort? No, they have not. Have all the States together done as much? No, they are incapable of doing what this wilderness has done. This consideration alone renders it an interesting subject, of immense future consequence, and worthy of the immediate attention of Congress.

We may consider further, that besides the sales, we have made satisfactory donations to the officers and soldiers of the late army, which may be fairly carried to swell the account; but, after all this, the parts we have disposed of bear no proportion to the parts yet remaining, and from which money may be drawn. Can we hesitate, then, to call into operation a fund so immense and important to the immediate interests of the United States?

If we place it in another point of view, it will also appear a subject in which the United States are deeply engaged, in point of national honor and good faith. The officers and soldiers to whom we made these donations, as a part of the price of their blood, and a reward for their long enduring toils and painful sufferings in the noblest cause, the freedom of their country, are certainly entitled to the fatherly assistance of Congress, in point of protection and government. Can it be thought, without an outrage to humanity, that Congress intended to send them into the wilderness as outcasts from society—that the hand of Government should not be extended to them to protect them in their lives and property—that our gift was an abandonment, was an allurements to draw them without shelter, and leave them devoid of those blessings which their successful efforts have secured to us? My spirit rises indignant at the unjust suspicion.

But these are not the only circumstances in which the honor of Congress is engaged to extend its fostering care into that country. It is expressly stipulated by Congress, with the State of Virginia, that the French and Canadian, and other ancient settlers within her cession, should be protected and governed by Congress. These were, among other terms, agreed to by Congress, when the conveyance of that territory was made; and Congress, by that act, plighted the good faith of the Union for the faithful performance thereof. People have gone upon those lands; they have been regularly purchased, and are paid for; they are consequently entitled to look to us for protection in their property.

A due observance of the treaties heretofore entered into with Indian tribes must be enforced; if the country is settled by a lawless banditti, they

will keep the nation in a perpetual broil with the savages; therefore, the guidance of the United States must go with the settlers, in order to procure the observance of such treaties. This is a further obligation in point of national honor and good faith, under which we lie with respect to that country.

I am likewise of opinion that we shall find it a subject of considerable magnitude in point of policy. I presume the first two points will be readily given up, because they are incontrovertibly established by facts; but I feel aware that the point of policy may be contested with me. It may perhaps be objected that the measure now proposed will lead or tend to a depopulation of the Atlantic States, and therefore ought not to be adopted. This is a circumstance I by no means wish. I am as far from desiring a depopulation of the Atlantic shores, as I am from fearing it on this ground. I am confident it will not operate in any considerable degree to bring about that event; but if it should be thought it would, that could be no solid objection against the measure. Whilst the desire of emigration continues, and lands are to be procured, settlers will find their way into that territory; nor is it in the power of Congress to withhold lands altogether, because they are to be got of others on better terms. There is superior encouragement held out to the people settling on the other side of the river Mississippi, where the soil is fertile and the climate equally agreeable. In proof of this assertion, I will read to the committee the translation of a kind of proclamation issued by the Governor of the Spanish posts at the Illinois.

[This paper contains an invitation to all persons inclined to settle in the western country, offering as inducements lands without charge, exemptions from taxes, protection in civil and religious liberties, besides provision and the implements of husbandry.]

After this Mr. S. proceeded: Now, sir, if Congress fear to sell their lands lest it tend to depopulate the Atlantic States, what must they apprehend from propositions like these? They will certainly have all the effect which encouragement from this quarter can have. It may be said that Americans will not venture to live under the Spanish Government, or settle a Spanish colony. To this it may be replied, that when people, from their necessities or inclinations, are determined to emigrate, in order to mitigate their distresses, they think little of the form of government; all they care for is relief from their present or approaching wants and troubles.

Nobody will emigrate from the Atlantic States but a certain description of men, and they will go whether you hold out this encouragement to them or not; they will pay little regard to Congressional restrictions. And here let me make one remark, drawn from my own observation. The forming settlements in a wilderness upon the frontiers, between the savages and the least populated of the civilized parts of the United States, requires men of enterprising, violent, nay, discontented and turbulent spirits. Such always are

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our first settlers in the ruthless and more laborious and careful farmer. These characters are already in that country, and their number is daily increasing, and will continue to increase; for congenial spirits will assimilate among all our endeavors to the contrary. But how will you prevent them? I should be glad to see a plan for hemming in the emigration to that territory; I think the thing wholly impracticable, therefore it becomes the immediate interest of Congress to direct the emigration to a proper point; direct it to their own territory, rather than be inactive spectators of its silent, though rapid course to the Spanish and British dependencies; rather sell your lands and get something for them, than let your citizens leave your dominions. By improving a part you add to the value of the remainder; their population will produce a hardy race of husbandmen and warriors, always at the command of the United States, to support and defend your liberty and property. These being facts, I leave it to the wisdom of the House to draw the inference.

I will make one further remark, with respect to the encouragement or discouragement of emigration. Suppose it was in the power of Congress to stop the course of the impetuous current, which has already won its way through insuperable obstructions, and spread itself over the fertile lands of the Ohio. I ask, with perfect security, if it is not such an act of contumacy, and inconsistency with the fundamental principles of the Government, that Congress could not adopt it? Consider that many of your citizens are destitute of the comforts, nay, the common necessities of life, without a prospect of providing for the subsistence of themselves and families: I ask, would Congress prevent the emigration of such persons if they could? I think not; they would not act as kind protecting fathers to their people if they did. I presume this would be too serious an objection for any man to face, with a restraining proposition. I question if any man would be hardy enough to point out a class of citizens by name that ought to be the servants of the community; yet, unless that is done, to what class of the people could you direct such a law? But if you passed such an act, it would be tantamount to saying that there is some class which must remain here, and by law must be obliged to serve the others for such wages as they please to give.

This being the case, let us make the best of liberty, our people, and our land. Your citizens, I tell you, are already there by thousands; they are going by thousands more, and are every hour growing up into consequence. They never expect to return into the Atlantic States; plant them in your soil, add this wealth of population to your own, and form an empire illustrious as it is extended. Remember, ye sages of my country, an historic truth recorded for your instruction, that empire has been slowly but invariably moving from east to west; emigration has uniformly receded in that direction, from the time that our common parents quitted the garden of Eden till

the present hour; nor doubt but it will continue to pursue that course as long as there are lands to be inhabited.

Those people, Mr. Chairman, who are there, growing up, must be provided with a government in that country. Perhaps to this it may be objected that they will not long continue in union with us. Perhaps arguments may be brought from the other side of the Atlantic, and we may be told with confidence that an extension of territory is infallibly the ruin of kingdoms. For examples in support of this opinion we may be carried as far back as the eleventh epocha of the Romans, and there we may learn from judicious writers that the weight of the distant provinces brought about the fall of that empire. Now, if I could grant this to be a fact, which I cannot, for I rather attribute that event to the pernicious privileges granted, and the immense sums thrown away on the capital of Constantinople, while the preservation of the ancient city was so difficult, and the division of the empire among the children and nephews of Constantine; but if it could be attributed to the extent of her territory, the comparison does not hold. The foundation of the Roman empire was laid upon fraud, rapine, and murder; they conquered, and their footsteps were marked with the blood of men more civilized than themselves; or they, with their wives and daughters, were carried captives and sold at the shambles of Rome; their territory was laid waste, and colonies of children, purchased of their parents, were founded upon their ruin. Was it to be supposed that men would bear this savage barbarity longer than the arm of victory was pressing on them? Is this the manner in which we propose to settle the western country? The comparison is too odious to be insisted upon.

There is a striking difference between the Government of the United States, and that of the Roman provinces. The citizens of the first are bound together in the bonds of equal liberty, and every State possesses within itself independent powers necessary to its support. The wretched inhabitants of the Roman provinces were the abject slaves of their lordly masters, who seldom behaved with moderation; their history is nothing but a series of injustice more or less disguised.

Another instance may, perhaps, be drawn from the separation of this continent from Great Britain. Here I would make two remarks; the first is, that the Atlantic ocean, of three thousand miles extent, formed such a natural boundary as to be a reason for separation when we should be prepared for it; the second is, that even this natural boundary did not furnish the reason for our independence. We were driven into that measure by necessity; our separation was brought about by the impolicy and oppressions of Great Britain. She wished to deprive us of the fruits of our industry, by establishing the doctrine of the omnipotence of Parliament, and wanted to attach us to them as provinces of slaves. I will not say, that if a like conduct were to take place on our part, with respect to the Western country, similar effects might ensue; but this can hardly

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happen under a Government founded upon the true principles of democracy; besides, I think we have had a sufficient lesson before our eyes to guard us against the attempt.

Much will depend upon the energy and force of the Government established in that country; it ought to be such as will furnish sufficient power for its own internal purposes, and also to secure it to the Union. But that is not the only tie by which its union is held. That country is attached to the Atlantic States by its natural situation. To be convinced of this truth, nothing more is necessary than to look upon the chart: all the commerce of that country must come through the States upon the sea coast. We know, at Pittsburgh, that we are a thousand miles nearer to the market, than settlers at the mouth of the Ohio river. When we export our produce by that and the Mississippi, we know we can get easier home with our returns by the way of Philadelphia, than the others can by turning up and stemming the current of the Mississippi. Therefore, the imports for all that territory must come through the United States. From these considerations, I conclude it would be madness in the extreme for them to think of a separation, unless they were driven to it by a fatal necessity: they will be too sensible of its ill effects ever to attempt it.

But suppose, for a moment, that they break off from the Union, and even become our enemies, it would be good policy in us to get as much as we can from them first, especially as they are disposed to give it us; let us make them extinguish part of our national debt before they leave us. The soil and climate of that country, as I said before, will be great inducements for emigrants to settle there. If they were to break off, they would know how to get money enough from the sale of the territory to support their Government, without any other resource whatever. If I, as a resident in that country, had the remotest view of a separation from the Atlantic States, I should be sorry to see Congress sell an acre of that land; for selling it, in that case, would be neither more nor less than preventing us from putting the money into our pockets when we became independent. If they meditate independence, the most likely way to make them so, will be to let their lands alone, in order to supply them with funds sufficient to support them in the measure. If they are sold, it will not be in their power.

Another consideration which shows the subject to be of great consequence to the Union, is the sales already made there, a partial mention of which I made in one of my former observations. By the terms of those sales, the United States are obliged to complete the surveys; this has not hitherto been done; of consequence, the money due for them cannot be had, nor the accumulating interest be suspended. The amount, as I stated before, is near five millions of dollars: of this sum, \$771,310 have been paid into the Treasury; the whole of the remainder will continue unpaid till the surveys are completed, namely \$4,165,553, paying a daily interest of \$684. This gentleman, is what we actually lose every day, for want

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of establishing some regulations on the subject. Is not this a matter of serious concern to the people of the United States, which requires our immediate attention? Then, if this is the case, if the subject is of such vast magnitude in all these points of view, it only remains to consider what is to be done with respect to it to procure the greatest good to the United States, and the greatest benefit to the people.

I apprehend it will be found that a Land Office will effect these objects better than any other plan that can be devised. If this should be effectual, and no doubt can be entertained but it will, the inhabitants of the United States cannot, with a good grace, be called upon for heavy taxes in order to pay the interest on a debt which can be so easily and properly extinguished. Every individual who contemplates the subject, will see how much it is his interest to buy a few dollars in certificates, and purchase a piece of land with them, which will annihilate the debt, and prevent the demand for taxes to pay the interest; besides, it will remain as a security to reimburse the principal to the proprietor, as the population of the country extends; but, at all events, it would be but advancing four or five years' interest, and the whole debt would be absorbed. How much better is this than paying interest during our lives, and leaving our children to discharge the principal, or continue on their own shoulders the burden of an annual interest of six per cent. From this view of the subject, it would appear every man's interest to become a purchaser in that country. This mixing of the interest would incorporate the body, and tend to increase the bands of union; it will occasion ties of consanguinity and affinity among us, which, added to the similarity of laws, customs, and manners, will form an inseparable cement, and compress the whole into the closest union. If it should be thought inconvenient for the citizens in the Atlantic States to purchase so largely as I have intimated, let them lay out but the amount of one year's tax in this way, and it will nearly extinguish the domestic debt, for which, otherwise, they will have to pay annually, forever, an equal sum to what I propose for them to advance. By the establishment of a Land Office such purchasers could be supplied.

I think this plan better on another consideration. If we mean to sell our lands for ready money, or mean to trust, we have a superior advantage. It is more probable that the necessities of a person who wants the land for the subsistence of himself and family, will labor harder to procure property of this kind, and secure it for himself, than the speculator who never means to pay a farthing until he has received it from the sale of the land; besides, the necessities of a person is better able to buy of Government than of the speculator, because he can get it cheaper. The purchasers of large tracts retail out their land to this class of men, and certainly charge them something for their trouble. But if we sell on credit, as under the Proprietary Government was the practice in Pennsylvania, those who take out small quantities get their land surveyed, and set

precede them, their settlements would be more safe than they are.

Mr. SENECA had no doubt of the necessity and propriety of disposing of the lands in the Western Territory, but he thought the office ought to be kept at the seat of Government, because it would be necessary to check the enterprising spirit which might grow up under the regulation. He knew much might be said on both sides; but he thought the people who were generally the first settlers on a frontier, were of that class who had little money or property, and consequently unable to purchase; if they wanted real purchasers, they must go to those who had the money to pay; not that he meant to argue against the accommodation of the one class or the other; indeed, he should be happy to serve both, if it would enable Congress to get the best market and the highest price for their lands. To bring the question fairly before the committee, he would move to strike out "Governor of the Western Territory," and insert the "principal officer of the Treasury Department."

Mr. VINING said it was a very important subject, but perhaps gentlemen were not prepared for a decision; if so, the question had better be put off till to-morrow. For his own part, he felt some diffidence in saying much on the subject, but he agreed perfectly with the honorable gentleman from Pennsylvania (Mr. SCOTT) in the principles of his plan. He concluded with moving that the committee rise.

Mr. MOORE thought very well of the plan, but was not prepared to decide. He suspected that if the last motion obtained, it would tend to favor speculators, and therefore he should be against it. He believed there was some justice in the observations thrown out by the gentleman from Connecticut (Mr. SHERMAN,) but this might be complied with by limiting the sales to certain boundaries, so that the purchasers should not run over the whole Territory.

A desultory conversation arose, whether the resolution reported by the select committee, and adopted by the Committee of the Whole on the state of the Union, should be reported to the House; when it was understood to be only one of the number brought forward by Mr. SCOTT, and, as such, not to be reported till the whole were gone through.

The committee now rose, and Mr. BOUNDNOT reported that the committee, according to order, had the state of the Union under consideration, but had come to no resolution thereupon.

COMPENSATION OF THE PRESIDENT, &c.

Mr. VINING wished to call the attention of the House to a business he apprehended not very lengthy; it was the report of a committee on the subject of compensation to be made to the President, Vice President, the members of the Senate and House of Representatives, for their services; and he wished gentlemen to consider the situation of every one concerned in this business, themselves and the continent at large. He hoped they would

the seat of Government, consequently he differed from the gentleman from Pennsylvania (Mr. SCOTT) in his first principle. This being the case, he advised the rising of the committee, and wished the appointment of a select one, to investigate the subject, to examine all papers and contracts respecting the Western Territory, both of Congress and the several States, the deeds ofcession and the Articles of Confederation; from the report of such an examination, the House might be able to discover some proper plan for conducting the business. The magnitude of the subject demands the fullest investigation, and the wisdom of the Legislature will no doubt induce them to treat it according to its importance. He had no other view in moving the rising of the committee; but if gentlemen insisted upon a decision, he should vote against the resolution.

Mr. SCOTT.—The first gentleman who remarked upon my proposition, thinks we have no right to appoint the officer who is to direct the business. If I understand what I brought forward, it does not go to appoint the officer, but to give additional duties to an officer already appointed; therefore, that objection falls to the ground.

The gentleman last up, alleges, that the Land Office ought to be at the seat of Government. I would ask him if all those who want the lands live at the seat of Government? or rather will not the applications come from the remotest corners of the continent? It will be more difficult for real settlers to go to the seat of Government, than to purchase the land; but will it accommodate any class of men? There are few, who know what they are about, will come here to buy land, and then go up to the Ohio to look for it; if they act the part of prudent men, they will go and see the land first, and when they are there, they can more conveniently apply for what they want, than return by a circuitous march to the seat of Government for that purpose. I had the convenience of the purchasers in view when I made the proposition, and by far the greater part of them reside in the neighborhood. Men who are well able to pay you the price of the land cannot afford to travel to New York; they will be losers by the bargain if you were to give them the land without charge, for a journey down here would require three times the price of a common farm.

The gentleman from Connecticut (Mr. SHERMAN) seems to run away with an idea of settling that territory that can never take place; it has been tried without any success; the experiment shows that it tends to cull and destroy the land more than any other mode; besides, a man will give a third more for a spot of ground when he takes his choice, than he will if obliged to take it good or bad as it may be. There is no necessity for compelling people to settle close together in townships; the nature of the country and dread of the Indians will force them to do this; they always settle in strong parties for their own convenience. The late settlers from New England experience the inconvenience of settling by townships; if they had suffered the pioneers I spoke of to

and balanced as any other; the expense of it will be nothing, because the officer may be supported out of the fees. This being the case, I shall conclude with moving that the committee adopt the resolution reported by the committee, and recommend it to the House to appoint a select committee to bring in a bill accordingly.

Mr. FRIZZMONS asked if it would not be better to settle all the principles of the bill first, that the select committee might not lose their labor, as had been once or twice experienced, for want of this precaution.

He was in favor of some measure of this kind, though he had some doubts of the necessity there was supposed to be of establishing a Land Office.

The question was now taken on the resolution, and agreed to.

Mr. SCOTT then brought forward a string of propositions, to be put into the hands of the select committee, containing the principles upon which he wished the Land Office established, and the manner in which it should be regulated.

One proposition was, to place the office under the direction of the Governor of the Western Territory.

Mr. STONE objected to this, because he conceived the Legislature would in this case appoint the officer, which is contrary to the Constitution.

Mr. SHERMAN thought it best to delay the decision of this subject. It is certainly a matter of high importance to the Union, that this land be disposed of in the best manner. No doubt, if it is properly managed, but it will pay the principal and interest of all the debts of the United States, said he; but I have great objection to the manner of settlement proposed. I think it would tend to greater advantage, to settle the country gradually, in compact bodies, as the inhabitants can be spared from the other parts of the Union. But this business ought to be managed with a degree of caution, lest we open a door to that field of speculation in the certificates of the United States, by which the holders of the securities may be treated with injustice.

It will be a better plan to settle the country by townships; so far I would be willing to go, and also make arrangements for completing the survey of those tracts already disposed of. Perhaps it might be well to give some of the township lots to settlers, without any charge, reserving others to sell at some future day, when they become more valuable, in consequence of the settlements around them. I apprehend we should get more money in this way than in that proposed. If men are to take out warrants, and lay them where they please, the settlers will break up the ground, and we shall be forced to sell after a while, for less money, because the lands will be picked and nothing but the refuse left; besides, people not knowing where others have located, may take up the same lots, and lay a foundation for eternal lawsuits and discontent.

Mr. LEE thought the Land Office ought to be at

themselves down; they cultivate the ground, and erect buildings for their own accommodation. Land, in this improved state, furnishes a better security to Government for any arrears of purchase money, than a large tract sold on speculation, and which lies in the same state of nature as it did when it was disposed of, perhaps adding thereto the expense of making the survey. If the land must revert to Congress at last for default of payment, we get nothing in the latter case; whereas, when sold in lots, if a man has settled himself down, and paid for his warrant and survey, which costs the Union nothing, but for the first price and interest thereon, it must strike every gentleman's mind that it would be disagreeable, after a man had made a settlement for three or four years, to have to turn out. Rather than do this, he would make every exertion to discharge the price; if his situation was so wretched as not to furnish the means, some of his neighbors, on such security, might befriend him; but at any rate Government would be secure. By this argument, I do not mean to insist that Congress should sell their lands on trust; they may do so, or sell for ready pay, as their wisdom may think eligible. I shall be satisfied either way.

The plan does not prevent the sale of large tracts, (your million-acre purchasers may be accommodated with the quantity they desire;) it only admits the sale of smaller quantities; and to that kind of people who stand in need of land, this plan would be much better than the one heretofore pursued. It would be an immense saving, we should have no expense attending on the sales, no surveys to pay for, which have already been very expensive. We find that two thousand and eighty-one miles of a common survey line, has been run, at the rate prescribed by Congress, to 20,690 specie dollars, more than nine hard dollars for every mile. This expense is absolutely so enormous, that Congress had better give away their lands to those who will take and settle them, than pay it.

I think the convenience of the people is a subject not unworthy of being taken into view. My plan proposes that they should be able to perfect their titles on the spot. I fear not the objection which has been raised. It may be said, the titles ought not to be completed until it was done immediately under the eye of Congress. Let this be as it may, I will make one remark: can we not have every tie, every check, and security upon these officers that we have upon the collectors of the revenue? I think there is as much room for confidence in the one case as in the other. We can take care that the Secretary of the Land Office shall send in his accounts of patents and warrants. I think we may depend here upon a true return.

The Receiver of the office shall take nothing but public securities, which are not quite so great a temptation to embezzlement or illicit practices as money. The Surveyor will be a check upon both. I think the gentlemen employed in this business cannot be of very trifling character. In short, this department may be as well checked

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Compensation to the President, &c.

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consent to take it up, and he flattered himself the discussion would not last longer than a day.

Mr. WHITE wished to go into a Committee of the Whole on the business.

Mr. FITZSIMONS did not like to enter upon a lengthy discussion of a point that was incapable of much elucidation by reasoning; he therefore was against going into a committee at this stage of the business. He observed that the committee had reported something, and the members had been pretty generally consulted on the same. He hoped the House would despatch the business without delay or loss of time, if they were at all inclined to take it up.

Mr. WHITE thought it necessary to go into a committee, because there were a number of things mentioned, the reasons for which appeared to him very uncertain.

Mr. VINING said it was a subject of considerable delicacy, and he supposed very few gentlemen would be inclined to speak three or four times on a point; yet this was all the advantage gained by going into a committee. He was no more interested than others; every gentleman might judge of his own case, but after it had been before a committee of twelve, in order to get the fullest sense of the House upon the subject, he was inclined to receive it without so much circumlocution. He observed, that the business had originated in a Committee of the Whole, and it was unusual to recommit it without showing some reasons why.

Mr. WHITE gave up his motion for a Committee of the Whole, and said, before he consented to the report, he should be glad to know in what style it was expected that the President would live. He observed, there was provision for the expenses of a house, furniture, secretaries, clerks, carriages, and horses. Perhaps the sum proposed might be too much or too little. He should like to see an estimate of how much was necessary for keeping the table, the equipage, &c., before he decided. He hoped the committee would elucidate this subject.

There was another thing he wished to inquire of them. The Vice President's salary was charged at five thousand dollars; he could not conceive upon what principle that sum was reported. Did it bear a proportion to his services, or was it in proportion to what the members of the Senate and this House were to be allowed? There is nothing which obliges him to be attentive to his business. No doubt but the gentleman who holds that office at present will be careful and diligent in executing the business assigned him; yet there is nothing to prevent the Vice President from residing at home and receiving his salary, without coming within the walls of the Senate-room. The Union is obliged to support him; but I said he would make that support conditional; he should have a liberal provision while in public life, but no longer. As to delicacy, I know of none, sir, that ought to be used while we are in pursuit of the public good. I speak, therefore, with candor what are my sentiments on this subject. Other gentlemen, no doubt, do the same;

but I am clearly for examining into the principles before I agree to the conclusion.

Mr. PAGE was sorry to see gentlemen spinning out the time to little purpose; certainly, after having the subject under consideration for nearly three months, they might be able to decide.

If this business was fixed, and gentlemen knew they were to have but moderate salaries, it might perhaps tend to make them more expeditious; but at all events, they ought to know the rate at which they attend, in order to regulate their expenses. To some it might be a matter of no concern, because they could bear every thing of this kind for a twelvemonth without inconvenience; but they ought to consider the situation of others. We are, said he, keeping the President here without any provision for his support; but in this we may think ourselves right, because, in his patriotic ardor, his love for his country, he told us he was willing to pursue that illustrious example which he set during the period of our calamity; he refused compensation for his services. But the Constitution requires that he shall receive a compensation, and it is our duty to provide it. We must also provide something for our own expenses, or it may reduce gentlemen not better prepared than I am to depend upon a friend for what the public ought to furnish.

Mr. VINING had said the subject was delicate, but he did not conceive there was any delicacy in asking or answering questions on this or any other occasion, where the good of his country was concerned.

Mr. LAWRENCE did not know whether the sum proposed was enough for the President or not; but according to the terms of the Constitution, it ought to be granted as one sum, because he is to receive no other emolument whatever from the United States, or either of them. Now, if it is declared he shall receive twenty thousand dollars, and, exclusive of that sum, we make him an allowance for furniture, horses, carriages, &c., such an allowance is an emolument beyond the compensation contemplated in the Constitution; but I have no objection to blend these sums together, declaring the whole to be the compensation required by the Constitution. Besides, if we establish salaries for his secretaries and clerks, we establish them officers of the Government; this will be improper, because it infringes his right to employ a confidential person in the management of those concerns, for which the Constitution has made him responsible. For these reasons, Mr. L. moved to strike out all that related to horses, carriages, furniture, &c.

Mr. SHERMAN thought it much better to give a net sum, because the President would then have no accounts to settle with the United States.

Mr. SENECA considered this a Constitutional question, and therefore thought it deserved serious investigation. The provision made in the report, for paying the expenses of enumerated articles, does not leave the President in the situation intended by the Constitution, which was, that he should be independent in office; that he should during his continuance in office; that he should

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have a compensation for his services, not to be increased or diminished during that period; but there is nothing that will prevent us from making further allowances, provided that the twenty thousand dollars is all that is given as a compensation. By this construction, one of the most salutary clauses in the Constitution will be rendered nugatory. From these considerations, he was led to believe that the report was founded on unconstitutional principles.

Mr. BALDWIN said, the Committee of the Whole, when the business was before them, had not determined any thing on this point; that, consequently, the select committee were to frame a report upon such principles as they judged proper. In order then to have every thing distinct and accurate, they had brought their opinion forward in the form it now appears. If it be deemed proper to grant an aggregate sum, the House would no doubt add to the twenty thousand dollars what it was supposed these expenses would amount to.

However, he did not think the Constitution was infringed; it was intended that the compensation should not be increased or diminished during the President's continuance in office. Now it might be as well fixed, by making the allowance in part money, and part furniture, &c., as by declaring a precise sum; it will still be a stated compensation.

Mr. TUCKER thought furniture and plate ought always to be provided by Government, because, if it was necessary for every new President to buy these articles, it might put him to great inconvenience; besides, when he retired from his situation, they would not sell for half the first cost. He therefore wished this part of the report to stand, together with the rent of a house; but would join in striking out all the rest.

Mr. MADISON did not think the report interfered with either the spirit or letter of the Constitution, and therefore was opposed to any alteration, especially with respect to the property of a fixed nature. He was sure, if the furniture and plate, and house rent, could be allowed, some of the other articles might also. The horses and carriages will cost money, and sell for little, after being used for four years; this will be a certain loss to the President, or his family; besides, the House have already undertook to defray expenses of this kind, and so set a precedent for the enumeration which had been reported.

Mr. WHITE said, if a certain sum was assigned for the expenses, the report would be better; but as it now stood, there was no certainty in it. One President might circumscribe it to a quarter part of the expense another would; consequently, the compensation could not be fixed.

He admitted the propriety of paying the salary in advance for the first year, as mentioned by the gentleman from South Carolina. He expected this would be sufficient to defray the extra expenses without subjecting the President to any inconvenience.

Mr. BOUNDNOT.—If the Legislature may provide the house and furniture, they may go further

on the same principle, and provide for the rest; he was satisfied it should be so, because it could be no infringement on the Constitution.

Mr. LIVERMORE hoped the words would be struck out; indeed he was sorry they had ever been put in. The clause in the Constitution is intended to tie down the Legislature, as well as the President; they shall make him no complaints while in office, he shall receive nothing but a fixed compensation for his services. Give him then this compensation, let it be equal to his usefulness; but do not direct him to employ so much to one use, and so much to another; it cannot be called a compensation when you direct how it is to be expended; besides, it was wrong on another account; why should we pretend to direct him in the style in which he shall live? Let him have a salary, and expend it in the manner he shall think proper.

Mr. PAGE was for striking out all the words, because he conceived it would be against the spirit of the Constitution. It would be much more handsome to make one general provision, than to be thus particular in enumerating the articles of expense. It has been hinted, that these articles of expense would amount to half the sum mentioned in the report to be given as a compensation; if so, he would propose to strike out all that related to the subject, and to insert twenty-five or thirty thousand, as the House shall deem most eligible.

Mr. STONE thought the President ought to be at liberty to live in any style he thought proper, and that the House ought to give him such compensation as they thought his services merited. If you furnish him with a house, horses, and carriages, you declare that this is the house, these horses, and the carriages which he shall use. There is certainly some degree of indecency in this; if he was a private gentleman, he would be at liberty to use such as he liked best. Suppose he dislikes them, and will not have them, he is guilty of a breach of the law; is it intended by the House to impeach him for it? I apprehend it is not, for no part of the Constitution gives us a right to dictate to him on this head. He would rather let the President set the example how he ought to live, than to see the Legislature direct him. Economy is by no means disadvantageous to the United States; if the President chooses to live in an economical manner, we ought not to prevent him.

Mr. VINING thought, as the President was the representative of the nation, that there ought to be a proper degree of dignity attached to the office; he did not wish for splendor, but hoped to avoid the appearance of penury. If he was right in this opinion, the House had a right to show what they expected of the President, and, consequently, had a right to enter into the enumeration proposed in the report, and establish a uniform rule of conduct in the Presidential chair.

With respect to its Constitutionality, his mind was perfectly easy, the Constitution appeared to be silent; if so, the House had the right of interfering. He wondered how gentlemen could agree

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New Jersey Election.

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The committee, said he, have applied to the House for a power to send a commission into New Jersey, to take testimony, in contradiction of what has been certified by the Executive Magistrate; now I submit to the House, whether this certificate, admitted to be true on all hands, is not the best evidence the nature of this case requires, and whether it will be necessary to send through that State a commission to examine every person, who chooses to offer evidence on the subject. I think such a measure will produce great evils; in a precedent, and many others in its operation; in the first place, such evidence will be taken *ex parte*, because it will be next to impossible for the opposite party to attend, in order to cross-examine the witnesses. It will put the petitioners to great expense and inconvenience, and, after all, the uncertainty will be as great as it is at this moment.

But the precedent, I conceive, will be extremely dangerous. If a contested election should take place in New Hampshire or Georgia, we shall be obliged to send a commission into those States, for the purpose of obtaining testimony, which, after all, can never be so satisfactory as *viva voce* evidence; and more time may be spent in executing this commission, where the judges have to travel from district to district, through a State of 5 or 600 hundred miles extent, and examine every judge, inspector, and elector, than the representation is chosen to sit.

We thought it proper to lay these reasons before the House, and there leave the matter to their decision, to which we shall submit with all cheerfulness. We came here with an ardent desire to carry the Constitution into effect: actuated by this motive, we mention to the House the great attention which ought to be paid to secure the freedom of election, upon which alone the whole fabric depends. It is not that we dread the fullest investigation, that we submit these sentiments; it is our anxiety to have the question of our election speedily determined, and not delayed by what we conceive a useless measure.

The question before the House appears to be, whether it is necessary to obtain a few additional witnesses, at great uncertainty and expense; or whether the evidence already before them, and what may further be advanced by the petitioners, *viva voce*, is not sufficient to decide upon.

Mr. AMES brought forward several resolutions, which he thought would bring the question alluded to by the honorable gentlemen from Jersey (Mr. BOUNDINOR) fairly before them; the first prescribed the mode of taking depositions by commission.

This being read, together with the papers containing the charges, &c. and the certificate of the Governor;

Mr. BENSON observed that the House had referred this business to the Committee of Elections, to report facts arising from the proofs; that it appeared to the committee, that certain facts respecting the manner in which the election was conducted, might be material, but the testimony could not be procured by them, without the aid of the House; they had therefore made a report of

this nature. He thought the House had better consider whether the facts alluded to by the committee were material or not; if they were not material, the House would not adopt the resolutions proposed by Mr. AMES; but if they were, then those resolutions will come properly before them.

Mr. VINING opposed Mr. AMES's proposition for empowering the judges of New Jersey to take this evidence. He was in favor of receiving this testimony *viva voce* before the House; the vicinity of that State would render this mode not inconvenient; and if it should be found necessary to form commissions for this purpose in distant States, provision might be made accordingly.

Mr. LAWRENCE remarked, that it had been questioned how far the House had a right to interfere in the election of particular States, but that Congress has received a discretionary power from the Constitution to regulate the time, manner, and place, of holding elections; and it is stated in another clause, that the election and qualification of its own members shall be judged by the House; by this means, all transactions relative to such elections are included; consequently they may determine in what manner the investigation of such a subject shall be prosecuted. If any doubts arise on that point, the sense of the House must be taken thereon.

Mr. BENSON proposed a day to be assigned on which the parties should have a hearing before the House on the question, either by themselves or by counsel, whether, by the Constitution, an inquiry can take place before the House relative to the facts alleged.

Mr. WHITE objected to counsel being introduced in the present instance; he judged the House as competent to decide this business as they had already been to determine many other Constitutional questions.

Mr. JACKSON was of opinion, that no such question could be admitted with propriety: One election has been determined without the aid of counsel or *ex parte* evidence, and he saw no reason in the present case why a different mode should be substituted. The authority of this House is not to be called in question by an individual; there cannot be a doubt of its jurisdiction in the case. One gentleman has been tried by the House upon the evidence that was brought before us: it will not be pretended that the delicacy and feelings of that gentleman could be less than those of the gentlemen concerned in the present question; it would be inconsistent and unjust to subject one member to a particular mode of trial, and then deliberate whether that same mode shall be adopted with respect to another.

Mr. SENEY said, he did not doubt the jurisdiction of the House, but as some objections had been made by the petitioners, and they had prayed to have the point settled, he thought they ought to be indulged; that every citizen had a right to be heard in his own defence, where he considered his right concerned.

It was then moved that the report of the committee should lie on the table, in order to take up the proposition of Mr. BENSON.

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New Jersey Election.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to provide for the Government of the Western Territory.

And a committee was appointed, consisting of Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. BROWN.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to provide for the settlement of accounts between the United States and individual States, agreeably to the ordinance of the late Congress.

And a committee was appointed of Mr. BALDWIN, Mr. STURGIS, and Mr. SMITH, (of South Carolina.)

An engrossed bill to regulate the collection of duties imposed on goods, wares, and merchandises imported into the United States, was read the third time, and the blanks therein filled up.

Resolved, That the said bill do pass, and that the title be "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States."

Ordered, That the Clerk of this House do carry the said bill to the Senate, and desire their concurrence.

And then the House adjourned.

WEDNESDAY, July 15.

NEW JERSEY ELECTIONS.

The House proceeded to consider the report made yesterday by the Committee of Elections on the petition of a number of the citizens of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State.

This report stated that certain allegations in the petition required the testimony of some witnesses, which the committee did not think themselves authorized to collect: they, therefore, requested the direction of the House in the manner of proceeding with respect to such testimony; also with respect to the request of the petitioners in favor of the sitting members, that they might be heard by counsel.

Mr. BOUNDINOR observed, that he could answer for himself, and he believed for the other Jersey members, that the suffrages of their constituents had not been solicited by them, nor had they been anywise concerned in any of the transactions at the election complained of. In consequence of the commissions received from the Governor and the Council of New Jersey, who had declared the election legal, he and his colleagues appeared in the House; the Governor's conduct had been censured on the occasion; however, their proceedings have been published and laid before the House, and the petitioners have agreed that they shall be admitted as evidence in this case. He thought it unnecessary that the petitioners in favor of the election should be heard by counsel. He said the sentiments of the other sitting members coincided with his. They gave up every advantage that might arise from this, rather than occasion the great delay that must attend it.

TUESDAY, July 14.

NEW JERSEY ELECTIONS.

Mr. AMES, from the Committee of Elections, to whom was referred the petition of a number of the citizens of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State, made a report, which was read, and ordered to lie on the table.

[H. or R.]

New Jersey Election.

to provide plate and furniture, yet hesitate with respect to the clerk and secretary. Were not the latter as necessary as the former? If so, they ought to be equally provided for.

The question on Mr. LAWRENCE's motion was now taken, and decided in the affirmative.

Mr. PAGE now moved to strike out twenty thousand dollars, and insert thirty thousand.

Mr. SMITH inquired whether it was the intention of the House to saddle the President with the expense incurred, in consequence of their resolution of the 15th April. He understood that near ten thousand dollars had been laid out in purchasing furniture, and putting the house in order for his reception; it might be disagreeable to the President to take it. Perhaps he would be a considerable loser by such a bargain, and many of the things might be of a nature he disliked. He thought the House had been inconsistent with itself in ordering these things for the President, and then refusing to let them be applied to his use.

Mr. SHERMAN thought the House need not be embarrassed on this point. The expense is to be paid by the United States, and the furniture will be their property, to do what they please with. Neither did he think the House inconsistent, because it was the object of the Legislature, by their former vote, to provide only for the temporary accommodation of the President.

Mr. BENSON said, the business had been properly conducted. It was not in contemplation to throw the furniture or any other expense upon the President. He presumed the property belonged to the United States, but they would sell to the President such part as he chose to purchase. As to the House, the President was not confined to it; he might give it up when he pleased, and take another if he thought proper.

The question on striking out twenty thousand and inserting thirty thousand was divided, and the first part was agreed to, but the latter rejected. It was now moved to strike out the words secretary and clerk.

Mr. MADISON thought the Executive Magistrate ought not to have the power of creating officers; yet if he appointed his secretary and clerks, and they were recognised, either with respect to salary or official acts, they became officers of the Government.

Mr. BENSON did not think it necessary to recognise any such officers; they were to be esteemed the mere instruments of the President, and not as sharing in the Administration.

The motion was put, and carried in the affirmative, and then the House adjourned.

H. or R.]

Light-Houses, &c.

[JULY, 1789.]

Mr. Ames objected to this proposition, as the greatest inconveniences might arise from it; it would discourage a number of people from applying for justice, especially those who lived remote from the seat of Government, provided they were obliged to attend in person, and give their testimony. The eligibility of taking depositions in many instances, particularly the present, in preference to the delays, uncertainty, and enormous expenses that would inevitably attend the mode proposed by the motion, was clear to his mind. After some desultory conversation, Mr. Benson withdrew his proposition.

Mr. Lee proposed, that the report should be re-committed, and the committee authorized to send for evidence, papers, and records, and report a special state of facts. He said that it was the custom of the British House of Commons, upon similar occasions, to leave the whole business to a committee; and observed, that the example of so old and so experienced a Legislative body could be followed with safety and propriety.

This motion was withdrawn, after some desultory conversation had taken place upon it.

The question on the report of the committee then recurred, on the question whether the judges of the Supreme Court in New Jersey should be authorized to take depositions on the subject of facts alleged by the parties; when

Mr. SENEY moved, that Wednesday next be assigned for the parties to appear and be heard by their counsel before the House, of which notice should be given; and that the committee be discharged.

Mr. LIVESMORE observed, that the House was much embarrassed; but, sir, I saw it from the first appointment of the committee. I object to counsel being introduced into this House to discuss a previous question. This House is the judge of its own elections. We have appointed a committee to examine, but have not vested them with power to determine. They have not so much as a power to hear. If we have pursued a wrong step, why should we proceed any further? Let the committee be discharged, and a day appointed to hear the parties. It is my determination to hear, before I judge. The committee should be discharged, if they cannot proceed further without our aid. The subject now before the House is material, and of the greatest importance; and although we have been heretofore wrong, we may now set ourselves right.

I have no objection that counsel should be heard upon the merits of the principal question. Though after an investigation of facts, we have determined in one instance, and why we cannot do the same now I cannot conceive.

Each House is to judge of the elections, returns, and qualifications of its own members. What means the word judge? Why it corresponds with the ancient maxim, to hear and determine. Now how can the House determine without hearing? If the House is to judge, we must bring all the evidence before us, although the committee may have heard it twenty times over.

Mr. MADISON thought, if the jurisdiction of the

House was called in question, it would be proper to hear counsel on that point, because it must be indicated to determine a question respecting their own jurisdiction, without hearing what could be advanced against it.

Mr. PACE was in favor of recommitting the report, and letting the committee proceed upon the duty to which they were originally appointed. He said, if the jurisdiction of the House was questioned, the parties had an indubitable right to be heard by counsel, and he hoped no gentleman would refuse the people of the United States a privilege of this important nature, which had been always enjoyed by the subjects of Great Britain.

Mr. STONE thought the authority of the House to determine any question respecting the election of any of its members, was so clearly expressed and understood, from the fifth section of the first article of the Constitution, that no doubt could be entertained by the petitioners, or any one else; consequently, it would be a waste of time to spend any hearing of counsel on that point. He had no objection to admitting a limited number on the merits of the main question, if required.

Mr. BOUNDINOR informed the House that the petitioners meant to withdraw their request to be heard by counsel.

Whereupon Mr. SENEY withdrew his motion for making it the order of the day.

The question again recurred for inserting a commission to go into Jersey to take evidence; but, it growing late, the House adjourned.

THURSDAY, July 16.

A petition of John Christopher Stobel, of the city of Philadelphia, was presented to the House and read, praying that an exclusive privilege may be granted him for a term of years, to construct and navigate boats with wheels, upon the principles of a model which he has invented, to facilitate the passage of boats up and down streams and rapids, without the use of oars.

Ordered, That the said petition do lie on the table.

Mr. BALDWIN, from the committee appointed, presented, according to order, a bill for settling the accounts between the United States and individual States; which was received and read the first time.

Mr. FRIZZMONS, from the committee appointed, presented, according to order, a bill to provide for the government of the Territory northwest of the river Ohio; which was received and read the first time.

LIGHT HOUSES, &c.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots.

Mr. BOUNDINOR took the chair of the committee,

JULY, 1789.]

Compensation to the President, &c.

[H. or R.]

and after some time spent therein, the committee rose and reported progress.

COMPENSATION OF THE PRESIDENT, &c.

The House resumed the consideration of the report of the committee on the compensation of the President, Vice President, and members of Congress.

The blank occasioned by striking out on Monday last, was now proposed to be filled.

Mr. LIVESMORE moved to fill it with 18,000 dollars.

Mr. BURKE said there were some members of the committee in favor of 15,000 dollars; others, indeed, were for a much larger sum—he believed they went so far as 70,000 dollars; that 20,000 dollars was an accommodation, and as such he had agreed to it; but he was of opinion that 15,000 dollars was sufficient; that 20,000 had been once agreed to, but the expenses were added at a subsequent meeting of the committee; now, as the House had concurred in striking out 20,000 dollars, and a proposition had come forward more correspondent to his judgment, he should give it support.

Mr. FRIZZMONS presumed it was not a question before the House what the report of the committee had been, nor were the sentiments any gentleman had there delivered to operate against the sense expressed by the committee in their report; if any thing done in committee was to influence the decision of the House, it must be the report, which spoke the sense of the majority. He further presumed, that when the 20,000 dollars were struck out, after all the expense had been erased, it was in the contemplation of the honorable mover to increase the sum so as to include both articles. It was with this view he voted in favor of striking out the 20,000 dollars.

Mr. TUCKER said it might happen, that the expenses a President would incur at the first entering on the office would be so great as to injure his private fortune, and distress his family. A quarter's salary might be insufficient to defray the expense; yet if the President continued but three months in office, this sum would be all he was entitled to. He thought it just and requisite to provide against accidents of this kind, if it could be done consistently with the Constitution. With this object in view, he would propose that the President's compensation should be 28,000 dollars for the first year, and 16,000 dollars for every other year; that 10,000 dollars should be paid him in advance, on his coming to the chair, and the remainder in quarterly payments. Its amount, he said, would be nearly what was proposed by the gentleman from New Hampshire, (Mr. LIVESMORE); and if the House was disposed to fix on that sum as a proper compensation, they might, without any material change, admit his proposition; but if they meant to grant either a greater or less sum, he hoped they would accommodate it to his principle.

Mr. STONE said that a sum of 25,000 dollars would be as small a sum as would answer the purpose; and provided that amount should be

agreed to, the expense of the Executive would be less to the people than that of any Government in the world. If it is considered that the unavoidable expense will be great, and that the assistance of two or more secretaries will be necessary for the President to discharge his high and important trust, and that it cannot be expected that persons in such a station should be in straitened or dependent circumstances, this sum will not be found to exceed the absolute expense, with a moderate compensation for the services of the President. It is also a maxim of sound policy, that Executive officers should be independent.

Mr. WHITE.—Sir, I do not say that 25,000 dollars will or will not be sufficient; but in order to determine the necessary sum, I should wish to know the style in which the President is expected to live. If a style of magnificence and splendor is to be adopted, this sum is too small; and if economy is pursued, it may be too much. Until this is known, it will be extremely difficult to decide upon a proper sum; and when I give my vote, I wish to do it on such information as will satisfy my mind with respect to its propriety, and show my constituents the reasonableness of the measure. Will he live in a more expensive style than the former Presidents of Congress, or will he live nearly in the same? If so, what was that expense, or what will be the probable increase? How was that money applied, and what will now be necessary? If these questions can be answered, gentlemen may decide with more precision than they can while the subject is left aloft.

Mr. BALDWIN said it was impossible to get the information the gentleman required; the committee had made all the examination in their power with respect to the actual expense of supporting the office. They found former Presidents of Congress, whose office, by the by, was less important, and whose assistants were less numerous, expended 7,000, 8,000, and so on to 13,000 dollars annually. From this, some gentlemen were led to believe 17,000 dollars might be sufficient in this instance. But we were, said he, left without any thing satisfactory on this subject; and when the question was pressed on the committee, they varied from 15,000 to 25,000 dollars; we were therefore obliged to average the sum.

We were satisfied that it must be left to experiment to determine what the allowance ought to be; and we were certain that the gentleman who had to make the first experiment would do it in such a manner as to give satisfaction to every body. He knows the way to blend dignity and economy; and I would rather, on this account, make the allowance too much than too little. I would, therefore, prefer making the experiment at 25,000 dollars; a sum that, in the President's hands, will give umbrage to no one.

Mr. BOUNDINOR made some further observations respecting the examination made by the committee, from which it appeared that the expenses of the President of the United States would exceed the expenses of the late President of Congress in a variety of cases. Two secretaries

would be wanting; they must be men of abilities and information; but the committee conceived extra provision would be made for them by the House. If the whole was to be comprehended in one grant to the President, he would rather increase the sum reported by the committee, than diminish it. Originally he was in favor of allowing 16,000; but then he thought the expense of secretaries, carriages, furniture, &c. was to be an additional allowance. Since the House had determined otherwise, he favored an addition to the 20,000 dollars.

Mr. JACKSON was disposed to move 30,000 dollars; but he was willing to accommodate, and agree to 25,000 dollars.

Mr. VINING observed, that the committee had no documents whereby they could form a judgment; they had no light to guide them. They could not foresee what ambassadors and foreign ministers might be sent to this country, nor the expenses the President must necessarily incur upon that account, to support the honor and dignity of the United States. He further remarked, that there are cases in which generosity is the best economy, and no loss is ever sustained by a decent support of the Magistrate. A certain appearance of parade and external dignity is necessary to be supported. Did I, said he, represent a larger State, I would speak with more confidence on the subject. We are haunted by the ghost of poverty; we are stunned with the clamor of complaint throughout the States. But under the auspices of an energetic Government, our funds will be established and augmented, and, I make no doubt, will be found sufficient to answer all the purposes of the Union. But our calculations ought not to be confined to the present moment alone. If it should be contended by any gentleman, that we have it not in our power to support the Government in a proper style, then there is an end of the business. We should remember that the present time is the season for organizing the Government. A patient and mature deliberation is requisite to investigate it, and by that means the amount of the civil list will be increased; in future the sessions will be short, and the load of expense greatly diminished. He was opposed to any reduction of the sum, as he had always thought it too small, and would rather propose to fill the blank with 30,000 dollars.

Mr. PAGE mentioned that 30,000 dollars had been proposed; though he thought the sum adequate, it was not sufficient to support pomp and parade. Those, he said, were entirely out of the question. He had made a calculation upon the probable necessary expenses, and found, that exclusive of that dignity and pageantry talked of, this sum would suffice. If he had contemplated the splendor and pageantry alluded to, he should not have thought of 30,000 dollars, nor 40,000 dollars, for he believed 100,000 dollars insufficient. But if the committee, upon investigation, were convinced that 20,000 dollars would be a compensation for his services, exclusive of an allowance for his expenses, when the whole was taken together, it must at least amount to 30,000 dollars;

for this reason, he moved to fill the blank with that sum.

The question upon 30,000 dollars was put, and rejected.

Mr. PAGE then moved 25,000 dollars, which was carried; affirmative 30, negative 17.

The House then proceeded to the second part of the report, viz: "That there be paid in like quarterly payments to the Vice President of the United States, 5,000 dollars per annum."

Mr. WAITE.—I do not like the principle on which this provision is made for the Vice President; there is nothing, I believe, in the Constitution which gives him a right to an annual sum; it fixes no duty upon him as Vice President, requiring a constant attendance. He may be called upon to act as President, and then I would give him the salary of the President; at other times, he is to preside as President of the Senate, then I would pay him for his services in that character. On this principle, I shall move to strike out the clause; if that is agreed to, I propose to offer one, allowing him the pay of President, when he acts as President; and a daily pay during the time he acts as President of the Senate.

Mr. PAGE would second the motion for striking out five thousand dollars, but with a different view from what had been intended by his worthy colleague. He wished it struck out, in order to introduce a larger sum. His idea was, that a proper proportion was not observed between the salary of the First and Second Magistrates. As to the utility of the office, he had nothing to say. He had no hand in forming the Constitution; if he had, perhaps he should never have thought of such an officer; but as we have got him, we must maintain him; and those gentlemen who talk of respectability being attached to high offices, must admit, in a comparative view, that he is not supported with dignity, provided a situation deserves its dignity from the money given him by way of salary; for his part, he thought money, abstractedly considered, could not bestow dignity. Real dignity of character proceeds from a much nobler source; but he apprehended the people of the United States, whose representative the Vice President was, would be displeased to see so great a distinction made between the President and him.

Mr. SENEVIER said, the arguments of the honorable gentleman from Virginia, (Mr. WAITE,) did not strike him with any force, nor did he see the impropriety spoken of. One reason why the pay of the members of the Senate and House is per diem is, because they contemplate their being together but a very inconsiderable part of their time; but I suppose, said he, that every gentleman who has considered the subject, has determined in his own mind that the Vice President ought to remain constantly at the seat of Government; he must always be ready to take the reins of Government when they shall fall out of the hands of the President; hence it will be necessary that he should, for this cause, if not for any other, preclude himself from every object of employment, and devote his whole time to prepare himself for the great

and important charge for which he is a candidate. Under these circumstances, it is necessary that he should be provided with a constant salary, to support that rank which we contemplate for him to bear; I therefore conceive it must be such a perpetual salary as the President is entitled to receive. If the principles of the motion are inadmissible, it cannot be supported by argument, because very little information can be obtained on which to ground our reasoning.

Mr. SENEVIER said, that, according to the Constitution, a compensation is to be made for services performed. The Vice President may absent himself the whole time. He proposed giving him a handsome allowance while employed, but thought he ought to be paid per diem.

Mr. SHERMAN adverted to the circumstance of salaries being allowed to Lieutenant Governors in the several States where such officers are appointed; so that, according to this mode, the grant made to the Vice President would correspond with the practice of the States individually. It appeared also, he said, to be necessary, inasmuch as this officer would be taken from all other business.

Mr. WAITE.—If I thought, sir, the attendance of the Vice President as necessary as that of the President, I would not hesitate to allow him an annual salary; but I do not conceive it to be so necessary; it is not made so by the Constitution. If he had been appointed Vice President as a perpetual counsel for the President, it would have altered the case; he would then have had services to render, for which we ought to compensate him. The honorable gentleman from Connecticut (Mr. SHERMAN) has intimated that he will be precluded from following any other business; there is nothing in the Constitution which precludes him from following what profession he thinks proper. I am willing to pay him a full and liberal allowance for all the services he renders; but I do not think we are authorized to institute sinecures for any man.

It ought to be considered that the Vice President has personal advantages from the appointment to that office; it holds him up as the successor of the President; the voice of the people is shown to be considerably in his favor; and if he be a deserving person, there will be but little doubt of his succeeding to the Presidential chair; not that I would make this an argument to diminish his compensation. I would pay him amply for all the services he renders, at least as amply as the Government and circumstances of the people will admit. When performing the duties of President, he should receive the salary as such.

The Constitution has stipulated, that the President shall be compensated for his services, that we shall ascertain it by law; but it has not said one syllable with respect to the pay of the Vice President; hence I consider it would be improper to pay him on any other principle than in proportion to his services. If these require five thousand dollars a year, it may be made to amount to that sum, at so much per diem.

As to the observations of the gentleman from

Connecticut, (Mr. SHERMAN,) that Lieutenant Governors receive salaries in the several States, and therefore it will be proper to grant one to the Vice President, in order to comport with the practice of the States individually, I shall only remark, that in some States they have no such officer; in others, where they have such an officer, they give him no pay at all; in some, they are paid according to their attendance on business, in the manner that I propose to pay the Vice President. But admitting that every State had an officer of this kind, and that they paid him a salary like that proposed in the report, it would be no argument why the General Government should pursue a practice inconsistent with that economy and sense of propriety which it ought to be the study of the Representatives of the people of the United States to preserve to their constituents.

Mr. MANIXON.—I do not concur, Mr. Speaker, in sentiment, with my colleague on this subject. I conceive, sir, if the Constitution is silent on this point, that it is left to the Legislature to decide according to its nature and its merits. The nature of the office will require that the Vice President shall always be in readiness to render that service which contingencies may require; but I do not apprehend it to be in our power to derive much advantage from any guides furnished by the examples of the several States; because we shall find them differently provided for by the different Governments. If we consider that the Vice President may be taken from the extremity of the continent, and be from the nature of his office obliged to reside at or within the convenient reach of the seat of Government, to take upon him the exercise of the President's functions, in case of any accident that may deprive the Union of the services of their first officer, we must see, I think, it will often happen that he will be obliged to be constantly at the seat of Government. No officer under a State Government can be so far removed as to make it inconvenient to be called upon when his services are required; so that, if he serve without a salary, it may be he can reside at home, and pursue his domestic business; therefore the application in that case does not appear to me to be conclusive.

My colleague says that he will derive advantages from being in the line of appointment to the Presidential Chair. If he is to be considered as the apparent successor of the President, to qualify himself the better for that office, he must withdraw from his other avocations, and direct his attention to the obtaining a perfect knowledge of his intended business.

The idea that a man ought to be paid only in proportion to his services, holds good in some cases, but not in others. It holds good in Legislative business, but not in the Executive or Judicial departments. A judge will be sometimes unemployed, as in the case of the Vice President; yet it is found necessary to claim the whole of his time and attention to the duties for which he is appointed. If the principle of proportioning the allowance to the quantum of services performed obtains, it will be found that the Judiciary will be

as dependent on the Legislative authority, as if the Legislature was to declare what shall be their salary for the succeeding year; because, by bridging their services at every session, we could reduce them to such a degree, as to require a very trifling compensation indeed. Neither do I, Mr. Speaker, consider this as a sinecure; but that will appear from the reasons already given. The office of a judge is liable, in some degree, to the same objection; but these kinds of objections are levelled against the institutions themselves. We are to consider his appointment as a part of the Constitution; and if we mean to carry the Constitution into full effect, we ought to make provision for his support, adequate to the merits and nature of the office.

Mr. ALEX said that the Vice President's acceptance of his appointment was a renunciation of every other avocation. When a man is taken from the mass of the people for a particular office, he is entitled to a compensation from the public; during the time in which he is not particularly employed, he is supposed to be engaged in political researches for the benefit of his country.

Every man is eligible, by the Constitution, to be chosen to this office; but if a competent support is not allowed, the choice will be confined to opulent characters. This is an aristocratic idea, and contravenes the spirit of the Constitution.

Mr. SENEX.—This, sir, is a subject of a delicate nature, and the discussion of it rather disagreeable; but I think it my duty to declare my sentiments freely upon it. No argument has been adduced to convince me that the Vice President ought to receive an allowance any more than the other members of the Legislature. He cannot be compelled to perform any duty. This is an important subject, and ought to be maturely considered, as a great deal depends on the decision which will now take place.

Mr. BUNKE observed that the situation of our finances was so much embarrassed, as to disempower us from giving such simple salaries as we might, under different circumstances, think necessary; that it was but reasonable the Vice President should receive a compensation adequate to the second officer in the Government. He will be subject to extra expenses by living at the seat of Government, and will be obliged to maintain his dignity. Mr. B. further suggested that the sum might not be fully sufficient, but in our present situation, it was as much as we could afford.

Mr. AMES, in his reply to Mr. SENEX's observations, pointed out the difference of the situation of the Vice President and the members of the Legislature.

Mr. SEPOTWICK made some additional remarks of a similar nature, and further observed, it would be necessary that the members of the House should return and associate with their constituents, in order to learn their sentiments and their feelings, and witness their situation and wants, that they may consequently resume their former

occupations: but with respect to the Vice President, his acceptance must be considered as an abandonment of every other pursuit; he must reside at the seat of Government, and will necessarily incur extra expenses in consequence of his office.

Mr. STONE.—I am for giving such salaries to the officers of this Government, as will render them easy in their situation. But we are confined by the Constitution; salaries are to be given for services performed; they are considered in no other light. The Vice President cannot be viewed in any other light than that of the President of the Senate. I am for his being paid per diem, but would allow him a generous support. I do not think five thousand dollars are sufficient; I would allow him a larger sum, which allowance, per diem, would amount to what would be fully adequate.

Mr. SMITH, of South Carolina, said, that by the Constitution, the Vice President could not be considered as a Senator, and therefore could not, with any propriety, be paid as such. Considering him as an officer in the Government, next in dignity to the President, and particularly designated by the Constitution, he must support a correspondent dignity in his style of living, and consequently ought to have a competent allowance for that purpose. He did not think five thousand dollars would be considered too much, and would vote for that sum. The idea of a daily allowance must be given up, as inapplicable to the situation assigned him by the Constitution. He is there recognised as Vice President, and as such ought to be provided for. A daily pay of twenty-five or thirty dollars would appear a large compensation; yet Congress sat but one hundred days, which, in all probability, would be the length of their future sessions, it would be insufficient for his support. But suppose it one hundred and fifty days; this, at thirty dollars per day, would come so near the proposed salary, that the saving would be an inconsiderable trifle; but if the session was longer, it might amount to more than is contemplated by any gentleman.

Mr. PAGE was clearly for making the allowance by annual salary, because the office was permanent; a daily allowance could not be relied upon, because if the Senate sat but a few days, it would be incompetent, even at one hundred dollars per day; whereas, if the session was of long continuance, that sum would be more than the services could require, if they are to hold a comparison with those of the President. If the House agreed to strike out the five thousand dollars, he would propose eight thousand, which was not one-third of what was given to the President.

Mr. BOUTWORTH.—The question seems to turn merely on this point, whether the Vice President shall receive a per diem allowance, or an annual salary? The Constitution ought to serve as the ground on which to determine it; therefore we are to consider the point of view in which this office is placed by that instrument. The second article calls him into view with the President; he is to be elected in the same manner as the President, in

order to obtain the second best character in the Union to fill the place of the first, in case it should be vacated by any unforeseen accident. The Constitution considers him a respectable officer; he is to supersede the President, when it shall happen that the First Magistrate dies, or is removed on impeachment and conviction. These are the great objects of his appointment. His duty as President of the Senate is only collateral; consequently he ought to be respected, and provided for according to the dignity and importance of his principal character. If still inferior duties were attached to him, it would be an argument for reducing the compensation to an equality with inferior duties only? I apprehend it is a principle of this nature which urges gentlemen on to press the amendment. I cannot see any reason for differing with the Constitution on a point in which I think it ought to guide our decision.

I think there is an affinity between the duration of the office and the compensation. The Constitution establishes the office for four years; the compensation ought to be made commensurate with that idea.

The question on Mr. WHITTE's motion was taken and lost, as was Mr. PAGE's motion for striking out 5,000 and inserting 8,000 dollars.

The proposition being then agreed to,

The House proceeded to consider the following: That the daily pay of the members of the Senate, and House of Representatives, for their attendance at the time appointed for the meeting of their respective Houses, and for the time they shall be going to, and returning therefrom, allowing the travel of twenty miles for each day, be six dollars, and of the Speaker of the House of Representatives twelve dollars.

Mr. SEPOTWICK moved to amend this proposition, so as to give to the members of the Senate six dollars per day, and five to the members of the House of Representatives. His reasons for introducing this distinction was, that the convention had made it in the Constitution. The Senators are required to be of an advanced age, and are elected for six years. Now this term taken out of the life of a man, passed the middle age, may be fairly deemed equal to a whole life; for it was to be expected that few, if any, of the Senators could return to their former occupations, when the period for retirement arrived; indeed, after six years spent in other pursuits, it may be questioned whether a man would be qualified to return with any prospect of success.

He did not say six dollars was more than a compensation for their services and expenses; but as economy ought to be particularly studied by the Legislature, he had moved to reduce it. He hoped gentlemen would pay some deference to the public opinion, on the present occasion; this he thought to be in favor of small salaries. Not but a different sentiment might prevail in some of the States; perhaps different circumstances might warrant the difference of opinion. It was probable that five dollars, laid out in that part of the Union from which he came, would be more advanced

lagnous to the person, than a like sum laid out at the other extremity of the continent; but he believed, nevertheless, that something would be left to those gentlemen, out of the five dollars per day, after their expenses were paid; but even if a little self-denial was the consequence of this reduction, it would do but little harm; whereas the precedent might have a salutary influence upon the future administration of the Government.

Mr. JACKSON.—I am opposed to this discrimination, because all have alike abandoned their particular pursuits in life, and all have equally engaged in the service of their common country. On what principle can this distinction then be contended for? Is it expected that a Senator shall eat more, or drink more costly liquors than a member of the House of Representatives? I presume it is not; their expenses must be nearly equal. I can see but one reason that can be assigned for this difference, which is, that the Senate may sit longer than the House; but considering they are to receive pay accordingly, this reason is of no weight. The duties of both Houses are equal, and the pay ought to be alike.

I will submit to the gentleman who brought this motion forward, whether it is not much worse to the personal interest of men in business to be taken off in the prime of life, than after the successful pursuit of some profession at an advanced age, when the natural and proper time of retirement arrives; and if so, his argument falls to the ground. But if the reverse is true, it will not support his motion, because, if we look around, our senses will inform us that this House contains as venerable and aged members as any within the walls of the Senate; thus again we are upon a footing. Now, unless gentlemen mean that we should depress ourselves, and thereby set the Senate above us, I cannot conceive what foundation there will be for the motion for discrimination.

Mr. LEE.—I am in favor of the motion for discrimination between the Senate and this House, because the Constitution has done it in a variety of modes. The qualifications are superior; a Senator must be a man advanced in life, and have been nine years a citizen of the United States; while a younger man, who has been but seven years a citizen, may obtain a seat in this House.

The Constitution has made a difference in the mode of election. The Senators are selected with peculiar care; they are the purified choice of the people, and the best men are likely to be preferred by such a choice; those who have shown the fullest proofs of their attachment to the public interest, and evinced to their countrymen their superior abilities. In order to bring forth such characters to partake of our public councils, I think every motive of honor and of interest ought to be called into action. If men are not brought forth who will maintain their own dignity, and promote the public interest by a firm and independent conduct, regardless of the voice of calumny and popular clamor, our Government will soon lose its importance and its energy. I contemplate, Mr. Speaker, the Senate as a barrier between the Executive and this branch of the

Legislature, shielding the people from any apprehension of being attacked by an aspiring Magistrate on the one hand, and on the other from being desolated by the anarchy often generated by a time-servingness to veering popularity. We shall gain these desirable objects at a trifling price if we make a distinction of two or three dollars per day—a trifling allowance indeed to our most worthy sages. But, said the gentleman last up, there are as young men in the Senate as in this House; although there be, the time will come when none but the most venerable and respectable of our citizens, men whose hoary heads are silvered over with the honors of an experienced old age, men illustrious by their virtues and capacity, will have the public confidence ensured to them by the purity and notoriety of their principles.

Now is the time to deliberate and view every future circumstance which may arise from our decision; the importance of this principle hereafter, is infinitely above every advantage which the present members may derive from it. By it alone you may secure dignity and permanency to the Government, and happiness under its administration.

It is with difficulty, Mr. Speaker, that you can draw forth men of age and much experience to participate in the political concerns of their country. Retirement and reflection are incident to that period of life; they are sought for, and, when obtained, they are highly prized. The wise and virtuous sage, who, from the monitions of nature has discovered that his remaining years will be but few, must be incited by every motive that can operate on the human heart to continue those labors which he seeks to bury the remembrance of in the depths of solitude. Honor may stimulate the ingenuous mind; but interest is a great reason of action, and may be usefully employed to influence old age.

What I have now urged is in favor of the Constitutional distinction; I approve of the amendment, but I wish the sum had been left out, that the provision might be determined according to the sense of the House, and not affect the principal question of discrimination. I am satisfied, sir, that there is no heart within these walls but beats with patriotic ardor, and has determined to pursue the noblest object, the public good. Nothing but the anxiety I feel for this, as connected with the present question, could have induced me to trouble the House with a repetition of what was dilated upon, on a former occasion. Let it then be considered, that on our decision depends the dignity of the Legislature, and the perpetuity of that Government, the glory and the hopes of the people of America, which, if now disappointed, must be succeeded by confusion and gloomy despair.

Mr. WHITE.—I object, sir, to a discrimination. I cannot perceive that difference in the Constitution alluded to by the gentlemen. Among the Senators and the people in some of the ancient commonwealths, an artificial and political distinction was established, which was the case at Rome,

in particular. There the Senators were considered as possessing some degree of divinity, and the rest of the people were not admitted to associate with them. Can it be supposed that the name of Senators will render those members superior to their fellow-citizens? I cannot see any difference in the general estimation between a Senator and a Representative, however great their sentiments may vary in their respective States; and cannot conceive why any discrimination should be made in their allowances.

The independence of the members of this House may be injured by such a distinction; and the Senate, at some future day, may have it in their power to carry points, and be enabled to prolong the session, when it may be of great inconvenience to the House.

Mr. MADISON was of opinion that a discrimination was necessary; he observed that it had been evidently contemplated by the Constitution, to distinguish in favor of the Senate, that men of abilities and firm principles, whom the love and custom of a retired life might render averse to the fatigues of a public one, may be induced to devote the experience of years, and the acquisitions of study, to the service of their country. And unless something of this kind is adopted, it may be difficult to obtain proper characters to fill the Senate, as men of enterprise and genius will naturally prefer a seat in the House, considering it to be a more conspicuous situation.

Mr. MOORE did not see the propriety of the discrimination proposed; the business of each House is equal, or if there is a difference in their legislative concerns, it is in favor of the House. He had no idea of giving the public money for such an idle purpose as the support of a fanciful dignity and superiority. His idea of the business was, each member ought to be compensated for his services and nothing further.

Mr. VINING.—The arguments brought forward by my honorable friend from Virginia, (Mr. LEE,) have not proved satisfactory to my mind, that his favorite opinion with respect to discrimination is right. He has told us that the sages of America will be selected, and placed in this distinguished situation. True, sir, I expect venerable and respectable characters will find their way into every branch of the Government; but when I consider the mode in which the Senate is elected, I apprehend we may have there men whose wealth has created them the influence necessary to get in. If any thing is to be expected by this refined choice, it is that men of rank and opulence will draw the regard of the small and select circle of a State Legislature; while the Representatives in this House, being the choice of their fellow-citizens, among whom rank and dignity is rather unpopular, will consist of men in middling circumstances. Now if any thing is to be drawn from arguments like these, it is in favor of this House. But the whole of this is a subject on which we are better able to decide from our feelings, than from our discussions.

I am against the motion for another reason, sir; it goes to reduce the compensation, which I think

is already set too low, to furnish good security for the happy administration of the Government. In considering this subject, there are two important objects necessary to engage the attention of the Legislature. First, that the compensation be not made an object for indigence to pursue; and second, that it be not so low as to throw the business of legislation into the hands of rich and aspiring nabobs, but such as to compensate a man in the middle grade of life. These are generally men of business, who are fittest to conduct the concerns of their fellow-citizens. Now, in compensating this class of men, (for I would have the compensation proportioned to this class,) I do not take into consideration the sacrifices they make, by dedicating their time and abilities to the service of their country; but I confine myself merely to a compensation for their time and services. If the compensation is made an object for indigence, we shall have the sessions protracted to an extreme length, and the expense will be increased; if we make the reward barely commensurate with the services, you will have men of abilities, who will despise the public business, and return to their private pursuits. If the business is done without pay, it may be productive of the most enormous evils. Were every member of the British House of Commons allowed a thousand guineas a year, they would be less venal; we should not find them purchasing their seats, and selling their votes for places and pensions. The very money given in this way would furnish a handsome compensation for every member, and add something considerable, annually, to their sinking fund.

I apprehend, in establishing a compensation, we shall put it in the power of gentlemen, while here, to live as independent as they can at home. Perhaps I hazard a conjecture, when I say there is not a gentleman on this floor, I am certain there are not many, but have found, from experience, that six dollars per day is adequate to that object; certainly it cannot be the wish of any man to make the public service unpleasant, by rendering the situation of the members of Congress less eligible than a solitary retirement from patriotic pursuits would be. Any man who lives decently, will find six dollars a day not more than sufficient to defray the expense of a casual residence in a splendid city.

The experiment has been made. If a gentleman keeps a servant and his horses, and means to reciprocate the civilities he receives, I again assert the compensation is inadequate. It is true, we may live for two dollars a day; but how? There is a dignity attached to the situation of a Representative, with respect to his country; and the compensation might be 7 or 8 dollars per day, without granting the members more than a bare compensation. From all these considerations, I am induced to hope that gentlemen will indulge a little, and rather support an increase, than a diminution of pay.

As to the discrimination, it has been once decided against by a considerable majority; I have no doubt but it will now meet a similar fate; avocation; their attention will be wholly taken

but be the decision of the House what it may, with respect to the quantum, or manner of compensation, I shall never fear to deliver my sentiments. On the present occasion, I wish them known to my constituents, and I am much mistaken if they are not coincident with their own.

Mr. SENEY.—I am sorry, sir, that the question of discrimination has been brought before the House. Can any reason be assigned for making this distinction? Are the services of the Senate of more importance than those of the Representatives? I think not. Gentlemen have brought forward the Constitution upon this occasion, but I conceive it to be opposite to the very principle they mean to advocate. This will destroy the independence of the several branches, which is to be strictly observed. If a discrimination should be established in favor of the Senate, will it not naturally tend to create a sense of inferiority in the minds of the Representatives? And the time may come when they may find it their interest to become subservient to the views of the Senate. I feel so sensibly, sir, the impropriety and unconstitutionality of this measure, that had I the most distant idea it would comport with the sentiments of a majority of the members of this House, I should call for the yeas and nays on a division of the House upon the question. But as I do not conceive that to be the case, I shall waive the proposition for the present.

Mr. SEDGWICK said, that whenever he had a motion to make before the House, he endeavored to satisfy himself of the reasonableness and propriety of it. If he thought it proper, he did not consider the mode of decision that might be adopted of any material consequence; but in determining the present question, he hoped the yeas and nays would not be called. There is a principle in mankind which revolts at the idea of inferiority: a proposition, for example, shall be made, that has for its object the establishment of a superiority (howsoever necessary;) that principle is alarmed and excited to opposition; to discuss such a question as the present, we ought to be divested of every partiality and prejudice, that might bias our judgment in deciding an affair that will not bear the test of reason and experience. I conceive the precedence of the Senate has been clearly pointed out by the Constitution. There are grades in society which are necessary to their very existence. This is a self-evident proposition; it is recognised by every civilized nation, and by the House in the report before us. For what reason have we made a difference between the President and Vice President? Is it not on account of his superior station and his dignity? And between the Vice President and the Senate? This distinction is likewise established by the Constitution in the difference of the terms for which the members of the Senate and those of the House of Representatives are chosen. The time for which the Senate is chosen, demonstrates the propriety of a difference being made in the pay they ought to receive; the duties of their office require they should renounce every other avocation; their attention will be wholly taken

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Compensation to the President, &c.

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up in the discharge of public business; therefore they should have an adequate and an independent allowance. The generality of the members, being so far advanced in years, will drop every idea of engaging any more in their several professions, after having once engaged in the service of their country. Their age, wisdom, and experience, all warrant this discrimination. He concluded by saying, that the real dignity of the House was, he thought, so far from being diminished by adopting the proposition, that he conceived it was essentially connected with it.

Mr. STONER thought the House ought not to assist in elevating one branch of the Government more above the other than the Constitution had done. This had given influence to the Senate by a negative in the cases of treaties and appointments. It had given importance to the House, by vesting them with the sole power of originating money bills. But both these powers could be exercised without a discrimination being made in the pay of the members; therefore he inferred that it was not contemplated by the Constitution to make any such distinction.

A discrimination may eventually operate to the public injury; the House of Representatives may be desirous of terminating the session, but the Senate, finding the compensation they receive quite agreeable, may be inclined to protract it. He thought the true way of deciding on this subject, was to make the same allowance to both, and let it be such as not to induce them to protract the session on the one hand, or have a tendency to hurry over the business on the other.

Mr. JACKSON said, in reply to the inquiry of Mr. SEDGWICK—"Why have we made a difference between the President and the Vice President?" that the whole of the President's time would be taken up in the duties of his station; that the Vice President may retire to his farm whenever he thought proper. We refer, said he, to the wisdom of the Senate; but how is this superior wisdom to be discerned? If on this account a distinction is to be made, it necessarily follows that a difference should be made between the members of this House and those of the Senate. We cannot be too cautious how we establish an undue pre-eminence, and give an influence and importance to one branch of the Legislature over the other. All Governments incline to despotism, as naturally as rivers run into the sea. Despotism makes its way gradually, by slow and imperceptible steps; despotism is never established all at once; we shall, ere we are aware, get beyond the gulf, and then we shall be astonished how we reached there. The services of the Senate are not more arduous than ours: their proper business is legislation, and I will never consent to any discrimination. If I imagined the question would be determined in favor of discrimination, I would call the yeas and nays, and should it be determined in favor of it, I will still call them on purpose that my constituents may see that I have voted against a measure which I look upon as injurious to the Government.

Mr. PAGE.—If he thought the discrimination

proposed would have the tendency which some gentlemen apprehended, he would be the last man on the floor to support it. He would be as careful as any man how he extended the influence of any part of the Government, or gave it the least inclination towards aristocracy. But he apprehended gentlemen were deceived in their principle—he did not believe the doctrine that money confers importance, and he wished to evince to the world that money, under this Government, would have no such effect. The Senate having more duties to perform, may require a larger pecuniary gratification; but this will not add to their importance. It will require something of this kind to stimulate gentlemen to undertake the service; for his part he might consent to come here for two years, in order to assist in public business, but no inducement, hardly, could engage him to undertake it for six years. On this consideration, he thought the Senate ought to have annual salaries, and to such an amount as would render their situation independent and eligible.

If gentlemen are afraid of an aristocracy, they ought to be careful not to make the compensation too low, so as to exclude men of middling fortunes; the men of rank and distinguished opulence might serve without any pecuniary compensation; but the Government would not be safe if it was exclusively in such hands. He wished to discriminate in favor of the Senate, but he would rather increase their pay to eight dollars than reduce that of the members of this House, while he considered it but a moderate compensation.

The question on Mr. SEDGWICK's motion was taken, and lost by a considerable majority.

The House having now gone through the report, it was—

Ordered, That a bill or bills be brought in, pursuant thereto, and that Messrs. BURKE, STONE, and MOORE, be a committee to prepare and bring in the same, with instructions to insert a clause or clauses making provision for a reasonable compensation to the Secretary of the Senate, and Clerk of the House of Representatives, respectively, for their services.

After which the House adjourned.

FRIDAY, July 17.

A petition from Leonard Harbaugh was presented to the House, and read, praying that an exclusive privilege may be granted him for a term of years, to make, use, and vend three machines, which he has invented for threshing and reaping grain, and for deepening docks, and which are calculated to facilitate labor, and aid the two great objects of agriculture and commerce.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a letter from Ebenezer Hazard, Postmaster General of the United States, submitting the propriety of some immediate provision, by law, for the ar- rangement of that department, which was read,

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and ordered to be referred to Messrs. BOUNDINOT, GOUGH, and LEE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A bill for settling the accounts between the United States and individual States was read the second time, and ordered to be committed to the Committee of the whole House on Tuesday next.

A bill to provide for the government of the territory northwest of the river Ohio was read the second time, and ordered to be committed to a Committee of the whole House on Monday next.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several States to provide and regulate pilots; and after some time spent therein—

The Chairman reported that the committee had had, according to order, the said bill under consideration, and gone through the same, and made several amendments thereto, which he delivered in at the Clerk's table, where the same was twice read and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, July 20.

A message from the Senate informed the House that they had passed the bill for establishing an Executive department, to be denominated the Department of Foreign Affairs, with several amendments, to which they desire the concurrence of the House; that they have also passed a bill to establish the Judicial Courts of the United States, to which they desire the concurrence of the House.

Ordered, That a committee be appointed to bring in a bill or bills, providing for the establishment of hospitals for sick and disabled seamen, and for the regulation of harbors; and that Messrs. SMITH, (of South Carolina,) CLYMER, and CARROLL, do prepare and bring in the same.

The House resumed the consideration of the report on the petition of Andrew Ellicott, which lay on the table.

Whereupon, *Ordered*, That the said report be recommitted to the same committee.

The House then proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for establishing an Executive department, to be denominated the Department of Foreign Affairs," and, the same being read, were agreed to.

The bill sent from the Senate, "to establish the Judicial Courts of the United States," was read the second time, and ordered to be committed to a Committee of the whole House on Monday next.

The House resolved itself into a Committee of the whole House, on the bill to provide for the

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government of the Territory northwest of the river Ohio, Mr. BOUNDINOT in the Chair; And, after some time being spent in considering the same, the committee rose and reported that they had, according to order, had the said bill under consideration, and gone through the same.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

TUESDAY, July 21.

An engrossed bill to provide for the government of the Territory northwest of the river Ohio, was read the third time and passed, and sent to the Senate for concurrence.

AMENDMENTS TO THE CONSTITUTION.

Mr. MADISON begged the House to indulge him in the further consideration of amendments to the Constitution, and as there appeared, in some degree, a moment of leisure, he would move to go into a Committee of the Whole on the subject, conformably to the order of the 8th of last month.

Mr. AMES hoped that the House would be induced, on mature reflection, to rescind their vote of going into a committee on the business, and refer it to a select committee. It would certainly tend to facilitate the business. If they had the subject at large before a Committee of the Whole, he could not see where the business was likely to end. The amendments proposed were so various, that their discussion must inevitably occupy many days, and that at a time when they can be ill spared; whereas a select committee could go through and cull out those of the most material kind, without interrupting the principal business of the House. He therefore moved, that the Committee of the Whole be discharged, and the subject referred to a select committee.

Mr. SEDGWICK opposed the motion, for the reasons given by his colleague, observing that the members from the several States proposing amendments would, no doubt, drag the House through the consideration of every one, whatever their fate might be after they were discussed; now gentlemen had only to reflect on this, and conceive the length of time the business would take up, if managed in this way.

Mr. WHITE thought no time would be saved by appointing a select committee. Every member would like to be satisfied with the reasons upon which the amendments offered by the select committee are grounded; consequently the train of argument which gentlemen have in contemplation to avoid, must be brought forward.

He did not presume to say the Constitution was perfect, but it was such as had met with the approbation of wise and good men in the different States. Some of the proposed amendments were also of high value; but he did not expect they would be supported by two-thirds of both Houses, without undergoing a thorough investigation. He did not like to refer any business to a select committee, until the sense of the House had been expressed upon it, because it rather tended to re-

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tard than despatch it; witness the Collection bill, which had cost them much time, but after all had to be deserted.

Mr. SHERMAN.—The provision for amendments made in the fifth article of the Constitution, was intended to facilitate the adoption of those which experience should point out to be necessary. This Constitution has been adopted by eleven States; a majority of those eleven have received it without expressing a wish for amendments; now, is it probable that three-fourths of the eleven States will agree to amendments offered on mere speculative points, when the Constitution has had no kind of trial whatever? It is hardly to be expected that they will. Consequently we shall lose our labor, and had better decline having any thing further to do with it for the present.

But if the House are to go into a consideration, it had better be done in such a way as not to interfere much with the organization of the Government.

Mr. PAGE hoped the business would proceed as heretofore directed. He thought it would be very agreeable to the majority of the Union, he knew it would be to his constituents, to find that the Government meant to give every security to the rights and liberties of the people, and to examine carefully into the grounds of the apprehensions expressed by several of the State conventions; he thought they would be satisfied with the amendments brought forward by his colleague when the subject was last before the House.

Mr. PARTRIDGE knew the subject must be taken up in some way or other, and preferred, for the sake of expedition, doing it by a select committee.

Mr. JACKSON was sorry to see the House was to be troubled any further on the subject; he looked upon it as a mere waste of time; but as he always chose the least of two evils, he acquiesced in the motion for referring it to a special committee.

Mr. GERRY asked, whether the House had cognizance of the amendments proposed by the State conventions? If they had not, he would make a motion to bring them forward.

Mr. PAGE replied, that such motion would be out of order, until the present question was determined.

A desultory conversation ensued, and it was questioned whether the subject generally was to be before the Committee of the Whole, or those specific propositions only which had already been introduced.

Mr. GERRY said, that it was a matter of indifference how this question was understood, because no gentleman could pretend to deny another the privilege of bringing forward propositions conformably to his sentiments. If gentlemen, then, might bring forward resolutions to be added, or motions of amendment, there would be no time saved by referring the subject to a special committee. But such procedure might tend to prejudice the House against an amendment neglected by the committee, and thereby induce them not

to show that attention to the State which proposed it that would be delicate and proper.

He wished gentlemen to consider the situation of the States; seven out of thirteen had thought the Constitution very defective, yet five of them have adopted it with a perfect reliance on Congress for its improvement. Now, what will these States feel if the subject is discussed in a select committee, and their recommendations totally neglected? The indecency of treating the application of five States in a manner different from other important subjects, will give no small occasion for disgust, which is a circumstance that this Government ought carefully to avoid. If, then, the House could gain nothing by this manner of proceeding, he hoped they would not hesitate to adhere to their former vote for going into a Committee of the Whole. That they would gain nothing was pretty certain, for gentlemen must necessarily come forward with their amendments to the report when it was brought in. The members from Massachusetts were particularly instructed to press the amendments recommended by the convention of that State at all times, until they had been maturely considered by Congress; the same duties were made incumbent on the members from some other States; consequently, any attempt to smother the business, or prevent a full investigation, must be nugatory, while the House paid a proper deference to their own rules and orders. He did not contend for going into a Committee of the Whole at the present moment; he would prefer a time of greater leisure than the present, for the business of organizing the Government.

Mr. ALEX declared to the House, that he was no enemy to the consideration of amendments; but he had moved to rescind their former vote in order to save time, which he was confident would be the consequence of referring it to a select committee.

He was sorry to hear an intention avowed by his colleague, of considering every part of the frame of this Constitution. It was the same as forming themselves into a convention of the United States. He did not stand for words, the thing would be the same in fact. He could not but express a degree of anxiety at seeing the system of Government encounter another ordeal, when it ought to be extending itself to furnish security to others. He apprehended, if the zeal of some gentlemen broke out on this occasion, that there would be no limits to the time necessary to discuss the subject; he was certain the session would not be long enough; perhaps they might be bounded by the period of their appointment, but he questioned it.

When gentlemen suppose themselves called upon to vent their ardor in some favorite pursuit, in securing to themselves and their posterity the inestimable rights and liberties they have just snatched from the hand of despotism, they are apt to carry their exertions to an extreme; but he hoped the subject itself would be limited; not that he objected to the consideration of the amendments proposed, indeed he should move himself

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for the consideration, by the committee, of those recommended by Massachusetts, if his colleagues omitted to do it; but he hoped gentlemen would not think of bringing in new amendments, such as were not recommended, but went to tear the frame of Government into pieces.

He had considered a select committee much better calculated to consider and arrange a complex business than a Committee of the Whole; he thought they were like the senses to the soul, and, on an occasion like the present, could be made equally useful.

If he recollected rightly the decision made by the House on the 8th of June, it was that certain specific amendments be referred to the Committee of the Whole; not that the subject generally be referred, and that amendments be made in the committee that were not contemplated before. This public discussion would be like a dissection of the Constitution; it would be defacing its symmetry, laying bare its sinews and tendons, ripping up the whole form, and tearing out its vitals; but is it presumable that such conduct would be attended with success? Two-thirds of both Houses must agree in all these operations before they can have effect. His opposition to going into a Committee of the Whole did not arise from any fear that the Constitution would suffer by a fair discussion in this or any other House; but while such business was going on, the Government was laid prostrate, and every artery ceased to beat. The unfair advantages that might be taken in such a situation, were easier apprehended than resisted. Wherefore, he wished to avoid the danger by a more prudent line of conduct.

Mr. TUCKER would not say whether the discussion alluded to by the gentleman last up would do good or harm, but he was certain it ought to take place no where but in a Committee of the Whole; the subject is of too much importance for a select committee. Now, suppose such a committee to be appointed, and that the amendments proposed by the several States, together with those brought forward by the gentleman from Virginia, are referred to them: after some consideration they report, but not one of the amendments proposed by either State; what is the inference? They have considered them, and as they were better capable than the House of considering them, the House ought to reject every proposition coming from the State conventions. Will this give satisfaction to the States who have required amendments? Very far from it. They will expect that their propositions would be fully brought before the House, and regularly and fully considered; if indeed then they are rejected, it may be some satisfaction to them, to know that their applications have been treated with respect.

What I have said with respect to the propositions of the several States, may apply in some degree to the propositions brought forward by the gentleman (Mr. Madison) from Virginia; the select committee may single out one or two, and reject the remainder, notwithstanding the vote of the House for considering them. The gentleman

would have a right to complain, and every State would be justly disgusted.

Will it tend to reconcile the Government to that great body of the people who are dissatisfied, who think themselves and all they hold most dear unsafe under it, without certain amendments are made? Will it answer any one good purpose to slur over this business, and reject the propositions without giving them a fair chance of a full discussion? I think not, Mr. Speaker. Both the Senate and this House ought to treat the present subject with delicacy and impartiality.

The select committee will have it in their power so to keep this business back, that it may never again come before this House; this is an imprudent step for us to take; not that I would insinuate it is an event likely to take place, or which any gentleman has in contemplation. I give every gentleman credit for his declaration, and believe the honorable member means to save time by this arrangement; but do not let us differ on this point. I would rather the business should lie over for a month, nay, for a whole session, than have it put into other hands, and passed over without investigation.

Mr. GERRY inquired of his colleague, how it was possible that the House could be a federal convention without the Senate, and when two-thirds of both Houses are to agree to the amendments? He would also be glad to find out how a committee was the same to the House as the senses to the soul? What, said he, can we neither see, hear, smell, nor feel, without we employ a committee for the purpose? My colleague further tells us, that if we proceed in this way, we shall lay bare the sinews and tendons of the Constitution; that we shall butcher it, and put it to death. Now, what does this argument tend to prove? Why, sir, to my mind, nothing more nor less than this, that we ought to adopt the report of the committee, whatever the report may be; for we are to judge by the knowledge derived through our senses, and not to proceed on to commit murder. If these are the arguments to induce the House to refer the subject to a select committee, they are arguments to engage to go further, and give into the hands of select committees the whole Legislative power. But what was said respecting a public discussion? Are gentlemen afraid to meet the public ear on this topic? Do they wish to shut the gallery doors? Perhaps nothing would be attended with more dangerous consequences. No, sir, let us not be afraid of full and public investigation. Let our means, like our conclusions, be justified; let our constituents see, hear, and judge for themselves.

The question on discharging the Committee of the Whole on the state of the Union from proceeding on the subject of amendments, as referred to them, was put, and carried in the affirmative—the House divided, 34 for it, and 19 against it.

It was then ordered that Mr. Madison's motion, stating certain specific amendments, proper to be proposed by Congress to the Legislatures of the States, to become, if ratified by three-fourths

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thereof, part of the Constitution of the United States, together with the amendments to the said Constitution, as proposed by the several States, be referred to a committee, to consist of a member from each State, with instruction to take the subject of amendments to the Constitution of the United States generally into their consideration, and to report thereupon to the House.

The committee appointed were, Messrs. VINING, MADISON, BALDWIN, SHERMAN, BURKE, GILMAN, CLYMER, BENSON, GOODHUE, BOUDINOT, and GALE.

Then the House adjourned.

WEDNESDAY, July 22.

Mr. BURKE, from the committee appointed for the purpose, presented a bill for allowing a compensation to the President and Vice President of the United States; which was received, and read the first time.

Ordered, That it be an instruction to the committee appointed to bring in a bill for making a compensation to the members of the Senate and House of Representatives, that they do insert a clause or clauses, making compensation to the Sergeant-at-Arms, Messengers, and Doorkeepers of the two Houses, for their services.

A petition was presented from Hannah Adams, praying that an exclusive privilege may be granted her, for a limited time, to publish and vend a work which she has compiled, entitled "An Alphabetical Compendium of the various religious sects which have appeared in the world from the Christian era to the present day, with an appendix, containing a brief account of the different schemes of religion now embraced among mankind."

Ordered, That the petition do lie on the table. The House resolved itself into a Committee of the whole House on the bill for settling the accounts between the United States and individual States, Mr. Boudinot in the Chair; and, after some time spent therein, the committee rose, and reported that they had gone through the same, and made no amendment thereto.

On motion, Ordered, That the Committee of the whole House be discharged from further proceedings on the said bill, and that it be recommitted to Mr. BALDWIN, Mr. STURGES, and Mr. SMITH, of South Carolina.

WESTERN LANDS.

The House then resolved itself into a Committee of the whole House on the state of the Union, Mr. Boudinot in the Chair; and, after some time spent therein, the committee rose, and reported that they had had the state of the Union under consideration, and came to a resolution thereupon, which was read and then delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

Resolved, That an act of Congress ought to pass for establishing a Land Office, and for regulating the terms and manner of granting vacant and unappropriated lands, the property of the United States; that the said

office be under the superintendence of the Governor of the Western territory; that the land to be disposed of be confined to the following limits, viz:

That the tracts or parcels to be disposed of to any one person, shall not exceed — acres; that the price to be required for the same shall be — per acre; and that every person actually settled within the said limits shall be entitled to the pre-emption of a quantity not exceeding — acres, including his settlement.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. SCOTT, Mr. SYLVESTER, and Mr. MOORE, do prepare and bring in the same.

THURSDAY, July 23.

A bill for allowing a compensation to the President and Vice President of the United States was read the second time and ordered to be engrossed and read a third time to-morrow.

On motion, Resolved, That a committee be appointed to examine into the measures taken by Congress and the State of Virginia respecting the lands reserved for the use of the officers and soldiers of said State, on Continental and State establishments, in the cession made by the said State to the United States, of the territory northwest of the river Ohio, and to report the same to this House, and that Mr. WHITE, Mr. PETER MCHENRY, and Mr. SENEY, be of the said committee.

HOME DEPARTMENT.

On motion of Mr. VINING, the House resolved itself into a Committee of the Whole on the state of the Union, Mr. Boudinot in the Chair.

Mr. VINING introduced a resolution for the adoption of the committee, by which it is declared: That an Executive department ought to be established, and to be denominated the Home Department; the head of which to be called the Secretary of the United States for the Home Department; whose duty it shall be to correspond with the several States, and to see to the execution of the laws of the Union; to keep the great seal, and affix the same to all public papers, when it is necessary; to keep the lesser seal, and to affix it to commissions, &c.; to make out commissions, and enregister the same; to keep authentic copies of all public acts, &c.; and transmit the same to the several States; to procure the acts of the several States, and report on the same when contrary to the laws of the United States; to take into his custody the archives of the late Congress; to report to the President plans for the protection and improvement of manufactures, agriculture, and commerce; to obtain a geographical account of the several States, their rivers, towns, roads, &c.; to report what post roads shall be established; to receive and record the census; to receive reports respecting the Western territory; to receive the models and specimens presented by inventors and authors; to enter all books for which patents are granted; to issue patents, &c.; and, in general, to do and attend to all such matters and things as he may be directed to do by the President.

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Home Department.

[H. or R.]

Mr. BENSON objected to some of the duties mentioned in the resolution. He thought the less the Government corresponded with particular States the better, and there could be no necessity for an officer to see to the execution of the laws of the United States, when there was a Judiciary instituted with adequate powers.

Mr. WHITE was not convinced that there was a necessity for establishing a separate department for all or any of the duties contained in the resolution. The correspondence with the States belonged to the Executive. To see to the execution of the laws was the duty of the Judiciary. The great seal might be kept by the Secretary of Foreign Affairs; the lesser seal might be deposited in the same hands. Commissions might be made out by the departments to which the officer is connected. The Secretary of the Senate and Clerk of the House might transmit the public acts, and keep records thereof. What have Congress to do with the acts of States? If they interfere with the Constitutional powers of the Government, the Judges will prevent their operation. The papers of the late Congress may be distributed among the offices to which they relate; the rest may be deposited with the officers of Congress. The want of the reports on manufactures, agriculture, and commerce, may be supplied by Congress. The post roads may be left to the Postmaster General. The census must be returned to Congress, and they will preserve it among their files. And it can hardly be thought necessary to establish a great department for the purpose of receiving the models, specimens, and books, presented by authors and inventors. If none of these things are requisite to be done by a great department, why should the United States incur the expense which such an arrangement must necessarily draw along with it.

Mr. HUNTINGTON thought the Secretary of Foreign Affairs was not so much overcharged with business but that he might attend to the major part of the duties mentioned in the resolution.

Mr. VINING said he had waited until the great Executive departments were established; but none of those had embraced the duties contained in his proposition, which he conceived to be of great importance; many of the duties were as essential as those of any other department, except the Treasury. As for their belonging to the Executive, as was said by the gentleman from Virginia, he admitted it; but they were, nevertheless, as proper to be put into the hands of a principal officer under the President, as the War office, or office of Foreign Affairs; the duties of these were specially within the Executive Department of the Government. He conceived that the President ought to be relieved from the inferior duties of his station, by officers assigned to attend to them, under his inspection; he could then, with a mind free and unembarrassed with the minutiae of business, attend to the operations of the whole machine.

If the office was admitted to be necessary, and he was certain the performance of the duties were useful and essential, the expense could be no

solid objection, because the information it would furnish would more than counterbalance that article.

The question he conceived to be reduced to this, whether a confidential officer would not be more useful than any other, and whether the duties could be distributed among the officers already instituted. For his part he conceived most of them foreign to either of those officers; and that they could not be performed with advantage any other way than by an officer appointed specially for the purpose. He thought every gentleman would admit that the duties were important, and he assured them that his only reason for bringing the motion forward was, to provide for the public good. He had no personal motives in pressing it; he disclaimed every idea of serving any particular man by the arrangement, and rested it solely upon its merits.

Mr. SAGWICK believed the honorable gentleman in his assertions, that he had no personal motive in pressing this business. He believed that he thought it essential, and if his sentiments were the same, he would join the gentleman in supporting the motion; but, after duly considering the subject, he was inclined to believe that the office was unnecessary, and that it would be squandering the public money, at a time when the greatest economy is requisite. He thought the principal part of the duties might be assigned to the Secretary of Foreign Affairs; and he would, if the committee negatived the present motion, introduce another for that purpose.

Mr. GEARY thought the burdens of the people would be sufficiently great in providing the supplies absolutely necessary for the support of the Government; therefore it would be improper to add expenses which might possibly be avoided. The people are viewing the proceedings of Congress with an attentive solicitude, and if they observe that we erect offices for which there is no apparent necessity, they will be apt to think we are providing sinecures for men whom we favor; they will reluctantly pay what is extracted from their earnings to a Government which they think is regardless of economy. They will suspect a further view in the change of Government. They will suppose that we contemplate the establishment of a monarchy, by raising round the Executive a phalanx of such men as must be inclined to favor those of whom they hold their places.

Mr. VINING.—Why do gentlemen say that such an office is unnecessary, when they are forced to admit that all the duties are essential? Or how can they say it is more expensive to establish it in this way than in another? Suppose these duties distributed in the manner which some gentlemen have mentioned, is it not fairly to be presumed that the departments to which any of them are attached, will require an extra pay for these extra services? If so, will there be any economy in this mode of procedure? All that is to be wished for, is to have a confidential person employed, let his salary be what you please: if it is not worth fifteen hundred dollars per annum, let it be five hundred. But it would be better to have a prin-

[H. or R.]

Committee of Ways and Means.

[JULY, 1789.]

cial to manage the business than to have it consigned to clerks in the other departments.

Mr. LAWRENCE said that something was necessary to be done with respect to the business brought forward by the honorable gentleman from Delaware. He conceived that an officer of the rolls, or some inferior officer, ought to be appointed to transact the business detailed in the resolution; he did not insist upon making a great department.

Mr. SPENCER agreed with the gentleman from New York; but, he thought, the business might be thrown into some other department, and save to the Union the expense of the one which the gentleman from Delaware wished to establish, by the name of the Home Department. He thought the resolution proposed altogether so improper, that he hoped the committee would rise.

A desultory conversation arose, whether the committee should decide upon the resolution or not; after which a question was taken on the rising of the committee, and decided in the negative.

Then the question was put on the first part of Mr. VINING's proposition, viz: "That an Executive Department ought to be established, to be denominated the Home Department;" and lost by a considerable majority.

It was then moved and seconded that the committee rise, which being agreed to, the committee rose and reported that they had, according to order, had the State of the Union under consideration, but had come to no resolution thereon.

A motion was then made by Mr. SPENCER, that a committee be appointed to bring in a bill supplementary to the act for establishing the Department of Foreign Affairs, declaring that department to be hereafter denominated —, and that the principal officer in that department shall have the custody of the records and seal of the United States, and that such bill do contain a provision for the fees of office to be taken for copies of records, and further provision for the due publication of the acts of Congress, and such other matters relating to the premises, as the committee shall deem necessary to be reported to this House.

And the question being put thereupon, it passed in the negative.

Another petition from Baron de Glanbeck was presented and read, praying the attention of Congress to his former petition, to be compensated for certain losses and military services rendered during the late war.

Mr. PAOR, from the committee appointed for the purpose, made a further report on Andrew Ellicott's memorial, after which the House adjourned.

FRIDAY, July 24.

The engrossed bill allowing a compensation to the President and Vice President, was read the third time; when, on motion, it was committed to a Committee of the whole House: whereupon the House resolved itself into a committee on the bill, and made some amendments therein.

They then reported the bill with the amendments to the House, which were ordered to lie on the table.

Mr. GERRY presented a bill for registering and clearing vessels, ascertaining their tonnage, and for regulating the coasting trade, which was read a first time, and ordered to lie on the table.

Mr. BALDWIN, from the select committee to whom was committed the bill for settling the accounts between the United States and the individual States, reported, that the committee had, according to order, had the said bill under consideration, and made amendments thereto, which he read in his place, and afterwards delivered in at the Clerk's table, where the same was again read twice, amended, and agreed to by the House, and ordered to be engrossed.

A petition from Nathaniel Gorham, of the State of Massachusetts, was presented and read, setting forth that Oliver Phelps, Esq., and the petitioner, are interested, by purchase from the State of Massachusetts, in certain lands which will be materially affected by the line directed to be run between the United States and the State of New York, and praying that such measures may be taken therein as shall be consistent with a due regard to the rights of the said Phelps and the petitioner.

Ordered to lie on the table.

COMMITTEE OF WAYS AND MEANS.

Mr. FITZSIMONS.—The finances of America have frequently been mentioned in this House as being very inadequate to the demands. I have ever been of a different opinion, and do believe that the funds of this country, if properly drawn into operation, will be equal to every claim. The estimate of supplies necessary for the current year appears very great from a report on your table, and which report has found its way into the public newspapers. I said, on a former occasion, and I repeat it now, notwithstanding what is set forth in the estimate, that a revenue of three millions of dollars in specie, will enable us to provide every supply necessary to support the Government, and pay the interest and instalments on the foreign and domestic debt. If we wish to have more particular information on these points, we ought to appoint a Committee of Ways and Means, to whom, among other things, the estimate of supplies may be referred, and this ought to be done speedily, if we mean to do it this session.

Mr. GERRY said, the estimate reported by a committee was as accurate as possible. From this it appeared that eight millions of dollars would be necessary for the support of Government, for the interest and instalments becoming due, and for the arrears already due. He remarked, that we had been already dunned on this subject by foreigners, and that Congress would have to make provision for their payment. If three millions of dollars were employed to this use, it would only be carrying the arrears into another year; but, as they must be paid at last, he recommended making an immediate exertion, as a better way

[JULY, 1789.]

Joint Rules for Enrolment.

[H. or R.]

of giving satisfaction than procrastination would be. He thought it best to lay the real situation of this country before the House, and not endeavor to make things appear better than they really are.

With respect to the publication of the estimate in the papers, he knew nothing about it; he admitted that it was such a one as ought not to be published by order of Congress. He approved of the idea of appointing a Committee of Ways and Means, if it were only to ascertain what part of the interest on the debt should be paid, and what of the principal extinguished within the current year, from the funds already provided.

Mr. FITZSIMONS did not mean to reflect upon the committee who had reported the estimate, in any thing he had said; but he thought it of such a nature as to require it to be referred to a Committee of Ways and Means. He observed, that the arrears were due by several of the States on the former requisitions of Congress, and if these were paid up, the great demand might be satisfied. He doubted whether the whole arrangement of interest on the domestic debt would be expected to be provided for at the first session of Congress; but he was certain, that, in a little time, the Government would be able to discharge all their debt with such a degree of punctuality, as would give satisfaction to every individual creditor.

A Committee of Ways and Means was then appointed, consisting of Messrs. FITZSIMONS, VINING, LIVERMORE, CADWALADER, LAWRENCE, WADSWORTH, JACKSON, SMITH, (of Maryland,) SMITH, (of South Carolina,) and MADISON, to whom it was referred to consider the report of a committee appointed to prepare an estimate of supplies requisite for the services of the United States for the current year, and to report thereon. The House then adjourned.

MONDAY, July 27.

The engrossed bill for settling the accounts between the United States and individual States, was read the third time, and the blanks being filled, the bill passed.

JOINT RULES FOR ENROLMENT.

The House resolved itself into a Committee of the whole House, on the report of a Committee appointed to confer with a committee of the Senate, in preparing joint rules to be established between the two Houses for the enrolment, attestation, publication, and preservation of the acts of Congress, and to regulate the mode of presenting addresses and other acts to the President of the United States, Mr. BOWDWIN in the Chair.

After some time the committee rose, and reported, that they had had the said report under consideration, and gone through the same, and come to several resolutions thereupon, which were delivered in at the Clerk's table, where the same were severally twice read, and agreed to by the House, as follows:

Resolved, That it is the opinion of this committee that the following ought to be established joint rules between the two Houses, to wit:

That while the bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or the Clerk of each House respectively.

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be presented by a joint committee of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolled with the engrossed bills, as proposed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the House of Representatives, and then by the President of the Senate.

After a bill shall thus have been signed in each House, it shall be presented, by the said committee, to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the secretary, or clerk, (as the case may be,) of the House in which the same did originate, and shall be entered on the journals of each House. The said committee shall report the day of presentation to the President, which time shall be also carefully entered on the journals of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in case of bills.

That when the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber, by the President of the Senate, and in the presence of the Speaker and both Houses.

Resolved, That it is the opinion of this committee, that a committee ought to be appointed to prepare and bring in a bill or bills, to provide, without the establishment of a new department, for the safe keeping of the accounts, records, and seal of the United States; for the authentication of records and papers; for establishing the fees of office to be taken for commissions, and for copies of records and papers; for making out and recording commissions, and prescribing their form; and to provide for the due publication of the acts of Congress.

Ordered, That a committee be appointed, pursuant to the second resolution, and that Messrs. SPENCER, MATTHEWS, and WYNKOOP, be of the said committee.

TUESDAY, July 28.

Mr. VINING, from the committee to whom it was referred to take the subject of amendments to the Constitution generally into their consideration, and to report thereon, made a report, which was ordered to lie on the table.

H. OF R.]

Registering Vessels.

[August, 1789.]

A message from the Senate informed the House, that they had passed the bill to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, with several amendments, to which they desired the concurrence of the House.

The House immediately took said amendments into consideration, and concurred therewith.

The petitions of the Baron de Glaubek, heretofore laid on the table, were referred to a select committee, consisting of Messrs. PAGE, SUMNER, and HEISTER.

The bill for registering and clearing vessels, and for regulating the coasting trade, was read a second time; and, on motion, the House resolved itself into a Committee of the Whole upon it. Mr. BOUNDINOT in the Chair; and, after making some progress in its consideration, rose, and obtained leave to sit again.

WEDNESDAY, July 29.

The House again resolved itself into a Committee of the Whole, Mr. BOUNDINOT in the Chair, on the bill for registering and clearing vessels, and for regulating the coasting trade; and agreed to some amendments thereto; but not having got through the same, rose, and obtained leave to sit again.

THURSDAY, July 30.

Mr. LIVERMORE introduced a resolution to supply each member, at the public expense, with two newspapers of the city, daily, such as he should choose. Ordered to lie on the table.

A message from the Senate informed the House that they had passed the bill for settling the accounts between the United States and the individual States, without amendment.

REGISTERING VESSELS.

The House again went into a Committee of the Whole on the bill for registering and clearing vessels, and for regulating the coasting trade; and having gone through it, reported the bill with the proposed amendments. The House agreed to some of the amendments, negatived others, and made some additional ones. The House adjourned before the discussion on the bill was closed.

FRIDAY, July 31.

Mr. PAGE, from the committee to whom the petitions of the Baron de Glaubek were referred, made a report, which was ordered to lie on the table.

Mr. SCOTT, from the committee appointed for the purpose, brought in a bill for establishing a Land Office for the Western Territory, which was read and laid on the table.

On motion,
Resolved, That a standing committee be appointed to examine the enrolled bills, and to present the same to the President for his approbation and signature.

Messrs. WHITE and PARTRIDGE were accordingly appointed.

Mr. WAITE, of the committee appointed to examine into the measures taken by Congress and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of said State, &c., brought in a report, which was read and laid on the table.

The House then resumed the consideration of the amendments agreed upon in Committee of the Whole, to the bill for registering and clearing vessels; which being finished, the bill was ordered to be engrossed for a third reading on Monday next.

A message from the Senate informed the House that they had passed the bill for establishing the Treasury Department, with amendments; to which they desired the concurrence of the House.

Mr. SPENCER, from the committee appointed for the purpose, brought in a bill to provide for the safe keeping of the acts, records, and great seal of the United States, for the publication, preservation, and authentication of the acts of Congress, &c.; which was read and laid on the table.

MONDAY, August 3.

A message from the Senate informed the House that they had passed the bill for the establishment of light-houses, beacons, and buoys, with several amendments; to which they desired the concurrence of this House.

The amendments of the Senate were immediately considered and agreed to.

The engrossed bill for regulating the coasting trade was read a third time; and, on motion, re-committed to a Committee of the Whole, to be taken up to-morrow.

The bill for establishing a Land Office for the Western Territory was read a second time, and made the order of the day for Thursday.

The bill to provide for the safe keeping of the acts, records, great seal, &c., was read, and made the order of the day for Friday.

The report of the committee on amendments to the Constitution was, on motion of Mr. MADISON, made the order of the day for Wednesday sennight.

Mr. BENSON made a motion as follows:

Resolved, That a committee be appointed to join with a committee of the Senate to be appointed for the purpose, to consider and report when it will be convenient and proper that an adjournment of the present session of Congress should take place; and to consider and report such business now before Congress, necessary to be finished before the adjournment, and such as may be conveniently postponed to the next session; and also to consider and report such matters not now before Congress, but which will be necessary should be considered and determined by Congress before an adjournment.

The bill for establishing the Treasury Department, with the amendments proposed by the Senate, being read, were acceded to in part; the consideration of two articles was postponed till to-morrow.

August, 1789.]

Compensation of Members.

[H. OF R.]

The bill for allowing compensation for their services to the President and Vice President of the United States was taken up; and, on motion of Mr. SMITH, of South Carolina, a clause was added to the bill, by which the President is to have the use of the furniture and other effects now in his possession, belonging to the United States.

The bill was then ordered to be engrossed for a third reading to-morrow, and then the House adjourned.

TUESDAY, August 4.

A petition of sundry freeholders of the county of Cumberland, in the State of Pennsylvania, whose names were thereunto subscribed, was presented to the House, and read, praying that the District and Circuit Judicial Courts of the United States, to be established in the said State, may be fixed in some central place therein, convenient to the citizens thereof at large.

Also, a petition of Christopher Collis, of the city of New York, praying that an exclusive privilege may be granted him in the benefits of an invention which he has reduced to practice, for counting, with the utmost precision, the number of revolutions or vibrations of any wheel, or other part of any mechanical engine or machine.

An engrossed bill for making compensation to the President and Vice President of the United States, was read the third time and passed, and sent to the Senate for their concurrence.

COMPENSATION OF MEMBERS.

Mr. BURKE, from the committee appointed for the purpose, brought in a bill for allowing a compensation to the members of both Houses, and to their respective officers.

This bill provides that the compensation shall be as follows, viz:

To each member of the Senate and House, six dollars per day.

Speaker of the House twelve dollars per day.

To the Secretary of the Senate, and Clerk of the House, each fifteen hundred dollars a year, and two dollars a day each during the session of the Legislature; one principal clerk to each, at three dollars a day during the session; one engrossing clerk to each, at two dollars a day during the session.

Sergeant-at-Arms, three dollars a day during the session.

Doorkeeper to the House and Senate, each seven hundred and thirty dollars a year.

Assistant Doorkeepers, during the session, one dollar and fifty cents a day each. This bill was laid on the table.

The House, according to the order of the day, resolved itself into a Committee of the whole House, on the bill for registering and clearing vessels, and regulating the coasting trade. After some time being spent therein, and going through the bill—

The Chairman reported that the committee had had, according to order, the said bill under

consideration, and gone through the same, and had made several amendments thereto, which he delivered at the Clerk's table, where the same were twice read, and agreed to by the House.

Mr. BENSON's motion of yesterday, respecting the adjournment, was agreed to by the House, and a committee appointed for the purpose, consisting of Messrs. WADSWORTH, CARROLL, and HARTLEY.

The House resumed the consideration of the amendments proposed by the Senate to the bill to establish the Treasury Department. Whereupon—

Resolved, That this House doth agree to so much of the eighth amendment as proposes to strike out these words in the seventh clause of the bill, to wit: "The assistant to the Secretary of the Treasury shall be appointed by the President;" and doth disagree to such other part of said amendment as proposes to strike out the residue of the clause.

After which, the House adjourned.

WEDNESDAY, August 5.

A message from the Senate informed the House that they had passed an act to establish an Executive department, to be denominated the Department of War, with several amendments, to which they desired the concurrence of the House. That they have also passed the bill to provide for the government of the territory north-west of the river Ohio, with several amendments, to which they desired the concurrence of this House.

The House proceeded to consider the amendments to the said bills, and they were severally agreed to.

Resolved, That a committee be appointed to bring in a bill to establish the salaries of the Executive Officers of the Government, with their assistants and clerks.

Whereupon Messrs. FITZSIMONS, LAWRENCE, and GAFFIN were appointed.

An engrossed bill for registering and clearing vessels was read a third time, and passed, and sent to the Senate for their concurrence.

The House then resolved itself into a Committee of the Whole, on the bill for allowing compensation to the members of the Senate and the House of Representatives of the United States, and to the officers of both Houses, Mr. BOUNDINOT in the Chair.

Mr. GOODHUE moved to strike out six dollars, as the pay of each member per diem.

Mr. CARROLL inquired if it was not out of order to alter principles, after they had been settled by the House?

Mr. PAGE wanted to know whether the gentleman meant to increase or diminish the sum, for he presumed it was not intended to be left a blank altogether; but he hoped the House would do neither. It had been settled, after mature deliberation, at six dollars; the House certainly thought that sum enough, and if it was more, that it would be too much; he was satisfied with this determination, and would adhere to it. Perhaps the gen-

tleman meant to strike out the six dollars, in order to make a discrimination between the members of this House and the Senate; if so, he had better move to increase the compensation of the Senators, and here he would second him, because he thought their services required more.

He would once more mention his fears relative to a small sum. He dreaded the abuse of economy, and was suspicious that a parsimonious provision would throw the Government into the hands of bad men, by which the people might lose every thing they now held dear. He thought few would serve for a smaller sum than he would, and he was confident the allowance was as moderate as any man could expect. Gentlemen who come a great distance, are put to considerable expense, and their domestic arrangements destroyed: instead of laying up money by their attendance here, it was almost certain they would spend part of their private estates.

If it is meant that the Republic should be provided with good and wholesome laws, a proper provision should be made to bring into the councils of the Union such men as are qualified to secure them well; it is not to be expected that the spirit of patriotism will lead a man into the perpetual habit of making such exertions and sacrifices as are too often necessary in the hour of danger. No man ought to be called into the services of his country, and receive less than will defray the expenses he incurs by performing his duty. If he does, the public affairs, in the time of tranquillity, will get exclusively into the hands of nabobs and aspiring men, who will lay the foundation of aristocracy, and reduce their equals to the capacity of menial servants or slaves.

Mr. SEDGWICK seconded the motion for striking out. He had endeavored to view this subject impartially, uninfluenced by any local considerations or circumstances; and under these impressions, he was led to believe, from all the information he had received, whether from abroad, or from an examination in his own mind, of the effects it would produce, that it would be expedient to establish the compensation at a lower sum. He really did not see any solid ground for the apprehensions which his worthy friend from Virginia (Mr. PAGE) had discovered; he had heard it often said, that if salaries and allowances to public officers were small, you would not be able to command the services of good men; but it was contradicted by the fact. He would instance the late appointments, and ask gentlemen, whether they conceived better men could have been procured, if the compensation had been doubled? If it was fair to reason by experience and analogy, he should conclude there would be no difficulty in procuring good and respectable men, to serve in this House, at a less rate than six dollars per day. He had never yet observed that men of small property shrunk from the expense of serving in the councils of their country.

He thought the practice of the States was opposed to so high a compensation; many of the State Legislatures allowed their members a dollar

and ten shillings a day, and yet they were served by good men.

He had been informed that it was thought by men of sense and intelligence, that although six dollars might not be too great an allowance for the services of the members of this House, yet, considering the present circumstances of the people, it would be good policy to reduce the same. He inclined to this opinion himself.

Impressed with these ideas, and knowing that it was generally the opinion of the people, that six dollars was more than a moderate compensation to the members of this House, he should support the motion for striking out with a view to reduce the sum.

Mr. VINING said, the gentleman from Maryland (Mr. CARROLL) had taken the subject up in a proper point of view, by inquiring into the point of order. He begged gentlemen to consider the manner in which the subject had been discussed already—twice in the House, and twice in committee; every decision had been the same; why should the point so often determined, be again agitated? It is contrary to all Parliamentary proceeding, and the House will never know when principles are settled.

He was certain that six dollars was but a moderate compensation, if a member is to reside at the metropolis of the United States. He would admit that they could live for less, in some more central part of the country; but the gentlemen from the Eastward should recollect that a small allowance would be an argument for removing Congress from this city, and when that time arrived, he should consent to a lower sum, but not till then.

Mr. FITZSIMONS did not expect to hear the subject discussed again; he thought it unnecessary, because he believed every gentleman would decide more upon his own feelings, than upon the arguments that could be adduced; he would however just remind the committee, that six dollars was about the average of what the members from the several States had under the late Confederation.

Mr. SEDGWICK.—According to the observation made by the gentleman from Pennsylvania, it will be deemed insolent to reason on this subject: what I offered before, I brought forward with candor; but shall we be precluded from debate, because a subject has been once discussed? Sir, when I moved, some days ago, to reduce the pay of the members to five dollars, I was rather indifferent about it; but since then, I have been so well convinced of the necessity there is for such a measure, that I cannot decline pressing it once more upon the committee.

Mr. STONE thought the public mind would not be much influenced by the trifling difference between five and six dollars. They pay greater regard to the decisions of the House, on more important subjects. The gentleman from Massachusetts says his correspondents inform him, that the public mind is agitated on this subject; if we are to judge what is the state of the public mind from what our friends say, I should be apt to think

the public mind quite unconcerned on the present question; for, among all my correspondents, not one has deigned to notice it.

The question was now taken on striking out, and there appeared sixteen in favor of it, and thirty-five against it: so the motion passed in the negative.

Mr. MADISON renewed the motion for making a difference in the pay of the members of the Senate and House of Representatives; which was also lost.

Mr. GOODHUE moved to strike out twelve dollars, the pay assigned the Speaker, and insert ten.

Mr. PAGE hoped this motion would share the fate of the two last; he was certain that twelve dollars was not more than a compensation for the Speaker's services; three times the sum would not induce him to accept such a situation.

Mr. BURKE was against the motion, because he thought that twelve dollars was not a reward for the Speaker's labor. The Speaker of the House of Commons in England, has an annual salary of £8,000 sterling.

Mr. CARROLL thought the Chair of the House of Representatives was one of the most important and dignified offices under the Government, and as such ought to be provided for.

This motion was lost by a large majority. The committee rose and reported progress.

THURSDAY, August 6.

CONGRESS LIBRARY.

Mr. GERRY moved that a committee be appointed to report a catalogue of books necessary for the use of Congress, with an estimate of the expense, and the best mode of procuring them. Ordered to lie on the table.

A message from the Senate informed the House, that they insisted on the amendment to the Treasury bill, respecting the removability of the Secretary by the President. Also, that they had agreed to the resolution of the House, for appointing a committee to report what business ought to be finished previous to the adjournment, and appointed Messrs. STRONG, ELLSWORTH, and CARROLL, on their part.

COMPENSATION OF MEMBERS.

The House then again went into a Committee of the Whole, on the bill for allowing a compensation to the members of Congress; and, after some time spent therein, the committee rose, and reported the bill as amended: then the House proceeded to consider the same.

Mr. THATCHER moved to insert five dollars instead of six, as the pay of the members.

Mr. PARTRIDGE observed, that money was more valuable now than it had been for some years past; if, therefore, six dollars was the average of what the delegates received heretofore, five dollars was now equal to that sum. In short, he was convinced that six dollars was too much, and, in justice to his constituents, and his own conscience, he would vote against it, and perpet-

uate his vote by calling the yeas and nays upon the question.

Mr. GERRY.—I was not present when the subject was last before the House, therefore, I cannot say what was understood on this point; but I have seen some account of the debate in the papers, from which I am led to believe, that gentlemen view this matter in a very narrow point of light. It appears to me a question in which one's popularity is more concerned than any thing else. Gentlemen, perhaps, suppose that by voting for five instead of six dollars they will establish such a character for economy and patriotism as will redound to their honor; but I can easily conceive, that men of knowledge and sentiment, yet, our constituents in general, will discover, in a glaring light, the ruinous consequences of such a measure in a very short period. The difference of pay, as it now stands in the bill, and what my colleague has moved for, is one dollar a day, and on this important question the yeas and nays are to be called. For my part, I shall deliver my sentiments freely; I am willing to leave the question to the people to decide; I care not about the pay, and can assure them I never wish to have a seat in this House again: but I wish to guard against the subversion of the public liberty—against the introduction of pensions—against exposing the Legislature to corruption.

I would have gentlemen consider the principles upon which they are to pay the President, says, Judges, and themselves; the Constitution says, the members of this House; and the Senate, shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. The President shall receive, at stated times, a compensation for his services, neither to be increased nor diminished; the Judges shall, at stated times, receive for their services a compensation in office; hence it appears, that the provision for the three branches is to be made on the same principle, namely, a compensation for their services. Now, though it is certainly a little embarrassing that we should have to estimate the value of our own services, yet we are bound to do it, and that upon a fixed principle. It has been said, that the Parliament of Britain receive no pay. This may be the case, but if they examine back, they will find that pay, of a mark per day, was regularly established for them. If we consider the difference of the value of money two or three centuries ago, we shall find this no inconsiderable allowance. But the policy of the British ministry has been, of late, to extend the influence of the Crown; the pay of members has dropped into disuse; but every one knows by what means a majority in Parliament is obtained and secured. Now, such is the extent of these means, that I venture to say, two important members of the House of Commons receive more per annum than the whole compensation given to the members of both Houses of Congress. I leave it to the world to judge, whether the people are likely to be better served by men who receive their wages of the Monarch, and who own themselves the servants

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of the Crown, or by those who are immediately paid by and dependent upon themselves. While Britain had funds enough to support this plan, they did tolerably well; but when the evil extended itself, and they feared they could no longer continue it without having recourse to other means, they bethought themselves of unconstitutional ones; they were desirous of obtaining a revenue out of this country, and placing upon our establishment men whom they could not provide for at home. This cause lost them America, and this cause will lose them every dependency, where they attempt to play the like game.

From this view, the importance of an independent Legislature may be seen. Will gentlemen then say, that to gratify a thoughtless regard for economy, they will risk the most invaluable part of the Government? If gentlemen say it is justice to their constituents, I am willing to appeal to their tribunal; let them know the reason upon which we act, and I will abide by their decision; but I am against being influenced by an apprehension that the people will disprove our conduct. I am not afraid of being left out, even if it were thought a disgrace to be left out. I would risk that disgrace rather than agree to an establishment which I am convinced would end in the ruin of the liberties of my fellow-citizens. It would give my heart more satisfaction to fall the victim of popular resentment, than to establish my popularity at the expense of their dearest interest.

As I mentioned before, the principle upon which we fix our own pay must go through the other branches of the Government. Your President ought to be retrenched to 16 or 18,000 dollars; your Judges must be kept poor; and I leave gentlemen to consider the happy consequences arising from a dependent and corrupt Judiciary. Your Legislature may be corrupt, and your Executive aspiring; but a firm, independent Judiciary will stop the course of devastation, at least it will shield individuals from rapine and injustice; but remove this security, and tyranny and oppression will rush forward as a flood, and overwhelm the country.

It has been said, that the proposed compensation bears no proportion to the pay of the members of the State Legislatures; let me ask, do members of the State Legislatures forego their business? Do they leave their State and relinquish their occupations? Does the lawyer neglect his client? Does the merchant forego his commerce, or the farmer his agriculture? No, sir, the short period they are in session, and the opportunity of being in the vicinity affords them of going home, even during their sitting, enables them to pursue their other avocations, while performing their duties in the Legislature. But are not gentlemen who come from the most distant parts of the Union, compelled to relinquish every thing to attend here? The representation from the States is so small, that a member can be spared at any time; his absence must give him pain, when even that absence is necessary, but cannot be often allowed. In short, I would have

the allowance such, as to secure the services of men of abilities in every rank of life; or if that cannot be obtained, I would have all that part of the bill struck out, which relates to a compensation for the services of the members of this House.

Mr. PAGE said, if gentlemen were satisfied that five dollars per day was enough to compensate them and defray their expenses, because they resided in a part of the Union where every thing was to be procured so much cheaper, they might receive that sum and leave the residue in the Treasury; by this means they would demonstrate their love of economy and disinterestedness.

Mr. VINING thought gentlemen who were satisfied with four or five dollars, might move to amend the clause, so as to make it read "not exceeding six dollars per day," and then they might charge as much less as they deemed prudent.

Mr. BOURNOR said, that whatever measures he supported, he did it upon principle, not from a desire of acquiring popularity; he was satisfied that six dollars per day was not extravagant compensation, but considering the situation of the country, and the delicacy of their own situation, he would vote for five dollars, and he thought it sufficient to secure men of ability. He asked the gentleman from Massachusetts (Mr. GERRY) if he expected the paltry consideration of getting a dollar a day more, was to induce men of abilities and integrity to come forward and render their country their services?

He admitted that many gentlemen would find it difficult to bear all their expenses with five dollars a day; but the compensation could not be on a principle of discrimination, and therefore the House could not make particular provision for such gentlemen. Others might think a less sum sufficient, but no discrimination could here take place; it was therefore necessary to accommodate, and upon this principle he hoped the House would agree to five dollars per day; nor would this be any variation from the principle established by the committee who reported the bill. They had taken the pay of the delegates to the late Congress, and struck an average, which was found to be about five dollars and a half; they had reported six, but from the principles he had before mentioned, he thought it better to agree to five.

Mr. GERRY.—The gentleman from Jersey, who was last up, says he does not think six dollars per day more than sufficient; but that he will, from a principle of delicacy, vote for five. I am as great a friend to delicacy as any man, but I would not sacrifice essentials to a false delicacy. It seems, from such sentiments, as if we were afraid to administer a Constitution which we are bound to administer. How are those sentiments reconcilable to the oath we have taken? The Constitution requires that we shall, by law, compensate the services of the members of both Houses.

It has been said, that money is now more valuable than it was a few years since. I admit the fact, sir, but four dollars per day was better under the old plan of Government than six or eight under this, because a delegate was then engaged for

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the whole year, but now he is to attend at intervals. Some members were continued several years successively, and consequently found it more advantageous. But this mode of reasoning is fallacious; the question ought to be determined upon its own merits. But if gentlemen are for sacrificing justice and propriety to delicacy, or any other motive, let them come forward and agree to what I mentioned before; let them strike out all that relates to their own compensation; they are called upon by their own arguments to do this.

Mr. SPENCER did not rise to speak to the question, but merely to reply to some observations that have fallen from the gentlemen who opposed the present motion, particularly his colleague. The want of candor and liberality might render gentlemen unpleasant in their situation; but the consequences arising from such causes, were often still more unpleasant. His colleague had insinuated, in a pointed manner, that the gentlemen who were in favor of the reduction, were actuated by motives not only improper and unworthy of a man of character, but such as appear base to his mind. It was said, that those who opposed this reduction, did it merely to court popularity. Whether the gentleman, his colleague, who brought forward the motion to-day, sacrificed more at that shrine than his colleague who had opposed it, he left to those to determine who noticed their conduct; but he believed they could never be charged with such meanness. For his own part, if he had sacrificed in this way, as his conduct had always been consistent with his sentiments, it must have been known, and his character would long ere this have been blasted in the manner it would have justly deserved. If he had done it heretofore, he hoped the stigma would not be affixed upon him, for a conduct founded upon the solid and substantial reasons he had advanced when the subject was last before the House.

Mr. BOURNOR.—The gentleman from Massachusetts makes me say, that six dollars a day is not too much. I said it was not extravagant, but more than I thought was proper, upon due consideration of the circumstances of this country. This is still my opinion, and upon it I shall ground my vote. I believe no gentleman in this House regards his popularity, when set in competition with his duty; my conduct has ever been open, and I leave the world to judge from that what are my principles. I shall, therefore, take no further notice of what has been said on that subject, but conclude with wishing, for the honor of the House, and the dignity of the gentlemen, that all our debates may be conducted with candor and moderation.

Mr. AMES wished the call for the yeas and nays was withdrawn; because he thought they lost their usefulness by a too frequent use. He was in favor of the motion, but he did not wish to have his name entered upon the minutes on that account.

Mr. PARTRIDGE said, it was well known he never courted popularity; he never sought a seat in this House, or any other public body; but he

insisted upon his right, as a member, to call for the yeas and nays, when he thought the public interest might be benefited by it; however, as the bill was not to be finished to-day, he would waive that call.

The question was taken on Mr. GOODHUR's motion, and passed in the negative, by a large majority.

The bill was ordered to be engrossed, and the House adjourned.

FRIDAY, August 7.

A petition of John White, late a commissioner for settling the accounts between the United States and the States of Pennsylvania, Delaware, and Maryland, was presented to the House and read, praying that he may receive compensation for his services in that character, which, from public considerations, he was induced to render beyond the time limited by an ordinance of the late Congress.

Ordered, That the said petition be referred to Messrs. SENEX, VINING, and HEISTER, that they do examine the matter thereof, and report the same with their opinion thereupon to the House.

On motion. Ordered, That a committee be appointed to bring in a bill or bills, for the further encouragement of the commerce and navigation of the United States.

And a committee was appointed, consisting of Messrs. GERRY, TRUMBULL, and BURKE.

The following Message was received from the PRESIDENT OF THE UNITED STATES, by General Knox, who delivered therewith sundry statements and papers relating to the same:

Gentlemen of the House of Representatives:

The business which has been under the consideration of Congress has been of so much importance, that I was unwilling to draw their attention from it to any other subject; but the disputes which exist between some of the United States and several powerful tribes of Indians, within the limits of the Union, and the hostilities which have, in several instances, been committed on the frontiers, seem to require the immediate interposition of the General Government.

I have, therefore, directed the several statements and papers which have been submitted to me on this subject, by General Knox, to be laid before you for your information.

While the measures of the Government ought to be calculated to protect its citizens from all injury and violence, a due regard should be extended to those Indian tribes whose happiness, in the course of events, so materially depends on the national justice and humanity of the United States.

If it should be the judgment of Congress that it would be most expedient to terminate all differences in the southern district, and to lay the foundation for future confidence, by an amicable treaty with the Indian tribes in that quarter, I think it proper to suggest the consideration of the expediency of instituting a temporary commission for that purpose, to consist of three persons, whose authority should expire with the occasion. How far such a measure, unassisted by force, would be competent to the establishment and preservation of peace

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and tranquility on the frontiers, is also a matter which merits your serious consideration. Along with this subject, I am induced to suggest another, with the national importance and necessity of which I am deeply impressed—I mean some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure on which the honor, safety, and well-being of our country so evidently and so essentially depend.

But it may not be amiss to observe, that I am particularly anxious it should receive as early attention as circumstances will admit; because it is now in our power to *avail ourselves* of the military knowledge disseminated throughout the several States, by means of the many well instructed officers and soldiers of the late army; a resource which is daily diminishing by deaths and other causes.

To suffer this peculiar advantage to pass away unimproved, would be to neglect an opportunity which will never again occur, unless unfortunately we should again be involved in a long and arduous war.

GEO. WASHINGTON.
New York, August 7, 1789.

On motion,
Ordered, That the said message, with the statement and papers accompanying the same, be committed to the consideration of a Committee of the whole House on the state of the Union.

A petition of David Greenleaf was presented to the House and read, praying that an exclusive privilege may be granted him, to construct and build mills within the United States, upon the principles of an invention which he has discovered for turning them by the help of a weight that is appended.

Ordered, That the said petition do lie on the table.

COMPENSATION OF MEMBERS.

The engrossed bill for allowing a compensation to the members of both Houses and their officers, was read a third time; when

Mr. SPOWICK begged permission to trouble the House once more on the subject. He entertained a real apprehension, that if the bill became a law in its present form, it would have an insidious influence on the reputation of Government, and therefore he was desirous of bringing it to a greater degree of conformity with the opinion of the people of the United States; and gentlemen, in order to remove every ground of jealousy, would, no doubt, admit that opinion ought to be respected, when it was properly declared.

In order to ascertain the opinion of the people of America as to what will be a proper compensation to their servants employed in administering the Constitution they had adopted, he was led to inquire what were the wages they gave to their officers in their respective States, and he found that they bore no proportion to what are contemplated in this bill. The Governor of New Hampshire served for two hundred or three hundred shillings per annum; the Governor of Massachusetts, eight hundred pounds; the Chief Justice of the same State, but three hundred and seventy-

five pounds; and the other judges, three hundred and fifty pounds. With regard to their abilities and integrity, he believed they were of the first rank; at least, he never knew a want of the best characters to fill those offices for such compensations. What then was he to think of seven hundred and thirty dollars per annum being given to the door-keeper? What would the public think? Or will they be unable to draw an inference? If they are not, they will conceive we are running into a profusion of expense beyond their expectation, and such as they are unable to bear. For these reasons he wished the House would consent to recommit the bill. He did not insist upon going over the provision respecting the compensation to the members, but he wanted to correct the bill in some other respects.

Mr. LIVERMORE seconded the motion, and, as signed, as an additional reason, that a Constitutional question arose out of its present form. The officers of the House would be established by law, if their compensation was affixed in that way; now, how far the President would be entitled to appoint such officers, was not a point which was clear. He thought there was some ambiguity in the case, and wished to avoid it by striking out that part of the bill; indeed, he had thought it wrong to authorize this, as the House had done some time ago by their vote of instructions to the committee. He had never seen an instance where the pay of a door-keeper or messenger was provided for by law; they originally brought in their accounts, and were paid as a part of the contingent charges. He submitted if it would not be better to establish the inferior officers upon this footing.

Mr. PAGE said, the bill had gone through the usual forms; that more discussion had already taken place than was consistent with order. If gentlemen were to treat every subject in this circumlocutory manner, it would be true that five dollars a day would give more than six, for the session would be considerably drawn out. He was no enemy to debate, but it ought to take place at a proper time. The bill was now engrossed, and gentlemen ought to have come forward with their objections yesterday, if they had designed so strenuous an opposition, and not sacrifice any more of the time of the House, especially as the bill had been sanctioned by a numerous and respectable majority.

Mr. AMES understood the motion to go no further than to alter some parts of the bill which had not been before canvassed. He always submitted to a fair majority, and though he wished the pay of the members less, and was sure it would be a happy circumstance to the administration of the Government, yet he did not desire to reiterate the question on that point. He wished to tell his constituents that the House acted upon principle in making their allowances; but while the bill stood as it did, it would contradict every one which gentlemen had advocated. He would join in the recommitment, in order to make every part of the bill consistent.

Mr. BOURNOUT joined in the recommitment,

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observing that seven hundred and thirty dollars a year was not proportioned to the principle established. This is a large salary, but gentlemen do not argue that it is necessary, in order to command men of science and abilities; a less sum would procure the best abilities in this line that were to be obtained in the United States. Gentlemen ought to remember what they allowed a principal clerk in the department for settling the accounts between the United States and individual States, an office of very considerable importance, whether we regard the abilities to fill it, or the trust and responsibility of the officer. The present Treasurer of the Union receives one thousand two hundred and fifty dollars; the door-keeper of this House seven hundred and fifty dollars. Is there any comparison in the importance of the offices?

Mr. LEE was against reconsidering, because the House would consume more time in the discussion than the door-keeper's salary was worth; besides, the door-keeper has to pay laborers and assistants out of this money, which may take half of his allowance.

Mr. LIVERMORE promised, if gentlemen would suffer the bill to be recommitment, it should never draw a word more from him.

Mr. STONE thought there would be little objection to the amendment talked of; and if gentlemen would exercise a little good humor and patience, the time would not be long before the bill would get through, and the House would enter upon more important business.

The question being taken on the recommitment, it was agreed to, and the committee struck out the door-keeper's salary, and allowed him and his laborers three dollars per day during the session; after which they rose and reported the bill as amended; whereupon, the House having agreed to the same, it was ordered to be again engrossed.

SATURDAY, August 8.

A message from the Senate informed the House that they had agreed to the resolutions sent to them the 27th ultimo, establishing joint rules between the two Houses for the enrolment of the acts of Congress, and to regulate the mode of presenting addresses to the President.

The Message from the President, with the papers accompanying the same, received yesterday, was called for, when a desultory conversation arose respecting the propriety of shutting the gallery doors, inasmuch as it was probable the statements and papers referred to in the Message might contain matters requiring to be kept secret. After the question had been agitated some time, the gallery doors were shut.

The House then resolved itself into a Committee of the Whole on the state of the Union, and came to the following resolutions:

Resolved, That it is the opinion of this committee that an act ought to pass providing for the necessary expenses attending any negotiations or treaties which

may be held with the Indian tribes, or attending the appointment of commissioners for those purposes.

Resolved, That it is the opinion of this committee that an act ought to pass providing a proper system of regulations for the militia of the United States.

Ordered, That a bill or bills be brought in pursuant to the first resolution, and that Mr. CLYMER, Mr. AMES, and Mr. MOORE, do prepare and bring in the same.

Ordered, That a bill or bills be brought in pursuant to the second resolution, and that Mr. SUMNER, Mr. HEISTER, and Mr. MATTHEWS, do prepare and bring in the same.

MONDAY, August 10.

The petition of John McPherson was presented to the House and read, praying that an exclusive privilege may be granted him for a term of years, to make and vend lightning rods upon an improved construction; also, conductors and umbrellas, upon a model which he has invented, making them certain preservatives from lightning.

Ordered, That the said petition do lie on the table.

The engrossed bill for allowing a compensation to the members of the Senate and House of Representatives, and their officers, was read a third time; and on the question, Shall this bill pass? The yeas and nays were required by Mr. GOODHUE.

Mr. GILMAN seconded the motion.

Mr. PAOS wished, since gentlemen were determined on calling the yeas and nays, that they could be called on the clauses separately, because he was against that part which did not admit of a discrimination between the members of the Senate and of the House.

Mr. GENAY thought the bill defective, because it was not general, providing for the pay of all the officers of the Government at once.

Mr. STONE hoped that gentlemen would not vote against the bill for such reasons as they had assigned, after the great labor it had taken to get it through.

One-fifth of the members present demanding the yeas and nays, they were taken, and are,

Yeas—Messrs. Baldwin, Benson, Brown, Burke, Carroll, Clymer, Fitzsimons, Gale, Griffin, Hartley, Heister, Huntington, Lawrence, Lee, Madison, Matthews, Moore, Muhlenburg, Page, Scott, Seney, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Sumter, Trumbull, Tucker, Vining, and Wadsworth—30.

Nays—Messrs. Ames, Boudinot, Cadwalader, Floyd, Gerry, Gilman, Goodhue, Grout, Hathorn, Leonard, Livermore, Partridge, Van Rensselaer, Sedgwick, Sylvester, and Thatcher—16.

So the bill passed in the affirmative, and the Clerk was directed to deliver the same to the Senate.

The House proceeded to consider the message sent from the Senate on the 5th instant, insisting on so much of their eighth amendment to the bill entitled "An act to establish the Treasury Department," as was disagreed to by the House; whereupon,

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Indian Treaties.

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Resolved, That a conference be desired with the Senate on the subject-matter of the said eighth amendment, and that Mr. MADISON, Mr. FITZSIMONS, and Mr. BOWDITCH, be appointed managers of the same, on the part of this House.

The following Message was received from the President of the United States, by General Knox, who delivered in the same, together with a statement of the troops in the service of the United States:

Gentlemen of the House of Representatives:

I have directed a statement of the troops in the service of the United States to be laid before you for your information.

These troops were raised by virtue of the resolves of Congress of the 20th of October, 1786, and the 3d of October, 1787, in order to protect the frontiers from the depredations of the hostile Indians, to prevent all intrusions on the public lands, and to facilitate the surveying and selling of the same, for the purpose of reducing the public debt.

As these important objects continuing to require the aid of the troops, it is necessary that the establishment thereof should, in all respects, be conformed by law to the Constitution of the United States.

GEO. WASHINGTON.

New York, August 10, 1789.

Ordered, That the said Message, with the statement accompanying the same, do lie on the table.

A message from the Senate informed the House that they agree to the proposed conference on the subject-matter of so much of their eighth amendment to the bill entitled "An act to establish the Treasury Department," as was disagreed to by this House, and have appointed managers of the said conference on their part.

The House proceeded to consider the report of the committee on the memorial of Andrew Elliott, which lay on the table; and the same being amended to read as follows:

"That the survey directed by Congress in their act of June the sixth, one thousand seven hundred and eighty-eight, be made and returned to the Secretary of the Treasury without delay; and that the President of the United States be requested to appoint a fit person to complete the same, who shall be allowed five dollars per day, whilst actually employed in the said service, with the expenses necessarily attending the execution thereof."

Resolved, That this House doth agree to the said report.

Mr. CLYMER, from the committee appointed for the purpose, presented a bill providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same; which was received and read the first time.

Adjourned.

TUESDAY, August 11.

Mr. WADSWORTH, from the committee appointed to confer with a committee of the Senate, to consider of and report when it will be conve-

nient and proper that an adjournment of the present session of Congress should take place, made a report, which was read, and ordered to lie on the table.

INDIAN TREATIES.

The House then resolved itself into a Committee of the Whole on the bill providing for the expenses of Indian treaties.

It was directed in the said bill that commissioners, not exceeding three, should be appointed and allowed compensation.

Mr. SEDGWICK moved to strike out that part of the clause restraining the number of commissioners to three. He thought it a dangerous doctrine to be established, that the House had any authority to interfere in the management of treaties. He believed the moment any branch of the Government undertook to claim the exercise of powers not delegated by the Constitution, that moment the people of America would have reason to be alarmed for their safety. If there was any authority given the House by the Constitution to determine any thing with regard to treaties, it had escaped his attention. He hoped the gentleman who favored this clause of the bill would point it out to him. If the power here assumed was not given by that instrument, he would ask gentlemen where they meant to stop. Will not the recognition of such a principle in practice, tend to determine that the powers of this branch extended to all cases incident to Legislative authority, notwithstanding the restrictive clauses of the *magna charta*? Those with respect to treaties may be construed to allude to treaties of commerce only; that, as they have the privilege of declaring war, they have a natural right to inquire into the principles and reasons upon which their declarations are founded. This, it may be supposed, cannot be exercised without having some connexion with the other branch of the Government in forming treaties. In this way, the House may usurp a power destructive of the balance of the three branches, and which the people never intended they should exercise.

From the words of the Constitution, he thought the President had a right to make all treaties whatever, under the check of the Senate. How far those treaties would be obligatory if they contravened an existing law, might be a matter of doubt. He knew the Executive authority in England possessed the power of destroying a legislative act by the terms of a treaty; but whether the President had a similar power was questioned by some gentlemen of great information; yet no one ever doubted but the President, by and with the advice and consent of the Senate, could employ what and as many negotiators as he pleased. This being the fair inference from the Constitution, he hoped the House would strike out the words that were calculated to limit him in a case beyond the authority of the Legislature.

Mr. STONE agreed with the honorable gentleman, that it was proper for each branch to confine themselves to the administration of their respective powers. He hoped neither would

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Indian Treaties.

[H. or R.]

attempt to go beyond the authority vested in them by the Constitution; nor would he have them relinquish any part, because one must rise as the other falls, and in either case it might subvert the Government. But he did not see how the Constitution was concerned in the present question. There was no doubt entertained that the President, with the Senate, might appoint the commissioners, and empower them to negotiate. They might have done all this without consulting the House; but there can be no doubt, on the other side, but the House have a right to give an opinion on the subject, either before or after the treaty is ratified. He saw no difficulty in the business; the present appeared to him to be a simple case. The President knows we are to grant him money to carry his good intentions into effect, and we may grant this money on what terms we judge proper. Now, in order to keep up a good understanding, he has suggested to us the consideration of the expediency of instituting a temporary commission for the purpose of treating with the Indians, to consist of three persons. Why, when he has offered them to our consideration, should we quibble about the expediency, and refuse to insert it, without a single reason being adduced to show its impropriety?

Mr. PAGE admitted, that the President and Senate were the proper bodies to make treaties, but the House had a right to say what money should be expended in this way. They had a right to say whether they would grant any or not; otherwise the President and Senate might do as they pleased with respect to negotiations, and call upon the House in all cases to defray their expense.

He remarked, that the clause in the Constitution gave the President, provided two-thirds of the Senate agreed, the power of making treaties, but it did not say all treaties. He therefore hoped the House would reserve the power of declaring what treaties were necessary, by making provision accordingly.

Mr. TUCKER thought the words of the Constitution not so extensive as they appeared to some gentlemen to be, and he drew this opinion from that part which authorized the President and Senate to appoint officers. This power was unquestionably vested in them by the Constitution; but it was inactive unless the officers were first established by law. Now, from this view of the circumstance, he inferred that the Legislature had the power of establishing the office of commissioners, and determining the number.

I have full confidence, said he, in the President; he has given us such an example of moderation, as ought to remove every apprehension of an improper exercise of any power whatsoever. I have good reason to believe, that the Senate are as careful in guarding and securing the general welfare as we are.

These circumstances are very flattering and agreeable, but they will not induce me to give up any part of the Constitutional powers of this House. I am sorry that the phraseology of our vote of Saturday on this subject, seems to count-

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enance such an idea. I wish an alteration had taken place; and I am still persuaded, that unless it is contradicted, it will have an unhappy effect upon the administration of the Government. We are called upon by the Message from the President, to consider whether it will be most expedient to terminate all differences in the Southern district, by an amicable treaty with the Indian tribes in that quarter, and to consider of the expediency of instituting a Board of Commissioners for that purpose. What then have we to do with providing money until the first point is determined?

No doubt but the President and Senate have the authority to appoint ambassadors, or other public ministers; but they will certainly not appoint an officer without a legal establishment of the office. I conceive it to be indispensably necessary, that the Legislature should institute the office before the Executive power proceeds to making the appointment, otherwise the President and Senate might create, as well as fill offices, and thereby run the Union to such expenses as would be inconvenient, if not ruinous.

I am further of opinion, that, by heaping up power on the President, and striking out business for him daily, we shall so embarrass him, as to render him unable to execute his Constitutional duties. Suppose the Senate should in like manner surrender up their powers; what is to become of the Government?

Another consideration presents itself to my mind. If these commissioners are not instituted by law, they may perhaps be considered as a part of the power necessary to make treaties; in which case two-thirds of the Senate will be as necessary to their appointment as to any other part of the business, because the Constitution gives the President the power of making treaties, by and with the advice and consent of two-thirds of the Senate; but if we say, as the President has requested, that there shall be three commissioners appointed to treat with the Indians, he will be able to make the appointment with the consent of a majority of the Senate; consequently the business may be conducted with greater facility.

I know it may be observed, that the President has exercised the right without its being disputed. The appointment of Mr. Short, as *chargé des affaires* in the absence of Mr. Jefferson, our minister at the court of Versailles, may be supposed to be of a like nature; but I do not view this transaction in the same point of light. The Executive in this case did not create the office, for the time of Mr. Jefferson's appointment had not expired; the minister only solicited leave of absence, and it is a Constitutional power in the President to fill up offices during the recess of the Senate; so that the case does not apply.

In short, the ground of the present business is the Message of the President; by it, we are not called upon to consider of the expediency of instituting a Board of Commissioners to treat with the Indians; we are not required to provide money; consequently we ought to confine ourselves to

such inquiry, and if we deem it expedient, we ought to concur with him.

Mr. SMITH said, that the gentleman's argument did not apply, because it was not contended but by the Constitution, the President and Senate had power to form treaties with foreign nations. Now, if they have this power, it lies with them to carry it into effect in what manner they shall deem meet; it is not a subject of Legislative inquiry, whether it is done by persons sent into the country, or by a correspondence with a foreign Court; the right is still the same, and we are not to make the election.

He would ask those gentlemen, what was to be done, supposing the States were at war with a nation from whom overtures of peace were received? Suppose it was absolutely necessary during the next recess of Congress to send a minister, or an envoy, to the Dey of Algiers; would it be proper to delay so necessary a business, until this House could be convened? They would hardly be so regardless of the public interest as to require it, especially if the Constitution had not made it absolutely necessary.

The honorable gentleman from Virginia (Mr. PAGE) endeavored to draw a distinction, which cannot be warranted on any pretence whatsoever; a distinction between treaties of commerce and treaties of peace, that the President and Senate might form the one and not the other.

Mr. PAGE said, that he conceived the House had a concurrent jurisdiction in the formation of treaties, by the exercise of their Constitutional powers, necessary to give them efficacy.

Mr. SMITH would be glad if the honorable gentleman would point out the part of the Constitution that shows we have any such power. I believe it cannot be shown, nor was it ever contemplated by any person, that the Legislature had such a control. I know it has been debated in some of the State conventions, whether it is proper to let the President and Senate have this power. Some have thought the President ought to have it exclusively, others have judged it most eligible that the Senate is associated with him; but I never heard that any one thought the Legislature should have concurrent jurisdiction with them. It is admitted by all republicans, as an essential principle in a free Government, that the Executive and Legislative powers should be kept distinct; how then it could be blended in the formation of treaties, so as to produce sufficient good to counterbalance the evil, I am at a loss to conceive. There is good ground for complaint in having the Senate connected with the President in the performance of this duty; but the evil would be increased by giving this House any control in the business.

If the House can limit the President to three commissioners, and more may be found necessary, then the President cannot appoint them without infringing the powers of the House; by this means, the object in contemplation may be defeated, and we have committed a waste of our time and the public treasure.

Mr. SUMNER.—I apprehend that the debate

would be very much shortened, if it turned upon the principal point that we ought to consider. If we had estimates before us, and were able to determine the sum necessary to carry into execution the object which the President has in contemplation, we might so confine the power of the Executive, as to leave us wholly free from any apprehensions of a possible impropriety in his conduct. If the sum was so limited as to enable him barely to defray the expense of a treaty, conducted by three commissioners, there could be no danger in the precedent. I think it perfectly parliamentary that the supply should be first voted, and it would certainly tend to remove the embarrassments under which we now labor.

As to what has been said, with respect to the power of the President making treaties of peace and commerce, I have only to observe that the present case involves both; but I think we ought to confine ourselves at present merely to provide the sums necessary to enable the commissioners to conclude a treaty with the Creek Indians; for I believe that they are the only nation with which the State of Georgia is at war. If gentlemen will confine themselves to this point, and we have the proper estimate before us, we shall be able to make more progress in the business.

Mr. BALDWIN did not consider the temporary institution of three commissioners to be any thing like the establishment of an office. If the President had contemplated it in that light, it is probable that he would have thought proper to have created Superintendents for Indian Affairs; he did not conceive the present object was the establishment of a system for conducting the Indian Department, but a mere temporary expedient, from which might be gained sufficient information to make a better future arrangement; and this he inferred from the manner in which the subject was introduced, by the Message from the President.

Mr. GERRY said, that his opinion conformed with that of the gentleman last up; he was very well satisfied, that the President did not want the Legislature to form a system for carrying on Indian treaties, which were always a source, in the manner they were usually conducted, of a perpetual warfare.

He did not know what occasion there was for striking out the number of commissioners from the clause, when the President had requested that that number only might be appointed.

Mr. JACKSON felt himself not much concerned with respect to the question of striking out, because it was a matter of indifference, whether Congress made a general or particular regulation for carrying into effect the good intentions of the President. But he wished to be indulged in bringing forward a clause, that should point out the intentions of Congress. He had mentioned this subject to the committee on Saturday last, and he conceived it now to be his indispensable duty to step forth, and call for and demand that protection and support which the Union is compelled, by the articles of the Constitution, to give to a sister State, who is unjustly injured by a neighboring foe. He thought the step recom-

mended in the bill to be taken would be ineffectual, unless it was supported by the arm of the United States. The President, in his message, had submitted this very point, in some degree, for the serious consideration of the House; consequently there could be no impropriety in introducing it into the present bill.

The deplorable situation of the defenceless and plundered inhabitants of the State of Georgia, requires the exertion of the federal powers; and the fourth section of the fourth article of the Constitution obliges us, as we value the preservation of the public faith, to step forward in their behalf. The United States are to protect each other against invasion. If an invasion was only apprehended, the General Government are bound to exert themselves to ward off the blow; but we call not for those exertions on mere surmise. Georgia has been invaded; the fact is absolute and notorious. She has attempted to treat with her invaders. Three States have appointed commissioners with powers to meet and accommodate their differences. One of those commissioners is now upon this floor. Those commissioners, desirous of removing the distress of the inhabitants of the frontier, sent a friendly talk to the chief of the Creek nation; they requested to know of him when it would be convenient and agreeable for him to attend a meeting for the purpose of restoring peace and security to both nations.

Mr. M'GILLVARY did not deign to answer them, and neglected to meet them. The State commissioners were treated with contempt, though he condescended to write to private individuals; but in those letters he endeavored to hold up the State of Georgia in a ridiculous point of light. He threatened that if she was left to herself, he could soon bring her to reason.

This same man, this half-breed chief, has dared to treat even the United States with indignity! Notwithstanding he knew that, by the Constitution, the cause of an invaded State was the cause of the Union, he has had the temerity to attack the defenceless inhabitants, and committed depredations beyond any thing heretofore known; he has ravaged the country, spreading devastation around him. He has not confined himself to plundering the citizens of Georgia of their property; he has burnt up their dwellings, and torn up settlements by the roots; he has murdered the offspring before the mother's face, while the heart-broken matron has only been permitted to survive the horrid scene, for the sake of gratifying their more than infernal malice. Here I may be asked, what had Georgia done to rouse this malignant spirit? Georgia has done nothing but what she can fully justify. But this is not a question for our present inquiry; our business is to stop the progress of so alarming an evil. Georgia has not shown a disposition to embroil the Union. She declined raising that force which would have brought M'Gillvary to reason, out of deference to her sister States. She knew that to this honorable and respectable body belonged the right of declaring war, and of applying force. She looked

forward with eagerness to that period, when the arm of the Union would be raised in her defence. She knew she was entitled to this assistance, in virtue of the most solemn compact. She bore with resignation the disappointments she met with, in her applications on this head, to the former Congress. With patience she waited for justice from those with whom her valiant bands had been leagued; with whom she had fought and conquered in the cause of liberty and safety; but that patience has been nearly exhausted. Think of men worn down with fatigue, harassed with perpetual exertions, their little all wasted and destroyed, and themselves banished from that country where their fathers were born and bred! These things, Mr. Chairman, are melancholy facts. The citizens of near half our lower country are exiled. Last Summer they did infinite mischief, and, by the last reports, we learn there were three thousand Indians in arms, ready to bear down upon that territory, and to destroy the remainder. They are only restrained by the circumstance of our sitting, and apprehending they will be punished for such violence. If nothing is now done, what are we to expect from that quarter?

I call upon the justice of this House; where else are the Georgians to look for redress? Shall they look to foreigners for support and protection? The very idea of such a measure ought not to be contemplated; yet the truth is irrepressible, and I must tell you, sir, they must procure protection here or elsewhere. In full confidence that a good, complete, and efficient Government would succor and relieve them, they were led to an early and unanimous adoption of the Constitution under which we deliberate. Obedience and protection are reciprocal. Will the wisdom of the House, then, teach them to withhold such just and well-grounded expectations. I trust not. They will see the importance of the object too clearly to neglect it. But, sir, we do little else than neglect it, when we talk of restoring them to peace and security by sending up commissioners. Paper negotiations they are taught to despise; nothing but an armed force can restrain them. The strength of the Union may keep them in awe; but Congress must show a disposition to exert it, before they will listen to terms of accommodation. M'Gillvary will be soon acquainted with our determination, and, according to its nature, he will regulate his conduct. This chief has his emissaries in Georgia and the Carolinas; he may have them, for aught I know, in this very city. If he learns that there is a timid disposition in this body; that they are supine and unwilling to make an exertion, which he cannot but dread, then will he be encouraged to return with his barbarians, to the total ruin of the State. Let us, then, prevent him; let our humanity, let our sacred faith, lead us to pursue such measures as will save a sister State from the future horrors of an Indian war. I am not against sending up commissioners, but let them present to him for his choice, the sword, or the olive branch; if he declines to receive the latter, let him be assured he will feel the keen edge of the former, and per-

haps his prudence may induce him to treat on better terms.

With this view, Mr. JACKSON proposed to add a clause to the bill, to the following effect: That in case of the refusal of the Creek Indians to treat, or on treaty to agree to such articles and terms as to the commissioners to be appointed shall appear necessary and just, the President of the United States shall be, and he is hereby, authorized to raise, or cause to be raised, such number of troops, on the pay and establishment of the United States, or to call forth and embody such proportion of the militia of the States of South Carolina and Georgia, as will secure and protect, by such proper posts as he may think necessary, the inhabitants of the State of Georgia from the invasion and further inroads of the Creek Indians: Provided, the whole number of men so to be raised on the establishment of the United States shall not exceed — nor be continued for a longer term than —: And provided, also, that the whole body of the militia so to be called forth and embodied, shall not exceed — nor shall any one person be obliged to serve more than —. And the said militia, when in actual service, shall be entitled to the pay and emoluments of the troops of the United States."

The question was taken on striking out the words, "that commissioners, not exceeding three, and it passed in the affirmative.

Mr. FRIZZMONS thought the motion made by the gentleman from Georgia (Mr. JACKSON,) had better lie over until to-morrow, and then, if the idea was adopted by the House, it could become the foundation of a separate bill, as it appeared to be a distinct subject. He conceived the business would be more expedited in this way than any other; he would therefore move the committee to rise.

Mr. PAGE hoped the committee would not rise before they adopted the clause. In his opinion it was the most important part of the whole, and he feared, unless it was added, that the whole expense of holding the treaty would be thrown away.

Mr. SUMNER did not rise to oppose the clause, but he wished it might lie over till to-morrow. He confessed there were some words in it that did not meet his approbation. Though he was willing to go as far as any gentleman to restore tranquillity to the State of Georgia, yet he should be sorry to have it thought that it was impossible to conclude a treaty with the Indians, without enforcing it by employing a large armed force to go up into the country.

Mr. MANISON.—I concur with the gentleman from Georgia, that protection is clearly due by the Union to every State which is found to pay obedience to its authority; but I would submit to his consideration, whether it would not be better to let the bill pass as it now is, in consequence of which the President could early set on foot the proper measures for attempting their relief; while the object of his motion may be better connected with the subsequent Message received from the President relative to the troops already raised to protect the frontiers from the depredations of the

hostile Indians. By the Constitution, the President has the power of employing these troops in the protection of those parts which he thinks requires them most. Besides this circumstance, there is a committee already appointed to bring in a bill for regulating the militia, and this anticipates the latter part of the motion, or at least it can have no effect until the militia are defined and arranged.

I am inclined to think that some measures like those proposed may be very proper; but I do not conceive that they ought to be incorporated into the present bill; nor can it be proper to give an indefinite power to the Executive to raise troops. Mr. JACKSON said it would have a good effect if the clause could be introduced into this bill, because the whole subject would be viewed together; but he was willing to amend it in such a manner as to remove the gentleman's objections. A desultory conversation arose, and some alterations of the clause were proposed; when at length Mr. JACKSON withdrew it, in order to correct it and bring it before the House.

The committee then rose and reported, that they had, according to order, had the said bill under consideration, and gone through the same, and made amendments thereto; the bill with amendments being twice read, were agreed to by the House, and the bill was ordered to be engrossed.

On motion, it was ordered, that the Message from the President of the United States, by General Knox, of the 10th instant, with the statement accompanying the same, be referred to the consideration of a Committee of the Whole House on the state of the Union. The motion proposed by Mr. JACKSON in the committee, as an amendment to the bill providing for the expenses attending the negotiations with the Indians, was also referred to the same committee; after which, the House adjourned.

WEDNESDAY, August 12.

INDIAN TREATIES.

The engrossed bill providing for the expenses which may attend negotiations for treaties with the Indian tribes, and the appointment of commissioners for managing the same, was read the third time; when it was moved to fill the first blank therein with 41,000 dollars.

Mr. SUMNER observed, that they had no data to govern them in making the provisions; consequently, gentlemen were to judge from their own opinions what would be a proper sum. He thought that proposed was much beyond what there was occasion for. If he were to mention a sum, he would name 16,000 dollars as sufficient to complete the business, because he did not conceive it absolutely necessary to purchase a treaty. The Creek Indians, notwithstanding their depredations, he believed were willing to treat upon more honorable and equal terms. He had been informed, that they were disposed to an accommodation, and he hoped it might be brought about without

so heavy an expense. He believed they were inclined to preserve the peace of their neighbors.

Mr. JACKSON would be as careful of the public money as any gentleman within these walls, but he did not conceive 41,000 dollars too much. The honorable gentleman from South Carolina should recollect, that the bill was not limited to a particular treaty; it made a general provision for negotiating with the Indians on the frontiers, and within the limits of the Union; consequently it might be applied to quiet the disturbances of the Northern as well as the Southern Indians.

The honorable gentleman has heard that the Creeks are desirous of peace. No doubt he has had such information; but I never understood they had a wish of the kind. On the contrary, I know that our country has been for a long time past, and is still, exposed to all the horrors of a savage and brutal war. This is not private information, but the official communication from the Secretary at War. Mr. GILLVARY, in his letters to individuals, has said, "leave the Georgians to their fate, and he will teach them reason." Are these indications of a peaceful disposition? Are these signs of an approaching treaty? Can it be supposed that a half-breed savage has more humanity than the civilized citizens of Georgia?

It may be easy for men who, with their families, are secure from being plundered and butchered, whose wives and daughters are not exposed to the brutal ravisher, to reason upon and contemplate distant evils with a stoical indifference; they see through a medium that deceives and warms over the most horrid distortion of human nature. Were they, like me, acquainted with the desolation of my country, the wretchedness of my fellow-citizens, or worse than murder, of their dearest relatives, they would feel, and their arms would hurl vengeance like vivid lightning upon the cause of such misfortunes. Could they see the distressed and disconsolate mother, sitting amidst the ruin of her fortunes, with her children torn from her bosom, her daughters led into captivity by barbarians, who regard not law human or divine—could they, in a word, have seen (but the thought almost unmans me) Mrs. M'CORMICK, a worthy and venerable matron, lamenting over a daughter compelled to submit to the lustful embrace of an Indian, they would be roused with indignation, and think the public money well bestowed in revenging or preventing such disorders.

He concluded with begging pardon of the House if he had been hurried away too far, and insinuated any thing to hurt the feelings of any man; but really he was so possessed with the subject, that he could hardly restrain himself to the bounds which he had prescribed to himself on every occasion; but he was too well convinced of the candor and judgment of the House, to doubt their doing justice to his country.

Mr. SUMNER said, that he was convinced nothing could drop from the honorable gentleman last up that would give offence, but what he would atone for as soon as he was sensible of it; but he thought the gentleman had suffered himself to be

too much affected by the situation of his country to apply his arguments to the reason of his hearers. On this occasion he had certainly addressed the passions more than the judgment. He believed what the gentleman had mentioned were generally facts, but certainly those who knew the Indians and their manner of warfare, would allow that they seldom or never attempted the chastity of the female sex; he knew the tortments to which their unhappy prisoners were exposed, but this offence was not among the number.

As to the sum proposed to be inserted, it was certainly too great, because it was not in contemplation to treat with any other than the Creek Indians; the official communication on the table only alluded to them; but if the Wabash nation was included, it was certainly too much.

He had not been indifferent to the sufferings of Georgia, but he believed the disposition of the Indians to be friendly, because they had not taken the advantage they had in their power of extending their depredations. A body of 1300 of them had been within fifty miles of the capital, and nothing could have prevented them from laying it in ashes, if they had been so inclined. What saved the Georgians at that time but the humanity of their enemy?

Let Mr. GILLVARY know that he is not to be trifled with, and he will willingly treat; but if commissioners were sent without power to settle the point in difference, how can he be expected to listen? With respect to the commissioners sent on a former occasion, whom he declined to meet, the term of their appointment had expired, which he very well knew; and how can he be blamed for not noticing them more than other individuals, unless we are inclined to treat his judgment with contempt?

There can be no doubt but the supreme authority of the Union, clothed under the new Constitution with ample powers, will be attended to with deference; these are the sentiments of the chief himself, from which I infer that a treaty may be easily concluded with him. The facts already mentioned, prove that he is disposed for peace; where then is the necessity of running into the expense of purchasing a treaty?

Mr. JACKSON said, it was neither the courage of Mr. GILLVARY nor the cowardice of the Georgians that had occasioned their misfortunes; it was the defence they paid to the articles of confederation. They did not choose, by a breach of these, to draw upon themselves the resentment of the Union, otherwise they could have carried the war into the Indian country, and annihilated the Creek nation. He apprehended, when Georgia could raise 15,000 men, 6,000 of the Creek Indians were not sufficient to oppose them.

I am sorry that gentlemen should oppose a measure which I know to be essential to the peace and security of that State. Is it a time to talk of tranquillity and humanity, when 70 miles of our old settled country is laid waste, when we are invaded and overrun by a ferocious enemy? Do gentlemen mean that the State shall be destroyed, while they refuse to comply with the most sacred

stipulations? The Union is to protect each State from invasion; Georgia is invaded, and requires that protection; she sacredly adheres to her part of the contract; she does nothing more than act on the defensive; she does not engage in war, though actually invaded, and in such imminent danger as will hardly admit of delay. Was it for this she adopted this Constitution? Where is the benefit of it to her? The honorable gentleman said I addressed the passions; where is the man, knowing and feeling as I do, but would be irritated? A man must be lost to every sentiment of patriotism, and buried in apathy, that can be insensible to his country's wrongs. Georgia cannot any longer remain inactive; if she receives no succor from this quarter, she must apply to some other—she must exert herself to oppose her invader, and there beats not a bosom but will be roused to vengeance. I declare this publicly: my arm shall be lifted on the occasion; we must, if too weak ourselves to accomplish the object, league with the arms of Spain or Britain. It is in vain to delay; it is vain to think paper or parchment will restore them to quiet; nothing but an exertion of force can be our remedy. We are told of the dangerous situation of the Western Territory; can this be compared to that of Georgia, when her citizens are driven to despair? I will not urge any thing further at present, but beg gentlemen to consider that the money they grant now, is intended as a general provision; 16,000 dollars might be sufficient perhaps for a single treaty, but 41,000 may be necessarily expended on so extensive an undertaking as holding treaties with all Indian nations between whom and the United States there is any dispute.

Mr. SUMNER was desirous of accommodating the difference between the Creek nation and Georgia, but he was not inclined to squander so large a sum as 41,000 dollars in a treaty, when he was well convinced, in his own mind, that half the sum would be sufficient, and to estimate was produced to show that a greater sum was requisite.

Mr. BALDWIN attributed the want of support to the weakness of the former Government, and not to any want of disposition in the Union to support every part thereof; for which reason he declined any comment upon the inattention which Congress had formerly shown on this subject. As to the sum of 41,000 dollars, he presumed it was necessary, because by an estimate which he had seen, and which was mentioned in the communication on the table, the treaty with the Creeks would cost 25,000 dollars, and another, which he understood might possibly be in contemplation with the Wabashes, would cost 16,000, making the whole sum moved for. Had the bill confined the subject of negotiation to the Creeks alone, as both he and his colleague wished, 41,000 dollars was certainly a large sum; but since it was determined to leave the subject open he conceived Congress would agree to make that grant.

Mr. CLYMER was willing to allow the whole sum, and was satisfied such part of it as was expended would be done in a satisfactory manner, and the residue would be reserved in the Treasury.

Mr. FITZSIMONS was sorry to differ on this subject with his worthy colleague, but he could not consent to risk the public money without knowing for what. If 41,000 dollars were necessary to the accomplishment of the present object, he should not hesitate to vote for that sum; but before he could agree to it, he must see an estimate of the expense, on which to found his judgment. As the honorable gentleman from Georgia had referred to letters on the table for information on this point, he wished to have the papers accompanying the Message read.

The communications being read, Mr. BURKS proceeded to remark, that the State of South Carolina had not been an indifferent spectator of the calamities of her sister and neighboring State, but she was prevented, by the confederation and local circumstances, from making those exertions in her support which she was disposed to make. He was of opinion, if Congress did not think it absolutely necessary to send troops up into that country, they would act wisely to stand ready to embrace any advantages arising from the present measure. He hoped the bill would not be defeated by an ill-timed parsimony; if a peace was brought about for 41,000 dollars, it would eventually be a great saving to the Union.

Mr. JACKSON read some letters from that country, by which it appeared that McGillvary was far from being disposed for peace; from which he enforced again the necessity of sending out troops, and embodying the militia.

Mr. HARTLEY thought the difficulty on the present occasion arose from the want of having some rule to decide upon. No estimate of the probable expense was brought forward, consequently gentlemen were embarrassed. It was no doubt well known on this floor, that the Creek Indians were the most numerous of any nation upon the frontiers. If then gentlemen admit that 16,000 dollars is no more than sufficient to defray the expense of negotiating with the Wabashes, they cannot hesitate to allow 25,000 dollars for the other. Nor is this all; the President in his Message contemplates other treaties besides the one with the Creeks, and this provision is to empower him generally to send commissioners into the Indian country, and conclude treaties for terminating all differences in that quarter.

Mr. MOORE did not doubt but whatever money was appropriated, would be used with economy; but he was decidedly against expending any sum in such way, because it was nothing more than holding out a bribe for the savages to commence hostilities whenever they should want presents from the United States; he hoped neither this nor any future Congress would ever allow a shilling to be appropriated to any such use.

Mr. BALDWIN produced an estimate of the probable expense of a treaty with the Creek Indians, from which it appeared that the treaty would cost the Union twenty-five thousand dollars.

The question of filling the blank with forty-

one thousand dollars was now taken and lost, there being twenty-three for, and twenty-four against it.

Mr. MANISON was sorry the question was lost, because it was of importance that the business should be done; and he thought it would be best to err on the safe side. If forty-one thousand dollars had been granted, gentlemen might have rested assured that it would have been expended with economy. Besides, if nothing decisive was now done, it would be a loss of a year, on account of the approaching season.

He moved to fill the blank with forty thousand dollars, which was a round sum.

On this motion the yeas and nays were called by one-fifth of the members present, and are as follow:

YEAS—Messrs. Baldwin, Benson, Brown, Burke, Cadwalader, Clymer, Coles, Fitzsimons, Gale, Griffin, Hartley, Huntington, Jackson, Lawrence, Lee, Madison, Matthews, Muhlenberg, Page, Scott, Smith, of South Carolina, Stone, Sylvester, Trumbull, Tucker, Vining, Wadsworth and Wynkoop—28.

NAYS—Messrs. Ames, Boudinot, Carroll, Floyd, Gerry, Gilman, Grout, Hathorn, Heister, Leonard, Livermore, Moore, Parker, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Smith, of Maryland, Sturgis, Sumter, and Thatcher—23.

So the motion was agreed to.

The bill was committed to the Committee of the Whole, on account of some imperfections, and after being corrected in the Committee of the Whole, the bill was again ordered to be engrossed, and read a third time to-morrow; after which the House adjourned.

THURSDAY, August 13.

INDIAN TRIBES.

The engrossed bill for providing for the expenses which may attend negotiations with the Indian tribes, and the appointment of commissioners for managing the same, was read the third time, passed, and sent to the Senate for concurrence.

AMENDMENTS TO THE CONSTITUTION.

Mr. LEE moved that the House now resolve itself into a Committee of the Whole, on the report of the committee of eleven, to whom it had been referred to take the subject of amendments to the Constitution of the United States generally into their consideration.

Mr. PAGE hoped the House would agree to the motion of his colleague without hesitation, because he conceived it essentially necessary to proceed and finish the business as speedily as possible; for whatever might be the fact with respect to the security which the citizens of America had for their rights and liberties under the new Constitution, yet unless they saw it in that light, they would be uneasy, not to say dissatisfied.

He thought, likewise, that the business would be expedited by the simplicity and self-evidence which the propositions reported possessed, as it

was impossible that much debate could take place.

Mr. SEDGWICK was sorry that the motion was made, because he looked upon this as a very improper time to enter upon the consideration of a subject which would undoubtedly consume many days; and when they had so much other and more important business requiring immediate attention, he begged gentlemen to recollect that all they had hitherto done was of little or no effect; their impost and tonnage laws were but a dead letter.

Mr. MANISON did not think it was an improper time to proceed in this business; the House had already gone through with subjects of a less interesting nature; now if the Judiciary bill was of such vast importance, its consideration ought not to have been postponed for those purposes.

He would remind gentlemen that there were many who conceived amendments of some kind necessary and proper in themselves; while others who are not so well satisfied of the necessity and propriety, may think they are rendered expedient from some other consideration. Is it desirable to keep up a division among the people of the United States on a point in which they consider their most essential rights are concerned? If this is an object worthy the attention of such a numerous part of our constituents, why should we decline taking it into our consideration, and thereby promote that spirit of urbanity and unanimity which the Government itself stands in need of for its more full support?

Already has the subject been delayed much longer than could have been wished. If after having fixed a day for taking it into consideration, we should put it off again, a spirit of jealousy may be excited, and not allayed without great inconvenience.

Mr. Vining, impressed by the anxiety which the honorable gentleman from Virginia had discovered for having the subject of amendments considered, had agreed in his own mind to waive, for the present, the call he was well authorized to make, for the House to take into consideration the bill for establishing a Land Office for the disposal of the vacant lands in the Western Territory. In point of time, his motion had the priority; in point of importance, every candid mind would acknowledge its preference; and he conceived the House was bound to pay attention to it as early as possible; as they had given leave for a bill to be brought in, they ought not to neglect proceeding onwards with it.

Mr. SEDGWICK hoped the House would not consume their time in a lengthy discussion upon what business should be done first. He was of opinion that there were several matters before them of more importance than the present; and he believed the people abroad were neither anxious nor jealous about it; but if they were, they would be satisfied at the delay, when they were informed of the cause. He begged, therefore, that the question proposed by the gentleman from Virginia (Mr. LEE) might be put without further debate.

Mr. SMITH said that the Judicial bill was entitled to the preference in point of order, and in point of propriety it deserved the first attention of the House. For his part, he could not conceive the necessity of going into any alterations of the Government until the Government itself was perfected. The Constitution establishes three branches to constitute a whole; the Legislative and Executive are now in existence, but the Judicial is uncreated. While we remain in this state, not a single part of the revenue system can operate; no branch of your laws can be punished; illicit trade cannot be prevented. Greater harm will arise from delaying the establishment of the Judicial system, than can possibly grow from a delay of the other subject. If gentlemen are willing to let it lie over to a period of greater leisure, I shall join them cheerfully and candidly, said he, in a full discussion of that business.

An honorable gentleman from Virginia observed to us that these propositions were self-evident, that little or no debate can grow out of them. That may be his opinion, but truly, sir, it is not mine; for I think some of them are not self-evident, and some of them will admit of lengthy discussion; and some others, I hope, may be rejected, while their place may be better supplied by others hereafter to be brought forward. Some members are pledged to support amendments, and will, no doubt, support them with all the arguments their fancy or ingenuity can suggest. Viewing it in this light, it is not to be expected that the discussion will be ended in less than a fortnight or three weeks; and let gentlemen consult their own feelings whether they have so much time now to spare.

Mr. HARTLEY thought the Judicial system ought to be finished before any other business was entered upon, and was willing to consider of amendments to the Constitution when the House was more disengaged; because he wished very much that the Constitution was so modified as to give satisfaction to honest and candid minds. Such would be satisfied with securing to themselves and their posterity all those blessings of freedom which they are now possessed of. As to the artful and designing, who had clamored against the whole work, he had not the smallest desire to gratify them: he hoped and trusted their numbers were but few.

Mr. GRANTY thought the discussion would take up more time than the House could now spare; he was, therefore, in favor of postponing the consideration of the subject, until the Judicial bill, and the bill for registering and clearing vessels, and some other bills relating to the revenue business, were gone through. He asked the gentleman from Virginia, if he conceived that the amendments in the report were all that were to be taken into consideration. He thought the community would be little more pleased with them than if they had omitted the subject altogether. Besides, it was absurd to suppose that the members were obliged to confine their deliberations solely to those objects, when it was very well known that the members from Massachusetts and

is gone through, gentlemen's patience and application will be so harassed and fatigued as to oblige them to leave it in an unfinished state until the next session; besides, were the Judicial bill to pass now, it could not take effect until others were enacted, which probably at this time are not drawn up.

Mr. SMITH.—The honorable gentleman has concluded his remarks by assigning the best reason in the world why we should go into a consideration of the Judicial bill. He says, that even if it were now passed, it would take some time before it could get into operation; he must admit it to be an essential part of the Government, and, as such, ought not to remain a single instant in a state of torpidity.

Mr. FRIZZIMON wished gentlemen would suffer the question to be put, and not consume the time in arguing about what should be done. If a majority was not in favor of considering amendments, they might proceed to some other business.

Mr. PAGE was positive the people would never support the Government, unless their anxiety was removed. They, in some instances, adopted it, in confidence of its being speedily amended; they will complain of being deceived, unless their expectations are fulfilled. So much time has elapsed since the subject was first brought forward, said he, that people will not think us serious, unless we now set about and complete it.

He begged gentlemen to consider the importance of the number of citizens who were anxious for amendments; if these had been added to those who openly opposed the Constitution, it possibly might have met a different fate. Can the Government, under these circumstances, possess energy, as some gentlemen suppose? Is not the confidence of the people absolutely necessary to support it?

The question was now put, and carried in the affirmative.

The House then resolved itself into a Committee of the Whole, Mr. BOURNOR in the Chair, and took the amendments under consideration. The first article ran thus: "In the introductory paragraph of the Constitution, before the words 'We the people,' add 'Government being intended for the benefit of the people, and the rightful establishment thereof being derived from their authority alone.'"

Mr. SHERMAN.—I believe, Mr. Chairman, this is not the proper mode of amending the Constitution. We ought not to interweave our propositions into the work itself, because it will be destructive of the whole fabric. We might as well endeavor to mix brass, iron, and clay, as to incorporate such heterogeneous articles, the one contradictory to the other. Its absurdity will be discovered by comparing it with a law. Would any Legislature endeavor to introduce into a former act a subsequent amendment, and let them stand so connected? When an alteration is made in an act, it is done by way of supplement; the latter act always repealing the former in every specified case of difference.

Besides this, sir, it is questionable whether we

have the right to propose amendments in this way. The Constitution is the act of the people, and ought to remain entire. But the amendments will be the act of the State Governments. Again, all the authority we possess is derived from that instrument; if we mean to destroy the whole, and establish a new Constitution, we remove the basis on which we mean to build. For these reasons, I will move to strike out that paragraph and substitute another.

The paragraph proposed was to the following effect:

Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the following articles be proposed as amendments to the Constitution, and when ratified by three-fourths of the State Legislatures, shall become valid to all intents and purposes, as part of the same.

Under this title, the amendments might come in nearly as stated in the report, only varying the phraseology so as to accommodate them to a supplementary form.

Mr. MADISON.—Form, sir, is always of less importance than the substance; but on this occasion I admit that form is of some consequence, and it will be well for the House to pursue that which, upon reflection, shall appear to be the most eligible. Now it appears to me, that there is a neatness and propriety in incorporating the amendments into the Constitution itself; in that case, the system will remain uniform and entire; it will certainly be more simple when the amendments are interwoven into those parts to which they naturally belong, than it will if they consist of separate and distinct parts. We shall then be able to determine its meaning without references or comparison; whereas, if they are supplementary, its meaning can only be ascertained by a comparison of the two instruments, which will be a very considerable embarrassment. It will be difficult to ascertain to what parts of the instrument the amendments particularly refer; they will create unfavorable comparisons; whereas, if they are placed upon the footing here proposed, they will stand upon as good foundation as the original work. Nor is it so uncommon a thing as gentlemen suppose; systematic men frequently take up the whole law, and, with its amendments and alterations, reduce it into one act. I am not, however, very solicitous about the form, provided the business is but well completed.

Mr. SMITH did not think the amendment proposed by the honorable gentleman from Connecticut was compatible with the Constitution, which declared, that the amendments recommended by Congress, and ratified by the Legislatures of three-fourths of the several States, should be part of this Constitution; in which case it would form one complete system; but according to the idea of the amendment, the instrument is to have five or six suits of improvements. Such a mode seems more calculated to embarrass the people than any thing else, while nothing in his opinion was a juster cause of complaint than the difficulties of knowing the law, arising from Legislative obscurities that might easily be avoided. He said,

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that it had certainly been the custom in several of the State Governments to amend their laws by way of supplement. But South Carolina had been an instance of the contrary practice, in revising the old code; instead of making acts in addition to acts, which is always attended with perplexity, she has incorporated them, and brought them forward as a complete system, repealing the old. This is what he understood was intended to be done by the committee; the present copy of the Constitution was to be done away, and a new one substituted in its stead.

Mr. TUCKER wished to know whether the deliberations of the committee were intended to be confined to the propositions on the table. If they were not, he should beg leave to be brought before them the amendments proposed by South Carolina. He considered himself as instructed to bring them forward, and he meant to perform his duty by an early and prompt obedience. He wished to have the sense of the House on this point, whether he was in order to bring them forward.

Mr. LIVERMORE was clearly of opinion, that whatever amendments were made to the Constitution, they ought to stand separate from the original instrument. We have no right, said he, to alter a clause any otherwise than by a new proposition. We have well-established precedents for such a mode of procedure in the practice of the British Parliament and the State Legislatures throughout America. I do not mean, however, to assert that there has been no instance of a repeal of the whole law on enacting another; but this has generally taken place on account of the complexity of the original, with its supplements. Were we a mere Legislative body, no doubt it might be warrantable in us to pursue a similar method; but it is questionable whether it is possible for us, consistent with the oath we have taken, to attempt a repeal of the Constitution of the United States, by making a new one to substitute in its place; the reason of this is grounded on a very simple consideration. It is by virtue of the present Constitution, I presume, that we attempt to make another; now, if we proceed to the repeal of this, I cannot see upon what authority we shall erect another; if we destroy the base, the superstructure falls of course. At some future day it may be asked upon what authority we proceeded to raise and appropriate public moneys. We suppose we do it in virtue of the present Constitution; but it may be doubted whether we have a right to exercise any of its authorities while it is suspended, as it will certainly be from the time that two-thirds of both Houses have agreed to submit it to the State Legislatures; so that, unless we mean to destroy the whole Constitution, we ought to be careful how we attempt to amend it in the way proposed by the committee. From hence, I presume it will be more prudent to adopt the mode proposed by the gentleman from Connecticut, than it will be to risk the destruction of the whole by proposing amendments in the manner recommended by the committee.

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Mr. VINING disliked a supplementary form, and said it was a bad reason to urge the practice of former ages, when there was a more convenient method of doing the business at hand. He had seen an act entitled an act to amend a supplement to an act entitled an act for altering part of an act entitled an act for certain purposes therein mentioned. If gentlemen were disposed to run into such jargon in amending and altering the Constitution, he could not help it; but he trusted they would adopt a plainness and simplicity of style on this and every other occasion, which should be easily understood. If the mode proposed by the gentleman from Connecticut was adopted, the system would be distorted, and like a careless written letter, have more attached to it in a postscript than was contained in the original composition.

The Constitution being a great and important work, ought all to be brought into one view, and made as intelligible as possible.

Mr. CLYMER was of opinion, with the gentleman from Connecticut, that the amendments ought not to be incorporated in the body of the work, which he hoped would remain a monument to justify those who made it; by a comparison, the world would discover the perfection of the original, and the superfluity of the amendments. He made this distinction, because he did not conceive any of the amendments essential, but as they were solicited by his fellow-citizens, and for that reason they were acquiesced in by others; he therefore wished the motion for throwing them into a supplementary form might be carried.

Mr. STONE.—It is not a matter of much consequence, with respect to the preservation of the original instrument, whether the amendments are incorporated or made distinct; because the records will always show the original form in which it stood. But, in my opinion, we ought to mark its progress with truth in every step we take. If the amendments are incorporated in the body of the work, it will appear, unless we refer to the archives of Congress, that GEORGE WASHINGTON, and the other worthy characters who composed the convention, signed an instrument which they never had in contemplation. The one to which he affixed his signature purports to be adopted by the unanimous consent of the delegates from every State there assembled. Now if we incorporate these amendments, we must undoubtedly go further, and say that the Constitution so formed was defective, and had need of alteration; we therefore propose to repeal the old and substitute a new one in its place. From this consideration alone, I think we ought not to pursue the line of conduct drawn for us by the committee. This perhaps is not the last amendment the Constitution may receive; we ought therefore to be careful how we set a precedent which, in dangerous and turbulent times, may unhinge the whole.

With respect to the observations of the gentleman from South Carolina, I shall just remark, that we have no authority to repeal the whole Constitution. The words referred to in that instrument only authorize us to propose amend-

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ments to it, which, when properly ratified, are to become valid, as a part of the same; but these can never be construed to empower us to make a new Constitution.

For these reasons, I would wish our expressions might be so guarded, as to purport nothing but what they really have in view.

Mr. LIVERMORE.—The mode adopted by the committee might be very proper, provided Congress had the forming of a Constitution in contemplation; then they, or an individual member, might propose to strike out a clause and insert another, as is done with respect to article 3, section 2. But certainly no gentleman acquainted with legislative business would pretend to alter and amend, in this manner, a law already passed. He was convinced it could not be done properly in any other way than by the one proposed by the gentleman from Connecticut.

Mr. GRANT asked, if the mode could make any possible difference, provided the sanction was the same; or whether it would operate differently in any one instance? If it will not, we are disputing about form, and the question will turn on the expediency. Now one gentleman tells you, that he is so attached to this instrument, that he is unwilling to lose any part of it; therefore, to gratify him, we may throw it into a supplementary form. But let me ask, will not this as effectually destroy some parts, as if the correction had been made by way of incorporation? or will posterity have a more favorable opinion of the original, because it has been amended by distinct acts? For my part, I cannot see what advantage can accrue from adopting the motion of the honorable gentleman from Connecticut, unless it be to give every one the trouble of erasing out of his copy of the Constitution certain words and sentences, and inserting others. But, perhaps, in our great veneration for the original composition, we may go further, and pass an act to prohibit these interpolations, as it may injure the text.

All this, sir, I take to be trifling about matters of little consequence. The Constitution has undoubtedly provided that the amendments shall be incorporated, if I understand the import of the words "and shall be valid to all intents and purposes, as part of the Constitution." If it had said that the present form should be preserved, then it would be proper to propose the alterations by way of a supplement. One gentleman has said, we shall lose the names that are now annexed to the instrument. They are names, sir, I admit, of high respect; but I would ask that gentleman, if they would give validity to the Constitution, if it were not ratified by the several States? or if their names were struck out, whether it would be of less force than it is at present? If he answers these questions in the negative, I shall consider it of no consequence whether the names are appended to it or not. But it will be time enough to discuss this point, when a motion is made for striking them out.

If we proceed in the way proposed by the honorable gentleman from Connecticut, I presume

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the title of our first amendment will be, a supplement to the Constitution of the United States; the next a supplement to the supplement, and so on, until we have supplements annexed five times in five years, wrapping up the Constitution in a maze of perplexity; and as great an adept as that honorable gentleman is at finding out the truth, it will take him, I apprehend, a week or a fortnight's study to ascertain the true meaning of the Constitution.

It is said, if the amendments are incorporated, it will be a virtual repeal of the Constitution. I say the effect will be the same in a supplementary way; consequently the objection goes for nothing, or it goes against making any amendments whatever.

It is said that the present form of the amendments is contrary to the 5th article. I will not undertake to define the extent of the word amendment, as it stands in the fifth article; but I suppose if we proposed to change the division of the powers given to the three branches of the Government, and that proposition is accepted and ratified by three-fourths of the State Legislatures, it will become as valid, to all intents and purposes, as any part of the Constitution; but if it is the opinion of gentlemen that the original is to be kept sacred, amendments will be of no use, and had better be omitted; whereas, on the other hand, if they are to be received as equal in authority, we shall have five or six constitutions, perhaps differing in material points from each other, but all equally valid; so that they may require a man of science to determine what is or is not the Constitution. This will certainly be attended with great inconvenience, as the several States are bound not to make laws contradictory thereto, and all officers are sworn to support it, without knowing precisely what it is.

Mr. STONE asked the gentleman last up, how he meant to have the amendments incorporated? Was it intended to have the Constitution republished, and the alterations inserted in their proper places? He did not see how it was practicable to propose amendments, without making out a new Constitution, in the manner brought forward by the committee.

Mr. LAWRENCE could not conceive how gentlemen meant to engraft the amendments into the Constitution. The original one, executed by the convention at Philadelphia, was lodged in the archives of the late Congress; it was impossible for this House to take, and correct, and interpolate that, without making it speak a different language; this would be supposing several things which never were contemplated. But what would become of the acts of Congress? They will certainly be vitiated, unless they are provided for by an additional clause in the Constitution.

What shall we say with respect to the ratifications of the several States? They adopted the original Constitution, but they have not thereby enabled us to change the one form of Government for another. It is true, amendments were proposed by some of them; but it does not follow, of necessity, that we should alter the form of the original

which they have ratified. Amendments in this way are only proper in legislative business, while the bill is on its passage, as was justly observed before.

Mr. BENSON said, that this question had been agitated in the select committee, and determined in favor of the form in which it was reported; he believed this decision was founded in a great degree upon the recommendation of the State conventions, which had proposed amendments in this very form. This pointed out the mode most agreeable to the people of America, and therefore the one most eligible for Congress to pursue; it will likewise be the most convenient way. Suppose the amendments ratified by the several States; Congress may order a number of copies to be printed, into which the alterations will be inserted, and the work stand perfect and entire.

I believe it never was contemplated by any gentleman to alter the original Constitution deposited in the archives of the Union, that will remain there with the names of those who formed it, while the Government has a being. But certainly there is convenience and propriety in completing the work in a way provided for in itself. The records of Congress and the several States will mark the progress of the business; and nothing will appear to be done but what is actually performed.

Mr. MANISON.—The gentleman last up has left me but one remark to add, and that is, if we adopt the amendment, we shall so far unshingle the business, as to occasion alterations in every article and clause of the report.

Mr. HARTLEY hoped the committee would not agree to the alteration, because it would perplex the business. He wished the propositions to be simple and entire, that the State Legislatures might decide without hesitation, and every man know what was the ground on which he rested his political welfare. Besides, the consequent changes which the motion would induce, were such as, he feared, would take up some days, if not weeks; and the time of the House was too precious to be squandered away in discussing mere matter of form.

Mr. PAGE was sorry to find the gentlemen stop at the preamble; he hoped they would proceed as soon as the obstruction was removed, and that would be when the motion was negatived.

He thought the best way to view this subject, was to look at the Constitution as a bill on its passage through the House, and to consider and amend its defects, article by article; for which reason he was for entering at once upon the main business. After that was gone through, it would be time enough to arrange the materials with which the House intended to form the preamble.

Mr. LIVERMORE insisted that neither this Legislature, nor all the Legislatures in America, were authorized to repeal a Constitution; and that must be an inevitable consequence of an attempt to amend it in a way proposed by the committee. He then submitted to gentlemen the propriety of the alteration.

As to the difficulty which had been supposed

in understanding supplemental laws, he thought but little of it; he imagined there were things in the Constitution more difficult to comprehend than any thing he had yet seen in the amendments.

Mr. JACKSON.—I do not like to differ with gentlemen about form; but as so much has been said, I wish to give my opinion; it is this: that the original Constitution ought to remain inviolate, and not be patched up, from time to time, with various studs resembling Joseph's coat of many colors.

Some gentlemen talk of repealing the present Constitution and adopting an improved one. If we have this power, we may go on from year to year, making new ones; and in this way, we shall render the basis of the superstructure the most fluctuating thing imaginable, and the people will never know what the Constitution is. As for the alteration proposed by the committee, to prefix before "We the people," certain dogmas, I cannot agree to it; the words, as they now stand, speak as much as it is possible to speak; it is a practical recognition of the right of the people to ordain and establish Governments, and is more expressive than any other mere paper declaration.

But why will gentlemen contend for incorporating amendments into the Constitution? They say, that it is necessary for the people to have the whole before them in one view. Have they precedent for this assertion? Look at the Constitution of Great Britain; is that all contained in one instrument? It is well known that *magna charta* was extorted by the barons from King John some centuries ago. Has that been altered since by the incorporation of amendments? Or does it speak the same language now, as it did at the time it was obtained? Sir, it is not altered a tittle from its original form. Yet there have been many amendments and improvements in the Constitution of Great Britain since that period. In the subsequent reign of his son, the great charters were confirmed with some supplemental acts. Is the *habeas corpus* act, or the statute *De Tollagio non concedendo* incorporated in *magna charta*? And yet there is not an Englishman but would spill the last drop of his blood in their defence; it is these, with some other acts of Parliament and *magna charta*, that form the basis of English liberty. We have seen amendments to their Constitution during the present reign, by establishing the independence of the judges, who are hereafter to be appointed during good behaviour; formerly they were at the pleasure of the Crown. But was this done by striking out and inserting other words in the great charter? No, sir, the Constitution is composed of many distinct acts; but an Englishman would be ashamed to own that, on this account, he could not ascertain his own privileges or the authority of the Government.

The Constitution of the Union has been ratified and established by the people; let their act remain inviolable; if any thing we can do has a tendency to improve it, let it be done, but without mutilating and defacing the original.

Mr. SHERMAN.—If I had looked upon this question as a mere matter of form, I should not have brought it forward, or troubled the committee with such a lengthy discussion. But, sir, I contend that amendments made in the way proposed by the committee are void. No gentleman ever knew an addition and alteration introduced into an existing law, and that any part of such law was left in force; but if it was improved or altered by a supplemental act, the original retained all its validity and importance in every case where the two were not incompatible. But if these observations alone should be thought insufficient to support my motion, I would desire gentlemen to consider the authorities upon which the two Constitutions are to stand. The original was established by the people at large, by conventions chosen by them for the express purpose. The preamble to the Constitution declares the act; but will it be a truth in ratifying the next Constitution, which is to be done perhaps by the State Legislatures, and not conventions chosen for the purpose? Will gentlemen say it is "We the people" in this case? Certainly they cannot; for, by the present Constitution, we, nor all the Legislatures in the Union together, do not possess the power of repealing it. All that is granted us by the 5th article is, that whenever we shall think it necessary, we may propose amendments to the Constitution; not that we may propose to repeal the old, and substitute a new one.

Gentlemen say, it would be convenient to have it in one instrument, that people might see the whole at once; for my part, I view no difficulty on this point. The amendments reported are a declaration of rights; the people are secure in them, whether we declare them or not; the last amendment but one provides that the three branches of Government shall each exercise its own rights. This is well secured already; and, in short, I do not see that they lessen the force of any article in the Constitution; if so, there can be little more difficulty in comprehending them whether they are combined in one, or stand distinct instruments.

Mr. SMITH read extracts from the amendments proposed by several of the State conventions at the time they ratified the Constitution, from which, he said, it appeared that they were generally of opinion that the phraseology of the Constitution ought to be altered; nor would this mode of proceeding repeal any part of the Constitution but such as it touched, the remainder will be in force during the time of considering it and ever after.

As to the observations made by the honorable gentleman from Georgia, respecting the amendments made to the Constitution of Great Britain, they did not apply; the cases were nothing like similar, and consequently, could not be drawn into precedent. The Constitution of Britain is neither the *magna charta* of John, nor the *habeas corpus* act, nor all the charters put together; it is what the Parliament wills. It is true, there are rights granted to the subject that cannot be resumed; but the Constitution, or form of Govern-

ment, may be altered by the authority of Parliament, whose power is absolute without control.

Mr. SENEY was afraid the House would consume more time than was at first apprehended in discussing the subject of amendments, if he was to infer any thing from what had now taken place. He hoped the question would soon be put and decided.

Mr. VINING was an enemy to unnecessary debate, but he conceived the question to be an important one, and was not displeased with the discussion that had taken place; he should, however, vote in favor of the most simple mode.

Mr. GERRY.—The honorable gentleman from Connecticut, if I understand him right, says that the words "We the people" cannot be retained, if Congress should propose amendments, and they be ratified by the State Legislatures. Now, if this is a fact, we ought most undoubtedly to adopt his motion; because if we do not, we cannot obtain any amendment whatever. But upon what ground does the gentleman's position stand? The Constitution of the United States was proposed by a convention met at Philadelphia; but, with all its importance, it did not possess as high authority as the President, Senate, and House of Representatives of the Union. For that convention was not convened in consequence of any express will of the people, but an implied one, through their members in the State Legislatures. The Constitution derived no authority from the first convention; it was concurred in by convention of the people, and that concurrence armed it with power and invested it with dignity. Now the Congress of the United States are expressly authorized by the sovereign and uncontrollable voice of the people, to propose amendments whenever two-thirds of both Houses shall think fit. Now, if this is the fact, the propositions of amendment will be found to originate with a higher authority than the original system. The conventions of the States, respectively, have agreed for the people, that the State Legislatures shall be authorized to decide upon these amendments in the manner of a convention. If these acts of the State Legislatures are not good, because they are not specifically instructed by their constituents, neither were the acts calling the first and subsequent conventions.

Does he mean to put amendments on this ground, that after they have been ratified by the State Legislatures, they are not to have the same authority as the original instrument? If this is his meaning, let him avow it; and if it is well founded, we may save ourselves the trouble of proceeding in the business. But, for my part, I have no doubt but a ratification of the amendments, in any form, would be as valid as any part of the Constitution. The Legislatures are elected by the people. I know no difference between them and conventions, unless it be that the former will generally be composed of men of higher characters than may be expected in conventions; and in this case, the ratification by the Legislatures would have the preference.

Now, if it is clear that the effect will be the

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same in either mode, will gentlemen hesitate to approve the most simple and clear? It will undoubtedly be more agreeable to have it all brought into one instrument, than have to refer to five or six different acts.

Mr. SHERMAN.—The gentlemen who oppose the motion say we contend for matter of form; they think it nothing more. Now we say we contend for substance, and therefore cannot agree to amendments in this way. If they are so desirous of having the business completed, they had better sacrifice what they consider but a matter of indifference to gentlemen, to go more unanimously along with them in altering the Constitution.

The question on Mr. SHERMAN's motion was now put and lost.

Mr. LIVERMORE wished to know whether it was necessary, in order to carry a motion in committee, that two-thirds should agree.

Mr. HARTLEY mentioned, that in Pennsylvania, they had a council of censors who were authorized to call a convention to amend the Constitution when it was thought necessary, but two-thirds were required for that purpose. He had been a member of that body, when they had examined the business in a committee of council; the majority made a report, which was lost for want of two-thirds to carry it through the council.

Some desultory conversation took place on this subject, when it was decided by the chairman of the committee that a majority of the committee were sufficient to form a report.

An appeal being made from the opinion of the Chair, it was, after some observations, confirmed by the committee. After which the committee rose and reported progress.

Adjourned.

FRIDAY, August 14.

ABIEL FOSTER, from New Hampshire, appeared and took his seat.

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The House then again resolved itself into a Committee of the Whole, on the amendments to the Constitution, Mr. TRUMBULL in the Chair; when,

Mr. SMITH wished to transpose the words of the first amendment, as they did not satisfy his mind in the manner they stood.

Mr. GERRY said, they were not well expressed; we have it here "government being" intended for the benefit of the people; this holds up an idea that all the Governments of the earth are intended for the benefit of the people. Now, I am so far from being of this opinion, that I do not believe that one out of fifty is intended for any such purpose. I believe the establishment of most Governments is to gratify the ambition of an individual, who, by fraud, force, or accident, had made himself master of the people. If we contemplate the history of nations, ancient or modern, we shall find they originated either in fraud or force, or both. If this is demonstrable, how can we pretend to say that Governments are intended for the benefit of the people?

tended for the benefit of those who are most oppressed by them. This maxim does not appear to me to be strictly true in fact, therefore I think we ought not to insert it in the Constitution. I shall therefore propose to amend the clause, by inserting "of right;" then it will stand as it ought. I do not object to the principle, sir; it is a good one, but it does not generally hold in practice.

The question on inserting the words "of right" was put, and determined in the negative.

Mr. TUCKER.—I presume these propositions are brought forward under the idea of being amendments to the Constitution; but can this be esteemed an amendment of the Constitution? If I understand what is meant by the introductory paragraph, it is the preamble to the Constitution; it is, to say the best, a useless amendment. For my part, I should as soon think of amending the concluding part, consisting of General Washington's letter to the President of Congress, as the preamble; but if the principle is of importance, it may be introduced into a bill of rights.

Mr. SMITH read the amendments on this head, proposed by the conventions of New York, Virginia, and North Carolina, from which it appeared that these States had expressed a desire to have an amendment of this kind.

Mr. TUCKER replied that the words "We the people do ordain and establish this Constitution for the United States of America," were a declaration of their action; this being performed, Congress have nothing to do with it. But if it was necessary to retain the principle, it might come in on some other place.

Mr. SUMNER thought this was not a proper place to introduce any general principle; perhaps, in going through with the amendments, something might be proposed subversive of what was there declared; wherefore he wished the committee would pass over the preamble until they had gone through all the amendments, and then, if alterations were necessary, they could be accommodated to what had taken place in the body of the Constitution.

Mr. LIVERMORE was not concerned about the preamble; he did not care what kind it was agreed to form in the committee; because when it got before the House, it would be undone if one member more than one-third of the whole opposed it.

Mr. PAGE thought the preamble no part of the Constitution; but if it was, it stood in no need of amendment; the words "We, the people," had the neatness and simplicity, while its expression was the most forcible of any he had ever seen prefixed to any Constitution. He did not doubt the truth of the proposition brought forward by the committee, but he doubted its necessity in this place.

Mr. MADISON.—If it be a truth, and so self-evident that it cannot be denied—if it be recognised, as is the fact in many of the State Constitutions—and if it be desired by three important States to be added to this—I think they must collectively offer a strong inducement to the mind desirous of promoting harmony to acquiesce with the report;

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at least some strong arguments should be brought forward to show the reason why it is improper.

My worthy colleague says the original expression is neat and simple; that loading it with more words may destroy the beauty of the sentence; and others say it is unnecessary, as the paragraph is complete without it. Be it so in their opinion; yet still it appears important in the estimation of three States that this solemn truth should be inserted in the Constitution. For my part, sir, I do not think the association of ideas anywise unnatural; it reads very well in this place; so much so, that I think gentlemen, who admit it should come in somewhere else, will be puzzled to find a better place.

Mr. SHERMAN thought they ought not to come in in this place. The people of the United States have given their reasons for doing a certain act. Here we propose to come in and give them a right to do what they did on motives which appeared to them sufficient to warrant their determination; to let them know that they had a right to exercise a natural and inherent privilege, which they have asserted in a solemn ordinance and establishment of the Constitution.

Now, if this right is indefeasible, and the people have recognised it in practice, the truth is better asserted than it can be by any words whatever. The words "We the people," in the original Constitution, are as copious and expressive as possible; any addition will only drag out the sentence without illuminating it; for these reasons it may be hoped the committee will reject the proposed amendment.

The question on the first paragraph of the report was put and carried in the affirmative, twenty-seven to twenty-three.

The second paragraph in the report was read as follows:

Article 1. Section 2. Paragraph 3. Strike out all between the words "direct" and "and until such," and instead thereof insert "after the first enumeration, there shall be one representative for every thirty thousand, until the number shall amount to one hundred. After which the proportion shall be so regulated by Congress that the number of representatives shall never be less than one hundred, nor more than one hundred and seventy-five; but each State shall always have at least one representative."

Mr. VISING.—The duty, sir, which I owe to my constituents, and my desire to establish the Constitution on a policy dictated by justice and liberality, which will ever secure domestic tranquillity and promote the general welfare, induces me to come forward with a motion which I rest upon its own merits. Gentlemen who have a magnanimous policy in view, I trust, will give it their support, and concede to what is proper in itself, and likely to procure a greater degree of harmony. I therefore move you, sir, to insert after the words "one hundred and seventy-five" these words: "That where the number of inhabitants of any particular State amounts to forty-five thousand, they shall be entitled to two representatives."

This motion was negatived without a division. Mr. AMES moved to strike out "thirty thousand," and insert "forty thousand." I am induced to this, said he, because I think my fellow-citizens will be dissatisfied with too numerous a representation. The present, I believe, is in proportion to one for forty thousand, the number I move to insert. I believe we have hitherto experienced no difficulty on account of the smallness of our number; if we are embarrassed, I apprehend the embarrassment will arise from our want of knowing the general interest of the nation at large; or for want of local information. If the present number is found sufficient for the purpose of legislation, without any such embarrassment, it ought to be preferred, inasmuch as it is most adequate to its object.

But before we proceed in the discussion, let us consider the effect which a representation, founded on one member for thirty thousand citizens, will produce. In the first place, it will give four members for every three now entitled to a seat in this House, which will be an additional burden to the Union, in point of expense, in the same ratio. Add to this another consideration, that probably before the first census is taken, the number of inhabitants will be considerably increased from what it was when the convention which formed this Constitution obtained their information. This will probably increase the expenses of Government to four hundred and fifty thousand dollars annually. Now, those who have attended particularly to economy—who, upon the most careful calculation, find that our revenue is likely to fall infinitely short of our expenses—will consider this saving as a considerable object, and deserving their most serious regard.

It may become dissatisfactory to the people as an intolerable burden. Again, it must be abundantly clear to every gentleman, that, in proportion as you increase the number of representatives, the body degenerates; you diminish the individual usefulness; gentlemen will not make equal exertions to despatch business, when they can lean upon others for the arrangement.

By enlarging the representation we lessen the chance of selecting men of the greatest wisdom and abilities; because small district elections may be conducted by intrigue, but in large districts nothing but real dignity of character can secure an election. Gentlemen ought to consider how essential it is to the security and welfare of their constituents that this branch of the Government should support its independence and consequence.

Another effect of it will be an excitement or fermentation in the representative body. Numerous assemblies are supposed to be less under the guidance of reason than smaller ones; their deliberations are confused; they will fall the prey of party spirit; they will be unable to get through by fair and open argument. All these circumstances tend to retard the public business and increase the expense, making Government, in the eyes of some, so odious as to induce them to think it rather a curse than a blessing.

It lessens that responsibility which is annexed to the representative of a more numerous body of people; for I believe it will be found true that the representatives of forty thousand citizens will have more at risk than the man who represents a part of them. He has more dignity of character to support, and must use the most unremitting industry in their service to preserve it unsullied; he will be more sensible of the importance of his charge, and more indefatigable in his duty.

It is said that these amendments are introduced with a view to conciliate the affections of the people to the Government. I am persuaded the people are not anxious to have a large representation of one for every thirty thousand; they are satisfied with the representation they now enjoy. The great object which the convention of Massachusetts had in view, by proposing this amendment, was to obtain a security that Congress should never reduce the representation below what they conceived to be a point of security. Their object was not augmentation, it was certainty alone they wished for. At the next census, the number of representatives will be seventy or eighty, and in twenty years it will be equal to the desires of any gentleman. We shall have to guard against its growth in less than half a century. The number of proper characters to serve in the Legislature of any country is small; and of those many are inclined to pursue other objects. If the representation is greatly enlarged, men of inferior abilities will undoubtedly creep in; for although America has as great a proportion of men of sense and judgment as any nation on earth, yet she may not have sufficient to fill a legislative body unduly enlarged.

Now, if it has been questioned whether this country can remain united under a Government administered by men of the most consummate abilities, the sons of wisdom, and the friends of virtue, how much more doubtful will it be if the administration is thrown into different hands; and different hands must inevitably be employed, if the representation is too large.

Mr. MADISON.—I cannot concur in sentiment with the gentleman last up, that one representative for forty thousand inhabitants will conciliate the minds of those to the Government who are desirous of amendments; because they have rather wished for an increase, than confined themselves to a limitation.

I believe, by this motion, we shall avoid no inconvenience that can be considered of much consequence, for one member for either thirty thousand or forty thousand inhabitants, will, in a few years, give the number beyond which it is proposed Congress shall not go.

Now, if good policy requires that we accommodate the Constitution to the wishes of that part of the community who are anxious for amendments, we shall agree to something like what is proposed in the report, for the States of New Hampshire, Massachusetts, New York, Virginia, and North Carolina, have desired an alteration on this head; some have required an increase as far

as two hundred at least. This does not look as if certainty was their sole object.

I do not consider it necessary, on this occasion, to go into a lengthy discussion of the advantages of a less or greater representation. I agree that after going beyond a certain point, the number may become inconvenient; that is proposed to be guarded against; but it is necessary to go to a certain number, in order to secure the great objects of representation. Numerous bodies are undoubtedly liable to some objections, but they have their advantages also; if they are more exposed to passion and fermentation, they are less subject to venality and corruption; and in a Government like this, where the House of Representatives is connected with a smaller body, it might be good policy to guard them in a particular manner against such abuse.

But for what shall we sacrifice the wishes of the people? Not for a momentary advantage. Yet the amendments proposed by the gentleman from Massachusetts will lose its efficacy after the second census. I think, with respect to futurity, it makes little or no difference; and as it regards the present time, thirty thousand is the most proper, because it is the number agreed upon in the original Constitution, and what is required by several States.

Mr. SENECA.—I observed, that the amendment proposed by the convention of Massachusetts was carried there, after a full discussion; since then, the whole of the amendments proposed by the convention had been recommended by the Legislature of that State to the attention of their delegates in Congress. From these two circumstances he was led to believe, that his and his colleague's constituents were generally in favor of the amendment as stated in the report.

He did not expect any advantage would arise from enlarging the number of representatives beyond a certain point; but he thought one hundred and seventy-five rather too few.

Mr. GERRY.—My colleague (Mr. AMES) has said, that we experience no inconvenience for want of either general or local knowledge. Sir, I may dispute the fact, from the difficulties we encountered in carrying through the collection bill, and on some other occasions, where we seemed much at a loss to know what are the dispositions of our constituents. But admitting this to be the fact, is information the only principle upon which we are to stand? Will that gentlemen pretend to say we have as much security in a few representatives as in many? Certainly he will not. Not that I would insist upon a burdensome representation, but upon an adequate one. He supposes the expenses of the Government will be increased in a very great proportion; but if he calculates with accuracy, he will find the difference of the pay of the additional members not to exceed a fourth. The civil list was stated to cost three hundred thousand dollars, but the House of Representatives does not cost more than a ninth of that sum; consequently, the additional members, at the ratio of four for three, could not amount to more than a thirtieth part, which would fall far short of what he seemed to apprehend. Is this such an object

as to induce the people to risk every security which they ought to have in a more numerous representation?

One observation which I understood fell from him, was, that multiplying the number of representatives diminished the dignity and importance of the individuals who compose the House. Now I wish to know, whether he means that we should establish our own importance at the risk of the liberties of America; if so, it has been of little avail that we successfully opposed the lordly importance of a British Parliament. We shall now, I presume, be advised to keep the representation where it is, in order to secure our dignity; but I hope it will be ineffectual, and that gentlemen will be inclined to give up some part of their consequence to secure the rights of their constituents.

My honorable colleague has said, that large bodies are subject to fermentations; true, sir, but so are small ones also, when they are composed of aspiring and ambitious individuals. Large bodies in this country are likely to be composed, in a great measure, of gentlemen who represent the landed interest of the country; these are generally more temperate in debate than others, consequently, by increasing the representation we shall have less of this fermentation than on the present establishment. As to the other objections, they are not of sufficient weight to induce the House to refuse adopting an amendment recommended by so large a body of our constituents.

Mr. LIVERMORE was against the alteration, because he was certain his constituents were opposed to it. He never heard a single person but supposed that one member was little enough to represent the interest of thirty thousand inhabitants; many had thought the proposition ought to be one for twenty or twenty-five thousand. It would be useless to propose amendments which there was no probability of getting ratified, and he feared this would be the fate of the one under consideration, if the honorable gentleman's alteration took place.

Mr. AMES begged to know the reasons upon which amendments were founded. He hoped it was not purely to gratify an indigested opinion; but in every part where they retouched the edifice it was with an intention of improving the structure; they certainly could not think of making alterations for the worse. Now that his motion would be an improvement was clearly demonstrated from the advantage in favor of deliberating by a less numerous body, and various other reasons already mentioned; but to those, the honorable gentleman from Virginia (Mr. MADISON) replied, by saying we ought to pay attention to the amendments recommended by the States. If this position is true, we have nothing more to do than read over their amendments, and propose them without exercising our judgment upon them. But he would undertake to say, that the object of the people was rather to procure certainty than increase; if so, it was the duty of Congress rather to carry the spirit of the amendment into operation than the letter of it.

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The House of Representatives will furnish a better check upon the Senate, if filled with men of independent principles, integrity, and eminent abilities, than if consisting of a numerous body of inferior characters; in this opinion, said he, my colleague cannot but agree with me. Now if you diminish the consequence of the whole you diminish the consequence of each individual; it was in this view that he contended for the importance of the amendment.

He said it could not be the wish of Massachusetts to have the representation numerous, because they were convinced of its impropriety in their own Legislature, which might justly be supposed to require a greater number, as the objects of their deliberation extended to minute and local regulations. But that kind of information was not so much required in Congress, whose power embraced national objects alone. He contended, that all the local information necessary in this House, was to be found as fully among the ten members from Massachusetts, as if there had been one from every town in the State.

It is not necessary to increase the representation, in order to guard against corruption, because no one will presume to think that a body composed like this, and increased in a ratio of four to three, will be much less exposed to sale than we are. Nor is a greater number necessary to secure the rights and liberties of the people, for the representative of a great body of people is likely to be more watchful of its interests than the representative of a lesser body.

Mr. JACKSON.—I have always been afraid of letting this subject come before the House, for I was apprehensive that something would be offered striking at the very foundation of the Constitution, by lessening it in the good opinion of the people. I conceive that the proposition for increasing the ratio of representation will have this tendency; but I am not opposed to the motion only on the principle of expediency, but because I think it grounded on wrong principle. The honorable gentleman's arguments were as much in favor of intrusting the business of legislation to one, two, or three men, as to a body of sixty or a hundred, they would despatch business with greater facility and be an immense saving to the public; but will the people of America be gratified with giving the power of managing their concerns into the hands of one man? Can this take place upon the democratic principle of the Constitution, I mean the doctrine of representation? Can one man, however consummate his abilities, however unimpeachable his integrity, and however superior his wisdom, be supposed capable of understanding, combining, and managing interests so diversified as those of the people of America? It has been complained of, that the representation is too small at one for thirty thousand; we ought not therefore attempt to reduce it.

In a Republic, the laws should be founded upon the sense of the community; if every man's opinion could be obtained, it would be the better; it is only in aristocracies, where the few are supposed

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to understand the general interests of the community better than the many. I hope I shall never live to see that doctrine established in this country.

Mr. STONE supposed the United States to contain three millions of people; these, at one representative for every thirty thousand, would give a hundred members, of which fifty-one would be a quorum to do business; twenty-six men would be a majority, and give law to the United States, together with seven in the Senate. If this was not a number sufficiently small to administer the Government, he did not know what was. He was satisfied that gentlemen, upon mature reflection, would deem it inexpedient to reduce that number one-fourth.

Mr. SNEY said, it had been observed by the gentleman from Massachusetts, that it would tend to diminish the expense; but he considered this object as very inconsiderable when compared with that of having a fair and full representation of the people of the United States.

Mr. AMES's motion was now put, and lost by a large majority.

Mr. SEDGWICK.—When he reflected on the country, and the increase of population which was likely to take place, he was led to believe that one hundred and seventy-five members would be a body rather too small to represent such extensive concerns; for this reason he would move to strike out a hundred and seventy-five and insert two hundred.

Mr. SHERMAN said, if they were now forming a Constitution, he should be in favor of one representative for forty thousand, rather than thirty thousand. The proportion by which the several States are now represented in this House was founded on the former calculation. In the convention that framed the Constitution, there was a majority in favor of forty thousand, and though there were some in favor of thirty thousand, yet that proposition did not obtain until after the Constitution was agreed to, when the President had expressed a wish that thirty thousand should be inserted, as more favorable to the public interest; during the contest between thirty and forty thousand, he believed there were not more than nine States who voted in favor of the former.

The objects of the Federal Government were fewer than those of the State Government; they did not require an equal degree of local knowledge; the only case, perhaps, where local knowledge would be advantageous, was in laying direct taxes; but here they were freed from an embarrassment, because the arrangements of the several States might serve as a pretty good rule on which to found their measures.

So far was he from thinking a hundred and seventy-five insufficient, that he was about to move for a reduction, because he always considered that a small body deliberated to better purpose than a greater one.

Mr. MANSON hoped gentlemen would not be influenced by what had been related to have passed in the convention; he expected the committee would determine upon their own sense of

propriety; though as several States had proposed the number of two hundred, he thought some substantial reason should be offered to induce the House to reject it.

Mr. LIVERMORE said, he did not like the amendment as it was reported; he approved of the ratio being one for thirty thousand, but he wished the number of representatives might be increased in proportion as the population of the country increased, until the number of representatives amounted to two hundred.

Mr. TUCKER said, the honorable gentleman who spoke last had anticipated what he was going to remark. It appeared to him that the committee had looked but a very little way forward when they agreed to fix the representation at one hundred members, on a ratio of one to every thirty thousand upon the first enumeration. He apprehended the United States would be found to comprehend nearly three millions of people, consequently they would give a hundred members. Now, by the amendment, it will be in the power of Congress to prevent any addition to that number; if it should be a prevalent opinion among the members of this House that a small body was better calculated to perform the public business than a larger one, they will never suffer their members to increase to a hundred and seventy-five, the number to which the amendment extended.

Mr. GEARY expressed himself in favor of extending the number to two hundred, and wished that the amendment might be so modified as to insure an increase in proportion to the increase of population.

Mr. SHERMAN was against any increase. He thought if a future House should be convinced of the impropriety of increasing this number to above one hundred, they ought to have it at their discretion to prevent it; and if that was likely to be the case, it was an argument why the present House should not decide. He did not consider that all that had been said with respect to the advantages of a large representation was founded upon experience; it had been intimated, that a large body was more incorruptible than a smaller one; this doctrine was not authenticated by any proof; he could invalidate it by an example notorious to every gentleman in this House; he alluded to the British House of Commons, which although it consisted of upwards of five hundred members, the Minister always contrived to procure votes enough to answer his purpose.

Mr. LAWRENCE said, that it was a matter of opinion upon which gentlemen held different sentiments, whether a greater or less number than a certain point was best for a deliberative body. But he apprehended that whatever number was now fixed would be continued by a future Congress, if it were left to their discretion. He formed this opinion from the influence of the Senate, in which the small States were represented in an equal proportion with the larger ones. He supposed that the Senators from New Hampshire, Rhode Island, Connecticut, Jersey, and Delaware, would ever oppose an augmentation of the num-

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ber of representatives; because their influence in the House would be proportionably abated. These States were incapable of extending their population beyond a certain point, inasmuch as they were confined with respect to territory. If, therefore, they could never have more than one representative, they would hardly consent to double that of others, by which their own importance would be diminished. If such a measure was carried by the large States through this House, it might be successfully opposed in the Senate; he would, therefore, be in favor of increasing the number to two hundred, and making its increase gradual till it arrived at that height.

Mr. GEARY.—The presumption is, that if provision is not made for the increase of the House of Representatives, by the present Congress, the increase never will be made. Gentlemen ought to consider the difference between the Government in its infancy and when well established. The people suppose their liberties somewhat endangered; they have expressed their wishes to have them secured, and instructed their representatives to endeavor to obtain for them certain amendments, which they imagine will be adequate to the object they have in view. Besides this, there are two States not in the Union; but which we hope to annex to it by the amendments now under deliberation. These are inducements for us to proceed and adopt this amendment, independent of the propriety of the amendment itself, and such inducements as no future Congress will have, the principle of self-interest and self-importance will always operate on them to prevent any addition to the number of representatives. Cannot gentlemen contemplate a difference in situation between this and a future Congress on other accounts? We have neither money nor force to administer the Constitution; but this will not be the case hereafter. In the progress of this Government its revenues will increase, and an army will be established; a future Legislature will find other means to influence the people than now exist.

This circumstance proves that we ought to leave as little as possible to the discretion of the future Government: but it by no means proves that the present Congress ought not to adopt the amendment moved by my colleague, Mr. SEDGWICK.

Mr. AMES.—It has been observed that there will be an indisposition in future Legislatures to increase the number of representatives. I am by no means satisfied that this observation is true. I think there are motives which will influence Legislatures of the best kind to increase the number of its members. There is a constant tendency in a republican Government to multiply what it thinks to be the popular branch. If we consider that men are often more attached to their places than they are to their principles, we shall not be surprised to see men of the most refined judgment advocating a measure which will increase their chance of continuing in office.

My honorable colleague has intimated that a future Legislature will be against extending the

number of this branch; and that if the people are displeased, they will have it in their power, by force, to compel their acquiescence. I do not see, sir, how the Legislature is strengthened by the increase of an army. I have generally understood that it gave power to the Executive arm, but not to the deliberative head: the example of every nation is against him. Nor can I conceive upon what foundation he rests his reasoning. If there is a natural inclination in the Government to increase the number of administrators, it will be prudent in us to endeavor to counteract its baneful influence.

Mr. LIVERMORE now proposed to strike out the words "one hundred," and insert "two hundred." Mr. SEDGWICK suspended his motion until this question was determined; whereupon it was put and lost, there being twenty-two in favor of, and twenty-seven against it.

Mr. SEDGWICK's motion was then put, and carried in the affirmative.

Mr. LIVERMORE wished to amend the clause of the report in such a manner as to prevent the power of Congress from deciding the rate of increase. He thought the Constitution had better fix it, and let it be gradual until it arrived at two hundred. After which, if it was the sense of the committee, it might be stationary, and liable to no other variation than that of being apportioned among the members of the Union.

Mr. AMES suggested to the consideration of gentlemen, whether it would not be better to arrange the subject in such a way as to let the representation be proportioned to a ratio of one for thirty thousand at the first census, and one for forty thousand at the second, so as to prevent a too rapid increase of the number of members. He did not make a motion of this nature, because he conceived it to be out of order, after the late decision of the committee; but it might be brought forward in the House, and he hoped would accommodate both sides.

Mr. GEARY wished that the gentleman last up would pen down the idea he had just thrown out; he thought it very proper for the consideration of the House.

The question on the second proposition of the report, as amended, was now put and carried, being twenty-seven for, and twenty-two against it.

This next proposition in the report was as follows:

Article I, Section 6. Between the words "United States," and "shall in all cases," strike out "they," and insert "but no law varying the compensation shall take effect, until an election of representatives shall have intervened. The members."

Mr. SEDGWICK thought much inconvenience and but very little good would result from this amendment; it might serve as a tool for designing men; they might reduce the wages very low, much lower than it was possible for any gentleman to serve without injury to his private affairs, in order to procure popularity at home, provided a diminution of pay was looked upon as a desirable thing. It might also be done, in order to pre-

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vent men of shining and disinterested abilities, but of indigent circumstances, from rendering their fellow-citizens those services they are well able to perform, and render a seat in this House less eligible than it ought to be.

Mr. Vining thought every future Legislature would feel a degree of gratitude to the preceding one, which had performed so disagreeable a task for them. The committee who had made this a part of their report, had been guided by a single reason, but which appeared to them a sufficient one. There was, to say the least of it, a disagreeable sensation occasioned by leaving it in the breast of any man to set a value on his own work; it is true it is unavoidable in the present House, but it might, and ought to be avoided in future; he therefore hoped it would obtain without any difficulty.

Mr. GERRY would be in favor of this clause, if they could find means to secure an adequate representation; but he apprehended that it would be considerably endangered; he should therefore be against it.

Mr. MADISON thought the representation would be as well secured under this clause as it would be if it was omitted; and as it was desired by a great number of the people of America, he would consent to it, though he was not convinced it was absolutely necessary.

Mr. SNOWICK remarked once more, that the proposition had two aspects which made it disagreeable to him; the one was to render a man popular to his constituents, the other to render the place ineligible to his competitor.

He thought there was very little danger of an abuse of the power of laying down their own wages; gentlemen were generally more inclined to make them moderate than excessive.

The question being put on the proposition, it was carried in the affirmative, twenty-seven for, and twenty against it.

The committee then rose and reported progress, and the House adjourned.

SATURDAY, August 15.

AMENDMENTS TO THE CONSTITUTION.

The House again went into a Committee of the Whole on the proposed amendment to the Constitution, Mr. BOUNDNOT in the Chair.

The fourth proposition being under consideration, as follows:

Article 1. Section 9. Between paragraphs two and three insert "no religion shall be established by law, nor shall the equal rights of conscience be infringed."

Mr. SYLVESTER had some doubts of the propriety of the mode of expression used in this paragraph. He apprehended that it was liable to a construction different from what had been made by the committee. He feared it might be thought to have a tendency to abolish religion altogether.

Mr. Vining suggested the propriety of transposing the two members of the sentence

Mr. GERRY said it would read better if it was, that no religious doctrine shall be established by law.

Mr. SHERMAN thought the amendment altogether unnecessary, inasmuch as Congress had no authority whatever delegated to them by the Constitution to make religious establishments; he would, therefore, move to have it struck out.

Mr. CARTOLL.—As the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand; and as many acts have concurred in opinion that they are not well secured under the present Constitution, he said he was much in favor of adopting the words. He thought it would tend more towards conciliating the minds of the people to the Government than almost any other amendment he had heard proposed. He would not contend with gentlemen about the phraseology, his object was to secure the substance in such a manner, as to satisfy the wishes of the honest part of the community.

Mr. MADISON said, he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observance of it by law, nor compel men to worship God in any manner contrary to their conscience. Whether the words are necessary or not, he did not mean to say, but they had been required by some of the State Conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave power to Congress to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it, enabled them to make laws of such a nature as might infringe the rights of conscience, and establish a national religion; to prevent these effects he presumed the amendment was intended, and he thought it as well expressed as the nature of the language would admit.

Mr. HUNTINGTON said that he feared, with the gentleman first up on this subject, that the words might be taken in such latitude as to be extremely hurtful to the cause of religion. He understood the amendment to mean what had been expressed by the gentleman from Virginia; but others might find it convenient to put another construction upon it. The ministers of their congregations to the Eastward were maintained by the contributions of those who belonged to their society; the expense of building meeting-houses was contributed in the same manner. These things were regulated by by-laws. If an action was brought before a Federal Court on any of these cases, the person who had neglected to perform his engagements could not be compelled to do it; for a support of ministers or building of places of worship might be construed into a religious establishment.

By the charter of Rhode Island, no religion could be established by law; he could give a history of the effects of such a regulation; indeed the people were now enjoying the blessed fruits of it. He hoped, therefore, the amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of re-

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ligion, but not to patronize those who professed no religion at all.

Mr. MADISON thought, if the word "national" was inserted before religion, it would satisfy the minds of honorable gentlemen. He believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word "national" was introduced, it would point the amendment directly to the object it was intended to prevent.

Mr. LIVERMORE was not satisfied with that amendment; but he did not wish them to dwell long on the subject. He thought it would be better if it were altered, and made to read in this manner, that Congress shall make no laws touching religion, or infringing the rights of conscience.

Mr. GERRY did not like the term national, proposed by the gentleman from Virginia, and he hoped it would not be adopted by the House. It brought to his mind some observations that had taken place in the conventions at the time they were considering the present Constitution. It had been insisted upon by those who were called anti-federalists, that this form of Government consolidated the Union; the honorable gentleman's motion shows that he considers it in the same light. Those who were called anti-federalists at that time, complained that they had injustice done them by the title, because they were in favor of a Federal Government, and the others were in favor of a national one; the federalists were for ratifying the Constitution as it stood, and the others not until amendments were made. Their names then ought not to have been distinguished by federalists and anti-federalists, but rats and anti-rats.

Mr. MADISON withdrew his motion, but observed that the words "no national religion shall be established by law" did not imply that the Government was a national one; the question was then taken on Mr. LIVERMORE's motion, and passed in the affirmative, thirty-one for, and twenty against it.

The next clause of the fourth proposition was taken into consideration, and was as follows: "The freedom of speech and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the Government for redress of grievances, shall not be infringed."

Mr. SNOWICK submitted to those gentlemen who had contemplated the subject, what effect such an amendment as this would have; he feared it would tend to make them appear trifling in the eyes of their constituents; what, said he, shall we secure the freedom of speech, and think it necessary, at the same time, to allow the right of assembling? If people freely converse together, they must assemble for that purpose; it is a self-evident, unalienable right which the people possess; it is certainly a thing that never would be called in question; it is derogatory to the dignity of the House to descend to such minutiae; he therefore moved to strike out "assemble and."

Mr. BENSON.—The committee who framed this

report proceeded on the principle that these rights belonged to the people; they conceived them to be inherent; and all that they meant to provide against was their being infringed by the Government.

Mr. SNOWICK replied, that if the committee were governed by that general principle, they might have gone into a very lengthy enumeration of rights; they might have declared that a man should have a right to wear his hat if he pleased; that he might get up when he pleased, and go to bed when he thought proper; but he would ask the gentleman whether he thought it necessary to enter these trifles in a declaration of rights, in a Government where none of them were intended to be infringed.

Mr. TUCKER hoped the words would not be struck out, for he considered them of importance; besides, they were recommended by the States of Virginia and North Carolina, though he noticed that the most material part proposed by those States was omitted, which was a declaration that the people should have a right to instruct their representatives. He would move to have those words inserted as soon as the motion for striking out was decided.

Mr. GERRY was also against the words being struck out, because he conceived it to be an essential right; it was inserted in the constitutions of several States; and though it had been abused in the year 1786 in Massachusetts, yet that abuse ought not to operate as an argument against the use of it. The people ought to be secure in the peaceable enjoyment of this privilege, and that can only be done by making a declaration to that effect in the Constitution.

Mr. PAGE.—The gentleman from Massachusetts, (Mr. SNOWICK,) who made this motion, objects to the clause, because the right is of so trivial a nature. He supposes it no more essential than whether a man has a right to wear his hat or not; but let me observe to him that such rights have been opposed, and a man has been obliged to pull off his hat when he appeared before the face of authority; people have also been prevented from assembling together on their lawful occasions, therefore it is well to guard against such stretches of authority, by inserting the privilege in the declaration of rights. If the people could be deprived of the power of assembling under any pretext whatsoever, they might be deprived of every other privilege contained in the clause.

Mr. Vining said, if the thing were harmless, and it would tend to gratify the States that had proposed amendments, he should agree to it.

Mr. HARTLEY observed, that it had been asserted in the convention of Pennsylvania, by the friends of the Constitution, that all the rights and powers that were not given to the Government, were retained by the States and the people thereof. This was also his own opinion; but as four or five States had required to be secured in those rights by an express declaration in the Constitution, he was disposed to gratify them; he thought every thing that was not incompatible with the general good, ought to be granted, if it would

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tend to obtain the confidence of the people in the Government; and, upon the whole, he thought these words were as necessary to be inserted in the declaration of rights as most in the clause.

Mr. GERRY said, that his colleague contended for nothing, if he supposed that the people had a right to consult for the common good, because they could not consult unless they met for the purpose.

Mr. SEDGWICK replied, that if they were understood or implied in the word consult, they were utterly unnecessary, and upon that ground he moved to have them struck out.

The question was now put upon Mr. SEDGWICK's motion, and lost by a considerable majority.

Mr. TUCKER then moved to insert these words: "to instruct their representatives."

Mr. HARTLEY wished the motion had not been made, for gentlemen acquainted with the circumstances of this country, and the history of the country from which we separated, differed exceedingly on this point. The members of the House of Representatives, said he, are chosen for two years, the members of the Senate for six.

According to the principles laid down in the Constitution, it is presumable that the persons elected know the interests and the circumstances of their constituents, and being checked in their determinations by a division of the Legislative power into two branches, there is little danger of error. At least it ought to be supposed that they have the confidence of the people during the period for which they are elected; and if, by misconduct, they forfeit it, their constituents have the power of leaving them out at the expiration of that time—thus they are answerable for the part they have taken in measures that may be contrary to the general wish.

Representation is the principle of our Government; the people ought to have confidence in the honor and integrity of those they send forward to transact their business; their right to instruct them is a problematical subject. We have seen it attended with bad consequences, both in England and America. When the passions of the people are excited, instructions have been resorted to and obtained to answer party purposes; and although the public opinion is generally respectable, yet at such moments it has been known to be often wrong; and happy is that Government composed of men of firmness and wisdom to discover and resist popular error.

If, in a small community, where the interests, habits, and manners, are neither so numerous nor diversified, instructions bind not, what shall we say of instructions to this body? Can it be supposed that the inhabitants of a single district in a State are better informed with respect to the general interests of the Union, than a select body assembled from every part? Can it be supposed that a part will be more desirous of promoting the good of the whole than the whole will of the part? I apprehend, sir, that Congress will be the best judges of proper measures, and that instructions will never be resorted to but for party purposes,

when they will generally contain the prejudices and acrimony of the party, rather than the dictates of honest reason and sound policy.

In England, this question has been considerably agitated. The representatives of some towns in Parliament have acknowledged and submitted to the binding force of instructions, while the majority has thrown off the shackles with disdain. I would not have this precedent influence our decision; but let the doctrine be tried upon its own merits, and stand or fall as it shall be found to deserve.

It appears to my mind that the principle of representation is distinct from any agency which may require written instructions. The great end of meeting is to consult for the common good; but can the common good be discerned without the object is reflected and shown in every light?

A local or partial view does not necessarily enable any man to comprehend it clearly; this can only result from an inspection into the aggregate. Instructions viewed in this light will be found to embarrass the best and wisest men. And were all the members to take their seats in order to obey instructions, and those instructions were as various as it is probable they would be, what possibility would there exist of so accommodating each to the other as to produce any act whatever? Perhaps a majority of the whole might not be instructed to agree to any one point, and is it thus the people of the United States propose to form a more perfect union, provide for the common defence, and promote the general welfare?

Sir, I have known within my own time so many inconveniences and real evils arise from adopting the popular opinions on the moment, that although I respect them as much as any man, I hope this Government will particularly guard against them, at least that they will not bind themselves by a Constitutional act, and by oath, to submit to their influence; if they do, the great object which this Government has been established to attain will inevitably elude our grasp on the uncertain and veering winds of popular commotion.

Mr. PAGE.—The gentleman from Pennsylvania tells you that in England this principle is doubted; how far this is consonant with the nature of the Government I will not pretend to say; but I am not astonished to find that the administrators of a monarchical Government are unassailable by the weak voice of the people; but under a democracy, whose great end is to form a code of laws congenial with the public sentiment, the popular opinion ought to be collected and attended to. Our present object is, I presume, to secure to our constituents and to posterity these inestimable rights. Our Government is derived from the people, of consequence the people have a right to consult for the common good; but to what end will this be done, if they have not the power of instructing their representatives? Instruction and representation in a Republic appear to me to be inseparably connected; but were I the subject of a monarch, I should doubt whether the public good did not depend more upon the prince's will than the will of

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the people. I should dread a popular assembly consulting for the public good, because, under its influence, commotions and tumults might arise that would shake the foundation of the monarch's throne, and make the empire tremble in expectation. The people of England have submitted the Crown to the Hanover family, and have rejected the Stuarts. If instructions upon such a revolution were considered binding, it is difficult to know what would have been the effects. It might be well, therefore, to have the doctrine exploded from that kingdom; but it will not be advanced as a substantial reason in favor of our treading in the same steps.

The honorable gentleman has said, that when once the people have chosen a representative, they must rely on his integrity and judgment during the period for which he is elected. I think, sir, to doubt the authority of the people to instruct their representatives, will give them just cause to be alarmed for their fate. I look upon it as a dangerous doctrine, subversive of the great end for which the United States have confederated. Every friend of mankind, every well-wisher of his country, will be desirous of obtaining the sense of the people on every occasion of magnitude; but how can this be so well expressed as in instructions to their representatives? I hope, therefore, that gentlemen will not oppose the insertion of it in this part of the report.

Mr. CLYMER.—I hope the amendment will not be adopted; but if our constituents choose to instruct us, that they may be left at liberty to do so. Do gentlemen foresee the extent of these words? If they have a Constitutional right to instruct us, it infers that we are bound by those instructions; and as we ought not to decide Constitutional questions by implication, I presume we shall be called upon to go further, and expressly declare the members of the Legislature bound by the instruction of their constituents. This is a most dangerous principle, utterly destructive of all ideas of an independent and deliberative body, which are essential requisites in the Legislatures of free Governments; they prevent men of abilities and experience from rendering those services to the community that are in their power, destroying the object contemplated by establishing an efficient General Government, and rendering Congress a mere passive machine.

Mr. SHERMAN.—It appears to me, that the words are calculated to mislead the people, by conveying an idea that they have a right to control the debates of the Legislature. This cannot be admitted to be just, because it would destroy the object of their meeting. I think, when the people have chosen a representative, it is his duty to meet others from the different parts of the Union, and consult, and agree with them to such acts as are for the general benefit of the whole community. If they were to be guided by instructions, there would be no use in deliberation; all that a man would have to do, would be to produce his instructions, and lay them on the table, and let them speak for him. From hence I think it may be fairly inferred, that the right of the people to

consult for the common good can go no further than to petition the Legislature, or apply for a redress of grievances. It is the duty of a good representative to inquire what measures are most likely to promote the general welfare, and, after he has discovered them, to give them his support. Should his instructions, therefore, coincide with his ideas on any measure, they would be unnecessary; if they were contrary to the conviction of his own mind, he must be bound by every principle of justice to disregard them.

Mr. JACKSON was in favor of the right of the people to assemble and consult for the common good; it had been used in this country as one of the best checks on the British Legislature in their unjustifiable attempts to tax the colonies without their consent. America had no representatives in the British Parliament, therefore they could instruct none, yet they exercised the power of consultation to a good effect. He begged gentlemen to consider the dangerous tendency of establishing such a doctrine; it would necessarily drive the House into a number of factions. There might be different instructions from every State, and the representation from each State would be a faction to support its own measures.

If we establish this as a right, we shall be bound by those instructions; now, I am willing to leave both the people and representatives to their own discretion on this subject. Let the people consult and give their opinion; let the representative judge of it; and if it is just, let him govern himself by it as a good member ought to do; but if it is otherwise, let him have it in his power to reject their advice.

What may be the consequence of binding a man to vote in all cases according to the will of others? He is to decide upon a Constitutional point, and on this question his conscience is bound by the obligation of a solemn oath; you now involve him in a serious dilemma. If he votes according to his conscience, he decides against his instructions; but in deciding against his instructions, he commits a breach of the Constitution, by infringing the prerogative of the people, secured to them by this declaration. In short, it will give rise to such a variety of absurdities and inconsistencies, as no prudent Legislature would wish to involve themselves in.

Mr. GERRY.—By the checks provided in the Constitution, we have good grounds to believe that the very framers of it conceived that the Government would be liable to mal-administration, and I presume that the gentlemen of this House do not mean to arrogate to themselves more perfection than human nature has as yet been found to be capable of; if they do not, they will admit an additional check against abuses which this, like every other Government, is subject to. Instruction from the people will furnish this in a considerable degree.

It has been said that the amendment proposed by the honorable gentleman from South Carolina (Mr. TUCKER) determines this point, "that the people can bind their representatives to follow their instructions." I do not conceive that this

necessarily follows. I think the representative, notwithstanding the insertion of these words, would be at liberty to act as he pleased; if he declined to pursue such measures as he was directed to attain, the people would have a right to refuse him their suffrages at a future election.

Now, though I do not believe the amendment would bind the representatives to obey the instructions, yet I think the people have a right both to instruct and bind them. Do gentlemen conceive that on any occasion instructions would be so general as to proceed from all our constituents? If they do, it is the sovereign will; for gentlemen will not contend that the sovereign will presides in the Legislature. The friends and patrons of this Constitution have always declared that the sovereignty resides in the people, and that they do not part with it on any occasion; to say the sovereignty vests in the people, and that they have not a right to instruct and control their representatives, is absurd to the last degree. They must either give up their principle, or grant that the people have a right to exercise their sovereignty to control the whole Government as well as this branch of it. But the amendment does not carry the principle to such an extent, it only declares the right of the people to send instructions; the representative will, if he thinks proper, communicate his instructions to the House, but how far they shall operate on his conduct he will judge for himself.

The honorable gentleman from Georgia (Mr. Jackson) supposes that instructions will tend to generate factions in this House; but he did not see how it could have that effect, any more than the freedom of debate had. If the representative entertains the same opinion with his constituents, he will decide with them in favor of the measure; if other gentlemen, who are not instructed on this point, are convinced by argument that the measure is proper, they will also vote with them; consequently, the influence of debate and of instruction is the same.

The gentleman says further, that the people have the right of instructing their representatives; if so, why not declare it? Does he mean that it shall lie dormant and never be exercised? If so, it will be a right of no utility. But much good may result from a declaration in the Constitution that they possess this privilege; the people will be encouraged to come forward with their instructions, which will form a fund of useful information for the Legislature. We cannot, I apprehend, be too well informed of the true state, condition, and sentiment of our constituents, and perhaps this is the best mode in our power of obtaining information. I hope we shall never shut our ears against that information which is to be derived from the petitions and instructions of our constituents. I hope we shall never presume to think that all the wisdom of this country is concentrated within the walls of this House. Men, unambitious of distinctions from their fellow-citizens, remain within their own domestic walk, unheeded of and unseen, possessing all the advantages resulting from a watchful observance of public

men and public measures, whose voice, if we would descend to listen to it, would give us knowledge superior to what could be acquired amidst the cares and bustles of a public life; let us then adopt the amendment, and encourage the diffident to enrich our stock of knowledge with the treasure of their remarks and observations.

Mr. Madison.—I think the committee acted prudently in omitting to insert these words in the report they have brought forward; if, unfortunately, the attempt of proposing amendments should prove abortive, it will not arise from the want of a disposition in the friends of the Constitution to do what is right with respect to securing the rights and privileges of the people of America, but from the difficulties arising from discussing and proposing abstract propositions, of which the judgment may not be convinced. I venture to say, that if we confine ourselves to an enumeration of simple, acknowledged principles, the ratification will meet with but little difficulty. Amendments of a doubtful nature will have a tendency to prejudice the whole system; the proposition now suggested partakes highly of this nature. It is doubted by many gentlemen here; it has been objected to in intelligent publications throughout the Union; it is doubted by many members of the State Legislatures. In one sense this declaration is true, in many others it is certainly not true; in the sense in which it is true, we have asserted the right sufficiently in what we have done; if we mean nothing more than this, that the people have a right to express and communicate their sentiments and wishes, we have provided for it already. The right of freedom of speech is secured; the liberty of the press is expressly declared to be beyond the reach of this Government; the people may therefore publicly address their representatives, may privately advise them, or declare their sentiments by petition to the whole body; in all these ways they may communicate their will. If gentlemen mean to go further, and to say that the people have a right to instruct their representatives in such a sense as that the delegates are obliged to conform to those instructions, the declaration is not true. Suppose they instruct a representative, by his vote, to violate the Constitution; is he at liberty to obey such instructions? Suppose he is instructed to patronize certain measures, and from circumstances known to him, but not to his constituents, he is convinced that they will endanger the public good; is he obliged to sacrifice his own judgment to them? Is he absolutely bound to perform what he is instructed to do? Suppose he refuses, will his vote be the less valid, or the community be disengaged from that obedience which is due to the laws of the Union? If his vote must inevitably have the same effect, what sort of a right is this in the Constitution, to instruct a representative who has a right to disregard the order, if he pleases? In this sense the right does not exist, in the other sense it does exist, and is provided largely for.

The honorable gentleman from Massachusetts

asks if the sovereignty is not with the people at large. Does he infer that the people can, in detached bodies, contravene an act established by the whole people? My idea of the sovereignty of the people is, that the people can change the Constitution if they please; but while the Constitution exists, they must conform themselves to its dictates. But I do not believe that the inhabitants of any district can speak the voice of the people; so far from it, their ideas may contradict the sense of the whole people; hence the consequence that instructions are binding on the representative is of a doubtful, if not a dangerous nature. I do not conceive, therefore, that it is necessary to agree to the proposition now made; so far as any real good is to arise from it, so far that real good is provided for; so far as it is of a doubtful nature, so far it obliges us to run the risk of losing the whole system.

Mr. Smith, of South Carolina.—I am opposed to this motion, because I conceive it will operate as a partial inconvenience to the more distant States. If every member is to be bound by instructions how to vote, what are gentlemen from the extremities of the continent to do? Members from the neighboring States can obtain their instructions earlier than those from the Southern ones, and I presume that particular instructions will be necessary for particular measures; of consequence, we vote perhaps against instructions on their way to us, or we must decline voting at all. But what is the necessity of having a numerous representation? One member from a State can receive the instructions, and by his vote answer all the purposes of many, provided his vote is allowed to count for the proportion the State ought to send; in this way the business might be done at a less expense than having one or two hundred members in the House, which had been strongly contended for yesterday.

Mr. Stone.—I think the clause would change the Government entirely; instead of being a Government founded upon representation, it would be a democracy of singular properties.

I differ from the gentleman from Virginia (Mr. Madison,) if he thinks this clause would not bind the representative; in my opinion, it would bind him effectually, and I venture to assert, without diffidence, that any law passed by the Legislature would be of no force, if a majority of the members of this House were instructed to the contrary, provided the amendment became part of the Constitution. What would follow from this? Instead of looking in the code of laws passed by Congress, your Judiciary would have to collect and examine the instructions from the various parts of the Union. It follows very clearly from hence, that the Government would be altered from a representative one to a democracy, where in all laws are made immediately by the voice of the people.

This is a power not to be found in any part of the earth except among the Swiss cantons; there the body of the people vote upon the laws, and give instructions to their delegates. But here we have a different form of Government; the people

at large are not authorized under it to vote upon the law, nor did I ever hear that any man required it. Why, then, are we called upon to propose amendments subversive of the principles of the Constitution, which were never desired?

Several members now called for the question, and the Chairman being about to put the same: Mr. Gerry.—Gentlemen seem in a great hurry to get this business through. I think, Mr. Chairman, it requires a further discussion; for my part, I had rather do less business and do it well, than precipitate measures before they are fully understood.

The honorable gentleman from Virginia, (Mr. Madison,) stated, that if the proposed amendments are defeated, it will be by the delay attending the discussion of doubtful propositions; and he declares this to partake of that quality. It is natural, sir, for us to be fond of our own work. We do not like to see it disfigured by other hands. That honorable gentleman brought forward a string of propositions; among them was the clause now proposed to be amended: he is no doubt ready for the question, and determined not to admit what we think an improvement. The gentlemen who were on the committee, and brought in the report, have considered the subject, and are also ripe for a decision. But other gentlemen may crave a like indulgence. Is not the report before us for deliberation and discussion, and to obtain the sense of the House upon it; and will not gentlemen allow us a day or two for these purposes, after they have forced us to proceed upon them at this time? I appeal to their candor and good sense on the occasion, and am sure not to be refused; and I must inform them now, that they may not be surprised hereafter, that I wish all the amendments proposed by the respective States to be considered. Gentlemen say it is necessary to finish the subject, in order to reconcile a number of our fellow-citizens to the Government. If this is their principle, they ought to consider the wishes and intentions which the convention has expressed for them; if they do this, they will find that they expect and wish for the declaration proposed by the honorable gentleman over the way, (Mr. Tucker,) and, of consequence, they ought to agree to it; and why it, with others recommended in the same way, were not reported, I cannot pretend to say; the committee know this best themselves.

The honorable gentleman near me (Mr. Stone) says, that the laws passed contrary to instruction will be nugatory. And other gentlemen ask, if their constituents instruct them to violate the Constitution, whether they must do it. Sir, does not the Constitution declare that all laws passed by Congress are paramount to the laws and constitutions of the several States. If our decrees are of such force as to set aside the State laws and constitutions, certainly they may be repugnant to any instructions whatever, without being injured thereby. But can we conceive that our constituents would be so absurd as to instruct us to violate our oath, and act directly contrary to the principles of a Government ordained by themselves? We must look upon them to be abso-

lately abandoned and false to their own interests, to suppose them capable of giving such instructions.

If this amendment is introduced into the Constitution, I do not think we shall be much troubled with instructions; a knowledge of the right will operate to check a spirit that would render instruction necessary.

The honorable gentleman from Virginia asked, will not the affirmative of a member who votes repugnant to his instructions bind the community as much as the votes of those who conform? There is no doubt, sir, but it will; but does this tend to show that the constituent has no right to instruct? Surely not. I admit, sir, that instructions contrary to the Constitution ought not to bind, though the sovereignty resides in the people. The honorable gentleman acknowledges that the sovereignty vests there; if so, it may exercise its will in any case not inconsistent with a previous contract. The same gentleman asks if we are to give the power to the people in detached bodies to contravene the Government while it exists. Certainly not; nor does the proposed proposition extend to that point; it is only intended to open for them a convenient mode in which they may convey their sense to their agents. The gentleman therefore takes for granted what is inadmissible, that Congress will always be doing illegal things, and make it necessary for the sovereign to declare its pleasure.

He says the people have a right to alter the Constitution, but they have no right to oppose the Government. If, while the Government exists, they have no right to control it, it appears they have divested themselves of the sovereignty over the Constitution. Therefore, our language, with our principles, must change, and we ought to say that the sovereignty existed in the people previous to the establishment of this Government. This will be ground for alarm indeed, if it is true; but I trust, sir, too much to the good sense of my fellow-citizens ever to believe that the doctrine will generally obtain in this country of freedom.

Mr. Vining.—If, Mr. Chairman, there appears on one side too great an urgency to despatch this business, there appears on the other an unnecessary delay and procrastination equally improper and unpardonable. I think this business has been already well considered by the House, and every gentleman in it; however, I am not for an unseemly expedition.

The gentleman last up has insinuated a reflection upon the committee for not reporting all the amendments proposed by some of the State conventions. I can assign a reason for this. The committee conceived some of them superfluous or dangerous, and found many of them so contradictory that it was impossible to make any thing of them; and this is a circumstance the gentleman cannot pretend ignorance of.

Is it not inconsistent in that honorable member to complain of hurry, when he wastes day after day reiterating the same train of arguments, and demanding the attention of this body by rising six

or seven time on a question? I wish, sir, this subject discussed coolly and dispassionately, but hope we shall have no more repetitions or tedious discussions; let gentlemen try to expedite public business, and their arguments will be conducted in a laconic and consistent manner. As to the business of instruction, I look upon it as inconsistent with the general good. Suppose our constituents were to instruct us to make paper money; no gentleman pretends to say it would be unconstitutional, yet every honest mind must shudder at the thought. How can we then assert that instructions ought to bind us in all cases not contrary to the Constitution?

Mr. Livermore was not very anxious whether the words were inserted or not, but he had a great deal of doubt on the meaning of this whole amendment; it provides that the people may meet and consult for the common good. Does this mean a part of the people in a township or district, or does it mean the representatives in the State Legislatures? If it means the latter, there is no occasion for a provision that the Legislature may instruct the members of this body.

In some States the representatives are chosen by districts. In such case, perhaps, the instructions may be considered as coming from the district; but in other States, each representative is chosen by the whole people. In New Hampshire is the case; the instructions of any particular place would have but little weight, but a Legislative instruction would have considerable influence upon each representative. If, therefore, the words mean that the Legislature may instruct, he presumed it would have considerable effect, though he did not believe it binding. Indeed, he was inclined to pay a deference to any information he might receive from any number of gentlemen, even by a private letter; but as for full binding force, no instructions contained that quality. They could not, and ought not to have it, because different parties pursue different measures; and it might be expedient, nay, absolutely necessary, to sacrifice them in mutual concessions.

The doctrine of instructions would hold better in England than here, because the boroughs and corporations might have an interest to pursue totally immaterial to the rest of the Kingdom; in that case, it would be prudent to instruct their members in Parliament.

Mr. Gerry wished the Constitution amended without his having any hand in it; but if he must interfere, he would do his duty. The honorable gentleman from Delaware had given him an example of moderation and laconic and consistent debate that he meant to follow; and would just observe to the worthy gentleman last up, that several States had proposed the amendment, and among the rest New Hampshire.

There was one remark which escaped him, when he was up before. The gentleman from Maryland (Mr. Stowe) had said that the amendment would change the nature of the Government, and make it a democracy. Now he had always heard that it was a democracy; but perhaps he was misled, and the honorable gentleman

was right in distinguishing it by some other appellation; perhaps an aristocracy was a term better adapted to it.

Mr. Snowick opposed the idea of the gentleman from New Hampshire, that the State Legislature had the power of instructing the members of this House; he looked upon it as a subordination of the rights of the people to admit such an authority. We stand not here, said he, the representatives of the State Legislatures, as under the former Congress, but as the representatives of the great body of the people. The sovereignty, the independence, and the rights of the States are intended to be guarded by the Senate; if we are to be viewed in any other light, the greatest security the people have for their rights and privileges is destroyed.

But with respect to instructions, it is well worthy of consideration how they are to be procured. It is not the opinion of an individual that is to control my conduct; I consider myself as the representative of the whole Union. An individual may give me information, but his sentiments may be in opposition to the sense of the majority of the people. If instructions are to be of any efficacy, they must speak the sense of the majority of the people, at least of a State. In a State so large as Massachusetts it will behoove gentlemen to consider how the sense of the majority of the freemen is to be obtained and communicated. Let us take care to avoid the insertion of crude and undigested propositions, more likely to produce acrimony than that spirit of harmony which we ought to cultivate.

Mr. Livermore said that he did not understand the honorable gentleman, or was not understood by him; he did not presume peremptorily to say what degree of influence the Legislative instructions would have on a representative. He knew it was not the thing in contemplation here; and what he had said respected only the influence it would have on his private judgment.

Mr. Ames said there would be a very great inconvenience attending the establishment of the doctrine contended for by his colleague. Those States which had selected their members by districts would have no right to give them instructions, consequently the members ought to withdraw; in which case the House might be reduced below a majority, and not be able, according to the Constitution, to do any business at all.

According to the doctrine of the gentleman from New Hampshire, one part of the Government would be annihilated; for of what avail is it that the people have the appointment of a representative, if he is to pay obedience to the dictates of another body?

Several members now rose and called for the question.

Mr. Paine was sorry to see gentlemen so impatient; the more so, as he saw there was very little attention paid to any thing that was said; but he would express his sentiments if he was only heard by the Chair. He discovered clearly, notwithstanding what had been observed by the most ingenious supporters of the opposition, that there

was an absolute necessity for adopting the amendment. It was strictly compatible with the spirit and the nature of the Government; all power vests in the people of the United States; it is, therefore, a Government of the people, a democracy. If it were consistent with the peace and tranquillity of the inhabitants, every freeman would have a right to come and give his vote upon the law; but, inasmuch as this cannot be done by reason of the extent of territory, and some other causes, the people have agreed that their representatives shall exercise a part of their authority. To pretend to refuse them the power of instructing their agents appears to me to deny them a right. One gentleman asks how the instructions are to be collected. Many parts of this country have been in the practice of instructing their representatives; they found no difficulty in communicating their sense. Another gentleman asks if they were to instruct us to make paper money, what we would do. I would tell them, said he, it was unconstitutional; alter that, and we will consider on the point. Unless laws are made satisfactory to the people, they will lose their support, they will be abused or done away; this tends to destroy the efficiency of the Government.

It is the sense of several of the conventions that this amendment should take place; I think it my duty to support it, and fear it will spread an alarm among our constituents if we decline to do it.

Mr. Wadsworth.—Instructions have frequently been given to the representatives of the United States; but the people did not claim as a right that they should have any obligation upon the representatives; it is not right that they should. In troublesome times, designing men have drawn the people to instruct the representatives to their harm; the representatives have, on such occasions, refused to comply with their instructions. I have known, myself, that they have been disobeyed, and yet the representative was not brought to account for it; on the contrary, he was caressed and re-elected, while those who have obeyed them, contrary to their private sentiments, have ever after been despised for it. Now, if people considered it an inherent right in them to instruct their representatives, they would have undoubtedly punished the violation of them. I have no idea of instructions, unless they are obeyed; a discretionary power is incompatible with them.

The honorable gentleman who was up last says, if he were instructed to make paper money, he would tell his constituents it was unconstitutional. I believe that is not the case, for this body would have a right to make paper money; but if my constituents were to instruct me to vote for such a measure, I would disobey them, let the consequence be what it would.

Mr. Sturges.—The honorable gentlemen who are opposed to the motion of my colleague, do not treat it fairly. They suppose that it is meant to bind the representative to conform to his instructions. The mover of this question, I presume to say, has no such thing in idea. That they shall notice them and obey them, as far as is consistent

and proper, may be very just; perhaps they ought to produce them to the House, and let them have as much influence as they deserve; nothing further, I believe, is contended for.

I rose on this occasion, not so much to make any observations upon the point immediately under consideration, as to beg the committee to consider the consequences that may result from an undue precipitancy and hurry. Nothing can distress me more than to be obliged to notice what I conceive to be somewhat improper in the conduct of so respectable a body. Gentlemen will reflect how difficult it is to remove error when once the passions are engaged in the discussion; temper and coolness are necessary to complete what must be the work of time. It cannot be denied but that the present Constitution is imperfect; we must, therefore, take time to improve it. If gentlemen are pressed for want of time, and are disposed to adjourn the session of Congress at a very early period, we had better drop the subject of amendments, and leave it until we have more leisure to consider and do the business effectually. For my part, I would rather sit till this day twelvemonth, than have this all-important subject inconsiderately passed over. The people have already complained that the adoption of the Constitution was done in too hasty a manner; what will they say of us if we press the amendments with so much haste?

Mr. BURKE.—It has been asserted, Mr. Chairman, that the people of America do not require this right. I beg leave to ask the gentleman from Massachusetts, whether the Constitution of that State does not recognise that right, and the gentleman from Maryland, whether their declaration of rights does not expressly secure it to the inhabitants of that State? These circumstances, added to what has been proposed by the State conventions as amendments to this Constitution, pretty plainly declare the sense of the people to be in favor of securing to themselves and to their posterity a right of this nature.

Mr. SENEX said: that the declaration of rights prefixed to the Constitution of Maryland secured to every man a right of petitioning the Legislature for a redress of grievances, in a peaceable and orderly manner.

Mr. BURKE.—I am not positive with respect to the particular expression in the declaration of rights of the people of Maryland, but the Constitutions of Massachusetts, Pennsylvania, and North Carolina, all of them recognise, in express terms, the right of the people to give instruction to their representatives. I do not mean to insist particularly upon this amendment; but I am very well satisfied that those that are reported and likely to be adopted by this House are very far from giving satisfaction to our constituents; they are not those solid and substantial amendments which the people expect; they are little better than whipsyllabub, frothy and full of wind, formed only to please the palate; or they are like a tub thrown out to a whale, to secure the freight of the ship and its peaceable voyage. In my judgment, the people will not be gratified by the mode we have

pursued in bringing them forward. There was a committee of eleven appointed; and out of the number I think there were five who were members of the convention that formed the Constitution. Such gentlemen, having already given their opinion with respect to the perfection of the work, may be thought improper agents to bring forward amendments. Upon the whole, I think it will be found that we have done nothing but lose our time, and that it will be better to drop the subject now, and proceed to the organization of the Government.

Mr. SINICKSON inquired of Mr. Chairman what was the question before the committee, for really the debate had become so desultory, as to induce him to think it was lost sight of altogether. Mr. LAWRENCE was averse to entering on the business at first; but since they had proceeded so far, he hoped they would finish it. He said, if gentlemen would confine themselves to the question when they were speaking, that the business might be done in a more agreeable manner. He was against the amendment proposed by the gentleman from South Carolina, (Mr. TUCKER,) because every member on this floor ought to consider himself the representative of the whole Union, and not of the particular district which had chosen him; as their decisions were to bind every individual of the confederated States, it was wrong to be guided by the voice of a single district, whose interests might happen to clash with those of the general good; and unless instructions were to be considered as binding, they were altogether superfluous.

Mr. MANISON was unwilling to take up any more of the time of the committee; but, on the other hand, he was not willing to be silent after the charges that had been brought against the committee, and the gentleman who introduced the amendments, by the honorable members on each side of him, (Messrs. SUMNER and BURKE.) Those gentlemen say that we are precipitating the business, and insinuate that we are not acting with candor. I appeal to the gentlemen who have heard the voice of their country, to those who have attended the debates of the State conventions, whether the amendments now proposed are not those most strenuously required by the opponents of the Constitution? It was wished that some security should be given for those great and essential rights which they have been taught to believe were in danger. I concurred in the convention of Virginia, with those gentlemen, so far as to agree to a declaration of those rights which corresponded with my own judgment, and the other alterations which I had the honor to bring forward before the present Congress. I appeal to the gentlemen on this floor who are desirous of amending the Constitution, whether those proposed are not compatible with what are required by our constituents? Have not the people been told that the rights of conscience, the freedom of speech, the liberty of the press, and trial by jury, were in jeopardy? that they ought not to adopt the Constitution until those important rights were secured to them?

But while I approve of these amendments, I should oppose the consideration at this time of such as are likely to change the principles of the Government, or that are of a doubtful nature; because I apprehend there is little prospect of obtaining the consent of two-thirds of both Houses of Congress, and three-fourths of the State Legislatures, to ratify propositions of this kind; therefore, as a friend to what is attainable, I would limit it to the plain, simple, and important security that has been required. If I were inclined to make no alteration in the Constitution, I would bring forward such amendments as were of a dubious cast, in order to have the whole rejected. Mr. BURKE never entertained an idea of charging gentlemen with the want of candor; but he would appeal to any man of sense and candor, whether the amendments contained in the report were any thing like the amendments required by the States of New York, Virginia, New Hampshire, and Carolina; and having these amendments in his hand, he turned to them to show the difference, concluding that all the important amendments were omitted in the report.

Mr. SMITH, of South Carolina, understood his colleague, who had just sat down, to have asserted that the amendment under consideration was contained in the Constitution of the State of South Carolina; this was not the fact. Mr. BURKE said he mentioned the State of North Carolina, and there it was inserted in express terms.

The question was now called for from several parts of the House; but a desultory conversation took place before the question was put. At length the call becoming general, it was stated from the Chair, and determined in the negative, 10 rising in favor of it, and 41 against it.

The question was now taken on the second clause of the fourth proposition, as originally reported, and agreed to.

Mr. AMES moved the committee to rise and report progress; which being agreed to,

Mr. SPEAKER having resumed the Chair, Mr. AMES moved to discharge the committee from any further proceeding. He was led to make the motion from two considerations: first, that as the committee were not restrained in their discussions, a great deal of time was consumed in unnecessary debate; and, second, that as the Constitution required two-thirds of the House to acquiesce in amendments, the decisions of the committee, by a simple majority, might be set aside for the want of the Constitutional number to support them in the House. He further observed, that it might have an evil influence if alterations agreed to in committee were not adopted by the House.

Mr. SMITH, of South Carolina, was in favor of the motion.

Mr. GERRY thought that the object of the motion was to prevent such a thorough discussion of the business as the nature of it demanded. He called upon gentlemen to recollect the consistency of his honorable colleague, who had proposed to

refer the subject to a select committee, lest an open and full examination should lay bare the muscles and sinews of the Constitution. He had succeeded on that occasion, and the business was put into the hands of a select committee. He now proposed to curtail the debate, because gentlemen will not swallow the propositions as they stand, when their judgment and their duty require to have them improved. Will this House, said he, agree that an important subject like this shall have less consideration than the most trifling business yet come before us? I hope they will not. If they are tired of it, let it be postponed until another session, when it can be attended to with leisure and good temper. Gentlemen now feel the weather warm, and the subject is warm; no wonder it produces some degree of heat. Perhaps, as our next will be a winter session, we may go through more coolly and dispassionately.

Mr. SNOWICK seconded Mr. AMES's motion, thinking there was little probability of getting through with the business, if gentlemen were disposed to offer motions, and dwell long upon them in committee, when there was no likelihood they would meet the approbation of two-thirds of both Houses, and three-fourths of the State Legislatures.

Mr. GERRY moved to call the yeas and nays on the motion.

Mr. PAGE begged gentlemen to consider that the motion tended to deprive the members of that freedom of debate which they had heretofore been indulged in, and prevented the Speaker from giving his sentiments. He was sorry to see this hurry, and hoped the subject would be fairly treated, otherwise the people might think they were unjustly dealt by. They would have a right to suppose, with the honorable gentleman from Carolina, (Mr. BURKE,) that we meant nothing more than to throw out a tub to the whale.

Mr. BURKE would oppose the motion, and join in calling the yeas and nays, because its object must be to preclude debate. He was certain the subject was so variegated, and at the same time so important, that it could not be thoroughly discussed in any other manner than in a Committee of the Whole; and unless it was discussed in a satisfactory manner, he apprehended it would occasion a great deal of mischief. He said the people knew, and were sensible, that in ratifying the present Constitution, they parted with their liberties; but it was under a hope that they would get them back again. Whether this was to be the case or not, he left it to time to discover, but the spirit which now seemed to prevail in the House was no favorable omen. He begged gentlemen to treat the subject with fairness and candor, and not depart from their usual mode of doing business.

Mr. SMITH, of South Carolina, had said he would support the motion, under an impression that it was useless to carry a measure through the committee, with a small majority, which was unlikely to meet the approbation of two-thirds of the House; but as gentlemen appeared so desirous

of pursuing the common routine of doing business, he would withdraw his support.

Mr. TUCKER was in hopes the honorable member would have seen the impropriety of his motion, and have withdrawn it; but as he had not, he would presume to ask him upon what principle it was founded? Is it to precipitate the business, and prevent an investigation? or is it because the committee have spent some time on it and made no progress? He thought the latter was not the case, because the committee had proceeded as far in it as could reasonably be expected for the time. The gentleman says he is apprehensive it may do harm to have propositions agreed to in committee, and rejected by the House. Certainly there is no foundation for this apprehension, or the clause in the Constitution requiring the consent of two-thirds of the Legislature to amendments is formed on wrong principles. If the propositions are reasonable in themselves, they ought to be admitted; but if they are improper, they ought to be rejected. We would not presume to prevent our constituents from contemplating the subject in their own mind.

Is this haste produced by a desire to adjourn? He was as desirous of adjourning as any member, but he would not sacrifice the duty he owed the public to his own private convenience.

Mr. LIVERMORE hoped the gentleman would withdraw his motion, because it would have a disagreeable aspect to leave the business in the unfinished state it now stood. He thought it had better be altogether let alone.

Mr. ARES withdrew his motion, and laid another on the table, requiring two-thirds of the committee to carry a question; and, after some desultory conversation,

The House adjourned.

MONDAY, August 17.

AMENDMENTS TO THE CONSTITUTION.

The House again resolved itself into a committee, Mr. BOURNOR in the Chair, on the proposed amendments to the Constitution. The third clause of the fourth proposition in the report was taken into consideration, being as follows: "A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no person religiously scrupulous shall be compelled to bear arms."

Mr. GERRY.—This declaration of rights, I take it, is intended to secure the people against the mal-administration of the Government; if we could suppose that, in all cases, the rights of the people would be attended to, the occasion for guards of this kind would be removed. Now, I am apprehensive, sir, that this clause would give an opportunity to the people in power to destroy the Constitution itself. They can declare who are those religiously scrupulous, and prevent them from bearing arms.

What, sir, is the use of a militia? It is to prevent the establishment of a standing army, the

bane of liberty. Now, it must be evident, that, under this provision, together with their other powers, Congress could take such measures with respect to a militia, as to make a standing army necessary. Whenever Governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia, in order to raise an army upon their ruins. This was actually done by Great Britain at the commencement of the late Revolution. They used every means in their power to prevent the establishment of an effective militia to the Eastward. The Assembly of Massachusetts, seeing the rapid progress that administration were making to divest them of their inherent privileges, endeavored to counteract them by the organization of the militia; but they were always defeated by the influence of the Crown.

Mr. SENEY wished to know what question there was before the committee, in order to ascertain the point upon which the gentleman was speaking.

Mr. GERRY replied that he meant to make a motion, as he disapproved of the words as they stood. He, then, proceeded. No attempts that they made were successful, until they engaged in the struggle which emancipated them at once from their thralldom. Now, if we give a discretionary power to exclude those from militia duty who have religious scruples, we may as well make no provision on this head. For this reason, he wished the words to be altered so as to be confined to persons belonging to a religious sect scrupulous of bearing arms.

Mr. JACKSON did not expect that all the people of the United States would turn Quakers or Moravians; consequently one part would have to defend the other in case of invasion. Now, this, in his opinion, was unjust, unless the Constitution secured an equivalent; for this reason, he moved to amend the clause, by inserting at the end of it, "upon paying an equivalent, to be established by law."

Mr. SMITH, of South Carolina, inquired what were the words used by the conventions respecting this amendment. If the gentleman would conform to what was proposed by Virginia and Carolina, he would second him. He thought they were to be excused provided they found a substitute.

Mr. JACKSON was willing to accommodate. He thought the expression was, "No one, religiously scrupulous of bearing arms, shall be compelled to render military service, in person, upon paying an equivalent."

Mr. SHERMAN conceived it difficult to modify the clause and make it better. It is well known that those who are religiously scrupulous of bearing arms, are equally scrupulous of getting substitutes or paying an equivalent. Many of them would rather die than do either one or the other; but he did not see an absolute necessity for a clause of this kind. We do not live under an arbitrary Government, said he, and the States, respectively, will have the government of the militia, unless when called into actual service; besides, it would

not do to alter it so as to exclude the whole of any sect, because there are men amongst the Quakers who will turn out, notwithstanding the religious principles of the society, and defend the cause of their country. Certainly it will be improper to prevent the exercise of such favorable dispositions, at least whilst it is the practice of nations to determine their contests by the slaughter of their citizens and subjects.

Mr. VINING hoped the clause would be suffered to remain as it stood, because he saw no use in it if it was amended so as to compel a man to find a substitute, which, with respect to the Government, was the same as if the person himself turned out to fight.

Mr. STONE inquired what the words "religiously scrupulous" had reference to: was it of bearing arms? If it was, it ought so to be expressed.

Mr. BENSON moved to have the words "but no person religiously scrupulous shall be compelled to bear arms," struck out. He would always leave it to the benevolence of the Legislature, for, modify it as you please, it will be impossible to express it in such a manner as to clear it from ambiguity. No man can claim this indulgence of right. It may be a religious persuasion, but it is no natural right, and therefore ought to be left to the discretion of the Government. If this stands part of the Constitution, it will be a question before the Judiciary on every regulation of the militia, with respect to the organization of the militia, whether it comports with this declaration or not. It is extremely injudicious to intermix matters of doubt with fundamentals.

I have no reason to believe but the Legislature will always possess humanity enough to indulge this class of citizens in a matter they are so desirous of; but they ought to be left to their discretion.

The motion for striking out the whole clause being seconded, was put, and decided in the negative—22 members voting for it, and 24 against it.

Mr. GERRY objected to the first part of the clause, on account of the uncertainty with which it is expressed. A well regulated militia being the best security of a free State, admitted an idea that a standing army was a secondary one. It ought to read, "a well regulated militia, trained to arms," in which case it would become the duty of the Government to provide this security, and furnish a greater certainty of its being done.

Mr. GERRY's motion not being seconded, the question was put on the clause as reported, which being adopted,

Mr. BENSON proposed to add to the clause just agreed to, an amendment to the following effect: "A standing army of regular troops in time of peace is dangerous to public liberty, and such shall not be raised or kept up in time of peace, but from necessity, and for the security of the people, nor then without the consent of two-thirds of the members present of both Houses; and in all cases the military shall be subordinate to the civil authority." This being seconded,

Mr. VINING asked whether this was to be con-

sidered as an addition to the last clause, or an amendment by itself. If the former, he would remind the gentleman the clause was decided; if the latter, it was improper to introduce new matter, as the House had referred the report specially to the Committee of the Whole.

Mr. BENSON feared that, what with being trammeled in rules, and the apparent disposition of the committee, he should not be able to get them to consider any amendment; he submitted to such proceeding because he could not help himself.

Mr. HARTLEY thought the amendment in order, and was ready to give his opinion on it. He hoped the people of America would always be satisfied with having a majority to govern. He never wished to see two-thirds or three-fourths required, because it might put it in the power of a small minority to govern the whole Union.

The question on Mr. BENSON's motion was put, and lost by a majority of thirteen.

The fourth clause of the fourth proposition was taken up as follows: "No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."

Mr. SUMTER hoped soldiers would never be quartered on the inhabitants, either in time of peace or war, without the consent of the owner. It was a burden, and very oppressive, even in cases where the owner gave his consent; but where this was wanting, it would be a hardship indeed! Their property would lie at the mercy of men irritated by a refusal, and well disposed to destroy the peace of the family.

He moved to strike out all the words from the clause but "no soldier shall be quartered in any house without the consent of the owner."

Mr. SHERMAN observed that it was absolutely necessary that marching troops should have quarters, whether in time of peace or war, and that it ought not to be put in the power of an individual to obstruct the public service; if quarters were not to be obtained in public barracks, they must be procured elsewhere. In England, where they paid considerable attention to private rights, they billeted the troops upon the keepers of public houses, and upon private houses also, with the consent of the magistracy.

Mr. SUMTER's motion being put, was lost by a majority of sixteen.

Mr. GERRY moved to insert between "but" and "in a manner," the words, "by a civil magistrate," observing that there was no part of the Union but where they could have access to such authority.

Mr. HARTLEY said those things ought to be entrusted to the Legislature; that cases might arise where the public safety would be endangered by putting it in the power of one person to keep a division of troops standing in the inclemency of the weather for many hours; therefore he was against inserting the words.

Mr. GERRY said either his amendment was essential, or the whole clause was unnecessary.

On putting the question, thirteen rose in favor of the motion, thirty-five against it; and then the clause was carried as reported.

H. or R.]

Amendments to the Constitution.

[August, 1789.]

The fifth clause of the fourth proposition was taken up, viz: "No person shall be subject, in cases of impeachment, to more than one trial or one punishment for the same offence, nor shall he be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Mr. BENSON thought the committee could not agree to the amendment in the manner it stood, because its meaning appeared rather doubtful. It says that no person shall be tried more than once for the same offence. This is contrary to the right heretofore established; he presumed it was intended to express what was secured by our former Constitution, that no man's life should be more than once put in jeopardy for the same offence; yet it was well known, that they were entitled to more than one trial. The humane intention of the clause was to prevent more than one punishment; for which reason he would move to amend it by striking out the words "one trial or." Mr. SHERMAN approved of the motion. He said, that as the clause now stood, a person found guilty could not arrest the judgment, and obtain a second trial in his own favor. He thought that the courts of justice would never think of trying and punishing twice for the same offence. If the person was acquitted on the first trial, he ought not to be tried a second time; but if he was convicted on the first, and any thing should appear to set the judgment aside, he was entitled to a second, which was certainly favorable to him. Now the clause as it stands would deprive him of that advantage.

Mr. LIVERMORE thought the clause very essential; it was declaratory of the law as it now stood; striking out the words would seem as if they meant to change the law by implication, and expose a man to the danger of more than one trial. Many persons may be brought to trial for crimes they are guilty of, but for want of evidence may be acquitted; in such cases, it is the universal practice in Great Britain, and in this country, that persons shall not be brought to a second trial for the same offence; therefore the clause is proper as it stands.

Mr. SNOWICK thought, instead of securing the liberty of the subject, it would be abridging the privileges of those who were prosecuted.

The question on Mr. Benson's motion being put, was lost by a considerable majority.

Mr. PATTERSON moved to insert after "same offence," the words "by any law of the United States." This amendment was lost also.

Mr. LAWRENCE said this clause contained a general declaration, in some degree contrary to laws passed. He alluded to that part where a person shall not be compelled to give evidence against himself. He thought it ought to be confined to criminal cases, and moved an amendment for that purpose; which amendment being adopted, the clause as amended was unanimously agreed to by the committee, who then proceeded to the sixth clause of the fourth proposition, in these

words, "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Mr. SMITH, of South Carolina, objected to the words "nor cruel and unusual punishments;" the import of them being too indefinite.

Mr. LIVERMORE.—The clause seems to express a great deal of humanity, on which account I have no objection to it; but as it seems to have no meaning in it, I do not think it necessary. What is meant by the terms excessive bail? Who are to be the judges? What is understood by excessive fines? It lies with the court to determine. No cruel and unusual punishment is to be inflicted; it is sometimes necessary to hang a man, having their ears cut off; but are we in future to be prevented from inflicting these punishments because they are cruel? If a more lenient mode of correcting vice and deterring others from the commission of it could be invented, it would be very prudent in the Legislature to adopt it; but until we have some security that this will be done, we ought not to be restrained from making necessary laws by any declaration of this kind.

The question was put on the clause, and it was agreed to by a considerable majority.

The committee went on to the consideration of the seventh clause of the fourth proposition, being as follows: "The right of the people to be secured in their persons, houses, papers, and effects, shall not be violated by warrants issuing without probable cause, supported by oath or affirmation, and not particularly describing the place to be searched and the persons or things to be seized."

Mr. GERRY said he presumed there was a mistake in the wording of this clause; it ought to be "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches," and therefore moved that amendment.

This was adopted by the committee.

Mr. BENSON objected to the words "by warrants issuing." This declaratory provision was good as far as it went, but he thought it was not sufficient; he therefore proposed to alter it so as to read "and no warrant shall issue."

The question was put on this motion, and lost by a considerable majority.

Mr. LIVERMORE objected to the words "and not" between "affirmation" and "particularly." He moved to strike them out, in order to make it an affirmative proposition.

But the motion passed in the negative.

The clause as amended being now agreed to,

The eighth clause of the fourth proposition was taken up, which was "The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

Mr. GERRY said, it ought to be "deny or impair," for the word "disparage" was not of plain import; he therefore moved to make that alteration, but not being seconded, the question was

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taken on the clause, and it passed in the affirmative.

The committee then proceeded to the fifth proposition:

Article 1, section 10, between the first and second paragraph, insert "no State shall infringe the equal rights of conscience, nor the freedom of speech, or of the press, nor of the right of trial by jury in criminal cases."

Mr. TUCKER.—This is offered, I presume, as an amendment to the Constitution of the United States, but it goes only to the alteration of the constitutions of particular States. It will be much better, I apprehend, to leave the State Governments to themselves, and not to interfere with them more than we already do; and that is thought by many to be rather too much. I therefore move, sir, to strike out these words.

Mr. MANISON conceived this to be the most valuable amendment in the whole list. If there were any reason to restrain the Government of the United States from infringing upon these essential rights, it was equally necessary that they should be secured against the State Governments. He thought that if they provided against the one, it was as necessary to provide against the other, and was satisfied that it would be equally grateful to the people.

Mr. LIVERMORE had no great objection to the sentiment, but he thought it not well expressed. He wished to make it an affirmative proposition; "the equal rights of conscience, the freedom of speech or of the press, and the right of trial by jury in criminal cases, shall not be infringed by any State."

This transposition being agreed to, and Mr. TUCKER's motion being rejected, the clause was adopted.

The sixth proposition, article 3, section 2, add to the second paragraph, "But no appeal to such court shall be allowed, where the value in controversy shall not amount to one thousand dollars; nor shall any fact, triable by a jury according to the course of the common law, be otherwise re-examinable than according to the rules of the common law."

Mr. BENSON moved to strike out the first part of the paragraph respecting the limitation of appeals, because the question in controversy might be an important one, though the action was not to the amount of a thousand dollars.

Mr. MANISON.—If the gentleman will propose any restriction to answer his purpose, and for avoiding the inconvenience he apprehends, I am willing to agree to it; but it will be improper to strike out the clause without a substitute.

There is little danger that any court in the United States will admit an appeal where the matter in dispute does not amount to a thousand dollars; but as the possibility of such an event has excited in the minds of many citizens the greatest apprehension that persons of opulence would carry a cause from the extremities of the Union to the Supreme Court, and thereby prevent the due administration of justice, it ought to be guarded against.

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Mr. LIVERMORE thought the clause was objectionable, because it comprehended nothing more than the value.

Mr. SNOWICK moved to insert three thousand dollars instead of one thousand; but on the question, this motion was rejected, and the proposition accepted in its original form.

The committee then proceeded to consider the seventh proposition, in the words following:

Article 3, section 2. Strike out the whole of the third paragraph, and insert, "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

Mr. BURS moved to amend this proposition in such a manner as to leave it in the power of the accused to put off the trial to the next session, provided he made it appear to the court that the evidence of the witnesses, for whom process was granted but not served, was material to his defence.

Mr. HARTLEY said, that in securing him the right of compulsory process, the Government did all it could; the remainder must lie in the discretion of the court.

Mr. SMITH, of South Carolina, thought the regulation would come properly in, as part of the judicial system.

The question on Mr. BURS's motion was taken and lost; ayes 9, noes 41.

Mr. LIVERMORE moved to alter the clause, so as to secure to the criminal the right of being tried in the State where the offence was committed.

Mr. STONE observed that full provision was made on the subject in the subsequent clause.

On the question, Mr. LIVERMORE's motion was adopted.

Mr. BURS said, he was not so much discouraged by the fate of his former motions, but that he would venture upon another. He therefore proposed to add to the clause, "that no criminal prosecution should be had by way of information."

Mr. HARTLEY only requested the gentleman to look to the clause, and he would see the propriety of inserting it in this place.

A desultory conversation arose, respecting the foregoing motion, and after some time, Mr. BURS withdrew it for the present.

The committee then rose and reported progress, after which the House adjourned.

TUESDAY, August 18.

NEW JERSEY ELECTIONS.

Mr. CLYMER, from the Committee of Elections, reported that the committee, pursuant to the instructions to them contained in the resolution of the twenty-fifth of May, relative to the petition of a number of the citizens of the State of New Jersey, complaining of the illegality of the election

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of the members of this House, as elected within that State, do ascertain the following facts, as arising from the proofs, to wit:

1st. That the election for members of this House, held within that State, in consequence of an act of the Legislature thereof, entitled "An act for carrying into effect, on the part of the State of New Jersey, the Constitution of the United States, assented to, ratified, and confirmed by this State, on the 18th day of December, 1787," passed the 30th November, 1781, were closed in the several counties of Bergen, Morris, Monmouth, Hunterdon, Somerset, Middlesex, Sussex, Salem, Cape May, Cumberland, Burlington, and Gloucester, and the lists of the several persons voted for, and the number of votes taken for each, were received by the Governor at the respective times appearing from the said lists, and the endorsements thereon, which lists accompany this report.

2d. That the election in the county of Essex, the remaining county in the State, closed on the 27th of April, and the list was received by the Governor on the 2d of May.

3d. That in consequence of the summons from the Governor, (a copy whereof accompanied this report,) dated the 27th of February, to four of the members of the council, a privy council, consisting of the Governor and the four members so summoned, did assemble at Elizabethtown on the 3d of March, and, being so assembled, Mr. Haring, another member of the council, received a note from the Governor, (a copy whereof accompanies this report,) in consequence whereof Mr. Haring did also attend the privy council as a member thereof.

4th. That the Governor then appointed another meeting of the privy council, to be held on the 18th of March, on which day the Governor and eleven members of the council did assemble, and did then determine, from the lists of the twelve counties specified in the first fact above stated, the four persons now holding seats in this House, the four persons elected members of this House within that State; against which determination of the council, three of the members then present did protest; and a protest (a copy of which accompanies this report) was, with the consent of the council, delivered into the council in form, on the subsequent day.

5th. That there was no determination of the Governor and privy council in the premises, until the eighteenth of March.

6th. That the Governor did, on the nineteenth of March, issue a proclamation, (a copy whereof accompanies this report.)

Ordered, That the said report do lie on the table.

AMENDMENTS TO THE CONSTITUTION.

Mr. GERRY moved,

"That such of the amendments to the Constitution proposed by the several States, as are not in substance comprised in the report of the select committee appointed to consider amendments, be referred to a Committee of the whole House; and that all amendments which shall be agreed to by the committee last mentioned be included in one report."

Mr. TUCKER remarked, that many citizens expected that the amendments proposed by the conventions would be attended to by the House, and that several members conceived it to be their duty

to bring them forward. If the House should decline taking them into consideration, it might tend to destroy that harmony which had hitherto existed, and which did great honor to their proceedings; it might affect all their future measures, and promote such feuds as might embarrass the Government exceedingly. The States who had proposed these amendments would feel some degree of chagrin at having misplaced their confidence in the General Government. Five important States have pretty plainly expressed their apprehensions of the danger to which the rights of their citizens are exposed. Finding these cannot be secured in the mode they had wished, they will naturally recur to the alternative, and endeavor to obtain a Federal Convention; the consequence of this may be disagreeable to the Union; party spirit may be revived, and animosities rekindled destructive of tranquility. States that exert themselves to obtain a Federal Convention, and those that oppose the measure, may feel so strongly the spirit of discord, as to sever the Union asunder.

If in this conflict the advocates for a Federal convention should prove successful, the consequences may be alarming; we may lose many of the valuable principles now established in the present Constitution. If, on the other hand, a convention should not be obtained, the consequences resulting are equally to be dreaded; it would render the administration of this system of government weak, if not impracticable; for no Government can be administered with energy, however energetic its system, unless it obtains the confidence and support of the people. Which of the two evils is the greatest would be difficult to ascertain.

It is essential to our deliberations that the harmony of the House be preserved; by it alone we shall be enabled to perfect the organization of the Government—a Government but in embryo, or at best but in its infancy.

My idea relative to this Constitution, whilst it was dependent upon the assent of the several States, was, that it required amendment, and that the proper time for amendment was previous to the ratification. My reasons were, that I conceived it difficult, if not impossible, to obtain essential amendments by the way pointed out in the Constitution; nor have I been mistaken in this suspicion. It will be found, I fear, still more difficult than I apprehended; for, perhaps, these amendments, should they be agreed to by two-thirds of both Houses of Congress, will be submitted for ratification to the Legislatures of the several States, instead of State conventions, in which case the chance is still worse. The Legislatures of almost all the States consist of two independent, distinct bodies; the amendments must be adopted by three-fourths of such Legislatures; that is to say, they must meet the approbation of the majority of each of eighteen deliberative assemblies. But, notwithstanding all these objections to obtaining amendments after the ratification of the Constitution, it will tend to give a great degree of satisfaction to those who are de-

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sirous of them, if this House shall take them up, and consider them with that degree of candor and attention they have hitherto displayed on the subjects that have come before them; consider the amendments separately, and, after fair deliberation, either approve or disapprove of them. By such conduct, we answer in some degree the expectations of those citizens in the several States who have shown so great a tenacity to the preservation of those rights and liberties they secured to themselves by an arduous, persevering, and successful conflict.

I have hopes that the States will be reconciled to this disappointment, in consequence of such procedure.

A great variety of arguments might be urged in favor of the motion; but I shall rest it here, and not trespass any further upon the patience of the House.

Mr. MADISON was just going to move to refer these amendments, in order that they might be considered in the fullest manner; but it would be very inconvenient to have them made up into one report, or all of them discussed at the present time.

Mr. VINING had no objection to the bringing them forward in the fullest point of view; but his objection arose from the informality attending the introduction of the business.

The order of the House was to refer the report of the Committee of Eleven to a Committee of the Whole, and therefore it was improper to propose any thing additional.

A desultory conversation arose on this motion, when Mr. VINING moved the previous question, in which, being supported by five members, it was put, and the question was, Shall the main question, to agree to the motion, be now put? The yeas and nays being demanded by one-fifth of the members present, on this last motion, they were taken as follows:

YEA—Messrs. Burke, Cotes, Floyd, Gerry, Griffin, Grout, Hathorn, Livermore, Page, Parker, Van Rensselaer, Sherman, Stone, Sturgis, Sumter, and Tucker—16.

NAY—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gilman, Goodhue, Hartley, Heister, Huntington, Lawrence, Lee, Madison, Moore, Muhlenburg, Partridge, Schureman, Scott, Sedgwick, Soney, Sylvester, Sinnickson, Smith of Maryland, Smith of South Carolina, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—34.

So the motion was lost.

A message from the Senate informed the House that the Senate had passed the bill providing for expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same, with an amendment, to which they desire the concurrence of the House.

The House again resolved itself into a Committee of the Whole on the subject of amendment, and took into consideration the 2d clause of the 7th proposition, in the words following, "The trial of all crimes (except in cases of im-

peachment, and in cases arising in the land and naval forces, or in the militia when in actual service in the time of war, or public danger,) shall be by an impartial jury of freeholders of the vicinage, with the requisite of unanimity for conviction, the right of challenge, and other accustomed requisites; and no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment, or indictment, by a grand jury; but if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may by law be authorized in some other place within the same State; and if it be committed in a place not within a State, the indictment and trial may be at such place or places as the law may have directed."

Mr. BURKE moved to change the word "vicinage" into "district or county in which the offence has been committed." He said this was conformable to the practice of the State of South Carolina, and he believed to most of the States in the Union; it would have a tendency also to quiet the alarm entertained by the good citizens of many of the States for their personal security; they would no longer fear being dragged from one extremity of the State to the other for trial, at the distance of three or four hundred miles.

Mr. LEE thought the word "vicinage," was more applicable than that of "district or county;" it being a term well understood by every gentleman of legal knowledge.

The question on Mr. BURKE's motion being put was negatived.

Mr. BURKE then revived his motion for preventing prosecutions upon information, but on the question this was also lost.

The clause was now adopted without amendment.

The 3d clause of the 7th proposition, as follows, "In suits at common law, the right of trial by jury shall be preserved," was considered and adopted.

The 8th proposition in the words following was considered, "Immediately after article 6, the following to be inserted as article 7:"

"The powers delegated by this Constitution to the Government of the United States, shall be exercised as therein appropriated, so that the Legislative shall not exercise the powers vested in the Executive or Judicial; nor the Executive the power vested in the Legislative or Judicial; nor the Judicial the powers vested in the Legislative or Executive."

Mr. SHERMAN conceived this amendment to be altogether unnecessary, inasmuch as the Constitution assigned the business of each branch of the Government to a separate department.

Mr. MADISON supposed the people would be gratified with the amendment, as it was admitted that the powers ought to be separate and distinct; it might also tend to an explanation of some doubts that might arise respecting the construction of the Constitution.

Mr. LIVERMORE, thinking the clause subversive

of the Constitution, was opposed to it, and hoped it might be disagreed to.

On the motion being put, the proposition was carried.

The 9th proposition, in the words following, was considered, "The powers not delegated by the Constitution, nor prohibited by it to the States, are reserved to the States respectively."

Mr. TUCKER proposed to amend the proposition, by prefixing to it "all powers being derived from the people." He thought this a better place to make this assertion than the introductory clause of the Constitution, where a similar sentiment was proposed by the committee. He extended his motion also, to add the word "expressly," so as to read "the powers not expressly delegated by this Constitution."

Mr. MADISON objected to this amendment, because it was impossible to confine a Government to the exercise of express powers; there must necessarily be admitted powers by implication, unless the Constitution descended to recollect every minutiae. He remembered the word "expressly," had been moved in the convention of Virginia, by the opponents to the ratification, and, after full and fair discussion, was given up by them, and the system allowed to retain its present form.

Mr. SHERMAN coincided with Mr. MADISON in opinion, observing that corporate bodies are supposed to possess all powers incident to a corporate capacity, without being absolutely expressed.

Mr. TUCKER did not view the word "expressly" in the same light with the gentleman who opposed him; he thought every power to be expressly given that could be clearly comprehended within any accurate definition of the general power.

Mr. TUCKER's motion being negatived,

Mr. CARROLL proposed to add to the end of the proposition, "or to the people;" this was agreed to.

The 10th proposition, "Article 7 to be made Article 8," agreed to.

The committee then rose, and reported the amendments as amended by the committee.

Mr. TUCKER then moved that the following propositions of amendment to the Constitution of the United States, be referred to a Committee of the whole House, to wit:

Art. 1. Sec. 2. Clause 2. At the end add these words: "Nor shall any person be capable of serving as a Representative more than six years in any term of eight years."

Clause 3. At the end, add these words, "From and after the commencement of the year 1795, the election of Senators for each State shall be annual, and no person shall be capable of serving as a Senator more than five years in any term of six years."

Sec. 4. Clause 1. Strike out the words, "Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators."

Sec. 5. Clause 1. Amend the first part to read thus, "Each State shall be the judge (according to its own laws) of the election of its Senators and Representatives to sit in Congress, and shall furnish them with sufficient credentials; but each House shall judge of

the qualification of its own members: a majority of each House shall constitute," &c.

Clause 2. Strike out these words, "And with the concurrence of two-thirds expel a member," and insert the word "and" after the word "proceedings."

Sec. 6. Clause 2. Amend to read thus: "No person having been elected, and having taken his seat as a Senator or Representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, and no person," &c.

Art. 1. Sec. 8. Clause 1. At the end, add these words: "No direct tax shall be laid, unless any State shall have neglected to furnish, in due time, its proportion of a previous requisition; in which case Congress may proceed to levy, by direct taxation, within any State so neglecting, its proportion of such requisition, together with interest at the rate of six per cent. per annum, from the time it ought to have been furnished, and the charges of levying the same."

Clause 9. Strike out the words "tribunals inferior to the Supreme Court," and insert the words "courts of admiralty."

Clause 17. At the end, add these words: "Provided that the Congress shall not have authority to make any law to prevent the laws of the States, respectively, in which such district or places may be, from extending to such district or places in all civil and criminal matters, in which any person without the limits of such district or places shall be a party aggrieved."

Sec. 9. Clause 7. Strike out the words "Without the consent of the Congress," and amend to read thus: "Shall accept of any present or emolument, or hold any office or title of any kind whatever, from any king, prince, or foreign State; provided that this clause shall not be construed to affect the rights of those persons (during their own lives) who are now citizens of the United States, and hold foreign titles."

Sec. 10. Clause 2. Amend the first sentence to read thus: "No State shall lay any duties on imports or exports, or any duty of tonnage, except such as shall be uniform in their operation on all foreign nations, and consistent with their existing treaties, and also uniform in their operation on the citizens of all the several States in the Union."

Art. 2. Sec. 1. Clause 5. At the end, add these words: "Nor shall any person be capable of holding the office of President of the United States more than eight years in any term of twelve years."

Sec. 2. Clause 1. Strike out the words "he commander-in-chief," and insert, "have power to direct (agreeably to law) the operations."

Clause 3. At the end, add these words: "He shall also have power to suspend from his office, for a time not exceeding twelve months, any officer whom he shall have reason to think unfit to be entrusted with the duties thereof; and Congress may, by law, provide for the absolute removal of officers found to be unfit for the trust reposed in them."

Art. 3. Sec. 1. From each sentence strike out the words "inferior courts," and insert the words "courts of admiralty."

Sec. 2. Clause 1. Strike out the words "between a State and citizens of another State, &c. to the end, and amend to read thus: "between a State and foreign States, and between citizens of the United States claiming the same lands under grants of different States."

Art. 6. Clause 3. Between the word "no" and the word "religious," insert the word "other."

On the question, "Shall the said propositions of amendments be referred to the consideration of a Committee of the whole House?" it was determined in the negative.

WEDNESDAY, August 19.

INDIAN TREATIES.

The House took up the amendment of the Senate to the bill providing for the expense of Indian treaties. The alteration proposed by them was to insert twenty thousand dollars instead of forty thousand.

Mr. BALDWIN.—Whether the treaty with the Wabash nation is to be included in the provision as reduced by the Senate, or not, is a matter as yet undetermined. If it is, according to the account given by the Governor of the Western Territory, of the actual expenses attending treaties at which he had been present, I conceive the sum to be considerably short of what will be absolutely requisite to ensure the object which the House appears to have had in contemplation. I therefore move to amend the amendment by adopting these words: "for holding treaties with the Indians south of the Ohio."

Mr. SHERMAN.—I have been informed that the late Congress granted forty thousand dollars for the purpose of holding treaties with the Indians, and that sum has not yet been expended; and I conjecture that it has been information of a similar kind which has induced the Senate to propose this amendment.

Mr. HARTLEY thought it would be proper that the President should have a discretionary power on this occasion. If the forty thousand dollars spoken of remain yet unemployed, perhaps it may be sufficient, when added to what is granted by the present bill; but it would be prudent to ascertain the fact before the House decided.

Mr. FITZSIMONS observed that it was but last week the House had voted the forty thousand dollars. He should be glad to know upon what principle it was done; if they were wrong, they should at least be convinced of their error before they rescinded their former determination.

He presumed that the appropriation spoken of was not founded upon official communications, he therefore was at liberty to doubt its accuracy. He did not doubt that the former Congress had made demands upon particular States for that sum; but he questioned if they had been complied with, and very little reliance was to be had upon new advances from those quarters. However, be this as it might, he should be glad to know upon what ground the amendment stood; if he found it to be proper, he should cheerfully agree to it. He moved to let the bill lie on the table till tomorrow.

Mr. SENECWICK said that when this business was before under consideration, he was surprised to find the majority of the House in favor of the sum then moved for. It appeared to him that the President, in his message, had in contemplation a treaty with the Creek Indians only; and that they should exceed the sum necessary for that purpose,

without having a previous estimate, appeared to him totally incomprehensible; that they should vote so large a sum of money at this period of the Government, and when the situation of our finances is so much embarrassed as to render it impossible to make any provision for the public creditors, would appear to be a most extraordinary appropriation. It very seldom occurs that a Government errs on the side of economy; the sum proposed in the amendment, he thought, would be amply sufficient; and if the largest sum was to be voted, they might be justifiable in supposing that the business would be protracted until the whole sum was expended. He therefore hoped the House would concur with the Senate.

Mr. SUMTER thought twenty thousand dollars fully competent to answer the present purpose.

Mr. MADISON controverted the sentiment of the honorable member from Massachusetts, (Mr. SENECWICK,) as it respected the errors of economy; he doubted the assertion that Government might not exceed in the practice of it; and he was not certain that it would not eventually appear in the present instance, that by too great caution not to exceed in the grant, they incurred an unnecessary additional expense. He seconded Mr. FITZSIMONS' motion to defer the decision until tomorrow.

Mr. BOURNIE opposed the motion. He entertained an opinion from which he did not mean to deviate, that in all appropriations we ought to have a special regard to the state of our Treasury. Can any estimate be produced to demonstrate that so large a sum as forty thousand dollars is necessary for this business? I presume not. The number of Indians to be provided for exceeds greatly what would be sufficient to give the treaties all possible validity. He was fully convinced by the gentleman from South Carolina, (Mr. SUMTER,) in a former discussion on the same subject, that so large a sum was quite unnecessary upon the present occasion; we ought to consider that such large grants may influence future appropriations. Should the sum mentioned in the amendment be found insufficient, the President will give us notice accordingly, and the deficiency may be supplied. But should we appropriate a sum more than sufficient in the present state of our treasury, we shall find that we subject ourselves to very great embarrassments, and cannot justify such a step. He was of opinion that twenty thousand dollars would be found fully sufficient, with what was now on hand, and he hoped the motion for postponing would not be agreed to. The time fixed for holding the treaty is fast approaching. Should the warriors appear on the ground, without finding our commissioners, they would return home, and then what would be the consequence? The loss of a single day might be attended with fatal effects.

Mr. LAWRENCE was in favor of postponing the motion; he wished to obtain accurate information respecting several circumstances that had been mentioned; time must be allowed for this; and the House by to-morrow may be in the possession of such facts as will enable them to act more clearly on the business. I trust, sir, said he

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that I am as averse as any member in this House to the making use of the public money, either profusely or unnecessarily. But this is an important subject; and the making of such provisions as may fully answer the object in the first instance is the most likely mode to ensure a satisfactory fulfillment.

On the motion being put for postponement of the bill, it was negatived.

Mr. BALDWIN moved to insert the words "south of the Ohio."

Mr. SCOTT.—It may, perhaps, be thought something odd, Mr. Chairman, that living upon the frontiers, and being supposed to know something of Indian affairs, I should be silent on this occasion; the reason is, sir, that I have no opinion of Indian treaties, as Indian treaties are usually conducted; and I fear, if any sum is voted more than sufficient to support the commissioners, and feed the Indians while the treaty lasts, that it will be embezzled; for I conceive it to be the worst kind of policy to spend a large sum of money in making presents to the savages; it never was productive of any solid advantage, but frequently the reverse. The Indians have reduced war and treaties to a system of commerce and traffic. By giving them presents, we strengthen and enable them to fall upon our defenceless frontiers. It has often been the case that the arms and ammunition, which they have received at a treaty of peace, have been made use of against the donors. I conceive the sum of twenty thousand dollars to be quite sufficient, and hope we shall concur with the Senate therein.

Mr. MOORE acquiesced with Mr. SCOTT. The system which had been adhered to of making presents to the Indians he highly reprobated.

Mr. BALDWIN observed, that the observations of the honorable gentleman (Mr. SCOTT) are of a general nature; a statement had been made by the Superintendent of Indian Affairs, and by the Secretary of War, and was supposed to be upon the best information they could obtain; if this should prove defective, or if it be too much, let the particulars be pointed out in which the excess lies. He states, in his estimate, that twenty-five thousand dollars are requisite for holding treaties with the Southern tribes. If it is intended by this provision that the expenses of holding treaties with both Northern and Southern tribes should be defrayed, it plainly appears that we shall fail for want of means to effect our object on both.

Mr. SUMTER.—The number of Indians on which the estimate is founded arose merely from misinformation; so large a number does not appear to be necessary; such a quantity will not be assembled; there cannot be provision made for them; they would run the risk of suffering exceedingly. I do not entertain a doubt, sir, but the business may be properly conducted without assembling such a number, and I dare assert it will be well done if we do not make too large a provision. We shall, I hope, support the dignity of the United States, and let those Indians know that treaties in future shall not be violated by them with impunity.

ity; that we will treat with them upon generous and reciprocal terms; that while we protect them from any depredations from our frontiers, they shall strictly adhere to the stipulations on their part. Some trifling presents, I grant, may be necessary; it is an ancient custom; but I am opposed to extravagant or profuse ones, because they are dollars. I think the sum of twenty thousand dollars will be fully sufficient.

The motion of Mr. BALDWIN being put, was negatived; after which the amendment of the Senate was agreed to.

AMENDMENTS TO THE CONSTITUTION.

The House then took into consideration the amendments to the Constitution, as reported by the Committee of the Whole.

Mr. SHERMAN renewed his motion for adding the amendments to the Constitution by way of supplement.

Hereupon ensued a debate similar to what took place in the Committee of the Whole, (see page 707;) but, on the question, Mr. SHERMAN's motion was carried by two-thirds of the House; in consequence it was agreed to.

The first proposition of amendment (see page 707) was rejected, because two-thirds of the members present did not support it.

Mr. AMES then brought forward his motion respecting the representation suggested, (see page 728.) A desultory conversation took place, and several amendments of the motion were attempted; but the House adjourned without coming to any determination.

THURSDAY, August 20.

A message from the Senate informed the House that they agree to the resolution of this House of the 10th instant, for executing the survey directed by an act of the late Congress, of June 6, 1788.

AMENDMENTS TO THE CONSTITUTION.

The House resumed the consideration of the report of the Committee of the Whole on the subject of amendment to the Constitution.

Mr. AMES's proposition was taken up. Five or six other members introduced propositions on the same point, and the whole were, by mutual consent, laid on the table. After which, the House proceeded to the third amendment, and agreed to the same.

On motion of Mr. AMES, the fourth amendment was altered so as to read "Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience." This being adopted,

The first proposition was agreed to. Mr. SCOTT objected to the clause in the sixth amendment, "No person religiously scrupulous shall be compelled to bear arms." He observed that if this becomes part of the Constitution, such persons can neither be called upon for their services, nor can an equivalent be demanded; it is also attended with still further difficulties, for a militia can never be depended upon. This would lead to the violation of another article in the Con-

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stitution, which secures to the people the right of keeping arms, and in this case recourse must be had to a standing army. I conceive it, said he, to be a Legislative right altogether. There are many sects I know, who are religiously scrupulous in this respect; I do not mean to deprive them of any indulgence the law affords; my design is to guard against those who are of no religion. It has been urged that religion is on the decline; if so, the argument is more strong in my favor, for when the time comes that religion shall be discarded, the generality of persons will have recourse to these pretenses to get excused from bearing arms.

Mr. BOUNDINOT thought the provision in the clause, or something similar to it, was necessary. Can any dependence, said he, be placed in men who are conscientious in this respect? or what justice can there be in compelling them to bear arms, when, according to their religious principles, they would rather die than use them? He adverted to several instances of oppression on this point, that occurred during the war. In forming a militia, an effectual defence ought to be calculated, and no characters of this religious description ought to be compelled to take up arms. I hope that in establishing this Government, we may show the world that proper care is taken that the Government may not interfere with the religious sentiments of any person. Now, by striking out the clause, people may be led to believe that there is an intention in the General Government to compel all its citizens to bear arms.

Some further desultory conversation arose, and it was agreed to insert the words "in person," to the end of the clause; after which, it was adopted, as was the fourth, fifth, sixth, seventh, and eighth clauses of the fourth proposition; then the fifth, sixth, and seventh propositions were agreed to, and the House adjourned.

FRIDAY, August 21.

AMENDMENTS TO THE CONSTITUTION.

The House proceeded in the consideration of the amendments to the Constitution reported by the Committee of the Whole, and took up the second clause of the fourth proposition.

Mr. GERRY then proposed to amend it by striking out these words, "public danger," and to insert "foreign invasion," this being negatived, it was then moved to strike out the last clause, "and if it be committed," &c. to the end. This motion was carried, and the amendment was adopted.

The House then took into consideration the third clause of the seventh proposition, which was adopted without debate.

The eighth proposition was agreed to in the same manner.

The ninth proposition Mr. GERRY proposed to amend by inserting the word "expressly," so as to read "the powers not expressly delegated by the Constitution, nor prohibited to the States, are reserved to the States respectively, or to the people." As he thought this an amendment of great importance, he requested the yeas and nays

might be taken. He was supported in this by one-fifth of the members present; whereupon they were taken, and were as follows:

Yeas.—Messrs. Burke, Coles, Floyd, Groat, Hathorn, Jackson, Livermore, Page, Parker, Partridge, Van Rensselaer, Smith, (of South Carolina,) Stone, Sumter, Thatcher, and Tucker—17.

Nays.—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Heister, Lawrence, Lee, Madison, Moore, Muhlenburg, Schureman, Scott, Sedgwick, Seney, Sherman, Sylvester, Sunnicksen, Smith, (of Maryland,) Sturges, Trumbull, Vining, Wedgworth, and Wynkoop—32.

Mr. SHERMAN moved to alter the last clause, so as to make it read, "the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people."

This motion was adopted without debate.

Mr. BURKE.—The majority of this House may be inclined to think all our propositions unimportant, as they seemed to consider that upon which the yeas and nays were just now called. However, to the minority they are important; and it will be happy for the Government, if the majority of our citizens are not of their opinion; but be this as it may, I move you, sir, to add to the articles of amendment the following: "Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of Senators, or Representatives, except when any State shall refuse or neglect, or be unable, by invasion or rebellion, to make such election."

Mr. AMES thought this one of the most justifiable of all the powers of Congress; it was essential to a body representing the whole community, that they should have power to regulate their own elections, in order to secure a representation from every part, and prevent any improper regulations, calculated to answer party purposes only. It is a solecism in politics to let others judge for them, and is a departure from the principles upon which the Constitution was founded.

Mr. LIVERMORE said, this was an important amendment, and one that had caused more debate in the Convention of New Hampshire than any other whatever. The gentleman just up said it was a solecism in politics, but he could cite an instance in which it had taken place. He only called upon gentlemen to recollect the circumstance of Mr. SMITH's (of South Carolina) election, and to ask if that was not decided by the State laws? Was not his qualification as a member of the Federal Legislature determined upon the laws of South Carolina? It was not supported by the people of South Carolina, that the House would question a right derived by their representative from their authority.

Mr. MANISON.—If this amendment had been proposed at any time either in the Committee of the Whole or separately in the House, I should not have objected to the discussion of it. But I cannot agree to delay the amendments now agreed upon, by entering into the consideration of propositions not likely to obtain the consent of

either two-thirds of this House or three-fourths of the State Legislatures. I have considered this subject with some degree of attention, and, upon the whole, am inclined to think the Constitution stands very well as it is.

Mr. GERRY was sorry that gentlemen objected to the time and manner of introducing this amendment, because it was too important in its nature to be defeated by want of form. He hoped, and he understood it to be the sense of the House, that each amendment should stand upon its own ground; if this was, therefore, examined on its own merits, it might stand or fall as it deserved, and there would be no cause of complaint on the score of inattention.

His colleague (Mr. AMES) objected to the amendment, because he thought no Legislature was without the power of determining the mode of its own appointment; but he would find, if he turned to the constitution of the State he was a representative of, that the times, places, and manner of choosing members of their Senate and Council were prescribed therein.

Why, said he, are gentlemen desirous of retaining this power? Is it because it gives energy to the Government? It certainly has no such tendency; then why retain a clause so obnoxious to almost every State? But this provision may be necessary in order to establish a Government of an arbitrary kind, to which the present system is pointed in no very indirect manner: in this way, indeed, it may be useful. If the United States are desirous of controlling the elections of the people, they will, in the first place, by virtue of the powers given them by the 4th sect. of the 1st art., abolish the mode of balloting; then every person must publicly announce his vote, and it would then frequently happen that he would be obliged to vote for a man, or "the friend of a man," to whom he was under obligations. If the Government grows desirous of being arbitrary elections will be ordered at remote places, where their friends alone will attend. Gentlemen will tell me that these things are not to be apprehended; but if they say that the Government has the power of doing them, they have no right to say the Government will never exercise such powers, because it is presumable that they will administer the Constitution at one time or another with all its powers; and whenever that time arrives, farewell to the rights of the people, even to elect their own representatives.

Mr. STONE called upon gentlemen to show what confederated Government had the power of determining on the mode of their own election. He apprehended there were none; for the representatives of States were chosen by the States in the manner they pleased. He was not afraid that the General Government would abuse this power, and as little afraid that the States would; but he thought it was in the order of things that the power should vest in the States respectively, because they can vary their regulations to accommodate the people in a more convenient manner than can be done in any general law whatever. He thought the amendment was generally ex-

pected, and therefore, on the principles of the majority, ought to be adopted.

Mr. SMITH, of South Carolina, said he hoped it would be agreed to; that eight States had expressed their desires on this head, and all of them wished the General Government to relinquish their control over the elections. The eight States he alluded to were New Hampshire, Massachusetts, New York, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina.

Mr. CARROLL denied that Maryland had expressed the desire attributed to her.

Mr. FITZSIMMONS.—The remark was not just as it respected Pennsylvania.

Mr. SMITH, of South Carolina, said the Convention of Maryland appointed a committee to recommend amendments, and among them was the one now under consideration.

Mr. STONE replied there was nothing of the kind noticed on the journals of that body.

Mr. SMITH, of South Carolina, did not know how they came into the world, but he had certainly seen them. As to Pennsylvania, there was a very considerable minority, he understood one-third, who had recommended the amendment. Now, taking all circumstances into consideration, it might be fairly inferred that a majority of the United States were in favor of this amendment. He had studied to make himself acquainted with this particular subject, and all that he had ever heard in defence of the power being exercised by the General Government was, that it was necessary, in case any State neglected, or refused to make provision for the election. Now these cases were particularly excepted by the clause proposed by his honorable colleague, and therefore he presumed there was no good argument against it.

Mr. SEDGWICK moved to amend the motion, by giving the power to Congress to alter the times, manner, and places of holding elections, provided the States made improper ones; for as much injury might result to the Union from improper regulations, as from a neglect or refusal to make any. It is as much to be apprehended that the States may abuse their powers, as that the United States may make an improper use of theirs.

Mr. AMES said that inadequate regulations were equally injurious as having none, and that such an amendment as was now proposed would alter the Constitution: it would vest the supreme authority in places where it was never contemplated.

Mr. SHERMAN observed that the Convention were very unanimous in passing this clause; that it was an important provision, and if it was resigned, it would tend to subvert the Government. Mr. MADISON was willing to make every amendment that was required by the States, which did not tend to destroy the principles and the efficacy of the Constitution; he conceived that the proposed amendment would have that tendency, he was therefore opposed to it.

Mr. SMITH, of South Carolina, observed that the States had the sole regulation of elections, so far as it respected the President. Now he saw no

good reason why they should be indulged in this, and prohibited from the other. But the amendment did not go so far; it admitted that the General Government might interfere whenever the State Legislature refused or neglected; and it might happen that the business would be neglected without any design to injure the administration of the General Government; it might be that the two branches of the Legislature could not agree, as happened, he believed, in the Legislature of New York, with respect to their choice of Senators at their late session.

Mr. TUCKER objected to Mr. SEDGWICK's motion of amendment, because it had a tendency to defeat the object of the proposition brought forward by his colleague, (Mr. BURKE.) The General Government would be the judge of inadequate or improper regulations: of consequence, they might interfere in any or every law which the States might pass on that subject.

He wished that the State Legislatures might be left to themselves to perform every thing they were competent to, without the guidance of Congress. He believed there was no great danger, but they knew how to pursue their own good, as well when left to their discretion, as they would under the direction of a superior. It seemed to him as if there was a strong propensity in this Government to take upon themselves the guidance of the State Governments, which to his mind implied a doubt of their capacity to govern themselves; now, his judgment was convinced that the particular State Governments could take care of themselves, and deserved more to be trusted than this did, because the right of the citizen was more secure under it.

It had been supposed by some States, that electing by districts was the most convenient mode of choosing members to this House; others have thought that the whole State ought to vote for the whole number of members to be elected for that State. Congress might, under like impressions, set their regulations aside. He had heard that many citizens of Virginia (which State was divided into eleven districts) supposed themselves abridged of nine-tenths of their privilege by being restrained to the choice of one man instead of ten, the number that State sends to this House.

With respect to the election of Senators, the mode is fixed; every State but New York has established a precedent; there is, therefore, but little danger of any difficulty on this account. As to New York, she suffers by her want of decision; it is her own loss; but probably they may soon decide the point, and then no difficulty can possibly arise hereafter. From all these considerations, he was induced to hope Mr. SEDGWICK's motion would be negatived, and his colleague's agreed to.

Mr. GOUGH hoped the amendment never would obtain. Gentlemen should recollect there appeared a large majority against amendments, when the subject was first introduced, and he had no doubt but that majority still existed. Now, rather than this amendment should take effect, he would vote against all that had been agreed to.

His greatest apprehensions were, that the State Governments would oppose and thwart the general one to such a degree as finally to overturn it. Now, to guard against this evil, he wished the Federal Government to possess every power necessary to its existence.

Mr. BURKE was convinced there was a majority against him; but, nevertheless, he would do his duty, and propose such amendments as he conceived essential to secure the rights and liberties of his constituents. He begged permission to make an observation or two, not strictly in order; the first was on an assertion that had been repeated more than once in this House, "That this revolution, or adoption of the new Constitution, was agreeable to the public mind, and those who opposed it at first, are now satisfied with it." I believe, sir, said he, that many of those gentlemen who agreed to the ratification without amendments, did it from principles of patriotism, but they knew at the same time that they parted with their liberties; yet they had such reliance on the virtue of a future Congress, that they did not hesitate, expecting that they would be restored to them unimpaired, as soon as the Government commenced its operations conformably to what was mutually understood at the sealing and delivering up of those instruments.

It has been supposed that there is no danger to be apprehended from the General Government of an invasion of the rights of election. I will remind gentlemen of an instance in the Government of Holland. The patriots in that country fought no less strenuously for that prize than the people of America; yet, by giving to the States General powers not unlike those in this Constitution, their right of representation was abolished. That they once possessed it is certain, and that they made as much talk about its importance as we do; but now the right has ceased, all vacancies are filled by the men in power. It is our duty, therefore, to prevent our liberties from being fooled away in a similar manner; consequently, we ought to adopt the clause which secures to the General Government every thing that ought to be required.

Mr. MADISON observed, that it was the State Governments in the Seven United Provinces which had assumed to themselves the power of filling vacancies, and not the General Government; therefore the gentleman's application did not hold.

The question on Mr. SEDGWICK's motion for amending Mr. BURKE's proposition, was put and lost.

The question was then put on Mr. BURKE's motion, and the yeas and nays being demanded by the Constitutional number, they were taken as follows:

YEAS.—Messrs. Burke, Coles, Floyd, Gerry, Griffin, Grout, Hathorn, Heister, Jackson, Livermore, Matthews, Moore, Page, Parker, Partridge, Van Rensselaer, Seney, Sylvester, Smith, of South Carolina, Stone, Sluiter, Thatcher and Tucker—23.

NAYS.—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale,

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So it was determined in the negative. The House then resumed the consideration of the proposition respecting the apportioning of the representation to a certain ratio, proposed by Mr. AMES.

When, after some desultory conversation, it was agreed to, as follows: "After the first enumeration, required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred. After which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor less than one representative for fifty thousand persons."

After which the House adjourned.

SATURDAY, August 22.

Memorials from the inhabitants of Trenton, in New Jersey, Lancaster, and Yorktown, in Pennsylvania, were presented, stating their advantages in soil, climate, situation, population, cultivation, and buildings; and praying that the permanent seat of Congress may be established at the same. The memorials were ordered to lie on the table.

AMENDMENTS TO THE CONSTITUTION.

The House resumed the consideration of the amendments to the Constitution.

Mr. TUCKER moved the following as a proposition to be added to the same: "The Congress shall never impose direct taxes but where the moneys arising from the duties, imposts, and excise, are insufficient for the public exigencies, nor until Congress shall have made a requisition upon the States to assess, levy, and pay their respective proportions of such requisitions. And in case any State shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such State's proportion, together with the interest thereon, at the rate of six per cent. per annum, from the time of payment prescribed by such requisition."

Mr. PAGE said, that he hoped every amendment to the Constitution would be considered separately in the manner this was proposed, but he wished them considered fully; it ought to have been referred to the committee of eleven, reported upon, and then to the Committee of the Whole. This was the manner in which the House had decided upon all those already agreed to; and this ought to be the manner in which this should be decided; he should be sorry to delay what was so nearly completed on any account. The House has but little time to sit, and the subject has to go before the Senate, therefore it requires of us all

the expedition we can possibly give it. I would prefer putting a finishing hand to what has been already agreed to, and refer this to the Committee of eleven for their consideration.

Mr. TUCKER.—This proposition was referred to the committee, along with many others in the gross, but the Committee of eleven declined reporting upon it. I understood it to be in any gentleman's power to bring it forward when he thought proper, and it was under this influence that I proposed it, nor do I conceive it to be an improper time. The House is engaged in the discussion of amendments; they have made some progress, and I wish them to go on and complete what they have begun. This may be added without inconvenience, if it meet the sense of the House; but if it does not, I wish my constituents to be acquainted with our decision on the whole subject, and therefore hope it may be decided upon at this time.

Mr. JACKSON.—The gentleman has an undoubted right to bring forward the proposition; but I differ greatly with respect to its propriety. I hope, sir, the experience we have had will be sufficient to prevent us from ever agreeing to a relinquishment of such an essential power. The requisitions of the former Congress were ineffectual to obtain supplies; they remain to this day neglected by several States. If a sense of common danger, if war, and that a war of the noblest kind, a contest for liberty, were not sufficient to stimulate the States to a prompt compliance, when the means were abundant, by reason of the immense quantities of paper medium, can we ever expect an acquiescence to a requisition in future, when the only stimulus is honesty, to enable the Confederation to discharge the debts of the late war?

But suppose requisitions were likely to be, in some degree, complied with, (which, by the way, I never can admit,) in every case where a State had neglected or refused to furnish its quota, Congress must come in, assess, and collect it. Now, in every such case, I venture to affirm that jealousies would be excited, discontent would prevail, and civil wars break out. What less can gentlemen picture to themselves, when a Government has refused to perform its obligations, but that it will support its measures by the point of the bayonet?

Without the power of raising money to defray the expenses of Government, how are we to be secure against foreign invasion? What! can a Government exert itself, with its sinews torn from it? We can expect neither strength nor exertion; and without these are acquired and preserved, our union will not be lasting; we shall be rent asunder by intestine commotion, or exterior assault; and when that period arrives, we may bid adieu to all the blessings we have purchased at the price of our fortunes, and the blood of our worthiest heroes.

Mr. LIVERMORE thought this an amendment of more importance than any yet obtained; that it was recommended by five or six States, and therefore ought to engage their most serious consideration.

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tion. It had been supposed that the United States would not attempt to levy direct taxes; but this was certainly a mistake. He believed nothing but the difficulty of managing the subject would deter them. The modes of levying and collecting taxes pursued by the several States are so various, that it is an insuperable obstacle to an attempt by the General Government.

He was sensible that the requisitions of the former Congress had not been fully complied with, and the defect of the Confederation was, that the Government had no powers to enforce a compliance. The proposition now under consideration obviated that difficulty. Suppose one or two States refused to comply, certainly the force of the others could compel them, and that is all that ought to be required; because it is not to be supposed that a majority of the States will refuse, as such an opposition must destroy the Union. He hoped the States would be left to furnish their quotas in a manner the most easy to themselves, as was requested by more than half of the present Union.

Unless something more effectual was done to improve the Constitution, he knew his constituents would be dissatisfied. As to the amendments already agreed to, they would not value them more than a pinch of snuff; they went to secure rights never in danger.

Mr. PAGE wished the proposition might be re-committed, for he was certain there was neither time nor inclination to add it to those already agreed upon.

He observed that the warmest friends to amendments differ in opinion on this subject; many of them have ceased urging it, while others have become strenuous advocates for the reverse. The most judicious and discerning men now declare that the Government ought never to part with this power. For his part, experience had convinced him that no reliance was to be had on requisitions, when the States had treated them with contempt in the hour of danger, and had abundant means of compliance. The public credit stood at this moment in the utmost need of support, and he could not consent to throw down one of its strongest props. He thought there was no danger of an abuse of this power, for the Government would not have recourse to it while the Treasury could be supplied from any other source; and when they did, they would be studious of adapting their law to the convenience of the States. He hoped, when the gentleman returned home to New Hampshire, his constituents would give him credit for his exertions, and be better satisfied with the amendments than he now supposed them to be.

Mr. SUMNER felt himself so sensibly impressed with the importance of the subject, that if he apprehended the proposition would not have a fair discussion at this time, he would second the motion of commitment, and had not a doubt but the House would acquiesce in it.

Gentlemen had said that the States had this business much at heart. Yes, he would venture to say more, that if the power was not relinquish-

ed by the General Government, the State Governments would be annihilated. If every resource is taken from them, what remains in the power of the States for their support, or for the extinguishment of their domestic debt?

Mr. GENAY thought if the proposition was referred, that it ought to go to a Committee of the Whole, for he wished it to have a full and candid discussion. He would have something left in the power of every State to support itself, independent of the United States, and therefore was not satisfied with the amendment proposed. The Constitution, in its original state, gives to Congress the power of levying and collecting taxes, duties, imposts, and excise. The fault here is, that every thing is relinquished to the General Government. Now, the amendment gives the same power, with qualification, that there shall have been a previous requisition. This by no means came up to his idea; he thought that some particular revenue ought to be secured to the States, so as to enable them to support themselves.

He apprehended, when this clause in the Constitution was under the consideration of the several State conventions, they would not so readily have ratified it, if they had considered it more fully in the point of view in which he had now placed it; but if they had ratified it, it would have been under a conviction that Congress would admit such amendments as were necessary to the existence of the State Governments. At present, the States are divested of every means to support themselves. If they discover a new source of revenue, after Congress shall have diverted all the old ones into their treasury, the rapacity of the General Government can take that from them also. The States can have recourse to no tax, duty, impost, or excise, but what may be taken from them whenever the Congress shall be so disposed; and yet gentlemen must see that the annihilation of the State Governments will be followed by the ruin of this.

Now, what is the consequence of the amendment? Either the States will or will not comply with the requisitions. If they comply, they voluntarily surrender their means of support; if they refuse, the arms of Congress are raised to compel them, which, in all probability, may lay the foundation for civil war. What umbrage must it give every individual to have two sets of collectors and tax-gatherers surrounding his doors; the people then soured, and a direct refusal by the Legislature, will be the occasion of perpetual discord. He wished to alter this proposition in such a manner as to secure the support of the Federal Government and the State Governments likewise, and therefore wished the amendment referred to a Committee of the whole House.

Mr. TUCKER.—I do not see the arguments in favor of giving Congress this power in so forcible a light as some gentlemen do. It will be to erect an *imperium in imperio*, which is generally considered to be subversive of all Government. At any time that Congress shall exercise this power, it will raise commotions in the States; whereas,

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the mode of requisitions will operate in so easy a way, by being so consonant to the habits of the people, that the supplies will be sooner realized in the treasury by this means than by any other. It will require a length of time to form a uniform system of taxation, that shall operate equally and justly through all the States; though I doubt the possibility of forming such a system. It has been said, that requisitions have not been complied with in former times, but it is to be hoped that there will not be so much difficulty in future. The supplies from the impost will greatly diminish the requisitions; besides, should any of the States refuse to comply, they will be liable to the exercise of the power of Congress in the very heart of their country. This power will be so disagreeable, that the very dread of it will stimulate the States to an immediate and prompt compliance with the requisitions. This amendment has been proposed by several of the States, and by some of the most important ones. For this and other reasons that have been offered on the subject, I hope the amendment will be adopted.

Several methods were proposed for disposing of this question for the present; but the motion for its lying on the table being put and negatived, Mr. PARTRIDGE, referring to his instructions, was so pious that this amendment should not be too precipitately decided upon, and moved the previous question, which was negatived.

Mr. SEDGWICK said, that he believed his mind was as strongly impressed with the force of the instructions he had received from his constituents, as that of other gentlemen. But, sir, a Government entrusted with the freedom and the very existence of the people, ought surely to possess, in a most ample degree, the means of supporting its own existence; and as we do not know what circumstances we may be in, or how necessary it may be for Congress to exercise this power, I should deem it a violation of the oath I have taken to support the Constitution were I now to vote for this amendment.

Mr. SHERMAN remarked, that if Congress should exercise this power, the taxes would be laid by the immediate representatives of the people; neither would it be necessary to adopt one uniform method of collecting direct taxes. The several States might be accommodated by a reference to their respective modes of taxation.

The question upon the paragraph being called for from every part of the House, the yeas and nays were taken.

YEAS—Messrs. Burke, Coles, Floyd, Grout, Hathorn, Livermore, Van Rensselaer, Sumter, and Tucker—9.

NAYS—Messrs. Ames, Benson, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Heister, Jackson, Lawrence, Lee, Madison, Matthews, Moore, Muhlenburg, Page, Parker, Partridge, Schureman, Scott, Sedgwick, Seney, Sherman, Sylvester, Simeonson, Smith, (of Maryland,) Smith, of South Carolina, Stone, Sturgis, Thatcher, Trumbull, Vining, and Wadsworth—39.

Mr. TUCKER proposed the following amendment to the Constitution:

Article 1, section 8, clause 9, strike out the words, "tribunals superior" to the Supreme Court," and insert the words "courts of admiralty."

And on the question being put, it passed in the negative.

He then moved for a further amendment to the Constitution, as follows:

In the third section of the sixth article insert the word "other" between the word "no" and the word "religious."

And on the question that the House do agree to the said amendment, it passed in the negative.

Mr. GRAY moved to add to the amendments already agreed to the following articles, to wit: "That Congress erect no company of merchants with exclusive advantages of commerce." And on the question that the House do agree to the said proposed article, it passed in the negative. He introduced another motion, to add to the amendments already agreed to the following article, to wit:

"Congress shall at no time consent that any person holding an office of trust or profit under the United States shall accept of a title of nobility or any other title or office from any King, Prince, or foreign State."

And on the question being put, it was negatived. Mr. BENSON introduced a resolution to the following purport:

Resolved by the House of Representatives of the United States in Congress assembled, That the following amendments to the Constitution of the United States having been agreed to by two-thirds of both Houses, be submitted to the Legislatures of the several States; which, when ratified, in whole, or in part, by three-fourths of the said Legislatures, shall be valid to all intents and purposes as parts of the said Constitution.

This resolution was referred to a committee consisting of Messrs. BENSON, SHERMAN, and SEDGWICK, who were directed to arrange the said amendments and make report thereof.

ADJOURNMENT.

Mr. GOODHUE moved that the report of the joint committee on the adjournment be made the order of the day for Monday next. Passed in the affirmative.

TREASURY BILL.

The committee on the part of the House appointed to confer with the Senate on their amendment to the Treasury bill, being called on to report, Mr. MADISON reported verbally, that the committee had met and conferred upon the subject; that the members on the part of the Senate stated the reasons on which their amendment was founded, which not being satisfactory to the committee on the part of the House, they submitted certain propositions to the committee of the Senate, who, on their part, offered none. Mr. MADISON further reported, that it is the opinion of the committee on the part of the House, that it would not be right for the House to recede from their disagreement.

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Adjournment.

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MONDAY, August 24.

Mr. FITZSIMONS, from the committee appointing the salaries of the Executive officers of Government, with their assistants and clerks, which was received and read the first time.

Mr. BENSON, from the committee appointed for the purpose, reported an arrangement of the articles of amendment to the Constitution of the United States, as agreed to by the House on Friday last; also, a resolution prefixed to the same, which resolution was twice read and agreed to by the House, as follows:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, (two-thirds of both Houses deeming it necessary,) That the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution.

Ordered, That the Clerk of this House do carry to the Senate a fair engrossed copy of the said proposed articles of amendment, and desire their concurrence.

ADJOURNMENT.

The House proceeded to the consideration of the report of the joint committee, on the adjournment.

Mr. Vining was against taking up this report. He thought it appeared absurd to enter into a discussion of the question at this moment; it would necessarily bring on a great deal of debate, and consume much time, and would likewise counteract the object of gentlemen entirely, while so many important subjects were yet undecided, which must be attended to and finished previous to a recess. He moved for a postponement, in order to take up the Treasury bill.

Mr. HARTLEY said, that the honorable gentleman's remarks furnished the best argument for coming to a determination upon the adjournment at the present time, as it was the best way to confine the attention of the House to the essentials which claimed their immediate attention and decision.

Mr. SEDGWICK was in favor of deciding on the report immediately; he contended that the public business would be expedited thereby; this remark, he said, was founded upon experience. When the time is fixed, and gentlemen are fully impressed with the importance of despatching business in a given time, they will exert themselves to the utmost. He had known as much business transacted in the Assembly of Massachusetts in one week, and as well done, as had been before in three. He further observed that many gentlemen were anxious to go home; that the sickly season was approaching, and that if an adjournment does not take place, the members will be so thinned off, that in all probability a much less number than the present will be left to do business.

The motion of Mr. Vining was withdrawn, and Mr. MADISON proposed the following resolution:

Resolved, That when this House does adjourn, on the first Monday in December next, they will adjourn to the first Monday in December next.

Mr. SCOTT objected to this. He said it was too short a period; it would not admit of the members who lived at the extremities of the Union to go home and return by the time mentioned.

Mr. LIVERMORE was also opposed to it, and proposed to adjourn on the first of September.

Mr. GOODHUE said, he conceived those gentlemen who talked of adjourning on the first of September did not wish for any adjournment at all. He contended for a short adjournment, as proposed by the resolution; some relaxation from business is necessary; it is a so expedient to consult our constituents; some alterations may be found necessary in the laws we have enacted. We can judge better of that necessity from our observation and conversation with our constituents in our respective States, than we can from any other information.

Mr. AMES was in favor of the motion, and proposed to fill the blank with 22d September, which was carried in the affirmative.

Mr. SUMNER objected to the shortness of the time of adjournment. The business now before us cannot be completed, if we may judge by what has already taken place. The recess will be so short, that none of the advantages expected to be derived from consulting our constituents can be realized by those from a remote quarter of the Union. Short recesses are attended with great expense. Our conduct in adjourning for so short a time, and leaving so much business unfinished, can never be approved by the people. Gentlemen talk of their private concerns; I do not think that any member has made a greater proportionable sacrifice than I have. But the public good is to be chiefly regarded; we ought not to be influenced by our private concerns. He hoped that some plan of accommodation would take place.

Mr. AMES introduced the foregoing resolutions in the form following, viz: "That the President of the Senate, and the Speaker of the House of Representatives, do adjourn their respective Houses of Congress on the 22d of September next, to meet on the first Monday in December next."

Mr. JACKSON said that the time was too short; it would not admit of the members who come from a distance to consult their constituents, and so far the advantage of an adjournment would be lost. Let us view the matter in another point of light; alarms have been spread respecting the compensations; this will increase those alarms, for it will be said that a very great expense is needlessly incurred. If we sit two months longer, the public business would be so far completed as to supersede the necessity of meeting in December. He thought the adjournment ought to be to the first Monday in March, and the Consti-

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tution would warrant this; mutual concessions ought to be made for the accommodation of all. At the time proposed, the cold-season will be advanced; the ice and snow will prevent the gentlemen at the Eastward and Northward from attending to their private business; hence that season will be adapted to their convenience. But let us look to the members from the Southward; it ought to be considered that their relaxed constitutions will be greatly exposed by the intense cold of this northern climate; besides, it will then be their busy season for planting; some concession ought therefore to be made. The Southern members would sooner forfeit their seats in this House, than be obliged to come here in the Winter; this will operate to deprive the remote parts of the Union of their representation. He therefore moved that the time be extended to the first of March.

Mr. GERRY was opposed to so short an adjournment; he stated the expense that would attend it, and made it twenty thousand dollars, a sum that would pay Congress for fifty days' attendance. This, he said, rendered it demonstrable that it would be most prudent for Congress to continue the session and terminate the business. If it is absolutely necessary to any particular gentleman to go home, leave may be granted. He trusted, he said, that there was no member who thought himself of so much consequence that the Government could not proceed without him, or that Congress thought so; if they should, when such a member departs, the business must stand still. Reference has been had to out-door conversation, and we are cautioned to beware of exciting popular clamor. But he trusted that ideas of this kind are not to influence the deliberations of this assembly, or deter us from deciding what we think is just and best.

Mr. JACKSON said he was surprised to hear a gentleman cautioning the House against being influenced by public clamor, and the opinions of people out of doors, especially as that gentleman has, within a fortnight past, raised more bugbears from that source than all the House besides.

Mr. BOURNINO said that he supposed the time between this and the adjournment will be sufficient to complete the organization of the Judiciary and Executive Departments. The adjournment will, in the common course of events, allow the members from Georgia three or four weeks to be at home. A short recess is absolutely necessary, a long one may be highly injurious.

Mr. VINING recapitulated a number of articles now pending before Congress, upon which it is presumed that it is not necessary to consult our constituents. We already know their sentiments; this business must absolutely be attended to, and completed previous to a recess. He was opposed to the motion for adjourning till March; but on a conciliatory plan he would agree to the first of January.

Mr. TUCKER said he conceived that the business was taken up wrong; the resolution proposed was entirely improper; it puts it in the power of the Speaker, with the concurrence of the Senate,

to adjourn the House on that day, let circumstances be what they may. This was unprecedented, and could not be agreed to.

Mr. JACKSON called for the previous question on Mr. Ames's motion, and on the question, "Shall the main question now be put?" it passed in the affirmative.

The main question being put, it passed in the affirmative by a large majority.

The amendment of the Senate to the Treasury bill was taken into consideration; and Mr. MADISON, from the Committee on Conference, made a verbal report.

Mr. VINING moved that the House would now adhere to their disagreement to the amendment of the Senate.

Messrs. SHERMAN, PAGE, and GERRY, made some observations against the motion, which was, however, carried in the affirmative.

JUDICIARY.

The House now resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act to establish the Judicial Courts of the United States," Mr. BOURNINO in the Chair.

On motion of Mr. BENSON, the word "federal" was struck out of the first clause.

Mr. LIVERMORE moved to strike out from the clause "the Supreme Court shall consist of a Chief Justice and four Associate Justices" the word "four," and insert "three" in its stead.

Mr. SEBOWICK supposed the motion went to strike out the subsequent sentence, where a quorum was defined; he was opposed to this, because he thought a quorum ought to consist of a majority of the Judges, in order that there might be some stability in their decisions. It was of great importance to have the law established in such a way as not to be subjected to frequent changes.

Mr. JACKSON inquired how a point of law could be determined when four Judges were on the bench, and they decided two and two? He hoped they would be either increased or diminished, and therefore should vote for striking out.

Mr. LIVERMORE did not apprehend that the Associate Judges would always be on the bench, and therefore meant to strike out one of the number affixed, as a quorum.

Mr. BENSON said, the Senate had employed a great deal of time in perfecting this bill, and, he believed, had done it tolerably well; besides, the session was now drawing to a close; he therefore wished as few alterations as possible to be made in it, lest they should not get it through before the adjournment.

Mr. GERRY inquired whether it was essential that the Chief Justice should be on the bench, in order to form a Supreme Court? If it was not, there might be two Supreme Courts sitting at the same time, provided they increased the Associate Justices in the manner talked of by one gentleman, and diminished the quorum in the manner hinted at by another.

Mr. JACKSON said, the decisions of the courts in England were not to influence the House, when

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they had an opportunity of improving a plan that was defective.

Mr. LIVERMORE's motion was negatived.

Mr. BURKE moved that "Chief Justice" should be struck out. It is, he said, a concomitant of royalty.

Mr. BENSON observed that this was a provision of the Constitution; and upon this information Mr. BURKE withdrew his motion.

Mr. TUCKER was in favor of striking out the whole clause, and against dividing the United States into districts, for the purpose of instituting inferior Federal courts. He said the State courts were fully competent to the purposes for which these courts were to be created, and that they would be a burdensome and useless expense. Mr. SUMNER seconded the motion.

Mr. LIVERMORE was against striking out the whole clause. He wished to have the United States divided into districts; but he concurred with the other idea of the gentleman. He wished for all the districts, except in Kentucky, to be abolished; for the sake of forming a Court of Admiralty in each, authorized not only to take cognizance of all marine concerns, but also of all seizures.

Mr. TUCKER said, he did not move to strike out the district to prevent the establishment of Admiralty Courts; he approved of such courts; but he presumed the States composed sufficient districts. This motion was negatived.

Mr. LIVERMORE then moved to strike out the words, "one to be called Kentucky district." He observed, that as the matters which would come under the cognizance of these courts would be chiefly of a marine nature, Kentucky, from its situation, could have nothing to do with them; consequently, to establish them there, would be a needless expense.

This motion was determined in the negative.

Mr. LIVERMORE.—I now move you, sir, to strike out the whole of this clause. I fear this principle of establishing Judges of a Supreme Court will lead to an entire new system of jurisprudence, and fill every State in the Union with two kinds of courts for the trial of many causes. A thing so heterogeneous must give great disgust. Sir, it will be establishing a Government within a Government, and one must prevail upon the ruin of the other. Nothing, in my opinion, can irritate the inhabitants so generally, as to see their neighbors dragged before two tribunals for the same offence. Mankind in general are unfriendly to courts of justice; they are vexed with law-suits for debts or trespasses; and though I do not doubt but the most impartial administration of justice will take place, yet they will feel the imposition burdensome and disagreeable. People in general do not view the necessity of courts of justice with the eye of a civilian; they look upon laws rather as intended for punishment than protection; they will think we are endeavoring to irritate them, rather than to establish a Government to sit easy upon them.

Will any gentleman say that the Constitution cannot be administered without this establishment?

ment? I am clearly of a different opinion; I think it can be administered better without than with it. There is already in each State a system of jurisprudence congenial to the wishes of its citizens. I never heard it complained that justice was not distributed with an equal hand in all of them; I believe it is so, and the people think it so. We had better then continue them than introduce a system replete with expense, and altogether unnecessary.

Nor will this expense be inconsiderable; we must have a double suit of salary judges, attorneys general, marshals, clerks, and constables, together with jails and court-houses; and all this for what? To try a man over again who has been acquitted by the State courts, in cases of concurrent jurisdiction, or from an apprehension that the State courts may err. The State courts have hitherto decided all cases of a national or local import; and it was never heard that they determined with any degree of partiality. Perhaps a maritime case, that was carried by appeal before the court for final determination in cases of capture, where the judgment was reversed, may be thought an exception; but whether this case was decided rightly or wrongly at last, I shall not pretend to say at present. Now, if the State courts have hitherto had cognizance of similar cases, and proceeded on them with impartiality, what occasion is there for a new institution? I cannot possibly conceive, unless it be to plague mankind.

But, besides the expense of judges, marshals, &c., there will be another difficulty; there must be procured jurors for such courts, for I presume it is not intended that they shall try causes without a jury. Now, how is this jury to be constituted? Are they to come to the Supreme Court from the county in which the offence has been committed, or is the court to go to that place? We have heard cases spoken of, to arise under the mountains of Carolina, and be dragged down to the sea-shore; but the inconvenience of three or four hundred miles is nothing compared with what may take place under this system. Certainly this consideration must offer difficulties to every gentleman's mind; difficulties which can easily be avoided by pursuing another route.

But after the trial follow judgment and execution. Now what mode will you pursue to complete your process? There are various ways of levying an execution in the different States; in some States the land is attached; in others, the personal estate; sometimes the debtor is confined in jail, or, in case he breaks jail, the county has to pay the debt. I hope the Government will not adopt this last mode, or escapes may be made in great number. I apprehend we shall find the execution offer no inconsiderable obstacle to our system.

Now, why engage in a plan so obnoxious and difficult without necessity? Gentlemen will not pretend to be afraid of erroneous decisions, because they may be subject to appeal and revision, which furnishes as great security as it is possible to have in any system of jurisprudence whatever. For my part, I contemplate with horror the effects

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of the plan; I think I see a foundation laid for discord, civil wars, and all its concomitants. To avert these evils, I hope the House will reject the proposed system.
On motion, the House now adjourned.

TUESDAY, August 25.

SALARIES OF EXECUTIVE OFFICERS.

The bill for establishing the salaries of the Executive officers of the Government, with their assistants and clerks, was read the second time, and committed to a Committee of the Whole.

The House resolved itself into a Committee of the Whole, on the bill to provide for the safe-keeping of the acts, records, and seal of the United States; for the due publication of the copies of Congress; for the authentication of the copies of records; for making out and recording commissions, and prescribing their form; and for establishing the fees of office to be taken for making out such commissions, and for copies of records and papers; Mr. Boudinot in the Chair.

After some time spent thereon, the committee rose, and reported progress, and obtained leave to sit again.

A message from the Senate informed the House that they recede from so much of the eighth amendment to the bill to establish the Treasury Department, as was disagreed to by the House, and insisted on by the Senate; and that they have also agreed to the resolution of the House of the 24th instant, appointing the time for the adjournment of both Houses of Congress. The House then adjourned.

WEDNESDAY, August 26.

SALARIES OF EXECUTIVE OFFICERS.

The House again resolved itself into a Committee of the Whole, on the bill to provide for the safe-keeping of the acts, records, and seal of the United States; for the publication of the copies of Congress; for the authentication of the copies of records; for making out and recording commissions, and prescribing their form; and for establishing the fees of office to be taken for making out such commissions, and for copies of records and papers; Mr. Boudinot in the Chair.

The committee having gone through the bill, reported it, with the amendments made thereto, to the House; which being agreed to.

Ordered, That the bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate had passed the bill for registering and clearing vessels, regulating the coasting trade, and for other purposes, with several amendments; and which they desired the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill; and, after having made some progress therein, the House adjourned.

THURSDAY, August 27.

The engrossed bill to provide for the safe-keeping of the acts, records, and seal of the United States; for the due publication of the acts of Congress; for the authentication of the copies of records; for making out and recording commissions, and prescribing their form; and for establishing the fees of office to be taken for making out such commissions, and for copies of records and papers, was read a third time, and passed.

The House resumed the consideration of the amendments proposed by the Senate to the bill for registering and clearing vessels, regulating the coasting trade, and for other purposes; and agreed to all the amendments, with amendments to the third and fifty-seventh amendments, as follows:

Third amendment.—In lieu of the words proposed to be stricken out by the Senate, insert the words, "shall be in the form following, viz."

Fifty-seventh amendment.—After the word "sworn," in the clauses proposed to be inserted by the Senate, insert the words "or affirmed."

Mr. Gerry, from the committee appointed to prepare and report an estimate of the supplies requisite for the present year, made a further report; which was read, and ordered to lie on the table.

Mr. Smith (of South Carolina) from the committee appointed for the purpose, presented a bill providing for the establishment of hospitals for the relief of sick and disabled seamen, and prescribing regulations for the harbors of the United States; which was received, and read the first time.

The House proceeded to consider the report of the committee to whom was referred a letter from the Postmaster General, which lay on the table; whereupon

Ordered, That the said report be committed to Messrs. Boudinot, Goodhue, and Lee.

PERMANENT SEAT OF GOVERNMENT.

Mr. Scott, agreeably to notice given, moved the following:

"That a permanent residence ought to be fixed for the General Government of the United States, at some convenient place as near the centre of wealth, population, and extent of territory, as may be consistent with convenience to the navigation of the Atlantic ocean, and having due regard to the particular situation of the Western country."

He then moved to make this motion the order of the day for Thursday next.

Mr. Smith (of South Carolina) moved to let it lie on the table.

Mr. Sherman objected to it. He thought the House had as much business of importance already before them as they could possibly despatch, without entering on this. Neither was the Government in possession of resources at present for the establishment of a federal town. He therefore moved to defer taking this motion into consideration until the second Monday in December.

Mr. Hartley was in favor of the motion, and hoped it would prevail. Those gentlemen, he

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said, who lived near New York, might perhaps be satisfied if it was not discussed for years to come; but justice to the Union at large, and to the inhabitants of this city in particular, required that it should be soon settled. They were going to incur great expenses for erecting a palace for the President, and for other objects. If the presumption on which this project was founded was not well grounded, it was just and proper that they should be undeceived, and not induced to spend their money without a prospect of compensation. A regard to their interests, therefore, required that we should let them know what they were to depend upon. He thought, also, that some attention ought to be paid to the petitions of the people respecting a permanent seat of Government.

Mr. Burke said: he thought it would be doing great injustice to the Southern States to fix on so early a day in the next session, as it was probable that the members for those States would not have assembled by that time.

Mr. Fitzsimons thought the present time was the most proper to determine this business. There was now a pretty full representation. It was not probable, he said, that, at any future time, there would be so great a number collected; certainly at no period of the Winter season. He acknowledged there was business of great importance before Congress; but was there any more important than the subject proposed? It was a question in which the people of every part of the Union were deeply interested. As to the expense, that was an after consideration. The present object was only to fix the place; and whether the removal was to be made this year or the next, was a different affair. It had been remarked, that jealousies existed among the States. They were not likely to be removed by inattention to so great a concern.

Mr. Sherman said, it was merely to accommodate the gentlemen who were so urgent, that he moved the second Monday in December. It was evident that there would be too little time this season. But if the gentleman from South Carolina thought it too early a day for the Southern members to meet, he was willing to agree to a more distant day.

In addition to the arguments adduced for deferring this matter, there was another important consideration. The Union was not yet complete. North Carolina and Rhode Island had not a voice in the Legislature. He thought, nevertheless, their wishes and interest ought to be consulted; and, in a transaction which is to affect them so essentially, they ought to have a concurrent voice. It was supposed, and that upon good grounds, that it would not be long before North Carolina would be united to the Government. She was entitled to six voices, and Rhode Island to one. The continent ought to be properly balanced on this question.

Mr. Smith (of South Carolina) moved that the first Monday in January next should be assigned for taking up this subject. He was against entering upon it at present, because the House had more important business before them, which could not be deferred without material injury to

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the Government. The Judiciary bill, he said, was pressing, and had been the order of the day for several weeks. The funding of the public debt was an object of great magnitude, and was earnestly expected. If the House did the duty that they owed to their constituents, it was of little importance in what place it was executed, provided it was done, and done to their satisfaction.

Mr. Scott thought the principles of the Union were the principles of equal justice and reciprocity. He conceived the question now before the House as grand a link as any in the federal chain. The future tranquillity and well-being of the United States, he said, depended as much on this as on any other question that ever had or could come before Congress. It was a justice due to the extremities of the continent to adopt some measure. It being, therefore, a point with them, and of justice too, he could not conceive how any gentlemen, who had the welfare of their country at heart, could oppose it.

The resolution held out this general idea, that the seat of the Federal Government ought to be fixed at the most central place, with respect to population and territory, having an equal regard to the Atlantic and western parts of the Union. When the central line between the northern and southern extremities was fixed, no person in the Western Territory had ever wished anything further than that Congress should establish their seat as far back on this line as the convenience of maritime commerce would allow.

He thought those people expected—they had a right to demand it—as it was founded on justice. If, then, this principle was allowed, the subject would be speedily determined, and could not involve much debate, because they had nothing more than to find that spot in which the centres were combined.

This he conceived to be a favorable moment to determine the great question that had agitated the minds of the people for several years. We might be assured, that at this time Congress possessed all their virtue and innocence; but it might be feared that would not be the case in future. Congress were now free from all factions, and as devoid as possible of the spirit of party and local views. It may happen that in a future day faction may compel Government to fix on some improper place, and one of two events would result from this: either they would be obliged to remove after expending great sums of money on this imprudent establishment, or the Union would be dissolved.

Mr. Livermore said, that the two Houses had come to a resolution to adjourn next month. Many weighty matters were still before the Legislature. How long a time the discussion of this subject would require was uncertain; it might engross a deal of time, and be productive of animosity and party spirit, which the measure itself proposes to guard against. He wished first to have the organization of Government finished, and those important duties fulfilled which the public anxiously expected.

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He did not understand, he said, that any gentleman was uneasy in his present situation. He had not heard any complaints. Congress are well accommodated for the present in this city. There may be other places, no doubt, where Congress might be accommodated; but he believed both the citizens of New York and the members of the Legislature were mutually satisfied. He had not heard of any memorial from the former informing Congress that they were tired of them, or requesting them to remove. Many parts of the country appear extremely anxious to have Congress with them. There is Trenton, Germantown, Carlisle, Lancaster, Yorktown, and Reading, have sent us abundance of petitions, setting forth their various advantages; we wish the inhabitants may enjoy the benefits of them, and if they are pleasantly situated, and have plenty of fish, we are very glad to hear it; and if it should ever suit Congress to remove to any of them, why Congress will enjoy the benefit of them also. He could not see any reason that all the important matters should be postponed in order to consider this. If all these matters could be despatched by next Spring, and the road should be impassable, he would be for taking it up.

He said the idea of a permanent seat of Government was not in itself strictly true. As population increased, and men of new principles and views took their seats in Congress, this permanent seat might be altered at pleasure. It was certainly wise in Congress to be economical; a removal was always found very expensive; the finances of their country were not at present adequate to new expenses, consequently they ought not to be incurred. He further observed, that a great variety of objects were necessary to be considered in fixing the seat of Government, besides the mathematical centrality; the salubrity of the situation was a capital circumstance. He hoped the subject would not be taken up this session.

Mr. Scott thought the gentleman treated the subject in a cavalier manner; it might be well in him to do so, as he did not like a long journey; but he hoped the House were not disposed to trifles with a subject of this magnitude.

Mr. Jackson said, upon this subject depended the existence of the Union. The place of the seat of Government was important in every view. It might be compared, he said, to the heart of the human body; it was the centre from which the principles of life were carried to the extremities, and from these it might return again with precision.

It was indifferent to him whether the subject was determined now or at the next session, but he thought it best that the motion should lie on the table.

Mr. Sumner seconded his motion.

Mr. Stone remarked, that this was a very important business, and required a deal of caution to conduct it. He knew of no question that would have a greater tendency to produce broils and divisions arose, chiefly from an indiscreet mode of conducting business of this kind. He was glad

to see the temperate spirit with which the House began, and wished it might continue; but he apprehended that no question would so fully prove the temper of this body as the present.

The question was then taken on Mr. Smith's motion, and lost—yeas, 21, nays 30.

Mr. Speaker being about to put the question on the second Monday in December,

Mr. Ames inquired if the motion to adjourn on the twenty-second of September was not inconsistent with the resolution now offered to the House? A committee had been appointed to report the business of the present session. The committee reported, and so much of that report was accepted as related to the time of adjournment. It therefore appeared to him, that the proposition to take up this subject at the present time was superseded. He was confident it was inconsistent with that determination. It would become necessary to rescind the determination; but whether that would be done or not, depended on the disposition of the Senate. Should they not concur, the House would waste their time, and be obliged to leave the most important business unfinished.

He said he could not suppress some emotions of surprise that gentlemen should propound questions which had not for their object the complete organization of the Government. It lies, as yet, prostrate and inanimate; and instead of infusing life into it, and giving motion to the machine, we have been altering our Constitution; and are now entering into a lengthy discussion to determine where we shall sit.

If the gentleman's motion only involved a few abstract propositions in it, it would not be of much importance; but he saw how difficult their decision would be. Were I a stranger, I should apprehend, from the manner in which the motion had been introduced, that it would be a question agitated with as much acrimony as any whatever.

I ever found it a difficult task, on the most trivial occasions, to obtain unanimity. What, then, must be the divisions on a question, which some gentlemen have said the very existence and peace of the Union depends upon? I believe it will involve as many passions as the human heart can display. Every principle of local interest, of pride and honor, and even of patriotism, are engaged. If the good of the Union requires that the seat of Government should be fixed at Pittsburgh, I am willing to pledge myself to the honorable gentleman I will vote for it; but I must now vote for postponing the business. It is not sufficient to determine where the seat of Government ought to be, but it is necessary the public mind should be prepared to concur with ours. In the decision of questions of this magnitude, where our interests are so materially concerned, the reasons ought to be made public, and they ought to correspond with those of the people.

When I left my constituents, I had no conception of proceedings like this; neither have I as yet formed my opinion; when I do, I pledge my-

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self that it shall not spring from local or selfish principles.

The honorable gentleman has introduced this subject as a very important one: we will consider it as such. If only the centre was to be determined, it might be settled in a very short time. If the oaks and the mountains are to be numbered, if the acres in the United States are also to be the ground of our decision, perhaps a few days' calculation may settle the business.

My opinion is, that the centre of Government ought to be a centre of convenience and utility; that the heart should be so placed as to propel the blood to the extremities, with the most equable and gentle motion. I would place the Government where it might most effectually guard the extremes, and protect the weak parts. I sincerely wish that the territory now subject to the laws of the Union may continue so, and that Government may be so situated as to be enabled to exert its force with the best advantage to ensure the preservation of the Union, and compel obedience to its laws.

The gentleman from Connecticut (Mr. Sherman) has justly said that North Carolina and Rhode Island should have a voice in this business.

He said he would not impute unworthy motives to the gentleman who introduced the motion, but would ask him whether the people at large ought not to be equally convinced of their purity? whether, in justice to himself, and to the subject generally, the public mind ought to be better prepared for the occasion? He was not convinced that the Government, ill-cemented and feeble as it is, could stand the shock of such a measure; and therefore he most earnestly deprecated the event.

Mr. Scott said, that rather than lose so much time in debating as to the time when the business should be taken up, he would consent to let it lie on the table till it was called for; for he conceived the last vote showed the sense of the House to be in favor of taking it up at the present session.

Mr. Hartley said, that he was of opinion with his colleague, that the sentiments of the House were fully established by the last vote, and therefore hoped gentlemen would permit the question to be taken without prolonging the debate.

Mr. Sewerick could wish as early a period as might be for taking up the business. He had no idea that the seat of the Federal Government should be in New York, or in any place so far North as this city; he would have no objection to attending to it immediately, if it was supposed Congress had time to discuss it temperately. Impressed with this idea, he would wish it deferred until the last Tuesday in December.

Mr. Ames said, that he did not wish to evade the question, but was fully of opinion with his colleague, that it could not now be discussed, and therefore joined him in wishing it might be postponed until the last of December.

The question being put for the last Tuesday in December, it passed in the negative: Yeas 21, nays 29.

Mr. Hartley insisted upon the motion for making it the order of the day for next Thursday. Mr. Wadsworth said, that he had no objection to it, for he was ready to meet the question, since gentlemen were so extremely pressing in bringing it forward.

Mr. Smith (of South Carolina) moved to make it conditionally the order of the day for Thursday sennight; that is, provided the House had gone through the Judicial bill.

Mr. Paor approved of Thursday sennight, and hoped the question would be discussed with temper.

The question of Thursday sennight was put and lost.

On the question for making it the order of the day for Thursday next, it passed in the affirmative: Yeas 27, nays 23.

And then the House adjourned.

FRIDAY, August 28.

PUBLIC CREDITORS.

Mr. Fitzsimons presented the following petition from the public creditors in the State of Pennsylvania:

To his Excellency the President, and the honorable the Senate and House of Representatives of the United States:

The memorial and petition of the public creditors who are citizens of the Commonwealth of Pennsylvania, by their committee duly authorized and instructed,

MOST RESPECTFULLY SHOW:

That your memorialists, influenced by a faithful and uniform attachment to the happiness and glory of their country, behold, with peculiar satisfaction, the establishment of a Government which is expressly constituted to promote and perpetuate union, order, and justice, the great sources of national prosperity; and when they consider the characters that are appointed to organize and administer this system, they embrace the most flattering hope that in its execution will be found an ample performance of the auspicious promises which are contained in its principles. From this anticipation, indeed, your memorialists, whose services and sufferings in the public cause cannot require a particular attestation, have derived that consolation which the inability of the former Union, and the political vicissitudes of their own immediate State, would not permit them to indulge.

In the hour of extreme necessity, when complicated want enfeebled, and impending ruin agitated, their country, your memorialists avow an honorable pride in the remembrance of the exertions by which they then essentially contributed to her protection and safety. At the same time they partook of the toils and dangers of active life, and suffered in the ruinous depreciation of the paper currency, at least in common with their fellow-citizens, the wealth which had been transmitted to them by their ancestors or accumulated by their industry, the fund which prudence had hoarded to administer comfort to old age, and the supply which humanity had provided for the helpless infant or the solitary widow, they advanced with a liberal and patriotic hand to relieve the exigencies of the Union. The public faith was pledged by every solemnity of assurance; the honor of the States was bound, by every

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tie of gratitude, to compensate so memorable a sacrifice of private interest and personal immunity. Yet your memorialists, calling your attention to a melancholy retrospect, might remind you of the ineffectual though virtuous efforts of the late Congress to discharge the national engagements, might describe the apparent disregard of the States for their confederated sovereignty, though recently purchased through a long and bloody conflict; and, in the language of calamity and complaint, might deplore the disappointment, the poverty, the wretchedness, and the anguish, which afflicted the first and firmest patriots of the Union; excluding them from a participation in the triumphs of independence, and embittering their love of liberty with a painful sense of the injuries which they sustained. Such reflections, however, your memorialists cheerfully disavow, in the contemplation of that compact which, providing for the dignity and honor of the Union, has made the payment of the public debt a fundamental principle of the Government, and, having imposed the obligation, has also created an adequate power to discharge it.

But your memorialists now humbly confess that they have waited in anxious suspense for some evidence of the disposition of Congress upon this interesting subject. They admit the general importance of the arrangements which have occupied the attention of the Federal Legislature; and they particularly rejoice in the foundation that has been laid for the production of an efficient revenue. Those, however, are but preliminary steps to the attainment of the principal object of the new system: and should Congress adjourn without any more decisive act for the restoration of public credit, the mere institution of offices or the regulation of impost will hardly protect the American character from the derision of its enemies, or the reproaches of those who have hitherto thought that the want of power was its only imperfection.

Your memorialists, with the utmost deference, beg leave to represent, that public credit is the vital spark of modern policy. For the history of the world demonstrates, that whatever may be the extent of territory, the degree of population, or the fertility of soil, unless the faith of national engagements is placed upon a basis inviolable and immutable, the advantages of nature will be lost in the uncertainty of their enjoyment, and Government will afford no encouragement to industry or protection to virtue; but, while it oppresses with its power, must corrupt by its example. The domestic experience of America renders it unnecessary, indeed, to explore the annals of ancient or cotemporary nations, in order to collect this salutary lesson; and there is only wanting an exercise of that wisdom which it inculcates to convert her calamity into a blessing, and make the remembrance of what has been lost the instrument of securing what may yet be acquired. The decay of public credit, engendering licentiousness and anarchy, has once threatened the perversion of all that was noble in her exertions, and the waste of all that was valuable in her success. To avert a similar danger, the most unequivocal demonstration of an intention to restore the faith and purity of her name is naturally expected from the guardians of the public interest and honor. And your memorialists now fervently pray them to consider, that procrastination, in a business of so delicate a nature, may be as fatal as a defect of power, or a want of disposition to be just.

In the resources of the Union your memorialists discover an ample fund, and in the conduct of their fellow-

citizens they perceive a fair and honorable desire to discharge the engagements which were incurred in the common cause. The only task, therefore, that seems to be imposed upon the present Government is, to adopt that mode which shall be best calculated to promote the public welfare, at the same time that it does justice to the individuals who are interested. Immediately to pay off the public debt, principal and interest, if not impracticable, would be greatly inconvenient, and is certainly unnecessary; for the example of those nations who enjoy the highest commercial reputation has evinced that a permanent appropriation for the punctual payment of the interest will enable the public creditor to enjoy, by the facility of a transfer, all the advantages of the principal, without injuring the credit of the country, or straining her resources.

Your memorialists, in addition to these observations, beg leave respectfully to suggest, that it has been the deliberate opinion of some of the most enlightened statesmen that a certain amount of funded debt (and surely the debt of the United States would not be deemed too great) is a national benefit. The creation of a new species of money by this means, naturally increases the circulation of cash, and extensively promotes every kind of useful undertaking and enterprise in agriculture, commerce, and mechanics. On this ground alone, therefore, the advantages of a funding system would be sufficient to justify its establishment; but there are other arguments arising from the political situation of America, which ought to render it, in this country particularly, an object of favor and attention. It has been well maintained that, after the revolution in England, a funding system was there encouraged as the best means of attaching the great and powerful body of stockholders to the Government. The policy which prevailed in that case is infinitely more forcible when applied to the case of the United States; for the credit of the Union being perfectly established, every citizen, who has not originally, will be desirous of becoming a proprietor in the public funds; those individuals who may hitherto have been inimical to the principles of the Revolution, or averse to the adoption of the existing Constitution, will be irresistibly invited to partake of the benefits, and consequently to promote the prosperity of the Confederation; each State will find an interest in the welfare and punctuality of the rest; the Federal Government will be zealously supported as a general guarantee; and, in short, a debt originating in the patriotism that achieved the independence, may thus be converted into a cement that shall strengthen and perpetuate the Union of America.

Your memorialists conceive that it would be superfluous to prosecute a detail of the immediate or collateral benefits which a funding system would produce, whether by stimulating domestic industry, or attracting foreign capitals to the aid of the husbandmen, merchants, and artists of America. It is enough, in this respect, to urge that justice, humanity, and policy require the earliest consideration of the claim which is now respectfully submitted. Nor can it be incumbent on your memorialists to obviate the suggestions of that pernicious policy which aims at once to plunder them of their only hope, and to undermine the foundations of an infant Government, even before the structure is complete. Let it not be recorded in the history of the Revolution, that, while the monarchy of Britain generously cherished and indemnified every friend to prerogative and usurpation, a triumphant Republic suffered the prompt and zealous supporters of the standard of liberty to languish

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in a sad and necessitous obscurity, to lament over those vouchers of property and service that tend at once to remind them of the equality which they formerly maintained among their fellow-citizens, to mark their present distress and penury, and to stigmatize the wanton ingratitude of their country.

When, indeed, it is considered that many of the members of your honorable body have also been affected by the destructive operations and expedients of the late war, and that all are in the actual enjoyment of that sovereignty which has been principally purchased by the personal exertions and voluntary aids of such as are denominated public creditors, it would be unjust to the feeling, integrity and gratitude of those whom they now address, were your memorialists for a moment to admit a supposition that a solemn appeal thus brought before you, in the name of so numerous a class of meritorious citizens, could be neglected or forgotten.

By the glorious remembrance, therefore, of the part which the rich prospect of the future; by the obligations which the representatives of the public owe to the struggling orphans and widows of those who have bravely fought the battles of the Union, or nobly supplied its wants in the times of peril and distress; and by the regard which is due to the peace and happiness of posterity; your petitioners implore your immediate aid and interposition, rejoicing that their humble solicitation for justice and humanity necessarily includes a prayer for the revival of public credit, and the advancement of the national honor.

Matthew Clarkson, Charles Petit, Thomas L. Moore, Christopher Marshall, junior, Robert Smith, James Milligan, Jonathan D. Sergeant, Richard Fullerton, Joseph Ball, Samuel Miles, Peter Wikoff, John Chaloner, Thomas McKean, John Nixon, Walter Stewart, Blair McClenahan.

PHILADELPHIA, August 21, 1789.

HOSPITAL FOR SEAMEN.

A bill providing for the establishment of hospitals for the relief of sick and disabled seamen, and prescribing the regulations for the harbors of the United States, was read the second time, and ordered to be committed to a Committee of the whole House on the fifteenth of September next.

SALARIES OF EXECUTIVE OFFICERS.

The House, according to the order of the day, resolved itself into a Committee of the Whole, on the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks; and after some time being spent therein, the committee rose, and reported that the committee had gone through the same, and made several amendments thereto; which were twice read, amended, and agreed to by the House; and the bill, with the amendments, were ordered to be engrossed and read the third time to-morrow.

COLLECTION OF REVENUE.

Mr. GOODHUE, from the committee appointed for the purpose, presented a bill to suspend part of an act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise imported into the United States; which was received and read the first time.

After which the House adjourned.

SATURDAY, August 29.

A message from the Senate informed the House that they agreed to the amendments made by this House to the third and fifty-seventh amendments proposed by the Senate to the bill for registering and clearing vessels, regulating the coasting trade, and for other purposes.

An engrossed bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks, was read the third time, and passed by the following vote:

YEAS—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Gale, Goodhue, Griffin, Hartley, Heister, Jackson, Lawrence, Lee, Matthews, Moore, Scott, Sedgwick, Sherman, Sylvester, Smith, (of Maryland,) Smith, (of South Carolina,) Sturgis, Trumbull, Tucker, Wadsworth, and Wynkoop—37.

NAYS—Messrs. Coles, Floyd, Foster, Gerry, Grout, Hathorn, Livermore, Parker, Partridge, Van Rensselaer, Schureman, Sney, Sinnickson, Stone, Sumter, and Thatcher—16.

A petition from Abraham Westervelt was presented to the House and read, praying an exclusive patent may be given him for manufacturing shell buttons of different dimensions, the art of doing which he has lately discovered.

Also, a petition from sundry inhabitants of that part of the State of New Jersey, known by the name of East New Jersey, praying that the District Court of the United States, to be held within the said State, may be fixed at Perth Amboy, as a place most central and convenient to the inhabitants of the said State at large.

Ordered, That the said petitions do lie on the table.

THE JUDICIARY.

Mr. BOUNDINOT in the Chair.

Mr. LIVERMORE said, that he had before moved to strike out the whole section; but as he had spoken pretty largely on the subject when it was last before the House, he should say very little now; but the fate of this clause he apprehended, would determine the fate of the bill.

He wished Congress to establish State Courts of Admiralty, and reject this system, because it would be attended with great inconvenience and expense. The salaries of thirteen district judges, and the necessary buildings for their accommodation, is no inconsiderable saving to a people oppressed so severely by the burdens of the late war. But an objection, in my mind, of greater weight is, that you establish two jurisdictions in the same place. The bill proposes that the State courts shall have concurrent jurisdiction with the district courts. Now under these two establishments debtors may be worried and distressed more than is necessary for the plain and simple administration of justice. A debtor may be in the custody of a State officer, or he may be committed to prison; at the same time there comes an officer from the Continental court, what is to be done with the unfortunate person? Is the man to be divided, that one half may appear in one court, and the other in another? Can you force the prison, and take him into other custody? or can you

compel him to attend a court on the return of the writ, if he is not in your power? If this can be done, your system will furnish opportunities for collusion. A person may be in confinement for an actual debt sued in the State courts, when the marshal of the district shall wrest him out of the hands of the sheriff for a fictitious debt, intended to operate as a rescue. Perhaps gentlemen may think the same jail will answer for both; but you cannot have two keepers of the same jail, and one will refuse to obey a foreign authority. If these objections could be obviated, I should think more favorably of the bill. But, for my part, I cannot see how it is possible. We have supported the Union for thirteen or fourteen years without such courts, from which I infer that they are not necessary, or we should have discovered the inconvenience of being without them; yet I believe Congress have always had ample justice done in all their claims; at least, as I said before, I never heard any complaint, except the case of an appeal on a capture. Now, if we had a Supreme Court, to which appeals can be carried, and an Admiralty Court for deciding cases of a maritime nature, our system will be useful and complete. Why should we suppose that the administration of justice will not be continued with its wonted impartiality? Suppose a merchant gives a bond to pay one hundred dollars duty, can not that bond be recovered as well and speedily in the State courts, as in any Continental court whatever? But admitting the judges may be partial, will not the same jury be employed? The jurors must come from the vicinage, and in all probability the district judges will be composed of gentlemen who reside on the benches of the State courts. Now, in this case, it is the same to the Government to foregoers, and to citizens. But if a distinction is necessary, it can only be with respect to maritime affairs, dependent on the law of nations; and for this reason we mean to make a provision by instituting Courts of Admiralty. If justice cannot be had here, there will be an appeal to the Federal Supreme Court, which is all that can be required. Now, with respect to the expense of establishing these latter courts, it will not be a fiftieth part as much as the proposed institution, and its advantage and convenience will be a thousand times as great. The whole bill turns upon striking out this clause. If it is done, I intend to move one for the establishment of Courts of Admiralty, with some regulations respecting appeals.

Mr. SMITH, of South Carolina.—As much will depend on the determination of this question, it is necessary it should be well considered by all the committee. It will not be easy to alter the system when once established. The judges are to hold their commissions during good behaviour, and after they are appointed, they are only removable by impeachment; consequently this system must be a permanent one. The committee will not, therefore, determine that there shall be district courts until they have reflected seriously on the consequences attending their vote.

After this point is settled, the next which occurs is the extent of jurisdiction to be annexed

to this court. This question is as important as the former; for it will be no less difficult than improper to enlarge or curtail the jurisdiction of a court already established.

With respect to the first point, it seems generally conceded that there ought to be a district court of some sort. The Constitution, indeed, recognises such a court, because it speaks of "such inferior courts as the Congress shall establish;" and because it gives to the Supreme Court only appellate jurisdiction in most cases of a federal nature. But some gentlemen are of opinion that the district court should be altogether confined to admiralty causes; while others deem it expedient that it should be entrusted with a more enlarged jurisdiction; and should, in addition to admiralty causes, take cognizance of all causes seizure on land, all breaches of impost laws, of offences committed on the high seas, and causes in which foreigners or citizens of other States are parties. The committee are now to decide between these two opinions. After mature reflection, I am inclined to favor the latter. What are the objections advanced against it? A gentleman from New Hampshire has observed, that such an establishment will be unnecessary, expensive, and disagreeable to our constituents. Justice, he observed, could be as well administered in the State as in the district courts; and should the State courts betray any symptoms of partiality, their adjudications would be subject to revision in the Federal Supreme Court, which, in his opinion, afforded sufficient security. If the State courts are to take cognizance of those causes which, by the Constitution are declared to belong to the judicial courts of the United States, an appeal must lie in every case to the latter, otherwise the judicial authority of the Union might be altogether frustrated. To deny such an appeal, would be to frustrate the most important objects of the Federal Government, and would obstruct its operations. The necessity of uniformity in the decision of the Federal courts is obvious; to assimilate the principles of national decisions, and collect them, as it were, into one focus, appeals from all the State courts to the Supreme Court would be indispensable. It is, however, much to be apprehended that this constant control of the Supreme Federal Court over the adjudication of the State courts, would dissatisfy the people, and weaken the importance and authority of the State judges. Nay, more, it would lessen their respectability in the eyes of the people, even in causes which properly appertain to the State jurisdictions; because the people, being accustomed to see their decrees overhauled and annulled by a superior tribunal, would soon learn to form an irreverent opinion of their importance and abilities. It appears, therefore, expedient to separate, as much as possible, the State from the Federal jurisdiction, to draw a broad line of distinction, to assign clearly to each its precise limits, and to prevent a clashing or interference between them. The expense is suggested as an objection to this system. It is admitted by the gentlemen who makes it, that it is proper to have District Courts of Admi-

rality. These courts must, of necessity, have jurisdiction of offences committed on the high seas. Now the establishment of such a court will induce nearly all the expense that will be requisite; the extension of the system to the length I have stated will occasion a very trifling increase of the expense; and if, after due consideration, it should be found that the latter plan would be more conducive to the happiness and welfare of our constituents than the other, a small increase of the expense ought to be no impediment to the attainment of so valuable an object.

There can be no reason why our constituents should be displeased with the arrangement; the district judge will be elected from among the citizens of the State where he is to exercise his functions, and will feel every inducement to promote the happiness and protect the liberties of his fellow-citizens. He will be more independent than the State judges, holding his commission during good behaviour, and not influenced by the fear of a diminution of his salary. Trial by jury will be secured in all cases wherein it is provided in the State courts. Should the district judge be under any bias, it is reasonable to suppose it would be rather in favor of his fellow-citizens than in favor of foreigners, or the United States. By restricting the State courts to few causes of federal jurisdiction, the number of appeals will be diminished, because every cause tried in those courts will, for the reasons before mentioned, be subject to appeal; whereas the jurisdiction of the district court will be final in many cases. Inasmuch, therefore, as those appeals are grievous to the citizens, which lie from a court within their own State to the Supreme Court at the seat of Government, and at a great distance, they will consequently be benefited by an exemption from them. In the bill, as sent from the Senate, the jurisdiction of the district courts is not so extensive as to occasion any just alarm; it is, in my opinion, rather too confined, and does not embrace objects enough. It would be difficult to take from that court any of its jurisdiction without materially injuring the whole judicial system, except the clause relating to consuls and vice-consuls, which appears to me to be improperly annexed to the district court, and which I shall move to strike out, when we come to that part of the bill. But to what objects do the district courts extend? To admiralty causes and trials for piracy committed on the high seas. Gentlemen have conceded that the district courts shall have jurisdiction of these cases—to offences against the United States.

It is very proper that a court in the United States should try offences committed against the United States. Every nation upon earth punishes by its own courts offences against its own laws. To seizures on land for breaches of the revenue laws, this power will not be censured; it would be *felo de se* to trust the collection of the revenue of the United States to the State jurisdictions. The disinclination of the judges to carry the law into effect, their disapprobation of a certain duty, the rules of the court, or other obvious

causes, might delay or frustrate the collection of the revenue, and embarrass the National Government. From this view, it appears that the district court is not clothed with any authority of which the State courts are stripped, but is barely provided with that authority which arises out of the establishment of a National Government, and which is indispensably necessary for its support. Can the State courts at this moment take cognizance of offences committed on the high seas? If they do, it is under an act of Congress, giving them jurisdiction; and, in such cases, the Judge of the Admiralty is associated with two common law judges: this tribunal becomes then a federal court for the particular occasion, because it is established by Congress. The State courts have no jurisdiction of causes arising from a national impost law, because no such law heretofore existed. Where, then, is the ground of uneasiness suggested by gentlemen? The foregoing observations must persuade them that their alarms have been premature. But it is said that there must be court-houses, judges, marshals, clerks, constables, jails, and gibbets; that these establishments will occasion a heavy and unnecessary burden, and have a tendency to create disgust in the people.

I readily agree with the gentleman that there are in every community some individuals who will see, with pain, every new institution in the shape of a constable, jail, or gibbet, and who think that law and courts are an abridgment of their liberty: but I should be very sorry to concur with him that this is a prevailing opinion. I think better of our constituents, and am persuaded they are sensible that those institutions are necessary for the protection of their lives and property; and grow out of the very nature of a federal Government. Care, indeed, should be taken to prevent their being grievous and oppressive; but as long as knaves and rogues exist in the world, and monsters, under the form of men, preying upon the innocent, so long will courts and all their concomitants be wanted to redress the wrongs of the latter, and repress the depredations of the former. But let me ask the gentleman whether a Court of Admiralty and a court for the trial of offences on the high seas, which he agrees ought to be established, will not require all these institutions, viz: court-houses, clerks, sheriffs, &c.? There can be no doubt of it. The extension of the jurisdiction of the district court, as far as I think it necessary, will not occasion any one article of expense, or any one institution that will not be necessary on the gentleman's plan. To suppose that there will be a clashing of jurisdiction between the State and district courts on all occasions, by having a double set of officers, is to suppose the States will take a pleasure in thwarting the Federal Government; it is a supposition not warranted by our fellow-citizens, who, finding that these establishments were created for their benefit and protection, will rather promote than obstruct them; it is a supposition equally opposed to the power of direct taxation, and to the establishment of State and

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county courts which exist in the several States, and are productive of no such inconvenience. These several courts will have their limits defined, and will move within their respective orbits without any danger of deviation. Besides, I am not persuaded that there will be a necessity for having separate court-houses and jails; those already provided in the several States will be made use of by the district courts. I remember when the court for the trial of piracy, under the authority of Congress, was held at Charleston, the judges sat in the court-house; the prisoners were confined in the jail, were under the custody of the constable, and were executed by the orders of the sheriff of the district of Charleston. All these were State institutions, and yet the court was a federal court.

There is another important consideration; that is, how far the Constitution stands in the way of this motion. It is declared by that instrument that the judicial power of the United States shall be vested in one supreme, and in such inferior courts as Congress shall from time to time establish. Here is no discretion, then, in Congress to vest the judicial power of the United States in any other than the Supreme Court and the inferior courts of the United States. It is further declared that the judicial power of the United States shall extend to all cases of a particular description. How is that power to be administered? Undoubtedly by the tribunals of the United States; if the judicial power of the United States extends to those specified cases, it follows indisputably that the tribunals of the United States must likewise extend to them. What is the object of the motion? To assign the jurisdiction of some of these very cases to the State courts, to judges who, in many instances, hold their places for a limited period; whereas, the Constitution, for the greater security of the citizen, and to insure the independence of the federal judges, has expressly declared that they shall hold their commissions during good behaviour; to judges who are exposed every year to a diminution of salary by the State Legislatures; whereas, the Constitution, to remove from the federal judges all dependence on the Legislative or Executive, has protected them from any diminution of their compensation. Whether the expediency or the unconstitutionality of the motion be considered, there are more than sufficient reasons to oppose it. The district court is necessary, if we intend to adhere to the Constitution, and to carry the Government into effect. At the same time, I shall cheerfully assist in organizing this court in that mode, which will prevent its being grievous or oppressive, and will render it conducive to the protection and happiness of our constituents.

Mr. Jackson said he conceived this to be the most important business that had as yet come before the House. It was what he had long considered, and had with difficulty decided, but upon mature consideration was impressed with the same sentiments as the gentleman from New Hampshire. It must be admitted that a society was formed before the rules that governed that

on his lawsuit; he must sink under the oppression of his richer neighbor. He was clearly of opinion that the people would much rather have but one appeal, which, he conceived, would answer every purpose; he meant from the State courts immediately to the Supreme Court of the continent. An Admiralty court of jurisdiction he would grant might be necessary for the trial of maritime affairs, and matters relative to the revenue; and which object he would cheerfully enlarge it; and thought for the present it would be far more eligible. The gentleman has likewise advanced that the expense would be as great without as with the inferior jurisdiction. He would beg leave to differ with him, and declared that it would be in the proportion of three to one; for although the clerk and marshal of the district courts are the officers proposed for the circuit courts, yet there would arise a train of inferior officers, exclusive of jurors, witnesses, &c. He has likewise advanced that it would be necessary to prevent confusion; the line of distinction would be much easier preserved in the present state of the department, for many of the reasons pointed out by the gentleman from New Hampshire, exclusive of the difficulty of making new rules. But we are told, he said, it is necessary that every Government should have the power of executing its own laws. This argument would likewise fail, when we find that the Constitution, treaties, and laws of the United States are, by the Constitution itself, made the supreme laws of the land. Are not the judges of the different States bound by oath to support that supreme law? Will they not recollect those oaths, and be liable to punishment by your act, which has obliged them to take that oath, if they do not respect it as such? Assuredly they will; it is part of the compact formed with the States. But does there not remain the appellate jurisdiction of the Supreme Court to control them, and bring them to their reason? Can they not reverse or confirm the State decrees, as they may find them right or wrong? Consequently this last argument falls to the ground.

That the system is vexatious can be easily proved, and is too obvious. An offender is dragged from his house, friends and connexions, to a distant spot, where he is deprived of every advantage of former character, of relations and acquaintance; the right of trial by a jury of the vicinage is done away, and perhaps he is carried to a place where popular clamor might for the moment decide against him; or, if allowed a trial by vicinage, or his neighbors, it is equally vexatious to drag him two or three hundred miles from his home, with evidences to try and give testimony at a distant place; every thing is to be dreaded from it. This, he observed, was contrary to our wonted customs, and we need but revert to the history of Britain, after the Conquest, to view what struggles that nation made against innovations of this nature. The monkish clergy joined with the kings to oppress the people, to establish civil law, and get the legal power into their own hands; the people took the alarm, and with the

nobility contested the point, which was never finally settled until the great charter of John, which it was one of the causes of producing, and that fired the ecclesiastical bounds. He would ask if our modes of trial must not be as dear to our fellow-citizens as theirs were to them, and if the same commotions may not be reasonably expected? He feared they would be found so. Is it proper we should be so suspicious of the State judges? He could not, he said, for his part, consider human nature so depraved, as to suppose that, with an oath to observe the supreme law of the land, the State judges would not obey it. In his opinion, it became us, as a wise Legislature, to take up and execute the least exceptionable and milder mode first. There was no requisition, no necessity from the Constitution. If, on experiment, it should be found (and the House generally admits our laws are at present experimental) that sufficient attention is not paid, and that but Government requires for its existence a more energetic mode, he pledged himself to agree to any inferior jurisdictions that may be thought necessary for that purpose; but he never could consent to oppress his fellow-citizens without being taught by absolute necessity arising from experience.

Mr. Benson said, if the House decided in favor of the present question, it would involve a total abandonment of the judicial power, excepting those cases the honorable gentlemen mean to provide for, namely, the Courts of Admiralty and Supreme Courts. The honorable gentleman had observed that difficulties would arise out of the proposed establishments; but these difficulties or embarrassments are not to be charged to the House, they grow out of the Constitution itself. The gentlemen suppose that two sovereign and independent authorities can never be exercised over the same territory; but this is not the business of the committee; they could not get rid of these difficulties by retrenching their powers; they must carry the Constitution into effect. The gentleman has stated a case, in supposing that process shall issue from the State and continental courts, and both be served upon the defendant at the same time, and then asks what is to be done. Is the man to be divided? Now, in return, he would ask the same question; is the United States to abandon all its powers and jurisdiction, because the exercise of it may be attended with some inconvenience? As well might we ask individual States to abandon theirs, because there is some clashing with the Federal Judiciary. He apprehended that neither were to be abandoned, but that they should endeavor to administer both with as little inconvenience to either as was practicable.

It is not left to the election of the Legislature of the United States whether we adopt or not a judicial system like the one before us; the words in the Constitution are plain and full, and must be carried into operation. He would not undertake to say that it was the best system that could be formed; but it had its advantages over some in which the honorable gentleman from New Hampshire (Mr. Livermore) had said that justice was

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well administered; he thought there was more reliance on judges who were appointed during good behaviour, than on others appointed from session to session, and ever dependent on the will of the State Legislatures.

He left it to experience to show whether the Judiciary would interfere or not; some gentlemen had predicted they would; it was possible that they might, and he did not know but that the interference would be of such a delicate nature, as to compel the United States to relinquish her portion; or, on the other hand, the States individually might consent that the judicial power should be solely exercised by the Union. But all this was wide of the question; the House had nothing more to do than to perform their duty, and carry the Constitution into full operation.

Mr. Snowick said, the gentleman would find as many difficulties growing out of the substitute as those he apprehended from the plan on the table. He had asked what will be done with the prisoners if they are taken at the same time in consequence of processes from the National and State courts? I answer by asking him, what will be done with the prisoners if they are taken at the same time by a process from the Admiralty and State courts? The other difficulties he had apprehended were well replied to by the honorable gentleman from South Carolina; and I shall only remark, that we are so circumstanced that two distinct independent powers of judicial proceedings must exist; at least I do not see how we shall get rid of the difficulty, if it is one, until there shall be a change in the Constitution.

I did not suppose it was a question at this day, whether this Government is to exercise all the powers of a Government or not. I did conceive, sir, that such an idea could exist in the mind of any gentleman; yet what is the object of the present motion? Sir, it goes to divest the Government of one of its most essential branches; if this is destroyed, your Constitution is but the shadow of a Government.

Is it not essential that a Government possess within itself the power necessary to carry its laws into execution? But the honorable gentleman proposes to leave this business to a foreign authority, totally independent of this Legislature, whether our ordinances shall have efficacy or not. Would this be prudent, even if it were in our power? Suppose a State Government was inimical to the Federal Government, and its judges were attached to the same local policy, they might refuse or neglect to attend to the national business; they might be corrupt, and in either case the public might sustain an essential injury. And where would be your redress? Shall we apply to the State Legislatures that patronize them? Can we impeach or have them tried? If we can, how is the trial to be had; before a tribunal established by the State? Can we expect in this way to bring them to justice? Surely no gentleman supposes we can. These are not chimerical suppositions; they are founded in nature and such as may be expected; indeed, facts have already oc-

curted to prove to us how dangerous it would be to make the State Legislatures the sole guardians of the national faith and honor. Already have the United States been hurled down by those arms from a pinnacle of glory to the lowest state of degradation. The United States, after a glorious and successful struggle, in which they displayed valor and patriotism astonishing the Old World, secured their independence! and a single concession was the price of an honorable peace. The discharge of *bona fide* debts due from the citizens of America to the subjects of Britain was all that Britain required. Now, is it not obvious to every man, that this honorable stipulation ought by all means to be considered the supreme law of the land? Yet, what was the event? State after State, Legislature after Legislature, made laws and regulations in positive opposition to the treaty; and the State judiciaries could not, or did not, decide contrary to their State ordinances. What have been the consequences of these proceedings? It ill becomes me at this time, when we hope to wipe off every ignominious stain, to recapitulate the evils it has drawn down upon the nation. But I hope they are sufficiently notorious to put us on our guard against trusting essential powers out of our hands, contrary to our duty, and contrary to the wishes of the people.

When we are certain that the Government cannot be organized without establishing its judicial tribunals; when we fear for its existence, (at least its existing with reputation and dignity,) unless we provide for the due execution of national laws and national treaties; shall we forego them because gentlemen apprehend some small difficulties from interfering process? Sir, it has been already demonstrated that the interference will be trifling, if any; it will be too small to authorize us to blast the expected benefits arising from a complete and efficient system of government.

Mr. Ames said, the remarks made by gentlemen on the importance of this question would be of some utility in deciding it. The judicial power is, in fact, highly important to the Government, and to the people; to the Government, because by this means its laws are peaceably carried into execution. We know, by experience, what a wretched system that is which is divested of this power. We see the difference between a treaty which independent nations make, and a law which is not be enforced without war, and a law which is the will of the society. A refractory individual is made to feel the weight of the whole community. A Government that may make but cannot enforce laws, cannot last long, nor do much good. By the power, too, the people are gainers. The administration of justice is the very performance of the social bargain on the part of Government. It is the reward of their toils; the equivalent for what they grant. They have to plant, to water, to manure the tree, and this is the fruit of it. The argument, therefore, *a priori*, is strong against the motion; for while it weakens the Government, it defrauds the people. We live in a time of innovation; but until miracles shall become more common than ordinary events, and surprise us less

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than the usual course of nature, he should think it a wonderful felicity of invention to propose the expedient of hiring out our judicial power, and employing courts not amenable to our laws, instead of instituting them ourselves as the Constitution requires. We might with as great propriety negotiate and assign over our legislative as our judicial power; and it would not be more strange to get the laws made for this body, than after their passage to get them interpreted and executed by those whom we do not appoint, and cannot control. The field of debate is wide; the time for consideration had been so ample, and that remaining for debate so short, that he would not enter fully into it. The gentleman from South Carolina (Mr. Smith) had very ably proved the expediency of the motion. He would confine himself, he said, to another point; and if it could be established, it would narrow the discussion.

The branches of the judicial power of the United States are the admiralty jurisdiction, the criminal jurisdiction, cognizance of certain common law cases, and of such as may be given by the statutes of Congress. The Constitution, and the laws made in pursuance of it, are the supreme laws of the land. They prescribe a rule of action for individuals. If it is disputed whether an act done is right or wrong, reference must be had to this rule; and whether the action is compared with the rule of action in a State or Federal court, it is equally wrong, or that wrong is right. If a man is restrained of his liberty, and for that sues the officer of the General Government in a State court, the defendant shows that he was a marshal, and served a precept according to the law of the United States; then he must be cleared, otherwise the law of the United States would not be the law of the land. But there is a substantial difference between the jurisdiction of the courts and the rules of decision.

In the latter case the court has only to inquire into facts and the rules of action prescribed to individuals. In the former they do not inquire how but what they may try. The jurisdiction of the court is the depositum of a truth. The supreme power in a State is the fountain of justice. Such streams are derived from this fountain to the courts as the Legislature may positively enact. The judges, as servants to the public, can do that only for which they are employed. The Constitution had provided how this trust should be designated. The judges must be named by their Christian and surnames, commissioned during good behaviour, and have salaries. Causes of exclusive Federal cognizance cannot be tried otherwise, nor can the judicial power of the United States be otherwise exercised. The State courts were not supposed to be deprived by the Constitution of the jurisdiction that they exercised before, over many causes that may be tried now in the national courts. The suitors would have their choice of courts. But who shall try a crime against a law of the United States, or a new created action? Here jurisdiction is made *de novo*. A trust is to be exercised, and this can

be done only by persons appointed as judges in the manner before mentioned. The will of the society is expressed and is disobeyed; and who shall interpret and enforce that will but the persons invested with authority from the same society? The State Judges are to judge according to the law of the United States, and the common law, but no authority for them. It controlled their decisions, but could not enlarge their powers. Suppose an action was brought on a statute, declaring a forfeiture equal to the whole of the goods against him whoever shall unlade without a permit; before the law was made, no court had jurisdiction. Could a State court sustain such an action? They might as properly assume admiralty jurisdiction, or sustain actions for forfeitures of the British revenue acts. He did not mean any disrespect to the State courts. In some of the States, he knew the judges were highly worthy of trust; that they were safeguards to Government, and ornaments to human nature. But whence should they get the power of trying the supposed action? The States under whom they act, and to whom they are amenable, never had such power to give, and this Government never gave them any. Individuals may be commanded, but are we authorized to require the servants of the States to serve us? It was not only true, he said, that they could not decide this cause, if a provision was neglected to be made, by creating proper tribunals for the decision, but they would not be authorized to do it, even if an act was passed declaring that they should be vested with power; for they must be individually commissioned and salaried to have it constitutionally, and then they would not have it as the State judges. If we may empower one State court, suppose the Supreme Court, we may empower all or any, even the justices of the peace. This will appear more monstrous if we consider the trial of crimes. A statute creates an offence. Shall any justice of the peace be directed to summon a jury to try for treason or piracy? It was true the Government would not direct a thing so wickedly absurd to be done; but who will believe Government may lawfully do it? It would be tedious to pursue this, or even the ideas connected with it, very far. The nature of the subject rendered it difficult to be even perspicuous without being prolix. His wish was to establish the conclusion, that offences against statutes of the United States, and actions, the cognizance whereof is created *de novo*, are exclusively of Federal jurisdiction; that no persons should act as judges to try them, except such as may be commissioned agreeably to the Constitution; that for the trial of such offences and causes, tribunals must be created. These, with the admiralty jurisdiction, which it is agreed must be provided for, constitute the principal powers of the district courts. If judges must be paid, they might as well be employed. The remnants of jurisdiction, which may be taken away, are scarcely worth transferring to the State courts, and may as well be exercised by our own.

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The question being now called for from several parts of the House,

Mr. STONE said, he hoped the question would not be determined on the discussion it already had. He thought, although gentlemen might have made up their minds on this subject, a very full communication of the principles upon which they acted in this momentous business ought to take place before the question was decided; for to him it appeared of the greatest importance that they should act rightly, and it should be known they acted on right principles. It is admitted, said he, on all hands, to be a work of extreme difficulty; one gentleman has said that it is so difficult, we cannot correct it. But surely we ought to exercise a little patience in the examination; perhaps, on a minute inquiry, we may hear of some road by which we may avoid these difficulties, and amply recompense ourselves, our constituents, and our posterity, for the expense of our time. I confess, for my own part, I wish more information than I have yet received, in order to reconcile me to the bill. I was so unfortunate on a former and memorable occasion as to differ from a majority of this House; perhaps this question may turn upon a similar principle, and renew that pain which it gives me to oppose what I find to be the voice of my country. I therefore most earnestly wish to be convinced that my ideas are founded on misconception, in order to go with the majority; but if I should be left in the minority, whether from not having my difficulties removed, or because they are insuperable, I shall ever cheerfully submit to the judgment of the House; and on this occasion I am ready to assent to every power necessary to the due administration of the Government. But I declare, in my mind, this is a system founded on principles distinct and separate from the general principles upon which the Constitution was framed. It appears to me that the present Government originated in necessity, and it ought not to be carried further than necessity will justify.

I believe the scheme of the present Government was considered by those who framed it as dangerous to the liberties of America; if they had not considered it in this point of view, they would not have guarded it in the manner they have done. They supposed that it had a natural tendency to destroy the State Governments; or, on the other hand, they supposed that the State Governments had a tendency to abridge the powers of the General Government; therefore it was necessary to guard against either taking place, and this was to be done properly by establishing a Judiciary for the United States. This Judiciary was likewise absolutely necessary, because a great many purposes of the Union could not be accomplished by the States, from the principle of their government, and could not be executed from a defect in their power. But all these, I presume, are involved in the jurisdiction of the Supreme Federal Court. I apprehend in every thing else the State courts might have had complete and adequate jurisdiction; the State courts could not determine between State and State, be-

cause their judgment would be ineffectual; they could never carry it into execution. But I apprehend in all other cases the States could execute that authority which is reposed in the United States. Yet I do not doubt but the caution might be necessary for securing to the General Government, in reserve, those very powers, because such abuses may happen in the State courts, as to render it necessary for the due administration of justice that the national jurisdiction be carried over such States. But what I am not satisfied of is, whether it is now essential that we proceed to make such establishments. I cannot conceive it to be now essential; because the business may be done without, and it is not commanded by the Constitution; if it is commanded by the Constitution, we have no power to restrain or modify it. If it is the right of an alien or foreigner to sue or be sued only in the courts of the United States, then they have a right to that jurisdiction complete, and then Congress must institute courts for taking exclusive cognizance of all cases pointed out in the Constitution; but this would be contrary to the principle of the bill, which proposes to establish inferior courts with concurrent jurisdiction with the State courts.

By the Constitution, Congress has a right to establish such inferior courts as they from time to time shall think necessary. If I understand the force of the words "from time to time," it is that Congress may establish such courts when they think proper. I take it they have used another precaution; and this construction is guarded by another clause in the Constitution, where it is provided that the Constitution itself, and all laws made in pursuance thereof, as well as treaties, shall be the supreme law of the land, and the judges in every State are to be bound thereby; any thing in the State laws or constitutions to the contrary notwithstanding. Now can gentlemen be afraid that the State courts will not decide according to the supreme law? If they are, it is in the discretion of Congress to refuse them the opportunity; but the bill gives them a concurrent jurisdiction, and shows that these dangers are not really apprehended; if they give them concurrent jurisdiction, they have the power of giving them complete; and they may delay from time to time the institution of national courts, until they suppose or have experienced the inadequacy of the State courts to the objects granted by the Constitution to the participation of the Judiciary of the United States. If, sir, the State judges are bound to take cognizance of the laws of the United States, and are sworn to support the General Government, the system before us must have originated from a source different from that from which the Government itself derived its existence. Yet, I admit, sir, that there is a necessity for instituting Admiralty courts, though it is not because I consider the power of the State inadequate to that object; but because those courts are not instituted in all of them, and it is proper that there should be a maritime jurisdiction within the bounds of every State to determine cases arising within the same. It depends not upon the

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principle, but on the fact, that I admit it to be necessary for Congress to organize an admiralty system; for I take it, that were admiralty courts established in the different States, and were you to make laws that affected admiralty cases, they would be as much obliged to determine by your laws as if you had instituted the courts yourselves. If, then, the State courts have the power, your system is not necessary, unless they will not execute that power; it must therefore depend on your suspicion of their want of judgment or integrity. I declare I can contemplate a time, with great pain, when one of those cases may happen; but I believe the time is not yet arrived, and we ought not to adopt a system which presupposes it.

I know it is of great importance to have the decisions of the courts conformable; and I believe also it is of no inconsiderable importance to the Government, to have it operate as well on individuals as on States. It would be, if liked by the people, one of the strongest chains by which the Union is bound; one of the strongest cements for making this Constitution firm and compact. But I would not have the measure adopted at a time, and on a principle, which must have a direct contrary tendency. If we establish Federal courts, on the principle that the State courts are not able or willing to do their duty, we establish rivals. But if we honestly conduct upon the principle of the Constitution—necessity, we may expect some good to result from the exercise of our powers, and prevent any clashing of jurisdiction; but to act on other principles must introduce confusion. Every body knows with what phlegmatic and cool determination, with what disregard of surrounding objects, courts maintain their separate jurisdictions. If we search the history of courts with which we are well acquainted, we shall find, that though they did not absolutely proceed to bloodshed, yet they put the whole community in commotion with the clashing of their jurisdictions; yet in that country the citizen and the community have a remedy. I fancy it is not so in this; I believe, instead of being found what the gentleman from South Carolina has termed them, planets rolling in their orbits, on the immutable principles of order, so as not to interfere with each other, they will be felt in concussion, and their violence will violate the harmony with which gentlemen please their imagination. The clew of separate jurisdiction will twine into such a state of perplexity, as to render it impossible for human wisdom to disentangle it without injury.

The gentlemen have mentioned jails and different processes; they might have traced it down to an execution, and shown us what might have been the consequence. Suppose an alien has a right to a man's property, and a citizen the same, they lay their executions at the same time, the jurisdictions do not know each other, they take no cognizance of each other's proceedings, the land is taken by the State court, and the possessor turned out; if it is taken by the officer of the Continental court, the possessor is turned out also, and an action is brought to determine again who has

a right to the property; the State court says the citizen, and the Continental court the alien: What is to be done? Here is no tribunal to determine between them; it can only be determined by the sword. Gentlemen ought to examine this part of the subject more fully before they decide it.

Mr. BUNDS declared it to be a singular innovation on the privileges of the citizens, and such as they would never submit to; for they never had an idea that by this revolution they were to be put in a worse situation than they were under the former Government. He said when their State district courts would be sitting, the Federal courts would be engaged at the same time, and he asked whether the people could ever consider such an accumulation of courts of justice calculated to promote their interests? It would harass them with extreme duty, as witnesses, jurors, &c. and leave them at the mercy of the judges as to fines, when they should be engaged at another court. With respect to the time of the court sitting, it might be made at a most inconvenient time of the year, and the place might be at the most distant part of the State, where a man might be dragged three or four hundred miles from his home, and tried by men who know nothing of him, or he of them; he was sure, under such circumstances, the freemen of America could never submit to it.

Mr. MADISON said that all these points might be secured in the bill, when they came to the part that related thereto.

Mr. LAWRENCE expressed himself against the motion for striking out, because he conceived that it was essential to carry this part of the Constitution into effect, and that the courts had better be established now than hereafter.

Mr. MADISON said, it would not be doubted that some Judiciary system was necessary to accomplish the objects of the Government, and that it ought to be commensurate with the other branches of the Government. Under the late confederation, it could scarcely be said that there was any real Legislative power—there was no Executive branch, and the Judiciary was so confined as to be of little consequence; in the new Constitution a regular system is provided; the Legislative power is made effective for its objects; the Executive is co-extensive with the Legislature, and it is equally proper that this should be the case with the Judiciary. If the latter be concurrent with the State jurisdictions, it does not follow that it will for that reason be impracticable. It is admitted that a concurrence exists in some cases between the Legislative authorities of the Federal and State Governments; and it may be safely affirmed that there is more, both of novelty and difficulty in that arrangement, than there will be in the other.

To make the State courts Federal courts, is liable to insuperable objections, not to repeat that the moment that is done, they will, from the highest down to the county courts, hold their tenures during good behaviour, by virtue of the Constitution. It may be remarked, that, in another point

of view, it would violate the Constitution by usurping a prerogative of the Supreme Executive of the United States. It would be making appointments which are expressly vested in that department, not indeed by *nomination*, but by *description*, which would amount to the same thing.

But laying these difficulties aside, a review of the constitution of the courts in many States will satisfy us that they cannot be trusted with the execution of the Federal laws. In some of the States, it is true, they might, and would be safe and proper organs of such a jurisdiction; but in others they are so dependent on State Legislatures, that to make the Federal laws dependent on them, would throw us back into all the embarrassments which characterized our former situation. In Connecticut the Judges are appointed annually by the Legislature, and the Legislature is itself the last resort in civil cases.

In Rhode Island, which we hope soon to see united with the other States, the case is at least as bad. In Georgia, even under their former constitution, the Judges are triennially appointed, and in a manner by no means unexceptionable. In Pennsylvania they hold their places for seven years only. Their tenures leave a dependence, particularly for the last year or two of the term, which forbid a reliance on Judges who feel it. With respect to their salaries, there are few States, if any, in which the Judges stand on independent ground. On the whole, he said, he did not see how it could be made compatible with the Constitution, or safe to the Federal interests, to make a transfer of the Federal jurisdiction to the State courts, as contended for by the gentlemen who oppose the clause in question.

Mr. BURKE said he had turned himself about to find some way to extricate himself from this measure; but which ever way he turned, the Constitution still stared him in the face, and he confessed he saw no way to avoid the evil. He made this candid confession to let them know why he should be a silent spectator of the progress of the bill; and he had not the most distant hope that the opposition would succeed. If any substitute could be devised that was not contrary to the Constitution, it should have his support, but he absolutely despaired of finding any. He was, however, satisfied that the people would feel its inconvenience, and express their dislike to a judicial system which rendered them insecure in their liberties and property; a system that must be regarded with jealousy and distrust.

Mr. JACKSON.—Sir, the importance of the question induces me to trouble the committee so far as to answer one of the arguments made use of in the opposition, and which I think necessary, to do away the impressions they have made, should be answered. The gentleman from Massachusetts (Mr. SPENCER) has carried the nation to the highest pinnacle of glory, and in a moment hurled it down to the lowest pitch; and has laid the loss of national faith, credit, and honor, to the want of an energetic Judiciary. Every good citizen will, with him, deplore the abject state we have been brought to; but, sir, does this argument hold good

here? I am of opinion it is evident it does not. Under the old form of Government, Congress had no compelling Judiciary; no power of reversing the decrees of the State Judges; but it is contended that they have, or ought to have more under the present system. It is allowed, sir, that Congress shall have the power, in its fullest extent, to correct, reverse, or affirm, any decree of a State court; and assuredly the Supreme Court will exercise this power. How then can our national faith or honor be injured by striking out the clause in future? It must be obvious to the gentleman himself, that his fears are groundless; for the Supreme Court will interfere and keep the State Judiciaries within their bounds: That authority will tell them, thus far ye shall go, and no further: and will bring them back when they exceed their bounds, to the principles of their institution.

Another gentleman from Massachusetts (Mr. AINS) has advanced a position. I cannot agree with. He has said, that the State courts will not, nor cannot, take cognizance of the laws of the Union, as it would be taking up matters out of the bounds of their jurisdiction, and interfering with what was not left to them. Sir, I answer that gentleman with the words of the Constitution: This Constitution, and the laws of the United States, made in pursuance thereof, and all treaties, &c., shall be the supreme law of the land." This surpasses in power any State laws; the Judges are bound to notice them as the supreme law, and I call upon the gentleman to know, as a professional man, if a criminal was tried for a capital offence under a State law, and could justify himself under the laws of the Union, if the State Judges could condemn him? Sir, if they would forfeit their oaths if he was not acquitted; this, however, he has admitted in his argument in some measure. If there was no jurisdiction, neither could they notice the law. I acknowledge that the gentleman has used many specious arguments, but as they rest chiefly on this ground, I think they are done away.

The gentleman from Virginia (Mr. MASON) has advanced, that, by leaving this power in the hands of the State Judiciaries, or by joining their concurrent authority, you establish them as inferior jurisdictions. If the gentleman will turn to the eleventh and twenty-fifth sections, he will find those positions established, and what fell from the gentleman from Massachusetts concerning jurisdiction is likewise answered. The State courts, by the former, are acknowledged to have concurrent jurisdiction in a large extent, where the United States and an alien are the party, or between citizens of one State and those of another. And if the jurisdiction is acknowledged in some points, it must be supposed to be so in the fullest extent. By the twenty-fifth, sir, they are again fully established; and therefore they are now, by the present system, in every light as fully, agreeably to the gentleman's argument, inferior jurisdictions, as they possibly could be by the principles of the gentleman from New Hampshire. And here, sir, I will advert to the general arguments,

used by the gentlemen in opposition, of the necessity of power to enforce the laws of the Union, and support the national existence and honor. Sir, I am opposed in some degree to this clause. For the extent of its power, even supposing the District and Circuit courts abolished, swallows up every shadow of a State Judiciary. Gentlemen, therefore, have no reason to complain of the want of Federal Judiciary power, for the clause declares, "That a final judgment or decree in any suit, in the highest court of law or equity of a State in which the decision of a treaty is drawn in question, or statute thereof, or an authority exercised under the United States; and the decision is against their validity; or where is drawn in question the validity of a statute, or an authority exercised under any State on the ground of their laws of the United States, and the decision is in favor of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty or statute, or of a commission, held under the United States, and the decision is against the title, right, privilege, or exemption specially set up, or claimed by either party under such clause of the said Constitution, treaty, statute, or commission, may be re-examined and reversed, or affirmed in the Supreme Court of the United States." Sir, in my opinion, and I am convinced experience will prove it, there will not, neither can there be any suit or action brought in any State courts, but may, under this clause, be reversed or affirmed by being brought within the cognizance of the Supreme Court. But should there be some exceptions for the present, yet, sir, the precedent is so forcible, for it goes so far as even to admit of constructions on some of the articles, that by some means or other those articles will in time be totally lost. Sir, let us look at the Court of Exchequer in England: revenue trials at first engrossed its whole attention; from a series of fiction there is now no personal action but from construction may be brought within their cognizance. It is only a suggestion, and very seldom true, that a plaintiff is a king's debtor, and that the action is well grounded: yet there they have counter checks, and another resort; here the Supreme Court is final. Sir, the gentleman from South Carolina (Mr. BURKE) was right in declaring a resident on Lake Erie might be dragged to New York for trial, or one on the Oconee to Savannah. Nay, sir, I know not how far in time a man might not be dragged; perhaps from the Oconee to be tried in North Carolina; for one part of the bill, without specifying the spot, declares, that the Circuit courts shall have power to hold special sessions for the trial of criminal causes at their discretion. On these considerations, I hope the House will not adopt the present system, until the milder one is tried. It is calculated to foment and harass the people, without answering any essential purpose.

Mr. SHERMAN said, it was admitted, on all hands, that a Judiciary system was necessary even upon

condition that the Legislature had a discretion in the business; and it required but little attention to discover that the plan proposed by the Senate was better than what gentlemen proposed to substitute, inasmuch as it was more complete, and not more expensive. There would be a uniformity of decision under the former; while the latter would render the construction of the law vague, if not various. It would less disturb the harmony of the States; and of consequence be more agreeable to the people. He hoped the committee would reject the motion for striking out the clause.

Mr. SMITH, of South Carolina, observed that all the difficulties and inconveniences which the gentlemen have started as arising from the establishment of a District court arise from the Government itself. All the objections made to this court apply equally against having any National Judiciary. Indeed, if they had any weight, they would as forcibly apply to the very institution which the gentlemen patronize, viz: a court of admiralty and piracy. If there is to be this perpetual clashing of jurisdictions between the Federal and State courts, this eternal jarring between their respective officers, will not these embarrassments exist under any judicial system that the ingenuity of man can devise? Will they not take place under the establishment proposed by the other side? And will the mere alteration of the court from a district, to a court of admiralty and piracy, remedy this evil? But these objections come too late, a National Government is established. The Judicial power is a component part of this Government, and must be commensurate to it. If we have a Government pervading the Union, we must have a judicial power of similar magnitude; we must establish courts in different parts of the Union. The only question is, which is the plan best calculated to answer the great object we all have in view, the carrying the Judicial powers into operation with the least inconvenience to the citizens. This double system of jurisprudence is unavoidable; it is as much a part of the Constitution as the double system of legislation; each State has a Legislative power, both operating on the same persons, and in many cases on the same objects; it is infinitely more difficult to mark with precision the limits of the Legislature than the Judicial power; no one, however, disputed the propriety of vesting Congress with a Legislative power over the Union, and yet that power is perhaps more liable to abuse than the Judicial. It has, indeed, been contended, in some of the State conventions, that Congress ought not to be entrusted with direct taxation; and it is remarkable that the same obstacles were urged against that power which is now suggested against this institution. It was then said that Federal and State taxes could not operate at the same time without confusion; it was then facetiously asked, whether the Congressional and State collector, who had seized a horse for the payment of taxes, were to divide him between them; it is now asked, with equal pleasantry, whether the marshal of the district, and the sheriff of the State court, who have taken the same

debtor in execution, are to cut him in halves? It was then answered, that if the State collector seized the horse first, he will have the first satisfaction; it was also shown that there are frequently in the same State, State taxes, county taxes, and corporation taxes, and that these never occasioned any clashing or confusion; it may now be answered, that there are at present in some of the States, State courts, county courts, and corporation courts; and that these are found convenient, and unaccompanied with the clashing so much apprehended. They keep within their particular spheres, and have their limits ascertained. But in answer to one supposition, allow me to state another; suppose a State sheriff and a county sheriff should seize the same debtor, would he be parcelled out between them? Would not the execution that was first served take effect? Is not this the practice at present, and will it not be so under this system? It is very easy for gentlemen, in the warmth of their imaginations, to suppose a variety of cases, and raise a multiplicity of objections against any system of jurisprudence whatever. They will all be more or less liable to some objections on the score of inconvenience, but they are submitted to by good citizens, who are sensible that they are the surest means of protecting their property, reputations, and lives. After all that has been said, it does not appear that we differ so widely as was at first imagined; for the gentlemen who advocate the motion, concede the necessity of some inferior Federal court in each State. What then do gentlemen object to? If it is the name of the court, that may be altered; if it is the frequency of holding them, it will be very easy to amend the clause in that respect; but they move to strike out the clause altogether, when it is granted on all hands that there must be such a court. The objection to the extent of jurisdiction is premature, and ought to be reserved for the clause which ascertains the jurisdiction; if, upon an investigation of that clause, it should appear that it ought to be restricted, that would be the seasonable time for moving to strike out the objectionable part; but really at present gentlemen are making objections to one clause which, from their own concessions, apply altogether to another. As to several other observations that relate to the time of holding the courts, and the mode of drawing jurors, it is unnecessary to reply to them at present, because it would be improper to run into a discussion of the detail, while the question is on the principle of the system. He was no less opposed to the time of holding the courts, and the mode of drawing jurors, provided by the bill, than the gentleman was from whom the objection came, and would add his endeavors with his to effect an alteration in these points; but this is not the proper time, we are now on the principle, whether there shall be a District court: the same answer will apply to the objection that the juries and witnesses will be unnecessarily harassed; every care will be taken to accommodate these courts to the convenience of the citizens of each State.

Several other difficulties have been urged, as

growing out of this plan of jurisdiction; a candid discussion will remove and obviate them. It has been said that the bill provides a number of appeals from the State to the Supreme Court, through the District and Circuit courts, and that the suitors may be persecuted with appeals, carried on from one court to another, through four different courts. An attentive examination of the bill is a sufficient answer to this objection. There is no appeal from the State to the District courts; and only a power of removal in certain cases of a Federal jurisdiction from the State to the Circuit court; neither is there any appeal of fact from the District to the Circuit courts, and only a power of removal in certain cases of a Federal jurisdiction from the State to the Circuit court; neither is there any appeal of fact from the District to the Circuit courts, but in admiralty cases; and these cannot be afterwards carried up to the Supreme Court, but when the value exceeds two thousand dollars.

It has been said, that, under the idea of vicinage, a man may be dragged far from his friends to trial, from Georgia to North Carolina; but it must be remembered that there is a Constitutional provision that the criminal shall be tried in the State where the offence is committed, and the bill is conformable to the Constitution in this respect. It has been observed that the Constitution is no bar to vesting the State courts with Federal powers, for the words, "such inferior courts as Congress shall, from time to time, establish," imply that Congress may not institute them; and if they are not instituted, these powers must of course remain with the State courts. In reply to this argument, it is to be observed, that the words, "such inferior courts," &c., apply to the number and quality of the inferior Federal courts, and not to the possibility of excluding them altogether; it is a latitude of expression empowering Congress to institute such a number of inferior courts, of such particular construction, and at such particular places, as shall be found expedient; in short, in the words of the Constitution, Congress may establish such inferior courts as may appear requisite. But that Congress must establish some inferior courts is beyond a doubt; in the first place, the Constitution declares that the Judicial power of the United States shall be vested in a Supreme and in inferior courts. The words, "shall be vested," have great energy; they are words of command; they leave no discretion to Congress to parcel out the Judicial powers of the Union to State jurisdictions, where a discretionary power is left to Congress by the Constitution; the word "may" is employed where a discretion is left; the word "shall" is the appropriate term; this distinction is cautiously observed. Again, the Supreme Court, in two cases only, has original jurisdiction; in all others it has appellate jurisdiction; but where is the appeal to come from? Certainly not from the State courts; it must come from a Federal tribunal. There is another argument that appears conclusive; the Constitution provides that the Judges of the Supreme and inferior courts

shall hold their commissions during good behaviour, and shall receive salaries not capable of diminution; and it further provides, that the Judicial power of the Union shall be vested in a Supreme and inferior courts; that is, in supreme and inferior courts whose Judges shall receive their commissions during good behaviour, and possess salaries not liable to diminution.

Does not, then, the Constitution, in the plainest and most unequivocal language, preclude us from allotting any part of the Judicial authority of the Union to the State judiciary? The bill, it is said, is then unconstitutional, for it recognises the authority of the Federal court to overturn the decisions of the State courts, when those decisions are repugnant to the laws or Constitution of the United States. This is no recognition of any such authority; it is a necessary provision to guard the rights of the Union against the invasion of the States. If a State court should usurp the jurisdiction of Federal causes, and by its adjudications attempt to strip the Federal Government of its Constitutional rights, it is necessary that the National tribunal shall possess the power of protecting those rights from such invasion. The committee have been told that this multiplicity of courts, and of appeals, will distress the citizens; and the number of appeals in Great Britain has been alluded to. He had always heard, he said, that there was no country in the world where justice was better administered than in that country; to its excellent and impartial administration, the property, freedom, and civil rights of its citizens have been attributed. Were appeals too much restrained in this country, he questioned much whether a great clamor would not be raised against such a restriction. The citizens of a free country, when they lose their cause in one court, like to try their chance in another. This is a privilege they consider themselves justly entitled to; and if a litigious man harass his adversary by vexatious appeals, he is sufficiently punished by having the costs to pay. By limiting appeals to the Supreme Court to sums above one thousand dollars, as is proposed, the poor will be protected from being harassed by appeals to the Supreme Court.

There was one more observation that required an answer; it was said that the juries shall be so drawn as to occasion the smallest inconvenience to the citizens. After having very maturely considered the subject, and attentively examined the bill in all its modifications, and heard all that had been alleged on this occasion, he was perfectly convinced, that whatever defects might be discovered in other parts of the bill, the adoption of this motion would tend to the rejection of every system of national jurisprudence.

Mr. MADISON said, that he was inclined to amend every part of the bill, so as to remove gentlemen's jealousy, provided it could be done consistently with the Constitution.

Mr. GERRY was sorry to hear the honorable gentleman from South Carolina (Mr. BURKE) renounce his intention of opposing the system any

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further; he thought gentlemen ought not to be tired out like a jury.

Mr. BURKE said, he was not tired with the discussion, but was satisfied that the opposition must be unsuccessful.

The committee now rose and reported progress.—Adjourned.

MONDAY, August 31.

The engrossed bill to suspend part of an act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, on goods, wares, and merchandises imported into the United States, was read a third time, and, on motion, ordered to be committed to Messrs. GOODHUE, CARROLL, LEE, and BLAND, with instruction to the said committee to insert a clause or clauses for establishing Bath and Frenchman's Bay, in the State of Massachusetts, ports of delivery for all foreign vessels.

THE JUDICIARY.

The House then went again into a Committee of the Whole on the bill for establishing the Judicial Courts of the United States; Mr. BOUNDINOR in the Chair.

The question being still on striking out the third clause—

Mr. LIVERMORE thought this law would entirely change the form of Government of the United States.

Several observations have been made on this clause; it is said to be the axis on which the whole turns; some of the objections he had thrown out have been attempted to be answered; among others, the great expense. By expense he did not mean the salaries of Judges; this would, however, be greater than the whole expense of the Judiciary throughout the United States; but he referred to the general expenses which must be borne by the people at large for jails, court-houses, &c.; borne without repining, as the people receive compensation in personal security and public justice; but if all these were doubled throughout, it would be justly considered as intolerable. Another burden, he said, was the rapidity of the course of prosecution in these courts, by which debtors would be obliged very suddenly to pay their debts at a great disadvantage. Something like this occasioned the insurrection in the Commonwealth of Massachusetts. In other States, similar modes of rapidity in the collection of debts have produced conventions. This had been the case to the northward, and he had been informed, had been the same to the southward.

This new fangled system would eventually swallow up the State courts, as those who were in favor of this rapid mode of receiving debts, would have recourse to them. He then adverted to the clashing circumstances that must arise in the administration of justice, by these independent courts having similar powers. Gentlemen, said he, may be very facetious respecting dividing the body; but these are serious difficulties; the instances mentioned by the gentleman from South Carolina do not apply, the officer here is the same

the same sheriff has the precepts committed to him; and the execution does not clash; the same jail answers for both.

He did not think that the difficulties had been answered by any of the examples brought for the purpose.

As to the instance of the trial for piracy in the State of South Carolina, that was a particular case, that could not be otherwise provided for; but these so rarely happen, that no precedent could be drawn from them to render it necessary to establish these perpetual courts.

He then referred to the clause, and offered a substitute, and said he thought, upon the whole, that the suggestion thrown out by an honorable gentleman from South Carolina (Mr. Bunker) that there should be no district courts, is better than any substitute.

It may be proper here to refer to the Constitution; he then read the clause upon the subject. The Federal court is to have original jurisdiction only in certain specified cases; in all other it is to have only appellate jurisdiction; it is argued from this, that there are to be inferior Federal courts, from which these appeals are to be made. If the Constitution had taken from State courts all cognizance of Federal causes, something might be said; but this is not the case. The State courts are allowed jurisdiction in these cases.

It has been objected that bonds taken by the Judges of the Supreme Court cannot be sued in the State courts. He did not see why this could not be done; similar processes have been usual among us in times past, and there has been no difficulty.

Admiralty courts should have cognizance of all maritime matters, and cases of seizures should also be committed to their decision. He hoped, therefore, that the clause would be disagreed to, or struck out, and that the bill might be rejected, that a short concise system might be adopted.

Mr. Vining said he conceived that the institution of general and independent tribunals were essential to the fair and impartial administration of the laws of the United States. That the power of making laws, of executing them, and a judicial administration of such laws, is in its nature inseparable and indivisible, if not, "justice might be said to be lame as well as blind among us."

The only plausible argument which has been urged against this clause is the expense. It is true that expense must in some degree be necessarily incurred, but it will chiefly consist with the organization of your courts, and the erection of such buildings as may be essential, such as court-houses, jails, and offices, as the gentleman has mentioned; and what, at all events, do such expenses amount to? They are the price that is paid for the fair and equal administration of your laws; from your amazing increasing system of government, causes must necessarily multiply in a proportionably extensive ratio; these causes must be tried somewhere, and whether it is in a State court, or Federal judicature, and in the article of expense, make but little difference to the parties; it is only (for the sake of more impartial

justice) transferring the business from one tribunal to another.

The gentleman has told us that the people do not like courts; that they have been opposed and prevented by violence; nay, by an insurrection in Massachusetts. Surely this operates as a powerful reason to prove that there should be a general, independent, and energetic jurisdiction; otherwise, if either of the State Judges should be so inclined, or a few sons of faction so assembled, they could ever frustrate the objects of justice; and, besides, from the different periods fixed by the Constitution of the United States, and the different constitutions of the several States, with respect to the continuance of the Judges in office, it is equally impossible and inconsistent to make a general, uniform establishment, so as to accommodate them to your government.

He wished, he said, to see justice so equally distributed, as that every citizen of the United States should be fairly dealt by, and so impartially administered, that every subject or citizen of the world, whether foreigner or alien, friend or foe, should be alike satisfied; by this means, the doors of justice would be thrown wide open, emigration would be encouraged from all countries into your own, and, in short, the United States of America would be made not only an asylum of liberty, but a sanctuary of justice. The faith of treaties would be preserved inviolate; our extensive funded system would have its intended operation; our navigation, impost, and revenue laws would be executed so as to insure their many advantages, whilst the combined effect would establish the public and private credit of the Union.

Mr. Stowe.—I am mistaken if the whole subject has yet come before us in its full extent, and I think it ought to be thoroughly investigated before it is decided upon.

I declare myself, Mr. Chairman, much pleased with the discussion, and am gratified with the different points of view in which it has been placed; but I conceive there is a variety of considerations arising out of the subject which have not yet been touched upon. I have seriously reflected, sir, on the subject, and have endeavored to give the arguments all the weight they deserve. I think, before we enter into a view of the convenience of the system, it will be right to consider the Constitutional ground on which we stand.

Gentlemen, in their arguments, have expressly or impliedly declared that the Constitution, in this respect, is imperative—that it commands the organization of inferior courts. If this doctrine is true, let us see where it will carry us. It is conceded on all hands that the establishment of these courts is immutable. If the command of the Constitution is imperative, we must carry it through all its branches; but if it is not true, we may model it so as to suit the convenience of the present time. It appears from the words of the Constitution, that Congress may, from time to time, ordain and establish inferior courts, such as they think proper. Now, if this is a command for us to establish inferior courts, if we cannot

model or restrain their jurisdictions, the words which give us the power from time to time to do, are vain and nugatory. Do the words "from time to time" leave any thing to our discretion? Or must we establish in our own minds a given length of time to gratify its meaning? Are we to compare it with the case of a census, and confine it to a subsequent term of ten years? If you establish inferior courts upon this principle, you have expended your whole power upon the subject for that length of time, and cannot interfere until the term arrives which you have fixed in your own mind for the power to return. But the words "ordain and establish" will not only go to the appointment of Judges of inferior courts, but they comprehend every thing which relates to them; we have good authority for this opinion, because one branch of the Legislature has expressly laid it down in the bill before us; they have modified the tribunal; they have restrained its jurisdiction; they have directed appeals only to be had in certain cases; they have connected the State courts with the district courts in some cases; this shows that, in their opinion, the articles of the Constitution gave them a latitude. It is not said in that instrument that you shall exercise the judicial power over all those cases, but that the judicial power shall extend to those cases. If it had been the idea of the convention that its Judiciary should extend so as positively to have taken in all these cases, they would have so declared it, and been explicit; but they have given you a power to extend your jurisdiction to them, but have not compelled you to that extension. Several gentlemen have mistaken this idea, and that on very different ground. The gentleman from Virginia has compared the exercise of the Judiciary to that of the Executive and Legislative powers, and seems from his arguments to infer that if you do not extend the Judiciary power, so as to take in all those cases which are specified in the Constitution, that you will leave the Judiciary defective.

The gentleman from New York seems to think it will be an abandonment of our Judicial power altogether. To what does the Legislative power of this Government extend? To a variety of cases which are not yet put in action; for instance, the Legislative power extends to excises and direct taxes. If you conceive the Judiciary incomplete, because you have not strained it to its utmost extension, cannot you see, from the same principle, that the Legislative power is not complete unless you extend it as far as you have the power? Do you divest yourself of the power by not exercising it? Certainly not. Suppose you were to lay as heavy a land tax as the people could bear, (and this is in our power by the terms of the Constitution,) and suppose the people were to ask you why you had done so, when there was no absolute necessity for it, would you answer that the Constitution has given us the power, therefore we must exercise it? Certainly not. The Constitution has given us power to admit that a suit in certain cases shall be brought for six-pence; this we may authorize to be done in

an inferior court—from the District Court it is carried to the Circuit Court, and may be brought up to the Supreme Court. This power, I say, we have by the Constitution; would it be proper to exercise it? But these circumstances would certainly follow from a construction that the Constitution was imperative, and that you must establish inferior tribunals on the terms of the Constitution.

I understood it to be said by the gentleman from New York, and decided, that the establishment of inferior courts would draw the whole Judiciary power along with them. If the clause in the Constitution commands that inferior courts be established, what are their powers? They will claim all the jurisdiction to which it is declared the Judicial power shall extend—it is the right the Constitution has given them after you have established the courts; any modification, therefore, or restriction of their power, would be a nullity; hence it appears to me, if the gentleman's principle is right, that part of your bill which restricts their cognizance to a particular sum is a nullity.

I apprehend that the gentlemen who support this bill have differed widely from the body that passed it, in supposing two things; first, that whatever Continental jurisdiction is exercised that it follows they are Continental courts, and must have Continental salaries, and hold their offices during good behaviour; if this is the case, the Senate have done one of two things, they have either relinquished all the penalties due to Government for a non-compliance of the laws under one hundred dollars, by the 9th section of the bill; or they have established the doctrine which gentlemen on this side contend for. By this section they have given to the State courts jurisdiction in cases of an inferior magnitude; now the very moment any suit is brought by the United States, under one hundred dollars, before a State court, such court becomes a Continental court. I say they must run into this absurdity, or relinquish all suits under one hundred dollars. But if this is not the case; if they do not relinquish this sum, (and the Senate did not suppose this was ever to be given up,) they did what appears, upon the gentleman's principles, very strange indeed: they leave Continental courts to be established by their bringing suits, or foreigners bringing suits into the State courts; and in this way they divest the President of his power of appointing judges of inferior courts. This appears to my mind a strange mode of reasoning.

A gentleman has said that it would be impracticable to admit the judges of the several States to take cognizance of the laws of the United States, because they are laws *de novo*: this I think is the idea. I apprehend that judges, when they have undertaken their duty, must be considered in two respects—as citizens and as judges. Now as men, they are to submit to the modification of the Constitution as it respects them as citizens; and as judges, they are to consider their relation as such to the Constitution, and are to administer justice agreeably to that Constitution; as judges they may divest themselves of this relation; they

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may resign, but if they continue to act as judges, they are enjoined to obey the Constitution of the United States, and laws established under it: now judges know that it is in the power of the United States to change the State Constitutions, and they must conform in every respect. A judge binds himself not only to act upon the laws which have already passed, but to obey all that may hereafter pass. If it is admitted that the judges cannot take cognizance of the laws *de novo*, you annihilate the judicial capacity at a blow; they cannot notice the adoption of the Federal Constitution or any law passed after appointment. I can hardly bring myself seriously to consider the subject in this reverse point of view. Gentlemen will be convinced, I hope, that I take all the pains I possibly can to understand and discuss the arguments made use of; they will admit that if my principles are right, Congress may establish the courts on what terms they may think proper.

It will perhaps be well to consider what the State courts can do, and consider what they are not competent to, and the reason we should not trust them. It appears to me that there is nothing but what the State courts are competent to but certain cases which are specially designated; in cases where a State is a party they ought not to decide, because they could not execute their judgment; they would be competent to all admiralty cases, but for the fact I mentioned before, that admiralty courts are not established in all the States. I take it to be true that all the judicial powers not taken away by the Constitution from the States, remain to them, and I take them to be complete Republics, to have sovereign power, conformable to their nature; therefore, if the Constitution of the United States had not interfered in the subject, even of treason against the Union, the States, I apprehend, except in a few instances, could not have taken notice of it, because I do not know any kind of treason against the United States. But is also treason against a particular State. If a man raises an army in the body of a State, unauthorized by the State, is it not rebellion against the State? Suppose it to be done in this State, and they tell you it is not the State of New York they mean to oppose, it is the General Government, pray is not this treason against the State of New York as a member of the Union? Is not a piracy committed against the United States committed against a particular State? If it had its sovereign authority unimpaired, would any gentlemen contend that they had not power to try for piracy? I apprehend they would not. If a bond is given to the United States, or a penalty accrues under the supreme law of the land, or if a debt is due to a foreigner, may it not be sued in any part of the Union? I believe there is little doubt but this might be properly done—the Senate, by this bill, have given us this construction: foreigners may sue and be sued in all the States. This has already been done; do gentlemen now contend, that these suits shall be exclusively in the Continental courts? If they do, it would be an infringement of the private contracts, it would be an *ex post facto* law. The citizen might sup-

pose, when he contracted his debt, that he might bring his suit in a State court; if you exclude him from this privilege, you destroy the right he had; a right, notwithstanding all that may be affirmed of the wisdom, honesty, and expedition of the courts of the United States, yet to him it may appear ten to one better to be secured in his rights in State courts. I think the inconvenience which will attend these courts has been fully explained; but certainly it has not been fully considered how far the inconveniences heretofore sustained may be compared to the inconveniences which may hereafter happen; perhaps there are no instances in point. Gentlemen are mistaken, who suppose that because there are many tribunals in the State they are necessarily exposed to the same difficulties as will arise from the establishment of Federal and State courts. I will state a case: A man is taken in Maryland by a writ from the county court, to which he gives bail. If he is taken by writ from the general court, he must also give bail, or go to prison. But if he is unable on the first writ to give bail and goes to prison, then the sheriff returns to the General Court that he has taken him, and he is in jail. This is a good return, as well in civil as in criminal process; as well upon mesne process as in execution; and if either of the courts required his appearance in court, an *habeas corpus* may be granted; by which he will be brought into court, and remanded, if proper. Here is no danger of defeating rights, nor acquiring inconvenience, because the same jail will be made use of, and the same sheriff will hold, and always be liable for his prisoner. As the courts are connected, they will *ex officio* take notice of, and admit the proceedings of, each other.

But in different tribunals, not connected, mischiefs may happen. Will a sheriff be justifiable in delivering up his prisoner to the marshal, or will it be a proper return by the marshal that the prisoner is kept by the State sheriff. If the first position is true, you ought to show that the marshal is liable to the State creditor for an escape, and you ought also to show that the marshal will return his prisoner to the State jail. If the second, you ought to show that the sheriff is justifiable in detaining a man after the cause for which he was committed to his custody ceased. An execution against the property depends upon the same principles; because the priority avoids all difficulty. If all the property is taken by the prior execution, the return of that fact is a proper return. But property is bound by the time of judgment in some cases, and the time of execution is put into the sheriff's hands in others. Now there is no difference where the same sheriff receives all. But suppose there is a different time of rendering judgment, and of receiving execution, and both are levied at the same time either upon body or goods. The rules of the courts are different; there will be different determinations in each, and perhaps each justifying their own affirmation. Even they may clash as to a matter of right. Suppose goods are stolen, and a prosecution is set on foot in the Federal court as of goods belonging

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to the United States, and at the same time an indictment is laid in the State court, for stealing goods, as for the goods of A: there is a conviction in each; the goods are to be returned to the owner. Now the courts in their several capacities justify their officers; and they proceed severally to seize goods or body; and failing in strength, the *posse comitatus* is raised on both sides; murder may be the consequence; and if it should, each court justifying the act of its officers, and condemning the others, all the officers in the different courts must be hanged for acting legally.

These are the inconveniences which result from a system of this kind, and why are these inconveniences to be encountered? Is it because such a system will be popular? I cannot conceive it warrantable upon this ground; it seems to me to be laid upon a principle directly opposite to that of being agreeable to the people. Will it be agreeable to the Judges? That cannot be, because it is intended to correct the vices of the State Judiciary. Will it be considered as necessary by the State Legislature? Gentlemen have agreed that it will not be agreeable to the State Legislatures, and we find in general, the sentiments of the people expressed by the Legislatures; from these circumstances, I conceive that this system cannot, in its nature, be agreeable to the State Government, or to the people. I do not think this, then, the proper time to establish these courts; it is a measure on which the affection and attachment of the people to the Constitution will be risked; it is best to defer the business till the necessity of these courts shall become apparent. I could therefore wish, that the power should be reserved for the occasion, and that nothing should be done the present session but what is absolutely necessary, less by extending these matters too far, we should give the people a disposition to curtail our authority; they might then not confine themselves to an alteration in the judicial department alone, they might extend it so far as to injure the Executive and Legislative, if not to the total change or destruction of the whole system of Government. I am, sir, for this Government moving as silently as death, that the people should not perceive the least alteration for the worse in their situation; the exercise of this power will certainly be the most odious that can be exercised, for mankind do not generally view courts of justice with a favorable eye, they are intended to correct the voices of the community, and consequently are disagreeable to human nature. It was well observed, and I concur in the opinion, that of all the wheels in Government, the Judicial is the most disagreeable.

Mr. Gerry.—The gentlemen who support the motion for striking out the clause, urge that this system will interfere with the State Judiciary, that it will occasion a double set of officers, separate prisons and court-houses, and in general that the expenses will increase to a degree heretofore unknown, and consequently render the establishment obnoxious to the community. These objections are of such weight, as to have made deep impression on my mind. But what do gentlemen

propose? Do they believe that these disadvantages can be remedied by Congress? I think they cannot; they result from the Constitution itself, and therefore must be borne until the Constitution is altered, or until the several States shall modify their courts of judicature so as to comport with our system.

Gentlemen have said, that the Federal Judiciary will be disagreeable to the citizens of the United States. These it should be recollected were divided into two classes; the one was for an unconditional ratification of the present Constitution; the other was against such a measure. There appeared to be a majority of the first description, and we must suppose they understood what would be the operation of the system of Government they adopted with such avidity; if they did not, they entrusted the decisions to conventions of men whom they suppose did. We must admit that they knew their business, and saw it would be for the benefit of their constituents, or we must suppose they were weak or wicked men to adopt a Constitution without understanding it; this last supposition being inadmissible, I take it, then, their observations only refer to that part of our fellow-citizens who were against the unconditional ratification. Now I believe with them, that this part of the community, at least, will be uneasy under the operation of such a Judicial system. But how can it be remedied? The motion of the honorable gentleman from New Hampshire extends to prevent the establishment of inferior tribunals, except for the trial of admiralty causes; what, then, is to be done with all the other cases of which the Supreme Court has only appellate jurisdiction? You cannot make Federal courts of the State courts, because the Constitution is an insuperable bar; besides, the laws and constitutions of some States expressly prohibit the State Judges from administering or taking cognizance of foreign matters. New Hampshire requires all her civil officers to be appointed by the Legislature, and for what length of time they shall determine; now this is contrary to the indispensable tenure required by the Constitution of the United States. All judicial officers in Massachusetts must be appointed by the Governor, with the advice of council, and may be removed by the same power, upon the address of both Houses of the Legislature. There is another provision in the same Constitution, incompatible with the terms of the Judicial capacity under Congress. "All writs issuing out of the clerk's office, in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts," &c. The Constitution of Maryland establishes their Judges on the tenure of good behavior; but they may be removed for misbehavior, on conviction in a court of law. The Judges of the Federal court are to be removed only by impeachment and conviction before Congress. I suppose the same, or similar difficulties exist in every State, and therefore the State courts would be improper tribunals to administer the laws of the United States, while the present Constitution remains, or while they are not established.

lished by the individual States, upon the terms required in this Constitution.

We are to administer this Constitution, and therefore we are bound to establish these courts, let what will be the consequence. Gentlemen say they are willing to establish Courts of Admiralty; but what is to become of the other cases to which the Continental jurisdiction is extended by the Constitution? When we have established the courts as they propose, have fixed the salaries, and the Supreme Executive has appointed the Judges, they will be independent, and no power can remove them; they will be beyond the reach of the Executive or Legislative powers of this Government; they will be unassailable by the State Legislatures; nothing can affect them but the united voice of America, and that only by a change of Government. They will, in this elevated and independent situation, attend to their duty—their honor and every sacred tie obliges them. Will they not attend to the Constitution as well as your laws? The Constitution will undoubtedly be their first rule; and so far as your laws conform to that, they will attend to them, but no further. Would they then be confined by your laws within a less jurisdiction than they were authorized to take by the Constitution? You must admit them to be inferior courts; and the Constitution positively says, that the Judicial powers of the United States shall be so vested. They would then inquire what were the Judicial powers of the Union, and undertake the exercise thereof, notwithstanding any Legislative declaration to the contrary; consequently their system would be a nullity, at least, which attempted to restrict the jurisdiction of inferior courts.

It has been said, that much inconvenience will result from the clashing of jurisdiction. Perhaps this is but ideal; if, however, it should be found to be the case, the General Government must remove the obstacles. They are authorized to suppress any system injurious to the administration of this Constitution, by the clause granting to Congress the power of making all laws necessary and proper for carrying into execution the powers of the Constitution, or any department thereof. It is without a desire to increase the difficulties of the proposed arrangements, that I make these observations, for I am desirous of profiting the unity of the two Governments, and this, I apprehend, can be done only by drawing a line between the two Judicial powers.

Mr. JACKSON.—I would not rise again, but from the great anxiety I feel to have this business well understood and determined. I am not for doing away the whole of the Judiciary power, but so ameliorating it as to make it agreeable and consistent. My heart, sir, is federal; and I would do as much as any member on this floor, on any, and on every occasion, to promote the interests and welfare of the Union. But in the present important question, I conceive the liberties of my fellow-citizens too deeply involved to suffer me to risk such a precious state, though to secure the efficiency of a National Government.

It has been said in this debate, that the State

Judges would be partial, and that there were no means of dragging them to justice. Shall I peremptorily tell the gentlemen who hold this opinion, that there is a Constitutional power in existence to call them to account. Need I add that the Supreme Federal Court will have the right to annul these partial adjudications? Thus, then, all these arguments fall to the ground, on the slightest recollection.

Will gentlemen contend that it is for the convenience and security of the people that these inferior courts should be established? I believe this sentiment may be successfully controverted. The accurate Marquis Beccaria points out a danger which it behooves us to guard against. In every society, says he, there is an effort continually tending to confer on one part the height of power and happiness, and to reduce the other to the extreme of weakness and misery. The intent of good laws is to oppose this effort, and diffuse their influence universally and equally. But men generally abandon the care of their most important concerns, to the uncertain prudence and discretion of those whose interest it is to reject the best and wisest institutions; and it is not till they have been led into a thousand mistakes in matters the most essential to their lives and liberties, and are weary of suffering, that they can be induced to apply a remedy to the evils with which they are oppressed. It is then they begin to conceive and acknowledge the most palpable truths which, from their simplicity, commonly escape vulgar minds, incapable of analyzing objects, accustomed to receive impressions without distinction, and to be determined rather by the opinions of others than by the result of their own examination.

This celebrated writer pursues the principle still further, and confirms what we urge on our side against the unnecessary establishment of inferior courts. He asserts, with the great Montesquieu, that every punishment which does not arise from absolute necessity is tyrannical; a proposition which may be made more general thus, every act of authority of one man over another for which there is not an absolute necessity is tyrannical. It is upon this, then, that the Sovereign's right to punish crimes is founded; that is, upon the necessity of defending the public liberty entrusted to his care, from the usurpation of individuals; and punishments are just, in proportion as the liberty preserved by the Sovereign is sacred and valuable.

He now wished the House to consider whether there was a necessity for the present establishment; and if it should appear, as he thought had been plainly shown, that no such necessity existed, it would be a tyranny which the people of this country would never be content to bear.

He had attended to the arguments of gentlemen who insisted upon the necessity of such establishments; but his mind was far from being satisfied that the necessity existed. In the Constitution it is declared that the Judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish. From hence

he presumed that there was a Constitutional necessity for the establishment of a Supreme Court, but there was a discretionary power in Congress to establish, from time to time, inferior courts; but until they are appointed, it cannot be contended that the State courts are deprived of taking cognizance of certain cases enumerated in the Constitution. If Congress do not think there is a Constitutional necessity, they ought not to appoint them, because they are burdensome and disagreeable to the people.

He presumed that there was no greater Constitutional necessity under the present Constitution than there was under the late articles of Confederation. It is there declared, that Congress may, from time to time, institute inferior courts, for the trials of pirates and felonies committed on the high seas, and establish courts for receiving and determining finally in all cases of captures; yet these powers were carried into execution under the State Judiciaries. There is not a State but has exercised the Admiralty jurisdiction in its fullest extent: they have not determined inferior cases only, they have not been confined even to the condemnation of goods and vessels, but they have condemned and executed persons for piracy. If, then, they could do this, notwithstanding a solemn contract in the Confederation, why cannot it be done in the present case? We trust the State Judiciaries with jurisdiction in some cases, why cannot we trust them in all? Will gentlemen pretend to say that the check furnished by the Supreme Courts, to revise and correct their judgments on appeal, is not sufficient to secure the due administration of justice? They cannot pretend to make such an assertion on mature deliberation.

Mr. LIVERMORE.—It has been said that this Government cannot be carried into execution, unless we establish inferior courts, because the State Judges would not be bound to carry our laws into execution. I will just read a few words in the Constitution, in order to determine this point: in the sixth article it is said, that all Executive and Judicial officers, both of the United States, and the several States, shall be bound by oath or affirmation, to support this Constitution; and in the same article it is also declared, that this Constitution and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, any thing in the constitution or the laws of any State to the contrary notwithstanding. He looked upon this to be a clear answer to all the objections drawn from that source. He would ask the gentleman whether the State courts were not adequate to decide all these questions from the time the Constitution was ratified till this day. He presumed they were, and might continue to exercise jurisdiction until Congress thought proper to establish such inferior courts as they were authorized to do, but which he did not think at this time to be necessary.

Mr. LAWRENCE was willing to give the Constitution all the effect it ought to have; but he would not be willing to carry into operation any part of it unnecessarily, especially if the inconveniences and dangers so often repeated must be the consequence. He had endeavored to investigate the subject, and satisfy his own mind, with respect to the propriety of the present measure; he found, by the Constitution, that there were several powers given to the Government, but vested in different branches. He presumed that they were for beneficial purposes, and ought to be exercised when an occasion presented. The Executive power had been exercised already as occasion required, the Legislative power had been extended in the same manner. We are now about to extend the powers of the Judiciary; and it has been asked, shall we employ this power in all the cases to which it extends, or shall we employ it to certain enumerated cases alone? He was of opinion that it ought to be employed so as to embrace all the cases which necessity requires; it is admitted, on all hands, that necessity requires we should establish superior, and some kind of inferior courts. The only question that then remained, was to know how far this extended; it was not, therefore, a question on principle, but a question of expediency; and in this view he considered the bill to be proper.

Mr. GERRY thought the gentleman from New Hampshire extended the sixth article of the Constitution too far; for the State Judges would not be bound by any law altering the State constitution, unless such law was necessary to carry into operation the Constitution of the Union.

Mr. SUMNER could not reconcile it to himself to sit and give a silent vote on this important question; at the same time he was loth to take up the time of the committee when they were impatient to come to a decision. He did not rise, however, to object to the Legislature possessing the power of adopting the present system, because he thought the new Constitution warranted the exercise of it; but he questioned whether it was expedient at the present moment. He knew too sensibly the situation of his constituents, to suppose that such an expensive and distrustful system could be agreeable to them. It would be cruel in their present distressed situation, to encumber them with a branch of Government, which could be as well, and perhaps better, done without. It was hostile to their liberties, and dangerous in the extreme; he could not think so ill of his fellow-citizens as to suppose that the rein of despotism was necessary to curb them. Under these impressions, he could not help expressing his dissatisfaction with the present bill; it was a system of oppression which the people neither desired, nor were prepared to receive. Gentlemen ought to recollect that the Constitution was adopted by a small majority of the people of the United States, if any majority at all; however, this point he would not now contest; but he would be bold to say, that it was adopted under a firm confidence that it would exercise no tyrannical power. At this early period, then, it would be dangerous

H. or R.]

Judiciary.

[SEPTEMBER, 1789.]

to the existence of Government to assume authority for which there was not an absolute necessity.

Gentlemen urged, that this was not an expensive Government; but to the eye of the people, who have not been accustomed to such a numerous set of officers, it would not appear in the same light. Will it be thought that the establishment of numerous courts are without expense, or that they will exercise their jurisdiction without oppression? Or do gentlemen believe that the circumstances of the people are able to bear the expenses of a double band of officers? If such is their opinion, they are certainly mistaken, at least so far as it respects the State of South Carolina. Will gentlemen contend that this judicial establishment will not bring about the destruction of the State Judiciaries? And are they prepared to prove, to the satisfaction of my constituents, that such a measure would tend to preserve the liberties of America? Is the licentiousness which has been complained of in our State courts, so great as to warrant an exertion of power, little, if any thing, short of tyranny? I cannot believe it is. The people of America do not require the iron hand of power to keep them within due bounds; they are sufficiently enlightened to know and pursue their own good. How, then, will they receive a system founded upon distrust and levelled against the free exercise of that liberty which they have secured to our common country? Can not a more moderate and convenient mode be found out? Most certainly it can. Let us then reject the present system, and endeavor to introduce one more adapted to their convenience and expectations. I have no doubt but the abilities in this House would produce one infinitely more acceptable than that on the table, and which would secure the happiness and harmony of this country.

Mr. BURKE.—Although I foresee I shall have the honor to vote in the minority, yet I wish to say a few words, that the reasons of my opposition to the bill may be fully understood. The motion made by the worthy member from New Hampshire, (Mr. LIVERMORE,) I wish to support, provided he intends by it to throw out the whole bill. For I am persuaded, if it passes, that consequences of a serious nature to the privileges of the people will flow from it. It will materially affect the trial by jury, and overturn that system of administering justice which time and long experience have recommended to our citizens. To show this, I shall only advert to the twenty-ninth section; out of this, sir, will arise constructions and consequences, of which people in general will form no conception; it requires some share of law-knowledge to comprehend it. Whoever drew that clause did it artfully, and with a view of concealing the features of it; and I give him full credit for the share his head had in it. Read the words, and you see held out to the citizen a fair and impartial trial by a jury of the vicinage, while it insidiously strips him of this happy privilege. For if a man be charged with treason, or other offence against the Government, committed as far back as Lake Ontario, instead of being brought to trial in

the county, or district, where he is said to have committed the offence, as the State law directs at present, he is to be dragged down to the city of New York, to take his trial there; not by a jury taken from the country at large, as at present, but this section is so subtly framed, that a jury may be picked, not merely within the city, but within any particular ward of it.

The State to which I belong is divided into seven districts or counties; and a person accused of committing a capital offence in one county, as the law is at present, must be tried in that county, and no other; the jury must also be of the same county, and to be drawn by ballot, in order to secure a fair and impartial trial to the prisoner. But of this glorious and happy privilege the citizens of South Carolina are stripped by the twentieth clause of this Judiciary bill, as it now stands. If charged with committing a capital offence against the United States, at a place as far back as the Alleghany mountains, he is carried down to the city of Charleston, far from the aid of his friends, far from his witnesses; and if, in times of civil troubles, he be obnoxious to those in power, to be tried for his life in the fangs of his enemies.

Here he proposed to make some observations on a late publication, when Mr. BOURNOR asked if the gentleman was in order, or if he did not wander from the point in debate? Mr. BURKE said he could not resist what he thought his duty, to make every opposition in his power to the bill; if he failed, he lamented the circumstance, but should pay that deference to the law which every good citizen ought to do.

On putting the question on Mr. LIVERMORE's motion for striking out the third clause of the bill, the House divided: eleven voted for, and thirty-one against it; so it passed in the negative.

The committee rose and reported progress; and then the House adjourned.

TUESDAY, September 1.

A message from the Senate informed the House that they had passed a bill for the punishment of certain crimes against the United States, to which they request the concurrence of this House. Also a bill for allowing a compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses, with several amendments, to which they desire the concurrence of this House.

The House proceeded to consider the report from the Committee of Elections of the 18th of August last, relative to the petition of a number of citizens of the State of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State, which lie on the table; and after having made some progress therein, Ordered, That the further consideration of the said report be put off until to-morrow.

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Permanent Seat

[H. or R.]

WEDNESDAY, September 2.

Several petitions from the inhabitants of Philadelphia, and Bucks and Montgomery counties, in the State of Pennsylvania, were presented to the House and read, praying that the permanent seat of Congress may be established at the place known by the name of Old Philadelphia, on the west side of the river Delaware.

The House resumed the consideration of the report from the Committee of Elections, touching the petition of a number of the citizens of the State of New Jersey, complaining of the illegality of the election of the members holding seats in this House, as elected within that State. Whereupon,

A motion being made, and seconded, that the House do agree to the following resolution:

Resolved, That it appears to the House, upon full and mature consideration, that JAMES SCHUREMAN, LAMBERT CADWALADER, ELIAS BOURNOR, and THOMAS SINTICKSON, were duly elected and returned to serve as Representatives for the State of New Jersey, in the present Congress of the United States:

It was carried in the affirmative.

The House proceeded to consider the amendments proposed by the Senate to the bill for allowing a compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

Resolved, That this House doth disagree to the first, second, and third amendments, and doth agree to all the other amendments to the said bill.

The bill sent from the Senate for the punishment of certain crimes against the United States, was read the first time.

Several orders of the day were postponed, and the House adjourned.

THURSDAY, September 3.

The bill for suspending part of the Collection act was passed, and transmitted to the Senate.

A return of the imports and exports of Georgia was received from George Walton, Esq., Governor of that State, which was ordered to lie on the table.

The bill for the punishment of certain crimes was read the second time, and committed to a Committee of the Whole.

PERMANENT SEAT OF GOVERNMENT.

The House resolved itself into a Committee of the Whole, to take into consideration the motion presented by Mr. SCOTT, on Thursday last, for establishing the permanent residence of Congress; Mr. BOURNOR in the Chair.

Mr. GOODHUE.—The motion before the committee I consider too indefinite for the House to decide upon satisfactorily; I wish, therefore, to add something which may bring the question to a point. It is well known that the gentlemen from the Eastward are averse to taking up this business at this time. Not that the subject was improper for our discussion, but that the present session is drawing to a period, and there remains yet much important business to be transacted before the

adjournment; but their opinion being overruled by a late vote of the House, they have since taken it into consideration, and are now ready and willing to come to a decision. The Eastern members, with the members from New York, have agreed to fix a place upon national principles, without a regard to their own convenience, and have turned their minds to the banks of the Susquehanna. This is a situation as nearly central as could be devised, upon some of the principles contained in the resolution. It is, however, supposed to be considerably to the southward of the centre of the population. Motives of convenience would have led us to fix upon the banks of the Delaware, but it was supposed it would give more lasting content to go further south. They were, therefore, unitedly of opinion, that the banks of the river Susquehanna should be the place of the permanent residence of the General Government; and that until suitable buildings could be there erected for accommodation, they should remain in the city of New York. Agreeably to these ideas, I move the following resolution:

Resolved, That the permanent seat of the General Government ought to be in some convenient place on the east bank of the river Susquehanna, in the State of Pennsylvania; and that until the necessary buildings be erected for the purpose, the seat of Government ought to continue at the city of New York.

Mr. STONE said it ought to be "Government of the United States," instead of General Government.

Mr. LEE.—The House are now called upon to deliberate on a great national question; and I hope they will discuss and decide it with that dispassionate deliberation which the magnitude of the subject requires. I hope they will be guided in this discussion and decision, by the great principles on which the Government is founded. I have, with a view, therefore, of bringing them before a committee, drawn up a preamble, which recognises them, in the words following:

Whereas the people of the United States have assented to and ratified a Constitution for their Government, to provide for their defence against foreign danger, to secure their perpetual union and domestic tranquillity, and to promote their common interest; and all these great objects will be best effected by establishing the seat of Government in a station as nearly central as a convenient water communication with the Atlantic ocean, and an easy access to the Western territory will permit; and as it will be satisfactory to the people of the United States, and give them a firm confidence in the justice and wisdom of their Government, to be assured that such a station is already in the contemplation of Congress; and that proper measures will be taken to ascertain it, and to provide the necessary accommodations, as soon as the indispensable arrangements for carrying into effect the Constitution can be made, and the circumstances of the United States will permit.

Resolved, That a place, as nearly central as a convenient communication with the Atlantic ocean, and an easy access to the Western territory will permit, ought to be selected and established as the permanent seat of the Government of the United States.

I wish the principles to be recognised, that the people of the United States may be able to judge, whether, in the measures about to be adopted, they are carried into execution by this House. If these great principles are not observed, it will be an unhappy fulfilment of those predictions which have been made by the opponents of the Constitution, that the general interest of America would not be consulted; that partial measures would be pursued; and that, instead of being influenced by a general policy, directed to the good of the whole, one part of the Union would be depressed and trampled on, to benefit and exalt the other. Instead of accomplishing and realizing those bright prospects which shone upon us in the dawn of our Government, and for which our patriots fought and bled, we shall find the whole to be a visionary fancy. I flatter myself, that before the House decides on the question before them, those principles will be recognised, if it is meant they shall be regarded.

Mr. CARROLL seconded Mr. LEE's motion. Mr. SHERMAN said if they were both adopted, or blended together, they would only amount to a preamble, and determine nothing. He thought the first preamble the best, inasmuch as it stated the principles simply and concisely.

Mr. HARTLEY.—Several places have been mentioned, and some have been offered to Congress as proper situations for the Federal Government. Many persons wish it seated on the banks of the Delaware, many on the banks of the Potomac. I consider this as the middle ground between the two extremes. It will suit the inhabitants to the north better than the Potomac could, and the inhabitants to the south better than Delaware would. From this consideration, I am induced to believe, it will be a situation more accommodating and agreeable than any other. Respecting its communication with the Western Territory, no doubt but the Susquehanna will facilitate that object with considerable ease and great advantage; and as to its convenience to the navigation of the Atlantic ocean, the distance is nothing more than to afford safety from any hostile attempt, while it affords a short and easy communication with navigable rivers and large commercial towns. Nay, its intercourse may be without land carriage, if proper measures are pursued to open the navigation to the Delaware and Chesapeake. Perhaps, as the present question is only intended to be on general principles, it may be improper to be more minute than the honorable mover has been; but I think it would be better to come to the point at once, and fix the precise spot, if we could. With this view, I mention Wright's Ferry on the Susquehanna. Not, however, that the House should decide upon it until they have ascertained its advantages, which will, perhaps, come more properly forward when the question on the preamble is determined.

Mr. SPOWICK.—I hope that the motion of the honorable gentleman from Virginia will not obtain. Gentlemen who urged, the other day, to have this business brought on, cannot fail to recollect, that they were called on and entreated to

defer this business. They were told, that this was not the time, consistently with the real good of the country, to determine the permanent residence of Congress. They were told, that the Government was not yet in operation, that the Union was not yet complete; that gentleman particularly, and the majority of the House, supposed, that suspending it would occasion so much dissatisfaction and agitation that the peace and happiness of the country required a speedy decision, and it was resolved to bring the business on immediately. I am now ready to meet the gentlemen, and am prepared to decide upon the important subject. I shall oppose the motion of Mr. LEE, because it involves unnecessary alteration.

Mr. VIXING did not consider this resolution as a preamble. It was only settling some general principles, by which the House were to be governed in coming to a final determination. Was there a sentence in the propositions which could be denied? Was it not proper and expedient, that the Government should be fixed at some central place? If that was proper, why not express it? Was it unusual? Was it repugnant to the forms of legislation? What could be the operation of the principles? Every gentleman would have an eye to some fixed and leading maxims. It would regulate and facilitate his conclusions. On these accounts, he was in favor of the motion. He agreed that this was a matter of the highest importance. He wished that all exterior circumstances might combine in aid of the Government, and every principle be attended to which could preserve and add strength to it. While we had a Washington, and his virtues, to cement and guard the Union, it might be safe; but when he should leave us, who would inherit his virtues, and possess his influence? Who would remain to embrace and draw to a centre, those hearts which the authority of his virtues alone kept in union?

Mr. TUCKER felt some embarrassment on this question, and wished to know what gentlemen were going about. It seemed to him that the proposition was a preamble; and he would ask, whether it was customary to agree to a preamble before the substantial part of the resolution was known? The principles mentioned in the preamble, were of such extent as could not be determined; they might lead to consequences about which no member could form an opinion. He wished to know gentlemen's objects before he pledged himself. It was possible he might go with the mover, in agreeing to the result of his propositions; but he could not agree to fetter himself with restraints, or be led blindfolded, even to the truth itself. This mode of reasoning was like the Socratic; he could not discover what was to flow from affirming or denying. It was asking him, if he admitted this proposition and that; until he admitted so much, as to enable his adversary to draw from premises, which he had been allured to grant from their speciousness, conclusions he had never contemplated. He did not like the idea of making laws syllogistically. He hoped, therefore, the gentleman would relinquish

all idea of determining on the preamble, until the substantial proposition was agreed to.

Mr. LEE.—I wish to assure the honorable gentleman who spoke last, that fair dealing is my object. I wish to bring forward those considerations which ought to guide our judgments. A question is to be decided which involves present and future interests, and extends to remote generations. The question is to be settled which must determine, whether this Government is to exist for ages, or be dispersed among contending winds. Will gentlemen say these principles ought not to be recognised? Will gentlemen say, that the centre of Government should not be the centre of the Union? Shall it not be a situation which will admit of an easy communication to the ocean? Will they say, that our Western brethren are to be disregarded? These are the momentous considerations which should lead the House to a conclusion. If they are disregarded, it will be an alarming circumstance to the people of the Southern States. They have felt these alarms already. It was with difficulty, on another occasion, that their apprehensions on this score were quieted, and their difficulties surmounted. If this question is decided, without regarding these interests, it will be said, that a Congress is found, who are not disposed to recognise the general principles of the Government. I have come forward with such explicit propositions as the interest of my country dictates. Some principles ought to be previously established as a guide, as a polar star, to lead the committee to just conclusions. I am not for delay. Gentlemen will find, that the proposition contains nothing like delay; when it is adopted, I will come forward with as explicit propositions as the general weal of America demands.

Mr. THATCHER was against a preamble being prefixed to the resolution of the committee, because the House had, on every occasion when preambles were brought forward, rejected them. He thought this a prudent conduct, because it avoided embarrassments. He observed, that it was not unfrequently the case that the preambles occasioned more difficulty in understanding the laws than the most intricate part of the laws themselves; and, therefore, the committee would act wisely to reject such trammels. He conceived, moreover, that the motion was out of order as it was a substitute for one before the committee.

Mr. SHERMAN thought that the committee had better proceed and fix upon the place, than to delay the business, by adopting principles which were not essential to be prefixed; if they were found afterwards necessary they might be added.

Mr. STONE thought the gentleman from South Carolina need not fear the adoption of the principles contained in the motion of the gentleman from Virginia; if the principles were just, there was no fear that the extension of them would lead to any improper decision.

Mr. SEVEY agreed, that the subject was important, and ought to be decided on fixed and acknowledged principles; but he should vote against the adoption of those brought forward by the gentleman from Virginia, because they were antici-

pated by those laid on the table last week by the gentleman from Pennsylvania. He was not, however, impressed with the necessity of having any preamble at all.

Mr. SMITH (of South Carolina) looked upon the motion as a preamble to a preamble, both of which he conceived unnecessary; nay, he doubted the truth of some of the assertions. So far from cementing the Union, by a measure of the kind in contemplation, he rather feared it would have a tendency to rend the Union in two; for which reason he was against adopting it.

Mr. TUCKER wished the proposition might lie on the table, to give gentlemen time to consider it.

Mr. LEE conceived it proper to adopt the preamble as a guide to their decision. No gentlemen pretended to say it contained improper principles. As to the whole being a preamble to a preamble, he did not conceive that to be the case, because the resolution, subsequent to the preamble, decided, that Congress should select a place for their permanent residence. He did not conceive how gentlemen could refuse their assent to a self-evident proposition. He thought such conduct would give an alarm to the inhabitants of the United States; it amounted to a declaration, that, on this important question, they would not be governed by principles founded on rectitude and good policy.

Mr. MADISON.—I cannot, Mr. Chairman, discover why the opposition to my colleague's preamble is so strenuous. Is it contended to be out of order? I submit that to the decision of the Chair. Does it contain any thing which is not true? I appeal, on that point, to the candid judgment of the committee. Are the truths in it applicable to the great object we are about to decide? I appeal to the justice and policy of the people of the United States.

I flatter myself the Chair will decide with me, that the proposition is strictly in order; that the committee will agree, that its contents are substantial truths; and the whole world, that they are applicable to the important point now under consideration.

It declares the principles which ought to govern our decision on this question, and will, therefore, stand properly prefixed to the motion offered by the gentleman from Massachusetts (Mr. Goodhue.) By it we declare our sentiments, and engage to conform to them, in fixing upon a seat for the residence of Congress. Is there any thing improper or unwise in this determination. An honorable gentleman near me (Mr. TUCKER) says, that he feels himself embarrassed on this occasion; that the propositions are a bandage over his eyes, to lead him blindfolded to an object he cannot tell what. I must beg leave to differ from him. They appear to me to contain those luminous truths which ought to guide him through his embarrassment to the object which I am sure his justice and patriotism are in pursuit of. I hope, therefore, he will agree with us in adopting the motion, unless something more essential is offered against it.

Mr. SHERMAN.—The resolution connected with

the preamble contains a proposition which, I think, ought not to be adopted. It selects a place, having a convenient water-communication with the Atlantic. Now, it may be just and expedient to fix upon a place at some distance from a navigable river, therefore, it may not agree with the intention of the committee. As to the principles which are to guide our decisions, they are as well expressed in the propositions of the gentleman from Pennsylvania as in the substitute, and as free from ambiguity.

Mr. AMES.—I am at a loss to conceive why the gentlemen from Virginia are so agitated and anxious to press the subject of this resolution. One gentleman has asked, is there anything contained in the proposition which is not true? Is there anything which is not applicable to the subject? And, by way of conclusion, asks, whether the resolution shall not pass? But is such a conclusion necessary to these premises? If they are true, why be so solicitous? Does truth acquire any additional authority from being frequently voted? If they are truths, will not those truths guide us? But I have, sir, another difficulty. If the committee shall vote for these propositions, the gentleman may exhibit other abstract questions for our consideration without limitation, and support them by the same argument. He may ask you, are not these things true? Are they not applicable? And, in this way, we may encounter our journals with all the multifarious propositions which arise out of this fertile subject. But is there any necessity for it? Will it not embarrass the committee? Sir, it is not our business to syllogize upon abstract principles, like school logicians, but to settle facts. I contend, if the principles dilated in the motion are incontrovertibly true there is no use in inserting them.

The question on Mr. LEE's motion was taken, and determined in the negative; Yeas 17, Nays 34.

Mr. TUCKER declared, that the majority for fixing upon any set of principles whatever, could not govern his mind with regard to the fact. If, on the whole, he did not think that place best, which the principles adopted seemed to lead to, he certainly could not vote for it. Of what use, then, was it to establish principles which could not govern the conduct of the House? But the principles offered are vague, and lead to no certain conclusion. What is the centre of wealth, population, and territory? Is there a common centre?—Territory has one centre, population another, and wealth a third. Now, is it intended to determine a centre from these three centres? This was not a practicable mode of settling the place; and it was to be doubted whether the centre of wealth ought at all to be considered. The centre of population is variable, and a decision on that principle now might establish the seat of Government at a very inconvenient place to the next generation. The centre of territory may be ascertained, but that will lead to a situation entirely ineligible; consequently, whether these centres were considered separately or together, they furnish no satisfactory direction, no possible guide to the committee. The only way, then, to come to a result yielding

satisfaction, would be to consider the several places to be proposed, according to their merits; and this would be done by gentlemen in the course of the business. He was, therefore, against settling any principles by vote.

Mr. MADISON.—I move to strike out the word wealth, because I do not conceive this to be a consideration that ought to have much weight in determining the place where the seat of Government ought to be. The two other principles, I admit, are such as ought to have their influence; but why wealth should be not so clear. Government is intended for the accommodation of the citizens at large; an equal facility to communicate with Government is due to all ranks; whether to transmit their grievances or requests, or to receive those blessings which the Government is intended to dispense. The rich are certainly not less able than those who are indigent to resort to the seat of Government, or to establish the means necessary for receiving those advantages to which, as citizens, they are entitled.

I should rather suppose, if any distinctions are to be made, or superior advantages to be enjoyed from the presence of the Government, that the Government ought rather to move toward those who are the least able to move toward it, and who stand most in need of its protection.

The question on this motion was taken, and passed in the negative. Yeas 22, Nays 28.

The question on Mr. SCOTT's motion was then taken, and adopted. Yeas 32, Nays 18.

Mr. GOODHUE's motion was now taken into consideration.

Mr. LEE hoped that gentlemen would show how the banks of the Susquehanna conformed with the principles laid down in the resolution adopted by the House; how it communicated with the navigation of the Atlantic, and how it was connected with the Western Territory. He hoped they would point out its other advantages, respecting salubrity of air and fertility of soil. He expected all these advantages ought to be combined in the place of the residence of the Federal Government, and every other requisite to cement the common interest of America.

Mr. HARTLEY wished some gentleman had risen to satisfy the inquiries of the honorable member, who could have given a description of the advantages of that situation in better language than himself. But as no gentleman had offered to undertake the subject, he thought himself bound to make him an answer; and he trusted, in doing this, he should clearly show that all the advantages contemplated would result from adopting the motion. But he wished it had extended further, and selected the place most convenient on the banks of the Susquehanna, as then the answer would be more pointed and decisive. He had already mentioned Wright's Ferry, and would consider that as the proper spot. Now, Wright's Ferry lies on the east bank of the Susquehanna, about thirty-five miles from navigable water; and, from a river, at Lake Osego, in the upper part of the State of New York. The Tyoga branch is

navigable a very considerable distance up, and is but a few miles from the Genesee, which empties into Lake Ontario. The Juniata is navigable, and nearly connects with the Kiskiminetas, and that with the Ohio; besides, the west branch connects with the Alleghany river; forming a communication with the distant parts even of Kentucky, with very little land carriage. The great body of water in that river renders it navigable at all seasons of the year. With respect to the settlements in the neighborhood of Wright's Ferry, he would venture to assert that it was as thickly inhabited as any part of the country in North America. As to the quality of the soil, it was inferior to none in the world, and though that was saying a good deal, it was not more than he believed to be a fact. In short, from all the information he had acquired, and that was not inconsiderable, he ventured to pronounce, that in point of soil, water, and the advantages of nature, there was no part of the country superior. And if honorable gentlemen were disposed to pay much attention to a dish of fish, he could assure them their table might be furnished with fine and good from the waters of the Susquehanna; perhaps not in such variety as in this city, but the deficiency was well made up in the abundance which liberal nature presented them of her various products. It was in the neighborhood of two large and populous towns, one of them the largest inland town in America. Added to all these advantages, it possessed that of centrality, perhaps, in a superior degree to any which could be proposed.

Mr. LEE asked the gentleman what was the distance of Wright's Ferry from York Town, and whether that town, as it had once accommodated Congress, could do it again? If a permanent seat is established, why not go to it immediately? And why, let me ask, shall we go and fix upon the banks of a rapid river, when we can have a more healthful situation? And here he would inquire if the Codorus creek, which runs through York Town into the Susquehanna, was or could be made navigable?

Mr. HARTLEY answered, that Yorktown was ten miles from the Ferry, that it contained about five hundred houses, besides a number of large and ornamental public buildings; that there was no doubt, but if Congress deemed it expedient to remove immediately there, they could be conveniently accommodated; but as gentlemen appeared to be inclined to fix the permanent residence on the east bank of the Susquehanna, he was very well satisfied it should be there.

Mr. MADISON.—The gentleman who brought forward this motion was candid enough to tell us, that measures have been preconcerted out of doors, and that the point was determined, that more than half the territory of the United States, and nearly half its inhabitants, have been disposed of, not only without their consent, but without their knowledge. After this, I hope the gentleman will extend his candor so much further as to show that the general principles now to be established are applicable to their determination, in order that we may reconcile this fate to

our own minds, and submit to it with some degree of complacency.

Though it was deemed improper to assign the general principles submitted by my colleague, in a preamble, yet I trust they will be unfolded, and explained in the course of argument, and their superiority over those just agreed to demonstrated. But waiving this inquiry for the present, I call upon gentlemen to show, how the principles agreed to apply to the subsequent resolution.

I hope, if the seat of Government is to be at or near the centre of wealth, population, and extent of territory, that gentlemen will show that the permanent seat there proposed is near the permanent centre of wealth, population, and extent of territory, and the temporary seat near the temporary centre. I think we may, with good reason, call upon gentlemen for an explanation on these points, in order that we may know the ground on which the great question is decided, and be able to assign to our constituents satisfactory reasons for what some of them may consider a sacrifice of their interest, and be instrumental in reconciling them, as far as possible, to their destiny.

Mr. GOODHUE thought the question, stated by the gentleman from Virginia, was proper to be asked, and proper to be answered. The gentlemen from the Eastward, as he said before, were in favor of the Susquehanna; that, in contemplating the geographical centre of territory, they found the banks of that river to be near the place. In point of population, they considered the Susquehanna was south of that centre; but, from a spirit of conciliation, they were inclined to go there, although the principle and their own convenience would not lead them beyond the banks of the Delaware. He believed the centre of population would not vary considerably for ages yet to come, because he supposed it would constantly incline more towards the Eastern, and manufacturing States, than towards the Southern, and agricultural ones.

Mr. JACKSON.—I was originally opposed to the question coming forward, and am so still. I thought the subject ought not to be touched till the States who have not yet acceded to the Union might have an opportunity of giving their voice. I agree with the gentleman from Virginia. I am sorry that the people should learn that this matter has been precipitated; that they should learn, that the members from New England and New York had fixed on a seat of Government for the United States. This is not proper language to go out to freemen. Jealousies have already gone abroad. This language will blow the coals of sedition, and endanger the Union. I would ask, if the other members of the Union are not also to be consulted? Are the Eastern members to dictate in this business, and fix the seat of Government of the United States? Why not also fix the principles of Government? Why not come forward, and demand of us the power of Legislation, and say, give us up your privileges, and we will govern you? If one part has the power to fix the seat of Government, they may as well take the Government from the other.

This looks like aristocracy: not the united, but the partial voice of America is to decide. How can gentlemen answer for this, who call themselves representatives, on the broad basis of national interest?

I deny the fact of the territorial centrality of the place proposed. From New York, to the nearest part of the Province of Maine, it is two hundred and fifty miles; and from New York, to the nearest part of the upper district of Georgia, from which my colleague (General MATTHEWS) comes, is eleven hundred miles; and from the proposed place on the Susquehanna, it is four hundred miles to the nearest part of Maine, and nine hundred to the nearest part of that district; the proportion is more than two to one. But the gentlemen should have an eye to the population of Georgia; one of the finest countries in the world cannot but rapidly extend her population: nothing but her being harassed by the inroads of savages has checked her amazing increase, which must, under the auspices of peace and safety, people her western regions. Georgia will soon be as populous as any State in the Union. Calculations ought not to be made on its present situation.

North Carolina is not yet in the Union, and perhaps the place may give umbrage to her, which ought, at this moment, to be cautiously avoided. I should, therefore, think it most advisable to postpone the decision for this session, at least. But, if we are to decide, I own, I think the Potomac a better situation than the Susquehanna, and I hope it will be selected for that purpose.

Mr. GOODRICH.—If gentlemen examine this subject with candor, they will find that the banks of the Susquehanna are as near the geographical centre as can be fixed upon. It is from the extreme of the Province of Maine about seven hundred and sixty miles; to Savannah, in Georgia, about seven hundred and sixty; and about seven hundred and thirty, or seven hundred and forty, from Kentucky; so that it is rather South of the centre of territory.

Mr. LAWRENCE.—When this subject was under discussion some time since, it appeared to be the wish of gentlemen from the Eastward, and of the members from this State, that the question should not now be decided. They urged several reasons why it would be improper. I thought those reasons weighty, and was for postponing the consideration till our next meeting. But it was answered, that the business was important; that the citizens of the United States were uneasy and anxious; that as factions did not now exist, it was the proper time to decide the question. What was the representation to do? Was it not necessary for them to consult, and fix upon a proper place?

They are, in a degree, disinterested, because they have no expectation that the seat of Government will be fixed in any of the Eastern States. On the other hand, there is a well-grounded expectation, that it will be fixed either in Virginia, Maryland, Pennsylvania, or Jersey. We are called on to determine a question in which we

conceive ourselves unbiased, and shall decide it on those principles that will reflect honor on the House. I trust it will be found that we have fixed on those principles, and that this resolution will be confirmed by Congress. We do not decide for the Union, nor for the Southern States, we decide for ourselves; and if our reasons are substantial, I trust that gentlemen will meet us in the determination.

There are several principles which have been agreed to in the general resolution; and I believe it will be shown with exactness, that the place proposed will come within these principles. The first respects population. Is the House to consider the present, or the expected population? The resolution has a determinate meaning; it speaks of the population at the present period; and to calculate on this principle no gentleman can say is unjust. The representation in this House is itself a demonstration of it. The population of this country may be pretty safely determined by the proportion of representatives in this House; for it is established on this ground. I therefore believe, that the principle of population inclines to this place, in preference to a more southern situation.

But in taking the principle of territory, are the House to calculate on the uninhabited wilderness? Shall they take the Lake of the Woods on one side, and the Missouri on the other, and find a geographical centre? If so, to what an extent must they go? The inhabited and populated part of the country ought chiefly to be considered. If St. Croix is taken as the eastern limit, and St. Mary as the southern, the centre of the line will be found to fall pretty near the Susquehanna.

Another important consideration is, that this centre is on navigable water, sufficiently removed from the Atlantic coast, and from access by sea, so as to ensure security. With respect to the Western country, its situation is convenient and favorable, having a communication by land and water practicable and easy, more practicable, perhaps, than any other route. But another principle shall be attended to. It has been hinted that this ought not to govern; but I think it of some importance. Gentlemen should look to those parts of the country where the greatest population is, the commercial and opulent cities, and see where is the substantial wealth, the strength of the Union; means by which the United States are to be protected, and the sources from which the Government is to draw its principal supports; it will be found that the seat of these will be the Northern and Eastern States.

Had the Eastern members consulted their own interests, they would have chosen the banks of the Delaware for the seat of Government; but they knew it would not be deciding on those generous principles which might be expected; they likewise knew that there was one State, not yet in the Union, to which such a measure would give disgust.

Mr. SARGENT.—I beg leave to ask, if there really is any impropriety in gentlemen's consult-

ing together, who have an uniformity of interest upon a question which has been said to be of such infinite importance? My colleague has barely stated that such a consultation has taken place, and that, in consequence of it, men's minds have been induced to run in a current. Is there anything wrong in this? Let those, then, who are determined not to consult, nor have any communication on such a subject, decide for themselves. I should think myself lost to that regard I owe to my country, and to my immediate constituents in particular, should I abstract myself from the contemplation of the benefits that would flow from knowing the feelings and sentiments of those with whom I am to act. Instead of being an evidence to that aristocratic spirit which has been mentioned, it is only a proof that men, attentive to their business, had preferred that way which every honest man had in view. I have contemplated the subject with great anxiety, and though I cannot declare that my local situation has had no influence on my mind, yet I will say, I endeavored to prevent its having any. I believe that the true interests of the country will be best answered by taking a position eastward and northward of the Susquehanna.

The Delaware is one extreme, the Potomac another; but when I reflect how anxious some gentlemen are for the one, and some for the other, I am willing to accommodate both parties, by advancing to a middle ground, to which I hope the public mind will be reconciled. I was also influenced in fixing this opinion by the sentiment of the celebrated Montesquieu. He had laid it down, that in a country partaking of northern and southern interests, of a poor and productive soil, the centre and the influence of Government ought to incline to that part where the former circumstances prevailed; because necessity stimulates to industry, produces good habits, and a surplus of labor; because such parts are the nurseries of soldiers and sailors, and the sources of that energy which is the best security of the Government.

The Susquehanna is, in my opinion, southwest of the centre of wealth, population, and resources of every kind. I would beg leave, gentlemen, to suggest another idea. In my view, on the principles of population, the Susquehanna is far beyond the centre; for I do not think it just, on this subject, to take the Constitutional computation. Will any gentlemen pretend, that men, who are merely the subject of property or wealth, should be taken into the estimate; that the slaves of the country, men who have no rights to protect, (being deprived of them all,) should be taken into view, in determining the centre of Government? If they were considered, gentlemen might as well estimate the black cattle of New England.

I would ask, if it is of no importance to take a position in which the credit of the Government may procure those supplies that its necessities might require? Will the strength and riches of the country be to the north or to the south of the Susquehanna? Certainly to the north.

It is the opinion of all the Eastern States, that

the climate of the Potomac is not only unhealthy, but destructive to northern constitutions. It is of importance to attend to this, for whether it be true or false, such is the public prepossession. Vast numbers of Eastern adventurers have gone to the Southern States, and all have found their graves there; they have met destruction as soon as they arrived. These accounts have been spread, and filled the Northern people with apprehension.

With regard to the temporary residence, I at first had very little concern where it should be; but, I believe, if Government should take a temporary stand, so central as Philadelphia, the accommodations of that State would be so seducing, and the interest of that powerful State so strong, that it would be more difficult ever to remove Congress from it, than it would be from a place which is acknowledged to be improper for their permanent seat.

Mr. VINING.—Although I must acknowledge myself a party to the bargain, yet I had no share in making it. It is to me an unexpected bargain. Though the interest of the State which I have the honor to represent is involved in it, I am yet to learn of the committee, whether Congress are to tinkle the trout on the stream of the Codorus, to build their sumptuous palaces on the banks of the Potomac, or to admire commerce with her expanded wings, on the waters of the Delaware. I have, on this occasion, educated my mind to impartiality, and have endeavored to chastise its prejudices.

I confess to the House, and to the world, that, viewing this subject, with all its circumstances, I am in favor of the Potomac. I wish the seat of Government to be fixed there; because I think the interest, the honor, and the greatness of this country require it. I look on it as the centre from which those streams are to flow that are to animate and invigorate the body politic. From thence, it appears to me, the rays of Government will most naturally diverge to the extremities of the Union. I declare that I look on the Western Territory in an awful and striking point of view. To that region the unpurged sons of earth are flowing from all quarters. Men, to whom the protection of the laws, and the controlling force of the Government, are equally necessary; from this great consideration, I conclude that the banks of the Potomac are the proper station.

With respect to the temporary residence, the accommodations which have been mentioned operate as reasons against New York. / It is, indeed, but too agreeable; its allurements are too dangerous; when I look round I see such handsome arguments addressed to my feelings, that my understanding dreads their impression, and I feel at a loss to determine on a central temporary residence; but the inducement to remain at New York, arising from these considerations, do not, perhaps, apply with any force, to detain a deliberative and serious Legislative body. They, perhaps, tend to repel them from such a centre, as incompatible with the circumstances necessary for them to pursue.

Mr. SENEY mentioned Peach Bottom, on the

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Susquehanna, about fifteen miles above tide-water, as the proper place. Mr. GOUGH did not wish the particular spot pointed out, because some inconvenience would result from such a measure; however, he was free to declare, that his own idea was in favor of a situation near Wright's Ferry.

Mr. HEISTER moved to insert Harrisburg in the resolution. He conceived this spot to be more eligible than any yet mentioned; from hence there was an uninterrupted navigation to the sources of the river, and through this place runs the great Western road leading to Fort Pitt, and the Western Territory. A water communication can be effected at a small expense with Philadelphia. The waters of the Swetara, a branch of the Susquehanna, about eight miles below Harrisburg, run to the north-east, and are navigable fifteen miles from thence to the Tulpehocken, a branch of the Schuylkill, a canal may be cut across, of about a mile and a half, the ground has been actually surveyed, and found practicable; this will unite the Susquehanna and Delaware, and open a passage for the produce of an immense tract of country. It is but little further from Philadelphia than Wright's Ferry; and, on many accounts, he thought it a preferable situation for the permanent seat of Government.

Mr. SEDGWICK wished the resolution might be adopted as it stood, without alteration. Mr. FITZSIMONS hoped the committee would not now determine on the particular spot, as it might be attended with some inconveniences. Mr. HARTLEY asked his colleague (Mr. HEISTER) if he could fix upon any spot near Harris's narrow strip of land between the Susquehanna and Paxton creek was certainly inadequate.

Mr. PAGES wished the committee to rise, in order to give the gentlemen an opportunity of making up their minds as to the particular spot. If they agreed in this, as they had done with respect to the other matter they had brought forward, they would save the time of the committee; in the interim, the House might return to the consideration of the subjects they had before them, and which were not yet settled, by an accommodation either in or out of the House.

Mr. MANISON.—I hope the committee will not rise for the purpose mentioned by my colleague; but that they do it in order to give gentlemen time to consider the facts that have been brought into view, and with which it will be necessary to contrast other facts, yet to be mentioned, by those who wish to bring forward all the truths relative to the great question now under consideration. I hope there is no desire among the gentlemen who have made up their minds on this subject, a subject admitting as great a variety of considerations as any subject that has or can come before us, to bring it to a decision in a few hours after it has been disclosed. This would be so different from their usual candor, that I cannot suspect any serious opposition will be made to the rising of the committee.

Mr. AMES flattered himself the committee

would not rise, as there could be no doubt but gentlemen were prepared to decide the question; it had been brought into view a considerable time since, and the gentlemen who now wished for delay, had been pressing to have it determined. It was urged, that the public anxiously expected the measure; and though many wished it suspended, yet the major voice was in favor of expedition. He conceived that all the facts necessary to be known were within the reach of the committee, and that it was not necessary to postpone, in order to introduce any evidence to establish them. He apprehended nothing was intended by the rising of the committee but delay, and then the subject would come forward again, with all the unfortunate circumstances of local attachments. He hoped, as the committee had proceeded so far as to adopt the general principles, they would go on, and agree to the subsequent resolution which was proposed by his colleague.

Mr. MANISON meant to pay due attention to every argument that could be urged on this important question. Facts had been asserted, the impressions of which he wished to be erased, if they were not well founded. It has been said, that the communication with the Western Territory, by the Susquehanna, is more convenient than by the Potomac. I apprehend this is not the case; and the propriety of our decision will depend, in a great measure, on the superior advantages of one of these two streams. It is agreed, on all hands, that we ought to have some regard to the convenience of the Atlantic navigation. Now, to embrace this object, a position must be taken on some navigable river; to favor the communication with the Western Territory, its arms ought likewise to extend themselves towards that region. I did not suppose it would have been necessary to bring forward charts and maps, as has been done by others, to show the committee the comparative situation of those rivers. I flattered myself it was sufficiently understood, to enable us now inclined to believe, that gentlemen have embraced an error, and I hope they are not determined to vote under improper impressions. I venture to pledge myself for the demonstration, that the communication with the Western Territory, by the Potomac, is more certain and convenient than the other. And if the question is as important as it is admitted to be, gentlemen will not shut their ears to information; they will not precipitate the decision; or if they regard the satisfaction of our constituents, they will allow them to be informed of all the facts and arguments that lead to the decision of a question in which the general and particular interests of all parts of the Union are involved.

Mr. STONE found gentlemen had determined on a step that was not generally liked; he wished, therefore, the committee to rise, and give all of them an opportunity of trying to mend the bargain that had been made; perhaps they might find, upon reflection, that they ought to decide the question upon more national principles than they seemed yet to be governed by.

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Mr. SENEY could not say how far the motion was agreeable to every part of America; but he believed it would be acceptable to a very considerable part of the State he had the honor to represent.

Mr. SUMTER was in favor of the committee's rising, in order to give gentlemen time to ascertain the facts necessary to guide them to a decision. There was one impropriety which struck him forcibly; the resolution adopted as a principle that the seat of Government ought to be in a convenient place for the navigation of the Atlantic ocean. But the situation mentioned in the resolution under consideration had no communication whatever with the Atlantic navigation. It had been said, that the Susquehanna afforded the most convenient communication with the Western Territory. He believed the Hudson possessed superior advantages; it connected with the country about the Lakes and the Ohio. From New York to Albany was navigable; from thence to Schenectady, there was a short portage; after ascending Schenectady, there was a short portage of half a mile to the Mohawk; from thence, another short portage to Wood Creek, and thence into Lake Ontario, which connects with Lake Erie; from thence are portages to the Wabash, Miami, Muskingum, or Alleghany, all advantages superior to these; and was, both on account of communicating with the Atlantic and Western Territory, much to be preferred to the Susquehanna. He assured gentlemen that he was unbiased in giving a preference to the Potomac; because, if he studied his own convenience, he should consider New York as more eligible than either. It accommodated the Atlantic navigation in a superior manner, and had its pretensions to a connexion with the Western waters, as he had already shown. He hoped, however, that the subject would be debated with candor and good temper, and decided in the way most likely to promote the general interests and harmony of the Union.

Mr. SHERMAN was against taking up the subject so soon; but since it had been determined against him, and gentlemen, he presumed, had endeavored to make up their minds, he had turned his attention to it, and was now prepared to decide. Mr. CLYMER knew the advantages possessed by the Susquehanna in communicating with the Western country, they were mentioned by his colleague; but, with the additional circumstance that the Juniata branch afforded a convenient navigation to a road lately laid out by the State of Pennsylvania, which connected with the Kiskaminitas, from whence was a short voyage down the Alleghany, and shorter still down that to the Ohio, at Pittsburg. He questioned much if the navigation by the Potomac was so convenient.

Mr. STONE did not mean to govern his vote on this occasion by what was said to be the sense of the citizens of Maryland; because they were, he apprehended, divided in opinion. One part or the other would be particularly benefited, as the seat

of Government should be fixed either on the Susquehanna or Potomac, because those rivers watered its territory. Perhaps the majority of the present inhabitants would prefer the Susquehanna; but as their settlements extended westward, and the population increased, the majority would be favored by the Potomac.

Mr. SENEY did not mean to determine this question on the principle of benefiting, exclusively, the citizens of Maryland; he considered himself as a Representative of the Union, and should decide on the principle of general convenience.

Mr. TUCKER hoped the committee would rise, in order to give gentlemen time to consider the subject maturely, and to prepare themselves to come forward and discuss, fairly and fully, the advantages and disadvantages of the rival places. He could not believe they meant to decide a question of this importance on the superficial discussion which had taken place.

Mr. MANISON hoped that gentleman did not mean to press the decision after what had been said. He assured them, that he was led to answer some of the observations that had been made, which he was not, at this moment, prepared to do; but, if he was, could gentlemen expect he would enter upon it at this late hour, and when the patience of the committee was exhausted? If he were to do so, he appealed to their candor to say, whether it was likely he should have a patient hearing. The hour of adjournment was so nearly arrived, that it allowed no time for a reply. He called upon them to exercise the candor they were wont to do on inferior subjects, and he pledged himself to come forward to discuss the subject, and answer gentlemen at a future day, even on the next day. He did not know what the event might be; but he thought it would be a criterion by which an opinion might be formed of the accommodating spirit of the House.

The question, on the committee's rising, was now put, and it passed in the negative; for it 23, against it 27.

Mr. STONE.—We are called upon, sir, to determine a question that has not been introduced to our notice more than two hours and a half; a question, too, as admitted on both sides, of the highest importance to the interests and harmony of the Union. I cannot help thinking it a hardship to be compelled so abruptly to a decision; but since it must be the case, I shall take the liberty of suggesting a few of my thoughts, in order to justify the vote I mean to give.

There are a variety of considerations and doubts in my mind, respecting the two rivers that have been mentioned. These doubts are increased when a particular place is named upon one of them; but had gentlemen told us, that they had settled this point also, it might have precluded any sort of debate whatever; because when an agreement had taken place, not only as to the banks of the Susquehanna, but as to the favored spot on those banks, we should not have entertained a single hope that we could have changed the position. But, as gentlemen differ among themselves on this

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point, perhaps they will permit us to participate with them in selecting the place most likely to give general satisfaction. But how can they suppose we are prepared on this head, without a general consideration of all the places which may offer themselves along the east bank of the river?

I am not apprised, sir, of the extent of this continent certainly, because I never calculated it by figures, or measured it on the map; but if there is the smallest degree of accuracy in the draft that has been handed about, no man, who takes a view of it, in my opinion, will doubt a single moment, whether the Susquehanna is the river, which nearly equally divides the territory of the United States, in its extent north and south, that separates, in equal parts, the country east and west. The Eastern part, I take it, is little, if any thing, more than half as large as what lies west. We observe that the course of the main branch tends more toward the Atlantic ocean, than it does toward the Western Territory; but even its Western inclination goes only towards lakes Erie and Ontario, through the middle of which runs the boundary line of the United States. How can this, then, be supposed a direct or convenient communication with that part of the country which is usually termed, and is, in fact, the Western Territory?

Mr. STONE stopped here, in his argument, and said, he would wait till gentlemen were inclined to give him a hearing. He hardly expected, however, that his observations were agreeable to them; but they must excuse him, as they had forced him to rise, at this time, by their precipitation.

After waiting some time, till order was restored, he proceeded.

In fixing the permanent residence, we ought not only to have in view the immediate importance of the States, but also what is likely to be their weight at a future day; not that we should consider a visionary importance or chimerical expectation, but such a one as can be demonstrated with as much certainty as effects follow their causes. I apprehend the increase of population to the Eastward is merely conditional; there is nothing to invite people to settle in the Northern parts of this continent, in preference to the Southern; even if they were settled there, every principle which encourages population would operate to induce them to emigrate to the Southern and Western parts. We know the Northern climate is severe, the Winters long, and Summers short, and that the soil is less fertile. Were we not assuredly acquainted that this was the case on the continent of America, we should be led to the same conclusion, by reasoning from our knowledge of the other parts of the globe. Men multiply in proportion to the means of support, and this is more abundant in a mild than a severe climate. Hence, I infer, that the climate, and means of subsistence, will ever operate as a stimulus to promote the population of the Southern, in preference to the Northern States. This doctrine is daily exemplified. If we advert to the situation of that part of the Western country called Ken-

tucky, and compare its increase of population since the war, with any part of the Eastern States, we shall find men multiplied there beyond any thing known in America; and if we consider its natural advantages, we shall conclude it will be an important part of the Union. The river which has been mentioned by the Southern gentlemen is, as far as I am acquainted, extremely well calculated to furnish Government with the key of that country; and a river, I believe, richer in its exports than any I have contemplated on the face of the earth.

A call was now made to order, and Mr. STONE sat down.

A desultory conversation took place on the point of order. It was contended that the question was on the insertion of "Harrisburg," in the proposition offered by Mr. GOODRICH, whereas Mr. STONE was speaking to the main question.

Messrs. CARROLL, LEE, and MADISON, insisted that Mr. STONE was in order, inasmuch as Mr. HEISTER's motion necessarily involved the main question, and was inseparable from it.

But it was decided by the Chair to be out of order; whereupon the question "Harrisburg," and out further debate, on inserting "Harrisburg," and it was determined in the negative.

The main question being now before the committee—

Mr. STONE proceeded. I feel myself unhappy to be obliged to address gentlemen who are not disposed to attend to any thing I may say; but as gentlemen have chosen this time for discussing the subject, they will not think it improper in me to persist in detailing my ideas.

When I was interrupted by the call to order, I was about to show the importance of the Potomac to the United States. Its waters afford a practical, safe, and short communication with the Ohio and Mississippi, beyond comparison preferable to the Susquehanna. If it is intended that the people settled upon those great rivers should communicate with the General Government, after ascending the former they must proceed a vast distance northward, up the Alleghany, against a rapid stream, before they can reach the Susquehanna. I am inclined to believe a land-carriage would be better than such a laborious round-about water communication.

Now, the Potomac, as I am informed, connects with the Youghogany, a river less rapid than the Alleghany, and is itself communicable with the Atlantic. In this case, the Potomac will be the highway of such vast quantities of wealth as to give every superiority; and, however we may determine at this day, it will not be long before the seat of Government must be carried thither. The vast population that is extending itself through the western country requires that the Government should take a position favorable to its convenience; because new settlements at a vast distance from the old are more exposed to temptation than others; but, in the present case, it is proper for us to guard against the operation of a foreign country, which seems to be forming settlements near our frontiers to rival ours. If

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may be the more necessary, inasmuch as we ought to keep the boundary line distinct between the Spaniards and savages, as I fear, do what we will, we run the greatest risk of entering into a quarrel with them; for, it is well known, that emigrants, in forming new settlements, are not much concerned about an ascertainment of jurisdiction; they are generally bold, enterprising spirits, who feel some aversion to strict government; it is therefore necessary that the Government should approach toward them, and be placed in such situation as would give it the greatest possible influence over them. Beside their contiguity to a rival nation, they are independent in their condition; they want hardly any thing this country can give; their soil is rich and fertile; their exports will furnish them with every foreign article from the southward which they can require. Their interests are more strongly connected with the Southern States than the Southern States are with the Eastern.

The advantages of this Government are felt in a peculiar manner by the mercantile and commercial States; the agricultural States have not the same strong reasons for maintaining the Union. Hence we may apprehend that the western country may be inclined, as it advances its importance, to drop off. The Susquehanna is no bond by which to hold them, its direction is more northern than western. Upon the whole, I am inclined to believe that it would not give general satisfaction at the present day; and the inequality would daily grow more striking, until we should be compelled to remove again to where there was a probability of finding a centre of territory as well as population.

I have thrown out these ideas in a crude manner, but gentlemen have forced me to it by their urgency to take the question. I could wish to be allowed time for further discussion, and I believe it would be no ill sacrifice of a day, if we were to put off the determination till to-morrow.

Mr. LEE observed, that since gentlemen would not admit of a moment's delay—since they seemed to declare that they had settled the matter without giving an opportunity for full discussion; since the House were hurried to a decision on a point that involved the welfare of the community—duty to his country, duty to the better half of the territory of the United States, called on him to come forward with another proposition.

He then moved to strike out the words "east bank of the Susquehanna," and to insert a clause to this effect:

"That, whereas the banks of the Potomac united all the aforesaid advantages, with fertility of soil, salubrity of climate, &c.—

"Resolved, That the permanent seat of Government ought to be fixed somewhere on the banks of the said river."

He flattered himself that these two rival places would be considered with an attention that would do honor to the House; that their several advantages would be fully compared, and that such a decision would result as would be for the lasting benefit of the United States.

He then stated at large the comparative advantages of the Potomac, its great and increasing improvements, the extent of its navigation, its direct communication with the western country, and its easy communication with the Eastern and Southern States.

The House, he said, were now to determine whether regard was to be had to the people of the Western territory, to the greater portion of the territory of the Union; in point of climate it was extremely salubrious; in fertility of soil, it was exceeded by no country on earth. Thither would emigrants flock from all quarters.

He asked whether this Government was intended for a temporary or a lasting one? Whether it was to be a fleeting vision, or to continue for ages? He hoped the result would proclaim that the Government was calculated for perpetuity; and that the common interest of the country had been consulted. If that was done, the Government would be removed to the Potomac; if not, we should stop short of it; and what would be the consequence? He said he was averse to sound alarms, or introduce terrors into the House; but if they were well founded, he thought it his duty. It was well known with what difficulty the Constitution was adopted by the State of Virginia. It was then said, that there would be confederacies of the States east of Pennsylvania, which would destroy the Southern States; that they would unite their councils in discussing questions relative to their particular interests, and the Southern States would be disregarded. To these suspicions, it was answered, no! It was contended that the magnanimous policy, arising from mutual interests and common dangers, would unite all the States, and make them pursue objects of general good. But if it should be found that there were such confederacies as were predicted, that the Northern States did consult their partial interests, and form combinations to support them, without regarding their Southern brethren, they would be alarmed, and the faith of all south of the Potomac would be shaken. It would be shown to them, that what had been predicted by the enemies to the Constitution had come to pass; that the Northern States had not waited till the Government was organized before they sacrificed the Southern people to their own interests.

Let the seat of Government be fixed where it may, Virginia had not solicited Congress to place the seat of Government in her State. She only contended, that the interests of the Southern and Western country should be consulted; and he declared that these interests would be sacrificed, if Congress fixed upon any place but the Potomac. The greater part of Virginia was distant from that river. Many parts were not nearer than New Jersey. She wished not to have the seat on the Potomac but for the general good; it was not for the benefit of that State, but for the benefit of the Union.

Mr. LAWRENCE said it was improper and unnecessary to hold out terrors to the fancy of members. The true way to convince them was to address their understandings. He was certain

as their convenience would allow. I am convinced that going further than the Atlantic States would injure the Western country itself.

The communication which the several rivers have with that country has been brought into view; and, from what I have heard, I am led to suppose, that the House would incline to fix upon one that furnished such a convenience. This disposition, if carried into execution, will, perhaps, do perfect justice to that country, and as much as the inhabitants can expect; the question, however, seems to lie between the Susquehanna and the Potomac. Taking the extent of the sea-coast line, as he mentioned before, and erecting a perpendicular at the middle, it would strike between those two rivers at nearly equal distances, though rather nearer the Potomac than the Susquehanna. With these rivers I am tolerably acquainted; the latter communicates immediately with the northern lakes, but much of the country is a desert wilderness; the communication between the southern branch of the Tioga and a branch of the Alleghany, the head waters of which approach very near each other, and this passes Fort Pitt, which we are to consider as the key to the western country. But, unfortunately, this route is four hundred miles against the stream; a distance too great to afford an easy intercourse with that country; a land communication would be preferable. The Potomac offers itself under the following circumstances: From the falls up the main river to Will's Creek, is about two hundred miles; from thence is a portage to the Monongahany, down which you descend to the Chesapeake, which meets the Alleghany at Fort Pitt, and forms the great river Ohio. This is a direct communication between the Atlantic and Western country. So, on the return, you have but sixty miles against the stream up the Monongahela, and you have a short portage from the Cheat river to very good boatable water on the Potomac; but, to return by the way of the Susquehanna, you have four hundred miles up the Alleghany to the portage across to the southern branch of the Tioga, and four hundred down that river and the Susquehanna, before you come to the Atlantic navigation; hence I conclude that there is no comparison between the two rivers. The Potomac will, no doubt, afford the most safe and convenient communication; but it does not follow that the seat of Congress should be on the banks of that river, because it may not be of general importance; but, if it was, I consider that the Susquehanna is a great and valuable river, it communicates with many millions of acres of land and water, the principal part of my native State; this, added to the circumstance of centrality, as it respects the wealth and population of America, determines me to give my vote in favor of it; but if I was to study the particular interest of that part of the State from which I come, perhaps I should more substantially benefit it by voting for the Potomac.

Mr. Madison said, if this delay should not have produced any alteration in the sentiments of

hitherto shown? This manner of proceeding would mark a genius in this body which will contradict the expectations of its warmest friends. I hope nothing will be fixed by a hasty determination. I said before, and repeat it again, that I wish to make some observations on what has been advanced, for which at present there is not time. But, if there was, I do not wish to address a determined and silent majority. No, sir, if this be the temper of to-day, let me appeal to a more favorable temper to-morrow. If gentlemen refuse this appeal, I must submit; but I will, to the last moment, assert my right, and remonstrate against a precipitate decision.

Mr. Ames said he remembered, when this subject came before the House the other day, when we solicited for delay, it was observed, that the necessities of the Union required an immediate decision; that it would take up but little time; that the proper centre might be easily ascertained; that it would depend upon geographical calculation, and that little discussion would be necessary. Now, when circumstances appear to be changed, when the calculation is made, when the House are ready to vote, gentlemen come forward and pretend that they want time. He hoped the question would be now decided. While he was up, he would observe that he did not entertain a doubt of the patriotism and good intentions of the gentlemen from Virginia. He believed, however, that their judgments were influenced by their wishes, for they seemed to be engaged with a degree of eagerness, which none else appeared to feel; the very language of their motion declares this. They seem to think the banks of the Potomac a paradise, and that river an Euphrates. He had been told it was a fine spot, and he sincerely wished those blessings might ever reside there.

Mr. Burke observed, that the Northern States had had a fortnight to manage this matter, and would not now allow the Southern States a day. What was the conduct of gentlemen? A league has been formed between the Northern States and Pennsylvania.

Mr. Fitzsimons interrupted Mr. Burke, and denied the assertion, as it respected Pennsylvania. Mr. Burke then proceeded, and said that the Eastern members had combined with some other States, he could not positively say which; but the first information that was furnished was given this morning, every gentleman had heard it as well as himself, but that had nothing to do with his object; he wanted time to get information; and called on gentlemen, for the honor of the House, to comply with this request.

Mr. Wadsworth said, he rejoiced to hear the gentlemen calling for time, and crying out fair play. He remembered when he entreated the gentleman who spoke last, and others, not to precipitate themselves into this situation, his entreaties had been of no avail. Knowing that the pride of a majority was one of those things to which he had to submit, he, with all the New England members, solicited for time. With respect to bargaining, he believed that it would

there was no dangerous confederacy which the gentleman had talked of; and believed the conduct of the Northern States would bear the strictest scrutiny; that, if probed to the bottom, it would be found fair and candid. He remembered in the debate upon the Tonnage bill, a gentleman from Virginia observed, that could the moderate and equal policy of that day's proceedings have been foreseen in the convention of Virginia, many objections that were there produced against the Constitution would have been thereby obviated. He trusted that, in conducting the business before them, gentlemen could find no cause, eventually, to entertain different sentiments from what he then delivered.

Mr. Madison.—I acknowledge, that, on a former day, I made the observation alluded to, with singular complacency. I said, I had found a moderation and liberality prevailing here, which I sincerely believed, if foreseen in the convention of Virginia, would have obviated a very powerful objection to the adoption of the Federal Constitution. But, give me leave now to say, that if a prophet had risen in that body, and brought the declarations and proceedings of this day into view, that I as firmly believe Virginia might not have been a part of the Union at this moment.

A motion was now made for the committee to rise, and several gentlemen said, they wished it to prevail, in order that an opportunity might be afforded for a fuller discussion.

Mr. Spangwick hoped the committee would not rise. Will it be contended, that the majority shall not govern; and shall the minority, because they cannot carry their points, accuse the House of want of candor? Are we to be told, that an important State would not have joined the Union, had they known what would have been the proceedings of this House. Gentlemen have brought forward this business themselves; they have precipitated the House into it. We prayed, we supplicated for time; and now gentlemen, from some causes not explained, wish to postpone the matter, in order to have time to deliberate. He believed that a deliberation of six weeks would not alter a single opinion, and therefore it was not proper to consume the public time uselessly.

Mr. Madison.—When I alluded to the proceedings of this day, I contemplated the manner in which the business was conducted; and though I acknowledge that a majority ought to govern, yet they have no authority to deprive the minority of a Constitutional right; they have no authority to deprive us the right of free debate. An important and interesting question being under consideration, we ought to have time allowed for its discussion. Facts have been stated on one side, and members ought to be indulged on the other with an opportunity of collecting and ascertaining other facts. We have a right to bring forward all the arguments which we think can, and ought to have an influence on the decision. It is unusual, on a partial discussion, even of questions of inferior magnitude, to decide in the course of a single day. How, then, can gentlemen reconcile their conduct of this day to the liberality they have

reflect no honor on either side of the House. He said he must either give his vote now, or submit to more bargaining. He was willing that the whole business of bargaining should be exposed; he would not excuse himself; he did not dare to go to the Potomac. He feared that the whole of New England would consider the Union as destroyed. Since the matter had been so prematurely brought on, since members had been forced, and, as it were, dragged by the throat to this business, he hoped it was now finished.

The question was now put, on the rising of the committee, and carried: Whereupon the committee rose and reported progress, and then the House adjourned.

THURSDAY, September 4.

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The House again resolved itself into a Committee of the Whole, on the resolution for establishing a permanent seat of Government, Mr. Boudinot in the Chair.

Mr. Stone wished to hear the sentiments of the gentleman who first brought forward this business. He expected to derive some advantage from that gentleman's knowledge of the country, which, he presumed, was pretty accurate, as it was derived from actual observation.

After waiting some time, Mr. Stone repeated his request, under an apprehension that he had not the honor of being heard by the worthy gentleman.

Mr. Goodhue rose and said, he had given his sentiments yesterday, but, if the gentleman desired it, he was ready to repeat them.

Mr. Stone said, he addressed his request to the gentleman from Pennsylvania.

Mr. Scott.—I understood the gentleman so, and I have no objection to giving my sentiments on the occasion. The resolution I laid on the table has been honored with the vote of a majority of the committee. It contains such principles as, I believe, ought to govern in the settlement of the grand question: They have declared, that they mean to be governed by these principles, and this is a declaration to the world that their hearts are good. What may follow in consequence of that resolution, cannot impeach the motive, it can only prove, that our heads are uninformed; an error of the head is pardonable; but an error of the heart is not easily forgiven.

Whether the spot which has been moved is the right spot or not, seems to be the matter under inquiry. I had prepared myself with documents, which I should have produced had they been needed, to prove, that the State I have the honor to represent involves, within its limits, the centre of wealth and population of the United States, taking the sea coast for a guide; for all that has been said of the importance of the Western country, has not prevailed on me to imagine that all the vacant territory should be taken into view, the same as the settled and cultivated parts; my resolution had no other idea but that the Atlantic States should consent to go as near that territory

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the gentlemen, it will at least soften that hard decision which seems to threaten the friends of the Potomac. He hoped that all would concur in the great principle on which they ought to conduct and decide this business; an equal attention to the rights of the community. No Government, he said, not even the most despotic, could, beyond a certain point, violate that idea of justice and equal right which prevailed in the mind of the community. In Republican Government, justice and equality form the basis of the system; and perhaps the structure can rest on no other than the wisdom of man can devise. In a Federal Republic, give me leave to say, it is even more necessary and proper, that a sacred regard should be paid to these considerations. For beyond the sense of the community at large, which has its full agency in such a system, no such Government can act with safety. The Federal ingredient involves local distinctions, which not only produce local jealousies, but give, at the same time, a greater local capacity to support and insist upon equitable demands. In a Confederacy of States, in which the people operate in one respect as citizens, and in another as forming political communities, the local Governments will ever possess a keener sense and capacity, to take advantages of those powers, on which the protection of local rights depend. If these great rights be the basis of republics, and if there be a double necessity of attending to them in a Federal Republic, it is further to be considered, that there is no one right, of which the people can judge with more ease and certainty, and of which they will judge with more jealousy, than of the establishment of the permanent seat of Government; and I am persuaded, that however often this subject may be discussed in the representative body, or however the attention of the committee may be drawn to it, the observations I have made will be more and more verified. We see the operation of this sentiment fully exemplified in what has taken place in the several States. In every instance where the seat of Government has been placed in an unequal position, we have seen the people struggling to place it where it ought to be. In some instances they have not yet succeeded, but I believe they will succeed in all. In many they have actually gained their point.

One of the first measures in the State of Virginia after the commencement of the Revolution, was the removal of the seat of Government from an unequal position, to one which corresponds more with the sense of the State, and an equal regard to the general convenience. In North Carolina we have seen the same principle operating, though in a different mode. In South Carolina the same. In the State of Pennsylvania, powerful as the inducements are in favor of its capital, we have seen serious, and almost successful efforts already to translate it to a proper place. In the State of Delaware, where the Government was as little removed from the centre as it could be in any other State, we have seen the same spirit displaying itself. In the State of

New York, the same thing has happened with some fluctuations, arising from occasional motives of convenience. In Massachusetts, the same effort has been made, and in all probability, when some temporary considerations cease, we shall find the same principle taking effect there also. It is not surprising, when we consider the nature of mankind, that this should be the case.

With respect, however, to the Federal Government, there is one consideration that shows, in a peculiar manner, the necessity and policy of paying a strict attention to this principle. One of the greatest objections which has been made by the opponents of the system, which has been allowed most weight by its friends, is the extent of the United States. It has been asserted by some, and almost feared by others, that within so great a space, no free Government can exist. I hope and trust, that the opinion is erroneous; but, at the same time, I acknowledge it to have a certain degree of force, and it is incumbent on those who wish well to the Union, to diminish this inconvenience as much as possible. The way to diminish it, is to place the Government in that spot which will be least removed from every part of the empire. Carry it to a remote position, and it will be equivalent to an extension of our limits; and if our limits are already extended so far as warrants, in any degree, the apprehension before mentioned, we ought to take care not to extend them further.

The truth is, in every point of view in which we can contemplate this subject, we shall perceive its high importance. It is important that every part of the community should have the power of sending, with equal facility, to the seat of Government such representatives to take care of their interests, as they are disposed to confide in. If you place the Government in an unequal situation, the attendance of the members, and of all others who are to transact the public business, cannot be equally convenient. The members of the Union must be on an unequal footing. Thus you violate the principle of equality, where it ought most carefully to be ascertained, and wound the feelings of the component parts of the community, which can be least injured with impunity. If we consider the expense, that is an inconvenience not without its weight. In the compensations that have been lately voted, the centrality of our position has had a manifest influence. The more remote the Government is, the greater will be the necessity of making liberal compensations, and holding out powerful inducements, in order to obtain the services of fit characters, from every part of the Union; and as you can make no distinction, you must give to those who make the fewest sacrifices the same as to those who make the most.

The seat of Government is of great importance, if you consider the diffusion of wealth that proceeds from this source. I presume that the expenditures which will take place, where the Government will be established by those who are immediately concerned in its administration, and by others who may resort to it, will not be less than half a million dollars a year. It is to be re-

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gretted that those who may be most convenient to the centre should enjoy this advantage to a higher degree than others; but the inequality is an evil imposed by necessity; we diminish it as we place the source from which those emanations of wealth are to proceed as near the centre as possible.

If we consider, sir, the effects of Legislative power on the aggregate community, we must feel equal inducements to look for the centre, in order to find the proper seat of Government. Those who are most adjacent to the seat of Legislation will always possess advantages over others. An earlier knowledge of the laws, a greater influence in enacting them, better opportunities for anticipating them, and a thousand other circumstances will give a superiority to those who are thus situated. If it were possible to promulgate our laws, by some instantaneous operation, it would be of less consequence in that point of view where the Government might be placed; but if, on the contrary, time is necessary for this purpose, we ought, as far as possible, to put every part of the community on a level.

If we consider the influence of the Government in its Executive department, there is no less reason to conclude that it ought to be placed in the centre of the Union. It ought to be in a situation to command information relative to every part of the Union, to watch every conjuncture, to seize every circumstance that can be improved. The Executive eye ought to be placed where it can best see the dangers which may threaten, and the Executive arm whence it may be extended most effectually to the protection of every part. Perhaps it is peculiarly necessary, that, in looking for the position we should keep our eye as much as possible towards our Western borders; for a long time dangers will be most apt to assail that quarter of the Union.

In the Judiciary department, if it is not equally necessary, it is highly important that the Government should be equally accessible to all.

Why should the citizens of one quarter of the Union be subject to greater difficulties than others? Why should they be obliged to travel further, to carry their witnesses at a greater expense, and be more subject to all the inconveniences attending the administration of justice at a remote distance? In short, whether we consider the subject with regard to the Executive, the Legislative, or the Judicial departments, we see the soundest reasons for fixing the Government in that place which may be the most permanent centre of territory and population.

With respect to the Western territory, we are not to expect it, for it would be an affront to the understanding of our fellow-citizens on the Western waters, that they will be united with their Atlantic brethren on any other principle than that of equality and justice. He would venture to say that it was essentially necessary, therefore, that we should deal out the blessings of Government with an impartial hand; and that, in placing the Government from which these blessings are to flow, we should retire from the Atlantic as far

as is consistent, and approach towards that point which will best accommodate the Western country; in doing this, we shall still stop short of that geographical centre, whose circle would most commodiously embrace our ultramontane fellow-citizens. In his opinion, the desire manifested by them on this subject, was as reasonable as possible; they do not expect that we should lose sight of a proper and easy communication with the Atlantic, and will acquiesce with cheerfulness, in a position necessary for that purpose, though it would still leave them subject to peculiar inconveniences. From the Atlantic to the Mississippi, according to the best computation, the distance is not less than seven hundred and fifty miles; if we go to that part of the Potomac which is proposed, we carry the Government two hundred and fifty miles only west, it will still be five hundred miles from the Mississippi.

He was sure, that if justice required us to take any one position in preference to another, we had every inducement, both of interest and of prudence, to fix on the Potomac, as most satisfactory to our Western brethren. It is impossible to reflect a moment on the possible severance of that branch of the Union without seeing the mischiefs which such an event must create. The area of the United States, divided into two equal parts, will leave, perhaps, one half on the west side of the Alleghany mountains. From the fertility of the soil, the fitness of the climate, and every thing that can favor a growing population, we may suppose the settlement will go on with every degree of rapidity which our imagination can conceive. If the calculation be just, that we double in twenty-five years, we shall speedily behold an astonishing mass of people on the Western waters. Whether this great mass will form a permanent part of the confederacy, or whether it will be separated into an alien, a jealous and a hostile people, may depend on the system of measures that is shortly to be taken. The difference, he observed, between considering them in the light of fellow-citizens, bound to us by a common affection, obeying common laws, pursuing a common good, and considering them in the other light, presents one of the most interesting questions that can occupy an American mind. Instead of peace and friendship, we shall have rivalry and enmity; instead of being a great people, invulnerable on all sides, and without the necessity of those military establishments which other nations require, we shall be driven into the same expensive and dangerous means of defence. We shall be obliged to lay burdens on the people, to support establishments which, sooner or later, may prove fatal to their liberties. It is incumbent on us, if we wish to act the part of magnanimous legislators, or patriotic citizens, to consider well, when we are about to take a step of such vast importance, that it be directed by the views he had described; we must consider what is just, what is equal, and what is satisfactory.

It may be asked, why it was necessary to urge these principles, since they would not be denied? He apprehended, that, in general, there would be

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a disagreement as to the principles which ought to govern. But, at the same time, principles were so connected with facts, in the present case, that it was not more necessary to collect all the light than to fortify all the impressions that might be favorable to a just decision.

On a candid view of the two rivers, he flattered himself that the seat which would most correspond with the public interest would be found on the banks of the Potomac. It was proper that we should have some regard to the centre of territory; if that was to have weight, he begged leave to say, that there was no comparison between the two rivers. He defied any gentleman to cast his eye in the most cursory manner over a map and say that the Potomac is not much nearer this centre than any part of the Susquehanna. If we measure from the banks of the Potomac to the most eastern parts of the United States, it is less distant than to diagonally, the Potomac will have the advantage. If you draw a line perpendicularly to the direction of the Atlantic coast, we shall find that it will run more equally through the Potomac than through any part of the Union; or, if there be any difference between one side and the other, there will be a greater space on the southwest than on the northeast. All the maps of the United States show the truth of this. From the Atlantic coast to that line which separates the British possessions from the United States, the average distance is not more than one hundred and fifty miles. If you take the average breadth of the other great division of the United States, it will be found to be six, seven, and eight hundred miles.

From this view of the subject, which is not easy to describe by words, but which will strike every eye that looks on a map, I am sure that if the Potomac is not the geographical centre it is because the Susquehanna is less so.

He acknowledged that regard was also to be paid to the centre of population. But where shall we find this centre? He knew of no rule by which to be governed, except the proportion among the representatives of the different States; and he believed, if that criterion was taken, the present centre of population would be found somewhere in Pennsylvania, and not far from the Susquehanna. He granted that the present centre of population is nearer the Susquehanna than the Potomac. But are we choosing a seat of Government for the present moment only? He presumed not; we must look forward to those probable changes that may soon take place. He appealed to the judgment of every gentleman, if they had not reason to suppose that these future changes in the population of this country would be particularly favorable to that part which lies south of the Potomac. On what do the measures and extent of population depend? They depend on the climate, on the soil, and the vacancy to be filled. We find that population, like money, seeks those places where it least abounds, and has always the same tendency to equalize itself. We

see the people moving from the more crowded to the less crowded parts. The swarm does not come from the southern, but from the northern and eastern hives. This will continue to be the case, until every part of America receives its due share of population. If there be any event on which we may calculate with certainty, I take it that the centre of population will continually advance in a south-western direction. It must then travel from the Susquehanna; if it is now found there, it may even extend beyond the Potomac. But the time would be long first, and as the Potomac is the great highway of communication between the Atlantic and the western country, attempts to remove the seat further south must be improbable. I have said that the communication with the Western Territory is more commodious through the Potomac than through the Susquehanna; I wish all the facts connected with this subject could have been more fully ascertained, and more fully stated; but if we consider the facts that have been offered by gentlemen who have spoken on the subject, we must conclude that the communication through the Potomac would be more facile and effectual than through any other channel. If we consider what was related by the gentleman from Pennsylvania, (Mr. Scott,) whose judgment is the more to be relied on, as it is founded on his own personal knowledge of that country—he tells you, that the communication by water, either to or from the western country is next to impracticable by the Susquehanna.

Mr. CLYMER begged to set the gentleman right; his colleague, if he understood him, had only related the communication by the northwestern branches, but there was a communication by the Juniata, a branch of the Susquehanna, about fifteen miles above Harrisburg, tending westerly, and navigable eighty miles, from whence to the Conemagh was a portage, with a road actually laid out of about forty miles, hence you descend the Kiskaminetaz to the Allegany, and from thence to Pittsburgh is thirty miles.

Mr. SCOTT knew this communication pretty well, but we who live in that country never take it into consideration, as the waters are too small to afford a certainty of communication, but even here the portage was greater than between the Potomac and Youghogony.

Mr. CLYMER said, with respect to the navigation of the Juniata, that it was in evidence before the House of Assembly of Pennsylvania, when they were considering the means of uniting that navigation with the western waters, that produce to the amount of fourteen hundred bushels had been brought down it to Middletown.

Mr. MANISON proceeded and said, he wished every fact to be ascertained that could throw any light upon the subject. Taking the Susquehanna, as it was practicable for navigation, it would be found, that through that route of communication, Fort Pitt would be four or five hundred miles from the proposed seat on its banks, and that the distance by land was not less than two hundred and fifty miles; whereas, through the Potomac, the distance from the proposed spot on its banks

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to Fort Pitt was not calculated at more than two hundred and fifty miles, and he believed the distance by land would be found not to exceed one hundred and sixty to one hundred and seventy miles.

Whether we measure the distance by land or water, then, the result is in favor of the Potomac. If we consider the progress already made in opening this great channel its title becomes still stronger. Let me add, that it has been found, on accurate research, that the waters communicating with the Ohio are not more than two or three miles distant from the sources of the Potomac. This is a fact of peculiar importance.

It has been said, that if Congress shall make choice of the Potomac, greater discontents would arise than if they should prefer the Susquehanna. I know not the data from which this opinion is drawn. Who will have the greatest right to complain? Will it be those who might be gratified if the Government should be fixed on the Susquehanna? I believe not. The truth is, that if the place which is now short of the geographical centre be short also of the centre of population, as it will be in a reasonable time, we have reason to conclude that the southern inhabitants will feel themselves most aggrieved. I do not hesitate to declare, that if the seat of Government should be fixed on the Susquehanna, every part south of that river, and every part of the United States south of the Ohio, will conceive that the great principles of equal justice have been disregarded. If we are to consider the subject, in that point of view, I am certain it is most expedient that we should give the preference to the Potomac. This is not all; if you establish the Government on the Potomac, those who think themselves not equally dealt by, will find the cause of their discontent continually subsiding, because the centre of population will be continually approaching the geographical centre. If, on the other hand, you fix the seat in a place which is perpetually uncentral with respect to territory, the centre of population will continually recede, and the cause of discontent continually increase.

The gentleman from Massachusetts yesterday raised great objections against the Potomac, because it was, as he supposed, subject to periodical maladies, from which the other river was free. I am not authorized, from personal experience, or very particular information, to draw a comparison between them; but there are some general facts that may serve to show, that if there is any difference it is more likely to be in favor of the Potomac than of the Susquehanna. The position contemplated on the banks of the former is considerably further from tide water than the place proposed on the latter. On this account, therefore, we have little reason to suppose that the Potomac is more unhealthy. If we regard their comparative situations, westwardly, the spot on the Potomac is almost as much further to the west, as it is distant from the proposed spot on the Susquehanna; and he well knew that, generally speaking, as we retire towards the western and

upper country, we are generally removed from the causes of those diseases to which southern situations are exposed. As the two places are moreover in the same latitude, the objection advanced, with respect to that point, cannot apply to one more than the other. It is only their western or eastern position, their remoteness from, or their proximity to the lower country, and to fresh or stagnant waters, that can possibly affect the question. It is not because we advance so much to the south that we advance to the centre, it is because we go more to the west. I do not know that there is a difference of more than a degree and five or six minutes between the latitude of New York and the place proposed on the Potomac.

I will not at present go further into this argument. I flatter myself that the considerations already stated will have their proper weight; and if they should be controverted, that we shall be able further to support and inculcate them.

Mr. ANES never intended that this question should be carried through the committee by the strength of a silent majority; he had confidence in the weight of the arguments to be urged in favor of the Susquehanna, and he was willing to put the decision of the question on that ground. He would now come forward, and give the reasons of his opinion, especially as gentlemen had entered fully into the reasons which guided their own to a different conclusion. He did not conceive it would be necessary for him, coming from the part of the United States from which he did, to disclaim the local views and narrow prejudices with which the subject teemed. He had feared, when the question was first brought forward, that the minds of gentlemen would be highly fermented, indeed so much, that he almost despaired of coming to a proper decision, nor did he think these apprehensions were illusive, if he judged from what had already taken place. He had observed that some gentlemen, whose discernments were clear and who were generally guided by the straight line of rectitude, had been most surprisingly warped on the present occasion; he was fearful that their wishes had misled them from a due regard of the real object of their pursuit, viz. the public interest and convenience. He was sensible, that he himself was liable to some improper impressions; but he trusted he did not feel them in that degree which he thought he saw in others. He was willing to be led by the great principles which other gentlemen had laid down as the rule of their decision; but he thought they would lead to a different conclusion from what had been drawn from them; he admitted that a central situation is to be taken, and in considering this centre, the centre of a sea-coast line ought to be regarded, because it is more conveniently accessible, has more wealth, and more people than an equal area of inland country. Being more liable to invasion, Government should be near to protect it. It is the interest of the back country to have the Government near the sea, to inspect and encourage trade, by which their abundant produce will find an export. And lastly, he said the con-

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tingency of the separation of the Western country was a reason for preferring the sea-coast. He proceeded next to say, there will not be any contest where this centre of the sea-coast line is to be found; it falls between the rivers Potomac and Susquehanna. It will be found that there are good reasons why we should rather move East than South.

If the sea-coast line is to be preferred it will follow that the back lands, west of the Ohio, which the gentleman from Virginia has so often taken into his calculations, will be excluded; they are not peopled; they do not affect the sea-coast line; and that line has already been voted to be the proper one by the committee. As it is true that the sea-coast has more wealth and more people than the inland country in proportion to the extent, it is equally true that the Eastern half of the sea-coast has more of both than the Southern. If we reckon Maryland, which will be as well accommodated by the Susquehanna as by the Potomac, we shall find the population of the Eastern part nearly two millions, and the population of free inhabitants still less in favor of the latter.

But, sir, instead of seeking a centre geographically, we should consider the centre of common convenience. The place is the proper one where the greatest number of persons will be best accommodated. I will endeavor to show that that will be on the Susquehanna. Is the zeal of gentlemen, who oppose this design, influenced by their despair of removing the seat of Government afterwards? I believe the people of America will not complain of it. If fixed there, I think it will be found convenient and will remain there.

The Susquehanna is the centre of the common convenience. At this moment there is more wealth and more inhabitants East than South of it. But the future population of America is calculated, and it is pretended that the balance of population is receding from the East. Surely the present inhabitants may be allowed principally to consult their own convenience. West of the Ohio is an almost unmeasurable wilderness; when it will be settled, or how it will be possible to govern it, is past calculation. Gentlemen will pardon me if I think it perfectly romantic to make this decision depend upon that circumstance. Probably it will be near a century before those people will be considerable; if we fix the national seat in the proper place now, it would give me no inquietude to know that a hundred years hence it may be liable to be removed; but, in fact, the principle that is assumed by the committee, and which I have attempted to justify, of taking the centre of the sea-coast line, will even in the event of that vast tract being settled, furnish abundant reasons for its remaining on the Susquehanna. I will not recapitulate those reasons. We must take some principles to guide us; and though some inequalities will appear, yet let gentlemen remember that, in so vast a country, great inconvenience will attend the communications of the people with Government, be the seat of it where it may; and by taking the centre of

the sea-coast line there will be less than any other principle. It will be found best to accommodate the greatest number; of, in other words, to be the centre of common convenience; indeed, this is not denied to be true at this moment; but the case is said to be changing. On the one hand, I think it is Utopian to calculate upon the population of the United States a century hence; and, on the other hand, I admit that it is impolitic at least, perhaps unjust, to confine our attention to the present population; a quarter of a century may be a medium. Will gentlemen deny that trade and manufactures will accumulate people in the Eastern States, in proportion of five to three, compared with the Southern? The disproportion will, doubtless, continue to be much greater than I have calculated. It is actually greater at present; for the climate and negro slavery are acknowledged to be unfavorable to population; so that husbandry, as well as commerce and manufactures, will give more people in the Eastern than in the Southern States. The very circumstance that gentlemen found their reasonings upon is pretty strongly against their calculations. They tell us of the vast quantities of good land still unsettled in their States; that will produce a thin population; for the old lands will not be crowded so long as new ones are to be had.

So far, therefore, as we may be allowed to look forward, the eastern half, from this central seat, will be far more populous than the other. In New England the settled parts are said to contain about forty-five to a square mile.

Much is said of the separation of the Western country. At a remote period the junction of the British colonies with the Union might be taken into view.

The seat of Government on the Susquehanna will be nearly accessible by water to all the people on the sea-coast by the Delaware river on the one side, and Chesapeake bay on the other.

Let us next consider the inland navigation of this river. Pittsburgh, on the Ohio, may be considered as the key of those waters, at least to the northward; it is a kind of common centre. Let us see how we shall approach it by the Susquehanna.

From Havre de Grace, at the mouth of Susquehanna, and at the head of the Chesapeake to Wright's Ferry, is (and here the Federal town probably will be)

	Miles.
To Harris's Ferry,	40
To the mouth of Juniata River,	20
Up Juniata River to the Standing Stone	15
Portage to Conimammetas River to the Allegany River,	75
Down that River to Pittsburg,	30
And from the supposed seat of Government at Wright's Ferry, only	60
Now, let us see what is the route by the Potomac. First, from the tide-water, on the Potomac, to Fort Cumberland, is two hundred miles.	270
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Now, let us see what is the route by the Potomac. First, from the tide-water, on the Potomac, to Fort Cumberland, is two hundred miles.

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Mr. Madison thought the gentleman mistaken in his calculations.

Mr. CARROLL begged leave to give the committee some information respecting the distance from tide-water to Fort Cumberland; from the tide-water to the Little Falls was three miles, to the Great Falls six more, and from thence to the Old Town one hundred and seventeen; which last place was fifteen miles from Fort Cumberland, making in all one hundred and forty-five miles, instead of two hundred, as stated by the gentleman.

Mr. AMES imagined his statement to be nearly right, and he found Mr. JEFFERSON stated in his Notes that the Falls of the Potomac were fifteen miles in extent, and a navigation extremely difficult to be made.

Mr. CARROLL said, it was not near that distance; in the fifteen miles there were three falls, the Seneca, the Great and Little Falls, but they occupy but a small part of the fifteen miles; he could certainly form some judgment of a place which he might say was almost at his door, and did not expect that Mr. Jefferson's Notes would have been adduced as an authority to contradict information he had given in his place. As to the difficulty of the navigation he had to observe that many of the obstacles were already so far removed as to render the transportation down to the Great Falls practicable; that there the canal was nearly finished, and ready to sink the lock-seats and insert the frames, so that in a little time there was a probability that no impediment whatever would obstruct the descent of produce to the tide-water.

Mr. AMES then proceeded with his calculation; and, said he, let us compare this route to Pittsburg, with that by the Potomac.

	Miles.
From the tide-water on Potomac to Fort Cumberland,	200
Portage to the three forks of Turkey-Foot, Water-carriage and portage one mile at the falls of the Youghogany,	30
Down the Youghogany to the Ohio	9
Up to Pittsburg,	50
	15
	304

I have reason to confide in these calculations. The latter is said to be made by a distinguished person, whose authority no man will dispute. If it is true, or any thing near true, it will destroy the whole argument in favor of the Potomac. I have consulted the best informed persons out of the House, and believe the statement to be true, as it respects both rivers. If it is, the ponderous edifice which the gentleman from Virginia has erected with so much labor crumbles to powder. For it will appear, that it is more than 70 miles nearer by the Susquehanna and Juniata to Pittsburg, than by way of the Potomac. Neither should we forget, from the tide water on the Potomac to Chesapeake is near 200 miles. Of course the access by water is less convenient and direct. The eastern branch of the Susquehanna is

navigable to the head of Lake Otego. A detachment of General Sullivan's troops came in boats from the lake quite down the river. This river stretches its long arms, and embraces a vast country, comprehending not less than twenty millions of acres.

Let us next consider the connexion through this water with the lakes. Its branches approach the Alleghany river very near, and by a portage of only three miles, communicate with the waters of Lake Erie.

Reckoning from Fort Pitt, Lake Erie, and its waters, and the several branches of the Susquehanna, it will be found that more than fifty thousand square miles are accommodated with water carriage. Perhaps, out of America, there is not another such an instance in the world. Yet this is not all. The water communication by the Potomac is subservient to the argument for the Susquehanna; for if the western country is so wonderfully accommodated by it as a highway, then it is only sixty miles travel, a mere portage, to Wright's Ferry; they will be on a footing with those who came by sea, and they will have still greater advantages over many of those who travel by land.

However, Mr. Jefferson's account of the Potomac does not correspond with the praises now bestowed upon it. He says, the falls are fifteen miles long, and speaks very unfavorably of the inferior navigation. In Summer, the waters are very subject to fail. My informants prefer the waters of the Susquehanna. Admitting, however, that the Potomac is as commodious as the other, still there are weighty reasons in favor of its rival.

The advantage to the neighboring country, in point of trade, resulting from the Federal town, is unessential in a national view. The people on the Potomac will not be injured, in the conveyance, or sales of their produce, by having it fixed on the Susquehanna. For the influence of the Federal town, in this respect, will not extend far. And as to the convenient access to the Government, it will make only sixty miles difference, which surely is not an object. But the great national point is, to fix the seat of Government in that place where it will best secure the Union.

The Potomac is, in some degree, exposed to two dangers; by sea, and from the mountains. Large vessels can go to Georgetown. The events of the late war have proved that there is a foundation for this apprehension. The Western country is to be viewed under different circumstances. From Lake Erie, by Pittsburgh, to the head of the Chesapeake, the people are naturally connected with us, they must send their produce through the States. But lower down the Ohio and the Mississippi the people have their exports by the latter will not be willing to leave the Southern States in the Union. The separation will not take place by the mountains, which are far from being impassable. The capital, if imprudently placed so far southwest, will furnish a temptation for this division, and strength and resources to maintain

it. I will not debate on this idea, though I think it an important one. The more it is weighed, the more hazardous and preposterous it will appear to place the Capital in a situation where gentlemen's own arguments admit, when they speak of the contingency of losing the Western country, that we may need all our strength, and yet where we should be able to command but a small part of it. Contrast this with the Susquehanna. The country is perfectly safe from the dangers of invasion by sea and from the mountains. If a division should happen, the seat of Government will fall on the right side of the dividing line; and so much strength on the frontier of that line will prevent a division. For the country from Lake Erie to Fort Pitt, and from thence to Lake Champlain, vast in its extent, its soil is fruitful, its climate favorable to the production of a hardy race of men, and to sustain a vast multitude of them. This extensive country will be benefited, in some degree, and in a greater attached to the Union, by fixing the seat of Government in this place; besides, nature has united them by indissoluble ties. It is a pleasing reflection to trace the effect of the strength of this part of the Western Territory, towards securing the remaining Western region of the Union. At all events, the country east of a line, drawn from Lake Erie to the Chesapeake, will be safe from the force of any other part of America; will that other part be safe from this Eastern part? Though national justice, and the wisest policy, should direct our councils, yet ambitious men will find a motive and a pretext for fomenting a division. But those near the line of the Eastern half will be unwilling to be a frontier; those farther south will be equally so; and what barrier, in case of a separation, have they to oppose to their Northern neighbors? The mountains furnish none, and both parties live beyond them. The great rivers will expose them to hostile inroads, as they will afford a convenient passage to troops. In fact, the Western people will secure the Western people. If the separation should notwithstanding take place, it would not be because nature directs it. We should have the consolation of reflecting, that we have provided the best means of preventing its happening at all, and from it, after it has happened, the best security against the effects which may result.

I will not pretend to say, that any one of these arguments is conclusive; nor do I flatter myself that they will immediately produce conviction; I place dependence on the moderation and good sense of gentlemen who possess public spirit and private honor; I rely upon the calm review which they will make of my observations a week hence, when the fervor of this debate has subsided.

I appeal to their candor, at that time, to decide, whether, in point of centrality, accessibility, protection to the Union, salubrity, and safety from insurrection and invasion, there is not solid reason for establishing the seat of Government on the Susquehanna. I will not say that the Potomac is

insalubrious; but it is well known that Northern constitutions are impaired by moving to a more Southern latitude. The air may be healthful, but the change is found to be pernicious to them. Whether there is any foundation for it or not, the Eastern people would dread the experiment.

The preservation of the Union is the worthiest object of a patriot's wishes. The world has doubted our success. I feel a consolation in the opinion, that the measure I am contending for will best contribute to that end. An American Legislature may seek true glory by such measures as will tend to secure the Union, to preserve peace, and to diffuse the blessings of science, liberty, and good government, over a greater extent of country, and in a higher degree than the world ever enjoyed them. Surely, this will interest the pride of every honest heart. It is the philosophy of ambition, or it is the religion of politics.

The question on Mr. Lee's motion for striking out Susquehanna, and inserting Potomac, was put and lost; for it, 21, against it, 29.

Mr. Madison then moved, to add, after "Susquehanna" the words "or Potomac;" this would furnish an opportunity to examine and compare the two situations. It was so favorable to a discovery of the truth, that he did not doubt but gentlemen who were desirous of grounding their decision upon a full understanding of the subject would agree to the motion.

Mr. Boudinot seconded this motion, and supported it by observing the necessity there appeared to be, of obtaining a more accurate knowledge of the two rivers, as gentlemen seemed to differ materially with respect to the matter of fact.

Mr. SHERMAN contended, upon the principles adopted yesterday by the committee, that they could not think of going to the Potomac; he said, that taking the population, even allowing the slaves in the Southern States, there was the great weight of population Northeast of the Susquehanna; but upon the ratio of representation, at a member for forty thousand inhabitants, there was but one million two hundred thousand south of Pennsylvania; one million four hundred thousand north, including Pennsylvania; but if the calculation was made from the Potomac, the South would contain nine hundred and sixty thousand inhabitants, and the North one million six hundred and eighty thousand. Now, he would ask, if gentlemen could expect that the Northern people would incline to go so far south? He apprehended they would not.

Mr. CLYMER had mentioned the navigation of the Juniata; but not confiding altogether upon his own memory, he had applied to a very well informed and respectable authority, the Governor of the Western Territory, for information, and he learned that his former opinion was confirmed, and that five hundred bushels of produce had been transported in one boat from Frankstown, at the head of the Juniata, to Middletown.

Mr. MADISON said, the circumstances of being obliged to resort to such an accidental piece of

information as the gentleman had just mentioned, strongly evinced, to his mind, the defective knowledge which the committee had at this time of what ought to have considerable influence on the determination of the present question. The object of this motion was to attain more accurate information.

The question being taken on inserting "or Potomac," it passed in the negative.

On motion of Mr. PAGE, the committee rose and reported progress, and then the House adjourned.

SATURDAY, September 5.

A memorial from the Marquis de Chartier de Lotbiniere, was presented to the House, and read, stating his claim to two manors, and seignories, situated at the head of Lake Champlain, and bordering on the east bank of the head of the said lake; to the possession of which, the United States have succeeded by virtue of the late Treaty of Peace with Great Britain, and praying that he may receive an equivalent for the same, and a just compensation for the time he has been deprived of the possession thereof.

PERMANENT SEAT OF GOVERNMENT.

The House then resolved itself into a Committee of the Whole, on establishing the permanent residence of Congress; when,

Mr. FITZSIMONS presented the following resolution:

Resolved, As the opinion of this committee, that the President of the United States be authorized to appoint commissioners, to examine, and report to him, the most eligible situation on the east bank of the Susquehanna, for the permanent seat of Government of the United States. That the said commissioners be authorized, by and with the advice of the President to purchase such quantity of lands as may be thought necessary, and to erect thereon, within ——— years, suitable buildings for the accommodation of Congress, and of the officers of the United States. That the Secretary of the Treasury, together with the commissioners so to be appointed, be authorized to borrow a sum not exceeding ——— dollars, to be paid in ——— years, with interest, at the rate of ——— per cent. per annum, payable out of the duties on import and tonnage, to be applied to the purchase of the land, and the erection of the buildings aforesaid. And that a bill ought to pass, in the present session, in conformity with the foregoing resolution.

Mr. SMITH (of South Carolina) doubted the propriety of the resolution, because he conceived the declaration in the Constitution required a cession of territory as well as jurisdiction. If he was joined in this sentiment by the committee, he would move that the President be empowered to appoint commissioners to examine and report a proper place on the banks of the Susquehanna for a federal town, and that, whenever the State of Pennsylvania shall cede to the United States a certain district or territory, not exceeding ten miles square, Congress would accept thereof for the above purpose.

Mr. SUMNER inquired, whether the State of Pennsylvania had not already made a cession.

Mr. HARTLEY replied, that the State of Pennsylvania had, by its convention, made a cession as required by the Constitution of the United States, to Congress, of the jurisdiction over any district, not exceeding ten miles square, that may be chosen by the acceptance of Congress, for the seat of Government of the United States. He could not help expressing some degree of surprise that gentlemen should advocate such an unreasonable proposition as that a State should convey to the United States the fee simple in a soil which, in all probability, was the property of individuals, and would require the exercise of a despotic power to wrest from them for that purpose.

Mr. SUMNER said, the committee could take no notice of what was done by the convention; he wished to know if the Legislature had conveyed such a right to Congress.

Mr. HARTLEY said, there had been some doubts with respect to the power of the Legislature to divide its jurisdiction with another; but the convention, who were chosen for the purpose of ratifying the Constitution, had adequate powers, and had made a cession in the manner he before mentioned.

Mr. SUMNER apprehended it was necessary the cession should be made by the Legislature, because it was to be done by the State, and in the subsequent part of the clause it substitutes the word Legislature; from whence it may be fairly inferred, that the action is to be performed by the Legislature of the State, and not by the convention.

Mr. CLYMER said, it was specially referred to the convention, by the State of Pennsylvania, to make the cession of territory alluded to in the Constitution; so, if the gentlemen would be satisfied, they had made a double cession; namely, a cession by both the convention and the Legislature.

Mr. SMITH (of South Carolina) inquired whether the cession extended to both soil and jurisdiction?

Mr. FITZSIMONS would answer the question by asking the gentleman whether there was any thing in the Constitution that looked like a requisition of soil?

Mr. AMES said, the opposition was more ingenious than solid, and hoped it was not intended to embarrass the business. If, however, the State of Pennsylvania had not granted the jurisdiction, it did not follow, that Congress could not fix the permanent seat of Government within its limits.

Mr. SMITH (of South Carolina) grounded his objection on principle, and he was not unsupported, for the cession of Delaware countenanced the idea he contended for. He supposed a State might find its interest in purchasing such a tract and presenting it to Congress, at the same time it would defray to the United States all the expense of establishing a permanent residence. In the present low state of the federal treasury, this was an object of considerable importance, and if it would be attained by taking as central a situation as that

proposed in Pennsylvania, it was an argument of considerable weight in accepting it.

Mr. LAWRENCE would inquire for what purpose the cession, mentioned in the Constitution, was required? It was, in the words of that instrument, to exercise exclusive Legislation in all cases whatsoever; now, did this consequence involve in it a territorial possession? It certainly did not. It involved nothing more than the power of making laws, independent of the State jurisdiction. The gentleman might have carried his idea further, for as the cession is to be made by particular States, it seems to infer that two States, at least, should be concerned in the cession; but would objections, from such forced constructions, have any weight in the judgment of the committee? He trusted they would not. He supposed it more rational to attend to the plain literal meaning of the Constitution than to engage in the discussion of the refined speculations of ingenious men.

Mr. Vining observed that Delaware, Maryland, and Virginia, had offered to cede territory, as well as jurisdiction, and there would be a great impriety in spending the Federal treasure, in purchasing the soil, when they might have it without expense.

Mr. AMES endeavored to show that such a cession, as was contemplated in the Constitution, might be made by one State to another, without giving a property to a foot of land. By comparing it with the cession of Silesia to Prussia, where not a single acre of soil was conveyed, but of jurisdiction to the whole province; so, when territory changes its government, by being the sacrifice of a treaty of peace.

He supposed that Congress were to purchase the soil necessary to erect buildings for the accommodation of the Government, and was satisfied the cession might be made subsequent to their election of a particular spot.

Mr. JACKSON opposed the purchase of soil at this time, because the existing demands on the public were of a primary nature, and ought not to be set aside for the attainment of an object which might be very well suspended for a considerable time.

Mr. STONE did not object to the purchase of the soil, because, with judicious management, the Government might dispose of it again at a profit; and not only indemnify the expense of the purchase, but raise enough to defray the price of erecting necessary buildings.

Mr. Vining said it was not his intention that the State Government should take the property of individuals without compensation; but he could easily conceive that it would be worth while for the State to purchase a tract of country, and give it to the General Government for their permanent residence. If it was to cost one hundred thousand dollars, and the State would receive an advantage equal to two hundred thousand dollars, from having the emporium of America in their neighborhood, he conceived it would be a good bargain.

Mr. SENEY.—The gentleman from Delaware has said that Maryland proposed a cession of soil;

but I believe, sir, there is not such a word as soil mentioned in the law.

Mr. CARROLL agreed with his colleague, and supposed that a cession of soil could not have been contemplated, because the State of Maryland had offered any part of the State, not excepting the town of Baltimore. He believed if Congress were disposed to fix in that town, it would be agreeable to the State; but he did not imagine they would agree to give the General Government a property to the whole town, and the surrounding country. The other parts of the State had never contemplated making the inhabitants of Baltimore a compensation for such an immense property.

Mr. GOUGHEN believed, if the House had agreed to go to the Potomac, there would have been none of these Constitutional difficulties stated. It was well known, he said, that the gentlemen from the Eastward had no desire to take up the subject; but those from the Southward were sanguine in their expectations that they should get the Government to the Potomac; and were, therefore, for pressing the business, and not allowing it to be postponed, as was contended for on the other hand.

Mr. MADISON said the business was not brought on by their original notion, though they gave it their support. It was true, that a proposition for postponement was made, but what was the extent of that postponement? Till December or January next. Was there any reason to suppose that those gentlemen, who were, at this day, opposed to the Potomac, would give into such a change of opinion by that time as to induce us to agree to their proposition? We saw no reason to expect such a change. And, as in fact we find a predetermined majority ready to dispose of us, the sooner we know our destiny the better; for it can be of little consequence, if we are to be disposed of, whether we are disposed of in September or December.

Mr. WADSWORTH.—The reiteration of being disposed of, by bargaining, induces me to rise and make one remark. It is a notorious fact, to the members within these walls, that the New England members, to a man, were opposed to a decision at present; and that they were disposed to accommodate the Southern States. They refused all bargaining, till they were assured there was a bargaining set on foot to carry them to the Potomac. Why, then, are we reproached with this? Whatever bargaining there has been, we were the last to come into it; we never thought of it, till we were told that we were a property, and should be disposed of, unless we took care of ourselves. I hope, as we have gone so far, we shall settle the subject in dispute by granting the money and erecting the necessary buildings.

Mr. JACKSON denied being concerned in any bargaining whatever, and defied any gentleman to say he knew any thing of one, till he heard it mentioned on this floor; he was determined to keep himself disengaged, and to vote according as his judgment should lead him, after hearing the subject coolly and thoroughly discussed.

Mr. MADISON hoped, if he travelled a little out of order, he should be justified, after what had taken place; but he could not withhold this public declaration of his wish, that every thing that had passed on the subject alluded to by the gentleman from Connecticut, (Mr. WADSWORTH,) were to be fully understood, and were reduced to writing. Every thing he knew of it he was willing, on his part, to put into that form; and he was well persuaded that it would be found, on examination, that the opposition of the Southern gentlemen was of a defensive nature, and that they had not listened to a proposition, until they had reason to think it necessary to prevent a sudden and improper decision of this very important question.

Mr. SMITH, of South Carolina, begged gentlemen to remember, that all the Southern members had not been in favor of bringing forward the business at the present session; he had opposed it as well as some others.

Mr. TUCKER wished, before the blanks in the resolution were filled up, that it might be amended, for in its present form he conceived it to be totally inadmissible. The objections already mentioned, struck his mind with great force; but he had one further objection. We are proceeding, said he, by this resolution, to give a discretionary power to the President of the United States, and the commissioners he may appoint, which no body of men ought to exercise but ourselves with the other branch of the Legislature. We fix a line, on some part of which the commissioners are authorized, by and with the advice and consent of the President, to purchase such quantity of land as they think proper. There is a power to fix the seat of Government on any part of a line five or six hundred miles in extent. Were we sent here to give such powers to any men? It is nothing less, in my mind, than betraying those rights of our fellow-citizens which we were sent here to guard. The place where the permanent seat of Government shall be fixed is allowed, by every member, to be a matter of great consequence to every part of the Union; the warmth of the debates evinces it to be a matter of the first importance, yet we are willing to get rid of it in any way, and throw it into such hands as our constituents never expected. I have no want of confidence in the judgment and discretion of the President, or those whom he may employ; but I never can agree that they shall exercise their judgment or discretion in a business to which the two branches of the Legislature alone are competent. We ought ourselves to fix the particular spot, and not leave it to any one, however eminent his station, to say where we shall assemble to legislate; there may be danger in the precedent. But are all the parts of this long river alike eligible? If they are not, it is another reason why we should decide upon the spot. I would, move, therefore, to alter the resolution, by making it the duty of the commissioners to report to Congress, and not to the President; by which means, at a future session, we shall be able to execute the whole plan according to our judgment.

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After this was done, he would proceed and make the best bargain he could with a State for the soil. He did not know that his colleague was right in supposing that the Constitution required a cession of territory, as well as jurisdiction; but he thought, if it could be obtained, it would be of great advantage to the Union, and he was willing to accept it.

Mr. SUMTER approved of the idea of his colleague, and would second his motion if he would go further; he wished the commissioners to go and explore the banks of the river, and report a choice of situations, by which means one would be bidding against another, and the Government, perhaps, might get the soil at a moderate price.

The question was put, on striking out the word "him" after "report to," and insert "Congress;" this passed in the negative, twenty-one for, and twenty-nine against it.

It was then agreed to fill the first blank with three. It was severally moved to fill the second blank with four, three, two, and one year; but all these being negatived, the blank was left to be filled in the House.

The third blank, respecting the sum to defray the expense, was filled with one hundred thousand dollars, to be paid in twenty years, at an interest of five per cent.

The whole resolution was then agreed to, twenty-nine to nineteen; after which the committee rose, and reported the resolution; which being under consideration in the House,

Mr. LEE conceived it to be his duty to present once more the preamble, which had been rejected in committee. He flattered himself, after the discussion which had taken place, that gentlemen were prepared to decide on liberal and national principles, and, therefore, they would adopt those he presented.

Mr. CARROLL would not have undertaken to trouble the House with his sentiments again, but that the gentleman from Massachusetts (Mr. AMES) insisted much upon the facts he found stated in Mr. Jefferson's Notes on Virginia. After he had undertaken to assure the Committee of the Whole of the facts respecting the navigation of the Potomac, which he could, as it were, observe from his own door, he expected, from that gentleman's candor, when he informed him that the falls were not extended the length of fifteen miles, and that the obstacles to the navigation were, in a great measure, removed, that he would not have dwelt upon them as arguments against going to the Potomac. He mentioned, that such progress was made in facilitating the navigation through the falls, that there was every probability an unimpeded passage would be allowed to the produce of the lands on its most remote and western branches; since which he had learned that a vessel, carrying twenty-four hogheads of tobacco, equal to twelve tons burden, had come down that river to within thirteen miles of Georgetown, by which it was evident that the greatest obstructions were removed. From a knowledge of these facts, he hoped the gentleman's candor would induce him to give up the conclusions he drew from

different information; and he trusted his justice would engage him to give a different vote from what he had given in the committee.

Mr. SENEY approved of the Susquehanna in preference to the Potomac, on every principle which had been brought into view, as proper to guide the House in deciding the present question. He treated the alarm which gentlemen apprehended would be given by fixing on the Susquehanna as merely ideal, and existing nowhere but in the imagination of gentlemen; so far from exciting jealousy, or disturbing the public mind, he contemplated it as tending to allay uneasiness, and to give general satisfaction.

On motion, the House now adjourned.

MONDAY, September 7.

PERMANENT SEAT OF GOVERNMENT.

The House resumed the consideration of the resolutions reported by the Committee of the Whole for establishing the permanent residence of Congress.

Whereupon, the first resolution was agreed to, and the second, to wit:

Resolved, That the permanent seat of the Government of the United States ought to be at some convenient place on the east bank of the river Susquehanna, in the State of Pennsylvania; and that, until the necessary buildings be erected for the purpose, the seat of Government ought to continue at the city of New York.

being under consideration,

Mr. LEE withdrew his proposition offered yesterday, and moved to amend the said resolution, by striking out the words "East bank of the river Susquehanna, in the State of Pennsylvania," and inserting in lieu thereof, the "North bank of the river Potomac, in the State of Maryland."

And, on the question that the House do agree to the said amendment, the yeas and nays were demanded, and are

YEAS—Messrs. Baldwin, Bland, Brown, Burke, Carroll, Coles, Contee, Galt, Griffin, Gilman, Goodhue, Hartley, Hathorn, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Wadsworth and Wynkoop—29.

NAYES—Messrs. Benson, Boudinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Wadsworth and Wynkoop—29.

So it was determined in the negative.

Mr. Vining said, it now became his duty, after having sacrificed a prejudice, if he had one, by giving his vote for the Potomac, to bring before the House the humble claim of Delaware. He apprehended that her claim to centrality, as it respected wealth and population, were superior to that of the Susquehanna; and that, if a sea-coast line was to be a criterion, she was near the centre of territory. He supposed that this was the line upon which the Committee was to decide for the present. It was not supposed necessary, at this time, to take into consideration the

vacant and extensive Western Territory, or why refuse the Potomac, which offered itself under the greatest advantages of an easy intercourse with that quarter? Add to the reasons he had mentioned, that the United States would consult their interest by fixing on the Delaware, as they would not incur the heavy expense of purchasing territory, and erecting magnificent palaces and hotels for the Government, and he thought gentlemen would not hesitate to agree with him.

The place he meant to offer was possessed of eminent superiority, as to salubrity of air and fertility of soil; it also united the advantages of the Atlantic and inland navigation; inasmuch as, by cutting a canal from the waters of the Chesapeake to the Delaware, a communication would be opened from Carolina, Virginia, and Maryland, to New Jersey, Pennsylvania and the midland counties of New York. The spot that he proposed for their acceptance was Wilmington in the State of Delaware; round which they might have a district for exclusive legislation, if it was thought proper to accept it. Under these impressions, he would frame his motion in such a way, as to enable Congress, when they did adjourn to meet at that borough. It was made in this form: To strike out the word "permanent," and all the remainder of the clause, after the words, "ought to be at," and to insert, in lieu of the last, "the borough of Wilmington, in the State of Delaware."

On the question that the House do agree to the said amendment, the yeas and nays were demanded, and are

YEAS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Cadwalader, Coles, Contee, Griffin, Gilman, Goodhue, Hartley, Hathorn, Heister, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Tucker, Wadsworth and Wynkoop—32.

Mr. Boudinot remarked, that the peculiar situation in which he had been placed, by having the Chair of the committee, prevented him from giving his sentiments on the subject then; he therefore hoped to be indulged with stating the claim of the Delaware to the honor of the Federal City. When a question of such great magnitude, and which involved the interests of the Union, was to be decided, he thought he could be neither doing justice to the United States at large, nor his immediate constituents, were he to neglect to call their attention to what the former Congress had done in favor of the Delaware. He was surprised that gentlemen, who contended for the accommodation of their constituents, should be led so far astray from pursuing that object, as to pass far beyond the centre of wealth and population, as well as territory; or, if they did not pass the centre of territory, they went to a place, maugre all that had been said, devoid of those advantages which ought to at-

tend the Federal residence. The want of communication with the Atlantic, the difficulty of navigating its waters, from the innumerable rocks, falls, and shoals, with which it abounds, which, from actual observation, he was induced to believe were insuperable obstructions to a connexion with the western waters; or, if they could be surmounted, it would be at such cost of money and labor, as the United States were not in a condition to expend, at a time when the widows and orphans were starving for want of the pittance due to them by the Government. The sterility of the soil, and the unhealthiness of a situation on the banks of a river which was subject to rise twenty feet and more, and overflow its banks, leaving behind vast quantities of stagnant water, whence proceeded noxious exhalations, the cause of a long catalogue of diseases, were altogether, in his mind, such objections to the place, that he could never imagine a majority of the House could consent to it. He further observed, that the Government would be secluded from the world, and the channels of information; there were few inhabitants, unless it was in the neighborhood of York or Lancaster.

But, besides all these considerations, there was this further, that there was an existing resolution of Congress for erecting the necessary buildings for their accommodation on the banks of the Delaware and Potomac, and an absolute grant of money for the purpose of defraying the expense. Now, as these had each of them strong pretensions, he was willing to have them considered and examined by commissioners sent on the ground. For the sake of accommodation, he would, therefore, move to amend the resolution, by striking out the words "east bank of the river Susquehanna, in the State of Pennsylvania," and inserting in lieu thereof the words "Potomac, Susquehanna, or Delaware."

On the question, that the House do agree to the said amendment, it passed in the negative; the yeas and nays being required, are as follows:

YEAS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Partridge, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of South Carolina,) Stone, Sumter, Tucker, and Wynkoop—26.

NAYES—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Wadsworth and Wynkoop—28.

Mr. Boudinot then moved to amend the resolution, by striking out the words "east bank of the river Susquehanna, in the State of Pennsylvania," and inserting, in lieu thereof, the words, "banks of either side of the river Delaware, not more than eight miles above or below the lower falls of Delaware."

On this question, the yeas and nays were demanded, and are:

YEAS—Messrs. Boudinot, Cadwalader, Gerry, and Sinnerickson—4.

NAYES—Messrs. Ames, Baldwin, Benson, Bland, 1st CON.—29

Brown, Burke, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Foster, Galt, Gilman, Griffin, Grout, Goodhue, Hartley, Hathorn, Heister, Jackson, Lawrence, Lee, Livermore, Madison, Matthews, Moore, Muhlenberg, Page, Partridge, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Tucker, Wadsworth, and Wynkoop—46.

Mr. STONE then moved to amend the resolution, by striking out the words "east bank," and inserting in lieu thereof the word "banks," and on the question, that the House do agree to the said amendment, the yeas and nays being demanded, were as follow:

YEAS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Galt, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Partridge, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Stone, Sumter, Tucker, and Wynkoop—26.

NAYES—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Sherman, Sylvester, Thatcher, Trumbull, Wadsworth, and Wynkoop—25.

So it passed in the affirmative.

A motion was then made, and seconded, further to amend the said resolution, by inserting, after the word "Pennsylvania," the words "or Maryland," and, on the question that the House do agree to the said amendment, it passed in the negative; and the yeas and nays being demanded, were as follow:

YEAS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Galt, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Partridge, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Stone, Sumter, Tucker, and Wynkoop—25.

NAYES—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Sinnerickson, Smith, (of Maryland,) Thatcher, Trumbull, Wadsworth, and Wynkoop—26.

Mr. LEE expected the question would be divided on the resolution, as it contained two distinct objects, the permanent and temporary residence.

Mr. PAGE suggested the propriety of striking out the latter part of the clause, relating to New York, and to confine the resolution merely to the avowed object, namely, the permanent residence.

The question was taken on striking out, and it passed in the negative, 24 for, 27 against it.

Mr. Vining then moved to strike out the words "City of New York," and insert, in lieu thereof, "Borough of Wilmington, in the State of Delaware," and on the question to agree to the said amendment, the yeas and nays being demanded, were as follow:

YEAS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Galt, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Partridge, Sinnerickson, Sumter, and Vining—21.

NAYES—Messrs. Ames, Benson, Clymer, Fitzsimons,

H. OF R.]

Permanent Seat of Government.

[SEPTEMBER, 1789.]

Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Smith (of Maryland), Smith, of South Carolina, Stone, Thatcher, Trumbull, Tucker, Wadsworth, and Wynkoop—30.

So it passed in the negative. Mr. PARKER moved to strike out "New York" and insert "Philadelphia."

Mr. LEE said, the city of New York possessed every convenience and accommodation; he was strongly impressed in favor of the inhabitants; their urbanity and industry did honor to America, and nothing could induce him to vote for striking out the words but a sense of duty. He flattered himself that a regard would now be paid to the great principles of centrality, which Philadelphia possessed in a great degree; the conveniences and accommodations to be found in that city were equal, if not superior to what New York presented; her public buildings and institutions were, he believed, at their command; the inhabitants were industrious, temperate, and frugal; in short, every principle which operated in favor of the Susquehanna, as a permanent residence, applied with equal or more force in favor of Philadelphia as the temporary seat of Government.

Mr. SHERMAN hoped the House were disposed to make as few removals as possible, and that as the buildings for their accommodation might be in readiness in two or three years at the permanent residence, they would be disposed to continue in New York till that time.

On the question, that the House do agree to the said amendment, the yeas and nays being demanded, are as follows:

YEAS—Messrs. Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Gale, Griffin, Heister, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Sennickson, Stone, Sumter, and Vining—22.

NAYS—Messrs. Ames, Benson, Bland, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Lawrence, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Smith (of Maryland), Smith, of South Carolina, Thatcher, Trumbull, Tucker, Wadsworth, and Wynkoop—29.

The main question being put, the second resolution, as amended, was agreed to by the House, in the words following, to wit:

"Resolved, That the permanent seat of the Government of the United States ought to be at some convenient place on the banks of the river Susquehanna, in the State of Pennsylvania; and that, until the necessary buildings be erected for the purpose, the seat of Government ought to continue in the city of New York."

The third resolution, in the words following, being taken up, to wit:

"Resolved, That the President of the United States be authorized to appoint three Commissioners, to examine and report to him the most eligible situation on the banks of the Susquehanna, in the State of Pennsylvania, for the permanent seat of the Government of the United States; that the said Commissioners be authorized

ized, under the direction of the President, to purchase such quantity of land as may be thought necessary, and to erect thereon, within four years, suitable buildings for the accommodation of the Congress, and of the other officers of the United States; that the Secretary of the Treasury, together with the Commissioners so to be appointed, be authorized to borrow a sum, not exceeding one hundred thousand dollars, to be repaid within twenty years, with interest, not exceeding the rate of five per cent. per annum, out of the duties on import and tonnage, to be applied to the purchase of the land, and the erection of buildings aforesaid; and that a bill ought to pass, in the present session, in conformity with the foregoing resolutions."

A motion was made by Mr. GALE, to amend the same, by inserting after the word "aforesaid" the following proviso, viz:

"Provided, nevertheless, that, previous to any such purchase or erection of buildings as aforesaid the Legislature of the States of Pennsylvania and Maryland make such provision for removing all obstructions to the navigation of the said river, between the seat of the Federal Government and the mouth thereof, as may be satisfactory to the President of the United States."

The yeas and nays being demanded, it passed in the negative.

YEAS—Messrs. Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Gale, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Seney, Sennickson, Smith, (of Maryland,) Smith, (of South Carolina,) Stone, Sumter, Tucker, and Vining—24.

NAYS—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Smith, (of Maryland,) Stone, Thatcher, Trumbull, Wadsworth, and Wynkoop—28.

And then the main question being put, Do the House agree to the said third resolution, as reported by the committee of the whole House?

The yeas and nays being demanded, it passed in the affirmative.

YEAS—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Smith, (of Maryland,) Stone, Thatcher, Trumbull, Wadsworth, and Wynkoop—28.

NAYS—Messrs. Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Gerry, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Sennickson, Smith, (of South Carolina,) Sumter, Tucker, and Vining—21.

Ordered, That a bill or bills be brought in, pursuant to the foregoing resolutions, and that Messrs. AMES, LAWRENCE, and CLYMER, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate had passed the compensation bill; also, the bill to provide for the safe-keeping of the acts, records, and seal of the United States, with several amendments, to which they desire the concurrence of this House; and the bill for establishing the salaries of the Executive officers of Government, with their

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Judiciary.

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assistants and clerks, with amendments; and that they adhere to their amendment to the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; some of which they agree to, and the others they disagree to.

TUESDAY, September 8.

A petition from sundry inhabitants of the State of New Jersey was presented to the House, and read, praying that the seat of the Federal, District, and Circuit Courts, for the State, be fixed at Perth Amboy.

Also, a petition from sundry inhabitants of Georgetown, in the State of Maryland, containing an offer to put themselves and fortunes under the exclusive jurisdiction of Congress, in case the town should be selected as the permanent seat of Government of the United States.

Ordered, That the said petitions do lie on the table.

The House then proceeded to consider the amendments proposed by the Senate to the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks. Some of which they agreed to, and others they disagreed to.

Also, to consider the amendment proposed by the Senate to the bill to provide for the safe-keeping of the acts, records, and seal of the United States; which was agreed to.

The House proceeded to reconsider the first amendment proposed by the Senate to the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

Whereupon,

Resolved, That a conference be desired with the Senate, on the subject-matter of the said amendment; and that Messrs. SHERMAN, TUCKER, and BENSON, be appointed managers on the part of this House.

The House then resolved itself into a Committee of the Whole on the bill sent from the Senate, to establish the Judicial Courts of the United States, Mr. Boudinot in the Chair; and, after some time spent in considering the same, the committee rose and reported progress; and then the House adjourned.

WEDNESDAY, September 9.

Mr. GOODHUE, from the committee to whom were referred the petitions from sundry inhabitants of the States of Rhode Island and North Carolina, presented a bill for suspending the operations of part of an act imposing duties on tonnage; which was received and read a first time.

The House proceeded to consider the petition of the Marquis de Charrier de Lothbiniere, which lay on the table;

Whereupon,

Resolved, That the said petition be rejected. Ordered, That the Committee of the whole House on the state of the Union be discharged

from further proceeding on the Message from the President of the United States, of the 10th ultimo; and that the said Message be referred to Messrs. Boudinot, Trumbull, and Burke; and that they do examine the matter thereof, and report the same, with their opinion, to the House.

THE JUDICIARY.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate to establish the Judicial Courts of the United States, Mr. Boudinot in the Chair; and, after some time being spent therein, the committee rose and reported progress.

A message from the Senate informed the House that the Senate insist on their amendment, disagreed to by this House, to the bill for allowing a compensation to the President and Vice President of the United States, and desire a conference with the House, on the subject-matter of the same. They also agree to the conference proposed by this House, on the subject-matter of the first amendment of the Senate to the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and have appointed managers at the said conference on their part. The Senate also recede from their second and sixth amendments; and insist on their third and fifth amendments, disagreed to by this House, to the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks.

Resolved, That this House doth agree to the conference desired by the Senate, on the subject-matter of their amendment to the bill for allowing compensation to the President and Vice President of the United States; and that Messrs. BALDWIN, LAWRENCE, and GOODHUE, be appointed managers at the same, on the part of the House.

The House then proceeded to consider the third and fifth amendments, insisted on by the Senate to the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks;

Whereupon,

Resolved, That this House doth recede from their disagreement to the said amendments.

The House then proceeded to consider the report of the committee, to whom was referred a letter from the Postmaster General, which lies on the table;

Whereupon,

Resolved, That until further provision be made by law, the General Post Office of the United States shall be conducted according to the rules and regulations prescribed by the ordinances and resolutions of the late Congress; and that contracts be made for the conveyance of the mail in conformity thereto.

On motion made, and seconded, that the House do come to the following resolution:

Resolved, That money shall not be drawn from the Treasury of the United States, unless by appropriations made or particularly confirmed by acts of Congress, subsequent to the 4th of March last.

[H. OF R.]

Pay of Members.

[SEPTEMBER, 1789.]

Ordered, That the said motion be referred to a committee, consisting of Messrs. HUNTINGTON, BURKE, and GERRY.

On motion, the House adjourned.

THURSDAY, September 10.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, of the second ultimo, containing certain articles to be proposed by Congress to the Legislatures of the several States, as amendments to the Constitution of the United States, with several amendments; to which they desire the concurrence of this House.

A bill for suspending the operation of part of an act for imposing duties on tonnage was read the second time, and ordered to be engrossed, and read a third time to-morrow.

PAY OF MEMBERS.

Mr. SHERMAN, from the Committee of Conference, reported, that a conference with the committee of the Senate had taken place upon the subject of discrimination in the pay of the two Houses, proposed as an amendment to the Salary bill, and insisted on by the Senate. The report was, in substance, that they had come to no precise agreement; that the Senate could not be induced to recede from their amendment; but, by way of compromise, the committee on the part of the Senate proposed that the compensation provided for by the present bill should be limited to seven years, the last of which, the compensation of the Senate, to be at seven dollars; or, they proposed that the House should pass a law providing for their own compensation, without including the Senate.

A motion was then made, that this House do recede from their disagreement to the said amendment, by adding to the end of the bill the following clause:

"And be it further enacted, That this act shall continue in force until the fourth of March, in the year 1790, and no longer."

The yeas and nays being demanded, it passed in the negative.

YEAS—Messrs. Ames, Baldwin, Benson, Brown, Cadwalader, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrence, Lee, Livermore, Madison, Muhlenberg, Moore, Scott, Sherman, Smith, (of South Carolina,) Trumbull, Vining, and Wynkoop—24.

NAYS—Messrs. Bland, Boudinot, Burke, Carroll, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grant, Hathorn, Heister, Jackson, Mathews, Page, Partridge, Schureman, Seney, Sylvester, Sunkinson, Stone, Sumter, Thatcher, Tucker, and White—29.

The committee on the petition of the public creditors, and other citizens of Philadelphia, reported, that the petition deserves the attentive consideration of Congress; but as the present session was short, and it was necessary to despatch much important business, now before Congress, it became impracticable to give the subject this ses-

sion, the attention that it merited. They, therefore, submitted a resolution to the following effect:

Resolved, That it highly concerns the honor and interest of the United States to make some early and effectual provision in favor of the creditors of the Union; and that the House would early next session take this subject into consideration.

Mr. BOUNDNOT then moved, that a committee be appointed to bring in a bill to establish the compensation of the members, and the officers of both Houses, for one year.

The orders of the day for the House to resolve itself into a Committee of the Whole on the Land Office bill, also on the Judiciary bill, were read, and postponed until to-morrow. Then the House adjourned.

FRIDAY, September 11.

The engrossed bill for suspending the operation of part of the Tonnage bill was brought in, engrossed, read the third time, and passed.

PAY OF MEMBERS.

Mr. BURKE wished to reconsider the Compensation bill respecting the pay of the members of the two Houses, which fell through yesterday. He was sorry that the House had not laid the bill for compensating the services of the President and Vice President on their table, and retained it as a hostage for the passing of the other through the Senate, without the clause making a discrimination in the pay between the Senate and House of Representatives. As the majority had not taken this precaution, he supposed they would be obliged to agree to the discrimination; the necessity of the case demanded all consideration, as they were obliged, by the Constitution, to fix upon a compensation for their own services; and as the majority had let what he thought a security to them pass out of their reach, he would stick no longer by them.

Mr. JACKSON was sorry to find the gentleman's resolution shaken; for his part, he would rather go without pay than accept it with the condition proposed. He hoped the bill would not be reconsidered; perhaps some expedient might be devised to enable gentlemen to get money enough to defray their expenses, and so warrant them to let the bill die.

Mr. BURKE said, while there was any prospect of successfully opposing the proposition of the Senate he held out; but as the House had let slip the only opportunity they had of contending with them on equal ground, he was disposed to give up the contest.

Mr. MADISON was extremely anxious that an accommodation should take place; but he was apprehensive that the proposed motion of reconsidering the bill, if successful, would be attended with dangerous consequences. He supposed the vote of yesterday amounted to a direct negative on the bill: of course it was lost, and could not be revived. He supposed that certain forms were necessary, in the passage of a bill, in order to prevent surprise, and he thought that this conduct

[SEPTEMBER, 1789.]

Judiciary.

[H. OF R.]

would amount to a very summary proceeding. A full House might one day reject a bill, which a thin House might pass the subsequent morning. Considering all these circumstances, he was inclined to think the motion was out of order.

Mr. SHERMAN conceived the bill to be still before the House, and was in favor of reconsideration.

Mr. GERRY entertained the same sentiments as the gentleman from Virginia with respect to the restoration of a bill that was lost; but he by no means conceived that to be the case with the present. The bill was still before the House, the vote of yesterday was not carried to the Senate, and the bill was still on the table. He thought, under these circumstances, they might reconsider the vote of yesterday if the majority acquiesced in the same opinion.

Mr. LAWRENCE joined in opinion with Mr. GERRY.

Mr. VINING conceived the question to be of importance, and had examined the Parliamentary proceedings of Britain; not that he supposed the House bound by the *lex parliamentaria* of that nation, but as many of their rules were correspondent, it might influence the judgment, especially as it was presumable that the rules of that body were founded in experience. He adduced a case in point, which happened in July, 1768.

Some further conversation took place on the question of order, when the motion to reconsider was declared by the Chair to be in order. An appeal being made from this decision, it was determined by the House to be in order—30 to 24.

And then the question on Mr. BURKE's motion being put, that the House do now proceed to reconsider the proceedings of yesterday on the Compensation bill, so far as relates to the adherence of the House to their disagreement to the adherence amendment, making a discrimination between the pay of the members of the two branches of the Legislature, it was determined in the affirmative. The yeas and nays being required, are,

YEAS—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrence, Lee, Livermore, Madison, Moore, Muhlenberg, Page, Scott, Sherman, Smith, (of South Carolina,) Trumbull, Vining, Wadsworth, and Wynkoop—29.

NAYS—Messrs. Bland, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grant, Hathorn, Heister, Jackson, Mathews, Parker, Partridge, Van Rensselaer, Schureman, Seney, Sylvester, Sunkinson, Smith, (of Maryland,) Stone, Sumter, Thatcher, Tucker, and White—25.

A motion was then made to agree to the amendment of the Senate, with an amendment, by adding to the end of the bill the following clause:

"And be it further enacted, That this clause shall continue in force till the first day of March, in the year 1790, and no longer."

And the question being put thereupon, it was resolved in the affirmative. The yeas and nays being required, are as follow:

YEAS—Messrs. Ames, Baldwin, Benson, Boudinot,

Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrence, Lee, Livermore, Madison, Moore, Muhlenberg, Scott, Sherman, Smith, (of South Carolina,) Trumbull, Vining, Wadsworth, and Wynkoop—28.

NAYS—Messrs. Bland, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grant, Hathorn, Heister, Jackson, Mathews, Page, Parker, Partridge, Van Rensselaer, Schureman, Seney, Sylvester, Sunkinson, Smith, (of Maryland,) Stone, Sumter, Thatcher, Tucker, and White—26.

The House then resolved itself into a Committee of the Whole on the Judiciary bill; and, after some time spent in considering the same, the committee rose and reported progress.

SATURDAY, September 12.

A message from the Senate informed the House that they had agreed to their amendment to the Compensation bill.

JUDICIARY BILL.

The House went again into a Committee of the Whole on the Judiciary bill, Mr. BOUNDNOT in the Chair; and, after spending some time upon it, they reported progress, and obtained leave to sit again.

MONDAY, September 14.

COLLECTION OF DUTIES.

A message from the Senate informed the House that they have passed the bill for suspending part of the act for regulating the collection of duties imposed on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States, with several amendments, to which they request the concurrence of the House. The House proceeded to reconsider the above amendments, and agreed to them.

JUDICIARY BILL.

The House then again went into a Committee of the Whole on the Judiciary bill, Mr. BOUNDNOT in the Chair; and having gone through the same, reported it to the House with several amendments, which were ordered to lie on the table.

Mr. AMES, from the committee appointed for the purpose, presented a bill to establish the seat of the Government of the United States.

TUESDAY, September 15.

The bill to establish the seat of the Government of the United States was read the second time, and ordered to be committed to a Committee of the whole House on Thursday next.

The House proceeded to consider the amendments reported by the Committee of the Whole, to the bill to establish the Judicial Courts of the United States, which being concurred with, the bill, as amended, was ordered to be engrossed for a third reading.

POST OFFICE.

A message from the Senate informed the House that they have passed a bill for the temporary es-

H. or R.]

Wabash Indians

[SEPTEMBER, 1789.]

tablishment of the Post Office; to which they request the concurrence of this House.

WEDNESDAY, September 16.

The bill for the temporary establishment of the Post Office was read the first time.

On motion, *Ordered*, That a committee be appointed to prepare and bring in a bill for amending the act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States; and that Messrs. SHERMAN, GOODHUE, and CONTEE, form said committee.

Another committee, consisting of Messrs. BURKE, MOORE, and LAWRENCE, was appointed, to bring in a bill for establishing the salaries of the Judicial Department.

The following Message was received from the PRESIDENT OF THE UNITED STATES, by the Secretary of War, together with a letter from the Governor of the Western territory, therein referred to: The said Message was read, and is as follows:

Gentlemen of the House of Representatives:

The Governor of the Western territory has made a statement to me of the reciprocal hostilities of the Wabash Indians and the white people inhabiting the frontiers, bordering on the river Ohio, which I herewith lay before Congress.

The United States, in Congress assembled, by their acts of the 21st day of July, 1787, and of the 12th day of August, 1788, made a provisional arrangement for calling forth the militia of Virginia and Pennsylvania, in the proportions therein specified.

As the circumstances which occasioned the said arrangement continue nearly the same, I think proper to suggest to your consideration the expediency of making some temporary provision for calling forth the militia of the United States, for the purposes stated in the Constitution, which would embrace the cases apprehended by the Governor of the Western territory.

GEO. WASHINGTON.

September 16, 1789.

The following being enclosed was also read:

NEW YORK, September 24, 1789.

SIR:—The constant hostilities between the Indians who live upon the river Wabash, and the people of Kentucky, must necessarily be attended with such embarrassing circumstances to the government of the Western territory, that I am induced to request you will be pleased to take the matter into consideration, and give me the orders you may think proper.

It is not to be expected, sir, that the Kentucky people will, or can submit, patiently, to the cruelties and depredations of those savages; they are in the habit of retaliation, perhaps without attending precisely to the nations from which the injuries are received. They will continue to retaliate, or they will apply to the Governor of the Western country (through which the Indians must pass to attack them) for redress; if he cannot redress them, (and, in present circumstances, he cannot,) they also will march through that country to redress themselves, and the Government will be laid prostrate. The United States, on the other hand, are at peace with several of the nations; and, should the

resentment of these people fall upon any of them—which it is likely enough may happen—very bad consequences may follow; for it must appear to them that the United States either pay no regard to their treaties, or that they are unable or unwilling to carry their engagements into effect. Remonstrances will probably be made by them, also, to the Governor, and he will be found in a situation from which he can neither redress the one nor protect the other; they will unite with the hostile nations, preferring open war to a delusive and uncertain peace.

By a resolution of the late Congress, the Governor of the Western territory had power, in case of hostilities, to call upon Virginia and Pennsylvania for a number of men to act in conjunction with the Continental troops, and carry war into the Indian settlements; that resolution, it is now supposed, is no longer in force. The revival of it might be of use, as it would tend to conciliate the western people, by showing them that they were not unattended to, and would, in some measure, justify me in holding a language to the Indians, which might obviate the necessity of employing force against them.

The handful of troops, sir, that are scattered in that country, though they may afford protection to some settlements, cannot positively act offensively by themselves.

I have the honor to be, sir,

Your most obedient and humble servant,

ARTHUR ST. CLAIR.

To the President of the United States.

The said Message was referred to Messrs. BOUNDINOT, TRUMBULL, and BURKE, to examine the matter thereof, and report the same to the House.

THURSDAY, September 17.

Mr. GOODHUE, from the committee appointed for the purpose, presented a bill to amend part of the Tonnage act, which was read the first time.

The bill sent from the Senate, for the temporary establishment of the Post Office, was read the second and third time, and passed.

The bill for establishing the Judicial Courts of the United States was read the third time and passed.

Mr. BOUNDINOT, from the committee appointed for the purpose, presented a bill to recognise and adapt, to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled, which was read a first and second time, and referred to a committee of the whole House.

Ordered, That the Secretary of the Treasury do report to this House an estimate of the sums requisite to be appropriated, during the present session of Congress, towards defraying the expenses of the Civil List, and of the Department of War, to the end of the present year; and for satisfying such warrants as have been drawn by the late Board of the Treasury, and which may not heretofore have been paid.

Mr. BURKE, from the committee appointed for the purpose, presented a bill for allowing certain compensation to the Judges of the Supreme and other Courts, which was read the first and second time, and ordered to be referred to a committee of the whole House to-morrow.

SEPTEMBER, 1789.]

Permanent Seat of Government.

[H. or R.]

Ordered, That the Committee of Ways and Means be discharged from further proceeding on the business referred to them, and that it be referred to the Secretary of the Treasury, to report thereon.

SEAT OF GOVERNMENT.

The House then resolved into a Committee of the Whole, on the bill to establish the seat of the Government of the United States, Mr. BOUNDINOT in the Chair.

Mr. VINING moved to strike out the first paragraph of the bill, in order to insert one to this effect: "That a district of ten miles square, comprehending the borough of Wilmington, in the State of Delaware, to be located as hereafter directed, should be selected as the seat of Government of the United States, until a more eligible place shall be fixed upon for the permanent seat; and that measures should be taken to accommodate Congress with that district, as soon as conveniently might be; provided that no cession be accepted till acts should be passed by the States of Maryland and Pennsylvania to open a water communication between the Chesapeake and Delaware."

This motion was negatived, being 23 for, and 28 against it.

Mr. GALE then moved to amend the first clause by adding the following: "That no district be accepted as aforesaid, until the President of the United States shall be satisfied of the practicability of effecting a navigation from the seat of Government to the mouth of the said river; and that this law shall not be carried into effect, until the States of Pennsylvania and Maryland shall pass acts (not including any expense to the said States,) providing for removing the obstructions of the same."

Mr. HARTLEY was not well acquainted with the navigation of the Susquehanna at the Maryland line, but, from his knowledge of the other part of the river, and the inference from the works carrying on above Havre-de-Grace, he was led to believe the navigation practicable at a small expense. Indeed, without the improvements which art might bestow, he believed it navigable. As a reason for this opinion, he mentioned the circumstance of Mr. William Tennet going down and returning with a ton of iron to the mouth of the Codorus but a short time since.

The Legislature of the State of Pennsylvania had declared the Susquehanna a highway; consequently it was in the power of companies formed and forming, to remove every impediment to the navigation. If there was no doubt of the practicability of the navigation, and he assured the committee there was none, of what use was it to adopt the clause? He hoped gentlemen did not mean to throw unnecessary embarrassments in the way, and their candor, he trusted, would induce them to relinquish a proposition which had no other tendency.

Mr. MADISON.—If the observations made by the gentleman last up have the weight which he

wishes them, I am sure they ought to produce an unanimous concurrence to the proposition of the gentleman from Maryland. Whatever diversity of opinion may exist with respect to the merits of the main question, I trust we shall all agree that our decision ought to be as much in favor of the interest of the United States as we have in our power to make it; and this will be done by securing a communication with the Atlantic navigation. The gentleman tells us that there is no doubt of the practicability of opening the navigation of the Susquehanna; if so, ought we not to make it a condition of our fixing on that river? I can see no reasonable objection, therefore, to the motion. It is possible the State of Pennsylvania may refuse her concurrence; this would defeat our object, if the practicability was ever so apparent; it is certainly prudent in the United States to guard against such a contingency. If Pennsylvania will agree, we do no injury to her by making it a condition; if she would not agree, would it not argue a great inattention, and want of prudence in us to put our best interest so much in her power? So that viewing the question on either side, it is proper to be adopted.

Mr. STONE observed that the weight of the arguments turned upon the practicability of this navigation; if now, it should be found that these arguments were grounded upon what is not the fact, it will be an insuperable reason against Congress fixing on that river; whereas, if the gentleman's observations were well founded, and he had no doubt but they were, as the gentleman lived in the neighborhood of the Susquehanna, the navigation would be found practicable, and Congress would go there of course; but what good reason could be adduced against securing to the General Government the power of removing the obstacles to the navigation?

As to what had been said of making the river a highway, it was of no importance; for he supposed all navigable rivers were highways from their nature; but this gave no right to a company to erect works for clearing the obstructions. He observed that this was the idea entertained by the Legislatures of Maryland and Virginia, who had entered into positive laws, empowering a company to erect such works, and receive toll for their indemnification.

Mr. CLYMER supposed that gentlemen were not acquainted with the practice of the State of Pennsylvania; rivers there are not public highways until they are declared so by law, before which the navigation might be obstructed by milldams or other works erected upon the stream; all which must be removed when a river is declared a public highway. Formerly that State was jealous of the trade going out of her hands by the Susquehanna; but a different policy has lately prevailed, and she has evinced a ready disposition to join with the neighboring States in clearing out the bed of the river, or by other means improving the navigation; so that the object of the proviso, so far as it depended upon Pennsylvania, is already accomplished; and it would be improper to make our removal to the Susquehanna depend

upon the consent of another State, whose interest it might be to oppose it.

Mr. LEE looked upon the clause as a very proper one, and as consistent with the principles laid down by the House, for the communication of the Western territory with the Atlantic ocean.

Mr. JACKSON inquired, whether the State of Pennsylvania had not the power to repeal that law which declared the Susquehanna to be a public highway? If they had it, and he did not doubt but what they possessed it, what would become of Congress when they are fixed upon the banks of that river, secluded from the world and totally cut off from a water communication with the Atlantic? He asked whether it would be prudent for the General Government to subject itself to such inconveniences, when they had it in their power to make their own terms?

Mr. FITZSIMONS wished gentlemen to consider whether it was absolutely necessary to have a water communication with the Atlantic ocean and the Western Territory? For his part, he had never understood it to be absolutely necessary, nor did the preamble to the resolution, adopted by the House some time ago, warrant such a proposition.

Mr. GALE doubted whether the obstructions could be removed out of the Susquehanna; indeed, he understood from a gentleman who was well acquainted with that river, that it never could be made navigable. He thought this point ought to be ascertained before Congress fixed themselves there.

Mr. SCOTT presumed the gentleman alluded to some conversation that had passed out of doors, but he appeared to misconceive it. He had said that it was next to impossible to remove all the obstructions in the navigation of that river: he was still of the same opinion, if it was understood that it should be navigated by large ships; but if gentlemen would be satisfied with a navigation by canoes, or even large boats, he believed such a navigation practicable.

He expressed his obligation to the gentlemen who were so desirous of accommodating the inhabitants near the Susquehanna with a ready road to market; but he did not think it a Continental concern, whether they sold the produce of their labor at Philadelphia or Baltimore.

He was surprised at gentlemen for insisting upon absolute water communication with the Atlantic. Did they expect that Congress must be supplied with what they wanted by that means? Could not a land carriage of thirty miles be as commodious as fifty miles of water carriage against a rapid stream? He could not see any advantage which Congress were to reap from this scheme; but he could discover the benefit which would result to Maryland from opening the navigation. If Congress meant to interfere, and give a preference to the Baltimore market over the Philadelphia, they had better do it openly and fairly, than in this covert manner.

Mr. STONE desired the question to be divided, in order to take the sense of the committee on each part separately.

Whereupon, the proposition was divided at the word river, and the sense of the committee given against it; there being 25 for, and 29 opposed to its adoption.

The question was then put on the second part, and the committee divided, 27 and 27. It then lay with the Chairman to decide, which he did by giving his vote in the affirmative.

The committee then went through the bill, and after agreeing to it, reported it with an amendment.

The House adopted the amendment, and Mr. GALE proposed to insert the words "or Maryland," so that it might be in the discretion of the commissioners to fix upon the banks of the Susquehanna, either in Maryland or Pennsylvania.

Mr. FITZSIMONS inquired of the gentleman what part of the State of Maryland, lying on the Susquehanna, was fit for a Federal town?

Mr. GALE could not tell precisely, but he apprehended some place near the tide-water might be found.

Mr. HARTLEY was sorry to trouble the House so often; but he could not restrain himself when he conceived gentlemen were aiming to throw embarrassments in the way of the bill. He called upon gentlemen to show the propriety of the amendment, by mentioning a spot fit for the seat of Government of Maryland, upon the banks of that river? The Maryland line is about twenty-five miles below Wright's Ferry, and ten or twelve above tide-water; a place exposed to the depredation of hostile nations. If this consideration is of no weight, we had better stay where we are, or seek a more central commercial city. He trusted gentlemen would not throw all they had hitherto done into confusion again, by adopting amendments of this nature.

On the question, the House divided equally, 27 and 27; and it lay with the SPEAKER to determine, which he did by giving his vote in the negative.

On motion, the further consideration of the bill was postponed, and the House adjourned.

FRIDAY, September 18.

Mr. HEISTER, from the committee appointed for the purpose, presented a bill making provision for the invalid Pensioners of the United States, which was read a first time.

The bill to amend part of the Tonnage act was read the second time, and ordered to be engrossed and read the third time to-morrow.

On motion,

Resolved, That it be the duty of the Secretary of State to procure, from time to time, such of the statutes of the several States as may not be in his office.

This resolution was sent to the Senate, and shortly after returned with their concurrence.

The House proceeded to consider the report of the committee to whom it was referred to examine into the measures taken by Congress and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of the said State, on Continental and State establishments, in the session made by the said State to the United

States, of the territory north-west of the river Ohio.

Whereupon, it was Ordered, That the further consideration of that report be postponed until the next session of Congress.

COMPENSATION TO THE JUDICIARY.

The House then resolved itself into a Committee of the Whole, on the bill for allowing a compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States. Mr. BOURDINOR in the Chair.

Mr. GOODHUE moved to strike out four thousand five hundred dollars, the proposed salary of the Chief Justice, in order to reduce it.

Mr. BURKE had been opposed to this sum when he was in the select committee that brought in the bill, but a majority was against him there, and so it was adopted. He, however, still maintained his former opinion.

Mr. LAWRENCE had been on the committee alluded to by the gentleman; he was then in favor of four thousand five hundred dollars, and was so still. He did not, he said, think it was too much, considering the very important nature of the duties assigned to that officer, and the high trust committed to his care. The laws and the Constitution of the United States are committed into his hands. We are to look for decisions on the most interesting points to the Judges of the Supreme Court; and on their decisions depend causes of the greatest possible magnitude.

The sum proposed he did not think would be considered too high; there is a predilection among the people in favor of their Judges; it is the general opinion, that they should be well paid. This sentiment is honorable to the people; it is productive of the happiest effects, and ought to be encouraged. He was willing, he said, to risk his popularity, by voting for that sum; he did not think it would be considered too high; and would rather be for increasing than diminishing it. When we consider what is paid to similar officers in other countries, we find that these salaries bear no proportion to their allowances. To induce gentlemen of the first abilities to come forward, and to place them in that situation which shall be above temptation, you cannot give them a less sum. It will be of very little consequence, whether the Judges hold their seats during good behaviour, if you do not make them independent in their salaries. He, therefore, hoped the sum would not be struck out.

Mr. GOODHUE said, he did not think there was any propriety in referring to other countries for examples on this occasion; circumstances did not apply. We must have a regard to the ideas of our own people, and the situation of our own country; and the only inquiry, in his opinion, was, what has been customary, and what may be necessary in the present case? He then referred to the salaries which are given in particular States; and though, in some instances, they are below what they ought to be, yet they command the first abilities. The sum proposed in the bill is so

much beyond all example in any of the States, that it will be considered beyond the abilities of the people. The grants we have already made are in general so high, and will excite so much uneasiness, that he was in hopes they would not have proceeded one step further in that line of policy. He wished the motion might obtain.

Mr. HENSON said, that an ample allowance was necessary, in order to command the first abilities. There was no doubt, he observed, but plenty of candidates might be found, who would serve for fifteen hundred dollars, or for a less sum. Instances may be mentioned of persons offering to serve as Governor, in some of the States, for five hundred dollars; but if it is intended to have the office respectable, by its being filled with men of competent abilities, a less sum than that proposed will not be found adequate.

Mr. AMES said, he had frequently heard in the House abstract reasonings upon the subject of salaries and compensations; but, for his part, he thought such reasonings had very little to do in the business. The only inquiry was, what sum would be necessary to command the first abilities in the respective States? The gentlemen, from various quarters, may determine, with a great degree of precision, for themselves; he thought he could speak for the four New England States; and supposed that fifteen hundred dollars per annum, for this officer, would be an object sufficient to excite the attention of men of the first abilities in those States.

Gentlemen might be found, he said, who would use the greatest exertions to qualify themselves for the office. He, therefore, hoped the motion for striking out the sum would obtain.

Mr. LIVERMORE was clearly of opinion, that these officers ought to receive a compensation for their services; and this he took to be the true data from whence to determine what would be a proper allowance. If the committee consider it in this point of view, they would inquire what was the business which the Federal Judges would have to perform? He had endeavored to fix this in his own mind, and from the considerations that had occurred to him, he was led to conclude, that their duty would not be a fourth part of what was attached to the State Judiciaries. Hence the inference was, that they ought to be satisfied with salaries much lower than those proposed in the bill.

Mr. VINING was in favor of the sum mentioned in the report. He stated the amount of the whole expense to be incurred, and contrasted it with the benefits to be derived to the United States from the institution. The object, he said, was to attract and command the first abilities. There are many gentlemen in the practice of law, whose abilities command a greater income than three thousand dollars per annum. Can it be expected that such persons will relinquish their lucrative professions, merely for serving the United States? It cannot be expected; and yet, he presumed, the very first abilities were the objects to be obtained.

Mr. GERRY approved of the motion. He enume-

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rated the debts, taxes, and burdens of the people; from whence he urged the necessity of the utmost prudence and economy in the expenditures and appropriations. He referred to the situation of Great Britain, and contrasted our circumstances with theirs. He said the salary of the Chief Justice ought to be about four hundred pounds sterling. He referred to what had been said respecting the incomes of lawyers; and said, he believed, where there was one who got three thousand dollars a year by his practice there were twenty who did not get one-third of that sum. He conceived that a much less sum than that proposed would command the first abilities on the continent. He would ask gentlemen, if the State Judges were men of inferior character? Yet they served for much less pay than what is now proposed.

Mr. JACKSON said, he did not doubt the truth of what the gentleman mentioned respecting the lawyers. But he would ask, if Judges of the Supreme Court of the United States were to be taken from the lowest class of lawyers? There was no doubt, he said, but that Judges might be obtained for five hundred pounds, but what kind of law? What kind of decisions would you get from such Judges? There are lawyers in some of the States, who make from fifteen hundred to two thousand guineas a year by their great abilities. Will such men relinquish their emoluments for the honor of serving the United States?

I have received some accounts from the Southward, by which I find, that gentlemen are declining public appointments, on account of the smallness of the salaries. We ought to consider the great importance of this officer; that the lives, the properties, and rights of the citizens are to depend on his decisions; that the preservation of the Constitution of the United States, and of the individual States, depends, in a great measure, on the wisdom, impartiality, and independency of this officer; and, in cases of impeachment, the President of the United States is to be tried by him; all the great appeals, and matters of treaty, are subjected to his decision. From these considerations, the first abilities should be procured; and ample and generous allowance ought to be given, so that every possible inducement to an undue bias and influence may be taken away.

Mr. PAGE had no doubt but the first characters would be attained to fill these very important offices; but he feared that a low salary would render them less independent than they ought to be. Gentlemen would make more at the bar, than they would make on the bench, which would prevent the most eminent from offering themselves. He feared this from the situation of the Judges in Virginia. They were formerly allowed five hundred pounds per annum; but, in the rage for reducing salaries, they were lowered to three hundred pounds. It was very questionable, if the present Judges were to fall off, whether they could renew the bench with men of equal characters. He feared this rage for reducing salaries; it was supposed, by many, to be republican, but he entertained a different opinion;

and doubted not but experience would sorrowfully demonstrate that low salaries are anti-republican; that, as you reduce your officers to scanty allowances, you depreciate the Government, and when the day of trouble arrives which tries men's souls, we shall lament the want of firmness and vigor in those who fill the Judiciary of the United States.

Mr. SMITH (of South Carolina) was against reducing this sum. He adverted to the circumstance of raising the salaries of the Judges in England, at the accession of the present King, from the idea of rendering them more independent than they had been. He then stated the amount of their salaries, and the situation of the people in that country, in respect to public burdens.

He then referred to the salaries of the Judges in several of the States; and pointed out the proportion of the expense which the Judiciary of the State of South Carolina bore to the amount of their Civil List, and made it one third; whereas, the Judiciary of the United States would not amount to one-eighth. He pointed out the necessity of holding out such inducements as would influence the first abilities to accept of the appointment; and urged the importance of making the Judges independent. The Judicial department he considered to be the sheet anchor of the Constitution; a department of the first consequence to the Union; a department which, in all civilized countries, is placed in an eligible and independent situation.

Mr. MADISON said, he did not wish to trouble the committee with a recapitulation of observations respecting the first abilities; but he would observe, that it ought to be considered, that these Judges must make a new acquisition of legal knowledge. They must have a familiar acquaintance with the laws of every State; they must understand the nature of treaties, and especially the treaties now subsisting between these States and foreign countries. These studies will absorb a great deal of their time.

When we consider the duties that will devolve upon them; they strike the mind as being of the greatest magnitude: they are the guardians of the Laws and of the Constitution of the United States, and, I trust, of the individual States also.

When we consider the great and important causes, in which opulent individuals will be parties, that are to come under their cognizance, we must be struck with the propriety of shielding these Judges from all possible assaults of temptation: to these, if we add, important cases of treason, in which the greatest interests will be involved, the idea will receive additional force. Upon the whole, considering the circumstances of the people, he said, he should disagree to the sum proposed by the committee; but, at the same time, should not agree to the proposed reduction.

On the question for striking out 4,500, it was carried in the affirmative. It was then proposed to fill the blank with 4,000, which was agreed to.

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After going through the bill, and making alterations in almost every salary, upon the foregoing principles, the committee rose, and reported the bill as amended.

After which, the House adjourned.

SATURDAY, September 19.

The engrossed bill for amending part of the act to regulate the collection of the duties, was read the third time and passed.

A bill, making provision for the invalid Pensioners of the United States, was read the second time.

A message from the Senate informed the House, that they had passed an act to regulate processes in the courts of the United States, to which they request the concurrence of the House; also, that they agree to some, and disagree to others, of the amendments proposed by this House to the bill for establishing the Judicial Courts of the United States.

Mr. PARKER, from the committee appointed for the purpose, presented a bill concerning the importation of certain persons, prior to the year 1808, which was read the first time; and, on motion, ordered, that the further consideration of the said bill be postponed until the next session of Congress.

The House then took into consideration the amendments to the Constitution, as amended by the Senate; and after some time spent thereon, the business was postponed till to-morrow.

The House then proceeded to consider the amendments reported yesterday, by the Committee of the Whole, to the bill allowing compensation to the Judges and Attorney General, when the salary of 4,000 dollars to the Chief Justice, agreed to yesterday by the Committee of the Whole, was reduced to 3,500; and some other similar alterations were made; when it was ordered that the bill be engrossed; and, after some time, the bill was read a third time and passed the House. Adjourned.

MONDAY, September 21.

A message from the Senate informed the House, that they recede from their amendment to the bill for allowing compensation to the President and Vice President of the United States; that they have also passed the Judges' Compensation bill, with several amendments; to which they request the concurrence of the House.

The House then proceeded to consider the amendments:

Whereupon, *Resolved*, That this House agree to the first, second, and third amendments; and disagree to the fourth amendment of the said bill.

Another message from the Senate was received, informing the House, that they have agreed to the following resolution; to which they desire the concurrence of the House.

Resolved, That it be recommended to the Legislature of the several States, to pass laws making it ex-

actly the duty of the keepers of their jails, to receive, and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by the due course of the laws thereof; under the like penalties, as in case of prisoners committed under the authority of such States respectively; the United States to pay for the use and safe-keeping of such jails, at the rate of fifty cents per month for each prisoner, that shall, under their authority, be committed thereto, during the time such prisoners shall be therein confined; also, to support such of said prisoners as shall be committed for offences.

The said resolution being twice read, was agreed to by the House.

A bill making appropriations for the service of the present year, was read a second time, and ordered to be referred to a Committee of the whole House to-morrow.

The House then proceeded to consider the report of the committee upon the petition of the Baron de Glaubeck:

Whereupon, it was *Resolved*, That the Baron de Glaubeck be allowed the pay of a Captain, from the ninth day of March, 1781, to the twenty-fourth day of August, 1782, having undertaken the command thereof at the request, and by order of the Commander-in-chief of the Southern Army.

Another message was received from the Senate, informing the House that the Senate recede from their fourth amendment to the Judges and Attorney General's Compensation bill; also, from their third amendment to the Constitution of the United States; and do insist on the other amendments to the said articles disagreed to by the House; and that they have agreed to a conference on this subject.

The House then proceeded to consider the report from the committee on the memorial and petition of the public creditors of Pennsylvania; after which, they came to the following resolutions:

Resolved, That this House consider an adequate provision for the support of public credit as a matter of high importance to the national honor and prosperity. *Resolved*, That the Secretary of the Treasury be directed to prepare a plan for that purpose, and to report the same to this House at its next meeting.

On motion, it was then ordered, that the Secretary of the Treasury be directed to apply to the Supreme Executives of the several States, for statements of their public debts—of the funds provided for the payment, in whole or in part, of the principal and interest thereof; and of the amount of the loan-office certificates, or other public securities of the United States, in the State Treasuries respectively; and that he report to the House such of said documents as he may obtain, at the next session of Congress.

The House then proceeded to reconsider such of the amendments to the Judiciary bill as had been disagreed to by the Senate; and adopted them without debate.

The report of the Secretary of the Treasury on the necessary appropriations for the current year was received, read, and referred to Messrs.

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WADSWORTH, SMITH, (of Maryland,) and SMITH, (of South Carolina.)

The House then resumed the consideration of the amendments proposed by the Senate to the several articles of amendments to the Constitution of the United States; some of which they agreed to, and disagreed to others, two-thirds of the members present concurring in each vote: whereupon, a committee of conference was desired with the Senate on the subject-matter of the amendments disagreed to; and Messrs. MADISON, SHERMAN, and Vining, were appointed managers on the part of the House.

Mr. JACKSON moved for leave to bring in a bill to alter the time of the annual meeting of Congress; this motion was agreed to.

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And then the House proceeded to consider the bill to establish the seat of Government of the United States, which lay on the table, with the amendments, as reported by the Committee of the whole House.

Mr. SMITH proposed to confine the choice of a situation on the banks of the Susquehanna, between Checkislungo creek and the mouth of the river. He was seconded by Mr. SNEY.

Mr. HARTLEY hoped the committee would limit it as near the spot contemplated as possible.

Mr. HEISTER said, he moved, the other day, for a particular spot on the river, which he conceived entitled to a preference; if the proposed motion obtained, that place would be excluded, and he should hesitate respecting his vote upon the bill.

Mr. SNEY by no means wished to embarrass the committee; if the motion proposed, would, any how, have that effect, he should withdraw his second.

Mr. MADISON felt himself compelled to move for striking out that part of the bill which provided that the temporary residence of Congress should continue at New York; as he conceived it irreconcilable with the spirit of the Constitution. If it was not from viewing it in this light, he should have given the bill no further opposition; and now he did not mean to enter on the merits of the main question.

From the Constitution, it appeared that the concurrence of the two Houses of Congress was sufficient to enable them to adjourn from one place to another; nay, the legal consent of the President was, in some degree, prescribed in the 7th section of article 1st, where it is declared, that every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment,) shall be presented to the President of the United States, and approved by him, before the same shall take effect. Any attempt, therefore, to adjourn by law, is a violation of that part of the Constitution which gives the power, exclusively, to the two branches of the Legislature. If gentlemen saw it in the same light, he flattered himself they would reject that part of the bill; and, however little they valued the reflection that this city was not central, which had been so often

urged, they would be guided by arguments springing from a superior source.

He would proceed to state the reasons which induced him to be of this opinion: it is declared in the Constitution, that neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days; nor to any place than that in which the two Houses shall be sitting; from hence he inferred, that the two Houses, by a concurrence, could adjourn for more than three days, and to any other place which they thought proper; by the other clause he had mentioned, the Executive power is restrained from any interference with the Legislature on this subject; hence, he concluded, it would be dangerous to attempt to give to the President a power which the Constitution expressly denied him. He did not suppose that the attempt to vest the Executive with a power over the adjournment of the Legislature would absolutely convey the power, but he conceived it wrong to make the experiment. He submitted it to those gentlemen who were attached to the success of the bill, how far an unconstitutional declaration may impede its passage through the other branch of the Legislature.

It has been supposed by some, that the seat of Government may be at a place different from that where the Congress sits; and, although the former may be established by law, the Legislature might remove elsewhere; he could not subscribe to this doctrine. What is the Government of the United States for which a seat is to be provided? Will not the Government necessarily comprehend the Congress as a part? In arbitrary Governments, the residence of the monarch may be styled the seat of Government, because he is within himself the supreme Legislative, Executive, and Judicial power; the same may be said of the residence of a limited monarchy, where the efficiency of the Executive operates, in a great degree, to the exclusion of the Legislative authority; but in such a Government as ours, according to the legal and common acceptance of the term, Government must include the Legislative power; so the term Administration, which in other countries is specially appropriated to the Executive branch of Government, is used here for both the Executive and Legislative branches; we, in official communications, say Legislative Administration or Executive Administration, according as the one or the other is employed in the exercise of its constitutional powers. He mentioned these circumstances to show that they ought not to look for the meaning of terms used in the laws and Constitution of the United States, into the acceptance of them in other countries, whose situation and Government were different from that of United America. If his reasoning was just, he should conclude that the seat of Government would be at that place where both the Executive and Legislative bodies are fixed; and this depended upon the vote of the two branches of the Legislature. There was another clause favorable to this opinion; it was, that giving Congress authority to exercise exclusive legislation in all cases whatso-

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ever over such district as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States; this was the only place where any thing respecting the seat of Government was mentioned; and would any gentleman contend that Congress might have a seat of Government over which they are empowered to exercise exclusive legislation, and yet reside at the distance of two or 300 miles from it? Such a construction would contradict the plain and evident meaning of the Constitution, and as such was inadmissible.

He hoped these observations would be attended to; and did not doubt but if seen in their true light they would induce the House to reject that part of the bill which he moved to have struck out.

Mr. SHERMAN acknowledged that Congress possessed the power of adjournment as it respected time and place, independent of the President; but he conceived there was a propriety in declaring where the seat of Government should be by law, in order that those officers who were called upon by the Constitution to be present at the seat of Government might know where to repair. He admitted that Congress, notwithstanding this declaration in the law, might adjourn to some other place.

Mr. PAGE would inquire where was the necessity of adherence to a clause which its warmest advocates must allow had no binding force as it related to its main object, namely, the continuance of the two Houses to sit in this city?

Mr. LAWRENCE was in hopes that the opposition to the bill had ceased, at least he did not expect that arguments of this kind would be brought forward at this time. The gentlemen who opposed the clause, declaring the temporary residence to be at New York, as contrary to the Constitution, urged nothing against it when it was severally proposed to be at Wilmington and Philadelphia; if he did not mistake, the gentlemen voted in favor of those places. From hence he was led to believe that a legal declaration on this point was not at that time unconstitutional, even in their opinion; and if it would have been proper with respect to one place, he could not think it improper as it respected another.

But he was induced to make this declaration, in order to give operation to some of the laws they had already passed. The law establishing the Judicial Courts of the United States made it the duty of the Judges to hold the Supreme Court at the seat of Government: how are they to discover where the seat of Government is unless it be declared? And admitting that the seat of Government is defined best by being at the place where Congress deliberates, how will it be ascertained if we should happen not to be in session? And this may be the case, for leave is already given to alter the time of our annual meeting, and how far that period may be extended into the ensuing year is altogether unknown.

The honorable gentleman from Virginia (Mr. MADISON) tells us, that Congress have a right to adjourn, by concurrence, to where they please,

and that their presence makes the seat of Government; yet, at the same time, he is an advocate for fixing a permanent seat of Government; there is surely some inconsistency in these ideas. Although Congress shall have fixed a permanent seat of Government, they retain the power of removing to where they think proper; hence, if they remove from their permanent seat, there becomes two seats of Government; now, which is the one that will have a legal operation, as it respects those who are to transact business at the seat of Government? Here is nothing to restrain them in this instance more than in the other; so that his arguments apply with equal force against both permanent and temporary residence.

But he did not think the presence of the Legislature was an absolute condition of any place being the seat of Government. If that doctrine was true, this city would, or would not, be the seat of Government, as Congress was in session or in recess. This was an idea teeming with inconveniences; he supposed the other construction the more rational, as that the seat of Government was determined by the residence of the Executive, the great officers of Government, the Judges, and the foreign Ministers, public archives, &c. The Legislature might find it convenient to sit at some other place, without obliging all the suite of the Government to remove with them. If this was the true construction, the majority of the Senate and House of Representatives would have it in their power to repeal the Judicial bill, or what amounted to the same thing, defeat its execution, independent of the power of the President, by removing from place to place, so that the Judges could not follow them to hold the Supreme Courts; or they might adjourn, and by their adjournment, annihilate the seat of Government, where only those courts could be held.

Mr. MADISON begged leave to explain. The gentleman last up had charged him with inconsistency, as it respected his former vote and present observations. He would insist that he might have voted in the manner expressed, and yet have been perfectly consistent; because, when an objectionable clause is under consideration, it comes proper for its opponents to agree to every thing they conceive to be an amendment, in order that if the proposition passes it may pass in the least imperfect form.

It has been said, that the Supreme Courts must be held at the seat of Government. True; but the Judges will know where they are to meet without this declaration; for the common acceptance of the word will lead them to hold the sitting of the court in the city of New York. He could not, as an American, with an eye to the American Constitution and the American language, separate the Legislative power from that of the Government; it appeared to him, to be the most essential part of any free Government, but much the most extensive and essential in the Government of the United States.

Mr. AMES was of opinion, with the gentleman from New York, (Mr. LAWRENCE,) that the objection went equally against the permanent and tem-

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porary residence of Congress; but he believed the gentleman from Virginia meant to confine himself to what he had stated, namely, that the measure was unconstitutional. He admired the abilities of the honorable gentleman, and doubted not but the Constitution was the better in consequence of those abilities having been employed in its formation; but he was not disposed to pay implicit deference to that gentleman's exposition of that instrument. There were but few on this floor who were in Convention, and who could say what was the intention with which every clause was inserted. He was content to take it as he found it; and could say with the gentleman, as an American, with an eye to that Constitution, the language of liberty in his mouth, and the love of it in his heart, he hoped it would never be considered, either within or without these walls, that the two Houses of Congress are the Government of the United States. He contemplated this Government as a Government of laws, and not of men. The makers of them could command nothing as to themselves; the Executive, with the Judges, were those who exercised the authority of the law, and to them the term most properly applied; but he would not descend minutely into this inquiry; he trusted the inconsistency of the idea was so apparent as to induce the gentleman to give it up.

He stated, that the seat of Government must depend upon the circumstances mentioned by the gentleman from New York, or upon a law. Without it was the case, that the seat of Government was fixed and known, how could the Supreme Courts be held? Or how could the electors of the President transmit their votes sealed to the seat of Government, as required by the Constitution?

Mr. Madison contended that the words in the Constitution, alluded to by the gentleman, supported his construction. It declared that the Electors should transmit their votes sealed to the seat of Government of the United States, directed to the President of the Senate; that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the votes, &c. The Senate appear from this to be a part of the Government; and their residence, with that of the House of Representatives, is supposed to be the seat of Government.

He did not mean to insinuate, as the gentleman had seemed to suppose, that the two Houses of Congress were the Government; but that the Legislative powers of the two Houses formed a part of the Government of the United States.

Mr. Smith, of South Carolina, had attended to the arguments, and was clearly of opinion that the seat of Government ought to be fixed by law; that required the consent of the President, as well as of Congress; they alone were but one-third of the Government, and not even that complete, for the Executive held a qualified negative over their Legislative authority. He thought gentlemen ought to attend to the convenience and policy of the measure, for he was persuaded that it was perfectly Constitutional; and, in this

point of view, they ought to consider the situation of foreign ministers and others, who might have business to transact with any branch of the Government.

Mr. Lee was convinced the clause was unconstitutional, but if it was not, it was unnecessary. The late Congress fixed this city the seat of Government of the United States; they appointed the present Government to meet here, and, by so doing, made it the seat of Government; it will retain this property until Congress shall adjourn to meet elsewhere, after which it loses it as a matter of course. Where, then, is the use of attempting to renew the establishment by law? It is not pretended that the law will prevent Congress from adjourning elsewhere; then what effect can it have in favor of the city it is intended to secure?

Mr. Jackson had been against the bill from the beginning, and had fairly and openly opposed it; but since it had been carried against him upon full debate, he would acquiesce in the decision of the House, conceiving it to be the voice of his country. He thought the present objection, as to its Constitutionality, not well founded; but if it is well founded, it went against the whole bill. It had been said the clause was unnecessary; he believed, if it did no good, it did no harm; and, as it was so far approved of, he would give it his vote.

Mr. Boudinot conceived the objection to be well founded; and expected, as it was running a risk of losing the whole bill, on account of a doubtful clause, the friends to the permanent seat would concur in striking it out.

Mr. Heister said, as there were doubts entertained of its Constitutionality, he would vote against the clause; moreover, New York was so uncentral, that he could not consider it as the proper place for even the temporary seat of Government.

The question on striking out the clause was put, and passed in the negative; twenty-three for, and twenty-nine against it.

Mr. Madison proposed to strike out the word "permanent" as unnecessary, and a term unknown to the Constitution.

The question being put thereon, it passed also in the negative—twenty-four for, and twenty-eight against it.

The bill was then agreed to, and ordered to be engrossed and read a third time to-morrow. After which the House adjourned.

Tuesday, September 22.

SEAT OF GOVERNMENT.

The engrossed bill to establish the seat of Government of the United States was read a third time; and the question was, Shall this bill pass?

Mr. Carroll said, he felt himself under peculiar circumstances on the decision of this important question. The House had determined that the permanent seat of the Government of the United States should be on the Susquehanna, in

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Pennsylvania, and not in Maryland on the Potomac. It was his opinion that the last would have been most conducive to the interest of the Union; and the voice of the majority of this House is against it. The Susquehanna, said he, being the next object most likely to attain what I have laid down as the rule of my conduct on this occasion, and, at the same time, must be agreeable to the wishes of a great part of my constituents, I felt myself under an obligation to vote for the Susquehanna, upon obtaining the clause which made it obligatory upon the States of Maryland and Pennsylvania to concur in opening the navigation of that river; and nothing would restrain me from giving my assent to the bill, but that clause which requires the concurrence of the President respecting the seat of Government, until Congress meet at their permanent seat. To this clause I have strong Constitutional objections; they were yesterday fully stated to this House by other gentlemen.

I have endeavored to remove this conviction from my mind, in order to give my assent to the bill; but as I am under the sacred obligation of an oath to support the Constitution, as I cannot efface the conviction from my mind that it is contrary to the Constitution, and as we could not succeed in striking out the clause, I feel myself under the disagreeable necessity of giving my dissent to the bill.

The yeas and nays, on passing the bill, being required by one fifth of the members present, were as follows:

YEAS—Messrs. Ames, Baldwin, Benson, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Jackson, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Sylvester, Smith, (of Maryland,) Stone, Thatcher Trumbull, Wadsworth, and Wynkoop—31.

NAYS—Messrs. Bland, Boudinot, Burke, Cadwalader, Carroll, Coles, Lee, Madison, Matthews, Moore, Parker, Schureman, Smith, (of South Carolina,) Sumter, Tucker, Vining, and White—17.

The bill having passed, was sent to the Senate for their concurrence.

The bill to alter the time for the annual meeting of Congress was read the second time, and ordered to be referred to a committee of the whole House this day.

The House resolved itself into a Committee of the Whole on the bill to recognise and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, Mr. Boudinot in the Chair; and, after some time spent in considering the same, the committee rose and reported that they had the said bill under consideration and made several amendments thereto, which were twice read and agreed to by the House.

It was then ordered that the said bill, with the amendments, be engrossed and read a third time to-morrow.

A message from the Senate was received, informing the House, that they had agreed to the

order passed in this House this morning, rescinding the order of the 25th of August, for the adjournment of both Houses on this day; and directing that the President of the Senate and Speaker of the House do close the present session, by adjourning their respective Houses on the 26th instant.

It was ordered, that leave be given to bring in a bill to explain and amend the act for registering and clearing vessels, and regulating the coasting trade; Messrs. Bland, Benson, and Goodhue, were appointed to prepare and bring in the same. Adjourned.

Wednesday, September 23.

The engrossed bill for recognising and adapting to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress assembled, was read the third time and passed the House.

The House resolved itself into a Committee of the Whole on the bill making appropriations for the service of the present year, Mr. Boudinot in the Chair; and after some time spent in considering the same, the committee rose and reported that they had, according to order, had the said bill under consideration, and made an amendment thereto; which being twice read, was agreed to by the House; and the bill was ordered to be engrossed, with the amendment, and read the third time to-morrow.

Mr. Bland, from the committee appointed for the purpose, presented a bill to explain and amend the act for registering and clearing vessels and regulating the coasting trade, which was read the first and second time, and ordered to be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill to alter the time for the annual meeting of Congress, Mr. Boudinot in the Chair; and after some time being spent in considering the same, the committee reported that they had had the said bill under consideration, gone through the same, and made several amendments thereto; which were twice read, and agreed to by the House.

The said bill, with the amendments, were ordered to be engrossed and read the third time to-morrow.

The House then resolved itself into a Committee of the whole House on the bill to regulate processes in the courts of the United States, Mr. Boudinot in the Chair; and after some time spent therein, the committee rose and reported progress. Adjourned.

Thursday, September 24.

The two following engrossed bills were read the third time and passed, to wit: the bill to explain and amend an act for registering and clearing vessels, and regulating the coasting trade, and the bill to alter the time for the annual meeting of Congress.

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Amendments to

the Constitution—Invalid Pensions.

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The engrossed bill making appropriations for the service of the present year, being read the third time, was ordered to be recommitted to a Committee of the whole House this day.

A committee was appointed to ascertain the amount of the compensations due to the members of this House respectively, and of the contingent expenses thereof, together with the contingent expenses of the session; consisting of Messrs. FITZSIMONS, SMITH, (of Maryland,) and BALDWIN.

Mr. GERRY, from the committee to whom it was referred to prepare an estimate of the gross amount and net produce of the Impost and Tonnage duties for one year, made a report, which was read and ordered to lie on the table.

AMENDMENTS TO THE CONSTITUTION.

The House proceeded to consider the report of a Committee of Conference, on the subject-matter of the amendments depending between the two Houses to the several articles of amendment to the Constitution of the United States, as proposed by this House: whereupon, it was resolved, that they recede from their disagreement to all the amendments; provided that the two articles, which, by the amendments of the Senate, are now proposed to be inserted as the third and eighth articles, shall be amended to read as follows:—

Art. 3. Congress shall make no law respecting an establishment of religion, or prohibiting a free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Art. 8. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation—to be confronted with the witnesses against him—to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

And provided, also, that the first article be amended, by striking out the word "less" in the last place of the said article, and inserting, in lieu thereof, "more?"

On the question that the House agree to the alteration of the eighth article, in the manner aforesaid, the yeas and nays were called, and are as follows:

YEAS—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Lee, Leonard, Madison, Moore, Muhlenberg, Parker, Partridge, Schureman, Scott, Seney, Sherman, Sylvester, Simeon, Smith, (of Maryland,) Smith, (of South Carolina,) Stone, Thatcher, Trumbull, Vinin, White, and Wynkoop—37.

NAYS—Messrs. Bland, Burke, Coles, Floyd, Gerry, Grout, Hathorn, Jackson, Livermore, Matthews, Page, Van Rensselaer, Sumter, and Tucker—14.

On motion, it was resolved, that the President of the United States be requested to transmit to

the Executives of the several States which have ratified the Constitution, copies of the amendments proposed by Congress, to be added thereto, and like copies to the Executives of the States of Rhode Island and North Carolina.

INVALID PENSIONERS.

The House then went into a Committee on the bill making provision for the invalid pensioners; which, after being read over in committee, they rose and reported it; and it was recommitted to a select committee consisting of Messrs. WADSWORTH, HEISTER, and GILMAN.

The House, according to the order of the day, resolved itself into a Committee of the Whole on the bill sent from the Senate, for regulating proceedings in the courts of the United States. Mr. Boudinot in the Chair; after some time spent in considering the bill, with amendments.

The first amendment was to strike out the words "the President thereof," in the first clause; which declared, that "all writs or processes, issuing out of the Supreme or Circuit Courts, should be in the name of the President of the United States," so as to allow writs and processes to issue only in the name of the United States. On agreeing to the motion for striking out these words, the yeas and nays were called, and are as follows:

YEAS—Messrs. Bland, Burke, Coles, Contee, Floyd, Gerry, Griffin, Grout, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Madison, Matthews, Moore, Muhlenberg, Parker, Scott, Seney, Stone, Sumter, Tucker, and White—25.

NAYS—Messrs. Ames, Baldwin, Benson, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Lawrence, Leonard, Partridge, Sherman, Sylvester, Simeon, Thatcher, Vinin, and Wynkoop—18.

So the words were struck out.

The bill, as amended, passed the House, and was sent to the Senate; after which the House adjourned.

FRIDAY, September 25.

The appropriation bill was read a third time and passed.

DAY OF THANKSGIVING.

Mr. Boudinot said, he could not think of letting the session pass over without offering an opportunity to all the citizens of the United States of joining, with one voice, in returning to Almighty God their sincere thanks for the many blessings he had poured down upon them. With this view, therefore, he would move the following resolution:

Resolved, That a joint committee of both Houses be directed to wait upon the President of the United States, to request that he would recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a Constitution of government for their safety and happiness.

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Invalid Pensions—Regulating Process.

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Mr. BROWN did not like this mimicking of European customs, where they made a mere mockery of thanksgivings. Two parties at war frequently sang *Te Deum* for the same event, though to one it was a victory, and to the other a defeat.

Mr. Boudinot was sorry to hear arguments drawn from the abuse of a good thing against the use of it. He hoped no gentleman would make a serious opposition to a measure both prudent and just.

Mr. TUCKER thought the House had no business to interfere in a matter which did not concern them. Why should the President direct the people to do what, perhaps, they have no mind to do? They may not be inclined to return thanks for a Constitution until they have experienced that it promotes their safety and happiness. We do not yet know but they may have reason to be dissatisfied with the effects it has already produced; but whether this be so or not, it is a business with which Congress have nothing to do; it is a religious matter, and, as such, is proscribed to us. If a day of thanksgiving must take place, let it be done by the authority of the several States; they know best what reason their constituents have to be pleased with the establishment of this Constitution.

Mr. SHERMAN justified the practice of thanksgiving, on any signal event, not only as a laudable one in itself, but as warranted by a number of precedents in Holy Writ: for instance, the solemn thanksgivings and rejoicings which took place in the time of Solomon, after the building of the temple, was a case in point. This example, he thought, worthy of Christian imitation on the present occasion; and he would agree with the gentleman who moved the resolution.

Mr. Boudinot quoted further precedents from the practice of the late Congress; and hoped the motion would meet a ready acquiescence.

The question was now put on the resolution, and it was carried in the affirmative: and Messrs. Boudinot, SHERMAN, and SYLVESTER, were appointed a committee on the part of the House.

INVALID PENSIONERS.

The Invalid Pensioners' bill was amended, and ordered to be engrossed, and afterwards passed its third reading.

Mr. FITZSIMONS, from the committee to whom such of the petitions, presented during the present session, as state any claims against the United States, or pray for the liquidation of any account, were referred, made report:

Whereupon, Resolved, That the several petitions of Dudley Tyler, I. Hurst, H. Malcom, P. Bennet, C. Merkle, A. Powar, and I. McGarragh, be referred to the Secretary of the Department of War, and that he report thereupon to the next session of Congress: That the memorial of Baron de Steuben, and the several petitions of Duncan Campbell, Thomasin Gordon, Monsieur Lejeune, Englebert Kemmena, Tristram Coffin, and Martha Walker, be referred to the Secretary of the Treasury, to report thereupon, in like manner, to the next session of Congress.

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gress; and that the case of Brigadier General Reed ought to be provided for by a general law concerning invalids.

It was then ordered by the House, that the committee to whom were referred the several petitions of William Finnie, James Gibbon, and Archibald McCallister, be discharged therefrom; and that the first be referred to the Secretary of the Treasury to examine, and report to the next session of Congress; and to the Secretary at War, to examine and report in the like manner upon the two latter.

A message from the Senate informed the House, that the Senate agree to the amendments proposed by this House to their amendments to the several articles of amendment to the Constitution of the United States.

FOR REGULATING PROCESS.

Another message was shortly after received from the Senate, informing the House that the Senate agree to all the amendments proposed by the House to the bill for regulating processes in the courts of the United States, except that respecting the style of the writ.

Mr. STONE hoped the House would insist upon their amendment. He thought substituting the name of the President, instead of the name of the United States, was a declaration that the sovereign authority was vested in the Executive. He did not believe this to be the case. The United States were sovereign; they acted by an agency, but could remove such agency without impairing their own capacity to act. He did not fear the loss of liberty by this single mark of power; but he apprehended that an aggregate, formed of one inconsiderable power, and another inconsiderable authority, might, in time, lay a foundation for pretensions it would be troublesome to dispute, and difficult to get rid of. A little prior caution was better than much future remedy.

The question was taken on their adherence to the amendment, which was decided in the affirmative; and the yeas and nays being called, were as follows:

YEAS—Messrs. Bland, Boudinot, Brown, Burke, Carroll, Coles, Contee, Floyd, Gerry, Grout, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Seney, Stone, Sumter, Tucker, and White—28.

NAYS—Messrs. Ames, Benson, Cadwalader, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Lawrence, Leonard, Partridge, Schureman, Scott, Sherman, Sylvester, Simeon, Thatcher, Trumbull, Vinin, Wadsworth, and Wynkoop—22.

A message from the Senate informed the House, that they had passed the bill to alter the time for the next meeting of Congress.

SATURDAY, September 26.

A message from the Senate informed the House, that the Senate had agreed to a resolution that the late order for the adjournment of the two Houses this day be rescinded; and that the Pre-

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sident of the Senate and the Speaker of this House be authorized to close the present session, by adjourning their respective Houses on Tuesday next; to which they desire the concurrence of this House.

The said resolution was read, and agreed to by the House.

A petition of Richard Ham, of the State of South Carolina, was presented to the House, and read, praying that he may receive compensation for certain services and supplies rendered for the use of the Navy of the United States, during the late war.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instructions to report thereupon to the next session of Congress.

A message from the Senate informed the House, that the Senate desired a conference with this House, on the subject-matter of the first amendment, depending between the two Houses, to the bill to regulate processes in the courts of the United States; and that they have appointed managers of the same on their part.

On motion, That this House do agree to the conference desired by the Senate; and that Messrs. WHITE, BURKE, and JACKSON, be appointed managers of the same on the part of this House.

DEBATES OF THE HOUSE.

Mr. BURKE called up the following resolution, which he had laid on the table the 21st of this month:

Resolved. That the several persons who have published the debates of this House, in the Congressional Register, and in the newspapers of this city, have misrepresented these debates in the most glaring deviations from truth; often distorting the arguments of the members from the true meaning; imputing to some gentlemen arguments contradictory and foreign to the subject, and which were never advanced; to others, remarks and observations never made; and, in a great many instances, mutilating, and, not unfrequently, suppressing whole arguments upon subjects of the greatest moment; thus throwing over the whole proceedings a thick veil of misrepresentation and error; which being done within the House, at the very foot of the Speaker's chair, gives a sanction and authenticity to those publications, that reflects upon the House a ridicule and absurdity highly injurious to its privileges and dignity.

Resolved, That to misrepresent the debates of the House, whether it arises from incapacity, inattention, or partiality, has a mischievous tendency to infringe the freedom of debate, and that this House should no longer give sanction to it.

After the resolution was read, Mr. BURKE supported it by a reference to the misconceptions and blunders which had been printed. Mr. BLAND and Mr. WHITE made some observations on the subject, none of which, however, the editor had an opportunity of taking down.

Mr. STONE said, that there were undoubtedly inaccuracies published; but he was far from supposing this a solid reason for prohibiting the printing of their debates. He had the misfortune, he believed, not to be understood by some of those

who attempted to detail what he said; because they had put into his mouth sentiments which his heart never felt, nor his head comprehended; but he should never think of suppressing what the world thought valuable information on this account. Speaking from his memory, and his own observations on the publications alluded to in the resolution, he was induced to say, that one of them was condemned in a degree beyond what he thought justice required. What he had mentioned of inaccuracies applied to the newspapers. The Congressional Register, he believed, was free from misrepresentations, other than sometimes changing the mode of expression or emphasis of language, which, he presumed was unavoidable, or necessary, when gentlemen delivered their sentiments on the floor, without system or grammatical precision. He did not pretend to assert further than for what he had spoken himself, that this work had some merit on account of its accuracy. He hoped, therefore, that the motion would not be agreed to.

Mr. GERRY said, these publications had a tendency to exalt some members and to depress others. Whence it arose that this was the case he did not pretend to say. He would exercise charity in this regard, and suppose it arose from inability or inadvertency in the reporters. But there was one thing very remarkable, that all the arguments on one side were fully stated, and generally took up some columns in the newspapers; while the arguments of the other side were partially stated, and condensed to a few solitary lines. Now, this circumstance could not proceed from the arguments not being heard, because gentlemen on the one side generally spoke as low as the gentlemen on the other; but, from whatever cause it proceeded, it had a tendency to hold one part up in a ridiculous point of view. If it was necessary to amuse the public in this way, to be sure they must submit to it; but he could not believe it necessary. He thought some regard ought to be paid to the reputation of the speakers, as it might influence that quality abroad; for he believed the debates of the House were neither confined to this city nor the United States.

He had made an observation, that the printers had it in their power, by misrepresentation, to make whom they pleased ridiculous in the eyes of the world, or to exalt those whose sentiments they favored. Viewing the publications in this point of light, they were conducted on principles of party, they might be one of the most dangerous engines in the hands of faction, and have a malignant and mischievous tendency upon the public voice of America. The debates of the British Parliament are published, it is true; they never permit them to be taken down, they never give serious consequences resulting from an improper use of such a liberty. But, notwithstanding all this, he was in favor of disseminating useful information, by a correct and impartial publication of the speeches.

Mr. PAGE moved to let the motion lie on the

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table. He should object to driving the gentlemen who were at the foot of the Speaker's chair into the gallery. He looked upon such a measure as the first step towards driving them and all their hearers out of the House. It was well known to gentlemen, that they were admitted by the tacit consent of the members, and he would not acquiesce in a violent removal. He thought those gentlemen, who had reason to complain that they were held up in a ridiculous light by the printers, had now sufficient revenge by the severity of the motion, and he hoped it might induce more accurate and impartial sketches of the debates in future, to the full satisfaction of those gentlemen. But he would rather submit to all the inconveniences of ridicule than sacrifice what he thought a valuable publication of useful and interesting information to his constituents.

Mr. BURKE did not wish to draw the House into a tedious debate; sooner than be the occasion of it at this time, he would withdraw the motion. But he did not approve of sacrificing the honor and dignity of the House, by putting it into the power of the printers, as it were, by their sanction. The publication of the debates of the British Parliament was not authorized by that body; they were published by men who got access to their galleries. So here, he would be content if they were taken in the same way; but he did not like that the world should suppose these publications were authorized by the House. In truth, the misrepresentation he complained of was principally occasioned by the partiality of the printer who sat at the foot of the chair, in his publications on the most important questions that had been brought forward. He did not see him there now; but if he saw him there again, and he continued to print falsely what was said by gentlemen on this floor, he would renew the motion, which he now withdrew.

Mr. HARTLEY wished a decision on the motion. He contemplated the question as involving in it an attack upon the liberty of the press.

Mr. SUMNER.—As the motion was withdrawn, he would not speak upon it; but if a motion were made to authorize the publication of the debates, in an able and impartial manner, by a gentleman who was thought qualified for the purpose, he would give it his support.

Mr. GERRY held a wish of the same nature; for he was a friend to a fair and impartial publication.

Mr. TUCKER said, that he thought a motion of the following import might be adopted: That every person who was permitted to take down the debates ought to do it, to the best of his ability, in an accurate and impartial manner.

Mr. BLAND held a similar sentiment.

Mr. LEE thought there was an impropriety in admitting short-hand writers to publish the debates, by the declared authority of the House; but he was far from objecting to their publishing, as they had heretofore done, by their tacit consent.

Mr. MADISON thought it improper to throw impediments in the way of such information as the

House had hitherto permitted from the purest motives; but he believed it equally improper to give the publication of their debates a legislative sanction, because it would be making the speakers, in some instances where they were misunderstood, answerable for the sentiments they never entertained. He had seen in the newspapers very great misconceptions of what fell from him; but he had no reason to believe it was done in order to cast a veil over his declarations, or to pervert them, with an intention of rendering him ridiculous. He believed the same was just as it applied to the speeches of other gentlemen. But, be this as it might, it gave him no concern, because he was not responsible for what was published, as it was done without his interference. If any thing was done in this matter, which tended to give a sanction to any publication, he presumed the members must be, individually, at the trouble of correcting and revising their speeches. This was an inconvenience he did not wish to encounter; he therefore concluded it best to leave it on its present footing.

Mr. WHITE disapproved the idea of giving a sanction to the publications by any vote whatever; but he was friendly to the practice of publishing the debates, because it conveyed useful information, and gave much satisfaction to those citizens who cannot attend in the galleries to hear the sentiments of those who represent them.

Mr. TUCKER withdrew the motion he had suggested, with a hope that the printers would be more cautious in future in their publications, and study a greater degree of accuracy and impartiality.

SEAT OF GOVERNMENT.

A message from the Senate was received, informing the House that they had passed the bill for establishing the seat of Government of the United States, with an amendment, which the House immediately took into consideration.

The amendment went to strike out all that related to the river Susquehanna, both as to fixing the seat of Government there, and removing the obstructions to the navigation; and to insert, in lieu thereof, "a district of ten miles square, bounded on the south by a line running parallel at one mile's distance from the city of Philadelphia, on the east side of the river of Delaware, and extending northerly and westerly, so as to include Germantown."

Mr. BLAND thought the bill was so materially changed as to warrant the House to postpone its consideration. The principles upon which the Senate had proceeded, he believed, had not yet been discussed in the House, and the short time which now remained of the session forbade the attempt.

Mr. PAGE seconded this motion. Mr. SMITH, of South Carolina, hoped that gentlemen would agree to let the bill lie on the table, and not be driven into a measure which they considered injurious to the public interest. He trusted they would not be influenced to adopt this bill by the Senate's keeping the appropriation bill

as a hostage for it, which he understood to be the case. Mr. FITZSIMONS was sorry to hear a thing of that kind insinuated against so respectable a body. He trusted the gentleman had been misinformed, but should be glad to know his authority. Mr. PARTRIDGE declared that a knowledge of this fact would have considerable influence on his conduct; therefore, he was desirous of knowing to what an extent it was a certainty.

Mr. BLAND would not charge the Senate with retaining the appropriation bill as a hostage; but he thought it of more importance than the bill they had now sent down, and wished it had been first acted upon.

Mr. SPEAKER informed the House that the appropriation bill was sent only yesterday to the Senate.

Mr. STONE did not suspect the Senate of the conduct which had been intimated; but, nevertheless, he was in favor of the postponement.

Mr. LEE remarked that the great principles which this House had adopted, on fall debate, were now thrown out of view; they had nothing to do with the amendment which the Senate had made. He could not, after this circumstance, bring himself to believe that the House would agree to the alteration, without discussing the other principles upon which it must be founded. And here the approaching termination of the session, and the quantity of unfinished business, presented to the mind a strong objection; either it could not be done at all, or done to great disadvantage. Beside, if it is laid over to the next session, the voice of the people may be better understood on this important question; when that was fully and fairly expressed, he flattered himself with an harmonious determination, to which all parties would submit without a single murmur.

Mr. SHERMAN thought the amendment of the Senate founded in wisdom, and upon true principles; the House had now nothing else before them. Indeed, they had just been spending an hour or two upon a very uninteresting subject respecting printers; he therefore trusted they would proceed to consider the amendment fully, and come in a proper time to a decision upon it.

Mr. WHITE considered the amendment of the Senate as totally changing the tenor of the bill, and therefore it was like introducing a new subject. Indeed, in all the long arguments which the question had drawn out, he believed this place had never been mentioned. The gentleman last up said there was no business before the House at present; but he would ask, if a business had never yet been before them, whether a member would be permitted to bring it forward at this late hour? He might be told that the act of the Senate carried greater weight in it than the motion of a member. But he would place against that weight the weight of the vote of this House, which on a former day agreed to fix the seat of Government on the banks of the Susquehanna; so that the question may be supposed to stand on independent ground.

But there was a collateral observation he would

make. If Germantown was the proper place for the permanent residence of Congress, it was so near Philadelphia as to prove that that city would be the proper place for the temporary residence, and of course they ought to move there immediately, and order the next session to be held there; but both these questions were of too much moment to be fixed by a hasty vote of the House.

Mr. JACKSON had given his assent to the bill as it passed the House, after a fair opposition. He was satisfied his fellow-citizens would submit to what appeared to be the voice of their country; though they would have preferred the Potomac on account of its centrality and contiguity to the Western territory, yet he acceded to the Susquehanna; but this was no reason he should vote for Germantown. Who are those that say to us Germantown is the most proper spot that can be selected? They are the representatives of the State sovereignties; where the large and small States are equally represented, the voice of the majority of the people is lost in the inequality of the political branch of the Legislature. He could not but think an alteration in the sentiment of the House, on the ground, would excite serious alarm in the minds of the people; to avoid which consequence he should agree to the postponement.

Mr. GERRY urged as a reason for postponement, that North Carolina and Rhode Island were out of the Union at present; and that, as there was a flattering expectation that at least one of those States would adopt the Constitution by the next session, it would be extremely desirable to have their voice in determining this great question.

Mr. MADISON.—However different our sentiments with respect to the place most proper for the seat of the Federal Government, I presume we shall all agree that a right decision is of great importance; and that a satisfactory decision is of equal moment to the happiness and tranquillity of the Union: that even such decision may take place, are worthy of serious consideration.

Now, sir, the amendment proposed by the Senate not only deserves the name of a new bill, but it proceeds on principles different from those which served for the basis of the bill sent up to them from this House: hence, I presume, sir, it is not only necessary to examine the merits of the proposition, but to enter into a full and minute investigation of those principles upon which it is founded: the proposition is new, and in some degree opposed to what has heretofore prevailed: the public mind has not yet been called to the consideration of it; nay, I believe it never yet has been contemplated by the inhabitants of any one State: the eye of America should be indulged with an opportunity of viewing it before it be made their fixed abode. All the other places which have been mentioned as candidates for the seat of Government, on this occasion, have at different times, and in different forms, been held up to the public attention; two of them had not only employed the deliberation, but had obtained the favorable decision of the old Congress; now, after all this, to take up and adopt, in a moment, a rival

place, never before contemplated, is risking an improper and a dissatisfactory decision.

Mr. STONE reminded the House of the majority there was in selecting the Susquehanna, which he conceived to be the second best spot in the United States; and how much greater that majority would have been than 31 to 17, if no other question had been involved in the bill: he could hardly suppose such a change of sentiment would take place without argument, as was necessary in order to get the Senate's amendment adopted, which, he understood, was carried by a small majority indeed.

Mr. WHITE would just add one observation, which was respecting the enormous price of land in the vicinity of Philadelphia; and how imprudent it would be for Congress to subject themselves to an exorbitant demand of this nature, by fixing upon the precise spot where this Federal town should be.

The question was now taken on postponing the consideration of the amendment proposed by the Senate, until the next session; and the yeas and nays being called, were:

YEAS.—Messrs. Baldwin, Bland, Brown, Burke, Carroll, Coles, Contee, Gale, Gerry, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Schureman, Sney, Smith, of Maryland, Smith, of South Carolina, Stone, Sumter, Tucker, and White—25.

NAYS.—Messrs. Ames, Benson, Boudinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Sherman, Sylvester, Sinnickson, Thatcher, Turnbull, Vining, Wadsworth, and Wynkoop—29.

So it was determined in the negative.

A Message from the President of the United States was received, enclosing a letter from the Governor of Rhode Island, written at the request and in behalf of the General Assembly of that State; which being read, was ordered to lie on the table. And then the House adjourned.

MONDAY, September 28.

DAY OF THANKSGIVING.

A message from the Senate informed the House that they had agreed to the resolution desiring the President of the United States to recommend a day of general thanksgiving; also, to the resolution desiring him to transmit to the Executive of the several States of the Union, and also to the North Carolina, copies of the amendments agreed to by Congress, to the Constitution of the United States. They have also come to a resolution appointing a committee to join with such committee as this House shall appoint, to wait upon the President of the United States, and notify him of the proposed recess of Congress.

Whereupon, the House ordered that a committee be appointed to join with the committee of the Senate, for the purpose expressed in the last resolution; and named Messrs. Vining, LEE, and GILMAN, accordingly.

The House then proceeded to consider the

amendments proposed by the Senate to the bill for the establishing the seat of Government of the United States.

SEAT OF GOVERNMENT.

Mr. SHERMAN.—In our deliberations on this occasion, we should have an eye to the general accommodation of the Union, and the best way of defraying the expense. The place fixed upon by the Senate, he presumed, was known to the members generally; hence they were able to judge of its eligibility at the first view; it certainly possessed some advantages over the other situation; and he believed it was as central, if not more so than the Susquehanna, as it respected the present inhabitants; the air, the soil, in that neighborhood, were quite as agreeable as the other. But there was an access by water, from every part of the United States, which furnished a very great convenience; but besides this, those who came from the Southern States had generally an inland navigation, with a short distance to come by land from the head of the Elk; so the citizens of the Eastern States, in like manner, would be accommodated by coming through the Sound, and crossing to Amboy, on which route they would have but about seventy miles land carriage; a distance nearly equal with the other. He admitted that Germantown was not quite so near to the Western territory as the Susquehanna was; but he contemplated a very distant day before it would be settled, and much longer before the inhabitants would have frequent occasion of travelling to the seat of Government. Added to the advantages he had mentioned, there were good buildings, and convenience for arsenals and ship yards, with abundance of artificers on the spot; these considerations, taken together, induced him to think it best to concur with the Senate.

With respect to the change which the Senate has proposed in the mode of obtaining the money requisite to defray the expense of raising the public buildings, he thought it a prudent alteration, considering the present situation of the Treasury; the Senate, no doubt, considered this circumstance, as well as that the State of Pennsylvania would be benefited by this selection, beyond her equal proportion; and that she ought, therefore, to contribute something for the advantage it procured her.

Mr. SMITH thought the honorable gentleman rather inconsistent in his argument to-day. If he recollected right, the gentleman had formerly urged in favor of the Susquehanna, that it was not accessible by vessels from sea; and now he recommends this quality as an advantage in favor of the Delaware. The gentleman admits that this position is not quite so near the Western Territory as the one chosen by the House; but then he thinks no inconvenience will arise, inasmuch as it will be some years before it is peopled; but how does this comport with the principle laid down by an almost unanimous vote of the House? At the beginning of this business, we declared that a due regard should be had to the Western Territory; he now tells us, as an argument in favor of

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the Senate's amendment, that we should have no regard to it at all. He thinks the change made in the manner of obtaining the money favorable; but what advantage will accrue to the United States from Pennsylvania's granting 100,000 dollars, when Congress will have to purchase the land on which they are to sit down? Land in the neighborhood of Philadelphia, he had been told, was worth 40 or 50 pounds an acre. The 100,000 dollars, given by Pennsylvania, would not go far in a purchase at this rate. He thought the Government would have a better bargain in buying cheap lands on the Susquehanna; or perhaps they might have been got there for nothing. He thought this alteration unfavorable to the Public Treasury, which could ill supply such a demand upon it.

But he had an objection which would go against fixing in the neighborhood of any large city. The Federal town would, in such case, be no more than a suburb. Could any one expect Germantown to rival Philadelphia? No; it would be swallowed up by it. The public ministers, and all the officers of Government, who could afford it, would reside in Philadelphia; for they are generally found to prefer a large, handsome, well-built city to a small village. Now, he would submit whether it was consistent with the dignity of the nation to place themselves in such a situation. Besides, the State of Pennsylvania had fixed boundaries, into which they would not admit Congress; should the House, then, to show their deference and respect to her, go precisely to those boundaries, and say they are content? Why, if Germantown is central, do we not say we will go to Philadelphia? that city would undoubtedly afford better accommodation, and could be but five miles short of the centre. No, we are not to go there, because the State of Pennsylvania has proscribed us; we must go to the very line she has marked out for us, and accept her cession upon her own terms. It would be more consistent with the dignity of Congress to select the place, and wait where we are well accommodated, till the State shall consent to give it.

He hoped the large majority which had agreed to the Susquehanna would continue firm, and not suffer a dereliction of the object they had so ably supported.

Mr. SHERMAN begged leave to answer a few words of the gentleman. He was charged with inconsistency, because he had said the Susquehanna was safe from vessels of war; but this was not an objection, in his mind, to any place; he only mentioned it to obviate the objection in the minds of those who entertained it: for his part, he did not fear the effects of an invasion, because he believed and trusted that many years would pass away before the United States were involved again in war. The gentleman might also remember that the Eastern members always thought the Susquehanna south and westward of the true centre, but were content to go that far for the sake of accommodation; but now that the Senate had agreed with them in that opinion, he thought it

but reasonable to meet them, and adopt their proposition.

Mr. WHITTE had not been present when the question was discussed in this House; but he observed, from the minutes, and other publications, that the great contest lay between the Susquehanna and the Potomac: he understood that the interest of the whole was consulted in the choice the House had made; he was so far inclined to pay a deference to the opinion of this House, as to acquiesce in their decisions, although his own sentiments were in favor of the more southern and western position; but he could never think that great national principles would induce them to stop short of the place which they had approved.

Mr. MANISON contended that the amendment proposed by the Senate was a departure from every principle adopted by the House; but he would not trouble them with a recapitulation of arguments, which he feared would be unavailing; he wished, however, that the House would provide against one inconvenience, which was, to prevent the district in Pennsylvania, chosen by Congress, from being deprived for a time of the benefit of the laws. This, he apprehended, would be the case, unless Congress made provision for the operation of the laws of Pennsylvania, in the act by which they accepted of the cession of that State; for the State relinquished the right of legislation from the moment that Congress accepted of the district. The propriety of this proposition was so apparent, that he had not a doubt but the House would consent to it. He then moved the following proviso: "And provided, that nothing herein contained shall be construed to affect the operation of the laws of Pennsylvania, within the district ceded and accepted, until Congress shall otherwise provide by law."

Mr. LIVERMORE objected to this motion; because he supposed there was no necessity for it. The question was then taken, do the House agree to the amendment? and decided in the affirmative. The yeas and nays being demanded, are as follows:

YEAS—Messrs. Ames, Cadwalader, Clymer, Fitzsimons, Floyd, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Huntington, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Scott, Sherman, Sylvester, Sinnenickson, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—31.
NAYS—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Carroll, Coles, Contee, Griffin, Jackson, Lee, Madison, Matthews, Moore, Page, Parker, Seney, Smith, of Maryland, Smith of South Carolina, Stone, Sumter, Tucker, and White—24.

Mr. WHITTE reported that the committee of the House had conferred with the committee of the Senate, on the subject of writs issuing in the name of the President; but had come to no agreement.

A message from the Senate was then received, with the Process bill, to which an amendment was proposed by the Senate. The House then proceeded to consider the said amendment; and

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Messages from the President.

[H. OF R.]

a motion being made to recede from their amendment, so far as to agree to the amendments of the said amendment proposed by the Senate, the yeas and nays being required, were:

YEAS—Messrs. Ames, Baldwin, Benson, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hardee, Lawrence, Lee, Leonard, Livermore, Partridge, Schureman, Scott, Sherman, Sylvester, Sinnenickson, Smith, of Maryland, Thatcher, Trumbull, and Wadsworth—25.

NAYS—Messrs. Bland, Boudinot, Brown, Burke, Coles, Contee, Floyd, Gerry, Griffin, Grout, Heister, Jackson, Madison, Moore, Muhlenberg, Parker, Page, Seney, Smith, of South Carolina, Stone, Sumter, Tucker, and White—25.

The votes being equal, it lay with the SPEAKER to decide, which he did in the affirmative.

A message was received from the Senate, with sundry amendments were proposed: the House immediately considered and agreed to the same. A message from the Senate was received, with the bill to explain and amend the act for registering and clearing vessels, with amendments; these amendments were agreed to by the House.

A further message was received, informing that the Senate had postponed the consideration of the amendment of the House to the act for establishing the seat of Government of the United States. Adjourned until this evening.

EODEM DIE.

A message was received from the Senate, informing the House that they had passed the act to recognise and adapt to the Constitution of the United States, the establishment of the troops raised under resolves of the old Congress, with amendments; which amendments were agreed to by the House; but when the last one was under consideration for striking out all that respected the number of the militia to be called into service for the defence of the frontiers, from the States of Pennsylvania, Virginia, and Georgia, and to insert a clause instead thereof, empowering the President to call out the militia generally, for the purpose of protecting the frontiers against the hostile invasion of the Indians, it was moved that the House disagree to the amendment of the Senate; and the yeas and nays being required, were:

YEAS—Messrs. Benson, Carroll, Clymer, Foster, Gilman, Lawrence, Lee, Madison, Partridge, Sherman, Sylvester, Smith, of Maryland, Stone, Thatcher, Trumbull, and Wadsworth—16.

NAYS—Messrs. Ames, Baldwin, Bland, Boudinot, Burke, Cadwalader, Coles, Contee, Fitzsimons, Floyd, Gerry, Heister, Jackson, Leonard, Livermore, Matthews, Moore, Muhlenberg, Van Rensselaer, Schureman, Scott, Seney, Sinnenickson, Sumter, Tucker, and White—25.

A number of engrossed bills, and the proposed amendments to the Constitution, were brought in.

passed, and signed: after which the House adjourned.

TUESDAY, September 29.

The two following Messages were received from the PRESIDENT:

Gentlemen of the House of Representatives:

His Most Christian Majesty, by a letter dated the 7th of June last, addressed to the President and members of the General Congress of the United States of North America, announces the much lamented death of his son the Dauphin. The generous conduct of the French monarch and nation towards this country, renders every event that may affect his or their prosperity, interesting to us; and I shall take care to assure him of the sensibility with which a loss so much to be regretted must have occasioned both to him and them.

GEO. WASHINGTON.

UNITED STATES, Sept. 29, 1789.

Gentlemen of the House of Representatives:

Having yesterday been informed, by a joint committee of both Houses of Congress, that they had agreed to a recess, to commence this day, and to continue until the first Monday in January next, I take the earliest opportunity of acquainting you that, considering how long and laborious this session has been, and the reasons which, I presume, have produced this resolution, it does not appear to me expedient to recommend any measures to their consideration at present.

GEO. WASHINGTON.

UNITED STATES, Sept. 29, 1789.

On motion of Mr. GERRY, it was ordered, that it shall be the duty of the Secretary of the Senate and Clerk of the House, at the end of each session, to send a printed copy of the Journals thereof, respectively, to the Supreme Executive, and each branch of the Legislature of every State.

A message was received from the Senate, with the resolution respecting John White; the bill for the establishment of troops; also a bill for allowing the Baron de Glaubeck the pay of a captain, to which they requested the concurrence of the House; this bill was thereupon read a first and second time, engrossed, and read a third time, enrolled and signed, and transmitted to the Senate.

And then it was ordered that a message be sent to the Senate, to inform them that this House, having completed the business before them, are now about to proceed to close the present session, by an adjournment on their part, agreeably to the order of the 26th instant; and that the Clerk of this House do go with the said message.

The Clerk accordingly went with the said message, and being returned, The SPEAKER adjourned the House until the first Monday in January next.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FIRST CONGRESS, BEGUN AT THE CITY OF
NEW YORK, JANUARY 4, 1790.

[That no debate appears in the proceedings of the Senate, is already accounted for in a note at the commencement of the Journal of the First Session. It is for this good reason, that, until its Session in 1794, the Senate sat with closed doors.]

MONDAY, January 4, 1790.

The following members of the Senate assembled:

From New Hampshire, JOHN LANGDON and PAINE WINGATE.

From Massachusetts, CALEB STRONG and THOMAS DALTON.

From Connecticut, WILLIAM S. JOHNSON.

From New York, RUFUS KING and PHILIP SCHUYLER.

From South Carolina, RALPH IZARD and PIERCE BUTLER.

From Georgia, WILLIAM FEW.

A quorum of members not being present, they adjourned till to-morrow.

TUESDAY, January 5.

JOHN HENRY, from Maryland, in addition to the members assembled yesterday, attended; but not being a quorum, they adjourned.

WEDNESDAY, January 6.

WILLIAM MACLAY, from Pennsylvania, attended; a quorum of the members of the Senate were present, and the Secretary was directed to inform the House of Representatives that a quorum of the Senate have assembled, and are ready to proceed to business.

Ordered, That Messrs. STRONG and IZARD be a committee on the part of the Senate, with such committee as the House of Representatives may appoint on their part, to inform the President of the United States that a quorum of the two Houses is assembled, and will be ready in the Senate Chamber, at such time as the President may appoint, to receive any communications they may be pleased to make.

THURSDAY, January 7.

OLIVER ELLSWORTH, of Connecticut, and WILLIAM PATERSON, from New Jersey, attended. *

A message from the House of Representatives informed the Senate that they have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly.

Mr. STRONG, on behalf of the joint committee, reported to the Senate, that they had waited on the President of the United States, agreeably to the order of both Houses, and that he informed the committee that he would meet the two Houses in the Senate Chamber to-morrow at 11 o'clock.

The Senate proceeded to consider the resolve of the House of Representatives, of this day, relative to the appointment of Chaplains; and,

Resolved, That the Senate concur therein; and that the Right Reverend Doctor SAMUEL PROVOOST be appointed for the present session, on the part of the Senate.

FRIDAY, January 8.

Ordered, That the House of Representatives be informed that the Senate are ready to meet them in the Senate Chamber, to receive any communication the President of the United States may be pleased to make to the two Houses of Congress; and that the usual seats will be assigned them.

The House of Representatives having accordingly taken their seats, the President of the UNITED STATES came into the Senate Chamber, and addressed both Houses of Congress, as follows:

*Fellow-Citizens of the Senate,
and House of Representatives:*

I embrace with great satisfaction the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important State of North Carolina to the Constitution of the United States, (of which official information has been received;) the rising credit and respectability of our country; the general and increasing good-will towards the Government of the

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Union; and the concord, peace, and plenty, with which we are blessed, are circumstances auspicious in an eminent degree to our national prosperity.

In resuming your consultations for the general good, you cannot but derive encouragement from the reflection that the measures of the last session have been as satisfactory to your constituents, as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations, and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war, is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined; to which end, a uniform and well-digested plan is requisite: and their safety and interest require that they should promote such manufactures as tend to render them independent of others for essential particularly military supplies.

The proper establishment of the troops which may be deemed indispensable, will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians, would have relieved the inhabitants of our Southern and Western frontiers from their depredations; but you will perceive, from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the Commonwealth of Virginia,) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty, in that respect, in the manner which circumstances may render most conducive to the public good; and to this end, that the compensations to be made to the persons who may be employed should, according to the nature of their appointments, be defined by law; and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures, of the United States, is an object of great importance, and will, I am persuaded, be daily attended to.

The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation; but I cannot forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between the distant parts of our country by a due attention to the Post Office and post-roads.

Nor am I less persuaded that you will agree with me in opinion, that there is nothing which can better deserve your patronage than the promotion of science

and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of Government receive their impression so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free Constitution it contributes in various ways. By convincing those who are entrusted with the public administration, that every valuable end of Government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights, to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burdens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the Legislature.

Gentlemen of the House of Representatives:

I saw with peculiar pleasure, at the close of the last session, the resolution entered into by you, expressive of your opinion that an adequate provision for the support of the public credit is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the Legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives:

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union, which it is my duty to afford. The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you in the pleasing though arduous task of ensuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal Government.

GEO. WASHINGTON.

UNITED STATES, January 8, 1790.

The President of the United States having retired, and the two Houses being separated:

Ordered, That Messrs. KING, IZARD, and PARSONS, be a committee to prepare and report the draft of an Address to the President of the United States, in answer to his Speech delivered this day to both Houses of Congress, in the Senate Chamber.

Ordered, That the Speech of the President of the United States delivered this day, be printed for the use of the Senate.

The Senate adjourned to Monday next.

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MONDAY, January 11.

A Message from the PRESIDENT OF THE UNITED STATES, by Mr. LEAR, his Secretary, was read as follows:

Gentlemen of the Senate:

I have directed Mr. LEAR, my private Secretary, to lay before you a copy of the adoption and ratification of the Constitution of the United States by the State of North Carolina, together with a copy of a letter from his Excellency SAMUEL JOHNSON, President of the Convention of said State, to the President of the United States.

GEO. WASHINGTON.

The originals of the papers which are herewith transmitted to you will be lodged in the office of the Secretary of State.

UNITED STATES, January 11, 1790.

Ordered, That the Message from the President of the United States, with the papers accompanying the same, lie on the files of the Senate.

Mr. KING, on behalf of the committee, reported an Address to the President of the United States, in answer to his Speech to both Houses of Congress, which being amended, was adopted as follows:

To the President of the United States:

SIR: We, the Senate of the United States, return you our thanks for your Speech delivered to both Houses of Congress. The accession of the State of North Carolina to the Constitution of the United States gives us much pleasure; and we offer you our congratulations on that event, which at the same time adds strength to our Union, and affords a proof that the more the Constitution has been considered, the more the goodness of it has appeared. The information which we have received, that the measures of the last session have been as satisfactory to our constituents as we had reason to expect, from the difficulty of the work in which we were engaged, will afford us much consolation and encouragement in resuming our deliberations, in the present session, for the public good; and every exertion on our part shall be made to realize and secure to our country those blessings which a gracious Providence has placed within her reach. We are persuaded that one of the most effectual means of preserving peace is to be prepared for war; and our attention shall be directed to the objects of common defence, and to the adoption of such plans as shall appear the most likely to prevent our dependence on other countries for essential supplies. In the arrangements to be made respecting the establishment of such troops as may be deemed indispensable, we shall, with pleasure, provide for the comfortable support of the officers and soldiers, with a due regard to economy. We regret that the pacific measures adopted by Government, with regard to certain hostile tribes of Indians, have not been attended with the beneficial effects towards the inhabitants of our Southern and Western frontiers which we had reason to hope, and we shall cheerfully co-operate in providing the most effectual means for their protection, and, if necessary, for the punishment of aggressors. The uniformity of the currency, and of weights and measures; the introduction of new and useful inventions from abroad, and the exertions of skill and genius in producing them at home; the facilitating the communication between the distant parts of

our country, by means of the post office and post roads; a provision for the support of the Department of Foreign Affairs, and a uniform rule of naturalization, by which foreigners may be admitted to the rights of citizens, are objects which shall receive such early attention as their respective importance requires. Literature and Science are essential to the preservation of a free Constitution: the measures of Government should, therefore, be calculated to strengthen the confidence that is due to that important truth. Agriculture, Commerce, and Manufactures, forming the basis of the wealth and strength of our confederated Republic, must be the frequent subject of our deliberation, and shall be advanced by all proper means in our power. Public Credit being an object of great importance, we shall cheerfully co-operate in all proper measures for its support. Proper attention shall be given to such papers and estimates as you may be pleased to lay before us. Our cares and efforts shall be directed to the welfare of our country; and we have the most perfect dependence upon your co-operating with us, on all occasions, in such measures as will insure to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal Government.

The Senate then entered on Executive business, and the following Message from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

Having advised with you upon the terms of a treaty to be offered to the Creek nation of Indians, I think it proper you should be informed of the result of that business, previous to its coming before you in your Legislative capacity. I have therefore directed the Secretary for the Department of War to lay before you my instructions to the Commissioners, and their report in consequence thereof.

The apparently critical state of the Southern frontier will render it expedient for me to communicate to both Houses of Congress, with other papers, the whole of the transactions relative to the Creeks, in order that they may be enabled to form a judgment of the measures which the case may require.

GEO. WASHINGTON.

UNITED STATES, January 11, 1790.

Ordered, That the Communication from the President of the United States be deferred for consideration.

TUESDAY, January 12.

A Message from the PRESIDENT OF THE UNITED STATES was received by the Secretary of War:

Gentlemen of the Senate,

I lay before you a statement of the Southwestern frontiers, and of the Indian Department, which have been submitted to me by the Secretary for the Department of War.

I conceive, that an unreserved but confidential communication of all the papers relative to the recent negotiations with some of the Southern tribes of Indians is indispensably requisite for the information of Congress. I am persuaded, that they will effectually prevent either transcripts or publications of all such circumstances as might be injurious to the public interests.

G. WASHINGTON.

UNITED STATES, January 12, 1790.

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Ordered, That the Message from the President of the United States, together with the papers accompanying the same, lie for consideration.

Ordered, That the Address to his Speech, be presented by the Vice President, attended by the Senate, and that the committee which reported the Address wait on the President, and desire to be informed at what time and place he will receive the same.

Mr. KING, in behalf of the committee, reported that it would be agreeable to the President to receive the Address of the Senate, in answer to his Speech, on Thursday next, at 11 o'clock, at his own house.

WEDNESDAY, January 13.

JONATHAN ELMER, from New Jersey, attended. BENJAMIN HAWKINS, from North Carolina, appeared, produced his credentials, and took his seat.

The Vice President administered the oath to Mr. HAWKINS.

THURSDAY, January 14.

Agreeably to the order of the 12th instant, the Senate waited on the President of the United States, at his own house, where the Vice President, in their name, delivered to the President of the United States the Address agreed to on the 11th instant:

To which the PRESIDENT OF THE UNITED STATES was pleased to make the following reply: *Gentlemen*: I thank you for your Address, and for the assurances which it contains of attention to the several matters suggested by me to your consideration. Relying on the continuance of your exertions for the public good, I anticipate for our country the salutary effects of upright and prudent counsels.

GEO. WASHINGTON.

The Senate having returned to the Senate Chamber, adjourned.

FRIDAY, January 15.

Ordered, That Messrs. ELLSWORTH, HAWKINS, and PATERSON, be a committee to bring in a bill, in addition to "An act to establish the Judicial Courts of the United States."

MONDAY, January 18.

A letter was read from Gerard Barker, the Treasurer of the State of New York, presenting, on behalf of the Legislature, a copy of the revised laws of that State.

Ordered, That this letter lie for consideration. A letter from Gaetan Dago di Domecq, proposing the plan of a truce between the United States and the Regencies of Algiers and Tunis, was read.

Ordered, That this letter lie on the files of the Senate.

TUESDAY, January 19.

On motion that a committee be appointed to report a bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment.

A motion was made for postponement, and it passed in the affirmative.

Ordered, That Messrs. STRONG, KING, JOHNSON, ELLSWORTH, and HENRY, be a committee to report a bill to regulate processes in the Courts of the United States.

WEDNESDAY, January 20.

On motion to resume the consideration of the motion made yesterday, to wit: "That a committee be appointed to report a bill, defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment."

A motion was made further to postpone the consideration thereof, and it passed in the affirmative.

On motion,

Resolved, That Messrs. ELLSWORTH, MACLAY, and HENRY, be a committee to confer with such committee as may be appointed on the part of the House of Representatives, to consider and report whether or not the business began previous to the late adjournment of Congress, shall now be proceeded in as if no adjournment had taken place.

Ordered, That a message be sent to the House of Representatives, acquainting them herewith, and requesting the appointment of a similar committee on their part.

THURSDAY, January 21.

ROBERT MORRIS, from Pennsylvania, attended. The following Message was received from the PRESIDENT OF THE UNITED STATES, by the Secretary of War:

Gentlemen of the Senate, and House of Representatives:

The Secretary for the Department of War has submitted to me certain principles, to serve as a plan for the general arrangement of the militia of the United States.

Conceiving the subject to be of the highest importance to the welfare of our country, and liable to be placed in various points of view, I have directed him to lay the plan before Congress, for their information, in order that they may make such use thereof as they may judge proper.

G. WASHINGTON.

UNITED STATES, January 21, 1790.

Ordered, That the Message from the President of the United States lie for consideration.

Ordered, That the Senate be supplied with newspapers as usual.

A message from the House of Representatives informed the Senate that they had agreed to the appointment of a committee on their part, consisting of Messrs. SHERMAN, THATCHER, HARTLEY, WHITE, and JACKSON, to confer with the committee appointed on the part of the Senate,

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to consider and report whether or not the business begun previous to the late adjournment of Congress, shall now be proceeded in as if no adjournment had taken place.

FRIDAY, January 22.

Mr. ELLSWORTH, on behalf of the "joint committee of the two Houses, appointed to consider and report whether or not the business begun previous to the late adjournment of Congress, shall now be proceeded in as if no adjournment had taken place," reported.

Ordered, That the consideration of the report be deferred until Monday next.

MONDAY, January 25.

The Senate proceeded to consider the report of the joint committee of the Senate and House of Representatives, appointed the 20th instant, to wit: "that the business unfinished between the two Houses at the late adjournment ought to be regarded as if it had not been passed upon by either."

And, on motion that the report of the committee be postponed, it passed in the negative.

And, upon the question to agree to the report of the committee, the yeas and nays being required by one-fifth of the Senators present:

YEA—Messrs. Butler, Dalton, Ellsworth, Few, Hawkins, Henry, Johnson, King, Schuyler, and Strong—10.

NAY—Messrs. Bassett, Ellmer, Izard, Langdon, Maclay, Morris, Paterson, and Wingate—8.

So it passed in the affirmative. And it was

Resolved, That the business unfinished between the two Houses at the late adjournment ought to be regarded as if it had not been passed upon by either.

Ordered, That a message be sent to the House of Representatives, requesting their concurrence in this resolve.

The following Message from the PRESIDENT OF THE UNITED STATES, by his Secretary, was read:

Gentlemen of the Senate, and House of Representatives:

I have received from his Excellency, John E. Howard, Governor of the State of Maryland, an act of the Legislature of Maryland, to ratify certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States; and have directed my Secretary to lay a copy of the same before you, together with the copy of a letter accompanying the above act, from his Excellency, the Governor of Maryland, to the President of the United States. The original will be deposited in the office of the Secretary of State.

GEO. WASHINGTON.

UNITED STATES, January 25, 1790.

Ordered, That the Message from the President of the United States, together with the papers accompanying the same, lie for consideration.

TUESDAY, January 26.

Ordered, That Messrs. ELLSWORTH, JOHNSON, STRONG, PATERSON, and HAWKINS, be a committee to report "a bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment."

A message from the House of Representatives announced their agreement with the Senate in their resolution, that the business unfinished between the two Houses, at the late adjournment, ought to be regarded as if it had not been passed upon by either.

Mr. ELLSWORTH, on behalf of the committee, reported a bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment.

Ordered, That this bill have the first reading at this time.

Ordered, That this bill have the second reading to-morrow.

The letter from Gaetan Dago di Domecq was read.

Ordered, That the above letter, and the paper accompanying it, be sent to the House of Representatives.

WEDNESDAY, January 27.

The Senate proceeded to the second reading of the "bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment;" and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate that they had passed an act for giving effect to the several acts therein mentioned, in respect to the State of North Carolina.

Ordered, That this bill have the first reading at this time.

Ordered, That this bill have the second reading to-morrow.

THURSDAY, January 28.

The Senate proceeded to consider the bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment; and it was read a second time.

Ordered, That the rules be so far dispensed with, as that this bill have the third reading at this time.

On motion, that the fourth section be amended to read as follows:

"That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall, accordingly, deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, that such surgeon, or some other person by him appointed for

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the purpose, shall attend to receive and take away the dead body, at the time of the execution of such offender."

It passed in the affirmative.

Resolved, That this bill do pass as amended; that the title be "An act for the punishment of certain crimes against the United States;" that it be engrossed, and sent to the House of Representatives for concurrence.

The following Message from the PRESIDENT OF THE UNITED STATES, by his Secretary, was read:

Gentlemen of the Senate

and House of Representatives:

I have directed my Secretary to lay before you the copy of an act of the Legislature of Rhode Island and Providence Plantations, entitled "An act for calling a convention to take into consideration the Constitution proposed for the United States, passed on the 17th day of September, A. D. 1787, by the General Convention held at Philadelphia," together with the copy of a letter accompanying said act, from his Excellency John Collins, Governor of the State of Rhode Island and Providence Plantations, to the President of the United States. The originals of the foregoing act and letter will be deposited in the office of the Secretary of State.

GEO. WASHINGTON.

UNITED STATES, January 28, 1790.

Ordered, That the Message, together with the papers accompanying it, lie for consideration.

The Senate proceeded to the second reading of the bill, giving effect to the several acts therein mentioned, in respect to the State of North Carolina.

Ordered, That this bill be referred to a special committee, to consist of Messrs. HAWKINS, ELLSWORTH, and BUTLER.

On motion, it was

Ordered, That the letter from the Governor of Rhode Island, of the 18th of January instant, to the President of the United States, requesting a further suspension of the acts of Congress subjecting the citizens of the State of Rhode Island to the payment of foreign tonnage and foreign duties, during the pleasure of Congress, and communicated with the President's Message this day, be referred to the same committee.

FRIDAY, January 29.

SAMUEL JOHNSTON, from North Carolina, appeared, produced his credentials, and took his seat in the Senate.

The VICE PRESIDENT administered the oath to Mr. JOHNSTON.

The engrossed bill for the punishment of certain crimes against the United States was carried to the House of Representatives for concurrence.

A letter from Samuel Meredith, Treasurer of the United States, to the Vice President, with his accounts to the first of January, 1790, was read.

Ordered, That the said letter and papers lie for consideration.

On motion, the Senators from the State of North Carolina proceeded to draw lots for their classes.

in conformity to the resolve of the Senate of May the 14th, 1789; and two lots, Nos. 2 and 3, being by the Secretary rolled up and put into a box. Mr. JOHNSTON drew lot No. 2, whose seat in the Senate shall accordingly be vacated at the expiration of the fourth year.

And Mr. HAWKINS drew lot No. 3, whose seat in the Senate shall accordingly be vacated at the expiration of the sixth year.

MONDAY, February 1.

Mr. JOHNSTON and Mr. HAWKINS laid before the Senate an exemplified copy of the act of the Legislature of North Carolina, entitled "An act for the purpose of ceding to the United States of America certain Western lands therein described," which, being read, was ordered to lie for consideration.

Mr. HAWKINS, on behalf of the committee appointed the 28th of January, upon the bill for giving effect to the several acts therein mentioned, in respect to the State of North Carolina, reported sundry amendments, which were accepted.

Ordered, That the rules be so far dispensed with, as that this bill be now read the third time.

Resolved, That the Senate do concur in this bill, with thirteen amendments.

Ordered, That the bill be carried to the House of Representatives for concurrence in the amendments.

The following Message from the PRESIDENT OF THE UNITED STATES, by his Secretary, was read:

Gentlemen of the Senate

and House of Representatives:

I have received from his Excellency Alexander Martin, Governor of the State of North Carolina, an act of the General Assembly of that State, entitled "An act for the purpose of ceding to the United States of America, certain Western lands therein described," and have directed my Secretary to lay a copy of the same before you, together with a copy of a letter accompanying said act, from his Excellency Governor Martin to the President of the United States.

GEO. WASHINGTON.

The originals of the foregoing act and letter will be deposited in the office of the Secretary of State.

UNITED STATES, February 1, 1790.

Ordered, That the communication made by the Senators from the State of North Carolina, together with the President's Message of this day, be committed to Messrs. HENRY, IZARD, ELLSWORTH, BASSETT, and FEW.

TUESDAY, February 2.

The following message from the House of Representatives was read, as follows:

In the House of Representatives of the United States,

FEBRUARY 1, 1790.

"The House proceeded to consider the amendments proposed by the Senate to the bill, entitled 'An act for giving effect to the several acts therein mentioned in respect to the State of North Carolina;' whereupon,

"*Resolved*, That this House doth agree to all the said

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amendments, with an amendment to the last amendment, as follows:

"Strike out the word 'second' to the end of the amendment, and in lieu thereof, insert 'section of the act' entitled 'An act to suspend part of act, entitled 'An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes, passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the State of Rhode Island, and Providence Plantations;' and also, 'that the fourth section of the said act shall continue in force until the first day of April next, and no longer.'"

Mr. MORRIS presented the petition of Francis Bailey, upon his new invented method of making types, which was read.

Ordered, That the petition be committed to Messrs. MORRIS, IZARD, and LANGDON.

The Senate proceeded to consider the message from the House of Representatives of this day, and

Resolved, That they agree to the amendment proposed to the amendment of the Senate, with an amendment, by striking out what follows the word "Plantations," and inserting these words: "be revived; and also, that the fourth section of the said act shall be revived, and both continue in force until the first day of April next, and no longer."

Ordered, That a message be sent to the House of Representatives accordingly.

WEDNESDAY, February 3.

A message from the House of Representatives informed the Senate that they have appointed Messrs. GILMAN and WHITE a Committee on Enrolled Bills, on the part of the House of Representatives, agreeably to the joint rules of the two Houses.

The Senate proceeded to consider the message from the House of Representatives of this day, and

Ordered, That Mr. WINGATE be a committee on their part for the purposes therein mentioned.

THURSDAY, February 4.

No material business was done to-day.

FRIDAY, February 5.

No material business done to-day.

MONDAY, February 8.

A memorial was read from ROBERT MORRIS, late Superintendent of the Finances of the United States, in relation to the settlement of his accounts (a copy of which will be found in the appendix at the end of this volume.) The memorial was referred to a committee, consisting of Messrs. IZARD, HENRY, and ELLSWORTH.

TUESDAY, February 9.

A message from the House of Representatives informed the Senate that they have passed a bill providing for the actual enumeration of the inhabitants of the United States, to which they request the concurrence of the Senate.

This bill received its first reading, and was ordered to have its second reading on Friday next.

The Senate then entered on Executive business.

The following Messages from the PRESIDENT OF THE UNITED STATES were read:

Gentlemen of the Senate:

You will perceive, from the papers herewith delivered, and which are enumerated in the annexed list, that a difference subsists between Great Britain and the United States, relative to the boundary line between our Eastern boundary and their territories. A plan for deciding this difference was laid before the late Congress; and whether that, or some other plan of a like kind, would not now be eligible, is submitted to your consideration. In my opinion, it is desirable that all questions between this and other nations be speedily and amicably settled; and in this instance I think it advisable to postpone any negotiations on the subject, until I shall be informed of the result of your deliberations, and receive your advice as to the propositions most proper to be offered on the part of the United States.

As I am taking measures for learning the intentions of Great Britain respecting the further detention of our posts, &c., I am the more solicitous that the business now submitted to you may be prepared for negotiation as soon as the other important affairs which engage your attention will permit.

G. WASHINGTON.

UNITED STATES, February 9, 1790.

Gentlemen of the Senate:

I nominate, as Collectors, Naval Officers, and Surveyors, for the ports of the several districts in the State of North Carolina, the persons whose names are respectively annexed to the offices in the following list: Read, Wilmington District.—Wilmington, James Read, Collector; John Walker, Naval Officer, Thomas Callender, Surveyor.

Newbern District.—Newbern, John Daves, Collector; Beaufort, John Easton, Surveyor.

Washington District.—Washington, Nathan Keais, Collector.

Edenton District.—Edenton, Thomas Benbury, Collector; Hartford, Joshua Skinner, Jun., son of William, Surveyor; Murfreesborough, Hardy Murfree, Surveyor; Plymouth, Levi Blount, Surveyor; Stewarts, Henry Hunter, Surveyor; Winton, Williams Wynne, Surveyor; Bennet's Creek, John Baker, Surveyor.

Camden District, Plankbridge, on Sawyer's Creek, Isaac Gregory, Collector; Nixonton, Hugh Knox, Surveyor; Indiantown, Thomas Williams, Surveyor; Pasquotank River Bridge, Edmund Sawyer, Surveyor; Newbiggen Creek, Elias Albertson, Surveyor.

I likewise nominate Samuel Shaw to fill the office of Consul of the United States of America, at Canton, in China.

G. WASHINGTON.

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Nominations.		G. WASHINGTON.	
James Iredell, of North Carolina.	William Peca.	Cyrus Griffin.	William Nelson, Jun.
William Peca.	W. Drayton.	Christopher Hillary.	Richard Taylor.
Comfort Sage.			

Resignations.

Gentlemen of the Senate:

Among the persons appointed, during the last session, to offices under the National Government, there were some who declined serving. Their names and offices are specified in the first column of the foregoing list. I supplied these vacancies, agreeably to the Constitution, by temporary appointments, which you will find mentioned in the second column of the list. These appointments will expire with your present session, and indeed ought not to endure longer than until others can be regularly made. For that purpose, I now nominate to you the persons named in the third column of the list, as being, in my opinion, qualified to fill the offices opposite to their names in the first.

G. WASHINGTON.

UNITED STATES, February 9, 1790.

Ordered, That the consideration of the Message from the President of the United States, in respect to the "difference that subsists between Great Britain and the United States relative to the Eastern boundary," be postponed for consideration.

Ordered, That the consideration of the Message from the President of the United States, relative to "certain persons who decline the acceptance of offices, and to certain temporary appointments during the recess," be postponed till to-morrow.

The nominations of Collectors, &c., for North Carolina were confirmed.

WEDNESDAY, February 10.

Mr. Izard, from the committee appointed to

take into consideration the memorial of Robert Morris, made a report, the consideration of which was postponed till to-morrow.

The Senate then entered upon Executive business, and proceeded to consider the nominations made by the President of the United States in his Messages of the 9th instant; and,

On the question to advise and consent to the appointment of Samuel Shaw, to fill the office of Consul of the United States of America, at Canton, in China, it passed in the affirmative.

On the question to advise and consent to the appointment of James Iredell, to be one of the Associate Judges of the Supreme Court, it passed in the affirmative.

On the question to advise and consent to the appointment of William Peca, to be District Judge of Maryland, it passed in the affirmative.

On the question to advise and consent to the appointment of Cyrus Griffin, to be District Judge of Virginia, it passed in the affirmative.

On the question to advise and consent to the appointment of William Nelson, Jun., to be Attorney for the District of Virginia, it passed in the affirmative.

On the question to advise and consent to the appointment of William Drayton, to be District Judge of South Carolina, it passed in the affirmative.

On the question to advise and consent to the appointment of Christopher Hillary, to be Collector of the port of Brunswick, in Georgia, it passed in the affirmative.

On the question to advise and consent to the appointment of Richard Taylor, to be Collector of the port of Louisville, in Kentucky, it passed in the affirmative.

On the question to advise and consent to the appointment of Comfort Sage, to be Surveyor of the port of Middletown, in Connecticut, it passed in the affirmative.

The Senate proposed to consider the Message from the President of the United States, of the 9th instant, in respect to "the difference that subsists between Great Britain and the United States relative to the Eastern boundary;" and

Ordered, That the Message, with the papers accompanying the same, be committed to Messrs. STRONG, BUTLER, PATERSON, HAWKINS, and JOHNSTON, to report what is proper to be done thereon.

THURSDAY, February 11.

The Senate proceeded to consider the report of the committee upon the memorial of the Hon. Robert Morris; and, upon the question to accept the report, it passed in the affirmative: whereupon,

Resolved, by the Senate and House of Representatives, that three commissioners be appointed by the President of the United States, to inquire into the receipts and expenditures of public moneys during the administration of the late Superintendent of Finance; and to examine and adjust the accounts of the United States with that Department, during his administration;

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and to report a state thereof to the President; and that five dollars per diem be allowed to each of the said commissioners, while they shall be employed in that service.

Ordered, That this resolve be sent to the House of Representatives for concurrence.

Ordered, That Messrs. MORRIS, LANGDON, BUTLER, DALTON, and ELLSWORTH, be a committee to report, if they think it expedient, a plan for the regulation of the trade of the United States with the countries and settlements of the European Powers in America.

FRIDAY, February 12.

The Senate proceeded, agreeably to the order of the day, to the second reading of the bill providing for the actual enumeration of the inhabitants of the United States.

Ordered, That the bill be committed to Messrs. PATERSON, ELLSWORTH, STRONG, HAWKINS, and JOHNSON.

MONDAY, February 15.

A letter from BENJAMIN FRANKLIN, Esquire, to the VICE PRESIDENT, enclosing the copy of a letter from James Pemberton, with a memorial signed Benjamin Franklin, in behalf of a society of which he is President; and an address, signed Nicholas Wain, in behalf of the yearly meeting, of which he is Clerk; together with an address signed George Bowne, in behalf of the representatives of a society, of which he is Clerk, were severally read.

TUESDAY, February 16.

Mr. PATERSON, on behalf of the committee appointed the 12th February, on the bill providing for the actual enumeration of the inhabitants of the United States: reported sundry amendments, which were accepted; and,

Ordered, That the sixth section be recommitted.

WEDNESDAY, February 17.

Mr. PATERSON, on behalf of the committee to whom was referred the sixth section of the bill providing for the actual enumeration of the inhabitants of the United States, reported that no alteration is necessary:

And the report was accepted.

Ordered, That the bill have the third reading to-morrow.

Mr. HENRY, on behalf of the committee appointed February 1st, to whom was referred the communication by the Senators from the State of North Carolina, of the act of their Legislature, entitled "An act for the purpose of ceding to the United States of America certain Western Lands, therein described;" together with the Message from the President of the United States, of February 1st, on that subject, reported.

Ordered, That to-morrow be assigned for the consideration of the report.

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THURSDAY, February 18.

The Senate proceeded to the third reading of the bill providing for the actual enumeration of the inhabitants of the United States.

Resolved, That this bill do pass with twenty-nine amendments.

Ordered, That the bill be carried to the House of Representatives for concurrence in the amendments.

On motion, *Ordered,* That the consideration of the report of the committee to whom was referred the communication by the Senators of the State of North Carolina, of the act of the Legislature of that State, entitled "An act for the purpose of ceding to the United States of America certain Western Lands, therein described," together with the Message from the President of the United States, of February 1st, on that subject, be postponed until Monday next.

The Senate then entered upon Executive business. The following Message from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

By the mail of last evening I received a letter from his Excellency JOUR HANCOCK, Governor of the Commonwealth of Massachusetts, enclosing a resolve of the Senate and House of Representatives of that Commonwealth, and sundry documents relative to the Eastern boundary of the United States.

I have directed a copy of the letter and resolve to be laid before you. The documents which accompanied them, being but copies of some of the papers which were delivered to you with my communication the 9th of this month, I have thought it unnecessary to lay them before you at this time. They will be deposited in the Office of the Secretary of State, together with the originals of the above mentioned letters and resolve.

GEO. WASHINGTON.

UNITED STATES, February 18, 1790.

Ordered, That the Message, and papers accompanying the same, be committed to the committee appointed the 10th February, to take into consideration the President's Message of a similar nature.

FRIDAY, February 19.

No material business done to-day.

MONDAY, February 22.

Mr. MORRIS, in behalf of the committee to whom was referred the petition of Francis Bailey, reported: whereupon,

Ordered, That the said petition be referred to the Secretary of the Treasury to report.

The Senate proceeded to consider the report of the committee, appointed February 1st, to whom was referred the communication by the Senators from the State of North Carolina, of the act of their Legislature, entitled "An act for the purpose of ceding to the United States of America certain Western lands, therein described;" together with the Message from the President of the United States, of February 1st, on that subject, to wit:

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"That it will be expedient for Congress, in behalf of the United States, to accept of the commission proposed by the said act, upon the conditions therein contained; and that, when a deed shall be executed for the same, they express their acceptance thereof by a Legislative act."

And, *Resolved*, That the Senate do accept of the report.

Ordered, That it be sent to the House of Representatives for their concurrence.

A message from the House of Representatives informed the Senate, that they agreed to all the amendments proposed by the Senate to the bill, entitled "An act for the actual enumeration of the inhabitants of the United States," except the 22d, 23d, 24th, 25th, and 26th; to which they disagree.

The Senate proceeded to consider the above recited message from the House of Representatives, and

Resolved, That they do recede from their 22d, 23d, 24th, 25th, and 26th amendments to the bill therein mentioned.

TUESDAY, February 23.

Ordered, That Messrs. ELLSWORTH, STRONG, and IZARD, be a committee to bring in a bill for declaring the acceptance of certain lands ceded to the United States by the Legislature of North Carolina, as described in their act of cession, when a deed thereof shall be executed.

Ordered, That Messrs. HAWKINS, LANGDON, and FEW, be a committee to prepare and report a rule, determining in what cases a reconsideration of a vote of Senate shall be admissible.

The report of the Secretary of the Treasury upon the petition of Francis Bailey was read, as follows:

"Pursuant to the above order of the Senate of the United States, of the 22d of February instant, referring the petition of Francis Bailey to the Secretary of the Treasury, the said Secretary reports:

That he has received from the said Francis Bailey a communication of the invention to which he alludes in his petition.

That it appears to him difficult to decide to what extent that invention will afford the security against counterfeiting which is the object of it;

That, nevertheless, he is of opinion it will be likely to add to the difficulty of that pernicious practice in a sufficient degree to merit the countenance of Government, by securing to the petitioner an exclusive right to the use of the invention;

That, with regard to the employment of the petitioner, to print such papers of a public nature, as may require precaution against counterfeit, this, in the judgment of the Secretary, ought to remain a matter of discretion, to be regulated by the success of the experiment, and the convenience of the public.

All of which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury."

Ordered, That it lie for consideration.

On motion That a committee be appointed to consider what measures may be necessary to be adopted relative to the inspection of exports from

the United States, and if they think proper, to prepare a bill on that subject.

Ordered, That this motion lie for consideration.

WEDNESDAY, February 24.

On motion, *Ordered*, That Messrs. DALTON, MORRIS, IZARD, LANGDON, and JOHNSTON, be a committee "to consider what measures may be necessary to be adopted relative to the inspection of exports from the United States; and, if they think proper, to prepare a bill on that subject."

Mr. HAWKINS, on behalf of the committee appointed to prepare and report a rule determining in what cases a reconsideration of a vote of Senate shall be admissible, reported.

Ordered, That the report lie for consideration.

THURSDAY, February 25.

The Senate proceeded to consider the report of the committee appointed the 23d instant, "to prepare and report a rule determining in what cases a reconsideration of a vote of Senate shall be admissible;" which, being amended, was accepted: whereupon,

Resolved, That, when a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration of it.

FRIDAY, February 26.

Ordered, That Messrs. BASSETT, FEW, HENRY, KING, PATERSON, and HAWKINS, be added to the committee appointed the 11th February: "to report (if they think it expedient) a plan for the regulation of the trade of the United States with the countries and settlements of the European Powers in America."

Ordered, That Messrs. BASSETT, FEW, HENRY, KING, PATERSON, and ELLSWORTH, be added to the committee appointed the 24th February, to consider "what measures may be necessary to be adopted relative to the inspection of exports from the United States; and, if they think proper, to prepare a bill on that subject."

MONDAY, March 1.

No material business done to-day.

TUESDAY, March 2.

A message from the House of Representatives informed the Senate, that they have passed a bill to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented; for a term of years; to which they desire the concurrence of the Senate.

Ordered, That the bill, entitled "An act to vest in Francis Bailey the exclusive privilege of

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making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years," have the first reading at this time.

Ordered, That this bill have the second reading to-morrow.

WEDNESDAY, March 3.

Proceeded to the second reading of the bill, to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years.

Ordered, That this bill be committed to Messrs. STRONG, ELLSWORTH, HAWKINS, FEW, and HENRY.

Mr. ELLSWORTH, on behalf of the committee appointed February 23d, reported a bill "to accept a cession of the claim of the State of North Carolina to a certain district of Western Territory."

Ordered, That the rules be so far dispensed with as that this bill have the first reading at this time.

Ordered, That to-morrow be assigned for the second reading of this bill.

On motion,

"That the Secretary of the Treasury direct the respective collectors, in the several ports of the United States, not to clear out any vessel having articles on board subject to inspection by the laws of the State, from which such vessel may be about to depart, without having previously obtained such manifests and other documents, as are enjoined by the said laws."

The consideration was deferred.

THURSDAY, March 4.

Mr. STRONG, on behalf of the committee appointed the 3d of March, to take into consideration the bill to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years, reported that the consideration thereof be postponed until a bill to promote the progress of useful arts shall be taken into consideration.

Resolved, That this report be accepted.

The Senate proceeded to the second reading of the bill, "to accept a cession of the claims of the State of North Carolina to a certain district of Western territory."

Ordered, That to-morrow be assigned for the third reading of this bill.

The Senate proceeded to consider the motion made yesterday, and deferred to this morning, to wit: "That the Secretary of the Treasury direct the respective collectors, in the several ports of the

United States, not to clear out any vessel having articles on board subject to inspection by the laws of the State, from which such vessels shall be about to depart, without having previously obtained such manifests and other documents, as are enjoined by the said laws."

Ordered, That the motion be committed to Messrs. IZARD, STRONG, and BASSETT, and that the committee be instructed to report a bill upon the subject-matter of it, if a bill shall appear to them necessary.

A message from the House of Representatives informed the Senate, that they have passed a bill to establish a uniform rule of naturalization; to which they request the concurrence of the Senate.

Ordered, That this bill be now read the first time.

Ordered, That this bill have the second reading on Monday next; and that it be printed, in the mean time, for the use of the Senate.

FRIDAY, March 5.

The Senate proceeded to the third reading of the bill "to accept the cession of the claims of the State of North Carolina to a certain district of Western territory."

Ordered, That this bill do pass; that the title be "An act to accept the cession of the claims of the State of North Carolina to a certain district of Western territory;" that it be engrossed and sent to the House of Representatives for their concurrence.

Mr. IZARD, on behalf of the committee appointed the 4th of March, reported: whereupon,

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the respective collectors, in the several ports of the United States, be directed not to grant a clearance for any ship or vessel having articles on board subject to inspection by the laws of the State from which such ship or vessel shall be about to depart, without having previously obtained such manifests, and other documents, as are enjoined by the said laws.

Ordered, That this resolve be sent to the House of Representatives for their concurrence.

MONDAY, March 8.

A Message from the President of the United States informed the Senate, that the Legislature of Delaware agree to and ratify the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the proposed amendments to the Constitution submitted by Congress to their consideration.

Ordered, That the Message from the President of the United States, of this day, with the papers accompanying it, lie for consideration.

A message from the House of Representatives informed the Senate that they have passed a bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, to which they request the concurrence of the Senate.

Agreeably to the order of the day, the Senate

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proceeded to the second reading of the bill to establish a uniform rule of naturalization, and after progress, deferred the further consideration thereof until to-morrow.

TUESDAY, March 9.

Ordered, That the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, be now read the first time.

Ordered, That this bill have the second reading to-morrow.

The Senate proceeded in the second reading of the bill to establish a uniform rule of naturalization.

Ordered, That the bill be committed to Messrs. HENRY, KING, STRONG, ELLSWORTH, and JOHNSTON.

The Senate then entered on Executive business.

Mr. STRONG reported on behalf of the committee to whom was referred the Messages from the President of the United States, of the ninth and eighteenth of February, respecting "the difference that subsists between Great Britain and the United States, relative to the Eastern boundary," which report was read, and ordered to be till to-morrow.

WEDNESDAY, March 10.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases.

Ordered, That the consideration of the bill be postponed until to-morrow.

The Senate then entered on Executive business.

Agreeably to the order of the day, the Senate proceeded to consider the report of the committee to whom were referred the Messages from the President of the United States of the ninth and eighteenth of February, respecting the "difference that subsists between Great Britain and the United States, relative to the Eastern boundary," which is as follows:

"That, in their opinion, effectual measures should be taken as soon as conveniently may be, to settle all disputes with the Crown of Great Britain relative to that line.

"That it would be proper to cause a representation of the case to be made to the Court of Great Britain, and to propose that Commissioners be appointed to hear and finally decide those disputes, in the manner pointed out in the report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1795, a copy of which report accompanied the first of the said Messages.

"And that measures should be taken to perpetuate the testimonies of John Mitchell and Nathan Jones, who were appointed by the late Governor Bernard, in 1764, to ascertain the river St. Croix."

THURSDAY, March 11.

Ordered, That the further consideration hereof be postponed.

A message from the House of Representatives informed the Senate, that they have passed a bill to promote the progress of useful arts; also, a bill for increasing the salaries of Clerks in the office of the Commissioners for settling accounts between the United States and individual States, to which they request the concurrence of the Senate.

The Senate proceeded in the second reading of the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, and it was committed to Messrs. MONNIS, IZARD, STRONG, HENRY, and LANGDON.

Ordered, That the bill to promote the progress of useful arts have its first reading at this time.

Ordered, That this bill be read a second time on Monday next; and that, in the mean time, it be printed for the use of the Senate.

Ordered, That the bill for increasing the salaries of Clerks in the office of the Commissioners for settling accounts between the United States and individual States have the first reading at this time.

Ordered, That to-morrow be assigned for the second reading of this bill.

FRIDAY, March 12.

The Senate proceeded to the second reading of the bill for increasing the salaries of Clerks in the office of the Commissioners for settling accounts between the United States and individual States, and the further consideration thereof was postponed.

Mr. HENRY, on behalf of the committee appointed the ninth of March, to consider the bill to establish a uniform rule of naturalization, reported; and the consideration of the report was postponed.

It being suggested that the committees wanted time to perfect their reports, The Senate adjourned.

MONDAY, March 15.

Mr. CARROLL, from Maryland, attended.

Mr. MORRIS, on behalf of the committee appointed on the 11th instant, upon the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, reported amendments, which were postponed to the third reading of the bill.

Ordered, That to-morrow be assigned for the third reading of this bill.

The Senate proceeded, agreeably to the order of the day, to the second reading of the bill to promote the progress of useful arts.

Ordered, That it be committed to Messrs. CARROLL, JOHNSON, MACLAY, FEW and PATERSON.

The Senate proceeded to consider the report of the committee upon the bill to establish a uniform rule of naturalization; and after progress

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went into consideration of the Executive business postponed the 10th of March.

On motion, the Senate proceeded to consider the report of the committee appointed upon the President's Messages of the 9th and 18th of February, respecting the difference that subsists between Great Britain and the United States, relative to the Eastern boundary.

Ordered, That the consideration hereof be further postponed.

TUESDAY, March 16.

The Senate proceeded to the third reading of the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases; and the report of the committee being read, after debate, the further consideration of the bill was postponed until to-morrow.

The Senate proceeded in the consideration of the report of the committee, on the bill to establish a uniform rule of naturalization; and the report of the committee thereon being read,

Ordered, That the further consideration hereof be postponed until to-morrow.

Ordered, That the bill to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years, be referred to the committee appointed yesterday to take into consideration the bill to promote the progress of useful arts.

A message from the House of Representatives informed the Senate that they have passed a bill making appropriations for the support of Government for the year one thousand seven hundred and ninety; to which they request the concurrence of the Senate.

Ordered, That this bill have its first reading at this time.

Ordered, That this bill have the second reading to-morrow.

A message was received from the President of the United States, informing the Senate, that the Legislature of Pennsylvania had ratified and confirmed the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the proposed amendments to the Constitution submitted to that body by Congress.

WEDNESDAY, March 17.

The Senate proceeded to the second reading of the bill making appropriations for the support of Government for the year one thousand seven hundred and ninety.

Ordered, That the further consideration of this bill be deferred until to-morrow.

The Senate proceeded in the third reading of the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases; and the report of the committee thereon being taken into consideration,

Ordered, That the rules be so far dispensed

with, as that this bill be again committed to a special committee, to consist of Messrs. READ, MONNIS, STRONG, ELLSWORTH, and BASSETT.

The Senate proceeded in the second reading of the bill to establish a uniform rule of naturalization; and the report of the committee thereon being considered,

Ordered, That the further consideration of this bill be postponed until to-morrow.

THURSDAY, March 18.

The Senate proceeded in the second reading of the bill to establish a uniform rule of naturalization.

Ordered, That to-morrow be assigned for the third reading of this bill.

The Senate proceeded in the consideration of the bill making appropriations for the support of Government for the year 1790.

Ordered, That it be committed to Messrs. FEW, JOHNSTON, BUTLER, IZARD, and LANGDON.

FRIDAY, March 19.

Mr. READ, on behalf of the committee appointed March the 17th, to take into consideration the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, reported; which report was accepted as an amendment to the bill.

Resolved, That this bill do pass, with an amendment.

The Senate proceeded, agreeably to the order of the day, to the third reading of the bill to establish a uniform rule of naturalization.

Resolved, That this bill do pass, with an amendment.

Ordered, That a message be sent to the House of Representatives, to acquaint them therewith, and to request their concurrence in the amendment.

MONDAY, March 22.

The petition of Nathaniel Tracy was read, praying that a law might be enacted for the relief of unfortunate merchants, from embarrassments arising solely from inevitable mercantile misfortunes.

Ordered, That this petition lie on the table.

A message from the House of Representatives informed the Senate, that they have agreed to the amendment proposed by the Senate to the bill to establish a uniform rule of naturalization.

The petition of John Fitch was read, praying that a clause providing for the trial by jury might be inserted in a bill before Congress, "to promote the progress of useful arts."

Ordered, That this petition be referred to the committee who have under consideration the last mentioned bill.

The committee, to whom was referred the bill making appropriations for the support of Government for the year 1790, reported; which report was accepted as amendments to the bill.

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The Senate proceeded in the second reading of the bill making appropriations for the support of Government for the year 1790.

Ordered, That the rules be so far dispensed with, as that this bill have a third reading at this time.

Resolved, That this bill do pass with three amendments.

Ordered, That a message be sent to the House of Representatives to acquaint them herewith, and to request their concurrence in the amendments.

TUESDAY, March 23.

A message from the House of Representatives informed the Senate that they have concurred in all the amendments proposed by the Senate to the bill making appropriations for the support of Government, for the year 1790, except the last, in which they concur, with an amendment, as follows: "To Gifford Dally, Doorkeeper to the House of Representatives, one hundred and ninety-two dollars, and to James Mathers, Doorkeeper to the Senate, ninety-six dollars."

The Senate proceeded to consider the amendment of the House of Representatives to the last amendment of the Senate to the bill making appropriations for the support of Government for the year 1790.

Resolved, That the Senate do not agree to the amendment proposed by the House of Representatives, but that they do insist on their own amendment.

Ordered, That a message be sent to the House of Representatives accordingly.

WEDNESDAY, March 24.

A message from the House of Representatives informed the Senate that they recede from their amendment to the last amendment of the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1790," and concur in the amendment of the Senate.

The Senate then entered on Executive business.

The Senate proceeded in the further consideration of the report of the committee to whom were referred the Messages from the President of the United States, of the 9th and 18th of February, 1790, respecting the "difference that subsists between Great Britain and the United States, relative to the Eastern boundary;" which being amended, was accepted.

Whereupon,

Resolved, That the Senate do advise that effectual measures should be taken, as soon as conveniently may be, to settle all disputes with the Crown of Great Britain relative to that line.

That it would be proper to cause a representation of the case to be made to the Court of Great Britain; and if the said disputes cannot be otherwise amicably adjusted, to propose that Commissioners be appointed to hear and finally decide those disputes, in the manner pointed out in the

report of the late Secretary of the United States for the Department of Foreign Affairs, of the 21st of April, 1785, a copy of which report accompanied the first of the said Messages.

And that measures should be taken to perpetuate the testimony of John Mitchell and Nathan Jones, who were appointed by the late Governor Barnard in 1764, to ascertain the river St. Croix, and of any other persons who may have useful information on this subject.

Ordered, That a copy of this resolution be laid before the President of the United States, and the original papers returned to the office of the Secretary of State.

THURSDAY, March 25.

A message from the House of Representatives informed the Senate, that they disagree to the amendment of the Senate upon the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, and request a conference on the subject-matter of disagreement; and have appointed Messrs. AMES, HORTINGTON, and JACKSON, managers of the conference on their part.

The Senate proceeded to appoint Messrs. STRONG, ELLSWORTH, and READ, managers of the conference requested on the disagreeing votes of the Senate and House of Representatives, on the bill to provide for the remission or mitigation of fines, forfeitures and penalties, in certain cases.

FRIDAY, March 26.

The petition of merchants and traders of the town of Portsmouth, New Hampshire, praying that a law might be enacted "for the establishment of the foreign trade of the United States upon principles of reciprocal benefit, becoming the dignity of a free and independent nation;" and also, for an alteration in the law to establish the Judicial Courts of the United States, "so far as that the District and Circuit Courts for the State of New Hampshire, may be held in the town of Portsmouth," was read.

Ordered, That so much of this petition as respects the regulation of trade be referred to the committee appointed February 11th, to report, if they think it expedient, a plan for the regulation of the trade of the United States with the countries and settlements of the European Powers in America.

And that so much of the said petition as respects the places for holding the District and Circuit Courts in the State of New Hampshire, be referred to the committee appointed January 15th, 1790, to bring in a bill, in addition to "An act to establish the Judicial Courts of the United States."

The memorial of the officers of the late Navy of the United States, praying that the same emoluments that were granted to the officers of the late Continental army may be extended to them, was read.

Ordered, That this memorial lie on the table.

A message from the House of Representatives

[MARCH, 1790.]

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[SENATE.]

informed the Senate that they have had under consideration the confidential communications from the President of the United States, of the 12th January, to the Senate and House of Representatives, and have passed a bill upon that subject, to which they request the concurrence of the Senate.

Ordered, That the bill for regulating the military establishment of the United States have the first reading at this time.

Ordered, That Monday next be assigned for the second reading of this bill, and that, in the mean time, it be printed for the use of the Senate.

MONDAY, March 29.

Mr. CARROLL, on behalf of the committee appointed March 15th, to consider the bill to promote the progress of useful arts, and the bill to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, patches for stamping the matrices of types, and impressing marks on plates or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years, together with the petition of John Fitch, reported; which report was accepted as amendments to the first mentioned bill.

Ordered, That the bill to promote the progress of useful arts have the third reading to-morrow.

A message from the House of Representatives informed the Senate that they have passed another bill upon the subject of confidential communications made by the President of the United States, in which they request the concurrence of the Senate; that they have also passed a bill to prevent the exportation of goods not duly inspected according to the laws of the several States, in which they request the concurrence of the Senate; and that they have considered the bill to accept a session of the claims of the State of North Carolina to a certain district of Western Territory, and have concurred with the Senate therein, with an amendment, to which amendment they request the concurrence of the Senate.

The Senate proceeded to the first reading of the bill providing for holding a treaty or treaties, to establish peace with certain Indian tribes.

Ordered, That this bill have a second reading on Monday next.

The Senate proceeded to the first reading of the bill to prevent the exportation of goods not duly inspected according to the laws of the several States.

Ordered, That this bill have the second reading to-morrow.

The Senate proceeded to consider the amendment of the House of Representatives to the bill to accept a session of the claims of the State of North Carolina to a certain district of Western Territory.

Resolved, That they concur in the amendment of the House of Representatives, with an amendment.

The Senate proceeded to the second reading of the bill for regulating the military establishment of the United States, but adjourned without taking a question upon it.

TUESDAY, March 30.

The Senate proceeded in the second reading of the bill for increasing the salaries of clerks in the office of the Commissioners for settling accounts between the United States and individual States; and, on motion to assign a time for the third reading of the bill.

It passed in the negative.

The Senate proceeded to the third reading of the bill to promote the progress of useful arts; and, *Resolved*, That the bill do pass, with twelve amendments.

Ordered, That a message be sent to the House of Representatives, to acquaint them therewith, and to request their concurrence in the amendments.

A message from the House of Representatives informed the Senate that they have agreed to the amendment of the Senate to their amendment to the bill to accept a session of the claims of the State of North Carolina to a certain district of Western Territory.

The Senate proceeded to the second reading of the bill to prevent the exportation of goods not duly inspected according to the laws of the several States; and,

Ordered, That to-morrow be assigned for the third reading of this bill.

The Senate proceeded in the second reading of the bill for regulating the military establishment of the United States.

Ordered, That this bill be committed to Messrs. FEW, ELLSWORTH, BUTLER, SCHUYLER, CARROLL, LANGDON, and STRONG.

The Senate then entered on Executive business.

The following Message of the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

I nominate the following persons to fill the offices which are affixed to their respective names, viz: Rufus Putnam, to be one of the Judges in the Western Territory, in the place of Samuel Holden Parsons, deceased.

James Brown, to be Attorney for the United States in the district of Kentucky, in the place of George Nicholas, who has declined his appointment.

Henry Bogart, of Albany, to be the Surveyor of the port of Albany, in the place of Jeremiah Lansing, resigned.

GEO. WASHINGTON.

UNITED STATES, March 30, 1790.

WEDNESDAY, March 31.

The Senate proceeded to the third reading of the bill to prevent the exportation of goods not duly inspected according to the laws of the several States.

Resolved, That this bill do pass.

The Senate entered on Executive business, and confirmed the several nominations to office which were made to them yesterday by the President of the United States.

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[APRIL, 1790.]

THURSDAY, April 1.

Ordered, That Messrs. ELLSWORTH, FEW, and WINGATE, be a committee to state the compensation due to the members of the Senate for the present session, to the 31st of March, inclusive. Adjourned to Saturday next.

SATURDAY, April 3.

A Message from the President of the United States informed Congress, that the Legislature of South Carolina had adopted the articles proposed by them to the Legislatures of the several States, as amendments to the Constitution, of the several States.

Mr. ELLSWORTH, from the committee appointed to state the compensation due to the members of the Senate for the present session, reported the sums due to each; which was
Ordered, To lie on the table.

MONDAY, April 5.

A message from the House of Representatives informed the Senate, that they agree to all the amendments of the Senate to the bill to promote the progress of useful arts, except the tenth, to which they do not agree.

The Senate proceeded to consider the message from the House of Representatives, together with the bill to provide for the progress of useful arts, and the disagreement of the House of Representatives to their tenth amendment; and,
Resolved, That the Senate do recede from the said amendment.

Mr. STRONG, on behalf of the managers appointed, the 23th March, to confer with a committee of the House of Representatives on the amendments of the Senate to the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, reported, "That, having conferred with the managers on the part of the House of Representatives, they could come to no agreement on the subject-matter of the said amendments."

The Senate proceeded to the second reading of the bill providing for holding a treaty or treaties, to establish peace with certain Indian tribes.

Ordered, That the consideration thereof be postponed.

The following Message from the President of the UNITED STATES was communicated to the Senate by his Secretary:

Gentlemen of the Senate and

House of Representatives:

I have directed my private Secretary to lay before you copies of three Acts of the Legislature of the State of New York, which have been transmitted to me by the Governor thereof, viz:

"An act declaring it to be the duty of the sheriffs of the several counties within this State, to receive and safe-keep such prisoners as shall be committed under the authority of the United States;"

"An act for vesting in the United States of America the light-house, and the lands thereunto belonging, at Sandy Hook;" and

"An act ratifying certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress."

A copy of a letter, accompanying said acts, from the Governor of the State of New York to the President of the United States, will, at the same time, be laid before you, and the originals be deposited in the office of the Secretary of State.

GEO. WASHINGTON.

UNITED STATES, April 6, 1790.

TUESDAY, April 6.

Mr. FEW reported, from the committee appointed on the 30th March, to take into consideration the bill for regulating the military establishment of the United States.

On motion that the consideration of the report be postponed,
It passed in the affirmative.

WEDNESDAY, April 7.

Ordered, That Messrs. ELLSWORTH, JOHNSTON, and STRONG, be a committee to bring in a bill for the government of the territory of the United States south of the river Ohio.

A message from the House of Representatives informed the Senate, that they have passed a bill further to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States;" in which they request the concurrence of the Senate.

Ordered, That this bill have the first reading at this time.
Ordered, That to-morrow be assigned for the second reading of this bill.

THURSDAY, April 8.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill further to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States."

Ordered, That this bill be committed to Messrs. LANGDON, ELLSWORTH, and DALTON.

FRIDAY, April 9.

Mr. LANGDON reported from the committee appointed on the 8th of April, on the bill further to suspend part of an act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States;" which report was accepted as an amendment to the bill.

The Senate proceeded to the second reading of the last mentioned bill.

Ordered, That the rules be so far dispensed with as that this bill have the third reading at this time.

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Resolved, That this bill do pass, with two amendments.

Ordered, That the Secretary do carry a message to the House of Representatives, and request their concurrence in the amendments to this bill.

Mr. ELLSWORTH reported, from the committee appointed April 7th, "A bill for the government of the territory of the United States south of the river Ohio."

Ordered, That this bill have the first reading at this time.

Ordered, That Monday next be assigned for the second reading of this bill.

MONDAY, April 12.

The Senate proceeded to the second reading of the bill "for the government of the territory of the United States south of the river Ohio;" and
Ordered, That it be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that they adhere to their disagreement to the amendment proposed by the Senate to the bill to provide for the remission or mitigation of fines, forfeitures, or penalties, in certain cases; and that they concur in the bill for the punishment of certain crimes against the United States, with sundry amendments, to which they request the concurrence of the Senate:

"They also concur with the Senate in their amendments to the bill further to suspend part of an act entitled 'An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States.'"

The Senate proceeded to consider the adherence of the House of Representatives to their amendment to the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases.

Ordered, That the further consideration thereof be postponed until to-morrow.

The amendments of the House of Representatives to the bill for the punishment of certain crimes against the United States, were read; And, on motion,

Ordered, That they lie until to-morrow for consideration.

TUESDAY, April 13.

JAMES GUNN, from Georgia, attended.

The Senate proceeded to consider the resolve of the House of Representatives, adhering to their disagreement to the amendment of the Senate to the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, and,

Resolved, That the Senate do adhere to their amendment to the said bill.

Ordered, That the Secretary do carry a message to the House of Representatives accordingly.

The Senate proceeded to consider the amendments of the House of Representatives to the bill

for the punishment of certain crimes against the United States, and,
On motion,

The further consideration thereof was postponed until to-morrow.

The Senate proceeded in the second reading of the bill "for the government of the territory of the United States south of the river Ohio."

Ordered, That this bill have the third reading to-morrow.

The Senate resumed the second reading of the bill for regulating the military establishment of the United States.

On motion to postpone the further consideration thereof, it passed in the affirmative.

WEDNESDAY, April 14.

The Senate proceeded to the third reading of the bill "for the government of the territory of the United States south of the river Ohio."

Resolved, That this bill do pass; that the title of it be "An act for the government of the territory of the United States south of the river Ohio;" that it be engrossed and carried to the House of Representatives for concurrence therein.

The Senate resumed the consideration of the amendments to the bill for the punishment of certain crimes against the United States; whereupon,

Resolved, That they do agree to the amendments proposed in the 1st, 3d, 8th, 9th, 10th, 11th, 12th, 14th, 16th, 17th, 18th, 23d, 25th, and 27th sections; to the proposed amendments in section 19th, line 1; section 20th, line 1; section 26th, lines 9 and 10; and in the additional clause proposed to the bill;

That they do disagree to the amendments in section 19, line 2; section 20, line 3; section 26, line 2; and that they do agree to the amendments in section 28, with an amendment.

Ordered, That the Secretary do carry a message to the House of Representatives accordingly.

THURSDAY, April 15.

The Senate resumed the second reading of the bill to regulate the military establishment of the United States; and, after progress, the further consideration thereof was postponed.

FRIDAY, April 16.

The Senate proceeded in the consideration of the bill for regulating the military establishment of the United States.

On motion that the bill be recommitted, it passed in the affirmative.

MONDAY, April 19.

A message from the House of Representatives informed the Senate that they have receded from such of their amendments to the bill for the punishment of certain crimes against the United States as were disagreed to by the Senate; and

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do concur with the Senate in the amendment to their amendment of the said bill.

TUESDAY, April 20.

Mr. FEY, from the committee appointed on the 30th March, to take into consideration the bill for regulating the military establishment of the United States, reported; which report, being considered, was adopted as amendments to the bill.

Ordered, That this bill have the third reading to-morrow.

WEDNESDAY, April 21.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill for regulating the military establishment of the United States.

Resolved, That this bill do pass, with amendments.

Ordered, That a message be sent to the House of Representatives, requesting their concurrence in the amendments.

A message from the House of Representatives informed the Senate that they had passed a bill for the relief of a certain description of officers therein mentioned, in which they request the concurrence of the Senate.

The Senate proceeded to the first reading of said bill.

Ordered, That this bill have the second reading to-morrow.

THURSDAY, April 22.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill for the relief of a certain description of officers therein mentioned.

Ordered, That this bill be committed to Messrs. SCHUYLER, HAWKINS, and ELLSWORTH.

FRIDAY, April 23.

Mr. STRONG, from the committee appointed January 19, reported a bill "to continue in force an act, passed at the last session of Congress, 'to regulate processes in the courts of the United States,'" which was read the first time.

Ordered, That this bill have the second reading on Monday next.

A message from the House of Representatives informed the Senate that they had agreed to the amendments of the Senate to the bill for regulating the military establishment of the United States, with an amendment to the 8th amendment of the 5th section, by inserting the words "twenty-four," instead of "eighteen," proposed by the Senate to be inserted.

The Senate proceeded to consider the above message from the House of Representatives; and, *Resolved*, That they do recede from their amendment to said bill, so far as to concur with the House of Representatives in their amendment to the amendment.

Ordered, That a message be carried to the House of Representatives accordingly.

Mr. SCHUYLER, from the committee appointed yesterday, to take into consideration the bill for the relief of a certain description of officers therein mentioned, reported:

And on the question, "Shall this bill have a third reading?" it passed in the negative.

MONDAY, April 26.

The petition of Messrs. Bertier and Co., merchants of the city of Philadelphia, was read, stating that certain goods consigned to them on board of the ship Van Staphorst, Captain Atkinson, were seized by one of the inspectors of the port of Baltimore, in consequence of a mistake committed by the mate of said ship, although without any intention of fraud; and praying that Congress would make such provision for their relief, in an act said to be under the consideration of Congress, as in their wisdom shall seem just.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill, "to continue in force an act, passed at the last session of Congress, entitled 'An act to regulate processes in the courts of the United States.'" *Ordered*, That this bill have the third reading to-morrow.

TUESDAY, April 27.

Agreeably to the order of the day, the Senate continued in force an act, passed at the last session of Congress, to regulate processes in the courts of the United States; and

Resolved, That this bill do pass; that the title of it be "An act to continue in force an act, passed at the last session of Congress, entitled 'An act to regulate processes in the courts of the United States,'" that the bill be engrossed, and carried to the House of Representatives for concurrence therein.

On motion.

Ordered, That Mr. LEE be added to the committee, appointed 11th February, "to report a plan for the regulation of the trade of the United States, with the countries and settlements of the European Powers in America," and to whom also was referred the petition of the merchants of New Hampshire.

WEDNESDAY, April 28.

On motion, *Ordered*, That Messrs. CARROLL, ELLSWORTH, MORRIS, LARD, and BUTLER, be a committee to consider what provisions will be proper for Congress to make, in the present session, respecting the State of Rhode Island.

The Senate then entered on Executive business.

The following Message from the PRESIDENT OF THE UNITED STATES was read:

[MAY, 1790.]

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[SENATE.]

Gentlemen of the Senate:

I nominate George Wray, to be Collector of the port of Hampton, in the State of Virginia, in the place of Jacob Wray, resigned. Also,

John McCullough, to be Surveyor of the port of Swansborough, in the district of Wilmington; and, William Bonson, to be Surveyor of the port of Windsor, in the district of Edenton, both in the State of North Carolina.

G. WASHINGTON.

UNITED STATES, April 28th, 1790.

Ordered, That the Message lie for consideration.

THURSDAY, April 29.

Mr. ELLSWORTH, from the committee appointed 15th January, to bring in a bill in addition to an act to establish the Judicial Courts of the United States, and to whom was referred the petition of the merchants of New Hampshire, reported a bill "for giving effect to the acts therein mentioned, in respect to the State of North Carolina, and to amend the said act."

Ordered, That this bill be now read the first time.

Ordered, That this bill be read the second time to-morrow.

On motion, "That the doors of the Senate Chamber shall be open when the Senate is sitting in their Legislative capacity, to the end, that such of the citizens of the United States as may choose to hear the debates of this House, may have an opportunity of so doing;"

A motion was made, that the consideration thereof be postponed until to-morrow; and it passed in the affirmative.

Ordered, That Mr. STRONG be added to the committee appointed the 28th April, "to consider what provisions will be proper for Congress to make, in the present session, respecting the State of Rhode Island," instead of Mr. BUTLER, excused at his own desire, his colleague being on the committee.

The Senate then entered on Executive business, and advised and consented to the nominations yesterday made to them by the President.

FRIDAY, April 30.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill "for giving effect to the acts therein mentioned, in respect to the State of North Carolina, and to amend the said act."

Ordered, That this bill have the third reading on Monday next.

A message from the House of Representatives informed the Senate, that they had passed a bill supplemental to the act for establishing the salaries of the Executive officers of Government, with their assistants and clerks; a bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned; a bill providing the

means of intercourse between the United States and foreign nations; and, a bill to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned; to which they request the concurrence of the Senate.

The House of Representatives have also concurred in the bill to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the Courts of the United States;" and in the bill for the government of the territory of the United States south of the river Ohio, with amendments; to which amendments they request the concurrence of the Senate.

The House of Representatives have also appointed Messrs. SHERMAN, SMITH, (of South Carolina,) and VINING, a committee to confer with any committee to be appointed by the Senate, to consider and report whether any, and what, further regulations are necessary for conducting the business between the two Houses; in which they request the concurrence of the Senate.

The bill supplemental to the act for establishing the salaries of the Executive officers of Government, with their assistants and clerks, was read the first time.

The bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned, was read the first time.

The bill providing the means of intercourse between the United States and foreign nations, was read the first time; and,

The bill to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned, was read the first time.

Ordered, That these several bills have their second reading on Monday next.

The Senate proceeded, agreeably to the order of the day, to consider the motion made yesterday, to wit: "That the doors of the Senate Chamber shall be open when the Senate is sitting in their Legislative capacity, to the end, that such of the citizens of the United States as may choose to hear the debates of this House, may have an opportunity of so doing;" and, the question being taken, it passed in the negative.

The Senate proceeded to consider the resolve of the House of Representatives, appointing a committee on their part, "to confer with any committee appointed by the Senate, to consider and report whether any, and what, further regulations are necessary for conducting the business between the two Houses;" and

Resolved, That the Senate concur therein, and that Messrs. LEE, LARD, and STRONG, be the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives herewith.

MONDAY, May 3.

The order of the day being called for, the Senate proceeded to the second reading of the bill

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supplemental to the act for establishing the salaries of the Executive officers of Government, with their assistants and clerks.

Ordered, That this bill be committed to Messrs. FLETCHER, and ELLSWORTH, to consider and report what is proper to be done thereon.

The Senate proceeded to the second reading of the bill providing the means of intercourse between the United States and foreign nations.

Ordered, That this bill be committed to Messrs. STRONG, ELLSWORTH, CARROLL, MADLAY, and FEW.

A message from the House of Representatives informed the Senate, that they had passed a bill to allow compensation to John Ely for his attendance as a physician and surgeon on the prisoners of the United States; and, that they had passed a bill to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, so as to take effect in every other State; in which they request the concurrence of the Senate; and, that they have also appointed Messrs. BENSON, CLYMER, HUNTINGTON, MOORE, and CARROLL, a committee, to join with a committee to be appointed by the Senate, to consider and report their opinion on the question, "When, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives, have been respectively chosen, shall be deemed to have commenced?" and, also, to consider of, and report, their opinion on such other matters as they shall conceive have relation to this question; and request the concurrence of the Senate in the appointment of a committee on their part.

The Senate proceeded to the consideration of the resolve of the House of Representatives, appointing a committee to confer on the question recited in their message of this day.

Resolved, That the Senate do concur therein, and that Messrs. ELLSWORTH, KING, and MORRIS, be appointed to confer on the part of the Senate.

The Senate proceeded to the third reading of the bill "for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act."

Resolved, That this bill do pass; that the title of it be "An act for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act;" that it be engrossed, and carried to the House of Representatives for concurrence therein.

The Senate proceeded to the first reading of the bill to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, so as to take effect in every other State.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned;" and, after progress, the Senate adjourned.

TUESDAY, May 4.

Agreeably to the order of the day, the Senate resumed the consideration of the amendments to the bill for the government of the territory of the United States south of the river Ohio.

Resolved, That the Senate do not agree to the proposed amendments.

Ordered, That a message be sent to the House of Representatives, to acquaint them therewith.

The Senate proceeded to the third reading of the bill to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.

Resolved, That they concur therein, with amendments.

Ordered, That the Secretary acquaint the House of Representatives therewith, and request their concurrence in the amendments.

The Senate proceeded to the second reading of the bill to prescribe the mode in which the public records and judicial proceedings in each State shall be authenticated, so as to take effect in every other State.

Ordered, That this bill have the third reading to-morrow.

The Senate resumed the second reading of the bill providing for holding a treaty or treaties, to establish peace with certain Indian tribes.

Ordered, That the consideration hereof be further postponed.

The Senate proceeded to the second reading of the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned.

Ordered, That it be committed to Messrs. REED, PATTERSON, and JOHNSON.

A message from the House of Representatives informed the Senate, that they have passed a bill to authorize the issuing of certificates to a certain description of invalid officers, in which they request the concurrence of the Senate.

Ordered, That the bill last mentioned be now read the first time.

Ordered, That this bill have the second reading to-morrow.

WEDNESDAY, May 5.

The Senate proceeded to the third reading of the bill to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, so as to take effect in every other State, which was passed.

The Senate proceeded to the second reading of the bill to authorize the issuing of certificates to a certain description of invalid officers.

Ordered, That it be committed to Messrs. SCHUYLER, HAWKINS, and ELLSWORTH.

Mr. CARROLL reported, from the committee appointed the 28th of April, "to consider what provisions will be proper for Congress to make in the present session, respecting the State of Rhode Island."

Ordered, That Monday next be assigned to take this report into consideration.

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The following letter was read, which, with a volume of the work therein mentioned, was laid on the table, by Mr. MORRIS:

To the honorable Senators of the United States in Congress assembled.

Thomas Dobson begs leave to present, in succession, as they are published, the volumes of the American edition of the Encyclopedia, which he is now printing and publishing; and, at the same time, to solicit the patronage and encouragement of gentlemen in an undertaking of such magnitude and utility.

Philadelphia, 1st May, 1790.

THURSDAY, May 6.

A message from the House of Representatives informed the Senate, that they recede from their amendments to the bill for the government of the territory of the United States south of the river Ohio, and agree to the amendments of the Senate to the bill to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.

FRIDAY, May 7.

Mr. STRONG reported, from the committee appointed May the 3d, on the bill providing the means of intercourse between the United States and foreign nations.

Ordered, That the consideration of the report be postponed until Monday next.

MONDAY, May 10.

The Senate proceeded to consider the report of the committee appointed on the bill providing the means of intercourse between the United States and foreign nations; whereupon,

Ordered, That this bill be recommitted.

A message from the House of Representatives informed the Senate that they had passed the bill sent from the Senate for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act, with amendments; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the report of the committee appointed on the 28th of April, to consider what provision will be proper for Congress to make, in the present session, respecting the State of Rhode Island; and

Ordered, That the consideration hereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that they have passed a bill for finally adjusting and satisfying the claims of Frederick William de Steuben; to which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act.

Ordered, That the further consideration hereof be postponed until to-morrow.

The bill for finally adjusting and satisfying the

claims of Frederick William de Steuben was read the first time.

Ordered, That this bill have the second reading to-morrow.

TUESDAY, May 11.

The Senate resumed the second reading of the bill for finally adjusting and satisfying the claims of Frederick William de Steuben.

Ordered, That it be committed to Messrs. MADLAY, STRONG, IZARD, ELLSWORTH, and JOHNSTON.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the bill for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act.

Resolved, That the Senate disagree to the amendment, section 3d, line 8th;

That they disagree to the proposition to "strike out the last section" of the bill; but that they agree in the amendments proposed by the House of Representatives, so far as to subjoin these clauses to the bill, to wit:

And be it further enacted, That the stated district court for the district of Pennsylvania shall hereafter solely be held at the city of Philadelphia;

And be it further enacted, That, from and after the first day of January next, there shall be held annually, three sessions of the district of Kentucky, and no more; to commence on the second Mondays in each of the months of April, August, and November; any law to the contrary notwithstanding.

Ordered, That a message be sent to the House of Representatives accordingly.

The Senate proceeded to consider the report of the committee appointed the 28th of April to consider what provisions will be proper for Congress to make, in the present session, respecting the State of Rhode Island; whereupon,

Resolved, That all commercial intercourse between the United States and the State of Rhode Island, from and after the first day of July next, be prohibited, under suitable penalties; and that the President of the United States be authorized to demand of the State of Rhode Island

dollars, to be paid into the Treasury of the United States by the day of next;

which shall be credited to the said State, in account with the United States; and that a bill or bills be brought in for those purposes.

Ordered, That the committee who brought in the above report, prepare and report a bill accordingly.

WEDNESDAY, May 12.

A message from the House of Representatives informed the Senate, that they have proceeded to consider such of their amendments to the bill sent from the Senate for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act, as were disagreed to by the Senate, and have

Resolved, That a conference be desired with the Senate, on the subject-matter of the said amendments; and that Messrs. WHITE, STEELE,

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FOSTER, LIVERMORE, and WILLIAMSON, be appointed managers at the same, on the part of the House of Representatives.

The Senate proceeded to consider the last recited message; and

Resolved, That they concur in the proposed conference; that Messrs. JOHNSTON, LANGDON, HAWKINS, KING, and BUTLER, be managers thereof, on the part of the Senate.

Ordered, That a message be sent to the House of Representatives accordingly.

Mr. REED reported, from the committee appointed May the 4th, on the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned; the consideration of which report was postponed.

THURSDAY, May 13.

The Senate proceeded to consider the report of the committee on the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned; which report was agreed to as amendments to the bill.

Ordered, That to-morrow be assigned for the third reading of this bill.

Mr. MORRIS, from the committee appointed the 28th of April, to consider what provisions will be proper for Congress to make, in the present session, respecting the State of Rhode Island, reported a bill on that subject, which was read the first time.

Ordered, That this bill have the second reading to-morrow.

Mr. ELLSWORTH reported, from the committee appointed May 3d, to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives have been respectively chosen, shall be deemed to have commenced; and, also, to consider of, and report their opinion on, such other matters as they shall conceive have relation to this question.

Ordered, That this report lie for consideration.

FRIDAY, May 14.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned.

Resolved, That this bill do pass, with amendments.

Ordered, That a message be sent to the House of Representatives, to request their concurrence in the amendments.

The Senate proceeded to consider the report of the joint committee, appointed the 28th of April, which is as follows:

"The committee of the Senate, to join with a committee appointed by the House of Representatives, to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives have been respectively chosen, shall be deemed to have commenced; and, also, to consider of, and report their opinion on, such other matters as they shall conceive to have relation to this question, report, as the opinion of the said joint committee:

"That the terms for which the President, Vice President, Senators, and Representatives, of the United States, were respectively chosen, did, according to the Constitution, commence on the 4th day of March, 1789; and so the Senators of the first class, and the Representatives will not, according to the Constitution, be entitled, by virtue of the same election by which they hold seats in the present Congress, to seats in the next Congress, which will be assembled after the 3d day of March, 1791; and further, that, whenever a vacancy shall happen in the Senate or House of Representatives, and an election to fill such vacancy, the person elected will not, according to the Constitution, be entitled, by virtue of such election, to hold a seat beyond the time for which the Senator or Representative in whose stead such person shall have been so elected; would, if the vacancy had not happened, have been entitled to hold a seat.

"That it will be advisable for the Congress to pass a law or laws for determining, agreeable to the provision in the first section of the second article of the Constitution, the time when the electors shall, in the year which will terminate on the 3d day of March, 1793, and so in every fourth year thereafter, be chosen, and the day on which they shall give their votes; for declaring what officer shall, in case of vacancy, both in the office of President and Vice President, act as President; for assigning a public office where the lists, mentioned in the second paragraph of the first section in the second article of the Constitution, shall, in case of vacancy in the office of President of the Senate, or his absence from the seat of Government, be, in the mean time, deposited; and for directing the mode in which such lists shall be transmitted:

Whereupon,

Resolved, That the Senate do agree to this report.

The Senate proceeded to the second reading of the bill to prevent bringing goods, wares, and merchandises, from the State of Rhode Island and Providence Plantations into the United States, and to authorize a demand of money from the said State.

And, on the question, to assign a time for the third reading of this bill, the yeas and nays being required by one-fifth of the Senators present:

Yeas—Messrs. BASSETT, CARROLL, DALTON, ELLSWORTH, JOHNSTON, LANGDON, KING, LANGDON, MORRIS, REED, SCHUYLER, and STRONG—13.

Nays—Messrs. BUTLER, ELMER, GUNN, HENRY, MACLAY, WALKER, and WINGATE—7.

So it was

Ordered, That this bill have the third reading on Monday next.

MONDAY, May 17.

The Senate proceeded to the third reading of the bill to prevent bringing goods, wares, and

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merchandises, from the State of Rhode Island and Providence Plantations into the United States, and to authorize a demand of money from the said State, and,

On motion,

Ordered, That this bill be recommitted.

TUESDAY, May 18.

A message from the House of Representatives informed the Senate, that they have agreed to all the amendments proposed by the Senate to the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned. That they recede from their first amendment to the bill for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act; and in lieu thereof propose to strike out, in the last line of the third section, the words, "and Hillsborough alternately, beginning at the first." But they do insist on their second amendment to the said bill.

They also communicate the following resolves of the House of Representatives, in which the concurrence of the Senate is requested:

In the House of Representatives,

May 17, 1790.

Resolved, That the President of the United States be requested to cause to be forthwith transmitted to the Executives of the States of Virginia, North Carolina, and South Carolina, a complete list of the officers, non-commissioned officers, and privates, of the lines of those States respectively, who are entitled to receive arrears of pay due for services in the years 1782 and 1783, annexing the particular sum that is due to each individual; with a request to the Executives of the said States, to make known to the claimants, in the most effectual manner, that the said arrears are ready to be discharged on proper application.

Resolved, That the President of the United States be requested to cause the Secretary of the Treasury to take the necessary steps for paying, within the said States respectively, the money appropriated by Congress, on the twenty-ninth day of September, 1789, for the discharging the arrears of pay due to the troops of the lines of the said States respectively.

Resolved, That the Secretary of the Treasury, in cases where payment has not been made to the original claimant in person, or to his representative, be directed to take order for making the payment to the original claimant, or to such person or persons only as shall produce a power of attorney, duly attested by two justices of the peace of the county in which such person or persons reside, authorizing him or them to receive a certain specified sum.

Mr. CARROLL, from the committee appointed April the 28th, to consider what provisions will be proper for Congress to make, in the present session, respecting the State of Rhode Island, and to whom it was referred, to bring in a bill on that subject, reported several additional clauses to the bill to prevent bringing goods, wares, and merchandises, from the State of Rhode Island and Providence Plantations into the United States, and to authorize a demand of money from the said

State; which report was agreed to as amendments to the bill.

The Senate proceeded to the third reading of the bill to prevent bringing goods, wares, and merchandises, from the State of Rhode Island and Providence Plantations into the United States, and to authorize a demand in money from the said State:

And, on the question, "Shall this bill pass?" the yeas and nays being required by one-fifth of the Senators present, were:

Yeas—Messrs. BASSETT, CARROLL, DALTON, ELLSWORTH, JOHNSTON, LANGDON, KING, LANGDON, MORRIS, REED, SCHUYLER, and STRONG—13.

Nays—Messrs. BUTLER, ELMER, HAWKINS, HENRY, LEE, MACLAY, WALKER, and WINGATE—8.

So it was *Resolved*, That this bill do pass, and that it be carried to the House of Representatives for concurrence therein.

Mr. JOHNSTON reported, from the managers of the conference on the amendments proposed by the House of Representatives to the bill for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act, that it is proper the circuit courts in the district of North Carolina be held at Newbern only, and not at Newbern and Hillsborough alternately, as the bill now provides. And that the district court for New Hampshire be held at Portsmouth only, agreeably to the provision made in the bill, as it passed the Senate.

And the report was agreed to.

The Senate proceeded to consider the message from the House of Representatives of this day, communicating their resolve of the 17th of May, on their amendments to the bill for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act: whereupon,

Resolved, That the Senate do agree to the first amendment of the House of Representatives on the said bill, by striking out these words, section 3d, line 8th, after the word Newbern, "and Hillsborough alternately, beginning at the first."

Resolved, That the Senate do adhere to their disagreement to the second amendment of the House of Representatives, in which they propose to strike out the last section of the bill.

The Senate proceeded to consider the resolve of the House of Representatives of the 17th of May, "respecting certain arrearsages of pay due to the non-commissioned officers and soldiers of the late Virginia, North Carolina, and South Carolina lines of the army."

Ordered, That the further consideration hereof be postponed.

WEDNESDAY, May 19.

The Senate proceeded to the consideration of the resolve of the House of Representatives of the 17th of May, respecting certain arrearsages of pay due to the non-commissioned officers and soldiers of the late Virginia, North Carolina, and South Carolina lines of the army.

Ordered, That the resolve be committed to

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MESSRS. ELLSWORTH, LEE, JOHNSTON, IZARD, and KING.

A message from the House of Representatives informed the Senate, that they have agreed to the report of the joint committee appointed to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives, have been respectively chosen, shall be deemed to have commenced; and have appointed a committee to report a bill pursuant to the last paragraph of the said report.

THURSDAY, May 20.

A message from the House of Representatives informed the Senate, that they adhere to their second amendment to the bill for giving effect to the act therein mentioned, in respect to the State of North Carolina, and to amend the said act.

Mr. ELLSWORTH reported, from the committee appointed the 19th of May, on the resolve of the House of Representatives, respecting certain arrearsages of pay due to the non-commissioned officers and soldiers of the late Virginia, North Carolina, and South Carolina lines of the army; which being considered,

Ordered, That the further consideration thereof be postponed until to-morrow.

FRIDAY, May 21.

The Senate proceeded to the consideration of the report of the committee appointed the 19th of May, on the resolve of the House of Representatives, respecting certain arrearsages of pay due to the non-commissioned officers and soldiers of the late Virginia, North Carolina, and South Carolina lines of the army, which being amended were agreed to.

MONDAY, May 24.

Mr. MACLAY reported, from the committee appointed May the 11th, on the bill for finally adjusting and satisfying the claims of Frederick William de Steuben.

Ordered, That this report lie for consideration until to-morrow.

A message from the House of Representatives informed the Senate, that they have agreed to all the amendments to the resolve respecting certain arrearsages of pay due to the non-commissioned officers and soldiers of the late Virginia, North Carolina, and South Carolina lines; and that they have passed a bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States, within the State of North Carolina," to which they request the concurrence of the Senate.

The bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of North Carolina," was read the first time.

Ordered, That it have a second reading to-morrow.

The following resolution was offered:

Resolved, That Congress shall meet and hold their next session in the city of Philadelphia.

Ordered, That the consideration thereof be postponed until to-morrow.

TUESDAY, May 25.

Mr. STRONG, from the committee appointed for the purpose, reported a bill providing the means of intercourse between the United States and foreign nations, with an amendment, which was agreed to, and the bill was ordered to be read a third time to-morrow.

The Senate proceeded to consider the report of the committee on the bill for finally adjusting and satisfying the claims of Frederick de Steuben, which is as follows:

In the second line, strike out from the word "order," inclusive, to the end of the bill, and insert, "consideration of the eminent services of the Baron de Steuben, rendered to the United States during the late war, there be paid to him an annuity of one thousand dollars, to commence on the first day of January last, to be paid in quarterly payments at the Treasury of the United States," and, after debate, the further consideration thereof was postponed until to-morrow.

The following Message was from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

I nominate the following persons to fill the offices assigned to their names, viz:

Samuel Jasper, to be Surveyor of the port of Currituck Inlet, in the State of North Carolina.

Nathaniel Wilkins, to be Collector of the port of Cherrystone, in the State of Virginia, in the place of George Savage, who has resigned.

Henry Deering, to be Collector of the port of Egg Harbor, in the State of New York, in the place of John Gelston, who has resigned.

Thomas Davis Freeman, to be Surveyor of the port of Plymouth, in the State of North Carolina, in the place of Levy Blount, who has resigned.

Benjamin Bartlett, to be Surveyor of the port of Suffolk, in the State of Virginia, in the place of Archibald Richardson, who has resigned.

GEO. WASHINGTON.

UNITED STATES, May 26th, 1790.

Ordered, That the Message lie for consideration.

WEDNESDAY, May 26.

The Senate proceeded to the third reading of the bill for providing the means of intercourse between the United States and foreign nations. *Resolved*, That the Senate concur therein, with an amendment.

The Senate proceeded to the consideration of the report of the committee on the bill for finally adjusting and satisfying the claims of Frederick William de Steuben.

And, on the question to agree to the report of the committee, the yeas and nays being required by one-fifth of the Senators present, were:

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YEAS—Messrs. Ellsworth, Elmer, Few, Hawkins, Johnston, Langdon, Strong, and Wingate—8.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Gunn, Henry, Johnson, Izard, King, Lee, Macay, Morris, Paterson, Read, Schuyler, and Walker—16.

So it passed in the negative.

On motion that the opinion of the Senate be taken, whether two thousand dollars, line 7th, shall stand in the bill; the yeas and nays being required by one-fifth of the Senators present:

YEAS—Messrs. Bassett, Butler, Carroll, Gunn, Henry, Izard, King, Lee, Morris, Read, Schuyler, and Walker—12.

NAYS—Messrs. Dalton, Ellsworth, Elmer, Few, Hawkins, Johnson, Johnston, Langdon, Macay, Paterson, Strong, and Wingate—12.

The yeas and nays being equal, the VICE PRESIDENT determined the question in the affirmative.

On motion that these words, "the sum of seven thousand dollars, in addition to the moneys already received by him, and also," be stricken out of the bill; the yeas and nays being required by one-fifth of the Senators present:

YEAS—Messrs. Butler, Dalton, Ellsworth, Elmer, Few, Hawkins, Johnson, Langdon, Macay, Paterson, Strong, and Wingate—12.

NAYS—Messrs. Bassett, Carroll, Gunn, Henry, Johnston, Izard, King, Lee, Morris, Read, Schuyler, and Walker—12.

The number being equal, the VICE PRESIDENT determined the question in the negative.

Ordered, That to-morrow be assigned for the third reading of this bill.

The Senate proceeded to consider the motion made the 24th of May, to wit: That it be resolved that Congress shall meet and hold their next session in the city of Philadelphia; and after debate,

Ordered, That the further consideration hereof be postponed until Thursday, the 3d of June next.

The Senate then entered on Executive business, took up the President's Message of yesterday, and confirmed the several nominations made therein.

THURSDAY, May 27.

The Senate proceeded to the second reading of the bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of North Carolina."

Ordered, That this bill have the third reading to-morrow.

The petition of John Frederick Amelung, of the State of Maryland, was read, stating the difficulties he labors under in establishing the glass manufacture, and soliciting the aid of the Government of the United States in this important undertaking.

Ordered, That this petition lie on the table. The Senate proceeded to the third reading of the bill for finally adjusting and satisfying the claims of Frederick William de Steuben, which passed with an amendment, adding five hundred, after the words two thousand.

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FRIDAY, May 28.

A message from the House of Representatives informed the Senate, that they disagree to the amendment proposed by the Senate to the bill providing the means of intercourse between the United States and foreign nations.

Mr. Few, from the committee appointed May 3d, on the bill supplemental to an act for establishing the salaries of the Executive Officers of Government, with their assistants and clerks, reported: whereupon,

The Senate proceeded to the reading of the bill. *Resolved*, That this bill do pass.

The Senate proceeded to the third reading of the bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of North Carolina."

Resolved, That this bill do pass.

The motion made the 24th of May, to wit: That Congress shall meet and hold their next session in the city of Philadelphia, was withdrawn.

The Senate proceeded to consider the message from the House of Representatives of this day, with the amendment of the Senate disagreed to on the bill providing the means of intercourse between the United States and foreign nations: whereupon,

Resolved, That the Senate do insist on their amendment to the said bill.

Ordered, That the Secretary acquaint the House of Representatives herewith.

MONDAY, May 31.

A message from the House of Representatives informed the Senate, that they have agreed to the amendments of the Senate to the bill for finally adjusting and satisfying the claims of Frederick William de Steuben; and that they do insist on their disagreement to the amendment of the Senate on the bill providing the means of intercourse between the United States and foreign nations.

The Senate proceeded to the consideration of the message from the House of Representatives on the bill for providing the means of intercourse between the United States and foreign nations, and their amendment disagreed to by the House of Representatives: whereupon,

Resolved, That the Senate do still insist on their amendment, and request a conference with such committee as may be appointed by the House of Representatives, on the subject-matter of disagreement; and that Messrs. King, Izard, and Read, be managers of the conference on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives herewith, and request their concurrence in the appointment of a committee on their part.

Mr. BUTLER having moved for leave to bring in a bill to determine the permanent seat of Congress and the Government of the United States, leave was accordingly given; and, the bill being presented,

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Ordered, That this bill have the first reading at this time.
Ordered, That this bill have the second reading to-morrow.

TUESDAY, June 1.

The Senate proceeded to the second reading of the bill to determine "the permanent seat of Congress, and the Government of the United States;" and, after debate,
Ordered, That the further consideration hereof be postponed till to-morrow.
The following Message was received from the PRESIDENT OF THE UNITED STATES, and was read:

Gentlemen of the Senate, and House of Representatives:
Having received official information of the accession of the State of Rhode Island and Providence Plantations to the Constitution of the United States, I take the earliest opportunity of communicating the same to you, with my congratulations on this happy event, which unites, under the General Government, all the States which were originally confederated; and have directed my Secretary to lay before you a copy of the letter from the President of the Convention of the State of Rhode Island to the President of the United States.
G. WASHINGTON.

UNITED STATES, June 1, 1790.

The Senate then entered on Executive business.
The following Message from the PRESIDENT OF THE UNITED STATES, by his Secretary, was read:

Gentlemen of the Senate:
Mr. De Poiry served in the American army for several of the last years of the late war, as Secretary to Major General the Marquis de Lafayette, and might probably at the same time have obtained the commission of Captain from Congress, upon application to that body. At present he is an officer in the French National Guards, and solicits a Brevet Commission from the United States of America. I am authorized to add, that while the compliance will involve no expense on our part, it will be particularly grateful to that friend of America, the Marquis de Lafayette.
I therefore nominate M. De Poiry to be a Captain by brevet.
GEORGE WASHINGTON.

UNITED STATES, May 31, 1790.

Ordered, That the Message lie for consideration.

A message from the House of Representatives, informed the Senate that they have agreed to the conference proposed by the Senate on the bill providing the means of intercourse between the United States and foreign nations; and have appointed Messrs. GERRY, WHITE, and WILLIAMSON, managers thereof, on their part.

It also communicated the following resolve of the House of Representatives:

Resolved, That Congress shall meet and hold their next session at the city of Philadelphia.
Ordered, That the consideration of the last cited resolve be postponed until to-morrow.

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from Maryland, Virginia, North Carolina, and Georgia, it being proposed to raise the said battalion in those States.
GEO. WASHINGTON.

UNITED STATES, June 2, 1790.

[Then followed the lists of officers referred to in the President's Message.]
The Message was ordered to lie for consideration till to-morrow.

THURSDAY, June 3.

The Senate proceeded to the second reading of the bill making provision for the debt of the United States.
Ordered, That the further consideration thereof be postponed till Monday next.

The Senate then entered on Executive business, and took up for consideration the nominations of officers made in the President's Message of yesterday, which were all confirmed.

FRIDAY, June 4.

A message from the House of Representatives informed the House that they have passed a bill for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations; in which they desire the concurrence of the Senate.
The Senate proceeded to the first reading of the bill for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.

Ordered, That this bill pass to the second reading.
On motion, to appoint an additional member to the committee on the bill to determine "the permanent seat of Government of the United States," it passed in the negative.

The Senate then entered on Executive business.
A Message was read from the PRESIDENT OF THE UNITED STATES, nominating consuls and vice-consuls at the following foreign ports, viz: Cadix, Bilbao, Madeira, Liverpool, Cowes, Dublin, Marseilles, Bordeaux, Nantz, Havre, Rouen, Hispaniola, Martinique, and Hamburg.

The Message was ordered to lie for consideration.
The Senate proceeded to the second reading of the bill for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.

MONDAY, June 7.

The Senate proceeded to the second reading of the bill for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.

Ordered, That this bill pass to the third reading.
Mr. BUTLER reported, from the committee appointed June the 2d, on the bill to determine "the permanent seat of Congress and the Government of the United States."

Ordered, That the report be postponed until to-morrow for consideration.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill for making provision for the debt of the United States; and, after progress, proceeded on Executive

utive business, and confirmed all the nominations of consuls and vice-consuls made by the President in his Message of yesterday.

After which the following Message from the PRESIDENT was read:

Gentlemen of the Senate:

In pursuance of the law lately passed for giving effect to an act entitled "An act to establish Judicial Courts of the United States," within the State of North Carolina, I nominate the following persons to fill the Judicial offices in that district, viz:

William R. Davis, to be Judge;
John Stigreeves, to be Attorney; and
John Skinner, to be Marshal of the District of North Carolina.

I likewise nominate the following persons to fill offices established by law within the territory of the United States south of the river Ohio, viz:

William Blount, to be Governor;
David Campbell and John M'Nairy, to be Judges; and
Daniel Smith, to be Secretary of the territory of the United States south of the river Ohio.

GEO. WASHINGTON.

UNITED STATES, June 7, 1790.

Ordered, That the Message lie on the table.

TUESDAY, June 8.

Mr. LEE, from the joint committee appointed the 30th of May, "to consider and report whether any, and what, further regulations are necessary for conducting the business between the two Houses," reported.

Ordered, That the report lie for consideration.
A message from the House of Representatives informed the Senate that they have passed a bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations," in which they request the concurrence of the Senate.

It also communicated the following resolve of the House of Representatives, in which the concurrence of the Senate was desired:

Resolved, That a committee be appointed, to join with a committee of the Senate, to be appointed for the purpose, to consider of, and report, when it will be convenient and proper that an adjournment of the present session of Congress should take place; and to consider and report such business now before Congress necessary to be finished before the adjournment, and such as may be conveniently postponed; and, also, to consider and report such matters not now before Congress, but which it will be necessary should be considered and determined by Congress before adjournment.

And a committee was appointed of Messrs. WADSWORTH, CARROLL, and HARTLEY.
The last-recited resolve of the House of Representatives was read.

On motion that the consideration of the bill to determine the permanent seat of Congress, and the Government of the United States, be postponed, in order to take up the resolution from the House of Representatives, for declaring the place where the next session of Congress shall be held;

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A motion was made to postpone this motion until to-morrow; and,

Whereupon, the Senate proceeded to the consideration of the resolve of the House of Representatives, to wit: "That Congress shall meet, and hold their next session, at the city of Philadelphia."

And, on motion to concur therein, the yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Bassett, Carroll, Elmer, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, and Wingate—11.

NAYS—Messrs. Butler, Dalton, Ellsworth, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Patterson, Schuyler and Strong—13.

So it was

Resolved, That the Senate do not concur in the resolution proposed by the House of Representatives.

The Senate then resumed the consideration of the report of the committee on the bill to determine "the permanent seat of Congress, and the Government of the United States," which is as follows:

1st. That, in their opinion, taking a combination of circumstances into consideration, the present session is a proper time for fixing on the permanent residence of Congress and the Government of the United States; and, after due consideration, recommend that it be placed on the eastern or northeastern bank of the Potomac.

Your committee further recommend, that such sums of money as may be offered by the States, for the carrying this bill into effect, may be accepted of; then the bill will read thus: "And to accept of grants of money or lands." Your committee were of opinion, that Congress can best determine the time to be allowed for completing the buildings.

With respect to the temporary residence of Congress, your committee, after weighing all circumstances, consider the ground of choice to be so narrowed as to be fully in view of the Senate.

Your committee recommend, that the Senate should agree with all the other parts of the bill.

Whereupon, a motion was made, that the opinion of the Senate be taken, whether it be expedient, at this time, to determine upon any place for the permanent seat of the Government of the United States.

The yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Butler, Dalton, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Patterson, Schuyler, and Strong—12.

NAYS—Messrs. Bassett, Carroll, Ellsworth, Elmer, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, and Wingate—12.

The number of votes being equal, the question was, by the VICE PRESIDENT, determined in the negative.

Ordered, That the consideration of the bill to determine "the permanent seat of Congress and the Government of the United States," be re-

sented; the report of the committee being rejected.

On motion to fill up the blank in the first paragraph of the bill with these words, "the eastern bank of the Potomac," the yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Butler, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, and Schuyler—9.

NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Henry, Langdon, Lee, Maclay, Morris, Patterson, Read, Strong, Walker, and Wingate—15.

So it passed in the negative.

On motion to postpone the further consideration of the bill for a fortnight:

It passed in the negative.

On motion to fill up the blank in the first paragraph of the bill with the word "Baltimore," the yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Butler, Few, Gunn, Hawkins, Johnson, Johnston, and Izard—7.

NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Henry, King, Langdon, Lee, Maclay, Morris, Patterson, Read, Schuyler, Strong, Walker, and Wingate—17.

So it passed in the negative.

On motion to postpone the bill generally:

It passed in the negative.

On motion to postpone the bill till the next session of Congress:

It passed in the negative.

On motion to reject the first enacting clause of the bill, to wit:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a district of territory not exceeding ten miles square, to be located, as hereafter directed, at— and the same is hereby accepted as the permanent seat of Congress and the Government of the United States:

It passed in the negative.

On motion to adjourn:

It passed in the negative.

On motion to fill up the blank in the first enacting clause of the bill with the words "Washington, in the State of Delaware."

It passed in the negative.

A motion was made that the first enacting clause of the bill be agreed to; which was superseded by a motion to adjourn, which was carried.

WEDNESDAY, June 9.

Ordered, That the bill, entitled "An act for giving effect to the several acts therein mentioned in respect to the State of Rhode Island and Providence Plantations," have the third reading at this time.

Resolved, That this bill do pass, with an amendment.

A message from the House of Representatives informed the Senate, that they agree to the amendment of the Senate to the bill for giving effect to the several acts therein mentioned in respect to the State of Rhode Island and Providence Plantations.

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The Senate proceeded in the second reading of the bill making provision for the debt of the United States; and, after progress, adjourned.

THURSDAY, June 10.

The bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations," was read the first time.

Ordered, That this bill pass to the second reading.

Mr. Lee, from the committee appointed to confer with a committee of the House of Representatives, to consider and report whether any, and what further regulations are necessary for conducting the business between the two Houses, reported: whereupon,

Resolved, That the Senate agree to the report, amended to read as follows:

1st. That, when a bill or resolution shall have passed in one House, shall be rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

2d. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that House in which it shall be renewed.

3d. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

4th. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

Ordered, That the Secretary acquaint the House of Representatives that the Senate agree to the report of the joint committee, thus amended. The consideration of the resolve of the House of Representatives of the 8th of June, appointing a committee to join a committee that may be appointed on the part of the Senate, "to consider and report when it will be convenient and proper that an adjournment of the present session of Congress should take place," was further postponed.

The Senate proceeded in the second reading of the bill, "making provision for the debt of the United States," and, after progress, adjourned.

FRIDAY, June 11.

The following Message was received from the President of the United States:

Gentlemen of the Senate,

and House of Representatives:

I have directed my Secretary to lay before you a copy of the ratification of the amendments to the Constitution of the United States by the State of North Carolina; together with an extract from a letter accompanying said ratification, from the Governor of the State of North Carolina to the President of the United States.

GEO. WASHINGTON.

Ordered, That the Message and papers from the President of the United States be filed.

The Senate proceeded in the second reading of the bill making provision for the debt of the United States.

Ordered, That it be committed to Messrs. Lee, Ellsworth, Maclay, King, and PATTERSON.

The Senate proceeded in the second reading of the bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations."

Ordered, That this bill pass to the third reading. Mr. ELLSWORTH notified the Senate, that, on Monday next, he should bring in a bill making "provision for the debts of the respective States, by the United States."

The Senate then entered on Executive business; when the President's nomination of TROSBEE to be Judge of the South Carolina district, in the place of WILLIAM DRAYTON, was read, and ordered to lie for consideration.

MONDAY, June 14.

The President informed Congress, by Messages, that the Legislatures of Maryland and New Hampshire had ratified all the articles proposing amendments to the Constitution, except the second.

The following written message from the House of Representatives was communicated by Mr. BUCKLEY, their Clerk.

"In the House of Representatives of the United States, FRIDAY, the 11th of June, 1790.

"Resolved, That when the two Houses shall adjourn to close the present session, the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses to meet and hold their next session at the town of Baltimore."

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States."

Resolved, That this bill do pass, with the following amendment:

In the last paragraph strike out the words "one thousand dollars," and insert "eight hundred dollars."

Ordered, That the Secretary acquaint the House of Representatives herewith, and desire their concurrence in the amendment.

Mr. ELLSWORTH, instead of the bill proposed on the 11th, submitted the following motion, that it be

Resolved, That provision shall be made the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars, in the certificates issued by the respective States for services or supplies towards the prosecution of the late war. The certificates which shall be loaned to stand charged to the respective States by whom they were issued, until a liquidation of their accounts with the United States can be completed.

Ordered, That this motion lie on the table.

A motion was then made that to-morrow be assigned to take it into consideration; and it passed in the negative.

The Resolve of the House of Representatives of June the 11th, "that when the two Houses

shall adjourn to close the present session, the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses to meet and hold their next session at the town of Baltimore, being read:

On motion that the consideration thereof should be postponed to this day fortnight, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Ellsworth, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Paterson, Schuyler, and Strong—13.
NAYS—Messrs. Bassett, Carroll, Elber, Henry, Langdon, Lee, Macdoy, Morris, Read, Walker, and Wingate—11.

The Senate then entered on Executive business, and the nomination of Judge Bar, made yesterday, was confirmed. After which the President's nomination of Collectors, Naval Officers, and Surveyors of the ports of Newport and Providence, were considered and confirmed.

TUESDAY, June 15.

A message from the House of Representatives informed the Senate that they have agreed to the amendment of the Senate, to the bill for giving effect to an act entitled, "An act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations."

Mr. LEE, on behalf of the committee appointed June the 11th, on the bill making provision for the debt of the United States, reported; and the consideration of the report was postponed until to-morrow.

WEDNESDAY, June 16.

The Senate proceeded to the consideration of the report of the Committee on the bill making provision for the debt of the United States; and, after debate, postponed the further consideration thereof till to-morrow.

The following Message from the PRESIDENT OF THE UNITED STATES was communicated by Mr. Lear, his Secretary.

Gentlemen of the Senate,
and House of Representatives:
The ratification of the Constitution of the United States of America by the State of Rhode Island and Providence Plantations, was received by me last night; together with a letter to the President of the United States from the President of the Convention. I have directed my Secretary to lay before you a copy of each.

[A copy of this letter, which contained the Ratification of the Constitution, and proposed amendments to it, will be found in the appendix to this volume.]

THURSDAY, June 17

A message from the House of Representatives informed the Senate that they have passed a bill to authorize the purchase of a tract of land for the

use of the United States, to which the concurrence of the Senate is desired.

Ordered, That this bill have the first reading at this time.

Ordered, That this bill pass to the second reading.

The Senate resumed the consideration of the report of the committee on the bill making provision for the debt of the United States; and, after debate, postponed the further consideration thereof until to-morrow.

FRIDAY, June 18.

The petition of Stephen Moore was read, stating, "That the United States occupy a tract of land, on which are erected the fortifications and arsenal at West Point," the property of the petitioner, and requesting compensation; together with sundry papers accompanying the petition.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill entitled "An act to authorize the purchase of a tract of land for the use of the United States."

Ordered, That this bill, together with the petition of Stephen Moore, and the papers communicated with his petition, be committed to Messrs. IZARD, GUNN, and LANGDON.

The Senate resumed the consideration of the report of the committee appointed the 11th of June, on the bill making provision for the debt of the United States; and, after debate, the consideration thereof was further postponed.

MONDAY, June 21.

The Senate proceeded to the consideration of the resolve of the House of Representatives of June the 8th, proposing a joint committee for the purposes therein mentioned; and,

Resolved, That they do agree to the appointment of a committee, and that Messrs. STRONG, BASSETT, and WALKER, be the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill to establish the Post Office and post roads within the United States, in which the concurrence of the Senate is desired.

The Senate resumed the consideration of the report of the committee on the bill making provision for the debt of the United States; and, on motion to agree to the following paragraph of the report, to wit:

In the fourth section, 2d line, strike out from the word "entitled," to the word "or," at the end of the next paragraph inclusive; also, strike out from the word "sum," in the 5th line of the next paragraph, to the proviso at the end of the section; and then the bill will read, "That, for any sum which shall be subscribed to the said loan by any person or persons, or body politic, the subscriber, or subscribers, shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, the whole of the sum by him, her, or them, subscribed; bearing an interest of four per cent. per annum, payable

quarter yearly, and subject to redemption by payments not exceeding, in one year, on account of both principal and interest, the proportion of six dollars upon a hundred of the same sum: *Provided, always,* That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid, but it shall be understood, only, that they have a right so to do."

The design of this amendment of your committee is to discharge the alternatives proposed in the bill, and to fund the domestic debt of the United States at an interest of four per cent. per annum.

To this clause the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Few, Hawkins, Henry, Johnston, Lee, Macdoy, Read, Strong, and Wingate—13.

NAYS—Messrs. Butler, Gunn, Johnson, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—10.

So it passed in the affirmative.

Ordered, That the further consideration of the report be postponed.

TUESDAY, June 22.

The Senate proceeded to the first reading of the bill to establish the Post Office and post roads within the United States.

Ordered, That this bill pass to a second reading. The Senate resumed the consideration of the report of the committee on the bill making provision for the debt of the United States; which, being amended, was accepted as an amendment to the bill.

Ordered, That this bill pass to a third reading.

WEDNESDAY, June 23.

The petition of Sarah, widow of the late Earl of Stirling, was read, stating "that her late husband was a Major General in the late war, and that he died in the service of the United States, on the 14th day of January, 1783; that, by the act of Congress of the 24th of August, 1780, your petitioner is entitled to seven years' half-pay of her late husband, but that she has never received any part thereof; she therefore prays that Congress may take such measures in the premises as, in their wisdom, shall appear proper, to secure to her the benefit intended by the act above mentioned."

Ordered, That this petition lie on the table. A message from the House of Representatives informed the Senate that they have passed a bill to provide more effectually for the settlement of the accounts between the United States and the individual States, in which they request the concurrence of the Senate.

Ordered, That the bill to provide more effectually for the settlement of the accounts between the United States and the individual States have the first reading at this time.

Ordered, That this bill pass to a second reading. The order of the day being the third reading of

the bill making provision for the debt of the United States.

On motion, the third reading was postponed. Mr. KING reported, from the managers appointed May the 21st, to confer with those appointed by the House of Representatives on the disagreeing votes of the two Houses on the subject-matter of amendments to the bill providing the means of intercourse between the United States and foreign nations.

That the word "thirty," line 3d of the bill, be struck out, and the word "forty" inserted; that the Senate do recede from their amendment to the bill, and that all the words proposed to be struck out of the bill by the Senate, except the three last words, be expunged, and the following words be inserted in their stead: "That, exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the person to whom the same may be allowed, the President of the United States shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same than four thousand, five hundred dollars per annum to a chargé des affaires; nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to any of their secretaries."

And the report was agreed to.

The Senate proceeded to the second reading of the bill to establish the Post Office and post roads within the United States.

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate, that they have passed a bill to regulate trade and intercourse with the Indian tribes, in which they desire the concurrence of the Senate.

Ordered, That the bill to regulate trade and intercourse with the Indian tribes be now read the first time.

Ordered, That this bill pass to the second reading.

THURSDAY, June 24.

The Senate proceeded in the second reading of the bill entitled "An act to establish the Post Office and post roads within the United States."

Ordered, That it be committed to Messrs. JOHNSTON, LANGDON, CARROLL, STRONG, and MACLAY.

A message from the House of Representatives informed the Senate that they have passed a bill imposing duties on the tonnage of ships or vessels, in which they request the concurrence of the Senate.

The Senate proceeded to the first reading of the bill imposing duties on the tonnage of ships or vessels.

Ordered, That this bill pass to the second reading.

FRIDAY, June 25.

Ordered, That the second reading of the bill imposing duties on the tonnage of ships or vessels,

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and the second reading of the bill to regulate trade and intercourse with the Indian tribes, be postponed until Monday next.

Mr. Izard, from the committee appointed the 18th of June, to take into consideration the bill to authorize the purchase of a tract of land for the use of the United States, reported the bill without amendment. Whereupon,

The Senate proceeded in the second reading of the bill; and, on motion, to adopt the following clause thereof, to wit:

"That it shall be lawful for the President of the United States, and he is hereby authorized, to cause to be purchased for the use of the United States, the whole, or such part of that tract of land situate in the State of New York, commonly called West Point, as shall be by him judged requisite for the purpose of such fortifications and garrisons as may be necessary for the defence of the same."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Few, Gunn, Henry, Johnson, Johnston, Izard, King, Lee, Paterson, Schuyler, and Walker—14.

NAYS—Messrs. Bassett, Elmer, Langdon, Maclay, Morris, Strong, and Wingate—7.

So it passed in the affirmative.

Ordered, That this bill pass to the third reading.

Ordered, That the second reading of the bill entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual States," be postponed until Monday next.

JOSEPH STANTON, JR., and THEODORE FOSTER, from the State of Rhode Island and Providence Plantations, appeared, produced their credentials, and took their seats in the Senate; and the oaths required by law were administered to them.

On motion to resume the second reading of the bill "to determine the permanent seat of Congress and the Government of the United States,"

A motion was made to postpone the consideration thereof until Monday next; and

It passed in the affirmative.

A message from the House of Representatives informed the Senate, that they have agreed to the amendments of the Senate to the bill providing the means of intercourse between the United States and foreign nations, with amendments, to which they desire the concurrence of the Senate.

The Senate took into consideration the message from the House of Representatives, and their resolution communicated this day, which is as follows:

Resolved, That this House do agree to the amendments proposed by the Senate to the bill providing the means of intercourse between the United States and foreign nations, with the following amendments, to wit: Line 9th, strike out the word "person," and, in lieu thereof, insert "the Minister Plenipotentiary, or Chargé des Affaires."

Line 19th, strike out "any of their secretaries," and, in lieu thereof, insert "the Secretary of any Minister Plenipotentiary;" whereupon,

Resolved, That the Senate do agree to the amend-

ments of the House of Representatives to their amendments to the said bill.

A letter was read from the Treasurer of the United States, enclosing a statement of his accounts to the 31st of March, 1790.

Ordered, That these accounts be committed to Messrs. BUTLER, MORRIS, and WINGATE.

On motion, the Senators from the State of Rhode Island and Providence Plantations proceeded to draw lots for their classes, in conformity to the resolve of the 14th of May, 1789; and three lots, Nos. 1, 2, and 3, being by the Secretary rolled up and put into the box, Mr. STANTON drew lot No. 2, whose seat shall accordingly be vacated in the Senate at the expiration of the fourth year; and Mr. FOSTER drew lot No. 1, whose seat shall accordingly be vacated in the Senate at the expiration of the second year.

MONDAY, June 28.

Mr. Strong reported, from the joint committee appointed June the 21st, to consider of, and report when it will be convenient and proper that an adjournment of the present session of Congress should take place.

Ordered, That the report lie for consideration.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill to authorize the purchase of a tract of land for the use of the United States.

And on the question, Shall this bill pass? The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Few, Foster, Hawkins, Henry, Johnson, Johnston, Izard, King, Lee, Paterson, Schuyler, and Walker—15.

NAYS—Messrs. Bassett, Ellsworth, Elmer, Langdon, Maclay, Morris, Read, Stanton, Strong, and Wingate—10.

So it was

Resolved, That this bill do pass.

A message from the House of Representatives informed the Senate, that they have passed a bill for the government and regulation of seamen in the merchant service, to which they request the concurrence of the Senate.

Ordered, That the last bill have the first reading at this time.

Ordered, That this bill pass to the second reading.

The Senate proceeded to the consideration of the resolve of the House of Representatives of the 11th of June, "That, when the two Houses shall adjourn to close the present session, the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses, to meet and hold their next session at the town of Baltimore;" and

On motion to postpone the consideration thereof, to take up the "bill to determine the permanent seat of Congress and the Government of the United States,"

It passed in the affirmative.

Agreeably to the order of the day, the Senate

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resumed the second reading of the bill last mentioned.

On motion, That the consideration of the bill be postponed, and that the representation of John O'Donnell, in behalf of himself and others, citizens of Baltimore town, stating that town to be exceedingly commodious and eligible for the permanent seat of Government of the United States; and the representation of Robert Peters, in behalf of himself and other freeholders and other inhabitants of Georgetown, for the same purpose, be severally read.

The consideration of the bill was resumed, and the first enacting clause being read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a district of territory, not exceeding ten miles square, to be located as hereafter directed, at _____, and the same is hereby accepted as the permanent seat of Congress and the Government of the United States."

A motion was made to fill up the blank with the word "Baltimore," and the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, and Stanton—10.

NAYS—Messrs. Bassett, Carroll, Dalton, Elmer, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, and Wingate—15.

So it passed in the negative.

On motion, after the word "directed," in the fifth line of the bill, to strike out to the end of the clause, and insert,

"On the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the Government of the United States: *Provided, nevertheless*, That the operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide."

The yeas and nays were required by one-fifth of the members present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Elmer, Few, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Morris, Read, and Walker—16.

NAYS—Messrs. Dalton, Ellsworth, Johnson, King, Paterson, Schuyler, Stanton, Strong, and Wingate—9.

So it passed in the affirmative.

On motion, that the bill be amended as follows: after the word "authorized," in the second clause, strike out to the end of the said clause, and insert,

"To appoint, and, by supplying vacancies happening from refusals to act, or other causes, to keep in appointment, as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metres and bounds, define and limit, a district or territory, under the limits above mentioned; and the district, so defined, limited, and located, shall be deemed the dis-

trict accepted by this act for the permanent seat of the Government of the United States."

The motion was agreed to.

On motion to subjoin to the amendment last agreed to, as follows:

"And be it enacted, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States; and, according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government of the United States."

A motion was made to amend the amendment so that it should read,

"Prior to the first Monday in December, one thousand seven hundred and ninety-four."

The yeas and nays were required on this amendment to the proposed amendment, by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, and Stanton—9.

NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Strong, Walker, and Wingate—16.

So it passed in the negative.

A motion was then made to amend the proposed amendment, so that it should read,

"Prior to the first Monday in December, one thousand seven hundred and ninety-eight."

And it passed in the negative.

And, on motion to agree to the proposed amendment to the bill, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Few, Johnson, Johnston, Izard, King, Schuyler, and Stanton—8.

NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Foster, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, and Wingate—17.

So it passed in the negative.

On motion to strike out the third, fourth, and fifth enacting clauses in the bill, and insert the following:

"And be it enacted, that for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money, and cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent.; for payment of which, and repayment of the principal within twenty years, so much of the duties on imports and tonnage as may be sufficient, is hereby pledged and appropriated."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Few, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Morris, Read, Stanton, and Walker—16.

NAYS—Messrs. Dalton, Ellsworth, Elmer, Foster,

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Johnson, King, Paterson, Schuyler, Strong, and Wingate—10.

So it passed in the affirmative.

On motion to subjoin the following to the clause last agreed to:

"And be it enacted, that on the said first Monday in December, in the year one thousand eight hundred, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid; and all officers attached to the said seat of Government shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and the necessary expense of such removal shall be defrayed out of the duties on imports and tonnage, of which a sufficient sum is hereby appropriated."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Hawkins, Henry, Johnson, Izard, Langdon, Lee, Macloy, Morris, Read, and Walker—13.

NAYS—Messrs. Dalton, Ellsworth, Elmer, Few, Foster, Johnson, King, Paterson, Schuyler, Stanton, Strong, and Wingate—12.

So it passed in the affirmative.

On motion to fill up the first blank in the last paragraph of the bill, to wit:

"And be it further enacted by the authority aforesaid, that the temporary residence of Congress shall be and continue in the _____ till the year _____, and no longer," with these words, "city of New York."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

NAYS—Messrs. Bassett, Carroll, Elmer, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Read, Walker, and Wingate—12.

So it passed in the affirmative.

TUESDAY, June 20.

A message from the House of Representatives informed the Senate that they have passed a bill for giving effect to an act, entitled an "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations.

Ordered, That the bill for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations, be now read the first time.

Ordered, That this bill pass to the second reading.

The Senate proceeded in the second reading of the bill imposing duties on the tonnage of ships or vessels.

Ordered, That this bill be committed to Messrs. REED, DALTON, and MORRIS.

The Senate resumed the consideration of the bill to determine the permanent seat of Congress, and the Government of the United States.

On motion to fill up the blank in the last para-

graph of the bill, with the words, "one thousand eight hundred," the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Foster, Johnson, Johnston, Izard, King, Langdon, Lee, Paterson, Schuyler, and Stanton—13.

NAYS—Messrs. Butler, Dalton, Elmer, Few, Gunn, Henry, Macloy, Morris, Reed, Strong, Walker, and Wingate—12.

So it passed in the affirmative.

On motion to agree to the last clause of the bill, amended to read as follows:

"Be it further enacted by the authority aforesaid, That the temporary residence of Congress shall be and continue in the city of New York till the year one thousand eight hundred, and no longer."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Ellsworth, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, and Stanton—9.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Elmer, Few, Gunn, Henry, Langdon, Lee, Macloy, Morris, Read, Strong, Walker, and Wingate—16.

So it passed in the negative.

A motion was made to subjoin the following paragraph to the bill, in lieu of that last struck out, to wit:

"And be it enacted, That, prior to the first Monday in December next, all offices attached to the seat of Government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at, the city of Philadelphia, in the State of Pennsylvania; at which place the two Houses do hereby resolve that the session of Congress, next ensuing the present, shall be held;" and,

A motion was made to amend the motion, as follows:

"And be it enacted, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, in the year one thousand seven hundred and ninety-four; and, from and after the said first Monday in December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred."

Upon this amendment to the motion, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

NAYS—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Read, Walker, and Wingate—13.

The numbers being equal, the VICE PRESIDENT determined the question in the negative.

A motion was then made to amend the motion, as follows:

"And be it enacted, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, in the year one thousand seven hundred and ninety-four; and, from and after

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the said first Monday in December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the town of Baltimore, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred.

Upon this amendment to the motion, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, and Stanton—10.

NAYS—Messrs. Bassett, Carroll, Dalton, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Paterson, Read, Strong, Walker, and Wingate—16.

So it passed in the negative.

A motion was then made to amend the motion as follows:

"And be it enacted by the authority aforesaid, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, one thousand seven hundred and ninety-two; and, from and after that period, to adjourn to the city of Philadelphia, where Congress shall hold their sessions till the first Monday in December, one thousand eight hundred, and no longer."

Upon this amendment to the motion, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

NAYS—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Read, Walker, and Wingate—13.

The numbers being equal, the question was, by the VICE PRESIDENT, determined in the negative.

On the question to agree on the original motion, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Read, Walker, and Wingate—13.

NAYS—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

The numbers being equal, the question was, by the VICE PRESIDENT, determined in the negative.

On motion that this bill do pass to the third reading, the further consideration thereof was postponed, by a motion for adjournment.

WEDNESDAY, June 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate,

and House of Representatives:

An Act of the Legislature of the State of Rhode Island and Providence Plantations, for ratifying certain articles as amendments to the Constitution of the United States, was yesterday put into my hands; and I have directed my Secretary to lay a copy of the same before you.

GEO. WASHINGTON.

UNITED STATES, June 30, 1790.

[All the articles except the second were adopted.]

Ordered, That the Message from the President of the United States, and papers therewith communicated, lie on the files of the Senate.

The Senate resumed the second reading of the bill to determine the permanent seat of Congress, and the Government of the United States.

On motion to reconsider the last paragraph of the bill, which was yesterday struck out:

It was passed in the affirmative.

On motion to amend the paragraph to read as follows:

"And be it enacted, That, prior to the first Monday in December next, all officers attached to the seat of the Government of the United States shall be removed to, and, until the said first Monday in December in the year one thousand eight hundred, shall remain at, the city of Philadelphia, in the State of Pennsylvania; at which place the session of Congress next ensuing the present, shall be held:"

A motion was made to amend the motion, to read as follows:

"And be it enacted, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, in the year one thousand seven hundred and ninety-four; and, from and after the said first Monday in December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred."

And, on the question thus to amend the amendment proposed to the bill:

It passed in the negative.

A motion was then made to amend the motion to read as follows:

"And be it enacted, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, one thousand seven hundred and ninety-two; and, from and after the said first Monday of December, one thousand seven hundred and ninety-two, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred."

And, on the question thus to amend the amendment proposed to the bill:

It passed in the negative.

On the question to agree to the original motion, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Macloy, Morris, Read, Walker, and Wingate—14.

NAYS—Messrs. Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—12.

So it passed in the affirmative.

On motion to reconsider the following clause of the bill, agreed to yesterday, to wit:

"And cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent.; for payment of which, and repayment of the principal within twenty years, so much of the

duties on import and tonnage as may be sufficient in hereby pledged and appropriated."

It passed in the affirmative. And, on motion to expunge this whole paragraph, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Foster, Henry, Johnson, King, Langdon, Lee, MacLay, Morris, Paterson, Read, Schuyler, Strong, Walker, and Wingate—19.

NAYS—Messrs. Butler, Few, Gunn, Hawkins, Johnston, Izard, and Stanton—7.

So it passed in the affirmative.

On the question, Shall this bill pass to the third reading?

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Langdon, Lee, MacLay, Morris, Read, Walker, and Wingate—16.

NAYS—Messrs. Dalton, Ellsworth, Foster, Johnson, Izard, King, Paterson, Schuyler, Stanton, and Strong—10.

So it passed in the affirmative.

Ordered, That this bill be engrossed.

The Senate proceeded to the second reading of the bill for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations.

Ordered, That this bill pass to a third reading. Mr. JOHNSON, from the committee appointed June the 24th, to take into consideration the bill to establish the Post Office and post roads within the United States, reported amendments, which were read.

Ordered, That the report lie until to-morrow for consideration.

The Senate proceeded to the second reading of the bill to provide more effectually for the settlement of the accounts between the United States and the individual States; and, after progress, the further consideration thereof was postponed until to-morrow.

THURSDAY, July 1.

The Senate proceeded to the third reading of the bill for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations.

Resolved, That this bill do pass.

The Senate proceeded in the second reading of the bill for the government and regulation of sealmen in the merchants' service.

Ordered, That this bill be committed to Messrs. DALTON, MORRIS, and LANGDON.

The Senate proceeded to the second reading of the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.

Ordered, That this bill be committed to Messrs. KING, STRONG, READ, ELLSWORTH, and HAWKINS.

A message from the House of Representatives informed the Senate, that they have passed the

bill further to provide for the payment of the invalid pensioners of the United States; to which they desire the concurrence of the Senate.

Agreeably to the order of the day, the Senate proceeded to the third reading of the engrossed bill to determine the permanent seat of Congress and the Government of the United States.

On motion to strike out these words, in the first enacting clause "between the mouths of the Eastern Branch and Connogochegue," and insert "within thirty miles of Hancock Town:" It passed in the negative.

On motion to strike out these words, from the fifth enacting clause of the bill, "the first Monday of December next," and insert "the first Monday in May next;" the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, and Strong—13.

NAYS—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, MacLay, Morris, Read, Walker, and Wingate—13.

The numbers being equal, the VICE PRESIDENT determined the question in the negative.

A motion was made to restore the following clause, which it was agreed yesterday should be struck out, to wit:

"And cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six per cent.; for payment of which, and redemption of the principal within twenty years, so much of the duties on import and tonnage as may be sufficient is hereby pledged and appropriated."

And it passed in the negative.

On the question, Shall this bill pass? The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Butler, Carroll, Elmer, Gunn, Hawkins, Henry, Johnston, Langdon, Lee, MacLay, Morris, Read, and Walker—14.

NAYS—Messrs. Dalton, Ellsworth, Few, Foster, Johnson, Izard, King, Paterson, Schuyler, Stanton, Strong, and Wingate—12.

So it was Resolved, That this bill do pass, and that the title of it be "An act for establishing the temporary and permanent seat of the Government of the United States."

Ordered, That the Secretary carry this bill to the House of Representatives, and desire their concurrence therein.

FRIDAY, July 2.

The petition of John Fitch was read, stating sundry improvements which he has made in applying steam to the purposes of propelling boats or vessels through the water, and requesting "a law in his favor, independent of the general one now in force."

The bill further to provide for the payment of the invalid pensioners of the United States, was read the first time.

Ordered, That this bill do pass to the second reading.

Ordered, That the motion made June the 14th, "that provision shall be made the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars," be committed to Messrs. CARROLL, LEE, STRONG, ELLSWORTH, and PATERSON.

The Senate proceeded to the second reading of the bill to regulate trade and intercourse with the Indian tribes.

Ordered, That this bill be committed to Messrs. HAWKINS, FEW, and SCHUYLER.

The Senate proceeded in the consideration of the report of the committee on the bill to establish the Post Office and post roads within the United States; and, after progress, the Senate adjourned.

The Senate entered on Executive business. The following Message from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

I nominate Henry Merchant, to be Judge; William Channing, to be Attorney; and William Peck, to be Marshal of the Judicial Court of the United States within the district of Rhode Island and Providence Plantations.

I likewise nominate the following persons to fill offices in the Revenue Department of the United States, within the State of Rhode Island and Providence Plantations, viz:

Ebenezer Thompson, to be Naval Officer of the port of Providence, in the place of Theodore Foster, who is appointed a Senator of the United States. Daniel Eldridge Updike, to be Surveyor of the port of North Kingstown. Job Comstock, to be Surveyor of the port of East Greenwich. Nathaniel Phillips, to be Surveyor of the ports of Warren and Barrington. Samuel Bortwell, to be Surveyor of the port of Bristol. George Skilman, to be Surveyor of the port of the Pawcatuck river. John Anthony Aborn, to be Surveyor of the port of Patuxet.

GEO. WASHINGTON.

UNITED STATES, July 2, 1790.

Ordered, That the Message lie for consideration.

SATURDAY, July 3.

The Senate proceeded to the consideration of the report of the committee appointed June the 24th, on the bill to establish the Post Office and post roads within the United States, and it was agreed to amend the bill accordingly.

Ordered, That this bill pass to a third reading. Mr. KING, from the committee appointed July 1st, on the bill to provide more effectually for the settlement of the accounts between the United States and the individual States, reported amendments.

Ordered, That the consideration of the report be postponed.

The Senate then entered on Executive business, and confirmed all the nominations to office in Rhode Island, except that of Daniel Eldridge Updike, postponed for want of information.

MONDAY, July 5.

Agreeably to the order of the day, the Senate

proceeded to the third reading of the bill to establish the Post Office and post roads within the United States.

On motion to restore the first and second paragraphs, ordered to be expunged:

It passed in the negative.

Ordered, That the further consideration of this bill be postponed.

TUESDAY, July 6.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill to establish the Post Office and post roads within the United States.

Resolved, That this bill do pass with amendments.

The Senate proceeded to consider the report of the committee on the bill to provide more effectually for the settlement of the accounts between the United States and the individual States, and agreed to amend the bill accordingly.

Ordered, That this bill do pass to a third reading. The Senate proceeded to the second reading of the bill further to provide for the payment of the invalid pensioners of the United States.

Ordered, That this bill do pass to a third reading.

WEDNESDAY, July 7.

The Senate proceeded to the third reading of the bill further to provide for the payment of the invalid pensioners of the United States.

Resolved, That this bill do pass with an amendment.

The Senate proceeded to the third reading of the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.

Ordered, That this bill be committed to Messrs. MORRIS, SCHUYLER, KING, LEE, and ELLSWORTH. Mr. DALTON, from the committee appointed on the bill for the government and regulation of sealmen in the merchants' service, reported; which, being read, it was agreed that the bill should be amended accordingly.

Ordered, That this bill pass to a third reading. Mr. SCHUYLER, from the committee appointed May the 4th, on the bill to authorize the issuing of certificates to a certain description of invalid officers, reported: whereupon,

Ordered, That this bill pass to a third reading. The Senate proceeded to the third reading of the bill last mentioned; and,

Resolved, That they do not concur therein.

THURSDAY, July 8.

The Senate proceeded to the third reading of the bill for the government and regulation of sealmen in the merchants' service.

Resolved, That this bill do pass with amendments.

Mr. MORRIS reported, from the committee appointed July the 7th, on the bill to provide more effectually for the settlement of the accounts be-

tween the United States and the individual States; and it was agreed to amend the bill accordingly.
Ordered, That this bill pass to a third reading.
Mr. HAWKINS reported, from the committee appointed July the 2d, on the bill to regulate trade and intercourse with the Indian tribes; and it was agreed to amend the bill accordingly.
Ordered, That this bill pass to a third reading.

FRIDAY, July 4.

The Senate proceeded to the third reading of the bill to regulate trade and intercourse with the Indian tribes.
Resolved, That this bill do pass with amendments.

The Senate proceeded to the third reading of the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.
Resolved, That this bill do pass with amendments.

The Senate proceeded in the second reading of the bill providing for holding a treaty or treaties to establish peace with certain Indian tribes.
Ordered, That this bill be committed to Messrs. SCHUYLER, GUNN, and LANGDON.

MONDAY, July 12.

Mr. CARROLL reported, from the committee appointed July the 2d, on the motion that provision shall be made the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars, in certificates issued by the respective States for services or supplies towards the prosecution of the late war; which report was read; and,
Ordered, That the said report be printed for the consideration of the Senate.

A message from the House of Representatives informed the Senate that they have agreed to the amendment of the Senate to the bill further to provide for the payment of the invalid pensioners of the United States:
They disagree to the first and second amendments of the Senate to the bill to establish the Post Office and post roads within the United States; they disagree to the first amendment in the 11th section, and to the several amendments in the 13th, 23d, 24th, and 31st sections, and agree to all the other amendments proposed by the Senate;

They disagree to the third amendment of the Senate to the bill for the government and regulation of seamen in the merchants' service; and they agree to all the other amendments proposed by the Senate;
They have also passed the bill sent from the Senate for concurrence, for establishing the temporary and permanent seat of the Government of the United States.

A message from the House of Representatives informed the Senate that they agree to all the amendments proposed by the Senate to the bill to regulate trade and intercourse with the Indian tribes, except the third, to which they disagree.
The Senate proceeded to the consideration of their amendments, to the bill to establish Post Offices and post roads within the United States; and Messrs. ELLSWORTH, KING, and STROGO, be managers at the conference on the part of the Senate.
The Senate proceeded to consider their amendments, disagreed to by the House of Representatives, on the bill for the government and regulation of seamen in the merchant service.
Resolved, That they recede from their amendment to this bill.
The Senate proceeded to consider their third amendment, disagreed to by the House of Representatives, to the bill to regulate trade and intercourse with the Indian tribes, and
Resolved, That they insist on their amendment to the said bill.
Mr. READ, from the committee appointed on the 29th of June, on the bill imposing duties on the tonnage of ships or vessels, reported the bill without amendment; whereupon,
Ordered, That this bill be now read the third time.
Resolved, That this bill do pass.

TUESDAY, July 13.

A message from the House of Representatives informed the Senate, that they have agreed to the proposed conference on the bill to establish the Post Office and post-roads within the United States, and have appointed managers on their part:

They insist on their disagreement to the third amendment proposed by the Senate to the bill to regulate trade and intercourse with the Indian tribes, and desire a conference thereon; and, having appointed managers on their part, request the concurrence of the Senate in their appointment of managers at the proposed conference.

The Senate proceeded to consider the report of the committee appointed July the 2d, on the motion "That provision shall be made the next session of Congress, for loaning to the United States a sum not exceeding twenty-two millions of dollars;" which report is in the words following:

Whereas, a provision for the debt of the respective States by the United States would be greatly conducive to an orderly, economical, and effectual arrangement of the public finances; would tend to an equal distribution of burdens among the citizens of the several States; would promote more general justice to the different classes of public creditors, and would serve to give stability to public credit: And whereas, the said debts having been essentially contracted in the prosecution of the late war, it is just that such provision should be made:

Resolved, That a loan be proposed, to the amount of twenty-one millions of dollars, and that subscriptions to the said loan be received at the same times and places, by the same persons, and upon the same terms, as in respect to the loan which may be proposed concerning the domestic debt of the United States, subject to the exceptions and qualifications hereafter mentioned. And that, the sums which shall be subscribed to the said loan shall be payable in the principal and interest of the certificates or notes, which, prior to the first day of January last, were issued by the respective States, as acknowledgments or evidences of debts by them respectively owing, and which shall appear, by oath or affirmation, (as the case may be,) to have been the property of an individual or individuals, or body politic, other than a State, on the said first day of January last. *Provided*, That no greater sum shall be received in the certificates of any State, than as follows, that is to say:

In those of New Hampshire,	\$300,000
In those of Massachusetts,	4,000,000
In those of Rhode Island and Providence Plantations,	200,000
In those of Connecticut,	1,600,000
In those of New York,	1,200,000
In those of New Jersey,	800,000
In those of Pennsylvania,	2,200,000
In those of Delaware,	200,000
In those of Maryland,	800,000
In those of Virginia,	3,200,000
In those of North Carolina,	2,200,000
In those of South Carolina,	4,000,000
In those of Georgia,	300,000

And, Provided, That no such certificate shall be received, which, from the tenor thereof, or from any public record, act, or document, shall appear, or can be ascertained to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

Resolved, That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock, which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarterly yearly, at the same time, and in like manner, as the interest on the stock to be created by virtue of the loan that may be proposed in the domestic debt of the United States.

Resolved, That if the whole sum allowed to be subscribed in the debt or certificates of any State as aforesaid, shall not be subscribed within the time for that purpose limited, such State shall be entitled to receive, and shall receive from the United States, at the rate of four per centum per annum, upon so much of the said sum as shall not have been so subscribed, in trust for the non-subscribing creditors of such State, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual States; and, in case a balance shall then appear in favor of such State, until provision shall be made for the said balance.

But as certain States have respectively issued their own certificates in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sum:

Resolved, That the payment of interest, whether to States or individuals, in respect to the debt of any State by which such exchange shall have been made, shall be suspended, until it shall appear, to the satisfaction of the Secretary of the Treasury, that certificates issued for that purpose, by such State, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed shall be surrendered to the United States.

And it is further *Resolved*, That the faith of the United States be, and the same is hereby, pledged to make like provision for the payment of interest on the amount of the stock arising from subscriptions to the said loan, with the provision which shall be made touching the loan that may be proposed in the domestic debt of the United States; and so much of the debt of each State as shall be subscribed to the said loan, shall be a charge against such State in account with the United States.

It was agreed that the preamble should be postponed.

A motion was made to amend the first paragraph of the report, as follows:

After the word "persons," in the third line, strike out "and upon the same terms as in respect to the loans which may be proposed concerning the domestic debt of the United States;" and insert, after the word "mentioned," in the 5th line, as follows: "And the subscribers shall receive certificates for the principal and interest of the sum so subscribed, one of which certificates shall purport that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum equal to two-thirds of the said sum so subscribed, bearing an interest of six per centum per annum, payable quarterly yearly, and subject to redemption by payments not exceeding, in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and, to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum equal to twenty-six dollars and eighty-eight cents on every hundred dollars of the sum so subscribed, which, after the year one thousand eight hundred, shall bear an interest of six per centum per annum, payable quarterly yearly, and subject to redemption by payments not exceeding, in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided* always, That it shall not be understood that the United States shall be bound, or obliged to redeem, in the proportion aforesaid, but it shall be understood only that they have a right so to do."

On motion, to postpone the amendment to take the opinion of the Senate whether the debts of the individual States shall be assumed by the United States:

The motion for postponement passed in the negative.

On motion, to postpone the report of the committee to take up the bill entitled "An act making provision for the debt of the United States:"

It passed in the negative.

On motion,

Resolved, That the rule prescribed for the se-

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cond reading of bills be adopted in considering this report of the committee.

On motion, to strike out the words "twenty-one millions of dollars," in the first paragraph of the report, and that it stand a blank:

It passed in the negative.

WEDNESDAY, July 14.

The Senate proceeded to consider the resolve of the House of Representatives of the 13th of July, proposing a conference on the third amendment of the Senate to the bill to regulate trade and intercourse with the Indian tribes; and

Resolved, That the Senate agree to the proposed conference, and that Messrs. SCHUYLER, ELLSWORTH, and STRONG, be managers thereof on the part of the Senate.

A message from the House of Representatives informed the Senate that they have disagreed to all the amendments of the Senate to the bill to provide more effectually for the settlement of the accounts between the United States and the individual States; they propose a conference on the amendments, and, having appointed managers on their part, desire the concurrence of the Senate in their appointment of managers at the proposed conference.

The Senate took into consideration the resolve of the House of Representatives of this day, proposing a conference on the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.

Resolved, That the Senate agree to the conference, and that Messrs. ELLSWORTH, KING, and LEE, be managers thereof on the part of the Senate.

The Senate resumed the consideration of the report of the committee appointed July 2d, on the motion "That provision shall be made for the next session of Congress for loaning to the United States a sum not exceeding twenty-two millions of dollars."

On motion to agree to the following paragraph of the report:

"*Resolved*, That a loan be proposed to the amount of twenty-one millions of dollars, and that subscriptions to the said loan be received at the same times and places, by the same persons, and upon the same terms, as in respect to the loans which may be proposed concerning the domestic debt of the United States, subject to the exceptions and qualifications hereafter mentioned."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, and Strong—14.

NAYS—Messrs. Bassett, Few, Foster, Hawkins, Henry, Johnston, Lee, Macleay, Stanton, Walker, and Wingate—11.

So it passed in the affirmative.

On motion, the paragraph of the report following the above, from the words "and the sums"

to the words "January last," inclusive, was agreed to.

A motion was made to add to the paragraph last agreed to, after the words "January last," "and in bills of the new emission money due from the States respectively; and

It passed in the negative.

On motion, it was agreed to adopt the clauses of the report in course to the end of the schedule.

On motion, to expunge the last paragraph of the first resolve reported, to wit: from the words "and provided" to the word "same," inclusive.

It passed in the negative.

On the question to agree to this paragraph, it passed in the affirmative.

On motion, it was agreed to adopt the second resolution to the reported words "United States," inclusive.

On motion to amend the third resolution, by striking out these reported words, "at the rate of four per centum per annum," and insert, "an interest of — per centum per annum, at the same rate as shall be allowed to the domestic creditors of the United States."

It passed in the negative.

On motion to adopt the third resolution, as follows:

"*Resolved*, That, if the whole of the sum allowed to be subscribed in the debt or certificates of any State, as aforesaid, shall not be subscribed within the time for that purpose limited, such State shall be entitled to receive, and shall receive from the United States, at the rate of four per centum per annum, upon so much of the said sum as shall not have been so subscribed, in trust for the non-subscribing creditors of such State; to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual States, and in case a balance shall then appear in favor of such State, until provision shall be made for the said balance."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Few, Gunn, Hawkins, Henry, Johnson, Johnston, Izard, Lee, Macleay, Read, Stanton, and Walker—15.

NAYS—Messrs. Butler, Dalton, Elmer, Foster, King, Langdon, Morris, Paterson, Schuyler, Strong, and Wingate—11.

So it passed in the affirmative.

On motion, the clauses of the report were agreed to, from the words, "but as certain States," to the words "United States," in the fourth resolution.

On motion to expunge these words in the last resolution, to wit: "From the subscriptions to the said loan," and insert the following words in their place, "under this act."

It passed in the negative.

On motion, the last resolution reported by the committee was agreed to.

On motion to agree to the preamble of the report, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Ellsworth,

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Elmer, Few, Foster, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, and Strong—16.

NAYS—Messrs. Bassett, Gunn, Hawkins, Henry, Johnston, Lee, Macleay, Stanton, Walker, and Wingate—10.

So it passed in the affirmative.

On motion, that this report, together with the bill making provision for the debt of the United States, be referred to a special committee, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Gunn, Johnson, Izard, King, Morris, Paterson, Schuyler, and Strong—10.

NAYS—Messrs. Bassett, Carroll, Ellsworth, Elmer, Few, Foster, Hawkins, Henry, Johnston, Langdon, Lee, Macleay, Read, Stanton, Walker, and Wingate—16.

So it passed in the negative.

Ordered, That the report of the committee pass to another reading.

THURSDAY, July 15.

The report of the committee on the motion, "That provision shall be made the next session of Congress, for loaning to the United States a sum of money not exceeding twenty-two millions of dollars," was again read, and together with the bill entitled "An act making provision for the debt of the United States," was committed to Messrs. BUTLER, MORRIS, READ, ELLSWORTH, KING, LEE, and STRONG.

FRIDAY, July 16.

A message from the House of Representatives informed the Senate, that they have passed a bill to amend the "act for the establishment and support of light-houses, beacons, buoys, and public piers;" and a resolve, "that, in the opinion of this House, the business now depending before the two Houses may be finished by Tuesday the 27th instant, and that it will be convenient and proper that an adjournment of the present session of Congress should take place on that day," in which bill and resolve they desire the concurrence of the Senate.

Ordered, That the bill to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers," be now read the first time.

Ordered, That this bill pass to a second reading. The resolve of the House of Representatives of this day, that Congress do adjourn on Tuesday the 27th instant, was read.

Ordered, That it lie for consideration. Mr. SCHUYLER reported, from the committee appointed July the 9th, on the bill providing for holding a treaty or treaties to establish peace with certain Indian tribes; which report was read, and it was agreed that the bill should be amended accordingly.

Ordered, That this bill pass to a third reading. Mr. BUTLER, from the committee appointed July the 15th on the bill making provision for the debt of the United States, and to whom was committed the report of the committee on the mo-

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tion, "That provision shall be made the next session of Congress, for loaning to the United States a sum not exceeding twenty-two millions of dollars," reported as follows:

That, having maturely considered all circumstances, they are of the opinion that the principal of the domestic debt should be funded agreeable to the third alternative in the report of the Secretary of the Treasury; and that the interest which may be due thereon, including indents, be funded at the rate of three per cent. per annum, and that whatever sum the Legislature may think proper to assume of the State's debt, be funded at the proportion of two-thirds thereof, agreeable to the third alternative in the Secretary's report, and the other third at three per cent. per annum.

Your committee further recommend that the resolutions for the assumption be added to the funding bill, and the whole made one system.

It was agreed to adopt this report, except the last clause; and, on the question to agree to the last clause, to wit: your committee further recommend that the resolutions for the assumption be added to the funding bill, and the whole made one system; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, and Strong—15.

NAYS—Messrs. Bassett, Foster, Gunn, Hawkins, Henry, Johnston, Lee, Macleay, Stanton, Walker, and Wingate—11.

It passed in the affirmative, and the report was agreed to.

Ordered, That the report, committed July the 15th, together with the bill, entitled "An act making provision for the debt of the United States," be recommitted, with an instruction to the committee to conform the bill to the principles of the reports.

SATURDAY, July 18.

The Senate proceeded to the third reading of the bill providing for holding a treaty or treaties, to establish peace with certain Indian tribes.

Resolved, That this bill do pass with an amendment.

The Senate proceeded to the second reading of the bill to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers."

Ordered, That this bill pass to a third reading. Mr. BUTLER, from the committee to whom was recommitment the bill making provision for the debt of the United States, reported the bill, amended upon the principles agreed on yesterday.

Ordered, That the bill, as amended by the committee, be printed for the consideration of the Senate.

MONDAY, July 19.

The Senate proceeded to the third reading of the bill to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Resolved, That this bill do pass.

A message from the House of Representatives informed the Senate, that they have passed a bill, entitled "an act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels; and a resolve, providing for the salaries of the clerks in the office of the Commissioner of Army Accounts, to which they desire the concurrence of the Senate: that they have agreed to the amendment proposed by the Senate to the bill providing for holding a treaty or treaties to establish peace with certain tribes; that they have passed a bill making further provision for the payment of the debts of the United States, to which they desire the concurrence of the Senate; and that they have agreed to the third amendment of the Senate to the bill, entitled "An act to regulate trade and intercourse with the Indian tribes."

The Senate proceeded to consider the report of the committee to whom was recommended the bill making provision for the debt of the United States, and the report thereon; which report being read, it was agreed to amend the bill accordingly.

The Senate proceeded in the third reading of the bill making provision for the debt of the United States, and agreed to sundry amendments. On motion further to amend the bill, section third, and provide for funding of the bills of credit issued by the authority of the United States, at the rate of forty for one, the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Dalton, Foster, King, Langdon, Morris, Paterson, Schuyler, Strong and Wingate—9.
NAYS—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Lee, McClay, Read, Stanton, and Walker—16.

So it passed in the negative.
On motion to amend the bill, so as that the above-mentioned bills of credit be funded at the rate of seventy-five for one.

It passed in the negative.
And it was agreed, line 23d, to strike out "seventy-five," and fund the said bills of credit at the rate of one hundred for one; and to strike out from the original bill the proviso in the third section.

It was agreed to strike out the whole of section fourth, and insert section fourth and fifth amended.

On motion to amend section fourth of the amendment, to read as follows:

"And be it further enacted, That, for the whole, or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, the whole of the sum by him, her, or them subscribed, bearing an interest of four per centum, per annum, payable quarterly yearly, and subject to redemption by payments, not exceeding, in one year, on account of both principal and interest, the proportion of six dollars upon a hundred of the said sum: *Provided* That it shall not be understood, that the United States shall be bound, or obliged

interest, the proportion of seven dollars upon a hundred of the sum mentioned in such certificate: *Provided* always, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid, but it shall be understood only that they have a right so to do."

The yeas and nays were required by one-fifth of the Senators present:

YEAS—Messrs. Gunn, King, Morris, Paterson, Schuyler, and Walker—6.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, McClay, Read, Stanton, Strong, and Wingate—19.

So it passed in the negative.

On motion to amend the first clause of the amendment agreed to, section fourth, to read thus:

"And be it further enacted, That, for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the said domestic debt, so as to enable the subscribers to the loan to pay their subscriptions in interest as well as principal."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Few, Hawkins, King, Langdon, Morris, Paterson, Schuyler, and Walker—8.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Elmer, Foster, Gunn, Henry, Johnston, Izard, Lee, McClay, Read, Stanton, Strong, and Wingate—17.

So it passed in the negative.

On motion to amend the amendment agreed to, so that the fourth section may provide that the second certificate given to the subscriber should entitle him to

"A sum to be expressed therein, equal to the proportion of thirty-three and one-third dollars, instead of twenty-six dollars and eighty-eight cents, upon one hundred of the sum so paid, which, after the year eighteen hundred, shall bear an interest of six per cent."

The yeas and nays were required by one-third of the Senators present, and were:

YEAS—Messrs. Butler, Elmer, Henry, King, Langdon, Morris, Paterson, Schuyler, and Walker—9.

NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Few, Foster, Hawkins, Johnston, Izard, Lee, McClay, Read, Stanton, Strong, and Wingate—15.

So it passed in the negative.

On motion to amend section fourth of the amendment agreed to, as follows:

"And be it further enacted, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, the whole of the sum by him, her, or them subscribed, bearing an interest of four per centum, per annum, payable quarterly yearly, and subject to redemption by payments, not exceeding, in one year, on account of both principal and interest, the proportion of six dollars upon a hundred of the said sum: *Provided* That it shall not be understood, that the United States shall be bound, or obliged

to redeem, in the proportion aforesaid, but it shall be understood only that they have a right so to do."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Few, Foster, Hawkins, Johnston, McClay, Stanton, and Wingate—8.

NAYS—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Gunn, Henry, Izard, King, Langdon, Lee, Morris, Paterson, Read, Schuyler, Strong, and Walker—17.

So it passed in the negative.

On motion to amend the last clause of the last amendment agreed to, to wit, of section fifth, so as to entitle the subscribers, for any sum subscribed to the said loan, and which shall be paid in the interest of the domestic debt, to a certificate for such sum subscribed, bearing an interest of six per cent.; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. King, Morris, Paterson, Schuyler, and Walker—5.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, McClay, Read, Stanton, Strong, and Wingate—20.

So it passed in the negative.

On motion to amend the last clause of the last amendment agreed to, to wit, of section fifth, so as to entitle the subscribers, for any sum subscribed to the said loan, and which shall be paid in the interest of the domestic debt, to a certificate for the sum subscribed, bearing an interest of four per cent.; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Elmer, Henry, King, Langdon, Morris, Paterson, Schuyler, and Walker—8.

NAYS—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, McClay, Read, Stanton, Strong, and Wingate—17.

So it passed in the negative.

Sundry other amendments being agreed to,

Ordered, That the further consideration of this bill be postponed until to-morrow.

TUESDAY, July 20.

The Senate agreed to dispense with the rules so far as that the bill "to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," be referred to Messrs. Morris, Langdon, Dalton, Foster, and Henry, prior to the first reading, to consider and report thereon.

A message from the House of Representatives informed the Senate, that they have passed a bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

The Senate proceeded in the third reading of the bill making provision for the debt of the United States.

On motion to strike out the 13th, 14th, 15th, 16th, 17th, and 18th sections reported by the committee:

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Few, Foster, Gunn, Hawkins, Henry, Johnston, Lee, McClay, Stanton, Walker, and Wingate—12.

NAYS—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnston, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, and Strong—14.

So it passed in the negative.

Sundry other amendments being agreed to:

Ordered, That the further consideration of this bill be postponed.

The Senate proceeded to the first reading of the bill making further provision for the payment of the debts of the United States.

Ordered, That this bill pass to a second reading. The Senate proceeded to the first reading of the bill "to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota."

Ordered, That this bill pass to a second reading. The resolve "providing for the salaries of the clerks in the office of the Commissioner of Army Accounts" was read, and ordered to lie for consideration.

WEDNESDAY, July 21.

The Senate proceeded to the second reading of the "bill making further provision for the payment of the debts of the United States."

Ordered, That this bill be committed to Messrs. Lee, Izard, Morris, Ellsworth, and Few.

Proceeded to the second reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

Ordered, That this bill be committed to Messrs. Lee, Strong, and Ellsworth.

A message from the House of Representatives informed the Senate that they have passed a bill "concerning Consuls and Vice Consuls of the United States in foreign parts," in which they request the concurrence of the Senate.

Ordered, That the bill concerning Consuls and Vice Consuls of the United States in foreign parts be now read the first time.

Ordered, That this bill pass to the second reading.

The Senate proceeded in the third reading of the "bill making provision for the debt of the United States."

On the question: "Shall this bill pass, as amended?" the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnston, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, and Strong—14.

NAYS—Messrs. Bassett, Few, Foster, Gunn, Hawkins, Henry, Johnston, Lee, McClay, Stanton, Walker, and Wingate—12.

So it was

Resolved, That this bill do pass as amended. The Senate proceeded to consider the resolve

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of the House of Representatives, "providing for the salaries of the clerks in the office of the Commissioner of Army Accounts." *Ordered*, That it be committed to Messrs. WINGATE, MACLAY and ELMER.

Mr. ELLSWORTH, from the managers on the conference on the amendments of the Senate to the bill "to provide more effectually for the settlement of the accounts between the United States and the individual States," reported.

Ordered, That the report lie for consideration.

THURSDAY, July 22.

Mr. MORRIS reported from the committee appointed July the 20th, on the bill to provide more effectually for the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

Ordered, That the rule be dispensed with, and that this bill be considered as in the second reading; in which, having made progress, the further consideration of it was postponed until to-morrow.

A message from the House of Representatives informed the Senate that they have resolved, and recede therefrom to other amendments proposed by the Senate to the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.

Mr. LEE, from the committee appointed July the 21st, on the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota, reported the bill without amendment.

FRIDAY, July 23.

The Senate proceeded to consider the resolve of the House of Representatives on the report of the managers of the conference on the disagreeing votes of the two Houses, on the amendments of the Senate to the bill to provide more effectually for the settlement of the accounts between the United States and the individual States.

Resolved, That the Senate recede from so much of their amendment, section 1st, as to agree to the amendment of the House of Representatives on the amendment, as follows: after the word "assembled," section 1st, line 2d, "that a board, to consist of three Commissioners, be, and hereby is, established, to settle the accounts between the United States and the individual States; and the determination of a majority of the said Commissioners, on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary;" that they recede from their first amendment, so far as to restore section 2d of the bill; that they recede from their amendments to the 3d section, and from their sixth amendment, and agree to restore the 6th section.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives informed the Senate that they adhere to, and insist on some, and recede from other amendments of the Senate to the bill to establish the Post Office and post-roads in the United States."

Mr. WINGATE reported, from the committee appointed July 21st, on the resolve "providing for the salaries of the clerks in the office of the Commissioner of Army Accounts."

The Senate proceeded to the second reading of the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

Ordered, That this bill be re-committed, for the purpose of making some further amendments.

SATURDAY, July 24.

Mr. ELLSWORTH reported from the managers on the bill to establish the Post Office and post roads within the United States; whereupon, the Senate proceeded to consider the resolve of the House of Representatives of the 22d of July, adhering to some, insisting on some, and agreeing to other amendments of the Senate to the said bill.

Resolved, That the Senate adhere to their amendments, sections 1st and 2d, line 1st to 27th; and recede from their amendments in the 24th and 31st sections, with the exceptions proposed by the House of Representatives; and that they agree to the amendment proposed by the House of Representatives in the 23d section, with an amendment.

The Senate proceeded in the second reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

Ordered, That the further consideration thereof be postponed.

The Senate proceeded to the consideration of the report of the committee on the resolution of the House of Representatives, of the 17th of July, to wit:

"That the clerks in the office of the Commissioner of Army Accounts are entitled to receive for their services a sum not exceeding five hundred dollars; to be paid in the same manner and at the same rate as the salary allowed to the clerks in the Treasury Department; and that the Auditor and Comptroller be authorized to adjust the accounts of the clerks in the said office, upon the same principles as those of the Treasury Department, agreeably to the appropriation by law."

And *Resolved*, That they concur in the said resolution.

Ordered, That the consideration of the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels, be further postponed.

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MONDAY, July 28.

The Senate proceeded in the second reading of the bill concerning Consuls and Vice Consuls of the United States in foreign parts, and it was referred to Messrs. MORRIS, KING, and LANGDON, to consider and report thereon.

The Senate resumed the second reading of the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels; and, having agreed to sundry amendments,

Ordered, That the rule be dispensed with so far as that this bill have the third reading at this time; in which, having made progress, the further consideration thereof was postponed.

TUESDAY, July 27.

A message from the House of Representatives informed the Senate that they have agreed to some amendments of the Senate to the bill making provision for the debt of the United States; and have agreed to others with amendments; in which amendments to the amendments they desire the concurrence of the Senate.

The Senate proceeded to consider the resolution of the House of Representatives upon the amendments proposed by the Senate to the bill making provision for the debt of the United States.

Ordered, That the resolution be printed for the use of the Senate.

The Senate resumed the third reading of the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels; and

Resolved, That this bill do pass with amendments.

The Senate resumed the second reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota; and, after debate, the further consideration thereof was postponed.

WEDNESDAY, July 28.

The Senate resumed the consideration of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

Ordered, That it be recommitted.

A message from the House of Representatives informed the Senate that they have agreed to all the amendments of the Senate to the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels; and they have passed the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons.

The Senate proceeded to consider the resolutions of the House of Representatives, of the 24th and 26th of July, and their amendments to the amendments of the Senate to the bill making provision for the debt of the United States; and,

Resolved, That they agree to the first amendment, to wit: line 12th, strike out "seven," and insert "eight."

This resolves to the United States the power to redeem, at their option, of the sum borrowed, at the rate of eight per cent. per annum.

On motion to agree to the second amendment, to wit: line 17th, strike out "twenty-six dollars and eighty-eight cents," and insert "thirty-three dollars and one-third of a dollar."

This will entitle the subscriber to a second certificate for thirty-three and one-third dollars of the sum subscribed, instead of twenty-six dollars and eighty-eight cents on every hundred; his second, or deferred certificate, to bear an interest of six per cent. after the year 1800; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—12.

NAYS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, and Wingate—12.

The numbers being equal, the VICE PRESIDENT determined the question in the affirmative.

On motion to disagree to the third amendment, to wit: line 19th, strike out "eight hundred," and insert "seven hundred and ninety-seven,"

This provides that the subscriber shall be entitled to an interest of six per cent. on his deferred certificate, after the year 1797, instead of 1800; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, and Wingate—12.

NAYS—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—12.

The numbers being equal, the VICE PRESIDENT determined the question in the affirmative.

This provides that the United States may redeem, by annual payments, on account of principal and interest, at the rate of eight per cent. instead of seven per cent. per annum.

On the question to agree to the fifth amendment, to wit: line 40th, strike out "three," and insert "four."

This provides that the subscribers shall be entitled to an interest of four, instead of three per cent., for such part of their subscription as they may pay in the arrears of interest, including interest; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, and Wingate—12.

NAYS—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—12.

The numbers being equal, the VICE PRESIDENT determined the question in favor of the amendment.

The fourth amendment to the amendments, line 23d, strike out "seven," and insert "eight," was agreed to:

This provides that the United States may redeem, by annual payments, on account of principal and interest, at the rate of eight per cent. instead of seven per cent. per annum.

On the question to agree to the fifth amendment, to wit: line 40th, strike out "three," and insert "four."

This provides that the subscribers shall be entitled to an interest of four, instead of three per cent., for such part of their subscription as they may pay in the arrears of interest, including interest; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, and Wingate—12.

NAYS—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—12.

The numbers being equal, the VICE PRESIDENT determined the question in favor of the amendment.

The fourth amendment to the amendments, line 23d, strike out "seven," and insert "eight," was agreed to:

This provides that the United States may redeem, by annual payments, on account of principal and interest, at the rate of eight per cent. instead of seven per cent. per annum.

On the question to agree to the fifth amendment, to wit: line 40th, strike out "three," and insert "four."

This provides that the subscribers shall be entitled to an interest of four, instead of three per cent., for such part of their subscription as they may pay in the arrears of interest, including interest; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, and Wingate—12.

NAYS—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Walker—12.

The numbers being equal, the VICE PRESIDENT determined the question in favor of the amendment.

YAS—Messrs. Dalton, Henry, King, Langdon, Morris, Paterson, Schuyler, and Walker—8.
NAYS—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, Read, Stanton, Strong, and Wingate—16.
It passed in the negative.

The sixth amendment to the amendments was agreed to, as follows:
Provided also, and be it further enacted, That if the total amount of the sums which shall be subscribed to the said loan, in the debt of any State, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such State, the certificates and credits granted to the respective subscribers shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such State within the same; and every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

The seventh amendment to the amendments was agreed to, to wit: to the second clause or section, line 13th, strike out "seven," and insert "eight."

This applies to the assumed debt, and provides that the United States may redeem by annual payments, on account of principal and interest, at the rate of eight per cent. instead of seven per cent. per annum.

On motion to agree to the eighth amendment, to wit: lines 18th and 19th, strike out "twenty-six dollars and eighty-eight cents," and insert "thirty-three dollars and one-third of a dollar."

This applies to the assumed part of the debt, and will entitle the subscriber to a second certificate for thirty-three dollars and one-third of a dollar per cent., instead of twenty-six dollars and eighty-eight cents on every hundred; the said second certificate to be on interest at six per cent. after the year 1800; the years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Butler, Dalton, Elmer, Henry, Johnston, Izard, King, Langdon, Morris, Paterson, Schuyler, Strong, and Walker—13.

NAYS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Lee, Read, Stanton, and Wingate—11.

It passed in the affirmative.
On motion to agree to the ninth amendment to the amendments, to wit: line 21st, strike out "eight hundred," and insert "seven hundred and ninety-seven."

This provides as it applies to the assumed debts, that the subscriber shall be entitled to an interest of six per cent. on the deferred part of the sum subscribed after the year 1797, instead of 1800; the years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Butler, Dalton, Elmer, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, and Strong—11.
NAYS—Messrs. Bassett, Carroll, Ellsworth, Few,

Foster, Gunn, Hawkins, Johnston, Lee, Read, Stanton, Walker, and Wingate—13.
It passed in the negative.
On motion to reconsider the third amendment to the amendments of the Senate, the years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Johnston, Izard, Lee, Paterson, Read, Stanton, Strong, and Wingate—16.
NAYS—Messrs. Butler, Gunn, Henry, King, Langdon, Morris, Schuyler, and Walker—8.

It passed in the affirmative.
On the question to agree to the third amendment of the House of Representatives on the amendments of the Senate, the years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Butler, Gunn, Henry, King, Langdon, Morris, Schuyler, and Walker—8.
NAYS—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Johnston, Izard, Lee, Paterson, Read, Stanton, Strong, and Wingate—16.

It passed in the negative.
On motion to agree to the tenth amendment to the amendments, to wit: line 25th, strike out "seven," and insert "eight."

This applies to the assumed part of the debt, as the amendment seventh applies to the domestic debt; the years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Butler, Dalton, Elmer, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, Strong, and Walker—12.

NAYS—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Johnston, Lee, Read, Stanton, and Wingate—12.

The numbers being equal, the question was by the VICE PRESIDENT determined in the affirmative.
On motion to agree to amendment eleventh, on the amendments of the Senate, to wit: line 31st, strike out "three," and insert "four."

This provides, as it applies to the assumed debts, that the subscriber shall be entitled to an interest of four per cent. instead of three per cent. for one-third of the sum by him subscribed. The years and nays were required by one-fifth of the Senators present, and were:

YAS—Messrs. Dalton, Henry, King, Landon, Morris, Paterson, Schuyler, and Walker—8.

NAYS—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, Read, Stanton, Strong, and Wingate—16.

THURSDAY, July 29.

The Senate proceeded to the first reading of the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons.

Ordered, That this bill do pass to its second reading.

A message from the House of Representatives informed the Senate, that they have receded from such of their amendments to the amendments of the Senate as were disagreed to on the bill, en-

titled "An act making provision for the debt of the United States." They have passed the bill to continue in force, for a limited time, an act, entitled, "An act for the temporary establishment of the Post Office."

Ordered, That the bill to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the Post Office," be now read the first time.

It was agreed that the rule should be so far dispensed with as that this bill have the second reading at this time.

Ordered, That this bill pass to a third reading. The Senate agreed to dispense with the rule so far as that the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons, be now read the second time.

Ordered, That this bill be committed to Messrs. SCHUYLER, GUNN, and BASSETT.

FRIDAY, July 30.

The Senate proceeded to the third reading of the bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act for the temporary establishment of the Post Office.'"

Resolved, That this bill do pass.

MONDAY, August 2.

A letter from the Treasurer of the United States was read, enclosing his quarterly accounts, made up to the 30th of June, 1790.

Ordered, That this letter and the enclosures lie for consideration.

Mr. SCHUYLER reported, from the committee to whom was referred the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons, and it was agreed to amend the bill accordingly.

Ordered, That this bill pass to a third reading. Mr. LEE, from the committee to whom was referred the bill, entitled "An act making further provision for the payment of the debts of the United States," reported sundry amendments.

Ordered, That the bill, as proposed by the committee to be amended, be printed for the consideration of the Senate.

Mr. KING reported, from the committee on the bill concerning Consuls and Vice Consuls of the United States, in foreign parts: whereupon the further consideration of the bill was postponed till the next session.

The Senate then entered on Executive business. A Message from the PRESIDENT OF THE UNITED STATES was read, nominating William Perry, of the State of Delaware, to be one of the Judges in the Territory southwest of the Ohio; and John Stokes, to be Judge of the North Carolina district, in place of William R. Davie, who has declined the appointment. Samuel Russell Gerry, to be Collector of the port of Marblehead, in the place of Richard Harris, deceased. Zachariah Rhodes, to be Surveyor of the Port of Pawtucket, and Thomas Arnold, to be Surveyor of

the Port of East Greenwich, in the place of the persons formerly appointed, who had declined serving.

The nominations also, of Joshua Johnson, of Maryland, to be Consul at London; Francisco Sarmento, to be Vice Consul at Teneriffe; John Street, to be Vice Consul at Fayal; and Ebenezer Brush, of New York, to be Consul at Surinam.

These nominations were ordered to lie for consideration.

TUESDAY, August 3.

The Senate proceeded in the second reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Scioto, and agreed to expunge the second, third, and fourth sections.

Ordered, That this bill, as amended, pass to the third reading.

The Senate proceeded to consider the report of the committee on the bill making further provision for the payment of the debts of the United States, and agreed that it be the order of the day for to-morrow.

The Senate then entered on Executive business, and confirmed the nominations made to them yesterday by the President, except that of Francisco Sarmento, which was negatived. They also confirmed the nomination of D. S. Updike to the surveyorship of North Kingston.

WEDNESDAY, August 4.

A message from the House of Representatives informed the Senate, that they have passed the bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the report of the committee on the bill making further provision for the payment of the debts of the United States, and agreed thereto, as amended.

Ordered, That this bill, as amended, pass to its third reading.

The Senate then entered on Executive business, and the following Message from the PRESIDENT OF THE UNITED STATES was read:

Gentlemen of the Senate:

In consequence of the general principles agreed to by the Senate in August, 1789, the adjustment of the terms of a treaty is far advanced between the United States and the Chiefs of the Creek Indians now in this city, in behalf of themselves and the whole Creek nation.

In preparing the articles of this treaty, the present arrangements of the trade with the Creeks have caused much embarrassment. It seems to be well ascertained, that the trade is almost exclusively in the hands of a company of British merchants, who, by agreement, make their importations of goods from England into the Spanish ports.

As the trade of the Indians is a main means of their political management, it is, therefore, obvious that the

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United States cannot possess any security for the performance of treaties with the Creeks, while their trade is liable to be interrupted, or withheld, at the caprice of two foreign Powers.

Hence it becomes an object of real importance to form new channels for the commerce of the Creeks through the United States. But this operation will require time, as the present arrangements cannot be suddenly broken without the greatest violation of faith and morals.

It therefore appears to be important to form a secret article of a treaty, similar to the one which accompanies this Message.

If the Senate should require any further explanation, the Secretary of War will attend them for that purpose.

GEO. WASHINGTON.

UNITED STATES, August 4th, 1790.

The President of the United States puts the following question for the consideration and advice of the Senate: If it should be found essential to a treaty for the firm establishment of peace with the Creek nation of Indians, that an article to the following effect should be inserted therein, will such an article be proper? viz:

SECRET ARTICLE.

The commerce necessary for the Creek nation shall be carried on through the ports, and by the citizens of the United States, if substantial and effectual arrangements shall be made for that purpose by the United States, on or before the 1st day of August, one thousand seven hundred and ninety-two. In the mean time, the said commerce may be carried on through its present channels, and according to its present regulations.

And whereas the trade of the said Creek nation is now carried wholly, or principally, through the territories of Spain, and obstructions thereto may happen by war or prohibitions of the Spanish Government, it is therefore agreed between the said parties that, in the event of such obstructions happening, it shall be lawful for such persons as — shall designate, to introduce into, and transport through, the territories of the United States to the country of the said Creek nation, any quantity of goods, wares, and merchandise, not exceeding in value, in any one year, sixty thousand dollars, and that free from any duties or impositions whatsoever, but subject to such regulations for guarding against abuse, as the United States shall judge necessary; which privilege shall continue as long as such obstruction shall continue.

GEO. WASHINGTON.

UNITED STATES, August 4th, 1790.

The Senate proceeded to consider the Message from the President of the United States, of this day; whereupon,

Resolved, That the Senate do advise and consent to the execution of the secret article referred to in the Message, and that the blank in said article be filled with the words "President of the United States."

THURSDAY, August 5.

The bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia,

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States; and, on the question, "Shall this bill pass to the second reading?"

It passed in the negative.

A message was received from the President of the United States, informing Congress that the Legislature of New Jersey has ratified all the amendments proposed by them to the Legislatures of the several States, except the second.

Ordered, That the Message and its enclosures be filed.

The Senate proceeded to the third reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Scioto; and a motion was made to amend the same. The amendments were ordered to be printed.

It was agreed so far to dispense with the rule as that the bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, be now read the second time.

Ordered, That this bill be committed to Messrs. FOSTER, GUNN, and HENRY, to consider and report thereon.

The Senate proceeded to consider the report of the committee on the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons.

The report recommended certain amendments, which were agreed to, and the bill passed its third reading.

The Senate then entered on Executive business. The following Message from the President of the United States was read, as follows:

Gentlemen of the Senate:

Considering the circumstances which prevented the late Commissioners from concluding a peace with the Creek nation of Indians, it appeared to me most prudent that all subsequent measures for disposing them to a treaty should, in the first instance, be informal.

I informed you, on the 4th instant, that the adjustment of the terms of a treaty with their chiefs, now here, was far advanced. Such further progress has since been made, that I think measures may at present be taken for conducting and concluding that business in form. It therefore becomes necessary that a proper person be appointed and authorized to treat with them. For this purpose I nominate to you Henry Knox.

GEO. WASHINGTON.

UNITED STATES, August 5, 1790.

The Senate agreed to dispense with the rule, so far as to take into consideration the above Message at this time, and

Resolved, That they do advise and consent to the appointment of Henry Knox, agreeably to the nomination therein contained.

Another Message from the President of the United States was then read, as follows:

Gentlemen of the Senate:

I nominate the following persons to be Commissioners of Loans, in the States to which their names are respectively affixed, viz:

In the State of New Hampshire, Nathaniel Gilman.
Massachusetts, Nathaniel Appleton.
Rhode Island,

In the State of Connecticut, William Inlay.
New York, John Cochran.
New Jersey, James Ewing.
Pennsylvania, Thomas Smith.
Maryland, Thomas Harwood.
Virginia, John Hopkins.
North Carolina, William Stinner.
South Carolina, John Neufville.
Georgia, Richard Wylie.

GEO. WASHINGTON.

UNITED STATES, August 6, 1790.

Ordered, To lie for consideration.

SATURDAY, August 7.

The Senate proceeded to the second reading of the bill authorizing the Secretary of the Treasury to finish the light-house on Portland Head, in the District of Maine.

It was agreed by unanimous consent, that this bill be now read the third time.

Resolved, That this bill do pass.

The Senate proceeded to consider the report of the committee on the third reading of the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Scioto, which report was amended as follows:

After the word "Ohio," fourth line, insert "according to the act of cession from the said State to the United States;"

And it was agreed to amend the bill in conformity to the report.

Resolved, That this bill do pass as amended.

A message from the House of Representatives informed the Senate, that they had agreed to the amendments of the Senate to the bill making further provision for the payment of the debts of the United States, with amendments; to which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to their amendments to the bill making further provision for the payment of the debts of the United States; and

Resolved, That they concur therein.

Mr. SENEYER, from the committee on the bill making an appropriation for discharging the claim of Sarah Alexander, the widow of the late Major General Lord Stirling, who died in the service of the United States, reported certain amendments thereto, which were agreed to, and the bill passed its third reading.

The bill for altering the times for holding the courts in South Carolina and Georgia, was read the first time.

It was agreed, by unanimous consent, that this bill be now read the second time.

Ordered, That it pass to the third reading.

On motion to take up the resolution of the House of Representatives of the 6th of August, to wit: "That the President of the Senate and Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Tuesday next,

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to meet again on the first Monday of December next."

A motion was made to postpone the consideration thereof, to take up the following motion: "That leave be given to bring in a bill to repeal the fifth section of an act for establishing the temporary and permanent seat of the Government of the United States;" which passed in the negative, and the consideration of the resolution of the House of Representatives was resumed; and

Resolved, That the Senate do concur in the resolution of the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The Senate then entered on Executive business, and confirmed the nominations of the Commissioners of Loans, made by the Message of the President yesterday.

Another Message from the President was then laid before the Senate, nominating Jabez Brown to be Commissioner of Loans, in the State of Rhode Island, and Daniel Bepezet, jr., to be Collector of the port of Great Egg Harbor, in New Jersey.

Which nominations were considered and confirmed.

The following Message was then received and read, from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate:

I lay before you a treaty between the United States and the Chiefs of the Creek nation, now in this city, in behalf of themselves and the whole Creek nation, subject to the ratification of the President of the United States, with the advice and consent of the Senate.

While I flatter myself that this treaty will be productive of present peace and prosperity to our Southern frontier, it is to be expected that it will also, in its consequences, be the means of firmly attaching the Creeks and the neighboring tribes to the interests of the United States.

At the same time, it is to be hoped that it will afford solid grounds of satisfaction to the State of Georgia, as it contains a regular, full, and definitive relinquishment, on the part of the Creek nation, of the Oconee land, in the utmost extent in which it has been claimed by that State, and thus extinguishes the principal cause of those hostilities from which it has more than once experienced such severe calamities.

But, although the most valuable of the disputed land is included, yet there is a certain claim of Georgia, arising out of the treaty made by that State at Galphinston, in November, 1765, of land to the eastward of a new temporary line from the forks of the Oconee and Ocmulgee, in a southwest direction, to the St. Mary's river, which tract of land the Creeks in this city absolutely refuse to yield.

This land is reported to be generally barren, sunken, and unfit for cultivation, except in some instances on the margin of the river, on which, by improvement, rice might be cultivated—its chief value depending on the timber fit for the building of ships, with which it is represented as abounding.

While it is thus circumstanced, on the one hand, it is stated by the Creeks on the other, to be of the high-

est importance to them, as constituting some of their most valuable winter hunting ground.

I have directed the Commissioner, to whom the charge of adjusting this treaty has been committed, to lay before you such papers and documents, and to communicate to you such information relative to it, as you may require.

GEO. WASHINGTON.

UNITED STATES, August 7th, 1790.

Ordered, That the Message, with the treaties therein referred to, be read, and that they lie for consideration.

MONDAY, August 9.

A message from the House of Representatives informed the Senate that they had resolved that Messrs. GILMAN, WHITE, and SMITH, of South Carolina, be a committee to join with such committee as the Senate shall appoint, to wait on the President of the United States and notify him of the proposed recess of Congress. They have concurred in the amendments of the Senate to the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and the Sciota; that they have concurred in the amendments of the Senate to the bill making an appropriation for discharging the claim of Sarah Alexander, the widow of the late Major General Lord Stirling, who died in the service of the United States; and in the amendments of the Senate to the bill for the relief of disabled soldiers and seamen, lately in the service of the United States, and of certain other persons.

Mr. FOSTER, from the committee appointed to consider the bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, reported the following amendment:

Strike out the words "for the term of three years from the passing of this act," and in their place insert these words: "until the tenth day of January next."

Resolved, That this bill do pass as amended. The resolution of the House of Representatives that Messrs. GILMAN, WHITE, and SMITH, of South Carolina, be a committee, to join with such committee as the Senate shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress, was read, and ordered to lie for consideration.

The bill for altering the times of holding the courts of South Carolina and Georgia, was read the third time and passed.

A message from the House of Representatives informed the Senate that they had agreed to the amendment of the Senate to the bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations:

They have concurred in the bill to alter the times for holding the Circuit Courts of the United States in the districts of South Carolina and Georgia, with an amendment; in which amendment they desire the concurrence of the Senate:

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They have "resolved, that all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, be returned to, and perfected by, the Secretary of the Treasury;" and that they have also passed a bill making provision for the reduction of the public debt; in which bill and resolution they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill to alter the times for holding the Circuit Courts of the United States in the districts of South Carolina and Georgia; and

Resolved, That they concur therein.

The bill making provision for the reduction of the public debt was read the first time.

Ordered, That this bill pass to the second reading, and that it be printed for consideration.

The Senate proceeded to consider the resolution of the House of Representatives of this day, "that all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late Board of Treasury, be returned to, and perfected by, the Secretary of the Treasury, so as to complete the said contracts; and that the said Secretary be, and is hereby authorized to direct the making and completing any other surveys that remain to be made; so as to comply, on the part of the United States, with the several contracts aforesaid, in conformity to the terms thereof;" and

Resolved, That they concur therein. *Ordered*, That the consideration of the resolution of the House of Representatives, proposing a joint committee to wait on the President of the United States, to notify him of the proposed recess of Congress, be postponed.

The Senate then entered on Executive business; and a Message from the President was read, nominating William Irvine, of Pennsylvania, John Taylor Gilman, of New Hampshire, and John Kean, of South Carolina, to be Commissioners for settling the accounts between the United States and individual States; which Message was ordered to lie for consideration.

The Senate resumed the consideration of the Message of the 7th instant, in relation to the treaty with the Creeks. On a motion to refer the treaty to a select committee, the yeas and nays being required, were as follows:

YEAS—Messrs. Butler, Few, Foster, Gunn, Henry, Johnson, Lee, and Morris—8.

NAYS—Messrs. Carroll, Dalton, Ellsworth, Hawkins, Izard, King, Patterson, Read, Stanton, and Wingate—10.

It passed, therefore, in the negative.

On motion, "That, on the final question, when the advice and consent of the Senate is requested, any member shall have a right to enter his protest or dissent on the journal, with reason in support of such dissent, provided the same be offered within two days after the determination on such final question,"

The yeas and nays being required, were as follows:

YEAS—Messrs. Butler, Gunn, Izard, and Lee—4. NAYS—Messrs. Carroll, Dalton, Ellsworth, Few, Foster, Hawkins, Henry, Johnson, King, Morris, Patterson, Read, Schuyler, Stanton, and Wingate—15.

And it passed in the negative.

The further consideration of this Message was postponed.

TUESDAY, August 10.

A message from the House of Representatives informed the Senate that they had passed a bill making certain appropriations therein mentioned; in which they desire the concurrence of the Senate.

The Senate proceeded to the second reading of the bill, entitled "An act making provision for the reduction of the public debt," which being further amended,

Resolved, That this bill be passed to its third reading as amended.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendment to this bill.

On motion,

Resolved, That the resolution of the 7th instant, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on this day, be repealed; and, instead thereof, that they be authorized and directed to adjourn their respective Houses on the 13th instant, to meet again on the first Monday of December next.

Ordered, That the Secretary carry this resolution to the House of Representatives, and desire their concurrence therein.

The Senate resumed the consideration of the resolution of the House of Representatives of the 9th of August, appointing a committee, to wait on the PRESIDENT OF THE UNITED STATES, and notify him of the proposed recess of Congress; and

Resolved, That they concur therein, and that Messrs. Izard and JOHNSTON be the committee on the part of the Senate.

The bill, entitled, "An act making certain appropriations therein mentioned," was read the first time.

Ordered, That this bill pass to a second reading. A message from the House of Representatives informed the Senate that they agree to the resolution of the Senate to defer the adjournment of the two Houses of Congress to Thursday, the 12th instant.

The Senate then entered on Executive business, and confirmed the nomination made yesterday of Commissioners for settling the accounts between the United States and the individual States.

Another Message of the President nominated John C. Jones to be Collector of Cedar Point, in Maryland, and Jeremiah Jordan to be Surveyor of the port of Llewellynsburg, in Maryland; which nominations were confirmed.

[SENATE.]

Proceedings.

[AUGUST, 1790.]

WEDNESDAY, August 11.

Mr. IZARD, from the committee of both Houses, appointed to notify the PRESIDENT of the UNITED STATES of the intended adjournment of Congress, reported, that they had waited on the PRESIDENT of the UNITED STATES, and informed him that the two Houses of Congress had agreed to adjourn on Thursday, the 12th instant.

A message from the House of Representatives informed the Senate that they agree to all the amendments of the Senate to the bill making provision for the reduction of the public debt.

The Senate proceeded to the second reading of the bill making certain appropriations therein mentioned.

On motion, it was agreed to amend the bill, by the insertion of the following clause, after the word "captivity," in the 7th line: "the sum of forty thousand dollars toward discharging certain debts contracted by Colonel Timothy Pickens, late Quartermaster General; and which sum was included in the amount of a warrant drawn in his favor by the late Superintendent of the Finances of the United States, and which warrant was not discharged."

It was agreed, by unanimous consent, that this bill, as amended, pass to its third reading.

Resolved, That this bill do pass as amended.

A message from the House of Representatives informed the Senate that they agree to the amendment of the Senate to the bill making certain appropriations therein mentioned.

The Senate then entered on Executive business; and the following Message was received and read from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate:

Although the treaty with the Creeks may be regarded as the main foundation of the future peace and prosperity of the Southwestern frontier of the United States, yet, in order fully to effect so desirable an object, the treaties which have been entered into with the other tribes in that quarter must be faithfully performed on our part.

During the last year, I laid before the Senate a particular statement of the case of the Cherokees. By a reference to that paper it will appear, that the United States formed a treaty with the Cherokees in November, 1785; that the said Cherokees thereby placed themselves under the protection of the United States, and had a boundary assigned them; that the white people settled on the frontiers had openly violated the said boundary, by intruding on the Indian lands; that the United States, in Congress assembled, did on the first day of September, 1788, issue their proclamation, forbidding all such unwarrantable intrusions, and enjoining all those who had settled upon the hunting grounds of the Cherokees to depart with their families and effects, without loss of time, as they would answer their disobedience to the injunctions and prohibitions expressed, at their peril.

But information has been received that, notwithstanding the said treaty and proclamation, upwards of five hundred families have settled on the Cherokee lands, exclusively of those settled between the forks of

French Broad and Holstein rivers, mentioned in the said treaty.

As the obstructions to a proper conduct on this matter have been removed since it was mentioned to the Senate, on the 23d of August, 1789, by the accession of North Carolina to the present Union, and the cessation of the land in question, I shall conceive myself bound to exert the powers intrusted to me by the Constitution, in order to carry into faithful execution the treaty of Hopewell, unless it shall be thought proper to attempt to arrange a new boundary with the Cherokees, embracing the settlements, and compensating the Cherokees for the cessions they shall make on the occasion. On this point, therefore, I state the following questions, and request the advice of the Senate thereon:

1st. Is it the judgment of the Senate that overtures shall be made to the Cherokees to arrange a new boundary, so as to embrace the settlements made by the white people since the treaty of Hopewell, in November, 1785?

2d. If so, shall compensation to the amount of ——— dollars annually, or of ——— dollars in gross, be made to the Cherokees for the land they shall relinquish, holding the occupiers of the land accountable to the United States for its value?

3d. Shall the United States stipulate solemnly to guarantee the new boundary which may be arranged?

GEO. WASHINGTON.

UNITED STATES, August 11, 1790.

Agreed, by unanimous consent, to proceed to the consideration of this Message. Whereupon,

Resolved, That the Senate do advise and consent that the President of the United States do, at his discretion, cause the treaty concluded at Hopewell with the Cherokee Indians, to be carried into execution, according to the terms thereof, or to enter into arrangements for such further cessions of territory from the said Cherokee Indians, as the tranquillity and interest of the United States may require; provided the sum which may be stipulated to be paid to the Cherokee Indians do not exceed one thousand dollars annually; and provided, further, that no person who shall have taken possession of any lands within territory assigned to the said Cherokee Indians, by the said treaty of Hopewell, shall be confirmed in any such possessions, but by a compliance with such terms as Congress may hereafter prescribe.

Resolved, In case a new, or other boundary than that stipulated by the treaty of Hopewell, shall be concluded with the Cherokee Indians, that the Senate do advise and consent solemnly to guarantee the same.

THURSDAY, August 12.

A message from the House of Representatives informed the Senate, that the House of Representatives having finished the business before them, are about to adjourn, agreeably to the vote of the two Houses of Congress on Tuesday last.

On motion,

Resolved, unanimously, That the thanks of the Senate be given to the Corporation of the city of New York, for the elegant and convenient accommodations provided for Congress, and that a copy of this resolve be enclosed in the following letter from the VICE PRESIDENT:

[SENATE.]

Proceedings.

[AUGUST, 1790.]

NEW YORK, August 12, 1790.

SIR: It is with great pleasure that, in obedience to an order of the Senate of the United States, I have the honor to enclose their resolution of this date, which was unanimously agreed to; and, in behalf of the Senate, I request that you will be pleased to communicate the same to the Corporation of the city, and, at the same time, signify to them, that it is the wish of the Senate that the Corporation will permit such articles of furniture, &c., now in the City Hall, as have been provided by Congress, to remain for the use of that building.

I am, sir, your most obedient humble servant.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

To the Mayor of the city of New York.

The Senate then entered on Executive business, and proceeded to consider the Message from the President of the United States, of the 7th of August, 1790, communicating a treaty en-

tered into with the Chiefs of the Creek nation of Indians.

And, on the question to advise and consent to the ratification of the said treaty, made with the Creek nation, and referred to in the Message of the President of the United States, of the 7th of August, 1790; the yeas and nays were required by one-fifth of the Senators present, and were:

YEA—Messrs. Carroll, Dalton, Ellsworth, Foster, Hawkins, Henry, Johnson, Johnston, Izard, King, Lee, Paterson, Read, Schuyler, and Stanton—15.

NAYS—Messrs. Butler, Few, Gunn, and Walker—4.

The Senate resuming their Legislative character,

Ordered, That the Secretary acquaint the House of Representatives that the Senate, having finished the Legislative business before them, are about to adjourn, agreeably to the vote of both Houses of Congress of the 10th instant.

And the VICE PRESIDENT adjourned the Senate accordingly, to meet on the first Monday in December next.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE FIRST CONGRESS, HELD AT THE CITY OF
NEW YORK, JANUARY 4, 1790.

Monday, January 4, 1790.

The following is a list of the Members composing the House of Representatives:

From New Hampshire—NICHOLAS GILMAN, SAMUEL LIVERMORE, and ABIEL FOSTER.

From Massachusetts—FISHER AMES, ELBRIDGE GERRY, BENJAMIN GOODHUE, JONATHAN GROUT, GEORGE LEONARD, GEORGE PARTRIDGE, GEORGE THATCHER, and THEODORE SEDGWICK.

From Connecticut—BENJAMIN HUNTINGTON, ROGER SHERMAN, JONATHAN STURGIS, JONATHAN TRUMBULL, and JEREMIAH WADSWORTH.

From New York—EGBERT BENSON, WILLIAM FLOYD, JOHN HATHORN, JEREMIAH VAN RENSSELAER, JOHN LAWRENCE, and PETER SYLVESTER.

From New Jersey—ELIAS BOUDINOT, LAMBERT CADWALADER, JAMES SCHUREMAN, and THOMAS SINNICKSON.

From Pennsylvania—GEORGE CLYMER, THOMAS FITZSIMONS, THOMAS HARTLEY, DANIEL HEISTER, F. A. MUHLBERG, *Speaker*, PETER MUHLBERG, THOMAS SCOTT, and HENRY WYNKOOP.

From Delaware—JOHN VINING.

From Maryland—DANIEL CARROLL, BENJAMIN CONTEE, GEORGE GALE, JOSHUA SENEY, WILLIAM SMITH, and MICHAEL JENIFER STONE.

From Virginia—THEODORICK BLAND, JOHN BROWN, ISAAC COLES, SAMUEL GRIFFIN, RICHARD BLAND LEE, JAMES MADISON, JUNIOR, ANDREW MOORE, JOHN PAGE, ALEXANDER WHITE, and JOSEPH PAKKER.

From South Carolina—EDANUS BURKE, DANIEL HUGER, WILLIAM SMITH, THOMAS SUMTER, and THOMAS TUDOR TUCKER.

From Georgia—ABRAHAM BALDWIN, JAMES JACKSON, and GEORGE MATHEWS.

The SPEAKER and twenty-five other members, viz: MESSRS. FOSTER, GILMAN, LIVERMORE, GERRY, AMES, GOODHUE, GROUT, PARTRIDGE, THATCHER, SHERMAN, BENSON, FLOYD, LAWRENCE, P. MUHLBERG, SCOTT, SENEY, BROWN, COLES, GRIFFIN, WHITE, BURKE, HUGER, SMITH, (of S. Carolina,) TUCKER, and BALDWIN, appeared and took their seats; but not being a quorum, they adjourned.

Tuesday, January 5.

Mr. BOUDINOT took his seat. No quorum.

Wednesday, January 6.

Mr. SCHUREMAN, Mr. PAGE, and Mr. LEE, took their seats. No quorum.

Thursday, January 7.

JONATHAN STURGIS, and JEREMIAH WADSWORTH, from Connecticut, JEREMIAH VAN RENSSELAER, from New York, DANIEL CARROLL, from Maryland, and GEORGE MATHEWS, from Georgia, appearing and taking their seats, a quorum of the whole House was present; of which the Senate were informed.

The SPEAKER laid before the House a Letter from the PRESIDENT OF THE UNITED STATES, of the 4th instant, requesting that when there shall be a sufficient number of the two Houses of Congress assembled to proceed to business he may be informed of it; and, also, at what time and place it will be convenient for Congress that he should meet them, in order to make some oral communications at the commencement of their session; which was read, and ordered to lie on the table.

A message from the Senate informed the House that they had appointed a committee on their part, jointly with such committee as shall be appointed on the part of the House, to wait on the President of the United States, and notify him that a quorum of the two Houses had assembled, and will be ready, in the Senate Chamber, at such time as he shall appoint to receive any communications which he shall think proper to make.

Messrs. GILMAN, AMES, and SENEY, were then appointed a committee on the part of the House, for the purpose expressed in the message from the Senate.

It was then ordered that a committee be appointed to examine the Journal of the last session, and to report therefrom all such matters of business as were then depending and undetermined, and a committee was appointed, consisting of Messrs. BOUDINOT, SHERMAN, and WHITE.

Resolved, That two Chaplains, of different de-

nominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly.

Ordered, That the Clerk of the House do carry the said resolution to the Senate, and desire their concurrence.

Mr. GILMAN, from the committee appointed to wait on the President of the United States, pursuant to the order of this day, reported that they had, according to order, performed that service, and that the President was pleased to say he would attend to make his communications to both Houses of Congress to-morrow morning, at 11 o'clock.

FRIDAY, January 8.

HENRY WYNEKOOP, from Pennsylvania, appeared, and took his seat.

The SPEAKER and the members present attended in the Senate Chamber, to receive the President of the United States, who addressed both Houses. [His Address will be found in the Proceedings of the Senate, page 932.]

The SPEAKER and the members of the House having returned from the Senate, a copy of the President's Speech was read, and committed to a Committee of the whole House on to-morrow.

The Journal was then read by the Clerk.

Mr. BOUNDINOR moved to correct the title by striking out all the words, after declaring it merely the Journal of the House of Representatives. He was seconded by Mr. BENSON.

Mr. PAGE opposed it, because the title of the Journal contained nothing more than the fact. It was denominated the Second Session of the First Congress under the Constitution of the Government of the United States, proposed September 17th, 1787, by the Convention in Philadelphia; and he called upon gentlemen to say, if this was more or less than the truth; besides, it was perfectly consonant with Parliamentary practice; if the last sitting of Congress, and the present were to be determined one session, then all business would proceed from the state in which it had been left last September; now this was contrary to the rule established by the *Lex Parliamentaria*, and might be productive of bad consequences. If the words are to be struck out, the natural implication will be, that the two sittings are but one session.

Mr. BOUNDINOR declared, he had no design of deciding the question alluded to by his honorable friend. It was merely to rid the Journal of words which appeared to him superfluous.

Mr. SHERMAN was in sentiment with the gentleman from New Jersey; he did not wish to give an opinion respecting the unfinished business of last session, but he thought the regulation on that head had better be established by a joint rule of both Houses.

Mr. TUCKER remarked, that the question "whether the business of last session was to be taken up *de novo*, or to be continued onward from the state in which it had been left, was not properly before the House, but the word session, in

his opinion, ought to be preserved in the Journal, because its meaning was of some importance. He observed, that the Legislature of South Carolina was a biennial body, and that it was for some time a matter of uncertainty whether the session was not the term of two years for which the Senate and House of Representatives were elected, but the point had been determined, upon a law passed to continue for a term of years, and from thence to the end of the next session of the Legislature; the efficacy of this law depended upon the meaning of the word session, and the courts of judicature were of opinion that a session was from the time of meeting until the rising of the Legislature, and no longer.

He conceived the title to be of no importance in any other point of view, but in this it might, as Congress had already passed a law for a term expiring at the end of the next session, he, therefore, wished the word to be defined, and he imagined it would be done by retaining it in the place it stood.

After some further desultory conversation, the title of the Journal was established by a vote of the House, as follows:

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

At a session of Congress of the United States, begun and held at the city of New York, on Monday, the 4th day of January, 1790, being the second session of the First Congress, held under the present Constitution of Government for the United States, being the day appointed by law for the meeting of the present session.

On the further reading of the Minutes, Mr. THATCHER observed, that a call of the House which had taken place at the meeting was not entered on the Journal.

Mr. PAGE was sorry to find any gentleman insist upon the entry of a measure which was not completed. He was concerned, likewise, that he had not been here to answer to his name, but he was delayed seven days by head winds, and two days by extreme badness of the roads. Under such circumstances, he thought the gentlemen who were so fortunate as to get here in time, deserved little more credit than those who were plunging at the risk of their lives through almost insuperable difficulties. He hoped it was not intended to stigmatize gentlemen who did not deserve it.

Mr. WHITE.—If the absentees were from the remote States, there would be some indelicacy in ordering a call of the House at so early a period of the session, because there might be natural unavoidable impediments to prevent their punctual attendance, but he had observed, that the absentees were mostly from the neighboring States, Connecticut, New York, New Jersey, and Pennsylvania; and some of the members had declared they would not come until they were informed that there was a House. Now in order to make the Journal a true transcript of what had really passed in the House, it was necessary to have this call inserted; for the motion was regularly made, seconded, and carried; the absentees were noted.

and, after some time, they were called again, and those who were known to be sick, or on their way, were apologised for, and excused; here, indeed, the business terminated, and they were not ordered into the custody of the Sergeant-at-Arms. After these remarks he concluded by saying, that he did not move to have it inserted on the Journal, and was unconcerned about it.

Mr. LAWRENCE hoped the call would not be entered on the Journal, if it was intended to reproach the conduct of the absent members, for he was very well satisfied in his own mind, that few, if any, of them were guilty of neglecting their duty.

Mr. WADSWORTH likewise hoped the entry would not be made. He had left home a week ago, but had been detained by head winds. He dared to say that this would be found to be the case with respect to a number of other gentlemen; and as far as his knowledge went with relation to such as were absent, it was on necessary occasions.

Mr. PARTRIDGE did not wish to stigmatize any gentleman by an entry of this kind on the Journals. He meant simply that the fact should appear as it really happened in the House; however, as the business had not been completed, he would withdraw his second to the motion for having the entry made.

Mr. PAGE said, no new stigma could be received by him or his colleague, (Mr. LEE.) By the entry on the Journals, it appeared they were not here on Monday or Tuesday, but on Wednesday it is said that John Page and R. B. Lee appeared, and took their seats; consequently, what he had said could not be construed to favor himself or his colleague, but it was generally for those who had not been able to get here so soon.

The motion for entering on the Journals the call of the House, was withdrawn.

The House then proceeded to the appointment of a Chaplain for the present session; and, after a previous nomination, the Rev. Mr. LYNN was duly chosen.

SATURDAY, January 9.

GEORGE CLYMER, from Pennsylvania, appeared, and took his seat.

SECRETARY OF THE TREASURY'S REPORT.

A letter from Alexander Hamilton, Secretary of the Treasury, was read, informing the House that, agreeably to their resolution of the 21st of September, he had prepared a plan for the support of the Public Credit, and that he was ready to report the same to this House, when they should be pleased to receive it.

It was proposed that Thursday next be assigned for this purpose.

Mr. CLYMER wished to add to the motion, that it should be made in writing.

Mr. BOUNDINOR hoped that the Secretary of the Treasury might be permitted to make his report in person, in order to answer such inquiries as the members might be disposed to make, for it was a justifiable surmise that gentlemen would not be

able clearly to comprehend so intricate a subject without oral illustration.

Mr. CLYMER expressed some doubts with respect to the propriety of receiving oral communications from the Head of such an important Department. He was rather inclined to think that such communications ought to be in writing.

Mr. AMES conceived it to be the duty of the House to obtain the best information on any subject; but on this very important one they ought to be particularly careful to get it from the highest source. The Secretary of the Treasury is a most important and responsible officer; the delicacy of his situation required every indulgence to be extended to him, that had a tendency to enable him to complete the arduous undertaking in which he was engaged. It would be a real misfortune that a salutary measure should be defeated for want of being understood; yet the most advantageous plans may miscarry in their passage through this House, by reason of their not being clearly comprehended. He hoped, therefore, that the financier would be authorized to make such communications and illustrations as he judged necessary; but he wished these communications to be in writing; in this shape they would obtain a degree of permanency favorable to the responsibility of the officer, while, at the same time, they would be less liable to be misunderstood.

Mr. BENSON observed, that the Secretary of the Treasury was directed, by a resolution of the last session, to prepare a plan for the support of public credit, and to report the same at this meeting. The point to be settled is, whether it shall be done by an oral communication, or transmitted in writing? In the former order of the House, this point was untouched, and the Secretary was left at his discretion to prepare himself for reporting in either way; consequently, when we have fixed the time for receiving his report, he may make it in the manner for which he is prepared; but, no doubt, this officer, actuated by motives of deference and respect, will conform to any rule the House may think proper to enact.

Mr. GERRY conceived it would be necessary the Secretary should be authorized, by a vote of the House, to give explanations to his plans. This, he was not expressly authorized to do by the vote of the last session, which confined him merely to prepare a plan for the support of the public credit. Would any gentleman on this floor suppose himself capable of comprehending and combining the parts of a general system, calculated to produce such a grand effect? In a plan for supporting public credit, may be comprehended every species of finance. The Secretary, under such an order, may propose an extension of your impost to entire new articles, an increase of some, and a diminution upon others. He may propose an introduction of a system of excise; with all these he may combine duties, stamps, and direct taxes. Can the human mind retain, with any great degree of precision, objects so extensive and multifarious upon a mere oral communication? This consideration alone ought to be sufficient to induce gentlemen to agree to his proposition of making

the report in writing; but his proposition extended still further, it went to give him a right to lay before them his explanations, if he thinks explanations necessary.

On the question, the resolution for receiving the report of the Secretary of the Treasury in writing was carried in the affirmative.

PRESIDENT'S SPEECH.

On motion, the House now resolved itself into a Committee of the Whole on the President's Speech. Mr. BALDWIN in the Chair.

Mr. SMITH (of South Carolina) proposed a resolution that an Address be presented to the President in answer to his Speech to both Houses, assuring him that this House will, without delay, proceed to take into their serious consideration the various and important matters recommended to their attention.

Mr. WHITE thought this motion hardly sufficient; it was too general to warrant a select committee to draught that particular reply which he hoped the House was disposed to make to every part of the President's Speech; he therefore begged the gentleman to withdraw it, and permit him to substitute one in its stead, which he read in his place.

Mr. BOUDINOT thought the proposition just read by the honorable gentleman from Virginia much superior to that proposed by his worthy friend from South Carolina. It must have struck every gentleman that there were other matters contained in the Speech deserving of notice, besides those recommended to their serious consideration. There was information of the recent accession of the important State of North Carolina to the Constitution of the United States. This event ought to be recognised in a particular manner, according to its importance; and he presumed to think that its importance was of the very first magnitude.

A desultory conversation now took place on amending the original proposition in such a manner as to embrace generally the subjects of the Speech; when, at length, it was amended to read as follows:

Resolved, As the sense of this committee, that an Address be presented by the House to the President of the United States, in answer to his Speech to both Houses, with assurances that this House will, without delay, proceed to take into consideration the various and important matters recommended to their attention.

Whereupon, Messrs. SMITH, (of South Carolina,) CLYMER, and LAWRENCE, were appointed a committee to prepare the said Address.

MONDAY, January 11.

JONATHAN TRUMBULL, from Connecticut; JOHN HATHORN, from New York; and ANDREW MOORE, from Virginia, appeared, and took their seats.

UNFINISHED BUSINESS.

Mr. BOUDINOT, from the committee to whom it was referred to examine the Journal of the last session, and to report therefrom all such matters of business as were then depending and undeter-

mined, reported that the committee have, according to order, examined the Journal, and agreed to the following report:

It appears to your committee, that the several petitions of David Ramsey, John Churchman, Alexander Lewis, Arthur Greer, Jedediah Morse, John Fitch, Englehart Cruise, Nicholas Pike, Samuel Briggs, John Christopher Stoebel, Leonard Harbaugh, Hannah Adams, Christopher Colles, David Greenleaf, John Macpherson, Abraham Westervelt, James Rumsey, and William Hoy, respectively, praying for exclusive privileges as authors or inventors of some useful work or discovery, were ordered to lie on the table, and so remained during the session.

It further appears to your committee, that the several petitions of Martha Walker, Duncan Campbell, Tristram Coffin, William Finnie, Englebert Kemmense, Thomasin Gordon, Prudent la Jenease, Baron de Steuben, and Richard Ham, respectively, praying to be compensated for military services, or for injuries or losses sustained during the late war, were referred to the Secretary of the Treasury to examine and report to the present session.

It further appears to your committee, that the several petitions of John McGarragh, Dudley Tyler, Patrick Bennett, John Hurt, James Gibbons, Archibald McAllister, Alexander Power, attorney for Col. Flower's regiment, Henry Malcom, and Charles Markle, respectively, praying to be compensated for military services rendered during the late war, were referred to the Secretary of War, to examine and report upon, to the present session.

It further appears to your committee, that the several petitions of Andrew Newell, Seth Clarke, Sarah Parker, Bartlett Hinds, Robert Frazier, David Sturges, Richard Phillips, James McLean, James Read, and Thomas Barclay, respectively, praying that certain claims which they exhibit against the United States, may be considered and allowed, were ordered to lie on the table, and so remained during the session.

It also appears to your committee, that the petition of Joseph Wheaton, sergeant-at-arms to this House, praying an inquiry into the charges exhibited against him in certain anonymous letters, was ordered to lie on the table, and so remained during the session.

Your committee further report, that committees were appointed to prepare and bring in the several bills following, to wit:

A bill to establish a uniform system on the subject of bankruptcies throughout the United States.

A bill for the further encouragement of the commerce and navigation of the United States.

A bill providing for the actual enumeration of the inhabitants of the United States.

Also, a bill providing a proper system of regulation for the militia of the United States.

Neither of which bills were reported during the session.

It also appears to your committee, that there were postponed by this House, for further consideration until the present session, the several bills, to wit:

A bill to promote the progress of science and useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries.

A bill for the establishment of hospitals, for the relief of sick and disabled seamen, and prescribing regulations for the harbors of the United States.

A bill concerning the importation of certain persons prior to the year 1808.

A bill to establish a land-office in and for the Western Territory. Also, a bill sent from the Senate, en-

titled "An act for the punishment of certain crimes against the United States."

That the bill entitled "An act to establish the seat of Government of the United States," was postponed by the Senate, for the further consideration of an amendment proposed by this House, until the present session.

And lastly, That the report of the committee appointed to examine into the measures taken by Congress, and the State of Virginia, respecting lands reserved for the officers and soldiers of the said State was postponed by this House for further consideration, until the present session.

ANSWER TO THE PRESIDENT'S SPEECH.

Mr. SMITH, (of South Carolina,) from the committee appointed for the purpose of preparing an Address in answer to the President's Speech, presented a report; which being read,

Mr. PAGE moved to go into a Committee of the Whole on the same to-morrow, which was agreed to.

Mr. GOODHUE observed, that he was a member of the committee, appointed at the last session, to prepare a bill for taking the census, or enumeration of the inhabitants of the United States, and wished to know whether it was desired by the House that the committee should proceed on that business; if it was, it was necessary that the committee should be enlarged, in order to answer the object of their appointment effectually; but as that would be attended with some inconvenience, it would perhaps be best to discharge the old committee and appoint a new one, to consist of a member from each State; and, in order to take the sense of the House, he would make that motion.

Mr. SMITH (of South Carolina) wished the gentleman to withdraw his motion, in order that the House might go into the consideration of the several important matters recommended to their attention in the President's Speech, and refer them respectively to committees. If the gentleman from Massachusetts would conform to this sentiment, he would move to go into a Committee of the Whole for that purpose.

Mr. WHITE remarked, that the President's Speech had already been referred to a Committee of the Whole; it was therefore unnecessary to adopt the motion of the gentleman from South Carolina.

Mr. GOODHUE, however, agreed to suspend his motion until the House should decide upon Mr. SMITH's.

The question was then taken on Mr. SMITH's motion, and passed in the negative.

ON THE ORDER OF BUSINESS.

Mr. GOODHUE then stated to the House, that one object which he had in view in moving that the committee be dismissed, was to determine whether the business of last session should proceed from the stage in which it was left, or be taken up *de novo*.

Mr. LEE considered this as a question of some importance; but he did not hesitate to say that it was decided by the uniform practice of Parliament, and on long experience it was found to be

attended with the least inconvenience to commence all their proceedings anew at the commencement of a new session; but as it was a question of order, he would refer the decision of it to the Chair.

Mr. SHERMAN thought it a question that ought to be decided by the joint resolution of both Houses.

Mr. PAGE was of opinion that each House ought to establish its own rules to govern its proceedings, and that as it was consistent with parliamentary usage to commence *de novo* the proceedings of each session, it would be proper for the House to pursue a like line of conduct.

Mr. TUCKER said it was a question that deserved very serious consideration, because an act might be passed at this session with the consent of only one branch of the Legislature, provided it was determined that the business should progress from the state in which it was left last September. He alluded to the bill respecting crimes and punishments, assented to by the Senate, and sent to this House for concurrence at the last session, and also the bill to establish the seat of Government of the United States, which had passed this House, and lay before the Senate for their assent to a small amendment.

If, on this occasion, the two Houses should establish different rules, one might proceed to pass one of those laws, contrary to the sense of the other, which would induce a consequent embarrassment; to avoid this, he thought it best that both Houses should be consulted, and establish a uniform rule. But, while he was urging these arguments, he did not mean to contend that this House was not left to its own discretion to establish such rules as the majority might think proper.

As the question had been left to the decision of the Chair, and several members called for Mr. SPEAKER's opinion, he stated to the House that it had been customary with those Legislative assemblies which he had the honor of being a member of since the Revolution, to continue the business from one session to another, during the time for which they were elected; but as this was not strictly consonant with the usage of the British Parliament, which some gentlemen think essential, although that body differ in many respects from this, and as the House had hitherto prescribed no rule in point, he did not conceive that the Chair ought to be considered as adequate to the decision.

Mr. SHERMAN said, it would involve an absurdity, if an act was to be passed by one House only in the session; because it would assert in its title that it was an act of the whole Congress done at a session when one branch had never acted upon it; he was therefore of opinion, that the unfinished business which had passed from the one branch of the Legislature to the other, ought to commence anew at the present session.

Mr. WHITE did not wish to hurry on a decision of this important question, though he was himself well prepared for it. He had never an idea but the business of a former session terminated

H. or R.]

Order of Business.

[JANUARY, 1790.]

with the session, and was to be taken up *de novo* at the subsequent meeting; this had been the invariable practice of Parliament through the period of their existence. If, then, it had been found advantageous by so enlightened a body, for a period of five hundred years, their experience was sufficient to satisfy his mind of its propriety; and nothing but solid and substantial objections would induce him to deviate from that principle. But, besides the practice of Great Britain, he could adduce the mode of transacting business in Virginia, which was exactly conformable to the former instance.

He stated one instance in order to show the impropriety of a different conduct. The State of North Carolina had come into the Union during the recess; the laws that were not perfected before that period ought not to bind her until she had an opportunity of having a voice in enacting them. Now, if the unfinished business was to go on from the stage where it was left last session, a single hour might bind her contrary to her will, and contrary to the sentiments of a majority of the people.

Mr. SMITH (of South Carolina) said, the best way of trying the question, whether the business was to be considered as dead or not, was to move to appoint committees to the purposes for which such committees were appointed at the last session, and not to discharge the committee, as moved by the gentleman from Massachusetts, because both the affirmative and negative implied that the committees are still in existence, which is the point in dispute.

Mr. LEE favored this last opinion, and hoped the question would be taken upon it.

Mr. LIVERMORE heartily concurred with the several gentlemen that were up, in this, that both the Senate and House ought to establish some rule on this subject, and that the rule ought to be the same in both Houses. He wished it to be done before the business of the Legislature was thrown into confusion by a vote of one branch, which would not be acceded to by the other; for this reason, he moved that a committee be appointed to confer with a committee of the Senate, and report to both Houses a uniform rule of proceeding relative to the business of last session. As to his own opinion on this subject, he was free to declare, as his private judgment, that the business of the late session was at an end.

Mr. GOODHUE thought the first motion the best to settle the question, and therefore hoped it would be first put. He further observed, that there was a necessity for discharging the committee of three appointed to digest a plan for taking the census, because they were inadequate to the object. The mode of enumerating the inhabitants of the several States depended a good deal upon certain local regulations, and consequently required the circumstance of local information in those who were to bring forward the bill. This, he apprehended, would be best attained by forming the committee of a member from each State.

Mr. WHITE thought it of no use to appoint a committee to confer with a committee of the Se-

nate, because they might report contrary to the sense of the House.

Mr. LEE was of the same sentiment, and urged the propriety of deciding the question under a sure reliance that the Senate would pursue the same line of conduct, and the practice would be established at once.

Mr. CLYMER.—It appeared to him that the decision of the question which now agitated the House was anticipated, at least the former determination ought to have considerable influence on the present vote. If all business was to commence *de novo*, why did the House appoint a committee to examine and bring forward the unfinished business of the last session? Either the House did not conceive the business dead, or it acted with some degree of absurdity in the appointment of that committee, because a committee could not be appointed on any business until that business was revived by motion, or a new application.

Mr. PARTRIDGE thought, with the gentleman last up, that the business of last session was still before the House, and he was confirmed in this sentiment by several votes taken at their former meeting, by which the business then under consideration had been expressly postponed till the present session. The Senate had likewise adopted a similar practice, as was announced in their message of the 28th September, in which it is said that the Senate have postponed until the next session of Congress, the consideration of the amendment proposed by this House to the bill for establishing the seat of Government of the United States.

Mr. PAGE requested the gentleman last up to declare what the word session meant in this case; and observed, in reply to the gentleman from Pennsylvania (Mr. CLYMER,) that if the business was to proceed from the stage in which it was left, there was no necessity of a committee to examine the journal, as it would have gone on as a matter of course.

Mr. SHERMAN was of opinion that the business which was undecided on by either House might proceed, but that which had passed one branch, and laid before the other for concurrence, ought to be taken up *de novo*. He said this idea made it perfectly consistent to appoint a committee to report the unfinished business.

Mr. BOWDINOT thought a uniform rule ought to be established between the two Houses.

Mr. SMITH (of South Carolina) said it was a very important question, as it related to the present circumstances of Congress. It is very important as a precedent, and would be of peculiar importance to the distant States at all times hereafter. If it is determined that the House may proceed to finish business left incomplete at their last session, it might be destructive of that harmony which he wished to be ever preserved. The members from the States near to the seat of Government might assemble early in the session, and carry measures through with the bare majority of a very thin House, inimical to the public welfare. He thought these solid reasons for commencing all business anew.

JANUARY, 1790.]

Answer to the President's Speech.

[H. or R.]

TUESDAY, January 12.

ANSWER TO THE PRESIDENT'S SPEECH.

Agreeably to the order of the day, the House resolved itself into a Committee of the Whole on the Address in answer to the President's Speech to both Houses.

Mr. BALDWIN being placed in the Chair, the Address was read as follows:

The Address of the House of Representatives to the President of the United States.

The Representatives of the people of the United States have taken into consideration your Speech to both Houses of Congress at the opening of the present session.

We reciprocate your congratulations on the accession of North Carolina; an event which, while it is a testimony of the increasing good will towards the Government of the Union, cannot fail to give additional dignity and strength to the American Republic, already rising in the estimation of the world in national character and respectability.

The information that our measures of the last session have not proved satisfactory to our constituents, affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire.

Nothing can be more gratifying to the representatives of a free people than the reflection, that their labors are rewarded by the approbation of their fellow-citizens. Under this impression, we shall make every exertion to realize their expectations, and to secure to them those blessings which Providence has placed within their reach. Still prompted by the same desire to promote their interests which then actuated us, we shall, in the present session, diligently and anxiously pursue those measures which shall appear to us conducive to that end.

We concur with you in the sentiment that agriculture, commerce, and manufactures, are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free Government; in the progress of our deliberations, we shall not lose sight of objects so worthy of our regard.

The various and weighty matters which you have judged necessary to recommend to our attention appear to us essential to the tranquillity and welfare of the Union, and claim our early and most serious consideration. We shall proceed, without delay, to bestow on them that calm discussion which their importance requires.

We regret that the pacific arrangements pursued with regard to certain hostile tribes of Indians, have not been attended with that success which we had reason to expect from them; we shall not hesitate to concur in such further measures as may best obviate any ill effects which might be apprehended from the failure of those negotiations.

Your approbation of the vote of this House at the last session, respecting the provision for the public creditors, is very acceptable to us: the proper mode of carrying that resolution into effect, being a subject in which the future character and happiness of these States are deeply involved, will be among the first to claim our attention.

The prosperity of the United States is the primary object of all our deliberations, and we cherish the reflection, that every measure which we may adopt for its advancement, will not only receive your cheerful con-

Mr. LAWRENCE thought the word session implied that all the proceedings of the Legislature were to cease at its expiration, and to commence anew after the recess, whether the body consisted of the same members or otherwise, and did not doubt but both Houses would concur in this opinion.

Mr. WHITE did not think the House ought to appoint a committee to confer with a committee of the Senate, because its object was to guard against an inconvenience that might never occur. Perhaps if this House decides that business shall commence *de novo*, the Senate may do the same, and there will be no occasion for a consultation; but if they differ, it will be time enough to appoint a committee of conference.

The reason why the practice in Pennsylvania differed from that of the British Parliament might be on account of a Constitutional difference in the mode of considering bills. By the Constitution, the Assembly of Pennsylvania is obliged to submit all its bills to the people for their consideration, who are intended to act, in some degree, as another House, and check the decisions of a Legislative body consisting of a single branch.

Mr. LIVERMORE hoped the opinion, which seemed generally to prevail in this House, might be adopted by the Senate, and then he had no doubt but the practice of both branches of the Legislature would be uniform; but he still was inclined to think it would be better to settle it in a joint committee.

The question was, by consent, taken on Mr. LIVERMORE'S motion, and that being lost,

Mr. SMITH, of South Carolina, moved that a committee of ten, to consist of a member from each State, be appointed to prepare and bring in a bill for the actual enumeration of the inhabitants of the United States.

On the question, this motion was carried in the affirmative without a division: when the following gentlemen were elected a committee by ballot:

Messrs. Foster, Goodhue, Lawrence, Schureman, Sherman, Clymer, Seney, White, Smith, of South Carolina, and Baldwin.

A Message from the PRESIDENT OF THE UNITED STATES, by Mr. T. Lear, was received, with the following communication:

Gentlemen of the House of Representatives:

I have directed Mr. Lear, my private Secretary, to lay before you a copy of the adoption and ratification of the Constitution of the United States by the State of North Carolina, together with the copy of a letter from his Excellency Samuel Johnston, President of the Convention of said State, to the President of the United States.

The original of the papers which are herewith transmitted to you will be lodged in the office of the Secretary of State.

GEO. WASHINGTON.

UNITED STATES, January 14, 1790.

The Message and accompanying papers being read, the House adjourned.

currence, but will at the same time derive from your co-operation additional efficacy in ensuring to our fellow-citizens the blessings of a free, efficient, and equal Government.

FRED'K A. MUHLBERG,
Speaker of the House of Representatives.

Mr. BOUNDINOT moved to strike out at the beginning of the third paragraph "the information," because the House were possessed of this knowledge by other means; they had, during the recess of Congress, an opportunity of consulting their constituents, and could therefore say of their own motion, that the measures of the last session have not proved dissatisfactory.

Mr. CLYMER, as one of the committee appointed to prepare a report, had agreed to the Address, but he did not think himself precluded from agreeing to what he supposed would be an amendment. The words appeared to him necessary, as they were strongly implied, inasmuch as the Address was in answer to the Speech of the President, which really contained such information.

Mr. SMITH (of South Carolina) contended, that the House had no information with respect to the satisfaction their constituents experienced in the measures of the last session, except what was contained in the President's Speech. He did not presume to deny, but every individual member of Congress might have received information of this nature in private conversation with the people, but no official communication could possibly be got at; it was therefore necessary to recognise, in the Address, the quarter from whence they drew that information; in this view he considered the words necessary, and hoped they would be retained.

Mr. BOUNDINOT meant to avoid the idea that it was from the Executive alone they drew this information, when it was a notorious fact, perceptible to common observation.

Mr. LAWRENCE said, the Executive was the proper source to draw such information from, and he was very happy to learn it from so respectable a quarter; he therefore hoped it would be permitted to remain in the report.

The question was now taken for striking out the words, and it passed in the negative. It was then moved to strike out, in the first line of the fourth paragraph, the word "gratifying" and insert "grateful."

Mr. WADSWORTH did not mean to call in question the right of gentlemen to amend the Address in what manner they thought proper, but he would just remark, that the composition of two or three gentlemen, done with deliberation and coolness, generally had more elegance and pertinency, than the patchwork of a large assembly. He should therefore vote against every alteration that went to nothing more than to change the style; if gentlemen were disposed to contend for principle, he should listen to them with attention, but decide according to the best of his judgment, but he really conceived it to be a waste of time to discuss the propriety of two such terms as "grateful" and "gratifying."

Mr. PAGE hoped that gentlemen would proceed

to amend the Address in such a way as to give it the highest degree of perfection. He would rather have his feelings hurt, provided the language of the Address should be improved, than that an Address should go from this body with any incorrectness whatever. He hoped the House would always criticise upon, strike out, and amend, whatever matter was before them with boldness and freedom. And he would observe to gentlemen, that the most refined and accurate writers were never ashamed to have it said of them, that they blotted out.

Mr. WHITE said, that every gentleman had an undoubted right to take the sense of the House upon an amendment, and that it ought not to be considered as a reflection upon those who drew up the Address.

Mr. WADSWORTH did not intend to be a critic, but thought he understood the meaning of the words gratifying and grateful, and he conceived the difference to be too trifling to engage the attention of the House. He hoped that he had been as modest as a man could be in his observations, and was sorry to have drawn his worthy friend from Virginia into any severities.

Mr. THACHER apprehended the meaning of these two words to be the same, and the reception of either was only important as it related to the measure or harmony of the period. Now those gentlemen who are qualified to decide this point, might vote for the substitute; but for his part he was very well satisfied with it as it stood.

Mr. STRANGIS wished the sentence struck out altogether, because he did not conceive the assertion to be true; for he did believe that there was something which could and ought to be more gratifying to the representatives of a free people than the reflection that their labors are rewarded by the approbation of their fellow-citizens; to be sure it was a grateful reflection, but there was one much more so, which was, that their labors had tended to advance the real interests of the people. If it is, as it ought to be, our highest ambition to promote the general interest, it must be most gratifying to us to learn that we have attained that desirable end.

Mr. PAGE had only heard some expressions from the gentleman from Connecticut, (Mr. WADSWORTH,) which he imagined had a tendency to discourage the House from making necessary alterations; but he was convinced, from the known candor and impartiality of that gentleman, that he must not have fully comprehended his intentions, and therefore begged to apologise to him for any thing he might have said partaking of severity.

The question was now put for striking out "gratifying" and inserting "grateful," and passed in the negative.

The committee then agreed to the report, rose, and the Chairman reported it without amendment. Mr. SPEAKER being seated in the Chair, the Address was read again and unanimously agreed to by the House.

It was then moved that a committee be appointed

ed to wait on the President of the United States, to learn from him at what time, and in what place, he would receive this Address. Messrs. SMITH, (of South Carolina,) CLYMER, and LAWRENCE, were appointed the committee on this occasion.

A Message from the President of the United States, by H. KNOX, Secretary at War, was received, in which the President informed the House, that he had made to them an unreserved but confidential communication of the situation of the Southern and Western frontiers, and Indian Department: immediately after this letter was read, on motion, the galleries were cleared.

WEDNESDAY, January 13.

BENJAMIN HUNTINGTON, from Connecticut; LAMBERT CADWALADER, from New Jersey; DANIEL HEISTER, from Pennsylvania, and WILLIAM SMITH, from Maryland, appeared and took their seats.

On motion of Mr. LEE, it was

Ordered, That so much of the Standing Rules of this House, as directs the mode of appointing committees, be rescinded, and that hereafter it be a standing rule of the House, that all committees shall be appointed by the Speaker, unless otherwise specially directed by the House, in which case they shall be appointed by ballot, and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

Mr. SMITH (of South Carolina) reported that the PRESIDENT would be ready to receive their Address to-morrow at 12 o'clock.

The House resumed the reading of the statement of the Southwestern frontiers, and of the Indian Department, as referred to in the PRESIDENT'S Message of yesterday; whereupon,

Ordered, That the said Message and statement be referred to a committee of five, and that Messieurs WADSWORTH, BROWN, BOUNDINOT, BURKE, and BALDWIN, be the said committee.

THURSDAY, January 14.

THEODORE SEDGWICK, from Massachusetts, and THOMAS HARTLEY, from Pennsylvania, appeared and took their seats.

On motion, Messrs. LIVERMORE, AMES, LAWRENCE, SCOTT, and SMITH, were added to the committee appointed yesterday on the affairs of the Indian Department.

The House then went and presented the Address to the PRESIDENT, to which the PRESIDENT was pleased to make the following reply:

Gentlemen:

I receive with pleasure the assurances you give me, that you will diligently and anxiously pursue such measures as shall appear to you conducive to the interests of your constituents; and that an early and serious consideration will be given to the various and weighty matters recommended by me to your attention.

I have full confidence that your deliberations will

continue to be directed by an enlightened and virtuous zeal for the happiness of our country.

GEO. WASHINGTON.

A report was received from the Secretary of the Treasury, made in pursuance of the resolution of the House of Representatives of the 21st of September last, with a plan for the support of the Public Credit, a copy of which will be found in the Appendix.

On motion, it was

Ordered, That the consideration of the foregoing report be the order of the day for this day fortnight, and that it be printed, in the interim, for the use of the members.

FRIDAY, January 15.

JAMES JACKSON, from Georgia, appeared and took his seat.

The Secretary of War made a report on the petition of James Gibbon, Archibald M'Allister, Dudley Tyler, John Hurst, Henry Malcomb, Peter Bennet, Charles Markley, Alexander Power, and John M'Garrah, which being read, were ordered, with the petitions themselves, to lie on the table.

UNFINISHED BUSINESS.

Mr. HARTLEY said, that as there was much important business before the House last session which had been left incomplete, it was incumbent upon them to fix some rule, founded in justice, not only as a direction for the House through this session, but for a guide to succeeding ones, in what manner the business postponed from one session to another should be conducted. He was told that the subject had been already agitated, but he was not yet decided; but as it was of importance that it should be so, he intended, before he sat down, to offer a motion that would preface it with an observation in reply to what he understood had been advanced, "that a Constitutional adjournment of both Houses was in effect the same as a prorogation." He knew very well that a prorogation or dissolution of the Parliament of Britain destroyed all unfinished business; and that nothing was resumed at a subsequent meeting until the session was opened by the King. But an adjournment of Congress, whether for a greater or less time, left the business to be resumed precisely in the same state it stood at such adjournment. He wished to determine this point absolutely, and that it might not be done with surprise or in an indirect way, he would move to take up the bill to promote the progress of science and useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries, which stood postponed by the express order of the House from the last to the present session. This bill, he observed, was solicited by some very ingenious men, to secure to them their writings and inventions; it had been early ordered in last session, and was intended to have passed, but the multiplicity of other important business had caused it to be post-

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poned, as he had just related. Gentlemen might remember that a committee was appointed to report the business it was necessary to finish before the recess; they might also remember how desirous gentlemen were of having a recess; but if it had been considered that such a measure was to destroy all the labor of the House which had not brought its object to maturity, it would have been an insuperable objection against any adjournment whatever. He considered a vote that should annihilate all that they had hitherto done as a great piece of injustice to the public, who entertained a hope that considerable progress was made in the Legislative business left incomplete at the last session, and was on the part of the House creating unnecessary trouble and expense; he saw no propriety in renewing subjects which had been well discussed, and the principles of which were well understood, unless gentlemen were desirous of travelling over the ground again in order to show a nearer route to bring them to their journey's end.

He was ready to show that it was in the power of the House to establish the rule he meant to contend for, and that this rule was the one most likely to promote the public good in giving a necessary despatch to public measures.

Mr. WHITE wished the motion to lie on the table for consideration, but he was somewhat deceived in it, because the gentleman had intimated a desire to establish an absolute rule. Now, deciding this question would leave the subject still afloat, because he might be in favor of proceeding in one bill that was brought forward by motion, and against taking up another.

Mr. HARTLEY.—If the House determine to take up this bill, I apprehend the principle will be established that is to direct our future proceedings. If all business is dismissed by the last adjournment, it will be improper to adopt my motion; but I hope gentlemen will not endeavor to prevent its being fairly discussed and decided by introducing an indirect question.

Mr. BOURNOR thought the question would not establish a uniform rule, because it was confined to a single object, which depended, in a great measure, on its own merits.

Mr. SEDGWICK said, it was in the power of any gentleman to bring forward business by motion; but in such case the principle contended for would remain untouched. A member might move and carry a question for taking up any paper on the files of the House, but still the point respecting the general termination of the business at the last session would be undetermined. He thought if gentlemen were disposed to bring the matter to issue, they ought to move a general proposition, such as that the House proceed with the business of the late session from the state in which it was then left; though he would not say but, on reflection, he should be against such a motion.

Mr. PAGE said it was impossible, from the nature of Parliamentary proceedings, that the business of a former session could be resumed and proceeded in, as if no interval had taken place; and

he contended that the effect of a prorogation and adjournment of a session was the same. The motion, by consent, was ordered to lie on the table.

PRESIDENT'S SPEECH.

The House then resolved itself into a Committee of the Whole on the state of the Union; Mr. BALDWIN in the Chair. After some time, the committee rose and reported to the House the following resolution:

Resolved, That it is the opinion of this committee that the several matters recommended by the President of the United States in his Speech to both Houses of Congress, relating to a provision for the national defence; to the promotion of manufactures for essential, particularly military, supplies; to a compensation to the persons employed in the intercourse between the United States and foreign nations; to the establishing an uniform rule of naturalization; to the establishment of uniformity in the currency, weights, and measures; to the advancement of the agriculture, commerce, and manufactures of the United States; to the encouragement of useful inventions; to the establishment of post offices and post roads; and to the promotion of science and literature; ought severally to be referred to select committees to be appointed by the House, to prepare and bring in a bill or bills, providing for each particular purpose.

The said resolution being again read,

Ordered, That a committee be appointed to prepare and bring in a bill or bills providing for the national defence; and that Mr. GILMAN, Mr. PETER MUHLENBERG, Mr. HEISTER, Mr. MATHEWS, and Mr. FLOYD, be of the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for making compensation to persons employed in the intercourse between the United States and foreign nations; and that Mr. SEDGWICK, Mr. HUNTINGTON, and Mr. LEE, be of the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for establishing a uniform rule of naturalization, and that Mr. HARTLEY, Mr. TUCKER, and Mr. MOORE, be of the said committee.

Ordered, That it be referred to the Secretary of the Treasury to prepare and report to this House, a proper plan or plans, conformably to the recommendation of the President of the United States, in his Speech to both Houses of Congress, for the encouragement and promotion of such manufactures as will tend to render the United States independent of other nations for essential, particularly for military supplies.

Ordered, That it be referred to the Secretary of State to prepare and report to this House in like manner, a proper plan or plans for establishing uniformity in the currency, weights, and measures of the United States.

On motion of Mr. GOODRUE,

Ordered, That a committee be appointed to prepare and bring in a bill or bills to make such alteration in the laws of the United States as are necessary to conform the same to the present circumstances of the State of North Carolina; and

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Reporting the Debates.

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that Mr. BENSON, Mr. TRUMBULL, and Mr. CADWALADER, do prepare and bring in the same.

REPORTING THE DEBATES.

Mr. HARTLEY moved an adjournment, when Mr. PAGE rose and said, he wished to call the attention of the House before they adjourned, to a subject which he thought of importance, and which ought no longer to be in the undecided state it had been in since the last session. It was this: whether the persons who had taken down and published the debates of the House, by the tacit consent of the members, during the last session, and who had withdrawn from the seats they then held in the House, to the gallery, during this session, might not return to the same seats? He supposed that they had, modestly withdrawn, on the supposition that the debate which took place just before the adjournment, showed that the sense of the members was against their sitting in the House; but the contrary was the case; that he knew their publications had given great satisfaction to many of the constituents of that House; that the House was applauded for its conduct on that occasion, both at home and abroad, and had been highly commended for it in some British publications; that he was anxious that the short-hand writers should resume their seats in the House, lest it might be insinuated by the jealous enemies of our Government, that the House of Representatives were more republican and indulgent the last session than this; that in removing those writers to the gallery was but a step towards removing them from the House, and that this suspicion would be increased by circumstances which, however innocent, nay proper in themselves, might be misunderstood, and excite uneasiness. The doors of the gallery had been two days shut, the House had made a parade through the streets, and had displayed their eagle in their hall; that these circumstances, if followed by the exclusion of the short-hand writers, might spread an alarm which ought to be avoided; he therefore hoped that those gentlemen who had retired to the gallery might be informed that they might return to the seats they occupied in the last session—that he avoided making a regular motion to this effect, because he knew that some worthy members who wished to admit those writers, or any others, did not think their admission ought to be sanctioned by vote, and appear on the journals, lest that might sanction and authenticate erroneous publications; but that if he should not discover that the sense of the members present was in favor of the ideas he had expressed, that to-morrow he would bring forward a motion made by a member from South Carolina, (Mr. TUCKER,) last session, for that purpose; for he had no fears that a vote of the House to authorize the admission of such writers, would make the House answerable for their publications.

Mr. HARTLEY withdrew his motion for adjournment, in order that the subject alluded to by the gentleman from Virginia (Mr. PAGE) might be understood.

Mr. WHITE said, he felt averse to enter into a

positive resolution for the admission of any person to take down the debates, but wished them permitted to a convenient seat within the bar for the purpose of hearing with greater accuracy. But he feared that a vote of the House would give a sanction to the details, which the publications ought not to have. Not that he thought them worse than similar publications in other countries; on the contrary, he thought them better, if he judged from what had fallen under his particular observation. And what he recollected to have from others. He did not wish a positive motion for the admission of short-hand writers, because gentlemen might object to a vote of the kind, and he should be very loth to discourage publications of the advantages of which he was well convinced; he knew they had given great satisfaction to the people of America, and it was a satisfaction of which he would not deprive them. Although these publications had not given an exact and accurate detail of all that passed in Congress, yet their information had been pretty full, and he believed the errors not very many; those that were made, he supposed to arise rather from haste or inadvertence, than from design. He was convinced of this, from the disposition the publishers had manifested to correct any errors that were pointed out, and the pains they sometimes took to ask gentlemen what were their particular expressions, when they either did not hear distinctly, or did not comprehend the speaker's meaning. He wished, therefore, the business might go on; but silently, as it had heretofore done, without the express approbation of the House. He was fully convinced that neither the editor of the Register nor any other man, but the members of the House, had a right to a seat within these walls, without the consent of every member; but he thought this consent would be tacitly given if no gentleman opposed their introduction, and in this way he most heartily concurred with his colleague in agreeing to the admission of such persons as thought themselves qualified, and were inclined to take down and publish their debates and proceedings; he should be glad to see them in the seats they had last session, but he should object to the vote being entered on the journals of the House.

Mr. BOURNOR thought the mode proper to be pursued on this occasion, would be to give a discretionary power to the Speaker to admit such persons as he thought proper. Under such a regulation, short-hand writers might be admitted, without giving to their publications any degree of Legislative authority.

Mr. THACHERA hoped that it was not the intention of gentlemen to confine the business to one person only, because others might appear, of equal capacity and equally deserving of encouragement.

Mr. PAGE said, he did not wish to confine the vote to any two or three writers, he cared not how many were admitted. It ought to be remembered, that he said, when this subject was before the House at the last session, that he saw no reason why Mr. Fenno should not be within the house

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as well as Mr. Lloyd, instead of being in the gallery. He had no objection to admitting any number of short-hand writers, provided they did not incommodate the members.

Mr. SMITH, (of South Carolina.)—I do not wish, Mr. Speaker, to exclude others from a convenient seat; but at the same time, I think those who were here before have a pre-emption right to the best. I assure you, sir, I am sorry for the loss of them off the floor, because I think their publications had a salutary tendency. It has been said, that it was the design of the short-hand writers to give a partial representation of our proceedings. I believe, if they are not correctly given, it is owing to the hurry in which business of this kind is conducted, and I am confirmed in this opinion, by some errors which I have discovered in the publication of our proceedings. It was said that a committee was appointed to bring in a bill for the preservation and safe-keeping of the accounts of the United States. I thought within myself that we were not so tenacious on this head, therefore suspected some mistake, and on consulting the journals I found that a committee had been appointed to bring in a bill for the safe-keeping and preservation of the acts of the United States: The similarity of the letters in these two words, and the great abridgment short-hand writers are obliged to make for the sake of expedition, may have caused him to substitute the one for the other; in another place, I found a greater blunder still: it was said, that the House had appointed a committee for the regulation of the *barbers* of the United States; this struck me as a very gross misrepresentation, for I could hardly believe that the Legislature of the Union would, at so early a day, attempt to usurp an authority not vested in them by the Constitution, and that, too, over a body of men, who could at any time put an end to the tyranny with the edge of the razor; but, on searching the minutes in this case, I found that a bill was brought in for the regulation of the *harbors* of the United States. Upon the whole, I believe, inaccurate as this work is, it has given to our constituents great satisfaction, and I should be glad to see our *Argus* restored to his former situation behind the Speaker's Chair, from whence he could both see and hear distinctly every thing that passed in the House.

MONDAY, January 18.

THOMAS SINICKSON, from New Jersey, and MICHAEL JENIFER STONE, from Maryland, appeared and took their seats.

A petition of Hannibal W. Dobbins, of the kingdom of Ireland, praying that Congress may grant him a tract of land upon such reasonable terms as may encourage him to bring settlers to the country, was read and referred to Messrs. PAGE, SCOTT, and PARTRIDGE.

The SPEAKER laid before the House a letter from the Treasurer of the State of New York, together with a copy of the revised laws of the said State, sent in pursuance of concurrent reso-

lutions of the Senate and Assembly thereof, for the use of the House.

Mr. FOSTER, from the committee appointed, presented, according to order, a bill providing for the actual enumeration of the inhabitants of the United States, which was read the first time.

TUESDAY, January 19.

The bill for enumerating the inhabitants of the United States was read a second time, and ordered to be committed to a Committee of the Whole.

ON FOREIGN INTERCOURSE.

Mr. SEBOWICK, from the committee to whom was referred that part of the President's Speech relative to making provision for persons employed in the intercourse between the United States and foreign nations, stated that the committee had some doubts on their mind respecting the extent of such provision, or rather the construction of the words of the resolution under which they were appointed; they doubt if a strict construction would authorize them to report a bill making a general provision for every grade of foreign ministers, or whether, on the contrary, they are not tied down to provide for those only who are now in existence. He had been desired by the committee to suggest this doubt, and request the instruction of the House.

Mr. SMITH, (of South Carolina,) said he wished to refer to the President's Speech in order to ascertain what was the intention of the House in appointing this committee; because the President's Speech was the ground on which they proceeded to act.

The President's Speech being read, together with the resolutions of the House founded thereon.

Mr. SEBOWICK said it was clear, from the President's Message, what were his intentions; but the words of the resolution appointing a committee, obscured, in some degree, the intentions of the House; it is there said that the committee should bring in a bill for making compensation to persons employed, which seemed to confine the deliberations of the committee to that particular object.

He did not know but this provision was intended immediately to be made by the House, and the other part, which related to those hereafter to be employed in the intercourse between the United States and foreign nations, left until information could be obtained from the Secretary of State; he did not see any inconvenience that would attend leaving the business altogether undecided until his arrival, which he expected might be soon, provided the gentleman accepted his appointment. He supposed the Secretary of State had paid more attention, and possessed more information on this subject, than the committee had it in their power to do, or obtain. He wished it therefore left unacted upon until the Secretary should be ready to report to the House, provided the business of the nation did not suffer by the delay, but this was a point he would not pretend to determine; it might be necessary, for all he

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knew, that the United States should be represented in some of the Courts of Europe, where they are not at present represented.

Mr. PAGE moved that the committee be discharged from the further consideration of the subject, in order that it might be brought forward and determined upon in a Committee of the Whole. He thought this the most likely way to obtain the sense of the House on the plan which should be pursued, and whether it was proper to make a general regulation providing for the several grades in the diplomatic corps that may hereafter be employed, as well as those already in the service of the Union.

Mr. LEE was sensible that the resolution of the House appointing a committee, was intended to be founded on the President's Speech, and he supposed that the President had selected this object for the consideration of the House; because he had not the means of sending persons to foreign Courts, which the interests of the United States may require. It seemed, therefore, to look as a general regulation of the different grades of officers which are employed in the business of embassy; but this latitude was curtailed by the expressions of the House. He hoped, therefore, that the House would instruct the committee whether they should make such general regulations as they deemed necessary, or be confined to making provision for persons already appointed.

Mr. WHITE was in favor of a general provision; because it might be found necessary to send ambassadors extraordinary to foreign nations, and an adequate provision for their support ought to be made, and known by such officers at the time they accepted their appointment, otherwise the President might be considerably embarrassed, whenever he intended to employ them.

Mr. JACKSON remarked, that there was no compensation for the foreign ministers provided by the laws in the last session; yet it was as necessary that their salaries should be known, as that of any other officer in the Government; but he thought, before the committee proceeded in the business, that an arrangement should be made of the officers necessary to be employed at foreign Courts: after it was ascertained what grade of officers should be employed at the Court of Britain, the Court of France, and so on, the committee might report a provision conformable to such an arrangement; he would not say, however, that it might not be proper to refer the subject to the Secretary of State, so far as to learn what places it would be proper to send Ministers to. He confessed that it was his opinion the committee was in the dark on this point.

Mr. SEBOWICK said, that the honorable gentleman from Virginia, (Mr. PAGE,) had made a motion, if he understood him right, which met his ideas, and he would second it; for he verily believed that, under the present circumstances, it would be the most eligible course to discharge the committee, and wait the arrival of the Secretary of State, to get fuller information.

Mr. SMITH (of South Carolina) could not see why the committee ought to be discharged, if

they were competent to bring in a bill, and this he supposed they were without waiting the arrival of the Secretary of State. The arrangement which some gentlemen talked of, lay with the President and Senate. It is they who are to determine when and where to send ambassadors and other public ministers; all that the House has to do is to make provision for their support. The question then is, not whether any should be appointed, because it does not lie with the House to determine. To be sure, if they were of opinion that all intercourse with foreign nations should be cut off, they might decline to make provision for them; but he did not believe this was the intention of any gentleman. Perhaps gentlemen may think it questionable whether the President can send them, unless they are previously established by law; but for his part he thought it was a business clearly within the Executive branch, and with which the Legislature had nothing to do, but to provide for the payment of their salaries and expenses; and this, if it was properly considered, was a competent check. If the House at any time neglected to provide for such officers, the President must either recall them or pay them out of his private purse. From this view of the subject, he could not see any good reason why the committee should not pursue the business; they could make a general regulation, containing a provision for ambassadors, ministers, residents, and chargé des affaires, leaving to the President and Senate to judge which of those they would employ on any occasion where they thought them necessary. He conceived it improper to refer this part of the business to the Secretary of State, when the Constitution placed it expressly in other hands.

Mr. SHERMAN was inclined to think that the Legislature ought to determine how many ministers should be employed abroad; nor did he think it would be any abridgment of the Executive power so to do.

Mr. PAGE wished the committee might be discharged, in order to settle the principles on which the House was to act. He conceived it to be the most expeditious way of doing business, to settle the principles first, and then put it into the hands of a select committee, to draught a bill conformably thereto. He thought if they proceeded in this manner, that the Secretary of State might be here in time to give them what information gentlemen seemed to want.

Mr. WHITE said, it had never been a question in his mind whether the President and Secretary had a right to appoint such foreign ministers as they thought proper; the power was expressly given to them by the Constitution, and was consequently placed without the jurisdiction of this House. If the contrary doctrine was established, that the President could send no foreign minister but what he was authorized by law to send, the most inconvenient consequences might result. The exigencies that required such an appointment might be over before the Legislature convened for the purpose of authorizing him to make it.

Mr. JACKSON granted that exigencies might arise, where it would be necessary for the preservation of the public tranquillity, that the President should enter into a negotiation with a foreign State; but he would ask the gentleman how it was possible for the President to establish the salaries of such negotiators as he thought it expedient to employ, without the consent of Congress? Or do gentlemen mean to give the same sum to the ministers who may be employed at the petty Courts up the Mediterranean; as to those sent to the principal and most important nations of Europe? Would they give a resident at Genoa as much as a Minister at Paris or Madrid? This can neither be the meaning nor intention of gentlemen. Then I appeal to them, whether it is not absolutely necessary for a proper arrangement to be made before we proceed in the business? After the arrangement is made, the committee will find every thing clear and easy to determine.

The President would find it a tender point to establish the salary of a foreign minister, if any thing discretionary is left in his power on this head. I therefore think, in order to avoid embarrassments, both with respect to him and the gentlemen who shall be employed to go abroad, that the Legislature should make some express provision for every circumstance that may arise, at least as far as we can decide upon the best attainable information. Perhaps it would be proper to wait the arrival of the Secretary of State, in order to get that light thrown on the subject which it requires. For these reasons, I should favor the motion made by the honorable gentleman from Virginia, for discharging the committee.

Mr. LEE did not conceive it necessary to contemplate the question which had now been drawn into view. He believed all that was before the House was suggested by the gentleman from Massachusetts, which was, that the committee had doubts on their minds relative to the provision to be made for existing officers, employed in the intercourse between the United States and foreign nations, and those that might hereafter be employed in such intercourse. He had the honor of being of the committee, but he confessed that he had not much hesitation in determining for himself what was the proper duty of the committee. He thought that the President's Speech, upon which the whole business seemed to be grounded, authorized them to take up the subject generally. He conceived the proper question before the House to be, whether they would give instructions to the committee on this point; and in order that it might be decided with precision, he would move that it be an instruction to that committee, to include in such provision as they shall make for the persons to be employed in the intercourse between the United States and foreign nations, a compensation to persons who may hereafter be employed in such intercourse. When the committee had proceeded on that instruction, and brought in their provision accordingly, the whole subject would be before the House, and then might be the proper time to discuss the question brought forward by the gentleman from Georgia.

Mr. PAGE wished to take the sense of the House first on discharging the committee. Whereupon, the question for discharging the committee was put and lost.

Mr. PARTRIDGE asked whether it was in contemplation to report, under the instruction moved for, a bill for compensating all the grades of the diplomatic corps? If it was, he would suggest a circumstance that had taken place under the late Congress, which was, that no person above the grade of a Minister Plenipotentiary should be employed in negotiating with foreign nations. Whether this resolution was now in force or not, he would not pretend to determine; but he presumed the House were now prepared to enter on the establishment of a corps of ambassadors, ministers, envoys, and chargés des affaires.

Mr. BOUNDINOT thought it would be best to make the report full and complete; and, as the House were not bound by the opinion of the committee, they might then make such alterations as they thought proper.

On the question, the motion made by Mr. LEE for instructing the committee was carried in the affirmative.

Mr. PAGE, from the committee to whom was referred the petition from Hannibal William Dobbyn, made a report.

REPORT FROM THE SECRETARY OF THE TREASURY.

The Secretary of the Treasury reported on the petition of Christopher Saddler, as follows:

TREASURY DEPARTMENT, January 19, 1790.

In obedience to the order of the House of Representatives of the 11th instant, referring to the Secretary of the Treasury the petition of Christopher Saddler, the said Secretary most respectfully reports:

That, except the letter from the Collector of the district of Boston and Charlestown, accompanying the petition, there is no evidence immediately within reach respecting the ground of the application for relief.

That, though that letter is entirely satisfactory to the mind of the Secretary, the affair is of a nature to entitle the petitioner to relief; yet he does not consider it such a document, as, in point of precedent, would justify the interposition of the Legislature to grant it. The Secretary will therefore take measures for a more regular authentication of the nature of the transaction, and will submit the result. To this there is the further inducement of its being necessary to ascertain whether the persons who may be interested in the forfeiture, are disposed to relinquish their right.

The Secretary, however, begs leave to avail himself of the occasion, to represent to the House, that there are other instances which have come under his notice, in which considerable forfeitures have been incurred, manifestly through inadvertence and want of information: circumstances which cannot fail to attend the recent promulgation of laws of such a nature, and seem to indicate the necessity, in conformity to the usual policy of commercial nations, of vesting somewhere a discretionary power of granting relief.

That necessity, though peculiarly great in the early stages of new regulations, does not cease to operate throughout the progress of them. There occasionally occur accidents from which heavy and ruinous forfeit-

ures ensue, that require the constant existence of some power capable of affording relief. The proper investment of such a power is a matter of too much delicacy and importance to be determined otherwise than upon mature deliberation. Yet the Secretary begs leave to submit to the consideration of the House, whether a temporary arrangement might not be made with expedition and safety, which would avoid the inconvenience of a Legislative decision on particular applications. All which is humbly submitted.

ALEX. HAMILTON,

Secretary of the Treasury.

Mr. SMITH thought it would be proper to refer this report to a select committee, as there appeared to be a pointed necessity for extending relief in this and similar cases.

Mr. BOUNDINOT seconded the motion. Mr. STONE wished the business could come before them in some other way; he thought it would be improper to take it up in its present form.

Mr. BOUNDINOT suspected, as the gentleman was not here when the petition of Christopher Saddler came first before the House, that he might not know what was the state of the business: he therefore related that the petition had been presented, read, and referred to the Secretary, who had now reported thereon.

Mr. STONE acknowledged he was not present when the petition was brought forward; but he knew that the business had been conducted in the manner stated by the gentleman from New Jersey, because the Secretary made mention of it in the report; but he thought it was not referred to him to report on the necessity of establishing a commission for the final determination on applications of this kind.

Mr. SMITH did not see any impropriety in conducting the business in this way; but if the gentleman would propose any other mode of proceeding in the business, he was ready to acquiesce.

On the question for referring the report to a select committee, it passed in the affirmative; and the following gentlemen were appointed a committee accordingly, viz: Messrs. AMES, STURGIS, STONE, GRIFFIN, and WYNKOOP.

Mr. WADSWORTH made the following motion: "That the Secretary of the Treasury be directed to lay before this House such information as he may have obtained respecting any difficulties which may have occurred in the execution of the several laws for the collecting duties on goods, wares, and merchandise, and on tonnage, and for regulating the coasting trade, and on report his opinion thereon."

WEDNESDAY, January 20.

JAMES MADISON and JOSIAH PARKER, from Virginia, appeared and took their seats.

SALE OF PUBLIC LANDS.

The report on the petition of Hannibal W. Dobbyn was called up for a second reading. It purported that the Secretary of the Treasury ought to be empowered to contract with the said H. W. Dobbyn, for the sale of a tract of land in the Western country, at a price not less than

— per acre, nor less than fifty thousand acres, the whole to be taken up in one tract.

Mr. SCOTT was one of the committee to whom this petition had been referred, and he would inform the House that, on inquiring of the gentleman petitioning, he learned that the gentleman wished to purchase a larger quantity of land than would be convenient for him to pay for immediately; he is solicitous, therefore, of permission to purchase such a quantity, and to pay the price by instalments. He is willing to pay one-third down; one-third in seven years, and the remainder in twelve years; together with interest at six per cent. on the two-thirds unpaid, from the time of closing the contract. Now, in order to know if it is possible to let him contract upon these principles, he would move to amend the report to that effect. I will declare, said he, for my own part, that I am in favor of making as many of these contracts as possible; one-third of the purchase money paid down, and a settlement made on the spot, would be good security for the payment of the remainder; nor would this be all, for a contract made upon interest would amount to the extinguishment of so much of the public debt.

Mr. SMITH (of South Carolina) thought it would be best to postpone the consideration of the subject for the present. There was a difficulty had struck his mind, and perhaps it might deserve some consideration. The applicant is avowedly an alien; now, by the laws of this country, it is generally understood that aliens cannot hold real estate; they may hold it as trustees, or contrive some means to evade the law; but I conceive it would be a solecism in Government to encourage or countenance the holding of land by such a tenure. It ought also to be considered, that a committee is appointed who will probably report in a short time the plan of uniform naturalization. Now it would be impossible for the House, at this time, to judge whether an alien, holding lands in America, would be able to conform in all respects to such a law.

Mr. SHERMAN said he should be glad to be informed whether the petitioner intended coming here to settle.

Mr. SCOTT observed that the petitioner stated in his petition that he wished to become a citizen of the United States. With respect to the difficulty suggested by the gentleman from South Carolina, he apprehended it might be easily removed by inserting a clause in the bill requiring, as a condition, that the petitioner shall comply with the laws of the United States in that case; but there was urgent necessity of deciding speedily, inasmuch as the gentleman is waiting for an answer, and could not tarry long to receive it.

Mr. STONE said that if our lands were now valuable to foreigners, they would be so a month hence, and, therefore, they ought not to hurry on a contract of this nature, nor was it proper, in his opinion, to make a naturalization act to apply to an individual; the law for disposing of the lands ought to be general, that those who comply with the terms might be equally accommodated.

Mr. WHITE thought it of importance that the

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proposals of foreigners for the purchase of unappropriated lands ought to be attended to, especially of those who intend to become citizens. He looked upon it to be the policy of this country to encourage useful settlers amongst us. If the first applicants are successful, and met with no obstacles, it might induce others to come.

Mr. Boudinot observed that the business of selling lands was of considerable consequence; if it was properly managed, it might be a productive source for the extinguishment of the national debt; but much depended on the manner of settling out. If they went into a desultory mode of selling lands, they might do material injury. He wished a general and systematic plan might be adopted, which should not be receded from. He was, therefore, against the report, as he would be against any partial sale; but as for the amendment, he was pointedly against it. He observed, that there had been large sales already made, on terms known to a great part of the House; the payments for them were not yet made, but he believed they became due upon a contingent operation of Congress. He presumed that the House could not proceed understandingly in the business upon the information now in their possession. He believed it would be necessary before they proceeded, that some Executive officer should take it up in some systematic point of view, contemplating what had already been done, and what ought to take place hereafter. The Secretary of the Treasury appeared to him to be the most proper person. He, therefore, wished to refer the report to him; he might then converse with the gentleman on this particular application, and ascertain what might be most conducive to the general interest of the United States. He thought, however, that they should not undertake to make a sale to foreigners, on better terms, or more to suit their convenience, than was done to the citizens of America. He would, therefore, move to refer the report of the committee to the Secretary of the Treasury.

Mr. Sedgwick did not see what particular good would result from committing the report to the Secretary of the Treasury; if it had been extended further, it would meet his idea, and perhaps the gentleman might be willing to go with him and extend the motion so as to direct the Secretary to report some general regulation for the distribution of those lands. He thought the Legislature totally incompetent to form contracts with individuals on this subject; it was difficult for so large a body to guard against impositions; besides, it would be a waste of the public time, which could be ill spared from more important subjects. He was decidedly opposed to selling lands, unless the whole of the purchase money was paid down. He would never consent to make individuals debtors to the Union, because it tended to weaken the hands of the Government. If they received but one-third of the payment, he should look upon the other two-thirds as relinquished.

Mr. Boudinot was willing to accommodate his motion to that proposed by Mr. Sedgwick.

Mr. PAGE owned that he had his doubts respecting the propriety of entering into a partial sale of the Western Territory; but when he considered the peculiar circumstances of the petitioner, he was induced to believe it proper to make some special provision; if it could be proper on any occasion whatsoever, it was certainly so on this. He had also some doubts with respect to the propriety of giving credit; but he thought they might be obviated by filling up the blank in the report with a large sum. He wished a contract could be entered into with the petitioner, because he feared if the present time was suffered to escape, they would never have another opportunity. He could press this observation further on the House, but the delicacy of the petitioner's situation forbade him; he hoped, therefore, they would agree to the report.

Mr. STONE thought that a land office ought to be opened where every one could be accommodated. He had no idea of giving preferences or enabling one man to make a better bargain than another. He had no doubt but the lands in the Western Territory would meet a ready sale upon his principles, and he believed there was reason to wish that Congress had never adopted any other; for it was thought there was little or nothing got by the contracts they had already made.

Mr. LEE wished the report to be agreed to, which he conceived it might be with safety. As to the term of credit it might be submitted to the discretion of the House after the blank was filled up; he thought it of great importance to sell and settle the vacant territory; it would add to the strength of the nation, and tend at the same time to extinguish the national debt.

If the House were not disposed to consider the amendment proposed by the gentleman from Pennsylvania, it might be referred to the Secretary of the Treasury, to use his discretion as circumstances should warrant.

Mr. SHERMAN thought the best way to manage this business, was to refer it to the Secretary of the Treasury, as was proposed. He said that the unappropriated land in the Western Territory was a great fund of wealth, and which, if properly disposed of, might extinguish the national debt, and be peopled by a valuable class of citizens; but if, from a mistaken policy, it was thrown away upon foreign adventurers or speculators, the public would get nothing for it, as had been the case heretofore, in the sale of large districts, where the expenses attending the surveys, &c. left very little profit to the United States. It is true, such measures may induce a number of foreigners to come among us; but then it ought to be remembered that such are generally persons of different education, manners, and customs, from the citizens of the Union, and not so likely to harmonize in a Republican Government, as might be wished; consequently, any considerable accession of this class of settlers might tend to disturb the harmony and tranquillity, and embarrass the operations of the Government. He thought it was worthy of inquiry, whether America stood in need of emi-

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grants to people her territory. He supposed the notoriously rapid population of the present inhabitants was of itself sufficient for the purpose. It must have struck the observation of every gentleman, that they were daily throwing off vast numbers, and extending the settlements into that country which some gentlemen seemed to think could not be too early cultivated. But, nevertheless, he was willing to let foreigners come in gradually, and in the same way he was inclined to dispose of the lands. He thought it would be most judicious to lay off a district at a time, reserving some lots, which, with the increasing population of the surrounding ones, would increase in value, and ultimately these reserved lots would bring more into the Treasury than the others. He wished the business to go to the Secretary of the Treasury, because he supposed he had the best information respecting it.

Mr. BALDWIN.—If the application of every individual to purchase lands of the United States is to come before this House, we shall, I believe, have no leisure to attend to the more important parts of our duty. I think, Mr. Speaker, it must plainly appear, from the discussion which has now taken place, that we are not a proper body to enter into contracts with individuals. To perform acts of this nature with propriety, we ought to be possessed of the whole train of information on the subject; but it is pretty apparent that we are not fully acquainted with it.

There has been a difficulty suggested, whether by the common law, which is adopted in the several States, an alien can hold real estate in this country. If the common law excludes aliens from possessing lands in their own right, be it remembered that we have not adopted the common law, and therefore are free from its restraints.

He now called the attention of the House to the practice of the former Congress, showing that they referred similar applications to their Board of Treasury, who contracted for and sold the lands. If it was proper and convenient to give credit, the public did not give a patent for the land; they only gave an acknowledgment that they received so much on account, and an assurance that when the remainder of the purchase money should be paid, a proper and full conveyance of the property would be made on the part of the Government.

From these considerations, he was in favor of referring the business to the Secretary of the Treasury, that he might report a uniform system for the sale of these lands. But to refer the report of a committee of the House to any Executive officer appeared to him informal, and derogatory to their dignity.

Mr. PAGE had no objection to refer the subject generally to the Secretary of the Treasury; but he hoped the House would first decide upon the report, and then the petitioner might negotiate with the proper officer, and get his business finished.

The motion for referring the report to the Secretary of the Treasury was put and lost.

Mr. BALDWIN then moved that the report lie on

the table, and that the Secretary of the Treasury be directed to report a uniform system for the sale of the vacant lands in the Western Territory.

Mr. LEE pressed the House to take order on the report; from the peculiar circumstances which attended the application, it was necessary to come to some immediate decision on this particular case, and he feared the act which gentlemen contemplated could not be passed upon for a very considerable length of time. If, however, the House would refer the report to the Secretary, he might insert a clause which would accommodate Mr. Dobbins, and be productive of great advantages. He thought it of high importance to encourage emigration into this country from all quarters of the world, but particularly from Europe.

Mr. SEDGWICK.—Whatever might be his opinion of the present application, and however desirous he might be to encourage the sale of the Western Territory, the present experiment had determined him to shut the door against all private applications to this House.

It is said, the person is a foreigner; that he lives at a distance, and must speedily complete his contract. These are reasons why we must contemplate his particular circumstances, and provide for a partial exertion in his favor. If these are arguments sufficient to induce the House to pay him exclusive attention, what would be said on the application of a fellow-citizen? Do gentlemen suppose that a foreigner is entitled to more peculiar regard than such a man? If they do not, we shall be perpetually employed in a menial business, and which we are greatly incompetent to. We shall most assuredly have to extend our sessions for the whole two years of our appointment; and our time and expenses will, perhaps, cost more than all we shall get by the sale of the land.

Mr. WAITE said, if a general system was now adopted, he should not think of a discrimination in favor of any one; but as that was not in existence, and as the necessity is pressing, he was induced to hope the House would make the special provision mentioned in the report. Indeed, he thought that the success of the present motion would be a negative to the application, and would throw such a discouragement in the way of similar offers, that he feared the United States would be considerable sufferers in the end. He thought an application for fifty thousand acres, which was really and speedily intended to be settled, ought not to be compared to the million acre purchases, which it was almost impracticable to settle.

A division of the question being called for, it was determined that the report lie on the table.

And then, that the Secretary of the Treasury report a uniform plan, &c.

The report of the Secretary of War on the petition of C. Merkle was called up for a second reading, and, after some consideration, it was ordered to lie on the table.

Mr. WABSWORTH, from the committee on the business respecting the Southern frontiers and Indian affairs, informed the House, he was ready to report; but this being a subject communicated by

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copy of which will be found in the Appendix at the end of this volume. The House having gone through the report, the Clerk was going on to read the bill which accompanied the same.

Mr. FITZSIMONS thought there was a degree of delicacy, not to say impropriety, in permitting the heads of departments to bring bills before the House. He thought it was sufficient for them to make reports of facts, with their opinions thereon, and leave the rest to the discretion of the Legislature. It would certainly be time enough for them to report bills when they were desired to do it.

Mr. PAGE moved to refer the report of the Postmaster to a select committee; but he was perfectly of opinion with the gentleman from Pennsylvania, that no bill ought to be read in the House that did not originate with its leave.

The motion for referring the report to a select committee was carried, and Messrs. FITZSIMONS, GERRY, SUNNICKSON, PARKER, and STONE, were appointed.

Mr. SHERMAN, from the committee of conference on the unfinished business, reported, that the committee had agreed that the unfinished business of the last session, that had passed from the one House to the other, ought to be regarded as if it had not been passed upon by either.

The House then proceeded to the consideration of the report respecting the Southwestern frontiers and Indian affairs.

The gallery was hereupon ordered to be cleared.

MONDAY, January 25.

A Message from the PRESIDENT OF THE UNITED STATES was received, accompanied with a copy of the act of the Legislature of Maryland, ratifying and adopting the amendments to the Constitution of the United States, proposed by Congress at the last session.

CENSUS OF THE UNION.

The House resolved itself into a Committee of the Whole on the bill providing for the actual enumeration of the inhabitants of the United States, Mr. BALDWIN in the Chair.

Mr. MANISON observed, that they had now an opportunity of obtaining the most useful information for those who should hereafter be called upon to legislate for their country, if this bill was extended so as to embrace some other objects besides the bare enumeration of the inhabitants; it would enable them to adapt the public measures to the particular circumstances of the community. In order to know the various interests of the United States, it was necessary that the description of the several classes into which the community is divided should be accurately known. On this knowledge the Legislature might proceed to make a proper provision for the agricultural, commercial, and manufacturing interests, but without it they could never make their provisions in due proportion.

This kind of information, he observed, all Legis-

latures had wished for; but this kind of information had never been obtained in any country. He wished, therefore, to avail himself of the present opportunity of accomplishing so valuable a purpose. If the plan was pursued in taking every future census, it would give them an opportunity of marking the progress of the society, and distinguishing the growth of every interest. This would furnish ground for many useful calculations, and at the same time answer the purpose of a check on the officers who were employed to make the enumeration; forasmuch as the aggregate number is divided into parts, any imposition might be discovered with proportionable ease. If these ideas meet the approbation of the House, he hoped they would pass over the schedule in the second clause of the bill, and he would endeavor to prepare something to accomplish this object.

The committee hereupon agreed to pass over the part of the bill alluded to.

Mr. LIVERMORE moved to amend the last clause of the bill, by striking out all that related to the mode of compensating the Marshal and his assistants, which were specified sums, proportioned to the service, and to substitute a provision, authorizing the Marshal, or his assistants, to receive from every male white inhabitant above the age of twenty-one, five cents; and of the owner of every male slave, of like age, three cents; reserving, for his own use, four cents out of every five, and paying the other one cent to the Marshal. He thought this was an equitable tax, agreeable to the spirit of the Constitution; that it might be collected with safety and satisfaction; while, on the other hand, the mode proposed in the bill would be extremely inconvenient; it would draw a considerable sum out of the Treasury, which their present situation did not enable them to spare.

On the question this motion was lost.

The committee then, after making some small amendments, rose and reported progress.

UNFINISHED BUSINESS.

A message was received from the Senate, informing that they had adopted the report of the joint committee on the unfinished business, and requesting the concurrence of the House.

A motion was made to concur.

Mr. HARTLEY said, that the other day he had laid a motion on the table relative to this subject, and which he expected might have decided it. He had then given his opinion, that the unfinished business of the last session ought to progress from the stage in which it was left at the adjournment. Since that time, he had had the honor of being appointed, on the part of the House, a member of the Committee of Conference on the same question; but after hearing all that could be urged in favor of commencing the business *de novo*, he still retained his former sentiments; nor should he alter them unless some stronger arguments were adduced in support of the contrary doctrine. He would, on this occasion, trouble the House no further than just to express his idea of the difference between an adjournment and prorogation, for it

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was upon their similitude that gentlemen founded their idea of commencing business *de novo*. A prorogation of Parliament is the act of the first Magistrate in Great Britain, and by that act he dismisses all the business before Parliament. By an adjournment, which is the act of the Legislature, all the business remains in their possession. If they remain possessed of the business, they have a right, and they ought to take it up in the state in which it was at the time of adjournment. This continuance of business is much more beneficial to the Commonwealth, by expediting causes, by saving time, and consequently diminishing the expense. But even upon a prorogation of Parliament, the Houses have asserted their right to continue their bills in the state in which they were left.

He did not think it was necessary to detain the House long upon this subject. He supposed that most of the gentlemen had made up their minds, and that a long investigation would not produce a single convert. For his part, he was opposed to the motion, and would vote against it.

Mr. JACKSON said that, on the conference, there was a majority of the committees of both Houses in favor of the report. After a long and full discussion, it appeared to them necessary that the business should be taken up *de novo*, because circumstances might occur during a recess, which would convince the House of the impropriety of a measure they had contemplated at their last session; an adjournment, therefore, amounts to the same thing as a prorogation. The opportunity the recess afforded them of consulting their constituents was the same in either case, and enabled them to form a more certain opinion with respect to the propriety of their measures, than any other thing could possibly do. Ought the Legislature, then, to be compelled to proceed with business they were certain was altogether impolitic and improper?

Mr. WHITE would not enter into a discussion of the subject; but he was satisfied that the decision was right, in order to prevent very great inconveniences. It never was a question with him, whether business should cease on an adjournment; he had always seen it practised in the Legislatures he had had the honor of serving in, and he always expected it would be so determined in every public body regardless of the opinion of their fellow-citizens.

Mr. HARTLEY denied that there was any similitude between a prorogation and an adjournment; the one was the will of the body upon which it acted, the other was an exterior force, which compelled submission. No gentleman could suppose that the Legislature of the United States was obliged to forego the business they had proceeded upon at the last session, nothing was to determine them but their own inclination. Now, as he was satisfied that it was more beneficial to the people, and more convenient to the Legislature, to proceed with the business of the former session, he should be against the report.

The question on concurring with the Senate

was put, and carried in the affirmative—30 in favor, and 21 against it.

Mr. SMITH then laid the following on the table: Resolved, That it be established as a standing rule of the House, that every future adjournment of Congress, for more than — days, shall be considered as a termination of the session; and that at the next meeting the business depending at the time of such adjournment shall be taken up, unless it be commenced *de novo*.

Mr. BURKE said there was a bill of some consequence brought forward at the last session, which had been left in an unfinished state; and as the House seemed inclined to direct all such business to commence anew, he would beg leave to call upon them to appoint a committee for the purpose of securing literary property. He said that such a bill was very much wanted, as several gentlemen had lately published the fruits of their industry and application, and were every hour in danger of having them surreptitiously printed. He believed this was no unfounded surmise, for he had been informed that it had taken place in some instances already; he would mention one of them: Mr. Morse had published an American geography, illustrated with two sheet maps of the Southern and Northern States; these had been surreptitiously copied, and annexed to another publication, since the business was brought before the House at the last session; and the same gentleman is under apprehension that the whole work will be reprinted without his consent, unless a law was speedily passed to secure to him his copy-right.

Mr. WHITE wished the gentlemen would extend his motion to embrace the other objects intended to be provided for by the bill brought before the House at the last session.

Mr. BURKE said that he meant to provide for that in another resolution. He wished the first to be done immediately, and a short bill would be sufficient for the purpose, because it is almost as easy to ascertain literary as any other kind of property; whereas there is some difficulty in deciding upon improvements or inventions in the useful arts. This latter object, he apprehended, would occasion a good deal of discussion.

On the question, Mr. BURKE's motion was adopted, and a committee was appointed, consisting of Messrs. BURKE, HUNTINGTON, and CADWALLADER.

The same committee was also ordered to bring in a bill to promote the progress of useful arts, by securing to inventors the exclusive right of their discoveries.

TUESDAY, January 26.

NORTH CAROLINA.

The House resolved itself into a committee of the Whole on the bill for giving effect to the several acts therein mentioned, in respect to the State of North Carolina, Mr. BALDWIN in the Chair. After making several amendments to said bill, the committee rose, and reported the bill with the proposed amendments to the House. Being ta-

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ken up, the amendments were severally agreed to, and the bill, as amended, was ordered to be engrossed for a third reading.

CENSUS OF THE UNION.

The House then went into a Committee of the Whole on the bill providing for the enumeration of the inhabitants of the United States. After making several amendments to said bill, the committee rose, and reported the bill with amendments to the House.

Whereupon, the bill with the proposed amendments was committed to a select committee, consisting of Messrs. FOSTER, GOODRICH, SHERMAN, LAWRENCE, SCHUREMAN, CLYMER, WHITE, SEKEY, SMITH, of South Carolina, BALDWIN, and MADISON.

REMISSION OF FINES.

Mr. AMES, from the committee to whom was referred the report of the Secretary of the Treasury on the petition of C. Sadler, reported that provision ought to be made for the remission or mitigation of fines, penalties, and forfeitures, in certain cases.

The report being agreed to, it was referred to the same committee to bring in a bill accordingly.

Mr. AMES then presented the draught of a bill conformably to the order of the House.

FOREIGN INTERCOURSE.

The order of the day being called for, the House resolved itself into a Committee of the Whole on the bill to provide for the means of intercourse between the United States and foreign nations.

The bill authorized the President to draw for a sum not exceeding forty thousand dollars, to compensate the services of such officers as shall be sent abroad.

Mr. LIVERMORE moved to make this an annual appropriation, which he supposed was the intention of the committee who brought in the bill.

Mr. LIVERMORE's amendment was adopted.

Mr. LEE said, that, as the Constitution had vested in the President, with the advice and consent of the Senate, the power of appointing ambassadors and other public ministers, he thought they ought to be equally interested in proportioning their salaries; and further, the President ought not to be empowered to draw money for those purposes without their advice and consent. He thought it would be well to determine whether the Constitution did not bind them to adopt this idea; and, in order to obtain the sense of the House on it, he would move to amend the clause by inserting the words "by and with the consent of the Senate," after the word "President."

Mr. SMITH, of South Carolina.—It appears very clear, from the Constitution, that the Senate is connected with the President in the appointment of the officers noticed in this bill; but yet I do not presume it follows, as a matter of course, that they should be connected in apportioning their salaries, or drawing for the money. If it is not enjoined by the Constitution, it will be wrong to make such an arrangement, because it will diminish the responsibility of the Executive officer; it

to the Executive officer, because we enable him to apportion the money among them. That gentleman, perhaps, did not attend to the bill, which provides expressly for the several grades of officers which the Constitution supposed, in the ordinary events, would be employed in superintending the interests of the United States at foreign Courts. If he had observed this, he would not suppose that the discretion of the President gave him an improper influence. These officers cannot be appointed to any situation, nor to any rank, but with the advice and consent of the Senate; no particular character can be selected by the President; therefore, I presume, the Senate have all the agency he wishes them to possess.

Mr. STONE understood that the President was at liberty to give any thing under nine thousand dollars to a minister plenipotentiary, or under five thousand to a resident, or three thousand to a chargé des affaires; if so, he was at liberty to pay them well or ill, as he should conceive they merited.

Mr. SEDGWICK.—When it is said that he shall not give a larger sum to a minister of the first grade, I presume that the payment of that particular sum will generally take place; but there are other circumstances attending this business which show the propriety of vesting the discretionary power in the President alone. Suppose a minister actually appointed, and some incidental business should arise, to occasion an actual expenditure of part of this money; for example, a minister at the Court of Prussia might find it necessary to remove some obstructions to his negotiations which had arisen at the Court of Russia; he would be obliged to apply to the President to authorize him to take measures for its prevention; but as money would be essentially necessary to effect the object, the President, though he approved of the idea of the minister, could do nothing without calling the Senate together, if it happened to be a recess; the business would not progress without an expense of more than, perhaps, double the sum that was necessary. To provide for cases of this kind was one of the objects the committee had in view; another was, that the person who touched the public money should be responsible for the expenditure. If the money is to be drawn by the President and Senate, so diffuse is the responsibility, as to be considerably weakened, if not altogether destroyed. These were the considerations that operated conclusively with me, and determined my judgment in favor of the bill as it stands.

Mr. LAWRENCE said, that there was a Constitutional necessity that the President, by and with the consent of the Senate, should appoint all the officers employed in foreign negotiations; the same necessity existed with respect to making treaties; but he did not conceive there was any Constitutional necessity for connecting the Senate with the President in apportioning the salaries; it was altogether in the power of the Legislature; they might apportion the salaries and fix them by law, if they thought it convenient, without encroaching upon the right of the President,

or the President and Senate. If they could apportion themselves, they might authorize another body to do it; for he presumed, that neither the President, nor the President and Senate could consent for this power as a matter of right; the question then seemed to him to turn altogether upon the expediency, which was conceded to be in favor of the manner prescribed in the bill.

He remarked that the discretion of the President was confined within precise limits; he could not grant a larger salary to the officers than that prescribed in the bill; all that he could do was, therefore, to give less where he thought less would be sufficient, of which he conceived the President to be the proper judge.

Mr. STONE said, that gentleman had not replied to his observation, drawn from the Constitution; he had contended that a discretionary power in the hands of the President, to give a greater or less salary, would give him a greater influence than the Constitution had contemplated. The Constitution had given to the President the power of making treaties; but it must be done by and with the advice and consent of two-thirds of the Senate. Do we then not depart from this principle, when we increase the agency of the President? If it is not contrary to the letter of the Constitution, I presume it is contrary to the principle of it, and we are bound to administer this system of Government upon its real principles. He believed that the President knew very well what would be a proper sum to give to every officer of the diplomatic corps, at all the Courts of Europe; but it did not follow that the Senate was without an equal knowledge; he would always attribute as much knowledge and integrity to that body as to the Chief Magistrate, and this he did on the principle of the Constitution, which supposed that there was equal safety and equal propriety in authorizing them to attend to such part of the public interest as was connected with the appointment of their servants employed in the intercourse between the United States and foreign Courts.

However, if this amendment was ever made, he should be against the bill, for two reasons; one, because it vested a discretionary power in the disposal of public money; and the other, because it incurred a perpetual expense, which he hoped at some day would be found to be unnecessary.

Mr. LAWRENCE did not apprehend the President would derive any influence from the power of drawing for the money necessary to pay the officers their salaries. He supposed, however, that it would be proper to limit the bill; because the circumstances of the Union might require a less sum perhaps than was contemplated at the present time.

Mr. STONE supposed, on a variety of occasions, that the President may wish for one person and the Senate for another. If the person approved by the President be rejected by the Senate, and their favorite employed, the President can make his situation so irksome, on account of his salary and the manner of payment, as to induce him to

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a voluntary resignation; or if he continues in office, he must change his disposition and be subservient to the Magistrate who can render him more easy in his employment. And can gentlemen say that this is not an influence? Now, if it is admitted to be but the smallest degree of influence, it is contrary to the principles of the Constitution, which interests the Senate equally with the President, in the whole business of negotiation. It is not to be apprehended that any danger will arise, during the present administration, from a trust of this nature; but he was not willing to establish a precedent which might operate hereafter to warrant the Executive in the exercise of an unconstitutional power.

Mr. SHERMAN.—The establishment of every treaty requires the voice of the Senate, as does the appointment of every officer for conducting the business. These two objects are expressly provided for in the Constitution, and they lead me to believe that the two bodies ought to act jointly in every transaction which respects the business of negotiation with foreign powers. But the bill provides for the President to do it alone, which is evidently a deviation from the apparent principle of the Constitution. And what do gentlemen urge as an argument to induce the committee to adopt their idea? Why, that the singleness of the officer who appropriates and disburses the public money, will insure a higher degree of responsibility than the mode recommended, at least by inference, by the Constitution. This argument would serve to prove, that a single person ought to exercise the powers of this House—consequently, it goes too far. There is something more required than responsibility in conducting treaties. The Constitution contemplates the united wisdom of the President and Senate, in order to make treaties for the benefit of the United States. The more wisdom there is employed, the greater security there is that the public business will be well done. As to the circumstance of drawing money out of the Treasury, it is of little consequence; but if a discretionary power is to be exercised in apportioning the salaries of the Ministers, there will be more security in connecting the Senate with the President.

Mr. SMITH, of South Carolina.—Gentlemen seem to confine their views to ministers employed in making treaties; but this is not all that the bill refers to. Many officers may be established in the diplomatic line without being concerned in making treaties. A minister may reside twenty years in France without being employed in the formation of any treaty whatever. A treaty may be negotiated without the intervention of any person in such a character; or a person may be employed distinct from him, as was the case in the late commercial treaty between France and Great Britain.

If the Constitution is involved in the present question, it is because the Senate are connected with the President in appointing the officer. But this doctrine would extend too far. The Senate are joined in the appointment of all superior officers; it would then follow as a consequence, that

they ought to be concerned in affixing the salaries of them. It would apply, on the same principle, to the Secretary of the Treasury, and every other of the Heads of Departments, except the Judges; it would not extend to them, only because it requires that their salaries shall be permanent.

Another inconvenience would result: A Senator might be sent on an embassy, and being, from his situation in that body, in habits of intimacy with all the members of it, there would be danger of an improper allowance being granted to him. These objections, besides the probability of the President's being obliged to take some steps in the business during the recess of the Senate, show the necessity of vesting this discretionary power in the President alone, where gentlemen admit there is the greatest degree of responsibility. But the Constitution does not appear to trust that equal confidence in the Senate; for it gives the President the first and greatest influence. It is he who is to nominate the person, and the concurrence of the Senate may generally be expected to follow, as a matter of course. After giving to him this influence, little danger can be supposed to arise from vesting in him a discretionary power which is absolutely necessary, and for the proper exercise of which he is highly responsible.

Mr. SCOTT thought this measure appeared like an expedient, into the use of which they were falling for want of information. The very preamble which the committee had affixed to the bill warranted the idea. But he not only doubted the propriety of the expedient, but also whether the committee had a right to adopt it. He thought, however, it was a question well worthy of discussion, whether this House was well warranted to commit the appropriation of the money of the people of the United States to any particular body, whether it was the President alone, or the President and Senate combined. He thought, from the first view of the subject, that the voice of this House ought to be given to the disposition of every sum that goes out of the Treasury, and consequently he objected to the principle of the bill, and should vote against it, with or without the amendment. But if the bill must pass in its present form; if the apportionment of the several salaries was so great a secret as to elude the search of the House, and their information must continue in its present incomplete state, he should vote for that mode which appeared to give the greatest security; but he could not help believing the House was adequate to forming a complete provision on this head: he did not see what was to prevent them from running the routine of every Court in Europe, and apportioning, as they proceeded, the salaries of every grade of officers in the diplomatic corps, provided a different sum was necessary to be paid to ministers of equal rank at the Courts of France, Britain, and Genoa. He just mentioned his objection to the committee, to prepare them for a motion he intended to make when the Speaker resumed the Chair; which was, to recommit the bill to the Select Committee, in order to make special provision therein.

Mr. MADISON remarked, that the amendment offered by his colleague (Mr. LEE) would not decide the question for which it was intended; because the part of the bill into which he moved to have it inserted, only related to the power of the President to draw for the money, which was a thing totally distinct from apportionment, and which could be better performed by the President alone than connected with a large body.

Mr. LEE hereupon withdrew his motion, and having modified the whole clause of the bill, so as to embrace this question, "Whether the advice and consent of the Senate ought not to be had in the exercise of the discretionary power of apportioning the salaries?" proposed it in order to take the sense of the committee.

Mr. BENSON said, it would be wrong to blend the Senate with the President, in the exercise of an authority not jointly vested in them by the Constitution; and in any business whatever of an Executive nature, they had no right to do it any more than they had a right to associate a committee of this House with him. Now, he had not yet heard any gentleman say the Constitution expressly commanded the association moved for, and unless it was a command, he presumed they were not disposed to conform to it.

Mr. LEE informed the committee, that his motion was likewise intended to strike out the provision for contingent expenses; not that he thought them disallowable, but because he wished for a general bill providing for all the contingents of the Government.

Mr. SEDGWICK was as much opposed to the amendment in this form as any other. He would ever be in favor of singleness in the Executive, but especially when it was proposed to join with it a body that existed forever—for this was his idea of the Senate;—a body in which every member, from their long adherence thereto, learned to understand each other, and might, on any occasion, impede the progress of the other branch of the Government to the injury of the whole.

Mr. LEE said, these ministers were the joint servants of the President and Senate, and therefore ought to be equally under their care; they had a joint agency throughout, and therefore they ought to have the same in apportioning the compensation for their services.

Mr. LIVERMORE deemed the question of some importance, and therefore wished for time to consider it more fully. In order to obtain this, he moved the committee to rise and report progress. This motion obtained, and the House adjourned.

WEDNESDAY, January 27.

The engrossed bill for giving effect to the laws of the United States therein mentioned, in respect to the State of North Carolina, was read the third time and passed.

The bill for the remission and mitigation of fines, penalties, and forfeitures, was read a second time, and committed to a Committee of the Whole.

FOREIGN INTERCOURSE.

The House then again resolved itself into a Committee of the Whole, Mr. BALDWIN in the Chair, on the bill providing compensation for persons employed in the intercourse between the United States and foreign nations.

Mr. JACKSON.—The question before us, I presume, turns upon the propriety or impropriety of trusting the President alone, or the President and Senate, with a discretion in the disposition of the public money. It will be a matter of indifference to me which of these it is given to; but I am clear we have the power to give it to whom we please; we may even give it to a committee of this House, if we deem it expedient. But I am inclined to give it to neither. The appropriation of public money belongs, in a peculiar manner, to this House, and I am for retaining the power in our own hands. It was objected to this, that it would take up time; but I ask, for what were we sent here, but to watch over the public treasure? Gentlemen have said, that the President and Senate ought to have discretionary power in allowing salaries to our ministers abroad, because they are best informed what will be a proper compensation for the service which they have an exclusive right to order to be performed. I beg these gentlemen to look at the law passed last session, providing for commissioners, which commissioners, by the by, were, to all intents and purposes, officers of the diplomatic corps. Did this House view themselves as inadequate to say what would be a proper compensation for any gentleman the President might employ? No, sir; this House annexed a daily pay to the office, sufficient to procure good men. Why cannot the same be done at this time? Did the late Congress ever think of vesting such a discretionary power in their President? Certainly they did not. On what principle, then, is it contended that we should vest a discretionary power in an individual? Is it because it will take up our time? That is a poor excuse. It is out of our power to learn what is sufficient to maintain a minister at Paris, Madrid, Amsterdam, or London, or to discriminate between them and Genoa. If we are not possessed of full information on this head, cannot we acquire it of the proper officer? Will not the records of the late Congress elucidate the subject? Is it not fair to suppose, that what was sufficient three or four years ago, will be sufficient now; or if a difference is necessary, we can judge thereof as well as another? But any how, sir, I am clear for keeping the power of disbursing the public money in our own hands. If we adopt this bill now, on some future occasion we shall have to go further; and the principle that one is more responsible than many, will lead us to establish an arbitrary Government.

Mr. BOUNDINOT conceived that this difference of opinion rose from not attending fully to the subject-matter of the bill on the table. Gentlemen seemed to argue, that a discretionary power, with respect to the disbursement of the money granted in the bill, ought not to be vested in the President

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alone, because the Senate were connected with him in appointing the ministers among whom it was to be distributed. Now this objection, he thought, had been fully answered; therefore, he should make no further observations upon it. But the gentleman last up opposed this discretionary power altogether, whether vested in the President alone, or the President in conjunction with the Senate, because he supposes the House is competent to decide. Now, I conceive we are so circumstanced as not to be able to ascertain the proper sum required by every diplomatic officer who may be sent to the various Courts of Europe, and other quarters of the globe. Now, what power do we propose to vest in the President? Not that of giving away the public money in such a manner as he may please; but that for certain services he shall give a sum not exceeding a fixed amount; if he can get the business done for less than we suppose it deserves, it is a proper caution that we use to enable some one to reduce it. And who is so proper as the President? The gentleman says, we should fix the salaries of ministers at the different Courts. I much question the propriety of making such discrimination in a public act. I had rather refer it to the Executive Magistrate, under such restrictions and limitations as are provided in the bill.

Mr. SCOTT.—The subject in dispute I view but as a secondary consideration, Mr. Chairman. I think we ought first to determine upon the principle, whether a discretion can be given at all. This was the idea I suggested yesterday, and which has been again brought forward by the gentleman from Georgia. Now, to decide this question, we ought to inquire whether this power is of an Executive or Legislative nature? I think disposing of, or giving away sums of public money, is a Legislative, not an Executive act, and cannot be performed in any other way than with all the formalities of Legislative authority. This being my conception of the business, I shall take no notice of the propriety of giving it to the President, or to the President and Senate, because the same objection lies against both; it would be improper to give it to either, because we have not authority so to do; it being a Legislative transaction, we cannot put the part which depends upon us off our own shoulders, or on the shoulders of any other.

It has been said, we cannot fix the necessary sum for each, without making invidious distinctions between foreign nations. If that argument amounts to anything, it amounts to this, that all officers who are sent abroad must have an equal compensation; for if a discrimination is made in any manner, it amounts to a distinction, and must be invidious. But I cannot see a distinction in this light; we may have occasion for officers who have little to do; and it cannot be thought invidious that we do not pay them as much for doing less business, as we do others for doing more, or who are put to greater expenses in performing their duties.

It is said, that the proposition does not amount to an absolute appropriation by the President;

but I differ from this opinion, and think that the power of reducing a certain sum enables him to fix the sum as much as if it had been in his discretion to raise it. It is, in either case, doing a complete Legislative act, which the Constitution has in part assigned to this House, and which we cannot dispose of to any man or body of men. If the committee join with me in this sentiment, they will concur in the rising of the committee, in order to have the bill recommitment to a select committee, to bring it in upon different principles.

Mr. SENECAWICK would have no objection to go through and fix the salaries in the manner some gentlemen wished; but he feared the House had not sufficient information for that purpose; but then, in the opinion of the gentleman last up, they were obliged to do it in this way. Now, he did not believe such a necessity existed; because he was satisfied, from the Constitution, and the construction put upon it by the House at the last session, that it was in the power of the Legislature to vest a discretionary authority in any proper body to dispose of specified sums for specific articles. How else could the business of the quartermasters' or commissaries' department be performed, when such business was required? But, though he did not approve of the gentleman's reasoning, he would vote for the rising of the committee, because he did not think they had sufficient information before them to warrant a decision.

Mr. SMITH.—If the doctrine of the gentleman is true, it is flagrantly violated at the last session, and that by the very act referred to by the gentleman from Georgia. He observed, that we fixed the pay of the commissioners who were sent to treat with the Creek Indians, at eight dollars per day. True, sir; but we did not limit the whole sum which should be given them; they were employed for a term in the discretion of the President; but besides, we appropriated forty thousand dollars to be expended in the business of Indian treaties, and that at discretion. The Senate, to be sure, reduced this sum to twenty thousand, which the House ultimately agreed to; but in the first instance we agreed to appropriate forty thousand. We certainly did not think we acted unconstitutionally at that time; and yet, all that we directed the expenditure of was but a seventh or eighth part of the amount.

From some papers before this House, but which it may be improper to notice very particularly, we find that instructions have been signed by the President alone, and he it was who drew the money for certain uses out of the Treasury; this is a precedent in favor of the bill as it now stands. The case referred to, respecting the practice of the late Congress, is not at all in point; the late Congress were invested with both Legislative and Executive powers, it was therefore they, and they only, who could accomplish the whole business.

Mr. JACKSON denied having said that Congress had not power to vest the President with a discretionary authority in the case now before the

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House. On the contrary, he said, they could lodge it with him, or with the Senate and him combined; or, if they deemed it judicious, with a committee of this House. This was not the ground on which he rested his argument; he contended for the propriety of keeping the power of paying all the officers of the Government in their own hands. When it was not practicable to do so, then would it be time enough to grant a discretionary power to the President. Though the gentleman from Pennsylvania had carried his idea further, yet he would second his motion for the rising of the committee.

Mr. LAWRENCE hoped the committee would not rise for the purpose of recommitting the bill, unless they fixed upon the principles to guide the select committee in making alterations. He thought if the House attempted to fix the salaries, in the particular manner mentioned by the gentleman from Georgia, they would run the risk of doing an act of injustice with one hand, or lavishing away the public money with the other. He should therefore be against a measure which exposed them to so much danger. But the question of connecting the Senate with the President was more simple, and could be decided on the principle of expediency; for it appeared to be conceded, that the Constitution is not involved in the determination on this question, any more than it was last session, when the several Heads of Department were authorized to employ clerks, at a rate not exceeding five hundred dollars per annum. He therefore hoped the gentleman who moved the rising of the committee, would withdraw that motion until this question was determined.

Mr. BOURNOUT was against the committee's rising, because, if the ideas of the gentleman from Pennsylvania were in the bill, he should oppose them; therefore, as he disapproved of the end, he should object to the means of bringing it about.

Mr. SCOTT.—It is said, that my principle extends so far, that it would put it out of the power of Congress to grant any sum of money without a particular and specific appropriation; but I believe the principle does not extend to this degree. I know occasions, at times when the Legislature is not sitting, will present themselves, when money for secret services may be required; yet, in these cases, proof must be made of the expenses before they will be allowed in account, and any which are conceived to be improper will be rejected.

With respect to the act passed last session, to enable the President to hold treaties with the Indians, there certainly were twenty thousand dollars granted; but that part intended for the pay of officers was specially appropriated. The same is now contended for; if you send officers to Europe, let their salaries be ascertained, in justice both to the public and themselves.

As to the remark, that the number of days was not limited for which the commissioners were employed, I would just observe that they might, upon that idea, have been kept in pay seven years, or much longer than the money would last to pay

them; but, in this case, the public would not be obliged to allow them a further sum, so that an argument of this kind proves too much, and therefore proves nothing.

It has been said, that we run the risk of making an improper allowance. We may make it too small; if that is the case, application can be made to the Legislature, who, we are to trust, will always be ready to do justice to every one of their officers. We have seen such applications already, then why should we doubt their being made in future? Upon the whole, my mind being convinced in the manner I have related, I cannot consent to withdraw my motion. Other gentlemen may be convinced of the propriety of contrary principles, with intentions equally good, or perhaps better; and be the event what it may, I am ready to submit to the decision of the House.

The question was now taken on the rising of the committee, and that being lost,

The question was put, on striking out of Mr. Lee's amendment, the words "by and with the advice and consent of the Senate;" this was carried in the affirmative.

Then the question on the amendment, as amended, was put and lost.

Mr. LAWRENCE proposed a clause for limiting the duration of the bill; this being agreed to, the committee rose and reported the bill, which was accepted by the House, as amended in committee, and the same was ordered to be engrossed.

THURSDAY, JANUARY 28.

FOREIGN INTERCOURSE.

The engrossed bill making compensation to persons employed in the intercourse between the United States and foreign nations, was read the third time.

Mr. SHERMAN observed, that by this bill forty thousand dollars were appropriated to uses with the propriety of which no gentleman seemed to be well acquainted. He thought the House could not be warranted in passing a bill disposing of so large a sum of money without further information on the subject. He therefore moved that the bill lie on the table.

Mr. AMES presented the petition of John Wait, praying to be reimbursed for articles furnished to soldiers during the late war.

Mr. PARTRIDGE moved to refer this petition to the Secretary of War.

Mr. LIVERMORE thought it not a proper subject for legislative interference, as the man had his remedy at common law.

Mr. AMES wished the subject considered; observing, that this person had lost his property by trusting soldiers, who had deserted after running in his debt. But there was money due from the public to such soldiers, for which the man had orders, certified by the officers commanding regiments. Now, he ought not to suffer for an act of kindness; and, perhaps, it was owing to the supposition he from time to time furnished these men with, that they did not desert at an earlier period.

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He moved to take up the subject in a Committee of the Whole.

Mr. LIVERMORE rather inclined to think, that the supplies furnished in this way were the cause of desertion; for the soldiers, after having got all they could in one place, might be disposed to try another; and perhaps these supplies afforded them the means of traveling.

The question, on referring it to a Committee of the Whole, was put and lost.

Mr. AMES thought the petitioner sustained sufficient hardship by the loss of his property; he therefore hoped that it might not be increased by a condemnation without a hearing.

Mr. LAWRENCE conceived the public were not entitled to benefit themselves by their own wrong. Perhaps there were considerable sums due to these soldiers at the time of their desertion; and perhaps this circumstance was the sole cause why they left the army, for it is often the case that soldiers do desert when they are ill paid. This consideration had so much weight in his mind, that he was inclined to hear the petitioner, and to do him justice.

Mr. WADSWORTH said, it was a constant practice in this country, and he believed in all others, that a soldier forfeited all his pay due at the time of his desertion. The sutlers, and all those who followed the army, know this circumstance well, and they supposed their profits enabled them to run the risk of all losses by desertion. The gentleman from New York knew this was the practice; and he would submit it to him, whether the man ought to have the pay of the deserters which he claimed. If this was the case, he presumed the principle would open a prospect to the House that would astonish them. The pay of every deserter would be claimed, upon one pretence or another, and there were not less than thirty thousand, or perhaps fifty thousand of this number.

Mr. LAWRENCE acknowledged the practice in our army, and every other, to be as stated by the gentleman; but he did not conceive it just in its operation. Is it proper, he inquired again, that any nation should be benefited by its own wrong? Or that it should take to itself the pay of the soldiers driven to desert from the breach of contract on the part of the Government?

The motion for commitment being lost, it was moved to reject the petition, and this was carried in the affirmative.

REPORT OF THE SECRETARY OF THE TREASURY.

Mr. AMES observed, that the subject of the Secretary's report, on the means of promoting public credit, is the order for this day; but when I consider the circumstances under which this order was entered into, I am inclined to wish for an extension of the time. It will be recollected that this report was ordered to be printed, in order that the members might have it in their hands for consideration; when this was done, it was expected that the printing would be more expeditiously executed than the event has demonstrated it could be, of consequence our time for deliberation has

been curtailed; and those gentlemen who were against so early a day before, will think the present rather premature. In order to accommodate them, I shall move you a longer day than otherwise I might be disposed to do; and, if I am seconded, I move that the order of the day be postponed till next Monday week.

Mr. JACKSON.—The report of the Secretary of the Treasury, Mr. Speaker, embraces subjects of the utmost magnitude, which ought not to be lightly taken up, or hastily concluded upon. It appears to me to contain two important objects, worthy of our most serious and indefatigable discussion. The first is, that all idea of discrimination among the public creditors, as original holders and transferees, ought to be done away; and on this head, I must own to you, sir, that I formerly coincided in something like the same opinion, but circumstances have occurred to make me almost a convert to the other.

Since this report has been read in this House, a spirit of havoc, speculation, and ruin, has arisen, and been cherished by people who had an access to and information of the report contained, that would have made a Hastings blush to have been connected with, though long inured to preying on the vitals of his fellow men. Three vessels, sir, have sailed within a fortnight from this port, freighted for speculation; they are intended to purchase up the State and other securities in the hands of the uninformed, though honest citizens of North Carolina, South Carolina, and Georgia. My soul rises indignant at the avaricious and immoral turpitude which so vile a conduct displays.

Then, sir, as to the other object of the report—the assumption of the State debts by the General Government—it is a question of delicacy as well as importance. The States ought to be consulted on this point; some of them may be against the measure; but surely it will be prudent in us to delay deciding upon a subject that may give umbrage to the community. For my part, before I decide, I should be glad to know the sentiments of the Legislature of the State from which I come, and whether it would, in their opinion, be more conducive to the general and particular interests of these United States, than retaining them on their present footing. I trust I am not singular on this point; for gentlemen desirous of deciding on full information, will not only wish for the sense of the Legislatures of the several States, but of every individual also.

Perhaps gentlemen of the neighboring States may think it proper to take up this business at an early day, because they can learn the desires of their constituents in a short time; but let those gentlemen consider for a moment that the distant States ought to have an equal opportunity, and we cannot hear the voice of Georgia in a week, nor in a month. I should therefore be as much in the dark on Monday week as I am at present; I would wish, if the postponement is intended to answer any valuable purpose, that it should be extended to a longer period. I think the first Monday in May would be sufficiently soon to enter upon it, and shall therefore move it. In this

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time the State Legislature may have convened, and be able to give us their sentiments on a subject in which they are so deeply concerned.

Mr. BOUNDINOT agreed with the honorable gentleman who was last up, that this subject is a matter of the highest importance, and worthy of due deliberation; that speculation had risen to an alarming height; but this consideration bade him to be in favor of the only measure which could put a stop to the evil; that is, appreciating the public debt till the evidences in the hands of the creditors came to their proper value.

I also agree, said he, with the gentleman that it would be a desirable thing to have the sense of the State Legislatures, and every part of the community, because it would tend to elucidate the subject; but we should not be led by visionary pursuits to defer a business of this magnitude too long. I think we may go into a committee of the whole on Monday week, without coming to a final determination; but if it is put off for a long period, it will cause a still greater fluctuation in the market, and increase those circumstances which the honorable gentleman laments as injurious to the peace and happiness of the community. We had better, therefore, look the business in the face, take it into consideration, and go through it deliberately; but, at the same time, as expeditiously as the novelty of our circumstances will admit. In this way also we may acquire information, because we obtain more from listening to each other's sentiments, than we can procure from any other source. But if, after all, gentlemen should find themselves unprepared on Monday week, the business may be postponed to a further day. But I would by no means consent to lose sight of it for so long a period as from now till May.

Mr. JACKSON.—If the members of this body had known the plan in contemplation, and they had had an opportunity of consulting their constituents on the subject, then, I venture to say, this demon of speculation would not have extended its baleful influence over the remote parts of the Union. It arose and seized on us by surprise; advantages are taken without any warning, and such as cannot but exasperate. But, sir, waiving all these reflections, let us recollect that the State of North Carolina forms a part of this Union; this measure is to affect her, as well as the States who are represented on this floor. Shall we then proceed without them? Her citizens are indubitably as much concerned in the event as others, and will you bind her in a case of this importance, when she has not a single Representative within these walls? If no other consideration can induce gentlemen to defer this business, deference to a sister State who has so lately acceded to the Union ought. But, in addition to this, I contend that the State Legislatures ought to be consulted; and I declare myself, that I shall not know how to vote until I learn the sense of my constituents. If we consent to this proper and reasonable delay, our constituents will be prepared for our decisions, and a stop will be put to the speculation; or if any man burns his fingers, which I hope to God, with all the warmth of a

feeling heart, they may, they will only have their own cupidity to blame. The people will then generally remain satisfied, under the general assurance, that Congress will pursue proper measures for the support of public credit, and little or no evil can be apprehended; but much substantial good may arise from a delay of a few months.

Mr. STONE had no objection to entering into a conversation on this subject on Monday week; but he did not expect the House would pretend to decide the momentous business till some time after. Many principles and terms in the report are entirely new, at least they have never yet appeared in the public papers as subjects of discussion, and of consequence the public mind has not been led to any satisfactory conclusion, by a systematic chain of reasoning; and he believed that much depended upon the unanimity with which these terms and principles are received, and what is the consent of the understanding of the community. He could wish to know particularly the opinion of the people of the State of Maryland, and, in general, the sentiments of the whole Continent; because that opinion might have a salutary influence upon the decision of the House.

He owned himself surprised, and not a little pained, to hear an idea expressed that they ought to be in a hurry about this business. If the propositions produced by the Secretary of the Treasury were to make the conditions of America better, or were to bring any great sums into our Treasury, he would be with the gentlemen, and vote for adopting them as soon as possible; but, in his opinion, this would not be accomplished until either the active resources of this country were larger, or the debts smaller. Then, why should we be in a hurry to adopt a plan that avowedly had for its object an increase of the national debt, without any addition to the means which the Government already possesses, and which she may apply more successfully, perhaps, to her own particular occasions.

Mr. SHERMAN hoped the business would be conducted in such a way as to be concluded before the end of the present session. As to obtaining the sense of the State Legislatures, he did not think that necessary. The people appointed the members of this House, and their situation enabled them to consult and judge better what was for the public good, than a number of distinct parts, void of relative information, and under the influence of local views. He supposed that Congress contained all the information necessary to determine this or any other national question. As to the first observation of the gentleman from Georgia, that speculations had been carried on to a great extent, he had only to observe, that this had been the case from the time when the public securities were first issued, and he supposed they would continue until the holders were satisfied with what was done to secure the payment.

As to the State debts, it was a subject which he apprehended would not be ultimately decided, till the sense of the people is generally known; and on this occasion, it might be well to be ac-

quainted with the sense of the State Legislatures; he hoped, therefore, that it would be the case. But with regard to the foreign and domestic Continental debts, he did not hesitate to say, it was proper for Congress to take them into consideration as speedily as possible; for the sooner they are discussed, the sooner will the House make up their judgment thereon. He believed they were possessed of all the facts they could be possessed of, and therefore any great delay was improper. He was in favor of making the business the order of the day for Monday week.

Mr. HARTLEY.—If we mean to adhere to the principle we countenanced at the last session, we shall take up this business at an early day. If we mean to lose that confidence which the Government has already acquired, we shall consent, perhaps, to postpone it to the time moved for by the honorable gentleman from Georgia. But I trust we are decided in our endeavors to revive our drooping credit, and that we shall steadily and unweariedly pursue the open and liberal policy which is its firmest prop in those times of exigency which inevitably occur in the affairs of nations. Whether we go through and determine the great question of discrimination and all the other questions arising out of the Secretary's report, in a week or two, is not so material; but in order to be consistent with ourselves, in attaining the object we have contemplated, we ought undoubtedly to proceed to the investigation.

Mr. SEDGWICK.—I believe the House at present have not come to a conclusion in their own opinion, on the various circumstances which is necessary to be attended to in the report of the Secretary of the Treasury, therefore, I think some delay is necessary; but it should be as early a day as we could act upon it understandingly. The ardent expectations of the people on this subject want no other demonstration than the numerous body of citizens assembled within these walls. And while the public expectation is kept thus alive, and in suspense, gentlemen cannot but suppose designs will be framed and prosecuted that may be injurious to the community. For, although I do not believe that speculation, to a certain degree, is baneful in its effects upon society, yet, when it is extended too far, it becomes a real evil, and requires the Administration to divert or suppress it. If the capital employed in merchandise is taken from that branch of the public interest, and employed in speculations no way useful in increasing the labor of the community, such speculation would be pernicious. The employment of the time of merchants in this way, in addition to the employment of their capital, is a serious and alarming circumstance. A spirit of gambling is of such evil tendency, that every legislative endeavor should be made to suppress it. From these considerations, I take it, Mr. Speaker, that there are two things very evident—first, that the postponement should be so long as to enable us to enter upon the task with understanding; and that this pernicious temper, or

* The galleries were unusually crowded.

spirit of speculation, should be counteracted at as early a period as can possibly take place.

If the object of the gentleman from Georgia is to destroy this phrensy which has taken hold of men, and is so destructive of industry and morals, he should move for as early a day as should be consistent with his other principle; but by no means ought he to advocate a period so distant as the month of May.

Mr. GERRY.—I am a friend to the postponement, Mr. Speaker, though not for so long a time as the gentleman from Georgia proposes. It will be agreed, on all hands, that public credit is the main pillar on which this Government is to stand; but so embarrassed are our finances, that they require both time and consideration for their due arrangement. We have already done something towards attaining this object. We have organized a department in such a way as we judged most likely to bring the business into a system; and the Executive officer has selected a character, whom, it is presumable, he supposed was the person that best understood the subject of any citizen of the United States. This gentleman was called upon, expressly, by the House, at their last session, to consider this very important and extensive subject; he was called upon at a time when the period for his investigation was rather circumscribed, and himself but just seated in his office. But yet that gentleman has prepared and reported a plan for the support of public credit. Undoubtedly he has bestowed upon it all the attention in his power; but as we have had this report but a very few days in our hands, it therefore requires that we should have further time for consideration, as we are ultimately to decide thereon. But, in addition to this, there has been the accession of the State of North Carolina to the Union since, and she is not yet represented on this floor. I think, until her members arrive, it will be indelicate, if not unjust, to enter upon a question so momentous, and in which she has particularly interested herself, by a declaration with respect to the consolidation of the State debts.

With respect to the suppression of speculation, I do not conceive that possible, by either a longer or shorter postponement. Do any gentlemen expect, while we have a public debt, to prevent speculation in our funds? If they do, they expect to accomplish what never was effected by any nation, not in my opinion, ever will. But if they could accomplish it, they would do an injury to the community; for speculation gives a currency to property that would lie dormant; all public debts would hereafter be contracted on terms ruinous to the debtors. As to the policy of speculation, I doubt whether the speculations of foreigners in our funds is not rather advantageous than disadvantageous to the community. If we look abroad, and judge by comparative reasoning, we shall be led to believe that nations derive great advantages from being possessed of the money of foreigners; they not only endeavor to acquire it by direct, but also by indirect loans. During the late war, the Dutch held 40 or 50,000,000 sterling,

in the funds of Great Britain, and she was sensible of the benefit. The speculations of individuals have, perhaps, been of the greatest advantage to those who held public securities, by giving a circulation to the certificates. Hence it has been thought that a public debt is a source of great emolument to a nation, by extending its capital, and enlarging the operations of productive industry.

When the war first commenced, France supposed, by detaching her colonies from Britain, she would be able to make her own terms with her. In the contest, Great Britain increased her national debt to an astonishing degree; and when all Europe expected to see her sink beneath the burden, she stood firm and fixed as ever, with an increase of strength. The influx of specie, after the peace, to purchase into her funds, furnished the means for the expansion of her commerce and manufactures, and rather made the Revolution an advantage than a disadvantage to her. However, be these matters as they may, we have not now to deliberate whether we shall acquire a national debt; it is already done, and we must either provide for the same, or declare our unwillingness or disability to do so; we do not mean to do either of the last, therefore we must prepare to do the first; but then it ought to be delayed until we are all prepared to enter upon it. From the consideration of the arrival of the members from North Carolina, I move to postpone it till the month of March.

Mr. JACKSON.—I know, sir, that there is, and will be, speculations in the funds of every nation possessed of public debt; but they are not such as the present report has given rise to, by the advantage those at the seat of Government obtained of learning the plan contemplated by the principal of the Treasury Department, before others had heard a word thereof. If we had either received this report privately, or not at in a large city, then, sir, none of these speculations would have arisen, because Congress could have devised means of diffusing the information so generally as to prevent any of its ill effects. Under these impressions, I am led to express my ardent wish to God, that we had been on the banks of the Susquehanna or Potomac, or at any place in the woods, and out of the neighborhood of a populous city; all my unsuspecting fellow-citizens might then have been warned of their danger, and guarded themselves against the machinations of the speculators. To some gentlemen, characters of this kind may appear to be of utility; but I, sir, view them in a different light; they are as rapacious wolves seeking whom they may devour, and preying upon the misfortunes of their fellow-men, taking an undue advantage of their necessities. This, sir, is the sentiment of my heart, and I will always use its language. I say, sir, whatever might be the happy effects of speculations in other countries, it has had the most unhappy and pernicious effects in this. Look at the gallant veteran, who nobly led your martial bands in the hour of extreme danger, whose patriotic soul acknowledged no other principle than that his life was

the property of his country, and who evinced it by his repeated exposures to a vengeful enemy. See him deprived of those limbs which he sacrificed in your service! And behold his virtuous and tender wife sustaining him and his children in a wilderness, lonely, exposed to the arms of savages, where he and his family have been driven by this useful class of citizens, these speculators, who have drained from him the pittance which a grateful country had afforded him, in reward for his bravery and toils, and a long catalogue of merits. Nor is their insatiable avarice yet satisfied, while there remains a single class of citizens who retain the evidence of their demands upon the public; the State debts are to become an object for them to prey upon, until other citizens are driven into scenes of equal distress. Is it not the duty of the House to check this spirit of devastation? It most assuredly is. If, by the ill-timed promulgation of this report, we have laid the foundation for the calamity, ought we not to counteract it? This may be done by postponing the subject, until the sense of the State Legislatures is obtained with respect to their particular debts. Then these men may send off other vessels to countermand their former orders; and, perhaps, we may yet save the distant inhabitants from being plundered by these harpies.

With respect to the final settlements, I said before, and I feel now, that my mind is almost made up in favor of some discrimination, by reason of the speculation which has been carried on; but I wish for delay, if it be only for the sake of waiting the arrival of the Representatives of North Carolina, whose State has made an express declaration relative to the assumption of the State debts; her single voice, to be sure, ought not to govern the whole continent, but her sense ought to be declared; now, this cannot be obtained before April or May: Nor will the honest soldier or citizen, who fought your battles, or furnished you supplies, think hard of this short delay, when they are satisfied that it is the intention of Congress to provide for them as soon as the collected voice of the Union can be procured. And no man can think that the other class of certificate holders will have cause to complain, because no man supposes they will fall in price; but if they did, the advantageous bargains they have made by their procurement will bear such a diminution without doing a real injury; on the contrary, they will nevertheless make fortunes by the event.

Mr. BOWDWIN applauded every gentleman who spoke his sentiments freely; it was the performance of the intention with which they were sent here, and the most likely way of understanding a subject, and coming to an amicable and just conclusion thereupon. But he should be sorry if, on this occasion, the House should decide that speculations in the funds are violations of either the moral or political law. A Government hardly exists in which such speculation is disallowed; but it must, at the same time, be admitted, that every thing of this kind has proper bounds, which may be too small or too great. If you will not permit your creditor to transfer his debt, you de-

prive the commonwealth of a great part of her credit and capital: on the other hand, if speculation is carried on to such a degree, as to divert the funds of productive labor into the pursuit of visionary objects, or destroys them, the community clearly loses the use of so much of its capital, which is a considerable evil. He agreed with gentlemen, that the spirit of speculation had now risen to an alarming height; but the only way to prevent its future effect, is to give the public funds a degree of stability as soon as possible.

He agreed that it was a desirable thing, that every part of the Continent should be represented; but he did not think that the absence of North Carolina would warrant them to induce an accession of expense upon Massachusetts and all the other States. He did not, however, wish, or expect, that the decision would take place on Monday week; but he expected the members of the House would gain more understanding and information on the subject, from a conversation and exchange of sentiments on this floor, in a day, than they would by a month's study in their chambers.

Mr. PAGE wished to go into a Committee of the Whole upon the subject, pursuant to the order of the day, nor did he think it would be hurrying on the business improperly, because the report was so voluminous as to require a considerable length of time for consideration; and this might be commenced to-day, without a decision for some time after. He conceived the time of this day would be well spent in reading it; but if gentlemen were unprepared to enter upon it, he should not oppose a small delay; but to put it off till either March or May, would be highly improper; such a proceeding would give a fatal stab to our reviving credit. As to preventing the evils arising from speculation, that he believed was impossible, while mankind are at liberty to dispose of or acquire property. Nor did he think it could have been prevented by observing that secrecy which the gentleman from Georgia seems to approve; on the other hand, it might have given rise to a more extended and pernicious scheme of speculation; he hoped to see all the councils of this country conducted on open, undisguised, and liberal principles. He thought there was no room for the charge of surprise, because the House had manifested a disposition to exert itself in support of public credit at their last session; this had been noticed in the President's Speech, and in the Address of the House; and he conceived a long delay would imply that degree of neglect of their promise, which would give a deadly wound to future confidence.

Mr. SENEY said, in his opinion, the subject was too momentous, and of too great a magnitude to be hurried through the House; and that a sufficient length of time ought to be allowed for considering it in its various parts, in order to form a just conclusion on its merits. The members of this House may derive information from the discussion it may receive in the public prints, and from conversation with their fellow-citizens; whereas, if the House enter into a discussion be-

fore the subject is well understood, a great deal of time would be unnecessarily expended; he was therefore in favor of allowing a reasonable time for consideration, which he supposed to be about four or five weeks.

Mr. PAGE hoped, if the subject was postponed till a distant day, that the House would immediately adjourn to the same; for if the pretence of postponement, namely, to learn the sentiments of their fellow-citizens, was well-founded, it was their duty to go home and learn them.

Mr. SENEY said, that it was not his motive for postponing.

Mr. PAGE said, perhaps it was not; but it was an argument held out by other gentlemen, and if it was of any weight, the House ought to adjourn until they could know the voice of the Country. If the motion to a distant day prevail, he would move an adjournment for the same period; and this would be a more becoming measure than to continue sitting here, spending the public money, when they had little or nothing of importance to do; for almost all the business now before them derived its importance from the connexion it had with the public faith and honor.

Mr. SENEY.—If Congress had no other business, or that business was unimportant, I should not be unwilling to join in the adjournment, mentioned by the gentleman from Virginia; but as Congress has other important business before them, our time, I presume, can be well employed in completing it in the interval, which I wish to be allowed for considering this.

I believe that the resolution entered into by the House at their last session has been mistaken by gentlemen, who urge, that we stand pledged to take up this business, and make it the first object of our attention. I conceive, sir, the words of the resolution contain nothing of that import. All that we said was, that we considered an adequate provision for the support of the public credit as a matter of high importance to the nation; and authorized the Secretary to prepare a plan for that purpose. All this has been done; but it does not follow that we are to decide without time for deliberation.

Mr. GERRY said there was sufficient business before the Legislature to employ them, with all their industry, until the time he had mentioned for this business to be postponed. If some gentlemen are so well ascertained of the principles and consequences of the report, as to be able to decide at this time, they ought to extend an indulgence to the members of inferior capacity; for his part he did not yet comprehend the whole subject. He was not afraid of injuring the community by increasing the spirit of speculation, if such a spirit did injury at all; because the business was now carried on between speculator and speculator; it was they only who buy and sell certificates at the present day: he believed there were very few instances in which an original holder would now be inclined to sell; a little delay, therefore, can do no injury, but coming to a hasty and sudden conclusion may entail very considerable inconveniences on posterity.

Mr. PAGE called for a division on the question, and the first part, viz: that the House agree to postpone the order of the day, was carried in the affirmative. The first Monday in March was then taken, and the House divided—ayes 14, nays 38.

Mr. LEE then moved Monday fortnight; but this being decided out of order, inasmuch as after a division of the question has been called, and the first part put, it had been the practice of the House to preclude debate or amendment.

The question was then taken, on next Monday week, and carried in the affirmative.

RHODE ISLAND.

A Message from the President of the United States was received, communicating the act of Rhode Island for calling a convention: also a letter from the Governor of that State to the President, praying a further suspension of the impost, tonnage, and collection laws. These papers were referred to a committee, consisting of Messrs. BROWN, BENSON, and COLEB.

Mr. BURKE brought in a bill for securing to authors and proprietors an exclusive right to their respective writings.

Mr. WHITE moved that a committee be appointed to examine into the measures taken by Congress and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of the said State, on Continental and State establishments, in the session made by the said State to the United States, of the territory northwest of the river Ohio, and to report the same to the House.

Messrs. WHITE, MUEHLBERG, and SENEY, were appointed a committee accordingly.

The House took up Mr. SMITH's motion respecting the unfinished business, and, after some consideration, it was ordered to lie on the table.

FRIDAY, January 29.

The SPEAKER laid before the House a letter from the Treasurer of the United States, enclosing accounts of expenditures and disbursements from the time of his coming into office to the 31st December last, which were read and referred to a Select Committee, consisting of Messrs. SMITH, of South Carolina, MOORE, SMITH, of Maryland, CLYMER, and VAN RENSSELAER.

A message was received from the Senate, informing the House that the Senate had passed a bill for the punishment of certain crimes against the United States, to which they requested the concurrence of the House.

Mr. LIVERMORE moved that a committee be appointed to bring in a bill for the appropriation of such sum or sums of money as may be necessary for the civil list, and the incidental charges of the present year.

The motion was adopted, and Messrs. LIVERMORE, SYLVESTER, and LEE, were appointed.

ON REGULATING EXPORTS.

Mr. SEDGWICK wished to call the attention of the House to a plan for regulating the exports of

the United States, in order to prevent those frauds which are practised at present, and which tend to depreciate the value of our staple commodities when introduced into other countries. Among the variety of articles which might become objects of such a regulation, there was the article of beef: this had been shipped abroad in some cases, in a state that injured the reputation of the United States. He thought the Government ought to extend its cares to objects of this importance. But it might be a question, whether the Constitution authorized the Government to do so. For his part, he thought the Constitution warranted the exercise of the power, under the clause giving to Congress the general power of regulating commerce with foreign nations, and among the several States. If the contrary sentiment prevailed, he supposed it would arise from the exception made to this power, by implication, in that article which declared that no State shall, without the consent of Congress, lay any impost, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all such duties shall be for the use of the Treasury of the United States; and all such laws shall be subject to the revision or control of Congress. But he did not suppose any construction of this article would operate to defeat the measure he had in contemplation, whether another clause, namely, that prohibiting the National Government from laying any tax or duty on exports, extended so far is also doubtful: but he was of opinion that the business might be accomplished without laying any tax or duty thereon; but the former article seems to point out what was contemplated by the framers of the Constitution. The giving to Congress a controlling power, expressly over the State laws, supposes that they had a power existing in them for the same purpose. However, he would not enter into an investigation of the subject at this time, when his object was merely to bring it forward, in order to lie on the table for deliberation. He thereupon moved the following:

Resolved. That a committee be appointed to bring in a bill or bills to encourage the exports of the United States, and to guard against frauds in the same.

Laid on the table.

Mr. SMITH, of South Carolina, introduced a resolution to this purport, that the Judges of the Supreme Court be directed to report to the House a plan for regulating the Processes in the Federal Courts, and the fees to the Clerks of the same.

Laid on the table.

A motion to take up, for the third reading, the bill providing the means of intercourse between the United States and foreign nations, was, after a short discussion, negatived.

MONDAY, February 1.

GEORGE GALE, from Maryland, appeared and took his seat.

The bill for defining and punishing certain crimes against the United States, was read a

second time, and made the order of the day for Friday next.

ON SECURING COPY-RIGHTS.

The order of the day being called for, the House went into a Committee of the Whole on the bill for securing to authors and proprietors the copy-right of their works, Mr. BALDWIN in the Chair.

The bill was read and considered by paragraphs. The committee then rose and reported the same, with amendments. The motion for recommitment was withdrawn, and the House proceeded to consider the amendments; to all of which they agreed. It was then ordered that the bill be engrossed for a third reading to-morrow.

GRANTS OF LAND TO VIRGINIA.

Mr. WHITE, from the committee appointed to examine into the measures taken by Congress respecting lands granted by the State of Virginia for the troops of that State, brought in a report, which was read.

CESSION OF WESTERN LANDS.

A Message was received from the President of the United States, communicating a letter from the Governor of North Carolina, with a copy of the act of the State, ceding to the United States certain western lands therein described.

The Message, with the accompanying act, were read; and, on motion of Mr. SMITH, of South Carolina, referred to a committee to report thereon. The following gentlemen were appointed accordingly: Messrs. CLYMER, TUCKER, GALE, MADISON, and MATHEWS.

SYSTEM OF BANKRUPTCY.

Mr. HARTLEY moved that a committee should be appointed to bring in a bill providing for a general system of bankruptcy in the United States.

Mr. SMITH, of South Carolina, objected to the subject being taken up immediately. The present situation of the country, he conceived, was such as to render a general law on this subject a more intricate and perplexing business than the gentleman was aware of. He thought it most prudent to defer the business till the public debt should be funded, and banks established, without which it was difficult to conceive how arrangements could be made to facilitate the payment of debts, or the operation of such a law. He said that the insolvent acts in the several States would answer for the present.

Mr. HARTLEY said, the Constitution required that an act should be passed on the subject; but he did not wish to hurry it through the House at the present session. He was desirous, however, that some steps should be taken to show that Congress had the credit of the country in view.

Mr. SEDGWICK adduced similar observations to those of Mr. SMITH, of South Carolina, and adhering to the present state of that country, from whence many of our precedents are derived, said, that since the adoption of their present system of bankruptcy, that nation had enjoyed a degree of

tranquillity and domestic happiness unknown for a century before. But, recurring to the obvious difference in the circumstances of the two countries, with respect to commercial transactions within that Kingdom, he said, that, in his opinion, we were not at present prepared to go fully into the subject, or to adopt similar regulations; when there appeared to him to be a greater facility in recovering debts, he would not be backward in voting for the measure.

Mr. HARTLEY consented that the motion should lie on the table.

OF PROVING PUBLIC RECORDS FROM OTHER STATES.

Mr. SMITH, of South Carolina, then recited the following clause, in the Constitution, viz: "Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, and proceedings shall be proved, and the effect thereof." and moved that a committee be appointed to bring in a bill or bills, pursuant thereto; this motion being adopted, the following gentlemen were appointed: Messrs. PAGE, JACKSON, and THATCHER.

INVALID PENSIONERS.

Mr. HENDER moved, that a committee be appointed to bring in a bill or bills, making provisions for the Invalid Pensioners of the United States; this being adopted, Messrs. HENDER, PARTRIDGE, and HATHORN, were appointed.

COMMITTEE OF ELECTIONS.

Mr. WHITE moved that a Committee of Elections be appointed; which consisted of Messrs. AMES, SHERMAN, BENSON, STONE, PAGE, WYNKOOP, and WHITE.

NORTH CAROLINA.

A message was received from the Senate, with a bill for giving effect to the laws of the United States, in the State of North Carolina, returned with amendments, in which the Senate requested the concurrence of the House; these amendments were agreed to, except one amendment only.

By the amendments of the Senate to the foregoing act, a clause is introduced for the purpose of further suspending the operation of the tonnage act, respecting the vessels belonging to Rhode Island, till the first day of April next.

TUESDAY, February 2.

THEOPHILUS BLAND, from Virginia, appeared and took his seat.

The engrossed bill for securing the copy-right of books to authors and proprietors, was read the third time; but, on motion, was recommitted to Messrs. BOUDINOT, SHERMAN, and SYLVESTER.

CENSUS OF THE UNION.

Mr. FOSTER, from the committee to whom was recommitment the bill providing for the enumeration of the inhabitants of the United States, re-

ported the bill with amendments; and the House proceeded to the consideration thereof.

Mr. LIVERMORE apprehended this plan was too extensive to be carried into operation, and divided the people into classes too minute to be readily ascertained. For example, many inhabitants of New Hampshire pursued two, three, or four occupations, but which was the principal one depended upon the season of the year or some other adventitious circumstance; some followed weaving in the Spring and Summer, but the making of shoes was the most predominant in the Fall and Winter; under what class are these people to be thrown, especially if they joined husbandry and carpenter's work to the rest? He was confident the distinction which the gentleman wished to make could not be performed. He was, therefore, against adding additional labor, and consequently, incurring additional expense, whether the work was executed or not. Besides this, he apprehended it would excite the jealousy of the people; they would suspect that Government was too particular, in order to learn their ability to bear the burden of direct or other taxes; and, under this idea, they may refuse to give the officer such a particular account as the law requires, by which means you expose him to great inconvenience and delay in the performance of his duty.

Mr. SEDGWICK understood, when the bill was recommitment, it was intended to specify every class of citizens, into which the community was divided, in order to ascertain the actual state of the society. Now, he had to ask, why it was not extended further? He thought the learned professions should be returned, as well as the others, and would furnish as grateful information as the return of any other. The state of society could be ascertained, perhaps, in some degree, from observing these proportions.

Mr. MADISON.—If the object to be attained by this particular enumeration be as important in the judgment of this House, as it appears to my mind, they will not suffer a small defect in the plan to defeat the whole. And I am very sensible, Mr. Speaker, that there will be more difficulty attendant on taking the census, in the way required by the Constitution, and which we are obliged to perform, than there will be in the additional trouble of making all the distinctions contemplated in the bill. The classes of people most troublesome to enumerate, in this schedule, are happily those resident in large towns, as the greatest number of artisans live in populous cities and compact settlements, where distinctions are made with great ease.

I take it, sir, that, in order to accommodate our laws to the real situation of our constituents, we ought to be acquainted with that situation. It may be impossible to ascertain it as far as I wish; but we may ascertain it so far as to be extremely useful, when we come to pass laws, affecting any particular description of people. If gentlemen have any doubts with respect to its utility, I cannot satisfy them in a better manner, than by referring them to the debates which took place upon the bills intended collaterally to benefit the

agricultural, commercial, and manufacturing parts of the community. Did they not wish then to know the relative proportion of each, and the exact number of every division, in order that they might rest their arguments on facts, instead of assertions and conjectures? Will any gentleman pretend to doubt but our regulations would have been better accommodated to the real state of the society than they are? If our decisions had been influenced by actual returns, would they not have been varied, according as the one side or the other was more or less numerous? We should have given less encouragement in some instances, and more in others; but in every instance, we should have proceeded with more light and satisfaction.

The gentleman from Massachusetts (Mr. SEDGWICK) has asked, why the learned professions were not included? I have no objection to giving a column to the general body. I think the work would be rendered more complete by the addition, and if the decision of such a motion turned upon my voice, they shall be added. But it may nevertheless be observed, that in such a character they can never be objects of legislative attention or cognizance. As to those who are employed in teaching and inculcating the duties of religion, there may be some indecency in singling them out, as the General Government is proscribed from interfering, in any manner whatever, in matters respecting religion; and it may be thought to do this, in ascertaining who, and who are not ministers of the Gospel. Conceiving the extension of the plan to be useful, and not difficult, I hope it may meet the ready concurrence of this House.

Mr. PAGE thought this particular method of describing the people would occasion an alarm among them; they would suppose the Government intended something, by putting the Union to this additional expense, besides gratifying an idle curiosity; their purposes cannot be supposed the same as the historian's or philosopher's—they are statesmen, and all their measures are suspected of policy. If he had not heard the object so well explained on this floor, as one of the people, he might have been jealous of the attempt, as it could serve no real purpose, for he contended, if they were now acquainted with the minutiae, they would not be benefited by it. He hoped the business would be accomplished in some other way.

Mr. MADISON thought it was more likely that the people would suppose the information was required for its true object, namely, to know in what proportion to distribute the benefits resulting from an efficient General Government.

The schedules were now agreed to by the House, and the bill, with an alteration respecting the allowance to the Marshal of Maine, was ordered to be engrossed.

A message from the Senate, with the bill for giving effect to the laws of the United States in the State of North Carolina, was received; whereupon, the said bill was ordered to be enrolled, and Messrs. GILMAN and WHITE were appointed a committee for that purpose.

[H. OF R.]

WEDNESDAY, February 3.

[FEBRUARY, 1790.]

Rule of Naturalization.

The engrossed bill for enumerating the inhabitants of the United States was read the third time, and then ordered to lie on the table.

RULE OF NATURALIZATION.

The House then went into a Committee of the Whole on the bill establishing a uniform rule of Naturalization, Mr. BALDWIN in the Chair. The first clause enacted that all free white persons, who have, or who shall migrate into the United States, and shall give satisfactory proof, before a magistrate, by oath, that they intend to reside therein, and shall take an oath of allegiance, and shall have resided in the United States for one whole year, shall be entitled to all the rights of citizenship, except being capable of holding an office under the State or General Government, which capacity they are to acquire after a residence of two years more.

Mr. TUCKER moved to strike out the words "and shall have resided within the United States for one whole year;" because he conceived it the policy of America to enable foreigners to hold lands, in their own right, in less than one year; he had no objection to extending the term, entitling them to hold an office under Government, to three years. In short, the object of his motion was, to let aliens come in, take the oath, and hold lands without any residence at all.

Mr. HARTLEY said, he had no doubt of the policy of admitting aliens to the rights of citizenship; but he thought some security for their fidelity and allegiance was requisite besides the bare oath; that is, he thought an actual residence of such a length of time as would give a man an opportunity of esteeming the Government, from knowing its intrinsic value, was essentially necessary to assure us of a man's becoming a good citizen. The practice of almost every State in the Union countenanced a regulation of this nature; and perhaps it was owing to a wish of this kind, that the States had consented to give this power to the General Government. The terms of citizenship are made too cheap in some parts of the Union; to say, that a man shall be admitted to all the privileges of a citizen, without any residence at all, is what can hardly be expected.

The policy of the old nations of Europe has drawn a line between citizens and aliens: that policy has existed to our knowledge ever since the foundation of the Roman Empire; experience has proved its propriety, or we should have found some nation deviating from a regulation inimical to its welfare. From this it may be inferred, that we ought not to grant this privilege on terms so easy as is moved by the gentleman from South Carolina. If he had gone no further in his motion than to give aliens a right to purchase and hold lands, the objection would not have been so great; but if the words are stricken out that he has moved for, an alien will be entitled to join in the election of your officers at the first moment he put his foot on shore in America, when it is impossible, from the nature of things, that he can be qualified to exercise such a talent; but if it

was presumable that he was qualified by a knowledge of the candidates, yet we have no hold upon his attachment to the Government.

Mr. SHERMAN thought that the interests of the State where the emigrant intended to reside ought to be consulted, as well as the interests of the General Government. He presumed it was intended by the Convention, who framed the Constitution, that Congress should have the power of naturalization, in order to prevent particular States receiving citizens, and forcing them upon others who would not have received them in any other manner. It was therefore meant to guard against an improper mode of naturalization, rather than foreigners should be received upon easier terms than those adopted by the several States. Now, the regulation provided for in this bill, entitles all free white persons, which includes emigrants, and even those who are likely to become chargeable. It certainly never would be undertaken by Congress to compel the States to receive and support this class of persons; it would therefore be necessary that some clause should be added to the bill to counteract such a general proposition.

Mr. PAGE was of opinion, that the policy of European nations and States respecting naturalization, did not apply to the situation of the United States. Bigotry and superstition, or a deep-rooted prejudice against the Government, laws, religion, or manners of neighboring nations had a weight in that policy, which cannot exist here, where a more liberal system ought to prevail. I think, said he, we shall be inconsistent with ourselves, if, after boasting of having opened an asylum for the oppressed of all nations, and established a Government which is the admiration of the world, we make the terms of admission to the full enjoyment of that asylum so hard as is now proposed. It is nothing to us, whether Jews or Roman Catholics settle amongst us; whether subjects of Kings, or citizens of free States wish to reside in the United States, they will find it their interest to be good citizens, and neither their religious nor political opinions can injure us, if we have good laws, well executed.

Mr. BOURNOR was against striking out the words, because he would rather choose to alter it from one year to two years, than to strike out all that respected the capacity of an alien to be elected into any office. He conceived, that after a person was admitted to the rights of citizenship, he ought to have them full and complete, and not be divested of any part.

Mr. WHITE noticed the inconvenience which would result from permitting an alien to all the rights of citizenship, merely upon his coming and taking an oath that he meant to reside in the United States. Foreign merchants and captains of vessels might by this means evade the additional duties laid on foreign vessels; he thought, therefore, if the words were struck out, that another clause ought to be added, depriving persons of the privilege of citizenship, who left the country and staid abroad for a given length of time.

Mr. LAWRENCE was of opinion, that Congress

[FEBRUARY, 1790.]

Rule of Naturalization.

[H. OF R.]

had nothing more to do than point out the mode by which foreigners might become citizens. The Constitution had expressly said how long they should reside among us before they were admitted to seats in the Legislature; the propriety of annexing any additional qualifications is therefore much to be questioned. But this bill is not confined to the qualifications of the General Government only; it descends to those of the State Governments; it may be doubly questioned how far Congress has the power to declare what residence shall entitle an alien to the right of a seat in the State Legislatures.

The reason of admitting foreigners to the rights of citizenship among us is the encouragement of emigration, as we have a large tract of country to people. Now, he submitted to the sense of the committee, whether a term, so long as that prescribed in the bill, would not tend to restrain rather than encourage emigration? It has been said, that we ought not to admit them to vote at our elections. Will they settle amongst us? And is it not a principle that taxation and representation ought to go hand and hand? Shall we then restrain a man from having an agency in the disposal of his own money? It has also been observed, that persons might come and reside amongst us for some time, and then leave the country; he did not doubt that such might be the case, but it was not presumable, that after they had once taken an oath that they meant to reside here, and had become citizens, that they would return as soon as the occasion which required their absence had terminated.

Mr. MADISON.—When we are considering the advantages that may result from an easy mode of naturalization, we ought also to consider the cautions necessary to guard against abuses. It is no doubt very desirable that we should hold out as many inducements as possible for the worthy part of mankind to come and settle amongst us, and throw their fortunes into a common lot with ours. But why is this desirable? Not merely to swell the catalogue of people. No, sir, it is to increase the wealth and strength of the community; and those who acquire the rights of citizenship, without adding to the strength or wealth of the community, are not the people we are in want of. And what is proposed by the amendment is, that they shall take nothing more than an oath of fidelity, and declare their intention to reside in the United States. Under such terms, it was well observed by my colleague, aliens might acquire the right of citizenship, and return to the country from which they came, and evade the laws intended to encourage the commerce and industry of the real citizens and inhabitants of America, enjoying at the same time all the advantages of citizens and aliens.

I should be exceedingly sorry, sir, that our rule of naturalization excluded a single person of good fame that really meant to incorporate himself into our society; on the other hand, I do not wish that any man should acquire the privilege, but

such as would be a real addition to the wealth or strength of the United States.

It may be a question of some nicety, how far we can make our law to admit an alien to the right of citizenship, step by step; but there is no doubt we may, and ought to require residence as an essential.

Mr. SMITH, of South Carolina, thought some restraints proper, and that they would tend to raise the Government in the opinion of good men, who are desirous of emigrating; as for the privilege of electing, or being elected, he conceived a man ought to be some time in the country before he could pretend to exercise it. What could he know of the Government the moment he landed? Little or nothing: how then could he ascertain who was a proper person to legislate or judge of the laws? Certainly gentlemen would not pretend to bestow a privilege upon a man which he is incapable of using?

How far the Government may admit a man to the rights of citizenship by progression, is called in question. The Constitution vests in Congress the power to establish a uniform rule of naturalization; it is not various rules they have the power to make, but one complete uniform rule; now, is it one rule, if a man is admitted progressively? It is; because it is only part of a rule, that a man shall be entitled to certain privileges at the end of one year's residence. Another part is to give more in two years, and the whole is completed at the end of three years. The naturalization laws of Carolina proceed upon this plan: they do not there conceive it proper to give the complete right at once; they give citizenship for certain purposes at first, extending them afterwards as the person is fitted to receive them.

The intention of the present motion is, to enable foreigners to come here, purchase and hold lands; but this will go beyond what the mover has required, and therefore it will be better to draft a separate clause, admitting them to purchase and hold lands upon a qualified tenure and pre-emption right, than thus admit them at once to interfere in our politics. The quality of being a freeholder is requisite, in some States, to give a man a title to vote for corporation and parish officers. Now, if every emigrant who purchases a small lot, but for which perhaps he has not paid, becomes in a moment qualified to mingle in their parish or corporation politics, it is possible it may create great uneasiness in neighborhoods which have been long accustomed to live in peace and unity.

Mr. HARTLEY said, that the subject had employed his thoughts for some time, and that he had made up his mind in favor of requiring a term of residence. The experience of all nations, and the constitutions of most of the States, induced the same opinion. An alien has no right to hold lands in any country, and if they are admitted to do it in this, we are authorized to annex to it such conditions as we think proper. If they are unreasonable, they may defeat the object we have in view, but they have no right to complain; yet, considering the circumstances of this country, he

was favorable to easy terms of admission, because, he thought, it might be some inducement to foreigners to come and settle among us. It has been remarked, that we must admit those whom we call citizens to all the rights of citizenship at once. This opinion, he presumed, was not well founded; the practice of this country in no instance warrants it. The constitutions of the several States admit aliens to the privilege of citizenship, step by step; they generally require a residence for a certain time, before they are admitted to vote at elections; some of them annex to it the condition of payment of taxes and other qualifications; but he believed none of the States render a foreigner capable of being elected to serve in a legislative capacity, without a probation of some years. This kind of exception is also contemplated in the Constitution of the United States. It is there required, that a person shall be so many years an inhabitant before he can be admitted to the trust of legislating for the society. He thought, therefore, that this part of the objection is not well supported.

With respect to the policy of striking out the words altogether from the clause, and requiring no residence before a man is admitted to the rights of election, the objections are obvious. If, at any time, a number of people emigrate into a seaport town; for example, from a neighboring colony into the State of New York, will they not, by taking the oath of allegiance, be able to decide the fate of an election contrary to the wishes and inclinations of the real citizens? And are gentlemen disposed to throw such an undue influence into the hands of foreigners? Besides, they will acquire a capacity of evading your revenue laws, intended for the encouragement of the citizens. I have mentioned this example, and might enumerate many others, to point out the impropriety of this policy; but presuming them to be within every gentleman's knowledge, I shall not enlarge upon it.

With respect to the propriety of enabling foreigners to acquire and hold lands on a qualified tenure, I have no objection to such a clause.

Mr. WHITE doubted whether the Constitution authorized Congress to say on what terms aliens or citizens should hold lands in the respective States; the power vested by the Constitution in Congress, respecting the subject now before the House, extends to nothing more than making a uniform rule of naturalization. After a person has once become a citizen, the power of Congress ceases to operate upon him; the rights and privileges of citizens in the several States belong to those States; but a citizen of one State is entitled to all the privileges and immunities of the citizens in the several States. Now, if any State in the Union should choose to prohibit its citizens from the privilege of holding real estate, without a residence of a greater number of years than should be thought proper by this House, they could do it, and no authority of the Government, he apprehended, could enforce an obedience to a regulation not warranted by the Constitution. So, in the case of elections, if the constitution of a particular

sufficient for our views of having immaculate citizens, we should add censors, and banish the immoral from amongst us. Indeed, sir, I fear, if we go on as is proposed now, in the infancy of our Republic, we shall, in time, require a test of faith and politics, of every person who shall come into these States. As to any precautions against admitting strangers to vote at elections, though I think them of less importance than some gentlemen, I object not to them; but contend, that every man, upon coming into the States, and taking the oath of allegiance to the Government, and declaring his desire and intention of residing therein, ought to be enabled to purchase and hold lands, or we shall discourage many of the present inhabitants of Europe from becoming inhabitants of the United States.

Mr. LAWRENCE.—We are authorized to establish a uniform rule of naturalization; but what are the effects resulting from the admission of persons to citizenship is another concern, and depends upon the constitutions and laws of the States now in operation. I have therefore an objection to that part of the bill which respects the qualification of the members of the State Legislatures. But with respect to residence, before a man is admitted, I am of opinion with the gentleman from Virginia, (Mr. PAGE;) at least it may be questioned whether any good can result from it, to compensate for the evil it may effect by restraining emigration.

The gentleman has said he would admit none but such as would add to the wealth or strength of the nation. Every person who comes among us must do one or the other; if he brings money; or other property with him, he evidently increases the general mass of wealth, and if he brings an able body, his labor will be productive of national wealth, and an addition to our domestic strength. Consequently, every person, rich or poor, must add to our wealth and strength, in a greater or less degree.

Whether there shall be any particular regulation with respect to the character of the man who is to be naturalized, will be an after consideration; but I think it will be sufficient that we are able, by laws, to restrain and regulate the conduct of an individual. Nor do I believe, sir, there is any just ground of apprehension that people will come to this city from Nova Scotia, or any other part of the world, in bodies of three or four thousand, to turn our elections, or interfere in our politics. And while I am free from these apprehensions, and suppose that the true policy of this country is to make the terms of admission easy, in order to people our country, I shall be against every measure which has a tendency to throw obstacles in the way.

Mr. TUCKER had no object in making his motion but to enable people to hold lands, who came from abroad to settle in the United States. He was otherwise satisfied with the clause, so far as it made residence a term of admission to the privilege of election; but there was a seeming contradiction in making them freeholders, and, at the same time, excluding them from the performance

of duties annexed to that class of citizens. He thought the citizens had a right to require the performance of such duties by every person who was eligible under their State laws and Constitutions. Now, if the motion could be modified in any way to accomplish his object with consistency, he would cheerfully acquiesce therein.

As to the privilege of being elected to office, he was of opinion the term of three or four years was a term sufficiently short to acquire it in; it was a much easier method of obtaining citizenship, than was practised by other nations; neither would he object to any precaution being introduced into the bill that had a tendency to prevent the admission of bad men, if such precaution could be devised consistent with their Constitutional power, and could be carried into easy and safe execution. The mode mentioned by the gentleman from Georgia, of a recommendation by the grand jury, or district court, would throw a very great embarrassment into the way of an emigrant's becoming a citizen; but if some more eligible mode can be devised, of making the inhabitants of the United States a select society of good moral men, he was ready to agree to it, yet he almost despaired of its being accomplished.

He had no doubt the Government had a right to make the admission to citizenship progressive—the Constitution pointed out something of this kind, by the different ages and terms of residence they annexed to the right of holding a seat in this House and in the Senate, and of being chosen President. No inhabitant can become President of the United States, unless he has been an inhabitant fourteen years; which plainly infers that he might have been a citizen for other purposes, with a shorter residence. But it goes still further, it enables Congress to dictate the terms of citizenship to foreigners, and to prevent them from being admitted to the full exercise of the rights of citizenship by the General Government; because it declares that no other than a natural born citizen, or a citizen at the time of the adoption of this Constitution, shall be eligible to the office of President.

With respect to their interference with the State Governments, he believed it to be improper; and hoped, therefore, that the bill would be confined solely to the objects of the General Government.

Mr. MADISON remarked, that the arguments had extended themselves beyond the simple question before the committee, and called into view matters of considerable importance, but of which, at this time, he did not mean to give an opinion. Whether residence is, or is not, a proper quality to be attached to a citizen, is the question? In his own mind, he had no doubt but residence was a proper pre-requisite, and he was prepared to decide in favor of it.

Mr. SMITH, of South Carolina, hoped the question would not be put to-day, as he wished to reflect further on the subject. A variety of observations had been made, which merited the serious attention of the committee; he would suggest another. An alien in Great Britain is not per-

mitted to inherit or hold real estate for his own use; consequently, a citizen of the United States, and a subject of Great Britain, would not be on an equal footing with respect to estates descended to them by inheritance. He thought this, and other weighty observations, would induce the House to postpone the subject till to-morrow.

Mr. SEDGWICK was against the indiscriminate admission of foreigners to the highest rights of human nature, upon terms so incompetent to secure the society from being overrun with the outcasts of Europe; besides, the policy of settling the vacant territory by emigration is of a doubtful nature. He believed, in the United States, the human species might be multiplied by a more eligible and convenient mode, than what seemed to be contemplated by the motion now before the committee. He was well satisfied for himself, that there existed no absolute necessity of peopling it in this way; and, if there was no absolute necessity, he thought Congress might use their discretion, and admit none but reputable and worthy characters; such only were fit for the society into which they were blended. The citizens of America preferred this country because it is to be preferred; the like principle he wished might be held by every man who came from Europe to reside here; but there was at least some grounds to fear the contrary; their sensations, impregnated with prejudices of education, acquired under monarchical and aristocratical Governments, may deprive them of that zest for pure republicanism, which is necessary in order to taste its beneficence with that gratitude which we feel on the occasion. Some kind of probation, as it has been termed, is absolutely requisite, to enable them to feel and be sensible of the blessing. Without that probation, he should be sorry to see them exercise a right which we have gloriously struggled to attain.

Mr. BURKE thought it of importance to fill the country with useful men, such as farmers, mechanics, and manufacturers, and, therefore, would hold out every encouragement to them to emigrate to America. This class he would receive on liberal terms; and he was satisfied there would be room enough for them, and for their posterity, for five hundred years to come. There was another class of men, whom he did not think useful, and he did not care what impediments were thrown in their way; such as your European merchants, and factors of merchants, who come with a view of remaining so long as will enable them to acquire a fortune, and then they will leave the country, and carry off all their property with them. These people injure us more than they do us good, and, except in this last sentiment, I can compare them to nothing but leeches. They stick to us until they get their fill of our best blood, and then they fall off and leave us. I look upon the privilege of an American citizen to be an honorable one, and it ought not to be thrown away upon such people. There is another class also that I would interdict, that is, the convicts and criminals which they pour out of British jails. I wish sincerely some mode could be adopted to prevent the importation of such; but that, perhaps, is not in

our power; the introduction of them ought to be considered as a high misdemeanor.

Mr. STONE had no doubt but an alien might be admitted to the rights of citizenship, step by step; but he questioned the power of the House to say that a man shall be a citizen for certain purposes, as it respects the individual State Governments; he concluded that the laws and constitutions of the States, and the Constitution of the United States, would trace out the steps by which they should acquire certain degrees of citizenship. Congress may point out a uniform rule of naturalization; but cannot say what shall be the effect of that naturalization, as it respects the particular States. Congress cannot say that foreigners, naturalized under a general law, shall be entitled to privileges which the States withhold from native citizens.

Mr. BOURNOR.—An exchange of sentiment on this floor I find always tends to throw more light on a subject than is generally to be obtained in any other way. But, as the subject is not yet fully elucidated, I shall be in favor of letting it remain undecided till to-morrow, for which reason, I move the committee to rise.

This motion being put, the committee rose, and reported progress, after which the House adjourned.

THURSDAY, February 4.

RULE OF NATURALIZATION.

The House again resolved itself into a Committee of the Whole on the Naturalization bill. Mr. BALDWIN in the Chair.

Mr. TUCKER's motion was still before the committee.

The committee being about to take a question on the motion,

Mr. PAGE wished it delayed until he saw the gentleman from South Carolina (Mr. BURKE) in his place.

Mr. SMITH, of South Carolina, said he believed the object of his colleague was nothing more than to let foreigners, on easy terms, be admitted to hold lands; that this object could be better effected by introducing a clause to that purpose, and he had no doubt but it would be equally satisfactory to his colleague.

Mr. GOODHUE was against the motion, because it made our citizenship too cheap; after it was decided against, he would move to make the term two years, instead of one, before an alien should be entitled to the privilege of a citizen.

Mr. STONE.—I would let the term of residence be long enough to accomplish two objects, before I would consent to admit a foreigner to have any thing to do with the politics of this country. First, that he should have an opportunity of knowing the circumstances of our Government, and in consequence thereof, shall have admitted the truth of the principles we hold. Second, that he shall have acquired a taste for this kind of Government. And in order that both these things may take place, in such a full manner as to make him worthy of admission into our society, I think a term of four or seven years ought to be required.

A foreigner who comes here is not desirous of interfering immediately with our politics; nor is it proper that he should. His emigration is governed by a different principle; he is desirous of obtaining and holding property. I should have no objection to his doing this, from the first moment he sets his foot on shore in America; but it appears to me, that we ought to be cautious how we admit emigrants to the other privileges of citizenship, and that for a reason not yet mentioned; perhaps it may allude to the next generation more than to this, because the present inhabitants, or most of them, have been engaged in a long, hazardous, and expensive war. They have been active in rearing up the present Government, and feel, perhaps, a laudable vanity in having effected what the most sanguine hardly dared to contemplate. There is no danger of these people losing what they so greatly esteem; but the admission of a great number of foreigners to all the places of Government, may tincture the system with the dregs of their former habits, and corrupt what we believe the most pure of all human institutions.

Mr. JACKSON.—It was observed yesterday, Mr. Chairman, that we could not modify or confine our terms of naturalization; that we could not admit an alien to the rights of citizenship progressively. I shall take the liberty of supporting the contrary doctrine, which I contend for, by a reference to the very accurate commentator on the laws of England, *Justice Blackstone*, l. 10. "Naturalization," says he, "cannot be performed but by an act of Parliament; for by this an alien is put in exactly the same state as if he had been born in the King's legiance, *except* only, that he is incapable, as well as a denizen, of being a member of the Privy Council, or Parliament, holding offices, grants, &c. No bill for naturalization can be received in either House of Parliament without such disabling clause in it." So that here we find, in that nation from which we derive most of our ideas on this subject, not only that citizens are made progressively, but that such a mode is absolutely necessary to be pursued in every act of Parliament for the naturalization of foreigners.

The same learned Judge then goes on to show the attempts that were made to introduce a general system of naturalization, and how they failed; and that, to this day, even of their meritorious naval and military characters, they make an exception, as to sitting in Parliament, &c. and holding grants of land from the Crown, within the Kingdoms of Great Britain and Ireland. After this, I presume, it will not be contended that we cannot found our law, on the principle of a progressive and probational naturalization.

With respect to the approbation which a foreigner ought to acquire before he becomes a citizen, I am most clear, and as arguments enough have been used to place it in its strongest point of light, I will not trouble the committee with a repetition; but I believe it essentially necessary to render the American name as honorable as it merits.

Mr. LAWRENCE knew that Congress had power to say on what terms aliens should be admitted to

the rights of citizenship, and affix any length of residence they thought proper; so that there was no occasion to bring a commentator on the English law to prove it to him. But he contended, that when the alien was admitted to the right of citizenship, that the law of the United States could not vary any of the effects of that citizenship in the State to which he belonged. He would elucidate this, by referring to the constitution and practice of this State. No person in New York can be naturalized but by an act of the Legislature; and when he is naturalized, there are certain rights which, perhaps, he cannot exercise, because he is not qualified according to the terms of the constitution. For example, he may not vote for Representatives in Assembly, unless he has resided six months in the State. Now, the act of Assembly naturalizing him, cannot bestow on him the right of voting, unless he either has before, or shall after, reside in the State for the term of six months. He contended, that the law of the United States could not alter the right of any man to vote after six months' residence in New York, provided he had conformed to the laws of the United States, in remaining one year, as the words, now moved to be struck out, seemed to imply. It is undoubtedly a question of policy, how long a person shall remain here before he is admitted to the rights of a citizen; but as a short term appeared to him to be best, he was for striking out the words proposed.

Mr. JACKSON understood the gentleman yesterday, as having advanced the argument to which he replied; but, if he was mistaken in regard to him, some other gentleman had made the observation, and the authority he adduced would serve to do away any doubts it might have given rise to.

Mr. HUNTINGTON.—The terms of the bill are too indefinite; they require the emigrant to take an oath that he intends to reside in the United States; but how long and for what purpose are not ascertained. He may determine to stay here until he accomplishes a particular object; and he may go into the most obscure part of the Union to take this oath. The community certainly will not be benefited by such emigrants, and therefore they ought not to be admitted to the privileges of citizenship. The mode of naturalization, pointed out in this bill, is much too easy. In the State to which I belong, said he, no person could be naturalized, but by an act of the Legislature; the same is the case in several of the other States, and in Britain. He never knew a good inhabitant, who wished to be admitted to the rights of citizenship, but what found this mode sufficiently easy. The term that an emigrant should reside ought to be sufficiently long to give him an opportunity of acquiring a knowledge of the principles of the Government, and of those who are most proper to administer it; otherwise he cannot exercise his privilege with any advantage to himself, or to the community. He therefore wished that the clause might be amended, in such a manner as to leave the naturalization of foreigners to the State Legislatures.

Mr. CLYMER was of opinion, that foreigners

ought to be gradually admitted to the rights of citizens; and that a residence for a certain time should entitle them to hold property; but that the higher privileges of citizens, such as electing, or being elected into office, should require a longer term; permitting these rights to be assumed, and exercised at a shorter period, would not operate as any inducement to persons to emigrate; as the great object of emigration is generally with the view of procuring a more comfortable subsistence, or to better the circumstances of the individuals; the exercise of particular privileges was but a secondary consideration. He then observed, that it might be good policy to admit foreigners to purchase and hold lands in fee simple, without ever coming to America; it would, perhaps, facilitate the borrowing of money of Europeans, if they could take mortgages, and be secure. One State (Pennsylvania) had granted this liberty to aliens, and they have experienced no inconvenience therefrom; he wished Congress to pass a similar law, and was convinced it would not be dishonorable.

Mr. STONE gave it as his opinion that a person, who meant to qualify himself for becoming a citizen of the United States, ought to take the oath of residence and allegiance, within six months, and be thereupon entitled to hold property; but that he should not be capable of holding an office, or electing others into one, for seven years.

Mr. BURKE.—Unless some residence is required, it may be attended with confusion. In large cities, like Boston, New York, or Philadelphia, an election may be carried by the votes of the body of sailors who happened to be in port. If the French fleet was here at such a time, and a spirit of party strongly excited, perhaps one of the candidates might get the crews of every ship in the fleet, and after qualifying them, by taking an oath of no definite meaning, carry them up to the hustings, and place himself or his friend on this floor, contrary to the voice of nine-tenths of the city. Even a residence of one year is too short, it ought to be two, three, or four; but seven is too long. Indeed, the whole of this bill seems somehow objectionable; there are some cases also omitted, which may show the necessity of recommitting it.

The case of the children of American parents born abroad ought to be provided for, as was done in the case of English parents, in the 12th year of William III. There are several other cases that ought to be likewise attended to.

Mr. PAGE had given his sentiments yesterday, and was clearly against throwing any obstacles in the way of good men desirous of becoming citizens.

Mr. LEE did not approve of the motion; but was in favor of as short a term as would be consistent, because he apprehended it would tend considerably to encourage emigration.

Mr. SENEY thought Congress had no right to intermeddle with the regulations of the several States, while prescribing a rule of naturalization. If they were disposed to say that two, three, or four years' residence in the United States was

proper, before an alien should be eligible to an office under the General Government, they might; but after they have admitted a foreigner to citizenship, he did not believe they were authorized to except him, for two years more, from being capable of election, or appointment to any office, Legislative, Executive, or Judicial, under the State Governments, provided the State laws or constitutions admit him at a shorter period. Nor did he believe Congress could admit foreigners to such privilege so early as two years in States requiring a longer term of probation. He had, however, no objection to foreigners being admitted to hold property, without any previous residence; but he did not like the idea of admitting them to a participation in the Government, without a residence sufficiently long to enable them to understand their duty. As the bill was not satisfactory to his mind, in its present form, he would vote for a recommitment.

Mr. JACKSON had an objection to any persons holding land in the United States without residence, and an intention of becoming a citizen; under such a regulation the whole Western Territory might be purchased by the inhabitants of England, France, or other foreign nations; the landholders might combine, and send out a large tenantry, and have thereby such an interference in the Government as to overset the principles upon which it is established. It will be totally subversive of the old established doctrine, that allegiance and land go together; a person owing no allegiance to a Sovereign, ought not to hold lands under its protection, because he cannot be called upon and obliged to give that support which invasion or insurrection may render necessary. But, with respect to residence and probation, before an alien is entitled to the privilege of voting at elections, I am very clear it is necessary; unless gentlemen mean to render the rank of an American citizen the maygame of the world. Shall stories be told of our citizenship, such as I have read in the Pennsylvania Magazine of the citizenship there? If my memory serves me right, the story runs, that at a contested election in Philadelphia, when parties ran very high, and no stone was left unturned, on either side, to carry the election, most of the ships in the harbor were cleared of their crews, who, ranged under the masters and owners, came before a Magistrate, took the oath of allegiance, and paid half a crown tax to the collector, as the Constitution required, then went and voted, and decided the contest of the day. On the return of one of the vessels, whose crew had been employed in the affair of the election, they fell in with a shoal of porpoises off Cape Henlopen. "Ha!" said one of them, "what merry company have we got here! I wonder where they are going so cheerfully?" "Going," replied one of his comrades, "why, going to Philadelphia, to be sure, to pay taxes, and vote for Assemblymen!" I hope, Mr. Chairman, we have more respect for our situations, as citizens, than to expose ourselves to the taunts and jeers of a deriding world, by making that situation too cheap.

Mr. SMITH, of South Carolina, admitted the propriety of recommitting the bill; but he wished some principles to be first established for the direction of the committee; for, at present, he was at a loss to conceive what was the prevailing opinion. Many gentlemen had suggested new ideas, which occasioned new difficulties; he hoped they would settle and remove some of them before they rose. The gentleman from Maryland (Mr. SENEY) has observed, that we have no right to declare upon what terms an alien shall be admitted to the offices of the State Governments; this the same argument extends also to the voters. This opinion opens a new field of argument, and entirely changes the system; it ought, therefore, to be decided. For his part, he was of opinion, that an uniform rule of naturalization would extend to the whole Continent, and decide the right of a foreigner to be admitted to elect, or be elected, in any of the States.

He would suggest another idea for consideration. What is to become of those inchoate rights of citizenship, which are not yet completed? Can the Government, by an *ex post facto* law, deprive an alien of the advantage of such an inchoate right? Mr. SENEY.—The gentleman last up has different ideas of the jurisdiction of the United States from me. He believes we have not only the power of prescribing the qualifications of our own officers, but the officers of every State in the Union; but I conceive, with respect to the latter, we have nothing to do. We can go no further than to prescribe the rule by which it can be determined who are, and who are not citizens; but we cannot say they shall be entitled to privileges in the different States which native citizens are not entitled to, until they have performed the conditions annexed thereto.

Mr. BURKE said, no person ought to be permitted to inherit by descent, in America, unless the same privilege was reciprocated by other nations; perhaps this point would be properly settled by treaty, and it would be well to introduce a visionary clause to this effect. He was also in favor of admitting foreigners to hold lands on easy terms, if they would come to reside among us; and here he would take an opportunity of doing justice to some of them, as it might be supposed, from what had fallen from various parts of the House, that foreigners, educated under a Monarchy, were inimical to the pure principles of Republicanism. He was convinced that this doctrine was untrue, because he had often remarked that foreigners made as good citizens of Republics as the natives themselves. Frenchmen, brought up under an absolute Monarchy, evinced their love of liberty in the late arduous struggle; many of them are now worthy citizens, who esteem and venerate the principles of our Revolution. Emigrants from England, Ireland, and Scotland, have not been behind any in the love of this country; so there is but little occasion for the jealousy which appears to be entertained for the preservation of the Government.

Mr. CLYMER observed, that though Congress

have authority to make a uniform rule of naturalization throughout the States, yet it was not true that it would apply with equal advantage to them all; that it might be proper every where, indeed, that aliens should be admitted, early, to the inferior rights of citizens, but that it would be unsuitable they should be admitted to the higher privileges at the same period, in all the States, however differently circumstanced. In States newly formed, it might be useful to fix a short period; but in the old States, fully peopled, he did not think the longest which had been mentioned too great; for this reason he thought the power of naturalizing should be referred to the States, to make such provision as they pleased, and therefore approved the recommendation; but not till the House had passed on to a following clause, which respects the objects of the bill. When that came under consideration, he thought it might be both a generous and wise policy to make an easy way to the return of those, with exception to one character only, who had been once citizens of the United States, and who would, many of them, gladly again become so; he meant the refugees, who were adding to the wealth and strength of a Power no ways friendly to us, and are actually injuring some of the States by the rivalry they create in the fisheries.

Mr. TUCKER thought the bill must be recommitment; but he did not wish it done till the sense of the House was known on some of the various points that had presented themselves during the debate. With respect to the latter part of the first clause, he agreed with the gentleman from Maryland, (Mr. SENEY,) that we ought to provide a rule of naturalization, without attempting to define the particular privileges acquired thereby under the State Governments. By the Constitution of the United States, the electors of the House of Representatives are to have the qualifications requisite for electors of the most numerous branch of the State Legislatures. He presumed it was to be left to the discretion of the State constitutions, who were to be the electors of the State Legislatures, and therefore the General Government had no right to interfere therein. The motion he had made for striking out the words, "and shall have resided within the United States for one whole year," not coming up to, or sufficiently explaining his wishes, he would withdraw, and propose to new model the clause, so as to allow aliens to be admitted to so much of the rights of citizenship as to be able to hold lands, upon taking the necessary oaths; but not to elect, or be elected, to any office under the General Government, until they had resided three years within the United States; with a proviso, that the titles to real estates should not be valid, unless they continued to reside for the term of three years in America.

Mr. HARTLEY observed, that the subject was entirely new, and that the committee had no positive mode to enable them to decide; the practice of England, and the regulations of the several States, threw some light on the subject, but not sufficient to enable them to discover what plan of

naturalization would be acceptable under a Government like this. Some gentlemen had objected to the bill, without attending to all its parts, for a remedy was therein provided for some of the inconveniences that had been suggested. It was said, the bill ought to extend to the exclusion of those who had trespassed against the laws of foreign nations, or been convicted of a capital offence in any foreign kingdom; the last clause contains a proviso to that effect, and he had another clause ready to present, providing for the children of American citizens born out of the United States.

Mr. LIVERMORE thought the bill very imperfect, and that the committee ought to rise, and recommend it to be referred to a select committee; observing, that it was extremely difficult for fifty or sixty persons to arrange and make a system of a variety of motions and observations that had been brought forward.

Mr. SEDGWICK was in favor of the committee rising. He did not recollect an instance wherein gentlemen's ideas had been so various as on this occasion; motions and observations were piled on the back of each other, and the committee, from the want of understanding the subject, had involved themselves in a wilderness of matter, out of which he saw no way to extricate themselves but by the rising of the committee.

Mr. SMITH, of South Carolina, as a member of the Committee of the Whole, wished to take his share of the blame for not understanding the subject; but he thought, nevertheless, that some of the points suggested had been so fully discussed, as to enable them to decide, particularly with respect to residence.

Mr. PAGE did not approve of the rising of the committee, until they had expressed their sense on the point they had had so long under consideration.

Mr. SYLVESTER thought it neither for the honor nor interest of the United States to admit aliens to the rights of citizenship indiscriminately; he was clearly in favor of a term of probation, and that their good behaviour should be vouched for. He suggested the idea of lodging the power of admitting foreigners to be naturalized in the District Judges.

Mr. SEDGWICK meant to blame no gentleman, and hoped no gentleman understood him to intend such a thing. He conceived himself as much in fault as any member, because he had not yet turned his attention so seriously to the subject as he ought.

On the question being put, the committee rose and reported, and the bill was recommitted to a committee of ten.

CENSUS BILL.

The House resumed the consideration of the bill for the actual enumeration of the inhabitants of the United States, when a motion was made to recommit this bill.

Mr. SEDGWICK adverted to the present rate of representation of the several States in Congress, in which the most palpable inequality reigned.

He observed, that an enumeration, such as would be competent to equalize the representation, ought to be made previous to the next election. This, he said, the people expected, on the title of right and justice; and the Constitution had provided for it; nor will the people, who think themselves not fully represented, be content without enjoying that weight and influence in the Legislature to which they conceive they are entitled. He then read the proposition, which he intended to offer as a clause to be incorporated in the bill, when it shall be committed to a Committee of the Whole.

Mr. JACKSON said there would not be sufficient time allowed to complete the enumeration; and objected to it, particularly as it proposed the President of the United States shall determine the census of the inhabitants, from the returns he may receive from the Marshals and the ratio of representation on those returns.

Mr. SMITH, of South Carolina, said that he objected to the proposition, as he thought it did not allow a sufficient time for the returns to be made. He then mentioned the several periods that must probably elapse, before the business of enumeration could be completed. From which it appeared, that the object of the motion cannot be effected, in such a manner as to make any alteration in the next election proper.

Mr. WHITE pointed out the difficulties that would result from such a measure, as some of the States had passed laws to regulate the time of elections; and, he presumed, that the Legislature never would delegate to any man, or men, the power of determining the ratio of representation.

Mr. LAWRENCE said he had no objection to recommit the bill. It appeared to him that the rule of representation ought to be determined, previous to ascertaining the number of inhabitants, as in all probability, that rule would be adopted with less prejudice and partiality, while the contingencies that may affect it are not known.

Mr. JACKSON said he thought this suggestion was an artifice, covered, however, with too thin a veil not to be seen through, it was too unsubstantial to support itself; that point has been already settled by the Constitution. He recited the clause that particularly pointed out the number of Representatives each State is entitled to elect, previous to any actual enumeration; the Constitution, therefore, plainly directs an enumeration before the ratio of a future representation shall be settled.

Mr. SMITH, of South Carolina, said that the ratio of representation was already proposed by Congress, in the amendments sent out to the Legislatures. He, therefore, hoped that nothing would be done to impede the progress and ratification of those amendments.

Mr. SEDGWICK said that when he introduced the proposition, he supposed it was founded upon such fair and equal principles that he did not anticipate the smallest objection would have been made by any gentleman whatever. The proposition was simply this, that justice should be done;

that a more equal representation should be attempted and effected. If inequalities do exist, and it is very evident they do, can any gentleman object to a remedy?

The motion for recommitting the bill to a Committee of the Whole was put, and carried in the affirmative.

FRIDAY, February 5.

REMISSION OF FINES.

The House resolved itself into a Committee of the Whole on the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, Mr. BALDWIN in the Chair.

The clause provides:

"That whenever any person liable to fine or penalty, or subject to forfeiture, shall petition before judgment is rendered, and offer to confess judgment for the same, the judge, with the district attorney, or marshal, may inquire, in a summary manner, into the truth of the allegations in the petition, and if it appears to them that the fine, &c., was incurred inadvertently, or by casualty, and without fraud, or intent to evade the law, the same may be admitted; saving to the informant, or person seizing the property, the right they have acquired."

Mr. GOODHUE said, this law would put the man in a worse situation than if left to his chance upon the action; for if he confessed judgment, he must lose half his property. It was common, he believed, to extend mercy after conviction.

Mr. LIVERMORE moved to strike out the words, "offering to confess judgment for the same."

Mr. AMES said, he was indifferent whether the words in the clause were retained or struck out. He wished, however, that the principles of the bill might be well understood. That a strict adherence to rule, even if it should sometimes be attended with rigor, he conceived to be a less evil than a lax mode of executing the laws; that it may be considered as a great grievance to have frequent recourse to qualified interpretations of the laws. With respect to the revenue, it must strike every person, that a certain rule ought to be maintained in all possible cases; nevertheless, fines, penalties, and forfeitures, may be incurred in such a manner as may entitle to relief. The object of the bill, he said, was to grant such relief with the least risk of injuring the revenue, and in such a mode, as that the person offending may receive it as soon as possible.

Mr. SEDGWICK was in favor of the motion, and endeavored to demonstrate the injustice of requiring a confession previous to granting relief, as it would violate the feelings of a person conscious of his innocence, besides subjecting him, inevitably, to the forfeiture of one-half of his property.

Mr. BURKE was for striking out the whole clause; because it held up a temptation for a man to accuse himself, which was contrary to every principle of law. It put him in mind of a story of the notorious Judge Jeffries, who advised a man to confess himself guilty, and to throw

himself upon the mercy of the court, and afterwards hung him.

Mr. WADSWORTH stated a case to show that this law would render the situation of persons designed to be relieved by it much worse than it now is; and would eventually tend to injure the coasting trade.

Mr. LAWRENCE observed, that persons absolutely violating the laws, whether intentionally or through ignorance, would, by process of law, as it now stands, be precluded from all relief. He insisted, therefore, that it was necessary this confession of judgment should accompany the application for relief, in cases designed to be provided for by the bill; without this confession the application would appear to be absurd. He was, therefore, opposed to the motion for striking out the words.

Mr. SMITH thought that the person would be better off to take his chance at law, as was observed by the gentleman from Massachusetts; for, in that case, he would have an opportunity of throwing the burden of the proof on his adversary; he would have the benefit of counsel, and a trial by jury, besides the interlocutory trials arising from a misnomer, &c. He therefore conceived this part of the bill not consonant with the title, for his idea of giving relief was, with the title, for his case should be better and not worse.

Mr. STRACAS said, he did not conceive the relief proposed to be administered ought to be considered in the light of mercy, but justice. The mode of relief pointed out in the bill, however the circumstances may appear, leaves the sufferer in a situation that no person ought to be liable to who is not guilty of a violation of the laws intentionally or wilfully, for he is, at any rate, to lose one-half of his property. The case stated by the gentleman from South Carolina, (Mr. BURKE,) he thought, was very pertinent.

Mr. FITZSIMONS said, he hoped, if those words were struck out, that the whole clause would be erased, and that a more equitable mode would be pointed out. He adverted to the practice in England, where, after a trial, application for relief is made to the commissioners.

Mr. WADSWORTH said, it seemed to be supposed that the revenue laws were sufficiently plain to be understood; but he conceived this was not the case, because the collectors at the several ports had put different constructions upon them.

Mr. AMES observed, that he had no doubt that when the committee possessed themselves with a more competent knowledge of the operation and tendency of the bill, it would meet with approbation. With respect to the offender losing the half of his property on confession, he observed, that this inconvenience might be prevented by the person filing his petition previous to information being laid by the person seizing the property. And that, he said, he would always have it in his power to do.

Mr. STOWE said, there were two considerations with respect to this measure; the first was, whether such a discretionary power ought to be

trusted any where or not; because it might do a greater injury to the revenue than benefit to the individual; and, second, whether, if such a trust was necessary, it had not better be made a judicial right than leave it to an arbitrary determination, independent of the principles of law? He hoped these two points would be considered before the bill was decided upon.

Mr. SCOTT objected to the bill, upon the grounds already mentioned by other gentlemen; but he had one further reason for disliking it: it was this—that after a man had been convicted by the verdict of a jury, of a breach of the law, he might avail himself of this act, because it admitted the petition to be presented at any time before judgment is rendered; so the offender might have his petition ready in his pocket, to present to the bench immediately after he had heard the decision of the jury.

The motion for striking out the words being put, was carried in the affirmative, and the committee rose, and reported the bill as amended; whereupon it was ordered to be re-committed to a Select Committee.

MONDAY, February 8.

The memorial of Robert Morris, desiring an investigation into his conduct as Superintendent of Finance, was presented and referred, with a request that it might be entered at length on the Journal. A copy of this memorial appears in the Appendix to this volume.

Mr. GOODHUE presented a petition from sundry inhabitants of Salem, stating, that through a very particular construction of a section in the coasting law, vessels owned by the citizens of the United States, and, as they thought, properly qualified as such, had been obliged to pay the alien duty in some of the Southern States, and praying a relief or a refund of the duty so paid. Laid on the table.

CENSUS BILL.

On motion of Mr. SEDGWICK, the Committee of the Whole House was discharged from any further discussion of the bill providing for the actual enumeration of the inhabitants of the United States.

It was then voted that the blanks in the bill should be filled up.

The first blank respected the time to be allowed for completing the enumeration; six, four, and three months were proposed.

Mr. SEDGWICK said, that as so long a time is to elapse before the assistants are to enter upon the business, the work of preparation would be completed in such a manner that he conceived three, two, or even one month would be sufficient.

Mr. WHITE said, that he was certain, that in many of the States, two, three, or four months would be found short enough to complete the enumeration in those States. In the Eastern States the business might be finished in a much shorter period; but when the time shall be elapsed that is allowed by law, and the enumeration is completed in some of the States, and the numbers fully re-

turned, it cannot be supposed that those States who have not completed theirs should acquiesce in any regulations and establishments founded on so imperfect a statement.

Mr. BURKE was in favor of allowing the longest period, on account of the great variety of obstacles and impediments in the way of completing the enumeration within so short a time, even as six months; and the census, when returned in so incomplete a state, could not be supposed satisfactory; it would create uneasiness, and might terminate in absolute injustice.

Mr. JACKSON adverted to the peculiar circumstances of the Southern States, particularly Georgia, and the recent accession of the State of North Carolina to the Union, the extensiveness of the territory of those States, and the dispersed situation of their inhabitants, and contended that six months would be but a short time in which to complete the business.

Mr. MADISON observed, that the situation of the several States was so various, that the difficulty of adopting a plan for effecting the business, upon terms that would give general satisfaction, could only be obviated by allowing sufficient time. Some of the States have been accustomed to take the enumeration of their citizens, others have never done it at all. To the former, the business will be easy, and may be completed within the shortest period; in the others, it will be attended with unforeseen difficulties. In addition to these, there is another consideration to be taken into view. There must be a greater number of assistants employed in the Southern States; there are many contingencies that cannot be provided against; the assistants may die and leave the business unfinished; it may be necessary to appoint others. The returns from so many persons, from such extensive districts, will require such a length of time as leaves no probability that it can be completed in a shorter period than three months.

Mr. SEDGWICK said, he did not wish to precipitate the business. The equalizing the representation ought to be a matter of serious concern to every gentleman; it was peculiarly so to the delegation from those States who are so unequally represented; he wished for a full and competent enumeration, and was for allowing full time to complete it in. But there did not appear to him any force in the objection raised from the contingency of the death of the assistants; the longer the period was, there certainly was the greater probability of such events. And he was clearly of opinion, that extending the period would not conduce to obtaining, finally, so accurate an enumeration.

The question being taken on "six months," it was carried in the affirmative.

The other blanks in the bill were filled up, and it passed the House.

PUBLIC CREDIT.

The House then resolved itself into a Committee of the Whole on the state of the Union. The report of the Secretary of the Treasury relative

to a provision for the support of public credit was before them. Mr. BALDWIN in the Chair.

After a silence of some minutes, Mr. LIVERMORE asked what part of the report it was expected that gentlemen should speak to? He wished some gentlemen would select such parts as he conceived to be of importance, and submit them to the committee.

Mr. SMITH, of South Carolina, was of opinion, that the committee had better consider the object of the report, in separate points of view, by which means they would be able to go through the investigation with a greater degree of accuracy than if they were left to range at large in the extensive field before them. The report contains objects so various, that it is possible gentlemen may agree, with respect to one or two, and yet differ on a third: from this consideration, he was induced to suggest the idea of single and independent resolutions, and had prepared the following: if the manner met the approbation of the committee, he would lay them on the table for consideration. They were to the following effect:

Resolved, That Congress ought not to adjourn, until they have adopted such measures as will make an adequate provision for the public debt.

Resolved, That in making such provision, no discrimination shall be made between the original holders of the evidences, and the assignees thereof.

Resolved, That such of the debts of the individual States, as have been incurred by them, during the late war, ought to be assumed by the General Government, and like funds provided for them.

Resolved, That the arrearages of interest on the Continental and State debts, ought to be funded, and consolidated with the principal.

Resolved, That the interest to be paid thereon does not exceed — per cent. per annum, for the present.

These motions were severally expressive of objects contemplated in the Secretary's report. The last was upon a principle of modification, such as was held out in the plan for relieving the debt.

If he was seconded, he would lay these resolutions on the table.

Mr. BOURNOR.—I take it, Mr. Chairman, we are now in a Committee of the Whole on the state of the Union, for the purpose of considering a report of the Secretary of the Treasury, founded on an order of this House, given at their last session; our business, therefore, is to contemplate the debt of the Union, and to devise the proper measures to be pursued in regard thereof. In the first instance, then, we are to consider the nature of the debt; and in the second, whether we will fund it in the manner proposed in the report on the table, or in what other way it shall be done. I apprehend, sir, we pledged ourselves to do this, when we resolved that an adequate provision for the support of public credit was a matter of high importance to the national honor and prosperity. We have since that given a solemn assurance, in our Address to the President, that this subject shall be among the first to engage our attention. Having, therefore, proceeded so far in this business, there can be little debate with respect to the

first resolution proposed by the gentleman from South Carolina.

We are bound by every principle of honor, of interest, and of policy, to look this subject in the face; and in doing this, let us advert to the origin of our debt, and view the end it was intended to answer. Perhaps a small portion of our time may be well spent, in recalling to our recollection the peculiar situation of these United States at that period. But I find the portrait better drawn, in an address of the late Congress, of May, 1789, than I can express it: I will therefore give it to you in their own language.

Mr. B. here proceeded to read the address: in the first place it represents the then situation of our affairs. America, without arms, ammunition, discipline, revenue, government, or ally; almost totally stripped of commerce, and in the weakness of youth, as it were, with a "staff and a sling," only dared "in the name of the Lord of Hosts," to engage a gigantic adversary, prepared at all points, boasting of his strength, and of whom mighty warriors "were greatly afraid."

For defraying the expense of this uncommon war, your Representatives in Congress were obliged to emit paper money; an expedient that you know was heretofore generally and successfully practised on this Continent.

They were very sensible of the inconveniences with which too frequent emissions would be attended, and endeavored to avoid them. For this purpose, they established loan offices so early as in October, 1776; and have, from that time to this, repeatedly and earnestly solicited you to lend them money on the faith of the United States. The sums received on loan have, nevertheless, proved inadequate to the public exigencies. Our enemy, prosecuting the war, by sea and land, with implacable fury, and with some success; taxation at home, and from borrowing abroad, in the midst of difficulties and dangers, were alike impracticable; hence the continued necessity of new emissions.

The address goes on, and points out other causes of these emissions, which it was impracticable for Congress to redress at that time, but which they recommend now to be done. We are persuaded (say they) you will use all possible care to make the promotion of the general welfare interfere as little as may be with the ease and comfort of individuals; but, though the raising of these sums should press heavily on some of our constituents; yet the obligations we feel to your venerated clergy, the truly helpless widows and orphans, your most gallant, generous, meritorious officers and soldiers, the public faith, and the commonwealth, so irresistibly urges us to attempt the appreciation of your currency, that we cannot withhold obedience to those authoritative sensations.

On this subject we will only add, that as the rules of justice are most pleasing to our infinitely good and gracious Creator, and an adherence to them most likely to obtain his favor, so they will ever be found to be the best and safest maxims of human policy.

To our constituents, we submit the propriety and purity of our intentions, well knowing they will not forget that we lay no burdens upon them but those in which we participate with them; a happy sympathy that pervades societies formed on the basis of equal liberty. Many cares, many labors, and may we not add, reproaches, are peculiar to us: these are the emoluments of our unsolicited stations; and with these we are content, if you approve our conduct. If you do not, we shall return to our private condition, with no other regret than that which will arise from our not having served you as acceptably, and as essentially, as we wished and strove to do, though as cheerfully and faithfully as we could.

They then proceeded to detail the advantages arising from an alliance formed between the King of France and these United States; and observed that, when unprepared, undisciplined, and unsupported, we opposed the fleets and armies of our enemy in full conjoined force, then, if at any time, was conquest to be apprehended. Yet, what progress towards it did their violent and incessant efforts make? Judge from their own conduct. Having devoted you to bondage, and after vainly wasting their blood and treasure, in the dishonorable enterprise, they designed at length to offer terms of accommodation, with respectful addresses, to that once despised body, the Congress, whose humble supplications, only for peace, liberty, and safety, they had contemptuously rejected, under the pretence that it was an unconstitutional assembly. Nay, more desirous of reducing you into a deviation from the paths of rectitude, from which they had so far and so rashly wandered, they made most specious offers to tempt you into a violation of your faith, given to your illustrious ally. Their arts were as unavailing as their arms.

Foiled again, and stung with rage, imbibed by envy, they had no alternative but to renounce an inglorious and ruinous controversy, or to resume their former modes of prosecuting it. They chose the latter. Again the savages were stimulated to horrid massacres of men, women, and children, and domestics to the murder of their masters. Again our brave and unhappy brethren were doomed to miserable deaths in jails and prison ships. To complete the sanguinary system, all the "extremities of war" were, by authority, denounced against us.

Piously endeavor to derive this consolation from their remorseless fury, that "the Father of mercies" looks down with disapprobation on such audacious defiance of his holy laws; and be further comforted with recollecting that the arms assumed by you, in your righteous cause, have not been sullied by any unjustifiable severities.

Your enemies, despairing, however, as it seems, of the success of their united forces against our main army, have divided them, as if their design was to harass you by predatory, desultory operations. If you are assiduous in improving opportunities, Saratoga may not be the only spot on the Continent to give a new denomination to the

bailed troops of a nation, impiously priding herself in notions of her omnipotence.

Rouse yourselves, therefore, that this campaign may finish the great work you have so nobly carried on for several years past. What nation ever engaged in such a contest, under such a complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion? We will venture to pronounce that so remarkable an instance exists not in the annals of mankind.

We well remember what you said at the commencement of this war. You saw the immense difference between your circumstances and those of your enemies; and you knew that the quarrel involved no less than your lives, liberties, and estates. All these you liberally put to every hazard, resolving rather to die freemen than live slaves; and justice will oblige the impartial world to confess that you have uniformly acted on the same general principle. Consider how much you have done, and how, comparatively, little remains to be done to crown you with success. Persevere, and you insure peace, freedom, safety, glory, sovereignty, and felicity to yourselves, your children, and your children's children.

Encouraged by favors already received from Infinite Goodness, gratefully acknowledge them, earnestly imploring their continuance, constantly endeavoring to draw them down on your heads by an amendment of your lives, and a conformity to the Divine Will, humbly confiding in the protection so often and so wonderfully experienced; vigorously employ the means placed by Providence in your hands for completing your labors.

Fill up your battalions; be prepared in every part to repel the incursions of your enemies; place your several quotas in the Continental Treasury; lend your money for public uses; sink the emissions of your respective States; provide effectually for expediting the conveyance of supplies for your armies and fleets, and for your allies; prevent the produce of your country from being monopolized; effectually superintend the behaviour of public officers; diligently promote piety, brotherly love, learning, frugality, and moderation; and may you be approved, before Almighty God, worthy of those blessings we devoutly wish you to enjoy.

This being the situation of our country, Congress, in the September following, called on the citizens for loans, and for taxes, and pledged the United States for the ultimate redemption of the principal, and the intermediate punctual payment of the interest.

They then took up the subject of finance, under three different heads:

1st. Whether, and in what manner, the faith of the United States had been pledged for the redemption of their bills?

2d. Whether the United States had put themselves into a political capacity to redeem their bills? This is a question which calls for more full discussion.

Our enemies, as well foreign as domestic, have labored to raise doubts on this head. They argue,

that the confederation of the States remains yet to be perfected; that the Union may be dissolved, Congress be abolished, and each State, resuming its delegated powers, proceed, in future, to hold and exercise all the rights of sovereignty appertaining to an independent State. In such an event, say they, the Continental bills of credit, created and supported by the Union, would die with it. This position being assumed, they next proceed to assert this event to be probable; and in proof of it, urge our divisions, our parties, our separate interests, distinct manners, former prejudices, and many other arguments, equally plausible, and equally fallacious. Examine this matter.

For every purpose essential to the defence of those States in the progress of the present war, and necessary to the attainment of the objects of it; these States now are as fully, legally, and absolutely confederated, as it is possible for them to be. Read the credentials of the different delegates who composed the Congress in 1774, 1775, and part of 1776, you will find that they establish an union for the express purpose of opposing oppressions of Britain, and obtaining redress of grievances. On the fourth of July, 1776, your representatives in Congress, perceiving that nothing less than unconditional submission would satisfy our enemies, did, in the name of the people of the thirteen United Colonies, declare them to be free and independent States, and, "for the support of that declaration, with a firm reliance on the protection of Divine Providence, did mutually pledge to each other their lives, their fortunes, and their sacred honor."

Was ever confederation more formal, more solemn, or more explicit? It has been expressly assented to, and ratified by every State in the Union. Accordingly, for the direct support of this declaration, that is, for the support of the independence of these States, armies have been raised, and bills of credit emitted, and loans made to pay and supply them. The redemption, therefore, of these bills, the payment of these debts, and the settlement of the accounts of the several States, for expenditures of services for the common benefit, and in this common cause, are among the objects of this confederation; and, consequently, while all or any of its objects remain unattained, it cannot, so far as it may respect such objects, be dissolved, consistently with the laws of God or man.

3d. Whether, admitting the ability and political capacity of the United States to redeem their bills, there is any reason to apprehend a wanton violation of the public faith?

It is with great regret and reluctance, that we can prevail upon ourselves to take the least notice of a question which involves in it a doubt so injurious to the honor and dignity of America.

The enemy, aware that the strength of America lay in the union of her citizens, and the wisdom and integrity of those to whom they committed the direction of their affairs, have taken unwearied pains to disunite and alarm the people, to depreciate the abilities and virtue of their rulers, and to impair the confidence reposed in them by their

constituents. To this end, repeated attempts have been made to draw an absurd and fanciful line of distinction between the Congress and the people, and to create an opinion and a belief, that their interests and views were different and opposed. Hence, the ridiculous tales, the invidious insinuations, and the whimsical suspicions, that have been forged and propagated by disguised emissaries and traitors, in the garb of patriots. Hence has proceeded the notable discovery, that as Congress made the money they also can destroy it; and, that it will exist no longer than they find it convenient to permit it. It is not surprising, that in a free country, where the tongues and pens of such people are and must be licensed, such political heresies should be inculcated and diffused; but it is really astonishing, that the mind of a single virtuous citizen in America should be influenced by them. It certainly cannot be necessary to remind you, that your representatives here are chosen from among yourselves; that they are sent to speak your sentiments, and that it is constantly in your power to remove such as do not. You surely are convinced, that it is no more in their power to annihilate your money than your independence, and that any act of theirs for either of these purposes would be null and void.

We should pay an ill compliment to the understanding and honor of every true American were we to adduce many arguments to show the baseness or bad policy of violating our national faith, or omitting to pursue the measures necessary to preserve it. A bankrupt, faithless Republic would be a novelty in the political world, and appear among reputable nations, like a common prostitute among chaste and reputable matrons. The pride of America revolts from the idea; her citizens know for what purposes these emissions were made, have repeatedly pledged their faith for the redemption of them: they are to be found in every man's possession, and every man is interested in their being redeemed; they must therefore entertain a high opinion of American credit, who suppose the people are capable of believing, on due reflection, that all America will, against the faith, the honor, and the interest of this country, be ever prevailed upon, though the arts of our enemies will not be wanting to draw us into this humiliating and contemptible situation. Impelled by malice, and the suggestions of chagrin and disappointment, at not being able to bend our necks to their yoke, they will endeavor to force or seduce us to commit this unpardonable sin, in order to subject us to the punishment due to it; and that we may thenceforth be a reproach and by-word among the nations. Apprised of these consequences, knowing the value of national character, and impressed with a due sense of the immutable laws of justice and honor, it is impossible that America should think without horror of such an execrable deed.

If, then, neither our ability, nor our inclination to discharge the public debt are justly questioned, let our conduct correspond with this confidence, and let us rescue our credit from its present imputations.

H. OF R.]

Public Credit.

[FEBRUARY, 1790.]

They then go on, and point out the means by which this may be done. The war, though drawing fast to a successful issue, still rages. Disdain to leave the whole business of your defence to your ally. Be mindful that the brightest prospects may be clouded, and that prudence bids us to be prepared for every event. Provide, therefore, for continuing your armies in the field, till victory and peace shall lead them home; and avoid the reproach of permitting the currency to depreciate in your hands, when, by yielding a part to taxes and loans, the whole might have been appreciated and preserved. Humanity, as well as justice, makes this demand upon you; the complaints of ruined widows, and the cries of fatherless children, whose whole support has been placed in your hands, and melted away, have doubtless reached you. Rouse, therefore; strive who shall do most for his country; rekindle that flame of patriotism which, at the mention of disgrace and slavery, blazed throughout America, and animated all her citizens. Determine to finish the contest as you began it, honestly and gloriously. Let it not be said, that America had no sooner become independent than she became insolvent; or, that her infant glories and growing fame were obscured and tarnished by broken contracts and violated faith, in the very hour when all the nations of the earth were admiring, and almost adoring the splendor of her rising.

I conceive, Mr. Chairman, after duly considering the momentous circumstances I have brought to your attention, there is no man possessed of the principles of common honesty, within the sound of my voice, that will hesitate to conclude with me, that we are bound by every principle of honor, justice, and policy, to fund the debt of the United States, which has been one great means, under heaven, of securing to us our independence. I presume, sir, on this point we shall have no dispute. All that remains, then, for our consideration, is the manner and means of accomplishing it. We must view it as a debt of honor, from the nature of the contract, from the objects effected, and the happy state we are now in. The principles of interest call loudly upon us to complete the business so happily begun. The Secretary, in the report before us, observes, with great justice, that exigencies are to be expected to occur in the affairs of nations, in which there will be a necessity for borrowing, and particularly in a country like this, possessed of little moneyed capital. How much, then, is it our interest to secure our public credit on a stable and sure foundation? Besides this, it is our interest in another point of view; by this means we shall introduce a medium into circulation which will give a spring to the agriculture, commerce, and manufactures of the Union.

Our policy also guides us into the adoption of some such measure as is proposed in the report. A punctual performance of our public engagements will invite moneyed men, in the days of distress, to lend us every pecuniary aid. Our debt undoubtedly is large; but not so large as might have been reasonably expected, considering

the magnitude of the object we have successfully accomplished; but it can by no means be considered so large as to prevent us from an attempt to discharge it.

Let us then adopt the motion now on your table, or something like it; not, perhaps, immediately, because it might be supposed to preclude that discussion which the subject requires, as the most important that has, or can come before us. Mr. FITZSIMONS had the same idea with the gentleman from South Carolina, (Mr. SMITH,) that the attention of the committee ought to be confined to specific objects. With this view he had endeavored to collate, and render perspicuous, the great outline of the Secretary's plan. They were more particular than those laid on the table, though they were substantially the same. He wished to be understood, that if the committee inclined to take them into consideration, he did not mean to bind himself to support them by the part he had taken in bringing them forward.

He then read them, as follows:

1. *Resolved*, That adequate provision ought to be made for fulfilling the engagements of the United States in respect to their foreign debt.

2. *Resolved*, That permanent funds ought to be appropriated for the payment of interest on, and the gradual discharge of, the domestic debt of the United States.

3. *Resolved*, That the arrears of interest, including interest issued in payments thereof, ought to be provided for on the same terms with the principal of the said debt.

4. *Resolved*, That the debts of the respective States ought, with the consent of the creditors, to be assumed and provided for by the United States.

5. *Resolved*, That it is advisable to endeavor to effect a new modification of the domestic debt, including that of the particular States, with the voluntary consent of the creditors, by a loan, upon terms mutually beneficial to them and to the United States.

6. *Resolved*, That for the purpose expressed in the last preceding resolution, subscriptions towards a loan ought to be opened to the amount of the said debt, including that of the respective States, upon the terms following, to wit:

That for every hundred dollars subscribed, payable in the said debt (as well interest as principle) the subscriber be entitled, at his option, either To have two-thirds funded, at an annuity or yearly interest of six per cent., redeemable at the pleasure of the Government, by payment of the principal; and to receive the other third in lands in the Western Territory, at the rate of twenty cents per acre: or

To have the whole sum funded at an annuity or yearly interest of four per cent., irredeemable by any payment exceeding five dollars per annum, on account both of principal and interest; and to receive as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands, as in the preceding case: or

To have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity or yearly interest of six per cent., irredeemable by any payment exceeding four dollars and two-thirds of a dollar per annum, on account both of principal and interest; and to have, at the end of ten years, twenty-six dollars and eighty-eight cents, funded at the like interest and rate of redemption; or

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To have an annuity for the remainder of life, upon the contingency of living to a given age, not less distant than ten years, computing interest at four per cent.: or

To have an annuity for the remainder of life, upon the contingency of the survivorship of the younger of two persons, computing interest, in this case also, at four per cent.

7. *Resolved*, That immediate provision ought to be made for the present debt of the United States; and that the faith of Government ought to be pledged to make provision at the next session for so much of the debts of the respective States, as shall have been subscribed upon any of the terms expressed in the last resolution.

8. *Resolved*, That the funds which shall be appropriated according to the second of the foregoing resolutions be applied, in the first place, to the payment of interest on the sums subscribed towards the proposed loan; and that, if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied by a temporary appropriation to the payment of interest on the unsubscribed part, so as not to exceed for the present four per cent. per annum; but this limitation shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts; and in case the aforesaid surplus shall prove insufficient to pay the non-subscribing creditors, at the aforesaid rate of four per cent., that the faith of Government be pledged to make good such deficiency.

Mr. PAGE requested the report of the Secretary to be read, as it was the groundwork of the business they were in committee upon; and he requested gentlemen to offer their motions, when the part of the report to which they related was under consideration.

After reading the report, the committee rose and reported progress.

TUESDAY, February 9.
PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. BALDWIN in the Chair.

Mr. SMITH withdrew his motion of yesterday, to make way for the resolutions of Mr. FITZSIMONS.

Mr. JACKSON objected to receiving the whole of those resolutions, lest it should be inferred that the committee bound themselves to adopt them.

Mr. FITZSIMONS said, he had declared his intentions to the committee yesterday when he brought them forward; he would repeat them again; he meant that the committee should have some systematic plan of proceeding before them, to consider and decide on each resolution singly; but he by no means intended the resolutions, if admitted, to be binding on any member; he did not mean to pledge even himself to support them all.

Mr. JACKSON was satisfied to go into a consideration of them on these terms.

Mr. STONE moved to amend it by striking out the words "in respect to their foreign debt;" and then modify the next resolution by striking out the word "domestic."

1st CON.—7

After some suspense, this motion not being seconded, the question was taken on the first resolution, which was carried in the affirmative unanimously.

Mr. JACKSON.—Believe me, Mr. Chairman, I have as high a sense of the obligation we are under to the public creditors, and feel as much gratitude towards them as any man on this floor. I shall ever cheerfully acknowledge the duty we owe to our benefactors, and in a peculiar manner to those brave soldiers who, at the risk of their lives and fortunes, secured the independence of America. I have also the most sincere wishes for the re-establishment of public credit, and that upon firm and solid ground, and on principles which cannot be called in question; but there appears to me a previous question, which has not yet been brought forward; it is this, whether there exists an immediate necessity for funding the national debt in the permanent manner proposed?

The high regard I have for the nature and circumstances of the foreign debt, induced me to let the first proposition pass without any animadversion. The vote which has been taken on that point will serve to show foreigners that we are concerned to preserve our credit with them by a rigid performance of our stipulations; trusting, at the same time, that our fellow-citizens cannot object to a distinction so just and proper in itself; for, notwithstanding what the domestic creditors may say, it is the money of foreigners that has, in a great measure, established our independence.

It is doubtful with me whether a permanent funded debt is beneficial or not to any country; some of the first writers in the world, and who are most admired on account of the clearness of their perceptions, have thought otherwise, and declared that wherever funding systems have been adopted in a Government, they tend more to injure posterity than they would injure the inhabitants to pay the whole debt at the time it was contracted. The principle, I apprehend, is demonstrated by experience; the first system of the kind that we have any account of originated in the State of Florence in the year 1634; that Government then owed about £60,000 sterling, and being unable to pay it, formed the principal into a funded debt, transferable with interest at five per cent. What is the situation of Florence in consequence of this event? Her ancient importance is annihilated. Look at Genoa and Venice; they adopted a similar policy, and are the only two of the Italian Republics who can pretend to an independent existence, but their splendor is obscured; they have never been able since the period at which a funding system was introduced to raise themselves to that formidable state to which they were before. Spain seems to have learned the practice from the Italian Republics, and she, by the anticipation of her immense revenue, has sunk her consequence beneath that level which her natural situation might have maintained. France is considerably enfeebled, and languishes under a heavy load of debt. England is a melancholy instance of the ruin attending such engagements.

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In the reign of King William, 1706, the policy of the English Parliament laid the foundation of what is called their national debt; but the sum was inconsiderable; it little exceeded £5,000,000 sterling; the example then set has been closely followed. In 1711, it amounted to £9,177,769 sterling; during the wars in the reign of Queen Anne; since that, the capital of the debt of Great Britain amounted, in 1777, to about £136,000,000 sterling; and to such a pitch has the spirit of funding and borrowing been carried in that country, that in 1786, their national debt had increased to £230,000,000 sterling; a burden which the most sanguine mind can never contemplate they will ever be relieved from. If future difficulties should involve that nation still further, what must be the consequence? The same effect must be produced that has taken place in other nations; it must either bring on a national bankruptcy, or annihilate her existence as an independent empire. Hence, I contend that a funding system in this country will be highly dangerous to the welfare of the Republic; it may, for a moment, raise our credit, and increase our circulation by multiplying a new species of currency; but it must hereafter settle upon our posterity a burden which they can neither bear nor relieve themselves from. It will establish a precedent in America that may, and in all probability will, be pursued by the Sovereign authority, until it brings upon us that ruin which it has never failed to bring; or is inevitably bringing upon all the nations of the earth who have had the temerity to make the experiment. Let us take warning by the errors of Europe, and guard against the introduction of a system followed by calamities so universal. Though our present debt be but a few millions, in the course of a single century it may be multiplied to an extent we dare not think of; for my part, I would rather have direct taxes imposed at once; which, in the course of a few years, would annihilate the principal of our debt. A few years' exertion in this way will save our posterity from a load of annual interest, amounting to the fifth, or perhaps the half of the sum we are now under engagements to pay.

But why, Mr. Chairman, should we hasten on this business of funding? Are our debts ascertained? The report of the Secretary of the Treasury proposes that we should not only fund the debts that are ascertained, but the unliquidated and unsettled debts due from the Continent; nor does the plan stop here; it proposes that we should assume the payment of the State debts—debts to us totally unknown. Many of the States, sir, have not yet ascertained what they owe; and if we do not know the amount of what we owe, or are to be indebted, shall we establish funds? Shall we put our hands into the pockets of our constituents, and appropriate moneys for uses we are undetermined of? But more especially shall we do this, when, in doing it, it is indisputably certain, that the incumbrance will more than exceed all the benefits and conveniences? Gentlemen may come forward, perhaps, and tell me, that funding the public debt will increase the cir-

culating medium of the country, by means of its transferable quality; but this is denied by the best informed men. The funding of the debt will occasion enormous taxes for the payment of the interest. These taxes will bear heavily, both on agriculture and commerce. It will be charging the active and industrious citizen, who pays his share of the taxes, to pay the indolent and idle creditor who receives them, to be spent and wasted in the course of the year, without any hope of a future reproduction; for the new capital which they acquire must have existed in the country before, and must have been employed, as all capitals are, in maintaining productive labor. Thus the honest and hard-working part of the community will promote the ease and luxury of men of wealth; such a system may benefit large cities, like Philadelphia and New York, but the remote parts of the continent will not feel the invigorating warmth of the American treasury; in the proportion that it benefits the one, it will depress another.

But let me return to the question; does it not require, Mr. Chairman, I say again, that we should ascertain the debt we owe, before we proceed any further in the business? If gentlemen deny this, let me bring forward the old argument: North Carolina has acceded to the Union; she is a State of no inconsiderable importance; she has an equal right to a voice on this important business with any State in the Union; but she is not represented here, while we are funding the debts, not of ten or eleven States only, but a debt in which she must participate according to her proportion of representation; she may urge that we have no right to assume or transfer her particular debt from her own on to other shoulders; at least, after the declaration she has made, there is a delicacy in doing it without her presence. Things like these, pressed, without allowing time for deliberation, may justly give umbrage to all who are concerned for the independent privileges and sovereignty of the societies confederated under this Government; it may rouse the spirit of discord, and sound the alarm, at a time when unanimity or mutual forbearance is so requisite. Will all the States be satisfied that Congress should assume their debts under a pretext of easing them, when it must be well known that the General Government will thus have it in its power to call upon them to discharge the obligation, in an evil day, when they are unprepared? We know nothing of the future circumstances which may take place, or how far this Government may attempt to depress or injure individual States; we ought to guard, with the greatest degree of caution, against every danger of this nature.

Under these impressions, sir, I am led to conclude, that it is becoming the wisdom of Congress to postpone the consideration of the remaining propositions. Let us endeavor to discover whether there is an absolute necessity for adopting a funding system or not. If there is no such necessity, a short time will make it apparent; and let it be remembered what funds the United States possess

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in the Western Territory. The disposal of those lands may perhaps supersede the necessity of establishing a permanent system of taxation. The Secretary of the Treasury is directed to report on this head to the House, and perhaps that report may show us that this property is likely to be more productive than we at present apprehend; these considerations induce me to wish that the further consideration be postponed for the present.

Mr. SHERMAN.—The motion before the committee relates to the second resolution. The objects brought into view by the gentleman last up, are many of them unconnected with it, though they are severally objects of great importance. I think whatever doubts there may be with respect to the advantage or disadvantage of a public debt, we can none of us hesitate to decide that provision of some kind ought to be made for what we have already incurred. It is true, if we were about now to borrow money, it would be highly prudent to consider whether the anticipation would not be repaid by a speedy collection of taxes or duties to the amount; but when a debt is incurred beyond our present ability to discharge, we ought to make some provision for its gradual extinction, and, in the interim, pay punctually the interest; now, this resolution goes no further.

Some of the propositions which follow go further than this. They propose perpetual annuities, and talk of irredeemable stock. This is more than I am willing to agree to. I think it prudent for us to get out of debt as soon as we can; but then I do not suppose we can raise money enough to pay off the whole principal and interest in two, three, or ten years. If I am right in this, we ought to agree to some mode of paying the interest in the interim.

Mr. SMITH, of South Carolina.—The report of the Secretary of the Treasury contains a proposition for the establishment of a sinking fund. I wish the gentleman who brought forward the resolutions under consideration, had included that part of the system in his propositions, as it might have had a tendency to ease the mind of the honorable gentleman from Georgia, and to have shown him that the public debt is not intended to acquire the permanency which he dreads. If our present debt cannot be paid off at once, all that can be done is to provide such funds for its gradual extinction as will morally ensure the object.

The gentleman has contended that public funding is a public injury. I agree with him that funding a debt to a very great amount may be very injurious; yet funding a small debt is beneficial. But whether this is, or is not a fact, is not the object of our present inquiry; we are not in a situation to determine whether we will or will not have a public debt. We have it already, and it appears to me to be a matter of necessity that we should appropriate some funds for the payment of the interest upon it. When we consider the nature of the contract, for what it is we owe the money, and our ability to comply, it follows, of consequence, that we must pay; it follows as close as the shadow follows its substance; or as close as the night

follows the day. The only question that can come before us is, the mode of doing it.

With respect to that part of our debt which is yet unascertained, I would just beg leave to observe, that it is not our fault that it remains in an unsettled state; neither is it the fault of those who have brought in their accounts and had them liquidated. Hence, it appears to me extremely hard that we should refuse to provide for the payment of those to whom we acknowledge ourselves to be indebted, because there are others whose claims against us are not yet adjusted. The argument, therefore, which relates to this point, as well as that which relates to the Western Territory, will apply ten years hence as well as now, and form an eternal pretext for deferring the business.

Mr. JACKSON begged the committee would not understand him, that he was against paying the debts of the United States; he had no such object in view. The sinking fund alluded to by the gentleman from South Carolina, had not escaped his attention; but he very much doubted whether it ought to be relied on to effect the purpose he had in view. He believed sinking funds were generally considered as a kind of stand-by, or subsidiary fund, always at hand to be mortgaged when money was proposed to be raised on any exigency of the State. He conceived the committee were precipitating the business, for the reason he before assigned. He would therefore endeavor to obtain their sense on this point, by moving that the committee rise.

This motion being seconded, it was put, and lost by a considerable majority.

Mr. STONE supposed, that this resolution did not bring forward the question, whether we were to have a permanent funding system or not; if only proposed something for the payment of the interest, and discharging the principal as fast as we could; but he would be glad to know what was the sense of the committee on this point.

Mr. BLAND inquired why there was a difference in the wording of the two first resolutions? It appeared to him to lead to that important question, whether the debts of the United States should be funded, on the principles of the report or not? If the gentleman who brought forward the resolutions would explain his intention, he should be able to judge whether it would be proper to amend the resolution or not. It appeared to him to imply that a discrimination was intended, to prevent which it would be proper to change it, so as to read:

Resolved, That adequate provision ought to be made for fulfilling the engagements of the United States in respect to their domestic debt.

Why a discrimination should be made between foreigners and our own citizens, I am at a loss to account; perhaps the necessities of the United States may be urged as a reason; but have we inquired into our capacity to fulfil our engagements, generally or specially? It appears to me that we have voted unanimously to do justice to our foreign creditors, before we make any inquiry

into our ability. By this, perhaps, we have deprived the domestic creditor of a full participation in what we are able to perform; if so, it may be a reason why we discriminate between them.

Mr. FITZSIMONS said, that the circumstances of the foreign debt were such as left no choice in our power, according to the plan proposed by the Secretary of the Treasury; but we have it in our power, and are recommended to make a different arrangement with respect to the domestic debt. I stated, when I introduced the resolutions, that they were intended to bring the Secretary's plan fairly before the committee. This resolution is differently worded on that account; but it may be observed, that the foreign creditors are not here to make a contract with the people of the United States, but the domestic creditors are; and we may hold out a modification to them for their acceptance. With respect to the means by which we shall be enabled to pay the interest and principal of our debt, this resolution has nothing to do, it leaves it to the consideration of the committee; and every gentleman will be perfectly at liberty to propose and support such as he supposes to be most suitable to our abilities.

Mr. BLAND then proposed to substitute a resolution respecting the domestic debt, similar to that adopted respecting the foreign debt, if it was in order. He thought it would decide the question, whether there should be a discrimination between the foreign and domestic creditor, and would leave the committee equally free with respect to the means that the one now before the House did.

Mr. LIVERMORE.—I do not clearly understand the import of the resolution before the committee. It seems worded rather in a doubtful manner. If it mean that funds ought to be appropriated for the payment of the interest and principal of the domestic debt, as the amount appears on the face of the certificates, I shall be totally against it; whether it pointedly carries that meaning or not, I cannot say.

For my part, I consider the foreign and domestic debt to carry with them very material distinctions. The one is not like a debt, while the other has all the true qualities of one. However gentlemen may think on this subject, there is a great difference between the merits of that debt which was lent the United States in real coin, by disinterested persons, not concerned or benefited by the Revolution, and at a low rate of interest, and those debts which have been accumulating upon the United States, at the rate of six per cent. interest, and which were not incurred for efficient money lent, but for depreciated paper, or services done at exorbitant rates, or for goods or provisions supplied at more than their real worth, by those who received all the benefits arising from our change of condition. It is within the knowledge of every gentleman, that a very considerable part of our domestic loan-office debt arose in this manner. It is well known that loan-office certificates were issued as a kind of circulating medium, when the United States were in such straits for cash that they could not raise the

necessary supplies in any other way. And it is very well known, that those who sold goods or provisions for this circulating medium, raised their prices from six to ten shillings at least.

There is another observation I would beg leave to make. The prices at which our supplies were procured were such, even in hard money, that it might be said specie had depreciated, or, what amounted to the same thing, the commodities were sold for more than their current price; in many cases, half the price would now purchase the same thing. If so, there is as much reason that we should now consider these public securities in a depreciated state, as every holder of them has considered them from that time to this. There was a period at which they were considered of no greater value than three or four shillings in the pound; at this day they are not at more than eight or ten. If this, then, is the case, why should Congress put it upon the same footing as the foreign debt, for which they received a hard dollar for every dollar they engaged to pay? Could any possible wrong be done to those who hold the domestic debt by estimating it at its current value? I do not speak of those only who have speculated in certificates. With respect to them, I do not see how a difference can be made. By the resolutions of Congress, and from the face of the papers, it appears that they were transferable.

It may be said, that there was some part of the domestic debt incurred by loans of hard money. There might be a small part lent in this way, but it was very small indeed, compared with the whole of the domestic debt. It is in the memory of every gentleman, that, before the beginning of the Revolution, every State issued paper money; it answered the exigencies of Government in a considerable degree. The United States issued a currency of the same nature, which answered their purposes, except in some particular cases, and these were effected by loans of certain sums of hard money. If any distinctions are to be made among the domestic creditors, it ought to be made in favor of such only, and that in consequence of the origin of the debt; while the great mass given for the depreciated paper, or provisions sold at double prices, ought to be liquidated at its real value. I cannot think it injustice to reduce the interest on those debts. I should therefore be against passing this resolution, if it carries in it the idea of paying the principal and interest, according to the face of the paper. It is well known, that a large proportion of this domestic debt was incurred for paper money lent. To be sure Congress acknowledged its value equal to its name; but this was done on a principle of policy, in order to prevent the rapid depreciation which was taking place. But money lent in this depreciated and depreciating state, can hardly be said to be lent from a spirit of patriotism; it was a mere speculation in public securities. They hoped, by putting their money in the loan-office, though in a depreciated state, to receive hard money for it by and by. I flatter myself this prediction will never be effected.

The Secretary of the Treasury has offered some alternatives to the creditors, out of which they may make their election; but it seems to me that they, all of them, propose a reduction in the principal and interest, that they may have an annuity of two-thirds, at six per centum, or for the whole sum at four per centum, or they may accept of the other terms. Though this may make a reduction favorable to the public, yet this is not such a reduction as justice, in my opinion, requires; and as the resolution before the committee is intended to make way for the adoption of those principles, I shall vote against it, though I would rather it was passed over for the present, in order to see what is the sense of the House on making a specific provision for the payment of the debt.

Mr. BLAND.—If we go into a discussion of the merits of the public creditors, I am clearly of opinion we shall never know where to stop. It would be impossible to fix a satisfactory point for the discrimination to stand at. My motive for rising is to settle the principle, and I am not afraid of facing it. I am one of those who will go as far as any man in fulfilling, to the utmost of our power, every public contract, and paying to the utmost farthing the *bona fide* debts of the United States.

When we speak of the difference between the foreign and domestic debt, are we aware of what we talk? Have the securities changed hands by the transfers which have taken place? The foreign debt is now become, in part, the property of the citizens of the United States, and a great part of the domestic debt is alienated to foreigners. Where, then, is the discrimination? Are not the moneys for the payment of the principal or interest of both, to come out of the same Treasury and resources? If these are facts, why shall we hesitate to declare that we will make equal provision for all? This is my object; it is not to inquire whether we have made with the one favorable, with the other unfavorable contracts, because what is done cannot be remedied. If I am seconded in bringing forward the object which my motion had in view, I shall be glad to attend to the discussion; but if not, I shall sit down contented.

Mr. PAGE was glad that the question had been asked the mover of the propositions on the table what was the object of the resolution now under consideration, because it was liable to be misunderstood. But now, he presumed, the answer had satisfied every gentleman's mind.

The gentleman from New Hampshire was pleased to observe, that foreigners were not interested in the late revolution; that what they did was from such motives as demanded our gratitude; but our citizens were deeply interested, and, I believe, if they were never to get a farthing for what is owing to them for their services, they would be well paid; they have gained what they aimed at; they have secured their liberties and their lives; they will be satisfied that this House has pledged itself to pay to foreigners the generous loans they advanced us in the day of distress.

If we were to make distinctions adverse to their interests, we could never expect from them a further favor in the future exigencies of this country. But we may also look with confidence at home for loans and services; on such occasions they will be supplied us on the principles of patriotism; the adoption of the first resolution was therefore politic and just, but the motion of my worthy colleague is not necessary. I feel for my fellow citizens who have gloriously exerted themselves in the salvation of their country by their services in the field, or the supplies which they yielded, as much as any man can do. I acknowledge the debt of gratitude the community owes to those select citizens, and am willing to pay it as far as we possibly can; but they cannot, they will not complain of the deference we have shown to others, whose particular situation merited such regard at our hands.

Mr. SCOTT.—I find myself obliged to consider the Government of the United States in a very different situation, with respect to our foreign and domestic creditors. With respect to the foreign debt, we, the representatives of the United States, are vested with full power, and we are bound in duty to provide for the punctual payment according to the nature of the contract; but when I turn my eyes to the domestic debt, I find myself in a very different situation. I conceive myself a mere arbitrator among the individuals of which the Union is composed. A part of the people have a claim upon somebody. I think that claim is against the people at large, and we are not only to provide for the payment of that claim, if just, but to determine whether that claim is just or not. One part of the community applies to us to recover of the other what is due to it; the other says, the debt is too large, it is more than is justly due; you must try and determine between us, and say what part is just, and what is not. This brings clearly into my view the whole subject, as a thing within the power of Congress to new model or modify, if we find that justice demands it; but we have no such authority with respect to the foreign debt. It is very clear to me, that we have the power to administer justice and impartiality among the members of the Union; and this will lead me freely to assert, that we have not only authority, but it is our duty, if, on examination, we find that not more than half the sum that is claimed is justly claimed, to strike off the other half. If we find, on full investigation, that the payment of it, in such sort as to do complete justice. Which of these may be found to be the case in reality, when well examined, I will not pretend to say; but, at any rate, we are in the dark at present, inasmuch as we do not know the real amount. We cannot say whether it is possible for us to pay it; we cannot know whether it is just or not until we know what the claim is, as to quantity and quality. I do believe we are now walking on the brink of a precipice, that it will be dangerous for us to step too hastily upon.

I wish the subject to be duly considered; I wish every man in this House was of the same opinion

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with me in one respect, that we are judges to determine matters of right and equity. We are, in fact, as a court of law: can we propose to decide with wisdom, whether the claims are just or not, until the claims are exhibited? I presume we cannot. I am clear for going into the consideration of a resolve of the kind now before us, when these doubts are removed from my mind. Rationally, I cannot consider in what manner the debt can be paid, until these points are settled. Perhaps the resolutions might be worded in such a way as to give all the credit to the public securities, which they could derive from a more precise funding system, while, at the same time, sufficient room should be left for settling the great points which I have in contemplation.

I have no idea, Mr. Chairman, that these securities can be raised to their nominal value by the most explicit vote of this House. I do not believe they can acquire that stability which some gentlemen imagine. I am led to view the subject in this light from experience. I have seen, within a few days, a warrant from the Treasury for one hundred dollars, payable in the month of March, which was sold for eighty dollars cash. Here was a loss of one-fifth upon a note of which neither the seller nor buyer could suppose punctual payment would be refused. Now, if this is the case with public debts of a certain nature, we cannot reasonably expect that funding our debts will raise the public securities to any thing near their nominal value. Indeed, I believe it would have very little effect upon them. Men in business would give little more for a certificate drawing four dollars per cent. per annum, than they would now. Supposing, then, the public credit will be unaffected in a great degree by the present measure, I would propose to take time for the purpose of ascertaining the justice of these claims. I will, therefore, move to amend the resolution now before us, by adding these words: "as soon as the same is ascertained and duly liquidated."

Mr. BOURNOR.—I am glad to see gentlemen bring into view principles on which to determine the great question before us; because, when they are once established, they will enable us to proceed with certainty to a decision. If the principles brought forward by the honorable gentleman from Pennsylvania are just, his arguments are of great weight; but if, on consideration, we shall find that the principles are unjust, then I presume, however cogent the system of reasoning he has founded thereon, it will not prevail.

He supposes we sit here as judges to determine the different claims of the creditors of the United States. If we are in that predicament, I agree we ought not to proceed on full evidence and hearing of those claims. But I have never hitherto been led to consider Congress in this light, nor can I now consider them in any such point of view. I consider the Congress, who entered into these engagements, as complete representatives of the United States, and, in their political capacity, authorized, by the articles of Confederation, to contract the debts for which our public faith is

pledged. Instead of being judges, or arbitrators, on this occasion, we are parties to the contract; nor is our case varied by the dissolution of the old Confederacy, because the existing Constitution has expressly recognised the engagements made under the former. All debts contracted before the adoption of this Constitution shall be as valid against the United States, under this Government, as under the Confederation. Now is the moment to establish the principle; if the Constitution admits the borrowing of money, or paying for supplies, to be a contract, we are one of the parties to this contract, and all idea of being arbiters must vanish. We cannot judge in our own cause.

The case will now stand clear: we owe a debt contracted for a valuable consideration. The evidences of our debt are in the hands of our creditors, and we are called upon to discharge them; if we have it in our power, we ought to consider ourselves bound to do it, on every principle of honor, of justice, and of policy. But as we have not the ability to pay the whole off, nor, perhaps, the whole interest, we must endeavor to make such a modification as will enable us to satisfy every one. Not that this modification shall take place without the consent of the creditors; this would be improper and unjust. Each party is as much to be consulted on this occasion, as it was at the time of the first contract. If, then, Congress is bound by the first contract, no gentleman can say we are judges. If we are parties, what would be the decision before a court of justice? The creditor produces my bond, by which I have bound myself to pay a hundred dollars; I cannot gainsay the fact; no man is allowed to plead that he has made a bad bargain, and that, at other times, he could have purchased what he got of the creditor at half the sum he was forced to allow him. The inquiry with the judges is not whether the debtor made a good bargain or not, but whether he did it fairly and voluntarily. We are in the same predicament if we fairly and honestly received the *quid pro quo*; we are bound, as parties to the honest performance of the contract, to discharge the debt; otherwise, what avails the clause in the Constitution, declaring all debts contracted, and engagements entered into, before its adoption, to be as valid against the present Government as they were under the old Confederation? The debt was *bona fide* contracted; it was acknowledged by the United States; and the creditor received a certificate as the evidence of his debt. It is immaterial to us what he did with it. I confess, if the original holder was to come forward, and say that he had been robbed of such evidence, we ought not to pay it until the point was ascertained in a court of justice.

I can by no means consider the Congress of the United States judges on this occasion. We are not called upon as arbiters; our creditors justly consider us as parties, and call upon us for the payment of what we acknowledge to be due. They require at our hands the discharge of the engagement, of which they present the written evidence

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I confess we are not warranted to charge our constituents with unreasonable burdens; and therefore, I presume we are authorized to make propositions to our creditors for a more convenient mode of payment than what was originally contracted for; but this is optional with them. If they refuse to listen to us, and insist upon their just claim, we must satisfy it as far as we have the ability; thus far, I presume, we may fairly go, in regard to the domestic debt.

Some observations were made to point out a difference between the foreign and domestic debt. I admit there is a distinction, and that in another instance, which has not been mentioned. His Most Christian Majesty, when he first became our important ally, presented Congress with a large sum of money; but this being insufficient to procure us the necessary supply of military stores, a loan was made us from the royal coffers of France. But this also being inadequate, we endeavored to obtain further aid from foreigners. The credit of the United States was so much impaired, as to hold out but little encouragement to individuals to trust us with their money. The French King added another mark of his distinguished attention: he guaranteed the loan, and the money was obtained—obtained of the widow and fatherless; of persons whose all depended upon a punctual payment of the interest. On this point, I could refer you to letters from our commissioners in Europe, who beg that we may not put them on this business, unless we are certain that the United States will carefully provide for the payment of the interest; because, in case of failure, hundreds must perish for want. This is another motive why we should attend to the performance of our contracts; and I will repeat again, it is what we are called upon to do upon every principle of honor, justice, and policy.

Mr. LAWRENCE.—The observations of the honorable gentleman from Pennsylvania, (Mr. SCOTT,) if I rightly understand them, apply to the principal, and not the interest of the domestic debt. He imagines it to be too large; that is, that the individual who performed services, or rendered supplies during the late war, received evidences of rather too great nominal value; and that, at this period of time, it is necessary to investigate every particular claim, and judge whether the balances are respectively due or not. The gentleman has distinguished between the foreign and domestic creditor on this point; he supposes the foreign debt ought not to be re-examined, because the holders of it are unconnected with our Government. They lent us money, and we are bound according to the precise terms of the contract. Here I agree with him; but that there should be a solid distinction in justice between the foreign and domestic creditor is to me a singular thing. It was observed, that the citizens of America would be well paid for their loans, supplies, and services, by the benefits and profits arising to them by the Revolution; but are we to sacrifice the claims of individuals of the community for the advantage of the whole? Who are benefited by the Revolution? Every citizen.

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Then every citizen is bound to contribute his equal part of the expenses attending the procurement. Should those of our citizens who furnished the supplies, or loaned their money, be the only class who are injured? Every citizen is bound to pay according to his ability, because every one has participated in the benefit: then the only question to ask is, whether this discrimination should be made to ascertain or new proportion the debt? This will lead me to inquire whether it is proper for us, after the resolution we passed at the last session, after the resolution we have just now passed, to scale the public debt anew? Shall we say that the evidence carries on its face fraud and deception? I contend we shall not. Why shall we liquidate a debt which is established upon a complete and final settlement? From the face of the evidences arises the demand, and that is the demand we are to make provision for. Shall we go to our officers and soldiers who served during the late war, individually, and say that the balance struck to be due to them is an imposition on the public, when the Government itself has determined that they were entitled to such particular reward? If, at the time those securities were given to them, Government had paid them in money, would any gentleman now contend that their accounts ought to be liquidated, and every individual called upon to refund a part of what he acquired in conformity to the laws of his country? Certainly no gentleman would contend for such a measure. How is the nature of the case altered from the circumstances of our having been so unfortunate as to pay those worthy men with a certificate in lieu of the money which was due? The nature of the case, I conceive, is perfectly the same; and we are in duty bound to make a full compensation. The face of the paper expresses what that is, and it is to be our guide; the demand surely is not to be lessened.

Do gentlemen suppose that the United States were supplied at a higher rate than individuals? The contrary, I believe, is the fact, and it seems to arise from the nature of the thing. It was in the power of the public to give such prices as they thought proper, because they had power to take the property by force; whereas, the individual, who was supplied by his neighbor, charged him at such rate as was satisfactory. If the Government had generally given such price, there would have been no necessity of having recourse to the national strength for the purpose of obtaining the provisions and services necessary for the army. From this consideration, I am led to believe, that the supplies were furnished to the public cheaper than the market value.

Upon what principle is it that we have to go into this investigation? Will it lessen the demand so far as to indemnify us for the expense? I apprehend not. It will introduce a principle of uncertainty—an evidence, that to-day is worth a hundred dollars, to-morrow may not be worth that half of it; and will, consequently, give rise to that spirit of speculation which has been so earnestly deprecated on this floor.

The honorable mover of the amendment contends that we ought not to enter upon a permanent provision for the discharge of the domestic debt until we have ascertained its amount. Does he mean the sum total, with accuracy? If so, our proceedings will be delayed beyond the term of our existence. I contend, sir, that we know, as far as we can know, at this moment, what the amount of our debt is, except about two millions of dollars, principally arising from the remnant of the old Continental money, which has not yet been brought into the Treasury of the United States. But this is a subject which may be submitted to the discretion of the committee, and decided upon, as well from our present information as any we are likely to get in future.

It has been asked, whether it is likely to be beneficial or proper to appropriate permanent funds, in the manner proposed by the second resolution? My mind, Mr. Chairman, inclines to approve of permanent funds for that purpose; because, I believe, more public benefit will result from such a measure than any other; it will destroy that fluctuation which renders a public debt injurious, and will give it that stability necessary to introduce it as a circulating medium, by which numerous advantages will arise to the agricultural, commercial, and manufacturing interests. I therefore shall be inclined to favor the original motion, and reject the amendment; because our debt is already ascertained, and duly liquidated, except the two millions of dollars which it is in our power, as well, I say, to decide upon now, as at any future period.

Mr. JACKSON said there were, most surely, principles on which to ground a discrimination between a foreign and domestic creditor; if there was no other, there was this, that the domestic creditors are those that are bound to pay the foreign creditors their demand; they ought consequently to do justice to others, by a punctual payment, before they require a discharge of their own claims.

Mr. AMES did not conceive it material to inquire, whether there be an equal obligation on the people of the United States to pay their foreign and domestic creditors, when they meant to pay both; but if it is intended to reduce the principal of either, it will lead us into a discussion of the principles on which such a measure ought to be founded. The honorable gentleman from Pennsylvania, (Mr. SCOTT,) probably intends, by the amendment, to have a reduction of the debt; I have, said he, so much respect for the good sense and upright intentions of that honorable gentleman, that I will not impute to him unworthy motives; nor do I believe that he governs his conduct in private life by maxims which I suspect to be contained in the amendment now before us. I would not be understood, by any means, to convey an improper reflection upon the opinions of any one. The science of finance is new in America; a gentleman may therefore propose the worst of measures with the best intentions. What, let me inquire, will be the pernicious consequences resulting from the establishment of this doctrine?

Will it not be subversive of every principle on which public contracts are founded? The evidences of the debt, possessed by the creditors of the United States, cannot, in reason, justice, or policy, be considered in any other light than as public bonds, for the redemption and payment of which the property and labor of the whole people are pledged. The only just idea is, that when the public contract a debt with an individual, that it becomes personified, and that with respect to this contract, the powers of Government shall never legislate. If this was not the case, it would destroy the effect it was intended to produce; no individual would be found willing to trust the Government, if he supposed the Government had the inclination and power, by virtue of a mere major vote, to set aside the terms of the engagement. If the public in such a case is, as I have said, personified, what conceivable difference is there, except in favor of the creditor, between the public and an individual in the case? If, then, the public contract is a solemn obligation upon us, we are bound to its true and faithful performance. What is the object for which men enter into society, but to secure their lives and property? What is the usual means of acquiring property between man and man? The best right to property is acquired by the consent of the last owner. If, then, an individual is possessed of property, in consequence of this right, how can Government, founded on this social compact, pretend to exercise the right of divesting a man of that object, which induced him to combine himself with the society? Every gentleman may determine this question by his own feelings. Shall it be said that this Government, evidently established for the purpose of securing property, that, in its first act, it divested its citizens of seventy millions of money, which is justly due to the individuals who have contracted with Government? I believe those gentlemen, who are apprehensive for the liberties and safety of their fellow-citizens, under the efficacy of the present Constitution, will find real cause of alarm from the establishment of the present doctrine. I have heard, that in the East Indies, the stock of the labor and property of the Empire is the property of the Prince; that it is held at his will and pleasure; but this is a slavish doctrine, which I hope we are not prepared to adopt here. But I will not go further into a consideration of the idea of discrimination. I will ask, though, is this country ever to be in a settled and quiet state? Must every transaction that took place, during the course of the last war, be ripped up? Shall we never have done with the settlement and liquidation of our accounts? If this is the case, what kind of rights will the people have in their property? None but the will of the Government. And will this tend to the establishment of public credit? What security will they derive from a new promise? None. They will know that this can be set aside equally with the other, provided it is deemed expedient. What mischief will follow this idea? The public faith destroyed, our future credit will be a mere vapor; and all this risk is to be run for the sake of—what? Of

saving something to the public? No; the public will lose by the transaction more than they will gain; our justice will be impeached, and foreigners will feel themselves happy, that they have it in their power, by violence, to procure to themselves that which we deny to our own citizens. Such a mere arbitrary act of power can never be exercised on the part of Government, but to the destruction of the essential rights of the people, and will finally terminate in a dissolution of the social compact.

Mr. LIVERMORE.—The arguments advanced by the gentlemen from Massachusetts and New York prove too much, and therefore prove nothing. That the late Congress had, at all times, from their first institution, the power to contract debts, for the benefit of the United States, cannot be denied; and that we are authorized to pay such debts, is equally certain. But this by no means contravenes the opinion of those gentlemen who think that the whole may be properly considered and discharged at the rate which justice requires; for the same argument which is urged for the payment of the public securities at their nominal value, might be urged in favor of paying off the Continental debts of credit, according to the sums expressed on the face of them. They were issued with as much confidence, and were received with as firm a reliance on the public faith, as any species of securities whatever; yet, it seems to be given up on all hands, that the owners of the old Continental paper bills ought not to be paid according to their nominal value. Perhaps it may be said, on comparing them with the loan-office certificates, that the United States had not the benefit of that money; but had they not the value of it? It will be answered, that when the money was first issued, Congress had nearly the value for it; but afterwards the money greatly depreciated, and they had not the full value for it, yet the obligation to pay it is as explicit as words can make it. No advocate will be found for making all that money good. It has been thought proper, and it is just, that it should be reduced from its nominal value; if it is reduced on a scale of one hundred for one, the holders of it, I dare say, would cheerfully receive that sum. If the United States then had value for it, and they had not value for the certificates, who can doubt of the justice of reliquidating, and duly ascertaining the public debt? All I contend for is this, that the present Government pay the debts of the United States; but as the domestic part of the debt has been contracted in depreciated notes, that less interest should be paid upon it than six per cent. Six per cent. was the usual interest upon the certificates when they were issued by Congress; but if the possessor has received no part of his six per cent. until this time, that now the principal and interest be consolidated into one sum, hereafter to bear an interest of three or four per cent.; then those citizens, who now stand as creditors of the Union, will find that part of their property has been the most productive of any, much more productive than the property of the citizens of the United States has generally been. Those who lent their

money to individuals before and during the late war, generally lost or suffered by the depreciation of the capital; nay, some thirty-nine fortieths. But is this the case of the domestic creditor of the United States? No! he will preserve his property, through the chaos of the Revolution, and be put now in a more eligible situation than he was at the time he loaned his money. The capital sum which he lent is now increased, and very rapidly increased, for six per cent. is a very large interest. He will now receive 160 dollars for his 100, and putting that into the funds, at three or four per cent., he will find it more productive than any other method in which he could employ his money; for, I contend, that neither improved, nor unimproved lands, will give an interest near half of what the public creditor will receive. People who have held real property have sunk, with the taxes, and other losses, the greatest part of it, but the public creditor has let his run through the confusion of the Revolution, and nevertheless gets it returned to him safe; and, so far from being impaired, that it has prodigiously accumulated, not only in a manner superior to the property of his fellow-citizens, but superior to the foreigner who lent his money at four per cent. Justice and equity require, on the behalf of the community, that these people be content with reasonable profit. They ought not, therefore, to receive, on a funded debt, so much as six per cent.; whether three or four, or something between three and four, would be a proper sum, I shall not pretend to determine. But I consider it a proper question for this committee to consider, in justice to those who are to pay, as well as to those who are to receive; nor do I believe the domestic creditors would be dissatisfied with it, provided they were sure of receiving this annual interest; for their debts, on such a footing, would be better to them than if they were established on an extravagant plan, that could never be effected, but which would be likely to throw the nation into confusion. Every body has suffered more or less by the depreciation, but the public creditors very little, in regard to that part of their property which they had deposited in the hands of Government: it is true, that it has slept; but it is now waked up to some purpose.

Mr. SHERMAN.—I do not differ much in principle from the gentleman who spoke last, from Pennsylvania, (Mr. SCOTT,) but I do not extend my views so far as he extends his, in the exercise of the power which he contends is vested in this body. I look upon it, that legislators act in a threefold capacity; they have the power to make laws for the good government of the people, and a right to repeal, and alter those laws as public good requires; in another capacity, they have a right to make contracts; but here I must contend that they have no right to violate, alter, or abolish but they are obliged to fulfill them. The Legislature stands in another capacity, what is called judicial, between the Union at large and those creditors with whom she has entered into stipulations; there can be no other solemn judge on such occasions, because no court of law is capable

of giving redress; they cannot issue an execution against the sovereign power, and enforce their decrees; therefore, any creditor who has money due to him from the State, has a right, by petition, to apply to the Legislature, who has the sole power of doing him justice. When applied to in that manner, the Legislature has a right to examine, or appoint another to examine, how far the claim is just or unjust: this power has been exercised, with respect to the greatest part of the claims against the United States. There has been a liquidation of these accounts, and the specie value has been ascertained of the depreciated security.

When bills of credit were first emitted, it was declared that they should be redeemed with specie, indeed they passed as such at first; but the opinion of their real value was changed by common consent; those that were put into the Continental loan offices were always payable in the same species of money. If they had been paid in paper currency, the owners of them would have suffered a loss and injury: in justice, therefore, to the holders, the Government agreed to fix the value of the loans according to the current rate of paper bills, at the time they were left in the office: all certificates were ordered to be liquidated in this manner; the same could not be done in favor of those who had left their other property with the public, and took the Continental bills as a security; because they passed as a circulating medium, and went from one hand to another, by which means every one who received them, and kept them, though a small space of time, suffered loss; in that way it operated as a tax, and perhaps as equitable and as just a one as could have been any way apportioned; therefore it could not have been supposed equitable, that the last possessor should receive for these bills the nominal sum in specie. The Government, therefore, interfered in order to do justice; but when they had entered into a contract, founded on specie value, liquidated and ascertained, I do not see but the public are bound by that contract, as much as an individual, and that they cannot reduce it down in either principal or interest, unless by an arbitrary power, and in that case there never will be any security in the public promises. If we should now agree to reduce the domestic debt to four per cent. the world may justly fear that we may, on some future occasion, reduce it to two. If this Government once establishes such a principle, our credit is inevitably gone forever. I presume the gentleman does not found his motion upon the idea that there has been fraud and injustice committed on the one side, or imbecility or oversight on the other; if there was, it would be a good reason why an inquiry should take place in such cases. But though the Legislature may judge of accounts exhibited against the Government, and determine on them, their power ought not to be extended to judge of those already acknowledged; unless it be for the special reasons which I have just mentioned. From these considerations, I should be inclined to vary the motion for amendment, and insert the word liquidated before domestic debt, so as to provide permanent

funds for the payment of interest on the liquidated part of the debt only.

Mr. GOONHUE asked the gentleman, whether an individual ought to suffer for the fault of Government during the late war? In consequence of an impaired credit, the United States were obliged to give, on some occasions, acknowledgments for more than the real value of the commodity. These securities depreciated, and were sold for a sum less than the value of the goods they had been given for; but is that a reason why we should refuse, when we have it in our power to discharge them according to our promise? He presumed, that if the persons who furnished the army with supplies, had conceived that Congress meant to avoid the full payment of the stipulated price, they would not have got the supplies at double the rate they procured them. If it was the intention of gentlemen to take advantage of the depreciated state of the securities, it would be wisest to defer all further consideration of the subject at present, for the purpose of availing ourselves of a still greater depreciation, which such a measure would inevitably bring about.

Mr. FITZSIMONS said, that it was not his idea that the committee should pledge themselves to any particular rate of interest; the proposition was a general one, and pledged them to nothing more than making a permanent provision for the payment of the interest, and gradual discharge of the principal. He hoped, therefore, that gentlemen would not object to it from a supposition that they would pledge themselves, by giving it their support, to vote hereafter for six, five, four, or three per cent.

Mr. SCOTT—A great deal has been said on a stage of principle that must be attended to in some state of this business; but gentlemen have been led into a more extensive discussion on the doctrine of discrimination than I had any idea of when I proposed the amendment. It has been urged by some of the gentlemen, that however just my principle is, that the Legislature is in the quality of an arbitrator, yet we cannot adopt the amendment; others again have said, that the debt is a contract between the Government and the individual, and that we being parties we cannot be judges; for it is contrary to the principles of law, that we should be judges in our own cause. If, in national transactions like this, interesting to our own citizens only, the Government is to be supposed one party, and the individual the other party, I would ask the gentleman who is the judge? Can two parties exist in a well organized Government, to dispute about property, and have no judge? The very idea must induce the gentleman to abandon his ground. It has been said, as the foundation of an opinion, that there is a great similitude between a certificate and a bond that is brought into court to demand payment upon; that no opposition can be made; that no plea can be entered; but I would wish to ask the gentleman who made the remark, as a professional man, whether the want of consideration would not be a good plea? In Courts of Equity, relief can be given against *prima facie* evidence.

The honorable gentleman from New York (Mr. LAWRENCE) is opposed to the amendment, because of the impropriety of going into a second liquidation of the debts. I did not expressly say, whatever my ideas may be, that I wished for a second liquidation. It was not necessary for my purpose, that I should have expressed such a desire, because it is very well known, that there are debts, to a very considerable amount, unliquidated. He urged this as a reason why we ought to defer the present measure; because, going into a provision for a part of the debt only, may put it out of our power to make an equal provision for those who are equally deserving. The honorable gentleman from Massachusetts, who followed the amendment, supposes, that in contracts of this kind, the Government becomes personified; that doctrine is supported on principles different from what I have heard supported on this floor. I remember, on a subject somewhat different from this to be sure, to have heard it said, that a political body was a body without a soul; if you make it a person, it must be a person without a soul; if such, it is not the subject of any moral obligation.

But I believe the distinction I took between the situation in which the Government stands, between the foreign and domestic creditors, has not been adverted to. Suppose, in time of war, the late Congress had found themselves under the necessity to enter into a contract with twenty of our fellow-citizens, which they afterwards discovered would bring absolute ruin upon the rest, could they not attempt a modification of such contract? Is there any power of Government more frequently exercised than that of interfering with and modifying private contracts? In London, houses have been razed to their foundations; men's lands have been taken from them, and yet it was never thought that the Government ever acted wrong in the exercise of authority; private property must not only be subject to a change of shape, but sometimes to an absolute extinguishment, rather than a nation should sink, or the public safety be endangered. This power has been exercised at home; paper money, at one time, passed current, and was of value nearly equal to gold and silver; but the value expressed on the face of it was that of specie itself. What did the Government do when the depreciation had extended itself to a great degree? They laid violent hands upon it, and it was scaled. Was that a violation of the public faith? If so, was it not necessary and inevitable? Why, then, is this the only contract that cannot be violated without a breach of public faith, or the loss of public credit?

All that I am now saying is not an argument that this power should be exercised, but that it ought to be, if justice requires it. If justice does not call for the exercise of it, we may boldly assert, that some of the claims and clamors we have heard have been ill-founded. I will go no further into the subject at present, but confine myself to state to the committee, that my object is to be acquainted with the amount of the public

debt before we provide permanent funds for the payment of it.

Mr. LIVERMORE.—My first objection against the resolution, as proposed by the gentleman near me, (Mr. FITZSIMONS,) was that I did not clearly understand the meaning of it, but now he has explained it; I understand what his intention is, yet I think it would be saving time and leading the committee to the main question, if we were to take into consideration the object which I attended to, namely, a reduction of the interest of the domestic debt. I would therefore move to modify the first resolution, so as to introduce the words, "a certain rate," before "interest," which would show our intention to reduce it, and then it might be filled up with three or four, as gentlemen may think proper.

Mr. BOURNOR.—I am a friend to the discussion of every principle on which the great business before us may be supposed to turn, because I have a great desire that the public, as well as ourselves, may be satisfied with their propriety. This leads me again to notice the arguments which have been urged in favor of considering this body as judges or arbitrators between the public and the individuals who have claims upon the public.

It must appear, to the satisfaction of every unprejudiced mind, from the resolutions of the late Congress, that they acknowledge themselves a party on behalf of the public, to every engagement they entered into for services, supplies, or moneys loaned. If then it is admitted that the late Congress were parties to the contract, we must agree that our situation is precisely the same, because we stand in their shoes; and in my former argument I urged, if we are parties we cannot be judges. But the honorable gentleman from Pennsylvania answered this observation by saying, there can be no parties without judges, and who are to be our judges? The Constitution will answer him that question. The Judicial power of the United States is vested in the Supreme Court; no Judicial power can be exercised by the Legislature. If this is not the case, I ask whether, in the reason of things, a Legislature ought to interfere or modify a contract to which they are parties? Whether it would not be subversive of the great ends of their institution? No case, I believe, can warrant an interference, unless it is where the whole interest of the community is at stake, and likely to be injured. I, therefore, take it for granted, that in every case where no fraud is committed, (for if fraud is committed, I agree with the gentleman that it vitiates the whole,) the contract remains inviolably binding.

I mentioned also the case of a bond, and supposed that we were bound to the punctual payment of Government notes, as much upon their presentation, as a person would be bound to the payment of a bond, when it is exhibited in court. The same gentleman has appealed to me, as a professional man, to say, whether the want of consideration would not be a plea against it? I answer him, that the want of consideration in a

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bond, under seal, unless it was under a particular statute, or for the performance of an unlawful thing, would not be a plea. The gentleman has also adduced the case of the paper money, to show that we have a right to interfere, and modify the contract. Now, in order to understand this matter, we ought to consider that Government was contracting with an individual; that the individual, as a party, had as much to say in the contract as the purchaser. If I come to you, and offer to purchase of you a bushel of wheat, the value of which is one dollar, and I offer to give you my note for it at that price, you tell me, no, I will not take it, for your credit is not equal to it; you shall give me twenty dollars, because that, on your credit, is no more than equal to one dollar; if I give you the price that you hold the wheat at, is it not settled between the contracting parties, that the note for twenty dollars is, in fact, no more than one dollar? And having been fixed, by mutual consent, to be of that value, there is no impropriety in its being declared so by either. If the Government, in such a case, finds that it will work an evil of the most enormous magnitude, to discharge those notes which have been paid out, not at twenty for one, but at one hundred for one, at their nominal value, they are not to be blamed for scaling them. Now, are these two cases alike? The certificates that were issued were given for the real specie value of the commodity, or service, or they were on a liquidation of a depreciated currency they had before received. What pretext can there be set up for a re-investigation of claims so certainly decided on? The money that was due, as I have supposed, to the person for his bushel of wheat, might have been paid off in Continental bills of credit, when the depreciation was at forty, fifty, or a hundred for one; but, in this case, Government would have done an act of injustice, they would have paid the man but half a dollar instead of a whole one. But the Government acted more generously, they agreed to give the value at the time the supplies were furnished, or the loans made. Now, can this be brought as a precedent why we should abridge the claims of the holders of the public securities? We cannot interfere, unless it arises from national necessity, that the community would be injured by doing them justice.

But is there any gentleman on this floor, who will presume to say, that such a necessity exists? The public ability is confessedly equal to the demands of its creditors; yet, from motives of convenience and expediency, it may be proper to attempt a modification of the national debt, with the consent of the creditors; and if this can be obtained, will any gentleman oppose it upon principles of honor, justice, or policy? On such an occasion, it is prudent to provide a variety of terms, because different offers may meet the approbation of different minds. This variety, I take it, is held out in the report of the Secretary; and the debt released, in either way, will be as much the child of consent, as the original engagement at the first contract.

The gentleman, as an inducement for us to fol-

low the example of other nations, has told us that the Parliament of England has razed houses, and appropriated the property of individuals to the public service. This is all true, sir; but the Parliament were no parties to the contract by which those houses or lands were held; so have we a right to bind the citizens, in cases where they all stand equal, and where we ourselves shall not be particularly the gainers.

His last argument was, requiring us to show why this contract between the public creditors and the United States was different in its qualities from every other? By every other, I presume, he meant the cases referred to, respecting the Parliament of Britain and the paper money of America. I think I stated this sufficiently clear before; they are widely different, because Congress is a party to the contract, in the other they were not. So, on the principle of honor, we are bound to fulfil what we have engaged to perform; on the principles of justice, we are bound to pay what we owe; and, on principles of policy, we ought to discharge the interest of our present debt, in order that when public exigencies require it, we may borrow money with greater facility. We have no right, by our conduct, to put it out of the power of the United States hereafter to defend themselves, and unless we support the credit of America by a just performance of our engagements, we shall depreciate her credit to so low a state, as to prevent her from hereafter obtaining any future loans.

Mr. FITZSIMMONS.—I apprehend my colleague has taken for granted, what has not appeared in evidence, that there is a great part of the domestic debt unliquidated. I doubt the truth of such an opinion. We are not authorized to entertain it from any thing contained in the report of the Secretary of the Treasury. The unliquidated debt therein spoken of, amounts to but two millions of dollars, and that chiefly arises from the old Continental money, which is not yet brought into the Treasury, and this sum is so small, that I think there is little danger, that in making our provision now for the payment of the interest, we shall so far exhaust the resources of our country as to disable us from making provision for the remainder, when it is ascertained; indeed, the accounts which are not liquidated, appear to me to be very trifling; because the two millions of dollars, mentioned in the report, are the greater part of them supposed to arise from seventy-eight millions of the old Continental dollars, yet outstanding; and these, at forty dollars for one, amount to pretty nearly that sum.

Mr. JACKSON.—If there is no part of the debt of the United States unliquidated, besides the two millions which the gentleman alludes to, yet there is a very considerable part of what is in contemplation to fund, as Continental debt, not at present ascertained. I mean the State debts. The Secretary himself had no evidence before him, from which he could make a probable guess of the amount; if these are to be assumed by the General Government, I presume the General Government ought to be at liberty duly to ascertain

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them; and, therefore, the amendment proposed by the honorable gentleman from Pennsylvania ought to be admitted.

The honorable gentlemen who are in opposition, contend, that no sort of discrimination ought to take place; yet from what they have let fall, on this occasion, I am led to believe that they favor that part of the report of the Secretary which makes a discrimination, in fact, equal to a loss of one-third of the principal. What will hold good in one case ought to hold good in another, and a discrimination might take place upon the same principles, between those to whom the Government was originally indebted, and who have never received satisfaction therefor, and those who had nothing to do with the Government in the first transaction; but have merely speculated, and purchased up the evidence of an original debt. Some gentlemen think, that the claims of this latter class merit a greater degree of attention, because, by their actions, they seem to have evinced a greater degree of confidence in the Government than those who sold them. But, sir, these men have had more information, they have been at the seat of Government, and knew what was in contemplation before citizens of other parts of the Union could be acquainted with it. There has been no kind of proportion of knowledge between the two classes—to use the expression of a British Minister, the reciprocity has been all one side. The people in this city are informed of all the motions of Government; they have sent out their money, in swift sailing vessels, to purchase up the property of uninformed citizens in the remote parts of the Union. Were those citizens acquainted with our present deliberations, and assured of the intention of Congress to provide for their just demands, they would be on an equal footing; they would not incline to throw away their property for considerations totally inadequate. Such attempts at fraud would justify the Government in interfering in the transactions between individuals, without a breach of the public faith; but this, sir, is not the object of the present motion, it only goes so far as to ascertain the amount of the debt, before we make provision for the payment; and this appears to me to be proper upon every principle of justice and discretion.

Mr. STONE thought, if we made no effort to pay the debt until it was wholly liquidated, it would be a work of time, and that it would be unjust to refuse to settle with those who had settled their accounts, because there were some of our creditors who had hitherto neglected to bring them in.

Mr. SEDGWICK feared the consequences, were the present Congress to disperse without providing adequate funds for the support of public credit; he believed every gentleman's mind was impressed with the same idea; that, therefore, a procrastination upon the principle of liquidation would be extremely injurious.

Mr. WHITZ did not understand the full extent of the amendment, nor of the original proposition; he wished the committee to investigate the subject very fully before they came to a decision, because much depended on doing what is right.

Mr. BURKE wished the question postponed till to-morrow, as it was a subject of such high importance. He moved the committee to rise; whereupon, the committee rose, and reported progress.

WEDNESDAY, February 10.

The memorial of Robert Morris being read a second time, it was ordered to be entered on the Journal, and that the subject-matter of it be referred to a select committee, composed of Messrs. MADISON, SEDGWICK, and SHERMAN.

PUBLIC CREDIT.

The House again went into a Committee of the Whole, Mr. BALDWIN in the Chair, on the report of the Secretary of the Treasury.

Mr. SCOTT's amendment being still under consideration.

Mr. SCOTT.—Some time was spent yesterday in the consideration of this subject; in my opinion, that time was not ill spent, nor would two or three days more be ill spent in discussing the question, for it involves in it the whole doctrine of discrimination and liquidation. If these two great points are once settled, the way will be clear and open before us to proceed to the discussion of the report; for, if the principles of the report are good, I believe the plan itself is good. I believe, upon the principles which it holds forth, that it is wisely and judiciously drawn out, and does great honor to the officer who framed it. But it is incumbent on us to examine its principles before we adopt it; if they do not consist with equity and justice among the several inhabitants of the Union, they must be rejected. Now, I doubt whether they consist with that equity and justice; I think there are others on this floor who have their doubts also. I wish, therefore, that we should coolly examine those principles, consult our judgment and understanding, and when we have collected all the information we can get from each other, we may determine; and when we have determined this, and the two grand points I have mentioned, our business will be easy.

In support of the principles held out in the report, it is said that a solemn contract is entered into that cannot be violated; that the debt is ascertained and cannot be extinguished, but by the absolute payment of what is acknowledged to be due. Now, I doubt whether the necessary commitments of a contract to the amount mentioned on the face of the paper, really accompanies the public securities. Let us revert back to the time that this contract was entered into. At the close of the war, at the commencement of issuing final settlements, there was a demand against the United States for real and essential services rendered; the claimants came forward, and asked something for their demand. Congress, having no money to give them, offered something; what? A certificate to a certain nominal amount; nay more, of a certain known value; the nominal amount was twenty shillings, the certain known value was two and six-pence. Did the soldier accept of this

offer? Yes. On what principle did he accept it? He knew it was putting the capstone on the building which he had erected by his labor and cemented with his blood. I have done you service, said he, to the amount of twenty shillings, but you are poor and unable to pay me; I will accept now of your two and six-pence, and give you a discharge. Thus, the soldier who had, through blood and slaughter, established the liberties of his country, crowned the whole by the sacrifice of pecuniary emoluments. His consent was given to the contract, and he received two and six-pence in the pound. Now, if there is any other contract existing like this, I cannot see it. The soldier never received it, nor the officer who handed it out, never believed it to be worth more than two and six-pence in the pound. It was like compounding a debt by the consent of the creditor, and there an equal liquidation ought to take place. If this reasoning is right, we know the value at once of our paper currency; and if it is not right, I would wish to know upon what principle of rationality, a rate can be established for the value of our certificates.

Mr. Chairman, I do not lead, nor have I vanity enough to be the champion of a party, I disdain all such ideas; what I now advance I throw out merely for consideration. I am willing always to receive information. Let me be convinced of the existence of a contract, before I agree that provision ought to be made upon the principles of there being one. But suppose for a moment that such a contract exists, and that it is inviolable, let us look at the first contractors, and see how it will operate in point of justice and equity. Those heroes who compounded their claims for the one-eighth, (for this was the value at which they received and passed the evidences of the debt,) who lost the other seven-eighths, and who are still willing it should be sunk, from whom we do not hear a word of clamor, they have added this to their other sacrifices; but there is a clamor, and from whence comes it? It comes from those who are now possessed of the Government paper; they are not content with passing it to the next hand for the same value at which they received it; they must have a profit eightfold, or they will not be satisfied. But how is this to be paid them? As certificates have no intrinsic value, the owners of them have no right to put their hands into the pockets of individuals, and extract money for them. The Government has the power; but the Government will not wrong one individual to do more than justice to another. Will they even wrong an individual to do strict justice to another? They ought not. But by the plan proposed, the soldier who received two shillings and six-pence for a security of the nominal value of twenty shillings, will be subject to the payment of five shillings towards the redemption of that evidence for which he got but half a crown.

From what I have said on this point, it will appear that I am of opinion, that a new scale of depreciation ought to be made, that would apply to certificates as former scales applied to paper money. Nor will their being deemed final settle-

ments destroy the position; for it is a notorious fact, that for the first paper money that was issued, the public received the value of gold and silver. National policy and equity, when by mutual consent they had depreciated, properly induced Congress afterwards to say, that they should pass at a lower rate. Had not that policy been adopted, the community must have been inevitably ruined; the loss operated as a public tax, and injured no person; for it lost its value in the hands of every one, the same as if it had been contributed in payment for the support of Government.

Another reason urges me to adopt this principle rather than the one contained in the plan. When the amount of the public debt is ascertained, I could not pretend to cut the proprietor short of six per cent. interest. I think the same interest ought to be given which was offered, and which induced the holder to vest his money in this way. It would be doing more justice to him to abridge the principle, and to give him the full interest, than it would be to reverse the case.

That part of the amendment which is supposed to look like a delay in providing permanent funds for the discharge of the debt, is supported on a variety of considerations. I do not think we can go into funding the public debt until we know what it amounts to. One part we know is liquidated; but we do not know what the real value of that part is. It is called two millions of dollars; but there are seventy-eight millions of old Continental dollars still in circulation. A question will arise, if we determine that Government can make no alteration in the value of the paper she has issued, and plighted the public faith for the redemption of, whether the real value of these seventy-eight millions of dollars is, according to the nominal value, or as the Secretary supposes them to be, two millions only?

On this point, I could raise this inquiry, what was the idea of the Secretary of the Treasury when he used those words? Did he advert to the scale of depreciation which was fixed by the late Congress at forty for one? It is probable he did. It has been said that a public acknowledgement of money due on the balance of account is like a bond. Though I am not able to discover in what this likeness consists, yet if final settlements partake of the nature of bonds, I presume it will be admitted that paper bills are, to all intents and purposes, good notes of hand; no plea in justice or equity can be set up against the payment of one, that would not be admitted against the payment of the other. If at any time the public necessities have compelled the Government to declare them depreciated, I presume, when those necessities no longer exist, that they ought to return to their first value, and have the same force as if they had been unaffected by Legislative interference. What would be the consequence of funding the public debt under these impressions? The inconsiderable two millions would be found to amount to eighty millions. This consideration urges me to an ardent wish that we may be cool and deliberate in weighing the present question.

The doctrine held forth that the present posses-

sor stands in the place of the original holder, is what I do not perfectly comprehend; I think there is a difference. There would be a difference before a National Court of Equity; that Court I now bring you before—and one distinction I ground on this simple consideration, that you cannot do what is termed justice to the present holder; for without doing an injury to the original holder; for out of his pocket must come more than he received for what the nation owed him. This certainly is not the part which a Legislature ought to act, who has an equal care of the whole, when we have it in our power to do strict justice to the one, without doing an injury to the other.

Shall I be told, that there are many of those characters, whom I have spoken so highly of, veteran soldiers and brave officers, who hold sentiments different from those I am now advocating? I believe there are men who were once brave soldiers, who are now become speculators. I do not think it a crime that a man should speculate in the funds; but when we hear his opinion and attend to his language, we are led to believe, that it is not the opinion or the language of the soldier, but those of the speculator; consequently, they ought to have no weight on our minds, in determining a question in which they are interested.

Mr. HARTLEY.—I am opposed to the amendment, not only on account of the mode of expression used in it, but also on account of the very reasons urged by the gentleman in support of it. My colleague considers his principles right, and supposes those who differ from him in sentiment, to entertain different ones; I happen to be one of those who entertain a different sentiment from him; I am also one of those to whom he has alluded, having been in the late army, though I never speculated in public securities. As I differ so much in sentiment from him, and would not willingly give a silent vote on the occasion, I beg leave to state my reasons for it. At our last session we gave assurances to the public, that we would take up the subject of providing the means for the support of public credit, by providing the means of paying our public debts. It was well known then to every gentleman in this House, that many of the certificates were in the hands of those who had purchased them; yet, I believe the idea of making a discrimination never entered into the contemplation of any gentleman, at least nothing was said that indicated such an intention; nor was it suggested that before this could be done, a reliquidation ought to take place. If that principle be just, and must be carried into execution, it will take many years before we can complete our promise. I grant that we ought to be certain of the extent of our funds, before we undertake to burden them with the amount suggested in the report of the Secretary. Every gentleman can form some opinion, by contemplating the materials; if we discover that our means are insufficient, let us make it known to the world, and endeavor at a composition upon true principles; but I have not heard it asserted that our means are insufficient. I believe, if we compare them with those of other countries, we shall find them very

abundant. Those suggested in the report of the Secretary of the Treasury, are but an inconsiderable number of the branches of revenue to which our power extends. I would not touch the funds that present themselves to my mind, unless they were necessary; but I am pretty confident there will be enough left, after making provision for the part of the debt which is ascertained, so that we have little occasion to fear that our present efforts will prevent us from making future provision for that part of the debt which is now said to be unliquidated. This circumstance of our ability greatly enhances the obligation to do justice; which is a principle contrary to what has been established by this House, in their vote of last session, as well as their answer to the President during the present.

With respect to what was said of the public securities being originally issued, and received as worth but 2s. 6d. in the pound, I must totally differ with my colleague. The contracts for which they were given as an acknowledgement, were, many of them, performed three, four, or five years, previous to the time of their being received, and then they were not accepted by the soldiers, willingly, as an equivalent for their services; but Congress forced them to accept of them as the only alternative. Neither did Congress consider that paper as a discharge of the debt; they only gave it as an evidence of the amount. The soldiers parted with them, to be sure, for what they could get, and here, I believe, they were frequently hardly dealt with. I always reprobated the idea of purchasing the soldier's rights for such trifling considerations as have been generally given; and I would, at the time they were so imposed upon, have cheerfully given my consent that a discrimination should take place; but, now they have changed hands so often, it is impossible to do it without the greatest degree of injustice if the Government had the power: and this leads me to consider another principle, mentioned by my colleague, that we are arbiters in the case; so far from it, Mr. Chairman, I consider that we are parties, and that one party has no right to change a contract without the consent of the other. We may attempt to modify the interest and mode of payment; but before either of these measures can take effect, the consent of the other party must be obtained. In Great Britain, the principle has been three times tried within a century. In the year 1784, the Chancellor of the Exchequer attempted to modify the unfunded navy and ordnance debt; but, after bringing a bill into Parliament for that purpose, the opposition obliged him to relinquish the measure.

As to the policy of funding, I differ in opinion from the gentleman from Georgia, who has supposed it to be improper and dangerous to introduce such a scheme into a republic. Funding, like every human good, has its certain alloy of evil; abuses may be committed; undeserving individuals may obtain a living by acts practised upon their fellow-men; but these things cannot be avoided in any human system. Funding has

carried Great Britain, apparently, to the highest degree of national prosperity; how has she extended her commerce and her manufactures, by means of her paper credit? To what a reputable rank has she raised her character in the scale of nations? compare her with herself when she pursued a different policy; when she collected her revenue upon the spur of the occasion. Look at Frederick the Second, King of Prussia; that Prince accumulated in his coffers specie to the amount of one hundred millions of crowns; but his people were poor and wretched, unable to have assisted him in point of revenue, in case any accident had happened. A capital thus collected was depriving his subjects of the means of promoting productive industry, and leaving them to languish their lives away in military indolence. A nation that has it in her power punctually to pay the interest of the debts she contracts, may always be supplied, in cases of exigency, with what is sufficient for her service, without diminishing the stock of her industrious citizens.

Mr. Spenwick professed himself to be totally disinterested on the subject of discrimination. He was a representative of a part of the United States in which there were very few of these certificates to be found; he believed, therefore, that it would be their particular interest, that as little money should be drawn for the payment of the national debt as was consistent with justice. He felt no difficulty in declaring, that the Government possessed the power to interfere with contracts, public and private. Gentlemen will concur with this idea, if they consider, that the great object of society is self-preservation, and that, consequently, every measure that has a tendency to destroy the social compact is in the power of Government to abrogate and set aside. But it should be assumed as a principle, that this interference of the Government should never take place, but when such are the circumstances of the community, that the mind is convinced that without the measure the public welfare would be endangered. Here, then, arises the question: are we in such circumstances at present as to render an interference, without the consent of the creditors, consistent with the well-being of the society? If gentlemen will demonstrate this to me, I shall concur with them in the idea, that we ought to pursue that line of conduct which we have a precedent for under the old Congress; but if we are not in that situation, we have no right to meddle in the business. The great point, then, to be settled is, what is our capacity of fulfilling the existing engagements of the country to its creditors? On this question there may be a variety of opinions. I am prepared to acquiesce in the decision that shall be made after a due investigation of our resources. But, for myself, I do believe any further procrastination of the business will not only increase the difficulty of a final determination, but will be mischievous and destructive of the general welfare. Nay, I do not know but it will tend to the destruction of the Government itself, by destroying that energy on which all is to depend. I shall not recapitulate the circumstances which

have led me to form this conclusion; but if gentlemen will consider the fervor of the public mind on this subject, the impressions that have been made, and what they are still likely to receive from this and other causes, they cannot wonder at my apprehension. The pernicious consequences of speculation will, I fear, be increased by any unnecessary delay; for although that business is of course connected with a transferable debt, and that debt derives its value from it in a great degree, and though the public credit is thereby promoted, yet, when persons are seduced from more useful occupations, to divert their stock, and commence speculating in the public funds, the protective industry of the country must be checked, and great injury be sustained by the Commonwealth.

I would just suggest another idea, with respect to the subject of discrimination. I suppose that it is not contemplated by any gentleman, to make provision for the payment of the public debt, upon the precise terms it was contracted. I have heard no gentleman say, that it would be proper, under all circumstances, to go into such a measure. I suppose the only difference amongst us is, whether we do it by a violent interference of the Government, or whether we shall modify it with the consent of the creditors? I am led to believe, that the latter mode will be the only proper one; and from the public creditors being a set of enlightened men, I am led to expect that they will accept of our reasonable proposals. They would not wish to receive from us engagements beyond what the Government is able to discharge, the value of their certificates will depend upon the public opinion, and the public opinion will depend upon our ability to discharge them; they will contemplate all these consequences, and their concurrence may be expected with certainty.

Mr. BOURNOR.—I am convinced that the principles laid down by the gentleman from Pennsylvania, if true, ought to effect the final determination of this question; and if I was satisfied with them, I should clearly vote with him. If I was convinced that the certificates at the time they were given out, were worth no more than 2s. 6d. in the pound, and that the creditors received them at that price, in full discharge of their demands, I should be very loth to raise them to so great a value; I would treat them precisely the same as Continental money. I should think that the public did complete justice by complying with the terms of their contract; while this is a matter of dispute we can never agree in our determination. But if I can show that this is not the case, that he has not looked into the origin of this debt, so as to be well ascertained of the fact, I hope he will give up his opinion, and join with me in the conclusion.

The debt of the United States is of four kinds; first, paper money; second, money lent; third, the allowance for depreciation; and fourth, certificates, or evidences of the debts due from the United States to individuals, for supplies furnished, or services rendered at different periods of the last

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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

FIRST CONGRESS.

ANNALS

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THE CONGRESS OF THE UNITED STATES.

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

VOLUME II,

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FEBRUARY, 1790.]

Public Credit.

[H. OF R.]

war. As to the bills of credit, I mentioned yesterday that they stand upon a different footing from the rest; because it was one of the parties who ascertained their depreciation, contrary to the opinion of the other, who had a desire of keeping them up to their nominal value. The money loaned to the United States is a debt which we are bound to pay, on every principle of honor and justice; nor can it be said that the certificate given to the person who loaned the money, was given as a payment in discharge of the debt. With respect to the army, including commutations, I shall beg leave to read two or three resolutions of Congress, to show that Congress had a different idea of the certificates they gave to the officers and soldiers, in evidence of the balance of their account, which is still due. When they were first issued to the soldiers, Congress guarded them from being transferable; but as the soldiers could get nothing for them in that form, upon representation, Congress passed another resolution, by which they were made transferable, in order that the soldier might avail himself of the acknowledgment of Congress in his favor; (the resolutions referred to, were in May, 1783, April, 1784, and June, 1784.) This recurrence to the resolutions of Congress, under which the evidences of the debt were issued, sufficiently explodes a supposition, that they were understood to be worth no more than 2s. 6d. in the pound, at the time they were issued and received. From the personal knowledge I have of the transactions of that time, I can venture to say, that no idea of payment was ever entertained. They were, in fact, and were so considered, evidences of the liquidated and specific sums due to the creditors of the United States. The step which Congress took for the benefit of the army, in making their certificates transferable, so far from accommodating them, would have proved a real injury. If the assignee had supposed himself to stand in a less eligible situation than the assignor, he never would have been induced to have given him the price which he did. If the soldier had received a certificate of twenty shillings, as only 2s. 6d. nobody would have inclined to have given him 2s. 6d. for it, because he could never expect to obtain a repayment of a greater sum, even in such money as Congress should find convenient; upon every principle of assignment of debts or contracts, such an idea ought to be reprobated.

With respect to the idea of reliquidation of the public debt, I venture to say that it is totally impracticable; but were it practicable, and to be entered into, the United States, instead of being gainers, would lose many millions by such a transaction. There have been many instances within my knowledge, where supplies have been furnished, and services rendered; for example, a wagon and horses at forty shillings a day, have been settled for afterwards, when the money had depreciated thirty or forty per cent, and paid in a certificate at the original rate; upon this principle, therefore, it would be highly impolitic to adopt the gentleman's motion.

With respect to the arguments applicable to
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the general principle of a funded debt, I shall say nothing more than that it is not the question properly before us. But if it was, we are under the necessity of doing something in the business, because it is not a question whether we shall contract a debt for the purpose of funding it; we have one already engaged, which we must provide for.

Mr. SCOTT said, if there was any use in it, he should have no objection that the journals of the late Congress should be read from the beginning to the end, and he apprehended that, in that case, they would find resolves equally solemn, and equally binding, which were afterwards set aside by the scale of depreciation. This would plainly prove that it was considered by the late Congress as just and politic to interfere and determine the value of the present paper.

The gentleman from Massachusetts, (Mr. SEPOTWICK,) who has spoken since I was last up, has said something more serious, and which is well worthy of due consideration. He has told us that the most alarming consequences are to be apprehended from delaying this important business beyond the present session; that it will destroy the peace of the society, and endanger the Union itself. If that be the case, a skin for a skin, all that a man has he will give to save his life. If we are to be torn to pieces, or if the speculators will cut our throats, if we do not pay them twenty shillings for their half crown, I will consent to what you please; but, before I do this, I should like to know how this is to come about, and how we are to be distressed by the necessary delay of the business.

Mr. SEPOTWICK.—I will express my idea on the point which the gentleman has made an inquiry respecting, in a few words. I said, that I conceived a delay of this business would endanger the peace of the Union by diminishing the energy of the Government, without which this Constitution would be of no value. These are considerations which must appear weighty and important, if justly considered by the committee. A great and respectable body of our citizens are creditors of the United States. There are a variety of opinions prevailing respecting their claims, with respect to funding, discrimination, and interest. This diversity of opinion may probably irritate, and produce heats and animosities, which may terminate in forming factions among the people. The State debts may produce a difference between the General and particular Governments. If the matter is taken up as the business of a party, one may be pitted against the other, until, in the end, they disturb the public tranquillity, or sacrifice the general welfare to opposition and party spirit. Besides this, the reputation, the credit of the Government is at stake; the public expectation is alive to all the measures of Government at the present moment. They expect that justice and equity will be administered as far as the abilities of our country extend; it lies with the Legislature to realize this expectation. If Congress pursue the present inquiry, and come to a determination without delay, the public sentiment

credit, it will be gained when we evince, by our conduct, that we are determined scrupulously to comply with our engagements. This is not the work of a day, it will require the experience of years before it arrives at that degree of stability which some gentlemen have in contemplation. But what is the amount of all funding systems? They give a nation capacity to run in debt with the utmost facility; they neither increase the riches, agriculture, commerce, nor happiness of a country. But if it has not money of its own to carry on the mad schemes of ambition, it supplies it with the means of purchasing mercenary soldiers, of shedding the blood of their neighbors, and of cutting so many more throats than they would otherwise be able to do. Factitious, or public credit, founded on schemes of borrowing, appear to me monuments of the folly and vice of mankind.

It would be a desirable thing if we could pay off both the principal and interest of all the debt, according to the specific terms; and I hope an attempt will be made, as far as we have ability, to do it, in order to avoid a perpetual incumbrance.

Mr. SMITH, of South Carolina.—If we were about to contract debts for the purpose of funding them, the observations of the gentleman from Georgia would apply; but we have already contracted them, and the only question is, shall we fund or pay? We must do one or the other. With respect to the remark of *Blackstone*, he is writing of an enormous public debt when he mentions it as injurious, because he expressly says, that "a certain proportion of debt seems to be highly useful to a trading people; but what proportion that is, it is not for me to determine." To be sure he adds, afterwards, "that the present magnitude of our national incumbrances very far exceeds all calculations of commercial benefit, and is productive of the greatest inconveniences." And here I agree with him: but our public debt is not of such enormous magnitude as to counterbalance the good effects of throwing out such a quantity of a stable paper as will answer all the purposes of a circulating medium.

Mr. GERRY.—The amendment seems to be grounded on arguments tending to show a distinction between the foreign and domestic debt, which I believe does not exist in reality; and an observation has been made by the gentleman from Georgia that I should be sorry to find generally received. It is, that American independence was principally established by foreign loans. To ascertain this point, which I consider of some importance, it will be necessary to contrast the sums advanced by foreigners with the amount of the domestic debt. If gentlemen turn to the report of the Secretary of the Treasury, they will find that the foreign loans, with the interest due thereon, are estimated at \$11,710,378, the Federal liquidated domestic debt, without interest, amounts to \$27,383,917; the interest due thereon, with the unliquidated part, is \$15,030,168, in all, \$42,144,085. The domestic State debts are about \$25,000,000. So that the whole of the present domestic debt amounts to \$67,244,085, a sum nearly

curities are possessed by our own creditors, it will have the effect I mentioned before, it will take a capital from productive labor, and vest it in unproductive labor, if the term may be admitted; like an *ignis fatuus*, it will deceive us, and lead us and our posterity into a wilderness of politics, from which we shall never be able to extricate ourselves.

The Secretary has told us, in his report, that exigencies in Government may require new loans; and that we ought, therefore, so to establish our credit as to be enabled to borrow when necessary. Perhaps, Mr. Chairman, it would be politic to order our affairs in such a manner as to obtain all our supplies by taxation, because the people, feeling the effect of expensive measures, would be a check in restraining the General Government from running into extravagance. The opinion of *Blackstone* is corroborated by another writer of great eminence, *Smith*. In his Inquiry into the Nature and Causes of the Wealth of Nations, he declares that the practice of funding has endeavored every State which has adopted it; and he asks, "If it is likely that, in Great Britain alone, a practice which has brought weakness or desolation into every country should prove altogether innocent?" If such are the opinions of well-informed men, we ought to consider well what we are about before we take such a dangerous leap in the dark. I have a great regard for the honor and credit of the United States, and I would not precipitately adopt a measure which must, in the end, destroy both; for, when national debts have once been funded, and accumulated to a certain degree, there is scarcely, I believe, a single instance of their having been fairly and completely paid. The liberation of the public revenues, if it has ever been brought about at all, has always been brought about by a bankruptcy; sometimes by an avowed one, but always by a real one, though frequently by a pretended payment.

Mr. STONE.—If we, by adopting the amendment proposed by the gentleman over the way, (Mr. SCOTT,) say we will not provide for the payment of the public debts until they are ascertained and duly liquidated, it amounts to a declaration that, at this session, we will not enter upon it. Now, whatever idea I have of a funding system, as to its advantages or disadvantages to the interest of the United States, I would not be willing to delay making a proper provision for paying what we have in our power to pay to the public creditors. I am willing, though, before this is done, to go into a full and candid examination of the principles of a permanent system, and to ascertain whether our situation will be mended by it. For my part, sir, I expect very little advantage from schemes of revenue; it is the strong bias of my mind, that all such schemes are unequal to our situation. We are not, like Britain, obliged to subsidize upon public credit. Therefore, public credit is not the first object of our Government, it is but a secondary consideration. No paper schemes, that tend in other countries to gain a factitious credit to the Government, are necessary here. If the United States acquire

will be brought to a point, and a general acquiescence may be expected; but if it is postponed to a future session, such may be the effect of faction and disappointment during the recess, that the probability is, that no one party will comprise a sufficient number to comprehend the majority of the whole.

Mr. JACKSON.—Do not gentlemen think there is some danger on the other side? Will there not be grounds of uneasiness when the soldier and meritorious citizen are called upon to pay the speculator more than ten times the amount they ever received from him for their securities? I believe, Mr. Chairman, there is more just reason of alarm on this than on the other side of the question.

A gentleman from Pennsylvania (Mr. HARTLEY) has noticed my arguments of yesterday, respecting a funding system. I beg leave to make a few observations in answer to him. He has said, that a funded debt is of great advantage to a nation, and has adduced the situation of England as a proof, founded on experience. But England is a solitary example, and the force of that example dwindles into nothing, if we examine into the real cause of her seeming affluence. She does not owe much of her respectability to her national debt; she owes the most of it at present to the troubles of other countries, and when those have subsided, the bubble of her credit may blow up, as did the South Sea project, for Government stock can never be considered as cash. The stock employed in agriculture, commerce, and manufactures may, by great prospects of advantage, be diverted into the hands of brokers, for the purpose of speculating further in the funds; but no real addition will be made to the means of productive industry, nor was any thing of this kind contemplated at the time funding was first introduced into England. We learn from *Blackstone*, that the reason for establishing a national debt, was in order to support a system of foreign politics, and to establish the new succession at the Revolution; because it was deemed expedient to create a new interest, called the moneyed interest, in favor of the Prince of Orange, in opposition to the landed interest, which was supposed to be generally in favor of the King, who had abdicated the throne. I hope there is no such reason established without the assistance of stock-jobbers. We ought to reign universally in the hearts of our fellow-citizens, on account of the salutary tendency of our measures to promote the general welfare, and not depend upon the support of a party, who have no other cause to esteem us but because we realize their golden dreams of unlooked-for success.

Another argument in favor of an American funding system, may be urged from the probability of drawing considerable sums from Europe into this country. If Europeans send us their money to purchase the principal, let us remember that they take that very money back as interest, and at a rate which abundantly indemnifies them for the loan. On the other hand, if the public se-

six times as much as the foreign debt. From this statement alone, it does not appear that our independence was established by foreign loans. But the disproportion will appear still greater, if we pursue the subject. By referring to the journals of Congress of 1776, a period, when there was little or no depreciation of the bills of credit, it will appear that Congress emitted that year fourteen millions of dollars, and the sums expended by the States in the same year, if estimated at the proportion stated by the Secretary, between the Federal and State debts, will amount to about eight millions, making the expenditure of 1776 about twenty-two millions of dollars. Our annual expenses during the war were never computed at a less sum than about five millions sterling. Great Britain spent about one hundred millions sterling in the contest: this will average it about twelve and a half millions per annum; and when we take in her unfunded and contingent expenses, it will amount to fifteen millions; so that we cannot, on comparison, suppose we expended less. If, then, it be admitted, that the expenses of the Union were at least twenty-two millions of dollars, the whole expense of the war will be about a hundred and seventy-six millions, to which the foreign loans bear about the proportion of one to sixteen.

Perhaps it will be asked, how was the part of this sum paid which is not now due? I answer, it was sunk in various ways. First, by depreciation, which has operated as a tax, to all intents and purposes, on the citizens of the United States; and also by classing the citizens for the purpose of recruiting the army, by which they were often taxed three hundred dollars as a bounty to every recruit; but, on an average, in Massachusetts, they paid at least two hundred and fifty dollars for those recruited in this way.

Now, it appears from the journals of Congress, that the foreign loans were obtained at such times, and in such sums, as bore no proportion to the domestic exertions. In 1778, the whole sum loaned by foreigners amounted to \$583,330; in 1779, to \$700,000; in 1780, to a million and a half; in 1781, to \$2,300,000. I believe, at that time, our independence was tolerably secure, yet no man can think it was established by the foreign loans. In my opinion, they had little to do with the business; for it must be remembered, that the expense of the United States, on the calculation I have made, amounted, at that time, to a hundred and seventy-six millions of dollars. And, to the end of the war, in loans and subsidies together, we received from foreigners, little more than three millions of dollars. Surely, then, the citizens of America ought to have some credit for their exertions, and we are wrong in attempting to deprive them of the honor of establishing their independence; nor ought it to be supposed that we hold our liberties at the mercy of foreigners.

It has been said, that there ought to be a discrimination between the foreign and domestic debt, because the former lent their money in solid coin, and the latter in a depreciated currency. I know very well that part of this money was

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loaned in a depreciated state; but it has been reduced to specie value, on a scale fixed by Congress; I therefore presume there is no just reason for discrimination between them. The supplies were also furnished at a rate above specie value; but either they were paid for in Continental money, when the money had further depreciated, or they were paid for in loan-office certificates, issued some time after the purchase, which were likewise liquidated, and here it may be supposed the citizens had the worst of the bargain, because Government fixed the scale of depreciation without consulting the creditor. This, then, does not warrant a discrimination.

Another reason why we should make a discrimination is, that foreigners loaned their money at four per cent., and the citizens at six per cent. I deny that our foreign loans were procured at four per cent. The sums borrowed of the Royal French Treasury were at five per cent.; and here it will not be improper to observe, in opposition to what has been said, that that kingdom was deeply interested in the event of the war; she expected to succeed in reducing a rival nation; and it would appear to an impartial bystander, that, taking all circumstances together, the loans I now mention ought to have been a subsidy. It would have been no great sacrifice for her if she had given these three millions; nay, I am persuaded she would have subsidized us to the amount of thirty millions, rather than have been defeated in the great object of the war. But the fact is, Mr. Chairman, of the loans procured of individuals some were at four, and some at five per cent. But in order to ascertain the weight of this objection, we ought to consider the time and situation of the lenders. At one time, when the citizens of the United States lent their money, there was a great degree of danger that they would be conquered and made slaves. We were without resources or alliance, contending against one of the most potent nations of Europe. At another time, though we were in alliance with France, the exertions of Britain were such as to render the event doubtful: when the French loans were made the monarch thought little of the hazard, as he had embarked in the war. Money was procured in Holland when guaranteed by France, Spain, and America was joined in the war by France, Spain, and Holland. It therefore appears to me, that four per cent. was a better interest at that time than six per cent. was at the other. Besides this, the creditors of the United States lent their money, and left it with the Government to fix its value. Surely, then, there is a difference between the foreign and domestic creditors, but it is in favor of the latter. Add to this, that the foreign creditor has been duly paid his interest, without loss: the same was stipulated to the domestic creditor, but has he received it? A few years it was paid in bills on France, some in depreciated paper, and since that in indents, depreciated from fifty to ninety per cent. Here, then, again the domestic creditor has had the worst of the bargain.

It has been said we ought to postpone the pre-

sent business, in order to have time to convert our Western Territory into cash, for the purpose of paying our debts. I would ask the gentleman whether, if he had contracted a debt with a person, and given his bond for three years, and promised to pay annually the interest thereon, and the person had patiently waited ten years for it, without calling on him, because he knew his affairs were deranged; but finding his circumstances improved, and that he is in a capacity to pay, at least the interest, he were to call upon him and say, "Sir, I should be glad to receive my bond, which has been so long due, or if it is inconvenient to pay the principal, I beg you to assign funds out of which I may, in future, receive my interest;" whether he would tell him, and it would be satisfactory, "Sir, I think such a provision will be contrary to my interest; I have some vacant lands in some part of the world, which are worth money; but until I can sell them, and get cash for them, I cannot think of making the provision you require." Would not the creditor reply, "Sir, I have nothing to do with your land, here is your contract, which should have been discharged long ago; before your lands are sold, I and my family may be in our graves, for we have nothing to subsist on but your note, and we shall be starved to death if we have to wait any longer." The same will hold good with respect to the liquidation of the accounts. "What," says the man, "have I to do with your other accounts? You and I have settled, and I have your acknowledged debt for the balance; you may put me off for ever, by telling me you have not yet ascertained and duly liquidated all you owe. Indeed, if you mean to pay nothing until you have settled with all, it may be your interest that such a settlement should never take place."

My honorable friend from Georgia has evinced a strong desire to pay the debts of the Union, though he does not approve of funding them; but I conceive it to have been an implied contract, that the debt should be funded if it was not paid. It appears to me, after all the delays and disadvantages the domestic creditor has sustained, we ought to make no discrimination between him and the foreigner. It is contrary to the fact, that a discrimination ought to be made; certainly after he has been thus injured by the fault of the Government, to reduce his property still more, would be unjust; and you may as well reduce his principal as the interest, for the effect is, in either case, the same. I conceive that such a measure never can be agreeable to the people of the United States, because it is inconsistent with justice and common honesty. Why a difference, then, should take place between the domestic and foreign creditors, I cannot see; perhaps it may be thought politic; but I should consider it as a preferable thing to have the esteem and support of the citizens of the Union than to be obliged to apply to foreigners for every aid we may require. The Government must operate upon the people who live under it, not upon foreigners.

With respect to a discrimination among the domestic creditors, the question is not before the

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committee at this time, I shall therefore pass it by; but I will assure the committee, that I am not influenced by my interest on this question. I think, in my own mind, I can decide as if I was wholly disinterested, though I hold some few certificates in my own name, (and they are all that I hold,) they are to such a trifling amount, that I would cheerfully throw them up and return them to the public, if others would do the same, and destroy at once the subject of altercation.

I hope, whatever the decision of the committee may be, it will be decided on principles of honor and justice; that they will make no distinction or difference; they will not neglect to provide, in as ample a manner for the debt of justice due to their own citizens, as they do for the foreign debt; if they do, the world will suppose that the *ultima ratio regum*, and not the principles of honor and justice, were the influencing cause.

Mr. JACKSON never meant to derogate from the merit of his country in any thing he said. He knew well the hardships those brave men who had nobly fought and bled to secure the liberties of America had undergone. He had participated in some of them, and no man knew better how to esteem and venerate the patriotic citizens who had risked their all on the contest; but truth was a language dear to his heart, and he could not retract what he uttered by its dictates. He said it was to foreign loans that America was in a great measure indebted for her independence. What was it that purchased the arms and ammunition that enabled her to make successful opposition to the troops of Britain and her mercenary legions? What but the foreign loans? Without those military supplies, how could she have carried on the war? Could paper money buy cannon and muskets of Europeans? They could not. Then it was undoubtedly to foreign loans we owed the means of defence, if not of conquest.

Mr. TUCKER.—I very much applaud the gentleman who made the motion now before the committee, because he has boldly come forward to combat an opinion so generally received in this place, that many thought it could not be controverted by any man possessed of common honesty; and because I am persuaded, that he has done it with an honorable intention of substituting real and substantial justice, in the place of that which he deems to be only the name and the shadow.

Those gentlemen who are the strongest advocates for no discrimination whatever between the creditors of the Union, seem to agree in a proposition that effects an important discrimination. They have assented to a resolution to provide adequate funds for the discharge of the foreign debt. This resolution I also agreed to, because I considered such a measure to be extremely proper; but now they propose to adopt a resolution to vary the terms of the domestic debt. It will be incumbent on those gentlemen to show, that they do not, in this case, make an actual discrimination. If they cannot show this, they allow that some discrimination is proper; then it will rest upon them to show, how far this discrimina-

tion ought to go, and whether what they propose is just.

Although it is probable, I differ with the gentleman who moved the amendment; I am inclined to think a discrimination of some kind is equitable and necessary. I believe it may be fairly said, that there are three classes of domestic creditors. The first, those who hold the Continental bills of credit, which have been long out of circulation. Second, those who hold certificates that were given for services or supplies in their own names. And, third, those who hold certificates by purchase. I would wish to consider the obligation to each of these three classes, and whether, in equity, some kind of discrimination may not be made. On a strict and impartial examination, I am inclined to believe they will not appear to be the same. I will now turn to the examination of the first; namely, the holders of the Continental bills of credit. The Secretary of the Treasury has reported in favor of some degree of provision being made for them. But, sir, what is the situation of the people who hold these bills? If I recollect rightly, the face of the bills declares, that the bearer shall be entitled to receive so many Spanish milled dollars as is therein expressed. When these bills were issued, their real value was equal to their nominal value, so person refused, or wished to refuse, them as such; but, in a short time, too large a quantity were issued, and they began to depreciate. Congress then recommended to the several States to pass tender-laws for the support of their credit. This was done by all the States; and they continued, in some of them, to pass as specie under those laws, when they were depreciated twenty, thirty, and forty for one. Those people who received them in this state, suffered a very great loss by an act of the Government, and many were ruined by the measure. When these bills had thus depreciated, Congress passed a resolution calling them in at forty for one. This ordinance of Congress immediately reduced the claims of the first class of creditors by an arbitrary act of power. I do not pretend to say that the measure was unnecessary, but it was rigorous to deprive them of 39-40ths of their claims. Perhaps we cannot return to all the transactions of that time, because it would involve the Government in a thousand difficulties, and produce, perhaps, greater evils than it would remedy. But there remains a claim upon our justice to pay the holders one dollar, at least, for forty. By the act of Congress, which I alluded to before, these bills were thrown out of circulation, and have ever since laid in the hands of individuals. Now, it appears to me, that, in equity, we ought to make all the reparation in our power. Surely, then, we ought to allow interest on the principal from the time the bills were sealed, and forced out of circulation. These creditors, I take it, have a strong claim upon us; because the Government has materially injured them, and the least satisfaction we can give them is to put this part of the debt on the best footing we can; if we cannot do complete justice, let us approximate towards it as

the hearts of the people, and feeling their minds animated with the ennobling principle of universal goodwill to men, find a conscious dignity and felicity in the harmony and success attending the exercise of a solid, uniform virtue, short of which the warmest pretensions to public spirit, zeal for our country, and the rights of men, are fallacious and illusive.

provision on these principles; I would, therefore, immediately set about providing funds for their purpose, and pay to the first and second class their full interest; but I believe, if we do this for them, we shall not be able, in our present situation, to provide interest for more than half the principal of the third.

Under this persuasion, as professors of faith in that ever blessed, all-perfect Lawgiver, whose injunctions remain of undiminished obligation on all who profess to believe in him, "whatsoever ye would that men should do unto you, do you even so unto them;" we apprehend ourselves religiously bound to request your serious Christian attention to the deeply interesting subject whereon our religious society, in their annual assembly, on the tenth month, 1783, addressed the then Congress, who, though the Christian rectitude of the concern was by the Delegates generally acknowledged, yet not being vested with the powers of legislation, they declined promoting any public remedy against the gross national iniquity of trafficking in the persons of fellow-men; but divers of the Legislative bodies of the different States, on this Continent, have since manifested their sense of the public detestation due to the licentious wickedness of the African trade for slaves, and the inhuman tyranny and blood guiltiness inseparable from it; the debasing influence whereof most certainly tends to lay waste the virtue, and, of course, the happiness of the people.

The proposition, in its original form, as introduced by the member from Pennsylvania, (Mr. FITZSIMONS,) appears to me to be inconsistent with the present situation of the United States. After adopting a resolution, declaring that permanent funds ought to be appropriated for the payment of the interest on the domestic debt, to go on and say that we will pay but the two-thirds of that interest, will never be a compliance with our engagements. It is inconsistent with our present situation, because it does not appear, from any estimates made of the resources of the United States, that we are able to pay the full interest of six per cent. on the whole debt, taking into consideration the Continental bills, with the interest already accrued thereon, which, according to my supposition, will amount to about two millions and a half of dollars. It appears from the Secretary's report, that he contemplates no provision for the payment of anything more at present than four per cent., so the resolution is inconsistent with our situation, as well as with the following ones; therefore, it will be necessary, before the question is taken, to modify it, by adding the words, "as shall appear consistent with equity, and the present and improving resources of the nation;" I say consistent with equity, because there may be a discrimination on that principle, in point of time and the present resources, because I think we cannot now make full payment of what I acknowledge to be due; but I add, our improving resources, because I think they will enable us to do complete justice in a short time.

Mr. FITZSIMONS.—If we were now to determine the final question, the observation of the gentleman from South Carolina would apply; but, sir, the present question does not touch upon the merits of the case; it is merely to refer the memorial to a committee, to consider what is proper to be done. Gentlemen, therefore, who do not mean to oppose the commitment to-morrow, may as well agree to it to-day, because it will tend to save the time of the House.

Mr. BURKE moved the following amendment to the original resolution: "provided a discrimination be made between the original holders and their assignees, and that a scale of depreciation be prepared accordingly;" this being seconded, was laid on the table.

Mr. JACKSON wished to know why the second reading was to be contended for to-day, when it was diverting the attention of the members from the great object that was before the Committee of the Whole? Is it because the feelings of the Friends will be hurt to have their affair conducted in the usual course of business? Gentlemen, who advocate the second reading to-day, should respect the feelings of the members who represent that part of the Union which is principally affected by the measure. I believe, sir, that the latter class consists of as useful and as good citizens as the petitioners—men equally friends to the Revolution, and equally susceptible of the refined sensations of humanity and benevolence.

When, on motion, the committee rose, and reported progress.

Why, then, should such particular attention be paid to them for bringing forward a business of questionable policy? If Congress are disposed to interfere in the importation of slaves, they can take the subject up without advisers, because the Constitution expressly mentions all the power they can exercise on the subject.

Mr. FITZSIMONS presented the following Address to the Senate and House of Representatives of the United States:

Mr. SHERMAN suggested the idea of referring it to a committee, to consist of a member from each State, because several States had already made some regulations on this subject. The sooner the subject was taken up he thought it would be the better.

To the Senate and House of Representatives of the United States.

Mr. PARKER.—I hope, Mr. Speaker, the petition of these respectable people will be attended to with all the readiness the importance of its object demands; and I cannot help expressing the pleasure I feel in finding so considerable a part of the community attending to matters of such moment.

The Address of the people called Quakers, in their annual assembly convened:

We consider this subject so essentially and extensively important, as to warrant a hope that the liberty we now take will be understood, as it really is, a compliance with a sense of religious duty; and that your Christian endeavors to remove reproach from the land may be efficacious to sweeten the labor, and lessen the difficulties incident to the discharge of your important trust.

Signed in and on behalf of the Yearly Meeting, for Pennsylvania, New Jersey, Delaware, and the Western parts of Maryland and Virginia, held by adjournments from the twenty-eighth day of the ninth month, to the

third day of the tenth month, inclusive, 1789, by Nicholas Wain, clerk to the meeting this year.

I believe it will not be deemed unjust to make

lous concern to the future prosperity and happiness of the people of America. I think it my duty, as a citizen of the Union, to espouse their cause; and it is incumbent upon every member of this House to sift the subject well, and ascertain what can be done to restrain a practice so nefarious. The Constitution has authorized us to levy a tax upon the importation of such persons as the States shall authorize to be admitted. I would willingly go to that extent; and if any thing further can be devised to discountenance the trade, consistent with the terms of the Constitution, I shall cheerfully give it my assent and support.

Mr. MANISON.—The gentleman from Pennsylvania (Mr. FITZSIMONS) has put this question on its proper ground; if gentlemen do not mean to oppose the commitment to-morrow, they may as well acquiesce in it to-day; and, I apprehend, gentlemen need not be alarmed at any measure it is likely Congress will take; because they will recollect, that the Constitution secures to the individual States the right of admitting, if they think proper, the importation of slaves into their own territory, for eighteen years yet unexpired; subject, however, to a tax, if Congress are disposed to impose it, of not more than ten dollars on each person. The petition, if I mistake not, speaks of artifices used by self-interested persons to carry on this trade; and the petition from New York states a case that may require the consideration of Congress. If any thing is within the Federal authority to restrain such violation of the rights of nations and of mankind, as is supposed to be practised in some parts of the United States, it will certainly tend to the interest and honor of the community to attempt a remedy, and is a proper subject for our discussion. It may be, that foreigners take the advantage of the liberty afforded them by the American trade, to employ our shipping in the slave trade between Africa and the West Indies, when they are restrained from employing their own by restrictive laws of their nation. If this is the case, is there any person of humanity that would not wish to prevent them? Another consideration, why we should commit the petition is, that we may give no ground of alarm by a serious opposition, as if we were about to take measures that were unconstitutional.

Mr. STONE feared that if Congress took any measures indicative of an intention to interfere with the kind of property alluded to, it would sink it in value very considerably, and might be injurious to a great number of the citizens, particularly in the Southern States. He thought the subject was of general concern, and that the petitioners had no more right to interfere with it than any other members of the community. It was an unfortunate circumstance, that it was the disposition of religious sects to imagine they understood the rights of human nature better than all the world besides; and that they would, in consequence, be meddling with concerns in which they had nothing to do. As the petition relates to a subject of a general nature, it ought to lie on the table as

information. He would never consent to refer petitions, unless the petitioners were exclusively interested. Suppose there was a petition to come before us from a society, praying us to be honest in our transactions, or that we should administer the Constitution according to its intent, what would you do with a petition of this kind? Certainly it would remain on your table. He would, however, not have it supposed that the people had not a right to advise and give their opinion upon public measures; but he would not be influenced by that advice or opinion to take up a subject sooner than the convenience of other business would admit. Unless he changed his sentiments, he would oppose the commitment.

Mr. BURKE thought gentlemen were paying attention to what did not deserve it. The men in the gallery had come here to meddle in business with which they had nothing to do; they were volunteering in the cause of others, who neither expected nor desired it. He had a respect for the body of Quakers, but, nevertheless, he did not believe they had more virtue or religion than other people, nor perhaps so much, if they were examined to the bottom, notwithstanding their outward pretences. If their petition is to be noticed, Congress ought to wait till counter applications were made, and then they might have the subject more fairly before them. The rights of the Southern States ought not to be threatened, and their property endangered, to please people who would be unaffected by the consequences.

Mr. HARTLEY thought the memorialists did not deserve to be asspersed for their conduct, if influenced by motives of benignity. They solicited the Legislature of the Union to prevent, as far as is in their power, the increase of a licentious traffic; nor do they merit censure, because their behaviour has the appearance of more morality than hear the applications of their fellow-citizens, while those applications contain nothing unconstitutional or offensive. What is the object of the address before us? It is intended to bring before this House a subject of great importance to the cause of humanity; there are certain facts to be inquired into, and the memorialists are ready to give all the information in their power; they are waiting, at a great distance from their homes, and wish to return; if, then, it will be proper to commit the petition to-morrow, it will be equally proper to-day, for it is conformable to our practice; besides, it will tend to their convenience.

Mr. LAWRENCE.—The gentleman from South Carolina says, the petitioners are of a society not known in the laws or Constitution. Sir, in all our acts, as well as in the Constitution, we have noticed this society; or, why is it that we admit them to affirm in cases where others are called upon to swear? If we pay this attention to them, in one instance, what good reason is there for condemning them in another? I think the gentleman from Maryland (Mr. STONE) carries his apprehensions too far, when he fears that negro property will fall in value, by the suppression of the slave trade; not that I suppose it immediately in

the power of Congress to abolish a traffic which is a disgrace to human nature; but it appears to me, that, if the importation was crushed, the value of a slave would be increased instead of diminished; however, considerations of this kind have nothing to do with the present question. Gentlemen may acquiesce in the commitment of the memorial, without pledging themselves to support its object.

Mr. JACKSON.—I differ much in opinion with the gentleman last up. I apprehend, if through the interference of the General Government the slave trade was abolished, it would evince to the people a disposition towards a total emancipation, and they would hold their property in jeopardy. Any extraordinary attention of Congress to this petition may have, in some degree, a similar effect. I would beg to ask those, then, who are desirous of freeing the negroes, if they have funds sufficient to pay for them? If they have, they may come forward on that business with some propriety; but, if they have not, they should keep themselves quiet, and not interfere with a business in which they are not interested. They may as well come forward and solicit Congress to interdict the West India trade, because it is injurious to the morals of mankind; from thence we import rum, which has a debasing influence upon the consumer. But, sir, is the whole morality of the United States confined to the Quakers? Are they the only people whose feelings are to be consulted on this occasion? Is it to them we owe our present happiness? Was it they who formed the Constitution? Did they, by their arms or contributions, establish our independence? I believe they were generally opposed to that measure; why, then, on their application, should we injure men, who, at the risk of their lives and fortunes, secured to the community their liberty and property? If Congress pay any uncommon degree of attention to their petition, it will furnish just ground of alarm to the Southern States. But why do these men set themselves up in such a particular manner against slavery? Do they understand the rights of mankind, and the disposition of Providence, better than others? If they were to consult that book, which claims our regard, they will find that slavery is not only allowed, but commended. Their Saviour, who possessed more benevolence and commiseration than they pretend to, has allowed of it; and if they fully examine the subject, they will find that slavery has been no novel doctrine since the days of Cain; but be these things as they may, I hope the House will prevent an alarm to our Southern brethren.

Mr. SENECA.—If it was a serious question whether the memorial should be committed or not, I would not urge it at this time; but that cannot be a question for a moment, if we consider our relative situation with the people. A number of men, who are certainly very respectable, and of whom, as a society, it may be said with truth, that they conform their moral conduct to their religious tenets, as much as any people in the whole community, come forward and tell you, that you

may effect two objects by the exercise of a Constitutional authority, which will give great satisfaction. On the one hand, you may acquire revenue, and on the other, restrain a practice productive of great evil. Now, setting aside the religious motives which influence their application, have they not a right as citizens to give their opinion of public measures? For my part, I do not apprehend that any State, or any considerable number of individuals in any State, will be seriously alarmed at the commitment of the petition, from a fear that Congress intend to exercise an unconstitutional authority, in order to violate their rights. I believe there is not a wish of the kind entertained by any member of this body; how can gentlemen hesitate, then, to pay that respect to a memorial which it is entitled to, according to the ordinary mode of procedure in business? Why shall we defer doing that till to-morrow, which we can do to-day; for the result, I apprehend, will be the same in either case.

Mr. SMITH, of South Carolina.—The question, I apprehend, is whether we will take the petition up for a second reading, and not whether it shall be committed? Now, I oppose this, because it is contrary to our usual practice, and does not allow gentlemen time to consider of the merits of the prayer. Perhaps some gentlemen may think it improper to commit it to so large a committee as has been mentioned; a variety of causes may be supposed to show that such a hasty decision is improper; perhaps the prayer of it is improper. If I understood it right on its first reading, though I be sure I did not comprehend perfectly all that the petition contained, it prays that we should take measures for the abolition of the slave trade. This is desiring an unconstitutional act, because the Constitution secures that trade to the States, independent of Congressional restrictions, for a term of twenty-one years. If, therefore, it prays for a violation of Constitutional rights, it ought to be rejected as an attempt upon the virtue and patriotism of the House.

Mr. BOURNOR.—It has been said, that the Quakers have no right to interfere in this business. I am surprised to hear this doctrine advanced, after it has been so lately contended and settled, that the people have a right to assemble and petition for redress of grievances. It is not because the petition comes from the society of Quakers that I am in favor of the commitment, but because it comes from citizens of the United States who are equally concerned in the welfare and happiness of their country with others. There certainly is no foundation for the apprehensions which seem to prevail in gentlemen's minds. If the petitioners were so uninformed as to suppose that Congress could be guilty of a violation of the Constitution, yet I trust we know our duty better than to be led astray by an application from any man or set of men whatever. I do not consider the merits of the main question to be before us; it will be time enough to give our opinions upon that when the committee have reported. If it is in our power, by recommendation, or any other way, to put a stop to the slave

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Slave Trade.

[FEBRUARY, 1790.]

trade in America, I do not doubt of its policy; but how far the Constitution will authorize us to attempt to depress it, will be a question well worthy of our consideration.

Mr. SHERMAN observed, that the petitioners from New York stated, that they had applied to the Legislature of that State to prohibit certain practices which they conceived to be improper, and which tended to injure the well-being of the community; that the Legislature had considered the application, but had applied no remedy, because they supposed that power was exclusively vested in the General Government under the Constitution of the United States; it would, therefore, be proper to commit that petition, in order to ascertain what are the powers of the General Government in the case.

Mr. GERRY thought gentlemen were out of order in entering upon the merits of the main question at this time, when they were considering the expediency of committing the petition. He should, therefore, not follow them further in that track than barely to observe, that it was the right of the citizens to apply for redress, in every case in which they considered themselves aggrieved; and it was the duty of Congress to afford redress as far as in their power. That their Southern brethren had been betrayed into the slave trade by the first settlers, was to be lamented; they were not to be reflected on for not viewing this subject in a different light, the prejudice of education is eradicated with difficulty; but he thought nothing would excuse the General Government for not exerting itself to prevent, as far as they Constitutionally could, the evils resulting from such enormities as were alluded to by the petitioners; and the same considerations induced him highly to commend the part the Society of Friends had taken; it was the cause of humanity they had interested themselves in, and he wished, with them, to see measures pursued by every nation, to wipe off the indelible stain which the slave-trade had brought upon all who were concerned in it.

Mr. MADISON thought the question before the gentlemen made it so by their serious opposition. Had they permitted the commitment of the memorial, as a matter of course, no notice would have been taken of it out of doors; it could never have been blown up into a decision of the question respecting the discouragement of the African slave-trade, nor alarm the owners with an apprehension that the General Government were about to abolish slavery in all the States; such things are not contemplated by any gentleman; but they excite alarm by their extended objections to committing the memorials. Gentlemen may vote for the commitment of the petition without any intention of supporting the prayer of it.

Mr. WAITE would not have seconded the motion, if he had thought it would have brought on a lengthy debate. He conceived that a business of this kind ought to be decided without much discussion; it had constantly been the practice of the House, and he did not suppose there was any reason for a deviation.

Mr. PAGE said, if the memorial had been presented by any individual, instead of the respectable body from whom it emanated, he should have voted in favor of a commitment, because it was the duty of the Legislature to attend to subjects brought before them by their constituents; if, upon inquiry, it was discovered to be improper to comply with the prayer of the petitioners, he would say so, and they would be satisfied.

Mr. STONE thought the business ought to be left to take its usual course; by the rules of the House, it was expressly declared that petitions, memorials, and other papers, addressed to the House, should not be debated or decided on the day they were first read.

Mr. BALDWIN felt at a loss to account why precipitation was used on this occasion, contrary to the customary usage of the House. He had not heard a single reason advanced in favor of it. To be sure, it was said the petitioners are a respectable body of men; he did not deny it; but certainly gentlemen did not suppose they were paying respect to them or to the House, when they urged such a hasty procedure. It was contrary to his idea of respect, and the idea the House had always expressed, when they had important subjects under consideration; and, therefore, he should be against the motion. He was afraid that there was really a little volunteering in this business, as it had been termed by the gentleman from Georgia.

Mr. HUNTINGTON considered the petitioners as much disinterested as any persons in the United States; he was persuaded they had an aversion to slavery, yet they were not singular in this; others had the same; and he hoped, when Congress took up the subject, they would go as far as possible to prohibit the evil complained of. But he thought that would be better done by considering it in the light of revenue; when the Committee of the Whole on questions of finance might properly take the subject into consideration, without giving any ground for alarm.

Mr. TUCKER.—I have no doubt on my mind respecting what ought to be done on this occasion; so far from committing the memorial, we ought to dismiss it without further notice. What is the purport of the memorial? It is plainly this, to reprobate a particular kind of commerce, in a moral point of view, and to request the interposition of Congress to effect its abrogation. But Congress has no authority, under the Constitution, to do more than lay a duty of ten dollars upon each person imported: and this is a political consideration, not arising from either religion or morality, and is the only principle upon which we can proceed to take it up. But what effect do these men suppose will arise from their exertions? Will a duty of ten dollars diminish the importation? Will the treatment be better than usual? I apprehend not; nay, it may be worse, because an interference with the subject may excite a great degree of restlessness in the minds of those it is intended to serve, and that may be a cause for the masters to use more rigor towards them than they would otherwise exert: so that these

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Public Credit.

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men seem to overshoot their object. But if they will endeavor to procure the abolition of the slave trade, let them prefer their petitions to the State Legislatures, who alone have the power of forbidding the importation. I believe their applications there would be improper; but if they are any where proper, it is there. I look upon the address then to be ill-judged, however good the intention of the framers.

Mr. SMITH claimed it as a right that the petition should lie over till to-morrow.

Mr. BOUNDINOT said, it was not unusual to commit petitions on the day they were presented, and the rules of the House admitted the practice, by the qualification which followed the positive order, that petitions should not be decided on the day they were first read, "unless the House should direct otherwise."

Mr. SMITH declared his intention of calling the yeas and nays, if gentlemen persisted in pressing the question.

Mr. CLYMER hoped the motion would be withdrawn for the present, and the business taken up in course to-morrow; because though he respected the memorialists, he also respected order, and the situation of the members.

Mr. FITZSIMONS did not recollect whether he moved or seconded the motion; but he should not withdraw it on account of the threat of calling the yeas and nays.

Mr. BALDWIN hoped the business would be conducted with temper and moderation, and that gentlemen would concede and pass the subject over for a day at least.

Mr. SMITH had no idea of holding out a threat to any gentleman: if the declaration of an intention to call the yeas and nays was viewed by gentlemen in that light, he would withdraw that call.

Mr. WHITE hereupon withdrew his motion, and the address was ordered to lie on the table.

A message from the Senate informed the House, that the Senate had passed a resolution empowering the President of the United States to appoint three commissioners to inquire into the receipts and expenditures of public moneys, during the administration of the late Superintendent of Finance; and to examine and adjust the accounts of the United States with that Department, during his administration, and to report the state thereof to Congress, and to request the concurrence of the House thereto.

PUBLIC CREDIT.

The House then again resolved itself into a Committee of the Whole upon the report of the Secretary of the Treasury, Mr. BALDWIN in the Chair.

Mr. BURKE's amendment being under consideration,

Mr. BURKE said, he had brought his motion forward, in consequence of a hasty promise he had given a member of this House; but as he did not mean to support it, or vote for it, he would withdraw it.

Mr. MADISON.—No gentleman, Mr. Chairman,

has expressed more strongly than I feel, the importance and difficulty of the subject before us. Although I have endeavored to view it under all its aspects, and analyze it in all its principles, yet have I kept my mind open, and been anxious to aid my own reflections by the reflected light to be expected from gentlemen on this floor who enter into the discussion. For this purpose, I have chosen hitherto rather to be a hearer than a speaker on the subject, and should even at this moment have continued in my seat, but that the turn which the business has taken, renders it requisite for me now, if at all, to trouble the committee with my reflections, and the opinion in which they have terminated.

It has been said, by some gentlemen, that the debt itself does not exist in the extent and form which is generally supposed. I confess, sir, I differ altogether from the gentlemen who take that ground. Let us consider, first, by whom the debt was contracted, and then let us consider to whom it is due. The debt was contracted by the United States, who, with respect to that particular transaction, were in a national capacity. The Government was nothing more than the agent or organ, by which the whole body of the people acted. The change in the Government which has taken place has enlarged its national capacity, but it has not varied the national obligation, with respect to the engagements entered into by that transaction. For, in like manner, the present Government is nothing more than the organ, or agent, of the public. The obligation which they are under, is precisely the same with that under which the debt was contracted; although the Government has been changed, the nation remains the same. There is no change in our political duty, nor in the moral or political obligation. The language I now use, sir, is the language of the Constitution itself; it declares that all debts shall have the same validity against the United States, under the new, as under the old form of Government. The obligation remains the same, though I hope experience will prove that the ability has been favorably varied.

The next question is, to what amount the public are at present indebted? I conceive the question may be answered in a few words. The United States owe the value they have received, which they acknowledge, and which they have promised to pay: what is that value? It is a certain sum in principal, bearing an interest of six per cent. No logic, no magic, in my opinion, can diminish the force of the obligation.

The only point on which we can deliberate is, to whom the payment is really due; for this purpose, it will be proper to take notice of the several descriptions of people who are creditors of the Union, and lay down some principles respecting them, which may lead us to a just and equitable decision. As there is a small part of the debt yet unliquidated, it may be well to pass it by and come to the great mass of the liquidated debt. It may here be proper to notice four classes into which it may be divided:

First. Original creditors, who have never alienated their securities.
Second. Original creditors who have alienated.
Third. Present holders of alienated securities.
Fourth. Intermediate holders, through whose hands securities have circulated.

The only principles that can govern the decision on their respective pretensions, I take to be, 1. Public Justice; 2. Public Faith; 3. Public Credit; 4. Public Opinion.

With respect to the first class, there can be no difficulty. Justice is in their favor, for they have advanced the value which they claim; public faith is in their favor, for the written promise is in their hands; respect for public credit is in their favor, for if claims so sacred are violated, all confidence must be at an end; public opinion is in their favor, for every honest citizen cannot but be their advocate.

With respect to the last class, the intermediate holders, their pretensions, if they have any, will lead us into a labyrinth, for which it is impossible to find a clew. This will be the less complained of, because this class were perfectly free, both in becoming and ceasing to be creditors; and because, in general, they must have gained by their speculations.

The only rival pretensions then are those of the original creditors, who have assigned, and of the present holders of the assignments.

The former may appeal to justice, because the value of the money, the service, or the property advanced by them, has never been really paid to them.

They may appeal to good faith, because the value stipulated and expected, is not satisfied by the steps taken by the Government. The certificates put into the hands of the creditors, on closing their settlements with the public, were of less real value than was acknowledged to be due; they may be considered as having been forced, in fact, on the receivers. They cannot, therefore, be fairly adjudged an extinguishment of the debt. They may appeal to the motives for establishing public credit, for which justice and faith form the natural foundation. They may appeal to the precedent furnished by the compensation allowed to the army during the late war for the depreciation of bills, which nominally discharged the debts. They may appeal to humanity, for the sufferings of the military part of the creditors can never be forgotten, while sympathy is an American virtue. To say nothing of the singular hardship, in so many mouths, of requiring those who have lost four-fifths or seven-eighths of their due, to contribute the remainder in favor of those who have gained in the contrary proportion.

On the other hand, the holders by assignment, have claims, which I by no means wish to depreciate. They will say, that whatever pretensions others may have against the public, these cannot effect the validity of theirs. That if they gain by the risk taken upon themselves, it is but the just reward of that risk. That as they hold the public promise, they have an undeniable demand on the public faith. That the best foundation of

public credit is that adherence to literal engagements on which it has been erected by the most flourishing nations. That if the new Government should swerve from so essential a principle, it will be regarded by all the world as inheriting the infirmities of the old. Such being the interfering claims on the public, one of three things must be done; either pay both, reject wholly one or the other, or make a composition between them on some principle of equity. To pay both is perhaps beyond the public ability; and as it would far exceed the value received by the public, it will not be expected by the world, nor even by the creditors themselves. To reject wholly the claims of either is equally inadmissible; such a sacrifice of those who possess the written engagements would be fatal to the proposed establishment of public credit; it would moreover punish those who had put their trust in the public promises and resources. To make the other class the sole victims is an idea at which human nature recoils.

A composition, then, is the only expedient that remains; let it be a liberal one in favor of the present holders, let them have the highest price which has prevailed in the market; and let the residue belong to the original sufferers. This will not do perfect justice; but it will do more real justice, and perform more of the public faith, than any other expedient proposed. The present holders, where they have purchased at the lowest price of the securities, will have a profit that cannot reasonably be complained of; where they have purchased at a higher price, the profit will be considerable; and even the few who have purchased at the highest price cannot well be losers, with a well funded interest of six per cent. The original sufferers will not be fully indemnified; but they will receive, from their country, a tribute due to their merits, which, if it does not entirely heal their wounds, will assuage the pain of them. I am aware, that many plausible objections will lie against what I have suggested, some of which I foresee and will take some notice of. It will be said, that the plan is impracticable; should this be demonstrated, I am ready to renounce it; but it does not appear to me in that light. I acknowledge that such a scale as has often been a subject of conversation, is impracticable.

The discrimination proposed by me, requires nothing more than a knowledge of the present holders, which will be shown by the certificates; and of the original holders, which the office documents will show. It may be objected, that if the Government is to go beyond the literal into the equitable claims against the United States, it ought to go back to every case where injustice has been done. To this the answer is obvious: the case in question is not only different from others in point of magnitude and of practicability, but forces itself on the attention of the committee, as necessarily involved in the business before them. It may be objected, that public credit will suffer, especially abroad; I think this danger will be effectually obviated by the honesty and disinterestedness of the Government displayed

in the measure, by a continuance of the punctual discharge of foreign interest, by the full provision to be made for the whole foreign debt, and the equal punctuality I hope to see in the future payments on the domestic debts. I trust also, that all future loans will be founded on a previous establishment of adequate funds; and that a situation, like the present, will be thereby rendered impossible.

I cannot but regard the present case as so extraordinary, in many respects, that the ordinary maxims are not strictly applicable to it. The fluctuations of stock in Europe, so often referred to, have no comparison with those in the United States. The former never exceeded 50, 60, or 70 per cent: can it be said, that because a Government thought this evil insufficient to justify an interference, it would view in the same light a fluctuation amounting to seven or eight hundred per cent.?

I am of opinion, that were Great Britain, Holland, or any other country, to fund its debts precisely in the same situation as the American debt, some equitable interference of the Government would take place. The South Sea scheme, in which a change, amounting to one thousand per cent. happened in the value of stock, is well known to have produced an interference, and without any injury whatever to the subsequent credit of the nation. It is true, that in many respects, the case differed from that of the United States; but in other respects, there is a degree of similitude, which warrants the conjecture. It may be objected, that such a provision as I propose will exceed the public ability: I do not think the public unable to discharge honorably all its engagements, or that it will be unwilling, if the appropriations shall be satisfactory. I regret, as much as any member, the unavoidable weight and duration of the burdens to be imposed; having never been a proselyte to the doctrine, that public debts are public benefits. I consider them, on the contrary, as evils which ought to be removed as fast as honor and justice will permit, and shall heartily join in the means necessary for that purpose. I conclude with declaring, as my opinion, that if any case were to happen among individuals, bearing an analogy to that of the public, a Court of Equity would interpose for its redress; or that if a tribunal existed on earth, by which nations could be compelled to do right, the United States would be compelled to do something not dissimilar in its principles to what I have contended for.

Mr. LIVERMORE wished the amendment he had formerly mentioned might be made to the original proposition; it was to insert, before the word "interest," the words, "at a certain rate of."

Mr. SHERMAN apprehended it would strongly imply that Congress meant to reduce the rate of interest, and he did not wish that question involved with the present.

Mr. LIVERMORE's motion being seconded, the question was put thereon, and it being lost,

Mr. MANISON moved to amend the original proposition, so as to read as follows:

Resolved, That adequate funds ought to be provided for paying the interest and principal of the domestic debt, as the same shall be liquidated; and that in such liquidation, the present holders of public securities, which have been alienated, shall be settled with according to the highest market rate of such securities; and that the balance of the sums due from the public, be paid in such proportion to the original holder of such securities.

Mr. BOURDINOT said, he had long been in the habit of paying great respect to the sentiments of the gentleman from Virginia; but he feared, on this occasion, he had not viewed the subject with his usual accuracy. He was not surprised that the gentleman was led away by the dictates of his heart, for he believed he really felt for the misfortunes of his fellow-citizens, who had been the prey of avaricious men. Indeed, it is matter of less surprise, on another account, for heretofore I contemplated the subject in nearly the same point of view. Influenced by a desire to do justice to every person connected with the public, I wished for the means of compensating the original holders, who had sold their certificates at a great loss; but I found the thing, upon long and careful examination, to be both unjust and impracticable.

The honorable gentleman tells us, that the debt was contracted for meritorious services, and inquires whether the creditor received an adequate compensation in full discharge? I say, sir, this debt is still due, and that the person to whom it is due, has received nothing but a certificate as evidence of his claim; but then, if any of our first creditors have put another person in their shoes, the question will arise, are we to disown the act of the party himself? Are we to say, we will not be bound by your transfer, we will not treat with your representative, but insist upon a resettlement with you alone? But the same reasoning will oblige us to go further, and investigate all the claims of those who have received of the Government Continental money, which they afterwards parted with for ten, forty, or one hundred for one.

But, putting all this out of the question, and supposing the motion to be founded on principles of justice, I would ask how it is to be carried into execution? The nature of the public debt will demonstrate its impracticability. A great part of this debt was contracted by the clerks in office, who, when the Continental money was stopped, were supplied with some millions of dollars in loan-office certificates; they were given out in their names, and afterwards distributed among the farmers, mechanics, and others, who had furnished supplies, or performed services. Now, how is it possible that you can ever trace a certificate, under these circumstances, up to the man who was the original bona fide creditor? Not from the name on the face of the paper, because it is the name of the clerk in office, the mere agent of the public. Other certificates were taken out of the loan-office, by persons who were not concerned in making the loan; many neighbors sent money by one hand, who went and took out certificates in

his own name, which he afterwards returned to the real lender. I have been entrusted myself with numerous commissions of this kind, when I have been going to the capital, where the loan-office was kept. Now suppose, as has been the case, that I took \$10,000 from ten of my neighbors, each \$1000, and that I placed the whole in the Continental loan-office at Philadelphia, taking out therefor ten loan-office certificates of \$1000 each, which, on my return, I gave to those who had sent their money by me; all these certificates had my name in them, and here I should appear to be the original holder of \$10,000 without any right whatever, and the men who deserve much of their country, for the aid they furnished her in the hour of distress, are stripped in a moment of the greatest part of their property. I believe, if we adopt this motion, we shall give room for such scenes of enormity as humanity will be shocked at the bare prospect of. I am, therefore, clearly of opinion, that if the principle be ever so just, we ought to reject it on account of its impracticability.

On motion, the committee rose, and reported progress, after which the House adjourned.

FRIDAY, February 12.

SLAVE TRADE

The following memorial of the Pennsylvania Society for promoting the Abolition of Slavery, the relief of free negroes unlawfully held in bondage, and the improvement of the condition of the African race, was presented and read:

The memorial respectfully sheweth,

That from a regard for the happiness of mankind, an association was formed several years since in this State, by a number of her citizens, of various religious denominations, for promoting the abolition of slavery, and for the relief of those unlawfully held in bondage. A just and acute conception of the true principles of liberty, as it spread through the land, produced accessions to their numbers, many friends to their cause, and a Legislative co-operation with their views, which, by the blessing of Divine Providence, have been successfully directed to the relieving from bondage a large number of their fellow creatures of the African race. They have also the satisfaction to observe, that in consequence of that spirit of philanthropy and genuine liberty which is generally diffusing its beneficial influence, similar institutions are forming at home and abroad.

That mankind are all formed by the same Almighty Being, alike objects of his care, and equally designed for the enjoyment of happiness, the Christian religion teaches us to believe, and the political creed of Americans fully coincides with the position. Your memorialists, particularly engaged in attending to the distresses arising from slavery, believe it their indispensable duty to present this subject to your notice. They have observed, with real satisfaction, that many important and salutary powers are vested in you for "promoting the welfare and securing the blessings of liberty to the people of the United States;" and as they conceive that these blessings ought rightfully to be administered, without distinction of color, to all descriptions of people, so they indulge themselves in the pleasing expect-

ation, that nothing which can be done for the relief of the unhappy objects of their care will be either omitted or delayed.

From a persuasion that equal liberty was originally the portion, and is still the birth-right of all men; and influenced by the strong ties of humanity, and the principles of their institution, your memorialists conceive themselves bound to use all justifiable endeavors to loosen the bands of slavery, and promote a general enjoyment of the blessings of freedom. Under these impressions, they earnestly entreat your serious attention to the subject of slavery; that you will be pleased to countenance the restoration of liberty to those unhappy men, who alone, in this land of freedom, are degraded into perpetual bondage, and who, amidst the general joy of surrounding freemen, are groaning in servile subjection; that you will devise means for removing this inconsistency from the character of the American people; that you will promote mercy and justice towards this distressed race, and that you will step to the very verge of the power vested in you for discouraging every species of traffic in the persons of our fellow-men.

BENJ. FRANKLIN, President.
PHILADELPHIA, February 3, 1790.

Mr. HARTLEY then called up the memorial presented yesterday, from the annual meeting of Friends at Philadelphia, for a second reading; whereupon, the same was read a second time, and moved to be committed.

Mr. TUCKER was sorry the petition had a second reading, as he conceived it contained an unconstitutional request, and from that consideration he wished it thrown aside. He feared the commitment of it would be a very alarming circumstance to the Southern States; for if the object was to engage Congress in an unconstitutional measure, it would be considered as an interference with their rights, the people would become very uneasy under the Government, and lament that they ever put additional powers into their hands. He was surprised to see another memorial on the same subject, and that signed by a man who ought to have known the Constitution better. He thought it a mischievous attempt, as it respected the persons in whose favor it was intended. It would buoy them up with hopes, without a foundation, and as they could not reason on the subject, as more enlightened men would, they might be led to do what they would be punished for, and the owners of them, in their own defence, would be compelled to exercise over them a severity they were not accustomed to.

Do these men expect a general emancipation of slaves by law? This would never be submitted to by the Southern States without a civil war. Do they mean to purchase their freedom? He believed their money would fall short of the price. But how is it they are more concerned in this business than others? Are they the only persons who possess religion and morality? If the people are not so exemplary, certainly they will admit the clergy are. Why, then, do we not find them uniting in a body, praying us to adopt measures for the promotion of religion and piety, or any moral object? They know it would be an improper interference; and to say the best of this memorial, it is an act of imprudence, which he

hoped would receive no countenance from the House.

Mr. SENEY denied that there was any thing unconstitutional in the memorial; at least, if there was, it had escaped his attention, and he should be obliged to the gentleman to point it out. Its only object was, that Congress should exercise their Constitutional authority to abate the horrors of slavery, as far as they could; indeed, he considered that all altercation on the subject of commitment was at an end, as the House had impliedly determined yesterday that it should be committed.

Mr. BURKE saw the disposition of the House, and he feared it would be referred to a committee, and he feared all their opposition; but he must insist that it prayed for an unconstitutional measure. Did it not desire Congress to interfere and abolish the slave trade, while the Constitution expressly stipulates that Congress shall exercise no such power? He was certain the commitment would sound an alarm, and blow the trumpet of sedition in the Southern States. He was sorry to see the petitioners paid more attention to than the Constitution; however, he would do his duty, and oppose the business totally; and if it was referred to a committee, as mentioned yesterday, consisting of a member from each State, and he was appointed, he would decline serving.

Mr. SCOTT.—I cannot entertain a doubt but the memorial is strictly agreeable to the Constitution. It respects a part of the duty particularly assigned to us by that instrument, and I hope we may be inclined to take it into consideration. We can, at present, lay our hands upon a small duty of ten dollars; I would take this, and if it is all that we can do, we must be content; but I am sorry that the framers of the Constitution did not go further, and enable us to interdict the traffic entirely; for I look upon the slave trade to be one of the most abominable things on earth; and if there was neither God nor devil, I should oppose it upon the principles of humanity, and the law of nature.

I cannot, for my part, conceive how any person can be said to acquire a property in another: is it by virtue of conquest? What are the rights of conquest? Some have dared to advance this monstrous principle, that the conqueror is absolute master of his conquest; that he may dispose of it as his property, and treat it as he pleases. But enough of those who reduce men to the state of transferable goods, or use them like beasts of burden, who deliver them up as property or patrimony to others. Let us argue on principles countenanced by reason and becoming humanity: the petitioners view the subject in a religious light, but I do not stand in need of religious motives to induce me to reprobate the traffic in human flesh; other considerations weigh with me to support the commitment of the memorial, and to support every Constitutional measure likely to bring about its total abolition. Perhaps, in our Legislative capacity, we can go no further than to impose a duty of ten dollars, but I do not know how far I might go, if I was one of the Judges of the United

States, and those people were to come before me and claim their emancipation; but I am sure I would go as far as I could.

Mr. JACKSON differed with the gentleman last up, and supposed the master had a qualified property in his slave. He said the contrary doctrine would go to the destruction of every species of personal service. The gentleman said he did not stand in need of religion to induce him to reprobate slavery, but if he is guided by that evidence upon which the Christian system is founded, he will find that religion is not against it. He will see, from Genesis to Revelations, the current setting strong that way. There never was a Government on the face of the earth but what permitted slavery. The purest sons of freedom in the Grecian Republics, the citizens of Athens and Lacedæmon, all held slaves. On this principle the nations of Europe are associated; it is the basis of the feudal system. But suppose all this to have been wrong, let me ask the gentleman if it is good policy to bring forward a business at this moment likely to light up the flame of civil discord; for the people of the Southern States will resist one tyranny as soon as another. The other parts of the Continent may bear them down by force of arms, but they will never suffer themselves to be divested of their property without a struggle. The gentleman says, if he was a Federal Judge, he does not know to what length he would go in emancipating these people; but I believe his judgment would be of short duration in Georgia, perhaps even the existence of such a Judge might be in danger.

Mr. SHERMAN could see no difficulty in committing the memorial; because it was probable the committee would understand their business, and perhaps they might bring in such a report as would be satisfactory to gentlemen on both sides of the House.

Mr. BALDWIN was sorry the subject had ever been brought before Congress, because it was of a delicate nature as it respected some of the States. Gentlemen who had been present at the formation of this Constitution could not avoid the recollection of the pain and difficulty which the subject caused in that body. The members from the Southern States were so tender upon this point, that they had well nigh broken up without coming to any determination; however, from the extreme degree of preserving the Union, and obtaining an efficient Government, they were induced mutually to concede, and the Constitution jealously guarded what they agreed to. If gentlemen look over the footsteps of that body, they will find the greatest degree of caution used to imprint them, so as not to be easily eradicated; but the moment we go to jostle on that ground, I fear we shall feel it tremble under our feet. Congress have no power to interfere with the importation of slaves beyond what is given in the ninth section of the first article of the Constitution; every thing else is interdicted to them in the strongest terms. If we examine the Constitution, we shall find the expressions relative to this subject cautiously expressed, and more punctili-

ously guarded than any other part, "The migration or importation of such persons shall not be prohibited by Congress." But lest this should not have secured the object sufficiently, it is declared, in the same section, "That no capitation or direct tax shall be laid, unless in proportion to the census; this was intended to prevent Congress from laying any special tax upon negro slaves, as they might, in this way, so burden the possessors of them as to induce a general emancipation. If we go on to the fifth article, we shall find the first and fifth clauses of the ninth section of the first article restrained from being altered before the year 1808.

Gentlemen have said, that this petition does not pray for an abolition of the slave trade. I think, sir, it prays for nothing else, and therefore we have no more to do with it than if it prayed us to establish an order of nobility, or a national religion.

Mr. SILVESTER said, that he had always been in the habit of respecting the Society called Quakers; he respected them for their exertions in the cause of humanity; but he thought the present was not a time to enter into a consideration of the subject, especially as he conceived it to be a business within the province of the State Legislatures.

Mr. LAWRENCE observed, that the subject would undoubtedly come under the consideration of the House; and he thought, as it was now before them, that the present time was as proper as any; he was therefore for committing the memorial, and when the prayer of it had been properly examined, they could see how far Congress may, Constitutionally, interfere; as they knew the limits of their power on this, as well as every other occasion, there was no just apprehension to be entertained that they would go beyond it.

Mr. SMITH, of South Carolina, insisted that it was not in the power of the House to grant the prayer of the petition, which went to the total abolishment of the slave trade, and it was therefore unnecessary to commit it. He observed, that in the Southern States, difficulties had arisen on adopting the Constitution, inasmuch as it was apprehended that Congress might take measures under it for abolishing the slave trade.

Perhaps the petitioners, when they applied to this House, did not think their object unconstitutional, but now they are told that it is they will be satisfied with the answer, and press it no further. If their object had been for Congress to lay a duty of ten dollars per head on the importation of slaves, they would have said so, but that does not appear to have been the case. The commitment of the petition, on that ground, cannot be contended. If they will not be content with that, shall it be committed to investigate facts? The petition speaks of none. For what purpose, then, shall it be committed? If gentlemen can assign no good reason for the measure, they will not support it, when they are told that it will create jealousies and alarm in the Southern States; for I can assure them that there is no point on which they are more jealous and suspicious than

on a business with which they think the Government has nothing to do.

When we entered into this confederacy, we did it from political, not from moral motives, and I do not think my constituents want to learn morals from the petitioners; I do not believe they want improvement in their moral system; if they do, they can get it at home.

The gentleman from Georgia has justly stated the jealousy of the Southern States. On entering into this Government, they apprehended that the other States, not knowing the necessity the citizens of the Southern States were under to hold this species of property, would, from motives of humanity and benevolence, be led to vote for a general emancipation; and had they not seen that the Constitution provided against the effect of such a disposition. I may be bold to say they never would have adopted it. And, notwithstanding all the calmness with which some gentlemen have viewed the subject, they will find that this discussion alone will create great alarm. We have been told, that if this would be the case we ought to have avoided it, by saying nothing; but it was not for that purpose that we were sent here. We look upon this measure as an attack upon the paladium of the property of our country; it is therefore our duty to oppose it by every means in our power. Gentlemen should consider, that when we entered into a political connexion with the other States, that this property was there; it was acquired under a former Government, conformably to the laws and Constitution, therefore any thing that will tend to deprive them of that property must be an *ex post facto*, law, and, as such, is forbidden by our political compact.

I said the States would never have entered into the Confederation, unless their property had been guaranteed to them, for such is the state of agriculture in that country, that without slaves it must be abandoned. Why will these people, then, make use of arguments to induce the slave to turn his hand against his master? We labor under difficulties enough from the ravages of the late war. A gentleman can hardly come from that country with a servant or two, either to this place or Philadelphia, but there are persons trying to seduce his servants to leave him; and when they have done this, the poor wretches are obliged to rob their master, in order to obtain a subsistence; all those, therefore, who are concerned in this seduction, are accessories to the robbery.

The reproach which they cast upon the owners of negro property, is charging them with the want of humanity. I believe the proprietors have as much humanity as persons in any part of the Continent, and are as conspicuous for their good morals as their neighbors. It was said yesterday, that the Quakers are a society known to the laws and the Constitution, but they are no more so than other religious societies, they stand exactly in the same situation; their memorial, therefore, relates to a matter in which they are no more interested than any other sect, and can only be considered as a piece of advice, which it is not customary to refer to a committee; but if it is

supposed to pray for what they think a moral purpose, is that sufficient to induce us to commit it? What may appear a moral virtue in their eyes, may not be so in reality. I have heard of a sect of Shaking Quakers, who, I presume, suppose their tenets of a moral tendency. I am informed one of them forbids to intermarry, yet you may see them with a numerous offspring about them. Now, if these people were to petition Congress to pass a law prohibiting matrimony, would gentlemen agree to refer such a petition? I think if they would reject one of that nature, as improper, they ought also to reject this.

Mr. PAGE was in favor of the commitment. He hoped that the designs of the respectable memorialists would not be stopped at the threshold, in order to preclude a fair discussion of the prayer of the memorial. He observed, that gentlemen had founded their arguments upon a misrepresentation; for the object of the memorial is not declared to be the total abolition of the slave trade; but that Congress will consider whether it be not in reality within their power to exercise justice and mercy, which, if adhered to, they cannot doubt must produce the abolition of the slave trade. If, then, the prayer contained nothing unconstitutional, he trusted the meritorious effort of the petitioners would not be frustrated.

With respect to the alarm that was apprehended, he conjectured there was none; but there might be, just cause if the memorial was not taken into consideration. He placed himself in the case of a slave, and said, that, on hearing that Congress had refused to listen to the decent suggestions of a respectable part of the community, he should infer that the General Government (from which was expected great good would result to every class of citizens) had shut their ears against the voice of humanity, and he should despair of any alleviation of the miseries he and his posterity had in prospect; if any thing could induce him to rebel, it must be a stroke like this, impressing on his mind all the horrors of despair. But if he was told that application was made in his behalf, and that Congress was willing to hear what could be urged in favor of discouraging the practice of importing his fellow-wretches, he would trust in their justice and humanity, and wait the decision patiently. He presumed that these unfortunate people would reason in the same way, and he, therefore, conceived the most likely way to prevent danger was to commit the petition. He lived in a State which had the misfortune of having in her bosom a great number of slaves; he held many of them himself, and was as much interested in the business, as any gentleman in South Carolina and Georgia, yet, if he was determined to hold them in eternal bondage, he should feel no uneasiness or alarm on account of the present measure, because he should rely upon the virtue of Congress that they would not exercise any unconstitutional authority.

Mr. MADISON.—The debate has taken a serious turn, and it will be owing to this alone if an alarm is created; for, had the memorial been treated in the usual way, it would have been considered

ed as a matter of course, and a report might have been made so as to have given general satisfaction. If there was the slightest tendency by the commitment to break in upon the Constitution, he would object to it; but he did not see upon what ground such an event was to be apprehended. The petition prayed, in general terms, for the interference of Congress, so far as they were constitutionally authorized; but even if its prayer was, in some degree unconstitutional, it might be committed, as was the case on Mr. Churchman's petition, one part of which was supposed to apply for an unconstitutional interference by the General Government. He admitted, that Congress is restricted by the Constitution from taking measures to abolish the slave trade; yet there are a variety of ways by which it could countenance the abolition, and regulations might be made in relation to the introduction of them into the new States to be formed out of the Western Territory. He thought the object well worthy of consideration.

Mr. GERRY thought the interference of Congress fully compatible with the Constitution, and could not help lamenting the miseries to which the natives of Africa were exposed by this inhuman commerce. He never contemplated the subject, without reflecting what his own feelings would be, in case himself, his children, or friends, were placed in the same deplorable circumstances. He then adverted to the flagrant acts of cruelty which are committed in carrying on that traffic; and asked, whether it can be supposed that Congress has no power to prevent such abuses? He then referred to the Constitution, and pointed out the restrictions laid on the General Government respecting the importation of slaves. It was not, he presumed, in the contemplation of any gentleman in this House to violate that part of the Constitution; but that we have a right to regulate this business, is as clear as that we have any rights whatever; nor has the contrary been shown by any person who has spoken on the occasion. Congress can, agreeably to the Constitution, lay a duty of ten dollars on imported slaves; they may do this immediately. He made a calculation of the value of the slaves in the Southern States, and supposed they may be worth ten millions of dollars. Congress have a right, if they see proper, to make a proposal to the Southern States to purchase the whole of them, and their resources in the Western Territory might furnish them with the means. He did not intend to suggest a measure of this kind; he only instanced these particulars to show that Congress certainly has a right to intermeddle in the business. He thought that no objection had been offered of any force to prevent the commitment of the memorial.

Mr. BOURNIVOR had carefully examined the petition and found nothing like what was complained of by gentlemen contained in it; he, therefore, hoped they would withdraw their opposition and suffer it to be committed.

Mr. SMITH, of South Carolina, said, that, as the petitioners had particularly prayed Congress to take measures for the annihilation of the slave

trade; and as that was admitted, on all hands, to be beyond their power, and as the petitioners would not be gratified by a tax of ten dollars per head, which was all that was within their power, there was, of consequence, no occasion for committing it.

The question on the commitment being about to be put, the yeas and nays were called for, and were as follow:

YEAS—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Groat, Hartley, Heathorn, Heister, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Moore, Muhlenberg, Page, Parker, Partridge, Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Sinnickson, Smith, of Maryland, Sturges, Thatcher, Trumbull, Wadsworth, White, and Wynkoop—43.

NAYS—Messrs. Baldwin, Burke, Coles, Hunger, Jackson, Matthews, Sylvester, Smith, of South Carolina, Stone, and Tucker—14.

The memorials were referred accordingly.

MONDAY, February 15.

PUBLIC CREDIT.

The House went again into a Committee of the Whole on the report of the Secretary of the Treasury, Mr. BALDWIN in the Chair.

Mr. MADISON's motion for a discrimination being under consideration.

Mr. SEDGWICK.—The proposition, Mr. Chairman, contains a question of the utmost importance. And the committee must be obliged to the gentleman who brought it forward for his very ingenious discussion of the subject of the domestic debt. With respect to the question now before the committee, so much has been said, that I think it will not be necessary to consume much of their time in the investigation. On the subject of contracts I have to observe, that whenever a voluntary engagement is made for a valuable consideration for property advanced or services rendered, and the terms of the contract are understood, if no fraud or imposition is practised, the party engaging is bound to the performance, according to the literal meaning of the words in which it is expressed. Such contract, whether of a Government or an individual, may be either transferable or not transferable. The latter species of contract receives an additional value from its capacity of being transferred, if the circumstances of the possessor should render the sale of it necessary or convenient to him. To render the transferable quality of such evidences of contract in any degree advantageous to the possessor, it is necessary to consider, in case of sale, the alienee possessed of all the property of the original holder; and indeed it is highly absurd, and even contradictory, to say, that such evidences of debt are transferable, and at the same time to say that there is in them a kind of property that the holder could not convey by *bona fide* contract.

This is the construction which has invariably been given to these contracts, whether formed by

Government or by individuals. To deprive the citizen of the power of binding himself by his own voluntary contract, or to prevent a disposition of property in its nature alienable, would be a violent and unjustifiable invasion of one of those rights of which man, as a citizen, is the most tenacious, and would indeed break one of the strongest bonds by which society is holden together.

In the transfers which have been made, the contracts were fairly made; the whole rights have been transferred. It is not pretended any fraud or imposition has been practised. The risk was calculated by the parties, and it was observed, that the risk contemplated a revolution in the Government.

From the foregoing deduction of particulars, it is presumed to be proved that a property is vested in the transferees. That if this property is divested by the Government, the law for that purpose would have a retrospective operation, and that no *ex post facto* law could be more alarming than that by which the right of private property is violently invaded.

Having considered the nature of the contract, and of the obligations which result from it, I beg leave to call the attention of the committee to those circumstances by which that obligation may be destroyed, impaired, or suspended. They are stated to be, 1. Performance. 2. Voluntary discharge. 3. Composition. 4. Inability.

And gentlemen are called upon to give information of any other causes which can produce either of those effects.

With regard, more particularly, to the proposition before the committee, I have to observe, that with regard to these contracts, there has existed a depreciation in consequence of the failure of Government regularly to pay the interest. That in this depreciated state, the securities have been alienated; that of course the original holders have sustained a loss; that if the loss resulted from the fault, and not the misfortune of Government, the creditors have, undeniably, a demand against the Government for compensation; that this demand, however well founded, can never authorize the Government to invade the honestly acquired property of the present possessors, a property warranted by the terms of the contract itself, and sanctioned by the act of Congress, of April, 1783, and the validity of it recognised by the Constitution we have sworn to support.

With regard to the claims of the original holders, it is, however, observable, that the domestic creditor, at the time the contract was formed, well knew the nature of the Constitution of the Government administered by Congress, the other contracting party; that its power of performance depended on the ability and good-will of the States; that Congress had always performed its duty, had made the necessary requisitions; that this was its utmost power; and that the failure had arisen wholly from the neglect of the States. I therefore submit it to the committee, whether, if the original holder has a just or equitable demand, he should not resort to the State of which he is a member?

I admit that the case of an original holder is indeed a hard one; that I have a respect for his misfortunes and for his pretensions; that if satisfaction is discovered to be just and practicable, I would not hesitate to go to the utmost ability of the Government for that purpose. But let me ask, what merit will the Government possess, if we strip one class of citizens, who have acquired property by the known and established rules of law, under the specious pretence of doing justice to another class of citizens?

It was implicitly agreed, that eighty per cent. depreciation would not authorize the interference proposed by the motion. I ask, then, for some point of depreciation to be pointed out, which will authorize such interference.

The question for which I contend has received the universal approbation of mankind, there are no instances of the interference contended for, and this general sense of mankind affords me some evidence of truth.

This contract was founded on a valuable consideration. It was the price of our liberty and independence. The possessor claimed, according to the very terms of the contract, though it is not pretended that the engagements of Government have been performed. No composition with the creditors is proposed; nor is the proposition founded on any pretended inability of the Government; for to comply with the intention of it, 1,600,000 dollars, annually, more than is proposed by the report of the Secretary would be required.

By reason of the circumstances which have taken place, the honorable gentleman (Mr. Madison) supposes, that if the whole amount of security shall be paid to the present possessor he will have a sum of money to which the original holder is equitably entitled. If this is true, then no interposition is necessary, it being a well-known rule of law, that an action will always lie to recover money out of the hands of another, to which the plaintiff, from the principles of equity and good conscience, is entitled.

With regard to the effects which will probably result from this measure, I have to observe, that they will be destructive to our national character. That the world is now willing, charitably, to impute our former miscarriages to events we could not control; but should our first measures, in regard to public faith, be a violent infraction of our contracts, it will sanction all our bitterest enemies have said to our disadvantage. With regard to its effects on credit, little dependence will be placed on the plighted faith of a Government which, under the pretence of doing equity, has exercised a power of dispensing with its contracts, and has thereby formed for itself a precedent of future violations, both with respect to its funds and contracts. With regard to discovering who was the original holder, except so far as respects the army debt, I am certain there are no documents by which the necessary facts can be discovered.

I presume it as a fact, with regard to much the greater part of the debt, that any fictitious name was inserted. And with regard to the army debt, the soldiers, generally, who were in the service at

the conclusion of the war, had received ample satisfaction for their services, at the time of their enlistment, having been paid more, on an average, than two hundred and fifty dollars per man.

I have only to add, that the proposed system will lay a foundation for infinite frauds and perjuries, and that it will, beyond all powers of calculation, multiply the evils of speculation.

Mr. LAWRENCE observed, that the proposition of the gentleman from Virginia (Mr. Madison) derived force from the talents and knowledge of that gentleman in public transactions; but that, on examination, it would be found to contain doctrines very repugnant to the interest and prosperity of the Union.

He then stated that the debts contracted by the United States were for loans of money, supplies of articles necessary for the public wants, and for actual services rendered in different employments. That these debts were ultimately adjusted and reduced to their present transferable form. That every part of the contract was essential to it. The negotiability was a material part. That the nature of the contract was frequently recognised by the late Government. That, in 1783, Congress recommended certain funds to be established to pay the interest, and put the principal in a course of discharge. That this recommendation was unequivocal, as to the nature of it, and made no discrimination between the possessor and original holder. That the subsequent conduct of that body was conformable to this recommendation. That they had annually called on the States to furnish money to pay the interest, without discriminating between the original holder and present possessor. That they had paid interest on the securities, without making any discrimination. That provision had been made for holders of loan-office certificates that were subject to liquidation, to have them cancelled, and others issued for the specie value. That the holders of certificates were enabled to have them registered, to guard against accidents; and that no distinction was made between the original holder, and the alienee. That the transferable nature of the claim was for the benefit of the creditor, because it gave it an active value. That he consented to take it, and consulted his own advantage. That the conduct of the late Congress, since the war, had been uniform in the support of this contract, and they had done no act to impair its obligation, according to the terms of it. That this contract was valid against the Government; for, notwithstanding the truth of the gentleman's observations, that the nation is the same, though the bodies that administered the Government were different, there was yet far greater security; and to remove all doubt, a clause that made all debts and engagements valid against the United States, under the late General Government, valid against the present, was inserted in the Constitution.

He further observed, that this contract having descended upon the Government, there was no right in the Legislature to impair the force of it. That the particular Governments are restrained from passing laws impairing the obligations of

contracts. That this interference would be a violation of the contract, between individuals, when the certificate was transferred; and it would not be presumed, the States being prohibited, that the General Government had the power to do it.

He then adverted to the principles of the gentleman, to wrest the obligation of the public to the original holder; and observed that the same principles were in favor of the present possessor. That public justice required a performance of contracts, when there was no fraud on the part of the holder. That the possessor had been guilty of no fraud, no deception. That the contract between him and the original holder was fair, and that a hazard and risk attended the purchase adequate to the advantage. That nothing short of a revolution in Government could have produced payment. That if there was an imposition, the public occasioned it; and between the original holder and the public, there might be a claim for retribution. That public faith was as sacredly pledged to the bearer, or present possessor, as to the original creditor. That public credit results from fair and upright conduct; that the Government, to support it, must perform its contract. That this was a contract recognised by them, and as such should be discharged. That the condition we have been in made it proper for us to be cautious on this subject; and even at present, people doubted our disposition to establish our credit. That this would give a fatal blow to it, and when we should recover, if ever, was doubtful. That the public opinion was difficult to be ascertained; gentlemen had different modes to determine it. He supposed it was better ascertained by the acts of public bodies, than by squibs in the newspapers, or by pamphlets written by individuals. That the uniform conduct of men, deputed by the particular States to represent them, in the late General Government, was the best standard; and their opinion, from the year 1783, was in favor of the present possessor. That the conduct of the particular States was another circumstance; that he did not know of any discrimination made by them, though it had been attempted. That the general opinion of men of property was in favor of it; and that these sources of public opinion were more certain than those he had before mentioned.

He further observed, that although he believed gentlemen supposed no advantage would be derived to the United States from this discrimination, yet much would arise. That part of the army was composed of foreigners, many had left the country, others were dead; all their part would be unclaimed. That certificates were issued to public officers to a great amount, and were paid by them to persons from whom they purchased. The difficulty of making proof of the original creditor would be great; and, from this circumstance, great sums would be gained to the public. That there were persons enough who would have sagacity to discern this; and they would doubt the purity of the public motive; should the gentleman's plan be adopted.

He then adverted to the circumstance of the new creditor receiving paper. That this paper might be subject to another liquidation on the same principle as the present. That it would introduce doubt and distrust of public engagements; and there would be no greater security, although a fund was pledged, than there is at present, for whenever the public pleased, they might destroy the obligation. Arguments were improperly addressed to their feelings; but that, however hard it may be for the original creditor, who had parted with his certificates to contribute to pay the debt, yet it would be equally hard on him who had been injured by the Continental money, who had been plundered by the enemy, who had had his property burned by them in the course of the war; and that instances of these kinds were numerous.

He then adverted to the doctrine of the Court of Equity; and urged that this Court must be governed by principle. That were the Committee this high Court, and the United States the original creditor, and the present possessor before them, and if there appeared no fraud on the part of the possessor, the original creditor would have no just claim on him. That between the United States and original creditors, the United States were in fault, and the claim, if good, would be against them.

He also noticed the resolution of Congress of the 10th of April, 1780, relative to the depreciation of the pay to the army; and declared, that this was limited to persons then in service. Those who had left it, even the day before, had not this justice done them. But that this case was between the United States and the persons rendering them service. The act did not affect third persons; it did not take from one and give to another, as the present measure proposed, and was therefore dissimilar.

He further observed, that his objection to the amendment was on the ground of the contract; yet he would mention some instances to show the impracticability of the scheme. In many cases a State had sold lands for a low price in these certificates. That by the law of this State, creditors residing within the British lines during the war, had received, by law, these certificates, at their nominal value, from their debtors. That British and domestic creditors had received from their debtors large sums at their nominal value. That foreigners were possessed of large sums of the registered debts, in their names, for alienated certificates. That these, and many other instances which might be mentioned, would show the difficulty of devising a scheme, with the checks and exceptions that would be proper, to render it in any manner feasible. It had been objected to the Secretary's report, that it proposed a reduction of interest. He observed, that there was a material difference in a plan that made the consent of the creditor necessary, and one that reduced his capital without his consent. That this part was not now under consideration; but that the scheme of the gentleman from Virginia would add a considerable sum to the provision proposed by the Secretary, from the increased interest to be provided

for, and the additional number of officers to be appointed to carry his plan into execution. He concluded with saying that he was still open to conviction; but that he was, at the time of speaking, against the gentleman's propositions.

Mr. Smith, of South Carolina, remarked, that it was necessary and proper the House should give the subject the most ample discussion. The question had long agitated the public mind, and the people should know that it had occupied the serious attention of their Representatives, and be made acquainted with the principles of their decision. For his part, having bestowed on it the most attentive consideration, he could assert, that the more he contemplated it, the more he was impressed with a conviction that the proposition was unjust, impolitic, and impracticable. It consisted of two parts: The one was to take away the property of one person; the other was to give that property to another; and this by a voluntary interposition of the House, by a mere act of power, without the assent of the former, or without even the application of the latter. For it was remarkable, that the original holders, who had alienated their certificates, had not come forward with this demand; and it is presumable, that, had they applied for redress, they would reject any indemnification which was the result of such manifest injustice. To prove that this was taking away the property of a citizen by force, he observed, that the purchaser had, by a fair purchase, acquired a right to the full amount of the sum expressed in the certificate, which it was not within the power of the House to divest him of. No tribunal on earth could lawfully deprive a man of his property fairly obtained. The purchaser bought under the act of Congress, making the securities transferable; and having given the market price, without fraud or imposition, he was, by virtue of such purchase, vested with the complete and absolute ownership of the certificate, as fully as the original holder; and had as much right to demand full payment as the original holder would have had, had the security been still in his hands. Even should the House refuse, by an act of power, to pay him more than half his demand, the other half would still remain against the public; it could not be extinguished. The debt would continually haunt them; the creditors would loudly clamor for justice, and sooner or later the balance would be paid. Then would they incur all the odium of a violation of private rights, without deriving to the public any advantage whatever. He considered the measure as doing a certain evil, that a possible good might result from it. This was not, in his opinion, the proper mode of doing good. Justice cannot be founded on injustice; and to take money out of the pocket of one man, to put it into that of another, is a precedent which may justify future interferences. This step would lead the House to others: for, if the principle be a just one, then the Government should look into all the transactions and speculations of individuals, in order to correct them, and make retribution to every individual according to his losses. He was persuaded, that the true policy of a Legislative

body was, to pursue the broad road of justice, clearly marked out before them; for it was an undeniable truth, that whenever they deviated into by-roads and trackless paths, without any other guide than their own imagination, they would get bewildered in a labyrinth of difficulties, and rejoice to trace back their steps, and regain the plain road. Now, the plain line of conduct is, to do strict justice, such as is enforced in judicial tribunals, between man and man, in a similar case. The debtor is bound to pay the debt to the holder of the security; the contract, between the giver of the bond and the person to whom it was given, is done away the moment the latter assigns it to another person. If A gives a bond to B, who parts with it to C, there is no longer any obligation on the part of A to pay B, but he must pay it to C. A has nothing to do with the private negotiations between B and C, nor to inquire what consideration was given for the security. All that he has to inquire is, whether he really signed it, and had value received for it, and the amount of it. He cannot say to the holder, you gave but fifty dollars for this security of one hundred dollars, and I will pay you only fifty; for the law will compel him to pay the hundred. This is a point of justice between man and man. Is there another point of law and justice for the Government? By what rule is the Government to square its conduct, if not by those sacred rules which form the basis of civil society, and are the safeguard of private property?

These observations fully refute the remarks of the gentleman from Virginia, that the original holders still have a claim on the Government, notwithstanding they have transferred their securities, and that in cases of individuals bearing an analogy to the present, a Court of Equity would interpose and give redress. The direct contrary is the fact; there never was an instance of a Court of Equity assuming such power. In cases of bankruptcy, which are under the superintendence of Courts of Chancery, the debts of the bankrupt are paid in equal proportions to all the creditors, whether original holders or assignees, and the court never inquires into the terms of the alienation. It cannot be said that the original holder had any claim of justice on the Government; his claim must be addressed to our humanity; but the House have no authority to gratify their humane inclinations at the expense of justice, and by a sacrifice of private rights. If the project is unjust in itself, the application of the property to relieve the distresses of the original holder cannot change its nature—it must still be unjust—the mode of appropriation cannot alter the rectitude or turpitude of the measure. If, therefore, Congress have a right to take away the property of the present holder, they may apply the savings to public purposes; and what appearance would such a scheme have to the world? Would it not forever ruin our national character?

The gentleman from Virginia has said, that justice and good faith are the substratum of public credit; but he was persuaded, that the justice and good faith held out by this plan, would be a sub-

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stratum of sand, a foundation too weak to support our public credit, which will soon crumble to pieces. If the object of the gentleman be to afford relief to the distressed, without impairing legal rights, let inquiry be made into the cases of those original holders, who sold from absolute distress; let those cases be selected and brought forward, and he would yield to no member in his alacrity to give them every adequate compensation, and to indemnify them for their sufferings; but he could not assent to a proposition which blended together the cases of all the original holders, and gave them the property of others. That there were various classes of original holders; some had sold for purposes of speculation or trade, and had probably made good bargains; and were now in a better condition, than if they had still retained their securities. Others got rid of their securities, because they had no confidence in the Government; these the public were not bound to indemnify; the plan would place them on a better footing than those who, having confidence in the General Government, had, notwithstanding their distresses, kept their securities; for, supposing the former sold eight years ago, for four shillings in the pound it was not improbable that they had by this time doubled their money; and yet, in addition to that, they were to get ten shillings, which would give them eighteen shillings; whereas the latter would only be able to sell their securities at the market for fifteen or sixteen shillings, after they were funded. Some present holders have received their securities by way of legacy—are these to have one-half taken off? Is their paternal estate to be torn from them? Had their parents been still living, they would receive twenty shillings in the pound, but the circumstance of death is to strip the children of one-half.

The gentleman from Virginia has said, that giving the present holders, by alienation, the highest market price, would be doing them ample justice; but did the public mean to refund them the money they had actually advanced? No; they were to receive this ample justice by a bit of paper, nominally for ten shillings; but which this very measure would instantly depreciate to eight, or six shillings. They would have this consolation, that, according to the gentleman's reasoning, they would still have a claim against the Government for the balance. For, if the original holder, by selling his certificate for four shillings, has now a just claim against the Government for the balance of sixteen shillings, which it is asserted he should now acknowledge a debt of ten shillings, which he would sell for only six, would hereafter have a just demand against the public for four shillings. The reasoning might be carried further, for it would follow, that whenever the public shall pay in paper which shall depreciate, the seller will have a demand against the Government for the difference.

From the distance of time at which these securities were issued, it may be reasonably supposed that many of the original holders are now dead. The average life of man is estimated at seven

years, according to the most accurate calculation on insurance of lives. Some of them are dispersed in foreign countries, or settled in the Western Territory; and it would be right, before the House took such a step as this, to understand clearly, to what amount these alienations have been made; at present, they are uninformed on the subject, and have no documents before them. If these alienations are inconsiderable, this project would be dangerous, even admitting its justice. History affords no precedent for the measure. The gentleman from Virginia, whose industry is equal to his ability, would have produced some similar case, had any existed. The South Sea scheme is totally inapplicable. There the directors of the company having been guilty of the most enormous frauds and villainous practices, the Government confiscated their estates, and bestowed them on the company which they had been the means of ruining, instead of promoting their interests, which they had been appointed the guardians. Were the purchasers of securities chargeable with any crimes for which they merited confiscation? Were they appointed by law the guardians of the property of the original holders?

Nor was the other instance, respecting the depreciation of pay made good to the officers during the war, more in point; for there the public paid them with the public money, and not with that of individuals.

The Constitution itself, he said, was opposed to the measure, for it was an *ex post facto* law, which was prohibited in express terms. The transfer of public securities was lawful at the time these alienations were made; an attempt to enforce, to punish the transferees is an attempt to make an *ex post facto* law, by making that now unlawful which was lawful at the time it was done. It alters the nature of the transaction, and annexes the idea of guilt to that, which, at the moment of commission, was not only perfectly innocent, but was explicitly authorized and encouraged by a public act of Congress. By that act, those who had money were invited to purchase of those who held securities, and now we are called upon to punish the purchasers who bought under that invitation. The Constitution restrains the States from passing any laws impairing the force of contracts; *a fortiori* is the Legislature of the Union restrained. What an example to hold up to the Judiciary of the United States! How could they annul a State law, when the State would be able to plead a precedent on the part of Congress? The right of property is a sacred right; no tribunal on earth can deprive a citizen of his property, unless for a fair equivalent, for the public welfare. The purchaser is vested, by the sale, with an absolute right, to the full amount of the security, and it is beyond their authority to divest him of it. They might, indeed, by an act of power, declare that he should be paid only half; but his right to the other moiety would not be extinguished. It had been said, that the original holder still had a claim against the public, because he had received only two shillings and six pence for services worth twenty shillings. On the same principle, and

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with more justice, the present holder would still have a claim for ten shillings, because he has the public bond for twenty shillings. No ingenuity can overcome these stubborn principles of law and justice; they are immutable, and must ultimately prevail. The House had been told that if the Government had defrauded the original holders out of their dues, it was fit the public should rectify the fraud. The former Government was not deficient in inclination to do them ample justice; but, from the imbecility of the Confederation, had not the means. In those days of democratic enthusiasm, the people were afraid of an energetic Government; having so recently experienced the severity of the former one, the citizens of these States were cautious in trusting any Government with power; and it is not improbable that some of the original holders, who suffered their embarrassments, from the want of a Government competent to the payment of its debts, would themselves have opposed vesting Congress with powers adequate to this object. Even the present Constitution, which is a mild one, met with considerable opposition; had it been rejected, the public securities would have never been paid.

Public opinion had been mentioned as favoring the plan. Nothing was so difficult to attain as a knowledge of public opinion; but, as far as he had been able to collect the public opinion, it was against the measure.

Publications in newspapers appeared, indeed, on both sides, but the greatest number against it. The Legislature of this State has strongly expressed its sentiments by rejecting, almost unanimously, a similar project; and in society he had met with but few advocates for it.

Though it had been admitted that no instance of a similar nature had ever existed in other countries, yet it is asserted that this was because the depreciation of public securities in Europe bore no comparison with those in the United States. The securities in England had fallen to seventy per cent. without occasioning an interposition of the Government; and there was no occasion to assert that a greater depreciation would have induced an interference. If the measure was unjust in the one case, it was equally so in the other; the increased rate of depreciation could not justify it; for where would it cease to be unjust, and begin to be just? What is the precise point of depreciation at which the Government could be warranted in stepping in, and depriving the holders of their rights? Right and wrong cannot depend on the argument of depreciation; they are fixed principles, which cannot fluctuate.

The hardship of requiring those who have lost four-fifths of their due, to contribute to the payment of taxes, has been noticed. When they sold their certificates, they thought that the person to whom they sold them would one day or other receive something for them; and they knew that he could receive nothing, unless the debts were funded, and that in such case they would be compelled to contribute their proportion of taxes. If they, on the other hand, were impressed with the idea that the purchaser would never be paid, then

the bargain was not a fair one on their part, for they took the purchaser's money, and gave him what, in their belief, was not an equivalent.

The impolicy of the measure is evident, because it will check the negotiability of public securities, will enhance the terms of future loans, and injure the public credit. Public debts were said, by some, to be public benefits; doubtful as this doctrine may be, it is acknowledged universally, that without a negotiable quality, instead of being of any utility, they would be a most grievous burden to the community. Who would purchase, when he had before his eyes the terror of a discrimination? A future occasion may arise, when, from the experience of war or other emergency, a similar attack might well be apprehended. Purchasers, therefore, will be rare, and the risk they run will restrain them from giving the full value of the public securities. This will operate, then, as a considerable injury to the original holders, who never alienated their certificates, and who ought not to be involved in the pernicious consequences of this measure. With respect to impracticability, it was not the strongest objection with him; because, if he were persuaded that it was both just and politic, he would go every length in endeavoring to accomplish it; but, even on this head, difficulties innumerable appeared. Some which are unanswerable have been mentioned, and it has been clearly shown that it is absolutely impossible to trace the original holders. He had chosen to combat the measure on its principle, because he thought it was not a just one, and the establishment of it might lead hereafter to future interferences and unhappy consequences.

It was the wisest policy of Government to adhere strictly to their plighted faith, when it was in their power to do so, even should such strict adherence work an injury to some part of the community. This was the practice with nations in the case of a treaty, which, when made by competent authority, they considered themselves bound to observe, although they deemed it disadvantageous to them, lest a refusal should deter other nations from treating with them in future. It is by this line of conduct that public credit can alone be supported. Whatever may be the merits of the alienors, or the speculations of the alienees of public securities, it is not the business of Government to interpose; these are contracts, they must be paid as far as the public resources will extend. The claim of those unfortunate creditors, whose distresses drove them to the necessity of sacrificing their certificates, form a claim on the humanity of Congress; and he should not be opposed to giving them relief, provided the funds were taken out of the public Treasury, and not in the manner proposed. In whatever light he viewed the project under consideration, he felt a strong conviction that it was such a one as ought to be rejected.

Mr. Ames agreed with the gentleman from Virginia (Mr. Madison) in regard to the validity of the debt. There was propriety in saying the nation is the same, though the Government be changed. The debt is the price of our liberties

and cannot be, diminished a farthing, the gentleman from Virginia says; and why? Because the Government, as one of the contracting parties, cannot annul, or vary the bargain, without the consent of the other. If the measure proposed by that gentleman corresponds with that sound principle, he should have the pleasure of agreeing with him on the ultimate decision; but if the measure should be found on a fair discussion, to be subversive of that principle, it would not merit the countenance of the committee.

A claim upon our justice is made, on behalf of the original holders of securities, who have transferred them. Does the plighted faith of the country stand charged to pay the difference between the price their securities sold for in the market and their nominal sum? In order to make the affirmative appear, the worthy gentleman has said, that the paper is the only evidence of a prior contract; and while the paper was sold, the subsidiary right to the debt still remained in the seller. Supposing this novel doctrine to be true, which cannot be conceded, it will not warrant any conclusion in prejudice of any purchaser of the Loan-office debt; for the paper was given when the loan was made: as no prior debt existed, the paper is the very debt. The gentleman ought, therefore, to confine his motion to the army debt, as his principle seems inapplicable to any other. And even on liquidating the army debt, the certificate extinguished the prior debt; otherwise the public would be twice charged. As when one man owes another an account, and gives his bond for the balance, the account is no longer of force. By the terms of the certificate, the person transferring has lost his claim against the public. He has freely transferred; for if violence or fraud were practised, the law will afford him redress. In society, as well as in a state of nature, property is changed by the consent of the last occupant. He may dispose of it by gift or at half-price, and give a complete title. Nor will the pretence that this transfer was free only in appearance, avail; for the motives which disposed the owner to sell cannot affect the right of the purchaser. Every such creditor risked something; either that the Government would not pay him at all, or not in due season. The risk, computed in free and open market, will be nearly right. It is a kind of insurance against these risks, and the insurers and insured will calculate the rate of insurance better than Government can do it. If there is a new risk of Government interposing, it seems that the purchaser, who may be called the insurer, did not rate his risk high enough. It seems pretty clear, therefore, that there is no claim on the stipulated justice of the country.

Another sort of justice is set up; a different sort from that which we were taught in the schools and churches; it is called abstract justice, and it is said to demand allowance for the loss sustained by the failure of public payments. No man respects more than I do the merit of the army; but the soldiers, at least, had something towards justice by their bounty.

Stock has sold in England at fifty per cent. dis-

count, and yet no retribution has been made. Where then does this new line of justice begin? It can scarcely be denied, that their claim, if they have any, is not a debt. The arguments alleged by the gentleman are addressed merely to the compassion and generosity of the Government. Nor do I know that there is any ground for saying, that public opinion is in their favor. It will be allowed, that if justice is to be done, it should be impartial justice. Partiality would be more cruel than total neglect. Will you refuse to make amends for paper money? For property taken by our army in Canada? For losses sustained during the war? For towns burned? In this last case, it is to be observed, that Government has promised protection; and inability to protect is as much a debt as the case in question. The intermediate holders, who bought at six shillings and eight pence, and, despairing of Government, sold at two shillings and six pence, have an equal claim. Are all these to be excluded? Let us not break contracts for half justice. The example of paper money is adduced to show that the public made up losses; but this is an example of the public fulfilling its contracts, not annulling them. Paper money is a bad source to draw examples from.

But is it true that justice requires the public to pay for all the losses sustained in times of calamity? I think not; for by fraud the Government would be obliged to pay for more than was lost. The resources of the sufferers will more easily repair such losses than the Government can make them good; and besides, in extreme cases, it would extend and prolong the evil. If an army should invade England, and the city of London should be burned, and the country laid waste by the order of the King, all Europe could not pay for it. What is justice? A line of public conduct which necessarily tends to utility. No pretence of abstract justice can be valid, if it tends to evil rather than good.

But if there subsists a claim on the public justice, it cannot impair the debt, in the hands of the present holder, for which the public faith is pledged. It is alleged that the seller, who sold for a trifle, will be taxed to pay the purchaser. He certainly ought to fare as other citizens do. But taxes are in proportion to property. If he has property, then the plea of necessity is destroyed; if he has none, then his taxes will be a mere trifle. The project is not justice, even to those whom it pretends to relieve. If you allow less to the purchasers than they gave, it is downright robbery; if you allow them more, it is half-way justice to those who have sold. I would not risk everything to do justice, as it is called, and then not do it.

But this fragment of justice cannot be given to some, without wronging others; you impair the property in the hands of the present original holders. It is not supposed that the alienated property is nearly equal to that which is still in the hands of the first holders. Be that as it may, I believe, with confidence, that it would be cheaper for the present holders to pay the market

price of the paper proposed to be given to the former holder, than to suffer the shock which this measure would give to the credit of their paper. I will not enter now into the merits of the Secretary's plan; but I think it not difficult to show that he proposes better justice to the present original holders than is contained in the motion, and that the debt, funded on this plan, would sell for more in the market. Great sums have been lent to the public by trustees, who acted for others, and only lent their names. Many original creditors were not first holders; supplies were furnished to contractors for the army, who got credit, and afterwards paid in paper, as they received it of the public. Many towns hired soldiers for a gross sum, and agreed to take the wages. Private debts have been paid at par. A man in embarrassed circumstances, instead of compounding with his creditors for ten or a dozen years' forbearance, paid them at par, or near it, in public money, which, in that period, was supposed to be as likely to be paid as his private note. No less a sum than two hundred and fourteen thousand dollars were paid in this way to one mercantile house, at about fifteen shillings in the pound. Compare the gross injustice of these cases with the pretended justice of the motion; consider what it pretends to pay the purchaser. But Loan-office certificates have sold from fifteen and eighteen shillings in the pound to five shillings. Foreign purchasers gave more than our market price. Before they bought, they got certificates of the nature of the debt, that it was not liable to any deduction, and that the transfer would be valid. People in the first offices in this country, and abroad, signed them. Five hundred thousand dollars were bought for one Dutch house, and registered, and the partners in the sum have divided the certificates by giving their own bonds. What will be the effect? Justice or injustice? In these cases, the gentleman will admit, that the rights of these people are perfect. The debt, he says himself, cannot be diminished a farthing; property is sacred; the right to a single dollar cannot be violated. Let the gentleman then acknowledge that he must give up his project or his principles.

I have endeavored to show what sort of abstract justice this is. But if it should be allowed that there is a claim of justice, what then? Let them claim justice of those who have done them injustice, not of the fair purchaser.

Let us examine the claims of the purchasers. The gentleman's argument on this point merits attention; if it is right, for its novelty in Congress; if wrong, for its tendency. Here I think it necessary to apologise, not for my sentiments, their apology must spring from their propriety, but for the manner in which I express them. My zealous of other gentlemen, whom I respect as I ought. I know that men of the best intentions entertain a favorable opinion of a discrimination. There is a wish to do more than justice to the one, and the heart, betrayed by its sympathy, consents to injustice to the other. But, sir, I cannot

claim the merit of moderation on this point. I will not pretend that I doubted first, and then decided. The principles of my education, and the habits of my life, predispose me to believe, and my short experience and reading have confirmed it, that nations cannot admit cunning into their councils without its shedding a malignant influence on their affairs. Experience teaches Government, as well as men, that nothing is safe that is wrong. We have endured tender-laws, and the pitiful expedients of a trickish policy. Our experience has cost us dear. The old Congress, however, were guided by other maxims; with little power, and scarcely retaining the mock representation of it during the whole year, they prosecuted the objects of an honest policy with a zeal which repulses and despair could not extinguish. They could say, with Francis the First, after the battle of Pavia, "We have lost all, except our honor." They resolved against discrimination, and foreigners, as well as citizens, bought securities under the public faith. But when the Constitution was framed, adopting the debts as valid, restraining *ex post facto* laws, and laws impairing contracts, who entertained any suspicion? The speech of the President, and the resolutions of the House in favor of public credit, banished it. Does this look as if public opinion was hostile to these purchasers? If it really is, it is more a duty on Government to protect right when it may happen to be unpopular; that is what Government is framed to do. If, instead of protecting, it assumes the right of controlling property, and disposing of it at its own pleasure, and against the consent of the owner, there is a cheat in the compact.

It will be admitted, that there is a right vested in the purchaser; Government cannot diminish it a farthing, says the gentleman; but he says we cannot pay both. Then abide by your word of honor; prefer perfect rights, by solemn compact, to claims on your compassion. The claims of the present holders, you say, are just; are the others more than just? Treat all just claims alike, and do not rob on the highway to exercise charity. Why make one creditor pay another? He says, Government is to get nothing by this; and yet he says, we owe these people, and our creditors shall pay them. Is paying a debt in this way not getting money? He talks of rival claims; there is no rivalry; the sellers agreed that there should be none. If Government is bankrupt, compound with your creditors. Will this act of violence console the sufferers? Will they enjoy, as a favor, the violation of the rights for which they fought? The South Sea and Mississippi schemes have been adduced as examples. In the former, Government interposed to fulfil the contract. The Mississippi is not parallel. What the gentleman calls public justice, I am sure he would not practise in his own case.

I have chosen to consider the principle of the motion; but it cannot be carried into execution. We have seen that justice, in the abstract, will not be done, nor can the measure proposed be effected. We may very well suppose that innu-

merable difficulties will arise in practice which cannot be foreseen. The detail will be endless; an account must be opened for each claimant; public offices must be opened, officers multiplied, and great expense incurred; there is no clew, by the records, to the cases of money deposited by agents for other people. I have inquired, and am told that it is not possible. Will you admit oral evidence, and of persons interested? Will you fill the land with discontent, corruption, suits, and perjury? The new paper, if not transferable, will be no great relief; if transferable, there will be a new harvest of speculation; the after-crop will be more abundant than the first cuttings. A purchaser keeps his note for twenty shillings, by law you make it a note for ten shillings. How many frauds will be practised on the unwary? If the mind balances on these points, let policy turn the scale.

Will not this measure shake Government? Instead of doing as it has promised, Government is to do as it pleases. Right is to depend, not on compact, and sacred faith, and the Constitution; but on opinion, on a major vote, where nothing, not even right, is fixed, will not the Government be liable to perpetual commotion?

How will it affect our national character? How will it affect public credit? We shall have to pay for meddling, if we in future should have any credit. The famous *Coloel Chartres* said, he would give one hundred thousand pounds for a character—not for its own sake, but because he could get two hundred thousand by it—*Henry VIII.* borrowed money on his personal security; and his base Parliament voted, that as he had done great things for the realm and church, he should be discharged from those obligations. *Charles II.* shut up the Exchequer. What was the consequence? *King William* paid fourteen per cent. on annuities, and at the rate of ten and twelve per cent. interest; but by good faith, in five or six years money fell to five per cent. interest. By breach of faith, we vote the Government into a state of pillage, and deprive it of its powers.

I have thus endeavored to show, that there is not a debt subsisting against the public, in favor of the original holders, who have sold out; that the motion is chargeable with partiality, and is inadequate to its pretended object; that it will do injustice to many, and violate the sacred rights of property; that the purchasers are secured by the contract, by the faith of Government, and by the Constitution; that the measure is not practicable, and will produce confusion, corruption, and expense; and that it will weaken, disturb, and disgrace the Government, and impair its credit.

I have made this recapitulation of my argument, in order to bring it into one view—if it is just, or only plausible, let us ask, what will be the effect? Is this what was expected under the new Constitution? Did we expect it? Is there one here who has not told the people, that an end would be put to tender acts and paper money, and the ruinous effect of Government's interposing in contracts? Who, in or out of Congress, did not suppose that the letter and spirit of the Con-

sitution said as much? The spirit of the times said more. Will not the people charge us with violating the Constitution and the rights of property? If we plead necessity, they will demand, how came it that we were ignorant of it? And, if it exists, what is there that breach of faith can save that good faith would lose? Or, what will that be worth, which may be secured by a measure that will tarnish our national honor, and transmit to our children an inheritance of reproach? Is there no refuge but in dishonor? We have borne adversity before, and we had rather submit to the worst events of an honest policy—and this project is not to relieve any burdens; for Government is to rob, not for plunder, but to get the reputation of justice.

If our own citizens say this, what will foreigners say? They will not be restrained, either by the opinion of their fellow-countrymen, or by attachment to our prosperity. They will detail their losses, and the arts by which their confidence was gained—they will think that we have been taught a species of immoral philosophy—that we administer Government by a kind of cunning logic, which confounds right and wrong—they will rejoice that the Mahattas and Americans are at a distance; the ocean has not hitherto proved a barrier against our depredations. An American abroad will be obliged to deny his country.

However, I still believe that justice is a law to Congress; but if justice, and public faith, and honor, have ceased to be things, let them cease to be names—let them be blotted from the vocabulary of our nation. If they have no being, why should they be made use of to conjure up church-yard terrors, to haunt the hypochondriac imagination?

I will not be so uncandid as to charge the worthy gentleman with such intentions. I think so highly of his probity and patriotism, that if he can be made to see that these consequences will follow, or only be apprehended, he will give up his scheme. But if Government has this right, what right of private property is safe? In the East, Government is said to be the sole owner of property, and may resume it at pleasure. This absurd doctrine will not find advocates, for it would not do for practice, even where it may not be denied to be true; human nature revolts against it; it would shock the morality of Botany Bay; it would exasperate, beyond sufferance, the patient slavery of Indostan—and who can give a good reason why one sort of property should be more sacred than another?

If we pursue another kind of policy, such as the preamble to the Constitution declares to be the objects of the Government, this Government, and this country, may expect a more than Roman fortune. The Government may have more credit, the people more knowledge, and the blessings of peace a longer duration than the world has ever experienced. That gentleman helped to frame the Constitution. I have no doubt it is the better for his eminent abilities; I hope that the love of his own work, and his zeal for the cause which he has so ably supported, will induce

him to abandon a measure which tends so fatally to disappoint the first wishes of his own heart, and the hopes of his country.

The committee rose, reported progress, and obtained leave to sit again.

TUESDAY, February 16.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole on the report of the Secretary of the Treasury, Mr. BALDWIN in the Chair. Mr. MADISON's proposition still under consideration.

Mr. JACKSON observed, that although as young a politician as any on the floor, and convinced that the weight of experience was against him on so important a national subject, he could not be silent; particularly as he had the honor of seconding the gentleman's motion (Mr. MADISON) now before the House, that it would be therefore expected that he should bring forward his reasons, and the principle which actuated him to it. He confessed, that had he not before leaned to the side of a discrimination, the arguments of that able gentleman would have induced him to support the plan he had brought forward. He was induced on another motive to rise, to show that the numerous arguments of the gentlemen in opposition, yesterday, had not convinced him of the impracticability or injustice of the proposition.

The House were told much of the moral obligations we were under of paying our debts, and the impolicy and injustice of interfering with private contracts. The obligation, he believed, was no where denied; the debt was of the highest nature; it was the price of our independence: the only difficulty is, how that debt shall be discharged. He would here observe, that the justice of the plan before the House had not been so fully objected to, as the impracticability, although it had been asserted to be unjust by some of the gentlemen who had spoken.

He would consider the justice of the proposition. The House had been told the nature of those contracts, and the valuable considerations of them. The contract, as it struck him, fell under the legal terms of *do, ut des*; I give that thou mayest give; or, I give that I may receive. In all contracts there are three requisites: 1st, The agreement. 2d, The consideration. 3d, The thing to be done or omitted. This consideration is to be an equivalent, or full recompense for the thing to be performed. Let us examine what is the thing to be done, and what the consideration is. The creditor who was to perform the third article of the contract, held twenty shillings, which was to be given for a valuable consideration. What was this consideration? Two shillings and six-pence. He argued, that if this twenty shillings was worth no more than two shillings and six-pence, the contract was fair and substantial; but, if gentlemen carried the idea further, and declared these twenty shillings was

money of equal value with the two shillings and six-pence given, he contended that the contract was destroyed. Equity would relieve, would declare it an unrighteous bargain, that there was not an adequate compensation, and would set aside the contract.

But a gentleman (Mr. LAWRENCE) had told us, that equity has fixed rules, and that none of those rules would apply. He agreed with them, that it was as necessary for a Court of Equity to be confined by rules as a Court of Law; but exclusive of the former case, he had mentioned there were two others, under which the present case came—misfortune and oversight. He would quote the authority of *Blackstone*, did he not expect he should, as in former instances, be complained of by that gentleman for it. Here, he said, had been one of the greatest misfortunes; a calamity attending a whole community, a Government unable to pay its debts. Here was likewise an oversight equal to it. Was it possible for the poor soldier, uninformed, to foresee, when he sold his certificates, that they would rise to the present value? Or that he could anticipate the present day, and a second revolution? Equity, then, requires some mode of justice, and the tribunal exists somewhere. I believe, with my friend from Pennsylvania, (Mr. SCOTT,) that we are the tribunal; for equity must exist somewhere, or the Government is at end. The Courts of Law, and common Courts of Equity, have no power to interfere; they cannot compel us to their mode of funding our debts. The injury cries aloud for redress; iniquity is in the land, and we are bound, by every principle of justice, to step forward, and do what justice we can.

But perfect justice cannot be done, say gentlemen, and therefore we should not attempt the business at all. The consequences of this doctrine are fatal; they tend to a deprivation of all Courts of Justice; for there is no instance which can be adduced, where, what is termed justice, is reconciled to the opinions of all, and where some objection cannot be raised.

But there is no Government on earth, say gentlemen, which ever interfered with assignable contracts. This doctrine has been both countenanced and denied by the gentlemen in the opposition, in their relation of the South Sea scheme. One gentleman told us that it did not apply, because the Government was not concerned, and that it was in consequence of their agents' villainous practices only. Another acknowledged the Government was concerned, and bid us take warning from it. He contended, that the case was in point; that if there was any difference, it was in its exceeding the bounds of the present. The Government of England was necessary; the Parliament of England received £7,000,000 for the privilege of permitting the Company to take in the public debts, and allowed them to fund many millions on a footing not subject to their private debts. Yet, after all this countenance, the omnipotence of Parliament assumed the supreme powers of Equity, compelled compensations, discharged debtors, and punished those who had

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done no more than comply with the letter of the law.

The doctrine was not then novel. In 1712, Parliament interfered between the Royal African Company and its creditors; not when the Company was in a state of bankruptcy, but for years before. The different nations of the world, besides—notwithstanding what gentlemen have advanced with respect to the Constitution, and the impairing of contracts—and the States here had followed it, had passed statutes of limitation to actions, although it was not implied in contracts. The House had a right likewise to guard against frauds.

Public justice, he observed, had not been done; the soldiers, the original creditors, had not been paid; they had not received the equivalent; they had received but two shillings and six pence, and there was twenty shillings due them. That many of those creditors, and the war-worn soldiers, were pining in retirement, in the midst of cruel situations, and condemning the injustice of that country, whose Congress, in consequence of their exertions, is legislating here this day.

If, then, public justice (which he contended the plan promoted) should be done, public credit would follow; for justice is reason, and credit is a natural consequence of reason; and whether the interest, as gentlemen had told the House, was paid in paper or not, he did not conceive that the plan would in the least effect it. It had not injured Britain in the example before the House.

Public faith, the House was informed, made no distinction; the public faith, he observed, was pledged to the soldiery and to citizens who furnished supplies. It never had been fulfilled; two shillings and six pence was not the twenty shillings they were entitled to. This principle was even settled at home, by that very Congress some gentlemen so much honor. The soldiers were paid with depreciated money during the war, when Congress liquidated their accounts.

A gentleman (Mr. Smith) had observed, that this plan places those who have alienated in a better situation than the present original holder, by adding the ten shillings to what he formerly received. He contended, that the present original creditor would not be injured, nor would they grumble at seeing justice done, their more distressed brethren; those who had parted with them had done it, in most instances, from necessity; those who hold at present, are the more wealthy.

The same gentleman had observed, that had the market price risen to twenty shillings, that this plan could not have been adopted. He allowed the difficulty which would arise, but contended, that, in that case, the public faith would not have been discharged; but the case is the reverse, the House knew the market price, and had it within their compass to do justice. But, said the gentleman, the soldier might have kept it to the present moment, and then it would have been worth twenty shillings. Unfortunately, foolish soldier, indeed! he observed, why didst thou not steel thy feelings against the wife of thy bosom, and behold thy beloved children, without a mur-

mur or an exertion, starving on a dunghill? Then thou mightest have kept thy nominal twenty shillings until it became a real pound. But, added he, is this the language of mercy, or of justice? What will a man not give in exchange for his life? And, if he has feelings, for that of his wife and children?

But public opinion is vague, say gentlemen, and the House has been cautioned against pamphlets and newspapers, as if the plan had been composed from thence. The abilities of the honorable gentleman will give a serious refutation to this charge. As for his own part, he had the candor to assure the gentleman, that he had taken hints, and that he always would take hints, whilst in public life, from any valuable information given in either. Like the berry on the brier, if he could pluck it with safety, he would; and, if a valuable hint was encircled with a torrent of abuse, he would accept the hint, whilst he would despise its attendant.

Sir, said he, public opinion divided us from Britain; public opinion induced us to change the former for the present Constitution; public opinion brought us here to legislate; and public opinion can replace us in our former situations; and how ever public opinion might be censured by some gentlemen, he trusted she would never need an advocate on this floor.

This public opinion is in favor of the original creditor; it is impossible to be otherwise. The people of America are a grateful people, and they cannot, with indifference, view the earnings of those who established their independence, converted into the coffers of the wealthy and ambitious. The speculator, he contended, was already more than satisfied, if it was only on the principle of interest which had accrued for six, seven, and eight years past, and which they had speculated on since.

He then observed, that, conceiving those objections raised by the opposition refuted, the next consideration was the impracticability.

The gentleman, who had brought the plan forward, was more capable of answering the numerous obstacles thrown in by the phalanx of orators yesterday than himself; but he would undertake to answer a few of them which he had noted.

A gentleman had declared it impracticable; because the quartermasters of the late army, and the clerks of office, received the certificates in their own names; and, as an instance, quotes himself as having received large sums in that manner. But, said he, are not the books and documents remaining? Is there not evidence still existing of the original creditor? That gentleman's own objection proves it. We will call him as an evidence; and there is no doubt but mankind are not so debased, but that many other similar confessions will come forward. Besides, there could be a touchstone applied equal to what the highest Court of Equity used, and there is little fear but the truth would be found out, and a detection made of fraudulent claims. The impracticability, he observed, was out of the ques-

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tion, with respect to the speculator, who would receive the highest market price.

But the public accounts were many of them lost. Make it worth the time of the original creditor, and this would be in a great measure obviated.

Again, says a gentleman, (Mr. Snowdick,) the certificates are in fictitious names, and he knows an instance in Boston. Then that gentleman is likewise good evidence; and the claim, from his testimony, would be invalidated; but if not, the same equitable proof would be required.

He went on to observe, that here, Proteus like, the gentlemen change their reasoning, and declare the public would be gainers by the mode. He asserted, that it would not be the case by their own account. If, however, the claimant did not come forward, he would contend that the public, not the speculator, ought to be the gainer; that the public here, would possess the same right as an estate left without an heir.

But it had been advanced that the money would be again generally distributed among the poorer class of people, and that speculators would be flying to every part of the Union to reap second crops. He advanced that such distribution would be a public blessing, and that, by the measure, the tears of the afflicted would be dried up, and widowed hearts be made to sing for joy. The lesson, he believed, had been now taught, and would prevent the extremes of speculation in future. He seemed confident, that the second crop would not be so injurious to the community, or prove so plentiful a harvest to the speculator, as the first.

It was said to be necessary, and we should consequently have a host of officers. Now, he denied that necessity. There were numbers of officers in the Treasury Department who might attend to the business; and a small fee, which would be cheerfully paid, would find officers, if necessary, of responsibility and character in the different States.

But it is an *ex post facto* law. This he denied. No law had yet passed for funding the debt; we have a right to fund the debt as we please. Some gentlemen, opposed to the present principle, join the Secretary in opinion for lowering the interest. We have seen threats, under that idea, not to fund at all; and we cannot compel subscription without the holder's consent.

It is again said, that if Government do this now, they may take the same step hereafter; this, he would observe, was reasoning on surmise. It was not probable, if within the sphere of possibility, that America would ever have a debt in the same situation. Loans, if exigencies should arise, will be procured on adequate provisions; and foreigners, from viewing our justice, and the unanimous resolve respecting them, will place a value and dependence on us. If America is wise, said he, few wars will arise, situated as we are, in a remote country from the warlike nations of Europe. The wars we may expect will be with a few tribes of Indians; great loans will, therefore, not be required. But, supposing all the pos-

sible exigencies, the soldier is as necessary a requisite as the supply. Will he trust again your broken faith?

The gentleman from Massachusetts, (Mr. Ames,) he observed, had charged the favors of the motion with raising church-yard terrors. With what propriety, he could not judge, unless that gentleman, like a man who passing through a church-yard saw an apparition, and had the impression so strongly in his mind, that he insisted on it that all his neighbors saw it also. The dangers that had been magnified were on the other side. We have been told of the fifteen shillings in the pound, paid by foreigners in Holland; and one gentleman (Mr. Geary) had denounced against us the terrors of the *ultima ratio regum*. Are we, said he, independent or not? If we are, we have a right to modify our own debt. What would Britain or Holland say, should we interfere with their funds? Would they not suppose us deprived of reason, or laugh at our imbecility to attempt it? Those who have purchased in our domestic funds are on the same footing with our own citizens. If we are not independent, it is high time to make ourselves so, whatever power might oppose us. The gentleman who brought forward the motion, had been charged with addressing the passions. This might be retaliated; for declamation had been used for argument on the other side.

Equity, said he, if the cause be equal, will suffer, in many instances, the heart to decide. The gentleman from South Carolina (Mr. Smith) has declared, that what he has seen written on the subject, has been as much on the one side as on the other; if so, the heart, in this instance, ought to govern; and gratitude and humanity, its noblest principles, are in favor of the original creditor.

He had been against the funding principle at this present moment; but, as the House had determined on it, it became his duty to acquiesce, but on principles of honor and justice. And it was to be remembered, that the landholder of America was the person ultimately to pay this debt, and his property would be mortgaged for it; for although commerce might immediately supply the revenue, the landholder was the consumer; he, therefore, hoped the debt would be funded on principles congenial with their wishes. That class of people, when they contemplated their independent situation, and their domestic happiness, although they would revolt at the idea of filling the pockets of the speculator, would cheerfully advance their proportion for the payment of the soldier and the citizen, whose exertions had procured them the blessings they enjoyed.

Mr. Benson.—The gentlemen in favor of this motion come forward as the advocates of the late army. I wish, therefore, to be ascertained of one fact, do the army wish a measure of this kind to take place? I apprehend that they do not; and I am led to this opinion from a knowledge of the habits of military men; they prefer their honor to every pecuniary consideration, and they generally are actuated by that principle alone. I will state

a case. Suppose I purchased an officer's certificate for one hundred dollars, and I was to fund it; the Treasurer would say, you are to receive but fifty dollars, the other fifty are reserved for the original holder. Now, if I was to go and tell the officer, that, notwithstanding my purchase of all his right, title, and claim to the one hundred dollars, the Government would give me but fifty, retaining the other fifty for him. He would answer, I will never receive a farthing of it, because it is your money, fairly and honorably purchased of me. Now, in this case, what would you do? Should these fifty dollars fall to the Government, or to me? I reason in this manner, because I suppose this would be a general case. The Society of Cincinnati, of the State of New York have, by a resolution, which they have published in the papers, disavowed the principle; and, in Rhode Island, a member of the Society was expelled for taking advantage of the tender-law of that State, and paying off a *bona fide* debt with depreciated paper. I apprehend the principle of action still remains the same throughout the whole of the army. When the soldier conveyed his certificate, there was a contract between the parties, that whatever sum the Government could pay, the whole of it should go to the assignee. Now, by an act of violence, you take the half of it away, and enable the assignor to discharge the contract by paying fifty dollars, when he had engaged that the purchaser should receive one hundred. This is, in effect, the same as the payment of depreciated paper under a tender-law, and would be equally rejected by those whom it is intended to favor.

I would state the case, as if it had happened between the gentleman and myself, could he hesitate to say the whole sum was fairly mine, and surrender it up, notwithstanding the legal interference of the Government? This is a question I would not suffer myself to reason upon; I would not trust my mind with it, lest it should preponderate in favor of self-interest, though against the common principles of truth and justice. I cannot think the army would accept the interposition; we ought, therefore, to be cautious how we trifle with the honor of other people.

I do not pretend to say, that the persons intended to be relieved by the proposed scheme have not a claim against the United States; but I deny that it is a claim upon our equity or justice; it may be a claim upon our humanity; and, whether we will satisfy this claim, depends on circumstances which have no connexion with the present question.

Mr. JACKSON.—God forbid, Mr. Chairman, that I should trifle with the honor of men I value and esteem so highly; it would be the last thing I could think of. But, sir, as a Legislator, I cannot consent that the pittance which was the reward of distinguished services, shall be torn from them by the arts of insidious speculators; but there are others, who have a claim in equity upon our justice, who ought not to be sacrificed to the soldier's honor.

Mr. WHITE said, he agreed with the gentleman

from Massachusetts (Mr. SEDGWICK) in the principle, that if a contract is made for a valuable consideration, and with the understanding of both parties, the Legislature ought not to interfere in it; and should it appear that the transaction between the original holders of certificates and the purchasers was a fair one, the dispute, in his mind, was at an end. But no gentleman had attempted to show that this was the case, though all the arguments against a discrimination were founded on that supposition. Perhaps it might be said, that every argument ought to be considered as fair; unless the contrary be proved. But where one man has obtained the property of another to the amount of £100 for £10, or £12 10s, the transaction must be explained to him, before he would believe it to be honest. What is the present case? The original holders, who have parted with the evidences of their debts, were principally common soldiers, militiamen, and farmers in indigent circumstances. Who were the purchasers? The Secretary of the Treasury tells us, that the most enlightened among our citizens are the creditors of the United States; common soldiers cannot be comprehended in this description. What must have passed, he asked, between the soldier, the militiaman, or farmer, and the purchaser? What reason could the purchaser assign for offering £10 for a paper which specified an obligation to pay £100? It must be something like this—the States will never pay you; if they do, it will be at a very remote period, so long as to be useless to you; but to relieve your present necessities, I will take the risk on myself, and give you £10. Now, could any enlightened man, he asked, in 1783, or at any subsequent period, in which time the transfers took place, believe that the independence of America was in danger, or that debts could not be provided for?

He knew so many instances of transactions like that which he had stated, that he doubted not the greater part of the certificates had been obtained by similar means. Indeed he could not conceive any other by which they could be obtained.

He said we were, perhaps, without a precedent in any other nation which would be strictly applicable; but he desired gentlemen to determine for themselves, whether, under such circumstances, the man who had rendered services to his country should be deprived of his reward, or whether the purchaser ought to receive it. He said it was very different in the common transactions of life. If a man purchased a tract of land for £1000, paid the money, and took a bond for the conveyance, a third person, by informing the purchaser that the seller could not make a title, or by other false suggestions should obtain a transfer of the bond in consideration of £100, and get a conveyance and possession of the land, yet, on repaying the £100, the conveyance would be set aside, and he would be restored to his land.

He gave some other instances of a similar nature, and said he believed, if a bond, whether due, or to become due, was assigned under such circumstances, that the obligee would be justifiable

in contesting it in a Court of Law, and that the injured person would, on application, obtain redress. He said, that in cases of extreme hardship, Courts of Equity would give relief without express proof of fraud; that this was the law of Great Britain, and was agreeable to the principles of the civil law; that the Roman jurists, he believed, had fixed the point of extreme hardship to one-half of the value of the property transferred; in England the Court was to judge.

He said he did not think the present holders were strictly entitled to any thing more than the original purchasers; that here the maxim, quoted on the other side of the question, that the assignee stands in the shoes of the assignor, properly applied. You cannot place another on more advantageous ground than that on which you stand yourself. The plea of an innocent purchaser could not take place; the nature of the transaction must appear evident to every man concerned in the transfer.

He said the reverse of this did not hold. An assignee was not always in as advantageous a situation as the assignor; and instance the case of an executor who should obtain the assignment of his testator's bond at an undervalue; and who, he said, could not retain in his hands the amount of the sum specified in the bond, which the creditor might have recovered, but only the sum which he actually paid for the bond.

He said, that, though in his opinion, the present holders of certificates were strictly entitled to no more than what had been paid to the original holders, yet, as an investigation of that circumstance would be involved in inextricable difficulties, and since we were (as had been very properly observed, and well expressed by a gentleman from South Carolina,) settling the business of a family, he was willing to acquiesce in the motion of his colleague.

He said, that arbitrators often gave the injured party less than his due, for peace sake; and he was willing to act on the same principle. He doubted not but Courts of Justice would give relief in particular cases; but, in a matter of that magnitude, he thought the interference of the Legislature very proper. The South Sea business, he thought, in that respect, a good precedent. Two gentlemen had mentioned the business; he would not say they had misstated the transaction, but he thought their accounts imperfect. They said they had the documents under their hands; he wished they had been read; he had them not, but would state from memory what he thought applicable to the case in question. The directors of the South Sea Company, by various arts, induced the people to give as high as £1000 for £100 stock; in many instances the money was paid, in others it was contracted to be paid. A gentleman has said, that Parliament interfered, not to violate, but to perfect the contract; but what did Parliament do? They confiscated the estates of the directors, and applied the amount to the relief of those who had actually paid their money, and suspended suits against those who had not paid; and authorized the debtors to discharge their debts by the payment of ten per cent. on the

real value of the stock subscribed for. But if he was wrong in supposing the present holders ought to stand in the place of the first purchasers, they could be considered, only as having purchased, in market, a paper of indefinite value; if, then, they get the highest market price, they are not injured. He would now endeavor to obviate some of the objections to the measure, on account of its impracticability; and in general terms observed, that much greater pains had been taken to show the impracticability than the injustice of it. He said, if it was just, we ought to adopt it; and he did not doubt but the wisdom of the Legislature would be able to carry it into effect. Purchasers, he said, had been represented as the supporters of public credit; but he could not consider them in that light. The offering a tenth or an eighth part of the value of the bond of an individual would tend rather to blast his credit than to support it; it would have the same effect with respect to the public.

He said he had lived long enough to be convinced that wise and great men, having the same object in view, often differ in opinion with respect to the means of accomplishing it; therefore, every proposition ought to be treated with candor and respect. He made that observation in consequence of what passed yesterday. A gentleman from Massachusetts had introduced his speech in a manner somewhat new—with an apology for an impropriety which he intended to commit. He pursued the arguments of those who went before him, in opposition to the amendment; but his speech consisted principally in an effusion of opprobrious epithets, some of which he repeated, and said, to detail the whole would perhaps fill half a column of a newspaper. He said he felt, on the occasion, not for himself, for he had not expressed his sentiments on the subject under debate, but for the honor of the House, in which, he thought, no such language ought to be used.

It had been said, we came forward as volunteers; that the original holders did not put in their claim. That might be easily accounted for; they were generally obscure and indigent; had too much modesty, or perhaps not the capacity to come forward. That he believed the crowd in the gallery did not consist of original holders. A gentleman from New York (Mr. BENSON) had objected to multifarious propositions. He was not certain that he understood the word; but he had never considered it as applicable to two. That the proposed amendment had brought the business to such a state, that we had the choice of two systems. In order to determine which to adopt, it is necessary to examine the merits of both. That proposed by the Secretary of the Treasury he considered as exceptionable; that the proposed reduction of interest would be a breach of public faith; for although it was to be effected by the consent of the creditors, it would operate as coercion with respect to the original holders. He doubted not but the purchasers would eagerly embrace the proposal of four per cent. on the nominal sum. The original holders would not; they would wait for a more favorable determina-

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tion; if they ever should consent, it would be with reluctance, and because they find they shall get nothing in any other way. The proposed disposition of the surplus revenue among the non-subscribers can have no effect; if Government do not choose to pay more than four per cent. interest, they will levy taxes only to that amount. The inducement to the acceptance of his several propositions, in consideration of the reduction of the interest are all futile. Western lands to the amount of one-third! It is well known Western lands are not a property in much estimation among the holders of certificates.

With regard to his other proposition of annuities and remote payments, it may be observed that the proposed reduction is not founded on the inability of the States to pay, but on the principle of expediency only, lest taxation should be extended to a degree, and to objects which it might not, at this time, be proper to attempt. Now, what security have we that the same principles of expediency will not operate ten years hence?

He observed, that the purchase of annuities had not been practised in America, and he did not think it would become an object as it was in Europe. That in Europe there were many single men who carried their views no further than their own lives, and who, as they advanced in years, became fearful of difficulty and distress in old age; but this seldom happened in America; there were few without families, and the case of procuring subsistence removed all apprehensions of suffering in old age. Besides, a man in most parts of the country could realize his money in such a manner as to double it in value in fifteen years. With regard to public opinion, he would say nothing, as he had no documents to prove what he might advance. He might, however, conjecture, from the operation of the several systems.

If the amendment should be adopted, the taxes would be increased, but, at the same time, rendered more easy, as the means of payment would be in so many more hands. The people would see their indigent neighbors relieved, and those who had rendered services to their country in some degree rewarded.

But if the plan proposed by the Secretary should be adopted, the present holders of certificates, men without public merit, however respectable they may be in their private characters, will be raised to an enviable state of wealth; the people, he presumed, will very ill brook the payment of taxes, when they see them applied to such purposes. Besides, we are told, that five million dollars have been purchased in Holland; the interest of which will perhaps equal the whole expenses of our Civil Government. Will the people approve of such a tribute, unless we can convince them of the justice of it? If it is just, if we have received value for it, no doubt but we must submit to the burden, however great it may be.

Mr. HARTLEY.—I do not wish to trespass upon the time of the committee, but I cannot consent to give a silent vote on this occasion. I mean, however, to confine myself to a few observations, as many of my ideas have been communicated by

other gentlemen. The honorable gentleman from South Carolina (Mr. SMITH) has anticipated much of what I had to urge; I shall, therefore, reduce my view of the subject to two points; first, as to the justice or legality of the measure, in obliging a creditor, or assignee, to take less than a certificate expresses, and pay the difference to another; second, as to the practicability or policy of the motion and its consequences.

As to making further satisfaction to the officers and soldiers of the late army, who have sold their certificates for an inconsiderable sum, and who have in consequence reaped a less reward than the Government contracted for, and intended them, I conceive it has nothing to do with the present question. However, if there is a disposition in Congress to make a further compensation to those brave and meritorious men, I would be among the first to support the measure; but I think this a subject too momentous to be involved collaterally in the question now under consideration.

With respect to the first point that offers itself, I have to remark, that a man, who enters into a contract, should know the consideration, and understand the principles upon which it is made, and these should be expressed on the face of the evidence of the contract. Now, if this contract be of a negotiable nature, the person to whom it is discovered the *agreementum*, and is naturally led to consider the circumstances of the debtor, his ability and integrity. Suppose even the evidence of the contract to be obtained by fraud, unless it be against the express provision of a statute, and is transferred to a third person for a valuable consideration, without notice of fraud, it must be paid. A fraud in any link of the chain is corrected by a *bona fide* transfer for a valuable consideration, without the knowledge of that circumstance by the purchaser.

Now, let us apply these principles to the present case. Here is an instrument of writings, specifying a debt to be due from the United States to the original holder, or bearer; this being brought into market, is offered to a third person, he, before his purchase, sees that the contract was executed in consequence of a consideration, and not against any positive statute; he then inquires the ability of the Union, and its disposition to comply with the contract; and, from a consideration of these circumstances, he concludes, with respect to his own interest and safety in the purchase, and pays what is conceived to be the value. What is there to discharge the Government from the payment? Is it pretended that the services and supplies were an inadequate compensation? If it even was so supposed, it would not authorize us to refuse a compliance with our engagements; any interference would set afloat the great principle upon which the public tranquillity and happiness depend. This leads me to consider the subject in my second point of view, with respect to its policy and practicability, and the consequences that would result from the attempt.

There are but few original holders who have transferred that can be found; of consequence,

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you would throw the major part of the debt into an intricate labyrinth. The present possessor would be shifting back the certificate to the original holder, as far as a latitude is given. Many persons who were bare trustees would be reaping advantages, and drawing money from the public treasury, to which they are not entitled; oaths would be multiplied on oaths; perjuries on perjuries; fraud upon fraud; and every species of speculation would ensue; deception would be a strong trait in the character of the times, and the whole of the United States would be in motion, each endeavoring to prey upon the other. The consequences of a second inundation of this nature are to be dreaded, and ought to be carefully avoided.

The quantity of one kind of certificates or the other will not be known; hence no special appropriation can be made. The most enlightened mind will not be able to penetrate through the difficulties, confusion, and uncertainty which will inevitably result; consequently, the event will be a dangerous speculation. Whereas, on the other hand, if your debt is ascertained and fixed, you can make regular and specific appropriations; even men of moderate capacity may know the value of your securities. Stamping them with this precision, they will acquire a steadiness in value; they will no longer fluctuate or dissolve in the hands of their holders, like snow before the rays of the sun.

This stable value, thus given to your debt, will convert a public evil into a partial good; it will partake, in some degree, of the nature of specie, and circulate in aid of that medium of commerce and exchange, bringing with it many of the good effects of an increased stock wherewith to trade, which is much wanting at this time throughout America. How preferable, how desirable is this, rather than to continue the debt, as an object of the worst kind of speculation, which diverts the capital of productive labor from the useful branches of manufactures, commerce, and agriculture. In short, the business of funding would be thrown into such uncertainty and confusion, as must fatally stab our public credit in its most vital part, tumbling to the dust the amiable form we are endeavoring to cherish and support. Public confidence would be withdrawn, and the plighted faith of America would be destroyed in the chaos that would inevitably ensue. Thus the motion, if it prevails, will injure the very men it is intended to serve.

Many of the original holders are my friends; I should wish them every compensation which they deserve. If it is thought proper to settle with the officers and soldiers over again, you may do it; but you cannot give them part of the advantage they have conferred on another. I am no holder of certificates, directly or indirectly, and am therefore as much disinterested as any man ought to be, who has to decide upon so great a national question.

The funding system of Pennsylvania was intended merely to serve the citizens of that State; but I believe that one-fourth of the interest paid

on the debt she assumed, went to pay the citizens of other States; so that the scheme there could not be confined to the accomplishment of its avowed object, but was diverted to the advantage of foreigners, at the expense of her own citizens; operating, as I fear the proposed measure will, to the injury of those it is intended to benefit. I fear the danger of an improper decision, as it regards precedent, which, in all determinations, has considerable weight. An honorable gentleman from Georgia (Mr. JACKSON) has brought them forward on this occasion. He tells us that Government may interfere in contracts, because Governments have heretofore interfered, and adduces the statutes of limitation as a proof. These statutes never operate retrospectively to set aside former contracts, unless the contractors neglect to perform a reasonable action within a reasonable time. If the contract is touched, it is by the tacit consent of the parties; and this is essential for the well-being of the community, to prevent fraud and perjury. But where is there a Government that has violently interfered to destroy the contract with its citizens, and preserved its credit? The interest payable on the British funds has been reduced several times, but it has always been done on the offer of an alternative to discharge the principal. An attempt was made by the present minister to reduce the navy and ordnance debt, in 1784, but he was forced to relinquish his project, when its effects on public credit were exposed. Thus many things are wished for by those who have the administration, but which we are obliged to forego as inexpedient or improper.

Mr. MOORE observed, that it was agreed on all hands, and proposed in the report of the Secretary, that some discrimination ought to take place. It was, therefore, incumbent on the House to inquire how this might be effected with the greatest degree of equity. He supposed the result would be, that we are at liberty to pay the most meritorious first. Who constituted this class of citizens? He trusted the late army had an incontrovertible title to it. He could never believe that the men who stripped the soldiers of their hard earnings, by allowing them a tenth of their claim, would have the temerity to pretend that they had acquired the title of merit with their money, and that the soldier relinquished, with his certificate, the honor of his corps.

Had the present question been agitated in the hour of distress, when an army was essential to our defence, the arguments of justice and equity would have had their weight. Perhaps it is the soldier's misfortune that the question arises at a time when the object for which he was employed is secured. But, notwithstanding all that has been said, I am fully convinced that his claim is insuperable in equity. The soldier did not engage to fight your battles to be compensated with a certificate, acknowledging you were indebted to him; it was specie you promised, and specie he had a right to expect, or something equal to it in reality. The public faith was actually pledged to him for a compensation for his services; but

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will any one say the public faith was inviolably kept with him, when a certificate, worth but two shillings in the pound, was forced upon him as specie? The poor soldier, thus situated, was followed by gangs of speculators, who endeavored to impose on his judgment by the relation of artful and insidious opinions of the public capacity and integrity in the discharge of these acknowledgments. The soldier, incapable of detecting the specious falsehood, swallows the bait, and becomes the easy prey of designing men. The people felt and resented the injuries thus perpetrated on those they esteemed; and I am much mistaken if the citizens of America do not still retain favorable impressions of the soldiers' services.

A great deal has been said with respect to public opinion on this question. It is impossible, perhaps, to ascertain the public mind with precision; but there is but one way in our power, that is, to suffer the subject to be suspended for the present session, and on our return, or the election of our successors, the public sentiment in this respect will be evinced; but if we are to determine the public mind from our own observation, I should not hesitate to say that nine out of ten would be in favor of a discrimination. The people would, on this principle, I conceive, submit cheerfully to the payment of those taxes which are requisite to discharge the public engagements; but if they are to flow into the large cities, or into the hands of foreigners, who have speculated upon the misfortunes of the most meritorious class of our citizens, they will bear the burden with murmurs and complaints.

Can any principle of justice demand the payment of the present possessor of a certificate, that does not apply more forcibly as it respects original holders? Will gentlemen, then, comply with the one, and neglect the other? Or rather, as my colleague has proposed, if they are incapable to pay both, will they not prefer a composition?

Mr. WADSWORTH.—It appears to me that we have mistaken this business from the beginning, for we are proceeding as if it was taken for granted that all those who had alienated their certificates have been compelled to it by necessity; there is nothing further from the truth. So far as it respects the army debt, it may be just; and at this moment, were a soldierly to be paid in certificates, they would part with them at as great a discount as ever. There is a disposition in soldiers, generally, to despise pecuniary considerations; if they want money, they will dispose of their property at an inconsiderable value to obtain it. But this remark does not extend to the industrious part of the public creditors, because they have carefully retained the evidences of their debt, and now will receive its value. But even of the army, it is not true that they will suffer the loss of the discount at which their certificates have been sold. Having an opportunity of being well acquainted with the circumstances of the army, I know that many of the officers lived upon their friends, who supported them, from time to time, with such sums as they had occasion for,

seem to suppose. It is well known, that when a soldier enlisted, he received no mean bounty from the Government; but this, in many cases, almost in every case to the Eastward, was considerably increased by the contributions of private citizens. We are told, that, in Massachusetts, this sum averaged two hundred and fifty Spanish milled dollars, besides which, they were paid by the town the Continental wages. These towns were to receive of Congress the soldiers' pay, in order to reimburse themselves; but they gave the Continental pay up to the soldier; they let him have his final settlement, and were satisfied that the war was over, and the great object which they had in view was accomplished. This was a gratuity to the soldier, he received it, thanked them for it, and spent it. Perhaps soldiers were never better paid in any part of the world. There must certainly, then, be some impropriety in the term so frequently used, "the poor soldier." A fair and impartial statement of facts has shown that the American soldiery has been well paid; much better than the officers.

Mr. GOOPHUE observed, that the gentleman from Virginia, who has advocated this discrimination, having acceded to the proposition, that a contract, fairly understood by the contracting parties, and where a proper consideration was given, ought, upon no terms whatever, to be violated, it became the committee to try the question by this standard; and, it sometimes happens, that we are so blinded by existing circumstances, that, by reversing the scene in our minds, we are more likely to detect an erroneous sentiment, than by any other argument. Let us suppose, for a moment, that the late war had been prolonged to a degree, that the debt contracted in its prosecution became so enormously large, that the abilities of the United States would enable them to pay but five shillings in the pound, and a number of persons, who had purchased securities at ten shillings, should come forward, and pray they might be authorized to call upon the original proprietors to refund five shillings of the purchase money; can any one doubt what the answer would be? Would they not be told, from all quarters, that they purchased on the contingency of the public ability? That it might have happened, that they would have got twenty shillings for what cost them but ten. It has turned out differently; they took the risk upon themselves, and, therefore, must abide the loss. This has been the understanding which has universally prevailed; and every transaction of the United States, relative to assigned securities, as well as the security itself, in its very face, establishes such an understanding.

He further observed that, agreeably to his idea, public credit became a desirable object, chiefly for this reason, that, in times when great exertions became necessary, the public might avail themselves of services and supplies, beyond what they have money on hand sufficiently to command. This was to be done only by promissory obligations, and, in order to have any effect, and answer the purpose, they must be made assignable. He

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then asked, if the principle of a discrimination contended for, had existed during the late war; or, if it had been understood any advantage was afterwards to be taken of an assigned security, which assignment was legalized in the very security itself, what would have been the consequences? Would it not have put a period to our credit and exertions? Would not such a principle, now established, be an effectual bar to our future credit?

He acknowledged, that the case of many soldiers, and others, who, from necessity, were obliged to part with the pledges of their public service for a small consideration, was peculiarly hard, and they were entitled to our compassion and generosity; but not at the expense of our national honor and solemn engagements.

On motion, the committee now rose, and reported progress.

WEDNESDAY, February 17.

Mr. LIVERMORE, from the committee to whom was recommended the bill for establishing an uniform rule of naturalization, presented an amendatory bill, which was read for the first time; and

Mr. BURKE, from the committee appointed for the purpose, reported a bill to promote the progress of the useful arts, which was also read for the first time.

PUBLIC CREDIT.

The House again went into a committee on the report of the Secretary of the Treasury, Mr. BALDWIN in the Chair.

Mr. MADISON's proposition still under consideration.

Mr. PAGE.—I do not wish to trouble the committee with a formal argument in favor of the motion offered by my colleague; but I wish to inquire of the gentlemen in opposition, whether they conceive the principles upon which it is grounded to be unjust? I observe, that their replies have generally gone against the practicability of the measure; but that does not prove to me that it is inequitable. If there is justice in the case, we must not consider the difficulty of the attempt. I trust, if it shall be found to stand on the foundation of immutable justice, that its practicability will be demonstrated. However, I shall not enter on that ground, but leave it to my colleague, who has so ably supported it on the other.

I would, however, beg gentlemen to answer these questions, and show to my mind the injustice of the United States complying with their engagements made to the first holders of certificates, as far as the case, and their abilities, will permit. Or where is the justice of doing more for the assignee than he, or his assignor, expected could or would be done? Where is the breach of faith in Government, if it pays its whole debt, with a justice, blended with mercy, resembling that of Heaven itself, making impartial retribution among the children of men, on the great day of accounts? Where is the propriety of branding a measure of this nature with epithets of infamy?

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Or using such harsh expressions as have issued like a torrent from gentlemen on the other side of the House? So far am I from viewing the proposition through such a discolored medium, that I am induced to believe, if Congress adopt it, they may submit its rectitude, and stand the decision, not only a superior order of beings, but of the Great Judge of the Universe, who is immutable truth itself.

What will the assignee lose by the measure? He will lose nothing, but the sanguine expectation lately raised in his mind.

Where is the interference in contracts, when the proposition is to comply sacredly, as far as the case will admit, with the contract between the State and its creditors? Is not the assignment of the certificates confirmed by the nation? Does it not give to the assignee the very thing stipulated between the assignor and assignee, that is, whatever sum the Government shall be pleased to pay for the certificate? And is not the sum now proposed, more than either the first or last assignee ever contemplated, till within a few days past, would ever be paid him?

The time is now arrived when justice ought to be done; it is looked for, with anxious expectation, by all classes of our fellow-citizens; it will not avail us to say, it is impracticable, until experience has demonstrated it to be so. But the measure we contend for is termed an *ex post facto* law, and as such, is declared to be unconstitutional. Gentlemen torture everything, in order to produce evidence against an act of justice. How can it be such an *ex post facto* law, as is proscribed by the Constitution, when that expression is conjunctive with a bill of attainder? It relates to that only, and can have no reference to the object of the proposition before us. The same idea, which prevents us from an interference on the present occasion, will prevent us, as was observed by the gentleman from Georgia, from making a statute of limitation, or for correcting any frauds, which have been perpetrated on the unsuspecting soldiery. We must not contemplate the restoration of the starving soldier, with his humble wife and numerous and naked offspring, to a more eligible situation; we must not restore confidence to the man of honor who is buried in abject poverty, because it is addressing a language to the heart, which the haughtiness of the head disdains to hear; but, in doubtful cases of justice, the heart is the best director on this subject; happy will it be for us, if, as I think, they both concur to give their approbation to the present measure.

And now, while I am up, I must add a few words in favor of freedom of debate. We have been told, that we have spent a week on this subject, that the public mind is extremely anxious, and requires to be satisfied; I hope, nevertheless, the decision will not be hurried. I do not conceive the impatience of a gallery, nor a thousand galleries, ought to influence us to a hasty decision. Men who cannot avoid expressing an impatient eagerness, ought not to be much regarded; those who would not listen to the oratorical

performance, which favors their wishes, can hardly be expected to be gratified with a discussion in which other principles are advocated. I hope we shall patiently endure the subject, without showing an improper expedition in deciding a question on which so much depends.

Mr. Boudinot.—I consider the question now before us to be of the utmost importance to this country. I consider its determination as the key-stone to our political arch; if we place it in a masterly manner, it will be able to support any burden; but if we lay it without attention to its situation, or compose it of materials not of a durable nature, we shall injure the whole fabric, of which we may repent when it is too late.

I feel disinterested, but by no means regardless, as to the consequences; nor do I feel hurt by having the proposition so long before us. On the contrary, I find myself obliged to the gentleman who brought it forward, as it affords an opportunity of discussing a principle which has often suggested itself to my consideration. I expect that many advantages will result from a fair and candid examination of the question; and I have no doubt but it will be treated with the candor and deliberation it deserves.

I beg leave to mention, before I proceed any further, the situation in which I conceive we are placed here. We are a National Assembly, acting on national principles; we have the interests of the United States at large before us; we are not to consider this individual, or that, when the good of the whole is our particular object. If we lose sight of the well ordering of the whole Civil Society, we shall wander, and be drawn aside by the impulse of individual attraction, plunging ourselves every step into still greater difficulties, forgetting the great principle of distributive justice.

When I had the honor of replying to the gentleman from Virginia, I merely considered the measure, with respect to its impracticability, having taken, for argument's sake, its principles for granted; a fuller opportunity of considering the subject has enabled me to take up the general principle, in the first place with respect to its justice, and then as to its impracticability.

As there is no mode of gaining knowledge equal to a free, candid, and ingenious interchange of sentiment, I am pleased with the discussion that has taken place. From what I have heard, and compared in my mind, I am led to conclude that it is agreed, on all hands, that the original debt, with regard to the United States, was *bona fide*, just, honorable, and meritorious; that on these principles it was due to the original creditors. There is no pretension that the debt is unjust, or that we ought to do any thing to lessen it, for the benefit of the United States; if there was such a claim, I believe it is given up. It is also conceded, that the debt was contracted under an idea, that it should be paid in specie, according to the liquidation which has taken place, either for moneys loaned, supplies furnished, or services rendered; that part of the debt due to the army ought to have been paid, on every principle of justice, according to the precise terms of the stipu-

lation. But a failure happened, on the part of the United States, from the peculiar necessities arising from the rage of war. In this situation, they were called upon for payment; being unable to make it, Congress did the best thing in their power. Knowing that a delay of payment was injurious to the creditors, they ascertained the amount of what was due, and gave an evidence of the debt. This being given, they went still further, and the Government made an express resolution, that the evidence so given should be negotiable by the holder; for on the face of the certificate, the contract entered into, appears, that the money should be paid to the original creditor, or bearer. This is an important part of this dispute, and ought to be noticed. That I may not be charged with speaking without book, I shall take the liberty of reading part of the report of a committee of Congress, which was afterwards adopted, and addressed to their constituents, which will incontrovertibly prove, that a great portion of the evidences of the public debt were transferred under an express act of the United States, that they should be paid to the bearer.

Here Mr. Boudinot read from the Journals of Congress those parts of the address to the States, by the United States, which had relation to his argument; from whence it was shown, that the domestic creditors had loaned their money for a term which had expired, or had become creditors, in the first instance, involuntarily. Now, as the principal could not be paid off, as in good faith it ought, the next thing for the Government to do, was to secure the punctual payment of the interest, that so the creditor might be enabled to transfer his stock at its full value, and replace to himself his principal.

They then proceeded to inculcate the necessity of the measure, regardless of the magnitude of the debt. It was enough for them to know, that it was honorably and fairly contracted, and that justice and good faith demanded that it should be fully discharged. They consider no other motive requisite to induce the discharge of the debt but its justice, yet, if there were others required, no nation had stronger. They were due to an ally; to individuals in a foreign country; to that illustrious and patriotic band of fellow-citizens, whose blood and whose bravery have defended the liberties of their country, who have patiently borne, among other distresses, the privation of their stipends, whilst the distresses of their country disabled it from bestowing them.

To a class of creditors, composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders, and partly of those whose property has been either advanced or assumed for the public service—to discriminate the merits of these several descriptions of creditors, they say, would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favor of some than of others, the voice of policy, no less than of justice, pleads in favor of all. A wise nation will never permit

those who relieve the wants of their country, or who rely most on its faith, firmness, and its resources, when either of them is distrusted, to suffer by the event.

They conclude in the following apostrophe: "If justice, good faith, honor, gratitude, and all the other qualities which ennoble the character of a nation, and fulfil the end of Government, be the fruits of our establishment, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set, which cannot but have the most favorable influence on the rights of mankind. If, on the other hand, our Government should be unfortunately blotted with the reverse of these cardinal and essential virtues, the great cause which we have engaged to vindicate will be dishonored and betrayed; the last and fairest experiment, in favor of the rights of human nature, will be turned against them, and their patrons and friends exposed to be insulted and silenced by the votaries of tyranny and usurpation."

This, gentlemen, was the language of 1783; it did honor to those who, in our seats, held it out to the world; let us not forget it, but nobly emulate their example.

Let us now proceed to consider the arguments advanced in support of the motion; they have been brought forward by the gentleman from Virginia, in such a manner as to entitle them to the attention of the committee; they were addressed to their judgment and understanding, and, as such, demand the most fair, candid, and decent investigation.

The public creditors are divided into four classes. First. Original holders, still in possession. Second. Those who have assigned. Third. Intermediate creditors who have assigned. Fourth. Present possessors, or the bearer. He then proceeded to consider that there was no doubt with respect to the first. In regard to the second, he could mention many persons in this situation as meritorious as any other sufferers; that the third might be passed over, and excluded from consideration; but if it was necessary, he could bring forward persons, in this predicament, as deserving of attention as any that have been named; but, said, he, I will not trouble the committee with the relation, as the gentleman has not held them up as objects of future indemnification. It is urged that public justice, public faith, public credit, and public opinion, are in favor of the first of the two rival classes, and it is not denied but the other has a defensible claim, yet, as we are unable to pay both, we are left to make a composition. This is the only remaining expedient, as we are to pay both; hence it is proposed to pay each ten shillings. It is alleged, that though this will not do complete justice, yet it will do more real justice than any other plan; the present holder will have a reasonable profit; the original holders will not be fully indemnified, but they will receive from their country a tribute to their merits. I will now enter on the consideration of the justice of the measure, though the honorable mover was aware that some objections,

which he calls plausible in themselves, would lie against the plan; among these, I take it, is the impracticability, which I alluded to on a former day; but I will not discuss it on that ground; I will examine it on the principle of justice, laid down by the gentleman; but, before I proceed, I beg leave to remark, that, in all disputes of this nature, it becomes necessary to the argument to define, with precision, the terms made use of, otherwise we know not when we are applying them with propriety.

The honorable gentleman has assembled a number of terms, of which the committee may entertain different ideas. Original creditors, public justice, public faith, public credit, and public opinion. What is meant by original creditors? For that seems an important consideration, as it respects the present proposition. The gentleman does not suppose it to mean the person in whose name the evidence of the debt was issued. If that is the construction, I am willing to risk my reputation, that you will find the greatest part of the debt in the hands of those who were never real creditors of the United States. The original creditors, I take it, are those who actually loaned the money, furnished the supplies, or rendered the service; the contract was made with them, and not with their agent, the mere instrument of conveyance. What are we to understand by the term justice? Private justice is that conduct which is considered in conformity to the will of a superior who commands. Justice, between individuals, is to render every man his due; and what is the due, must be construed in conformity to the will of the Legislature. Public justice, in the United States, is a thing distinct from the public justice in other countries. Public justice, in England, must be considered in conformity to the will of the British Parliament, possessing the supreme power: but, in America, we have a precise line drawn; public justice must be the conduct of the Legislature, in conformity to the Constitution, under which they act, and the true happiness of the people; beyond this we have no power to go. I state this, because I think some arguments may be adduced from the Constitution, to evince that the Congress of the United States are not in the situation of the Parliament of Great Britain, or the Crown of France.

Public faith is a strict compliance with every promise which is not, from unforeseen accident, subversive of the general welfare. If we owe a man five shillings, we ought to pay five shillings, unless the payment of it would prove the destruction of the community, in which case we are not to pay it. Justice, with respect to Government, is distributive justice; it is justice to the community, and not to individuals alone; for if justice, with regard to individuals, will injure the whole, it is not distributive justice. Hence, the claim of an individual, that would deprive us of the means of self-defence, is not to be satisfied; and though it might appear to be injustice, with respect to him, yet it is that kind of justice which Government is bound to administer, whose first object is the preservation of the whole society.

Public credit, I take to be the confidence reposed in a State, or body politic, who are borrowing money; for the security of the payment whereof, a permanent annual fund is appropriated. Under this head, I shall proceed to examine the difference between the original creditors of the United States, and their assignees. The original creditors, I have stated, are those persons with whom the contracts were made. I have heretofore reminded the committee of the origin of this debt, and of the nature of the contract. From the acts of the former Congress, it appears, that Congress, in order to benefit those persons, whom they could not immediately pay off, gave to them an evidence of the debt, to which was annexed a negotiable quality. Hence the contract was formed upon the idea of the transferable quality of the certificates to be issued. The original creditor having, then, alienated his debt, under these circumstances, conveyed all his right and title thereto, under the sanction of the Government; the transferee is, therefore, *ipso facto*, the original creditor. This will be set in a clear light, by a reference to the face of the certificate itself, where the promise is not to the original holder alone, there is an alternative to A B, or bearer, either one or the other. Will any one say, the bearer is not concerned in the contract? How can you say to the assignee, that you have nothing to do with him in this business, when the resolutions of Congress, and the express words of the evidence acknowledged him a party in the contract, at least equal to the original creditor? The terms of the contract were understood previously to the loan, and, in many cases, before the supply was furnished, the negotiability of the certificate was held out as an inducement for the persons to enter into the contract with the Government. We ought to consider the original creditor, and his assignee, under the faith of Government, before an upright Judicature, contending for their different claims. The latter does not deny the original claim the other had; he only contends, that it is conveyed to him, and that he acquired it on the plighted faith of the public. Considering this in every point of view, I am free to declare that public justice requires the bearer to be considered as the original creditor.

I need not recapitulate the distresses of the United States at the time they pledged their justice, in order to call out the exertions of their citizens. The United States, in want of money, in a new and untried situation, surrounded with all the horrors of a doubtful war, failing of their usual resources, years pass away, and no provision is made for the discharge of their contracts; the Government proves inefficient, and new doubts and want of confidence arises. Is it, let me ask, any wonder that, under all these circumstances, the market should be affected? Gentlemen say, that the original holders did not receive a valuable consideration for their stock. What do they mean by a valuable consideration? Do they mean the full amount of what the certificate specified? This is no general rule; the circumstances I have already enumerated induced a want

of confidence, and the whole mass of public securities depreciated. The holders, for various reasons, sold out at the best prices they could obtain; they shifted the risk from themselves on the alienee, allowing him one-half for the premium of insurance. What is the true value of paper? In pursuing this inquiry, does not every person acquainted with mercantile transactions—is it not the practice of every gentleman on this floor, to consider, in his purchase, the intrinsic value, and the adventitious circumstances connected with the property? If it is a note, does he not consider the credit of the party, and his ability to pay? Are there not tables of innumerable calculations to show what this true value is? Now, shillings and six-pence, five shillings, or ten shillings, is a reasonable allowance for a note of twenty shillings under all circumstances. But I agree with gentlemen, if they suppose fraud and imposition in the transaction, that it vitiates the negotiation, and such can and ought to be redressed in our Courts of Law. But if the contract is fair and open, it is valid. I will state an instance: I have a ship, with a valuable cargo, which I expect to return from India by a certain day; the time elapses, and three months pass away without hearing any thing respecting her; and, in short, she does not arrive within a period much more than sufficient to have completed the whole voyage. The probability is, that she is lost; I apply to have her insured; they ask me seventeen shillings and six-pence in the pound; I conceive two shillings and six-pence better saved than lost. Would any man say they were acting inconsistently with justice? I apprehend not. But would any man suppose I acted conformably to that principle, if, in a fortnight afterwards, the ship arrived, I was to refuse paying the premium stipulated, upon a pretence that I had not received of them a valuable consideration; that the half crown to be given to me, in case of loss, was by no means adequate to the premium I had offered; that seventeen shillings and six-pence was allowing them too much for what they had done. Would not every man laugh at me for terming such conduct either public or private justice? Now, let any man sit down, and, considering what was the situation of the United States, how much depended upon the successful issue of an uncertain war; how much depended upon the acquiescence of thirteen Legislatures; nay, what is the risk, at this moment, when every other risk is passed, that the transferee does not obtain the full payment of what was stipulated? Or, if he eventually succeeds, as to the principal, what he risks of the interest. Some people might make the calculation at ten per cent., and others at five; but there is undoubtedly some risk on the event of every public measure. Nay, at this moment, if your debt was funded, the probability that exists of a fall of interest would affect the principal. Your Secretary, in the report before you, says, that one hundred dollars, on that account, is not worth more than eighty-two; and *Daremont* calculates, with great plausibility, and,

I dare say, no less truth, that seven shillings cash is worth, at any time, ten shillings in notes of funded securities. If this, then, be the case in England, an old, experienced, and well established Government, I ask, what our securities must be worth—a young Government, without knowledge of finance or resources? I heard a gentleman say, that twenty shillings was the value of a certificate for that sum, because faith ought to be put in Government; but, I think, after this investigation, no such idea will prevail. It was said, also, that the creditors had received the interest. When was it paid? I was an original holder of two or three thousand pounds, part of which I lent in gold and silver; I never received interest, but for a short time, in bills on France, which, although for specie, were considerably depreciated, in paper money, and since then, in indents. Gentlemen know what kind of payment indents were; they were lower in the market than the principal. But suppose the interest had been regularly paid, it would not affect our reasoning. Let us suppose, by way of illustrating the conclusion, the war had taken a different turn; that, instead of being crowned with the noblest title of human nature, the assertors of liberty, and defenders of the rights of mankind, we had failed, and become "*curved rebels*," whose fate was suspended on the limb of every tree. Now, during the war, I bought of you, for fifty dollars, a certificate of one hundred dollars, which, in the event, turns out not to be worth a single farthing. Now, I apply to you, and tell you, that justice, good faith, and common honesty, require you to give me back the half of the nominal value of this security. Would not the natural answer be, that you sold it to me under its nominal value, by which I was paid for the risk, and that I have no right, in honor or good conscience, to require the return of any part of the purchase money? The risk has turned out for or against me; if your rule will not work both ways, it is not founded on just principles. Gentlemen must feel the weight of this argument, because it applies to their understanding. Then, from these considerations, I conclude, that the sale was a fair one. Where, then, lies the justice of the demand? That the original creditor is injured, I acknowledge; but by whom? The United States. Who ought to pay the damages? Those who caused the suffering. But to whom? I will instance a case. Suppose a bill of exchange, or a note of hand, is drawn on a man in New York; the holder calls upon him to inform him the bill is due. The man, knowing his circumstances, and incapacity to discharge the demand, which he acknowledges to be just, tells the holder of the note his situation; the holder must, of necessity, wait till the debtor restores his affairs; but having himself pressing demands for money, he brings the bill, bond, or note, into the market; the current opinion is, that the debtor is an expected bankrupt, and he gets no more than five shillings in the pound for the amount in the note. But the debtor's affairs having taken a fortunate turn, he is able to pay the full demand. Will it be just

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in him to say to the transferee, you gave but five shillings in the pound for my note, by which my friend suffered damage; now, to repay that, in some degree, I will pay you one-half, and him the other. I will turn to the enlightened and liberal merchant to know if this conduct is sanctioned by either the principles of justice or honor? In all cases of notes and bills, of a negotiable nature, the assignee stands precisely in the shoes of the assignor.

Here I may be reminded of the case of an executor, as contradictory to my principle. The gentleman from Virginia (Mr. WHITE) says, the executor who obtains his testator's bonds at an undervalue, can retain no more in his hands than the sum he actually paid. I think this instance is against him, for he stands in the shoes of the assignor; not as an individual person, but as an executor; those whom he represents through his agency have the benefit.

But on what principle can a composition be urged? If the assignor does not receive more than the money paid, where is the justice of depriving him of the stipulated insurance? If the case could not be supported by the common practice of the world, how can it be supported where the case is much stronger? The dispute is between Congress and the bearer. Is not the contract as much between the United States and the bearer, as it ever was between the United States and the original creditor? I think I have clearly shown this to be the case. Why were your certificates made negotiable? On what principle, then, violate your contract?

Let us now, sir, test the dispute on the part of Congress, by the principles of the honorable mover. What says public justice? The Constitution, which is your creator, says that no *ex post facto* law shall be made. Here is the Rubicon—this is the line which you cannot pass. The gentleman from Virginia, who spoke this morning, endeavors, by the conjunctive disjunctive, or, to place the expression in another point of view, he supposes the *ex post facto* law alludes to bills of attainder; but he does not pretend, solemnly, to support this opinion. No, sir, the language is unequivocal, no *ex post facto* law shall be passed. But how do you support the claim of the original holder, who has transferred? By an *ex post facto* law. Is not the present proposition one? Was it not lawful and just to make these purchases? The ordinances of the late Congress invited to it—it was a quality they attached to the paper they issued, not without design. Shall the assignee be deprived of the benefit of a contract founded in justice, and which is secured to him in the most solemn manner? The same Constitution which proscribes *ex post facto* laws holds up the idea that the obligation of contracts shall not be impaired. If it forbids this to the States, is it to be presumed that it was meant to be allowed to the United States? But suppose this House had in their power, agreeably to the Constitution, to violate the obligation of contracts, will you set the first example? When the States are forbid, by the Constitution, to deviate from the line of rec-

titude, can it be presumed that the General Government was thereby intended to monopolize the right of doing iniquity?

But I have a greater objection still, drawn from the Constitution. It is violating the principles upon which the Constitution itself is formed; it is blending the Legislative and Judicial powers; setting up ourselves as a Court of Judicature, with authority. What becomes of that freedom which the worthies of America were anxious to secure and perpetuate? The destruction of the grounds which separate the two branches of the Government will enable them to run together, and collect into one body; and whenever this becomes the case, farewell to freedom—a Government thus formed can be little less than a tyranny. Does not every gentleman shudder at the consequence? But how are we to act as a Court of Justice? How are we competent to determine questions, in Justice and Equity, between citizen and citizen? I turn indignant from the idea; I would not disgrace the dignity of the situation by such a humiliating sentiment. Sir, I think myself a sovereign, whilst I am exercising the important trust committed to my care; and I never can consent to view a seat in this House as that of a judge deciding upon a question of property. I hope I shall not live to see the day which intermixes the Legislative and Judicial powers, because, I fear, that day will be the last day of our freedom.

But why exercise this authority? Is not the Judicial Department competent to decide every claim of right? Are there not Courts of Equity as well as Common Law Courts? Is not this question said to be a question in equity? If so, why not refer it to the competent jurisdiction? Why apply to Congress for a remedy which they have not, but which others have, and are inclined to administer? By our nature we are the worst of all courts? Have you heard evidence on the question? Who are the original holders? One gentleman tells you the office documents will show; another tells you there are no such documents there. I wish gentlemen would contemplate the precipice on which we are standing before they take the fatal leap. I beg gentlemen to view the subject for a moment in this point of light, and I have no doubt they will relinquish the pursuit. The honorable mover ably supported the ground he took. He did it fairly, and upon principle. But, from all the variety of considerations which he urged, I have not been able to select one which influences my judgment, though, I confess, if I saw my way clear, I should approve the object of benignity; but, sir, public justice is opposed to the idea.

What is the happiness of the people? Is it not concerned in our decision? Surely it is. The means to promote this end are within our power; their happiness requires us to administer their affairs, so as to secure their defence in times of danger. Now, if you hazard this you do a material injury. If, by doing what you call an act of justice, you put it out of the power of the United States to anticipate her funds, you do, perhaps, an irreparable injury to the nation. Four out of

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five, I venture to say, are still original creditors in possession. When you take up the state of the public debt, and see that the loan-office certificates alone amount to eleven millions and a half, and that all that has passed through the hands of the commissioners of the army accounts is but seven millions, call it eight, of which one-half must have been the property of officers; the other part, say four millions, has been paid to the soldiers. Now, when it is considered again what sums have been sold from other principles than necessity, the debt which is supposed to have this claim upon our equity will be found comparatively small. Now, I ask, will you not, in attempting to serve one, by doing him, at best, but partial justice, injure four in their undisputed rights? Because, I contend, their paper would fall in the market below what it would otherwise be. You injure, therefore, the original creditor, and, in many instances, the very man you mean to serve. What do you propose to pay in? Paper. That paper which you issue, and call ten shillings, is not worth so much as money, consequently, when it comes to market it will sell for less; at the next session you will be bound to make up the deficiency. This is to be done in the same manner; and thus we are to proceed from session to session, always providing for the discharge of our debts, but never able to ascertain or pay them.

I ask if our conduct would be consistent with public faith? You have received the full value of the security; you have, by the most solemn acts, authorized the transfer; you pledged the public faith, at the time of the original contract, to the bearer, as much as to the original creditor; you have repeated this pledge over and over again. Does not public faith, then, require the true and just performance?

If you find that public faith is in favor of the assignee, it is a strong argument that public credit is not against him. Will mankind give us credit for doing incomplete justice? What will the public say of our conduct? Here, say they, you have been transforming yourselves into a Court of Justice, to determine accounts, but you neither admitted evidence, nor permitted a trial by jury; you have stripped me of my property. I will not put myself under your protection again. In this way public credit will fall to the ground, and no man will, in future, lend you a single farthing.

If you give a new certificate for ten shillings to each, and it is brought into market, it will not command 2s. 6d. in every 20s. after you have established this principle. I acknowledge the proposition is to give the highest market price, 10s. And will this be a sufficient compensation? By what rule of justice do you proceed? Is there any line of justice to be drawn exclusive of the contract? Was not the moment of danger the time, and the parties the proper persons to judge of the contract? How would this stand between man and man? Yet there is more necessity for honesty, justice, and fair dealing, in a Government, than between private persons. In the latter, the want of these essentials may be disguised by

hypocrisy and chicanery; but, in public transactions, all things are open. Shall we do, then, in the face of the world, what we would not be warranted to do in private life? Or what if we did, and were caught in it, would it not ruin our credit for ever? What is the reason we have more credit than the former Government? That consisted of individuals of the strictest honor and probity; and in them were collected the Legislative, Executive, and Judicial powers appertaining to the Government. A body thus constituted, comprehending all the functions of Government in itself, could not avoid deciding questions in such a manner as to evince that private rights were not undangered; yet its imbecility rendered it in no wise a dreadful enemy. Its various and glaring imperfections induced a change in the Government, and we have now secured, by a proper distribution of the powers, all the integrity and efficiency necessary to inspire a perfect confidence in its rectitude and execution; our deliberations are checked by the division of the Legislature into two branches. This, we may flatter ourselves, will secure personal property and private rights; but only while it does this shall we acquire and possess the public confidence.

Let us turn our inquiries to ascertain what may be the public opinion. An honorable gentleman thinks that ninety-nine out of a hundred are in favor of the original creditors; I deny the fact. Have gentlemen brought forward any kind of evidence in support of this assertion? What evidence have we at all of the public opinion being favorably inclined to them? None. I have been looking out, and find the best evidence the other way. I come from a State where there are few assignors; but the general opinion there is, that the contract cannot be so easily broken. I have evidence against discrimination—positive and negative. The positive is, the conduct of the States in their Legislative capacity. It is well known that several States have, at different times, taken up this business; but have they made a discrimination? The State of Maryland called in the public securities, and gave her own notes in payment, calculated on the scale established by the late Congress; but did she discriminate between the original and transferred stock? She did not discriminate. Pennsylvania exchanged her certificates for Continental ones; she did not discriminate. The State of New York funded, and paid the interest; she made no discrimination. And New Jersey funded these very debts, at six per cent. and paid the interest thereon without discrimination. These, sir, are positive proofs of what is the public opinion. But I can go further, and assert with confidence that a motion has been made in the Legislature of Massachusetts for a discrimination, and it did not even receive a second. From these facts gentlemen will be inclined to doubt whether public opinion is so decidedly in favor of discrimination as they have been led to suppose; but I will mention one additional circumstance; it is negative evidence, and therefore not absolutely conclusive. We have had no petitions or remonstrances on this subject; but

in answer to this it may be said that the claimants are poor, and scattered over the country. This may be the case; but, if I may judge rightly, they are not poorer than many of their fellow-soldiers who have applied to Congress for their invalid pensions. Hence I am inclined to believe that public opinion is not so general in their favor.

This brings me to an important question. The parties are before us, both entitled to justice: What is to be done? The original holder is a sufferer; what is to be done with his claim, having received but one shilling and sixpence in the pound of his just due? I answer, he is exactly in the situation of the man who lost his all by the depreciation of the Continental money; and whose house was robbed, and then fired by the British; or of the inhabitants of Yorktown, Charleston, and Falmouth, whose cities were sacrificed to a ferocious enemy; with this difference, that the loss of the one was voluntary, on the principle of yielding a part in order to save a part; which comes within the definition of public justice. But if you extend the principle of justice impartially, so as to take in this case, let us inquire what justice would say? Suppose the case to be that of a private person before a Court of Equity, or even that of a nation before that Supreme Tribunal which forces the most potent to do right? A is bound to B in an express contract; A fails in the performance, which reduces B to distress; B, with the assent of A, sells to C, (by which he is considerably relieved,) though at an under rate, and therefore suffers fifty per cent. loss: C calls for payment from A, of his principal and simple interest: B calls for damages suffered by the breach of A's promise. Where is the Court of Law or Equity in the world, nay, where is the Court, in more pure regions, which would not give the debt to C, and damages to B, and both against A? There is no room for a decree against C. If, then, the argument of the people's happiness is brought in, and it is shown that such a decision is inconsistent therewith, this must be against the claim of B, but not against that of C. I well know the worth, the honor, and integrity of the gentleman who brought this proposition forward, and I would appeal to these qualities to answer me. Suppose, as an original holder, he was to have given him, by the United States, ten shillings out of every twenty he had assigned, at the expense of the assignee, would he not, on a principle of honor, return it?

It has been said, that public faith would not be hurt; there would be no more fluctuation in the stocks, as they would be placed upon permanent and competent funds, and out of the power of Congress. It has been said, that were France or England in our situation, some such interference as is now proposed would take place. In the reign of Louis XIII., the famous Cardinal Richelieu contrived several schemes for paying off the national debt; they were all arbitrary, and founded on the power of that monarch. The Parliamentary step proposed was, by an act of power, to reduce the debt from six to four per cent. Then he proposed to allow the creditors the simple in-

terest only, and make them account for the sums received, and charge the balance against the principal. This, however, was rejected, because he found it would destroy all future credit. The next expedient was the same as now proposed, to reimburse the assignors the sums actually paid by them with interest; but finding it impossible to discover the truth, he rejected this also; and at last adopted the mode of paying what they sold at in market. The last, the Cardinal said, he found to be the most practicable and most equitable; but the famous Sir James Stewart says that it is the most arbitrary, most liable to abuse, and most opposite to public credit.

Early in the reign of Louis XIV. a Chamber of Justice was appointed to go through the investigation; but such was the labyrinth in which they were involved, that, after spending some millions in the attempt, they were forced to relinquish the design. Look at the Commissioners appointed at home but a few years ago, to settle the accounts, and consider the frauds that were imposed on them, and you will dread the experiment. But if it had been practicable in France, their Government is so totally different from ours, that no rule there would apply here; and the author I have named before, says, that had one-half of the acts of power been exerted in England, which have been so familiar in France; had half the liberties been taken in tampering with the claims of creditors, a total bankruptcy would long ago have taken place. He recites an act of power, which he supposes sufficient to deter moneyed men from lending to France on perpetual interest. It is the reduction of a hundred millions of Mississippi stock, charged on the ordinary revenue at two and a half per cent. This was, by successive acts of power, first reduced from an exorbitant interest to a moderate interest, and then down to two and a half. Could an act of this kind be perpetrated in America, and public credit survive the shock? But gentlemen have endeavored to show that Great Britain suffered no injury from a similar interference in the case of the South Sea scheme. I endeavored to investigate this business; but history does not furnish sufficient lights; I examined a great variety of authors; but my efforts were unsuccessful, till I turned to the Debates of Parliament, and there I found the whole of this business fully stated. Here I acquired the true history of its rise and progress. In vol. 8, A. D. 1721, I found the proceedings of Parliament thereon. The Court Lords, and those in opposition, crying out against the directors and others who had abused the act and intention of Parliament, a secret committee was appointed to inquire into their proceedings. The Lords examined many of the officers of the Company, with what success is shown by a subsequent resolution; in which they declare that the Sub-governor and Directors had prevaricated with them in giving false representations of several matters of fact: that by lending money on stock and subscriptions, and that they were guilty of a notorious breach of trust; and that they ought to make good the losses which the Company had sustained by their fraudulent manage-

ment. A few days afterwards, after the doors of the House were closed, several members of the secret committee acquainted the House, that they had already discovered a train of the deepest villainy and fraud that Hell ever contrived to ruin a nation; which, in due time, they would lay before the House; and that in the mean while, in order to a further discovery, they thought it highly necessary to secure the persons of some of the Directors and principal South Sea Officers, and secure their papers. Three days afterwards they resolved that the transferring of stock, belonging to the South Sea Company, or giving credit for the same, without a valuable consideration actually paid, or sufficiently secured; or the purchasing stock by any Director or Agent of the South Sea Company for the use or benefit of any person in the administration, or any member of either House of Parliament, while the late bill in relation to the South Sea Company was depending in Parliament, was a notorious and most dangerous corruption.

On the 2d February, it was resolved, 1st. That the Directors, &c. buying the Midsummer dividend, about the 4th January, 1719-20, and paying five shillings down, and three pounds after the receipt of the said dividend, was a fraud to the persons with whom they contracted.

2d. That the giving a premium for the refusal of stock, at higher prices than they knew was the value, was a fraudulent artifice to raise the price of stock.

3d. That promoting the third subscription at one thousand per cent. was to answer a particular end, and to cheat the public.

4th. That declaring thirty per cent. dividend for the half year, ending at Christmas, and fifty per cent. per annum for no less than twelve years after, was a villainous artifice to delude and defraud His Majesty's subjects.

5th. That the declaring the Midsummer dividend to be paid in stock, when they had money by them to answer the same, was a notorious fraud, and was one occasion of the misfortunes that ensued.

The petitions that were read from the various parts of the Kingdom, praying justice, shows that the interference was for the support of the public faith, and not a violation of it. Those petitions set forth, that they had lent a great part of their estates on the credit of several acts of Parliament, for the public service; and that they thought they had sufficient security, but found themselves betrayed and given up by the managers appointed by their trustees, contrary to the true intent and meaning of the law, and contrary to the faith of public credit; and begging the justice of the House for relief against the fraud of the late South Sea directors, as well as the great and notorious breach of trust in the managers.

On the 29th of July, the King gave his assent to the bill for raising money upon the estates of the Governor, Directors, and others connected with the South Sea Company, towards making good the great loss and damage sustained by the Company; and afterwards the Parliament were

prolonged to the 31st of the same month, when they met again, and the Commons, in answer to His Majesty's Speech, resolved, That for the re-establishment of public credit, relief be given to the South Sea Company, with regard to the payment of £4,155,306 4s. 11d. and the four and a half years' purchase, and one year's purchase upon several annuities and other national debts; the said Company giving such consideration to the public, and such further relief to the several proprietors, and persons concerned in interest with the said Company, as the House should think proper, and then proceeded to other similar resolutions, all calculated to relieve the distress of those who had been the dupes of the managers of the bubble. They discharged all persons that borrowed money of the Company upon South Sea stock, who actually transferred and pledged the same, from all further demands of the Company, upon paying ten per cent. on the sums borrowed. They prohibited the requirement of special bail upon actions brought upon any of these contracts, and the award of execution upon judgment obtained. Here, it is true, you find the Parliament of Great Britain interfering in contracts between citizen and citizen, but not in contracts between the Government and the citizen. Its avowed object was the restoration of public credit, and not its destruction. The event is rather a warning to us to be cautious how we interfere in any manner to injure the public faith, or tread upon public justice.

Thus have I given my reasons for differing with the motion on the table. I now come to the impracticability. When I replied to the gentleman on a former day, I mentioned this as an objection perfectly satisfactory to my mind; and I argue it:

1st. From the nature of the debt, which consists of Continental money, Loan-office certificates, lottery prizes, certificates of soldiers' pay, commutation, commissaries' certificates for supplies furnished, and services rendered, indents, the registered debt, and Treasury certificates.

2d. From the actual transfers which have taken place, with regard to States and public bodies; some States have adopted new loans, and received your certificates in lieu of others of their own, which gentlemen will not pretend to say they can discharge for less than twenty shillings in the pound. States have passed tender-laws to support these certificates. New York and New Jersey have taken measures of this nature. But besides, there have been paid into the Treasury of the United States a million of dollars, in certificates, for your Western lands; they were not paid in by the original holder, yet you gave value for them. The fines and penalties which have been paid, five millions of dollars, are already paid into your Treasury, for which new certificates have issued of this registered debt; three millions, perhaps, are in the hands of foreigners: consider the circumstances under which they became purchasers. They sent to the President of Congress; they had certificates from him that the amount of the debt could not be varied, nor its terms changed;

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it was liable to no liquidation; individual members of Congress gave similar testimonials. I believe they took the precaution of applying to your foreign ministers, and they obtained certificates from them, under which they were disposed to purchase into your funds. These circumstances are worthy of consideration; I do not pretend, however, that they should have weight, if their principles be not supported by reason and facts.

3d. Proof of the impracticability arises from the impossibility of ever discovering the truth, by the arts and devices which would be practised to disguise and conceal it; the want of documents to trace it, and the deaths and absences which may justly be apprehended.

4th. From the impracticability of the inquiry, and the time it would take a host of Commissioners, Clerks, and Judges, to go through it. You must adopt some general rule, and this would work injustice; or you must vest a discretionary power, in other words, an absolute power to be exercised by the Commissioners; and this would put the right of property in the gift of your officers, without the privilege of a trial by jury, where facts were disputed. If I say I am the original holder, because my name is on the certificate, how will you determine the contrary? But if these objections are not sufficient, my

5th Will preponderate considerably. The expense will be an insuperable objection. The Chamber of Justice appointed in France, which I have already mentioned in the affair of the Mississippi, sat some time in a similar investigation; they ascertained claims to the amount of two millions, and their expenses amounted to thirty or forty millions.

6th. From the injury to the indisputable creditor, by keeping him off, and turning him to the expense of a useless investigation.

7th, and lastly. From the absurdity of requiring men to subscribe to a loan, by which they must lose half of their principal.

In fine, sir, I am convinced that the measure cannot be adopted, as it is founded on wrong principles; but if even the principles were just, their execution is impracticable.

Mr. SEDGWICK moved the committee to rise; but several gentlemen opposed it with a view of having the argument continued.

Mr. WHITE wished the committee to rise, as he was convinced the committee was too much exhausted to attend fully to any further argument this day; and it would consequently put the speakers under considerable disadvantage.

The committee hereupon rose, and reported progress; after which the House adjourned.

THURSDAY, February 18.

PUBLIC CREDIT.

The House again went into a committee on the Secretary of the Treasury's report, Mr. BALDWIN in the Chair.

Mr. MADISON's proposition still under consideration.

Mr. STONE.—I shall not attempt to show the importance of the subject before us, as it relates to public credit; or as it will affect our character as a nation, at home and abroad. These have been explained; but it is proper for us to consider how far the amendment may operate to establish a precedent of Continental and State Legislation, the influence it may have on society, and the rules of civil conduct between man and man. Every community must experience that the conduct of the Government will influence the opinions of the individual; and the spirit of the individual will transuse itself into the Government. This action and reaction operates more powerfully in a Republican Government, founded on representation, than on any other.

Our situation is made more important, on the present occasion, by a disagreement on principles which ought to be fixed and plain; to me it seems that we differ on the principle of public justice. This may be unfortunate—let us endeavor to be reconciled. If the true distinction between natural and civil justice be accurately drawn, we may annihilate the point in contest. Agreeably to the principle of natural justice, no contract is perfect unless there be an equivalent; and that which we call a valuable consideration, on which to ground a contract, is founded on the idea of an equivalent, and presupposes it. And, I believe the idea of such a consideration being an equivalent, is the foundation of the validity of a contract, even in the English law; and is always carried into effect, wherever the execution is safe and certain; because I think, whenever it appears in any Court of Justice, that the consideration was not an equivalent, that then the contract is not carried into execution. The execution of the principle of natural justice then is safe; for instance, £99 19s. 11d. is not a consideration for £100, but a small sum may be a consideration for a valuable property; this does not arise from an infraction of the principle, but because the property may not have a determinate value in the society; and it would make judges arbitrary, legal proceedings extremely expensive, and contracts uncertain, if an extensive discretion as to the value was admitted. But whenever the consideration is so small and inadequate, as to appear so plainly and satisfactorily that the judge cannot be mistaken in determining it not to be an equivalent, there the contract is not valid.

Now, if we have received services from the soldier, and have given him paper, the question will be, whether that was an equivalent, and the paper a proper payment; or whether it is only an evidence of the debt? I take it to be a granted point that it was not a payment, but an obligation to pay whenever the United States should be able. It appears to me, then, that it was the duty of the person who received the paper, to wait a reasonable time; and the duty of the nation to make actual payment as speedily as possible. If the person who had received this paper had wantonly parted with it for nothing, I agree we should have been under no more obligation to pay him the expressed sum, than if we had paid the money, and he

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had flung it away or wasted it; but if, on the contrary, there was a delay in the execution of the contract, on the part of the Government, which compelled him to part with it, a compensation is equitable.

The same rule will apply between the original holder, or person who rendered the service, and present possessor or assignee; for shortness we will distinguish them by the names of soldier and speculator. The speculator, when he dealt with the soldier, must, from the nature of the thing, have induced him to believe that he gave him an equivalent for his purchase; and it might have been an inducement to the soldier to sell, to think he had something more than an equivalent; the speculator thought he had more than an equivalent, throwing necessity on the one side, and fraud on the other, out of the question. Then the confidence was equal, perhaps not a penny between them. I can hardly conceive the exchange took place on any other terms. You never can allow the confidence of the speculator to be estimated very highly, perhaps at not more than one for ten. For if it is admitted, that the speculator had entire confidence, he was guilty of a palpable fraud, and a violation of the first principle of justice; it amounted to this, that he gave ten pounds in money for £100 bond, which he was certain would be paid. I believe, if the case stood exactly in this form, no man would hesitate in deciding its illegality. If a man takes one hundred pounds for ten pounds, it is illegal; but suppose there was a risk, and this risk was considered by the speculator as little less than ten for one, has he not discovered his own mistake when he sees he gets an interest of sixty per cent. on his capital, and that capital tenfold? This contract then ought to be void on the principle of a mistake; and here you place the speculator between Scylla and Charybdis. If he really thought the certificates only worth one for ten, you can give him no credit for his confidence; and you will admit that he ought to be satisfied with a reasonable advance on his purchase. But if you give him entire credit for his confidence in Government, you must give him no credit for his honesty. If both parties had known of this event, the contract would never have taken place. If you pay the whole sum, the speculator ought to take no more than what he gave a fair equivalent for. Gentlemen who seem afraid of giving to the soldier a part of his original claim, lest they affront his nobleness of soul, made no scruple to offer the speculator ten times the sum he is entitled to, on the principle of natural justice, without any apprehension that his honor will receive a wound. If the claim of the soldier was extinguished by receiving two shillings in the pound of the speculator, upon what principle is it contended that the latter should receive more than distributive justice? Arguments proving that the justice due to the first has been satisfied by what has been done, apply with greater force to the latter.

It has been doubted, and a question has been agitated, whether we shall exercise the power of reconsidering these contracts, and whether a

modification is constitutionally in our power? I will not go into this subject, or any other which ought to be taken for granted. I shall take it, that we are authorized, and do mean to interfere; you must act. Do you mean to pay the principal and interest now due? I believe not. Will you shelter yourself under the plea of necessity? That is impossible. I dare say, if the United States were sold, they would at least be worth six hundred millions of dollars; and we have but eighty millions to provide for. Having, then, the means and power, I trust you mean to exercise them; and as you exercise them, you ought to exercise them as justly as possible; then, to do this, you will, it is said, personify the three parties concerned—the United States, the original holder, and the speculator. I do not clearly comprehend the idea of a personified State; perhaps it arises from my dulness of apprehension. Man, in his natural capacity, is sometimes obliged to do what is considered unjust; but a State, when it has power, is not obliged to do what is unjust. The State, then, in this respect, is doing what an honest man would do, if he had the power of conducting this business as he thought proper.

The speculator comes to you with his bond, and tells you it is due. The soldier tells you that he has done service to a considerable amount, for which he never has been paid; and that those evidences of the demand which you gave to him, were obtained from him, for one-tenth part of what they were declared to be worth. The State says to the speculator, you have made a great deal, and out of a man who has risked his life, and borne every burden which human nature could bear, with the greatest fortitude which the most virtuous heart is capable of exerting, let him have a part back? The speculator answers, no; here is your bond. Consider again, replies the State, that the veteran's services, at the expense of his health and property, at the risk of his life, has saved you and yours; and not only that, but he is obliged to pay of your demand more than he has ever received. What is now his answer? Here is the bond, pay me my bond. Under these circumstances, supposing the State an individual, he might, without much infamy to his character, exercise the power which he has over his own bond, in order to do justice between the parties. He might say to the speculator, you had the soldier in your power; you did him injustice; we have you now in our power, we will do you complete justice, but no more. A private man could never be injured in his reputation by such conduct: indeed, according to the result of these circumstances, the hardships of war, and the breach of contract, has unfortunately inflicted upon the man, the most meritorious in this community, or perhaps in any other community, sufferings and miseries—a punishment sufficient to atone for the guilt of the greatest crimes. This, in the event, appears to be the situation of the saviours of America.

What sort of character are you to acquire by this conduct? According to your acts and merits, such will be your reputation. If you evince, by

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your determination, that you will reward merit, and do justice under every circumstance, to those who have acted meritoriously, such will be your reputation; and you will have the assistance, support, love, and veneration of those who are meritorious; but if, on the contrary, you neglect services of that kind, and are strictly bound to the payment of whatever appears due by you on paper, what will be the effect? Men will not be extremely anxious to serve you, but extremely anxious to get your bond. And what political influence will this have? It will be this, it will place you in the situation of most Governments in Europe, which do not depend for support upon the love and confidence of their own citizens; but depend altogether upon mercenaries, who are sure of their pay, because they will be paid; whenever they get your promise, they will compel the performance.

It is very clear from these sentiments, what we would do if it were in our power; but there is a difference between what we feel, and what we would do as individual men, and what we ought to do as a nation. I believe there is an essential difference between the executing of public and private justice; hence I believe gentlemen are mistaken when they attempt to personify a State. A great legislator (*Solon*) said, that the laws which he made were not the best possible, but the best the community were able to bear. The public must lay down general rules, which will operate more justice than injustice; and they must very often enact laws which they are almost certain will work injustice, but will produce benefit to the public, and secure the great interests, peace, happiness, and liberty of the community. I shall only mention one case; it is very clear, that when an act of limitation passes in any country, it will be productive of injustice, yet, in civil institutions, perhaps no act is more necessary.

Here we are to consider how far we may deceive the public, in the opinion heretofore entertained of this Government; how far we can exercise an arbitrary discretion in deciding on our contract, and departing from the letter of it, and the extensive influence this may have, it appears to be a dangerous and unhappy step. In its influence, it would introduce a lax mode of judging in all cases, legislative, judicial, and private. Can the peace and happiness of the community sustain the shock? It would be setting up a standard of justice different from the constant habits of the people. I myself determined to adopt measures calculated to do justice between the soldier and speculator, if any such could be devised, without breaking down those bulwarks. It would be agreeable to me, and I really have not yet subscribed to the idea, that it is impossible to do both. I would wish, if it be possible, to arrive at this point; that we should throw out inducements to those in possession of transferred securities, to return them into the hands of the original holders for a valuable consideration. And it appears to me this may be done, without such a breach of contract as is now proposed, by a discrimination in time of payment, and deducting

from those certificates, the original sum or interest; and this would have this effect, those who are desirous of getting paid most speedily, would be most industrious in getting a re-assignment from the original holder. Suppose we were to fail in this respect, it does not appear to me that we cannot pay both those who hold them, and also something to them, who, in the early stage, parted with their debts for little or nothing. Besides the revenue arising from impost, I am well satisfied that other sources might be opened with perfect convenience. If for the payment of our foreign debt we have hard money, that would be all that would be necessary. If to pay the domestic debt we take paper, large sums would be paid into the land office opened upon proper principles. The citizens would be willing to bear a land-tax, if necessary to discharge the debt. A tax on carriages, and other sources of revenue, might come in, and to prevent the misfortune of suffering injustice, or violating the principles of Government, the whole of those taxes might be paid in paper, and, in this way, might be paid without much distress to the community.

These being my ideas on the subject, I shall vote against the proposition on the table; but if any mode can be brought forward, correspondent to what I have suggested, I shall vote for it. I am in favor of a discrimination, in point of time, but against a destruction of any part of the property.

Mr. MADISON said, that the opponents of his proposition had imposed on its friends not only a heavy task, by the number of their objections, but a delicate one by the nature of some of them. It had been arraigned as an embarrassing measure which ought to be facilitated, and producing discussions which might end in disagreeable consequences. However painful it might be to contradict the wishes of gentlemen whom he respected, he could promise nothing more in the present case than his endeavors to disappoint their apprehensions. When his judgment could not yield to the propositions of others, the right to make and support his own, was a right which he could never suffer to be contested. In exercising it, he should study to maintain that moderation and liberality which were due to the greatness of the subject before the committee. He felt pleasure in acknowledging that the like spirit had, in general, directed the arguments on the other side. Free discussions, thus conducted, are not only favorable to a right decision, but to a cheerful acquiescence of the mistaken opponents of it. They might have the further advantage of recommending the result to the public, by fully explaining the grounds of it. If the pretensions of a numerous and meritorious class of citizens be not well founded, or cannot be complied with, let them see that this is the case, and be soothed, under their disappointment, with the proof that they have not been overlooked by their country.

He would proceed now to review the grounds on which the proposition had been combated; which he should do without either following those who had wandered from the field of fair

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argument, or avoiding those who had kept within its limits.

It could not have escaped the committee, that the gentlemen to whom he was opposed, had reasoned on this momentous question as on an ordinary case in a Court of Law; that they had equally strained all the maxims that could favor the purchasing, or be adverse to the original holder; and that they had dwelt with equal pleasure on every circumstance which could brighten the pretensions of the former, or discredit those of the latter. He had not himself attempted, nor did he mean to undervalue the pretensions of the actual holders. In stating them, he had even used as strong terms as they themselves could have dictated; but beyond a certain point he could not go. He must renounce every sentiment which he had hitherto cherished, before his complaisance could admit that America ought to erect the monuments of her gratitude, not to those who saved her liberties, but to those who had enriched themselves in her funds.

All that he wished was, that the claims of the original holders, not less than those of the actual holders, should be fairly examined and justly decided. They had been invalidated by nothing yet urged. A debt was fairly contracted; according to justice and good faith, it ought to have been paid in gold or silver; a piece of paper only was substituted. Was this paper equal in value to gold or silver? No. It was worth, in the market, which the argument for the purchasing holders makes the criterion, no more than one-eighth or one-seventh of that value. Was this depreciated paper freely accepted? No. The Government offered that or nothing. The relation of the individual to the Government, and the circumstances of the offer, rendered the acceptance a forced, not a free one. The same degree of constraint would vitiate a transaction between man and man before any Court of Equity on the face of the earth. There are even cases where consent cannot be pretended; where the property of the planter or farmer had been taken at the point of the bayonet, and a certificate presented in the same manner. But why did the creditors part with their acknowledgment of the debt? In some instances, from necessity; in others, from a well-founded distrust of the public. Whether from the one or the other, they had been injured; they had suffered loss, through the default of the debtor; and the debtor cannot, in justice or honor, take advantage of the default.

Here, then, was a debt acknowledged to have been once due, and which was never discharged; because the payment was forced and defective. The balance, consequently, is still due, and is of as sacred a nature as the claims of the purchasing holder can be; and if both are not to be paid in the whole, is equally entitled to payment in part. He begged gentlemen would not yield too readily to the artificial niceties of forensic reasoning; that they would consider not the form, but the substance—not the letter, but the equity—not the bark, but the pith of the business. It was a great

and an extraordinary case; it ought to be decided on the great and fundamental principles of justice. He had been animated upon for appealing to the heart as well as the head; he would be bold, nevertheless, to repeat, that, in great and unusual questions of morality, the heart is the best judge.

It had been said, by a member from Massachusetts, that the proposition was founded on a new principle in Congress. If the present Congress be meant, that is not strange, for Congress itself is new; if the former Congress be meant, it is not true, for the principle is found in an act which had been already cited. After the pay of the army had, during the war, been nominally and legally discharged in depreciated paper, the loss was made up to the sufferers.

It had been said, by a member from New York, that this case was not parallel, there being no third party like the present holders of certificates. This objection could not be valid. The Government paid ten dollars worth in fact, but only one to the soldier. The soldier assigned it to the citizen; the citizen then became the actual holder. What was the event? The loss of the original holder was repaired, after the actual holder had been settled with, according to the highest market value of his paper.

He did not mean, however, to decide on the whole merits of this last transaction; or to contend for a similitude, in all respects, between the two kinds of paper. One material difference was, that the bills of credit, by more frequent transfers, and by dividing the change of value among a greater number of hands, rendered the effect of less consequence to individuals, and less sensible to the public mind. But this difference, whatever force it might give to the claims of the purchasing holder of certificates, could diminish nothing from the claims of the original holders who assigned them.

It had been said, by another member from Massachusetts, that the old Government did every thing in its power. It made requisitions, used exhortations, and in every respect discharged its duty; but it was to be remembered, that the debt was not due from the Government, but the United States. An attorney, with full powers to form, without the means to fulfil engagements, could never, by his ineffectual though honest efforts, exonerate his principal.

He had been repeatedly reminded of the address of Congress in 1783, which rejected a discrimination between original and purchasing holders. At that period, the certificates to the army, and citizens at large, had not been issued. The transfers were confined to loan-office certificates, were not numerous, and had been, in great part, made with little loss to the original creditor. At present, the transfers extend to a vast proportion of the whole debt, and the loss to the original holders has been immense. The injustice which has taken place has been enormous and flagrant, and makes redress a great national object. This change of circumstances destroys the argument from the

act of Congress referred to; but if implicit regard is to be paid to the doctrines of that act, any modification of the interest of the debt will be as inadmissible as a modification of the principal.

It had been said, that if the losses of the original creditors are entitled to repayment, Congress ought to repair those suffered from paper money—from the ravages of war, and from the act of barring claims not produced within a limited time. As to the paper money, either the case is applicable, or it is not; if not applicable, the argument fails; if applicable, either the depreciated certificates ought to be liquidated by a like scale, as was applied to the depreciated money; or the money, even if the whole mass of it was still in circulation, ought now to be literally redeemed, like the certificates. Leaving the gentleman to make his own choice of these dilemmas, he would only add, himself, that if there were no other difference between the cases, the manifest impossibility of redressing the one, and the practicability of redressing the other, was a sufficient answer to the objection. With respect to the towns burnt, and other devastations of war, it was taught, by the writers on the law of nations, that they were to be numbered among the inevitable calamities of mankind. Still, however, a Government owed them every alleviation which it could conveniently afford; but no authority could be found that puts on the same footing with those calamities, such as proceed from a failure to fulfil the direct and express obligations of the public. The just claims barred by the act of limitation, were, in his opinion, clearly entitled to redress. That act was highly objectionable. The public, which was interested in shortening the term, undertook to decide, that no claim, however just, should be admitted, if not presented within nine months. The act made none of the exceptions usual in such acts, not even in favor of the most distant parts of the Union. In many instances, it had been absolutely impossible for the persons injured to know of the regulation. Some of these instances were within his own knowledge. To limit the duration of a law to a period, within which it could not possibly be promulgated, and then take advantage of the impossibility, would be imitating the Roman tyrant, who posted up his edicts so high that they could not be read, and then punished the people for not obeying them.

It has been said that if the purchased certificates were funded at the rate proposed, they would fall in the market, and the holders be injured. It was pretty certain, that the greater part, at least, would be gainers. He believed that the highest market price, especially with the arrears of interest incorporated, well funded at six per cent. would prevent every loss that could justify complaint. But foreigners had become purchasers, and ought to be particularly respected. Foreigners, he remarked, had themselves made a difference between the value of the foreign and domestic debt; they would, therefore, the less complain of a difference made by Government here. It was his opinion that the terms stated in the proposition would yield a greater profit to the foreign

purchasers than they could have got for their money if advanced by them in any of the funds of Europe.

The proposition had been charged with robbing one set of men to pay another. If there were robbery in the case, it had been committed on the original creditors. But, to speak more accurately, as well as more moderately, the proposition would do no more than withhold a part from each of two creditors, where both were not to be paid the whole.

A member from New York has asked, whether an original creditor, who had assigned his certificate, could, in conscience, accept a reimbursement in the manner proposed? He would not deny that assignments might have been made with such explanations, or under such circumstances, as would have that effect; but, in general, the assignments have been made with reference merely to the market value, and the uncertainty of the steps that might be taken by the Government. The bulk of the creditors had assigned under circumstances from which no scruple could arise. In all cases where a scruple existed, the benefit of the provision might be renounced. He would, in turn, ask the gentleman, whether there was not more room to apprehend that the present holder, who had got his certificate of a distressed and meritorious fellow-citizen for one-eighth, or one-tenth its ultimate value, might not feel some remorse in retaining so unconscionable an advantage?

Similar propositions, it was said, had been made and rejected in the State Legislatures. This was not a fact. The propositions made in the State Legislatures were not intended to do justice to the injured, but to seize a profit to the public.

But no petitions for redress had come from the sufferers. Was merit, then, to be the less regarded, because it was modest? Perhaps, however, another explanation ought to be given. Many of the sufferers were poor and uninformed. Those of another description were so dispersed, that their interests and efforts could not be brought forward. The case of the purchasing holders was very different.

The Constitutionality of the proposition had been drawn into question. He asked whether words could be devised that would place the new Government more precisely in the same relation to the real creditors with the old? The power was the same; the obligation was the same. The means only were varied.

An objection had been drawn from the article prohibiting *ex post facto* laws. But as *ex post facto* laws relate to criminal, not civil cases, the Constitution itself requires this definition, by adding to a like restriction on the States an express one against retrospective laws of a civil nature.

It had been said that foreigners had been led to purchase, by their faith in the article of the Constitution, relating to the public debts. He would answer this objection by a single fact: Foreigners had shown, by the market price in Europe, that they trusted the nature of foreign debt more

under the old Government, than the nature of the domestic debt under the new Government.

Objections to the measure had been drawn from its supposed tendency to impede public credit. He thought it, on the contrary, perfectly consistent with the establishment of public credit. It was in vain to say, that Government ought never to revise measures once decided. Great caution on this head ought, no doubt, to be observed; but there were situations in which, without some Legislative interposition, the first principles of justice, and the very ends of civil society, would be frustrated. The gentlemen themselves had been compelled to make exceptions to the general doctrine; they would probably make more before the business was at an end.

It had been urged, that if Government should interpose in the present case, as interposition would be authorized in any case whatever where the stock might fluctuate, the principle would apply as well to a fall of sixty or seventy per cent. as to a fall of six hundred or seven hundred per cent. He could not admit this inference. A distinction was essential between an extreme case, and a case short of it. The line was difficult to be drawn; but it was no more incumbent on him than on his opponents to draw it. They themselves could not deny that a certain extremity of the evil would have justified the interposition. Suppose that the distress of the alienating creditors had been ten times as great as it was; that instead of two, three, or four shillings in the pound, they had received a farthing only in the pound; and that the certificates lay now in the hands of the purchasers in that state, or even at a less value, was there a member who would rise up and say, that the purchasers ought to be paid the entire nominal sum, and the original sufferer be entitled to no indemnification whatever?

Gentlemen had triumphed in the want of a precedent to the measure. No Government, it was said, had interposed to redress fluctuations in its public paper. But where was the Government that had funded its debts under the circumstances of the American debt? If no Government had done so, there could be no precedent either for or against the measure, because the occasion itself was unprecedented. And if no similar occasion had before existed in any country, the precedent to be set would at least be harmless, because no similar occasion would be likely to happen in this.

If gentlemen persisted, however, in demanding precedents, he was happy in being able to gratify them with two, which, though not exactly parallel, were, on that account, of the greater force, since the interposition of Government had taken place where the emergency could less require them.

The first was the case of the Canada bills. During the war which ended in 1763, and which was attended with a revolution of the Government in Canada, the supplies obtained for the French army in that province were paid for in bills of exchange and certificates. This paper depreciated, and was bought up chiefly by British

merchants. The sum and the depreciation were so considerable as to become a subject of negotiation between France and Great Britain at the peace. The negotiations produced a particular article, by which it was agreed by France that the paper ought to be redeemed, and admitted by Great Britain that it should be redeemed at a liquidated value. In the year 1766 this article was accordingly carried into effect by Ministers from the two Courts, which reduced the paper in the hands of the British holders, in some instances, as much as seventy-five per cent. below its nominal value. It was stated, indeed, by the reporter of the case, that the holders of the paper had themselves concurred in the liquidation; but it was not probable that the concurrence was voluntary. If it was voluntary, it shows that they themselves were sensible of the equity of the sacrifice.

The other case was of still greater weight, as it had no relation to war or treaty, and took place in the nation which has been held up as a model with respect to public credit. In the year 1713, the civil list of Great Britain had fallen into arrears to the amount of £500,000. The creditors, who had furnished supplies to the Government, had, instead of money, received debentures only from the respective officers. These had depreciated. In that state, they were assigned in some instances; in others, covenanted to be assigned. When the Parliament appropriated funds for satisfying these arrears, they inserted an express provision in the act, that the creditors who had been obliged, by the default of Government, to dispose of their paper at a loss, might redeem it from the assignees by repaying the actual price, with an interest of six per cent., and that all agreements and covenants to assign should be absolutely void. Here then was an interposition on the very principle, that a Government ought to redress the wrongs sustained by its default, and on an occasion trivial when compared to that under consideration; yet it does not appear that the public credit of the nation was injured by it.

The best source of confidence in Government was the apparent honesty of its views. The proposition could not possibly be ascribed to any other motive than this, because the public was not to gain a farthing by it. The next source was an experienced punctuality in the payments due from the Government. For this support to public credit, he relied on what had been experienced by a part of the foreign creditors; on the provision to be made for the residue; and on the punctuality which, he flattered himself, would be observed in all future payments of the domestic creditors. He was more apprehensive of injury to public credit from such modifications of the interest of the public debt as some gentlemen seemed to have in view. In these the public would be the gainer, and the plea of inability the more alarming, because it was so easy to set up, so difficult to be disproved, and for which, consequently, the temptations would be so alluring.

The impracticability of the measure was the remaining ground on which it had been attacked.

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He did not deny that it would be attended with difficulties, and that perfect justice would not be done. But these were not the questions. It was sufficient that a grievous injustice would be lessened and that the difficulties might be surmounted. What he had in view was, that for the convenience of claimants, some authority should be provided, and properly distributed through the Union, in order to investigate and ascertain the claims; and that, for the security of the public, the burden of proof should be thrown on the claimants. A scrutiny on this plan, aided by original settlements in the books of the army department, and the State commissioners, and other office documents, would be a remedy, at once, for all the difficulties stated with regard to fictitious names, certificates issued as money by commissaries and quartermasters, due bills, &c.

For some particular cases, special provisions might be requisite. The case of loan-office certificates, alienated at early periods, before they were much depreciated, fell under this description. Legacies might be another. He would have no objection to some special regulation, as to the payments of debts in certificates to persons within the British lines, said to have been authorized by the laws of New York; though he presumed few such payments had been made, and that of this few the greater part had, by this time, passed from the creditors into other hands. There might be a few other cases equally entitled to some particular attention in the details of the provision. As to the merchants who had compounded for their debts in certificates, or persons who had exchanged bonds for them, it could not be doubted that the transactions had reference to the market value of the paper, and therefore had nothing peculiar in them.

The expense incident to such a plan of investigation ought to form no difficulty. It bears no proportion to the expense already incurred by commissioners, &c., for effecting a less proportion of justice. Rather than justice should not be done, the expense might be taken out of the portion to the original sufferers.

The danger of frauds and perjuries had been worked up into a formidable objection. If these had always been equally alarming, no provision could ever have been made for the settlement or discharge of public debts. He reminded the committee of the frauds and perjuries for which a door had been opened by the final settlements, &c., of the frauds and perjuries inseparable from the collection of imposts and excises; yet these were all submitted to as necessary evils, because justice could not be done without them. The frauds and perjuries incident to this supplementary provision for justice must be very inconsiderable in number; and still more so, when compared either with the object to be obtained, or with the like evils already encountered in pursuit of a like object.

Great ingenuity and information had been exerted by the gentlemen on the other side in raising difficulties. He was sure that, after an adoption of the proposition, the same exertion would be

used in removing them, and with such aid, the idea of impracticability would vanish.

Mr. BENSON.—I flattered myself some gentleman would have answered the question I stated when I was last up on this subject; but, as it is not done, I beg leave to repeat it; and as I understood the honorable gentleman from Georgia had put the answer upon the gentleman from Virginia, I submit it to him. Suppose I had purchased a certificate of one hundred dollars of him, which, when I go to fund, I find but the half allowed me, the other fifty dollars are retained in the Treasury for him. Now I ask whether, if I was to state to him the fact, he would take advantage of the law against me, and refuse to give me authority to take it up in his name? I do not wish to present this question in an indelicate manner. What I said before I say still, it is one on which I would not suffer my mind to deliberate, lest my passions should get the better of my reason; it is a plain question, and I admit but the simple answer of yes or no.

Mr. MADISON.—I thought I had answered this question, in some degree, when I was up before. I said it should depend on the circumstances of the transaction between the two individuals. If by the contract it was agreed, or the idea particularly understood was, that the assignee should be entitled to all advantages whatsoever, which the discretion of the Government should afterwards grant, then I believe the individual transferring would be restrained by a necessary scruple; but if the certificate had passed from hand to hand, both the parties knowing the uncertainty as to what steps the Government would pursue, I do not see that the most tender conscience need be restrained from taking the benefit of what the Government should afterwards determine. But it was to be remembered, that a greater part of the transfers had been made under circumstances that left us room to suppose, that original creditors were restrained from accepting an equitable compensation of their cases.

How would the observation apply to the case of the old depreciated money paid to the army? Suppose a soldier had paid away the money received by him, or assigned his arrears of pay, would the assignee be in equity entitled to the benefit of the act for making up the depreciation? Or was it ever understood that the soldier was bound in conscience to renounce the benefit in favor of the assignee.

I would beg leave now, in turn, to ask the gentleman a question. Suppose he had been one of those who resorted to our army at the time it was disbanded, and had found a soldier, one of that band who had established the liberties of his country, and had heard the declaration of his beloved commander, "that his country would finally do him ample justice," turned loose, not with the payment of gold or silver solemnly stipulated, but with a piece of paper, such as was substituted? And suppose that the gentleman had obtained, from the necessities of the soldier, the evidence of his claim at a tenth of its value, and had either received from the interposition of his

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State the payment of sixty per cent. on his advance, or was now to have that interest with the principal, or even half the principal funded. I ask whether the delicacy of the gentleman would not be shocked at the reflection that this exorbitant accumulation of gain was made at the expense of the most meritorious part of the community, and whether his conscience could refuse a participation of it to the sufferer?

Mr. BENSON had no hesitation to say, that if the soldier made the application as a matter of right, he should reply, no, sir, I am in justice entitled to the whole sum. But if he did not put his claim on the footing of the contract, but merely addressed his benevolence, he would take his circumstances into consideration, and what he would then do depended on other principles than if it was a claim of right.

Mr. LEE thought the questions proposed by the gentleman from New York were highly improper and inadmissible in that House; that we were not assembled as individuals, but in a national character. It was our duty to do the best for the general welfare, and that no member had a right, in any manner, to insinuate that any gentleman in that House was governed in his political conduct by motives which, as an individual, he would condemn. He should not have risen, probably, at all on the question, if he had not felt his indignation roused by the language of the gentleman from New York; but having been thus brought on the floor, though he was very sensible of his incompetency to the task, he would, under all the influence of delicacy and diffidence, take the liberty of expressing his ideas in a few words.

The gentlemen who had argued against the proposition of his colleague seem to have resorted to those rules which are found necessary to regulate the intercourse between man and man in civil society, without regarding the great law of political association, which had for its object the safety and happiness of every individual in the community. The end of Government was certainly to accommodate all, and not to aggrandize a few; and every class of citizens ought to be regarded in the distribution of national justice. Nothing is more common in the history of the most virtuous and renowned republics, when brought into calamitous circumstances, than to see this great law superseding the forms established to regulate civil intercourse. Without such exercises of power, justice could not have been done, nor the nation preserved. And, in such a situation, no wise people will ever be bound by the ordinary maxims of Government; so that he had no doubt of the right of the Government to interfere on the present occasion. He also thought that, in all the deliberations of the House, the nature of our Government should be attended to. It was a Government of the people, and nothing like a coercive principle was to be found in it. In order, therefore, to make the administration of it salutary and honorable, our measures should be calculated to meet the popular approbation. Paying taxes was a serious thing; and to induce a free people to pay taxes, they must be

convinced of the necessity and equity of them. And if the proposition on the table was calculated to reconcile the public mind to the requisite degree of taxation, every class of the public creditors would, probably, be finally benefited by its adoption. If, on the contrary, our measures should appear irreconcilable to the popular idea of equity and right, is it probable that they would meet with that hearty support from the community, which, under our Government, is essential to a prosperous administration of it? The general opinion of the people should have its due weight in all our deliberations; and he believed that the calm and unbiassed expression of the public mind, which was always found the best index of that which was just and politic. For his own part, he declared that he had always been convinced of the equity of such an arrangement as that proposed by his colleague, but that he had considerable doubts with regard to the practicability of such a plan, which were not yet altogether removed. But this appeared to him by no means a sufficient reason to prevent us from recognising the principle. This would be a declaration to the world, and to our constituents, that we did not disregard the great principles of natural equity; and if hereafter, on further investigation, the plan should be found impracticable, this would be a sufficient justification to us for relinquishing it.

He concluded with observing, that he had been unexpectedly induced to appear on the floor, and had hastily expressed ideas which were the ebullitions of the moment; and hoped, that, in future, the debate would be conducted without intemperate, in the most remote degree, that any gentleman was influenced by unworthy motives. For his own part, when he entered the House, he considered himself as entering into a sanctuary; and that every motive or passion which had not for its object the public good should be left behind. He did not doubt that every gentleman took his seat here with similar impressions; and expressed a hope that the final result of their deliberations would be that which would contribute most to the national honor and advantage.

Mr. SCOTT.—Inasmuch as he had expressed his sentiments generally on the subject now under consideration, when it bore a shape somewhat different from the present, and considering that, perhaps, he might be induced to vote in a manner that would not be understood without an explanation, he requested the indulgence of the committee whilst he attempted to offer his sentiments freely upon the business immediately under their notice.

The arguments of the gentlemen in opposition to the present motion, when taken altogether, seem to rest their whole force upon the idea of a contract said to be made, and of which contract the papers in question are said to be evidences. This is a doctrine which he absolutely denied. If those papers are evidences of any thing, it is of the pre-existing contract broken. At what period, sir, said he, did Congress contract with their soldiers? At what period did they contract with their citizens, who furnished the necessary

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supplies for our army? Was it at the time those papers were issued, or long before? It was long before. Consequently those papers cannot be considered as evidences of any contract, unless we refer to an implied contract made when they were issued, at the conclusion of the war; which, in fact, was the last conceivable period for the settlement of such engagements as had existed long before, and to fulfil which was totally out of the power of Congress. Surely, then, it must be allowed, since it was not in their power to fulfil the original engagements, and since it was not in the power of interested individuals to compel them to compliance, that the contract was completely annihilated, and Congress was reduced to the necessity of offering some consideration in lieu thereof. What did they offer? Paper of the nominal value of twenty shillings, but of no more real value than two shillings and six-pence. The original creditor, in consideration of the distress of his country, and from dire necessity, accepted of this; and would, with equal generosity, have accepted of the 2s. 6d. in cash, and have signed an acquittance for his pay, as freely as he signed over that paper for 2s. 6d. in cash, to the speculator. Now, if it be urged by gentlemen that this transaction implies a contract, it may be confessed the papers in question are evidences of such implied contract, but of the real existence whereof there is no proof.

He would also aver, that if we are to be governed by this implied contract, the real value of the paper in question is at once fixed by the market price, then current, at 2s. 6d. in the pound. The residue is the last grand sacrifice which the original creditors, as well citizens as soldiers, made to their beloved country. Thence it is evident there was no original consent of parties obtained; and hence no original contract existed. This, said he, is fair reasoning, it is no fine spun logic; but it is arguing from the truth, and the eternal nature and fitness of things.

But those papers, it has been said, are not only evidences of a contract, but since they are payable to A. B. or bearer, the bearer is an original contractor! Where will this argument lead us? A robber on the highway, a private thief, a fraudulent purchaser, without consideration, if this argument be admitted, may all, or severally, become bearers. Are they severally original contractors? Surely no gentleman will pretend to say that they are. Neither is it possible to detect those frauds, if what has been said is true, that many of those certificates were taken out originally in fictitious names. Suppose one of them has got into the hands of the robber, the burglar, or the thief, how will that man, who never existed, appear in court and convict him of the fraud? From these premises I shall infer, that as this was a case without remedy, the bare possession of a certificate is not a sufficient evidence to prove the holder was an original contractor.

At an early stage of this business, the gentlemen in opposition to the amendment appeared to lay great stress on the want of authority in Congress to intermeddle in such cases; but as we get

forward, the gentlemen appear to give up—they have been beaten off that ground, and impolicy and impracticability of the measure is principally urged. Yesterday, however, these same gentlemen abandoned the latter, and resumed the former station with great eagerness.

We are likewise told, that although in the Parliament of Great Britain, which is omnipotent, they can do any thing; yet we, being a Legislative body, whose authority is constitutionally confined to certain objects, cannot make the proposed discrimination.

Let us make some inquiry into this. Is not the whole business before us of such a nature, that, without our interference, it must remain eternally as it is? This, it may be presumed, will be granted on all hands. What follows? That as it is a proper subject of Legislative discretion, the Legislature must, of necessity, and from the nature of the thing, possess all powers necessary to do what is right and just in the premises; and, consequently, we have the power of discriminating if justice and right demand it. The argument, therefore, which the gentlemen have adopted on this subject, as well as many others to which they have occasionally resorted, must appear to the committee as perfectly inconsistent and futile.

It may be necessary, however, to advert to one or two other examples of the same complexion. We are told, that the advocates of the proposed amendment are acting officiously; no complaints having been laid before the House; no petitions; no parties contending before us; therefore, say they, we have nothing to do with it; the question is not legally before the Court, &c. This is, in a similar phrase, "there is no writ sued out, no bill filed, no issue joined between the parties."

In answer to this argument, it is necessary only to observe, that every complaint of the people, by virtue of the representative capacity of their members, is properly, and to all intents and purposes, before the House.

But we are further told, that no facts have been proved; we have no evidence, therefore we cannot proceed. He granted that no witnesses had appeared to make evidence, no swearing in court, but will it follow from thence, that we are not possessed of the facts? He presumed not. If the facts are within our knowledge, we are in as full possession of them as if they had been sworn to; and for many other facts necessary to the investigation of this business, we can resort to our public records. Moreover, there is little use of evidence, other than to inform and convince the minds of the judges. As to the truth or fallacy of the objection, how that information and conviction happens, it is very different, especially in a Legislative body. In a word, the arguments to be contended with appear to move in so small and contracted a sphere as never to extend beyond the pleadings at the bar of a county court; and, consequently, were very unworthy of the attention of the great American Court of Equity.

He now remarked that, from these observations, it might be supposed he would vote for the proposed amendment; but he said he believed he

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would not. Not on account of the demerit of the proposition, or the merit of the arguments which had been used against it. There were other considerations which existed that were not only provided for in the amendment, but it seemed to him as if they were barred therefrom.

One of these, which came immediately within his own knowledge, and which must be likewise within the knowledge of many gentlemen in this House, one of whom had already mentioned it; it is this—our quartermasters, purchasers, contractors, &c., or some of them, have been sent out among our citizens to procure supplies, without a shilling in their pockets. They have bought on trust from individuals; afterwards those individuals have been prevailed upon (without payment being made) to give receipts, as if they had been actually paid, on a pretext that the accounts of the purchases could not be settled, nor money obtained to pay them, without those previous acquittances. Where this business originated he knew not, but he vouched for the facts in a great number of instances to have come within his knowledge. The consequence appears to be, that those purchasers, on producing the receipts, had obtained certificates for the aggregate sum in their own names, as if for supplies by them furnished, and have made no satisfaction to the individuals.

Now, with respect to this species of paper, thus procured by fraud, and issued without consideration given by the persons to whom issued, he could not consent to fund. Nay, he would sooner part with his right hand than consent to fund certificates thus circumstanced, and thereby subject those very individuals thus robbed of their property, to contribute towards paying the price of that very property into the pockets of their robbers.

Shall it here be said, "the courts are open, and the individuals may there be redressed?" Poor alternative, indeed! Were I to stand up on this floor and hold forth such doctrine as this, "that the courts are open; that the Constitution contemplates the United States as a body that may sue and be sued, and points out certain proceedings which shall be had when the United States become a party; and that, therefore, every holder of a certificate has the recovery of the money in his power, on application to the courts; and should I conclude that Congress has nothing to do with the present business." Pray, what should I merit by such pleadings? I doubt whether I should merit pity; contempt I might be certain of receiving.

Suffer me to ask, if the evil I have mentioned be not too general in its nature to admit of any remedy, but by Legislative interposition? May not many of those contractors be in a state of bankruptcy? May not some of them have travelled to the Spanish Main to govern Colonies? May not some of them have returned to their usual places of abode, at many hundred miles distance from the defrauded individuals, as aforesaid? And can it be supposed, that the widow and the fatherless, the poor and the needy, by them thus defrauded, perhaps of a bullock, or some bushels of

wheat, individually, but in the whole, amounting to an enormous sum, can follow them to obtain justice? How are these plunderers to be pursued? And how can any thing be recovered from them in a common Court of Law? Especially when we consider that, to all the difficulties already mentioned, must be added, that the very receipts, under their own hands, would be exhibited as evidence against the injured, honest, original creditor! Is not this case, so often to be met with as it is, beyond remedy, unless by the interposition of Congress? Now, as this case is not only unprovided for, in the amendment proposed by the worthy gentleman from Virginia, but the door seems to be shut against a future provision; and, considering that the same gentleman, or some other, may bring forward something that may strike at the root of the evil, and produce more effectual justice, I shall, at present, vote against the proposition; but if I am disappointed in my expectation, and that gentleman shall bring his proposition again forward in the House, I shall not suppose myself debarred from voting with him.

Mr. SENEY rose and observed, that it was with reluctance he attempted to express to the Committee, his ideas upon a question which had been so fully and ably discussed. However, as it had been expected that gentlemen would not, in a case of such magnitude, be content with merely a silent vote, he rose to declare the reasons upon which his decision was founded. In doing this, he hoped that he should not use epithets which might be deemed harsh, or language which would be offensive; that although the sentiments of other members should differ from his, he wished so far to respect those sentiments as to treat them with decency.

He considered the proposition of the gentleman from Virginia (Mr. MADISON) was designed to effect two purposes. The one, a compensation to the original creditors, who, during the late war, in times of distress, had loaned money, furnished supplies, and rendered military services; and who had only received satisfaction therefor in paper of inconsiderable value, forced on them by the public, and depreciated by their acts. This class of citizens, he conceived, had a just and equitable claim for the full difference in value between that paper, when paid, and specie. The other object of the proposition alluded to, was, he said, to compensate those creditors who now hold alienated certificates. Each description of those creditors had, in his opinion, claims on the public. The first was founded on an original contract between them and the Government, part of which only had been complied with, and the residue still remained undischarged. The other was grounded on having possession of the paper which contained the promise to pay.

It has been contended that the United States have not ability to pay both. In this case a question arises: What is, upon the whole, most just and expedient? Some gentlemen contend, that it is incumbent on us to make full provision for those who hold the assigned certificates, without any for the original creditors who have alienated

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them. Others think, that the misfortune of Government, in this respect, should not be felt by either class solely, but be borne by both. That it is more just to adopt a mode of composition, by which those creditors should mutually share in this misfortune, and be mutually benefited by a provision within our power to make; with those his sentiments accorded. He could not be impressed with the justice or reason of a measure calculated to make a total sacrifice of one class of creditors, and full payment to the other class. Such a step could not, in his opinion, be justified in any distinction or precedence which existed in their claims. When it was considered that the original creditors furnished money and supplies, and rendered services essential to the preservation of their country, and at a time when its liberties were invaded, and every thing which can be dear to freemen was in jeopardy and at stake, he could not apprehend that their claims would be deemed inferior to those of their rivals. In his opinion, these circumstances entitled them to superior notice. Believing, however, that the amendment under consideration would, upon the whole, effect more substantial justice than any other practicable scheme that had been proposed to the Committee, or which he had heard of, his assent would, therefore, be given to it.

He then noticed a variety of objections which had, in the course of debate, been urged against the amendment he supported. Gentlemen had insisted, that although the principle of it might be right and proper, yet the execution of the scheme was altogether impracticable. They had also contended, that the adoption of such a proposition would be a violation of those rules which, as to contracts, ought to be held sacred, and also of the Constitution under which the Government was then acting; that it would be disapproved of even by the persons for whose benefit the provision was intended.

He observed, that those who admitted the propriety of the measure, as to principle, could not be justified in their opposition, upon the ground of impracticability. That the honorable mover of the amendment had, in the course of yesterday's debate, suggested expedients, which would, in his opinion, remove the greater part of the objections which ingenuity had urged in that respect. That some particular cases, perhaps, might exist, for which special provision would be requisite. However, as that gentleman had declared his belief in the practicability of the system, such was his confidence in the sincerity and abilities of the person who made the declaration, that he was not disposed to believe the reverse without giving an opportunity of proof, or until some trial was made. It had been also observed, that the proposed project is violative of the rules which, in contracts, should ever be preserved; but how, he asked, could gentlemen reconcile this objection to the plan which they advocated? Would it not operate with equal force to condemn that, as well as every other, which had been contemplated? The argument, by proving too much, ought, therefore, to have no influence upon the question. It

had also been mentioned, that the plan in controversy was a violation of the Constitution, which every member had taken an oath to support. This observation, he observed, might be made in *terrorem*, but could have little weight, if the words of the Constitution, in this respect, were attended to; these are, "all debts contracted, and engagements entered into, before the adoption of the Constitution, shall be as valid against the United States under this Constitution as under the Confederation." That the words debts and engagements, here expressed, would comprehend as well the residue still due to the officers, soldiers, and other original creditors, as the claims of the present holders of alienated certificates: and that if the Constitution created any obligation concerning debts, it had equal force with respect to every description of creditors. But he apprehended that the Constitution did not, by the words expressed, place any debts alluded to in a situation different from that in which they were previous to its adoption.

Great stress has been laid upon the practice of other nations. It had been frequently asserted, that the measure proposed was without a precedent in any country. It had been repeatedly recommended to us to imitate the British Parliament, as to matters touching public credit.

We however find a case was cited yesterday, by an honorable member from Virginia (Mr. MASON) in which they made a provision as to debtors, similar to the one now under consideration. If precedent is, therefore, to influence, we have one from the nation whose public faith has been above all others extolled. But it had been observed by an honorable member from New York (Mr. LAWRENCE) that the precedent then cited was not applicable, because, said the gentleman, the British Parliament and Congress are bodies very different as to power; the former is omnipotent and unlimited as to objects of legislation; the latter is not so, but restricted and confined by the Constitution, which controls their power; that the British Parliament can therefore do many acts consistent with their powers, which Congress cannot. This observation does by no means diminish the force of the precedent; because although Congress possesses not power, as to all objects of legislation, so extensive as the British Parliament, yet, as to objects within their power, they are as omnipotent as that Parliament. It will not be denied, that a provision, respecting public credit, is one of those objects; with regard, therefore, to the subject under debate, there can be no difference between the two bodies as to omnipotence.

It had been remarked by another member from New York (Mr. BENSON) that the adoption of the amendment would be improper, because it was unsolicited by those whom it was designed to benefit; and because there was reason to believe it would meet with their disapprobation.

The gentleman had informed us of a resolve of the Cincinnati of this State, disavowing the plan, and cited their proceedings as evidence to prove their disapprobation. In reply to this, he would not then inquire how proper it would be for the

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committee, in their decision, to be influenced by any act of the Cincinnati, or other society, but he believed, if the history of the proceedings alluded to was fully known, nothing could be inferred from it to effect that gentleman's purpose. That he had, since the publication of their resolve, been informed, that the meeting of the society, at the time it passed, was not a full one; that such a resolve was unexpected, by many, until proposed; and that it passed without debate, and, as it were, *sub silentio*; that he had since been informed, several of the body disapproved of the resolve, and believed, that if a full meeting was had, a different determination would be the result. He had conceived that the worthy members composing that body, had too much experience of their own sufferings, to be opposed to a provision in favor of those creditors for whom the compensation was intended, and could not think that such a provision would be disapproved of by a society of the kind in any of the States.

It had, upon this occasion, been asserted, that public opinion should have little influence on the conduct of Legislatures. But, notwithstanding the plausible reasoning he had heard upon that head, he was satisfied a regard was due and must be paid to the opinions of the people, and to their feelings. Government was formed for their benefit; under the present Constitution, all the powers of it flow from them as the source; they have the means of carrying into execution their will; and, under those circumstances, he could not believe the Legislature ought to be indifferent as to their sentiments.

Gentlemen had founded their opposition to the amendment, principally upon the rigid rules strictly adhered to in the courts of Common Law; rules which had often been the means of stifling justice, to correct the rigor of which Legislatures had often interposed. Such rules could not be used as fetters for the supreme power of Government. The history of nations proves that Legislatures are superior to them; their objects are extensive; and, in all extraordinary cases, they will make such provisions as may be requisite to effect general justice and equity. The case under consideration was certainly one of an extraordinary kind. He could not think that those whose exertions has rescued them and us from despotism and slavery, were ever honestly paid those hard-earned claims they were so justly entitled to; and could not but believe, that as long as those claims existed, so long there would exist a stigma on the justice, humanity, and gratitude of this country.

Mr. GERRY observed, that it was with great concern he should express his sentiments on a subject so important in its consequences; that after mature deliberation he had formed an opinion; but should arguments hereafter convince him that his opinion was incorrect, he should think it consistent not only with honesty but with honor to give it up.

The amendment proposed by the gentleman from Virginia differed from the proposition before the committee in other points, besides that of discrimination; and he proposed, as an amend-

ment to the amendment, to strike out all that related to this question, that the sense of the committee may be fairly ascertained, "Whether there shall be a discrimination between the original and assigned holders of public securities?"

He stated, that the foundation of the motion for a discrimination was the heavy losses sustained by our brave and veteran soldiers, in the sale of their public securities. Little or nothing had been urged in favor of meritorious officers, and of citizens who, by the loan of their property, had contributed to the support of the war, and much less of assignees; although he could see no reason why equal justice should not be done to these two classes of original creditors. To form a judgment, then, of the foundation of the motion for a discrimination, let us advert to the history of the army, and we shall find that their first enlistments expired at the end of 1775; that the Commander-in-Chief, not being able to re-enlist the soldiers, was reduced almost to the necessity of abandoning the extensive lines in the vicinity of Boston; that, notwithstanding this, such were the prejudices in favor of short enlistments, and such the dread of a standing army, that Congress were obliged to enlist the second army for one year, and their times of service expired at or about the end of 1776. During that campaign, Congress were so fully convinced of the fatal consequences of such policy, as, at all events, to determine that the next enlistment should be for the war; but they were afterwards constrained to provide the alternative, "or for three years," and those who enlisted for this term, left the army in 1780. We shall also find that, in 1780, the army was greatly reduced, and the States earnestly called on to recruit their respective regiments; but such were the prospects of gain, from privateering and other measures—such had been the sufferings of the army, and so weakened was the confidence in public faith, as to require enormous bounties in specie for obtaining recruits; the average of bounty, in many States, was two hundred and fifty dollars, in specie; and in Massachusetts, upwards of two hundred and eighty. Thus, then, if we divide the army into four classes, it will appear, that the soldiers of the first and second classes were discharged and fully paid in 1775 and 1776; that the soldiers of the third class, who enlisted for the war, between 1777 and 1780, served six, five, or four years, without any other prospect of reward than the stipulations of Congress; and that the fourth class, some who served two and an half years, others two years, and others one, were amply paid by bounties, the least of which amounted to one hundred dollars a year, or eight and one-third dollars a month, in specie, exclusive of the allowance made by Congress. The third and fourth classes were, however, entitled, by their contract, to six and two-thirds of dollars, in specie, per month, or to an equivalent, exclusive of bounties, rations, and clothing; and how has the contract been fulfilled? He then referred to a memorial of the officers and soldiers of the army, stating their grievances and Congress, in April, 1783; and likewise a re-

solve of Congress in July, of the same year, for liquidating the accounts of the army, and for issuing certificates which would then produce but two shillings and six-pence in the pound, for the balance due to each officer and soldier; and asked, is this a fulfilment of the contract? Was ever a brave army so paid before? If, then, the contract has not been fulfilled, ought not the party, failing to do this, to indemnify the party who have sustained damages? Justice may be in favor of the fourth class; but justice, generosity, and humanity, plead loudly for the third class, the amount of whose demands will not exceed two millions of dollars.

The question then is, Who ought, in justice, to make good these losses of the soldiery? Some gentlemen say, those who purchased their certificates. On what principle? From their having received them without an equivalent. Let us attend to the nature of the contract of the soldiers with the assignees; for it differs widely from that of a specialty or bond, and have carried us to Courts of Law, to prove, that whatever has been paid short of the nominal value of the certificates, is now due from the assignees. This mode of reasoning is inadmissible, because particular decisions of law courts cannot apply to great national questions; and the Legislature is authorized to regulate such courts, and is not to be regulated by them. But if admissible, is the transfer of a soldier's certificate in the nature of an assigned specialty? For, if not, arguments on this principle will fall to the ground, and we shall be again freed from Courts of Law.

He undertook to show what a bond was, according to the law definition of it, and that a certificate differed from it; as in the latter, there was no condition of performance, or seal, and in the transfer no endorsement is necessary. The title of an assignee to a certificate was by a sale, which is, "a transmutation of property from one man to another, in consideration of some value or recompense."

He further observed, that the public securities of the United States are a species of stock and property similar to merchandise; they are sold in open market, and at the market price, which is always an equivalent for the market price of stock was regulated by the public opinion, and depended, in a great measure, on the circumstances of the nation and on events. It had always been subject to great variations, and ever would be, whilst communities are subject to calamities; and this is a quality inseparable from that species of property. To illustrate this argument, he stated two cases, the latter of which was as follows: Suppose that the public debt was funded, and the stock at par; that a combination of European Powers had been secretly formed to subdue us; that a fleet, with a formidable army, had suddenly appeared on our coast, and that the enemy had landed before arrangements could be made to resist them, and had overrun half the country, would not stock, under such circumstances, be reduced in value? If a stockholder

should insure his property in the funds, would not the policy be as valid against such an enemy as any other policy in time of war?

Let us suppose that this calamity had raised the premiums to eighty per cent. and the stockholder had agreed to allow it, would not the insurer be justly entitled to it for taking the risk? But if the stockholder, instead of giving the premium, had made sale of his property at eighty per cent. discount, being one-fifth of its former value, would not that fifth be an equivalent, and the sale valid? Where is the difference, except merely the mode of negotiating, between insuring his property at eighty per cent. premium, and selling it at eighty per cent. discount? Or, where as the injustice of the measure in either case? But should the enemy be expelled and stock again at par, can the original stockholder, in justice, demand any part of the eighty per cent. premium, or of the eighty per cent. discount, on a pretence that he has not received an equivalent? If the whole had been lost, would he have received the twenty per cent. which he received of the insurer or purchaser? Surely not. And it must be evident, that although the nominal was the real value of stock before the appearance and after the repulse of the enemy, yet that the value was reduced by the danger of conquest, and that the market price, at that period, was an equivalent.

Several cases have been cited as precedents for discriminating; that which relates to the reduction of the Canada bills, mentioned by the gentleman from Virginia (Mr. Madison) was, by his own acknowledgment, not applicable. The case referred to in the act of Queen Anne, cited by the gentleman, was not analogous; for, independent of other considerations, the debt contracted by the Queen, for the support of her household, was unliquidated; and, by a vote of the House of Commons, had been disallowed. Had the debt been liquidated, and certificates of it issued, as in the case of our soldiers, there would have been no interference of Parliament in the subsequent transfer of such certificates, as their whole conduct evinces.

Gentlemen in favor of discrimination have also mentioned the South Sea and Mississippi schemes. The gentleman from New Jersey (Mr. Boudinot) had clearly shown that the conduct of Parliament in the South Sea scheme was directly against discrimination; for although they imprisoned the directors and others, and confiscated their property, yet they never interfered in the transfers of stock by other proprietors, although it was bought and sold from par to thirteen or fourteen hundred per cent.

The history of the Mississippi scheme, I propose not to state fully; but to mention a few particulars. In the year 1717, the Government of France were deeply indebted, and had issued State bills to the amount of several hundred millions of livres; they were sold at sixty or seventy per cent. discount, and the Regent of France, desirous of appreciating them, established a commercial company, with the exclusive privilege of

trading to the Mississippi, to consist of such as would subscribe sixty millions, payable in State bills at par; at first there were few disposed to be concerned, but at length the sum was subscribed; the stock, by another arrêt, was increased to one hundred millions; the farm of tobacco, amounting to four millions a year, was then granted to the company as a fund to pay the interest, and, under the direction of Mr. Law, they made greater profits from it. Stocks were thus enhanced from seventy per cent. below, to twenty per cent. above par. The India and African companies were afterwards incorporated with the Mississippi, whose capital was further extended, by which means stocks rose to five or six hundred, and in the progress of this matter, to one thousand per cent. At this period, a subscription was opened for fifty millions of livres, at ten for one, payable at ten different payments; and so infatuated was the nation, that the subscription, in a few days, amounted to seventy-five millions, being half as much more as was wanted; and the day after the subscription closed, those who had given one thousand, sold for two thousand per cent. When the bubble burst, as it is expressed, no attempt was made by Government to interfere in the transfers made by individuals, but all such transfers were valid.

From all which, I think it will appear that stocks are, in their nature, a species of property subject to great variations from calamities and other causes; that the market price will be regulated by public opinion, and that it is always considered as an equivalent. A transfer of property in the funds, at market price, differs widely from the gambling of stock-jobbers, a pernicious species of traffic, of the nature of wagers or bets; and those concerned therein have no property in the funds, and generally are subject to punishment.

Should inquiry be made, what calamity have we been under to reduce so low the price of our stocks? I answer, the calamity of a defective National Government, the effects of which were severely felt. In 1780, Congress called on the States to sink their respective proportions of the old paper money; part complied, and part did not. The consequence was that, in 1781, the bubble burst, and almost ruined the public credit. Early in 1783, the army, from want of pay, were nearly mutinying, and part of them soon after did mutiny, and drove Congress from Philadelphia.

Again, Congress, by the Confederation, were authorized to tax the States on a valuation of their respective property; but the States were unable to produce the documents required for forming that valuation, and refused to adopt a new rule proposed by Congress, who could therefore levy no tax. To evince an honest disposition, and to support public credit as far as possible, Congress proposed the plan of impost and supplementary funds. This was accepted by some States, and violently opposed in others, which produced apprehension that a considerable part of the Union wished to apply the sponge to the public debt. These circumstances, and the conse-

quent commotions, so weakened the Government that we had no credit, public or private, at home or abroad. By these and other calamities, and the load of our debt, were the stocks reduced, the public opinion fixed their rates, and taking the risk, they were worth no more; but circumstances are now altered, and they are increased in value.

Gentlemen, to support discrimination, have charged assignees with fraud. Are the assignees chargeable for the defects of the Confederation? Or for a non-compliance of some of the States with the requisitions for sinking the old bills of credit? Or for the mutinying of part of the army? Or for defeating the plan of the impost and supplementary funds? Or for the consequent commotions? Or did the assignees deceive the original holders? Did they act the part of sharpers and swindlers? If so, bring the culprits to justice—your country demands it. But if their only crime is good fortune in their negotiations, if they have purchased the securities in open market and honestly paid for them, treat them as good citizens, acquit them of fraud, and do them justice. Being among those original holders who have transferred part of their certificates, and not replaced them, I can feel for myself as well as for our brave soldiers, but am against discrimination. So much for the justice of the measure. Let us now consider the policy of it.

It is admitted on all sides that the preservation of public faith is indispensable to the welfare of the Union, and in what does it consist? Public faith, as I conceive, consists in a punctual fulfilment of engagements and contracts on the part of Government. To preserve public faith, therefore, it is necessary that a nation should have adequate resources, the Government adequate powers, and those who administer it integrity and abilities. That our resources are equal to the payment of our debts, had not been denied; that Congress have not sufficient power, I presume none will assert.

The preservation, then, of public faith will principally depend on their integrity and abilities. Their abilities may not be questioned, but their conduct in this case will be critically examined, and tried by the standard of morality. If it will stand the test, they will have the confidence of the people; but if not, vain will be every attempt to establish public credit. For this is nothing but the confidence of the people in public faith, and the people will think that, whatever resources they may have, or power to change the form of Government, the defective principles of the rulers can only be corrected by the Sovereign of the Universe. Is it good policy, then, to rest the public faith on an act of discrimination, which is intended to saddle one class of citizens with a tax to repair the loss which another class has sustained by a breach of contract on the part of the public? This will wear the appearance of committing one fraud to cure another. The right of speculators to purchase certificates at the market price is undoubted, and their conduct in making the purchases and payments is unexceptionable; but if

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there was a doubt of this in regard to some, would it be a sufficient ground for a discrimination?

Again: the whole expense of the war is supposed to be about 176,000,000 dollars, of which there is now due 80,000,000 dollars, exclusive of 2,000,000 dollars supposed to be due to the third class of soldiers. Is it good policy, by funding the debt, to do every thing necessary for the support of public credit, except making payment of two millions of dollars, and then, at the risk of public credit, by an act of discrimination, to save the sum last mentioned, which is but one eighty-eighth part of the expense of the war?

But how are we to obtain loans in future? Some gentlemen conceive the establishment of our funds will always precede the loans. Can any gentleman insure this? I conceive not. There is not a nation in Europe so happily circumstanced; and if an unfunded debt should again be requisite, who will lend when your unfunded securities cannot be transferred, because you have established a precedent for discrimination? Is it not evident, then, the proposition is pregnant with ruinous consequences?

If inquiry be made, what is to be done with the suffering soldiers? I answer, pay them, if your funds are sufficient; if not, assure them you will do it as soon as funds can be provided. It has been suggested that they have relinquished to the public seven-eighths of their property; if they have, I think it unjust to accept it. But this is the fact? Would they not have received the whole of their liquidated demands in specie, had it been offered? There can be no reason to doubt of this. Some gentlemen say they wish to compound the matter between the soldiers and their assignees, because we cannot pay both. Would not a composition on such principles be a declaration of national bankruptcy? And shall the United States, with three millions of inhabitants, with the most flattering prospects arising from the increase of commerce, husbandry, and manufactures; with such an extensive territory, and in the vigor of their youth, declare bankruptcy for a debt, including the Federal, State, and foreign debt, not exceeding \$80,000,000, or £18,000,000 sterling; when Great Britain, with only eight millions of inhabitants, can fund a debt of £240,000,000 sterling? I hope not; and consenting to such a measure, I would never own myself an American.

Some gentlemen have referred us to the act of Congress for sealing the Continental currency, to prove both the policy and justice of a discrimination. Let us examine the matter. Congress, from the commencement of the war to February 1781, were but a meeting of State Commissioners, without any form of Government or powers, except such as were contained in their discordant commissions. From April 1775, to the end of 1779, they supported the war by artificial credit. At that period they had issued 200,000,000 of paper dollars, and borrowed 35,000,000 of dollars in loan-office certificates, which were afterwards reduced to 11,000,000 of dollars; they had borrowed all they could in Europe, and were reduced to the necessity of stopping emissions, and for depending

on the States for monthly supplies of 15,000,000 of depreciated dollars, on domestic loans. In March 1780, the proposed taxes and loans failed; emissions on the former plan were at an end, and Congress were reduced to the necessity of scaling the old debt, to sink it, and of beginning anew, or of giving up the cause. Sad alternative! to violate the public faith or be enslaved! They chose the former, but aimed to do all possible justice. Indeed they had one reason for scaling bills of credit, which applies not to the liquidated debt. The public did not receive the value of the former, but did of the latter, according to the nominal sums; and had each emission been scaled according to its value when issued, the public would probably have been better satisfied, but having reduced the old bills from forty to one, did Congress attempt to re-scale them when they sunk a thousand for one? Or did they provide that original holders, who passed Continental money for less than they received it, should be reimbursed by the assignees? If not, the precedent is against discrimination. Indeed, if the precedent favored such a measure, it is admitted by the gentleman who produced it to have been a violation of faith, and is therefore a bad precedent, which can never sanctify a bad act, or alter the eternal rules of justice. Because, then, Congress, in a distressing war, without a form of Government, and at the end of their resources, violated their faith, can we, on a principle of policy, in a profound peace, with a strong Government and sufficient resources, be justified in taking a measure which promises so little advantage, and which may involve such dangerous consequences? If this measure is adopted, what is to be done with those who have given Congress a dollar in public securities, for an acre of land, such as you will now sell for one-fifth of a dollar in their own principle, as the assignee of the purchaser, to reimburse four-fifths of this property? But what security will a speculator in land have, when the value of the land is enhanced, a similar discrimination will not be made? And who, thus circumstanced, will purchase your lands?

With respect to the practicability of thus discriminating, gentlemen in favor of the measure have not removed the objections of those who are against it, and have only said a provision must be made in certain cases, without explaining. It has been said, if the latter will unite with the former, the difficulties, although great, may be removed; but no effort can make a measure practicable which is impracticable. Such attempts tend to weaken Government, and to bring the laws into contempt, as we have seen in regulating acts.

Public opinion has been mentioned as an argument in favor of the plan. I have the highest respect for public opinion, but have not argued on this ground: First, because in the present case, we know not the public opinion; and, secondly, because conjecture is endless and useless. Indeed, in great national concerns, the public will generally form their opinions by the proceedings of the Legislature, because the latter have a more gene-

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ral view of matters, and the best means for forming a judgment. If, on the whole, then, the justice, policy, or practicability of the measure was only in question, ought we to accept it? But when we are doubtful of all, ought we not to reject the proposition?

Mr. BLAND agreed in opinion with the gentleman who had just taken his seat. He was apprehensive the idea of discrimination had already worked mischief. He then explained the fallacy and injustice of such a measure, which he thought had been clearly proved to the House, and assigned, among other reasons, its impracticability, which, if there were ninety-nine reasons for it, that in itself was sufficient to make him vote against the amendment.

Holders will come to the Treasury and demand payment; there their claims must lie until proofs can be obtained. The same inconvenience will arise respecting the interest. Suppose a creditor, if the amendment should pass, was obliged to look for proofs, where must he seek them—in the grave? beyond the sea? in Asia? Suppose a creditor was unwilling to comply with this law, you must then pass another law to compel him to deposit his security.

The question had not been answered to his satisfaction, and he should not have risen, were it not on account of the point of discrimination, to which he had always entertained an aversion, as involving the loss of the most valuable and inestimable jewel, public credit.

If we commit this breach of public faith, it would be little better than the tender-laws of Rhode Island. No doubt some of the speculators had deserved punishment, but others are innocent. He observed that he was no speculator, but he held original securities, therefore the decision could not affect him. There is hardly a State in the Union that wishes for any discrimination. If the State accounts are to be all reckoned, what a day of reckoning would that be, to travel back and issue fresh notes; it would be two final settlements. In short, there appeared so much intricacy and difficulty, that it was utterly impossible and impracticable in his opinion.

Mr. LAWRENCE said it appeared to him that the gentleman from Virginia (Mr. MADISON) had taken much pains with the subject, from the accurate manner in which he treated it. On this occasion he had been a listener often, a speaker seldom, and, of consequence, had weighed it with peculiar attention; but, nevertheless, it appeared to him that the gentleman had erred in principle. This had been sufficiently demonstrated by those who had gone before him; he therefore would not notice any thing on that point. But, as the honorable gentleman had put the propriety of the business on precedent, he would notice only those precedents; when the cause is committed to precedents for support, great care should be used to adduce such only as are applicable.

He confessed, after the Constitution under which they deliberated had gone through such a full investigation as it had done in the last session, as well as at the time of its formation and

ratification, he could never have supposed that gentleman would apply precedents from an omnipotent Parliament to a limited Government, as a rule of action. If there was an analogy in the two Governments, he had not discovered it; but if he had discovered it at the proper time, he should have been as strenuous in opposing the Constitution as he had been in advocating that measure. He could not, under his idea of that instrument, refuse to admit, as a legislator, the rigid maxims of law and justice, as it regarded the property in dispute, which the gentleman had spoken so lightly of. After these observations, he would admit so much of the precedent as applied, but no more. The depreciation of pay allowed the late army is not a case in point. Here there are three persons, one to be benefited at the expense of another; there the soldier had justice done to him at the expense of the Government; but before the depreciation was allowed, Congress had determined that their paper had fallen in value as forty for one; but before the case can be parallel, Congress must determine that the certificates are depreciated forty for one; but this would be less unjust, if all the public creditors were equally affected; by the gradual reduction of the nominal value, the depreciation of the Continental money operated equally. But Congress were governed, on that memorable occasion, by another principle than is now contended for; it was policy which dictated the allowance to the army of their depreciation, not general and equal justice; if general justice had been attended to, those who left the army, as well as those who continued in service, ought to have had the depreciation of their pay allowed them; but they have never yet been allowed the depreciation. This demonstrates the principle which governed at that time to be policy; they feared, without this measure was put in execution, that the army would disband, and they would never be able to collect or keep another together. The Government having, at its own expense, on that occasion, done partial justice, is a precedent for doing what? For doing partial justice to one set of men at the expense of another set; speaking the authoritative language of despotism, and trampling the sacred rights of property under foot.

The next precedent adduced is that of the Canada bills. If my memory serve me, those bills were paid by the French army to individuals in Canada; afterwards they were purchased by the English merchants; but were they, in consequence, a claim upon the English Government? No. They were a claim upon the French Government. The individuals never could contemplate that it would be proper to involve the nation in a war for compelling the payment of those bills; therefore, it was their wish and agreement, at the treaty of peace, to accept of what they could get; but this was no violent interference on the part of Government to take from one class of its subjects in order to give to another class, or put in its own coffers.

With respect to the act of 1713, in the reign of Queen Anne, it is to be observed, that it affects

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the private or unauthorized debts of the Crown. In the reign of King Charles II. special provision was declared for the support of the Crown; if this specific revenue was exceeded, as was the case in the time of Anne, due bills were given for the debts contracted, due bills not issued on the authority of Parliament; and which sold, perhaps, from this circumstance, at a very great discount. It was supposed that the nation was under no necessity to discharge them, because with them there was no contract; but it is pretended in the present case that we are at liberty to refuse the payment of our certificates? Is there no contract existing between the Government and individuals? So far as this act is in point, it proves that the British Parliament interfered in altering private contracts, not between the public and individuals. The interference of the same Parliament in the contracts between the South Sea Company and individuals, proves equally as much; but neither of them proves that Great Britain undertook to do what is now proposed for us to attempt; but if they did, I hope an unjust or unreasonable measure is not to be adopted merely because it was carried into execution in a foreign nation.

The honorable gentleman, after having adduced these cases, asks if they affected the public credit of that nation? I answer, no; and the reason is evident: they were not attempts to violate the public engagements, or to injure the creditors of the nation.

It may possibly be contended, that there is no contract on the part of Government to pay these debts; but that idea will be dissipated the moment we read the words of the Constitution, "all debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid under this Constitution as under the Confederation;" the words "as valid" make the Constitution as clear as words can make it; but one of the great causes which brought about the last Revolution was a desire which pervaded the community of securing the performance of Government; the too frequent interference of Government in this respect had been felt and acknowledged by all. Can we then suppose that the public opinion is to be gratified by a measure founded on principles which are rejected and despised? No; if we mean to give satisfaction, it must be by acting on the principles of national obligation, justice, and good faith; I believe we shall violate the whole of these if we adopt the proposition.

I do not put my opposition upon the impracticability, but on the right. I think it treason against the Constitution to break through the restraints and obligations it imposes; we cannot on any consideration violate our engagements. I suspect I was misunderstood in one observation; I will therefore repeat it, in order that it may be corrected. I did not say that the State of New York compelled the British merchants to receive their debts, due them from the citizens of this State, in certificates; but that, by the laws of the State, the

individuals who remained within the lines were to receive of the individuals without the lines certificates at par; and that consequently such as remained in the hands of those to whom payments of this kind were made, were entitled, on every principle of justice, to the total of their nominal amount. I shall make but one other observation.

It has been frequently said, during the course of this debate, that the adoption of the proposition for a composition between the two classes of public creditors will be no more a violation of the Constitution than the adoption of the principles of the report; that a reduction of the principal is nothing worse than a reduction of the interest. But here is a material difference in the proposed measure; the Government, by the exercise of a despotic power, tears away the property of the individual; while, in the other case, the whole property remains, and nothing but a modification of its form takes place; nor this without the consent of the creditor. Whatever objections may be taken against this part of the report, it will no doubt be fully considered when the alterations come under consideration, and I trust fully and satisfactorily answered.

Mr. Ames.—Placing the proposition on the ground of precedent appears to be an abandonment of the principle of right; and the only principle upon which it can be contended will be that of expediency; yet nothing can have been more conclusively shown than has been the inexpediency of the proposed measure. If it is contended that the violation of rights by other Governments authorize us to pursue similar measures, and the application of precedents shows that this is the object, gentlemen need not to have travelled across the Atlantic in search of an example. They might have found instances of violated rights nearer home, they need not have gone further than particular States on these shores, and they would have discovered a warrant for any infringement of individual right. If there the business rests on the precedents which have been adduced, it will be proper to examine them. When the Parliament of England interfered in the South Sea scheme, it was not with a view of destroying rights, but in favor of them, and for their protection. The paper money of the late Congress, if I understand the transaction, is not at all in point. The Government paid the soldier in depreciated paper, and afterwards allowed and paid him the deficiency; nor did the person to whom that paper was paid away, ever suppose he had a claim to the after grants of the Government. The case of the Canada bills resolves itself into a transaction between nation and nation, therefore does not apply.

The case of the due bills, in the reign of Queen Anne, I can hardly conceive applicable to the present time; but, as was observed by the gentleman who preceded me, these due bills were issued for debts due on the Civil List; not by the sanction of Government, nor were they made transferable by an express act of the Legislature. The measure too was carried at the close of the ses-

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sion of Parliament with expedition, and probably without debate; but it is a rule that a measure agreed upon without debate, shall not be drawn into precedent; hence, if the case was in point, which is strongly denied, it ought not to serve as a precedent to guide our decision.

Gentlemen have told us that it never was contemplated either by the purchaser or seller, that the right to the real sum mentioned in the certificate was obtained and conveyed; but how does this doctrine comport with the many and solemn declarations of Congress finally to pay with honor and punctuality the utmost farthing? If this be popular opinion, let popular opinion choose its own instruments to effect it; for my part, I will never have an agency in effecting business which my principles—principles acquired by education and practice, and which, I believe, comport with those of my constituents—ever are averse to.

It is not on account of its impracticability that I oppose the scheme; it is because I conceive it to be unjust and dishonorable. I will only add, that the observations I made on this point, when I was up before, were not intended to convey any personal reflections; no man can respect more the honorable mover than I do; it is the measure, and not the man, that I oppose. I am well convinced, from the experience of that gentleman's candor, and his reputed integrity, that he is actuated by the purest motives, though I think him to be engaged in a bad cause.

Mr. Madison hoped the committee did not conceive, with the two gentlemen that had replied to him, that he meant by adducing precedents to abandon the ground of right. The committee will recollect that the gentlemen in opposition were repeatedly calling for precedents, and defied us to produce them, especially from Great Britain, which nation was held up to us as a model. They told us, that such an interference on the part of the Government of England would have annihilated that credit for which she is so respectable. Under these circumstances, the committee will think there was a necessity imposed on us to adduce precedent; and not that we did it to rest our argument on it alone, but as a collateral support, to show we had been challenged.

The committee rose, and the House adjourned.

TUESDAY, February 19.

A message from the Senate informed the House that the Senate have passed the bill providing for the enumeration of the inhabitants of the United States, with several amendments, to which they desire the concurrence of the House.

PUBLIC CREDIT.

The House again went into a committee on the report of the Secretary of the Treasury, Mr. BALDWIN in the Chair.

Mr. MADISON's proposition still under consideration.

Mr. LIVERMORE said he was against any discrimination between the soldier and other public creditor who held a public security, made payable to bearer, and consequently transferable, with

intent that they might be sold, if convenience or necessity should require it. This had been understood by all parties, as well in America as in foreign countries, and they had been sold accordingly. The advocates for discrimination have not denied this; they have only alleged that the low rate at which the poor soldier or other public creditor had sold his securities was a sufficient reason for Congress to interfere and set aside the sale. In opposition to this, he observed, that persons had a right to buy and sell at such prices as they could mutually agree upon, provided there was no fraud.

A diamond, a horse, or a lot of ground, might be sold too cheap or too dear, and so might any other property; but Government could not interfere without destroying the general system of law and justice. Esau had sold his birthright for a mess of pottage, and heaven and earth had confirmed the sale. The distresses of the army, both officers and soldiers, at the time they received and sold their securities, had been painted in too strong colors. They were not so emaciated by sickness and famine as had been represented. They were crowned with victory, and received with applause by their fellow-citizens; and although they had been paid in paper, their loss had been made up by large bounties, and in other emoluments; so that, in point of property, they were equal to their fellow-citizens, who had borne the burden of taxes under which many are laboring to this day. Let them be called brave soldiers, patriotic soldiers, but not poor soldiers. They ought to be governed by the same system of justice that governs others; but their contracts ought not to be set aside out of partiality to them. The case quoted from the statute of Queen Anne is not applicable to this case, inasmuch as Government had not originally made the debentures therein mentioned transferable. Neither did the case of the Canada bills apply; for, as he understood, those bills were paid to British merchants and to others who had purchased them.

He concluded by saying that he would vote against the amendment, because no sufficient reason had been assigned that could operate on his mind against the general system of right.

Mr. BRANKE said that on Friday last he had laid before the House a motion for making a discrimination between original holders and assignees of public securities, and for establishing a scale of depreciation for those securities. This motion he afterwards thought proper to withdraw, as, on further consideration, he deemed it altogether impracticable, and because he was not convinced that such a measure was honest and consistent with the public faith. He did not therefore think himself at liberty to give it his support.

As to the question before the committee, he could consider it in no other view than as a question, whether we shall commit a breach of public faith with the domestic creditors of the United States; and violate those solemn promises so often repeated in appeals and proclamations to the people by the late Government, and a promise or engagement which has been reiterated by the

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new Constitution? In his opinion, it required no profound skill in politics or finance to answer this question: it is only consulting the dictates of common faith and common honesty, which command nations as well as individuals to fulfil their engagements.

The United States have repeatedly pledged themselves in terms as plain as language can express, to pay to the bearers a specific sum; and to commit a violation of this promise appeared to him both unjust and impolitic. If the United States are able to perform it, they ought to do so. He believed and hoped that they had the ability; and even in the case of inability, he was of opinion, should bankruptcy itself ensue from the honorable attempt to do justice, this would be preferable to a stain cast upon these States at the commencement of their political career, by a cool and deliberate act of public injustice to their creditors. America has established in the world a high military character. Let her but fulfil her engagements, and she will also establish a national character of honor and fair dealing. This will be to her as a real and substantial treasure, which she will be able to transmit, like a fair inheritance, to her children. Should we, on the other hand, pollute her by suffering her to commit a breach of honor, it will be such a public calamity as no money can compensate.

He wished to offer a few observations in answer to those gentlemen who were so urgent in favor of the motion. They had advanced that the officers and soldiers have not been fully paid. The gentleman from Virginia (Mr. Madison) has said that without the discrimination which he offers, we shall be raising monuments of gratitude, not to our officers and soldiers who fought for us, but to those who speculated on our securities. On this he would remark, that it is to be lamented, when our army was disbanded, the derangement of our affairs put it out of our power to pay them in specie. The States, however, did every thing in their power to provide for their soldiers. The State of South Carolina gave them bounties in lands, and the warrants and grants for these lands were passed through different offices without the usual fees. North Carolina, Virginia, and other States, gave similar bounties, he believed, without mentioning the lands appropriated for them by the United States. He would not say that the soldiers have been rewarded; for what reward can be adequate to their great services? But he insisted that the people of America had not been unmindful of those services. If we for a moment consider the conduct of the people towards one part of the army; (the officers,) we shall find that America has signally displayed her gratitude towards them, from the commander-in-chief down to the ensign. The illustrious leader of our armies, retiring from the field to private life, she again raised to the elevated station of a sovereign Prince! Through what motives? From gratitude for his splendid services. View the high departments of the General Government; look into the several offices; enter the several custom-houses, from the northern to the southern extrem-

ity of the continent; there we shall find conspicuous instances of gratitude.

Let us now see how the people regard the officers of the army in the different States. In South Carolina, no other class of citizens stand any chance in competition with officers; they are promoted to the stations of Governor, Lieutenant-Governor, and Privy Counsellors; they are to be found presiding in the tribunals of justice, in the Legislatures, and on the floor of Congress; and the gratitude of the people follows them in the private walks and ordinary occupations of life. They are justly held in love and veneration; and if the future historian of America records the truth, and nothing but the truth, he must raise lasting monuments, both of the illustrious services of the officers of the army, and of the gratitude and love of the people for those services. This he mentioned in answer, or rather in charge of ingratitude.

It is urged in favor of discrimination that a few speculators will make princely fortunes. This, he said, was a circumstance which he sincerely regretted; as he did likewise regret the speculations now carrying on from this city and other places, in the State of South Carolina—the sending pilot-boats secretly from New York to Charleston, while the people there were asleep, as it were; and totally unacquainted with the councils or views of the Administration, with information on the one side only; this he thought a hard case. But the speculators, availing themselves of this and a variety of other advantages, could not justify him, in his own mind, in giving a vote that would give a stab to the good faith and credit of a nation in whose councils he had the honor of a suffrage.

He foresaw, however, a still greater misfortune in this business, than that of a few speculators, aggrandizing themselves by our funding system: It is, that our public securities will go into the hands of foreigners. The present system, offered by the Secretary, is actually mortgaging these States to foreign speculators; for the amount of the debt; for the holders will sell, as they have already sold, immense sums to foreigners to raise ready money. Few of our citizens will become purchasers, as ready money will yield far greater emolument, employed in commerce or agriculture, than when lodged in the funds. This is a calamity which he lamented from his soul; but, upon a most serious consideration upon the subject, he was not clear but that a forfeiture of public faith, a loss of public credit, would be for America a far greater calamity. He entertained strong apprehensions, that parting with the fair inheritance of public faith and public honor, under any pretext, would be acting the part of him who sold his inheritance for a mess of pottage. Viewing the subject in this light, he could not, he dare not vote in favor of the motion.

He also mentioned another ground whereon he opposed it: The scheme of a discrimination appeared totally impracticable. Commissioners must

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be appointed, not only in different States, but in different places of the same State. If commissioners are appointed, for instance, in Charleston, the citizens must attend from the remotest parts of the State, and be worried in travelling backwards and forwards to seek for witnesses, many of whom may be dead, or removed into other countries—not to mention the length of time and the enormous expense which so complicated a business must occasion. He concluded, by declaring it to be his opinion, that the proposition, if agreed to, would throw things into confusion and perplexity, which he could not see the extent of: he should, therefore oppose it.

Mr. Madison.—If paper, or the honor of statues or medals, can discharge the debts of justice, payable in gold or silver, we cannot only exonerate ourselves from those due to the original holders, but from those of the assignees; so far as paper goes the latter have received the compensation. If honor can discharge the debt, they have received civil honors; look round to the officers of every Government in the Union, and you find them sharing equal honors with those bestowed on the original creditors. But, sir, the debt due in gold and silver is not payable either in honor, appointments, or in paper.

Gentlemen say it will work injustice; but are we not as much bound to repair the injustice done by the United States? Yet I do not believe the assertion has been established by any thing that has been urged in its support. The gentleman from Maryland (Mr. Strong,) acknowledges that there is a moral obligation to compensate the original holders; how will they get what he admits is their due? He is willing to make an effort by applying the resources of the country to that purpose; but if we are to judge by the sentiments of other gentlemen who have spoken on this occasion, we have little to expect from that quarter. Suppose the debt had depreciated to a mere trifle, and extinguished the certificates, let me ask, whether, if the United States had thus exonerated themselves from the obligation to the assignee, whether the claim of the original holder would not still remain in its full force in a moral view? But believing the point of justice to be exhausted, I will just add one remark upon the practicability. The transferred certificates, generally, will show the names of the original holders, and here there is no difficulty. With respect to those granted to the heads of either of the five great departments, the books of the Treasurer of Loans, as well as the accounts of those departments now in the Treasury, will designate with a great degree of accuracy, and this may be followed up by the usual mode of obtaining evidence; and I believe, every security may be provided against fraud in this case that was provided in the case of the commissioners who were sent into the respective States for ascertaining and liquidating the claims of individuals. That there will be some difficulty I admit, but it is enough for me that it is not insuperable; and I trust, with the assistance which the cause of equity and justice will ever obtain

from the members of the National Legislature, they will easily be surmounted.

Mr. WHITE wished to ascertain a fact which had been mentioned. He did not mean to infer that gentlemen had related a fact they did not believe; but supposed they might have been misinformed. He asked, whether foreigners had been induced to purchase in our funds by assurances from the ministers of the United States, residing at Foreign Courts, that no variation would be made in the domestic debt.

Mr. BLAND asked his colleague, (Mr. Madison,) how long he supposed the settlement which he contemplated would take in its completion? For his part he supposed two or three generations might pass away before that object could be accomplished, considering the dispersed situation of the claimants through America, Europe, Asia, and Africa.

Mr. MADISON said, the claims of individuals were presented and liquidated by the Commissioners throughout the United States in nine months; that was the period fixed for that purpose by Congress; he would not say but it was too short, yet he thought this experiment fairly inferred that the ascertainment he contended for could be effected in a short time.

Mr. BORDINOR had seen an authentic letter, in which the writer mentioned that the opinion of Mr. JEFFERSON was asked, and obtained. He also had reason to believe the sentiments of the President of the late Congress were given to the same effect.

The committee now rose, and the House adjourned.

MONDAY, February 22.

The House proceeded to consider the amendments of the Senate to the bill providing for the enumeration of the inhabitants of the United States, and agreeing to a part and disagreeing to other parts; a message was sent to the Senate informing them thereof.

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The House then resolved itself into a Committee on the Report of the Secretary of the Treasury, Mr. BALDWIN in the Chair.

Mr. MADISON'S proposition still under consideration.

Mr. PAGE.—As the worthy and eloquent member who replied to me did not answer the questions I put to the committee, I suppose he either did not hear them, did not understand me, or could not answer them. I hope, before the committee decide, they will attempt at least to resolve them. I asked, where is the injustice of the States complying with its engagements made to the first holders of certificates, as far as the case admits? Where is the justice of doing more for the assignee than he or his assignor expected could or would be done? Where is the breach of faith in Government, if it paid its whole debt with justice blended with mercy? Where is the interference in contracts, when the proposition is to comply sacrilegiously, as far as the case will admit,

with the contracts between a State and its creditors? I asked, is not the assignment of certificates confirmed by the motion? Does it not give to the assignee the very thing stipulated to be given, that is, whatever sum Government shall be pleased to pay for the certificates, for that was the condition of the assignment? And is not the sum now proposed more than either the first or last holder, till within these few days, supposed would be paid him? I asked also, ought not an honest assignee to be pleased that Government intends to do that justice to his assignor which he ought to do himself, were the whole payment made to him? I asked, of what is the assignee deprived but of his late sanguine expectations? I asked whether the proposition before us does not rather establish confidence in Government than the contrary? For, sir, to make use of the comparison which has been often made here between the State and an obligor on a bond, what could give more credit to any man's bonds than to find that though they had depreciated to half a crown in the pound, he paid the whole twenty shillings; ten shillings to the assignee, who had given but two shillings and sixpence, and ten to the obligee who had sold at so great a loss?

It is true Congress may, consistently with the rules of common law courts, pay the bearer and take no notice of the creditors; but were a Court of Equity instituted to decide on the case of certain speculators, how would they decide? Government, in the most solemn manner, pledged itself to make compensation to the soldiers, have they done it? Instead of doing this, certain persons, who took advantage of their ignorance and their poverty, bought up the evidence of their debt at one-eighth of their nominal value; and in some States these very men had drawn what constituted the principal of the purchase with six per cent. interest in three years.

In what does the case differ between the depreciated paper and the certificates? Paper money was redeemed at forty for one, as well to the last as the first holder; the same principle would lead to give the last holder of the certificate the depreciated value at which he bought it. But we propose to work no injustice, we give the first holder, if he is the holder still, the full value stipulated. It would not be unjust to consider the assignee, as having paid what he advanced, in consequence of his confidence in Government, on account of that Government; and that the Government ought to repay him what he so advanced; having repaid that sum, the balance ought to go to the credit of the assignee. I am willing, on this consideration, to call the speculator the friend and supporter of the Government, who kindly lent us, when in need, two shillings and sixpence in every pound, to advance to the poor soldier. If certificates are the evidence of the debt, it proves, sir, that the balance is due to him in whose name it issued. This is the day of payment, and we must pay accordingly; and here permit me to remark, in reply to the observation of the gentleman from New Hampshire, (Mr. LIVERMORE,) that Jacob was punished for his

fraud, but for his faith enjoyed the promise; even so let us regard those who had so much confidence in us as to advance two shillings and sixpence to the distressed soldier.

Mr. HEISTER was in hopes this question would be postponed for the present, in order to go into a consideration of the ways and means: when, it appeared that the United States were incapable of making full provision, it might be considered, whether one deviation would not authorize the other? If any gentleman would make a motion to that effect, he would second him.

The question was now taken on Mr. MADISON's proposition for a composition, and it passed in the negative; yeas 13, nays 36.

Mr. WHITE observed, that the second resolution proposed by the gentleman from Pennsylvania (Mr. FITZSIMONS) was now before the committee; he would wish to modify it, by declaring that permanent funds ought to be provided, instead of appropriated; because the latter seemed to imply that Congress were already possessed of the funds, which he believed was not the case; he also wished to extend the resolution, so as to embrace the civil and military establishments of the United States, leaving the surplus to be employed in just proportion to discharge the interest of the domestic debt. The plan of the Secretary seemed to contemplate the payment of four per cent. and gave a preference to those who subscribed to his new loan; by this means, the original holder who had retained his certificate, and who thought his claim more meritorious than the others, and who, in consequence, could neither afford, nor would be willing to accept of either of the alternatives, would be left unprotected for, unless there should remain a surplus after every other demand was satisfied. He thought no discrimination ought to take place, and that he conceived to be the sense of the committee; then the revenue should be applied in just proportion among the creditors.

Mr. FITZSIMONS would not undertake to say, that this was an unfortunate proposition; but it had certainly been treated as liable to many objections; however, he trusted he would not contend for words, so that the real object be attained; but he would ask, what did the gentleman mean by this motion? Does he intend that nothing more shall be provided for paying the public creditors than the impost now in collection? If he does, their claims will be but poorly satisfied; but he considered that no money could be raised by law unless it was specially appropriated. He hoped the funds of the United States would be found, under an economical and efficient administration, fully adequate to every demand upon their justice. The report of the Secretary of the Treasury placed it in this point of view, and it was the point in which he had long been accustomed to contemplate it. He was pleased to find himself warranted, in these expectations, by official information, drawn by a gentleman of ability, from indubitable documents, and some experience.

When he had the honor of bringing these propositions before the committee, he hoped their

simplicity and singleness would have confined the debate constantly to the point. He conceived it to be time enough to enter into the minutiae, when the business was spread in the form of a bill. If the committee agree in the general principles and great outlines of the plan, the inferior parts might be accommodated with convenience, so as to produce a complete and uniform system.

Mr. GERRY objected to the amendment offered by the gentleman from Virginia (Mr. WHITE) inasmuch as it involved a breach of the Constitution; for, in the manner he had expressed it, the committee were to resolve, that permanent funds ought to be provided for the support of the military establishments of the United States, when grants of that nature are expressly prohibited from being for a term greater than two years.

Mr. WHITE.—If he was right in the principles of this motion, he hoped it would be adopted; but he would obviate the last-mentioned objection by striking out the word "permanent."

The proposition of Mr. WHITE being now reduced to a motion, a question was taken on the same; and it passed in the negative.

The question then, on Mr. FITZSIMONS's second resolution (see page 1138) being taken, passed in the affirmative.

The third proposition (the same page) being under consideration:

Mr. LEE said, he conceived this to be the proper place for us to determine the *quantum* of the debt which the United States are able to bear; how much of the debt we shall find, if we are not capable of funding the whole; and whether there is any part that has a less claim to interest being paid upon it than another; and in what manner such part ought to be provided for.

It is well known to every gentleman on the floor, that the United States have extensive tracts of vacant and uncultivated lands. Let us inquire, then, whether it would not be both prudent and politic to avail ourselves of this resource, and apply it to the immediate diminution of the public burdens? It is true, gentlemen seem pretty generally agreed, that the people of the United States are capable of bearing every burden necessary to the support of public credit. This I do not mean to controvert, they may be capable of bearing each his full proportion; but I would ask, what is their inclination? Do gentlemen suppose they are willing to bear it? For unless, in a Government like ours, the people are willing to bear it, it amounts, in my judgment, to an incapacity, and will, on public credit, have the same effect.

Our present circumstances are distressing; we were brought into this calamitous situation by the ravages, depopulation, and expense of the late war. It is our duty, then, as Legislators, guided by a magnanimous policy, to do the best we can, for the community so circumstanced. Let all our efforts tend in this direction, and we shall evince that our great object is the public good. This opinion, established on experience, will do more to perpetuate the blessings of good Government, 1st Con.—12

than all the theoretic systems that can be invented. Let us use our extensive Western country, to repair the ruin which has taken place; draw from the impost, or any other source of revenue, so much as can be obtained without distressing the community; but if it is not agreeable to go further, it is improper, and we ought to call in aid the fund to which I allude. Let the sales of land sink the arrearages of interest and indents; or let it be exchanged for them at a moderate and fair valuation. We here do the best we can—we have this fund, and they have our obligation. We do not wish the holder of indents to pay an extravagant sum for our lands—we are willing to sell them at a moderate rate.

If we can do complete public justice, let us do it; if we cannot do complete justice, let us do the best we can. We owe the interest, let us offer what we have of equal value, in order to make complete payment. After having provided for the punctual future payment of the interest and principal of the domestic debt, we can do no less than what I now propose, for the discharge of the indents and arrearage of interest. The measure, there can be no doubt, would give great satisfaction to our constituents, while it rendered the holders of securities full and adequate compensation for their claims. He concluded with moving, that the arrearages of interest, including indents issued in payment thereof, ought to be provided for by the sale and disposal of lands in the Western Territory.

This motion not being seconded.

Mr. GERRY inquired what it was intended by this resolution to do? Was it meant to fund the indents in the State treasuries? If this was contemplated, he feared that it would be a reward for delinquency; and this the committee would be convinced of, by referring to the manner in which the business was conducted. At the time that Congress authorized a State to issue indents in payment of interest on the domestic debt, they called upon her to pass acts for collecting and contributing her proportion of the same to the United States. Some States passed acts accordingly, collected them in, and transmitted them to the Treasury of the Union. Others have collected them, but never paid them over as required. Therefore it appears, that this last class ought not to have the benefit of having the indents in their hands funded, while others, who have shown a more prompt compliance with the calls of the Union, are prevented, by having performed their duty, and paid them over to the Treasury. With respect to the indents in the hands of the creditors, and the arrearage of interest, he had no doubt of the propriety of considering them as part of the principal; he would, in order to make the object of the resolution more pointed, move to alter it so as to read, "ought to be incorporated with, and made part of the principal," instead of "ought to be provided for, on the same terms as the principal."

Mr. FITZSIMONS said, there was no doubt but the intention of the resolution was, to make an equal provision for all, whether in the possession

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of the States, or in the hands of individuals. He saw no mode by which a discrimination could take place, if even the principle was just; but it was as much a fact, as that some States had neglected to pay over their quotas to the Federal Treasury, and retained the indents in their own hands, and still retained a considerable balance, which they were undoubtedly entitled to fund. He apprehended these requisitions of Congress must stand upon the same footing as all other requisitions; but in the interim, that a general and equal provision must be made for all; and this was the idea of the Secretary, as the whole interest, whether paid in indents, or unpaid, is calculated to be funded.

Mr. GERRY would submit it to the judgment of the committee whether this was a just proposition, if they considered its operation? Suppose, said he, that one State has collected its full proportion, agreeable to the requisitions of Congress, and sent the amount into the Treasury of the United States, while another State has collected but half her quota, and has it still in possession; is justice or equity, that the State first mentioned, which has complied with its duty, should be under the necessity of contributing taxes to pay half the debt of the latter State? Yet this will be the result, in regard to every State which has paid its full proportion or less. If it will be unjust, as it respects those States which have paid but half, how much more unjust will it be as it relates to those who have not paid any. Will it not be better to let it be considered as a debt on account without funding it, liable to the final liquidation and settlement of accounts? Or, if we admit the States making defaults to place their indents in the general funds, we ought to provide that those States which have paid in those indents, either in whole or in part, draw back the same, or receive other securities to an equal amount, and then we may, on the principles of equity, admit the whole to be funded. But the best way to proceed will be, to consider the indents in the State treasuries, as in the Treasury of the United States; for he could not believe that it is meant that a State should have the benefit of its delay. He wished the proposition varied so as to embrace this idea.

Mr. LAWRENCE.—If gentlemen will only advert to this circumstance, the proposition, as it stands, will be admitted without any amendment. The several States have been called upon for several years past, for certain sums, in specie or indents, and those sums were apportioned according to their supposed abilities. These sums were not considered as their absolute quotas, but were left to be adjusted at some future period, when a rule of ascertaining the proportion should be agreed upon. Those States which complied with the requisitions, by advances of either specie or indents, are to be considered as making advances only on a general account; so that whether a State complied or did not comply, is quite immaterial, because, when those accounts are ultimately settled, each State will have credit accord-

another State, disregarding of that duty, which has not complied. This unlimited proposition will determine, that the first shall contribute to fund all indents, which the latter has received, collected, and retained; but which they ought equally to have paid over to the Federal Treasury; and on the capital of this exclusive debt, she must labor to pay interest, until the final liquidation of accounts. Now, is there a State in the Union so flush of money, as to wish to contribute an unequal proportion to the support of this measure? Will it be satisfactory to those States which have furnished their proportion to be thus treated? Will they not contend, either that the whole be paid in, or that they be reimbursed by the issue or return of their proportion which they had already contributed? It appears that one or other of these modes ought to be pursued, as well for the satisfaction of States, as to conform to the principles of justice. The complying States could not but consider it oppressive and unjust, to contribute further sums, when they had done already what had been required on the principles of reciprocity; while those who had participated in the violation of public faith and the breach of contracts were rewarded.

Mr. LAWRENCE said, the gentleman's objection went against making any provision at all on this head; for saying that the indents should be left on the footing of the old Confederation was nothing more or less than rejecting them. If the National Government should decline funding them generally, the individuals would never get satisfied. The gentleman has supposed that it would be derogatory to the honor of the States that have not complied with the requisitions of the old Congress, if they were to give out the indents they have or may collect. He did not view it in this light, because he supposed every State had a right to use this property as it pleased, and wait the final settlement of the accounts. If she paid them into the Federal Treasury, the balance due her on settlement would be greater; if she neglected it would be less, so that the event would do equal justice, according to the nature of the case. But the ground of requisitions was abandoned, the mode of providing for the public debt was different, the General Government now operated on individuals. How then is it derogatory to the honor of a State, to use a property, which, mode of discharging the public debt being varied, we are not to expect that any State will pay a farthing on the old requisitions of Congress; what they have they will keep, and abide the ultimate adjustment; from hence, it appears that the mortification and ultimate proviso are unnecessary, even if the measure was within our reach, which it certainly is not.

Mr. LIVERMORE apprehended the general proposition made by the gentleman from Pennsylvania, was embarrassed, by having in it the word "indents;" he wished, therefore, it, and all that related to it, might be struck out. He thought the indents issued by the former Congress ought to stand on their old footing, and be paid in on the

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requisitions. A great part had been already collected, so ought also the remainder; but if any part should eventually be left in the hands of individuals, Government might make provision for them. If gentlemen objected to strike out the word "perhaps," inserting "not," before the word "including," would produce the same effect.

Mr. FITZSIMMONS feared that gentlemen had not considered the subject with their usual accuracy; if they had, they would not embarrass it with a question of this sort. They would please to recollect, that the requisitions of Congress touching the indents were of the same nature as those of specie. These requisitions, as well the one as the other, were complied with by some States in full, in some by small advances, while others paid none at all; from these circumstances, it happens that a large sum is now due the individual creditors, either for the indents in their hands, or for the unpaid interest due.

The indents due on the requisition of Congress, in April, 1789, were 6,491,000 dollars; the specie was \$3,521,000. Now, how can it be proper to call upon the States for the first balance, and not for the last? If it is meant that these balances should be paid, the State I have the honor to represent can have no objection; she has paid an equal proportion to any in the Union; but, I believe, no gentleman on this floor entertains a hope that the States can be prevailed upon to pay up the balance of the requisition in specie; this ground, I take it, sir, is totally abandoned; and if we mean to do any thing for the support of public credit, we must have recourse to some other mode of obtaining revenue. If it is intended to refuse funding the indents in the State treasuries, great injustice will be done, for the State of Pennsylvania has not only paid the whole required of her by Congress, but has a considerable balance in her treasury. For that State having assumed the payment of the debts of the United States, due her own citizens, has made provision for the payment of the interest in actual money; as she assumed more than her proportion of the domestic debt, she consequently drew interest in indents beyond the quota required of her by Congress; the balance still remains in her hands, and she is undoubtedly as much entitled to have them funded, as if she had issued them to her citizens, instead of the money she has paid for interest. The State of New Jersey is in the same predicament, and there can be no doubt but these two States, and every other in similar circumstances, would sustain real injustice, if the amendment proposed by the gentleman from Massachusetts were to take place.

Mr. GERRY said, the arguments of the gentleman last up did not touch the question, because the amendment was not intended to affect the balance held by the States, which had paid in the indents required by Congress. The situation of Pennsylvania, ought, no doubt, to be provided for, but he did not know that any other State in the Union was in the same condition; but he was well convinced, on the principle of equity, that the delinquent States had no right to have their indents

funded, and burden those which have already contributed their full proportion, with a debt they do not owe; he would state a case; suppose the whole debt of the Union had been proportioned and levied before the formation and adoption of the Constitution, and the State of Pennsylvania had paid in her full proportion, then she is, in justice, discharged from any other or further contribution; but the new Constitution having taken place the delinquent States obliges her to take up part of their burdens; they levy a direct tax, and make her pay a second proportion. Would this be consistent with justice? It would not; yet the proposition stands upon the same principle. Would the States, who have performed their duty, submit to such oppression? It could hardly be expected of them. But if they acquiesced for the sake of preserving the harmony of the Union, is it likely that the delinquent States would ever incur in, or aid the final settlement of the accounts, which would bring the old load upon the shoulders of the majority, and render that distributive justice which they now evade? Whatever may be the event, it is certain that it would be their interest to avoid the final adjustment of the expenditures.

Gentlemen say, that individuals will be affected by the restriction which I have contemplated; but how will they be affected? Advantageously; for I would ask any gentleman, if the funds will not yield a greater proportion as the debt is less, and if this will not secure a more punctual and complete payment than when the debt is increased by the addition of the indents already in the State treasuries? But there is a real distinction between the specie requisitions, and the requisitions of indents. Specie was to be collected of the inhabitants, without a certainty of a return; but indents were first lent by Congress to the States, and they were to return them after having made the use of them for which they were issued; some States have paid the whole back, others have paid little or none. Now, what was the contract? That every State should return the indents that were advanced to them. It cannot, therefore, be consistent with justice, to burden the complying States with a load of debt, accumulated, and applied by the defaulting States to their exclusive advantage, without any other than a very remote expectation of reimbursement at the final settlement of accounts.

Mr. FITZSIMONS was apprehensive lest an amendment of the kind proposed should embarrass the business. How could the gentleman make the exceptions he had admitted to be proper? The claim of Pennsylvania was indisputable; but, perhaps, other States might have the same justice due to them, in cases where their claim might not be altogether so apparent.

Mr. CLYMER said, the gentleman ought to qualify his amendment, so as to speak the language of his own explanation. He ought to accept only those indents collected into the State treasuries, for the purpose of complying with the requisitions of Congress.

Mr. BENSON.—The motion for amending the

original proposition, appeared to him to stand on a principle rejected by the committee. It would be an unavailing discrimination; because the power of the General Government could not reach the case; suppose this State were to direct its Treasurer to sell the indents in his possession, and buy certificates, or if it were to order them to be exchanged or paid away, how would the Congress prevent the measure? This Government does not operate on States, as the Confederation did; it operates on individuals, and who is to be punished for the act of the State? Has Congress authority to forbid the sale, or to punish the disobedience of its order, in this case? It is a delicate question, and ought not to be unnecessarily agitated.

Mr. HUNTINGTON had some suspicion that a resolution like that proposed would tend to embarrass the final settlement of the accounts; and for that, as well as the other reasons suggested, he would vote against it.

Mr. GERRY.—The gentleman from New York says, that my proposed amendment stands on the footing of discrimination, which has been rejected by the committee. There is only this difference; the former question was reduced to this, shall we pay a just debt, acknowledged to be due? And the present is this, shall we pay a debt to a State, which, so far from being due, is absolutely reversed? That the State owes to you the very sum you propose to pay her. In reply to the gentleman from Connecticut, if this will embarrass the final adjustment of accounts between the United States and individual States, so will every credit-charge which there may be in the case; but this will embarrass the settlement no more than any other charge.

Mr. SENEWICK saw nothing like discrimination in the proposed amendment. He conceived that whenever the indents were collected into the State treasury, they were the property of the United States, and it was nothing but neglect in the States that they were not paid over. Ought the consequence of this neglect be to enable a State to obtain a debt against the United States, until the final settlement of accounts, when she is nothing more than the agent of the Government, by whom the business of indents was transacted?

Mr. BENSON would state a case which would show the discrimination. Suppose a creditor of the United States had received one hundred dollars in indents, as the interest of his money, and was to purchase of the State of New York land to that amount, and pass the indents in payment; but, because it is in possession of the State, it must not be funded; yet, what is in the hands of individuals shall. What is this but discrimination? But the attempt must be vain, you can never trace the security; you must accept them of those who hold them, and if your act was to restrain New York from passing them out of her treasury, the State of New York would not be obliged to obey such a law.

Mr. GERRY.—The gentleman says the State of New York would not be under any obligation to

obey a law restraining her from issuing the indents in her Treasury. I should be glad to know on what principle he founds this opinion?

Mr. BENSON replied, that this was not one of those points in which Congress had a right to legislate for the States; and, therefore, any regulation on this head could not affect them.

Mr. STONE thought it would be unjust to fund the indents in the treasury of a delinquent State, and refer the one that had paid in its quota to so distant a period as the day of final settlement. He thought the General Government ought, if it funded the former, return to the latter all that had been paid in, and then they would stand on an equal footing.

Mr. LAWRENCE said, it was not on account of the State he represented that he opposed the amendment, but it was on general principles. The State of New York had paid her proportion of the requisitions with great punctuality, and perhaps no State in the Union had paid more than she had in indents, Pennsylvania excepted.

The call for the question being pretty general through the House,

Mr. HEISTER wished gentlemen to delay the decision; it was a delicate question, as it respected the customs and opinions of the people of the United States, how far it was proper to sanction the payment of interest on interest; but, beside, it was a sum of too great magnitude to perpetuate the burden upon their constituents, without more deliberation and discussion than had hitherto been given to it.

The question on Mr. GERRY's amendment being put, it passed in the negative.

Mr. HEISTER moved the rising of the committee, as he was against deciding at present on the proposition; if, however, the question was pressed, he would vote in the negative.

Mr. SHERMAN thought the interest was as meritorious as any part of the debt, and ought, of consequence, to be equally provided for.

The question on the third resolution was put, and carried in the affirmative.

The fourth resolution, on the assumption of the State debts by the United States, being under consideration,

Mr. LEE hoped this subject would be passed over for this session at least; it was a question too momentous to be hastily agreed to.

Mr. GOODHUE hoped it might not be passed over; but he had no objection to the rising of the committee.

Mr. SENEWICK said the question involved a great variety of consequences, and was deserving of the most serious attention; but as the day was too far spent to go into a discussion at this moment, he would second the motion for the committee's rising.

Whereupon the committee rose, and the House adjourned.

TUESDAY, February 23.

A message from the Senate informed the House that they receded from the amendments disagreed

to by the House to the bill providing for the enumeration of the inhabitants of the United States; and that they have agreed to a resolution, that it will be expedient to accept of the cession proposed by an act of the Legislature of North Carolina, for ceding to the United States certain Western lands therein described, on the conditions therein contained, and that when a deed shall be executed for the same, Congress express their acceptance thereof by a legislative act; to which resolution they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill for regulating the Post Office of the United States; which was read the first time.

PUBLIC CREDIT.

The House then went again into Committee of the Whole on the report of the Secretary of the Treasury, Mr. BENSON in the Chair.

The assumption of the State debts under consideration.

Mr. LIVERMORE thought this proposition one of a very extensive nature, and of which the committee, at present, had no complete idea. But why are we to use such expedition in determining upon it? The Secretary does not consider it of importance to provide for it for a long time to come. Are the creditors of the respective States, of the States themselves, clamorous for the measure? They have not, as yet, applied to Congress on this head; perhaps the creditors are satisfied with what the States have done for them. Why then are we to undertake a work of this extent, when nothing appears to show its necessity, or even propriety? Is not the task of providing for the real debts of the Union sufficiently arduous, without undertaking more, when more is unnecessary? Besides, will not the assumption of more debts than we owe disable us from doing our real creditors justice? And will they not have a right to complain of our conduct? But the merits and amount of these debts are both unascertained. It would argue a want of foresight to adopt a measure wrapped up in uncertainty.

We know there are commissioners appointed and employed in the settlement of the accounts between the individual States and the United States; let us know first from them what balances are due to the respective States, before we undertake to assume them. I think these considerations alone sufficient to induce us to suspend our determination for the present; but if we cannot pass it over regularly, and consistently with the rules of order, of which, by the by, I profess myself no judge, I hope it may be negatived.

Mr. LAWRENCE.—I view this, sir, as one of the most important subjects which can come before Congress. I conceive that it requires all the investigation and consideration which reason and the most experienced judgment can bestow. I hope, therefore, that gentlemen are prepared to enter on the discussion with candor and moderation, and furnish their associates with all the light they can reflect upon the subject.

H. OF R.]

Public Credit.

[FEBRUARY, 1790.]

Public Credit.

Public Credit.

[H. OF R.]

For my own part, after paying some attention to the measure, I must own that I am at present in favor of assuming the State debts; I think I discover great advantages resulting therefrom. I believe it will be much easier, and more productive, for one body to draw forth the resources of the Union, than it will be for many. Those resources must be drawn out for the particular purposes for which they are wanted; the debt of the General and particular Governments must be provided for, either by the General Government, or part by the General Government, and part by the particular State Governments; for I apprehend the creditors of the respective States will think their State Governments as much bound, in justice, to satisfy their claims, as the creditors of the General Government think the United States bound to satisfy theirs. Therefore it seems to follow, if the General Government does not make provision for both, that they must leave some of the resources for the satisfaction of that part for which they themselves decline to make provision. Supposing the whole must be satisfied, I am led to conclude it might be done with greater ease, less expense, and more facility, if it was all provided for under one general system. This is my general idea; and I am convinced, the more it is examined, the more it will be found beneficial to the Union.

It is well known that particular States are in the exercise of deriving revenue from excise, for the satisfaction of particular creditors; and that part of the Secretary's plan contemplates the exercise as a branch of revenue whereby to provide for the domestic debt of the United States. Perhaps, and it is highly probable, that the excise may be laid by both on the same articles; if they both go on, there will be such clashing and confusion, such prejudice and loss of revenue, that the product cannot be relied on by either; but if the debts are assumed, we can have the whole of these funds, and there is no doubt but they will be fully adequate, in this way, to the purpose for which they are wanted.

The objections made by the gentleman from New Hampshire may be easily obviated. He has mentioned that we know nothing of the state or amount of this debt. The Secretary of the Treasury, from authentic accounts in many instances, and from well grounded conjectures in others, has ascertained that all the claims of individuals upon the several States does not exceed twenty-five millions of dollars; hence, here is some certainty as to the extent of the debt; but if there is any objection on this ground, Congress may bind them to that amount, that they shall not go further.

He further objected, that it was improper to assume these debts, because we do not know the merits of the particular claimants. We must have some confidence on this subject, and suppose that when the particular States settled, liquidated, and admitted a debt, that they did not admit improper ones; the States having admitted them is our security; the merit was proved to their satisfaction.

faction, and no doubt will be to ours, provided we think proper to assume them.

He says there has been no application made to Congress, by either States or individual creditors of States. But this, sir, is no reason against the assumption. If we view it as a measure beneficial to the true interests of the United States, we are at liberty to adopt it without any such application. I imagine it will be beneficial to the State claimants; and it is unnecessary to wait for an application from them to induce us to do what will be conducive to their interest. They will be better satisfied under a permanent provision, that will exhibit full and permanent regulations, than they can be under partial State regulations. I believe there is no occasion to wait until the particular States make application, because the claims we are to assume are those of individuals against the States, and if they mean to subscribe their claims, the States cannot interfere; it is the property of the creditor, and he may do with it what he pleases; if they chose to transform their debt into a Continental debt, what has a State to do with the transaction?

The gentleman has also intimated, that if we assume the State debts, we shall embarrass the operations of the General Government with respect to the domestic creditors; but if we do not assume those debts, I think the creditors of the General Government will have a right to complain. For the interference and clashing of thirteen collections will, in all probability, occasion a deficiency in every one; the certainty of drawing any given sum from a fund thus circumstanced, is not to be relied on: will it not be injurious to the creditors of the Union to have the revenue that is to pay them their interest totally precarious? Will not their principal be diminished in full proportion?

The gentleman has admitted, that on the final adjustment of accounts, we ought to assume the balances. I suppose, if the States are not able to pay them—but I presume the settlement of accounts makes no alteration on this point. If the debts are now assumed, it will reduce those balances; if they are not assumed till after settlement, the balances will be greater. If it is proper to assume at any stage, why not assume at the first stage, when we are certain that the measure is founded in justice, and can be executed with convenience to all parties? Hence I am led to hope that the committee will ultimately adopt the resolution, though I am not anxious to hurry on a decision until the subject is well examined. I shall hear the observations of gentlemen with pleasure.

Mr. LIVERMORE begged to explain one word. What he had said with relation to the merits of the debt, did not apply to the individuals, it referred to the nature of the debt, such as whether it was contracted for general or particular defence, or for local and State purposes, with which other States had nothing to do. He supposed there was all this and more variety to be found in the State debts.

Mr. AMES expressed great regard for the can-

dor of the committee in proceeding to discuss a subject which some gentlemen considered as of the first importance. He presumed from it, and the consideration gave him the highest gratification, that they were disposed to persevere in that line of conduct towards each other, which had hitherto so notoriously contributed to preserve that harmony in their discussions and decisions which had hitherto prevailed.

He begged permission to state one or two reasons why the committee ought to proceed in the way they were in, which he was sure would not be considered as altogether foreign. I presume, in the first place, that it is pursuing the civil order of things; that is, we consider what is to be done, before we consider how it shall be done. It is perfectly natural to ascertain what the debt is, before we declare how it shall be paid. I can hardly contemplate a change in the order of proceeding, without incurring confusion.

But there is another consideration: the manner in which the provision shall be made for the discharge of the annual interest will, in a great measure, depend on the decision of this question; because, if the committee determine that they will assume the State debts, they may proceed without paying much regard to the existing and otherwise interfering revenue laws of the several States. They would then have a clear stage, and might fit it up as they judged most convenient. They might lay such duties as they supposed were most likely to be successfully collected. But if we do not assume them, it will then be worthy of inquiry, how far we are to regard the present laws of the States respecting excise? Whether we are content to take the residue of what is left after the State collection? This will also lead to the discussion of an inveterate question between the pre-emption right of the State and of the United States, and the superiority of the general and particular creditors.

By pursuing order, we shall, I trust, come to satisfactory conclusions upon every proposition. The resolutions are simple; they do not enter too much into detail; nor are they expressed in too compact a manner. By their simplicity they are capable of fair discussion; it is what the honorable mover intended, and what I hope they will receive.

There is one other remark I would suggest; but then I would have gentlemen observe, that I barely suggest it. Perhaps if we do not assume the debts contemplated by the Secretary, we have no right to assume the funds; if we break into his general arrangement, the system is disordered, and can hardly be again connected so as to preserve its symmetry, or give it efficacy.

Mr. SHERMAN.—If we can make provision for these debts, it will be a desirable object to assume them; it will, at the same time, ease the States of a very great burden, and put all ranks of creditors on the same footing; and this last will have an effect to prevent speculation, inasmuch as there will be but one uniform object for men to trade in; there will be no difficult variety in the nature of stock. But, at the same time, I think the debts to

be assumed ought to consist of those only which were incurred for common or particular defence during the last war; and not those debts which a State may have incurred for the support of its Government, the protection and encouragement of its manufactures, or for amending and opening highways, clearing the obstructions in the navigation of rivers, or any other local purpose, undertaken merely for the benefit of one or two States.

I have no objection to agreeing to the general proposition at this time; but I am not quite so well satisfied with respect to the time when the provision ought to be made for paying the interest thereon; but as that matter is not immediately before the committee, I shall not touch upon it at present.

Mr. STONE.—A strong binding force, exterior or interior, is supposed essentially necessary to keep together a Government like ours; and of all the bands of political connexion, perhaps there is none stronger than that which is formed by a uniform, compact, and efficacious chain or system of revenue. A greater thought could not have been conceived by man; and its effect, I venture to predict, if adopted by us, and carried into execution, will prove to the Federal Government walls of adamant, impregnable to any attempt upon its fabric or operations. I have viewed it with some degree of attention, and I see the subject rise into gigantic height.

I am inclined, sir, from the view I have taken, to believe that the measure is not founded in injustice; because it is an advance of credit by the United States, which the individual States are in future to compensate. And although the individual States may have gone into enormous expenses on account of their Civil Government, yet it does not appear that it will operate injustice on that account; because I suppose that the States will not have credit in a future settlement for any thing but their exertions during the war. Those who have made the greatest exertions will have the greatest credit; therefore we are to suppose that justice, in the end, will be done to all parties.

It is also very clear to me, that the United States will collect the revenue arising from the proposed funds, and pay it over to the public creditor, with more ease and less expense, under a uniform system, than could be done by the various and different regulations of the several States; but, in proportion as these reasons are cogently impressed on my mind, the objection rises the stronger to the whole system; for, in my opinion, it ought to be defended, with this point granted, that a General Government is of advantage to the people of the United States.

I shall detain the committee a very little while in examining how far the proposed scheme is connected with that idea. I think, sir, wherever the property is, there will be the power. And if the General Government has the payment of all the debts, it must, of course, have all the revenue; if it possesses the whole revenue, it is equal, in other words, to the whole power; the different States will then have little to do; important talents will

not be necessary to be employed in the administration of the State Governments; if they are not found to be necessary, the fair presumption is, they will not be employed. Men of consequence and great abilities will hardly go into a Legislature where their usefulness is circumscribed to trifling or uninteresting points. What is likely to be the effect of this? I presume, that hereafter the Legislatures of particular States will be composed of men who hold their talents at a cheaper rate. The same principle will operate throughout the whole routine of State business—the Legislative, Executive, and Judicial; and the operations of the Government will partake of the weakness and imbecility of its administration. In proportion as the State Governments decline in consequence, men will look up to the General Government; and in proportion as they decline in their importance, so will the Federal Government rise in consequence. It has been very doubtful whether there can be a confederated Government where the laws are to operate on individuals, and not on States. Indeed it has been a doubt whether a Confederated Government remains, when the General Government possesses the power of the purse; and whether that circumstance does not swallow up the idea of an absolute existence of a State Government. I believe the truth of this will be demonstrated by recourse to historic facts. Every confederated Republic which has given the superintending body the power of the purse, has found every effort of the individual States insufficient to keep the compression of that band from holding them tightly together; neither exterior nor interior force has yet been able to separate the parts of a Government formed on this principle. Hence, sir, I am led to believe, that if the whole revenue of the several States is taken into the power of Congress, it will prove a band to draw us so close together, as not to leave the smallest interstice of separation.

There is another consequence which seems to result from this plan, with which my mind does not accord; it is this: that one class of men in the United States are about to bear the whole expense of the late war, and that class is the consumers of foreign articles. This is strictly true, if we except a very trifling revenue indeed, derived from the writers of post letters; and, perhaps, as trifling a one from the excise on the spirits distilled in the United States. Now, it appears to me, that the consumers of imported articles are not the only persons in the community who draw advantages from the late Revolution, or from the adoption of this efficient Government; therefore, we ought, as far as we can ascertain, endeavor to lay the burden as equally as possible upon the whole community.

I know that laying a duty on imports to a certain extent is one of the easiest modes of raising revenue; and that, in general, it will operate most equally; but it does not follow, that because it is the easiest to a certain extent, we are, therefore, to relinquish every other species of taxation, and lay the burden of the Revolution on one class of citizens alone.

There is another observation which I mean to make. It does not appear to me that the debts of the particular States are the debts of the United States. State debts, and debts of the United States, are hardly convertible terms; and I question very much, whether it is strictly within our constitutional power to levy taxes and collect duties, except it be to pay the debts of the United States. Will it be admitted that Congress can adopt any debts they think proper, whether they come within the idea of being debts contracted for the purposes of the Confederation or not? The object expressed in the Constitution is simply to pay the debts of the United States. Can Congress, by their own authority, saddle the Union with a debt of this magnitude, independent of the particular powers they derive from the Constitution, and then justify the collection of taxes under the general powers of the Constitution? Suppose the United States were to levy a large sum in taxes, without an object, would this exercise of authority be within the defined powers of the Constitution? Would it be right to say, that we shall hereafter be largely in debt, but we are not yet so; and, therefore, we must collect a great quantity of revenue? The scheme of the Secretary proposes either this very thing, or something extremely analogous. The State debts which we are to provide for are not the debts of the United States, and very possibly may never be.

If this is granted to be a principle of our Constitution, it may be a dangerous one. If Congress say they want money for some purpose which they conceive to be salutary to the United States, but which, at the same time, is not a constitutional object of their power, have they a right to levy duties for such purpose? And if they have, where is the limit to which they may not go? Or where is the boundary by which they are restrained.

Before this scheme is adopted, it is my opinion that the sense of the several States, and the individual creditors, ought to be obtained. I think there are a variety of debts in the several States; their extent is as different as the provision made for their security. The credit of the States is materially different; perhaps in consequence of the amount of their debts, and the means of their payment; not, however, that this is uniformly the case. The value of the debts of the State of Maryland may be different from that of the debts of New York and Pennsylvania. I believe, in Maryland, the funds appropriated for the payment of the State debt are neither so ample or punctually paid as funds provided by Virginia or Pennsylvania, the two adjoining States, for the payment of their debts; yet the paper securities of Maryland sell in market for twice the sum than the securities of either of those States. I suppose the paper must be rated at what it sells for in the market; and when men are asked to make their selection as to which they will prefer, they will forego what brings least, and accept of what contributes most; they will be governed by the

market price of the several kinds of stock; then I infer from hence, that there may be a partial adoption of the scheme by the several States, and individual creditors of the States. It would be well to examine the consequences of such an event. I believe the committee will have no doubt in assenting to this proposition—that whenever the faith of a nation is pledged to pay its just debts, it must perform the promise with good will and alacrity. We have sufficient proof of this by the speedy adoption of several resolutions on this head by this very body. But let us suppose, sir, that the individual creditors of Pennsylvania or Maryland refuse to adopt your plan, and the State refuses to notice it; or that the majority of the creditors of those States refuse to subscribe to your loan; one of two consequences must arise: either a great part of the United States, having agreed to adopt the plan of Congress, will remit in their exertions to pay their State creditors, and, by that means, force the remaining creditors into a compliance with the terms of the scheme, or the States, where the creditors do not subscribe, will be forced to levy taxes for their individual creditors, and contribute, at the same time, to pay the debts thus assumed. Suppose the State of Massachusetts is pleased with the scheme, and thinks it right, but its creditors do not subscribe, will she go on and levy taxes to discharge the debt? Suppose the creditors of Maryland should refuse to subscribe, and Maryland disagree to the scheme; suppose a majority of the creditors and States should reject the scheme, and it fail, then have to begin to tax again, having lost all this time. Suppose a majority of the States were to adopt the scheme, and a State and its citizens refuse, then this State must pay as much, by ex-ternal taxes, as Congress are able to collect, and all this they must bear without the consolation of thinking it equal. Such a situation must involve this country in serious circumstances. A State, thus circumstanced, would bear its burden with great pain, and very great impatience.

Suppose an individual creditor, in any State, should refuse to subscribe to the Continental loan, the State must go on with its process of taxation to collect the money for this unsubscribed part. Here the expense of taxation would be equal to what it is at present; but its relative proportion, with the sum raised, would be increased much to the dissatisfaction of the citizens. In this case, that ease in taxation, which has been contemplated, would not take effect.

These are the reflections which have arisen in my mind, and really I did not think that we should have got so far on with this business by this time; we have been expeditious indeed; it will not be doubted that we are wise politicians, yet it must be granted we are bold ones. We have, without the assistance of any part of the community, except an officer of Government, and the information we have obtained from each other, adopted resolutions affecting the dearest interests of the people, without affording them an opportunity of

letting us know their sentiments. Shall we go on to new-model all the revenues throughout the United States, to alter the disposition of every State's scheme of finance, without consulting them; giving cause of chagrin to the State creditors, and of alarm to our constituents and their State Governments generally? It appears to me to be a hazardous thing.

I will make one observation more, which the last has suggested. The community might have adopted, willingly, had they been consulted, a measure which they may object to and oppose, if decided upon without their knowledge.

I do not see, nor has it been proved to the satisfaction of my mind, that there is any occasion for using expedition in completing any part of the funding plan. I have not changed that sentiment which I mentioned in the beginning. If we lay and collect taxes, we shall be in a situation to pay our debts; but a funding scheme will not make us a farthing the richer, however elevated on the scale of nations it may make us appear. We often adopt propositions with the firmest reliance on their truth and propriety; yet some thought and communication, with a little experience, will induce us to wonder how we ever could have conceived them right.

These are the suggestions of my mind, so far as I have examined the subject, and it appears to be a step which we cannot take, at this time, with any prospect of advantage.

Mr. CLYMER said, that although the assumption of the State debts appeared to him a measure of a federal complexion, and necessary to the preservation of the Union, yet it required considerable caution. At present no very important objection occurred to him against it. Those mentioned by the gentleman from Maryland, he thought, admitted of an easy answer; they were, principally: That we were required to assume the unauthorized, as well as the authorized State debts; which never could be a charge against the United States: That it would be difficult to find the means of satisfying both the Federal and State debts consolidated: And that if the power of providing for their own debts was taken from the States, they would be brought to too great a dependency on the United States.

To the first, he answered, that what we assumed of the unauthorized debts of the States would be sufficiently covered in the gross demand which they would have against the United States, when their accounts should be finally made up. To the second, he answered, that Congress could not assume the State debts without assuming, at the same time, those very means which otherwise the States would employ in extinguishing their debts, were they left on their own hand; and that, in this case, it would be as easy to satisfy both species of debt as one. On the third objection he observed, that if a condition of absolute dependency on the General Government was to follow this measure, it would be only the anticipation of a necessary event. For, on the final settlement of accounts, whatever debts were then due to the States must be assumed, and in like manner pro-

vided for by Congress, in taking the taxation out of the hands of the States. Other objections, and perhaps material, might occur; but he saw none at that time that militated forcibly against the measure.

Mr. SHERMAN.—It appears to me, that the objections of the gentleman from Maryland are not sufficient to prevent our adoption of this proposition. His objection is, that it will give a greater degree of importance to the General Government, while it will lessen the consequence of the State Governments. Now, I do not believe it will have that effect. I consider both Governments as standing on the broad basis of the people; they were both instituted by them, for their general and particular good. The Representatives in Congress draw their authority from the same source as the State Legislatures; they are both of them elected by the people at large, the one to manage their national concerns, and the other their domestic, which they find can be better done by being divided into lesser communities, than the whole Union; but to effect the greater concerns, they have confederated; therefore, every thing which strengthens the Federal Government, and enables it to answer the end for which it was instituted, will be a desirable object with the people. It is well known, we can extend our authority no further than to the bounds the people have assigned. If we abuse this power, doubtless, the people will send others to correct our faults; or, if necessary, alter the system; but we have every reason to believe the people will be pleased with it, and none suppose that the State Governments will object. They are the supreme power, within their own jurisdiction, and they will have authority over the States, in all cases, not given to the General Government, notwithstanding the assumption of the State debts. If it was a question between two different countries, and we were going to give the British Parliament power, by assuming our debts, of levying what taxes they thought proper, and the people of America were to have no voice in the appointment of the officers who were to administer the affairs of Government, the experiment would be dangerous to this country; but, as the business is to be conducted by ourselves, there can be no ground for apprehension. The people of the United States are like masters presiding to their servants the several branches of business they would have each to perform. It would not comport with their interest if the Federal Government was to interfere with the Government of particular States; while, on the other hand, it would injure their interests to restrict the General Government from performing what the Federal Constitution allows them. It is the interest of each and of the whole, that they both should be supported within their proper limits.

Another objection is, that we are to pay the whole by imposts, and that this mode will be unequal. I apprehend this is not well founded; because the consumers of imported goods comprise all the inhabitants of the United States, and the consumption is, in a great degree, proportioned to the abilities of the citizens. The rich man, with

his dependants, consumes more; there is more waste, too, in such a family, than in the economy and frugality of the poor. If this be the fact, the rich contribute revenue in a proportion, and of consequence, the burden of the tax is borne generally and equally, by those who derive benefit from the late Revolution.

Another objection is, that we are not authorized by the Constitution to assume the State debts. By the Confederation, Congress were authorized to raise money; but not being able to effect this, in an immediate and direct manner, they did it immediately, through the intervention of the State Governments; so that, in fact, these debts are to be looked upon as the absolute debts of the Union; however, I should have no objection to qualify the mode of expressing our opinion, in such way as to confine the assumption to those debts alone which were contracted by the States for the common defence. Those debts, as was observed by the gentleman from Pennsylvania, will ultimately be assumed, and it is as well to be charged with them, in the first instance, especially if doing so, in the first instance, will promote the general good.

Another objection is, that the debts of the States are of different value. I take it, sir, that no debt will be assumed, but what is liquidated and reduced to specie value, and, although we differ in nominal accounts, yet a dollar is every where equal. As to the inequality of the market rate, it may have been occasioned by some States not having made equal provision for their debts, when compared to the provision of other States; but as the debts are all equally meritorious, an equality of provision ought to be made. That some creditors have heretofore suffered, is no reason why they should continue to suffer; so I can see no weight in this objection. But he supposes that some creditors will prefer holding the State for their money, rather than the United States; if it should be the case, it will make no difference on the final settlement, because the States will only be debited for that part of the debt which their creditors had subscribed into the general fund. But I see no good reason for supposing that the creditors of the States will refuse to subscribe. They have an election, it is true, but the terms must appear to them so advantageous, considering all things, as to induce them to accept the plan.

I have no difficulty, in my mind, respecting the assumption; but as to the time of doing it, I am not so well satisfied. I have not a doubt of our ability, because if the whole debt must be paid by the joint efforts of the State and General Government, the same money may be raised, with greater ease, by the General Government alone; this point being conceded, I shall add nothing further at this time.

Mr. BURKE flattered himself with an expectation of obtaining the assistance of his friends in enabling him to make up his mind on the present question; but, hitherto, he had been unable to receive any communications from that quarter. If he erred, in the opinion he entertained at present, he hoped it would be attributed to the true cause,

want of sufficient information to make up his judgment, and not a desire to protract a business perhaps intended for the public good.

The State I belong to has a large debt, which they have contracted in their exertions for the common cause; this, I think, Congress ought to take upon themselves. That State was a continued scene of action for several years. In 1775, the Tories broke out, and the State struggled to suppress them; in 1776, the Cherokee Indians and the British attacked us in front and rear, as if by agreement, both on one day. The British fleet and army assaulted Sullivan's Island and received a total defeat; were not the United States benefited as much by that victory as the State of South Carolina? To be sure they were. It was fighting for their liberty and independence, as much as our own. In the year 1778, the war was brought to our door again, and again we defeated the enemy; was not this fighting the battles of America? The affair of the Black Swamp, the actions under Gates, the loss of Charleston, the exertions under Greene—our debts were contracted for these purposes, and by our struggles with the enemy, whom we weakened, and finally overcame, we contributed to the establishment of the independence of America. To draw a distinction between the Continental debt and debts contracted in this manner, is establishing a distinction without a difference. But notwithstanding I am well satisfied of the justice of the claim, I have my apprehension that we are running on too fast; we ought to consider our ways and means, before we undertake a business of this enormous magnitude. I am confident we do not know the consequence of this business, and therefore ought to weigh it well. If any gentleman will move a postponement of it, I will vote for that, because I wish not to be too precipitate. The political consequences which may arise to the State Governments give me some alarm, and that makes me still more desirous of the postponement.

Mr. GOODRUE.—The State from whence I came was unencumbered with debt, before the late war, and now they are burdened with a heavy one, which they acquired, in consequence of the advances they made to enable the Union to carry it on; the debts of this, and the other States are, in every respect, of the same nature with those of the Union; and must, like them, be paid. The present question then appears to me to be this; shall they be paid by the States, in their individual or collective capacity? The gentleman near me, (Mr. BURKE,) though he acknowledges the justice, seems afraid to assume them, lest the ways and means should prove inadequate; but he will find that the Continental Government is more able to draw out the resources of this country with effect, than the different State Governments are, in their separate capacity.

In some States, the interest of their debt has been paid by the duties of impost and tonnage; the Congress have taken those, and now it is in contemplation to take the excise also, which is the other fund employed to raise money to pay

the State creditors. That being gone, for I suppose the two Governments will avoid doubly taxing the same articles, the States must have recourse to direct taxation. I do not know how agreeable direct taxes are in some of the States; but we have tried it pretty fully in Massachusetts, and know what is likely to be its consequence. The late insurrection was occasioned by them. As Massachusetts cannot go to direct taxes without an unwarrantable risk, she must continue the operation of her excise laws; and here I mean to refer gentlemen's recollection to the situation of 1787; what was it gave rise to the late change in Government? It was the interfering regulations of commerce, and the intercourse between States. It originated, if I mistake not, in the State of Virginia, in consequence of a variation in the regulations between her and Maryland. If such consequences as a change in the National Government have flowed from this cause, how careful ought we to be to avoid it in future; yet I do not see how this can be done, unless we embrace the State creditors in our provision; besides, the interference in the collection may justly be feared to work the destruction of both; and the creditors of the Union, in my opinion, will have greater security by this means, and, consequently, be better satisfied to have the whole blended.

I presume no gentleman can doubt but the debts of the States are as meritorious as those of the Union. I believe, if there is any difference, it is in favor of the State debts; because, generally, the States were more economical in contracting, and generally received a more valuable consideration for their money than the United States. But without dwelling on this point, I contend, that where the resources go the debts must follow.

Mr. FRIZZIMON.—The proposition before us is no doubt a very important one, yet liable to some objections; but the one mentioned by the gentleman from South Carolina (Mr. BURKE) is not of very considerable weight; he thinks we ought to go into the investigation of the ways and means before we adopt it. He should recollect, the Secretary does not contemplate an immediate provision for this object; nothing is intended to be paid on this debt, before the year 1792; nor even then unless the creditors agree to subscribe upon the terms held out; we shall consequently have abundant time to know the disposition of the State creditors, and to obtain the requisite revenue.

A doubt has been suggested, whether there is a probability of obtaining the consent of the State creditors; we can only judge of this from the probability there is, that men can discover, and will pursue their own interest; but there is reason from what the gentleman from Maryland (Mr. STONE) has said, to believe this consent.

The value of the securities, he asserts, is different in the different States; and he stated it as a fact, that in Pennsylvania, although the interest of the State debt was well funded, and tolerably well paid, yet their securities never rose above eight shillings on the pound in the market; when he alleged that the debt of Maryland sold for twice

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that sum. I apprehend he must have included the interest due on them, which increased their value without adding any thing nominally to the certificates. Now, if securities well funded, with the interest regularly paid, have never risen to more than eight shillings in the pound, I suppose they will not increase in price when the funds upon which they were funded are taken away, and when even what remains will be rendered less certain by the interference of the General Government; I mean the article of excise. I have no doubt, but under these circumstances, the State creditors will subscribe with cheerfulness. When the domestic debt is funded, the most productive revenues will be taken from the States, and the ability of the individual States to provide for the remainder will undoubtedly be lessened; in either case, the people will have to pay the whole interest. It is admitted, that the United States can collect the revenue for the whole, as well as they can for the proportion for which they have engaged to provide, while the ability of the States is diminished, and there accrues a deficiency by the various operations of the State and General Governments. I apprehend, the State creditors must go unsatisfied, which would not be just with respect to them; because their debts are as much debts of merit, as the greater part of the debts of the United States. The evidences are generally in the hands of those who furnished supplies during the late war, and have not been transferred; having this just claim, they will contribute with great reluctance to the payment of the creditors of the United States, if they are unprovided for; they will view them with a jealous eye, as wresting from them what they have long been accustomed to consider as their own.

There is another argument which I admit ought to have its weight; that is, the eventual operation of this system, and its immediate effects. I can answer for Pennsylvania, that it would be unfavorable to that State, because she has contributed her full proportion of the expense of the war, and has since redeemed more of her debt than any other State perhaps had the capacity to do. She owes but a small proportion of what the State debt is calculated to be; much less, I believe, than what the Secretary has supposed; but if the debts are assumed, I believe more will be collected from the State in the additional duty than the interest on the debt she owes. Her debt is supposed to be two millions two hundred thousand dollars, on which she is paying an interest of six per cent; this amounts to one hundred and thirty-two thousand of dollars annually. The aggregate of the State debts is supposed to be twenty-five millions; the proportion to be paid by Pennsylvania, one-seventh of which at four per cent, to one hundred and forty-three thousand dollars; moreover, Pennsylvania will have to account eventually with the United States, for the premiums given to induce the reduction of interest; so that in the end her contribution will be much larger than if she continued to pay her own creditors. I hope, however, whatever inequalities may arise, in the first instance, they will, on the final adjustment of accounts, be done away, and corrected; retribution must at last be made, and it is under this idea that I agree to the proposition now before you.

There is another reason, which also induces me to agree to the assumption. Every gentleman must believe, when we consider the nature of the domestic debt, and the manner in which it was contracted, that by far the greatest part of it is in the hands of the citizens who reside near the centre of the Union. If we confine our revenue to this part alone, we must draw considerable sums from the extremes of the Union; and what inducements do you hold out to the citizens at those extremities to co-operate with you in the faithful collection of money, to be sent out of their country? On the other hand, as the greatest part of the State debts are owing by the States at the extremity of the Union, if they are assumed, the money which is collected in those parts will be retained, in order to pay the interest due on their State debt; by which means the beneficial effects of the funding system will be more generally and equally felt throughout every part of the Union.

Mr. SMITH, of South Carolina.—I admit the importance of the present question, but I cannot permit myself to doubt but Congress will decide it upon the principles of honesty and justice. Nothing can appear to me to be more clear, than that a State debt being incurred in the common defence, should be made a common burden; we should consider ourselves as settling the affairs of a great family, and be studious to equalize the task necessary to be borne by every one.

My colleague has properly stated the great sufferings and hardships of the country from which we come; but he might have added, that our State had it in her power to discharge the debt she has incurred. The confiscated property would have brought into her treasury three times the sum she owed; but in consequence of the recommendation of Congress, they remitted the greatest part of the estates in that predicament. If, therefore, in consequence of an act of Congress, the State disabled herself from discharging the debts she owed, it is the duty of Congress to assist her now; but it was an adventitious thing that the State incurred the debt, because the demands were really against the Continent; but the Continent being unable to pay, and the State desirous of giving every assistance in her power, assumed those demands, and made herself liable to the payment; but now a Government being formed, possessed of sufficient resources, it ought to take back the debts really due by it, though assumed by the States for the support of the national credit. I conceive the situation of the State Governments to be the same as if a person had accepted a bill for the honor of the drawer, to preserve his reputation, but with a design that the drawer should ultimately pay it. The demand of the creditor arose from services or supplies for Continental purposes; but the State agreed to stand in the place of the Continent, till the Conti-

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ment should be able to pay it. When it is examined, it will be found that a great part of the debt of South Carolina was incurred in this manner. Our State debt is very considerable in consequence, and every possible exertion has been made to reduce it, as well as to pay the interest. The State issued indents, in payment of the interest, making them receivable in payment of duties. This gave them a circulation, and kept up their value remarkably well; in 1784 and 1785, they depreciated only twelve or thirteen per cent.; but the distress of that State has been such, since that time, with the expense and ruin of the war, the great load of private debts, and some other causes, that these securities have amazingly depreciated; and at the last session of the Legislature, such was the sense of their exhausted state, and of the obligation which Congress lay under to assume the debts contracted for Continental purposes, that they made no provision for them. I wish to be indulged in a remark upon one observation. It seems to be admitted, by every gentleman, that ultimately this measure ought to take place; but, some say, not at present. We have been told that a great part of the Continental debt has been purchased up by the speculators, who will, by the funding system, reap all the profit, while the poor men, who were original creditors, are obliged to go unrewarded. If we postpone this business, I fear that the State debts will find their way into the same channel, and then, perhaps, we may have the claim set up, for repaying them the difference between the nominal value and what they may sell for. If gentlemen are desirous of putting a stop to speculation, assume the State debts, and their original holders may be induced to retain them in their hands.

The honorable gentleman from Maryland (Mr. STONE) has said a great deal about the States refusing to give their assent to the measure. I do not know what the States, as States, have to do in the business; beside, if I recollect rightly, that gentleman was opposed, at the last session, to admit of instructions from the people or the States; why is he now so desirous of their advice? The creditor of the State, I presume, cannot be compelled to receive his money of the State, if he chooses to transfer it into other hands; if he thinks it best to apply to the Continent for payment, the State cannot prevent him. He asks you, likewise, what is to be done if an individual declines to subscribe? Is the State to go on and levy taxes to pay him. I answer no; let the State pay him his demand, and then stand in his shoes and receive his demand from the Continent.

He has said, we may be wise politicians, but we are bold ones for going on so fast, without further information than what we derive from the officers of the Government, and among ourselves. Sir, I believe it is a good very way to come at information to attend to the debates on this floor; I conceive more information is to be obtained here than in any other place in the United States. Gentlemen rise one by one, and give us their opinion of the sense of their constituents, and a narrative of facts, which throws suf-

ficient light on our path, to guide us without waiting to acquire a broken and uncertain clew; but I have not seen any thing like hurry in this business. We have hitherto proceeded with great deliberation, and I presume it is not the wish of any honorable gentleman to hurry on with boldness or rashness to the decision of the present question; so that the charge of these honorable gentlemen is totally unfounded.

Mr. GERRY thought the welfare of the community, in a high degree, involved in the present question; and, therefore, hoped it would be considered with attention, and decided upon the purest principles of justice and good policy.

It has been said, that Congress have no power to assume the State debts. This leads us to an inquiry into the power of Congress, and by referring to the Constitution we find that Congress are authorized to lay and collect taxes, &c., to pay the debts, and provide for the common defence and general welfare of the United States. If Congress have the power to pay debts, they have an implied right to examine what those debts are, and if they have been contracted for the common defence there is no doubt but they are the debts of the United States; but supposing Congress unauthorized by the powers cited, they are, by the general clause, giving to Congress powers to make all laws necessary and proper for carrying into execution all the powers of the Constitution, or of any department or officer under it, fully authorized to judge of and determine the debts of the United States.

In order, then, to determine whether the debts of the States are the debts of the United States, let us consider who are the holders of the State certificates. Some of the State creditors were officers and soldiers of the late army. The first army of the United States was raised, armed, and clothed by the States. The officers and soldiers thereof have as strong a claim on your justice for the money due them, as those who were established at the close of the war. They will not acknowledge any difference, from their being enlisted by a State instead of Continental authority; yet that is the only distinction, for they were adopted by Congress, formed into one army, fought the same battles, and shared in every hardship. Another part of the State creditors consists of men who furnished supplies for the Union during the late war. Most of them are of this class, and can any one, who recollects this circumstance, possibly imagine a difference between them and what are called Continental creditors? Part of the State debts were Continental debts, assumed by the States on the earnest recommendations of Congress. And other parts were occasioned by the States having undertaken, for their particular defence, expeditions against the common enemy, or having paid interest to their citizens on the Continental debt.

Gentlemen who reflect on the nature of the State Governments must be satisfied that it is impossible they should have incurred such immense debts on account of their civil lists and local institutions. On the contrary, it must be admitted,

that every State has, by taxes and duties, collected more than was sufficient to defray its own expenses; the surplus has been invariably applied to the discharge of the interest or extinguishment of the principal debt incurred during the late war for general defence. Hence it must appear, that the debts now due by any State to its creditors are less than the aggregate of her demands against the Union. If, therefore, we assume the whole of their debts, we shall find they have still large demands against the Union.

Let us suppose, as stated by the gentleman from Maryland, that some of the State creditors will subscribe to the loan, and that others will not; where is the force of the objection? Let the State receive of the General Government interest for the unsubscribed part, and pay it to the non-subscribing creditors; but there is little doubt that every creditor will subscribe.

It was said the measure would raise the importance of the Union, and tend to depress the States. If it had that tendency I should oppose it; because I conceive that the Constitutional balance between the Union and States ought to be preserved. I view the Constitutions of the United States and individual States as forming a great political machine, in which the small wheels are as essential as the large; and if the former are deranged, the system must be destroyed. I humbly conceive a contrary policy will have this effect; for, suppose the United States should refuse to assume the State debts, there is no doubt but Congress can make provision for the punctual payment of the holders of Continental certificates; but it is questionable whether the States can, each of them, make provision for their respective creditors; in case of their inability it will produce a clamor against them.

The State creditors will have a high opinion of the honesty, integrity, and abilities of the General Government, while they will entertain a contrary opinion with respect to the State Government. Every such creditor will exert himself to support the former, and join in the clamor against the latter; they would allege that the State Governments were expensive and unjust; and it appears to me that the enemies of the State Governments would thus have a favorable opportunity, which their art and address would improve, to abolish the State constitutions. Should the National Government be disposed to depress the State Governments, I ask whether the States would not be better able to resist if they were clear of, than if encumbered with a debt? It is a common maxim, out of debt out of danger; but here gentlemen seem to reverse it, in debt out of danger. I cannot, therefore, agree with them.

I presume it is the wish of every gentleman to preserve the peace and harmony of the Union, and I submit to them whether this effect is most likely to result from assuming or rejecting the State debts. If you reject the measure, you establish two contending parties, the Continental creditors, and State creditors. The latter will oppose every measure of the General Government which they suppose is intended, in prejudice of themselves, to promote the interest of the former. It

will sow discord among the citizens of the Union, tending to defeat the operation of both Federal and State Governments. From this I infer that a regard to the interest of the Continental creditors ought to induce us to agree to the assumption of the State debts; for the States, in making provision for their own creditors, will be induced to extend their excise, as the only means of raising revenue, to all those articles which the General Government contemplates; hence will arise such clashing and interference as will involve both revenues in confusion, and defeat the collection. There is also danger that it might extend to injure the collection of impost; whereas a uniformity in the excise system would make it more productive, and tend to increase the impost also.

Some apprehension has been expressed that the State debts may not have been fairly liquidated. I should think, from a knowledge of the economy of the States, that they were more strictly liquidated than the Federal debt. The creditors in Massachusetts have had their accounts adjusted on as strict principles as could be adopted, and I suppose the other States have acted in the same manner.

It was also said that we were unacquainted with the ability of the Union, and therefore it is improper to pledge the public faith for the payment of a debt which possibly may exceed that ability. I do not now, nor did I ever despair of the ability of the United States to pay their debts. Our finances, to be sure, are deranged; but we are taking measures to extricate ourselves from the evils resulting from such a situation. We are not to be deterred from ascertaining the amount of what we owe, because we have not at present revenue to pay the whole interest. Under Secretary's report, that we are capable of paying two-thirds of the interest. With increasing resources, and a gradual diminution of the capital, we may soon have it in our power to discharge the remainder. If we can now pay one-half, or two-thirds, let us undertake it, and no more; because I would never subject this Government to a failure in its engagements; when our abilities increase, we can undertake what we are at this moment unable to perform.

The Secretary goes on the principle of supporting the public contracts; he admits of no preference among the Continental creditors; and I shall be opposed to the giving any advantage to the injury of the State creditors. It will not be reasonable that a State should give up her resources for paying the interest on her debt, until her creditors are put on an equal footing with the Continental creditors; she requires this in justice, and asks nothing further.

I have no objection to the fullest discussion of this proposition when before us; but I think the present is not the proper time to consider it.

Mr. LAWRENCE.—Much has already been said on this subject; but much, in my opinion, yet remains to be said; and, as the usual hour of adjournment has arrived, I will move you, sir, that the committee rise.

Whereupon the committee rose, and the House adjourned.

WEDNESDAY, February 24.

The bill for regulating the Post Office of the United States was read a second time, and committed to a Committee of the Whole.

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The House again formed itself into a Committee of the Whole on the report of the Secretary of the Treasury, Mr. BENSON in the Chair. The assumption of the State debts under consideration.

Mr. STONE.—I did not suppose myself capable of perceiving all the advantages and disadvantages that may arise from this scheme; but were I capable, I should have candor enough to give all my ideas to the committee. I am not taking a side-like counsel at the bar, but shall consider the arguments on the one side and on the other. I shall not criminate; but would, in general, observe that I think those gentlemen do well who examine with candor each side of the question; and I hope this committee will be superior to a contrary conduct.

I do not wish to wait for positive instructions; not could I have disobeyed such instructions if given, unless they were contrary to the principles of morality. God forbid that either myself or the gentleman from South Carolina should reject the opinion or instructions of our constituents; I should be mortified if I had expressed such an idea, or felt such a sentiment.

It is true, I was against declaring in the Constitution that such should be binding, because it would affect the validity of the laws; they would no longer depend on having been passed as the Constitution directs; but their validity would depend on the proof of instructions. I never said the advice we should so receive would not convey light to this body.

I did think this measure not warranted by any clause in the Constitution. It has been urged that we can adopt what debts we pleased to say are for the general welfare; and, therefore, we may adopt the State debts. Now I admit that legally we may declare what are the debts of the United States; but not what shall be the debts of the United States. Congress can say that the State debts are the debts of the United States, if they choose to be guilty of that fallacy. If they say they are not the debts of the United States, but shall be, what is this done for—the general welfare? No; the particular welfare of the States exclusively benefited. If a State should involve herself in debt, can Congress assume the debt, and say it is for the general welfare? A State, according to that idea, might be bribed into obedience to the measures of the Federal Government; for a State might involve itself in debt, and then, to free itself from the incumbrance, become troublesome, and leave it to the option of Congress to bribe her compliance by assuming the debt, or exert force; the former would generalize

rally be least expensive. I do not say that this will be the effect; but we know that things more strange have come to pass. Most indubitably we set a precedent that might warrant such practices; it is, at least, throwing out the bait; and consequently it would militate against the peace, happiness, and independency of this Government. I presume, as I conceived in the beginning, that the measure cannot be defended without taking it for granted that it is necessary, in order to support this Constitution, to carry its powers into operation as far as they will go. The gentleman from Connecticut says he cannot conceive, that as long as the Governments remain within the line of their duty, that which strengthens the United States will affect the strength of the State Governments. When power is granted, in certain proportions, to two Governments, I cannot conceive the increase of the power of one in any other way than as a depression of the other, unless new authorities are derived to either from the abundant source of the people. But if we add to the strength, and extend the energy of the General Government, by the adoption of measures which the Constitution nowhere contemplates, you will destroy the balance of power which the Constitution distributed between the Government of the United States and the State Governments. Was it the intention of the framers of this Government, and does their work contain the idea that the Union should assume the debts of the particular States? Will it give the General Government a greater degree of power? I apprehend it may; if, then, it be a power not contemplated in the Constitution, is it not an assumed power? This deduction is clear to my mind.

I admitted the convenience of this mode of collecting duties, that it might be more easy and less expensive; but because that is the case, it does not follow that I am to give it my consent. It will be very convenient for the United States to pay the consolidated debt of the Union and particular States. The State Governments will get rid of a burden; but afterwards the power of those Governments would not be very useful; it might, however, still continue necessary that the State Governments should exist; and existing, they must be some expense to the people. Suppose three or four thousand pounds annually should be sufficient to defray that expense, might it not be urged that the collection of even this small revenue was a baneful interference, and injuriously clashing with the collections of the General Government? And would it not be a good reason why the United States should pay to each of them a certain annual sum for their support, making them altogether dependent on Congress? After this, it might be found convenient to destroy the State Governments altogether—why not? The people having no use for them, would justly reduce them. Would it not be very convenient to have an universal Judiciary for the sake of uniformity, and from motives of economy? If you have a double Judiciary, it is almost impossible to avoid a clashing in their authorities.

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Why not sink the lesser in the greater? Perhaps gentlemen, in a little time, may think it very inconvenient to have such frequent elections; and the doctrine of convenience will extend the period to seven or ten years. The most convenient would be to elect a man for life, and suffer the Legislature afterwards to fill up the vacancies; by this means the people will be left to pursue their habits of industry; they will labor undisturbed with the cares of Government. Nay, for a people who have parted with their liberty, the most convenient Government is an arbitrary one. There ends your doctrine of convenience.

It has been proved that we shall come to this at last; that when the accounts of the United States are settled, all the debts which have been contracted for the general welfare will be credited to the several States, and cancelled by the United States; very true. He was right as far as his observation went, but in the full latitude, it is not true; because all the debts contracted by the individual States were not for Continental purposes. It never can be true that we shall adopt all the State debts, authorized or unauthorized. If, in your settlement, you confine yourself to the admission of authorized debts, then the debt which you are hereafter to assume will extend no further than the authorized debt; so that it will not come to this at last—it will partly come to it.

It has been proved, that if this plan is carried into execution, it will probably produce injustice. I conceive we must do some injustice whether we adopt the scheme or not; because, if we do not adopt it, it is highly presumable that some States will have to bear a burden beyond what is their proportion, compared with other States. Some others will, of a moral certainty, be creditors of the United States; when, if it were possible to get the accounts adjusted, they ought to have credit *instantly* for the balance due. Massachusetts, for example, may have undertaken two millions beyond her proportion; she ought to have credit accordingly; but it is impossible, because the accounts are not only not settled, but the ratio of apportionment is unknown. But if, on the contrary, you take the other alternative, you work injustice; you undertake to pay unauthorized as well as authorized debts: to pay States having unauthorized debts, you levy taxes upon others that have no such claims. Suppose, for example, all the money that was expended in the Penobscot expedition be demanded under the assumption; and suppose that this is an unauthorized claim to a very considerable amount, will not the State of Massachusetts have credit for all that sum, although at a future liquidation, it should appear that not a farthing was due to her for that or any other exertion? Will not this be doing injustice to every State but those in this supposed situation?

You will know better, by and by, how far the proportion of your exertions was beyond that proportion of exertion which was your duty to perform. You will know where the expenditures

exceeded the authority; but can you know it now? You neither know the proportion of any State, nor the unauthorized expense which individual States have gone into, and which was not gone into for the benefit of the United States. Hence it appears, in a certain latitude, the assertions are not true. Compare the scheme in justice, the result is this: you will be as nearly right in deciding as if you threw up for it.

Gentlemen should consider there were great disproportions in the exertions of the States; some were in the midst of the rage of war, and therefore their exertions were considerable. I am inclined to an opinion that these exertions, in every part, like water sought their own level. When the war raged in Virginia, just before York and Gloucester were taken, the army was in want of necessities; Virginia was exhausted, and could not supply the necessary provisions; from this circumstance gentlemen might be led to believe that the exertions of Virginia were superior to those of Maryland; I do not believe it. On that memorable occasion, everything we had was put within the power of the Government; the inhabitants were not left a spare blanket, a bushel of corn, or a single beef; but the consequence was the army was supplied; and from the answer of the commander-in-chief, it appears that the subsequent success of our troops was bottomed on the exertions of Maryland. From circumstances of this kind I am induced to think, when you come to settle the accounts, you will find those States which were not the most exposed contributed their full proportion of supplies.

It has been said, that if we do not assume the debt, the States will be injured; a rebellion had arisen on account of the weight of taxes in Massachusetts; and South Carolina will be ruined. If we adopt the State debts, the States are to pay them; if we do not adopt the State debts, we shall not want their sources of revenue. Shall we want direct taxes or excise if we do not assume? Those funds are employed by the States; unless we increase the Continental debt, by the assumption of the State debts, it will not be necessary to lay excise or internal taxes: and cannot a State, which has made those superior exertions, by these sources of revenue, continue to satisfy their creditors till the accounts are settled, for gentlemen think this event may take place in twelve or eighteen months; and the Secretary in his scheme does not contemplate making actual provision before that period? They will then receive the amount which they suppose themselves entitled to. I cannot conceive that any State debts can be so great but the interest can be provided for them; indeed, if the creditors are not left to feel the whole of this burden till the accounts are settled, they must be provided for by the States until the year 1792. If this provision is made by internal taxation, it will not interfere with the Continental regulations; nor will there be the war or clashing which gentlemen dwell so much upon. There may be some jealousy, if Congress were to extend their power to the collection of direct taxes; because it is satisfactorily

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Public

Credit.

[H. OF R.]

true that a State internally can make greater exertions in direct taxation than a Continent can: I believe the proportion will hold from five members of society to the world. I believe, as you diminish the extent of Empires or States, the proportion of taxes raised by their exertions is increased. If the State of Maryland had one part of the debt, she could provide for that part by internal taxation; and collect the tax with more certainty than the Continent could collect the whole.

I hope the several States are not very fond of funding schemes. If we do not trammel them with one, they will make every exertion to get out of debt; and those States which think they have the greatest proportion due to them from the Union will expedite the settlement of the public accounts. It would be their interest, and the sensations of uneasiness and distress would propel the measure irresistibly until it was accomplished. But, suppose we assume the State debts, and enter into a funding scheme, (if we do the first, perhaps the second is an inevitable consequence,) with the means of paying off little capital; I think from that day, the liberation of the revenue, and the desire to settle the general accounts, would be lost sight of. Every State paying only an impost and excise would not feel an impulse to action. Nobody would any longer be deeply interested to have the accounts adjusted. No exertions would be made either by individuals or by States to have either the principal paid off, or the accounts settled. It is an easy scheme to hang about our necks incumbrance and injustice, and to extinguish desires, which, when they cease to exist, there will be an end to the security we ought to have for the preservation of our liberty and independence.

A gentleman from Pennsylvania (Mr. Fitzsimons) is in favor of the scheme, because he thinks it calculated to increase the circulation of money at the extremes of the Union. I think the effect would be just the reverse; but I will not enter into a contention on this point, because I am not clear that I fully comprehend it; however, I will venture to conjecture that the cities of Boston, New York, Philadelphia, and Baltimore, will in general be in favor of the scheme. If we assume the State debts, and our arrangements are carried on through the medium of the banks, the general trading towns having credit by this means, and knowing how to negotiate, will collect wealth; but that it should throw it off to the extremities, appears to me very improbable. It seems rather as a means to collect the blood to the heart, from whence it would retire but slowly to the extremities.

It has been said that the creditors would be obliged to subscribe to your loan. If this assertion be true, it is an objection to the scheme; if you force them, the creditors of some States will be obliged to subject themselves to inconvenience and injustice. The State of Maryland sold upwards of £200,000 British property; it was bought on the faith of Government, receiving certificates for the amount. If this plan be adopted, you

take out of circulation all the State certificates, and there will be nothing in which the purchasers can comply with their contract. What is the State to do? They will be found to make laws that the Continental paper shall be taken in payment. Then this may operate justly or unjustly, according to the situation of the two papers. If the State paper is more easily obtained than the Continental paper, the purchaser would pay more than he contracted for. If, on the contrary, the State paper is higher, you make the State debtors pay in a less valuable paper than they ought. In short, you break the contract between the State and the creditors.

I will only add one word more: I admit a dollar is worth as much in Pennsylvania as in Maryland; but a dollar is a piece of silver of known value, very different from a piece of paper. The dollar will be always the same, the paper will vary. I cannot say what is the cause of the difference in the value of the paper of Pennsylvania and Maryland; perhaps the funds of the former may be lessened by smuggling; or the public opinion in Pennsylvania may not deem the funds so secure as those arising from the sale of British property are by the citizens of Maryland. So far from being surprised that the certificates of Maryland are at sixteen shillings in the pound, we are only surprised that they depreciate at all; because, on every principle, they are better than any man's bond.

Mr. Burke had yesterday expressed a wish that the business should be postponed, because he had not full information; but since then he was so well convinced that it was the interest of South Carolina to have the State debts assumed, that he should withdraw his opposition to its immediate progress. The debt which she owed was contracted for the good of the Union; and the Union is bound, on every principle of honor and justice, to pay it. South Carolina had supported it as long as she was able; but now her impost was taken away, she was totally unable. Could that State have foreseen that it was doubted whether her debt should be assumed, I do not believe she would have come into the Union without an express stipulation for that purpose. I had some apprehensions it would injure the importance of the State Governments; but it is now too late to think of that; the evil is too firmly planted in the soil to be removed by any thing we can do. It will, I know, tend to injure those who purchased forfeited estates, because the certificates will rise in value. Another disagreeable circumstance is, that it will make the fortunes of speculators; it hurts my feelings that we cannot prevent it. Another circumstance is, that the exiles, whose property was confiscated and sold, were allowed the amount; these men will be enriched, as their estates were sold for a large nominal sum in indents, which will now be paid in good paper; but notwithstanding all this, I will support the measure, because it is just and politic.

Mr. Sedgwick said, he rose with great diffidence and considerable reluctance, to express his opinion on this important subject; a subject on

by Commissioners, who should be appointed with plenary power for that purpose. He considered this determination arbitrary, because there were no constitutional data from which the ratio could be formed; that, whether the one or the other mode should be eventually adopted, it was against every calculation of probability that it would afford universal satisfaction. Here, then, in the commencement of this business, will exist a cause of dissatisfaction; whereas the tranquil accomplishment of it will require the most cordial goodwill and confidence among all the parties concerned. But suppose the ratio provided, and suppose further, the debts and credits of the several States ascertained, the insurmountable obstacle then occurs, how shall those balances be adjusted? Here three modes of administering justice, for the extraordinary exertions of particular States, are to be considered: First, by an assumption, in a manner similar to the one now proposed; second, by some kind of compulsion to be administered to the delinquent States; and, third, by a voluntary contribution to the States most in advance, either by the General Government, or by the individual States which were comparatively in arrear.

He conceived it must be obvious, from the contemplation of the subject, that if the assumption was ever to take place, now was the proper time; that he believed no gentleman would seriously contemplate the execution of justice in any visionary schemes of compulsion. If then, we are apt to abandon the proposition now before the committee for an assumption; if we cannot expect by compulsion to do what justice so loudly demands, it is of the utmost importance deliberately and candidly to consider, whether we can reasonably expect the event we ought to wish from voluntary contribution.

From our own experience, and that of others, could we even guess what measures would be adopted by a Government under any given circumstances? In the successful struggle of the United Netherlands against the tyranny of the Spanish Monarch, the necessary supplies had been very unequally furnished by the several States; those States which made the most extraordinary exertions had never been able to obtain any just compensation.

He observed, that the unfortunate transaction which was denominated the Penobscot expedition had been repeatedly mentioned; he would, therefore, take the liberty to declare, as his opinion, that, from that circumstance alone, a strong argument was afforded in favor of the proposition under consideration. He would not at present wish to be understood, in expressing the sentiments of his constituents on this subject, to declare his own Language of the following import was, however, the language of well-informed men of the State he had the honor to represent: "We have already experienced what just dependence may be placed on national engagements, when a performance depends on a cool and inoperative sense of honor or duty. The citizens of Massachusetts have, during the war, by an unparalleled exertion and spirit of enterprise, created a navy, which

the just determination of which depended, in his opinion, the future happiness and welfare of this country. His reluctance was founded in the consciousness, that many gentlemen considered Massachusetts as having a very particular interest in the decision; but as other gentlemen had dwelt on the circumstances and interests of the States they represented, he should presume to follow their example; because, by pursuing this course, there would be exhibited to the view and contemplation of the Committee, a pretty just picture of the States, as related to the present subject of liberation.

He declared that he had been long and intimately acquainted with the people of Massachusetts; he believed that there never existed a people more disposed to submit to good government, nor more confirmed in virtues and industrious habits; that he had suffered the inexpressible pain of seeing this people in arms against their own Government, a Government administered by men annually chosen by themselves; that the cause of this insurrection was the oppression under which the citizens groaned, from the imposition of taxes to satisfy the public creditors, for a debt incurred merely for national purposes; that this debt was created with the utmost economy; that the Government, in the imposition of taxes, was influenced by the most virtuous motives of making compensation to that meritorious class of citizens, on whose exertions and services the liberties of the country had depended in an hour of danger; that from our circumstances, and the nature of our Government, the State Legislatures, by whom these debts were contracted, were, in fact, and ought now to be considered, as the national agents; that, therefore, the creditors of the States had a claim on the honor and justice of Congress, which would be violated if their demands should be unprovided for.

The assumption had been objected to, because it might tend to produce a consolidation of the powers of Government, by a destruction of the popularity and energy of the State Governments. In answer to this, it was observed, that no member of the committee would entertain the antinational idea of the continuance of the present inequality of burdens in the several States; that all men of intelligence contemplated an adjustment of the claims of the individual States, as a thing indispensable to the preservation of our Union; that whenever that desirable object was obtained, the State debts, which were the claims of the individual States, must be annihilated; that, therefore, the evil contemplated, if it was such, must evidently take place.

He observed, however, that he had never been a proselyte to the doctrine that the State debts were a necessary engine to the existence of the energy or popularity of the State Governments; that, in his mind, it was a strange and unfounded assertion, that the possession of the affectionate regard of the people, by a Government, depended on the necessity of imposing grievous burdens; that it was true, the State Governments were in the possession and exercise of almost all those

powers by which Government is endeared to man. They afford protection and give security to life, liberty, and property; punish offences injurious to society, and give to individuals a redress for injuries which they suffered. They operate, therefore, only in acts of beneficence, except in the imposition of taxes, which had been very absurdly considered as the foundation of their importance and popularity.

He said that the discussion of the proposition before the Committee necessarily involved two questions.

1st. Is Congress, by the principles of the Constitution, authorized to assume the debts?

2d. Supposing the power to exist, does prudence, policy, and justice, dictate the proposed measure?

With regard to the first of these questions, it should be observed that Congress, by the Constitution, is authorized to levy money in all instances where, in their opinion, the expenditure shall be for the "general welfare," an answer, therefore, to the second of these questions would depend upon the decision of the first: if prudence, policy, and justice dictated the assumption of the State debts, it must be for the general welfare that they should be assumed.

Let it then be required, for what purposes were these debts contracted? The true answer is known to all, to secure the peace, liberty, and independence of the United States. Can it want demonstration, that an expense incurred for a joint benefit should be a general charge on all, in proportion to their respective abilities? By the principles of our Constitution, the removal of the inequality arising from our former situation, which was so severely felt, and from the continuance of which such enormous mischiefs were apprehended, is one of the most important improvements in our national system. If this equality of burden in a common cause, and for the support of a joint interest, is equitable, and that it is, to my mind is self-evident, will it not unquestionably follow, that the proposition now under consideration should be adopted?

To this he observed, it might be objected that, by the settlement of the accounts of the individual States with the United States, the purposes he wished would be obtained.

He answered, that the assumption of the State debts would facilitate the settlement of those accounts; and, indeed, remove almost all obstacles in the execution of that arduous business. For, although a State, after the assumption takes place, may be in such circumstances as to have no particular benefit resulting from an ultimate adjustment of the accounts, yet it can have no strong motive to oppose it. But that, independent of the assumption, there are so many difficulties to be surmounted, as to render the event, if not wholly impracticable, at least highly improbable. He remarked, that as yet no ratio was provided for the apportionment of the expenses of the war. To obtain this, one of two modes might be adopted. First, either an arbitrary determination of the Legislature; or, second, by a like determination

was necessary for the protection of her commerce and her extended sea-coast. This navy, in a single day, was demolished in an unsuccessful attempt to repel an invasion of her territory by the public enemy. Yet, although the payment of such expenses was expressly provided for by the terms on which we were then united, every application for justice hath hitherto been ineffectual."

On the other hand there were not wanting, perhaps, in each of the States, respectable and influential men, who considered this claim of Massachusetts as not only an unfounded, but an audacious demand; that this demand would ultimately either be allowed or rejected; if the latter, it would operate in that State as a cause against voluntary contribution; if the former, it would tend to have the same effect, perhaps, in every other State.

He further observed, that the extra expense of Massachusetts in raising men for the general defence, and what she and her citizens had lost by the old money, was equal to all the debt she now owes; that other States had pretensions which appeared to them to be equally well founded. Supporting "that in the ultimate settlement, justice should be done to all, will not the prejudices resulting from self-interest, and the expectations created by them be disappointed? Have not the citizens of America been taught to believe, and do they not, in fact, suppose that the States to which they belong are in advance greatly beyond their respective proportions? Can it be imagined that perfect confidence will exist, and the public mind remain in a state of tranquillity, when its ardent hopes and expectations are disappointed? Will not a general belief, unfavorable to the honor and integrity of the Government prevail? And can it be believed that the energy of our Government, or its existence to any valuable purpose, can remain under the operation of jealousy and distrust?"

He declared, that he verily believed an honest and equitable settlement, submitted to and discharged, would operate greatly in favor of Massachusetts; and he supposed other gentlemen entertained the same opinion of the States to which they belonged; but when it is remembered that the accounts must be settled by men disinterested as belonging to some of the States, he believed, should their ultimate decision be certainly right, should it even be dictated by the spirit of inspiration, the energy of the same spirit would be necessary to induce a submission and acquiescence through the United States. Now, then, he concluded, was the time, with that magnanimity and spirit of concession which would be so honorable to ourselves and beneficial to our country, forever to banish the causes of jealousy and distrust.

He observed, that upon this occasion it would well become the committee to reflect on the causes which had produced a difference in the relative magnitude of the State debts; they were:

- 1st. A difference of exertion.
- 2d. A difference resulting from the avails derived to

particular States from confiscated property and territorial acquisitions.

With regard to the first, it would not be urged as a reason against an assumption; because it was a strong and an unanswerable argument in its favor; for no one would venture to assert, that the States which had exhibited the highest evidence of patriotism, should suffer beyond their neighbors, who had been less painfully struggled for freedom.

With regard to the other cause of difference, (confiscated property,) he requested gentlemen to reflect upon the influence it would have on voluntary contribution, in instances where it might have produced considerable effects. On principles of justice, will gentlemen whose States have derived a benefit from this source, permit me to inquire into the origin of their right? Against whom did the citizens of New York offend, who adhered to the public enemy? Undoubtedly against United America. If, by such conduct, he justly forfeited his property, to whom should the benefit of that forfeiture accrue? To the General Government, who possessed the rights of treaty, of peace, and of war. Yet New York, who, in the instance supposed, received the whole advantage, neither commenced, prosecuted nor concluded the war, nor had the power to do either.

Again, with regard to territorial acquisitions, he asked by whose exertions were those acquisitions made? By those of the individual States? No; but by the national force, and under national direction. He added, that although the property thus acquired, being in pursuance of the existing compact, should be held sacred; yet he wished gentlemen seriously to reflect, whether it was in human nature voluntarily to contribute to perpetuate an inequality arising from those sources. On the whole, he concluded that, independent of the assumption, there was no reason to expect a liquidation of the demands of the States, and without the latter he should despair of a continuance of the National Union.

There was another very important light in which the subject might be viewed, viz: the probable consequence which would flow from the mode or modes which might be adopted for the discharge of the State debts. If they are left on the shoulders of the State Legislatures, the citizens will be very unequally burdened to discharge demands which they will reasonably consider as unjust. This will create or continue invidious distinctions between States and their citizens. It will further promote a spirit of emigration among the States who suffer most, which will increase the load on those who shall remain behind, and, finally, render it intolerable.

There was, he remarked, an evil yet unmentioned, of a nature infinitely more malignant and dangerous. That principle of hostility, which, from this state of things, would be unavoidable, between the National and State Governments—for it was easy to foresee that the sources of revenue over which the two kinds of government had a concurrent right, would be seized on by each, to the oppression of the people and the discouragement

of industry—that hence would ensue a war of legislation, aided on each side by partisans, made active by the powerful incentives of self interest; for there would exist an obvious opposition of interest between the National and State creditors; that in such a state of confusion, the interest of both would probably be injured, and the very being of the Government brought into danger.

The States, for their own sakes, would put their debts on a footing as respectable as possible; to do this they must have a recourse to direct taxes, and to duties of excise. The former would be found inadequate to the purpose, and carried on to any considerable degree, would be oppressive, unpopular, and might be dangerous. If excises were tried, the advantages of commerce would be rendered very unequal in different States; hence would arise a motive for transferring mercantile capitals from one State to another. And, he asked, whether in this way there was any reasonable foundation to hope that we should become or continue one nation?

He further observed, that he supposed no one would imagine, by adopting a National Government, any additional ability, in regard to the collection of taxes, was given to the Government of the States; that it would be unnecessary to remind gentlemen in how disgraceful a situation the securities of the States now were—fluctuating and shrinking from the grasp of the public creditor, they afforded only a profit and employment to an army of speculators, roaming from town to town, and from village to village, purchasing of the needy holder, in the moment of disappointment, when the market was low, to sell again when it rises.

On the other hand, the advantages of the opposite policy are manifest and certain. It will make this Government the centre of the wishes and affections of the country, and enable the Government richly to repay for these advantages, in the encouragement it will afford to industry, and to every useful improvement and occupation. It will terminate in the suppression of direct taxes; it will abolish invidious distinctions between States and their citizens; it will fix the value of State securities, and bring them into operation as a circulating medium; it will give opportunity to the States to attend to the improvement of their internal police, and will, more than any other measure I have contemplated, constitute us, in fact, a nation—a great, a flourishing, and a happy people. He concluded by observing, that should any number of the States fund their debts, which at this time was attempted by some, the difficulties in the attainment of this desirable object would be greatly increased.

Mr. MADISON observed on the measure, that the principle of it is in favor of the United States, so far as it may tend to bring about a final settlement and payment of all the accounts between the United States and the individual States. I believe this to be, however, a work of amazing difficulty, though not absolutely impossible. If it should be accomplished, it must go at least hand in hand with the Secretary's plan; and if it can

be accomplished, it will do more honor to the revolution in our Government than almost any other measure.

I acknowledge that I cannot subscribe to all the reasons which some gentlemen urge. I am far from thinking that the assumption of the State debts will be the means of keeping the debts dispersed throughout the States. The assumption of those debts will give them, immediately, the character of debts of the United States; they will be embarked in the same bottom; they will take the same course, and, of consequence, will arrive at the same place where it is acknowledged the domestic debts of the United States, by degrees, have assembled. Whether they will remain in this place, or flow out of the United States altogether, is a question which time will decide. I look for such a revolution of the debt as will place the greatest part of it in foreign hands.

Neither do I subscribe to the opinion of the gentleman from Maryland, (Mr. SROVE,) that the United States can raise more revenue by the exercise of a sole authority, than by the concurrent operation of the General and State Governments. There are, I conceive, objects of taxation of three kinds: The first is that which can only be operated upon by the United States; the second, which can be operated upon by the United States and individual States jointly; and, in the last place, such as can be best operated upon by the individual States only.

An impost or excise can be best regulated by the sole authority of the United States. Some taxes can be collected by the two Governments, without any interference: the land tax generally falls under this description; but in some particular cases, the local authority alone can make the proper provision. I conclude, therefore, that the authority of the United States and individual States, taken together, will draw more revenue than either can separately draw from the same sources.

But if we can accomplish the great object of doing full justice in so complicated a case, perhaps it will reward us for all the difficulties and sacrifices we shall be compelled to make; but, in order to accomplish it, we must go much further than the object of the proposition on the table.

Some gentlemen have made the passage of this resolution a condition of providing for the acknowledged debt of the United States. I think this a preposterous condition, and a language improper to be held, after the decision which has taken place. In priority of time and obligation, we ought to provide for the acknowledged debt. Before we determine to enter into a new obligation, we should see how far we are able to discharge those positively due by us. The connexion between these resolutions is not such as to require or justify the condition. The plan of the Secretary draws a distinction between the two debts.

If we are to make a common stock of the debts of the States, not yet discharged, it can only be justified by securing provision for those which are discharged; with this view, therefore, I will now move to add to the resolution these words: "that

effectual provision be, at the same time made for liquidating and crediting to the States, the whole of their expenditures during the war, as the same hath been or may be stated for the purpose; and, in such liquidation, the best evidence shall be received that the nature of the case will permit."

It may be said, that this is a superfluous condition; because there is a Board in existence charged with the trust; but, sir, their power does not reach the great object contemplated. The limitation act has already barred a great number of equitable claims of one State; perhaps there are other States in the same predicament. I do not know whether the power of the Board has a latitude sufficient to receive such evidence as the nature of the case will permit; and if adequate provision is not made on this head, a great deal more injustice will be done than by a refusal to assume the State debts.

I hope I shall be excused for connecting these provisions; because I think it impossible to separate them, in justice or propriety. If, by providing for the first, we can secure a provision for the last, we may do great honor to the councils of America, and establish its character for equity and justice. If we do not wish to decide precipitately on the question, I shall be content to delay it; and perhaps gentlemen may be impressed with the propriety of doing so till they take a view of the funds which are in contemplation, and see how effective and adequate they are likely to prove.

Mr. WHITE'S idea was, that the assumption should not take place until the settlement had taken place.

Mr. MADISON only wished to lay down general principles, in the manner the other resolutions did; so as not to let the final settlement depend upon any subsequent provision of Congress; the particular regulations might be detailed whenever the subject was thrown into the form of a bill.

Mr. LAWRENCE wished to know if the proposition was intended to open the door to receive the claims of the States, or whether it was to be so extensive as to allow every person to exhibit his claim who had been already excluded, and support it with the best evidence the nature of the case would permit; because this information would guide his decision on the question. If it related to the first, he presumed they ought to be governed on some liberal principle in the final settlement of accounts, which would ultimately give satisfaction to every State in the Union.

Mr. MADISON had in view to allow claims already settled by the States a further time to be exhibited. Virginia had been abridged of some just claims, by the act of limitation; he wished, therefore, to permit them, and all others in a like situation, to be brought forward and credited on the same principles as adopted by the old Congress.

He also thought that the assumption of the unpaid State debts was inseparably connected with those that were discharged by the States. The citizens of a State will be burdened in proportion as their State has made exertions to discharge its

obligations; for instance, if one State had paid the whole of her debt, and another paid none, if you assume the unpaid without the paid, the State which has already paid off what it owed, will be burdened to pay the debts of the other. No doubt we shall be governed by principles of equity in making our final settlement; but, in the interim, we should sustain an unequal and unjust burden.

Mr. SHERMAN.—The liquidation of accounts between the United States and the particular States, has been settled by the former Congress on the most mature deliberation, and fullest information, on principles, that it was supposed, would admit every proper change; the Commissioners have authority to exercise their discretion on every claim that comes before them. He thought this sufficient, and was of opinion, that every claim, not allowed by them, should be lost, unless something very special was offered.

Mr. SENEWICK was sorry to see any thing connected with the proposition, which he conceived ought to stand upon its own bottom: he had no objection to make the fullest provision for the speedy settlement of the accounts, if any thing further was necessary; but he thought it unadvisable to connect it with the proposition of assumption, because it might tend to embarrass that question. He would pledge himself to cooperate with the gentleman in effecting his object, in any other way.

Mr. MADISON was sorry that gentlemen considered it as an embarrassment. He had nothing of that kind in view; but he thought it essential, in order to secure justice to those States, in the situation he had before mentioned, that the plan should be enlarged and modified, as he had suggested.

Mr. FRIZZMONS.—I am of opinion that the State debts ought to be assumed; but I look upon it to be immaterial, whether provision be at this time made or not, because the payment of interest thereupon is not intended to commence immediately.

The provision for the final settlement of accounts I deem perfectly consistent with the assumption, and I wish gentlemen not to show too much jealousy on that point. For I declare, for myself, I never would consent to the assumption, without I was satisfied that the accounts would be finally adjusted, and, in the end, that complete justice would be done. I endeavored, when I was up before, to state the injury that must, in the interim, be felt by those States that have made the greatest exertion since the war to extinguish their debts; it is presumable that Massachusetts and Pennsylvania ought to have contributed to the expense of the late war in an equal ratio. The claim of Pennsylvania against the Union is as great as Massachusetts; she engaged to pay as much on the general account; but by her exertions, she has reduced her debt to less than two millions of dollars, while the State of Massachusetts still owes five millions, and upward: how so long as Pennsylvania shall continue, in consequence of the assumption, to bear the undue pro-

portion she acquires, injustice will be done; if she was not soon to have credit for this, as well as all her other exertions, on an adjustment of the accounts, no member from that State could agree to the sacrifice.

The committee now rose. The House adjourned.

THURSDAY, February 25.

Mr. BOUNDNOT, from the committee to whom the bill for securing the copy-right of books to authors and proprietors was re-committed, presented an amendatory bill for the encouragement of learning, by securing the copies of maps, charts, books and other writings, to the authors and proprietors, which was read the first time.

PUBLIC CREDIT.

The House again went into a committee on the report of the Secretary of the Treasury, Mr. BENSON in the Chair.

Mr. MADISON's amendment, making provision for the final settlement of accounts between the States and the United States, being under consideration.

Mr. HUNTINGTON.—The resolution is intended to authorize the admission of the best evidence the case will admit. Every body knows that to be a common law rule, it is not necessary that to pass a statute for the purpose. If there is any object to which the amendment is meant to be directed, I presume it is to make provision in cases where there is not sufficient evidence to establish the claim, such as by the loss of vouchers in time of war, or other accidents. Now if vouchers are not produced, I presume the next best will be parole evidence; but as all accounts hitherto have been settled upon other kind of evidence, and perhaps, considerable sums, in some accounts, rejected for want of vouchers, it is probable a great degree of injustice will arise, or we shall be obliged to unfix the whole of the settlements that have taken place. This ought to be carefully avoided; though, if there be any special cases, I shall have no objection to make special provision therefor.

Mr. WHITE said, he felt himself rather in a disagreeable situation when he rose to oppose a proposition which was countenanced by so many respectable patrons. He thought the original proposition on the table would, however, be less exceptionable, by the adoption of the amendment proposed by his colleague, (Mr. MADISON,) because it would remove some of the difficulties that would otherwise result from it.

In stating his objections, he remarked, that if he understood the meaning and force of the proposition, it would have this effect; that the States who have made exertions, and nearly paid the whole of their proportion of their Federal debt, should, notwithstanding, contribute to the payment of the delinquencies of others. This appeared to him to be unjust. To have a right view of the matter, none of the States could properly be considered as creditors of the Union, un-

less they had contributed in a greater degree than was required of them, in proportion to their wealth and number of citizens. To illustrate this argument, he would suppose that the proportion of the expense for Massachusetts and Virginia, should each be ten millions; then, if Massachusetts shall advance fifteen millions, she would have a credit for five millions; whereas, if Virginia should have advanced no more than ten millions, she would have paid no more than her just proportion, and could have no demand on the Union. Again, if she advanced no more than eight millions, she would owe two millions, which Congress could not assume to pay without injury to the other. He, therefore, thought it just that whatever sum might appear, on liquidation of the account, to have been advanced by a State beyond its equal proportion, that that should be assumed by the Union, and no other. He had also an objection to the amendment, by which a door was to be opened for all claims; this might induce the States to bring forward claims where, by the public debt might be unduly increased; for the States generally thinking themselves creditors, it would create a jealousy, and there would be a general searching for and admitting of claims, to the great injury of the Union; this inconvenience, he thought, would result.

Other inconveniences might proceed from this circumstance. In some of the States the creditors might refuse to accept the proposal; he thought this would be the case in Virginia, because, in that State, their debts were well funded at six per cent., and the interest regularly paid. Supposing this event to take place, what would be the consequence? The State of Virginia would have to levy taxes to pay this interest, and at the same time to contribute to pay that of other States; difficulties might arise on this ground that to him appeared serious.

It seemed to be the intention of the committee to fund all the debt, and to make no arrangement for the discharge thereof; this, he said, he could not approve of. Perpetuating a public debt he did not conceive advantageous to any country.

Gentlemen appear dazzled with the splendor of Great Britain, supposing that her prosperity is owing to her debts; but the reverse is the case, it was her peculiar circumstances that enabled her to support her debts; her wealth and power were owing to the spirit and industry of her inhabitants; to her natural advantages of soil, climate, and situation; and to the great security of property under a free Constitution; that, however, were he an Englishman, he would tremble for the event; sure he was, that at some future period, the nation must sink under the weight of its debt, or it must be wiped out with a sponge to the ruin of thousands.

The same consequences might follow the perpetuation of the debt in these States, though the period might be more remote. If these States were left to themselves, they might pursue measures to extinguish the debts; this was an object desirable to be accomplished.

The State of Virginia, he knew, had extinguished more than two millions of dollars of her public debt; but Virginia was not alone, there were other States, he believed, that had also effected a considerable diminution of their debts.

It had been urged as an argument in favor of the measure, that unless these debts were assumed, that some of the States would be induced to lay excises, and thereby put it out of the power of the Government to raise money from that source; but the excise and impost would not do. No adequate provision for the payment of the interest could be drawn from these sources. The Secretary had proposed to raise the duty on various articles; but his calculations did not extend to a provision for the State debts, he had only contemplated those of the Union. How, then, are the State debts to be provided for? Would Congress levy a land tax? As to raising the imposts, it was a measure he dreaded; as the duties now stood, he believed there were no attempts to evade them by smuggling; but if they were raised, the reverse would take place; and if the people once became habituated to smuggling, it would be impossible, at any future day, to reform them, even by lowering the duties. With respect to direct taxes, he wished the committee to consider how that would be relished throughout the Union; he thought it would be contrary to the general sense of the people. When they accepted the Constitution, it is true, they knew it contained a power to levy taxes; but it was not expected that this power would be exercised in the present situation of the country. It would lessen the influence of the States, they should be reduced to a degree lower than they should be, while, at the same time, the General Government would be elevated on their ruin. This would be unjust and impolitic; the freedom and happiness of America depended as essentially on the State Governments as the General Government, perhaps more so. It was an interference between a State and its citizens, and attaching them to the General Government without the consent of the State.

It has been said by the gentleman from New York, that it was easier for one body to draw forth the resources of the community, than for a distinct number of Legislatures. This is true; but he asked if it would be administered on the principles of freedom and independence? Congress may be properly the Supreme Council, but not the Supreme Legislature of the United States. Their legislative powers are circumscribed and confined to particular objects; because it might be more convenient, it did not follow that Congress should, for that reason, exercise such authority.

It had been urged, as a reason for the assumption of these debts, that the Continental securities had, in general, been purchased at low rates, and had centered principally in populous cities, and that the people would not be satisfied to pay taxes for them, and have their money continually drawn into these cities, unless the State debts were adopted, whereby the taxes would go back again into the remote parts of the country.

He said he was sensible the people would very ill brook the payment of taxes, when they saw the amount flow into the hands of a few individuals. That he had mentioned this in a former debate, and which would have been remedied, had a mode, which he thought equitable to render them diffusive, been adopted; but the measure was overruled; the present he thought unjust, and therefore could not agree to it.

It has been said, that the Legislature of South Carolina had declined making provision for her creditors, in expectation that Congress would assume her debts. He did not doubt the intelligence, but how the Legislature of a State could conceive that Congress would assume to pay her debts was to him extraordinary. He was sure that Congress had never expressed such an idea, and he hoped that things had not yet taken that turn; that whatever was devised in the Cabinet, should be agreed to in the Legislature. No regard, therefore, ought to be paid to what South Carolina had done.

But a gentleman from Massachusetts opposed that it would not lessen the influence of the State Governments; that, on the contrary, it would be an advantage to them. That it was an old doctrine, "out of debt out of danger," but the measure did not place the States out of debt, they were still to pay; the means of payment being only put into other hands. Sir, said he, if I was indebted on an open account, and I remained in possession of my estate, and was able to pay it, would it be any advantage to me to give my creditors a mortgage on my land, and put them into immediate possession of the profits of my estate? Is not the case applicable? We do not propose to pay the debts of the States but with their property. Is this conferring any favor? Surely not.

He would propose, in order to bring the matter to a point, that the assumption of the State debts should be confined to such parts only as appeared to be a surplusage of any State which has advanced beyond its just and equal proportion of the expenses incurred in the defence of the common rights of America. This surplusage to be ascertained on a liquidation of the account.

Mr. LAWRENCE believed the natural operation of the original resolution, with the amendment proposed yesterday, would be what the gentleman who was last up wished to take place; with a little attention, it will be discovered, that the measure terminates at the very point he recommends. It appears that the principle of settlement is, that all the expenses of the late war, whether for general or particular defence, be brought into one common mass, whether it consists of the pay of the army or the militia, or for supplies furnished, or for other services rendered. This being formed into one mass, suppose, for example, it amounts to one hundred millions, a second process must take place; a ratio being established, it would be easy to apportion what each State ought to have contributed: for instance, it is found that a particular State ought to have furnished four millions; against this, if she has a charge of twelve mil-

lions, she must receive the balance of the United States. But, again, as no State can be a debtor to the United States, because every State has furnished more than she has received of the Union, so each State must have the balance of their accounts assumed, and provided for by the United States. If the States could now, each of them, receive their balances from the Union, they might pay them to their respective creditors, and put an end to the business. So that taking the subject in either point of view, it will appear to be the same; of consequence, I infer that there is no occasion for the amendment mentioned by the gentleman who spoke last. The amendment proposed yesterday is undoubtedly a proper one. I believe, in settling these accounts, we ought to act on the most liberal principles, so as to do justice to every State in the Union; for, I believe it is true, that until that settlement is effected, some of the States will bear an undue proportion of the public burden.

There have been various objections against the assumption of the State debts in any sense. Among others, it was supposed that the State Legislatures would become useless; and unless the State debts were continued, they would lose all their consequence. Now, it is fairly presumable, that there is not a State but wishes to be out of debt, nor a Legislature that wishes to meet only for the purpose of providing for the payment of them. I cannot admit the doctrine that the assumption will derogate from the importance of the States. It was well observed, that they, as well as this Government, stand upon the broad basis of the people; and as long as both keep within the powers delegated to them, they will be subservient to the public good. The State Governments must exist, and exist to some purpose, or the General Government must change its form; because it is well known that the State Governments serve as a criterion to ascertain how this House is to be chosen; and the State Legislatures alone can appoint the members of the Senate. The idea that the State Legislatures are to cease, can only be treated as a visionary phantom.

It has been said, that we ought not to assume the State debts until we have ascertained our ability. I believe our ability perfectly competent to the undertaking. The Secretary has only extended the impost something higher on a few articles, and pointed to the excise. I am convinced from this, that full and convenient provision may be made by the United States for the State debts, without having recourse to direct taxation. I am satisfied with respect to what the Secretary reports, and I believe some of the articles will be more productive than he calculates. If then, I am not mistaken, direct taxes will be left untouched by the General Government, and will afford ample provision for the domestic and internal purposes of the several States. I believe, then, as was formerly mentioned, that this would be a measure founded in justice and policy, and such a one as will give general satisfaction to our citizens; it will add that strength to this Govern-

ment, which is requisite to enable it to perform all its operations necessary to promote the public good.

Mr. MOORE said, he did not understand the proposition upon the table in the same light in which the gentleman last up (Mr. LAWRENCE) had stated it; neither could he think its effects would be the same with that which his colleague has just offered. If I understand the different propositions—by the first, every citizen of the United States may bring forward his certificate, and loan it to the United States, on which he is entitled to an interest; his claim is to be assumed and funded. The amendment proposes, that after an adjustment of all the claims of the State has been made, that Congress will assume the payment to each State, whatever she may appear to have paid on a final settlement, more than her just proportion; but leave it to the States to pay their respective citizens their claims, in whatever mode they please. In the one case, Congress only assumes the balance due; in the other, they assume the whole debt. He thought they had not sufficiently ascertained the amount of the debt: this ought first to be done before the payment is assumed. The Secretary has stated to us the supposed amount. He made no doubt that he had obtained every possible information on the subject. But even suppose him to be in possession of the amount of settled claims in all the different States, it would not ascertain it with sufficient certainty. It is proposed that the acts limiting the settlement of the claims should be repealed; that further time should be given to the claimants to come forward. Gentlemen appear impressed with the justice of this proposition. To what extent are they likely to be increased? If gentlemen will only consider the number of petitions that have been presented to Congress by claimants whose claims appear to be just, they will be satisfied, that when the bar to a settlement is removed, many new claims will be brought forward, and the debt will be increased far beyond the present statement. Before we assume the payment, we ought to know that our resources are co-extensive with the demand, under every possible diminution that can in the nature of things take place. Should we now assume them, and our means be inadequate to answer the end, I know not of any procedure that could more effectually ruin the credit of the United States. But my principal objection to the proposition is, that we shall be obliged to lay a direct tax. What are the resources the Secretary intends proposing? They ought first to be brought to view, I remember well, when the impost bill was before us, we were told by gentlemen well informed on this subject, that if we increased the duties it would defeat our purpose; that it would promote smuggling; that on so extensive a sea-coast, where we have so many harbors, it would be impossible to prevent it, if we raised duties so high as to make it the interest of the merchant to smuggle. We were likewise told, that laying the duties too high would prevent the consumption, and tend to defeat the revenue. Gentlemen then brought

forward every subject they could think of, as proper on which to lay a duty. I conceive, that if we assume the entire debt, an additional duty, adequate to the payment of the whole debt, cannot now be laid; we must lay direct taxes to pay the debts of the United States. I believe Congress, from the first forming of the Confederation, has kept up a distinction between debts of the United States and State debts.

I have not had recourse to the journals of Congress, so as to be certain that this distinction has been uniformly made; but instances come within my knowledge which prove it, for in the requisitions to the States the distinction is made. The State of Virginia, from her indiscriminate mode of adjusting State and Continental claims, has been refused a settlement of her claims against the United States, and Commissioners are appointed to ascertain her claims against the United States.

I think the framers of the Constitution contemplated the payment of the debts of the United States only; but from our assuming the State debts, they become the debts of the United States, and we are to pay them. I remember well, when the Constitution was under consideration in the Convention of Virginia, the power of imposing a direct tax was warmly opposed; the advocates for its adoption stated that requisitions were found to be effectual; that occasions might happen, in which such a power would be necessary; that it never would be exercised but in case of necessity. But we are about to attempt it when no such necessity exists. If that Convention had supposed it would have been attempted at so early a day, I think they would have hesitated to adopt the Constitution.

Gentlemen, he said, complain that their citizens are oppressed with taxes; they say, that from their extraordinary exertions during the war, they have incurred a debt far exceeding their just proportion. I think the amendment proposed by my colleague, (Mr. WHITE,) will do them ample justice. Whatever sum they have paid over and above their just proportion, Congress will pay; leave the payment of their just proportion to themselves; this is all that justice requires. In the mean time, the proposition will not restrain us from availing ourselves of every resource in our power; and if there should be a balance in our Treasury, after paying the debts we have already assumed, we may apply it to the payment of the debts of the States.

Mr. GERRY opposed the principle on which the motion was founded. It contemplated the debts in question, as the debts of States, while, in fact, they were the debts of the United States; for the States had contracted the debts, as agents of the Union. And it was well known, that a debt contracted by an agent was as binding on the principal as though it had been contracted by himself, it being an established maxim, *qui facit per alium facit per se*. There can be no distinction in equity, then, between a debt contracted by Congress, its quartermasters, or other purchasing officers, and by a State employed by Congress; the credi-

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Public Credit.

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tors, in each case, being the creditors of the Union.

He had before stated, that the first army, although Federal, was raised, supplied, and paid by the States, till it was commanded by the Continental officers; that the States, on the requisitions of Congress, had made good the depreciation of the pay of the army; had frequently supplied and recruited it; had, at the request of Congress, assumed the debts of the Union, by taking up certificates of purchases made by Federal officers, by paying the interest of the Federal debt, and by various other modes; and one State, (Pennsylvania,) if he was not misinformed, had assumed the amount of five millions of dollars of the Federal debt due to her citizens, and placed this sum on the State funds. As the States then, are indebted to their citizens, ought not these, in equity, to be paid by the United States, for property thus supplied them? When the citizens credited the States, the latter had all the resources of the Union: they had the impost, excise, and sole right of direct taxation; for although Congress had the power of taxing States, they could go no further; and that power could not be exercised, from the want of a rule of apportionment required by the Confederation, because the States could not form an estimate of their property as required by that compact. It must, therefore, be evident, as the citizens entrusted the States with supplies for the Union, on the credit of certain State resources, and by the late revolution in the system of Government, these resources are, by the Union, in part alienated from the States to the Federal Government, which is the case of the impost; and as Congress are now extending their taxation to another part, the excise, on which resources the State creditors principally depend, Congress are bound, in justice and equity, to provide for the payment of these debts, contracted at the request, and for the benefit of the United States; they are *bona fide* debts of the Union, and only differ from the Federal liquidated debt in the form of the negotiation. Perhaps it may be said, that the creditors have considered the States as debtors, and have no legal claim against the United States. But should Congress act upon such an unjust and ungenerous principle, would not the State creditors have reason to consider the whole as a State trick, or juggle, to defraud them of their dues? And would they ever after rely on the faith of Congress? There can be no good reason, then, for the assertion, that the States can only be creditors; or, in other words, that their debts can only be assumed according to the proportion of the balances that may be due to them, respectively, on a final liquidation.

The gentleman (Mr. Warr) has observed, that, by adopting the first amendment, we should again open the door for State claims: that if it should remain shut, perhaps some injustice might take place; but if the doors should again be opened, there would be great uneasiness among some of the States. In answer to this, he conceived that the States considered justice as the basis of their system of policy, and should never

be opposed to a measure that would prevent injustice. If, however, he was mistaken in this point; if the foundations of the State and Federal Governments were not laid in justice, he thought their career would be but short; but he had no apprehensions of this kind.

He observed, that the gentleman from Virginia (Mr. Warr) had said, in case of an assumption, some State creditors may accede to it, and others not; that of the latter number, would probably be the citizens of Virginia; in which case, she must pay her own creditors, and contribute to pay the debts assumed by the Union. But where is the difficulty in this case? Congress, considering the State creditors of Virginia, as creditors of the Union, will provide for them as for other Federal creditors; and it will make no difference to the creditors to the State, or to Congress, whether the latter pays the interest to the State, and the State to the creditors; or whether Congress pays it directly to the creditors. This seemed too clear to be denied.

The gentleman has said, if the debts are assumed, Congress will fund, but not discharge them; whereas, the States will do both. How does it appear that Congress will be less disposed than the States to pay off the public debt? The Secretary, in his report, has an eye to a sinking fund; and there is no doubt of every exertion, on the part of the Union, to discharge the debt. It is true, the States, with the impost and excise, have made some progress in this business; but, deprived of those resources, there will be less prospect of the debts being paid by the States than by the United States. The debts of the States will now accumulate, as the Federal debt did, whilst the States had those resources.

The gentleman says, that if all the revenue from impost and excise is thrown into our hands, it will not be adequate; and we must resort to direct taxes, which would meet the disapprobation of all the States. But in answer to this, he observed, that we have but little experience of the avails of the impost, and none of the excise, and can therefore form no judgment of how far they are capable of improvement. One thing we know, that the impost is greatly injured by the State administration of excise; and we also know that the latter is eluded in a great measure in each State, so that, under the Federal Administration, both impost and excise would probably be much increased.

He then mentioned the defalcation of excise; that the collection of it was generally supposed, in Massachusetts, not to exceed twenty five per cent. of what ought to be the amount; and stated the manner in which the payment of it was eluded. It is impossible, therefore, at this time, to determine whether those resources are or are not equal to the funds required. But suppose they are not, how does it appear that the States will be uneasy at direct taxation, if it is necessary to support public credit?

Public credit he considered as the main pillar of the Government. If it be well established, it will be more valuable than the mines of Peru; for it

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will command what resources we may want; and those can do no more. It will also command the confidence and attachment of our best citizens, which will be infinitely more valuable; will strengthen our Government, and make it immoveable.

A Government founded on justice is so great a blessing, that enlightened citizens, like those of the United States, will not only contribute their property, but will risk every thing in support of such a Government. Mines will enable a Government to procure an army of mercenaries; but the power of these are not to be compared with that of good citizens, acting from principle. It cannot, therefore, be doubted that, if direct taxes are necessary to pay the just debts of the Union, and support its credit, the citizens will submit to it.

If we refer to the propositions of the States for amending the Constitution, there is nothing in them that justifies the contrary supposition; but he would always be opposed to direct taxes, till it should appear that they are indispensably necessary.

The gentleman supposes that the assumption will lessen the influence of the States and elevate the General Government, and has quoted my observation, that the States out of debt would be out of danger. To confute this doctrine the gentleman has stated a case, and says, if owning an estate he owed money on it, he should think it more safe to take the estate into his own hands, and pay his debts with its income, than to mortgage his estate to another, on his engaging to pay the debts. But he observed, that the resources for paying the State debts were taken from them; and the question in the case stated was, whether the owner of an estate, who owed debts on it, would not expect that the person who occupied it should, with the income, pay the debts of the estate, rather than leave the owner to pay them? In the case of a minor, ought not his guardian, who receives the income of an estate, to pay the minor's debts, and not to apply the income to his own use, whilst these debts were accumulating? Much had been said respecting part of the debts of the States being paid for State and not for Federal purposes; but would any gentleman deny that almost the whole expenditures of the States, excepting the expenses of their Civil Government, were for Federal purposes, or that the taxes of the States had far exceeded the civil lists, or other expenses of the States? Is it not evident, then, that the existing debts of the States must be far short of their demands against the United States for supplies furnished by their citizens? And where is the force of this objection?

It has been urged by another gentleman from Virginia, (Mr. Moore,) that an assumption is unconstitutional. He has mentioned the accounts of charges, obliging the State to discriminate between them. But how does this prove the unconstitutionality of the measure? The debts of the States are either debts of the Union, or not; if not, we have no desire to assume them; if they

are, we think it unjust to avoid payment, because of the mode in which they have been negotiated; and we conceive it sufficiently evident that the existing State debts are for the property or services of individuals received by the Union.

But suppose we should refuse to assume the State debts, will not the injured creditors of the States be for ever opposed to your Government? Will they not consider this measure, explained as it will be in the progress of the debates, as a State artifice to defraud them of their property? For although the integrity of the honorable mover is unquestionable, yet if his proposition, when examined, has the tendency pointed out, it will, if adopted, be considered as artifice. The State creditors, in a common cause, will probably not confine their opposition to the collection of a Federal excise, but will extend it to the impost; which will be considered as an unjust alienation of the State funds, to pay the Federal at the expense of the State creditors. Such policy, instead of promoting peace and concord, will be a sure source of war and discord between the different classes of citizens and the United States. For these and other reasons that might be urged, he hoped the proposition would be rejected.

Mr. LIVERMORE.—I seconded the motion of the gentleman from Virginia, because I thought it brought our deliberations to a point, namely, that we might ascertain what we owe before we proceed to provide the means of payment. It leads us back from the wilderness into which we had wandered; assuming the payment of the debts of all the world, is not the business to which we ought to turn our attention at this time. What-ever debts have been contracted by the United States we are bound to pay; we have a positive authority vested in us by the Constitution for that purpose. I believe the debts of the United States consist of what has been found due to individuals on the settlement of their accounts, and of what is yet unliquidated. I believe they are indebted to such States as have made greater exertions for the common defence during the late war, than was their just proportion. But as these debts can consist of nothing but the balances, I think it would be improper to assume the whole, and wait till the settlement of accounts, to know what ought, in justice, to have been assumed. Would an individual undertake to pay the whole debt side of an account, when there was a very considerable part of it accounted for on the credit side? It is much to the purpose that the committee should keep in view the terms upon which the requisitions of the late Congress were made, from time to time, during and since the war. It was invariably stated, in every one of them, that if any State's proportion of the requisition should exceed what might be found to be its quota, upon the final adjustment of the accounts, it should be considered, as an advance, and the United States were bound to repay it with interest; but if such advance did not exceed the just proportion, nothing should be paid. This was the contract between the United States and each individual State. There was not a single requisition but contained this provisional

clause. If, therefore, Massachusetts or South Carolina have either of them advanced more than their proportion, they have the faith of the United States pledged to pay them the surplusage; that is all they can, in justice, claim, or all that Congress ought to provide for. This idea is clearly stated in the proposed amendment; and it may be agreed to, in my opinion, without hesitation. The contrary course, to pay money first and settle accounts afterwards, would be the most absurd imaginable.

It appears very strange to me, how we, who owe fifty-four millions of dollars, can raise our credit by assuming to pay twenty-five millions more, when it may turn out that we do not owe one million of it. But it is said, that Congress are the only people in the United States who understand financing; the individual States know nothing about raising money, but we can extract money from a rock, as Moses did water; yet the States have been able, even in times of the greatest distress, to raise sufficient money to answer the great purposes they had in hand. But if this opinion was better founded than it is, it could not prove that we ought to assume the State debts; because the contract and justice require nothing more than that we assume the balances, in the same manner that an individual assumes to pay the balance due to another, with whom he has transacted business. When we have done this, we have done all we ought to do.

It has been said, that the individual State creditors will be injured, if we do not assume; but they will not be injured by us. They did not trust the Union—they trusted the individual States. But I am far from thinking this will be the case generally; because I believe the States will want neither the will nor ability to pay them. However much better the General Government may be able to raise a revenue by impost or excise than the State Governments are, yet the State Governments exceed the General Government in their ability to collect direct taxes. The States have their peculiar modes of raising money, which they can better suit to the habits and opinions of their own citizens, than any other body possibly can. They carried on the late war, in my part of the Union, pretty much in this way; for they were very little beholden to either the impost or excise. Dividing these modes of obtaining revenue, so as to give every Government an opportunity of using its exertions, will enable us to raise the most money with the least degree of dissatisfaction. Few men will be found to thank another for taking their estates out of their hands, to pay debts which they could better discharge themselves; they would prefer handling their own money, and paying their debts in the manner most convenient. But if the State debts are never paid, the crime does not lie at our door; all we are responsible for, is the payment of the real and proper debts of the United States; if we can provide revenue for this purpose, we shall support our credit.

The gentleman from Massachusetts has applied the maxim "out of debt out of danger" to show the favorable effect the assumption will have as it

respects the States. According to this reasoning, I would ask, whether assuming double the debt we owe would not put the United States more in danger? Surely it will. Then why run headlong into danger, which we can and ought to avoid? Are gentlemen disposed to take more care of the State Governments than of the Federal Government? I own they have not evinced such a disposition yet. If the proposition passes, I hope it may be with the amendment proposed by the gentleman from Virginia; so that we may bind ourselves to assume no more than the balances; but as we are already bound to do this, I shall consider any further promise unnecessary, and vote against the whole proposition when amended.

Mr. PAGE.—The worthy gentleman last up seems but little concerned for the credit of the individual States, while he seems particularly anxious to support the credit of the General Government. I conceive, sir, the present Government was intended to give stability and credit to the individual State Governments, as well as the Federal Governments; that it is our duty to attend as much to the one as the other. The propositions on your table have, I presume, that object in view to its fullest extent; but I must confess I am somewhat at a loss how to decide upon them. I fear great alarms will be excited by those persons, and they are not few, who are jealous of the new Government. They will say, with great plausibility, that we are about to plunge ourselves into a situation from which we can relieve ourselves only by the exertion of all our powers; that we must grasp every species of taxation; that more recourse must be had to must seize upon direct taxes; this, it was said by the friends of the Constitution, ought always to be avoided; but, at the same time, I have a doubt, whether we ought, under the present Government, to make any distinction between what are called State debts and Continental debts. Under the former Government, this was, no doubt, a proper distinction; there were then requisitions, and whatever debt a State contracted with individuals, in order to furnish its quota of supplies or services, was properly a debt due by that State; some States paid in specie for supplies, others run in debt to individuals, not having it in their power to raise taxes to purchase them with; others paid money, which they either raised in taxes, or have since sunk in that way. But under the Federal Government, this doctrine seems to be done away. This is the very thing which the opponents of the new Constitution thought they foresaw; this is that consolidation, as they called it, which they predicted; but without it, I cannot see how the general interests of the United States are to be supported. Can the credit of the individual States be provided for in any other way? If we leave some of the States exposed to the burdens, they must sink under the weight. We ought, then, I apprehend, in good policy, to assist them. It is justly said, that these debts were incurred in the general defence; they were the wages of the

military, who gallantly defended their country from the common enemy. The repulse which the Britons met at Fort Sullivan redounded to our national honor; the whole Union participated in the victories gained in South Carolina; the common cause was benefited by the exertions of that State, and whatever she contributed beyond her proportion, is the real debt of the United States, and not of South Carolina. Since that period of calamity, requisition upon requisition has been made by Congress, in order to do justice to those who had adventurously stepped forward, and risked their all, when that risk was imminent. It was not, in my opinion, commercial regulations alone that produced the new Constitution: it was to enable the Confederation to exist, in such a way as to be able to render justice to whom justice was due; but I am fearful of alarming the States by recourse to direct taxation. If the States can raise their quotas, and gentlemen think the business can be managed in this way, I have no objection to leaving it to the States to provide for the demand.

I would not have it understood, that I mean to decide this question upon those principles alone which I have mentioned; there are others to be contemplated, which I hope to hear strictly, impartially, and fully investigated before we take the question. I hope there may be no improper haste in voting on this proposition; because, if gentlemen do not see their way clear, it is best not to act; and those who would be in favor of the measure, if their understanding was fully enlightened, and their judgment sufficiently informed, may vote against it, for no other reason, than that it is better to stand still, than run the risk of acting improperly.

Mr. WHITTE.—If the principles upon which the gentleman from Massachusetts (Mr. GERRY) founded his reasoning, should, itself, be without foundation, I apprehend the whole of his hypothesis must fall of course. He tells you that the States were the agents of Congress, and applies, as a maxim, that whatever you do by another, you do by yourself; consequently, that Congress are bound to pay the State debts. Now, I differ with him in principle; I consider the States as agents of the people; if I am right in this position, his argument does not apply. The respective States were formed out of Colonies, and were known to be distinct communities. They were each possessed, in consequence of the Revolution, of a complete Legislative power, independent of all others. When they formed a Confederacy, Congress was appointed the agent of the particular States. When they perceived a measure likely to promote the general good, whom did they call upon for support? They did not apply to individuals, they applied to the States; the States were to furnish their agent with the means; they were to procure in the way most suited to their own idea of convenience; it was the State that applied to the individual; consequently, the debt is due by the State, and not by Congress. Every State was obliged to advance its proportion of expense; until that was done, it remained a debtor;

but when it advanced beyond its proportion, it became a creditor, and not till then. I wish to go on the principles we have established. I wish the States to settle and ascertain what each has done; when that is accomplished, we will pay the balance. I am as free to pay the debts we owe as any man; but, then, I am for settling our accounts first, in order to ascertain what it is we owe.

The object of gentlemen, I take it, is this, that every individual who has in his hands the evidence of a debt due by any State, shall come and deposit it in your loan, and you will assume to pay him the interest, and finally the principal. The operation of this must be unjust; because many States who were equally indebted at the close of the war, have, since that time, made unequal exertions to extricate themselves; they have oppressed their own citizens with the burden of heavy taxes, in order to discharge their debts, and now will have to submit to another oppression, in order to relieve those to whom nothing may be due. The citizens of States that have made these exertions, cannot come forward, and loan to the General Government an equal proportion of State debt. Virginia, for example, has absolutely sunk her militia and property debt; her foreign debt is nearly paid, she will not, therefore, be able to fund her proportion; the consequence resulting can be neither just nor equitable. Why shall any State that has paid over her proportion be called upon to pay more?

Gentlemen have mentioned a sinking fund for the extinguishment of a debt; and do they propose that the States shall bear this unequal burden, until the debt is paid off by the fund contemplated by the Secretary of the Treasury? He holds out nothing for this purpose, that I recollect, but the revenue arising from the Post Office; a fund that never yet produced any thing, and what it may hereafter produce is involved in absolute darkness. I believe that officer wishes to establish a fund for the extinguishment of the national debt; but I do not think the one he has fixed upon will do it agreeably to his expectations.

A gentleman has said, we shall deprive the State creditors of their dues, unless we assume; how can this be made to appear? Did the State creditors ever look up to the General Government for payment? Had they any expectation of such an event? They never expected it; but, nevertheless, I should not object to an assumption under proper regulations.

Mr. SMITH, of South Carolina.—I look upon the amendment proposed by the gentleman from Virginia (Mr. WHITTE) as intended to defeat the main question; and the arguments, by which it is contended for, such as go against the original proposition. They resolve themselves into two points: first, that the assumption will operate unequally on the States that have made the greatest exertions to get out of debt. The second is, that it will make the Federal Government too popular, and diminish the importance of the State Governments. With regard to the first, I would observe, that the States which made the greatest exertions

during the war, were unequal to great exertions after the return of peace; while those States that had exerted themselves least during that dreadful conflict, were best able to exert themselves after its termination; so that, at the present moment, it is fairly presumable the exertion has equalized itself throughout the United States. I would not be understood to insinuate that any State has been, at any time, remiss in her exertions; but I believe, from accident, or adventitious circumstances, States have found themselves, some at one time, and some at another, compelled to strain themselves to the utmost. Those who had the enemy constantly to grapple with must have been disabled in a great measure from making equal exertions since the peace.

With respect to the second objection, I cannot but think it extraordinary in those who are the decided friends of the Government.

[Mr. WHITE interrupted Mr. SMITH, with a denial of having used the argument.] Mr. SMITH then proceeded, and begged the gentleman's pardon for having misunderstood him, for he thought he did; however, if he had not used it, other gentlemen had, and he would take the liberty of replying. I do not think, said he, that the friends of the Federal Government are likely to be displeased with any thing that is done by Congress to give it that strength which its nature requires. It appears to me that the States would derive strength from the strength of the Union.

The gentleman has said that this is a measure which the State creditors did not expect. When did they expect it? Was it not at the time when no such Government as this existed? It was at that period when Congress had no power to call out the resources of America; when they were dependent upon the pleasure of the States, who might or might not comply with the requisitions, as they judged most expedient. Requisitions were known to be ineffectual, and the creditors could have no expectations or reliance upon them; but now the Government is clothed with sufficient authority to draw forth the resources of the Union, and to provide for the payment of their debts. When the people of the several States concurred in the adoption of this Constitution, they did it with an idea that it would rid them of their embarrassments; it was, I believe, the general idea—I know it was always mine, that when the General Government got possession of all the revenue they would provide for all the debts of the Union. The contrary idea is so manifestly unjust, that it is a matter of surprise to me to hear any gentleman advocate it. What is the difference between the Continental and the State debts? They were both contracted in pursuit of the same object; they were all contracted for the general defence against a common enemy.

The honorable gentleman from New Hampshire (Mr. LIVERMORE) said he would not thank any person for taking away his estate and paying his debts for him. How much less would he thank the man who should take away his estate, and leave him to pay his debts as he could? The

State Governments are now deprived of the resources they used to possess, and are left to bear all the burdens. The General Government has taken from them the impost, and is now about to take away the excise—how can it be expected that they can afterwards provide for their debts? The honorable gentleman from Maryland has said that we should have no occasion for an excise duty if we fund only the Continental debt. But that does not appear to be the fact; from the report of the Secretary, he proposes to extend the impost, and lay on a general excise; it is to be presumed that the manner of raising revenue, mentioned by him, will be the most consistent with the plan. Excise duties were to be preferred to direct taxation; and if the impost is insufficient, recourse must be had to one or the other.

When the war was first entered into, no man entertained a doubt but all the expense would be defrayed out of a common treasury. The centre of the Union was the grand theatre of the war; and the seat of the Government being in the neighborhood, it furnished the supplies for the army. The places remote from the centre being attacked, they were forced to rely on their own exertions. With regard to South Carolina, she was obliged to provide for her defence from her own resources; but plundered, burnt, and depopulated as she was, at the termination of hostilities, she became unable to continue her exertions to the degree which her honor and disposition inclined her, to provide sufficient funds for the payment of the numerous debts she had contracted in her struggles in the common defence. But if her revenues have hitherto been inadequate, what are they likely to become now Congress has taken out of her hands her principal resource? Sir, unless the United States take the debt upon themselves, as it was contracted in their service, the creditors of South Carolina must go to ruin.

With respect to the apprehension that the measure would be disagreeable to the States, because it might tend to lessen their importance, I think it altogether unfounded; the State from which I come wishes and expects its adoption. It is said to be unconstitutional, at least it is thought to be against the spirit of the Constitution, to declare the State debts to be the debts of the United States. What are the State debts? Debts contracted for the defence of the United States, and for the attainment of their independence. If these are not debts of the United States, then there are no such things as debts of the United States. But at most, the gentleman's Constitutional objection goes no further than a mere metaphysical difference; the substance is the same, though there may be some difference in the sound as the resolution now stands; it ought not, perhaps, to be called an assumption, but rather a recognition; for the debts are now, and ever were, *bona fide* debts of the United States.

The gentleman said, that a State might run into debt, and afterwards disobey the laws of the Union, in order to get the debt assumed by Congress, and be bribed by them into a compliance.

It is a singular idea, that a State should incur a debt, and disobey the laws of the Union, in order to induce Congress to pay it for her hereafter. I cannot conceive such an event in the smallest degree probable.

It was said that the States would lay direct taxes for the payment of the State debt, but that the United States could not. I apprehend the inquiry of our citizens would not be who laid the direct tax, their representatives in Congress, or their representative in the State Legislatures? They would confine themselves to the inquiry, which was the best and least expensive mode? And here the result would be favorable to the General Government. The collectors of taxes, under the State regulations, are prodigiously multiplied; in South Carolina, I believe, they amount to one hundred and forty, besides Custom-house officers, &c. In Connecticut, I am told, they amount to between two and three hundred. I suppose their whole number, throughout the Union, to be about one thousand four hundred. Under the General Government, where the impost is so productive, the deficient revenue might be collected by a much less number. It must be obvious to every gentleman, how much an uniformity in system and one general superintendence are superior to irregular and opposing schemes of finance, varied almost with the changing seasons of the year.

It has been thought that the creditor States should wait for their balances till the final settlement of accounts. If this should be the case, they must go to ruin. But why are we to delay the assumption until the final settlement of accounts? If it is to be done then, why not do it now? It can make no difference to the Union in point of expense, but it will tend to give stability to your measures; the Continental creditors will be benefited by it, because the due collection of the revenue will be attended to not only by them, but by the State creditors also; the latter will serve as auxiliaries, and the vigilance and exertions of the whole corps of creditors will be a good security to Government for the faithful execution of its ordinances.

It was said, by the gentleman from Maryland, that the securities of his State were at fifteen shillings in the pound; and, therefore, the creditors of Maryland would refuse to subscribe to the loan. I believe the price of stock in a great measure depends upon the extent of its circulation. The Continental stock will, from its nature, have a more extensive circulation than the stock of Maryland; consequently, it would become the interest of the creditors of Maryland to subscribe to the Continental loan.

The State of Maryland has bottomed her securities upon the fund arising from the sale of confiscated property. I observed the other day, that South Carolina was once in possession of a large fund of the same nature; but which, from motives of humanity, and obedience to the request of Congress, she gave up. On inquiry, I find that the confiscated property which she restored, amounted to £456,111 sterling; this, at the rate

at which securities were then selling, would have bought up three times as much as South Carolina is indebted. If she is now unable to pay it, it is the duty of Congress to undertake it for her; she ought to be indemnified for the loss she sustained by her obedience.

Gentlemen have expressed an antipathy to speculators; they lament that one consequence of establishing public credit should be the making of those men's fortunes. Let gentlemen remember, there is but a small part of the State debts transferred; therefore the assumption will have a more desirable effect than the provision for the domestic debt.

It was observed by the gentleman from Virginia, (Mr. WHITE,) that the creditors of some States would not subscribe to the new loan, because the States have provided satisfactory funds. He instanced Virginia, and thought its creditors would not relinquish the securities they now held. I am informed that the Virginia State securities sell for six shillings and eight-pence in the pound. When the debts of the Union come to be funded, they will sell for more than that. I should imagine they would never fall below fifteen shillings in the pound; whilst the State debt would be depreciated by the endeavors of those who were indebted to the State, and who wanted to purchase these securities in order to make payment in them.

Mr. WHITE said, that the securities of Virginia sold for four shillings in the pound twelve months ago; that just before the interest became due, two or three months ago, they sold for six shillings and eight-pence; but at this day, although the interest had been drawn, they sold for eight shillings in the pound. The reason of this depreciation was not, in his opinion, a want of confidence in the Government, but certain circumstances under which the holders of the certificates labored. The certificates had been originally given instead of money. The poor men, who were thus disappointed, sold them generally at very low rates to shopkeepers and others, who being unable to keep them, sold them in their turn; and as long as certificates remain in such hands, they must be depreciated; but Virginia has redeemed a great proportion of her debt, and the certificates for the remainder are passing into the hands of those who can afford to keep them; when they get into this state, generally, they will rise to their real value, whether they are Continental or State securities, provided they are equally well funded.

Mr. GERRY.—Gentlemen have said, that it never was in contemplation to assume the State debts. When the present Constitution was under consideration in the General Convention, a proposition was brought forward, that the General Government should assume and provide for the State debts, as well as the debts of the Union. It was opposed on this ground, that it did not extend to the repayment of that part which the States had sunk, as well as that which remained unpaid; had it not been for this objection, I believe the very provision which gentlemen say

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was never expected, would have been incorporated in the Constitution itself. If I recollect rightly, it was also contended, in Convention, that the proposition would be useless, as Congress were authorized, under other parts of the Constitution, to make full provision on this head. From this circumstance, gentlemen will see that the assumption of the State debts was in contemplation from the very commencement of the new Government.

The gentleman last up has objected to the statement which I made. He says the States are not to be considered as the agents of Congress, and if they are not so considered, then my hypothesis must fall; but I still think my position to be a just one. The Congress of the United States are the Representatives of the several States; they being thus formed into a new body, constitute a nation. The States becoming the special members of the nation, are as agents only to the chief. Had it been in the power of the States to furnish their respective proportions, Congress had sufficient power to call upon them for that purpose as members of the nation; but it being impossible to ascertain their proportions, Congress could not call upon them. But the nation made use of their individual credit, in order to support the great cause in which they were all embarked. It is clear in the case of enlisting troops, when Congress sent the States bills of credit for the purpose, that they acted as agents; so they did when they used their credits in pursuit of the same object; they were as much national agents as the quarter-masters and commissaries were.

The gentleman has said, that the creditors did not originally conceive that they were to be paid by Congress. I ask, upon what foundation were the debts contracted? They were contracted for the general defence of the United States. Is it not just and reasonable, then, that the United States should pay them?

The gentleman from New Hampshire felt hurt that Congress should attempt to take away the funds which the States still continued to rely upon, though he admitted that Congress could make them more productive; he would not agree to a direct tax, because the General Government could manage it better than the States.

[Mr. LIVERMORE interrupted Mr. GERRY, and said, he had given it as his opinion that Congress could collect the impost and excise better than it could be collected by the individual States; but that the States, in their individual capacities, could lay and collect direct taxes with more ease and much less oppression than the General Government.]

Mr. GERRY acknowledged he had misunderstood the honorable gentleman, if those were his sentiments; however, he thought the whole train of his reasoning went to prove that Congress were the best financiers. I think, he said, we possessed such excellent qualities, that we could extract gold from a rock. I presume he referred to the abilities of the New Hampshire delegation. I have a high opinion of his talents, and no doubt if he would apply them to finance, we should do

well under his administration; I think we should be able to collect the excise much better under his sole guidance, than that of all the Legislatures in the several States, from Georgia to his own State inclusive.

The same honorable gentleman has told us, that if being in debt is being in danger, we shall run out needlessly into danger, by adding millions to what we owe. But how is this? Either the State debts are, or they are not the debts of the United States. If they are the debts of the United States, by assuming the payment we do not run into debt; we only do what we are in equity bound to do. If they are not debts of the United States, I am sure I can never advocate the assumption.

Mr. BUNKER expressed much apprehension for the fate of South Carolina; if the present question was lost, he was almost certain it would end in her bankruptcy, for she was no more able to grapple with her enormous debt, than a boy of twelve years of age is to grapple with a giant. He would show her ability, by stating the condition of her funds. Before the speculators, sent from here the other day, went into that country, her State debt was at six for one. Upon the report of this speculation going forward, they rose to five; but after thinking a little on the subject, and recollecting the inability of the State, they fell down to eight for one, and so they now remain. Such is and will be the situation of public credit in that State, if Congress do not interfere, and undertake to pay for her what she had assumed when the Continental credit was as low as hers is now. Every spectator will acknowledge that her misfortunes reflect on the United States, and not upon herself; she has done all she could, and if she is now suffered to fall, every thinking mind must lay the blame on the United States.

After wheeling us into the Union, and wheeling us out of the impost, we must consider ourselves as wretchedly duped, if we are now abandoned to our fate. The impost was the only thing we had in our hands to do justice to our creditors, upon a debt contracted in the common cause, in fighting the battles of the Union, and beating her enemies. In this debt we make no account of the great exertions in fortifying Charleston; of the loss of property by both armies; of the loss of men; so great has this been, that there was not less than fourteen hundred widows in one county, at the close of the war. After all these things, to be left to be pressed down by the enormous weight of taxes, is unreasonable and unjust; it must strike every man at the first blush as an ungrateful remembrance. I rise merely to press upon the House, that the refusal would be making a distinction without difference; however, I will trouble the committee no further at this time.

Mr. LIVERMORE.—I have not altered my opinion, notwithstanding all that has been said of the necessity of the measure. I conceive that the debt of South Carolina or Massachusetts, or of an individual, has nothing to do with our deliberations. If they have involved themselves in debt, it is their misfortune, and they must extricate

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themselves as well as they can. I am sorry, however, that South Carolina is embarrassed with her debt, and wish it were otherwise, but that is not to the point; the true ground on which the question must rest, and be finally determined, is, are the United States indebted to South Carolina? Probably they are, and they ought to pay her; but I want to see the accounts; let us have them settled first, and then if there is any thing due, we will either pay her, or assist her with our credit.

The gentlemen have instructions from the State of South Carolina to urge this matter; perhaps those instructions weigh considerably with them, and perhaps it is right they should. But when this business is put upon issue, there may be some difficulty in the determination. I may say, that I am informed that the Legislature of the State of New Hampshire have appointed a committee to draw up instructions for their delegates in Congress to oppose the measure; this may be the case, although we have not yet received the letter. I must own to you, sir, that instructions would operate very forcibly on me, even if I was not convinced that the measure was improper in itself, but in this case it perfectly accords with my own judgment; and I shall, without more cogent reasons are adduced than any I have yet heard, vote against the assumption altogether, unless it is modified, as mentioned by the gentleman from Virginia, (Mr. WATTS,) that is, to assume the balances found to be due to the creditor States, upon the final adjustment and liquidation of the accounts between the United States and the individual States.

Mr. FOSTER had communicated to his colleague (Mr. LIVERMORE) some information, but he was afraid he had been misunderstood. He said, he had seen a paper from New Hampshire, in which it was related, that a committee was appointed to report instructions on this subject, in order to be sent on to their representatives in Congress; but no report was as yet made.

Mr. SMITH, of South Carolina, supposed, in consequence of what the worthy gentleman from New Hampshire, who was last up, had said, that his colleague (Mr. LIVERMORE) was mistaken; and that he went upon the ground of anticipation. He had hopes that New Hampshire was in favor of the measure, and that instructions to support it would be sent on, in which case he flattered himself with the suffrage of that gentleman, who paid so much respect to instructions; but on that point, he would say, that his instructions did not give the tone to his conduct on this occasion; he was stimulated by a regard for the general interests and welfare of the Union; it was a conscientious discharge of his duty that made him press the adoption of the measure.

Mr. STONE persisted that the State debts were not the debts of the United States; the gentlemen on the other side consider all the debts owing by the States as contracted for Continental purposes; and, under this idea, they are willing to say they are the debts of the Continent; but if they say so of all, they say what is not true; they never yet

were adopted by Congress, and I trust they never will be. The State of Maryland entered into a scheme of making great provision for her defence; she ran into debt to Van Staphorst two hundred thousand dollars for powder and military stores, just before the close of the war; and these articles arriving after the peace, were disposed of at a considerable loss. Now, under the Secretary's plan, this is to be a debt due by the United States, because it was a debt owing by Maryland, one of the United States; and Mr. Van Staphorst, because he holds the note of the State of Maryland, is a Continental creditor to the amount of 200,000 dollars. If the State debts were really, as gentlemen say they are, Continental debts, there would be no occasion of assuming them. Maryland has also gone to the expense of building a very elegant State-house in Annapolis: she has expended a considerable sum in clearing the navigation of the Potomac. She has not paid cash for these things, and are the debts contracted for her State-house, and opening that river, the debts of the United States? You may adopt these debts, and say they are the debts of the United States; but the fact cannot be changed; they are not the debts of the United States, nor ever will be.

Mr. SMITH, of South Carolina, had no doubt but the debt of Maryland, contracted for military supplies, ought to be allowed in her accounts against the United States.

Mr. SEDGWICK said, it made no difference whether the debts were contracted for Continental purposes or not, because it was evident that each State had a greater demand against the United States than the present amount of their debts. And if the State of Maryland had a claim against the United States for 3,000,000 dollars, and owed her own citizens but 1,000,000 dollars, the United States assuming the whole of this, would not balance the accounts, there would be more still due. He said, he could undertake to prove to the committee, that he State of Massachusetts would have to pay annually 920,000 dollars, if the State debts were not assumed, independent of contingencies; and he would submit it to those who considered the habits and manners of that people, whether it did not exceed their ability, and whether the State or Continental creditors, so far as depended on that State, must not, in part, go unpaid? He was satisfied there was no gentleman within these walls who wished to see those meritorious citizens, by whose exertions and services the liberty and independence of America was secured, left unprovided for. He had a perfect reliance on their candor and humanity; but he appealed to their justice, on the present occasion, and he had no doubt but that they would honorably reward the men to whom reward was due. Mr. CARROLL moved the committee to rise; whereupon the committee rose, and the House adjourned.

FRIDAY, February 28.

The bill for the encouragement of learning was read the second time, and committed.

PUBLIC CREDIT.

The House again went into a Committee on the report of the Secretary of the Treasury, Mr. BENSON in the Chair.

Mr. WHITE's proposition for amending the original resolution being under consideration.

Mr. STONE.—It has been said, that the assumption of the State debts will afford immediate relief to the States which are burdened with debts beyond their proportion, on account of their exertions during the war. Gentlemen see that it is necessary to attempt the establishment of these positions, or all the arguments in favor of the assumption, which they have thought proper to use, falls to the ground. For if the States can wait, a final settlement will have the effect to assume all the debts which the United States are liable for: if, upon a complete settlement, the fact should turn out differently from what gentlemen so fondly believed, and Massachusetts and South Carolina should not be creditor States, would gentlemen from those States wish Congress should pay their creditors? But gentlemen, surely, in the eagerness to benefit their constituents, forget a most material circumstance; immediate relief, sir, is not intended by the report. One year is to be consumed in the details preparatory; taxes are then to be laid, and they will not be in the Treasury in less than a year. Hence, we see, that at least two years will elapse before the wished-for relief will be afforded. Gentlemen promise great exertions to effect a final settlement. Is it clear that a settlement cannot take place within two years? I am sure, if your establishments are liberal and proper, that it may take place; and then, perhaps, at the moment you are ready to pay the debts you are pleased to ascertain, you will see the injustice; you may find that the credits of the States now complaining, have existed only in fond partialities of their representatives, and their debts are only the effects of inattention, fraud, and waste.

In fine, you take this vast and dangerous leap blindfold, impelled by the assumption of one position that is clearly ill founded, and of another that is doubtful. In the mean time, to attain imaginary equity you are guilty of positive injustice. You will injure the credit of Continental certificates, and if the plan takes place, some of the State certificates must fall in value. In Maryland, the citizens have, perhaps, £200,000 solid property in debts due from the State: reduce them as low as finals, and you destroy £50,000 of the property of our people. Other States may be similarly situated; and for what? Because Massachusetts and South Carolina say they have done more than their proportion, and cannot pay their debts.

It appears to me to be of consequence to consider the effect which taxation will have, collected in the one way or in the other, on the property within the respective States. If you lay a heavy tax within the State, for the purpose of paying creditors within the State, the burden will not be grievous, because the property will be kept

within the State, and the quickened circulation of the money will promote the ability to pay. But if your taxes are collected and directed to the Continental Treasury, the property leaves the State, the impetus of circulation is diminished, and the chilling hand of poverty consigns productive industry to indolence; the diminution of capital will turn your well cultivated fields into wilds, and your high improvements will, for the want of repair, fall to the earth. It appears to me that the States most distant from the seat of Government will find their impoverishment in this measure, notwithstanding it appears to them at the present moment so desirable. However inconvenient it may be to Massachusetts or South Carolina to make a bold exertion, and nobly bear the burdens of their present debt, I believe in the end it would be found to conduce greatly to their advantage. Their creditors and citizens would feel some benefit to keep their taxes at home; but if they are brought into the Continental Treasury, the certificates will follow them. They will, by degrees, leave Massachusetts and South Carolina, and centre near the seat of Government, because the inconvenience of receiving money quarterly, from such a distance, will induce a transfer of the property; the operation of this circumstance, being constant, will bring them all into the neighborhood of the source from which they are to be paid.

I wish the distress of South Carolina was relieved; but she does not seem to use that diligence herself which is requisite; South Carolina is encumbered with such a debt, that a gentleman from that State says it is a giant compared with the strength of South Carolina. Now, under these circumstances, what does South Carolina do? Before any assurances whatever are given that Congress will adopt the debt, they destroy the system, by which alone they could think of doing justice to their creditors. Instead of arming herself to encounter her foe, she throws aside every weapon, offensive and defensive. The gentlemen from that State have told you, that hearing the Secretary had suggested to Congress the propriety of providing for the State debts, at some future period, they have neglected to do any thing for their own relief. I am sorry that it should be so; I am concerned to mention it; but was more so to hear it. It is a disagreeable circumstance; no gentleman can applaud the justice of South Carolina, when, merely on an idea that a certain thing may happen, she wholly leaves her creditors without any provision. The State from which I come will be put into a disagreeable situation, which, to them, will also operate injustice. As I am at present impressed with the consequence, it will be this: That the State of Maryland, who has paid her quota of the Continental debt, will have to contribute, in impost and excise, toward the payment of all the debts of the several States to which the creditors shall choose to subscribe, and at the same time tax her citizens for the payment of her own creditors, who are not likely to change their security. It would be my advice to her, to go through, inconvenient and distressing as it is; go on and pay to Congress the impost and

excise, for the benefit of those even with whom you have nothing to do, but at the same time support yourself; never let your faith be sacrificed for want of exertion; you have got the property of your creditors; you have promised them payment; toward them act honorably and justly, notwithstanding Congress has thought proper to burden you by the assumption: I presume you will have credit for your exertions and payments; if you do not acquire it here, you will obtain it in heaven.

Mr. SMITH, of South Carolina.—The honorable gentleman from Maryland thinks it extraordinary, that the Legislature of South Carolina should adjourn without making provision for the payment of the interest of their debt next year. Sir, the interest on the debt of South Carolina is provided for till April next; the Legislature of that State will meet again before the next year's interest becomes due, and if they are disappointed by the General Government, they will no doubt exert themselves to effect something in favor of their creditors; but suppose the State of South Carolina had made provision for the payment of her interest, what would have been the gentleman's language? He might have told us that South Carolina neither expected nor wished for the assumption, and adduced the circumstance of her making provision for her debt, as the best evidence the case would admit.

The gentleman is not acquainted with the sufferings of South Carolina, or he would not have said she was remiss in her exertions; while she had the ability, she exerted herself as much, if not more, than any State in the Union; she is still disposed to do justice, but cannot accomplish it, unless she first receives it at the hands of the Union; therefore, I think the gentleman unwarranted in his observations.

Mr. BURKE could not brook the comparison, which gentlemen made to the disadvantage of South Carolina. Was Maryland, like her, constantly grappling with the enemy, in one shape or another, during the whole war? There is not a road in the State, said he, but has witnessed the ravages of war; plantations were destroyed, and the skeletons of houses, to this day point out to the traveller the route of the British army; her citizens were exposed to every violence, their capital taken, and their country almost overrun by the enemy; men, women, and children, murdered in cold blood, by the Indians and Tories; all the personal property consumed, and now it is to be wondered at that she is not able to make exertions equal to other States, who have been generally in an undisturbed condition!

South Carolina was reduced, by her patriotism and love of liberty, into this wretched situation; she might have made her own terms with the enemy; the commissioner sent out by Britain attempted to gain her good will; but South Carolina despised the attempt; her citizens bravely resolved rather to die in the last ditch than to desert their brethren.

Gentlemen have mentioned, that the States may have incurred large debts by entering into

schemes of aggrandizement; but the debt of South Carolina was contracted in the pursuit of the general welfare; it was providing for the common defence that exhausted her; he was confident that she was unable to pay the debt, the thing was impossible, and if she was left to struggle with it any longer she must sink under the burden. Gentlemen have supposed the citizens of South Carolina a rich people; there are a few rich planters near the shore; but even they have not yet recovered from the devastation of the war; and the upper country, the most fertile, is sensibly felt from the want of horses, all of which were swept away by the enemy; they have not the means of carrying on industry like other States, and if they had, they could, with difficulty, bring their produce to market.

Mr. AMES said, that a jealousy was entertained of undue advantage being procured to particular States. In order to remove the impediments, which he supposed unworthy influence of State interests on his mind might place in his way, he was obliged, as well as disposed, to rest his arguments upon general principles. For these, like truth, upon which they are founded, have an unchangeable and uncontrollable authority.

Let the first inquiry be as to the justice of the measure. In 1775 the citizens of America, with a solemn appeal to heaven, made a common cause of their violated liberty. They agreed, as brethren, to expose property and life in its defence. If partial dangers and losses were to have fallen upon the sufferers, probably it would have discouraged many who were most immediately exposed, and yet displayed the most heroic fortitude. Nor would those who were remote from the danger, and indeed from the quarrel, have become parties on any other principle than that it was the cause of all America. For instance, South Carolina, as happy as peace and wealth could make her, had little cause of complaint against Britain. He did not espouse the cause of South Carolina merely, but of America. That State gave an illustrious example of patriotism. But if her citizens, when they foresaw the evils of war, had foreseen that more than five millions of debt would be created against her, that the armies would live, as it were, on free quarters in her territory, and that a great part of the personal property would be destroyed or carried away, would they have drawn the sword if they had believed that the benefit would be common, but the burden partial? No, sir, the spirit of the people, and the resolves of Congress, spoke a different language. Let him who has not forgotten the spirit of 1775, deny that this is in conformity to its dictates.

But were the State debts contracted for the war? It appears by the books in the public offices that they were. Will any one say, that the whole expense of defending our common liberty ought not to be a common charge? Part of this charge was contracted by Massachusetts before Congress assumed the exercise of its power. The first ammunition that repulsed the enemy at

Lexington, and made such havoc at Bunker's Hill, was purchased by that State, and appears in the form of their State debt. The war was chiefly a common charge, while paper money would defray it. But in 1780, when it became of little value, Congress called upon the States. The States, which complied with the demand contracted debts, and that in proportion to their zeal. A State which totally neglected a requisition, or complied partially, would of course proportionally escape a debt. Is this justice? But the States were also exhausted, and to aid their feeble authority and slender resources, they called upon the towns, and these called upon classes, and these upon individuals; why not as properly say, that this debt is due from the towns, classes, or even individuals, as from States.

Nothing can more clearly evince the injustice of calling these State debts than this circumstance. Congress appointed persons to liquidate and settle public accounts, and some of the States did the like. If a State took early measures to receive and allow claims, of course many were exhibited and allowed. But where it was convenient to apply to the offices of the United States, and especially in case the State had not opened like offices, the claims chiefly appeared against the United States. Accordingly the commissioner from Congress allowed about two hundred and eighty thousand dollars in Massachusetts, and near one hundred and thirty thousand in New York, merely because the former State had incorporated them with her debt, and in the latter they were received by the officers of the United States. Congress delayed sending a commissioner to South Carolina till 1784; had he been sent in 1782, it was probable the debt of that State would have been of less magnitude. Are circumstances so merely adventitious and casual to constitute a plea for the Union to disown the debts? Formerly the State had the funds, and the creditors preferred their notes; they agreed to this Constitution, which was giving the funds to the United States; shall not the debts follow the funds? Shall we first disable the States from paying, and then refuse payment ourselves? Is it just, that officers, who fought side by side, should have a different recompense?

Let us examine this measure on the ground of policy. How would it strike the people of England to divide their debt upon several counties, and to establish independent revenue systems for its security? Habit has made an idea equally dangerous, and strangely familiar in our own country. It is unfriendly to the National and State Governments, to make it absolutely inevitable for them to clash and interfere. Let us preserve the powers of both unimpaired; to combine our citizens in common views; to make the revenue laws uniform; to extend permanent protection to trade and manufactures; to relieve our husbandry from direct taxes; are objects worthy of the Government. It is natural, too, to suppose, that the collection may be made less expensive, as it would make a double set of revenue officers unnecessary; it will relieve us from the con-

fusion of so many sorts of paper, and by extending the market, and making the funds more certain, will increase the use of the State paper as money.

The Southern States are supposed to possess a small share only of the present debt; but as Maryland, Virginia, North Carolina, and South Carolina, owe near thirteen millions of the State debts (more than half their amount) the assumption will produce a more equal distribution of benefits and burdens. Besides, the State duties operate to the injury of the revenue; an article that bears a low duty of import, is duties high by the State, and there is danger that the temptation to fraud will impair both revenues; for the impost alone would not furnish such temptation, yet the State duty being superadded, the collection becomes insecure.

But State duties are not confined merely to their own citizens. The trade from State to State has been grievously burdened by their operation; the Constitution was intended to free our domestic intercourse from all restraint. Further, excise duties fall upon the consumer; one State will be tributary to another. Massachusetts has collected part of the duties from the citizens of New Hampshire; the operation of the New York impost is well known; when it is said, therefore, let each State pay its own debt, we ought to expect that this will not take place, if the debts should not be assumed; and it may be well doubted, whether, in that case, State duties would not prove a more grievous burden upon trade, and produce greater inequality and injustice, than has ever been urged against the assumption.

These arguments, independently considered, will probably be allowed to prove the justice and sound policy of the assumption. But in order to preserve their full force, it is necessary to obviate some objections.

The assumption, it is affirmed, tends to the consolidation of the States, and to the destruction of the State Governments. The entire powers of peace, war, and treaty, are given to Congress; and consequence the power of raising supplies, and when they may fail, of contracting debts to carry on war, belonging to Congress. The entire debt was created by the war; it seems to be in strict conformity to the spirit, as well as letter of the Constitution, to assume it; for it cannot be improper to exercise that power in this instance, which, in all like cases, is exclusively vested in Congress. The States are restricted from raising troops and carrying on war; the power of contracting and providing for debts incurred by war, seems to be incident to it. It would not be safe to concede that the power of levying war belongs to Congress, and yet to assert that the power of providing for it is necessary for their security, to be vested in the States. If this, however, is not asserted, the objection will be untenable—for, if it is now necessary to the States, it will always be necessary. All future war debts will be contracted by Congress; the objection, therefore, supposes either that the State debts will be extinguished, in which case there is only a temporary

security against perpetual danger, or that they will be kept perpetually in being to secure the States against it.

The objection plainly leads to this conclusion. If it is improper and unsafe for Congress to exercise this power, then the Constitution is wrong, and it ought to have been vested in the States. The power of providing for war necessarily draws after it the right of declaring it, and the whole power of the sword. The people of this country well know that this power, vested in more than one body, might soon be turned against themselves. There would be neither Constitution nor Union in that case. But we are to administer the Government according to the frame of it. The real check against the abuse, and the security for the being of both National and State Governments, is the knowledge of the people. The assumption will not render the Constitution obscure, nor strengthen the right of this Government to raise armies, which is already given; nor will it make the State Governments obnoxious, but rather the reverse, as it will throw upon the United States the odium of levying taxes. Besides, as soon as the accounts shall be settled, this danger will occur. The objection, then, applies equally against the liquidation of the accounts.

Let us, however, take the argument simply as it is stated. It proves too much. For if so much power follows the assumption as the objection implies, it is time to ask, is it safe to forbear assuming? If the power is so dangerous, it will be so when exercised by the States. If the assuming tends to consolidation, is the reverse, tending to disunion, a less weighty objection? If I am answered that the non-assumption will not necessarily tend to disunion, I reply, neither does the assumption necessarily tend to consolidation. An unreasonable clashing of jurisdiction cannot be friendly to the present frame of our republics.

We are told, that the accounts are in train of being settled. We are advised to wait that event. But, in the mean time, what is to become of the State creditors? Most of the States claim balances—they will they provide for their creditors while they expect to receive those balances? Will their citizens submit to taxes cheerfully while this expectation lasts? The value of the debts would be fluctuating. If this settlement should be long delayed, their value would sink to a mere trifle; suppose, that by assuming, we bring the States, or some of them, into debt to the Union; by not assuming, the Union is certainly in debt to the States. Is it more wise or just to be debtors than creditors? But if the States are to have credit for what they have done and paid, and to be charged with what they have received from the United States, most of the States will be creditors; and as the war was a common charge, and ought to have been entirely supported by the Union, the debts of the States are debts which they ought never to have incurred, and, therefore, the assumption restores things to their just foundation. It is said, leave the States to pay their own debts; are they to do it by direct taxes? It is

well known that in estimating the product of taxation, as much depends on the mode of imposing and collecting, as on the wealth of the persons taxed. Perhaps direct assessments are of all taxes the most unproductive and uncertain. They are, besides, arbitrary and burdensome. Will any single fund, especially such as I have just mentioned, be sufficient? Or if it should, would it not banish the husbandmen from some of the States? Independence, is a common acquisition, and ought to be enjoyed upon equal terms. But to some it will prove ruinous, while others, living in another State, and divided by an imaginary line, will enjoy their lands almost tax free.

Or shall the States fund the debts on excise? Have the States a right to excise imported articles? Without deciding that question, it is not supposed that they have the power of regulating the importation of goods. The checks upon the dealers in dutied goods, of consequence, will be imperfect. Neither have they a right to prevent the transit of goods through a State. The extent of frontier is another impediment to State excises. Massachusetts has a frontier line to watch of many hundred miles, and it will not be possible to prevent the introduction of goods charged with less duties, or not dutied at all, from the neighboring States. If a State excise law should militate against the law of the Union, both cannot operate; perhaps neither. The right of the States to collect excises, if such right exist, is deduced from the silence of the Constitution; the right of Congress is expressed in positive terms. If, then, the right of laying excises by the States, either does not exist, or exists under several limitations and disadvantages, then the provision which they can make for their debt becomes proportionally inadequate and precarious. The burden, if equally borne, and under the wisest and most efficacious system of revenue, is supposed to be heavy enough; how, then, shall it be endured, if borne unequally, and under such inconveniences?

If it is urged that the United States cannot provide for the State debts, I answer, the States are still less able.

But with debts you take funds; and even on pecuniary calculations, the public will gain. Not assuming is paying twice over. For the people of a State will be unequally burdened to pay their debt; and then, as citizens of the United States, will be liable to be taxed to make retribution.

But how is this retribution to be made? Taxes must be uniform; you cannot, therefore, make a requisition upon the debtor States; you cannot sue for the debt in the Federal Court, for the money is due to the creditor States, and not to the United States. Will you wage war to enforce payment? The balances must be paid by the United States. If Virginia is found to be a creditor, the Union must pay it by taxing the citizens of all the States. The arguments urged against the assumption apply with equal force to the non-assumption.

The same answer will be equally proper to be given to those who object, that it will operate un-

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justly against the States which have advanced beyond their proportion, and now will have to bear a part of the debt of the other States, some of whom are debtors. The States are either creditors or debtors. If creditors, the assumption is a prompt payment of that amount of their claims; if debtors, the charge of inequality is absurd, even in terms. The debt is to be paid, or it is not: if not, the debate is improper; if it is to be paid, then equally or unequally. If the latter, abandon the plea of justice; if the former, then apportion it; if the debt were actually divided among the States, according to their quotas, the assumption would be unexceptionable; because it is manifest that the burden could be more conveniently borne by the people under one system. If it is unequally divided, why should the people be crushed by the inequality of the burden?

Congress have already agreed to pay the balances which may be found due to the States. This is virtually an assumption—why should we forbear to do that in the first instance which we are ultimately bound to do?

Mr. STONE said, that notwithstanding the State of Maryland had not sustained so much loss from the ravages of the war, yet she had paid her full proportion towards the expense. She paid impost on goods brought from other States, and a debt of the manufacturing States; for it is a well known fact, that she is a consuming, not a manufacturing State. Now, it would be unreasonable to impose greater burdens on her, at least before it is known that she ought to bear them. The gentleman from South Carolina, he believed, had misunderstood him. He did not say that South Carolina had made no exertions; his remark went no further than to say, she had not made exertions since the peace for the payment of the debts she had contracted during the war.

Mr. WHITE.—Every gentleman on this floor will readily acknowledge both the sufferings and exertions of South Carolina; they were undoubtedly great, and she must have credit for them. That five millions of dollars is more than she is able to pay, may be admitted; but she is able to pay some part; indeed, she must pay some part; and it is our duty to know what that part amounts to before we are in a condition to assume the balance. Until she shows how much, if any thing, she has exceeded her proportion, we cannot acknowledge what is due to her. What was our situation when we confederated? By that instrument it is declared, that all charges of war, and other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States, shall be defrayed out of a common treasury. Hence, it appears evident, that before a debt can be provided for by the General Government, it must be allowed by the United States; and then it must be provided for by taxes laid and levied under the State authority. Here the Federal Government has nothing to do with individuals; it is the States with whom they are to transact the business. How did these debts arise? The States not being in a capacity to furnish the common treasury with money, to pro-

vide for the general defence, they undertook to supply them, not with the money, but something which answered the purpose; they used their credit, and procured, by running in debt, supplies for the army; others furnished money. How can the former require any special provision? It was the duty of each to contribute its proportion; if it has done no more, the United States are not indebted to such State, and have not a right, in equity, to assume the payment thereof.

A gentleman from Massachusetts says, I allow the propriety of doing something. I do not deny this. I would be willing to do all that justice requires; but justice is not likely to be done by deciding in the dark.

Beside the advantage of retaining the money in the State, as mentioned by the gentleman from Maryland (Mr. STONE) there would be this advantage, that a citizen would, with more convenience, obtain his interest from the capital of a State than from the metropolis of the Union; because he would find his neighbors more frequently taking the former than the latter journey; there is a constant intercourse between every part of a State and its capital, by means of the Legislature, and various persons employed in the administration of the State Governments; and the difficulty of procuring the interest would depreciate the principal.

Mr. HEISTER.—I believe I shall vote against the assumption of the State debts; but, in doing so, I have one difficulty on my mind; and that is, the peculiar hardships to which it seems it will expose the State of South Carolina. The aim of the arguments for these two days past has been principally to interest our feelings instead of our judgment in the decision. I believe, from what has been said, that South Carolina will be subjected to very great difficulties and embarrassments if Congress should reject the proposed measure. Although I shall have to commiserate her misfortune, I cannot bring myself to countenance what I conceive to be founded in injustice, besides, one's sympathy is less affected when we come to consider, that whatever the effect may be, it results from her own neglect. I presume, when commissioners, in the year 1783, were sent into each of the thirteen States, one went into the State of South Carolina, and then she might have suffered her creditors, if they were really creditors of the Union, to have sought for justice in that quarter. If it be said, that the State had previously assumed the Continental debt, I imagine she might have restored things to their original state, by passing a law for that purpose. It gives me pain to reject a measure which would be so agreeable to a sister State, who, it is said, has made great exertions; and I acknowledge she has; but I must be guided by principle in my determination. Yet, sir, it strikes me that the depreciation of their securities, so much complained of, will not injure them as much as the middle States were injured, who, during the war, sold their supplies for Continental money, which melted to nothing in their hands. If any consolation can be drawn from having companions in distress, the recollection of this

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circumstance may mitigate theirs. It was not till after the paper money was mostly out of circulation, that the war drew to the Southward; the supplies were, therefore, chiefly paid by certificates; and, from this circumstance, the citizens of South Carolina have the evidence of their demands still in their hands. They will eventually bring something; but the claims of those who furnished supplies, and received Continental paper in payment, have entirely vanished; so that, upon the comparison, the creditors of South Carolina will be benefited.

Mr. PARTRIDGE.—The gentleman from Virginia (Mr. WHITE) supposes the debts, now under consideration, to be properly the debts of the respective States, notwithstanding they were contracted for the common defence of the United States. He supported this opinion by a reference to the eighth article of the late Confederation. It is true, under that agreement, the debts are to be considered as the debts of the respective States; and why? Because the United States had no resources for their discharge; the powers of taxation lay altogether in the States; of consequence they were responsible for the debts contracted. But suppose the expenses of the late war had even been proportioned under the Confederation, yet, by the adoption of the new Constitution, they would become the debts of the Union; for all the resources which the States heretofore possessed are now given to Congress, and it would be absurd to suppose that the public creditors meant, by this change in the Government, to forego their right of being paid.

It was presumed that the present inequality of debt was, in a great degree, occasioned by an inequality of exertion; the gentlemen do not seem to acquiesce in that idea, but I think it founded in the reason and nature of the thing. The debt of Massachusetts is very considerable; it is as much as that of any State in the Union; now it is a well known fact, that near half the soldiers in the field, at the close of the late war, belonged to that State. Can any gentleman, who considers this circumstance, wonder that her debt should be of its present magnitude? But beside, Massachusetts and South Carolina were near the extremes of the Union; they were obliged to depend, in a greater degree upon their own exertions, than the more central States; and this contributed to enlarge her debts. From these considerations it appears, that the assumption is a measure dictated by justice as well as good policy.

Mr. FITZSIMONS observed, that much had been said on the present question; but, if he was not mistaken, the principal objection was kept out of view, what weighed most forcibly in gentlemen's minds was slightly passed over. The inequalities that would arise from the assumption formed the strong ground of opposition. Here he would join gentlemen, and admit that great inequalities would arise in the first instance; but then he trusted they would be soon removed; he also apprehended the real inequalities were magnified by gentlemen's imagination; for they had often contemplated creditor States and debtor States, while this result

depended, in a great measure, upon the mode of settling the accounts. If the requisitions of Congress are to be considered as the quotas of the several States, then every State in the Union will be more or less a debtor State; for there is not one that has completely paid up all the requisitions. If, on the other hand, each State charges its contributions to the General Government for the common defence, and credits the Union for the money received of them in every case, it is probable the balance will be, more or less, in favor of the States. But notwithstanding all these apparent difficulties and inequalities, he flattered himself that a mode of adjusting and settling the accounts would be fallen upon that would give general satisfaction; and, under this idea, he should be in favor of the assumption.

With respect to the motion proposed by the gentleman from Virginia, (Mr. WHITE,) he thought it was out of order, as it went to defeat the main question of assumption: for, if the committee resolved that they would only assume the balances found due on the settlement of accounts, they could not say that they would now assume the whole of the State debts.

Mr. SHERMAN supposed, from the arguments of the gentlemen in opposition, that they thought it was in contemplation to assume the debts of the States contracted for private purposes; he believed this was not the intention of the resolution; at least it was not his intention; he meant to assume nothing more than the debts of the respective States which were properly charged against the United States.

Mr. WHITE said, he did not conceive his motion to be out of order any more than any other amendment would be; it was in the nature of all amendments to mitigate, in a greater or less degree, against the main proposition. The same gentleman had admitted the inequality of the measure. He would ask him if the States would cheerfully submit to be taxed in support of injustice? He could not think so lightly of the sense and discernment of his constituents.

Mr. GERRY contended that it was a mistaken idea to think of settling the accounts upon the principles contained in the eighth article of the Confederation; that ground had been found untenable, and completely abandoned by the adoption of the new Constitution. How could the Union lay an exclusive tax upon a debtor State to pay a creditor State, when it is expressly provided in the Constitution that taxes shall be apportioned according to the ratio of representation in this House? The Union cannot any longer operate on States, it must affect individuals; while, at the same time, the Constitution has secured the claims of the States against the United States. This very clause, declaring "All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation," seems to destroy the idea of a State debt altogether; for every State, as has been often explained, is a creditor, unless the Union has advanced her more money than her

expenses have amounted to. If this is a true state of the case, gentlemen cannot hesitate to reject the motion for amendment, and to adopt the original proposition as it stands.

The question was now put on Mr. WHITE'S motion for amendment, and it was determined in the negative; eighteen rising in favor of it, and thirty-two against it.

Mr. MADISON then begged leave to submit a proviso to his original proposition of amendment. He believed there was but one ground upon which the assumption of the State debts could be justified; and that was, securing, at the same time, a speedy and effectual provision for the liquidation and apportionment of the expenditures of the late war. The object of the proviso was to secure this important ground; he would read it and lay it on the table for the consideration of the committee—it was as follows:

"Provided, That in case a final liquidation and adjustment of the whole of such expenditures, and provision for the payment of the balances due from debtor States to creditor States, shall not be made before the day of —, the debts assumed shall be liquidated and adjusted among the States, according to the ratio of representation, and effectual provision be forthwith made for paying the balances to the creditor States at the expense of the debtor States."

Mr. PARKER hoped the motion would be laid on the table, and that the committee would rise and report progress.

Whereupon, the committee rose, and the House adjourned.

MONDAY, March 1.

THOMAS SUMTER, from South Carolina, appeared and took his seat.

A Message from the President, communicated several letters and papers on the subject of the Southwestern Frontier and of the Indian Department; which were read, and ordered to lie on the table.

The petition of Richard Wells and Josiah Hart, of Philadelphia, was presented to the House and read, praying that effectual provision may be made by Congress, for tendering to the petitioners, and all other creditors of the United States in a similar situation, full payment of the paper bills of credit heretofore issued by Congress, and now in the hands of said creditors.

Ordered, To lie on the table.

A bill to vest in Francis Bailey the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, of any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years, was read the second time, and ordered to be engrossed.

PUBLIC CREDIT.

The House again went into a Committee of the Whole on the Report of the Secretary of the Treasury, Mr. BENSON in the Chair.

Mr. MADISON.—The motion which yesterday I laid on the table, upon reflection, I find to be out

of order, as the principle was involved in the proposition, made by my colleague, (Mr. WHITE,) and decided against by the committee; I therefore withdrew it. But, I give notice that I mean hereafter to submit to the committee, another variation of the plan, which may be thought more consistent with sound policy; at the same time, I am persuaded it will have a conciliatory tendency. One great objection to the original proposition is, that by taking up the debts of the several States, as you find them now, you do great injustice to those States, who have, by their exertions, discharged the greatest part of the equal debt contracted during the late war; by this means compelling them, after having done their duty, to contribute to those States who have not equally done their duty. Now, my idea is, that instead of considering the debts as they are found at this moment, we contemplate them as in the state they existed at the close of the late war; and where it is discovered that a State has extinguished her debt since the peace, the State shall, in all such cases, stand in the place of the original creditor; and then there will result some degree of equality; all will be benefited in due proportion. This will give the proposition such an appearance of equality and liberality, as will do more to reconcile it, if anything can be supposed to reconcile it, to all the States, than anything I have yet heard suggested; but as the present is not the proper place to which such an amendment will apply, I shall delay making the motion for the present.

Mr. JACKSON said, that he had been, from the introduction of the resolutions before the committee, particularly against the one now in contemplation. That he was opposed to it, not only in its original form, but in every possible modification it might assume; that this indisposition had prevented his rising before; that although many arguments must have been used, which it was impossible for him to know, his duty compelled him to come forward, not with an expectation that his small abilities could change the sentiments of a single member, or that he should gain a single proselyte, but to show the reasons for which he opposed the measure, and to produce some facts arising in the State he represented. He confessed, that if he was in favor of any modification, it was one which an honorable gentleman from Virginia (Mr. WHITE) had brought forward a few days since. As he had not been present at the former part of the debate, he hoped the House would indulge him in entering on the original ground, and pointing out the light in which the business appeared to him.

The question might be viewed on three grounds: 1st. The expediency. 2d. The policy. And 3dly. The justice of the resolution.

It might be expedient, either from the pressing call of the States, who might complain of the grievance of their debts; or it might be expedient from the clamors of the citizens of the respective States, complaining of the State taxation. On the first point, he believed the States had made no such request; and that, therefore, the expediency

on that head was obviated. That he had heard, indeed, that South Carolina had made some kind of application, but that one or two States could not declare the sense of the Union; it could be known only by a majority, which did not appear to demand this assumption. That, on the contrary, he believed that a majority of the States were against the proposition; and that North Carolina had made it an article of amendment, "that Congress should not interfere with the State debts," and that the voice of North Carolina, as well as South Carolina, should be attended to.

With respect to individual citizens, no complaint had been made to the House; no petitions or instructions had been forwarded to their Representatives. Here he would remark, that it was not on this latter principle he wished, at a former day, the postponement of the question, that the sense of his constituents might be known. The wish of individuals was, therefore, not ascertained by either method, and he believed that a great majority were for the State debts remaining as they are. That they were satisfied with the State taxation, by known and accustomed methods, handed down to them by their ancestors. Many of the States had imposed taxes in those certificates, and had extinguished a great part of the State debts, which taxes the citizens had cheerfully submitted to. This had been done in the State he represented.

He observed, that he might add a third reason why it was not expedient to make the proposed assumption, the creditors themselves had not requested it; there was no petition, no evidence to warrant a construction that they wished it. He would now consider its policy. Here the Secretary's abilities as any man; they were conspicuous; the force of his genius was striking, and his talent in report was admired; but he was one of those who did not think the Secretary infallible. As long as he possessed human nature, so long would he possess the imperfections and failings attached to it. Ambition, laudable, perhaps, to do the utmost for the Union, might lead him too far, and the plan, evidently to him, in its policy, had reference to one of two points: First, that it is extended as an additional ligature to the Continent, by detaching the creditors from their dependence on the State Governments, and transferring that dependence to the nation, and thereby making it the interest of the remote parts of the Union to support its measures. Or, secondly, by this specious method of relieving the States, to remove every pretext for taxation from them, and thereby throw that power entirely into the hands of Congress.

If we examine, however, the first of these positions, we shall find it will not hold its ground; for the securities of the respective States, like those of the Continent, will change their holders; nay, they are already, to the southward, gone from the original creditors, and are in the hands of the speculators. They will, like the Continental securities, be drawn to a point in a few commercial cities, or travel into the hands of foreigners. The

ligature, if this position is true, will therefore not hold; the tie will soon be broken.

The second will better stand its ground; and I grant the whole powers of taxation may be absorbed by the Union. But, sir, is it policy to take all the powers of taxation from the individual States, and leave them with a shadow of a Government? Is it policy to reduce their power to the insignificance of a small city corporation? A majority, I believe, will be found attached to the modes and the laws of the State Governments. Some of the most zealous partisans of the present Government, in the State Conventions, in order to point out its excellencies, compared it to a pyramid, the foundation of which is the broad basis of the people, the middle or second story, the State Governments, and the top or head, the Government of the Union.

Sir, let us beware, lest, in weakening this centre work, the head itself is not in danger. The system before the committee would require a multitude of tax-gatherers, who would be oppressive to the people; and what would the people gain but a change of masters and customs, which they had been used to, for masters and customs they are unacquainted with?

The Union, he observed, had been frequently compared to a rope of sand; it was well to beware, lest the argument be carried too far the other way; lest this ligature, this cord, by its too great extension, may snap, and be rendered more difficult to bring together than the rope of sand divided in a dozen places.

Let us look to the policy of the former Congress. Did they ever entertain any idea of taking on themselves the State debts? Did they ever pledge the faith of the Continent to assume them? Nay, did they, when they applied to the respective States for the power of preserving the Union, I mean the five per cent, ever dream of discharging those debts? Or did any of the States require it? The Constitution did not contemplate it; for that provides for the debts of the Union only, and many of the State debts are not of a Continental nature, and ought not to be a Continental charge. Of this kind I hold the Penobscot expedition from Massachusetts, and the fitting out the ship South Carolina by that State. If States choose to run into those balloons exploits on their own account, their neighbors ought not to pay for it. The intention of the present system, I imagine, is to introduce all those charges.

Policy, he said, was against the assumption. Many of the States have material objections, and will view the interference with a jaundiced eye; and notwithstanding what gentlemen so frequently ridicule, of monsters and hydras, jealousies will arise, and perhaps, from the nature of Republican Governments, it is necessary they should. I think, at least, that there will be a just foundation for them in the present instance; for will the citizen, who has already paid his proportion of the debt to his State, contentedly see a new burden imposed on himself and his posterity—a burden we know not when we shall be rid of—a burden we know not the weight or amount of?

H. or R.]

Public Credit.

[MARCH, 1790.]

Again, sir, is it policy as it relates to public credit? Paper, of whatever denomination, whether stock or not, will be affected by the quantity in circulation, and will be depreciated accordingly. Policy, on every principle, forbids it; policy forbids us, in the vigor of youth, to clothe ourselves with all the impotence, unbecoming, and infirmity of extreme old political age. Britain was seventeen hundred years politically old, dating from Julius Cæsar's invasion, before she had a funded debt. The United States have scarcely attained their fourteenth political year, when they are about to mortgage themselves and posterity for a funded debt; the one-third, or perhaps the one-half, of the amount of Britain's enormous debt at this day.

He observed, that the justice of the measure had as many objections.

The greatest plea of justice was that the debt was of the same nature, and contracted for the same reasons, and in the same cause. His arguments before had proved this not to be altogether the case; but supposing it was, he asked whether it was justice to compel the citizen, who had already contributed, to pay a second proportion? Gentlemen had talked much of the exertions of their States, the hardships they had endured, and the ravages they had sustained. He could advance, with equal confidence, that he came from a State which had suffered the most of any in the Union; where there was no place, no corner, but where the British arms had been carried; where the families had been wholly driven off; and their property had been totally destroyed; where the inhabitants had scorned the British protection, and left their property behind them; where what the British had left, the army had taken to submit on, and not a certificate had been given in numerous instances. Yet those citizens whose property had been thus destroyed had cheerfully submitted to the payment of the State debt. But would it be justice, after all those losses, and after this already voluntary contribution, to put our hands again in their pockets, and say, you must pay the debts of Massachusetts and South Carolina? If those States have not done as they ought, if they have not extinguished their debts, they have themselves to blame for it.

Sir, in Georgia the audited debt has drawn no interest; interest has been allowed only on a small proportion of funded debt; for we also, Mr. Chairman, must have our project of funding, until we are convinced by experience, it would not answer; and that we could not pay a regular specie interest. By this plan, sir, all those audited certificates will draw interest from the time of liquidation, which will greatly increase the debt of Georgia, and not benefit her citizens. For the late speculations, no doubt, have changed the holders of certificates, and the very man who did the service, or furnished the supply, contented with the principal sum, will now have to contribute his proportion towards payment of the interest of his own certificate, and to which he himself was not entitled.

By the system before us, the settlement is post-

poned to a distant day; a day which never may arrive, and notwithstanding the balance may be in favor of the State I represent, the citizens may be for ever bound for the interest of this enormous debt; the debt of other States.

There is another part of the Secretary's report which will materially injure Georgia. The proviso, that where a State shall have exchanged the securities of the Continent for those of her own, no settlement shall be made until those exchanged certificates shall be brought in and surrendered. The State of Georgia, little thinking of such a day as this, although very materially concerned, has, as is usual with her, burnt her exchanged certificates, as they have returned to her treasury. Is she, because those certificates have been sunk and sent to oblivion, and which I wish our whole debt was, to suffer for her honesty and that of her citizens?

Sir, I will not tax the Secretary with the design; I will not impute the intention to him; but I trust that we shall not run ourselves enormously in debt, and mortgage ourselves and our children, to give scope to the abilities of any Minister on earth, to give an opening to show the talent he possesses of managing taxes, and the resources of this country, to rid us again of the burden he imposes.

Mr. J. concluded by saying, that to his mind, and agreeably to the reason he had given, he was convinced the assumption of the State debts was inexpedient, impolitic, and unjust; and he trusted that the measure would not be adopted.

Mr. Smith, of South Carolina, said he should be as unwilling as that gentleman to assume the extravagant debt of any State, incurred for balloon expeditions, (as they had been termed,) but he did not think the Penobscot expedition or the South Carolina frigate came within that description; the members from Massachusetts could answer for the former, and as to the latter, he could safely say, that the State of South Carolina suffered such injury to her commerce during the war, that a naval protection was indispensably necessary—that other States were protected by vessels of war on Continental establishment, while the State alluded to was unprotected, and her trade crippled by the enemy—that the equipment of that vessel had cost a much less sum than was generally believed, as but a small part of the sum demanded had been allowed by the State. He observed that as the General Government was under obligations to protect every part, so was it also bound to contribute a proportion of the expense, incurred by any particular part for its own defence—that this was language which had been often repeated during the last session, when the House had been called on to vote a large sum of money for the protection of Georgia from the Creeks; and that State would have justly complained had she been left to protect herself, and to incur so heavy a burden alone. He said, the opposition of gentlemen to the measure seemed to originate in an idea that these were the private debts of the several States, incurred for their own particular purposes; the fact was entirely the

MARCH, 1790.]

Public Credit.

[H. or R.]

reverse. They were as much the debts of the Continent as those which were called the Continental debts—they were as much the price of independence. Instead of their being State debts, assumed by the Continent, they were, in truth, Continental debts, which the States had assumed when Congress were unable to pay them; but now Congress had in its exclusive possession the best resources of the nation, and should all those resources be applied to the payment of a few Continental creditors, (and they had been frequently told that all the Continental securities were in the hands of a few speculators,) to the total ruin of all the State creditors? It was easy to anticipate dangerous consequences. Indeed, such would be the dissatisfaction on the part of the State creditors, that it would considerably obstruct the collection of the national revenue. There had been no reason assigned, and he believed it was impossible to, assign any, which could establish a distinction between the one and the other class of these creditors—their claims were precisely similar, and they ought to be provided for on similar terms. Gentlemen were mistaken if they thought South Carolina had made no exertions to discharge her debt since the peace; that State had levied on her citizens every year a tax, which, considering her losses by the war, and the devastations committed by the enemy, was a very considerable one, amounting to upwards of three hundred thousand dollars annually for the interest, besides a million and a half of dollars principal paid off, making upwards of three millions of dollars.

It had been said, that Great Britain was seventeen hundred years old before she began a funding system, while the United States are about to adopt it at the age of fourteen; to that he observed that America is nearly, if not quite as far advanced in political sagacity, in her early youth, as Great Britain in her extreme old age; having the experience of Great Britain, and of other nations during a long course of years, as her guide; and that he always thought the vigor of youth was more equal to the support of heavy burdens than the infirmity of age. He agreed with the gentleman, that if the measure be a wrong one, the sentiments of one or two States should not influence their determination; but he was persuaded, that on a discussion of its own merits it would be found necessary for the union and tranquillity of all the States.

Mr. Jackson.—The gentleman from South Carolina has said, that the State debts were all on a footing with the debts of the Union, and that on this principle, Georgia had received protection last year, and might receive more this; to which I reply, that if Georgia has received protection, it has not been with the vote of some members from that State, who, supposing, as I will charitably allow, that the Georgians, and not Mr. M'Gillivray, were in the wrong, have withheld their voice; however, in my opinion, the cases are not the same. But I deny that Georgia hitherto has received the least shadow of protection from the Union; although the most

favorable report is existing of their conduct, on the table.

That the cases are not similar, because, in the case of Georgia, there was an invasion of the Union; whilst, in the case of the ship South Carolina, which he had mentioned, that State had done what they were not warranted in by the laws of Congress or the Confederation—the fitting out ships of war; that that State was not contented to be on an equality with her sisters, but aimed at a high sounding fame, of possessing vessels of war in her own employ. That here, he would remark, that as well in this case, as in that of the State vessels of Massachusetts, it could not be expected that the Union should defray their expense. He would ask, if any of the prize moneys of those vessels had been lodged in the Treasury of the Continent? He believed it had not been the case; and if it had not, the States which had reaped the benefits ought to pay the charges.

The gentleman has insinuated, that as Georgia had allowed no interest, or could not pay the interest of her funded debt, she certainly could not have discharged much of her debt. He would put that gentleman right on this head, by assuring him, that although Georgia had not specie sufficient to discharge the interest of her funded debt regularly, yet she had sunk some hundred thousand dollars of her principal debt.

The question was then taken on the motion proposed by Mr. MADISON, which was agreed to unanimously.

Mr. MADISON.—I conceive it now to be necessary to bring before the committee the fourth alteration in the proposition for assuming the State debts, which I suggested when I was up before—it is as follows:

“Resolved, That the amount of the debts actually paid by any State to its creditors, since the — day of —, shall be credited and paid to such State, on the same terms as shall be provided in the case of individuals.”

In filling up the blanks, I propose to contemplate the debts as they stood at the termination of the late war; if the exertions of the respective States were at that period equal, and it is presumable they were, this will be doing justice to those, who, by superior exertions since, have extinguished a considerable part of the capital, and will consequently lessen the inequality which may be charged on the original proposition. I believe it is not liable to any objection which does not lie with greater force against the original proposition. The whole subject is very delicate, and perhaps cannot be made universally agreeable; but I think this amendment will free it from many of the evils which gentlemen apprehend.

Mr. JACKSON did not think this would remedy the evil he complained of; it would oblige the citizens to pay their taxes over again; and he did not approve of laying greater burdens on his constituents than they were, in justice, bound to bear.

Mr. MADISON admitted that it would not give effectual relief to the citizens of those States who

had sunk a great part of the principal of their debt. His only object was to give every State an equal advantage as far as was practicable upon the plan of the assumption.

Mr. Ames.—Gentlemen have repeatedly told us, that they are not opposed to the assumption, provided the liquidation and final settlement of the accounts was speedily to take place. I give them credit for their intentions, and I will not presume to impute to any gentleman so unworthy a motive as a desire of throwing embarrassments in the way of this business. But the amendment now laid on the table seems to be grounded on an idea, that the assumption of the State debts will impede the liquidation and adjustment of the accounts; or, at best, that it will not tend to facilitate the accomplishment of that object. Upon the hypothesis that the accounts will not be settled, the gentleman seems desirous of doing what he thinks most consistent with equity, regardless of the inconvenience and oppression which must follow; but which, I presume, he would not consent for, if he was satisfied that proper measures would be pursued to attain that object.

Now, in order to answer the purpose which gentlemen seem to have in view, I have prepared some resolutions, which I mean to bring forward at a future period, when a fit opportunity presents, that is, after the other propositions are decided upon. I will read them, and then lay them on the table for the information of the committee.

Resolved, That effectual provision be made for the settlement of the accounts between the United States and the individual States.

Resolved, That in the said settlement the States respectively be charged with the advances to them severally made by the United States, liquidated to specific value, with interest thereon, at the rate of six per cent. per annum; and that they be also charged with the amount of their respective debts (which, with the consent of the creditors, shall have been assumed by the United States) with the interest thereon to the time from which interest shall be payable by the United States.

Resolved, That in the said settlement, the said States respectively be credited with all moneys paid, and supplies furnished to or for, and debts incurred on account of the United States, and, in general, with all expenditures whatsoever, towards general or particular defence, during the late war between the United States and Great Britain, with interest thereon at the rate of six per cent. per annum.

Resolved, That the said settlement be made under the direction of the Commissioners, whose authority shall continue until the said settlement shall be effected, and whose decisions shall be final and conclusive upon the United States, and upon the several States.

Resolved, That in case a ratio for adjusting the contributions of the respective States shall not be prescribed by Congress during the present session; the said Commissioners shall have full power to settle such ratio, and shall also have power to determine, in all other respects, the principles of the said settlement, in conformity to these resolutions.

Resolved, That the several States may exhibit their claims against the United States until the — day of — next, but not afterwards; and that the said

ple, would be liable to strong objections; some of the objections are of a political nature, and some on principles of economy. The operation of it will, undoubtedly, be unfavorable to some States, in both respects; the distant States especially. There is no other way to obviate these objections, than by making our measures subservient to the ultimate settlement of the accounts between the United States and the individual States, as in this alone can equality be found. So far, then, as this object is kept in view, it may have my approbation; but on no other condition.

I wish the gentleman had stated his objections to my motion in a determinate manner, because it might then have been discovered upon what principles it is wrong; but, for my own part, I do not see any thing he could urge against it, but what would lie with greater force against the proposed assumption.

A great inequality must take place, if the existing debts only are assumed; this cannot fail of giving umbrage to a great proportion of the citizens of the United States; but the displeasure may be lessened as you lessen the inequality, and the evil will be rendered more supportable.

It was observed, that by transferring the debts into Continental debts, it would circulate the revenue pretty generally, in the respective States in which it was collected; and if any thing can do this more effectually; and if any thing can compensate the States for the taxes which the General Government must lay, in case of the assumption, it will be that the revenue is absorbed by the citizens of the States within whose limits it was collected; but it has been demonstrated that the consequences would be the reverse; the moment you transform the State into Continental debts, they will pursue the same course—they will flow to the centre of the Union, and the distant States will receive no regular returns in the form of interest for the sums collected at the extremes of the Continent. This will operate as a very powerful objection, and can only be counteracted by adopting the present motion, which will throw into the State treasuries certain annual returns, to be distributed again among the citizens of the State. I do not suppose that the amendment would make the measure perfectly agreeable, but I think it would render it less unpalatable, and tend to give some degree of satisfaction—to this end are directed all my efforts; if any person says they appear to him in any other light, I shall not attempt to answer him in any other manner than by appealing to the general import of my conduct, both within and without these walls, for the rectitude of my intentions.

Mr. Gerry said, any measure calculated to postpone the assumption of the State debts until the final liquidation of accounts would be attended with injurious consequences; nay, he did not know but it might tend to destroy them altogether. For if the assumption is to affect the Federal creditor, he will endeavor to prevent the accomplishment of a business which will have a mischievous effect upon his property. Every State, which is a debtor to the United States, will be influenced in the same cause, and the final settlement will be prevented.

Mr. Sedgwick said, he had not the vanity to suppose any thing new which he could say would authorize him to expect the already exhausted patience of the committee in an extensive discussion of the vast subject before them. He would, however, call on the candor of the gentlemen who so strenuously opposed the proposition under consideration, for an attempt to answer some of the arguments which had been repeatedly advanced by himself and the gentlemen with whom he had the honor to think and act on this occasion. He observed that the Revolution was a common, a national cause; that, therefore, the expense should be equally apportioned; that what ever had been advanced towards the attainment

of — next, but not afterwards; and that the said

of the object, should be satisfied, if within the ability of the Government; that if the whole could not be paid, the loss should be sustained in equal and just proportion. That these were the dictates of common justice and common honesty, and universally considered as conclusively binding in the usual intercourse of men in civil society; that thus considering the subject, he thought the States, now staggering under an unequal weight of burden, had a right to demand of this Government the adoption of the proposed measure. He further observed, that this demand for justice would appear the more reasonable, when it was considered that the Government would not, should the resolution be adopted, sustain any loss; for that it was in fact true, as had been repeatedly stated, that should the debts be assumed, there would still remain a balance due to every State; because there was no State, which, since the commencement of the war, had done more than to support the expenses of its own Government, and all its other incidental charges: that this would be evident, when it was remembered, that the whole with which a State could be charged, would be the debt to be assumed, together with what had been heretofore advanced to it; and, on the other hand, it would be entitled to a credit for all its advances and services. In this view of the subject, which was the just one, he wished gentlemen would explain why the Government should delay to put the citizens on a footing of equality.

He observed that the accounts of individual States with the United States would ultimately be settled, or they would not. If the former, then justice would be done to all; if the latter, the only charitable and liberal supposition would be, that the States had equally exerted themselves in their glorious struggle for freedom.

He further wished gentlemen would explain to the committee and to the world what were their intentions in regard to the State creditors, who it had been proved were entitled with others to justice. He affirmed, that as it respected some of the States, no efficient measures of national finance could be carried into execution, and at the same time leave the States an ability to fulfil their engagements—engagements entered into at a time when they were in possession of funds which were fully adequate to the purpose, and which funds were now surrendered to this Government.

Mr. MADISON.—The gentleman from Massachusetts says that my objections to the assumption goes against funding altogether. I believe funding in any shape to be an evil; but it is an evil we are obliged to submit to in one case, but not in another. I did not concur in the second and third propositions because I thought them beneficial, but because I thought we were under indispensable obligation to provide in the best manner we were able for the performance of our engagements; but with respect to the State debts, I feel no such obligation; the cases are widely different.

The original proposition does not draw any dis-

tinction between those debts of the States which were contracted for the general or particular defence, or those contracted for private purposes; neither have I made any distinction in the amendment, presuming that if the first can be adopted, the latter may with equal ease be assented to; and nothing can be urged particularly against the last. It is said that the amendment will increase the amount of the debt; no doubt it will be a considerable addition; but then I do not conceive this furnishes any more an argument against it than it does against the assumption of the debts in the hands of individuals; yet at the same time the satisfaction it will give the public at large, will more than overbalance the inconvenience arising from the increase of the debt.

I admit that there will be some inequality arise, but is there not much greater inequality attached to the original proposition? I venture to say, so far as can be determined from probability, that some States, which will be ultimately creditors of the United States, will be called upon to pay much more than the States which have not made equal exertions. As we cannot altogether avoid the inequality, I think it prudent to attempt to lessen it. Unless something of the kind is adopted, I think the progress of the business will meet with considerable delay, perhaps it may miscarry altogether. Few States, I apprehend, will be willing to incur a load of debt for which there is not a pressing necessity, and rely upon the final settlement of accounts for redress. Nay, the gentleman from Massachusetts, (Mr. GERRY,) who is now so arduous in pressing the business, urged the other day some strong arguments against extending indulgence to delinquent States, at the expense of the States which had complied with the requisitions of the late Congress; if it was improper to allow a State to take advantage of its delinquency in neglecting to pay its quota of its debt, surely it is as improper to permit them to benefit by neglecting the proper exertions to pay their debts. Upon the whole, I conclude the amendment would tend to equalize the burden, and by making it more acceptable to our constituents, the good would counterbalance the evil.

Mr. SHERMAN judged it was best to pass over the propositions as they stood; because they were in a simple form, for he feared if they were too minutely detailed, or modified with opposite qualities, the business would acquire such a degree of complexity as to render it difficult to proceed. He was dissatisfied with the amendment, because it contemplated what would be very inconvenient, not to say oppressive and unjust. He said the circulation of the revenue would be very agreeable to the greater proportion of the inhabitants; because the evidences of the State debts were generally in the hands of the original holders. He had made particular inquiry into this circumstance, and so far as it respected Connecticut, he was led to believe it was true of nineteen-twentieths. There were one hundred thousand dollars in specie in the hands of the original holders in the very town in which he lived. He believed very little besides the army debt had been trans-

ferred in that State; and even of the army debt, it was only that portion which fell into the hands of the soldiers.

Mr. LAWRENCE said, he was as much disposed to promote the settlement of the accounts between the United States and individual States as any gentleman on that floor; he was satisfied that the citizens of America would not consider that equal justice was done to them, until the settlement took place; and he supposed that the assumption of the State debts would be a strong inducement to bring about that desirable event; but he feared that if the debts already extinguished by the respective States were likewise assumed, that the desire which he believed was pretty general throughout the Union, would be greatly abated; the present opinion entertained by the citizens of each State respectively is, that their particular State will be found to be a creditor State, and that a balance to a greater or less amount will eventually be found to be due to them; while this opinion prevails, it is clearly seen that the final liquidation and settlement of accounts will be equally promoted; but if the debts extinguished by the States be now refunded to them, no State will be particularly solicitous to bring about a settlement which will put nothing into her pocket. Thus we shall perpetuate the inequality of exertion which is complained of; but this consequence does not follow from assuming the claims in the hands of individuals; and in proportion as a State has claims against herself, she must have charges against the Union; and though the desire of a final settlement may in some degree subside, inasmuch as you lessen the balance due, yet there is no good reason why we should distrust the final adjustment of the accounts; for though a State will not have to receive so much upon the accomplishment of that event, yet she will have to receive something.

The honorable gentleman who has brought forward this motion has told us it is not liable to any objections, other than those which lie against the original proposition. Here I must beg leave to differ from him, because we know the amount of the State debts still due; but we know nothing of those which have been redeemed; it would therefore be taking a dangerous leap in the dark, and engaging to perform more than we may be able to accomplish. He has also mentioned the great inequality of exertion which his motion is intended to correct; but how can he assure me that the inequality will not be rendered still greater? It was a common complaint during the war, that some States did not make those exertions which they were bound to make; if this remark was founded in justice, we may return to a state of greater inequality than the present.

It ought to be recollected that the provision to be made for the payment of the interest on the State debts is not contemplated to commence before April, 1792, and that there is at this moment a Board of Commissioners fully authorized, and are busily employed in the settlement of the accounts. Perhaps by the time that Congress are

about to pay the State debts, that is, that part of the State debts which is in the State treasuries, it may be found, from the settlement of these accounts, that nothing, or less than what we are about to assume, is due. From all these considerations I am induced to believe that we had better adopt the original proposition without this amendment.

Mr. MADISON.—The gentleman from New York seems to suppose that the assumption of that part of the State debts which have been redeemed since the peace, will impede the final settlement of the accounts; because it will diminish the desire of some States to bring that measure to a conclusion. Does, then, the ultimate settlement of the accounts depend on the disposition of particular States? If it does, there arises a necessity of assuming the whole, instead of a part only of the debts; because, if justice is never to be done, the inequality ought to be diminished as much as possible. If the settlement does not depend on any contingency, but will, as he has said, be accomplished in two years, there can be no necessity of adopting either the original proposition or amendment; because it is not contemplated to make provision for the payment of the State debts until April, 1792; the period by which it will be known whether any thing, or what, is due to each State respectively.

I am afraid, I confess, that notwithstanding every step which may be taken, there will be unforeseen difficulties in the final liquidation and adjustment of the accounts; and I am persuaded if that measure should miscarry, the assumption of the existing State debts will work indeed an enormous injustice. If we can reduce that event to a moral certainty, and be sure that it will speedily take place, we may delay the assumption, with great propriety, until its accomplishment.

Mr. LAWRENCE supposed that a State which was in the receipt of interest for three millions of the debt, which she had already drawn into her Treasury, would be less desirous of bringing about a settlement, than she would if that money was only to be paid when that event had taken place. It would be a much stronger temptation to delay, than if interest was paid only on the debt in the hands of individuals.

Mr. AMES said, the gentleman's proposition went upon the idea that the exertions of the States were more equal during the war than they have been since the peace; but what evidence has been adduced to establish the fact? None. Then he was as much at liberty to deny the assertion as the gentleman to make it. He presumed, and it was a liberal presumption, that the exertions of the States were, at this moment equalized; it became the duty of Congress, then, to assume that part of the State debts which was yet outstanding. He thought they ought to await the final settlement. It would be making a provision *ex abundanti*, and undertaking to pay debts already discharged, to the injury of the real creditors of the United States. Let gentlemen consider, said he, whether the resolutions I proposed this morning are not more likely to produce a final settle-

ment than the one now under consideration, and consequently more likely to bring about the equality which gentlemen solicit; but if they are desirous of truly equalizing the burdens already borne, I submit, whether it would not tend to produce that effect, by repaying the States all the money expended during the war? A reimbursement of this kind would do justice to all; this, like the proposition of the gentleman from Virginia, would make the State Treasuries rich, but it must be by making the citizens poor; this would be realizing the assertion of the gentleman, it would indeed be true, that a public debt is not a public blessing.

Mr. JACKSON had said before, that he was of opinion the amendment did not obviate the objection he had to the assumption, but it certainly lessened the inequality which would follow a partial assumption, and therefore he would vote in favor of it. He thought the gentlemen who were in favor of assuming the State debts in the hands of individuals, to the amount of twenty-five or thirty millions, and hesitated to adopt the amendment, were straining at a gnat and swallowing a camel. The principle that reached a part might easily cover the whole.

Mr. MADISON.—The gentleman from Massachusetts thinks my principle would go to cover all the debts contracted during the war. I ask what is the intention of the gentlemen in favor of the assumption? What are their arguments? Do they not all go to such an assumption? And if we make such an assumption, will any gentleman contend that we ought to assume only the unpaid debts? Why shall we not assume the paid also? Has there been an argument adduced which favors the distinction?

With respect to refunding what a State has advanced, I have to remark that refunding must any how take place, if Massachusetts and South Carolina shall be found debtor States, which will undoubtedly be the case, when we consider the sums to be assumed on their account, they must eventually refund what is now advanced them. If there must be a refunding by some State, that objection will go for nothing.

Mr. AMES said, he had no idea of funding more than the surplus of what the States had paid more than their quota, as the same should appear upon the final settlement of the accounts; for he imagined the debts paid by the States were subjects of liquidation and adjustment, but not of funding; neither did he think it necessary to anticipate a fraction on that account. But how would the measure operate? Is there a citizen in the United States who would be grateful to the Government for taxing him, in order to pay money back to him again? Certainly he would be put to some inconvenience, besides losing the expense of the collection. How could it benefit the States? For my part, I cannot understand an interest of States subsisting, different from the interest of the citizens of the State. Will it do justice to our creditors? It will render the funds for that purpose precarious. Is it to fulfil the contracts of the United States? The United States have made no such contract. In short, it is a departure from

the principles of the Secretary; after such a breach in his plan, he can no longer be responsible to this House for its consequences. It is an arbitrary grant without principle; it may increase, instead of diminishing the inequality. As to Massachusetts being a debtor State, Massachusetts never was afraid to meet the strictest investigation. She knows her exertions were not behind those of any State in the Union; we do for her nothing more than the equal justice she is entitled to. I firmly believe the same is true, as it respects South Carolina. That State was stripped of her property, and ravaged from end to end; assume her debts incurred by superior exertions in the common cause; for her exertions were equal or unequal; if unequal, no doubt but they ought to be assumed; if they were equal, the arguments drawn from inability excuse us; if South Carolina is able to struggle under an oppressive and unequal burden, the United States can bear it with greater ease.

Mr. LEE.—I confess there may be some policy in assuming the State debts, if it can be done equally and fairly; but this must depend altogether, I take it, upon the final settlement of the accounts. I think no member of this House, who regards the great principle of equity, can assent to such an assumption without the strongest assurance that the event, which only can equalize the burden, will take place as speedily as possible. I know that the subject is a matter of the nicest delicacy, to which the jealousies of every State are extremely alive; and unless our measures are conducted with such equanimity and undisguisedness as to allay those jealousies, and remove suspicion, I fear, however they may be carried through this House, they will give general dissatisfaction. If, under these circumstances, the United States were to assume the State debts due to individuals, the measure would be so evidently partial that I dread the consequences; nothing can make the business of assumption an agreeable thing; but we ought to endeavor at it as much as possible; we ought to regard with attention every proposition likely to induce an equality. Under this impression, I flattered myself that the amendment proposed by my honorable colleague would have met with no opposition; but that the friends to the assumption would readily agree to a measure which they cannot but think a considerable improvement on their plan. If their object is to strengthen and cement the Union, they ought, in order to be consistent in their views, readily to embrace a motion which has evidently a design to reconcile a considerable majority to their scheme, without which it can never be supportable. I am sorry to say, however, that they discover no disposition to accommodate. Being thus disappointed, I think it becomes my duty to warn gentlemen of the dissatisfaction they may occasion, and what may be the consequence; perhaps a new modification of the Government itself. The earnest and pathetic debate which has taken place demonstrates most clearly to my mind, that the State debts ought not to be assumed but

upon the final settlement of the accounts; this, it is said with confidence, may take place in two years; if it may be accomplished in two years, and it is not intended to make any provision for the payment of the interest before that period, even if we now agree to the assumption, I cannot perceive any real utility which attends this measure. If it cannot be accomplished in so short a time, it will be prudent in us to prepare such a plan, as will give it the greatest possible degree of acceleration. If, after this, we should assume, we ought to fix upon such a time for it to commence as is most consistent with equity; if there is a moment, at which it is fairly presumable that the exertions of the States were equal, it must be that of the termination of the war; after each State had been successively invaded by the enemy, and by its own and the joint exertions of its neighbors had gallantly repulsed them from the margin of their shores. During the conflict the whole machine was wound up to its highest pitch of exertion; self-defence was the great principle which roused to action, and operated on the patriotic band with equal energy; it stimulated the Eastern and Western inhabitants; it spurred on the Northern and Southern citizens, and no one was behind the other in using their utmost efforts, according to the strength with which they were invigorated. The incentive to exertion evaporated after the peace, and the endeavors of some States were suspended; hence has ultimately arisen that inequality which is now complained of. If gentlemen mean sincerely to equalize the common burden, let them apportion it as it was to be found at the moment of equality. If you assume any, assume all the debts due by the States respectively at the termination of the war. The assumption upon other principles would not only be distasteful to Virginia, but it would be unjust, and unjust towards every State which had made equal exertions during the war, and superior exertions since the peace.

But, sir, I do not wish the decision to be hurried, it is now near the usual hour of adjourning; I therefore move that the committee rise.

Whereupon the committee rose, and reported progress.

TUESDAY, March 2.

The engrossed bill to vest in Francis Bailey the exclusive privilege of making and vending certain punches, for stamping the matrices of types, &c., was read the third time and passed.

A petition from George Scribe, was presented and read, praying to be permitted to purchase of the United States, a tract of Western territory, not less than two millions, and not exceeding four millions of acres, on the terms therein stated. Referred to the Secretary of the Treasury.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, covering his further report and estimates of extraordinary services of the current year.

Mr. FITZSIMONS moved to refer the foregoing report of the Secretary of the Treasury to a Committee.

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mittee of Ways and Means; but, on the suggestion that a different reference would be more proper, he withdrew it.

Mr. WHITE moved that the Secretary of the Treasury be directed to ascertain the resources that may be applied to the payment of the State debts, provided they should be assumed by the United States.

Mr. CARROLL seconded this motion, because he thought it essential to the honor of the House, that they should observe a degree of consistency in their measures. The Secretary of the Treasury had suggested the propriety of making effectual provision for the payment of the foreign and domestic debt; this suggestion was accompanied with a detail of the ways and means. Is it not equally requisite to be acquainted with the ways and means of making provision for the payment of the State debts, before Congress undertake to assume them? No gentleman, he hoped, would deny the propriety of acquiring as full information on this subject as they had on the other, before they determined the question.

Mr. LIVERMORE said, the Committee on Appropriations, of which he was a member, had not been able to proceed with the business referred to them, for want of a complete estimate of the expenses of the current year; they had stated their difficulty to the Secretary of the Treasury, and he presumed the present report was made in consequence, he therefore hoped it would be referred to that committee; but he did not understand the intention of the motion made by the gentleman from Virginia; the Committee on Appropriations had never been instructed, with respect to the State debts, nor did he believe it was the intention of the House to do any thing in that business at the present session.

The report was now referred to the Committee on Appropriations, and the House proceeded to consider the motion made by Mr. WHITE; when

Mr. LAWRENCE suggested the propriety of letting it lie on the table, for at least one day, as it was a question of considerable importance.

Mr. PAGE conceived the motion to be improper, because it seemed to infer that the House had agreed to perform what the Secretary had recommended; it was precipitating themselves into a situation, from which their retreat would be difficult and embarrassing, upon the supposition that they should ultimately decline the assumption; he therefore hoped his colleague would withdraw the motion, or that it might be rejected.

Mr. WHITE said, he had no objection to letting it lie on the table, provided it was understood that the proposition to which it related, should not be adopted until the merits of his motion was discussed.

Mr. LAWRENCE would not press the gentlemen to let it lie on the table, if the House was prepared now to decide; for his own part, he had no hesitation; he knew that the whole amount of these debts must be paid by exertions of the United States, in their joint or separate capacities, and he was well convinced, that a uniform revenue system, under one general pervading authority,

ty, would produce more, and with less oppression, than the efforts of thirteen separate Governments. If gentlemen were impressed with the same sentiment, they were as competent to decide without knowing the ways and means contemplated by the Secretary, as they could be made in accurate detail. No alteration could be made in the principle, by a knowledge of the resources, and he presumed it was upon principle only which gentlemen meant to decide.

Mr. SHERMAN was of the same opinion with the gentleman from New York, and apprehended no other consequence would result from the adoption of the motion, but to delay the principal business.

Mr. LEE.—On a subject so important as that of providing for the support of public credit, we ought to have before us the fullest information which our situation enables us to attain. We ought not only to see precisely the extent of our debt, but the means of providing for its payment. If we assume the debts of the respective States, and add them to the debt due by the United States to foreigners and citizens, the accumulated whole may form an aggregate so vast as to exceed our ability to provide the sums necessary to a punctual performance of our engagements. Any future failure, in this respect, will level to the ground the fabric which we are endeavoring to raise; if we now promise to do more than we are able to perform, we shall perhaps altogether destroy the public credit; when we consider the stake which we venture, we ought to take every prudent step to insure our success. For my part, I see no other resources presented to us, but the impost and the excise; at the last session, the first of these revenues was extended as far as was thought advisable; but I presume it is now proposed to be carried as far as is practicable. The other is obnoxious to a great part of the United States; perhaps, under such circumstances, it might be ill judged to extend it so far as to a general excise. If these sources of revenue are but adequate to supply the necessary funds for the foreign and domestic debt, I presume we are to have recourse to direct taxation, in case we assume the State debts; twenty-five millions of dollars can hardly be provided for out of the surplus of the impost and excise. How far it may be proper for this Government to lay direct taxes, without an evident and absolute necessity, is a subject which ought to have considerable influence on the minds of those who are to decide the question of assumption; I flatter myself, then, the Government will resolve to see their way clearly before they enter into a scheme from which there is no retreat, but by the loss of public faith, or the oppression and ruin of their constituents. I trust they will now decide upon the motion of my colleague, and decide it in the affirmative, if for no other reason, for the sake of consistency.

Mr. SENEWICK.—It appears to me, that we are rather unfortunate in having our attention diverted from the main object to collateral circumstances; it tends, in my opinion, only to procrastinate the determination of a question which the

public loudly calls for, without aiding our deliberations in the smallest degree. I believe every gentleman, who is convinced that the State debts ought to be assumed, goes on the idea that they are obligatory on the Union, and that the United States are bound, in honor and in justice both, to discharge them. If our ability does not extend to the precise performance of the contract, the whole body of creditors should suffer each in proportion. Whether, therefore, we can provide for the whole or not, is a subject of a separate and independent inquiry. If we undertake to pay them, no doubt we shall make every laudable exertion to comply with our promise; but I can see no use in having the ways and means reported to us, until we have determined the question of assumption, for on that every thing depends; before we have ascertained the amount of our debts, we cannot proceed to the investigation of the other subject. I shall, therefore, be against the motion, until the Committee of the Whole have decided the question before them.

Mr. FITZSIMONS.—I am in favor of the assumption of the State debts, but I do not subscribe to the doctrine held by the gentleman last up. I do not think the United States are under an equal obligation to pay the private debts of each separate State, as they are to pay those which they, in their collective capacity, incurred. I think it a matter of good policy, and that alone will lead me, if we have it in our power, to provide as effectually for the State debts as for any other debt due from the Union; but still I must insist upon it, that they stand on a different footing from the domestic debt of the United States. The State debts were contracted by the States, who being called upon to furnish supplies, each according to its supposed ability, but not possessing those supplies themselves, nor having money to buy them of others, they were obliged to use their credit, and run in debt to their own citizens for them. If this had been universally the practice, and no State had really paid for the supplies it furnished, there might be an equality and propriety in assuming them; but the case has been otherwise. It makes a wide difference, then, as it respects the duty we are bound to perform of providing for the Continental, and what good policy may urge us to do in regard of the State debts. I own to the gentlemen who are desirous of assuming the State debts, that I am ready to go with them, but it is not upon their principles. I was aware from the outset, that they should have many difficulties to encounter; they have not lessened as we progressed in the business; but, on the contrary, have rather increased. I think, then, it will be wise in the gentlemen who support the measure, not to embarrass us, by taking ground which is not defensible; they will do better in endeavoring to reconcile it to the moderate desires of those who are opposed to it.

The gentleman from New York, this morning, and many other gentlemen on former occasions, asserted that the ability of the Union to raise revenue exceeded the ability of the Union and the States when they operated on the same arti-

cles. I do not altogether subscribe to this doctrine either. By depriving the States of some streams of revenue, we do them an injury, without increasing our own ability in proportion.

Mr. SENEW did not expect there would be any objection to a motion so just in itself, and so proper, if compared with the other circumstances of the Secretary's report. He hoped the gentleman did not wish to proceed in the dark, and assume the payment of debts which they were not bound to pay, before it was ascertained whether they could provide the funds necessary for the purpose. Indeed, on consideration, he could not help expressing some surprise, that the motion had not been made sooner; however, it was not yet too late. He therefore hoped it would be agreed to, and the other question ordered to be postponed until the Secretary had reported fully on the subject of ways and means.

Mr. SMITH, of South Carolina.—One reason why the Secretary of the Treasury declined to bring forward the resources which he means to appropriate for the payment of the interest on the State debt, was, probably, that the provision is not to be made for two years to come. He perhaps thought the House would receive little information from a communication made under such circumstances.

Mr. SENEWICK said, as it was not intended that revenue should be drawn immediately from the resources which were contemplated by the Secretary, there would be an evident impropriety in divulging them. It would give an opportunity to men of property, of monopolizing and speculating in the articles on which it was meant to raise the revenue. Suppose, for example, that it was proposed to lay an additional duty on salt, could not every gentleman see that an early rise in the price of that useful article would be the consequence, by which means the speculator would be enriched, and the poor oppressed, without benefiting, in the least degree, the Government or the public creditors.

He would not contend with the honorable gentleman from Pennsylvania about words, but if he thought the assumption of the State debts consistent with good policy; that it would advance the general interest and welfare of the inhabitants of the United States, he might easily admit the justice; for if policy and interest impelled the nation to the measure, it was just in consequence of it.

Mr. AMES contended that a certain description of the State debts was, in justice, due by the United States. The soldiers and officers of the late army were settled with, partly by the State to whose quota they belonged; how could the final settlement be more a demand against the United States than was the depreciation of pay? They were both given to the same person, and for the same kind of service against the common enemy. How can justice require us to pay the first, and acquit us of the rest? In many instances, if a discrimination of this sort is admitted, men who not only fought the same battles, but who fought side by side, and whose blood commixed and dyed

in sanguine streams the horrid field of war, will meet a compensation from their country as different as sixteen is to nothing. One part of the debt of Massachusetts was contracted for the powder and arms which first repelled the enemy; how is it that justice does not require from the whole Union the repayment of such demands?

It is admitted that the State debts ought to be paid; but the question is by whom? If they are justly the debts of the Union, they ought to be paid by the Union. But, say gentlemen, the United States are perhaps not in condition to provide the necessary revenues. How do they expect, then, that the States which have been so long oppressed, and almost destroyed with them, can bear the grievous burden any longer? But there is no doubt of the ability of the United States, they have exclusively the command of a very productive revenue; what was laid in impost last year, with an addition on three or four articles of luxury, and a small excise, will be competent to provide for the payment of the interest, and gradual discharge of the principal of the whole foreign and domestic debt. A million and a half may easily be drawn from other sources, without having recourse to direct taxation, or subjecting the citizens of the United States to any oppression.

But this motion appears to be unreasonable. Why were we not called upon to go into a consideration of the ways and means, before we assumed the indents and interest on the domestic debt? If it was not necessary on that occasion, it is less so on this; if we are to be drawn aside from the main business by investigations of this kind, I see no end to our discussions. I hope, therefore, the House will reject the motion, and proceed to resolve themselves into a Committee of the Whole on the Secretary's report.

Mr. BOURNOR believed the motion might have been useful if it had been brought forward in time; but he would not now procrastinate the business before the Committee of the Whole on any consideration. Gentlemen should remember what they lost last year by the delay, and not suffer another loss during the present. He reminded them of the approach of Spring, and how necessary it was to have the new impost laid, to embrace the importations usually made at that season of the year.

Mr. STONE did not wish for delay; but it was surely wrong in gentlemen to reflect on others for retarding business of consequence by unnecessary motions, when they were now urging with might and main a scheme not to take place for two years to come!

Mr. JACKSON denied the justice of the assumption, and was confident that every candid man would relinquish that plea. As to its policy, he had his doubts; he thought it might strengthen the Union at first, yet it would be a canker-worm in the State; it would entail upon posterity an enormous debt, which they must eventually sink under, as other Governments had done.

But he was really surprised to hear the gentleman from Massachusetts now pleading the cause

of the soldiers and officers of the late army, when but the other day he had exerted himself so zealously against the only measure which had avowedly been brought forward to do them some small degree of justice; he did not despair but in the end the House might come to some unanimity of sentiment on that subject.

Mr. SENEY.—If I comprehend the objections to the present motion, they are these two: first, that it is too late; and second, if it is adopted, it will furnish some persons with an opportunity of making speculations. As to the first, he had already said he was surprised it was not made earlier; but then I am not convinced that because it is brought forward at a late hour, we should reject it now, if it appears from other arguments to be a proper and necessary step. If the second objection is of any weight, the Secretary has been wrong in mentioning the other sources of revenue in his report, because it has furnished an opportunity of making speculations in them, and may furnish yet more, to say nothing of the speculation in the State paper. As to the other arguments, they relate to the justice and policy of the assumption; they will be more properly answered when the House goes into a committee, and that question comes before them.

Mr. LAWRENCE observed that the Secretary contemplated the payment of four per cent. only on the domestic debt; but, perhaps, the House might be inclined to allow six per cent. In this case they would require additional resources, and they might take those recommended by the Secretary, as a provision for the State debts; this he considered as a solid objection to the motion.

Gentlemen have said, that we are about to adopt a debt without knowing its extent, or the extent of our resources. Yet, the Secretary, in whose communications we must have confidence, has told us that the debts will not exceed twenty-five millions, and that our resources are equal to the provision; but the latter point can be determined by every gentleman who considers the extent of the powers of Congress, in making provision for the payment of the debts of the United States; from these considerations, I am warranted to say, that we are not so much in the dark as gentlemen suppose.

Mr. WHITE would not have risen again, if it had not been said that the motion was intended to embarrass the business. He thought that an insinuation of this kind required him to be explicit in declaring that he never had any such intention. He wished to expedite the public business on this and every other occasion; but he thought the most likely way was to obtain every information necessary to place the subject in a clear point of light; and this was the object of the present motion.

While he was up, he should take the liberty of letting the gentleman from Massachusetts know, that he differed with him in respect to the principal of the debt. He never yet thought that the United States were under an obligation to assume the State debts. The Government was not bound to do it by any express clause of the Constitution,

nor did the people of America look for such an event. When they adopted the Constitution, they expected relief in respect to their foreign debt, and what was always understood to be the proper debt of the United States; they contemplated, likewise, a support for the Civil Government, and such other expenses as the general welfare required.

He was well assured that the collection of direct taxes, or an excise to any considerable amount, by the General Government, would give great dissatisfaction. Under this impression the gentlemen who agreed with him in opinion would think it necessary to see the ways and means before they agree to assume so large a debt. But if these things were left to be managed by the State Legislatures, who were better acquainted with the local circumstances of their constituents, the measures would be better suited to their capacity, and consequently be more generally acquiesced in than if it was attempted by Congress. But he would not infer from this that levying direct taxes or excise by Congress would be obnoxious under any possible circumstances. He believed the people would cheerfully submit to any reasonable burden, when there appeared a real and absolute necessity for its being borne.

Some surprise had been expressed that a proposition of this nature was so long delayed; he would exonerate himself, if exoneration was necessary, by saying he had not intended to take an active or leading part in the business; he had not prepared a proper resolution, because he expected it would be done by some other member; and he conjectured that many members remained inactive, expecting that others would come forward with resolutions to meet their ideas.

The gentleman from New Jersey says, if we expend much more of our time, we shall miss the tide of the Spring' importations; if this is a well-founded apprehension, why do we not take up the business of the impost at once, and make the appropriation afterwards?

Mr. GENAY found himself at a loss to ascertain the object of this motion. If it was to give the Secretary a hint that he did not sufficiently comprehend the resolution of the House at the last session, or had not fully complied with it in detailing all the possible modes of revenue, he did not think there was good ground for such a suggestion. The report which was before the House showed that he had fully employed his time, and with some success. Is it possible, he asked, that gentlemen mean, in case the Secretary cannot find sufficient resources to go on and declare a national bankruptcy? He trusted they would not do this, until they were convinced, by experience, that they could not make a proper provision for the payment of their creditors.

He said he was surprised to hear the doctrine persisted in that there was a difference between the Federal and State debts. Were they not contracted for the same purpose, to wit, the common defence? And did not the late Confederation stipulate, that all such charges should be paid out of the common Treasury? Had there never been

a Confederation, and a proposition was now made to assume the State debts, a distinction of the nature which the non-assumptionists contend for, might be insisted upon, and some kind of argument drawn from it; but, as the case now stood, there was not the least foundation for the distinction. It is true, under the Confederation, the States were to supply the common Treasury; but that was because they had all the resources in their hands. The case is now reversed; all the resources of revenue are put into the hands of the General Government, and some exclusively. Now, can gentlemen hesitate to do justice to the States which have acquiesced in forming this arrangement for the general welfare? If they decline making such provision, because the resources are inadequate, they declare the nation bankrupt.

With respect to the Secretary of the Treasury, he would add, that it might be remembered he was opposed to the institution of the Treasury Department, in a way that should throw all the business into the hands of an individual; but since it had been the wisdom of Congress to establish it in this way, he was determined to give that officer all his support. It might be, that the Secretary wished to make some further arrangements; but the House ought to consider the delicacy of his situation, and give him time; perhaps he would send in a satisfactory report before Congress commenced making provision for paying the interest on the State debts; but it was presumable he could not now attend to it, when the House was daily in the habit of referring petitions to him. As he saw no possible good resulting from the adoption of the motion, he would vote against it.

Mr. PAGE said, after having heard the arguments on the present question, he was inclined to believe that it had not the evil tendency which he had apprehended on first hearing it read. However, he was still of opinion that it was unnecessary, because the assumption of the State debts depended on the principle of justice and not on expediency. He supposed the members of the House, by giving their sentiments to each other, could throw as much light on the ability of the United States to pay its debts as the Secretary.

Mr. SHERMAN said he should be opposed to the motion on the principles mentioned by the gentleman last up.

Mr. MADISON was sorry that the question of delicacy was drawn into the argument, as it was altogether foreign to it. It must be remembered, that the Secretary had included in his former report an estimate of the expenses of the civil list which was different from the amount reported by him to-day; yet there was supposed to be no impropriety in requesting of him this additional report. Indeed, the fact is, that the relation in which he stands to the Government makes it necessary for his opinion to be asked on subjects relative to the administration of the finances. But, sir, if this proposition carried with it any imputation that he was deficient in abilities, or in

industry, I should be the last man to support it, because I am well convinced the imputation would be flagrantly unjust. Whatever may be the importance affixed to it in the ideas of gentlemen, the propriety of having such a report cannot be called in question. Whenever a great undertaking is in contemplation, the means of carrying it into execution should be first examined. I venture to say gentlemen will not find a precedent for a contrary conduct, either in the British House of Commons, or any of the State Legislatures. What, then, would be thought of this House, if we were to undertake a great expense, which we are not bound to undertake, without a previous inquiry into our ability? If, indeed, as is contended by the gentleman from Massachusetts, the State debts are binding on the United States by the same solemn ties as the foreign and domestic debt, perhaps we should not be censurable in declaring they were due by us, and that we should do every thing we could to discharge them, before we proceeded to the consideration of the ways and means; but there is a clear distinction between the two debts; and, indeed, after what was said by those gentlemen on a former occasion, I must own that I was not a little surprised to hear it so positively asserted on this occasion, that there is no distinction whatever between debts acknowledged to be due under the most formal contracts, and what are due according to their own most favorable construction in equity only. Is there a public creditor, of either class, that will deny the distinction? I am persuaded there is not one. This distinction being proved, shows that we are to exercise our discretion in determining the question of assumption.

Gentlemen say that we run no risk in the case, because the debts are to be paid, if not by the United States, by particular States; and as the United States have all the resources, they can apply them with equal or superior convenience to the same object. I cannot admit this being a good reason against the present motion, any more than I could subscribe to its being an argument in favor of the assumption. For, besides what I stated before, it is to be observed that there are prejudices to be contended with, which some gentlemen think an argument of considerable weight.

In some parts of America, strong objections would not arise against a direct tax for the purpose of paying the State debts; in other parts an excise would be more agreeable than a direct tax; or a direct tax would be more acceptable from the hands of the State Legislature than an excise from the General Government. Now, under these circumstances, if it was left to the State Legislatures to make provision in the way most convenient to their constituents, the prejudices and jealousies which are so often mentioned on this floor would be removed or obviated, and more would be accomplished by the aid of the State Governments than can be without them.

I really think it right and proper that we should be possessed of the ways and means by which we

should be most likely to encounter the debt before we undertake to assume it; nor do I see any inconvenience arising from pursuing this course. If the assumption is not to operate till two years hence, very little inconvenience, if any, can result from a previous investigation of the means.

Mr. GERRY thought the facility with which the Secretary had furnished his supplemental reports of the sums necessary to defray the expense of the current year, ought not to be adduced as a proof of his capacity to report with equal facility the ways and means for providing for the payment of twenty-five millions of dollars; the first was a simple operation, depending upon known arrangements; the other a speculative calculation, in which were connected the habits and manners, as well as the welfare and convenience, of an extensive nation.

In answer to what the gentleman last up said, of the impolicy of laying direct taxes and excises, he would ask, were not these powers given in the Constitution? And is not every part of the Constitution to be carried into effect when the general welfare requires it?

Mr. MADISON admitted that it was; but he did not think it advisable in the General Government to exercise all its powers, but as necessity required.

Mr. GERRY supposed it was essentially necessary on principles of justice and policy to assume the State debts; and if, in consequence, it became necessary to lay excise and direct taxes, he would not retreat from carrying the Constitution into effect, merely because it would give disgust to a small part of the Union; he hoped as the Constitution was established, it would be carried into effect.

The question was now taken on Mr. WHITE'S motion, and the House divided, twenty-five to twenty-five; whereupon, it lay with Mr. SPEAKER to decide, which he did in the affirmative, and so the motion was carried.

On motion of Mr. STONE, the House ordered that the Secretary of the Treasury be directed to lay before the House the amount of impost and tonnage received in the several States, from the commencement of the collection: to the 31st of December last.

The House then again resolved itself into a Committee of the Whole, on the report of the Secretary of the Treasury, Mr. BENSON in the Chair.

Mr. MADISON'S proposition respecting the State debts being under consideration,

Mr. SMITH asked whether it was the intention of the mover to include the interest which the States had paid to their creditors, because the words were rather obscure.

Mr. MADISON did not mean to decide any thing on that point at present.

Mr. SMITH thought, as some States had confined themselves to the payment of interest alone, while others had sunk the principal, justice required that they should be equally provided for; he therefore moved to amend the proposition so as to make it read:

Resolved. That the amount of the debts, principal or interest, actually paid by any State to its creditor, &c., shall be paid to such State on the same terms as shall be provided in the case of individuals.

Mr. BOURNOR seconded this motion, observing that if the resolution did not extend to interest as well as principal, the State of New Jersey would be a considerable sufferer, for she had paid upwards of three hundred thousand pounds in interest to her creditors since the peace.

Mr. SENGWICK was indifferent whether the amendment took place or not; because he thought there was very little probability that a majority of the committee would join in a measure that would ultimately defeat the object which ought to be kept in view, namely, the assumption of that part of the State debts in the hands of individuals.

The arguments he had the honor of urging yesterday remained yet unanswered; he would only refer gentlemen to them in order to satisfy their minds that the operation of the present motion would be unequal and unjust.

He said no proposition could induce him to lose sight of the main business, and he would not desert from enforcing it. The facts which justified the assumption, with regard to South Carolina, were so notorious that explanation was unnecessary. As it regarded Massachusetts, they were equal. She had, by the most persevering and arduous exertions, done much in carrying on the common cause; the troops she kept in the field generally exceeded the ratio which ought to have been observed among the States, and these she had procured and supported at enormous expense. In 1779, they furnished about six thousand men; these were not for the defence of the territory of Massachusetts—they were for the common defence; they were the productive laborers of that State, applied to other use. Besides the loss of labor, the State incurred an actual expense in her military exertions. The amount was one million eight hundred and twenty-eight thousand seven hundred and eighty-one dollars. These were exertions antecedent to 1783, and which, inasmuch as they were paid off before that period, will not be credited or paid under the motion of the gentleman from Virginia. Is this justice? Is it equity? Shall a State be permitted to suffer in this degree for superior exertions?

It is injurious to make comparisons, but we must make them—they grow out of the subject. Was a proportionate advance of property or men made by the State of Virginia? I do not undertake to know positively; but I am willing to pay due honor to that State, and presume her exertions were proportioned to what was her real ability; but then I can form no conception of that ability equal to her supposed ratio. I am, however, willing to admit that a complete equality cannot take place until a final settlement of accounts. But I see no reason for believing that a greater inequality will take place by assuming the State debts due at and after 1779, than there will be at the conclusion of the late war. Massachusetts suffered also a very great loss about that

period in the fall of the Continental money, which ought likewise to be considered.

Mr. SHERMAN said, he was opposed to this amendment for the same reason that he was against the original amendment; that is, it would increase the debt enormously, without tending to equalize the burden.

Mr. BOURNOR thought the committee ought to make the amendment as equal as possible, lest it should, in the event, be carried; it would be unjust if it did not provide as well for the interest as the principal; he therefore hoped the gentlemen who were opposed to the original amendment would vote with him for this, and then reject the whole.

The question was now put on Mr. SMITH'S amendment, and it passed in the affirmative.

Mr. AMES felt himself well authorized, on this occasion, to depend on the arguments which had been urged by the gentlemen on the other side of the question. It had been said; as a reason against the assumption, that we ought not to undertake to pay more than we are able, especially if the debt had never been contracted by the United States, and pay them in prejudice of those debts which were absolutely contracted and really due. Apply these principles to the present motion. Do we know that we do not undertake to pay more than we are able to pay, when we assume to pay the whole of the debtor side of the account, instead of the balance? Gentlemen who contend that we are not able to pay the State debts in the hands of individuals must have their imagination strangely warped when they suppose us capable of paying perhaps double the sum.

Is the Government under a contract to pay the State debts? Gentlemen say there is no obligation. Apply their argument to the case in question, and you will be urged by them to vote against the motion.

But why shall we increase our load unnecessarily? If we leave the exertions of the States to be liquidated, and assume the balances, we may not have the one-third of this amount to pay. Interest paid by the several States since the peace may be calculated at twelve millions, and the principal sunk in the same period at fifteen millions; this will double the amount of the State debts. Now, if we respect their arguments, or our own principles, we must vote against the measure.

Mr. MADISON said, he believed the Government might, by increasing the amount of the debt, increase the ability of providing for it; for, in proportion as you make the debt equitable and satisfactory, you increase the willingness of the people to bear the burden, of consequence the Government is better able to extend its provision for the payment. But how will the gentleman explain his own inconsistency, in having voted to amend the amendment by the addition of the words "principal or interest?" he tells you that the insertion of the interest increases the debt twelve millions, and yet he will agree to it; on what principle does he act?

Gentleman have asked, is there any contract

obliging us to provide for the debts redeemed by the States? I answer, no; but I say justice demands that if you assume the debts yet due by particular States, you repay other States for the exertions they made to extinguish their debt.

Mr. AMES denied being taxable with inconsistency. He said it must be apparent to every gentleman, that if States were to be recompensed for the exertions they had made since the peace, they ought to be recompensed for them in whatever form they were to be found; it was as great an exertion to pay the interest as it was to pay the principal; but there was another reason for his voting for the amendment—the proposition, as it was moved by the gentleman, was indefinite, by adding these words it became limited.

Mr. GERRY said, the adoption of the motion would not lessen the inequality, unless it was the case that one or two States had paid all their debts, and the others none; but as every State had paid part of its debts, it was fair to presume that they had done so in proportion to their abilities, and that which was left undone was an unequal burden, which now ought to be taken up by the Union.

But a strong and irresistible argument was drawn from its leading to the assumption of the whole debtor side of the account, when the balance only ought to be provided for.

The question was now taken on the amendment as amended, and it was decided in the negative, 22 for, and 28 against it.

The committee then rose, and reported progress, and the House adjourned.

WEDNESDAY, March 3.

Mr. AMES, from the committee to whom was re-committed the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, presented an amendatory bill, which was read the first time.

RULE OF NATURALIZATION.

The House then went into a Committee of the Whole on the bill to establish a uniform rule of naturalization, Mr. BENSON in the Chair; and having made several amendments thereto, the committee rose and reported them to the House; which being agreed to; the bill, as amended, was ordered to be engrossed for a third reading.

PUBLIC CREDIT.

Mr. CARROLL moved to discharge the Committee of the Whole on the report of the Secretary of the Treasury, from the consideration of that part which related to the assumption of the State debts.

Mr. SMITH, of South Carolina, hoped the committee would not be discharged from the further consideration of that important subject; but rather wished the House would resolve itself into a committee, according to the order of the day, and proceed in the discussion of the report.

Mr. SENEY thought it was to be understood in consequence of the resolution passed yesterday, requiring the Secretary to report the ways and

means of providing for the State debts in case of an assumption, that nothing further was to be done in the business until the House received that report; if this was not the consequence, the requisition was totally useless. He therefore hoped the motion of his colleague would obtain.

Mr. LAWRENCE expected that gentlemen would have been contented to have waited for the information the House had ordered to be laid before them, and therefore could not help feeling some degree of surprise at the present motion, which went to discharge the committee from ever considering the subject again. He believed it proper to give the Secretary's propositions a fair and candid discussion, that so they might come to a just decision. If any of them should turn out to be improper, it was the duty of the House to say so in an open and undisguised manner, and not to invade it by an indirect method. The question of assumption was of considerable importance, and merited the most candid treatment. If the gentleman says, that it is only to discharge the committee for the present, what occasion is there for the motion, when the object can be effected by letting the business before the committee remain in its present state for two or three days, till the report is brought forward. From this view, he was led to believe that the motion would only tend to give the go-by to a great national question, which the public interest required to be thoroughly discussed.

Mr. CARROLL—I am obliged to the gentleman last up for the candid manner in which he has delivered his sentiments; though, at the same time, I cannot say that I feel myself under any obligation to him for his opinion of my candor, or rather want of it. When I introduced the subject, I mentioned it to several gentlemen, who agreed with me that there would be an impropriety in determining the question of assumption, until the information which they yesterday required of the Secretary was laid before the House; and it seemed to be a necessary consequence that the further proceedings of the committee should be stopped on that head. When I made the motion, I said that the probability of carrying the measure through was increased in proportion as the House obtained information, which plainly evinced my desire that it should be discussed under the most advantageous circumstances, yet the gentleman has undertaken to doubt my sincerity in what I said. If he judges of me from the sincerity of his own breast, I leave it with him to make the application; but, sir, I do not know that any man can, or dare arraign my want of candor on any occasion, either in my public or private conduct.

Mr. LAWRENCE did not mean to arraign the gentleman's candor; he was very well satisfied that his public conduct had ever been such as to place him beyond the reach of censure; and if the gentleman had suspected him of such design, he now made the most open disavowal of it. But he thought the motion unnecessary, as it had not been proposed to proceed in the investigation of the Secretary's Report to-day.

Mr. MADISON was very well assured that the

intention of his worthy friend from Maryland was perfectly just and upright, and furnished no ground for an apprehension that the motion was intended to throw that part of the Secretary's Report out of view, or indirectly or uncandidly to waive the decision. But, perhaps, if the motion was altered to accommodate precisely with this honorable intention, it should be to discharge the Committee of the Whole until the Report shall be made by the Secretary of the Treasury; so that when the information came forward, they could go and treat this proposition like all the others, with the respect due to it, and eventually decide it fairly and candidly.

Mr. CARROLL—I perfectly agree to the amendment proposed by the gentleman from Virginia; it was my intention, from the first, that the committee should be discharged for the present from that part of the Report, and proceed with the other, which I consider in its nature totally distinct. I would not delay making provision for the proper debt of the United States, because the question of assumption is suspended.

Mr. SENEWICK understood the motion as explained; but he could not think it proper, in the House, to divide the business. He believed whatever might be gentlemen's ideas on the subject, that much depended on the determination of the question of assumption; according as that was decided, the other business would be effected. He believed the Representatives of some States would find themselves inexcusable if they agreed to some of the propositions, without a certainty being given that the State debts should be assumed.

Although the members on this floor thought with magnanimity, when they considered themselves the Representatives of the United States, yet they were under an obligation to attend particularly to the circumstances of those who were the immediate instruments of sending them here; to apply this general observation, he would add, that it was his real belief, that it will be found impracticable to provide for the support of public credit, independent of the assumption, without sacrificing the creditors of particular States in the Union, whose claims were equally founded in honesty, humanity, and justice. Are we, said he, at liberty to make this sacrifice? I protest, for my own part, that I shall be totally at a loss how to vote, if we are to proceed to contemplate the other parts of the Report, unconnected with the assumption.

Mr. GERRY was opposed to the motion, for the reasons urged by the gentleman from New York, and because it was intended to make a distinction between the domestic debt and the State debts, which he contended did not exist. If it did exist, it was no more than the distinction between the two parts of the same debt, the liquidated and unliquidated; and he never could consent to do justice to one class of the public creditors and not to another.

Mr. HEISTER wished the question of assumption to be postponed, because some States, which were to be materially affected by the decision, were not represented at present on the floor. He

had learnt, that the Legislature of the State of Delaware, at its last session, had funded its debt in a manner so satisfactory to her creditors, that the certificates of that State had recently risen to thirteen shillings and four-pence in the pound. Though the assumption might, or might not do them an injury, he thought its decision should, at least, be delayed until the State was represented.

Mr. MADISON found that the gentlemen from Massachusetts, who were yesterday against the motion, for requiring the Secretary of the Treasury to report the ways and means, on account of the delay it might occasion, had changed their opinion on that point, and that they are now inclined to suspend the whole subject, until a report is made, which they suppose will require a considerable length of time.

He was sorry to hear gentlemen declare, that an affirmative decision on the question of assumption was an essential preliminary to the success of the great business of providing for the support of public credit; to him, this declaration did not appear warrantable, either by the practice of members on other occasions, or on principles of justice or policy. There is a real distinction, as he had said before, between the debts; however important the assumption might be, there being that distinction, he apprehended they ought to be decided upon their respective merits; it would be no reason that they should reject what good was in their power, because they were not able to attain all they grasped at.

He said he had never, till lately, heard that there was no distinction between the debts. When a system was proposed by Congress, for the support of public credit, in the year 1783, were the State debts incorporated with the debts of the United States? And were the funds then solicited to be appropriated to the discharge of both? No, they were expressly confined to the discharge of the interest and principal of the debts contracted on the faith of the United States, for supporting the war. There was nothing like a provision for the extinguishment of the debts contracted on the faith of particular States for supporting the war. It is true, that the objects of taxation were then exclusively in the hands of particular States; but it is equally true, that they have still a power over every source of revenue but the one which it was then proposed should be given up to Congress; they contemplated, at that time, the surrender of the most productive branch of revenue, without offering to assume the State debts. How is it then that gentlemen so strenuously insist that there is no distinction between debts hitherto invariably distinguished and separated?

Gentlemen tell us that the faith of the United States is pledged for the discharge of the State debts due to individuals; but is not the faith of the United States equally pledged for the discharge of the debts redeemed by the States? Certainly it is. But gentlemen say we do not know that any thing is due to the States, until a final settlement takes place. I say, it is as little known whether any thing is due to the particular States, for the certificates in the hands of indi-

viduals, until the same final settlement is brought about. But I will not go into an argument foreign to the question, when I only rose to observe, that if the motion is agreed to, we can proceed with the other part of the business, which is not only distinct in its nature from the assumption, but separated likewise from it, by the manner in which it is presented in the Report of the Secretary.

Mr. HARTLEY wished the gentleman would withdraw his motion, as it seemed to be agreed on all sides that the committee should not proceed in the business until the Report was brought in, and he was fearful that some inconvenience would result from an attempt to separate objects which had been all along connected.

Mr. GERRY had not changed his opinion, though he wished for a delay of the whole business, until it could be regularly proceeded on. When he opposed the calling for ways and means, he did it because he thought it unnecessary, and from an apprehension that the Secretary might not be prepared to make it; for he was satisfied the Secretary would not pledge himself for a system of revenue that he had not time thoroughly to consider, as to its effects and avails; however, if he was unfounded in his apprehensions, and the Secretary was able to make his Report, in the short time mentioned by the gentleman from New York, (Mr. LAWRENCE,) he was glad to find his mistake; and joined with gentlemen in the agreement to suspend the question of assumption for the present.

Mr. FITZSIMONS expected the Secretary's Report would be in to-day, or to-morrow at furthest; he was sorry for the disagreement which seemed to take place on this question, and recommended an accommodation as the most likely way to bring the business to a satisfactory termination. He thought the motion could only be of use, in case the order of the day was called for; but if no gentleman was desirous of going into a committee, the motion was unnecessary. He hoped, therefore, the worthy gentleman who moved it, would now withdraw it.

Mr. CARROLL said, he would not have persisted in his motion, if it had been treated as he expected it deserved; but after seeing the manner in which it was opposed, he should adhere, and have the question put.

Hereupon the question was taken, and it passed in the negative, twenty for, and twenty-eight against it.

NATURALIZATION.

The House then went into a Committee of the Whole on the Naturalization bill, and having agreed to some amendments, rose, and reported the bill as amended: whereupon it was ordered to be engrossed, and read a third time to-morrow.

THURSDAY, March 4.

BENJAMIN CONTEE, from Maryland, appeared and took his seat.

The engrossed bill to establish an uniform rule of naturalization, and to enable aliens to hold

1413	HISTORY OF CONGRESS.	1414	HISTORY OF CONGRESS.	1415	HISTORY OF CONGRESS.	1416	HISTORY OF CONGRESS.
H. or R.]	Public Credit.	[MARCH, 1790.]	Slave Trade.	[H. or R.]			
lands under certain restrictions, was read the third time and passed.	USEFUL ARTS. The House resolved itself into a Committee of the Whole on the bill to promote the progress of useful arts, Mr. Benson in the Chair. The bill was read, and discussed by paragraphs. The clause which gives a party a right to appeal to a jury from the decision of referees, it was moved should be struck out. This motion was opposed, on the ground of depriving the citizen of a right to which he is entitled as improper in itself, as causes of very great magnitude may be depending, which it may be highly improper to submit to the decision of three men only, two of which may be so differently interested, as never to agree—so that the decision may finally result from the influence of the person nominated by the Secretary of State. On the other hand it was said, that it appears highly improper that juries should be called to judge upon matters that they may not be supposed competent to form a judgment of—these trials will always relate to matters of invention, &c. of which three persons may be found with much greater ease who are competent to judge, than twelve; that the right of trial by juries is not universal; and, in the present case, there will be a much greater probability of having justice done by arbitrators, who are men of science, &c. The motion for striking out was carried in the affirmative. The committee proceeded further in the discussion of the bill, but rose without completing it, and the Chairman reported progress.	through and reported the same with amendments, it was ordered to be engrossed. Then the House went into a committee on the bill to promote the progress of the useful arts; having amended and reported the same, it was likewise ordered to be engrossed. A message was received from the Senate, informing the House that they have passed a bill to accept the cession of a certain district of Western country, to which the concurrence of the House is requested. Also, a resolution for obliging vessels to comply with State inspection laws.	Mr. VINING, from Delaware, appeared and took his seat. The bill for the remission of fines was read the third time and passed. Mr. GERRY presented a bill to increase the salaries of the Clerks in the office of the Commissioners for settling the accounts between the United States and individual States. Mr. LIVERMORE presented the appropriation bill. A Message was received from the President of the United States, informing the House that the State of Delaware had ratified all the amendments proposed to the Constitution except the first. The bill to accept of the cession of lands in the Western Territory, by the State of North Carolina, was read the second time; and referred to a Committee of the Whole. The resolve of the Senate for giving further instructions to the Collectors of the Revenue, was read the second time. This resolution enjoins a compliance with the State inspection laws previous to clearing out vessels, and was referred to a committee consisting of Messrs. WHITE, TUCKER, and CONTEE, who were instructed to bring in a bill pursuant thereto. Mr. WHITE presented a bill to regulate the exportation of certain articles, subject to inspection, by the laws of the several States. Mr. HARTLEY moved that the report of the committee on the memorial of the people called Quakers, should be taken up for a second reading, which motion being adopted, it was read as follows, viz: REPORT. That, from the nature of the matters contained in those memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion: First. That the General Government is expressly restrained from prohibiting the importation of such persons as any of the States now existing shall think proper to admit until the year 1808. Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within any of the said States. Thirdly. That Congress have no authority to interfere with the laws of the States which have no authority to inter-	Mr. VINING, from Delaware, appeared and took his seat. The bill for the remission of fines was read the third time and passed. Mr. GERRY presented a bill to increase the salaries of the Clerks in the office of the Commissioners for settling the accounts between the United States and individual States. Mr. LIVERMORE presented the appropriation bill. 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That, from the nature of the matters contained in those memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion: First. That the General Government is expressly restrained from prohibiting the importation of such persons as any of the States now existing shall think proper to admit until the year 1808. Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within any of the said States. Thirdly. That Congress have no authority to inter-	Mr. VINING, from Delaware, appeared and took his seat. The bill for the remission of fines was read the third time and passed. Mr. GERRY presented a bill to increase the salaries of the Clerks in the office of the Commissioners for settling the accounts between the United States and individual States. Mr. LIVERMORE presented the appropriation bill. A Message was received from the President of the United States, informing the House that the State of Delaware had ratified all the amendments proposed to the Constitution except the first. The bill to accept of the cession of lands in the Western Territory, by the State of North Carolina, was read the second time; and referred to a Committee of the Whole. The resolve of the Senate for giving further instructions to the Collectors of the Revenue, was read the second time. This resolution enjoins a compliance with the State inspection laws previous to clearing out vessels, and was referred to a committee consisting of Messrs. WHITE, TUCKER, and CONTEE, who were instructed to bring in a bill pursuant thereto. Mr. WHITE presented a bill to regulate the exportation of certain articles, subject to inspection, by the laws of the several States. Mr. HARTLEY moved that the report of the committee on the memorial of the people called Quakers, should be taken up for a second reading, which motion being adopted, it was read as follows, viz: REPORT. That, from the nature of the matters contained in those memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion: First. That the General Government is expressly restrained from prohibiting the importation of such persons as any of the States now existing shall think proper to admit until the year 1808. Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within any of the said States. Thirdly. That Congress have no authority to inter-

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so much severity, when it was well known that they had exerted themselves in the same cause in Great Britain and other parts of the world; that they had formed societies to effect their humane purposes, and for their exertions had hitherto met with universal applause. It was finally ordered that the report be taken up to-morrow week.

PUBLIC CREDIT.

In Committee of the Whole on the report of the Secretary of the Treasury; the assumption of the State debts under consideration. Messrs. WHITE, STONE, SMITH, of South Carolina, and GEARY, spoke on the subject; but the committee rose without coming to a decision.

TUESDAY, March 9.

The bill for increasing the salaries of the Clerks in the office of the Commissioners on Accounts, to the sum which is allowed to such Clerks in the Treasury Department, was read the second time and ordered to be engrossed.

The bill for making appropriations for the services of the year 1790; and the bill to prevent the exportation of goods not duly inspected according to the laws of the respective States, were read a second time and committed.

The report of the committee appointed pursuant to the memorial of Robert Morris, Esq., was read, with certain papers accompanying the same, and laid on the table.

PUBLIC CREDIT.

The House then again went into a Committee on the report of the Secretary of the Treasury, Mr. BENSON in the Chair.

The proposition for assuming the State debts being under consideration;

Mr. SHERMAN.—As the Secretary has given us the necessary information respecting the provision for payment of interest on the State debts, the assumption it is to be presumed will be agreeable to the States in general; having them all placed on one footing, and one system of revenue pervading the Union, the resources will be brought forward with more justice and equality, with more certainty and effect, than on any other plan; and the belief that this measure will be agreeable to the people is strengthened by the idea that the States are averse to excises; without which no provision can be made (except direct taxes) to pay to the State creditors their interest; the subject has been fully discussed, and I think that we are now prepared for a decision, and I cannot but hope that we shall adopt the proposition before the Committee.

Mr. BLAND said, he had long been convinced that the proposition before the committee involved a question of the utmost importance to the peace, honor, and tranquillity of the United States—it is the gordian knot of indissoluble Union. Every plea of justice, policy, and equity loudly call upon us to adopt the measure, and whether we do or do not at the present time, cer-

tain it is the time will come when we must do it. The State creditors have an equal claim with those of the Union; but if their demands are not attended to, if they should be left without any provision for the interest on their securities, that speculation which has been so much reprobated by this House will come in upon us like a flood; the State securities will be depreciated to the lowest ebb, and the creditors reduced to total despair of ever obtaining justice from their country. He thought that every possible degree of attention had been paid to the subject; that it had been thoroughly investigated, and he hoped the committee would now come to a decision; the affirmative of the proposition should receive his hearty concurrence.

Mr. PAGE was opposed to the proposition, as it involved the necessity of direct taxes and excises—these he was afraid would serve to revive the ancient jealousies of the States; those jealousies appeared to be subsiding and dying away; but this measure will have a direct tendency to revive them; besides, it will confirm the predictions of the enemies of the Constitution, when they asserted that the General Government tended to a consolidation, and would eventually swallow up the State Governments; he added many other remarks, and wished that the proposition might be passed over.

Mr. BLAND rose to reply to some observations which had fallen from his colleague. He was surprised to find any gentleman so squeamish at this time of day on the subject of direct taxes; before the adoption of the Constitution this squeamishness might have been proper, but since the ratification, all observations of that kind appeared to be entirely out of season. It appeared to him from the first, that the adoption of the Constitution would necessarily absorb all the efficient revenue of the United States.

This being the case, in what situation will you leave the creditors of the State Governments? He then adverted to the particular merits of the State creditors, and said that the State debts were in fact the debts of the United States. He replied to sundry observations of Mr. JACKSON, who had informed the House that Georgia had called in its securities and sunk them, and said that the gentleman's account of the fate which attended the securities of the State of Georgia, was directly in favor of the assumption, for it evidently showed that the creditors of the States could not depend on receiving justice at the hands of the State Legislatures. On the whole, he observed that he had waited to hear arguments in opposition to the measure which should carry conviction to his own mind; hitherto he had not heard any such arguments, and therefore he should consider himself fully justified, on the principles he before advanced, in voting for the assumption.

Mr. PAGE made some observations in reply to Mr. BLAND, and observed that the observations he had offered were not the result of squeamishness, they were founded on facts and experience, which he thought fully justified the apprehensions he had expressed.

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Mr. SCOTT rose and said, that he was well aware that adopting the proposition would operate in favor of some States, and to the certain prejudice of others, and it would be well if a day of retribution could be fixed, that might equalize the business; but he could not look forward to that day; he feared it would never arrive; yet, under the impression that it was a great national effort, and that the State debts were incurred in the common cause of the Union, he would vote for the proposition.

Mr. LEE was opposed to the proposition, and for the following reasons: He said he did not see the necessity of insisting upon the assumption of these debts at the present moment. He had no doubt of the justice and policy of the measure, if it could be effected on equal and just principles; but if the assumption was not made on such principles, it would operate in such a manner as to countenance oppression, and disturb the public harmony. It is well known, that the exertions of the several States have been very unequal, and it is as well known that our present resources are also unequal to the public demand. Sir, we must extend our resources to make provision for the present debt of the Union. We must extend them still further if we assume the State debts; and whatever system of taxation may be proposed, it will require two or three years to bring it into any thing like an effectual operation. He thought the most eligible mode of proceeding would be to adjust the accounts first, and after such adjustment to pledge the faith of the Union that they would assume the State debts after the general account was liquidated and settled. He wished to know, whether any inconvenience could arise from pursuing a line of conduct so rational in itself? Gentlemen had asserted, and he saw no reason to doubt their assertion, that these accounts might be settled in the course of two years, in which opinion the respectable officer coincided who was the author of the proposition. No gentleman expects that the necessary resources can be provided in a less time than two years. There could be no one of information that could entertain the idea. If, then, the accounts could be settled within the time that should be allowed for the provision of the resources upon which these debts were to be funded, he asked, whether it would not be more prudent, as well as more likely to give general satisfaction, to make a provisional adoption, or pledging the faith of the Government to assume the debts at the expiration of two years? He should therefore vote against the original proposition, which, if negatived, he would then move a resolution in substance to what he had expressed.

Mr. Vining.—After the very full and able discussion which this important question has received, it is with diffidence and reluctance that I venture, especially after my long and unavoidable absence from the House, to obtrude myself at this time on the committee. When I reflect, however, that this absence has been employed in pursuit of the best information which could tend to guide and assist my judgment, I feel some relief from my

embarrassment. In viewing this subject as an abstract question of finance, and merely relative to the individual States, I confess I behold it as in some degree operating injustice, and in its effects unequal; but when I consider it in a more national point of view, as diffusive of general advantages, and favorable to, perhaps, the permanency as well as the interest of the Union, I am compelled to yield small local regards to a more enlarged and extensive policy. But in estimating those local sacrifices, I would endeavor to compare the value of the object together with the certainty of attaining it, with the consideration which is as an equivalent offered. In the present case some sacrifices are to be made at the altar of accommodation and general convenience. By the State which I have the honor to represent, those sacrifices will, in proportion, be very great. She has not only provided for the interest of her particular debt, but has made considerable progress towards the payment of its principal. This places her in a peculiar situation; and unless some modification should be ultimately made, it might be considered as somewhat oppressive and unjust. But as for this modification, as far as it regards this peculiar case, I shall wait with a firm reliance on the justice and accommodating spirit of the House, until the bill shall be introduced, when, I trust, such provision will be made as will comport with the true interest of the United States. I confess, sir, in the contemplation of this subject, so many difficulties appear on every hand, that I yet feel myself at a loss how to determine, or to what sources to apply, for safe information. I find the public mind influenced by so many causes and in such opposite directions, that it is difficult, if not impracticable, to come to a satisfactory conclusion. The opinions of intelligent individuals are equally various and fluctuating; thus situated, I feel as if I were on a precipice surrounded with imminent dangers, and where a single false step might prove fatal.

In this dilemma, continued Mr. V., all that is left me is fairly to balance, as far as my mind is able to do so, the inconveniences with the advantages on both sides, and from the result to form the best determination in my power. I believe, that on principles of strict and rigid justice, the assumption of the State debts would be inadmissible; but there are cases in politics, as well as in jurisprudence, where the *summum jus* would be politics where partial evil may be considered as universal good, and if there ever was a case of this kind, perhaps it is exhibited in the one now before the committee. I am also convinced, that a very considerable part of the debt which we are about to assume has been in many instances improvidently, in some unjustly, incurred. The Union has been charged with expenses, the benefit of which has been solely appropriated to individual States; and I sensibly feel, sir, that considerable disadvantages must necessarily arise to the meritorious and complying parts of the Union, to the benefit of those which have not been so forward. It is also a painful anticipation to me, that, by this

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measure, direct taxation may be ultimately superinduced, in order to enable us to fulfil the engagements now undertaken; but I look upon this as a speculative point, and place it, at all events, at a very distant period, and even should our apprehensions upon this subject be realized, I find great consolation from the facility of payment which such an increased circulation will immediately produce, and from a policy which I sincerely believe will contribute to the harmony of the Union.

Upon the whole, sir, as far as an imperfect consideration of this important subject will allow me to go, from the general and extensive influence which will immediately arise from the great augmentation of friends to the Government; cemented by the tie of interest; from the uniformity of regulation which will pervade your revenue system; from a contemplation also of the State debts, and the fair claim arising from thence to a general funding principle, I shall give to the resolution my concurrence.

Thus have I disclosed to the committee some of the leading ideas which have influenced my determination. The nature, the novelty, and the importance of the object, led me to consider it upon a large and national scale. My sentiments were in this view submitted to the committee. I have launched my bark on the Federal ocean, and will endeavor to steer her appointed course; and should she arrive at her destined port with her invaluable cargo safe and unhurt, I shall not regret that, in her voyage through these unexplored depths, she may have lost some small share of her rigging, which may be considered as a cheap purchase for the safety of the whole.

The committee then rose and reported progress.

WEDNESDAY, March 10.

The engrossed bill to increase the salaries of the clerks in the office of the Commissioner for settling accounts between the United States and individual States, was read the third time and passed.

Also, the engrossed bill to promote the progress of the useful arts.

PUBLIC CREDIT.

The House again went into a committee on the report of the Secretary of the Treasury, Mr. Benson in the Chair.

The first alternative in the fifth proposition was read, with the amendment proposed by Mr. Boudinot, viz:

To receive a certificate drawing an interest of six per cent. per annum, payable in ten years for the other one-third of the debt, which certificate shall be received as specie, in payment for the lands of the Western Territory.

Mr. SHERMAN observed, that if the alternative proposed by the Secretary is adopted, one-third part of the debt, principal and interest, will be extinguished; but the amendment contemplates an increase of the debt, for one-third at an interest which will in the course of ten years amount to an enormous sum. He adverted to the several

alternatives, and supposed that, among the number, every description of creditors will be satisfied. If the alternative should be adopted, he should move to strike out the twenty cents per acre; to leave the price a blank in order to wait for the report of the Secretary on the subject of the Western Territory.

Mr. Boudinot repeated his objection to the proposal of bringing such a quantity of lands to market.

Mr. FITZSIMONS said, he had wished the gentleman would have withdrawn his motion for striking out the Western Territory. He observed that the alternative proposed by the gentleman would place the creditors in a much worse situation than they would stand upon the plan of the report; the proposition of the Secretary does not involve any compulsion; if the creditors choose to take the land, they can do it; if not, they may receive their four per cent. and wait for the residue till the resources of the country are adequate to paying them. He said that the one-third of the debt, placed in the situation the gentleman proposes, will amount to upwards of forty millions in ten years; certificates issued on this plan will induce a system of speculation beyond all idea that any person can form.

Mr. Boudinot still supported his motion, and expatiated on the consequence which would result from the adoption of the alternative.

Mr. HARTLEY.—I wish not to throw unnecessary embarrassments in the way of the original motion to which the amendment under consideration is offered. But some difficulties have suggested themselves to my mind. I could wish they were obviated. If the truth is, as some gentlemen say, who advocate the resolution without the amendment, that the Western lands are sufficient to redeem one-third of the debt, why not pledge them for the redemption, and place them under the direction of officers appointed by Government to sell or dispose of them; and administer the property, instead of individuals, and let the money arising therefrom be applied to discharge the public debt. I fear that the creditor who subscribes to the redeemable fund, agreeably to the resolution, immediately puts one-third of his debt in jeopardy; or, at least, he can consider it but of small value. Few men would act for themselves and take up land, and very few cases would bear the expense of an agency. From the complexion of the report, it appears that a reduction of interest is intended; for as the redeemable alternative or proposition is rather exceptionable, for the reasons which have been given, the creditors will be obliged to subscribe to the irredeemable funds, and they will experience a loss of near five per cent., for the supposed compensation will go but a little way. Possibly Government may be charged with duplicity. The original holder, the *bona fide* purchaser, may perhaps have some reason to complain; six per cent. was promised, but one-third is reduced. I am also apprehensive that other bad consequences may follow the reduction of the interest. Interest here is at six per cent., and not a sufficient quantity of money

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to be loaned at that to supply the demand; the people will not wish to hold securities which produce so small an interest as four per cent. In Europe money can be borrowed at three per cent. Europeans will examine our funds and purchase our securities at low rates. The revenues of America will be carried to foreign countries. We may, in truth, become the tributaries of foreign citizens to a great extent, to the great injury of the agriculture, manufactures, and commerce of the United States.

These difficulties have struck me. I think, with the gentleman from Jersey, that the western lands should be pledged for the redemption of one-third of the debt, and officers should be appointed to dispose of them; and that certificates, such as are mentioned in the amendment, or somewhat similar, should be received in payment. This might perhaps be offered as a separate alternative; I am for the principle, and as the idea for the separate alternative is not fully seconded, I shall, at present informed, vote for the amendment, though I shall always hold myself open to conviction.

The committee then rose and reported progress.

THURSDAY, March 11.

PUBLIC CREDIT.

The House again went into a Committee on the Report of the Secretary of the Treasury, Mr. Benson in the Chair.

The following proposition was read:

To have the whole sum funded at an annuity, or yearly interest of four per cent., irredeemable by any payment exceeding five dollars per annum on account both of principal and interest; and to receive, as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands, as in the preceding case.

Mr. SHERMAN.—This proposition is to fund the debt at four per cent.; and if the evidences of the debt are to go out of the country, I should be in favor of having as much of it funded at that rate as possible. He thought the proposition a favorable one in this view, and he was against striking it out.

Mr. SEDGWICK.—The irredeemable quality of this proposition appears to be the chief objection in the minds of gentlemen; since it appears conceded on all hands that a strict literal compliance with the precise terms of the original contract at the present moment cannot be made, and a modification of it is the necessary result. It becomes a subject of inquiry how we shall best meet the ideas and acquiescence of the creditors, and conciliate the approbation of our constituents. In this view, holding out different alternatives appears to be a proper measure, and among those alternatives, the principle of irredeemability seems to offer itself as a means of acquiring the concurrence of a particular class of creditors; others will prefer other modes of funding their demands.

Hence the advantage, propriety, and justice of holding out various propositions; and as he was fully persuaded that the public opinion would concur in every decision which appears to be the result of calm deliberation and a thorough investigation of the state of our country and the circumstances of our constituents, he doubted not that ninety-nine out of one hundred of the public creditors would subscribe to the loan; the principle is not strictly irredeemable; it provides for the gradual extinction of the debt, and within a period which will be as short as any person can contemplate, as within the probable capacity of the country to do it.

Mr. FITZSIMONS, after premising that the several propositions appeared to depend on each other, said, with respect to the irredeemability he had his doubts. He did not think that this idea would meet the approbation of the people; on the other hand, they generally conceived that a public debt was a great public disadvantage, and would be for getting rid of the burden as soon as possible. The habitual mode of reflecting on this subject is opposed to a perpetual debt; I confess I have my difficulties respecting this principle; I could wish that the period could be shortened, so that the eventual extinction should take place as soon as the abilities of the people would admit of it.

Mr. MADISON was in favor of reducing the number of the alternatives; a simple, unembarrassed system is to be preferred.

Mr. SENEY also objected to the adoption of the several propositions as in the report; it would render the funding system complex, and introduce such a series of calculations, as to convert the whole into an intricate science, which would be above the comprehension of persons in general; and being made an object by particular persons, would give them great advantages in speculating in the funds; for these reasons he hoped the proposition would be struck out.

Mr. SHERMAN observed, that if the whole debt was in the hands of the citizens of the United States, he should think it unnecessary to introduce the irredeemable principle into the system; but as between four and five millions are in the hands of foreigners, and it is necessary that that part should be funded as well as the rest, to induce them to reloan at four per cent. and to accommodate some part of the plan to their ideas, he thought as this part of the system would not operate to the injury of the United States, he was in favor of its adoption. He thought it best that the debt should be kept in the United States as much as possible; he considered it an unfavorable circumstance to have it in the hands of foreigners; but as they were in possession of such a proportion, he was for making the best terms that we could.

Mr. PAGE repudiated different propositions; he was in favor of a plain system, commensurate to the apprehension of men of plain common understanding. He contrasted the different species of paper with different sorts of coin, and showed there was no similarity.

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Mr. WHITE.—If the irredeemable quality would be any inducement to our domestic creditors, it ought to have weight. I do not think it will; but it is said, that it will be agreeable to foreigners; it may, but in proportion as they become interested in our funds, this principle will make us tributary to them forever; with respect to our constituents, it must be acknowledged that taxes paid to extinguish a debt are always paid with most cheerfulness: so far as my experience goes, it confirms this observation. There are four millions of our debt due to one foreign nation only; the interest on which is two hundred thousand dollars annually. This irredeemable quality led me to vote against the second proposition. I have the same objection to this. The first proposition I consider a just and fair offer.

The equivalent in land is as favorable to the creditor as the circumstances of the country will admit. Twenty cents an acre for Western Territory is not too high; it is a very moderate valuation. Kentucky would sell for more than that, and ten years since the prospect there was not so favorable as that of the Western Territory.

Mr. PAGE said, that if he was a member of the British Parliament, he should rely on the calculations offered in the report, without giving them an examination; he did not doubt that they were just. The report is an ingenious performance, and does the gentleman honor who framed it. But as a member of the Legislature of the United States, he had a right to investigate critically every proposition submitted to him, and to canvass every subject with rigor. He observed that the gentleman from Massachusetts had not informed him upon the subjects of his inquiry; he had told him that the Secretary says so, and that such and such things are so, which he knew perfectly well before. He wanted to know what was the precise sum his constituents would have to pay.

The motion for striking out this proposition passed in the affirmative.

The next proposition was read.

To have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity of yearly interest of six per cent. per annum, irredeemable by any payment exceeding four dollars and two-thirds of a dollar per annum, on account both of principal and interest; and to have, at the end of ten years, twenty-six dollars and eighty-eight cents funded at the like interest and rate of redemption.

Mr. JACKSON moved to strike out the words "irredeemable by any payment exceeding four dollars and two-thirds."

In support of his motion, he observed, that the irredeemable quality, as allowed by gentlemen in favor of the resolution, was altogether for the benefit of the foreign creditor. On this principle he was opposed to it, as well as to the annuity which was calculated for the rich bankers of Paris, but by no means for the citizens of America. The former were, in general, very rich, and commonly single; they aspired to alliances with noble families who despised their

connexions, and they were too proud to marry those who were beneath their fortunes. Annuitants, therefore, answered their purpose of providing for themselves—those people, in general, caring nothing for posterity. This was not the case in America, where something more substantial would be sought after by a creditor to leave his children. He said he was induced to this digression, to show the impolicy of holding out too great a temptation to foreigners. He did not like the idea of putting it out of our power to redeem the debt, whenever the nation might be competent; and it was declared by gentleman that there were situations in which the debt ought to be irredeemable. A great deal had been said on this head, and modes had been pointed out how the debt could be redeemed, notwithstanding the express terms of the clause. This appeared to him to be a contradiction of terms. But it was said that the public were to go to market to purchase their own debts. Severe censures had been passed on private speculations deservedly; but here was an avowed one on the part of the public. He hoped that this worst kind of speculation would not be countenanced. For his part, he conceived a proceeding of this nature, however common it might be, a departure from the honor and credit of the nation; and that if this irredeemable quality was stricken out, he believed that there would be no necessity for this measure. The gentlemen who now appear so warmly to advocate the cause of the foreigners, he observed, were of different opinions on a former day, and insisted there was no difference between a foreign and domestic creditor, and that they ought all to be on an equality.

Gentlemen had given the House flattering accounts of the increase of specie, and the benefits resulting to the Continent from foreigners purchasing in our funds; but it was certain with him that this influx would prove but of momentary advantage, and that the very purchase itself would constitute a continual drain, not only of that specie with which the stock was purchased, but of the actual medium of the country. It therefore becomes our duty to keep as much of the stock as possible in the hands of our own citizens, and not to hold out too great a temptation to foreigners. The first proposition he advanced went far enough, and he was doubtful whether there existed a necessity for any other. Two-thirds of the debt was to be funded at six per cent., and the lands were to be received for the other third: these lands were the proper funds of the country, and were to be taken, as the Secretary himself advanced in his report, at a fair valuation; a dollar had been given for an acre heretofore, the price was now only twenty cents. It might be advanced that the creditors would not receive them; but this, he said, could not be done with justice, nor did he believe it would be the case. Numbers had applied, petitions were now on the table, offering to pay for those lands in the principal of the debt; no attention had been paid to them, nor was it known what amount of our debt we might sink in this way.

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He had, however, no objection to the resolution before the House, to give the creditor an option, provided the obnoxious words were stricken out; he was certain they would be disagreeable; and if, as some gentlemen had represented them, they were of no consequence, he hoped they would not be contended for.

Mr. BOURNARD was opposed to the motion; he considered the inducement, in the reduction of the capital, held out in this proposition to the creditors, a full equivalent for the irredeemable quality proposed to be given it.

Mr. AXES.—It was moved to strike out the word "irredeemable" from the proposition of the Secretary. In order to judge of the expediency of adopting the motion, it will be necessary to take an extensive view of the whole subject. It will be proper to inquire whether it is necessary to effect a new modification of the debt, what ought to be the principle and terms of it, and whether the proposed amendment is or is not consistent with them?

Why do we not provide for paying six per cent? Let us perform the contract as it was made. This has been frequently said. I answer, other terms to be agreed upon will better promote the interest of both parties.

Unquestionably the contract is binding on the Government at six per cent.; nor can any thing short of the free consent of the creditors annul or change it.

We are to exclude from the discussion all suspicion of bad faith; Government should not distrust itself, nor suppose that it is distrusted. The question turns, not on the willingness, but on the ability to pay; not merely the ability of the people, but of the Government. We are not to regard alone the vigor and efficiency of Government, for this is not to be trusted as the measure of its power to tax. For this power depends greatly on habit, and is the slowest growth of all the habits of a country. By often imposing taxes, Government may be sure of their productiveness, and in what form they can best be supported. A new tax is more grievous than an old one; for the people form their habits of living to the permanent state of things. Experience only can teach the Government what is practicable, and what is prudent; and habit not only makes public burdens less obnoxious, but less oppressive. I infer that Congress is not possessed of its entire capacity to form sufficient funds, nor of the evidence to satisfy the creditors that they will be sufficient for six per cent. The funds must be sufficient, otherwise they cannot be pledged, and known to be sufficient, otherwise they will not be trusted. We may say and believe, that the taxes will produce a sum adequate to six per cent., but it will be with a degree of doubt, and subject to contingencies equally unfriendly to the public and its creditors. Securities would fluctuate, for the doubt would be a subject of speculation. The creditors would lose much of their capital in the market, and the public would lose the use of the debt as money. Those who advocate a six per cent. provision, will please to point out the taxes

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which will ensure the payment at that rate. Straining the sources of taxation may make the product of the first year considerable; but that of the succeeding years will be impaired. Besides, is it consistent with prudence for a nation to pledge its funds to the extent of its capacity? Contingent expenses cannot be avoided. These would injure the funds, and war would totally destroy the whole system. This is doing, at best, but temporary justice to the creditors; but as the insecurity of the paper will effect the price, it will not merit even that title.

This leads to a view of the nature of this property. When the funds are sure and sufficient, the capital will rise in proportion to the rate of interest. The best condition of the paper is, when it has a fixed exchangeable value, and at the highest rate. For then the holder can dispose of it at pleasure, and without loss. He has no occasion to desire the public to pay off the loan, as he can get his money more conveniently at the time and in the place he may choose by selling at market. The paper is as good as the money lent. He may therefore be said to every useful purpose to keep his property while he is paid for lending. This is better and safer than private debts, and this is the natural state of public credit, and something must be found wrong where it is not so fixed. It is the interest of the creditors to concur with Government in the means which will bring it to this desirable point. What are those means?

The Secretary has offered several proposals. Will these, or an adherence to the original contract, in exclusion of them, best promote the object?

One of the primary means proposed by the Secretary is funding the debt. Perhaps the strict claims of the creditors could not be extended beyond annual grants. But policy and liberal justice forbid the measure. Where this has been tried in some of the States, the securities have not risen above six shillings and eight pence in the pound. I do not pretend that Government suffers any damage by funding; but the contrary. The creditors, however, acquire a new right and a valuable interest in the funds. For the appropriation is selling or mortgaging the public revenues, and making them private property. It is the delivery of a pawn for the security of the debt.

The great operation, however, to give permanency and value to this pledge, and in a sense to insure the funds against adverse contingencies, is the establishment of a sinking fund. It cannot be the interest of the creditors to receive perpetual annuities at any rate of interest which shall exclude this provision. For in that case, six, and possibly even ten per cent. would give them a bad bargain. In proportion as the rate of interest is raised, the securities ought to rise, but as the risk of a failure of payment is increased even more than in proportion to the rise of interest, it is scarcely to be doubted that the securities would sink below the value which they will acquire by the proposed loan. It will be proper to ask here, will any gentleman affirm with confidence that a sufficient and sure

provision can be made at six per cent. Will he go further, and designate adequate and proper subjects of taxation to insure the payment? No gentleman has yet attempted this task, nor do I believe that it can be done with any prudence. But even this task if accomplished by the advocates of six per cent. will not be sufficient. They must proceed and furnish a surplus revenue as a sinking fund. In proportion as the rate of interest is raised, the provision for it becomes hazardous; and in the degree that it is so, the sinking fund must be made more ample to secure it. It will be safe to rest the argument on this point, and to insist that as no evidence is offered to show that funds adequate to these objects can be provided, the interest of the public and its creditors equally forbids a dependence upon them. The sinking fund is an indispensable part of every system; it secures the capital loaned as well as the interest; for every million that shall be paid off will make the residue more safe. If the whole debt was reduced from eighty millions to eight, it could scarcely be so mismanaged as to want credit. The sinking fund will be constantly operating to bring it to that point. It is also a security against the danger arising from an increase of public expense; it will also prevent great fluctuation in the value of the paper; for when it shall be cheapest, the purchases of Government will raise it in the market. Again, in our country, the quantity of money and other active property is not in proportion to real estate; a great national debt, when brought to market, may exceed the demand. The purchases of Government will bring the demand to an equality with the stock offered for sale. Suppose the amount of money annually employed in buying up the public paper to be five millions; the discount is now sixty per cent., paper being at eight shillings in the pound. If Government could throw into the market one million for the like purpose, it would increase the demand twenty-five per cent.; and the same money when in circulation may be calculated to be in part at least employed by individuals for the purchase of securities, which would further increase the demand. Perhaps the single operation of a sinking fund may be calculated to diminish the present discount one-half.

There is no subject so purely artificial as the science of public debts; whether I have assumed false principles, and drawn fanciful conclusions from them, will appear by resorting to facts. Great Britain has repeatedly changed the form of her debt. George I. was scarcely seated on the throne before a rebellion broke out. This was suppressed, but doubts remained in regard to his title to the throne, and of the ability of the public to pay its creditors. To put the public credit on a stable basis, the Parliament proposed a new loan of the debt, amounting to more than thirty millions sterling at a reduced interest of four per cent. The South Sea Company were authorized to buy up the debts, or to suffer the creditors to take shares of the South Sea stock. This act passed in 1719, and the famous South Sea bubble happened the next year.

A still greater operation of the like kind was accomplished in 1749; and the interest on a debt near double the amount of the former (fifty-seven millions) was reduced from four to three per cent. The war of 1741, which was ended in 1748 by the peace of Aix la Chapelle, had greatly increased the public burdens. It was proposed to pay the former interest till the end of 1750, then three and a half till the end of 1757, and after that time three per cent. It will seem strange that the creditors should voluntarily accept a less rate of interest. We are well informed, however, that they consented to it for the sake of the increased security of the capital, and the stipulated interest; for by the saving of interest the sinking fund was increased; the conduct of creditors would be unintelligible otherwise; for as the interest was funded before, and regularly paid, the only motive to be discerned for consenting to the reduction is what has just been assigned. The sinking fund has been called the last hope of the nation, and the misapplication of it has been the subject of great complaint; and it may be demanded, was not this reasoning of the creditors just? For if the public revenue had stood charged to the extent of what it could produce, would not the credit of the debt have rested upon a very unsound basis? Britain had been frequently engaged in wars for extending commerce, or establishing the balance of power; and the unsuccessful war of 1741 had ended in a precarious state of armed peace. Unless the nation could be relieved so far as to prepare for new wars, the creditors foresaw the failure of the public faith.

I shall be told that the proposal of a new loan is not to be defended unless the terms are fair and free; and that, in the instances alluded to, Great Britain offered a new loan in one hand, and the money to redeem the debt in the other. Every thing regarding the public faith is so important as to be entitled to a full examination. The first capital operation of the reduction of interest was in 1719. Was the offer to pay off the creditors made at the same time with the offer to pay four per cent.? It seems to be understood that the creditors were threatened, in case they should refuse to accept the reduced interest, with being compelled to receive their capital. This, however, is not true; no offer to pay off the capital was then made; the South Sea Company was expressly authorized to pay off the debts, or so many of them at a time as they, in regard to their own circumstances and ability, should think fit. Accordingly, the fact corresponded with the authority; and nothing but the stock of the Company was offered in payment for about five-sixths of the debt. It is true indeed that the stock sold at a great advance, and therefore was better than money; but it is also true, that the Company took advantage of the rise of stock to the utmost, and at the rate of three hundred and seventy-five per cent. except for about one-sixth part, which they offered to pay in money and their own bonds; but as stock continued to rise, they made new offers at five hundred per cent., and near two-thirds of the debt was subscribed in a few days; they

afterwards renewed the offer, but at eight hundred per cent. It was provided in the act of Parliament, that the debts not subscribed or paid off, should remain upon their former footing, and not that the creditors should have their capital re-deemed. But a circumstance absolutely conclusive against the reasoning urged in objection is, that the half of the debt was irredeemable, and of course the creditors were not liable to the threats of Government, that on refusing the new loan they should be paid off. They had nothing to fear on that score, and of course could not regard any motive but the advantage in point of greater security which had been insisted on already.

In 1749, the fact is equally against the argument in question. There was not any offer on the part of Government to pay off the creditors; indeed a second act was made extending the term within which the creditors might subscribe to the new loan. But so far from paying them off, the terms were made harder against them, and the reduction to three per cent. was appointed to a period two years earlier, 1755. In a third act it cannot be denied that means were used to pay off the non-subscribers. But the unsubscribed debt was then reduced to the moderate sum of one million and thirteen thousand pounds; and the bank was empowered to pay off that sum. The King, the Lords, and the Commons, speak of this transaction as highly beneficial to the nation, and not including the least violation of the public faith. Accordingly, the bills passed by large majorities, and with a great degree of popularity with the nation.

I am surprised that the opinion should have been so readily admitted, that such an offer ought to be made, or that it could be carried into execution. Could Britain have paid off seventy millions sterling? The existence of a national debt is proof that she could not. A nation that can pay the capital would not pay the interest. It is so far from being true that Britain could pay off her debt, that all Europe could not do it. America is at this moment more able to pay off than Britain, for two reasons; her debt is not so great, and the rate of interest is higher, so that she might procure new loans on better terms in Europe.

I cannot discern the obligation arising from the justice or reason of the case, to pay off on the refusal of the terms. I should suppose that if new terms were not to be approved, the old contract should continue; and that is precisely the language of the British statutes. It does no injury to the creditors to propose to mend their condition; the offer, if refused, leaves the parties on the former footing. When it was urged therefore that Government ought to offer payment when new terms are offered, am I not at liberty to affirm that this opinion is not warranted by history, nor practicable in itself, nor required by the reason and justice of the case?

It is admitted, however, that the terms ought to be fair and free; are these proposed by the Secretary such, and will they give the highest value and most fixed quality to the debt? On some of

the terms full payment is offered to such as may prefer land, on others an equivalent. Whether this offer is or is not an equivalent, remains to be inquired. The debt is offered to be made irredeemable, except at the rate of one per cent. Government agrees to forego the advantage of the fall of interest. In times of war and calamity, nations are obliged to pay a high interest; but when peace and commerce have reduced the rate of interest, they are enabled, by new loans, to reduce the debt to its proper standard. It is now peace, and Government may fairly offer to make the debt irredeemable at the due rate of interest. This is what the Secretary proposes. The question, however, recurs, is this arrangement beneficial to the creditor, and in what degree is it so?

It is urged that the creditors are rather disposed to consider the redemption of the debt as a desirable thing. They wish to get their money. How then, it is demanded, can the irredeemable quality of the debt be considered as a subject of compensation and advantage to the creditor? However paradoxical it may seem, all that is just stated may be conceded, and yet the irredeemable quality of the debt may be highly beneficial to the creditor. A compendious proof of this may be found in this way: Suppose that the proposal was made to make the debt irredeemable at six per cent. interest. The burden upon the public would be manifestly unreasonable, and the advantage to the creditor equally so; and for this plain reason the public would be restrained from taking advantage of the fall of interest in this country, or of the present low rate in Europe. Making the debt redeemable will not redeem it, nor will it be of any use to the creditor. If six per cent. irredeemable would be a hard bargain to the public, will the like stipulation at a less rate of interest prove mutually beneficial? This is a question for the public, on deliberation, to propose, and the creditors freely to decide.

It is necessary to premise that the Secretary has founded his report upon these two principles. On the idea that the entire mass of the debt constitutes a burden, which it is inconvenient to bear at once, he has proposed to divide it into two portions. The first portion of two-thirds is to be provided for at six per cent.; the other third is to be taken up after the period of ten years, when our strength may be equal to bearing it; and this postponement is proposed upon terms favorable to both parties. It is favorable to the public: first, because it relieves the public from the pressure of the present necessity; and secondly, the debt to be funded is nineteen per cent. less than the present debt; that is, the public receive one hundred dollars, and in consideration of the irredeemable quality stipulated in the loan, is burdened only with providing for eighty-one dollars. The amount of the nineteen per cent. upon the entire domestic debt is near thirteen millions.

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ter. It will be said the public, it is true, will gain; but it gains too much, it is a dishonest as well as an enormous gain, which is extorted from the creditor.

I respect this objection, and will endeavor, with proper candor, to obviate its force; and this will lead me to the second principle of the Secretary, that the reduction of the market rate of interest will make good to the creditor the release of nineteen per cent. of the capital loaned.

This question is submitted to the security holders. Is it better for you to receive a less rate of interest on the terms of receiving it a longer time, or a higher rate for less time? We propose to pay longer on condition of paying less yearly. Supposing the funds to be sure; the value of the capital will be regulated by the rate of interest. As interest falls, the capital will rise; if in five years interest should fall to five per cent., and in fifteen more to four per cent. the creditor will be compensated. The grounds of this reduction of interest are to be examined.

It is made probable by facts. Before the war interest was at the rate of five per cent. in the eastern part of America; then things were in their natural state, and as soon as the violent causes which have disturbed their equipoise have ceased to act, they will return to it. This is the more to be expected, as the rate of interest in Europe is low, and becoming still lower. Trade is still extending itself; wealth continues to increase; the surplus property which the owner cannot employ is offered on loan to those who can, and the market is more and more overstocked with the quantity. Precisely the contrary has happened in this country; a great part of our active property was destroyed by the war; but most evils tend to their own cure. Supposing a safe and firm Government, the high rate of interest here naturally tends to draw the surplus capital from Europe, it will find its level; peace is diligently repairing the waste of war. I turn with pleasure from this barren disquisition to a scene that is interesting to our philanthropy as well as to our patriotism. My heart glows while I think of the contrast between the situation of this country in 1786 and now in 1790. No country ever made a more rapid progress towards opulence. Wherever we look, industry is working miracles, we may doubt whether interest will not fall even further than is calculated. Probably trade will not bear an interest so high as six per cent.; and the person who borrows must, after paying the interest, reserve a profit; and when few are disposed to borrow, many will be ready to lend, and interest will fall.

But a debt funded, as it is proposed, will be safer and more eligible than any private debts. Four per cent. from Government will be nearly equal to six from individuals; and a debt so funded will itself reduce the rate of interest. For even if it should be all sold to foreigners, they will pay the value, and the property paid will increase the common stock and lower interest.

The debt is to be considered, when funded, as an increase of active capital. We have been

often told that a public debt is not a blessing, but an evil. We are not to compare a debt with no debt; for it is a desirable thing to be free from debt; but the debt is already contracted, and we are to compare an unfunded fluctuating debt with a funded debt. Such a debt as the latter may be comparatively a blessing, for it makes the capital transferable as well as the income. We have but a small share of personal property; but this will make the very land and houses circulate. It is true it is an artificial capital, formed by a charge upon every other capital, but it is also true, that it is formed by small savings in expense, and if the taxes were not to be laid, there would not be an increase of wealth at the end of a year equal to the debt or the interest of it. A single cent in the price of an article cannot be said to impoverish the people, or to restrain them from enjoying their usual habits of living. Indeed it may tend in some degree to prevent excess, and to promote frugality, which will enrich the people. But at the end of the year these almost imperceptible sums, by their union into one mass, acquire a new power. The whole may be said to have properties which did not belong to the separate parts. The active circulation promoted by the debt will, in a considerable degree, compensate the burden of paying taxes. Those whose property is increased by possessing the debt will become greater consumers in proportion, and contribute largely to the revenue.

Another circumstance ought to be regarded: foreigners will be led to think the Government safe when they think the funds so. Many will follow the property and come to live among us. Whether the advantages of a funded debt will balance the burden of having one is a question of mere speculation. We have a debt, and must provide for it. It cannot be denied, however, that these advantages will be considerable, and that tend to reduce the rate of interest. Such a reduction actually took place in England after the establishment of public credit. In about five years after 1693, interest fell from eight and ten per cent. to five.

Whether interest will or will not fall in the degree that the Secretary expects is a matter of fair calculation. Taking the reasons together which have been offered to evince the affirmative, there cannot be any impropriety in proposing to the creditors to consent to an arrangement which promises them such solid advantage.

Let this advantage be computed—eighty-one dollars are to be funded at six per cent. This is nearly £4 17s. 8d. per cent. The irredeemable quality of the debt may well be reckoned equal to one per cent. It will be worth near that to foreigners. Add to this, interest is to be paid quarterly. This is not only convenient, but actually makes some increase of the rate of interest.

The question may very properly be proposed to the creditors. Is this a fair equivalent? Is this as good as six per cent.? Nay, is it not better for them? Their debt is to be funded; revenues to be mortgaged for the interest; Government agrees to continue paying, though interest should fall,

and to provide a sinking fund to insure these advantages. Nor can it be said that the loan is forced, for Government being at present in a condition to pay only four per cent., offers it equally to subscribers and non-subscribers. This also removes the pretext that advantage is taken of their necessities.

Was any relapse ever proposed in any country on terms more fair and beneficial to the creditors? We have examined the facts relating to the English funds. Their creditors sacrificed more, and for less. Of all the modifications of a public debt with which we are acquainted, is there one less exceptionable than that proposed by the Secretary?

However artificial this reasoning may appear, it is no longer considered as strange and visionary in Europe. In this transaction, Government is to accommodate its proposals to the ideas which experience has established in other countries. I will not deny that I should have preferred a simple six per cent. proposition, redeemable at the pleasure of Government. But we have seen the expediency of that measure.

Upon the whole, I submit it to the candid judgment of the committee whether if a Congress of debtors only should legislate, they could, with justice, or even policy, secure greater advantages to the nation; or whether a Congress of creditors only could, with any degree of prudence, provide better for themselves?

Mr. Jackson observed that he should not follow the gentleman (Mr. Ames) through the long tract of history which he has entered into; although he would hint to the gentleman that the history of Great Britain, which had been so much objected to on former occasions, seemed, as it suited the gentleman's purposes, to be the best authority now. But he rose to answer some of the arguments he had adduced.

The gentleman had quoted the situation of Great Britain in the year 1719, and had shown that she cleared off full one-half of her national debt, and could have cleared the other also, if she had not been prevented by its irredeemable quality. I will appeal to the gentleman himself, if this is not the strongest reason for striking out the words, and if his argument (as he could wish it) is not totally inadmissible.

He has likewise pointed out to us the flattering prospects and flourishing situation of the country; such, indeed, as no other nation ever possessed; and has produced the amazing increase of resources which America has derived from the year 1786 to the present time. Sir, this argument is the strongest evidence for the motion I have the honor to make you, and is the most forcible reason why we should not tie our hands up from redeeming our debt. From the gentleman's description, we may be able to get rid of it in a very few years; and shall we prevent our having the power of doing so? He trusted not.

The irredeemable quality, he found from the gentleman, was to prevent the public from paying off the principal, if the rate of interest should so fall as to make the capital of greater value. As

for instance, if the national rate of interest fell to three per cent. that the public should pay the advance, which would be twenty-five per cent., and, of course, that sum was to be paid for every £100 principal. This was what he could not consent to. The public had contracted a debt, and he wished them honestly and fairly to pay the amount of it. He was not for depreciating that debt; but at the same time he was not for appreciating it beyond its real value. He wished that the honor of the nation might be preserved; that every shilling might be provided for, but not a shilling more.

It had been advanced, that by this quality a part of the principal would be sunk, and that if the motion took place this would not be the case. Mr. J. here observed, that the country would not be injured by the motion he had made, nor by the raising the interest to six per cent. He wished it done for the honor and faith of the nation—it was agreeable to the original contract. He had before shown, that, as the resolution was now worded, it was altogether for the benefit of the foreign creditor, and that it would prove a pernicious drain to our specie; that the lowering the interest would add to that drain, and that therefore, it was a disadvantage. The common rate of interest in the Southern States is eight per cent. If the interest of the debt was reduced to four, would any man in those States hold stock at that rate? Would they not altogether sell out, even at a loss, and loan their moneys to individuals at eight per cent., and regain their capital? It would be a natural consequence: and there would be no holder of stock in those parts. The securities would either go into the hands of foreigners, or be purchased up in the Northern States. It was therefore clearly in the interest of America to raise the principal and interest agreeably to the contract, to keep as much within the States as possible, and, to make the burden agreeable, to have it divided and dispersed generally among our own citizens.

The gentleman had said, that foreigners would follow their property into this country. This he could not agree to. The characters which would purchase were generally the brokers he had alluded to, who lived on their interest, without regarding their posterity; they were chiefly superannuated, and well settled, and of course would not be for a change of situation; but if they did, the evil would still remain, and the securities would soon find their way to foreign countries again. The settlers here would experience it to be their interest to place their money in a more active capacity, and the same rate of interest would be the same inducement to other foreigners to purchase.

The gentleman had asked if it was the intention to oblige the public to pay compound interest? He would answer him, no. It was an opinion held out, where persons might not prefer our Western lands. It would show creditors that Congress provided for them as much as lay in their compass at present, and that the remainder would be provided for whenever the United States had it in their power. If he did not understand the

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Public Credit.

[MARCH, 1790.]

original proposition, he begged to be set right; but as he understood it, the present motion would leave the proposition, on the head of interest, as it found it; the principal only would be raised to its nominal amount.

The motion, he contended, was just to our creditors, and complied with our engagements, it was just to ourselves. He hoped the committee would view the word "irredeemable" as he did, and as he was convinced our fellow-citizens would view it, as obnoxious and impolitic. He would beg the committee again to attend to the first argument he had noticed of the gentleman, (Mr. Ames,) that Great Britain, in the year 1719, might have sunk all her debt, but for this very tie which we were about to impose upon ourselves.

Mr. Manion could not admit some of the doctrines of the gentleman, nor some of the conclusions drawn from others. The proposed modifications, however veiled or varnished by ourselves, could not be reconciled with the tenor of the public engagements, and must rest for their justification with the world on the circumstances of the country. The British example adverted to was not applicable. The creditors there, by refusing to subscribe to the new loan, remained in possession of their stipulated interest. It was but to let the transaction speak its true meaning; as it was decided to be the sense of the committee that the public circumstances required that the debt should be modified, the only questions left must relate to the form and words of the modification to be proposed. He wished to simplify the debt as much as possible, and should therefore agree to strike out the clause restraining the right of redemption to the rate of four dollars and a fraction per annum, in order to authorize the Government to pay it off at the rate of ten dollars per annum, as suggested by another gentleman from Massachusetts. If this be done, it would be proper to adjust the sum to be funded at the end of ten years, to the change made in the irredeemable term. The gentleman had drawn a pleasing, and, he hoped, a true picture of the growing prosperity of this country. But what would result from it? Not that the debt should be perpetuated; but that we should be able to begin a reduction of the principal, and ought not therefore to throw away the right to do so.

The Committee then rose and reported progress.

FRIDAY, March 12.

PUBLIC CREDIT.

The House again went into a Committee on the report of the Secretary of the Treasury, Mr. Benson in the Chair.

The third proposition was again read.

Mr. Lee moved that this proposition be rejected. Mr. Fitzsimons observed, that if this is struck out, all idea of offering an alternative to the creditors is abandoned. He wished to inquire whether that was the mind of the committee. For,

if this is struck out, the creditors must receive the two-thirds at six per cent., and the residue in land.

Mr. Lee said, that having made provision for the debt to the extent of our abilities, he thought there was no obligation to attempt to do more; and, being in favor of a simple plan of finance, he was opposed to increasing the propositions on which it is to be funded.

Mr. Senewick observed, that to an inhabitant of Virginia, the plan of paying one-third of the debt in lands was an object of great consequence. But to those of the Middle and Northern States, this would prove a very inconsiderable inducement to subscribe to the loans. Upon terms of justice and equality, he therefore contended that the different alternatives ought to be held out to the inhabitants of the United States.

Mr. Stone was in favor of the motion. He anticipated foreigners becoming proprietors of our funds as an evil to be greatly deprecated. The settlement of the Western Territory by our own citizens is a desirable event; from this source we have always expected to derive the means of sinking a great proportion of our debt; and by confining the creditors to one object, we shall greatly interest the citizens of all the States. If we hold out different alternatives, we shall probably deprive ourselves of the advantage of making sale of any of our Western Territory.

Mr. Sherman was opposed to the motion. He thought it wise and just to hold out different propositions. He differed with Mr. Senewick. He thought the lands would be an object with the New England people. They are addicted to emigration as much as any part of the Union. He was for shortening the period for redemption; but hoped that the proposition would not be rejected altogether.

Mr. Fitzsimons advocated the proposition, and entered into a particular consideration of the advantages which would result in the present circumstances of the country from foreigners purchasing our debt, provided they gave a full equivalent for it. The advantage of the cash which would thereby be brought into the country would more than counterbalance the payment of interest for many years to come.

The motion for rejecting the proposition being put, it was negatived.

The question then was on the amendment proposed by Mr. Jackson for striking out what relates to irredeemability.

Mr. Tucker, in a series of calculations upon certain principles, attempted to show that the irredeemable quality would greatly enhance the debts of the United States.

Mr. Lawrence replied to Mr. Tucker, and showed that the gentleman's plan would greatly enhance the amount of the debt; whereas the Secretary's report demonstratively provides for lessening it. He agreed with the gentleman from Maryland, that we ought to do the best for our creditors; but did not think that making them only one offer, and that the one already agreed to, was doing the best we can. He mentioned the

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Public Credit.

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existing resources of the country, and the obligations we are under to exert ourselves upon that idea. He showed the advantage of the speculation of foreigners, and that it ought to be encouraged.

Mr. Manion said, that foreigners speculating in our funds would induce a spirit of luxury. That the pernicious consequences of credit had been severely felt; that our experience did not justify the supposition that an influx of active property, or money, would be employed in agricultural improvements. He did not think that, if a medium to the amount of one-fourth of the value of all the property in the United States was to be thrown into circulation, that any more land would be cultivated.

Mr. Goodhue said, that, if by retaining words, any advantage can be derived, there can be no doubt with gentlemen as to the eligibility of retaining them. He thought it had been demonstrated that advantages would result from this irredeemable quality.

Several other gentlemen spoke on the occasion. The motion was lost.

The committee then rose and reported progress.

SATURDAY, March 13.

PUBLIC CREDIT.

The House again went into a committee on the report of the Secretary of the Treasury, Mr. Benson in the Chair.

The Chairman of the Committee having read the resolve, "That immediate provision ought to be made for the present debt of the United States," &c.

Mr. Ames.—The word irredeemable is made the subject of objection. It is said to convey a disagreeable idea, and to tend to excite popular prejudice against the debt as it implies that the public agrees to be saddled with a perpetual burden of debt. In a land of ignorance, where the people are not in the habit, and have not the capacity to reason, it may be proper to pay regard to this objection. I have too much reverence for the sober thinking people whom we represent, to believe that the mere sound of this word will work mischief, when their own inquiries will convince them that the substance is not only unexceptionable, but highly beneficial.

Making the debt redeemable will not redeem it. It puts not a farthing in the creditor's pocket. Making it irredeemable is no restraint upon the present or probable capacity of the public to redeem. It will not prolong the evil of a public debt a single day, but rather the contrary. All the money that can be provided for paying off the debt may still be employed for the purpose, though the irredeemable quality should remain.

The proposal to make the debt irredeemable is founded on the supposed gradual reduction of interest. But until the reduction has actually happened in a shorter period, or in a greater degree than is calculated, the paper will not bear a higher price than one hundred per cent. While the debt

is at par, or below par, the creditors will not refuse to receive their money. The public has also the right to redeem at the rate of one per cent. against their will. But the value will not rise to par while the rate of interest keeps up. The Government will therefore have full employment for all its surplus revenue to buy up the paper at a discount. Surely the public will not squander the public money to redeem the debt at par, when it is to be purchased at a discount. The latter is even more advantageous to the creditors. Buying at the market price, in fact, raises the price, and benefits those who do not sell. The greater the discount, the more paper a given sum will buy, and take out of the market. This not only raises the price, but increases the security of the unsold part. In these three ways, there is full exercise for the power of redemption, nor can it be supposed that the redeemable quality of the debt will increase the capacity of the public to redeem, or shorten the duration of the debt. The contrary may be proved by attending to these facts.

The Government, in consideration of making the debt irredeemable, is allowed nineteen per cent.; one hundred dollars are to be lent, and eighty-one only to be funded. The aggregate of the sums saved to the public by this nineteen per cent. is near thirteen millions. The public is therefore paid beforehand for not redeeming. The right renounced is valuable to the creditors, as it has been formerly shown, but of no value to the public. For the right to redeem is worth nothing, if the public has not the means to redeem; and if money can be found, it appears that it can be better employed to buy up the debt than to pay it off. The capacity of the public is laid under no restraint. So far from it, thirteen millions will be already redeemed. Perhaps in a dozen years the public would not pay off that amount; and if it should prove able, it will have twenty years, according to the principles of the report, to buy stock on better terms than paying it off. Those who say we can redeem faster, and will not be satisfied with the argument I have just urged, will please to remember that by making the entire debt redeemable, we shall have more to redeem; with an imaginary increase of the power, will be an actual increase of the task to be performed. But will any one soberly assert, that the public will probably have the command of more money than it can find persons willing to accept for their stock; and unless this is asserted and really believed, I am sure the word irredeemable will not be struck out.

If, then, it is no burden to the public, is it any disadvantage to the creditor? If the debt is below par, the public will buy stock, and will not pay off the capital. If at par, the creditor will not thank Government to do what he may get any individual, and in every great town, to do. If the debt should sell for more than par, it would be a loss to receive a less sum than the market price. This, indeed is not to be speedily expected. In every view of the subject the advantage to the creditor of making the debt redeemable is merely delusive.

Still it will be asked, if no good will flow from striking out this word, will any result from retaining it?

What is our object? To establish public credit—and that is found when the stock will sell at par. The price of stock will depend upon the quantity offered to sale, and the demand.

In order to raise the price, we must provide means therefor to increase the demand; our own market for stock is a limited one; our citizens possess little money property, and that little is fully employed in active pursuits, and bears an higher interest than Government proposes to give; we cannot expect that a poor market will give credit to a great debt; we must regard the great market—the trading and moneyed world. To qualify the stock for the great European market, it must be made irredeemable; interest is low in Europe and high in America, but even a higher interest than six per cent. would not compensate the European, if the property purchased want permanency. For if he has six per cent. for one or two years only, the charge of insurance, agency, &c., would reduce the net profit of his money below what he could get for it in Europe, where it would be under his eye, and subject to his control. You must give him a kind of estate, a freehold in the funds; for so long as he fears that you will borrow money and pay off his debt, after he has received interest a year or two, he will not buy stock at par. He will not deal in property which will yield a good interest, but of uncertain duration. If the debt should pass at par, it will be easy to borrow money in Europe, because the price will be a proof of the good state of our credit, and nothing but credit is wanting to enable us to borrow abroad. In proportion as it may be easy for us to borrow on better terms than six per cent. the buyers will have more cause to consider the debt as an improper subject of their permanent arrangements. The reasons already urged will evince, that if there should be a disinclination abroad to possess our stock, it will be liable to a reduction of value.

It is urged that the debt, if it shall be sold to foreigners, will be a drain of our wealth to foreign countries. This merits examination. I have already endeavored to show that the debt, if not deemed, will pass below par. A great discount will hold out the strongest inducements to foreigners to purchase; they will buy more and for less; the discount will fully compensate the redemption, and this discount will be so much loss to the country. If, then, the drain of our wealth to pay interest to foreigners is an evil, this will aggravate the evil.

More will go out of the country, and less will be brought in to pay for it; we cannot help foreigners dealing in our funds. While our debt has any value, those who can best afford to run risks will deal in it. But if they will buy it, let us prevent their getting it for a trifle; let us make them pay for it. If they buy at par or near it, it may be questioned whether their purchases will

be injurious; banish all doubts of your funds, and the sales will regulate themselves; when our citizens can better spare the property to buy stock than foreigners, they will buy it. It is bringing matters to the test of experience, whether the money can be employed more usefully in that or some other way. If a man can get more for his money than stock yields, it seems to be the interest of the nation to import money at four per cent. and employ it own at a higher rate. This is rather making a drain of foreign property into our country than the contrary. It is not to be forgotten that in the competition between American and foreign purchasers, the former will constantly have the advantage—for the latter, as has been before mentioned, will have agency and other charges to pay. We may expect, therefore, that the property paid by foreigners for our stock will yield a greater profit, and be more usefully employed in the country than the stock itself. It is true, that interest will be paid to strangers; but it is deducible from the principles which I have endeavored to establish, that the property paid by them for stock, will yield a profit more than sufficient to pay it—in that case, as a nation, we shall gain. It is probable, too, that a great portion of the interest money due to foreigners will be stopped in the country to buy articles, as these will bear an advantage in Europe; but money will be subject to the deductions of insurance and other charges.

If the purchase of stock by foreigners should, however, still be considered as injurious, let it be repeated that the motion in debate furnishes no remedy for the evil; for the greater the discount, the more they will purchase. We cannot prevent their buying; all that remains for us to do is, to oblige them to pay for what they purchase by giving a fixed and high value to the debt. This, we are told, will swell the wealth of stockjobbers. Those who make a science of speculation are gainers by the fluctuating state of funds. To banish speculation, give as certain a value as possible to your stock. My own belief is, that these things will be found necessary to effect this object—a national bank, an ample sinking fund, and considerable sales of stock to foreigners. It is allowed that the irredeemable quality of stock fits it for the last purpose, and as the nation is well paid for it by the nineteen per cent. on the capital, and will gain more as the stock shall sell for more; as it lays no restraint upon the application of all its surplus revenue to extinguish the debt, and will not increase the supposed evil of sales of stock to foreigners, and as it will prove mutually beneficial to the nation and its creditors, it is my desire that the word irredeemable may not be stricken out.

Mr. GERRY observed, that he should have risen before this proposition was read, had he not supposed that the gentleman from Pennsylvania (Mr. FITZSIMONS) intended to bring forward his motion for filling up the blanks left in the proposition which was considered yesterday, he having informed the committee that he proposed to make his motion in the House. Mr. G. said, that as

many gentlemen appeared to be satisfied that the propositions for modifying the debt would be acceptable to the creditors, and he entertained a different opinion, he hoped for the indulgence of the committee whilst he submitted his reasons for differing from them. He considered this part of the Secretary's plan as the most important of the whole: it is the essence of the funding system; the pivot on which will depend the equilibrium of public credit. He had always conceived that public credit was indispensable to our national existence under any form of Government, and being in favor of the Secretary's plan in general, he should give it every support in his power; but not thinking it perfect, he expressed a wish that its defects might be cured.

The Secretary, said Mr. G., lays it down as a maxim, and I think it cannot be contested, "that the maintenance of public credit can only be effected by good faith, and a punctual performance of contracts." Let us inquire what is the existing contract between the United States and their creditors, in what manner it has been complied with, and how far it is now in the power of Congress to do them justice.

The contract, it is well known, is to pay the principal of the debt in specie, with an interest of six per cent. per annum. The principal, indeed, of part of the debt, being payable in three years after it was contracted, is now due; but this class of the creditors will probably be satisfied with the provision to be made for the others.

And in what manner has the contract been complied with? A small part of the interest has been paid by bills of exchange on France, and the residue has been paid in depreciated paper, or is now due to the creditors.

He then inquired, how far it is in the power of Congress to do justice to the creditors? This point, he said, had never been ascertained; but we now intend to propose to the subscribing creditors, to fund two-thirds of the debt at six per cent. redeemable at the pleasure of Congress, and to pay the other third in Western lands; or in a stipulated degree, and to fund in ten years a sum not yet ascertained to be an equivalent. The surplus of the funds, if any, is to be applied to the payment of the interest due to non-subscribers, so as not to exceed four per cent., agreeably to the proposition of the Secretary. Is this securing, or is it doing all we can to secure to the creditors a compliance with the terms of the contract? I conceive it is neither.

That the propositions do not secure such a compliance is evident at first blush; for who would give as much for one hundred dollars, two-thirds of which shall be funded in one of the modes proposed, and the other third payable in lands, or in an equivalent to be funded ten years hence, as for one hundred dollars funded at six per cent. per annum, and redeemable at the pleasure of Congress? No man of common understanding, as I think, will hereafter appear.

That the making such proposals is not doing all we can to secure such a compliance, is, I think, equally evident.

Some gentlemen have declared, that they have no idea of the ability of Government to fulfil the contract, and that the creditors have abandoned an expectation of receiving either the whole of the principal or of the interest that is due to them. What evidence have we of this? If we may judge from the justice of their claims, from their urgency and impatience, and from the petitions of the creditors, they expect the whole of their principal and interest; but if they do not, will it not be evident that they consider the nation in a state of bankruptcy? And is it not our duty to convince them, and all the world, of our ability and disposition to pay our debts, by doing the strictest justice to our creditors.

If gentlemen have no idea of the ability of Government to do this, they must either despair of resources, or of the support of the people in drawing them forth; and if the former, is it not our duty, and will it not be more honorable to apply the resources as far as they will go to the discharge of the debt, and to depend on our increasing population, commerce, husbandry, and manufactures, and also on the Western Territory, for an increase of means, rather than to declare a national bankruptcy? This, like Pandora's box, would be pregnant with every evil; would shake the Government to its foundation, and endanger our national independence. But why, if they despair of resources, do gentlemen resolve to make adequate provision for fulfilling our engagements with foreigners? Are we, in cases of exigency, to rest the support of our Government on foreigners, or on our own citizens? If the latter, will they ever trust us after such a partiality to foreigners? Are not the debts contracted with our citizens as justly due as those of the other description? If we ought to make a discrimination, ought it not, on principles of policy, to be in favor of our own citizens? May not our national existence depend on our credit with them? I am not, however, in any event, for making such a distinction; for, in case of a bankruptcy, I should be in favor of equal justice to every creditor. But why this despondency? Shall we not, by despairing, or even doubting of our ability to support public credit, materially injure it? Shall we not be censured for want of firmness? Shall we not be responsible for having thus despaired of the Commonwealth? and, what is worse, for having despaired without cause?

Have we attended to our resources? Have we an adequate idea of them, and of the demands of Government? By the Secretary's report it appears that the whole amount of the foreign debt and interest, and of the domestic debt, liquidated and unliquidated, and interest, including the State debts, is \$79,124,464 56. That there will be annually requisite

For the interest of the foreign debt, - \$542,599 66
For the interest of the domestic debt, - 4,044,845 15
if paid according to the contract,

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For the civil list, and other expenses of Government,	600,000 00
Total,	\$5,187,444 81
The revenue reported in his first estimate, is	- 2,643,000 00
In his last estimate,	- 1,060,000 00
Making	\$3,903,000 00

Which leaves a deficiency of \$1,284,444 81, for funding the whole debt according to contract. The Secretary has likewise reported, that he has additional resources, without extending taxation to houses or lands, or the stock or produce of farms; and we have no reason to suppose that those additional resources would not be adequate to the making up of this deficiency. But if this is not the case, it is well known that, in consequence of the propositions of Congress in April, 1783, many of the States devolved, as they consented to be, of the impost, and loaded with State debts, far exceeding their present amount, agreed to provide annually their respective proportions of what were called the supplementary funds, amounting to 1,500,000 dollars; and can any one doubt, that exonerated as the States will now be of their debts, the citizens of the United States, in their present circumstances, can, with much more ease, pay the deficiency mentioned, than they could, at that period, the supplementary funds? Indeed, can any one doubt our ability at this time to fund the National debt, according to the stipulated terms of the contract? If there are any such, I confess myself not of the number. It is said, we must have in reserve resources in case of exigencies. This may be proper; but is not the support of public credit of the greatest moment? May not the loss of it prove an irreparable injury? And are we to incur a certain evil to avoid an uncertain one?

If our resources then are not to be doubted, what reason have we to distrust the support of our constituents? Should it be suggested in our hearing, that they were indisposed to pay a debt that had not only a claim on their justice, but on their honor and generosity—a debt that is the price of their independence, should we not kindle with indignation? And shall we, by an unreasonable distrust, be the first to fix such a stigma on our constituents? Or, conducting thus, shall we not justly merit their resentment? If it be asked, what shall we do to fulfil, as far as possible, our contract? I answer, we ought not to oblige the creditors to take two-thirds of their demands in funded securities, and the other third in wild lands, or in what you may call an equivalent provided for the unsubscribed debt. A great part of the debt is still in the hands of the original holders, to do justice to whom the committee are unanimous in their wishes. If we suppose ten millions of dollars in the hands of speculators, the value thereof will, at the late average rate of stocks, amount to between three and four millions dollars in specie, a sum, I conceive, exceeding the

property of the speculators altogether; but suppose they hold fifteen millions dollars, foreigners five millions, and the States, exclusive of Pennsylvania, three or four millions, (for that State, having exchanged her funded certificates for Continental securities, which were generally owned by original holders, must, according to the Secretary's plan, deliver them into the Federal Treasury, or re-exchange them,) it is evident, then, that two-thirds of the public debt is in the hands of the original holders. Let us, however, suppose but half, will many of them be willing, or, if willing, be able, to receive lands for a third of their debts? If the lands were cultivated, and near them, would they be equal to an interest of six per cent., or of more than four per cent., except, perhaps, in some of the Southern States? And would they be disposed to accept of your proposal? But remote as these lands are, invested by hostile Indians, wild and uncultivated, will they furnish food or clothing to your creditors? Should a few purchases, will they not be, comparatively, very few?

Again, will funding an equivalent for one-third ten years hence be fulfilling the contract? After being ten or fifteen years put off with promises, will the creditors be thus satisfied? Will it be in their power, advanced as many of them are in years, and called on, perhaps, by their own creditors, whom your disappointments have prevented them from paying, to accept such terms? Suppose an individual had trusted another for such a term of years, and at the end thereof, when the latter was in possession of his estate, had been told that two-thirds of the interest should be annually paid; and that the other third, or an equivalent, should be paid in ten years, would the proposal establish the credit of the debtor? Or would he not be considered as a person destitute of honesty? How, then, can we expect, merely by such proposals, to establish the public credit?

Gentlemen conceive that the proposition referred to will be an equivalent, on the principle laid down by the Secretary, viz: that a less capital, at a fixed rate of interest, may be an equivalent for a greater capital at a variable rate; but admitting this principle, are not the data doubtful on which the calculations are made, that interest in five years will fall to five per cent., and twenty years to four.

It is well known that the genius of our fellow-citizens is enterprising. We see them, although we have wild lands exceeding in extent the German dominion, crossing the Mississippi to speculate in lands in the Spanish dominions. We see them extending their commercial speculations to the North Pole, and they will go to the South Pole on the first discovery of a commercial territory. In our funds they speculate deeply, and they are as conspicuous for their speculations in forms of Government. Scarcely a year revolves without our seeing some of the States, or the United States, adopting a new system of Government; and, before twenty shall elapse, we may expect that the latter, in their turn, will form one

[March, 1790.]

Appropriation Bill.

[H. or R.]

or two constitutions. We are also, like other nations, subject to foreign wars and internal commotions: these, and such like events are beyond our control, and whenever they take place, will increase the rate of interest. The probability is, therefore, not more in favor of the fall than of the rise of interest; and if it should not fall, the proposition to be made will injure the creditors. I conceive, then, that we have no more right to assume the principle that interest will fall, and creditors whose principal is due have a right to assume the contrary principle, in order to increase the rate of interest. The fairest way is, to presume that the interest will continue at the rate it now is; and whenever it falls, to take the benefit of it so far as shall be consistent with justice. Few of the creditors understand the calculation of equivalents, and will be apt to consider them as a State artifice to reduce the value of stocks. They will be confirmed in this opinion, however honest our intentions may be, by the disposition we are making to purchase the debt at the market price. We have no right to make arrangements of this kind, until the whole debt is fairly funded; and then, if we have funds left, we shall have a right to apply them in the way mentioned.

Some gentlemen have supposed that sixty-six and two-thirds of dollars, ten years hence, may be worth one hundred dollars; but this supposition does not establish the fact. The rise and fall of stocks depend on events, these may reduce the sum first mentioned to thirty-three and one-third dollars.

If, then, the two propositions which have been examined do not secure a compliance with the original contract, will the alternative which is left for non-subscribers? This provides that the dregs of the revenue, which may amount to nothing, shall be applied to pay their interest, not to exceed, in any event, four per cent. per annum. Will not this, in lieu of an equitable provision for the creditors, be considered as a penalty for their not subscribing?

Mr. G. then said, he presumed it must appear that further provision is necessary, and he should offer a proposition as an addition to the two that are adopted, in the following words:

“Or to have sixty-six dollars and two-thirds of a dollar funded immediately, at a yearly interest of six per cent.; and thirty-three dollars and one-third of a dollar in an unfunded certificate, bearing an annual interest of six per cent., payable at the option of the holder, annually, in a funded certificate at a yearly interest of six per cent., or as soon as funds can be provided, in specie; and that the faith of Congress be pledged to fund as soon as possible the unfunded certificate.”

By this proposition, if Congress wish for time to make their arrangements, the creditor may either receive annually the interest on the unfunded part of his debt in a funded certificate, or, if he prefers specie, he may wait till Congress can provide it. It perhaps will be said, this will increase the capital; but we have already agreed to increase it by add-

ing fifteen or twenty millions of dollars due for interest, or that will be due before the periods at which we are to fund the debt; and as we have done this because we cannot pay that interest, the same reason exists for adopting a similar measure with respect to the interest which may hereafter accrue, and which we shall not immediately provide to discharge. Within five years, Mr. G. supposed Congress would be able to fund this unfunded part of the debt; and if no part thereof should be received for lands, but the whole be subscribed on the terms of this proposition, the capital of the debt would, at the end of five years, be increased but 5,393,124 dollars, and the interest which would be paid during that period on the funded certificates to be issued for interest, would be but 808,920 dollars. In such an event there would be no irredeemable quality in any part of the debt, the disadvantages of which overbalanced, in the minds of the committee, the advantages of reducing its capital, as was evident from their vote yesterday, to lessen the time of redemption by increasing the capital.

The Secretary has justly reprobated every proposal that shall apply to the necessities, and not to the reason and interest of the creditors. If the two propositions agreed to do not apply to the latter, the necessity of the one now offered to the committee must be evident. If these propositions do apply, and are acceptable to the creditors, they will prefer them to this, which, however, will manifest our desire to do them all possible justice. Mr. G. then said, he was not so attached to the motion he had made as not to give it up if any gentleman would offer a better, to attain the desirable object he aimed at. This he thought indispensable, because if we offered what we called an equivalent, and not what the creditors should consider as such, the intended loan would be a compulsory one, and, instead of supporting, would tend to destroy the public credit.

Mr. G.'s motion was seconded by Col. BLAND, and laid on the table. After the other propositions were passed, it was taken up and debated, and as several gentlemen were much opposed to a decision on such a proposition at so late an hour as three o'clock, and at the end of the week, in the absence of a number of members, it was withdrawn, that the committee might report, and will probably be brought forward in the House. The Committee then rose, and reported several resolutions on the report; which were ordered to lie on the table.

MONDAY, March 15.

APPROPRIATION BILL.

On motion of Mr. SHERMAN, the House resolved itself into a Committee of the Whole on the bill making appropriations for the support of Government, Mr. Benson in the Chair.

Mr. SMITH, of South Carolina, moved to add after the fourth section, a clause providing for the payment of expenses on account of the light-house, at the entrance of the harbor of Charleston, previ-

H. or R.]

Slave Trade.

[March, 1790.]

ous to passing the act for making the session there-
of to Congress.

Mr. SHERMAN observed, that Congress would
doubtless pay such expenses as have arisen subse-
quent to the time of the session, agreeable to the
act of the Legislature; but if any particular States
have been remiss in paying off arrears, which
existed prior to that period, it certainly cannot be
expected that such arrears should be paid by
the United States.

Mr. TUCKER observed, that the expenses refer-
red to by his colleague were incurred in conse-
quence of the funds being diverted into a different
channel, which had been appropriated by the
State for their discharge; the amount is not great;
not more, perhaps, than four hundred pounds
sterling; he thought that it was a just and equi-
table allowance, as it was ceded to the United
States in an unfinished situation, has been finished
since, and the State has been precluded from pay-
ing this expense, by the funds being absorbed by
the United States.

Mr. LIVERMORE observed, that the present bill
is a bill of appropriations, and not of grants; it
refers to sums to be provided for by laws already
past; the motion therefore appears to be out of
order.

Mr. TUCKER replied, that he was aware of the
difficulty, and meant to have moved for an addi-
tion to the whole sum, by proposing that it be in-
creased two thousand dollars, a sum which he
supposed would be adequate to defraying the de-
ficiency.

Mr. JACKSON advocated the motion, and added,
he hoped the gentlemen from South Carolina
would give their vote for certain improvements
in the navigation of the Savannah river, which he
mentioned, and which he designed to move for.

Mr. FRIZZMONS spoke against the motion. He
showed its impropriety and unequal operations;
that he thought it an inconsiderable object in it-
self, and more so when contemplated as coming
from a State which the United States have agreed
to pay five millions of dollars for.

Mr. TUCKER replied to Mr. FRIZZMONS, and
said, that he did not conceive the assumption of
the State debts had any thing to do with the pres-
ent motion; if the debts of South Carolina are to
be paid, she will furnish the means, as it will be
applying the resources to their proper object.

The motion being put, was negatived.

Mr. JACKSON, after some introductory observa-
tions, proposed the following amendment, after
the words "Cape Henry," to add "and for re-
moving the obstructions in the Savannah river,
from that city to the sea."

The same objections respecting the informality
of the amendment were made up this motion, as
were to that offered by Mr. SMITH.

Mr. JACKSON, after insisting on the propriety of
bringing forward the present motion, when the
House was specially engaged in voting moneys
for public expenses, and observing, that according
to the ideas of some gentlemen, the House had no
right to add to the appropriations proposed by the
Secretary, said, that according to this doctrine,

the whole business of Legislation may be as well
submitted to him, so that in fact the House would
not be the Representatives of their constituents, but
of the Secretary; he further said, that as there
appeared to be some weight in the objection to
introducing his amendment in this clause, he would
withdraw it for the present.

A motion was then made, by Mr. LIVERMORE, to
introduce a clause for allowing the sum of one
hundred and ninety-two dollars to Gifford Dalley,
for his services ninety-six days, during the recess
of Congress, which was agreed to.

Mr. JACKSON then observed, that this appeared
to be the proper time to bring forward his motion;
he therefore moved "that the sum of — be
allowed for removing the wrecks and obstructions
in Savannah river, from that city to the sea."

Mr. BLAND objected to the motion, as involving
a principle pregnant with innumerable difficul-
ties; for no man can tell to what extent it can be
carried. Should this be granted, every member in
this House will come forward with proposals for
clearing rivers, and opening canals to the sources
of rivers.

Mr. JACKSON observed, that the principle is al-
ready established in the bill, by the provision
made for Delaware river. He said, that the rev-
enue of the United States is to be derived from
navigation and commerce; excepting the obstruc-
tions in our rivers and harbors are removed, com-
merce will be embarrassed, and our revenue will
be lessened and destroyed, and in this view the
measure appears to be founded in reason, policy,
and justice, and not to do it will be impolitic and
unjust.

The question being put, was negatived.

The Committee then rose and reported the bill,
with amendments, which being agreed to by the
House, the bill was ordered to be engrossed for a
third reading.

TUESDAY, March 16.

The engrossed bill making appropriations for
the support of Government for the year 1790, was
read the third time and passed.

A Message was received from the President,
with a letter and representation from the Supreme
Executive Council of Pennsylvania, on the sub-
ject of Indian hostilities, committed in the county
of Washington, in that State.—Ordered to lie on
the table.

A petition from the importers of hemp and the
manufacturers of cordage of New York, was read,
praying that the duty on hemp imported prior to
December, 1790, may be taken off, and a pro-
hibition laid on the importation of foreign cord-
age.—Referred.

A Message from the President communicated
an act of the State of Pennsylvania, ratifying all
the proposed amendments to the Constitution of
the United States, except the first and second.—
Ordered to lie on the table.

ON SLAVERY.

The House resolved itself into a Committee of
the Whole on the report of the committee to

March, 1790.]

Slave Trade.

[H. or R.]

whom was referred the memorials of the people
called Quakers, and of the Pennsylvania Society
for promoting the abolition of slavery, Mr. BEN-
SON in the Chair.

Mr. TUCKER, after premising several observa-
tions on the injustice and unconstitutionality of
the interference of the Legislature in the business,
proposed an amendment which should negative
the whole report.

Mr. JACKSON spoke largely on the subject, and
in opposition to the report.

Mr. VINING replied to Mr. JACKSON.

A question then rose on the subject of order.
The Chairman gave his opinion that the amend-
ment offered by Mr. TUCKER was not in order.
This question was discussed with considerable ar-
dor on both sides. The question being put, the
Committee determined that the amendment was
not in order.

Mr. TUCKER then proposed to add the amend-
ment immediately after the preamble of the re-
port, after the word "opinion." The question of
order was still agitated on this variation, and the
Committee rose without a decision, and had leave
to sit again.

WEDNESDAY, March 17.

ON SLAVERY.

The House again resolved itself into a Com-
mittee of the Whole on the Report of the Com-
mittee, to whom was referred the memorial of the
people called Quakers, &c., Mr. BENSON in the
Chair.

The question of order was put, when it was de-
termined that Mr. TUCKER's last amendment was
not in order.

The report was then taken up by paragraphs.
The first proposition being read,

Mr. WHITE moved that it be struck out. He
did this, he said, because he was against entering
into a consideration at this time of the powers of
Congress. He thought it would be time enough
for this when the powers are called in question.
He then read the next, which he said was entirely
unnecessary, as it contains nothing more than what
is contained in express terms in the Constitution.
He passed on to the third, which he said was
equally unnecessary; and to the fourth, which
was provided for by the Constitution. He said,
that he should agree to the fifth and sixth, with
certain modifications. Agreeable to this idea, he
offered those two in a different form. He dis-
agreed to the seventh proposition, as unnecessary
and improper. He concluded by observing, that
his wish was to promote the happiness of all man-
kind—and among the rest those who are the ob-
jects of the present consideration—but this he
wished to do in conformity to the principles of
justice and with a due regard to the peace
and happiness of others; he would contribute all
in his power to their comfort and well-being
while in a state of slavery; but he was fully of
opinion that Congress has no right to interfere in
the business, any further than he proposed by the
two propositions as modified. He did not, how-

ever, anticipate the difficulties from a total pro-
hibition which some gentlemen seem to appre-
hend—and if Congress had it in their power to
interdict this business at the present moment, he
did not think the essential interests of the South-
ern States would suffer. Twenty years ago, he
supposed the idea he now suggested would have
caused universal alarm. Virginia, however, about
twelve years since, prohibited the importation of
negroes from Africa, and the consequences appre-
hended never were realized; on the contrary, the
agriculture of that State was never in a more
flourishing situation.

Mr. HARTLEY.—I have the honor to be one of
the committee on the memorials, and will, with
the leave of this committee, mention some par-
ticulars which took place in the course of the in-
vestigation of the business. He premised that he
was sorry that the question of right had been
brought forward yesterday—and was not a little
surprised to hear the cause of slavery advocated
in that House, and language held towards the pe-
titioners which his experience had never shown
to be Parliamentary—he read some memorandums
taken in committee, and had particular reference
to a law passed in Grenada, which he applauded
for its humanity, and truly benevolent spirit. He
reprobated the illiberal treatment which the me-
morialists had received, and asserted that they
were friends to the Constitution, and that on the
present occasion they came forward from the most
laudable motives, from a wish to promote the
happiness of mankind; that their conduct, so far
from meriting censure, deserved, and would re-
ceive, the applause of the civilized world.

Mr. BROWN, in a considerable speech, advocated
the motion of Mr. WHITE. He enlarged on the
pernicious consequences that may be expected to
flow from the interference of Congress; he pointed
out the effects which had resulted from the inter-
position of the Quakers, by which the prospects
of the Southern States in slaves had been ren-
dered very precarious—and if Congress should
adopt the report as it stands, the consequences
would be pernicious in the highest degree. The
negro property will be annihilated. The emanci-
pation of slaves will be effected in time, it ought
to be a gradual business; but he hoped that Con-
gress would not, to gratify people who never had
been friendly to the independence of America,
precipitate the business to the great injury of the
Southern States.

Mr. BURKE entered into a very extensive con-
sideration of the subject. He gave an account of
the humane treatment which the slaves of the
Southern States received, their habitations, fami-
lies, children, privileges, &c. He then showed
that their emancipation would tend to make them
wretched in the highest degree. He animadverted
with great freedom on the past and present con-
duct of the Quakers. He denied that they were
the friends of freedom; he said, that during the
late war, they were for bringing this country un-
der a foreign yoke; they descended to the charac-
ter of spies; they supplied the enemy with pro-
visions; they were guides and conductors to their

armies; and whenever the American army came into their neighborhood, they found themselves in an enemy's country. Mr. BURKE was proceeding in this strain, when he was interrupted by being called to order. A warm altercation ensued, and in the midst of it, a motion was made that the committee rise. This motion was negatived, and Mr. BURKE added a few more observations on the injustice of the measure of interference, as it respected the property of the Southern States.

Mr. SMITH, of South Carolina, said he lamented much that this subject had been brought before the House; that he had deprecated it from the beginning, because he foresaw that it would produce a very unpleasant discussion; that it was a subject of a nature to excite the alarms of the Southern members, who could not view, without anxiety, any interference in it on the part of Congress. He remarked, that as they were resolved into a Committee of the Whole on the powers of Congress respecting slavery and the slave trade, in consequence of certain memorials from the people called Quakers and the Pennsylvania Society for the abolition of slavery, the whole subject, as well as the contents of these memorials, was under consideration. He should therefore enter into the business at large, and offer some comments on the contents of the memorial.

The memorial from the Quakers contained, in his opinion, a very indecent attack on the character of those States which possess slaves. It reproaches slavery as bringing down reproach on the Southern States, and expatiates on the detestation due to the licentious wickedness of the African trade, and the inhuman tyranny and blood guiltiness inseparable from it. He could not but consider it as calculated to fix a stigma of the blackness of nature on the State he had the honor to represent, and to hold its citizens up to public view as men divested of every principle of honor and humanity. Considering it in that light, he felt it incumbent on him not only to refute those atrocious calumnies, but to resent the improper language made use of by the memorialists. Before he entered into the discussion, he begged to observe, that when any class of men deviated from their own religious principles, and officiously came forward in a business with which they had no concern, and attempted to dictate to Congress, he could not ascribe their conduct to any other cause but to an intolerant spirit of persecution. This application came with the worst grace possible from the Quakers, who professed never to intermeddle in politics, but to submit quietly to the laws of the country.

He had met with a publication which came out in the year 1775, (at a period when the affairs of America were in a very desponding situation,) entitled "The ancient Testimony and Principles of the Quakers." It set forth that their religious principles restrained them from having any hand or connivance in setting up and putting down Kings and Governments; that this was God's peculiar prerogative for causes best known to himself; that it was not their business to be busy-

bodies above their stations, but only to pray for the King and safety of their nation, that they might live a quiet and peaceable life, under the Government which God was pleased to set over them. If these were really their sentiments, why did they not abide by them? Why did not they leave that, which they call God's work, to be managed by himself? These principles should instruct them to wait with patience and humility for the event of all public measures, and to receive that event as the Divine Will. Their conduct on this occasion proved that they did not believe what they professed; or that they had not virtue enough to practice what they believed. Did they mean to rob the Almighty of what they call his prerogative? And were they not partial ministers of their own acknowledged principles? It was difficult to credit their pretended scruples; because, while they were exclaiming against Mammon of this world, they were hunting after it with a step steady as time, and an appetite keen as the grave.

The memorial from the Pennsylvania Society applied, in express terms, for an emancipation of slaves, and the report of the committee appeared to hold out the idea that Congress might exercise the power of emancipating after the year 1808: for it is said that Congress could not emancipate slaves prior to that period. He remarked, that either the power of manumission still remained vested in Congress; for no one would contend that such a power would be concurrent in the several States and the United States. He then showed that the State Governments clearly retained all the rights of sovereignty which they had before the establishment of the Constitution, unless they were exclusively delegated to the United States; and this could only exist where the Constitution granted, in express terms, an exclusive authority to the Union, or where it granted in one instance an authority to the Union, and in another prohibited the States from exercising the like authority, or where it granted an authority to the Union, to which a similar authority in the States would be repugnant.

He applied these principles to the case in question; and asked, whether the Constitution had, in express terms, vested the Congress with the power of manumission? Or whether it restrained the States from exercising that power? Or whether there was any authority given to the Union, with which the exercise of this right by any State would be inconsistent? If these questions were answered in the negative, it followed that Congress had not an exclusive right to the power of manumission. Had it a concurrent right with the States? No gentleman would assert it, because the absurdity was obvious. For a State regulation on the subject might differ from a Federal regulation; in which case one or the other must give way. As the laws of the United States were paramount to those of the individual States, the Federal regulations would abrogate those of the States, consequently the States would thus be

divested of a power which it was evident they now had, and might exercise whenever they thought proper. But admitting that Congress had authority to manumit the slaves in America, and were disposed to exercise it, would the Southern States acquiesce in such a measure without a struggle? Would the citizens of that country tamely suffer their property to be torn from them? Would even the citizens of the other States, which did not possess this property, desire to have all the slaves let loose upon them? Would not such a step be injurious even to the slaves themselves? It was well known that they were an indolent people, improvident, averse to labor: when emancipated, they would either starve or plunder. Nothing was a stronger proof of the absurdity of emancipation than the fanciful schemes which the friends to the measure had suggested; one was, to ship them out of the country, and colonize them in some foreign region. This plan admitted that it would be dangerous to retain them within the United States after they were manumitted: but surely it would be inconsistent with humanity to banish these people to a remote country, and to expel them from their native soil, and from places to which they had a local attachment. It would be no less repugnant to the principles of freedom, not to allow them to remain here, if they desired it. How could they be called freemen, if they were, against their consent, to be expelled from the country? Thus did the advocates for emancipation acknowledge that the blacks, when liberated, ought not to remain here to stain the blood of the whites by a mixture of the races.

Another plan was to liberate all those who should be born after a certain limited period. Such a scheme would produce this very extraordinary phenomenon, that the mother would be a slave and her child would be free. These young emancipated negroes, by associating with their enslaved parents, would participate in all the debasement which slavery is said to occasion. But allowing that a practicable scheme of general emancipation could be devised, there can be no doubt that the two races would still remain distinct. It is known, from experience, that the whites had such an idea of their superiority over the blacks, that they never even associated with them; even the warmest friends to the blacks kept them at a distance, and rejected all intercourse with them. Could any instance be quoted of their intermarrying; the Quakers asserted that nature had made all men equal, and that the difference of color should not place negroes on a worse footing in society than the whites; but had any of them ever married a negro, or would any of them suffer their children to mix their blood with that of a black? They would view with abhorrence such an alliance.

Mr. S. then read some extracts from Mr. Jefferson's Notes on Virginia, proving that negroes were by nature an inferior race of beings; and that the whites would always feel a repugnance at mixing their blood with that of the blacks. Thus, he proceeded, that respectable author, who was de-

sirous of countenancing emancipation, was, on a consideration of the subject, induced candidly to avow that the difficulties appeared insurmountable. The friends to manumission had said, that by prohibiting the further importation of slaves, and by liberating those born after a certain period, a gradual emancipation might take place, and that in process of time the very color would be extinct, and there would be none but whites. He was at a loss to learn how that consequence would result. If the blacks did not intermarry with the whites, they would remain black to the end of time; for it was not contended that liberating them would whitewash them; if they would intermarry with the whites, then the white race would be extinct, and the American people would be all of the mulatto breed. In whatever light, therefore, the subject was viewed, the folly of emancipations was manifest. He trusted these considerations would prevent any further application to Congress on this point, and would so far have weight with the committee as to reject the clause altogether, or at least to declare, in plain terms, that Congress has no right whatever to manumit the slaves of this country.

Various objections, said he, had at different times been alleged against the abominable practice, as it had been called, of one man exercising dominion over another; but slavery was no new thing in the world. The Romans, the Greeks, and other nations of antiquity, held slaves at the time Christianity first dawned on society, and the professors of its mild doctrines never preached against it. [Here Mr. S. read a quotation from the Roman and Grecian History, and from some accounts of the Government and manners of the people of Africa, before they had any knowledge of the African traders, from which it appeared that slavery was not disapproved of by the Apostles when they went about diffusing the principles of Christianity; and that it was not owing to the African trade, as had been alleged, that the people of Africa made war on each other.]

Another objection against slavery was, that the number of slaves in the Southern States weakened that part of the Union, and in case of invasion would require a greater force to protect it. Negroes, it was said, would not fight; but he would ask whether it was owing to their being black or to their being slaves; if to their being black, then unquestionably emancipating them would not remedy the evil, for they would still remain black; if it was owing to their being slaves, he denied the position; for it was an undeniable truth, that in many countries slaves made excellent soldiers. In Russia, Hungary, Poland, peasants were slaves, and yet were brave troops. In Scotland, not many years ago, the Highland peasants were absolute slaves to their lords, and they were renowned for their bravery. The Turks were as much enslaved as the negroes—their property and lives were at the absolute disposal of the Sultan, yet they fought with undaunted courage. Many other instances might be quoted, but those would suffice to refute the fact. Had experience proved that the negroes would not make

be benefited by it; free negroes never improve in talents, never grow rich, and continue to associate with the people of their own color. This is owing either to the natural aversion the whites entertain towards them, and an opinion of the superiority of their race, or to the natural attachment the blacks have to those of their own color; in either case it proves that they will, after manumission, continue a distinct people, and have separate interests. The author already quoted has proved that they are an inferior race even to the Indians.

After the last war, a number of negroes which had been stolen from the Southern States, and carried to England, either quitted the persons who had carried them there, or were abandoned by them. Unable to provide for themselves, and rejected from the society of the common people of England, they were begging about the streets of London in great numbers; they supplicated captains of vessels to carry them back to their owners in America, preferring slavery there to freedom in England. Many of them were shipped to Africa by the humanity of the English, and were either butchered or made slaves of by their savage countrymen, or reshipped for sale to the plantations.

But some persons have been of opinion, that if the further importation of slaves could be prohibited, there would be a gradual extinction of the species. Having shown the absurdity of liberating the *postnati* without extending it to all the slaves old and young, and the great absurdity and even impracticability of extending it to all, I shall say a few words with regard to the extinction. That would be impossible, because they increase to occasion an extinction, Congress must prohibit all intercourse between the sexes; this would be an act of humanity they would not thank us for, nor would they be persuaded that it was for their own good, or Congress must, like Herod, order all the children to be put to death as soon as born. If, then, nothing but evil would result from emancipation, under the existing circumstances of the country, why should Congress stir at all in the business, or give any countenance to such dangerous applications? We have been told that the Government ought to manifest a disposition inimical to this practice which the people reprobate. If some citizens, from misinformation and ignorance, have imbibed prejudices against the Southern States, if ill-intentioned authors have related false facts, and gross misrepresentations tending to traduce the character of a whole State, and to mislead the citizens of other States, is that a sufficient reason why a large territory is to be depopulated, merely to gratify the wish of some misinformed individuals? But what have the citizens of the other States to do with our slaves? Have they any right to interfere with our internal policy?

This is not an object of general concern, for I have already proved that it does not weaken the Union; but admit that it did, will the abolition of slavery strengthen South Carolina? It can only be cultivated by slaves; the climate, the nature of

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such a measure would be serviceable to the United States.

The Legislature of South Carolina had prohibited theatrical representations, deeming them improper; but they did not trouble Congress with an application to abolish them in New York and Philadelphia. The Southern citizens might also consider the toleration of Quakers as an injury to the community, because in time of war they would not defend their country from the enemy, and in time of peace they were interfering in the concerns of others, and doing every thing in their power to excite the slaves in the Southern States to insurrection; notwithstanding which, the people of those States had not required the assistance of Congress to exterminate the Quakers.

But he could not help observing, that this squeamishness was very extraordinary at this time. The Northern States knew that the Southern States had slaves before they confederated with them. If they had such an abhorrence for slavery, why, said Mr. S., did they not cast us off and reject our alliance? The truth was, that the best informed part of the citizens of the Northern States knew that slavery was so ingrafted into the policy of the Southern States, that it could not be eradicated without tearing up by the roots their happiness, tranquillity, and prosperity; that if it were an evil, it was one for which there was no remedy, and therefore, like wise men, they acquiesced in it. We, on the other hand, knew that the Quaker doctrines had taken such deep root in some of the States, that all resistance to them must be useless; we therefore made a compromise on both sides—we took each other, with our mutual bad habits and respective evils, for better, for worse; the Northern States adopted us with our slaves, and we adopted them with their Quakers. There was then an implied compact between the Northern and Southern people that no step should be taken to injure the property of the latter, or to disturb their tranquillity. It was therefore with great pain that he viewed the anxiety of some of the members to pay such uncommon respect to the memorialists, as even to set aside the common rules of proceeding, and attempt to commit the memorial the very day they were presented, though the Southern members had justly raised an alarm in the minds of himself and his Southern colleagues; and feeling that alarm, they would have acted a dishonorable part to their constituents had they not expressed themselves with that warmth and solicitude which some gentlemen had disapproved.

A proper consideration of this business must convince every candid mind that emancipation would be attended with one or other of these consequences: either that a mixture of the races would degenerate the whites, without improving the blacks, or that it would create two separate classes of people in the community, involved in inveterate hostility, which would terminate in massacre and extermination of one or the other, as the Moors were expelled from Spain, and the Danes from England. The negroes would not

good soldiers? He did not assert that they would, but they had never been tried; discipline was every thing; white militia made but indifferent soldiers before they were disciplined. It was well known that according to the present art of war, a soldier was a mere machine, and he did not see why a black machine was not as good as a white one; in one respect the black troops would have the advantage in appearing more horrible in the eyes of the enemy. But admitting that they would not fight, to what would the argument lead? Undoubtedly to show that the Quakers, Moravians, and all the non-resisting and non-fighting sects, constitute the weakness of the country. Did they contribute to strengthen the country against invasion by staying at home and joining the invader as soon as he was successful? But they furnished money, he should be told, and paid substitutes; and did not the slaves, by increasing the agriculture of the country, add to its wealth, and thereby increase its strength? Did they not moreover perform many laborious services in the camp and in the field, assist in transporting baggage, conveying artillery, throwing up fortifications, and thus increase the numbers in the ranks by supplying their places in these services? Nor was it necessary that every part of the empire should furnish fighting men; one part supplied men, another money; one part was strong in population, another in valuable exports, which added to the opulence of the whole. Great Britain obtained no soldiers from her East and West India settlements, were they therefore useless? She was obliged to send troops to protect them, but their valuable trade furnished her with means of paying those troops.

Another objection was that the public opinion was against slavery. How did that appear? Were there any petitions on the subject excepting that from the Pennsylvania Society and a few Quakers? And were they to judge for the whole Continent? Were the citizens of the Northern and Eastern States to dictate to Congress on a measure in which the Southern States were so deeply interested? There were no petitions against slavery from the Southern States, and they were the only proper judges of what was for their interest. The toleration of slavery in the several States was a matter of internal regulation and policy, in which each State had a right to do as she pleased, and no other State had any right to intermeddle with her policy or laws. If the citizens of the Northern States were displeased with the toleration of slavery in the Southern States, the latter were equally disgusted with some things tolerated in the former.

He had mentioned on a former occasion the dangerous tenets and pernicious practices of the sect of Shaking Quakers, who preached against matrimony, and whose doctrine and example, if they prevailed, would either depopulate the United States, or people it with a spurious race. However the people of South Carolina reprobated the gross and immoral conduct of these Shakers, they had not petitioned Congress to expel them from the Continent, though they thought

the soil, ancient habits, forbid the whites from performing the labor. Experience convinces us of the truth of this. Great Britain made every attempt to settle Georgia by whites alone, and failed, and was compelled at length to introduce slaves; after which that State increased very rapidly in opulence and importance. If the slaves are emancipated, they will not remain in that country—remove the cultivators of the soil, and the whole of the low country, all the fertile rice and indigo swamps will be deserted, and become a wilderness. What, then, becomes of its strength? Will such a scheme increase it? Instead of increasing the population of the whites, there will be no whites at all. If the low country is deserted, where will be the commerce, the valuable exports of that country, the large revenue raised from its imports and from the consumption of the rich planters? In a short time, the Northern and Eastern States will supply us with their manufactures; if you depopulate the rich low country of South Carolina and Georgia, you will give us a blow which will immediately recoil on yourselves. Suppose there are one hundred and forty thousand slaves in those States, which require annually five yards of cloth each, making seven hundred thousand yards at half a dollar a yard, this makes three hundred and fifty thousand dollars, besides the articles of linen, flannel, Osanburgh, blankets, molasses, sugar, and rum, for the use of the negroes; now, either the Eastern and Middle States will supply us with all these articles, or they will receive the benefit of the impost on them if they are imported from foreign countries. Without the rice swamps of Carolina, Charleston would decay, so would the commerce of that city: this would injure the back country. If you injure the Southern States, the injury would reach our Northern and Eastern brethren; for the States are links of one chain; if we break one, the whole must fall to pieces. Thus it is manifest, that in proportion to the increase of our agriculture will our wealth be increased; the increase of which will augment that of our sister States, which will either supply us with their commodities, or raise a large revenue upon us, or be the carriers of our produce to foreign markets. It has been said, that the toleration of slavery brings down reproach on America. It only brings reproach on those who tolerate it, and we are ready to bear our share. We know that none but prejudiced and uncandid persons, who have hastily considered the subject, and are ignorant of the real situation of the Southern States, throw out these insinuations. We found slavery ingrafted in the very policy of the country when we were born, and we are persuaded of the impolicy of removing it; if it be a moral evil, it is like many others which exist in all civilized countries, and which the world quietly submit to. Humanity has been a topic of declamation on this subject: that sentiment has different operations on different individuals, and he had it in his power to show, that humanity first gave origin to the transportation of slaves from Africa into America. Bartholomew de las Casas, Bishop of Chiapa, a

Spaniard renowned for his humanity and virtues, in order to save the Indians in South America from slavery, prevailed on his monarch to substitute Africans, which were accordingly purchased on the coast of Africa, and shipped to the Spanish Colonies to work in the mines: this appears in *Robertson's History of America*, which Mr. S. quoted. At this day, the Spaniards give considerable encouragement to the transportation of slaves into their islands. Mr. S. read the edict for that purpose.

Another objection is, that slavery vitiates and debases the mind of the owner of this sort of property. Where, he asked, is the proof of this allegation? Do the citizens of the Southern States exhibit more ferociousness in their manners, more barbarity in their dispositions, than those of the other States? Are crimes more frequently committed there? A proof of the absurdity of this charge may be found in the writings of those who wish to disseminate this mischievous idea, and yet, in their relations of facts, they themselves contradict it. They lay down general principles, which they take upon credit from others, or which they publish with sinister views, and when they enter into a detail of the history of those States, they overturn their own doctrines. Thus, one writer tells us, that the Southern citizen, who is educated in principles of superiority to the slaves which surround him, has no idea of government, obedience, and good order, till he mingles with the hardy and free spirited yeomanry of the North, and that after mixing with them, he will return home with his mind more enlarged, his views more liberalized, and his affections rectified, and he becomes a more generous friend to the rights of human nature. But hear what the Eastern traveller is to learn by visiting the enslaved regions of the South. He will see, says the same writer, immediately after, industry crowned with affluence, independence, hospitality, liberality of manners; and, notwithstanding the prevalence of domestic slavery, he will find the noblest sentiments of freedom and independence to predominate; he will extol their enterprise, art, and ingenuity, and will reflect that nature is wise, and that Providence in the distribution of its favors is not capricious. Take another striking instance of this contradiction from Morse's Geography. He says, that there are more slaves than free persons in South Carolina, and mentions the mischievous influence of slavery on their manners, which, he observes, by exempting them from the necessity of labor, leads to luxury, dissipation, and extravagance, and savors too much of a haughty, supercilious behaviour; that the inhabitants want that enterprise and perseverance which are necessary for the attainment of the arts and sciences; that they have few motives to enterprise, and too generally rest contented with barely knowledge enough to transact the common affairs of life. Now, for the author's profits: they are contained in these words:

"Many of the inhabitants spare no pains nor expense in giving the highest polish of education to their children: literature has begun to flourish

since the peace; several flourishing academies and colleges have been established; the ladies have an engaging softness and delicacy in their manners; theatrical exhibitions have been prohibited by law; gaming of all kinds is more discountenanced than in any of the Southern States; all denominations of religion are on an equal footing; commerce is flourishing; economy is becoming more fashionable, and science begins to spread her salutary influence among the citizens."

But was South Carolina, at the commencement of the war, with all her slaves, backward in her resistance to Great Britain? View the conduct of her citizens, their zeal and ardor in the cause of liberty; their labor at Fort Sullivan. Are crimes more frequent in that country than in the other States? Are there more executions? I believe there have been as few as in any part of the Continent, and those which have taken place have been generally of emigrant convicts, or fugitive wheel-barrow men; he would be bold to assert that in no State on the Continent is there more order, sobriety, and obedience to good government; more industry and frugality; nor is there any trace of the influence of slavery on the character of her citizens.

The French, so far from curbing and cramping the African trade with needless regulations, give large premiums upon every negro landed on their islands; in some instances as much as two hundred livres per head. Is that nation more debased than others? Are they not a polished people, sensible of the rights of mankind, and actuated by proper sentiments of humanity? The Spaniards encourage slavery; they are people of the nicest honor, proverbially so. The Romans and Greeks had slaves, and are not their glorious achievements held up as excitements to great and magnanimous actions? Sparta teemed with slaves at the time of her greatest fame as a valiant Republic. The absolute power of the Lacedæmonians over the Helotes is frequently spoken of by the ancient writers; they were not only the slaves of the Commonwealth, but of every individual, they could not be set at liberty, neither could they be sold; hence arose a saying, that a free man at Sparta was most a free man, and a slave most a slave.

The system of the Roman policy with regard to slavery was still more severe. Slaves were not even under the protection of the laws; they were considered as things, *inter res*. A master, merely from caprice, might torture, dismember, and even murder his slave. If a slave did any damage exceeding his value, he was delivered to the person injured, who did with him what he pleased. Yet these slaves were of the same color as their masters, and equal to them in mental faculties; many of them were men of great learning, philosophers, poets, &c. Much had been said of the cruel treatment of slaves in the West Indies and the Southern States; with respect to the latter, he denied the fact from experience, and accurate information; and believed in his conscience that the slaves in South Carolina were a happier people than the lower order of whites in many countries he had visited. With

regard to the West Indies, *Lord Rodney* and *Admiral Barrington* had both declared, that they had spent some time in the West Indies, and that they had never heard of a negro being cruelly treated; that they had often spoken of their happiness in high terms, declaring that they should rejoice exceedingly if the English day laborer was half as happy. Some have said that slavery is unnecessary; so far from it, that several essential manufactures depended on it. Indigo, cochineal, and various other dyeing materials, which are the produce of the West Indies, could only be raised by slaves; the great staple commodities of the South would be annihilated without the labor of slaves. It is well known that when the African slaves were brought to the coast for sale, it was customary to put to death all those who were not sold; the abolition of the slave trade would therefore cause the massacre of the people.

The cruel mode of transportation was another motive to this abolition; but was it to be presumed that the merchants would so far attend to their own interests as to preserve the lives and the health of the slaves on the passage. All voyages must be attended with inconveniences, and those from Africa to America not more than others. As to their confinement on board, it was no more than necessary; as to the smallness of space allotted them, it was more than was allotted to soldiers in a camp; for the measurement of cubical air breathed by the Africans, compared with that of soldiers in a camp, was in favor of the former as thirty to seventeen; it was full as much as was allotted in ships of war to seamen, who, by the laws of England, were frequently, on their return to their families, after a long and dangerous voyage, seized by violence, hurried away by a press-gang, and forced on another voyage more tedious and perilous than the first, to a hot and sickly climate, where several hundreds of them were stowed away in the hold of a vessel. In cases of disobedience, the Captain had a right, for slight offences, to inflict on them corporal punishment without the intervention of a court-martial, and in other cases they are punishable by very severe laws, executed by martial courts, established for that purpose. The same may be observed of the soldiers, who were frequently flogged severely for trifling offences; instances have been known of their being put under the care of a surgeon, after receiving a small part of the intended flagellation, to refit them for the residue.

Having thus removed the force of the observations which have been advanced against the toleration of slavery, by a misguided and misinformed humanity, I shall only add, that I disapprove of the whole of the report; because it either states some power sufficiently expressed in the Constitution, which is unnecessary, or it sets forth some power which I am clear Congress do not possess. The concluding paragraph is an extraordinary one. In what mode are the memorialists to be informed of our humane dispositions? Are we to send a special committee to inform them? Or is the Speaker to write them a letter, or the Ser-

geant-at-Arms with the mace to wait on them? In short, Mr. Chairman, the whole of this business has been wrong from beginning to end, and as one false step generally leads to others, so has the hasty commitment of these memorials involved us in all this confusion and embarrassment. I hope, therefore, if any kind of report is agreed to, it will be something like that proposed by my colleague.

The committee rose, and reported progress.

THURSDAY, March 18.

ON SLAVERY.

The House again resolved itself into a Committee of the Whole on the report of the Committee on the Quaker's memorial, &c. Mr. BENSON in the Chair.

The subject underwent some further discussion; and the committee rose, without closing it, and obtained leave to sit again.

FRIDAY, March 19.

HUGH WILLIAMSON, a member from North Carolina, appeared and took his seat.

The SPEAKER laid before the House a report from the Secretary of the Treasury on the memorial of the late officers of the South Carolina line, which was read, and ordered to lie on the table.

A message from the Senate informed the House that they have passed the bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, with an amendment; also the bill to establish an uniform rule, of naturalization, with an amendment, to which they desire the concurrence of the House.

On motion of Mr. SHERMAN, the report of the committee on the memorial of Robert Morris, Esq., was read the second time—the report respecting the settlement of his accounts only.

Mr. SHERMAN moved that a committee of five members be appointed to inquire into the receipts and expenditures of public moneys during the administration of Robert Morris, Esq., late superintendent of finance, and to report to the House a state of the accounts respecting the same. This motion, after some debate, was agreed to; and Mr. SHERMAN, Mr. MADISON, Mr. LAWRENCE, Mr. SEPOWICK, and Mr. SMITH, (of South Carolina,) were appointed.

Mr. GENAY observed, that somehow or other the House is continually recurring to the modes of procedure adopted by the late Congress, who were both a Legislative and Executive body; the present Government is organized on quite different principles. The President of the United States is the only competent authority to take cognizance of the conduct of officers in the Executive Department; if we pursue the proposed plan of appointing committees, we destroy the responsibility of Executive officers, and divest the House of a great and essential privilege, that of impeaching our Executive officers for mal-administration. He concluded by saying, he was in favor of the

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report of the Senate for appointing commissioners, as placing the business in a more Parliamentary and constitutional direction.

Mr. GERRY was replied to by Mr. HARTLEY and Mr. FITZSIMONS, who contended that the motion was strictly Parliamentary, as it was certainly just, that an investigation, on the part of the House, of the conduct of public officers, ought to precede all censure of their conduct. This inquiry Mr. Morris has applied for, and on every principle of equity he ought to have a fair and full hearing, that if his conduct has been such as to merit approbation, he may no longer lie under any disadvantageous or injurious imputation.

Mr. JACKSON called for a reading of the memorial, which being read, he objected to the appointment of a committee; he thought it unnecessary; it would establish a precedent which would involve a great variety of difficulties. He had no doubt of the honor and rectitude of conduct in the memorialist; he was ready to acknowledge that he had rendered the country great and meritorious services, and that this was the opinion of the people in general through the United States. He was for accepting the report of the committee, and thus finish the business.

Mr. VISING was in favor of the motion, and observed that the report (it appears) does not come up to the ideas of the memorialist; he wishes to give particular satisfaction to the members of this House; he wishes the sanction of this House to the merit of his services, should they, on investigation, appear to deserve such a sanction; justice is all he asks for, and surely gentlemen will not deny that.

Mr. FITZSIMONS followed Mr. VISING, in a similar train of observations.

Mr. BLAND was opposed to the motion. He thought the report was a full justification of the conduct of Mr. Morris; he was opposed to appointing commissioners, as creating an unnecessary expense.

Mr. MADISON was in favor of the motion. He offered a variety of observations on the subject, and in support of the idea, that the House should possess itself of the fullest information in order to doing justice to the country and to public officers.

Mr. GERRY defended his first opinion, that the several branches of Government should be kept separate. He was only solicitous, he said, that the House should not establish a precedent which would mix the several parts of the Government. The memorialist requests the appointment of commissioners; and what is the objection? Nothing more than the expense, which in a matter of justice ought not to be considered.

Mr. STONE observed, on the idea of expense, that if the business is easy to be settled, commissioners will not be wanted for a long time; if the business is intricate and difficult, a committee will be very improper; he was, therefore, in favor of commissioners.

Mr. SHERMAN said, that for himself, he was perfectly satisfied respecting the accounts of Mr. Morris; they are certified by as good and honest

men as can possibly be appointed—men entirely uninfluenced and uncontrolled by any person whatever; but still he thought, to give full satisfaction to the memorialist, and to wipe off any aspersions which may have been cast on him, he was in favor of a committee.

SUBJECT OF SLAVERY.

The House then went again into a Committee on the Quaker's memorial, &c., Mr. BENSON in the Chair.

The fourth proposition respecting a duty of ten dollars on slaves imported, being read, it was moved that it be struck out; which motion, after much debate, was adopted.

Several modifications of the fifth proposition were offered, but the following, in substance, offered by Mr. MADISON, was agreed to, viz:—Congress have authority to restrain the citizens of the United States who are concerned in the African trade, from supplying foreigners with slaves, and to provide for their humane treatment, while on their passage to the United States.

The Committee then rose, and the House adjourned till Monday next.

MONDAY, March 22.

The amendments proposed by the Senate to the bill for establishing an uniform rule of naturalization, and to the bill to provide for the mitigation or remission of fines, forfeitures, and penalties, in certain cases, were taken into consideration. To the first bill the amendment proposed was agreed to by the House. The amendment to the other, it was said, involved an alteration of the principle on which the bill was founded; other objections were made, and, on motion, it was voted that the amendment should lie on the table.

SUBJECT OF SLAVERY.

The House again went into a Committee of the Whole on the Quaker's memorial, &c., Mr. BENSON in the Chair.

The sixth article was further discussed. Mr. SCOTT commenced the debate, advocating the prayer of the memorialists, and was replied to by several of the Southern members.

Mr. BODINOT said, although he most heartily approved of many of the arguments and doctrines of his friend from Pennsylvania, yet he could not go all lengths with him. He thought with him, that our time had been taken up, and great labor had been used in arguments that nowise related to the merits of the question before the committee, but he could not agree that the clause in the Constitution relating to the want of power in Congress, "to prohibit the importation of such persons, as any of the States now existing shall think proper to admit, prior to the year 1808, and authorizing a tax or duty on such importation, not exceeding ten dollars for each person," did not extend to negro slaves. Candor required that he should acknowledge, that this was the express design of the Constitution, and, therefore, Congress could not interfere in prohibiting the importation, or promoting the emancipation of them, prior to that

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period. He said he was well informed that the tax or duty of ten dollars was provided instead of the five per cent. ad valorem, and was so expressly understood by all parties in the Convention. That therefore it was the interest and duty of Congress to impose this tax, or it would not be doing justice to the States, or equalizing the duties throughout the Union. If this was not done, merchants might bring their whole capitals into this branch of trade, and save paying any duties whatever. Mr. B. had hoped, that the great lengths to which the gentleman from Pennsylvania had carried the argument, would have convinced gentlemen in the opposition of the propriety, if not the necessity of the resolutions on the table. Is it not prudent now, while the design of the framers of the Constitution is well known, and while the best information can be obtained, for Congress to declare their sense of it, on points which the gentlemen say, involve their great and essential interests, especially when the gentleman from Pennsylvania gives so different a construction to it from what the gentleman from the Southward think right? Is it not advantageous to the Southern States to have an explicit declaration calming their fears, and preventing unnecessary jealousies on this subject? Can there be any foundation for alarm, when Congress expressly declare, that they have no power of interference prior to the year 1808? But gentlemen say they have been charged with impropriety of conduct, in discovering so much warmth and earnestness, on a subject with which their dearest interests are so intimately connected—that all men are led by interest, and they are justified in pursuing the same line of conduct.

Mr. B. declared, for his own part, he never blamed them for standing forth for what they conceived the true interests of their constituents; but it was the manner in which this had been done, that he complained of. On resolutions declaring that Congress had not power to prohibit the importation of slaves into any State, or interfering in their emancipation or internal government, long arguments had been used, and much precious time had been spent, to prove the lawfulness of the African trade in slaves; this, indeed, was an arduous task, in this day of light and knowledge. An author, said to be of reputation, was brought forward to prove the state of that unhappy country, but it turned out to be in the fifteenth century; this could be of little avail. An hour was taken up in reading the labors of a newspaper writer in the island of Jamaica. This writer appeared wholly uninformed as to historic facts relating to the miserable Africans, and as ignorant of the principal arguments against the slave trade. It was necessary for him to deny the authority of *Anthony Benezet*, who had published some pointed facts on the subject. Mr. Benezet was a man of the strictest integrity, and of the best information—a man that was an honor to his country, and an ornament to society. Mr. B. had been well acquainted with him, and spoke from personal knowledge; he had examined into the facts from captains of Guineamen, and a person who had lived twelve years in that country, and

he could say, with confidence, that Mr. Benezet's account had been generally confirmed. Not only the practice of ancient nations, and that of all modern Europe, had been brought into view, but even the sacred Scriptures had been quoted, to justify this iniquitous traffic. It is true, that the Egyptians held the Israelites in bondage for four hundred years, and Mr. B. doubted not, but much the same arguments as had been used on the present occasion, had been urged with great violence by the King of Egypt, whose heart, it is expressly said, had been extremely hardened. To show why he should not consent to let the children of Israel go, who had now become absolutely necessary to him; but, said he, gentleman cannot forget the consequences that followed; they were delivered by a strong hand and stretched-out arm, and it ought to be remembered that the Almighty Power that accomplished their deliverance is the same yesterday, to-day, and forever. The New Testament has afforded a number of texts to countenance this doctrine, in the gentleman's opinion. One would have imagined that the uniform tenor of the Gospel, that breathes a spirit of love and universal philanthropy to our fellow-creatures—that commands our love to our neighbor to be measured by our love to ourselves—that teaches us that whatsoever we would that men should do to us, to do so to them, would have prevented this misapplication. Surely the gentleman overlooked the prophecy of St. Peter, where he foretells, that, among other damnable heresies, "through covetousness shall they, with feigned words, make merchandise of you."

A quotation from a modern author, of great note in the philosophical world, has been most ungenerously made use of by the newspaper writer before referred to—I mean from the works of the famous Mr. Paley, whose treatise on Moral Philosophy does him the greatest credit—a single sentence or two is taken from this work, without regard to the connexion, to brand him with the charge of countenancing slavery. Mr. B. then produced the book and read the passage, wherein it appeared that Mr. Paley laid down "the obligation of slavery to arise from crimes, captivity, and debt;" that the slave trade on the coast of Africa is not excused by these principles; that no questions are there asked relative to the justice of the vender's title, but this is the least crime with which this traffic is chargeable; the natives are excited to war, with this the wickedness begins; the slaves torn away from parents, wives, children, from their friends and companions, their fields and flocks, their home and country, are transported to the European settlements in America, with no other accommodation on ship-board than what is provided for brutes. This is the second stage of cruelty from which they are delivered, only to be placed, and that for life, in subjection to a domination and system of laws the most tyrannical that ever were tolerated upon the face of the earth. But necessity is pretended, and after all it has never been proved that it exists. Mr. Paley then refers to the present situation of the United States, "The great revolution in the Western World,"

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says he, "may probably conduce (and who knows but that it was designed) to accelerate the fall of this abominable tyranny; and now it is a season for reflecting whether a Legislature, which had so long lent its assistance to the support of an institution replete with human misery, was fit to be trusted with an empire the most extensive that ever obtained in any age or quarter of the world." He then shows that slavery was a part of the civil constitution of most countries when Christianity appeared; and the reason that its precepts did not expressly condemn or prohibit slavery was, because, soliciting admission into all nations, it abstained from meddling with the civil institutions of any. Then follows the passage quoted by the newspaper writer—"That the discharging of slaves from all obligation to their masters, which is the consequence of pronouncing slavery unlawful, would have no better effect than to let loose one-half of mankind on the other. Slaves would have been tempted to embrace a religion which asserted their right to freedom; masters would hardly have been persuaded to consent to claims founded on such authority; the most calamitous of all contests, a *bellum civile*, might probably have ensued, to the reproach, if not the extinction of the Christian name." He then asserts, that emancipation should be gradual, and by the provisions of laws, and under the protection of Civil Government. "Christianity can only operate as an alternative. By the mild diffusion of its lights and influence, the minds of men are insensibly prepared to perceive and correct the enormities, which folly, wickedness, or accident, have introduced into their public establishments." Thus, proceeded Mr. B., justice is done to this worthy philosopher, and my own sentiments are more concisely and explicitly set forth than I could have done without it.

But when gentlemen attempt to justify this unnatural traffic, or to prove the lawfulness of slavery, they should advert to the genius of our Government, and the principles of the Revolution. By the declaration of Congress, in 1775, setting forth the causes and necessity of taking up arms, they say: "If it was possible for men who exercise their reason, to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in, and an unbounded power over others, marked out by His infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the inhabitants of these Colonies might at least require from the Parliament of Great Britain some evidence that this dreadful authority over them had been granted to that body." And by the Declaration of Independence, in 1776, Congress declare: "We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."

This, then, is the language of America in the day of distress. Mr. Chairman, I would not be understood, to contend the right of Congress at this time to prohibit the importation of slaves,

whatever might have been the principles of the Revolution or the genius of the Government; and by the present Constitution we are clearly and positively restrained till the year 1808, and I am sure that no gentleman in this committee would have the least intimation wish to wound this institution of our connexion.

But there is a wide difference between justifying this ungenerous traffic, and supporting a claim to property, vested at the time of the Constitution, and guarantied thereby. Besides, it would be inhumanity itself to turn these unhappy people loose to murder each other, or to perish for the want of the necessities of life. I never was an advocate for so extravagant a conduct.

Many arguments were pointed against the danger of our emancipating these slaves, or even holding up an idea that we had a power so to do, and much time has been taken up to disprove this right in Congress. As no claim of this kind is contended for, and the resolutions already passed expressly contradict it, I shall make no further observations on them.

But the characters of the signers of these memorials are called in question, as an argument against the adoption of the resolution on the table. One of these memorials was signed by the Society of people called Quakers; the other by Dr. Franklin, as President of a private Society in Philadelphia. The indiscriminate abuse that has been thrown out against Quakers, without distinction, has not comported with the honor or dignity of this House. Not only their characters, but their very names have been called upon, and private anecdotes, relating to individuals, been mentioned on the floor. Many of the Quakers I have long lived in the habits of friendship with, and can testify to the respectability of their characters and the regularity of their lives. Their conduct in the late war has been arraigned, and they have been condemned in the lump. I have known many of them during the war, and impartial justice requires it from me, to give the committee some official information on the subject. I had the honor of serving the United States at the commencement of the war, as Commissary General of prisoners. Congress not being able to afford them supplies, those unhappy men in this town were reduced to the very depths of distress, without food or raiment, without blankets or firing, they suffered every thing that human nature could bear. In this situation many of the Quakers of this city exercised such humanity towards them as did honor to human nature. The miserable prisoner not only felt the happy effects of their exertions in his favor, but participated in their money, their food, and clothing. Nay, such were the jealousies created by this conduct, in the British army here, that an armed force entered the house of one of them, seized his books, and though a man of great property, and large commercial dealings, on finding that he had loaned large sums of money to our distressed prisoners, he was turned out of their lines, and with his family was a refugee during the whole of the war afterwards, separated from his business and property.

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To whom was the care of our prisoners in Philadelphia committed? To a Quaker; and I have been witness to the just tribute of gratitude and thankfulness paid by great numbers of our unhappy fellow-citizens to that gentleman for his kindness and humanity. And is this indiscriminate charge, without the least respect to character, a decent or a just return for a conduct like this? Where is the denomination amongst us, that did not furnish opposers to our glorious Revolution? Were not hundreds of Presbyterians, Episcopalians, and almost of every other denomination, among our enemies? What denominations formed the thousands of new levies, that endeavored to deluge our country in blood? On the other hand, were not a Greene and a Mifflin furnished from the Society of the Quakers?

In short, I rejoice to say, that our cause was not carried on by fanaticism or religious zeal, but a generous struggle for the rights of human nature. Then why all this abuse of this particular sect, without discrimination? Can any solid argument against the resolution on the table arise from a conduct of this kind? I am at a loss to know what other argument has been used to show the impropriety of the resolution before you. It goes to declare the power of Congress to prohibit foreigners from fitting out vessels in our ports, to supply foreigners with slaves from Africa. For my part, I think it a prudent, a humane, and a Constitutional resolution. It will render further interference on this subject, perhaps unnecessary, when it is known that the power of Congress extends to remedy the evil. They will hardly venture to risk a voyage that may be ruined before its being finished.

The gentleman last up, (Mr. Smith,) said, that it was now acknowledged, that one of the memorials had asked something contrary to the Constitution. I have never acknowledged this. The language is, that Congress would go to "the very verge of the Constitution," to accomplish the business; but there is no request to exceed it.

The character of the celebrated signer of the last memorial, Dr. Franklin, has been touched upon. The firmness of his mind has been suspected. An ingenious parable of his has been read to the committee, but its application totally mistaken. If the Supreme Being has borne with the unhappy subjects of our consideration, not for one hundred, but for thousands of years, in their own native land; has provided them with climate, soil, and social comforts, in which they rejoice; must we be discontented, and suppose, by adding to their misery, we can add to their happiness?

On the whole, sir, I have heard nothing to convince me of the impropriety of the present resolution. I shall therefore vote against striking it out.

It was moved that the sixth article be struck out, but the motion was negatived. The committee then agreed to the proposition. The seventh article was, on motion, struck out.

The committee then rose, and made their report to the House, which was laid on the table.

APPROPRIATION BILL.

A message was received from the Senate, with the bill making appropriations for the support of Government for the year 1790, concurred in with amendments.

TUESDAY, March 23.

The committee to whom was referred the petition of Richard Wells and John Hart, brought in the following report:

Resolved, That the possessors of the Continental bills of credit, emitted by the authority of Congress, before the 18th day of March, 1780, on bringing the same into the Treasury of the United States, shall receive certificates for the same, at the rate of one dollar specie value for one hundred dollars of the said bills; and the same shall be funded on interest in the same manner as the other debts of the United States. The interest to commence on the day the said bills shall be lodged in said Treasury; and all such bills in the treasury of any State exceeding its quota required by the acts of Congress of the 7th day of October, 1779, and the 18th day of March, 1780, on being brought into the Treasury of the United States, shall be credited to the account of such State, at the rate aforesaid, on interest of six per cent. per annum, from the time it was received into the Treasury of the respective States.

Which was laid on the table.

The House proceeded to consider the amendments of the Senate to the bill making appropriations for the support of Government; which were agreed to.

SUBJECT OF SLAVERY.

It was then moved, that the House should take up the report of the Committee of the Whole on the memorials of the people called Quakers, and of the Pennsylvania Society for promoting the abolition of slavery.

This motion was opposed by Mr. JACKSON, Mr. SMITH, Mr. BURKE, and Mr. BLAND; they severally observed, that the discussion of the subject has already excited a spirit of dissension among the members of the House, and that every principle of policy and concern for the dignity of the House, and the peace and tranquillity of the United States, concur to show the propriety of dropping the subject, and letting it sleep where it is. On the other hand, Mr. VINING, Mr. HARTLEY, and Mr. PAGE, observed, that there was the same propriety in taking up the subject at the present moment, and bringing it to a conclusion, as there was for first taking it up; that it has been so fully discussed it cannot be supposed gentlemen will go over the same ground again; it may soon be determined, to pass it over will be unprecedented, and will leave the public mind in the same state of uncertainty from which so much danger is apprehended. The motion for taking up the report was warmly contested in a lengthy debate, and finally passed in the affirmative, by a majority of one. Whereupon, on motion, that the said report of the committee, and also the report of the Committee of the Whole House, of amendments to said report, be inserted on the Journal, it was resolved

in the affirmative, 29 votes to 25. The yeas and nays were as follows:

Those who voted in the affirmative, were, Messrs. Boudinot, Brown, Cadwalader, Contee, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Hartley, Hathorn, Heister, Huntington, Lawrence, Lee, Leonard, Madison, Muhlenberg, Parker, Partridge, Schureman, Scott, Sedgwick, Sherman, Sylvester, Sinton, Vining, and Wynkoop.

Those who voted in the negative, were, Messrs. Ames, Baldwin, Benson, Bland, Burke, Carroll, Coles, Gale, Grout, Jackson, Livermore, Matthews, Moore, Page, Van Rensselaer, Smith, (of Maryland,) Smith, (of South Carolina,) Stone, Sturges, Sumter, Thatcher, Trumbull, Tucker, White, and Williamson.

The said reports are as follow:

Report of the Special Committee.

The Committee to whom were referred sundry memorials from the people called Quakers, and also, a memorial from the Pennsylvania Society for promoting the Abolition of Slavery, submit the following report:

That, from the nature of the matters contained in these memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the Abolition of Slavery, and are clearly of opinion,

First. That the General Government is expressly restrained from prohibiting the importation of such persons "as any of the States now existing shall think proper to admit, until the year one thousand eight hundred and eight."

Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within, any of the said States.

Thirdly. That Congress have no authority to interfere in the internal regulations of particular States, relative to the instructions of slaves in the principles of morality and religion; to their comfortable clothing, accommodations, and subsistence; to the regulation of their marriages, and the prevention of the violation of the rights thereof, or to the separation of children from their parents; to a comfortable provision in cases of sickness, age, or infirmity; or to the seizure, transportation, or sale of free negroes; but have the fullest confidence in the wisdom and humanity of the Legislature of the several States, that they will revise their laws from time to time, when necessary, and promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.

Fourthly. That, nevertheless, Congress have authority, if they shall think it necessary, to lay at any time a tax or duty, not exceeding ten dollars for each person of any description, the importation of whom shall be by any of the States admitted as aforesaid.

Fifthly. That Congress have authority to interdict, or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners) to regulate the African trade, and to make provision for the humane treatment of slaves, in all cases while on their passage to the United States, or to foreign ports, so far as respects the citizens of the United States.

Sixthly. That Congress have also authority to prohibit foreigners from fitting out vessels in any port of

the case of a person who should happen to incur, unintentionally, a penalty in the State of Georgia; he must send to the seat of Government to obtain a decision on his case; meantime, from the perishable nature of his cargo, as may happen, his property at all events is sacrificed. He hoped the amendment would not be accepted to.

Mr. JACKSON was opposed to it on similar principles, and observed that he should prefer that the Judge of the District Court should be empowered to give a final determination; he considered the Judge as competent as the officers of State at the seat of Government, and in a more responsible situation.

Mr. SMITH, of South Carolina, spoke largely on the subject, and in opposition to the amendment.

Mr. GERRY objected to the proposition as unconstitutional; as the appointing the Heads of Departments as Judges in this case, is to all intents and purposes establishing a Board of Commissioners with judiciary powers; and is an indirect, and not very delicate attack on the power of the President and the Senate of the United States.

Mr. SEDGWICK was opposed to the former part of the amendment, but wished that the latter part might be adopted. He dissented from Mr. GERRY, by observing that he conceived there was propriety in referring matters of this nature to officers already appointed.

Mr. SHERMAN proposed a committee of conference.

Mr. BURKE was in favor of the motion.

Mr. LAWRENCE entered into a general consideration of the subject of fines and forfeitures. These, he observed, were originally designed as guards to the safe and effectual collection of the revenue; and in this view they ought to be as nearly inevitable as is in any ways consistent with mercy to individuals, and justice to the public at large. The contemplation of a mitigation of these fines and forfeitures ought to be managed with a great deal of circumspection; that such difficulties may be thrown in the way of getting rid of those forfeitures, as may prevent careless and incautious violations of the law.

He added several other observations, and concluded by saying that he could wish the last part of the proposition should be adopted; but with respect to the former, he had not so fully digested the subject as to be able, at the present time, to give his opinion. He wished, therefore, that the bill might lay on the table for a few days.

Mr. HUNTINGTON said he had always been opposed to the bill, as absurd and improper; for if a law is necessary in the present case to mitigate fines, &c., incurred for breaches of the revenue law, we shall act inconsistently with ourselves, if we do not pass laws to abate punishments in other cases. He believed no parallel can be produced in any country of laws similar to the one proposed; it is referring matters of judicial determination to a Chancellor unknown to the Constitution. He wished, therefore, that the bill might be suffered to lie on the table, never more to be taken

up; if a committee of conference is appointed, he had no doubt this would be the issue of the business.

On the question being taken, the amendment of the Senate was disagreed to.

A committee of conference was then appointed, consisting of Mr. AMES, Mr. HUNTINGTON, and Mr. JACKSON.

FOREIGN INTERCOURSE.

The engrossed bill providing the means of intercourse between the United States and foreign nations was read the third time, and ordered to be recommitted to Messrs. SEDGWICK, HUNTINGTON, and LEE.

THURSDAY, March 25.

Ordered, That leave be given to bring in a bill or bills further to suspend part of an act to regulate the collection of the duties imposed on the tonnage of ships or vessels, and on goods, wares, and merchandise imported into the United States; and that Messrs. LEE, CADWALADER, and SENEY, do prepare the same.

A message from the Senate informed the House that they had appointed managers to confer with such as this House may appoint on their amendment to the bill to provide for the remission of fines, &c.

A motion was then made that the House should go into a Committee of the Whole on the bill respecting the Southwest frontiers. Some objection was made to the immediate adoption of the motion, as interesting and important intelligence was daily expected from Governor Sinclair.

The motion being put was carried in the affirmative, and the galleries were thereupon cleared.

FRIDAY, March 26.

A memorial from the officers of the late navy of the United States was presented, praying to be allowed the half-pay and other emoluments granted the officers of the army. Referred to a select committee.

Mr. LEE, from the committee appointed for the purpose, presented a bill further to suspend part of the act regulating the collection of duties, &c., which was read the first time.

INSPECTION BILL.

The House resolved itself into a Committee of the Whole on the bill to prevent the exportation of goods not duly inspected, according to the laws of the several States. Mr. BOUNDAR in the Chair.

Mr. LIVERMORE objected to the bill, as an unconstitutional interference on the part of Congress with the powers of the respective States. The Constitution, said he, has expressly reserved to the several States the power of making their own inspection laws, and the power of executing them is inseparably connected. Those laws will doubtless be executed without an interference on our part.

Mr. SMITH, of South Carolina, observed, that the object of the bill is to make it the duty of the collectors to attend to the execution of the State Inspection Laws, it having formerly been the duty of the State collectors; since the appointments were made by the United States, the officers did not conceive themselves bound to pay particular attention to those laws.

Several other gentlemen spoke on the subject, and the great importance of such laws, and their punctual execution, were enlarged on.

The committee finally agreed to some amendments, which were adopted by the House; and the bill was ordered to be engrossed for a third reading on Monday next.

CESSION OF NORTH CAROLINA TERRITORY.

The House then resolved itself into a Committee of the Whole on the bill sent from the Senate, to accept a cession of the claims of the State of North Carolina to a certain territory, Mr. BOUNDARY in the Chair.

In the preamble to the bill, the words, "THE HONORABLE," were prefixed to the names of the Senators from North Carolina.

Mr. PAGE moved that those words should be struck out. He observed that however honorable the gentlemen might be, and he was ready to acknowledge they were truly so, yet agreeable to the usage of the House, he conceived there was an impropriety in giving any titles. He hoped never to see the time when a Legislative sanction should be given to such distinctions. If a permanent Aristocracy was ever established among us, it would be through this medium. Such titles have been productive of infinite mischief in other countries; they are anti-republican, and as such cannot be conferred with any propriety by this House.

Mr. SEDGWICK observed, that if the gentleman was ready to acknowledge the Senators from the State of North Carolina were truly honorable characters, he could see no mischief or impropriety in saying so; it compares with the usage of the several States; but he considered it as a matter of trifling consequence, and hoped the committee would not spend time in altercation on the subject.

Mr. PAGE made some reply to Mr. SEDGWICK, and the vote being taken, it passed in the affirmative by a great majority, and the words were struck out.

A condition in the act of cession, relative to the emancipation of slaves, that Congress should not (as in the act for the government of the Western Territory) provide for their freedom, occasioned some debate; an amendment was proposed and debated, but not adopted.

The committee reported the bill with the above amendment only; which was agreed to.

MONDAY, March 29.

The engrossed bill to prevent the exportation of goods not duly inspected, was read the third time and passed; also

The bill from the Senate, to accept a cession of the claims of the State of North Carolina to a certain district of Western Territory.

The bill further to suspend part of the act to regulate the collection of duties, was read the second time and committed.

PUBLIC DEBT.

A motion was then made, that the House take up for consideration the report of the Committee of the Whole, on the report of the Secretary of the Treasury relative to the provision for the support of the public credit.

Mr. WILLIAMSON said he hoped that the House would not take up the report. He wished that North Carolina should be fully represented on the floor, when the question for accepting the report should come before the House; he wished it, he said, as he had some facts to state to the House which would go to prove the total impropriety, if not impracticability, of agreeing to some of the propositions contained in the report. He moved, therefore, that the subject should be deferred, at least till to-morrow.

Mr. SEDGWICK and Mr. SHERMAN opposed a postponement.

Mr. HEISTER spoke in favor of the motion; he thought the reasons offered by the gentleman from North Carolina important, and that he should be indulged.

The question was then put for taking up the report, and passed in the affirmative.—27 to 24.

The report was then read as follows:

1. *Resolved*, That adequate provision ought to be made for fulfilling the engagements of the United States in respect to their foreign debt.

2. *Resolved*, That permanent funds ought to be appropriated for the payment of interest on, and the gradual discharge of, the domestic debt of the United States.

3. *Resolved*, That the arrears of interest, including indents issued in payment thereof, ought to be provided for on the same terms with the principal of the said debt.

4. *Resolved*, That the debts of the respective States ought, with the consent of the creditors, to be assumed and provided for by the United States. And that of

factual provision be at the same time made for liquidating and crediting to the States the whole of their respective expenditures during the war, as the same have been or may be stated for the purpose; and that, in such liquidation, the best evidence shall be received that the nature of the case will permit.

5. *Resolved*, That it is advisable to endeavor to effect a new modification of the domestic debt, including that of the particular States, with the voluntary consent of the creditors, by a loan, upon terms mutually beneficial to them and to the United States.

6. *Resolved*, That, for the purpose expressed in the last preceding resolution, subscriptions towards a loan ought to be opened, to the amount of the said domestic debt, including that of the respective States, upon the terms following, to wit:

That for every hundred dollars subscribed, payable in the said debt, (as well interest as principal,) the subscriber be entitled, at his option, either

To have two-thirds funded at an annuity, or yearly interest at six per cent. redeemable at the pleasure of

the Government, by payment of the principal; and to receive the other third in lands in the Western Territory, at the rate of twenty cents per acre. Or,

To have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity, or yearly interest of six per cent, irredeemable by any payment exceeding per annum, on account of both principal and interest; and to have, at the end of — years, — funded at the like interest and rate of redemption.

7. *Resolved*, That immediate provision ought to be made for the present debt of the United States; and that the faith of Government ought to be pledged to make provision, at the next session, for so much of the debts of the respective States, as shall have been subscribed upon any of the terms expressed in the last resolution.

8. *Resolved*, That the funds which shall be appropriated according to the second of the foregoing resolutions, be applied, in the first place, to the payment of interest on the sums subscribed towards the proposed loan; and that, if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied, by a temporary appropriation, to the payment of interest on the unsubscribed part, so as not to exceed, for the present, four per cent. per annum; but this limitation shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts; and in case the aforesaid surplus should prove insufficient to pay the non-subscribing creditors, at the aforesaid rate of four per cent. that the faith of Government be pledged to make good such deficiency.

Mr. CARROLL objected to proceeding any further in the report; he submitted it to the House, whether it would not be more regular and expedient to go into a Committee of the Whole on the part of the Report of the Secretary of the Treasury which relates to devising ways and means to pay the interest on the foreign and domestic debts; he thought this would be a more regular mode of conducting the business; he moved, therefore, that this proposition and those which follow be postponed.

The motion for postponement occasioned considerable debate; it was supported by Mr. CARROLL, Mr. SENEY, Mr. SMITH, of Maryland, Mr. STONE, and Mr. WILLIAMSON; the last gentleman observed that the Report had been agreed to in the Committee of the Whole by a majority of four or five members only; North Carolina has about that number in her representation; she certainly has a right to be heard on the subject. We are not yet fully represented, and are not prepared to offer our sentiments. I have at home, said he, some papers which I wish to lay before the House. A proposition to assume twenty-five millions (I believe it will turn out to be thirty millions) ought to be maturely considered. He had a variety of difficulties on his mind, which he wished to have removed. He asked what was to be done with those creditors of the States who would not subscribe to the loans on this plan? Adverting to the Report of the Secretary, he said, that when he saw calculations of one million of dollars to be derived from sources which he believed would be found not to produce five, he confessed he had his doubts respecting the

rest; he saw, no necessity for precipitating the question. He wished more fully to understand the subject.

The motion was then varied to recommitting the fourth proposition to a Committee of the whole House, which was opposed by Mr. SEDGWICK, Mr. AMES, Mr. LAWRENCE, Mr. BOUNDARY, Mr. SHERMAN, Mr. BENSON, Mr. GERRY, Mr. BURKE, and Mr. SMITH, of South Carolina, and supported by Mr. BLAND, Mr. WHITE, and Mr. JACKSON. In opposition to the motion it was said, that more than a fortnight had been spent in discussing the subject; that every argument on both sides had been produced which it was probable could be suggested; that the proposition was an essential part of the report; that subsequent propositions had received the approbation of gentlemen on a presumption that this would form a part of the system; that all the requisite forms had been attended to; that if the proposition was again recommitted, it would be worse than sacrificing the time for no object, which had been spent upon it, as the whole ground would be gone over again; that the reason urged on account of North Carolina might be obviated by considering that the debates had been published; the state of the business fully laid down; and that the various stages it has to pass through before it is completed, will afford the members from that State ample opportunity to offer their sentiments.

In support of the motion it was said that the majority in the committee in favor of the proposition was small; that the subject was very important in its nature and consequences; a great variety of different sentiments prevailed among the people; some States were totally opposed to the assumption, as it would interfere with their arrangements made to pay the interest of their debts; that the subject was susceptible of new light being thrown upon it; new arguments may be adduced; some objections, it was said, had not been removed. North Carolina is interested as much as the other States, and has as good a right to be fully heard as either Massachusetts or South Carolina; that it was unprecedented not to consent to a recommitment at the request of a particular State. Some gentlemen in supporting the motion entered into the merits of the proposition. They remarked that as the amount of the State debts was not fully ascertained, the assumption might put it out of the power of the United States to make adequate provision for payment of the interest of their foreign and domestic debts, and Mr. WILLIAMSON said, the assumption would defraud the State of North Carolina of half a million of dollars.

The question for recommitment being put, it passed in the affirmative; 29 to 27.

TUESDAY, March 30.

TRADE AND INTERCOURSE.

Mr. WADSWORTH, from the committee appointed for the purpose, presented a bill to regulate trade and intercourse with the Indian tribes; which was read the first time.

[H. or R.]

USEFUL ARTS.

Public Debt.

[MARCH, 1790.]

A message from the Senate informed the House that they had passed the bill to promote the progress of useful arts, with several amendments, to which they desire the concurrence of this House.

AMENDMENTS TO THE CONSTITUTION.

A member from North Carolina presented to the House the proceedings of a Convention of that State, recommending certain amendments to the Constitution of the United States; which were ordered to lie on the table.

PUBLIC DEBT.

The order of the day being called for, the SPEAKER read the fifth resolution of the report of the Committee of the Whole on the Report of the Secretary of the Treasury.

Mr. GERRY moved that all the propositions should be recommitted to a Committee of the Whole. He observed that these are so inseparably connected with the foregoing, that those who consider the assumption as an object of importance have associated the subsequent propositions with it, and cannot consistently vote for the latter, but in reference to the former.

This motion occasioned debate.

It was opposed by Mr. CARROLL, Mr. STONE, Mr. SENEY, Mr. JACKSON, and Mr. WILLIAMSON; and supported by Mr. BLAND, Mr. VINING, Mr. LAWRENCE, Mr. BURKE, and Mr. WADSWORTH.

The motion being put, it passed in the affirmative; thirty-one members voting in favor of it. The House then went into a Committee of the Whole; Mr. LIVERMORE in the Chair.

Mr. BLAND said, he had the misfortune to differ with all his colleagues on so important a point as that of the State debts being assumed by the United States in its general funding system; and as that singularity might be attributed by some either to caprice, whim, or a perverse humor, he thought it incumbent on him to show to the House, and to his colleagues in particular, that he considered it as founded upon the soundest principles, both as to the general welfare of the Union and the particular State of which he had the honor to be one of the Representatives. He knew that his attachment to the general weal of the Union had been doubted by some who did not know him. He knew that he had been denominated an anti-Federalist when the adoption of the new Constitution was agitated. He then considered, and at this instant considered some parts of that Constitution as dangerous to the general liberties of his country. He wished to see them amended. He had since had the pleasure to see them in part amended. He hoped in future to see them so amended as to take away every objection; so far as was an anti-Federalist. But he assured the House that there was no man in America more strongly attached to a firm union of the States than himself, or a good and efficient Government, which consisted with the true principles of liberty. Among his objections to the new Constitution,

was a dread that he entertained of silent majorities on questions of great and general concern; that he had heard gentlemen in that House, some of the firmest supporters of the adoption of the new Government, lament and deplore these silent majorities with great pathos. That however his ideas of binding the States together (upon the principle of his having been opposed to the adoption of the Constitution without the amendments he had mentioned) might be ridiculed, he conceived, himself, that he was perfectly consistent; he had always supported, and should continue to support, those measures which should bind and strengthen the Union, so far as was consistent with the Constitution and the rights of a free people.

He should now consider the subject before the House as it concerned the State from whence he came; and although he addressed this particularly to his colleagues, he conceived what was said of Virginia would apply in part to most of the States in the Union. He conceived, that should the assumption of the State debts not take place, (he meant that part that might properly be deemed Continental, as having been incurred for the common defence during the war,) those States which had made the most vigorous exertions would be most embarrassed. In this predicament it was generally allowed Virginia stood. Virginia had at one time in the field twenty-one regiments, including infantry, cavalry, and artillery; these were fully officered; it was true, some of them were Continental and some State regiments, but they had been all settled with alike.

Virginia had a number of marine officers and sailors which were employed in her State vessels; they had also been put on the list of her public creditors, and had received certificates for pay and depreciation. In short, her military debt for Continental purposes amounted to three millions three hundred thousand dollars, principal, on which she had regularly paid an interest in specie, annually, of six per cent. This fund arose from arrangements in her revenue, of which she had then the entire possession. Her impost was pledged for the payment of this interest, and was competent thereto; had she not given up to the Continent, to the General Government, this rich source of revenue, and this debt, or others of a like nature, is now charged on her lands and negroes. From the commencement of the war, great, nay, enormous emigrations have taken place, and still continue. Kentucky is said to contain fifty or sixty thousand souls, nine-tenths of which have emigrated from Virginia. It is said, and I believe with truth, that more than one-half of Georgia is peopled from Virginia by recent emigrations. The State of Franklin, the cession of which this House has just accepted, has been also chiefly peopled from Virginia, and is said to contain more than twenty thousand people. Large numbers have emigrated to other States, to avoid either being called into service, to obtain lands on easy terms, or to avoid taxation. What is now the situation of Virginia? The remaining citizens are to pay (unless the assumption takes place) the whole debt, while she

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who has been termed the elder of the States, and not improperly may be termed the mother of those just mentioned, may not unaptly be compared to the pelican, who is represented as feeding her young with her life's blood, that is, with her citizens. And how are these citizens employed? Why in Georgia, helping to pay their State debt, and in Kentucky and Franklin, hitherto out of the reach of taxation, or unable to contribute anything towards this purpose from their own exposed situation, being engaged in their own defence ever since the war with Great Britain.

Virginia may on this occasion be divided into two parts, independent of Kentucky; that from the sea-coast to about the heart of the State, through which the army marched, both friends and enemies, as one part; and that near and beyond the mountains, as another. The first was subject to have their houses and towns burnt by the enemy, their plantations laid waste, and their negroes carried off. It is beyond all doubt, that not less than seven thousand of these, the best of our laborers, were carried off by the enemy, or left their masters; those inhabitants who suffered this loss are also the greatest creditors to the State and the United States, having loaned money, had their property impressed for the use of their armies, or contributed voluntarily to their support. By emigration, vast quantities of vacant land belonging to the emigrants have been brought to market, so that the lands in all parts of the State have fallen sixty per cent. in value; and these lands, thus depreciated, are now loaded with a heavy tax to pay this Continental State debt. The burden has become almost intolerable, and this burden is aggravated by the lands being depopulated of their laboring hands which have been either taken off by the enemy, or by emigration.

I am not surprised (continued Mr. BLAND) that Georgia has declared herself against the assumption, or that the members even from Virginia, who came from the far West, should do so; but I own I am a little surprised that North Carolina should have taken up that opinion, especially as what has been said of Virginia with respect to emigrations applies in a certain degree to her case also. In short, when Virginia contracted her debt, she had reason to think her resources were adequate to the payment; but those resources are gone, she has not only parted with her revenue from impost and tonnage, but she has parted with her immense territory northwest of the Ohio. This, sir, is deemed a respectable fund for the discharge of the Continental debt. What proportion of this fund will fall to her share as a State? She will partake of it exactly as her citizens are creditors of the United States; and I believe it may be safely asserted, that the military debt which she has taken on herself, as a temporary measure recommended by Congress, out of the question, her citizens will be found as lenders to the Continent, or holders of Continental securities, not upon a par with some of the smallest States in the Union. [Mr. BLAND here stated the amount of the State debts of Virginia; four-fifths

of which, if not nine-tenths, might justly be placed to the account of the United States.]

Some gentlemen are very desirous to sever the funding of the debt of the United States from that of the States, though both of them have been incurred for the same purpose, viz: the payment of the army and the common defence against the common enemy. It would be, in my opinion, like separating man and wife, or like amputating limbs from the body; I cannot see where the sound part ends, and the gangrene, which is to be cut off, begins.

Mr. B. hoped he had satisfied his colleagues and the House, that his vote on this occasion was not the effect of caprice or singularity; but was founded on principle, both as it related to the general good, and the good of the State from whence he came, and that he would be justified in voting that the assumption of the State debts, so far as it went to that incurred during the war for the general defence, should take place. He said, he disliked long speeches, and should not have troubled the House on this occasion so long, had not been fully convinced in his own mind, and conceived himself called up from the peculiar predicament he stood in, in differing from all his colleagues in opinion on a matter of so much moment to the Union and to the State of Virginia.

Mr. BURKE said, he had a few observations to offer to the Committee, in order to satisfy some gentlemen whose principal objections to the assumption of the State debts, were the South Carolina frigate and the Penobscot expedition; these two objections remained to be moved away, it seems, as a sort of rubbish, before we can lay the foundation. When the subject of the State debts was formerly before the Committee of the Whole, Mr. B. was sorry he omitted to enter into a history of the transactions relating to the frigate, not thinking that gentlemen would avail themselves of that affair to embarrass the measure of assumption. He begged the indulgence of the Committee while he gave a detail of it, as he had no doubt of giving such a satisfactory account as would convince the Committee that the motives and reasons of that business flowed from pure patriotic principles, and principles connected with the general interests of the Union. There is not a gentleman on the floor who is a stranger to the feeble situation of our State, when we entered into the war to oppose the British power. We were not only without money, without an army or military stores, but we were few in number, and likely to be entangled with our domestics in case the enemy invaded us. When the British fleet and army arrived on our coasts in 1776, so small was our quantity of powder, that we could trust but a very small part of it at Fort Moultrie, the first post in front of the enemy; a precaution very unsafe for them, for had the garrison had a sufficiency of powder, through that auspicious day, the British ships must have left their bones in the channel. And as to the article of lead, it is a fact which has never been related, that the citizens of Charleston were called on, and did actually furnish the lead used about their win-

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dows; such was the desperate situation for want of stores. As to small arms, those of the regular troops were generally indifferent, and the militia were miserably armed. The administration, however, made every effort, in the years 1776 and 1777, and spared no expense to obtain those articles from Europe and the West Indies: but so guarded and lined were our coasts with British cruisers, that our attempts often proved vain; many vessels with those articles on board were captured, often in sight of the town, and the few escaping had to run the gauntlet through the enemy's fires. In the latter end of 1777 (I think it was) a Mr. Galvan prevailed on our Government to employ him to go to France for arms; he went accordingly, charged with this commission, and with produce to purchase them. He returned with arms. Whether he was imposed on in the contract or not, we could not tell; but most of them burst in proving them. The whole importation was not, I believe, worth one farthing for substantial use.

In 1778, our circumstances, for the want of means of defending ourselves, were truly wretched, and we had rumors and reason to expect that our situation would again invite the enemy to invade us. The means of procuring military stores, and clothing for our standing forces, or for the militia when called out, was an object of such magnitude, as to occupy the attention of the patriots of that country, and finally the mind of the Legislature; who, taking into consideration the want of all kinds of necessities requisite for our situation, viewing the unfortunate disappointments met with by our small vessels falling into the hands of the enemy's cruising frigates, our Legislature, in that year, resolved upon a bold enterprising attempt to furnish the country with supplies. This attempt was to purchase in Europe, and equip for sea, three frigates, whose united efforts might give us a greater chance of their reaching our coasts in safety. It was an arduous undertaking; but it was such a one as was worthy of gallant men contending for liberty. And here I have to make one observation respecting the State I belong to. I have not the honor of being a native of it, so that I shall not be charged with vanity or ostentation. Such was the native generosity of that people, that they thought no expense too great; such their gallantry and spirit of enterprise, that though comparatively few in number, yet they deemed no danger or undertaking too arduous for them in the common cause. For the business of the frigates, they provided the enormous sum of upwards of seventy thousand pounds sterling; and to go to Europe to make the purchase, and take the command of them, they appointed a gentleman, Commodore Gillon, who, besides his being an able seaman, possessed bravery and talents. Indigo was purchased, and shipped to France for that purpose; but a misfortune soon presented itself, which proved the source of all the embarrassments which that gentleman had to contend with in Europe, and of all the trouble and expense afterwards attending the frigate South Carolina. The

vessel in which a great part of the indigo was shipped, was manned with British seamen, picked up as they could be got in our necessity; they mutinied at sea and carried the vessel and cargo into England. As the reward of their treachery, under British encouragement, Congress, about the commencement of the war, by way of retaliation, gave a similar incentive to British seamen to run away with British West India ships, into the ports of the Continent, which they often did, and relieved our wants of West India produce. Desperate of seamen, we were obliged to employ men whose perfidiousness was felt by their friends and enemies. I mention it as a specimen of the honest *frankness* and *integrity* of British tars, often boasted of. Commodore Gillon met with every difficulty and embarrassment. It became impracticable for him to execute his commission fully; but well knowing the fervent zeal and expectation of the country he served, respecting the business he came upon, he determined to procure and equip a vessel of force. As he was destitute of the resources sufficient for the purchase, and as the credit of a State, liable to the calamities of a dreadful war, must have been at a low ebb, an honorable member, now of the Senate, (Mr. Izard) being then in Europe, warm with patriotic zeal to promote the service of his country, advanced his personal credit, which Commodore Gillon also did, for the purchase and equipment of the frigate South Carolina. These gentlemen, at that day, not only believed they were taking a measure which would be acceptable to their countrymen, but they thought they were doing what was wise and expedient for the public service, or they never would have embarked their private fortunes in it as they did. The ship putting to sea, made several prizes, and so far performed service by distressing the common enemy. At Havana she was employed by the Spanish Government to cover the expedition against New Providence, a place which the Commodore, his officers and crew, were chiefly instrumental in reducing. Any profit arising from those services we are willing to account for.

So the business of that frigate had its source in the generous breasts of our countrymen, in their warm and honest fervor for the liberties and independence of the United States: in order to put arms into the hands of our citizens, to supply clothing, powder, and military stores, to put us on a footing with our enemy, should they again invade us, and to redeem us from the miserable defenceless situation we were plunged in, in the beginning of 1778.

Mr. B. added a few other observations, and concluded by apologising to the Committee for having trespassed on their time. He had other things to advance, but would stop for the present, and reserve himself for another occasion to show the policy and justice of assuming the State debts.

Mr. Jackson replied to Mr. BLAND and Mr. BURKE. Although he conceived the subject matter, respecting Georgia, foreign to the point before the Committee, yet, as it had been brought for-

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ward, he thought himself called on to perform his duty by a reply.

The gentleman (Mr. BLAND) had declared Georgia to have sucked the life-blood of Virginia, but that she had not acted as a dutiful child in return. He did not know that Georgia was to do as she was bid; but admitting the force of what the gentleman had advanced, and that Virginia was the mother of Georgia, still Georgia could not be called an undutiful daughter; for the representatives of the State of Georgia were of the same opinion with the body of the representatives of Virginia, on the subject of the assumption of the State debts.

The gentleman had brought forward estimates of debts and losses of their respective States. If the losses of Georgia were to be compared, those of Virginia or any other State would be comparatively small. Not to enumerate others, the losses of whole crops of rice, indigo, corn, &c. of that State for the years 1778, 1779, 1780, 1781, and 1782, would far overbalance any estimate which could be produced, and the loss of so many crops were instances which could not be equalled by any State in the Union.

Mr. J. added a few words in reply to Mr. BURKE, and concluded by observing that he was still against the assumption, nor did he think the House bound for it; the exertions of the different States had been unequal; the House had only pledged itself for a provision for the debts of the Union, and that he hoped would take place.

Mr. WILLIAMSON observed, that on a subject which had been handled by gentlemen of great information and abilities, he could not expect to offer new arguments, but as he had not heard the arguments hitherto advanced, and as he differed very much from the opinion of the late committee, it was a duty he owed to himself, to the State he had the honor to represent, and to the nation at large, to give some reasons why he conceived that the debts of the several States ought not to be assumed. He observed that the national debt had been stated at fifty-four millions of dollars, the interest of that sum is three millions, two hundred and forty thousand dollars. The debts of the individual States had been stated at twenty-five millions, he believed a few millions might be added to that amount, for he knew that many citizens of North Carolina had good claims against the State or the Union not hitherto settled, and the State had instructed its delegates to obtain a longer time for exhibiting claims against the United States. He believed the citizens of Virginia had also many claims to exhibit, and when he considered the present claims of North Carolina were six or seven millions of dollars, he thought it not improbable that the amount of the debts might be near thirty millions; he would call it for the present, twenty-five. The interest of that sum is one million and a half. He thought that an annual tax of three million two hundred and forty thousand dollars, is a burden sufficient for the present abilities of the nation. He did not comprehend the new theory, viz: that a great burden is more easily carried by making it greater;

he heartily wished a safe voyage to the political vessel; but he had some apprehensions that with the proposed cargo she might sink at her anchors. He knew that the proposed tax is small, when we consider the number of our fellow-citizens, and compare it with the numbers in several kingdoms and the taxes paid by them; but the facility of raising taxes by imposts and excises is according to the number of inhabitants in any given space. In the city of Paris, where a vast body of people are collected within a small space, the inhabitants are supposed, by one species of tax or another, to pay sixty-four livres per head; in other parts of that kingdom it has been found difficult to collect nineteen livres per head from the subjects, though France is well peopled and contains many considerable cities.

If three times as much could be collected in the city of Paris by imposts, duties, and excises, as in the other parts of France, he conceived that very small sums might be expected to arise in America from excises, and our impost must decrease in proportion as the industry and necessities of the people increase. He admitted that direct taxes, as a land-tax or a poll-tax, may be collected with some degree of certainty, but he wished never to see direct taxes imposed by the National Government. They are dangerous, because they have been the means of cruel oppression; the Romans had never been completely miserable till one of their Emperors had the address to introduce a capitation tax. He observed that his fellow-citizens of North Carolina were not in general rich, few of them so provident as to lay up money; for this reason, while he was entrusted with their concerns, he should oppose every measure that looked towards direct taxation. He wished never to see the day, when to satisfy a land tax, or a capitation tax, a poor man's cow or horse might be taken from him, on which he depended for the support of helpless children. Let the State debts be once assumed and you must proceed, if your calculations are bad, and they are nothing more than pure conjecture, and the impost and excise does not come up to your expectations, the national honor must be preserved, the debt is yours and must be paid, let the means be ever so hard. It will doubtless be observed that the interest of the State debts must be paid either by the several States or by the Union, and it is indifferent to the people under what name they make the payments. This argument, he alleged, was extremely fallacious, for after the National Legislature has imposed such taxes as might become general, the State Legislatures may, with great ease, and in some cases with great advantage to the citizens, impose other taxes. The produce of the States is different; the inhabitants have different modes of living, and there is a difference even in their vices; wherefore different taxes might be proper. Such taxes might be useful to correct vices or restrain habits that should not be indulged. It will certainly be granted, that the Legislature of the State, in many cases, can best accommodate the burden to the strength and feelings of the citizens. It had hitherto been considered, that the States

owed certain duties, and that they had a certain quota of services to perform. From the particular policy of some of the States, their debts had depreciated greatly; certificates had been at 2s. 6d. in the pound. People would not readily be reconciled to the new creed, "that the debts lately paid are State debts, but all the debts not paid are National debts," especially as this discovery is made after the most of the certificates have changed their original holders, and have passed for a trifle into the hands of moneyed men. Caesar's wife should not only be chaste, but without suspicion. He conceived that a National Legislature should be extremely cautious how they adopted new measures, especially if there was a single hook to which the suspicion of personal interest might be attached.

The situation of North Carolina, he alleged, was somewhat different from that of her sister States. Commissioners had, on sundry occasions, issued Continental securities to the citizens of the several States, independent of the army certificates, to the amount of four millions eight hundred and ninety-two thousand dollars; of this sum about eight thousand dollars had been issued to the citizens of North Carolina. The citizens of that State have hardly any Continental securities, because the State, by one accident or other, has been obliged to assume the payment of the Continental debts; she has assumed debts to the amount of six or seven millions of dollars. In what manner are the citizens to be rewarded for all their labors and supplies? He prayed that the committee would attend to the operation of this new system. Other States, since the peace, have laid taxes to raise money for paying interest, and that interest has been returned into the hands of their own citizens. North Carolina has imposed heavy taxes for sinking certificates, being part of the principal of the public debt; the citizen has drawn no relief from those taxes, and to crown his misfortunes, he is not to get a credit for the certificates sunk. The State has also issued paper money to the amount of two hundred thousand pounds; that is to say, half a million of dollars; some of this money has been applied towards paying the late Continental line of the army, and some of it has been employed in buying up public securities. The securities are in the Treasury, but the paper money is in circulation; our citizens are to be taxed for sinking this money, and we are not allowed a discount for the certificates which we purchased by the money. Will not this be a double tax? We are required to pay our proportion towards the interest of other people's certificates; we must at the same time pay taxes towards sinking our paper money, which is another species of certificates. But we are not to be relieved in the mean time by discounting the interest of the certificates we have taken up. Patience itself would complain of such injustice. Perhaps we shall be told, that the double tax will be inconvenient, but we shall be repaid on some future occasion. We shall get a credit when the accounts of all the States are settled, and the quota of the several States are fixed; in other

words, we may expect justice at the day of judgment. He prayed it might be observed, that the accounts were not in a train to be settled; that they could not possibly be settled under any existing law, and Congress had not taken a single step from which he could believe that they intended to make any settlement. The original rule for fixing the quotas of the several States, "according to the value of lands and their improvements," had long since been given up as impracticable. Congress had substituted no other rule in its place, as they were seriously disposed to settle the accounts of the several States, and to render some measure of justice to the most deserving. The necessary steps were obvious. In forming a rule for settling the accounts, he was persuaded that North Carolina would not appear to be illiberal. He presumed also that she would be disposed to make a generous allowance to the several States for all services that had usually been called military; but he could not reconcile himself to this system of assuming the debt first, and talking afterwards concerning its origin. It has been observed, that the State debts are not to be funded immediately; how shall we account for this extraordinary zeal in declaring absolutely that they shall be assumed? Are we afraid that the next Congress will refuse to do justice? Are we desirous to cut off the possibility of returning, if we should change our minds on better information? One obvious benefit will arise from this sudden adoption. A few men who chanced to be near the seat of Government, and first possessed of the scheme, flew to Carolina, and there bought up securities at 3s. in the pound; those men will be liberally rewarded, while his unfortunate fellow-citizens are left to pay a second tax for the same object, and to complain of the injustice of Government.

On this occasion, he said, he was not left to conjecture what would be the sense of his constituents. The late Convention had expressed it fully in one of the amendments, which they had forwarded to Congress, in the following words: "Congress shall not directly or indirectly, either by themselves or through the judiciary, interfere with any one of the States in the redemption of paper money, already emitted and now in circulation, or in liquidating and discharging the public securities of any one of the States, but each and every State shall have the exclusive right of making such laws and regulations for the above purposes as they shall think proper."

In this amendment the Convention had been unanimous. On this occasion, he was not only pursuing a measure that accorded with the sense of his constituents, but it was a measure that had perfect justice for its object. North Carolina asked for no favors, she sought for no advantages under cover of general resolves, she was ready to account according to the spirit of the original contract; a contract that had not been altered by the new form of Government, for justice was immutable. The new Government could not be strengthened by hasty measures, much less by any departure from justice.

Mr. SEDGWICK said, it had been reported abroad,

and declared in the House, that those gentlemen who were in favor of the assumption, meant to prevent a settlement of the accounts of the individual States, with the United States. To remove every objection arising from that source, he would take the liberty of declaring once for all, and that in the most unequivocal and positive language, that he did not now, nor ever had entertained such an intention, and that he had the fullest confidence that the same declaration might be applied to every gentleman in favor of the measure.

Mr. S. said, that the House, after having exhausted the subject in a most deliberate discussion, had again resolved themselves into a committee in consequence of the gentleman from North Carolina (Mr. W.) having pledged himself in five minutes to demonstrate that by the assumption the State he represented would be defrauded of half a million of dollars. That he had attended very carefully to the process of this demonstration, and perhaps it might not be altogether time mispent in communicating to the committee the observations which had occurred to him upon it.

He understood the gentleman to have declared that North Carolina had rendered services beyond her proportion; that her debt created for national purposes, and part of which had been actually assumed, was also beyond her proportion; that the accounts of the individual States with the United States would never be adjusted; and more, that there was an intention with the majority of Congress to prevent it. What conclusion was to be drawn from this? North Carolina would sustain an injury from the circumstances stated, if the debt shall not be assumed; common sense would then dictate that justice to North Carolina required that the debts should be assumed. This conclusion, however, was not deduced from the premises; the gentleman had agreed that as North Carolina, independent of the assumption, would sustain an injury against which she could by no other means be relieved, therefore he had wisely concluded that by the assumption she would be defrauded.

Mr. S. said, the gentleman had further stated that North Carolina had been so unfortunate, that some of her confidential officers had issued fraudulently three hundred thousand dollars in certificates; which certificates, if the debt of that State should be assumed, must be paid by the Government. If so, there could be no doubt but this Government would indeed be defrauded, and North Carolina would of course be subjected to her proportion of the burden resulting from it; but he wished the gentleman to consider, whether the National Councils might not, aided by his wisdom and experience, be supposed to possess nearly as much sagacity in detecting frauds and guarding against their effects, as the Government of North Carolina.

The next argument of the gentleman, Mr. S. observed, was still more extraordinary, and indeed greatly beyond his comprehension. He had stated to the committee that North Carolina had is-

sued paper money to a certain amount, with this money they had purchased certificates. Here, then, he concludes the State had made one purchase for which it should have a credit; still, however, this money is to be reduced, which will be an additional burden on the people. Here, then, it is supposed to have been proved that a double payment has been made, and yet it is justly concluded that only a single credit is proposed to be given for this wonderful operation. Mr. S. said, he would illustrate the ingenious argument of the gentleman by an example exactly similar: "I borrow," said he, "of my friend a hundred pounds, for which I pay him by my bond; the man, at the time agreed upon for the payment of the money, applies for it, whereupon I, with a sober face, tell him, that when I received his money he was paid for it by my bond, and should he be so unconnected as to insist on his money, he would receive double payment. Surely any reasonable man would be convinced by the argument. Just so North Carolina purchased certificates with her valuable paper promises; this is one payment, she performs her promises, and thus has made double payments."

Mr. S. observed, that the gentleman had said, that while some States had made provision for the payment of the interest of the debt, North Carolina had not done so. She had redeemed the principal. If, indeed, North Carolina had neglected to make any provision for the payment of the interest, and had caused the immense depreciation which would unavoidably arise from that source, and had then laid a specific tax payable in the principal; it was an argument infinitely stronger than any he had heard in favor of discrimination; but how it could operate against the proposed assumption was beyond the powers of his mind to discover.

He further observed, that the gentleman had produced the North Carolina amendment as a reason against the assumption, that it had also been declared to be a substantial argument against the measure, that the idea had never been contemplated by any body in the Southern States until since the report of the Secretary. He said, he could not very well understand how the Convention of North Carolina could propose an amendment with an intention to prevent a measure they had never thought of.

The gentleman from North Carolina had said, he was sensible some of the States were unduly and unequally burdened, and that he was willing to afford them relief when the accounts should be settled. At the same time he was so candid as to declare, that he did not believe those accounts ever would be settled. He said, that if the gentleman had possessed less confidence in his own powers of persuasion, he would perhaps have permitted at least one day to intervene between one of those declarations and the other.

These, said Mr. S. are the arguments, the weighty arguments, which the gentleman pledged himself should have all the force of demonstration, and in expectation of hearing which the majority considered themselves authorized to sus-

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pend their determination on a question the most important that ever came before this House; a determination which the public mind has long expected with an anxiety proportioned to its magnitude.

Mr. S. concluded by observing, that if the majority of the committee was influenced in their determination on this important question by an enlarged, liberal, and extended national policy, there could be no doubt of the result; but, on the contrary, if local and narrow ideas should prevail, he should despair of success, and with it, of those benefits which he had fondly hoped would attend the administration of this Government.

Mr. WILLIAMSON, in reply to Mr. SEDGWICK, said that he had not asserted that North Carolina had paid more than her proportion; the gentleman does not hear well. He had said that North Carolina had assumed to herself more than her proportion of the Continental debt. He repeated his remark, that there was a design to prevent a settlement. Let the settlement first be made, and North Carolina will cheerfully concur in assuming the balances which may appear due from the United States; but the present plan is to get the whole funded, and let the settlement come on as it will.

Mr. PAGE, in opposition to assumption, said it was a measure which did not meet the approbation of the creditors themselves. Some of the debts were contracted for purposes in which the rest were no more interested than a foreign nation.

He then repeated the objections respecting consolidation; the measure would tend to that, and from that to monarchy. He enlarged on the idea of a spirit of rivalry's giving rise to the debts of the separate States; they were at liberty to contract what debts they pleased, and the United States were not bound to pay debts contracted from such motives. He hoped the committee would abandon the proposition, and go on to consider the rest, which are totally independent of it.

Mr. GOODHUE.—After observing that the comparative view of the merits and services of the several States has nothing to do with the present question, said, the war commenced when there was no Legislative body to represent the Union; it was carried on by paper money; when that ceased, and the credit of the United States was gone, they applied to the individual States. Congress depended on the credit of the States separately; hence arose the debts of the States; and thus it appears demonstratively that those debts are the debts of the United States—contracted on their account, and which they are bound by every principle of justice and policy to provide for. This obligation it appears, is greatly enhanced by this consideration—that the funds on which these debts were dependent, and from which the interest on them was paid, is now assumed by the United States.

The impost and excise, under the management of the individual States, was barely sufficient for

this purpose; they have now nothing left but the excise, which is found to be very unproductive; the consequences of direct taxation have been severely felt.

I am clearly of opinion, that if we do not make this assumption, the very existence of this Government will be endangered; the competition for revenue will excite such heats and animosities, as will destroy the revenue altogether.

He concluded by wishing that the subject might be taken up on fair and equal principles; and from thence, he doubted not, it would appear a measure of indispensable necessity and justice to adopt the proposition for the assumption.

Mr. STONE said he had mentioned, on a former occasion, that New York and Pennsylvania were become accountable as States for large sums; the former on account of confiscated estates, the latter to the Penn family.

The gentleman from Philadelphia had said that that State had no idea of burdening the Union with that debt. He did not suppose that those States had it in contemplation to transfer them to the United States; but if the creditors prefer the funds of the United States to those of the individual Governments, they can place their demands on a Continental establishment, nor can the State prevent it. It had been said that debts of this description were not considered by the Secretary in his estimate of the amount of the State debts; this affords additional strength to the argument against assuming, which arises from the uncertainty of the amount which we may have to provide funds for. It is evident, in this way, the State debts may be increased to an enormous amount.

Mr. LAWRENCE observed, that it was doubted whether the accounts between the several States would ever be adjusted, and this formed a principal objection to the assumption of the State debts. He requested gentlemen who had these doubts to consider what had been done by the late and present Government to effect this business. That a Board of Commissioners, with very extensive powers, had been erected; those Commissioners had been recognised by the present Government; provision had been made for their pay, and the pay of their clerks, and an addition to the pay of the latter had been agreed on by the House of Representatives. The amendment to the present proposition proposed by the gentleman from Virginia, and adopted by the committee, premised that effectual provision should be made for liquidating and settling these accounts. So that if those already adopted, and which were now in operation, were not sufficient, adequate and proper measures for the purpose would, it was highly probable, be agreed on. Believing that these accounts would finally be adjusted, he could not discern that any injustice could be done by the assumption, because the sum assumed was to be charged to the State, and would be set off against claims of the State for the expenditures during the war, either for general or particular defence.

He further observed, that he considered the evidences of claims in possession of individuals were

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founded on such expenditures of moneys and supplies furnished, as the States would eventually be credited for; and although there was an inequality in these debts at present, yet a final liquidation would do justice to all. In the intermediate time he supposed it would be a measure founded in justice and sound policy to assume these demands, which were liquidated by the States, and which were possessed by individuals, because there was no solid distinction between them and those which they possessed as claims against the Union, as the former were for the same service and supplies, and were to have been paid out of a common fund supplied by the respective States in certain proportions; but which has not been done, and, on account of the deficiency and inability of this fund, were, at the recommendations of the late Congress, assumed by the several States to their respective citizens.

By the change of Government the funds appropriated to discharge these demands were now occupied or might be possessed by Congress; and it was proper, when the revenues were taken, the debts should also be taken. An effectual provision could be made for all the debts, with more ease and convenience, and with less expense to the citizens of the Union, by systems proceeding from the General Government, than if they were made by the former for one class of creditors, and by the State Government for another. If the assumption should not be made, probably different provisions would be made by the States for their debts, which would depend either on their ability or policy, and a diversity of interest be occasioned, which, in its operation, might be prejudicial to the general happiness; and the only effectual and proper mode of obviating this, was to assume the State debts, whereby the different creditors would have their demands provided for and discharged by the same body, and those contending interests, which would otherwise take place, prevented.

He remarked, that a question had been asked, whether it was easier to provide for a large debt than a small one? The debt of the Union was sufficiently large, and if we added the State debts, the difficulty would be increased.

Mr. LAWRENCE observed, that these debts already existed, though in different shapes, yet substantially the same: transferring the demand from the State to the Union, did not change the entire sum owed by the Union and the States, and provision ought to be made for the whole: that, supposing it would be made, the Union, having the revenues of the particular States unincumbered and unoccupied, could make provision more conveniently and more satisfactorily than can be done if the assumption should not take place, and part of these revenues, probably, the most productive part, pre-occupied and retained by several of the important States. The mode of providing for the debts would be more agreeable to many States in the Union, as it could be done by imposts and excises, and we should rid many of the States from the oppressive mode of direct taxes; the former would do general

justice, as each individual in the Union would pay according to his consumption.

Particular instances have been mentioned to show that injustice would be done to some States, if the proposition was adopted; but these contemplated that no settlement would take place. Provision could be made to obviate difficulties in these cases; and, in determining on a general proposition, it was sufficient that the principle of it was just, because when it was assented to, and to be carried into effect, the details and provisions could be suggested, considered, and made as should appear proper.

Mr. L. concluded that the proposition was just and proper, and would be productive of national advantage; and as it had, so it again should receive his assent.

The committee rose, and reported progress.

WEDNESDAY, March 31.

INDIAN TRIBES.

The bill to regulate trade and intercourse with the Indian Tribes was read the second time, and committed.

FOREIGN INTERCOURSE.

Mr. SEDGWICK, from the committee to whom was recommended the bill providing the means of intercourse between the United States and foreign nations, presented an amendatory bill, which received its first and second reading, and was committed.

Mr. S. also reported from the same committee the following resolution, which was ordered to lie on the table:

DEPARTMENT OF STATE.

Resolved, That the Secretary of State be directed to report to the House, whether, in his opinion, it is expedient that the foreign and domestic branches of business in his department should be kept distinct; and whether it be necessary that a Chief Clerk be appointed for each.

PUBLIC CREDIT.

The House resolved itself into a Committee of the Whole on the Report of the Secretary of the Treasury relative to a provision for the support of the public credit, Mr. LIVERMORE in the Chair.

Mr. WILLIAMSON observed, that North Carolina must be confessedly a sufferer unless the accounts of the several States within the Union should be settled. He had said, it was his firm belief that the final settlement of those accounts was intentionally delayed. He also believed, that if the assumption once took place, a settlement would never be effected. He was not bound to answer so many questions. Why were Commissioners appointed? Why were they continued? Why were they allowed clerks sufficient, with liberal salaries? There was an answer at hand. All this might be done to save appearances, until the assumption was effected; but he rather supposed that the scheme of assumption was new, and not coherent with former systems. If questions might stand for arguments, he would take

the liberty, in his turn, of asking, Why are not the Commissioners furnished with a rule for determining the quotas of the several States? It is known that, without such rule, they cannot possibly settle the accounts. The neglect of this provision, and some other concomitant circumstances, stand with him for a good cause to suspect that the accounts are to await the final settlement. The member from New York had observed, that Congress, being in possession of all the funds, ought, in justice, to pay all the debts of the individual States. This position, if well founded, proves too much: it proves that Congress should pay the expense of the Civil Government of the States; but it is not true, as he conceived, that Congress have the exclusive benefit of any fund except the impost duty. It is granted that Congress may impose taxes of excise; it may demand twelve cents per gallon for all the rum that is retailed in the United States, and the Legislature of any State may lay an additional excise of eighteen pence per gallon on rum. Are gentlemen afraid that the consumption of rum will be prevented? It is strange that gentlemen should offer to support this new and exceptionable measure by allegations that are so ill founded.

Mr. PAGE.—One of my colleagues has taken pains to convince the House that it will be for the interest of his State for Congress to assume payment of the State debts, and had concluded that his colleagues differed from him in opinion. I rise to show upon what grounds they so differ from him; and this I do, not because I suppose I am the best qualified to undertake the business, but because, as I have said but little as yet, and may have been misunderstood, I wish, whilst I answer my respectable friend, I may have an opportunity of showing in what light I view the question before the committee.

Sir, my colleague stated it would be for the interest of Virginia that Congress should assume the payment of the debts, because taxes laid for that purpose by her Legislature bore unequally on the State, particularly in the middle and eastern parts. But, sir, granting this to be true, it is only a proof that the weight of Legislative influence is against those parts of the country, and, if so, it is a proof that a majority of the Legislature at least would be against our sheltering ourselves under the General Government, against the exertions of its authority; that if the present mode of levying taxes be agreeable to a majority of the people, the innovation proposed must be disagreeable to them; and that it is disagreeable even to the holders of public securities, appears to me to be evident, from the sudden and great fall of State certificates, and the eagerness with which creditors get rid of them. This is a fact of which I am well informed; they sold from thirty to forty per cent. it is affirmed, soon after the plan of assumption was proposed: and I am assured, by some of the most sensible and best informed gentlemen in Virginia, that they think the assumption of the State debts unjust with respect to Virginia, and impolitic.

This, then, I think ought to be a satisfactory answer to my worthy colleague, especially when I add, that the State now pays its debts in its own way, in its own time, upon very easy terms, and the creditors are satisfied; and cannot but be alarmed at the assumption proposed by Congress, at least at the delay of two years before they can possibly tell what their certificates will be worth.

Sir, my friend, (Mr. BLAND,) and other respectable members on his side of the question, suppose that policy and justice dictated the resolution before you; but I conceive that policy demands that we should do nothing which may wound the credit of the General Government, and excite the jealous fears of its late opposers and secret enemies; and as to justice, that requires that Congress should pay the debts of the late Congress, and sacredly comply with all its own engagements; and that State Legislatures should pay their debts, and comply with their engagements. By doing this, both the General Government and the individual States will establish their credit, and follow the dictates of the soundest policy.

As to the debt of America, it is two-fold; one part was incurred for the general defence, sometimes under requisitions of Congress, and sometimes by virtuous and voluntary exertions; the other part was incurred for local purposes; sometimes to show the power and spirit of the State; perhaps sometimes to lay the foundation of future grandeur and pre-eminence amongst the States, which, it ought to be remembered, were separate, sovereign, and independent, vying with each other and clashing in their interests, so as to render it necessary to abolish the Confederation which feebly held them together only against a common enemy, and to establish the present Federal Government, under which alone provision can be made for payment of such debts as are now proposed to be assumed. But those particular debts, further than such as are truly Continental charges, and contracted under the late Government, Congress ought no more to meddle with than the debts of our allies in Europe. Sir, if we undertake to pay a debt beyond that which the late Congress was bound to pay, and a debt, too, which is said to be enormous, must we not alarm the creditors of the late Government? Must we not weaken the credit of the new Government, and perhaps to such a degree as to injure the very States which suppose they will be benefited by the assumption proposed? I conceive, sir, it would be good policy in Congress to establish its credit upon the firmest basis. If it shall do this, it may hold forth its protecting hand to the weaker States, and enable them to flourish in agriculture, arts, and commerce, so as to be able to pay all their own debts with honor.

Here I will observe, that I think it highly improper in gentlemen to represent the State debts so large as to be beyond their ability to pay them. I think this injurious to the credit of the States, and, I hope, founded on a mistake. For my part, I think there is not a State in the Union which,

under the fostering hand of the General Government, cannot pay its debts in a reasonable time; and sure I am, that the impost, tonnage, and back lands, will abundantly suffice for the payment of the debts and supplies of the General Government.

It is said, that these, and all the resources of Government, being taken away, leave the States without the means of paying their debts; but this is a mistake; for, if we reject the resolution before you, the States will have direct taxes in their own hands for this purpose. If, indeed, the resolution be adopted, I know not what the States will have left. We shall then have grasped at all their resources; we shall prove the truth of the predictions of the enemies of this Government, and wound the feelings of its friends, who so often declared that they could pledge themselves that Congress never would lay direct taxes but in cases of extreme necessity, and where the general good evidently required it. But in the case before us, there is no such necessity; on the contrary, it is proposed merely to afford a partial relief to a few States, to the injury of a majority, and perhaps to the destruction of the public credit, which may terminate in the ruin of all.

Thinking, therefore, as I do, of the resolution before the committee, I shall vote to reject it. Mr. BLAND.—I rise to explain myself to my honorable colleague over the way. (Mr. PAGE,) or I would not have troubled the House. That gentleman seems to have rested his arguments in his opposition to the sentiments I expressed yesterday, on a single point, and that not the principal one which I made use of, but only a collateral one; nor do I think he has, by any means, invalidated what I then said even on that point. I could wish the gentleman had taken the whole of my arguments, and answered them satisfactorily to me and the committee, and not have detached them. He would then have found that I yesterday mentioned some facts not easily to be disproved. That Virginia had suffered the loss of a great number of her citizens by emigration to Kentucky, Franklin, Georgia, and other places, of whose assistance in the payment of her State debts she was totally deprived; nay, to those of Kentucky, she had yielded a very expensive protection, since the war, without receiving any return in taxes: that, in consequence of her citizens emigrating, great quantities of the lands of those emigrants were offered for sale, which, with other causes, had produced a great fall in the value of the lands held by those who had not emigrated, and who had now to pay the debts which were properly the debts of the Union; to pay their own State debt, and the debts which they owed to British creditors prior to the war—to those creditors and that nation who had taken from these very people their negroes, laid waste those very lands, and burnt those towns, from whence they were to derive the means of paying any thing. It is true, I mentioned in a cursory manner, and meant to apply it in its proper place, that the weight of wealth lay towards the sea-coast, and in the track of the armies; that there also, of

course, lay the burden of war, and the principal part of those who were creditors of the State for moneys loaned and supplies furnished, &c., and that the weight of Legislative influence lay towards the mountains, and beyond them. I called upon the gentleman to state, if this fact had not been ascertained in the Legislature of Virginia, when the subject of the payment of British debts was agitated in that assembly; and asked him, if loud complaints were not uttered from every part of the House from the lower members above described; nay, even from members surrounding the honorable gentleman's place of abode. How much, then, must the State creditors, as I contend they are improperly called, for the bulk of the State debt, dread a similar proceeding, if the assumption does not take place, should any measure be moved which might affect the credit of the State funds, and especially when the securities, by being transferred, shall get into the hands of a few persons, compared to the whole, or to those who now possess them, and who may be obliged to part with them? I must remind the gentleman that the British debtors are liable to be sued for their debts in the Federal Court, and that to many total ruin must ensue. A peace was necessary for America at the time it was made; few persons, except those who profited by the war, would have been willing to have continued it in our circumstances; those debtors were made a sacrifice to the obtaining that peace; and without they are relieved by the assumption of the Continental debt, which was assumed by the States when the Continent was deficient in resources, their ruin would be complete. He would candidly hear and weigh every argument that could be urged; but had yet heard none that either on a general or State principle, had induced him to believe he should vote on this great question otherwise than he had hitherto done; that he was open to conviction, but could not change his opinion on slight grounds.

Mr. SMITH, of South Carolina, replied to Mr. WILLIAMSON. He said he was not afraid of the assumption business losing ground by a reconsideration. He was sorry to hear that North Carolina would be defrauded of half a million by the measure, but he believed there was more probability of a fraud being committed if no assumption was to take place. Part of the gentleman's reasoning, said Mr. S., goes more in favor of the measure than against it; and the remainder of his arguments are not difficult to refute.

The gentleman has observed, that it was imprudent to add to the debt, which was already a large one, by the assumption; that the amount of the State debts was uncertain, and that a door was still to be opened to increase them. It is not adding to a debt to acknowledge those we owe, and we have already resolved that Congress owes these debts, which have been improperly called State debts, because they were incurred for general purposes; it is not a wanton act, but an honest avowal, that these debts ought to be paid by the Union, their actual amount is immaterial, if they are dues. Has not the House declared they will

fund the domestic debt, and is that all liquidated? There are eighty millions of Continental bills still unsettled—a man cannot refuse paying a just debt because he is not acquainted with the precise amount of all his debts. No door is opened to new claims from individuals, but only a permission to the States to bring forward their claims. This will not increase the amount of the State debts, for they are already liquidated by the several States, it will only affect the final settlement between the States and the United States. The same member has said, that North Carolina owes to her citizens a large debt, amounting to several millions, which she has assumed, and which Congress ought to pay; and he adduces that as an argument against the assumption, when, in fact, it is the strongest reason he could have offered to show its justice and propriety; for it would be the height of injustice to burden that State with the payment of a large sum which she does not owe; but if the measure is wrong, he would vote against it, although it should be for the interest of North Carolina. In this the gentleman was to be commended; but the Committee of the Whole, after fair discussion, has declared the measure to be right. If it was right when that vote was taken, an adventurous circumstance could not make it wrong. Suppose North Carolina had not acceded, then the measure would have been declared a right one by a decided majority; its accession cannot make it a wrong one, especially when it is so obvious that it will be for her interest.

We are cautioned against the imprudence of undertaking what we cannot pay; but either the State debts are to be paid, or they are not. If they are never to be paid, I give up the argument; if they are to be paid, and that is admitted on all sides, then I am clear it will be more easy for Congress to pay them than the States. It will require less money to be levied on the people. The resources are the same, whether they are paid by the one or the other; but the collection will be more simple and economical in the one case than in the other. The only question is, whether these resources shall flow into the pockets of the creditors through one channel or through thirteen. The Secretary of the Treasury has assured us he has ample funds for the purpose, and others in reserve, without laying a land-tax; his calculations have been questioned, but as he is a responsible officer, who has undoubtedly contemplated the subject with attention, and whose reputation is in some measure pledged for the accuracy of his reports, I am inclined to give credit to them, until I hear them refuted. From his calculations, it is evident that the State debts may be funded with the greatest ease by the Union, and with infinitely more advantage to the people in general than by the several States. To prove our inability, we have been told, that the inhabitants of France, who reside in Paris, contribute each sixty-four livres annually, and those who dwell in the country, nineteen livres to the Government. Apply this to the citizens of the United States, and what will be the result? Suppose two hundred thousand inhabit-

ants dwelling in towns, paying annually sixty-four livres, or fourteen dollars, this would furnish the sum of two million eight hundred thousand dollars. And suppose two millions eight hundred thousand inhabitants residing in the country, paying nineteen livres, or three and a half dollars, this would give nine millions eight hundred thousand dollars, making together the aggregate sum of twelve millions six hundred thousand dollars; but the sum required for the interest on the debt, including those of the several States and the Civil List, is only three millions eight hundred and forty thousand dollars, leaving a surplus revenue of eight millions seven hundred and sixty thousand dollars. Thus the instance which the gentleman cites, to prove the inadequacy of our resources, has a direct contrary effect, and, if applicable, contradicts his own assertions.

It is said, that the impost will be inadequate to the purpose, and is uncertain, and that a poll and land-tax, which may be collected with greater certainty, are to be deprecated, because they would be odious to the people. I admit that if the State creditors are excluded from the benefits of the impost it will be insufficient even to discharge the interest on the Continental debt, because the obstructions which will be thrown in its way by the State Legislatures in funding the State debts, and the facility which will be given to smuggling, by the injured State creditors, will considerably reduce the avails of the impost which may be laid for that purpose. But if the State creditors, who are considerably more numerous than the other class, are included in the provision, they will have an interest in supporting the due collection of the revenue, and the general popularity of the impost will insure its operation. If the citizens of North Carolina deprecate a direct tax, they will find their advantage in the assumption; for if they are left to fund their own debts, they must resort to direct taxes; they are deprived of the impost altogether; little or no revenue can be drawn from a State excise; they must therefore raise all their supplies by a direct tax. One or other of these consequences must therefore ensue; either that State must distress her citizens annually by imposing an enormous direct tax, payable in good money, or she must defraud her creditors, by paying them off in a depreciated paper. These are hard alternatives, but they are the inevitable consequences of a non-assumption.

The member from that State has said, that her citizens, though numerous, are not wealthy. This is another reason, in my judgment, why the assumption would be advantageous to them; for citizens who are not wealthy contribute less to the revenue by impost than by direct taxes. A poor man pays as much by a poll-tax as a rich one; but each individual pays an impost only in proportion to his riches. He contends, however, that a direct tax, though it would be obnoxious to the people, if collected by Continental authority, would be acceptable, if levied by the authority of the States. When we advert to the funding systems of the several States we shall find them less

beneficial to the people than is imagined. The mode of issuing certificates for interest, and calling them in by a direct tax, is injurious both to the creditors and to the other citizens. The creditor is heavily taxed in order to pay himself; money is taken from him in the first instance to pay him the interest on his debt; the poorer part of the community who are unprotected with these certificates, delay purchasing them till they are pressed for their taxes, and then they are supplied at an enhanced rate by an accommodating speculator, or a friendly collector, who had previously bought them up for the purpose. The creditor receives no benefit, the public derive no advantage, the citizens are heavily taxed, and the speculators get all the profit.

The constant fluctuation in their schemes of finance is another distressing circumstance to the citizens. In one session, those who have purchased public property, for which they are to pay in State paper, and which it becomes their interest to depreciate, gain the ascendancy, and carry measures productive of that effect. In the next, the holders of the State paper preponderate, and, in their turn, procure a system which will appreciate the paper. Thus the people are embarrassed and distressed by these speculations and contentions.

The numerous tax-collectors in the different States is another cause of expense and inconvenience to the citizens. A direct tax in every State would require, under State regulations, at least thirteen hundred collectors, all of whom must be paid by the people for their trouble. There is another consequence resulting from direct taxes to neglect making provision for their taxes in due season; executions are issued against them, their property is levied upon, and they have ultimately to pay poundage and constable fees, which sometimes amount to more than the tax itself. All these grievances are removed by resorting to the impost, and that species of revenue will alone be nearly competent to provide for the State debts, if assumed by the Union. Even should Congress resort to direct taxation, (and some members from the Southern States have expressed a predilection for it,) there is no doubt that it would be levied in a mode adapted to the particular habits and convenience of every State; for by the Constitution it is not required that taxes, like duties and excise, should be uniform; and as each State has its particular representation in the House, it is evident that the accommodation of the different parts of the Union would be consulted. It would also be levied with more economy under one system than under thirteen.

The cession which the State of North Carolina has made to the United States, is said to contain a provision which is opposed to the assumption; the provision referred to only relates to the final adjustment of the accounts between the individual States; for it requires that in such adjusting the lands ceded, and the inhabitants belonging thereto, shall not be estimated in ascertaining the propor-

tion of North Carolina with the other States in the common expense occasioned by the war.

An amendment proposed by that State to the Constitution has also been expatiated on, as manifesting her aversion to this measure. It is rather extraordinary, that this construction should be given to the amendment, when the House have been told that the idea of an assumption was never contemplated in that State; indeed, it was impossible the citizens of that country should endeavor to guard against a measure, the bare possibility of which had never occurred to them. An attentive examination of that amendment will prove, that it evinces no such intention as has been attributed to it; as it relates expressly to all the States, it could not have had North Carolina exclusively in view, nor was it designed to guard against any interference with her State paper alone. As it particularly relates to an interference by Congress or the Judiciary, it proves an apprehension of some interference by the Federal Courts, which could not be involved in a question of assumption. It is therefore evident, that the true interpretation of that amendment is that the Convention of that State were apprehensive of some interposition of the Judicial Courts of the United States, in enforcing payment of her State securities. That it does not relate to the question of assumption is clear, because were it calculated to prevent an assumption, it would have said so in explicit terms, and declared that Congress should not pay her State debts; and because the gentleman from that State has informed the committee that they never dreamt of an assumption. North Carolina is unwilling that Congress should dictate to her how she should discharge her debt; but it does not appear that she has any objection to Congress assuming and paying it themselves.

Admit, however, the full force of the remark, and it would tend to restrain Congress from funding even the Continental and foreign debt, without the assent of two-thirds of the members present in both Houses; for another amendment from that State requires that no navigation law, or law regulating commerce, should pass except in the above mode; and the funding system cannot go into operation without such laws. The gentleman however would have no objection, he says, to the assumption, provided security could be given that there would be a settlement of the accounts of the several States; but there is no such proviso in the amendment. If it has in view the assumption, it is opposed to it under any modification whatever. How can he then reconcile his State to a vote given in contradiction to their express sentiments, merely because the business would be put in a shape which is palatable to himself. Is not this another proof that the amendment did not relate to the assumption?

Another local objection is started from that State. It is said, that she has issued paper money with which she has bought up and paid off certificates, and which paper money she must lay taxes to redeem; and if Congress do not assume that paper, as part of her debt, she will be under the necessity of paying taxes to sink it, and, at the

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same time, of contributing her proportion of revenue for the debts of other States, and that this would be defrauding her of half a million of dollars, the amount of paper so emitted. If that State has sunk a part of her debt, Congress will have less to assume on her account in proportion to the sum discharged. There will be consequently a smaller charge against her in the ultimate settlement, and she will become a creditor State in the same proportion. If, therefore, she has bought in her own certificates under par, or paid them off with paper in a depreciated state, she has been a gainer by the negotiation, and is in a better condition than those States which have not had this advantage. The revenue she will contribute will be applied as well to the payment of her own debts as those of other States, which will contribute their proportion to the payment of her debts. But no measures, it is said, are in forwardness for the completion of this settlement. Commissioners of Accounts have been engaged a considerable time in this business, and are now pursuing it with the assistance of a numerous body of clerks, and are in a train of settlement. Should other measures be thought requisite to expedite and insure the adjustment, Congress may accompany the assumption with a bill making special and effectual provision for that object. North Carolina, it is said, is apprehensive lest some securities of that State, which were fraudulently issued, should be funded by the Union, and charged to her account. How will they be charged to her accounts, if there is to be no settlement of the accounts? And the member from that State says he is persuaded there is to be none. She will then receive the benefit of those securities, and the citizens of the other States will pay her the interest on them, if they are sold to speculators; at all events, she or her citizens have received a consideration for them. But either that State will be able to detect the fraud, or she will not; if she can discover the fraud, so can Congress; they will therefore be rejected, and there is no ground of apprehension. If the fraud is not liable to detection, then, at any rate, North Carolina must pay them. Inasmuch, therefore, as it is for her interest that they should be paid by Congress, rather than by herself, this circumstance is rather an argument in favor of the assumption.

The Committee rose, and reported progress.

FRIDAY, April 1.

The resolution laid on the table yesterday, respecting the State Department, was taken up, and, after some consideration, was rejected.

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The House then went into a Committee on the report of the Secretary of the Treasury; Mr. LIVERMORE in the Chair.

Mr. HARTLEY.—I am, as at present informed, for the assumption, but under certain terms or distinctions; and in this stage of the business I wish to explain myself in a few words. The thirteen Colonies (now States) united in a com-

mon defence, and afterwards declared themselves independent and sovereign States. Quotas were fixed for each State by different resolutions of Congress, and which they ought to have paid; but when, from the seats of war, one or more States may have been obliged to spend more than such quotas in the common cause, certainly the other States became debtors for so much.

The war was carried on very unequally, raging with more violence in some parts of the United States than in others; and of course some States may have experienced more misery and distress than others, and have been forced to greater exertions. South Carolina has some merit; she has incurred a large debt. The inhabitants of Pennsylvania have been taxed deep for many years to sink her share of the national debt. Nay, the exertions of that State, in the last two years of the war, were so great, as to furnish the most efficient means for the support of it. Her citizens have been since distressed with taxes. I wish, if possible, to give them relief.

Quotas, as I have said, were fixed upon the several States. These quotas, that were perhaps as just as any that could be devised, should be regarded; and where the requisitions were not complied with, the delinquent States are debtors, and would be charged. The accounts should be balanced, and due credit given to the creditor States; and a plan, such as is offered by the Secretary in his first report, or some other one, might be adopted to discharge them gradually. I think it prudent and politic that both sorts of debts should be assumed, they being contracted in the common cause.

I said I was for the assumption; but in the mode of payment I am for distinctions. The debts of the United States, and for which certificates were given, are debts in strict contract: the debts of the several States are equitable claims, or, I will say, just claims, but in sound policy should be placed in a second degree.

In the administration of property, according to the English law, distinctions are often made in the payment of debts of different kinds: those of strict contract are preferred to those of an inferior sort, and if there is a deficiency of effects, the loss falls upon the last. I trust there will be no deficiency here; but let us for a moment suppose the worst. And I would observe here, that for the first we have complete means in our power; for the other, we have the rising greatness of America, and perhaps sufficient resources, but which it would perhaps be imprudent or oppressive to call them forth at present.

I am for the assumption; I am for a complete provision in the former, and for taking reasonable steps for the gradual discharge of the latter.

I shall, however, object to some articles adopted in the committee, as well as to several articles of means pointed out in both reports, as they strongly operate against the manufactures and interests of the several States, and are contrary to the genius of the people.

Mr. JACKSON said, it was granted that it was intended there should be a general treasury, and

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that the charges for the common defence should be defrayed therefrom. He likewise granted that those charges of the particular States, which had been so incurred, were on an equality with the debts of the Continent; but many of the State charges were not of that nature, and where they were, he thought the gentleman from North Carolina (Mr. WILLIAMSON) had proved to the House yesterday that they had been transferred. It was a fact that the individual States had assumed them, and made them their own. Many of the States had provided for them, and in those provisions had sunk part of those debts.

Some gentlemen had advanced that there was no difference in the debt, and that it would not be exaggerated by the assumption proposed. He begged leave to differ from them, and to suppose that an accumulation would take place. If the debt is assumed, he believed it was contemplated to suffer the unliquidated accounts to be brought to a settlement; this has been declared by the gentleman from Massachusetts, (Mr. SENECAVILLE,) who has spoken strenuously in favor of the measure. Can this House be partial, and say that we will give this privilege to Massachusetts, and not to Georgia? At present, the limitation to claims in several of the States is expired, and the citizens are contented; but if this assumption takes place, and the door is again opened, is it not the duty of those citizens who are to be saddled with the debts, to bring forward their claims; and is it not the interests of the respective States to support them? It will become just and necessary to have all those dormant claims liquidated.

It has been said by several gentlemen that it will be more in the power of Congress to compel a regularity of taxes, and to remove the inconveniences of individual States. He agreed as to the power, Congress could lay a direct or other tax as they pleased, but the inconveniences would be much greater than if laid by the individual States. To some States an excise would be agreeable; to other States, not in the habit of excise, it would be the most disagreeable tax. It will be so in the Southern States, while in the Northern and Eastern States it might be preferred. Some States are in the habit of poll taxes, which are odious in many others; and we find by the Eastern papers that direct taxes would be much complained of there. Some of those papers congratulate the farmers that they will have no direct tax to pay. Had not the individual States then better be answerable for and pay those debts? Cannot they lay a tax on excise where excise is agreeable, a poll tax where that is the custom, and direct taxes where they have been habitual? The direct tax, I will venture to affirm, would be preferred to the Southward. If Congress take this business on themselves, they cannot do this. The tax must be uniform, and of one nature. A general plan must be taken up, which will be unequal and oppressive.

An inference was drawn yesterday on a man in private life, who would not pay part of his debts, because he knew not the amount of the whole of his debts. He would ask what would be said in

private life of a man who, to keep his neighbor in subjection, would monopolize his debts. This appeared to him to be similar to the present case. Many of the States were averse to Congress taking up their debts, and if those States (for there is no knowing at present whether they are debtors or creditors) should fall in arrears, they certainly will be at the mercy of the Union. He believed the case he had stated would be generally censured as deviating from principles which were right in private life. He knew no difference why it should not be so in public life. Here the House were tampering with the citizens, and debts they had nothing to do with, becoming assignees of the State creditors, and there was no knowing what the Union might do at a future day.

It has been advanced, on the subject of impost, that consumption depended on numbers. This he did not agree to. The consumption, as it struck his mind, depended on habit. Thus, for instance, the Northern States, although possessed of greater numbers, consume less than the Southern, because they are in the habit of using their own manufactures. The Southern States had no manufactures, and consumed chiefly foreign articles.

The consumption cannot be judged of by the importation at any particular port, as Philadelphia or New York; for in those places a great proportion of foreign articles is again shipped for other ports, and some of the Southern ports are nearly supplied in this manner. However vast, then, the revenue which some States are supposed to contribute, that revenue is paid by the consuming States; impost will then bear harder on the Southern States than direct taxes.

But, sir, suppose, as the gentlemen express themselves, there will be no accumulation, let us examine how it is proposed we shall provide for this assumption. Salt is one article from which this revenue is to be drawn. This, sir, has been complained of by many of the gentlemen who have spoken in favor of the assumption, and will be very illy relished by many of the States. Another article of revenue has been declared of little value by the gentleman from North Carolina; and although he has been answered by the gentleman from South Carolina, yet there appears no certainty. The gentleman from South Carolina, if the gentleman from North Carolina has erred, has exaggerated too much the other way. Another principal article of revenue is that of manufactured tobacco, and by which the Secretary proposes to draw a large amount. But if we look to the petition on the table from the manufacturers of that article, I think they clearly prove we may not expect a shilling from it. I have the highest respect for the Secretary's abilities; but when the opinions of those who carry on this manufacture, and ought to know, are placed in competition with it, I must confess I am led to give my sanction to the latter. Those, however, are the funds which the Secretary has provided for this assumption; and I am led to believe all the funds in contemplation are in his

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report. If, then, we find the articles he values will not produce the revenue, is it not better to let the measure rest until we see the means to accomplish it? Gentlemen have argued that we should fund first, and look for the means afterwards. What, he would ask, would be said of the man who, in private life, would run thirty or forty thousand pounds in debt, and after that seek the means of paying it? Would this satisfy his creditors? Yet this was similar to the present case. Sir, let us calculate this business, not from theory, but experience. Let us know the amount and the means, and then, if I conceive it for the general interest, it shall have my sanction.

The gentleman has enumerated the State collectors which will be requisite if the States continue the powers of taxation. I would ask him, if Congress will not require double that number, two to one, if they take the power, and an army at their back, if the tax should be disagreeable. This tax must be rendered palatable to the people, lest, notwithstanding the flat of this House, we shall find our flat of little benefit. In some of the States it will be disagreeable at any rate, and they will not suffer the money to be again taken from their pockets where they have already contributed. Besides, let us consider the time and expense a Continental arrangement will make necessary: take the matter in any sense, it will be found improper.

A gentleman has interpreted the amendment from North Carolina to be, that Congress shall not compel her to pay twenty shillings in the pound. This he thought uncharitable, and that the gentleman should have looked to our own body first—to Congress. He would ask if Congress had paid her twenty shillings in the pound? If her soldiers and other creditors had been so honorably dealt with? He was sorry it would not be found the case, and North Carolina ought, therefore, to be left alone on this head. For his part, he construed the amendment as diametrically opposed to the assumption, and he would leave it to the committee if it was policy to adopt the measure even on this single consideration? A bare majority, if the measure be carried, is all that can be expected, and he would ask if this bare majority would satisfy that State? Suppose it carried by this majority, and they would not submit, was it intended to reduce them to obedience by force? Was this a language for freemen? He supposed not; reconcile them to the measure, bring forward your funds, show them they are not to be oppressed, and you will accomplish the business much easier.

With respect to a settlement, it was the interest of the State he came from to procure one; but he despaired of it. He would venture to predict, if the assumption took place, a settlement would never be procured; nay, the Secretary himself had not contemplated it in his report as an event which would certainly take place: for, he says, after finding out the mode eventually to be adopted, that the second or final success must depend upon the first. But suppose this settlement, have

the arguments of the gentleman answered the objections to the justice of the measure in taxing the citizens of the States which have sunk their debts twice over? For suppose them Continental or State debts, still the injustice remains; if the former, the citizens have sunk their proportion of the Continental debts, and therefore ought not to be taxed again: if considered as State debts, as they have been taxed for their own State debts, they ought not to be taxed for the debts of other States.

The gentleman last up (Mr. HARTLEY) has mentioned the quotas of the different States, and that they should be regarded. This, he believed, would not be the case if the assumption took place. The rule of apportionment, for instance, for Georgia, was at the rate of one-nineteenth of the whole debts; she would pay the assumption agreeable to the rates of representation, which would be three parts of sixty-five of the whole debts. He thought it could not be injurious to postpone the assumption at the present day, and hoped it would not at any rate take place the present session.

Mr. MOORE.—I rise to answer my colleague (Mr. BLAND.) He has mentioned, as one of the reasons which has determined him to vote in favor of the assumption, that the representation of Virginia in their State Legislature is unequal; from which circumstance he appears to think it not prudent to trust them with making provision for the payment of their State debts. He says the weight of property is in the eastern part of the State, the weight of legislative influence is from the western. He yesterday mentioned an instance in which the weight and influence of the western part of the State had occasioned a great deal of clamor and uneasiness. The case he mentioned is the act passed in that State, authorizing British creditors to sue for and recover the debts contracted previous to the war. Has the ground of complaint been, that the State has refused to pay a debt which was contracted by individuals? Or was it because they have complied with the treaty? If either of those are grievances, they are such as will not be redressed by this House. A compliance with the treaty was frequently recommended by Congress before the law passed; the present Congress have concurred in the measure; I believe it meets with the approbation of every member within these walls; I think it must meet with the approbation of every disinterested mind throughout the Continent. Sir, I cannot consider it as a grievance. If the observation of my colleague has any weight, it goes to prove that the State cannot be safely trusted with the power of Legislation in any case, and that the whole power ought to be vested in Congress.

My colleague has said that the greater part of the certificates are in the hands of citizens in the eastern part of the State; that their militia have been oftener called into service; they have furnished provisions in a greater proportion than the western; and he is afraid that the weight and influence of the western part of the State will prevent their being equitably redeemed. Sir, I be-

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lieve supplies to the army have been furnished by the western part of the State in proportion to their property; I believe my colleague will not say that any militia in the State have more cheerfully served their country; I think they have not been wanting in patriotism, zeal, or exertions. But I will refer him to an act of the Legislature of Virginia, that will show the injustice of adopting the measure in a more forcible point of view.

The Legislature of Virginia passed a law, I think four or five years ago, laying a duty on imports, to be paid in certificates. The importer had the alternative of paying one-fourth or one-fifth of the sum in specie. Every citizen in the State, I believe, considered this as the only mode by which they were ever to be paid; they never contemplated any other provision for the purpose. Under the influence of a law of the State, they have sold them to the merchants for one-fifth of the nominal sum. They will be called on, by the proposition now before us, to pay the entire sum with interest. This I consider as an injustice to the citizens of every part of the State. I hope he will not be disposed to encounter those inconveniences from any ill-founded apprehensions of the State Legislature doing injustice.

Another reason he has displayed is, that numbers of the citizens have emigrated from Virginia to Kentucky, North Carolina, and Georgia. It would be unjust that the remaining citizens should pay the debt as far as respects Kentucky. The reason will equally apply to Pennsylvania, North Carolina and other States. No more than one-third of the citizens of Kentucky are from Virginia. But, sir, it is well known that more have come into Virginia than have removed from it. When the seat of Government was under discussion, it was often mentioned that their numbers were considerably increased. I then thought my colleague concurred in the opinion, and considered it as an undeniable truth. Sir, I need only refer him to the returns of the militia, to prove that the numbers have increased, and from their increase in number they will pay the debt with more ease.

Mr. Chairman, gentlemen think it improper to point out particular instances in which the operation of the proposition will be injurious. I confess I am obliged, in order to make up my mind, to consider its consequences; how far States, how far individuals will be injured. I think it ought to be considered in a national point of view.

My colleague has said, he is not surprised that the members from the western part of the State should be opposed to the assumption of the State debts. The conclusion intended, I suppose, is, that they are influenced by the interest of the particular part of the State. Sir, if he had considered the situation of that country, he would easily have seen (especially in Kentucky) that to assume the debts would be in their favor. No part of the duties proposed by the Secretary will be paid by the citizens. They will feel no part of the burden; but, if they are not assumed, they must pay their proportion by a tax.

I suppose they mean that some great, some important national advantage is to be acquired by it;

that it ought to be contemplated in this view. In my opinion, no expedient will be so effectual towards giving the Government permanency as a strict adherence to justice; nothing will tend so much to secure national advantage or importance. A worthy member from South Carolina has enumerated the services rendered by the citizens of that State. I know, sir, they have rendered important services; I know they were oppressed during the war; but they were not the only men who participated in those difficulties. The militia of North Carolina and Virginia were also engaged. Two of the instances he mentions prove to my mind fully the injustice of our assuming the State debts—the battles of King's Mountain and the Cowpens.

The militia of Virginia and North Carolina were engaged in both those. Indeed, if I am not altogether misinformed, and I think I am not, (my information is such as I can rely on,) that of King's Mountain was wholly fought by the militia of Virginia and North Carolina; at the Cowpens, the same militia composed the greater part of the troops. The gentleman says they have never been paid. How were the militia of Virginia paid? Sir, I remember drawing the pay, the sixteen pence per day, for some of those militia, in State paper money, when depreciated four, five, or six hundred for one. Is it just that the militia from Virginia, who have been thus paid (and I believe they have been generally paid in this manner) should now be called on to pay those of South Carolina, who have not been paid the principal, but have received the interest, the full amount of their claims in specie? I think it would be glaringly unjust. Sir, although I have confined my observations to a comparison of those two States, I think a similar injustice will take place in some degree through all the States.

Had this assumption taken place immediately after the war, it would have been more just. I believe some of the States, by their extraordinary exertions, have incurred a debt exceeding their just proportion; but there has been as great an inequality in the exertions of States to pay those debts. Sir, I have seen a law of South Carolina, directing the issue of two or three hundred thousand pounds in paper money, to be loaned to such of those of her citizens as would mortgage lands for the repayment of the principal and six per cent. interest. On submitting their title papers to examination, and their lands to fair valuation, they were entitled to one-third of its value in the new emitted money on mortgage. If I am not mistaken in this law, or its operation, and I think I am not, although I mention it from a very imperfect recollection, the taxes collected in that State have not been applied to the payment of the debts contracted during the war, but have been diverted into a different channel; they have been applied to the discharge of this new created debt; and in the year 1791, the State will receive into her treasury the sum loaned to her citizens, with six per cent. interest. Sir, my colleague some time ago, moved that the certificates which were redeemed, and in the possession of the States,

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should be funded in the same manner as those in the possession of individuals: this was rejected. I suppose it is not in the contemplation of gentlemen to prohibit States from becoming purchasers hereafter, and funding agreeable to the proposition now before us. What will be the comparative situations of the States of South Carolina and Virginia? The one, having paid a considerable share of her debt, is to have no credit; the other, having paid no part, or very little, is to be aided by the other States in making the payment, while she lodges in her treasury the amount of five year's taxes. This has not the appearance of justice. Sir, I think the present question may be reduced to this—shall we suspend or delay the justice due to two States, for there are only two who complain; or shall we do an immediate act of injustice to others? Sir, gentlemen appear to be fully agreed to pay whatever balances may appear due on a final settlement of accounts. Is it not better to delay justice to some States, when they have every assurance of redress? Sir, when I consider the question in this view, I find no room for hesitating in my mind. I am clear for rejecting the proposition.

Mr. Wadsworth.—I confess, sir, I almost begin to despair of the assumption of the State debts, and with that I shall despair of the National Government. As it is the fashion to hold up to view the interest of particular States, I shall, according to custom, offer some observations respecting the State of Connecticut. At the beginning of the war, we were out of debt, and our funds were in such a situation as enabled us to advance fifty thousand dollars for the exigencies of the war. The paper money received by that State for this sum from Congress did not net half that amount. At the close of the war, Connecticut owed nearly four millions of dollars; she has sunk about half that amount by excise and direct taxes, principally by the latter. She has no debt but what was incurred by the war, except about eight thousand dollars; and what remains to be paid was for National and State defence. To the officers and soldiers of the Continental army, she has paid and owes more than two millions of dollars. When the Quartermaster and Commissary General owed in Connecticut six hundred and forty thousand dollars, and had neither money nor credit, the State assumed that sum, which is part of the present debt; in most other States these debts were cancelled by a final settlement of a Continental Commissioner, and are now distinguished from State debts. The State of Connecticut has long since had its accounts against the Union examined by a Commissioner, who rejected every doubtful charge, and yet there remains about eight millions of dollars balance, after deducting every shilling the Continent had advanced the State. I consider the debt of the State of Connecticut now due as a real Continental debt, of the most meritorious class, nor can I easily persuade myself to provide funds for the other Continental debts, and leave the citizens of Connecticut to groan under a direct tax (their only re-

source) to pay a debt which they do not owe, but as surerities for the Continent. We have been sometimes told, when the interest of a particular State was in question, that if we did not comply with her wishes, she would throw herself into the arms of some foreign Power. I will not say this of Connecticut, there is no Power but the United States with which we wish for connexion; no foreign Power is our neighbor. We are firmly attached to the Union; but a direct heavy tax for the debts of the Union will be felt as unjust and oppressive, and may rouse the hardy spirits of Northern and Eastern freemen to a conduct incompatible with the peace, safety, and happiness of the General Government.

An argument has been drawn against the assumption from petitions on your table, Mr. Chairman. The petition of the tobaccoists has been mentioned in particular; if we are to admit petitions as arguments against a measure, we may as well give up all idea of laying any tax whatever; for I believe it will be granted that no tax can be proposed which may not be petitioned against.

I beg leave to remind gentlemen of a petition presented last session from a body of men, who, considered in relation to the community at large, are of ten times the consequence that the small body of tobaccoists are, however respectable in themselves. I refer to the petition from distillers and importers of molasses. Their petition was not noticed; the tax was laid, and is now collected, the petitioners see their error, and are satisfied.

The duty on salt has been mentioned. The duty laid last session was objected to; but salt was never so low in price, and if the proposed duty is laid, it will then be cheaper than it has been, on an average, for seven years past, to my knowledge. Gentlemen have contended that the measure is so important, that its adoption ought to be by the voice of a large majority; a bare majority will not satisfy our constituents. However desirable this may be, public bodies are often most divided upon the most interesting subjects, and if this idea is to prevail, there is an end of the great principle of a Republican Government, that the majority is to govern. On this principle, if a majority should decide against the assumption, I should think it my duty patiently to submit to the determination. We hear much upon the subject of general duties, that they fall heaviest upon the Southern States; they are not manufacturers, and a great consumption of luxuries takes place among the people in those States. Mr. W. asserted that the consumption of luxuries is much the greatest in the Eastern and Northern States, and stated a variety of particulars to prove the assertion; he appealed to the Southern gentlemen who had travelled into the Middle and Northern States for its truth.

The report of the Secretary of the Treasury has been objected to on account of its calculations; and the article respecting the Post Office has been mentioned. Mr. W. read that part of the report, and observed, that here we have the

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opinion of the Postmaster, and not a calculation of the Secretary. If there is an error, it is only in opinion, and the Secretary is not accountable for it. The opinion, however, appears to me to overrate the proceeds of the department upon the present plan. I do not, however, conceive that the estimate overrates what may be derived from this source. Seven-eighths of what may be produced from the Post Office is lost by letters being sent by private conveyance and under franks. Under proper regulations, I have no doubt but a larger sum than that mentioned by the Postmaster General may be realized. Mr. W. concluded by saying, that in every view of the subject, the justice and policy of the measure of making a Continental provision for these debts, is so apparent, that he could not but hope the affirmative of the question would be adopted.

Mr. Bland, in reply to Mr. Moore, said, I am extremely sorry, Mr. Chairman, that another worthy colleague of mine has rendered it necessary for me to rise in this debate, as I had flattered myself that my sentiments had been clearly expressed and fully understood when I spoke on it the day before yesterday, and explained to another of my worthy colleagues yesterday. I hope, however, the House will indulge me for a few moments in a question of this importance; when I seem to be personally called upon to vindicate my own opinions, and in the peculiar predicament of differing from nine of my colleagues. I shall confine myself entirely to answering the objections of the gentleman who spoke last: he too has taken notice of what I said respecting the weight of wealth lying towards the seacoast of Virginia, and the weight of legislative influence to the westward. This he has not denied, but says that the articles of the treaty for the payment of the British debts, contracted prior to the war, ought to have been complied with; that the honor of all America was concerned in complying with that article, and that therefore the gentleman could not complain of the Western influence in complying with the express desire of Congress, whose business it was to fulfil or see to the fulfilment of that treaty. Sir, I agree with him so far. I do not complain that my country passed an act for the fulfilment of the treaty entered into by the General Government; but, sir, I conceive that a treaty has two sides to it, and the stipulations on both sides ought to be literally fulfilled. When a clause was introduced into that act, to suspend the operation of it until the British Government should fulfil it on their part, that the compliance might still go on when this was claimed as a justice due to them by the debtors to the British nation, who lay in the track of the armies, who inhabited that part of the country towards the seacoast, who had been deprived of their negroes contrary to the treaty, and who were at the same time State creditors for supplies furnished the armies of the United States. I ask that gentleman, whether this reasonable proposition for a suspension of the act, until Congress might have time to remonstrate with the British Government for their relief, was not violently

opposed by the Western influence, who suffered none of these inconveniences, or but in a very small degree? Sir, that gentleman was present, and his candor will, I am sure, answer this question in the affirmative.

The gentleman acknowledges that the greater part of the services of the war, and of the supplies, were drawn from the Eastern division of that State; but that the Western always held themselves in readiness when called on. In this I agree with him heartily. I know, sir, that there were no citizens in the United States better affected to the American cause than they were; but, sir, does this invalidate what I have said of the inequality of the burdens borne? I think not.

The gentleman next mentions the certificate tax, which was laid for the purpose of redeeming the certificates for supplies, militia services, &c.; and says, that as the certificates were paid in by the original holders, and those who were not original holders; and as this was the only mode in which the State could then pay the sufferers, they were content to receive for them what they could get. Sir, I will give a short history of this business. I own I am sorry to mention it, as it affects in some sort the credit of the State to which I belong; but I believe it will not be found singular. These certificates were to be redeemed in the manner the worthy gentleman mentions, by calculation, in four, five, or six years, I cannot exactly remember which; but having remained a long time previous to the act unnoticed or unpended, had fallen as low as one shilling and sixpence in the pound. This tax, in one or two years, appreciated them to three or four shillings. This appreciation was found too burdensome for those who were original holders; the tax was, as well as my memory serves, lessened; and when, at last, it was found that they were nearly extinguished or called in, they were made payable in the arrearages of taxes due for several years back, and thus never rose, until the last arrears were paid in, to more than four shillings in the pound; and thus was the property of those who furnished the armies of the United States reimbursed them.

Sir, I speak feelingly on this subject; I was one of the sufferers, my constituents are almost all sufferers in this mode. Sir, in what I say of myself, I wish not to be understood as influencing my conduct on this floor; I spurn the idea, if it should be entertained. On this floor, I hope I always act on enlarged and general principles.

Sir, the gentleman has mentioned what I said of emigration; and has asserted that, notwithstanding those emigrations, the number of inhabitants who were to pay taxes in Virginia had increased since the war, which he says on a former occasion I admitted to be the case. I am sure, sir, I have seen no documents to confirm the gentleman's assertion, nor can I conceive that I ever assented to such an one (at the time the fixing on the seat of Government was in contemplation, or at any other time) as it respected Virginia; but I verily believe the fact to be otherwise, unless the gentleman assures me of it from proper documents.

The gentleman says, it is the interest of Kentucky and the Western country to assume the debt. If this be the case, sir, I am much surprised that their representatives should be found arguing so strongly against what they assert to be the interest of their constituents. But, sir, it does not become me to point out to them their duty; I therefore leave them to act in the manner they think right, not doubting but they will in the end do the best for their constituents, as I think I am doing for mine, and for the Union at large. I am so firmly persuaded of this, sir, that I am willing to risk what little reputation I am possessed of as a politician on the event; and not knowing the sense of my constituents on so important a subject, I shall venture to support the opinions I have advanced, keeping my mind open to conviction, and yielding to clear and unequivocal arguments when they are produced, that will show me when I am wrong.

I hope I have thus far explicated myself from the charge, which seemed to be aimed at me, of having advanced opinions unfounded and erroneous.

I shall only take notice of one observation, with which the gentleman concluded; that in all political questions he should be governed in his vote by the principles of justice. I hope he will charitably suppose I am under the same influence. But, sir, I shall conclude that justice is due from Congress to the States, and to the citizens of the States. This can only be done by establishing credit on the broad and stable foundation of public faith to the creditors of the United States of every denomination.

Mr. SMITH, of South Carolina.—The last gentleman from Virginia, (Mr. Moore,) he said, had altogether mistaken the law of South Carolina he had noticed, and its operation. That law was intended to create a medium of circulation by way of loan or mortgage; one hundred thousand pounds were emitted for that purpose, all the specie of the country having been exported, and the citizens greatly distressed for the want of a medium. Mr. S. then read the preamble of the law and some of the clauses, to prove what he had said. Of the above sum not more than about six thousand pounds circulated in South Carolina, the remainder having found its way into the neighboring States.

The gentleman was equally misinformed, when he observed that the taxes levied in that State had not been applied to the discharge of its debts, but had been diverted into a different channel. Mr. S. read a statement from the report of a Committee of Finance, to show that taxes had been imposed from 1784 to 1789, to the amount of above 300,000 dollars annually, for the express purpose of paying the interest on the debt contracted by the war; and that during that period upwards of a million and a half of dollars had been sunk of the principal of the debt by sales of land, &c. South Carolina had therefore made as great exertions for the discharge of her debt, since the peace, as Virginia. With respect to the militia of Virginia having been paid in money greatly

depreciated, had not the citizens of South Carolina been likewise paid in the same manner? Had not some of the militia been also obliged to sell their indentures at two shillings in the pound? How, then, could it be said, with any propriety, that the militia of Virginia were to be taxed to pay the debts of those of South Carolina? Had not the latter been heavily taxed ever since the war? And would they not be crushed with further taxation, if the assumption was negatived? It has been said, by the gentleman from Georgia that the Southern States contributed more to the impost than the Northern; was not that a strong argument why the assumption would be favorable to those States? It was generally acknowledged that the Continental debts were chiefly in the hands of persons dwelling to the northward of the Potomac; the greatest proportion of the State debts, on the contrary, was on the South of that river. If, therefore, the Southern States paid the greatest part of the revenue, was it not for their advantage that the assumption should take place, by which means the State creditors would draw back, in payment of their interests, a proportion of that impost, which otherwise would go altogether into the pockets of the Continental creditors? It was undoubtedly an injury to the States which contributed most to the impost, to be drained of their resources to pay persons who resided in those States which contributed least.

The objections to the various articles reported by the Secretary did not apply in this stage of the business. That report was calculated to satisfy the House that the State debts could be funded without resorting to direct taxation; it was in the power of the House, when the funds were under consideration, to reject those which should be found injurious, and to substitute others. He could not agree, however, in the remark that persons interested in a particular branch of trade or manufacture were to be believed in preference to the Secretary, who was disinterested; nor could he understand the inconsistency of the petition alluded to, which in one part set forth that the duty would be oppressive to them, and in another that it would produce nothing to the revenue. He believed that there was no possible object of revenue against which the parties interested might not complain. As to the amendment from North Carolina, the member from that State had himself declared that he would not undertake to say the Convention meant to guard against the assumption, but that the words carried that meaning. This might be true, and yet the amendment could not apply, because the House had been told the assumption was never thought of in that State at the time the amendment was framed. It had been said, that as North Carolina was against the assumption, it was a sufficient reason why it should not be agreed to. This was an extraordinary declaration, when it was remembered they had been told that South Carolina being desirous of it, was no reason why it should be adopted, and that the inclination of one State should not prevail with Congress. Surely, there was as much reason why it should be agreed to

if one State was in favor of it, as that it should be rejected because one State was against it. The Secretary, it had been said, seemed to think that a settlement was an event that would not certainly take place. The settlement, with or without an assumption, would unquestionably be attended with difficulty; and the Secretary expressly remarks, that there is no objection which can be made to a settlement after the assumption, which does not apply with equal force to any settlement prior to it.

The committee rose and reported progress.

FRIDAY, April 2.

Being Good Friday, the members adjourned without doing any business.

SATURDAY, April 3.

USEFUL ARTS.

The amendments of the Senate to the bill for promoting the progress of useful arts, were taken up, and all but one agreed to, which related to investing the Judges of the Supreme Court with a power to determine the compensation which persons shall receive for their inventions, &c.

Mr. SHERMAN moved for leave to bring in a bill to authorize the Secretary of State to appoint an additional clerk in his office.

MONDAY, April 5.

COLLECTION OF DUTIES.

The House resolved itself into a Committee of the Whole on the bill further to suspend part of the act to regulate the collection of duties, &c., Mr. LIVERMORE in the Chair.

No amendment being offered to the bill, the committee rose, and reported the bill to the House. It was then ordered to be engrossed for a third reading.

AMENDMENTS TO THE CONSTITUTION.

A communication was received from the PRESIDENT OF THE UNITED STATES, informing the House that the Legislature of New York had ratified certain amendments proposed by Congress to the Constitution of the United States. The Senate, by message, informed the House that they had receded from their tenth amendment to the bill to promote the progress of useful arts.

RELIEF OF OFFICERS.

Mr. BURKE, from the committee appointed for the purpose, presented a bill for the relief of a certain description of officers therein mentioned; which was read the first and second time, and committed.

PUNISHMENT OF CRIMES.

The House went into Committee on the bill sent from the Senate, for the punishment of certain crimes against the United States, Mr. LIVERMORE in the Chair.

The clause which provides for the dissection of the bodies of malefactors, it was moved should be struck out.

This, it was said, was wounding the feelings of the living, and could do no good.

It was said, in answer, that it was only following a mode adopted by some of the wisest nations. It was making those who had injured society to contribute to its advantage by furnishing subjects of experimental surgery. It was attended with salutary effects, as it certainly increased the dread of punishment, when it is contemplated with this attendant circumstance.

Mr. STONE was opposed to the clause. He said it was contrary, he believed, to the practice of the several States; that it was making punishment wear the appearance of cruelty, which had a tendency to harden the public mind.

Mr. WILLIAMSON stated a variety of arguments in favor of the clause, and showed the very great and important improvements which had been made in surgery from experiments.

Mr. PAGE spoke against the clause, and Mr. SMITH and Mr. SEDGWICK in favor of it. The committee rose without deciding; and the House adjourned.

TUESDAY, April 6.

TIMOTHY BLOODWORTH, another member from North Carolina, appeared and took his seat.

The engrossed bill further to suspend the collection law, was read the third time and passed.

BARON STEUBEN.

A report from the Secretary of the Treasury on the memorial of the Baron de Steuben, was read a first and second time, and committed to a Committee of the Whole.

PUNISHMENT OF CRIMES.

The House went again into a committee on the bill for the punishment of certain crimes against the United States, Mr. LIVERMORE in the Chair.

The motion for striking out the clause respecting the bodies of murderers being delivered to surgeons after execution, for dissection, was further debated. A number of gentlemen spoke on each side of the question. The affirmative was supported by Messrs. PAGE, HEISTER, JACKSON, STONE, TUCKER, CLYMER; the negative by Messieurs HUNTINGTON, MADISON, SMITH, of South Carolina, SEDGWICK, WILLIAMSON, and AMES; and the motion being put, was negatived.

Several other motions for amendments were negatived; and the committee rose without finishing the discussion of the bill.

WEDNESDAY, April 7.

A member from South Carolina presented a letter addressed to him from John H. Mitchell, of said State, with proposals from Matthew Boulton, of Great Britain, for supplying the United States with copper coinage. Referred to the Secretary of State.

PUNISHMENT OF CRIMES.
The House went again into a committee on the bill for the punishment of certain crimes against the United States, Mr. LIVERMORE in the Chair.

Several sections of the bill were discussed. The clause which enacts that counterfeiting the securities of the United States, or uttering counterfeit securities knowingly, shall be punished with death, by being hanged, it was moved, should be amended, by striking out the words "punished with death by being hanged," to admit a less punishment for uttering or passing than for counterfeiting. The degrees of criminality in the two cases were accurately defined by Mr. SHERMAN.

Mr. SEBASTIAN observed that he thought the degrees of punishment ought to be proportioned to the malignity of the offence. He enlarged on the pernicious consequences of counterfeiting. He considered it as a crime against the most important interests of society, and of a peculiarly malignant tendency in the present and probable situation of the United States. Persons addicted to forgery are seldom, if ever, reclaimed—the security of the society, therefore, appears to depend on a capital punishment. The idea is strengthened when we reflect on the mischief and ruin which have already ensued from forgery, and which afterwards conceded to the clause as it stood.

Mr. FIRZSIMONS was opposed to the motion. He adverted to the practice and experience of Great Britain; the injuries and fatal consequences to credit which result from forgery are considered in England in so serious a point of light, that the bank pays notes which they know to be counterfeit. Hence the inexorable rigor of the laws of that country in cases of forgery. He could not see so clearly, as some gentlemen appear to see, the difference between forging, and simply uttering what is known to be counterfeit—the mischief is not completed till the forgery is uttered. He enlarged on the idea of guarding public paper by every possible expedient.

Mr. WHITE observed that he was opposed in general to inflicting death, except for murder, or crimes which might terminate in murder; but, in the present case, he thought there were degrees of guilt, and the punishment ought to be proportioned; he was, however, opposed to a capital punishment in this case, as he conceived it would tend to prevent convictions.

Mr. SHERMAN said he had known persons who had been convicted of this crime, that had afterwards reformed.

Mr. SMITH and Mr. BURKE were opposed to the motion. They severally dilated on the injuries which society was liable to from the ingenuity of these unprincipled persons; the extreme difficulty of guarding against their depredations, rendered it highly expedient they should be cut off.

The vote being taken on the motion, it was negatived, and the clause retained.

Further progress was made in the discussion; but the committee rose without going through the bill.

but this being objected to, the motion was withdrawn.

The first paragraph in the bill provides for the appointment of a Superintendent, who is to be a military officer.

It was moved that the clause which contains this restriction should be struck out.

The motion was supported by the following observations: It was said to infringe the power of the President, and in that view to be unconstitutional; that it may counteract the essential interests of the people, by precluding the President from appointing perhaps the most proper character in the United States; that persons in civil life may be found fully competent to the business, many such possessing a perfect knowledge of Indian affairs. The military duty of an officer is sufficient to engage his attention, but this bill will convert him into a mere trader and speculator. Further, it was said, that it blended the civil and military characters, which was unconstitutional.

In objection to the motion, it was observed, that a military character is the most suitable, being amenable to a court-martial, and therefore the most easily called to account; that such will probably have the greatest influence with the Indians. As to the constitutionality of the question, it is evident that the President and Senate are restricted in their appointments of officers in several other departments. The Attorney-General must be a person learned in the law, or, in other words, a lawyer, &c.; and as it is not to be expected that any person would be contented to go and reside in the Indian country, who is debarred from carrying on commerce, as is contemplated by the bill, it follows that military officers are the only proper characters to be appointed.

Mr. SCOTT proposed a full substitute for the clause under debate, which induced a motion for the committee to rise and report progress, which motion was carried in the affirmative.

Mr. FIRZSIMONS then moved that the Committee of the Whole should be discharged from any further consideration of the bill, and that it be referred to a select committee. After considerable debate, this motion was negatived.

The committee reported progress, and had leave to sit again.

MONDAY, April 12.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole on the Report of the Secretary of the Treasury. Mr. LIVERMORE in the Chair. The proposition for assuming the State debts was again read.

Mr. SHERMAN.—When I see the House so equally divided on an important subject, it gives me great concern on account of the threatening aspect it has on the peace and welfare of the Government.

The support of public credit by a provision for doing justice to the creditors of the United States, 1st Con.—49

was one great object that led to the establishment of the present Government; and should it fail of doing justice to so great a proportion of them as are involved in this provision, it would lose the confidence of many of its best friends, and disappoint the expectations of the people in general.

I consider the debts incurred by the several States in support of the war, and for the common defence and general welfare, as the debts of the United States, and that those creditors have as just and meritorious a claim on the Union for payment as any creditors whatever. A great part of them were assumed by the States in behalf of the United States, in consequence of requisitions of Congress.

I shall not now go into a particular discussion of the proposition before the committee, (every thing having been already said that may reflect light on the subject,) but shall only state the reasons on which I shall give my vote in the affirmative.

The measure appears to me both just and politic. Just, with respect to the creditors, whose debts are due for services and supplies rendered in support of the common cause of the Union, which, therefore, ought to be paid out of the same common funds as the other creditors of the United States, and although some of the States would be able to provide for their creditors as well as the United States, yet that is not the case as to those whose exertions, sufferings, and burdens, have been much greater than the others, and it would not give satisfaction to assume the debts of some States, and not of others.

The measure will be just with respect to the several States, because each will bear only its just proportion of the present burden; and their past exertions and expenditures will be equitably adjusted in the final settlement of their accounts, for which effectual provision is to be made by the same act that provides for the assumption of the debts.

The policy of the measure consists in its tendency to promote justice and harmony, and confidence in the Government, in alleviating the burdens of a number of the States, who, from their situation and circumstances during the war, were necessitated to make greater exertions, and were subjected to greater sufferings and expenditures than the other States, and by putting all the funds necessary for paying the debts under one direction, to facilitate the collection and render them more productive and less embarrassing to commerce. The principal resource for pay (the impost) is in possession of the General Government.

But if the State debts are not assumed, the States which have heretofore borne the greatest burdens will be left still to sustain those unequal and grievous burdens, or their creditors will be left without any provision for satisfying their claims, either of which would be unreasonable, and occasion great uneasiness, which will tend to embarrass and obstruct the measures of Government.

It has been said, let those States wait until their accounts with the United States shall be settled; and then receive security for the balances that may be due to them. But why should those States be subjected to greater burdens at present than the other States? As it is not known which are debtor or creditor States, why not bear the burden equally until that can be ascertained? If there is to be no settlement, I think it is a conclusive argument that the whole public debt should be assumed by the United States. It ought to be presumed that the States have made exertions, according to their abilities, and in due proportion, until the contrary appears, and that can no other wise appear but by a settlement of the accounts; and, until that is done, I can see no good reason why any State should bear more than its just proportion of the existing debts, whether contracted by the United States, or by the individual States, if incurred for the common defence, or general welfare of the Union. It is said, there is no rule established to ascertain the quotas of the several States; but I think the rule is fixed by the resolutions of the late Congress, of the 22d of November, 1777, and the third of June, 1784, and the provision in the new Constitution for apportioning direct taxes.

Several other gentlemen spoke on the occasion, and various motions were offered to modify the proposition, but they were all rejected; and the question for the assumption being put, was negatived; thirty-one voting against, and twenty-nine in favor of the proposition.

After the question relative to the assumption of the State debts had passed in the negative,

Mr. SEDGWICK rose and said, I now consider the question of the assumption as ultimately negatived. We are, then, in my opinion, in a situation most solemn and serious. In the name of the people of Massachusetts, who have honored me with a seat in this House; in whose behalf my colleagues and myself have united in representing their services and sufferings, do I address you. We have demanded justice; we have implored the compassion of the Representatives of the people of America, to relieve us from the pressure of intolerable burdens; burdens incurred in support of your freedom and independence. Our demands and entreaties have both been ineffectual. Feeling as I do, on this important occasion, I shall stand justified to myself, and I trust to the candor of every other gentleman, in what I am about to declare. During the war, the Government of Massachusetts, the corporations, and the people, all united in straining every nerve in support of the common cause. To the remembrance of every friend of his country, I appeal. To your public officers, and to the men conversant in the transactions of that day of anxiety and distress, I appeal for the evidence of that noble and disinterested enthusiasm, of those exertions and services, which were then as important as was your escape from slavery. Exertions and services which were then acknowledged; and, however they may be now forgotten or disregarded here, believe me they will long be remembered within that State. Is

there a man who does not believe the exertions of Massachusetts, compared with her ability, were at least equal to those of any of the States? This has not, and I presume will not be denied; it was less frugal? It is not pretended. Does it not, then, follow, irresistibly, that the excess of her debt must have been contracted for national purposes? Is there any one who supposes that what they denominate the national debt, can be securely funded, without invading those objects of revenue, which are now appropriated for the support of public credit in that State? Can it be believed that the Government or the people there will voluntarily submit to sacrifice the interests of twenty thousand men, who adventured their lives and estates in the common cause? Shall the first operations of this Government which I fondly hoped would move on national ground, and regulate its conduct by enlarged and liberal policy, be the impoverishment of such, and so many honest, confiding citizens?

Independent of the assumption, there is not, in my opinion, the least reason to believe a settlement of the accounts of the individual States with the United States will ever take place. The offer of justice on that contingency, is, therefore, little more than pretence on one side, and I can assure gentlemen is felt to be little less than mockery on the other. All these things make a deep impression, nor will they be easily erased from the memory. It only remains, that I express directly the purpose for which I rose, which was to warn, solemnly warn, gentlemen of the dangerous consequences, in the progress of this business, of invading those funds which are pre-occupied by that State. Let them, then, proceed and see whether, without such violent and unjust invasion, it will be practicable to procure the necessary objects of revenue.

While Mr. SEDGWICK was speaking,

Mr. PAGE called him to order, and reminded him of the great impropriety of his rising on the floor of the committee, and remonstrating against the solemn vote of that committee, which had just been entered on the Journals. He added, it was strange the gentleman could not have patience till the report of the committee should come before the House, when he might renew the motion for the assumption which he had so much at heart. Some members, however, called out "hear him!" Mr. SEDGWICK went on; when he sat down, Mr. PAGE rose, and moved that the committee might rise, as he thought it highly improper it should sit merely to hear passionate remonstrances against its proceedings.

Mr. JACKSON also made some spirited strictures to the same purpose, on Mr. SEDGWICK's speech.

Mr. GERRY then offered a resolution, that that part of the Secretary's report relative to the State debts be referred to a committee to consist of a member from each State.

This motion was laid on the table for further consideration, agreeable to the rules of the House. The committee rose, and reported progress.

TUESDAY, April 13.

Mr. VINING, from the committee appointed for the purpose, presented a bill supplementary to the act for establishing the salaries of the Executive officers of Government, with their assistants and clerks, which was read a first and second time and committed.

GENERAL POST OFFICE.

The House resolved itself into a Committee of the Whole on the bill for regulating the Post Office of the United States, Mr. LIVERMORE in the Chair.

Mr. WILLIAMSON observed, that according to the best calculation he could make, the income of the Post Office upon the system of the bill, so far from producing the revenue which had been contemplated, would not yield sufficient to support itself; he, therefore, moved the bill should be recommitted to a select committee; that the information received since the bill had been reported might be improved, to render it less defective.

Mr. BOUNDNOT and Mr. FITZSIMONS were in favor of the committee's rising, in order to recommending the bill; the motion, however, being objected to, was withdrawn.

The clause which empowers the President of the United States to establish post offices and post roads, was moved should be struck out.

The motion was supported by saying, that this is a power vested in Congress by an express clause in the Constitution, and therefore cannot be delegated to any person whatever; the objects which are connected with this power are of great weight in themselves and are properly cognizable by the Legislature of the Union only. The words, after some debate, were struck out.

The principle of farming the cross-roads was objected to by Mr. SMITH (of South Carolina.) The idea of farming, said he, is new in this country; it is indicative of weakness in the Government. If the Government make a sale of the income of an office which falls below the value, there is so much lost to the public; if the sale is above the value, the farmer must indemnify himself by extortion. He moved that the whole clause respecting farming should be struck out.

Mr. BOUNDNOT observed, that the idea of farming, as contained in the bill, has reference only to cross-roads in general, post offices in those roads cannot be supported by the United States but at a loss. Still, for the accommodation of the inhabitants in particular places, the Postmaster General should be empowered to establish such post offices as may conduce to their convenience, provided the Continent was put to no expense; the inhabitants have, therefore, on being allowed the postage of the letters, established such post offices. But there appears to be a propriety that the Postmaster General should farm out those cross roads, which may be productive.

Mr. AMES advocated the clause. He observed that Great Britain, in consequence of farming the post office, had made the income prodigiously productive. The general objections to farming, he

admitted, were well founded, but the present object was, perhaps, the least exceptionable of any that can be mentioned.

The motion for striking out this clause was negatived.

Sundry blanks were filled up, and considerable progress made in the discussion of the bill. The committee rose, and reported progress.

WEDNESDAY, April 14.

NEWSPAPERS.

The House proceeded to consider the report of the Select Committee as to the mode of supplying the members of Congress with newspapers in future.

The report being read,

Mr. SHERMAN moved that the report be accepted. Mr. GERRY observed, that a free press is of the greatest importance to the people, and all proper encouragement ought to be given it; that the practice of Congress, in taking the newspapers upon a liberal plan, conducted to this object; that the most beneficial consequences had resulted to the Government from that information which their constituents had received through this medium. Gentlemen have observed, that persons at the seat of Government derive an advantage from the early intelligence which that circumstance enables them to obtain. But it will not be denied that all parts of the Union have as good a right to political intelligence as the spot where Congress happens to be; no mode of conveying this intelligence can be devised which is attended with so much facility as this; and no citizen can grudge the expense; it does not amount, perhaps, to more than the fraction of a farthing, on an average. The information conveyed through this channel has afforded the greatest satisfaction to our constituents; it is expected from us, and it is what they have a right to have. And so great has been the anxiety on some occasions for news from Congress, in some of the towns in the Eastern States, that I have been informed that half a dollar has been given for a newspaper. In the last session of Congress complaints were made of the partiality and misrepresentations of the printers, and justly. In their accounts of the debates, some of the members were held up in a ridiculous point of light, and great injustice was done through the inaccuracy of those partial publications. This session matters have been better conducted; the debates have been more impartially handed to the public; the printers publish on both sides, and are willing to correct their mistakes. If no other advantage was to be derived from a general encouragement, this freedom and impartiality being obtained, is a sufficient indemnification for the trifling expense. If one or two printers only were to have public encouragement, or the exclusive printing of newspapers for Congress, it would preclude the public, in all probability, from that full and impartial information to which they are entitled; it would tend to giving the House an undue control over the press, or perhaps make it the tool of a party. Mr. G. made many other remarks, and

the particular States. This motion was seconded by Mr. PARKER. Messrs. SHERMAN, GERRY, AMES, and BLAND, spoke against the motion. Messrs. WHITE and SENEY in its support; but the committee rose without coming to a decision.

FRIDAY, April 16.

A petition from the manufacturers of mustard in the city of Philadelphia, was presented, praying for an additional duty to be imposed on that article; and one from the manufacturers of tobacco and snuff in the town of Baltimore, for the like purpose. All were referred.

Ordered, That a committee be appointed to prepare a bill or bills for mitigating or releasing the forfeitures and penalties accruing under the revenue laws in certain cases; and that Messrs. BOUNDNOT, GOODHUE, and HUNTINGTON for said committee.

PUBLIC CREDIT.

The order of the day being called for on the report of the Secretary of the Treasury, Mr. FITZSIMONS said, he wished a suspension of the motion while he read a proposition which he meant to offer for the consideration of the House. It was in substance as follows, viz:

"That a committee be appointed to devise a plan for the assumption of debts, payable by the respective States, and a mode of paying the interest thereon; also to provide for the speedy and effectual settlement of accounts between the United States and individual States."

This motion being objected to, as informal, it was then proposed to restore the second alternative, which had been rejected, viz:

"To have the whole sum funded at a yearly interest of four per cent. irredeemable by any payment exceeding five dollars per annum on account both of principal and interest; and to receive as a compensation for the reduction of interest, fifteen dollars and eighty cents, funded at the like interest and rate of redemption."

But before any decision was come to, the committee rose, and the House adjourned.

WEDNESDAY, April 21.

The engrossed bill for the relief of a certain description of officers therein mentioned, was read the third time, and passed.

Mr. GOODHUE, from the committee to whom was referred the petition of the proprietors of the Beverly Cotton Manufactory, made a report, which was read and committed.

PUBLIC CREDIT.

The House again went into a Committee of the Whole on the report of the Secretary of the Treasury, Mr. LIVERMORE in the Chair.

The second alternative (as stated yesterday) was then read; when it was moved to strike out "five dollars," in order to admit a larger sum, so that the redemption of the principal should take place at an earlier period than that proposed. This was agreed to, and "six" inserted.

The proposition being amended to read as follows, was agreed to:

either House of Congress, at the public expense," was, on the question put thereupon, disagreed to by the House.

TERRITORY SOUTH OF THE OHIO.

A message from the Senate informed the House that they have passed a bill for the government of the Territory of the United States south of the river Ohio, to which they desire the concurrence of the House.

The House again went into a Committee on the bill for regulating the Post Office of the United States, Mr. LIVERMORE in the Chair; and after spending some time upon it, rose and reported progress, and had leave to sit again.

THURSDAY, April 15.

The bill from the Senate, for the government of the Territory of the United States south of the river Ohio, was read a second time and committed.

The SPEAKER laid before the House a report from the Secretary of State, on the letter of John H. Mitchell, proposing to supply the United States with copper coinage; which was ordered to lie on the table.

NATIONAL MINT.

Ordered, That the Secretary of the Treasury prepare, and report to this House, a proper plan or plans for the establishment of a national mint.

PUBLIC CREDIT.

Mr. GALE moved that the House do now resolve itself into a Committee of the Whole on the report of the Secretary of the Treasury, relative to a provision for the support of the public credit. The motion being seconded, occasioned a debate. Some gentlemen wished the committee to be discharged from further proceeding on the report, till a plan of accommodation should be agreed to, in respect to the assumption of the State debts. The House were warmly agitated on this subject for a considerable length of time. Several members were called to order, and a variety of motions respecting order were made. At length the yeas and nays were called for, and taken, and were as follows:

YEAS—Messrs. Ash, Baldwin, Brown, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gale, Griffin, Hartley, Hathorne, Heister, Jackson, Lawrence, Lee, Madison, jun., Matthews, Moore, Muhlenburg, Page, Parker, Rensselaer, Scott, Seney, Sinnickson, Smith, of Maryland, Sumpter, Tucker, White, Williamson, and Wynkoop—33.

NAYS—Messrs. Ames, Benson, Bland, Bloodworth, Boundnot, Burke, Foster, Gerry, Gilman, Goodhue, Grout, Huntington, Leonard, Livermore, Partridge, Sherman, Sylvester, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Vining, and Wadsworth—23.

The House accordingly resolved itself into a Committee of the Whole on this subject, Mr. LIVERMORE in the Chair.

The proposition for effecting a modification of the public debt being read, Mr. SENEY moved to strike out the clause which relates to the debts of

concluded by observing, with respect to any saving to the public, the expense was so trifling, compared to the advantage, that he thought it a very contemptible object of economy, in a national point of view; and moved to reject the clause which proposed that Congress should not be supplied with any more papers at the public expense.

Mr. BENSON said, he hoped the resolution would be agreed to with an amendment, which he moved, by striking out what relates to supplying the Senate; he was for leaving that part of the business to themselves. He gave a short account of the origin of Congress being supplied with papers. Under the old Confederation, he said, Congress was considered as a diplomatic body; the members were amenable to the States who sent them: Congress could not compel their punctual attendance. Hence the expedient of taking the papers to keep the members together from the time of meeting till they formed a House. But he observed this did not apply to the present Congress, who are a differently organized body, and the introduction of newspapers interrupted public business. He adverted to the odd appearance the charge must make in the account of public expenses.

Mr. SMITH, of South Carolina, offered a variety of observations to show the ill policy of adopting the report; enlarged on the advantages derived to the people from the diffusion of the information contained in the newspapers which were transmitted by the members.

Mr. SHERMAN observed, that he did not particularly recollect the origin of Congress taking the newspapers, but the punctuality of the members at present rendered any such expedient unnecessary. He objected to the papers being read in Congress; but if it is thought necessary that Congress should be supplied with the papers as heretofore, the members may receive them at their lodgings, and there they may read them before they come to Congress. As to the observation, that the printers are more impartial this session than they were the last, he did not think that there was much in that. He thought they had always aimed to be impartial; he conceived it was for their interest to be so. It is true they are liable to commit errors, and some have been printed in the debates: but when they have been pointed out, they were willing to publish corrections, and in many cases have done it. He did not think that the members sending the papers to their constituents conducted so much to diffuse information as the republications which took place in consequence of the printers sending their papers to each other. This answered the purpose to much greater extent.

The first part of the said report, in the words following, to wit: "That the said accounts ought to be deemed as a part of the contingent expenses of the session, and to be audited and paid as such," was, on the question put thereupon, agreed to by the House.

The second part of the said report, in the words following, to wit: "That there be no further supply of newspapers for the use of the members of

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"To have sixty-six and two-thirds dollars funded immediately at an annuity or yearly interest of six per cent. irredeemable by any payment exceeding six dollars and two-thirds of a dollar per annum, on account both of principal and interest; and to have, at the end of seven years, thirty-three dollars and one-third of a dollar funded at the like interest and rate of redemption."

Mr. SHERMAN then proposed to modify the resolution so as to admit of the following proposition.

"That the debts contracted by the several States for the common defence and benefit of the Union, ought to be considered as a part of the domestic debt of the United States. That proper provision ought to be made for the immediate debt of the United States; and that the faith of Government ought to be pledged to make provision, at the next session, for so much of the debts of the respective States as shall have been subscribed upon any of the terms expressed in the last resolution; provided that subscriptions shall not be received for a greater amount, than the following sums viz.:"

[Here the names of the several States were inserted without any sums.]

"That the remainder ought to be left to the respective States to provide for, until a final settlement of their accounts with the United States, for which settlement effectual provision ought now to be made."

"Provided that no debts be assumed but such as have been liquidated in specie value, and evidenced by notes or certificates issued by authority of the respective States, for the _____ day of _____, 1790."

"And if the creditors of any State shall not subscribe to the amount of the debt of such State to be assumed as aforesaid, such State shall receive interest at the rate of four per cent. per annum, on the remainder of said sum, until a final settlement of its accounts with the United States, to be applied to the payment of interest to its non-subscribing creditors, for which, and for the sums that may be assumed, the respective States shall be accountable to the United States."

Mr. SHERMAN being called upon to ascertain in what proportion he meant to fill up the blanks, read the following as a statement of the debts owing by the States, and the proportions he wanted to have assumed:

Assumption of the State Debts not exceeding the sums in the last column. Due as per Secretary's Report.

	Sums to be assumed.	DOLLARS.
New Hampshire	-	300,000
Massachusetts	-	5,226,801
Connecticut	-	1,351,173
New York	-	1,467,575
New Jersey	-	188,680
Pennsylvania	-	2,300,000
Delaware	-	100,000
Maryland	-	400,000
Virginia	-	3,400,743
North Carolina	-	3,000,000
South Carolina	-	1,600,000
Georgia	-	4,000,000
		200,000
		\$19,300,000

I am not insensible that an assumption of the State debts is, under certain aspects, a measure not unworthy of a favorable attention. If it had not, at least, plausible recommendations, I do not think it could have obtained so respectable a patronage here. I am sure, it would not have originated in the quarter which proposed it. But, sir, it is a question that must be considered and reconsidered, in all its various points of view, and the more it has already been investigated, the more objections have multiplied, and the more solid they have appeared. The arguments used in favor of the measure have been supported, weighty, but, sir, I consider them as unsupported. It has been contended that the State debts are, in their nature, the debts of the United States; that they were only from different offices, and have borne a different denomination, but that, in justice, they are the debts of the United States, and that the individual creditors can, of right, claim payment of the same from the General Government.

I deny the principle, sir, and I think it is disproved by the arguments of the gentlemen themselves. If the debts of the particular States be nothing more than the debts of the United States, under another denomination, and if we are bound to provide for them precisely as for the debts of the United States, let gentlemen consider whether they are not bound to view them in this light wherever they may be found. If they are debts of the United States in the hands of individual citizens, for the same reason that the other debts in private hands are debts of the United States, must they not be debts of the United States also, when in the treasuries of the different States?

Will gentlemen say, that what are called the State debts ought to be viewed in that light when in the hands of citizens, and that this quality forges them the moment they are received into a State treasury? If they wish to preserve consistency in their reasoning, they must say, either that the debts are dissimilar in the hands of private citizens, or that they are similar in the hands of States.

The debts of the particular States cannot, in any point of view, be considered as actual debts of the United States; and the United States are not bound, by any past requisition, or any resolutions now existing, to assume them, till the accounts are settled and the balances ascertained. We have been told, sir, not only that the assumption of the State debts, by the United States, is a matter of right on the part of the States, and a matter of obligation on the part of the United States, but likewise that it is equitable; nay, that it is a matter of necessity.

It has been said, that the United States are invested with the resources of the particular States, and that therefore they are bound to provide for the debts of those States. I think I may safely rest the issue of this question on a question of fact, Whether the States most urgent in this business are incapacitated from providing for their debts by the establishment of the present Constitution?

tuition? If gentlemen assert that to be the case, I think it is incumbent upon them to prove, either that the resources which they have given up would exceed their quota of the Federal requisitions, or that the use of these resources by the General Government will throw a disproportionate burden upon that particular part of the community. Let us consider, sir, what is the ratio in which the States, in their individual capacity, ought to bear the debts of the United States, and what is the ratio in which they will contribute under the taxes that it is proposed to levy. The only evidence by which we can guide ourselves in this inquiry, is a statement from the several custom-houses. I believe, indeed, that such a statement may not be conclusive. I think it is imperfect; at the same time it is the best guide to illustrate the present argument. The State of New Hampshire, according to this statement, will contribute about one hundredth part of what will be contributed by the whole. Her ratio of contribution, according to her representation, would be nearly about one-twentieth. Here, then, in fact, is a saving of four-fifths to that State. The State may then take this saving, and apply it to the purpose of discharging her domestic debt; she is relieved in that proportion, and therefore, in that proportion she is more able to provide for her State debt under the new Constitution than under the old one.

The State of Connecticut will contribute about one thirty-eighth; her proper quota would be about one-thirtieth. Here, then, is a saving of two-thirds to the State of Connecticut; and in that proportion is her situation better under the new Constitution than the old. Taking the States eastward of New York altogether, that the gentlemen say are rendered incapable of bearing the burden of the State debts, by the adoption of the new Constitution; I say, take the whole together, and they will contribute about a sixth only; whereas they would have had to contribute a fourth if this Constitution had not been established, and they had paid their part of the debt of the United States. In my apprehension, then, sir, as the payment of the State debts cannot be claimed as a matter of right, neither can such payment be called for on the principles of equity, or, what is most of all urged, necessity. But we are told, that policy is also in favor of the measure. A gentleman from Massachusetts has said, that the people of Massachusetts never would submit to a rejection of the measure; that it will create a spirit of opposition to the Government; in short, that it will endanger the Union itself. I confess that these are consequences that would be dreadful to me if I could suppose they would really take place, and that evils of greater magnitude would not ensue from an adoption of the measure. It is my opinion, sir, that if the refusal to assume the State debts would produce dangerous consequences to the Union, from the discontent that it is apprehended will grow out of the measure, much more have we to fear from an assumption, particularly if hazarded by a small

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majority. Sir, if we could ascertain the opinions of our constituents, individually, I believe we should find four-fifths of the citizens of the United States against the assumption. I believe we should find more. I believe I speak within bounds when I say, that those who would be for an assumption would not amount to one-fifth. This is, indeed, probable conjecture only. But on the other hand, let me ask, what evidence have we that there will be any great disappointment or discontents from a non-assumption? The Legislature of the State of New Hampshire have lately been in session; have they asked for this assumption? No; on the contrary, though they have not instructed their delegates to vote against it, it appears that it was thought of, and that the bulk of the members disapproved of it. The Legislature of Massachusetts have been in session; they were apprised that this matter was under consideration, and yet there has been no declaration from them, as far as I know, that can induce us to believe they wish for it; on the contrary, it would appear, from the measures they have taken to provide for the payment of their State debt, that they had proceeded on a supposition that an assumption would not take place. With respect to several other States, their Legislatures have also been in session, and none of them, except South Carolina, have made any declaration on the subject. If we are to disregard that species of evidence, and to look back to the expectations of the people, I do not think that there is a single indication that this measure was ever thought of by our constituents. Sir, I may safely say, it was never expected by the generality of them.

It has been said, too, that policy recommends the measure. It has been repeated, that if the assumption does not take place, so part of the revenues drawn from the Union at large will return to the distant parts of it. Sir, I thought this argument had been set aside some time since. The very reverse will happen. The State debts have begun already to travel towards the central parts of the Union, and to such an amount as to make it probable, that if they are provided for by us, nearly the whole will follow. Should this be the case, I believe such disadvantages will ensue as will prove the measure very impolitic. In proportion as the whole money contributed in the way of taxes shall centre near the Government, the evil of discordant interests and local jealousies, which is already too much felt. But, perhaps, this is not the worst consequence to be apprehended. I conceive that a very great part of the proper debt of the United States will go into the hands of foreigners, and that we shall be heavily burdened in paying an interest to them, which cannot be expected to remain in the country; and in proportion as you increase the debt of the United States, you will increase this evil.

I am of opinion, also, that the measure is not politic, because, if the public debt is a public evil, an assumption of the State debts will enormously increase, and, perhaps, perpetuate it. It is my

idea, sir, that the United States and the several States could discharge a debt of eighty millions, with greater ease, and in less time, than the United States alone could do it. I found my opinion on this consideration, that after the United States shall have resorted to every means of taxation within their power, there will still remain resources from which moneys may be raised by the States. Nay, I will go further, and illustrate the remark by adding, that after a State shall have extended its power of taxation to every object falling under general laws, there would still remain resources from which further taxes might be drawn within subdivisions of it, by the subordinate authorities of the State. But, sir, when we consider, that in some parts of the Union there is an unconquerable aversion to direct taxes, at least if laid by the General Government; that in other parts an equal aversion to excises prevails; how will the United States, so circumscribed as to the field of taxation, be able to draw forth such resources as are contemplated by the advocates of an assumption?

It has been asserted that it would be politic to assume the State debts, because it would add strength to the National Government. There is no man more anxious for the success of the Government than I am, and no one who will join more heartily in curing its defects; but I wish these defects to be remedied by additional constitutional powers, if they should be found necessary. This is the only proper, effectual, and permanent remedy.

Several gentlemen, sir, have gone into another field of argument in favor of this measure. It has been said, that the Constitution itself requires the assumption. One of my colleagues has asked a very proper question—if, as we have been told, the assumption originated in the Convention, why were not words inserted that would have incorporated and made the State debts part of the debts of the United States? Sir, if there was a majority who disapproved of the measure, certainly no argument can be drawn from this source; if there was a majority who approved of it, but thought it inexpedient to make it a part of the Constitution, they must have been restrained by a fear that it might produce dissensions and render the success of their plan doubtful. I do recollect that such a measure was proposed: and, if my memory does not deceive me, the very gentleman who now appeals to the Constitution in support of his argument, disbelieved the measure at that time, and assigned for a reason, that it would administer relief perhaps exactly in proportion as the States had been deficient in making exertions. It has been also remarked, that the Constitution having been established for obtaining perfect justice, it cannot be carried into effect, unless full justice is done on this subject, or, in other words, unless the State debts are assumed. Sir, if we are to take these words in their full extent, we must not stop merely with securing justice to the creditors of the Government, we should also endeavor to secure justice to every private creditor whatever. The gentleman says, that, by the Con-

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situation, all debts that existed against the United States at the time of the adoption of the Constitution are to be as valid now as they were before its adoption.

What was the situation of the State debts before the adoption of the Constitution? Was it understood that they were a part of the debt of the United States, any further than there might be found a balance on a final settlement? Was it ever supposed that they were to be thrown into one common mass, and that the States should be called on collectively to provide for them? What would have been thought of such a proposition? Would it have been considered as consistent with equity? I am persuaded, if such a proposition had been made in the old Congress, it never would have found a second; and for this reason, that the debts of the particular States were never considered as the debts of the United States. In whatever light we view the question, it appears to me, that the arguments urged in support of it are themselves unsupportable.

Much has been said of the situation of particular States, in case these debts should not be assumed. Much, indeed, has been said of the distresses and exertions of Massachusetts; but if we are to be governed by inquiries of this sort, we must extend them to every part of the Union, and we shall then find that an assumption will give as much dissatisfaction and work as much injustice to a majority of the States, as a non-assumption may disappoint the citizens of Massachusetts. I do not wish to go into local inquiries; but the present subject seems, in its nature, to make them in some degree unavoidable. The conduct of gentlemen on the other side, at least, renders the task on this indispensable. What would be the operation of the measure with respect to Virginia? It will not be denied, that Virginia sacrificed as much during the war, in one shape or other, and contributed as much to the common defence of the States, as any among them, certainly as much as Massachusetts. These are facts that can in time be proved. Since the peace, that State has made great exertions to comply with the requisitions of Congress. I might say, sir, that she was almost unequalled in her exertions. Her specie payments into the Federal Treasury since the peace, exceed six hundred thousand dollars, whereas those of Massachusetts are only between two and three hundred thousand dollars. In indents Massachusetts has, indeed, paid most, but by no means in such proportion as to balance the difference in the specie payments. The exertions of Virginia to discharge the debt she involved herself in by the war, have also been very great; she is not behind any of the States, she is before most of them; there can be no doubt but that she has certainly discharged more of her debts than Massachusetts, and as little doubt, in the opinion of the best informed, that whenever a final settlement shall take place, that State will be found a creditor to the United States.

If, during the war, she has made as great exertions, and has suffered as much as any of the States; if she has, since the peace, paid her full proportion of the supplies to the Federal Treasury, at the same time exerting herself to the utmost to discharge her State debt, and if, finally, she will probably be found to be in advance to the Union, and would, therefore, if justice could at once be done, be now entitled to a reimbursement—what must be said by the citizens of that State, if, instead of reimbursement, they are called upon to make further advances? Sir, I may add here, that their contributions to the Federal Treasury, under the proposed system of revenue, will exceed the ratio by which they would contribute, by taxes laid in proportion to their representation. I do not wish to extend this investigation any further than has been already done; but were I to do it, the evidence would be more striking, that the payments from those parts of the Union that would receive least benefit from the assumption, would be greater than from those that would receive the immediate benefit of it.

One of my colleagues seems to be of opinion, that the measure will be favorable to the interest of Virginia; but he seems to me to have grounded his opinion on the erroneous supposition that the proposed plan will embrace the whole of the debts as they existed at the close of the war, or that the State of Virginia will contribute less, on the plan of deriving revenue from consumption, than she would if derived according to the constitutional ratio. I believe, on the contrary, that if the assumption should take place as originally proposed, that there would be a claim on Virginia for five millions, whereas, if there is no assumption, her citizens will have to provide for about three millions only; and thus, instead of bearing her proper burden, which is about one-seventh, she would have to bear a burden in the ratio of one-fifth. He seems to think that his own particular district would be benefited by this measure; but if he be right in his other opinion, that that part of the State will consume more than the other parts, he will find, sir, that instead of relieving his constituents, compared with the rest of the State, that he would still more augment their burdens; so that it would come to this at last, that the State would have to pay five millions instead of three—and that the particular part of the State he represents, instead of paying their proportion of three millions, would have to pay more than their proportion of five. I admit, however, that he is the most proper judge on that subject. But the citizens of Virginia would not only be called upon when already in advance, and to an amount beyond their proper ratio, but in a mode that is peculiarly obnoxious to them. I mean that of excise. Sir, the people of that State are as averse to direct taxes, those of any other State can be to direct taxes, and in my own judgment, with far more reason, where the article excised is not by some peculiarity free from the common objections. Excises are unequal with respect to different parts of the Union. They are also unequal to various parts of the same State. This mode of collection gives arbitrary powers to the collectors, and exposes

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swerable objection against assuming the State debts at this time, that we do not see, or are not prepared to decide on the means of providing for them. There is not a more important and fundamental principle in Legislation, than that the ways and means ought always to face the public engagements; that our appropriations should go hand in hand with our promises. To say that the United States should be answerable for twenty-five millions of dollars without knowing whether the ways and means can be provided, and without knowing whether those who are to succeed us will think with us on the subject, would be rash and unjustifiable. Sir, in my opinion, it would be hazardous the public faith in a manner contrary to every idea of prudence. It is very true, sir, that a variety of funds have been proposed, yet they are nothing more than mere suggestions, and though I think they are as good as could be expected in the time, I really believe that some of them, at least, if they can be carried into execution at all, will disappoint the calculations on which they are founded.

I cannot finish my observations on this subject, sir, without advertent to one particular, which I would wish gentlemen to attend to, not so much for our sakes as their own. I would recommend to them no longer to assume a pre-eminence over us in the nationality of their motives; and that if they would forbear those frequent assertions, that the State debts are not provided for; nay, that the State debts shall also go unprovided for; that if the State debts are not assumed, the Union will be endangered. Sir, I am persuaded that if the gentlemen knew the motives which govern us, they would blush at such intemperate as well as inconsistent language. I am sure, that if they knew the emotions with which it is heard, they would at least see the inutility of it. I hope, sir, that whatever may be the decision on this question of assumption, that patriotism and every other noble and generous motive will lead the minority to acquiesce in measures which will tend to establish public credit by a due provision for the public engagements.

The Committee then rose.

FRIDAY, April 23.

PUBLIC DEBT.

A motion being made to take up the order of the day,

Mr. AMES rose and said, that previous to taking up the order of the day, he wished to introduce a motion for the consideration of the House. He observed, that it had been asserted in the course of the debates on the assumption of the State debts, that the State of Virginia had advanced for the common defence beyond her proportion; advantage appeared to be taken of such assertions; he thought it necessary that facts should be known, that the Committee might act with certainty in conducting this important question. He therefore moved the following, in substance, viz: "that the Secretary for the Department of War be directed

continually arising when I survey this question, for which I can find no solution, without departing from every principle by which we ought to be guided. It never yet has been shown in what manner a remedy could be provided for a partial subscription. Suppose the State creditors were part of them to subscribe and part to refuse. Suppose those of one State subscribe, and those of another should not. Again, sir, by what method would you discriminate the debts that come under the definition from those that will be excluded by it? Where will you invest this important discretionary power? I really think that great difficulties will be found before this can be effected. There is another objection, to which I have never heard a satisfactory answer, although it has been repeatedly urged by a member from Georgia. There are debts existing in some of the States that do not bear interest, that have got into circulation without any title to it, and have been received by the present holders without any expectation than that, in some reasonable time, the principal would be paid. Would it, sir, be proper or necessary to consider these as debts of the Union, bearing interest, or to provide for the immediate funding of them? But there is a case in my opinion, far more difficult, I mean the paper money issued to redeem the State debts. The State of North Carolina has taken up its certificates with these paper bills. They are not proposed to be included in the assumption. They are clearly excluded by the present motion, yet they are as much a State debt to be sunk by taxes as certificates, and the taxes may as much interfere with those of other States. Some of the States, sir, have not only assumed the debts recommended by Congress for making up the depreciation to the army, but they have gone further, and have made up the depreciation, where it was not recommended. Other States have not done this. The debts existing in some States, I take it for granted, comprehend these depreciated notes. Would it not be unjust to call on those States that have not made this provision for their army that other States have done; would it not be hard to call upon those officers and soldiers who have not received this additional compensation, to pay it to those of other States, who have? I would not here be understood to censure the States that made this compensation; I rather commend them for it. It is proof of their magnanimity and justice that does them honor; but, at the same time, this does not alter the nature of the objection. In some States, in order to reward the army, they have done it by several aids that do not constitute any part of the State debts. In some of the States, they are debts still unliquidated. If you declare that, when liquidated, they shall be assumed, you afford a temptation that has been hitherto cautiously avoided, that of making the States less exact in the settlement of their accounts. I do not act in the settlement of his accounts. I do not find that any gentleman has proposed, on the contrary most of them seem to have rejected, the idea of making provision at this session for fulfilling the engagement in case we enter into an assumption. I think it would be a powerful and unan-

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our citizens to vexatious searches. It opens a door to frauds and perjuries, that tend equally to vitiate the morals of the people, and to defeat the public revenue. Besides, sir, excises are more expensive in the collection than other kinds of taxes. The collection of the excise in Great Britain costs ten per cent. That of her direct taxes is computed at three per cent. only. I will not positively say that a similar disproportion in the expense of collecting would be greatest, and on some articles in view would, if the collection were made at all, exceed the revenue obtained from it.

Sir, there has been an argument of another kind advanced in support of the assumption. Gentle-men have thought it a matter of consequence, that not only justice should be done, but that the condition of the people should be equalized; that no invidious comparisons might be made between the inhabitants of one State and those of another, and that no oppressions or embarrassments should be forced on the people from one State to another. It would be a comfortable reflection, if every part of the Union could be assimilated in this instance; but, sir, I think we have no authority to sacrifice essential considerations to obtain these advantages. Nor do I know that we should obtain them by assuming the State debts. Supposing that measure to be adopted, let us reflect what would be the situation of the different parts of the Union? I do not, at this moment, consider the question as it respects justice, right, or general policy, but in reference merely to the particular consequence of equalizing the circumstances of the people. Let us take a view, comparatively, of the people of the United States. Massachusetts owes a debt of several millions. The public debt, when you come to analyze it, at least where it is due to citizens and not to foreigners, is a debt from one part of the people to the other. The Government is the collector from the pockets of the debtors, to pay it into the hands of the creditors. If, sir, the State debts should be assumed, Massachusetts will then get rid of her embarrassments; but what would be the situation of Virginia? Besides her public debt, I believe that her citizens owe, one to another, debts to an amount equal to the whole public debt of Massachusetts. Perhaps, I might say, to the amount of both the public and private debts of that State. In addition to all this, the people of Virginia are indebted to foreigners to a greater amount than the whole debt of Massachusetts. Sir, I firmly believe, that though Virginia is less oppressed with public debt than Massachusetts, yet, when we take a view of all the difficulties she labors under, and weigh them against those of Massachusetts, it will be found that Virginia ought to be relieved herself, instead of being expected to relieve others.

But, supposing all objections of another nature to be laid aside, I freely confess that after a more minute examination into the subject, I am much inclined to doubt whether the assumption can possibly be carried into execution. Difficulties are

to lay before the House a statement of the troops, including the militia, and ordnance stores, furnished by the respective States for the general defence during the late war."

This motion was opposed, as tending to procrastinate the funding business, and as leading to exhibit invidious comparisons respecting the relative merits and exertions of the several States. It was, however, carried in the affirmative, with this addition proposed by Mr. BLAND, "and that the Commissioners of Accounts between the United States and individual States be directed to furnish an abstract of the claims of the several States against the United States, specifying the principles on which the claims are founded." On the above motion, the previous question was called for by Mr. LEE, which was lost, and the main question agreed to, 28 to 26.

Mr. GERRY then moved that the Secretary of the Treasury be directed to report to the House a statement of all payments both of indents and other paper, as well as specie, which have been made by the several States to Congress, from the commencement to the end of the late war. This was agreed to.

Mr. MADISON moved that a statement of the unliquidated claims of the several States against the United States should be furnished by the Commissioners. This was also agreed to.

The House adjourned, without taking up the Report of the Secretary of the Treasury in Committee of the Whole.

MONDAY, April 26.

On motion of Mr. FITZSIMONS, the Committee of the Whole on the state of the Union was discharged from the further consideration of the plan of the Secretary of War for the general arrangement of the Militia of the United States, and that the said plan be referred to the Committee appointed to prepare and bring in a bill or bills providing for the National defence.

PUBLIC CREDIT.

Mr. FITZSIMONS moved, "that the Committee of the Whole should, for the present, be discharged from further proceedings on that part of the Report of the Secretary of the Treasury which relates to the assumption of the State debts."

This motion produced a warm, though desultory debate.

Mr. GERRY, Mr. VINING, Mr. SMITH, of South Carolina, Mr. ANES, Mr. BLAND, and Mr. SHERMAN, opposed the motion. It was supported by Mr. MADISON, Mr. JACKSON, Mr. STONE, and Mr. PAGE.

Mr. VINING moved the previous question; which being put in the manner following, "shall the main question now be put?" It was resolved in the affirmative, yeas 32, nays 19.

The yeas and nays were then taken on the motion of Mr. FITZSIMONS, to wit: "that the Committee of the Whole be, for the present, discharged from that part of the Report of the Secretary of the Treasury which relates to an assumption of the State debts."

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Tariff of Duties.

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next, in lieu of the duties now payable upon wines and distilled spirits imported into the United States, there shall be paid the following rates:

Upon every gallon of Madeira wine called London particular, thirty-five cents.

Upon every gallon of other Madeira wine, thirty cents.

Upon every gallon of Sherry wine, twenty-five cents.

Upon every gallon of other wine, twenty cents.

Upon every gallon of distilled spirits, more than ten per cent. below proof, according to Dicus's hydrometer, twenty cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents.

Upon every gallon of those spirits, of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents.

Upon every gallon of those spirits, above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents.

Upon every gallon of those spirits, more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents.

Upon every gallon of those spirits, more than forty per cent. above proof, according to the same hydrometer, forty cents.

Resolved, That, from and after the — day of — in lieu of the duties now payable upon teas and coffee imported into the United States, there shall be paid, Upon every pound of hyson tea, forty cents.

Upon every pound of other green tea, twenty-four cents.

Upon every pound of souchong, or other black tea, other than bohea, twenty cents.

Upon every pound of bohea tea, twelve cents.

Resolved, That, from and after the — day of — there be paid upon spirits distilled within the United States, from molasses, sugar, or other foreign manufacture:

Upon every gallon of those spirits more than ten per cent. below proof, according to Dicus's hydrometer, eleven cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twelve cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, thirteen cents.

Upon every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, fifteen cents.

Upon every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, twenty cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

Resolved, That, from and after the — day of — there be paid upon spirits distilled within the United States, in any city, town or village, from materials the growth or production of the United States:

Upon every gallon more than ten per cent. below proof, according to Dicus's hydrometer, nine cents.

Upon every gallon of those spirits, under five, and not more than ten per cent. below proof, according to the same hydrometer, ten cents.

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shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts; and, in case the aforesaid surplus should prove insufficient to pay the non-subscribing creditors at the aforesaid rate of four per cent., that the faith of Government be pledged to make good such deficiency.

Mr. STONE, Mr. WHITE, Mr. SHERMAN, Mr. CLYMER, and Mr. GILMAN, were appointed a committee to prepare and bring in a bill conformable to these resolutions.

Mr. GERRY proposed a resolution, that a committee, to consist of a member from each State, and an equal number for and against the assumption, be appointed to consider of, and report a plan of accommodation on this subject.

This motion was laid on the table for further consideration.

TUESDAY, April 27.

FORFEITURES AND PENALTIES.

Mr. BORDINOT, from the committee appointed for the purpose, presented a bill to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases, which was twice read and committed.

A message from the Senate informed the House that they have passed a bill to continue in force an act of the last session, to regulate processes in the Courts of the United States, to which they desire the concurrence of this House.

INTERCOURSE WITH FOREIGN NATIONS.

The House resolved itself into a Committee of the Whole on the bill providing the means of intercourse between the United States and foreign nations; Mr. LIVERMORE in the Chair. The committee having made several amendments to the bill, reported it with the proposed amendments to the House, which was ordered to lie on the table.

Ordered, That Messrs. THATCHER, WADSWORTH, BENSON, BOUDINOT, SUMTER, SENEX, and PARKER, be added to the committee to bring in a bill for the National defence.

POST OFFICE.

Ordered, That the Committee of the Whole, to whom was committed the bill for regulating the Post Office, be discharged therefrom, and that the said bill, with a report of the Postmaster General on the several matters submitted to him, be referred to Messrs. LIVERMORE, AMES, HUNTINGTON, SYLVESTER, WYNKOOP, SMITH, of Maryland, MOORE, STEELE, TUCKER, BALDWIN, and VINING.

TARIFF OF DUTIES.

The House then resolved itself into a Committee of the Whole on the report of the Secretary of the Treasury, Mr. LIVERMORE in the Chair. After some time, the Committee rose, and reported the following resolutions; which, being taken up for consideration, were agreed to, as follows:

Resolved, That from and after the — day of —

Yates—Messrs. Ashe, Baldwin, Bloodworth, Brown, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gilman, Griffin, Jackson, Lee, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Rensselaer, Schureman, Scott, Seney, Sinton, Smith, of Maryland, Steele, Stone, Sumter, White, Williamson, and Wynkoop—32.

NAY—Messrs. Ames, Bland, Boudinot, Burke, Foster, Gerry, Goodhue, Grout, Huntington, Livermore, Sherman, Sylvester, Smith, of South Carolina, Stungis, Thatcher, Tucker, Vining, and Wadsworth—18.

So the question was carried in the affirmative.

The House then again resolved itself into a Committee of the Whole on the Report of the Secretary of the Treasury, Mr. LIVERMORE in the Chair; when, having agreed to certain resolutions, the Committee rose and reported them to the House. The House took up the Report, and agreed to the resolutions, as follows:

Resolved, That adequate provision ought to be made for fulfilling the engagements of the United States, in respect to their foreign debt.

Resolved, That permanent funds ought to be appropriated for the payment of the interest on, and the gradual discharge of the domestic debt of the United States.

Resolved, That the arrears of interest, including interests issued in payment thereof, ought to be provided for on the same terms with the principal of the said debt.

Resolved, That it is advisable to endeavor to effect a new modification of the domestic debt, with the voluntary consent of the creditors, by a loan, upon terms mutually beneficial to them and to the United States.

Resolved, That for the purpose of effecting the preceding resolution, subscriptions towards a loan ought to be opened, to the amount of the said domestic debt, upon the terms following, viz:

That for every hundred dollars subscribed, payable in the said debt, (as well interest as principal,) the subscriber be entitled, at his option, either,

To have two-thirds funded at an annuity or yearly interest of six per cent. redeemable at the pleasure of the Government by payment of the principal, and to receive the other third in lands in the Western Territory, at the rate of twenty cents per acre:—or,

To have the whole sum funded in an annuity or yearly interest of four per cent. irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest; and to receive as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands as in the preceding case:—or

To have sixty-six dollars and two-thirds of a dollar funded immediately at an annuity or yearly interest of six per cent. irredeemable by any payment exceeding six dollars per annum, on account of both principal and interest, and to have, at the end of seven years, thirty-three dollars and one-third of a dollar funded at the like interest and rate of redemption.

Resolved, That the funds which shall be appropriated according to the second of the foregoing resolutions, be applied, in the first place, to the payment of interest on the sums subscribed towards the proposed loan; and that, if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied, by a temporary appropriation, to the payment of interest on the unsubscribed part, so as not to exceed, for the present, four per cent. per annum; but this limitation

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Sundry Bills.

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remitting the forfeitures and penalties accruing under the Revenue laws, was read the third time and passed.

SUNDRY BILLS.

The bills sent from the Senate, for the government of the Territory of the United States south of the river Ohio, with amendments, and to regulate Processes in the Courts of the United States, were read the third time and passed.

A petition from the manufacturers of cordage in the city of Philadelphia was presented, praying that a further duty may be imposed on the importation of foreign cordage. Referred.

Ordered, That a bill or bills be brought in to authorize the issuing certificates to a certain description of invalid officers; and that Messrs. BURKE, CONYER, and COLES, prepare the same.

Ordered, That a bill be brought in for the government and regulation of seamen in the merchant service; and that Messrs. FITZSIMONS, SMITH, of Maryland, and STUNGIS, prepare the same.

FOREIGN INTERCOURSE.

The House proceeded to consider the report of the Committee of the Whole, of yesterday, on the bill providing the means of intercourse between the United States and foreign nations; and the same being agreed to, the bill, as amended, was ordered to be engrossed for a third reading.

SALARIES OF EXECUTIVE OFFICERS.

The House went into Committee of the Whole on the bill supplemental to the act for establishing the salaries of the Executive officers of Government, with their assistants and clerks; and on the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors, (Mr. SENY in the Chair,) and made several amendments in each; which, being reported to the House, were severally concurred with, and the bills were ordered to be engrossed for a third reading.

FRIDAY, April 30.

SUNDRY BILLS.

The following engrossed bills received their third reading, and were passed, viz: The bill supplemental to the act for establishing the salaries of the Executive officers of the Government, with their assistants and clerks; the bill providing the means of intercourse between the United States and foreign nations; and the bill for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors.

A petition from sundry inhabitants of Morris county, in New Jersey, was presented, praying that additional duties may be imposed on the importation of Copperas, Vitriol, Spanish Brown, Venetian Red, and Yellow Ochre. Referred.

The SPEAKER laid before the House the report of the Commissioners for settling accounts between the United States and individual States, in pursuance of an order of the House, which was laid on the table.

Mr. GERRY, from the Committee appointed for the purpose, presented a bill for finally adjusting the claims of Frederick William de Steuben; and Mr. BURKE, from the committee appointed for the purpose, presented a bill to authorize the issuing of certificates to a certain description of invalid officers, which were twice read and committed.

Ordered, That a committee be appointed to report a Catalogue of Books necessary for the use of Congress, with an estimate of the expense of obtaining them; and that Messrs. GERRY, BURKE, and WHITTE, form said committee.

Resolved, That a committee of this House be appointed to join with a committee of the Senate, to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives, have been respectively chosen, shall be deemed to have commenced. And, also, to consider of, and report their opinions on, such other matters as they shall conceive have relation to this question. Messrs. BAXSON, CLYMER, HUSTINGTON, MOORE, and CARROLL, were named on this committee.

Ordered, That the report of the committee appointed to examine into the measures taken by Congress and the State of Virginia, respecting the lands reserved for the use of the officers and soldiers of said State on Continental and State establishments in the cession made by the said State to the United States, of the territory northwest of the river Ohio, be committed to the Committee of the Whole on the state of the Union.

The House went into a Committee of the Whole on the bill to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, Mr. SENY in the Chair.

The committee made an amendment to the bill, which was reported to the House; and being concurred with, the bill was ordered to be engrossed for a third reading.

MONDAY, May 3.

MODE OF AUTHENTICATING RECORDS.

The engrossed bill to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated, and to allow compensation to John Ely, for his attendance as a physician and surgeon on the prisoners of the United States, were read the third time and passed.

GOVERNMENT OF SEAMEN.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill for the government and regulation of seamen in the merchants' service; which was twice read and recommitted.

SCIENCE AND LITERATURE.

On motion of Mr. SMITH, of South Carolina, that part of the PRESIDENT'S Speech which respects the encouragement of science and literature was read. He then moved that it should be referred to a select committee.

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Claim of Baron Steuben.

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Mr. STONE inquired what part of the Constitution authorized Congress to take any steps in a business of this kind? for his part, he knew of none. We have already done as much as we can with propriety; we have encouraged learning, by giving to authors an exclusive privilege of vending their works; this is going as far as we have the power to go by the Constitution.

Mr. SHERMAN said, that a proposition to vest Congress with power to establish a National University was made in the General Convention, but it was negatived. It was thought sufficient that this power should be exercised by the States in their separate capacity.

Mr. PAGE observed, that he was in favor of the motion. He wished to have the matter determined, whether Congress has, or has not, a right to do any thing for the promotion of science and literature. He rather supposed they had such a right; but if, on the investigation of the subject, it shall appear they have not, he should consider the circumstance as a very essential defect in the Constitution, and should be for proposing an amendment; for, on the diffusion of knowledge and literature, depend the liberties of this country, and the preservation of the Constitution.

The House adjourned without a decision on this motion.

TUESDAY, May 4.

SUNDRY BILLS.

The engrossed bill to authorize the issuing of certificates to a certain description of invalid officers, was read the first time and passed.

A message from the Senate informed the House that they have passed a bill for giving effect to the act therein mentioned in respect to the State of North Carolina, and to amend the same; also, the bill to provide for mitigating or remitting forfeitures and penalties arising under the revenue laws; to which they desire the concurrence of the House.

The said bills were read the first time.

CLAIM OF BARON STEUBEN.

The House resolved itself into a Committee of the Whole on the bill for finally adjusting and satisfying the claim of Frederick William de Steuben, Mr. LIVERMORE in the Chair.

Mr. STONE moved that the report of the Secretary of the Treasury on the Baron's memorial should be read; the Clerk read the same. The committee proceeded in the discussion of the bill. The clause which proposes an annuity for life was objected to. Several amendments were proposed and lost. A lengthy debate was supported on other propositions, but a motion for the committee's rising prevented a decision.

WEDNESDAY, May 5.

DISTILLED SPIRITS.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill to repeal, after the last day of — next, the duties heretofore

laid on distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, as well as to discourage the excessive use of those spirits, and promote agriculture, as to provide for the support of the public credit, and for the common defence and general welfare; which was twice read and committed.

MODE OF AUTHENTICATING RECORDS.

A message from the Senate informed the House that they had passed the bill to prescribe the mode in which the public acts, records, and judicial proceedings in each State shall be authenticated.

CLAIM OF BARON STEUBEN.

The House again went into a Committee of the Whole on the bill for finally adjusting and satisfying the claim of Frederick William de Steuben, Mr. LIVERMORE in the Chair.

The committee did not get through the bill; but rose and reported progress.

THURSDAY, May 6.

CLAIM OF BARON STEUBEN.

The House again resolved itself into a Committee of the Whole on the bill for adjusting the claim of Baron Steuben, Mr. LIVERMORE in the Chair. After some time spent on the bill, the committee rose, and reported it to the House without the amendment. The bill was ordered to lie on the table.

PUBLIC DEBT.

Mr. STONE, from the committee appointed for the purpose, presented a bill making provision for the debt of the United States; which was twice read and committed.

FRIDAY, May 7.

NORTH CAROLINA.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate for giving effect to the act therein mentioned, in respect to North Carolina, and to amend the said act, Mr. LIVERMORE in the Chair.

The committee made several amendments to the bill, rose, and reported them to the House, where they were agreed to; and the bill was ordered to be engrossed for a third reading.

Mr. BLAND, after stating to the House, that in consequence of obtaining (as is supposed) a surreptitious copy, from a public office, of the names of officers and soldiers in the Virginia and North Carolina lines, of the late army, to whom arrears of pay were ordered to be made by a law passed the last session of Congress, some persons had fraudulently procured assignments of pay, for a consideration much below their value. He therefore moved a resolution to prevent the frauds taking place, in the following words, viz:

Resolved, That the Secretary of War be, and he is hereby, directed to cause accurate lists to be forthwith

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published in the newspapers of the States of Virginia and North Carolina, of all the officers and soldiers who are entitled to receive certain arrears of pay due to the lines of the army of the said States, for which money was granted and appropriated by Congress at their last session; and that payment be made to the said officers and soldiers, or, where dead, to their legal representatives, under the same regulations as have been adopted for the payment of invalid pensioners, in pursuance of an act passed at the last session of Congress, entitled "An act providing for the payment of the invalid pensioners of the United States," and that no claim of any assignee, under any transfer or power to receive the same, be admitted as valid to entitle any person to receive any part of the said arrears of pay due to the officers or soldiers of the said lines, except as aforesaid:

Ordered. That the said motion be committed to Messrs. BLAND, WILLIAMSON, and BURKE.

CLAIM OF BARON STEUBEN.

The House proceeded to consider the bill for finally adjusting and satisfying the claims of Frederick William de Steuben, which lay on the table: whereupon,

A motion being made and seconded to amend the first section, by striking out from the word "assembled," in the second line, to the end thereof, as followeth:

"That, for the final adjustment and satisfaction of the claims of Frederick William de Steuben, and as well to indemnify him for his sacrifices and expenses in coming to the United States, as to compensate him for his services to them during the late war, (pursuant to the conference between him and a committee of Congress, in the year one thousand seven hundred and seventy-eight, set forth in the document accompanying his memorial,) there be allowed to the said Frederick William de Steuben,

The pay and other emoluments of Major General and Inspector General, specified in the several acts of Congress relating to him, from the tenth of March, in the year one thousand seven hundred and seventy-eight, to the fifteenth day of April, in the year one thousand seven hundred and eighty-four:

An annuity for life of two thousand seven hundred and six dollars, to commence on the first day of October, in the year one thousand seven hundred and seventy-seven:

And ——— thousand acres of land in the Western Territory of the United States, to be located in such manner as shall be hereafter prescribed by law: *Provided*, That the foregoing allowances shall not be construed to include either half-pay, or the commutation for half-pay."

On this motion, Mr. PAGE made the following remarks, which is believed to be the only speech reported on this subject:

Mr. SPEAKER: I am against the motion for striking out the 2,706 dollars, and inserting 1,500 dollars, because it is incompatible with the preceding clauses of the bill, which state the sum (\$2,706) as justly due to the Baron, according to the report of the Secretary of the Treasury, and because it is derogatory to the honor and veracity of the members of the committee of Congress, on whose testimony the Baron's claim is founded.

Some gentlemen lay great stress on the want of proof, respecting what is called the contract with

Baron Steuben; but, sir, I think we have had all the proof the nature of the case will admit of, and, for my part I should want no other than Mr. Lee's letter to the Baron.

Sir, this illustrious veteran offered his services on such generous terms, and served us so essentially, that I shall blush for Congress, should the ideas of some gentlemen now prevail. It is unworthy of Congress, after having so long enjoyed the benefit of those services, now to be thus coldly scrutinizing the terms on which he offered them, and speaking of them as of little importance.

I weigh them not with the dollars proposed; they are far beyond any sum which we can give. And if the worthy member from North Carolina, (Mr. BLOODWORTH,) who moved the motion, wishes to abandon the principles of the bill, and instead of paying to the Baron the debt there stated as due to him, means to give him a sum by way of compensation for his services, and has economy in view, I would advise him to withdraw his motion; for if we depart from the principles of the bill, they who value this great man's services as I do will vote to give him much more than the bill proposes. If I should be at liberty to propose a compensation for the sacrifices he made by coming to America, and serving in her war, and to recompense him for his great services, I am sure I shall propose a much larger sum than has yet been talked of.

Sir, had the Baron stipulated to receive but two per cent. on the articles under his direction, or I may say on what he saved, he would be entitled to much more than is now proposed to be given him. The economy he introduced into the army was the occasion of an immense saving. Who can say now what was saved in arms, accoutrements, and ammunition, and by the reduction of baggage and forage? I have been told that officers, who had loaded a wagon with their baggage, were soon reduced to a single pack-horse.

Some gentlemen have made light of the discipline which has been attributed to the Baron, and told us of the affairs of Bunker's Hill, Trenton, Princeton, and Germantown. It was true these were brilliant actions; but the member from South Carolina, (Mr. SMITH,) and the member from Delaware had replied fully to this observation. They well observed, that brilliant as those actions were, valor without discipline is often vain, and may lead only to destruction; that the commander-in-chief did wonders without the Baron, and (they might have added) he was wonderful in resources, and "in himself a host." But we should not now consider what the commander-in-chief did before he had the Baron's assistance, but what he did with his assistance, and what use he made of his services; and to this, as far as relates to the Baron, he has repeatedly and generously borne ample testimony.

Sir, the Baron, as Adjutant-General and Director-General, was peculiarly adapted to the purpose of the American army. Having served twenty-two years in the Prussian army, which Americans had been taught to believe was the

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best disciplined in the world, his discipline was more readily embraced, and more confidence reposed in it than would have been the case had almost any other man, of any other nation, undertaken that great task. The praise now given to the Baron is no disparagement therefore to other officers. The Commander-in-chief stood in need of an Adjutant like him, from the peculiar situation of our army, and has acknowledged his services; therefore it does not become us to speak of them as unimportant.

Sir, the importance of those services would have been displayed to your view by many officers now in this House, had they not, from that delicacy peculiar to American officers, who, having laid by the name and dress of soldiers, and mixed with their fellow-citizens in civil life, refrained from appearing to be more knowing in military matters than the other members of this House. I say, were it not for this delicacy, we should have had a full display of the Baron's services. One officer, indeed, (Colonel BLAND,) from the honest warmth of his heart, has not refrained from saying a few words in support of the Baron's claim. But, sir, I have asked officers, and some of them now in this House, whether I had misunderstood or overrated the Baron's claim, and I have been constantly told that I did not. Though I had not the honor of being in the army, I was well informed by my correspondents there of many important circumstances; and on inquiring what were the effects produced by the new Adjutant and Director-General, (the Baron Steuben,) I was told that they were visible in many economical arrangements, in dispositions of corps, in maneuvering, in marches, in encampments, and particularly in more silent and rapid movements and preparations for action. I was told that when the Marquis de Lafayette, with a detachment under his command, was in danger of being cut off on his return to the army, and the Commander-in-chief was determined to support that invaluable officer, the whole army was under arms and ready to march in less than fifteen minutes from the time the signal was given.

Sir, the effect of this discipline was seen in the marches of our army; they passed rivers in less time than the best troops in Europe could. Those excellent French troops, which served with them in the campaign of 1781, were inferior to them in this respect. The superiority of our troops, as to rapidity of movement, was seen in the attacks on the two redoubts of Yorktown, in Virginia.

Sir, I will affirm, that if the clause be stricken out, a larger sum ought to be inserted. We have been asked, what will our officers say to this vote in favor of the Baron? I will venture to say, sir, they will be pleased with it. They acknowledge the obligations they were under to that great man; they view his circumstances in the same light as that gallant officer does, who is now the Secretary, and who drew the report on which the bill before you is founded, and which does honor to his heart.

Sir, if any report deserves to be received without

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out scrutiny, it is the one on which your hill is founded. I hope, therefore, we shall not depart from that report, in so material a point as is proposed by the motion now before you. I wish, indeed, sincerely, that the worthy member would withdraw his motion; if he will not, I must vote against it, and trust that a great majority will vote with me.

The question was taken, and resolved in the affirmative—28 votes to 21.

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Brown, Contee, Floyd, Foster, Gilman, Goodhue, Grout, Livermore, Moore, Muhlenberg, Rensselaer, Schureman, Seney, Sherman, Sinnickson, Smith, of Maryland, Steele, Stone, Sturgis, Sylvester, Thatcher, Tucker, White, Williamson—28.

NAYS—Messrs. Ames, Benson, Bland, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Griffin, Heister, Höger, Huntington, Lawrence, Lee, Madison, Page, Scotch Smith, of South Carolina, Vining, Wykoop—21.

A motion was then made and seconded, to insert, in lieu of the said words so stricken out, the following clause, to wit:

That, in order to make full and adequate compensation to Frederick William de Steuben, as well for the sacrifices and eminent services, made and rendered to the United States during the late war, as for the commutation or half-pay, promised by the resolutions of Congress, there be paid to the said Frederick William de Steuben, the sum of seven thousand dollars, in addition to the moneys already received by him, and also an annuity of ——— dollars during life, to commence on the first day of January last, to be paid in quarterly payments, at the Treasury of the United States; which several sums shall be considered in full discharge of all claims and demands whatever of the said Frederick William de Steuben against the United States.

And, on the question being put thereupon,

It was resolved in the affirmative.

And then the said bill, being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

MONDAY, May 10.

The bill from the Senate, for giving effect to the act therein mentioned, in respect to North Carolina, and to amend the said act, was read the third time and passed.

BARON STEUBEN.

The bill for adjusting and settling the claims of Frederick William de Steuben was brought in, engrossed, and read the third time. The gratuity in land being omitted in the bill, Mr. SMITH, of South Carolina, supposing the omission to be an error, moved that the bill be recommitted, in order to re-insert the clause. This motion, after a short discussion, was lost.

The blank, in the clause stating the annuity, Mr. SMITH, of South Carolina, moved should be filled up with 2,700 dollars.

After some debate the yeas and nays were taken, and the motion was negatived, as follows:

YEAS—Messrs. Ames, Benson, Bland, Cadwalader

Carroll, Cole, Fitzsimons, Gale, Gerry, Hartley, Heister, Huger, Huntington, Lawrence, Lee, Madison, Muhlenberg, Page, Scott, Smith, of South Carolina, Trumbull, Tucker, Vining, Wadsworth, Wynkoop—25.
NAYS—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Brown, Contee, Floyd, Foster, Gilman, Goodhue, Griffin, Grout, Hathorn, Livermore, Mathews, Moore, Parker, Partridge, Rensselaer, Schureman, Sency, Sherman, Sinnenickson, Smith, of Maryland, Steele, Stone, Sturgis, Sylvester, White, Williamson—30.
A motion was made to fix the annuity at 2,500 dollars. This was negatived—yeas 25, nays 30.
As was a motion for 2,420 dollars—yeas 25, nays 30.
A motion for 2,000 dollars was agreed to—yeas 31, nays 24.

The bill being completed, on the question, Shall the bill pass? it was carried in the affirmative—the yeas and nays being as follow:

YEAS—Messrs. Ames, Benson, Bland, Boudinot, Cadwalader, Carroll, Coles, Contee, Fitzsimons, Gale, Gerry, Griffin, Hartley, Heister, Huger, Huntington, Livermore, Lee, Lawrence, Madison, Moore, Muhlenberg, Page, Parker, Scott, Sherman, Smith, of Maryland, Smith, of South Carolina, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop—34.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Floyd, Foster, Gilman, Goodhue, Grout, Hathorn, Mathews, Partridge, Rensselaer, Schureman, Sency, Sinnenickson, Steele, Stone, Sturgis, Sylvester, Williamson—21.

TONNAGE ON FOREIGN SHIPPING.

The House then resolved itself into a Committee of the Whole on that part of the report of a select committee on the petition of the merchants and inhabitants of Portsmouth, in New Hampshire, which relates to an increase of tonnage on foreign shipping, &c., Mr. LIVERMORE in the Chair.

Mr. SMITH, of South Carolina, moved to strike out the first clause of the report, which proposed to raise the tonnage on foreign built vessels to a dollar per ton, and gave several reasons in support of the motion. The measure he considered impolitic, because it was injurious to the primary interest of the United States, its agriculture, and unequal in its operation; because it would be severely felt by some States, while it would be advantageous to others. It ought to be viewed either as a matter of revenue or as a bounty. If the former, it should be collected with an impartial hand from each State, according to its just proportion: if the latter, it should be paid out of the Treasury, and not raised on particular States. South Carolina would pay 30,000 dollars, while Massachusetts paid only 8,000; and Georgia would pay 14,000, when New Hampshire paid only 1,200. This was requiring the Southern States to make too great a sacrifice, and was imposing enormous burdens on them for the exclusive benefit of the Eastern States; it was taxing South Carolina and Georgia, to give bounties to Massachusetts and New Hampshire. Massachusetts having shipping of her own, would export her commodities at the rate of six cents per ton,

success, and that increasing the foreign tonnage would not remedy the evil; if, on the other hand, it should be ascertained that the measures of last session had produced the desired effect, then any further restrictions on foreign shipping would be unnecessary. Whatever was the result, it would operate against the proposed increase.

If the fact however really was, as the petitioner stated, that no advantages had accrued to their shipping from the measures of the last session, he was impressed with a strong conviction that their shipping labored under disabilities not within the power of Congress to remove. It was not improbable that our merchants in general either had not sufficient capital to engage seriously in the carrying trade, or were not disposed to encounter the hazard of that species of commerce. A merchant at Boston who should propose to be concerned in the carrying trade between Charleston and Amsterdam, must have capital and connections at both those places. His property, being thus divided, would be exposed to a greater risk than if it were all at Boston, under his immediate control; at least he would feel more satisfaction in this case, and any trifling loss might induce him to relinquish such extensive concerns, and to contract his capital to a smaller sphere. This might be one reason why our citizens were cautious of embarking in the carrying trade; another might be assigned: some of the exporting States were accustomed to particular commercial habits adapted to their local circumstances, and their immediate convenience; they were supplied at proper seasons with such commodities as were suited to their wants, and the nation which supplied them not only allowed us an extensive credit, but received our produce in exchange; the vessels which brought the necessary supplies were ready to take away our production, and the merchant who sold the former would naturally employ his own vessels to export the latter. The only mode of supplanting these foreign merchants is to limit their conduct; without it, said Mr. S., it is in vain to load their shipping with enormous duties; such a step will only distress us and depreciate our produce, without securing the carrying trade to the Eastern States. The true policy of the United States is to encourage its agriculture, and to facilitate the exportation of its products; this measure would have a different tendency.

Union at home, and peace with all the world, should be our motto, because they would insure prosperity to this country; but the proposition, if carried into operation, would occasion disunion at home, and might induce a retaliation by foreign powers, and involve us in hostilities. The States which would suffer by this restriction on foreign shipping, of which they stood so much in need, would consider it as unjust and calculated to promote the interests of other States at their expense. In this point of view, he disapproved highly of the measure, for it did not hold out to the different States that equal protection to which, by the Constitution, they were entitled. At any rate, the proposed increase was premature, and they

had not sufficient information to warrant so very enormous an addition to the foreign tonnage.

Mr. SHERMAN observed, that the resolutions had in view two objects; one to encourage the carrying trade, the other to encourage ship-building. To give due encouragement to the American carrying trade, he thought it would be expedient to lay the same impositions on foreigners coming into the ports of the United States, as were laid on citizens of the United States going into foreign ports. Encouraging the carrying trade, in his opinion, would operate as an encouragement to ship-building, because owning American built ships should be an object to foreigners who traded with the United States, since thereby they would make a considerable saving in the tonnage—the resolutions proposing to add no additional tonnage on American built ships, though owned by foreigners. He thought that tonnage would not operate so unequally as the gentleman from South Carolina had imagined. Should its operation be unfavorable to any particular State for the present, yet the general benefit of it would soon pervade the whole, and, like water, would find its own level.

Mr. GOODRUE made some remarks on the importance of the carrying trade, and said that the decline of the business was owing to the restrictions imposed by foreigners on the shipping of the United States. In his opinion, therefore, it was necessary to meet them, in this respect, upon an equal footing, and place the shipping of the United States in the same situation as theirs. Beyond this he did not wish to go. Considering the ability of our country to build ships, he thought that branch of business ought to be encouraged, as it was a point that in a very essential manner concerned our nearest interests.

Mr. WILLIAMSON said, the question was of importance. He did not think it proper that one part of the community should be burdened for the benefit of the other. Suppose a particular State should pay eight or ten thousand dollars a year extraordinary for the public good, it would most certainly be proper to adopt some method of refunding the sum paid over and above its proportion, and then the burden would be equalized. With respect to the policy of encouraging American vessels, he viewed the matter in a different light from what the gentleman from Carolina did. When he mentioned the encouragement of American shipping, he confessed his ideas did not extend to a navy. He thought that period still very remote, when we should be able to contend with the European powers on the watery element. He hoped, he said, Americans would never so far lose sight of their own interest as to burden themselves with the expense of a navy; considering our situation, rather let us endeavor to make the most of the produce of our country. The farmer who earns his bread by the sweat of his brow, if his industry procures him more than he wants for his own support, ought to have markets to go to, and every possible opportunity thrown in his way of making the most of his property. By permitting foreigners to carry our produce for us,

in order to pay for the fine goods they furnish us, we have to raise more from the soil by one-third than if we carried it ourselves. The exports from some States consist of bulky articles; and the transportation of lumber to the West Indies, in foreign bottoms, consumes fifty per cent. of the cargo. It is usual for a man to fill a vessel with lumber, and then give one-half for the carrying of the other; so that one-half of the property goes out of the country never to return. In particular, too, with regard to tobacco: the value of a hog-head was about twenty-five dollars, the freight to Europe eight dollars, so that the freight was very near thirty-three and one-third per cent.

He mentioned these particulars to show the disadvantage of suffering foreigners to be the carriers of our produce. Mr. W. then read a statement of the annual exports of North Carolina, and the shipping employed in carrying off the same. When it was considered what a prodigious proportion of our produce went irretrievably into the hands of foreigners, by their being our carriers, it was highly necessary to take some measures to counteract such abuse. He hoped the citizens of the United States would one day or other be the sole carriers of their own produce. For it was to the carrying trade that nations owed their wealth and consequence, and experience had shown that he that carried the produce finally became the owner of it. The gentleman from South Carolina (Mr. SMITH) had said, that the operation of the present tonnage act had either tended to increase the shipping, or it had not—if it had increased it, then enough was done; if it had not, then the failure was owing to some other cause, and the raising of the tonnage would not effect the desired purpose. To this he begged leave to reply, that the tonnage might be compared to a great weight; it was either moved or not; if it was moved, and not lifted, then there was only more strength wanted; if it was not moved, then it became necessary to have recourse to the mechanical powers of pulleys, levers, &c.

Mr. SMITH then observed, that if gentlemen went upon the principle of increasing the tonnage after they had set it in motion, that they might perhaps go to the length of two or three dollars. The gentleman had compared it to a weight when we had got the lever under it, all we had to do was to lift. But it appeared to him that we had no lever under the weight, and that we are striving to raise it without one, and may continue striving till we break our backs. If a person should take a dose of medicine, he asked whether it would not be proper to wait till he saw whether it operated or not, before he should take another? The fact was, Congress had not had time to see the operation of their measures. But a few months had elapsed since the tonnage act had begun to be in force. The proposed resolutions put him in mind of a sick man, who was informed by his physician that if he could take half a pint of medicine every day for six months, that it would restore him his health. The man then reasoned thus: half a pint a day of this potion will make me well in six months; but a pint per

day for three months is equal to half a pint for six months—ergo, a pint a day for three months will cure me!

Mr. JACKSON said, that he was one of the committee on the petition before the House, but that, by some accident or other, he had not notice of their sitting when they concluded on their report. He would not, however, tax the members with any design, but suppose it to have proceeded from the neglect of the messenger.

The object of the report terminated with him in three points of view: It might be considered in the light of an addition to the revenue; it might be taken as a prohibitory or retaliating law; or it might be considered as an additional encouragement to American shipping.

If it was to be considered as an object to produce revenue, the House should be careful not to overcharge it, by overcharging any article of revenue. It was an old maxim and a very just one, that frequently instead of two and two making four, two and two made but one. This operated with the House the last session, when a higher tonnage was proposed. The revenue on tonnage is, in fact, no other than a revenue on customs; for the freight is added to, or deducted from, the sale of the article paying that freight; and the higher the tonnage is made, the fewer vessels will enter your ports, and, of course, the less will be the revenue coming into your Treasury.

If it is meant as a prohibitory or retaliating law on other nations for not permitting your vessels to enter their ports, it should not have been brought up in its present form. The House should be mainly and open, should act up to the American character, and inform the nations complained of why it was done. For what, he asked, could be expected from a law like the present regulation but counter restrictions and regulations, and on whom would these restrictions and regulations fall, but on our own vessels? Suppose, however, that it have its full effect, and that a prohibition is the consequence, what is to be come of the produce of our country? Is the hand of industry to be stayed? Is it to be arrested in the hands of its owners? Will the lumber-cutter rest satisfied with your telling him that this prohibition is necessary for the encouragement of ship-building? Will not his interest compel him to complain, and, sir, is not interest, in some measure or other, the prevailing principle? Will he be satisfied that his interest shall be neglected, and that the interest of the ship-builder shall be regarded? Will not the rice and the tobacco planter have likewise reason to complain? For, sir, if this prohibition is to take place, where is your shipping to carry off the surplus of produce? Sir, it is not in existence—the best situated State with respect to shipping employs foreigners. That we had not shipping sufficient was conceded on all sides of the House at the last session, and particularly so by some gentlemen of the greatest abilities and knowledge. He did not know that those gentlemen now would be of different sentiments; he hoped not; he had no authority to suppose it, but he would mention

the words of one or two of them to show the House what their opinions then were. An honorable gentleman near him from Virginia, (Mr. MADISON,) on the tonnage law, last session, had declared, that "it was admitted on all hands, that America did not furnish shipping sufficient for the transportation of her own produce, and the apparent quantity would decrease from what it was represented to be, if gentlemen considered that the American vessels mentioned in the custom house reports may clear three, four, or five times a year. This reduction of our shipping serves only to show the indispensable necessity of applying means of raising it up to what it ought to be. But, in doing this, we ought to be careful in avoiding any sudden or violent effect upon our commerce by the rise of freight." Another gentleman, from Pennsylvania, (Mr. FITZSIMONS,) at that time had absolutely declared a dollar too great for the trade to bear; his words were, "then we will not adopt such a duty as must deter foreigners from coming amongst us until we are in better circumstances. If we lay a duty of two-thirds of a dollar per ton on nations in alliance, we cannot propose to lay less than a dollar on those with whom we have not treaties. A ship of two hundred tons will then have to pay two hundred dollars, a very considerable expense, perhaps much more than our trade can bear." If then a dollar was too much for the trade to bear the last session, can we have so soon changed our situation for the better that our trade will not feel it now? He could not suppose it.

Suppose it taken up in the last view he had mentioned, as an additional encouragement to ship-building. He would ask what encouragement was wanting? He wished the House to examine the relative situation of an American and a foreign vessel. The latter, if of two hundred tons, and entering our ports three times a year, paid three hundred dollars; whilst an American vessel, if she entered our ports twenty times a year, paid but her six cents per ton, once in a twelve month, which would amount, in a vessel of that burden, to just twelve dollars. He begged the House to view the immense difference, and then asked if the payment of three hundred dollars to twelve was not encouragement sufficient? For his part, he was at a loss to account for the application. Fifty cents the last year was thought fully sufficient; one hundred is sought for this session, and he had no doubt but the next another petition would request two hundred. He could not tell how such people were to be satisfied, nor how far the length of such consciences would go. He believed they would not be satisfied with any thing short of a total prohibition; and if they even possessed this total prohibition, they would be like the dog in the manger, they could not eat the hay themselves, nor would they suffer others to eat it. For the shipping it was manifest they did not possess, nor was a sufficiency to be obtained in a moment. It was not this House declaring that America can shipping only should carry the produce of

America, that would produce this shipping, time alone could effect it; it was granted that America could build ships cheaper than any other part of the world; this ought to be encouragement sufficient without this tonnage, and, no doubt, would operate as such when merchants turned their attention that way, and which their interests would naturally lead them into.

The fact was, that the American capitals which formerly were turned to that branch, had been diverted from their course during the war, and would require time to return into their proper channel, which he had not a doubt would be effected; but time, and time alone, could do this. Here he would observe, that an honorable gentleman from Connecticut (Mr. SHERMAN) had, on a former occasion, argued directly contrary to what he had yesterday declared. That gentleman, when the tonnage was then before the House, had said "that the policy of laying a high tonnage was at best a doubtful point. The regulation, he had observed, was certainly intended as an encouragement to our own shipping, but if this was not a consequence of the measure, it must be an improper one." Surely if it was a doubtful, or an improper measure the last session, it was so now; for the gentleman, in his statement of the reasons of the committee, had declared that the committee were not possessed with proofs with respect to the restrictions of other nations. Sir, shall we stumble on in the dark without those proofs? Shall we burden a portion of our citizens without ascertaining the necessity of our doing so? Let us procure those proofs—let us have evidence of this encouragement being wanting. But, sir, who has a right to complain on this occasion, the merchants of Portsmouth or the merchants of Savannah? Let us compare the grievance of tonnage in the two places. New Hampshire, sir, pays of foreign tonnage the amount of four hundred and sixty-nine dollars and fifty cents; a mighty sum indeed! From the noise made about it, an indifferent person might suppose it sufficient to satisfy the national debt. The State of Georgia, which on a former occasion was supposed barely capable of defraying the travelling expenses of their members, pays of foreign tonnage two thousand six hundred dollars seventeen cents; a difference scarcely to be compared.

A gentleman from North Carolina (Mr. WILLIAMSON) had supported the report, but hoped it never would be adopted on the principles of establishing a navy. Mr. JACKSON observed, that his reasons seemed to be the keeping the carrying trade within ourselves. Sir, it is a doubt with me if the carrying trade is beneficial to the United States; if it enriches individuals, it certainly does not the community. Writers on trade divide it into three branches: the home or coasting trade, which is allowed to be the most beneficial to the nation; the foreign trade, which is next beneficial; and the carrying trade, which is not at all beneficial, unless it be as a nursery for seamen—directly opposite to the sentiments of the gentleman. The carrying trade is therefore very bene-

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ficial to countries dependent on their navies; it is said to be particularly so to Great Britain. But, sir, is our interest the same with the interest of that nation? Does our national importance, and even our very security depend, as hers does, on the strength of her fleets? If invaded, shall we look to a navy for protection? No, sir, to the agricultural interest—to the hardy sons of the West—to the American yeomanry we shall appeal, and we shall there find support. The carrying trade is of no great consequence to us, nor is it to many other countries; it is taking a productive capital from the nation it belongs to, to be employed in the service and carrying the surplus produce of other countries. The most celebrated writers have declared, even in Great Britain, that the coal trade from Newcastle to London is the most beneficial that nation is concerned in. With us, sir, the whole coasting trade is in the hands of our fellow-citizens, where I wish it to remain, as I think it highly advantageous, and this of itself is a very great encouragement.

But, sir, if we examine what we have done, I believe, on the principle of encouragement, it will be found sufficient. I have in my hands, sir, some paragraphs of newspapers, (which he read.) By these, sir, it appears that ship-building is most rapidly advancing; a vessel is now building at Boston of nine hundred tons, one at Salem of eleven hundred, and twenty-two at Philadelphia of upwards of two hundred and fifty tons each. What more that branch of mechanics would want I am at a loss to know, unless they wish more work than they have hands to accomplish; for I fancy, if it was to be much more increased, they must send to other countries for the workmen. It is just the same with arts and manufactures—they are every where extending themselves, and no doubt owing to the ample encouragement given last session. Shall we, then, if we find the encouragement already given sufficient, be still adding to the burdens of the Southern States? Will not they have a right to say that they are not attended to? Because they are not clamorous with petitions, shall they be saddled with additional weights? It should be remembered that there is not to this day, a single petition for any one request from the citizens of Georgia before Congress, whilst other States have brought before the House a number which would take three sessions to decide on; because she is modest is she to be imposed on? He hoped her still voice would at least draw some attention. He believed that the Southern States were a good milk cow to the Union; but he trusted if the Union milked her, they would not ride her at the same time—the additional tonnage appeared to him to be doing this.

He concluded with reminding the gentlemen (Mr. MADISON, Mr. FITZSIMONS, Mr. SHERMAN, and Mr. LAWRENCE) of their former sentiments, and trusted he should not now find them avowing opinions contrary to them.

TUESDAY, May 11.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill repealing, after

the first day of — next, the duties heretofore laid upon wines imported from foreign parts or places, and laying others in their stead, which was twice read, and committed.

REPORT OF THE SECRETARIES OF WAR AND TREASURY.

The Speaker laid before the House a report from the Secretary of the Treasury of the Tonnage duties received in each of the States between the first of September and the first of January last, and a report of the sums of money, including indents and paper money of every kind, reduced to specie value, which have been received from, or paid to, the several States by Congress, from the commencement of the Revolution to the present time. Also, a report from the Secretary of War, of the troops, (including the militia,) and also of the ordnance stores furnished from time to time by the several States towards the support of the war. Ordered to lie on the table.

TONNAGE ON FOREIGN SHIPPING.

The House again went into a committee on that part of the report of a select committee on the petition of the merchants and inhabitants of Portsmouth, which relates to an increase of tonnage on foreign shipping, &c. Mr. LIVERMORE in the Chair.

Mr. FITZSIMONS said, he should state some particulars to the committee, and leave them to decide what was best, without giving an opinion at present. He observed, the agricultural interest of the United States was fully represented in Congress; but if it was not, he did not conceive there was any disposition to burden any part of the Union unequally. He observed, that the agriculture of the country, notwithstanding the duty on foreign tonnage, had not suffered; on the other hand, he would appeal to gentlemen from all quarters, whether the produce of the country had ever been in greater demand, or had sold for a better price.

He observed, one object of the report was to encourage the important business of ship-building. He enlarged on the great advantages of prosecuting this branch of manufactures, than which, perhaps, there is not one more useful and profitable pursued in the United States, considering the small value of the materials in themselves, and contrasting this with the price of a ship when completed.

He observed, that the operation of the tonnage laid last session had been advantageous to the trade of the United States. He showed how this had been the case. He then said, the benefits of the Revolution are yet to be realized by the Eastern States; the Southern States have the ports of the whole world open to them; the Eastern States are excluded from the ports to which they were formerly admitted with their most important exports. He was not, however, in favor of a duty which would prohibit foreigners from coming to our ports; he was for encouraging ships from all nations to visit our shores, by which a competition would be created in purchasing our produce. But at the same time he should lament, as a very

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great misfortune, to have the carrying trade of this country monopolized by foreigners. He did not doubt but the Southern States would soon see it as much for their interest, as it is for the interest of the Eastern States, to have our own vessels principally employed in carrying off our produce. He took notice of the objection, from the low price of rice, and said, this was a fact, which could not be accounted for from any other cause but this, that in the article of rice, of which there is no competition, the demand cannot be extended beyond a certain supply. He added many other observations, to which the committee appeared to be particularly attentive.

Mr. LIVERMORE contrasted the former and present situation of the merchants and traders of Portsmouth; they have been reproached for their poverty; this, however, if true, is their misfortune, not their fault; it is true, many of them are reduced by means of the loss of that trade, which they now petition Congress to interpose their authority that it may be restored. Among many other observations, he said that the number of ships which are now building in several States had been mentioned; but before the Revolution the then province of New Hampshire built more ships annually than all of these together.

Mr. BLOOMWORTH observed, that there had not been sufficient time to determine respecting the question; let us patiently wait the operation of the law as it now stands; he was for accommodation, but the accommodation should not be expected all on one side.

Mr. WHITE said, he was sorry the question was brought on; we have once determined the matter after a thorough discussion, and I could have wished that we had been satisfied.

The influence of the commercial interest was anticipated by the opposers of the Constitution; will not this prove an additional burden on agriculture? Will it not justify their predictions? Would it be just to lay an extra duty on any particular article that a certain part of the Continent could not do without? The Southern States cannot export their produce without foreign ships. This shows the injustice of the proposition; the measure would have an unequal operation; it would tend to discourage agriculture. He showed the impracticability of the Eastern States carrying the Southern produce; can they purchase that produce with specie? Have they goods to credit the Southern States for? Can they sell this produce in foreign countries upon terms equally advantageous with foreigners? I think it is evident they cannot. He said he thought sufficient had been done to encourage the shipping of the Eastern States.

Mr. PAGE.—I differ much, Mr. Chairman, from my colleague, (Mr. WHITE,) for I think the tonnage proposed by the committee, being the very same which Virginia actually laid on British bottoms, cannot be too high, as that experiment was attended with happy effects, although made by that State alone, British merchants immediately giving that freight to Virginia ships, which, till

then, was refused them, and without increasing the freight in British bottoms. Indeed I thought the freight was rather lowered by it, until a gentleman from Virginia, who was here when I mentioned these circumstances the last session, told me I was mistaken. I believe, sir, that our constituents would be pleased with the retaliation proposed in the memorial on which the report of the committee now under consideration is founded; and I confess that, did we not stand in need of every means of increasing our revenue, and did not a proper tonnage furnish one considerable branch of it, I should join heartily with the memorialists. The advantage of the carrying trade, and the propriety of encouraging it, has been stated to the committee; but, independent of every other consideration, I should vote for increasing the tonnage, as the House has agreed to increase the duties on many enumerated articles.

Sir, if Congress will go that length to increase the revenue, it will be unpardonable not to have recourse to such an obvious source of revenue as tonnage; and that, too, when, instead of being a grievance, it must be highly advantageous to the United States. One dollar is the sum I wished to have voted the foreign tonnage at last session; I have heard no argument to alter my opinion, and shall therefore vote against the motion before the committee, because I think as I did when the question respecting tonnage was before us last session, that the fears of the gentlemen from South Carolina and Georgia are groundless.

I believe it the interest of the Southern States that ship-building should be encouraged to the utmost extent in the United States. The fine timber which they have would then be sold to advantage in the form of ships, instead of being destroyed or thrown away under the name of lumber, or in trifling staves. Much, I know, has been destroyed in Virginia, much wasted in staves. Sir, it is their interest that their sister States should carry for them, instead of foreigners. Under the late Confederation, when each State was proud of its separate sovereignty and independent interest, and viewed each other with a jealous eye, I have heard harsh expressions respecting the growing naval strength of the Eastern States; but under the present Government, there is no reason for such reflections; their strength is the strength of the Union; and, in this respect, they are to the United States what Holland is to the United Provinces. I affirm again, sir, that we are in no danger from the retaliation of Britain; and we may with more propriety raise the tonnage than increase the duties on articles.

A message from the Senate informed the House that they have agreed to some, and disagreed to others, of the amendments proposed by this House to the bill sent to the Senate, for giving effect to the act therein mentioned, in respect to the State of North Carolina. A motion to recede from the first amendment occasioned some debate, and the House adjourned without coming to a decision.

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WEDNESDAY, May 12.

The House then proceeded to consider such of their amendments proposed to the bill sent from the Senate for giving effect to the act therein mentioned in respect to the State of North Carolina, and to amend the said act, as were disagreed to by the Senate; and thereupon the House

Resolved, That a conference be desired with the Senate on the subject-matter of said amendments; and that Messrs. WHITE, STEELE, FOSTER, LIVERMORE, and WILLIAMSON, be appointed managers at the said conference on the part of the House.

Mr. BENSON, from the joint committee of both Houses appointed to consider and report their opinion, when, according to the Constitution, the terms for which the President, Vice President, Senators, and Representatives have been respectively chosen, shall be deemed to have commenced, made the following report; which was ordered to lie on the table:

"That the terms for which the President, Vice President, Senators, and Representatives of the United States were respectively chosen, did, according to the Constitution, commence on the fourth of March, 1789, and so the Senators of the first class and the Representatives will not, according to the Constitution, be entitled, by virtue of the same election by which they hold seats in the present Congress, to seats in the next Congress, which will be assembled after the third of March, 1791. And, further, that whenever a vacancy shall happen in the Senate or House of Representatives, and an election to fill such vacancy, the person elected will not, according to the Constitution, be entitled by virtue of such election to hold a seat beyond the time for which the Senator or Representative, in whose stead such person shall have been elected, would, if the vacancy had not happened, have been entitled to hold a seat.

"That it will be advisable for Congress to pass a law or laws for determining, agreeably to the provision in the first section of the second article of the Constitution, the time when the Electors shall, in the year which will terminate on the third of March, 1793, and so in every fourth year thereafter, be chosen, and the day on which they shall give their votes for declaring what officer shall, in case of vacancy, both in the office of President and Vice President, act as President; for assigning a public office where the lists mentioned in the second paragraph of the first section of the second article of the Constitution shall, in case of vacancy in the office of President of the Senate, or in his absence from the seat of Government, be in the meantime deposited; and for directing the mode in which such lists shall be transmitted."

TONNAGE OF FOREIGN SHIPPING.

The House went again into a committee on the report of the committee on the petition of the merchants of Portsmouth, on the increase of tonnage on foreign shipping, &c.; Mr. SENEY in the Chair.

The motion for striking out the clause which proposes a tonnage of one dollar on foreign bottoms, was put and negatived. A motion was then made to insert seventy-five cents in lieu of a dollar, which was also negatived. The committee then rose, and reported progress.

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policy; still the mode of carrying on commerce with those islands is very advantageous to us, as it is carried on in our own bottoms. He much doubted the eligibility of the measure, as it might conduce to influence the nations of Europe to make a common cause of the restrictions laid indiscriminately on the maritime Powers of Europe.

The great object of this speech was a discrimination between British and other foreign shipping of nations not in alliance, and that of those which are; and pursuing the idea further, he observed, that a consuming country has the advantage over a manufacturing country. We can do better without Great Britain than she can do without us; articles of luxury can be retrenched with advantage.

He attended to the objection from the Southern States, which are so deeply connected with the British; said that it was to be lamented that measures calculated to promote the general good, should militate with any particular interest; a maritime force, in case of war, is the only hope of the Southern States; not that he was in favor of a navy, but the eligibility of an increase of those resources which might be converted into such a marine force as would be absolutely necessary on such an emergency, must be obvious to every one. In case of war the Southern States would be the first objects of attack.

The Southern States may build ships, and in this business enjoy some advantages over all the rest. There are cases in which it is better to do nothing than not to do a great deal; he intimated that it might be good policy to interdict the vessels of all nations from carrying on their produce.

Mr. FITZSIMONS observed, that the question was fully agitated the last session; he was one of those who were in favor of the discrimination at that time, but he now greatly doubted the propriety of the measure. France does not furnish ships in such numbers as to make it any great object with her to be exempted; those measures which are calculated to diminish the navigation of her rivals, she would consider as an indemnification for the enhancement of the duty on her own. With the additional heavy tonnage now proposed, Great Britain has so great a surplus of shipping, that she cannot employ them so advantageously in any other way as in the trade of America. America is the best foreign market that Great Britain has; this every man may be convinced of who looks at what covers him. He instanced a number of articles, especially lumber, which Great Britain is absolutely dependent on America for; and she has no market for upwards of four million gallons of rum but the United States. The sale of this rum is a source of greater profit than all her other West India trade. We enjoy great and increasing commercial advantages from the adoption of the Constitution. I should be extremely sorry to risk these advantages by adopting the motion, and if this is to be a condition of enhancing the tonnage, I shall, as at present informed, vote against it.

Mr. AMES, in opposition to the motion, observed

that, from the introductory observations of the gentleman, he anticipated something which would conduce much to the advantage of our allies; but it had terminated in a proposition to testify our gratitude to that nation, which, in any event, cannot be much benefited by the discrimination proposed, if it should be adopted. Adverting to what had been said upon treaties, he doubted whether any treaties were of any advantage to us, and therefore he was not solicitous to have them increased. Our ships are at present, notwithstanding the treaty, admitted with almost as much facility into the British as into the French islands. The great design in the increase of tonnage is to increase our own navigation; but the gentleman's plan is to testify our gratitude to our allies by waging a commercial war with nations not in treaty. The question the last session was thoroughly discussed, and he hoped that it would not be renewed the present, especially when it is considered that the other House was so strongly against it. If we make a distinction here, we ought to carry it through, and lessen the duties in other instances.

The question being put, it was carried in the affirmative, yeas 32, nays 19. The resolution as amended was then agreed to by the committee, and stands thus:

"That the tonnage on all foreign-built bottoms belonging to nations not in commercial treaty with the United States, be raised to the sum of one dollar per ton, from and after the first day of January next."

The committee rose, and reported progress.

FRIDAY, May 14.

A message from the Senate informed the House that they had agreed to the report of the joint committee, appointed to report their opinion as to the commencement of the terms for which the President, &c. were chosen; also, that they have passed the bill for the encouragement of learning, with several amendments, to which they desire the concurrence of this House.

Mr. BLAND, from the committee to whom was referred a motion respecting the arrears of pay due to a part of the troops of the Virginia, North Carolina, and South Carolina lines, made a report.

A petition from sundry citizens of the United States, captured by the Algerines, and now in slavery there, was presented, praying the interposition of Congress in their behalf; referred to the Secretary of State.

Mr. WADSWORTH, from the committee appointed for the purpose, presented an amendatory bill to regulate the trade and intercourse with the Indian tribes; which was twice read, and committed.

TONNAGE ON FOREIGN SHIPPING.

The House again went into a committee on the report of the committee on the petition of the merchants of Portsmouth, on the increase of tonnage on foreign shipping; Mr. BOWDWIN in the Chair.

Mr. MADISON moved an addition to the resolution agreed to yesterday in the following words, viz:

"That from and after the — day of — next the tonnage on all such vessels be raised to —; and from and after the — day of — next no such vessel be permitted to export from the United States any unmanufactured article being the growth or produce thereof."

Mr. FITZSIMONS said, he very much doubted the policy of adopting this proposition. He thought it an experiment of too bold a complexion, considering the recent establishment of the Government and the present situation of the commerce of this country. He thought we were not prepared to hazard the consequences which may result from the operation of a system which would grow out of so great a change in our commercial affairs. Its present operation would only be to raise the price of imports.

Mr. LAWRENCE said, that he was apprehensive that the articles of produce would lie upon our hands, if this measure should be adopted, which would be an injury to us. The calculations upon the effect of its being a beneficial proceeding may be mistaken calculations. The manufactures of Great Britain and their manners are in some degree congenial to our own; and, although we have not the privileges that could be desired, yet we find our connexions increasing with that country. He was of opinion, therefore, that the motion might prove disadvantageous; neither could he see any immediate necessity for its adoption.

Mr. HARTLEY observed, that if the question was now put, he should vote for the discrimination. It may be doubtful whether the first rate of tonnage, as reported by the select committee, is not too high; but this may be corrected in the House. In private life, said he, the man who shows himself my friend, I should affectionately regard. To the man who treats me with esteem I wish to make a proper return; but the man who is vindictive, and strives to ruin my interest and my property, I would endeavor to counteract or oppose by measures which might defeat his purpose. The same principles of conduct may, perhaps, be fairly applied to nations. I can say for myself, I feel no enmity towards Great Britain, so long as she treats this country with the justice and respect due to us; but she seems indirectly, nay, I might almost say directly, by her policy and regulations, to attack our ship-building, navigation, and commerce, and wishes to injure our interests and our property. We have a right to oppose her by counter regulations, or by a system which may induce her to examine the subject, to correct her errors, and to do us justice. Past injuries may be forgiven. I will agree that those of the war shall be in the dust. But when I agree that the injuries of one nation shall be in the dust, I must also observe that our friendship for another nation, who served and relieved us in distress, should be in marble.

At the last session, it was said that Britain was disposed to do us justice, and relax from some of

the policy she had practised. We were desired to wait, and all should be well. We waited, but at this session we cannot learn from any authentic documents that she has stirred in the smallest degree. Since the adoption of the new Constitution, and the formation of this Government, Great Britain has experienced many advantages; she has gained much by the sweets of commerce. This Government has shown the fullest disposition to comply with the spirit of the treaty. We have established tribunals of justice, in which British subjects may recover satisfaction for any demands they may have against the individuals of these States, without the smallest danger of partiality or injustice. What has she done in return? She has been civil in some instances, for which we give her credit; for her friendship or justice we cannot say so much. The attack upon our commerce has been spoken of before. Why has she not given up the posts? She still retains them, though by solemn treaty she was bound to deliver them up; and to the want of these posts we may, in a great measure, impute the depredations and murders of the savages upon our Western frontiers. I do not say that the British countenance or support those invaders; but were the posts in our hands a great check might be given to such enormities.

It has been observed, that we risk much by adopting the resolution; a commercial warfare might turn out ruinous to America. If our risk is great, that of Great Britain will be greater; she has immense capitals in this trade; we import many of her luxuries; we are chiefly clothed in her manufactures, and I think it will be difficult, if not almost impossible, for her merchants to change those capitals into other channels, so as to be equally productive. I say, as at present informed, I shall vote for the resolution.

Mr. SENEWICK said, he was induced to believe this a measure of very great impropriety, and one that would prove injurious to the interests of the United States. He could not tell for what purpose, or what was the object of this discrimination. Who are concerned in the carrying trade? We are declaring against one country in favor of another; for what purpose? Do gentlemen expect that France will aid our carrying trade? He believed not. It is a useless declaration, an impotent measure of passion, said Mr. S., not dictated by the understanding; and supposing the effect intended should not be produced, the consequence would probably be advantageous to Massachusetts, but very injurious to Georgia.

Mr. SMITH, of South Carolina, thought it highly impolitic to enter into a commercial warfare with Great Britain. We ought not to condemn her for following her usual policy in her navigation laws; they are not particularly aimed at us; her navigation act was originally aimed at the Dutch. We have not heard of any alteration particularly against this country, and therefore we have no room for being displeased. Whenever she finds it her advantage, she will propose a commercial treaty, perhaps now, at the present time, it may be contemplating. The Parliament rose in

August last; a new Parliament may act differently, and it will be more becoming in us to wait for some little time, than precipitate the measure. This country has been so disjoined since the peace, that we could not form any treaty with advantage; and even now our Government is but little more than a year old.

With respect to the advantage Great Britain reaps from her trade with this country, which advantages she will lose by the adoption of this measure, we shall also be injured. The effect may be more alarming than is now apprehended, and may bring about a revolution in one year.

Great Britain is a more compact country, and has a more stable and permanent administration; but we change our administration every two or three years; this gives them a decided advantage, and they might cripple our commerce exceedingly from one Congress to another.

The gentleman from Virginia has said, that we have it in our power to starve the West Indies; but he thought this an idea altogether repugnant to the feelings of Americans; they would prefer a surreptitious trade to such a principle.

Some articles from America pay no duty in England, which pay duty from other countries; we have, therefore, some indulgences there which are not allowed us in France.

Mr. S. concluded by observing, that we should not resent the policy of Great Britain's supporting her own navigation laws, from which he read some passages, and then declared his opinion, that if the proposition under consideration should be carried in the House, it would prove very injurious to the interests of this country.

Mr. MADISON replied to the several arguments against his motion. A gentleman, said he, (Mr. SENEWICK,) had called it a "measure of passion." He observed that it had neither been dictated by passion, nor supported with passion; he considered it as a cool as well as a proper measure, and believed that the more coolly it was examined, the more proper it would appear. If any thing more were to be done, let it be something that will be effectual.

As to the distinction proposed between nations in treaty and not in treaty, that point had been discussed and decided yesterday, and was no part of the argument to-day. It was agreed on all hands, that the measure reported by the committee was levelled against a particular nation, though it was not named. Why then ostensibly involve other nations for whom it was not intended; and by making no difference in favor of those in treaty, teach others to consider a treaty with us as of no value? He said, we were the less restrained from making the distinction, because the nation against which the measures were designed to operate, had not hesitated to set the example, as far as her supposed interest went. He had before shown, that the principle on which the trade with the West Indies was regulated by Great Britain, was a departure from the principle of her navigation act: according to that act, all other nations were allowed to carry directly their own produce in their own vessels, wherever the same

trade was allowed by the act to British vessels. A gentleman from Pennsylvania (Mr. FITZSIMONS) was afraid the measure was too bold a one. But why was it too bold, if, as the weighty information and arguments of the gentleman himself had shown, there was no danger? If the existence of the West Indies, and the prosperity of Great Britain depended so materially on the trade with the United States, that it would be madness in her to hazard an interruption of it?

Mr. M. then proceeded to review the European and West India commerce of the United States. He stated the imports to be, from Europe, about £3,039,000; from the West Indies, £927,438; total, £3,966,438. The exports to Europe, £3,203,448; to the West Indies, £941,552; total, £4,244,000.

He stated the export and return freight to Europe to be estimated at £500,000; to the West Indies, £250,000; total, £750,000. For the return freight, which was estimated at one-tenth of the export freight, he deducted £45,454 10s., which left for the value of the export freight to Europe £454,545 10s. By applying a like rule to the West India freight, he made the total export freight to amount to £681,818 5s.; of this he computed two-thirds, or £454,545 10s., to be enjoyed by British vessels. He took notice here, that the proportion of foreign to British tonnage, employed in the exports of Great Britain, was stated by Lord Sheffield as no more than one to twelve.

The amount of the freight, at two pounds sterling per ton, employs 227,272 tons of shipping; or, allowing two voyages a year, 568 vessels of 200 tons burden each.

The shipping, allowing six men to 100 tons, employs 6,816 seamen; or allowing one man to fifteen tons, which was perhaps a better estimate, 7,575 seamen.

He asked whether it was conceivable that Great Britain would give up all these advantages, rather than put the commerce of the two countries on such a footing as would be reasonable and reciprocal? Whether she would throw away, and into her rival's hands too, a freight of near half a million sterling? Whether she could bear to see between five and six hundred vessels rotting in port, or sold to others to be employed in the business, sacrificed by her? He asked what would become of seven or eight thousand seamen, thus turned out of employment? And whether they would not enter into the service of other nations, and particularly of the United States, to be employed in the exportation of our produce?

He took notice of the immense loss that would be sustained by the British merchants on the capital employed in the American trade, particularly the rice and tobacco. Near one hundred thousand hogheads of tobacco, not more than ten or twelve thousand of which were consumed in Great Britain, annually went almost all through their hands. The same thing might be said of one hundred thousand barrels of rice annually exported from the United States.

The manufacturers, he said, would be still more distressed by the want of the American market. Many articles, which were luxuries to

this country, and which it would be better without, gave bread to that class of people. Their distresses would increase the spirit of emigration, already so much dreaded by the policy of that nation. He observed, that Great Britain would be the more unwilling to risk an interruption of her trade to the United States, because it would hasten the establishment of American manufactures, which she had always endeavored to prevent, and thereby cut off forever this important market for her. Such a danger would be particularly alarming, as her three great staple manufactures, of leather, iron, and wool, were those which were making the greatest progress in this country, and would be the most aided at her expense.

As to the British West Indies, it had been fully shown that they could neither prosper nor subsist without the market of the United States; they were fed from our granaries. Without our lumber, which, it was admitted, could be supplied nowhere else, they could not carry on their trade, or support their establishments. In the sale of their rum, on which the profits of their labor essentially depended, they had no resource but in the consumption of this country. He said, the whole amount of rum sent to other foreign countries did not exceed eight or nine hundred thousand gallons, which was not more than one-fifth of what was imported into the United States; besides their loss in this respect, they would have the mortification to see the vacancy in our market filled by rum made from molasses supplied by rival islands. In case of war, which happened every ten or twelve years, or a season of famine, which happened every three or four, he said the condition of the British islands must evidently be such, that she could not fail to provide against the contingency by proper concessions, unless she should infer from our conduct that they are not necessary.

He added, as a consideration which he thought of great weight, in favor of the measure, that in case any negotiations should take place it would put our Executive on proper ground. At present the trade with Great Britain was precisely in that situation which her interest required, and her King could moreover regulate it according to circumstances. On our part, the Executive could neither offer nor withdraw anything. He could offer nothing, because Great Britain was already in possession of every commercial privilege she desired. He could not say, give us reciprocal privileges, or yours shall be withdrawn, because this must be done by a legislative act. By passing the act proposed, the Executive will be enabled to speak a language proper for the occasion. He can say, if you do not give the United States proper privileges, those given to you shall not be continued.

Mr. FITZSIMONS observed, that notwithstanding all the gentleman (Mr. MADISON) had said, he could not help considering the measure as a very bold one. Great Britain maintains her West India islands at an expense which no other nation can support. This system she must persevere in at all risks and hazards, and she will do it.

The ships of this country are not, and will not, for several years, be sufficient to export the produce of the United States, and if we exclude the British shipping, our produce must remain on our hands. This would be productive of consequences which every one must contemplate with distress. The ships of Great Britain comprehend almost entirely what is called foreign shipping; by adopting this measure we shall, in effect, cut off the Southern States from all opportunity of exporting their produce; and as I think it must be a long period, if ever it should arrive, before the Southern States will become manufacturers or ship-builders, it appears necessary that till such time as the American shipping shall be sufficient to carry off their produce, that we should not exclude this navigation, especially as the present capital of this country is not sufficient to furnish a present supply. He said, to encourage our own shipping, he thought the enhanced duty on tonnage was prudent; but beyond that he could not think himself justified in going.

Mr. WILLIAMSON stated some particulars respecting the treaty of peace, and said that a commercial treaty was on the point of being concluded at that time; but the British Minister having received information that our ports were opened to her ships, broke off the negotiation, as she enjoyed all that a treaty could give without binding herself.

Mr. LAWRENCE thought the information of the gentleman last up of the highest importance, and therefore wished the business now under consideration to be postponed until such time as this information could be more completely laid before the House. We have not yet, said he, furnished the President with means to send a person to Great Britain to negotiate any treaty; the bill has not yet passed the Senate empowering him to nominate Ambassadors, &c. He thought the same arguments which had been used against the duty on tonnage might have been applied against laying a duty on rum, coffee, or sugar. To prohibit British vessels from exporting our produce, he did not believe would be thought so very disadvantageous to them; they might find other employ in exporting for other countries, even from Ireland to the West Indies. If we exclude their vessels, we exclude their capitals; and it is well known that a great many of the British merchants have their capitals invested in the trade with America.

Mr. L. further called on gentlemen to remember, that this country had many indulgences allowed her in Great Britain, which she did not allow to other countries; and instanced the articles of iron, flaxseed, pot and pearl ashes, &c.

Mr. JACKSON agreed with Mr. LAWRENCE in his observation, that this was not a proper time to adopt the measure proposed, as he was apprehensive that if British bottoms were prohibited, our produce would be left on our hands. He agreed with Mr. HARTLEY in his observations respecting the Western posts. He viewed the retention of these carrying trade in any but our own vessels; but, he said, time was necessary to bring about a

proper regulation. Shall we go to war with ourselves? He said he fully approved the sentiments of the gentleman from Virginia, yet such is the present situation of the United States, that he could not assent to adopting the proposition, as we are by no means prepared for the consequences.

Mr. PAGE remarked, that the whole stress of the arguments against the resolutions before the committee still rested on a supposition that Britain would retaliate. He reminded the committee of the different arguments which he and other members had adduced to show the improbability of that supposition; and remarked that those gentlemen who had agreed to raise the tonnage on her ships to one dollar, but refused to do this unless we made our allies pay the like sum, expressed fears very unbecoming members of this House. Sir, said he, we are supposed to dread what is called a commercial war with Britain; how much more will she not suppose we must dread a war of another denomination? If we are thus timid, we shall shudder at Britain's resentment; if she sees this, she would not only hold the posts she now has within our territory, but she would advance and augment them; she would insist upon our taking off the duties which we have laid on her commodities. These fears, added he, would scarcely become us in our old Colonial capacities; they are highly unbecoming in our present independent situation, and are extremely impolitic. But if some gentlemen are so much afraid of disobliging the English, should they not have some fears lest they disoblige the French? Is it wise to disgust that nation and our other allies, and bring down at least their contempt upon us, if not a restriction of our commerce with them? Can it be prudent to make no distinction between the nation which views our rising greatness with mortification, and which against its most obvious interest restrains our commerce, and that nation which, at this moment, is exulting in the enjoyment of liberty, for which they gratefully acknowledge they are in a great measure indebted to America, which they had first rescued from the tyranny of that nation, to whom, contrary to the present interests of their own merchants, they opened a beneficial commerce? The French must be exceedingly hurt by the observations which some gentlemen have made on our connection with France, and the preference they seem disposed to give to Britain. But, sir, who can suppose that what are called indulgences of Britain are any thing more than what her own interest evidently dictates? She increases her revenue nearly seven hundred thousand pounds per annum by a duty on tobacco alone. The importance of the tobacco trade to her was evident in the late war, when her merchants gave two shillings and six-pence sterling per pound for it in this city, and afterwards paid fifteen pence duty in England. It was proved by Mr. Glover, when he appeared at the bar of the House of Commons in support of the merchants' petition against entering into the war with America, that one-third of the whole trade of Britain depended on the thirteen Colo-

nies, now the United States; and it is certain that at this day, although she has lost much of that trade, she enjoys a great proportion of it, and, as my colleague clearly proved, advantages result from it which she has with no other nation. As to her turning her trade into another channel, as has been intimated, she must be a loser by it.

It is said, that Britain gives us a generous preference to Russia; but the balance of trade with Russia, and every other country in Europe, I believe, except Portugal, is against her. But, sir, it is said that we may hurt the feelings of the British, who otherwise would conclude a treaty which they seem disposed to make, now they have a power in America with which they may treat. That Power, sir, has existed above twelve months, and might have been long since applied to; but I believe it never will be applied to, unless Congress render the application necessary by some such means as are now proposed by the resolutions before us. I believe the wisest and best men in England wish we would compel their King to treat; for to him is entrusted the regulation of the commerce with America. The wisest minister that nation ever had (Mr. Pitt) proposed, as soon as the preliminary articles of peace were signed, to put the trade with America upon the same footing on which it stood prior to the war; but his plan was rejected, merely because the American States seemed disposed to be as dependent in their commerce upon Great Britain as when they were her colonies; and a bold experiment's assertion, that America cannot exist without the trade of Britain, and that even Massachusetts would return to her former subjection to that country rather than be deprived of her carrying trade and fisheries. Sir, such assertions ought to rouse an honest indignation, or at least a firm resolution to show that they are groundless. I repeat it again and again, that it is the wish of Virginia to do this. I have been asked why we did not make a discrimination between our friends and our enemies? Sir, I call not the British enemies; they are no longer enemies; but I have been told by my countrymen, that so long as they hold posts within our territories by an armed force, they ought to be viewed as enemies; that so long as they restrain our merchants from trading with them, and burn our vessels in their ports, they cannot deserve the name of friends.

Mr. BLAND was nearly of the same opinion with Mr. PAGE, and said he could not see the least reason to apprehend any danger of a commercial warfare. He stated sundry arguments of the opposers of the amendment, and read extracts from their speeches, which proved to be perfectly contradictory to their present mode of reasoning. He further quoted some historical facts, respecting the conduct of Britain not long since, in regard of making a discrimination between the wines imported from Portugal and those imported from France. This was resented by the Portuguese, who immediately prohibited the importation of British cloths, which had such an effect, that Britain instantly entered into a commercial

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treaty, and put Portuguese wines on a better footing than the French wines, by giving them exclusive privileges. I would therefore ask, said Mr. B., is the trade of Portugal, that small country, of more consequence to Britain than the trade of this Continent? I think not. Neither have I the least apprehension that they will risk the loss of our commerce; and should they attempt it, we need not give ourselves the trouble of complaining, their own merchants and planters in the West Indies will remonstrate, as hath been already experienced. He concluded by observing, that the proposed amendment would hold out the language of this country and of the House, by showing them what we meant to do at a future day; and he thought the time mentioned (first of January next) a very proper one. If they wish to enter into a commercial treaty, it may be completed before that day arrives.

The committee then rose and reported to the House the following resolution, which was agreed to:

Resolved, That the tonnage on all foreign built bottoms, belonging to nations not in commercial treaty with the United States, be raised to the sum of one dollar per ton, from and after the first day of January next; and that, from and after the — day of —, the tonnage on all such vessels be raised to —; and that, from and after the — day of —, no such vessel be permitted to export from the United States any unmanufactured article, being the growth or produce thereof: *Provided*, That this resolution shall not be extended to the vessels of any nation which permits the importation of fish, or other salted provision, grain, and lumber, in vessels of the United States.

Ordered, That a bill of bills be brought in, pursuant to the said resolution, and that Messrs. MADISON, SEDGWICK, and HARTLEY, do prepare and bring in the same.

MONDAY, May 17.

Mr. MADISON, from the committee appointed for the purpose, presented a bill concerning the navigation and trade of the United States, which was twice read, and committed.

The House agreed to the amendments of the Senate to the bill for the encouragement of learning.

The report of the joint committee on the disagreement between the two Houses in the amendments proposed by the House to the bill for adapting to the State of North Carolina the act therein mentioned, and for amending said act, was read. This report proposes that the House should recede from those amendments. The House agreed to recede from the first amendment, and the District Court for the State of North Carolina is now to be held at Newbern only. The second amendment was to provide for the holding of the District Court alternately at Exeter and Portsmouth, as in the Judiciary bill; it was moved to recede from this amendment. This was opposed by Messrs. FOSTER and GILMAN, and advocated by Mr. LIVERMORE.

The question for receding being put, was lost,

gress to construe the Constitution; that if the report be adopted, the State of North Carolina will not, in all probability, be represented in the next Congress; as the circumstances of that State do not admit of their assemblies being convened more than once a year; that the session is commonly in November, and if a new election should then be ordered, it will be unconstitutional, as it would be holding two elections in one year, instead of being biennial. That the report is not true in fact, as North Carolina was not represented in Congress on the fourth of March, 1789. It was further observed, that there was no necessity for the interference of Congress in the business, as every successive House must be the sole judge of the qualification of its members, and the next Congress will determine for itself, let the present Congress pass what laws they please; that the report contained a direct breach of the Constitution, as that expressly declares the members shall be chosen every second year; whereas the State of North Carolina, in order to be represented, must hold two elections within one year. It was further said, that the Constitution does not explicitly say any thing about a new Congress; the report was an interference with the right of election, and as such would contravene the sentiments of the people.

In support of the resolution it was urged that from the contrariety of opinions which appeared on the subject, it was absolutely necessary that some regulation should be agreed upon, previous to such questions as have now been stated being brought before Congress. Agreeable to the observations now offered in objection to the report, there never will be an entire change of the representation; this induces a principle incompatible with the nature of a democratical body; it changes it into an aristocracy, and gives it a perpetuity entirely unknown to any of the States in the Union; it prevents the formation of a new Congress, and a rotation in the elections of the people; with respect to North Carolina, no physical or natural impossibility has been pointed out to show that that State cannot be represented in the next Congress; and if the State should be remiss in making seasonable provision in this respect, the Constitution invests Congress with powers to do it. It was further said that if no determination was now made, it may happen that no new election for that State may take place, and therefore, to secure its representation, the necessity of the report is apparent, as it is not probable that members chosen for one Congress will, by virtue of such choice, be permitted to take a seat in the next succeeding Congress. It was said that the term specified refers to Congress as a body, and not to the particular members; that as the Constitution by a fair construction contemplates a succession of distinct assemblies, it clearly follows, that a dissolution must precede a new election of such assemblies, which must necessarily involve a cessation of the political existence of the members.

A motion in the midst of the debate, for the committee's rising, was negatived, as was also a

motion made by Mr. WILLIAMSON to strike out the word "Representatives."

The committee, after some time, rose and reported the resolutions submitted to them with but one amendment. The House agreed to the resolutions, and ordered a bill to be prepared in conformity thereto. Messrs. BENSON, CLYMER, HUNTINGTON, MOORE, and CARROLL, were appointed a committee for this purpose.

WEDNESDAY, May 19.

A message from the Senate informed the House, that they have passed a bill to prevent bringing goods, wares, and merchandises, from the State of Rhode Island and Providence Plantations into the United States, and to authorize a demand of money from the said State, to which they desire the concurrence of this House; and that they disagree to the amendment insisted on by the House to the bill for giving effect to the act therein mentioned in respect to the State of North Carolina, and for amending said act.

PUBLIC DEBT.

On motion of Mr. VINING, the House resolved itself into a Committee of the Whole on the bill for making provision for the debt of the United States; Mr. SENEY in the Chair.

The section in which six hundred thousand dollars is appropriated for the services of Government, Mr. JACKSON moved should be struck out, to leave the provision for that object at large; he observed that the exigencies of Government might be such as to require a much larger sum, in which case it would lie at the mercy of the public creditors.

This motion was objected to by Messrs. SEDGWICK, BOWDNOT, GERRY, and STONE; it was observed that it struck at the principle of the bill, which contemplates a sacred deposit, or appropriation for the use of the public creditors; that on such an appropriation the public credit and the hopes of the creditors are suspended, and without which such a violation of the public faith would ensue, that no exigencies, however great, would enable Government to command those resources which every country may be necessitated to apply to.

The motion was negatived by a large majority. The section which provides that a loan shall be made by the Secretary of the Treasury, Mr. MADISON moved should be amended by striking out the words "Secretary of the Treasury," and inserting "that the President of the United States," cause a loan to be effected, &c. This motion occasioned a debate; it was supported by Messrs. AMES and GERRY; Messrs. BLAND and LAWRENCE were in favor of such a modification as that the power should devolve on the President agreeable to the Constitution, and not by law. Mr. SMITH, of South Carolina, Mr. SHERMAN, Mr. LIVERMORE, and Mr. SEDGWICK, were in favor of the clause as it stood in the bill. The motion was carried in the affirmative; a further amendment was made, empowering the President to direct the applica-

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tion of the loan to the several objects for which it is to be effected.
The committee rose and reported progress.

THURSDAY, May 20.

The disagreement of the Senate to the amendment insisted on by the House, to the bill for giving effect to the act therein mentioned, with respect to the State of North Carolina, was taken into consideration. Mr. LIVERMORE moved that the House should recede. Mr. GILMAN opposed the motion; he observed, that it would be an improper sacrifice of the sentiments of a majority of the House, repeatedly declared, to gratify the wishes of an individual member of the Senate. Mr. THATCHER, Mr. HARTLEY, Mr. SENEY, Mr. BURKE, and Mr. GEARY, were against receding. Mr. SEDGWICK, Mr. SMITH, of South Carolina, and Mr. MADISON, spoke in favor of the motion. It was observed, that to reject the report of the Committee of Conference, when being so nearly unanimous, was to destroy the utility of such committees.

The motion for receding was negatived; in consequence of which the bill was lost.

On motion of Mr. WILLIAMSON, a committee was appointed to bring in a bill to adapt to the State of North Carolina the Judiciary laws of the United States. The SPEAKER nominated Mr. WILLIAMSON, Mr. GEARY, and Mr. STEELE, for this committee.

Mr. STEELE laid the following motion on the table:

"That a committee, to consist of a member from each State, be appointed to inquire into, and make report on the proceedings of the several States respecting the amendments proposed by Congress, at their last session, to the Constitution of the United States; also, to report what further amendments are necessary."

Mr. STEELE added a few remarks to this motion, which referred principally to the subject of elections, respecting which, he said, the "feelings of the people were tremblingly alive."

Mr. SEDGWICK moved that the report of the select committee on the memorial of J. Hart and R. Wells respecting the old paper money, should be taken into consideration by the Committee of the Whole, while on the bill for funding the debt of the United States. This motion was objected to, but, after a short debate, was carried in the affirmative.

PUBLIC DEBT.

The House again went into a Committee of the Whole on the bill making provision for the debt of the United States, Mr. SENEY in the Chair.

Mr. SEDGWICK called for the reading of the report on the memorial of Hart and Wells.

Mr. S. then moved to annex to the several denominations of certificates proposed by the bill to be funded, the bills of credit issued by the authority of the United States in Congress assembled. This motion occasioned a lengthy debate; it was finally agreed to, after being amended, on motion of Mr. MADISON, to read thus:—"Those

[meaning certificates] which shall be issued for the bills of credit issued by the authority of the United States in Congress assembled at the rate of _____ dollars in those bills for one dollar in specie."

It was then moved to fill up the blank. Mr. HARTLEY proposed 100; Mr. SCOTT, 500; Mr. PARTRIDGE, 40. Further debate ensued on the motion; the Committee rose without deciding it.

FRIDAY, May 21.

Mr. WILLIAMSON, from the committee appointed for the purpose, presented a bill for giving effect to an act to establish the Judicial Courts of the United States, within the State of North Carolina; which was twice read and ordered to be engrossed.

A message from the Senate informed the House that they have agreed to the resolutions of this House of the 17th instant, respecting the arrears of pay due to a part of the troops of the Virginia, North Carolina, and South Carolina lines, for the years 1782 and '83, with several amendments, to which they desired the concurrence of this House.

PUBLIC DEBT.

The House again went into a committee on the bill making provision for the debt of the United States, Mr. SENEY in the Chair.

The blank in the clause added yesterday, respecting the bills of credit, or paper money, was filled up with "one hundred." By this vote the Committee agreed to fund those bills at one hundred dollars for one dollar in specie.

Mr. HAISTEN proposed an amendment, by way of proviso, to the following purport: "That this clause shall not be deemed to be a rule to the commissioners for settling the accounts between the United States and individual States." This proviso, after a short discussion, was negatived.

An amendment proposed by Mr. BOUDINOT to the clause which specifies "indentments," was agreed to, to the following effect: "Provided, that the interest paid by any of the States on certificates of either of the above descriptions, and endorsed on the same, shall not be funded as aforesaid; but in such case, indentments of interest shall be issued from the Treasury of the United States in favor of such States."

In the fourth section the word "twenty," the price of the land, was struck out, and "thirty" inserted.

The committee proceeded in the discussion as far as the ninth section; they then rose and reported progress.

MONDAY, May 24.

The engrossed bill for giving effect to an act to establish the Judicial Courts of the United States within the State of North Carolina, was read the third time and passed.

The House agreed to the amendments of the Senate to the resolutions of this House of the

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17th instant, respecting the arrears of pay due to a part of the troops of the Virginia, North Carolina, and South Carolina lines.

PUBLIC DEBT.

The House again went into a committee on the bill making provision for the debt of the United States, Mr. SENEY in the Chair.

The 9th section being under consideration.

This appropriates so much of the revenue from impost and tonnage, as may be necessary to pay the interest on the domestic debt of the United States, agreeable to the principles of the bill.

Mr. GERRY observed that the provision for the non-subscribers, by the bill, does not include interest, as in the case of subscribers; he moved an amendment to make such provision. He observed, that this clause, as it now stands, conveys the idea of compulsion to a much greater degree than without it; whereas the only difference which has been contemplated is a priority in payments.

It was observed by some gentlemen that the bill did virtually make this provision.

The motion being put, was negatived.

Mr. BOUDINOT then moved that the clause should be made definite, by expressing the word "principal," agreeable to the sense of the committee as now declared.

Mr. SHERMAN moved an amendment to this amendment, to provide for issuing a certificate for interest, to the end of the year 1791, to non-subscribers. These motions, after a short discussion, were withdrawn.

Mr. HAISTEN moved an amendment respecting the non-subscribing creditors, by which they should receive their interest "from and" during the year 1791. This was objected to as establishing a permanent fund for paying the interest to non-subscribers at six per cent., which would be giving them advantages over the subscribers; whereas it is not contemplated by the bill to fund the demands of the non-subscribers; they are to be provided for by annual grants. Some debate ensued on this motion. The question being put, was negatived.

Section 12 respects the appointment of commissioners in the several States.

Mr. STEELE moved that this section should be amended, by adding the words "to reside at _____."

This motion was lost.

Mr. WILLIAMSON moved that the clause which empowers the Secretary of the Treasury to appoint the requisite number of clerks to each commissioner should be struck out.

This was carried in the affirmative.

The committee went through the bill, as far as the 12th section, and made several small amendments. At the end of the 12th section,

Mr. GERRY said he rose to make a motion, which was to insert a clause for the assumption of the State debts. Sir, when this question was before under consideration, a gentleman from Virginia urged a variety of arguments against it; but as he did not come forward with his argu-

ments till near the time of adjournment, there was no opportunity of replying to them. Sir, his arguments appeared to a number of gentlemen to be unfounded, and to require not only investigation, but contradiction. Since that time, the House have called for documents from the Secretary of the Treasury, from the Secretary at War, and the Commissioners for settling the public accounts. It is reasonable to suppose, that the arguments for assumption would derive new force from these papers, if any additional force was wanting. As far as concerns myself, however, I wish not to enter into a discussion of the individual exertions of the States, if it can possibly be avoided. In my view, every State has obtained an ample share of honor in the public cause, with which they ought to be satisfied; nor is it my wish to reflect more honor on one State than another. This, however, he thought might probably be the effect of an investigation of the papers, although he hoped the necessity of such an investigation would be prevented by an acquiescence of the committee in a motion which he would make, and which was founded upon principles of conciliation. Should it be attended with such consequences as these, it would indeed be a happy circumstance; and in that expectation, he begged leave to submit it to the consideration of the committee.

It is not at all my wish, however, (continued Mr. G.) that the committee should decide hastily on my proposition; it shall be moved, and then lie on the table to afford gentlemen an opportunity of examining it, and making up their minds thereupon.

Mr. G. then read the following as his motion:

And whereas a provision for the debts of the respective States by the United States, would be greatly conducive to an orderly, economical, and efficient arrangement of the public finances; would tend to an equal distribution of burdens among the citizens of the several States; would promote more general justice to the different classes of public creditors; and would serve to give additional stability to public credit: And whereas the said debts having been essentially contracted in the prosecution of the late war, it is just that such provision should be made,

Be it therefore further enacted, That a loan be also proposed to the amount of the said debt, and that subscriptions to the said loan be received at the same time and places, by the same persons, upon the same terms, and with the same options to the subscribers, as in respect to the loan above proposed, concerning the domestic debt of the United States, subject to the exceptions and qualifications hereafter declared.

And be it further enacted, That the sums which shall be subscribed to the said loan shall be payable in the principal and interest of the certificates, which, prior to the _____ day of _____ last, were issued by the respective States, as acknowledgments or evidences of debt by them respectively owing; and which shall appear by oath, or in regard to a known Quaker, by affirmation, to have been the property of an individual, or individuals, or body politic, other than a State, on the said _____ day of _____ last: Provided, That no greater sum shall be received in the certificates of any State than as follows, that is to say,

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In those of New Hampshire
In those of Massachusetts,
In those of Connecticut,
In those of New York,
In those of New Jersey,
In those of Pennsylvania,
In those of Delaware,
In those of Maryland,
In those of Virginia,
In those of North Carolina,
In those of South Carolina,
In those of Georgia.

And provided, That no such certificates shall be received, which from the tenor thereof, or from any public record, act, or document, shall appear, or can be ascertained to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

And be it further enacted, That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year 1791, inclusively, and that the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue upon the first day of the year 1792, and shall be payable quarterly yearly, at the same times, and in like manner, as the interest on the stock to be created by virtue of the said loan in the domestic debt of the United States: *Provided always*, That the interest on one-third of the respective sums which may be subscribed according to the last of the three options or alternatives upon which subscriptions may be made as aforesaid, shall [not?] commence or begin to accrue until the first day of the year 1799.

And be it further enacted, That if the whole of the sum allowed to be subscribed in the debt or certificates of any State as aforesaid, shall not be subscribed within the time for that purpose limited, such State shall be entitled to receive, and shall receive from the United States, at the rate of four per centum per annum, upon so much of the said sum as shall not have been so subscribed, in trust for the non-subscribing creditors of such State, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual States, and in case a balance shall then appear in favor of such State, until provision shall be made for the said balance.

But as certain States have respectively issued their own certificates in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums

Be it therefore further enacted, That the payment of interest, whether to States or to individuals, in respect to the debt of any State, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the — that certificates issued for that purpose, by such State, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

And be it further enacted, That the faith of the United States be, and the same is hereby pledged to make provision, before the 31 of March, 1791, for payment of interest on amount of the stock arising from subscriptions to the said loan, upon the like principle

with the provision herein before expressed, touching the loan to be made in the said domestic debt of the United States; and also for the payment of the said four per centum per annum on so much of the said debts of the respective States, as shall remain unsubscribed to the said loan.

And be it further enacted, That so much of the debt of each State as shall be subscribed to the said loan, shall be a charge against such State in account with the United States.

And be it further enacted, That the commissioners to be appointed as aforesaid, shall have like powers and authorities, and shall perform the like services and duties in respect to the said last mentioned loan, as in respect to the one first above proposed, relative to the said domestic debt of the United States.

Mr. LEE said, he had hoped that the advocates of this measure would have suffered the committee to have proceeded in the business before them without interrupting it by attempting to unite this subject with another, which has been repeatedly declared to be different in its construction. He thought it would have an inauspicious aspect on the public councils; would delay, if not entirely defeat, an object of the greatest importance, and on which the public expectation is exceedingly engaged. It will revive all those recriminations and invidious distinctions which have already created so many disagreeable sensations. He hoped the gentlemen would not urge the connecting a business which is in its nature so distinct. He, therefore, moved that the committee should rise, and report the bill. He should not, he said, object to the bringing in a particular bill upon the subject. The proposed amendment is lengthy and complex; it will require much discussion, and can with more advantage be attended to when taken up as a separate object.

Mr. SHERMAN observed, that the design of this amendment is to make provision for a class of citizens equally meritorious with any others in the United States. Should the bill pass without providing for them, some of the States will be wholly unable to do it, and others of them cannot, without burdening the people with very oppressive taxes; it will be leaving the State creditors in a totally destitute situation. He did not wish that the committee should immediately take the proposition into consideration; he was in favor of its lying on the table, that the committee might take time to reflect upon it.

Mr. SEDGWICK made some observations similar to those offered by Mr. SHERMAN.

Mr. FRIZZIMONS said, he was in favor of the assumption as much as any man whatever; still he thought it best to finish the bill now before the committee, and make the assumption the object of a particular bill by itself. He thought that this would be a saving of time, and that those who advocated the connecting it with the present bill, would find that the greatest difficulties would attend prosecuting it in that connexion.

Mr. AMES observed, that as many observations had been made on the propriety of taking up this subject in connexion with the present bill, he thought it necessary that some notice should be

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taken of them. He observed, that the present opportunity appeared to be the only one of taking up this business; for if the bill now before the committee shall be completed without including the assumption, it will then be objected that the funding system is finished; and, drawing near the close of the session, it is very improbable that any thing will be done.

Adverting to the report of the Secretary, he observed, that it is evident the Secretary considers the assumption as an essential part of his plan. For his part, he could form no idea of a system without it. Gentlemen have been repeatedly called upon to explain their ideas on the subject; they have not done it; they have not pointed out the funds they mean to appropriate to their object. They have not told us what part of the funds appropriated by the States they mean to invade. The idea of bringing in a separate bill, he considered as absurd. It was forming two funding systems; making two businesses out of one, and increasing the perplexities of each; rendering that complex and intricate, which might be simplified and made perfectly easy and intelligible.

Mr. FRIZZIMONS and Mr. HARTLEY made some observations in reply to Mr. AMES, and objected to connecting the assumption with the present bill.

Mr. PARKER, after observing that if the proposition now offered by Mr. GERRY is added to the bill, he should be for rejecting it altogether, moved that the committee should rise and report progress. This motion being agreed to, the committee rose; but before the Chairman could make report, Mr. GALE moved, in the House, that the Chair should report particularly how far the committee had proceeded in the bill, and that the committee should be discharged from any further consideration of the same.

Mr. PAGES seconded this motion. He observed, that the committee had discharged their commission, which was to provide for the public debt; the last section of the bill had no necessary connexion with the preceding parts. He objected to Mr. GERRY's propositions, as informal, as tending to obstruct the passage of the funding bill, &c. Some discussion took place respecting the propriety of instructing the committee in the House to report differently from the sense of the motion made in committee, which was, that the committee should rise, report progress, and ask leave to sit again.

Mr. BOUDINOT, in particular, enlarged on the impropriety of precluding the advocates of the assumption from replying to the observations of the gentleman from the Southward, who spoke the last on the subject. He said, the idea of preventing a free and full discussion is not consistent with candor, fair dealing, and the rules of the House. The debate was continued with ardor on both sides. In opposition to the committee's situation again, it was said the assumption has been twice rejected; that it has a tendency to excite heats and animosities; that it will be protracting the public business, and, in the issue, occasion a loss of the funding system altogether. In favor of

the committee's sitting again it was said, that the observations of gentlemen opposed to the assumption had gone out into the world unanswered, and unreplicated to; that in consequence of the very extraordinary and unfounded assertions made by a gentleman from Virginia, papers had been called for, which contained statements that the advocates for the assumption mean to make use of. The business of assumption has received a different determination at different times; the friends of the measure may bring forward such arguments in its support as may convince a majority of its propriety and expediency.

Mr. GALE having withdrawn his motion, it was determined that the committee have leave to sit again.

TUESDAY, May 25.

PUBLIC DEBT.

The House again went into a Committee of the Whole on the bill making provision for the debt of the United States. Mr. SENEY in the Chair. Mr. GERRY's proposition for the assumption of the State debts was read.

This proposition was advocated by Messrs. SHERMAN, BOUDINOT, and AMES, who severally entered into a full discussion of the subject of assumption, and replied particularly to the observations of Mr. MADISON.

[The following are Mr. BOUDINOT's and Mr. AMES's speeches on this occasion, which are the only ones found reported on this part of the bill.]

Mr. BOUDINOT.—I am one of those, Mr. Chairman, who consider the subject now before you of as much importance as any that has yet required the attention of Congress. When it was first brought forward, it was new to me; I therefore determined, in my own mind, patiently to hear both sides of the question, and to weigh every argument before I drew any positive conclusion: being also a State creditor, (though in the habit of receiving interest from the State,) my fears were excited, lest self-interest might mislead my judgment. On these accounts, the committee have hitherto not received any trouble in the communication of my sentiments on this important question. I have contented myself with a silent vote, and should have still continued in the same disposition, had not the gentleman who spoke on this subject when it was last under consideration, advanced some arguments and drawn certain conclusions from them, that struck me as neither founded in fact nor reason. He appeared to me to involve the subject in unnecessary perplexity, and though simple in itself became obscure from the terms by which it was distinguished, and from the manner in which the argument was handled. It has been generally denominated "the assumption of the State debts;" from whence, a bystander might suppose that the States, or some individual State, had called upon us to assume a debt or debts that we owed to them; but nothing is further from the truth. What is the subject before us? It is an application of our creditors, on

which a question arises, whether a certain species of debt, evidenced by certificates from an individual State, is part of the domestic debt of the United States, or whether it is the private debt of the individual State?

Let us then simplify the question, and consider it abstractly on its true principles; for if it should turn out to be the first, no man can assign a good reason why a discrimination should be made among our creditors. If the last, it will be as difficult to assign a reason why we should now assume them. The honorable gentleman from Virginia, speaking on the assumption of these debts, puts the question on proper principles; but his arguments appeared to be exceedingly fallacious. He alleged, "that it had been contended that the State debts are in their nature debts of the United States, and the individual creditors can of right claim payment of the same from the General Government. He denied the principle, and said that if these debts be nothing more than the debts of the United States under another denomination, and if we are bound to provide for them as for the debts of the United States, let gentlemen consider whether they are not bound to view them in this light, wherever they may be found, meaning in the State Treasuries."

This state of the question necessarily leads to an investigation of the nature of the debts proposed to be funded by the amendment now moved to the bill for funding the domestic debt.

These debts consist of certificates given by the individual States for pay to the army, depreciation of pay, militia services, supplies found, and services rendered. As these are all on one footing, to avoid perplexity I will take the army debt for an example. This debt was contracted by the United States in Congress assembled. When our common country was threatened with an invasion by a very powerful enemy, the necessary defence required the raising of an army. A union of the States was formed, and a Confederation entered into, that the expenses for the common defence should be paid out of a public Treasury, to be supplied by the respective States according to their several abilities. Troops were accordingly brought into the field under certain stipulations of pay and support. Several years past away, and the soldiers not only bravely fought your battles, but, in the end, secured your liberties and established your independence.

The States having failed in supplying your Treasury, the stipulated payments were neglected, large arrears accrued, and, after a series of sufferings, unknown to any other troops, a mutiny took place, and the destruction of your army was well nigh accomplished. By the exertions of your high commander-in-chief, and the most judicious management on his part, this serious disturbance ended in Commissioners being sent to Congress, with requisitions, on the part of the whole army, requesting redress in a number of instances.

Suffer me to read the report of the Grand Committee of Congress, and their subsequent resolutions in answer to this application.

"The Grand Committee, consisting of a member from each State, report, That they have considered the contents of a memorial presented by the army, and find they comprehend five different articles: 1st. Present pay. 2d. A settlement of accounts of the arrears of pay and security for what is due. 3d. A commutation of half-pay. 4th. Settlement of accounts of deficiencies of rations and compensation. 5th. Settlement of accounts of deficiencies of clothing and compensation. Whereupon, Resolved, as to the first, that the Superintendent of the Finances make payment, &c. Resolved, with respect to the second article, so far as relates to the settlement of accounts, that the several States be called upon to complete, without delay, the settlements with their respective lines of the army, up to the 1st day of August, 1780, and that the Superintendent of Finance be directed to take such measures as shall appear to him most proper for effecting the settlement from that period. As to what relates to providing of security for what shall be found due on such settlement, Resolved, that the troops of the United States, in common with all the creditors of the same, have an undoubted right to expect such security; and that Congress will make every effort in their power to obtain from the respective States substantial funds, adequate to the object of funding the whole debt of the United States, and will enter upon an immediate and full consideration of the nature of such funds, and the most likely mode of obtaining them."

Nothing can more clearly appear, than that at the time of these resolutions, Congress considered the debt due to the army for pay and depreciation of pay, as well as that due to their other creditors, as the particular debts of the United States. Here was no pretence of denying the contract, or turning them over to the States for payment. It is true Congress, in these resolutions, call upon the individual States to settle with their lines of the army to a given day, but the pay is to come from adequate funds to be provided by the efforts of Congress from the several States. In obedience to this requisition, the States proceeded to the settlement, not only of pay to the lines of the army, but also of the claims of their citizens for supplies furnished to contractors, commissaries, and quartermasters, with all their host of dependents, and certificates of the balance due to them were given under the direction of the States individually, who thereby, agreeably to the foregoing resolutions, became security to the creditors, on behalf the Confederate Government, that their debts should be paid. Congress immediately proceeded to demand of the several States an impost of five per cent. ad valorem on all goods, wares, and merchandises imported into the United States, and additional sums for twenty-five years, adequate to the payment of the interest of the whole debt, agreeably to their assurances in answer to the memorial of the army.

Some of the States complied with this requisition, and provided supplementary funds over and above the impost, for twenty-five years—but others refusing, the whole project was rendered abortive, and the creditors of the Union left in the most distressing circumstances. The clamors of the citizens were too great to be withstood by

many of the States, who considered themselves as sureties for the United States, and, indeed, under the necessity of rendering some immediate, though partial supplies, to prevent every thing from running into confusion. They therefore undertook to pay their own citizens the interest due on their respective certificates, whether given by the special officers of Congress, (as the Commissioners of Loan,) or under the direction of the standard before mentioned. The State of New Jersey, in this way, paid five years interest, to the amount of several hundred thousand dollars. But although these partial payments put the evil day further off, yet the time at last came, when the good sense of the people, finding the Government unable to support itself and comply with their engagements, and seeing nothing but ruin and confusion before them, wisely brought about another revolution, and formed a new Constitution, founded on a more intimate union of the several States, with greater and more efficient powers for the purpose of establishing justice, insuring domestic tranquility, promoting the general welfare, and securing the blessings of liberty.

Provision was also expressly made, that all debts and engagements binding on the former Government, should be equally valid against the present. Under this new Constitution, the Government is vested in the fullest manner with all the resources and funds necessary for the payment of the general debt of the Union, and what they had in vain asked of the several States under the former Confederation. Of course the individual State was deprived of them, and no longer had it in her power to continue her partial aids towards satisfying the growing interest on the demands of their citizens.

In this situation, and under these circumstances, our creditors came forward with the evidence of their demands, given by the individual State, by order of the United States in Congress assembled, and demanded payment of us, as their original debtor, for whom they performed the services, and to whom they granted the supplies, alleging that by the transfer of the revenues and resources of Government from the respective States to us, their security is invalidated, and we are become able to pay them, agreeably to the spirit of our original contract. These questions then fairly arise:

Was the contract originally ours, or were the United States the original debtor? If so, has the creditor been paid his just due, or has he released us from the obligation?

There can be no doubt, in my opinion, from the foregoing view of the circumstances of the case, and I believe that no gentleman will deny, but that we are the original debtors as representing the former Government.

It is clear that all the creditor has received for his demand, has been a certificate from the State, testifying a certain balance due to him for his services, or for supplies rendered. And here I should enter into the argument to show that this certificate from the State cannot, on any principles of justice, honor, or policy, be considered as

payment, was not the matter already done to my hand in language so much more forcible than any I can use on this occasion, and the omission of which would be imposing on the committee. This will be found in the 1234th and 1308th pages of the Congressional Register, where an honorable gentleman (Mr. Madison) in speaking on the subject of public certificates, though to another point, says, "Let us consider first by whom the debt was contracted, and then to whom it is due. The debt was contracted by the United States, who, with respect to that particular transaction, were in a national capacity. The Government was nothing more than the agent or organ by which the whole body of the people acted. The change in the Government which has taken place has enlarged its national capacity, but it has not varied the national obligation with respect to the engagements entered into by that transaction; for, in like manner, the present Government is nothing more than the organ or agent of the public. There is no change in our political duty, nor in the moral or political obligation."

The language I now use is the language of the Constitution itself—it declares that all debts shall have the same validity against the United States, under the new as under the old form of Government. The obligation remains the same, though I hope experience will prove that the ability has been favorably varied. Again, a debt was fairly contracted—according to justice and good faith, it ought to have been paid in gold or silver. A piece of paper only was substituted. Was this paper equal to gold or silver? No; it was worth in the market no more than one-eighth or one-seventh of that value. Was this depreciated paper freely accepted? No; the Government offered that or nothing. The relation of the individual to the Government, and circumstances of the offer, rendered the acceptance a forced, not a free one. Again, here there was a debt acknowledged to have been once due, and which was never discharged, because the payment was forced and defective; the balance, consequently, is still due, and is of as sacred a nature as the claims of the holders can be. These conclusive arguments apply with double force to the question before the committee. Was the debt contracted by the United States? If so, where have they any evidence of payment? If it is answered, in the State certificates, I reply, a piece of paper was only substituted for the bare purpose of ascertaining the balance, as preparatory to its being funded, and that by the particular order of Congress, under the idea of providing the creditor with security for his debts. Was this paper equal to gold or silver, or any other substantial payment? The relation of the individual to the Government and circumstances of the offer, rendered the acceptance a forced, not a free one. But, sir, a part of the objection is still unanswered. It is said, that if these are debts of the United States in the hands of individual citizens, must they not be the debts of the United States in the treasuries of the different States? I answer, by no means. This argument is extremely fallacious. In common life, if

any person who becomes my security and pays the debt for me, and he owes me money, I can with propriety refuse to pay him till he settles his debt with me; but if such security refuses, or is unable to pay the debt to my creditor, I certainly have no right to put off my creditor till the security shall have paid me what he may owe me. There is no connexion between my debt against the person who may become my security to another, and the creditor to whom I owe a debt of my own contracting. Suppose, in common dealing, A owes B one hundred pounds, but being unable to pay, gives C (who owes him money) as his security to B. Before the debt is paid, C the security, becomes insolvent, and A retrieves his affairs and is able to pay—would any man think A in his senses to refuse payment to B, because C was unable to pay the debt due to him? But if C had paid the money to B, then the debt was changed, and C would have a right to charge it against the debt he owed to A. Sir, whenever the State has discharged a debt owing by Congress, to the individual citizen, and has the evidence of it in her Treasury, such State has no right to demand a repayment until, by the settlement of her accounts with the United States, it shall appear that a balance is due to her. This is every day's practice between man and man. But both the equity and policy of this measure have been denied. As to the first, let it be asked, are the facts above set forth true? that the debt was originally that of the United States, and that the creditor has never received any satisfaction for it? If so, where is the justice or equity of making a discrimination among our creditors? Can any man assign a reason why debts of the same nature, under the same contract, and for the same services, should be rejected, and treated as of no force, merely because they have been settled and touched by different officers under the same authority? What will the veteran soldier and the respectable militiaman, who, under every discouragement, fought your battles, and risked their lives for your preservation; what will the patriot farmer, who furnished you with supplies in the day of darkness and distress; what will the citizen, from whom you forced that perhaps on which he depended for the support of his family, at the point of the bayonet, say, when they are told, that, after waiting ten years in vain for their just due, that it is now inequitable to pay their demand, because it was settled by the State Government, agreeably to the directions of Congress? There must be the greatest equity in appropriating that treasure, supplied by the Union at large, to the payment of those debts contracted for their common defence. A last argument I shall offer to show the equity of this measure is, that we are in possession of the very means from which alone the States can pay these debts, if their obligation to do it was ever so clear.

I now come to the policy of the measure. As in private life, so in every Government, I am fully satisfied that honesty will ever be found to be the best policy.

The policy of this measure arises from num-

berless sources. It is supporting the public faith. As our present conduct shall be, so will be the conduct of others towards us, whenever we shall need further loans for public service. A few hundred dollars saved now may hereafter cost us more thousands. Our conduct on this occasion will be narrowly watched, and not forgotten in many years. Good policy requires one uniform rule of paying our public debt, as well as the like uniformity in the arrangement and collection of the public revenue. Another source of the policy of this measure arises from the propriety of suppressing all temptations to unnecessary party zeal and collision of opposite interests among the citizens of the same Government.

Let gentlemen consider the operation of a contrary measure. Will the citizens of individual States see with complacency the produce of so heavy an impost expended in partial payments of the debts of the General Government, while their demands, founded in the strictest justice, are wholly disregarded by those who are bound to do equal justice to every citizen? It should not be forgotten, that the collection of revenue in such a country as ours depends greatly upon opinion. If, by our public measures, we once make it reputable to defraud the revenue, it will be out of the power of all your regulations and penalties to secure its due collection. At present there is a universal prejudice in your favor. The patriotism of your citizens is a greater security than your utmost force. They think that the Government is in their own hands. That they are truly represented here, and that their contributions are faithfully applied to their best interests. Cherish this spirit, by the most impartial justice and equal dealings to every citizen. If once it becomes a habit to depart from the path of virtue, it will be more than difficult to tread back those steps again. It is policy to prevent, by this means, one State from preying on the necessities of another, by which jealousy, feuds, and animosities, so dangerous to every Government, are often promoted. Although I am in general averse from bringing into view, on general questions, the local circumstances of a particular State, yet, in the present case, I beg leave to hold up the circumstance of the State from which I have the honor of coming, because I am best acquainted with her real situation. It is well known to this committee, that in the beginning of the war she was deprived of many of her citizens, who went off to the enemy. She presented her whole sea-coast as a frontier to the British troops. She was invaded every few months, for several years of the war. Her militia was almost continually in the field. Her towns were deserted. Her houses were burned. Her property plundered, and her faithful citizens carried into captivity. For several years, both the British and American armies were the greatest part of the year within her borders. As if these evils were not sufficient, at the end of the war an impost, for State purposes, was established by the two adjoining States, from whom she was obliged to receive all her imports, whereby she was bled a very pore. During this whole time, the requis-

tions of Congress were made on her, without any allowance for her peculiar circumstances—the other States had shared a milder fate. As far as it was in her power, she complied faithfully with them; and, in addition to her exertions, she has relieved the distresses of her citizens, by paying the interest due to them by the Government, without respect to the species of debt. In this manner she has struggled with difficulties, under an oppressive burden, until the period arrived which she thought promised an alleviation of her distresses.

The ability of the new Government she fondly hoped would have eased the burden, and calmed the minds of her citizens, who were daily leaving the State, to find a happier climate to the Northward and the Westward, where heavy taxation would not reach them. I hold up these circumstances of an individual State to show that she cannot go much further; every citizen she loses, leaves the incumbrance the greater on those who remain behind. At this moment, sir, in one town-ship of that State, there are between two and three hundred executions out for the arrears of taxes. Is it not policy, then, and the best policy, to equalize the burdens of so arduous a struggle as was brought upon us by the late war, and prevent a sister State from sinking, after getting through so far? Is there any reason that, after exerting herself to the utmost, and aiding you in the day of distress, that now you are in possession of the resources of the country, and she is deprived of the only means she had of helping herself (I mean by her paper money,) that she should still be left to struggle on without relief? But, sir, if you refuse this measure, and do not reassume these debts, it is not contemplated by any one to embrace the excuse, but to leave that to the individual States. What, then, must be the situation of New Jersey, if New York and Pennsylvania should establish a general excuse for the payment of their particular citizens? Would not New Jersey pay her full proportion, as she did formerly under their imposts? It never can be consistently with good policy thus to leave your citizens to such different measures of public justice.

The last evidence of the policy of this measure arises from the impossibility of otherwise funding the domestic debt with certainty, while the States are necessitated to claim particular sources of revenue. This must produce a clashing of jurisdiction, and a continual jarring of interests.

I should now close my argument, sir, was it not for an objection which, I confess, when I first heard it, struck me with some conviction; but, on a closer examination, I found not to bear a scrutiny. It was, that if the measure could be carried by a very small majority, it would be highly impolitic, because if a right measure, and now rejected, it could easily be adopted hereafter; but if a wrong measure, and now adopted, it could not easily be remedied when the evil was acknowledged.

Sir, if the debt is a just one against the United States, and we are able to pay it, I cannot admit the idea of a longer refusal; the delay of justice is

a denial of justice. What would be the consequence of paying this debt, and afterwards being convinced of the injustice of it? You would charge it to the individual State, and the only loss would be the interest you might pay. But, sir, if you refuse it, and find you were wrong, you are doing an act of palpable injustice by which you may ruin thousands of your citizens, and depopulate your States, by driving the most valuable of them to seek an asylum in the wilds of the Ohio and Lake Erie. It will be a very insufficient excuse to our suffering host of creditors, that, from local principles and private motives, there could only be obtained a small majority to do them justice; and if we were wrong in the refusal, we could set all right when we were convinced of it. I believe this will scarcely justify us in our own eyes. But will not this delay impede the operation of the general system? And if this once takes place, who can foresee where it will end? An attempt to do justice can do us no essential injury, even if we should be wrong; but a refusal, in our present circumstances, may raise a spirit that cannot easily be laid.

Although the question, sir, before you, is on the assumption of the State debts, so called for the sake of distinction, yet, as an objection has been made in the House yesterday, and an endeavor used to separate this part of the domestic debt which is funded on the certificates given by the immediate officers of Congress, supposing this to be a subject essentially different to the one referred to the committee, I thought it my duty to show, that, having been contracted by the United States in Congress assembled, for the general defence of the Union, there remained no foundation in reason or justice for the objection, although the settlements of the accounts, and the balances due, were certified by the individual States. And I think that it must as clearly appear, that no solid reason can be assigned why the individual States should not now be delivered from the burden of them, since you have delivered them from the means of payment.

These arguments address themselves to the understanding and judgment. It is under their impression, and from a thorough conviction of their force and propriety under every view of the subject, that I have heretofore, and shall still give my vote for the re-assumption of these debts, and, of course, in favor of the amendment now before the committee.

Mr. AMES.—I am obliged to obtrude my sentiments upon the committee, under circumstances which still the hope of procuring for them a welcome reception. The curiosity of the Assembly, in the first stages of a public debate, will procure some indulgence, and administer considerable aid to him who has to support a part in it. But this subject has been debated until it has become tedious; there is very little remaining to be said which can excite curiosity or reward attention. The feelings of the committee will procure me belief when I say, that I obey the duty of attempting to obviate the objections which have been urged by the gentleman from Virginia, and

which I think is imposed upon me by the nature of some of them, with unaffected reluctance. I will hope, however, that a candid consideration to the necessity of my situation, and a sense of public duty, will overcome, or suspend for a time, the disgust which has attended the revival of this debate.

The zeal of the gentlemen on both sides has led them to draw aid to their cause from very remote sources. But all the objections against the assumption may be comprised in these two—that the measure is against justice and against policy. Both sides of the question have been maintained with an uncommon warmth of conviction; in candor, and probably in strict truth, this ought to be mutually understood as the evidence of a sincere zeal for the public good.

To evince the justice of the assumption, I take, as the ground of my reasoning, a proposition which is admitted on both sides; that the expenses of the war ought to be made a common charge upon the United States.

It will illustrate my argument to observe, that this war was between this country and Britain, and not a war of particular States. All America, Congress in their resolves, the appointing Commissioners to settle the accounts, the late amendment (Mr. Madison's) to the proposition for assuming the State debts, and the objections to that proposition, corroborate the idea that the expenses of the war ought to be equalized. Assume the debts, and settle the accounts, and this is effected. There is an end to the inequality as soon as this is done. This answer is so plain and conclusive, that it is attempted to take off its force by saying that the accounts will not be settled. If this assertion is true, the non-assumption is plainly unjust; for the burden is confessedly unequal now, and the only reason for refusing to take this burden off some of the States, is the certain assurance that they will be relieved from so much as shall be found to exceed their share, when the accounts shall be settled. But if the accounts are not to be settled at all, the States, which are now overloaded, have no justice to expect but from the assumption. It cannot be known with certainty which will be a creditor, or which a debtor State, at present. If the accounts should not be adjusted, we must remain in ignorance; we ought, therefore, to exclude all consideration of the other claims, because it would be useless, and apply the principle of equality to the State debts. The debts to be assumed are either duly proportioned among the States, or they are not. If they are so proportioned, then it is certainly politic, and not unjust, because it would be equal to assume them. If they are now unduly proportioned, it is in terms even against equality to leave them upon the States.

If the war has made a random distribution of debts upon the States, it is best to make the amount which is to be left unsettled, as little as may be; for the probability is, that as you diminish the unsettled amounts, you make the inequalities less. This will serve as an answer to those also who say, that supposing a settlement to take place

two or three years hence, a State may be relieved from a light burden of its own debt, and be obliged to bear, as its proportion of the assumed debt, one more weighty. For it is not certain that it will have, in that case, more to bear than its part; and if it should turn out to be more, the balance may be known almost as soon as the interest will commence. The assertion that the accounts will not be settled has been made with confidence. To judge how far we ought to guide our conduct by it, it is enough to examine what State it comes from. Let the gentlemen who make it ask their own hearts, let them look round and ask one another, whether their States are the more clamorous for their dues, or apprehensive for a settlement, which will expose their delinquency? In this place, where facts are known, this question will be an argument.

But what ground is there for saying that the accounts will not be adjusted? This was positively engaged by the former Government. It is improper for Congress to act as if Congress was not to be trusted. Commissioners are employed in the business. A motion to extend their time and powers has met with no opposition, and it is maturing into a law. Who will oppose it? Not New England!—we wish it—we have pledged ourselves to support it; you ought to believe us, when it is so easy to bring us to the test. I have myself moved resolutions, the best I could devise, which I thought would facilitate—would force a settlement. I am ready to revive them. Surely those who urge that the accounts will not be settled, do not propose to fulfil their own prophecy.

It is certain, therefore, that if there is a disposition in this House to prevent proper measures from being adopted to procure a settlement, it will be disappointed. I wish to remove this ground of objection, by urging the business of liquidation forward. If, then, provision is to be made for liquidating the accounts, the argument which I deduced from it remains in full force. All pretence of inequality is removed by it. It is a full answer to several other objections—it becomes unnecessary to ask whether State notes remain debts against this Government, after they have been received into the State treasuries. Whether the United States are obliged to assume before the balances are found on a settlement: and whether the debts were wisely or unwisely contracted? It becomes immaterial to calculate how many parts in a hundred New Hampshire, and how many Connecticut will pay; and how much Virginia has paid, and will now have to pay. What was wrong in the distribution of the burdens of the war will be rectified; and as to future payments, all the citizens will be upon a footing. As the gentleman from Virginia reasons with great candor, I am sure he will be sorry that, in his observations, he has wholly neglected, certainly through inadvertency, to notice an argument which seems, on both sides, to be considered as absolutely conclusive. When I say that both sides allow this argument to be conclusive, I presume my meaning is understood as I formerly expressed it. For the answer to it is, that the ac-

counts will not be settled; which admits the force of the reason, and rests the decision upon a point of fact.

Perhaps, for the sake of simplicity and perspicuity, I ought not to pursue the inquiry as to the justice of the assumption any further. Though I mean to rely upon the argument I have stated, it will furnish an answer to some objections to furnish another. It is said these are State debts, Congress has nothing to do with them.

When the war commenced, Congress had neither money nor troops. They were so far from having a right to tax the States, that they had neither the powers of a Government, nor a rule by which to require contributions. They appealed to the good-will and patriotism of the States, and entreated them to furnish supplies to the extent of their power. The calls upon the States were not taxes or debts, but advances or loans to the public. This is explicitly and formally declared by the resolves of Congress. I have made some attempt to examine the journals, in order to show from them how totally unfounded the assertion is, that these constituted debts against the States. But I found that the titles only of the resolves would fill a sheet of paper. Nothing can be more fully proved than the contrary, not only by the letter of the resolves, but by the conduct of Congress. In some cases no regard was paid to the conjectural ratio by which the States ought to furnish men and supplies. In other instances some of the States were wholly omitted, and not unfrequently a single State was called upon for supplies. One of the most signal proofs, however, is that in the resolves of February 9th, 1780, it is expressly stipulated, that if the States should furnish more than they are called upon for, the United States will stand charged with it. The resolve of January 5th, 1783, even in terms recognises the troops whom the States were to settle with as creditors of the Union, for whom good security must be provided.

This is an inquiry into the justice of the assumption. I reject, therefore, the forms of the transaction, and ask whether, if the war had been confined to a corner, instead of spreading over the Continent, and one State had incurred the whole debt of eighty millions, it would be just to leave the burden upon that State? Consistently with the resolves I have mentioned, and the known sense of America, could it be called a State debt? I am sure of my answer, for the question extorts it. The difference between the case I have supposed, and that which is in debate, is only in degree—there is none in the principle. It will be answered, perhaps, that it is true we owe the States. They are not finally to bear the burden; let them pay what they owe, and we will pay them. This is a dangerous concession to those who make it, if the accounts are never to be settled, as it is urged by those who contend against the assumption. For it amounts to this—the debt is binding, and yet it will never be paid. It presents them a choice of difficulties; it forces them to confess either that the assumption will not

wrong you, or that the non-assumption will end in cheating such of the States as are your creditors.

It will be said, it is true, however, that the United States stand indebted to the States, but the creditors of the States have no just claim upon the United States. There is a great difference between the justice that will be done by the assumption to the States and to their creditors.

The States were called upon during the war to make advances. Accordingly, they procured something by taxes, and still more was procured by paper money, which died in the hands of the possessor. They have also paid some part since the peace. So far the States, as such, actually made advances; but the principal part was obtained either by borrowing, or seizing private property, or draughting men. So far the advances were made by individuals, and at periods so critical, and under such circumstances of violence and hardship, as to give a peculiar sanction to their claim upon the justice and honor of their country. Justice plainly requires that these persons should be repaid their interest at least, in all events, and without delay. Their claims, in every view, are perfect; most of them are original holders. But neither the justice of the case, nor the engagements of Congress, require that the States should be repaid until the extent of their demand can be known. For I readily admit, that nothing more than the balances of their actual advances are due from the United States to the individual States. This has been urged against the assumption, but without foundation. If a State paid more than its proper share, the surplus should be repaid. But if a payment was only promised, and is still to be made, justice is due to the creditors and not to the State. The idea may be illustrated by considering the States as agents or contractors for the Union; what they paid, they claimed for themselves; what they barely promised should be paid, by their employers, who had the benefit of the debt, especially if the agent cannot or will not pay. I cannot think it necessary to give any further answer to the question so logically proposed with regard to the nature of the debts when redeemed, and in the State treasuries.

What remains due ought to fall not unequally upon States, but upon the whole society. It ought, if not paid sooner, to fall upon posterity. If some States should lose wealth and people, and others increase, if new States should join the Union, or spring up within it, and the Western wilderness be thronged with people, the burden will be equalized upon all the citizens. Liberty and independence were procured for the whole, and for posterity; why then should not all contribute to the price?

As it respects the army debt, the very terms of the bargain bind the United States. Congress promised to pay the men, but called upon the States to raise them. Afterwards, when the paper failed, the States were required to make up the depreciation. State notes were given for it, which remain due. Probably all the States cannot pay.

In this instance not only justice, but your plighted faith, require you to pay them; you have asked their services, and had them; you have promised to reward them, and they remain unrewarded. I have already supposed the case of the whole debt being thrown upon one State. If instead of the whole debt, its zeal, or the necessity of its affairs had pressed a State forward to exceed, and in its distress to disregard, its ability to pay, and, accordingly, had run in debt three times as much as it can pay—that the war had scattered its citizens and wasted its property—are the officers and soldiers who expelled the enemy, and who did not care which State line they served in, to be told, you served the United States, but you are the creditors of South Carolina? It is true, you shed your blood for us; by your valor we sit here; we have seen your wrongs, and when it would do you no good, because we had no power, we told the world how deeply we lamented them; but go home and starve. Would not this wring drops from their hearts, and plant thorns in our own?

The like reasoning will apply to another description of the debts to be assumed—to the certificates given by the Commissaries and other officers of the United States, and since assumed by the particular States. You cannot deny your own, by calling them State debts. A great part of the debt of South Carolina is said to be a debt of that kind. Is that State to be crushed with a weight which it cannot bear, or are the creditors to be ruined because the State will be undone if they are not? Or how will this comport with the principle admitted on both sides, of equalizing the expenses of the war?

The best fund of the States, and hitherto the only one of the Union, the impost, has been taken away by adopting the Constitution. Let the debts follow the funds. Let the world judge whether the generous confidence of the State creditors in the public justice ought to be abused, and whether they ought to be made to repent the cordial support which they gave to the new Constitution. The force of this argument may be inferred from the uncommon pains which have been taken to destroy it. The fact is denied, and upon this point, that the States most urgent for the assumption were not incapacitated from providing for their debts by the surrender of the impost. The impost collected in New Hampshire is called the amount of that State's contribution to the Union, and the ratio by which she ought to contribute is taken from her present representation. I waive, at this moment, all comment upon the unfairness and fallacy of this mode of computation. I proceed to observe that an uncommon use is made of the result. According to her number of representatives, that State ought to pay one-twentieth, and yet no more than a hundredth part of the impost of the Union is paid by that State, or rather collected in it; of course, it is gravely said, it will save four-fifths of the sum which it would have had to pay if the debt had been assessed upon the Union before the Constitution was framed, and this saving to the State

may apply to the discharge of its debt. But, sir, such requisitions never were paid, and never could have been paid by the States. Experience had taught us that it was not to be expected, nor was it in their power. This, indeed, was one of the principal reasons for adopting the Constitution. Are we seriously addressed when we are told that the savings of a revenue, which did not exist, that four-fifths of nothing, may be applied to pay the State creditors? Without further regarding the ridicule of the argument, let us trace the fact. The debt of New Hampshire is said to be about 230,000 dollars; the yearly interest, at four per cent, is upwards of 9,000 dollars. The impost and tonnage collected in that State, from August to December, is near 8,000 dollars. So that the impost of that State, though far short of her actual contribution to the common Treasury, will, in the whole year, greatly exceed their interest, which assuming her debt will throw upon the United States. Here, then, the fund surrendered by that State is more than adequate to the debt which ought to follow it. The whole cause has been hazarded on the fact, and here the fact is admitted to ask, whether it is not to be lamented, that through inadvertency or mistake, the whole was not mentioned? May I demand why the non-importing States were preferred to the importing States for calculating the impost? Massachusetts collected, under a State law, near 150,000 dollars impost yearly. This falls short of her present collection under the law of the Union, which is nearly equal to the interest of her debt. The excise would have supplied the deficiency, and that fund you are about to invade. It would be wrong to take away funds, though inferior to the discharge of interest, and yet to leave the whole debt upon the State. If the funds surrendered were equal to the debts, it has been admitted that the Union ought to take the debts also. The injustice of rejecting the debts, and taking the impost to a less amount, differs only in degree. But why was New York passed over in silence? The interest of the debt of that State would not equal the impost collected within it. What will you say to that State?

The candor and impartiality of the committee will be exercised in deciding whether the arguments so often urged in favor of the assumption, that you ought to take the debts with the impost, has lost any thing of its force by this investigation of facts. What is asserted on one side, and denied on the other, after a strict inquiry, ends in the same point.

There is another view of the subject to be taken. It is allowed that the people pay duties in proportion as they consume dutiable articles. The consumption in the several States is nearly according to the numbers of the people. It will be as fair in this as in the former calculation, to take the number of representatives as our rule to compute the proportions which the several States contribute by the consumption of articles charged with duties. The impost of New Hampshire and Massachusetts, collected within the period from

August to December, and added together, was nearly one hundred and twenty thousand dollars. Allow the former three parts in eleven, according to her representation, and it will appear that her citizens paid thirty-two thousand seven hundred dollars of the whole sum. Less than eight thousand dollars were collected within the State. In case the debts should not be assumed, but should be provided for by State duties and excises, according to these principles, the citizens of New Hampshire would have to pay five thousand dollars a month, or at the rate of twenty-five thousand dollars from August to December, into the treasury of Massachusetts. Connecticut in like manner would pay within an equal period fifty-four thousand dollars, and Jersey, if reckoned with New York, would have to pay about sixty thousand dollars, and with Pennsylvania still more. In a whole year, this tribute which one State would exact from another would amount to very large sums. North Carolina is a non-importing State, and in common with the others before mentioned, would have to pay for the debt of its neighbors, and then to provide for its own. Is there any justice or cause of discord or violence charged, or even imagined against the assumption equal to this? And yet we hear it said, let us leave the States to pay their debts for themselves.

Perhaps we shall never be fully agreed as to what is policy; on great questions, when the judgment should be cool, the passions most frequently interpose and disturb its decisions, and this is most likely to happen where public men are zealously faithful to their trust. But it is otherwise with our sense of justice; our pity, our gratitude, our resentments, may mislead us; but of all the operations of the moral sense, the most precise and infallible is our sense of justice. The heart acts as our interpreter, and guides us to certainty; injury or wrong is the opposite of justice. I appeal to that moral sense, to that law written upon the heart, and confidently ask, whether you can impose this burden upon the States, and call it equality? Whether you can reject the claims of their creditors, and call it justice? As to the policy of the assumption, to object is always easy. It is not hard to show how many little objections a great measure will be liable to; but, in a question of policy, we are commonly obliged to disregard little things for the sake of great ones; nor can complete proof be given of the affirmative; for, when it is asserted that bad consequences will ensue, time only can fully prove that they will not. I neither expect nor pretend to overcome every doubt when I undertake to show that it is more safe and prudent to assume than not to assume the State debts.

When we speak of policy, what is meant by the term? A measure is said to be against wise policy, when it tends to prevent good, or to produce evil; it respects either the Government or the citizens: as it respects Government, will the assumption diminish its power, or embarrass the exercise of it? Or, as it regards the people, will it produce evil and not good?

This measure can neither increase nor diminish

the power of the Government; for the power to be exercised is expressly given it by the Constitution. Will it embarrass the exercise of power? The contrary is true; it removes impediments which will be in its way, if not assumed. Experience has taught us, to our cost, how very pernicious those obstacles are. The systems of State revenues, before the Constitution was formed, had crushed industry and almost ruined trade from State to State.

Will its tendency be to evil rather than to common benefit? This, it is true, is a vague as well as complex question; but its great objects are to establish justice; to produce equality of burdens and benefits, an uniform revenue system; to secure public credit by removing every example of bad faith, and to prevent all interference between the National and State Governments, and the dangerous usurpation of the one upon the other, which would be the consequence.

How can it be said that policy is against the measure, if its tendency be such? Much has been said about consolidation. Certainly it cannot be usurpation for Congress to pay the debts which were contracted either by itself, or, at its own request, by the States. The State Governments are said to be in danger of a consolidation: that, however, is not the only, probably not the greatest, danger they have to risk; disunion is still more formidable. Nothing can shelter the small States from the greater ones but union: not would any single State be safe against the combination of several States. All would be exposed to foreign foes. If you make the State Governments strong by taking strength from the Union, they become exposed exactly in the degree you do it. For the principle of union ought to be strong in proportion to the strength of the members. In a compound ratio, therefore, you make the National Government too weak to combine the whole together, and you expose Governments and citizens to the caprice of accidents and to the fury of passions, which will confound laws, liberty, and Governments.

It is true, a body of valuable citizens will be attached to the Government; all good citizens should love the Government, and they will do so, if Government should deserve their love. Revenue powers are given to Congress without reserve. To say that it is dangerous and improper to exercise them is a charge against the Constitution.

There are but three points of view to consider the State Governments in. Either as rivals for power, as watchmen, or as legislators within the State. To call them rivals would be an avowal of the principle of disunion, or rather of positive force, which is absurd. I do not know that either the State or National Constitutions have given them the office to watch this Government. The people are to watch us all, and I wish they always may. But if the State Governments are still called watchmen, that office may be performed as well, perhaps better, without than with the incumbency of their debts. It is equally difficult to see how it can impair the rights of internal

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legislation. The assumption and an uniform plan of revenue will take away not only all pretext, but every motive for encroachment upon them. If, by the non-assumption, an interference is produced, their danger will be the more imminent. For, if they prevail in the conflict, they will be ruined by disunion; if they fall, they will be swallowed up in the consolidation. I wish, among other reasons, to have the assumption take place, because I think it will give us the best security that our Government will be administered as it was made, without suffering or making encroachments.

I hasten to notice some objections: a public debt is called an evil, and the assumption is charged with tending to increase and perpetuate it. I am not disposed to dispute about words, though I believe the debt, as a bond of union, will compensate the burden of providing for it. But I cannot admit that it is a greater evil to owe a debt, than to wipe it off without paying it; and if the whole debt is to be paid, at all events the assumption makes no increase; pay, if the modification first proposed should be made, the capital will be diminished near thirteen millions by this measure. It is said to be easier to pay eighty millions by leaving the State debts to be paid by the States, and paying the other debt ourselves, than to form the whole into one debt.

By this division of the debt, if there is any force in the objection, that we can pay more, or we shall pay what may be collected more easily, first, let us see whether this is true as to what the States will have to provide for. As it respects South Carolina, the contrary is confessedly true. So far is it from being a more easy way of paying, that they cannot pay at all. If Massachusetts can pay her interest, it will be with extreme difficulty. One gentleman observed that her efforts had raised a rebellion. It is certain that they have not succeeded. The price of the State paper in most of the States has been some proof of their incapacity to make effectual provision.

The State debts are to be paid, or they are not. If, by leaving them upon the States, they will be lost to the creditors, that cannot be supposed to be the most convenient mode of paying part of eighty millions, which is intended by the argument. Besides the shock to public credit, it would be a loss of so much property. The disaster would probably be more felt than some of the greatest physical evils, such as inundation or blasting the earth for a time with barrenness. If then the debts are to be paid, by what means? The gentleman from Virginia has strongly reprobated excises. The States cannot touch the impost, what remains? Direct taxes only. This source will be soon exhausted. The land tax of England is not more than a sixth part of its income. They have carried it as far as they think prudent. Why should not labor and stock contribute as well as land? For these give their chief value to its products. It cannot be expected that the debt will be safe to rest upon a land tax. It is not even mortgaged at all in England. If our entire funds are barely sufficient, merely a single

fund, and that not the best, will be inadequate. It is a better one in England than in America; for the wild land makes it impossible to impose very heavy taxes upon the old settlements, the oppressed people will fly beyond the reach of collectors. It is besides much more easy to procure the money in England than in America. Land taxes are not only insufficient, but liable to other objections. Land is to be taxed according to quantity or value. If the former, it will not produce much. If according to value, then you must resort to arbitrary assessments, more obnoxious than excises. Every farmer almost can attest the force of this objection. The expense, too, in England, is little; but in this country it is otherwise. Taxes on land have cost as much to collect as excises. In one of the States I am told that the collection has been estimated at thirty per cent. Experience, too, has proved that the States cannot pay their debts by direct taxes. It has been pushed to the utmost extent, and found insufficient.

The argument which has been urged by the gentleman from Virginia against excises, seems to exclude this mode of revenue; without it, the State debts cannot be provided for. The United States will be compelled to resort to it. It is absolutely necessary for drawing forth the resources of the country. As every man consumes, every man will contribute, including foreigners and transient people. Imposts cannot be carried far without defeating the collection. Duties on imported spirits would increase the use of home-made spirits, which cannot be reached without an excise. All taxes are in some degree unequal, but excises probably as little so as any. The rates are fixed, and very little is left to imposition and caprice. Besides every consumer taxes himself.

If, then, Congress should not lay excises, the best source of revenue will be lost. I am persuaded public credit cannot be supported without them. It seems to be a measure of equal necessity that the States should impose them. But the States cannot do it with convenience or much effect, for they cannot make them general. They will vary in the States, and hold out temptations to an infinity of frauds. The States are restrained from regulating foreign trade, or that from State to State; with such vast frontier lines to watch, and their powers on the importation and passage of goods by land so much restrained, and their laws obstructed and controverted by the laws of the Union, much of the collection will be defeated. The excise in Massachusetts and Connecticut, it is supposed, has not produced ten shillings in the pound of what it might be made to yield. I do not pretend that there is less wisdom in the States, but they labor under almost insurmountable difficulties. It is doubtful whether they will be able to collect much; and if they should, the burden of these rival laws has been found nearly equal to another tax.

Besides, one State will tax another. The consumers will go to the most convenient market. So that the attempt to make each State pay its own debt will be defeated, and the payments will

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fall as unequally as if the assumption should take place, and the accounts not be settled. New Hampshire, Connecticut, New Jersey, and North Carolina would pay almost wholly into the treasuries of the neighboring States. The non-imposing States will be obliged also to impose direct taxes to pay their creditors, so that their citizens will be doubly taxed. If State excises then yield so little, and are so unequal, where are those mysterious State resources which are inaccessible to Congress? If they are not of an incommunicable nature, we can judge better by hearing the subject of taxation named. It ought to appear that such exist, and that Congress could not draw them forth.

If you reject excises, you cannot have an adequate revenue; and if the States have also excises, the revenue will be impoverished and hazarded. For if an article can pay both duties, there is a loss to get but one, it might as well be collected throughout the United States as in one State; and if it cannot pay both, one or both treasuries will suffer for the loss. Besides, you incur a double expense in collecting them.

What revenues are left you if the excise is rejected? With such a slender sum you cannot offer new terms. The modification of the entire debt, as first proposed, makes a saving in the capital of almost thirteen millions. The debt to be assumed is about twenty-four. The interest on the difference, or on the real increase of debt by assuming, is less than five hundred thousand dollars yearly.

We depend upon two principles for the security of the revenues. One is that the trading people will not be disposed to offend, and the other is that all others will be inclined to watch and expose them if they should. Never was so popular a revenue system. But the violence of the just demands of the creditors, depriving them of the money they have been used to receive, and creating in the States an interest to have your collection fail, in order to make the State funds effectual, will produce a most disastrous change. It is setting men's interests as well as opinions against you. Nor will the landed interest have a different sentiment, for they will be murmuring under the load of direct taxes, and the more the State revenues can be improved by lessening the National, the less they will have to bear.

What reason is there, then, for asserting that more money can be obtained, and more easily, by several systems than by one? This bold assertion, which the sense of America would refute, if its experience had not done it already, is not true of imposts. I have endeavored to expose its fallacy with regard to State excises. They produce much evil and little money. Direct taxes, insufficient as they are, can be imposed by Congress to any amount, which ought to be required as well as by the States; and I do not know that they would be more obnoxious. It is true, just complaint is made of their unequal operation, and I trust that Congress will not be under the necessity to call for them. What advantages for taxation do the States possess over Congress? We ought

not to admit that any such exist till the reasons and facts are made known to us; which has not yet been done.

Without adequate funds the States cannot propose to their creditors a modification of the debt. By the Constitution they are restrained from passing laws to impair contracts. The burden will rest upon the States, if not assumed, at six per cent.; for without funds the creditors will not consent to take less; if assumed, upon Congress at four; is this the more easy way of paying part of eighty millions? It makes a difference of several millions against the public.

If we commit an error by not assuming, it will be an expensive one. Have we funds so abundant and safe that we may divide and mangle with impunity? But we are told that probably there will be an assumption at the next session, and that it is improper to press a decision at the present, especially as immediate provision is not to be made, and as delay will reconcile men's minds to the measure. This is plausible, but at least it is yielding the great point as to the principle. If the business should be referred to the next session with intent then to assume, the States will not impose taxes and frame funding systems for half a year. In the mean time, this state of their paper will make it the subject of the most pernicious speculation. It will be engrossed for a trifle by foreigners, and at the same time aggravate the scarcity of money by employing what there is in purchases. In this state of suspense and loss, will the public mind become tranquil? Will it unite the two sorts of creditors? But though you delay the interest on the State debts to 1792, you pass the revenue laws as soon as possible. By delay you will lose the revenue which may accumulate prior to that time. Suppose a million and a half obtained before the payment of interest shall begin, that sum will secure the interest against any probable deficiency of the duties for two or three years. Will not the public; will not the creditors of every description, derive advantage from an immediate assumption and establishment of duties, and from the proposed delay of paying interest?

It is an unusual thing for a gentleman in a public assembly to assert, that four fifths of the people are of his way of thinking. This, however, has been done. It is not strange for persons to mistake their own opinion for that of the public. These fond prepossessions may be received instead of evidence, but they cannot weigh much against evidence. My information may have been less diligently sought, and less carefully examined than that gentleman's; but I have compared it with what has been gathered by my friends, and I declare that I believe four-fifths of the wise and worthy men, in a very wide extent of country, look with strong disapprobation upon the injustice, and with anxious terror upon the impolicy of rejecting the State debts.

Little notice has been taken of an argument for the assumption, which, if just, is entitled to a great deal. I mean that which has been urged to show that it will strengthen the Government.

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The answer given is, that instead of pecuniary influence, new powers are wanting to the Constitution. This is not denying the argument, but asserting a proposition, which, if false, is to be disregarded, and if true, is not inconsistent with the point in question. So far from denying, it seems to admit the utility of the assumption, and asserts the utility of some other thing. Which other thing he has not explained, and if he had, it is probably unattainable, nor will its attainment be it what it may, be prevented by the assumption. But before we ask for new powers on paper, let us exercise those which are actually vested in Congress. What will new powers avail us, if we suffer the Constitution to become a dead letter? What has dropped from the gentleman on this point amounts to an important concession. Little topics of objection sink to nothing when it is allowed that the assumption will strengthen the Government. Is the principle of union too strong? Do not all good men desire to make it perfect? What nation has more to hope from union, or to fear from disunion? Shall we make the Union less strong than the people have intended to make it, by adopting the Constitution? And do not all agree that the assumption is not a neutral measure? If its adoption will give strength to the Union, its rejection will have the contrary effect. I have thought of this Government with the fondest enthusiasm. I have considered it as tending to mend the condition of mankind, and to perpetuate the blessings of liberty. At this late period of the debate, it is hardly possible for gentlemen to exercise impartiality. It will be an act of virtue, of magnanimous self-command to do more—to place themselves for a moment in the situation of the advocates of the assumption, and to see with their eyes. They love their country, and mean to serve it; and I am sure they would shrink from the spectre of its misery which haunts us; they would not consent to undo the Constitution in practice, to realize the evils which are only apprehended under the Confederation, and which were prevented by the total want of power in Congress. With this principle, however, it will be found that power enough is given to create division, and to make it fatal—it will beggar the Government, and bind it in chains.

No member rising immediately after Mr. Ames, and the Chairman being about to put the question, Mr. Snowick, after premising a few observations respecting the probability that some other gentlemen would wish to express their minds on the subject—in order to allow them an opportunity to do it, moved that the committee should rise. Mr. GALE moved an amendment to this motion, by adding, that the Chairman should report, "that the committee have gone through the twelve first sections of the bill, and that they be discharged from any further consideration thereof." This amendment occasioned considerable debate. An appeal was made to the Chair, whether it was in order? The Chairman gave it as his opinion that it was. An appeal from the judgment of the Chairman was made to the committee, who confirmed the declaration—thirty-two members rising

in favor of the affirmative. Some further debate ensued on the idea which had been suggested of taking up the business of assumption in a separate bill. Mr. SMITH, of South Carolina, moved an amendment to the amendment proposed by Mr. GALE; which was, to strike out what relates to discharging the committee. This motion the Chairman declared was not in order. The question being put on Mr. GALE's amendment, it was carried in the affirmative.

Mr. VINING having voted in the affirmative on Mr. GALE's motion, said, that as the vote he had now given might appear inconsistent with his past conduct on this great question, it became necessary that he should say something on the occasion. He said he was a warm advocate in favor of the State debts, agreeably to the plan proposed by the Secretary of the Treasury; the whole of that report was valuable—he should regret losing any part of it, and he had full confidence that the measure of assumption would be finally adopted. At present, however, he considered the object of the bill before the committee, independent of the bill proposed to be annexed, as of primary consequence to the United States. He thought the two objects might be separated; and he was not willing, by grasping at a shadow, to lose the substance. He thought the assumption might be brought forward, with propriety, in the form of a resolution, and he would pledge himself to do it. He thought this would comport with the idea of the Secretary.

Mr. SNOWICK said, that the gentlemen in favor of the assumption were very unfortunate in not being able to unite in the means of obtaining an object, which they not only approve, but consider as necessary to the execution of justice, and important to the welfare and happiness of their country. That a great majority of those who were in favor of the measure, thought it ought to be provided for before the funds should be established which are to secure the preservation of public credit. That other gentlemen were of opinion, that there was no natural connexion, and that therefore the subjects should be separated. That he himself was of the former opinion.

He said, it had been often asserted, and to his remembrance never denied, that the State debts were so unequal, that in some States it would be found impracticable to make an adequate provision for them, and, at the same time, for those States to contribute their equal proportion to the National Treasury. That these circumstances were well known to those men to whom the people would commit the administration of their State Governments. In this situation, what measures would the duty and interest of these men induce them to pursue? Unquestionably, without delay, by the best means in their power, to adopt a system for the preservation of public faith. Such a system, and that to be adopted by this Government could not concurrently be carried into execution; the one or the other must fail; both were the measures of Governments depending on popular opinion. That it ought to be a subject of inquiry, therefore, which would most

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probably be the object of popular affection. Here a knowledge of a few facts would be sufficient to determine the judgment. He said, he spoke only of Massachusetts, because his knowledge of facts on this subject did not extend beyond it; that in that State a very great proportion of the National securities had been alienated, and that at a very low state of depreciation. The purchasers of these securities, from principles well known, and which are inseparable from the human heart, were not the objects of affectionate regard; the system, therefore, which is to secure this debt cannot itself be popular. On the other hand, the State debt having had the interest regularly paid for some time, and at no time being without any provision for that purpose, had much the greater part of it remaining in the hands of the original holders. It was distributed throughout every part of the State, and in every village and neighborhood there remained a grateful recollection of the merit of those services which were rendered as the consideration for the existing demands against the Government; that from a cool and dispassionate reflection on these facts, gentlemen would be able with certainty to predict, without a spirit of prophecy, the issue of a Legislative contention on this ground between the National and State Governments.

Mr. S. said, that to his mind there was an inexplicable mystery in the conduct of gentlemen who declared themselves in favor of the assumption, and that they considered it irrelevant to the subject of funding the debt, and yet declined giving the reason on which such an opinion was founded. That he ardently wished that the gentlemen would condescend to give the explanation their friends requested; hitherto they had mysteriously declined to do it. He requested that they would be pleased to remember that a very considerable majority of those who are in favor of the measure supposed the debts contracted by the States for the support of the war to be the proper debts of the United States. If this was a well founded opinion, there could not possibly exist a doubt but they should be added to the list which already contained many different species of securities, that now was certainly the proper time to determine whether that opinion was just or erroneous.

He further observed, that this was the proper time to determine on this subject from another very important consideration. If the State debts are assumed, all the sources of revenue, without violence or injustice, will be at the disposal and under the control of this Government. That without the assumption, seizing on those which are necessary to secure the interest of the State debts, would be in the extreme both violent and unjust. That a tax, for instance, on spirituous liquors, was for many reasons proper, and would be in a great degree productive; that notwithstanding, should that article, under the present circumstances, be excised, it would be putting this Government on a competition to which he believed it would be found unequal.

Mr. S. further observed, that the gentleman

from Virginia (Mr. MADISON) at a time when he had not the happiness to be present, at the end of eight weeks' debate on this subject, during which time he had remained only a silent hearer, had come forward in a speech, which had been given to the public, and he was informed with great accuracy, that by means of discharging immediately afterwards the committee from the further consideration of the subject, no answer had been given to it; that this speech, which he feared was designed to make an unfair and undue impression on the public mind, was a performance, in his opinion, composed of unfounded facts, monstrous premises, and inconclusive deductions: that it would well become the magnanimity of the gentleman and the partiality of his friends, to permit a full examination of his argument, that it might justly be determined how far it deserved the character he had imputed to it.

The Committee then rose, and the Chairman reported "that they had gone through the discussion of the twelve first sections of the bill making provision for the public debt of the United States." The question whether the committee should be discharged, was prevented from being taken, by an adjournment being called for.

WEDNESDAY, May 28.

The petition of John F. Amelung, proprietor of a glass manufactory at New Bremen, in Maryland, was presented, praying for the patronage of Congress to his undertaking; referred.

RHODE ISLAND.

Mr. PAGE rose, and moved that the Committee of the Whole be discharged from considering the bill respecting the State of Rhode Island, which originated in the Senate, and hoped that it would be rejected; for, said he, I think, as the Convention of that State is to sit in a few days, we should have nothing before Congress which should tend to influence their choice of the Constitution under which they are to live. It peculiarly behooves this House, as Representatives of republican States, which have always asserted their right to judge for themselves in all cases which interested them as freemen; which adopted the plan of Government after mature deliberation, unbiassed by any such motives as the bill alluded to holds out to Rhode Island—I say it becomes this House to take care therefore that their sister State, now about to consider of the propriety of adopting the Constitution, shall be as free to judge for herself as was any other State in the Union. Should this bill pass, and should Rhode Island adopt the Constitution, she will come with so bad a grace into the Union, that she must be ashamed when she enters it, and the independent States must blush when they receive her. She will be laughed at by the majorities in the other States, and despised by the minorities. How far this may tend to strengthen the Union, let those who favor the bill judge. She would be in the situation of a soldier pressed into the service, looked upon as unworthy to be ranged with the volunteers; suspected of an inclination to desert,

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Rhode Island.

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till perhaps, indeed, it may become her interest, like his, to do so, and to act vigorously against those who had insulted her.

Surely, sir, it becomes this House to pity the frailty of the weak and ignorant, who knew not the blessings of our new Government, to forgive the perverse and wicked who oppose it from base principles, and to show a generous indulgence to that jealous, cautious, republican spirit, which indeed we should cherish and revere. Let this House manifest such a disposition, and I will venture to predict the happiest consequences. Rhode Island will find it her interest to unite with States possessing such magnanimity: her rights, she will see, can never be violated, and her true interests never can be neglected. But, sir, if we show we are more anxious to complete the numbers of our States than to preserve inviolate the rights of freemen, and the principles of the late glorious Revolution; if we are more solicitous to restrict smuggling than to extend the benign influence of our new Constitution through the State of Rhode Island, as well as through the twelve other States, what can that State expect from a Union with States thus disposed? But if we not only manifest show this disposition, but also a malevolence resembling that which Great Britain showed, when she, in her rage, to answer her revenge, and to extend her despotic power over America, shut up the port of Boston, hoping to starve into submission its virtuous citizens—must not the Rhode Islanders, like the Bostonians, detest the cruel attempt, resent it, and, by their resentment, may not the consequences be too much like those which followed in the case alluded to? May they not be applauded by true republicans throughout the world? May they not be supported by the enemies of our peace?

Sir, they will take advantage of every circumstance which may afford them an opportunity of gratifying their envy or revenge. There is, perhaps, but one nation upon earth, which wishes to see these States flourish in peace, and it may not be long before she may think that our growing greatness may interfere with hers. Let us not, therefore, run the risk of endangering the peace and harmony of the United States; let us not even wound the feelings of a sister State; let us not expose ourselves to a charge of inconsistency, impropriety, rashness, and cruelty; but let us, to avoid these charges, discharge the Committee of the Whole, take up the bill in the House, and reject it at once, leaving Rhode Island unbiassed, by any thing Congress can do, to adopt or reject the Constitution, as they may think proper. If they adopt it, the bill will be unnecessary; if they should reject it, then let us leave them on a footing with foreigners—they are all at present, and should be treated as such. But it is said our revenue is in danger. Sir, take my advice, and you will make it the interest of Rhode Island to unite with us, or at least lay her under a high obligation not to smuggle; but go on with the bill, and you force her to smuggle, nay, perhaps, to be your enemy for ever. States in Europe adjoining each other, show us that this bill is unnecessary. It

would be thought madness there to interdict all commercial intercourse of neighboring States, merely with a view to prevent smuggling. It would I believe, too, be looked upon as equal to a declaration of war.

Sir, I lament that this bill has been committed; but if it should now be taken up and rejected, it will be doing all that can be done—and will show, that as soon as the attention of the House was turned to it, a proper regard was shown for the rights of freemen. This bill is too inconsistent with the character which the Representatives of these States ought to support; it has too much the appearance of certain British acts of Parliament, which our constituents have execrated. Surely, sir, the Representatives of Massachusetts must unite with me in opinion, that such a bill should not be committed. The members of States which applauded the glorious spirit of that State in opposition to a similar act, who risked their all in her support, and thereby acquired liberty and immortal honor, will, I trust, vote with me; and surely the States which came late into the Union, and such as adopted the Constitution by a small majority, will consider that the case of Rhode Island might have been their own. Surely, even those, if such there be amongst us, who think that devoted State to be as British Ministers said America was—a nest of miscreants—will allow that it will be inhuman to punish the innocent with the guilty. I think, therefore, that the bill deserves not the sanction of this House; that it is impolitic and unjust. I hope the committee will be discharged, and the bill taken up for a third reading, and rejected, time enough to leave the Convention of Rhode Island free to adopt the Constitution, or reject it, as they may please.

Let us consider with what indignation the Convention of any of the States which we represent, if about to sit on such an occasion, would have received such an act of Congress. Would they not have protested against it as an insult, and adjourned without deliberating on the favorite Constitution? Is there a man in this House, were he in such a Convention, who would not agree to such a protest and adjournment? But, sir, let us consider the design of the bill. If it be intended to induce the State of Rhode Island to come into the Union, I think I have shown that it is badly calculated to answer that purpose; and if it be intended to prevent smuggling, I think I have shown that it is more likely to produce that evil than to prevent it. If the motion be agreed to, no inconvenience can arise, but much mischief may be prevented. I hope, therefore, that the House will agree with me, that the Committee of the Whole be discharged, and will not leave such a bill hanging over the heads of the people of Rhode Island, which must put them into a situation different from that of any other State in the Union when they adopted the Constitution. Let it not be said, sir, I conjure this House, that the confederated republics of America have united upon any other principle than that of a free and perfect conviction of the excellence of their federal plan of Government. Let it not be said that fear

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Public Debt.

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had any share in bringing even the smallest State into the Union. Let us not treat a sister State in the very manner we disdained to be treated by Great Britain.

Several gentlemen observed on the impropriety of the motion, as the bill was made the order of a future day, next Monday, and Mr. PARKER having withdrawn his second, the motion subsided.

PUBLIC DEBT.

The House then proceeded to consider the report made yesterday by the Committee of the whole House on the bill making provision for the debt of the United States: whereupon, the Committee of the Whole was discharged from the further proceeding on the said bill.

And then the amendments proposed by the said committee to the first, second, fourth, eighth, and twelfth sections of the said bill, being severally read at the Clerk's table, were, on the question put thereupon, agreed to by the House.

The following amendment to the third section being under consideration, to wit:

To the end of the section, add, "Those which shall be issued for the bills of credit, issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars, in the said bills, for one dollar in specie."

Some debate took place, and the yeas and nays being called upon it, were as follow:

YEAS—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hathorn, Huger, Huntington, Leonard, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Sherman, Smith, of Maryland, Sylvester, Sturgis, Sumter, Thatcher, Tucker, Wynkoop—31.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Carroll, Coles, Contee, Hartley, Heister, Jackson, Lawrence, Lee, Madison, Mathews, Moore, Muhlenberg, Page, Scott, Seney, Sinnickson, Smith, of South Carolina, Steele, Stone, Trumbull, White, Williamson—25.

A further provision was then moved for, that interest should be computed on the said bills from the day of —.

This also caused some debate, and was decided by yeas and nays:

YEAS—Messrs. Ames, Foster, Gerry, Gilman, Goodhue, Grout, Hathorn, Huger, Leonard, Livermore, Partridge, Sedgwick, Sumter, Thatcher, Tucker—16.

NAYS—Messrs. Ashe, Baldwin, Benson, Bloodworth, Boudinot, Burke, Cadwalader, Carroll, Coles, Contee, Fitzsimons, Floyd, Gale, Griffin, Hartley, Heister, Huntington, Jackson, Lawrence, Lee, Madison, Mathews, Moore, Muhlenberg, Page, Parker, Rensselaer, Schureman, Scott, Seney, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturgis, Trumbull, White, Williamson, and Wynkoop—42.

And the main question being put, that the House do agree to the amendment to the said third section, as before amended, it was resolved in the affirmative.

THURSDAY, May 27.

Mr. FITZSIMONS, from the committee appointed 1st Con—52

for the purpose, presented a bill to provide for the settlement of the accounts between the United States and the individual States; which was twice read and committed.

PUBLIC DEBT.

The House proceeded to consider the bill which lies on the table, making provision for the debt of the United States.

Mr. HEISTER moved that so much of the third section as respects funding the indents should be struck out. This motion was supported by Messrs. JACKSON, WILLIAMSON, and PAGE. Mr. HEISTER gave a statement of certain facts relating to the situation of Pennsylvania in regard to indents; and enforced the propriety of his motion in a speech of considerable length. The motion was opposed by Messrs. SHERMAN, FITZSIMONS, GERRY, and VINING; and on the question being put it was negatived, ten or eleven members only rising in favor of it.

On motion of Mr. FITZSIMONS, the section respecting the non-subscribing creditors was amended by inserting these words: "including the interest to the last day of December next." The bill was then ordered to be engrossed for a third reading on Monday next.

Mr. BOUNDINOT read a number of resolutions in favor of the assumption of the State debts; in substance Mr. GERRY's late proposition. These were laid on the table.

NEXT MEETING OF CONGRESS.

Mr. FITZSIMONS read the following resolution, which was laid on the table, viz:

Resolved, That Congress will meet and hold their next session at Philadelphia.

FOREIGN INTERCOURSE.

A message was received from the Senate informing the House that they have passed the bill providing the means of intercourse between the United States and foreign nations, with one amendment; also, that the President of the United States has given his assent to the act to continue in force the act to regulate processes in the Courts of the United States, and the act for the government of the Territory south of the river Ohio.

The above amendment was to strike out the clauses which specify the officers to be employed abroad, and the salaries to each; and leave the application of the sum appropriated by the bill to the President of the United States. On the question to agree to this amendment, the yeas and nays were demanded, and are as follows:

YEAS—Messrs. Ames, Benson, Cadwalader, Gale, Goodhue, Griffin, Hartley, Heister, Huntington, Lawrence, Lee, Parker, Partridge, Smith, of South Carolina, Stone, Trumbull, Vining, and Wynkoop—18.

NAYS—Messrs. Baldwin, Bloodworth, Boudinot, Brown, Burke Carroll, Coles, Contee, Fitzsimons, Floyd, Foster, Gerry, Gilman, Grout, Hathorn, Huger, Jackson, Leonard, Livermore, Madison, Mathews, P. Muhlenberg, Moore, Page, Rensselaer, Schureman, Sedgwick, Scott, Seney, Sherman, Sylvester, Sin-

sinnickson, Steel, Sumter, Thatcher, Tucker, White, and Williamson—38.

AMENDMENTS TO THE CONSTITUTION.
Mr. STEELE's motion on the subject of amendments was taken up.

The motion was divided; and the first part, respecting the appointment of a committee to examine and report the decisions of the several States on the amendments proposed by Congress to the Constitution of the United States, was agreed to; and Messrs. STEELE, MOORE, and CONTESSA were appointed. The other part, respecting additional amendments, was negatived.

PUBLICATION OF TREATIES.

Mr. GAFFAY laid the following resolution on the table:

Resolved by the Senate and House of Representatives, That all treaties made, or which shall be made, by the United States, be published and annexed to the laws of the United States.

BARON STEUBEN.

Another message was received from the Senate, informing the House that they had passed Baron Steuben's bill with amendments. The said amendments were laid on the table. The Senate propose to increase the annuity from two thousand to two thousand five hundred dollars, and to disallow the payment of the seven thousand dollars.

FRIDAY, May 28.

DEBTS OF THE STATES.

On motion made that the House do agree to certain resolutions making provision for the payment of the debts of the individual States, it was ordered that said resolutions be committed to a Committee of the Whole.

BARON STEUBEN.

The House took up the amendments proposed by the Senate to the bill for adjusting and satisfying the claim of Frederick William de Steuben. Mr. GOODPASTER moved that the consideration thereof be postponed to the next session. This motion was opposed by Messrs. GERRY, VINING, SMITH, of South Carolina, PAGE, CARROLL, and LIVERMORE, and being put was negatived.

The several amendments were agreed to. That which proposes, after striking out the seven thousand dollars, to add five hundred dollars to the annuity, was, on motion of Mr. THATCHER, determined by yeas and nays.

YEAS—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Floyd, Gale, Gerry, Hartley, Heister, Huger, Huntington, Lawrence, Lee, Livermore, Moore, Muhlenberg, Page, Parker, Scott, Sylvester, Smith, of South Carolina, Trumbull, Tucker, Vining, White, and Wynkoop—32.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Foster, Gilman, Goodhue, Griffin, Grout, Hathorn, Jackson, Leonard, Partridge, Rensselaer, Schureman, Seery, Sherman, Sinnickson, Smith, of Maryland, and

Messrs. VINING and HARTLEY replied to Mr. THATCHER.

Mr. SHERMAN observed, that the business more immediately before Congress he considered of so much consequence that he could wish the present motion might be withdrawn. He should have no objection to taking it up next Tuesday or Wednesday.

Mr. FITZSIMONS said, that if the House would agree that it should be taken up next Tuesday or Wednesday, he was not so tenacious of the present moment as to object to such a postponement.

Mr. LIVERMORE objected to the House's pledging itself to take up the motion next week.

Mr. WHITE was in favor of taking up the motion at the present time; he conceived that it might soon be determined. Recurring to the Journals, he said, it appears that in last session there was a considerable majority of the House in favor of Germantown as the permanent residence; that being the case, there can be no difficulty in fixing on Philadelphia as a temporary residence. He wished, therefore, the question might now be determined.

Mr. PARKER was in favor of deciding on the question. He mentioned a variety of inconveniences which resulted from meeting in New York.

Mr. GERRY replied particularly to the two last gentlemen, and observed that it is of more consequence to the people what Congress do than where they sit.

Mr. SMITH objected to the motion. He considered the question as unimportant to the community at large whether Congress met at one place or another. He considered it improper in itself, as it is certain that the present Congress will hold another session. The members of this Congress were chosen to meet in New York. He thought it quite unnecessary that at the last session the members should be dragged away to another place. He added many other observations, and concluded by saying that he should call for the yeas and nays.

Messrs. WILLIAMSON, BURKE and BLOODWORTH, made a few remarks. A sufficient number of members rising in favor of calling the yeas and nays, they are as follows:

YEAS—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Cole, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, P. Muhlenburg, Page, Parker, Scott, Seery, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, and Wynkoop—32.

NAYS—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Huger, Huntington, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Sherman, Sylvester, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, and Tucker—27.

So it was determined to take up the resolution. The resolution was then read.

Mr. LAWRENCE observed, that at the last session it was said that the union of the States depended on fixing the permanent residence. He queried

whether it would be more easy to fix on this residence after an adjournment to Philadelphia? If Congress remove to Philadelphia, he conceived the difficulty of ever fixing on a permanent residence would be much increased, and probably rendered insuperable. How far the question of permanency would be involved in the present discussion he would not pretend to say. The last session the question greatly agitated the House, in a manner that the members generally regretted that it had been brought on. He considered the question as local, and in that view he thought it ought to subside till business which concerned the whole Union should be decided on. He thought the question premature so far as it might involve the idea of a permanent residence, as it appeared to be proper to wait till the enumeration of the inhabitants should be completed. New York does not contemplate Congress tarrying here for a long season. He observed that for a variety of reasons it was as proper a situation as any for a temporary residence.

Mr. HUNTINGTON objected to the resolution, and on general principles contended for Congress tarrying where they now are. He pointed out the difficulties and expense which would attend the removal. He adverted to the conveniences and accommodations of this city; but he was opposed particularly to the idea of change till a permanent situation should be fixed on.

Mr. BOUNDINOT said, he voted against the question's coming on, on the principle that more important business is before the House. He added other observations, and moved that the resolution should be amended so as to include the idea of a permanent residence, in these words: "Resolved, That the permanent seat of the Government of the United States shall be fixed in some convenient place on the banks of the Delaware, and that Congress meet and hold their next session," &c. This was made a question of order. The Speaker determined that the motion was not in order. An appeal was made to the House, and the question decided by yeas and nays.

YEAS—Messrs. Benson, Boudinot, Burke, Coles, Floyd, Foster, Gerry, Goodhue, Hathorn, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Partridge, Rensselaer, Schureman, Sedgwick, Seery, Sherman, Sylvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Thatcher, Trumbull, and Tucker—29.

NAYS—Messrs. Ames, Ashe, Bloodworth, Baldwin, Brown, Clymer, Contee, Cadwalader, Fitzsimons, Gale, Gilman, Griffin, Grout, Hartley, Heister, Jackson, Matthews, Moore, Muhlenburg, Page, Parker, Scott, Sinnickson, Steele, Sumter, Vining, White, Williamson, and Wynkoop—29.

The SPEAKER having before decided in the negative, the amendment was lost.

Mr. LAWRENCE moved that the question be referred to a committee of the Whole House. This was lost.

Mr. SMITH, of Maryland, moved that the resolution be amended, by striking out Philadelphia, and inserting Baltimore.

H. OF R.]

Debts of the States.

[JUNE, 1790.]

Mr. SHERMAN moved Wilmington. Mr. VINING observed, that as there was no probability of carrying Wilmington, he could consider the motion in no other light than as designed to embarrass.

Mr. AMES rose to exculpate Mr. SHERMAN from the imputation of insincerity. He said he had uniformly discovered a predilection for Wilmington.

The debate was continued respecting Philadelphia and Baltimore.

Mr. SENEY, Mr. STONE, and Mr. LAWRENCE, spoke in favor of Baltimore, as being more central. Mr. WHITE, Mr. HARTLEY, and Mr. FITZSIMMONS, against the motion.

Mr. SMITH, of Maryland, mentioned some particulars of the commerce of Baltimore; the laws they had passed respecting ceding to Congress ten miles square; he also informed the House that the inhabitants of that town had raised a subscription of between 20 and £30,000 to erect suitable accommodations for the members.

Mr. FITZSIMMONS, after observing that his object being to remove from New York, proposed that the place should be left blank; the House agreeing to this.

It was then moved that the blank should be filled up with New York.

Mr. GERRY said, he considered the question of great importance, and if no sufficient reason can be assigned for it, it will be found to be attended with very serious consequences. What reason can be given for the removal? I know of none; if Congress should meet the next session at Philadelphia, it will very probably be moved to return again to New York; and thus Congress will be as a political shuttlecock, bandied about between two rival cities. He contrasted the accommodations of New York and Philadelphia, and gave the preference to those of the former. He adverted to the expense the city of New York had been at to accommodate the Government, and said, that Congress could not remove with honor, without reimbursing them the expense. He thought it of importance to determine the question respecting the temporary and permanent residence of Congress; for while the question remains doubtful, it will always be insinuating itself in all great national questions. Is this a situation for this Government to continue in? He replied to some observations respecting the "wealth and security of Philadelphia," and observed, that with respect to the latter, there was no great force in the remark, as it is a time of profound peace, and no inconvenience had, as he believed, or would arise on account of the former.

On the question to insert New York, the yeas and nays were as follows:

YEAS—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Hunter, Huntington, Lawrence, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Sherman, Sylvester, Thatcher, Trumbull, and Tucker—25.

NAYS—Messrs. Ashe, Baldwin, Brown, Cadwalader,

Carroll, Clymer, Coles, Contee, Fitzsimmons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Leonard, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sennickson, Smith, of Maryland, Steele, Stone, Sumter, Vining, White, Williamson, and Wynkoop—35.

Baltimore and Philadelphia were then proposed to fill up the blank, almost at the same instant; some debate ensued, which should be put first.

Mr. CARROLL observed, that as he saw no probability of carrying Baltimore, though he considered it as a proper place, on account of its being more central than any other that has been mentioned, he should vote for Philadelphia, as being nearer the centre than any other situation he saw a prospect of being agreed to.

Mr. SENEY moved an amendment, to add after Philadelphia "or Baltimore."

Mr. VINING, Mr. HARTLEY, and other members opposed the motion, as leading to no decision with respect to either place.

The motion for adding Baltimore was determined in the negative.

YEAS—Messrs. Benson, Bloodworth, Burke, Floyd, Gerry, Grout, Hathorn, Huger, Jackson, Lawrence, Partridge, Rensselaer, Seney, Sylvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Sumter, Thatcher, Trumbull, and Tucker—22.

NAYS—Messrs. Ashe, Ames, Boudinot, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimmons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Huntington, Lee, Leonard, Livermore, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Partridge, Scott, Seney, Sennickson, Smith, of Maryland, Steele, Stone, Sumter, Thatcher, Vining, White, Williamson, Wynkoop—38.

The question for inserting Philadelphia was also determined by yeas and nays.

YEAS—Messrs. Ashe, Baldwin, Boudinot, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimmons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Leonard, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Partridge, Scott, Seney, Sennickson, Smith, of Maryland, Steele, Stone, Sumter, Thatcher, Vining, White, Williamson, Wynkoop—38.

YEAS—Messrs. Ames, Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrence, Livermore, Rensselaer, Schureman, Sedgwick, Sherman, Sylvester, Smith, of South Carolina, Sturgis, Trumbull, and Tucker—22.

The proposition as filled up was then put and agreed to.

Sundry reports from the Secretary of the Department of War were read.

Mr. MOORE presented several papers containing representations from the people of a particular part of Virginia, respecting inconveniences which attend holding the Federal Courts in that State, and moved for a leave to bring in a bill to repeal part of the judicial law.

TUESDAY, June 1.

DEBTS OF THE STATES

On motion of Mr. WILLIAMSON, the House went into a Committee of the Whole on the bill

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Debts of the States.

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providing for the settlement of the accounts between the United States and individual States, Mr. SENEY in the Chair.

The first clause proposed that the Secretary and Comptroller of the Treasury should be associated with the three Commissioners already appointed. This was objected to by Mr. GERRY; he observed that if the appointment of the additional Commissioners was vested in the Supreme Executive, agreeably to the Constitution, there can be no doubt that the appointments would be made from such different parts of the Union as would give universal satisfaction. Upon the plan of the bill two of the Commissioners will be from South Carolina; Mr. KEAN and the Comptroller, from an extreme part of the Union. This, he presumed, would not give satisfaction; besides, he said, it was invading the prerogative of the President. He moved, therefore, that the words "Secretary and Comptroller of the Treasury," should be struck out, and the words "two Commissioners" inserted.

Mr. SEDGWICK rose to inquire why there should be an addition to the Commissioners? He observed that increasing the men who are appointed to transact any business is generally found to protract the completion of such business; he had very little hope that the accounts, in the way they are now in, would ever be satisfactorily settled; he moved to strike out the whole clause.

Mr. WILLIAMSON made some observations in support of the clause.

Mr. FITZSIMMONS, one of the committee, stated the reasons which induced them to make the association. He observed that the objections which had been now made occurred to the committee. With respect to the objection from the Comptroller's being from South Carolina, that was obviated by its being known that the accounts of that State were fully and accurately made out by the late Commissioner from that State, and, therefore, no undue influence was to be apprehended on that account; that from the Comptroller's appointment as an officer of the United States, and not of any particular State, and his being connected with the Treasury Department, there appeared to be a propriety in associating him with the Commissioners. An increase in the number of the Commissioners had been found, on experience, to be absolutely necessary for a variety of reasons, which he stated.

Mr. SHERMAN expressed his approbation of the clause in the bill. He thought the addition proposed would be a measure of utility, that it was proper in itself; and, with respect to the Comptroller, he was so well acquainted with him, that he had the fullest confidence in his abilities and integrity. The proposition is eligible in another view, as it will be deriving great advantage from the abilities of the gentleman, without any additional expense.

Mr. LAWRENCE opposed the clause on similar principles with those offered by Mr. GERRY; and with respect to increasing the weight of public business in the hands of those officers, without an

allowance for it, he could not see either the justice or propriety of it.

Mr. VINING read a clause, which he proposed to offer as a substitute for that in the bill; the object of which was to bring this business into the Treasury Department, under the superintendence of the Secretary of the Treasury and the Secretary of State.

This idea received the approbation of Mr. MADISON. He stated the different principles those which under the Confederation directed the public establishments, which ought to influence the Government under the present Constitution.

Mr. GERRY objected to the proposed substitute. He considered it as a very extraordinary innovation. He argued against it principally on the ground of its unconstitutionality, as interfering with the right of the President and Senate in making the appointments. He replied to the answer which had been given to his objection, from there being more than one Commissioner from a particular State; he observed the answer proved too much; he had as high an opinion of the honor and abilities of the gentleman alluded to as any member of the committee, and he had no doubt that competent characters to form the whole board might be selected from many particular parts of the United States; but would any gentleman, said he, think such a measure politic or eligible? The appointments made by the President of the United States were upon a different principle; he controverted the idea of vesting such extensive powers as the substitute offered by Mr. VINING proposed, and with respect to appointments, he observed, that of all the branches of the Legislature, the House was perhaps the least qualified to make them.

Mr. VINING supported his proposition; he observed that his motion was not a greater innovation than that proposed by the bill; he stated the incompetency of the present system; he thought the House had been too much influenced by the resolutions and regulations of the old Congress; he wished that principles and not precedents should influence the decisions of Congress in future. With respect to the present Commissioners he had as high an opinion of the abilities of the gentlemen as any man, and he doubted not that they would be re-appointed; he expatiated on the necessity of a new arrangement in this business, and enforced the propriety of appointing characters eminent in the public estimation, whose decisions would be the result of a comprehensive and competent view of the subject.

Mr. GERRY's idea was finally adopted by the House, and the appointments of additional Commissioners devolved on the President of the United States.

The committee rose, and reported progress.

AMENDMENTS TO THE CONSTITUTION.

A Message was received from the President OF THE UNITED STATES, informing the House that he had received official information of the ratification and adoption of the Constitution of the United States, by the State of Rhode Island and

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Providence Plantations, on which event he congratulated the House. A letter from the President of the Convention to the President of the United States accompanied the Message, which was read.

RHODE ISLAND.

Mr. SMITH, of South Carolina, then moved that the Committee of the Whole should be discharged from considering the bill to prevent a commercial intercourse with the State of Rhode Island, &c., which was immediately put and carried in the affirmative.

On motion of Mr. SENDWICK, a committee was appointed to report a bill or bills for giving effect to the laws of the United States, in respect to the State of Rhode Island and Providence Plantations.

DEATH OF THEODORIC BLAND.

Information having been received of the death of the Honorable THEODORIC BLAND, one of the members of the House, Mr. JACKSON moved that a committee should be appointed to superintend his funeral.

This business was specially referred to the delegation from the State of Virginia.

Mr. GERRY's motion for printing the treaties between the United States and foreign nations, and annexing them to the code of laws, was taken up and passed.

WEDNESDAY, June 2.

PUBLIC DEBTS.

The engrossed bill making provision for the payment of the debts of the United States, was read the third time and passed.

Mr. CARROLL, from the committee to whom was referred the petition of John F. Amelung, made a report.

DEBTS OF THE STATES.

The House again resolved itself into a committee on the bill for settlement of the accounts between the United States and individual States, Mr. SENY in the Chair. The committee not having got through the bill, rose and reported progress.

On motion of Mr. GERRY, Resolved unanimously, That the members of this House, from a sincere desire of showing every mark of respect due to the memory of THEODORIC BLAND, deceased, late a member thereof, will go in mourning for him one month, by the usual mode of wearing a crape round the left arm.

Mr. SENDWICK, from the committee appointed on the subject, presented a bill for giving effect to the laws of the United States within the State of Rhode Island and Providence Plantations, which was twice read and committed.

THURSDAY, June 3.

The Senate informed the House that they have agreed to the resolution for the publication of

treaties made under the authority of the United States.

GLASS MANUFACTURES.

The House proceeded to consider the report of the committee on the petition of John F. Amelung. The resolution, in favor of the petitioner, by the committee, was as follows:

"That the Secretary of the Treasury of the United States be authorized to make a loan not exceeding \$8,000 to the said John F. Amelung, he giving satisfactory security for the reimbursement of the same within — years."

The question was on agreeing to this resolution.

Mr. CARROLL gave a history of the rise and progress of this gentleman's exertions in establishing an American Glass Manufactory; it commenced in 1775. He brought into this country upwards of two hundred persons, and has expended in this undertaking £20,000. Owing to a variety of accidents, and particularly the extraordinary rise in the price of grain, he now finds himself greatly embarrassed in prosecuting the business; but if he can be so far patronized by Government as to be favored with a loan of three or four thousand pounds, it would afford him such relief as would enable him to surmount every difficulty.

Mr. SMITH, of South Carolina, and Mr. SHERMAN, objected to the report of the committee. They doubted the Constitutionality of the power of Congress to loan the money of their constituents; they objected to it on account of the precedent it would establish, and supposed that the encouragement and assistance would be applied for with more propriety to the State Government.

Mr. CARROLL made some observations in reply to these remarks.

Mr. VINING said he had no idea of losing a good thing lest a precedent should be established, which no future circumstances might probably call into use. He then adverted to the extraordinary and peculiar circumstances of this gentleman, and on general national principles contended that it was conformable to the dictates of the soundest policy to encourage and assist the undertaking. He said that the Constitution does not prohibit the Government from loaning money, it is a mere act of legislation, and Congress may do it, or let it alone. Congress is vested with a general power to encourage the arts and manufactures of the United States; this is one mode of affording this encouragement. He enlarged on the importance of manufactures, and that of making glass in particular, by which, if duly encouraged, immense sums of money might be prevented from being sent out of the country.

Mr. BOURNOR, who was one of the committee which brought in the report, gave an account of the manufactory, and said he had seen some of the glass made in it, which was superior to any ever before produced in America. He contended that Congress had a right, by the Constitution, to loan the money; he cited several instances in point; which, said he, are unconstitutional acts if this

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proposition is. He expatiated on the merits of the petitioner, in embarking such large property in prosecuting a business of so general utility, and pointed out the consequences which would result from a failure of this application, which would be greatly injurious to the petitioner and the public.

Mr. SHERMAN read that part of the Constitution which he conceived was contrary to the proposition in the report.

Mr. SENDWICK said he had no doubt of the Constitutionality of the measure in granting the money, still he doubted the eligibility of any partial application of the public patronage and encouragement. He mentioned the various manufacturing enterprises on foot through the United States; many of these are languishing, said he, for want of that encouragement which is now solicited in this particular instance. He had no doubt of the merits of the petitioner; and although he was in favor of giving all due encouragement to industrious foreigners, yet he doubted the propriety of doing this in a partial manner, and in preference to the natives of this country; if the subject should be brought forward on general principles, said he, it shall receive my hearty support, so far as the circumstances of the country will admit.

Mr. AMES entered into a particular discussion of the subject of manufactures, and dilated on their utility and importance in the United States. He pointed out the difficulties which attended setting them up in this country, from the competition they have to contend with of foreign articles. He then stated the principles on which public patronage ought to be extended to undertakings in this line; his idea was, that such as are of general advantage to the public should be so far encouraged as to place the manufactures upon terms of equality with foreign manufactures of a similar nature; he did not conceive the present circumstances of the United States would justify or enable them to undertake to afford this encouragement generally; but he supposed that there was a propriety in taking up particular branches, and determining what particular aid they shall receive.

Mr. JACKSON was opposed to the report. He was averse to any partial encouragement; particularly of foreigners in preference to our own citizens, whose circumstances are in many respects truly deplorable from the failure of manufactures, which had long been established in the country. He observed that our creditors had a prior claim on the revenue, and that the measure was precipitate. Gentlemen are not content, said he, with placing the American tonnage in a hot-bed, but they are now for placing manufactures also in one. He supposed the State of Maryland would derive great advantage from this undertaking, and that they would encourage the petitioner without doubt; he wished the gentleman success, but was for referring him to the State Legislature.

Mr. SENY supported the report of the committee, and urged the propriety of the application to

the General Government, as the undertaking is of general utility, and such extraordinary exertions merited the notice, patronage, and assistance of the United States at large.

Mr. GERRY, after a variety of other observations, said, the agricultural and commercial interests of the United States had found warm advocates in the House; manufactures had found some friends, but, he believed, not to so great a degree as the other two. He wished that some mode could be devised to unite in measures to promote the interests of all three. He concluded by saying, that as there appeared to be a variety of sentiments on the subject, he wished the House should go into a Committee of the Whole on the business.

Mr. STONE made some observations in favor of the report.

Mr. SMITH, of South Carolina, replied to the several speakers in favor of the report. He reproved the resolution as unconstitutional, as opening a door to innumerable applications. He contended that there was no probability of effectual aid and certain aid to the manufacture, as it is acknowledged that £20,000 have been employed in the undertaking, and yet it is in danger of failing. He then read an advertisement of Mr. Amelung, in which he says he is still able to furnish the public with glass. He observed, that from all circumstances, he was led to conclude, that if the money was once granted, it would never be again realized by the Government, as in case of accidents, which are very probable in that business, Congress will be applied to, on account of misfortunes, to remit their claim. The report was negatived.

UNITED STATES AND INDIVIDUAL STATES.

The House again went into a Committee on the bill to provide for the settlement of the accounts between the United States and individual States, Mr. SENY in the Chair. Sundry amendments were agreed to, and several clauses expunged. The committee rose and reported progress.

FRIDAY, June 4.

RHODE ISLAND.

The engrossed bill for giving effect to the laws of the United States within the State of Rhode Island and Providence Plantations, was read the third time and passed.

Mr. SENDWICK, from the committee appointed for the purpose, presented a bill for giving effect to an act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations, which was twice read and committed.

UNITED STATES AND INDIVIDUAL STATES.

The House again went into a Committee on the bill to provide for the settlement of the accounts between the United States and the individual States, Mr. SENY in the Chair. The committee had nearly finished their discussion, when they rose and reported progress.

Mr. MADISON moved that the Committee of the Whole be discharged from the further consideration of this bill; which motion being carried, this bill will hereafter be taken up in the House.

MONDAY, June 7. POST OFFICE.

Mr. LIVERMORE, from the committee to whom was recommended the bill for regulating the Post Office of the United States, presented an amendatory bill to establish the Post Office and post roads within the United States; which was twice read and committed.

CENSUS ACT—RHODE ISLAND.

Mr. SEDGWICK, from the committee appointed for the purpose, presented a bill for giving effect to an act providing for the enumeration of the inhabitants of the United States, in respect to the State of Rhode Island and Providence Plantations; which was read twice and committed.

UNITED STATES AND INDIVIDUAL STATES.

The House proceeded to the consideration of the report of the Committee of the Whole on the bill to provide for the settlement of the accounts between the United States and the individual States, and agreed to the same.

Several amendments were then proposed to the bill, some of which were agreed to; and on motion of Mr. SCOTT, a clause was added to increase the salaries of the clerks of the Commissioners from four hundred dollars per annum to five hundred, the salaries given in all the other offices.

Mr. MADISON then moved for another amendment, the consideration of which was postponed till to-morrow.

TUESDAY, June 8. RHODE ISLAND.

The engrossed bill for giving effect to the act to establish the Judicial Courts of the United States within the State of Rhode Island and Providence Plantations, was read the third time and passed.

On motion of Mr. BOUNDNOT, a committee was appointed to inquire and report to the House the business necessary to be transacted previous to an adjournment.

UNITED STATES AND INDIVIDUAL STATES.

The bill providing for the settlement of accounts between the United States and individual States, was taken into consideration. Several amendments were proposed and debated: some of them were agreed to, and others rejected. The bill being finished, it was ordered to be engrossed for a third reading.

DUTIES ON SPIRITS.

The House resolved itself into a Committee of the Whole on the bill for repealing, after the last day of —, the duties heretofore laid on

distilled spirits of foreign manufacture, and laying others in their stead, Mr. BOUNDNOT in the Chair. The bill being read, some progress was made in the discussion; the committee then rose, and the House adjourned.

WEDNESDAY, June 9.

UNITED STATES AND INDIVIDUAL STATES.

The engrossed bill to provide for the settlement of the accounts between the United States and the individual States was read the third time, and re-committed to a Select Committee.

A message from the Senate informed the House that they have passed the bill giving effect to the several acts therein mentioned to the State of Rhode Island and Providence Plantations, with an amendment; which, being considered, was agreed to by this House.

SEAT OF GOVERNMENT.

Mr. GERRY gave notice that he should to-morrow bring forward a resolution to fix the permanent residence of Congress somewhere on the eastern banks of the Delaware.

DUTY ON SPIRITS.

In Committee of the Whole on the bill for repealing, after the last day of — next, the duties heretofore laid on distilled spirits, &c.

Mr. GOODHUE moved to strike out the twelfth section, which provides for an excise on spirits distilled in the United States. This motion occasioned considerable debate. The excise was opposed, as interfering with those funds of the particular States on which they depend for paying the interest of their State debts, which would be a most glaring act of injustice, unless those debts are assumed by the United States; others objected to the principle of excises altogether. The motion was finally negatived.

THURSDAY, June 10.

On motion, the following resolution was presented for consideration:

SEAT OF GOVERNMENT.

Resolved, That when the two Houses shall adjourn to close the present session, the President of the Senate and Speaker of the House of Representatives do adjourn their respective Houses, to meet and hold their next session in the city of Philadelphia.

The yeas and nays being called for on the question of considering the resolution, they were taken, as follows:

YEAS—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Lee, Madison, Mathews, Moore, P. Muhlenberg, Page, Parker, Scott, Seney, Simmickson, Smith of Maryland, Steele, Stone, Sumter, Vining, White, Williamson, and Wynkoop—32.

NAYS—Messrs. Ames, Benson, Bloodworth, Boudnot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Jackson, Lawrence, Leonard, Livermore, Partridge, Van Rensselaer, Schuerman, Sedgwick, Sherman, Sylvester, Smith of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, and Wadsworth—29.

The motion being before the House for a decision, a motion was made that the same should be committed to a Committee of the Whole, and that the proposition moved yesterday, by Mr. GERRY, should, at the same time, be referred to the committee, with instructions that they examine into the question relative to a place for fixing the permanent seat of Government.

This motion for commitment also gave rise to considerable debate about the usual time of adjournment.

A motion was made to adjourn; on this motion the House divided—yeas 29, nays 28. The SPEAKER declared himself in favor of the minority. The House was then equally divided, and the motion in consequence lost.

The question being at length put for commitment, it was negatived—yeas 28, nays 33.

YEAS—Messrs. Ames, Benson, Boudnot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Lawrence, Leonard, Livermore, Partridge, Van Rensselaer, Schuerman, Sedgwick, Sherman, Sylvester, Smith of Maryland, Smith of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, and Wadsworth—28.

NAYS—Messrs. Ashe, Baldwin, Brown, Bloodworth, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Simmickson, Steele, Stone, Sumter, Vining, White, Williamson, Wynkoop—33.

A motion was again made for an adjournment; the House divided—yeas 30, nays 31.

Mr. BLOODWORTH then moved that Philadelphia should be struck out of the resolution, and Baltimore inserted.

After some debate on this motion, another motion was made to adjourn, and carried.

This debate was supported by arguments and observations similar to those stated in a former day; but greatly enlarged on this occasion. Those in favor of determining on the temporary residence, or an adjournment to Philadelphia, urged its greater centrality than New York; the injustice done to the Southern States in holding the sessions in so uncentral a situation; the uneasiness of the people on this account; the present temper of the House; the tendency of the question to irritate and inflame; the interruption of the public business, and the influence the subject might be supposed to have in determining great national questions; that the determination of a very great majority of the House had been overruled in an unprecedented and extraordinary manner by the Senate; the House ought in justice to themselves, and to their constituents, who were greatly interested in the issue of the question, to insist on their former vote, &c. From these considerations the advocates for Mr. PARKER's motion urged an ultimate decision on the question.

In reply, it was observed, that the question is of a mere local nature, which ought not to be brought forward at the present moment, to interrupt the great and important national business before the House; that the people were anxiously waiting for a completion of this business; that

they would view with concern and disgust the men whom they had appointed to transact affairs of the greatest moment, agitated, irritated, and wasting time in discussing a question of, confessedly, a local nature; that though the resolution had been once carried by a large majority in the House, it was negatived in the Senate; and there was no prospect of a different decision; that if Philadelphia was agreed upon as the place to which Congress should adjourn, it must appear, from a most cursory view of the state of representation, that it would be extremely difficult ever to effect a removal to a more central situation, and no one pretended that it was the most eligible place for a permanent residence. It was further said, that in order to remove all cause of further uneasiness on this subject, it was become necessary to determine the permanent seat of Government. On this last idea many observations were made, and the eligibility of the measure urged with great zeal. The motion to take up Mr. PARKER's resolution being carried,

Mr. SEDGWICK, after a number of observations, moved that the resolution now before the House should be referred to a Committee of the Whole, and that that committee be instructed to take into consideration the motion of Mr. GERRY, laid on the table yesterday, for fixing the permanent seat of Government on the banks of the Delaware.

Mr. CARROLL observed, that when the subject was originally brought before the House, it was moved to take up the permanent residence; that motion was then rejected; why, then, should we waste time on a subject which has already been determined? If gentlemen are sincere who profess to be concerned about the other public business, they certainly will not go into a Committee of the Whole, as now proposed.

Mr. AMES rose and declared, that he, as well as those with whom he acted, were sincere in their professions when they wished to bring forward the permanent residence; he thought it of the utmost importance that the subject should receive a final determination. This motion, as before stated, was negatived.

FRIDAY, June 11.

DISTILLED SPIRITS.

On motion that the House resolve itself into a Committee of the Whole on the bill for repealing, after the last day of — next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, as well as to discourage the excessive use of these spirits and promote agriculture, as to provide for the support of the public credit, and for the common defence and welfare—

The yeas and nays being called for, were:

YEAS—Messrs. Ames, Boudnot, Benson, Burke, Foster, Floyd, Gerry, Goodhue, Hathorn, Huntington, Huger, Jackson, Lawrence, Leonard, Livermore, Rensselaer, Sedgwick, Sherman, Sturgis, Sylvester,

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Schureman, Smith, of Maryland, Smith, of South Carolina, Trumbull, Thatcher, and Wadsworth—26.
 NAYS—Messrs. Ashe, Baldwin, Brown, Bloodworth, Carroll, Cadwalader, Coates, Clymer, Coles, Fitzsimons, Gale, Griffin, Gilman, Grout, Hartley, Heister, Madison, Moore, P. Muhlenberg, Matthews, Page, Parker, Seney, Steele, Scott, Sinnerickson, Stone, Vining, Williamson, Wynkoop, and White—31.

On motion of Mr. HARTLEY the House took up the resolution for holding the next session of Congress at Philadelphia.

Mr. BLOODWORTH withdrew his motion for striking out Philadelphia and inserting Baltimore. Mr. BRUCE renewed the motion for Baltimore. The question for striking out Philadelphia and inserting Baltimore, after some debate, was determined by yeas and nays as follows:

YEAS—Messrs. Ames, Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Jackson, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Sedgwick, Seney, Sherman, Sylvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Sumter, Thatcher, Trumbull, Tucker, and Wadsworth—31.
 NAYS—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coates, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Lee, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Scott, Vining, White, Williamson, and Wynkoop—28.

On the question on the main resolution as amended by the insertion of Baltimore, the yeas and nays were as follows:

YEAS—Messrs. Ames, Ashe, Baldwin, Benson, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coates, Floyd, Foster, Gale, Gerry, Goodhue, Griffin, Grout, Hartley, Hathorn, Heister, Huger, Huntington, Jackson, Lawrence, Leonard, Livermore, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Partridge, Rensselaer, Scott, Sedgwick, Seney, Sherman, Sylvester, Sinnerickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturgis, Sumter, Thatcher, Trumbull, Vining, Wadsworth, and White—53.
 NAYS—Messrs. Fitzsimons, Gilman, Schureman, Tucker, Williamson, and Wynkoop—6.

NORTH CAROLINA.

A Message was received from the PRESIDENT OF THE UNITED STATES with a copy of the ratification of the amendments to the Constitution, by the State of North Carolina.

DUTY ON SPIRITS.

In Committee of the Whole on the bill for repealing, after the last day of —, the duties heretofore laid on distilled spirits of foreign manufacture, and laying others in their stead.

The committee proceeded as far as the 47th section of the bill; they then rose, and the Chairman reported progress.

MONDAY, June 14.

DISTILLED SPIRITS.

The House again went into a Committee of the Whole on the bill for repealing certain duties heretofore laid on spirits of foreign manufacture,

and for laying others in their stead, Mr. SENEY in the Chair.

The committee proceeded in the discussion of the bill, and finished it; they then rose, and the Chairman reported the same to the House, with sundry amendments.

Mr. SEDGWICK made some objections to entering into a consideration of the amendments proposed to this bill. He wished that the question of assumption should be first decided upon.

Mr. SHERMAN was in favor of finishing the bill at this time. He wished and expected that the assumption would be taken up before the close of the session, and said it may be made the subject of a separate bill.

Mr. BLOODWORTH offered several objections to the bill.

Mr. MADISON was in favor of finishing it.

Mr. FITZSIMONS observed, that the gentlemen who are for delaying the passage of this bill, do not explicitly object to the mode pointed out for raising the additional revenue; they do not say, that if this plan is rejected, they will agree to substitute other objects of revenue; so that those who are in favor of providing the ways and means to carry into effect the funding system are embarrassed how to proceed. If the gentleman will be explicit, and declare that if the proposed duties are not taken by the General Government, they will point out and agree to others, we shall know what to do; but, at present, it is utterly impossible to determine, from their mode of procedure, what their object is.

Mr. SEDGWICK replied to Mr. FITZSIMONS. He said, for his own part, he had always aimed to be open and explicit on this subject; and that he was now ready to declare, that, on the principle of not assuming the State debts, the duties contemplated by the bill would be impolitic and unjust; they will operate in a most inauspicious manner, both with respect to the creditors of the States, the tranquillity of the State Governments, and the peace and honor of the General Government. This had been, he said, the invariable tenor of his observations on this subject, from the first to the last.

Mr. STONE read a statement which he had prepared, containing several duties on imposts and tonnage, in addition to those already laid, and some new ones, which he supposed might be substituted in lieu of the excise proposed in the bill, to which he was opposed.

Mr. GERRY was opposed to proceeding in the consideration of the bill. He wished it might lie for a few days, till the House could possess themselves of the opinion of the Senate, whom he had been informed, now had the subject of assumption under consideration.

Mr. FITZSIMONS replied to Mr. GERRY. He thought it a very extraordinary proposition that the House should wait for the determination of the Senate upon any subject, more especially a question of this kind; besides, he very much doubted the right of the Senate to originate any thing on the business of the assumption; but we are not to decide hastily, said he, because a ma-

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majority may determine differently from what some gentlemen appear to wish should take place. I would ask, said he, how this Legislature is ever to go on with the important business before them, except they are to abide by the decision of the majority? Some gentlemen appear to be opposed to the principle of the bill, others are opposed to all duties except the State debts are assumed. Let us reflect on our situation, provided no provision is to be made for the domestic debt of the United States. He hoped the consideration of the bill would be delayed no longer.

Mr. GERRY replied to Mr. FITZSIMONS. He contended that the Senate had a right to originate the business of the assumption, and that it had been customary for that House to wait for the decision of the Senate, when they had been informed that they were on a subject which the House had contemplated taking up; he declared, that no man realized more than he did the importance of funding the public debts; but then he wished the system to be commensurate to the object; to be impartial, liberal, and just.

On the question to take up the report of the committee, Mr. Vining moved for the yeas and nays, which being called, were as follows:

YEAS—Messrs. Ames, Baldwin, Brown, Cadwalader, Clymer, Coates, Fitzsimons, Floyd, Foster, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Livermore, Madison, Matthews, Moore, Schureman, Seney, Sherman, Sinnerickson, Smith, of Maryland, Stone, Sumter, Vining, White, Wynkoop, Williamson—30.

NAYS—Messrs. Ames, Bloodworth, Boudinot, Burke, Coles, Gerry, Goodhue, Grout, Huger, Lawrence, Leonard, Page, Partridge, Parker, Rensselaer, Sedgwick, Sylvester, Smith, of South Carolina, Steele, Sturgis, Thatcher, Trumbull, Tucker, Wadsworth—24.

The House then took up the amendments proposed, and agreed to the same. Other amendments were made.

The clause which imposes a duty on stills was objected to by several gentlemen, and after some conversation on the subject, it was agreed that the bill should lie on the table.

Mr. FITZSIMONS laid the following resolution on the table, viz:

Resolved, That from and after the last day of —, the duties heretofore laid on teas and coffee shall cease, and that the following be laid in their stead, viz:
 On Bohea tea, 12 cents per lb.
 Souchong and other black teas, 20 cents.
 Hyson tea, 40 cents.
 Other green teas, 24 cents.
 Coffee, 6 cents.

GENERAL POST OFFICE.

The House then went into a committee on the bill to establish the Post Office and post roads within the United States, Mr. Boudinot in the Chair. Some progress was made in the bill; but the committee rose and had leave to sit again.

A message from the Senate informed the House that they have passed the act for extending the Judicial law of the United States to the State of

Rhode Island, with one amendment, which was to reduce the salary of the District Judge from one thousand to eight hundred dollars. This amendment was agreed to.

TUESDAY, June 15.

WEST POINT.

Mr. LAWRENCE, from the committee appointed for the purpose, presented a bill authorizing and empowering the President of the United States to purchase such a part of the tract of land at West Point as the public service may render necessary, which was twice read and committed.

GENERAL POST OFFICE.

The House again went into a committee on the bill to establish the Post Office and post roads within the United States, Mr. Boudinot in the Chair.

The section which prohibits passengers from carrying letters, under a penalty of three times the postage, was objected to, as impracticable in itself. It was moved that it should be expunged.

Mr. LIVERMORE, who was one of the committee, observed, that this section was introduced to prevent the diminution of the revenue from the Post Office. The mail is now carried in stage coaches, in which there are generally several passengers, sometimes as many as six, and it is supposed that many more letters go by the passengers than by the mail; it is to be supposed that most persons would wish to be excused from the trouble of carrying these letters, and if this section passes, they will be furnished with an excuse for not taking them; and it appears very unreasonable and absurd that the public should pay the proprietors of the stages for transporting the mail, and in this way be defrauded out of that revenue which they are undoubtedly entitled to receive.

Mr. WHITE and Mr. GERRY were in favor of striking out the clause. Mr. SEDGWICK and Mr. SHERMAN in favor of it as in the bill.

The motion for striking out was negatived. The committee proceeded as far as the 21st section, and then rose and reported progress.

WEDNESDAY, June 16.

JOHN SEVIER, another member from North Carolina, appeared and took his seat.

A Message from the President of the United States was received, with the ratification of the Constitution of the United States by the State of Rhode Island.

GENERAL POST OFFICE.

The House again resolved itself into a committee on the bill to establish the Post Office and post roads, Mr. Boudinot in the Chair.

Sundry other amendments were made to the bill, which being gone through, the committee reported it to the House.

The House took the amendments into consid-

The first amendment respected the particular routes to the various parts of the United States, by which the mail is to be carried. Several alterations were made in two sections, on motion of individual members.

Mr. SEDGWICK observed, that it was impossible for every particular member perfectly to understand the reasons on which a variety of alterations had been agreed to. He instanced the establishment of roads to several places, which run nearly parallel. Gentlemen, said he, who move for different establishments, may fully understand themselves in the motions they make; but, for his own part, he confessed, that he could give as good a reason for his negative as his affirmative, on several that have been adopted. He therefore moved that the two first clauses should be struck out, and offered a clause as a substitute, which was to authorize the Postmaster General, with the approbation of the President of the United States, to establish the post roads from Wisconsin, Massachusetts, to Savannah in Georgia.

This motion was objected to by Mr. HARTLEY, Mr. LIVERMORE, Mr. WHITE, and Mr. GERRY. It was observed, that a similar clause had been rejected by the Committee of the Whole, when the first bill was before them. It was further said, that it cannot be supposed that the Postmaster General knows what routes are most eligible, better than many of the members; the constitutionality of the motion was doubted. Those in favor of the motion stated the difficulties which would probably arise upon the present plan; if a road is established which is found on trial to be improper, it will be difficult to alter it; and at any rate it cannot be done without an act of the Legislature.

In reply to the objection of the unconstitutionality of the motion, it was said, the motion goes no further than delegating a power to an Executive officer, consonant to the office which he sustains, instead of the House attempting to exercise that power, when it does not appear that it can be exercised by them; besides, if the discretionary power is unconstitutional, there are several other parts of the bill which are unconstitutional; for the power of establishing such extra roads as to him may appear necessary, is vested in the Postmaster General. If the House mean to avoid a great deal of unnecessary business, which will probably come before them in petitions to abolish old roads, and establish new ones, the proposition appears necessary.

The motion was negatived by a great majority. The amendment of the first and second sections were agreed to. Several new roads were proposed to be added; when Mr. BODINOT observed, that he plainly perceived it would be necessary to vest some discretionary power in the Postmaster General, relative to this particular object; for he very much apprehended that the roads already agreed to would render the Post Office a great burden on the United States. These observations were followed by a motion for an adjournment, which took place.

THURSDAY, June 17.

WEST POINT.

The engrossed bill to authorize the purchase of a tract of land for the use of the United States was read the third time and passed.

FEES OF CONSULS.

Mr. GERRY moved the appointment of a committee to consider and report whether any, and what, fees, perquisites, or other emoluments, shall be annexed to the office of Consul and Vice-Consul; and Messrs. GERRY, BODINOT, and HUNTINGTON, were named as the committee.

UNITED STATES AND INDIVIDUAL STATES.

Mr. FITZSIMONS, from the committee to whom was committed the engrossed bill to provide for the settlement of the accounts between the United States and the individual States, reported an amendatory bill, which was twice read and committed.

GENERAL POST OFFICE.

The House resumed the consideration of the report of the Committee of the Whole on the bill to establish the Post Office and post roads, which being gone through, the bill was ordered to be engrossed for a third reading.

FRIDAY, June 18.

DUTY ON SPIRITS.

On motion of Mr. FITZSIMONS, the House resumed the consideration of the bill for repealing certain duties heretofore laid on foreign spirits imported, and substituting others in their stead.

The question was on engrossing the bill for a third reading.

Mr. STONE moved for a recommitment to a select committee, who were to be instructed to report a plan of ways and means, agreeable to a resolution laid on the table a few days since.

This motion was negatived. Mr. FITZSIMONS proposed a clause enabling the proprietor, importer, or consignee, to make a deposit of part of the duties articles as a security for the duties in lieu of additional bonds. This was agreed to.

Mr. PARKER moved that the bill should be referred to the Secretary of the Treasury, with instructions to report a system of ways and means, exclusive of an excise. Mr. P. observed, that he should think himself obliged to vote against the bill in its present form; but if the excise is disposed of, he would give to a bill providing the ways and means all the support in his power.

This motion was seconded by Mr. BLOODWORTH, but after some debate was negatived.

A motion made by Mr. GERRY, for striking out the two sections which provide for laying an excise, occasioned considerable debate, and was finally determined by yeas and nays, as follows:

YEAS—Messrs. BURKE, COLES, GERRY, GOODHUE, GRIFFIN, GRUNT, HUGER, HEISTER, MOORE, MUEHLBURG, PAGE, PARKER, SEDGWICK, SMITH, of South Carolina, STEELE, SUMTER, THATCHER, TUCKER, and WHITE—19.

YEAS—Messrs. AMES, ASKE, BALDWIN, BENSON, BLOODWORTH, BODINOT, BROWN, CADWELLER, CARROLL, CONTEE, FITZSIMONS, FLOYD, FOSTER, GALE, GILMAN, HARTLEY, HATHORN, HUNTINGTON, JACKSON, LAWRENCE, LEONARD, LIVERMORE, MATTHEWS, RENSSELAER, SCOTT, SENEY, SEVIER, SHERMAN, SYLVESTER, SINICKSON, STONE, TRUMBULL, WADSWORTH, WYKOOPE, and WILLIAMSON—35.

Sundry other amendments were proposed, some of which were adopted, others negatived. It being late, the question for engrossing was not put, and the House adjourned.

MONDAY, June 21.

POST OFFICE BILL.

The engrossed bill to establish the Post Office and post roads within the United States was read the third time and passed.

ADJOURNMENT.

A message from the Senate informed the House that they have concurred in the resolution of this House for appointing a joint committee to determine upon a proper time for adjournment.

DUTIES ON SPIRITS.

The House resumed the consideration of the bill for repealing certain duties heretofore laid on foreign spirits imported, and substituting others in their stead.

The question being on engrossing the bill:

Mr. STONE observed, that no man could be more in favor of making provision for the debt of the United States than himself; but the present bill pointed out a mode which he conceived to be the worst that could be devised; the most exceptionable, and would turn out the most unproductive. He should therefore vote against the bill, on a full conviction that other funds, entirely unexceptionable, might be found, and which might be contained perhaps in a quarter of a sheet of paper. He said he should call for the yeas and nays.

Mr. CARROLL observed, that as so much time had been taken up in maturing the bill, he hoped that it would be ordered to be engrossed; the business is of very great importance, and ought now to be finished. He wished, therefore, that the yeas and nays might not be called in the present stage of the bill, as it would not, he conceived, answer the purpose intended by the gentleman.

Mr. STONE withdrew his motion.

Mr. BLOODWORTH renewed the motion, but afterwards he withdrew it.

Mr. PAGE said, he hoped the yeas and nays would be called.

Mr. JACKSON was also in favor of coming to an ultimate decision on the bill.

Mr. GERRY said, if there is a majority of the House who are determined to reject the bill, he could not see of what use it was to have it engrossed.

Mr. FITZSIMONS said, he had observed, that if this bill should be rejected, there would be great difficulty in finding other resources. He wished that the House would now decide upon it.

Mr. VINING spoke in favor of the bill, and was for trying the strength of the House on the question, and in that view was in favor of calling the yeas and nays.

The question on engrossing the bill was determined in the negative, as follows:

YEAS—Messrs. BROWN, CADWELLER, CARROLL, CONTEE, FITZSIMONS, FLOYD, FOSTER, GALE, GILMAN, GRIFFIN, HARTLEY, HEISTER, LEE, LIVERMORE, MADISON, P. MULLENBERG, SENEY, SHERMAN, SINICKSON, SMITH, of Maryland, VINING, WHITE, and WILLIAMSON—23.

NAYS—Messrs. AMES, ASKE, BALDWIN, BENSON, BLOODWORTH, BURKE, COLES, GERRY, GOODHUE, GRUNT, HATHORN, HUGER, HUNTINGTON, JACKSON, LAWRENCE, LEONARD, MATTHEWS, MOORE, PAGE, PARKER, PARTRIDGE, RENSSELAER, SCOTT, SEDGWICK, SYLVESTER, SMITH, of South Carolina, SEVIER, STEELE, STONE, STURGIS, SUMTER, THATCHER, TRUMBULL, TUCKER, and WADSWORTH—35.

By this vote, the bill, of course, was lost.

On motion of Mr. FITZSIMONS, a committee was appointed to devise a plan for payment of the interest on the debt of the United States. Messrs. FITZSIMONS, MADISON, SEDGWICK, SHERMAN, and TUCKER, were named as the committee.

UNITED STATES AND INDIVIDUAL STATES.

The House then again went into a committee on the bill to provide for the settlement of the accounts between the United States and the individual States, Mr. SENEY in the Chair.

Mr. FOSTER moved that the provision for two additional commissioners should be struck out.

Mr. LAWRENCE objected to the motion. He observed, that very extensive powers were given to these commissioners; the objects on which they are to decide are of the utmost importance; and he thought that five commissioners would give more satisfaction to the people than three.

Mr. LIVERMORE was in favor of the motion. He thought the business would be procrastinated in proportion to the number. Three have been thought sufficient; nothing new has been offered to show that any more are necessary. If the number were increased to sixty, he thought it would only embarrass the more; he considered the addition as an indirect impeachment of the gentlemen now in office; he had never heard any fault found with them; he believed they were competent to the business. If we make the addition, what has been done may all be lost labor. If three would finish the business in three years, he had no doubt that five would take five years.

Mr. WILLIAMSON said, he differed from the gentleman last up in respect to the addition to the board being an impeachment or imputation on the gentlemen now in office. The powers proposed to be vested are much more extensive than those by the former bill, which renders it expedient that the number should be increased, that more accurate information from various parts of the Union may be collected. He said, he had the highest opinion of the present commissioners; they were gentlemen whose abilities were undoubtedly respectable; but he could not conceive that their abilities or importance would be lessened or depreciated by the proposed addition.

Mr. LIVERMORE made some reply to Mr. WILLIAMSON.
The motion for striking out was negatived.
On motion of Mr. SHERMAN, the sixth section was amended to read thus:
"That the States who shall have balances placed to their credit on the books of the Treasury of the United States, shall, within _____ after the same shall have been credited, be entitled to have them funded upon the same terms as the other debts of the United States."

Mr. SMITH, of South Carolina, moved that the clause which deprives the States of the power of transferring the debts due to them from the United States should be struck out. He observed, that he could see no reason for the prohibition; it appears absurd that a State should not have it in its power to transfer its demands against the United States to its creditors. He wished that gentlemen would assign the reasons for the clause.

Mr. SENEWICK said, he would give the reason; it was to prevent increasing the demands against the United States, in the hands of foreigners; this was a desirable object, and ought to be attended to as far as possible. In respect to the domestic debt, it was to be lamented that so much of it was in the hands of foreigners. This, however, could not be prevented; but with respect to the present case, it may be done without any injury whatever; and, therefore, we ought to extend the prohibition as far as we can consistent with justice.

Mr. SHERMAN spoke against the motion.
Mr. SMITH supported his motion. He showed the inconvenience and expense that would attend the double operation of the States' first receiving their interest, and then paying it to their creditors. He further observed, that it was treating the States like children; individuals may transfer their demands, but the States are not so be trusted. He added other remarks, when the question being taken the motion was lost.

Mr. SENEWICK then moved that the clause be amended to read—"and no debt due to any particular State shall be transferable." This was agreed to.

The clause which provides for paying the clerks \$500 from the time of their appointment was amended by striking out the last words—"from the time of their appointment."

The committee rose and reported the bill with the amendments.

The House took up the bill. The amendment respecting the clerks was objected to by Mr. SENEY; it was, however, agreed to by the House.

Mr. JACKSON moved that the clause determining the rule of apportionment, in the following words—"The rule for apportioning to the States the expenses of the war, shall be the same that is prescribed by the Constitution of the United States for the apportionment of representation and direct taxes, and according to the first enumeration that shall be made," should be struck out; and called for the yeas and nays, which were as follows:

YEAS—Messrs. Ashe, Baldwin, Floyd, Foster, Gil-

man, Hathorn, Jackson, Lawrence, Livermore, Sedgwick—10.
NAYS—Messrs. Ames, Benson, Bloodworth, Bondi-not, Brown, Burke, Cadwalader, Carroll, Coles, Con-tee, Fitzsimons, Gale, Goodhue, Griffin, Groat, Heister, Huger, Huntington, Leonard, Madison, Muhlenberg, Moore, Page, Partridge, Rensselaer, Schureman, Scott, Seney, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Sevier, Steele, Stone, Sturges, Sumter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Williamson—45.

A clause was proposed by Mr. TUCKER, for "continuing the salaries of the commissioners to the _____ day of _____ although the accounts should be settled prior to that period." The first part was agreed to; from the word "although" to the end was negatived.

A motion was made by Mr. STEELE to amend the clause which respects the claims of the States, to strike out the word "was" before the word *exhibited*, and to insert the words "shall be." This motion was negatived. The bill was then ordered to be engrossed for a third reading to-morrow.

TUESDAY, June 22.

The engrossed bill to provide for the settlement of the accounts between the United States and the individual States, was read the third time, and passed.

Mr. GOODHUE, from the committee appointed for the purpose, presented a bill imposing duties on the tonnage of ships or vessels, which was twice read, and committed.

Mr. WILLIAMSON from the committee to whom was recommended the bill for giving effect to the act providing for the enumeration of the inhabitants of the United States, in respect to the State of Rhode Island, reported sundry amendments, which were laid on the table.

INDIAN TRIBES.

The House resolved itself into a Committee of the Whole on the bill to regulate intercourse with the Indian tribes; Mr. BOUNDINOT in the Chair. The Committee proposed several amendments to the bill, which were reported to the House, and agreed to.

Mr. SHERMAN then moved that the fourth section should be struck out of the bill; viz: "That a sum of money, not exceeding _____ thousand dollars, be appropriated out of the moneys arising from duties on imports and tonnage, subject to the orders of the President of the United States, to be laid out in goods and articles of trade, suitable for supplying the wants and necessities of the Indians, and to be vended and retailed to them through the agency of the said Superintendents, and persons to be licensed by them for that purpose, in such manner, and conformably to such regulations, as the President of the United States shall establish."

On this motion Mr. JACKSON called for the yeas and nays, which are as follows:

YEAS—Messrs. Ashe, Bloodworth, Coles, Floyd, Foster, Gerry, Goodhue, Hathorn, Heister, Huger,

Huntington, Jackson, Leonard, Livermore, Parker, Rensselaer, Schureman, Sedgwick, Sevier, Sherman, Sylvester, Stone, Sturges, Sumter, and Tucker—26.

NAYS—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Lawrence, Lee, Madison, Matthews, Moore, P. Muhlenburg, Page, Scott, Sinnickson, Smith, of Maryland, Smith of South Carolina, Steele, Trumbull, Wadsworth, and White—27.

On motion of Mr. STEELE, a clause was added, limiting the duration of the bill to two years. It was then ordered that the bill be engrossed. Adjourned.

WEDNESDAY, June 23.

INDIAN TRIBES.

The engrossed bill to regulate trade and intercourse with the Indian tribes, was read a third time, and passed.

The petition of Elias Hasket Derby was presented, praying relief in the payment of duties on a case of teas.—Referred.

CONGRESS LIBRARY.

Mr. GERRY, from the committee appointed for the purpose, reported a catalogue of books necessary for the use of Congress; which report was ordered to lie on the table.

FOREIGN INTERCOURSE.

A message from the Senate informed the House that they recede, in part, from their amendment, disagreed to by this House, to the bill providing the means of intercourse between the United States and foreign nations, and have agreed to a further amendment to the said bill, to which they request the concurrence of this House.

TONNAGE DUTY.

The House then resolved itself into a Committee of the Whole on the bill imposing duties on the tonnage of ships or vessels. Mr. BOUNDINOT in the Chair.

On motion of Mr. Vining, the second section was amended, so as to exempt vessels belonging to citizens of the United States from paying tonnage in a port on the sea-coast, or a navigable river, adjoining the State from whence they came. The committee having gone through the bill, rose and reported the same. The bill was then ordered to be engrossed.

THURSDAY, June 24.

TONNAGE DUTY.

The engrossed bill imposing duties on the tonnage of ships or vessels was read the third time, and passed.

FOREIGN INTERCOURSE.

Mr. GERRY, from the managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act providing the means

of intercourse between the United States and foreign nations," made a report, which was read, and ordered to lie on the table.

OFFICERS OF THE NAVY.

On motion of Mr. HARTLEY, the report of the Committee on the memorial of the Officers of the Navy was taken into consideration by the Committee of the Whole: the report is as follows:

The Committee report, that they do not find any reason sufficient to justify the difference that has been made in the compensation of the officers of the army and of the navy of the United States, and are, therefore, of opinion, that a law ought to pass for granting five years' pay, equal to the commutation of half-pay, and also a bounty of land, to the officers of the navy, upon the same principles, and in the same manner, as has been granted to the officers of the army of the United States.

Mr. SHERMAN observed, that, by the memorial and the report, it appears that the memorialists do not pretend to have any claim on the public by virtue of any existing resolutions of Congress. The subject is very fully before the committee; it lies with Congress, therefore, to determine what is proper to be done under such circumstances. The application stands entirely on the basis of its own merits, and he could conceive of no difficulty in deciding on it.

Mr. STONE observed, that it is true there is no claim by virtue of any antecedent contract or promise; nor was commutation, he believed, promised to the officers of the army. In this view, the officers of the navy stand exactly upon the same footing with those of the army. He then entered into a consideration of the merits, services, and sufferings, of the officers of the navy; and from these and other considerations, urged the justice of their claims, as he could see no reason for the difference that had been made.

Mr. HUNTINGTON said, but a little consideration was necessary to recollect the reason of the difference between the officers of the navy and army. The officers of the army were first in the public service; the navy was not formed until some time after hostilities commenced. The officers of the navy were put on the same footing, in respect to pay, as the army; the former had some advantages in point of rank, and they were entitled to a part of their captures. He then gave an account of the origin of commutation—which was granted on account of the peculiar exigencies of affairs at that time. During the time this business was in agitation there were very few navy officers in the public service, and no application was made by them for half-pay or commutation. They were ashore, and many of them had retired to civil life. The reason, therefore, why they are not included in the commutation was, there did not appear at the time any necessity for the measure, as the United States did not then want a navy; whereas the public exigencies with respect to the army were such as rendered the resolution for the commutation to them absolutely necessary. He, however, thought the claim of the navy officers founded on justice; and justice, said he, is the

strongest plea that can be urged in support of any demand whatever.

Mr. HARTLEY supported the memorial. He gave the officers great credit for their bravery, services, and attachment to the cause of their country. He dilated on the hardships and sufferings they endured; he adverted to the advantages they derived from captures, which he stated to be very inconsiderable. Their claims, said he, appear to me to be founded on the strictest and most impartial justice; he hoped, therefore, that the report would be accepted, and a committee appointed to bring in a bill accordingly.

Mr. BALDWIN, who was one of the select committee which made the report, stated some of the reasons which influenced the committee; also the considerations which were supposed to have led to the distinction between the navy and army, in respect to commutation—one of which was, that the officers of the navy were in the line of their particular calling, and which they were enabled to pursue with perhaps greater advantages than they ever did before. Other circumstances were mentioned by him, tending to invalidate their claim.

Mr. SHERMAN observed, that if this report is adopted, it will open a very wide door indeed to applications for half-pay or commutation. He then gave a history of the origin of commutation or half-pay, which, he said, was considered at the time as a measure of necessity, and not of justice; and has been very much complained of by several of the States. The above necessity did not exist with respect to the officers of the navy, as, at the time, there were but two or three ships in service. From this state of facts, he inferred that no precedent could be drawn in favor of extending the commutation to the officers of the navy. He thought that their case was entitled to the consideration of the Legislature, on the principles of equity; he should, therefore, be for the committee's making full inquiry into the circumstances of the whole business, and making such provision as justice should point out; but he was against the report in its present latitude.

Mr. BUNES replied to the observations of Mr. BALDWIN, respecting the officers of the navy being in the way of their profession; and, from the nature of the service, he showed that there was little weight in the observation. Their circumstances were very much altered for the worse, and they were now left in a very destitute situation; whereas the officers of the army are enjoying posts and places of honor and profit. Their silence on the subject has been mentioned. He observed, that their dispersed situation had been the principal reason of their not coming forward with their petition before. Mr. B. observed, that the officers of the navy were not treated like other prisoners when they were taken; they suffered peculiarly, not as prisoners of war, but were treated like rebels, whose crimes were of the blackest nature.

Mr. SENEY, said he was, and always had been an advocate for the claims of the officers of the navy: he thought their memorial founded on the

strictest justice. He introduced the representation to Congress of the "illustrious" Commander-in-chief of the late army, on the subject of half-pay and pensions, which he read. He then entered into a comparative view of the relative merits of the army and navy; and said it was well known that many of them made as great sacrifices as the other description of officers. With respect to prize money, he doubted whether they had ever been benefited by it. In some instances, where they had expected the most, they had, through the failure of agents, received only a certificate, worth about five shillings in the pound; and that he received only for a part of what was due. He replied to the several objections which had been offered, and concluded by saying it would be unjust and impolitic not to grant their claims.

Mr. SENEY observed, that no gentleman in the committee had deeper impressions made upon him, by the grateful recollection of the merits and services of those brave men to whom America owed its freedom, than himself. Yet, under the present circumstances of the country, he thought it a duty he owed the people who had confided their interest to his management, to examine, on principle, the demands which were made upon the Government for pecuniary grants. The applicants, in the present instance, did not place their demand on the ground of contract. For the contract, under which the services had been rendered, had been completed with according to the specified terms, and performed to the extent of the powers of the Government, in the same manner as other claims of a similar nature had been satisfied. It was further, he said, to be noticed, that during the time those services were performing, no dissatisfaction had been manifested by the present memorialists. From these observations, then, it clearly followed, that, in point of contract, the claims of the officers of the navy were in all respects similar to those of every other individual in the community, who had received satisfaction by the same means. It would then become gentlemen to reflect on the consequences which would result from the establishment of a precedent, which would go to the invalidation of all the final settlements which had been made.

Mr. SENEY said, gentlemen had supported the claim of the applicants from a supposed analogy of their circumstances to those of the gentlemen of the army. He said there was the difference which arose from the circumstance already mentioned. The commutation was founded in contract; the present claim was destitute of that support. There were also other material circumstances which very widely differed in the two cases. The officers of the army were called from pursuits by which they were enabled to support and provide for their families, and to abandon their prospects of establishment by the business to which they had been educated. On the other hand, the gentlemen of the navy were promised handsome wages for continuing in that business to which they had been educated, and for which they were best, if not only qualified; and this, too, at a time when, by the destruction of our commerce, many

of them otherwise must have wanted employment. They had likewise additional encouragement from a participation in the avails of prizes, while the army derived no emolument from any such source. That the report of the Select Committee being unsupported either on the ground of contract or the principles on which the grant to the officers of the army was made, the application was merely to the generosity of the Government. He said it was a principle, from which he professed himself determined never to depart, not to dissipate that property in idle or visionary projects of generosity, which is necessary to the performance of justice. That the arduous scenes in which we had been engaged, had imposed the necessity of practising a rigid economy. That the conduct which we might, under present embarrassments, pursue, it would be improper hereafter to consider as a precedent. That it would, indeed, be a noble and generous sentiment to compensate all those losses which our friends had sustained by the war. But he asked, if such would not be a vain attempt? Can we compensate all the desolation of fire and wanton depredation, provoked from the enemy by the patriotism of particular districts in this country? Can we retribute the sufferings which have been caused by the depreciation of our currency? Or the ruin of thousands and thousands by our delays of payment, and the consequent depreciation of our securities? Can we administer to the relief of the vast number of widows and orphans, who, from those circumstances, have been reduced from affluence to want and beggary? Remember, too, he said, the sages, who, in the hour of danger, watched over your security; and who, in their best days, abstracted themselves from every lucrative pursuit, and devoted all their time and talents to the service of their country. These patriots, now in the evening of life, are the most meritorious objects of the generosity of the Government, yet they would nobly disdain to ask, or to receive the aid of the Government, however necessary to them, until efficient provision was made for the performance of those contracts, which we are under the most solemn obligation, if in our power, to fulfil. And he concluded by observing, that when the improving resources of our country should enable the Government generously to compensate the sufferings of those several descriptions of persons, then, and not till then, might we extend to the memorialists the relief which they now sought for.

Mr. JACKSON supported the claim of the officers. He observed, that if the country had not derived so extensive advantages from the exertions of the navy, it must be imputed to peculiar circumstances, and not to any deficiency in the officers and sailors; so far as their abilities could be exerted, no men distinguished themselves more. Had ours been a maritime instead of an agricultural country, the importance of a navy would have struck us more forcibly. Their claims he considered as founded in the strictest justice, and he had no doubt that if they had applied to the old Congress, they would have granted their request; but restrained by a consideration of the embar-

arrassments of the United States, they did not obtrude their petitions upon them; and now this very circumstance is urged as a reason for not granting their petition. In his opinion, this did them great honor; since that time, they have been scattered through all parts of the Union. This and other circumstances have delayed their application to this time, but has not lessened the equity of it. He added many other observations, and concluded by saying that he was fully in favor of the report.

Mr. GRAY was in favor of the report under certain conditions, which were, that the same be so constructed as to ascertain the amount of prize money received by the officers, and that the allowance should be extended only to such as continued in the public service to the end of the war. He adverted to the case of prizes, in which it had been said the officers had suffered through the frauds of their agents. If this is fact, it was a subject which called for redress; and, on principles of equity, an investigation ought to take place.

Several other gentlemen spoke on the occasion. Mr. PAGE, Mr. HARTLEY, and Mr. SENEY, in favor, and Mr. GOODHUE and Mr. SHERMAN against the report.

Mr. FITZSIMONS moving in the House that the report should be recommitted,

Mr. BOUNDINOR said he was opposed to the recommitment, as he did not conceive that the relief proposed could be granted under this report. From the reasoning which he had heard on the subject this day, he was convinced that if the commutation is extended to the memorialists, Congress will have to extend it to above a thousand officers of different descriptions. It must be extended to the State officers in several departments. He enlarged on the unpopularity of half-pay and commutation, and said, that if injustice had been done to the memorialists, every instance ought to be inquired into, and determined on its own merits. He was, therefore, in favor of rejecting the report, and still leaving the memorial open to an inquiry as to the particular cases which may require an investigation.

FRIDAY, June 25.

FOREIGN INTERCOURSE.

The House proceeded to consider the amendments last proposed on the part of the Senate to the bill providing the means of intercourse between the United States and foreign nations. The first amendment was to strike out thirty thousand, and to insert forty thousand dollars.

It was moved that the House should agree to this amendment; this motion was opposed. It was said that the committee had exceeded their commission in proposing this alteration in the bill, as both Houses had agreed in the sum of thirty thousand dollars. It was further said, that more than one Minister Plenipotentiary was unnecessary; that the Court of Great Britain had sent only a Consul to this country; and that, from the present appearances, no advantages could

be expected to arise from sending a Minister; equivalent to the expense; the necessity contending for is merely conjectural; and, by that rule, the Ministers Plenipotentiary may be increased, and one sent to Spain and another to Portugal. If only one Minister is sent to Europe, the first sum will be sufficient: with respect to the Court of London, a Chargé des Affaires will answer every purpose.

In support of the motion, it was urged that the President of the United States is, by the Constitution, vested with the power of appointing such foreign officers as he may think necessary, and it must devolve upon the Legislature to make provision for defraying the expense. The Committee of Conference did not rely on their own judgment, they consulted the Secretary of Foreign Affairs. His opinion was, that in the present situation of this country with respect to foreign nations, two Ministers and two Chargés des Affaires were necessary; a Minister at the Court of Versailles is generally conceded to be requisite. The peculiar situation of this country with respect to the posts, the Northern and Eastern frontiers, and the state of our commerce in respect to Great Britain, can scarcely leave a doubt of the necessity and importance of sending a Minister to that country. This being the state of affairs, a less sum than that proposed, it is demonstrably evident, will not be found adequate.

The question on concurring in this amendment was carried in the affirmative.

The other amendments were agreed to, with amendments.

GOVERNMENT OF SEAMEN.

The House proceeded also to consider the amendments reported by the Committee to whom was committed the bill for the government and regulation of seamen in the merchants' service; which were agreed to, and the bill was ordered to be engrossed for a third reading.

TRADE AND NAVIGATION.

The House resolved itself into a Committee of the Whole on the bill concerning the trade and navigation of the United States, Mr. SENEY in the Chair.

This bill contains the discrimination in the duty on tonnage between vessels belonging to nations in treaty with the United States and those of nations with whom no treaty exists.

A motion to postpone the bill occasioned a lengthy debate, which was not determined at 3 o'clock, when a motion was made that the committee rise and ask leave to sit again. This was carried in the affirmative.

A message, received from the Senate, informed the House that they have concurred in the amendments proposed to the bill providing the means of intercourse between the United States and foreign nations.

The SPEAKER communicated a letter from Samuel Meredith, Esq., Treasurer of the United States, which enclosed the receipts and expenditures of the Treasury for the last quarter.

MONDAY, June 28.

SEAMEN.

The engrossed bill for the government and regulation of seamen in the merchant service, was read the third time and passed.

A memorial from Louis Pierre Lambert de la Neuville, Brigadier General of the late army of the United States, and Lieutenant Colonel in the service of His Most Christian Majesty, was presented, praying the liquidation and settlement of a claim for military services rendered during the late war. Ordered to lie on the table.

ADJOURNMENT.

Mr. WADSWORTH, from the Joint Committee who were to consider and report the business necessary to be finished previous to an adjournment, also to report when it would be proper to adjourn, reported, that, in their opinion, the business necessary to be acted upon may be completed by the 15th day of July next, and that an adjournment of the present session should take place by that time. The report was laid on the table.

RHODE ISLAND.

The proposed amendments to the bill for extending the enumeration law to the State of Rhode Island, were taken into consideration and agreed to. The bill was then ordered to be engrossed.

VIRGINIA CLAIMS.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. BOUNDINOT in the Chair.

After some time the committee rose, and reported that the committee had, according to order, had the state of the Union under consideration, and came to a resolution thereupon; which was agreed to by the House, as follows:

Resolved, That the resolution of Congress of the seventeenth July, one thousand seven hundred and eighty-eight, respecting the lands reserved for the Virginia troops on Continental and State establishments, pursuant to the cession made by the said State to the United States of the territory northwest of the river Ohio, ought to be repealed.

Ordered, That the said resolution be referred to Messrs. BROWN, BOUNDINOT, WHITE, HUNTINGTON, and BENSON, with instruction to prepare and bring in a bill or bills for carrying into effect the reservations contained in the deed of cession made by the State of Virginia to the United States of the territory northwest of the river Ohio.

TUESDAY, June 29.

CENSUS.

The engrossed bill for giving effect to an act providing for the enumeration of the inhabitants of the United States, in respect to the State of Rhode Island and Providence Plantations, was read the third time and passed.

A message from the Senate informed the House that they have passed the bill to authorize the purchase of a tract of land for the use of the United States.

INTEREST OF PUBLIC DEBT.

Mr. FITZSIMONS, from the committee appointed for the purpose, reported a plan making provision for the payment of the interest on the debts of the United States; which was read and committed to a Committee of the Whole.

INVALID PENSIONERS.

Mr. HEISTER, from the committee appointed for the purpose, presented a bill further to provide for the payment of the invalid pensioners of the United States; which was twice read and ordered to be engrossed for a third reading.

The House proceeded to consider the report of the committee to whom was referred the petition of Elias Hasket Derby; whereupon,

Resolved, That, for the duty on all teas which have been imported from China in the present year, or which shall be hereafter imported, it shall be at the option of the importer, either to deposit such teas with the officers of the customs where the same shall be entered, or to give bond therefor, with a surety, to the satisfaction of the officer, payable at the expiration of twelve months from the time of entry. Provided, That where the teas shall be deposited as aforesaid, they shall be kept at the risk and expense of the importer, who shall pay the duties thereon as the same shall be delivered. And, Provided, That, if the whole of the duties shall not be paid within eighteen months, the officer with whom such tea is deposited shall dispose of the same, or so much thereof, at public auction, as may be sufficient to pay the duties.

Ordered, That the said resolution be referred to the committee appointed to prepare and bring in a bill or bills to amend the laws of revenue.

TRADE AND NAVIGATION.

The House went again into a Committee on the bill concerning the trade and navigation of the United States, Mr. BOUNDINOT in the Chair.

This bill contained the discrimination in the duty on foreign tonnage; the first clause being rejected, the substance of the following propositions, moved by Mr. FITZSIMONS, was adopted in lieu thereof, viz:

That from and after the — day of — next, there shall be laid and collected on all ships and vessels, not built or registered in the United States, a duty of — per ton.

That on all ships or vessels arriving in any port of the United States, from places at which the United States are not permitted to trade, the sum of — per ton.

The remaining clauses of the bill being disagreed to, the committee rose and reported progress.

WEDNESDAY, June 30.

RHODE ISLAND.

A Message was received from the President of the United States, with the copy of an act of the Legislature of the State of Rhode Island, for ratifying certain articles of amendment to the Constitution of the United States.

Mr. WILLIAMSON presented a memorial from Dr. Thomas Ruston, in behalf of the directors of a cotton manufactory in the State of Pennsylvania.

TRADE AND NAVIGATION.

The House again resolved itself into a Committee of the Whole on the bill concerning the trade and navigation of the United States—Mr. BOUNDINOT in the Chair.

Mr. MADISON entered into a discussion of the principles on which the trade and navigation of the United States ought to be regulated. The idea of discrimination in respect to foreigners, as proposed in the bill originally, having been disagreed to, however just and reasonable he thought that distinction to be, as there appeared to be a majority against it, he should waive any further arguments on the subject, and would suggest the principle of reciprocity as an idea which would meet the general approbation of the committee. He adduced several particulars to show that this reciprocity does not exist in our trade and intercourse with Great Britain; while our shipping is excluded from many of her ports, and admitted into others under such restrictions as are nearly tantamount to a prohibition, their shipping is freely admitted into all the ports, harbors, and bays of the United States.

He then read two propositions, in the following words, which he proposed should be added as clauses to the bill, viz:

And be it further enacted, That in all cases where vessels belonging to the citizens of the United States may be prohibited from bringing any articles from any foreign port or place, by laws or regulations of the sovereign thereof, into any port or place within the United States, the vessels belonging wholly or in part to the subjects of such sovereign shall, after the — day of — during the continuance of such prohibition, be prohibited from bringing like articles into the United States, on pain of being seized and forfeited to their use. And the masters or owners of all foreign vessels clearing from any port of the United States, with any articles, the growth, produce, or manufacture thereof, shall give bond, with sufficient security, that no part of the said articles shall be delivered at any port or place to which vessels belonging to citizens of the United States may not be permitted to transport like articles from the United States.

And be it further enacted, That in all cases where vessels belonging to citizens of the United States may be prohibited by the laws or regulations of that foreign country from carrying thereto articles not the growth, produce, or manufacture of the United States, the vessels belonging wholly or in part to the subjects, citizens, or inhabitants of such country shall, after the — day of — and during the continuance of such prohibition, be prohibited in like manner from bringing any articles not the growth, produce, or manufacture of such country into the United States, on pain of being seized and forfeited to their use.

These propositions being considered as very interesting and important in their consequences, it was moved that the committee should rise, that the members might take time to consider them.

H. OF R.]

Public Debt.

[JULY, 1790.]

The motion for the committee's rising was opposed.

Mr. WADSWORTH asked what reason could be assigned for the committee's rising? For his part, he was ready to meet the propositions. He believed he should vote for them. He considered them as calculated to try the strength of the committee. It is coming to the point, it is proposing a very bold measure indeed; but if it is thought we can stand the shock, I shall have no objection to try it. I hope the committee will proceed to discuss the propositions.

Mr. VVING observed, that he had no objection to taking up the subject; but as gentlemen appeared desirous of taking time to consider the propositions, he was in favor of the committee's rising. With respect to the "boldness" of the measure, he was at a loss to find the propriety of the epithet; for his part, he considered it as a measure of firmness, and, as such, highly becoming the National Legislature of this country to adopt.

Mr. SHERMAN observed that he saw nothing that favored of boldness in the propositions; they appeared to him to be natural, and nothing more than a proper assertion of the equal rights of this country. It is merely meeting, with counter regulations, the regulations of other countries that are hostile to our interests; this we have a right undoubtedly to do. I hope the committee will not rise, but discuss the subject, that the merits of the propositions may be fully known.

Mr. GOODHUE spoke generally in favor of the propositions, and against the committee's rising. Mr. JACKSON was in favor of the committee's rising. The propositions he considered as very extraordinary indeed; and, if they should be adopted, they will annihilate in a great measure the trade of Georgia to the West Indies, and he believed of North Carolina, too, notwithstanding what the gentleman from that State has said in the course of debate on this subject. He thought it extraordinary that the gentleman from Virginia should come forward with one exceptionable proposition after another; the gentleman having lost one favorite proposition, so tenacious is he of his object, that he now brings forward another, in my opinion, full as exceptionable.

The question being taken was carried in the affirmative; the committee rose, and reported the propositions, which are to be taken into consideration to-morrow.

INTEREST OF PUBLIC DEBT.

The House then went into a Committee of the Whole on the report of the committee making provision for the payment of interest on the debts of the United States, Mr. BOUNDNOT in the Chair.

Some time was spent in the consideration of the plan reported by Mr. FITZSIMONS; but not coming to any decision, the committee reported progress, and had leave to sit again.

THURSDAY, July 1.

INVALID PENSIONERS.

The engrossed bill further to provide for the payment of the invalid pensioners of the United States was read a third time and passed.

The petition of John Fitch was presented, praying for an exclusive privilege to use steam for purposes of navigation in the United States for a limited time. Ordered to lie on the table.

MILITIA.

Mr. BOUNDNOT, from the committee appointed for the purpose, presented a bill more effectually to provide for the national defence by establishing a uniform militia throughout the United States, which was twice read and committed.

FEES OF CONSULS.

Mr. GERRY, from the committee appointed to report whether any and what fees, &c. shall be annexed to the offices of consul and vice-consul, made a report, which was read and ordered to lie on the table.

CENSUS.

A message from the Senate informed the House that they had passed the bill for giving effect to an act providing for the enumeration of the inhabitants of the United States, in respect to Rhode Island.

INTEREST OF PUBLIC DEBT.

The House went again into a committee on the report of a committee making provision for the payment of interest on the debts of the United States, Mr. BOUNDNOT in the Chair. The committee came to several resolutions, which they reported to the House. They were there read, and ordered to lie on the table.

FRIDAY, July 2.

SEAT OF GOVERNMENT.

A message from the Senate informed the House that they had passed a bill for establishing the temporary and permanent seat of the Government of the United States, to which they desire the concurrence of this House. The bill was twice read and committed.

INTEREST OF PUBLIC DEBT.

The House proceeded to consider the report of the Committee of the Whole on the report making provision for the payment of interest on the debts of the United States: Whereupon,

Resolved, That an addition of thirty-three and one-third cents be made to every dollar of duties now payable on goods, wares, and merchandises, imported into the United States.

That, in addition to the foregoing, there be levied and collected upon the following articles:

	CENTS.
Distilled spirits	14 per gallon.
Madeira wine	8 "
Other wines	5 "
Molasses	1-6 "
Bohea tea	2 per pound.
Souchong and other Black teas	4 1/2 "

JULY, 1790.]

Seat of Government.

[H. OF R.]

	CENTS.
Hyson tea	6 1/2 per pound.
Other Green teas	4 1/2 "
Coffee	4 "
Brown sugar	1-6 "
Loaf sugar	1 "
All other sugars	5 "
Pepper	3 "
Pimento	25 "
Nutmegs	25 "
Mace	20 "
Cinnamon	12 1/2 "
Cloves	10 "
Cassia	10 "

Resolved, That, after the day of _____, the discount of ten per cent. of the duties on goods, wares, and merchandises, imported in ships or vessels, the property of a citizen or citizens of the United States, be discontinued, and that an addition of ten per cent. be made to the duties on goods, wares, or merchandises, imported in any other ship or vessel.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. FITZSIMONS, Mr. TUCKER, and Mr. SHERMAN, do prepare and bring in the same.

FEES OF CONSULS.

The House proceeded to consider the report of the committee appointed to consider and report whether any, and what, fees, perquisites, or other emoluments, shall be annexed to the offices of Consul and Vice-Consul: Whereupon,

Resolved, That it shall and may be lawful for all Consuls and Vice-Consuls of the United States, for every protest or deposition, relative to letters of attorney, goods, wares, and merchandises, bills of exchange, and other marine and mercantile affairs and transactions, with a certificate thereof, under their hands and seals, respectively, to receive the sum of _____ dollars.

That citizens of the United States, appointed to reside in foreign ports and places, as Consuls or Vice-Consuls of the United States, shall be enabled to own any ships or vessels in their own names, or in partnership with any other citizen of the United States, residing within the said States, and be entitled to all the privileges and advantages, in respect to such ships or vessels, as if such Consuls or Vice-Consuls, respectively owning said ships or vessels, actually resided within any port or place within the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. GERRY, Mr. BOUNDNOT, Mr. HUNTINGTON, Mr. WADSWORTH, and Mr. GOODHUE, do prepare and bring in the same.

Ordered, That it be referred to the said committee, to report a provision,

"That, in foreign ports, where the laws of the Kingdom or State make it necessary that vessels should enter by the medium of a Consul, and where the laws of such Kingdom or State have determined that certain fees shall be paid to such Consuls, the Consul of the United States shall be authorized to receive such fees; and also to report what further provision may, in the opinion of the said committee, be necessary for Consuls and Vice-Consuls of the United States."

MONDAY, July 5.

Mr. LAWRENCE presented a petition from sundry

persons confined for debt in the jail of the county and city of New York, praying that a general bankrupt law may be passed by Congress.

Ordered, To lie on the table.

[The anniversary of American Independence being celebrated to-day, an early adjournment took place.]

TUESDAY, July 6.

SEAT OF GOVERNMENT.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate for establishing the temporary and permanent seat of the Government of the United States, Mr. BOUNDNOT in the Chair.

Mr. SHERMAN.—As this bill respects the permanent residence of the Government, which is an important subject, it ought to be a matter of inquiry, Whether the place proposed is the real centre of population and territory or not? He thought it too far southward. He moved, therefore, that the Potomac should be struck out, and a district to include the town of Baltimore be inserted.

Mr. BURKE seconded this motion.

Mr. LEE desired the gentleman to inform the committee where he meant the temporary residence should be, provided this motion should be carried.

Mr. SHERMAN said, he had no objection to making Philadelphia the temporary residence, as soon as it was convenient. He then mentioned several particulars which would render it inconvenient to go there at present.

Mr. HUNTINGTON said, that the only reason for removing, which he had ever heard, was, that this place is not so central. If there is any force in the reasoning, he wished not to go to a place less central. He adverted to the mode of conveyance to this place, generally adopted by members to get to the seat of Government. He supposed that the present centre was somewhere between Philadelphia and Baltimore; but the place contemplated is very much removed from the centre, more than three hundred miles West. With respect to centrality, he said that it is not an idea which predominates in regard to any other country of which he knew any thing respecting the geography; other and various important considerations operated in fixing the seat of Government.

Mr. WHITE observed, that if this House was alone to be consulted, on the principle of accommodation, Baltimore might answer; but when it is considered that this bill originated in the other House, who have an equal voice with us in determining the question, and in which this place has been repeatedly rejected, it is evident, that if the clause is struck out the bill will be lost. He then controverted the calculations of the gentleman last speaking, and stated the difference of travel between the Southern and Northern distances, which is made to be as four and one-half to one; but he said, that so far as respected himself, he should make no difficulty on that account; but the accommodation of the citizens who may

have business at the seat of Government is a consideration of very great importance. With respect to the unequal situation of the seat of Government in other countries, this arose from the mere whims of the Sovereigns of those kingdoms; but modern policy has obliged the people of European countries, (I refer particularly to Great Britain,) to fix the seat of Government near the centre of trade. It is the commercial importance of the city of London which makes it the seat of Government; and what is the consequence? London and Westminster, though they united send only six members to Parliament, have a greater influence on the measures of Government than the whole empire besides. This is a situation in which we never wish to see this country placed. He concluded by observing, that if this amendment is agreed to, the bill will be lost, and we shall be without either a temporary or permanent residence.

Mr. LEZ, after a few introductory observations, entered into a consideration of the relative interests of the Southern, Middle, and Northern States. He interspersed a variety of reflections, tending to conciliate and blend those different interests—and to disseminate the sentiments of union and concord. He alluded particularly to the great object of funding the debts of the United States; the seat of Government will concentrate the public paper. Hence he inferred the necessity of a situation from whence all parts of the Union may be equally benefited. From these considerations, he deduced the necessity of placing the Government in a central situation. He observed, that while the present position continued to be the seat of Government, the agriculture of the States to the Eastward is invigorated and encouraged, while that to the Southward is languishing and expiring. He then showed the fatal tendency of this preponderating encouragement to those parts of the country, already considered as the strongest parts of the Union—and from the natural operation of these principles he inferred that the interest of the Southern States must be eventually swallowed up. The decision of the Senate, said he, affords a most favorable opportunity to manifest that magnanimity of soul, which shall embrace, upon an extensive, liberal system, the best interest of the great whole. This cannot be done while the present unequal situation of the seat of Government of the United States continues. Nations have their passions as well as individuals. He drew an alarming picture of the consequences to be apprehended from disunion, ambition, and rivalry. He then gave a pleasing sketch of the happy effects to be derived from a national, generous, and equal attention to the Southern and Northern interests. Will gentlemen, said he, blast this prospect by rejecting the bill? I trust they will not.

He then entered into the merits of the question. The States of Delaware, Pennsylvania, Maryland, and Virginia, which contribute more than one-half to the revenue, and which have the only rival claim to the permanent seat of Government, are satisfied with the arrangement in the bill.

That Philadelphia is the nearest centre of the present wealth and population of the United States, the gentlemen from New York themselves will confess; the Potomac will become the nearest centre for a permanent residence probably by the period proposed—to oppose this, therefore, will be acting from merely local motives.

The gentleman moves to insert Baltimore. Mr. L. insisted that Baltimore is as far South as the place proposed, besides being exposed by its frontier position on the sea; we are not confined, said he, to a particular spot on the Potomac; we may fix on a place as far North as the gentleman from Connecticut wishes. I consider the motion, therefore, calculated to destroy the bill, and ought to be opposed by every one who is in favor of a Southern situation.

This State has no pretensions to the permanent residence. It is true, the citizens of this place have put themselves to a great expense to accommodate the Government, and are entitled to much praise for their exertions; but he wished to take up the subject on national ground, and to have it decided on principles which apply to the best interests of the whole. He then referred to a map of the Potomac, and the adjacent country, which lay on the table, and which had been sent from the Executive of the State of Virginia. He referred also to other papers and documents.

Mr. BURKE said, he wished that the whole business of the temporary and permanent residence might now be settled. He exculpated the members who are in favor of Baltimore from all design to defeat the present bill. He referred to some observations which had been made on the conduct of the members of the States South of Virginia, and said, that they had consulted the interest of the whole. One reason why he was in favor of the motion was, because he preferred Baltimore to Conococheague. He thought a populous city better than building a palace in the woods. Another reason was, that there was no political necessity existing for removing the Government from New York to Philadelphia. He said, that the measure would excite the most turbulent passions in the minds of the citizens. It is unjust to the people of this city, to remove from this place till the expense they have incurred is repaid them. It is a breach of honesty and justice. It is injustice to the State—to the whole nation. He entered into a consideration of their sacrifices and services. He thought it a very extraordinary measure indeed. It is calculated, said he, to arrest the funding system, and to throw every thing into confusion. If the bill is passed in its present form, Congress will never leave Philadelphia; for the Commissioners to be appointed will incur no penalty for a neglect of doing their duty. This is a most essential defect in the bill, and there are other defects in it. He spoke in handsome terms of the State of Pennsylvania. He said, he had as high an opinion of that State, as any man whatever, but he was afraid of their influence; and that State was the last in which he would ever consent the permanent seat of Government should be. He then adverted to the influence of the

members from that State, who, by their political management, had raised a storm in the United States. [Here Mr. BURKE was called to order.] After a short interruption, he proceeded, and said a Quaker State was a bad neighborhood for the South Carolinians. Here he adverted to the Quaker business last winter. He objected to Philadelphia, also, on account of there being no gallery in the House proposed for the accommodation of Congress—an open gallery he considered as a very important check to the Legislature.

Mr. LAWRENCE.—The gentleman from Virginia has observed, that the object of the amendment is to defeat the bill. He has also mentioned the States which are most particularly interested in the question. Mr. L. said, the State of New York might have been considered. He wished the motion might succeed, because he thought that it would conduce to the peace of the Union. He objected to the place proposed for the permanent residence; by the bill it is conceded that the place is not, at present, a suitable position. By what magic can it be made to appear it will be more proper at the end of ten years? What reason can be given why those parts of the Union should not populate, which are at a distance from the Potomac, in proportion to those parts in the vicinity of that place? I presume none can be assigned. Why, then, is a period of ten years to expire, previous to going there? The reason is plain. The people would not now consent to have the Government dragged to so remote a part of the United States. He then adverted to the funding business, and other important matters which remain to be decided on, and very strongly intimated that these questions were to be determined agreeable to the fate of this bill. He showed, from a variety of particulars, that Philadelphia would become the permanent residence. He then adverted particularly to the several parts of the bill. The first was respecting the place where it is proposed to erect the public buildings. He said, they could not be erected within the time mentioned, and showed the various difficulties which would attend the whole business. He then stated the advantages of Baltimore, and said that that place would have obtained in the Senate, if the Maryland Senators would have voted for it. He concluded by observing, that, as no necessity exists for removing the temporary residence, he hoped that Congress would sit down contented where they are.

Mr. BLOODWORTH observed, that as the funding bill had been alluded to, he could wish that the objection from that quarter might be taken out of the way. He moved that the committee should rise, in order to take up the ways and means.

Mr. SMITH, of Maryland, introduced an address from the inhabitants of Baltimore to the Members and Senators from that State, which was read. This contained an account of the number of houses and inhabitants of that town, &c., also, the accommodations already made, and the provision to be made to complete every necessary arrangement.

Mr. CARROLL mentioned to the committee that there was a memorial of the inhabitants of Georgetown, on the Potomac, on the table, which he had presented some days since; and submitted it to the House whether it would be proper to read it. It was read.

Mr. LEZ moved that certain papers received from the Executive of Virginia should be read, which was done.

Mr. SMITH, of South Carolina, called for the reading of a report of a committee appointed by the old Congress, to view the banks of the Potomac; which was done.

Mr. STONE.—All we seem to differ about is whether Baltimore or the Potomac shall be the seat of the Government; and if this was all, the Delegates of that State might fold their arms and sit down contented; but the State of Maryland has been placed in the situation of Tantalus. He then stated how the gentlemen had formerly voted, who now appear in favor of Baltimore. Had the bill come down from the Senate with Baltimore inserted, instead of Potomac, he should have had no difficulty in determining how to act; but he conceived, that if the amendment now proposed should take place, nothing would be done, and the business will be left in a very insipid state. From this and other considerations, he was resolved not to be drawn off from his present determination by any motion, amendment, or modification of the bill whatever. With respect to himself, he had no election between the town of Baltimore and the Potomac; yet, as a Marylander, he would, if he saw a prospect of success, vote for the town of Baltimore; but as it respects the United States, he should vote for the Potomac; and on this idea he was willing to make some sacrifices. He considered the subject could be agitated, and he wished to have the business finally and unalterably fixed.

Mr. SENEY also considered this as an unhappy question to come before the House at this time. The State of Maryland is as much divided on the subject as the United States appeared to be; a great rivalry subsists between the Potomac and Susquehanna rivers, and he doubted not but that when the question was ultimately decided, it would be either on the one or the other of those rivers. He agreed with Mr. LEZ, that Pennsylvania, Maryland, and Virginia, were the only States who could make any reasonable pretensions for the seat of Government; but a majority of voices from these States had been against the Potomac. Pennsylvania and Maryland, he observed, had given the preference to the Susquehanna. Mr. S. then noticed some transactions of the Legislature of Maryland, which he said clearly evinced their determination to support the pretensions of the Susquehanna. Maryland certainly had an equal right with Pennsylvania and Virginia to have her interests consulted. The interests of Maryland, it appeared, were now to be sacrificed to those two adjoining States. And however flattering it may seem to Maryland to fix the seat of Government on her side of the

Potomac, the real advantages were in a great measure nugatory, as it would be but a very small portion of that State that could reap any benefit therefrom. The real advantages would undoubtedly result to Pennsylvania and Virginia. It appeared somewhat extraordinary to him, that gentlemen should be willing to confine the residence to a particular spot, previous to their removing to a permanent residence. Why is it necessary to fix upon Philadelphia for ten years? Surely this is putting the Government in a very ineligible situation, for it is by no means improbable that many serious and important occurrences might render a removal highly expedient, perhaps unavoidable. Besides, after the Government shall have remained ten years in Philadelphia, the probability of quitting it for the Potomac appeared to be very slight indeed. For though it was understood by the bill that the offices were to be removed to the Potomac, yet if a majority in either House were opposed to going there, Congress would remain at Philadelphia, and they would be obliged to repeal the bill from necessity.

Mr. SCOTT said, he should not notice many things which had been offered on the subject. He would only observe, that from the town of Baltimore there is no water conveyance to the interior country; but from the proposed site on the Potomac, there are two hundred miles navigation directly into the heart of the country. Nor is Baltimore more northerly than the position contemplated. A connexion with the Western country is of the utmost consequence to the peace and union of the United States, let the gentlemen from the seacoast say what they will.

Mr. MADISON.—In order to decide this question rightly, we ought to compare the advantages and disadvantages of the two places as they relate to the good of the United States. Now, I will defy any gentleman, however sanguine he may be with respect to Baltimore, to point out any substantial advantage that is not common to the Potomac; and I defy them to disprove that there are not several important advantages belonging to the Potomac, which do not appertain to Baltimore. The committee have had ample information with respect to the Northern and Southern positions of the two places. In point of salubrity of air, without disparaging the pretensions of Baltimore, the Potomac is at least equally favored in that respect. In regard to centrality of situation, the Potomac has undoubtedly the advantage. In respect to security from invasion, I aver the Potomac has the advantage also. With relation to the Western country, there is not a shadow of comparison. If we should go as far South as Baltimore, why not an equal distance southwest to the Potomac? Those who are acquainted with the country on the Potomac, and that in the neighborhood of Baltimore, do not hesitate to give the preference to the Potomac. It is true, that Baltimore has respectable resources; her rapid growth is a clear proof of it; but look at the resources of the Potomac; the great range of rich country that borders on it, and see if these

are not advantages that must, in a short time, produce a commercial town. Sir, a period might be named, not exceeding ten years, within which the town of Baltimore obtained the greater part of its increase and consequence; a period of ten years will produce the same effects on the Potomac, because the same causes exist; and when superadded to this, the residence of Government shall be there, there can be no doubt but that there will be every accommodation that can be desired.

It is said, that before the ten years expire, a repeal of the act may take place, and thus Congress be kept at Philadelphia. But what more can we do than pass a law for the purpose? It is not in our power to guard against a repeal. Our acts are not like those of the Medes and Persians, unalterable. A repeal is a thing against which no provision can be made. If that is an objection, it holds good against any law that can be passed. If those States that may have a superiority in Congress at a future day will pay no respect to the acts of their predecessors, or to the public good, there is no power to compel them.

But I flatter myself that some respect will be paid to the public interest, and to the plighted faith of the Government. As to centrality, the best evidence we have at this time in favor of the Potomac is the different travelling of the members; and this, sir, proves incontestably that the proposed place on the Potomac is near the centre. If any arguments could be brought against it, it is its being too far to the Northward. For the mileage south of the Potomac is twelve thousand and seven hundred and eighty two miles, to the north of it twelve thousand four hundred and twenty-two miles. If to this Rhode Island be added, it will not be more than equal. If the bill once passes, I am not under any apprehensions of a repeal; but if danger of repeal does exist, it is of that kind against which we cannot guard. Sir, we should calculate on accepting the bill as it now stands; we ought not to risk it by making any amendment. We have it now in our power to procure a Southern position. The opportunity may not again speedily present itself. We know the various and jealous interests that exist on this subject. We should hazard nothing. If the Potomac is struck out, are you sure of getting Baltimore? May no other place be proposed? Instead of Baltimore, is it not probable we may have Susquehanna inserted, perhaps the Delaware? Make any amendment, sir, and the bill will go back to the Senate. Are we sure that it will come back into our possession again? By amending, we give up a certainty for an uncertainty. In my opinion, we shall act wisely, if we accept the bill as it now stands, and I beg leave to press it on gentlemen not to consent to any alteration, lest it be wholly defeated and the prospect of obtaining a Southern position vanish for ever.

Mr. GERRY said, he rose with greater reluctance on this than he ever did on any former occasion; and it is because it appears pretty evident the advocates of the bill are sure of a majority, and are determined not to change their minds let what

arguments will be offered on the subject. The business of establishing the permanent residence is contrary to the sentiments of a majority of the members of this House, and of the Senate, as they have both negatived a bill for this purpose the present session. It is to be regretted that it has ever been brought forward, for it is very evident that it has had a very pernicious influence on the great business of funding the public debt. He then mentioned the former removals of Congress, which had never been complained of, as the public business was never neglected. He said, that if the present bill is carried into execution, a very great uneasiness will ensue; for the measures of Congress, and not their residence, are the objects of concern to the people. Those States who think that they shall be injured, it cannot be expected will then acquiesce. He then gave an account of the process of this measure the last session. The travelling has been mentioned. This, he said, could not be considered as an argument in favor of the bill, for the expense is not paid by particular States, it comes out of the common treasury. He asserted that the accessibility to New York is better than to the Potomac. He contended that the risk by land is greater than by water. He stated the advantages that the Southern members derived from coming to the Northward, while, on the other hand, is there, asked he, any thing to balance the risk and difficulties which the Northern members must encounter in such a Southern situation? He said it was highly unreasonable to fix the seat of Government in such a position as to have nine States out of thirteen to the Northward of the place. He adverted to the sacrifices which the Northern States are ready to make in being willing to go so far south as Baltimore. He contended that the explicit consent of the Eastern States ought to be obtained, before they are dragged still further South. He ridiculed the idea of fixing the Government at Conococheague. He did not think there was any serious intention of ever going to this Indian place. He considered the whole business as a mere manoeuvre. Baltimore holds out the only prospect of a permanent seat of Government. He recapitulated the account which before had been given. From this he adverted to the general expectation of the public with respect to the Government's tarrying here till the permanent seat was established. He particularized the expenses that had been incurred by the citizens, and for which they merited great honor. He said, it had been promised to New York that this place should be the temporary residence of Congress, and on this engagement they came into an unconditional adoption of the Constitution. Should this bill pass, what can it be denominated but a delusion, a deception, sanctioned by Congress itself? He remarked on the several observations offered by Messrs. MADISON, LEE, STONE, and SCOTT.

Mr. VIXING.—When I find arguments made use of to inflame the minds of gentlemen against the members of this House, I think it my duty to notice such observations. Attempts are made to hold up, in an odious point of light, the members of Pennsylvania. Sir, it is a fact, which your Journals will justify, that the members from Pennsylvania voted the last session against Philadelphia. I trust that none of those observations will have the least influence on the mind of one single individual. We are sent here to do the public business, and I trust that our constituents have not sent men that are to be deterred from doing their duty by such insidious insinuations, such ill-founded suggestions of deceiving and deluding the citizens of this place. Mr. V. added some more strictures on Mr. GERRY's observations, and then entered largely into the merits of the question. He supported the bill on general principles, and noticed the several objections that had been made by different members. He imputed the embarrassments of the public business to the assumption, and not to the subject of residence.

Mr. CLYMER made a few remarks on the observations of Mr. BURKE, which were not distinctly heard.

The committee rose, and reported progress.

WEDNESDAY, July 7.

GENERAL POST OFFICE.

A message from the Senate informed the House, that they have passed the bill to establish the Post Office and post roads within the United States with several amendments, to which they desire the concurrence of this House.

SEAT OF GOVERNMENT.

The House again resolved itself into a committee on the bill for establishing the temporary and permanent seat of Government, Mr. BOURDINOT in the Chair.

Mr. BURKE made some remarks on the observations of Mr. VIXING, in which he excupated himself from all design to excite mobs and tumults among the citizens of New York, as had been insinuated by that gentleman. He declared that he believed the citizens incapable of behaving so much out of character. For himself, he disclaimed any such idea. He further observed, that the delegates from Pennsylvania were fully competent to advocate the interest of their particular State; they had given abundant evidence of their abilities; they therefore did not need the assistance of the gentleman from Delaware.

Mr. HARTLEY observed, that it was the fault of the New York Senators last year that they did not vote for a four years' residence in their own city, and the permanent one at Germantown, which they could then have carried. He defended himself and his colleagues from any charge of want of generosity, and also defended the character of the Quakers. The gentleman (Mr. BURKE) is not acquainted with the people called Quakers or their history, or he would entertain different sentiments concerning them. Under the famous William Penn, they settled the former Province of Pennsylvania, between the years 1680 and 1690, near the close of the last century; and such was their justice, wisdom, moderation, and good policy

that they gained reputation abroad. Men emigrated from the European world to this Land of Freedom. They preserved peace at home, for it was not until the year 1753, in a war, fomented on the borders of another Province, that an inhabitant of Pennsylvania was killed by the hands of an Indian. The Quakers had always been remarkable for their moral laws, for the plainness of their manners, and their benevolence. Nay, should the gentleman go to Philadelphia, he will find that these people will treat him as well as any other society. They merit not the abuse which has been so frequently thrown upon them.

Mr. BLOODWORTH thought that if the New York Senators had acted wrong, yet the people should not be blamed for it. The proposition of Mr. BURKE was so reasonable and just, that he said he could not avoid approving of it.

Mr. LAWRENCE defended the New York Senators, and explained the reasons of their former conduct, which, when it was known, he believed, would rather merit the approbation of the people. He then proceeded to remark upon the conduct of New York during the war and since. Her revenue had been thrown into the Treasury of the United States, and every succor that could possibly be expected was received from her. Upon the whole, he wished the dispute of residence could be left to the decision of the three Northern and three Southern States; and he appealed to the House, as politicians and men, for the justice of the case.

Mr. WADSWORTH rose next. He was proceeding when he was called to order. After some altercation on the question of order,

Mr. PAGE spoke to the merits of the question, in which he introduced several conciliatory observations, and then added, as to the place for the permanent residence of Congress, any unprejudiced disinterested man in the world, looking over the map of the United States, would put his finger on the district pointed out in the bill, and say, "This is your place, sir." As to going to Philadelphia, it is not my wish to go and stay there as proposed in the bill; but I say, with my colleague, (Mr. MANISON,) that I consent to go there to get into a more central position, and to be fairly on our way to the permanent residence on the Potomac. As to our present situation, the citizens of New York themselves acknowledge, nay, even the member himself who has called me to order, acknowledges that it has no pretensions to be the permanent residence, and it must be confessed that in proportion as it is improper for the permanent residence, it must be improper for the temporary residence. The continuance of Congress here has been acquiesced in by the Southern States, merely on the supposition that a removal to the permanent residence would take place sooner if Congress sat here than at some other place more central. The wise and virtuous citizens of New York know this, and cannot resist the removal.

Sir, I was not apprehensive that the observations made by gentlemen yesterday could excite an improper resentment in their minds; there is

not a city in the world in which I would sooner trust myself and Congress than in New York; for it is superior to any place I know for the orderly and decent behaviour of its inhabitants; but, sir, when the member behind me, (Mr. BURKE,) who alluded to me when he was last up, said that they were injured and robbed by Congress, I told him, as a friend, that had I been in the Chair, I should have called him to order.

I confess I was shocked to hear that gentleman's declarations repeated by a member on the other side of the House, who is remarkable for his coolness and his peculiar attention to every sentiment offered in debate (Mr. GERRY.) I took the liberty, when the House adjourned, to tell that gentleman, perhaps too freely, what I thought respecting those declarations; if I gave him, or the member behind me any offence, I ask their pardon; but I still think I should have done my duty, had I taken notice of the impropriety of their declarations in my place in the House, as a friend to order and freedom of debate.

Mr. LIVERMORE said, that the motion for striking out the Potomac and inserting Baltimore is so reasonable in itself, that I cannot conceive there should be one person opposed to it. He observed, that Baltimore is as far south as the Potomac; the members will then have as far to go to one as the other. There is a river, it is said, which runs two hundred miles into the country as far as the Allegany mountains; what advantage can this be to Congress? I can conceive none, except that it may be to send the acts of Congress by water to the foot of the Allegany mountains. He thought that the centre of population was the only true centre. It is not pretended that the Potomac is at present this centre; but it is said that it will in time become the centre of population. What reason is there for any such supposition? The place in which this favorite spot is has been as long settled as any other part of the Continent, but the population has not kept pace with many other parts of the United States; it is therefore entirely chimerical and problematical whether it ever will become the centre of population. He then enlarged on the superior advantages of a populous city for the seat of Government, and concluded by repeating that the amendment is so reasonable in itself, that he hoped every member of the committee would vote for it.

Mr. GERRY.—In discussing this subject yesterday, I made use of such arguments as appeared to me pertinent to the occasion. But, sir, those arguments have had the most extraordinary construction put on them by the gentleman from Delaware; they have been represented as tending to excite mobs, and to raise insurrections in this city. Sir, I insist that the observations I made had a direct contrary tendency. I said that the bill contained those malignant principles which had a direct tendency to agitate and inflame the minds of the citizens of America. Those principles I was endeavoring to expose, and to show what must be their obvious effects. Is this exciting mobs? Directly the reverse, in my opinion. I never had any such idea; and as to the

citizens of New York, I have too just a sense of their wisdom and good judgment to harbor such a sentiment. He then adverted to the Constitution, to show that there could be no danger of an insurrection or rebellion against the Government. Congress is vested with a sufficient power to protect themselves from every insult whatever; they have a right to call forth the whole militia of the Union for their protection. [Here Mr. G. was called to order, and some altercation ensuing. Mr. G. said he would say nothing further on this particular topic.] He then proceeded to state his arguments against the Potomac, in the course of which he noticed some observations which had fallen from Messrs. VINING and CLYMER. One of the gentlemen had said that "Pennsylvania had a right to the seat of the General Government." This he denied; he said no State in the Union could pretend to such a right; Congress alone has a right to determine where the seat of Government shall be. He entered into a lengthy discussion on the merits of the Potomac, and among other observations asserted that taking so Southern a situation would amount to a disqualification of many of the Northern members, who would forego their election rather than attend the National Legislature on that river.

Mr. VINING read a report of a committee of the late Congress, respecting two seats of Government, in which report Georgetown was mentioned. Mr. GERRY, being one of this committee, rose to explain.

Mr. SEDGWICK, in a speech of considerable length, stated his objections to so Southern a situation as either Baltimore or the Potomac, and said that that he should have the unhappiness, he feared, of dividing on the question from his colleagues.

Mr. SHERMAN offered some calculations respecting distances, and made Baltimore to be the nearest to the centre of any other place that had been mentioned.

Mr. WHITE said, he had no idea of altering the sentiments of a single member of the committee; he did not expect the gentleman from New Hampshire would agree with him. The gentleman from Massachusetts has said something about the Government going into the wilderness; he said it was true that there was not at present every accommodation which gentlemen might wish; but there is every probability that there will be. He said that such improvements were making in the navigation of the Potomac as will render it a place affording every accommodation whether Congress go there or not. He instanced several places on the Potomac which were at this day sufficiently populous to accommodate Congress. He then adverted to situation, and observed that a line from the Atlantic, east and west, to the extreme point mentioned in the bill, will intersect the State of New Jersey, include the whole of Delaware and Maryland, and will throw thirty-one members of the representation in the Southern division of the United States. He then observed, that after the present ferment is subsided, this position will be considered as a permanent

bond of union; and the Eastern States will find their most essential interests promoted by the measure. He adverted to the trade of Massachusetts, which he said was greater to Virginia than to the whole Union besides; the Southern States will be cordial in promoting their shipping and advancing their interests, when they observe that the principles of justice influence them on this great national question.

He then remarked on the observation of Mr. SHERMAN respecting the repealing of the law, and reproached the principles on which such observations are founded; he remarked on the attraction of populous cities, and trusted that other ideas would prevail in this country than what influenced in fixing the seats of Government in Europe.

Mr. SMITH, of South Carolina, said, he was in favor of the motion, as the only one which held out a probability of ever fixing on a Southern residence. He enlarged on the difficulty and improbability of ever removing from Philadelphia. He said that it was evident, from the present representation, and what is most likely it will be ten years hence, that Congress could not be removed from that place. He then stated the number of the members to the southward and northward of Philadelphia, and observed that the Congress that would exist at the expiration of ten years may think entirely different from the present, and will not think themselves bound by the law; but if they should, what can the measure be denominated but legislating for the next century? A system proposed the last session, which combined a much greater interest than the present, failed; and what reason have we to suppose that this bill will ever be carried into execution? He said no gentleman pretends that the place proposed is now ready for the reception of the Government; and even if the buildings were now erected, is there any gentleman who would give his vote for going there? He would agree to a place in the neighborhood of Baltimore, and this he supposed was the furthest Southern position the gentlemen from the Eastward will ever consent to. From all the views he could take of the measure, he was fully convinced that the Potomac was tacked to the bill merely to carry Philadelphia; he wished gentlemen seriously to consider the consequences of passing a law which would so intimately and inauspiciously affect the interests of so many people.

Mr. MANISON objected to the motion for inserting Baltimore, as it would be risking the bill with a place which has already been repeatedly rejected by the Senate; he religiously believed, he said, that if Baltimore was inserted the bill would never pass the Senate; and the fate of the bill which the gentleman mentions ought to be a serious warning to us never to risk this with an amendment; the instance, therefore, produced by the gentleman is very much against his own argument.

The question being put for striking out the word "Potomac," and inserting "Baltimore," it was negatived—37 to 23.

Several other amendments were offered, and negatived without a division.

Mr. BURKE then made the following motion: "That the seat of Government should remain in New York two years from last May; and from the expiration of that time to the year 1800, that the seat of Government should remain in Philadelphia."

The committee rose, and the resolution lay upon the table.

THURSDAY, July 8.

INVALID PENSIONERS.

A message from the Senate informed the House that they have disagreed to the bill to authorize the issuing of certificates to a certain description of invalid officers; and that they have passed the bill further to provide for the payment of the invalid pensioners of the United States, with an amendment, to which they desire the concurrence of this House.

COLLECTION OF DUTIES.

Mr. GOODRICH, from the committee appointed on the subject, presented a bill to regulate the collection of the duties imposed by law on goods, wares, and merchandises, imported into the United States, and on the tonnage of ships or vessels, which was twice read and committed.

SEAT OF GOVERNMENT.

The House again went into a committee on the bill for establishing the temporary and permanent seat of Government, Mr. BOUNDNOT in the Chair.

The amendment yesterday proposed by Mr. BURKE being taken up.

Mr. BURKE observed, that he was induced to make this motion from a wish to accommodate; as a delegate from South Carolina, he considered himself in a proper situation to come forward on this occasion; the New York and Pennsylvania members are parties concerned in the business; they are judges in their own cause; and in this view it may be expected that they will be partial to their respective interests; he therefore conceived that a motion by a member from a State not specially interested might be made with the greatest propriety; he repeated some observations respecting the injustice of so suddenly quitting New York, and adverted to their particular situation respecting the term of their leases, which expire the first of May, and on this account he proposed that that should be the time at which the removal of Congress should take place.

Mr. LAWRENCE entered into a consideration of the pretensions of New York. He said she had a claim to the seat of Government from the various circumstances which had attended the residence from the time Congress first came to this city, and from the exertions which it had recently made. Mr. L. did not particularly refer to the improvements of the city for the accommodation of the Government. His observations were general, and respected the policy and expediency of the measure.

Mr. PAGE opposed the amendment. He observed that as to the claims of New York, he did not conceive that she had any claims whatever. It is true she had put herself to a considerable expense to accommodate the Government, and he was ready to acknowledge her patriotism on this account; but, said he, there is not a city of equal magnitude in the Union that would not have done the same; and she is reimbursed by the advantages she has derived, and does receive by the money that is expended here in consequence. He said that the accommodation of the people at large ought to be a prime consideration with the Legislature, and in this view, to avoid any risk respecting the bill, and to settle a business which has much agitated the public mind, he should vote against the motion. There is one argument, indeed, which deserves attention. I mean that which is founded on the supposition that the bill is unconstitutional, and that this was the opinion of my colleague on a former occasion. Sir, it was then my opinion also; but we were then overruled by this House, and now have the opinion of the Senate also against our construction of the Constitution. However, I rely not merely on this circumstance, for I find, upon an examination of all that the Constitution says about an adjournment, that the clause in the bill is perfectly Constitutional, as there are but two sentences in the Constitution respecting adjournments—the last clause of the fifth section of the first article, and the third section of the second article, the former of which runs thus: "Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting." Now, sir, to be inconsistent with this clause of the Constitution, the bill should direct that adjournments shall take place without the consent of the Senate; but the bill before us was framed by the Senate, and a perfect concurrence of the three branches of the Legislature is proposed to the adjournment now under consideration; how, then, can it be inconsistent with the third section of the second article of the Constitution, which gives the President a right to interfere in case of a disagreement respecting the time of an adjournment? It might, indeed, be said, upon a question concerning common adjournments, that the two Houses would do well to retain the right of adjourning without the consent of the President. But, sir, is this an extraordinary case, in which it will be happy for Congress and their constituents if the business of adjournment shall depend upon the joint consent of the three branches of the Legislature, and not on that of the two Houses alone. Without this check, after getting to Philadelphia on an adjournment, we might be brought back to New York, and then carried back again; and so on without end. I think, therefore, that the clause in the bill is not only constitutional but proper.

Mr. TUCKER said, he should move to divide the question; but he had his objections to the passing a bill for a purpose which a joint resolution was fully competent to effecting; his argument against

the bill turned upon this idea, that Philadelphia would become the permanent residence, and this he conceived to be the main object; for, said he, it will become the duty of Pennsylvania to prevent Congress ever leaving that city, if, at the expiration of the period of ten years, they shall think that Philadelphia is the best place in which to continue the seat of Government. He said he was sorry to hear the arguments which had been brought forward on this question respecting losing the bill if it was amended; he thought them calculated to abridge a fair legislative discussion of the merits of the subject. Mr. T. spoke in handsome terms of the citizens of New York.

Mr. GERRY was in favor of putting the question as originally moved. The complexion of the bill affects the temporary residence of Congress; to form a judgment of the amendment proposed it is necessary to take a view of the proposition as it stands in the bill. The State and city of New York are differently situated from any other place at which Congress ever sat; the accommodations of all other places at which Congress has ever sat have been an appropriation of their public buildings. When the Constitution was adopted, Congress determined that the first meeting should be in New York; and from this determination it became necessary that accommodations should be provided. Had not New York done this, they would have been charged with parsimony or disaffection, or with both. It would have been said, that this city having been a British garrison was careless and indifferent in respect to the Government; these considerations and their attachment to the Constitution produced the elegant building in which the sessions of Congress have been held; in addition to this, they have incurred other heavy expenses to beautify and render more convenient the seat of Government. These expenses the city has incurred to do honor to the new Government, and they have not been reimbursed; will it not then be considered as the height of ingratitude to quit the place under such circumstances?

Let us now consider the bill in a national point of view. He acknowledged that Philadelphia was undoubtedly nearer the centre of wealth and population than New York; but the Potomac was more uncentral than the place at which we now sit. He said, that provided Philadelphia is the temporary seat, and should thence become the permanent residence, we shall go but ninety miles out of two hundred and fifty, the proposed centre on the Potomac. He recapitulated his former observations, and said, civilities ought to meet individuals, and are as much obligatory on States as on individuals. If there is any weight in the argument, it will apply with equal force in favor of Baltimore, when the Government shall be removed to Philadelphia. The law of the State of Pennsylvania, he said, is against Philadelphia being made the seat of Government. He contrasted the representation of New York and Philadelphia, and remarked on the inequality and the advantages which the latter enjoyed over the former. He dreaded, he said, the consequences of reject-

ing the proposition for continuing in New York two years, and urged the necessity of cultivating harmony between the two States; but the subject having been fully discussed, I shall add no further observations.

Mr. SHERMAN was in favor of the motion, and urged several reasons in support of it.

Mr. JACKSON said, he should vote for the bill as it is, for if New York should be inserted only for six months, he believed the bill would be rejected by the Senate. He said there were two points which required some consideration; the one is respecting the objection on account of adjournment; he thought no difficulty could result from this, as he believed no President would ever give his assent to a repeal of the law; the other is respecting the exertions of the citizens of New York; on this point, Mr. J. observed, that every acknowledgment was due to the citizens; but the same difficulty would always occur, and perhaps greater, let Congress move when they will.

Mr. LAWRENCE replied to Mr. JACKSON. He said, that if the bill was sent up to the Senate, with the amendment, and it should be rejected, the bill will be sent back, and then the House may say whether they will adhere or not. If they do not determine to adhere, the bill may then be passed, so that the objection on this account appears to be void of any foundation.

Mr. VINING observed, that much is said about ingratitude, but this seems to arise from the idea of going to Philadelphia; the other day when Baltimore was proposed, it was readily agreed to, and nothing was said about ingratitude. What has Philadelphia done that the charge of ingratitude must be reiterated against Congress whenever that city is mentioned. With respect to the buildings remaining a monument of their ingratitude, he begged leave to say, that so far from this, it would remain a monument of the good sense, patriotism, and public spirit of the city.

The question being taken on Mr. BURKE's amendment, it was negatived—32 to 28.

Mr. SMITH, of South Carolina, moved that these words, "at which place the ensuing session of Congress should be held," should be erased.

This occasioned further debate; the constitutionality of passing a law on the subject of adjournment was contested by those in opposition to the bill.

The motion being negatived, and the bill being gone through with, the committee rose and reported the same without any amendment. It was ordered to lie on the table till to-morrow.

GENERAL POST OFFICE.

The House proceeded to consider the amendments proposed by the Senate to the bill to establish the Post Office and post roads within the United States.

The first amendment was to strike out the first and second sections, which specified and established the several roads, and to insert a clause empowering the Postmaster General, under the direction of the President of the United States, to establish them.

H. or R.]

Seat of Government.

[JULY, 1790.]

A concurrence in this amendment was opposed by Messrs. BLOODWORTH, WHITE, STEELE, LIVERMORE, HARTLEY, and GERRY. It was said, that it was delegating the power of legislation to the Supreme Executive in one of the most important points that could be mentioned. The revenue also will centre in the hands of the Executive; and in process of time this revenue may be converted into an engine destructive to the liberties of the United States; for as it is a perpetual law, and as the time may, and probably will come, when the Executive may be corrupt, as the revenue increases, the officers of the Department will be increased, and we do not know to what extent the consequences may be carried. It is unconstitutional as that expressly reserves the power of establishing Post Offices and post roads to the Legislature. It was further observed, it would be throwing a burden upon the President which he cannot execute with any convenience to himself, and from his situation, with satisfaction to the people. The representatives of the people, who come from all parts of the United States, must be supposed to have a more competent knowledge of the proper places for establishing post roads than the Postmaster General.

A concurrence was advocated by Mr. PARTRIDGE, and Mr. SEDGWICK.

It was said, that upon an accurate calculation it was found that the roads proposed by the bill as passed the House, are so numerous, that so far from affording a revenue, they will prove a great burden to the United States. The circumstances of the country are continually changing; the seats of Government in the several States are removed from their ancient situations to one hundred miles distance; to accommodate the people in such cases, old routes must be discontinued and new roads opened, which will be a perpetual source of Legislation and unnecessary expense. This business was left to the Postmaster General by the late Congress, and very few complaints were heard; the Postmaster General, by his office, must be the most competent judge, as the business will be a principal object of his attention, and actual surveys of the roads will be made by his assistants in all parts of the United States; but if the responsibility of this officer is divided into sixty-five parts, every one of which has its own particular convenience in view, it must appear evident that all responsibility is entirely dissipated. As to the unconstitutionality, it was said that the bill proposes no more in the present instance than is provided for in the other Executive Departments; the principles of conducting the business are established by the House; the mode of carrying those principles into execution is left with the Executive, and this of necessity is done in almost every case whatever. The House adjourned without coming to a vote.

FRIDAY, July 9.

INVALID PENSIONERS, &c.

The House agreed to the amendment of the Senate to the bill further to provide for the pay-

ment of the invalid pensioners of the United States. A message from the Senate informed the House that they had passed the bill for the government and regulation of seamen in the merchant's service, with amendments; also, the bill to regulate trade and intercourse with the Indian tribes; and the bill to provide more effectually for the settlement of the accounts between the United States and the individual States; to which they desire the concurrence of this House.

SEAT OF GOVERNMENT.

The House proceeded to consider the bill sent from the Senate, for the establishing the temporary and permanent seat of Government of the United States.

Mr. BOUNDNOT, after expressing his disapprobation of the bill generally, moved that the Potomac should be struck out and the Delaware inserted, and called for the yeas and nays; after some debate, this motion was negatived, as follows.

YEAS—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Huntington, Hathorn, Leonard, Lawrence, Livermore, Partridge, Rensselaer, Trumbull, Schureman, Sherman, Sylvester, Sturgis, Sedgwick, Wadsworth—22.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gilman, Heister, Hartley, Jackson, Lee, Page, Parker, Lee, Steele, Scott, Sinnickson, Stone, Sever, Seney, Smith, of Maryland, Smith, of South Carolina, Sumter, Thatcher, Tucker, Vining, White, Williamson, Wynkoop—39.

Mr. AMES moved to strike out Potomac and insert Germantown, as the permanent residence. YEAS 22, nays 39.

Variation—Mr. GILMAN, yeas; Mr. TRUMBULL, nay.

Mr. SMITH, of Maryland, moved to strike out Potomac and insert between the Potomac and Susquehanna. YEAS 25, nays 36.

Variation—Messrs. SMITH, of Maryland, SMITH, of South Carolina, TRUMBULL, and THATCHER, yeas; Mr. SHERMAN, nay.

Mr. LAWRENCE moved to strike out Potomac and insert Baltimore.

YEAS—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Rensselaer, Partridge, Schureman, Sedgwick, Seney, Sherman, Smith, of Maryland, Smith, of South Carolina, Sylvester, Sturgis, Thatcher, Trumbull, Wadsworth—26.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gilman, Gale, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sever, Sumter, Sinnickson, Steele, Stone, Tucker, Vining, White, Williamson, Wynkoop—34.

Mr. GERRY moved to strike out the words "purchase of." YEAS 26, nays 35.

Mr. GERRY moved to insert a clause which should limit the commissioners, in the expense, to

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General Post Office.

[H. or R.]

the sum to be appropriated by the bill. YEAS 26, nays 33. Mr. LAWRENCE moved to add these words—"provided the buildings shall not exceed the sum of ——— dollars." YEAS 26, nays 32.

Mr. GERRY moved that the words "three commissioners, or any two of them," should be struck out. This was negatived.

Mr. TUCKER moved that the whole of the 5th section should be struck out.

YEAS—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Seney, Sherman, Sylvester, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, Wadsworth—28.

NAYS—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sever, Sinnickson, Steele, Stone, Sumter, Vining, White, Williamson, Wynkoop—33.

Mr. BURKE moved to strike out the first Monday in December next, and to insert the first Monday in May, 1792.

The yeas and nays as above, except Mr. GOODHUE, who was not present.

Mr. SHERMAN moved that "December" be struck out before the word "next," and May inserted.

The yeas and nays the same as on Mr. TUCKER's motion for striking out the 5th section.

Mr. SMITH, of South Carolina, moved that the words "at which place the next session of Congress shall be held," should be struck out. He moved this amendment, he said, on account of the unconstitutionality of the clause.

YEAS—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Sedgwick, Seney, Sylvester, Sherman, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, Wadsworth—26.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sever, Sinnickson, Steele, Stone, Sumter, Vining, Williamson, White, Wynkoop—33.

Mr. SMITH, of Maryland, moved an amendment by which the public officers should be removed to the Potomac previous to the year 1800, provided the buildings should be prepared for their reception before that time—YEAS 13, nays 48.

It was moved that the bill be read the third time on Monday next; this was negatived.

To-morrow was then proposed; this was negatived.

A motion was made to adjourn; which was also negatived.

The bill was then read the third time; and on the question, Shall the bill pass? the yeas and nays were as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sever, Sumter, Sinnickson, Steele, Stone, Tucker, Vining, White, Williamson, Wynkoop—34.

Mr. GERRY moved to strike out the words "purchase of." YEAS 26, nays 35.

Mr. GERRY moved to insert a clause which should limit the commissioners, in the expense, to

mons, Gale, Griffin, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Scott, Sever, Sinnickson, Steele, Stone, Sumter, Vining, White, Williamson, Wynkoop—32.

NAYS—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Gilman, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Partridge, Rensselaer, Schureman, Sedgwick, Seney, Sherman, Sylvester, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, Wadsworth—29.

SATURDAY, July 10.

GENERAL POST OFFICE.

The House took into consideration the amendments proposed by the Senate to the following bills, viz:

The bill to regulate trade and intercourse with the Indian tribes; the bill to provide for the regulation and government of seamen in the merchant's service; and the bill to establish the Post Office and post roads in the United States. To some of the amendments the House agreed, and disagreed to others, so that none of the bills were completed. The first amendment to the Post Office bill, by which the Senate proposed that the establishment of cross-roads should be left to the Postmaster General, under the direction of the President of the United States, was rejected; the discussion of the other amendments took up the time till the adjournment.

One of the amendments to the Post Office bill proposed that the transmission of newspapers, through the medium of the Post Office, should be under such regulations as the Postmaster General shall establish; and with such abatement of postage as may be necessary for the easy conveyance of information to the citizens of the United States. Disagreed to.

This amendment was opposed by Mr. GERRY and Mr. BURKE, on this ground—that it carried with it the plainest outlines of a system to establish a Court Press and Court Gazette. To give this paper a currency and circulation through all parts of the Union, in total discouragement and exclusion, through the post office, of every other paper, if the Administration thought proper to do so, in case of any of those contests and jarrings which often happen between the Administration and the people in a Government like ours. They urged that the Postmaster General is authorized by this clause to put in practice a management calculated to circulate the papers and publications of one printer, with abatement of postage, and to discourage others under such uniform regulations as he may think proper to establish.

MONDAY, July 12.

INDIAN TRIBES.

An amendment of the Senate to the bill to regulate trade and intercourse with the Indian tribes, by which they propose that the fourth section should be struck out, was taken into consideration. This section appropriates 10,000 dollars, to be ap-

plied in purchasing necessities and presents, under the direction of the President of the United States, for the Indians.

This amendment was disagreed to.

COLLECTION OF DUTIES.

The House resolved itself into a Committee of the Whole, on the bill to regulate the collection of duties imposed on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels, Mr. Boudinot in the Chair.

Sundry amendments were made in this bill; which were ordered to be reported to the House to-morrow.

GOVERNMENT OF SEAMEN, &c.

A message from the Senate informed the House that they recede from their amendment to the bill for the regulation and government of seamen in the merchants' service, to which the House had disagreed; and that they adhere to their amendment to the bill to regulate trade and intercourse with the Indian tribes. They also insist on their amendments to the Post Office bill, and request a conference on the subject.

TUESDAY, July 13.

UNIFORMITY OF CURRENCY.

The SPEAKER laid before the House a report from the Secretary of State, of a plan for establishing uniformity in the currency, weights, and measures, of the United States, pursuant to an order of the House of the 15th of January last; which was ordered to lie on the table.

DEBTS OF THE STATES.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill making further provision for the payment of the debts of the United States; which was twice read and committed.

A committee consisting of Messrs. GERRY, STEELE, HARTLEY, VINING, and BURKE, was appointed to confer with the committee of the Senate on the disagreement of the two Houses in respect to the Post Office bill.

The Senate having insisted on their amendment to the bill "to regulate trade and intercourse with the Indian tribes," it was moved that the House should recede from their disagreement.

This motion, after some debate, was negatived—27 to 24.

A committee, consisting of Messrs. MADISON, SENOWICK, and MOORE, was appointed to confer with the Senate on the subject of disagreement.

The House took into consideration the amendments to the new collection bill; which, being accepted, and other amendments agreed to, the bill was ordered to be engrossed for a third reading on Tuesday next.

The amendments proposed by the Senate to the bill providing for the settlement of accounts between the United States and individual States were next taken up.

The first amendment was to strike out the two additional commissioners proposed by the bill. Mr. FOSTER proposed that the House should concur with the Senate.

This motion occasioned a debate, and was finally rejected.

WEDNESDAY, July 14.

The House took up the amendment of the Senate to the bill for settling the accounts between the United States and individual States.

They disagreed to the amendments, and appointed a committee, consisting of Messrs. SENOWICK, WADSWORTH, BOUDINOT, FITZSIMONS, and WILLIAMSON, to confer with the Senate.

Mr. SMITH, of South Carolina, introduced a bill making further provision for the support of light-houses in those States which have not yet ceded them to Congress. The bill was twice read, and ordered to be engrossed.

The memorial of Lewis Pierre Lambert de Neuville was taken up for consideration, and the petitioner had leave to withdraw his petition.

THURSDAY, July 15.

The engrossed bill to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers, was read the third time and passed.

ADJOURNMENT.

The House proceeded to consider the report of the Joint Committee of the two Houses, appointed to consider, and report their opinion, when it will be convenient and proper that an adjournment of the present session of Congress should take place; whereupon,

Resolved, That, in the opinion of this House, the business now depending before the two Houses may be finished by Tuesday, the twenty-seventh instant; and that it will be convenient and proper that an adjournment of the present session of Congress should take place on that day.

OFFICERS AND SOLDIERS OF THE REVOLUTION.

Mr. BAOWX, from the committee appointed for the purpose, presented a bill to enable the officers and soldiers of the Virginia line on Continental establishment to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota; which was twice read and committed.

FEES OF CONSULS.

Mr. GERRY, from the committee appointed for the purpose, presented an amendatory bill for establishing the fees and perquisites to be received by Consuls and Vice-Consuls of the United States in foreign ports, and for other purposes therein mentioned; which was twice read and committed.

DEBTS OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole on the bill making further provision

for the payment of the debts of the United States, Mr. Boudinot in the Chair.

The bill being read, a motion was made that the committee should rise, in order to bring in a new impost bill, that the new duties proposed by the bill, in addition to the old, might be united, and made specific in one bill. This motion was supported by Mr. SMITH, of South Carolina, and Mr. SENOWICK; it was opposed by Messrs. JACKSON, MADISON, PAGE, and HARTLEY.

The motion was negatived.

The bill being gone through with, the committee rose and reported the same to the House, without amendment.

A variety of motions were made, and some of them, after debate, withdrawn. A motion to add a clause for repealing the section in the impost bill, which limits its duration to the year 1796, was debated till the adjournment, without coming to a decision.

FRIDAY, July 16.

PUBLIC DEBT.

The House resumed the consideration of the bill making further provision for the payment of the debts of the United States.

Mr. FITZSIMONS proposed several additions, some of which were agreed to; among others, A drawback on spirits distilled from molasses, exported out of the United States, of three cents per gallon; and

A clause to remit the duties which accrued in the time that elapsed between the impost law taking place, and the officers of the United States entering on their office, and to refund those duties which were paid on account of the United States, under such circumstances.

On motion of Mr. LAWRENCE, a clause was added, laying a duty of — cents on foreign cables, cordage, yarns, &c.

On motion of Mr. BROWN, a duty of one cent per pound was laid on bar and all other lead imported.

On motion of Mr. WADSWORTH, an additional duty of five per cent was laid on all colored cotton goods of foreign manufacture.

On motion of Mr. FITZSIMONS, a clause was added, to repeal the section of the impost law which limits its duration to the year 1796, and to continue that and the new impost till the sums for which the respective duties are laid shall be discharged; also, to empower the Legislature of the United States to establish other funds of equal value, in case the present should be found inconvenient or unproductive.

It was ordered that the bill be engrossed for a third reading on Monday next.

SATURDAY, July 17.

COLLECTION OF DUTIES.

The engrossed bill to regulate the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on

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the tonnage of ships or vessels, was read the third time and passed.

Mr. WILLIAMSON presented a bill for the relief of disabled soldiers and seamen, and of certain other persons, lately in the service of the United States; which was twice read and committed.

MONDAY, July 19.

PUBLIC DEBT.

The engrossed bill further to provide for the payment of the debts of the United States, was read the third time, and the blanks filled up.

The time for the commencement of the act was fixed at the first day of January next.

Duty on imported cables, 150 cents for every 112 lb.; duty on tarred cordage, 150 cents for every 112 lb.; duty on untarred cordage and yarns, 180 cents for every 112 lb.; duty on twine and pack-thread, 400 cents for every 112 lb.

The blanks being filled up, the question was, Shall this bill pass? On this,

Mr. SENOWICK called for the yeas and nays, which are as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gilman, Hartley, Heister, Huntington, Jackson, Livemore, Lawrence, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Rensselaer, Scott, Seney, Sevier, Sherman, Sylvester, Sinnickson, Steele, Sturgis, Sumter, Vining, White, Williamson, Wynkoop—40.

NAYS—Messrs. Ames, Benson, Foster, Gale, Gerry, Goodhue, Grout, Sedgwick, Smith, of Maryland, Smith, of South Carolina, Thatcher, Trumbull, Wadsworth—15.

Mr. MADISON, from the Committee of Conference on the bill to regulate trade and intercourse with the Indian tribes, from which the Senate had agreed to strike out the fourth section, and which amendment the House had disagreed to, reported on behalf of the committee that the House should recede from their disagreement; it was moved that the House should accept this report, and recede; the question being put, it passed in the affirmative.

DISABLED SEAMEN AND SOLDIERS.

The House resolved itself into a Committee of the Whole on the bill for the relief of disabled soldiers and seamen, and of certain other persons, lately in the service of the United States, Mr. SENAY in the Chair. The committee made sundry amendments to the bill, which they reported. The House also made other amendments, and the bill was then ordered to lie on the table.

OFFICERS AND SOLDIERS VIRGINIA LINE.

The House then went into a committee on the bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, Mr. SENAY in the Chair. The committee reported the bill without amendment, and it was ordered to be engrossed for a third reading.

The House then went into a committee on the bill for establishing the fees and perquisites of

Consuls and Vice-Consuls, Mr. SENEY in the Chair. After some discussion of this bill, the committee rose and obtained leave to sit again. A message from the Senate informed the House that they have passed the bill for establishing light-houses, beacons, and public piers.

TUESDAY, July 20.

OFFICERS AND SOLDIERS VIRGINIA LINE.
The engrossed bill to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, was read the third time and passed.

FEES OF CONSULS.

The House again went into a committee on the bill for establishing the fees and perquisites of Consuls and Vice-Consuls, Mr. BOUNDNOT in the Chair.

On motion of Mr. MADISON, a proviso was added, authorizing the President of the United States to appoint one or more Consuls on the coast of Barbary, at a salary of nine thousand dollars per annum.

The committee having finished the discussion of the bill, and agreed to sundry amendments, rose and reported the same.

The House further amended the bill, and it was then ordered to be engrossed for a third reading to-morrow.

WEDNESDAY, July 21.

FEES OF CONSULS.

The engrossed bill for establishing the fees and perquisites to be received by Consuls and Vice-Consuls of the United States in foreign parts, and for other purposes therein mentioned, was read the third time and passed.

U. STATES AND INDIVIDUAL STATES.

Mr. SEDGWICK, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses, on the bill providing for the settlement of accounts between the United States and the individual States, reported certain amendments that it would be proper to make in the said bill; the House took the report into consideration, and agreed to the same with a small alteration.

A message was received from the Senate, that they had passed the funding bill, with sundry amendments, which amendments were made the order of the day for to-morrow.

THURSDAY, July 22.

COASTING TRADE.

Mr. GOODHUE, from the committee appointed for the purpose, presented a bill for registering ships or vessels, for regulating those employed in the coasting trade and fisheries, and for other purposes, which was twice read and committed.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, covering his report for a uniform system for the disposition of lands, the property of the United States, made pursuant to an order of the House of the 20th of January last, which was read and ordered to lie on the table.

GENERAL POST OFFICE.

Mr. GERRY, from the managers appointed on the part of this House to attend a conference with the Senate on the subject-matter of the amendments depending between two Houses to the bill to establish the Post Office and post roads within the United States, made a report.

The first amendment of the Senate the committee on the part of the House did not agree to. This amendment was to invest the Postmaster General with the power to establish the cross post roads. Mr. HARTLEY moved that the House should adhere to their disagreement; this was seconded by Mr. BLOODWORTH.

A considerable debate ensued on this motion, which was finally carried in the affirmative, the yeas and nays being as follows:

YEAS.—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Clymer, Coles, Contee, Fitzsimons, Floyd, Gale, Gerry, Griffin, Hartley, Heister, Huntington, Jackson, Livermore, Madison, Matthews, Muhlenberg, Page, Parker, Scott, Seney, Sevier, Sherman, Sylvester, Steele, Stone, Seney, Sturgis, Sumter, Tucker, Vining, and White—35.

NAYS.—Messrs. Ames, Benson, Boudinot, Cadwalader, Foster, Gilman, Goodhue, Grout, Lawrence, Leonard, Partridge, Rensselaer, Schureman, Sedgwick, Smith of Maryland, Smith of South Carolina, Thatcher, Trumbull, Wadsworth, and Wynkoop—20.

The other amendments were agreed to.

The House then took up the amendments of the Senate to the funding bill, and made some progress therein.

FRIDAY, July 23.

PUBLIC DEBT.

The House resumed the consideration of the amendments proposed by the Senate to the bill making provision for the debts of the United States.

On motion of Mr. GERRY, the interest on indentments was raised from three to four per cent. per annum.

The term of "ten years," the proposed period at which one-third of the principal was to be funded, was altered to seven years. These, with the rate of redemption, at eight dollars per annum on account of principal and interest, which the Senate proposed should be at seven dollars per annum, were all the alterations made by the House this day.

On the proposition for the assumption of the State debts being read, Mr. JACKSON moved that the amendment of the Senate respecting the assumption of the State debts should be disagreed to.

In support of his motion, he said it is with great

reluctance he rose again on the question before the House—a measure which has not only agitated this Legislature, but has more or less convulsed the whole people of the United States. It has elated speculators and State brokers, whilst it has depressed three-fourths of the honest part of the community. It has held out alluring prospects and fortunes to the one, whilst it has blasted and withered the just expectations of the other. It has, in short, been the centre-pin of visionary projects and interested men, whilst its future effects have been viewed with horror by disinterested minds.

To give a history of this important question, (for important, however wicked, it certainly is,) would be to tax Congress with the most extreme inconsistencies. Repeatedly has the question been decided, and repeatedly negatived; and as the principle was first originated without reference, the same stubborn disposition is manifest, notwithstanding the repeated determinations of the House. The forms of Proteus have been assumed, and the forms of Proteus have been deified here; but a new shape is not still wanting to aid the perseverance of the East. The Senate of the United States, a power not known to, nor chosen by, the people, have undertaken to load the citizens of the United States with an enormous debt.

I will not appeal to the passions; but I call on the House, as the Representatives of the people, as the guardians of their liberties, to resist this encroachment on their constitutional rights; they will expect it, and if the principle is established at present, there is no knowing to what length it may be carried in future. As well might the Senate, under color of an amendment, have inserted the whole funding system in an appropriation bill, as have inserted this new principle in the bill before the House. It may be advanced that it is no money bill, that there are no ways and means, no taxes or burdens imposed on the people. To interested men, and persons who would not look beyond the surface, this reasoning might appear just; but I would ask, if the taxes and burdens, the ways and means, must not follow? Pass this principle in the bill, and the public faith is bound; neglect to provide for it, and you lay the Government open to insult.

But setting this encroachment of the Senate from our view for the present moment, I have no objection to consider the question on its own merits. Nothing which I have yet heard has convinced me of its propriety. The accumulation of an immense debt ought to be founded in more than perseverance for its basis; it ought to have justice for its groundwork, and policy for its superstructure.

The question of justice has been subservient to both sides of the House; but the great rules, the leading features of justice, have not been answered, if they have been attempted. Where, I again demand, is the justice of compelling a State which has taxed her citizens for the sinking of her debt, to pay another proportion, not of her

own, but the debts of other States, which have made no exertions whatever?

If this assumption had taken place at the conclusion of the war, the principle would have been more just than at present, because then none of the States had made exertions to relieve themselves from debt, and they were nearer on an equality; but even then it would not have been on perfect terms of justice; the situations of the States, and their charges, were not the same.

But, sir, suppose the accounts settled at the close of the war, how would the expenses of the war have been proportioned? Not agreeably to the present ratio of representation, will be allowed me. How then? Why, by the ratio of existing requisitions, or nearly so, and Georgia would have paid one-nineteenth part of the whole debt; whereas, at present, she is bound for the one twenty-second part. But now, sir, even the ratio of representation is to be overleaped by the present scheme of the assumption, and by a calculation of the quota, she will pay upwards of 600,000 dollars more than she will be benefited by. New Hampshire and Georgia ought to receive, if a just quota was allowed as three sixti-fifth parts of 21,000,000 dollars, 992,307 dollars each; they are, by the system before the House, to receive but 300,000 dollars each, which makes a deficiency of 692,307 dollars of their proportion of the amount which is to benefit other States, and the citizens of New Hampshire and Georgia are to pay it. Can this House expect that they will quietly submit to it? If the citizens of New Hampshire are disposed to be easy under the imposition, I do not believe the citizens of the State of Georgia will be contented. Let us examine some of the other States. Massachusetts is to receive of the sum 4,000,000 dollars; her just quota of the sum would be 2,646,153 dollars, or thereabouts, enjoying an excess in her favor of 1,353,846 dollars. South Carolina has still a greater excess, she is to receive 4,000,000 dollars; her quota of the sum would be 1,653,846 dollars and some cents; the excess in her favor will be 2,346,153 dollars. North Carolina has an excess of 746,153 dollars, where she has not asked it, and where the State and her Representatives are averse to the measure. What, sir, I will ask, is this for? Is it by way of gift or douceur? I know her Representatives to be too honest, too steady to their trust, to be bribed. Georgia and New Hampshire are, however, not the only States which will suffer; New York and Maryland will likewise be injured. The former is to receive 1,200,000 dollars; her just quota would be 1,904,615 dollars; there will be a deficiency, therefore, of 784,615 dollars. The deficiency of Maryland is much greater, she is to receive but 800,000, and the deficiency from the amount of her just quota will be 1,194,615 dollars. One State, Pennsylvania, has a million allowed her above the amount of her debt. So that some of the States are to be doubly, and some trebly taxed, for the benefit of others. I will here, sir, appeal to the same moral sense with the gentleman from Massachusetts, (Mr. AMES,) to the same rectitude

H. or R.] of the heart, and I will confidently demand from him if you can impose this burden on the States and call it equality; if you can adopt the assumption and call it justice.

I consider the State which made exertions, as I mentioned on a former day, to have paid off so much of its proportion of these debts, whether called the debts of the States, or the debts of the Union. If State debts, no State ought to pay the debts of other States; if they are the debts of the Union, then has the State which has exerted itself and paid off its own debt, contributed its proportion, and ought not to pay a second time.

A gentleman from Connecticut has analyzed the arguments in favor of the measure. As I think them of as much weight as any that have been advanced, I will notice a few of them as well as my small ability will permit. That gentleman's first argument is, that the debts were contracted on behalf and for the benefit of the United States, and that therefore justice requires they should be assumed. On this principle, the gentleman has endeavored to prove that the debts are of the same nature, and, in fact, the debts of the United States. The very term, however, which he uses, of State debts, must convince him they are so; his explanation with a gentleman from Massachusetts, (Mr. GEERY,) why they were not inserted in the Constitution, has convinced me that they were not respected as the debts of the Union by the Convention.

The Convention met, and the Constitution was formed for the restoration of public credit, and if the State debts were a part of the debt of the Union, provision would have been made for them. But, sir, if the Convention had no power to insert them in the Constitution, whence all our powers are derived, neither, sir, have we a power, under that Constitution, to provide for the payment of them. Neither are those debts of the same nature with that of the United States. The same scrutinizing eye hath not pervaded the respective States. Some States, in expectation of being the paymasters themselves, have dealt with a rigid parsimony; others have been as extravagantly liberal.

Some have allowed regiments of officers to their militia without men, whilst others have reduced their officers to a grinding situation. Some have allowed large bounties and pay, as has been the case with some of the States who complain most, at all. Many of the charges of individual States would be rejected; whilst others, which the States have rejected, would be allowed. The difference is very great, and clear as the day, and none but interested individuals can prevent discerning it.

The second argument of the gentleman is, that some States have taken upon themselves greater sums than their proportions or abilities will pay. This, sir, I think doubtful; nor can it be ascertained but by a settlement of accounts, which alone can determine. But, sir, let us examine, on the principles of equity, the claims of the two States which complain the most—Massachusetts and South Carolina. The former has, it is said, greatly exceeded her quota.

referred to does not include the State debts; the impost of five per cent. was required from the States for the payment of the real debts of the Union; suppose all the States had agreed to that measure, would not they still have paid their own debts?

The fourth argument, that imposts and excises can be best managed under one direction, falls with the third; excises are rejected, and I hope the House have no intention of bringing them forward again. I trust that Congress will not be like the Long Parliament—foster them in secret, while they openly disavow them.

The fifth argument of the gentleman, if it is not fully refuted by my reply to his first and second, can be easily accomplished. It is, that equal justice ought to be done to all the creditors; but this cannot be done by individual States, some of them being unable to make provision, burdened beyond their quota, and deprived of former revenues.

By the present mode the argument is defeated, for the creditors are not on a footing—the whole is not assumed—a proportion will therefore still be left to the mercy of the States, which may be as backward in their payment now as formerly. Without the assumption at all, the distinction was not hard to be borne. It was only between the State creditors and those of the Union. At present, the distinction is between the same State creditors—those who will benefit are the speculators near the seat of Government; and those near the Commissioners; while those at a distance, and who, probably, are the only original holders, will not be benefited. The creditors of one State are not even on a footing with those of another. Massachusetts, South and North Carolina, have the one-half of 21,000,000 dollars allotted them; the two former have nearly their whole debt. I will call on gentlemen to know if any within this House can suppose they have a balance of 10,000,000 dollars due them? The amount of the debt of Georgia is more than was supposed, it amounts to 700,000 dollars—300,000 of which are only to be assumed. If the measure was wise, the whole ought to be assumed.

I am not for this partial method; either the assumption ought to be proportioned to the representation, or taken generally, or certificates ought to issue to the States for what they have sunk, as to individuals.

The sixth argument is, that the measure is founded in good policy, as well as justice, as it will promote harmony among creditors and different States, attach them to the Government, and facilitate operations.

That it is not founded in justice I think has been pretty well shown. Its policy was clearly proved, at a former day, to have been a consolidation of the Government; and, sir, I believe, with it, a consolidation of the people's liberties. The object certainly was the absorbing the whole of the State powers within the vortex of the all-devouring General Government; seven years were we fighting to establish props for liberty, and in less than two years since the adoption of the

Constitution are we trying to kick them all away, and he is the ablest politician, and the best man of the day, who can do most to destroy the child of liberty of his own raising. A friend, sir, to the State Governments, or the liberties of the people, is as much lost at the present day, as if he had belonged to the last century, and had a resurrection in the present age.

But, sir, if so much of this patriotism is lost near the seat of Government, let us not suppose that it is the case with the whole of the United States. The States will not tamely submit to a measure calculated to distress, and manifestly founded in injustice and the ruin of the State Governments. So far will it be from producing the harmony the gentleman has supposed, that I think I can venture to prophesy it will occasion discord, and generate rancor against the Union. For if it benefits one part of the United States it oppresses another. If it lulls the *Shays* of the North it will rouse the *Sullivans* of the South.

The more checks there are to any Government, the more free will its citizens be. The State powers are a most effectual and necessary check against encroachments from the Government of the Union. The assumption, by annihilating the powers of the State Governments, will prove a decisive and fatal stroke at that check.

A gentleman from Massachusetts (Mr. AMES) has asked if the tendency of this measure will be to evil rather than to common benefit? He is of the latter opinion, although he allows this to be a vague question. If, sir, the question is vague or dubious surely he will not adopt it. He says, however, that it will prevent interference between the State Governments and that of the Union, and prevent the usurpation of one upon the other.

That it will prevent usurpation is a fact I will grant the gentleman; for, sir, if the assumption takes place, there will be nothing left to usurp. The States will be deprived of every thing but the shadow of power; they will be reduced to the state of mere colonies, with not even the power they possessed previous to the Revolution. The gentleman has likewise told us of the protection the measure would enable the Government of the Union to afford the respective States. Sir, if we were under the Government of a despotic Prince, I suppose that we should be well protected against foreign tyrants, but how should we be protected against himself? We should lay at his mercy, and become his property. The gentleman's argument, therefore, goes too far, when it tends to prove the more power we give the Government the better we shall be protected.

Sir, the competition, so far from being an injury, is, in my opinion, a benefit; jealousies are necessary in all free countries, and as long as those jealousies exist, the people will be safe; whether, therefore, the State Governments are to be considered as rivals, watchmen, or legislators, State powers are absolutely necessary.

The gentleman from Connecticut has noticed an argument respecting the ratio of contribution by impost, and has alluded to the Journal of Congress

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gress of the 28th of April, 1783, where, he says, it is clearly proved that the States contribute to the impost according to the number of inhabitants. The gentleman from Massachusetts has likewise noticed this. I grant those gentlemen that the consumer pays, but I deny that the States pay agreeably to population—they contribute, sir, agreeably to habit. Connecticut manufactures a great deal, and she imports little. Georgia manufactures nothing, and imports every thing. Therefore Georgia, although her population is not near so large, contributes more to the public Treasury by impost.

But admitting the force of the gentleman's arguments, and let it be fixed at population—yet, sir, on the principles of justice, the arguments, so far as respects the assumption, must fail. Imposition, as well as all other taxes, is an imposition, and only to be permitted in cases of necessity, or where preservation to Government requires it; it is an actual encroachment on the people's rights in any other view. *Vattel*, the celebrated writer on the laws of nations, calls the freedom of commerce a natural right, and says, that instead of burdens and restrictions, it is the duty of all nations to give it the utmost freedom, and that restrictions can only be justified on very important reasons, arising from the public good.

In America, that necessity has originated from the public debt, and the necessity will remain as long as the public debt exists. Add to that debt, and you add to the necessity; go on in that ratio, and you may keep the necessity for ever. But, sir, shall we, to strengthen the Government, add to our debts, and injure the people?

It has, however, been advanced, that the citizens have given this into our hands; that we are in the exercise of it, and it has been implied that we shall always keep it. The gentlemen who use this language know not the people of America. Sir, it is expected, and I hope never will be lost sight of, that when the necessity is at an end the duties will be taken off. Besides, is the impost more in our power than the excise, or direct taxation? The one is equally given us with the other, and carry the idea of impost as far as some gentlemen wish it, and you may carry direct taxation as far. We are not confined in our powers, and if Congress choose to tax the citizens to the whole amount of their estates, there is power sufficient in the Constitution to warrant it. But, sir, would the citizens submit to it? So far am I from agreeing with the gentlemen, that I can assure them it was expected that the States would have been credited for the imposts they furnished.

The gentleman from Connecticut has noticed an argument of mine respecting the debt of Georgia; but he has not refuted the justice of it. He says it is an additional reason for assuming. Sir, I do not believe that there are twenty original holders in Georgia; the original holders received no interest, nor did they expect any; they parted with the certificates as they stood, without interest; the speculators now hold them, and, contrary to the tenor of the certificates, the intention of the State, and the contract they made, they will be

allowed interest. Here will be a prodigious distinction, the one-half of the creditors of Georgia receiving interest, the others none; how is this to be reconciled? Besides, sir, the debt will be increased one-half; there will be an additional debt, if interest is allowed on the whole, of 350,000 dollars, supposing the debt to amount to 700,000 dollars. Will the original holder who did the service, or furnished the supply, be contented to be taxed to supply this interest, when he himself was not allowed it?

Another argument arises now against the measure, which did not exist at a former day—the excise, which had begun to set the Continent in a flame, has been rejected. Are there members hardy enough to adopt and sanction it now, after they have exerted themselves against it? For this must be the case, or it will be again rejected. Will this House, as I before mentioned, be like the Long Parliament of England, who first adopted the measure—will they foster it in secret, while they apparently reject it? Where else, I ask, are the ways and means to satisfy this accumulated debt? Your impost is stretched to the utmost; if you go further, you will not only oppress the people, but lose your revenue. Will you proceed to direct taxation? We have been informed that the people will not submit to it.

If the House, sir, will not submit to the voice of reason, and are determined to assume, still, sir, I insist that this is not the period. The respective States, ought to be consulted, and the measure should appear the result, not of party or bargain, but the result of deliberation, which all our measures at least ought to wear the appearance of. It will appear to be the former, if adopted now, after so many decisions. Even in Massachusetts, let us listen to the warnings of a *Hancock*, that father of 1776, who, by his signature, first pronounced you a free nation—hear the venerable patriot expressing his doubts of the powers of Congress in this respect, without the consent of the respective States first obtained. Her Legislature, in compliance, instructed their Senators and Representatives; this was done, although we were told on this floor, about that time, that the country was overloaded with debt, and her citizens borne down with the weight of taxes. What other States have done the same? None but South Carolina; so that the two States only which are interested in this business, have received instructions from their Legislatures. Let me ask this House, if those two States have received instructions, where so much interested, if the other States should not also be consulted, and where they are to receive no benefit from the measure? I request the House to think of the evil consequences of it before it is too late, and at least to postpone it until the next session. If it is good now, it will be good then. If it is not adopted now, it can be then; but if it is assumed at the present session, we shall be bound without the power of relieving ourselves again from the burden. Let us not exhibit a monument to mankind of the impossibility of preserving Republican manners by aping European nations, and laying the foundation of our Government in im-

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mense debts. Sir, our terms of service, happily, I believe, for the country, are near expiring. We shall return to the mass of the people, and participate in the burdens we impose. When the cool hour of investigation arrives, happy indeed will it be for us if, amidst the murmur of an oppressed people, we have not to say, in self condemnation, I too have been guilty of bringing this load of sin on the nation, and this load of fetters on the people. America, sir, will not always think as is the fashion of the present day; and when the iron hand of tyranny is felt, denunciations will fall on those who, by imposing this enormous and iniquitous debt, will beggar the people and bind them in chains.

Mr. Smith, of South Carolina, after some introductory observations, said, that two points were generally conceded; namely, that the debts, which for distinction sake, were called State debts, had been incurred for the common welfare and general defence, and that those debts ought to be paid; the question was, by whom? Whether by the several States or by the Union?

There was one principle, he said, which should be attended to in the discussion of this great question; that was, that the citizens of one State ought not to pay a greater price for independence than those of another, but that a citizen of New Hampshire, in proportion to his means, should contribute as much towards the expenses of the war as a citizen of Georgia.

Premising this principle as one which could not be shaken, it might serve as a standard by which the arguments on both sides ought to be tried. Should the States be left to pay their respective debts, it was evident that the citizens of those States which suffered most from the incursions and depredations of the enemy, would pay a higher price for their liberties than the citizens of other States, because the debt would be larger, and the means of payment smaller. The burden would be therefore unequal, and every refusal to equalize it would be unjust. Whether the citizens of those States were viewed in the light of creditors of the public or not, the inequality would be apparent. If creditors, they would have a less chance of being paid than creditors of other States; the individual in South Carolina who split his blood, furnished supplies, or lent his money to carry on the war, would probably receive compensation at the rate of a shilling in the pound, while the individual in Maryland, with similar claims, would receive his compensation at the rate of fifteen shillings in the pound; and while the citizen who had casually received a Continental instead of a State certificate, would be settled with at the rate of twenty shillings in the pound.

If the citizens of the suffering States were viewed not as creditors, but as individuals liable to such taxation as would be necessary to do justice to the creditor, the inequality was no less obvious. In one part of the Union the people would be crushed with grievous taxes, in another the taxes would be trifling; the inequality, indeed, would exist in a compound ratio; for, in proportion to the amount of taxes necessary for the pay-

ment of its debt, would be the inability of the suffering State to pay them; inasmuch as a large debt would be an evidence of great exertions, and consequently of great distress; it would therefore follow, that in one State, either the creditor would lose his debt, or the citizens groan under an enormous burden, while in another State the creditor would have his debt well funded, and the citizens smile under an easy system of taxation.

Under the old Confederation, this inequality, although incompatible with the true principles of the social compact, was, however, tolerable, because each State retained all its resources; and because there was no other Constitutional mode of equalizing the burden among the States than by a settlement of accounts. Under the present form of Government it will be intolerable; because the impost, which to the States most in debt was the most valuable source of revenue, is relinquished to the Union; and because Congress have it in their power, by the assumption, to do away all disproportion. This measure will therefore stand the test of the principle above premised; for the creditors of all the States will be placed precisely on the same footing, and the citizens of all the States will be equally taxed.

An objection, however, is much depended on, derived from a supposed inequality, which will occur in the event of an assumption: some States, it is said, have, since the peace, discharged a part of their debts by considerable exertions, and it is not just that their citizens should now contribute to the discharge of the debts of other States which have been remiss.

In order to give weight to this objection, great merit has been assumed by the former, and much censure inflicted on the former, who have been exultingly asked, why they had not made similar efforts? Such a question, Mr. S. said, he was inclined to compare to the conduct of a man in the vigor of health, who had never seen the face of a doctor, asking a sick friend, still languid under the depression of a severe illness, why he did not eat heartily, and take exercise, as he did?

Each State, he presumed, undertook at the close of the war, such methods of extricating herself from her embarrassments as were within the compass of her abilities. He did not ascribe the payments some States had made, to a greater degree of virtue in them than in others; nor could he suppose that the gentlemen who made this observation seriously thought that an individual was more meritorious because he was a citizen of one State, than if he had been a citizen of another; or that an ideal boundary line of a State could operate so wonderfully on the human mind, as to render the citizen on this side active in the performance of his political duties, and the citizen on the other side inactive? That, being on the north side of the Potomac or the Savannah, an individual would have more or less inclination to contribute his exertions for the public good, than if he were on the south side? Unless they insisted on these points, how could they account for these inequalities of which they complained; to what causes could they attribute the large debts

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of some States, and the smaller debts of others? The exertions of some members of the Union since the peace, to disencumber themselves of their burdens, and the supineness of others? Could they be traced to any other cause than a greater degree of suffering during the war, on the one part, and a greater abundance of resources, since the peace, on the other? Those States, which during the war were most invaded by the enemy, were at the peace most exhausted; and it was unreasonable to demand greater exertions from them. In proportion to their struggles and efforts was their debt increased; in the same proportion was their strength exhausted, and their resources drained; while other States, more fortunate, (and he envied them not their good fortune,) contracted less debt during the war, and were fully competent to the discharge of that small debt at the peace.

He wished all these circumstances of comparative merit had been kept out of view, and that the question had been considered on its proper grounds of justice and policy; but as they had been contemplated by some members as necessary materials in the investigation, without which a proper estimate of the true merits of the question could not be formed, he considered it a duty he owed to the State he represented, to take some notice of the arguments which had been urged on that head.

Two points had been dwelt on—the large debts of some States, and the feeble exertions they had made to discharge them. He was happy he had it in his power to clear up, in a few moments, the doubts of every candid mind on both those points, as they related to South Carolina. With respect to the first, the size of her debt might be accounted for, from the following circumstances: that she paid, fed, equipped, and clothed the whole Continental line of South Carolina, from its first raising to the 1st January, 1782, a period of seven years; that the defence of the whole Southern trade fell chiefly on South Carolina, as well as the protection of a considerable extent of sea-coast, which cost an immense sum for vessels of war, galleys, &c. While Georgia and Virginia had their galleys on Continental establishment, South Carolina had to pay her own; that Charleston was three several times attacked by the British forces in 1776, 1779, and 1780, which induced an enormous expense for fortifications; sinking vessels, to obstruct their passage up the rivers; arming and calling forth the militia; purchasing horses, naval and military stores; that at the time the British arms attacked the State on the sea-coast, the savages and Tories attacked it in the west; that in addition to all this, the State had assumed out of the hands of its citizens charges against the United States, liquidated by their Commissioners, amounting to more than two millions of dollars; that while the citizens of some States received hard money, the citizens of South Carolina were compelled to receive certificates for the supplies which were furnished to the Southern army; and that the State had more-over been at a vast expense in raising and equip-

ing some regiments of horse, under the sanction of General Greene. These were some of the causes of the large debt that State had long groaned under. He then adverted to the steps she had taken since the peace to discharge it. Much could not be expected from people distressed as her citizens were; many of whom owed considerable private debts to British merchants at the breaking out of the war, and had been bereft of almost the whole of the property with which those debts were to be discharged. A State, which for the space of six or seven years had been constantly struggling with the enemy; which had lost its crops for several successive years; whose towns had been burnt; deprived of upwards of its citizens destroyed; nearly one-half of its laborers; 30,000 negroes; nearly one-half of its laborers; the property of citizens torn from them by British plunderers, or by American impressments; multitudes of its citizens killed; in so much, that in the district of Ninety-Six alone there were 1,400 widows at the close of the war—could not be censured with any propriety for having made slender exertions to discharge her debts. In 1784, she attempted a funding system, and had kept down the interest ever since, which alone, considering her situation, was a considerable exertion, as the annual interest amounted to upwards of \$300,000. She had also sunk upwards of a million and a half of the principal, and would have done more, had the crops been favorable; but from 1783 to 1787, in consequence of the depopulation of laborers, the bad state of the fields, and a succession of bad seasons, the planters had annually made scarce half a crop. He did not mention these circumstances to make a parade of them, but for the purpose of removing impressions unfavorable to the citizens of that country, which seemed to exist in the minds of some of the members.

The opposition to the assumption was strongest from the States of Virginia and Maryland, and was founded in a belief that those States would be considerably injured by it. It had been said that they had extinguished a considerable portion of their State debts, and had placed the balance in a convenient train of settlement: the State of Virginia, including Kentucky, he said, was a very large and opulent State, abounding in internal resources, and the exertions she had made towards the discharge of her debt ought not to be estimated by a comparison with other States, but by a reference to her own size and strength: exertions which might appear considerable, when put in opposition to those of smaller States, would perhaps appear of less importance when her magnitude and vast resources were contemplated. The members from that State had not informed the House how much of her debt had been discharged, though they had generally spoken of a large sum; he had been informed that it did not in the whole exceed three millions of dollars; now this was surely a moderate sum to be raised in a period of eight years by a State, which, according to a respectable author, might without inconvenience, even in the time of war, raise \$1,500,000 annually. But

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South Carolina, a State of not half the size and population, had paid more than three millions of her debt, although she had unquestionably suffered much more by the war.

With respect to the State of Maryland, notwithstanding she had fortunately escaped the ravaging hand of the enemy, yet she was obliged to resort to her confiscated property as a fund for the discharge of her debt, while South Carolina had, in pursuance of the treaty of peace, and the recommendation of Congress, liberally relinquished a mass of valuable confiscated property, with which she might long ago have sunk every farthing of her debt.

Upon investigation it did not then appear that those States were entitled to more applause for their exertions, or would be more injured by the assumption than other States; but admitting, he said, that their exertions have been considerable, they will obtain a credit for them in a final settlement, and will become creditor States in proportion to their advances. The assumption will be favorable to both the debtor and creditor States; the former will be relieved from their debts, and will not be compelled to pay their balances by direct taxes, which they otherwise must do; the latter can receive their balances by no other process; after the assumption, there will be more creditor than debtor States, consequently there will be a majority in both Houses to enforce a settlement and payment. The advantages to the States in general, will be considerable; relieved from a grievous pressure of State debt, and from an expensive mode of taxation, they will apply their internal resources to the improvement of their manufactures, the opening their inland navigation, and the increasing of their exports.

The non-assumption will be productive of endless embarrassments; some States were unable to discharge their debts with the aid of the impost and excise; how will they be equal to it, deprived of those resources, or having only a partial assistance from the latter? If the Union should resort to the excise as well as the impost, the States will have nothing left but direct taxation, and can they with that resource alone defray their civil list and contingent annual expenses, and sink their debts? The States will be compelled to carry on a warfare of revenue against each other: manufactures protected by duties in a manufacturing State will be crushed by a heavy excise in a consuming State; excise will be laid on impost, and excise will be laid against excise, and the people will be ground between the rival systems. One of the principal causes of the present government was the mischief resulting from a contrariety of commercial regulations in the different States; the non-assumption will renew these embarrassments—will defeat one of the main objects of the Constitution, and be repugnant to its very principles; the meeting at Annapolis had in view a uniform system of commercial regulations and duties, and from that meeting sprung the present Constitution. The rejection of this measure will induce a repetition of all those clashing systems

which were so injurious to our trade and manufactures.

As the assumption relates to the Government of the United States, there can be no doubt that viewing it as a federal question, it will be a measure which will contribute to the more durable union of the States and will greatly facilitate the collection of the revenue. It will be just and politic; just, because the expenses were incurred in the common cause, and ought to be paid from the common treasury; and because Congress are exclusively possessed of the best resources of the country; politic, because the State systems of revenue will obstruct and injure the national system and impair the credit of the United States. These considerations should have weight with those who are specially appointed to administer this Government. In a great national question they should not suffer local considerations to warp their judgment, and influence a vote on which, perhaps, the very existence of the Union may depend. Will it be denied that there will be a clashing between the States on the subject of taxes and excises, that there will be heart-burnings on the part of the State creditors who will be left destitute while ample provision is made for the Continental creditors; that many of them will not only connive at frauds in the revenue, but will even promote them to reduce the Continental creditor to a level with themselves; that smuggling, instead of being viewed as a crime against the Union, will be deemed an innocent act, and even popular; because those who think themselves abandoned by the Government will feel themselves justified in thwarting the collection of a revenue which is to be distributed with so partial a hand? Shall our creditor be ruined because he happened to be a citizen of a State distant from the residence of Congress, and receive State securities, while another, perhaps less meritorious (for he might not have been a voluntary creditor) will have the principal and interest of his debt well funded, and a comfortable subsistence provided for the remainder of his days? Shall the bare circumstance of a Continental commissioner not going into a distant State till a considerable time after the peace, to liquidate the claims of its citizens, deprive them of a compensation for their services, or a retribution for their property employed in the common cause? Or shall the sufferings of a State during the war be aggravated at the peace, by saddling her with the payment of the debt incurred for general purposes? When these reflections rush on the minds of the State creditors, would it be surprising that they should abhor a Government by which they shall be treated with such palpable injustice?

But it is contended that justice will be done them by leaving the payment of their demands to the several States; and that justice will be also done to those States which have made greater exertions than others, on a final settlement of accounts. With respect to the latter observation, it cannot be urged with sincerity by those who have declared themselves persuaded that no settlement will ever take place, and who have relied

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on that circumstance as an argument against the assumption, because, say they, it is unjust that the States which have made considerable efforts since the peace to discharge their debts, should be taxed a second time to contribute towards the debts of other States; when this objection is obviated, by telling them that on a final settlement of accounts, they will have credit for these payments, and that the smaller the debt which is assumed by the Union the larger will be their balance as creditor States, they ridicule the idea of any final adjustment of accounts; now, when it is declared that the assumption is necessary to do justice to those States which made the most considerable exertions to repel the enemy, we are referred for that justice to a final settlement of accounts. But either there will be a settlement, or there will not; if there will be a settlement, no injustice will be done by the assumption, to the States which have already paid off a portion of their debts, for on such settlement they will have credit for their payments, with interest, and will have their advances refunded. If there will not be a settlement, the argument in favor of the assumption is unanswerable, for it is the only mode by which justice can be done to the States which were most exposed to the attacks of the enemy, and made the greatest advances in the common defence. But if there be no settlement, I shall be asked how is retribution to be made to the States which have cancelled part of their debts since the war; will not the assumption be injurious to them? I answer, in a considerably smaller degree than the non-assumption to the others; because their ability to discharge part of their debt since the peace, is a strong proof that they sustained little injury by the war; and although they should contribute to the discharge of the debts of the suffering States, it would be no more than equalizing the expenses and burdons of war. Let us, however, inquire by what extraordinary exertions some States have reduced their debts, and if in the progress of our inquiry we should find that they have got rid of their debts, in some instances, with little difficulties to themselves, and in others with little benefit to their creditors, we shall not be ready to allow them so much merit for their exertion as they wish to obtain. Some have paid no interest to their creditors for a number of years, but have cut down the capital of the debt at once, by a sale of confiscated property, or vacant and useless lands—in this case the State made no exertions; her citizens were not taxed, nor was her government put to any inconvenience or difficulty—the property of her enemies, which Congress, at the peace, recommended them to restore, or unappropriated back lands, were applied to the discharge of the debt, while the creditor, after waiting several years without receiving any interest on his confiscated property, was obliged to receive the principal in certificated property or wild lands, at an extravagant price. Others have discharged their debts with depreciated paper, or by taxes payable in the principal of their debt, or by other arrangements as little burdensome to the States as advantageous to the creditor. No material in-

jury therefore can result to these States, even should they never have credit for such payments. Mr. Smith then observed, that the justice, policy, expediency, and even necessity of the assumption being evident in every view in which it could be contemplated, and the mischiefs which would flow from a rejection of it being equally obvious and alarming, he trusted it would, on a further consideration, be agreed to. A funding system without it, would want the only basis on which it could stand; justice and the consent of the people were necessary for its existence; should it appear to them partial and unjust, its operation would be embarrassed, and the Continental creditors themselves would be the first persons to lament the absence of that necessary ingredient, without which it would be vain and ineffectual. He then replied to some of Mr. JACKSON'S observations.

SATURDAY, July 24.

THE UNITED STATES AND INDIVIDUAL STATES.

A message from the Senate informs the House that they recede from some and agree to the amendments proposed by this House to other of their amendments to the bill to provide more effectually for the settlement of the accounts between the United States and the individual States. Of course the bill has passed both Houses.

PUBLIC DEBT.

The House resumed the consideration of the amendment proposed by the Senate to the bill making provision for the debt of the United States.

Mr. JACKSON'S motion to disagree to the proposition for the assumption of the State debts being under consideration.

Mr. GEARY.—I did not expect, sir, to be under the necessity of again entering into a full discussion of this subject; but some observations which fell yesterday from the gentleman from Georgia, (Mr. JACKSON,) and which have not been answered, require consideration. His motion is to disagree to the proposition of the Senate for assuming the State debts; and either the gentleman has mistaken the question involved in the proposition of the Senate, or I confess I have no idea of it. He supposes it is a question, whether the United States shall charge themselves with a debt which was contracted by the several States for their own purposes, and in which the United States are no ways concerned; and whether we shall thus impose upon the Union a heavy and unnecessary burden? If this was the question, I should not for my part, neither do I believe there is a member on the floor who would, hesitate a moment to reject it. But the question, as I conceive, is, whether the United States shall pay a debt which they contracted, and promised to pay for the common defence. A debt which in their distress they desired the States to discharge. A debt which was thus transferred to the States without their consent, or the consent of the credi-

tors, and which has never been discharged. A debt which, if a suit could be instituted against the United States, would be recovered in any court of justice or equity. This, as I conceive, is the nature of the question on the proposition before us from the Senate. But as these points, on a former occasion, have been fully considered, and the facts relating to them well established, a further discussion thereof may be considered as a waste of the time of this House, I shall therefore attend to other observations of the gentleman from Georgia.

He says, that by means of the assumption, States who have paid their own debts will be taxed for the debts of others. And has not the gentleman consented to a bill, which this morning has been passed by the Senate, and which provides that States who have not paid their proportions of the State debts, shall be charged with the balances due thereon, whether they have paid their own debts or not? Will not this provision tax the deficient States for debts of other States? Ought they not, in justice, to be thus taxed, if their demands are less than their proportions of the amount of the State debts? Surely, the gentleman has not forgot the provisions in this act—I mean the act for settling the accounts between the United States and individual States. This provides that every State shall be credited for all its supplies and services for common defence, whether authorized or unauthorized, regularly or not regularly vouched, and whether her debts are sunk or not sunk; and those States who have been so fortunate as to pay their own debts will receive so much thereof as was contracted for the Union, and also the interest thereon: whilst, on the other hand, they are to be charged for their proportions of the balances due to the several States—for all advances made to them respectively by the United States, and for such part of their debts as we may assume—and for charging the latter an express provision is made in the bill before us. What further measures then can be adopted to do justice to the States, who, by their exertions, have discharged in whole or in part their own debts?

But let me inquire, sir, which are the States who have made such vast exertions to sink their debts? Are they those only who have opposed the assumption? I affirm not, but that the States in favor of it have made as great, if not greater progress in sinking their debts, than those who are against it?

Much has been said of the State of Massachusetts, and let us examine its conduct relative to the point. If any gentleman will be at the trouble of computing the claims of the several States, as contained in the report of the commissioners for settling the accounts between the United States and individual States, he will find the aggregate amount, exclusive of such as are general and unspecified claims, to be about 75,172,448 specie dollars; if we deduct from this sum what is charged in the books of the Treasury to the several States, being \$10,672,770, the balance will be \$64,499,678.

If we suppose Massachusetts chargeable with a seventh of this balance, it will amount to \$9,214,239, which will probably be the extent of its proportion; the principal of the claim of that State then being \$14,573,217. If we deduct its proportion of the aggregate balance 9,214,239

The balance due to the State for the principal of its claim will be 5,358,978. Add to this at least nine years interest 2,893,148

And the whole balance will be \$8,252,826. But should we even admit to be added to the aggregate balance mentioned of \$64,429,678, ten millions of dollars for the general or unspecified claims of several States, the balance due to Massachusetts will in that case be for principal about \$4,000,000. For nine years interest, 2,160,000. Making in the whole \$6,160,000.

By this statement it appears, from authentic documents, that the amount of the claims of Massachusetts, which have been as regularly kept and as well vouched as any in the Union, and in most instances much better, is:

For principal \$14,573,217. For interest 2,893,848.

Making the whole \$17,467,065.

And as the time for receiving State claims is extended by Congress, and there are, as I am informed, additional demands that are not contained in the accounts exhibited by Massachusetts, which, including interest, will be upwards of one million and a half of dollars, the claim of that State will not be much short of nineteen millions of dollars; and of this sum there being about five millions now owed, it is evident that not much less than fourteen millions of dollars are already sunk by that State. Has any State in the Union exceeded, has any equalled these exertions? Look at the tax bills of that State, and you will find in the year 1783 the enormous sum of £593,430 9s. 10d., equal to \$2,978,101 (including a tax for equalizing bounties) levied in one act: and so high were the taxes at that time, as I am well informed, that an eminent merchant, who has since been unfortunate, paid two thousand pounds sterling, and another very respectable character in Boston paid one thousand five hundred pounds sterling specie taxes in one year.

These facts are a specimen of the exertions of Massachusetts, whose zeal perhaps carried her further than good policy could justify; for, notwithstanding the well known attachment of her citizens to good government, these burdens were insupportable, and the consequence was the event which the gentleman refers to when he mentions the leaders of the insurrection. But as some of the deluded citizens concerned therein were punished, and others pardoned by Government, I think a veil should be drawn over that unhappy affair. The gentleman has inquired whether the

Union is indebted to Massachusetts, North Carolina, and South Carolina, in the sum of 10,000,000 of dollars. I have shown that it probably owes to one of these States the greatest part of this sum, and there can be no doubt it owes more to all of them.

The gentleman has told us of the exertions of Georgia, that by the assumption of justice will be done to her, and that hers, in particular, will be a hard case. I have no doubt the citizens of that State, according to their abilities, made great exertions; they behaved with valor, and have suffered much in the common cause; and if there are any circumstances which will subject her to an injury by the operation of any acts of Congress, let her state them, and she will undoubtedly obtain redress. I think I can be responsible for Massachusetts, that her members will do every thing that is consistent with justice, and even with generosity for Georgia. But the gentleman should consider that Georgia is but an infant State, that by her utmost exertions she could not contribute in any great degree to accomplish this revolution, and she cannot expect that the measures of this extensive Republic will be entirely accommodated to her situation.

The gentleman tells us, that whilst Boston was in possession of the enemy, Massachusetts made great exertions and suffered much, but not afterwards, for her ports being opened and commerce flourishing, she was enriched by the war. [Here Mr. Jackson explained himself, and did not deny that Massachusetts continued her exertions, but supposed, nevertheless, she was enriched by the war.] Mr. GEARY admitted the explanation, and requested him to give any information he pleased respecting his arguments, as it was intended to consider them candidly. He then proceeded: I conceive, sir, the gentleman is very little acquainted with the history of Massachusetts, as it relates to this subject, for so far was the State from being benefited, that it suffered exceedingly by the war. To judge of this matter, let us further examine the reports which were formerly called for to ascertain the contributions of the States, and see whether they will justify the supposition that the State was benefited by the war.

If we refer to the report of the Secretary at War to ascertain the number of men furnished by the several States, we shall find that some troops were enlisted for the war, some for three years, some for two, and others for one, and the militia for less periods. In order, then, to form a just idea of the comparative exertions of the States in this respect, it is necessary to reduce the number of men to one period of enlistment, whether enlisted for a longer or shorter time. For instance, to consider six soldiers, who were enlisted for two months as being equal to one enlisted for a year; or, if they were enlisted for three years, consider one as equal to three for one year.

By the Secretary's report it will thus appear that the whole number of men employed during the war, reduced to one year's term of service, was 311,719. Of this number, Massachusetts, by the average of the requisitions on her, was re-

when the depreciation is further extended. As the accounts now present themselves, the amount of the sums received into the Treasury from the several States is 14,200,777 dollars, reduced to specie value; the sum paid from the Treasury, to the several States, amounts to 10,672,770 dollars, so that the balance of receipts, at the Treasury, is 3,528,003 dollars; of this sum Massachusetts furnished, exclusive of what she received from the Treasury, 1,921,283 dollars, which is nearly four-sevenths of the balance of all the receipts at the Treasury, from the States, to this day. Her proportion of the balance mentioned of 3,508,003 dollars, being one-seventh, is 504,000; so that she has supplied in this instance, 1,417,283 dollars, reduced to specie, above her proportion. By the above statements, made from authentic documents on the files of the House, it is evident that Massachusetts has advanced for other States—

By troops,	- - - - -	\$3,201,824
Interest thereon, nine years,	- - - - -	1,708,984
By supplies to the Treasury,	- - - - -	1,417,283
Interest thereon, nine years,	- - - - -	765,333

Making in the whole, - - - - - 7,113,244

And from hence we may form some judgment of the benefits she has received from the war, which has almost impoverished and ruined her.

If we advert to the proposition of the Senate, for assuming the State debts, we shall find the whole sum to be assumed is 21,500,000 dollars, and that Massachusetts, if she had not advanced more than other States on an average, would be entitled to 3,071,428 dollars, being a seventh of the sum to be assumed. She is to receive thereof four millions of dollars, so that for all her advances, she will be reimbursed by the assumption only, 928,572 dollars, and yet this paltry sum, compared with her demands, is grudged by States, for whom she has made such large advances.

The gentleman says the apportionment is partial, and I am so fully of this opinion, as it relates to Massachusetts, that nothing but a conviction of the necessity of closing with the Senate in this instance, to prevent the loss of the funding bill, could reconcile me to the measure. He appears to prefer an assumption of the whole, to that part of the debts, and I agree with him in this likewise, so far as that, after passing this bill, if a proposition should be made for assuming the residue of the debts, it shall have my hearty assent.

The gentleman has mentioned a speech of Governor Hancock, as holding up the idea that the debts of the States could not be assumed without their express authority. The speech, I confess, may admit of this construction, but it is expressed in such enigmatical terms as to admit of a different meaning. Whether the Governor wished to reserve his opinion, or what were his intentions by the paragraph of his speech alluded to, I am unable to determine; but the sense of the Legislature of the State is explicit on the occasion; they did not think it necessary to authorize their members in Congress to assume, but instructed them to urge the assumption; being fully con-

vinced, as I think every one must be who has attended to the Constitution, that Congress have competent powers for this purpose. The gentleman tells us of individual States and individuals who are in favor of the assumption; but however interested they may be, they have discovered no selfish views, for they wish not, as some who are interested in the other part of the domestic debt, to engross the whole of the funds for the payment of their particular demands, and only urge an equal application of the revenue to pay the just demands of every creditor. The gentleman would have preferred the assumption at an early rather than at the present period, and before any State had been taxed for its debt; but I confess I am of a different opinion, for then the sum to be assumed would have been sixty-five or seventy millions of dollars, and this would have so swelled the public debt as to have put the matter in a different light, and would undoubtedly have deterred many who are now for it from voting for the assumption: whereas the reduction of the debt has made the measure feasible and proper. The gentleman tells us, Georgia, after having been taxed agreeably to requisitions and to representation, will be now trebly taxed. This to me is unintelligible, for in the requisitions she has generally been exempted, with a provision that she shall hereafter pay her proportion, and she has contributed little or nothing in this mode; as to her contributions by the ratio of representation, there has been no direct Federal tax, and she has paid nothing in this way, she can therefore be taxed but once for any balance that may be due from her.

It is said the Federal Convention having rejected the proposition for assuming debts, the power ought not to be exercised by Congress; but so far was the convention from doing this, that there was no opposition to the measure. It was urged by some of the members, and I confess myself to be of the number, that at the same time the debts were assumed provision should be made for those States who had exerted themselves to sink their debts, and it was observed by the gentleman from Connecticut, (Mr. SHERMAN,) that as the Constitution gave sufficient power to Congress to assume the debts, they undoubtedly would assume them, and make the other provision mentioned. He thought it eligible therefore to refer the whole matter to Congress, and his proposition met the approbation of the convention. I think these are the facts, and that they favor the assumption.

The gentleman supposes some States have not been critical in adjusting their accounts. Some of the States have been remarkably careful on this head, and sure I am that no State could be more so than Massachusetts. She has not to my knowledge in any instance been profuse, and in many cases has curtailed the reasonable demands of her citizens against the Union. The gentleman says the House have abandoned the excise, but nothing has been done that will justify the assertion; on the other hand, the House refused to expunge from the revenue bill what related to the excise, and this wears the appearance of their having adopted it. The bill indeed was after-

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wards rejected, and every member who voted against it can best determine the principle of his vote, but I believe it was not in general the result of an objection to this mode of raising revenue; neither do I think with the gentleman that the members who are in favor of the excise, like the long Parliament, disavow in public what they foster in private: for they have openly avowed their principles and brought forward their arguments to support them.

The gentleman has mentioned a consolidation of the Union as the result of the assumption, and supposes the authority of the State Governments will be thus destroyed; he has also said that the friends to the State Governments will be lost. My attachment to the State Governments will probably not be doubted, and yet to support them, I consider the assumption as a necessary measure. The Federal Government has a power paramount to the States, to lay and collect imposts, excises, and direct taxes, and probably will never be deprived of that power: should it be administered, as I have no doubt it will, in each of these modes, the assumption will secure an application of the revenue to the payment of the State debts; and it cannot be so easily misapplied and squandered as it would be without such an application. And is it not evident, as was formerly urged, that if the debts are to be sunk by the States, they will be in the danger the gentleman mentions? Should the States lay taxes for this purpose, these will be so heavy as to make the State Governments unpopular, and the destruction of their constitutions may thereby be produced; or if, on the other hand, no adequate provision should be made, they will be considered as unjust, and the people contrasting the State Governments with the Federal Government, will prefer the latter for its regard to public justice; and will consider the former as a public grievance and abolish them.

The gentleman says, when Congress, in 1783, required an impost, it was understood that every State should pay her own debts, that Georgia had done what it could, and ought not to pay an iota more. This is a new doctrine, and is contrary to the express stipulations of all the requisitions of Congress, of which I think there are between twenty and thirty. He likewise supposed Georgia will pay 1-23 of the debts of the States; whereas they are to be apportioned according to the next census by which she will not probably pay more than the 50th part thereof. He also speaks of the sum assumed for Pennsylvania, and of a bargain with that State; but if the gentleman refers to the residence bill, he cannot suppose that the States in favor of the assumption made such a bargain. For such was their opposition to the measure as to give offence to the members of that State; and as to her debt it is not all included in her specified claim. Because, as she had alleged, there was no time for stating it. Indeed, as she has assumed of the Continental debt five million dollars, and must give up the Continental certificates for which her State securities were issued, before these can be funded, it must appear the objections of the gentleman are unfounded. The

gentleman has supposed that many citizens of the States who have instructed to assume, are against the measure. But the reverse of this is probable, that a great number of the citizens of States whose members oppose it are in favor of the assumption.

It has on a former occasion been urged, that the accounts of the States should be settled before payment are made thereon; and have not the accounts to be assumed been long since settled, and the balances been ascertained that are due to the State creditors? The debts to be assumed are generally debts due from the Union to individuals which have been adjusted according to authentic documents issued by officers of Congress; but, if the debts were actually due to the States, is there any reason that the creditor States seven years after the war should be longer prevented from receiving their balances, under the pretext that their accounts must first be liquidated? How would such conduct appear in private life? Suppose a creditor, who, eight or ten years past, had supplied large sums, was, upon application for payment, told by the debtor that the accounts were not liquidated, and he would therefore pay no part thereof, although it was evident he might do this without a risk of exceeding the balance owed; would he ever after obtain credit? Would he not destroy all confidence in his probity? Surely he would, and such a line of conduct can no more be justified in public than in private life.

But, sir, notwithstanding I am for closing with the Senate in this proposition with some amendment, yet the apportionment of the sum to be assumed, and many parts of the bill, are so extremely objectionable as to gain my assent upon no other principle than that of accommodation; with this view I shall endeavor to be reconciled to the bill; but I confess it is an attempt to swallow a political porcupine, and necessity alone can justify the measure; for I despair at present of obtaining a better provision for the public creditors. But should we not be able to accommodate the bill—should it be lost or postponed to another Congress, or session, what will be the result? The Government will be brought into contempt—the States will be in danger of a convulsion—the revenue will probably be impaired or lost, and citizens attached to you will no longer be able to support your administration. For these and other reasons that may be offered I hope we shall reject the proposition for disagreeing to the amendments proposed by the Senate.

After some further debate, the question for rejecting the proposition, was taken and negatived, as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Coles, Contee, Floyd, Griffin, Gilman, Hartley, Heathorn, Heister, Jackson, Livermore, Madison, Mathews, Moore, P. Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sevier, Smith, of Maryland, Steele, Stone, Sumter, Williamson—29.

NAYS—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gerry, Goodhue, Grout, Huntington, Lawrence, Lee, Leonard, Partridge, Schureman, Sedgwick, Sherman, Leonard, Partridge, Schureman, Sedgwick, Sherman,

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Sylvester, Sinnickson, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop—32.

Several motions were then made to amend the proposition, none of which were agreed to.

MONDAY, July 26.

PUBLIC DEBT.

The House resumed the consideration of the amendments proposed by the Senate to the bill making provision for the debt of the United States: Whereupon,

The last amendment, for adding to the end of the bill sundry clauses "making provision for the debts of the respective States," being under consideration,

A motion was made, and seconded, to amend the said amendment, by adding to the end of the first clause or section thereof, the following proviso, to wit:

"Provided always, and be it further enacted, That if the total amount of the sums which shall be subscribed to the said loan in the debt of any State, within the time limited for receiving subscription thereto, shall exceed the sum by this act allowed to be subscribed within such State, the certificates and credits granted to their respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed, to be subscribed to the debt of such State within the same; and every subscriber to the said loan, shall, at the time of subscribing, deposit with the Commissioner the certificates or notes to be loaned by him."

And on the question thereupon, it was resolved in the affirmative.

Another motion was then made, and seconded, further to amend the said amendment, by adding to the end of the said first clause or section thereof, the following proviso:

"And provided, That the original holders of certificates in the several States shall have the exclusive right of subscribing for the space of six months from the time in which the offices shall be opened in the States respectively, and that the whole of their claims shall be funded."

And, on the question thereupon, it passed in the negative:

YEAS—Messrs. Ashe, Bloodworth, Brown, Coles, Jackson, Madison, Mathews, P. Muhlenberg, Page, Parker, Scott, Seney, Steele, Sumter, Williamson—15.

NAYS—Messrs. Ames, Baldwin, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hartley, Heathorn, Huger, Huntington, Lee, Leonard, Livermore, Moore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sevier, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop—45.

Resolved, That the second clause or section of the said amendment be amended as followeth:

Line thirteenth, strike out "seven," and insert "eight."

Lines eighteenth and nineteenth, strike out "twenty-six dollars and eighty-eight cents," and insert "thirty-three dollars and one-third of a dollar."

Line twenty-first, strike out "eight hundred," and insert "seven hundred and ninety-seven."

Line twenty-fifth, strike out "seven," and insert "eight."

Line thirty-first, strike out "three," and insert "four."

A motion was then made to amend the said amendment by striking out the fourth section thereof, which provides that if the whole sum allowed to be subscribed in the debt or certificates of any State, shall not be subscribed within the time limited, such State shall be entitled to receive from the United States an interest upon so much of such sum as shall not have been subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed, in trust for the non-subscribing creditors of such State, who are holders of certificates or notes, &c. This motion was negatived, 47 votes to 13.

The yeas and nays are as follows:

YEAS—Messrs. Baldwin, Bloodworth, Brown, Coles, Contee, Gilman, Jackson, Livermore, Mathews, Moore, Van Rensselaer, Sevier, Williamson—13.

NAYS—Messrs. Ashe, Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Goodhue, Griffin, Grout, Hartley, Heathorn, Heister, Huntington, Lawrence, Lee, Leonard, Madison, P. Muhlenberg, Page, Parker, Schureman, Sedgwick, Seney, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturgis, Sumter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop—47.

And then the main question being put, that the House do agree to the last amendment proposed by the Senate, for adding to the end of said bill sundry clauses "making a provision for the debts of the respective States," as now amended, it was carried in the affirmative by 34 votes to 28.

The yeas and nays being as follows:

YEAS—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gerry, Goodhue, Grout, Huger, Huntington, Lawrence, Lee, Leonard, Partridge, Schureman, Sedgwick, Sherman, Sylvester, Sinnickson, Smith, of South Carolina, Sturgis, Sumter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, and Wynkoop—34.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Coles, Contee, Floyd, Gilman, Griffin, Hartley, Heathorn, Heister, Jackson, Livermore, Madison, Mathews, Moore, P. Muhlenberg, Page, Parker, Van Rensselaer, Scott, Sevier, Seney, Smith, of Maryland, Steele, Stone, and Williamson—28.

POST OFFICE BILL.

A message was received from the Senate, informing the House that they insist on their first amendment to the Post Office bill. By which the bill is lost.

Mr. BLOODWORTH gave notice to the House, that he would, to-morrow, move for a suspension of part of the bill respecting the temporary residence of Congress.

blush; this firmness and consistency has reflected the greatest honor on the House, and, I would fondly hope, lays a happy foundation for the public mind to rest upon. He then offered some general observations on the immutability of public justice, the sacredness of public contracts; and applying the principles to the proposition of the Senate, insisted that it was a manifest and glaring violation of the contract between the Government and its creditors, and a departure from principle; for the Senate have agreed to the rate of redemption, viz. eight per cent. per annum, agreeable to the first part of the amendment proposed by the House: the time for the commencement of interest, seven years, ought to follow of course.

He then showed the operation of the proposition adopted by the Senate, and by calculations he had made, it would, he said, deprive the creditors of eighteen per cent. of their deferred capital. He enlarged on the present and probable rate of interest, and from various deductions he showed that the original proposition in the Secretary's report was more consonant to justice than any substitute which had been offered; and as that which the House had agreed to deviated less from it than that modified by the Senate, he hoped for these and other reasons, which he offered, that the House would not recede, but insist on their amendment, and request a conference.

Mr. SENEWICK said that the subject now before the House was of all others the most important, and that about which men of the most pure intentions might be supposed most to differ, without the imputation of improper motives. To this body was referred the important and arduous task of providing for an immense debt; to do this in such manner as to give satisfaction, an infinite variety of circumstances attending the creation of the debt, and what had been the operations with and upon it, were to be contemplated. The House had not only to determine what they ought to do, but they were also to guess what they could do. What were the resources of the country, and the abilities of the Government, under these circumstances? He feared that the speculations of the closet had produced systems which prevented a spirit of accommodation and concession, which he believed was never more necessary. He besought gentlemen to reflect, that the utmost degree of certainty they could obtain that they were right, was a conjecture that they were so. Under these circumstances, he hoped that gentlemen would compassionate the circumstances of their country; he begged them to reflect that the commercial capital of this country was diverted to objects not only unproductive of any benefit to the community, but destructive of its most important interests; that the passion of avarice, the most sordid of any which can possess the human heart, was now raging to a pitch, of which the history of our country afforded no precedent. Men not only speculated in the funds, but they gambled even in contracts of speculation; bar-gains respecting the debt were sold in the market almost as frequently as the debt itself. He asked

United States, reported, in substance, as follows: New Hampshire and New York accepted all the articles but the second. Pennsylvania passed over in silence the first and second articles, and accepted the rest. Delaware postponed the first article. Maryland, South and North Carolina, and Rhode Island, ratified the whole. So that it appears the first article has been agreed to by six States; the second by five; and all the others by eight.

Mr. VINING moved that the motion of Mr. BLOODWORTH, for leave to bring in a bill to repeal the fifth section of the residence law, should be taken into consideration.

Mr. BLOODWORTH wished the motion might be suspended. He said that he did not mean to call it up to-day; and, therefore, had not prepared himself to state his reasons fully for introducing it.

Mr. VINING observed, that the motion was in possession of the House, and any member had a right to call it up.

Mr. LAWRENCE contended that it was very extraordinary that a motion brought forward by one gentleman should be called up by another, contrary to the wish of the member who made it. He thought it was contrary to the rules of the House.

Some further altercation ensued, in which Messrs. VINING, GERRY, BLOODWORTH, and LEE, spoke. Mr. BLOODWORTH finally withdrew his motion for the present.

PUBLIC DEBT.
A message from the Senate informed the House, that they agree to some, and disagree to others of the amendments proposed by this House to their amendments to the bill making provision for the debt of the United States.

The House proceeded to consider this message. After some debate, the House receded from their amendments, and agreed to those of the Senate. Of course, the bill has passed both Houses.

The interest on indents, and on one-third of the State debts, is fixed at three per cent. per annum.

The first article of disagreement was in respect to the time when interest shall commence on the deferred part of the principal. The House proposed seven years; the Senate adhered to ten.

The motion for receding was opposed by Messrs. LAWRENCE, GERRY, AMES, and SENEWICK; and supported by Messrs. SENEWICK, FITZSIMONS, SHERMAN, WILLIAMSON, STONE, and LEE.

Mr. AMES observed, that it gave him great satisfaction when he reflected that the House, through the long discussion of this important subject, had discovered an uniform disposition to support the public faith; not an instance in our conduct I believe (said he) has occurred, through the whole course of this business at which we have cause to

TUESDAY, July 27.
Ordered, That the further consideration of the bill for registering ships or vessels, for regulating those employed in the coasting trade and fisheries, and for other purposes, be postponed until the next session of Congress.

DISABLED SOLDIERS AND SEAMEN.
The House proceeded to consider the amendments reported by a Committee of the whole House to the bill for the relief of disabled soldiers and seamen, and of certain other persons, lately in the service of the United States, which lay on the table, and being agreed to, the bill was ordered to be engrossed for a third reading.

WEDNESDAY, July 28.

DISABLED SOLDIERS AND SEAMEN.

The engrossed bill for the relief of disabled soldiers and seamen, and of certain other persons, lately in the service of the United States, was read the third time, and passed.

COLLECTION OF DUTIES.

A message from the Senate informed the House, that they have passed the bill to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, with several amendments; to which they desire the concurrence of this House.

These amendments were taken up and agreed to.

GENERAL POST OFFICE.

Ordered, That a committee be appointed to bring in a bill to continue in force, for a limited time, the act for the temporary establishment of the Post Office. Messrs. SENEWICK, SMITH, of South Carolina, and HUNTINGTON, were named as the committee.

Mr. SENEWICK accordingly presented a bill to continue in force, for a limited time, the act for the temporary establishment of the Post Office; which was twice read, and ordered to be engrossed, and read the third time to-morrow.

PUBLIC LANDS.

Ordered, That the report of the Secretary of the Treasury of a uniform system for the disposition of lands, the property of the United States, be referred to the Committee of the Whole on the state of the Union.

THURSDAY, July 29.

GENERAL POST OFFICE.

The engrossed bill to continue in force, for a limited time, the act for the temporary establishment of the Post Office, was read the third time, and passed.

AMENDMENTS TO THE CONSTITUTION.

Mr. STEELE, from the committee appointed to examine into the proceedings of the several States on the subject of the amendments proposed by Congress to the Constitution of the

if it was not the duty of every good man to exert himself to relieve this country from the effects of this unhappy situation. He observed that the difference in value between the provision proposed by the Senate, and that heretofore adopted by the House, was about one twelfth part. Temperate reflection he believed would prevent on this account one moment's pertinacious adherence to the conjectural calculations of the House.

Mr. SENEWICK said that his colleague (Mr. Ames) had jealously contended that the amendment of the Senate was a departure from principle—this he did not understand to be the case. The Secretary had attached to his proposition, for which this was a substitute, a quality of irredeemability; the House had varied this proposition—the Senate have done the same. Whether any or which of these calculations were right, no gentleman could with certainty predict. They are dependent on future events, known only to that Being who had the supreme control of them. He never could comprehend how this irredeemability, the worst quality in the opinion of the people of this country annexed to the terms of the loan, could justly be considered as an equivalent for that part of the debt of which the creditor was to be deprived for it. Notwithstanding he had always considered this as a principle understood by few, and desired by none, yet, from a disposition to accommodate to the opinion of others, he had acceded to it; because, without such a spirit of accommodation, every effort to effect the funding of the debt would be found vain and ineffectual. He wished other gentlemen would be equally disposed to conciliate; and he had no doubt but a majority would; for he would not suppose that they would endanger the loss of the accomplishment of the great business we had so long and painfully labored to effect—because a majority in the other House, who had an equal right with them to think and act for themselves, were not disposed to resort to their standard of truth.

The question being taken, on the motion of Mr. LAWRENCE, the yeas and nays were as follows:

YEAS—Messrs. Ashe, Baldwin, Brown, Burke, Cadwalader, Carroll, Clymer, Grout, Hartley, Heister, Huger, Goodhue, Griffin, Grout, Hartley, Heister, Huger, Huntington, Lee, Leonard, Livermore, Mahlenberg, Partridge, Scott, Sedgwick, Sherman, Sinnickson, Smith, of South Carolina, Stone, Thatcher, Tucker, Vining, Williamson, and Wynkoop—33.

NAYS—Messrs. Ames, Benson, Bloodworth, Contee, Coles, Foster, Gerry, Gilman, Hathorn, Jackson, Lawrence, Madison, Matthews, Moore, Page, Parker, Van Rensselaer, Schureman, Senev, Sevier, Sylvester, Smith, of Maryland, Steele, Sturgis, Sumter, Trumbull, and White—27.

The next article of disagreement was, the interest on indents. The House proposed four per cent. The Senate adhered to their proposition for three. The motion for receding was determined by yeas and nays, as follows, viz:

YEAS—Messrs. Ashe, Baldwin, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gale, Goodhue, Grout, Hartley, Heister, Huger, Huntington, Partridge, Scott, Sedgwick, Sherman, Sinnickson, Smith, of South Carolina, Stone, Thatcher, Tucker, Vining, Williamson, and Wynkoop—33.

NAYS—Messrs. Ames, Benson, Bloodworth, Contee, Coles, Foster, Gerry, Gilman, Hathorn, Jackson, Lawrence, Madison, Matthews, Moore, Page, Parker, Van Rensselaer, Schureman, Senev, Sevier, Sylvester, Smith, of Maryland, Steele, Sturgis, Sumter, Trumbull, and White—27.

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Widow of General Stirling.

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Lee, Leonard, Livermore, P. Muhlenberg, Partridge, Schureman, Scott, Sedgwick, Sherman, Sylvester, Sinsickson, Smith, of South Carolina, Stone, Thatcher, Tucker, Williamson, and Wynkoop—33.

NAVS.—Messrs. Ames, Benson, Bloodworth, Coles, Coates, Foster, Gerry, Gilman, Griffin, Hathorn, Jackson, Lawrence, Madison, Matthews, Moore, Page, Parker, Van Rensselaer, Sney, Sevier, Smith, of Maryland, Steele, Sturge, Sumter, Trumbull, Vining, and White—27.

Similar amendments followed of course in respect to the assumed part of the debt; which were agreed to. Previous to which, Mr. PARKER moved that the further consideration of the amendments to the funding bill should be deferred to the next session. This motion was determined not to be in order.

FRIDAY, July 30.

GENERAL POST OFFICE.

The Senate, by message, informed the House that they had passed the bill to continue in force, for a limited time, the act for the temporary establishment of the Post Office.

WIDOW OF GENERAL GREENE.

The report on the petition of Catharine Greene, widow of the late General Greene, was read the second time, and, on motion, referred to the Secretary of the Treasury. The report is favorable to the prayer of the petition, so far as to indemnify the heirs of General Greene from demands arising from engagements and contracts made by him on account of the United States.

The House resolved itself into a Committee of the Whole on the state of the Union, Mr. SENEY in the Chair.

PUBLIC LANDS.

The report of the Secretary of the Treasury, on a plan for the disposition of the public lands in the Western Territory being under consideration, some discussion took place; but not getting through the subject, the committee rose, and reported progress.

Ordered. That a committee be appointed to prepare and bring in a bill making provision for the officers of the Judicial Courts of the United States, and for jurors and witnesses attending the same. Messrs. BENSON, Vining, and SMITH, (of South Carolina,) were appointed the said committee.

MONDAY, August 2.

Ordered. That a committee be appointed to prepare and bring in a bill or bills declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island, for raising a duty on the tonnage of ships or vessels entering the ports of Patapasco, Savannah, and Providence. Messrs. AMES, JACKSON, and SENEY, were appointed the said committee.

WIDOW OF GENERAL STIRLING.

The House proceeded to consider the report of the Secretary of War, on the petition of the widow

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the tonnage of ships or vessels entering into the ports of Patapasco, Savannah, and Providence, was read the third time, and passed.

ACCOUNTS WITH THE STATES.

Messrs. MADISON, Vining, and WADSWORTH, were appointed a committee to prepare and bring in a bill to add two Commissioners to the Board already established for the settlement of the accounts between the United States and the individual States.

DEBTS OF GEORGIA.

The House went into a Committee on the bill further to make provision for the debts of the United States, so far as it respects the assumption of the State of Georgia; after some time spent therein, the committee rose, and reported certain amendments.

On the question to order the bill engrossed, it was negatived, and so the bill was rejected.

Mr. MADISON, from the committee appointed, presented, according to order, a bill to add two Commissioners to the Board for settling accounts. The House went immediately into committee on the said bill; and, after some debate, it was agreed to. Yeas 36, nays 19.

The committee rose, and the bill was ordered to be engrossed.

Mr. BOUNDNOT reported a bill to satisfy the claims of the widow of the late Major General Lord Stirling, which was twice read and committed.

THURSDAY, August 5.

OFFICERS OF THE SUPREME COURT.

Ordered. That the committee appointed to prepare a bill making provision for the officers of the Supreme Court, &c., be discharged from the further consideration of the subject; and that the Attorney General report to this House at the next session on such matters relative to the administration of justice under the authority of the United States, as may require to be remedied; and that he also report such provisions in the respective cases as he shall deem advisable.

THE UNITED STATES AND THE STATES.

The engrossed bill for adding two commissioners to the Board established for settling the accounts between the United States and the several States, was read the third time and passed.

WIDOW OF GENERAL STIRLING.

The House considered the bill making an appropriation for discharging the claim of Sarah Alexander, the widow of the late Major General Lord Stirling, who died in the service of the United States, and ordered the same to be engrossed for a third reading.

PUBLIC LANDS.

On motion, **Resolved**, That a Surveyor General for the United States be appointed, who shall forthwith proceed to the completion of the surveys of all lands heretofore sold under the author-

ity of the late Congress; and Messrs. SMITH, of South Carolina, PAGE, and WHITE, be a committee to bring in a bill for that purpose.

TEMPORARY RESIDENCE OF THE GOVERNMENT.

Mr. BLOODWORTH's motion for appointing a committee to prepare and bring in a bill to repeal for a limited time the 5th section of the act for establishing the temporary and permanent seat of the Government of the United States, was taken up.

Mr. Vining moved the previous question on this motion, and being supported by five members, the question was taken, "Shall the main question be now put?" The yeas and nays were called.

YEAS.—Messrs. Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrence, Leonard, Livermore, Rensselaer, Schureman, Sevier, Sylvester, Smith, of Maryland, Smith, of South Carolina, Sturge, Thatcher, Trumbull, Wadsworth—23.

NAYS.—Messrs. Ames, Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Fitzsimons, Gale, Gilman, Goodhue, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, P. Muhlenberg, Page, Parker, Partridge, Scott, Sney, Sherman, Sinsickson, Steele, Stone, Sumter, Tucker, Vining, White, Wynkoop, and Williamson—35.

PUBLIC DEBTS.

A message from the Senate informed the House that the Senate had passed a bill further to provide for the payment of the debts of the United States, with several amendments, to which they desire the concurrence of this House.

The House proceeded to consider these amendments, but adjourned before they were got through.

FRIDAY, August 6.

WIDOW OF GENERAL STIRLING.

The engrossed bill making appropriation for discharging the claim of the widow of the late Major General Lord Stirling, who died in the service of the United States, was read the third time and passed.

ADJOURNMENT.

On motion, **Resolved**, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on Tuesday next, to meet again on the first Monday of December next.

INVALID PENSIONERS.

Ordered. That the Secretary of the Treasury be directed to report early in the next session proper and effectual means of discharging the arrearages due to the invalid pensioners of the United States, and to the widows and representatives of the deceased officers and soldiers in the late American army.

SURVEYOR GENERAL.

Mr. SMITH, of South Carolina, from the committee appointed for the purpose, presented a bill

providing for the appointment of a Surveyor General, which was twice read and committed.

PUBLIC DEBTS.

The House resumed the consideration of the amendments proposed by the Senate to the bill making further provision for the payment of the debts of the United States.

The House proceeded in the consideration of the amendments. Sundry alterations were proposed, but were not agreed to. A motion made by Mr. Smith, of South Carolina, to strike out twelve cents, the duty on salt, for the purpose of inserting nine cents, occasioned a considerable debate. The question on striking out was determined in the negative.

Yea.—Messrs. Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrence, Leonard, Livermore, Rensselaer, Schureman, Sevier, Sylvester, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Wadsworth—23.

Nay.—Messrs. Ames, Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Fitzsimons, Gale, Gilman, Goodhue, Hartley, Heister, Jackson, Lee, Madison, Matthews, Moore, Muhlenberg, Page, Parker, Partridge, Scott, Seney, Sherman, Sinsickson, Steele, Stone, Sumner, Tucker, Vining, White, Wynkoop, and Williamson—35.

The House went through the amendments, and agreed to the whole with very few alterations.

NEW JERSEY.

A Message was received from the President of the United States, with the ratification by the State of New Jersey of the amendments proposed by Congress to the Constitution of the United States. New Jersey has ratified all the amendments except the second and thirteenth.

Mr. Smith, of South Carolina, moved for leave to bring in a bill for altering the times of holding the Courts in South Carolina and Georgia.

SATURDAY, August 7.

ADDITIONAL APPROPRIATIONS.

The Speaker laid before the House a report from the Secretary of the Treasury, accompanied with statements of additional sums necessary to be provided for the support of Government; which were referred to the Committee of the Whole on the state of the Union.

THE UNITED STATES AND THE STATES.
The Senate informed the House, by message, that they had disagreed to the bill for adding two commissioners to the Board established for settling the accounts between the United States and the individual States; and that they had passed the bill for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons, with several amendments, to which they desire the concurrence of this House.

ADDITIONAL APPROPRIATIONS.

The House resolved itself into a Committee of the Whole on the state of the Union, for the pur-

Additional Appropriations.

pose of taking into consideration the above report of the Secretary of the Treasury, Mr. Seney in the Chair. After agreeing to several resolutions, the committee rose and reported them to the House, and they were agreed to as follows:

Resolved, That the sum of fifty thousand dollars, out of the moneys arising from the duties on imports and tonnage, be reserved and appropriated for satisfying demands against the United States, not otherwise apportioned for; and that an act for that purpose ought to be passed the present session.

Resolved, That out of the moneys reserved during the present session for the support of Government from the duties on imports and tonnage, a sum not exceeding thirty-eight thousand eight hundred and ninety-two dollars, seventy-five cents, be appropriated for the payment of the debts contracted by Abraham Skinner, late Commissary of Prisoners, for the subsistence of the officers of the late army while in captivity.

Resolved, That provision by law should be immediately made for the application of the surplus sum which shall remain in the Treasury after all the appropriations made during the present session shall be satisfied, in conformity to the tenor of the report of the Secretary of the Treasury.

Messrs. FITZSIMONS, Vining, MADISON, AMES, and BENSON, formed the committee for preparing a bill on this subject.

Another message was received from the Senate, that they had passed the bill respecting the Virginia session, with some amendments; also, that the Senate agreed to the resolution for an adjournment on Tuesday next.

The House then proceeded to the consideration of the amendments proposed by the Senate to the bill respecting the Virginia session, and agreed to the same.

MONDAY, August 9.

ADDITIONAL APPROPRIATIONS.

Mr. FITZSIMONS, from the committee appointed for the purpose, presented a bill making certain appropriations therein mentioned; also, a bill making provision for the reduction of the public debt; both which were twice read and committed.

Mr. Smith, of South Carolina, from the committee appointed to examine the accounts of the Treasurer of the United States, for the two last quarters, reported that the committee had found them to agree with the several certified statements thereon by the Auditor, admitted by the Comptroller, and registered by the Register.

The Senate informed the House, by message, that they had passed a bill to alter the times of holding the Circuit Courts of South Carolina and Georgia, and the bill declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island, with an amendment, to which they desire the concurrence of this House.

The House proceeded to consider the amendment of the Senate, and agreed to it.

A committee was appointed, consisting of Messrs. GILMAN, WHITE, and SMITH, of South Carolina, to join with such committee as the Senate shall appoint, to wait on the President o

the United States, and notify him of the proposed recess of Congress.

Ordered, That the Secretary of the Treasury be directed to prepare and report to this House, on the second Monday of December next, such further provision as may, in his opinion, be necessary for establishing the public credit.

The bill from the Senate to alter the time of holding the Circuit Courts in South Carolina and Georgia, was twice read, and ordered to be committed.

The House immediately went into a committee on the said bill, Mr. LIVERMORE in the Chair.

The committee made several amendments in the bill; which being reported, were agreed to by the House. The said bill was then engrossed, read the third time, and passed.

The House agreed to the amendments of the Senate to the bill for the relief of disabled soldiers and seamen; and, also, to those in the bill for discharging the claim of the widow of the late Lord Stirling.

PUBLIC DEBT.

The House then resolved itself into a Committee of the Whole on the bill making provision for the reduction of the public debt, Mr. LIVERMORE in the Chair. The committee made several amendments in the bill, which were reported to the House and agreed to. The bill was then ordered to be engrossed.

SURVEYS OF LAND.

The House resolved that all surveys of lands in the United States made under the direction of the late Geographer General, agreeable to contracts for such parts of said lands made with the late Board of Treasury, be returned to, and presented by, the Secretary of the Treasury, so as to complete the said contracts. And that the said Secretary is hereby authorized to direct the making and completing any other surveys that remain to be made, so as to comply, on the part of the United States, with the several contracts aforesaid, in conformity to the terms thereof.

PUBLIC DEBT.

The engrossed bill making provision for the reduction of the public debt, was read the third time, and passed.

ADDITIONAL APPROPRIATIONS.

The House then resolved itself into a Committee of the Whole on the bill making certain appropriations therein mentioned, Mr. LIVERMORE in the Chair. The committee made an amendment to the bill, which being reported to the House, was agreed to, and the bill ordered to be engrossed for a third reading. The bill was afterwards read the third time, and passed.

Ordered, That the representations from the General Court of Massachusetts on the subject of whale and cod fisheries, which lie on the table, be referred to the Secretary of State, with instructions to report thereon at the next session of Congress.

TUESDAY, August 10.

ADJOURNMENT.

The Senate, by message, informed the House that they had resolved that the resolution of the sixth instant, proposing to adjourn the two Houses on this day, be repealed, and that the Speakers of the two Houses be authorized to adjourn the two Houses on the twelfth instant, which resolution was agreed to by this House.

WEDNESDAY, August 11.

The Senate, by message, informed the House, that they had passed the bill making provision for the reduction of the public debt; and, also, the bill making certain appropriations therein mentioned, with several amendments, to which they desire the concurrence of this House.

The House proceeded to consider the amendments to each of the above bills, and agreed to them.

THURSDAY, August 12.

Agreeably to the concurrent vote of the two Houses, an adjournment took place this day—to meet in the city of Philadelphia on the first Monday in December next.

Previous to the adjournment, an unanimous vote passed both Houses, returning thanks to the Corporation of this City for the elegant and convenient accommodations furnished the Congress of the United States.

Adjourned, *sine die*.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES, AT THE THIRD SESSION OF THE FIRST CONGRESS, HELD AT THE CITY OF PHILADELPHIA, DECEMBER 6, 1790.

[That no debate appears in the proceedings of the Senate, is already accounted for in a note at the commencement of the Journal of the First Session. It is for this good reason, that, until its Session in 1794, the Senate sat with closed doors.]

MONDAY, December 6, 1790.

The Senate assembled: present,
JOHN ADAMS, Vice President of the United States, and President of the Senate.

From New Hampshire, JOHN LANGDON and PAINE WINGATE;

From Massachusetts, TRISTRAM DALTON;

From Connecticut, OLIVER ELLSWORTH;

From New York, RUFUS KING;

From Pennsylvania, WILLIAM MACLAY and ROBERT MORRIS;

From Delaware, RICHARD BASSETT;

From North Carolina, SAMUEL JOHNSTON and BENJAMIN HAWKINS;

From South Carolina, PIERCE BUTLER and RALPH IZARD;

From Georgia, WILLIAM FEW.

PHILEMON DICKINSON, from the State of New Jersey, produced his credentials and took his seat in the Senate, in the place of Governor PATTERSON.

JAMES MONROE, appointed by the Legislature of the State of Virginia, in the place of JOHN WALKER, who was appointed by the Executive of the said State in the room of WILLIAM GRAYSON, deceased, produced his credentials, and took his seat in the Senate.

The Vice President administered the oath required by law to Mr. DICKINSON and Mr. MONROE, respectively.

A letter was read from WILLIAM PATTERSON, Governor of the State of New Jersey, communicating the resignation of his appointment to be a Senator of the United States.

Ordered, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

TUESDAY, December 7.

A message from the House of Representatives informed the Senate that a quorum of that body is assembled, and ready to proceed to business.

Messrs. LANGDON and MORRIS were appointed a committee, on the part of the Senate, to inform the President of the United States that a quorum of the two Houses is assembled, and will be ready, in the Senate Chamber, at such time as he may appoint, to receive any communication which he may be pleased to make.

Mr. LANGDON, in the course of the day, reported that the President would meet the two Houses, as proposed, to-morrow, at 12 o'clock.

WEDNESDAY, December 8.

JONATHAN ELMER, from New Jersey; CALER STRONG, from Massachusetts; and GEORGE READ, from the State of Delaware; attended.

A letter from the Commissioners of the city and county of Philadelphia was received, offering to Congress the county court-house for their accommodation during their residence in Philadelphia.

The members of the House of Representatives having taken their seats, the President of the UNITED STATES entered the Senate Chamber, and addressed both Houses as follows:

Fellow Citizens of the Senate and House of Representatives:

In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock abroad as well as at home; and the revenues allotted for this and other national purposes have been productive beyond the calculations by which they were regulated. This latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens.

[SENATE.]

Kentucky Memorial.

DECEMBER, 1790.]

ment of Virginia, and that the said articles become a solemn compact, binding on the said people. To the President, and the Honorable the Congress of the United States of America.

The memorial of the Representatives of the people of Kentucky, in Convention assembled, pursuant to an act of the Legislature of Virginia, passed the 18th December, 1789, entitled "An act concerning the erection of the District of Kentucky into an independent State," humbly sheweth:

That the inhabitants of this country are warmly devoted to the American Union, and as firmly attached to the present happy establishment of the Federal Government, as any of the citizens of the United States. That, migrating from hence, they have, with great hazard and difficulty, effected their present settlements. The hope of increasing numbers could alone have supported the early adventurers under those arduous exertions. They have the satisfaction to find that hope verified. At this day, the population and strength of this country render it fully able, in the opinion of your memorialists, to form and support an efficient domestic Government.

The inconveniences resulting from its local situation, as a part of Virginia, at first but little felt, have for some time been objects of their most serious attention; which occasioned application to the Legislature of Virginia for redress.

Here your memorialists would acknowledge, with peculiar pleasure, the benevolence of Virginia in permitting them to remove the evils arising from that source, by assuming upon themselves a state of independence. This they have thought expedient to do, on the terms and conditions stipulated in the above recited act; and fixed on the first day of June, 1792, as the period when the said independence shall commence.

It now remains with the President and the Congress of the United States to sanction these proceedings, by an act of their honorable Legislature, prior to the first day of November, 1791, for the purpose of receiving into the Federal Union the people of Kentucky, by the name of the State of Kentucky.

Should this determination of your memorialists meet the approbation of the General Government, they have to call a Convention, to form a Constitution, subsequent to the act of Congress, and prior to the day fixed for the independence of this country.

When your memorialists reflect upon the present comprehensive system of Federal Government, and when they also recollect the determination of a former Congress on this subject, they are left without a doubt that the object of their wishes will be accomplished.

And your memorialists, as in duty bound, shall for ever pray.

Attest,
GEORGE MUTER, President.
THOMAS TODD, Clerk of the Con.

A letter from the Secretary of War was communicated to the Vice President, enclosing sundry papers referred to in the President's Speech to both Houses of Congress, on the 8th instant, which, being read, were ordered to lie for consideration.

FRIDAY, December 10.

A letter from Monsieur Beniere, President of the Commonalty of Paris, addressed to the President and members of Congress of the United States,

[DECEMBER, 1790.]

President's Speech.

minds us, at the same time, of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least to enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflection how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed which may lead to its relief and protection.

The laws you have already passed for the establishment of a Judiciary system have opened the doors of justice to all description of persons. You will consider, in your wisdom, whether improvements in that system may yet be made; and, particularly, whether an uniform process of execution, on sentences issuing from the Federal courts, be not desirable through all the States. The patronage of our commerce, of our merchants, and seamen, has called for the appointment of Consuls in foreign countries. It seems expedient, to regulate by law, the exercise of that jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence, in the places of their residence. The Consular Convention, too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his Consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the Militia, of a Mint, of Standards of Weights and Measures, of the Post Office and post roads, are subjects which (I presume) you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives:

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the debt funded, but as far and as fast as the growing resources of the country will permit, to exonerate it of the principle itself. The appropriation you have made of the Western lands explains your dispositions on this subject, and I am persuaded the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

Gentlemen of the Senate

and House of Representatives:

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom,

[SENATE.]

zusa. The punctuality of the former in discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously been taken place, has been completed in Holland. As well the colony with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The Secretary of the Treasury has my directions to communicate such further particulars as may be requisite for more precise information.

Since your last sessions I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that State; in consequence of which the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been conducted will be found to do great honor to both the parties; and, the sentiments of warm attachment to the Union and its present Government, expressed by our fellow-citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the north-west side of the Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and, being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities, or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violence with fresh alacrity, and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking, whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the Western settlements, that the aggressors should be made sensible that the Government of the Union is not less capable of punishing their crimes, than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia for the protection of the frontiers; and I have, accordingly, authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient: the event of the measure is yet unknown to me. The Secretary of War is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime Powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, re-

with twenty-six copies of a Civid Eulogy on BENJAMIN FRANKLIN, pronounced the 21st day of July 1790, in the name of the Communion of Paris, by Monsieur L'Abbé Fauchet, was delivered to the Senate, by Mr. Lear, Secretary to the President of the United States.

Read, and
Ordered, That the letter and copies of the Eulogy be sent to the House of Representatives.

A message from the House of Representatives informed the Senate, that they have, on their part, appointed the Rev. Dr. BLAIR one of the Chaplains to the present Congress.

Mr. ELLSWORTH, from the committee appointed to prepare and report the draught of an Address to the President of the United States, reported accordingly; and, the report being amended, was adopted, as followeth:

To the President of the United States of America. We receive, sir, with particular satisfaction, the communications contained in your speech, which confirm to us the progressive state of the public credit, and afford, at the same time, a new proof of the solidity of the foundation on which it rests; and we cheerfully join in the acknowledgment which is due to the probity and patriotism of the mercantile and marine part of our fellow-citizens, whose enlightened attachment to the principles of good government is not less conspicuous in this than it has been in other important respects.

In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur in giving the requisite sanction, to the admission of Kentucky as a distinct member of the Union; in doing which, we shall anticipate the happy effects to be expected from the sentiments of attachment towards the Union, and its present Government, which have been expressed by the patriotic inhabitants of that district.

While we regret that the continuance and increase of the hostilities and depredations which have distressed our Northwestern frontiers, should have rendered offensive measures necessary, we feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted, in pursuance of the powers vested in you; and, whatever may have been the event, we shall cheerfully concur in the provisions which the expedition, that has been undertaken, may require on the part of the Legislature, and in any other which the future peace and safety of our frontier settlements may call for.

The critical posture of the European Powers will engage a due portion of our attention, and we shall be ready to adopt any measures which a prudent circumspection may suggest, for the preservation of the blessings of peace. The navigation and the fisheries of the United States are objects too interesting not to inspire a disposition to promote them, by all the means which shall appear to us consistent with their natural progress and permanent prosperity.

Impressed with the importance of a free intercourse with the Mediterranean, we shall not think any deliberations misemployed which may conduce to the adoption of proper measures for removing the impediments that obstruct it.

The improvement of the Judiciary system, and the other important objects to which you have pointed our

attention, will not fail to engage the consideration they respectively merit.

In the course of our deliberations upon every subject we shall rely upon that co-operation which an undiminished zeal, and incessant anxiety for the public welfare, on your part, so thoroughly insure; and, as it is our anxious desire, so it shall be our constant endeavor, to render the established Government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence.

Ordered, That the Address to the President of the United States, in answer to his Speech, be presented by the Vice President, attended by the Senate, and that the committee which reported the Address wait on the President, and desire to be informed at what time and place he will receive the same.

MONDAY, December 13.

WILLIAM S. JOHNSON, from Connecticut, and PHILIP SCHUYLER, from New York, attended.

Mr. ELLSWORTH, from the committee appointed on the 10th, to wait on the President of the United States, reported:

That it would be agreeable to the President to receive the Address of the Senate, in answer to his Speech to both Houses of Congress, on Monday next, at 12 o'clock.

Whereupon,
The Senate waited upon the President of the United States at his own house, and the Vice President, in their name, communicated to him the Address agreed to on the 10th instant; to which the President of the United States was pleased to make the following reply:

GENTLEMEN: These assurances of favorable attention to the subjects I have recommended, and of entire confidence in my views, make the impression on me which I ought to feel. I thank you for them both, and shall continue to rely much for the success of all our measures for the public good, on the aid they will receive from the wisdom and integrity of your councils.

GEO. WASHINGTON.

The Senate returned to the Senate Chamber.
On motion,
Ordered, That the Secretary furnish the members of the Senate, from such printers as they may respectively direct, each, three newspapers, to be left, from time to time during the session, at their several places of abode.

TUESDAY, December 14.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate
and of the House of Representatives:

Having informed Congress of the expedition which had been directed against certain Indians northwest of the Ohio, I embrace the earliest opportunity of laying before you the official communications which have been received upon that subject.

GEO. WASHINGTON.

UNITED STATES, December 14, 1790.

The Message and communications referred to being read, were ordered to lie for consideration.

On motion,
Ordered, That Messrs. SCHUYLER, MONROE, and JOHNSON, be a committee to consider and report on the papers referred to in the President's Speech, relative to the district of Kentucky.

WEDNESDAY, December 15.

JOSEPH STANTON, junior, from Rhode Island, attended.

Ordered, That Messrs. LANGDON, MORRIS, KING, STRONG, and ELLSWORTH, be a committee to consider that part of the President's Speech which relates to the commerce of the Mediterranean.

THURSDAY, December 16.

Ordered, That Messrs. SCHUYLER, HAWKINS, and ELLSWORTH, be a committee to prepare and bring in a bill supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States."

Mr. SCHUYLER, from the above mentioned committee, reported a bill, which was read the first time.

Ordered, That this bill pass to the second reading.

Ordered, That Messrs. ELLSWORTH, HAWKINS, and SCHUYLER, be a committee to take into consideration and report on that part of the President's Speech which relates to the appointment of Consuls.

FRIDAY, December 17.

THEODORE FOSTER, from Rhode Island, attended.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill, supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States."

Agreed, by unanimous consent, so far to dispense with the rule as that this bill now pass to the third reading.

Resolved, That this bill do pass; that it be entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States;'" that it be engrossed and carried to the House of Representatives for concurrence therein.

The Senate entered on Executive business. The following Message was read from the PRESIDENT:

Gentlemen of the Senate:

Since your last session, I have appointed Robert Morris, Judge of the District of New Jersey, in place of David Brearly, deceased; and John Heth, of Virginia, an Ensign in the troops of the United States, in place of Richard Archer, who has declined his appointment.

As these appointments expire with your present session, I nominate Robert Morris to be Judge of the District of New Jersey in place of David Brearly, deceased; and John Heth, of Virginia, to be an Ensign in the

troops of the United States, in place of Richard Archer, who has declined his appointment.

I likewise nominate John Stigreeves to be Judge of the District of North Carolina, in place of John Stokes, deceased; William Hill, to be Attorney for the United States, in the District of North Carolina, in place of John Stigreeves, if his nomination as Judge meets your concurrence; Zachariah Rowland, to be Surveyor of the port of Richmond, in the State of Virginia, in place of Corbin Braxton, who has resigned his appointment; and Jeremiah Nicols, to be Collector of the port of Chester, in the State of Maryland, in place of John Scott, deceased.

GEO. WASHINGTON.

UNITED STATES, December 17, 1790.

Ordered, That the Message lie for consideration.

MONDAY, December 20.

A message was received from the House of Representatives which informed the Senate that they had passed a bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations;'" in which they desire the concurrence of the Senate.

Ordered, That this bill be read the first time.

Ordered, That this bill pass to a second reading. The memorial and remonstrance of the public creditors who are citizens of the Commonwealth of Pennsylvania, praying for a revision of "An act making provision for the debt of the United States," was, by Mr. MORRIS, presented and read.

Ordered, That this memorial lie on the table. The Senate, on Executive business, confirmed the nominations to office received yesterday.

TUESDAY, December 21.

The Senate proceeded in the second reading of the bill, to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations."

Ordered, That this bill be committed to Messrs. HAWKINS, LANGDON, and READ.

The VICE PRESIDENT, from the Commissioners appointed by the law passed the last session of Congress "making provision for the reduction of the public debt," communicated the following Report:

The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America,

That, pursuant to the act making provision for the reduction of the public debt, they, on the 26th day of August last, convened at the city of New York, and entered upon the execution of the trust thereby reposed in them.

That, in conformity to a resolution agreed upon by them on the 27th, and approved of by the President of the United States on the 28th of the said month, they have caused purchases of the said debt to be made, through the agency of Samuel Meredith, Treasurer of

Gentlemen of the Senate, and House of Representatives:
It appearing by the report of the Secretary of the Government northwest of the Ohio, that there are certain cases respecting grants of land within that territory which require the interference of the Legislature of the United States, I have directed a copy of said report, and the papers therein referred to, to be laid before you; together with a copy of the report of the Secretary of State upon the same subject.

GEO. WASHINGTON.
UNITED STATES, December 23, 1790.

The papers referred to in the above recited Message were read; and,
Ordered, That the Message, and papers accompanying it, lie for consideration.

The Senate, on Executive business, confirmed the nominations which were yesterday laid before them.

MONDAY, December 27,
No business of importance came before the Senate to-day.

TUESDAY, December 28.
Ordered, That Messrs. IZARD, MONROE, MORRIS, LANGDON, and SCHUYLER, be a committee to take into consideration the report of the Secretary of State, on the uniformity of coins, weights, and measures, and report what is proper to be done thereon.

Mr. HAWKINS, from the committee appointed to take into consideration the bill to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," reported an amendment; which report was agreed to.

Ordered, That this bill be recommitted for further amendments, and that Messrs. MORRIS and SCHUYLER be added to the committee.

WEDNESDAY, December 29.
The memorial of the College of Physicians of the city of Philadelphia, praying that "such heavy duties may be imposed upon all distilled spirits as shall be effectual to restrain their intemperate use in our country;" was presented by Mr. MORRIS, and read.

Ordered, That this memorial lie on the table.

THURSDAY, December 30.
The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and House of Representatives:
I lay before you a report of the Secretary of State, on the subject of the citizens of the United States in captivity at Algiers, that you may provide on their behalf what to you shall seem most expedient.

GEO. WASHINGTON.
UNITED STATES, December 30, 1790.
The Message and papers communicated were read; and

Ordered, That these communications from the House of Representatives lie for consideration.
Agreeably to the order of the day, the Senate proceeded to consider the motion made on the 21st instant, that it be

Resolved, As the opinion of the Senate, that any deviation from the principles of the system contained in the act making provision for the debt of the United States, would be dangerous and inexpedient.

On motion to postpone this resolution, and substitute the following:

Resolved, That it would be inexpedient to alter the system for funding the public debt established during the last session of Congress, and that the petition of Thomas M'Kean and others, styling themselves a committee of the public creditors of the Commonwealth of Pennsylvania, cannot be granted:

It passed in the affirmative.

And, on the main question, the yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Few, Foster, Hawkins, Johnson, Johnston, Izard, King, Langdon, McClay, Read, Schuyler, Stanton, Strong, and Wingate—20.
NAYS—Mr. Morris—1.

So it was

Resolved, That it would be inexpedient to alter the system for funding the public debt established during the last session of Congress, and that the petition of Thomas M'Kean and others, styling themselves a committee of the public creditors of the Commonwealth of Pennsylvania, cannot be granted.

On motion,
Ordered, That Messrs. STRONG, MORRIS, SCHUYLER, BUTLER, and ELLSWORTH, be a committee to take into consideration the report of the Secretary of the Treasury upon the plan of a National Bank, and to prepare a bill upon that subject.

The Senate entered on Executive business. The following Message was received from the PRESIDENT:

Gentlemen of the Senate:

I nominate Woodbury Langdon, of the State of New Hampshire, to be one of the commissioners for settling the accounts between the United States and individual States, in place of John Taylor Gilman, who has resigned his appointment; and
William Gardner, to be Commissioner of Loans in the State of New Hampshire, in place of Nathaniel Gilman, who has declined his appointment.

GEO. WASHINGTON.
UNITED STATES, December 23, 1790.

Ordered, That this Message lie for consideration.

FRIDAY, December 24.

A Message was received from the House of Representatives, informing the Senate that they had received the following Message from the PRESIDENT OF THE UNITED STATES, which was read, as follows:

On the certificates of registered debt before mentioned, amounting in the whole to \$143,429 94, interest was due from January 1st, 1788, in addition to the sums before stated, which interest, calculated to the 1st day of January, 1791, would amount to 25,817 38
The amount of the domestic debt extinguished by the purchaser of the said Agent, including interest thereon to January 1st, 1791, is therefore 278,687 30

For which purchases, the said Agent has paid in specie, at the rates before mentioned, agreeably to a particular statement of his accounts herewith transmitted, the sum of 150,239 24
Leaving a balance in his hands in specie, for which he is to be debited in a future settlement of his accounts, the sum of 49,760 76

The statement on which this report is founded, and the indents and warrants for indents before mentioned, are herewith transmitted for the decision of the Controller of the Treasury thereon.

OLIVER WOLCOTT, Jun. Auditor.

Ordered, That this report lie for consideration. A message from the House of Representatives informed the Senate that they have passed the bill sent from the Senate, entitled "An act supplementary to an act entitled 'An act making further provision for the payment of the debts of the United States.'" A motion being made that it be "resolved, as the opinion of the Senate, that any deviation from the principles of the system contained in the act making provision for the debt of the United States, would be dangerous and inexpedient," it was agreed that the consideration thereof be postponed till Thursday next.

WEDNESDAY, December 22.

Ordered, That Mr. FOSTER be of the Joint Committee, on the part of the Senate, with such as the House of Representatives may appoint on their part, to examine Enrolled Bills.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the appointment of a Joint Committee, for Enrolled Bills, on their part.

A message from the House of Representatives informed the Senate, that they have agreed to the appointment of a Joint Committee on their part, for Enrolled Bills.

THURSDAY, December 23.

A message was received from the House of Representatives, informing the Senate, that they had received a report from the Secretary of State, respecting coins, weights, and measures, and also a report from the Secretary of the Treasury, containing a plan for a National Bank; and to bring the said reports to the Senate.

the United States, which, on the 6th day of December instant, amounted to two hundred and seventy-eight thousand six hundred and eighty-seven dollars and thirty cents, and for which there have been paid one hundred and fifty thousand two hundred and thirty-nine dollars and twenty-four cents in specie; as will more particularly appear by a return of the said Samuel Meredith, confirmed by an authenticated copy of his account, settled at the Treasury of the United States, which are herewith submitted, and prayed to be received as part of this report, and in which are specified the places where, the times when, the prices at which, and the persons of whom, the said purchases have been made.

Signed, by order of the Board,
JOHN ADAMS.
PHILADELPHIA, December 21st, 1790.

TREASURY DEPARTMENT,
Auditor's Office Dec. 20, 1790.
I have examined and adjusted an account between the United States and Samuel Meredith, Esq., Agent to the Trustees named in the act of Congress, passed on the 13th day of August, 1790, for reducing the domestic debt; for purchases of said debt made before the 7th day of December, 1790, and find that the said Samuel Meredith, Esq., is debited in the books of the Treasury for this sum advanced to him on account of the agency \$200,000 00

I also find that the following purchases have been made by the said Agent:

In certificates of registered debt, issued by the Register of the Treasury, exclusive of interest since the first day of January, 1788, purchased at thirteen shillings on the pound	54,494 99
In certificates purchased at twelve shillings and ten pence on the pound	1,500 00
In said certificates, purchased at twelve shillings and six pence on the pound	87,434 95
In funded six per cent. stock on the books of the Treasury, purchased at fourteen shillings on the pound	60,688 54
In funded three per cent. stock on the books of the Treasury, purchased at seven shillings and two pence two farthings on the pound	10,484 14
In deferred six per cent. stock on the books of the Treasury, purchased at six shillings on the pound	13,262 49
In indents of interest issued by direction of the late Board of Treasury, purchased at seven shillings and four pence on the pound	299 00
In said indents of interest, purchased at seven shillings and two pence on the pound	19,988 12
In warrants drawn on the Treasury for said indents, purchased at seven shillings and four pence on the pound	800 30
In said warrants, purchased at seven shillings and two pence on the pound	3,462 16
In arrearages of interest on certificates, calculated to the first day of January, 1788, for which payment was made, as for indents, at seven shillings and two pence on the pound	455 23
Amounting to	\$252,669 92

Ordered, That they be referred to the committee, appointed on the 15th instant, to consider that part of the President's Speech which relates to the commerce of the Mediterranean.

FRIDAY, December 31.

Ordered, That Messrs. STRONG, ELLSWORTH, and MACLAY, be a committee to take into consideration the Message of the President of the UNITED STATES, of the 23d instant, respecting cases of grants of lands in the Western territory northwest of the river Ohio, with the papers therein referred to, and report what is proper to be done thereon.

The petition of Col. Henry Laurens was, by Mr. BUTLER, presented and read, praying compensation for ten thousand bushels of rough rice, supplied the late Continental army, as set forth in his petition.

Also, the petition of Colonel Henry Laurens, praying that interest may be allowed on the compensation granted to his son, the late Colonel Henry Laurens, deceased, whilst acting as special Minister at the Court of France.

Ordered, That these petitions lie on the table until Monday next.

MONDAY, January 3.

A message was received from the House of Representatives, informing the Senate, that they had passed a bill to provide for the unloading of ships and vessels in cases of obstruction by ice, in which they desire the concurrence of the Senate; also, the report and confidential communication from the Secretary of State respecting the trade of the United States in the Mediterranean.

The above mentioned bill was read the first time.

Ordered, That this bill pass to a second reading. The report of the Secretary of State respecting the trade of the Mediterranean, was read; and *Ordered*, That it lie for consideration.

The petition of Colonel Henry Laurens, that compensation may be allowed him for a quantity of rice supplied the troops of the United States; also, that interest may be allowed on the compensation granted to his son, the late Colonel Henry Laurens, deceased, were severally taken into consideration; and *Ordered*, That they lie on the table.

A Message was received from the President of the United States, with a copy of an act of the Legislature of New Jersey, vesting in the United States the jurisdiction of a lot of land at Sandy Hook, on which a light-house and other buildings are erected.

Ordered to lie on the table. Mr. STRONG, from the committee appointed to consider the report of the Secretary of the Treasury upon the plan of a National Bank, reported a bill, which was read the first time.

Ordered, That this bill pass to the second reading, and that one hundred and fifty copies thereof be printed.

WEDNESDAY, January 5.

The Senate proceeded to the second reading of the bill, providing that the District of Kentucky should become an independent State, and be admitted as a member of the United States of America; and *Ordered*, That the further consideration hereof be postponed, and that in the meantime the bill be printed for the consideration of Congress.

Mr. HAWKINS, from the committee appointed to take into consideration the bill to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," reported amendments.

On motion to postpone the consideration of the amendments, to take up the following resolution reported by the committee, to wit:

Resolved, That the President of the United States be requested to direct an inquiry as to the extent of the obstructions in the river Savannah, and in that leading to the town of Providence, in the State of Rhode Island and Providence Plantations; the progress that has been made in their removal, together with a state of facts relative to the objects for which the said acts were passed by the respective States previous to the adoption of the present Constitution of the United States, and by which a duty of tonnage is laid on ships and vessels navigating the said rivers.

It passed in the negative.

The Senate proceeded in the second reading of the bill, and agreed thereto, with the following amendments reported by the committee, to limit the operation thereof to the States of Georgia and Rhode Island, by inserting these words, line 5th, after the word force:

"So far as the same respects the States of Georgia and Rhode Island and Providence Plantations."

To limit the duration of the act to one year, by striking out in the same line "five," and inserting "one;" and to make the word "years," in the same line, singular.

To insert in the title of the bill, after the word "Plantations,"

"So far as the same respects the States of Georgia and Rhode Island and Providence Plantations."

Ordered, That this bill, as amended, pass to the third reading.

THURSDAY, January 6.

Mr. STRONG, from the committee appointed to take into consideration the Message of the President of the United States, of the 23d December last, respecting cases of grants of lands in the Western Territory northwest of the Ohio, reported that a bill be brought in for the purposes mentioned in the report; whereupon,

Ordered, That the same committee be instructed to prepare and report a bill accordingly.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Ma-

ryland, Georgia, and Rhode Island and Providence Plantations," and *Resolved*, That this bill do pass with the amendments.

The bill to incorporate the subscribers to the Bank of ——— was read the second time, and the consideration thereof was postponed to Monday next.

Mr. LANGDON, from the committee to whom was referred that part of the President's Speech which relates to the trade of the Mediterranean, together with the President's Message of the 30th of December, and the papers accompanying the same, made report.

Ordered, That the consideration of the report be postponed until to-morrow.

FRIDAY, January 7.

Agreeably to the order of the day, the Senate proceeded to the consideration of the report of the committee to whom was referred that part of the Speech of the President of the United States which relates to the trade of the Mediterranean; together with the President's Message of the 30th of December, and the papers accompanying the same; and,

Ordered, That the report lie on the table.

Mr. STRONG, from the committee to whom was referred the Message of the President of the United States, of the 23d of December ult., reported "A bill for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory northwest of the Ohio, and for confirming them in their possessions," which bill was read the first time.

Ordered, That this bill pass to a second reading.

A message from the House of Representatives informed the Senate, that they have concurred in the amendments of the Senate to the bill to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations."

Mr. ELLSWORTH, from the committee appointed to take into consideration that part of the Speech of the President of the United States which relates to the appointment of Consuls in foreign countries, reported a bill; which was read the first time.

Ordered, That this bill pass to a second reading. The Senate proceeded in the second reading of the bill, providing "that the District of Kentucky should become an independent State, and be admitted as a member of the United States of America;" and, after progress, the further consideration of the bill was postponed until Tuesday next.

MONDAY, January 10.

JOHN HENRY, from Maryland, attended. The Senate proceeded in the second reading of the bill to incorporate the subscribers to the Bank of ———; and, after progress, the further consideration thereof was postponed.

Agreeably to the order of the day, the Senate

of the bill to incorporate the subscribers to the Bank of —; On motion to expunge the twelfth section, to wit:

"And be it further enacted, That no other bank shall be established, by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged."

It passed in the negative.

Ordered, That this bill pass to the third reading. The Senate, on Executive business, had before them the Message from the President of the United States, accompanied with a Report from the Secretary of State on a complaint made by the French Government in relation to an extra tonnage on their vessels. This Message was committed to Messrs. MORRIS, KING, LIZARD, STRONG, and ELLSWORTH.

THURSDAY, January 20.

The Senate proceeded to the third reading of the bill to incorporate the subscribers to the Bank of —; and

On motion to reconsider the term of incorporation, and limit it to the year 1801, instead of 1811; the yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Few, Gunn, Hawkins, Izard, and Monroe—6.

NAYS—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Machay, Morris, Read, Schuyler, Stanton, Strong, and Wingate—16.

So it passed in the negative.

On motion to expunge the twelfth section, to wit:

"And be it further enacted, That no other bank shall be established, by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged."

The yeas and nays were required by one-fifth of the Senators present, and were:

YEAS—Messrs. Butler, Few, Hawkins, Izard, and Monroe—5.

NAYS—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Gunn, Johnson, Johnston, King, Langdon, Machay, Morris, Read, Schuyler, Stanton, Strong, and Wingate—18.

And it passed in the negative.

Resolved, That this bill do pass; that the title of it be "An act to incorporate the subscribers to the Bank of the United States;" that it be engrossed, and that the Secretary carry it to the House of Representatives for concurrence.

A motion was made, "That the Secretary furnish any member of the Senate with such extracts from the Executive Journal as he may direct."

Ordered, That the consideration of this motion be postponed until to-morrow.

FRIDAY, January 21.

CHARLES CARROLL, from the State of Maryland, attended.

To our very dear friends and allies, the President and members of the General Congress of the United States of North America.

VERY DEAR GREAT FRIENDS AND ALLIES:

We have received the letter by which you inform us of the new mark of confidence that you have shown to Mr. Jefferson, and which puts a period to his appointment of Minister Plenipotentiary at our Court.

The manner in which he conducted during his residence with us, has merited our esteem and entire approbation, and it is with pleasure that we now give him this testimony of it.

It is with the most sincere pleasure that we embrace this opportunity of renewing these assurances of regard and friendship, which we feel for the United States in general, and for each of them in particular; under very dear friends and allies, under his holy and beneficent protection.

Done at Paris, this 11th September, 1790.

Your good friend and ally,

LOUIS,

MONTMORIN, [SEAL.]

THE UNITED STATES OF NORTH AMERICA.

Ordered, That the Secretary return this letter to the President of the United States.

THURSDAY, January 18.

A letter was read from the Secretary of State, enclosing a postscript to the report of measures, weights, and coins, now before the Senate; and, *Ordered*, That the letter and enclosure lie for consideration.

The papers referred to in the Message of the President of the United States of the 17th instant, were read, and,

Ordered, To lie for consideration. The Senate proceeded in the second reading of the bill to incorporate the subscribers to the Bank of —; and ordered that it be committed for further amendments.

Mr. STROUD, from the committee to whom was referred the last mentioned bill, reported sundry amendments; which, being agreed to,

The Senate proceeded in the second reading of the bill, and, having amended the same, the further consideration thereof was postponed.

WEDNESDAY, January 19.

A resolution of the Directors of the Library of Philadelphia was then communicated to the Senate, and read, providing that the President and members of the Senate and House of Representatives of the United States, shall have free use of the books in the Library, in as full and ample manner as if they were members of the company.

The memorial of the Surgeons and Surgeons' Mates in the medical Department, during a very considerable part of the late war, praying allowance for depreciation, was, by Mr. MORRIS, communicated to the Senate; which, being read,

Ordered, To lie on the table.

The Senate proceeded to the second reading 1st CON.—56

NAYS—Messrs. Butler, Few, Foster, Hawkins, Henry, Johnston, Izard, Machay, Monroe, and Wingate—10. So it passed in the affirmative.

A motion was made to subjoin to the last clause agreed to, as follows:

"Provided, nevertheless, That nothing herein contained shall be construed to exclude the right of amendment the same, on giving twelve months' notice, from and after the first day of January, 1800."

And, after debate, the further consideration thereof was postponed.

FRIDAY, January 14.

The Senate proceeded in the second reading of the bill to incorporate the subscribers to the Bank of —; and the question being taken on the motion made yesterday and postponed, to wit:

"Provided, nevertheless, That nothing herein contained shall be construed to exclude the right of amendment the same, on giving twelve months' notice, from and after the first day of January, 1800."

It passed in the negative.

On motion, it was agreed to reconsider the term of incorporation agreed to yesterday, and limit it to the fourth day of March, 1811; and, having made further progress in the bill, The Senate adjourned.

MONDAY, January 17.

JAMES GUNN, from Georgia, attended.

The Senate proceeded in the second reading of the bill to incorporate the subscribers to the Bank of —; and, after progress, the further consideration thereof was postponed.

The following Message from the PRESIDENT OF THE UNITED STATES was received:

Gentlemen of the Senate,

and House of Representatives:

I lay before you an official statement of the appropriation of ten thousand dollars, granted to defray the contingent expenses of Government, by an act of the 26th of March, 1790.

A copy of two resolutions of the Legislature of Virginia, and a petition of sundry officers and as-signees of officers and soldiers of the Virginia line on Continental establishment, on the subject of bounty lands allotted to them on the Northwest side of the Ohio; and

A copy of an act of the Legislature of Maryland, to empower the Wardens of the port of Baltimore to levy and collect the duty therein mentioned.

GEO. WASHINGTON.

UNITED STATES, January 17, 1791.

Ordered, That the Message lie for consideration. The Senate, on Executive business, received the following Communication from the PRESIDENT OF THE UNITED STATES:

UNITED STATES, January 17, 1791.

Gentlemen of the Senate:

I lay before you a letter from His Most Christian Majesty, addressed to the President and members of Congress of the United States of America.

The letter referred to in the Message is as follows:

of the bill for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory northwest of the Ohio, and for confirming them in their possessions; and, *Ordered*, That this bill pass to a second reading.

TUESDAY, January 11.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory northwest of the Ohio, and for confirming them in their possessions; and,

Resolved, That this bill do pass, and that it be sent to the House of Representatives for their concurrence.

WEDNESDAY, January 12.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill to incorporate the subscribers to the Bank of —; and, on motion, it was agreed to postpone the further consideration thereof until to-morrow.

The Senate proceeded to the third reading of the bill providing that the District of Kentucky should become an independent State, and be admitted as a member of the United States of America; and,

Resolved, That this bill do pass; that the title thereof be, "An act declaring the consent of Congress that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into the Union, by the name of the State of Kentucky;" that the bill be engrossed, and that the Secretary carry it to the House of Representatives, and desire their concurrence.

The Senate proceeded in the second reading of the bill concerning Consuls and Vice Consuls; and, after progress,

Ordered, That it be recommitted to Messrs. ELLSWORTH, MORRIS, SCHUYLER, HAWKINS, and KING.

THURSDAY, January 13.

Several resolutions, and the memorial of the Commonwealth of Virginia, calling the attention of Congress to an act making provision for the debt of the United States, were, by Mr. MONROE, communicated to the Senate; which, being read, *Ordered*, That they lie on the table.

The Senate proceeded to the second reading of the bill to incorporate the subscribers to the Bank of —; and agreed to fill the title with these words: "The United States of America."

On motion to limit the term of incorporation to seven years,

A motion was made to extend the term of incorporation to March the 4th, 1815; and on this the yeas and nays being required by one-fifth of the Senators present, were:

YEAS—Messrs. Bassett, Dickinson, Ellsworth, Elmer, Johnson, King, Langdon, Morris, Read, Schuyler, and Strong—11.

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A letter from the Secretary of State was communicated, with sundry enclosures, relative to the American prisoners in Algiers; which, being read,
Ordered, That they be referred to the committee who had under consideration that part of the Message from the President of the United States, which refers to the trade of the Mediterranean; and that their report of the sixth of January be recommitted.

A message from the House of Representatives informed the Senate that they have
Ordered, That a committee be appointed, to join a committee of the Senate, to consider and report what time will be proper for the commencement of the next Congress; to the end that timely notice may be given to the members who are to serve for the ensuing two years.

The order of the House of Representatives was read, and agreed to, and
Ordered, That Messrs. STRONG, IZARD, and ELLSWORTH, be of the Joint Committee on the part of the Senate; and that the Secretary communicate this appointment to the House of Representatives.

The memorial of the merchants of Philadelphia, trading to India and China, praying such encouragement and protection as in their wisdom Congress shall deem expedient, was, by Mr. MORRIS, presented and read; and
Ordered, That it lie for consideration.

The Senate resumed the consideration of the motion made yesterday, to wit:

"That the Secretary furnish any member of the Senate with such extracts from the Executive Journal as he may direct."

And it was agreed to amend the motion to read as follows:

"Resolved, That the Secretary furnish the members of the Senate, when required, with extracts of such parts of the Executive Journal, as are not, by vote of the Senate, considered secret."

And it was agreed that the motion be committed to Messrs. ELLSWORTH, GUNN, and KING.

Ordered, That the Secretary do furnish Mr. GUNN with an attested copy of sundry extracts from the records of the Senate, when acting in their Executive capacity.

MONDAY, January 24.

The following Messages of the President of the United States were received and read:
Gentlemen of the Senate,
and House of Representatives:

I lay before you a statement relative to the frontiers of the United States, which has been submitted to me by the Secretary of the Department of War. I rely upon your wisdom to make such arrangements as may be essential for the preservation of good order, and the effectual protection of the frontiers.
 GEO. WASHINGTON.

UNITED STATES, January 24, 1791.

Ordered, That the Secretary communicate the

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Message and papers accompanying it to the House of Representatives.
Gentlemen of the Senate,
and House of Representatives:

In execution of the powers with which Congress were pleased to invest me, by their act entitled "An act for establishing the temporary and permanent seat of Government of the United States;" and, on mature consideration of the advantages and disadvantages of the several positions within the limits prescribed by the said act, I have, by a proclamation bearing date this day, (a copy of which is herewith transmitted,) directed commissioners, appointed in pursuance of the act, to survey and limit a part of the territory of ten miles square, on both sides of the river Potomac, so as to comprehend Georgetown, in Maryland, and extend to the Eastern Branch.

I have not, by this first act, given to the said territory the whole extent of which it is susceptible in the direction of the river; because I thought it important that Congress should have an opportunity of considering whether, by an amendatory law, they would authorize the location of the residue at the lower end of the present, so as to comprehend the Eastern Branch itself, and some of the country on its lower side, in the State of Maryland, and the town of Alexandria, in Virginia. If, however, they are of opinion that the Federal Territory should be bounded by the water edge of the Eastern Branch, the location of the residue will be to be made at the upper end of what is now directed.

I have thought best to await a survey of the territory, before it is decided on what particular spot on the northeastern side of the river, the public buildings shall be erected.

GEO. WASHINGTON.

UNITED STATES, January 24, 1791.

Ordered, That this Message lie for consideration.

TUESDAY, January 25.

Mr. STRONG reported, from the joint committee appointed on the 21st instant, "to consider and report what time will be proper for the commencement of the next Congress."

Ordered, That the report lie for consideration.

WEDNESDAY, January 26.

The following Message was received from the President of the United States:

Gentlemen of the Senate,
and House of Representatives:
 I lay before you the copy of a letter from the President of the National Assembly of France to the President of the United States: and of a decree of that Assembly, which was transmitted with the above-mentioned letter.

GEO. WASHINGTON.

UNITED STATES, January 26, 1791.

The Message and papers were read.

Mr. ELLSWORTH, from the committee to whom was referred the bill "concerning Consuls and

* A copy of which is given in the Appendix to this volume.

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Vice Consuls," reported amendments; which report was agreed to; whereupon,

The Senate proceeded in the second reading of the bill; which was amended conformably to the report, and

Ordered, That this bill pass to a third reading.

THURSDAY, January 27.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill, "concerning Consuls and Vice Consuls;" and,

Resolved, That this bill do pass, and that the Secretary carry it to the House of Representatives, and desire concurrence therein.

The Senate on Executive business. Mr. MORRIS, from the committee appointed to take into consideration the Message of the President of the UNITED STATES of the 19th instant, made a report, which was ordered to lie for consideration.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate,
and House of Representatives:

In order that you may be fully informed of the situation of the frontiers, and the prospects of hostility in that quarter, I lay before you the intelligence of some recent depredations, received since my Message to you upon this subject of the 24th instant.

GEO. WASHINGTON.

UNITED STATES, January 27, 1791.

The Message and papers therein referred to were read; and,

Ordered, That the Secretary communicate them to the House of Representatives.

FRIDAY, January 28.

The petition of a number of the inhabitants of the county of Lancaster was read, praying that the bill laying an excise on spirituous liquors, pending before Congress, may not pass, for reasons therein expressed.

Ordered, That the petition lie on the table.

A message from the House of Representatives informed the Senate that they have passed a bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same; in which they desire the concurrence of the Senate.

Ordered, That this bill have the first reading at this time.

Ordered, That this bill pass to a second reading.

Another message from the House of Representatives informed the Senate that they have passed the bill declaring the consent of Congress that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the State of Kentucky.

The Senate, on Executive business, took into consideration the report of Mr. MORRIS, made yesterday; but, after debate, the further consideration thereof was postponed.

MONDAY, January 31.

A message was received from the House of Representatives, informing the Senate that they had passed a bill declaring the consent of Congress to a certain act of the State of Maryland, in which they desire the concurrence of the Senate; and that they had agreed to the report of the committee appointed on their part to confer with the committee on the part of the Senate, respecting the time for the commencement of the next session of Congress.

The resolution of the House of Representatives, agreeing to the report of the committee appointed to confer with the committee of the Senate, on the time for the commencement of the next session of Congress, was read, and the consideration thereof was postponed.

The bill declaring the consent of Congress to a certain act of the State of Maryland, was read the first time; and,

Ordered, That this bill pass to the second reading.

The Senate proceeded to the second reading of the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same.

Ordered, That the further consideration hereof be postponed until Wednesday next.

Ordered, That Messrs. MONROE, SCHUYLER, and READ, be a committee to take into consideration the extract of a letter from Governor Randolph, of Virginia, communicated by message from the President of the United States; together with the resolutions of the Commonwealth of Virginia, relative to the bounty lands to the officers and soldiers of the Virginia line on Continental establishment; and to report what is proper to be done thereon.

Mr. LANGDON, from the committee to whom was referred that part of the Message of the President of the United States which relates to the commerce of the Mediterranean; together with the Message of the President of the United States, of 30th December, made report.

Ordered, That this report lie for consideration.

The Senate, on Executive business, resumed the consideration of the report of the committee, made the 27th instant; which, after debate, was further postponed.

TUESDAY, February 1.

The bill declaring the consent of Congress to a certain act of the State of Maryland, was read the second time; and,

Ordered, That this bill pass to the third reading.

The Senate, on Executive business. Mr. LANGDON, from the committee appointed as per Legislative Journal, December 13, 1790, made a report on that part of the Speech of the President of the United States, which relates to the commerce of the Mediterranean, together with his Message recorded; also, on the Legislative Jour-

nal of the 30th of December, 1790, and on the letter of the 20th of January, from the Secretary of State, respecting the American prisoners in captivity at Algiers, with the papers accompanying the same; and the following resolution was entered into:

Resolved, That the Senate advise and consent that the President of the United States take such measures as he may think necessary for the redemption of the citizens of the United States now in captivity at Algiers, provided the expense shall not exceed forty thousand dollars; and, also, that measures be taken to confirm the treaty now existing between the United States and the Emperor of Morocco.

Ordered, That the Secretary communicate this resolution to the President of the United States. Mr. LANGDON, from the committee appointed on the 15th of December, 1790, as recorded on the Legislative Journal of that date, reported January 6th, 1791, on the same subject:

"That the trade of the United States to the Mediterranean cannot be protected but by a naval force, and that it will be proper to resort to the same as soon as the state of the public finances will admit."

On motion,
Ordered, That this report be re-committed, with an instruction to the committee to consider the subject, and report generally thereon.

WEDNESDAY, February 2.

A message from the House of Representatives was received, informing the Senate that they had passed the bill making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes.

The bill from the House of Representatives was read the first time.

Ordered, That this bill pass to the second reading.

The Senate proceeded to the third reading of the bill declaring the consent of Congress to a certain act of the State of Maryland; and,

Resolved, That this bill do pass, and that the Secretary acquaint the House of Representatives with the concurrence of the Senate therein.

The Senate proceeded in the second reading of the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same; and, after debate,

Ordered, That this bill be committed to Messrs. MORRIS, ELLSWORTH, LANGDON, SCHUYLER, and STRONG.

The Senate on Executive business. A letter from the Secretary of State, enclosing an extract of one from William Short, Chargé des Affaires at the Court of France, was read. Both the letter and its enclosure lie for consideration.

THURSDAY, February 3.

The Senate proceeded in the second reading of the bill making appropriations for the support of

Government during the year one thousand seven hundred and ninety-one, and for other purposes.

Ordered, That it be committed to Messrs. DALTON, CARROLL, and BASSETT.

FRIDAY, February 4.

A message from the House of Representatives brought to the Senate a report of the Secretary of State made to that House, in relation to the Cod and Whale fisheries.

The report and papers therein referred to were read; and,

Ordered, To be printed.

SATURDAY, February 5.

Mr. DALTON, from the committee appointed to consider and report on the bill, sent from the House of Representatives, making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes, reported sundry amendments. *Ordered*, That this report lie until Monday next for consideration.

MONDAY, February 7.

The Senate proceeded to consider the amendments reported by the committee on the bill making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes; to which amendments the Senate did not agree; whereupon,

Ordered, That this bill pass to a third reading. A message from the House of Representatives informed the Senate that they had ordered that the report of the Secretary of the Treasury, relative to the establishment of a mint, be sent to the Senate for their information.

Ordered, That the report of the Secretary of the Treasury relative to the establishment of a mint be referred to Messrs. MORRIS, IZARD, KING, MONROE, and SCHUYLER, to consider and report what is proper to be done thereon.

Mr. MORRIS, from the committee appointed to consider and report on the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same, reported the bill amended. The amendments were read; and,

Ordered, That they be printed for the use of the Senate.

TUESDAY, February 8.

The Senate proceeded to the third reading of the bill making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes. *Resolved*, That this bill do pass.

The Senate proceeded to consider the amendments reported by the committee on the bill repealing, after the last day of June next, the duties

heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same.

And, having made progress in the consideration of the report,
The Senate adjourned.

WEDNESDAY, February 9.

A message from the House of Representatives informed the Senate that they had passed the bill, sent from the Senate, to incorporate the subscribers to the Bank of the United States.

The Senate proceeded to consider the report of the committee on the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same; to which report having agreed, and that the bill be amended conformably,

Ordered, That the bill pass to a third reading. The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate,
and House of Representatives:

I have received from the Governor of Vermont, authentic documents expressing the consent of the Legislature of New York and of the Territory of Vermont, that the said Territory shall be admitted to be a distinct member of our Union; and a memorial of Nathaniel Chipman and Lewis R. Morris, commissioners from the said Territory, praying the consent of Congress to that admission, by the name and style of the State of Vermont; copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

GEO. WASHINGTON.

UNITED STATES, February 9, 1791.

Ordered, That the Message from the PRESIDENT OF THE UNITED STATES of this date, with the papers accompanying it, be referred to Messrs. KING, MONROE, ELLSWORTH, LANGDON, and HAWKINS, to consider and report what is proper to be done thereon.

THURSDAY, February 10.

Mr. KING, from the committee to whom was referred the Message from the President of the United States of the 9th instant, relative to the State of Vermont, with the papers therein contained, reported a bill for the admission of the State of Vermont into this Union.

This bill was read the first time.
Ordered, That this bill pass to the second reading.

The Senate proceeded to the third reading of the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same; but, after some debate, and attempt at amendment, the Senate adjourned without getting through the bill.

FRIDAY, February 11.

A message from the House of Representatives informed the Senate that they had passed a bill authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged.

Also, the bill to continue in force, for a limited time, an act passed at the first session of Congress, entitled "An act to regulate processes in the Courts of the United States," in which they desire the concurrence of the Senate.

The Senate proceeded to the first reading of the bill, sent from the House of Representatives for concurrence, to continue in force, for a limited time, an act passed at the first session of Congress, entitled "An act to regulate processes in the Courts of the United States;" and the bill authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged.

The Senate proceeded to give the first bill its first reading, and to order it to be read a second time.

The bill authorizing the President to cause the debt due to foreign officers to be discharged, was read a first time, and ordered to be read a second time.

A message from the House of Representatives informed the Senate that they have passed the bill to alter the time of the next meeting of Congress; in which they desire the concurrence of the Senate.

This bill was read a first time and ordered to be read a second time.

The bill for the admission of the State of Vermont into this Union was read the second time; and,

On motion, it was agreed that the second section should be expunged.

Ordered, That this bill pass to a third reading. On motion, it was agreed by unanimous consent, to dispense with the rule, so far as to permit Mr. KING at this time to bring in a bill regulating the number of representatives to be chosen by the States of Kentucky and Vermont; which bill was read the first time.

It was agreed, by unanimous consent, that the rule be so far dispensed with, as that this bill be now read the second time.

Ordered, That this bill pass to a third reading. Mr. MORRIS reported, from the committee instructed to consider the fourth section of the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same, a further amendment; and the report was adopted.

Ordered, That the report and the bill be recommitted, and that the committee be instructed to conform the bill to the several amendments agreed on.

SATURDAY, February 12.

The Senate proceeded to the third reading of

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the bill for the admission of the State of Vermont into this Union.
Resolved, That this bill do pass, and that the Secretary carry it to the House of Representatives, and desire their concurrence therein.
The Senate proceeded to the third reading of the bill regulating the number of representatives to be chosen by the States of Kentucky and Vermont.

Resolved, That this bill do pass.
The Senate proceeded to the consideration of the report of the joint committee appointed to confer on and report what time will be proper for the commencement of the next session of Congress; and

Ordered, That the further consideration hereof be postponed to this day se'nnight.
The resolution of the House of Representatives of the 28th January, on the report of the joint committee on this subject, was read.

Ordered, That the consideration thereof be postponed to the same time.

A message from the House of Representatives informed the Senate that they had passed a bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

The bill was read the first time.
Ordered, That this bill pass to the second reading.

MONDAY, February 14.

A message from the House of Representatives informed the Senate that they have passed the bill sent from the Senate, for the admission of the State of Vermont into this Union.

The Senate, on motion, ordered that the resolutions of the Assembly of Virginia, upon the claims of sundry individuals, with the papers accompanying them, be referred to the committee appointed the 31st of January, to take into consideration the extract of a letter from Governor Randolph, relative to the bounty lands to the officers and soldiers of the Virginia line, on Continental establishment.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, to continue in force for a limited time an act passed at the first session of Congress, entitled "An act to regulate processes in the Courts of the United States."

Resolved, That this bill pass.
The Senate proceeded to the second reading of the bill, sent from the House of Representatives, for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

The Senate on Executive business. The following Message from the President of the UNITED STATES was under consideration:

Gentlemen of the Senate:
Conceiving that in the possible event of a refusal of justice on the part of Great Britain, we should stand

less committed should it be made to a private rather than a public person, I employed Mr. Gouverneur Morris, who was on the spot, and without giving him any definite character, to enter informally into the conferences before mentioned. For your more particular information, I lay before you the instructions I gave him, and those parts of his communications wherein the British ministers appear either in conversation or by letter. These are two letters from the Duke of Leeds to Mr. Morris, and three letters of Mr. Morris, giving an account of two conferences with the Duke of Leeds, and one with him, and Mr. Pitt. The sum of these is, that they declare, without scruple, they do not mean to fulfil what remains of the Treaty of Peace to be fulfilled on their part, (by which we are to understand the delivery of the posts and payment for property carried off,) till performance on our part, and compensation where the delay has rendered the performance now impracticable; that on the subject of a treaty of commerce they avoided direct answers, so as to satisfy Mr. Morris they did not mean to enter into one unless it could be extended to a treaty of alliance offensive and defensive, or unless in the event of a rupture with Spain.

As to the sending a Minister here, they made excuses at the first conference, seemed disposed to it in the second, and in the last express an intention of so doing. Their views being thus sufficiently ascertained, I have directed Mr. Morris to discontinue his communications with them.

GEO. WASHINGTON.
UNITED STATES, February 14th, 1791.

Ordered, That this Message lie for consideration.

TUESDAY, February 15.

RICHARD HENRY LEE, from Virginia, attended.
No business of importance before the Senate to-day.

WEDNESDAY, February 16.

Mr. CARROLL gave notice, that to-morrow he intended to move for leave to bring in a bill to amend the act entitled "An act for establishing the temporary and permanent seat of the Government of the United States," pursuant to the plan suggested in the President's Message on the 24th of January last.

On motion,
Ordered, That the Secretary of the Treasury cause a statement of the exports of the United States for one year, to be laid before the Senate; enumerating therein the articles of export, the value thereof, and the countries to which the same shall have been exported.

The petition of masters of American vessels, in the port of Charleston, South Carolina, praying some further regulations for the encouragement of the carrying trade to Europe, was read.

Ordered, That this petition lie on the table.
A message from the House of Representatives informed the Senate that they have passed a bill to establish offices for the purpose of granting lands within the territories of the United States, in which they desire the concurrence of the Senate. The bill received its first reading.

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THURSDAY, February 17.
The Senate proceeded to the second reading of the bill to establish offices for the purpose of granting lands within the territories of the United States.

Ordered, That the further consideration hereof be postponed.

Agreeably to notice given yesterday, leave was requested to bring in a bill to amend an act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States."

And, on the question, Shall leave be given to bring in the bill moved for? the yeas and nays were required by one-fifth of the Senators present:

YEA—Messrs. Butler, Carroll, Dickinson, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Stanton, Strong—17.
NAY—Messrs. Dalton, Ellsworth, Foster, Johnson, King, Maclay, Wingate—7.

So it passed in the affirmative.
And the bill was accordingly brought in and read the first time.

Mr. SCHUYLER, from the committee appointed to take into consideration the bill, sent from the House of Representatives for concurrence, for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers, reported the bill amended.

FRIDAY, February 18.

The Senate received the following Message from the President.

Gentlemen of the Senate,

I have received from the Secretary of State a report on the proceedings of the Governor of the Northwest-ern Territory, at Kaskaskia, Kaskaskia, and Prairie, under the resolution of Congress of August 20, 1788, which, containing matter proper for your consideration, I lay the same before you.

GEO. WASHINGTON.
UNITED STATES, February 18, 1791.

Ordered, That the Message and papers therein referred to lie for consideration.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill establishing offices for the purpose of granting lands within the territories of the United States.

Ordered, That the consideration thereof be postponed.

The Senate proceeded to the second reading of the "bill to amend an act, entitled an act for establishing the temporary and permanent seat of the Government of the United States;" and

On motion to postpone the consideration of the bill to this day se'nnight, the yeas and nays were required by one-fifth of the members present:

YEA—Messrs. Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate—15.

NAY—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe—19.
So it passed in the affirmative.
The Senate on Executive business. The following Message from the President of the UNITED STATES was under consideration:

Gentlemen of the Senate:

The aspect of affairs in Europe during the last Summer, and especially between Spain and England, gave reason to expect a favorable occasion for pressing to accommodation the unsettled matters between them and us. Mr. Carmichael, our Chargé des Affaires at Madrid, having been long absent from his country, great changes having taken place in our circumstances and sentiments during that interval, it was thought expedient to send some person in a private character, fully acquainted with the present state of things here, to be the bearer of written and confidential instructions to him, and at the same time to possess him in full and frequent conversations, of all those details of facts and topics of arguments, which could not be conveyed in writing; but which would be necessary to enable him to meet the reasonings of that Court with advantage. Colonel David Humphreys was therefore sent for these purposes.

An additional motive for this confidential mission arose in the same quarter. The Court of Lisbon had, on several occasions, made the most amicable advances for cultivating friendship and intercourse with the United States. The exchange of a diplomatic character had been informally, but repeatedly, suggested on their part. It was our interest to meet this nation in its friendly dispositions, and to concur in the exchange proposed. But my wish was, at the same time, that the character to be exchanged should be of the lowest and most economical grade. To this it was known that certain rules of long standing at that Court would produce obstacles. Colonel Humphreys was charged with despatches to the Prime Minister of Portugal, and with instructions to endeavor to arrange this to our views. It happened, however, that, previous to his arrival at Lisbon, the Queen had appointed a Minister resident to the United States. This embarrassment seems to have rendered the difficulty completely insurmountable. The Minister of that Court, in his conferences with Colonel Humphreys, expressing every wish to accommodate, yet expresses his regrets that circumstances do not permit them to concur in the grade of Chargé des Affaires, a grade of little privilege or respectability by the rules of their Court, and held in so low estimation with them that no proper character would accept it, to go abroad. In a letter to the Secretary of State he expresses the same sentiments, and announces the appointment, on their part, of a Minister resident to the United States, and the pleasure with which the Queen will receive one from us at her Court. A copy of his letter, and also of Colonel Humphreys', giving the details of this transaction, will be delivered to you.

On consideration of all circumstances I have determined to accede to the desire of the Court of Lisbon in the article of grade. I am aware that the consequences will not end here, and that this is not the only instance in which a like change may be pressed. But should it be necessary to yield elsewhere also, I shall think it a less evil than to disgust a Government so friendly and so interesting to us as that of Portugal.

I do not mean that the change of grade shall render the mission more expensive.

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I have therefore nominated David Humphreys Minister resident from the United States to Her Most Faithful Majesty the Queen of Portugal.
GEO. WASHINGTON.

UNITED STATES, February 18, 1791.
Ordered, That this Message lie for consideration.

SATURDAY, February 19.
The Senate resumed the consideration of the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers, reported by the committee with amendments; and,
On motion to adopt the first section of the bill, as sent from the House of Representatives, and reported by the committee of the Senate, the yeas and nays were required by one-fifth of the Senators present:

YEAS—Messrs. Carroll, Dalton, Dickinson, Ellsworth, Elmer, Foster, Henry, Johnson, Johnston, Izard, King, Langdon, Schuyler, Stanton, Strong—15.
NAYS—Messrs. Butler, Few, Gunn, Macloy, Monroe, Wingate—7.

So it passed in the affirmative.
On the motion to add, after the tenth section agreed to, with an amendment reported by the committee,

And be it further enacted, That if the President of the United States should be of opinion that the service for which the aforesaid regiment is intended, can be performed by the militia, or troops under the denomination of levies, he is fully authorized, any thing heretofore to the contrary notwithstanding, to substitute levies or militia accordingly, to continue in pay during such term only as the President of the United States, in his discretion, shall deem it requisite for the public service, or until the next session of Congress.

It passed in the negative.
Other amendments were reported by the committee and adopted, and it was agreed to amend the bill accordingly.

Ordered, That this bill pass to a third reading.
The second reading of the bill to alter the time of the next meeting of Congress, was postponed until Tuesday next.

It was agreed further to postpone the report of the committee appointed to consider and report what time will be proper for the commencement of the next Congress, together with the resolution of the House of Representatives thereon.

MONDAY, February 21.

A message was received from the House of Representatives, informing the Senate that they had agreed to the amendments of the Senate to the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same, with amendments; in which amendments the

House of Representatives desire the concurrence of the Senate.

The Senate proceeded to consider the resolutions of the House of Representatives of the 17th February, on the amendments of the Senate to the bill last mentioned; part of which they agreed to, and others they disagreed to.

A message from the House of Representatives informed the Senate that they had passed a bill for giving effect to the laws of the United States within the State of Vermont; to which they desire the concurrence of the Senate.

The bill was read the first time.
The Senate resumed the second reading of the bill to establish offices for the purpose of granting lands within the territories of the United States.

Ordered, That this bill be committed to Messrs. Strong, Ellsworth, Foster, King, and Monroe, to consider and report what is proper to be done thereon.

Mr. SCHUYLER gave notice that to-morrow he intended to move for leave to bring in "A bill to provide for the payment of balances due to the United States in certain cases."

The Senate on Executive business. They proceeded to the consideration of the Message from the President of the 18th instant, and the nomination therein contained of David Humphreys to be Minister resident from the United States, to Her Most Faithful Majesty the Queen of Portugal, and the Senate advised and consented to his appointment.

TUESDAY, February 22.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for giving effect to the laws of the United States within the State of Vermont," and having agreed to an amendment,

Ordered, That this bill pass to a third reading.
The second reading of the bill, sent from the House of Representatives for concurrence, to alter the time for the next meeting of Congress, was resumed.

On motion, to insert "the second Monday in September," in place of "the first Monday of November,"

It passed in the negative.
And, on the question, "Shall this bill be read the third time?"

It passed in the negative.
A message from the House of Representatives informed the Senate that they had passed a bill to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States," in which they desire the concurrence of the Senate.

The bill was read a first time, and ordered to a second reading.

Mr. MACLAY reported, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged."

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Ordered, That the report lie for consideration.
On motion,

Resolved, by the Senate and House of Representatives assembled, That the President of the United States be requested to cause to be communicated to the National Assembly of France the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free Representatives of a great nation, in their decree of the eleventh day of June, one thousand seven hundred and ninety.

Ordered, That the Secretary carry this resolution to the House of Representatives, and desire their concurrence.

The Senate on Executive business. The following Messages from the President were laid before them:

Gentlemen of the Senate:

I will proceed to take measures for the ransom of our citizens in captivity at Algiers, in conformity with your resolution of advice of the first instant, so soon as the moneys necessary shall be appropriated by the Legislature, and shall be in readiness.

The recognition of our treaty with the new Emperor of Morocco requires also previous appropriation, and provision. The importance of this last to the liberty and property of our citizens, induces me to urge it on your earliest attention. GEO. WASHINGTON.

UNITED STATES, February 22, 1791.

Ordered, That the Message be committed to the committee appointed the 15th of December, 1790, to consider and report on that part of the President's Message relating to the commerce of the Mediterranean.

Gentlemen of the Senate:

I lay before you a report of the Secretary of War, relative to the appointment of two Brigadier Generals of Militia in the territory of the United States south of the Ohio; and I nominate John Sevier to be Brigadier General of the Militia of Washington district; and James Robertson, to be Brigadier General of the Militia of Miro district, both within the said territory. GEO. WASHINGTON.

UNITED STATES, February 22, 1791.

Ordered, That this Message lie for consideration.

WEDNESDAY, February 23.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States."

Ordered, That this bill pass to a third reading.

The bill, sent from the House of Representatives for concurrence, for giving effect to the laws of the United States within the State of Vermont, was read the third time.

Resolved, That this bill pass, with the following amendment:

At the end of the bill, add,

"Provided, nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall

be, and is hereby, extended to the said port of Albany."

Ordered, That the Secretary desire the concurrence of the House of Representatives in this amendment.

The Senate proceeded to the consideration of the report of the committee on the bill, sent from the House of Representatives for concurrence, authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged. Whereupon,

Resolved, That this bill do not pass to a third reading.

A message from the House of Representatives informed the Senate that they insist on their amendment to the last clause of the section proposed by the Senate to follow section sixty-first, of the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same; that they have agreed to the resolution requesting the President of the United States to cause a communication to be made to the National Assembly of France, respecting the late Benjamin Franklin; and that they have passed a bill supplementary to the act, entitled "An act to incorporate the subscribers to the Bank of the United States," in which they desire the concurrence of the Senate.

The Senate proceeded to consider the resolution of the House of Representatives, insisting on their amendment to the last clause of the section proposed by the Senate, to follow section sixty-first of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" and insisted on their amendment to the amendment of the House of Representatives to the said clause.

Resolved, That a conference be desired with such managers as the House of Representatives may appoint on their part, on the subject of disagreement, and that Messrs. ELLSWORTH, KING, and MONROE, be the managers, at the conference proposed, on the part of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled an act to incorporate the subscribers to the Bank of the United States," was read a first time, and ordered to a second reading.

Mr. MONROE gave notice, that, to-morrow, he intended to move that the doors of the Senate Chamber be opened, to the end that the citizens of the United States may be admitted to hear the debates of the Senate.

A message from the House of Representatives informed the Senate that they have agreed to the proposed conference on the amendment to the amendment of the Senate, on the bill repealing, after the last day of June next, the duties heretofore

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fore laid on distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same, and have appointed managers on their part.

A motion was made that the Senate agree to the following resolution:

Whereas the duties imposed by law on the Attorney General of the United States require the aid of clerks, and are attended with other expenses, for which no provision hath been made:

Resolved, That, for the space of one year from the date hereof, and from thence to the end of the succeeding session of Congress, there be allowed to the said Attorney General at the rate of ——— dollars per annum, for the purposes aforesaid.

Ordered, That the consideration of this motion be postponed until to-morrow.

The Senate on Executive business. They proceeded to the consideration of the Message from the President of the United States, of the 23d instant, and the nominations therein contained, of John Sevier, to be Brigadier General of the militia of Washington district, and James Robertson, to be Brigadier General of the militia of Miro district, both within the territory of the United States south of the Ohio; and

Resolved, That they do advise and consent to the appointments therein mentioned, respectively. They then considered the following Message from the President:

Gentlemen of the Senate:

Information having been received from Thomas Auldjo, who was appointed Vice Consul of the United States at Cowes, in Great Britain, that his commission has not been recognised by that Government, because it is a port at which no foreign Consul has yet been received, and that it has been intimated to him that his appointment to the port of Poole, and parts nearer to that than to the residence of any other Consul of the United States, would be recognised, and his residence at Cowes not noticed; I have, therefore, thought it expedient to nominate Thomas Auldjo to be Vice Consul for the United States at the port of Poole, in Great Britain, and such parts within the allegiance of His Britannic Majesty as shall be nearer thereto than to the residence of any other Consul or Vice Consul of the United States within the same allegiance.

I also nominate James Yard, of Pennsylvania, to be Consul for the United States, in the Island of Santa Cruz, and such other parts within the allegiance of His Britannic Majesty, as shall be nearer thereto than to the residence of any other Consul or Vice Consul of the United States, within the same allegiance.

GEO. WASHINGTON.

UNITED STATES, February 23, 1791.

Ordered, That this Message lie for consideration.

THURSDAY, February 24.

The bill sent from the House of Representatives for concurrence, supplementary to the act entitled, "An act to incorporate the subscribers to the Bank of the United States," was then read the second time; and, on the question, Shall this

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Resolved, That the Secretary of the Senate request the Commissioners of the city and county of Philadelphia to cause a proper gallery to be erected for the accommodation of an audience.

After debate thereon,

The Senate entered on Executive business. They proceeded to the consideration of the Message from the President of the United States, of the 23d instant, and the nominations therein contained, of Thomas Auldjo, to be Vice Consul for the United States at the port of Poole, in Great Britain, and such parts within the allegiance of His Britannic Majesty as shall be nearer thereto than to the residence of any other Consul or Vice Consul of the United States within the same allegiance; and James Yard, of Pennsylvania, to be Consul for the United States in the island of Santa Cruz, and such other parts within the allegiance of his Danish Majesty, as shall be nearer thereto than to the residence of any other Consul or Vice Consul of the United States within the same allegiance; and,

Resolved, That they do advise and consent to the appointments therein mentioned, respectively.

FRIDAY, February 25.

The Senate proceeded to the consideration of the second reading of the bill sent from the House of Representatives for concurrence, fixing the time for the next annual meeting of Congress.

On motion to substitute "the first Monday of April," for "the fourth Monday of October," it passed in the negative.

Ordered, That this bill pass to a third reading. A communication from the Secretary of the Treasury, explaining the terms on which the loan of three millions of florins, mentioned by the President of the United States to have been negotiated, was read, as follows:

The Secretary of the Treasury, in obedience to the orders of the President of the United States, as signified in his Speech at the opening of the present session, respectfully informs the Senate and House of Representatives—

That the terms of the loan of three millions of florins, mentioned by the President as having been negotiated in Holland, are as follows:

The rate of interest is five per cent.; but the charges form a deduction from the principal sum of four and a half per cent.; which will occasion the real interest to be paid on the sum actually received by the United States, to be equal to five and a quarter per cent. nearly.

The reimbursement is to be made in six equal instalments, commencing in the year 1800, and ending in the year 1804, but it is in the option of the United States to reimburse the whole, or any part of the sum borrowed, at any time they may think proper.

That the disposition which has been made of the above-mentioned sum, is as follows:

One million five hundred thousand florins have been applied, pursuant to the directions of the President of the United States, as a payment to France.

A further sum of about one hundred and sixty thousand florins will also have been appropriated towards a

payment on account of the Dutch loans which became due on the first day of February last, including a premium of seventy thousand florins.

The residue is in a situation to be disposed of as may be judged expedient.

A doubt arises how far this loan may be within the meaning of the "act making provision for the reduction of the public debt," on account of the limitation of the rate of interest, which, taking the charges of the loan into calculation, would be somewhat exceeded; and though it is presumed that this limitation was not intended to exclude the addition of the ordinary charges, yet a point of so much delicacy appears to require legislative explanation.

The Secretary of the Treasury begs leave to observe, that it is, in his judgment, highly expedient, and very important to the general operations of the Treasury, that the above-mentioned loan should be deemed to be included within the meaning of the aforesaid act. The residue may, in this case, be applied with material advantage to the purposes of that act, and the part which has been otherwise applied may be hereafter replaced. All of which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Treasury Department, February 24, 1791.

Ordered, That this report lie for consideration. The Senate resumed the consideration of the motion made yesterday, to wit:

Resolved, That it be a standing rule that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in their legislative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence, and be in force, on the first day of the next session of Congress.

On this motion the yeas and nays were required by one-fifth of the Senators present.

Yeas—Messrs. Butler, Foster, Gunn, Hawkins, King, Lee, Machay, Monroe, and Schuyler—9.
Nays—Messrs. Bassett, Carroll, Dalton, Dickinson, Ellsworth, Elmer, Few, Henry, Johnson, Johnston, Izard, Langdon, Morris, Read, Stanton, Strong, and Wingate—17.

So it passed in the negative.

A message from the House of Representatives informed the Senate that they had passed a bill supplemental to the act establishing the Treasury Department, in which they desire the concurrence of the Senate.

Agreeably to the order of the day, the Senate resumed the second reading of the bill to amend an act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States."

On motion that the consideration hereof be postponed, the yeas and nays were required by one-fifth of the Senators present.

Yeas—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Machay, Stanton, Strong, and Wingate—12.

Nays—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnson, Izard, Langdon, Lee, Monroe, Morris, Read, and Schuyler—14.

So it passed in the negative.

On motion that the first clause of this bill be agreed to, to wit: from line first, to the word

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"provided," line fourteenth; the yeas and nays were required by one-fifth of the Senators present.

YEAS—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, and Schuyler—14.
NAYS—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, McClay, Stanton, Strong, and Wingate—12.

So it passed in the affirmative.
Ordered, That this bill pass to a third reading.
Mr. ELLSWORTH reported, from the managers appointed to confer with the managers of the United States on the part of the House of Representatives, on the amendments to the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled within the United States, and for appropriating the same.

Ordered, That the report lie for consideration.
The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled an act to incorporate the subscribers to the Bank of the United States," was read the third time.

On motion to add the following, as a section to the bill:

Sec. — And be it further enacted, That the term "law," used in the third section of the original act, which requires that the by-laws, ordinances, and regulations of the said corporation, shall not be contrary to law or the constitution thereof, shall be construed to mean the laws of individual States, as well as of the United States.

It passed in the negative.
On motion to adopt the following, in addition to the bill.

And be it further enacted, That nothing in the act to which this is a supplement, shall restrain the Legislature from repealing the same, and abolishing the corporation thereby established, at any time after the fourth day of March, one thousand eight hundred and two.

The yeas and nays were required by one-fifth of the Senators present.

YEAS—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Johnston, Izard, Lee, and Monroe—9.
NAYS—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Henry, Johnson, King, Langdon, McClay, Morris, Read, Schuyler, Stanton, Strong, and Wingate—17.

So it passed in the negative.

Resolved, That this bill pass.
Ordered, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

The bill, sent from the House of Representatives for concurrence, supplemental to the act establishing the Treasury Department, was read the first time.

The Senate on Executive business. A Message from the President, nominating Joseph Anderson, of Delaware, to be one of the Judges in the territory of the United States south of the Ohio, in the place of William Perry, who has

declined the appointment; and William Murray, of Kentucky, to be Attorney for the United States in the district of Kentucky, in the place of James Brown, who has declined the appointment—lies for consideration.

SATURDAY, February 26.

Mr. MORRIS communicated the request of the American Philosophical Society, "that the Vice President of the United States and the Senate, would attend the eulogium to be pronounced by order of the Society, to the memory of their late worthy President, Benjamin Franklin, on Tuesday morning next, at the German Lutheran Church, at half-past nine o'clock."

The bill to amend an act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," was then read a third time.

Resolved, That this bill pass.
The bill, sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department," was read the second time; and,

Ordered, That this bill be referred to the committee appointed on the 24th of February, on the motions respecting the officers of the Department of the Treasury, and the Attorney General.

The bill, sent from the House of Representatives for concurrence, fixing the time for the next annual meeting of Congress, was read the third time.

Resolved, That this bill pass.
The bill concerning the balances due to the United States in certain cases, was read a second time.

Mr. STRONG reported, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, to establish offices for the purpose of granting lands within the territories of the United States, that the further consideration of this bill be postponed until the next session of Congress.

On motion, it was agreed to postpone the report of the committee, and to resume the consideration of the bill; and, after debate,

Ordered, That the bill be recommitted.
A message from the House of Representatives informed the Senate that they recede from their disagreement to the amendment last proposed by the Senate, to the last clause of the section to follow section sixty-first of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same," and they agree to the amendment amended as follows: After the word "exceed," substitute these words, "seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided, also*, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law."

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The report from the managers appointed to confer with the managers of the United States on the part of the House of Representatives, on the amendments to the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers; and, after progress, the further consideration thereof was postponed until to-morrow.

Resolved, That the Senate do agree to the resolution of the House of Representatives on the clause above referred to, and that the amendment thereon be as follows: After the word "exceed," substitute these words, "seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided, also*, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law."

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department," reported amendments which were adopted, and,

Ordered, That this bill pass to the third reading. The Senate on Executive business. The nominations of yesterday were confirmed.

The report of the committee to whom was referred the Message of the President of the United States, of the 18th instant, with the note of the Chargé d'Affaires of France, of the 13th December, was taken into consideration; and, being amended, was agreed to. Whereupon,

Resolved, As the opinion of the Senate, that the 5th article of the treaty of amity and commerce between the United States and his Most Christian Majesty, is merely an illustration of the third and fourth articles of the same treaty, by an application of the principles comprised in the last mentioned articles, to the case stated in the former.

Resolved, That the Senate do advise that an answer be given to the Court of France, defending, in the most friendly manner, this construction, in opposition to that urged by said Court.

MONDAY, February 28.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, supplemental to the act establishing the Treasury Department.

A message from the House of Representatives informed the Senate that they had passed a bill concerning the rates of foreign coins, in which they desire the concurrence of the Senate; and that they agree to the amendments of the Senate to the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers, with amendments; in which amendments to the amendments they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, concerning the rates of foreign coins, was read the first time.

Ordered, That this bill have a second reading.

The Senate took into consideration the resolution of the House of Representatives, on their amendments to the amendments of the Senate, to the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers; and, after progress, the further consideration thereof was postponed until to-morrow.

Mr. STRONG reported, from the committee to whom was referred the bill concerning the payment of balances due to the United States in certain cases; whereupon,

Ordered, That the further consideration of this bill be postponed to the next session of Congress.

TUESDAY, March 1.

The bill sent from the House of Representatives for concurrence, entitled "An act concerning the rates of foreign coins," was read the second time; and,

Ordered, That it be committed to Messrs. SCHUYLER, MONROE, and MACLAY, to consider generally, and report thereon.

The consideration of the resolution of the House of Representatives on the amendments of the Senate to the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers, was resumed, and

Resolved, That the Senate agree to all amendments of the House of Representatives, on the amendments of the Senate, except the two last, to which the Senate do not agree.

Mr. MORRIS reported, from the committee appointed February 7th, on the report of the Secretary of the Treasury, relative to the establishment of a mint, and the report was ordered to lie for consideration.

Mr. IZARD reported, from the committee to whom was referred the report of the Secretary of State, on the subject of weights, measures, and coins, "that, as a proposition has been made to the National Assembly of France for obtaining a standard of measure which shall be invariable, and communicable to all nations, and at all times; as a similar proposition has been submitted to the British Parliament, in their last session; as the avowed object of these is, to introduce a uniformity in the measures and weights of the commercial nations; as a coincidence of regulation, by the Government of the United States, on so interesting a subject, would be desirable, your committee are of opinion, that it would not be eligible, at present, to introduce any alteration in the measures and weights which are now used in the United States."

And the report was adopted.

On motion, that it be "resolved that a committee be appointed, to join with a committee of the House of Representatives, to wait on the President of the United States, and communicate to him the desire of both Houses of Congress, that he would cause every proper means to be used to

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bring about a peace between the United States and the Wabash and Miami Indians, previous to further hostilities on those nations; and that Congress will make provision to defray the necessary expense thereof."

A motion was made to add to the motion as follows: "And likewise to obtain from such tribes a relinquishment of their claims to the territory of the United States, wherein it can be accomplished, so as to make the same a more productive fund for the payment of the public debt."

And the consideration thereof was postponed until to-morrow.

Mr. SCHUYLER, from the committee on the bill sent from the House of Representatives for concurrence, entitled "An act concerning the rates of foreign coins," reported amendments, and it was agreed to amend the bill accordingly.

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the third time; and, the bill having been read accordingly,

Resolved, That this bill pass with the following amendments:

In the title, after the word "act," expunge the whole, and substitute "relative to the six dollar of Denmark."

Ordered, That the Secretary desire the concurrence of the House of Representatives in these amendments.

A message from the House of Representatives informed the Senate that they had passed the bill, sent from the Senate for concurrence, entitled "An act to amend an act for establishing the temporary and permanent seat of the Government of the United States," that they agree to the amendments of the Senate to the bill supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers; and for making compensations to the Commissioners of Loans, for extraordinary expenses; and the bill providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes; in which two last mentioned bills they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for making compensation to the Commissioners of Loans for extraordinary expenses," was read the first time.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," was read the first time, and ordered to a second reading.

Ordered, That Messrs. SCHUYLER, ELLSWORTH, and BUTLER, be a committee to revise the laws of the United States, to report such as are expired, or are about to expire, and a bill or bills for the revival of such as may be deemed necessary.

Mr. LANGDON, from the committee appointed to consider that part of the Speech of the President of the United States which relates to the commerce of the Mediterranean, and to whom

was referred the Message from the President of the United States of the 30th December, and papers, together with his Message of 22d February, reported a bill, which was read the first time, entitled "An act making an appropriation for the purposes therein mentioned."

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the second time.

On motion to commit the bill, with an instruction to augment the sum of twenty thousand dollars, therein appropriated, to sixty thousand dollars,

It passed in the negative.

Ordered, That this bill pass to a third reading. Mr. SRAOAG reported from the committee appointed to take into consideration the bill to establish offices for the purpose of granting lands within the territories of the United States; whereupon,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, requested to cause a return to be made to Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to nor claimed by any of the citizens of the United States, within the territory ceded to the United States by the State of North Carolina, and within the territory of the United States northwest of the river Ohio.

Ordered, That the Secretary request the concurrence of the House of Representatives in this resolution.

Ordered, That the further consideration of the bill last mentioned be postponed until the next session of Congress.

The Senate on Executive business. Mr. LANGDON, from the committee to whom was referred the Message of the President of the United States of the 22d ult., made a report, which was ordered to lie for consideration.

WEDNESDAY, March 2.

A message from the House of Representatives informed the Senate that they recede from their two last amendments to the amendments of the Senate to the bill for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers, and that they agree to the amendments of the Senate to the bill entitled "An act concerning the rates of foreign coin;" and that they have passed the bill to continue in force, for a limited time, entitled "An act for the temporary establishment of the Post Office;" for the bill making compensation to the widows and orphan children of certain officers who were killed, or who died in the service of the United States during the late war; and for the relief of certain invalids, and other persons therein mentioned; and the bill supplementary to the act making provision for the reduction of the public debt; in which three last mentioned bills they desire the concurrence of the Senate.

[SENATE.]

Proceedings.

[MARCH, 1791.]

Mr. SCHUYLER, from the committee appointed to revise the laws of the United States, reported a bill, which was read the first time.

Ordered, That this bill pass to a second reading. The bill sent from the House of Representatives for concurrence, for making compensation to the widows and orphan children of certain officers who were killed or who died in the service of the United States, during the late war; and for the relief of certain invalids and other persons therein mentioned, was read the first time; and it was agreed, by unanimous consent, that the rule be so far dispensed with as that this bill be now read the second time.

Ordered, That this bill be committed to Messrs. WINGATE, STROONG, and CARROLL, to consider and report thereon.

The bill sent from the House of Representatives for concurrence, supplementary to the act making provision for the reduction of the public debt, was read the first and second time and postponed till to-morrow.

The bill sent from the House of Representatives for concurrence, to continue in force for a limited time, an act entitled "An act for the temporary establishment of the Post Office," was read the first and second time.

The bill entitled "An act making an appropriation for the purpose therein mentioned," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, for making compensation to the Commissioners of Loans for extraordinary expenses, was read the second time.

Ordered, That this bill be committed to Messrs. LANGDON, SCHUYLER, and ELLSWORTH, to consider and report thereon.

A message from the House of Representatives informed the Senate that they had passed the bill sent from the Senate for concurrence, entitled "An act concerning consuls and vice-consuls," with amendments, in which amendments they desire the concurrence of the Senate.

The bill in addition to an act, entitled "An act for establishing the salaries for the Executive officers of Government, with their assistants and clerks," was read the first and second time.

Ordered, That this bill pass to a third reading. The amendments of the House of Representatives, proposed in their resolution of March 2d, on the bill sent from the Senate for concurrence, entitled "An act concerning consuls and vice-consuls," was taken into consideration.

The amendments of the House of Representatives are, strike out all the bill, except the first section and amend the title, to read thus: "An act for carrying into effect the convention between His Most Christian Majesty and the United States, respecting consuls and vice consuls."

Resolved, That the Senate do not agree to the amendments of the House of Representatives on the last mentioned bill.

Ordered, That the Secretary communicate this resolution to the House of Representatives.

A message from the House of Representatives informed the Senate that they had passed the bill

sent from the Senate for concurrence, entitled "An act making an appropriation for the purpose therein mentioned."

It was agreed, by unanimous consent, to dispense with the rule so far as that the bill sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, an act, entitled An act for the temporary establishment of the Post Office," be now read the second time:

And it was agreed to expunge the second section of the said bill.

Ordered, That this bill pass to a third reading. A message from the House of Representatives informed the Senate that they had passed the bill sent from the Senate for concurrence, for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions, with amendments; in which amendments they desire the concurrence of the Senate.

Ordered, That these amendments be referred to the committee who were originally appointed to bring in the bill, to consider and report thereon.

The bill entitled "An act providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses, and for other purposes," was read the second time.

Ordered, That this bill be committed to Messrs. ELLSWORTH, HENRY, and KING, to consider and report thereon.

A message from the House of Representatives informed the Senate that they insist on their amendments to the bill sent from the Senate for concurrence, entitled "An act concerning Consuls and Vice Consuls; and that they have passed a bill making further provision for the collection of duties by law imposed on teas, and to prolong the term for the payment of duties on wines, in which they desire the concurrence of the Senate.

The Senate resumed the consideration of the report of the committee on the subject of the Mint; which was agreed to; whereupon,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That a Mint shall be established, under such regulations as shall be directed by law.

Resolved, That the President of the United States be, and he is hereby, authorized to cause to be engaged, such artists and workmen as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their service; and also to cause to be procured such apparatus as shall be requisite for the same purpose.

Ordered, That the Secretary carry this resolution to the House of Representatives, and desire their concurrence.

Mr. LANGDON, from the committee on the bill entitled "An act for making compensations to the Commissioners of Loans for extraordinary expenses," reported the bill with an amendment; and the report was agreed to.

Ordered, That this bill pass to a third reading.

The Senate took into consideration the resolution of the House of Representatives, insinuating their amendments to the bill, entitled "An act concerning Consuls and Vice Consuls," whereupon,

Resolved, That the Senate do adhere to their disagreement to the amendments of the House of Representatives on the said bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines," was read for the first time.

It was agreed, by unanimous consent, that the rule should be so far dispensed with, as that this bill pass to the second reading at this time.

Ordered, That this bill be referred to Messrs. MORRIS, LANGDON, and SCHUYLER, to consider and report thereon.

THURSDAY, March 3.

Mr. MORRIS, from the committee appointed to take into consideration the bill making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines, reported the bill without amendment, and the bill was read the third time.

Resolved, That this bill pass.

Mr. STROUD reported from the committee appointed to consider the amendments of the Senate to that House for concurrence, entitled "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the river Ohio, and for confirming them in their possessions," whereupon,

Resolved, That the Senate concur with the House of Representatives in the amendments, with an amendment to the amendment proposed in the sixth section, to wit, "insert the proviso at the end of the sixth section."

The Senate proceeded in the third reading of the bill sent from the House of Representatives for concurrence, for making compensations to the Commissioners of Loans for extraordinary expenses.

Resolved, That this bill pass with an amendment. Strike out these words, "excepting only the hire of one clerk for the several commissions in the States of Massachusetts, New York, Pennsylvania, and Virginia."

Ordered, That the Secretary require the concurrence of the House of Representatives in the amendment.

A message from the House of Representatives informed the Senate that they adhere to their amendments to the bill, entitled "An act concerning consuls and vice consuls," that they disagree to the amendment of the Senate to the bill making compensation to the Commissioners of Loans for extraordinary expenses; and they agree to the resolution sent from the Senate for concurrence, "requesting the President of the United

sions made by the act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Scioto," are, in the opinion of your committee, sufficiently extensive to enable the said officers and soldiers, or their legal representatives, to obtain patents for the bounty lands promised them by acts of the United States, and by the laws of the Commonwealth of Virginia, and that further legislative interference seems unnecessary."

And the report was agreed to.

Mr. MONROE also reported, from the same committee, that the claims alluded to may be classed as follows:

1st. Ten claims for pay, and depreciation of pay, by persons who had left the service of the United States previous to the 10th day of April, one thousand seven hundred and eighty.

2d. Ten claims for pay, and depreciation of pay, by persons who left the service subsequent to the 10th of April, one thousand seven hundred and eighty.

3d. One claim for depreciation of pay, by a person who was not enlisted for three years, nor during the war.

4th. Two claims for military services, by persons who do not specify the period in which they were performed.

5th. Three claims for pensions, by persons wounded in the service of the United States.

6th. One claim for services performed in the Quartermaster General's Department.

7th. Ten claims for pay, and depreciation of pay, by persons employed in military services under the authority of the Commonwealth of Virginia.

That, upon each of these claims, the Legislature of the Commonwealth of Virginia have passed a resolution, referring some "to the proper officer under the Federal Government having cognizance of such cases," on others, it has only been "resolved that they were reasonable;" on others, "that they were reasonable, and that the Auditor of Public Accounts be directed to adjust their claims, and issue certificates therefor." These last have probably been transmitted by mistake.

That those in the first class are not entitled to depreciation by any act of the late Congress; that, if any pay is still due to them, that can only be adjusted at the proper office.

That the States having been authorized to settle the depreciation of such as were in service on the 10th of April, one thousand seven hundred and eighty, and who were engaged for three years, or during the war, those claims ought to have been adjusted by the State; and that an adjustment for pay can only be had at the proper office.

The claim mentioned in the third class is totally unfounded.

That those in the fourth class can only be adjusted at the proper office.

That the claims of those in the fifth class are foreclosed by the act of the late Congress. That cases may, however, arise, in which an adherence to the foregoing act would be improper. That, if the suggestion contained in the resolution, with respect to one of those, can be substantiated, legislative provision ought to be made on a proper application to Congress.

The claim in the sixth class can only be adjusted at the proper office.

The claims in the seventh class ought to have been

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adjusted by the State of Virginia, and might have been a proper charge in its accounts with the United States, but cannot now be allowed by Congress.

That only thirteen of the thirty-seven claims are accompanied with any kind of vouchers, and these very deficient.

That it appears to your committee, if any person has a demand against the United States so circumstanced as that a legislative provision is requisite to obtain an adjustment, the claimant, his assignee, or legal representative, ought to prefer an immediate application to Congress. That a decision on a claim against the United States by the Legislature of any State tends to create embarrassments, and ought not to be countenanced by Congress.

That, therefore, it would be proper to permit the resolution of the Legislature of Virginia, of the 28th December last, with the particular resolutions and claims accompanying it, to be withdrawn.

On motion that the papers reported on by the committee be withdrawn, it was agreed in the negative. And, on motion, it was agreed that the report of the committee be accepted.

Mr. WINGATE reported from the committee appointed on the bill, entitled "An act for making compensation to the widows and orphan children of certain officers who were killed, or who died in the service of the United States, during the late war; and for the relief of certain invalids and other persons therein mentioned," whereupon,

Resolved, That the further consideration of this bill be postponed until the next session of Congress.

The Senate resumed the second reading of the bill entitled "An act supplementary to an act making provision for the reduction of the public debt," which was amended; and it was agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That this bill pass with the amendments.

A message from the House of Representatives informed the Senate that they agree to the amendment of the Senate to their amendments on the bill sent from the Senate for concurrence, for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions; they agree to the resolution sent from the Senate for concurrence, respecting the establishment of a mint, with an amendment, to wit: insert, line 4, after "such" "principal," expunge, line 5, "and workmen."

The House of Representatives recede from their disagreement to the amendment of the Senate to the bill sent from the House of Representatives for concurrence, for making compensations to the Commissioners of Loans for extraordinary expenses; they agree to the amendments of the Senate to the bill sent from the House of Representatives for concurrence, to continue in force, for a limited time, an act for the temporary establishment of the Post Office; and they also agree to the amendments of the Senate to the bill sent from the House of Representatives for concurrence, in addition to "An act entitled, An act for establishing the salaries of the Executive offi-

cers of Government, with their assistants and clerks." The Senate proceeded to consider the amendments of the House of Representatives to the resolution sent from the Senate for concurrence, relative to the establishment of a Mint; and Resolved, That the Senate agree to the amendments on the said resolution.

A message from the House of Representatives informed the Senate that they agree to the amendments of the Senate to the bill sent from the House of Representatives for concurrence, supplementary to the act making provision for the redemption of the public debt; and they agree to some, and disagree to other, amendments of the Senate to the bill sent from the House of Representatives for concurrence, providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses, and for other purposes.

The Senate proceeded to consider their amendments to the bill last mentioned.

Resolved, That the Senate recede from the amendments disagreed to by the House of Representatives.

Mr. KING, from the committee appointed to take into consideration "the bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," reported an amendment, which was adopted: whereupon, It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the third time.

Resolved, That this bill pass, with the following amendments: At the end of the bill, add, *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

Ordered, That the motion, made the first instant, respecting a treaty with the Wabash and Miami Indians, together with the motion for amendment, be postponed.

The Vice President notified the Senate that it was the request of the President of the United States, that they would assemble on the 4th day of March, instant, to transact some public business of importance.

The Senate took into consideration the report of the committee on the Message of the President of the United States, of the 22d of February; whereupon, it was resolved as follows:

Whereas, since the resolution of the Senate advising the President of the United States to take measures for the ransom of the American captives at Algiers, large appropriations of money have been made for the protection of the Western frontiers.

Resolved, That the Senate do advise and consent that the President of the United States suspend any operation under the said resolution, for the ransom of the said captives, until the situation of the Treasury shall more clearly authorize appropriations of money for that purpose.

THURSDAY EVENING, March 3. A message from the House of Representatives informed the Senate that they passed "a resolve making a temporary provision for the safe-keeping of prisoners committed under the authority of the United States," in which they desire the concurrence of the Senate.

The Senate took into consideration "The resolve providing for the safe-keeping of prisoners committed under the authority of the United States," sent from the House of Representatives for concurrence, and Resolved, That the Senate concur therein.

A message from the House of Representatives informed the Senate that they have passed a bill for carrying into effect the Convention between His Most Christian Majesty and the United States; in which they desire the concurrence of the Senate.

The bill was read the first time. On the question, Shall this bill pass to the second reading at this time? the yeas and nays were required by one-fifth of the Senators present:

YEA—Messrs. Carroll, Dalton, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Monroe, Stanton, Strong—13.

NAY—Messrs. Bassett, Ellsworth, Johnson, King, Morris, Schuyler—6.

A message from the House of Representatives informed the Senate that they concur in the bill sent from the Senate, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

A message from the House of Representatives informed the Senate that they, having completed the Legislative business before them, intend shortly to adjourn without day.

Ordered, That the Secretary acquaint the House of Representatives that the Senate, having completed the Legislative business before them, are about to adjourn; and having acquainted the Vice President that he had delivered the message, The Senate adjourned without day.

EXECUTIVE JOURNAL.

FRIDAY, March 4.

The Senate assembled conformably to the summons from the President of the United States, of the first day of March, 1791, which was read by the Secretary of the Senate, as follows:

The President of the United States to the President of the Senate:

Certain matters touching the public good requiring that the Senate should be convened on Friday, the 4th instant, I have desired their attendance, as I do yours by these presents, at the Senate Chamber, in Philadelphia, on that day, then and there to receive and deliberate on such communications as shall be made to you on my part.

GEO. WASHINGTON.
PHILADELPHIA, March 1st, 1791.

SENATORS PRESENT:

From New Hampshire—JOHN LANGDON and PAINE WINGATE.

From Rhode Island—JOSEPH STANTON, Jun.

From Connecticut—W. S. JOHNSON.

From New York—RUFUS KING.

From New Jersey—PHILEMON DICKINSON.

From Pennsylvania—ROBERT MORRIS.

From Delaware—RICHARD BASSETT.

From Maryland—JOHN HENRY.

From Virginia—RICHARD H. LEE.

From North Carolina—SAMUEL JOHNSTON and BENJAMIN HAWKINS.

From South Carolina—PIERCE BUTLER and RALPH IZARD.

From Georgia—JAMES GUNN.

The terms for which the following Senators were at first appointed having expired on the 3d instant, in consequence of the classing, conformably to the Constitution, agreed to on the 15th of May, 1789, and 27th of June, 1790, which classing appears at large on the Journal of the Legislative proceedings of the Senate of the last mentioned dates; and they being re-appointed by the States respectively announced to their names:

THEODORE FOSTER, from the State of Rhode Island.

OLIVER ELLSWORTH, from the State of Connecticut.

GEORGE READ, from the State of Delaware.

CHARLES CARROLL, from the State of Maryland; and

JAMES MONROE, from the State of Virginia, appeared in Senate, were respectively qualified, and took their seats.

Mr. CARROLL, a Senator from the State of Maryland, having omitted to procure certified credentials, was, on his own declaration, and the testimony of his colleague, Mr. HENRY, qualified, and took his seat, engaging forthwith to return his credentials, formally authenticated.

The Secretary of the Senate read the record of the Senate, in their Executive capacity, of March 3d, 1791.

Ordered, That the Secretary of the Senate wait on the President of the United States, and acquaint him that a quorum of the Senate is assembled, agreeably to his summons of the second instant, and that they are ready to receive his communications.

The Secretary of the Senate having communicated the message, two written Messages from the PRESIDENT OF THE UNITED STATES were delivered to the VICE PRESIDENT.

The first Message is as follows:

Gentlemen of the Senate:

The act for the admission of the State of Vermont into this Union, having fixed on this as the day of its admission, it was thought that this would also be the first day on which any officer of the Union might legally perform any act of authority relating to that State. I therefore required your attendance to receive nominations of the several officers necessary to put the Federal Government into motion in that State.

For this purpose I nominate

Nathaniel Chipman, to be Judge of the District of Vermont.

Stephen Jacobs, to be Attorney for the United States, in the District of Vermont.

Lewis R. Morris, to be Marshal of the District of Vermont; and

Stephen Keyes, to be Collector of the port of Allburg, in the State of Vermont.

GEO. WASHINGTON.

UNITED STATES, March 4, 1791.

The other Message is subjoined.

Gentlemen of the Senate:

Pursuant to the powers vested in me by the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," I have thought fit to divide the United States into the following districts, namely:

The District of New Hampshire, to consist of the State of New Hampshire.

The District of Massachusetts, to consist of the State of Massachusetts.

The District of Rhode Island and Providence Plantations, to consist of the State of Rhode Island and Providence Plantations.

The District of Connecticut, to consist of the State of Connecticut.

The District of Vermont, to consist of the State of Vermont.

The District of New York, to consist of the State of New York.

The District of New Jersey, to consist of the State of New Jersey.

The District of Pennsylvania, to consist of the State of Pennsylvania.

The District of Delaware, to consist of the State of Delaware.

The District of Maryland, to consist of the State of Maryland.

The District of Virginia, to consist of the State of Virginia.

The District of North Carolina, to consist of the State of North Carolina.

The District of South Carolina, to consist of the State of South Carolina; and

The District of Georgia, to consist of the State of Georgia.

And I hereby nominate, as Supervisors of the said districts, respectively, the following persons, viz:

For the District of New Hampshire, Joshua Wentworth.

For the District of Massachusetts, Nathaniel Gorham.

For the District of Rhode Island and Providence Plantations, John S. Dexter.

For the District of Connecticut, John Chester.

For the District of Vermont, Noah Smith.

For the District of New York, William S. Smith.

For the District of New Jersey, Aaron Dunham.

For the District of Pennsylvania, George Clymer.

For the District of Delaware, Henry Letimer.

For the District of Maryland, George Gale.

For the District of Virginia, Edward Carrington.

For the District of North Carolina, William Polk.

For the District of South Carolina, Daniel Stevens.

For the District of Georgia, John Matthews.

GEO. WASHINGTON.
UNITED STATES, March 4, 1791.

SENATE.]

Proceedings.

[MARCH, 1791.]

Ordered, That the rule be so far dispensed with, as that the Senate proceed at this time to the consideration of the Message of the President of the United States, and the nominations therein contained, of Nathaniel Chipman, to be Judge of the District of Vermont; Stephen Jacobs, to be Attorney for the United States, in the District of Vermont; Lewis R. Morris, to be Marshal of the District of Vermont; and Stephen Keyes, to be Collector of the port of Allburg, in the State of Vermont. Whereupon,
Resolved, That the Senate do advise and consent to these appointments, agreeably to the respective nominations.
Ordered, That the rule be so far dispensed with, as that the Senate proceed at this time to the consideration of the Message of the President of the United States, and the nominations therein contained of Supervisors of the several districts within the United States, as divided conformably to the powers by law vested in the President of the United States.

All the nominations to these offices were accordingly consented to.

The second Message was as follows:

Gentlemen of the Senate:

In pursuance of an act, entitled "An act for raising and adding another regiment to the Military Establishment of the United States, and making further provision for the protection of the frontiers," I nominate for the following offices therein mentioned—Major General, Arthur St. Clair; Quartermaster, Samuel Hodgdon; Chaplain, John Hurt. GEO. WASHINGTON.

UNITED STATES, March 4, 1791.

Ordered, That the rule be so far dispensed with, as that the Senate proceed at the present time to the consideration of the Message of the President of the United States of this date, and the nominations therein contained; of Arthur St. Clair, to be a Major General; of Samuel Hodgdon, to be Quartermaster; of John Hurt, to be Chaplain; in pursuance of the act above mentioned in the Message of the President of the United States; and
Resolved, That the Senate do advise and consent to these appointments, agreeably to the respective nominations.

Ordered, That the Secretary of the Senate obtain from the Secretary of War a list of the officers of the army of the United States now in commission.

The list above mentioned was laid before the Senate.

The Senate proceeded to consider the military nominations made in pursuance of the law referred to in the Message of the President of the United States, of the 3d instant, and thereto annexed, of nominations for promotions and appointments:

FIRST REGIMENT.

Major David Zeigler, vice Wylla, killed; Major Richard Call, vice Parker, declined, Virginia.
Captains.—Thomas Doyle, vice Zeigler, promoted; John Armstrong, vice Mercer, resigned; John Pratt, vice Heart, promoted.
Lieutenants.—Cornelius Sedan, vice Doyle, promoted; John Jeffers, vice Frothingham, killed; Abner

Appointments.

Ensigns.—Daniel Britt, Pennsylvania; Hamilton Armstrong, do.; Bartholomew Shomburg, promoted from Sergeant Major; Bernard Gaines, Virginia; John Wade, Pennsylvania; Ross Bird, do.

SECOND REGIMENT.

Appointments.

Lieutenant Colonel Commandant, John Doughty, New Jersey; 1. Major, Lemuel Trencott, Massachusetts; 2. Major, John Burnham, do.; 3. Major Jonathan Heart, Connecticut.

Captains.—1. Robert Kirkwood, Delaware; 2. Thomas Hunt, Massachusetts; 3. John Mills, do.; 4. John Pray, do.; 5. Richard Brooke Roberts, South Carolina; 6. John H. Buell, Connecticut; 7. David Sayles, Rhode Island; 8. Jonathan Case, New Hampshire; 9. Constant Freeman, Massachusetts; 10. Patrick Phelon, do.; 11. Thomas H. Cushing, do.; 12. Joseph Shaylor, Connecticut.

Lieutenants.—1. Samuel Newman, Massachusetts; 2. Bezaleel Howe, New Hampshire; 3. Henry Sherman, Jun., Rhode Island; 4. Daniel Bradley, Connecticut; 5. John Platt, Delaware; 6. William Richard, Massachusetts; 7. Richard Surcomb Howe, do.; 8. Richard Humphrey Gration, do.; 9. John Higginson, do.; 10. Winslow Warren, do.; 11. Russel Bissell, Connecticut; 12. Francis Huger, South Carolina.

Ensigns.—1. Martin Brimmer Sohier, Massachusetts; 2. Richard Edwards, do.; 3. Edward Miller, Connecticut; 4. John Thompson, do.; 5. George Tillinghast, Rhode Island; 6. Joseph Smith Gilman, New Hampshire; 7. Joseph Pierce, Jun., do.; 8. David Cobb, Jun., Massachusetts; 9. Joseph Dickinson, South Carolina; 10. Thomas Duff, Delaware; 11. Edward Turner, Massachusetts; 12. Theodore Sedgwick, 3d. do.; Surgeon, William Eustice, Massachusetts; Surgeon's Mate, Joshua Sumner, Connecticut; Surgeon's Mate, John F. Carmichael, New Jersey.

THE BATTALION OF ARTILLERY.

Major Commandant.—William Ferguson, vice Doughty, promoted.

Captain.—Mahlon Ford, vice Ferguson, promoted.

Lieutenants.—Daniel McLane, vice Moore, dead; Abimeel Young Nicholl, vice Fowle, dead; George Ingersoll, vice Ford, promoted.

Resolved, That the Senate advise and consent to the appointments, agreeably to the respective nominations annexed to the said message.

A letter was read from SAMUEL W. JOHNSON, resigning his seat in the Senate of the United States.

Ordered, That the Vice President be requested to acquaint the Governor of the State of Connecticut that SAMUEL WILLIAM JOHNSON, a Senator of the United States from that State, has resigned his seat in the Senate.

Ordered, That the Secretary of the Senate wait on the President of the United States, and acquaint him that the Senate, having finished the business before them, are ready to adjourn.

The President of the UNITED STATES directed the Secretary of the Senate, to acquaint them that he had no further communications to make at this time. Whereupon, the Senate adjourned without day.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE THIRD SESSION OF THE FIRST CONGRESS, HELD AT PHILADELPHIA,

DECEMBER 6, 1790.

MONDAY, December 6, 1790.

On which day, being the day appointed by the adjournment of the two Houses for the meeting of the present session, the following members appeared and took their seats, to wit:

From New Hampshire—ABIEL FOSTER, NICHOLAS GILMAN, and SAMUEL LIVERMORE.

From Massachusetts—FISHER AMES, BENJAMIN GOODHUE, and GEORGE THATCHER.

From Connecticut—BENJAMIN HUNTINGTON, ROGER SHERMAN, and JONATHAN STURGIS.

From New York—EGBERT BENSEN, WILLIAM FLOYD, JOHN LAWRENCE, and PETER SYLVESTER.

From New Jersey—ELIAS BOUDINOT, LAMBERT CADWALADER, and JAMES SCHUREMAN.

From Pennsylvania—GEORGE CLYMER, THO'S FITZSIMONS, FREDERICK AUGUSTUS MUHLBERG, PETER MUHLBERG, and HENRY WYNKOOP.

From Maryland—JOSHUA SENEY.

From Virginia—JOHN BROWN, SAMUEL GRIFFIN, and JAMES MADISON, Junior.

From North Carolina—TIMOTHY BLOODWORTH, and HUGH WILLIAMSON.

From South Carolina—WILLIAM SMITH.

From Georgia—ABRAHAM BALDWIN.

Which not forming a quorum of the whole number, the House adjourned until to-morrow.

TUESDAY, December 7.

DANIEL HEISTER and THOMAS SCOTT, from Pennsylvania; RICHARD BLAND LEE, from Virginia; and DANIEL HUGGER, from South Carolina, appeared and took their seats.

WILLIAM B. GILES, from Virginia, returned in the place of Theodorick Bland, deceased, also appeared, produced his credentials, and took his seat.

A quorum of members being now present, a message was received from the Senate, by Mr. Orris, their Secretary, informing the House that a quorum of the Senate is assembled, and ready to proceed to business.

A message was returned to the Senate, informing them that a quorum of this House is assembled and ready to proceed to business.

Messrs. BOUDINOT, LAWRENCE, and SMITH, of South Carolina, were appointed a committee, to act with a committee from the Senate, to wait on the President of the United States, to inform him that a quorum of the two Houses is assembled.

A message from the Senate informed the House that Messrs. LANGDON and MORRIS were appointed a committee, to join the committee of this House, to wait upon the President.

Mr. BOUDINOT, from the joint committee to wait on the President, reported that the President would attend to make a communication to both Houses to-morrow, at twelve o'clock, in the Senate Chamber.

WEDNESDAY, December 8.

EDBRIDGE GERRY and JONATHAN GROUT, from Massachusetts; ANDREW MOORE and ALEXANDER WHITE, from Virginia; and THOMAS TUDOR TUCKER, from South Carolina, appeared and took their seats.

A message from the Senate informed the House that they are ready to meet the members of this House in the Senate Chamber, to receive the usual communication from the President of the United States.

Mr. SPEAKER, attended by the members of this House, then withdrew to the Senate Chamber, for the purpose expressed in the above message.

And, being returned, the SPEAKER laid before the House a copy of the Speech, delivered by the President, (which will be found in the proceedings of the Senate, page 1728.)

Which being read, it was, on motion, committed to the consideration of a Committee of the whole House to-morrow.

On motion,

Resolved, That two Chaplains, of different denominations, be appointed to Congress, one by each House, who shall interchange weekly.

Ordered, That a committee be appointed to prepare and bring in a bill for establishing the Post Office and post roads of the United States, and that Messrs. SHERMAN, CLYMER, and WILLIAMSON, form said committee.

NEWSPAPERS FOR MEMBERS.

Mr. WILLIAMSON, after some introductory observations on the importance of diffusing information among the people, and the utility of newspapers for that purpose, moved, that the Clerk of the House be directed to furnish each of the members with three of the public newspapers printed in this city, at their own election—the papers to be left at their respective lodgings.

Laid on the table.

THURSDAY, December 9.

JAMES JACKSON and GEORGE MATTHEWS, from Georgia, appeared and took their seats.

ADDRESS TO THE PRESIDENT.

On motion, the House resolved itself into a Committee of the Whole on the Speech of the President of the United States, Mr. LIVERMORE in the Chair.

On motion of Mr. LAWRENCE, the committee agreed to a resolution, which the committee rose and reported to the House, which was concurred with as follows:

Resolved, That it is the opinion of this committee, that an Address ought to be presented by the House to the President of the United States, in answer to his Speech to both Houses, with assurances that this House will, without delay, proceed to take into consideration the various and important matters recommended to their attention.

And Messrs. MADISON, AMES, and TUCKER, were appointed to prepare the Address.

NEWSPAPERS FOR MEMBERS.

Mr. WILLIAMSON's resolution, yesterday laid on the table, in relation to supplying the members with newspapers, being taken up.

Mr. FITZSIMONS said, he hoped the resolution would not be agreed to. The subject had frequently been discussed, and much expense of time had been incurred. For his own part, he knew of no reasons which existed that should induce the House, at this session, to deviate from former practice, and the custom which had always been observed by the old Congress. Debating the subject would probably be attended with as much expense as taking the papers in the usual way.

Mr. MADISON offered some objections to the motion. He was in favor of taking the whole of the publications, or none; as taking a part would be giving a preference to particular presses, and would savor of partiality.

Mr. WILLIAMSON supported the motion. He begged gentlemen to consider, that if no limitation was to be set to the number of newspapers, what the expense might amount to. He did not know the exact number printed in the city, whether ten or fifteen; but if Congress made it a rule to take all that was, or might be printed, they may be increased to a hundred; and after the increase of the House, by the addition to the representation, it will be worth while for a printer to set up a paper merely to supply Congress. He said, he was disposed to give encouragement to the press

in printing books which would be really advantageous to the country, by rendering importations unnecessary; but as to newspapers, they are a species of printing which dies with the day. He mentioned the number of papers formerly taken by the House, among which were some that were never read by any body. He was for limiting the number, and therefore had mentioned three; still he was not tenacious of that number; but whatever else was determined in the business he thought there ought to be a limitation.

Mr. LIVERMORE said, he should vote for the resolution; which being put, was carried in the affirmative—22 to 15.

CHAPLAINS.

A message was received from the Senate informing that they have concurred in the resolution of the House for the appointment of Chaplains; and have, on their part, appointed the Right Reverend Bishop WHITE.

On motion of Mr. SMITH, to-morrow was assigned by the House for the election of a Chaplain. The Rev. Dr. BLAIR and the Rev. Mr. GREEN were nominated.

KENTUCKY.

A Message was received from the President of the United States, with the papers mentioned in his Speech, respecting the admission of Kentucky as a member of the Union.

ELECTORS FOR ELECTING PRESIDENT.

Mr. BENSON gave notice, that he should move for a committee to be appointed to bring in a bill or bills, for determining the time of choosing the Electors, in the several States, of President and Vice President; also determining, in case of vacancy of the office of President and Vice President, by death, or absence from the seat of Government, who shall exercise the office of President.

REGISTERING VESSELS.

On motion, a committee was appointed, consisting of Messrs. FITZSIMONS, GOODHUE, and LEE, to bring in a bill to amend the act for registering ships and vessels, and regulating the coasting trade, and for other purposes.

WESTERN EXPEDITION.

A letter was received from the Secretary of War, addressed to the Speaker, accompanying sundry papers respecting the Western Expedition, and the expenses attending the same.

USEFUL ARTS.

On motion of Mr. WILLIAMSON, a committee was appointed, consisting of Messrs. WHITE, SENEY, and BALDWIN, to bring in a bill to amend the act to promote the progress of the useful arts.

FRIDAY, December 10.

GEORGE PARTRIDGE, from Massachusetts; JONATHAN TRUMBULL and JEREMIAH WADSWORTH, from Connecticut; THOMAS SINICKSON, from New Jersey; and WILLIAM SMITH, from Maryland, appeared and took their seats.

CHAPLAIN.

The House, according to the order of the day, proceeded by ballot to the appointment of a Chaplain to Congress, on the part of this House; and upon examining the ballots, a majority of the votes of the whole House was found in favor of the Rev. Mr. BLAIR.

ELECTORS FOR ELECTING PRESIDENT.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for determining, agreeable to the provision in the first section of the second article of the Constitution, the time when the Electors shall, in the year which will terminate on the third of March, one thousand seven hundred and ninety-three, and so in every fourth year thereafter, be chosen, and the day on which they shall give their votes for declaring what officer shall, in case of vacancy both in the office of President and Vice President, act as President; for assigning a public office, where the lists mentioned in the second paragraph of the first section of the second article of the Constitution shall, in case of vacancy in the office of the President of the Senate, or his absence from the seat of Government, be in the mean time deposited; and for directing the mode in which such lists shall be transmitted; and that Messrs. BENSON, HUNTINGTON, HEISTER, MOORE, and PARTRIDGE, be of the said committee.

UNIFORM MILITIA.

Ordered, That a committee be appointed to prepare and bring in a bill or bills more effectually to provide for the national defence, by establishing a uniform militia throughout the United States; and that Messrs. BOUDINOT, P. MUHLBERG, GILMAN, FLOYD, GROUT, WADSWORTH, SMITH, of Maryland, BLOODWORTH, GILES, SMITH, of South Carolina, and MATTHEWS, be of the said committee.

EULOGIUM ON FRANKLIN.

A message from the Senate conveyed to the House a letter from Monsieur Beniere, President of the Commonalty of Paris, addressed to the President and Members of Congress of the United States, with twenty-six copies of a Civic Eulogium on BENJAMIN FRANKLIN, pronounced the twenty-first of July, one thousand seven hundred and ninety, in the name of the Commonalty of Paris, by Monsieur the Abbé Fauchet.

ADDRESS TO THE PRESIDENT.

Mr. MADISON, from the committee appointed, presented an Address to the President of the United States, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the whole House to-morrow.

SATURDAY, December 11.

A translation of the Letter from the President of the Commonalty of Paris, addressed to the Federal Legislature, was read as follows:

Mr. President—Gentlemen:

The news has reached our ears—FRANKLIN is no more!—FRANKLIN the citizen of the world!—All nations are indebted to him for instruction in every branch of science. They are all bound to participate in the grief occasioned by this common loss. But the Assembly of the Representatives of the Commonalty of our Capital, thinking it their duty, in addition to the general mourning, to pay to his memory a further tribute of honor, have ordered, by a public decree, that the virtues and talents of this great Philosopher should be perpetuated to distant ages, in a public and solemn Eulogy—the first of the kind ever bestowed by our nation on civic worth.

By order of the Assembly, I transmit it to your hands; and, with the most lively sensations of pleasure, embrace the opportunity of paying due homage to a body of men, who not only possess, but are justly entitled to enjoy the sweets of Liberty.

May the approbation of your Assembly attend as well the present itself, as the fraternal and respectful sentiments with which,

I am, Mr. President—Gentlemen,

Your most obedient humble servant,

BENIERE,

Doctor of the Sorbonne, Suppleatory Member of the National Assembly and President of the Commonalty of Paris.

To the PRESIDENT AND CONGRESS

of the United States.

The letter accompanied twenty-six copies of the Eulogium on Dr. FRANKLIN, delivered by the Abbé Fauchet, pursuant to a decree of that body.

Mr. BOUDINOT proposed that thirteen copies of the Eulogium be returned to the President of the United States and the Senate; which was done.

Mr. SMITH, of South Carolina, observed, that it would be proper to request the President of the United States to return an answer to the President and Commonalty of Paris, or that a Joint Committee of the House and Senate should be appointed for the purpose. He was not tenacious of any particular mode, but supposed it highly proper that some notice should be taken of the polite attention shown the Government by the President of the Commonalty of Paris. The business was specially committed to the SPEAKER.

A letter was received from the Commissioners of the city and county of Philadelphia, giving an account of the measures taken to accommodate the Federal Legislature, during their residence in Philadelphia, by preparing the new Court-house in the best manner the size of the building would permit, and appropriating the same to their use.

Agreeably to the order of the day, the House resolved itself into a Committee of the Whole, to take into consideration the Address to the President of the United States, in answer to his Speech to both Houses, as reported yesterday.

Mr. LIVERMORE in the Chair.

The Address was read by the Clerk, and then

discussed by the committee in paragraphs.

On reading the clause respecting the Western

expedition against the Indians,

Mr. JACKSON rose and observed, that he was as

fully impressed with the importance of an Indian

war, and of extending the protection of Government to our defenceless frontiers, as any man whatever; and had no doubt of the necessity of the measures taken to chastise the banditti on the Ohio; but as a Representative from the State of Georgia, he should think himself inexcusable were he not to express his astonishment that no notice is taken in the President's Speech of the Treaty with the Creek Nation; a treaty which has spread alarm among the people of that State—a treaty by which more than three millions of acres of land, the property of the State of Georgia, guaranteed to that State by the Constitution of the United States, are ceded away without any compensation. Mr. J. then adverted to several articles of the treaty, which he said controverted the plainest principles of the Constitution, particularly those parts which secured to every citizen the rights of property. He contrasted the present situation of the inhabitants of Georgia, with what it was under the British Government, and said this treaty placed them in a less eligible situation in respect to the Indians.

It had been said, exclaimed he, that there are secret articles in the treaty. Good God! at this early period, are there to be secret articles existing between the United States and any other nation under heaven! Treaties by the Constitution are to be considered the supreme law of the land; but will Congress permit the laws of the United States, like those of *Catigula*, to be placed where they cannot be read, and then punish the people for not obeying them? The people will never submit to be bound by secret articles.

[Here the Chairman interrupted Mr. Jackson, by inquiring whether his observations were intended as introductory to any motion on the paragraph just read.]

Mr. J. replied, that it was his intention, at a future day, to introduce a motion, that the President be requested to lay before this House the treaty with the Creek Indians—not excepting the secret articles. He then expatiated on the sufferings of the people of Georgia, and asked what must be their feelings, when they reflect on the preparations made to chastise the Wabash banditti, while the exertions of Congress have not been called forth to their relief. The President sent three Commissioners to Georgia (not one of whom was a citizen of that State.) They investigated the truth of her representations, and made a report favorable to her claims, that the lands in dispute were fairly purchased, and as fully obtained as the Confederation, or the nature of the case would admit; but what has been the result? The treaty, so far from recognising the rights of Georgia, has sacrificed them—the report of the Commissioners does not appear to have been attended to. On the other hand, a savage of the Creeks has been invited and brought to the seat of Government, and there loaded with favors, and caressed in the most extraordinary manner.

He said, he would not at present engross any more of the time of the House, only to give notice that, at a future opportunity, he should move that the President of the United States be requested

to lay before the House, for their consideration, the treaty with the Creek Indians—not excepting the secret articles. The paragraph respecting encouraging our own navigation being read.

Mr. SMITH, of South Carolina, observed, that he did not rise to propose any alterations in the style of the Address, the language was such as might be expected from the acknowledged abilities of the gentleman who drafted it. The paragraph just read, he conceived, pledged the House to take measures in respect to our own navigation, which may, in the issue, prove injurious to the agricultural interests of the United States. At this early period of the session, it appeared extremely improper for the House to commit itself, especially as few, if any of the States, are fully represented on the floor. He was afraid that the mode of expression adopted in the Address would conduce to the exclusion of foreign bottoms altogether. If the opinion of the committee should be adopted by the House, he conceived it would be anticipating a decision to the precluding future discussions of the subject. He foresaw that this paragraph would be called up at some future period, and brought as an argument against any different propositions that might be offered—and thus the question be determined without any debate. He thought the Address went into too minute a consideration of the several parts of the Speech, and would have wished that more general terms had been used. As a substitute for the paragraph under consideration, he moved the following amendment in substance:

"We shall consider with attention the best means of guarding against the embarrassments you mention, and will take such measures as may remove every obstruction to the prosperity of the commerce and agriculture of the United States."

Mr. WILLIAMSON observed, that he saw no material difference between the paragraph in the report and the amendment proposed. The mode of expression adopted by the committee is in so general terms, that he hoped it would have met the full approbation of every member of the committee. The President proposes that the commerce of the United States should be relieved from all injurious restrictions; nothing can be more just and reasonable; and this is perfectly compatible with supporting the agricultural interests of the country; the promotion of the former involves that of the latter. He touched on the impositions of Great Britain on our commerce, and observed, that reason and justice point out the propriety of seeking redress. He, however, saw no opposition in the two propositions; but as the obvious design in bringing forward the substitute is to preclude such an inquiry as the exigency of the case seems to require, he hoped it would not be adopted. Mr. JACKSON observed that he had seconded the motion of the gentleman from South Carolina, because he thought there was an obvious difference in the two modes of expression. He then entered into a discussion of the subject generally; and enlarged on the injurious consequences which would result to the Southern States particularly

by enhancing the duties on foreign bottoms. He said, that the tonnage was at present so high as to prevent foreigners from becoming our carriers; several instances of this had been mentioned to him from good authority; and while the American shipping was incompetent to the object, and he called on gentlemen to show that it was, the exclusion of foreign ships from our ports must be ruinous to South Carolina and Georgia; therefore, he hoped, the amendment would take place.

Mr. SHERMAN said, that the words in the report appeared to him less exceptionable than those in the proposed amendment, even on the principle supported by the gentleman in favor of the amendment. In the report it was only said, we should consider what means, &c., but the amendment declared we should take effectual measures. The words in the report only binding us to consider—those in the amendment obliging us to act. He thought the answer should be general, and was therefore against the amendment.

Mr. SMITH, of South Carolina, observed, that the member last up had confined his observation to the first words in the paragraph objected to. If he will take the trouble of reading a little further, he will see, that as the report stands, we give it as our opinion, that foreign bottoms ought to be excluded, which would be severely felt by the States of South Carolina and Georgia. We cannot wholly depend upon our own vessels for the exportation of our produce; they are not sufficiently numerous, nor will they be for many years; therefore, let us not at this time, in a hasty manner, declare, that all articles exported shall be carried in our own bottoms. To settle this important question, Mr. S. thought that some time should be given to reflect, and a day fixed for discussion; in the mean time, he thought it improper at this stage of the session, that the opinion of the House should be given.

Mr. WILLIAMSON remarked, that the report did not say that we should have no dependence on foreign bottoms; but that we should not depend altogether upon them for the exportation of our produce. He had no idea of excluding foreign bottoms. He was for making provision in case that resource should fail.

Mr. JACKSON.—To show the importance of foreign shipping to the Southern States, and the inadequacy of our own, to transport their produce, notwithstanding the low duty on American shipping, Mr. J. read a statement of the tonnage duties paid by each, in the State of Georgia, for the same period; the foreign tonnage amounted to eight thousand two hundred and twenty-seven dollars, the American to six hundred and twenty-nine dollars only. This being the fact, he inquired, what could be done with the Southern produce, in case of the exclusion of foreign bottoms? It must rot in the planter's hands. With respect to the amendment's being as positive as the clause in the report, as had been asserted, if that is the case he could see no objection to its being adopted.

Mr. TUCKER said, he thought it improper that in an Address on this occasion, the committee

should go into a particular detail on every subject; much less commit their judgment without a previous discussion. The President may have maturely considered the subject during the recess, but the committee cannot be supposed to be prepared for a decision. The thinness of the House was a further objection, in his opinion, to entering into a discussion of the question. He was not pleased with the paragraph in the report, as it seemed to imply that nothing had been done for the encouragement of our own navigation, the reverse of which was fact. The posture of affairs in Europe suggested no stronger reasons for giving further encouragement to our own navigation than what was presented last session; the expediency of the measure is not therefore apparent from any change of circumstances. Though he was dissatisfied with the report, the amendment proposed fell short of his wishes. It did not recognize what had been done for the encouragement of American shipping. He would, therefore, propose a substitute by leave of his colleague; which he did to the following purport: "The encouragement of our own navigation has at all times appeared to us highly important, and has employed a large share of our deliberations; we shall continue to pay due attention to the subject, and consider by what means our commerce and agriculture may be best promoted."

Mr. SMITH withdrew his motion to admit Mr. TUCKER'S.

Mr. SENEY said, he could not conceive what ground of apprehension there was in the Address, to lead gentlemen to suppose that the opinion of the House would be committed by its adoption. He thought it couched in the most general and unexceptionable terms. The amendment proposed he did not think essentially variant from the paragraph under consideration; but as the original was well expressed, he saw no reason for expunging the clause; it contained an assertion, the truth of which he supposed would not be controverted. As to the objection against going into a detail of particulars, it was fully justified by precedent in the last Address; the gentleman from South Carolina, he will recollect, was on the committee who framed it; that Address more pointedly committed the House than the present.

Mr. MADISON thought proper to take some notice of the objections that had been made to the report. There were two modes of proceeding, which might be adopted in drawing up the answer. The first method was generally to declare, that the House would take into their serious consideration the business recommended to their attention by the President. And this, he observed, would be saying nothing, for, as by the Constitution it was the President's duty to communicate what matters he judged of importance, so it was undoubtedly that of the House to pay attention to the objects recommended. The second method was, to enter into a detail of the different points mentioned in the President's Address, and in such cases where there was no doubt as to the propriety of measures being taken, assure him, in the answer, that mea-

ures would be adopted; and if any thing doubtful occurred, merely promise that the subject would be attended to. This rule the committee had followed in drawing up their report, and as in the business mentioned in the paragraph now before the House, they did not hesitate to believe some measures necessary, they could see no impropriety in assuring him that the best would be adopted. He added, that as it is clear that a war in Europe would, by depriving us of foreign bottoms to export our produce, injure this country; and as wars were doubtful, it was of the utmost importance that the American navy be put on so respectable a footing as not to need foreign aid for the exportation of her produce. He further observed, that the answer returned last session was more full, and went even to give the President assurances that the House would concur in certain points proposed for their consideration in his Address. He concluded by remarking, that the amendment proposed was binding on the House quite as much as the paragraph in the report.

Mr. SMITH, of South Carolina, said, it was true those who reported the Address the last session, adverted to particulars; but were cautious in their mode of expression, and adopted ambiguous language to avoid giving an opinion. This would appear by recurring to that Address. The charge of inconsistency on his part was therefore not well founded. Mr. S. read some paragraphs of that Address, and observed, that the House was not pledged by the expressions then read; but in the present Address there is an opinion given. It says that we ought not to depend on foreign bottoms, because in case of war we may be deprived of that resource. These declarations originated the objections, and gave rise to the amendment. He proposed, therefore, as gentlemen appear to have no objection to either mode of expression, that they would accommodate for the sake of harmony and unanimity.

The question on the amendment was lost by a considerable majority.

The remainder of the Address was read, and agreed to by the committee. The committee then rose and reported, and the House adopted it unanimously.

A committee was then appointed to wait on the President of the United States, to know at what time and place it would be convenient for him to receive the Address.

The committee having waited on the President, Mr. MADISON reported, that the President was pleased to return for answer, that, at two o'clock on Monday next, he would receive the Address at his own house.

Messrs. WILLIAMSON and SHERMAN were added to the committee on the bill to amend the act for promoting the progress of the useful arts.

Mr. MATTHEWS was appointed on the committee on the militia bill, vice Mr. JACKSON, who begged leave to decline serving, as his colleague had been heretofore on that business, and must consequently be better acquainted with the subject than he was.

The preparatory steps taken by the State of Virginia, in concert with the District of Kentucky, towards the erection of the latter into a distinct member of the Union, exhibit a liberality mutually honorable to the parties. We shall bestow on this important subject the favorable consideration which it merits, and with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed in behalf of our fellow-citizens of Kentucky.

Whilst we regret the necessity which has produced offensive hostilities against some of the Indian tribes Northwest of the Ohio, we sympathize too much with our Western brethren, not to behold with approbation the watchfulness and vigor which have been exerted by the Executive authority for their protection; and which, we trust, will make the aggressors sensible that it is their interest to merit, by a peaceable behaviour, the friendship and humanity which the United States are always ready to extend to them.

The encouragement of our own navigation has at all times appeared to us highly important. The point of view under which you have recommended it to us is strongly enforced by the actual state of things in Europe. It will be incumbent on us to consider in what mode our commerce and agriculture can be best relieved from an injurious dependence on the navigation of other nations, which the frequency of their wars renders a too precarious resource for conveying the productions of our own country to market.

The present state of our trade in the Mediterranean seems not less to demand, and will accordingly receive, the attention which you have recommended.

Having already concurred in establishing a Judiciary system, which opens the doors of justice to all without distinction of persons, it will be our disposition to incorporate every improvement which experience may suggest; and we shall consider, in particular, how far the uniformity which in other cases is found convenient in the administration of the General Government through all the States may be introduced into the forms and rules of executing sentences issuing from the Federal Courts.

The proper regulation of the jurisdiction and functions which may be exercised by Consuls of the United States in foreign countries, with the provisions stipulated to those of His Most Christian Majesty established here, are subjects of too much consequence to the public interest and honor not to partake of our deliberations.

We shall renew our attention to the establishment of the militia and other subjects unfinished at the last session, and shall proceed in them with all the despatch which the magnitude of all, and the difficulty of some of them, will allow.

Nothing has given us more satisfaction than to find that the revenues heretofore established have proved adequate to the purposes to which they were allotted. In extending the provision to the residuary objects, it will be equally our care to secure sufficiency and punctuality in the payments due from the Treasury of the United States. We shall also never lose sight of the policy of diminishing the public debt, as fast as the increase of the public resources will permit; and are particularly sensible of the many considerations which press a resort to the auxiliary resources furnished by the public lands.

In pursuing every branch of the weighty business of the present session, it will be our constant study to direct our deliberations to the public welfare. Whatever our success may be, we can at least answer for the fervent love of our country, which ought to animate our endeavors. In your co-operation, we are sure of a resource which fortifies our hopes that the fruits of the established Government will justify the confidence which has been placed in it, and recommend it more and more to the affection and attachment of our fellow-citizens.

To the foregoing Address the PRESIDENT was pleased to reply:

GENTLEMEN: The sentiments expressed in your Address are entitled to my particular acknowledgment. Having no object but the good of our country, this testimony of approbation and confidence, from its immediate representatives, must be among my best rewards, as the support of your enlightened patriotism has been among my greatest encouragements. Being persuaded that you will continue to be actuated by the same auspicious principle, I look forward to the happiest consequences from your deliberations during the present session.

TUESDAY, December 14.

JEREMIAH VAN RENSSELAER, from New York, and THOMAS HARTLEY, from Pennsylvania, appeared and took their seats.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate and House of Representatives:

Having informed Congress of the expedition which had been directed against certain Indians northwest of the Ohio, I embrace the earliest opportunity of laying before you the official communications which have been received upon that subject.

GEO. WASHINGTON.

UNITED STATES, December 13, 1790.

The official communications referred to in the said Message were read, and ordered to lie on the table.

NATIONAL BANK.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, accompanying his Report, number two, of a plan for the institution of a National Bank, as referred to in his letter of yesterday; which was read, and ordered to be committed to a Committee of the whole House on this day sevennight.

Ordered, That a committee be appointed to bring in a bill or bills directing the mode in which the evidences of the debt of the United States, which have been, or may be lost or destroyed, shall be renewed; and that Messrs. LEE, TRUMBULL, and CADWALADER, be of the said committee.

UNIFORM MILITIA.

Mr. BOUDINOT, from the committee appointed for the purpose, brought in a bill to establish a uniform militia throughout the United States; which was twice read, and committed.

WEDNESDAY, December 15.

Mr. JACKSON moved that leave be given to bring in a bill to continue an act, declaring the assent of Congress to certain acts of the States of

Maryland, Georgia, and Rhode Island and Providence Plantations, which will expire the 10th day of January next.

A committee was accordingly appointed, consisting of Messrs. JACKSON, AMES, and STURGIS.

PRESIDENT'S SPEECH.

On motion of Mr. SMITH, of South Carolina, the House resolved itself into a Committee of the Whole, Mr. LIVERMORE in the Chair—and took into consideration the Speech of the President of the United States to both Houses of Congress.

The Speech was read by the Clerk; after which Mr. SMITH, of South Carolina, recapitulated the several subjects specially suggested to the consideration of the House by the Speech. He distinguished such parts of the Speech as were already in train, by being referred the last session to heads of Departments, and others which have been referred to committees; and then moved a resolution with a blank to be filled up with such articles as are not already particularly provided for, by being referred or committed.

Mr. BOUNDINOT was in favor of choosing a committee to confer with the Senate on the mode of taking up the several parts of the Speech.

Mr. VINING was in favor of Mr. SMITH's motion.

Mr. LAWRENCE said, that it appeared to him that the usual mode of considering the Speech would be the best; he, therefore, thought it proper that it should be taken up in paragraphs; and where it appeared that particular parts were already disposed of, to let them be passed over; and with respect to others, committees might be appointed, as the Committee of the Whole may determine.

Mr. CLYMER supposed, that agreeable to the determination of the House last session, the whole business should be taken up *de novo*.

The Chairman observed, that as the whole Speech was now before the committee, it remained to proceed to the discussion of the several parts; pursuant to which he should read it paragraph by paragraph, and the committee would determine respecting them as they saw proper; this appeared to him to be the natural way of doing the business.

Mr. VINING said, the difficulty appeared to originate in the mode; for his part, he thought the least circumlocutory the best, and for that reason had seconded the motion by the gentleman from South Carolina.

The motion of Mr. SMITH lay on the table—and the Chairman proceeded to read the Speech in paragraphs. On reading the paragraph respecting the Indian expedition, Mr. S. moved that the article should be inserted in the blank in his motion.

Mr. LAWRENCE supposed it best to pass over this article.

Mr. VINING concurred in the sentiment with Mr. LAWRENCE.

Mr. LAWRENCE was opposed to passing this matter over; the prospect that further hostilities would take place between the inhabitants of the

frontiers and the Indians, rendered it highly necessary that something should be done immediately.

Mr. SNEY said, he had no idea that any gentleman in the committee had it in view to pass over this business entirely; still he thought it impossible to determine at once what is proper to be done on every subject. The mode proposed by the gentleman from South Carolina appeared to him calculated to commit the judgment of the House.

Mr. LEE observed, that as the committee, as such, had no right to appoint a committee of any kind, he thought that any thing further than expressing the sense of the committee on the several parts of the Speech would be improper; with this view he submitted a resolution to the following effect, on the paragraph respecting Indian affairs, viz:

Resolved, That it is the opinion of the committee that the present posture of Indian affairs requires the serious attention of the Legislature.

This was seconded by Mr. SNEY.

Mr. SMITH objected to this motion as it did not bring the object fully before the committee. If the gentleman would consent that it should go so far as to propose the appointment of a Select Committee, he should have no objection to it.

Mr. LEE supported his motion.

Mr. LAWRENCE observed, that it appeared to him that nothing more was necessary to be done in this business than providing the means of defraying the expense; he had supposed it would strike the committee in this point of light. The expediency or inexpediency of the expedition he presumed was not now to be discussed. The President does not appeal to the House to determine the propriety of his conduct. The expedition has been approved of by the House in their answer to the President's Speech. He therefore moved the following:

Resolved, As the sense of this committee, that immediate provision ought to be made to defray the expenses of the expedition against the Indians Northwest of the Ohio.

Mr. LEE withdrew his motion; and that of Mr. LAWRENCE being put, it was agreed to.

The paragraph respecting our navigation being read, Mr. GOODHUE observed, that the reason assigned by the gentleman from South Carolina, for passing over that part of the President's Speech, that this subject was connected with the fisheries, on which a Report from the Secretary of the Treasury was expected, did not appear sufficient to him to justify their passing it over. He, therefore, moved the following:

Resolved, As the sense of this committee, that a committee ought to be appointed to bring in a bill for the further encouragement of the navigation of the United States.

Mr. SMITH observed, that he thought the subject was referred to the Secretary of State. He read a paragraph from the Speech, to show it was connected with the fisheries. He wished for a

suspension of the business, as the exact state of affairs in Europe was at present unknown.

Mr. FITZSIMONS said, that the reasons offered were sufficient to prevent a sudden decision; but did not, in his opinion, render it improper to take up the subject immediately. He should be opposed to an ultimate decision till the fullest information is obtained.

Mr. VINING entered into a general consideration of the subject. He thought the present the critical moment in which this interesting business should be discussed on its own proper principles; he thought the proposed resolution did not enter fully enough into the merits of the subject, agreeable to the ideas suggested by the President; he, therefore, proposed a resolution which went to express the sentiments of the House respecting making provision for the transportation of American produce in American bottoms.

Mr. GOODHUE objected to the motion of Mr. VINING at the present moment; though he fully accorded with him in principle, he thought the motion he had submitted would more generally meet the present ideas of the committee.

Mr. JACKSON opposed Mr. VINING's motion; he said, though he was against taking any measures at present, he preferred the resolution of the gentleman from Salem.

Mr. VINING withdrew his motion.

Mr. GOODHUE's motion being put, passed in the affirmative.

The paragraph respecting the Mediterranean trade being read, Mr. SMITH moved the following:

Resolved, That such part of the President's Speech as relates to the trade to the Mediterranean be referred to the Secretary of State.

Agreed to.

On the subject of weights and measures, Mr. VINING moved the following:

Resolved, As the sense of this committee, that a committee ought to be appointed to bring in a bill or bills providing for the establishment of a uniform standard of weights and measures throughout the United States.

Mr. BOUNDINOT suggested the propriety of passing over this business at present; he mentioned a reason offered by the Secretary of State, that there was to be a Convention in Europe on this particular business; the result of the meeting is not yet known.

Mr. LAWRENCE proposed that as the report of the Secretary of the Treasury had not been acted upon, that it should now be referred to a Committee of the whole House.

Mr. VINING observed, that if that report was to be discussed by the House, they must divest themselves of the character of politicians, and assume that of philosophers; the discussion, he conceived, would employ the committee till next March twelve months. He thought the mode he proposed would be found more simple, and the committee appointed would naturally avail themselves of the Secretary's report.

Mr. SMITH, of South Carolina, was in favor of taking up the Secretary's report in Committee of the Whole.

Several members spoke against Mr. VINING's motion, which being put, was lost.

The committee then rose, and reported the resolutions they had agreed upon to the House; which being read, are as follows:

Resolved, As the opinion of this committee, that immediate provision be made to defray the expenses of the expedition against the Indians northwest of the Ohio.

This resolution was agreed to, and referred to the Secretary of the Treasury.

Resolved, As the sense of this committee, that a committee ought to be appointed to bring in a bill or bills making further provision for the encouragement of the navigation of the United States.

Agreed to by the House, and referred to a committee of twelve.

Resolved, That such parts of the President's Speech as refer to the Mediterranean trade be referred to the Secretary of State.

On motion of Mr. BOUNDINOT, it was

Resolved, That the Report of the Secretary of the Treasury on the subject of the unappropriated lands, and the instituting a land office, be referred to a Committee of the whole House on Friday next.

On motion of Mr. SMITH, of South Carolina, the report of the Secretary of State on the subject of weights and measures was referred to a Committee of the whole House on Wednesday next.

THURSDAY, December 16.

A petition of John Churchman, praying that the application be made at the first session of Congress, for permission to undertake a voyage to Baffin's Bay, at the public expense, for the purpose of making magnetical experiments to ascertain the causes of the variation of the needle, and how near the longitude can be thereby ascertained, may now be determined.

Ordered, That the said petition do lie on the table.

Mr. JACKSON, from the committee appointed for the purpose, presented a bill to continue an act for declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island.

MILITIA.

The House resolved itself into a Committee of the Whole on the bill to establish a uniform militia throughout the United States, Mr. LIVERMORE in the Chair.

The committee made some progress in the discussion of the bill. Several amendments and alterations were proposed, and some of them adopted.

Mr. PARKER observed, the clause which enacts that every man in the United States shall "provide himself" with military accoutrements would be found impracticable, as it must be well known that there are many persons who are so poor that it is impossible they should comply with the law. He conceived, therefore, that provision should be made for arming such persons at the expense of the United States. He then gave notice that, in

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the course of the discussion of the bill, he should move an amendment to this purpose.

Mr. GILMAN observed, that obliging persons to turn out in the militia till they were fifty years of age, agreeably to the bill, would be found unnecessary and inconvenient, and is contrary to the practice of the several States; few, if any, requiring militia duties to be performed after the age of forty-five. He moved, therefore, that fifty be struck out, and forty-five inserted.

Mr. VINING objected to the motion. He observed, that a great proportion of our citizens, especially those at the Eastward and Northward, were capable of military services at fifty as at any period. Many in the ranks of the late Continental army, were, he believed, fifty and upwards, who were as good soldiers as any in the service. He thought the alteration unnecessary.

Mr. GILMAN replied, that he conceived the general practice of the States, which was found on experience to be the best, was a sufficient answer to the gentleman last speaking; and would sanction the adoption of the amendment he proposed.

Mr. LAWRENCE said, that by the laws of the State of New York, persons above forty-five years of age are not enrolled to do duty in the militia; and he thought that fifty was a period too late in life to be subject to military hardships, if it could be avoided.

Mr. WILLIAMSON was in favor of the motion. Though he had seen men in the field who were advanced in life, it had not been without pain. He thought from sixteen to eighteen too early a period. Many at that tender age fell sacrifices to sickness and fatigue.

Mr. GILMAN's motion being put, was carried in the affirmative.

Mr. FITZSIMONS suggested to the consideration of the committee, whether it would be the most eligible mode to subject all the citizens from eighteen to forty-five years of age, without exception, to turn out as soldiers. A much smaller number would, in his opinion, answer all the purposes of a militia. He thought the active militia might be comprised within a much smaller number, to be proportioned to the citizens of each State. The militia law of Pennsylvania had been of this general complexion, and had never compensated in its operation for the uneasiness it had excited, and the tax and grievance it had been to the people.

Mr. BOUNDINOR said, that the idea now suggested was debated in the committee; and they could not agree upon any other mode than that proposed in the bill. He very much disapproved the idea of making a soldier of every man between eighteen and forty-five years of age—there is a manifest impropriety in the measure; and he wished some gentleman would propose an alteration.

Mr. LAWRENCE said, that the idea of the gentleman from Pennsylvania struck at the principle of the bill; but as the hint may not be unworthy of consideration, he proposed that he should form a motion, and reduce it to writing.

Mr. FITZSIMONS apologised for engrossing the

time of the committee, especially as he had not prepared an amendment to that part of the bill to which he objected, not having contemplated the subject sufficiently; but on perusing the bill, it had been forcibly impressed on his mind, that subjecting the whole body of the people to be drawn out four or five times a year was a great and unnecessary tax on the community; that it could not conduce either to the acquisition of military knowledge, or the advancement of morals. As far as the whole body of the people are necessary to the general defence, they ought to be armed; but the law ought not to require more than is necessary; for that would be a just cause of complaint.

Mr. WADSWORTH said, that it appeared to him the gentleman's objections went only to that part of the bill which points out the number of days to be devoted to training the militia; as he had conceded that all from eighteen to forty-five ought to be armed.

Mr. JACKSON said, that he was of opinion that the people of America would never consent to be deprived of the privilege of carrying arms. Though it may prove burdensome to some individuals to be obliged to arm themselves, yet it would not be so considered when the advantages would be justly estimated. Original institutions of this nature are highly important. The Swiss Cantons owed their emancipation to their militia establishments. The English cities rendered themselves formidable to the Barons, by putting arms into the hands of their militia; and when the militia united with the Barons, they extorted *Magna Charta* from King John. In France, we recently see the same salutary effects from arming the militia. In England, the militia has of late been neglected—the consequence is a standing army. In Ireland, we have seen the good effects of arming the militia, in the noble efforts they have made to emancipate their country. If we neglect the militia, a standing army must be introduced; but if the idea suggested by the gentleman from Pennsylvania is adopted, certain classes must be drawn out, and kept for months together, which would prove as great a burden as a standing army. None of the States, he observed, have adopted such a plan. In Georgia, the militia service has been as strict as is contemplated by the bill, but they have never complained. In a Republic every man ought to be a soldier, and be prepared to resist tyranny and usurpation, as well as invasion, and to prevent the greatest of all evils—a standing army. Mankind have been divided into three classes, shepherds, husbandmen, and artificers—of which the last make the worst militia; but as the arts and sciences are sources of great wealth to the community, which may excite the jealousy and avarice of neighbors, this class ought to be peculiarly qualified to defend themselves and repel invasions; and as this country is rising fast in manufactures, the arts and sciences, and from her fertile soil may expect great affluence, she ought to be able to protect that and her liberties from within herself.

Mr. PARKER here introduced his motion, to

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amend the bill by a proviso, that persons who shall make it appear that they are not able to equip themselves, shall be furnished at the expense of the United States.

Mr. WADSWORTH objected to this amendment. He said, it would empower the officers to create an enormous charge against the United States. He said, he had read almost all the militia laws of the several States, and had found no such provision in one of them; there is not a considerable number of such persons in any of the States; and rather than have this proviso inserted, he would prefer a clause to excuse them altogether.

Mr. PARKER said, that in Virginia, there is a law, which provides that poor persons, not able to arm themselves, should be equipped at the expense of the State. In every State there are doubtless many such persons, who ought to be provided for by the General Government; and if they are not, the law is rendered impracticable; as you require more than is possible for them to perform. As to excusing such poor persons from military duty, they would be found, in cases of emergency, very useful to defend those who do not choose to risk their own persons.

Mr. HUNTINGTON said, if the gentleman would vary his motion, so that the expense should be incurred by the State, he did not know but he should agree to it. There is one State, said he, in which every person is obliged to provide himself with arms and accoutrements, and no difficulty has resulted from the law. Penalties on default are exacted and collected; but this proposition will produce great inequalities; it will excite jealousies and discord between the Governments; but if left to the States, the officers will be more exact to prevent impositions on the particular State from which they receive their appointments.

Mr. PARKER agreed to alter his motion, agreeably to Mr. HUNTINGTON's idea.

Mr. BOUNDINOR said, that there did not appear to be any necessity for the amendment, as the bill makes provision for exempting persons who are unable to purchase arms, in case the State Legislature choose to make such exceptions.

Mr. GILES said, he was opposed to the motion on principle; but if that was not the case he should object to it in the present form as it was not full enough. He did not suppose that it was intended that the United States should make a present of the arms thus furnished—but the motion does not provide for their return when not in use. His principal objection to the motion, however, arose from its being an improper interference with the authority of the State Governments. They may or may not comply with the law. If they should not, it would prove nugatory, and render the authority of the United States contemptible. For these reasons, and others, which had been advanced, he thought the amendment improper.

Mr. BLOODWORTH observed, that as the militia was to be organized and disciplined under the authority of the United States, and to be employed for the general defence, whenever and wherever Congress should direct, it appeared but reasonable

ble that those who were benefited by them should be at the expense of arming them.

Mr. SHERMAN said, it appeared to him, that by the Constitution, the United States were to be put to no expense about the militia, except when called into actual service. The clause is not so explicit as might have been wished; but it will be difficult to fix the construction mentioned by the gentleman from North Carolina. What relates to arming and disciplining means nothing more than a general regulation in respect to the arms and accoutrements. There are so few freemen in the United States who are not able to provide themselves with arms and accoutrements, that any provision on the part of the United States is unnecessary and improper. He had no doubt that the people, if left to themselves, would provide such arms as are necessary, without inconvenience or complaint; but if they are furnished by the United States, the public arsenals would soon be exhausted; and experience shows that public property of this kind, from the careless manner in which many persons use it, is soon lost. The expense and inconvenience would, in his opinion, far overbalance any good that would be derived from such a proposition.

Mr. VINING observed, that the greatest objection against the motion is, that it stops short in the regulation of the business. No provision, it is said, is made for the return of the arms to the public; and it gives a discretionary power to the officers to dispose of the property of the United States; but he conceived these difficulties were not beyond the reach of remedies; the wisdom of the House, he doubted not, would devise such as were adequate to the object. He asked by what means minors were to provide themselves with the requisite articles? Many of them are apprentices. If you put arms into their hands, they will make good soldiers; but how are they to procure them? It is said, if they are supplied by the United States the property will be lost; if this is provided against, every objection may be obviated. He then offered an addition to the motion, providing for the return of the arms in the commanding officer.

The Chairman then stated the motion with the amendment.

Mr. TUCKER observed, that the motion in its present form differed from the original proposed by the gentleman from Virginia. He conceived the gentleman had no right to alter it, nor could it be done without a vote of the committee. He preferred the motion in its original state—for the United States may, without doubt, furnish the arms—but he very much questioned their right to call on the individual States to do it.

Mr. WILLIAMSON was in favor of the question's being taken with the amendment admitted by Mr. PARKER. He wished to know whether Congress meant to tax the individual States in this unusual manner? Perhaps as they had assumed the State debts upon this principle, or rather without any principle, they might think they had a right to call upon them to furnish quotas in proportion, this would be getting something for something;

and not like the other measure, losing something for nothing.

Mr. Vining said, he could not understand what was meant by saying that the amendment was dictating to the States. What is the whole bill but dictating? A law that affects every individual, touches the whole community. With respect to the constitutionality of the measure, there can be no doubt; every grant of power to Congress necessarily implies a conveyance of every incidental power requisite to carry the grant into effect.

Mr. Wadsworth apologized for detaining the attention of the committee a moment, while he asked the gentlemen who favored the motion what was the extent of their wishes? The motion at first appeared to be in favor of poor men, who are unable to purchase a fidei; but now, it seems, minors and apprentices are to be provided for. Is there a man in this House who would wish to see so large a proportion of the community, perhaps one-third, armed by the United States, and liable to be disarmed by them? Nothing would tend more to excite suspicion, and rouse a jealousy dangerous to the Union. With respect to apprentices, every man knew that they were liable to the tax, and they were taken under the idea of being provided for by their masters; as to minors, their parents or guardians would prefer furnishing them with arms themselves, to depending on the United States when they knew they were liable to having them reclaimed.

The question on Mr. PARKER's motion was lost.

On motion of Mr. HEISTER, a proviso was added to the section in the following words:

"That every citizen so enrolled, and providing himself with the arms and accoutrements required as aforesaid, shall hold the same exempt from all executions, or suits for debts, or for the payment of taxes."

Mr. FITZSIMONS moved to strike out the words "provide himself," and insert "shall be provided."

This motion was objected to by Messrs. BOPNOT, HARTINGTON, JACKSON, PARTIDGE, Vining, and MADISON. It was said that it would be destructive of the bill, as it would leave it optional with the States, or individuals, whether the militia shall be armed or not.

This motion was lost by a great majority. The second section comprises the characters that are to be exempted from enrollment or militia duty.

Mr. MADISON moved to strike out that part which related to members of Congress, their officers, and servants, attending either House—and to insert "members of the Senate and House of Representatives, whilst travelling to, attending at, or returning from the sessions of Congress." He saw no reason for a total exemption from militia service; exceptions in favor of the framers of the laws ought not to be extended beyond what is evidently necessary. The members of Congress, during the recess, are at liberty to pursue their ordinary avocations, and may participate in the duties and exercises of their fellow-citizens. They ought to bear a part in the burdens they lay on others, which may check an abuse of the powers with which they are vested.

Mr. JACKSON observed, that this alteration might interfere with the public interest; in cases of alarm or invasion, the members might be called to a great distance in the militia, at the moment when their presence was required to attend the session of the Legislature. It would be well, therefore, to consider whether their services in the militia would be of equal importance to the public interest, as their services in Congress.

Mr. Boudinot objected to the amendment; not that he would exempt members of Congress from burdens imposed on their fellow-citizens, but the motion he conceived was inconsistent with this very idea. The bill provides that exemptions shall pay a certain equivalent; it would be unjust to impose this equivalent, and compel the members of Congress to turn out in the militia. He concluded by saying, that he conceived the independence of the Legislature was connected with this exemption.

Mr. WADSWORTH said, that he thought there was no necessity to exempt members of Congress. If the Constitution did not grant them such a privilege, he doubted whether they could assume it by an act of their own. He was therefore for leaving this matter to the discretion of the State Legislatures; no inconvenience would result if this was done.

Mr. HARTLEY was in favor of the exemptions being specified by act of Congress; and he conceived they had the plainest directions to follow, in the universal practice of all the State Legislatures; and this practice was founded in the reason of things, the incompatibility of the duties; they are distinct in their natures, and cannot be exercised together.

Mr. MADISON supported his motion, he considered it as important that the governors and the government should feel their mutual relation to each other; on this principle he thought that no exemption should be allowed, except in cases where an attendance on militia duty was incompatible with the performance of other duties; for these reasons, he wished that the whole clause should be struck out; in cases of difficulty a court-martial would be competent to doing justice to the parties.

Mr. GILES followed Mr. MADISON in a similar train of reasoning in respect to rulers sympathizing with the ruled in all public burdens; he adverted to the different plans of organizing the militia which had been contemplated by the committee, and the reasons which induced them to adopt that in the bill. With respect to the plan of selecting particular classes to form a militia, it could not, in his opinion, be done, but by enlisting, which was a mode that the freemen of America revolted from. He said, that no insuperable difficulties would result from rendering all liable to be called upon. Should the clause be struck out, the equivalent mentioned in another part of the bill will be unnecessary, and the article may be expunged. He concluded by saying, that if it was thought proper that the members of Congress should be exempted, it would be best that the exemptions should be made by the State Legislatures.

Mr. SHERMAN said, it was the practice of the several States to exempt their own Legislatures, and the other descriptions of persons mentioned in the clause. He conceived a seat in the Federal Legislature would equally entitle to an exemption. He was opposed to the amendment, though he would agree to strike out the whole, and leave the business to the State Legislatures.

Mr. JACKSON observed, that leaving the exemptions from militia duty to the discretion of the State Legislatures might be productive of great inequalities; besides, it would not comport with the idea of the bill in the grand object of uniformity. Some States might make great exceptions, others none at all; this would make the burden very unequal on the whole, which would be palpably unjust. The examples of the State Legislatures is sufficient to show that some exemptions are agreeable to the ideas of the people; and the independence of the Legislature being essentially concerned, leaves no room to doubt the propriety of the measure. He informed the committee that when they came to the clause specifying the sum proposed as an equivalent for personal service, he should move for an alteration.

Mr. HARTLEY observed, that the Constitution declares that the persons of members shall be privileged from arrest during their attendance on Congress; in going to, and returning from, the session; with a special reference to the independence of the Legislature. He conceived that it would counteract the spirit of the Constitution to render the members liable to be called on to discharge duties incompatible in their nature; on this principle, also, it would be in the power of a designing President, should such a character ever be elected, to prevent the members assembling by calling out individuals to attend military duties at the moment when their attendance would be necessary in Congress. The States, individually, as well as the Parliament of Great Britain, have set us a good example in this respect.

Mr. Boudinot agreed in sentiment with Mr. HARTLEY, that the independence of the members was an important object. The ideas of the gentlemen from Virginia, (Messrs. MADISON and GILES,) that legislators ought to participate in the burdens imposed on others, ought never to be lost sight of—but in the present instance, the doctrine would be carried into practice; for, at the end of every two years, the members would revert to the mass of citizens, and feel in common with others the influence of the laws. The business of legislation is more arduous and momentous than any other; and ought not to be impeded, or rendered liable to be frustrated by any other. This, he thought, would be the case by adopting the amendment.

Mr. MADISON supposed nothing would be risked by the amendment, as the Constitution had sufficiently secured the independence of the members. He had not anticipated so much debate on the motion. He was satisfied in his own mind of its propriety. The possible cases which had been stated did not, in his opinion, justify the violation of the great principle he had mentioned; but, to

simplify the question, he would withdraw his motion, so far as only to propose to strike out from the exemptions, "the members of Congress."

Mr. TUCKER said, that it appeared to him that some general ideas on the subject of exemptions should be incorporated in the bill. If the committee descend to particulars, they will find it extremely difficult to make such distinctions as are proper. He was opposed to leaving the exemptions to be made by the State Governments. It might create difficulties, as some States might exempt their members, and others might not. These partial exemptions would be attended with great inconveniences; the members may be necessarily engaged in making their arrangements to attend their duty in Congress, previous to the time of setting out for the seat of Government, and be interrupted by being called to the field to attend militia duty. The number of persons it will be found eligible to exempt, will not be so great as to render the defence of the United States precarious for want of their personal services in the militia. He concluded by observing, that the principle of uniformity, and the competency of the Federal Legislature to making adequate provision in the case, point out the impropriety of leaving the business to the State Legislatures.

Mr. SMITH pursued the idea of Mr. TUCKER, and observed, that, to be consistent, the motion ought to go further, and extend to exempting ministers of the Gospel, only while engaged in preaching; the schoolmaster, while teaching; the miller, while attending his mill, &c. In short, it ought to be so particular as to amount to no exemption at all.

Mr. WHITE spoke in favor of the motion. The Constitution, said he, has sufficiently defined the privileges of the members. With respect to the State officers, he was in favor of leaving them to be exempted by the State Legislatures; nor was he apprehensive they would abuse the power by exempting half their citizens, as this would only increase the burden on the other half.

Mr. JACKSON said, he would be still opposed to the motion from this interesting consideration, if no other existed: that it might, in its operation, deprive thirty thousand citizens of their vote in the National Legislature.

Mr. Vining added a few observations in favor of the motion; and then the question being taken, it was negatived, twenty-four to eighteen.

FRIDAY, December 17.

JOHN HATHORN, from New York, and JOHN SEVIER, from North Carolina, appeared, and took their seats.

BENJAMIN BOURNE, a member returned from Rhode Island, produced his credentials, and took his seat.

An address was presented from the people called Quakers, praying an exemption from militia duties and penalties on that account.

The bill for continuing an act declaring the consent of Congress to certain acts of several

States was read a second time, and ordered to be engrossed for a third reading.
A message was received from the Senate, informing the House that they have passed a bill supplementary to an act making further provision for the debts of the United States, in which they desire the concurrence of the House; which was read the first time.

In Committee of the Whole on the Militia bill, the subject of exemptions occasioned further debate. The committee agreed to sundry alterations, and proceeded in the discussion to the third section; they then rose and reported progress.

MONDAY, December 20.

MICHAEL JENIFER STONE, from Maryland, appeared, and took his seat.

The engrossed bill to continue an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island, was read the third time and passed.

PUBLIC DEBT.

The bill from the Senate, supplementary to the act making further provision for the payment of the debts of the United States, was read the second time.

Mr. BEXSON, from the committee appointed for the purpose, presented a bill declaring the office who, in case of vacancies both of the offices of President and Vice President of the United States, shall act as President; also, a bill declaring the respective times when the electors to vote for a President of the United States shall be appointed and shall give in their votes; also, a bill directing the mode in which the lists of the votes for a President shall be transmitted to the seat of Government; which passed their first reading.

MILITIA.

The House went again into a Committee of the Whole on the bill for establishing a uniform militia, Mr. LIVERMORE in the Chair.

Mr. FITZSIMONS moved an amendment, by which the light infantry or riflemen, one company of artillery and one troop of horse should be selected from the militia without reference to any particular age. He said the clause which enacts that these companies should be composed of persons from eighteen to twenty-five years of age would operate against several particular interests, especially mechanics and manufacturers.

Mr. MADISON remarked that by the bill all persons between the ages of eighteen and twenty-five were to serve in those companies; it was not confined to artificers alone. The agricultural interest had as much cause to complain. But the intention of making the youth perform double duty was that they might speedily be taught the military art, and be enabled to defend their country, if her situation called for their aid.

Mr. JACKSON was opposed to it. He said that from eighteen to twenty-one was found to be the best age to make soldiers of. After that period men become engaged in the concerns of life, get

married, have children, enter into business, &c. It would not bear harder on the manufacturers and mechanics than on the farmers; and as the seaports have generally more at stake, it seems to follow that the obligation is stronger on them to turn out in the militia.

Mr. HEISTER was in favor of the motion. Mr. FITZSIMONS said he was misunderstood. He did not mean that persons from eighteen to twenty-five should be excused from military duty. His wish was that such persons should not be particularly pointed out for this duty.

Mr. LAWRENCE was in favor of the motion. He observed that it was not age alone that was to be considered in forming light infantry or artillery companies; there are other considerations, as size, agility, &c. He thought the motion a good one.

Mr. AMES was also in favor of the motion. He thought confining the selections for those companies to the particular period mentioned would deprive us of the services of many of the soldiers of the late Continental army, whose knowledge and experience would be highly useful. He suggested difficulties which would result from collecting the persons of the above age from different parts of the country in order to forming them into such companies.

Mr. STURGIS observed that he thought a simple regulation that all the militia should be called out so many times a year would be sufficient. This general plan would leave the several independent corps as they now are; and these particular companies would be selected as heretofore.

Mr. PARTRIDGE was opposed to the amendment. The object of the bill being to discipline the militia, it seemed to follow of course that persons of an age the most likely to learn should not be exempted.

Mr. GILES said, that gentlemen did not appear to take a comprehensive view of the bill, one object of which is to establish a military school. In order to do this, the bill proposes that persons should commence their military course at an early age. If such persons are called upon oftener than those of more than twenty-five years, it does not follow that it is unequal; their military knowledge must be supposed to be less. He objected the objection of the gentleman from New York by saying that as military knowledge is necessary for all, it follows that young persons of every size may be trained in one or the other of these companies.

Mr. FITZSIMONS still supported his motion, and said the difficulty started by the gentleman from Massachusetts, (Mr. AMES,) arising from local circumstances, had not been obviated.

Mr. BOUNDINOT said the difficulty on account of manufacturers had not escaped the committee; but it could not be avoided without destroying a principal feature of the bill. He said the objection might, however, be in some measure lessened by altering the clause from eighteen to twenty.

The question being taken, it passed in the affirmative.

Mr. SMITH's (of South Carolina) proviso respecting independent corps was read. It provided that companies in the respective States, incorporated by the Legislatures, should not be disbanded or included in the militia, but retain their former station.

Mr. GILES said, he was disposed to think this proviso more extensive than gentlemen imagine. It may, in its operation, exempt all the companies in the United States. The expression is so general and indefinite that it may not answer the purpose intended, as those companies are known by different denominations, while it may be productive of great difficulties from its want of precision.

Mr. AMES gave an account of the several independent companies in Massachusetts, particularly that known by the name of the Ancient and Honorable Artillery, a company which possessed funds, and had for many years been in possession of a charter from Government. It had been considered as a military school for a long time; it is composed of generals, colonels, and inferior officers, and other respectable persons. This, with other independent companies, rendered essential services in the time of the insurrection in that State; and they prove by their example a stimulus to the militia; they have incurred great expenses to equip themselves, and it is supposed merit the privileges and distinctions they have long enjoyed.

Mr. STURGIS observed that the proviso was defective, as it does not point out the duties which these companies ought to perform.

Mr. HUNTINGTON said, these companies were, he believed, under the orders of the regimental colonels; at least, that was the case in some of the States.

Mr. SENEY moved, that as there were independent companies who are not incorporated, it would be proper to strike out the words "incorporated by the acts of the several States." He said, if this proviso should pass without his amendment, it would give exclusive privileges to particular companies who happen to be incorporated, while the same privileges will not be extended to other companies, equally meritorious, who do not happen to be incorporated.

Mr. SMITH's (of South Carolina) motion being put, was negatived.

The section which provides that the militia shall turn out four times a year in companies, Mr. HARTLEY objected to. He said it would be too frequent. He did not consider the militia as a military school; and such frequent assemblies of the people had a tendency to dissipate the manners of the people, especially youth. He moved that the clause should be altered, so that companies and battalions should be obliged to turn out only twice a year.

Mr. WADSWORTH suggested an alteration in the amendment, that the clause should be altered to read once a year in battalion, and four times in companies.

Mr. GILMAN moved another amendment, that the militia should turn out in companies three times, and once in battalion.

Mr. JACKSON regretted that one principle of the bill was struck out respecting light infantry companies. He did not suppose that though we are obliged to have some standing troops, we were to depend on them. He should regret the time when this country would depend on a standing army. He enlarged on the importance of disciplining the militia. This, said he, is consistent with the strictest principles of republicanism. He believed the preservation of liberty very much depended on a good militia. He thought four times a year would not be too burdensome, and he was pretty sure it was little enough to answer any essential purpose.

Mr. SHERMAN was in favor of four times in companies at least, and in battalion as might be found convenient.

Mr. WADSWORTH observed, that less than four times would answer no good purpose at all. Indeed, it is said, nothing is to be expected; if that is the case, let us give up all thoughts of a militia bill; but what, then, becomes of your national defence?

Mr. HARTLEY's motion was lost.

Mr. SHERMAN moved that the clause be amended to read, that regiments turn out once a year. Carried.

On motion of Mr. WADSWORTH, the times of rendezvousing in regiments and companies are to be regulated by the officer commanding the brigade.

The clause which provides for a Commissary of Military Stores for each State, Mr. PARKER moved should be struck out. He said the several States are competent to taking care of their own military property. This motion was agreed to.

Mr. WADSWORTH moved that the adjutant general should have the rank of brigadier, instead of lieutenant colonel as proposed by the bill.

Mr. SHERMAN observed, that according to the last regulations of the army, no staff officer was to have any rank.

Mr. WADSWORTH replied, that the regulation which the gentleman had mentioned respected staff officers only, who never have any command; but an officer of such importance as the adjutant general, on whom so much depended, and who might be invested with a very important command, he conceived ought to rank higher than a lieutenant colonel. This motion was adopted.

The committee rose and reported progress, and had leave to sit again.

TUESDAY, December 21.

The bill from the Senate supplementary to the act making further provision for the payment of the debts of the United States, was read the third time, and passed.

The bill declaring the officer who, in case of vacancies both in the offices of President and Vice President of the United States, shall act as President;

The bill declaring the respective times when the electors to vote for a President of the United

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States shall be appointed or chosen, and shall give their votes; and, The bill directing the mode in which the lists of the votes for a President shall be transmitted to the seat of Government of the United States, were read the second time and ordered to be committed to a Committee of the Whole.

Messrs. LAWRENCE, SENEY, FIRZIMONS, VINING, and GOODRUE, were appointed a committee to bring in a bill to establish health offices in the principal ports of the Union.

MILITIA.

The House again went into a Committee of the Whole on the bill for establishing a uniform militia, Mr. LIVERMORE in the Chair.

Mr. BLOODWORTH said, that, in his opinion, the House had entered too much into the minutiae of the business, and in a great measure were about depriving the States of the power granted to them by the Constitution. The General Government ought only to organize the militia, and direct the mode of discipline. The militia, he observed, was only under the direction of the General Government when called out in the actual service of the United States; different States had the appointment of officers and the right of training them; but owing to the many particulars attending to in the bill, he could see but little room left to the States for the exercise of their power. He thought that endeavoring to establish a perfect uniformity in fines would render that part of the system very defective; as the same fine might be justly complained of as heavy in one part of the country, and at the same time be considered so trifling in another part as to render it ineffectual; he therefore wished that this part of the business might be left to the States to perform. He moved for striking out a number of clauses containing several of the particulars he objected to. Not carried.

The twelfth, thirteenth, and fourteenth sections were read. The first two passed without alteration; the third was struck out.

Mr. MANISON said, he conceived it would be necessary to pass a law authorizing the President of the United States to call out the militia, as the Constitution only says that he shall be commander-in-chief of the militia when in the service of the United States, without giving him the power of ordering it out.

Mr. FIRZIMONS wished a clause inserted in the bill, granting to the President that power. Mr. BOUNDNOT conceived it was not the intention of the Constitution that he should be possessed of such a power. It could only be granted to him by a special act of Congress.

Mr. SMITH read a law passed last session, and still in force, giving him that power.

The sixteenth section, providing penalties for those not performing militia duty, and pointing out exemptions, being read,

Mr. SHERMAN moved to have it struck out. It was, he said, an absolute poll-tax, and not levied according to the number of inhabitants, which was in violation of the Constitution.

Mr. BURKE said, it was contrary to the interest of the militia to establish so many exemptions as had been provided. He gave notice that when the report came before the House, he would move for their reduction, and gave his reasons fully. It was contrary to the Constitution, he also observed, to lay a tax upon certain classes of citizens; not being consonant with the principles of justice to make those conscientiously scrupulous of bearing arms pay for not acting against the voice of their conscience. This, he said, was called the land of liberty, in it, we boasted, that no one suffered on account of his conscientious scruples, and yet we are going to make a respectable class of citizens pay for a right to a free exercise of their religious principles; it was contrary to the Constitution; it was contrary to that sound policy which ought to direct the House in establishing the militia.

Mr. JACKSON said, he certainly should oppose the principle started by the gentleman last up. Who are to know, he asked, what persons were really conscientiously scrupulous? There is no tribunal erected to make them swear to their scruples. If the principle were adopted, he conceived very few would be found, if their own word was to be taken, not conscientiously scrupulous. There were other sects, he said, besides the Quakers averse to bearing arms. If the principle be adopted of requiring no compensation from the exempted, it will lay the axe to the root of the militia, and, in his opinion, the bill might as well be postponed altogether. He did not choose to enter into the subject fully at this time; he would wait until the bill came before the House. The seventeenth section, providing inspectors of the militia, was read.

Mr. SENEY said, Maryland, he thought, should have two inspectors instead of one, as provided by the section. That State, he observed, was divided by a wide and sometimes dangerous bay, which could not at all times be crossed. Two inspectors were agreed to for Maryland, one to reside on the Eastern, and one on the Western shore.

Mr. LAWRENCE saw an impropriety in providing the same allowance for all the inspectors without regard to the quantum of duty to be performed. The duty, he observed, of an inspector in the State of Rhode Island could not be near so great as that of the inspector in the State of New York. He moved that their different salaries be fixed and specified in the bill.

It was agreed to; and the blanks left to be filled up with such sums as shall be deemed proper when the House shall take that part of the bill into consideration.

Mr. SHERMAN was of opinion that some of the duties, by this section to devolve on inspectors, ought to be left to the States to exercise. Their duty should be confined to superintending the exercise and manoeuvres.

Mr. BLOODWORTH was averse to appointing an officer to be directed by State laws. He should be appointed by the State.

Mr. WADSWORTH said, in his opinion, he ought

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to be a Continental officer, and conduct himself in his office in conformity to the laws passed by the States.

Mr. SMITH moved that that clause which leaves the appointment of this officer to the President be struck out, and that it only be specified that such an officer be appointed.

Mr. BOUNDNOT considered this officer as appointed to assist the President. It was necessary that the commander-in-chief should be acquainted with the state of the militia throughout the Continent; it was impossible for him to gather this information without assistance; the officer was appointed for that purpose; he should be considered as a Continental officer, and as such was to be paid by the General Government.

Mr. SMITH said, if his motion prevailed of having this officer appointed by the States he would also move that his salary be paid by them. He was a militia officer and as such was in the appointment of the States.

Mr. LAWRENCE wished the clause struck out, and the duty of inspector to be performed by the adjutant general. In New York this is the case.

Mr. BOUNDNOT said, he thought the duty too great, and the salary such an officer would require more than the States would consent to give; the officer would not be appointed, and the President could not receive the necessary information. The inspector was not a militia officer, but appointed to collect the information the President should want, for the benefit of the Union.

Mr. FIRZIMONS gave it as his opinion that the officer should be under the appointment of the President.

Mr. SHERMAN said, there appeared to be a distrust of this inspector, unless appointed by the President; he thought there could be no just foundation for entertaining this opinion, if he should be appointed by the States. He was certainly appointed for the good of the Union; but if the several States did not pay his salary, the expense would in the end devolve on the United States.

It was agreed to leave the appointment to the States.

Mr. STONE moved that the clause giving to inspectors the rank of lieutenant colonel be struck out. He observed, that since the appointment of those officers was left to the States, the House could not with propriety fix the rank.

Mr. WADSWORTH hoped it would not be struck out. He observed, that as the House had the power of organizing the militia, and were about determining that there should be inspectors, they could with the same propriety say what rank those inspectors should hold. He was as much adverse as any man to granting unnecessary titles; but where great trust was reposed, and several duty required, there rank should also follow. These inspectors were placed in a very important station, which they could not properly fill without the weight of some military rank.

Mr. STONE withdrew his motion.

Mr. BLOODWORTH moved that the rank of brigadier should be given to them.—Agreed.

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Mr. BENSON moved for an additional clause to the bill, for granting to the President of the United States the power of calling out the militia into the service of the United States, &c., to repel invasions or suppress insurrections.

Mr. SHERMAN observed that the proposed clause was not explicit enough. The General Government, by the Constitution, had not the power of calling out the militia to suppress insurrections in the States without the special request of the States.

Mr. BLOODWORTH hoped the additional section would not be adopted, it would be a dangerous provision.

Mr. BENSON agreed to withdraw his motion for the present, to bring it before the House when the principles of the bill came to be discussed by them.

The committee, having gone through the bill, rose, and reported the same, with sundry amendments, which were laid on the table.

PUBLIC DEBT.

The Speaker laid before the House a report from the commissioners appointed for the purpose, of the amount of the purchases which had been made of the public debt, which was ordered to lie on the table. The amount purchased was \$278,687, for which the sum of \$159,239 in specie had been paid.

WEDNESDAY, December 22.

ENROLLED BILLS.

A joint committee was appointed for the examination of enrolled bills, consisting of Mr. FOSTER, of the Senate, and Messrs. FLOYD, and P. MUHLENBERG, of the House.

MILITIA.

The House took up the report of the Committee of the Whole of yesterday on the bill for establishing a uniform militia. The amendments being read,

Mr. BOUNDNOT moved, that the persons of the militia should be exempt from civil process on the days of rendezvous.

Mr. LIVERMORE opposed the motion. He conceived it was an unconstitutional interference with the internal police of the individual States. The States have an exclusive right, said he, to regulate the times of training the militia; and Congress has no right to say that the citizens shall or shall not be liable to a legal arrest on such occasions.

Mr. BOUNDNOT admitted, that there was some weight in Mr. LIVERMORE's objections; but, at the same time, observed, that the principle once admitted that Congress has a power to discipline the militia, every incidental power to carry that idea into effect must follow. He should, however, reserve himself to offer some further remarks on the subject.

The question being taken, it passed in the affirmative. The amendment, as thus amended, was put and carried.

Mr. BLOODWORTH proposed an amendment to the second section, by which all persons exempted by the laws of the respective States should also be exempted by this law. This was objected to by several members.

Mr. LIVERMORE said it was so general, that it opened the door to an almost universal exemption; it likewise involved an uncertainty with respect to the present and future laws of the several States, which ought not, in his opinion, to be admitted.

Mr. BLOODWORTH said, he moved the amendment, because he was fully persuaded that the United States had nothing to do with the exemptions heretofore usually made by the particular States. It is proper for Congress only to exempt their own particular officers; but he considered the bill of a very important nature, one that will undergo the strictest scrutiny, and may either be made very agreeable to the States, or very much the reverse. He adverted to the Constitution, and said that the powers of Congress only extend to the mere arrangement of the militia; but, in its present form, it is a Government bill, and goes to the minutiae of the regulations of the militia.

Mr. GILES objected to the motion. He considered the section, as it stood without the amendment, useless, and therefore the amendment is unnecessary; for if the States possess the power of making the exemptions in themselves they cannot be deprived of it. He was consequently against the present motion, and should move to obliterate the whole, so far as it interferes with the power of the particular States.

Mr. SHERMAN was opposed to the particular interference of the General Government any further than they are expressly warranted by the Constitution. The powers of Congress, he contended, were very much limited in respect to the militia. He moved a more general modification of the section; by which the officers of the General Government, such as the members of Congress, the Executive officers, post-officers, postmasters, and mail-carriers should be designated, and all other persons that are, or shall be, exempted by the laws of the several States.

Mr. BLOODWORTH acceded to this modification. Mr. GILES objected to the proposition as amended, as blending and confusing the powers of the General Government with those of the particular States. He objected to it, as it went to extend the privileges of the members of Congress, whose privileges are defined in the Constitution. He objected to it also, as it violates the principle which had before been laid down, that the law-makers ought to sympathize with those on whom the laws are designed to operate, and pursuing the idea, said Congress may go on and exempt themselves from every public duty.

Mr. WILLIAMSON, advertent to the Constitution, said, that it was plain Congress are to provide for arming and disciplining the militia; but who are the militia? Such men, he presumed, as are declared so to be by the laws of the particular States, and on this principle he was led to suppose

that the militia ought to consist of the whole body of citizens without exception. If this construction be just, the propriety of the motion is apparent. He did not anticipate an abuse of the power of exemption on the part of the States; he thought the period far distant when the United States would trust their defence to mercenaries. He objected to the numerous exemptions proposed to be made by the General Government, and observed that he feared great impositions and evasions would be practised in consequence of them; the power will be exercised by the States, and ought not to be by Congress.

Mr. BURKE said, no man was more in favor of an efficient and competent militia than he was; but the various exemptions contended for are so many that he conceived the consequences would be subversive of the whole plan. Observations had been thrown out which he was sorry to hear, that except these exemptions took place, the bill would be lost. He then mentioned the several classes proposed to be exempted, by which the whole country would, in effect, be divided into two tribes; and the rich, the governors and rulers of the land, would be relieved from the burden, while the mechanics, the farmers, the laborers, the hard working part of the community would be made to sustain the whole weight of the service in defending the country. He was opposed to exempting members of Congress; in the recess they may attend militia duty. It was agreeable to the practice of South Carolina; he had himself performed militia duty during the recess. He thought that all should equally be made to turn out in the ranks, high and low, rich and poor, old and young, and thus make the militia honorable. I know, said he, it is the policy of the day to make the militia odious; but I hope such policy will not be adopted by this House. He was not, however, opposed to all exemptions; he would exempt the people called Quakers, and all persons religiously scrupulous of bearing arms, stage-drivers, and instructors of youth; but their pupils, the students in colleges and seminaries of learning, should not be exempt; youth is the proper time to acquire military knowledge. He hoped the House would not make two distinct tribes or classes of people. There ought to be no such distinctions in a free country.

Mr. JACKSON said, he was sorry that his honorable friend was so determined to have two tribes of people; but he set out with that resolution, and now concludes with the same idea. He then adverted to the exemption of Quakers, provided for in the bill. He said, that the operation of this privilege would be to make the whole community turn Quakers; and in this way it would establish the religion of that denomination more effectually than any positive law could any persuasion whatever. He enlarged on the obligations which every man owes to society to afford his personal services to assist and defend the community; protection and service are reciprocal. Those who are exempted ought to pay a full equivalent on every principle of justice and equity. He then adverted to exemptions generally, and advocated

those of the members of Congress; but, with respect to all others, he was absolutely opposed to them; and said they were so numerous as to destroy the militia bill altogether. The consequence would be, we must resort to a standing force for the general defence.

Mr. VINING was opposed to giving the general power of making such exemptions as they please to the several States. The Legislature of the Union is competent to making such as are necessary. He enlarged on the mischievous consequences of delegating this power. It will, said he, destroy every appearance of uniformity; not is there any danger that the members of the House will abuse this power by undue exemptions. With respect to the Quakers, he replied to some observations of Mr. JACKSON, who had asked, what will become of our boasted independence in case of the exemption of the Quakers? He asked, were there no Quakers in the late war? He adverted to the conduct of the first settlers of Pennsylvania, who were Quakers; their peaceful principles were productive of the happiest consequences; and in this view their conduct had been an example, which, in proportion as mankind shall recede from the force of turbulent passions, will be more and more imitated. He, however, supposed that an equivalent might be assessed on these people without difficulty, and which, from their numbers, supposed to be one-twentieth part of the people, would amount to a sum sufficient to support a militia; at least, to furnish them with arms, drums, colors, &c.

Mr. LAWRENCE observed, that it appeared to him that the object of the motion is to revive a subject which has already been decided in the committee; he had not, however, altered his opinion, he still thought it would be impolitic, if not dangerous, to delegate a power which they can exercise themselves.

He adverted to the observations of Mr. GILES, that Congress cannot extend their privileges; and observed, that the clause in the Constitution refers to the privileges of being exempt from arrest, that they might not be precluded from attending their duty in Congress; with respect to its being an extension of their privileges to provide for their exemption, there cannot be any force in this, as it is conceded that Congress may designate the age of the militia; now if their ages are restricted from eighteen to forty-five, it effectually exempts many of the members of Congress; but this exemption from arrest is not the only privilege that members of Congress possess; and he had no doubt of their right in the present case to exempt themselves; the expediency of the measure is sanctioned by the practice of every State in the Union.

Mr. BOUNDINOR asked what is the object of the bill? It is to provide a uniform militia, competent to the defence of the country; it is not to take money out of the pockets of the people. He then adverted to the idea that was maintained by several gentlemen, that the militia ought to consist of every person in the United States, and said that this, so far from conducing to the formation of a national defence, would prove the reverse; for

it would necessarily include persons religiously scrupulous of bearing arms, men in years not able to bear them, and a great variety of characters not suitable to bear them.

With respect to exemptions, he contended, that the right of Congress to make them is already conceded; for it is already agreed that the militia shall consist of persons of particular ages, consequently all under eighteen and above forty-five are expressly exempted; the reverse of this principle will give the States the absolute control of the General Government. He then observed, that the amendment ought not to be adopted; because it would be throwing a burden on others which Congress ought to bear themselves; because it will destroy every idea of uniformity, because it invests a power in the States to impose fines and penalties which may operate oppressively on many descriptions of persons; because it invests the States with a power to make partial exemptions, create invidious distinctions, and excite unwar-rantable competitions among different classes and professions. He then adverted to the Quakers, and asked, what would become of our independence, if one thousand troops were to attack us, and we had an army of ten thousand Quakers to oppose them; what dependence can be had on men who are forced into the field? He had trusted that the rights of men were so well defined at this enlightened period, that the principles which had been advanced would not have been applied on this occasion. He entered into a defence of the exemptions generally provided for, and justified them on principles of justice and policy. He was sorry that the distinctions mentioned by the gentleman from South Carolina had been brought forward. He had no idea of different tribes or classes. The members of this House, at the end of every two years, revert to the mass of the people, and then become liable to bear their proportion of militia duty as well as their fellow-citizens.

Mr. MADISON moved to insert among the exemptions, persons conscientiously scrupulous of bearing arms. It is the glory of our country, said he, that a more sacred regard to the rights of mankind is preserved than has heretofore been known. The Quakers merit some attention on this delicate point, liberty of conscience. When they had it in their power to establish their religion by law they did not. He was disposed to make the exemption gratuitous, but supposed it impracticable. He replied to Mr. JACKSON's observations, that exempting such persons would induce the people generally to turn Quakers. He did not believe that the citizens of the United States would hypocritically renounce their principles, their conscience, and their God, for the sake of enjoying the exemption.

Mr. SHERMAN seconded this motion. He said that persons conscientiously scrupulous of bearing arms could not be compelled to do it; for such persons will rather suffer death than commit moral evil, they may be punished, it is true, by fines and penalties, but whether this would be eligible or not remains to be determined. We

however, have the sense of these people on the subject. He suggested whether some expedient cannot be devised to operate as an indemnity, by excusing part of the militia from a poll tax, so as to equalize the exemption, if made gratuitous.

Mr. LIVERMORE said he disliked the whole amendment. He also disliked the bill on several accounts, more particularly as it interfered too much with the regulations of the several States. The present proposition, he thought, would come in more properly in the second section.

Mr. JACKSON said, he was glad that the motion of the gentleman from Virginia had been brought forward; it might serve to ascertain the sentiment of the House on this important subject. He observed that, in his opinion, the gentleman had not argued with his usual ingenuity and knowledge of the human heart, in respect to the exemptions proposed in favor of the Quakers. It is too evident that mankind stand in greater dread of present evil than of future punishment. The influence of conscience is a weak defence against the powerful temptations of pecuniary advantages; and he had been informed, since he came to this city, that one Quaker will convert ten men to Quakerism before ten of a different persuasion will convert one Quaker. With the assistance of this law the converts will be ten times as numerous. He conceived that the natural operation of it would be to destroy the whole militia bill. He insisted on their being liable to a penalty in lieu of personal service, and enlarged on the reasonableness of paying their proportion to the general defence. He replied to Mr. BODINOT'S query respecting ten thousand Quakers; they would all run away, said he, and one thousand men in this case would subjugate the country.

Mr. GILES observed, that he was opposed to the exemption and personal services result from society; they are due from every individual and it is a violation of moral duty to withhold this personal service. He was in favor of exempting every man from doing that which his general conduct evinced was contrary to his conscience; but it cannot be said that it is against the conscience of a Quaker to hold and possess property; therefore every man who receives the protection of the laws ought to contribute his proportion to the support of the laws. He then entered more fully into a consideration of the subject, and objected to the exemption, as creating an unwarrantable distinction between citizens; throwing a burden on the majority to relieve the minority; giving the minority privileges for shrinking from their duty. What criterion is there, he asked, to determine whether a man is under the impression of conscience? and concluded by saying, a fine can only determine the existence of this principle.

Mr. VINING was in favor of the exemption, but did not think it would be satisfactory to the people without qualifying it with an equivalent. Quakers, said he, are easily distinguished; every body knows them.

Mr. SMITH, of South Carolina.—This debate seems to be detailed, when gentlemen appear to

think very much alike upon the subject. The question is, how the fine or penalty shall be assessed; though some appear disposed to exempt those people not only from personal service, but from all commutation. It then seems necessary that the question should be first determined whether an equivalent shall be paid or not. According to the sentiments of some gentlemen, it is proposed to go further than even this State has gone, in which the greatest number of these persons exist; for when in Convention, the question was taken for striking out the penalty, only seven or eight members rose in favor of it. But he thought this proposition improperly added to the first amendment, and wished it might be withdrawn till the question whether the exemptions should be made by the States or by the General Government is determined.

Mr. MADISON replied to Mr. SMITH. He said that he conceived his motion a proper amendment at this place, as the gentleman from Connecticut only moved that the exemptions made by the several States should be sanctioned by the General Government; but it is conceded that this exemption is not made by the several States, and therefore ought to be here specified. He said he should acquiesce in an equivalent, though he would prefer a gratuitous exemption.

The House adjourned before the debate was brought to a close.

TUESDAY, December 23.

THEODORE SEDGWICK, from Massachusetts, appeared, and took his seat.

The following Message was received from the President of the United States:

Gentlemen of the Senate

and House of Representatives:

It appearing, by the Report of the Secretary of the Government Northwest of the Ohio, that there are certain cases respecting grants of land within that territory which require the interference of the Legislature of the United States, I have directed a copy of said Report, and the papers therein referred to, to be laid before you; together with a copy of the Report of the Secretary of State upon the same subject.

GEO. WASHINGTON.

UNITED STATES, December 23, 1790.

The report and papers referred to in the said Message were read, and ordered to be sent to the Senate for their information.

The House resumed the consideration of the amendments agreed to by the Committee of the Whole to the bill for establishing a uniform militia throughout the United States.

The subject of exemptions being under consideration,

Mr. MADISON withdrew for the present his proposition in favor of persons religiously scrupulous of bearing arms. The question then was, whether the power of exempting should be exclusively vested in Congress, or be exercised partly by the several States.

The question being called for,

Mr. STONE moved that it should be divided, and

the question for striking out the words, "except as hereinafter excepted," in order to admit the proposed amendment being put, was negatived; the substitute was superseded of course.

Mr. MOORE proposed as an amendment to the first section, to add these words, "or with a good rifle, a shot bag, &c." which was agreed to.

The amendments to the second section being read, the debate on exemptions was renewed. The amendment by which the particular States are empowered to exempt from militia duty the Legislative, Executive, and Judicial officers of the respective States was agreed to by a great majority.

Mr. MADISON then renewed his proposition in favor of persons religiously scrupulous of bearing arms, in a different form from that before offered, and to the following effect:

"That all persons religiously scrupulous of bearing arms, who shall make a declaration of the same before a civil magistrate, shall be excused from performing militia duty; but be liable to a penalty of — dollars, to be appropriated as the moneys arising from the post office are appropriated."

After some debate, Mr. MADISON proposed that it should lie on the table for further consideration.

FRIDAY, December 24.

Messrs. FITZSIMONS, FOSTER, and SYLVESTER, were appointed a committee to prepare a bill to ascertain how far owners of ships and vessels shall be liable to the freighters of goods on board thereof.

MONDAY, December 27.

Mr. BURKE'S motion respecting a bill for altering the time of the meeting of Congress was taken into consideration, and negatived.

Mr. FITZSIMONS, from the committee appointed for the purpose, reported a bill to ascertain how far the owners of ships or vessels shall be liable to the freighters. Read a first and second time, and committed.

PUBLIC CREDIT.

The House resolved itself into a Committee of the Whole on the report of the Secretary of the Treasury, on a further provision for the establishment of the public credit; Mr. LIVERMORE in the Chair.

The committee agreed to the following resolutions:

That an additional duty of eight cents per gallon be laid and collected upon all distilled spirits of common proof, and in like proportion for all other distilled spirits which shall, after the — day of —, be imported into the United States.

Also, that from and after the — day of — next, a duty of eleven cents per gallon be imposed upon all spirits of the first class of proof, distilled within the United States, from sugar, molasses, or other foreign materials; also, a duty, in like proportion, on all other classes of proof.

Also, a duty of nine cents upon all spirits of the first class of proof, distilled within any city, town, or village, within the United States, from materials of the growth or production of the United States; also a duty in like proportion on all other classes of proof.

That for each still employed in distilling spirits in any other place than a city, town, or village, there to be collected and paid, a yearly sum of — cents for every gallon, English wine measure, of the capacity of each still, including its head.

After which the committee rose, and the chairman reported the resolutions, which were read and agreed to by the House; and a committee of

Mr. SMITH, of South Carolina, then renewed his proposition respecting independent companies, which, he informed the House, he had so modified as to avoid the objections before offered to it. It is to the following effect:

"Whereas certain independent corps of artillery, infantry, and dragoons, now exist in the several States: It is hereby enacted, that nothing in this act shall be construed to the disbanding or incorporating said companies in the militia; they, at the same time, being liable to the performance of the military duties herein required."

It being understood that the bill should be recommended to a select committee, it was voted that this proposition be referred, with the bill.

On motion of Mr. LIVERMORE, the ninth section of the bill was expunged. A motion by the same gentleman, to strike out the tenth and eleventh sections, was negatived.

It was then moved that the bill be recommitted; which being put, passed in the affirmative. Messrs. WADSWORTH, GILES, and TUCKER, were appointed the committee.

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five members was appointed to prepare and bring in a bill agreeable to said resolutions. The committee appointed are Messrs. SEDGWICK, TRUMBULL, LAWRENCE, WYNKOOP, and SMITH, of Maryland.

The Committee of the Whole was then discharged from further consideration of said report. Mr. FITZSIMONS moved that a committee be appointed to bring in a bill on the other parts of the report, for altering the mode of collecting the duty on wines and teas, and to allow a longer time for collecting the same.

This motion was referred to the foregoing committee.

PUBLIC LANDS.

The House then went into Committee of the Whole on the state of the Union, Mr. LIVERMORE in the Chair.

The report of the Secretary of the Treasury on the establishment of land offices for the disposal of the vacant lands belonging to the United States was taken up; when

Mr. BOUNDINOT offered the following resolution:

Resolved, That it is the sense of the committee that a Land Office be established at the seat of the General Government, under the direction of ——— Commissioners.

Mr. SCOTT wished the House to take a general view of the business before they went into the particulars of the Secretary's report. Upon the whole, he was pleased with the plan drawn up by that officer; one part, however, he objected to—that part of the report which provided for the distribution of the land. He did not approve of setting apart tracts for particular descriptions of purchasers. As an amendment, he offered seven propositions, which he wished, for the present, to lie on the table, and which he proposed to offer as substitutes to different parts of the Secretary's report, as they came before the House. His principal object was to let the tracts which Congress proposed to sell be indiscriminately located.

Mr. BOUNDINOT thought the committee could not then enter into the minutiae of the business. It was enough to fix the general principles, viz: Whether there shall be a General Land Officer and two subordinates? Whether they shall be under the direction of Commissioners? And whether certain tracts of land should be reserved by Congress for certain purposes? And then to appoint a committee to bring in a bill on those principles, and to take into consideration the minutiae of the business.

Great changes, he observed, had taken place since the report was drawn up. The committee might consider what should be the greatest quantity fixed as a limit to the sales made by the General Office, and what for the subordinate.

Mr. SHERMAN offered a resolution that there be a General Land Office established. Agreed.

Mr. BOUNDINOT.—That there be two subordinate offices, one in the Government to the northwest, the other south of the Ohio. Agreed.

Mr. BOUNDINOT moved that all sales made at the General Land Office shall be above ——— acres:

then all below that quantity would be made at the subordinate offices. It should also be determined whether Congress would fix the quantity, or leave it to the commissioners. It appeared to him a matter of importance.

Mr. SCOTT moved that the blank be filled with one thousand.

Mr. WHITE moved five thousand.

Mr. BOUNDINOT thought the number of acres too large. Persons who wished to purchase so large a tract could afford, and would have no objection to come to the seat of Government to make the purchase.

Mr. SEDGWICK observed, that it would be a great advantage to have the contract for large purchases made under the immediate eye of Government. The House, however, he thought, was not prepared to fill up the blank; he wished it left open.

The motions for filling the blanks were withdrawn.

Mr. BOUNDINOT proposed that all smaller quantities be sold at the subordinate offices, to prevent the confusion that selling the same quantity at the different offices might occasion. Agreed.

Mr. SMITH, of South Carolina, wished it determined under whose directions these offices should be; whether of one or three commissioners, or of one officer already appointed. He thought one officer would be most eligible; there would be more responsibility and uniformity.

Mr. SHERMAN wished the determination of this particular delayed. His mind was not made up. The motion was delayed.

Mr. BOUNDINOT proposed that no lands shall be sold previous to settling the Indian claims. Agreed.

That part of the report was read which sets apart certain lots for certain particular purposes, and directs the manner of locating them.

Mr. SCOTT moved as a substitute his second proposition, that such districts as shall be set apart for sale, shall include the actual settlements, and be left to be indiscriminately located. He said it was improper to set aside different tracts for different modes of location—some in large tracts, others in small lots. He conceived it would be the interest of Government to let every one purchase where he pleased, and as much or as little as he chose. From experience, he knew that those parts were always settled with the most celerity that were not bound down to any of those restrictions. For his part, he could see no good argument in favor of them.

He wished some of the gentlemen who approved of this mode would give him some reasons for preferring it. There could be no fear of individual settlers scattering and losing themselves in the back woods; there was a sufficient check to prevent it—the Indians would keep them compact much more effectually than any regulations Congress could make. If, after granting certain scattered tracts to individual settlers, a considerable tract, including these, was wanted, he could see no inconvenience in granting it, reserving to the former settlers their rights.

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Mr. WILLIAMSON rose to give the gentleman last up one reason for opposing indiscriminate location. Hitherto, he owned, much mischief had not arisen from this mode of settlement; but now there were persons rich in securities and cash, ready to take up considerable quantities of land, which, if they were permitted to select here and there, would select every choice tract they could; and those who might not have the same means of purchasing immediately at command, could only obtain the indifferent parcels. Many, he knew, had it in contemplation to do this, if the opportunity offered. He instanced North Carolina as an example of the injurious tendency of this liberty; where many tracts are unsaleable owing to this circumstance. If these tracts were to be purchased by actual settlers, the case would be different; they would only be taken up by persons under the name of actual settlers. Such a practice would be an impediment to such companies of Europeans as might wish to settle among us.

Mr. SCOTT said he expected the gentleman would have offered more solid objections to his plan, and more forcible arguments in favor of the other. Though the first settlers had the choice of the land, yet he conceived the remaining part would acquire a considerable additional value from the surrounding settlements. As for the European companies who might be tempted to settle among us, he did not contemplate it as an object so desirable. A body of French people settling in that way would preserve their language and manners two thousand years perhaps. This would not be for the true interest of the country; all its inhabitants should, by mutual intercourse, become assimilated, and no name be known but that of Americans.

Mr. BOUNDINOT was against indiscriminate location. He had seen the bad effects of it in the State from which he came. Persons had bought up the low lands, and sold them again to such as absolutely needed a water lot to their farm, at enormous prices. He mentioned another objection to the plan—the tendency it had to create law-suits. He said more money had been spent at law, in disputes arising from that mode of settlement, in New Jersey, than would have been necessary to purchase all the land of the State. The late Congress, he was informed, had adopted a method to obviate the inconveniences of the former mode—the lands were laid out into a mile square; these were divided into four equal squares, and in that form sold.

Mr. WHITE proposed that such as shall not improve their purchases within a fixed reasonable time should forfeit the same.

Mr. BOUNDINOT wished it left to a committee to determine. He had no objection to leave the power with the commissioners.

Mr. SCOTT approved of the idea thrown out by Mr. WHITE, and agreed to amend the proposition in conformity with the opinions of Messrs. BOUNDINOT and WHITE.

Mr. BOUNDINOT conceived it would be very difficult to determine what an actual settler was. A

purchaser would go and spend a few days on his land, and call himself an actual settler.

Mr. WHITE proposed that a man holding only a certain proportion of uncultivated land to the improved, should be called an actual settler.

Mr. SEDGWICK disliked indiscriminate location. He was confident that if the districts so to be settled were extensive, there would be too great room for speculation and monopoly.

Mr. SCOTT said there were tracts of land which it is impossible to sell, even by offering good parcels with them. Between Philadelphia and his home there were spots which were only intended by nature for the birds and beasts—that could be of no value for cultivation. He could not see much probability that the best land would be picked out. The difficulty of exploring a wild and uncultivated desert opposed a considerable barrier to such attempts.

Mr. SCOTT's amendment was lost.

Mr. FITZSIMONS moved to strike out from the clause the limitation of one hundred acres to each settler.

Mr. SCOTT disliked the limitation. He wished it amended, so as to leave it to Congress to fix the limitation by act.—Agreed.

To the next paragraph, in the following words:

"The other tracts shall, from time to time, be set apart for sales in townships of ten miles square, except where they shall adjoin upon a boundary of some prior grant, or of a tract so set apart; in which cases there shall be no greater departure from such form of location, than may be absolutely necessary."

Mr. SCOTT moved an amendment, that the seven ranges which, in laying off, Congress had already gone to a considerable expense, be fixed on for sale, instead of the tracts proposed to be set apart by that article.

Mr. SHERMAN was against the motion. He said it would be confining the settlers to too narrow bounds in making their choice.

Mr. CLYMER wished to know how much land these seven ranges included.

Mr. SCOTT said he could not give the exact information.

The committee rose and reported progress.

PORT OF PHILADELPHIA.

Messrs. FITZSIMONS, WHITE, and BOURNE, were appointed a committee to prepare a bill to enable the Collector of the district of Pennsylvania to permit the landing of goods at other places within his district than the port of Philadelphia, when the river Delaware shall be obstructed by ice.

TUESDAY, December 28.

PUBLIC CREDITORS.

A memorial and remonstrance of the public creditors in New Jersey were presented, complaining of the insufficiency of the provision made for the public creditors by the act of last session. Referred.

EVIDENCES OF DEBT.

Mr. J. J. from the committee appointed for the purpose, reported a bill directing the mode in which evidences of the debt of the United States, which may be lost or destroyed, shall be renewed; which was twice read and committed.

RIVER DELAWARE.

Mr. Fitzsimons reported a bill to provide for the delivery of goods in cases of obstructions in the river Delaware by ice; which was twice read and committed.

LAND OFFICES.

The House then went again into a Committee of the Whole on the state of the Union, Mr. Boudinot in the Chair. The report of the Secretary of the Treasury on the subject of a Land Office being under consideration,

Mr. Scott said, he was ready to give some information relative to the extent of the seven ranges. He produced a map of them, from which it appeared that they included thirty-five lots, each six miles square. The tract is in the shape of a triangle, of which one leg measured about sixty, and the other forty-two—in all, about twelve hundred square miles. His amendment was agreed to.

The next article was agreed to, with a trifling amendment, without debate.

Then the following was read:

"That the price shall be thirty cents per acre, to be paid either in gold or silver, or public securities, computing those which shall bear an immediate interest of six per cent. as at par with gold and silver, and those which shall bear a future or less interest, if any there be, at a proportional value."

Mr. Scott moved that thirty cents should be struck out.

Mr. Sherman was in favor of inserting fifty cents per acre. He said there was every reasonable probability the lands would be worth that sum in a few years.

Mr. Lawrence said, that as the quality of the land would vary, it appeared proper to fix on two prices at which they should be sold, viz: That the price shall not be more than —, nor less than —. He submitted the idea to the consideration of the committee.

Mr. Sedgwick preferred the insertion of a sum below which the lands should not be sold.

Mr. Williamson suggested the propriety of making a difference in the price to those who purchase large quantities, from the price to those who purchase small quantities.

The motion for striking out was lost.

Mr. Sedgwick then moved to amend the clause, by inserting "that the price per acre shall not be less than thirty cents."

Mr. Stowe objected to the motion. He said the operation of it would be to leave it discretionary with the Surveyors to fix the price of the various tracts. This would be to constitute a tribunal in a measure independent of the Government. He thought the policy of the Government should be to fix on a price, which shall be so

reasonable, that persons may feel every inducement to pay it before they take up the lands; for it has been found by experience, that when once a tract of distant country is taken possession of, you never can get any thing more than the settlers are willing to pay. He insisted that it was impracticable to fix the relative value of uncultivated lands—it had been repeatedly tried without effect. He asked if any of the States had ever established various rates for their lands? He knew of none.

Mr. Sedgwick answered the inquiry respecting the relative value of lands being ascertained in the several States. He said, that so far as his information extended, which respected only the States of New York, New Hampshire, and Massachusetts, this had invariably been the case. Every man knows there is a most essential difference in the value of lands. Those on navigable rivers may be ten times as valuable as those on the top of a mountain. This every individual is so sensible of, that a difference in the price is constantly made; and why the Government should not make a difference, it is impossible to say. Any man, by casting his eye upon a map, can at once determine that some part of the land is unspokeably more valuable than other parts. He was certain that vesting a discretionary power, in the disposal of the land, would be productive of the greatest advantage to the United States, and on this principle he could not conceive why the Surveyors should not determine the relative quality, that the United States may stand some chance of getting the value of this property.

Mr. Livermore was in favor of Mr. Sedgwick's motion, and enlarged on the unreasonableness of fixing a particular price.

Mr. Jackson was opposed to investing a discretionary power to determine the price with any persons whatsoever. It had been productive of mischievous consequences in the State of Georgia. He was for fixing a price, and the highest price—the best the land would bear; when that is sold, if the revenue will not bear the price established, it can then be reduced.

Mr. Scott objected to the motion. He stated several difficulties; the principal was, that foreigners would be deterred from adventuring, owing to the uncertainty in the price; for when they arrive in the country to settle, they must purchase, and they will then lie at the mercy of speculators.

Mr. Lawrence—The people have great dependence on the Western territory as a fund to extinguish their debt; it therefore becomes the duty of the Government to obtain the best price they can for it. The question is, whether we shall fix a price, or adopt the plan proposed by the gentleman from Massachusetts. He was in favor of the latter, and said he doubted not it would be easy to make a discrimination in the relative qualities of the lands. This difference in price may render it worth while for the Commissioners to have the land of a particular district explored.

He replied to the objection from the want of integrity in the Surveyors. Admitting the full force of the objection, it was probable that the

United States would gain by it; at any rate, it would not lose; and it was probable that, to avoid suspicion, if the Surveyors should be interested in the tract surveyed, they would give more than thirty cents. With respect to foreigners, after they arrive in this country, they then will be on the same footing with our own citizens. He adverted to the mode which had been adopted by New York—they had sold lands in every way, at a certain price, at auction, and are now selling them at the discretion of Commissioners, at a rate not below a certain sum.

Mr. Stone objected to the mode of leaving the price unfixed, as it would involve a complex system, subjecting the purchasers to great inconvenience, perplexity, and uncertainty. He reproached the system adopted by New York, and asked the gentleman (Mr. Lawrence) whether New York had not been subjected to great loss and vexation in consequence of the plan they had pursued? He wished the system of New York should be fully understood, in order that the United States may avoid it. He concluded by saying, that he was in favor of fixing a price, and supposed that the Western territory, sold at thirty cents per acre, would sink the whole of the national debt.

Mr. Lawrence replied to Mr. Stone. He said, that when the State of New York sold their lands at a fixed price, there had been complaints on account of the best tracts being taken up. When they had sold them at auction, the value of the lands had been generally realized in proportion to the quality. With respect to the last mode adopted, the result was not yet known.

Mr. White said, if gentlemen had proposed the amendment to the clause which respects large purchases, he should not have objected to it. He, however, objected to it in the present case; and, in order to show that a fixed price was most eligible for small quantities, he instanced the practice of Lord Fairfax, who had been a great proprietor in Virginia; and also the practice of the first proprietors of Pennsylvania. These sold their lands, good and bad, at one price; their experience for such a length of time, near a century, he thought sufficient to show that mode to be most eligible. He would not object to fixing that condition to special contract.

Mr. Sedgwick obviated the objection in the first instance, by saying that the officers will be able to determine, with very considerable precision, what will be for the interest of the United States. He said experience had proved that there were no insuperable difficulties in the case.

Mr. Moore observed, that the actual value of the best lands in that territory was about thirty cents per acre. When all of that description is sold, the next will bring the same price; from whence he inferred, that there could be no difficulty or loss attending fixing the price. He stated some difficulties which would result from adopting the mode proposed.

Mr. Sherman observed, that the committee was now only settling principles. The principal objection to the idea of leaving the price discretionary, appeared to rise from the difficulty of carry-

ing it into execution. He endeavored to obviate the difficulties. He said there was undoubtedly a great difference in the value of the lands. He had been informed by a surveyor, that some of these lands are worth a guinea per acre. He doubted not that such information may be obtained by the surveyors, as that a very great saving may be made to the United States.

Mr. Bloonworth said, he was in sentiment with the gentleman from Virginia. His experience in the State of North Carolina was entirely in favor of fixing a price.

Mr. Sedgwick's motion being put, was lost.

Mr. Scott then moved, that the clause which makes a discrimination in the securities to be paid for the land, should be struck out. His idea was, that all the securities should be received at their face for the land. He said, this he considered as the only apology the United States could make to their creditors, for not paying them six per cent. on the whole of their demand.

Mr. Fitzsimons objected to the motion. He said it would be reducing the price of the land to one-half the sum already agreed to.

Mr. Lawrence preferred, to Mr. Scott's motion, striking out all that relates to public securities, and making gold and silver only a tender for the land.

Mr. Sedgwick was in favor of the article as in the report. He enlarged on the importance of sinking the public securities, and making provision for extinguishing the deferred stock, in a particular manner.

Mr. Scott's motion was negatived.

Mr. Lawrence then proposed that public securities should be struck out. The gold and silver, said he, received for the land, may be appropriated to sinking the debt, agreeable to the provision already made for appropriating the surplus revenue.

Mr. Jackson objected to the motion. He observed, that the lands in the Western territory had always been considered as a fund for sinking great part of the public debt of the Union; he wished not to lose sight of this object. Many persons have securities in their possession, who may be disposed to apply them to the purchase of lands. Those persons may not find it convenient to turn their paper into gold and silver, and I see no necessity for this round-about process—a more simple method is to be preferred. As the gentleman last up had thought proper to allude to the act passed the last session, making provision for the reduction of the public debt, he begged leave to offer a few remarks on that subject. It is true we appropriated a surplus revenue of one million of dollars to be applied to purchasing the public debt, in the market, while at a reduced price; but what is the result? By the report of the Commissioners, it appears that only two hundred thousand dollars of the debt have been bought; the securities have risen, and one description of them is nearly at par. Why the whole sum has not been applied to make purchases when the price was low, I am not able to say; but the benefit to the public derived from the measure is so trifling, that

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it suggests a sufficient reason to my mind for not agreeing to appropriate any more money in that way.
Mr. LAWRENCE, in answer to Mr. JACKSON, observed, that it is true the sum of one million of surplus revenue was appropriated as a sinking fund the last session; but it was well known that that sum was not then in the Treasury, nor was the whole expected to be realized till towards the close of the year; this would account for the whole amount not being appropriated. With respect to the proceedings of the Commissioners, he was not so fully informed as to give the committee full information on the subject; but doubted not that their transactions would be found perfectly conformable to the spirit and meaning of the law under which they acted.
The motion for striking out public securities was lost.

WEDNESDAY, December 29.

DANIEL CARROLL, from Maryland, appeared and took his seat.

RIVER DELAWARE.

Agreeably to the order of the day, the House resolved itself into a Committee of the Whole, Mr. BOUNDINOR in the Chair, on the bill to provide for the delivery of goods, wares, and merchandise, in the river Delaware, in the State of Pennsylvania, in case of obstruction by ice.
The committee made sundry amendments, which were reported to the House; the same were read. Other amendments were proposed in the House, which were agreed to, and the bill, as amended, was ordered to be engrossed for a third reading.

MILITIA BILL.

The House proceeded to consider a motion made yesterday by Mr. TUCKER, that the committee appointed to prepare and bring in a militia bill, be instructed to bring in a clause to this effect:

Be it enacted, That the militia of the several States of the Union, consisting of such persons as are or may be enrolled by them respectively, shall be organized, armed, and disciplined in the manner following.

And on the question to agree to this motion, the yeas and nays being called for, it passed in the negative:

YEAS—Messrs. Ashe, Bloodworth, Floyd, Groul, Livermore, Thatcher, Tucker, Williamson—8.
NAYS—Messrs. Ames, Baldwin, Benson, Boudinot, Bourne, Brown, Burke, Cadwalader, Carroll, Fitzsimons, Foster, Gerry, Gilman, Goodhue, Griffin, Giles, Hathorn, Heister, Huntington, Lawrence, Lee, Madison, Matthews, Moore, P. Muhlenburg, Parker, Partridge, Van Rensselaer, Scott, Sedgwick, Seney, Sevier, Sherman, Sylvester, Simmickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Trumbull, Wadsworth, White, Wynkoop—13.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. BOUNDINOR in the Chair.

The committee proceeded to the further con-

sideration of the report of the Secretary of the Treasury respecting the establishing land offices for the disposal of vacant lands belonging to the United States.

Further progress was made, but the committee rose without finishing the discussion.

THURSDAY, December 30.

RIVER DELAWARE.

The engrossed bill to provide for the unlading of goods, wares, and merchandise, in case of obstructions by ice, was read a third time and passed.

DUTY ON SPIRITS.

Mr. SEDGWICK, from the committee appointed for that purpose, reported a bill repealing, after a certain time, the act heretofore passed, imposing duties on distilled and other spirits imported from abroad, and laying others in their stead, and for altering the mode of collecting said duties, &c.; which was read the first and second time, and referred to a committee of the whole House on Tuesday next.

Mr. CLYMER presented a petition from the College of Physicians in Philadelphia, praying that such heavy duties may be laid on distilled spirits, as shall be effectual to restrain their intemperate use.

PRISONERS AT ALGIERS.

A Message was received from the President of the United States, communicating a report from the Secretary of State, upon the subject of the prisoners who are in captivity at Algiers.

On motion.

Ordered, That the Secretary of the Treasury be directed to report to this House the amount of the exports from the several districts within the United States respectively; also, the amount of duties arising on imports and tonnage from the first of August, 1789, to the 30th of September, 1790, and as soon as may be from thence to the end of the year.

MEDITERRANEAN TRADE.

The SPEAKER informed the House that he had some communications to make of a private nature, respecting our trade in the Mediterranean. The galleries were ordered to be shut.

FRIDAY, December 31.

JOHN STEELE, from North Carolina, appeared and took his seat.

PETITION OF HENRY LAURENS.

The petition of Henry Laurens, of South Carolina, as guardian to his grand-daughter, Frances Eleanor Laurens, the orphan daughter of the late Lieutenant-Colonel John Laurens, was presented, praying for interest on an allowance made by a resolution of the late Congress, for the services of her late father on an embassy to France. Referred.

JUDICIARY.

The SPEAKER laid before the House a letter from the Attorney General, accompanying his re-

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port on such matters relative to the administration of justice under the authority of the United States, as may require to be remedied; and, also, such provisions in the respective cases as he deems advisable, made pursuant to an order of this House of the 5th of August last; which were read, and committed to a Committee of the Whole House.

LAND OFFICES.

The House again resolved itself into a Committee of the Whole on the state of the Union, Mr. BOUNDINOR in the Chair. The report of the Secretary of the Treasury on the subject of establishing a land-office, being under consideration, the committee finished the discussion of the report; and having agreed to a number of resolutions, rose and reported the same, which were ordered by the House to lie on the table.

MONDAY, January 3, 1791.

SANDY HOOK.

A Message was received from the President of the United States, with the copy of an act of the Legislature of New Jersey, ceding to the United States the lot of ground at Sandy Hook, on which the light-house is erected.

PUBLIC LANDS.

The House then took into consideration the report of the Committee of the Whole, on the report of the Secretary of the Treasury relative to the establishment of land offices for the sale of lands in the Western territory. The SPEAKER read the report.

The first resolution provides for the establishment of a General Land-office at the seat of Government. The second, for two subordinate land offices in the Western territory—one to the south, the other to the northwest of the Ohio. The third, that all sales above — acres shall be negotiated at the General Land Office. Fourth, Indian titles to be extinguished previous to any sale. These resolutions were adopted by the House without a division. The fifth resolution provides that convenient locations shall be set off for actual settlers. This resolution, on motion of Mr. SCOTT, was struck out. He proposed a substitute, which, after some debate, was disagreed to. The sixth resolution provides, that the seven ranges already laid out shall be surveyed and sold. This was adopted. The seventh, that any quantities within natural boundaries, or lines, or both, may be sold. This was agreed to, with an addition proposed by Mr. BUNKE, that for every chain surveyed and sold on the banks of a navigable river, the purchaser shall be obliged to take — chains back. The eighth resolution states, that the price of the land shall be thirty cents per acre, to be paid in gold or silver, or in the public securities, estimating the six per cents at par with specie, and those of an inferior value at a proportionate rate.

Mr. BOUNDINOR proposed that this resolution should be altered, so that all the securities should be received in payment for the land, as at par.

He stated sundry objections to discrimination between the several denominations of the securities, and urged the justice of making all an equal tender for the land. By this means the United States will do some justice to the public creditors, in respect to the deferred part of the debt; besides, it will conduce more rapidly to sinking the public debt, and expedite the selling of large quantities of the land. He moved an amendment to this purport—this was seconded by Mr. STEELE, and supported by Mr. LEE.

Mr. LIVERMORE was in favor of selling the land for deferred stock and three per cent only. Mr. FITZSIMONS, Mr. SEDGWICK, Mr. SMITH, of South Carolina, and Mr. SENEX, were opposed to Mr. BOUNDINOR's motion. They considered it as interfering with the funding system; it would open the doors to speculation, and, in its effects, would be giving a douceur to persons to whom the United States are under no special obligations whatever.

Mr. BOUNDINOR's proposition so far obtained as to alter the resolution, to read that gold and silver, or public securities, (without discrimination,) should be received in payment for the land.

A motion to strike out thirty cents was negatived.

TUESDAY, January 4.

UNIFORM MILITIA.

Mr. WADSWORTH, from the committee to whom was recommitted the bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, presented an amendatory bill, which was twice read and committed.

TREASURER'S ACCOUNTS.

The SPEAKER laid before the House a statement of the Treasurer's accounts of receipts and expenditures, from the first of July to the thirtieth of September last, which was ordered to lie on the table.

PUBLIC LANDS.

The House again resumed the consideration of the report of the Committee of the Whole on the state of the Union, on the report of the Secretary, and agreed to the following resolutions:

"*Resolved*, That it is expedient that a General Land Office be established and opened at the seat of Government of the United States.

"That two subordinate land offices be established and opened; one in the Government northwest of the Ohio, and the other in the Government south of the Ohio.

"That all contracts for the sale of land above the quantity of — acres, shall be exclusively made at the General Land Office.

"That no land shall be sold, except such in respect to which the titles of the Indian tribes shall have been previously extinguished.

"That the seven ranges already surveyed be sold in lots as laid out.

"That any quantities may be sold by special contract, comprehended either within natural boundaries or

lines, or both; but no survey shall in any case be made on a river, but in the proportion of — chains back from such river for every chain along the bank thereof.

"That the price shall be thirty cents per acre. "That warrants for military services be put on the same footing with warrants issuing from the land office; and that the exclusive right of locating the same in districts set apart for the army cease after the — day of —.

"That no credit shall be given for any quantity less than a township of six miles square, nor more than two years' credit for any quantity.

"That in every instance of credit, at least one quarter part of the consideration shall be paid down, and security, other than the land itself shall be required for the residue. And that no title shall be given for any tract or part of a purchase, beyond the quantity for which the consideration shall be actually paid.

"That the — of each subordinate office shall have the management of all sales, and the issuing of warrants for all locations in the tracts to be set apart for the accommodation of individual settlers, subject to the superintendency of the — of the General Land Office, who may also commit to them the management of any other sales or locations, which it may be found expedient to place under their direction.

"That preference be given for a limited time to those actual settlers whose titles are not secured by the former governments of that country and the existing ordinances and acts of Congress.

"That there shall be a Surveyor General, who shall have power to appoint a Deputy Surveyor General in each of the Western governments, and a competent number of Deputy Surveyors to execute in person all warrants to them directed by the Surveyor General, or the Deputy Surveyor Generals, within certain districts to be assigned to them respectively. That the Surveyor General shall also have in charge all the duties committed to the Geographer General by the several resolutions of Congress.

"That all warrants issued at the General Land Office shall be signed by —, and shall be directed to the Surveyor General. That all warrants issued at a subordinate office shall be signed by —, and shall be directed to the Deputy Surveyor General within the government. That the priority of locations upon warrants shall be determined by the times of the applications to the Deputy Surveyors; and in case of two applications for the same lands at one time, the priority may be determined by lot.

"That the Treasurer of the United States shall be the receiver of all payments for sales made at the General Land Office, and may also receive deposits of money for purchases intended to be made at the subordinate offices; his receipt or certificate for which shall be received in payment at those offices.

"That the Secretary of each of the Western governments shall be the receiver of all payments arising from sales at the office of such government.

"That controversies concerning rights to patents, or grants to land, shall be determined by the — of that office under whose immediate direction or jurisdiction the location, in respect to which they may arise, shall have been made.

"That the — of the General Land Office, Surveyor General, Deputy Surveyor General, and the — of the Land Office in each of the Western governments shall

not purchase, nor shall others purchase for them in trust, any of the public lands.

"That the Secretaries of the Western governments shall give security for the faithful execution of their duty as receivers of the Land Office.

"That all patents shall be signed by the President of the United States, and shall be recorded in the office of the Secretary of State.

"That all officers acting under the laws establishing the Land Office shall make oath or affirmation faithfully to discharge their respective duties, previously to their entering upon the execution thereof.

"That all surveys of land shall be at the expense of the purchasers or grantees.

"That the fees shall not exceed certain rates, to be specified in the law, affording equitable compensations for the services of Surveyors, and establishing reasonable and customary charges for patents and other office papers, for the benefit of the United States.

"That the — of the General Land Office shall, as soon as may be, from time to time, cause all the rules and regulations which they may establish, to be published in one gazette at least, in each State, and in each of the Western governments where there is a gazette, for the information of the citizens of the United States."

Ordered, That a bill or bills be brought in pursuant to said resolutions, and that Messrs. WHITE, SCOTT, and BLOODWORTH, do prepare and bring in the same.

WEDNESDAY, January 5.

DUTIES ON SPIRITS.

The House, agreeably to the order of the day, resolved itself into a Committee of the Whole, Mr. BOUNDINOT in the Chair, and took into consideration the bill repealing, after a certain time, the act laying duties on distilled spirits, &c., and imposing others in their stead.

Mr. PARKER moved that the whole bill should be again read. This was objected to as a needless expense of the time of the committee, especially as the substance of the bill had been printed. Mr. P. insisting on his motion, and the rules for conducting business in the Committee of the Whole being called for and read, the opposition to reading the bill was withdrawn.

The bill being read through, and the first paragraph being repeated by the Chairman,

Mr. JACKSON moved to strike out the essential part of the first clause. He stated his objections at large against the principles of the bill, and repudiated the funding system, and an excise in particular, as an auxiliary to it.

The tenor of his observations were to show that this mode of taxation was odious, unequal, unpopular, and oppressive, more particularly in the Southern States; in which he observed its unequal operation would be most sensibly felt, as the citizens of those States have no alternative to adopt by which they can diminish the weight of the tax; no breweries or orchards to furnish a substitute for spirituous liquors; hence they become a necessary article. He contended that they were not only necessary, but salutary in the Southern regions. This, he said, had been acknowledged

by an Eastern author, Mr. MORSE, an authority which he presumed would not be disputed by the Northern gentlemen, especially when it was considered he was a clergyman. Mr. M. declares that grog is a necessary article of drink in the Southern States.

Mr. J. took notice of the petition of the College of Physicians, which had lately been read in the House on the subject of distilled spirits. He disapproved highly of their interfering in the business. He thought they might with equal propriety interpose their offices to prevent the use of many other articles which were deemed pernicious or of a poisonous quality. He instanced mushrooms; they might petition Congress to pass a law interdicting the use of catsup, because some ignorant persons had been poisoned by eating mushrooms.

Mr. J. then gave a short sketch of the history of excises in England. He said they always had been considered by the people of that country as an odious tax, from the time of Oliver Cromwell to the present day; even Blackstone, a high prerogative lawyer, has reproached them. He said, he hoped this country would take warning by the experience of the people of Great Britain, and not sacrifice their liberties by wantonly contracting debts which would render it necessary to burden the people by such taxes as would swallow up their privileges. We are, said he, too much in the habit of imitating that country; and I plainly perceive that the time will come when a shirt shall not be washed without an excise. He then expatiated on the unequal operation of excises, and instanced the experience of this State. A few counties, said he, approximate to the capital, have borne the weight of the whole, while the distant parts of the State did not feel the burden; and, by an indication of several particulars, he showed its unequal operation in the Southern States. It will deprive the mass of the people of almost the only luxury they enjoy, that of distilled spirits. He did not see the necessity of passing this law the present session. The amount of the produce of the duties laid last session is not yet known, nor is it yet ascertained whether the citizens will subscribe to the assumption. Let us not lay a tax for a purpose which may never exist; for my part, I hope they never will subscribe. He then adverted to the excess of duties already laid, and the probability of a great increase of that excess; and urged the propriety of waiting at least another quarter to see what that excess may amount to. These observations he enforced by recurring to the recent transactions of the States of Maryland, Virginia, and North Carolina; and he expected to hear very shortly that the Assembly of Georgia had expressed similar opinions with the latter States on the business of the assumption. He concluded by expressing a general disapprobation of the various parts of the bill.

Mr. PARKER said, he had seconded the motion of the gentleman from Georgia, not because he was more averse to this particular clause than to the subsequent parts of the bill. He exceedingly disliked the several provisions contained in it. He

then adverted to the general process of the revenue business the last session; and observing on the conduct of the mercantile interest, to which so much credit had been given, said, he thought they were not entitled to the liberal encomiums which had been bestowed on them for their promptitude in paying the duties, as the certainty and increase of the revenue had served to enhance the value of the public securities, of which it is well known they hold a very considerable portion.

He then touched on the subsequent parts of the bill, which he reproached as hostile to the liberties of the people, as contrary to the general sentiment; not only as partial and unequal in the mode of assessment, but particularly on account of the mode of collecting the tax. It will, said he, convulse the Government; it will let loose a swarm of harpies, who, under the denomination of revenue officers, will range through the country, prying into every man's house and affairs, and like a Macedonian phalanx bear down all before them. And though the Government has proceeded with a degree of prosperity and success beyond the most sanguine expectations, yet he very much doubted the policy of trying its strength by an experiment of this nature.

Recurring to the actual and probable produce of the duties already laid, he attempted to show that the additional sum of upwards of eight hundred thousand dollars, contemplated to be raised by this bill, is not necessary. He controverted the policy of the measure, and contended that it would, in all probability, rather diminish than increase the revenue of the United States. For the mercantile part of the community, who have been applauded for acting so honorably in making their entries, and paying the impost, will find it for their interest to alter their conduct; they will combine to defeat the excise, which will in its operations bear so unequally on them.

He objected very particularly to the bill on account of its tendency to promote smuggling. Mr. P. said, no man was more heartily disposed than he was to give his approbation to every just measure for supporting the public credit, and doing everything in his power to support the constitutional operations of the Government; but this mode of raising a revenue he considered as particularly odious to the people; and at the present moment he was not satisfied that such an increase to the public burdens is necessary.

Mr. STONE said, he had no objection to the design of the bill so far as additional revenue was necessary; but the mode of raising it by excise he exceedingly disliked. He had no doubt that other means might be devised; but at present he thought the committee was not sufficiently informed respecting the actual and probable amount of the revenue from the duties already imposed, to determine the necessity of an addition to the revenue. He therefore moved that the committee should rise without any further discussion of the bill at this time, and that a select committee should be appointed to make the necessary previ-

ous inquiries upon the subject, and report to the House. Mr. FITZSIMONS observed that there was already on the table a statement from the proper officers of the product of the revenue, from September, 1789, to September, 1790.

This statement was read.

The motion for the committee's rising was put and lost.

The question on Mr. JACKSON'S motion for striking out the clause was put, and negatived by a great majority.

Mr. FITZSIMONS moved that the third clause should be struck out, and that a clause should be inserted referring to a clause in the collection law. The object of this motion was to shorten the proposed term of credit for the duties to four months, which Mr. F. observed was as long a period as was generally required to turn West India produce into cash; and an extension of the credit beyond that time would be no advantage to the merchant, and would prove injurious to the revenue.

Mr. GOODHUE said, he hoped the clause would not be struck out. He conceived that no possible injury to the revenue could arise from extending the time of credit beyond four months, especially as the duties will be secured by sufficient bonds or deposits. He hoped the bill would be made as easy and as palatable as possible, for in any event it will be an unpleasant business.

Messrs. LAWRENCE, PARTINGE, AMES, and SEDGWICK, severally objected to the motion.

Mr. SHERMAN was in favor of it. He said it appeared to him to be necessary that the revenue of the United States should be as stable as possible. He considered an undue extension of the credit for the duties as tending to defeat that object, while it proves no advantage to the seller of the dutiable articles; it rather creates a remiss and careless habit in doing business, and in its consequences will render the revenue unproductive.

The motion for striking out was negatived. The committee proceeded in the discussion as far as the twelfth section, without making any essential alteration. They then rose and reported progress.

Mr. PARKER laid the following resolution on the table:

"That the Secretary of the Treasury be directed to lay before the House an estimate of the probable amount of the duties arising from the import on the tonnage of ships and vessels, and on goods, wares, and merchandise, from the first of January, 1791, to the first of January, 1792."

THURSDAY, January 6.

REPORT ON CHURCHMAN'S MEMORIAL.

Mr. MADISON, from the committee to whom was referred the petition of John Churchman, made a report, stating that there were two objects contemplated in the memorial; the first respected equipping one or more vessels to enable the memorialist to ascertain by a voyage the truth of his magnetical theory; the other respects enhan-

cing the penalties imposed by law for counterfeiting original maps and charts. With respect to the first, the committee declined giving any opinion but left it to the decision of the Legislature; the other object the committee supposed might be accomplished by an increase of the penalty already provided by law; the report was laid on the table.

ASSENT OF CONGRESS TO CERTAIN ACTS.

A message from the Senate informed the House that they had passed the bill to continue the act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island, with several amendments, to which they desire the concurrence of this House.

DUTIES ON SPIRITS.

The House again resolved itself into a Committee of the Whole on the bill repealing after the last day of — next, the act laying duties on distilled spirits, &c. and imposing others in their stead; Mr. BOWDITCH in the Chair.

The twelfth section which specifies the rates of the duties being read,

Mr. PARKER moved that it should be struck out, in order to admit a substitute which should provide for a different mode of raising the requisite additional revenue; the proposition he had in view, he said, was a duty on molasses. This, he observed, would answer every purpose, without being liable to the objections which had been offered against the plan of the bill.

Mr. MADISON observed, that he had felt the force of the objections which had been urged against the bill. He was in general principled against excises, but of all excises, that on ardent spirits he considered the least exceptionable. The question now to be determined, he conceived, was this; is an addition to the present amount of the revenue necessary? It had appeared that an additional direct taxation to any excises whatever; but he conceived this would be contrary to the sentiments of a majority of the people of the United States; and he was fully convinced that it was contrary to the opinion of a great majority of the House. If, said he, any mode could be adopted, without having recourse to excises, he would be the last that would give them support; but he conceived there was none, and the plan proposed was divested of the most exceptionable provisions usually connected with an excise system.

Mr. JACKSON observed, that his defeat yesterday should not deter him, while he had a monitor within, from rising in his place to do his duty, in opposition to a system unfriendly to the liberties of the people. He said, he was not the first on this floor who had been outvoted by silent majorities; gentlemen of superior abilities had met with similar treatment. He, however, felt so much respect for himself as to suppose that this silence proceeded from an inability to answer the arguments which he had the honor to offer against what he considered a most ruinous and mischievous system of taxation.

He then stated certain particulars respecting

the produce of the revenue, to show that so great a sum as is proposed to be raised by excise is unnecessary.

He doubted not other resources of revenue might be explored which would be more palatable; he instanced a tax on salaries, pensions, and lawyers, and in these particulars, he wished that the example of Great Britain might be followed.

He then dilated on the practice of smuggling, which he contended would be promoted by this bill; also the difficulties and opposition which were justly to be expected, by which the dignity of the Government would be insulted. Can this Government, said he, protect its officers from the resentment of any one State in the Union? He reproached the idea of placing the Government in such a situation.

Mr. LAWRENCE observed, that he doubted not every gentleman's mind was open to conviction, and he hoped and expected that every question would be treated dispassionately. He did not rise yesterday to answer the gentleman, because he was not impressed with the force of his arguments in the manner the gentleman supposed the House was. He then adverted to the act of the last session, by which the debts of the particular States were assumed. Having taken this debt upon ourselves, the consequence is obvious, nor can we ever get over the dishonor of not making the necessary provision for paying it. He then adverted to the statements which had been submitted to the House by the officer to whom the Union had entrusted the direction of its finances. From these it fully appeared that a much greater deficiency in the revenue existed than some gentlemen appeared willing to allow. If this deficiency exists, and if the United States are bound to make provision for the debts they have assumed to pay, the duties contemplated by the bill appear the most obvious for the Government to recur to. He adverted to the idea of direct taxation, and inquired on what principle will gentlemen consent to this mode of raising the necessary supplies? Will they make the representation of the several States the rule by which it shall be apportioned? He doubted whether direct taxes on this principle would be agreeable, even to the gentlemen who have mentioned them. He then remarked on the objections to an excise, on account of the mode of collection. He said a rigorous collection would bear hard only on the dishonest, while it would protect the fair trader from bearing an undue proportion of the public burdens.

He observed on the uneasiness which is said to prevail in some of the States; and to obviate the force of these reflections, he instanced the harmony and peace that prevailed in those States which bear a much greater proportion of the public burdens than those which complain, as was abundantly evident from the documents in possession of the House.

Mr. STEELE stated his objections at large to an excise; he adverted to the particular situation of affairs in some of the Southern States, especially North Carolina. The Assembly of that State had

rejected the proposal of taking an oath to support the Constitution of the United States, with room; they had also refused to admit Continental prisoners into their jails; and another circumstance more hostile to the General Government than either of the foregoing had taken place, which he forebore to mention.

He said such was the present state of the public mind, in various parts of the Union, that he should dread taking any measures which might serve to increase the fermentation which the people are in. An excise he considered of this nature; it would in its operation produce the worst consequences. A more exceptionable mode of taxation he conceived could not be devised. A direct or poll tax, he supposed, would not be so odious; and though, for his own part, he should prefer an excise to either of the former taxes, yet such was the aversion of the people to it, that he should prefer almost any other alternative. He thought other objects might be found from which the necessary revenue could be raised. He instanced duties on inland navigation, law proceedings, legal conveyances, &c.

He then adverted to the operation of an excise, especially in the State of North Carolina, and said that the consumption of ardent spirits in that State was so great that the duty would amount perhaps to ten times as much as in the State of Connecticut. On the whole, he hoped, if the section is not struck out, that the excise will be reduced.

Mr. SHERMAN observed, that the subject now before the committee was thoroughly discussed the last session; and as nothing new or of weight or importance had been offered the present session against it, he thought it would be a useless waste of the time of the House to go into a particular reply to the objections offered against the bill. This, he thought, a sufficient answer to the charge of carrying questions by silent majorities.

He then entered into a short consideration of the subject generally, and defended the system from the charges which had been adduced respecting its unequal operation.

Mr. LIVERMORE was in favor of the bill. He said he considered it as an equal and just mode of taxation; and, as such, will be agreeable to the people—they will consider it as drinking down the national debt. So far, said he, as my observations have extended, I have not found a single individual who has objected to it. He then obviated the objections to the bill, which he conceived arose principally from the word excise. He thought the term very improperly applied on the present occasion, for the duty cannot be said to be an excise. He then gave a description of what had been considered in times past as an excise, which, to be sure, is a very unequal tax, inasmuch as it fell on the poor only, who were obliged to purchase in small quantities; while the rich, by storing their cellars, escaped the duty. But this bill provides that the duty shall fall equally on the rich and poor. It is to be paid, or secured, by the importer of foreign spirits, and on the still-head on domestic spirits. This will equalize the

burden, and leave no room for complaint. He then adverted to direct taxation; and by a variety of particulars, showed that it was utterly impossible to lay a direct tax that would not prove unjust, unequal, and grievously oppressive.

Mr. BLOOMWORTH spoke against the bill. He dilated largely on the present uneasiness which prevailed in the State of North Carolina. His experience, he said, was directly contrary to that of the gentleman from New Hampshire; the people to the Southward universally condemned an excise.

Mr. SPOWICK said, he was unhappy to hear that discontents prevailed in any part of the United States. He could assure gentlemen that he did not contemplate the execution of the laws by military force. He was sure that in no part of the Legislature were entertained designs inimical to the public liberty. In framing the present bill, great attention had been paid to prevent its being attended with those qualities which, in other countries, rendered taxation by excise justly obnoxious to popular resentment. He relied on the good sense and well-informed understandings of the people in every part of America, for the execution of such systems for the support of public credit, and for the diminution of the national debt, as should be devised by the wisdom of their Representatives. For the same purposes, he said, he confided in the patriotism of the gentlemen who came from those districts.

He believed there was indeed considerable deficiency to be provided for, for the support of Government and of the public credit. This belief was founded in his confidence in the information received from the Secretary of the Treasury. But if there was no deficiency, his disposition to support the bill would be the same; for he had never believed that a public debt was a public benefit. It is not, then, the duty of those to whom the people have delegated the important trust of guarding their prosperity, in a season of profound peace, to liberate them from the burden and pressure of debt? Therefore the only question to be determined is, whether the proposed duties are a proper source from whence we might derive the necessary aids to provide for the payment of the interest, or the diminution of the principal of our debt? He believed that of all the subjects of revenue which were within the power of Congress, none was so proper as the duty on ardent spirits, contemplated by the bill. In this sentiment, he believed he concurred with that of the great body of the people.

The several species of taxation may be divided into the four following: by impost; a tax on internal negotiations; direct taxes; and that now under consideration, excise. The impost duties had been extended as far as was, in the opinion of any gentleman, dictated by sound policy. The tax on internal negotiations, which could not be carried on to any considerable extent without the intervention of stamps, was subject to the objection brought against the present bill, and that in a degree incomparably beyond it, of being opposed by public opinion. Di-

rect taxes are still more objectionable on that account, at least in every part of the country to which his knowledge extended. They are of all taxes the most unequal, and in this country would be found the most oppressive. They are unequal, because with whatever exactness they might be apportioned upon capital or income, the only two principles on which an apportionment can be made, they may, and will be, very unequal as to the burden imposed; because a man's ability to pay taxes is not in proportion either to his capital, his property, or his income, but to that part of his income which is over and above his necessary expenses, according to the usual manner of living for persons of his degree in the community. They will be oppressive in this country, because in many of the States the plentiful circulation of money, and the facility of obtaining it, does not extend to the interior parts, nor could it be obtained by many of our citizens without a great sacrifice of property. It may be added, that from the extent of our settlements compared with the number of our citizens, the expense of collection would be immense.

In regard to excises, Mr. S. said, that in all sensible modes of taxation, it should be observed, that a much greater sum would be obtained from an individual than by any mode of direct imposition: this, without entering into a discussion of the reasons upon which it was founded, is demonstrated by fact. He instanced the porters of London, from whom, in the single article of beer, was drawn ten times as much as could be procured by the most rigorous mode of direct taxation. With regard to the proposed duties, though the well-meant consideration of morality which had been urged by some gentlemen weighed but little with him, because he doubted whether it was well founded yet, if the consumption should be lessened, he did not believe it would be attended with any sensible inconvenience. The consumption, at present, amounts to an enormous quantity; from these considerations, as the measure is dictated by sound policy, he hoped and believed it would be supported by a good degree of unanimity.

Mr. SMITH, of South Carolina, adverted to the funding system, to show that the faith of the United States was pledged to raise a sufficient revenue to discharge the debt, which, by that system, they have engaged to pay. The Secretary's statements point out a deficiency; those statements, he had no doubt, were as accurate as the nature of things would admit. Gentlemen who find fault with the proposed plan do not offer a substitute. He then entered into a defence of the bill, and showed in what respects it differed from the English plan of an excise.

He said, the present bill was not so exceptionable on account of its violating private property as the collection law.

He instanced, in a particular clause of that law, the power of entering houses by warrant from a Justice of the Peace—trial by jury is secured by this bill, and other provisions friendly to personal rights are added.

Direct taxes are as much objected to by North

Carolina as the excise; and though direct taxes are mentioned, no plan is offered.

He then enlarged on the importance of punctuality in paying the interest of the public debt, and of having a surplus revenue in the Treasury. He doubted not the gentlemen in favor of the bill were as patriotic as those who are averse to it. Difference of opinion is to be expected; but he had a better opinion of the good sense of the community than to suppose they would be led away by a sound; they will see and judge for themselves; and when they see that the law is free from all those obnoxious qualities which have been suggested, they will submit to it without complaint, especially when they realize that the tax is equal, and the only effective resource within the present command of the Government. The General Government is authorized to lay excises.—North Carolina knew this when she adopted the Constitution. The opposition, he suspected, was against the object to which the money is to be appropriated.

Mr. GILLES said, the sentiments of the people of the Southern States have been so differently represented from what he conceived to be the state of facts, that, in justice to them, he conceived himself bound to take some notice of the observations which had fallen from gentlemen. He then stated certain principles on which taxation should be formed. Taxes should be necessary, and raised on a plan consistent with the principles of liberty. He adverted to the necessity, which, he observed, was abundantly apparent from the report of the Secretary of the Treasury; but he did not confine his opinion to what had fallen from him. He instanced other reasons which would occasion a necessity for replenishing the public Treasury. The expediency of the present mode he argued from the impost's being carried to the utmost; from the approbation of this mode by a majority of the people; and though uneasiness might prevail in some of the Southern States, he considered them as originating altogether from the want of due information. Possessed of that information, he could pledge himself to the committee that they would cheerfully acquiesce in whatever the Legislature should decide to be for the general interest.

With respect to the bill's being agreeable to the principles of liberty and republicanism, this would more properly come into view when that part of the bill which designates the mode of collection comes under consideration. At present, he would only say, that he had observed with pleasure, that there appeared to be a universal disposition in the members of the House to manifest the most scrupulous attention, in all their deliberations, to the liberties of the people.

On the whole, he had no doubt that, on mature reflection, the people would acquiesce in the present plan, when the honor, security, and peace of the United States appeared to be essentially connected with a further provision for the public exigencies.

Mr. STONE particularly alluded to the statement offered by Mr. JACKSON, by which it appears that

only the sum of 146,000 dollars were wanting—whereas the Secretary's report calls for the enormous sum of 800,000 dollars. He called on gentlemen to show the errors of the statement offered by the gentleman. It had not been done.

He then adverted to the number of people that would probably be wanted in order to make the duty productive. He believed they would be so numerous as to be sufficient to constitute an army.

Mr. FITZSIMONS read an estimate of the actual and probable produce of the present impost and tonnage for the current year, by which it appears there will be a deficiency of upwards of 300,000 dollars; but taking into consideration certain contingencies, which, should they take place, will diminish the amount of the present duties, it appeared that the deficiency would be much larger than the sum mentioned; but even in case of a surplus being produced by this bill, there are objects to which it can be applied highly beneficial to the United States. He instanced sinking the deferred stock, and the three per cents. The reduction of the public debt is an object which ought never to be lost sight of.

FRIDAY, JANUARY 7.

ASSENT OF CONGRESS.

The amendments of the Senate to the bill for continuing the act declaring the assent of Congress to certain acts of the States of Rhode Island, Maryland, and Georgia, were taken into consideration.

Mr. JACKSON observed that, on inquiry, he found that the State of Maryland had been struck out of the bill, because it was found that the law, to which the clause referred, had been repealed. He hoped, therefore, that the House would concur with the amendment of the Senate, otherwise the bill would be lost.

Mr. SENEY said, he had been informed that the reason for striking out "Maryland" was because the law referred to had not been properly authenticated, or conveyed to Congress through the proper medium, the President of the United States. He, however, should not at present object to the amendments, as he doubted not that when the law of the State of Maryland was produced, with the authentication said to be necessary, a bill might then be introduced for declaring the assent of Congress to it.

The amendments of the Senate were agreed to by the House.

POST OFFICE.

Mr. SHERMAN, from the committee appointed for the purpose, reported a bill for the establishment of Post Offices and Post Roads in the United States. Read the first and second time, and committed.

It was then voted that it be referred to the Committee of the Whole on Monday next.

DUTY ON SPIRITS.

The order of the day being called for, which was the bill laying additional duties on distilled

spirit. Mr. PANKS moved it should be postponed, in order to give the members time to consider the statements respecting the funds received from the Secretary of the Treasury. A short debate ensued; further procrastination was objected to; the bill was said to be as old as Congress; it had been as fully debated as any subject that ever came before the House; the session is wasting, and the time will hardly admit of finishing the business which the House are pledged to do this session, one article of which is to make provision for the support of the public credit.

On the other hand it was said that the House was not in possession of the necessary information; the time while the requisite documents are preparing may be employed to advantage; and when the members have fully satisfied themselves of the exact sum necessary to be raised, they may proceed understandingly in the business.

RENEWAL OF EVIDENCES OF DEBT.

The motion for postponing the bill obtained, and the House went into committee on the bill directing the mode in which the evidences of the debt of the United States, which shall be lost or destroyed, shall be renewed, Mr. BOUNDWORTH in the Chair.

A great division of opinion appeared in discussing this bill; the time of the committee was employed only on the first section; they rose without agreeing to any determinate principles—reported progress, and had leave to sit again.

LETTER FROM THE SECRETARY OF THE TREASURY

A letter received from the Secretary of the Treasury was communicated by the Speaker, enclosing a statement of the amount of impost from August to 30th September, 1789, and from 30th September, 1789, to 1st October, 1790.

MONDAY, January 10.

RENEWAL OF EVIDENCES OF DEBT.

The House resolved itself into a Committee of the Whole on the bill directing the mode in which the evidences of the debt of the United States, which may be destroyed, are to be renewed, Mr. BOUNDWORTH in the Chair.

The committee went through the discussion of the bill; they made sundry amendments, which were reported to the House.

It was then moved that the bill be engrossed for a third reading. This was objected to by several members, and a motion for its recommitment to a select committee, made by Mr. SENEY, after some debate, was carried; and the following gentlemen were appointed the committee: Messrs. SEDGWICK, WILLIAMSON, LAWRENCE, CARROLL, CLYMER, STURGIS, and SHERMAN.

VACANCY IN THE PRESIDENCY.

In Committee of the Whole on the bill, declaring what officer, in case of vacancy, [by death, removal, or inability,] in the offices of President, and Vice President, shall act as President, Mr. BOUNDWORTH in the Chair.

The first clause of the bill was read, which contains a blank to be filled up, designating the person who shall act as President.

Mr. SMITH, of South Carolina, observed that, by the Constitution, the vacancy is to be filled with an officer of the United States. This narrows the discussion very much. But he conceived there was a previous question necessary to be determined; and that was, whether the person appointed to supply the vacancy should hold the office during the time for which the President and Vice President were elected, or whether he was to hold the office only till a new election could take place. He thought that, by the Constitution, a new election was not to take place till the term for which the President and Vice President had been elected was expired.

He then descanted on the respective offices of the Chief Justice, Secretary of State, and Secretary of the Treasury; and, by several particulars, showed that the appointment would most naturally devolve on the Secretary of State. He accordingly moved that the blank be filled with the words "The Secretary of State."

Mr. LIVERMORE observed, that in considering this question, he thought no reference should be had to the officers which had been mentioned, for, as it was supposed that the case contemplated would not happen once in a hundred years, he conceived that the present characters, who now hold the above offices, would be entirely out of the question. He had in view a different person, and that was the President of the Senate, *pro tempore*, and moved that the blank be filled with this person.

Mr. WHITE observed, that the Constitution says the vacancy shall be filled by an officer of the United States. The President, *pro tempore*, of the Senate, is not an officer of the United States. Besides, this will give one branch of the Legislature the power of electing a President. This, he conceived, was contrary to the Constitution, as both branches have a right to an equal voice in the appointment in this case. This will introduce the very evil intended to be guarded against.

Mr. WILLIAMSON said, the motion was directly repugnant to the Constitution. Why not choose the Speaker of this House?

Mr. LIVERMORE said, he was well aware of the objections offered by the gentlemen. He could have wished the Constitution had pointed out the person. But he conceived that the Senate was the only body that could do this business. If either of the officers mentioned should be the person designated to supply the vacancy, it would be in the power of the Vice President, by virtue of the power of removing officers, absolutely to appoint a successor, without consulting either branch of the Legislature.

Mr. SHERMAN observed, that this matter is left with the Legislature. The whole power of the people, in case of vacancy, devolves on the Legislature. The particular officer is not pointed out; it lies with Congress to say who it shall be. The President of the Senate is an officer of the United States. In case of the death of a Governor and

Lieutenant Governor, it is common in the several States, for the oldest counsellor to preside. He instanced the case of the abdication of James II. Adverting to the Constitution, he showed that the appointment of Vice President, in certain cases, devolves on the Senate. The vacancy may be filled for a longer or shorter time, and this appears to be a question previous in its nature to be determined.

Mr. SEDGWICK said he should be in favor of the motion of the gentleman from New Hampshire, if it was not for the express provision in the Constitution, which says, the office shall be filled by an officer of the United States. Should the vacancy now happen, there would be no officer in the Senate that could be appointed.

He mentioned that the office of Chief Justice was considered as next to that of President, and therefore, on the whole, he considered him as the most proper person to fill the vacancy. He thought the bill respecting the votes for President and Vice President should be first determined. He moved, therefore, that the committee should rise, and take up the next bill.

Mr. CARROLL and Mr. LIVERMORE objected to the motion for the committee's rising.

Mr. MADISON was also opposed to the motion. He enlarged on the subject, and said he thought it a duty urged by a variety of considerations, important in themselves, and more so, perhaps, in their consequences, that the decision should now be made.

Mr. SMITH started a variety of objections to Mr. LIVERMORE's proposition. He thought it unconstitutional, as it would, in its operation, deprive a State of a vote in the Senate.

Mr. BOURNE said he seconded the motion for the committee's rising, because he conceived there was other business of more immediate importance to be considered; and he saw no necessity for coming to a decision on this question at the present time.

Mr. LAWRENCE supposed the blank could be filled up in the House; he was, therefore, in favor of the committee's rising.

The motion for the committee's rising was negatived.

Mr. BENSON was in favor of filling up the blank with the Chief Justice. He observed that the objection arising from the Vice President's having it in his power to name his successor, in case the Secretary of State is inserted, does not apply to the Chief Justice. He is independent of the Executive.

He pointed out several particulars, in which there was an incompatibility in the offices of Secretary of State, and that of President. He observed, that the appointment to the Regency, in all countries, is generally of the first law officer.

Mr. JACKSON objected to the Chief Justice, and said the Speaker of the House of Representatives was, in his opinion, the next officer in point of dignity to the President and Vice President.

Mr. MADISON objected to the Chief Justice, as it would be blending the Judiciary and the Execu-

tive. He objected to the President *pro tem.* of the Senate. He will be a Senator of some particular State, liable to be instructed by the State, and will still hold his office—thus he will hold two offices at once. He adverted to the other objections which had been offered against the Secretary of State, and showed the compatibility of the two offices.

Mr. STONE stated sundry difficulties respecting all the officers that had been named; but, on the whole, thought there were fewer against the Secretary of State than any other officer that had been mentioned.

Mr. SENEY was opposed to coming to any decision at the present time. He thought more important business was before the House. He was not for making any decision that would give umbrage to any officer of the Government. The Secretary of State and the Secretary of the Treasury were equally entitled to public notice.

Mr. CARROLL was in favor of coming to a decision; and if nothing more could be offered against the motion for filling up the blank with the Secretary of State, he presumed the committee were ripe for a decision. He referred to the situation of countries who had not, in season, made provision for a Regent, &c.

Mr. SHERMAN said, he was in favor of the committee's rising and reporting the bill, and leaving the blanks to be filled up in the House.

Mr. WHITE was in favor of filling up the blank in the committee—he saw no reason for a delay. The officers mentioned are as well known now as they will be three days hence. The President and Vice President being in health, is a reason why the subject should now be considered; it can be done with coolness and freedom from all warmth.

Mr. LAWRENCE said, he thought there was no necessity for precipitating the decision. With respect to every person that has been named, difficulties have been started. The subject is important, and time should be given to deliberate on the several officers that have been named. He hoped, therefore, that the committee would rise and report the bill, and leave the blank to be filled up at another time.

Mr. BURKE was in favor of the committee's rising. He observed, that the members in general appeared to be very much undetermined. This is the first day the subject has been under consideration. He hoped the members would not be precipitated to vote on the occasion.

Mr. CARROLL said, if the committee should rise, he hoped the bill would not be reported, but that they would sit again.

Mr. BURKE said, he hoped the committee would sit again.

The question on the committee's rising and reporting progress, was carried in the affirmative.

TUESDAY, January 11.

JUDICIARY.

Mr. BLOODWORTH presented a memorial from the merchants and others of the town of Fayette-

ville, and another from the merchants of Wilmington, respecting the Judiciary system, proposing certain alterations therein. Referred to a committee of five, consisting of Messrs. —, BUNKER, BLOODWORTH, GILES, and BROWN.

DUTY ON SPIRITS.

The House again resolved itself into a Committee of the Whole on the bill repealing, after the last day of — next, the duties heretofore laid on distilled spirits, and laying others in their stead, Mr. BOUNDINOR in the Chair.

The thirteenth section, which provides for laying a duty on spirits distilled from materials the produce of the country, was read.

Mr. JACKSON moved that this section should be struck out. He observed, that this he conceived to be the stage of the bill in which a stand ought to be made by its opposers. This clause respects the produce of the country, and here the friends of American manufactures and produce ought to make their exertions to defeat the bill. He then read a particular estimate, by which, he said, it appears that the proposed provision was entirely unnecessary. He then offered some general observations on the bill. Direct taxation, said he, has been objected to; this power is as fully recognized by the Constitution as the right of laying excises; those, therefore, who are opposed to the latter, have as good a right to offer their objections as those opposed to the former. The Secretary says, we ought to leave direct taxes as a resource for a future emergency; but is it not better to have two resources than one? The impost duties must increase, and a sufficient revenue for every purpose from that source is to be expected. Why, then, should we lay this obnoxious tax? He concluded by saying he should lay his estimate before the House.

Mr. WADSWORTH said, he had also made some calculations which he should submit to the House. In these he had taken pains to be as accurate as possible. He then read his estimate, by which it appeared that the probable amount of the impost would be diminished even below the sum stated by the Secretary of the Treasury. The tonnage, he said, would be diminished, owing to the change in the present situation of Europe, and the cessation of the demand for grain. The importation of molasses and sugar must be lessened, as the articles are not to be had. Great part of the European importations for the past year have been made on speculations, and are not to be again expected; and there will be, said he, a very great decrease in the amount of the revenue on wines. He adverted to the Western expedition, and observed, a greater sum than has been mentioned will be wanted on that account; and the pension list, he feared, would be increased rather than diminished. On the whole, he thought there was no danger of a great excess in the revenue. The duty on domestic spirits he considered as proper; it is a duty that will be submitted to by the people, and even a direct tax would be paid without murmuring, if the necessity was made apparent.

Mr. JACKSON replied to Mr. WADSWORTH. He controverted the estimate offered by that gentleman, and then entered into a recapitulation of his arguments against the bill, and urged the postponement of it to the next session.

Mr. STONE observed, that the House had at last got into a mode of considering the subject, which ought to have been attended to at first.

He adverted to the drawback stated by the gentleman from Pennsylvania; but he desired to know why this sum, which amounts to upwards of ten thousand dollars, is not mentioned by the Secretary of the Treasury. He considered the sum stated by the Secretary for the year '89, as the net produce of the revenue; and he believed that it would be found to be the sum. With respect to the decrease in the importations, this had been the cry for seven years back. He believed this would continue to be the case, though the importations, he was well satisfied, would continue to increase, and this would be owing to our increasing population.

The gentleman from Pennsylvania has noticed the probable decrease in the importation of teas, wines, &c., but takes no notice of the increase in the importation of other articles. He said, gentlemen had called our attention to the Mediterranean and Indian expeditions; but neither of these subjects are now before the committee. If these subjects are to be considered, let us go into a committee on them and see what is necessary to be done. At present we are devising ways and means to pay the interest of the State debts; and, with respect to this object, he conceived the revenue to be derived from the present establishments will be sufficient for that and all the other exigencies of Government, until the year 1793. It is now said, that the excise will be sufficient for all the demands of Government; but he suspected that he should hear something on the subject of tonnage before the end of the session.

Mr. WILLIAMSON adverted to the publication of the resolutions of the Assembly of North Carolina, in which some misinformation had taken place. He then alluded to the assumption, and observed, that since the United States had made the State debts the debts of the Union, it became necessary to provide for them, and he supposed that some sort of excise was necessary. He reprobated a land tax; and then observed that excises, according to the Constitution, ought to be equal. He proposed to equalize them, by proposing a tax on beer and cider. If there will be an excess in the revenue, as appears pretty evident, let the duty on our own produce be struck out. He insisted on the injustice of laying this duty on those States which had been adverse to the assumption.

He suggested other sources of revenue—mentioned newspapers, on which, he supposed, if a duty was laid, it would be advantageous to the public and to the printers. He concluded by saying, he hoped the thirteenth section would be struck out.

Mr. AMES offered a few remarks, to show the obligation of the Government to provide perma-

ment funds for the payment of the interest of the debt, agreeably to the spirit of the law passed the last session; nor did he conceive that a casual surplus was any sufficient reason for not making complete provision; annual grants for the purpose of supporting the public credit had been sufficiently proved inadequate to the object.

Mr. BLOODWORTH observed, that if prejudices do exist, whether well founded or not, they produce all the mischiefs of a well-founded opposition, until they are removed. He said a universal opposition to excises exists in North Carolina, and he dreaded the consequences of this measure being urged. North Carolina has been well disposed to the Government—what is the reason this is not at present the case? It is owing, sir, to the measures which have been pursued by the Government. The assumption was a measure universally odious to the people of that State, and he believed it was so to many other persons in the Southern States. With respect to the observations of the gentleman from Massachusetts, that North Carolina knew, when she adopted the Constitution, that the General Government had a right to lay excises, he observed, that North Carolina expected that some attention would have been paid to her proposed amendments. On the whole, he hoped the clause would be struck out; and if an excise is thought to be necessary, let it be laid only on foreign spirits, and spirits manufactured from foreign materials.

Mr. LAWRENCE replied to Mr. BLOODWORTH's observations, respecting confining the duty to foreign spirits. He said this would operate to produce a very great deficiency in the revenue. The importation of foreign spirits will be destroyed, and the revenue derived from that source will be lost.

He adverted to certain objections which had been urged against the bill, from the experience of Great Britain. He showed that none of these applied to the present occasion. The bill is divested of those qualities commonly supposed to be connected with excise laws. He took notice of the accounts of uneasiness which is said to exist in some of the States, and counterbalanced them by the tranquillity and satisfaction which appear in others; in those which, it is presumed, already imposed by Government.

He contended that the operation of the bill would be to equalize the public burdens; and when this is realized, as it will be, he doubted not a spirit of conciliation and good humor would be the consequence.

Mr. JACKSON said that the funding law had appropriated the revenue for the payment of all the debts original and assumed; and the faith of the United States is pledged only to make up such deficiencies as may happen. It appears, from the calculations before the committee, that no such deficiency will be to be provided for. He wished gentlemen to show some plausible reason for this additional burden on the people. The estimates he had offered cannot be invalidated.

Mr. PARKER said he had heard nothing to in-

duce him to change his mind respecting this bill. He had been uniformly opposed to excises, and he should not withdraw his opposition at the present time. He then adverted to the unequal operation of an excise, especially on the Southern States, which, he said, rendered it entirely contrary to the spirit of the Constitution. He doubted not the revenue would increase, notwithstanding the suppositious defalcations which had been mentioned. He urged the unpopularity of the measure. The cultivation of the Southern orchards ought to be encouraged by the Northern States, as the Southern States had encouraged their navigation and fisheries. But if this partial duty is to be pressed upon us in this manner, I shall not think it my duty to be equally zealous in their favor in future.

Mr. LIVERMORE observed, that several estimates had been offered to the committee; they cannot be all right, because they disagree. He observed, that it had not been noticed by any person that the present duty on foreign rum would be taken away by this bill, and the whole sum to be raised from that article is from the bill now under consideration. But suppose a surplussage of revenue of one or two hundred thousand dollars should be in the Treasury, which I wish with all my heart may be the case, are there not ways and means enough to apply the surplussage to the advantage of the United States? He instanced a variety of ways in which such a surplus might be applied; but he did not seriously contemplate such a surplus. He then adverted to the objection on account of the inequality. He said, the duty on spirits distilled from molasses is agreed to; why should not the spirits distilled from peaches in the Southern States be also subject to a duty? This he considered as unequal, and discovered a want of candor in the gentlemen from the Southward.

Mr. PARKER asked the gentleman if molasses was an article of the produce of this country? The Southern States have nothing by which they can procure molasses. If the gentleman would consent to excise fish, he would consent to an excise on peach brandy.

Mr. FITZSIMONS observed, that the deficiency occasioned by the alteration in the duty on foreign rum would occasion a very considerable addition to the deficiency in the revenue. With respect to the inequality mentioned, he said there was no probability that the Southern States would ever pay an over proportion of the revenue.

Mr. WILLIAMSON stated certain particulars, to show that a just idea of the sum paid by North Carolina could not be known by any statements from the public officers. Their business is carried on coastwise. To judge of their consumption, recourse must be had to the exportations of that State. He said the exportations of North Carolina amounted to a million of dollars annually.

Mr. CLYMER said, that a gentleman from Georgia had mentioned the aversion that the people of Pennsylvania bore to an excise law. Such a law, he observed, had been in force in the State for fifty or sixty years, and the excise officers were

vested with as much power as it was proposed to give them by the bill before the House; that some resistance had been offered to those officers acting in the line of their duty, but that those who opposed them in the execution of their business were severely fined. He was not convinced that the duty which it was proposed to lay on spirits by the bill under consideration, was odious to a majority of the States; the most of them had excise laws of their own, and he conceived the present bill was as well guarded as possible, by wholesome provisions, against every objection. From the statements which had been produced, there would be no great excess in the revenue, he apprehended, but if there was, it would be well applied in lessening the public debts.

Mr. MADISON remarked on the observations of Mr. FRIZZIMONS respecting the Southern States not paying their proportion of the impost. He showed that the trade of the Southern States was carried on by the Eastern and Northern States. That the consumption of the Southern States was proportioned to their numbers, and in this way they bore their full proportion of the public burdens.

Mr. JACKSON replied to Mr. CLYMER, and said, that if the people had been severely fined for a breach of the excise law in that State, he had been well informed that the fine had been as severely remitted.

The question on striking out the thirteenth section was negatived, 33 to 17.

WEDNESDAY, January 12.

The bill for granting lands to the inhabitants and settlers of the town of Vincennes, in the Illinois country, northwest of the Ohio, and confirming them in their possessions, was read a second time, and referred to a Committee of the whole House.

Mr. SENEWICK presented petitions from a number of officers and soldiers in the Massachusetts line of the late army; which were read, and referred to the Secretary of War.

Mr. FRIZZIMONS presented a petition from a number of tradesmen employed in the various branches of ship-building in the cities and liberties of Philadelphia, praying that they may have some speedy remedy for the recovery of their debts in those branches of business, by instituting suits in the Federal Courts; which was read and laid on the table.

Also, a petition from Joshua Barney, late a captain in the navy of the United States, praying to be reimbursed his expenses while a prisoner with the enemy; and that he may be put on the same footing with the other officers in the late American navy.

Also, a petition of sundry officers in the late American navy, praying compensation for services, &c. The two last petitions were read, and referred to a select committee of five members.

Mr. WILLIAMSON moved that the rule of the House, in these words, "that no bill amended by the Senate shall be committed," may be expunged; which was agreed to by the House.

A message was received from the Senate informing this House that they have passed a bill for erecting that part of the State of Virginia, called the district of Kentucky, into a separate State, and for admitting the same as a member of the Union, to which they desire the concurrence of the House.

In Committee of the Whole on the bill repealing, after the last day of — next, the duties heretofore laid on distilled and other spirits imported from abroad, and laying others in their stead, Mr. BOUNDINOT in the Chair.

The committee proceeded in the discussion as far as the forty-fifth section.

THURSDAY, January 13.

The bill from the Senate for the admission of the district of Kentucky into the Union, was read the second time, and made the order of the day for Monday next.

Mr. LIVERMORE gave notice, that he should move for leave to bring in a bill to alter the time of the annual meeting of Congress.

Mr. SENEWICK laid the following motions on the table:

Resolved, That a committee be appointed to bring in a bill to authorize the President of the United States to cause the principal of the debt due to foreign officers, the interest whereof is now payable in Paris, at the rate of six per cent. per annum, to be discharged.

Resolved, That as it will be impracticable, during the present season, to consider and decide on the report of the Attorney General respecting the Judiciary system with that deliberation which the importance of the subject demands, the consideration of the said report be postponed.

Resolved, also, That the Attorney General be directed to report to this House a bill, making a temporary provision for the clerks, jurors, and other officers of the Federal Courts; and that he also report, to the next session, a bill making a general provision for the officers and jurors of said Courts.

NEW REVENUE BILL.

In Committee of the Whole on the bill repealing, after the last day of — next, the duties heretofore laid on distilled spirits, and laying others in their stead, Mr. BOUNDINOT in the Chair.

The discussion of the remaining sections was finished; and the bill, with the several amendments, reported by the Chairman to the House.

On motion of Mr. CARROLL, it was *Resolved*, That the consideration of the bill with the amendments be postponed, and made the order of the day for Monday next.

PRESIDENTIAL ELECTORS.

The House then went into Committee on the bill declaring the time when the Electors of President and Vice President of the United States shall be chosen; also, when they shall meet and give in their votes.

VACANCY IN THE PRESIDENCY.

In Committee of the Whole, on the bill declaring the officer who, in case of vacancy in the offices of President and Vice President, shall exer-

cise the office of President of the United States, Mr. BOUNDINOT in the Chair.

The motion for filling up the blank with "the Secretary of State for the time being," was renewed by Mr. CARROLL.

Mr. LIVERMORE observed, that the character of the gentleman who fills that office should have no weight in determining the question, because the House was about to provide for a case that might not happen before a number of years were elapsed. The House should fix on the officer who would, from the nature of his office, most naturally succeed. He hoped they would not determine in favor of an officer of their own creating, and of which no mention is made in the Constitution.

The Chief Justice, he remarked, had been spoken of: one great objection he mentioned against him—the provision which the Constitution makes in case the President is impeached, viz: that he should preside. As this was an elective Government, he wished its principles preserved, and not to see the Chief Magistracy filled by an officer not the choice of the people. The President of the Senate *pro tem*, appeared to him a much fitter officer to fill that station: he was originally chosen by the people to the Senate.

When amendments to the Constitution came to be thought of, perhaps it would be proper to provide for this case by a special clause in it, empowering the Electors who had chosen the President and Vice President, in case of vacancy, to meet again, and make another choice; only, however, for the remainder of the four years; because, at the end of that time, the power of choosing the Electors should return to, and be exercised by the several States.

If the motion before the committee was negatived, he gave notice that he would bring in his viz: to fill up the blank with the person last antecedently chosen President of the Senate.

Mr. BALDWIN said, that he should vote for the present motion, because he conceived that the Constitution is expressed, that an officer of the Government, designated either by the law or the Constitution, should be appointed to fill this vacancy. He stated some objections against the Chief Justice. He is an officer who ought to be entirely detached from all political agitations whatever—his mind ought to be kept calm and as unembarrassed as possible. He quoted the precedent established in the law instituting the Governor of the Western Territory—there the Secretary of State is to succeed the Governor. The Secretary of State is an Executive officer, an assistant to the President, and must be supposed, from his situation, to be the most proper person to supply the vacancy.

Mr. SHERMAN was of opinion, that putting the Chief Magistracy into the hands of a subordinate officer, was by no means proper. As to the observations made by the gentleman last up, on the arrangements in the Government of the Western Territory, he did not think they could be applied to the present case. That Government is a subordinate one, and a kind of legislative power is vested in the Governor of selecting, from the laws

and regulations of the different States, such as he thought requisite for the Government of those he had under his care.

He was in favor of giving the supreme Executive, in case of accident, to the President of the Senate. The Government would certainly suffer fewer inconveniences by that arrangement than if the Head of a Department was put in. The Vice President, by the Constitution, succeeds to the President—the President of the Senate to the office of the first; it is therefore very natural that he should also exercise the duties of the second in case of vacancy.

To designate any officer as possible successor to the President, would be giving him too much dignity, and raising him, in a manner, even above the Legislature.

Mr. CARROLL observed, that the vacancy might happen in the recess of the Legislature, or in the absence of the President of the Senate; the Secretary of State would always be at the seat of Government. Besides, the Constitution declares the vacancy shall be filled by an officer of the Government. The President of the Senate is only an officer *pro tem*. If the framers of the Constitution had intended the vacancy should be filled by an officer named in it, they could have designated him; but this they had not done; he therefore supposed they had in view some officer not then in existence.

Mr. GENAY regretted that the subject should have been taken up at this moment, when so much important business is before Congress. He adverted to the motion, and said, that the character which now fills the office of Secretary of State undoubtedly possessed the confidence of the Legislature in the fullest manner, and very justly; but when the exigency shall arrive for which we now are about to provide, a character may fill that office who would be a scourge to the Union. Besides, said he, if the office of Vice President was now to be filled, the Secretary of State would be ineligible, coming from the same State with the President. He stated other objections from the Constitution. He thought the nomination should not be confined to officers of the United States. He supposed the views of Government may be extended even to officers of the several States. He, however, wished the whole business postponed; but if this idea is overruled, he suggested the propriety of filling the blank with the constitutional clause respecting the highest candidates who are primarily voted for as President and Vice President.

Mr. SMITH remarked, that there appeared to be so great a diversity of opinion on the subject before the House, that he doubted the possibility of procuring a majority for either of the motions that had been made. There would be objections, he conceived, to any proposition that could be offered; but the committee should determine on that to which there were fewest. To the Secretary of State he thought there were less than to any other officer proposed. Those against the Chief Justice he thought unanswerable. Indeed,

the gentleman who proposed him had not offered any answer to the objections made to that officer. The duties of the President of the United States, appeared to him incompatible. The first was the Representative of a particular State, and bound to obey the instructions of it. If he was to be deprived of his seat in the Senate, his State would lose a vote there, and the balance of that branch of the Legislature would be destroyed.

He recapitulated the objections that had already been made to the Chief Justice's filling the chair. His power of expounding treaties would be improperly mixed with that of making them; that of condemning for offences, with a power of granting reprieves and pardons. Then the Chief Justice could not act with propriety as Commander-in-Chief of the army and navy. It had been said, he observed, that the Judiciary business might go on for some time without the assistance of the Chief Justice. He thought not; there were three Circuit Courts, and two Judges for each, including the Chief Justice. If he was absent, the business of one of the circuits could not proceed; besides, he should preside in the Supreme Court.

He concluded by saying, that the office of Secretary of State and the duties of President were analogous. He was a kind of assistant to the Chief Magistrate, and would, therefore, very properly supply his place; besides, he was always at the seat of Government.

Mr. Burke said, that he had consulted a gentleman skilled in the doctrine of chances, who, after considering the subject, had informed him, that there was an equal chance that such a contingency would not happen more than once in eight hundred and forty years. He hoped, therefore, that the committee would not spend any more time upon the subject, but postpone it altogether.

Mr. Giles conceived, that the probability of the event taking place was much greater than Mr. Burke seemed to think. According to the doctrine of politics, he said, it was not more than fifty to one that it would not happen in two months. However, even if the chance was much less, it was the duty of the House to make provision for the accident before it occurred. If it was left till the case actually took place, it would then be too late to think of remedying the evil; for it was to be provided for by a Legislative act, which could not be made complete without the President's approbation and signature, and could therefore not be obtained when the chair was vacant. Then, if the event should happen before it was provided for, there would be, he conceived, an end to this Government.

He used another argument to urge the necessity of a speedy provision. Suppose, said he, the Vice President should die, then the fate of this Government would remain in the hands of the President, who, by resigning, would destroy its organization, without leaving a constitutional mode of filling the vacancy.

In addition to the loss of this Government, would not every member of the Legislature, he asked, lose his character, credit, and reputation?

Having shown the necessity of making immediate provision for a case of so much importance to the very existence of the Government, Mr. Giles declared he was in favor of filling up the blank with the Secretary of State. He chiefly rested his opinion on the idea, that if the Constitution had not intended that the vacancy should be filled by some officer not there mentioned, they would have determined who it should be.

Mr. Sedgwick was sorry that the business had been brought forward, and more so that gentlemen should discover a zeal on the occasion which indicated too much of taking a personal interest in the question.

He did not apprehend the consequences which would follow, if the accident should occur, would be so dreadful as the gentleman last up appeared to think. There was more danger, he conceived, in ruffling men's tempers now, by designating one officer their apparent (if he might be allowed the expression) to the office of Chief Magistrate.

He objected to filling up the blank with the Secretary of State; it would be putting in the hands of the President (or of the Vice President) a power of appointing his successor. The authority with which the Chief Justice is vested, the respect with which his station commands, and his independence, induced him, he said, at first to think him the most proper person to be at the head of affairs, in case of vacancy in the Chief Magistracy. However, if it could not be agreed to postpone the business, he should now vote for the President of the Senate *pro tem*.

Mr. Benson said, that an honorable gentleman (Mr. Smith) had remarked, that he had not attempted to answer the objections which were made to the Chief Justice's being designated to fill the vacancy, and had drawn the conclusion that the objections were unanswerable. He was sensible that there might and would be objections to any officer that could be mentioned; but those against the Chief Justice he did not think unanswerable. It had been objected that there would be an impropriety in his condemning as Chief Justice, and pardoning as President. But something like this is frequently the case. He supposed that whoever exercised the office of Chief Magistrate would for the time resign his first office. He only mentioned this to show that the objections made to the Chief Justice had not been answered because they were deemed unanswerable. But his wish was to see the vacancy filled by an independent officer; he had, therefore, no objection to the President of the Senate *pro tem*.

Mr. Jackson moved that the consideration of this business be postponed, which was agreed to. The committee rose and reported.

FRIDAY, January 14.

Mr. Warr, from the committee appointed for the purpose, reported a bill for establishing a land office for the sale of the unappropriated lands in the Western Territory; read the first and second time, and referred to a Committee of the whole House.

Mr. Fitzsimons, from the committee to which was referred the petition of sundry officers of the navy of the Revolutionary war, brought in a report, which was

"That the prayer of the said petition cannot be granted, and that the petitioners have leave to withdraw their petition."

This report was accepted by the House.

Mr. Sedgwick's motion for appointing a committee to bring in a bill providing for the payment of the debt due to foreign officers, was taken up, and referred to a committee, consisting of Messrs. SEDGWICK, BENSON, and SENEY.

Mr. Madison laid before the House a memorial and three resolutions of the Legislature of the State of Virginia, on the subject of the funding law; which were read and laid on the table.

ELECTORS OF PRESIDENT.

The House went again into a Committee of the Whole on the bill determining the time when the Electors of President and Vice President shall be chosen, Mr. Boudinot in the Chair.

A motion by Mr. Smith (of South Carolina) to strike out a clause in the first section, which referred to vacancies happening from special contingencies, after a short discussion was disagreed to.

Mr. Benson, who was one of the committee which reported the bill, then stated the reasons which influenced the committee in the arrangement of the times of choosing the Electors, and their giving in their votes.

Mr. Sedgwick said, he supposed that the design of the provision on this subject in the Constitution was to prevent, as far as possible, the practices of corruption and intrigue in the business of elections. To effect this salutary object, he thought it necessary that the time of choosing Electors should be fixed, and that as short a period as possible should be suffered to elapse between the time of choosing and the time when the Electors should give in their votes; the bill, said he, proposes eight weeks; he thought that too long a period.

Mr. Benson observed, that the term of eight weeks was thought not more than sufficient to accommodate the circumstances of some of the States; a shorter period might have suited others; but the idea of uniformity rendered it necessary to fix on a particular period.

Mr. Goodhue objected to assigning one particular day for all the States, as, he observed, the modes of election in the several States are different. In some the Electors are chosen immediately by the people at large; in others they are chosen by the State Legislatures; this will render it extremely difficult to comply with the law, if they are to be chosen on one and the same day throughout the Union.

Mr. Carroll said, that it appeared to him necessary, in the first place, to determine who shall choose the Electors. For his part, he was fully convinced that this power is exclusively vested in the people by the Constitution.

Mr. Jackson observed, that the difficulties men-

tioned by the gentleman from Massachusetts would accrue from fixing on a particular day in the State of Georgia; there the Electors are chosen by the Legislature, which meets at a particular season of the year. This clause will render two sessions necessary, which would be exceedingly inconvenient. He moved, therefore, that the clause which appoints a particular day when the Electors shall be chosen should be struck out, and that the time when they shall meet and give in their votes should only be designated. This motion was seconded.

Mr. Giles said, that he conceived but one mode of choosing Electors was contemplated by the Constitution. The State Legislatures he thought ought not to choose them; they ought to be chosen by the people. He adverted to the Constitution; the words are:

"That each State shall choose," &c.

This plainly implies that the Legislatures are not authorized to exercise that power themselves. Congress has a power to say when they shall be chosen; this imposes a necessity for one mode, and that the mode should be uniform, and be by the people; for the Legislatures, from the different circumstances of the States, must meet at different periods. He wished this point to be settled. He thought the people ought to choose the Electors.

Mr. Jackson contended that the power was left discretionary with the State Legislatures.

Mr. Goodhue said this was plainly the case, by the express words of the Constitution.

Mr. Ames moved that the clause should be amended, so as to include the words of the Constitution:

"In such manner as the Legislature thereof may direct."

This motion was seconded by Mr. Stone.

Mr. Livermore was also in favor of the motion.

Mr. Madison said a question arose here, which was, whether the power of Congress extends to determining the manner of choosing, by virtue of their being chosen? He was, however, disposed to think that the best idea was that suggested by the gentleman from Massachusetts.

Mr. Sedgwick said he was in favor of the motion of the gentleman from Georgia; and in this view of the subject, he was opposed to the opinion of the gentleman from Virginia, (Mr. Giles,) as interfering with the Legislative rights of the several States.

Mr. Tucker was opposed to the idea of a particular interference of the General Government, in respect to the time and mode of choosing the Electors. He wished, therefore, that the motion for striking out the words should obtain; if that was done, he should move a clause to this purpose, that the Electors shall be constitutionally chosen.

Mr. Lawrence was in favor of leaving the time of choosing to the several State Legislatures. A general regulation could not be agreed upon,

which would not involve the difficulty that gentlemen appeared solicitous to guard against, and that was the opportunity which would necessarily be given for cabaling, in consequence of the great extent of some States, and the confined limits of others.

It appears, therefore, said he, absolutely necessary to leave the time of choosing to the State Legislatures, and this will put it in their power to reduce the interval between choosing and voting, in such manner as circumstances may dictate, to prevent the inconveniences contemplated.

Mr. GILES said, he believed he had been misunderstood; he did not mean to invade the rights of the State Legislatures; so far from that, he was averse from every measure which had a tendency to that point.

He then enlarged on the ideas he had before suggested. He had no objection to the mode of expression proposed by the gentlemen from Massachusetts, (Mr. AMES,) but still contended that uniformity pointed out the necessity of one day's being fixed on. This, he supposed, might be done in perfect consistency with the clause in the Constitution.

Mr. SENEY was in favor of striking out the words.

Mr. SHERMAN showed from the Constitution, that Congress possess the power of appointing the time of choosing the Electors, and the time when they should meet to give in their votes. He was in favor of Congress exercising this power, in order to guard against all intrigue, and this he conceived was agreeable to the people, for in none of the Conventions was an amendment of this article ever moved for.

Mr. VINING was against striking out the words, as he thought that uniformity was an essential object to a free and independent election. With that uniformity, the equal rights of the citizens are inseparably connected. The manner of choosing may be left with the Legislatures; but the time of choosing and voting, said he, should be determined by Congress.

Mr. LAWRENCE showed that the operation of this principle of uniformity would be to produce the very evil apprehended. Should the time come when the States are reduced to a size more proportionate to each other, this uniformity may be introduced.

Mr. WILLIAMSON was in favor of striking out the words proposed by Mr. JACKSON.

The vote being taken, the words were struck out: so that the time of choosing Electors is left by the bill with the State Legislatures.

The next clause respects the time when the votes shall be counted.

Some of the members supposed that the votes should be counted by the old Congress.

Mr. BENSON said, if the votes should be counted by the new Congress, they may be counted by men chosen with a special reference to influence finally in the election; no alteration was made in this clause.

The discussion of the bill being finished, the committee rose and reported the same, with the

amendments agreed to; which being taken into consideration, they were adopted by the House, and laid on the table.

MONDAY, January 17.

GEORGE GALE, from Maryland, appeared and took his seat.

DUTY ON SPIRITS.

The House proceeded to consider the report of the Committee of the Whole on the bill repealing, after a certain time, the duties heretofore laid on distilled spirits, and laying others in their stead.

It was moved by Mr. JACKSON, to strike out the thirteenth section, and the yeas and nays on the question being taken, it passed in the negative; yeas 16, nays 36. The yeas and nays being as follows:

YEAS.—Messrs. Baldwin, Bloodworth, Brown, Burke, Heister, Jackson, Matthews, Moore, P. Muhlenberg, Parker, Scott, Sevier, Steele, Stone, Tucker, Williamson—16.

NAYS.—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gilman, Goodhue, Griffin, Grout, Giles, Lawrence, Lee, Leonard, Livermore, Madison, Partridge, Van Rensselaer, Schureman, Sedgwick, SENEY, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop—36.

Sundry other amendments were proposed, but postponed until to-morrow.

TUESDAY, January 18.

A Message from the President of the United States was laid before the House, stating the amount of the expenditures out of the contingent fund of last session; enclosing a letter from the Governor of Virginia, with sundry resolutions of the Legislature of that State, respecting the lands northwest of the Ohio, granted by an act of Congress to the officers and soldiers of that State; a petition from the officers therein referred to; and a letter from the Governor of Maryland, enclosing an act of the Legislature of that State, empowering the wardens of the port of Baltimore to collect the duties therein mentioned.

Mr. GOODHUE moved, that the Secretary of the Treasury be directed to report to the House whether any, and what, further provision is necessary to be made for the respective officers employed in the collection of the revenue; which motion was agreed to.

A committee, consisting of Messrs. SENEY, SMITH, of Maryland, and MATTHEWS, was appointed to report a bill declaring the assent of Congress to a certain act of the State of Maryland therein mentioned.

DUTY ON SPIRITS.

The additional amendments proposed to the new revenue bill were taken into consideration. The amendment to add a clause after the words "city, town, or village," in these words, "contain-

ing not less than — families," being under consideration.

Mr. WHITE offered some general observations on the bill, and on this part in particular, which would, in its operation, be very disagreeable to a considerable proportion of the people; he wished to have it so modified as to leave it as little exceptionable as possible, and if in doing this a diminution of the sum proposed to be raised by the bill should take place, still he thought there would, according to the estimates which had been laid before the House, be a sufficient amount brought into the public Treasury; but if there should not, he should be willing in some other way to make up the deficiency; and for this purpose Congress may have a session as early as September.

He gave notice, that in some future stage of the bill he should move to have this section re-committed.

Mr. FITZSIMONS observed, that notwithstanding all that had been offered to show that the revenue proposed to be raised by this bill would not be wanted, he was still of opinion, that no excess of any consequence would be produced. He objected to the commutation proposed in lieu of the specific duty, and showed how disadvantageously to the revenue this would operate; with respect to a perfect definition of what is to be understood by a city, town, or village, he conceived that no possible evil would result from vesting a discretionary power with some officer of the United States, to determine what shall be understood by either of the terms.

Mr. BODINOT objected to any alteration in the section; he thought it sufficiently precise, and from recurring to certain authorities, he showed that these terms were sufficiently understood to preclude the necessity of burdening any officer with the task of describing and determining what number of inhabitants shall respectively constitute a city, town, or village.

Mr. LIVERMORE said, in his opinion, the terms, "city, town, or village," comprehended the whole and every part of the United States.

Mr. JACKSON observed, that as two days had been nearly spent in considering this question, and it appearing to be impossible to agree in what constituted a village, he thought it would be to no purpose to introduce any amendment to the section, but leave it to be determined by a due course of law. He supposed that questions would arise to be determined by the judicial authority of the United States. If this should not appear agreeable to the House, he would propose that it should be referred to the College of Physicians; those gentlemen of the spirit, who, as they had attempted to squint morality and instruction into the minds of the members, perhaps may also be able to squint understanding into the House on this subject.

Mr. PARKER controverted certain calculations offered by Mr. FITZSIMONS, as to the quantity of liquor which a still might make. He then entered into a general consideration of the bill, and adverted to the discontents in some of the States,

and the utter aversion of many inhabitants to excises, he said he should continue his opposition to the last.

Mr. MOORE offered another modification of the section.

The question on adding the words was put and negatived.

Mr. BODINOT called the attention of the House to the fourth section, which authorizes the President of the United States, by the advice and consent of the Senate, to appoint such a number of officers as he may think necessary. He thought that the most, if not the only exceptionable clause of the bill. His opinion was, that the number of officers should be limited. He moved this addition to the section: "provided the number do not exceed — in any county, city, town, or village." He objected to the clause as establishing a dangerous precedent.

Mr. BLOODWORTH seconded this motion.

Mr. PARKER said, he was in favor of this motion, because he wished to have the number of these officers as small as possible.

Mr. BODINOT's motion occasioned considerable debate. It was said, that the number of officers is virtually restricted by the compensation to be received. This allowance cannot be exceeded, so that the number of officers cannot be increased beyond what may be necessary; if they are, the President of the United States must pay them out of his own pocket, or they must receive a less sum.

It was said in answer to this, that experience shows when once the object is obtained in the appointment of these officers, ways and means will be found to pay them; in confirmation of this idea it was said, there are already two motions on the table for enhancing the compensations to the officers of the revenue.

Mr. BODINOT's motion was negatived.

Several other amendments were proposed by different members, and rejected.

WEDNESDAY, January 19.

A bill declaring the assent of Congress to a certain act of the State of Maryland, being read a second time, was referred to a Committee of the Whole.

Mr. SEDGWICK, from the committee appointed for that purpose, reported a bill, authorizing the President of the United States to cause the debt due to foreign officers, the interest whereon is now payable in Paris, at the rate of six per cent. per annum, to be paid and discharged; being read a first and second time, was referred to a Committee of the Whole.

A letter from the Directors of the Library Company of Philadelphia, making an offer of the use of the books in said library to the members of both Houses of Congress, was communicated by the Speaker.

Mr. HUNTINGTON presented a memorial from the Baptist Association in the State of Connecticut, requesting the interposition of Congress to prevent incorrectness in future editions of the

Bible, published in the United States; read and laid on the table.

Mr. FITZSIMONS, from the committee appointed to consider the petition of Joshua Barney, late an officer in the American navy, reported a resolution, that a committee be appointed to prepare and bring in a bill, to allow to Captain Joshua Barney, the sum of ——— dollars.

DUTIES ON SPIRITS.

Agreeable to the order of the day, the House proceeded in the further consideration of the amendments proposed to the new Revenue bill. A motion to recommit the bill was negatived. It was then moved to recommit the fourth section, which specifies the compensations to the Inspectors; this also was negatived. The further consideration of bill was postponed.

THURSDAY, January 20.

Mr. FITZSIMONS presented a memorial from the merchants of Philadelphia, trading to India and China; praying that an additional duty may be laid on all goods imported into the United States from India or China in foreign bottoms. Referred to the Secretary of the Treasury.

A message was received from the Senate, informing this House that they have passed a bill for incorporating the subscribers to the Bank of the United States; to which they desire the concurrence of this House.

NEW REVENUE BILL.

The House resumed the consideration of the amendments proposed to the new Revenue bill.

An amendment was proposed by Mr. SEDGWICK, to strike out part of the fourth section, which respects the compensations to the Inspectors, and to introduce a substitute to limit their compensations to a certain sum.

Mr. SHERMAN said, he should prefer striking out the whole clause, and passing the bill without it; and leave the compensations to be provided for in a separate bill.

Mr. GEARY proposed an amendment, which he conceived was not liable to the objections which apply to the original clause, and to the amendment at present under consideration, and which arise from their giving the President the power of establishing offices.

Mr. SEDGWICK stated certain principles of conciliation which had induced him to move the amendment now under consideration. He showed by a variety of particulars, that the services will be various, and merit in some cases a much greater compensation than in others.

Mr. AMES objected to the amendment proposed, on principles of economy, both of time and money. The time is already so exhausted that there will be scarcely sufficient in the present session to finish the bill; and if the amendment is adopted, it will follow, that in order to make adequate provision in all cases you must, in many instances, make that compensation too much. He urged the importance of passing the law with such a power as would enable the Executive to apportion

the compensations in proportion to the merits and services of the respective officers. This law is said to be obnoxious to the disapprobation of the people. It therefore becomes our duty to make the compensations such as may command the services of men of responsibility, in point of property and character; men of prudence and judgment. He conceived the power of apportioning the salaries might be left with the Supreme Executive. Nor did he conceive there was any thing in the Constitution contrary to this idea. Gentlemen have cautioned the House against exceeding the powers of the Constitution by implication; he supposed that it was equally reprehensible to refrain from exercising the full powers indisputably vested in the Legislature by the Constitution.

Mr. BOUDINOT, agreeable to the idea of Mr. SHERMAN, moved that the clause should be struck out, and leave the compensations to be provided for in a subsequent bill.

This motion was seconded from various quarters, and occasioned considerable debate.

Mr. BURKE said, he was sorry to see such a disposition in many of the members of this House to extend the powers of the Executive. The excise bill is universally odious; and gentlemen seem to be trying to render this more odious, by urging one exceptionable clause after another. He hoped this clause would be struck out, and that the Legislature would retain the power of disposing of their own money. He said, that his ideas on the subject had been called chimeras; but this was a stale trick, which had been long practised by those who are in favor of strengthening the arm of the Executive; it was always made use of in that country whose precincts we often refer to; but, for his part, no such observations should deter him from placing every possible guard round the liberties of the people, and checking the undue extension of the Executive arm.

The motion for striking out was carried—29 to 27.

A motion from Mr. CLYMER, as a substitute for the fourth section, was then read. This proposed an Inspector for each State, at a salary of ——— dollars per annum, with power to appoint such number of Deputy Inspectors as they may think proper; these Deputy Inspectors to receive ——— per cent. on the gross amount of the sums by them respectively collected.

Mr. SEDGWICK proposed that this motion should be referred to a Select Committee, with other motions now on the table.

Mr. VINING was opposed to referring it to a Select Committee. He said the consequence of a reference would be an unnecessary prolongation of the business. He thought it might as well be taken up and decided upon at the present time as any.

Mr. LAWRENCE was in favor of referring this motion to a Select Committee.

The SPEAKER observing that it would not be in order to commit this motion, except in connexion with the whole clause, Mr. CLYMER withdrew it for the present.

Mr. LEE then moved that the bill should be recommitting, for the purpose of bringing in a clause devising a proper mode of collecting the revenue.

Mr. LIVERMORE seconded the motion, and in a few general remarks condemned the bill altogether.

Mr. STONE also spoke against the bill, and in support of the motion for a recommitment.

Mr. GEARY objected to the motion, especially as it was contemplated to make an arrangement by which the duties of the officers of the revenue, already established, are to be blended with those of the officers to be appointed by this law; this would deprive the Government of that check which it has in view by this bill.

Mr. LIVERMORE said, that he did not conceive there was any thing like an excise contemplated by the bill. The duty proposed on spirits is a mere duty of impost. As to checks, he did not think any additional ones were necessary. If the officers already appointed to collect the revenue are not sufficient for that purpose, let them be increased; but as to any further checks he considered them altogether superfluous. It is acknowledged, said he, on all hands, that the patriotism and punctuality of the importers has been such as to produce a very strict compliance with the revenue laws.

Mr. GEARY read several clauses in the bill, to show that it was something more than a mere impost law.

Mr. GILLES said, he hoped the bill would not be precipitated: there are a number of propositions on the table calculated to amend the several defects it contains, he therefore hoped the bill would be recommitting for the purpose of amending those defects. He fully objected to sending the bill up to the Senate in a confessedly imperfect state, and hoped no such precedent would ever receive the sanction of the House, especially in a money bill.

Mr. SEDGWICK called the attention of the House to the process of this business; much time was spent in the discussion of it last session; we are now past the middle of the present; more than three weeks have already been spent in the business, and now, at this late period, gentlemen come forward with propositions that strike at the very principles of the bill. He hoped no such motion would take place.

Mr. VINING objected to a recommitment for general purposes.

The question on recommitting generally was lost—30 to 27.

A motion was then made for recommitting for a particular purpose, which was lost—24 to 33.

FRIDAY, January 21.

BANK OF THE UNITED STATES.

The act to incorporate the subscribers to the Bank of the United States, received from the Senate yesterday, was read the first and second time, and referred to a Committee of the Whole House on Wednesday next.

1st CON.—60

NEW REVENUE BILL.

Mr. SEDGWICK moved for a committee to bring in a bill to provide for the compensation of the Inspectors of the duties on distilled spirits. The motion was agreed to, and a committee, consisting of Messrs. SEDGWICK, MADISON, and LAWRENCE, was appointed.

A message was received from the Senate, informing the House that they have concurred in the vote of the House, in appointing a committee, on their part, to consider and report a time for the commencement of the next Congress.

DUTY ON SPIRITS.

The House resumed the consideration of the new Revenue bill.

Mr. JACKSON proposed an amendment, by adding a clause to prevent Inspectors, or any officers under them, from interfering, either directly or indirectly, in elections, further than giving their own votes, on penalty of forfeiting their offices.

This being seconded,

Mr. SHERMAN said, he should propose an addition to the amendment, and that was to extend the prohibition to every other person whatever. He supposed that to practice the arts of electioneering would be as criminal in persons in general as in the officers of the revenue; but if any provision is necessary in the case, he thought it might be made in some other bill.

Mr. LIVERMORE approved the motion. These officers, said he, will hold their places under the Government, and, from the duties assigned them, will acquire such a knowledge of persons and characters, as will give them great advantages, and enable them to influence elections to a great degree. He thought the proposition important, and merited the attention of the House.

Mr. VINING observed, that the motion went to disfranchise a great number of citizens of the rights of suffrage. It appeared to him, also, to be unconstitutional, as it will deprive them of speaking and writing their minds; a right of which no law can divest them. He offered some observations on the eligibility of the duty now contemplated, in preference to direct taxes; and then urged the bad policy of rendering the law odious, by fixing a stigma on the officers appointed to execute it.

Mr. JACKSON replied to the observations against his motion. He said the experience of Great Britain showed the propriety of the prohibition. He read a section from a law passed in the reign of William and Mary on this subject. A law was found necessary in that country to prevent the interference of excise officers in elections, though the excise law then in existence was only for ten years, and that now before us is a perpetual law; for it is to exist till the whole State debts are extinguished. He denied that it was a disfranchisement of the citizens; they will have the same right to vote at elections as other citizens; it only goes to defining an offence, which may be of pernicious consequence. Did I consider it as depriving the citizens of the rights of suffrage, I would be the last to vote for it. He adverted particu-

larly to the dangerous influence that some future President would acquire, by virtue of the power which he will possess of removing these officers. He read some clauses from the British Excise Law, to show its resemblance to the law now under consideration. He added some strictures on the bill, and regretted that it had not been recommended; but to render it less odious and mischievous he strongly urged the necessity of the section he had proposed.

Mr. BENSON said, there appeared to him to be an absurdity to say a man shall forfeit an office which he holds during pleasure.

Mr. GERRY objected to the motion, because he thought it did not go far enough; it ought to extend to all other revenue officers. He gave a short account of the nature of civil government; no form, said he, is stationary, they are always verging either to Democracy or Monarchy, or to Aristocracy and Despotism. From hence, he drew an influence favorable to a provision which should tend to abate and lessen the influence of the Executive power in certain cases.

Mr. AMES objected to the motion. He said, the circumstances of this country and Great Britain were not similar. That country is without a Constitution; the United States are blessed with one, which defines the rights of the electors and the elected; rights of which they cannot be deprived. The law which the gentleman referred to was not passed till the abuses it was intended to remedy had arisen to an enormous height. If ever there should be a necessity for a similar law in this country, which he by no means expected, it will then be time enough to make the regulation; but this clause will muzzle the mouths of freemen, and take away the use of their reason.

Mr. BLOODWORTH replied to Mr. AMES. He observed, that corruptions had taken place; elections have been influenced, and human nature being the same, the same evils are to be expected. He thought it would be best to prevent the evil if possible by enacting a law in season, and not wait till the mischief is done.

Mr. SENEY was in favor of the clause. He thought it would be a salutary provision, and no infringement on the rights of the people, as it would be optional to accept the offices or not, with this restriction.

Mr. STONE was in favor of the motion. He observed, that it was a painful consideration that a number of citizens should be disfranchised, and deprived of their reason and speech, but this is a dilemma to which we shall be reduced by means of this excise law; we must either deprive the excise officers of this privilege of interfering or give up the freedom of elections.

Mr. VINING controverted the oft-repeated observation, that there was an analogy between the two countries, Great Britain and America. He urged an acceleration of the bill; delays he thought did not produce conviction, they only serve to inflame; he hoped the clause would not be agreed to, nor the bill recommitted.

Mr. LAWRENCE was sorry that there were so many impediments thrown in the way of this bill.

He could wish that the clause might be deferred, and made the subject of a separate discussion. He objected to it as not extensive enough. It ought to include all the officers of the Government. At present, he should waive any further remarks, but hoped the motion would not be agreed to at this time, but wished that the bill might be finished.

Mr. SEDGWICK opposed the motion. He said, the natural tendency would be to render the law odious; to deprive the Government of the services of the best men in our country. Let me ask gentlemen, if they, or any of their connexions, would accept an appointment under this law, with such an exceptionable clause in it? He observed on the total difference in the circumstances of this country and those of Great Britain; and asked, shall we transplant the corrupt maxims of that country to this? I hope we shall not.

Mr. GERRY replied to the several objections which had been offered against the motion. It will be too late, said he, when the evil takes place to apply the remedy. The President will then have it in his power to influence the elections in such manner as to procure a Legislature that would not consent to a law for applying a remedy.

Mr. AMES reprobated the motion in very pointed terms, as impolitic in respect to the law, as repugnant to the Constitution, and as degrading to human nature. Besides, he observed, that it was nugatory in itself, because it goes to deprive the citizens of an unalienable right, which you cannot take from them, nor can they divest themselves of it.

Mr. JACKSON made a short reply to Mr. AMES. He observed, that he had always supposed that the English nation possessed a Constitution, and that the violation of the freedom of elections was the greatest infringement on that Constitution.

Mr. SHERMAN observed, that this motion went to create a positive offence. He said he could not conceive any reason why this offence should be chargeable on one description of officers only; he thought it ought to go through, and include every class. He replied to the several objections arising from the influence of the President; and observed, that fixing such a stigma would oblige the President to appoint mean and ordinary characters—characters fit to make tools of; for persons of credit and respectability will not accept of appointments under such a disqualification.

The question was determined in the negative, the yeas and nays being as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Floyd, Gerry, Grout, Hathorn, Heister, Jackson, Livermore, Mathews, Moore, Parker, Rensselaer, Seney, Sylvester, Stone, Tucker, and White—21.

NAYS—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Giles, Hartley, Huntington, Lawrence, Lee, Leonard, Madison, P. Muhlenberg, Schureman, Scott, Sedgwick, Serier, Sherman, Snodgrass, Smith, of Maryland, Smith, of South Carolina, Steele, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, Williamson, and Wynkoop—37.

SATURDAY, JANUARY 23.

DUTY ON SPIRITS.

The House resumed the consideration of the new Revenue bill.

An additional section was proposed, pointing out the purposes to which the revenue raised by the act should be applied. This was superseded by a motion to recommmit the bill, which was lost. Several amendments were offered to that section, which underwent some discussion, but were postponed for further consideration.

MONDAY, JANUARY 24.

Mr. HEISTER presented a memorial and remonstrance from a number of the citizens of Philadelphia, against Excise Laws, and particularly against the bill now pending in the House, laying duties on distilled spirits.

Read, and laid on the table.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate

and House of Representatives:

I lay before you a statement, relative to the frontiers of the United States, which has been submitted to me by the Secretary for the Department of War.

I rely upon your wisdom to make such arrangements as may be essential for the preservation of good order, and the effectual protection of the frontiers.

GEO. WASHINGTON.

UNITED STATES, JANUARY 24, 1791.

Gentlemen of the Senate,

and House of Representatives:

In execution of the powers with which Congress were pleased to invest me, by their act, entitled "An act for establishing the temporary and permanent seat of the Government of the United States," and on mature consideration of the advantages and disadvantages of the several positions, within the limits prescribed by the said act, I have, by a Proclamation, bearing date this day, a copy of which is herewith transmitted, directed Commissioners, appointed in pursuance of the said act, to survey and limit a part of the territory of ten miles square, on both sides of the river Potomac, so as to comprehend Georgetown in Maryland, and to extend to the Eastern Branch.

I have not, by this first act, given to the said territory the whole extent of which it is susceptible, in the direction of the river; because I thought it important that Congress should have an opportunity of considering whether, by an amendatory law, they would authorize the location of the residue of the lower end of the present, so as to comprehend the Eastern Branch itself, and some of the country on its lower side in the State of Maryland, and the town of Alexandria, in Virginia. If, however, they are of opinion that the Federal Territory should be bounded by the water-edge of the Eastern Branch, the location of the residue will be to be made at the upper end of what is now directed.

I have thought best to await a survey of the territory, before it is decided on what particular spot, on the northeastern side of the river, the public buildings shall be erected.

GEO. WASHINGTON.

UNITED STATES, JANUARY 24, 1791.

DUTY ON SPIRITS.

The House then resumed the consideration of the new revenue bill.

Mr. TUCKER proposed a clause to limit the duration of the bill. He urged this motion from consideration of the security it would afford to the people, that the duties and burdens would not be continued after the necessity of their being laid should cease. He observed that a future House might agree to renew the law, or to originate a new one; nor did he conceive that the creditors of the United States would be placed in a worse situation with this limitation than without it; for a House that would refuse to renew the act, or originate a new one, on a principle of justice to the creditors, would not hesitate to repeal this law.

Mr. SHERMAN observed, that a clause already agreed to superseded the necessity of this amendment. That clause expressly provides, that other duties or taxes, of equal value, may be substituted, in case the present should prove burdensome or inconvenient.

Mr. JACKSON supported the motion. He observed, that it was the indispensable duty of this House to keep the purse-strings in their hands; for his part, he never would consent to a perpetual law, which in its operations might prove odious to the people; and he maintained that this law would be perpetual, inasmuch as it was to be commensurate with the debt of the United States. He urged the adoption of a limiting clause from a variety of considerations.

Mr. LAWRENCE objected to the motion. He said, it not only interfered with the acts already passed, making provision for the public debt, and which have express reference to part of the duties contemplated by this bill, but it also contravenes the clause which makes it optional with the United States to substitute other taxes in lieu of those proposed to be raised by this bill.

Mr. GERRY objected to the proposition of Mr. TUCKER, on similar principles with Mr. LAWRENCE. He added, that it would prove a violation of the public faith, inasmuch as it would make part of the provision temporary, whereas the honor of the Government is pledged to provide those funds that are permanent. Mr. G. enlarged on the importance and sacredness of the public faith, observing, that it had already been sufficiently trifled with; he hoped more consistency would mark the public councils in future.

Mr. GILES thought the provision proposed, or think himself deficient in duty if he did not offer some observations on it. He denied the motion violated the funding system; but if it did, he should prefer such a violation to a violation of the Constitution. He read a clause from the funding system, and said the terms "permanent funds" meant established, fixed funds, such as Congress may hereafter deem necessary; it could not mean that Congress are not at liberty to vary these funds at pleasure, provided they are always made competent. Will gentlemen say that the system is so sacred that it can never be touched? He in-

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quired, if, in its operation, any system is found to be contrary to the Constitution, ought it to be held sacred? He then adverted to the impression under which the Constitution had been adopted, and said, that if the people had then supposed that they subjected themselves by it to perpetual burdens, which could never be controlled by the representatives of the people, not one in a hundred would ever have consented to its adoption. He asked, on what is the public faith founded? Is it founded on the fiscal regulations of this House? Is it founded on the fiscal regulations of the United States, and their ability to pay their debts. He was afraid there was too great a sympathy with the public creditors in the House; such a sympathy as did not properly combine with it the interests and feelings of the people at a distance. He considered the power of regulating the resources of the United States, as at present situated, properly lodged; and he trusted it would not be delegated to any other body whatever. I hope, said he, we shall not arm the Executive with the golden nerve of the United States. He considered the Executive as possessing already the necessary powers; he wished they might not be extended; much less could he consent that the funding system should be superior to the Constitution of the United States.

Mr. LAWRENCE, advertent to the Constitution, specified the powers thereby vested in the Legislature of the United States; they are empowered to lay excises, imposts, and other taxes. He wished gentlemen would be explicit when they taxed others with a design to violate the Constitution. He had read the Constitution, perhaps not so much as the gentleman from Virginia, still he had read it sufficiently to convince him that nothing in the funding system, nor in the bill now before the House, was contrary thereto. He then adverted to the proposition of limiting the present bill, and said that it must appear to be a palpable violation of the public faith as pledged by the funding system. It goes to converting not only the present fund into a temporary one, but also converts part of that which is now a permanent fund into a temporary one. He then adverted to the observation which tended to affix a stigma of odium on the bill. He remarked on the subject of taxes generally, and said, there never was such a thing as a popular tax, strictly speaking; still the people submitted to them on principles of patriotism, and when it was said that the people are pleased with any particular mode of taxation, it only means that some are less exceptionable than others; this he conceived to be the case in the present instance.

Mr. JACKSON, advertent to the bill, said, that the clause which empowers Congress to substitute new taxes in lieu of the excise, plainly shows that this bill is not a permanent bill. The proposition is, therefore, no violation of any principle in the bill; it is merely declaratory of what is fairly implied in the above clause.

Mr. HEISTER was in favor of the limitation. Mr. BLOODWORTH said, he had seconded the

motion with a view that if the bill should not prove agreeable to the people, other measures may be adopted. Suppose the people should not consent to the law, is one part of the people to be marched against another? It will be in vain for us to pass a law that shall be opposed to the popular prejudices; gentlemen talk of the bill's being agreeable to the people; his experience taught him very differently; no system could be devised more odious to the people of the Southern States.

Mr. GERRY further opposed the motion. Mr. TUCKER rose to obviate some of the objections which had been offered to his motion. If the operation of it went to repeal any part of the funding law, he was content to have it altered so as to avoid that consequence. He then entered into a particular reply to the several objections which had been offered. He invalidated that which arose from the danger of trusting a future Congress, by instancing the situation of the deferred part of the debt, which is left entirely to the integrity of a future Congress. That the public creditors do not consider the perpetuity of the law making provision for the public debt as of any superior consequence, is evident from the increasing value of the deferred debt.

Mr. STONE said, the motion would counteract the clause in the funding system which had appropriated the duty on rum as a permanent fund. He had been opposed to the United States pledging their faith for the payment of their debts; he was for a more dignified mode of procedure, but as the Legislature had thought proper to provide a permanent fund in one instance, he thought it proper they should do it in another; and with respect to excise, if that is the best possible resource for paying the interest on the assumed debt, it ought to be continued on the same principle till the object is obtained.

Mr. SHERMAN offered a few observations against the motion.

Mr. SENEY spoke in its favor, and proposed a modification of it to avoid the objection of its interfering with the funding system.

The question was taken on the original motion and lost—39 to 19.

The yeas and nays were as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Giles, Hartley, Heister, Jackson, Matthews, Moore, P. Muhlenberg, Parker, Scott, SENEY, Sevier, Steele, Tucker, and Williamson—19.

NAYS—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Groat, Hathorn, Huntington, Lawrence, Lee, Livermore, Leonard, Madison, Partridge, Schureman, Schureman, Sedgwick, Sherman, Sylvester, Sennickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, White, and Wynkoop—39.

TUESDAY, January 25.

EVIDENCES OF PUBLIC DEBT.

Mr. LAWRENCE, from the committee to whom was referred the bill directing the mode in which evidences of the debt of the United States, which

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may be lost or destroyed, shall be renewed, presented an amendatory bill; which was twice read, and committed.

DUTY ON SPIRITS.

The House resumed the consideration of the new revenue bill. After spending some further time upon it, the question of ordering it to be engrossed for a third reading, was carried by yeas and nays, as follows:

YEAS—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Groat, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Partridge, Schureman, Scott, Sedgwick, Sherman, Sylvester, Sennickson, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, White, and Wynkoop—35.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Griffin, Giles, Hathorn, Hartley, Heister, Jackson, Matthews, P. Muhlenberg, Parker, Rensselaer, SENEY, Steele, Sevier, Stone, and Tucker—20.

COMMENCEMENT OF NEXT CONGRESS.

Mr. TUCKER, from the joint committee appointed to consider and report the time for the commencement of the next Congress, brought in a report, which is in substance that the business now before Congress may be finished by the 4th of March, and that it will not be necessary for the new Congress to commence immediately after; but the joint committee could not agree as to the precise time, when their first session should begin.

WEDNESDAY, January 26.

Ordered, That Messrs. SMITH, of South Carolina, STONE, and TRUMBULL, be a committee to bring in a bill for making compensation to widows, orphans, and invalids, in certain cases.

APPROPRIATION BILL.

And that Messrs. LAWRENCE, CLYMER, and BOUNDINOT, be a committee to bring in a bill making appropriations for the service of the current year.

NORTH CAROLINA.

The House proceeded to consider the report of the committee to whom was referred the petitions of the merchants of Wilmington and Fayetteville, and said report, which recommended that a bill be brought in to repeal so much of the act in relation to the Judiciary as relates to holding the District and Circuit Courts in Newbern only.

DR. FRANKLIN.

A message was received from the President of the United States, accompanied with a letter addressed to him by the President of the National Assembly of France, and of a decree of that Assembly on the death of Dr. FRANKLIN. [For copies of which see the Appendix.]

THURSDAY, January 27.

QUAKERS' MEMORIAL.

Mr. BOURNE presented the address and memorial of the people called Quakers, in the State of

Rhode Island, respecting certain parts of the militia bill.

MARINE HOSPITALS.

Mr. PARKER gave notice that he should, tomorrow, move that a committee be appointed to bring in a bill for the general establishment of Marine Hospitals in the United States.

SOUTHERN FRONTIERS.

The following Message was received from the President of the United States:

Gentlemen of the Senate,
and House of Representatives:

In order that you may be fully informed of the situation of the frontiers, and the prospects of hostility in that quarter, I lay before you the intelligence of some recent depredations, received since my message to you upon this subject of the 24th instant.

GEO. WASHINGTON.

UNITED STATES, January 27, 1791.

A message from the Senate informed the House, that they have passed a bill concerning Consuls and Vice-Consuls. Also, communicating sundry papers, referred to in the Message of the President of the United States. The papers were read: viz: A letter from General Putnam to the President of the United States, dated at Marietta, January 8, containing an account of an attack, the 2d instant, on Big Bottom, a settlement about forty miles up the river, in which fourteen persons were killed, and three taken prisoners; a letter from the same person to General Knox, and a letter from Captain David Ziegler, to Governor St. Clair, corroborative of the above account. These papers were referred to the committee appointed yesterday on the Message from the President of the United States.

DUTY ON SPIRITS.

The engrossed bill, repealing, after the last day of June next, the duties heretofore laid on distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same, was passed by a majority of fourteen. The yeas and nays being called for, were as follows:

YEAS—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Groat, Huntington, Lawrence, Lee, Leonard, Livermore, Madison, Partridge, Schureman, Sedgwick, Sherman, Sylvester, Sennickson, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, White, and Wynkoop—35.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Giles, Hartley, Hathorn, Heister, Jackson, Matthews, Moore, Muhlenberg, Parker, Van Rensselaer, SENEY, Smith, of Maryland, Steele, Stone, Tucker, and Williamson—21.

FRIDAY, January 28.

The bill sent from the Senate, concerning Consuls and Vice-Consuls, was twice read and committed.

Mr. HENRY presented a petition from the public creditors holding loan-office certificates for money lent to the United States to carry on the late war, representing the insufficiency of the provision for the public creditors made by the act of the last session, and praying that more adequate provision may be made.

Mr. AINS laid the following motion on the table: That the Secretary of the Treasury be directed to report, whether it is necessary that any provision should be made by law respecting the new emission money.

REPORT ON H. LAURENS' CASE.

Mr. SMITH, of South Carolina, brought in a report on the petition of Henry Laurens, which was against granting the prayer of the petition; laid on the table.

REPORT ON CHURCHMAN'S PETITION.

The report on the petition of John Churchman was taken into consideration; the first part of the report respected furnishing him with money to prosecute his discoveries by a voyage to Baffin's Bay. On this part of the memorial, the committee offered no opinion. A motion being made to take the sense of the House, whether he should be furnished with a sum of money for this purpose, the question being put, it passed in the negative. On the other part of the report, which respects the enhancement of the penalty for counterfeiting or copying original charts, a committee was appointed to bring in a bill to make provision for that purpose.

REPORT ON THE MINT.

The SPEAKER communicated to the House a report of the Secretary of the Treasury, on the subject of the establishment of a Mint; which was ordered to be printed.

KENTUCKY.

On motion of Mr. BROWN, the House resolved itself into a Committee of the Whole, and took into consideration the bill providing for the admission of Kentucky into the Union. Mr. BOUNDNOT in the Chair. The Chairman reported the bill to the House without amendment, and, on motion, it was read the third time, and passed.

NEXT MEETING OF CONGRESS.

The House took into consideration the report of the Joint Committee in respect to the time when the next Congress shall commence its session.

The House, after some debate, agreed to the Report: the first part of which states that it will not be necessary for the new Congress to commence its session immediately after the fourth of March.

The second part of the Report proposes that the time for the annual meeting of Congress should be altered; a committee, consisting of Messrs. TUCKER, LEE, and PARRINGTON, was appointed to report a bill for that purpose.

MARYLAND

In Committee of the Whole on the bill declar-

ing the assent of Congress to a certain act of the State of Maryland, some amendments being agreed to by the committee, the bill was reported to the House, and ordered to be engrossed for a third reading.

CERTIFICATES.

A motion made by Mr. TUCKER, respecting provision to be made for subscribing, agreeable to the funding system, certain certificates issued in lieu of others, in several of the States, subsequent to the first of January, 1790, was referred to the Secretary of the Treasury.

MONDAY, January 31.

BENJAMIN CONTESS, from Maryland, appeared and took his seat.

MARYLAND.

The engrossed bill declaring the consent of Congress to a certain act of the State of Maryland, was read the third time, and passed: to continue in force one year.

APPROPRIATION BILL.

Mr. LAWRENCE, from the committee appointed for that purpose, reported a bill making appropriations for the year 1791, which received its first reading.

A motion being made to go into a Committee of the Whole on the Bank bill as the order of the day, the same was objected to; it was contended the Militia bill was of more immediate importance, when the necessity of making speedy provision for the relief and protection of the frontiers was taken into view. In answer it was said that a committee was nearly ready to report on this subject, and that more speedy and effectual relief to the inhabitants of the frontiers was contemplated than could possibly be derived from the Militia bill.

The objections to the motion were overruled, by the question being determined in its favor, thirty-five members rising in the affirmative. The House accordingly, in Committee of the Whole, took the Bank bill into consideration, Mr. BOUNDNOT in the Chair.

The bill was read in paragraphs; and no amendments being offered, the Chairman reported it to the House, who voted that it should be read the third time to-morrow.

Mr. BOUNDNOT moved the following resolution:

"That, during the residue of the present session, no debate should be admitted on the question for taking up the order of the day."

Laid on the table.

POST OFFICES AND POST ROADS.

The House resolved itself into a Committee of the Whole on the bill for establishing the Post Office and post roads of the United States, Mr. BOUNDNOT in the Chair.

Mr. STEELE moved to expunge the second section, for the purpose of introducing another as an amendment; in substance,

"That the most direct route from Wisconsin, in the District of Maine, to Savannah, in the State of Georgia, be established as a post road; and that the President of the United States be empowered to establish cross post roads, where they shall appear to him necessary."

He observed, that upon the present establishment of the principal post road, a considerable and populous part of North Carolina derived no advantage from the establishment, and the sea-coast exclusively enjoyed the benefit of a regular and speedy conveyance for their correspondences, and thus the agricultural interest was sacrificed to the commercial.

In the last session it was true, he had been of opinion, that a discretionary power, which by his amendment was proposed to be left with the President, should not be given to him; not that he thought it unconstitutional, but because he then conceived the Representatives, from their collected local information, better able to determine in what parts of the country posts would be required: but the Senate did not concur with the House in exercising that power, and a change of circumstances required a change of measures; the President, by a tour to the Southward, he said, could collect the necessary information whereon to found proper regulations in that quarter.

Mr. WILLIAMSON opposed the amendment offered by his colleague. The object of an establishment, by the Senate, was not to afford the most speedy conveyance, but to accommodate on the route as many persons desirous of writing as possible. If the post was obliged to travel by the straightest road, the sea-ports would be cut off from the advantage of a public mail; and it is a fact, that the mercantile interest principally supports the establishment. The post, to be as beneficial as possible to the community, and as profitable to Government, should pass through as many towns as practicable; by journeying through the interior parts of North Carolina, these ends would not be answered, as letter-writers there will not be found to be numerous. Upon the present establishment, he said, the profits of the post offices in the State of North Carolina were not more than one-fourth of the expense; but if the proposed amendment was adopted, he was of opinion they would not pay more than a tenth part.

Mr. BLOODWORTH was in favor of the motion. Mr. STEELE said, he was satisfied with the route followed by the post as far as Petersburg; but he objected to its returning thence to the Eastward, as if to avoid the State of North Carolina, taking a circular, hazardous, and unprofitable route. The merchants had water conveyance at hand from Petersburg to Georgia, and generally preferred it, as more expeditious than the post. If the exercise bill passed, he conceived there would be an additional necessity for a communication with the interior country by means of a regular post, if any revenue was to be collected from distilleries dispersed throughout the State of North Carolina. Under the present regulations, the inhabitants of the interior and populous part of that State received no regular information of the pro-

ceedings at the seat of the General Government, and other useful intelligence, but from the direct communications of their Delegates in Congress. In support of his opinion, he also mentioned the desire expressed by the Legislature of his State that a change of route should take place. He was sorry to find his honorable colleague opposed to his amendment; but for his own part, even if he was to torture his invention, he could not, he thought, contrive a more absurd and improper road than that now followed by the post. He assured the House he was no ways influenced by private interest in offering the amendment he had proposed.

Mr. PARKER objected to the amendment. If a change of route took place, these now benefited by the post, he conceived, would be offended, and those in whose favor the amendment was proposed, not materially benefited by the alteration. It would be injuring all the sea-port towns of North Carolina and Virginia, to give an advantage to the interior parts of the former, of which, in their present circumstances, they would make but little use. If the amendment took place, a very small portion of Maryland would feel the benefit of the establishment. He was willing that channels of information from the seat of the General Government should be opened for the advantage of the interior parts of North Carolina, but not so as to injure the interests of other States.

Mr. SHERMAN mentioned that the disagreement of the two Houses on this paragraph had occasioned the loss of the bill last session. The House of Representatives wished to specify the several routes, and the Senate thought the President of the United States and Postmaster General had a constitutional right to exercise that power, and that Congress had no authority to interfere.

The present post roads, he said, were established from long experience. He still thought the House was able to enter into the detail of the business. He saw one great objection to leaving it with the President. It was scarcely possible to give universal satisfaction, and constant application would consume much of his time.

Mr. TUCKER adverted to the pains which the House had taken, during the last session, to specify in the bill the different routes in which it appeared necessary for the post to travel; but, unfortunately, their labors had been rendered useless by the non-concurrence of the Senate. However, he wished a similar clause again introduced in the bill, hoping that the Senate would now be differently disposed. He said, that the ideas of particular States, respecting alterations in the post roads, ought not to be disregarded. He was firmly of opinion that it should pass through the most populous parts; though the inhabitants of those parts had not at present many correspondents, yet if a regular conveyance was offered them, they would, in a short time, acquire the habit of writing; and though at first the profits to Government might, by the change proposed in the post road, be diminished, yet by degrees they would increase, and in the end become greater

than before the alteration. He could wish, therefore, that the clause which had been agreed to, and was now left out, might be inserted in the bill; but as he had not the bill at hand, he would move a clause respecting the State of South Carolina, and such propositions as should be moved by other gentlemen, on similar principles, he would give his assent to. He moved that Augusta, the seat of Government in Georgia; from thence to Savannah; and by cross-roads to the seat of Government in South Carolina, and so in each State, in cases where the seat of Government is out of the direct road.

Mr. WILLIAMSON remarked, that no one knew which was the direct road; if the gentleman who had proposed the amendment would point out its course, members would then be enabled to judge of the propriety of it, but not before. With respect to the excise, and the necessity of interior posts on that account, he observed, that though some considerable revenue might be expected from that source, yet, in his opinion, the Treasury of the Union would still receive more augmentation from the duties collected on imported spirits, in the ports of entry, through which, for that reason, he conceived the post ought still to pass. If it took its direction through the interior parts of North Carolina, four of those ports out of five would be out of the post road, and the fifth at a distance of forty miles further than before. Besides the duties on spirits, those on other goods amounted to a sum by no means trifling, and for the collection of which a direct and regular communication between them and the seat of the General Government was requisite. He mentioned the necessity of giving the merchant regular opportunities to write for insurance, as an additional argument against the amendment.

Mr. JACKSON said, that if any revenue was to be derived from the post office, it would be from the commercial and not the agricultural parts of the States. He was against the amendment. He wished matters could be so arranged as to give Augusta, in Georgia, the advantage of the public mail, by establishing a post road to that place, but thought the post should go first to Savannah, and from thence to Augusta.

Mr. TUCKER's motion was disagreed to. Mr. BLOODWORTH spoke in favor of Mr. STEELE's amendment. He said he had no idea of stopping the communications with the seaports. He supposed that provision would be made for their accommodation; and, in this view, he conceived there was no impropriety in opening the communication in the most direct manner with the interior country. He urged the necessity of giving the people every advantage to acquire information.

Mr. SHERMAN wished a limitation to the power of establishing cross-roads; that such only should be established as should defray their own expenses.

Mr. BOURNE was against the amendment as it stood; it would tend to render a number of good post-roads almost useless. He hoped, as an

amendment to the proposition before the House, that a sentence would be added to make it read thus: "That the most direct roads from Wiscasset, in the District of Maine, to Savannah, in Georgia, and such now used as post-roads, be established as such."

Mr. HARTLEY feared the House would not find time this session to enter into the minutiae of the establishment, and wished a temporary discretionary power given in the business to the President of the United States and the Postmaster General, after having fixed that the main road should remain as heretofore established. However, he proposed that the power be not granted without a limitation. He thought no part of the revenue of the United States, other than that derived from the Post Office, should by them be touched for the establishment of posts. He wished also this power granted for a limited time.

Mr. BALDWIN moved that the post road should be extended from Savannah to Augusta, in the State of Georgia. He observed that it was a duty which the Government owed to the people of which it was composed, to provide at least some channel of communication to them; that hitherto the post had only crossed the river from Carolina; barely landed in the State of Georgia, and returned; that the seat of the Government in that State is one hundred and twenty miles from that place inland, and all communication with it for that distance depends entirely on contingency. The operation of this Government will prove, that the distant extremes of the Union, remote from the warm and vivifying influences of the Government, will have a sufficiently hard lot. And is it to be thought best that no way should be provided to communicate any information to them? That ignorance may be a soporific to prevent a sense of their situation? He was obliged to add, that great provision had long been made on one extreme of the Union, and none at all for the other. Did the post only cross the river into the District of Maine, and return immediately, their situations would be somewhat similar; but the post road there had been several years extended to Portland, which is sixty miles within the District; and in the year 1788, it was extended eighty miles further, to Pownalborough; not in order to go to the seat of Government, for it is not a State, and the return will show that it could not be for the sake of the revenue.

The present clause in the bill provides for continuing the post to the same place. He relied on the justice of the House, that his motion would prevail, and that the post road would be extended to Augusta.

Some other alterations to Mr. STEELE's proposition were offered; all of which were negatived, as was the original motion.

TUESDAY, February 1.

The bill making appropriations for the support of Government for the year 1791 was read the second time, and ordered to be engrossed for a third reading.

BANK OF THE UNITED STATES.

The bill sent from the Senate, to incorporate the subscribers to the Bank of the United States, was read the third time; and, the question being on the passage of the bill.

Mr. SMITH, of South Carolina, observed, that the bill being taken up rather unexpectedly yesterday, gentlemen did not appear prepared to discuss the subject. It therefore was suffered to be read in Committee of the Whole, and passed to the third reading, in his opinion, rather informally; as the members were thereby deprived of giving their sentiments in the usual manner on a bill of the greatest importance. He thought it susceptible of various amendments. [The SPEAKER having observed, that the bill, agreeably to the rules of the House, could not be amended without being recommitted.] Mr. S. moved, that the bill should be recommitted, for the purpose of making sundry alterations, and removing objections which he thought the bill liable to. He then enumerated several objections. Those who are to receive the subscriptions, he said, by the bill are not obliged to give any bonds for their fidelity. He thought the clause which excludes foreigners from voting by proxy exceptionable; and the time in which subscriptions are to be received, he thought too contracted.

Mr. JACKSON said he was in favor of the motion for a recommitment; but not for the reasons offered by the gentleman from South Carolina. He was opposed to the principle of the bill altogether. He then adverted to the situation of the United States, and observed, that it was so different from that of Great Britain, at the time the Bank was established in that country, that no reason in favor of the institution can be deduced from thence. He adverted to the arguments arising from the facility which Banks afford of anticipating the public resources in case of emergency. This idea of anticipations he reprobated, as tending to involve the country in debt, and an endless labyrinth of perplexities. This plan of a National Bank, said he, is calculated to benefit a small part of the United States, the mercantile interest only; the farmers, the yeomanry, will derive no advantage from it; as the bank bills will not circulate to the extremities of the Union. He said he had never seen a bank bill in the State of Georgia, nor will they ever benefit the farmers of that State, or of New Hampshire. He urged that there was no necessity for instituting a new Bank. There is one already established in this city, under the style of the Bank of North America. This proposed institution is an infringement of the charter of that Bank, which cannot be justified. He urged the unconstitutionality of the plan; called it a monopoly; such a one as contravenes the spirit of the Constitution; a monopoly of a very extraordinary nature; a monopoly of the public moneys for the benefit of the corporation to be created. He then read several passages from the *Federalist*, which he said were directly contrary to the assumption of the power proposed by the bill. He hoped, therefore, that it would be recommitted; and he could not

help hoping, also, that it would be deferred to the next session.

Mr. LAWRENCE observed, that the friends of the institution proposed had been unjustly charged with precipitating the bill; but, he said, it had long been in the hands of the members; they have had time to consider it; the usual forms have been observed in its progress thus far; and if those who are opposed to the bill did not see proper to come forward with their objections, it surely is their own fault, and the advocates of the bill are not justly chargeable with precipitancy. He then particularly replied to the objections offered by Mr. SMITH, of South Carolina; and after considering them, said, that those objections did not, in his opinion, constitute sufficient reason to induce a recommitment of the bill. He then noticed the constitutional objections of Mr. JACKSON, and said, the Government of the United States is vested by the Constitution with a power of borrowing money; and in pursuance of this idea, they have a right to create a capital, by which they may, with greater facility, carry the power of borrowing on any emergency into effect. Under the late Confederation, the Pennsylvania Bank, called the Bank of North America, was instituted. He presumed that it will not be controverted, that the present Government is vested with powers equal to those of the late Confederation. He said, that he had no doubt its operation would benefit not only the centre, but the extremities also of the Union. The commercial, mechanical, and agricultural interests of the United States are so combined, that one cannot be benefited without benefiting the other. He concluded by observing, that he thought the Legislature of the United States could not better answer the purposes of their appointment, than by passing this bill. He hoped, therefore, that it would not be recommitted, but that it would now pass.

Mr. LEE observed, that having been confined by sickness, he was precluded from attending the House yesterday; but sick as he was, had he supposed that there was a prospect of a bill of such magnitude and importance passing without a discussion of its principles, he certainly would have attended, and offered his objections to various parts of it, which he thought very exceptionable. He hoped, therefore, it would now be recommitted; that a bill which is so unequal and so partial may undergo a thorough discussion.

Mr. TUCKER was in favor of a recommitment. He acknowledged that those who had their objections to the bill were certainly blameable for not coming forward with them yesterday. He then stated sundry objections to the bill. The time allowed to receive the subscriptions, he said, is too short, and will benefit those only in the vicinity of the Bank. The clause which authorizes the loaning of one hundred thousand dollars to the Government, without express provision by law, he thought exceptionable, as the Executive will be able, by this means, to borrow at any time, without being authorized, to almost any amount, of the Bank. The loan of two millions of dollars by the

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United States to the Bank, he objected to; as diverting that sum from the particular object for which it was borrowed. There is no appropriation, he said, of the half-yearly dividend of profits accruing to the United States, which, he observed, was a very essential defect. Mr. T. stated other objections, as reasons for a recommitment.

Mr. WILLIAMSON was in favor of the recommitment to give those who say they have not had an opportunity of offering their objections, time to do it; and if the motion be not agreed to, he should not give his vote for the bill. He then adverted to the objections deduced from the Constitution, and explained the clause respecting monopolies as referring altogether to commercial monopolies.

Mr. SHERMAN objected to the recommitment. He said, that though the bill could not be amended without its being recommitment, yet it was open to discussion and objection previous to taking a vote on its passage. He did not think the objections offered afforded sufficient reasons for a recommitment. He replied to the observations of Mr. G. by several gentlemen who had spoken in favor of the motion.

Mr. GEARY expressed his surprise at the observations of gentlemen who had neglected to offer their objections to the bill before, and said it could only be imputed to their own neglect, and not to any precipitancy on the part of the friends of the bill. Mr. G. noticed several objections which had been offered, and said, if nothing more important could be offered, he thought it would be unjustifiable in the House to go into a committee.

Mr. MADISON observed, that at this moment it was not of importance to determine how it has happened that the objections which several gentlemen now say they have to offer against the bill were not made at the proper time. It is sufficient for them, if the candor of the House should lead them now to recommit the bill, that in a Committee of the Whole they may have an opportunity of offering their objections.

Mr. AMES replied to Mr. MADISON. He said, he did not conceive that the appeal now made to the candor of the House was in point. The gentleman who object to the bill had an opportunity to offer their objections; the customary forms have been attended to; and the whole question for the recommitment turns on the force of the objections which are now offered to the general principles of the bill altogether. The candor of the House, he conceived, was entirely out of the question, and therefore not to be appealed to; but the justice due to their constituents in the proper discharge of the duty reposed in them. He said, it appeared to him absurd to go into Committee of the Whole to determine whether the bill is constitutional or not. If it is unconstitutional, that amounts to a rejection of it altogether.

Mr. MADISON thought there was the greatest propriety in discussing a constitutional question in Committee of the Whole.

Mr. STONE and Mr. GILES were in favor of the recommitment. They objected to the unconstitutionality of the bill, and to several of its particular clauses.

Mr. VINING said, he thought it was a subject of congratulation that the bill was in its present situation; it had happily passed to the third reading without that tedious discussion which bills usually receive. The subject has been a considerable time before the House, and gentlemen have had time to contemplate it. The bill is now in the stage to which gentlemen very usually reserve themselves to state their objections at large, and he hoped they would now do it. He was not perfectly satisfied as to the constitutional point. He therefore hoped gentlemen would state their objections, that those who are satisfied on that point may offer their reasons.

Mr. BODINOT stated the process of the business yesterday. He observed that he had then the honor to be in the Chair. He had read the bill very distinctly and deliberately, with proper pauses; he thought that the fullest opportunity had been offered for gentlemen to come forward with their objections. He was opposed to the recommitment, as it would, he feared, issue in a defeat of the bill this session. He had one difficulty, however, respecting the unconstitutionality of the bill, which he hoped to have removed; and he hoped that a full discussion of its general principles would take place.

The motion for a recommitment was lost, as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Bourne, Brown, Burke, Carroll, Contee, Gale, Groat, Giles, Jackson, Lee, Madison, Matthews, Moore, Parker, Smith, of Maryland, Smith, of South Carolina, Stone, Tucker, White, and Williamson—23.

NAYS—Messrs. Ames, Benson, Bodinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Harley, Hathorn, Heister, Huntington, Lawrence, Leonard, Livermore, Muhlenberg, Partridge, Rensselaer, Schureman, Scott, Seney, Sherman, Sylvester, Sunkinson, Steele, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—34.

INDIAN AFFAIRS.

Mr. AMES, from the Committee on Indian Affairs, informed the Speaker that a report was ready to lay before the House; on which the doors of the gallery were ordered to be shut.

WEDNESDAY, February 2.

The engrossed bill, making appropriations for the support of Government for the year 1791, was read the third time, and passed.

A message from the Senate informed the House that they have passed the bill declaring the assent of Congress to a certain act of the State of Maryland.

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill sent from the Senate to incorporate the subscribers to the Bank of the United States.

The bill being on its passage, Mr. MADISON began with a general review of the advantages and disadvantages of banks. The former, he stated, to consist in, first, the aid they afford to merchants, who can thereby push their

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mercantile operations further with the same capital. Second. The aids to merchants in paying punctually the customs. Third. Aids to the Government in complying punctually with its engagements, when deficiencies or delays happen in the revenue. Fourth. In diminishing usury. Fifth. In saving the wear of gold and silver kept in the vaults, and represented by notes. Sixth. In facilitating occasional remittances from different places where notes happen to circulate.

The effect of the proposed bank, in raising the value of stock, he thought had been greatly overrated. It would no doubt raise that of the stock subscribed into the bank; but could have little effect on stock in general, as the interest on it would remain the same, and the quantity taken out of the market would be replaced by bank stock.

The principal disadvantages consisted in, first, banishing the precious metals, by substituting another medium to perform their office. This effect was inevitable. It was admitted by the most enlightened patrons of banks, particularly by Smith on the *Wealth of Nations*. The common answer to the objection was, that the money banished was only an exchange for something equally valuable that would be imported in return. He admitted the weight of this observation in general; but doubted whether, in the present habits of this country, the returns would not be in articles of no permanent use to it.

Second. Exposing the public and individuals to all the evils of a run on the bank, which would be particularly calamitous in so great a country as this, and might happen from various causes, as false rumors, bad management of the institution, an unfavorable balance of trade from short crops, &c.

It was proper to be considered, also, that the most important of the advantages would be better obtained by several banks, properly distributed, than by a single one. The aids to commerce could only be afforded at or very near the seat of the bank. The same was true of aids to merchants in the payment of customs. Anticipations of the Government would also be most convenient at the different places where the interest of the debt was to be paid. The case in America was different from that in England: the interest there was all due at one place, and the genius of the Monarchy favored the concentration of wealth and influence at the metropolis.

He thought the plan liable to other objections. It did not make so good a bargain for the public as was due to its interests. The charter to the Bank of England had been granted for eleven years only, and was paid for by a loan to the Government on terms better than could be elsewhere got. Every renewal of the charter had, in like manner, been purchased; in some instances, at a very high price. The same had been done by the Banks of Genoa, Naples, and other like banks of circulation. The plan was unequal to the public creditors; it gave an undue preference to the holders of a particular denomination of the public debt, and to those at and within reach of the seat of Government. If the subscriptions should be

rapid, the distant holders of evidences of debt would be excluded altogether.

In making these remarks on the merits of the bill, he had reserved to himself the right to deny the authority of Congress to pass it. He had entertained this opinion from the date of the Constitution. His impression might, perhaps, be the stronger, because he well recollected that a power to grant charters of incorporation had been proposed in the General Convention and rejected.

Is the power of establishing an incorporated Bank among the powers vested by the Constitution in the Legislature of the United States? This is the question to be examined.

After some general remarks on the limitations of all political power, he took notice of the peculiar manner in which the Federal Government is limited. It is not a general grant, out of which particular powers are excepted; it is a grant of particular powers only, leaving the general mass in other hands. So it had been understood by its friends and its foes, and so it was to be interpreted.

As preliminaries to a right interpretation, he laid down the following rules:

An interpretation that destroys the very characteristic of the Government cannot be just. Where a meaning is clear, the consequences, whatever they may be, are to be admitted—where doubtful, it is fairly triable by its consequences.

In controverted cases, the meaning of the parties to the instrument, if to be collected by reasonable evidence, is a proper guide.

Contemporary and concurrent expositions are a reasonable evidence of the meaning of the parties. In admitting or rejecting a constructive authority, not only the degree of its incidentality to an express authority is to be regarded, but the degree of its importance also; since on this will depend the probability or improbability of its being left to construction.

Reviewing the Constitution with an eye to these positions, it was not possible to discover in it the power to incorporate a Bank. The only clauses under which such a power could be pretended, are either:

1. The power to lay and collect taxes to pay the debts, and provide for the common defence and general welfare; or,
 2. The power to borrow money on the credit of the United States; or,
 3. The power to pass all laws necessary and proper to carry into execution those powers.
- The bill did not come within the first power. It laid no tax to pay the debts, or provide for the general welfare. It laid no tax whatever. It was altogether foreign to the subject. No argument could be drawn from the terms "common defence and general welfare." The power as to these general purposes was limited to acts laying taxes for them; and the general purposes themselves were limited and explained by the particular enumeration subjoined. To understand these terms in any sense, that would justify the power in question, would give to Con-

gress an unlimited power; would render nugatory the enumeration of particular powers; would subvert all the powers reserved to the State Governments. These terms are copied from the articles of Confederation; had it ever been pretended that they were to be understood otherwise than as here explained?

It had been said, that "general welfare" meant cases in which a general power might be exercised by Congress, without interfering with the powers of the States; and that the establishment of a National Bank was of this sort. There were, he said, several answers to this novel doctrine.

1. The proposed Bank would interfere, so as indirectly to defeat a State Bank at the same place.

2. It would directly interfere with the rights of the States to prohibit as well as to establish Banks, and the circulation of Bank notes. He mentioned a law in Virginia actually prohibiting the circulation of notes payable to bearer.

3. Interference with the power of the States was no constitutional criterion of the power of Congress. If the power was not given, Congress could not exercise it; if given, they might exercise it, although it should interfere with the laws, or even the Constitution of the States.

4. If Congress could incorporate a Bank merely because the act would leave the States free to establish Banks also, any other incorporations might be made by Congress. They could incorporate companies of manufacturers, or companies for cutting canals, or even religious societies, leaving similar incorporations by the States, like State Banks, to themselves. Congress might even establish religious teachers in every parish, and pay them out of the Treasury of the United States, leaving other teachers unmolested in their functions. These inadmissible consequences condemned the controverted principle.

The case of the Bank established by the former Congress had been cited as a precedent. This was known, he said, to have been the child of necessity. It never could be justified by the regular powers of the articles of Confederation. Congress betrayed a consciousness of this in recommending to the States to incorporate the Bank also. They did not attempt to protect the Bank notes by penalties against counterfeiters. These were reserved wholly to the authority of the States.

The second clause to be examined is that which empowers Congress to borrow money.

Is this bill to borrow money? It does not borrow a shilling. Is there any fair construction by which the bill can be deemed an exercise of the power to borrow money? The obvious meaning of the power to borrow money, is that of accepting it from, and stipulating payment to those who are able and willing to lend.

To say that the power to borrow involves a power of creating the ability, where there may be the will, to lend, is not only establishing a dangerous principle, as will be immediately shown, but is as forced a construction as to say that it in-

volves the power of compelling the will, where there may be the ability to lend.

The third clause is that which gives the power to pass all laws necessary and proper to execute the specified powers.

Whatever meaning this clause may have, none can be admitted, that would give an unlimited discretion to Congress.

Its meaning must, according to the natural and obvious force of the terms and the context, be limited to means necessary to the end, and incident to the nature of the specified powers.

The clause is in fact merely declaratory of what would have resulted by unavoidable implication, as the appropriate, and, as it were, technical means of executing those powers. In this sense it has been explained by the friends of the Constitution, and ratified by the State Conventions.

The essential characteristic of the Government, as composed of limited and enumerated powers, would be destroyed, if, instead of direct and incidental means, any means could be used, which, in the language of the preamble to the bill, "might be conceived to be conducive to the successful conducting of the finances, or might be conceived to tend to give facility to the obtaining of loans." He urged an attention to the diffuse and ductile terms which had been found requisite to cover the stretch of power contained in the bill. He compared them with the terms necessary and proper, used in the Constitution, and asked whether it was possible to view the two descriptions as synonymous, or the one as a fair and safe commentary on the other.

If, proceeded he, Congress, by virtue of the power to borrow, can create the means of lending, and, in pursuance of these means, can incorporate a Bank, they may do any thing whatever creative of like means.

The East India Company has been a lender to the British Government, as well as the Bank, and the South Sea Company is a greater creditor than either. Congress, then, may incorporate similar companies in the United States, and that too under the idea of regulating trade, but under that of borrowing money.

Private capitals are the chief resources for loans to the British Government. Whatever then may be conceived to favor the accumulation of capitals may be done by Congress. They may incorporate manufacturers. They may give monopolies in every branch of domestic industry.

If, again, Congress by virtue of the power to borrow money, can create the ability to lend, they may, by virtue of the power to levy money, create the ability to pay it. The ability to pay taxes depends on the general wealth of the society, and this, on the general prosperity of agriculture, manufactures, and commerce. Congress then may give bounties and make regulations on all of these objects.

The States have, it is allowed on all hands, a concurrent right to lay and collect taxes. This power is secured to them, not by its being expressly reserved, but by its not being ceded by the Con-

situation. The reasons for the bill cannot be admitted, because they would invalidate that right; why may it not be conceived that right; a uniform and exclusive imposition of taxes, would not less than the proposed Banks "be conducive to the successful conducting of the national finances, and tend to give facility to the obtaining of revenue, for the use of the Government?"

The doctrine of implication is always a tender one. The danger of it has been felt in other Governments. The delicacy was felt in the adoption of our own; the danger may also be felt, if we do not keep close to our chartered authorities.

Mark the reasoning, on which the validity of the bill depends! To borrow money is made the end, and the accumulation of capitals implied as the means. The accumulation of capitals is then the end, and a Bank implied as the means. The Bank is then the end, and a charter of incorporation, a monopoly, capital punishments, &c., implied as the means.

If implications, thus remote and thus multiplied, can be linked together, a chain may be formed that will reach every object of legislation, every object within the whole compass of political economy.

The latitude of interpretation required by the bill is condemned by the rule furnished by the Constitution itself.

Congress have power "to regulate the value of money," yet it is expressly added, not left to be implied, that counterfeiters may be punished.

They have the power "to declare war," to which armies are more incident than incorporated banks to borrowing; yet the power "to raise and support armies" is expressly added; and to this again, the express power "to make rules and regulations for the government of armies," a like remark is applicable to the powers as to the navy.

The regulation and calling out of the militia are more appertinent to war than the proposed Bank to borrowing; yet the former is not left to construction.

The very power to borrow money is a less remote implication from the power of war, than an incorporated monopoly Bank from the power of borrowing; yet, the power to borrow is not left to implication.

It is not pretended that every insertion or omission in the Constitution is the effect of systematic attention. This is not the character of any human work, particularly the work of a body of men. The examples cited, with others that might be added, sufficiently inculcate, nevertheless, a rule of interpretation very different from that on which the bill rests. They condemn the exercise of any power, particularly a great and important power, which is not evidently and necessarily involved in an express power.

It cannot be denied that the power proposed to be exercised is an important power.

As a charter of incorporation, the bill creates an artificial person, previously not existing in law. It confers important civil rights and attri-

butes, which could not otherwise be claimed. It is, though not precisely similar, at least equivalent, to the naturalization of an alien, by which certain new civil characters are acquired by him. Would Congress have had the power to naturalize, if it had not been expressly given?

In the power to make by-laws, the bill delegated a sort of Legislative power, which is unquestionably an act of a high and important nature. He took notice of the only restraint on the by-laws, that they were not to be contrary to the law and the constitution of the Bank, and asked what law was intended; if the law of the United States, the scantiness of their code would give a power never before given to a corporation, and obnoxious to the States, whose laws would then be superseded, not only by the laws of Congress, but by the by-laws of a corporation within their own jurisdiction. If the law intended was the law of the State, then the State might make laws that would destroy an institution of the United States. The bill gives a power to purchase and hold lands; Congress themselves could not purchase lands within a State "without the consent of its Legislature." How could they delegate a power to others which they did not possess themselves?

It takes from our successors, who have equal rights with ourselves, and with the aid of experience will be more capable of deciding on the subject, an opportunity of exercising that right for an immoderate term.

It takes from our constituents the opportunity of deliberating on the untried measure, although their hands are also to be tied by it for the same term.

It involves a monopoly, which affects the equal rights of every citizen.

It leads to a penal regulation, perhaps capital punishments, one of the most solemn acts of sovereign authority.

From this view of the power of incorporation exercised in the bill, it could never be deemed an accessory or subaltern power, to be deduced by implication, as a means of executing another power; it was in its nature a distinct, an independent and substantive prerogative, which not being enumerated in the Constitution, could never have been meant to be included in it, and not being included, could never be rightfully exercised.

He here adverted to a distinction, which he said had not been sufficiently kept in view, between a power necessary and proper for the Government or Union, and a power necessary and proper for executing the enumerated powers. In the latter case, the powers included in the enumerated powers were not expressed, but to be drawn from the nature of each. In the former, the powers composing the Government were expressly enumerated. This constituted the peculiar nature of the Government; no power, therefore, not enumerated could be inferred from the general nature of Government. Had the power of making treaties, for example, been omitted, however necessary it might have been, the defect

could only have been lamented, or supplied by an amendment of the Constitution.

But the proposed Bank could not even be called necessary to the Government; at most it could be but convenient. Its uses to the Government could be supplied by keeping the taxes a little in advance; by loans from individuals; by the other Banks, over which the Government would have equal command; nay greater, as it might grant or refuse to these the privilege (a free and irrevocable gift to the proposed Bank) of using their notes in the Federal revenue.

He proceeded next to the contemporary expostions given to the Constitution.

The defence against the charge founded on the want of a bill of rights pre-supposed, he said, that the powers not given were retained; and that those given were not to be extended by remote implications. On any other supposition, the power of Congress to abridge the freedom of the press, or the rights of conscience, &c., could not have been disproved.

The explanations in the State Conventions all turned on the same fundamental principle, and on the principle that the terms necessary and proper gave no additional powers to those enumerated. [Here he read sundry passages from the Debates of the Pennsylvania, Virginia, and North Carolina Conventions, showing the grounds on which the Constitution had been vindicated by its principal advocates, against a dangerous latitude of its powers, charged on it by its opponents.] He did not undertake to vouch for the accuracy or authenticity of the publications which he quoted. He thought it probable that the sentiments delivered might, in many instances, have been mistaken, or imperfectly noted; but the complexion of the whole, with what he himself and many others must recollect, fully justified the use he had made of them.

The explanatory declarations and amendments accompanying the ratifications of the several States formed a striking evidence, wearing the same complexion. He referred those who might doubt on the subject, to the several acts of ratification.

The explanatory amendments proposed by Congress themselves, at least, would be good authority with them; all these renunciations of power proceeded on a rule of construction, excluding the latitude now contended for. These explanations were the more to be respected, as they had not only been proposed by Congress, but ratified by nearly three-fourths of the States. He read several of the articles proposed, remarking particularly on the 11th and 12th; the former, as guarding against a latitude of interpretation; the latter, as excluding every source of power not within the Constitution itself.

With all this evidence of the sense in which the Constitution was understood and adopted, will it not be said, if the bill should pass, that its adoption was brought about by one set of arguments, and that it is now administered under the influence of another set? and this reproach will have the keener sting, because it is applicable to

so many individuals concerned in both the adoption and administration.

In fine, if the power were in the Constitution, the immediate exercise of it cannot be essential; if not there, the exercise of it involves the guilt of usurpation, and establishes a precedent of interpretation levelling all the barriers which limit the powers of the General Government, and protect those of the State Governments. If the point be doubtful only, respect for ourselves, who ought to shun the appearance of precipitancy and ambition; respect for our successors, who ought not lightly to be deprived of the opportunity of exercising the rights of legislation; respect for our constituents, who have had no opportunity of making known their sentiments, and who are themselves to be bound down to the measure for so long a period; all these considerations require that the irrevocable decision should at least be suspended until another session.

It appeared on the whole, he concluded, that the power exercised by the bill was condemned by the silence of the Constitution; was condemned by the rule of interpretation arising out of the Constitution; was condemned by its tendency to destroy the main characteristic of the Constitution; was condemned by the expositions of the friends of the Constitution, whilst depending before the public; was condemned by the apparent intention of the parties which ratified the Constitution; was condemned by the explanatory amendments proposed by Congress themselves to the Constitution; and he hoped it would receive its final condemnation by the vote of this House.

THURSDAY, February 3.

Mr. CLYMER presented the memorial of sundry widows, creditors of the United States, remonstrating against the funding system, and praying that they may receive six per cent. on the whole amount of their demands against the United States; referred to the Secretary of the Treasury.

A committee, consisting of Messrs. SEBOWICK, SUTTONS, and CONTEE, was appointed to report a bill making a temporary provision for the clerks and other officers of the Federal Courts; also, compensation to the jurors attending said courts.

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill sent from the Senate, to incorporate the subscribers to the Bank of the United States.

A motion was made by Mr. WILLIAMSON to recommmit the bill, for the purpose of amending the first section by prolonging the time for receiving subscriptions from October to April; this motion occasioned some debate, and was determined in the negative; the yeas and nays being as follow:

YEAS.—Messrs. Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Gale, Giles, Grout, Jackson, Lee, Madison, Matthews, Moore, Sevier, Smith of South Carolina, Steele, Stone, Tucker, White, and Williamson—31.

NAYS.—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Gerry, Gilman, Goodhue, Griffin, Hartley, Heshorn, Heister, Huntington, Lawrence, Leonard, Livermore, Muhlenthal, Parker, Partridge, Rensselaer, Schureman, Scott, Sedgwick, Soney, Sherman, Smith, of Maryland, Sylvester, Sunnicksen, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—38.

Mr. AMES.—Little doubt remains with respect to the utility of banks. It seems to be conceded within doors and without, that a public bank would be useful to trade, that it is almost essential to revenue, and that it is little short of indispensable necessary in times of public emergency. In countries whose forms of government have been them free to choose, this institution has been adopted of choice, and in times of national danger and calamity, it has afforded such aid to Government as to make it appear, in the eyes of the people, a necessary means of self-preservation. The subject, however intricate in its nature, is at last cleared from obscurity. It would not be difficult to establish its principles, and to deduce from its theory such consequences as would vindicate the policy of the measure. But why should we lose time to examine the theory when it is in our power to resort to experience? After being tried by that test, the world has agreed in pronouncing the institution excellent. This new capital will invigorate trade and manufactures with new energy. It will furnish a medium for the collection of the revenues; and if Government should be pressed by a sudden necessity, it will afford seasonable and effectual aid. With all these and many other pretensions, if it was now a question whether Congress should be vested with the power of establishing a bank, I trust that this House and all America would assent to the affirmative.

This, however, is not a question of expediency, but of duty. We are not at liberty to examine which of several modes of acting is entitled to the preference. But we are solemnly warned against acting at all. We are told that the Constitution will not authorize Congress to incorporate the subscribers to the bank. Let us examine the Constitution, and if that forbids our proceeding, we must reject the bill; though we shall do it with deep regret that such an opportunity to serve our country must be suffered to escape for the want of a Constitutional power to improve it.

The gentleman from Virginia considers the opposers of the bill as suffering disadvantage, because it was not debated as bills usually are in the Committee of the Whole. He has prepared us to pronounce an eulogium upon his consistency by informing us that he voted in the old Congress against the Bank of North America, on the ground of his present objection to the constitutionality. He has told us that the meaning of the Constitution is to be interpreted by contemporaneous testimony. He was a member of the Convention which formed it, and of course his opinion is entitled to peculiar weight. While we respect his former conduct, and admire the felicity of his situation, we cannot think he sustains disadvantage.

tage in the debate. Besides, he must have been prepared with objections to the constitutionality, because he tells us they are of long standing, and had grown into a settled habit of thinking. Why, then, did he suffer the bill to pass the committee in silence? The friends of the bill have more cause to complain of disadvantage; for while he has had time to prepare his objections, they are obliged to reply to them without premeditation.

In making this reply I am to perform a task for which my own mind has not admonished me to prepare. I never suspected that the objections I have heard stated had existence; I consider them as discoveries; and had not the acute penetration of that gentleman brought them to light, I am sure that my own understanding would never have suggested them.

It seems strange, too, that in our enlightened country the public should have been involved in equal blindness. While the exercise of even the lawful powers of Government is disputed, and a jealous eye is fixed on its proceedings, not a whisper has been heard against its authority to establish a bank. Still, however unseasonably, the old alarm of public discontent is sounded in our ears.

Two questions occur; may Congress exercise any powers which are not expressly given in the Constitution, but may be deduced by a reasonable construction of that instrument? And, secondly, will such a construction warrant the establishment of the bank?

The doctrine that powers may be implied which are not expressly vested in Congress has long been a bugbear to a great many worthy persons. They apprehend that Congress, by putting constructions upon the Constitution, will govern by its own arbitrary discretion; and therefore that it ought to be bound to exercise the powers expressly given, and those only.

If Congress may not make laws conformably to the powers plainly implied, though not expressed in the frame of Government, it is rather late in the day to adopt it as a principle of conduct. A great part of our two years' labor is lost, and worse than lost to the public, for we have scarcely made a law in which we have not exercised our discretion with regard to the true intent of the Constitution. Any words but those used in that instrument will be liable to a different interpretation. We may regulate trade; therefore we have taxed ships, erected light-houses, made laws to govern seamen, &c., because we say that they are the incidents to that power. The most familiar and undisputed acts of Legislation will show that we have adopted it as a safe rule of action to legislate beyond the letter of the Constitution.

He proceeded to enforce this idea by several considerations, and illustrated it by various examples. He said, that the ingenuity of man was unequal to providing, especially beforehand, for all the contingencies that would happen. The Constitution contains the principles which are to govern in making laws; but every law requires an application of the rule to the case in question. We may err in applying it; but we are to exercise our judgments, and on every occasion to de-

cide according to an honest conviction of its true meaning.

The danger of implied power does not arise from its assuming a new principle; we have not only practised it often, but we can scarcely proceed without it; nor does the danger proceed so much from the extent of the power as from its uncertainty. While the opponents of the bank exclaim against the exercise of this power by Congress, do they mark out the limits of the power which they will leave to us, with more certainty than is done by the advocates of the bank? Their rules of interpretation by contemporaneous testimony, the debates of Conventions, and the doctrine of substantive and auxiliary powers, will be found as obscure, and of course as formidable as that which they condemn; they only set up one construction against another.

The powers of Congress are disputed. We are obliged to decide the question according to truth. The negative, if false, is less safe than the affirmative, if true. Why, then, shall we be told that the negative is the safe side? Not exercising the powers we have, may be as pernicious as usurping those we have not. If the power to raise armies had not been expressed in the enumeration of the powers of Congress, it would be implied from other parts of the Constitution. Suppose, however, that it were omitted, and our country invaded, would a decision in Congress against raising armies be safer than the affirmative? The blood of our citizens would be shed, and shed unavenged. He thought, therefore, that there was too much prepossession with some against the bank, and that the debate ought to be considered more impartially, as the negative was neither more safe, certain, nor conformable to our duty than the other side of the question. After all, the proof of the affirmative imposed a sufficient burden, as it is easier to raise objections than to remove them. Would any one doubt that Congress may lend money, that they may pay their debt in the market, or redeem their captives from Algiers? Yet no such power is expressly given, though it is irresistibly implied.

If, therefore, some interpretation of the Constitution must be indulged, by what rules is it to be governed? The great end of every association of persons or States is to effect the end of its institution. The matter in debate affords a good illustration: a corporation, as soon as it is created, has certain powers, or qualities, tacitly annexed to it, which tend to promote the end for which it was formed; such as, for example, its individuality, its power to sue and be sued, and the perpetual succession of persons. Government is itself the highest kind of corporation; and from the instant of its formation, it has tacitly annexed to its being various powers which the individuals who framed it did not separately possess, but which are essential to its effecting the purposes for which it was framed; to declare, in detail, every thing that Government may do could not be performed, and has never been attempted. It would be endless, useless, and dangerous; exceptions of what it may not do are shorter and safer.

Congress may do what is necessary to the end for which the Constitution was adopted, provided it is not repugnant to the natural rights of man, or to those which they have expressly reserved to themselves, or to the powers which are assigned to the States. This rule of interpretation seems to be safe, and not a very uncertain one, independent of the Constitution itself. By that instrument certain powers are specially delegated, together with all powers necessary or proper to carry them into execution. That construction may be maintained to be a safe one which promotes the good of the society, and the ends for which the Government was adopted, without impairing the rights of any man, or the powers of any State.

This, he said, was remarkably true of the Bank; no man could have cause to complain of it; the bills would not be forced upon any one. It is of the first utility to trade. Indeed the intercourse from State to State can never be on a good footing without a bank, whose paper will circulate more extensively than that of any State bank. Whether the power to regulate trade from State to State will involve that of regulating inland bills of exchange and bank paper, as the instruments of the trade, and incident to the power, he would not pause to examine. This is an injury and wrong which violates the right of another. As the bank is founded on the free choice of those who make use of it, and is highly useful to the people and to Government, a liberal construction is natural and safe. This circumstance creates a presumption in favor of its conformity to the Constitution. This presumption is enforced by the necessity of a bank to other governments. The most orderly governments in Europe have banks. They are considered as indispensably necessary; these examples are not to be supposed to have been unnoticed. We are to pay the interest of our debt in thirteen places. Is it possible to transport the revenue from one end of the Continent to the other? Nay, a week before the quarter's interest becomes due, transfers may be made which will require double the sum in Boston which was expected. To guard against this danger, an extra sum must be deposited at the different loan offices. This extra sum is not to be had; our revenue is barely equal to the interest due. This imposes an absolute necessity upon the Government to make use of a bank. The answer is, that the State banks will supply this aid. This is risking a good deal to the argument against the bank; for will they admit the necessity, and yet deny to the Government the lawful and only adequate means of providing for it? Ten of the States have no banks; those who have may abolish theirs, and suffer their charters to expire. But the State banks are insufficient to the purpose; their paper has not a sufficient circulation; of course their capitals are small. Congress is allowed to have complete legislative power over its own finances; and yet without the courtesy of the States it cannot be exercised. This seems to be inconsistent.

If a war should suddenly break out, how is Con-

gress to provide for it? Perhaps Congress would not be sitting; great expenses would be incurred; and they must be instantly provided for. How is this to be done? By taxes? And will the enemy wait till they can be collected? By loans at home? Our citizens would employ their money in war speculations, and they are not individually in a condition to lend a sufficient sum in specie. Or shall we send across the sea for loans? The dispute between England and Spain furnishes an example; the aid of their banks for several millions was prompt and effectual. Or, will you say that Congress might issue paper money? That power, ruinous and fallacious as it is, is deduced from implication, for it is not expressly given. A bank only can afford the necessary aid in time of sudden emergency. If we have not the power to establish it, our social compact is incomplete, we want the means of self-preservation.

I shall, perhaps, be told that necessity is the tyrant's plea. I answer that it is a miserable one when it is urged to palliate the violation of private right. Who suffers by this use of our authority? Not the States, for they are not warranted to establish a National Bank; not individuals, for they will be assisted in trade, and defended from danger by it.

Having endeavored to enforce his argument, by noticing the uses of banks to trade, to revenue, to credit, and, in cases of exigency, he adverted to the authority of our own precedents. Our right to govern the Western Territory is not disputed. It is a power which no State can exercise; it must be exercised, and therefore it resides in Congress. But how does Congress get this power? It is not expressly given in the Constitution, but is derived either from the nature of the case, or by implication from the power to regulate the property of the United States. If the power flows from the nature and necessity of the case, it may be demanded, is there not equal authority for the bank? If it is derived from the power of Congress to regulate the territory and other property of the United States, and to make all needful rules and regulations concerning it, and for the disposal of it, a strict construction would restrain Congress merely to the management and disposal of property, and of its own property; yet it is plain that more is intended. Congress has accordingly made rules, not only for governing its own property, but the property of the persons residing there. It has made rules which have no relation to property at all—for punishing crimes. In short, it exercises all power in that territory. Nay, it has exercised this very power of creating a corporation. The government of that territory is a corporation. And who will deny that Congress may lawfully establish a bank beyond the Ohio? It is fair to reason by analogy from a power which is unquestionable, to one which is the subject of debate.

He then asked, whether it appeared, on this view of the subject, that the establishment of a National Bank would be a violent misinterpretation of the Constitution? He did not contend for an arbitrary, unlimited discretion in the Government to do every thing. He took occasion to protest

against such a misconception of his argument. He had noticed the great marks by which the construction of the Constitution, he conceived, must be guided and limited; and these, if not absolutely certain, were very far from being arbitrary or unsafe. It is for the House to judge whether the construction which denies the power of Congress is more definite and safe.

In proving that Congress may exercise powers which are not expressly granted by the Constitution, he had endeavored to establish such rules of interpretation, and had illustrated his ideas by such observations as would anticipate, in a considerable degree, the application of his principles to the point in question. Before he proceeded to the construction of the clauses of the Constitution which apply to the argument, he observed that it would be proper to notice the qualities of a corporation, in order to take a more exact view of the controversy.

He adverted to the individuality and the perpetuity of a corporation, and that the property of the individuals should not be liable for the debts of the bank or company. These qualities are not more useful to the corporation than conformable to reason; but Government, it is said, cannot create these qualities. This is the marrow of the argument; for Congress may set up a bank of its own; to be managed as public property, to issue notes which shall be received in all payments at the Treasury, which shall be exchangeable into specie on demand, and which it shall be death to counterfeit. Such a bank would be less safe and useful than one under the direction of private persons; yet the power to establish it is indisputable. If Congress has the authority to do this business badly, the question returns, whether the powers of a corporation, which are essential to its being well done, may be annexed as incident to it. The Bank of New York is not a corporation, yet its notes have credit. Congress may agree with that bank, or with a company of merchants, to take their notes, and to cause all payments to pass through their coffers. Every thing that Government requires, and the bank will perform, may be lawfully done without giving them corporate powers; but to do this well, safely, and extensively, those powers are indispensable. This seems to bring the debate within a very narrow compass. This led him to consider whether the corporate powers are incidental to those which Congress may exercise by the Constitution.

He entered into a discussion of the construction of that clause which empowers Congress to regulate the territory and other property of the United States. The United States may hold property; may dispose of it; they may hold it in partnership; they may regulate the terms of the partnership. One condition may be, that the common stock only shall be liable for the debts of the partnership, and that any purchaser of a share shall become a partner. These are the chief qualities of a corporation. It seems that Congress, having power to make all needful rules and regulations for the property of the United States, may establish a corporation to manage it: without

which we have seen that the regulation cannot be either safe or useful; the United States will be the proprietor of one-tenth of the bank stock.

Congress may exercise exclusive legislation in all cases whatsoever over the ten miles square, and the places ceded by the States for arsenals, light-houses, docks, &c. Of course it may establish a bank in those places with corporate powers. The bill has not restrained the bank to this city; and if it had, the dispute would lose a part of its solemnity. If, instead of principles, it concerns only places, what objection is there to the constitutional authority of Congress to fix the bank at Sandy Hook, or Reedy Island, where we have light-houses, and a right of exclusive legislation? A bank established there, or in the district located by law on the Potomac for the seat of Government, could send its paper all over the Union; it is true that the places are not the most proper for overthrows the argument which is deduced from the definite nature of the powers vested in Congress, and the dangerous tendency of the proposed construction of them.

The preamble of the Constitution warrants this remark, that a bank is not repugnant to the spirit and essential objects of that instrument.

He then considered the power to borrow money. He said it was natural to understand that authority as it was actually exercised in Europe; which is, to borrow of the bank. He observed, the power to borrow was of narrow use without the institution of a bank; and in the most dangerous crisis of affairs would be a dead letter.

After noticing the power to lay and collect taxes, he adverted to the sweeping clause, as it is usually called, which empowers Congress to exercise all powers necessary and proper to carry the enumerated powers into execution. He did not pretend that it gives any new powers; but it establishes the doctrine of implied powers. He then demanded whether the power to incorporate a bank is not fairly relative, and a necessary incident to the entire powers to regulate trade and revenue, and to provide for the public credit and defence.

He entered into a particular answer to several objections, and after recapitulating his argument, he concluded with observing that we had felt the disadvantages of the Confederation. We adopted the Constitution, expecting to place the national affairs under a Federal head; this is a power which Congress can only exercise. We may reason away the whole Constitution. All nations have their times of adversity and danger; the neglect of providing against them in season may be the cause of ruining the country.

FRIDAY, February 1.

FISHERIES.

A report of the Secretary of State on the subject of the fisheries was laid before the House by the Speaker, and read by the Clerk; and, on motion, it was voted that this report, with a letter

ties to be surmounted. If we attempt, said he, to proceed in one direction, our ears are assailed with the exclamation of "the Constitution is in danger!" if we attempt to attain our objects by pursuing a different course, we are told the pass is guarded by the stern spirit of democracy. Did I concur with gentlemen in opinion on this subject, I should think it my duty to go home to my constituents, and honestly declare to them that by their jealousy of power they had so restrained the operations of the Government that we had not the means of effecting any of the great purposes for which the Constitution was designed, without attempting, what perhaps would be found impracticable, to fix by general rules the nice point within which Congress would be authorized to assume powers by construction and implication, and beyond which they may be justly considered as usurpers.

He wished gentlemen to reflect what effect a single principle, universally acknowledged, would have in determining the question now under consideration. It is universally agreed that wherever a power is delegated for express purposes, all the known and usual means for the attainment of the objects expressed are conceded also. That to decide what influence this acknowledged principle would have on the subject before the House, it would be necessary to reflect on the powers which Congress are expressly invested. He then repeated that Congress was authorized to lay and collect taxes, to borrow money on the credit of the United States, to raise and support armies, and to provide and maintain navies, to regulate foreign and domestic trade, and to make all laws necessary and proper to carry these and the other enumerated powers into effect. They were, in fine, entrusted with the exercise of all those powers which the people of America thought necessary to secure their fame and happiness against the attacks of internal violence and external invasion, and in the exercise of those powers the Legislature was authorized, agreeably to the principle which he had mentioned, to employ all the known and usual means necessary and proper to effectuate the ends which are expressed. It might be of use to determine with precision what was the meaning of the words *necessary and proper*—they did not restrict the power of the Legislature to enacting such laws only as are indispensable. Such a construction would be infinitely too narrow and limited; and, to apply the meaning strictly, it would prove, perhaps, that all the laws which had been passed were unconstitutional; for few, if any of them, could be proved indispensable to the existence of the Government. The conduct of Congress had a construction on those words more rational and consistent with common sense and the purposes for which the Government was instituted; which he conceived to be that the laws should be established on such principles, and such an agency in the known and usual means employed in the execution of them, as to effect the ends expressed in the Constitution with the greatest possible degree of public utility.

If banks were among the known and usual

means to effectuate or facilitate the ends which had been mentioned, to enable the Government, with the greatest ease and least burden to the people, to collect taxes, borrow money, regulate commerce, raise and support armies, provide and maintain fleets, he thought the argument irrefragable and conclusive to prove the constitutionality of the bill. Pursuing further the same idea, he asked for what purposes were banks instituted and patronised by Governments which were unrestricted by constitutional limitations? Were they not employed as the means and the most useful engines to facilitate the collection of taxes, borrowing money, and the other enumerated powers? Besides, he said, it was to be observed that the Constitution had expressly declared the ends of Legislation; but in almost every instance had left the means to the honest and sober discretion of the Legislature. From the nature of things this must ever be the case; for otherwise the Constitution must contain not only all the necessary laws under the existing circumstances of the community, but also a code so extensive as to adapt itself to all future possible contingencies. By our Constitution, Congress has not only the power to lay and collect taxes, but to do every thing subordinate to that end; the objects, the means, the instruments, and the purposes, are left to the honest and sober discretion of the Legislature. The power of borrowing money was expressly granted; but all the known and usual means to that end were left in silence. The same observations might with truth be made respecting the other delegated powers. The great ends to be obtained as means to effectuate the ultimate end—the public good and general welfare—are capable, under general terms, of constitutional specification; but the subordinate means are so numerous, and capable of such infinite variation, as to render an enumeration impracticable, and must therefore be left to construction and necessary implication. He said, on this ground, he was willing to leave the general argument; it was simple, intelligible, and he hoped would be thought conclusive.

He said the constitutionality had been attacked from another quarter. It was said, we could not give commercial advantages to one port above another. The constitutional provision which had been quoted was undoubtedly intended to prevent a partial regulation of commerce; if extended to the case under consideration, it would much more strongly prove that Congress ought not to reside in any commercial city; for he verily believed that the commercial advantages of Philadelphia were incomparably greater from that residence than they could be supposed from the institution of a National Bank. Indeed, it was his opinion that, considering that this city had a bank, the capital of which was adequate to all her commercial exigencies, that she could enlarge that capital as her necessity should require; and that her bank will, if this bill should be rejected, receive the benefit of national operations, that the measure will not advance her individual interest.

With regard to the utility of banks, he observed that he would not attempt to display a knowledge

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of the subject by repeating all he had read and heard in relation to it, nor fatigue the House by a detail of his own reflections and reasoning upon it; the causes were unnecessary to be explained; the effects had been such in all countries where banks had been instituted, as to produce an unanimous opinion that they were alike useful for all the great purposes of Government, and to promote the general happiness of the people. Nor was our own experience wanting to the same purpose. At a time when our public resources were almost annihilated, our credit prostrate, our Government imbecile, and its patronage inconsiderable, a bank of small capital was among the most operative causes which produced that first dawn of the establishment of peace, independence, and freedom. There were two circumstances which he would take the liberty to mention, which would render banks of more importance in this country than in any other country where they are at present in use: the first, the commercial enterprise of our merchants compared with the smallness of their capitals, which, as we had no large manufacturing capitals, whereby the precious metals could be retained in circulation, would frequently, by their exportation, greatly distress the people; the other originated from a measure of the Government—Congress, from a laudable intention of accommodating their constituents, instituted Treasuries in all the States, in some of these there would be, in the ordinary course of events, a deficiency, and in others a redundancy. To keep them in equilibrium by the transportation of the precious metals, or by the purchase of bills in the market, would be not only inconvenient and expensive, but would keep out of circulation a considerable part of the medium of the country. Gentlemen had been pleased to consider the proposed terms as giving an undue advantage to the stockholders. He would leave this part of the subject to gentlemen who better understood it; only observing, that as Government must rely principally on merchants to obtain the proposed stock, it would be necessary to afford to them sufficient motives to withdraw from their commercial pursuits a part of their capitals.

He would attempt an answer to some of those desultory objections which had been made, and in doing this, he would omit to answer such as had been, in his opinion, already refuted. He observed, that it had been said that granting charters of incorporation was a high prerogative of Government. He supposed it was not intended that it was, in the nature of things, too transcendent a power to be exercised by a National Government, but that the exercise of it should only be in consequence of express delegation. Let this objection be compared with the conduct of Congress on another subject, in all respects at least as important. There is not, by the Constitution any power expressly delegated to mortgage our revenues, and yet without any question being made on the constitutionality of the measure, we have mortgaged them to an immense amount. From whence, he asked, do we acquire the authority to exercise

this power? Not from express grants, but being empowered to borrow money on the credit of the United States, we have very properly considered the pledging funds as among the known and usual means necessary and proper to be employed for the attainment of the end expressly delegated. It has been said that the bill authorized the stockholders to purchase real estate. He considered the provision in the bill in that regard, not a grant, but a limitation of power. Any man, or body of men, might, by the existing laws, purchase, in their own private capacities, real estate to any amount. This right was limited as it respected the proposed corporation.

It is said there are banks already, and therefore the proposed incorporation is unnecessary. To this he answered, that if the Government should agree to receive all its demands in the paper of the existing banks, it would give to them every advantage which, in the opinion of gentlemen, renders the present system objectionable, without stipulating for any equivalent to the Government. But are, he asked, gentlemen serious in these observations? Do they believe the capitals of those banks adequate to the exigencies of the nation? Do they believe that those banks possess any powers by which they can give a projectile force to their paper, so as to extend its circulation throughout the United States? Or do they really wish to have the Government repose itself on institutions with which they have no intimate connexion, and over which they have no control?

Mr. S. concluded by observing he was very confident a majority of the House could never be induced to believe that it was the intention of the Constitution to deprive the Legislature of one of the most important and necessary means of executing the powers expressly delegated.

Mr. LAWRENCE.—The advocates of this measure stand in an unfortunate situation; for being those who in general advocate national measures, they are charged with designs to extend the powers of the Government unduly. He, however, consoled himself with a conscious attachment to the Constitution, and with the reflection that their conduct received the approbation of their constituents. If the present be contrasted with the former circumstances of this country, he doubted not the measures of this Government would continue to receive the approbation of the people of the United States.

The silence of the people on the subject now before the House is strongly presumptive that the measure of the bank is not considered by them as unconstitutional. He then endeavored to show the constitutionality of the bank system. It must be conceded that there is nothing in the Constitution that is expressly against it, and therefore we ought not to deduce a prohibition by construction; he adverted to the amendment proposed by Congress to the Constitution, which says, "powers not delegated are retained;" here, said he, to prove that the bank is unconstitutional, the constructive interpretation so much objected against is resorted to.

The great objects of this Government are con-

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tained in the context of the Constitution. He recapitulated those objects, and inferred that every power necessary to secure these must necessarily follow; for as to the great objects for which this Government was instituted, it is as full and complete in all its parts as any system that could be devised; a full uncontrollable power to regulate the fiscal concerns of this Union is a primary consideration in this Government, and from hence it clearly follows that it must possess the power to make every possible arrangement conducive to that great object.

He then adverted to the late Confederation, and pointed out its defects and incompetency; and hence the old Congress called on the States to enact certain laws which they had not power to enact; from hence he inferred, that as the late Confederation could not pass those laws, and to capacitate the Government of the United States, and form a more perfect union, the Constitution under which we now act was formed. To suppose that this Government does not possess the powers for which the Constitution was adopted, involves the grossest absurdity.

The deviation from charters, and the infringement on the principle of necessity by the gentleman from Virginia, (Mr. MADISON,) he said had been made on different principles from those now mentioned; the necessity, he contended, did not at the time exist; the old Congress exercised the power, as they thought, by a fair construction of the Confederation.

On constructions, he observed, it was to be lamented that they should ever be necessary; but they had been made; he instanced the power of removability, which had been an act of the three branches, and has not been complained of. It was at least as important a one as the present.

But the construction now proposed, he contended, was an easy and natural construction. Recurring to the collection law, he observed, that it was by construction that the receipts are ordered to be made in gold and silver.

With respect to creating a mass of capital, he supposed just and upright national measures would create a will to form this capital.

Adverting to the idea that Congress has not the power to establish companies with exclusive privileges, he observed, that by the amendments proposed by New Hampshire, Massachusetts, and New York, it plainly appears that these States considered that Congress does possess the power to establish such companies.

The Constitution vests Congress with power to dispose of certain property in lands, and to make all useful rules and regulations for that purpose; can its power be less over one species of its own property than over another?

With respect to giving preference to one State over another, he observed, that ten years hence the seat of Government is to be on the Potomac, and wherever the Government is finally settled, the place will enjoy superior advantages; but still the Government must go there, and the places not enjoying those advantages must be satisfied.

It is said we must not pass a problematical bill, which is liable to a supervision by the Judges of the Supreme Court; but he conceived there was no force in this, as those Judges are invested by the Constitution with a power to pass their judgment on all laws that may be passed.

It is said that this law may interfere with the State Governments; but this may or may not be the case; and in all interference of the kind the particular interest of a State must give way to the general interest.

With respect to the corporation possessing the power of passing laws, this, he observed, is a power incidental to all corporations; and in the instance of the Western Territory, Congress have exercised the power of instituting corporations or bodies politic to the greatest possible extent.

He defended the right of Congress to purchase and possess property, and quoted a passage in the Constitution to show that they possess this right.

He then touched on the expediency of banks, and of that proposed in particular. The advantages generally derived from these institutions, he believed, applied peculiarly to this country. He noticed the objection from banks banishing the specie; he said the surplus only would be sent out of the country; but is it given away? No, sir, it is sent off for articles which are wanted, and which will enrich the country.

With respect to a run on the bank, he mentioned the circumstances under which those runs on the British banks, which had been noticed, took place; and showed there was no parallel that would probably ever take place in this country.

For several particulars he showed that the objection which arose from the United States not having a good bargain by the system was not well founded. He then mentioned the peculiar advantages which the United States will enjoy over common subscribers.

The objection from banks being already established in the several States he obviated by stating the mischiefs which might arise from an ignorance of the situation of those banks; and concluded by some remarks on the inexpediency of the General Government having recourse to institutions of merely a local nature.

Mr. JACKSON said, that having been the person who brought forward the Constitutional objection against the bill, he thought himself bound to notice the answers which had been offered to that objection. Newspaper authorities, said he, have been alluded to, and their silence on the subject considered as indicating the approbation of the people. He would meet the gentlemen on that ground; and, though he did not consider newspapers as an authority to be depended on, yet if opinions through that channel were to be regarded, he would refer the gentlemen to those of this city; the expediency and Constitutionality of the bill has been called in question by the newspapers of this city.

The latitude contended for in constructing the Constitution on this occasion he reprobated very fully. If the sweeping clause, as it is called, ex-

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tends to vesting Congress with such powers, and necessary and proper means are an indispensable implication in the sense advanced by the advocates of the bill, we shall soon be in possession of all possible powers, and the charter under which we sit will be nothing but a name.

This bill will essentially interfere with the rights of the separate States, for it is not denied that they possess the power of instituting banks; but the proposed corporation will eclipse the Bank of North America, and contravene the interests of the individuals concerned in it.

He then noticed the several arguments drawn from the doctrine of implication; the right to incorporate a National Bank has been adduced from the power to raise armies; but he presumed it would not be contended that this is a bill to provide for the national defence. Nor could such a power, in his opinion, be derived from the right to borrow money. It has been asked what the United States could do with the surplus of their revenue without the convenience of a bank in which to deposit it with advantage? For his part, though he wished to anticipate pleasing occurrences, he did not look forward to the time when the General Government would have this superabundance at its disposal. The right of Congress to purchase and hold lands has been urged to prove that they can transfer this power; but the General Government is expressly restricted in the exercise of this power; the consent of the particular State to the purchase for particular purposes only is requisite; these purposes are designated, such as building light-houses, erecting arsenals, &c.

It has been said that banks may exist without a charter; but that this incorporation is necessary in order that it may have a hold on the Government. Mr. J. strongly reprobated this idea. He was astonished to hear such a declaration, and hoped that such ideas would prevent a majority of the House from passing a bill that would thus establish a perpetual monopoly; we have, said he, I believe, a perpetual debt; I hope we shall not have a perpetual corporation. What was it drove our forefathers to this country? Was it not the ecclesiastical corporations and perpetual monopolies of England and Scotland? Shall we suffer the same evils to exist in this country instead of taking every possible method to encourage the increase of emigrants to settle among us? For if we establish the precedent now before us, there is no saying where it will stop.

The power to regulate trade is said to involve this as a necessary means; but the powers consequent on this express power are specified, such as regulating light-houses, ships, harbors, &c. It has been said that Congress has borrowed money; this shows that there is no necessity of instituting any new bank, those already established having been found sufficient for the purpose. He denied the right of Congress to establish banks at the permanent seat of Government, or on those sand beaches mentioned yesterday; for if they should, they could not force the circulation of their paper one inch beyond the limits of these places. But

it is said, if Congress can establish banks in those situations, the question becomes a question of place, and not of principle; from hence it is inferred that the power may be exercised in any other part of the United States. This appeared to him to involve a very dangerous construction of the powers vested in the General Government. Adverting to the powers of Congress in respect to the finances of the Union, he observed that those powers did not warrant the adoption of whatever measures they thought proper. The Constitution has restricted the exercise of those fiscal powers; Congress cannot lay a poll tax, nor impose duties on exports; yet these undoubtedly relate to the finances.

The power exercised in respect to the Western Territory, he observed, had reference to property already belonging to the United States; it does not refer to property to be purchased, nor does it authorize the purchase of any additional property; besides, the powers are express and definite, and the exercise of them in making needful rules and regulations in the government of that Territory does not interfere with the rights of any of the respective States.

Mr. J. denied the necessity of the proposed institution; and noticing the observation of Mr. Ames, that it was dangerous on matters of importance not to give an opinion, observed that he could conceive of no danger that would result from postponing that construction of the Constitution now contended for to some future Congress, who, when the necessity of a banking institution shall be apparent, will be as competent to the decision as the present House.

Alluding to the frequent representations of the flourishing condition of the country, he inferred that this shows the necessity of the proposed institution does not exist at the present time; why, then, should we be anticipating for future generations? State banks he considered preferable to a National Bank, as counterfeits can be detected in the States; but if you establish a National Bank, the checks will be found only in the city of Philadelphia or Connocheague. He passed an eulogium on the Bank of Pennsylvania; the stockholders, said he, are not speculators; they have the solid coin deposited in their vaults.

He adverted to the preamble and context of the Constitution, and asserted that this context is to be interpreted by the general powers contained in the instrument. Noticing the advantages which it had been said would accrue to the United States from the bank, he asked, is the United States going to commence stockjobbing? The "general welfare" are the two words that are to involve and justify the assumption of every power. But what is this general welfare? It is the welfare of Philadelphia, New York, and Boston; for as the States of Georgia and New Hampshire, they may as well be out of the Union for any advantages they will receive from the institution. He reprobated the idea of the United States deriving any emolument from the bank, and more especially he reprobated the influence which it was designed the Government should enjoy by it.

He said the Banks of Venice and Amsterdam were founded on different principles. In the famous Bank of Venice, though the Government holds no shares, yet it has at command five millions of ducats; but the United States were to be immediately concerned in theirs, and become stockholders.

The Bank of Amsterdam was under the entire direction of the burghmasters, who alone had the power of making by-laws for its regulation. This power, by the bill, was given up by Government, very improperly he thought, and was to be exercised by the stockjobbers.

The French Bank, he added, was first established upon proper principles and flourished, but afterwards became a royal bank; much paper was introduced, which destroyed the establishment, and was near overthrowing the Government.

The facility of borrowing he deprecated; it will involve the Union in irretrievable debts; the facility of borrowing is but another name for anticipation, which will in its effects deprive the Government of the power to control its revenues; they will be mortgaged to the creditors of the Government. Let us beware of following the example of Great Britain in this respect. He said undue advantages had been taken in precipitating the measure, and the reasonable proposition respecting the State debts is not admitted. This I consider as partial and unjust.

A gentleman from Virginia has well observed that we appear to be divided by a geographical line; not a gentleman scarcely to the eastward of a certain line is opposed to the bank, and where is the gentleman to the southward that is for it? This ideal line will have a tendency to establish a real difference. He added a few more observations, and concluded by urging a postponement, if any regard was to be had to the tranquillity of the Union.

Mr. BORDWICK said he meant to confine himself to two or three great points on which the whole argument appeared to him to rest. He considered the objections to the bill as pointed against its constitutionality and its expediency. It was essential, he observed, that every member should be satisfied, as far as possible, of the first, for however expedient it might be, if it was clearly unconstitutional, the bill should never receive the sanction of the representatives of the people. He would, in a great measure, refer its expediency, if constitutional, to the experience of every gentleman of the House, as the most satisfactory proof on that head, and he conceived there was no need of much argument in support of its decision. The first question then was, is Congress vested with a power to grant the privileges contained in the bill? This is denied, and ought to be proved. In order to show in what manner this subject had struck his mind, he first laid down these principles:

Whatever power is exercised by Congress must be drawn from the Constitution; either from the express words or apparent meaning, or from a necessary implication arising from the obvious intent of the framers.

That whatever powers (vested heretofore in any individual State) not granted by this instrument, are still in the people of such State, and cannot be exercised by Congress. That whatever implication destroys the principle of the Constitution ought to be rejected. That in construing an instrument, the different parts ought to be so expounded as to give meaning to every part which will admit of it.

Having stated these preliminaries, Mr. B. proceeded to inquire what were the powers attempted to be exercised by this bill? For, until the powers were known, the question of constitutionality could not be determined.

By it Congress was about to exercise the power of incorporating certain individuals, thereby establishing a banking company for successfully conducting the finances of the nation.

The next inquiry is, what rights will this company enjoy in this new character, that they do not enjoy independent of it? Every individual citizen had an undoubted right to purchase and hold property, both real and personal, to any amount whatever; to dispose of this property to whom and on what terms he pleased; to lend his money on legal interest to any person willing to take the same; and indeed to exercise every power over his property that was contained in the bill. Individual citizens, then, having these powers, might also associate together in company or co-partnership, and jointly exercising the same rights, might hold lands in joint tenancy, or as tenants in common, to any amount whatever; might put any sum of money into joint stock; might issue their notes to any amount; might make by-laws or articles of copartnership for their own government; and, finally, might set up a bank to any amount, however great, and no authority in the Government could legally interfere with the exercise of these rights. The great difference between this private association of citizens, in their individual capacities, and the company to be created by this bill, and which is held up in so dangerous a light, is, that the one exposes the company to the necessity of using each individual's name in all their transactions; suits must be brought in all their names; deeds must be taken and given in like manner; each one in his private estate is liable for the default of the rest; the death of a member dissolves the partnership as to him; and for want of a political existence the union may be dissolved by any part of its members, and of course many obvious inconveniences must be suffered merely of an official kind. By the bill these difficulties are to be removed by conveying three qualities to them.

1st. Individuality, or constituting a number of citizens into one legal artificial body, capable by a fictitious name of exercising the rights of an individual.

2d. Irresponsibility in their individual capacity, not being answerable beyond the joint capital.

3d. Durability, or a political existence for a certain time, not to be affected by the natural death of its members.

These are the whole of the powers exercised, and the rights conveyed. It is true these are convenient and advantageous to the company, but of trifling importance when considered as a right of power exercised by a National Legislature for the benefit of the Government. Can it be of any importance to the State whether a number of its citizens are considered, in legal contemplation, as united in an individual capacity, or separately as so many individuals, especially if the public weal is thereby promoted? By their irresponsibility being known, every person dealing with them gives his tacit consent to the principle, and it becomes part of the contract. And by political duration their powers and abilities are limited, and their rights restricted, so as to prevent any danger that might arise from the exercise of their joint natural right, not only as to the amount of their capital, but as to the by-laws they may make for their government.

A private bank could make contracts with the Government, and the Government with them, all intents and purposes, as great and important as a public bank, would their capital admit of it; though they would not possess such qualities as to justify the confidence of Government, by depending on them in a time of danger and necessity. This might put it in the power of any individuals to injure the community in its essential interests by withdrawing the capital when most needed. To prevent this, and many other inconveniences, it is necessary that a bank for the purposes of Government should be a legally artificial body, possessing the three qualities above mentioned.

Mr. B. then took up the Constitution, to see if this simple power was not fairly to be drawn by necessary implication from those vested by this instrument in the legislative authority of the United States. It sets out in the preamble with declaring the general purposes for which it was formed: "the insurance of domestic tranquillity, provision for the common defence, and promotion of the general welfare." These are the prominent features of this instrument and are confirmed and enlarged by the specific grants in the body of it, where the principles on which the Legislature should rest after their proceedings are more fully laid down, and the division of power to be exercised by the general and particular Governments distinctly marked out. By the 8th section, Congress has power "to levy taxes, pay debts, provide for the common defence and general welfare, declare war, raise and support armies, provide for and maintain a navy," and as the means to accomplish these important ends, "to borrow money," and, finally, "to make all laws necessary and proper for carrying into execution the foregoing powers." Let us, then, inquire, is the constituting a public bank necessary to these important and essential ends of Government? If so, the right to exercise the power must be in the supreme Legislature.

He argued that the power was not contained in express words, but that it was necessarily deduced by the strongest and most decisive implication,

because he contended that it was a necessary means to attain a necessary end. Necessary implication had led Congress under the power to lay and collect impost and taxes, to establish officers for the collection, to inflict penalties against those who should defraud the revenue, to oblige vessels to enter at one port and deliver in another; subjected them to various ceremonies in their proceedings, for which the owners were made to pay; and he conceived that it was not so great an exertion of power by implication to incorporate a company for the purpose of a bank. He also deduced the right from the power of paying debts, raising armies, providing for the general welfare and common defence, for which they were to borrow money. All these necessarily include the right of using every proper and necessary means to accomplish these necessary ends. It is certain, he said, that money must be raised from the people. This could not be done in sums sufficient for the exigencies of Government in a country where the precious metals were as scarce as in this. The people in general are poor when compared with European nations; they have a wilderness to subdue and cultivate; taxes must be laid with prudence, and collected with discretion; the anticipation of the revenues, therefore, by borrowing money, becomes absolutely necessary. If so, then as the Constitution had not specified the manner of borrowing, or from whom the loan was to be obtained, the supreme Legislature of the Union best mode of effecting the purposes of their appointment. For it was a sound principle, that when a general power is granted, and the means are not specified, they are left to the discretion of those in whom the trust is reposed, provided they do not adopt means expressly forbidden. The public defence, or general welfare, resting on the annual supplies from uncertain revenues, would expose the very existence of the community. It is the duty of those to whom the people have committed this power to prepare in time of peace for the necessary defence in a time of war. The United States are now happily in a state of peace; but it was impossible for any one to say how long it would continue. By prudent management it might be long preserved; but this prudence consisted in being always found in a state of preparation to defend our country.

The Constitution contemplates this very duty by authorizing Congress to provide for the common defence by borrowing money. Why borrow money? Are not the annual revenues sufficient? It might be so if nothing was to be attended to but internal wants; but the common defence and general welfare loudly call for that provision which will produce a constant guard on external enemies and internal insurrections. To this necessary end it becomes Congress to provide that the necessary means may be always at hand, by being able to arm their citizens and provide their support while engaged in the defence of their common country. This can be done only by borrowing money which is usually of citizens or foreigners; if of the first, it must be from individ-

uals or from private banks: will it be prudent to trust to either? Loans from individuals were attempted during the war, when patriotism produced a will in some lenders, and others were glad to get rid of a depreciating paper currency almost on any terms whatever.

But even these loans, arising from this paper medium with which the market was glutted, were altogether insufficient; and by one change of circumstances every hope was precluded of being any way successful in procuring money from that source. The circumstances of individuals, too, in this country are such, when compared with the wants of a nation, as to render the source too vague and uncertain to rely upon; and it would be a most improvident execution of the powers granted for the express purpose of the common defence and general welfare. Private banks are almost as inadequate to the object, and for reasons already given, were neither to be depended on for will or capital as to the supply for the principal wants of Government. They are generally established for commercial purposes, and on capitals not always sufficient for them. If they should be prevailed upon at any time to attempt to supply the demands of a nation at war, it must be from a general combination of their whole stocks, to the destruction of the original designs of their several institutions. This ought not to be expected; for as far as it goes to the depression of the mercantile interests, so far it is injurious to the Government; besides, a dependence upon such a combination would be impolitic, both from its slowness and uncertainty. The votes of a few individuals affected by local selfish, or adverse politics might endanger the whole people. Such a dependence ought not to be attributed to the wise framers of the Constitution, neither does the language warrant it. But foreign loans have been mentioned, as a proper source for this purpose. The imprudence of placing the common defence of a nation on the will of those who have no interest in its welfare is a good answer to this observation. Would it be prudent to trust a foreigner, perhaps a rival, if not an enemy, with your supply of what has emphatically been called the sinews of war? Would it not expose us to exorbitant demands, and often a refusal? Many adventitious circumstances of a war, increasing demands from all quarters, scarcity of coin, and difficulty of communication, as well as the intrigues of Courts, all loudly oppose the measure, as contrary to the spirit and meaning of a provision for the common defence and general welfare. The only resort then, he conceived, was by a timely provision to secure institutions at home from which loans might be obtained at all times on moderate terms, and to such amount as the necessity of the State might require. But gentlemen say that the Constitution does not expressly warrant the establishment of such a corporation. If by *expressly*, express words are meant, it is agreed that there are no express words; and this is the case with most of the powers exercised by Congress; for if the doctrine of necessary implication is rejected, he did not see what the supreme Legislature of the

Union could do in that character. If this power is not clearly given in the Constitution by necessary implication, then is a necessary and proposed and directed, while the common and usual necessary means to attain that end are refused, or at least not granted.

Mr. B. was firmly of opinion that a National Bank was the necessary means, without which the end could not be obtained. Theory proved it so in his opinion, and the experience of the Union in a day of distress had fully confirmed the theory. The struggles of the friends of freedom during the late contest had nearly been rendered abortive for want of this aid. That danger which was then so hardly avoided became a solemn memento to this House to provide against a similar case of necessity. This was the time to do it with advantage, being in such profound peace. He had not heard any argument by which it was proved that individuals, private banks, or foreigners, could with safety and propriety be depended on as the efficient and necessary means for so important a purpose. Although money was at present plentiful in Europe, and might be borrowed on easy terms, it might not be so to-morrow, in case a war should break out, and our necessities become pressing. He again enumerated the harmless qualities with which it was proposed to vest the bank corporation, by the bill on the table, for the important purposes of the common defence and general welfare. Gentlemen had not yet pointed out any danger arising to the community, neither did he think it was possible that any could ever be mentioned equal to those of suffering the Government to depend on individuals or private banks for loans in a day of distress.

But it was said that this bill gave the corporation a right to hold real property in a State, which Congress had no power to do. The terms of the bill are misapprehended; this is a right which has been already shown, attaches to the citizens individually, or in their associated capacity; the bill, therefore, does no more than to vest a number with an artificial single capacity under a fictitious name, and by that name to hold lands, make by-laws, &c.; all which they might have done before as citizens in a collective capacity. So far from giving a new power, their original individual rights are limited for the public safety as to the amount of their stock and the duration of their existence.

Mr. B. then proceeded to cite numerous instances of powers exercised by Congress during the last two years, deduced under the Constitution by necessary implication, to show the utter impossibility of carrying any one provision of that authority into execution for the benefit of the people without this reasonable latitude of construction. He also adverted to some instances of the like conduct under the former Confederation. It had been urged that the new Congress had no rights or powers but what had been vested in and given to them by the individual States, and therefore they could not accept a cession from Great Britain by the treaty of peace of the lands extending to the Lake of the Woods, because not before inclu-

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ded in any individual State. Every member was soon convinced of the absurdity of the argument, and by a necessary implication established the power of the Confederate Legislature. During the war the Commander-in-chief gave a passport to a British officer to transmit clothing to the British prisoners at Lancaster. He accordingly conveyed a very large quantity of British goods into Pennsylvania for that purpose; which being directly against an express law of that State, they were seized and condemned by the proper magistrates. On a complaint to the Legislature of the State, they referred the same to their Judicial officers, upon whose report (that Congress being vested with the power of declaring war, the right of giving safe passports to an enemy was necessarily implied, which, therefore, was duly exercised by their Commander-in-chief, though no express power was given to him for that purpose) the Legislature declared their law directing the condemnation of the goods void *ab initio*, and the judgment of condemnation had no effect.

This was also the rule that governed this House with regard to the removability of officers by the President, and the authority given to a Council to legislate for the Western Territory. In fine, he concluded, that it was universally understood that whenever a general power was given, especially to a supreme Legislature, every necessary means to carry it into execution were necessarily included. This was the common sense of mankind, without which it would require a multitude of volumes to contain the original powers of an increasing Government that must necessarily be changing its relative situation every year or two.

If power was given to raise an army, the making provision for all the necessary supplies and incidental charges were included. If a navy was to be formed, the manning and supplying the warlike stores are necessarily included. If a power is given to borrow money, a right to mortgage or pledge the public property to secure the repayment is understood to be vested in the borrower. Take up the present statute book, and every page will afford evidence of this doctrine. Examine the law with regard to crimes and punishments; under the power of establishing courts, we have implied the power of punishing the stealing and falsifying the records, and ascertained the punishment of perjury, bribery, and extortion. Under the power of regulating trade, we have accepted cessions of real estate, and built light-houses, piers, &c. All this is under the doctrine of necessary implication for the public good; and in cases not so strong as the present, and on the exercise of which no gentleman thought proper to start this objection.

This construction appears so natural and necessary, that the good sense of every gentleman on the floor has hitherto led him to proceed on this principle ever since we began to legislate; what principle of the Constitution does it destroy? It gives nothing that can affect the rights of any State or citizen. Indeed, it has been said that it is exercising a high act of power; he thought it had been shown to be rather of the inferior kind;

but allow the position, and who so proper as the Legislature of the whole Union to exercise such a power for the general welfare? It has also been said that this power is a mere convenience for the purpose of fiscal transactions, but not necessary to attain the ends proposed in the Constitution. This is denied, and at best is mere matter of opinion, and must be left to the discretion of the Legislature to determine.

Mr. B. said, he should now conclude what he had to say, had not an honorable gentleman (Mr. JACKSON) brought forward the observations of the author of the *Federalist*, vol. 2, p. 73, 74, to show a different contemporaneous exposition of the Constitution, and charged the author, who he alleged was said to be also the author of the present plan before the House, with a change of sentiment. As this gentleman is not here to speak for himself, he ought to have the next best chance by having what he then wrote candidly attended to, especially as gentlemen allow him to be a good authority. Mr. B. read only part of the 73d page referred to by Mr. JACKSON, in these words: "Had the Convention attempted a positive enumeration of the powers necessary and proper for carrying their other powers into effect, the attempt would have involved a complete digest of laws on every subject to which the Constitution relates; accommodated, too, not only to the existing state of things, but to all the possible changes which futurity may produce; for in every new application of a general power, the particular powers which are the means of attaining the general power must always necessarily vary with that object, and be often properly varied whilst the object remains the same." How these sentiments can be said to be a different contemporaneous exposition must be left to the House to determine.

Mr. B. then begged the indulgence of the House to hear the same gentlemen when arguing expressly on that part of the Constitution now under consideration; and then read p. 144, 145, and 146, of the 1st vol. of the *Federalist*, which are too long to be inserted. He declared that, in his opinion, it was impracticable to put together language in the same length that could more forcibly and pointedly elucidate and prove the construction contended for in support of the bill on the table. There remained yet but two objections, to answer which Mr. B. would detain the House a little longer.

The gentleman from Georgia (Mr. JACKSON) had charged the measure with establishing the commercial interests, to the great injury of the agricultural. If this was true he never would agree to it, for he considered the agricultural interests of America as its great and sure dependence. Mr. B. confessed that so far from seeing these measures in this point of light, he could not bring his mind to comprehend how the commercial interests of a country could be promoted without greatly advancing the interests of agriculture. Will the farmer have any temptation to labor, if the surplus of what he raises beyond his domestic consumption is to perish in his barn for want of a

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market? Can a market be obtained without the merchant? If commerce flourishes, the merchants increase, and of course the demand for the produce of the land; but if the mercantile interests fail, there is none to export the surplus produced by agriculture. If the farmer should undertake to export his own produce, he could not give his whole attention to his affairs; or, if the merchant should attempt to raise the grain he wanted, he could not carry on his merchandise. The one interest depends on the other; a separation destroys both.

But the incapacity of the bank to extend its influence to the extremes of the Union has been argued from the gentleman never having seen a note of the present Bank of North America in Georgia; he therefore concludes that bank has never been of any service to her agricultural interests. Mr. B. said that he drew very different conclusions from this fact. He supposed that by means of the bank the traders with Georgia had been enabled to send her the precious metals, while the bank paper had answered their purposes nearer home, where it circulated with undoubted credit. He instanced a case of a Philadelphia merchant, who was possessed of £100 in gold, and £100 credit at the bank; the merchant wanted £100 worth of rice of a Georgia planter, and the like value in flour of a Pennsylvania farmer. When he purchased the one of the Georgian, he could safely pay him the whole in gold, while he found the Pennsylvania would as readily receive the bank paper for his flour; but had there been no bank, he could have purchased but £50 worth of each, and the Georgian and Pennsylvania both would have gone without a market for the residue. In short, the whole Union may be likened to the body and limbs; you cannot aid or comfort one but the other must be likewise benefited.

He said it was, however, difficult and impracticable to show that every measure adopted by the Government should have an effect perfectly equal over so extensive a country as that of the United States; it was sufficient if, upon the whole, the measures of Government, taken all together, produced the desired equality.

The last objection was, that by adopting this bill we exposed the measure to be considered and defeated by the Judiciary of the United States, who might adjudge it to be contrary to the Constitution, and therefore void; and not lend their aid to carry it into execution. This, he alleged, gave him no uneasiness. He was so far from contemning this right in the Judiciary, that it was his boast and his confidence. It led him to greater decision on all subjects of a constitutional nature, when he reflected that if, from inattention, want of precision, or any other defect, he should do wrong, that there was a power in the Government which could constitutionally prevent the operation of such a wrong measure from effecting his constituents. He was legislating for a nation, and for thousands unborn; and it was the glory of the Constitution that there was a remedy even for the failures of the supreme Legislature itself.

Upon the whole, then, he said, that on taking

the power in question in every point of view, and giving the Constitution the fullest consideration, under the advantage of having the objections placed in the strongest point of light by the great abilities of the gentlemen in the opposition, he was clearly in favor of the bill; as to its expediency, there could be little doubt in the minds of any gentleman; and unless more conclusive arguments could be adduced to show its unconstitutionality, he should in the end vote for passing the bill.

SATURDAY, February 5.

Messrs. SEDGWICK, STURGIS, and CONYER, were appointed a committee to bring in a bill further to continue in force an act passed the first session of Congress, to regulate civil processes in the Courts of the United States.

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill for incorporating the Bank of the United States.

The question being on the passage of the bill, Mr. SMITH observed, that he considered it his duty to offer the reasons which should influence him in giving his vote on this occasion. He had wished amendments to the bill, as some parts of it, he confessed, did not perfectly please him; but his wishes having been overruled, the question now is, whether the bill shall pass? Though he came southward of the Potomac, the principle of the bill met his approbation. It would be a desirable thing if this Government should enact a law subversive of the Constitution, or that so enlightened a body as the Senate of the United States should, by so great a majority as were in favor of this bill, pass a law so hostile to the liberties of this country, as the opposition to this measure have suggested the bank system to be; and it would be very extraordinary if an officer of this Government who has produced a performance explanatory of the Constitution, of such celebrity as to be resorted to as an authority, should be so inconsistent with himself as to propose a law entirely subversive of the principles laid down in his able defence of the Constitution.

He then adverted to the objection drawn from that article of the Constitution, that no preference shall be given to one port over another. He showed that the clause was inserted for a particular purpose, and could not be cited as a rule not to be deviated from, as a preference was and must necessarily be given to one port over another. He produced numerous instances in the revenue laws, general regulations sometimes operate partially, and commercial arrangements, apparently unequal, produce the good of the community at large.

In reference to construing the Constitution, he observed, that the present moment, when the powers of the Government were assailed from various quarters, he conceived the most improper to contract these powers.

The right to construe the Constitution he argued from the principles advanced by Mr. Madison, in the debate on the power of removability, and read sundry observations from *Lloyd's Register*, made by that gentleman, corroborative of this sentiment. Those arguments, he conceived, applied very aptly to the present subject.

Matters of a fiscal nature necessarily devolve on the General Government, and he urged that every power resulting from the acknowledged right of Congress to control the finances of this country, must be as necessarily implied as in the case of the power of removability.

He then alluded to the expediency of a National Bank. The Secretary gave notice, in his first report, that this plan was in contemplation. Nothing was ever read with greater avidity; and though it is now more than a year since this information was given, yet no objections have been offered against it either by the States or by individuals—even the State of North Carolina has not mentioned it. [Here Mr. BLODGETT (if the reporter did not misunderstand) informed Mr. SMITH that the report had not been seen by the Legislature of North Carolina.] Mr. SMITH said he was sorry for it—and then proceeded to notice some partial quotations, made by Mr. JACKSON, from *Dr. Smith's Wealth of Nations*, against bank systems. He said, he could have wished the gentleman had been more copious in his quotations from that author; if he had, he would have found that that author has fully demonstrated their utility.

He noticed the divisions of opinions on the subject of a National Bank in the city of Philadelphia. He supposed ideas of personal advantages induced these opposing sentiments. He, however, thought this subject should be taken up altogether on general principles; and even if its immediate influence should not extend to the extremes of the Union, if the establishment promises a general preponderating advantage, local considerations must be considered in a secondary point of view. The principal inquiry is, will the institution facilitate the management of the finances? This, he thought, had been made apparent. This is the opinion of the Secretary of the Treasury, after due and mature consideration of the subject; and he certainly enjoys the best means of forming an opinion; he is at the head of the Fiscal Department, and deservedly enjoys the public confidence. Very little has been offered to disprove his sentiments on this part of the question, and the inexpediency of the measure should be clearly proved before the plan is rejected; for an officer who deservedly enjoys the public confidence is entitled to the support of the Legislature in those plans which are expedient and constitutional.

Mr. S. mentioned instances in which Congress exercised power by implication, and observed, that this was necessary to the execution of the duties which devolve on the Government by the Constitution. The power to establish a National Bank must reside in Congress, for no individual State can exercise any such power. The right

of no particular State is therefore infringed by the institution. It had repeatedly been said, that Philadelphia would derive peculiar advantages from the Bank of the United States, but, he said, if the present plan should fail, it was a question whether the stockholders of the Bank of North America would not derive greater advantages from the necessity which, in that case, Government would be under of resorting to them for loans. The institution, as before observed, is founded on general principles, and will undoubtedly, in its operations, prove of general utility.

Mr. STONE said, if, upon questions like the present, he had given pain to members he regarded, they might be assured the pain was reciprocal. Let us cherish mutual toleration. We might conceive that each pursued the system which he advocated from the purest motives. We differ in our ideas of Government, and our sense of the sacredness of the written compact. We varied widely in our opinions of the direction of this Government. The great lesson of experiment would show who is right; but we are influenced in our habits of thinking by our local situations, and, perhaps, the distinct interests of the States we represent. He observed, that upon the present occasion, the opinions respecting the Constitution seem to be divided by a geographical line, dividing the Continent. Hence it might be inferred, that other considerations mixed with the question; and it had been insinuated that it was warped by the future seat of Government. But other causes may be assigned for the diversity of sentiment—the people to the Eastward began earliest in favor of liberty. They pursued freedom into anarchy—starting at the precipice of confusion, they are now vibrating far the other way. He said, that all our taxes are paid by the consumers of manufactures; those taxes are all bounties upon home manufactures. The people to the Eastward are the manufacturers of this country; it was no wonder that they should endeavor to strengthen the hands of a Government by which they are so peculiarly benefited. It is a fact that the greatest part of the Continental debt has travelled eastward of the Potomac. This law is to raise the value of the Continental paper. Here, then, is the strong impulse of immediate interest in favor of the Bank. He took notice of the distinction made by the plan of the bill, between Continental and State paper. The State paper, on account of partial payments of interest, still remained in the respective States. But this could not, by the present system, be subscribed; so that the Southern States were deprived of the advantage that might have been given to the only paper they have. But if gentlemen charge us with defending the seat of Government, let them remember that this betrays consciousness of an attack. If they believe that this scheme tends to break the faith of the Union pledged to the Potomac, it is no wonder they suppose we oppose it upon that ground. He would not have mentioned this subject, had it not been hinted at. But let the whole of it come forth; let gentlemen consult their own bosoms; let the

public decide the truth of his observations. He hoped he should not be suspected of any bias. That so uniform had been his conduct upon all questions, turning upon principles similar to the present, that every member in the House, he believed, had conjectured rightly of the side he would take, before he had uttered a word upon the subject. When implication first raised its head in this house, he started from it as a serpent which was to sting and poison the Constitution. He felt in unison with his country. The fears, the opinions, the jealousies of individuals and of States, had been explained by a gentleman from Virginia, (Mr. MADISON.) He should only remark, that all those who opposed the Government dreaded this doctrine; those who advocated it, declared that it could not be resorted to; and all combined in opinion that it ought not to be tolerated. Never did any country more completely unite in any sentiment than America in this, "that Congress ought not to exercise, by implication, powers not granted by the Constitution." And is it not strange? For the admission of this doctrine destroys the principle of our Government at a blow; it at once breaks down every barrier which the Federal Constitution had raised against unlimited legislation. He said, that necessity was the most plausible pretext for breaking the spirit of the social compact, but the people of this country have anticipated that pretext. They have said to the Ministers of this country, "we have given you what we think competent powers, but if experience proves them inadequate, we will enlarge them; but, in the mean time, dare not usurp those which we have reserved."

It is agreed on all hands, that the power to incorporate the subscribers to a banking company, is not expressly granted, and although gentlemen have agreed that it is implied—that it is an incident, that it is a means for effectuating powers expressly granted, yet they are not agreed as to the particular power to which this is an incident. They admit, that the sweeping clause in the Constitution confers no additional power. But if he understood the gentlemen, several of them were of opinion that all Governments, instituted for certain ends, draw to them the means of execution as of common right. This doctrine would make ours but a short Constitution. [Here he read the preamble, and then said:] Here is your Constitution! Here is your bill of rights! Do these gentlemen require any thing more respecting the powers of Congress, than a description of the ends of Government? And if, of right, they can carry these into effect, will they regard the means, though they be expressly pointed out? But I would ask if there is any power under Heaven which could not be exercised within the extensive limits of this preamble?

The Convention might have stopped here; and there was no need, according to the doctrine of the gentleman, to point out any of the means for the ends mentioned in the preamble. That portion of the Constitution which, by all America, has been thought so important, according to their

logic, would become a dead letter; but the preamble, in fair construction, is a solemn compact, that the powers granted shall be made use of to the ends thereby specified.

He then reprobated, in pointed terms, the latitude of the principles premised. He said the end of all Government is the public good; and if the means were left to legislation, all written compacts were nugatory. He observed, that the sober discretion of the Legislature, which, in the opinions of gentlemen, ought to be curbed and restrained by our Constitution.

He then declared, that our form of Government not only pointed out the ends of Government, but specified the means of execution. He said, we may make war—this would draw to it the power of raising an army and navy, laying taxes, establishing a judiciary, &c. But the spirit of the Constitution, in this respect, had been well explained by Mr. MADISON, and he should not recapitulate.

He said, a gentleman from South Carolina (Mr. SMITH) had remarked that all our laws proceeded upon the principle of expediency—that we were the judges of that expediency—as soon as we gave it as our opinion that a thing was expedient, it became constitutional. What then remains of your Constitution, except its mode of organization? We may look into it to refresh our memories respecting the times, places, and manner of composing the Government; that, as to the powers of Congress, were he of that gentleman's opinion, he would never look into it again. Gentlemen see the difficulties of their theories, and are obliged to confess that these incidental powers are not easily defined. They rest in the sober discretion of the Legislature.

One gentleman (Mr. AMES) has said, no implication ought to be made against the law of nature, against rights acquired, or against power pre-occupied by the States; that it is easier to restrain than to give competent powers of execution. Now these notions are hostile to the main principle of our Government, which is only a grant of particular portions of power, implying a negative to all others. It has been shown that the ends of Government will include every thing. If gentlemen are allowed to range in their sober discretion for the means, it is plain they have no limits. By the cabalistic word *incident*, your Constitution is turned upside down, and instead of being a grant of particular powers, guarded by an implied negative to all others, it is made to imply all powers. But, strange to tell, America forgot to guard it by express negative provisions. Is there any difference in effect between lodging general powers in a Government, and permitting the exercise of them by subtle constructions? He said there was a difference. In the one case the people fairly gave up their liberty, and stood prepared; in the other, they were unexpectedly tricked out of their Constitution.

The preceding remarks showed how dangerous is the doctrine of implication, and upon what small data ingenuity can raise the most dangerous

public decide the truth of his observations. He hoped he should not be suspected of any bias. That so uniform had been his conduct upon all questions, turning upon principles similar to the present, that every member in the House, he believed, had conjectured rightly of the side he would take, before he had uttered a word upon the subject. When implication first raised its head in this house, he started from it as a serpent which was to sting and poison the Constitution. He felt in unison with his country. The fears, the opinions, the jealousies of individuals and of States, had been explained by a gentleman from Virginia, (Mr. MADISON.) He should only remark, that all those who opposed the Government dreaded this doctrine; those who advocated it, declared that it could not be resorted to; and all combined in opinion that it ought not to be tolerated. Never did any country more completely unite in any sentiment than America in this, "that Congress ought not to exercise, by implication, powers not granted by the Constitution." And is it not strange? For the admission of this doctrine destroys the principle of our Government at a blow; it at once breaks down every barrier which the Federal Constitution had raised against unlimited legislation. He said, that necessity was the most plausible pretext for breaking the spirit of the social compact, but the people of this country have anticipated that pretext. They have said to the Ministers of this country, "we have given you what we think competent powers, but if experience proves them inadequate, we will enlarge them; but, in the mean time, dare not usurp those which we have reserved."

The preceding remarks showed how dangerous is the doctrine of implication, and upon what small data ingenuity can raise the most dangerous

superstructure. He should now take a view of these precedents, in the former and present Congress, which are relied on to justify the present measure.

1st. The Bank of North America. Here he stated the distressful and critical situation of America at the period of its establishment; he remarked that it was at the time of the declension of the Continental money. He showed that there were no powers in the Confederation to which (even according to the reasoning of the other side) this power could be incidental, but what required the vote of seven States, which showed that necessity alone gave birth to that measure. He showed the dissimilarity of the situations of the former and this Congress, and the difference in their powers, and consequently, in the dangers to be apprehended, from the encroachment of either.

2d. The redemption of our prisoners at Algiers. This comes within the power to regulate trade. If, said he, we are not capable of redeeming, by the best means in our power, our citizens, our trade may be entirely ruined; and hence, the law which would be made for their redemption would be necessary and proper. But, by the Constitution, the Executive may make treaties; these may be general, or for a particular object, and the Legislature may effectuate them by grants of money.

3d. We have bought certificates, and not destroyed them. This, they say, is implied from the power of paying the debts.

He asked if, before the purchase, the certificates were debts due from the United States? And demanded, if, by the purchase, they were divested of that quality? In my judgment, when a debt is fairly cancelled, it is as much like a payment as need be.

4th. We had no right, except by implication, to give a salary to the Vice President. He had voted against the salary, and had been for a *per diem* allowance, because he thought the Vice President was viewed by the Constitution only as the President of the Senate. But this example fails most palpably, as Congress, in the compensation, are not confined by the Constitution either to a particular sum or mode of payment.

5th. Congress have made corporations, and exercised complete legislation in the Western Territory. He said, to answer this case, nothing more was necessary than to read the clause in the Constitution which gives to Congress expressly the power to make all the rules and regulations for them.

It seemed to him as if gentlemen were inverting the order of things, by making powers where there were none, and attempting to prove express grants to be implications.

6th. Our regulations respecting freighters and owners, and between captains and seamen. He had not those regulations correctly in his memory, but he believed them proper and necessary regulations of commerce.

7th. It has been said we have exclusive juris-

isdiction in places belonging to Congress, and within the ten miles square. We could erect a bank in any of those places; its influence would extend over the Continent; the principle upon which we founded this power could not be confined to a particular time or a spot of land. Gentlemen ridicule the idea that the exercise of a pervading influence and a general principle should be limited by any particular number of years, or be confined within a fort. He said, the power of exclusive legislation in those places was expressly granted, and, under its influence, the Congress might exercise complete and exclusive legislation within those limits; that the power was confined to the places. But if the general powers of this Constitution are to be governed by the same rules of construction, and we are to have no regard to place, it follows that Congress can exercise exclusive legislation over this Continent. He was as reasonable to say, that France, because within the limits of her own dominions, and over her own property, she exercised exclusive legislation, that hence she had a right to legislate for the world. The power of removal of officers by the President alone. He said, it was known he had opposed that doctrine. He left it to be defended by those who had voted for it. But he hoped Mr. SMITH, of South Carolina, and some other gentlemen, who had opposed it, would review the arguments they had used upon that occasion.

He observed, after taking a view of these precedents on the danger of laying down improper principles in legislation, how eagerly men grasped at the slightest pretext for exercise of power. He shuddered to think what a broad and commanding position this Bank will form for further encroachments.

A gentleman from Massachusetts (Mr. SEDGWICK) has said, that whenever a power is granted, all the known and usual means of execution are always implied. The idea had been properly examined by Mr. GILES, but he would ask, if incorporating the subscribers to a Bank was the known and usual means of borrowing money, especially when the subscribers were not obliged to loan; or of collecting taxes, when no taxes were levied on the Bank.

But gentlemen tell us, that if we tie up the Constitution too tightly, it will break; if we hamper it, we cannot stir; if we do not admit the doctrine, we cannot legislate at all. And with a kind of triumph, they say that implication is recognised by the Constitution itself in the clause wherein we have power to make all laws, to carry, &c. He said, he was ready to meet the gentlemen upon this ground. This clause was intended to defeat those loose and proud principles of legislation which had been contended for. It was meant to reduce legislation to some rule. In fine, it confined the Legislature to those means that were necessary and proper.

He said, it would not be pretended that it was necessary and proper for the collection of taxes. Indeed, one gentleman (Mr. AMES) had attempted

to show that the payments in specie could not be made, if by chance a great quantity of debt suddenly accumulated in a particular place. But it might be remembered, that this necessity, if it arrived, was created by the Legislature, and that would be strange reasoning which broke a good Constitution to mend a bad law. No taxes are to be collected by this bill.

It would not be necessary and proper as a mean of borrowing money, because, first, we do not want to borrow money, and, if we did, this law, though it may be the probable, is not the necessary mean; for if it was the interest of the stockholders, they might, and he believed would, refuse to loan. He said, that the institution might be defended upon more plausible grounds, if the Bank had been taxed; or if a condition to loan money to the public had been part of the plan. Upon what ground, then, do gentlemen stand? They can only say, that they have implied a great and substantive power in Congress, which gives to Government, or to individuals, the influence of fifteen millions of dollars, irrevocably, for twenty years, with a power of making by-laws, &c., because there is a probability that this institution may be convenient and agreeable in the operations of Government. He asked, upon parallel principles, what might Congress not do? He said, that the gentleman from Virginia, (Mr. MANISTON) pursuing the doctrine into all the forms in which it might appear, had struck upon several cases which were very pointed—an incorporation of manufacturers with exclusive privileges; merchants with the same, a national religion. This a gentleman (Mr. AMES) has said was unfair and extravagant reasoning; and yet, in five minutes, the gentleman's own reasoning led him to ask, with warmth, if Congress could not join stocks with a company to trade to Nootka? And he condescended to doubt, if the privileges given to such a company might not be exclusive. He saw clearly, himself, that this theory led to the latter conclusion; for if expediency, if convenience, if facility, if fears of war, if preparations for events which might never happen, can justify an incorporation upon the present plan, the same suggestions, the same logic, will legalize incorporations with exclusive privileges. The deductions of the gentleman from Virginia are sound and right, and cannot be fairly controverted. Congress may then do any thing. Nay, if the principles now advocated are right, it is the duty of the Legislature of the Union to make all laws; not only those that are necessary and proper to carry the powers of the Government into effect, but all laws which are convenient, expedient, and beneficial to the United States. Then where is your Constitution? Are we not now sitting, in our sober discretion, a General Government, without the semblance of restraint? Yes, said he, we have still a Constitution, but where is it to be found? Is it written? No. Is it among the archives? No. Where is it? It is found in the sober discretion of the Legislature—it is registered in the brains of the majority!

He proceeded. I say there is no necessity, there

is no occasion, for this bank. The States will institute banks which will answer every purpose. But a distrust of the States is shown in every movement of Congress—will not this imphant distrust also in the States? Will you gain by this contest? This scheme may give, and I am convinced will give, partial advantages to the States. In the fair administration of our Government, no partial advantages can be given; but, by this bill, a few stockholders may institute banks in particular States, to their aggrandizement and the oppression of others. This bank will swallow up the State banks; it will raise in this country a moneyed interest at the devotion of Government; it may bribe both States and individuals. He said, gentlemen asked who would be offended or hurt by this plan? Have we heard any complaints against it? Have the newspapers reported it? These questions had no influence on his mind. He said it was one of those sly and subtle movements which marched silently to its object; the vices of it were at first not palpable or obvious; but when the people saw a distinction of banks created—when they viewed with astonishment the train of wealth which followed individuals, whose sudden exaltation surprised even the possessors—they would inquire how all this came about? They will then examine into the powers by which these phenomena have arisen, and they will find—they will reprobate the falsehood of the theories of the present day.

He said, that gentlemen had told us of the sudden irruptions of enemies. When those necessities arrive, it is time enough to make use of them to break your Constitution. But, gentlemen say, upon emergencies the bank will loan money. We differ in opinion. I think when we want it most the bank will be most unable and unwilling to lend. If we are in prosperity, we can borrow money almost any where; but in adversity, stockholders will avoid us with as much caution as any other capitalists.

But a gentleman (Mr. AMES) tells us not to be alarmed, the bank will not eat up liberty—he said he was not afraid. He was not under any apprehensions that all the little influence that Congress possessed would destroy the great spirit of American liberty. The body of the people would laugh at and ridicule any attempt to enslave them; but a conduct which had that tendency might arouse alarming passions. He said, there existed at this moment ill-blood in the United States, which to quiet he would readily agree to enter into a foreign war. America with us, we might defy the world. There was but one people he was afraid of offending. This was America. He was not afraid of foreign enemies, but the resentment of our own country is always a subject of serious apprehension. He observed, that there were other parts of this important and diffusive subject which he might have touched, but he had fatigued himself and the House.

Mr. SMITH, of South Carolina, said, as he had been greatly misunderstood by the gentleman last up, he wished to explain the position he had laid down. He had never been so absurd as to con-

tend, as the gentleman had stated, that whatever the Legislature thought expedient, was therefore Constitutional. He had only argued that, in cases where the question was, whether a law was necessary and proper to carry a given power into effect, the members of the Legislature had no other guide but their own judgment, from which alone they were to determine whether the measure proposed was necessary and proper to carry the powers vested in Congress into full effect. If, in such cases, it appeared to them, on solemn deliberation, that the measure was not prohibited by any part of the Constitution, was not a violation of the rights of any State or individual, and was peculiarly necessary and proper to carry into operation certain essential powers of the Government, it was then not only justifiable on the part of Congress, but it was even their duty to adopt such measure. That, nevertheless, it was still within the province of the Judiciary to annul the law, if it should be by them deemed not to result by fair construction from the powers vested by the Constitution.

MONDAY, February 7.

USEFUL ARTS.

Mr. WHITE, from the committee appointed for that purpose, reported a bill to amend an act, entitled "An act to promote the progress of the useful arts," which was read the first time.

On motion of Mr. HEISTER, the memorial of a number of public creditors, who are holders of loan-office certificates received for loans of paper money, was referred to a select committee of five; Messrs. SHERMAN, GERRY, HEISTER, BENSON, and GALE.

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill for incorporating the Bank of the United States.

The question being on the passage of the bill, Mr. GILES.—In the course of discussing the present important question, it has been several times intimated that local motives, and not a candid and patriotic investigation of the subject upon its merits, have given rise to that difference of opinion which has been heretofore manifested in this House. I shall not examine the truth of this observation, but merely remark, that the causes which may have produced the arguments against the proposed measure, whatever they may be, can neither add to, nor take from, their merit or influence, and, of course, the insinuations might have been spared without injury to the subject; but so far as the observation may have been intended to apply to myself, I can truly say, that if a bias were to influence my conduct, it would rather direct it to favor, than to oppose the proposed measure. This bias would arise from two causes: the one from the respect which I entertain for the judgments of the majority who advocate the measure; the other of a more serious nature. I have observed with regret a radical difference of opinion between gentlemen from

the Eastern and Southern States, upon the great Governmental questions, and have been led to conclude, that the operation of that cause alone might cast ominous conjecture on the promised success of this much valued Government. Mutual concessions appear to be necessary to obviate this effect, and I have always been pleased in manifesting my disposition to make advances; but from the most careful view of the arguments in favor of the proposed measure, considered under this impression, they do not seem to me sufficient to establish the propriety of its adoption, and I am therefore impelled, by the joint influence of duty and opinion, to be one in the opposition.

A gentleman from Massachusetts (Mr. AMES) prefaced his observations with this remark, that it is easier to point out defects and raise objections to any proposed system, than to defend it from objections, and prove its affirmative propriety, and warned the House against the effects of arguments of this nature, urged in opposition to the measures now under consideration. I agree with the gentleman in this idea in general, but we should reflect that in the present case the address of the arguments in favor of the measure is made to one of the strongest affections of the human mind, the love of dominion; and hence we may justly conclude, that they will be received and relished with their full and unabated influence. This reflection appears to me to be at least a counterpoise to that remark.

The advocates of this bill have been called on, and I conceive with propriety, to show its constitutionality and expediency, both of which have been doubted by those of the opposition. In support of the first position, a multitude of arguments have been adduced, all of which may be reducible to the following heads; such as are drawn from the Constitution itself; from the identity of this authority to the mere creation and existence of Government; from the expediency of the measure itself; and from precedents of Congress; to which may be added a similar exercise of authority by Congress, under the former confederation.

Observations arising from the Constitution itself, were of two kinds. The right of exercising this authority is either expressed in the Constitution, or deducible from it by necessary implication. One gentleman only, from Massachusetts, (Mr. SEDGWICK,) has ventured to assert, that, discharging the doctrine of implication, he could show that the right to exercise the authority contended for was expressly contained in the Constitution. This, I presume, must have been a mistake in language, because the difference between an express and an implied authority appears to me to consist in this—in the one case, the natural import of the words used in granting the authority would of themselves convey a complete idea to the mind of the authority granted, without the aid of argument or deduction; in the other to convey a complete idea to the mind, the aid of argument and deduction is found necessary to the usual import of words used; and that gentleman proceeded with a labored argument to prove, that the

authority was expressly granted, which would have been totally useless, if his assertion had been just.

[Mr. SEDGWICK rose to explain; he never conceived the authority granted by the express words of the Constitution, but absolutely by necessary implication from different parts of it.]

I shall not contend as to the assertion, but shall proceed to consider the arguments in favor of the measure upon the doctrine of implication; which, indeed, are those only which deserve consideration.

In doing this, I shall consider the authority contended for to apply to that of granting charters to corporations in general, for I do not recollect any circumstance, and I believe some has been pretended, which could vary this case from the general exercise of that authority. To establish the affirmative of this proposition, arguments have been drawn from the several parts of the Constitution; the context has been resorted to. "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity," &c. It has been remarked, that here the ends for which this Government was established are clearly pointed out; the means to produce the ends are left to the choice of the Legislature, and that the incorporation of a bank is one necessary mean to produce these general ends. It may be observed, in reply, that the context contemplates every general object of Government whatever; and if this reasoning were to be conclusive, every object of Government would be within the authority of Congress, and the detail of the Constitution would have been wholly unnecessary, further than to designate the several branches of the Government which were to be entrusted with this unlimited, discretionary choice of means, to produce these specified ends. The same reasoning would apply as forcibly to every clause of the Constitution, restraining the authority of Congress to the present case, or to any one in which the Constitution is silent. The only candid construction arising from the context appears to me to be this; it is designed, and it is the known office of every member to point out the great objects proposed to be answered by the subsequent regulations of which the Constitution is composed. These regulations contain the means by which these objects are presumed to be best answered. These means consist in a proper distribution of all governmental rights between the Government of the United States and the several State governments, and in fixing limits to the exercise of all authorities granted to the Government of the United States. The context, therefore, gives no authority whatever, but only contemplates the ends for which certain authorities are subsequently given. Arguments drawn from this source appear to be ineffectual in themselves, and the reliance of gentlemen upon them indicates a suspicion and distrust of such as may be drawn from other parts of the Constitution. The advocates

of the bill have turned away from this context, and have applied to the body of the Constitution in search of arguments. They have fixed upon the following clauses, to all or some one of which they assert the authority contended for is clearly incidental; the right to lay and collect taxes, &c., &c.; to provide for the common defence and general welfare, &c.; to borrow money, &c.; to regulate commerce with foreign nations, &c. The bill contemplates neither the laying nor collecting taxes, and, of course, it cannot be included in that clause; indeed, it is not pretended, by the bill itself, to be at all necessary to produce either of those ends; the furthest the idea is carried in the bill, is, that it will tend to give a facility to the collection.

The terms "common defence and general welfare" contain no grant of any specific authority, and can relate to such only as are particularly enumerated and specified. "To borrow money," Gentlemen have relied much upon this clause; their reasoning is, that a right to incorporate a bank is incidental to that of borrowing money, because it creates the ability to lend, which is necessary to effectuate the right to borrow. I am at a loss to discover one single relation between the right to borrow, and the right to create the ability to lend, which is necessary to exist between principle and incident. It appears to me that the incidental authority is paramount to the principal, for the right of creating the ability to lend is greater than that of borrowing from a previously existing ability. I should, therefore, rather conclude that the right to borrow, if there be a connexion at all, would be incidental to the right to grant charters of incorporation, than the reverse of that proposition, which is the doctrine contended for by the advocates of the measure. The same reasoning which would establish a right to create the ability to lend, would apply more strongly to enforce the will after the ability is created; because the creator would have a claim of gratitude at least upon the created ability, which if withheld, perhaps, with justice might be insisted on. "To regulate commerce with foreign nations." This is by no means a satisfactory ground for the assumption of this authority; for if it be deemed a commercial regulation, there is a clause in the Constitution which would absolutely inhibit its exercise. I allude to that clause which provides that no preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; and it seems to be admitted, that one principal effect to be produced by the operation of this measure will be to give a decided commercial preference to this port over every other in the United States.

Gentlemen finding it difficult to show that necessary relation and intimate connexion between the authority contended for, and any one of the specified authorities before mentioned, which would be essential to the establishment of their doctrine, have referred to what has been generally called the sweeping clause, and have made deductions from the terms "necessary" and "proper;" they have observed that certain specified author-

ties being granted, all others necessary to their execution follow without any particular specification. This observation may in general be true, but its fallacy here consists in its application to this particular case. It cannot be applied until the exercise of this authority be proved to be necessarily connected with some one of the previously enumerated authorities, and here the argument, as well as the fact, fails.

The authority contended for seems to me to be a distinct substantive branch of legislation, and, perhaps, paramount to any one of the previously enumerated authorities, and should therefore not be usurped as an incidental subaltern authority.

I am confirmed in this opinion from the indistinct, confused conceptions of gentlemen who advocate the measure. They rely upon the incidentality of this authority to some one of those particularly specified, and yet have applied it as an incident to several distinct, unconnected subjects of legislation; and then, distrusting their own conclusions, or as if the inquiry would be too troublesome or minute, they leave this ground, and assert that it is incidental to the result of the whole combined specified authorities. Gentlemen must, therefore, view this right through different optics, at different times; or, what I rather believe to be the fact, they have no distinct view of it at all, the right having no existence.

A gentleman from Massachusetts, (Mr. Sedgwick,) finding the usual import of the terms used in the Constitution to be rather unfavorable to the doctrines advanced by him, has favored us with a new exposition of the word "necessary." He says that "necessary," as applicable to a mean to produce an end, should be construed so as to produce the greatest quantum of public utility. I have been taught to conceive that the true exposition of a necessary mean to produce a given end was that mean without which the end could not be produced.

The gentleman's reasoning, however, if pursued, will be found to teem with dangerous effects, and would justify the assumption of any given authority whatever. Terms are to be so construed as to produce the greatest degree of public utility. Congress are to be the judges of this degree of utility. This utility, when decided on, will be the ground of Constitutionality. Hence any measure may be proved Constitutional which Congress may judge to be useful. These deductions would subvert the Constitution itself, and blot out the great distinguishing characteristic of the free Constitutions of America, as compared with the despotic Governments of Europe, which consist in having the boundaries of governmental authority clearly marked out and ascertained.

The exclusive jurisdiction over ten miles square has been adverted to by one gentleman (Mr. Ames) as a specified authority, to which the one contended for is suggested to be incidental. He has reasoned in this manner: Congress possess jurisdiction over ten miles square, &c.; Congress may therefore establish a bank within the ten miles square, and, as principle is not applicable to place, Congress may exercise the same authority

any where else. This seems to me to be an ingenious improvement upon sophistical deduction; the gentleman, however, should have reflected that the ground upon which he built the right to exercise this authority was that of exclusive jurisdiction, and to extend the principle it is necessary to extend the right of exclusive jurisdiction; without this, the basis of his argument fails, and the superstructure, however beautiful, must follow; for the principle, if at all deducible from that source, is expressly confined to place, and cannot operate beyond it.

I shall now consider the second resource, whence the Constitutional right of exercising the proposed authority is derived; its incidentality to the mere creation and existence of Government. It has been observed, that in all Governments there are certain rights tacitly granted, and certain other rights retained; that it is impossible in framing a Constitution, to enumerate every minute governmental right, and that such an attempt would be chimerical and vain. And hence the incidentality of this authority to the mere existence of Government is inferred. These observations seem to me to apply to a government growing out of a state of society, and not to a government composed of chartered rights from previously existing governments, or the people of those governments. I have been taught to consider this as a Federal, not as a consolidated Government, and am not prepared or disposed at present to relinquish that idea. A gentleman from New York (Mr. Lawrence) has remarked, that the Government is consolidated *quo ad* the powers granted, and of course *quo ad* their incidents; but he should first have shown that the authority contended for is one of those granted, or incidental to some one of them, before the application can be made. The observation can have no tendency to establish either of those positions. What effect would this doctrine, if admitted, have upon the State governments? And how would it be relished by them? Their dignity and consequence will not only be prostrated by it, but their very existence radically subverted. A third resource of deducing this Constitutional authority is resorted to—the expediency of the proposed measure itself. I presume the great object of the Constitution was to distribute all governmental rights between the several State governments and the Government of the United States; the expediency, therefore, of the exercise of all Constitutional rights, as they relate to State or General Governments, is properly contemplated and decided by the Constitution, and not by the governments among which the distribution is made. A gentleman from South Carolina (Mr. Smith) has said, that the expediency and Constitutionality of the proposed measure cannot be considered separately, because the Constitutional-ity grows out of the expediency. This is but candidly unveiling the subject of that sophistical mask which has been ingeniously thrown over it by some gentlemen; for all the arguments adduced in favor of the measure, from whatever source they arise, if pursued, will be found to rush into the great one of expediency, to bear down all

Constitutional provisions, and to end themselves in the unlimited ocean of despotism.

Several gentlemen have said, that this authority may be safely exercised, since it does not interfere with the rights of States or individuals. I think this assertion not very correct; if the States be Constitutionally entitled to the exercise of this authority, it is an intrusion on their rights to do an act which would eventually destroy or impede the freest exercise of that authority; for it is totally immaterial whether the effect be produced by the operation of this, or by an inhibition in express terms. The States may not only incorporate banks, but may of right prohibit the circulation of bank paper within their respective limits; the act, therefore, if it be intended to have an effectual operation, will certainly infringe this right, or exist at the mercy of the State governments. This reasoning, however, places the subject in another point of view a little singular. It contemplates the authority contended for as vacant ground, and justifies the tenure by the mere title of occupancy. In almost all the remarks in favor of the measure, gentlemen seem to have forgotten the peculiar nature of this Government. It being composed of mere chartered authorities, all authority not contained within that charter would, from the nature of the grant, have been retained to the granting party; and I will venture to assert, that this opinion was the *sine qua non* of the adoption and existence of this Government; but if this opinion had been doubtful, Congress themselves have made an express declaration in favor of this construction to the proposed amendments to the Constitution. Gentlemen have inferred a Constitutional right to exercise the authority contended for from a fourth resource—the former usages and habits of Congress. In affirmance of this argument, several acts of Congress have been referred to—the power of removal from office, the government of the Western Territory, the cession from North Carolina, the purchase of West Point, &c. I shall not examine into the propriety of these several acts, though I conceive it would not be difficult to show, that they differ materially upon Constitutional grounds, from the one now proposed. I shall only remark, that, if Congress have heretofore been in the usage and habit of disregarding and violating the Constitution, it is high time that that habit and usage be corrected. I hope and trust that the people of the United States will not tamely see the only security of their rights and liberties invaded and violated, but also see one violation of it with impunity boldly urged as an argument to justify another.

An instance of a similar exercise of authority by the Congress which existed under the former Confederation, has been mentioned in favor of its exercise by the present Congress. The argument has been, that as the powers of the present Congress are greater than those of the former Congress, and the former were competent to the exercise of this right, the present must be more so. It is to be remarked, that that act was the child of necessity, and that Congress doubted its legitimacy, and the act itself was never confirmed by a

judicial decision; and it should be also remarked, that the same Congress did not pretend to possess the right to punish those who should counterfeit the paper of the bank, and recommended it to the States to confirm the act which they had done, and to pass laws for the purpose of punishing those who should counterfeit the paper, and it is a little remarkable that this circumstance, which is one of the most essential to the existence and operation of this act, is withheld from our view. But as I think arguments drawn from this source wholly foreign to the subject, I shall make no further remark upon them.

I shall now suggest a few observations respecting the expediency of the proposed measure. In doing this, I shall not say any thing as to the utility of banks in general, nor as to the effects of the banks of England, Scotland, Holland, &c. I possess not sufficient practical or theoretical knowledge to justify the inquiry; I shall only point out a few circumstances which are peculiarly attached to the Government we are now administering, which might vary the application of general rules, drawn from Governments of a different nature, and which possess the unquestioned right of granting charters of incorporation.

In the first place, the right of exercising that authority by the Government is at least problematical, it is no where granted in express terms; the Legislature, therefore, can have no competent security against a judicial decision but a dependent or a corrupt court. I presume that a law to punish with death those who counterfeit the paper emitted by the bank will be consequent upon the existence of this act. Hence a judicial decision will probably be had of the most serious and awful nature; the life of an individual at stake on the one hand, an improvident act of the Government on the other. A distrust arising from this cause will for ever keep the bank in jeopardy, and the very first trial of this nature will probably subject the bank to a run which it will be unable to withstand; for all stockholders will require the greatest possible security for their money, and a distrust of such an institution will be its destruction. This observation seems to me to have peculiar force, from the great proportion of paper to that of gold and silver, upon which the bank is proposed to be founded. The peculiar relation between the General and State Governments, will naturally produce a contest for governmental rights, until long experience shall settle the precise boundaries between them. The present measure appears to me to be an unprovoked advance in this scramble for authority, and a mere experiment how far we may proceed without involving the opposition of the State governments. It should be remarked that this Government is in its childhood; it is therefore unfitted for such bold and manly enterprises, and policy would dictate that it should wait at least until it may have become more matured or invigorated. Two modes of administering this Government present themselves; the one with mildness and moderation, by keeping within the known boundaries of the Constitution, the other, by the creation and opera-

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tion of fiscal mechanism; the first will ensure us the affections of the people, the only natural and substantial basis of Republican Government; and the other will arise and exist in oppression and injustice, will increase the previously existing jealousies of the people, and must be ultimately discarded, or bring about a radical change in the nature of our Government. Having suggested these observations upon the measure in general, I shall now proceed to point out a few objections to the details of the bill. I think the authority given to the bank to purchase and hold lands objectionable; in the first place, I doubt the Constitutional right of Congress to invest such an authority; the lands within the United States are holden of the individual States, and not of the United States; and that tenure appears to me to be the true ground upon which the right to exercise that authority grows. I believe it is admitted, that although Congress may naturalize a foreigner they cannot authorize him to purchase lands; and I think the case at least as strong, when they first create an artificial person, and then invest the authority; besides, if we have any reference to the experience of other countries, we shall find it dangerous to allow incorporated bodies to hold lands at all. The exercise of that right produced great oppression in England, and nothing but the masterly activity of an absolute Prince could apply a competent remedy. A gentleman from Massachusetts (Mr. Spenwick) has denied that the bank is invested with this right. It is true it is confined to the mode of purchasing by mortgage, but that is the most effectual mode of purchasing; and the most ruinous to the landholder.

I will merely mention one other objection without a comment—the authority given to make laws not contrary to law or its own Constitution; but the most objectionable clause is that which limits its duration, and pledges the faith of the United States that no other bank shall be established in the mean time, however dangerous and offensive the present measure might prove in its operation, and whatever may be the utility and advantage in any other scheme of banking which experience may suggest. Such a stipulation cannot be justified but from the most pointed necessity, and from the maturest deliberation. When I search for the necessity of this measure, it escapes me; it is not pretended in the bill itself; the chief stimulus which I can discover to the existence of this measure, is to give artificial impulse to the value of stock. This is not a sufficient justification; the subject has not been sufficiently considered, and I therefore hope it may be postponed to some future session of Congress; many evils may be avoided by such a conduct, none can result from it.

Mr. GERRY said, he should principally confine himself to the objections of the gentleman first up from Virginia, (Mr. Manisck), not from a disrespect to the observations of other gentlemen in the opposition, but because he considered their arguments as grafts on the original stock of those urged by the gentleman alluded to, and if the trunk fell, its appendages must fall also.

The objects of the bill were to render the fiscal administration successful, and to give facility to loans on sudden emergencies, and to benefit trade and industry in general; and that these were objects of high importance had not been denied, neither had it been asserted that they ought not, if possible, to be attained.

It is objected, however, that the mode proposed by the bill is unconstitutional, and the bill itself defective.

The mode proposed is a National Bank; to establish which he thought Congress were as competent as either House were to adjourn from day to day.

It is said that Congress have no power relating to this subject, except what is contained in the clauses for laying and collecting taxes, imposts, excises, &c.; for borrowing money, and for making all laws necessary and proper for carrying these powers into effect; and that these do not authorize the establishment of a National Bank.

To ascertain this, the gentleman from Virginia proposes a candid interpretation of the Constitution, which we shall agree to, and he offers to assist us with his rules of interpretation, for his good intentions in doing which we give him full credit; but as he acknowledges that he has been long decided against the authority of Congress to establish a bank, and is therefore prejudiced against the measure; as his rules, being made for the occasion, are the result of his interpretation, and not his interpretation of the rules; as they are not sanctioned by law exposition, or approved by experienced judges of the law, they cannot be considered as a criterion for regulating the judgment of the House, but may, if admitted, prove an *ignis fatuus* that may lead to destruction.

We wish not, however, by establishing our own rules of interpretation, to enjoy the privilege which is denied to the gentleman, but will meet him on fair ground, by applying rules which have the sanction mentioned; and as the learned Judge *Blackstone* has laid down such, it is presumed the gentleman from Virginia will not contend for a preference, or refuse to be tried by this standard.

The Judge observes, "That the fairest and most rational method to interpret the will of the legislator is by exploring his intentions at the time when the law was made by signs the most natural and probable; and these signs are either the words, the context, the subject-matter, the effect and consequence, or the spirit and reason of the law." With respect to words, the Judge observes, that "they are generally understood in their usual and most ordinary signification, not so much regarding the grammar as their general and popular use."

The gentlemen on different sides of the question do not disagree with respect to the meaning of the terms *taxes, duties, imposts, excises, &c.*; or of *borrowing money*, but of the word *necessary*: and the question is, what is the general and popular meaning of this term? Perhaps the answer to the question will be truly this, that in a general and popular one the word does not admit of a definite meaning; but that this varies according to

the subject and circumstances. With respect to the subject for instance, if the people, speaking of a garrison besieged by a superior force, and without provisions, or a prospect of relief, should say it was under the necessity of surrendering, they would mean a physical necessity, for troops cannot subsist long without provisions; but if speaking of a debtor, the people should say he was frightened by his creditor and then reduced to the necessity of paying his debts, they would mean a legal, which is very different from a physical necessity; for although the debtor, by refusing payment, might be confined, he would be allowed subsistence, and the necessity he was under to pay his debts would not extend beyond his confinement. Again, if it should be said that a client is under the necessity of giving to his lawyer more than legal fees, the general popular meaning of necessity would, in this instance, be very different from that in the other; the necessity would neither be physical nor legal, but artificial, or, if it may be allowed the expression, a long-robe necessity.

The meaning of the word "necessary" varies also according to circumstances; for although Congress have power to levy and collect taxes, duties, &c., to borrow money, and to determine the time, quantum, mode, and every regulation necessary and proper for supplying the Treasury, yet the people would apply a different meaning to the word "necessary" under different circumstances. For instance, without a sufficiency of precious metals for a medium, laws creating an artificial medium would be generally thought necessary for carrying into effect the power to levy and collect taxes; but if there was a sufficiency of such metals, those laws would not generally be thought necessary. Again, if specie was scarce, and the credit of the Government low, collateral measures would be by the people thought necessary for obtaining public loans; but not so, if the case was reversed. Or, if part of the States should be invaded and overrun by an enemy, it would be thought necessary to levy on the rest heavy taxes, and collect them in a short period, and to take stock, grain, and other articles from the citizens without their consent, for the common defence; but in a time of peace and safety, such measures would be supposed unnecessary. Instances may be multiplied in other respects; but it is conceived that these are sufficient to show that the popular and general meaning of the word "necessary," varies according to the subject and circumstances.

The second rule of interpretation relates to the context, and the Judge conceives that "if words are still dubious, we may establish their meaning by the context; thus the preamble is often called in to help the construction of an act of Parliament." The Constitution, in the present case, is the great law of the people, who are themselves the sovereign Legislature, and the preamble is in these words: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to

ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

These are the objects for which the Constitution was established, and in administering it we should always keep them in view. And here it is remarkable, that although the common defence and general welfare are held up in the preamble among the primary objects of attention, they are again mentioned in the eighth section of the first article, whereby we are enjoined in levying taxes, duties, &c., particularly to regard the common defence and general welfare; indeed common sense dictates the measure; for the security of our property, families, and liberty—of every thing dear to us, depends on our ability to defend them. The means, therefore, for attaining this object, we ought not to omit a year, month, or even a day, if we could avoid it; and we are never provided for defence unless prepared for sudden emergencies. Should Government be surprised in this case, it would be as dishonorable as for a General to be surprised in a state of warfare, and the event to the community may be much more fatal. If provision then for sudden emergencies is indispensable, it must be evident that it will depend in a great measure on the ability of the Government to command, at all times, for this purpose, a sufficient sum of money, which is justly denominated the sinews of war; and how is this to be effected? By emissions of bills of credit? During the Revolution, bills of credit, it must be acknowledged, have done wonders; they have, in conflict with the banks, Treasury, and public credit of Great Britain, risen superior to them all, and have since died a natural death. We have honored them with a funeral pile; we now bid peace to their manes, and devoutly hope that bills of credit will for ever be extinct in the United States. Are we to depend, then, on taxes for commanding money in cases of urgent necessity? These, as has been shown by other gentlemen, will be too slow in their operations, unless, indeed, we should levy a tax for drawing into and locking up in the Treasury three or four millions of dollars; a law which would be universally considered as unnecessary and improper.

By loans, and loans only, can provision be made for sudden emergencies; but if loans should be made previously to an emergency, the people would be unnecessarily burdened by the interest thereof, and most of the other evils would ensue that would arise from previous taxes; and if they were to be made at an emergency, without previous arrangements, of whom are we to borrow? Of individuals? These cannot be depended on, as has been fully proved by our own experience at the commencement of the Revolution. Are we to apply to the banks already established in the States for loans? These can no more be depended upon than individuals; for stockholders having not more attachment to Government than other citizens, would, in cases of public danger, attend to the preservation of their property by other means than loaning it to Government. And moreover, the united capitals of all the banks ex-

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isting in the Union would be insufficient for Government, for they do not amount to a million and a half of dollars, and only a part in this could, in any case, be reasonably expected on loan.

Are we to apply to foreign banks or individuals? These, as has been shown, are too remote; and if not, we have not been able, without the assistance of an ally, to obtain foreign loans during the war, and perhaps the power in whose assistance we may rely would be hostile to us. Such dependence, then, as has been stated, would necessarily leave us in a deplorable state; and it must be evident that a previous arrangement to aid loans in cases of sudden emergency is necessary and proper in the general and popular use of the term, inasmuch as any other measure that Congress can adopt would be inadequate to the purpose of common defence; and what previous arrangement can we make so proper as that of a National Bank? If gentlemen in the opposition know of any, let them produce it, and let the merits of it be investigated; for it is unreasonable to propose a rejection of this plan without producing a better. The plan proposed by the Secretary of the Treasury, which is now the subject of discussion, does honor, like all his other measures, to his head and heart; it will be mutually beneficial to the stockholders and to Government, and consequently so to the people. The stockholders by this plan will be deeply interested in supporting Government; because three quarters of their capital, consisting of funded certificates, depend on the existence of Government, which therefore is the prop of their capital, the main pillar that supports the bank. Again, the credit of Government, which is immaterial to the other banks, is essential to the National Bank, for the annual interest of three quarters of its capital, which must form a great share of its profits, will depend altogether on the credit of Government, and produce, on the part of the stockholders, the strongest attachment to it. On the other hand, it will be the interest of Government to support the bank, as well on account of the benefits which the public will generally derive from the institution, and the profits arising from the shares of Government in the stock which will be hereafter noticed, as of the supplies of money which it will be for the interest of the bank to furnish in cases of urgent necessity. Whenever these exist, Congress may lay a tax for supplying the Treasury, and anticipate it with certainty by means of the National Bank. It being then our duty to provide for the common defence in cases of emergency, the provision must evidently be made by taxes, loans, or by arrangements for obtaining the latter on the earliest notice; and previous taxes and loans being oppressive, improper, and unnecessary, the arrangements for aiding loans become indispensable, and a bank consequently necessary and Constitutional.

The third rule of the Judge, relative to the "subject-matter" of a law, it is unnecessary to apply, because the members agree in their ideas relative to the meaning of the terms taxes, duties, loans, &c.

The fourth rule, which relates to "effects and

consequences," is important; and here the learned Judge observes that "as to effects and consequences, the rule is, where the words bear none, or a very absurd signification, if literally understood, we must a little deviate from the received sense of them." In the present case, the gentlemen in the opposition generally, as well as the gentleman first up from Virginia, give the whole clause by which Congress are authorized "to make all laws necessary and proper," &c., no meaning whatever; for they say, the former Congress had the same power under the Confederation without this clause as the present Congress have with it. The *Federalist* is quoted on this occasion, but although the author of it discovered great ingenuity, this part of his performance I consider as a political heresy. His doctrine, indeed, was calculated to lull the consciences of those who differed in opinion with him at that time; and having accomplished his object, he is probably desirous that it may die with the opposition itself. The rule in this case says, that where the words bear no signification, we must deviate a little; and as this deviation cannot be made by giving the words less than no meaning, it must be made by a more liberal construction than is given by gentlemen in the opposition. Thus their artillery is turned on themselves, for their own interpretation is an argument against itself.

The last mentioned rule relates to the spirit and reason of the law, and the Judge is of opinion "that the most universal and effectual way of discovering the true meaning of a law, when the words are dubious, is by considering the reason and spirit of it, or the cause which moved the Legislature to enact it." The causes which produced the Constitution were an imperfect union, want of public and private justice, internal commotions, a defenceless community, neglect of the public welfare, and danger to our liberties. These are known to be the causes not only by the preamble of the Constitution, but also from our own knowledge of the history of the times that preceded the establishment of it. If these weighty causes produced the Constitution, and it not only gives power for removing them, but also authorizes Congress to make all laws necessary and proper for carrying these powers into effect, shall we listen to assertions that these words have no meaning, and that this Constitution has not more energy than the old? Shall we thus unnerve the Government, leave the Union, as it was under the Confederation, defenceless against a banditti of Creek Indians, and thus relinquish the protection of its citizens? Or shall we, by a candid and liberal construction of the powers expressed in the Constitution, promote the great and important objects thereof? Each member must determine for himself; I shall without hesitation choose the latter, and leave the people and States to determine whether or not I am pursuing their true interest. If it is inquired where we are to draw the line of a liberal construction, I will also inquire where the line of restriction is to be drawn? The interpretation of the Constitution, like the preroga-

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tive of a sovereign, may be abused; but from hence the abuse of either cannot be inferred. In the exercise of prerogative the minister is responsible for his advice to his sovereign, and the members of either House are responsible to their constituents for their conduct in construing the Constitution. We act at our peril; if our conduct is directed to the attainment of the great objects of Government it will be approved, and not otherwise; but this cannot operate as a reason to prevent our discharging the trusts reposed in us.

Let us now compare the different modes of reasoning on this subject, and determine which is right, for both cannot be.

The gentleman from Virginia (Mr. MANISON) has urged the dangerous tendency of a liberal construction; but which is most dangerous, a liberal or a destructive interpretation? The liberty we have taken in interpreting the Constitution, we conceive to be necessary, and it cannot be denied to be useful in attaining the objects of it; but whilst he denies us this liberty, he grants to himself a right to annul a part, and a very important part of the Constitution. The same principle that will authorize a destruction of part will authorize the destruction of the whole of the Constitution; and if gentlemen have a right to make such rules, they have an equal right to make others for enlarging the powers of the Constitution, and indeed of forming a despotism. Thus, if we take the gentleman for our pilot, we shall be wrecked on the reef which he cautions us to avoid.

The gentleman has referred us to the last article of the amendments proposed to the Constitution by Congress, which provides that the powers not delegated to Congress, or prohibited to the States, shall rest in them or the people; and the question is, what powers are delegated? Does the gentleman conceive that such only are delegated as are expressed? If so, he must admit that our whole code of laws is unconstitutional. This he disavows, and yields to the necessity of interpretation, which, by a fair and candid application of established rules of construction to the Constitution, authorizes, as has been shown, the measure under consideration.

The usage of Congress has also been referred to; and if we look at their acts under the existing Constitution, we shall find they are generally the result of a liberal construction. I will mention but two. The first relates to the establishment of the Executive Departments, and gives to the President the power of removing officers. As the Constitution is silent on this subject, the power mentioned, by the gentleman's own reasoning, is vested in the States or the people; he, however, contended for an assumption of the power, and when assumed, urged that it should be vested in the President, although, like the power of appointment, it was by a respectable minority in both Houses conceived and in the President and Senate. His rule of interpretation then was therefore more liberal than it is now. In the other case, Congress determined by law, with the sanction of the Presi-

dent, when and where they should hold their next session, although the Constitution provides that this power should rest solely in the two Houses. The gentleman also advocated the measure, and yet appears to be apprehensive of the consequences that may result from a construction of the Constitution which admits of a National Bank. But from which of these measures is danger to be apprehended? The only danger from our interpretation would be the exercise by Congress of a general power to form corporations; but the dangers resulting from the gentleman's interpretations, in the cases alluded to, are very different; for what may we not apprehend from the precedent of having assumed a power on which the Constitution was silent, and from having annexed it to the Supreme Executive? If we have this right in one instance, we may extend it to others, and make him a despot. And here I think it necessary to declare, that such is my confidence in the wisdom, integrity, and justice of the Chief Magistrate, as that I should be at ease, if my life, liberty, and property, were at his disposal; but this is a trust which I am not authorized to make for my constituents; and as his successors in office will possess equal powers, but may not possess equal virtues, caution with respect to them is necessary. Again, what may be the result of the precedent relating to the session of Congress? If we had a right by law to determine where the next Congress should hold their session, one Congress may oblige another to sit in Kentucky, or in the intended State of Yazoo, under the protection of a Choctaw chief, or His Excellency Governor Tallan. It must therefore be evident that the usage of Congress in both instances is against the gentleman, and that the dangers from the precedent of establishing a bank are comparatively small to those resulting from the other measures referred to.

The gentleman from Virginia has endeavored to support his interpretation of the Constitution by the sense of the Federal Convention; but how is this to be obtained? By applying proper rules of interpretation? If so, the sense of the Convention is in favor of the bill; or are we to depend on the memory of the gentleman for a history of their debates, and from thence to collect their sense? This would be improper, because the memories of different gentlemen would probably vary, as they had already done, with respect to those facts; and if not, the opinions of the individual members who debated are not to be considered as the opinions of the Convention. Indeed, if they were, no motion was made in that Convention, and therefore none could be rejected for establishing a National Bank; and the measure which the gentleman has referred to was a proposition merely to enable Congress to erect commercial corporations, which was, and always ought to be, negatived.

The gentleman's arguments respecting the sense of the State Conventions have as little force as those relating to the Federal Convention. The debates of the State Conventions, as published by the short-hand writers, were generally

partial and mutilated; in this, if the publications are to be relied on, the arguments were all on one side of the question, for there is not in the record, which is said to contain the Pennsylvania debates, a word against the ratification of the Constitution; although we all know that arguments were warmly urged on both sides. The gentleman has quoted the opinions, as recorded in the debates of this State and North Carolina, of two of our learned judges; but the speech of one member is not to be considered as expressing the sense of a Convention; and if it was, we have no record which can be depended on of such speeches. Indeed, had even this been the case, the Union was at that time divided into two great parties, one of which feared the loss of the Union if the Constitution was not ratified unconditionally, and the other the loss of our liberties, if it was. The object on either side was so important as perhaps to induce the parties to depart from candor, and to call in the aid of art, flattery, professions of friendship, promises of office, and even good cheer; and when these failed, the *Federal Bull* was published, denouncing political death and destruction to anti-federal infidels. Under such circumstances, the opinions of great men ought not to be considered as authorities, and in many instances could not be recognised by themselves.

Mr. G. then observing that the sense of the States respecting a bank would be best ascertained by their legislative acts, showed, from the journals of Congress, that when restrained by the Confederation from exercising any powers but what were expressly delegated, Congress had, without any authority, established a bank whose capital might extend to ten millions of dollars; and had not only pledged the faith of the Union not to erect any other, but had recommended it to the States to prohibit any State establishment of the kind, and had also determined that the bank bills should be receivable in the taxes and duties of every State. That the States did not remonstrate against, or tacitly acquiesce in, but actually supported the measures of Congress relative to the bank, whilst the war continued, and after the peace. That this was the strongest evidence the States could give that they thought the measure salutary, and had no objection to it on the ground of its being constitutional. He then urged that if the States and the people at large had no objection to a bank in that case, they could not in this; and inquired whether there was any evidence of their disapprobation of such an institution in the debates of their Conventions or propositions for amendments? To this he answered in the negative, and urged, that whilst the Conventions were silent on the subject, and had no objections to such a measure, several of them had proposed amendments to the Constitution for restraining Congress from establishing commercial corporations; which evinced their disapprobation of such institutions, and admitted at the same time, in some degree, the power of Congress, under the existing Constitution, to form them.

Mr. G. then showed, that as a monopoly had

been urged as an objection to the bill, no such consequence could result from it; for the bill does not restrain State or private banks, or even individuals, from negotiations of a similar nature with those permitted to the stockholders; nor does it restrain the States from forming similar corporations. This plan has not a feature of monopoly, and the gentlemen who oppose it contend for a bank, which, according to its original institution, was founded in monopoly.

He then answered the argument urged against the authority of Congress to enable corporations to hold lands, when they had no power themselves of purchasing and holding land; and showed that although Congress are restrained from purchasing lands, (except in certain cases,) and from exercising over the same exclusive legislation, yet that they may hold lands obtained by execution, conquest, and by other means as well as by those clauses of the Constitution which relate to lands now belonging to the Union; and that Congress had often invested others with powers which they themselves could not exercise.

He then noticed the argument, that, by a law of Virginia, notes payable to the bearer, or order, could not circulate in that State; and observed that this law could not be supposed to extend to bank notes; and if it did, it would be null and void, because the Constitution of the Union and laws, made in pursuance thereof, were paramount to the laws and Constitutions of the several States. Having considered the arguments against the constitutionality of the bill, he entered into the policy and utility of the measure.

TUESDAY, February 8.

Mr. TUCKER, from the committee appointed for the purpose, presented a bill to alter the time of the next meeting of Congress; which was twice read, and ordered to be engrossed.

A message from the Senate informed the House that they have passed the bill making appropriations for the support of the Government for the year 1791.

BANK OF THE UNITED STATES.

The House resumed the consideration of the bill for incorporating the Bank of the United States.

The question still being on the passage of the bill.

Mr. VINING apologised for rising to offer his sentiments on this subject, which had been already so ably discussed; but considering the nature of the objections as arising from Constitutional principles, it had acquired an importance which would justify his troubling the House with some remarks. He began by noticing the leading argument of Mr. Madison respecting the sense of the Continental Convention on the power proposed to be exercised by Congress in this bill. He showed that the opinion of the gentleman, in this instance, was, if not singular, different from that of his contemporaries; at least a similar objection had not been started by those gentlemen of the Senate,

who had been members of the Convention; but granting that the opinion of the gentleman from Virginia had been the full sense of the members of the Convention, their opinion at that day, he observed, is not a sufficient authority by which for Congress at the present time to construe the Constitution.

Mr. V., in explaining the powers proposed by the bill to be given to the corporation of the Bank, adverted to the particular power of "making rules and regulations not contrary to law." He showed that this term law, means the common law; and alluded to the inquiry of Mr. Madison, as to what law was intended by this clause, who, in answering his own question, said, "that if the laws of the United States were intended, the power contemplated was dangerous and unconstitutional, as those laws were very few in number."

Mr. V. observed, that the restriction contended for by the gentleman as the result of his objection would annihilate the most essential rights and privileges of the citizens of the United States. He then observed, a corporation is nothing more than constituting a body with powers to effect certain objects in a combined capacity, which an individual may do in his individual capacity, agreeable to the usage and customs of common law.

Adverting to the act by which the United States became a free and independent nation, he said, from that declaration, solemnly recognised at home and abroad, they derive all the powers appertaining to a nation thus circumstanced, and consequently the power under consideration. He traced the origin of corporations to the time of Numa, the first of which was for agricultural purposes; they were afterwards extended to other objects; and from that day to this, all civilized and independent nations have been in the practice of creating them; and what do they amount to but this—enabling a number of persons, in a combined capacity, to do that to a more certain effect than an individual may do; but subject to the control of common law, in all its regulations and transactions?

On the doctrine of construction, as applied to the Constitution, he observed, that on some occasions the Constitution is like the sensitive plant, which shrinks from the smallest touch; on others it is like the sturdy oak which braves the force of thunder. He referred to the act containing the power of removability; in which the utmost latitude of construing the Constitution was contended for and adopted; and, said he, the funding system cannot be defended on any other principle than of implication.

He then inquired, of what right does this incorporation deprive a single citizen? And can an act possibly meet the disapprobation of a single person which does not infringe his rights, and which puts money into his pocket? I think not. He insisted that the power of Congress alone was equal to establishing a bank competent to creating a currency which shall pervade all parts of the Union; the paper of the State Banks cannot circulate beyond the bounds of the particular States.

From the restrictions to the Government con-

tended for by the opposers of the bill, he compared the Constitution to a horse finely proportioned in every respect to the eye, and elegantly caparisoned, but deficient in one, and the most essential requisite, that of ability to carry the owner to his journey's end; he had rather, he said, mount the old Confederation, and drag on in the old way, than be amused with the appearance of a Government so essentially defective.

Mr. Madison observed, that the present is a question which ought to be conducted with moderation and candor; and, therefore, there is no occasion to have recourse to those tragic representations which have been adduced. Warmth and passion should be excluded from the discussion of a subject which ought to depend on the cool dictates of reason for its decision.

Adverting to the observation of Mr. Smith, of South Carolina, "that it would be a deplorable thing for the Senate of the United States to have fallen on a decision which violates the Constitution," he inquired, What does the reasoning of the gentleman tend to show but this, that from respect to the Senate this House ought to sanction their decisions? And from hence it will follow, that the President of the United States ought, out of respect to both, to sanction their joint proceedings; but he could remind the gentleman of his holding different sentiments on another occasion.

Mr. M. then enlarged on the exact balance or equipoise contemplated by the Constitution, to be observed and maintained between the several branches of Government; and showed, that except this idea was preserved, the advantages of different independent branches would be lost, and their separate deliberations and determinations be entirely useless.

In describing a corporation, he observed, that the powers proposed to be given are such as do not exist antecedent to the existence of the corporation; these powers are very extensive in their nature, and to which a principle of perpetuity may be annexed.

He waived a reply to Mr. VINING's observations on the common law, [in which that gentleman had been lengthy and minute, in order to invalidate Mr. Madison's objections to the power proposed to be given to the Bank, to make rules and regulations, not contrary to law.] Mr. M. said, the question would involve a very lengthy discussion; and other objects more intimately connected with the subject remained to be considered.

The power of granting charters, he observed, is a great and important power, and ought not to be exercised unless we find ourselves expressly authorized to grant them. Here he dilated on the great and extensive influence that incorporated societies had on public affairs in Europe. They are powerful machines, which have always been found competent to effect objects on principles in a great measure independent of the people.

He argued against the influence of the precedent to be established by the bill; for though it has been said, that the charter is to be granted only for a term of years, yet he contended, that grant-

[H. or R.]

Bank of the United States.

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Bank of the United States.

[H. or R.]

ing the powers on any principle is granting them in perpetuum; and assuming this right on the part of the Government involves the assumption of every power whatever.

where they can be immediately converted into coin; they must depreciate in case of a demand for specie; and if there is no moral certainty that the interest can be paid by these bank bills, will the Government be justified in depriving itself of the power of establishing banks in different parts of the Union?

Noticing the arguments in favor of the bill, he said, it had been observed, that "Government necessarily possesses every power." However true this idea may be in the theory, he denied that it applied to the Government of the United States.

We reason, and often with advantage, from British models; but in the present instance there is a great dissimilarity of circumstances. The bank notes of Great Britain do not circulate universally. To make the circumstances parallel, it ought to have been assumed as a fact, that banks are established in various parts of Great Britain, at which the interest of the national debt is paid; but the fact is, it is only paid in one place.

Here he read the restrictive clause in the Constitution; and then observed, that he saw no pass over this limit.

The preamble to the Constitution, said he, has produced a new mine of power; but this is the first instance he had heard of, in which the preamble has been adduced for such a purpose. In his opinion, the preamble only states the objects of the Confederation, and the subsequent clauses designate the express powers by which those objects are to be obtained; and a mean is proposed through which to acquire those that may be found still requisite, more fully to effect the purposes of the Confederation.

It is said, "there is a field of legislation yet unexplored." He had often heard this language; but he confessed he did not understand it. Is there a single blade of grass—is there any property in existence in the United States, which is not subject of legislation, either of the particular States, or of the United States? He contended that the exercise of this power, on the part of the United States, involves, to all intents and purposes, every power which an individual State may exercise. On this principle, he denied the right of Congress to make use of a bank to facilitate the collection of taxes. He did not, however, admit the idea, that the institution would conduce to that object. The bank notes are to be equal to gold and silver, and consequently will be as difficult to obtain as the specie. By means of the objects of trade on which gold and silver are employed, there will be an influx of those channels which would otherwise be occupied by the precious metals. This, experience shows, is the uniform effect of such a substitution.

The right of Congress to regulate trade is admitted as an argument in favor of this of creating a corporation; but what has this bill to do with trade? Would any plain man suppose that this bill had any thing to do with trade?

He noticed the observation respecting the utility of banks to aid the Government with loans. He denied the necessity of the institution to aid the Government in this respect. Great Britain, he observed, did not depend on such institutions; she borrows from various sources.

Banks, it is said, are necessary to pay the interest of the public debt. Then they ought to be established in the places where that interest is paid; but can any man say, that the bank notes will circulate at par in Georgia. From the example in Scotland, we know that they cannot be made equal to specie, remote from the place

States the power of removability has been quoted; he recapitulated, in a few words, his reasons for being in favor of that bill.

The Bank of North America he had opposed, as he considered the institution as a violation of the Confederation. The State of Massachusetts, he recollected, voted with him on that occasion.

The Bank of North America was, however, the child of necessity; as soon as the war was over, it ceased to operate as to Continental purposes. But, asked he, are precedents in war to justify violations of private and State rights in a time of peace? And did the United States pass laws to punish the counterfeiting of the notes of that bank? They did not, being convinced of the invalidity of any such law; the bank, therefore, took shelter under the authority of the State.

The energetic administration of this Government is said to be connected with this institution. Mr. M. here stated the principles on which he conceived this Government ought to be administered; and added, other gentlemen may have had other ideas on the subject, and may have consented to the ratification of the Constitution on different principles and expectations; but he considered the enlightened opinion and affection of the people the only solid basis for the support of this Government.

Mr. M. then stated his objections to the several parts of the bill. The first article he objected to was the duration. A period of twenty years was, to this country, as a period of a century in the history of other countries; there was no calculating for the events which might take place. He urged the ill policy of granting so long a term, from the experience of the Government in respect to some treaties, which, though found inconvenient, could not now be altered.

The different classes of the public creditors, he observed, were not all put on an equal footing by this bill; but in the bill for the disposal of the Western Territory this had been thought essential. The holders of six per cent. securities will derive undue advantages. Creditors at a distance, and the holders of three per cent. securities, ought to be considered, as the public good is most essentially promoted by an equal attention to the interest of all.

I admit, said he, that the Government ought to consider itself as the trustee of the public on this occasion, and therefore should avail itself of the best disposition of the public property.

In this view of the subject, he objected to the bill, as the public, he thought, ought to derive greater advantages from the institution than those proposed. In case of a universal circulation of the notes of the proposed bank, the profits will be so great that the Government ought to receive a very considerable sum for granting the charter.

There are other defects in the bill, which render it proper and necessary, in my opinion, that it should undergo a revision and amendment before it passes into a law. The power vested by the bill in the Executive to borrow of the bank, he thought was objectionable; and the right to es-

tabish subordinate banks ought not to be delegated to any set of men under Heaven.

The public opinion has been mentioned. If the appeal to the public opinion is suggested with sincerity, we ought to let our constituents have an opportunity to form an opinion on the subject. He concluded by saying, he should move for the previous question.

The previous question, "Shall the main question now be put?" being determined in the affirmative,

Mr. GERRY rose to reply to Mr. MADISON; but the House discovering an impatience to have the main question put, after a few remarks, he waived any further observations.

The yeas and nays were then taken as follows, on the passage of the bill:

YEAS—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Hartley, Hathorn, Heister, Huntington, Lawrence, Leonard, Livermore, P. Muhlenberg, Partridge, Rensselaer, Schureman, Scott, Sedgwick, Soney, Sever, Sherman, Sylvester, Sminckson, Smith, of Maryland, Smith, of South Carolina, Steele, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—39.

NAYS—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Gale, Groat, Giles, Jackson, Lee, Madison, Mathews, Moore, Parker, Stone, Tucker, White, and Williamson—20.

WEDNESDAY, February 9.

Mr. HUNTINGTON, from the committee appointed for that purpose, reported a bill for increasing the penalties contained in an act for the encouragement of learning, which was twice read and committed.

VERMONT.

A Message from the President of the United States, informed the House that he had received documents expressing the consent of the Legislatures of New York and the Territory of Vermont, that the said Territory be admitted as a distinct member of the Union.

Ordered, That this Message, and the documents accompanying it, be referred to Messrs. LAWRENCE, BOUDINOT, and CARROLL.

PROCESS IN COURTS.

Mr. SEDGWICK, from the committee appointed for that purpose, reported a bill to continue in force, for a limited time, the act regulating processes in the Federal Courts; which was twice read and committed.

BANK OF THE UNITED STATES.

On motion of Mr. SMITH, of South Carolina a committee of three was appointed to prepare and bring in a bill supplementary to an act for incorporating the subscribers to the Bank of the United States.

Messrs. SMITH, of South Carolina, WILLIAMSON, and STONE, are the said committee.

TREASURY DEPARTMENT.

Mr. BOUDINOT gave notice, that to-morrow he should move, that a committee be appointed to

bring in a bill supplementary to an act for establishing the Treasury Department.

THURSDAY, February 10.

NEXT MEETING OF CONGRESS.

The bill to fix the time of meeting for the next Congress was read the third time, and, on motion, laid on the table.

ENCOURAGEMENT OF LEARNING.

The bill to increase the penalties contained in an act, entitled "An act for the encouragement of learning," was read a second time, and referred to a Committee of the whole House on Monday next.

PROCESS IN COURTS.

The bill to continue the act regulating processes in the Courts of the United States, was read a second time, and ordered to be engrossed for a third reading.

Mr. Boudinot's motion of yesterday was taken up, and a committee, consisting of Messrs. Boudinot, Fitzsimons, and Ames, was appointed to prepare and bring in a bill, supplementary to the act, establishing the Treasury Department.

On motion, a committee, consisting of Messrs. BOURNE, SHERMAN, and THATCHER, was appointed to consider and report what alteration may be proper in the act imposing duties on imports and tonnage, in respect to the six-dollar of Denmark, rated therein at one hundred cents.

DEBTS DUE TO FOREIGN OFFICERS.

The House then resolved itself into Committee of the Whole, Mr. Boudinot in the Chair, and took into consideration the bill authorizing the President of the United States, to cause the debt due to foreign officers to be paid with, the committee rose, and reported the same without any amendment. The bill was agreed to by the House, and ordered to be engrossed for a third reading.

LAND OFFICES.

The House again resolved itself into a Committee of the Whole, Mr. Boudinot in the Chair, and took into consideration the bill establishing offices for granting lands within the Territories of the United States. The committee agreed to sundry amendments, then rose, reported progress, and asked leave to sit again.

Mr. SARRA, from the committee appointed for that purpose, reported a bill supplementary to an act for incorporating the subscribers to the Bank of the United States; which was read twice and committed.

FRIDAY, February 11.

SUNDRY BILLS PASSED.

The engrossed bill to continue in force, for a limited time, an act to regulate process in the Courts of the United States; and

The bill authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged; and

mercy between the two nations on principles of reciprocity.

Soon after I was called to the administration of the Government, I found it important to come to an understanding with the Court of London, on several points interesting to the United States; and particularly to know whether they were disposed to enter into arrangements, by mutual consent, which might fix the commerce between the two nations on principles of reciprocity.

MONDAY, February 14.

COMMERCE WITH ENGLAND.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate and House of Representatives:

LAND OFFICES.

The House took up for consideration the report of the Committee of the Whole on the bill for establishing land offices; but the House adjourned before it got through them.

LAND OFFICES.

The engrossed bill for establishing offices for the purpose of granting lands within the Territories of the United States, was read the third time, and passed. The principal blank, the price of the land, was filled with twenty-five cents, hard money, per acre.

THURSDAY, February 17.

Mr. SENGWICK, from the committee appointed for that purpose, presented a bill giving effect to the laws of the United States within the State of Vermont; which was twice read and committed.

On motion, That the amendments proposed by the Senate to the bill repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled

procure advantage. For this purpose, I authorized informal conferences with their Ministers; and from these, I do not infer any disposition, on their part, to enter into any arrangements merely commercial. I have thought it proper to give you this information, as it might, at some time, have influence on matters under your consideration.

UNITED STATES, February 14, 1791.

GEO. WASHINGTON.

Ordered, That the said Message do lie on the table, but afterwards referred to Messrs. GOODHUE, MADISON, FITZSIMONS, BOURNE, LAWRENCE, VINING, and SMITH, of South Carolina.

On motion, Messrs. MADISON, WADSWORTH, and LEONARD, were appointed a committee to bring in a bill to explain so much of the act making further provision for the payment of the debts of the United States as imposes a duty on imported lead and calicoes. Also,

Messrs. SENGWICK, BENSON, and STURGIS, were named a committee to bring in a bill to give effect to the laws of the United States within the State of Vermont.

NEW REVENUE BILL.

On motion, the Committee of the Whole, to whom had been committed the proposed amendment of the Senate to the new revenue bill, were discharged from the consideration of them. The House proceeded to consider the said amendments, some of which were agreed to, and others disagreed to. The further consideration of the subject was postponed till to-morrow.

FRIDAY, February 18.

A Message was received from the President of the United States, informing the House that he had received from the Secretary of State an account of the proceedings of the Governor of the Western Territory, respecting certain settlements of the lands in that country.

The papers accompanying this Message were read, and laid on the table.

Sundry petitions were read and referred.

NEW REVENUE BILL.

The House resumed the consideration of the amendments proposed by the Senate to the new revenue bill.

The amendment to the sixty-first section, for striking out the words "any Justice of the Peace, or Court of any State, of competent jurisdiction," and also the proviso, and to substitute the word "the," in lieu of the words first stricken out, being read,

A motion was made, and the question being put, to amend the said amendment, by striking out the whole of the sixty-first section, in the words following to wit:

And be it further enacted, That the prosecution for all fines, penalties, and forfeitures, incurred by force of this act, and for all duties payable in virtue thereof, and which shall not be duly paid, shall and may be had before any Justice of the Peace, or Court of any State, of competent jurisdiction, or Court of the United States, of the district in which the cause of action shall arise, with an appeal as in other cases: *Provided,* That where the cause of action shall exceed in value fifty dollars, the same shall not be cognizable before a Justice of the Peace only.

It was resolved in the affirmative.

And the main question being put, "That the House do agree to the said amendment of the Senate, as now amended."

It was resolved in the affirmative, 35 yeas to 21.

The yeas and nays being taken, were as follows: YEAS—Messrs. Ames, Baldwin, Benson, Bourne, Cadwalader, Carroll, Clymer, Coates, Fitzsimons, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Giles, Huntington, Lawrence, Lee, Leonard, Madison, Schureman, Sedgwick, Seney, Sever, Sherman, Sylvester, Sinnenickson, Smith, of Maryland, Smith, of South Carolina, Sturgis, Sumner, Trumbull, Wadsworth, and Wyndkoop—35.

NAYS—Messrs. Ashe, Bloodworth, Boudinot, Burke, Floyd, Hartley, Hathorn, Heister, Livermore, Mathews, Moore, Muhlenberg, Parker, Partridge, Rensselaer, Scott, Steele, Thatcher, Tucker, White, and Williamson—21.

And then the House having proceeded further in the consideration of the Senate's amendments, an adjournment was called for and carried.

SATURDAY, February 19.

VERMONT.

The House resolved itself into a Committee of the Whole on the bill for giving effect to the laws of the United States within the State of Vermont, Mr. Boudinot in the Chair.

The committee, after some time, rose and reported the bill to the House with an amendment, which being agreed to, the bill was ordered to be engrossed for a third reading.

KENTUCKY AND VERMONT.

The House then went into a Committee of the Whole on the bill regulating the number of Representatives to be chosen by the States of Kentucky and Vermont, Mr. Boudinot in the Chair.

The committee reporting the bill to the House without amendment, on motion, it passed its third reading.

NEW REVENUE BILL.

The House resumed the consideration of the proposed amendments of the Senate to the new revenue bill. A motion was made, and the question being put, to amend the section proposed by the Senate to be inserted, by way of amendment, after the sixty-first section, by striking out the following words: "five per cent of the said product computed throughout the United States; and such allowances shall continue to be paid until altered by law;" and inserting in lieu thereof the words, "seven per cent of the whole product of the duties arising from the spirits distilled within the United States; and such allowances shall continue to be paid for the space of two years, unless sooner altered by law."

It was resolved in the affirmative—34 yeas to 20.

The yeas and nays being taken, were as follows:

YEAS—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Bourne, Brown, Burke, Carroll, Coates, Floyd, Gilman, Griffin, Grout, Giles, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Mathews, Moore, P. Muhlenberg, Parker, Rensselaer, Scott, Seney, Sever, Sylvester, Smith, of Maryland, Sumner, Tucker, Vining, and White—34.

NAYS—Messrs. Ames, Benson, Cadwalader, Clymer, Fitzsimons, Foster, Gerry, Goodhue, Huntington, Lawrence, Leonard, Partridge, Schureman, Sherman, Sinnenickson, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, and Wyndkoop—20.

And the main question being put on the amendment as amended, it was agreed to. And the House agreeing to all the other amendments proposed, the Clerk was directed to inform the Senate therewith.

MONDAY, February 21.

The engrossed bill giving effect to the laws of the United States within the State of Vermont was read the third time, and passed.

Mr. Goodhue, from the committee to whom was referred the Message from the President of the United States of the 14th instant, made a report, which was read, and ordered to lie on the table.

COMPENSATION TO JUDICIAL OFFICERS.

The House went into a Committee of the Whole, on the bill providing compensation for clerks, marshals, and jurors, Mr. Boudinot in the Chair. The committee having made an amendment to the bill, reported it to the House; when, on motion, the bill, with the proposed amendment, was recommitted to Messrs. SHERMAN, BENSON, SENEY, WHITE, and LIVERMORE.

PUBLIC DEBT.

Mr. Madison, from the committee appointed for that purpose, presented a bill making further provision for the payment of the debts of the United States; which was twice read, and ordered to be engrossed for a third reading.

JOSHUA BARNEY.

The House went into a Committee of the Whole, on the bill to compensate Joshua Barney, Mr. Boudinot in the Chair. The committee reported the bill with an amendment to the House.

A motion to fill up the blank with \$896 was negatived; and the motion to engross the bill for a third reading was negatived. So the bill was rejected.

Some business occurring which required secrecy, the galleries were cleared.

TUESDAY, February 22.

The engrossed bill to explain and amend the act making further provision for the payment of the debts of the United States, was read the third time, and passed.

Mr. Sedgwick, from the committee appointed for that purpose, presented a bill making further provision for the collection of the duties imposed on teas; which was twice read and committed.

TREASURY DEPARTMENT.

Mr. Boudinot, from the committee appointed for that purpose, presented a bill supplementary to the act establishing the Treasury Department; which was twice read and committed.

Mr. Fitzsimons, from the committee appointed to report whether any further provision be necessary to secure the due accounting for the moneys expended in the Department of War, made a report, in which he recommended the appointment of a paymaster.

Ordered, To lie on the table.

BANK OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole, on the bill supplementary to the act to incorporate the Bank of the United States, Mr. Boudinot in the Chair. The committee made several amendments to the bill, which were reported and agreed to by the House. The bill was then

ordered to be engrossed for a third reading. The amendments were as follows:

Mr. Smith, of South Carolina, moved that the first section of the bill should be expunged; and proposed the following, in substance, as a substitute, viz: that subscriptions for the Bank should not be opened till the first Monday in July next, and that the first payment in the six per cents of the United States may be deferred till the first Monday in January next. This was agreed to.

A clause to prohibit any person or body politic, except on behalf of the United States, from subscribing within three months from the said first day of July, more than — shares in one day, was agreed to.

A clause proposed by Mr. Fitzsimons, enjoining the payment of the specie proportion of the subscription at the time of subscribing, and subjecting the subscribers to a forfeiture of the said first payment, in case the subsequent payments are not made, was also agreed to.

Mr. Madison proposed a clause, in substance, making it optional with the subscribers to pay their subscription either in the three or six per cents, both of the Continental and assumed debt; the three per cents, at two for one of the six per cents. Agreed to.

NEW REVENUE BILL.

The amendments to the bill laying a duty on distilled spirits, &c., which had been disagreed to by the Senate, were taken into consideration. The first amendment to which the Senate had disagreed, respected the limitation of the compensation of the officers to two years; they proposed a substitute, by which the provision was to continue till altered by law. After some debate, the question for agreeing to the amendment of the Senate was negatived—yeas 24, nays 36. The House then voted to insist on their amendments.

The House concurred in the other amendments.

MESSAGE FROM THE SENATE.

A message was received from the Senate informing the House that they have negatived the bill determining the time of the next meeting of Congress; also communicating a vote of the Senate, in which they request the concurrence of this House, for transmitting to the President of the National Assembly of France, a resolution expressive of the sensibility of the Legislature of the United States at the very respectful attention paid by that free and enlightened Assembly to the memory of BENJAMIN FRANKLIN.

The report of the Committee on the Message of the President of the United States of the 14th instant, was read the second time.

A motion to refer this report to the Committee of the Whole, was superseded by the call for an adjournment, which took place.

WEDNESDAY, February 23.

The engrossed bill, supplementary to the act to incorporate the subscribers to the Bank of the United States, was read the third time and passed.

LATE DR. FRANKLIN.

The House proceeded to consider the resolution sent from the Senate for their concurrence, yesterday, expressing the sensibility of Congress to the tribute paid to the memory of the late Dr. FRANKLIN by the National Assembly of France; and agreed thereto.

COMMISSIONERS OF LOANS.

The House took up and concurred with the Report of the Secretary of the Treasury proposing to make certain additional allowances to the Commissioners of Loans; and appointed Messrs. WILLIAMSON, PARTRIDGE, and WHITE, to bring in a bill to effect this object.

A message from the Senate informed the House that they decline passing the bill to authorize the President to cause the debt due to foreign officers to be paid; and that they have passed the bill giving effect to the laws of the United States within the State of Vermont, with an amendment, to which they desire their concurrence.

NEXT MEETING OF CONGRESS.

Ordered, That Messrs. SMITH, of South Carolina, LAWRENCE, and VAN RENSSELAER, be a committee to prepare a bill fixing a time for the next annual meeting of Congress.

NEW REVENUE BILL.

Another message from the Senate informed the House that they insist on their amendment to the new revenue bill, to which this House have disagreed, and propose a conference. The conference was acceded to.

COMMERCIAL INTERCOURSE.

The House then proceeded to consider the report of the committee to whom was referred the Message of the President of the United States of the 14th instant. Whereupon, it was

Ordered, That said report be referred to the Secretary of State, and that he be directed to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and such measures as he shall think proper to be adopted for the improvement of the commerce and navigation of the United States.

Mr. SMITH, of South Carolina, reported a bill, to determine the day of the next meeting of Congress; which, after a first and second reading, was ordered to be engrossed.

THURSDAY, February 24.

COMPENSATION TO JUDICIAL OFFICERS.

Mr. SHERMAN, from the committee to whom was recommended the bill making compensation to clerks, marshals, and jurors, presented an amendatory bill providing compensation for the officers of the several courts of law, and for jurors and witnesses; which was twice read and committed.

RIX DOLLAR.

Mr. BOURNE, from the committee appointed for that purpose, presented a bill repealing so much

of an act as establishes the rate of the rix-dollar of Denmark; which was twice read and committed.

COMMISSIONERS OF LOANS.

Mr. WILLIAMSON, from the committee appointed for that purpose, presented a bill making compensations to the Commissioners of Loans for extraordinary services and expenses; which was read the first time.

NEXT MEETING OF CONGRESS.

The engrossed bill fixing the time for the next annual meeting of Congress, (the blank being filled with the fourth Monday in October next,) was read the third time, and passed.

TREASURY DEPARTMENT.

The House went into a Committee of the Whole, on the bill supplementary to the act establishing the Treasury Department, Mr. BOURNOR in the Chair. The committee, after some time, rose and reported to the House, several amendments, which were agreed to, and the bill ordered to be engrossed for a third reading.

On motion of Mr. SENEWICK, the memorial of Thomas McKean, and others, public creditors, was taken up for a second reading; and, after some debate, the following resolution, moved by Mr. S., was agreed to—53 to 2.

Resolved, That it would be inexpedient to alter the system for funding the public debt, established the last session of Congress; and that the prayer of the petition of Thomas McKean, and others, styling themselves a Committee of the Public Creditors of the Commonwealth of Pennsylvania, and also of other petitions on that subject, cannot be granted.

PUBLIC DEBT.

A message from the Senate informed the House that they had passed a bill to explain and amend the act making provision for the payment of the debts of the United States.

POST OFFICE AND POST ROADS.

The House again went into a Committee of the Whole, on the bill for establishing the Post Office and post roads, Mr. BOURNOR in the Chair. After some time spent therein the committee rose, and reported progress.

FRIDAY, February 25.

TREASURY DEPARTMENT.

The engrossed bill supplementary to the act establishing the Treasury Department was read the third time and passed.

PUBLIC DEBT.

Mr. FITZSIMONS, from the committee appointed for that purpose, reported a bill supplemental to the act making provision for the reduction of the public debt, which was twice read and committed. A report from the Secretary of the Treasury, concerning certain certificates, issued in some of the States, subsequent to the 1st of January, 1790, which was in favor of funding those certificates,

under certain regulations, was read and laid on the table.

Another report from the same officer was read, respecting the loan of three millions of florins, made in Holland, stating the terms on which that loan had been effected. The report proposed an explanation of a clause in the act making provision for the reduction of the public debt; and was referred to a select committee, to report a bill or bills pursuant thereto.

NEW REVENUE BILL.

Mr. BOURNOR, from the managers appointed on the part of this House to attend the conference with the Senate, agreeable to the order of yesterday, made a report: Whereupon,

On motion made and seconded,

That this House doth recede from their disagreement to the amendment last proposed by the Senate, to the amendment of this House to the amendment of the Senate, which is proposed to follow the sixty-first section of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" and doth agree to the said amendment to the amendment, amended to read as followeth:

"Seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: And provided, also, That such allowances shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law."

It was resolved in the affirmative—yeas 30, nays 29.

The yeas and nays being taken, were as follows:

YEAS.—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Foster, Gale, Gerry, Gilman, Goodhue, Hartley, Huntington, Lawrence, Leonard, Partridge, Schureman, Scott, Sedgwick, Serier, Sherman, Sinnickson, Smith, of South Carolina, Sturgis, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop—30.

NAYS.—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Floyd, Griffin, Grout, Giles, Jackson, Lee, Livermore, Madison, Matthews, Moore, P. Muhlenberg, Parker, Van Rensselaer, Seney, Sylvester, Smith, of Maryland, Steele, Stone, Sumter, Tucker, White, and Williamson—29.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

POST OFFICE AND POST ROADS.

On motion of Mr. SMITH, of South Carolina, Ordered, That the Committee of the Whole be discharged from further proceeding on the bill for establishing Post Offices and Post Roads in the United States.

SATURDAY, February 26.

BANK OF THE UNITED STATES.

A message from the Senate informed the House, that they have passed the bill from this

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House supplementary to the act to incorporate the Bank of the United States; and that the Senate have passed a bill to amend the act to establish the temporary and permanent seat of the Government of the United States; to which they desire the concurrence of this House.

SALARIES OF EXECUTIVE OFFICERS.

Mr. TRUMBULL, from the committee appointed for that purpose, reported a bill in addition to an act, entitled "An act for establishing the salaries of the Executive officers of the Government, with their assistants and clerks," which was received and read a first and second time, and referred to a Committee of the Whole.

MONDAY, February 28.

NEXT MEETING OF CONGRESS.

A message from the Senate informed the House that they have passed the bill fixing the time of the next annual meeting of Congress without amendment; and the bill supplemental to the act for establishing the Treasury Department with amendments; to which they desire the concurrence of this House.

COMPENSATION TO JUDICIAL OFFICERS.

The House went into a Committee of the Whole on the bill making compensation to the several officers of the courts of law, and reported the bill without amendment. It was afterwards amended in the House, and ordered to be engrossed for a third reading.

COMMISSIONERS OF LOANS.

The House also went into a Committee of the Whole on the bill granting compensation to the several loan offices. The committee reported to the House one amendment, which was disagreed to, and the bill was then ordered to be engrossed for a third reading.

TEMPORARY REGULATION OF THE POST OFFICE.

Mr. SMITH, of South Carolina, reported a bill for the temporary regulation of the Post Office, which was read the first time.

WIDOWS AND ORPHANS OF OFFICERS.

Mr. SMITH also introduced a bill for making compensation to the widows and orphan-children of certain officers who were killed, or who died while in the service of the United States during the late war, and for the relief of certain invalids and other persons therein mentioned, which was read the first time.

Several bills of a private nature were introduced.

TUESDAY, March 1.

On motion,

Resolved, That the Clerk of the House of Representatives of the United States shall be deemed to continue in office until another be appointed.

COMPENSATION TO JUDICIAL OFFICERS.

The engrossed bill providing compensations to the officers of the several Courts of Law, and to jurors and witnesses, was read the third time, and passed.

SEAT OF GOVERNMENT.

The bill from the Senate, to amend an act to establish the temporary and permanent seat of Government of the United States, was read the third time and passed—39 votes to 18.

The yeas and nays were taken as follows:

Yea—Messrs. Ashe, Baldwin, Floodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Gale, Gerry, Griffin, Giles, Hathorn, Jackson, Lawrence, Lee, Madison, Matthews, Moore, Parker, Schureman, Scott, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sumter, Trumbull, Tucker, Vining, Wadsworth, White, Williamson, and Wynkoop—39.

Nay—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gilman, Grout, Hartley, Huntington, Leonard, Livermore, P. Muhlenberg, Partridge, Van Rensselaer, Sedgwick, Seney, Sturges, and Thatcher—18.

TREASURY DEPARTMENT.

The House agreed to the proposed amendment of the Senate to the bill supplemental to the act establishing the Treasury Department.

PUBLIC DEBT.

The House went into a Committee on the bill supplementary to the act making provision for the reduction of the public debt. The committee rose without making any amendment to the bill, and it was ordered to be engrossed for a third reading.

TEMPORARY POST OFFICE.

The bill to continue in force, for a limited time, the act for the temporary establishment of the Post Office, was read the second time and committed.

The House immediately went into a Committee upon it, Mr. Boudinot in the Chair. The committee reported several amendments to the House, which were agreed to, and the bill was ordered to be engrossed for a third reading.

WIDOWS AND ORPHANS OF OFFICERS.

The bill for making compensation to widows and orphan children of certain officers who were killed, &c., was read the second time and committed.

The House immediately went into a Committee upon it, Mr. Boudinot in the Chair. The committee reported the bill without amendment, and it was ordered to be engrossed for a third reading.

The three bills above ordered to be engrossed were afterwards read the third time and passed.

WEDNESDAY, March 2.

LAND-OFFICE BILL POSTPONED.

A message from the Senate informed the House that they had postponed the consideration of the

bill to establish offices for the purpose of granting lands within the Territories of the United States, until the next session; and that they had passed the bill repealing so much of an act as establishes the rate of the six-dollar of Denmark, with several amendments, to which they desire the concurrence of this House.

SALARIES OF EXECUTIVE OFFICERS.

The House went into a Committee on the bill for establishing the salaries of the Executive officers of Government, with their assistants and clerks. The committee reported no amendment to the bill, and it was ordered to be engrossed for a third reading.

RELX-DOLLARS.

The proposed amendments by the Senate to the bill repealing so much of the act as establishes the rate of the six-dollar of Denmark, were agreed to.

CONSULS AND VICE-CONSULS.

The Senate having disagreed to the amendments proposed by this House to the bill concerning Consuls and Vice-Consuls, and the question for receding being put and negatived, it was resolved that the House do insist on their amendments.

DUTY ON WINES.

The engrossed bill making further provision for the collection of the duties on teas, and for extending the term of payment of the duties on wines, was read a third time and passed.

THURSDAY, March 3.

INDIAN LANDS.

A resolution received from the Senate, that the President of the United States be requested to cause to be laid before Congress, at their next session, an estimate of the quantity and situation of those lands not claimed by Indians, nor occupied by citizens of the United States, in the territory ceded in North Carolina, northwest of the Ohio, was concurred with.

A message from the Senate informed the House that they adhere to their disagreement to the amendment proposed by this House to the Consul bill; that they have passed the bill making further provision for the collection of duties on wines; and that they have passed the two following resolutions, to which they desire the concurrence of this House, viz:

"That a mint shall be established, under such regulations as shall be directed by law.

"That the President of the United States be, and he is hereby, authorized to cause to be engaged such artists as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their service; and also to cause to be procured such apparatus as shall be requisite for the same purpose."

The House proceeded to consider the said resolutions; and the second resolution being amended by inserting after the word "such," the word "principal," the same were, on the question put thereupon, agreed to by the House: Yeas 25, nays 21.

The yeas and nays being demanded, were taken as follows:

Yea—Messrs. Boudinot, Cadwalader, Clymer, Contee, Fitzsimons, Floyd, Gale, Gilman, Griffin, Hartley, Lawrence, Lee, P. Muhlenberg, Scott, Sedgwick, Seney, Sevier, Sylvester, Smith, of Maryland, Smith, of South Carolina, Steele, Trumbull, Vining, Wadsworth, and Wynkoop—25.

Nay—Messrs. Ashe, Baldwin, Burke, Foster, Giles, Hathorn, Heister, Huntington, Jackson, Leonard, Livermore, Moore, Partridge, Van Rensselaer, Schureman, Sherman, Sinnickson, Sumter, Tucker, White, and Williamson—31.

The House proceeded to reconsider the amendments insisted on by this House, and to their disagreement to which the Senate doth adhere, to the bill entitled "An act concerning Consuls and Vice Consuls." Whereupon,

Resolved, That this House doth adhere to their said amendments.

A message from the Senate informed the House that they had agreed to the amendments proposed by this House to the resolution respecting the ungranted lands within the Territories; that they had passed the bill in addition to the act establishing the salaries of the Executive officers of Government, with their assistants and clerks, with several amendments, to which they desire the concurrence of this House; and that they adhere to their amendment disagreed to by this House, to the bill making compensation to the Commissioners of Loans for extraordinary expenses.

The House agreed to recede from their disagreement to the amendment to the last mentioned bill, and agreed to all the amendments of the Senate to the bill in addition to the act establishing the salaries of Executive officers, &c.

A message from the Senate informed the House that they had passed the bill granting lands to the inhabitants and settlers at Vincennes; and the bill to continue in force, for a limited time, an act for the temporary establishment of the Post Office, each with amendments, to which they desire the concurrence of this House.

The House entered upon the consideration of the proposed amendments of the Senate to both the above bills, and agreed to them.

A message from the Senate informed the House that they had deferred, till next session, the bill making compensation to the widows and orphan children of certain officers who fell in the late war; that they had agreed to the resolutions in relation to the establishment of a Mint; and had passed the bill supplementary to the act making provision for the reduction of the public debt, with sundry amendments, to which they desire the concurrence of this House.

In another message, the Senate recedes from such of their amendments as were disagreed to by this House, to the bill providing compensations for the officers of the Judicial Courts, &c., and informs the House that they had passed a bill to continue in force the act therein mentioned, and to make further provision for the payment of

pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers, to which they desire the concurrence of the House. This bill was twice read.

AMENDMENTS TO THE CONSTITUTION.

Mr. Benson moved certain amendments to the Constitution of the United States, to be proposed by Congress to the Legislatures of the several States, to wit:

"That the Congress shall, either by declaring the Superior or Supreme Common Law Court of the State to be the Court, or by creating a new Court for the purpose, establish a General Judicial Court in each State, the Judges whereof shall hold their commissions during good behaviour, and without any other limitation whatsoever, and shall be appointed and commissioned by the State, and shall receive their compensations from the United States only; and the compensations shall not be diminished during their continuance in office.

"The number of Judges of the General Judicial Court in the State, unless the same should be altered by the consent of the Congress and the Legislature of the State, shall be in the proportion of one Judge for every persons in the State, according to the enumeration for apportioning the Representatives among the several States; but there shall always be at least three Judges in each State.

"The General Judicial Court shall, in all cases to which the judicial power of the United States shall extend, have original jurisdiction, either exclusively or concurrently with other Courts in the States, and be otherwise regulated as the Congress shall prescribe; and in cases where the judicial power is reserved to the several States, as the Legislature of each State shall prescribe: but shall have, and exclusively, immediate appellate jurisdiction, in all cases, from every other Court within the State, under such limitations, exceptions, and regulations, however, as shall be made with the consent of the Congress and the Legislature of the State; there may, notwithstanding, be in each State a Court of Appeals or Errors in the last resort, under the authority of the State, from the General Judicial Court, in cases and on questions only where the Supreme Court of the United States hath not appellate jurisdiction from the General Judicial Court.

"The Congress may provide that the Judges of the General Judicial Court shall hold Circuit Courts within the State; and the Legislature of the State may, in addition to the times and places to be assigned by the Congress for holding the General Judicial Court or Circuit Courts, assign other times and places.

"The Congress may determine the number of Judges which shall be a quorum to hold a General Judicial Court, or a Circuit Court, in each respective State.

"The Congress may, in the cases to which the judicial power of the United States doth extend, and the Legislature of the State may, in the other cases, regulate the fees and proceedings in the several courts, and the jurisdiction of the Circuit Courts within the State.

"The Ministerial Officers of the General Judicial Court shall be appointed and commissioned in such manner as the Legislature of the State shall prescribe. "All writs issuing out of the General Judicial Court shall be in the name of the Judges thereof.

"The Judges of the General Judicial Court may be impeached by the House of Representatives of the United States, and also by the most numerous branch of the State Legislature.

"The impeachment shall not be tried by the Senate of the United States, or by any jurisdiction under the authority of the State, but the Congress shall, by law, establish a Court to be held in each State for the trial of such impeachments, to consist only of Senators of the United States, Judges of the Supreme Court of the United States, and Judges of General Judicial Courts. The trial shall be in the State where the person impeached shall reside; and every law designating the Judges of a Court for the trial of impeachments shall be passed previous to the impeachment; and the designations shall be, not by naming the persons, but by describing the offices, the persons in which offices for the time being, and elected or appointed previous to the impeachment, shall be the Judges; and no person shall be convicted without the concurrence of two-thirds of the Judges present.

"Judgments by the courts so to be established for the trial of impeachments shall not extend further than is provided by the Constitution of the United States, in cases of impeachment, and the party, nevertheless, to be liable and subject to indictment, trial, judgment, and punishment according to law.

"In every State where Congress shall declare the Superior or Supreme Common Law Court to be the General Judicial Court, the Judges shall, by force of their appointments as Judges of the Superior or Supreme Common Law Court, become Judges of the General Judicial Court; and all the powers and duties of the Judges of the Superior or Supreme Common Law Court, either by the Constitution or the laws of the State, shall devolve on the Judges of the General Judicial Court.

"If, on the establishment of the General Judicial Courts, the Congress shall deem proper to discontinue any of the District Courts of the United States, the Judges of the Courts so discontinued shall, thereupon, by force of their appointments as District Judges, become Judges of the General Judicial Courts in the respective States, and shall continue to receive their compensations as theretofore established.

"The Judges of the Supreme or Superior Common Law Courts and the District Judges may, on the first establishment of the General Judicial Courts, become Judges thereof, notwithstanding the limitation of the number of Judges of the General Judicial Courts in the respective States; but as vacancies happen, they shall not afterwards be filled up beyond the number limited.

"For avoiding of doubts, it is declared that all officers, as well Ministerial as Judicial, in the administration of justice, under the authority of a State, shall also be held to execute their respective offices for carrying into effect the laws of the United States; and, in addition to the duties assigned to them by the laws of the State, the Congress may assign to them such further duties as they shall deem proper for that purpose."

On motion, *Resolved*, That the consideration of the said amendments be deferred until the next session of Congress; and that one hundred copies thereof be printed for the use of the members of both Houses.

JAILS OF THE STATES.

On motion that the House do come to the following resolution:

"Whereas Congress did, by a resolution of the 23d of September, 1789, recommend to the several States to pass laws making it expressly the duty of the keepers of their jails to receive, and safely keep therein, all prisoners committed under the authority of the United States: In order, therefore, to ensure the administration of justice:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in case any State shall not have complied with the said recommendation, the Marshal in such State, under the direction of the Judge of the District, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said Marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States."

It was resolved in the affirmative.

CONVENTION WITH FRANCE.

Ordered, That leave be given to bring in a bill for carrying into effect a consular convention between His Most Christian Majesty and the United States; and that Messrs. SMITH, of South Carolina, MADISON, and Vining prepare the same.

PENSIONS TO INVALIDS.

The bill from the Senate to continue in force the acts therein mentioned, and to make further provision for the payment of pensions to invalids, &c., was read the third time and passed.

Mr. SMITH, from the committee above appointed, presented a bill for carrying into effect the consular convention between His Most Christian Majesty and the United States, which received its first and second readings, and was ordered to be engrossed. It was afterwards read a third time and passed.

A message from the Senate informed the House, that they had agreed to a resolution in relation to the safe-keeping of prisoners, but had deferred until the next session of Congress the consideration of the bill for carrying into effect the consular convention between His Most Christian Majesty and the United States.

SESSION CLOSED.

The business of the session being gone through, on motion,

Resolved, That the thanks of the House of Representatives of the United States be presented to Frederick Augustus Muhlenberg, in testimony of their approbation of his conduct in the Chair, and in the execution of the difficult and important trust reposed in him as Speaker of the said House."

It was resolved unanimously: whereupon Mr. SPEAKER made his acknowledgments to the House, in manner following:

Gentlemen of the House of Representatives: This unexpected mark of your approbation of my conduct has made so deep an impression on my mind,

that I cannot find words to express the high sense of gratitude I entertain on this occasion.

I have not vanity sufficient to suppose that my feeble, though well-meant, endeavors merit so great a reward; for it was your kind indulgence and support alone which enabled me to go through the duties of the station which you were pleased to assign me; but I shall ever consider this distinguished and honorable testimony as the most fortunate circumstance of my life.

Gentlemen, I most sincerely thank you. May every possible happiness attend you and every individual of this body, and may your zealous endeavors to promote the welfare of our beloved country, which I have so long and so often been a witness to, be crowned with unbounded success.

Ordered, That a message be sent to the Senate, to inform them that this House, having completed the business before them, are now about to adjourn without day, and that the Clerk of this House do go with the said Message.

The Clerk accordingly went with the said message, and being returned,

A message was received from the Senate, notifying that the Senate, having completed the Legislative business before them, are now about to adjourn; whereupon,

Mr. SPEAKER adjourned the House without day.

APPENDIX

TO THE HISTORY OF THE FIRST CONGRESS.

Ratifications of the Amendments to the Constitution of the United States.

BY THE STATE OF NEW HAMPSHIRE.

In the House of Representatives.

January 25, 1790.

Upon reading and maturely considering the proposed amendments to the Federal Constitution,

Voted, To accept the whole of said amendments, except the second article, which was rejected. Sent up for concurrence.

THOMAS BARTLETT, *Speaker*.

In Senate, the same day, read and concurred.

J. PEARSON, *Secretary*.

BY THE STATE OF NEW YORK.

The people of the State of New York, by the grace of God free and independent:

To all to whom these presents shall come or may concern, greeting:

Know ye, that we, having inspected the records remaining in our Secretary's office, do find there a certain act of our Legislature, in the words following:

AN ACT ratifying certain Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by the Congress.

Whereas, by the fifth article of the Constitution of the United States of America, it is provided that the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the said Constitution, which shall be valid to all intents and purposes as part of the said Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress.

And whereas, in the session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States,

as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of said Legislatures, to be valid to all intents and purposes as a part of said Constitution, viz:

Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.

Article First. After the first enumeration required by the first article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the Second. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Article the Third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

Article the Fourth. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Article the Fifth. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Article the Sixth. The right of the people to be secure in their persons, papers, houses, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendments to the Constitution.

Article the Seventh. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war, or public danger; nor shall any person be subject for the same offence, to be twice put into jeopardy of life and limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the Eighth. In all criminal prosecutions, the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committed, which District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence.

Article the Ninth. In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise examined, in any Court of the United States, than according to the rules of the common law.

Article the Tenth. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Article the Eleventh. The enumeration in the Constitution of certain rights shall not be construed to deny or to disparage others retained by the People.

Article the Twelfth. The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States, respectively, or to the People.

And whereas the Legislature of this State have considered the said Articles, and do agree to the same, except the second Article: Therefore, *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the said Articles, except the second, shall be and are hereby, ratified, by the Legislature of this State.

STATE OF NEW YORK, IN ASSEMBLY,
February 22, 1790.

This bill having been read the third time,
Resolved, That this bill do pass.
By order of the Assembly,
GULIAN VERPLANCK, *Speaker*.

STATE OF NEW YORK, IN SENATE,
February 24, 1790.

This bill having been read a third time,
Resolved, That this bill do pass.
By order of the Senate,
ISAAC ROOSEVELT,
President pro hac vice.

BY THE STATE OF PENNSYLVANIA.

IN GENERAL ASSEMBLY,

State of Pennsylvania, to wit:
In pursuance of a resolution of the General Assembly of the State of Pennsylvania, being the Legislature thereof, I do hereby certify that the paper hereunto annexed contains an exact and true exemplification of the act whereof it purports to be a copy, by virtue whereof the several amendments therein mentioned, proposed to the Constitution of the United States, were, on the part of the Commonwealth of Pennsylvania, agreed to, ratified, and confirmed.

Given under my hand, and the seal of the State, this eleventh day of March, in the year of our Lord one thousand seven hundred and ninety.

RICHARD PETERS, *Speaker*.

AN ACT declaring the assent of this State to certain amendments to the Constitution of the United States.

SECTION 1. Whereas, in pursuance of the fifth article of the Constitution of the United States, certain Articles of Amendment to the said Constitution have been proposed by the Congress of the United States, for the consideration of the Legislatures of the several States: And whereas this House, being the Legislature of the State of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the articles hereafter enumerated, as part of the Constitution of the United States:

SECTION 2. *Be it enacted, therefore, and it is hereby enacted by the Representatives of the Free-men of the Commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same*, That the following amendments to the Constitution of the United States, proposed by the Congress thereof, viz:

[Here follow the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles, which were proposed by Congress to the Legislatures of the several States, as amendments to the Constitution of the United States.]

Be, and they are hereby, ratified, on behalf of this State, to become, when ratified by the Legislatures of three-fourths of the several States, part of the Constitution of the United States.

Signed by order of the House,
RICHARD PETERS,
Speaker of the G. A.

BY THE STATE OF DELAWARE.

UNITED STATES, March 8, 1790.
Gentlemen of the Senate and House of Representatives:

I have received from his Excellency Joshua Clayton, President of the State of Delaware, the articles proposed by Congress to the Legislatures of the several States, as amendments to the Constitution of the United States, which articles were transmitted to him for consideration of the Legislature of Delaware, and are now returned,

Amendments to the Constitution.

with the following resolutions annexed to them, namely:

"The General Assembly of Delaware having taken into their consideration the above amendments, proposed by Congress to the respective Legislatures of the several States:

"*Resolved*, That the first article be postponed.
"*Resolved*, That the General Assembly do agree to the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles; and we do hereby assent to ratify and confirm the same as part of the Constitution of the United States."

In testimony whereof, we have caused the great seal of the State to be hereunto affixed, this twenty-eighth day of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the Delaware State.

Signed by order of the Council,
GEO. MITCHELL, *Speaker*.
Signed by order of the House of Assembly,
JEUH DAVIS, *Speaker*.

BY THE STATE OF MARYLAND.

ANNAPOLIS, January 15, 1790.

Sir: I have the honor to enclose a copy of an act of the Legislature of Maryland, to ratify certain articles in addition to, and amendment of the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States.

I have the honor to be with the highest respect, sir, your most obedient servant,

J. E. HOWARD.
His Excellency
The President of the United States.

[Here follows an act of the Legislature enumerating all the twelve amendments proposed by Congress, concluding with the following enacting clause:]

Be it enacted by the General Assembly of Maryland, That the aforesaid articles, and each of them, be, and they are hereby, confirmed and ratified.

By the House of Delegates, December 17, 1789.
Read and assented to. By order.

W. HARWOOD, *Clerk*.
By the Senate, December 19, 1790.
Read and assented to. By order.

H. RIDGELY, *Clerk*.

BY THE STATE OF SOUTH CAROLINA.

CHARLESTON, January 28, 1790.

I have the honor to transmit you the entire adoption, by the Legislature of this State, of the amendments proposed to the Constitution of the United States.

I am, with the most perfect esteem and respect, your most obedient servant,

CHARLES PINCKNEY.

IN THE HOUSE OF REPRESENTATIVES,
January 18, 1790.

The House took into consideration the report

of the committee to whom was referred the resolution of the Congress of the United States, of the fourth day of March, one thousand seven hundred and eighty-nine, proposing amendments to the Constitution of the United States.

After enumerating all the twelve articles, it is added:

Which being read through, was agreed to.

Resolved, That this House do adopt the said several articles, and that they become a part of the Constitution of the United States.

Resolved, That the resolutions be sent to the Senate for their concurrence.

By order of the House:

JACOB READ,
Speaker of the House of Representatives.

IN SENATE, January 19, 1790.

Resolved, That this House do concur with the House of Representatives in the foregoing resolutions.

By order of the Senate:

D. DE SAUSSURE,
President of the Senate.

BY THE STATE OF NORTH CAROLINA.

AN ACT to ratify the amendments to the Constitution of the United States.

Whereas the Senate and House of Representatives of the United States of America in Congress assembled, on the fourth day of March, did resolve, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid, to all intents and purposes, as part of said Constitution.

[Here follow the several articles of amendment, verbatim, as proposed by Congress to the Legislatures of the several States.]

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said amendments, agreeable to the fifth article of the original Constitution, be held and ratified on the part of this State as articles in addition to, and amendment of, the Constitution of the United States of America.

CHARLES JOHNSON, *S. S.*
S. CABARRUS, *S. H. C.*

Read three times, and ratified in General Assembly, this 22d day of December, Anno Domini 1789.

JAMES GLASGOW, *Secretary*.

BY THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

In General Assembly, June Session, 1790.

AN ACT for ratifying certain articles as amendments to the Constitution of the United States of America, and which were proposed by the

Amendments to the Constitution.

Congress of the said States, at their session in March, A. D. 1789, to the Legislatures of the several States, pursuant to the fifth article of the aforesaid Constitution.

Be it enacted by the General Assembly, and by the authority thereof it is hereby enacted, That the following articles, proposed by the Congress of the United States of America, at their session in March, A. D. 1789, to the Legislatures of the several States, for ratification, as amendments to the Constitution of the United States, pursuant to the fifth article of the said Constitution, be, and the same are hereby, fully assented to, and ratified on the part of this State:

[Here follow all the amendments proposed by Congress, except the second.]
It is Ordered, That his Excellency the Governor be, and he is hereby, requested to transmit to the President of the United States, under the seal of this State, a copy of this act, to be communicated to the Senate and House of Representatives of the Congress of the United States.
A true copy, duly examined,
HENRY WARD, Secretary.

BY THE STATE OF NEW JERSEY.

AN ACT to ratify, on the part of this State, certain amendments to the Constitution of the United States.

Whereas the Congress of the United States, begun and held at the city of New York, on Wednesday, the fourth day of March, one thousand seven hundred and eighty-nine, resolved, two-thirds of both Houses concurring, that sundry articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, all or any of which articles,

when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution:

And whereas the President of the United States did, in pursuance of a resolve of the United States House of Representatives of the United States of America in Congress assembled, transmit to the Governor of this State the amendments proposed by Congress, which were by him laid before the Legislature for their consideration: Wherefore,

1. Be it enacted by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the following articles, proposed by Congress, in addition to, and amendment of, the Constitution of the United States,

[Here follow, verbatim, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the said amendments proposed by Congress to the Legislatures of the several States.]
Be, and the same are hereby, ratified and adopted by the State of New Jersey.

This bill having been three times read in this House,
Resolved, That the same do pass.
By order of the House:
JOHN BEATY, Speaker.

COUNCIL CHAMBER, Nov. 20, 1789.
This bill having been three times read in Council,
Resolved, That the same do pass.
By order of the House:
WILLIAM LIVINGSTON, President.

Report on Public Credit.

REPORTS AND OTHER DOCUMENTS.

REPORT OF THE SECRETARY OF THE TREASURY,

With his Plan for supporting Public Credit.

The Secretary of the Treasury, in obedience to the resolution of the House of Representatives, of the 21st day of September last, has, during the recess of Congress, applied himself to the consideration of a proper plan for the support of the public credit, with all the attention which was due to the authority of the House and to the magnitude of the object.

In the discharge of this duty, he has felt, in no small degree, the anxieties which naturally flow from a just estimate of the difficulty of the task, from a well-founded diffidence of his own qualifications for executing it with success, and from a deep and solemn conviction of the momentous nature of the truth contained in the resolution under which his investigation has been conducted: "That an adequate provision for the support of the public credit is a matter of high importance to the honor and prosperity of the United States."

With an ardent desire that his well-meant endeavors may be conducive to the real advantage of the nation, and with the utmost deference to the superior judgment of the House, he now respectfully submits the result of his inquiries and reflections to their indulgent construction.

In the opinion of the Secretary, the wisdom of the House in giving their explicit sanction to the proposition which has been stated cannot but be applauded by all who will seriously consider and trace through their obvious consequences these plain and undeniable truths.

That exigencies are to be expected to occur in the affairs of nations, in which there will be a necessity for borrowing.

That loans in times of public danger, especially from foreign war, are found an indispensable resource, even to the wealthiest of them.

And that in a country, which, like this, is possessed of little active wealth, or, in other words, little moneyed capital, the necessity for that resource must, in such emergencies, be proportionably urgent.

And as on the one hand, the necessity for borrowing, in particular emergencies, cannot be doubted, so on the other it is equally evident that to be able to borrow, upon good terms, it is essential that the credit of a nation should be well established.

For when the credit of a country is in any degree questionable, it never fails to give an extravagant premium, in one shape or another, upon all the loans it has occasion to make. Nor does the evil end here; the same disadvantage must be sustained upon whatever is to be bought on terms of future payment.

From this constant necessity of borrowing and buying dear, it is easy to conceive how immensely the expenses of a nation in a course of time will

be augmented by an unsound state of the public credit.

To attempt to enumerate the complicated variety of mischiefs in the whole system of the social economy which proceed from a neglect of the maxims that uphold public credit, and justify the solicitude manifested by the House on this point, would be an improper intrusion on their time and patience.

In so strong a light, nevertheless, do they appear to the Secretary, that on their due observance, at the present critical juncture, materially depends, in his judgment, the individual and aggregate prosperity of the citizens of the United States; their relief from the embarrassments they now experience; their character as a people; the cause of good Government.

If the maintenance of public credit, then, be truly so important, the next inquiry which suggests itself is, by what means is it to be effected? The ready answer to which question is, by good faith, by a punctual performance of contracts. States, like individuals, who observe their engagements, are respected and trusted; while the reverse is the fate of those who pursue an opposite conduct.

Every breach of the public engagements, whether from choice or necessity, is in different degrees hurtful to public credit. When such a necessity does truly exist, the evils of it are only to be palliated by a scrupulous attention, on the part of the Government, to carry the violation no further than the necessity absolutely requires, and to manifest, if the nature of the case admits of it, a sincere disposition to make reparation whenever circumstances shall permit. But with every possible mitigation, credit must suffer, and numerous mischiefs ensue. It is therefore highly important, when an appearance of necessity seems to press upon the public councils, that they should examine well its reality, and be perfectly assured that there is no method of escaping from it, before they yield to its suggestions. For though it cannot safely be affirmed that occasions have never existed, or may not exist, in which violations of the public faith, in this respect, are inevitable, yet there is great reason to believe that they exist far less frequently than precedents indicate; and are oftentimes either pretended through levity or want of firmness, or supposed through want of knowledge. Expedients might often have been devised to effect, consistently with good faith, what has been done in contravention of it. Those who are most commonly creditors of a nation are, generally speaking, enlightened men; and there are signal examples to warrant a conclusion, that when a candid and fair appeal is made to them they will understand their true interest too well to refuse their concurrence in such modifications of their claims as any real necessity may demand.

While the observance of that good faith, which is the basis of public credit, is recommended by

the strongest inducements of political expediency, it is enforced by considerations of still greater authority. There are arguments for it which rest on the immutable principles of moral obligation; and in proportion as the mind is disposed to contemplate, in the order of Providence, an intimate connexion between public virtue and public happiness, will be its repugnancy to a violation of those principles. This reflection derives additional strength from the nature of the debt of the United States. It was the price of liberty. The faith of America has been repeatedly pledged for it, and with solemnities that give peculiar force to the obligation. There is, indeed, great reason to regret that it has not hitherto been kept; that the necessities of the war, conspiring with inexperience on the subject of finance, produced direct infractions; and that the subsequent period has been a continued scene of negative violation, or non-compliance. But a diminution of this regret arises from the reflection that the last seven years have exhibited an earnest and uniform effort, on the part of the Government of the Union, to retrieve the national credit by doing justice to the creditors of the nation; and that the embarrassments of a defective Constitution, which defeated this laudable effort, had ceased.

From this evidence of a favorable disposition, given by a former Government, the institution of a new one, clothed with powers competent to calling forth the resources of the community, has excited correspondent expectations. A general belief accordingly prevails that the credit of the United States will quickly be established on the firm foundation of an effectual provision for the existing debt. The influence which this has had at home is witnessed by the rapid increase that has taken place in the market value of the public securities. From January to November they rose thirty-three and a third per cent., and from that period to this time they have risen fifty per cent. more; and the intelligence from abroad announces effects proportionably favorable to our national credit and consequence.

It cannot but merit particular attention that among ourselves the most enlightened friends of good government are those whose expectations are the highest.

To justify and preserve their confidence; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to furnish new resources both to agriculture and commerce; to cement more closely the union of the States; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy—these are the great and invaluable ends to be secured by a proper and adequate provision at the present period for the support of public credit.

To this provision we are invited, not only by the general considerations which have been noticed, but by others of a more particular nature. It will procure to every class of the community some important advantages, and remove some no less important disadvantages.

The advantage to the public creditors from the

increased value of that part of their property which constitutes the public debt, needs no explanation.

But there is a consequence of this, less obvious though not less true, in which every other citizen is interested. It is a well known fact, that in countries where the national debt is properly funded, and an object of undoubted confidence, it answers most of the purposes of money. Transfers of stock or public debt are there equivalent to payments in specie; or, in other words, stock, in the principal transactions of business, passes current as specie. The same thing would, in all probability, happen here under the like circumstances.

The benefits of this are various and obvious. First, Trade is extended by it; because there is a larger capital to carry it on, and the merchant can at the same time afford to trade for smaller profits; as his stock which, when unemployed, brings him in an interest from the Government, serves him also as money, when he has a call for it in his commercial operations.

Secondly, Agriculture and manufactures are also promoted by it; for the like reason, the more capital can be commanded to be employed in both; and because the merchant, whose enterprise in foreign trade gives to them activity and extension, has greater means for enterprise.

Thirdly, The interest of money will be lowered by it; for this is always in a ratio to the quantity of money, and to the quickness of circulation. This circumstance will enable both the public and individuals to borrow on easier and cheaper terms. And from the combination of these effects additional aids will be furnished to labor, to industry, and to arts of every kind.

But these good effects of a public debt are only to be looked for when, by being well funded, it has acquired an adequate and stable value. Till then it has rather a contrary tendency. The fluctuation and insecurity incident to it in an unfundamental state render it a mere commodity, and a precarious one. As such, being only an object of occasional and particular speculation, all the money applied to it is so much diverted from the useful channels of circulation, for which the thing itself affords no substitute; so that, in fact, one serious inconvenience of an unfunded debt is that it contributes to the scarcity of money.

This distinction, which has been little if at all attended to, is of the greatest moment. It involves a question immediately interesting to every part of the community; which is no other than this: whether the public debt, by a provision for it on true principles, shall be rendered a substitute for money; or whether, by being left as it is, or being provided for in such a manner as will wound those principles, and destroy confidence, it shall be suffered to continue, as it is, a pernicious drain of our cash from the channels of productive industry?

The effect which the funding of the public debt, on right principles, would have on landed property, is one of the circumstances attending such an arrangement which has been least adverted to, though it deserves the most particular atten-

tion. The present depreciated state of that species of property is a serious calamity. The value of cultivated lands in most of the States has fallen since the Revolution from twenty-five to thirty per cent. In those further South the decrease is still more considerable. Indeed, if the representations continually received from that quarter may be credited, lands there will command no price which may not be deemed an almost total sacrifice.

This decrease in the value of lands ought in a great measure to be attributed to the scarcity of money; consequently whatever produces an augmentation of the moneyed capital of the country must have a proportionable effect in raising that value. The beneficial tendency of a funded debt in this respect has been manifested by the most decisive experience in Great Britain.

The proprietors of lands would not only feel the benefit of this increase in the value of their property, and of a more prompt and better sale, when they had occasion to sell, but the necessity of selling would itself be greatly diminished. As the same cause would contribute to the facility of loans, there is reason to believe that such of them as are indebted would be able through that resource to satisfy their more urgent creditors.

It ought not, however to be expected that the advantages, described as likely to result from funding the public debt would be instantaneous. It might require some time to bring the value of stock to its natural level, and to attach to it that fixed confidence which is necessary to its quality as money. Yet the late rapid rise of the public securities encourages an expectation that the progress of stock to the desirable point will be much more expeditious than could have been foreseen. And as in the mean time it will be increasing in value, there is reason to conclude that it will from the outset answer many of the purposes in contemplation. Particularly it seems to be probable that from creditors, who are not themselves necessitous, it will early meet with a ready reception in payment of debts at its price current.

Having now taken a concise view of the inducements to a proper provision for the public debt, the next inquiry which presents itself, is, what ought to be the nature of such a provision?

This requires some preliminary discussions. It is agreed on all hands that that part of the debt which has been contracted abroad, and is denominated the foreign debt, ought to be provided for, according to the precise terms of the contracts relating to it. The discussions which can arise, therefore, will have reference essentially to the domestic part of it, or to that which has been contracted at home. It is to be regretted that there is not the same unanimity of sentiment on this part as on the other.

The Secretary has too much deference for the opinions of every part of the community, not to have observed one which has, more than once, made its appearance in the public prints, and which is occasionally to be met with in conversation. It involves this question, whether a discrimination ought not to be made between origi-

nal holders of the public securities and the present possessors by purchase. Those who advocate a discrimination are for making a full provision for the securities of the former at their nominal value, but contend that the latter ought to receive no more than the cost to them, and the interest; and the idea is sometimes suggested of making good the difference to the primitive possessor.

In favor of this scheme it is alleged that it would be unreasonable to pay twenty shillings in the pound to one who had not given more for it than three or four; and it is added that it would be hard to aggravate the misfortune of the first owner, who, probably through necessity, parted with his property at so great a loss, by obliging him to contribute to the profit of the person who had speculated on his distresses.

The Secretary, after the most mature reflection on the force of this argument, is induced to reject the doctrine it contains as equally unjust and impolitic, as highly injurious even to the original holders of public securities, as ruinous to public credit.

It is inconsistent with justice, because, in the first place, it is a breach of contract, in violation of the rights of a fair purchaser.

The nature of the contract in its origin is, that the public will pay the sum expressed in the security to the first holder or his assignee. The integrity in making the security assignable is that the proprietor may be able to make use of his property by selling it for as much as it may be worth in the market, and that the buyer may be safe in the purchase.

Every buyer, therefore, stands exactly in the place of the seller, has the same right with him to the identical sum expressed in the security, and having acquired that right, by fair purchase, and in conformity to the original agreement and intention of Government, his claim cannot be disputed without manifest injustice.

That he is to be considered as a fair purchaser results from this; whatever necessity the Government may have been under was occasioned by the Government in not making a proper provision for its debts. The buyer had no agency in it, and therefore ought not to suffer. He is not even chargeable with having taken an undue advantage. He paid what the commodity was worth in the market, and took the risks of reimbursement upon himself. He of course gave a fair equivalent, and ought to reap the benefit of his hazard; a hazard which was far from inconsiderable, and which, perhaps, turned on little less than a revolution in Government.

That the case of those who parted with their securities from necessity is a hard one cannot be denied. But whatever complaint of injury or claim of redress they may have respects the Government solely. They have not only nothing to object to the persons who relieved their necessities by giving them the current price of their property, but they are even under an implied condition to contribute to the reimbursement of those persons. They knew that, by the terms of the

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contract with themselves, the public were bound to pay to those to whom they should convey their titles the sums stipulated to be paid to them; and that as citizens of the United States they were to bear their proportion of the contribution for that purpose. This, by the act of assignment, they tacitly engage to do; and if they had an option, they could not, with integrity or good faith, refuse to do it without the consent of those to whom they sold.

But though many of the original holders sold from necessity, it does not follow that this was the case with all of them. It may well be supposed that some of them did it either through want of confidence in an eventual provision, or from the allurements of some profitable speculation. How shall these different classes be discriminated from each other? How shall it be ascertained, in any case, that the money which the original holder obtained for his security was not more beneficial to him than if he had held it to the present time, to avail himself of the provision which shall be made? How shall it be known, whether, if the purchaser had employed his money in some other way, he would not be in a better situation than by having applied it in the purchase of securities, though he should now receive the full amount? And if neither of these things can be known, how shall it be determined whether a discrimination, independent of the breach of contract, would not do a real injury to the purchasers; and if it included a compensation to the primitive proprietors, would not give them an advantage to which they had no equitable pretensions.

It may well be imagined, also, that there are not wanting instances in which individuals, urged by a present necessity, parted with the securities received by them from the public, and shortly after replaced them with others at an indemnity for their first loss. Shall they be deprived of the indemnity which they have endeavored to secure by so provident an arrangement?

Questions of this sort, on a close inspection, multiply themselves without end, and demonstrate the injustice of a discrimination, even on the most subtle calculations of equity, abstracted from the obligation of contract.

The difficulties, too, of regulating the details of a plan for that purpose, which would have even the semblance of equity, would be found immense. It may well be doubted whether they would not be insurmountable, and replete with such absurd as well as inequitable consequences as to disgust even the proposers of the measure.

As a specimen of its capricious operation it will be sufficient to notice the effect it would have on two persons, who may be supposed two years ago to have purchased each securities at three shillings in the pound, and one of them to retain those bought by him till the discrimination should take place; the other to have parted with those bought by him, within a month past, at nine shillings. The former, who had had most confidence in the Government, would in this case only receive at the rate of three shillings and the interest; while the latter, who had had less confi-

dence, would receive for what cost him the same money at the rate of nine shillings, and his representative, standing in his place, would be entitled to a like rate.

The impolicy of a discrimination results from two considerations; one, that it proceeds upon a principle destructive of that quality of the public debt, or the stock of the nation, which is essential to its capacity for answering the purposes of money—that is, the security of transfer. The other, that as well on this account as because it includes a breach of faith, it renders property in the funds less valuable; consequently induces lenders to demand a higher premium for what they lend, and produces every other inconvenience of a bad state of public credit.

It will be perceived at first sight, that the transferable quality of stock is essential to its operation as money, and that this depends on the idea of complete security to the transferee, and a firm persuasion that no distinction can, in any circumstances, be made between him and the original proprietor.

The precedent of an invasion of this fundamental principle would of course tend to deprive the community of an advantage with which no temporary saving could bear the least comparison.

And it will as readily be perceived, that the same cause would operate a diminution of the value of stock in the hands of the first as well as of every other holder. The price, which any man who should incline to purchase would be willing to give for it, would be in a compound ratio to the immediate chance of a profit it afforded, and to the continuance of his profit. If there was supposed to be any hazard of the latter, the risk would be taken into the calculation, and either there would be no purchase at all, or it would be at a proportionably less price.

For this diminution of the value of stock, every person who should be about to lend to the Government would demand a compensation, and would add to the actual difference between the nominal and the market value, an equivalent for the chance of greater decrease; which, in a precarious state of public credit, is always to be taken into the account.

Every compensation of this sort, it is evident, would be an absolute loss to the Government.

In the preceding discussion of the impolicy of a discrimination, the injurious tendency of it to those who continue to be the holders of the securities they received from the Government has been explained. Nothing need be added on this head, except that it is an additional and interesting light, in which the injustice of the measure may be seen. It would not only divest present proprietors by purchase of the rights they had acquired under the sanction of public faith, but it would depreciate the property of the remaining original holders.

It is equally unnecessary to add any thing to what has been already said, to demonstrate the fatal influence which the principle of discriminating would have on the public credit.

But there is still a point of view in which it

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will appear, perhaps, even more exceptionable than in either of the former—it would be repugnant to an express provision of the Constitution of the United States. This provision is, that “all debts contracted, and engagements entered into before the adoption of that Constitution, shall be as valid against the United States under it, as under the Confederation,” which amounts to a constitutional ratification of the contracts respecting the debt, in the state in which they existed under the Confederation. And resorting to that standard, there can be no doubt that the rights of assignees and original holders must be considered as equal.

In exploding thus fully the principle of discrimination, the Secretary is happy in reflecting that he is only the advocate of what has been already sanctioned by the formal and express authority of the Government of the Union, in these emphatic terms: “The remaining class of creditors (say Congress in their circular address to the States, of the 26th April, 1783) is composed partly of such of our fellow-citizens as originally lent to the public the use of their funds, or have since manifested most confidence in their country, by receiving transfers from the lenders; and partly of those whose property has been either advanced or assumed for the public service. To discriminate the merits of these several descriptions of creditors would be a task equally unnecessary and invidious. If the voice of humanity plead more loudly in favor of some than others, the voice of policy, no less than of justice, pleads in favor of all. A wise nation will never permit those who relieve the wants of their country, or rely most on its faith, its firmness, and its resources, when either of them is distrusted, to suffer by the event.”

The Secretary concluding, that a discrimination between the different classes of creditors of the United States cannot with propriety be made, proceeds to examine whether a difference ought to be permitted to remain between them and another description of public creditors—those of the States individually.

The Secretary, after mature reflection on this point, entertains a full conviction that an assumption of the debts of the particular States by the Union, and a like provision for them as for those of the Union, will be a measure of sound policy and substantial justice.

It would, in the opinion of the Secretary, contribute in an eminent degree, to an orderly, stable, and satisfactory arrangement of the national finances.

Admitting, as ought to be the case, that a provision must be made in some way or other for the entire debt, it will follow that no greater revenues will be required, whether that provision be made wholly by the United States, or partly by them, and partly by the States separately.

The principal question then must be, whether such a provision cannot be more conveniently and effectually made by one general plan, issuing from one authority, than by different plans originating in different authorities.

In the first case, there can be no competition for resources; in the last, there must be such a competition. The consequence of this, without the greatest caution on both sides, might be interfering regulations, and thence collision and confusion. Particular branches of industry might also be oppressed by it. The most productive objects of revenue are not numerous. Either these must be wholly engrossed by one side, which might lessen the efficacy of the provisions by the other, or both must have recourse to the same objects in different modes, which might occasion an accumulation upon them beyond what they could properly bear. If this should not happen, the caution requisite to avoiding it would prevent the revenue's deriving the full benefit of each object. The danger of interference and of excess would be apt to impose restraints very unfriendly to the complete command of these resources, which are the most convenient, and to compel the having recourse to others less eligible in themselves, and less agreeable to the community.

The difficulty of an effectual command of the public resources, in case of separate provisions for the debt, may be seen in another and perhaps more striking light. It would naturally happen that different States, from local considerations, would, in some instances, have recourse to different objects, in others, to the same objects in different degrees, for procuring the funds of which they stood in need. It is easy to conceive how this diversity would affect the aggregate revenue of the country. By the supposition, articles which yielded a full supply in some States, would yield nothing, or an insufficient product, in others. And hence the public revenue would not derive the full benefit of those articles from State regulations. Neither could the deficiencies be made good by those of the Union. It is a provision of the National Constitution, that “all duties, imposts, and excises, shall be uniform throughout the United States.” And as the General Government would be under the necessity, from motives of policy, of paying regard to the duty which may have been previously imposed upon any article, though but in a single State, it would be constrained either to refrain wholly from any further imposition upon such articles where it had been already rated as high as was proper, or to confine itself to the difference between the existing rate, and what the articles would reasonably bear. Thus the pre-occupancy of an article by a single State would tend to arrest or abridge the impositions of the Union on that article. And as it is supposable that a great variety of articles might be placed in this situation, by dissimilar arrangements of the particular States, it is evident that the aggregate revenue of the country would be likely to be very materially contracted by the plan of separate provisions.

If all the public creditors receive their dues from one source, distributed with an equal hand, their interest will be the same. And having the same interests, they will unite in the support of the fiscal arrangements of the Government; as these, too, can be made with more convenience

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where there is no competition. These circumstances combined will ensure to the revenue laws a more ready and more satisfactory execution.

If, on the contrary, there are distinct provisions, there will be distinct interests, drawing different ways. That union and concert of views, among the creditors, which in every Government is of great importance to their security, and that of public credit, will not only not exist, but will be likely to give place to mutual jealousy and opposition. And from this cause, the operation of the systems which may be adopted both by the particular States and the Union, with relation to their respective debts, will be in danger of being counteracted.

There are several reasons which render it probable that the situation of the State creditors would be worse than that of the creditors of the Union, if there be not a national assumption of the State debts. Of these it will be sufficient to mention two; one, that a principal branch of revenue is exclusively vested in the Union; the other, that a State must always be checked in the imposition of taxes on articles of consumption, from the want of power to extend the same regulation to the other States, and from the tendency of partial duties to injure its industry and commerce. Should the State creditors stand upon a less eligible footing than the others, it is unnatural to expect they would see with pleasure a provision for them. The influence which their dissatisfaction might have, could not but operate injuriously, both for the creditors and credit of the United States.

Hence it is even the interest of the creditors of the Union, that those of the individual States should be comprehended in a general provision. Any attempt to secure to the former either exclusive or peculiar advantages would materially hazard their interests.

Neither would it be just that one class of the public creditors should be more favored than the other. The objects for which both descriptions of the debt were contracted are, in the main, the same. Indeed, a great part of the particular debts of the States has arisen from assumptions by them on account of the Union. And it is most equitable that there should be the same measure of retribution for all.

There is an objection, however, to an assumption of the State debts, which deserves particular notice. It may be supposed that it would increase the difficulty of an equitable settlement between them and the United States.

The principles of that settlement, whenever they shall be discussed, will require all the moderation and wisdom of the Government. In the opinion of the Secretary, that discussion, till further lights are obtained, would be premature.

All, therefore, which he would now think advisable on the point in question, would be, that the amount of the debts assumed and provided for should be charged to the respective States, to abide an eventual arrangement. This the United States, as assignees to the creditors, should have an indisputable right to do.

But as it might be a satisfaction to the House to have before them some plan for the liquidation of accounts between the Union and its members, which, including the assumption of the State debts, would consist with equity, the Secretary will submit in this place such thoughts on the subject as have occurred to his own mind, or been suggested to him, most compatible, in his judgment, with the end proposed.

Let each State be charged with all the money advanced to it out of the Treasury of the United States, liquidated according to the specie value, at the time of each advance, with interest at six per cent.

Let it also be charged with the amount, in specie value, of all its securities, which shall be assumed, with the interest upon them, to the time when interest shall become payable by the United States.

Let it be credited for all moneys paid and articles furnished to the United States, and for all other expenditures during the war, either towards general or particular defence, whether authorized or unauthorized by the United States; the whole liquidated to specie value, and bearing an interest of six per cent. from the several times at which the several payments, advances, and expenditures, accrued.

And let all sums of the Continental money now in the treasuries of the respective States, which shall be paid into the Treasury of the United States, be credited at specie value.

Upon a statement of the accounts according to these principles, there can be little doubt that the balances would appear in favor of all the States against the United States.

To equalize the contributions of the States, let each be then charged with its proportion of the aggregate of those balances, according to some equitable ratio, to be devised for that purpose.

If the contributions should be found disproportionate, the result of this adjustment would be that some States would be creditors, some debtors to the Union.

Should this be the case, it will be attended with less inconvenience for the United States to have to pay balances to than to receive them from the particular States; it may, perhaps, be practicable to effect the former by a second process, in the nature of a transfer of the amount of the debts of the debtor States to the credit of the creditor States, observing the ratio by which the first apportionment shall have been made. This, whilst it would destroy the balances due from the former, would increase those due to the latter: these to be provided for by the United States, at a reasonable interest, but not to be transferable.

The expediency of this second process must depend on a knowledge of the result of the first. If the inequalities should be too great, the arrangement may be impracticable without unduly increasing the debt of the United States. But it is not likely that this would be the case. It is also to be remarked, that though this second process might not, upon the principle of apportionment, bring the thing to the point aimed at, yet it may

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approach so nearly to it as to avoid essentially the embarrassment of having considerable balances to collect from any of the States.

The whole of this arrangement to be under the superintendence of Commissioners, vested with equitable discretion, and final authority.

The general principle of it seems to be equitable, for it appears difficult to conceive a good reason why the expenses for the particular defence of a part in a common war should not be a common charge, as well as those incurred professedly for the general defence. The defence of each part is that of the whole; and unless all the expenditures are brought into a common mass, the tendency must be to add to the calamities suffered, by being the most exposed to the ravages of war, and increase of burdens.

The plan seems to be susceptible of no objection which does not belong to every other that proceeds on the idea of a final adjustment of accounts. The difficulty of settling a ratio is common to all. This must, probably, either be sought for in the proportions of the requisitions during the war, or in the decision of Commissioners appointed with plenary power. The rule prescribed in the Constitution with regard to representation and direct taxes would evidently not be applicable to the situation of parties during the period in question.

The existing debt of the United States is excluded from the computation, as it ought to be, because it will be provided for out of a general fund.

The only discussion of a preliminary kind which remains, relates to the distinctions of the debt into principal and interest. It is well known that the arrears of the latter bear a large proportion to the amount of the former. The immediate payment of these arrears is evidently impracticable, and a question arises, what ought to be done with them?

There is good reason to conclude, that the impressions of many are more favorable to the claim of the principal, than to that of the interest; at least so far as to produce an opinion that an inferior provision might suffice for the latter.

But to the Secretary this opinion does not appear to be well founded. His investigations of the subject have led him to a conclusion that the arrears of interest have pretensions at least equal to the principal.

The liquidated debt, traced to its origin, falls under two principal discriminations. One, relating to loans; the other, to services performed and articles supplied.

The part arising from loans was at first made payable at fixed periods, which have long since elapsed, with an early option to lenders either to receive back their money at the expiration of those periods, or to continue it at interest until the whole amount of Continental bills circulating should not exceed the sum in circulation at the time of each loan. This contingency, in the sense of the contract, never happened; and the presumption is, that the creditors preferred continuation.

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ing their money indefinitely at interest to receiving it in a depreciated and depreciating state.

The other parts of it were chiefly for objects which ought to have been paid for at the time; that is, when the services were performed or the supplies furnished, and were not accompanied with any contract for interest. But by different acts of Government and the Administration, contracted in by the creditors, these parts of the debt have been converted into a capital bearing an interest of six per cent. per annum, but without definite period of redemption. A portion of the Loan Office debt has been exchanged for new securities of that import; and the whole of it seems to have acquired that character after the expiration of the periods fixed for repayment.

If this view of the subject be a just one, the capital of the debt of the United States may be considered in the light of an annuity, at the rate of six per cent. per annum, redeemable at the pleasure of the Government, by payment of the principal. For it seems to be a clear position, that when the public contracts a debt payable with interest, without any precise time being stipulated or understood for payment of the capital, that time is a matter of pure discretion with the Government, which is at liberty to consult its own convenience respecting it, taking care to pay the interest with punctuality.

Wherefore, as long as the United States should pay the interest of their debt, as it accrued, their creditors would have no right to demand the principal.

But with regard to the arrears of interest, the case is different. These are now due, and those to whom they are due have a right to claim immediate payment. To say that it would be impracticable to comply, would not vary the nature of the right. Nor can this idea of impracticability be honorably carried further than to justify the proposition of a new contract upon the basis of a commutation of that right for an equivalent. This equivalent, too, ought to be a real and fair one. And what other fair equivalent can be imagined for the detention of money, but a reasonable interest? Or what can be the standard of that interest but the market rate, or the rate which the Government pays in ordinary cases?

From this view of the matter, which appears to be the accurate and true one, it will follow that the arrears of interest are entitled to an equal provision with the principal of the debt.

The result of the foregoing discussions is this: That there ought to be no discrimination between the original holders of the debt, and present possessors by purchase; that it is expedient there should be an assumption of State debts by the Union, and the arrears of interest should be provided for on an equal footing with the principal.

The next inquiry in order, towards determining the nature of a proper provision, respects the quantum of the debt, and the present rates of interest.

The debt of the Union is distinguishable into foreign and domestic.

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The foreign debt amounts to principal, \$10,070,347 00	
Bearing an interest of four, and partly an interest of five per cent.	
Arrears of interest to the last of December, 1789, - - -	1,640,071 62
Making together, - - -	\$11,710,378 62
The domestic debt may be subdivided into liquidated and unliquidated, principal and interest.	
The liquidated part amounts to - - -	
Bearing an interest of six per cent.	
The arrears of interest to the end of 1790, amount to - - -	
Making together, - - -	
This includes all that has been paid in instalments, (except what has come into the Treasury of the United States,) which, in the opinion of the Secretary, can be considered in no other light than as interest due.	
The unliquidated part of the domestic debt, which consists chiefly of the Continental bills of credit, is not ascertained, but may be estimated at - - -	
These several sums constitute the whole of the debt of the United States, amounting together to - - -	
That of the individual States is not equally well ascertained. The Secretary, however, presumes that the total amount may be safely stated at twenty-five millions of dollars, principal and interest. The present rate of interest of the State debts is, in general, the same with that of the domestic debt of the Union.	
On the supposition, that the arrears of interest ought to be provided for on the same terms with the principal, the annual amount of the interest, which at the existing rates would be payable on the entire mass of the public debt, would be - - -	
On the foreign debt, computing the interest on the principal as it stands, and allowing four per cent. on the arrears of interest, - - -	
On the domestic debt, including that of the States, - - -	
Making together, - - -	

The interesting problem now occurs: Is it in the power of the United States, consistently with those prudential considerations which ought not to be overlooked, to make a provision equal to the purpose of funding the whole debt, at the rates of interest which it now bears, in addition to the sum which will be necessary for the current service of the Government?

The Secretary will not say that such a provision

tion would exceed the abilities of the country; but he is clearly of opinion, that to make it would require the extension of taxation to a degree, and to objects, which the true interest of the public creditor forbids. It is therefore to be hoped, and even to be expected, that they will cheerfully concur in such modifications of their claims, on fair and equitable principles, as will facilitate to the Government an arrangement substantial, durable, and satisfactory to the community. The importance of the last characteristic will strike every discerning mind. No plan, however flattering in appearance, to which it did not belong, could be truly entitled to confidence.

It will not be forgotten, that exigencies may, ere long, arise, which would call for resources greatly beyond what is now deemed sufficient for the current service; and that, should the faculties of the country be exhausted or even strained to provide for the public debt, there could be less reliance on the sacredness of the provision.

But while the Secretary yields to the force of these considerations, he does not lose sight of those fundamental principles of good faith which dictate that every practicable exertion ought to be made scrupulously to fulfil the engagements of the Government; that no change in the rights of its creditors ought to be attempted without their voluntary consent; and that this consent ought to be voluntary in fact, as well as in name. Consequently, that every proposal of a change ought to be in the shape of an appeal to their reason and to their interest; not to their necessities. To this end it is requisite, that a fair equivalent should be offered for what may be asked to be given up, and unquestionable security for the remainder. Without this, an alteration, consistently with the credit and honor of the nation, would be impracticable.

It remains to see, what can be proposed in conformity to these views.

It has been remarked, that the capital of the debt of the Union is to be viewed in the light of an annuity at the rate of six per cent. per annum, redeemable at the pleasure of the Government, by payment of the principal. And it will not be required that the arrears of interest should be considered in a more favorable light. The same character, in general, may be applied to the debts of the individual States.

This view of the subject admits, that the United States would have it in their power to avail themselves of any fall in the market rate of interest, for reducing that of the debt.

This property of the debt is favorable to the public, unfavorable to the creditor; and may facilitate an arrangement for the reduction of interest, upon the basis of a fair equivalent.

Probabilities are always a rational ground of contract. The Secretary conceives that there is good reason to believe, if effectual measures are taken to establish public credit, that the Government rate of interest in the United States will, in a very short time, fall at least as low as five per cent., and that in a period not exceeding

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twenty years, it will sink still lower, probably to four.

There are two principal causes which will be likely to produce this effect; one, the low rate of interest in Europe; the other, the increase of the moneyed capital of the nation, by the funding of the public debt.

From three to four per cent. is deemed good interest in several parts of Europe. Even less is deemed so, in some places. And it is on the decline; the increasing plenty of money continually tending to lower it. It is presumable, that no country will be able to borrow of foreigners upon better terms than the United States, because none can, perhaps, afford so good security. Our situation exposes us less, than that of any other nation, to those casualties, which are the chief causes of expense; our incumbrances, in proportion to our real means, are less, though these cannot immediately be brought so readily into action, and our progress in resources from the early state of the country, and the immense tracts of unsettled territory, must necessarily exceed that of any other. The advantages of this situation have already engaged the attention of the European money-lenders, particularly among the Dutch. And as they become better understood, they will have the greater influence. Hence, as large a proportion of the cash of Europe as may be wanted, will be, in a certain sense, in our market, for the use of Government. And this will naturally have the effect of a reduction of the rate of interest, not indeed to the level of the places, which send their money to market, but to something much nearer to it than our present rate.

The influence which the funding of the debt is calculated to have, in lowering interest, has been already remarked and explained. It is hardly possible that it should not be materially affected by such an increase of the moneyed capital of the nation, as would result from the proper funding of seventy millions of dollars. But a probability of decrease in the rate of interest acquires confirmation from facts, which existed prior to the Revolution. It is well known, that in some of the States money might with facility be borrowed, on good security, at five per cent. and, not unfrequently, even at less.

The most enlightened of the public creditors will be most sensible of the justness of this view of the subject, and of the propriety of the use which will be made of it.

The Secretary, in pursuance of it, will assume, as a probability sufficiently great to be a ground of calculation, both on the part of the Government and its creditors, that the interest of money in the United States will, in five years, fall to five per cent. and in twenty, to four. The probability, in the mind of the Secretary, is rather that the fall may be more rapid and more considerable; but he prefers a mean, as most likely to engage the assent of the creditors, and more equitable in itself; because it is predicated on probabilities, which may err on one side as well as on the other.

Premising these things, the Secretary submits to the House the expediency of proposing a loan

to the full amount of the debt, as well of the particular States as of the Union, upon the following terms:

First. That for every hundred dollars subscribed, payable in the debt, (as well interest as principal,) the subscriber be entitled, at his option, either

To have two-thirds funded at an annuity, or yearly interest of six per cent., redeemable at the pleasure of the Government, by payment of the principal, and to receive the other third in lands in the Western Territory, at the rate of twenty cents per acre. Or,

To have the whole sum funded at an annuity or yearly interest of four per cent., irredeemable by any payment exceeding five dollars per annum on account both of principal and interest; and to receive as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands, as in the preceding case. Or,

To have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity or yearly interest of six per cent., irredeemable by any payment exceeding four dollars and two-thirds of a dollar per annum, on account both of principal and interest; and to have, at the end of ten years, twenty-six dollars and eighty-eight cents funded at the like interest and rate of redemption. Or,

To have an annuity for the remainder of life, upon the contingency of living to a given age, not less distant than ten years, computing interest at four per cent. Or,

To have an annuity for the remainder of life, upon the contingency of the survivorship of the youngest of two persons, computing interest in this case also at four per cent.

In addition to the foregoing loan, payable wholly in the debt, the Secretary would propose, that one should be opened for ten millions of dollars, on the following plan:

That for every hundred dollars subscribed, payable one-half in specie, and the other half in debt, (as well principal as interest,) the subscriber be entitled to an annuity or yearly interest of five per cent., irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest.

The principles and operation of these different plans may now require explanation.

The first is simply a proposition for paying one-third of the debt in land, and funding the other two-thirds, at the existing rate of interest, and upon the same terms of redemption, to which it is at present subject.

Here is no conjecture, no calculation of probabilities. The creditor is offered the advantage of making his interest principal, and he is asked to facilitate to the Government an effectual provision for his demands, by accepting a third part of them in land, at a fair valuation.

The general price at which the Western lands have been heretofore sold, has been a dollar per acre in public securities; but at the time the principal purchases were made, these securities were worth, in the market, less than three shillings in the pound. The nominal price, therefore, would

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not be the proper standard, under present circumstances, nor would the precise specie value then given be a just rule; because, as the payments were to be made by instalments, and the securities were, at the times of the purchases, extremely low, the probability of a moderate rise must be presumed to have been taken into the account. Twenty cents, therefore, seem to bear an equitable proportion to the two considerations of value at the time, and likelihood of increase.

It will be understood, that upon this plan the public retains the advantage of availing itself of any fall in the market rate of interest, for reducing that upon the debt; which is perfectly just, as no present sacrifice, either in the quantity of the principal, or in the rate of interest, is required from the creditor.

The inducement to the measure is, the payment of one-third of the debt in land.

The second plan is grounded upon the supposition, that interest, in five years, will fall to five per cent., in fifteen more to four. As the capital remains entire, but bearing an interest of four per centum only, compensation is to be made to the creditor, for the interest of two per centum per annum for five years, and of one per cent. per annum, for fifteen years, to commence at the distance of five years. The present value of these two sums or annuities, computed according to the terms of the supposition, is, by strict calculation, fifteen dollars and seven hundred and ninety-two thousandths parts of a dollar; a fraction less than the sum proposed.

The inducement to the measure here is, the redemption of interest to a rate more within the compass of a convenient provision, and the payment of the compensation in lands.

The inducements to the individual are—the accommodation afforded to the public; the high probability of a complete equivalent; the chance even of gain, should the rate of interest fall, either more speedily or in a greater degree, than the calculation supposes. Should it fall to five per cent. sooner than five years; should it fall lower than five before the additional fifteen were expired; or should it fall below four, previous to the payment of the debt, there would be, in each case, an absolute profit to the creditor. As his capital will remain entire, the value of it will increase with every decrease of the rate of interest.

The third plan proceeds upon the like supposition of a successive fall in the rate of interest. And upon that supposition offers an equivalent to the creditor. One hundred dollars, bearing an interest of six per cent. for five years; of five per cent. for fifteen years, and thenceforth of four per cent. (these being successive rates of interest in the market,) is equal to a capital of

Bearing an interest of four per centum, which, converted into a capital, bearing a fixed rate of interest of six per cent., is equal to

The difference between sixty-six dollars and two thirds

of a dollar, (the sum to be funded immediately,) and this last sum is

Which, at six per cent. per annum, amounts, at the end of ten years to

the sum to be funded at the expiration of that period.

It ought, however, to be acknowledged, that this calculation does not make allowance for the principle of redemption, which the plan itself includes; upon which principle the equivalent in a capital of six per centum would be, by strict calculation

But there are two considerations which induce the Secretary to think, that the one proposed would operate more equitably than this. One is that it may not be very early in the power of the United States to avail themselves of the right of redemption reserved in the plan. The other is, that with regard to the part to be funded at the end of ten years, the principle of redemption is suspended during that time, and the full interest at six per cent. goes on improving at the same rate; which, for the last five years, will exceed the market rate of interest, according to the supposition.

The equivalent is regulated in this plan by the circumstances of fixing the rate of interest higher than it is supposed it will continue to be in the market; permitting only a gradual discharge of the debt in an established proportion, and consequently preventing advantage being taken of any decrease of interest below the stipulated rate.

Thus, the true value of eighty-one dollars and sixty-seven cents, the capital proposed, considered as a perpetuity, and bearing six per cent. interest, when the market rate of interest was five per cent., would be a small fraction more than ninety-eight dollars, when it was four per cent., would be one hundred and twenty-two dollars and fifty-one cents. But the proposed capital being subject to gradual redemption, it is evident that its value in such case would be somewhat less. Yet, from this may be perceived the manner in which a less capital at a fixed rate of interest becomes an equivalent for a greater capital at a rate liable to variation and diminution.

It is presumable that those creditors who do not entertain a favorable opinion of property in Western lands, will give a preference to this last mode of modelling the debt. The Secretary is sincere in affirming that, in his opinion, it will be likely to prove to the full as beneficial to the creditors as a provision for his debt upon its present terms.

It is not intended, in either case, to oblige the Government to redeem in the proportion specified, but to secure to it the right of doing so, to avoid the inconvenience of a perpetuity.

The fourth and fifth plans abandon the suppo-

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sition which is the basis of the two preceding ones, and offer only four per cent. throughout.

The reason of this is, that the payment being deferred, there will be an accumulation of compound interest in the intermediate period against the public, which, without a very provident administration, would turn to its detriment; and the suspension of the burden would be too apt to beget a relaxation of efforts in the mean time. The measure, therefore, its object being temporary accommodation, could only be advisable upon a moderate rate of interest.

With regard to individuals, the inducement will be sufficient at four per cent. There is no disposition of money, in private loans, making allowance for the usual delays and casualties, which would be equally beneficial as a future provision.

A hundred dollars advanced upon the life of a person of eleven years old would produce an annuity:

	<i>Dolls. Parts.</i>
If commencing at twenty-one, of 10	346
If commencing at thirty-one, of 18	803
If commencing at forty-one, of 37	286
If commencing at fifty-one, of 78	580

The same sum advanced upon the chance of the survivorship of the youngest of two lives, one of the persons being twenty-five, the other thirty years old, would produce, if the youngest of the two should survive, an annuity for the remainder of life, of twenty-three dollars, five hundred and fifty-six parts.

From these instances may readily be discerned the advantages which these deferred annuities afford for securing a comfortable provision for the evening of life, or for wives who survive their husbands.

The sixth plan also relinquishes the supposition, which is the foundation of the second and third, and offers a higher rate of interest upon similar terms of redemption, for the consideration of the payment of one-half of the loan in specie. This is a plan highly advantageous to the creditors, who may be able to make that payment; while the specie itself could be applied in purchases of the debt, upon terms which would fully indemnify the public for the increased interest.

It is not improbable that foreign holders of the domestic debt may embrace this as a desirable arrangement.

As an auxiliary expedient, and by way of experiment, the Secretary would propose a loan upon the principles of a tonnage.

To consist of six classes, composed respectively of persons of the following ages:

- First class, of those of twenty years, and under.
- Second class, of those above twenty, and not exceeding thirty.
- Third class, of those above thirty, and not exceeding forty.
- Fourth class, of those above forty, and not exceeding fifty.
- Fifth class, of those above fifty, and not exceeding sixty.
- Sixth class, of those above sixty.

Each share to be two hundred dollars. The number of shares in each class to be indefinite. Persons to be at liberty to subscribe on their own lives, or on those of others nominated by them.

	<i>Dolls. Cents.</i>
The annuity upon a share in the first class to be	8 40
upon a share in the second,	6 65
upon a share in the third,	9 00
upon a share in the fourth,	9 64
upon a share in the fifth,	10 70
upon a share in the sixth,	13 80

The annuities of those who die to be equally divided among the survivors, until four-fifths shall be dead, when the principle of survivorship shall cease, and each annuitant thenceforth enjoy his dividend as a several annuity during the life upon which it shall depend.

These annuities are calculated on the best life in each class, and at a rate of interest of four per cent., with some deductions in favor of the public. To the advantages which these circumstances present, the cessation of the right of survivorship on the death of four-fifths of the annuitants will be no inconsiderable addition.

The inducements to individuals are a competent interest for their money from the outset, secured for life, and the prospect for continual increase, and even of large profit, to those whose fortune it is to survive their associates.

It will have appeared, that in all the proposed loans the Secretary has contemplated the putting the interest upon the same footing with the principal. That on the debt of the United States he would have computed to the last of the present year. That on the debt of the particular States to the last of the year 1791; the reason for which distinction will be seen hereafter.

In order to keep up a due circulation of money, it will be expedient that the interest of the debt should be paid quarter-yearly. This regulation will, at the same time, conduce to the advantage of the public creditors, giving them, in fact, by the anticipation of payment, a higher rate of interest; which may, with propriety, be taken into the estimate of compensation to be made to them. Six per cent. per annum, paid in this mode, will truly be worth six dollars, and one hundred and thirty-five thousandths parts of a dollar, computing the market interest at the same rate.

The Secretary thinks it advisable to hold out various propositions, all of them compatible with the public interest, because it is, in his opinion, of the greatest consequence that the debt should, with the consent of the creditors, be remoulded into such shape as will bring the expenditure of the nation to a level with its income. Till this shall be accomplished, the finances of the United States will never wear a proper countenance. Arrears of interest, continually accruing, will be as continual a monument either of inability or of ill faith, and will not cease to have an evil influence on public credit. In nothing are appearances of greater moment than in whatever regards credit. Opinion is the soul of it, and this is af-

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affected by appearances as well as realities. By offering an option to the creditors, between a number of plans, the change meditated will be more likely to be accomplished. Different terms will be governed by different views of the subject.

But while the Secretary would endeavor to effect a change in the form of the debt, by new loans, in order to render it more susceptible of an adequate provision, he would not think it proper to aim at procuring the concurrence of the creditors by operating upon their necessities.

Hence, whatever surplus of revenue might remain, after satisfying the interest of the new loans, and the demand for the current service, ought to be divided among those creditors, if any, who may not think fit to subscribe to them. But for this purpose, under the circumstance of depending propositions, a temporary appropriation will be most advisable, and the sum must be limited to four per cent., as the revenues will only be calculated to produce in that proportion to the entire debt.

The Secretary confides, for the success of the propositions to be made, on the goodness of the reasons upon which they rest; on the fairness of the equivalent to be offered in each case; on the discernment of the creditors of their true interest; and on their disposition to facilitate the arrangements of the Government, and to render them satisfactory to the community.

The remaining part of the task to be performed is, to take a view of the means of providing for the debt, according to the modification of it which is proposed.

On this point the Secretary premises that, in his opinion, the funds to be established ought, for the present, to be confined to the existing debt of the United States; as well because a progressive augmentation of the revenue will be most convenient, as because the consent of the State creditors is necessary to the assumption contemplated; and though the obtaining of that consent may be inferred with great assurance from their obvious interest to give it, yet till it shall be obtained, an actual provision for the debt would be premature. Taxes could not, with propriety, be laid for an object which depended on such a contingency.

All that ought now to be done respecting it is to put the matter in an effectual train for a future provision. For which purpose the Secretary will, in the course of this report, submit such propositions as appear to him advisable.

The Secretary now proceeds to a consideration of the necessary funds.

It has been stated that the debt of the United States consists of

The foreign debt, amounting, with arrears of interest, to - - - \$11,710,378 63
And the domestic debt, amounting, with like arrears, computed to the end of the year 1790, to - - - 42,414,085 94

Making together,

\$54,124,464 56

The interest of the domestic debt is computed

to the end of this year, because the details of carrying any plan into execution will exhaust the year.

The annual interest of the foreign debt has been stated at - - - \$542,599 66
And the interest of the domestic debt, at four per cent., would amount to - - - 1,696,563 43
Making together, - - - \$2,239,163 09

Thus, to pay the interest of the foreign debt, and to pay four per cent. on the whole of the domestic debt, principal and interest, forming a new capital, will require a yearly income of \$2,239,163 09—the sum which, in the opinion of the Secretary, ought now to be provided in addition to what the current service will require.

For though the rate of interest proposed by the third plan exceeds four per cent. on the whole debt, and the annuities on the tonnage will also exceed four per cent. on the sums which may be subscribed; yet, as the actual provision for a part is, in the former case, suspended, as measures for reducing the debt by purchases may be advantageously pursued, and as the payment of the deferred annuities will of course be postponed, four per cent. on the whole will be a sufficient provision.

With regard to the instalments of the foreign debt, these, in the opinion of the Secretary, ought to be paid by new loans abroad. Could funds be conveniently spared from other exigencies for paying them, the United States could ill bear the drain of cash at the present juncture which the measure would be likely to occasion.

But to the sum which has been stated for payment of interest must be added a provision for the current service. This the Secretary estimates at \$600,000, making, with the amount of the interest, \$2,839,163 09.

This sum may, in the opinion of the Secretary, be obtained from the present duties on imports and tonnage, with the additions which, without any possible disadvantage, either to trade or agriculture, may be made on wines, spirits, (including those distilled within the United States,) teas, and coffee.

The Secretary conceives that it will be sound policy to carry the duties upon articles of this kind as high as will be consistent with the practicability of a safe collection. This will lessen the necessity both of having recourse to direct taxation, and of accumulating duties where they would be more inconvenient to trade, and upon objects which are more to be regarded as necessities of life.

That the articles which have been enumerated will, better than most others, bear high duties, can hardly be a question. They are all of them, in reality, luxuries, the greatest part of them foreign luxuries; some of them, in the excess in which they are used, pernicious luxuries. And there is, perhaps, none of them which is not consumed in so great abundance, as may justly denominate it a source of national extravagance and impoverishment. The consumption of ardent spirits partic-

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ularly, no doubt very much on account of their cheapness, is carried to an extreme, which is truly to be regretted, as well in regard to the health and the morals as to the economy of the community.

Should the increase of duties tend to a decrease of the consumption of those articles, the effect would be, in every respect, desirable. The saving which it would occasion would leave individuals more at ease, and promote a more favorable balance of trade. As far as this decrease might be applicable to distilled spirits, it would encourage the substitution of cider and malt liquors, benefit agriculture, and open a new and productive source of revenue.

It is not, however, probable that this decrease would be in a degree which would frustrate the expected benefit to the revenue from raising the duties. Experience has shown that luxuries of every kind lay the strongest hold on the attachments of mankind, which, especially when confirmed by habit, are not easily alienated from them.

The same fact affords a security to the merchant that he is not likely to be prejudiced by considerable duties on such articles. They will usually command a proportional price. The chief things in this view to be attended to are, that the terms of payment be so regulated as not to require inconvenient advances, and that the mode of collection be secure.

To the other reasons which plead for carrying the duties upon the articles which have been mentioned, to as great extent as they will well bear, may be added these: that they are of a nature, from their extensive consumption, to be very productive, and are amongst the most difficult objects of illicit introduction.

Invited by so many motives to make the best use of the resource which these articles afford, the essential inquiry is, in what mode can the duties upon them be most effectually collected?

With regard to such of them as will be brought from abroad, a duty on importation recommends itself by two leading considerations; one is, that meeting the object at its first entrance into the country, the collection is drawn to a point, and so far simplified; the other is, that it avoids the possibility of interference between the regulations of the United States and those of the particular States.

But a duty, the precautions for the collection of which should terminate with the landing of the goods, as is essentially the case in the existing system, could not, with safety, be carried to the extent which is contemplated.

In that system, the evasion of the duties depends, as it were, on a single risk. To land the goods in defiance of the vigilance of the officers of the customs is almost the sole difficulty. No future pursuit is materially to be apprehended. And where the inducement is equivalent to the risk, there will be found too many who are willing to run it. Consequently there will be extensive frauds on the revenue, against which the utmost rigor of penal laws has proved, as often as it has been tried, an ineffectual guard.

The only expedient which has been discovered for conciliating high duties with a safe collection is the establishment of a second or interior scrutiny.

By pursuing the article from its importation into the hands of the dealers in it, the risk of detection is so greatly enhanced that few, in comparison, will venture to incur it. Indeed, every dealer, who is not himself the fraudulent importer, then becomes, in some sort, a sentinel upon him.

The introduction of a system, founded on this principle, in some shape or other, is, in the opinion of the Secretary, essential to the efficacy of every attempt to render the revenues of the United States equal to their exigencies, their safety, their prosperity, their honor.

Nor is it less essential to the interest of the honest and fair trader. It might even be added, that every individual citizen, besides his share in the general weal, has a particular interest in it. The practice of smuggling never fails to have one of two effects, and sometimes unites them both. Either the smuggler undersells the fair trader, as, by saving the duty, he can afford to do, and makes a charge upon him; or he sells at the increased price occasioned by the duty, and defrauds every man who buys of him of his share of what the public ought to receive. For it is evident that the loss falls ultimately upon the citizens, who must be charged with other taxes to make good the deficiency, and supply the wants of the State.

The Secretary will not presume that the plan which he shall submit to the consideration of the House is the best which could be devised. But it is the one which has appeared to him freest from objections of any that has occurred of equal efficacy. He acknowledges, too, that it is susceptible of improvement by other precautions in favor of the revenue, which he did not think it expedient to add. The chief outlines of the plan are not original, but it is no ill recommendation of it that it has been tried with success.

The Secretary accordingly proposes, That the duties heretofore laid upon wines, distilled spirits, teas, and coffee, should, after the last day of May next, cease, and that instead of them the following duties be laid:

Upon every gallon of Madeira wine, of the quality of London particular, thirty-five cents.

Upon every gallon of other Madeira wine, thirty cents.

Upon every gallon of Sherry, twenty-five cents.

Upon every gallon of other wine, twenty cents.

Upon every gallon of distilled spirits, more than ten per cent. below proof, according to Dicus's hydrometer, twenty cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents.

Upon every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents.

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Upon every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

Upon every pound of hyson tea, forty cents.

Upon every pound of other green tea, twenty-four cents.

Upon every pound of souchong and other black teas, except bohea, twenty cents.

Upon every pound of bohea, twelve cents.

Upon every pound of coffee, five cents.

That upon spirits distilled within the United States, from molasses, sugar, or other foreign materials, there be paid,

Upon every gallon of those spirits more than ten per cent. below proof, according to Ducas's hydrometer, eleven cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twelve cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, thirteen cents.

Upon every gallon of those spirits above proof, and not exceeding twenty per cent., according to the same hydrometer, fifteen cents.

Upon every gallon of those spirits, more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, twenty cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, thirty cents.

That upon spirits distilled within the United States, in any city, town, or village, from materials of the growth or production of the United States, there be paid,

Upon every gallon of those spirits more than ten per cent. below proof, according to Ducas's hydrometer, nine cents.

Upon every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, ten cents.

Upon every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, eleven cents.

Upon every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, thirteen cents.

Upon every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, seventeen cents.

Upon every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, twenty-five cents.

That upon all stills employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there be paid the yearly sum of sixty cents for every gallon, English wine measure, of the capacity of each still, including its head.

The Secretary does not distribute the duties on teas into different classes, as has been done in the impost act of the last session; because this distribution depends on considerations of commercial policy, not of revenue. It is sufficient, therefore, for him to remark that the rates above specified are proposed with reference to the lowest class.

The Secretary, conceiving that he could not convey an accurate idea of the plan contemplated by him for the collection of these duties in any mode so effectual as by the draught of a bill for the purpose, begs leave respectfully to refer the House to that which will be found annexed to this report, relative to the article of distilled spirits; and which, for the better explanation of some of its parts, is accompanied with marginal remarks.

It would be the intention of the Secretary that the duty on wines should be collected upon precisely the same plan with that on imported spirits.

But with regard to teas and coffee, the Secretary is inclined to think that it will be expedient, till experience shall evince the propriety of going further, to exclude the ordinary right of the officers to visit and inspect the places in which those articles may be kept. The other precautions without this will afford, though not complete, considerable security.

It will not escape the observation of the House that the Secretary, in the plan submitted, has taken the most scrupulous care that those citizens upon whom it is immediately to operate, be secured from every species of injury by the misconduct of the officers to be employed. There are not only strong guards against their being guilty of abuses of authority; they are not only punishable criminally for any they may commit, and made answerable in damages to individuals for whatever prejudice these may sustain by their acts or neglects; but even where seizures are made with probable cause, if there be an acquittal of the article seized, a compensation to the proprietors for the injury their property may suffer, and even for its detention, is to be made out of the public treasury.

So solicitous indeed has the Secretary been to obviate every appearance of hardship, that he has even included a compensation to the dealers for their agency in aid of the revenue.

With all these precautions to manifest a spirit of moderation and justice on the part of the Government; and when it is considered that the object of the proposed system is the firm establishment of public credit; that on this depends the character, security, and prosperity of the nation; that advantages, in every light important, may be expected to result from it; that the immediate operation of it will be upon an enlightened class of citizens, zealously devoted to good government, and to a liberal and enlarged policy, and that it is peculiarly the interest of the virtuous part of them to co-operate in whatever will restrain the spirit of illicit traffic; there will be perceived to exist the justest ground of confidence, that the plan, if

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eligible in itself, will experience the cheerful and prompt acquiescence of the community.

The Secretary computes the net product of the duties proposed in this report at about one million seven hundred and three thousand four hundred dollars, which, if near the truth, will, together with the probable product of the duties on imports and tonnage, complete the sum required. But it will readily occur that in so unexplored a field there must be a considerable degree of uncertainty in the data; and that, on this account, it will be prudent to have an auxiliary resource for the first year, in which the interest will become payable, that there may be no possibility of dis-appointment to the public creditors, ere there may be an opportunity of providing for any deficiency which the experiment may discover. This will accordingly be attended to.

The proper appropriation of the funds provided, and to be provided, seems next to offer itself for consideration. On this head the Secretary would propose that the duties on distilled spirits should be applied, in the first instance, to the payment of the interest of the foreign debt. That reserving out of the residue of those duties an annual sum of six hundred thousand dollars for the current service of the United States, the surplus, together with the product of the other duties, be applied to the payment of the interest on the new loan, by an appropriation co-extensive with the duration of the debt. And that if any part of the debt should remain unsubscribed, the excess of the revenue be divided among the creditors of the unsubscribed part by a temporary disposition, with a limitation, however, to four per cent.

It will hardly have been unnoticed, that the Secretary has been thus far silent on the subject of the Post Office. The reason is, that he has had in view the application of the revenue arising from that source to the purposes of a sinking fund. The Postmaster General gives it as his opinion, that the immediate product of it, upon a proper arrangement, would probably be not less than one hundred thousand dollars. And from its nature, with good management, it must be a growing, and will be likely to become a considerable fund. The Postmaster General is now engaged in preparing a plan which will be the foundation of a proposition for a new arrangement of the establishment. This, and some other points relative to the subject referred to the Secretary, he begs leave to reserve for a future report.

Persuaded as the Secretary is that the proper funding of the present debt will render it a national blessing, yet he is so far from acceding to the position, in the latitude in which it is sometimes laid down, that "public debts are public benefits," a position inviting to prodigality, and liable to dangerous abuse, that he ardently wishes to see it incorporated, as a fundamental maxim, in the system of public credit of the United States, that the creation of debt should always be accompanied with the means of extinguishment. This he regards as the true secret for rendering public

credit immortal. And he presumes that it is difficult to conceive a situation in which there may not be an adherence to the maxim. At least he feels an unassigned solicitude that this may be attempted by the United States, and that they may commence their measures for the establishment of credit with the observance of it.

Under this impression, the Secretary proposes, that the net product of the Post Office, to a sum not exceeding one million of dollars, be vested in commissioners, to consist of the Vice President of the United States or President of the Senate, the Speaker of the House of Representatives, the Chief Justice, Secretary of the Treasury, and Attorney General of the United States, for the time being, in trust, to be applied by them, or any three of them, to the discharge of the existing public debt, either by purchases of stock in the market, or by payments on account of the principal, as shall appear to them most advisable, in conformity to the public engagements; to continue so vested until the whole of the debt shall be discharged.

As an additional expedient for effecting a reduction of the debt, and for other purposes which will be mentioned, the Secretary would further propose that the same commissioners be authorized, with the approbation of the President of the United States, to borrow, on their credit, a sum not exceeding twelve millions of dollars, to be applied,

First. To the payment of the interest and instalments of the foreign debt, to the end of the present year, which will require \$3,491,923 46.

Secondly. To the payment of any deficiency which may happen in the product of the funds provided for paying the interest of the domestic debt.

Thirdly. To the effecting a change in the form of such part of the foreign debt as bears an interest of five per cent. It is conceived that, for this purpose, a new loan at a lower interest may be combined with other expedients. The remainder of this part of the debt, after paying the instalments which will accrue in the course of 1790, will be \$3,888,888 81.

Fourthly. To the purchase of the public debt at the price it shall bear in the market, while it continues below its true value. This measure, which would be, in the opinion of the Secretary, highly dishonorable to the Government, if it were to precede a provision for funding the debt, would become altogether unexceptionable after that had been made. Its effect would be in favor of the public creditors, as it would tend to raise the value of stock; and all the difference between its true value and the actual price would be so much clear gain to the public. The payment of foreign interest on the capital to be borrowed for this purpose, should that be a necessary consequence, would not, in the judgment of the Secretary, be a good objection to the measure. The saving by the operation would be itself a sufficient indemnity; and the employment of that capital, in a country situated like this, would much more than compensate for it. Besides, if the Government does not undertake this operation, the same in-

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convenience which the objection in question sup- poses would happen in another way, with a cir- cumstance of aggravation. As long, at least, as the debt shall continue below its proper value, it will be an object of speculation to foreigners, who will not only receive the interest upon what they purchase, and remit it abroad, as in the case of the loan, but will reap the additional profit of the dif- ference in value. By the Government's entering into competition with them, it will not only reap a part of this profit itself, but will contract the extent and lessen the extra profit of foreign pur- chases. That competition will accelerate the rise of stock, and whatever greater rate this obliges foreigners to pay for what they purchase is so much clear saving to the nation. In the opin- ion of the Secretary, and contrary to an idea which is not without patrons, it ought to be the policy of the Government to raise the value of stock to its true standard as fast as possible. When it arrives to that point, foreign speculations, (which till then must be deemed pernicious fur- ther than that they serve to bring it to that point,) will become beneficial. Their money laid out in this country upon our agriculture, commerce, and manufactures, will produce much more to us than the income they will receive from it.

The Secretary contemplates the application of this money, through the medium of a National Bank for which, with the permission of the House, he will submit a plan in the course of the session. The Secretary now proceeds, in the last place, to offer to the consideration of the House his ideas of the steps which ought at the present session to be taken towards the assumption of the State debts.

These are, briefly, that concurrent resolutions of the two Houses, with the approbation of the President, be entered into, declaring, in substance, That the United States do assume, and will, at the first session in the year 1791, provide, on the same terms with the present debt of the United States, for all such part of the debts of the respec- tive States, or any of them, as shall, prior to the first day of January in the said year 1791, be sub- scribed towards a loan to the United States, upon the principle of either of the plans which shall have been adopted by them for obtaining a reloan of their present debt.

Provided that the provision to be made as afore- said shall be suspended with respect to the debt of any State, which may have exchanged the se- curities of the United States for others issued by itself, until the whole of the said securities shall either be re-exchanged or surrendered to the United States.

And provided also, that the interest upon the debt assumed be computed to the end of the year 1791; and that the interest to be paid by the United States commence on the first day of Jan- uary, 1792.

That the amount of the debt of each State so assumed and provided for be charged to such State in account with the United States, upon the same principles upon which it shall be lent to the United States.

That subscriptions be opened for receiving loans and under debts at the same times and places, and of the like regulations as shall have been prescribed in relation to the debt of the United States.

The Secretary has now completed the objects which he proposed to himself to comprise in the pre- sent report. He has, for the most part, omit- ted details, as well to avoid fatiguing the attention of the House, as because more time would have been desirable even to digest the general prin- ciples of the plan. If these should be found right, the particular modifications will readily suggest themselves in the progress of the work.

The Secretary, in the views which have di- rected his pursuit of the subject, has been in- fluenced, in the first place, by the consideration that his duty, from the very terms of the resolu- tion of the House, obliged him to propose what appeared to him an adequate provision for the support of the public credit, adapted, at the same time, to the real circumstances of the United States; and, in the next, by the reflection that measures which will not bear the test of future unbiassed examination can neither be productive of individual reputation, nor (which is of much greater consequence) public honor or advantage.

Deeply impressed, as the Secretary is, with a full and deliberate conviction, that the establish- ment of public credit, upon the basis of a satis- factory provision for the public debt, is, under the present circumstances of the country, the true desideratum towards relief from individual and national embarrassments; that, without it, these embarrassments will be likely to press still more severely upon the community; he cannot but in- dulge an anxious wish that an effectual plan for that purpose may, during the present session, be the result of the united wisdom of the Legis- lature.

He is fully convinced that it is of the greatest importance that no further delay should attend the making of the requisite provision; not only because it will give a better impression of the good faith of the country, and will bring earlier relief to the creditors; both which circumstances are of great moment to public credit; but because the advantages to the community from raising stock as speedily as possible to its natural value will be incomparably greater than any that can result from its continuance below that standard. No profit which could be derived from purchases in the market, on account of the Government, to any practicable extent, would be an equivalent for the loss which would be sustained by the pur- chases of foreigners at a low value: not to repeat that governmental purchases, to be honorable, ought to be preceded by a provision. Delay, by disseminating doubt, would sink the price of stock; and as the temptation to foreign specu- lations from the lowness of price would be too great to be neglected, millions would probably be lost to the United States.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

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REPORT ON PUBLIC CREDIT.

TREASURY DEPARTMENT,
December 13, 1790.

In obedience to the order of the House of Repre- sentatives, of the ninth day of August last, re- quiring the Secretary of the Treasury to pre- pare and report, on this day, such further pro- vision as may, in his opinion, be necessary for establishing the public credit, the said Secretary respectfully reports:

That the object which appears to be most im- mediately essential to the further support of pub- lic credit, in pursuance of the plan adopted during the last session of Congress, is, the establishment of proper and sufficient funds, for paying the inter- est which will begin to accrue after the year one thousand seven hundred and ninety-one, on the amount of the debts of the several States, assumed by the United States; having regard, at the same time, to the probable or estimated deficiency in those already established, as they respect the ori- ginal debt of the Union.

In order to this, it is necessary, in the first place, to take a view of the sums requisite for those purposes.

	Dolls.	Cts.
The amount which has been assumed of the State debts, is	21,500,000	00
The sum of annual interest upon that amount, which, according to the terms of the proposed loan, will be- gin to accrue after the year one thou- sand seven hundred and ninety- one, is	788,333	33
The estimated deficiency, in the funds already established, as they respect the original debt of the United States, is	38,291	40
Making together	826,624	73

For the procuring of which sum, the reiterated reflections of the Secretary have suggested noth- ing so eligible and unexceptionable, in his judg- ment, as a further duty on foreign distilled spirits, and a duty on spirits distilled within the United States, to be collected in the mode delineated in the plan of a bill which forms a part of his re- port to the House of Representatives, of the ninth day of January last.

Under this impression, he begs leave, with all deference, to propose to the consideration of the House—

That the following additions be made to the duties on spirits imported from foreign countries, which are specified in the act making further provision for the payment of the debts of the United States, namely:

On those of the first class of proof therein mentioned, per gallon, eight cents.
On those of the second class, per gallon, eight and a half cents.

On those of the third class, per gallon, nine cents.
On those of the fourth class, per gallon, ten cents.
On those of the fifth class, per gallon, ten cents.
On those of the sixth class, per gallon, fifteen cents.
And that the following duties be laid on spirits distilled within the United States, namely:

If from molasses, sugar, or other foreign mate- rials, and of the said first class of proof, per gal- lon, eleven cents.
Of the said second class of proof, per gallon, twelve cents.

Of the said third class of proof, per gallon, thirteen cents.
Of the said fourth class of proof, per gallon, fifteen cents.
Of the said fifth class of proof, per gallon, twenty cents.

Of the said sixth class of proof, per gallon, thirty cents.
If from materials of the growth or production of the United States, distilled within any city, town, or village, and of the said first class of proof, per gallon, nine cents.
Of the said second class of proof, per gallon, ten cents.

Of the said third class of proof, per gallon, eleven cents.
Of the said fourth class of proof, per gallon, thirteen cents.

Of the said fifth class of proof, per gallon, seven- teen cents.
Of the said sixth class of proof, per gallon, twenty cents.

And upon each still, employed in distilling spirits from the like materials, in any other place than a city, town, or village, in lieu of the rates above mentioned, the yearly sum of sixty cents for every gallon English wine measure of the ca- pacity of such still including its head; exempt- ing, nevertheless, all such stills, within a certain defined dimension, as are used essentially for do- mestic purposes of their respective proprietors.

The product of these several duties (which correspond in their rates with those proposed in the report above referred to, of the ninth of Jan- uary last) may, upon as good grounds as the na- ture of the case will admit, prior to an experi- ment, be computed at eight hundred and seventy- seven thousand and five hundred dollars; the par- ticulars of which computation are contained in the statement which accompanies this report.

This computed product exceeds the sum which has been stated as necessary to be provided, by fifty thousand eight hundred and seventy-five dol- lars and twenty-seven cents; an excess, which, if it should be realized by the actual product, may be beneficially applied towards increasing the sinking fund.

The Secretary has been encouraged to renew the proposition of these duties, in the same form in which they were before submitted, from a be- lief, founded on circumstances which appeared in

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the different discussions on the subject, that collateral considerations, which were afterwards obviated, rather than objections to the measure itself, prevented its adoption during the last session; from the impracticability which he conceives to exist, of devising any substitute equally conducive to the ease and interest of the community; and from an opinion that the extension of the plan of collection, which it contemplates to the duties already imposed on wines and distilled spirits, is necessary to a well grounded reliance on their efficacy and productiveness.

The expediency of improving the resource of distilled spirits, as an article of revenue, to the greatest practicable extent, had been noticed upon another occasion. Various considerations might be added to those, then adduced, to evince it. But they are too obvious to justify the detail. There is scarcely an attitude in which the object can present itself, which does not invite, by all the inducements of sound policy and public good, to take a strong and effectual hold of it.

The manner of doing it, or, in other words, the mode of collection, appears to be the only point about which a difficulty or question can arise. If that suggested be liable to just objections, the united information and wisdom of the Legislative body ensure the substitution of a more perfect plan.

The Secretary, however, begs leave to remark, that there appear to him two leading principles; one or the other of which must necessarily characterize whatever plan may be adopted. One of them makes the security of the revenue to depend chiefly upon the vigilance of the public officers; the other rests it, essentially, on the integrity of the individuals, interested to avoid the payment of it.

The first is a basis of a plan submitted by the Secretary; the last has pervaded most, if not all the systems which have been hitherto practised upon in different parts of the United States. The oaths of the dealers have been almost the only security for their compliance with the laws.

It cannot be too much lamented, that these have been found an inadequate dependence. But experience has, on every trial, manifested them to be such. Taxes or duties, relying for their collection on that security, wholly, or almost wholly, are uniformly unproductive. And they cannot fail to be unequal, as long as men continue to be discriminated by unequal portions of rectitude. The most conscientious will pay most; the least conscientious, least.

The impulse of interest, always sufficiently great, acts with peculiar force in matters of this kind; in respect to which a loose mode of thinking is too apt to prevail. The want of a habit of appreciating properly the nature of the public rights, renders that impulse, in such cases, too frequently an overmatch for the sense of obligation; and the evasions, which are perceived or suspected to be practised by some, prompt others to imitation, by the powerful motive of self-defence. They infer, that they must follow the example, or be unable to maintain an advantage.

geous competition in the business; an alternative very perplexing to all but men of exact probity, who are thereby rendered, in a great measure, victims to a principle of legislation, which does not sufficiently accord with the bias of human nature. And thus the laws become sources of discouragement and loss to honest industry, and of profit and advantage to perjury and fraud.

It is a truth that cannot be kept too constantly in view, that all revenue laws, which are so constructed as to involve a lax and defective execution, are instruments of oppression to the most meritorious part of those on whom they immediately operate, and of additional burdens on the community at large.

The last effect is produced in two ways. The deficiencies in the funds (which, in the main, afford only partial exemptions) must be supplied from other taxes. And the charges of collection, which, in most cases, are nearly the same, whether a tax or duty yield much or little, occasion an accumulation of the ultimate expense of furnishing a given sum to the Treasury.

Another, and a very serious evil, chargeable on the system opposite to that proposed, is, that it leads to frequent and familiar violations of oaths; which, by loosening one of the strongest bands of society, and weakening one of the principal securities to life and property, offends not less against the maxims of good government and sound policy, than against those of religion and morality.

It may not be improper further to remark, that the two great objections to the class of duties denominated excises, are inapplicable to the plan suggested. These objections are:

First. The summary jurisdiction confided to the officers of excise; in derogation from the course of the common law, and the right of trial by jury.

And, secondly. The general power vested in the same officers of visiting and searching indiscriminately the houses, stores, and other buildings of the dealers in excise articles. But by the plan proposed, the officers to be employed are to be clothed with no such summary jurisdiction, and their discretionary power of visiting and searching is to be restricted to those places, which the dealers themselves shall designate by public insignia or marks, as the depositories of the articles on which the duties are to be laid. Hence it is one of the recommendations of the plan, that it is not liable to those objections.

Duties of the kind proposed are not novel in the United States; as has been intimated in another place. They have existed to a considerable extent, under several of the State Governments, particularly in Massachusetts, Connecticut, and Pennsylvania. In Connecticut, a State exemplary for its attachment to popular principles, not only all attendant spirits, but foreign articles of consumption, generally, have been the subjects of an excise, or inland duty.

If the supposition, that duties of this kind are attended with greater expense in the collection than taxes on land, should seem an argument for preferring the latter, it may be observed, that the

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fact ought not too readily to be taken for granted. The state of things in England is sometimes referred to as an example on this point. But there the smallness of the expense in the collection of the land tax is to be ascribed to the peculiar modification of it; which proceeding, without new assessments, according to a fixed standard long since adjusted, totally disregards the comparative value of lands and the variations in their value. The consequence of this is an inequality, so palpable and extreme, as would be likely to be ill relished by the landholders of the United States. If, in pursuit of greater equality, accurate periodical valuations or assessments are to afford a rule, it may well be doubted whether the expense of a land-tax will not always exceed that of the kind of duties proposed.

The ingenious but fallacious hypothesis, that all taxes on consumption fall finally, with accumulated weight, on land, is now too generally and too satisfactorily exploded, to require to be combated here. It has become an acknowledged truth, that in the operation of those taxes, every species of capital and industry contribute their proportion to the revenue; and, consequently, that as far as they can be made substitutes for taxes on lands, they serve to exempt them from an undue share of the public burden.

Among other substantial reasons which recommend, as a provision for the public debt, duties upon articles of consumption, in preference to taxes on houses and lands, is this: It is very desirable, if practicable, to reserve the latter fund for objects and occasions, which will more immediately interest the sensibility of the whole community, and more directly affect the public safety. It will be a consoling reflection, that so capital a resource remains untouched by their provision, which, while it will have a very material influence in favor of public credit, will be also conducive to the tranquillity of the public mind in respect to external danger, and will really operate as a powerful guarantee of peace.

In proportion as the estimation of our resources is exalted in the eyes of foreign nations, the respect for us must increase, and this must beget a proportionable caution neither to insult nor injure us with levity; while, on the contrary, the appearance of exhausted resources (which would perhaps be a consequence of mortgaging the revenue to be derived from land, for the interest of the public debt) might tend to invite both insult and injury, by inspiring an opinion, that our efforts to resist or repel them were little to be dreaded.

It may not be unworthy of reflection, that while the idea of residuary resources, in so striking a particular, cannot fail to have many beneficial consequences, the suspension of taxes on real estates can as little fail to be pleasing to the mass of the community; and it may reasonably be presumed, that so provident a forbearance on the part of the Government will insure a more cheerful acquiescence on that part of the class of the community immediately to be affected, whenever experience and the exigency of conjunctures shall dictate a resort to that species of revenue.

But in order to be at liberty to pursue this salutary course, it is indispensable that an efficacious use should be made of those articles of consumption which are the most proper and the most productive; to which class distilled spirits very evidently belong; and a prudent energy will be requisite, as well in relation to the mode of collection, as to the quantum of the duty.

It need scarcely be observed that the duties on the great mass of imported articles have reached a point which it would not be expedient to exceed. There is, at least, satisfactory evidence that they cannot be extended further without contravening the sense of the body of the merchants; and though it is not to be admitted as a general rule that this circumstance ought to conclude against the expediency of a public measure, yet when due regard is had to the disposition which that enlightened class of citizens has manifested towards the National Government—to the alacrity with which they have hitherto seconded its operation—to the accommodating temper with which they look forward to those additional impositions on the objects of trade, which are to commence with the ensuing year, and to the greatness of the innovation which, in this particular, has already taken place in the former state of things, there will be perceived to exist the most solid reasons against lightly passing the bounds which coincide with their impressions of what is reasonable and proper. It would be, in every view, inauspicious to give occasion for a supposition that trade alone is destined to feel the immediate weight of the hand of Government, in every new emergency of the Treasury.

However true, as a general position, that the consumer pays the duty, yet it will not follow, that trade may not be essentially distressed and injured, by carrying duties on importation to a height which is disproportionate to the mercantile capital of the country. It may not only be the cause of diverting too large a share of it from the exigencies of business, but as the requisite advances to satisfy the duties will, in many, if not in most cases, precede the receipts, from the sale of the articles on which they are laid, the consequence will often be sacrifices which the merchant cannot afford to make.

The inconvenience of exceeding the proper limit, in this respect, which will be felt every where, will fall with particular severity on those places which have not the advantage of public banks, and which abound least in pecuniary resources. Appearances do not justify such an estimate of the extent of the mercantile capital of the United States, as to encourage the material accumulation on the already considerable rates of the duties on the mass of foreign importation.

Another motive for caution on this point arises from the reflection that the effect of an important augmentation, made by law of the last session, is hitherto a mere matter of speculative calculation, and has not yet even begun to be tried.

It is presumable, too, that a still further augmentation would have an influence the reverse of favorable to the public credit. The operation

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would be apt to be regarded as artificial; as destitute of solidity; as presenting a numerical increase, but involving an actual diminution of revenue. The distrust of the efficacy of the present provision might also be accompanied with a doubt of a better substitute hereafter. The inference would not be unnatural that a defect of other means, or an inability to command them, could alone have given birth to so unpromising an effort to draw all from one source.

A diversification of the nature of the funds is desirable on other accounts. It is clear that less dependence can be placed on one species of funds, and that, too, liable to the vicissitudes of the continuance, or interruption of foreign intercourse, than upon a variety of different funds formed by the union of internal with external objects.

The inference, from these various and important considerations seems to be, that to attempt to extract wholly from duties on imported articles the sum necessary to a complete provision for the public debt, would probably be both deceptive and pernicious—incompatible with the interests, not less of revenue than of commerce—that resources of a different kind must of necessity be explored, and the selection of the most fit objects is the only thing which ought to occupy inquiry.

Besides the establishment of supplementary funds, it is requisite to the support of the public credit that those established should stand upon a footing which will give all reasonable assurance of their effectual collection.

Among the articles enumerated in the act making further provision for the payment of the public debt of the United States, there are two, wines and teas, in regard to which some other regulations than have yet been adopted seem necessary for the security of the revenue, and desirable for the accommodation of the merchant.

With these views it is submitted that the term for the payment of the duties on wines be enlarged, as it respects Madeira wines, to eighteen months; and as it respects other wines, to nine months; and that they be collected on a plan similar to that proposed in relation to imported distilled spirits.

And that a third option (two being allowed by the present law) be given to the importers of teas, which shall be to give bond without surety for the amount of duty in each case, payable in two years, upon the following terms:

The teas to be deposited at the expense and risk of the importer in storerooms to be agreed upon between him and the proper officer of the revenue; each storeroom having two locks, the key of one of which to be in the custody of the importer or his agent, and the key of the other of which to be in the custody of an officer, whose duty it shall be made to attend, at all reasonable times, for the purpose of deliveries.

These deliveries, whether for home sale, or for exportation to a foreign country, to be warranted by permits from the chief officer of inspection of the place.

If for home sale, the permits to be granted after the duties shall have been paid, or secured to be paid.

When the amount of the duties shall not exceed one hundred dollars, four months to be allowed for payment. When it shall exceed one hundred dollars, and not exceed five hundred dollars, the term of payment to be eight months; and twelve months whenever the amount shall exceed five hundred dollars: *Provided*, That the credit shall in no case extend beyond the period of two years originally allowed for the entire sum. If the duties on the whole quantity deposited shall not have been paid, or secured to be paid, before the expiration of that time, it shall be lawful for the proper officer to cause a sale to be made of so much as shall be sufficient to discharge what shall remain unsatisfied. In every case, it shall be at the option of the party applying for the permit, either to pay the amount of the duties on the quantity to be delivered, or to give bond for it, with one or more sureties, to the satisfaction of the officer whose province it shall be to grant the permit.

If the deliveries are to be made for exportation, the permits to be granted upon bond being entered into to secure and ascertain the exportation. This may require some alterations of form, in the manner of proceeding, relatively to the exportation of this article.

All teas to be landed under the care of the inspectors of the revenue, the chests and other packages containing them to be marked, and certificates which shall accompany them to be granted, as in the case of distilled spirits.

To these more direct expedients for the support of public credit, the institution of a National Bank presents itself as a necessary auxiliary. This, the Secretary regards as an indispensable engine in the administration of the finances. To present this important object in a more distinct and more comprehensive light, he has concluded to make it the subject of a separate Report, which he begs leave herewith to submit.

All which is humbly submitted,
ALEXANDER HAMILTON,
Secretary of the Treasury.

Estimate of the probable product of the Funds, proposed in the annexed Report.

4,000,000 gallons of distilled spirits imported from foreign countries, at eight cents per gallon	\$320,000
3,500,000 gallons of spirits, distilled in the United States from foreign materials, at eleven cents per gallon	385,000
3,000,000 gallons distilled from materials of the United States, at nine cents per gallon	270,000
Total	\$975,000
Deduct for drawbacks, and expense of collection, 10 per cent.	97,500
Nett product	\$877,500

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REPORT ON A NATIONAL BANK.

Communicated to the House of Representatives.
December 14, 1790.

TREASURY DEPARTMENT,
December 13, 1790.

In obedience to the order of the House of Representatives, of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report, on this day, such further provision as may, in his opinion, be necessary for establishing the public credit, the said Secretary further respectfully reports:

That, from a conviction (as suggested in his Report now presented) that a National Bank is an institution of primary importance to the prosperous administration of the finances, and would be of the greatest utility in the operations connected with the support of the public credit, his attention has been drawn to devising the plan of such an institution, upon a scale which will entitle it to the confidence, and be likely to render it equal to the exigencies of the public.

Previously to entering upon the detail of this plan, he entreats the indulgence of the House towards some preliminary reflections naturally arising out of the subject, which he hopes will be deemed neither useless nor out of place. Public opinion being the ultimate arbiter of every measure of Government, it can scarcely appear improper, in deference to that, to accompany the origination of any new proposition with explanations, which the superior information of those to whom it is immediately addressed would render superfluous.

It is a fact, well understood, that public banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England, and France, as well as in the United States. And it is a circumstance which cannot but have considerable weight, in a candid estimate of their tendency, that, after an experience of centuries, there exists not a question about their utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it.

Trade and industry, wherever they have been tried, have been indebted to them for important aid. And Government has been repeatedly under the greatest obligations to them in dangerous and distressing emergencies. That of the United States, as well in some of the most critical conjunctures of the late war, as since the peace, has received assistance from those established among us, with which it could not have dispensed.

With this twofold evidence before us, it might be expected that there would be a perfect union of opinions in their favor. Yet doubts have been entertained; jealousies and prejudices have circulated; and, though the experiment is every day dissipating them, within the spheres in which their effects are best known, yet there are still persons

by whom they have not been entirely renounced. To give a full and accurate view of the subject, would be to make a treatise of a report; but there are certain aspects in which it may be cursorily exhibited, which may perhaps conduce to a just impression of its merits. These will involve a comparison of the advantages with the disadvantages, real or supposed, of such institutions.

The following are among the principal advantages of a Bank:

First. The augmentation of the active or productive capital of a country. Gold and silver, when they are employed merely as the instruments of exchange and alienation, have been not improperly denominated dead stock; but when deposited in banks, to become the basis of a paper circulation, which takes their character and place, as the signs or representatives of value, they then acquire life, or, in other words, an active and productive quality. This idea, which appears rather subtle and abstract, in a general form, may be made obvious and palpable, by entering into a few particulars. It is evident, for instance, that the money which the merchant keeps in his chest, waiting for a favorable opportunity to employ it, produces nothing till that opportunity arrives. But if, instead of locking it up in this manner, he either deposits it in a bank, or invests it in the stock of a bank, it yields a profit during the interval, in which he partakes, or not, according to the choice he may have made of being a depositor or a proprietor; and when any advantageous speculation offers, in order to be able to embrace it, he has only to withdraw his money, if a depositor, or if a proprietor, to obtain a loan from the bank, or to dispose of his stock—an alternative seldom or never attended with difficulty, when the affairs of the institution are in a prosperous train. His money, thus deposited or invested, is a fund upon which himself and others can borrow to a much larger amount. It is a well established fact, that banks in good credit can circulate a far greater sum than the actual quantum of their capital in gold and silver. The extent of the possible excess seems indeterminate; though it has been conjecturally stated at the proportions of two and three to one. This facility is produced in various ways.

1st. A great portion of the notes which are issued, and pass current as cash, are indefinitely suspended in circulation, from the confidence which each holder has, that he can, at any moment, turn them into gold and silver. 2dly. Every loan which a bank makes, is, in its first shape, a credit given to the borrower on its books, the amount of which it stands ready to pay, either in its own notes, or gold or silver, at his option. But, in a great number of cases, no actual payment is made in either. The borrower frequently, by a check or order, transfers his credit to some other person, to whom he has a payment to make; who, in his turn, is as often content with a similar credit, because he is satisfied that he can, whenever he pleases, either convert it into cash, or pass it to some other hand, as an equivalent for it. And in this manner the credit keeps circulating, performing

ing in every stage the office of money, till it is extinguished by a discount with some person who has a payment to make to the bank, to an equal or greater amount. Thus large sums are lent and paid, frequently through a variety of hands, without the intervention of a single piece of coin. 3dly. There is always a large quantity of gold and silver in the repositories of the bank, besides its own stock, which is placed there, with a view partly to its safe keeping, and partly to the accommodation of an institution, which is itself a source of general accommodation. These deposits are of immense consequence in the operations of a bank. Though liable to be redrawn at any moment, experience proves, that the money so much oftener changes proprietors than place, and that what is drawn out is generally so speedily replaced as to authorize the counting upon the sums deposited with the stock of the bank, enables it to extend its loans, and to answer all the demands for coin, whether in consequence of these loans, or arising from the occasional return of its notes.

These different circumstances explain the manner in which the ability of a bank to circulate a greater sum than its actual capital in coin is acquired. This, however, must be gradual, and must be preceded by a firm establishment of confidence—a confidence which may be bestowed on the most rational grounds, since the excess in question will always be bottomed on good security of one kind or another. This every well conducted bank carefully requires, before it will consent to advance either its money or its credit, and where there is an auxiliary capital, (as will be the plan hereafter submitted,) which, together with the capital in coin, define the boundary that shall not be exceeded by the engagements of the bank, the security may, consistently with all the maxims of a reasonable circumspection, be regarded as complete.

The same circumstance illustrates the truth of the position, that it is one of the properties of banks to increase the active capital of a country. This, in other words, is the sum of them: the money of one individual, while he is waiting for an opportunity to employ it, by being either deposited in the bank for safe keeping, or invested in its stock, is in a condition to administer to the wants of others, without being put out of his own reach when occasion presents. This yields an extra profit, arising from what is paid for the use of his money by others, when he could not himself make use of it, and keeps the money itself in a state of incessant activity. In the almost infinite vicissitudes and competitions of mercantile enterprise, there never can be danger of an intermission of demand, or that the money will remain for a moment idle in the vaults of the bank. This additional employment given to money, and the faculty of a bank to lend and circulate a greater sum than the amount of its stock in coin, are, to all the purposes of trade and industry, an absolute increase of capital. Purchases and undertakings, in general, can be carried on by any given sum of bank paper or credit, as effectually as by an equal

sum of gold and silver. And thus, by contributing to enlarge the mass of industrious and commercial enterprise, banks become nurseries of national wealth—a consequence as satisfactorily verified by experience as it is clearly deductible in theory.

Secondly. Greater facility to the Government in obtaining pecuniary aids, especially in sudden emergencies. This is another, and an undisputed advantage of public banks—one which, as already remarked, has been realized in signal instances among ourselves. The reason is obvious; the capitals of a great number of individuals are, by this operation, collected to a point, and placed under one direction. The mass formed by this union, is, in a certain sense, magnified by the credit attached to it; and while this mass is always ready, and can at once be put in motion, in aid of the Government, the interest of the bank to afford that aid, independent of regard to the public safety and welfare, is a sure pledge for its disposition to go as far in its compliances as can in prudence be desired. There is, in the nature of things, as will be more particularly noticed in another place, an intimate connexion of interest between the Government and the bank of a nation.

Thirdly. The facilitating of the payment of taxes. This advantage is produced in two ways. Those who are in a situation to have access to the bank, can have the assistance of loans, to answer, with punctuality, the public calls upon them. This accommodation has been sensibly felt in the payment of the duties heretofore laid by those who reside where establishments of this nature exist. This, however, though an extensive, is not a universal benefit. The other way in which the effect here contemplated is produced, and in which the benefit is general, is the increasing of the quantity of circulation. The manner in which the first happens has already been traced. The last may require some illustration. When payments are to be made between different places, having an intercourse of business with each other, if there happens to be no private bills at market, and there are no bank notes which have a currency in both, the consequence is, that coin must be remitted. This is attended with trouble, delay, expense, and risk. If, on the contrary, there are bank notes current in both places, the transmission of these by the post, or any other speedy or convenient conveyance, answers the purpose; and these again, in the alternations of demand, are frequently returned, very soon after, to the place from whence they were first sent; whence the transportation and re-transportation of the metals are obviated, and a more convenient and more expeditious medium of payment is substituted. Nor is this all; the metals, instead of being suspended from their usual functions during this process of vibration from place to place, continue in activity, and administer still to the ordinary circulation, which, of course, is prevented from suffering either diminution or stagnation. These circumstances are additional causes of what, in a practical sense, or to the purposes of business, may be called greater

plenty of money. And it is evident, that whatever enhances the quantity of circulating money adds to the ease with which every industrious member of the community may acquire that portion of it of which he stands in need, and enables him the better to pay his taxes, as well as to supply his other wants. Even where the circulation of the bank paper is not general, it must still have the same effect, though in a less degree. For, whatever furnishes additional supplies to the channels of circulation, in one quarter, naturally contributes to keep the stream fuller elsewhere. This last view of the subject serves both to illustrate the position that banks tend to facilitate the payment of taxes, and to exemplify their utility to business of every kind in which money is an agent.

It would be to intrude too much on the patience of the House to prolong the details of the advantages of banks; especially, as all those which might still be particularized, are readily to be inferred as consequences from those which have been enumerated. Their disadvantages, real or supposed, are now to be reviewed. The most serious of the charges which have been brought against them, are,

That they serve to increase usury;

That they tend to prevent other kinds of lending;

That they furnish temptations to overtrading;

That they afford aid to ignorant adventurers,

who disturb the natural and beneficial course of trade;

That they give to bankrupt and fraudulent traders, a fictitious credit, which enables them to maintain false appearances, and to extend their impositions; and lastly,

That they have a tendency to banish gold and silver from the country.

There is great reason to believe, that, on a close and candid survey, it will be discovered that these charges are either destitute of foundation, or that, as far as the evils they suggest have been found to exist, they have proceeded from other, or partial, or temporary causes, are not inherent in the nature and permanent tendency of such institutions, or are more than counterbalanced by opposite advantages. This survey shall be had in the order in which the charges have been stated. The first of them, is—

That banks serve to increase usury. It is a truth, which ought not to be denied, that the method of conducting business, which is essential to bank operations, has, among us in particular instances, given occasion to usurious transactions. The punctuality in payments, which they necessarily exact, has sometimes obliged those who have adventured beyond both their capital and their credit, to procure money at any price, and, consequently, to resort to usurers for aid.

But experience and practice gradually bring a cure for this evil. A general habit of punctuality among traders is the natural consequence of the necessity of observing it with the bank; a circumstance which itself more than compensates for the evil.

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sates for any occasional ill which may have sprung from that necessity in the particular under consideration. As far, therefore, as traders depend on each other for pecuniary supplies they can calculate their expectations with greater certainty; and are in proportionably less danger of disappointments, which might compel them to have recourse to so pernicious an expedient as that of borrowing at usury; the mischiefs of which, after a few examples, naturally inspire great care in all but men of desperate circumstances, to avoid the possibility of being subjected to them. One, and not the least of these evils, incident to the use of that expedient, if the fact be known, or even strongly suspected, is loss of credit with the bank itself.

The directors of a bank, too, though in order to extend its business and its popularity in the infancy of an institution, they may be tempted to go further in accommodation than the strict rules of prudence will warrant, grow more circumspect, and as its affairs become better established, and as evils of too great facility are experimentally demonstrated. They become more attentive to the situation and conduct of those with whom they deal; they observe more narrowly their operations and pursuits; they economize the credit they give to those of suspicious solidity; they refuse it to those whose career is more manifestly hazardous. In a word, in the course of practice, from the very nature of things, the interest will make it the policy of a bank to succor the wary and industrious; to discredit the rash and unthrifty; to discountenance both usurious lenders and usurious borrowers.

There is a leading view in which the tendency of banks will be seen to be to abridge rather than to promote usury. This relates to their property of increasing the quantity and quickening the circulation of money. If it be evident that usury will prevail or diminish according to the proportion which the demand for borrowing bears to the quantity of money at market to be lent; what ever has the property just mentioned, whether it be in the shape of paper or coin, by contributing to render the supply more equal to the demand, must tend to counteract the progress of usury.

But bank lending, it is pretended, is an impediment to other kinds of lending; which, by confining the resource of borrowing to a particular class, leaves the rest of the community more destitute, and, therefore, more exposed to the extortions of usurers. As the profits of bank stock exceed the legal rate of interest, the possessors of money, it is urged, prefer investing it in that article to lending it at this rate; to which there are the additional motives of a more prompt command of the capital, and of more frequent and exact returns, without trouble or perplexity in the collection. This constitutes the second charge which has been enumerated.

The fact on which this charge rests is not to be admitted without several qualifications; particularly in reference to the state of things in this country.

First. The great bulk of the stock of a bank

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will consist of the funds of men in trade among ourselves, and moneyed foreigners; the former of whom could not spare their capitals out of their reach, to be invested on loans for long periods on mortgages or personal security; and the latter of whom would not be willing to be subjected to the casualties, delays, and embarrassments of such a disposition of their money in a distant country.

Secondly. There will always be a considerable proportion of those who are properly the money lenders of a country, who, from that spirit of caution which usually characterizes this description of men, will incline rather to vest their funds in mortgages on real estate than in the stock of a bank, which they are apt to consider as a more precarious security.

These considerations serve, in a material degree, to narrow the foundation of the objection as to the point of fact. But there is a more satisfactory answer to it. The effect supposed, as far as it has existence, is temporary. The reverse of it takes place in the general and permanent operation of the thing.

The capital of every public bank will, of course, be restricted within a certain defined limit. It is the province of legislative prudence so to adjust this limit that, while it will not be too contracted for the demand which the course of business may create, and for the security which the public ought to have for the solidity of the paper which may be issued by the bank, it will still be within the compass of the pecuniary resources of the community; so that there may be an easy practicability of completing the subscriptions to it. When this is once done, the supposed effect of necessity ceases. There is then no longer room for the investment of any additional capital. Stock may, indeed, change hands by one person selling and another buying, but the money which the buyer takes out of the common mass to purchase the stock the seller redeems and restores to it. Hence, the future surpluses which may accumulate must take their natural course, and lending at interest must go on as if there were no such institution.

It must, indeed, flow in a more copious stream. The bank furnishes an extraordinary supply for borrowers within its immediate sphere. A larger supply consequently remains for borrowers elsewhere. In proportion as the circulation of the bank is extended, there is an augmentation of the aggregate mass of money for answering the aggregate mass of demand. Hence greater facility in obtaining it for every purpose.

It ought not to escape without a remark, that, as far as the citizens of other countries become adventurers in the bank, there is a positive increase of the gold and silver of the country. It is true that from this a half-yearly rent is drawn back, accruing from the dividends upon the stock. But as this rent arises from the employment of the capital by our own citizens, it is probable that it is more than replaced by the profits of that employment. It is also likely that a part of it is, in the course of trade, converted into the products of

our country; and it may even prove an incentive in some cases to emigration to a country in which the character of citizen is as easy to be acquired as it is estimable and important. This view of the subject furnishes an answer to an objection which has been deduced from the circumstance here taken notice of, namely, the income resulting to foreigners from the part of the stock owned by them, which has been represented as tending to drain the country of its specie. In this objection, the original investment of the capital, and the constant use of it afterwards, seem both to have been overlooked.

That banks furnish temptations to overtrading is the third of the enumerated objections. This must mean that, by affording additional aids to mercantile enterprise, they induce the merchant sometimes to adventure beyond the prudent or salutary point. But the very statement of the thing shows that the subject of the charge is an occasional ill incident to a general good. Credit of every kind (as a species of which, only, can bank-lending have the effect supposed) must be, in different degrees, chargeable with the same inconvenience. It is even applicable to gold and silver when they abound in circulation. But would it be wise, on this account, to decry the precious metals, to root out credit, or to proscribe the means of that enterprise which is the mainspring of trade, and a principal source of national wealth, because it now and then runs into excesses, of which overtrading is one?

If the abuses of a beneficial thing are to determine its condemnation, there is scarcely a source of public prosperity which will not speedily be closed. In every case the evil is to be compared with the good; and in the present case such a comparison would issue in this, that the new and increased energies derived to commercial enterprise from the aid of banks are a source of general profit and advantage, which greatly outweigh the partial ills of the overtrading of a few individuals at particular times, or of numbers in particular conjunctures.

The fourth and fifth charges may be considered together. These relate to the aid which is sometimes afforded by banks to unskilful adventurers and fraudulent traders. These charges, also, have some degree of foundation, though far less than has been pretended; and they add to the instances of partial ills, connected with more extensive and overbalancing benefits.

The practice of giving fictitious credit to improper persons is one of those evils which experience, guided by interest, speedily corrects. The bank itself is in so much jeopardy of being a sufferer by it, that it has the strongest of all inducements to be on its guard. It may not only be injured immediately by the delinquencies of the persons to whom such credit is given, but eventually by the incapacities of others whom their impositions or failures may have ruined.

Nor is there much danger of a bank's being betrayed into this error from want of information. The directors themselves being, for the most part, selected from the class of traders, are to be ex-

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pected to possess individually an accurate knowledge of the character and situation of those who come within that description. And they have, in addition to this, the course of dealing of the persons themselves with the bank to assist their judgment, which is, in most cases, a good index of the state in which those persons are. The artifices and shifts, which those in desperate or declining circumstances are obliged to employ to keep up the countenance which the rules of the bank require, and the train of their connexions, are so many prognostics, not difficult to be interpreted, of the fate which awaits them. Hence, it not unfrequently happens that banks are the first to discover the unsoundness of such characters, and by withholding credit to announce to the public that they are not entitled to it.

If banks, in spite of every precaution, are sometimes betrayed into giving a false credit to the persons described, they more frequently enable honest and industrious men of small, or, perhaps, of no capital, to undertake and prosecute business with advantage to themselves and to the community; and to assist merchants, of both capital and credit, who meet with fortuitous and unforeseen shocks, which might, without such helps, prove fatal to them and to others, to make head against their misfortunes, and, finally, to retrieve their affairs—circumstances which form no inconsiderable encomium on the utility of banks.

But, the last and heaviest charge is still to be examined: that is, that banks tend to banish the gold and silver of the country.

The force of this objection rests on their being an engine of paper credit, which, by furnishing a substitute for the metals, is supposed to promote their exportation. It is an objection which, if it has any foundation, lies not against banks peculiarly, but against every species of paper credit.

The most common answer given to it is, that the thing supposed is of little or no consequence; that it is immaterial what serves the purpose of money, whether paper, or gold and silver; that the effect of both upon industry is the same; and that the intrinsic wealth of a nation is to be measured, not by the abundance of the precious metals contained in it, but by the quantity of the productions of its labor and industry.

This answer is not destitute of solidity, though not entirely satisfactory. It is certain that the vivification of industry, by a full circulation, with the aid of a proper and well regulated paper credit, may more than compensate for the loss of a part of the gold and silver of a nation, if the consequence of avoiding that loss should be a scanty or defective circulation.

But the positive and permanent increase or decrease of the precious metals in a country can hardly ever be a matter of indifference. As the commodity taken in lieu of every other, it is a species of the most effective wealth; and as the money of the world, it is of great concern to the State that it possess a sufficiency of it to face any demands which the protection of its external interests may create.

The objection seems to admit of another and a

more conclusive answer, which controverts the fact itself. A nation that has no mines of its own must derive the precious metals from others; generally speaking, in exchange for the products of its labor and industry. The quantity it will possess will, therefore, in the ordinary course of things, be regulated by the favorable or unfavorable balance of its trade; that is, by the proportion between its abilities to supply foreigners and its wants of them; between the amount of its exportations and that of its importations. Hence, the state of its agriculture and manufactures, the quantity and quality of its labor and industry, must, in the main, influence and determine the increase or decrease of its gold and silver.

If this be true, the inference seems to be that well constituted banks favor the increase of the precious metals. It has been shown that they augment, in different ways, the active capital of a country. This it is which generates employment; which animates and expands labor and industry. Every addition which is made to it, by contributing to put in motion a greater quantity of both, tends to create a greater quantity of the products of both; and by furnishing more materials for exportation, conduces to a favorable balance of trade, and, consequently, to the introduction and increase of gold and silver.

This conclusion appears to be drawn from solid premises. There are, however, objections to be made to it.

It may be said, that as bank paper affords a substitute for specie, it serves to counteract that rigorous necessity for the metals as a medium of circulation, which, in the case of a wrong balance, might restrain in some degree their exportation; and it may be added that, from the same cause, in the same case it would retard those economical and parsimonious reforms in the manner of living which the scarcity of money is calculated to produce, and which might be necessary to rectify such wrong balance.

There is, perhaps, some truth in both these observations; but they appear to be of a nature rather to form exceptions to the generality of the conclusion than to overthrow it. The state of things in which the absolute exigencies of circulation can be supposed to resist, with any effect, the urgent demands for specie which a wrong balance of trade may occasion, presents an extreme case. And a situation in which a too expensive manner of living of a community, compared with its means, can stand in need of a corrective from distress or necessity, is one which, perhaps, rarely results but from extraordinary and adventitious causes; such, for example, as a national revolution, which unsettles all the established habits of the people, and inflames the appetite for extravagance, by the illusions of an ideal wealth, engendered by the continual multiplication of a depreciating currency, or some similar cause. There is good reason to believe that where the laws are wise and well executed, and the inviolability of property and contracts maintained, the economy of a people will, in the general course of things, correspond with its means.

The support of industry is, probably, in every case, of more consequence towards correcting a wrong balance of trade than any practicable re-trenchments in the expenses of families or individuals; and the stagnation of it would be likely to have more effect in prolonging than any such savings in shortening its continuance. That stagnation is a natural consequence of an inadequate medium, which, without the aid of bank circulation, would, in the cases supposed, be severely felt.

It also deserves notice, that as the circulation is always in a compound ratio to the fund upon which it depends, and to the demand for it, and as that fund is itself affected by the exportation of the metals, there is no danger of its being overstocked, as in the case of paper issued at the pleasure of the Government, or of its preventing the consequences of any unfavorable balance from being sufficiently felt to produce the reforms alluded to, as far as circumstances may require and admit.

Nothing can be more fallible than the comparisons which have been made between different countries, to illustrate the truth of the position under consideration. The comparative quantity of gold and silver in different countries depends upon an infinite variety of facts and combinations, all of which ought to be known, in order to judge whether the existence or non-existence of paper currencies has any share in the relative proportions they contain. The mass and value of the productions of the labor and industry of each compared with its wants; the nature of its establishments abroad; the relation it bears to the countries which are the original possessors of those metals; the privileges it enjoys in their trade; these, and a number of other circumstances, are all to be taken into the account, and render the investigation too complex to justify any reliance on the vague and general surmises which have been hitherto hazarded on the point.

In the foregoing discussion the objection has been considered as applying to the permanent expulsion and diminution of the metals. Their temporary exportation for particular purposes has not been contemplated. This, it must be confessed, is facilitated by banks, from the facility they possess of supplying their place. But their utility is in nothing more conspicuous than in these very cases. They enable the Government to pay its foreign debts, and to answer any exigencies which the external concerns of the community may have produced. They enable the merchant to support his credit, (on which the prosperity of trade depends,) when special circumstances prevent remittances in other modes. They enable him also to prosecute enterprises which ultimately tend to an augmentation of the species of wealth in question.

It is evident that gold and silver may often be employed in procuring commodities abroad, which, in a circuitous commerce, replace the original fund with considerable addition. But it is not to

be inferred from this facility given to temporary exportation, that banks, which are so friendly to trade and industry, are, in their general tendency, inimical to the increase of the precious metals.

These several views of the subject appear sufficient to impress a full conviction of the utility of banks, and to demonstrate that they are of great importance, not only in relation to the administration of the finances, but in the general system of political economy.

The judgment of many concerning them has, no doubt, been perplexed by the misinterpretation of appearances which were to be ascribed to other causes. The general devastation of personal property, occasioned by the late war, naturally produced, on the one hand, a great demand for money, and, on the other, a great deficiency of it which grew out of the public distresses, by impairing confidence, and causing a part of the inadequate sum in the country to be locked up, aggravated the evil.

The dissipated habits contracted by many individuals during the war, which, after the peace, plunged them into expenses beyond their incomes; the number of adventurers without capital, and, in many instances, without information, who at that epoch rushed into trade, and were obliged to make any sacrifices to support a transient credit; the employment of considerable sums in speculations upon the public debt, which, from its unsettled state, was incapable of becoming itself a substitute; all these circumstances concurring, necessarily led to usurious borrowing, produced most of the inconveniences, and were the true causes of most of the appearances which, where banks were established, have been by some erroneously placed to their account—a mistake which they might easily have avoided by turning their eyes towards places where there were none, and where, nevertheless, the same evils would have been perceived to exist, even in a greater degree than where those institutions had obtained.

These evils have either ceased, or been greatly mitigated. Their more complete extinction may be looked for from that additional security to property which the Constitution of the United States happily gives; (a circumstance of prodigious moment in the scale, both of public and private prosperity,) from the attraction of foreign capital, under the auspices of that security, to be employed upon objects and in enterprises for which the state of this country opens a wide and inviting field; from the consistency and stability which the public debt is fast acquiring, as well in the public opinion at home and abroad, as, in fact, from the augmentation of capital which that circumstance and the quarter-yearly payment of interest will afford; and from the more copious circulation which will be likely to be created by a well constituted National Bank.

The establishment of banks in this country seems to be recommended by reasons of a peculiar nature. Previously to the Revolution, circulation was in a great measure carried on by paper emitted by the several local Governments. In Penna-

sylvania alone, the quantity of it was near a million and a half of dollars.

This auxiliary may be said to be now at an end. And it is generally supposed that there has been, for some time past, a deficiency of circulating medium. How far that deficiency is to be considered as real or imaginary, is not susceptible of demonstration; but there are circumstances and appearances which, in relation to the country at large, countenance the supposition of its reality.

The circumstances are, besides the fact just mentioned respecting paper emissions, the vast tracts of waste land, and the little advanced state of manufactures. The progressive settlement of the former, while it promises ample retribution, in the generation of future resources, diminishes or obstructs, in the mean time, the active wealth of the country. It not only draws off a part of the circulating money, and places it in a more passive state, but it diverts into its own channels a portion of that species of labor and industry which would otherwise be employed in furnishing materials for foreign trade, and which, by contributing to a favorable balance, would assist the introduction of specie.

In the early periods of new settlements, the settlers not only furnish no surplus for exportation, but they consume a part of that which is produced by the labor of others. The same thing is a cause that manufactures do not advance, or advance slowly. And notwithstanding some hypotheses to the contrary, there are many things to induce a suspicion that the precious metals will not abound in any country which has not mines, or variety of manufactures. They have been sometimes acquired by the sword; but the modern system of war has expelled this resource, and it is one upon which it is to be hoped the United States will never be inclined to rely.

The appearances alluded to are, greater prevalence of direct barter, in the more interior districts of the country, which, however, has been for some time past gradually lessening; and greater difficulty, generally, in the advantageous alienation of improved real estate; which, also, has of late diminished, but is still seriously felt in different parts of the Union. The difficulty of getting money, which has been a general complaint, is not added to the number; because it is the complaint of all times, and one in which imagination must ever have too great scope to permit an appeal to it.

If the supposition of such a deficiency be in any degree founded, and some aid to circulation be desirable, it remains to inquire what ought to be the nature of that aid.

The emitting of paper money by the authority of Government, is wisely prohibited to the individual States by the national Constitution, and the spirit of that prohibition ought not to be disregarded by the Government of the United States. Though paper emissions, under a general authority, might have some advantage not applicable, and be free from some disadvantages which are applicable to the like emissions by the States,

separately, yet they are of a nature so liable to abuse—and, it may even be affirmed, so certain of being abused, that the wisdom of the Government will be shown in never trusting itself with the use of so seducing and dangerous an expedient. In times of tranquillity, it might have no ill consequence; it might even perhaps be managed in a way to be productive of good; but, in great and trying emergencies, there is almost a moral certainty of its becoming mischievous. The stamping of paper is an operation so much easier than the laying of taxes, that a Government, in the practice of paper emissions, would rarely fail, in any such emergency, to indulge itself too far in the employment of that resource, to avoid, as much as possible, one less auspicious to present popularity. If it should not even be carried so far as to be rendered an absolute bubble, it would at least be likely to be extended to a degree which would occasion an inflated and artificial state of things, incompatible with the regular and prosperous course of political economy.

Among other material differences between a paper currency issued by the mere authority of Government, and one issued by a bank, payable in coin, is this: That, in the first case, there is no standard to which an appeal can be made, as to the quantity which will only satisfy, or which will surcharge the circulation: in the last, that standard results from the demand. If more should be issued than is necessary, it will return upon the bank. Its emissions, as elsewhere intimated, must always be in a compound ratio to the fund and the demand: whence it is evident, that there is a limitation in the nature of the thing; while the discretion of the Government is the only measure of the extent of the emissions, by its own authority.

This consideration further illustrates the danger of emissions of that sort, and the preference which is due to bank paper.

The payment of the interest of the public debt, at thirteen different places, is a weighty reason, peculiar to our immediate situation, for desiring a bank circulation. Without a paper, in general currency, equivalent to gold and silver, a considerable proportion of the specie of the country must always be suspended from circulation, and left to accumulate, preparatory to each day of payment; and as often as one approaches, there must in several cases be an actual transportation of the metals, at both expense and risk, from their natural and proper reservoirs to distant places. This necessity will be felt very injuriously to the trade of some of the States; and will embarrass, not a little, the operations of the treasury in those States. It will also obstruct those negotiations between different parts of the Union, by the instrumentality of treasury bills, which have already afforded valuable accommodations to trade in general.

Assuming it, then, as a consequence, from what has been said, that a National Bank is a desirable institution, two inquiries emerge: Is there no such institution, already in being, which has a claim to that character, and which supersedes the propriety

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or necessity of another? If there be none, what are the principles upon which one ought to be established?

There are at present three banks in the United States: that of North America, established in the city of Philadelphia; that of New York, established in the city of New York; that of Massachusetts, established in the town of Boston. Of these three, the first is the only one which has at any time had a direct relation to the Government of the United States.

The Bank of North America originated in a resolution of Congress of the 26th of May, 1781, founded upon a proposition of the Superintendent of Finance, which was afterwards carried into execution by an ordinance of the 31st of December following, entitled "An ordinance to incorporate the subscribers to the Bank of North America."

The aid afforded to the United States by this institution, during the remaining period of the war, was of essential consequence; and its conduct towards them since the peace, has not weakened its title to their patronage and favor. So far, its pretensions to the character in question are respectable; but there are circumstances which militate against them, and considerations which indicate the propriety of an establishment on different principles.

The directors of this bank, on behalf of their constituents, have since accepted, and acted under a new charter, from the State of Pennsylvania, materially variant from their original one, and which so narrows the foundation of the institution, as to render it an incompetent basis for the extensive purposes of a National Bank.

The limit assigned by the ordinance of Congress to the stock of the bank, is ten millions of dollars. The last charter of Pennsylvania confines it to two millions. Questions naturally arise, whether there be a not a direct repugnancy between two charters so differently circumstanced? and whether the acceptance of the one is not to be deemed a virtual surrender of the other? But, perhaps, it is neither advisable nor necessary to attempt a solution of them.

There is nothing in the acts of Congress which imply an exclusive right in the institution to which they relate, except during the term of the war. There is, therefore, nothing, if the public good require it, which prevents the establishment of another. It may, however, be incidentally remarked, that, in the general opinion of the citizens of the United States, the Bank of North America has taken the station of a bank of Pennsylvania only. This is a strong argument for a new institution, or for a renovation of the old, to restore it to the situation in which it originally stood in the view of the United States.

But, though the ordinance of Congress contains no grant of exclusive privileges, there may be room to allege, that the Government of the United States ought not, in point of candor and equity, to establish any rival or interfering institution, in prejudice of the one already established;

especially as this has, from services rendered, well founded claims to protection and regard.

The justice of such an observation ought, without proper bounds, to be admitted. A new establishment of the sort ought not to be made without cogent and sincere reasons of public good. And, in the manner of doing it, every facility should be given to a consolidation of the old with the new, upon terms not injurious to the parties concerned. But there is no ground to maintain that, in a case in which the Government has made no condition restricting its authority, it ought voluntarily to restrict it, through regard to the interests of a particular institution, when those of the State dictate a different course; especially, too, after such circumstances have intervened, as characterize the actual situation of the Bank of North America.

The inducements to a new disposition of the thing are now to be considered. The first of them which occurs is, the, at least, ambiguous situation in which the Bank of North America has placed itself, by the acceptance of its last charter. If this has rendered it the mere bank of a particular State, liable to dissolution at the expiration of fourteen years, to which term the act of that State has restricted its duration, it would be neither fit nor expedient to accept it as an equivalent for a Bank of the United States.

The restriction of its capital, also, which, according to the same supposition, cannot be extended beyond two millions of dollars, is a conclusive reason for a different establishment. So small a capital promises neither the requisite aid to Government, nor the requisite security to the community. It may answer very well the purposes of local accommodation, but is an inadequate foundation for a circulation co-extensive with the United States, embracing the whole of their revenues, and affecting every individual into whose hands the paper may come.

And, inadequate as such a capital would be to the essential ends of a National Bank, it is liable to being rendered still more so, by that principle of the constitution of the Bank of North America, contained equally in its old and in its new charter, which leaves the increase of the actual capital at any time (now far short of the allowed extent) to the discretion of the directors or stockholders. It is naturally to be expected, that the allurements of an advanced price of stock, and of large dividends, may disincite those who are interested to an extension of capital, from which they will be apt to fear a diminution of profits. And for this circumstance, the interest and accommodation of the public (as well individually as collectively) are made more subordinate to the interest, real or imagined, of the stockholders, than they ought to be. It is true, that, unless the latter be consulted, there can be no bank, in the sense at least in which institutions of this kind, worthy of confidence, can be established in this country. But it does not follow that this is alone to be consulted, or that it even ought to be paramount. Public utility is more truly the object of public banks than private profit. And it is the

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business of Government to constitute them on such principles, that, while the latter will result in a sufficient degree to afford competent motives to engage in them, the former be not made subservient to it. To effect this, a principal object of attention ought to be to give free scope to the creation of an ample capital, and with this view, fixing the bounds which are deemed safe and convenient, to leave no discretion either to stop short of them, or to overpass them. The want of this precaution in the establishment of the Bank of North America is a further and important reason for dearing one differently constituted.

There may be room at first sight for supposition, that, as the profits of a bank will bear a proportion to the extent of its operations, and as for this reason the interest of the stockholders will not be disadvantageously affected by any necessary augmentations of capital, there is no cause to apprehend that they will be indisposed to such augmentations. But most men, in matters of this nature, prefer the certainties they enjoy, to probabilities depending on untried experiments, especially, when these promise rather that they will not be injured, than that they will be benefited.

From the influence of this principle, and a desire of enhancing its profits, the directors of a bank will be more apt to overstrain its facilities, in an attempt to face the additional demands which the course of business may create, than to set on foot new subscriptions, which may hazard a diminution of the profits, and even a temporary reduction of the price of stock.

Banks are among the best expedients for lowering the rate of interest in a country; but, to have this effect, their capitals must be completely equal to all the demands of business, and such as will tend to remove the idea, that the accommodations they afford are in any degree favors—an idea very apt to accompany the parsimonious dispensation of contracted funds. In this, as in every other case, the plenty of the commodity ought to beget a moderation of the price.

The want of a principle of rotation in the constitution of the Bank of North America is another argument for a variation of the establishment. Scarcely one of the reasons which militate against this principle in the Constitution of a country, is applicable to that of a bank; while there are strong reasons in favor of it, in relation to the one, which do not apply to the other. The knowledge to be derived from experience is the only circumstance common to both, which pleads against rotation in the directing officers of a bank.

But the objects of the Government of a nation, and those of the government of a bank, are so widely different, as greatly to weaken the force of that consideration in reference to the latter. Almost every important case of legislation requires, towards a right decision, a general and accurate acquaintance with the affairs of the State, and habits of thinking seldom acquired but from a familiarity with public concerns. The administration of a bank, on the contrary, is regula-

ted by a few simple fixed maxims, the application of which is not difficult to any man of judgment, especially if instructed in the principles of trade. It is, in general, a constant succession of the same details.

But, though this be the case, the idea of the advantages of experience is not to be slighted. Room ought to be left for the regular transmission of official information; and, for this purpose, the head of the direction ought to be excepted from the principle of rotation. With this exception, and with the aid of the information of the subordinate officers, there can be no danger of any ill effects from want of experience or knowledge; especially as the periodical exclusion ought not to reach the whole of the directors at one time.

The argument in favor of the principle of rotation is this: that, by lessening the danger of combination among the directors, to make the institution subservient to party views, or to the accommodation, preferably, of any particular set of men, it will render the public confidence more firm, stable, and unqualified.

When it is considered that the directors of a bank are not elected by the great body of the community, in which a diversity of views will naturally prevail at different conjunctures, but by a small and select class of men, among whom it is far more easy to cultivate a steady adherence to the same persons and objects, and that those directors have it in their power so immediately to conciliate, by obliging the most influential of this class, it is easy to perceive that, without the principle of rotation, changes in that body can rarely happen, but as a concession which they may themselves think it expedient to make to public opinion.

The continual administration of an institution of this kind, by the same persons, will never fail, with or without abuse, from their conduct, to excite distrust and discontent. The necessary secrecy of their transactions gives unlimited scope to imagination to infer that something is or may be wrong. And this inevitable mystery is a solid reason for inserting in the constitution of a bank the necessity of a change of men. As neither the mass of the parties interested, nor the public in general, can be permitted to be witnesses of the interior management of the directors, it is reasonable that both should have that check upon their conduct, and that security against the prevalence of a partial or pernicious system, which will be produced by the certainty of periodical changes. Such, too, is the delicacy of the credit of a bank, that every thing which can fortify confidence and repel suspicion, without injuring its operations, ought carefully to be sought after in its formation.

A further consideration in favor of a change is the improper rule by which the right of voting for directors is regulated in the plan upon which the Bank of North America was originally constituted, namely, a vote for each share, and the want of a rule in the last charter; unless the silence of it, on that point, may signify that every stockholder is to have an equal and a single vote; which would be a rule in a different extreme, not less er-

aneous. It is of importance that a rule should be established on this head, as it is one of those things which ought not to be left to discretion; and it is consequently, of equal importance that the rule should be a proper one.

A vote from each share renders a combination between a few principal stockholders, to monopolize the power and benefits of the bank, too easy. An equal vote to each stockholder, however great or small his interest in the institution, allows not that degree of weight to large stockholders which it is reasonable they should have, and which, perhaps, their security and that of a bank require. A prudent mean is to be preferred. A conviction of this has produced a by-law of the corporation of the Bank of North America, which evidently aims at such a mean. But a reflection arises here, that a like majority with that which enacted this law may, at any moment, repeal it.

The last inducement which shall be mentioned, is the want of precautions to guard against a foreign influence insinuating itself into the direction of the bank. It seems scarcely reconcilable with a due caution, to permit that any but citizens should be eligible, as directors of a National Bank, or that non-resident foreigners should be able to influence the appointment of directors by the votes of their proxies. In the event, however, of an incorporation on the plan of the Bank of North America, it may be necessary to qualify this principle, so as to leave the right of foreigners, who now hold shares of its stock, unimpaired; but without the power of transmitting the privilege in question to foreign alliances.

It is to be considered that such a bank is not a mere matter of private property, but a political machine, of the greatest importance to the State. There are other variations from the constitution of the Bank of North America, not of inconsiderable moment, which appear desirable, but which are not of magnitude enough to claim a preliminary discussion. These will be seen in the plan which will be submitted in the sequel.

If the objections which have been stated to the constitution of the Bank of North America are admitted to be well founded, they will, nevertheless, not derogate from the merit of the main design, or of the services which that bank has rendered, or of the benefits which it has produced. The creation of such an institution, at the time it took place, was a measure dictated by wisdom. Its utility has been amply evinced by its fruits; American independence owes much to it. And it is very conceivable, that reasons of the moment may have rendered those features in it inexpedient, which a revision, with a permanent view, suggests as desirable.

The order of the subject leads next to an inquiry into the principles upon which a National Bank ought to be organized.

The situation of the United States naturally inspires a wish that the form of the institution could admit of a plurality of branches. But various considerations discourage from pursuing this idea. The complexity of such a plan would be apt to inspire doubts, which might deter from ad-

venturing in it. And the practicability of a safe and orderly administration, though not to be abandoned as desperate, cannot be made so manifest in perspective, as to promise the removal of those doubts, or to justify the Government in adopting the idea as an original experiment. The most that would seem advisable, on this point, is to insert a provision which may lead to it hereafter, if experience shall more clearly demonstrate its utility, and satisfy those who may have the direction, that it may be adopted with safety. It is certain, that it would have some advantages, both peculiar and important. Besides more general accommodation, it would lessen the danger of a run upon the bank.

The argument against it is, that each branch must be under a distinct, though subordinate direction, to which a considerable latitude of discretion must, of necessity, be intrusted. And, as the property of the whole institution would be liable for the engagements of each part, that and its credit would be at stake, upon the prudence of the directors of every part. The mismanagement of either branch might hazard serious disorder in the whole.

Another wish, dictated by the particular situation of the country is, that the bank could be so constituted as to be made an immediate instrument of loans to the proprietors of land; but this wish also yields to the difficulty of accomplishing it. Land is, alone, an unfit fund for bank circulation. If the notes issued upon it were not to be payable in coin, on demand, or at a short date, this would amount to nothing more than a repetition of the paper emissions, which are now exploded by the general voice. If the notes are to be payable in coin, the land must first be converted into it by sale or mortgage. The difficulty of effecting the latter is the very thing which begets the desire of finding another resource; and the former would not be practicable on a sudden emergency, but with sacrifices which would make the cure worse than the disease. Neither is the idea of constituting the fund partly of coin and partly of land, free from impediments. These two species of property do not, for the most part, unite in the same hands. Will the moneyed man consent to enter into partnership with the landholder, by which the latter will share in the profits which will be made by the money of the former? The money, it is evident, will be the agent or efficient cause of the profits—the land can only be regarded as an additional security. It is not difficult to foresee, that a union, on such terms, will not readily be formed. If the landholders are to procure the money by sale or mortgage of a part of their lands, this they can as well do when the stock consists wholly of money, as if it were to be compounded of money and land.

To procure for the landholders the assistance of loans, is the great desideratum. Supposing other difficulties surmounted, and a fund created, composed partly of coin and partly of land, yet the benefit contemplated could only then be obtained by the bank's advancing them its notes for the whole, or part, of the value of the lands they had

subscribed to the stock. If this advance was small, the relief aimed at would not be given; if it was large, the quantity of notes issued would be a cause of distrust; and, if received at all, they would be likely to return speedily upon the bank for payment; which, after exhausting its coin, might be under a necessity of turning its lands into money, at any price that could be obtained for them, to the irreparable prejudice of the proprietors.

Considerations of public advantage suggest a further wish, which is—that the bank could be established upon principles, that would cause the profits of it to redound to the immediate benefit of the State. This is contemplated by many who speak of a National Bank, but the idea seems liable to insuperable objections. To attach full confidence to an institution of this nature, it appears to be an essential ingredient in its structure, that it shall be under a private not a public direction, under the guidance of individual interest, not of public policy; which would be supposed to be, and, in certain emergencies under a feeble or too sanguine administration, would really be liable to being too much influenced by public necessity. The suspicion of this would, most probably, be a canker that would continually corrode the vitals of the credit of the bank, and would be most likely to prove fatal in those situations in which the public good would require that they should be most sound and vigorous. It would, indeed, be little less than a miracle, should the credit of the bank be at the disposal of the Government, if, in a long series of time, there was not experienced a calamitous abuse of it. It is true, that it would be the real interest of the Government not to abuse it: its genuine policy to husband and cherish it with the most guarded circumspection as an inestimable treasure. But what Government ever uniformly consulted its true interests in opposition to the temptations of momentary exigencies? What nation was ever blessed with a constant succession of upright and wise administrators? The keen, steady, and, as it were, magnetic sense of their own interest as proprietors in the direction of a bank, pointing invariably to its true pole—the prosperity of the institution—is the only security that can always be relied upon for a careful and prudent administration. It is, therefore, the only basis on which an enlightened, unqualified, and permanent confidence can be expected to be erected and maintained.

The precedents of the banks established in several cities of Europe, Amsterdam, Hamburg, and others, may seem to militate against this position. Without a precise knowledge of all the peculiarities of their respective constitutions it is difficult to pronounce how far this may be the case. That of Amsterdam, however, which we best know, is rather under a municipal than a governmental direction. Particular magistrates of the city, not officers of the republic, have the management of it. It is also a bank of deposit, not of loan, or circulation; consequently, less liable to abuse, as well as less useful. Its general business consists in receiving money for safe-keeping, which, if not

called for within a certain time, becomes a part of its stock, and irreclaimable. But a credit is given for it on the books of the bank, which, being transferable, answers all the purposes of money.

The directors being magistrates of the city, and the stockholders in general its most influential citizens, it is evident that the principle of private interest must be prevalent in the management of the bank. And it is equally evident that, from the nature of its operations, that principle is less essential to it than to an institution constituted with a view to the accommodation of the public and individuals by direct loans and a paper circulation.

As far as may concern the aid of the bank within the proper limits, a good government has nothing more to wish for than it will always possess, though the management be in the hands of private individuals. As the institution, if rightly constituted, must depend for its renovation, from time to time, on the pleasure of the Government, it will not be likely to feel a disposition to render itself, by its conduct, unworthy of public patronage. The Government, too, in the administration of its finances, has it in its power to reciprocate benefits to the bank of not less importance than those which the bank affords to the Government, and which, besides, are never unattended with an immediate and adequate compensation. Independent of these more particular considerations, the natural weight and influence of a good Government will always go far towards procuring a compliance with its desires; and, as the directors will usually be composed of some of the most discreet, respectable, and well informed citizens, it can hardly ever be difficult to make them sensible of the force of the inducements which ought to stimulate their exertions.

It will not follow, from what has been said, that the State may not be the holder of a part of the stock of a bank, and consequently a sharer in the profits of it. It will only follow that it ought not to desire any participation in the direction of it, and, therefore, ought not to own the whole or a principal part of the stock; for, if the mass of the property should belong to the public, and if the direction of it should be in private hands, this would be to commit the interests of the State to persons not interested, or not enough interested in their proper management.

There is one thing, however, which the Government owes to itself and to the community, at least to all that part of it who are not stockholders; which is, to reserve to itself a right of ascertaining, as often as may be necessary, the state of the bank; excluding, however, all pretension to control. This right forms an article in the primitive constitution of the Bank of North America, and its propriety stands upon the clearest reasons. If the paper of a bank is to be permitted to insinuate itself into all the revenues and receipts of a country; if it is even to be tolerated as the substitute for gold and silver in all the transactions of business, it becomes, in either view, a national concern of the first magnitude.

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As such, the ordinary rules of prudence require that the Government should possess the means of ascertaining, whenever it thinks fit, that so delicate a trust is executed with fidelity and care. A right of this nature is not only desirable, as it respects the Government, but it ought to be equally so to all those concerned in the institution, as an additional title to public and private confidence, and as a thing that can only be formidable to practices that imply mismanagement. The presumption must always be that the characters who would be entrusted with the principle of this right, on behalf of the Government, will not be deficient in the discretion which it may require; at least, the admitting of this presumption cannot be deemed too great a return of confidence for that very large portion of it which the Government is required to place in the bank.

Abandoning, therefore, ideas which, however agreeable or desirable, are neither practicable nor safe, the following plan for the constitution of a National Bank is respectfully submitted to the consideration of the House:

1. The capital stock of the bank shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars, to raise which sum subscriptions shall be opened on the first Monday of April next, and shall continue open until the whole shall be subscribed. Bodies politic as well as individuals may subscribe.

2. The amount of each share shall be payable one-fourth in gold and silver coin, and three-fourths in that part of the public debt, which, according to the loan proposed by the act making provision for the debt of the United States, shall bear an accruing interest, at the time of payment, of six per centum per annum.

3. The respective sums subscribed shall be payable in four equal parts, as well specie as debt, in succession, and at the distance of six calendar months from each other; the first payment to be made at the time of subscription. If there shall be a failure in any subsequent payment, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same.

4. The subscribers to the bank, and their successors, shall be incorporated, and shall so continue until the final redemption of that part of its stock which shall consist of the public debt.

5. The capacity of the corporation to hold real and personal estate shall be limited to fifteen millions of dollars, including the amount of its capital or original stock. The lands and tenements which it shall be permitted to hold shall be only such as shall be requisite for the immediate accommodation of the institution, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the usual course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

6. The totality of the debts of the company, whether by bond, bill, note, or other contract,

(credits for deposits excepted) shall never exceed the amount of its capital stock. In case of excess, directors, under whose administration it shall happen, shall be liable for it in their private or separate capacities. Those who may have dissembled may excuse themselves from this responsibility by immediately giving notice of the fact, and their dissent, to the President of the United States, and to the stockholders, at a general meeting to be called by the President of the bank at their request.

7. The company may sell or demise its lands and tenements, or may sell the whole, or any part of the public debt, whereof its stock shall consist; but shall trade in nothing except bills of exchange, gold and silver bullion, or in the sale of goods pledged for money lent; nor shall they take more than at the rate of six per cent. per annum upon its loans or discounts.

8. No loan shall be made by the bank for the use or on account of the Government of the United States, or of either of them, to an amount exceeding fifty thousand dollars, or of any foreign Prince or State, unless previously authorized by a law of the United States.

9. The stock of the bank shall be transferable according to such rules as shall be instituted by the company in that behalf.

10. The affairs of the bank shall be under the management of twenty-five directors, one of whom shall be the President; and there shall be on the first Monday of January, in each year, a choice of directors, by a plurality of suffrages of the stockholders, to serve for a year. The directors, at their first meeting after each election, shall choose one of their number as President.

11. The number of votes to which each stockholder shall be entitled shall be according to the number of shares he shall hold, in the proportions following, that is to say: for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership, or body politic, shall be entitled to a greater number than thirty votes. And, after the first election, no share or shares shall confer a right of suffrage which shall not have been held in three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in the elections by proxy.

12. Not more than three-fourths of the directors in office, exclusive of the President, shall be eligible for the next succeeding year. But the director who shall be President at the time of an election may always be re-elected.

13. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

14. Any number of stockholders, not less than sixty, who together shall be proprietors of two hundred shares or upwards, shall have power at

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any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks notice, in two public gazettes of the place where the bank is kept, and specifying, in such notice, the object of the meeting.

15. In case of the death, resignation, absence from the United States, or removal, of a director by the stockholders, his place may be filled by a new choice for the remainder of the year.

16. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President for his extraordinary attendance at the bank as shall appear to them reasonable.

17. Not less than seven directors shall constitute a board for the transaction of business.

18. Every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good behaviour.

19. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable. And, once in every three years, the directors shall lay before the stockholders at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profit, if any, after deducting losses and dividends.

20. The bills and notes of the bank, originally made payable, or which shall have become payable on demand in gold and silver coin, shall be receivable in all payments to the United States.

21. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the bank, and of the debts due to the same; of the moneys deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements, provided that this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

22. No similar institution shall be established by any future act of the United States during the continuance of the one hereby proposed to be established.

23. It shall be lawful for the directors of the bank to establish offices wheresoever they shall think fit within the United States, for the purposes of discount and deposit, only and upon the same terms, and in the same manner, as shall be practised at the bank, and to commit the management of the said offices and the making of the said discounts, either to agents specially appointed by them, or to such persons as may be chosen by the stockholders residing at the place where any

such office shall be, under such agreements, and subject to such regulations, as they shall deem proper, not being contrary to law or to the constitution of the bank.

24. And lastly, the President of the United States shall be authorized to cause a subscription to be made to the stock of the said company, on behalf of the United States, to an amount not exceeding two millions of dollars, to be paid out of the moneys which shall be borrowed by virtue of either of the acts, the one, entitled "An act making provision for the debt of the United States," and the other, entitled "An act making provision for the reduction of the public debt," borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimbursable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions than the Government may think fit.

The reasons for the several provisions contained in the foregoing plan have been so far anticipated, and will, for the most part, be so readily suggested by the nature of those provisions, that any comments which need further be made will be both few and concise.

The combination of a portion of the public debt, in the formation of the capital, is the principal thing of which an explanation is requisite. The chief object of this is to enable the creation of a capital sufficiently large to be the basis of an extensive circulation, and an adequate security for it. As has been elsewhere remarked, the original plan of the Bank of North America contemplated a capital of ten millions of dollars, which is certainly not too broad a foundation for the extensive operations to which a National Bank is destined. But to collect such a sum in this country in gold and silver into one depository may, without hesitation, be pronounced impracticable. Hence the necessity of an auxiliary, which the public debt at once presents.

This part of the fund will be always ready to come in aid of the specie; it will more and more command a ready sale; and can, therefore, expectantly be turned into coin, if an exigency of the bank should at any time require it. This quality of prompt convertibility into coin renders it an equivalent for that necessary agent of bank circulation, and distinguishes it from a fund in land, of which the sale would generally be far less expeditious, and at greater disadvantage. The quarter-yearly receipts of interest will also be an actual addition to the specie fund, during the intervals between them and the half-yearly dividends of profits. The objection to combining land with specie, resulting from their not being generally in possession of the same persons, does not apply to the debt, which will always be found in considerable quantities among the moneyed and trading people.

The debt composing part of the capital, besides its collateral effect in enabling the bank to extend its operations, and consequently to enlarge its profits, will produce a direct annual revenue of six per centum from the Government, which will

enter into the half-yearly dividends received by the stockholders.

When the present price of the public debt is considered, and the effect which its conversion into bank stock, incorporated with a specie fund, would, in all probability, have to accelerate its rise to the proper point, it will easily be discovered that the operation presents in its outset a very considerable advantage to those who may become subscribers; and from the influence which that rise would have on the general mass of the debt, a proportional benefit to all the public creditors, and, in the sense which has been more than once adverted to, to the community at large.

There is an important fact, which exemplifies the fitness of the public debt for a bank fund, and which may serve to remove doubts in some minds on this point; it is this, that the Bank of England, in its first erection, rested wholly on that foundation. The subscribers to a loan to Government of one million two hundred thousand pounds sterling were incorporated as a bank, of which the debt created by the loan and the interest upon it were the sole fund. The subsequent augmentations of its capital, which now amounts to between eleven and twelve millions of pounds sterling, have been of the same nature.

The confining of the rights of the bank to contract debts to the amount of its capital is an important precaution, which is not to be found in the constitution of the Bank of North America, and which, while the fund consists wholly of coin, would be a restriction attended with inconveniences, but would be free from any if the composition of it should be such as is now proposed.

The restriction exists in the establishment of the Bank of England, and as a source of security is worthy of imitation. The consequence of exceeding the limit there is, that each stockholder is liable for the excess, in proportion to his interest in the bank. When it is considered that the directors owe their appointments to the choice of the stockholders, a responsibility of this kind, on the part of the latter, does not appear unreasonable; but, on the other hand, it may be deemed a hardship upon those who may have dissented from the choice. And there are many among us whom it might perhaps discourage from becoming concerned in the institution. These reasons have induced the placing of a responsibility upon the directors by whom the limit prescribed should be transgressed.

The interdiction of loans on account of the United States, or any particular State, beyond the moderate sum specified, or of any foreign Power, will serve as a barrier to Executive encroachments, and to combinations inauspicious to the safety or contrary to the policy of the Union.

The limitation of the rate of interest is dictated by the consideration that different rates prevail in different parts of the Union; and as the operations of the bank may extend through the whole, some rule seems to be necessary. There is room for a question whether the limitation ought not rather to be to five than to six per cent., as proposed. It

may, with safety, be taken for granted, that the former rate would yield an ample dividend, perhaps as much as the latter, by the extension it would give to business. The natural effect of low interest is to increase trade and industry; because undertakings of every kind can be prosecuted with greater advantage. This is a truth generally admitted; but it is requisite to have analyzed the subject in all its relations, to be able to form a just conception of the extent of that effect. Such an analysis cannot but satisfy an intelligent mind that the difference of one per cent. in the rate at which money may be had, is often capable of making an essential change for the better in the situation of any country or place.

Every thing, therefore, which tends to lower the rate of interest, is peculiarly worthy of the care of legislators. And though laws which violently sink the legal rate of interest greatly below the market level are not to be commended, because they are not calculated to answer their aim, yet whatever has a tendency to effect a reduction, without violence to the natural course of things, ought to be attended to and pursued. Banks are among the means most proper to accomplish this end; and the moderation of the rate at which their discounts are made, is a material ingredient towards it; with which and permanent interest, viewed on an enlarged and permanent scale, does not appear to clash.

But, as the most obvious ideas are apt to have greater force than those which depend on complex and remote combinations, there would be danger that the persons whose funds must constitute the stock of the bank, would be diffident of the sufficiency of the profits to be expected, if the rate of loans and discounts were to be placed below the point to which they have been accustomed, and might, on this account, be indisposed to embark in the plan. There is, it is true, one reflection, which, in regard to men actively engaged in trade, ought to be a security against this danger; it is this: that the accommodations which they might derive in the way of their business, at a low rate, would more than indemnify them for any difference in the dividend, supposing even that some diminution of it were to be the consequence. But, upon the whole, the hazard of contrary reasoning among the mass of moneyed men is a powerful argument against the experiment. The institutions of the kind already existing add to the difficulty of making it. Mature reflection and a large capital may, of themselves, lead to the desired end.

The last thing which requires any explanatory remark is, the authority proposed to be given to the President, to subscribe the amount of two millions of dollars on account of the public. The main design of this is to enlarge the specie fund of the bank, and to enable it to give a more early extension to its operations. Though it is proposed to borrow with one hand what is lent with the other, yet the disbursement of what is borrowed will be progressive, and bank notes may be thrown into circulation instead of the gold and silver. Besides, there is to be an annual reimbursement of a

part of the sum borrowed, which will finally operate as an actual investment of so much specie. In addition to the inducements to this measure, which results from the general interest of the Government to enlarge the sphere of the utility of the bank, there is this more particular consideration, to wit: that as far as the dividend on the stock shall exceed the interest paid on the loan, there is positive profit.

The Secretary begs leave to conclude with this general observation: that if the Bank of North America shall come forward with any propositions which have for their objects the engrafting upon that institution the characteristics which shall appear to the Legislature necessary to the due extent and safety of a National Bank, there are in his judgment weighty inducements to give every reasonable facility to the measure. Not only the pretensions of that institution, from its original relation to the Government of the United States, and from the services it has rendered, are such as to claim a disposition favorable to it, if those who are interested in it are willing, on their part, to place it on a footing satisfactory to the Government, and equal to the purposes of the bank of the United States, but its co-operation will materially accelerate the accomplishment of the great object, and the collision which might otherwise arise, might, in a variety of ways, prove equally disagreeable and injurious. The incorporation or union here contemplated may be effected in different modes, under the auspices of an act of the United States, if it shall be desired by the Bank of North America, upon terms which shall appear expedient to the Government.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

REPORT ON THE SUBJECT OF A MINT.

The Secretary of the Treasury having attentively considered the subject referred to him by the order of the House of Representatives of the fifteenth of April last, relative to the establishment of a Mint, most respectfully submits the result of his inquiries and reflections.

A plan for an establishment of this nature involves a great variety of considerations—intricate, nice, and important. The general state of debtor and creditor; all the relations and consequences of price; the essential interests of trade and industry; the value of all property; the whole income both of the State and of individuals, are liable to be sensibly influenced, beneficially or otherwise, by the judicious or injudicious regulation of this interesting object.

It is one, likewise, not more necessary than difficult to be rightly adjusted; one which has frequently occupied the reflections and researches of politicians, without having harmonized their opinions on some of the most important of the principles which enter into its discussion. Accordingly, different systems continue to be advoc-

ated, and the systems of different nations, after much investigation, continue to differ from each other.

But if a right adjustment of the matter be truly of such nicety and difficulty, a question naturally arises, whether it may not be most advisable to leave things, in this respect, in the state in which they are? Why, might it be asked, since they have so long proceeded in a train which has caused no general sensation of inconvenience, should alterations be attempted, the precise effect of which cannot with certainty be calculated?

The answer to this question is not perplexing. The immense disorder which actually reigns in so delicate and important a concern, and the still greater disorder which is every moment possible, call loudly for a reform. The dollar originally contemplated in the money transactions of this country, by successive diminutions of its weight and fineness, has sustained a depreciation of five per cent., and yet the new dollar has a currency in all payments in place of the old, with scarcely any attention to the difference between them. The operation of this in depreciating the value of property depending upon past contracts, and (as far as inattention to the alteration in the coin may be supposed to leave prices stationary) of all other property, is apparent. Nor can it require argument to prove that a nation ought not to suffer the value of the property of its citizens to fluctuate with the fluctuations of a foreign mint, and to change with the changes in the regulations of a foreign sovereign. This, nevertheless, is the condition of one which, having no coins of its own, adopts with implicit confidence those of other countries.

The unequal values allowed in different parts of the Union to coins of the same intrinsic worth, the defective species of them which embarrass the circulation of some of the States, and the dissimilarity in their several moneys of account, are inconveniences, which if not to be ascribed to the want of a national coinage, will at least be most effectually remedied by the establishment of one; a measure that will, at the same time, give additional security against impositions by counterfeit as well as by base currencies.

It was with great reason, therefore, that the attention of Congress, under the late Confederation, was repeatedly drawn to the establishment of a mint; and it is with equal reason that the subject has been resumed, now that the favorable change which has taken place in the situation of public affairs admits of its being carried into execution.

But though the difficulty of devising a proper establishment ought not to deter from undertaking so necessary a work, yet it cannot but inspire diffidence in one whose duty it is made to propose a plan for the purpose, and may perhaps be permitted to be relied upon as some excuse for any errors which may be chargeable upon it, or for any deviations from sounder principles which may have been suggested by others, or even in part acted upon by the former Government of the United States.

part of the sum borrowed, which will finally operate as an actual investment of so much specie. In addition to the inducements to this measure, which results from the general interest of the Government to enlarge the sphere of the utility of the bank, there is this more particular consideration, to wit: that as far as the dividend on the stock shall exceed the interest paid on the loan, there is positive profit.

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In order to a right judgment of what ought to be done, the following particulars require to be discussed:

1st. What ought to be the nature of the money unit of the United States?

2d. What the proportion between gold and silver, if coins of both metals are to be established?

3d. What the proportion and composition of alloy in each kind?

4th. Whether the expense of coinage shall be defrayed by the Government, or out of the material itself?

5th. What shall be the number, denominations, sizes, and devices of the coins?

6th. Whether foreign coin shall be permitted to be current or not; if the former, at what rate, and for what period?

A pre-requisite to determining with propriety what ought to be the money unit of the United States is, to endeavor to form as accurate an idea as the nature of the case will admit, of what it actually is. The pound, though of various value, is the unit in the money of account of all the States. But it is not equally easy to pronounce what is to be considered as the unit in the coins. There being no formal regulation on the point, (the resolutions of Congress of the 6th of July, 1785, and 8th of August, 1786, having never yet been carried into operation,) it can only be inferred from usage or practice. The manner of adjusting foreign exchanges would seem to indicate the dollar as best entitled to that character. In these, the old piaster of Spain, or old Seville piece of eight reals, of the value of four shillings and sixpence sterling, is evidently contemplated. The computed par between Great Britain and Pennsylvania will serve as an example. According to that one hundred pounds sterling is equal to one hundred and sixty-six pounds and two-thirds of a pound, Pennsylvania currency; which corresponds with the proportion between 4s. 6d. sterling and 7s. 6d. the current value of the dollar in that State, by invariable usage. And, as far as the information of the Secretary goes, the same comparison holds in the other States.

But this circumstance in favor of a dollar loses much of its weight from two considerations. That species of coin has never had any settled or standard value according to weight or fineness, but has been permitted to circulate by tale, without regard to either, very much as a mere money of convenience, while gold has had a fixed price by weight and with an eye to its fineness. This greater stability of value of the gold coins is an argument of force for regarding the money unit as having been hitherto virtually attached to gold rather than to silver.

Twenty-four grains and six-eighths of a grain of fine gold have corresponded with the nominal value of the dollar in the several States, without regard to the successive diminutions of its intrinsic worth.

But if the dollar should, notwithstanding, be supposed to have the best title to be considered as the present unit in the coins, it would remain to determine what kind of dollar ought to be un-

derstood; or, in other words, what precise quantity of fine silver.

The old piaster of Spain, which appears to have regulated our foreign exchanges, weighed 17 dwts. 12 grains, and contained 386 grains and 15 mites of fine silver. But this piece has been long since out of circulation. The dollars now in common currency are of recent date, and much inferior to that both in weight and fineness. The average weight of them, upon different trials, in large masses, has been found to be 17 dwts. 8 grains. Their fineness is less precisely ascertained; the results of various assays, made by different persons, under the direction of the late Secretary, being as various as the assays themselves. The difference between their extremes is not less than 24 grains in a dollar of the same weight and age; which is too much for any probable difference in the pieces. It is rather to be presumed that a degree of inaccuracy has been occasioned by the want of proper apparatus, and, in general, of practice. The experiment which appears to have the best pretensions to exactness would make the new dollar to contain 370 grains and 933 thousandths parts of a grain of pure silver.

According to an authority on which the Secretary places reliance, the standard of Spain, for its silver coin, in the year 1761, was 261 fine and 27 parts alloy; at which proportion, a dollar of 17 dwts. 8 grains would consist of 377 grains of fine silver and 39 grains of alloy. But there is no question that this standard has been since altered considerably for the worse; to what precise point is not as well ascertained as could be wished; but from a computation of the value of dollars in the markets both of Amsterdam and London, (a criterion which cannot materially mislead,) the new dollar appears to contain about 368 grains of fine silver, and that which immediately preceded it about 374 grains.

In this state of things there is some difficulty in defining the dollar which is to be understood as constituting the present money unit, on the supposition of its being most applicable to that species of coin. The old Seville piece, of 386 grains and 15 mites fine, compares best with the computations of foreign exchanges, and with the more ancient contracts respecting landed property; but far the greater number of contracts still in operation concerning that kind of property, and all those of a merely personal nature now in force must be referred to a dollar of a different kind. The actual dollar, at the time of contracting, is the only one which can be supposed to have been intended; and it has been seen that as long ago as the year 1761 there had been a material degradation of the standard. And even in regard to the more ancient contracts, no person has ever had any idea of a scruple about receiving the dollar of the day as a full equivalent for the nominal sum which the dollar originally imported.

A recurrence, therefore, to the ancient dollar would be, in the greatest number of cases, an innovation in fact, and in all an innovation in respect to opinion. The actual dollar in common

circulation has evidently a much better claim to be regarded as the actual money unit.

The mean intrinsic value of the different kinds of known dollars has been intimated as affording the proper criterion. But when it is recollected that the more ancient and more valuable ones are not now to be met with at all in circulation, and that the mass of those generally current is composed of the newest and most inferior kinds, it will be perceived that even an equation of that nature would be a considerable innovation upon the real present state of things; which it will certainly be prudent to approach, as far as may be consistent with the permanent order designed to be introduced.

An additional reason for considering the prevailing dollar standard of the present money unit rather than the ancient one, is, that it will not only be conformable to the true existing proportion between the two metals in this country, but will be more conformable to that which obtains in the commercial world generally.

The difference established by custom in the United States between coined gold and coined silver has been stated upon another occasion to be nearly as 1 to 15.6. This, if truly the case, would imply that gold was extremely overvalued in the United States; for the highest actual proportion in any part of Europe, very little, if at all, exceeds 1 to 15; and the average proportion throughout Europe is probably not more than about one to fourteen and four-fifths. But that statement has proceeded upon the idea of an ancient dollar. One pennyworth of gold of twenty-two carats fine, at 6s. 8d., and the old Seville piece of 386 grains and 15 mites of pure silver at 7s. 6d., furnish the exact ratio of 1 to 15.6262. But this does not coincide with the real difference between the metals in our market, or, which is with us the same thing, of fine silver. To determine this, the quantity of fine silver in the general mass of the dollars now in circulation must afford the rule. Taking the rate of the late dollar of 374 grains, the proportion would be as 1 to 15.11. Taking the rate of the newest dollar, the proportion would then be as 1 to 14.87. The mean of the two would give the proportion of 1 to 15 very nearly; less than the legal proportion in the coins of Great Britain, which is as 1 to 15.2; but somewhat more than the actual or market proportion, which is not quite 1 to 15.

The preceding view of the subject does not indeed afford a precise or certain definition of the present unit in the coins, but it furnishes data which will serve as guides in the progress of the investigation. It ascertains, at least, that the sum in the money account of each State, corresponding with the nominal value of the dollar in such State, corresponds also with 24 grains and six-eighths of a grain of fine gold; and with something between 368 and 374 grains of fine silver.

The next inquiry towards a right determination of what ought to be the future money unit of the United States turns on these questions: whether it ought to be peculiarly attached to

either of the metals in preference to the other or not; and, if to either, to which of them?

The suggestions and proceedings hitherto have had for object the annexing of it emphatically to the silver dollar. A resolution of Congress, of the 6th of July, 1785, declares that the money unit of the United States shall be a dollar, and another resolution of the 8th of August, 1786, fixes that dollar at 375 grains and sixty-four hundredths of a grain of fine silver. The same resolution, however, determines that there shall also be two gold coins, one of 246 grains and 268 parts of a grain of pure gold, equal to ten dollars, and the other of half that quantity of pure gold, equal to five dollars; and it is not explained whether either of the two species of coins, of gold or silver, shall have any greater legality in payments than the other. Yet it would seem that a preference in this particular is necessary to execute the idea of attaching the unit exclusively to one kind. If each of them be as valid as the other in payments to any amount, it is not obvious in what effectual sense either of them can be deemed the money unit rather than the other.

If the general declaration that the dollar shall be the money unit of the United States could be understood to give it a superior legality in payments, the institution of coins of gold, and the declaration that each of them shall be equal to a certain number of dollars would appear to destroy that inference; and the circumstance of making the dollar the unit in the money of account seems to be rather matter of form than of substance.

Contrary to the ideas which have heretofore prevailed in the suggestions concerning a coinage for the United States, though not without much hesitation, arising from a deference for those ideas, the Secretary is, upon the whole, strongly inclined to the opinion that a preference ought to be given to neither of the metals for the money unit. Perhaps, if either were to be preferred, it ought to be gold rather than silver.

The reasons are these:

The inducement to such a preference is to render the unit as little variable as possible; because on this depends the steady value of all contracts, and, in a certain sense, of all other property. And, it is truly observed, that if the unit belong indiscriminately to both metals it is subject to all the fluctuations that happen in the relative value which they bear to each other. But the same reason would lead to annexing it to that particular one which is itself the least liable to variation, if there be in this respect any discernible difference between the two.

Gold may, perhaps, in certain cases, be said to have greater stability than silver; as being of superior value less liberties have been taken with it in the regulations of different countries. Its standard has remained more uniform, and it has, in other respects, undergone fewer changes; as being not so much an article of merchandise, owing to the use made of silver in the trade with the East Indies and China, it is less liable to be influenced by circumstances of commercial demand. And if, reasoning by analogy, it could be

affirmed that there is a physical probability of greater proportional increase in the quantity of silver than in that of gold, it would afford an additional reason for calculating on greater steadiness in the value of the latter.

As long as gold, either from its intrinsic superiority as a metal, from its greater rarity, or from the prejudices of mankind, retains so considerable a pre-eminence in value over silver as it has hitherto had, a natural consequence of this seems to be that its condition will be more stationary. The revolutions, therefore, that may take place in the comparative value of gold and silver will be changes in the state of the latter rather than in that of the former.

If there should be an appearance of too much abstraction in any of these ideas, it may be remarked that the most simple impressions do not naturally incline to giving a preference to the inferior or least valuable of the two metals.

It is sometimes observed that silver ought to be encouraged rather than gold, as being more conducive to the extension of bank circulation, which the greater difficulty and inconvenience which its greater bulk, compared with its value, occasions in the transportation of it. But bank circulation is desirable rather as an auxiliary to than as a substitute for that of the precious metals, and ought to be left to its natural course. Artificial expedients to extend it by opposing obstacles to the other are, at least, not recommended by any very obvious advantages. And in general it is the safest rule to regulate every particular institution or object according to the principles which, in relation to itself, appear the most sound. In addition to this, it may be observed that the inconvenience of transporting either of the metals is sufficiently great to induce a preference of bank paper, whenever it can be made to answer the purpose equally well.

But, upon the whole, it seems to be most advisable, as has been observed, not to attach the unit exclusively to either of the metals; because this cannot be done effectually, without destroying the office and character of one of them as money, and reducing it to the situation of a mere merchandise; which, accordingly, at different times, has been proposed from different and very respectable quarters; but which would probably be a greater evil than occasional variations in the unit, from the fluctuations in the relative value of the metals; especially if care be taken to regulate the proportion between them with an eye to their average commercial value.

To annul the use of either of the metals as money is to abridge the quantity of circulating medium, and is liable to all the objections which arise from a comparison of the benefits of a full with the evils of a scanty circulation. It is not a satisfactory answer to say that none but the favored metal would, in this case, find its way into the country, as in that all balances must be paid. The practicability of this would, in some measure, depend on the abundance or scarcity of it in the country paying. Where there was but little, it either would not be procurable at all, or it

would cost a premium to obtain it; which in every case of a competition with others, in a branch of trade, would constitute a deduction from the profits of the party receiving. Perhaps, too, the embarrassments which such a circumstance might sometimes create, in the pecuniary liquidation of balances, might lead to additional efforts to find a substitute in commodities, and might so far impede the introduction of metals. Neither could the exclusion of either of them be deemed, in other respects, favorable to commerce. It is often in the course of trade as desirable to possess the kind of money as the kind of commodity best adapted to a foreign market.

It seems, however, most probable that the chief, if not the sole effect of such a regulation would be to diminish the utility of one of the metals. It could hardly prove an obstacle to the introduction of that which was excluded in the natural course of trade; because it would always command a ready sale for the purpose of exportation to foreign markets. But such an effect, if the only one, is not to be regarded as a trivial inconvenience.

If, then, the unit ought not to be attached exclusively to either of the metals, the proportion which ought to subsist between them in the coins becomes a preliminary inquiry, in order to its proper adjustment. This proportion appears to be, in several views, of no inconsiderable moment.

One consequence of overvaluing either metal in respect to the other is the banishment of that which is undervalued. If two countries are supposed, in one of which the proportion of gold to silver is as 1 to 16, in the other as 1 to 15, gold being worth more, silver less in one than in the other, it is manifest that in their reciprocal payments, each will select that species which it values least, to pay to the other where it is valued most. Besides this, the dealers in money will, from the same cause, often find a profitable traffic in an exchange of the metals between the two countries. And hence it would come to pass, if other things were equal, that the greatest part of the gold would be collected in one, and the greatest part of the silver in the other.

The course of trade might, in some degree, counteract the tendency of the difference in the legal proportions, by the market value; but this is so far and so often influenced by the legal rates, that it does not prevent their producing the effect which is inferred.

Facts, too, verify the inference. In Spain and England, where gold is rated higher than in other parts of Europe, there is a scarcity of silver; while it is found to abound in France and Holland, where it is rated higher, in proportion to gold, than in the neighboring nations. And it is continually flowing from Europe to China and the East Indies, owing to the comparative cheapness of it in the former, and dearth of it in the latter.

This consequence is deemed by some not very material; and there are even persons, who, from a fanciful predilection to gold, are willing to in-

vite it even by a higher price. But general utility will best be promoted by a due proportion of both metals. If gold be most convenient in large payments, silver is best adapted to the more minute and ordinary circulation.

But it is to be suspected that there is another consequence more serious than the one which has been mentioned. This is the diminution of the total quantity of specie which a country would naturally possess.

It is evident that as often as a country which overrates either of the metals receives a payment in that metal, it gets a less actual quantity than it ought to do, or than it would do, if the rate was a just one.

It is also equally evident that there will be a continual effort to make payment to it in that species to which it has annexed an exaggerated estimation, whether it is current at a less proportional value. And it would seem to be a very natural effect of these two causes, not only that the mass of the precious metals in the country in question would consist chiefly of that kind to which it had given an extraordinary value, but that it would be absolutely less than if they had been duly proportioned to each other.

A conclusion of this sort, however, is to be drawn with great caution. In such matters there are always some local and many other particular circumstances which qualify and vary the operation of general principles, even where they are just; and there are endless combinations, very difficult to be analyzed, which often render principles that have the most plausible pretensions unsound and delusive.

There ought for instance, according to those which have been stated, to have formerly been a greater quantity of gold in proportion to silver in the United States, than there has been; because the actual value of gold in this country, compared with silver, was perhaps higher than in any other. But our situation with regard to the West India islands, into some of which there is a large influx of silver directly from the mines of South America, occasions an extraordinary supply of that metal, and consequently a greater proportion of it in our circulation than might have been expected from its relative value.

What influence the proportion under consideration may have on the state of prices, and how far this may counteract the tendency to increase or lessen the quantity of the metals are points not easy to be developed; and yet they are very necessary to an accurate judgment of the true operation of the thing.

But, however impossible it may be to pronounce with certainty that the possession of a less quantity of specie is a consequence of overvaluing either of the metals, there is enough of probability in the considerations which seem to indicate it, to form an argument of weight against such overvaluation.

A third ill consequence resulting from it is, a greater and more frequent disturbance between the legal and market proportions of the metals. This has not hitherto been experienced in the

United States, but it has been experienced elsewhere; and from its not having been felt by us hitherto, it does not follow that this will not be the case hereafter; when our commerce shall have attained a maturity which will place it under the influence of more fixed principles.

In establishing a proportion between the metals there seems to be an option of one of two things:

To approach as nearly as can be ascertained, the mean or average proportion in what may be called the commercial world; or

To retain that which now exists in the United States. As far as these happen to coincide, they will render the course to be pursued more plain and more certain.

To ascertain the first with precision would require better materials than are possessed, or than could be obtained without an inconvenient delay.

Sir Isaac Newton, in a representation to the Treasury of Great Britain, in the year 1717, after stating the particular proportions in the different countries of Europe, concludes thus: "By the course of trade and exchange between nation and nation in all Europe, fine gold is to fine silver as 14 and four-fifths or 15 to 1."

But however accurate and decisive this authority may be deemed, in relation to the period to which it applies, it cannot be taken, at the distance of more than seventy years, as a rule for determining the existing proportion. Alterations have since been made in the regulations of their coins by several nations; which, as well as the course of trade, have an influence upon the market values. Nevertheless, there is reason to believe that the state of the matter, as represented by Sir Isaac Newton, is not very remote from its actual state.

In Holland, the greatest money market of Europe, gold was to silver, in December, 1789, as 1 to 14.88; and in that of London it has been for some time past, but little different, approaching, perhaps, something nearer 1 to 15.

It has been seen that the existing proportion between the two metals in this country is about as 1 to 15.

It is fortunate, in this respect, that the innovations of the Spanish mint have imperceptibly introduced a proportion so analogous as this is, to that which prevails among the principal commercial nations, as it greatly facilitates a proper regulation of the matter.

This proportion of 1 to 15 is recommended by the particular situation of our trade, as being very nearly that which obtains in the market of Great Britain, to which nation our specie is principally exported. A lower rate for either of the metals in our market than in hers might not only afford a motive the more, in certain cases, to remit in specie rather than in commodities, but it might, in some others, cause us to pay a greater quantity of it for a given sum than we should otherwise do. If the effect should rather be to occasion a premium to be given for the metal which was underrated, this would obviate those disadvantages

ges, but it would involve another— a customary difference between the market and legal proportions, which would amount to a species of disorder in the national coinage.

Looking forward to the payment of interest hereafter to be made to Holland, the same proportion does not appear ineligible. The present legal proportion in the coins of Holland is stated to be 1 to 14.9. That of the market varies somewhat at different times, but seldom very widely from this point.

There can hardly be a better rule in any country for the legal than the market proportion, if this can be supposed to have been produced by the free and steady course of commercial principles. The presumption in such a case is that each metal finds its true level, according to its intrinsic utility, in the general system of money operations.

But it must be admitted, that this argument in favor of continuing the existing proportion is not applicable to the state of the coins with us. There have been too many artificial and heterogeneous ingredients, too much want of order in the pecuniary transactions of this country, to authorize the attributing the effects which have appeared to the regular operations of commerce. A proof of this is to be drawn from the alterations which have happened in the proportion between the metals merely by the successive degradations of the dollar, in consequence of the mutability of a foreign mint. The value of gold to silver appears to have declined wholly from this cause from 15.6 to about 15 to 1. Yet as this last proportion, however produced, coincides so nearly with what may be deemed the commercial average, it may be supposed to furnish as good a rule as can be pursued.

The only question seems to be, whether the value of gold ought not to be a little lowered, to bring it to a more exact level with the two markets which have been mentioned. But as the ratio of one to fifteen is so nearly conformable to the state of those markets, and best agrees with that of our own, it will probably be found the most eligible. If the market of Spain continues to give a higher value to gold (as it has done in time past) than that which is recommended, there may be some advantage in a middle station.

A further preliminary to the adjustment of the future money unit is, to determine what shall be the proportion and composition of alloy in each species of the coins.

The first, by the resolution of the 8th of August, 1786, before referred to, is regulated at one-twelfth, or, in other words, at one part alloy to eleven parts fine, whether gold or silver, which appears to be a convenient rule; unless there should be some collateral consideration which may dictate a departure from it. Its correspondence, in regard to both metals, is a recommendation of it, because a difference could answer no purpose of pecuniary or commercial utility, and uniformity is favorable to order.

This ratio, as it regards gold, coincides with the

proportion, real or professed, in the coins of Portugal, England, France, and Spain. In those of the two former it is real, in those of the two latter there is a deduction for what is called "remedy of weight and alloy," which is in the nature of an allowance to the master of the mint for errors and imperfections in the process, rendering the coin either lighter or baser than it ought to be. The same thing is known in the theory of the English mint, where one-sixth of a carat is allowed. But the difference seems to be that there it is merely an occasional indemnity within a certain limit for real and unavoidable errors and imperfections; whereas, in the practice of the mints of France and Spain, it appears to amount to a stated and regular deviation from the nominal standard. Accordingly, the real standards of France and Spain are something worse than 22 carats, or 11 parts in 12 fine.

The principal gold coins in Germany, Holland, Sweden, Denmark, Poland, and Italy, are finer than those of England and Portugal, in different degrees, from 1 carat and a quarter to 1 carat and seven-eighths, which last is within one-eighth of a carat of pure gold.

There are similar diversities in the standards of the silver coins of the different countries of Europe. That of Great Britain is 222 parts fine to 18 alloy; those of the other European nations vary from that of Great Britain as widely as from about 17 of the same parts better to 75 worse.

The principal reasons assigned for the use of alloy are the saving of expense in the refining of the metals, (which in their natural state are usually mixed with a portion of the coarser kinds,) and the rendering them harder as a security against too great waste by friction or wearing.

The first reason, drawn from the original composition of the metals, is strengthened at present by the practice of alloying their coins, which has obtained among so many nations. The reality of the effect to which the last reason is applicable has been denied, and experience has been appealed to, as proving that the more alloyed coins wear faster than the purer. The true state of this matter may be worthy of future investigation, though first appearances are in favor of alloy. In the mean time the saving of trouble and expense are sufficient inducements to following those examples which suppose its expediency. And the same considerations lead to taking as our models those nations with whom we have most intercourse, and whose coins are most prevalent in our circulation. These are Spain, Portugal, England, and France. The relation which the proposed proportion bears to their gold coins has been explained. In respect to their silver coins, it will not be very remote from the mean of their several standards.

The component ingredients of the alloy in each metal will also require to be regulated. In silver, copper is the only kind in use, and it is doubtless the only proper one. In gold, there is a mixture of silver and copper; in the English coins, consisting of equal parts; in the coins of some other

countries, varying from one-third to two-thirds silver.

The reason of this union of silver with copper is this: the silver counteracts the tendency of the copper to injure the color or beauty of the coin, by giving it too much redness, or rather a coppery hue, which a small quantity will produce; and the copper prevents the too great whiteness which silver alone would confer. It is apprehended that there are considerations which may render it prudent to establish by law that the proportion of silver to copper, in the gold coins of the United States, shall not be more than one-half nor less than one-third; vesting a discretion in some proper place to regulate the matter within those limits, as experience in the execution may recommend.

A third point remains to be discussed, as a prerequisite to the determination of the money unit, which is, whether the expense of coining shall be defrayed by the public, or out of the material itself; or, as it is sometimes stated, whether the coinage shall be free, or shall be subject to a duty or imposition? This forms, perhaps, one of the nicest questions in the doctrine of money.

The practice of different nations is dissimilar in this particular. In England coinage is said to be entirely free: the mint price of the metals in bullion being the same with the value of them in coin. In France there is a duty, which has been, is a difference between the mint price and the value of coins, which has been computed at 96, or something less than one per cent. upon gold; at 1.48, or something less than one-and-a-half per cent. upon silver. The resolution of the 8th of August, 1786, proceeds upon the idea of a deduction of half per cent. from gold, and of two per cent. from silver, as an indemnification for the expense of coining. This is inferred from a report of the late Board of Treasury, upon which that resolution appears to have been founded.

Upon the supposition that the expense of coining ought to be defrayed out of the metals, there are two ways in which it may be effected: one by a reduction of the quantity of fine gold and silver in the coins, the other by establishing a difference between the value of those metals in the coins and the mint price of them in bullion.

The first method appears to the Secretary inadmissible. He is unable to distinguish an operation of this sort from that of raising the denomination of the coin—a measure which has been disapproved by the wisest men of the nations in which it has been practised, and condemned by the rest of the world. To declare that a less weight of gold or silver shall pass for the same sum, which before represented a greater weight, or to ordain that the same weight shall pass for a greater sum, are things substantially of one nature. The consequence of either of them, if the change can be realized, is to degrade the money unit; obliging creditors to receive less than their just dues, and depreciating property of every kind. For it is manifest that every thing would, in this

case, be represented by a less quantity of gold and silver than before.

It is sometimes observed on this head, that, though any article of property might, in fact, be represented by a less actual quantity of pure metal, it would, nevertheless, be represented by something of the same intrinsic value. Every fabric, it is remarked, is worth intrinsically the price of the raw material and the expense of fabrication; a truth not less applicable to a piece of coin than to a yard of cloth.

This position, well founded in itself, is here misapplied. It supposes that the coins now in circulation are to be considered as bullion, or, in other words, as raw material. But the fact is, that the adoption of them as money, has caused them to become the fabric; it has invested them with the character and office of coins, and has given them a sanction and efficacy equivalent to that of the stamp of the Sovereign. The prices of all our commodities, at home and abroad, and of all foreign commodities in our markets, have found their level in conformity to this principle. The foreign coins may be divested of the privilege they have hitherto been permitted to enjoy, and may of course be left to find their value in the market as a raw material. But the quantity of gold and silver in the national coins, corresponding with a given sum, cannot be made less than heretofore without disturbing the balance of intrinsic value, and making every acre of land, as well as every bushel of wheat, of less actual worth than in time past. If the United States were isolated, and cut off from all intercourse with the rest of mankind, this reasoning would not be equally conclusive. But it appears decisive, when considered with a view to the relations which commerce has created between us and other countries.

It is, however, not improbable that the effect meditated would be defeated by a rise of prices proportioned to the diminution of the intrinsic value of the coins. This might be looked for in every enlightened commercial country; but, perhaps, in none with greater certainty than in this; because in none are men less liable to be the dupes of sounds; in none has authority so little resource for substituting names for things.

A general revolution in prices, though only nominally and in appearance, could not fail to distract the ideas of the community, and would be apt to breed discontents as well among all those who live on the income of their money as among the poorer classes of the people, to whom the necessities of life would seem to have become dearer. In the confusion of such a state of things, ideas of value would not improbably adhere to the old coins, which, from that circumstance, instead of feeling the effect of the loss of their privilege as money, would, perhaps, bear a price in the market, relatively to the new ones, in exact proportion to weight. The frequency of the demand for the metals to pay foreign balances would contribute to this effect.

Among the evils attendant on such an opera-

tion are these: creditors, both of individuals would lose a part of their property; public and private revenues of the Government would be diminished. There is scarcely any point, in the economy of national affairs, of greater moment than the uniform preservation of the intrinsic value of the money unit. On this the security and steady value of property essentially depend.

The second method, therefore, of defraying the expense of the coinage out of the metals is greatly to be preferred to the other. This is to let the same sum of money continue to represent in the new coins exactly the same quantity of gold and silver as it does in those now current; to allow at the mint such a price only for those metals as will admit of profit just sufficient to satisfy the expense of coinage; to abolish the legal currency of the foreign coins, both in public and private payments; and, of course, to leave the superior utility of the national coins for domestic purposes to operate the difference of market value, which is necessary to induce the bringing of bullion to the mint. In this case, all property and labor will still be represented by the same quantity of gold and silver as formerly; and the only change which will be wrought will consist in annexing the office of money exclusively to the national coins; consequently, withdrawing it from those of foreign countries, and suffering them to become, as they ought to be, mere articles of merchandise.

The arguments in favor of a regulation of this kind are, first, that the want of it is a cause of individual interest to distinguish between the national coins and bullion, they are, it is alleged, indiscriminately melted down for domestic manufactures, and exported for the purposes of foreign trade; and it is added, that when the coins become light by wearing, the same quantity of fine gold or silver bears a higher price in bullion than in the coins; in which state of things the melting down of the coins to be sold as bullion is attended with profit; and from both causes, the expense of the mint, or, in other words, the expense of maintaining the specie capital of the nation, is materially augmented.

Secondly. That the existence of such a regulation promotes a favorable course of exchange, and benefits trade, not only by that circumstance but by obliging foreigners, in certain cases, to pay dearer for domestic commodities, and to sell their own cheaper.

As far as relates to the tendency of a free coinage to produce an increase of expense in the different ways that have been stated, the argument must be allowed to have foundation, both in reason and experience. It describes what has been exemplified in Great Britain.

The effect of giving an artificial value to bullion is not, at first sight, obvious; but it actually happened at the period immediately preceding the late reformation in the gold coin of the country just named. A pound troy in gold bullion, of

standard fineness, was then from 19s. 6d. to 25s. sterling dearer than an equal weight of guineas, as delivered at the mint. The phenomenon is thus accounted for: the old guineas were more than two per cent. lighter than their standard weight. This weight, therefore, in bullion was truly worth two per cent. more than those guineas. It constantly had, in respect to them, a correspondent rise in the market.

And as guineas were then current by tale, the new ones as they issued from the mint were founded in circulation with the old ones, and by the association were depreciated below the intrinsic value in comparison with bullion. It became of course a profitable traffic to sell bullion for coin, to select the light pieces, and re-issue them in currency, and to melt down the heavy ones, and sell them again as bullion. This practice, besides other inconveniences, cost the Government large sums in the renewal of the coins. But the remainder of the argument stands upon ground far more questionable. It depends upon very numerous and very complex combinations, in which there is infinite latitude for fallacy and error.

The most plausible part of it is that which relates to the course of exchange. Experience in France has shown that the market price of bullion has been influenced by the mint difference between that and coin; sometimes to the full extent of the difference; and it would seem to be a clear inference that, whenever that difference materially exceeded the charges of remitting bullion from the country where it existed to another in which coinage was free, exchange would be in favor of the former.

If, for instance, the balance of trade between France and England were at any time equal, their merchants would naturally have reciprocal payments to make to an equal amount, which, as usual, would be liquidated by means of bills of exchange. If in this situation the difference between coin and bullion should be, in the market, as at the mint of France, eight per cent.; if, also, the charges of transporting money from France to England should not be above two per cent.; and if exchange should be at par, it is evident that a profit of six per cent. might be made by sending bullion from France to England, and drawing bills for the amount. One hundred louis d'ors in coin would purchase the weight of one hundred and eight in bullion: one hundred of which, remitted to England, would suffice to pay a debt of an equal amount, and two being paid for the charges of insurance and transportation, there would remain six for the benefit of the person who should manage the negotiation. But as so large a profit could not fail to produce competition, the bills, in consequence of this, would decrease in price, till the profit was reduced to the minimum of an adequate recompense for the trouble and risk. And, as the amount of one hundred louis d'ors in England might be afforded for ninety-six in France, with a profit of more than one and a half per cent., bills upon England might fall in France to four per cent. below par;

one per cent. being a sufficient profit to the exchanger or broker for the management of the business.

But it is admitted that this advantage is lost when the balance of trade is against the nation which imposes the duty in question; because by increasing the demand for bullion, it brings this to a par with the coins; and it is to be suspected that where commercial principles have their free scope, and are well understood, the market difference between the metals in coin and bullion will seldom approximate to that of the mint, if the latter be considerable. It must be not a little difficult to keep the money of the world, which can be employed to an equal purpose in the commerce of the world, in a state of degradation in comparison with the money of a particular country.

This alone would seem sufficient to prevent it: whenever the price of coin to bullion in the market materially exceeded the par of the metals it would become an object to send the bullion abroad, if not to pay a foreign balance, to be invested in some other way in foreign countries where it bore a superior value; an operation by which immense fortunes might be amassed, if it were not that the exportation of the bullion would of itself restore the intrinsic par. But as it would naturally have this effect, the advantage supposed would contain in itself the principle of its own destruction. As long, however, as the exportation of bullion could be made with profit, which is as long as exchange could remain below par, there would be a drain of the gold and silver of the country.

If any thing can maintain for a length of time a material difference between the value of the metals in coin and in bullion, it must be a constant and considerable balance of trade in favor of the country in which it is maintained. In one situated like the United States, it would in all probability be a hopeless attempt. The frequent demand for gold and silver to pay balances to foreigners would tend powerfully to preserve the equilibrium of intrinsic value.

The prospect is that it would occasion foreign coins to circulate by common consent nearly at par with the national.

To say that, as far as the effect of lowering exchange is produced, though it is only occasional and momentary, there is a benefit the more thrown into the scale of public prosperity is not satisfactory. It has been seen that it may be productive of one evil, the investment of a part of the national capital in foreign countries, which can hardly be beneficial but in a situation like that of the United Netherlands, where an immense capital, and a decrease of internal demand, render it necessary to find employment for money in the wants of other nations; and, perhaps, on a closer examination, other evils may be described.

One alluded to that which has been mentioned is this, taking France, for the sake of more concise illustration, as the scene. Whenever it happens that French louis d'ors are sent abroad, for whatever cause, if there be a considerable differ-

ence between coin and bullion, in the market of France, it will constitute an advantageous traffic to send back these louis d'ors, and bring away bullion in lieu of them; upon all which exchanges France must sustain an actual loss of a part of its gold and silver.

Again, such a difference between coin and bullion may tend to counteract a favorable balance of trade. Whenever a foreign merchant is the carrier of his own commodities to France for sale, he has a strong inducement to bring back specie instead of French commodities; because a return in the latter may afford no profit, may even be attended with a loss; in the former it will afford a certain profit. The same principle must be supposed to operate in the general course of remittances from France to other countries. The principal question with a merchant naturally is, in what manner can I realize a given sum, with most advantage, where I wish to place it? And in cases in which other commodities are not likely to produce equal profit with bullion, it may be expected that this will be preferred; to which the greater certainty attending the operation must be an additional excitement. There can hardly be imagined a circumstance less friendly to trade than the existence of an extra inducement arising from the possibility of a profitable speculation upon the articles themselves, to export from a country its gold and silver rather than the product of its land and labor.

The other advantages supposed, of obliging foreigners to pay dearer for domestic commodities, and to sell their own cheaper, are applied to a situation which includes a favorable balance of trade. It is understood in this sense—the prices of commodities (such, at least, as are peculiar to the country) remain attached to the denominations of the coins. When a favorable balance of trade realizes in the market the mint difference between coin and bullion, foreigners, who must pay in the latter, are obliged to give more of it for such commodities than they otherwise would do. Again, the bullion, which is now obtained at a cheaper rate in the home market, will procure the same quantity of goods in the foreign market as before; which is said to render foreign commodities cheaper. In this reasoning much fallacy is to be suspected. If it be true that foreigners pay more for domestic commodities, it must be equally true that they get more for their own when they bring them themselves to market. If peculiar or other domestic commodities adhere to the denominations of the coins, no reason occurs why foreign commodities of a like character should not do the same thing; and, in this case, the foreigner, though he receives only the same value in coin for his merchandise as formerly, can convert it into a greater quantity of bullion. Whence the nation is liable to lose more of its gold and silver than their intrinsic value in relation to the coins were preserved. And whether the gain or the loss will, on the whole, preponderate, would appear to depend on the comparative proportion of active commerce of the one country with the other.

It is evident, also, that the nation must pay as

much gold and silver as before for the commodities which it procures abroad; and whether it obtains this gold and silver cheaper or not turns upon the solution of the question just intimated, respecting the relative proportion of active commerce between the two countries.

Besides these considerations, it is admitted in the reasoning that the advantages supposed, which depend on a favorable balance of trade, have a tendency to affect that balance disadvantageously. Foreigners, it is allowed, will, in this case, seek some other vent for their commodities, and some other market where they can supply their wants at an easier rate. A tendency of this kind, if real, will be a sufficient objection to the regulation. Nothing which contributes to change a beneficial current of trade can well compensate, by particular advantages, for so injurious an effect. It is far more easy to transfer trade from a less to a more favorable channel, than, when once transferred, to bring it back to its old one. Every source of artificial interruption to an advantageous current is, therefore, cautiously to be avoided.

It merits attention that the able minister who so lately and so long presided over the finances of France, does not attribute to the duty of coinage in that country any particular advantages in relation to exchange and trade. Though he rather appears an advocate for it, it is on the sole ground of the revenue it affords, which he represents as in the nature of a very moderate duty on the general mass of exportation.

And it is not improbable that to the singular felicity of situation of that kingdom is to be attributed its not having been sensible of the evils which seem incident to the regulation. There is, perhaps, no part of Europe which has so little need of other countries as France. Comprehending a variety of soils and climates, an immense population, its agriculture in a state of mature improvement, it possesses within its own bosom most, if not all, the productions of the earth which any of its most favored neighbors can boast. The variety, abundance, and excellence of its wines constitute a peculiar advantage in its favor. Arts and manufactures are there also in a very advanced state; some of them, of considerable importance, in higher perfection than elsewhere. Its contiguity to Spain; the intimate nature of its connexion with that country—a country with few fabrics of its own, consequently numerous wants, and the principal receptacle of the treasures of the New World; these circumstances concur in securing to France so uniform and so considerable a balance of trade, as in a great measure to counteract the natural tendency of any errors which may exist in the system of her mint, and to render inferences from the operation of that system there, in reference to this country, more liable to mislead than to instruct. Nor ought it to pass unnoticed, that, with all these advantages, the Government of France has found it necessary, on some occasions, to employ very violent methods to compel the bringing of bullion to the mint; a circumstance which affords a strong presumption of the inexpediency of the regulation.

and of the impracticability of executing it in the United States.

This point has been the longer dwelt upon, not only because there is a diversity of opinion among speculative men concerning it, and a diversity in the practice of the most considerable commercial nations, but because the acts of our own Government, under the Confederation, have not only admitted the expediency of defraying the expense of coinage out of the metals themselves, but upon this idea have both made a deduction from the weight of the coins, and established a difference between their regulated value and the mint price of bullion, greater than would result from that deduction. This double operation in favor of a principle so questionable in itself has made a more particular investigation of it a duty.

The intention, however, of the preceding remarks is rather to show that the expectation of commercial advantages ought not to decide in favor of a duty on coinage, and that if it should be adopted, it ought not to be in the form of a deduction from the intrinsic value of the coins than absolutely to exclude the idea of any difference whatever between the value of the metals in coin and in bullion. It is not clearly discerned that a small difference between the mint price of bullion and the regulated value of the coins would be pernicious, or that it might not even be advisable, in the first instance, by way of experiment, merely as a preventive to the melting down and exportation of the coins. This will now be somewhat more particularly considered.

The arguments for a coinage entirely free are, that it preserves the intrinsic value of the metals, that it makes the expense of fabrication a general instead of partial tax; and that it tends to promote the abundance of gold and silver, which, it is alleged, will flow to that place where they find the best price, and from that place where they are in any degree undervalued.

The first consideration has not much weight, as an objection to a plan which, without diminishing the quantity of metals in the coins, merely allows a less price for them in bullion at the national factory or mint. No rule of intrinsic value is violated by considering the raw material as worth less than the fabric in proportion to the expense of fabrication. And by divesting foreign coins of the privilege of circulating as money, they become the raw material.

The second consideration has perhaps greater weight. But it may not amount to an objection, if it be the best method of preventing disorders in the coins, which it is in a particular manner the interest of those on whom the tax would fall to prevent. The practice of taking gold by weight, which has of late years obtained in Great Britain, has been found in some degree a remedy; but this is inconvenient and may, on that account, fall into disuse. Another circumstance has had a remedial operation. This is the delay of the mint. It appears to be the practice there not to make payment for the bullion which is brought to be exchanged for coin, till it either has in fact, or is pretended to have undergone the process of recoining.

The necessity of filling prior engagements is a cause or pretext for postponing the delivery of the coin in lieu of the bullion. And this delay creates a difference in the market price of the two things. Accordingly, for some years past, an ounce of standard gold, which is worth in coin £3 17s. 10 1-2d. sterling, has been in the market of London, in bullion, only £3 17s. 6d., which is within a small fraction of one-half per cent. less. Whether this be management in the mint to accommodate the bank in the purchase of bullion, or to effect indirectly something equivalent to a formal difference of price, or whether it be the natural course of the business, is open to conjecture.

It at the same time indicates that if the mint were to make prompt payment at about half per cent. less than it does at present, the state of bullion in respect to coin would be precisely the same as it now is; and it would be then certain that the Government would save expense in the coinage of gold; since it is not probable that the time actually lost in the course of the year in converting bullion into coin can be an equivalent to half per cent. on the advance, and there will generally be at the command of the Treasury a considerable sum of money waiting for some periodical disbursement, which without hazard might be applied to that advance.

In what sense a free coinage can be said to promote the abundance of gold and silver may be inferred from the instances which have been given of the tendency of a contrary system to promote their exportation. It is, however, not probable that a very small difference of value between coin and bullion can have any effect which ought to enter into calculation. There can be no inducement of positive profit to export the bullion as long as the difference of price is exceeded by the expense of transportation. And the prospect of smaller loss upon the metals than upon commodities, when the difference is very minute, will be frequently overbalanced by the possibility of doing better with the latter from a rise of markets. It is, at any rate, certain that it can be of no consequence in this view, whether the superiority of coin to bullion in the market be produced, as in England, by the delay of the mint, or by a formal discrimination in the regulated values.

Under an impression that a small difference between the value of the coin and the mint price of bullion is the least exceptionable expedient for restraining the melting down or exportation of the former, and not perceiving that, if it be a very moderate one, it can be hurtful in other respects, the Secretary is inclined to an experiment of one-half per cent. on each of the metals. The fact which has been mentioned with regard to the price of gold bullion in the English market, seems to demonstrate that such a difference may safely be made. In this case, there must be immediate payment for the gold and silver offered to the mint. How far one-half per cent. will go towards defraying the expense of the coinage cannot be determined beforehand with accuracy. It

is presumed that, on an economical plan, it will suffice in relation to gold; but it is not expected that the same rate on silver will be sufficient to defray the expense attending that metal. Some additional provision may, therefore, be found necessary, if this limit be adopted.

It does not seem to be advisable to make any greater difference in regard to silver than to gold; because it is desirable that the proportion between the two metals in the market should correspond with that in the coins, which would not be the case if the mint price of one was comparatively lower than that of the other; and because, also, silver being proposed to be rated in respect to gold somewhat below its general commercial value, if there should be a disparity to its disadvantage in the mint prices of the two metals, it would obstruct too much the bringing of it to be coined, and would add an inducement to export it. Nor does it appear to the Secretary safe to make a greater difference between the value of coin and bullion than has been mentioned. It will be better to have to increase it hereafter, if this shall be found expedient, than to have to recede from too considerable a difference in consequence of evils which shall have been experienced.

It is sometimes mentioned as an expedient which, consistently with a free coinage, may serve to prevent the evils desired to be avoided, to incorporate in the coins a greater proportion of alloy than is usual; regulating their value, nevertheless, according to the quantity of pure metal they contain. This, it is supposed, by adding to the difficulty of refining them, would cause bullion to be preferred, both for manufacture and exportation.

But strong objections lie against this scheme—an augmentation of expense; an actual depreciation of the coin; a danger of still greater depreciation in the public opinion; the facilitating of counterfeits; while it is questionable whether it would have the effect expected from it.

The alloy being esteemed of no value, an increase of it is evidently an increase of expense. This, in relation to the gold coins particularly, is a matter of moment. It has been noted that the alloy in them consists partly of silver. If to avoid expense, the addition should be of copper only, this would spoil the appearance of the coin, and give it a base countenance. Its beauty would indeed be injured, though in a less degree, even if the usual proportions of silver and copper should be maintained in the increased quantity of alloy. And however inconsiderable an additional expenditure of copper in the coinage of a year may be deemed, in a series of years, it would become of consequence. In regulations which contemplate the lapse and operation of ages, a very small item of expense acquires importance.

The actual depreciation of the coin by an increase of alloy results from the very circumstance which is the motive to it—the greater difficulty of refining. In England it is customary for those concerned in manufactures of gold to make a deduction in the price of fourpence sterling per

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ounce of fine gold for every carat which the mass containing it is below the legal standard. Taking this as a rule, an inferiority of a single carat, or one twenty-fourth part in the gold coins of the United States, compared with the English standard, would cause the same quantity of pure gold in them to be worth nearly four-tenths per cent. less than in the coins of Great Britain. This circumstance would be likely, in process of time, to be felt in the market of the United States.

A still greater depreciation, in the public opinion, would be to be apprehended from the apparent debasement of the coin. The effects of imagination and prejudice cannot safely be disregarded in any thing that relates to money. If the beauty of the coin be impaired, it may be found difficult to satisfy the generality of the community, that what appears worst is not really less valuable; and it is not altogether certain that an impression of its being so may not occasion an unnatural augmentation of prices.

Greater danger of imposition by counterfeiters is also to be apprehended from the injury which will be done to the appearance of the coin. It is a just observation that "the perfection of the coins is a great safeguard against counterfeiters." And it is evident that the color, as well as the excellence of the workmanship, is an ingredient in that perfection. The intermixture of too much alloy, particularly of copper, in the gold coins at least, must materially lessen the facility of distinguishing by the eye the purer from the baser kind—the genuine from the counterfeit.

The inefficacy of the arrangement to the purpose intended to be answered by it is rendered probable by different considerations. If the standard of plate in the United States should be regulated according to that of the national coins, it is to be expected that the goldsmith would prefer these to the foreign coins, because he would find them prepared to his hand in the state which he desires; whereas he would have to expend an additional quantity of alloy to bring the foreign coins to that state. If the standard of plate, by law and usage, should be superior to that of the national coins, there would be a possibility of the foreign coins bearing a higher price in the market; and this would not only obstruct their being brought to the mint, but might occasion the exportation of the national coin in preference. It is not understood that the practice of making an abatement of price for the inferiority of standard is applicable to the English mint, and if it be not, this would also contribute to frustrating the expected effect from the increase of alloy. For, in this case, a given quantity of pure metal, in our standard, would be worth as much there as in bullion of the English, or any other standard.

Considering, therefore, the uncertainty of the success of the expedient, and the inconveniences which seem incident to it, it would appear preferable to submit to those of a free coinage. It is observable that additional expense, which is one of the principal of these, is also applicable to the proposed remedy.

It is now proper to resume and finish the an-

swer to the first question, in order to which the three succeeding ones have necessarily been anticipated. The conclusion to be drawn from the observations which have been made on the subject is this: that the unit in the coins of the United States ought to correspond with 24 grains and three-fourths of a grain of pure gold, and with 371 grains and one-fourth of a grain of pure silver, each answering to a dollar in the money of account. The former is exactly agreeable to the present value of gold, and the latter is within a small fraction of the mean of the two last emissions of dollars; the only ones which are now found in common circulation, and of which the newest is in the greatest abundance. The alloy in each case to be one-twelfth of the total weight, which will make the unit 27 grains of standard gold, and 405 grains of standard silver.

Each of these, it has been remarked, will answer to a dollar in the money of account. It is conceived that nothing better can be done in relation to this than to pursue the track marked out by the resolution of the 8th of August, 1786. This has been approved abroad as well as at home, and it is certain that nothing can be more simple and convenient than the decimal subdivisions. There is every reason to expect that the method will speedily grow into general use, when it shall be seconded by corresponding coins. On this plan the unit in the money of account will continue to be, as established by that resolution, a dollar, and its multiples, dimes, cents, and mills, or tenths, hundredths, and thousandths.

With regard to the number of different pieces which shall compose the coins of the United States, two things are to be consulted—convenience of circulation, and cheapness of the coinage. The first ought not to be sacrificed to the last; but as far as they can be reconciled to each other, it is desirable to do it. Numerous and small (if not too minute) subdivisions assist calculation; but the multiplication of the smaller kinds increases expense; the same process being necessary to a small as to a large piece.

As it is easy to add, it will be most advisable to begin with a small number till experience shall decide whether any other kinds are necessary. The following, it is conceived, will be sufficient in the commencement:

One gold piece, equal in weight and value to ten units or dollars.

One gold piece, equal to a tenth part of the former, and which shall be a unit or dollar.

One silver piece, which shall also be a unit or dollar.

One silver piece, which shall be, in weight and value, one tenth part of a silver unit or dollar.

One copper piece, which shall be of the value of a hundredth part of a dollar.

One other copper piece, which shall be half the value of the former.

It is not proposed that the lightest piece of the two gold coins should be numerous, as in large payments the larger the pieces the shorter the process of counting, the less risk of mistake, and

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consequently, the greater the safety and the convenience; and in small payments it is not perceived that any inconvenience can accrue from an entire dependence on the silver and copper coins. The chief inducement to the establishment of the small gold piece is to have a sensible object in that metal, as well as in silver, to express the unit. Fifty thousand at a time in circulation may suffice for this purpose.

The tenth part of a dollar is but a small piece, and with the aid of the copper coins will probably suffice for all the more minute uses of circulation. It is less than the least of the silver coins now in general currency in England.

The largest copper piece will nearly answer to the half penny sterling, and the smallest, of course, to the farthing. Pieces of very small value are a great accommodation, and the means of a beneficial economy to the poor, by enabling them to purchase, in small portions, and at a more reasonable rate, the necessities of which they stand in need. If there are only cents, the lowest price for any portion of a vendible commodity, however inconsiderable in quantity, will be a cent; if there are half cents, it will be a half cent, and in a great number of cases, exactly the same things will be sold for a half cent, which, if there were none, would cost a cent. But a half cent is low enough for the *minimum* of price. Excessive minuteness would defeat its object. To enable the poorer classes to procure necessities cheap, is to enable them, with more comfort to themselves, to labor for less; the advantages of which need no comment.

The denominations of the silver coins contained in the resolution of the 8th of August, 1786, are conceived to be significant and proper. The dollar is recommended by its correspondence with the present coin of that name for which it is designed to be a substitute, which will facilitate its ready adoption as such in the minds of the citizens. The dime or tenth, the cent or hundredth, the mill or thousandth, are proper, because they express the proportions which they are intended to designate. It is only to be regretted that the meaning of these terms will not be familiar to those who are not acquainted with the language from which they are borrowed. It were to be wished that the length, and, in some degree, the clumsiness of some of the corresponding terms in English did not discourage from preferring them. It is useful to have names which signify the things to which they belong; and in respect to objects of general use, in a manner intelligible to all. Perhaps it might be an improvement to let the dollar have the appellation either of dollar or unit, (which last will be the most significant,) and to substitute "tenths" for "dime." In time the unit may succeed to the dollar. The word cent, being in use in various transactions and instruments, will, without much difficulty, be understood as the hundredth, and the half cent, of course, as the two-hundredth part.

The eagle is not a very expressive or apt appellation for the largest gold piece, but nothing

better occurs. The smallest of the two gold coins may be called the dollar or unit, in common with the silver piece with which it coincides.

The volume or size of each piece is a matter of more consequence than its denomination. It is evident that the more superficial, or surface, the more the piece will be liable to be injured by friction, or, in other words, the faster it will wear. For this reason it is desirable to render the thickness as great, in proportion to the breadth, as may consist with neatness and good appearance. Hence the form of the double guinea, or double louis d'or, is preferable to that of the half johannes for the large gold piece. The small one cannot well be of any other size than the Portuguese piece of eight of the same metal.

As it is of consequence to fortify the idea of the identity of the dollar, it may be best to let the form and size of the new one, as far as the quantity of matter (the alloy being less) permits, agree with the form and size of the present. The diameter may be the same.

The tenths may be in a mean between the Spanish one-eighth and one-sixteenth of a dollar. The copper coins may be formed merely with a view to good appearance, as any difference in the wearing that can result from difference of form, can be of little consequence in reference to that metal.

It is conceived that the weight of the cent may be 11 dwts., which will about correspond with the value of the copper and the expense of coinage. This will be to conform to the rule of intrinsic value, as far as regard to the convenient size of the coins will permit; and the deduction of the expense of coinage in this case will be the more proper, as the copper coins which have been current hitherto have passed till lately for much more than their intrinsic value. Taking the weight, as has been suggested, the size of the cent may be nearly that of the piece herewith transmitted, which weighs 10 dwts. 11 grs. 10 m. Two-thirds of the diameter of the cent will suffice for the diameter of the half cent.

It may, perhaps, be thought expedient, according to the general practice, to make the copper coinage an object of profit, but where this is done to any considerable extent, it is hardly possible to have effectual security against counterfeiters. This consideration, concurring with the soundness of the principle of preserving the intrinsic value of the money of a country, seems to outweigh the consideration of profit.

The foregoing suggestions respecting the sizes of the several coins are made on the supposition that the Legislature may think fit to regulate this matter. Perhaps, however, it may be judged not unadvisable to leave it to Executive discretion.

With regard to the proposed size of a cent, it is to be confessed that it is rather greater than might be wished, if it could, with propriety and safety, be made less; and should the value of copper continue to decline, as it has done for some time past, it is very questionable whether it will long remain alone a fit metal for money. This has led to a consideration of the expediency of uni-

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ing a small proportion of silver with the copper, in order to be able to lessen the bulk of the inferior coins. For this there are precedents in several parts of Europe. In France, the composition which is called billon, has consisted of one part silver and four parts copper; according to which proportion, a cent might contain seventeen grains, defraying out of the material the expense of coinage. The convenience of size is a recommendation of such a species of coin, but the Secretary is deterred from proposing it by the apprehension of counterfeits. The effect of so small a quantity of silver in comparatively so large a quantity of copper, could easily be imitated by a mixture of other metals of little value, and the temptation to doing it would not be inconsiderable. The devices of the coins are far from being matters of indifference, as they may be made the vehicles of useful impressions. They ought therefore to be emblematical, but without losing sight of simplicity. The fewer sharp points and angles there are, the less will be the loss by wearing. The Secretary thinks it best, on this head, to confine himself to these concise and general remarks.

The last point to be discussed respects the currency of foreign coins. The abolition of this in proper season is a necessary part of the system contemplated for the national coinage. But this it will be expedient to defer till some considerable progress has been made in preparing substitutes for them. A gradation may therefore be found most convenient.

The foreign coins may be suffered to circulate precisely upon their present footing for one year after the mint shall have commenced its operations. The privilege may then be continued for another year to the gold coins of Portugal, England, and France, and to the silver coins of Spain. And these may still be permitted to be current for one year more at the rates allowed to be given for them at the mint; after the expiration of which the circulation of all foreign coins to cease.

The moneys which will be paid into the Treasury during the first year being recoined before they are issued anew will afford a partial substitute before any interruption is given to the pre-existing supplies of circulation. The revenues of the succeeding year, and the coins which will be brought to the mint in consequence of the discontinuance of their currency, will materially extend the substitute in the course of that year, and its extension will be so far increased during the third year, by the facility of procuring the remaining species to be recoined, which will arise from the diminution of their current values, as probably to enable the dispensing wholly with the circulation of foreign coins after that period. The progress which the currency of banks bills will be likely to have made during the same time will also afford a substitute of another kind.

This arrangement, besides avoiding a sudden stagnation of circulation, will cause a considerable proportion of whatever loss may be incident to the establishment, in the first instance, to fall, as it ought to do, upon the Government, and will

probably tend to distribute the remainder of it more equally among the community.

It may, nevertheless, be advisable, in addition to the precautions here suggested, to repose a discretionary authority in the President of the United States, to continue the currency of the Spanish dollar at a value corresponding with the quantity of fine silver contained in it, beyond the period above mentioned for the cessation of the circulation of the foreign coins. It is possible that an exception in favor of this particular species of coin may be found expedient, and it may tend to obviate inconveniences, if there be a power to make the exception, in a capacity to be exerted when the period shall arrive.

The Secretary for the Department of State, in his report to the House of Representatives on the subject of establishing a uniformity in weights, measures, and coins of the United States, has proposed that the weight of the dollar should correspond with the unit of weight. This was done on the supposition that it would require but a very small addition to the quantity of metal which the dollar, independently of the object he had in view, ought to contain, in which he was guided by the resolution of the 8th of August, 1786, fixing the dollar at 375 grains and 64 hundredths of a grain.

Taking this as the proper standard of the dollar, a small alteration, for the sake of incorporating so systematic an idea, would appear desirable. But if the principles which have been reasoned from in this report are just, the execution of that idea becomes more difficult. It would certainly not be advisable to make on that account so considerable a change in the money unit, as would be produced by the addition of five grains of silver to the proper weight of the dollar, without a proportional augmentation of its relative value, and to make such an augmentation would be to abandon the advantage of preserving the identity of the dollar, or, to speak more accurately, of having the proposed one received and considered as a mere substitute for the present.

The end may, however, be obtained without either of those inconveniences by increasing the proportion of alloy in the silver coins. But this would destroy the uniformity in that respect between the gold and silver coins. It remains, therefore, to elect which of the two systematic ideas shall be pursued or relinquished; and it may be remarked that it will be more easy to convert the present silver coins into the proposed ones, if these last have the same or nearly the same proportion of alloy, than if they had less.

The organization of the mint yet remains to be considered.

This relates to the persons to be employed, and to the services which they are respectively to perform. It is conceived that there ought to be:

A director of the mint, to have the general superintendence of the business.

An assay master, or assayer, to receive the metals brought to the mint, ascertain their fineness, and deliver them to be coined.

A master coiner, to conduct the making of the coins.

Militia Plan.

A cashier, to receive and pay them out. An auditor, to keep and adjust the accounts of the mint.

Clerks, as many as the director of the mint shall deem necessary, to assist the different officers. Workmen, as many as may be found requisite. A porter.

In several of the European mints there are various other officers, but the foregoing are those only which appear to be indispensable. Persons in the capacity of clerks will suffice instead of the others, with the advantage of greater economy.

The number of workmen is left indefinite, because, at certain times, it is requisite to have more than at others. They will, however, never be numerous. The expense of the establishment in an ordinary year will probably be from fifteen to twenty thousand dollars.

The remedy for errors in the weight and alloy of the coins must necessarily form a part in the system of a mint; and the manner of applying it will require to be regulated. The following account is given of the practice in England, in this particular:

A certain number of pieces are taken promiscuously out of every fifteen pounds of gold coined at the mint, which are deposited for safe-keeping in a strong box, called the *pix*. This box, from time to time, is opened in the presence of the Lord Chancellor, the officers of the Treasury, and others, and portions are selected from the pieces of each coinage, which are melted together, and the mass assayed by a jury of the company of goldsmiths. If the imperfection and deficiency, both in fineness and weight, fall short of a sixth of a carat, or 40 grains of pure gold upon a pound of standard, the master of the mint is held excusable, because it is supposed that no workman can reasonably be answerable for greater exactness. The expediency of some similar regulation seems to be manifest.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

GENERAL KNOX'S MILITIA PLAN.

WAR OFFICE, January 18, 1790.

SIR: Having submitted to your consideration a plan for the arrangement of the militia of the United States, which I had presented to the late Congress, and you having approved the general principles thereof, with certain exceptions, I now respectfully lay the same before you, modified according to the alterations you were pleased to suggest.

It has been my anxious desire to devise a national system of defence adequate to the probable exigencies of the United States, whether arising from internal or external causes; and, at the same time, to erect a standard of Republican magnanimity, independent of, and superior to, the powerful influences of wealth.

The convulsive events, generated by the indominate pursuit of riches or ambition, require that the Government should possess a strong corrective arm.

The idea is therefore submitted, whether an efficient military branch of Government can be invented, with safety to the great principles of liberty, unless the same shall be formed of the people themselves, and supported by their habits and manners.

I have the honor to be, sir,

With the most perfect respect,

Your most obedient servant,

H. KNOX,
Secretary for the Department of War.

THE INTRODUCTION.

That a well constituted Republic is more favorable to the liberties of society, and that its principles give a higher elevation to the human mind than any other form of Government, has generally been acknowledged by the unprejudiced and enlightened part of mankind.

But it is at the same time acknowledged, that, unless a Republic prepares itself by proper arrangements to meet those exigencies to which all States are in a degree liable, that its peace and existence are more precarious than the forms of Government in which the will of one directs the conduct of the whole, for the defence of the nation.

A Government, whose measures must be the result of multiplied deliberations, is seldom in a situation to produce instantly those exertions which the occasion may demand; therefore, it ought to possess such energetic establishments as should enable it, by the vigor of its own citizens, to control events as they arise, instead of being convulsed or subverted by them.

It is the misfortune of modern ages, that Governments have been formed by chance and events, instead of system; that, without fixed principles, they are braced or relaxed, from time to time, according to the predominating power of the rulers or the ruled; the rulers possessing separate interests from the people, except in some of the high-toned Monarchies, in which all opposition to the will of the Princes seems annihilated.

Hence, we look round Europe in vain for an extensive Government, rising on the power inherent in the people, and performing its operations entirely for their benefit. But we find artificial force governing every where, and the people generally made subservient to the elevation and caprice of the few; almost every nation appearing to be busily employed in conducting some external war; grappling with internal commotion; or endeavoring to extricate itself from impending debts, which threaten to overwhelm it with ruin. Princes and Ministers seem neither to have leisure nor inclination to bring forward institutions for diffusing general strength, knowledge, and happiness; but they seem to understand well the Machiavelian maxim of politics—divide and govern. May the United States avoid the errors and

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crimes of other Governments, and possess the wisdom to embrace the present invaluable opportunity of establishing such institutions as shall invigorate, exalt, and perpetuate, the great principles of freedom—an opportunity pregnant with the fate of millions, but rapidly borne on the wings of time, and which may never again return!

The public mind, unbiassed by superstition or prejudice, seems happily prepared to receive the impressions of wisdom. The latent springs of human action, ascertained by the standard of experience, may be regulated and made subservient to the noble purpose of forming a dignified national character.

The causes by which nations have ascended and declined, through the various ages of the world, may be calmly and accurately determined; and the United States may be placed in the singularly fortunate condition of commencing their career of empire with the accumulated knowledge of all the known societies and governments of the globe.

The strength of the Government, like the strength of any other vast and complicated machine, will depend on a due adjustment of its several parts: its agriculture, its commerce, its laws, its finance, its system of defence, and its manners and habits, all require consideration, and the highest exercise of political wisdom.

It is the intention of the present attempt to suggest the most efficient system of defence which may be compatible with the interests of a free people—a system which shall not only produce the expected effect, but which, in its operations, shall also produce those habits and manners which will impart strength and durability to the whole Government.

The modern practice of Europe, with respect to the employment of standing armies, has created such a mass of opinion in their favor, that even philosophers, and the advocates of liberty, have frequently confessed their use and necessity in certain cases.

But whoever seriously and candidly estimates the power of discipline, and the tendency of military habits, will be constrained to confess that, whatever may be the efficacy of a standing army in war, it cannot in peace be considered as friendly to the rights of human nature. The recent instance in France cannot with propriety be brought to overturn the general principle, built upon the uniform experience of mankind.

It may be found, on examining the causes that appear to have influenced the military of France, that while the springs of power were wound up in the nation to the highest pitch, that the discipline of the army was proportionably relaxed. But any argument on this head may be considered as unnecessary as to the enlightened citizens of the United States.

A small corps of well disciplined and well informed artillerymen and engineers, and a legion for the protection of the frontiers, and the magazines and arsenals, are all the military establishment which may be required for the present use of the

United States. The privates of the corps to be enlisted for a certain period, and after the expiration of which, to return to the mass of the citizens. An energetic national militia is to be regarded as the capital security of a free Republic; and not a standing army, forming a distinct class in the community.

It is the introduction and diffusion of vice and corruption of manners into the mass of the people that render a standing army necessary. It is when public spirit is despised, and avarice, indolence, and effeminacy of manners predominate, and prevent the establishment of institutions which would elevate the minds of the youth in the paths of virtue and honor, that a standing army is formed and riveted forever.

While the human character remains unchangeable, and societies and governments of considerable extent are formed, a principle ever ready to execute the laws and defend the State must constantly exist. Without this vital principle, the Government would be invaded or overturned, and trampled upon by the bold and ambitious. No community can be long held together, unless its arrangements are adequate to its probable exigencies.

If it should be decided to reject a standing army for the military branch of the Government of the United States, as possessing too fierce an aspect, and being hostile to the principles of liberty, it will follow that a well constituted militia ought to be established.

A consideration of the subject will show the impracticability of disciplining at once the mass of the people. All discussions on the subject of a powerful militia will result in one or other of the following principles:

First. Either efficient institutions must be established for the military education of youth, and that the knowledge acquired therein shall be diffused throughout the community, by the mean of rotation; or,

Secondly. That the militia must be formed of substitutes, after the manner of the militia of Great Britain.

If the United States possess the vigor of mind to establish the first institution, it may reasonably be expected to produce the most unequivocal advantages. A glorious national spirit will be introduced, with its extensive train of political consequences. The youth will imbibe a love of their country; reverence and obedience to its laws; courage and elevation of mind; openness and liberality of character; accompanied by a just spirit of honor; in addition to which their bodies will acquire a robustness, greatly conducive to their personal happiness, as well as the defence of their country; while habit, with its silent but efficacious operations, will durably cement the system. Habit, that powerful and universal law, incessantly acting on the human race, well deserves the attention of legislators—formed at first in individuals, by separate and almost imperceptible impulses, until at length it acquires a force which controls with irresistible sway. The effects of salutary or pernicious habits, operating on a whole

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nation, are immense, and decides its rank and character in the world.

Hence the science of legislation teaches to scrutinize every national institution, as it may introduce proper or improper habits; to adopt with religious zeal the former, and reject with horror the latter.

A Republic, constructed on the principles herein stated, would be uninjured by events, sufficient to overturn a Government supported solely by the uncertain power of a standing army.

The well-informed members of the community, actuated by the highest motives of self-love, would form the real defence of the country. Rebellions would be prevented, or suppressed with ease. Invasions of such a Government would be undertaken only by madmen; and the virtues and knowledge of the people would effectually oppose the introduction of tyranny.

But the second principle, a militia of substitutes, is pregnant, in a degree, with the mischiefs of a standing army; as it is highly probable the substitutes, from time to time, will be nearly the same men, and the most idle and worthless part of the community. Wealthy families, proud of distinctions which riches may confer, will prevent their sons from serving in the militia of substitutes; the plan will generate into habitual contempt; a standing army will be introduced, and the liberties of the people subjected to all the contingencies of events.

The expense attending an energetic establishment of militia may be strongly urged as an objection to the institution. But it is to be remembered that this objection is levelled at both systems, whether by rotation or by substitutes; for, if the numbers are equal, the expense will also be equal. The estimate of the expense will show its unimportance, when compared with the magnitude and beneficial effects of the institution.

But the people of the United States will cheerfully consent to the expenses of a measure calculated to serve as a perpetual barrier to their liberties; especially as they well know that the disbursements will be made among the members of the same community, and therefore cannot be injurious.

Every intelligent mind would rejoice in the establishment of an institution, under whose auspices the youth and vigor of the constitution would be renewed with each successive generation, and which would appear to secure the great principles of freedom and happiness against the injuries of time and events.

The following plan is formed on these general principles:

First. That it is the indispensable duty of every nation to establish all necessary institutions for its own perfection and defence.

Secondly. That it is a capital security to a free State for the great body of the people to possess a competent knowledge of the military art.

Thirdly. That this knowledge cannot be attained in the present state of society, but by establishing adequate institutions for the military

education of youth; and that the knowledge acquired therein should be diffused throughout the community by the principles of rotation.

Fourthly. That every man of the proper age and ability of body, is firmly bound by the social compact to perform, personally, his proportion of military duty for the defence of the State.

Fifthly. That all men of the legal military age should be armed, enrolled, and held responsible for different degrees of military service. And,

Sixthly. That, agreeably to the Constitution, the United States are to provide for organizing, arming, and disciplining the militia; and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

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The period of life in which military service shall be required of the citizens of the United States, to commence at eighteen, and terminate at the age of sixty years.

The men comprehended by this description, exclusive of such exceptions as the Legislatures of the respective States may think proper to make, and all actual mariners, shall be enrolled for different degrees of military duty, and divided into three distinct classes.

The first class shall comprehend the youth of eighteen, nineteen, and twenty years of age; to be denominated the advanced corps.

The second class shall include the men from twenty-one to forty-five years of age; to be denominated the main corps.

The third class shall comprehend, inclusively, the men from forty-six to sixty years of age; to be denominated the reserved corps.

All the militia of the United States shall assume the form of the legion, which shall be the permanent establishment thereof.

A legion shall consist of one hundred and fifty-three commissioned officers, and two thousand eight hundred and eighty non-commissioned officers and privates, formed in the following manner:

First.—THE LEGIONARY STAFF.

- One Legionary, or Major General.
- Two Aids-de-Camps, of the rank of Major; one of whom to be Legionary Quartermaster.
- One Inspector and Deputy Adjutant General, of the rank of Lieutenant Colonel.
- One Chaplain.

Second.—THE BRIGADE STAFF.

- One Brigadier General.
- One Brigade Inspector, to serve as Aid-de-Camp.

Third.—THE REGIMENTAL STAFF.

- One Lieutenant Colonel Commandant.
- Two Majors.
- One Adjutant.
- One Paymaster, or Agent.
- One Quartermaster.

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Fourth.—TWO BRIGADES OF INFANTRY.
Each brigade of two regiments; each regiment of eight companies, forming two battalions; each company of a captain, lieutenant, ensign, six sergeants, one drum, one fife, and sixty-four rank and file.

Fifth.—TWO COMPANIES OF RIFLEMEN.
Each company to have a captain, lieutenant, ensign, six sergeants, one bugle-horn, one drum, and sixty-four rank and file.

Sixth.—A BATTALION OF ARTILLERY.
Consisting of four companies; each to have a captain, captain lieutenant, one lieutenant, six sergeants, twelve artificers, and fifty-two rank and file.

Seventh.—A SQUADRON OF CAVALRY.
Consisting of two troops; each troop to have a captain, two lieutenants, a corpet, six sergeants, one farrier, one saddler, one trumpeter, and sixty-four dragoons.

In case the whole number of the advanced corps in any State should be insufficient to form a legion of this extent, yet the component parts must be preserved, and the reduction proportioned, as nearly as may be, to each part.

The companies of all the corps shall be divided into sections of twelve each. It is proposed, by this division, to establish one uniform vital principle, which, in peace and war, shall pervade the militia of the United States.

All requisitions for men to form an army, either for State or Federal purposes, shall be furnished by the advanced and main corps, by means of the sections.

The Executive Government or Commander-in-chief of the militia of each State, will assess the numbers required, on the respective legions of these corps.

The legionary general will direct the proportions to be furnished by each part of his command. Should the demand be so great as to require one man from each section, then the operation hereby directed shall be performed by single sections. But if a less number should be required, they will be furnished by an association of sections or companies, according to the demand.

In any case, it is probable that mutual convenience may dictate an agreement with an individual to perform the service required. If, however, no agreement can be made, one must be detached by an indiscriminate draught; and the others shall pay him a sum of money, equal to the average sum which shall be paid in the same legion for the voluntary performance of the service required.

In case any sections, or companies of a legion, after having furnished its own quota, should have more men, willing to engage for the service required, other companies of the same legion shall have permission to engage them. The same rule to extend to the different legions in the State.

The legionary general must be responsible to the commander-in-chief of the militia of the State, that the men furnished are according to the description, and that they are equipped in the manner, and marched to the rendezvous, conformably to the orders for that purpose.

The men who may be draughted, shall not serve more than three years at one time.

The reserved corps being destined for the domestic defence of the State, shall not be obliged to furnish men, excepting in cases of actual invasion or rebellion; and then the men required shall be furnished by means of the sections.

The actual commissioned officers of the respective corps shall not be included in the sections, nor in any of the operations thereof.

The respective States shall be divided into portions or districts; each of which to contain, as nearly as may be, some complete part of a legion.

Every citizen of the United States, who shall serve his country in the field, for the space of one year, either as an officer or soldier, shall, if under the age of twenty-one years, be exempted from the service required in the advanced corps. If he shall be above the age of twenty-one years, then every year he shall so serve in the field shall be estimated as equal to six years' service in the main or reserved corps, and shall accordingly exempt him from every service therein for the said term of six years, except in cases of actual invasion of, or rebellion within the State in which he resides. And it shall also be a permanent establishment, that six years' actual service in the field shall entirely free every citizen from any further demands of service, either in the militia, or in the field, unless in cases of invasion or rebellion.

All actual mariners or seamen, in the respective States, shall be registered in districts, and divided into two classes. The first class to consist of all the seamen from the age of sixteen to thirty years, inclusively. The second class to consist of all those of the age of thirty-one to forty-five inclusively.

The first class shall be responsible to serve three years on board of some public armed vessel or ship of war, as a commissioned officer, warrant officer, or private mariner, for which service they shall receive the customary wages and emoluments.

But should the State not demand the said three years' service during the above period, from the age of sixteen to thirty years, then the party to be exempted entirely therefrom.

The person so serving shall receive a certificate of his service on parchment, according to the form which shall be directed, which shall exempt him from any other than voluntary service, unless in such exigencies as may require the services of all the members of the community.

The second class shall be responsible for a proportion of service, in those cases to which the first class shall be unequal. The numbers required shall be furnished by sections in the same manner as is prescribed for the sections of the militia.

OF THE ADVANCED CORPS.

The advanced corps are designed not only as a school in which the youth of the United States

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are to be instructed in the art of war, but they are, in all cases of exigence, to serve as an actual defence to the community.

The whole of the armed corps shall be clothed according to the manner hereafter directed, armed and assisted at the expense of the United States; and all the youth of the said corps, in each State, shall be encamped together, if practicable, or by legions; which encampments shall be denominated the annual camps of discipline.

The youth of eighteen and nineteen years shall be disciplined for thirty days successively in each year; and those of twenty years shall be disciplined only for ten days in each year, which shall be the last ten days of the annual encampments.

The non-commissioned officers and privates are not to receive any pay during the said time. But the commissioned officers will receive the pay of their relative ranks, agreeably to the federal establishment for the time being.

In order that the plan shall effectually answer the end proposed, the first day of January shall be the fixed period for all who attain the age of eighteen years, in any part or during the course of each year, to be enrolled in the advanced corps, and to take the necessary oaths, to perform personally such legal military service as may be directed for the full and complete term of three years, to be estimated from the time of entrance into the said corps; and also to take an oath of allegiance to the State, and to the United States.

The commanding officer or general of the advanced legions of the district shall regulate the manner of the service of the youth respectively, whether it shall be in the infantry, artillery, or cavalry; but after having entered into either of them, no change should be allowed.

Each individual, at his first joining the annual camps of discipline, will receive complete arms and accoutrements, all of which, previously to his being discharged from the said camps, he must return to the regimental quartermaster, on the penalty of ——— dollars, or ——— months' imprisonment.

The said arms and accoutrements shall be marked in some conspicuous place with the letters M. U. S.; and all sales or purchases of any of the said arms or accoutrements shall be severely punished according to law.

And each individual will also, on his first entrance into the advanced corps, receive the following articles of uniform clothing, one hat, one uniform short coat, one waistcoat, and one pair of overalls; which he shall retain in his own possession, and for which he shall be held accountable, and be compelled to replace all deficiencies during his service in the annual camps of discipline.

Those who shall serve in the cavalry shall be at the expense of their own horses, and uniform helmets, and horse furniture; but they shall receive forage for their horses, swords, pistols, and clothing, equal in value to the infantry.

At the age of twenty-one years, every indi-

vidual having served in the manner and for the time prescribed, shall receive an honorary certificate thereof, on parchment, and signed by the legionary general and inspector.

The names of all persons to whom such certificates shall be given shall be fairly registered in books to be provided for that purpose.

And the said certificate, or an attested copy of the register aforesaid, shall be required as an indispensable qualification for exercising any of the rights of a free citizen, until after the age of ——— years.

The advanced legions, in all cases of invasion or rebellion shall, on requisition of lawful authority, be obliged to march to any place within the United States, to remain embodied for such time as shall be directed, not to exceed one year, to be computed from the time of marching from the regimental parades; during the period of their being on such service, to be placed on the continental establishment of pay, subsistence, clothing, forage, tents, camp-equipage, and all such other allowances as are made to the federal troops at the same time, and under the same circumstances.

If the military service so required should be for such a short period as to render an actual issue of clothing unnecessary, then an allowance should be made, in proportion to the annual cost of clothing for the federal soldier, according to estimates to be furnished for that purpose from the war-office of the United States.

In case the legions of the advanced corps should march to any place, in consequence of a requisition of the General Government, all legal and proper expenses of such march shall be paid by the United States. But should they be embodied, and march in consequence of an order derived from the authority of the State to which they belong, and for State purposes, then the expenses will be borne by the State.

The advanced corps shall be constituted on such principles that, when completed, it will receive one-third part, and discharge one-third part of its numbers annually. By this arrangement, two-thirds of the corps will, at all times, be considerably disciplined; but as it will only receive those of eighteen years of age, it will not be completed until the third year after its institution. Those who have already attained the ages of nineteen and twenty years will, in the first instance, be enrolled in the main corps.

But one-half of the legionary officers to be appointed to the first, and the other the second year of the establishment.

The officers of each grade in the States respectively shall be divided into three classes, which shall by lot be numbered one, two, and three; and one of the said classes, according to their numbers, shall be changed every third year. In the first period of nine years, one-third part will have to serve three, one-third part six, and one-third part nine years. But, after the said first period, the several classes will serve nine years, which shall be the limitation of service by virtue of the same appointment; and in such cases, where

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there may not be three officers of the same grade, the limitation of nine years' service shall be observed. All vacancies occasioned by the aforesaid derangements, or any casualties, shall be immediately filled by new appointments.

The captains and subalterns of the advanced corps shall not be less than twenty-one, nor more than thirty-five, and the field officers shall not exceed forty-five years of age.

Each company, battalion, and regiment shall have a fixed parade, or place at which to assemble. The companies shall assemble at their own parade, and march to the regimental parade; and the battalions to the regimental parade; and when thus embodied, the regiment will march to the rendezvous of the legion. Every commanding officer of a company, battalion, and regiment, will be accountable to his superior officer, that his command is in the most perfect order.

The officers to receive subsistence money, in lieu of provisions, in proportion to their respective grades, and those whose duties require them to be on horseback will receive forage in the same proportion.

Every legion must have a chaplain, of respectable talents and character, who, besides his religious functions, should impress on the minds of the youth, at stated periods, in concise discourses, the eminent advantages of free Governments on the happiness of society, and that such Governments can only be supported by the knowledge, spirit, and virtuous conduct of the youth; to be illustrated by the most conspicuous examples of history.

No amusement should be admitted in camp, but those which correspond with war—the swimming of men and horses, running, wrestling, and such other exercises as shall render the body flexible and vigorous.

The camps should, if possible, be formed near a river, and remote from large cities. The first is necessary for the practice of the manoeuvres, the second to avoid the vices of populous places.

The time of the annual encampments shall be divided into six parts, or periods of five days each. The first of which shall be occupied in acquiring the air, attitudes, and first principles of a soldier; the second in learning the manual exercise, and to march individually and in small squads; the third and fourth in exercising and manoeuvring in detail, and by battalions and regiments. In the fifth, the youth of twenty, having been disciplined during the two preceding annual encampments, are to be included. This period is to be employed in the exercise and tactics of the legion; or, if more than one, in executing the grand manoeuvres of the whole body; marching, attacking, and defending, in various forms different grounds and positions; in fine, in representing all the real images of war, excepting the effusion of blood.

The guards, and every other circumstance of the camp, to be perfectly regulated.

Each State will determine on the season in which its respective annual encampments shall be

formed, so as best to suit the health of the men, and the general interests of society.

The United States to make an adequate provision to supply the arms, clothing, rations, artillery, ammunition, forage, straw, tents, camp-equipage, including every requisite for the annual camps of discipline; and also for the pay and subsistence of the legionary officers, and for the following general staff:—one inspector-general, one adjutant-general, one quartermaster-general, with a deputy for each State.

These officers will be essential to the uniformity, economy, and efficacy of the system, to be appointed in the manner prescribed by the Constitution of the United States.

The quartermaster-general shall be responsible to the United States for the public property of every species, delivered to him for the annual camps of discipline; and his deputy in each State shall be responsible to him.

At the commencement of the annual camps of discipline, the deputy quartermaster will make regular issues to the legionary or regimental quartermasters, as the case may be, of all the articles of every species, provided by the United States.

The returns for the said articles, to be examined and certified by the highest legionary or regimental officer, as the case may be, who shall be responsible for the accuracy thereof.

At the expiration of the annual camps of discipline, all public property (clothing excepted) shall be returned to the deputy quartermaster of State, who shall hold the legionary quartermaster accountable for all his deficiencies. All the apparatus and property so returned shall be carefully examined, repaired, and deposited in a magazine, to be provided in each State for that purpose, under the charge of the said deputy quartermaster, until the ensuing annual encampment, or any occasion which may render a new issue necessary.

Corporal punishments shall never be inflicted in the annual camps of discipline; but a system of fines and imprisonment shall be formed for the regular government of said camps.

OF THE MAIN CORPS.

As the main and reserved corps are to be replenished by the principle of rotation from the advanced corps, and ultimately to consist of men who have received their military education therein, it is proper that one uniform arrangement should pervade the several classes.

It is for this reason the legion is established as the common form of all the corps of the militia.

The main legions, consisting of the great majority of the men of the military age, will form the principal defence of the country.

They are to be responsible for their proportion of men, to form an army whenever necessary shall dictate the measure; and on every sudden occasion to which the advanced corps shall be incompetent, an adequate number of non-commissioned officers and privates shall be added thereto from the main corps, by means of the sections.

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The main corps will be perfectly armed in the first instance, and will practise the exercise and manoeuvres four days in each year, and will assemble in their respective districts, by companies, battalions, regiments, or legions, as shall be directed by the legionary general; but it must be a fixed rule, that in the populous parts of the States the regiments must assemble once annually, and the legions once in three years.

Although the main corps cannot acquire a great degree of military knowledge in the few days prescribed for its annual exercise, yet by the constant accession of the youth from the advanced corps it will soon command respect for its discipline as well as its numbers.

When the youth are transferred from the advanced corps, they shall invariably join the flank companies, the cavalry, or artillery of the main corps, according to the nature of their former services.

OF THE RESERVED CORPS.

The reserved corps will assemble only twice annually for the inspection of arms, by companies, battalions, or regiments, as shall be directed by each State. It will assemble by legions, whenever the defence of the State may render the measure necessary.

Such are the propositions of the plan: to which it may be necessary to add some explanations.

Although the substantial political maxim, which requires personal service of all the members of the community for the defence of the State, is obligatory under all forms of society, and is the main pillar of a free Government, yet the degrees thereof may vary at the different periods of life, consistently with the general welfare. The public convenience may also dictate a relaxation of the general obligation as it respects the principal magistrates, and the ministers of justice and religion, and perhaps some religious sects. But it ought to be remembered that measures of national importance never should be frustrated for the accommodation of individuals.

The military age has generally commenced at sixteen, and terminated at the age of sixty years; but the youth of sixteen do not commonly attain such a degree of robust strength as to enable them to sustain without injury the hardships incident to the field; therefore the commencement of military service is herein fixed at eighteen, and the termination, as usual, at sixty years of age.

As the plan proposes the militia shall be divided into three capital classes, and that each class shall be formed into legions, the reasons for which shall be given in succession.

The advanced corps and annual camps of discipline are instituted in order to introduce an operative military spirit in the community. To establish a course of honorable military service which will, at the same time, mould the minds of the young men to a due obedience of the laws, instruct them in the art of war, and by the manly exercises of the field form a race of hardy citizens, equal to the dignified task of defending their country.

An examination into the employments and obligations of the individuals composing the society will evince the impossibility of diffusing an adequate knowledge of the art of war by any other means than a course of discipline during the period of nonage. The time necessary to acquire this important knowledge cannot be afforded at any other period of life with so little injury to the public or private interests.

Without descending to minute distinctions, the body of the people of the United States may be divided into two parts; the yeomanry of the country, and the men of various employments, resident in towns and cities. In both parts it is usual for the male children, from the age of fourteen to twenty-one years, to learn some trade or employment under the direction of a parent or master. In general, the labor or service of the youth during this period, besides amply repaying the trouble of tuition, leaves a large profit to the tutor. This circumstance is stated to show that no great hardships will arise in the first operations of the proposed plan; a little practice will render the measure perfectly equal, and remove every difficulty.

Youth is the time for the State to avail itself of those services which it has a right to demand and by which it is to be invigorated and preserved; in this season the passions and affections are strongly influenced by the splendor of military parade. The impressions the mind receives will be retained through life. The young man will repair with pride and pleasure to the field of exercise; while the head of a family, anxious for its general welfare, and perhaps its immediate subsistence, will reluctantly quit his domestic duties for any length of time.

The habits of industry will be rather strengthened than relaxed by the establishment of the annual camps of discipline, as all the time will be occupied by the various military duties. Idleness and dissipation will be regarded as disgraceful, and punished accordingly. As soon as the youth attain the age of manhood, a natural solicitude to establish themselves in society will occur in its full force. The public claims for military service will be too inconsiderable to injure their industry. It will be sufficiently stimulated to proper exertions by the prospects of opulence attending on the cultivation of a fertile soil, or the pursuits of a productive commerce.

It is presumed that thirty days annually during the eighteenth and nineteenth, and ten days during the twentieth year, is the least time that ought to be appropriated by the youth to the acquisition of the military art. The same number of days might be added during the twentieth as during the two preceding years, were not the expense an objection.

Every means will be provided by the public to facilitate the military education of the youth, which it is proposed shall be an indispensable qualification of a free citizen, therefore they will not be entitled to any pay. But the officers being of the main corps are, in a different predicament; they are supposed to have passed through the

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course of discipline required by the laws, and to be competent to instruct others in the military art. As the public will have but small claims for personal services on them, and as they must incur considerable expenses to prepare themselves to execute properly their respective offices, they ought to be paid while on actual duty.

As soon as the service of the youth expires in the advanced corps they are to be enrolled in the main corps. On this occasion the Republic receives disciplined and free citizens, who understand their public rights, and are prepared to defend them.

The main corps is instituted to preserve and circulate throughout the community the military discipline acquired in the advanced corps; to arm the people, and fix firmly by practice and habit, those forms and maxims which are essential to the life and energy of a free Government.

The reserved corps is instituted to prevent men being sent to the field whose strength is unequal to sustain the severities of an active campaign. But by organizing and rendering them eligible for domestic service, a greater portion of the younger and robust part of the community may be enabled, in cases of necessity, to encounter the more urgent duties of war.

It would be difficult, previously to the actual formation of the annual camps of discipline, to ascertain the number in each State of which it would be composed. The frontier counties of several States are thinly inhabited, and require all their internal force for their immediate defence. There are other infant settlements from which it might be injurious to draw away their youth annually for the purpose of discipline.

No evil will result if the establishment of the advanced corps should be omitted in such districts for a few years. Besides, the forbearance in this respect would lessen the expense, and render the institution more compatible with the public finances.

The several State Legislatures, therefore, as best understanding their local interests, might be invested with a discretionary power to omit the enrolments for the advanced corps in such of their frontier and thinly inhabited counties as they may judge proper.

If the number of three millions may be assumed as the total number of the inhabitants of the United States, half a million may be deducted therefrom for blacks; and pursuant to the foregoing ideas, another half million may be deducted on account of the thinly settled parts of the country.

The proportion of men of the military age from eighteen to sixty years inclusively, of two millions of people of all ages and sexes, may be estimated at 400,000. There may be deducted from this number as actual mariners, about 50,000, and a further number of 25,000, to include exempted of religious sects, and of every other sort which the respective States may think proper to make.

Three hundred and twenty-five thousand, therefore, may be assumed as the number of operative.

fencible men, to compose the militia. The proportion of the several classes of which would be nearly as follows:

Firstly. The advanced corps, one-tenth composed of the youth of the ages of eighteen, nineteen, and twenty years, - 32,500

Secondly. The main corps, six-tenths and one-twentieth - 211,250

Thirdly. The reserved corps, two-tenths and one-twentieth - 81,250

Total, 325,000

The following estimate is formed for the purpose of exhibiting the annual expense of the institution of the advanced corps, stating the same at 30,000 men.

Estimate of the expense of the annual camps of discipline, as proposed in the foregoing plan, arising on each of the three first years, and after that period of the annual expense of the institution.

The First Year.

10,000 suits of uniform clothing, stated at eight dollars; each suit of which shall serve for three years' discipline - \$80,000

10,000 rations per day for thirty days, each ration stated at ten cents - 30,000

The expense of four complete corps of legionary officers of all descriptions, for thirty days, including pay, subsistence, and forage - 27,870

Forage for the cavalry - 4,800

Straw, camp-kettles, bowls, axes, canteens, and fuel - 20,000

Annual proportion of the expense of tents for officers and soldiers, which may serve for eight annual encampments - 3,000

Four legionary standards - 2,000

Regimental colors - 1,000

Consumption of powder and ball, shot and shells, damage to arms and accoutrements, and artillery, and transportation of the same, stated at - 25,000

Hospital department - 5,000

Contingencies of the quartermaster's and other departments - 15,000

General staff, adjutant general, quartermaster general, inspector general, and their deputies, for general, and their deputies, - 12,000

Entire expense of the first year, 225,670

Additional expenses on the second year.

10,000 rations per day, for thirty days, are 300,000 rations, at ten cents, - \$30,000

The expense of four complete corps of legionary officers of all descriptions, for thirty days, including pay, subsistence, and forage, - 27,870

Four legionary standards, - 2,000

Militia Plan.

Regimental colors, - 1,000

Forage for the cavalry, - 4,800

Tents, straw, camp-kettles, bowls, axes, canteens, and fuel, - 20,000

Hospital department, - 5,000

Contingencies in the quartermaster's and other departments, - 15,000

Ammunition, damage to arms and accoutrements, - 15,000

Combined expenses of the first and second year, 120,670

346,340

Additional expenses on the third year.

The expense of 10,000 rations for ten days, is 100,000 rations, at ten cents, - \$10,000

Forage, - 1,600

For the camp equipage, - 10,000

Tents, - 1,500

Hospital stores, - 1,000

Ammunition, damage to arms and accoutrements, - 10,000

Contingencies in the quartermaster's and other departments, - 10,000

The total expense of the first three years, \$390,440

It is to be observed that the officers for four legions will be adequate to command the youth of eighteen, who commence their discipline the first year, and that the same number of officers will be required for the second year. The youth of the third year may be incorporated by sections in the existing corps, so that no additional officers will be required on their account.

Hence it appears that the expense of 10,000 men, for one year, amounts to \$225,670

20,000 for the second year, to 346,340

30,000 for the third year, to 390,440

If the youth of the three ages of eighteen, nineteen, and twenty, be disciplined at once, the last mentioned sum will be about the fixed annual expense of the camps of discipline, from which, however, is to be deducted \$6,000, being the expense of the standards and colors, the former of which will be of a durable nature, and the latter will not require to be replaced oftener than once in twenty years, - 6,000

The annual expense of the advanced corps, \$384,440

Thus, for a sum less than four hundred thousand dollars annually, which, apportioned on three millions of people, would be little more than one-eighth of a dollar each, an energetic republican militia may be durably established, the invaluable principles of liberty secured and perpetuated, and a dignified national fabric erected on the solid foundation of public virtue.

The main and reserved corps must be perfectly organized in the first instance; but the advanced corps will not be completed until the third year of its institution.

The combination of troops of various descriptions into one body, so as to invest it with the highest and greatest number of powers in every possible situation, has long been a subject of discussion, and difference of opinion; but no other form appears so well to have sustained the criterion of time and severe examination as the Roman legion. This formidable organization, accommodated to the purposes of modern war, still retains its original energy and superiority. Of the ancients, Polybius and Vegetius have described and given the highest encomiums of the legion. The former, particularly in his comparative view of the advantages and disadvantages of the Macedonian and Roman arms, and their respective orders of battles, has left to mankind an instructive and important legacy. Of the moderns, the illustrious Mareschal Saxe has modelled the legion for the use of fire-arms, and strenuously urges its adoption in preference to any other form. And the respectable and intelligent veteran, late inspector general of the armies of the United States, recommends the adoption of the legion.*

"Upon a review," says he, "of all the military of Europe, there does not appear to be a single form which could be safely adopted by the United States. They are unexceptionably different from each other; and like all other human institutions, seem to have started as much out of accident as design. The local situation of the country, the spirit of the Government, the character of the nation, and in many instances the character of the prince, have all had their influence in settling the foundation and discipline of their respective troops, and render it impossible that we should take either as a model. The legion, alone, has not been adopted by any; and yet I am confident in asserting, that whether it be examined as applicable to all countries, or as it may immediately apply to the existing or probable necessity of this, it will be found strikingly superior to any other.

"1st. Being a complete and little army of itself, it is ready to begin its operations on the shortest notice or slightest alarm. 2d. Having all the component parts of the largest army of any possible description, it is prepared to meet every species of war that may present itself; and, 3d, as in every case of detachment the first constitutional principle will be preserved, and the embarrassments of draughting and detail, which in armies differently framed too often distract the commanding officer, will be avoided.

"It may easily suggest itself from this sketch, that in forming a legion the most difficult task is to determine the necessary proportion of each species of soldiers which is to compose it. This must obviously depend upon what will be the theatre, and what the style of the war. On the plains of Poland, whole brigades of cavalry would

* Vide letter addressed to the inhabitants of the United States on the subject of the established militia.

Militia Plan.

be necessary against every enemy; but in the forest, and among the hills of America, a single regiment would be more than sufficient against any; and as there are but two kinds of war to which we are much exposed, viz: an attack from the sea-side by a European Power, aided by our sworn enemies, settled on our extreme left, and an invasion of our back settlements by an Indian enemy, it follows, of course, that musketeers and light infantry should make the greatest part of your army."

The institution of the section is intended to interest the patriotism and pride of every individual in the militia; to support the legal measures of a free government; to render every man active in the public cause, by introducing the spirit of emulation, and a degree of personal responsibility.

The common mode of recruiting is attended with too great destruction of morals to be tolerated, and is too uncertain to be the principal resource of a wise nation in time of danger. "The public faith is frequently wounded by unworthy individuals, who hold out delusive promises, which can never be realized. By such means an unprincipled banditti are often collected for the purpose of defending every thing that should be dear to freemen. The consequences are natural; such men either desert in time of danger, or are ever ready, on the slightest disgust, to turn their arms against their country."

By the establishment of the sections, an ample and permanent source is opened, whence the State, in every exigence, may be supplied with men whose all depends upon the prosperity of their country.

In cases of necessity, an army may be formed of citizens, whose previous knowledge of discipline will enable it to proceed to an immediate accomplishment of the designs of the State, instead of exhausting the public resources by wasting whole years in preparing to face the enemy.

The previous arrangements, necessary to form and maintain the annual encampments, as well as the discipline acquired therein, will be an excellent preparation for war. The artillery and its numerous appendages, arms and accoutrements of every kind, and all species of ammunition, ought to be manufactured within the United States. It is of high importance that the present period should be embraced to establish adequate institutions to produce the necessary apparatus of war. It is unworthy the dignity of a rising and free empire to depend on foreign and fortuitous supplies of the essential means of defence.

The clothing for the troops could, with ease, be manufactured in the United States; and the establishment, in that respect, would tend to the encouragement of important manufactories.

The disbursements made in each State for the rations, forage, and other necessary articles for the annual camps of discipline, would most beneficially circulate the money arising from the public revenue.

The local circumstances of the United States, their numerous seaports, and the protection of

their commerce, require a naval arrangement. Hence the necessity of the proposed plan, embracing the idea of the States obtaining men on republican principles, for the marine as well as the land service. But one may be accomplished with much greater facility than the other, as the preparation of a soldier for the field requires a degree of discipline which cannot be learned without much time and labor, whereas the common course of sea service on board of merchant vessels differs but little from the service required on board of armed ships; therefore the education for war, in this respect, will be obtained without any expense to the State. All that seems to be requisite on the head of marine service is, that an efficient regulation should be established in the respective States, to register all actual seamen, and to render those of a certain age amenable to the public for personal service, if demanded within a given period.

The constitutions of the respective States, and of the United States, having directed a mode in which the officers of the militia shall be appointed, no alteration can be made therein. Although it may be supposed that some modes of appointment are better calculated than others to inspire the highest propriety of conduct, yet there are none so defective to serve as a sufficient reason for rejecting an efficient system for the militia. It is certain that the choice of officers is the point on which the reputation and importance of a corps must depend. Therefore, every person who may be concerned in the appointment, should consider himself as responsible to his country for a proper choice.

The wisdom of the States will be manifested by inducing those citizens of whom the late American army was composed, to accept of appointments in the militia. The high degree of military knowledge which they possess was acquired at too great a price, and is too precious to be buried in oblivion; it ought to be cherished, and rendered permanently beneficial to the community.

The vigor and importance of the proposed plan will entirely depend on the laws relative thereto. Unless the laws shall be equal to the object, and rigidly enforced, no energetic national militia can be established.

If wealth be admitted as a principle of exemption the plan cannot be executed. It is the wisdom of political establishments to make the wealth of individuals subservient to the general good, and not to suffer it to corrupt or attain undue indulgence.

It is conceded, that people, solicitous to be ex-

personal service from its members, but the right to regulate the service on principles of equality for the general defence. All being bound, none can complain of injustice on being obliged to perform his equal proportion. Therefore, it ought to be a permanent rule, that those who in youth decline, or refuse to subject themselves to the course of military education, established by the laws, should be considered as unworthy of public trust, or public honors, and be excluded therefrom accordingly.

If the majesty of the laws should be preserved inviolate in this respect, the operations of the proposed plan would foster a glorious public spirit, infuse the principles of energy and stability into the body politic, and give a high degree of political splendor to the national character.

POSTMASTER GENERAL'S REPORT.

The Secretary of the Treasury, agreeably to notice given in his report on the 14th current, laid before the House the following:

GENERAL POST OFFICE,
NEW YORK, Jan. 20, 1790.

SIR: In obedience to the orders of the Supreme Executive, I have the honor of laying before you such remarks and observations as have occurred to me in attending to the Department of the Post Office. Many of these observations will be found to be of a general nature, and founded in opinion: for there are not documents in the office on which to found estimates that would afford satisfaction.

The existing ordinance for regulating the Post Office, though very defective in many things, has not probably ever been put fully in execution; yet the smallness of the revenue arising under the same may have been the effect of various causes, some of which could not, and others might have been remedied, but not so fully as they may under the present government.

As to the revenue of the Post Office, it may be observed, first, that there may be so few letters written, that, under the best regulations, it would not amount to any thing considerable; and the dispersed manner of settling the count-tiveness of the Post Office.

2d. The franking of letters may have been extended too far.

3d. Ship letters may not have been properly attended to.

4th. The rate of postage may have been too high in some instances, and too low in others.

5th. Stage drivers and private post riders may have been the carriers of many letters which ought to have gone in the mail.

6th. The Postmasters may have consulted their own interest in preference to that of the public.

Remedies may be applied to all these cases except the first.

Postmaster General's Report.

With respect to that article, I have no documents on which to found an opinion that may be relied on.

The amount of revenue will undoubtedly be considerable if the Department is well regulated. If we should form an opinion from a comparative view of the wealth, numbers, and revenue of the post offices of other countries, it would be, that the Post Office of the United States ought to bring in annually nearly half a million of dollars, under similar regulations; whereas the gross receipts, in any one year, have not exceeded thirty-five thousand dollars, and for the two last years have been at about twenty-five thousand dollars a year.

The revenue of the Post Office, at present, arises principally from letters passing from one seaport to another; and this source will be constantly increasing.

As we average the postage paid on letters at five cents, five hundred thousand letters would produce the sum that now arises from the Post Office annually.

A revenue of five hundred thousand dollars would require ten millions at five cents; five millions, at ten cents; and three millions and one-third, at fifteen cents; which last rate is probably nearer the true average than either of the other sums.

If there be one hundred thousand persons that write in the course of a year, each of them thirty letters, it will nearly make that number, or twenty-five thousand that write severally one hundred and twenty letters.

Foreign letters should also be taken into the computation, which are very numerous, and in other countries are subjected to a heavy rate of postage.

If, however, we should place the net revenue at one hundred thousand dollars, even this sum must be an object of great importance to the Treasury of the United States. But it will require some time to get a system into operation so as to produce it.

Unless a more energetic system is established than the present one, there will be no surplus revenue that will be worth calculating upon.

The great extent of territory over which three millions of people are settled, occasions a great expense in transporting the mail; and it will be found impracticable to accommodate all that wish to be accommodated, unless a great proportion of the revenue be given up for this object.

The applications for new post offices, and new post roads, are numerous; cross roads must be established, and of very considerable extent, in order to open a communication with the Treasury and the revenue offices.

On franked letters, I have to observe that the accounts have not been so kept in the post offices as that we can ascertain what the amount would be, if they were charged with the usual rates of postage.

Newspapers, which have hitherto passed free of postage, circulate extensively through the post

Postmaster General's Report.

offices; one or two cents upon each would probably amount to as much as the expenses of transporting the mail.
The third article, if properly regulated, would be a source of great revenue, if the postage could be collected—the present rates could not produce a revenue much short of fifty thousand dollars a year. But upon the construction that has heretofore been put upon the ordinance of Congress, ship letters have operated as a clear loss to the revenue.

The clause of the ordinance is as follows:

"For any distance not exceeding sixty miles, one pennyweight eight grains; upwards of sixty miles, and not exceeding one hundred miles, two pennyweights, and so on; and for all single letters to and from Europe, by the packet, or despatch vessel, four pennyweights; and to the foregoing rates shall be added a sum not exceeding four-ninetieths of a dollar upon any letter, packet, or despatch, which shall come into the Post Office from beyond sea by any other conveyance than by packet, or despatch vessel."

The meaning of this clause, as it relates to ship letters, appears to be plain. Packet or despatch vessels can intend none other than American. All letters coming into the Post Office from beyond sea, by other conveyance than American packets, should be charged with the four pennyweights, equal to twenty-ninetieths, and the additional sum of four-ninetieths, making twenty-four ninetieths; and if such letters are forwarded by land through the post offices, the usual rates for travelling letters should be charged over and above the twenty-four ninetieths.

The rates correspond nearly with the British rates for the like kind of letters. But whether so high a rate of postage ought to be put on letters that come by French or British packets, is a matter that is questioned by many.

The practice has been to charge two-ninetieths on ship letters delivered out at the same place where they were first received, and four-ninetieths in addition to the fixed rate of travelling letters, on those forwarded to other places, if they came from beyond sea by any other conveyance than French or British packets. The two-ninetieths have been considered as a perquisite to the Postmaster, the General Post Office has not been credited with it. And as the postmasters are authorized to pay one-ninetieth a letter to the captains or masters of vessels bringing the same, they take credit to themselves for the one-ninetieth in their account current with the General Post Office. In one of the post offices this one-ninetieth has amounted to one hundred and sixty dollars a year; and consequently the twenty-four ninetieths, if it had been charged, would have amounted to three thousand eight hundred and forty dollars a year.

The late postmaster at this place had, as perquisites, over and above his commission of twenty per cent., more than all the money that arose from ship letters, and one hundred and twenty pounds a year for his trouble with respect to French and British packets.

The foregoing rates of postage were reduced twenty-five per cent. by an act of Congress of the year 1787.

On the fourth article I will give my reasons for apprehending that the rates of postage are in some instances too high.

Wherever Congress may hold their sessions, it will be considered as the centre of the United States, and will necessarily occasion a great deal of letter-writing to that place. The extremes are, in my opinion, entitled to an easy and cheap access to that place through the Post Office. Their comparative advantages derived from the General Government are smaller than those of the more central, and ought not to be diminished by the heavy rates of postages that now exist.

The postage of a single letter from Georgia, or rather Savannah, to New York, is thirty-three ninetieths of a dollar, which amounts almost to a prohibition of communication through the Post Office. If it should be reduced to about sixteen cents, the revenue would not probably be injured by it.

So far as I have been able to collect the opinions of others relative to the fifth article, the injury the general revenue has sustained in this way is greater than I had expected; perhaps no complete remedy can be devised for this evil, yet it may undoubtedly be remedied in a great measure.

In the present manner of contracting to carry the mail, especially by stage carriages, the contractors labor under disadvantages on account of the shortness of the time. One of them has property to the amount of nearly twenty thousand dollars employed in the transportation of the mail. Whenever they undertake to carry it one or two hundred miles, it costs them several thousand dollars for horses and carriages. This property sinks considerably in his hands if he fails to contract the next year. Many of them urge this contingency as a reason for a higher charge.

The advertising for proposals for carrying the mail, places the Postmaster General in a disagreeable predicament; for many poor people make proposals at so low a rate, that it is obvious the business cannot be done as it ought to be, and consequently there cannot be a strict adherence to the lowest proposals. Discretion must be used, and the contract must be given to him who will most probably perform the duty with punctuality. A few failures in a year injure the General Post Office more than the public can be benefited by the recovery of the penalties in the contractor's bonds.

Whether it will not be proper to give the contractors, that carry the mail by stage carriages, the exclusive privilege of driving stages on the post roads, is submitted for consideration.

There are at this time about twenty different contracts for carrying the mail, which has a greater tendency to put the business into confusion than I apprehended. Every contractor consults his own interest as to the days and hours of arrival and departure of the mail, without having a due regard to the necessary connexion of the

Postmaster General's Report.

Post Office. A regular system of days and hours of departure has never been established further southward than Alexandria.

The contracts for carrying the mail to the southward of New York the ensuing year, amount to - - - - - \$14,973 75

And to the eastward of the same place, to - - - - - 6,003 15

\$20,977 00

With the exclusive privilege of driving stages, and the contracts being for a greater length of time, this sum would probably be sufficient to induce men of property to come forward, when character and reputation would be the best kind of security for the Post Office. It is so necessary to establish regularity, in order to promote a well-founded confidence in the Post Office, which, I think, can hardly be effected upon the present mode of contracting, that if a different one should eventually cost something more, yet the Department would be benefited by it.

It is not difficult to ascertain what ought to be given for carrying the mail a mile. If the Legislature should fix the sum, it would then be the duty of the Postmaster General to find out such as he could place the most confidence in to execute the business well. This method has always been practised in England, so far as I understand the regulations of the post office there.

On the sixth article it may be observed, that very small advantages taken by those concerned in the receipt of postage will, in a year, amount to a great sum. In some instances these may be justifiable; for example, the postage of a single letter from New York to Philadelphia is one pennyweight eight grains, or sixpence two-thirds Pennsylvania currency. This cannot be made out in any pieces of coin current in the United States. The letter is charged with seven pence, which is right; for if there must be a fraction, it ought always to be taken in favor of the Post Office.

This, however, may be remedied in two ways; the one is to make the rates of postage to be received in each State conformable to the currency thereof; the other is for the United States to coin pieces that might correspond with the rate of postage.

The dead letters may afford an opportunity for defrauding the revenue; but if the deputies' accounts are properly examined in the General Post Office, many evils that might otherwise exist will naturally vanish.

With respect to the present ordinance regulating the Post Office, I beg leave to suggest the propriety of sundry alterations and additions.

If the views of the Legislature should be to raise a revenue from the Post Office, the defects of the present system are many, and may easily be pointed out. But if there should be no such views, yet, for the purpose of establishing more security in the Department, sundry alterations will be found essentially necessary.

The two following articles operate most power-

fully against the productiveness of the Post Office at present.

Any person may receive, carry, and deliver, inland letters, and is subject to no penalty, if it be done without hire or reward.

The following alterations appear to me to be necessary for greater security in the Post Office, whether revenue be or be not an object.

A more accurate description of offences and frauds that may be committed by any person employed in any way or manner whatever in the Department; and the establishment of penalties proportioned to the injuries that may happen from the committing such offences, or being guilty of such frauds.

Those that will naturally present themselves first will be such as may be committed by the Postmaster General, and those employed in his office; and such as may be committed by the contractors for carrying the mail, and by their agents and servants.

Many offences may probably be pointed out that have never been committed in the United States; but the opportunity to commit them is great, and when committed, the injury may be irreparable, as property to a very great amount is frequently entrusted in the mail.

It therefore appears to me, that it will be only exercising a due degree of caution to guard against them by defining the crimes and affixing to the commission of them, such penalties as will be most likely to deter from and prevent the actual commission of them.

The duties of the Postmaster General are at present to keep an office in the place where Congress may hold their sessions; to obey such orders and instructions as he may from time to time receive from the President of the United States; to appoint deputy postmasters, and instruct them in their duty, in conformity to the acts of Congress; to receive and examine their accounts and vouchers, and draw out of their hands quarterly the balances due to the United States; to render to the Treasury, annually, an account of the receipts and expenditures, for examination and allowance, and to pay over the surplus moneys; to provide by contract and otherwise for carrying the mail, and to pay the necessary expenses thereof; to establish and open new post offices and new post roads, whenever and wherever they may be found necessary, within certain limits marked out by the acts of Congress; and, in general, to superintend the Department, and to be accountable for it, in the various duties assigned to it, except the carrying of the mail.

On any breach of oath, on due conviction, he forfeits one thousand dollars.

With respect to the accountability of the Postmaster General, I beg leave to observe that no man can, however sagacious and cautious he may be in his appointments, without subjecting himself to certain loss, be responsible for the conduct of his deputies. The calculation of loss being certain in case of responsibility, if he has not a salary sufficient to compensate such loss, he must, to save himself, transact the business, and keep the

Memorial of Robert Morris.

accounts in a manner that the Treasury shall not be able to charge him with any more money than he chooses to be charged with; or he may endeavor to transact the business fairly, and hold the office until he finds he cannot preserve his reputation and credit; and then, if he is an honest man, he will resign.

The number of times the mail shall be carried weekly, the advertising for proposals for carrying the mail, and the establishing of new post offices and new post roads, appear to me to be matters that should be left in the direction of the Supreme Executive. Very great embarrassments ensue when business is pointed out in detail; and there is no power at hand to alter the same, however necessary it may be to alter it.

The Postmaster General should be subjected to suitable penalties, in case he neglects or refuses to render true and just accounts of the receipts and expenditures, and to pay over the moneys to the Treasury that may be over and above the annual expenditures, at such periods as may be required.

It may be a question, whether the Postmaster General should keep an office separate from one in which common and ordinary business is done. There may be some reasons why he should not have a separate office. Irregularities and interruptions of communications will happen, and those who have the receiving and delivering of the mail, are most likely to be acquainted seasonably with them.

When the Postmaster General keeps a separate office, many things that he ought to be acquainted with may entirely escape his notice.

I found the General Post Office not blended with one in which common and ordinary business was transacted, and it remains in the same situation.

The prohibition at present against receiving and carrying letters extends to such only as do it for hire or reward, but it ought to extend to all who receive and carry letters, whether with or without reward; and penalties should be annexed to enforce an observance of it. Some few exceptions may be found necessary, where masters of vessels carry letters respecting the merchandises under their immediate care; and letters sent by a special messenger, by a friend, or by a common known carrier of goods.

Regulations may probably be found necessary respecting by or way-letters; embezzling or destroying letters on which the postage has been paid; detaining or opening letters; secreting, embezzling, and stealing any valuable papers out of any letters; against the carriers of the mail in case they neglect or desert it; to oblige the ferry man to set the mail across in all possible cases, in a given time; to recover debts due to and from the deputy postmasters in a summary way.

These are some of the principal alterations that have occurred to me as being necessary to be introduced into the regulations of the Post Office; and no doubt many others may suggest themselves to the wisdom of the Legislature.

With respect to appropriating to a particular object any supposed surplus of revenue that may

arise in the Department, I beg leave to observe, that it will undoubtedly tend to awaken the attention of the citizens to the Department, if a certain sum should be required to be paid quarterly or semi-annually into the Treasury, and be appropriated to the payment of the interest of the domestic debt, as far as it might go.

This might interest a powerful body of citizens in attending to the operations of the Department, and would probably have a greater tendency to keep the Postmasters strictly to their duty, if any should be otherwise disposed, than any authority with which the Postmaster General might be clothed.

I have enclosed the form of an act, or rather such principles as appear to me proper to be introduced into the arrangement of the Post Office, which will tend more fully than the foregoing observations to explain my views of the alterations that are necessary.

I am, sir, with esteem,

Your most obedient humble servant,

SAMUEL OSGOOD.

Hon. ALEXANDER HAMILTON, Esq.

Secretary of the Treasury.

MEMORIAL OF ROBERT MORRIS.

To the President, the Senate, and House of Representatives of the United States of America, the memorial of ROBERT MORRIS, late Superintendent of the Finances of the said United States, humbly sheweth:

That on the 20th day of June, 1785, and subsequent to your memorialist's resignation of his office of Superintendent, the Congress passed a resolution in the following words: "Resolved, That three commissioners be appointed to inquire into the receipts and expenditures of public moneys, during the administration of the late Superintendent of Finance, and to examine and adjust the accounts of the United States with that department, during his administration, and to report a state thereof to Congress;" which resolution, to persons unacquainted with the nature of the office, and the mode of conducting the business of the department, gave occasion to the supposition that your memorialist had accounts both difficult and important to settle with the United States, in respect to his official transactions; that though your memorialist foresaw the disagreeable consequences which might result to himself from the diffusion of such an opinion, he, notwithstanding, not only forebore any representation on the subject, but scrupulously avoided every species of interference, direct or indirect, lest it should be imagined, either that he was actuated by the desire of obtaining from Congress those marks of approbation which had, in repeated instances, been bestowed on the servants of the public, or that he feared to meet the proposed investigation. Respect for the Sovereign of the United States, concurring with motives of delicacy, to forbid even the appearance of asking, what, if merited, it was to be presumed would be conferred, (as being the proper reward of services, not of solicitation,) and a firm confidence in the rectitude of his conduct, leaving your

Letter from the National Assembly of France.

memorialist no inducement to evade any inquiry into it, which it might be thought fit to institute.

That your memorialist, taking it for granted that the reasons which had produced a determination to establish a mode of inquiry into the transactions of the most important office under the Government, would have insured a prosecution of the object, till it had been carried into effect, long remained in silent expectation of the appointment of commissioners, according to that resolution which had been entered into for that purpose. But it has so happened, from what cause your memorialist will not undertake to explain, that no further steps have ever been taken in relation to the surmises which the appearance of an intention to inquire into his conduct had a tendency to excite, without having been afforded an opportunity of obviating them. That the unsettled condition of certain accounts of a commercial nature between the United States and the late house of Willing, Morris & Co. and your memorialist, prior to his appointment as Superintendent of the Finances, having been confounded with his transactions in that capacity, your memorialist has, in various ways, been subjected to injurious imputations on his official conduct, the only fruits of services, which, at the time they were rendered, he trusts he may, without incurring the charge of presumption, affirm, were generally esteemed both important and meritorious, and were at least rendered with ardor and zeal, with unremitting attention, and unwearied application.

That your memorialist, desirous of rescuing his reputation from the aspersions thrown upon it, came, in the month of October, 1788, to the city of New York, as well for the purpose of urging the appointment of commissioners to inspect his official transactions, as for that of procuring an adjustment of the accounts which existed previous to his administration. But the first object was frustrated by the want of a sufficient number of members to make a Congress; and the last was unavoidably delayed by the preliminary investigations requisite on the part of the commissioner named by the late Board of Treasury, toward a competent knowledge of the business; that in the month of February, 1789, your memorialist returned to New York for the same purposes; but the obstacles which he had before experienced, still operated to put it out of his power to present the memorial which had been prepared by him in October, praying for an appointment of commissioners; that he was therefore obliged to confine himself to measures for the settlement of his accounts, respecting the transactions antecedent to his appointment as Superintendent, which he entered upon accordingly, with the commissioner appointed by the Board of Treasury; and in which, as much progress as time and circumstances would permit was made, until the 4th of March last, when that commissioner, conceiving his authority, by the organization of the new Government, to have ceased, declined further proceedings, and of course, your memorialist was obliged to wait the establishment of a new Treasury Department, for

the further prosecution of that settlement, which has been accordingly resumed, and he hopes will speedily be accomplished. But inasmuch as no mode of inquiry into his official conduct has hitherto been put in operation, and as doubts of its propriety have been raised by an act of the Government, your memorialist conceives himself to have a claim upon the public justice, for some method of vindicating himself, which will be unequivocal and definitive. Wherefore, and encouraged by a consciousness of the integrity of his administration, your memorialist is desirous that a strict examination should be had into his conduct while in office, in order, that if he has been guilty of mal-administration, it may be detected and punished; if otherwise, that his innocence may be manifested and acknowledged. Unwilling, from this motive, that longer delay should attend the object of the resolution which has been recited, your memorialist humbly prays that an appointment of commissioners may take place to carry the said resolution into effect. And your memorialist, as in duty bound, will pray, &c.

ROBERT MORRIS.

New York, February 8, 1790.

LETTER FROM THE NATIONAL ASSEMBLY OF FRANCE.

A Message was received from the President of the United States, accompanied with the following copies of a letter, addressed to him by the President of the National Assembly of France, and of a decree of that Assembly transmitted with it.

MR. PRESIDENT:

The National Assembly has worn, during three days, mourning for Benjamin Franklin, your fellow-citizen, your friend, and one of the most useful of your co-operators in the establishment of American liberty. They charge me to communicate their resolution to the Congress of the United States. In consequence, I have the honor to address to you, Mr. President, the extract from the proceedings of their session of the 11th, which contains the deliberations.

The National Assembly have not been stopped in their decree by the consideration that Franklin was a stranger. Great men are the fathers of universal humanity; their loss ought to be felt, as a common misfortune, by all the tribes of the great human family; and it belongs, without doubt, to a nation still affected by all the sentiments which accompany the achievement of their liberty, and which owes its enfranchisement essentially to the progress of the public reason, to be the first to give the example of the filial gratitude of the people towards their true benefactors; besides that these ideas, and this example, are so proper to disseminate a happy emulation of patriotism, and thus to extend more and more the empire of reason and virtue, which could not fail promptly to determine a body, devoted to the most important legislative combinations; charged with assuring to the French the rights of men and citizens, it has believed, without doubt, that fruitful and great

truths were likewise numbered among the rights of man.

The name of Benjamin Franklin will be immortal in the records of freedom and philosophy: but it is more particularly dear to a country where, conducted by the most sublime mission, this venerable man knew very soon to acquire an infinite number of friends and admirers, as well by the simplicity and sweetness of his manners, as by the purity of his principles, the extent of his knowledge, and the charms of his mind.

It will be remembered, that every success which he obtained in his important negotiation, was applauded and celebrated (so to express it) all over France, as so many crowns conferred on genius and virtue.

Even then the sentiment of our rights existed in the bottom of our souls. It was easily perceived, that it feelingly mingled in the interest which we took in America, and in the public vows which we preferred for your liberty.

At last the hour of the French has arrived: we love to think that the citizens of the United States have not regarded with indifference our steps towards liberty. Twenty-six millions of men, breaking their chains, and seriously occupied in giving themselves a durable constitution, are not unworthy the esteem of a generous people who have preceded them in that noble career.

We hope they will learn with interest the funeral homage which we have rendered the Nestor of America. May this solemn act of fraternal friendship serve more and more to bind the tie which ought to unite two free nations. May the common enjoyment of liberty shed itself over the whole globe, and become an indissoluble chain of connection among all the people of the earth! For ought they not to perceive that they will march more steadfastly and more certainly to their true happiness, in understanding and loving each other, than in being jealous and fighting?

May the Congress of the United States, and the National Assembly of France, be the first to furnish this fine spectacle to the world! And may the individuals of the two nations connect themselves by a mutual affection, worthy of the most illustrious by their exertions for liberty—Washington and Lafayette!

Permit me, Mr. President, to offer, on this occasion, my particular homage of esteem and admiration.

I have the honor to be, with respectful consideration, Mr. President, your most humble and most obedient servant,

SIEYES, President.

Paris, June 20, 1790.

Decree of the National Assembly of the 11th of June, 1790.

The National Assembly decree, that their members shall wear, during three days, mourning for Benjamin Franklin, to commence on Monday next; that the discourse pronounced on this occasion be printed, and that the President write to

the American Congress, in the name of the National Assembly.

Compared with the original, by us, President and Secretaries of the National Assembly, at Paris, June 10, 1790.

SIEYES, President.
GOUDAU,
FELIX DE PARDIEU,
DUMOUCHEZ,
Secretaries.

MESSAGE OF THE PRESIDENT ON FRENCH AFFAIRS.

UNITED STATES, January 19, 1791.

Gentlemen of the Senate:

I lay before you a representation of the Charge des Affaires of France, made by order of his Court, on the acts of Congress of the 20th of July, 1789 and 1790, imposing an extra tonnage on foreign vessels, not excepting those of that country; together with the report of the Secretary of State thereon: and I recommend the same to your consideration, that I may be enabled to give to it such answer as may best comport with the justice and the interest of the United States.

GEO. WASHINGTON.

The papers referred to in the above Message were read as follows:

DOCUMENTS.

The Secretary of State having received from the Charge des Affaires of France, a note on the tonnage payable by French vessels in the ports of the United States, has had the same under his consideration, and thereupon makes the following report to the President of the United States.

The Charge des Affaires of France, by a note of the 13th of December, represents, by order of his Court, that they consider so much of the acts of Congress of July 20, 1789 and 1790, as imposes an extraordinary tonnage on foreign vessels, without excepting those of France, to be in contravention of the fifth article of the treaty of amity and commerce between the two nations; that this would have authorized, on their part, a proportional modification in the favors granted to the American navigation; but that his Sovereign had thought it more conformable to his principles of friendship and attachment to the United States, to order him to make representations thereon, and to ask in favor of French vessels a modification of the acts which impose an extraordinary tonnage on foreign vessels.

The Secretary of State, in giving in this paper to the President of the United States, thinks it his duty to accompany it with the following observations:

The third and fourth articles of the treaty of amity and commerce between France and the United States, subject the vessels of each nation to pay, in the ports of the other, only such duties as are paid by the most favored nation; and give them, reciprocally, all the privileges and exemptions in navigation and commerce, which are

given by either to the most favored nations. Had the contracting parties stopped here, they would have been free to raise or lower their tonnage, as they should find it expedient, only taking care to keep the other on the footing of the most favored nation. The question then is, whether the fifth article cited in the note is any thing more than an application of the principle comprised in the third and fourth to a particular object, or whether it is an additional stipulation of something not so comprised?

I. That it is merely an application of a principle comprised in the preceding articles, is declared by the express words of the article, to wit: "*Dans l'exemption ci-dessus est nommément comprise, &c.*" "in the above exemption is particularly comprised the imposition of 100 sols per ton established in France on foreign vessels." Here, then, is at once an express declaration, that the exemption from the duty of 100 sols is comprised in the third and fourth articles; that is to say, it was one of the exemptions enjoyed by the most favored nations, and, as such, extended to us by those articles. If the exemption spoken of in this first member of the fifth article was comprised in the third and fourth articles, as is expressly declared, then the reservation by France out of that exemption (which makes the second member of the same article) was also comprised, that is to say, if the whole was comprised, the part was comprised. And if this reservation of France in the second member was comprised in the third and fourth articles, then the counter reservation by the United States (which constitutes the third and last member of the same article) was also comprised; because, it is but a corresponding portion of a similar whole, on our part, which had been comprised by the same terms with theirs.

In short, the whole article relates to a particular duty of 100 sols, laid by some antecedent law of France on the vessels of foreign nations, relinquished as to the most favored, and consequently to us. It is not a new and additional stipulation, then, but a declared application of the stipulations comprised in the preceding articles to a particular case, by way of greater caution.

The doctrine laid down generally in the third and fourth articles, and exemplified specially in the fifth, amounts to this: "The vessels of the most favored nations coming from foreign ports are exempted from the duty of 100 sols; therefore, you are exempted from it by the third and fourth articles. The vessels of the most favored nations coming coastwise pay that duty; therefore, you are to pay it by the third and fourth articles. We shall not think it unfriendly in you to lay a like duty on coasters, because it will be no more than we have done ourselves. You are free also to lay that or any other duty on vessels coming from foreign ports, provided they apply to all other nations, even the most favored. We are free to do the same, under the same restriction. Our exempting you from a duty which the most favored nations do not pay, does not exempt you from one which they do pay."

In this view it is evident that the fifth article

neither enlarges nor abridges the stipulations of the third and fourth. The effect of the treaty would have been precisely the same had it been omitted altogether; consequently, it may be truly said, that the reservation by the United States in this article is completely useless. And it may be added, with equal truth, that the equivalent reservation by France is completely useless, as well as her previous abandonment of the same duty; and, in short, the whole article. Each party then remains free to raise or lower its tonnage, provided the change operates on all nations, even the most favored.

Without undertaking to affirm, we may obviously conjecture that this article has been inserted on the part of the United States from an overcaution to guard, (*nommément*) by name, against a particular aggravance, which they thought they could never be too well secured against; and that has happened which generally happens, doubts have been produced by the too great number of words used to prevent doubt.

II. The Court of France, however, understands this article as intended to introduce something to which the preceding articles had not reached; and not merely as an application of them to a particular case. Their opinion seems to be founded on the general rule in the construction of instruments, to leave no words merely useless, for which any rational meaning can be found. They say that the reservation by the United States, of a right to lay a duty equivalent to that of the 100 sols reserved by France, would have been completely useless, if they were left free by the preceding articles to lay a tonnage to any extent whatever; consequently, that the reservation of a part proves a relinquishment of the residue.

If some meaning, and such a one is to be given to the last member of the article, some meaning, and a similar one, must be given to the corresponding member. If the reservation by the United States of a right to lay an equivalent duty, implies a relinquishment of their right to lay any other, the reservation by France, of a right to continue the specified duty to which it is an equivalent, must imply a relinquishment of the right on her part to lay or continue any other. Equivalent reservations by both must imply equivalent restrictions on both. The exact reciprocity stipulated in the preceding articles, and which pervades every part of the treaty, ensures a counter right to each party for every right ceded to the other.

Let it be further considered, that the duty called tonnage in the United States is in lieu of the duties for anchorage, for the support of buoys, beacons, and light-houses, to guide the mariner into harbor and along the coast, which are provided and supported at the expense of the United States; and for fees to measurers, weighers, gaugers, &c., who are paid by the United States; for which articles, among many others, (light-house money excepted,) duties are paid by us in the ports of France under their specific names. That Government has hitherto thought these duties consistent with the treaty; and consequently

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nice discussions of right, and to make the modification an act of friendship and of compensation for favors received, the passage of such a bill will then be the answer.

TH. JEFFERSON.

JANUARY 18, 1791.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

PHILADELPHIA, Dec. 13, 1790.

SIR: During the long stay you made in France, you had opportunities of being satisfied of the favorable dispositions of His Majesty to render permanent the ties that united the two nations, and to give stability to the treaties of alliance and of commerce which form the basis of this union. These treaties were so well maintained by the Congress formed under the ancient Confederation, that they thought it their duty to interpose their authority whenever any laws made by individual States appeared to infringe their stipulations, and particularly in 1785, when the States of New Hampshire and of Massachusetts had imposed an extraordinary tonnage on foreign vessels, without exempting those of the French nation. The reflections that I have the honor to address to you in the subjoined note, being founded on the same principles, I flatter myself that they will merit, on the part of the Government of the United States, the most serious attention.

I am, with respect, &c.,

L. G. OTTO.

PHILADELPHIA, December 13, 1790.

L. G. OTTO.

[TRANSLATION.]

L. G. Otto to the Secretary of State.

NEW YORK, January 8, 1791.

SIR: I have the honor herewith to send you a letter from the King to Congress, and one which M. de Montmorin has written to yourself. You will find therein the sincere sentiments with which you have inspired our Government, and the regret of the Minister in not having a more near relation of correspondence with you. In these, every person who has had the advantage of knowing you in France participates.

At the same time, it gives me pain, sir, to be obliged to announce to you that the complaints of our merchants on the subject of the tonnage duty increase, and that they have excited not only the attention of the King, but that of several departments of the Kingdom. I have received new orders to request of the United States a decision in this matter, and to solicit, in favor of the aggrieved merchants, the restitution of the duties which have already been paid. I earnestly beg of you, sir, not to lose sight of an object, which, as I have already had the honor to tell you verbally, is of the greatest importance for cementing the future commercial connexions between the two nations.

In more particularly examining this question, you will, perhaps, find that motives of convenience are as powerful as those of justice, to engage the United States to give to His Majesty the satisfaction which he requires. At least twice a

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the same duties, under a general, instead of specific names, with us, must be equally consistent with it. It is not the name, but the thing which is essential. If we have renounced the right to lay any port duties, they must be understood to have equally renounced that of either laying new, or continuing the old. If we ought to refund the port duties received from their vessels since the date of the act of Congress, they should refund the port duties they have received from our vessels since the date of the treaty, for nothing short of this is the reciprocity of the treaty.

If this construction be adopted, then each party has forever renounced the right of laying any duties on the vessels of the other coming from any foreign port, or more than 100 miles on those coming coastwise. Could this relinquishment be confined to the two contracting parties alone, the United States would be the gainers; for it is well known that a much greater number of American than of French vessels are employed in the commerce between the two countries; but the exemption once conceded by the one nation to the other becomes immediately the property of all others who are on the footing of the most favored nations. It is true that those others would be obliged to yield the same compensation. Whether we should give our vessels duty free. Whether we should gain or lose in the exchange of the measures with them, is not easy enough to say.

Another consequence of this construction will be, that the vessels of the most favored nations, paying no duties, will be on a better footing than those of natives which pay a moderate duty; consequently either the duty on these also must be given up, or they will be supplanted by foreign vessels in our own ports.

The resource, then of duty on vessels, for the purposes either of revenue or regulation, will be forever lost to both. It is hardly conceivable that either party looking forward to all these consequences, would see their interest in them.

III. But if France persists in claiming this exemption, what is to be done? The claim, indeed, is couched in mild and friendly terms; but the idea leaks out that a refusal would authorize them to modify proportionally the favor granted by the same article to our navigation. Perhaps they may do what we should feel much more severely; they may turn their eyes to the favors granted us by their arrêtés of December 7, 1788, which hang on their will alone, unconnected with the treaty. Those arrêtés, among other advantages, admit our whale oils to the exclusion of that of all other

foreigners. And this monopoly procures a vent for seven-twelfths of the produce of that fishery, which experience has taught us could find no other market. Near two-thirds of the produce of our cod fisheries, too, have lately found a free vent in the colonies of France.† This, indeed, has been an irregularity growing out of the anarchy reigning in those colonies. Yet the demands of the colonists, even of the Government party among them, (if an auxiliary disposition can be excited by some marks of friendship and distinction on our part,) may perhaps produce a Constitutional concession to them to procure their provisions at the cheapest market; that is to say, at ours.

Considering the value of the interests we have at stake, and considering the smallness of difference between foreign and native tonnage on French vessels alone, it might, perhaps, be thought advisable to make the sacrifice asked; and especially if it can be so done as to give no title to other the most favored nations to claim it. If the act should put French vessels on the footing of those of natives, and declare it to be in consideration of the favors granted us by the arrêtés of December 29, 1787, and December 7, 1788, (and perhaps this would satisfy them,) no nation could then demand the same favor without offering an equivalent compensation. It might strengthen, too, the tenure by which those arrêtés are held, which must be precarious so long as they are gratuitous.

It is desirable in many instances, to exchange mutual advantages by legislative acts rather than by treaty; because the former, though understood to be in consideration of each other, and therefore greatly respected, yet when they become too inconvenient, can be dropped at the will of either party; whereas, stipulations by treaty are forever irrevocable but by joint consent, let a change of circumstances render them ever so burdensome. On the whole, if it be the opinion that the first construction is to be insisted on as ours, in opposition to the second, urged by the Court of France, and that no relaxation is to be admitted, an answer shall be given to that Court defending that construction, and explaining, in as friendly terms as possible, the difficulties opposed to the exemption they claim.

2. If it be the opinion that it is advantageous for us to close with France in her interpretation of a reciprocal and perpetual exemption from tonnage, a repeal of so much of the tonnage law will be the answer.

3. If it be thought better to waive vigorous and

* By an official paper from the bureau of the balance of commerce of France, we find that of the ships which entered the ports of France from the United States in the year 1789, only thirteen, amounting to 2,105 tons, were French; and 163, making 24,173 tons, were American.

† Abstract of the produce of the fisheries exported from Boston, Plymouth, Dighton, Penobscot, Frenchman's Bay, Machias, and New York, of which the returns are not received.

France and the West Indies.
The rest of the world,

\$586,167	\$131,906	\$718,073
307,097	101,306	408,403
893,264	233,212	1,126,476
Whole produce		

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many American vessels enter the ports of France as do those of France the ports of America. The exemption of the tonnage duty, then, is evidently less advantageous for the French than for the navigators of the United States. Be this as it may, I can assure you, sir, that the delay of a decision in this respect, by augmenting the just complaints of the French merchants, will only augment the

difficulties. I therefore beg of you to enable me, before the sailing of the packet, which will take place towards the last of this month, to give my Court a satisfactory answer.

I have the honor to be, &c.,
L. G. OTTO.
His Excellency T. JEFFERSON,
Secretary of State.

PUBLIC ACTS OF CONGRESS:

PASSED AT THE FIRST SESSION OF THE FIRST CONGRESS, BEGUN AND HELD AT NEW YORK, ON THE FOURTH OF MARCH 1789.

An act to regulate the time and manner of administering certain oaths.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the oath of affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate to the President of the Senate, and by him to all the members, and to the Secretary; and by the Speaker of the House of Representatives to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk. And in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member when he shall appear to take his seat.

Sec. 2. And be it further enacted, That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid shall be administered by any one member of the House of Representatives to the Speaker, and by him to all the members present, and to the clerk, previous to entering on any other business, and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate, for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat. And in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

Sec. 3. And be it further enacted, That the members of the several State Legislatures, at the next sessions of the said Legislatures respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except

where they shall have taken it before; which may be administered by any person authorized by the law of the State in which such office shall be holden, to administer oaths. And the members of the several State Legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons who, by the law of the State, shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificates thereof to be made, in the same manner, as by the law of the State, he or they shall be directed to record or certify the oath of office.

Sec. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

Sec. 5. And be it further enacted, That the Secretary of the Senate and the Clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit: "I, A. B. Secretary of the Senate, or Clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities.

FRED. A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
Vice President of the United States, and President of the Senate.

APPROVED, June 1, 1789.
GEO. WASHINGTON,
President of the United States.

An Act for laying a duty on goods, wares, and merchandise, imported into the United States.

Whereas it is necessary for the support of Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise, imported:

Be it enacted, &c., That, from and after the first day of August next ensuing, the several duties hereinafter mentioned shall be laid on the following goods, wares, and merchandise, imported into the United States from any foreign port or place; that is to say—

On all distilled spirits of Jamaica proof, imported from any kingdom or country whatsoever, per gallon, ten cents;

On all other distilled spirits, per gallon, eight cents;

On molasses, per gallon, two and a half cents;

On Madeira wine, per gallon, eighteen cents;

On all other wines, per gallon, ten cents;

On every gallon of beer, ale, or porter, in casks, five cents;

On all cider, beer, ale, or porter, in bottles, per dozen, twenty cents;

On malt, per bushel, ten cents;

On brown sugars, per pound, one cent;

On loaf sugars, per pound, three cents;

On all other sugars, per pound, one and a half cents;

On coffee, per pound, two and a half cents;

On cocoa, per pound, one cent;

On all candles of tallow, per pound, two cents;

On all candles of wax or spermaceti, per pound, six cents;

On cheese, per pound, four cents;

On soap, per pound, two cents;

On boots, per pair, fifty cents;

On all shoes, slippers, or galoshes, made of leather, per pair, seven cents;

On all shoes or slippers made of silk or stuff, per pair, ten cents;

On cables, for every one hundred and twelve pounds, seventy-five cents;

On tarred cordage, for every one hundred and twelve pounds, seventy-five cents;

On untarred cordage and yarn, for every one hundred and twelve pounds, ninety cents;

On twine or pack-thread, for every one hundred and twelve pounds, two hundred cents;

On all steel unwrought, for every one hundred and twelve pounds, fifty-six cents;

On all nails and spikes, per pound, one cent;

On salt, per bushel, six cents;

On manufactured tobacco, per pound, six cents;

On snuff, per pound, ten cents;

On indigo, per pound, sixteen cents;

On wool and cotton cards, per dozen, fifty cents;

On coal, per bushel, two cents;

On pickled fish, per barrel, seventy-five cents;

built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, six cents;

On all souchong, or other black teas, per pound, ten cents;

On all hyson teas, per pound, twenty cents;

On all other green teas, per pound, twelve cents;

On all teas imported from Europe in ships or vessels built in the United States, and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries, and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:

On bohea tea, per pound, eight cents;

On all souchong, and other black teas, per pound, thirteen cents;

On all hyson teas, per pound, twenty-six cents;

On all other green teas, per pound, sixteen cents;

On all teas imported in any other manner than as above mentioned, as follows:

On bohea tea, per pound, fifteen cents;

On all souchong, or other black teas, per pound, twenty-two cents;

On all hyson teas, per pound, forty-five cents;

On all other green teas, per pound, twenty-seven cents;

On all goods, wares, and merchandises, other than teas, imported from China or India, in ships not built in the United States, and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and on the sixteenth day of May last wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, twelve and a half per centum ad valorem.

On all looking glasses, window and other glass, (except black quart bottles,)

On all China, stone, and earthen ware,

On gunpowder,

On all painte ground in oil,

On shoe and knee buckles,

On gold and silver lace, and

On gold and silver leaf, ten per centum ad valorem;

On all blank books,

On all writings, printing, or wrapping paper, paper hangings, and pasteboard,

On all cabinet wares,

On all buttons,

On all saddles,

On all gloves of leather,

On all hats of beaver, fur, wool, or mixture of either,

On all millinery ready made,

On all castings of iron, and upon slit and rolled iron,

On all leather tanned or tawed, and all manufactures of leather, except such as shall be otherwise rated,

On canes, walking sticks, and whips,

On clothing ready-made,

On all brushes,

On gold, silver, and plated ware, and on jewelry and paste work,

On anchors, and on all wrought tin and pewter ware, seven and a half per centum ad valorem;

On playing cards, per pack, ten cents;

On every coach, chariot, or other four wheeled carriage, or parts thereof, fifteen per centum ad valorem.

On all other goods, wares, and merchandise, five per centum on the value thereof at the time and place of importation, except as follows: Salt-petre, tin in pigs, tin plates, lead, old pewter, brass, iron and brass wire, copper in plates, wool, cotton, dying woods and dying drugs, raw hides, beaver, and all other furs and deer skins.

Sec. 2. And be it further enacted, That from and after the first day of December, which shall be in the year one thousand seven hundred and ninety, there shall be laid a duty on every one hundred and twelve pounds weight of hemp, imported as aforesaid, of sixty cents; and on cotton per pound, three cents.

Sec. 3. And be it further enacted, That all the duties paid, or secured to be paid, upon any of the goods, wares, and merchandises, as aforesaid, except on distilled spirits, other than brandy and geneva, shall be returned or discharged upon such of the said goods, wares, or merchandises, as shall, within twelve months after payment made, or security given, be exported to any country without the limits of the United States, as settled by the late treaty of peace; except one per centum on the amount of the said duties, in consideration of the expense which shall have accrued by the entry and safe keeping thereof.

Sec. 4. And be it further enacted, That there shall be allowed and paid on every quintal of dried, and on every barrel of pickled fish, of the fisheries of the United States, and on every barrel of salted provision of the United States, exported to any country without the limits thereof, in lieu of a drawback of the duties imposed on the importation of the salt employed and expended therein, viz:

On every quintal of dried fish, five cents;

On every barrel of pickled fish, five cents;

On every barrel of salted provision, five cents.

Sec. 5. And be it further enacted, That a discount of ten per cent. on all the duties imposed by this act, shall be allowed on such goods, wares, and merchandises, as shall be imported in vessels built in the United States, and which shall be wholly the property of a citizen or citizens thereof, or in vessels built in foreign countries, and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation.

Sec. 6. And be it further enacted, That this act shall continue and be in force until the first day of June, which shall be in the year of our Lord one thousand seven hundred and ninety-six, and from thence until the end of the next succeeding session.

sion of Congress, which shall be held thereafter, and no longer.

Approved, July 4, 1789.

An Act imposing duties on tonnage.

Be it enacted, &c., That the following duties shall be, and are hereby, imposed on all ships or vessels entered into the United States, that is to say:

On all ships or vessels built within the said States, and belonging wholly to a citizen or citizens thereof; or not built within the said States, but on the twenty-ninth day of May, one thousand seven hundred and eighty-nine, belonging, and during the time such ships or vessels shall continue to belong wholly to a citizen or citizens thereof, at the rate of six cents per ton. On all ships or vessels hereafter built in the United States, belonging wholly, or in part, to subjects of foreign Powers, at the rate of thirty cents per ton. On all other ships or vessels, at the rate of fifty cents per ton.

Sec. 2. Provided always, and be it enacted, That no ship or vessel built within the aforesaid States, and belonging to a citizen or citizens thereof, shall, whilst employed in the coasting trade, or in the fisheries, pay tonnage more than once in any year.

Sec. 3. And be it further enacted, That every ship or vessel employed in the transportation of any of the produce or manufactures of the United States, coastwise, within the said States, except such ship or vessel be built within the said States, and belong to a citizen or citizens thereof, shall, on each entry, pay fifty cents per ton.

Sec. 4. And be it further enacted, That this act shall commence and be in force from and after the fifteenth day of August next.

Approved, July 20, 1789.

An act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

Be it enacted, &c., That there shall be an Executive Department, to be denominated the Department of Foreign Affairs; and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondences, commissions, or instructions, to or with public ministers from foreign States or princes, or to memorialists, or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department. And furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order or instruct.

Sec. 2. And be it further enacted, That there shall be in the said Department an inferior officer,

to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief clerk in the Department of Foreign Affairs; and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the said department.

Sec. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

Sec. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall, forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers, in the office of Secretary for the Department of Foreign Affairs, heretofore established by the United States in Congress assembled.

Approved, July 27, 1789.

An Act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States.

Be it enacted, &c., That for the due collection of the duties imposed by law on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

The State of New Hampshire shall be one district, to include the town of Portsmouth as the sole port of entry; and the towns of Newcastle, Dover, and Exeter, as ports of delivery; but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter, and clear, at Portsmouth; and a naval officer, collector, and surveyor, for the said district, shall be appointed, to reside at Portsmouth.

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem, and Beverly, as one port; Marblehead, Boston, and Charlestown, as one port; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, and Pepperelborough, as one port; Portsmouth, and Falmouth as one port; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, and Passamaquoddy. To the district of Newburyport shall be annexed the several towns or landing places of Amesbury, Salisbury, and Haverhill, which shall be ports of delivery only; and a collector, naval officer, and surveyor, for the district, shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed to reside at Gloucester. To the district of Salem and Beverly shall be annexed the

pointed a collector, to reside at the said ports of Machias and Passamaquoddy respectively. The district of Newburyport shall include all the waters and shores from the State of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem, and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, except the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable, excepting the town of Falmouth. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's county and the town of Falmouth. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon, shall include all the shores, waters, and islands within the same.

In the State of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said State of Connecticut to the west line of the town of Killingworth, and north to the south line of the State of Massachusetts, and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastonbury, Hartford, East Hartford, and Killingworth, as ports of delivery only, New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London, and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatanick river; to which shall be annexed the several towns or landing places of Guilford, Branford, Milford, and Derby, as ports of delivery only, New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said State of Connecticut, west of the district of New Haven,

to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only, Fairfield to be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield; and New London, New Haven, and Fairfield, shall severally be ports of entry.

In the State of New York shall be two districts, to wit: Sag Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sag Harbor shall include all bays, harbors, rivers, and shores, within the two points of land which are called Oyster Pond Point, and Montauk Point; and a collector for the district shall be appointed, to reside at Sag Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such parts of the coasts, rivers, bays, and harbors, of the said State, not included in the district of Sag Harbor; and, moreover, the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson, Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector, and surveyor, for the district, shall be appointed, to reside at the city of New York; also two surveyors, one to reside at Hudson; and all ships or vessels bound to, or from, any port of delivery within the last named district, shall be obliged to come to, and enter or clear out, at the city of New York.

In the State of New Jersey shall be three districts, to wit: Perth Amboy, Burlington, and Bridgetown, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the State of New Jersey known by the name of East New Jersey, (that part excepted which is hereafter included in the district of Burlington,) together with all the waters thereof, heretofore within the jurisdiction of the said State, in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the State known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof, heretofore within the jurisdiction of the said State, including the river and inlet of Little Egg Harbor with the waters emptying into the same, and the seacoast, sound, inlets, and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district, the landing places of Lambertton and Little Egg Harbor shall be ports of delivery only; and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (that part of Gloucester county excepted, which is included within the district of Burlington,) and all the waters thereof heretofore within the jurisdiction of the said State; and the town

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of Salem, Port Elizabeth, on Morrice river, and Stillwell's Landing on Great Egg Harbor, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Bridge-town.

The State of Pennsylvania shall be one district, and Philadelphia shall be the sole port, both of entry and delivery, for the same; and a naval officer, collector, and surveyor, for the district shall be appointed, to reside at the said port of Philadelphia.

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed New Castle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed to reside at the said port of Wilmington.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Nanjemoy, and Georgetown. The district of Baltimore shall include Patapsco, Susquehanna, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre-de-Grace and Elkton shall be ports of delivery only; and a naval officer, collector, and surveyor, shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake bay, from the south side of Elk river to the north side of the eastern bay and Wye river, exclusive, in which Georgetown, on Sassafra river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the eastern bay, to the south side of Choptank river, inclusive, and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Choptank river to the south side of Wicomico river, inclusive, and Salisbury shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snow Hill shall include all the waters and shores on the sea-coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river inclusive, so far as the jurisdiction of the said State of Maryland extends, to which Sinepuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snow Hill, which shall be the sole port of entry. The district of Annapolis shall include Magetty

ty river, and all the waters and shores from thence to Drum Point, on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Silvey's Landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town creek; and Nottingham shall be the sole port of entry. The district of Nanjemoy shall include all the waters of Potomac river, within the jurisdiction of the State of Maryland, from Point Lookout to Pomonkey Creek, inclusive, to which Saint Mary's shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy; also a surveyor, to reside at Saint Mary's, and Nanjemoy shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomonkey creek, on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the State of Maryland, to which Digges's Landing and Carrollsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

In the State of Virginia shall be twelve districts, to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly Landing, Cherry-Stone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended within a linedrawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof, and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer, and surveyor, for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and

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surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat, and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all waters, shores, bays, harbors, and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up said river to West Point, and thence up Pomonkey and Mattaponi rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, Fredericksburg, and Falmouth, as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Smith's Point, at the mouth of Potomac, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point, on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors, and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry, and a collector shall be appointed, to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Folly Landing shall be appointed a collector, who shall reside at Accomack Court house, and whose authority shall extend over all the waters, shores, bays, harbors, and inlets, of the

county of Accomack. For the district of Cherry Stone shall be appointed a collector, to reside at Cherry Stone, whose authority shall extend over all the waters, shores, bays, harbors, and inlets, comprehended within Northampton county. For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors, and inlets, in that part of Virginia comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all waters, shores, and inlets, included between the rapids and the mouth of Ohio river, on the southeast side thereof.

In the State of South Carolina shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets, and rivers, from the boundary of North Carolina to the point of Cape Roman.

The district of Charleston shall include all the shores, inlets, and rivers, from Cape Roman to Combahee river, inclusive; and the district of Beaufort shall include the shores, inlets, and rivers, from Combahee river to Back river in Georgia, comprehending also the shores, inlets, and harbors, formed by the different bars and sea islands, lying within each district respectively; at the port of Charleston shall be a collector, naval officer, and surveyor, and a collector at each of the other ports.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, Great and Little Ogeechee rivers, with the other harbors, creeks, and rivers, formed by the inlets of Tybee, Little Tybee, Warsaw, and Ossabaw, north of the island of Ossabaw; and a naval officer, collector, and surveyor, for the said district shall be appointed to reside at Savannah. The district of Sunbury shall include the Medway, North and South Newport, and Sapelo rivers, with the harbors, creeks, and rivers, formed by the inlets of Saint Catharine's, south of Ossabaw and Sapelo, and a collector for the district shall be appointed to reside at Sunbury. The district of Brunswick shall include the Altamaha, Frederica, and Turtle rivers, with the other harbors, creeks, and rivers, formed by the inlets of Doboy, south of Sapelo, Altamaha, and Saint Simons, north of the south point of Jekyll island; Frederica shall be a port of delivery only; and a collector for the said district shall be appointed, to reside at Brunswick. The district of Saint Mary's shall include Great Setilla, Little Setilla, Crooked river, and Saint Mary's river, with the harbors, creeks, and rivers, formed by the inlets of Saint Andrews and Amelia Sounds; and a collector for the said district shall be appointed, to reside at Saint Mary's. And in each district it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel, for which a permit is granted, one or

more searchers or inspectors, as may be necessary for the security of the revenue.

Sec. 2. *And be it further enacted*, That every port of entry established by this act shall be a port of delivery also, *Provided*, always, that no ship or vessel not wholly belonging to a citizen or citizens of the United States shall be admitted to unload at any port or place except the following, to wit: Portsmouth, in the State of New Hampshire; Portland, Falmouth, Dighton, Salem, Gloucester, Newburyport, Marblehead, Sherbourne, Boston, Plymouth, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; New London, or New Haven, in the State of Connecticut; New York; Perth Amboy, or Burlington, in the State of New Jersey; Philadelphia; Wilmington, in the State of Delaware; Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges' Landing, Snow Hill, and Carrollsburg, in the State of Maryland; Alexandria, Kinsale, Newport, Tappanhook, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rocket's Landing, Norfolk, or Portsmouth, in the State of Virginia; Charleston, Georgetown, or Beaufort, in the State of South Carolina; or in either of the districts of Savannah, Sunbury, Brunswick, or Saint Mary's, in the State of Georgia. Nor shall any ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, be admitted to enter at any other than the following ports, to wit: Portsmouth, in the State of New Hampshire; Boston, Newburyport, Salem, Gloucester, Portland, or Falmouth, in the State of Massachusetts; New London, or New Haven, in the State of Connecticut; New York; Perth Amboy; Philadelphia; Wilmington, in the State of Delaware; Baltimore, Maryland; Alexandria, Norfolk, or Portsmouth, in the State of Virginia; Charleston, Georgetown, or Beaufort, in the State of South Carolina; or Savannah, in the State of Georgia: *Provided*, That nothing herein contained shall be construed to prevent the master or commander of any ship or vessel from making entry with the collector of any port or district in which such ship or vessel may be owned, or from whence she may have sailed on such a voyage.

Sec. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington in the said district,) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown or Tappanhook, (except the port of Urbanna in the said district,) shall first come to at the port of entry of such district, with his ship or vessel, and there make entry, deliver a manifest of her cargo, and pay, or secure to be paid, all legal duties, tonnage, port fees, and charges, in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a

port of delivery in any other district not under like restrictions by this act, or either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and then make legal entry within the time by this act limited.

Sec. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port a true manifest of the cargo on board such ship or vessel; if bound to any district on the Potomac, shall, before he pass by the rivers Saint Mary's and Yeocomico, and immediately after his arrival, deposit with the surveyor at Saint Mary's, or the collector of Yeocomico, as may be most convenient, a true manifest of the cargo on board such ship or vessel, including a declaration of the port at which the same is to be entered; if bound to the district of Tappanhook, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest; and if bound to the district of Bermuda Hundred, or City Point, shall, before he pass by Elizabeth river, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector for the port of Hampton, a like manifest; and the said surveyors and collectors, respectively, shall, after registering the manifests, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made, without which certificate no such entry shall be received.

Sec. 5. *And be it further enacted*, That the duties of the respective officers, to be appointed by virtue of this act, shall be as follows: At such of the ports to which there shall be appointed a collector, naval officer, and surveyor, it shall be the duty of the collector to receive all reports, manifests, and documents, made or exhibited to him by the master or commander of any ship or vessel, conformably to the regulations prescribed by this act, to make due entry and record, in books therein; to receive the entry of all ships and vessels, and of all the goods, wares, and merchandise, imported in such ships or vessels, together with the original invoices thereof; to estimate the duties payable thereon, and to endorse the same on each entry; to receive all moneys paid for duties, and to take all bonds for securing the payment of duties; to grant all permits for the unloading and delivery of goods; to employ proper persons as weighers, gaugers, measurers, and inspectors, at the several ports within his district, together with such persons as shall be necessary to serve in the boats which may be provided for securing the collection of the revenue; to provide, at the public expense, and with the approbation of the principal officer of the Treasury Department, storehouses for the safe keeping of goods, together with such scales, weights, and measures, as shall be deemed necessary, and to perform all other duties which shall be assigned to him by law. It

shall be the duty of the naval officer to receive copies of all manifests, to estimate and record the duties on each entry made with the collector, and to correct any error made therein, before a permit to unlade or deliver shall be granted; to countersign all permits and clearances granted by the collector. It shall be the duty of the surveyor to superintend and direct all inspectors, weighers, measurers, and gaugers, within his district, and the employment of the boats which may be provided for securing the collection of the revenue; to go on board ships or vessels arriving within his district, or to put on board one or more inspectors; to ascertain by a hydrometer what distilled spirits shall be of Jamaica proof, rating all distilled spirits which shall be of the proof of twenty-four degrees as of Jamaica proof, and to examine whether the goods imported are conformable to the entries thereof; and the said surveyors shall, in all cases, be subject to the control of the collector and naval officer.

Sec. 6. *And be it further enacted*, That every collector appointed in virtue of this act, in case of his necessary absence, sickness, or inability to execute the duties of his office, may appoint a deputy, duly authorized under his hand and seal, to execute and perform, on his behalf, all and singular the powers, functions, and duties, of collector of the district, to which he, the said principal, is attached, who shall be answerable for the neglect of duty, or other malconduct, of his said deputy, in the execution of the office.

Sec. 7. *And be it further enacted*, That in case of the disability or death of any collector, the duties and authorities vested in him by this act shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable;) and the said deputy shall exercise the authority and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector shall devolve upon the naval officer of the same district, until a successor, duly authorized and sworn, shall enter upon the execution of the duties of the said office.

Sec. 8. *And be it further enacted*, That at such of the ports established by this act, to which a collector and surveyor only are assigned, the said collector shall execute all the duties herein required to be done by the collector and naval officer at other ports. That at such ports to which a collector only is assigned, such collector shall possess all the powers, and execute, as far as may be, all the duties prescribed to a collector, naval officer, and surveyor, at the ports where such officers are established; that at such ports of delivery only, to which a surveyor is assigned, it shall be his duty to receive and record the copies of all manifests transmitted to him by the collector; to enter and record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality, of the goods specified therein; to take care that no goods be unladed or delivered from any ship or vessel without such permit, and to perform all other duties required to be done by

a surveyor: that at such ports of delivery only, to which no surveyor is assigned, it shall be the duty of the collector of the district to attend the unloading and delivery of goods, or, in cases of necessity, to employ a proper person or persons for that purpose, who shall possess the power, and be entitled to the like compensation allowed to inspectors during the time they are employed. Every collector, naval officer, and surveyor, shall attend in person at the port or district for which he is appointed, and, before he enters on the execution of his office, shall take an oath or affirmation in the form following, to wit: "I, _____ do solemnly swear or affirm, (as the case may be,) that I will truly and faithfully execute and perform all the duties of a _____ of the port or district of _____, according to law, and the best of my skill and ability." The said oath or affirmation shall be administered by any justice of the peace, and a certificate thereof, under the hand and seal of such justice, transmitted within three months thereafter to the Comptroller of the Treasury. Any collector, naval officer, or surveyor, failing herein, shall forfeit and pay two hundred dollars, recoverable, with costs, in any court having cognizance thereof, to the use of the informer; and no weigher, gauger, measurer, or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.

Sec. 9. *And be it further enacted*, That the collectors, naval officers, and surveyors, to be appointed by virtue of this act, shall respectively keep fair and true accounts of all their transactions, relative to their duty as officers of the customs, in such manner and form as may be directed by the proper department, or officer appointed by law to superintend the revenue of the United States; and shall, at all times, submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose. And the collectors of the different ports shall at all times pay, to the order of the officer who shall be authorized to direct the same, the whole of the moneys which they may respectively receive by virtue of this act, (such moneys as they are otherwise by this act directed to pay, only excepted,) and shall also, once in every three months, or oftener, if they shall be required, transmit their accounts for settlement to the department or officer before mentioned.

Sec. 10. *And be it further enacted*, That every master or other person, having or taking the charge or command of any ship or vessel bound to any port of the United States from any foreign port or place, shall deliver, upon demand, to any officer or other person lawfully authorized, who shall first come on board his ship or vessel, two manifests, signed by the said master or person having command, and specifying, in words, (and not in figures,) a true account of the loading which such ship or vessel had on board at the port from which she last sailed, and at the time of her sailing, or at any time since, the packages, marks, and numbers, and noting thereon to what port in the United States such ship or vessel is bound, and the name or names of the person or

persons to whom the goods are consigned, or in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their order. One of which manifests such officer or other person shall sign, and return to the master or other person having the charge of such ship or vessel, certifying thereon as nearly as may be, the time when the same was produced. And that a like manifest was delivered to him, and shall transmit the other manifest to the collector of the district to which such ship or vessel is bound.

Sec. 11. *And be it further enacted*, That the master or other person having the charge or command of any ship or vessel (ships and vessels of war excepted) coming into, or arriving in any of the ports or districts of the United States, or in any of the creeks or harbors thereof, shall, within forty-eight hours after such arrival, repair to the office of the collector of the district where such vessel shall so arrive, and shall report to the said collector the place from whence ship or vessel, and shall deliver to such collector two manifests, agreeably to the directions of this act, unless he shall before have delivered one manifest to some officer, or other person lawfully authorized in manner as hereinbefore is required, in which case he shall deliver the manifest certified as aforesaid, together with such documents as are usually furnished in the port from whence they came, and shall take and subscribe an oath or affirmation before the collector or other proper officer, which oath or affirmation he or they are authorized and required to administer, and shall be in the words following, to wit: "I, —, do solemnly swear or affirm (as the case may be) that this is, to the best of my knowledge and belief, a just and true manifest of all the goods, wares, and merchandise, on board the —, at the port from which she last sailed, at the time of her sailing, or at any time since, and of which vessel I am at present master." And if the master or other person having charge or command of any such ship or vessel shall refuse or neglect to make the entry, or deliver his manifest and documents, pursuant to the directions of this act, he shall forfeit and pay five hundred dollars for each refusal or neglect.

Sec. 12. *And be it further enacted*, That no goods, wares, or merchandise shall be unladen or delivered from any ship or vessel but in open day, or without a permit from the collector for that purpose; and if the master or commander of any ship or vessel shall suffer or permit the same, such master and commander, and every other person who shall be aiding or assisting in landing, removing, housing, or otherwise securing the same, shall forfeit and pay the sum of four hundred dollars for every offence; shall, moreover, be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district to advertise the names of all such persons in the public gazette of the

State in which he resides, within twenty days after each respective conviction. And all goods, wares, and merchandise, so landed or discharged, shall become forfeited, and may be seized by any officer of the customs; and where the value thereof shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture, shall be subject to like forfeiture and seizure: *Provided, always*, That if any ship or vessel, compelled by distress of weather, or other sufficient cause, shall put into any port or place of the United States, other than that to which she was actually destined, the master or other person having command, shall, within forty-eight hours next after his arrival, make report and deliver a true manifest of his cargo to the collector of the port or district; and, moreover, shall, within twenty-four hours, make protest in the usual form before a notary public or justice of the peace, of the cause and circumstances of such distress; and if it shall appear to the collector that there is a necessity for unloading such ship or vessel, he shall grant permission, and appoint a proper officer to attend the unloading thereof; and all goods, wares, and merchandise, so unladen, shall be stored under the direction, and subject to the safekeeping of such collector; but if any part thereof shall be of a perishable nature, or it may be necessary to make sale of any part thereof to defray the expenses of such vessel or cargo, the said collector shall grant a license to the master, commander, or owner, to dispose of so much thereof as are perishable, or shall be necessary to defray such expenses: *Provided*, That the duties thereon be first paid or secured: *And, provided also*, That such necessity be made appear by the wardens of the port, or other persons legally authorized to certify the same, and where there are no such persons, by the affidavit of two reputable citizens of the neighborhood, best acquainted with matters of that kind.

Sec. 13. *And be it further enacted*, That every person having goods, wares, and merchandise, in any ship or vessel which shall arrive at any port of entry, or of delivery only, shall make entry with the collector of the port or district where the same shall arrive, of all such goods, wares, and merchandise, specifying the number of packages, and the marks, numbers, and contents of each, (or if in bulk, the quantity and quality,) together with an account of the net prime cost thereof; and shall, moreover, produce to the collector the original invoice or invoices, together with the bills of lading; and the said collector shall estimate and endorse the duties on the said entry, the party making such entry taking an oath or affirmation, that it contains the whole of the goods, wares, and merchandise, imported by him, or to him consigned, in such ship or vessel which shall then have come to his knowledge, and that the said invoice contains, to the best of his knowledge and belief, the net prime cost thereof; and that if he shall afterwards discover any other, or greater quantity than is contained in such entry, he will make due report and entry thereof; and the said oath or affirmation shall be administered by the

collector, and the entry shall be subscribed by the person making the same: *Provided*, That in all cases where the party making entry shall reside ten miles or upward from such port, the affidavit or affirmation of such party, taken before a justice of the peace, and by him endorsed on the original invoice, shall be as effectual, as if administered and endorsed by the collector.

Sec. 14. *And be it further enacted*, That all such entries so authenticated by the collector, together with a copy of the same made out by the party, shall, before any permit is granted for the landing of any goods, wares, or merchandise, therein contained, be examined by the naval officer, (where such officer is established,) who shall countersign the same, and, retaining one, shall return the other certified to the party, together with the bills of lading, and invoice or invoices; and on such certified entries being returned to the collector, and the duties thereon paid, or secured to be paid, he shall grant a permit for the unloading and landing of the goods, wares, and merchandise, therein mentioned. And at such ports for which no naval officer is appointed, the collector shall grant like permits for the unloading and landing of all such goods as shall be so entered, and the duties thereof paid or secured.

Sec. 15. *And be it further enacted*, That it shall and may be lawful for the collector, naval officer, and surveyor, of any port of entry or delivery, at which any ship or vessel may arrive, to put on board such ship or vessel one or more inspectors, who shall make known to the person having charge of such ship or vessel, the duties he is to perform by virtue of this act; and such inspector shall suffer no goods, wares, or merchandise, to be delivered without a permit from the proper officer authorizing the same, and shall enter in a book, to be by him kept for that purpose, the contents of each permit, specifying the marks and numbers of each package, and a description thereof, with the name of the person to whom such permit was granted; and if, at the expiration of fifteen working days after such ship or vessel shall begin to unload her cargo, there shall be found on board any goods, wares, or merchandise, the said inspector shall take possession thereof, and deliver them to the collector of the district, or to such person as he shall authorize or appoint on his behalf to receive the said goods, taking his receipt for the same, and giving a certificate to the person having command, describing the packages, with their marks and numbers, so taken: and as soon as any ship or vessel is entirely unladen, he shall, with the collector and naval officer, compare the account and entries he has made of the goods unladen from such ship or vessel with the manifest delivered to the collector, and if it appears that there are more goods than are specified in the said manifest, the same shall be endorsed thereon, with a description of the packages, their marks and numbers, or of such goods as may be in bulk, and the same shall be subscribed by such inspector, who is hereby directed to remain on board the said ship or vessel until she is discharged: *Provided always*, That the said limitation of fifteen days shall not

extend to vessels laden with salt or coal; but if the master or owner of such vessels require longer time to discharge their cargoes, the wages of the inspector, for every day's attendance exceeding the said fifteen days, shall be paid by the master or owner. And if any goods, wares, or merchandise, subject to duty, shall be removed from the wharf or place where the same may be landed, before they shall be weighed or gauged, (as the case may be,) or without the consent of the collector or other proper officer, all such goods, wares, and merchandise, so removed, shall be forfeited. All goods delivered to the collector in manner aforesaid, shall be kept at the charge and risk of the owner, for a term not exceeding nine months; and if within that time no claim can be made for the same, an appraisement thereof shall be made by two or more reputable merchants, and lodged with the collector, who shall sell the same at public auction, and pay the proceeds, retaining the duties and charges thereon, into the Treasury of the United States, there to remain for the use of the owner, who shall, upon due proof of his property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner: *Provided*, That where entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith.

Sec. 16. *And be it further enacted*, That if any goods, wares, or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector to appoint one merchant, and the owner or consignee another, who, being sworn or affirmed by the collector, well and truly to appraise such goods, shall value them accordingly, and the duties upon such goods shall be estimated according to such valuation; and if any package, or any goods stowed in bulk, which shall have been entered as is herein before directed, shall not be duly delivered, or if any of the packages so entered shall not agree with the manifest, or if the manifest shall not agree with the delivery, in every such case the person having command shall forfeit and pay the sum of two hundred dollars, unless it shall appear that such disagreement was occasioned by unavoidable necessity or accident, and not with intention to defraud the revenue.

Sec. 17. *And be it further enacted*, That the ad valorem rates of duty upon goods, wares, and merchandise, at the place of importation; shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same, and ten per cent. on the actual cost thereof, if imported from any other place or country, exclusive of all charges.

Sec. 18. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: each pound sterling of Great Britain at four dollars forty-four cents; each livre tournois of France at eighteen

cents and a half; each florin or guilder of the United Netherlands at thirty-nine cents; each mark banco of Hamburg at thirty-three cents and one-third; each rix-dollar of Denmark at one hundred cents; each rix-dollar of Sweden at one hundred cents; each ruble of Russia at one hundred cents; each real plate of Spain at ten cents; each milree of Portugal at one dollar and twenty-four cents; each pound sterling of Ireland at four dollars ten cents; each tale of China at one dollar forty-eight cents; each pagoda of India at one dollar ninety-four cents; each rupee of Bengal at fifty-five cents and a half; and all other denominations of money in value as near as may be to the said rates; and the invoices of all importations shall be made out in the currency of the place or country from whence the importation shall be made, and not otherwise.

Sec. 19. *And be it further enacted*, That all duties on goods, wares, and merchandise, imported, shall be paid by the importer, before a permit shall be granted for landing the same, unless the amount of such duties shall exceed fifty dollars, in which case it shall be at the option of the party making entry, to secure the same by bond, with one or more sufficient sureties, to be approved of by the collector, and made payable as followeth, to wit: For the duties upon all articles of West India produce, within four months; for the duties upon all Madeira wines, within twelve months; and upon all other goods, within six months; but in any case the party making entry shall be at liberty to deposit with the collector any part of the goods upon which such duties shall arise, of double the value, in the judgment of the collector, to secure the payment of the duties, with the charges; which deposit the collector shall accept in lieu of such bond and security, and shall safely keep the goods so deposited, at the expense and risk of the party, for the term for which such bond would have been given; at the expiration, whereof, unless the said deposit shall have been redeemed by the payment of the duties, the said goods shall be sold at public sale, and as much as shall be necessary applied to the payment of the said duties, and the residue, after deducting the charges which have accrued, shall be paid to the owner or owners of such goods: *Provided always*, That where the amount of duties shall exceed fifty dollars, a discount shall be allowed for prompt payment, after the rate of ten per centum per annum on the amount of such excess: *And provided also*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit with the collector, until such bond shall be fully paid or discharged.

Sec. 20. *And be it further enacted*, That all the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector within ten days after entry made, and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel, at the time of entry, shall be lodged in the office of the collector, and there remain until such clearance.

Sec. 21. *And be it further enacted*, That

where any bond for the payment of duties shall not be satisfied on the day it became due, the collector shall prosecute for the recovery of the money due thereon, by action, or suit at law, in the proper court having cognizance therein; and in all cases of insolvency, or where any estate, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the United States on any such bonds shall be first satisfied.

Sec. 22. *And be it further enacted*, That when it shall appear that any goods, wares, or merchandise, of which entry shall have been made in the office of a collector, are not invoiced according to the actual cost thereof at the place of exportation, and that the difference was made with design to defraud the revenue, all such goods, wares, or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited; and in any such case, or where the collector is suspicious of fraud, and that any such goods, wares, or merchandise, are not invoiced at a sum equal to that for which they have usually sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares, or merchandise, into his possession, and retain the same at the risk and expense of the owner or consignee thereof, until their value, at the time and place of importation, according to the principles for estimating the same, established by this act, shall be ascertained by two reputable merchants, mutually chosen by the said collector and owner or consignee, and the duties arising upon such valuation shall be first paid, or secured to be paid, as required by this act in other cases of importation.

Sec. 23. *And be it further enacted*, That it shall be lawful for the collector, or other officer of the customs, after entry made of any goods, wares, or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package or packages thereof; and if, upon such examination, they shall be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith, and the expense of such examination shall be paid by the collector, and allowed in the settlement of his accounts; but if any of the packages so examined be found to differ in their contents from the entry, and it shall appear that such difference hath been made with intention to defraud the revenue, then all the goods, wares, or merchandise, contained in such package or packages, shall be forfeited: *Provided, always*, That if the owner or consignee of such goods as shall not be accompanied with the original invoice, should choose to wait the receipt of the invoice, in such case the collector shall take into his possession all such goods, wares, and merchandise, and store the same, at the expense and risk of the owner or consignee, until the invoice shall arrive, or until they agree to have the same valued.

Sec. 24. *And be it further enacted*, That every collector, naval officer, and surveyor, or other person specially appointed by either of them for that

purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares, or merchandise, subject to duty, shall be concealed, and therein to search for, seize, and secure, any such goods, wares, or merchandise; and if they shall have cause to suspect a concealment thereof, in any particular dwelling house, store, building, or other place, they, or either of them, shall, upon application, on oath or affirmation, to any justice of the peace, be entitled to a warrant, to enter such house, store, or other place, (in the day time only,) and there to search for such goods, and if any shall be found, to seize and secure the same for trial; and all such goods, wares, and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Sec. 25. *And be it further enacted*, That all goods, wares, and merchandise, which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector, until such proceedings shall be had, as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares, or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Sec. 26. *And be it further enacted*, That it shall be the duty of the several officers to be appointed or employed by virtue of this act, to make seizure of, and secure any ship or vessel, goods, wares, or merchandise, which shall be liable to seizure by virtue of this act, as well without as within their respective districts.

Sec. 27. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be non-suited, or judgment pass against him, the defendant shall recover double cost; and in all actions, suits, or informations, to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant; and if any person shall forcibly resist, prevent, or impede, any officer of the customs, or their deputies, or any person assisting them in the execution of their duty, such persons so offending shall, for every offence, be fined in a sum not exceeding four hundred dollars.

Sec. 28. *And be it further enacted*, That every collector, naval officer, and surveyor, shall, within three months after he enters upon the execution of his office, give bond, with one or more sufficient sureties, to be approved of by the Comptroller of the Treasury of the United States, and payable to

the said United States, conditioned for the true and faithful discharge of the duties of his office according to law; that is to say, the collector of Philadelphia, in the sum of sixty thousand dollars; the collector of New York, fifty thousand dollars; the collector of Boston, forty thousand dollars; the collectors of Baltimore, town and Charleston, thirty thousand dollars; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth, in New Hampshire, of Salem and Beverly, Wilmington, Annapolis, Georgetown in Maryland, Bermuda Hundred and City Point, and Alexandria, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Chester, Oxford, Yorktown, Dumfries, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars; and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston, New York, Philadelphia, Baltimore, town, and Charleston, ten thousand dollars each; and all the other naval officers, in the sum of two thousand dollars each. The surveyors of the ports of Boston, New York, Philadelphia, Baltimore, town, and Charleston, five thousand dollars each, and all other surveyors one thousand dollars each; which bonds shall be filed in the office of the said Comptroller, and be by him severally put in suit, for the benefit of the United States, upon any breach of the condition thereof.

Sec. 29. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers, and surveyors, to be appointed pursuant to this act, the fees and per centage following, that is to say: to each collector, for every entrance of any ship or vessel of one hundred tons burden, or upwards, two dollars and a half; for every clearance of any ship or vessel of one hundred tons burden, and upwards, two dollars and a half; for every entrance of any ship or vessel under the burden of one hundred tons, one dollar and a half; for every clearance of a ship or vessel under one hundred tons burden, one dollar and a half; for every permit to land goods, twenty cents; and for every permit to load goods for exportation, which are entitled to drawback, thirty cents; for every official certificate twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of every vessel not before enumerated, twenty cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, apportioning to each his moiety of the necessary expenses of stationery, and the rent of an office to be provided by the collector in the place of his residence, most convenient for the trade of the district, in which the said collector and naval officer shall each have at least one separate room; and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval officer the balance which may be due to him on such monthly settlement.

To each surveyor there shall be allowed, for all the services required by law, to be performed by such surveyor, on board any ship or vessel of one hundred tons, and upwards, and having on board goods, wares, and merchandise, subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons burden, having on board goods, wares, and merchandise, subject to duty, one and a half dollars; on all vessels not having on board goods, wares, and merchandise, subject to duty, two thirds of a dollar; all which fees shall be paid to the collector by the master or owner of the ship or vessel in which the services are performed, and the said collector shall pay weekly to the surveyor the fees so received. To each inspector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue, and charged to the public. To the measurers, weighers, and gaugers, respectively, for their services, shall be allowed, and paid by the collector, out of the revenue, for the measurement of every one hundred bushels of salt, or grain, eighteen cents; for the measurement of every one hundred bushels of coal, twenty-five cents; for the weighing of every one hundred and twelve pounds, one cent; for the gauging of every cask, six cents. There shall, moreover, be allowed to the collectors of each of the following ports, to wit: Boston, Salem, and Beverly, New York, Philadelphia, Baltimore, Norfolk or Portsmouth, and Charleston, one-half per cent. on the amount of all moneys by them respectively received and paid into the Treasury of the United States; and to the collector at each of the other ports by this act established, one per centum on the amount of all moneys by them respectively received and paid into the Treasury of the United States. Every collector, naval officer, and surveyor, shall cause to be affixed and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law; and in case of failure herein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation, or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid, for the use of the party aggrieved.

Sec. 30. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, shall be received in gold and silver coin only, at the following rates, that is to say: the gold coins of France, England, Spain, and Portugal, and all other gold coins of equal fineness, at eight-

* By "An act to incorporate the subscribers to the Bank of the United States," approved on the 25th of February, 1791, the bills or notes of that institution, payable on demand, in gold and silver coin, were made receivable in all payments to the United States.

ty-nine cents for every penny weight. The Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; and all silver coins, of equal fineness, at one dollar and eleven cents per ounce.

Sec. 31. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares, and merchandise, imported, shall be paid or allowed by the collector at whose office the said goods, wares, and merchandise, were originally entered, and not otherwise, retaining one per centum for the benefit of the United States.

Sec. 32. *Provided always, and be it further enacted*, That no goods, wares, or merchandise, entitled to drawback, shall be reladen before an entry shall be made with the collector of the port from whence such goods are intended to be exported; which entry shall contain a particular account of the casks and packages, their marks, numbers, and contents, the cost thereof, the vessel or vessels in which they were imported, and the place or places imported from; and the person or persons intending to export such goods, shall give bond, with one or more sufficient sureties, that the same, or any part thereof, shall not be relanded in any port or place within the limits of the United States, as settled by the late treaty of peace; and shall, moreover, make oath or affirmation as to the truth of the entry, that the goods, wares, or merchandise, are, in quantity, quality, and value, as therein expressed, according to the inward entry thereof, which entry was duly made at the time of importation, pursuant to the directions of this act, and that the quality is the same as at the time of importation; and the exporter of such goods shall not be entitled to drawback the duties, until at least six months after the exportation thereof, and until he shall produce to the collector, with whom such outward entry is made, a certificate in writing of two reputable merchants, at the foreign port or place in which the same were landed, together with the oath or affirmation of the master and mate of the vessel in which they were exported, certifying the delivery thereof; but in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath or affirmation of the exporter shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath or affirmation, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand: *Provided, also*, That no goods, wares, or merchandise, imported, shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at least, nor unless they shall be exported in the same cask, package or packages, and from the port or district into which they were originally imported; and, moreover, shall be re-

lated under the inspection of the collector, naval officer, or surveyor of the port.

Sec. 33. *And be it further enacted*, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall be paid by the collector of the port or district from whence the same shall be exported: *Provided*, That due entry thereof shall be first made, and bonds given, as in the case of drawbacks, and that no such allowance shall be made, unless it shall amount to three dollars, at least, upon any one entry.

Sec. 34. *And be it further enacted*, That if any goods, wares, or merchandise, entered for exportation with a view to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares, or merchandise, shall be subject to seizure and forfeiture, together with the vessels from which such goods shall be landed, and the vessels or boats used in landing the same, and all persons concerned therein shall, on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months; and for discovery of frauds, and seizure of goods, wares, and merchandise, relanded contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had, as in the case of goods, wares, and merchandise, imported contrary to law; and for measuring, weighing, or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Sec. 35. *And be it further enacted*, That if any officer of the customs shall, directly or indirectly, take or receive any bribe, reward, or recompense, for conniving, or shall connive at a false entry of any ship or vessel, or of any goods, wares, or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred nor more than two thousand dollars for each offence, and be forever disabled from holding any office of trust or profit under the United States; and any person giving or offering any bribe, recompense, or reward, for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred nor more than two thousand dollars for each offence; and in all cases where an oath or affirmation is, by this act, required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares, and merchandise, if the person so swearing or affirming shall swear or affirm falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

Sec. 36. *And be it further enacted*, That all penalties, accruing by any breach of this act, shall be sued for, and recovered, with costs of suit, in the name of the United States, in any court proper

to try the same, by the collector of the district where the same accrued, and not otherwise, unless in cases of penalty relating to an officer of the customs; and such collector shall be, and hereby is, authorized and directed, to sue for and prosecute the same to effect, and to distribute and pay the sum recovered, after first deducting all necessary costs and charges, according to law. And all ships or vessels, goods, wares, and merchandise, which shall become forfeit by virtue of this act, shall be seized, labelled, and prosecuted, as aforesaid, in the proper court having cognizance thereof; and the court shall cause fourteen days notice to be given of such seizure and label, by causing the substance of such label, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some public newspaper nearest the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares, or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares, or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law. And upon the prayer of any claimant to the court, that any ship or vessel, goods, wares, or merchandise, so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares, or merchandise, so prayed to be delivered, be appraised, the court shall, by rule, order such ship or vessels, goods, wares, or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant as to the whole or any part of such ship or vessel, goods, wares, or merchandise, and the claimant shall not, within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares, or merchandise, so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the

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court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, judgment, or suit, on account of such seizure or prosecution: *Provided*, That the ship or vessel, goods, wares, or merchandise, be, after judgment, forthwith returned to such claimant or claimants, his or their agents: *And, provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

Sec. 37. *And be it further enacted*, That all ships, vessels, goods, wares, or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto.

Sec. 38. *And be it further enacted*, That all penalties, fines, and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows: One moiety shall be for the use of the United States, and paid into the Treasury thereof; the other moiety shall be divided into three equal parts, and paid to the collector, naval officer, and surveyor, of the district wherein the same shall have been incurred: and in such districts where only two of the said officers shall have been established, the said moiety shall be equally divided between them; and in such districts where only one of the said officers shall have been established, the said moiety shall be given to such officer: *Provided*, That in all cases where such penalties, fines, and forfeitures, shall be recovered in pursuance of information given to such collector, by any person other than the said naval officer and surveyor, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, in manner and form as above limited and expressed.

And, whereas, The States of Rhode Island and Providence Plantations, and North Carolina, have not as yet ratified the present Constitution of the United States, by reason whereof this act doth not extend to the collecting of duties within either of the said two States, and it is thereby become necessary that the following provision, with respect to goods, wares, or merchandise, imported from either of the said two States, should, for the present, take place:

Sec. 39. *Be it therefore further enacted*, That all goods, wares, and merchandise, not of their

own growth or manufacture, which shall be imported from either of the said two States of Rhode Island and Providence Plantations, or North Carolina, into any other port or place within the limits of the United States, as settled by the late treaty of peace, shall be subject to the like duties, seizures, and forfeitures, as goods, wares, or merchandise, imported from any State or country without the said limits.

Sec. 40. *And be it further enacted*, That no goods, wares, or merchandise, of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States in other manner than by sea, nor in any ship or vessel less than thirty tons burden, except within the district of Louisville, and except also in such vessels as are now actually on their voyages, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, goods, wares, or merchandise, brought in, landed or unladen in any other manner. And all goods, wares, and merchandise, brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same.

Approved, July 31, 1789.

An Act for settling the accounts between the United States and individual States.

Be it enacted, &c., That the President of the United States be, and he hereby is empowered to nominate, and by and with the advice and consent of the Senate, to appoint such person or persons as he may think proper for supplying any vacancy that now is, or may hereafter take place in the Board of Commissioners, established by an ordinance of the late Congress, of the seventh of May, one thousand seven hundred and eighty-seven, to carry into effect the said ordinance and resolutions of Congress for the settlement of accounts between the United States and individual States.

Sec. 2. *And be it further enacted*, That the said Board of Commissioners be, and they hereby are, empowered to appoint a chief clerk and such other clerks as the duties of their office may require; and that the pay of the said chief clerk be six hundred dollars per annum, and of each other clerk four hundred dollars per annum.

Approved, August 5, 1789.

An Act to establish an Executive Department, to be denominated the Department of War.

Be it enacted, &c., That there shall be an executive department, to be denominated the Department of War; and that there shall be a principal officer therein to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of

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the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said Department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs. And, furthermore, that the said principal officer shall conduct the business of the said Department in such manner as the President of the United States shall from time to time order or instruct.

Sec. 2. *And be it further enacted*, That there shall be in the said Department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said Department.

Sec. 3. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said Department shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him.

Sec. 4. *And be it further enacted*, That the Secretary for the Department of War, to be appointed in consequence of this act, shall forthwith, after his appointment, be entitled to have the custody and charge of all records, books, and papers, in the office of Secretary for the Department of War, heretofore established by the United States in Congress assembled.

Approved, August 7, 1789.

An Act to provide for the government of the Territory northwest of the river Ohio.

Whereas, in order that the ordinance of the United States in Congress assembled, for the government of the Territory northwest of the river Ohio may continue to have full effect, it is requisite that certain provisions should be made so as to adapt the same to the present Constitution of the United States:

Be it enacted, &c., That in all cases in which, by the said ordinance, any information is to be given, or communication made by the Governor of the said Territory to the United States in Congress assembled, or to any of their officers, it shall be the duty of the said Governor to give such information, and to make such communication to the President of the United States; and the President shall nominate, and by and with the advice and consent of the Senate shall appoint all officers which by the said ordinance were to have been appointed by the United States in Congress assembled, and all officers so appointed shall be commissioned by him; and in all cases where the United States in Congress assembled might, by

the said ordinance, revoke any commission, or remove from any office, the President is hereby declared to have the same powers of revocation and removal.

Sec. 2. *And be it further enacted*, That in case of the death, removal, resignation, or necessary absence of the Governor of the said Territory, the Secretary thereof shall be, and he is hereby authorized and required to execute all the powers and perform all the duties of the Governor, during the vacancy occasioned by the removal, resignation, or necessary absence of the said Governor.

Approved, August 7, 1789.

An Act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue from and after the fifteenth day of August, one thousand seven hundred and eighty-nine, in the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passing of this act, at the entrance of, or within, any bay, inlet, harbor, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the Treasury of the United States: *Provided, nevertheless*, That none of the said expenses shall continue to be so defrayed by the United States after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers, shall in the meantime be ceded to and vested in the United States, by the State or States respectively in which the same may be together with the land and tenements thereunto belonging, and together with the jurisdiction of the same.

Sec. 2. *And be it further enacted*, That a light-house shall be erected near the entrance of the Chesapeake bay, at such place, when ceded to the United States in manner aforesaid, as the President of the United States shall direct.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the United States, for building a light-house near the entrance of Chesapeake bay, and for rebuilding when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers, in the several States, and for furnishing the same with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President for the superintendence and care of the same.

Sec. 4. *And be it further enacted*, That all pilots in the bays, inlets, rivers, harbors, and ports of the United States, shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively hereafter enact for the purpose, until further legislative provision shall be made by Congress.

Approved, August 7, 1789.

An Act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same.

Be it enacted, &c. That a sum not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be and the same is hereby appropriated to defraying the expense of negotiating and treating with the Indian tribes.

Sec. 2. And be it further enacted, That each of the commissioners who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his expenses at the place of treaty, of eight dollars per day, during his actual service, to be paid out of the money so appropriated.

Approved, August 20, 1789.

An act for registering and clearing vessels, regulating the coasting trade, and for other purposes.

Be it enacted, &c. That any ship or vessel built within the United States, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but, on the sixteenth day of May, one thousand seven hundred and eighty-nine, belonging, and thereafter continuing to belong, wholly to a citizen or citizens thereof, and of which the master is a citizen of the United States, and no other, may be registered in manner hereinafter provided, and being so registered, shall be deemed and taken to be, and denominated, a ship or vessel of the United States, and entitled to the benefits granted by any law of the United States to ships or vessels of the descriptions aforesaid.

Sec. 2. And be it further enacted, That the person or persons claiming property in any such ship or vessel, in order to entitle her to the benefits aforesaid, shall cause the same to be registered, and shall obtain a certificate of such registry from the collector of the district to which such ship or vessel belongs, in manner hereinafter directed, which certificate, attested by the Secretary of the Treasury, under his hand and seal, and countersigned by the collector, shall be in the form following, viz:

"In pursuance of an act of the Congress of the United States of America, entitled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,' [here insert the name, occupation, and residence of the subscribing owner] having taken and subscribed the oath or affirmation required by the said act, and having sworn or affirmed that he, together with [names, occupation, and residence of non-subscribing owners] is [or are] sole owner [or owners] of the ship [or vessel] called the [ship's name] of [place to which the ship or vessel belongs] whereof [master's name] is at present master, and is a citizen of the United States, and that the said ship [or vessel] was [when and where built] and [name of surveying officer] having certified to us that the said ship or vessel has [number of decks] and ——— masts, that her length is ———, her breadth ———, her depth ———, and that she

measures ——— tons; that she is [here describe the vessel and how built] has ——— gallery and ——— head. And that the said subscribing owners having consented and agreed to the above description and measurement, and having caused sufficient security to be given, as is required by the said act, the said [kind of vessel and name] has been duly registered at the port of ———. Given under our hand and seals of office, at [port] this ——— day of ———, in the year [words at full length.] And the collector shall transmit to the Secretary of the Treasury a duplicate of every such certificate so granted. And it shall be the duty of the Secretary of the Treasury to transmit to the collectors of the several ports of the United States a sufficient number of certificates, attested under his hand and seal, leaving the blanks to be filled up by the collectors respectively.

Sec. 3. And be it further enacted, That, to ascertain the tonnage of all ships or vessels, the surveyor or other person appointed by the collector to measure the same, shall take the length of every vessel, if double-decked, from the fore part of the main stem to the after part of the stern post above the upper deck, the breadth at the broadest part above the main wales, and half such breadth shall be accounted the depth of every double-decked vessel; he shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, dividing the product of the whole by ninety-five, the quotient shall be deemed the true contents or tonnage of such ship or vessel. To ascertain the tonnage of every single-decked vessel, he shall take the length and breadth, as is directed to be taken for double-decked vessels, and deduct three-fifths, in like manner, and the depth from the under side of the deck-plank to the ceiling in the hold, and shall multiply and divide as aforesaid, and the quotient shall be deemed the true contents or tonnage of such single-decked vessel.

Sec. 4. And be it further enacted, That the port to which any such ship or vessel shall be deemed to belong, agreeably to the intent and meaning of this act, shall be the port at or near which the husband, or acting and managing owner or owners of such ship or vessel usually resides or reside; and the name of such ship or vessel, and of the place to which she belongs, shall be painted on her stern on a black ground, with white letters of not less than three inches in length.

Sec. 5. And be it further enacted, That no ship or vessel owned in whole or in part by any citizen of the United States, usually residing in any foreign country, shall, during the time he shall continue so to reside, be deemed a vessel of the United States, entitled to be registered by virtue of this act, unless he be an agent for, and partner in, some house or copartnership, consisting of citizens of the United States actually carrying on trade in the said States.

Sec. 6. And be it further enacted, That no registry shall be made, or certificate granted, until the following oath or affirmation be taken and

subscribed before the officer hereinbefore authorized to make such registry and grant such certificate, (which oath or affirmation such officer is hereby empowered to administer,) by the owner of such ship or vessel, if owned by one person only, or in case there shall be two or more owners, then by any one of such owners, namely:

"I, ———, [place of residence and occupation] do swear or affirm, that the ship or vessel of ——— [take the description from the certificate of the surveyor or other person authorized by this act] was built at ———, in the year ——— or was the entire property of ——— on the sixteenth day of May, one thousand seven hundred and eighty-nine, and hath continued to be the property of a citizen or citizens of the United States; that ———, the present master, is a citizen of the United States, and that I, ———, and [the other owners' names, occupation, and where they respectively reside, viz: town, place, county, and State, or if resident in a foreign country, being an agent for, and partner in, any house or copartnership] am, or are, sole owner or owners of the said ship or vessel, and that no other person whatever hath any property therein; and that I, the said ———, [and the said owners, if any] am, or are, truly a citizen of the United States, and that no foreigner, directly or indirectly, hath any part or interest in the said ship or vessel."

Sec. 7. Provided always, and be it further enacted, That whenever the owner or owners of such ship or vessel usually resides or reside out of the district within which such ship or vessel may be at the time of granting the certificate of registry, that such owner, or where there are two or more owners, any one of them may take and subscribe the said oath or affirmation, before the collector of the district within which he usually resides, omitting in the said oath or affirmation the description of such ship or vessel as expressed in the certificate of the surveyor, and inserting in lieu thereof the name of the port and district within which such ship or vessel may then be; and the collector before whom such oath or affirmation may be taken and subscribed, shall transmit the same to the collector of the district where such ship or vessel may be, upon the receipt whereof the said collector shall proceed to register such ship or vessel in like manner as though the usual and regular oath or affirmation had been taken and subscribed before him.

Sec. 8. And be it further enacted, That the surveyor or other person to be appointed in pursuance of this act, shall, previous to the registering or granting of any certificate of registry, as aforesaid, examine and measure such ship or vessel, as to all and every particular contained in the form of the certificate aforesaid, in the presence of the master, or of any other person to be appointed for that purpose on the part of the owner or owners, and shall deliver a just and true account in writing of the build, description, and measurement of every such ship or vessel, as are specified in the form of the certificate above recited, to the person authorized as aforesaid to make such registry and grant such certificate thereof; and the said master

or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of the surveying or examining officer or other person duly appointed, in testimony of the truth thereof, provided such master or other person shall agree to the several particulars therein set forth and described.

Sec. 9. And be it further enacted, That when the certificate of registry aforesaid shall be granted, sufficient security, by bond, shall be given to the collector in behalf of the United States, by the master and owner or owners, or by some other person or persons, on his, her, or their behalf, such security to be approved of by the collector, in the penalties following: that is to say, if such ship or vessel shall be above the burden of fifteen, and not exceeding fifty tons, in the penalty of four hundred dollars; if exceeding the burden of fifty tons, and not exceeding one hundred tons, in the penalty of eight hundred dollars; if exceeding the burden of one hundred tons, and not exceeding two hundred tons, in the penalty of twelve hundred dollars; if exceeding the burden of two hundred tons, and not exceeding three hundred tons, in the penalty of sixteen hundred dollars; and if exceeding the burden of three hundred tons, in the penalty of twenty thousand dollars. And the condition of every such bond shall be, that such certificate shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever, and that the same shall be solely used for the ship or vessel to which it is granted; and that in case such ship or vessel shall be lost or taken by an enemy, burnt, or broken up, or otherwise prevented from returning to the port to which she belongs, the certificate, if preserved, shall be delivered up within three months after the arrival of the master in any port or place in the United States, to the collector of the district where he shall arrive; and that if any foreigner, or any person or persons for his use and benefit, shall purchase or otherwise become entitled to the whole or any part or share of, or interest in, such ship or vessel, and the same shall be within any district of the United States, in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the collector of the said district; and in case such ship or vessel shall be in any foreign port or place, or at sea, when such transfer of interest or property shall take place, the said master shall, within eight days after his arrival in any port or place within the United States, deliver up the said certificate to the collector of the district where he shall arrive; and all the certificates so delivered up, shall be forthwith transmitted by the collector, to the Secretary of the Treasury, to be cancelled.

Sec. 10. And be it further enacted, That whenever any ship or vessel, registered in conformity with this act, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, the former certificate of registry shall be delivered up to the collector, and by him, without delay, transmitted to the Secretary of the Treasury, to be cancelled; and such ship or ves-

bel shall be registered anew by her former name, and a certificate thereof shall be granted by the collector in like manner as is herein before directed.

SEC. 11. *And be it further enacted*, That whenever any such ship or vessel shall in whole or in part, be sold or transferred to any person or persons, the certificate of the registry of every such ship or vessel shall be recited at length in the instrument of transfer or sale thereof, and in default thereof such instrument of sale or transfer shall be void, and that such ship or vessel shall not be deemed or denominated a ship or vessel entitled to any of the benefits or advantages of a ship or vessel of the United States.

SEC. 12. *And be it further enacted*, That whenever the master or other person having the charge or command of any ship or vessel, registered in the manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver to the collector of the district where such change shall take place, the certificate of registry of such ship or vessel, who shall thereon endorse and subscribe a memorandum of such change, and forthwith give notice of the same to the collector of the district where such ship or vessel was last registered pursuant to this act, who shall likewise make a memorandum of the same in the book of registers, and transmit a copy thereof to the Secretary of the Treasury.

SEC. 13. *And be it further enacted*, That if the certificate of registry of any ship or vessel shall be lost or destroyed, the master or other person having charge of the said ship or vessel, may make oath or affirmation before the collector of the district where such ship or vessel may arrive, who is hereby authorized to administer the same in the words and form following:

"I, _____, being master, or having charge of the ship or vessel called the _____, do swear or affirm, that the said ship or vessel hath been, as I verily believe, registered according to law by the name of _____, and that a certificate thereof was granted at the port _____, but that the same is lost or destroyed, (as the case may be,) and that the same if found again, and comes again within my power, shall be delivered up to the collector of the port where it was granted; and that the master of said ship or vessel is a citizen of the United States, and that the said ship or vessel, as I believe, the entire property of a citizen or citizens of the United States, and that no foreigner has, to my knowledge and belief, any property or interest therein;" and the said oath or affirmation shall be filed in the office of the said collector before whom it was made, who is hereby required to register the said vessel anew, by her former name, and take the security in manner hereinbefore directed, and deliver the certificate of such registry to the owner or owners, if residing within his district, or, if not resident therein, to the master or other person having charge of said ship or vessel, that such certificate of registry is granted in pursuance of this act, instead of a former certificate of registry, which appears by such proof as this act requires to be lost; and such certificate of re-

gistry shall have the same effect with the original, and the said collector shall, within three months, transmit a duplicate of the said certificate to the Secretary of the Treasury, to be registered in his office, who shall notify the collector who granted the certificate which was lost or destroyed, of the same, who is hereby required to cause a memorandum thereof to be made in his book of registers.

SEC. 14. *And be it further enacted*, That if any ship or vessel, after having been registered in pursuance of this act, shall, in any manner whatever, be altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in such case such vessel shall be registered anew, by her former name, in manner hereinbefore directed, as soon as she returns to the port to which she belongs, or to any other port in which she may be lawfully registered by virtue of this act; otherwise such ship or vessel shall not be deemed and considered as a ship or vessel of the United States.

SEC. 15. *And be it further enacted*, That the collector of every district where registers shall be made and certificates granted in pursuance of this act, shall progressively number the same as they shall be severally granted, beginning at the time when this act shall be in force, and continuing to the end of the present year, and thenceforth beginning at the commencement of every year, and shall enter an exact copy of every such certificate, with the number thereof, in a book to be kept for that purpose; and shall, within three months, transmit to the Secretary of the Treasury a true copy, together with the number of every certificate which shall be by him so granted.

SEC. 16. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign Powers shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer such oath in manner following:

"I, _____, of [here insert the place of residence, county, and State] shipwright, do swear or affirm, that [here designate the kind of vessel] named _____, having [number of decks] and being in length _____, in breadth _____, and measuring _____ tons, having _____ galley and _____ head, was built by me, or under my direction, at [place, county, and State] in the United States, in the year _____, which oath or affirmation shall be recorded in the manner hereinbefore directed, in a book to be kept for that purpose.

SEC. 17. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the collector of the district as aforesaid, shall be granted to the master of every such ship or vessel in manner following: "In pursu-

ance of an act entitled 'An act _____ I, _____ collector of the district of _____ in the United States, do certify, that the builder [name] of [place of residence, county, and State] having sworn or affirmed that the ship or vessel [here designate the kind of vessel] named _____, whereof _____ is at present master, was built at [place, county, and State, where built] by him or under his direction, in the year _____, and [here insert the name of the surveyor, or other person appointed by the collector, where there is no surveyor] having certified that the said ship or vessel has [number of decks] in length _____, in breadth _____, in depth _____, and measures _____ tons; and the said builder and master having agreed to the said description and measurement, the said ship or vessel has been recorded in the district of _____, in the United States. Witness my hand and seal this _____ day of _____, in the year _____," which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Secretary of the Treasury of the United States to be recorded in his office.

SEC. 18. *And be it further enacted*, That the surveyor or other person to be appointed by the collector as aforesaid, is hereby required to deliver a true account in writing, signed with his name, of the build, description, and measurement, of every such ship or vessel, as specified in the form of the said certificate of record, of such ships or vessels, which account shall also be signed by the master, to the collector of the district where such certificate of the record shall be granted.

SEC. 19. *And be it further enacted*, That if the master or the name of any ship or vessel so recorded shall be changed, the owner, part owner, or consignee, of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record by the collector of the district where such ship or vessel may be, or at which she shall arrive, if such change took place in a foreign country, and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, who shall enter the same in his book of records, and forward a duplicate of such entry to the Secretary of the Treasury of the United States; and in such case, until the said owner, part owner, or consignee, shall cause the said memorandum to be made by the collector in manner aforesaid, such ship or vessel shall not be deemed or considered as a vessel recorded in pursuance of this act.

SEC. 20. *And be it further enacted*, That the master or other person having command of any ship or vessel recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record to the collector of the district, in failure of which the said ship or vessel shall not be entitled to the privileges of a vessel recorded as aforesaid.

SEC. 21. *And be it further enacted*, That all the penalties and forfeitures inflicted and incurred by this act, shall and may be sued for, prose-

cuted, and recovered, in such courts, and be disposed of in such manner as any penalties or forfeitures inflicted, or which may be incurred, for any offence committed against the United States, in and by an act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," may be sued for, prosecuted, recovered, and disposed of.

SEC. 22. *And be it further enacted*, That, from and after the tenth day of September next, every ship or vessel of the burden of twenty tons or upwards, built within the United States, and wholly owned by a citizen or citizens thereof; or not built within the United States, and on the sixteenth day of May, one thousand seven hundred and eighty-nine, wholly owned, and thereafter continuing to be owned, by a citizen or citizens of the United States, but not registered, if detained from district to district, or to the bank or wharf fisheries, shall, in order to be entitled to all the privileges of a ship or vessel belonging to the United States, employed in the coasting trade or in the fisheries, be enrolled by the collector of the district where the owner or one of the owners of such vessel may reside, and every vessel so enrolled shall have her name and the name of the place to which she belongs painted on her stern, in manner directed by this act for registered vessels, and such collector, on due proof, by oath or affirmation, to him made, by the owner or one of the owners of such ship or vessel, of her name, burden, and denomination, and that she is of the description aforesaid, and of the names of the owner or owners, and of the master thereof, and that they are citizens of the United States, and of the place or places of residence of such owner or owners, shall enrol, in a book to be kept for that purpose, the name of every such vessel, her burden, where built, and denomination, the name or names, and place or places of residence of the owner or owners thereof, and that he or they, together with the master, are citizens of the United States; a description of the build of such vessel as aforesaid, and the date of the enrolment, and shall also grant to the owner or owners a certificate containing a copy of such enrolment, and transmit to the Secretary of the Treasury a copy of every such certificate of enrolment, to be by him recorded. And whenever the property of such ship or vessel shall be changed, in whole or in part, the person or persons who shall then be owner or owners, or one of them, shall make known such change to the collector of the district where he or they may reside, and such collector is hereby authorized and directed to grant a new certificate of the enrolment of such ship or vessel, by her former name, to such owner or owners, upon his or their delivering up the former certificate, which shall be sent to the office of the collector from whence it was issued, to be cancelled: *Provided*, That the master or owner of every vessel of less than twenty tons burden, and not less than five tons, which shall be employed between any of the districts in the United

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States, shall cause the name of such vessel and of the place to which she belongs, to be painted on her stern, in manner directed by this act for registered vessels, and shall annually procure a license from the collector of the district to which such vessel belongs, who is hereby authorized to give the same, purporting that such vessel is exempt from clearing and entering for the term of one year from the date thereof; and the master or owner of every such vessel shall give bond, with sufficient security, for the payment of two hundred dollars to the United States, with condition that such vessels shall not be employed in any illicit trade or commerce; and before any new license shall be given for a succeeding year to the master of such vessel, he shall, on oath or affirmation, declare that no illicit trade has been carried on in such vessel, to his knowledge or belief, during the time for which she was licensed.

SEC. 23. *And be it further enacted*, That the master, commander, or owner, of every ship or vessel of the burden of twenty tons or upwards, to be employed in trade between different districts in the United States, and of every vessel to be employed in the bank or whale fisheries, having a certificate of registry or enrolment as herein directed, shall, upon application to the collector of the district where such vessel may lie, be entitled to receive a license to trade between the different districts in the United States, or to carry on the bank or whale fishery for one year, and it shall be the duty of the collector to grant the same; but no license shall be granted for any vessel until the owner or owners applying therefor shall have paid the tonnage duty thereon, and shall enter into bond, with sufficient security, for the payment of one thousand dollars to the United States, with condition that such vessel shall not, within the time for which such license was granted, be employed in any illicit trade or commerce. And if any vessel of the burden of twenty tons or upwards not having a certificate of registry or enrolment and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels.

SEC. 24. *And be it further enacted*, That the master or commander of every ship or vessel bound to any foreign port, shall deliver to the collector of the district where such ship or vessel may be, a manifest of the cargo on board such ship or vessel, and on making oath or affirmation to the truth thereof, it shall be the duty of the said collector to grant a clearance for such ship or vessel and her loading; and if any ship or vessel, bound to any foreign port, shall depart from the place of her loading without such clearance, the master, commander, consignee, or owner thereof, shall forfeit and pay the sum of two hundred dollars for every such offence.

SEC. 25. *And be it further enacted*, That the master of every ship or vessel of the burden of twenty tons or upwards, licensed to trade between the different districts of the United States, having on board goods, wares, or merchandise, of foreign

growth or manufacture, of the value of two hundred dollars, or rum or other ardent spirits, exceeding four hundred gallons, and being bound from one district to another, shall deliver to the collector, and where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares, or merchandise, shipped by and to each. And upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

SEC. 27. *And be it further enacted*, That the master of every ship or vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same State, or from a district in one State to a district in the next adjoining State, with goods, wares, or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation, before such collector or surveyor, that such manifest contains a true account of all the goods, wares, and merchandise, on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

SEC. 28. *And be it further enacted*, That in all other cases the master of every vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, shall, within twenty-four hours (Sundays excepted) next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collector or surveyor the manifest thereof, authenticated before, and received from, the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

SEC. 29. *And be it further enacted*, That if the master of any ship or vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares, or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is hereinafter provided, the master or owner of

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ing State, shall deliver to the collector, or where the collector and surveyor reside at different places within the same district, to the collector or surveyor, as the one or the other may reside at or nearest to the port where such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, specifying therein the name and place of residence of every shipper and consignee, together with the quantity of goods, wares, or merchandise, shipped by and to each. And upon the oath or affirmation of the said master, before the said collector or surveyor, to the truth of such manifest, it shall be the duty of such collector or surveyor to return to the said master one of the said manifests, first certifying thereon that the same had been sworn or affirmed to and delivered to him according to law; and also to grant to the said master a permit, authorizing such ship or vessel to proceed to the place of her destination.

SEC. 27. *And be it further enacted*, That the master of every ship or vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, not having on board rum or other ardent spirits, exceeding four hundred gallons, and arriving from one district to another in the same State, or from a district in one State to a district in the next adjoining State, with goods, wares, or merchandise, of the growth or manufacture of the United States only, shall, within twenty-four hours, place or port where a collector or surveyor resides, and before any part of the cargo on board such ship or vessel be landed or unloaded, deliver to such collector or surveyor a manifest thereof, and shall make oath or affirmation, before such collector or surveyor, that such manifest contains a true account of all the goods, wares, and merchandise, on board such ship or vessel, and thereupon shall receive from such collector or surveyor a permit to land or unload the same.

SEC. 28. *And be it further enacted*, That in all other cases the master of every vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, shall, within twenty-four hours (Sundays excepted) next after his arrival at any port or place within the United States, where a collector or surveyor resides, and before any part of the cargo on board any such ship or vessel be landed or unloaded, deliver to such collector or surveyor the manifest thereof, authenticated before, and received from, the collector or surveyor of the port or place where the said cargo was taken on board, together with his permit to depart from the place of lading, whereupon it shall be the duty of such collector or surveyor to grant a permit to land or unload such cargo.

SEC. 29. *And be it further enacted*, That if the master of any ship or vessel of the burden of twenty tons or upwards, licensed to trade as aforesaid, and having on board goods, wares, or merchandise, of the value of two hundred dollars or upwards, shall depart with the said ship or vessel from any port, with intent to go to another district, without such manifest and permit, except as is hereinafter provided, the master or owner of

such ship or vessel shall forfeit and pay the sum of four hundred dollars for every such offence; and all goods, wares, and merchandise, of the value of two hundred dollars or upwards, which shall be found on board any such ship or vessel, after her departure from the port where the same were taken on board, without being contained in, accompanied with such manifest as is hereinbefore directed, except as is hereinafter excepted, shall be subject to seizure and forfeiture.

Provided always, That nothing herein contained shall be construed to subject the master or owner of any ship or vessel licensed to trade as aforesaid, having on board goods, wares, and merchandise, of the growth and manufacture of the United States only, rum and other ardent spirits, exceeding four hundred gallons, excepted, and bound from district to district in the same State, or from a district in one State to a district in the next adjoining State, to any penalty for having departed from the port of loading without such permit and manifest, or to subject the said goods on board such ship or vessel to seizure or forfeiture, in case they are not accompanied with a manifest as aforesaid.

SEC. 30. *And be it further enacted*, That if any ship or vessel having a license to trade or fish for one year, shall, within that time, be destined to any foreign port, the master or commander of every such ship or vessel shall, before he departs from the United States, deliver such license to the collector of the port from whence he intends to depart; and it shall be the duty of such collector forthwith to transmit the license, to him so delivered, to the collector of the district where the same was granted, who shall thereupon cancel every license; and if any master or commander shall neglect or refuse to deliver up such license before he depart from the United States, he shall forfeit and pay the sum of one hundred dollars for every such neglect or refusal.

SEC. 31. *And be it further enacted*, That the fees and allowances for the several duties to be performed in virtue of this act, and the distribution of the same, shall be as follows, to wit:

For the first register or certificate of record granted for every ship or vessel, there shall be paid to the collector granting the same, the sum of two dollars;

For every subsequent one, one dollar and fifty cents;

For every certificate of enrolment, fifty cents; For every license to trade between the different districts of the United States, or to carry on the bank or whale fishery for one year, fifty cents;

For every entry of inward cargo directed to be made in conformity with this act, and for receiving of, and qualifying to, every manifest of vessels licensed to trade as aforesaid, sixty cents;

For a permit to land goods of foreign growth or manufacture, twenty cents;

For every permit to proceed to the place of destination, twenty-five cents;

And for taking every bond required by this act, twenty cents.

The whole amount of which fees shall be ac-

counted for by the collector; and where there is a collector, naval officer, and surveyor, shall be equally divided between the said officers; and where there is no naval officer, between the collector and surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed: *Provided*, *always*, That in all cases where the tonnage of any ship or vessel shall be ascertained by any person specially appointed for that purpose, as is hereinbefore directed, that such person shall be allowed and paid by the collector a reasonable compensation for the same, out of the fees aforesaid, before any distribution thereof as aforesaid.

Sec. 32. *And be it further enacted*, That in every case where the collector is, by this act, directed to grant any license, certificate, permit, or other document, the naval officer, if there be one residing at the port, shall sign the same.

Sec. 33. *And be it further enacted*, That in every case where a forfeiture of any ship or vessel, or of any goods, wares, or merchandise, shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the sale of such ship or vessel, or of such goods, wares, or merchandise, to insert, in the same advertisement, the name or names, and the place or places of residence, of the person or persons to whom any such ship or vessel, goods, wares, or merchandise, belonged or were consigned at the time of such service.

Sec. 34. *And be it further enacted*, That every collector who shall knowingly make any false registry, record, or enrolment, of any ship or vessel; and every officer or person appointed as is herein provided, who shall make any false record, or grant any false certificate, or any document whatever, in any manner that shall not be herein prescribed, or that shall be contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or receive any other reward or gratuity, contrary to the provisions of this act; and every surveyor or other person appointed to measure ships or vessels, who shall wilfully deliver to any collector or naval officer a false description of any ship or vessel to be registered, recorded, or enrolled, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit the sum of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States; and if any person or persons, authorized and required by this act, in respect of his or their office or offices, to perform any act or thing required to be done or performed, pursuant to any of the provisions of this act, and wilfully neglecting or refusing to do or perform the same, according to the true intent and meaning of this act, shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall, from thenceforward, be rendered inca-

port and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein. He shall moreover provide for the regular and punctual payment of all moneys which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are or shall be due to the United States.

Sec. 4. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the moneys of the United States, and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise. He shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant so signed, no acknowledgment for money received into the public Treasury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly, (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall, moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to, and settled with the Comptroller as aforesaid, as also a true and perfect account of the state of the Treasury. He shall at all times submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the moneys in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the United States.

Sec. 5. *And be it further enacted*, That it shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with

the vouchers and certificate to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited, be dissatisfied therewith, he may within six months appeal to the Comptroller against such settlement.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates; to record all warrants for the receipt or payment of moneys at the Treasury, certify the same thereon, and to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted as is herein directed.

Sec. 7. *And be it further enacted*, That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office.

Sec. 8. *And be it further enacted*, That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and for ever thereafter be incapable of holding any office under the United States. *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.

Approved, September 2, 1789.

An act for establishing the salaries of the Executive Officers of Government, with their assistants and clerks.

Be it enacted, &c. That there shall be allowed to the officers hereinafter mentioned, the following annual salaries, payable quarterly at the Treasury of the United States: to the Secretary of the Treasury, three thousand five hundred dollars; to the Secretary in the Department of State, three thousand five hundred dollars; to the Secretary of the Department of War, three thou-

sand dollars; to the Comptroller of the Treasury, two thousand dollars; to the Auditor, fifteen hundred dollars; to the Treasurer, two thousand dollars; to the Register, twelve hundred and fifty dollars; to the Governor of the Western Territory, for his salary as such, and for discharging the duties of Superintendent of Indian Affairs in the Northern Department, two thousand dollars; to the three judges of the Western Territory, each eight hundred dollars; to the assistant of the Secretary of the Treasury, fifteen hundred dollars; to the chief clerk in the Department of State, eight hundred dollars; to the chief clerk in the Department of War, six hundred dollars; to the Secretary of the Western Territory, seven hundred and fifty dollars; to the principal clerk of the Comptroller, eight hundred dollars; to the principal clerk of the Auditor, six hundred dollars; to the principal clerk of the Treasury, six hundred dollars.

SEC. 2. *And be it further enacted*, That the heads of the three departments first above mentioned shall appoint such clerks therein respectively as they shall find necessary; and the salary of the said clerks respectively shall not exceed the rate of five hundred dollars per annum.

Approved, September 11, 1789.

An Act to provide for the safe-keeping of the acts, records, and seal of the United States, and for other purposes.

Be it enacted, &c., That the Executive Department of Foreign Affairs shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State.

SEC. 2. *And be it further enacted*, That whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President of the United States, or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President; and whenever a bill, order, resolution, or vote shall be returned by the President with his objections, and shall on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate or the Speaker of the House of Representatives, in whichsoever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause every such law, order, resolution, and public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the executive authority of each State; and he shall carefully preserve the

originals, and shall cause the same to be recorded in books to be provided for the purpose.

SEC. 3. *And be it further enacted*, That the seal heretofore used by the United States in Congress assembled, shall be and hereby is declared to be the seal of the United States.

SEC. 4. *And be it further enacted*, That the said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the United States to be appointed by the President by and with the advice and consent of the Senate, or by the President alone: *Provided*, That the said seal shall not be affixed to any commission before the same shall have been signed by the President of the United States, nor to any other instrument or act without the special warrant of the President therefor.

SEC. 5. *And be it further enacted*, That the said Secretary shall cause a seal of office to be made for the said department, of such device as the President of the United States shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper.

SEC. 6. *And be it further enacted*, That there shall be paid to the Secretary, for the use of the United States, the following fees of office by the persons requiring the services to be performed, except when they are performed for any officer of the United States, in a matter relating to the duties of his office, to wit: for making out and authenticating copies of records, ten cents for each sheet, containing one hundred words; for authenticating a copy of a record or paper under the seal of office, twenty-five cents.

SEC. 7. *And be it further enacted*, That the said Secretary shall forthwith, after his appointment, be entitled to have the custody and charge of the said seal of the United States, and also of all books, records, and papers remaining in the office of the late Secretary of the United States in Congress assembled; and such of the said books, records, and papers as may appertain to the Treasury Department, or War Department, shall be delivered over to the principal officers in the said departments respectively, as the President of the United States shall direct.

Approved, September 15, 1789.

An Act to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States," and for other purposes.

Be it enacted, &c., That so much of the act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States, as obliges ships or vessels bound up the river Potomac, to come to and deposite manifests of their cargoes with the officers at Saint Mary's and Yeocomico, before they proceed to their port of delivery, shall

be and is hereby suspended until the first day of May next.

SEC. 2. *Be it further enacted*, That all the privileges and advantages to which ships and vessels owned by citizens of the United States are by law entitled, shall be, until the fifteenth day of January next, extended to ships and vessels wholly owned by citizens of the States of North Carolina and Rhode Island and Providence Plantations: *Provided*, That the master of every such ship or vessel last mentioned shall produce a register for the same, conformable to the laws of the State in which it shall have been obtained, showing that the said ship or vessel is, and before the first day of September instant, was owned as aforesaid, and make oath or affirmation before the collector of the port in which the benefit of this act is claimed, that the ship or vessel for which such register is produced is the same therein mentioned, and that he believes it is still wholly owned by the person or persons named in said register, and that he or they are citizens of one of the States aforesaid.

SEC. 3. *And be it further enacted*, That all rum, loaf sugar, and chocolate, manufactured or made in the States of North Carolina or Rhode Island and Providence Plantations, and imported or brought into the United States, shall be deemed and taken to be subject to the like duties as goods of the like kinds imported from any foreign State, kingdom, or country, are made subject to.

SEC. 4. *And be it further enacted*, That Rehoboth, in the State of Massachusetts, shall be a port of entry and delivery, until the fifteenth day of January next, and that a collector be appointed for the same.

Approved, September 16, 1789.

An Act for the temporary establishment of the Post Office.

Be it enacted, &c., That there shall be appointed a Postmaster General; his powers and salary, and the compensation to the assistant or clerk and deputies which he may appoint, and the regulations of the Post Office shall be the same as they last were under the resolutions and ordinances of the late Congress. The Postmaster General to be subject to the direction of the President of the United States in performing the duties of his office, and in forming contracts for the transportation of the mail.

SEC. 2. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

Approved, September 22, 1789.

An Act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses.

Be it enacted, &c., That at every session of Congress, and at every meeting of the Senate in the recess of Congress prior to the fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive six dollars for every day he shall attend

the Senate, and shall also be allowed at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance by the most usual road from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided*, That no Senator shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 2. *And be it further enacted*, That at every session of Congress, and at every meeting of the Senate in the recess of Congress after the aforesaid fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive seven dollars for every day he shall attend the Senate; and shall also be allowed at the commencement and end of every such session and meeting, seven dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided*, That no Senator shall be allowed a sum exceeding the rate of seven dollars a day from the end of one such session or meeting to the time of his taking his seat in another.

SEC. 3. *And be it further enacted*, That at every session of Congress each representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall also be allowed, at the commencement and end of every session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any representative shall be detained by sickness on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the Speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive, in addition to his compensation as a representative, six dollars for every day he shall attend the House. *Provided always*, That no representative shall be allowed a sum exceeding the rate of six dollars a day from the end of one such session or meeting to the time of his taking a seat in another.

SEC. 4. *And be it further enacted*, That there shall be allowed to each chaplain of Congress at the rate of five hundred dollars per annum, during the session of Congress; to the Secretary of the Senate and to the Clerk of the House of Representatives fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and also a further al-

lowance of two dollars a day to each during the session of that branch for which he officiates; and the said Secretary and Clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal clerk, who shall be paid three dollars per day, and an engrossing clerk, who shall be paid two dollars per day, during the session, with the like compensation to such clerk while he shall be necessarily employed in the recess.

Sec. 5. *And be it further enacted*, That the following compensation shall be allowed to the officers hereinafter mentioned, viz: to the sergeant-at-arms during the session, and while employed on the business of the House, four dollars per day; the allowance of the present sergeant-at-arms to commence from the time of his appointment; to the doorkeepers of the Senate and House of Representatives for their services in those offices three dollars per day, during the session of the House to which he may belong, for his own services and for the hire of necessary laborers; the allowance to the present doorkeeper of the Senate to commence from the day appointed for the meeting of Congress; and the allowance to the doorkeeper of the House of Representatives to commence from his appointment; and to the assistant doorkeeper to each House two dollars per day during the sessions.

Sec. 6. *And be it further enacted*, That the said compensation which shall be due to the members and officers of the Senate shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public Treasury.

Sec. 7. *And be it further enacted*, That this act shall continue in force until the fourth day of March, in the year one thousand seven hundred and ninety-six, and no longer.

Approved, September 22, 1789.

An Act for allowing certain compensation to the Judges of the Supreme and other Courts, and to the Attorney General of the United States.

Be it enacted &c., That there shall be allowed to the Judges of the Supreme and other Courts of the United States the yearly compensation hereinafter mentioned, to wit: to the Chief Justice four thousand dollars; to each of the Justices of the Supreme Court, three thousand five hundred dollars; to the Judge of the district of Maine, one thousand dollars; to the Judge of the district of New Hampshire, one thousand dollars; to the Judge of the district of Massachusetts, twelve hundred dollars; to the Judge of the district of Connecticut, one thousand dollars; to the Judge of the district of New York, fifteen hundred dollars; to the Judge of the district of New Jersey, one thousand dollars; to the Judge of the district of Pennsylvania, sixteen hundred dollars; to the Judge of the district of Delaware, eight hundred dollars; to the Judge of the district of Maryland, fifteen hundred dollars; to the Judge of the district

of Virginia, eighteen hundred dollars; to the Judge of the district of Kentucky, one thousand dollars; to the Judge of the district of South Carolina, eighteen hundred dollars; to the Judge of the district of Georgia, fifteen hundred dollars; and to the Attorney General of the United States, fifteen hundred dollars; which compensations shall commence from their respective appointments, and be paid at the Treasury of the United States in quarterly payments.

Approved, September 23, 1789.

An act for allowing a compensation to the President and Vice President of the United States.

Be it enacted, &c., That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects now in his possession belonging to the United States; and to the Vice President, at the rate of five thousand dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the Treasury of the United States.

Approved, September 24, 1789.

An Act to establish the Judicial Courts of the United States.

Be it enacted, &c., That the Supreme Court of the United States shall consist of a Chief Justice and five associate justices, any four of whom shall be a quorum, and shall hold annually at the seat of Government two sessions, the one commencing the first Monday of February, and the other the first Monday of August. That the associate justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

Sec. 2. *And be it further enacted*, That the United States shall be, and they hereby are, divided into thirteen districts, to be limited and called as follows, to wit: one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called the Maine District; one to consist of the State of New Hampshire, and to be called New Hampshire District; one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts District; one to consist of the State of Connecticut, and to be called Connecticut District; one to consist of the State of New York, and to be called New York District; one to consist of the State of New Jersey, and to be called New Jersey District; one to consist of the State of Pennsylvania, and to be called Pennsylvania District; one to consist of the State of Delaware, and to be called Delaware District; one to consist of the State of Maryland, and to be called Maryland District; one to consist of the State of Virginia, except that part called the District of Kentucky, and to be called Virginia District; one

to consist of the remaining part of the State of Virginia, and to be called Kentucky District; one to consist of the State of South Carolina, and to be called South Carolina District; and one to consist of the State of Georgia, and to be called Georgia District.

Sec. 3. *And be it further enacted*, That there be a court called a District Court in each of the aforementioned districts, to consist of one judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually four sessions, the first of which to commence as follows, to wit: in the districts of New York and New Jersey on the first, in the district of Pennsylvania on the second, in the district of Connecticut on the third, and in the district of Delaware on the fourth Tuesdays of November next; in the districts of Massachusetts, of Maine, and of Maryland on the first, in the district of Georgia on the second, and in the districts of New Hampshire, of Virginia, and of Kentucky on the third Tuesdays of December next; and the other three sessions progressively in the respective districts on the like Tuesdays of every third calendar month afterwards; and in the district of South Carolina on the third Monday in March and September, the first Monday in July, and the second Monday in December of each and every year, commencing in December next, and that the district judge shall have power to hold special courts at his discretion. That the stated district court shall be held at the places following, to wit: in the district of Maine, at Portland and Pownalsborough alternately, beginning at the first; in the district of New Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately, beginning at the first; in the district of Connecticut, at Hartford and New Haven, beginning at the first; in the district of New York, alternately at New Brunswick and Burlington, beginning at the first; in the district of Pennsylvania, at Philadelphia and Yorktown alternately, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburg, beginning at the first; in the district of Kentucky, at Harrodsburgh; in the district of South Carolina, at Charleston; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first; and that the special courts shall be held at the same place in each district as the stated courts; or in districts that have two, at either of them in the discretion of the judge, or at such other place in the district as the nature of the business and his discretion shall direct. And that in the districts that have but one place for holding the district court, the records thereof shall be kept at that place; and in districts which have two at that place in each district which the judge shall appoint.

Sec. 4. *And be it further enacted*, That the

beforementioned districts, except those of Maine and Kentucky, shall be divided into three circuits, and be called the eastern, the middle, and the southern circuit. That the eastern circuit shall consist of the districts of New Hampshire, Massachusetts, Connecticut, and New York; that the middle circuit shall consist of the districts of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia; and that the southern circuit shall consist of the districts of South Carolina and Georgia; and that there shall be held annually in each district of said circuits two courts which shall be called circuit courts, and shall consist of any two justices of the Supreme Court and the district judge of such districts. *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision.

Sec. 5. *And be it further enacted*, That the first session of the said circuit court in the several districts shall commence at the times following, to wit: in New Jersey on the second, in New York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh day of April next; in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth day of May next, and the subsequent sessions in the respective districts on the like day of every sixth calendar month afterwards, except in South Carolina, where the session of the said court shall commence on the first, and in Georgia where it shall commence on the seventh day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said circuit court shall be held in the district of New Hampshire, at Portsmouth and Exeter alternately, beginning at the first; in the district of Massachusetts, at Boston; in the district of Connecticut, alternately at Hartford and New Haven, beginning at the last; in the district of New York, alternately at New York and Albany, beginning at the first; in the district of New Jersey, at Trenton; in the district of Pennsylvania, alternately at Philadelphia and Yorktown, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Annapolis and Easton, beginning at the first; in the district of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the district of South Carolina, alternately at Columbia and Charleston, beginning at the first; and in the district of Georgia, alternately at Savannah and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the direction of the Supreme Court.

Sec. 6. *And be it further enacted*, That the Supreme Court may, by any one or more of its justices being present, be adjourned from day to

day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the marshal of the district until a quorum be convened; and that a district court, in case of the inability of the judge to attend at the commencement of a session, may, by virtue of a written order from the said judge, directed to the marshal of the district, be adjourned by the said marshal to such a day antecedent to the next stated session of the said court, as in the said order shall be appointed, and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings, and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

SEC. 7. *And be it further enacted*, That the Supreme Court and the district courts shall have power to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit: "I, A. B., being appointed clerk of _____ do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, "so help me God," shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond with sufficient sureties (to be approved of by the Supreme and District Courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk.

SEC. 8. *And be it further enacted*, That the justices of the Supreme Court and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."

SEC. 9. *And be it further enacted*, That the district courts shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment not exceeding six months, is to be inflicted; and shall also have exclusive original cognizance of all civil cases of

admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation, or trade of the United States, where the seizures are made on waters which are navigable from the sea by vessels of ten or more tons burden, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it; and shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid made, and of all suits for penalties and forfeitures incurred under the laws of the United States. And shall also have cognizance, concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. And the trial of issues in fact, in the district courts, in all cases except civil causes of admiralty and maritime jurisdiction, shall be by jury.

SEC. 10. *And be it further enacted*, That the district court of Kentucky shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the Supreme Court in the same causes, as from a circuit court to the Supreme Court, and under the same regulations. And the district court in Maine district shall, besides the jurisdiction hereinbefore granted, have jurisdiction of all causes, except in cases of appeals and writs of error hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court; and writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other district courts to their respective circuit courts.

SEC. 11. *And be it further enacted*, That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars, and the United States are plaintiffs or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought and a citizen of another State. And shall have exclusive cognizance of all crimes and offences cognizable under the authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested

in one district for trial in another, in any civil action before a circuit or district court; and no civil suit shall be brought before either of said courts against an inhabitant of the United States by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ, nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions hereinafter provided.

SEC. 12. *And be it further enacted*, That if a suit be commenced in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the aforesaid sum or value of five hundred dollars, exclusive of costs, to be made to appear to the satisfaction of the court, and the defendant shall, at the time of entering his appearance in such State court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine, to the district court next to be holden therein, or if in Kentucky district, to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court on the first day of its session copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a State court, the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceeds the sum or value of five hundred dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit, if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a State, other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title

to the land under a grant from the State in which the suit is pending; the said adverse party shall give such information, or otherwise not to be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Maine, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the beforementioned case of the removal of a cause into such court by an alien; and neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim. And the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury.

SEC. 13. *And be it further enacted*, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a State is a party, except between a State and its citizens; and except also between a State and citizens of other States, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul or vice-consul shall be a party. And the trial of issues in fact in the Supreme Court in all actions at law against citizens of the United States shall be by jury. The Supreme Court shall also have appellate jurisdiction from the circuit courts and courts of the several States in the cases hereinafter specially provided for; and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of mandamus, in cases warranted by the principle and usages of law, to any courts appointed, or persons holding office under the authority of the United States.

SEC. 14. *And be it further enacted*, That all the before-mentioned courts of the United States shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the justices of the Supreme Court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment. *Provided*, That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by color of the authority of the United States, or are committed for trial before some court of the same,

or are necessary to be brought into court to testify.
Sec. 15. *And be it further enacted*, That all the said courts of the United States shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the defendant to motion, to give the like judgment for the defendant as in cases of non-suit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion as aforesaid, to give judgment against him or her by default.

Sec. 16. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate, and complete remedy may be had at law.

Sec. 17. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempt of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting business in the said courts, provided such rules are not repugnant to the laws of the United States.

Sec. 18. *And be it further enacted*, That when in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within said term of forty-two days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. And if a new trial be granted the former judgment shall be thereby rendered void.

Sec. 19. *And be it further enacted*, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record, either from the pleadings and decree itself, or a state of the case agreed by the parties, or their counsel, or if they disagree, by a stating of the case by the court.

Sec. 20. *And be it further enacted*, That where

in a circuit court a plaintiff in an action originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, or a libellant, upon his own appeal, less than the sum or value of three hundred dollars, he shall not be allowed, but at the discretion of the court may be adjudged to pay costs.

Sec. 21. *And be it further enacted*, That from final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of three hundred dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in such district. *Provided, nevertheless*, That all such appeals from final decrees as aforesaid from the district court of Maine shall be made to the circuit court, next to be holden after each appeal in the district of Massachusetts.

Sec. 22. *And be it further enacted*, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the Supreme Court, the adverse party having at least twenty days' notice. And upon a like process may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from by appeal from a district court where the matter in dispute exceeds the sum or value of two thousand dollars, exclusive of costs, be re-examined, and reversed or affirmed in the Supreme Court, the citation being in such case signed by a judge of such circuit court, or justice of the Supreme Court, and the adverse party having at least thirty days' notice. But there shall be no reversal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to a petition or bill in equity, as in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, *non compos mentis*, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good.

Sec. 23. *And be it further enacted*, That a writ of error as aforesaid shall be a supersedeas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office where the

record remains, within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a supersedeas; and whereupon such writ of error the Supreme or a circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion.

Sec. 24. *And be it further enacted*, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court shall have rendered or passed, and the Supreme Court shall do the same on reversals therein, except where the reversal is in favor of the plaintiff or petitioner in the original suit, and the damage to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the Supreme Court shall not issue execution in causes that are remanded before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

Sec. 25. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceedings upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before-mentioned questions of validity or con-

struction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.

Sec. 26. *And be it further enacted*, That in all causes brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance, shall appear by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

Sec. 27. *And be it further enacted*, That a marshal shall be appointed in and for each district for the term of four years, but shall be removable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the Supreme Court in the district in which that court shall sit. And to execute throughout the district all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty, and to appoint, as there shall be occasion, one or more deputies, who shall be removable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either; and before he enters on the duties of his office he shall become bound for the faithful performance of the same, by himself and by his deputies, before the judge of the district court, to the United States, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office:

"I, A. B., do solemnly swear, or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of — under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of — during my continuance in the said office, and take only my lawful fees. So help me God."

Sec. 28. *And be it further enacted*, That in all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof, may appoint, and the person so appointed is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal shall be appointed and sworn; and the defaults or misfeasances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a

breach of the condition of the bond given, as before directed by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: and every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners that may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

Sec. 29. *And be it further enacted*, That, in cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law in such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services. And writs of *venue facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation, that he will truly and impartially serve and return such writ. And when from challenges, or otherwise, there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy, shall, by order of the court where such defect of jurors shall happen, return *jurymen de talibus circumstantibus* sufficient to complete the panel; and when the marshal or his deputy is qualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

Sec. 30. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all

the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States, or before any chancellor, justice or judge of a Supreme or Superior Court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the United States, not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And in cases of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice, if any given, to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court. And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court.

And if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity, or imprisonment, they are unable to travel and appear in court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem*, to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice; which power they shall severally possess, not to extend to depositions taken *perpetuam rei memoriam*, which, if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made, as a court of equity may, according to the usages in chancery, direct to be taken.

Sec. 31. *And be it further enacted*, That where any suit shall be depending in any court of the United States, and either of the parties shall die before the final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a *subpoena facias* from the office of the clerk of the court where such suit is depending, twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit; and the executor or administrator who shall become a party as aforesaid shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

Sec. 32. *And be it further enacted*, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated,

arrested, quashed, or reversed, for any defect, or want of form, but the said courts respectively shall proceed and give judgment according to the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects, and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any such conditions as the said courts respectively shall in their discretion and by their rules prescribe.

Sec. 33. *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any justice or judge of the United States, or by any justice of the peace, or other magistrate of any of the United States where he may be found, agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the United States as by this act has cognizance of the offence: and copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the magistrate before whom the examination shall be, may require on pain of imprisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and warrant for the removal of the offender, and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the Supreme or circuit court, or by a justice of the Supreme Court or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstance of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the Supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no judge of the United States in the district to take the same, it may be taken by any judge of the Supreme or superior court of law of such State.

Sec. 34. *And be it further enacted*, That the laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded

ed as rules of decision in trials at common law in the courts of the United States in cases where they apply.

Sec. 35. And be it further enacted, That in all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the Supreme Court in the district in which that court shall be holden. And he shall receive as a compensation for his services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person learned in the law to act as attorney general for the United States, who shall be sworn or affirmed to a faithful execution of his office; and whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall by law be provided.

Approved, September 24, 1789.

An Act to regulate processes in the courts of the United States.

Be it enacted, &c., That all writs and processes, issuing from a Supreme or circuit court, shall bear teste of the chief justice of the Supreme Court, and if from a district court, shall bear teste of the judge of such court, and shall be under the seal of the court from whence they issue, and signed by the clerk thereof: The seals of the Supreme and circuit courts to be provided by the Supreme Court, and of the district courts, by the respective judges of the same.

Sec. 2. And be it further enacted, That, until further provision shall be made, and except where, by this act, or other statutes of the United States, is otherwise provided, the forms of writs and executions, except their style, and modes of process and rates of fees, except fees to judges in the circuit and district courts, in suits at common law, shall be the same in each State respectively as are now used or allowed in the Supreme Courts of the same. And the forms and modes of proceedings in causes of equity, and of admiralty and maritime jurisdiction, shall be according to the course of the civil law; and the rates of the fees, the same as are, or were last allowed by the States respectively, in the court exercising su-

preme jurisdiction in such causes. **Provided,** That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same, until a tender of the debt and costs in gold or silver shall be made.

Sec. 3. And be it further enacted, That this act shall continue in force until the end of the next session of Congress, and no longer.

Approved, September 29, 1789.

An Act to explain and amend an act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes."

Be it enacted, &c., That when any goods, wares, or merchandise, of foreign growth or manufacture, shall be unladen from any ship or vessel in virtue of a permit, obtained for that purpose, and shall be put into a craft or vessel, with intent to be transported to a landing within the same district, it shall be the duty of the inspector, or other officer attending the unloading of such goods, wares, and merchandise, to deliver to the master or commander of every such craft or vessel a certificate of such goods, wares, and merchandise, having been duly entered, and a permit granted therefor; and such certificate shall contain a description of all the packages, with their marks and numbers, and shall authorize the transporting and landing of the same at any landing within the same district, without any further fee or permit, any thing in the said recited act to the contrary notwithstanding.

Sec. 2. And be it further enacted, That so much of the twenty-second section of the said recited act, as exempts vessels of less than twenty and not less than five tons burden, employed between any of the districts of the United States, in any bay or river, and having a license from the collector of the district to which such vessel belongs, from entering and clearing for the term of one year, be extended to vessels not exceeding fifty tons. **Provided,** such vessel shall not have on board goods, wares, or merchandise, other than such as are actually the growth or produce of the United States.

Sec. 3. And be it further enacted, That so much of an act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States, as hath rated the ruble of Russia at one hundred cents, be, and the same is hereby repealed and made null and void.

Approved, September 29, 1789.

An Act making appropriations for the service of the present year.

Be it enacted, &c., That there be appropriated for the services of the present year, to be paid out of the moneys which arise, either from the requi-

sitions heretofore made upon the several States, or from the duties on imports and tonnage, the following sums, viz: a sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the civil list under the late and present Government; a sum not exceeding one hundred and thirty-seven thousand dollars for defraying the expenses of the Department of War; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late Board of Treasury, and remaining unsatisfied; and a sum not exceeding ninety-six thousand dollars for paying the pensions to invalids.

Approved, September 29, 1789.

An Act providing for the payment of the invalid pensions of the United States.

Be it enacted, &c., That the military pensions which have been granted and paid by the States respectively, in pursuance of the acts of the United States in Congress assembled, to the invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth of March last, for the space of one year, under such regulations as the President of the United States may direct.

Approved, September 29, 1789.

An Act to recognize and adapt to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States, in Congress assembled, and for other purposes therein mentioned.

Be it enacted, &c., That the establishment contained in the resolve of the late Congress, of the third day of October, one thousand seven hundred and eighty-seven, except as to the mode of appointing the officers; and also as is hereinafter provided, be, and the same is hereby recognised to be the establishment for the troops in the service of the United States.

Sec. 2. And be it further enacted, That the pay and allowances of the said troops be the same as

have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.

Sec. 3. And be it further enacted, That all commissioned and non-commissioned officers, and privates, who are, or shall be, in the service of the United States, shall take the following oaths or affirmations, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." "I, A. B. do solemnly swear or affirm, (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."

Sec. 4. And be it further enacted, That the said troops shall be governed by the rules and articles of war, which have been established by the United States in Congress assembled, or by such rules and articles of war as may hereafter by law be established.

Sec. 5. And be it further enacted, That, for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the States, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops above-mentioned.

Sec. 6. And be it further enacted, That this act shall continue, and be in force, until the end of the next session of Congress, and no longer.

Approved, September 29, 1789.

An Act to alter the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the first Monday in January next.

Approved, September 29, 1789.

ACTS OF THE SECOND SESSION OF THE FIRST CONGRESS.

An Act for giving effect to the several acts therein mentioned, in respect to the State of North Carolina, and other purposes.

Be it enacted, &c., That the several and respective duties specified and laid, in and by the act entitled "An act for laying a duty on goods, wares, and merchandises imported into the United States; and in and by the act entitled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares, and merchandises, which, after the expiration of thirty days from the passing of this act, shall be imported into the State of North Carolina from any foreign port or place, and upon the tonnage of all ships and vessels, which after the said day shall be entered

within the said State of North Carolina, subject to the exceptions, qualifications, allowances, and abatements, in the said acts contained or expressed; which acts shall be deemed to have the like force and operation within the said State of North Carolina, as elsewhere within the United States.

Sec. 2. And be it further enacted, That, for the due collection of the said duties, there shall be, in the said State of North Carolina, five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks, and inlets, from Little River Inlet inclusive, to New River Inlet inclusive; another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors

creeks, and inlets, from New River Inlet exclusive, to Ocracoke Inlet exclusive, together with Pamlico Sound, (except that part of it into which the Pamlico, or Tar, and Machapunga rivers empty themselves, and which lies between the Royal Shoal, extended to Machapunga Bluff, and the shoal which projects from the mouth of Pamlico river towards the Royal Shoal;) and thence to be called the district of Pamlico Sound, and to comprehend all that part of Pamlico Sound excepted out of the district of Newbern, and the waters, shores, bays, harbors, creeks, and inlets, adjacent to, and communicating with the same; and to comprehend all the waters, bays, harbors, creeks, and inlets, from the channel between Pamlico Sound and Albemarle Sound inclusive: the other to be called the district of Pamlico Sound, and to comprehend North River, Pasquotank, and Little Rivers, and all the waters, shores, bays, harbors, creeks, and inlets, from the junction of Currituck and Albemarle Sound to the northern extremity of Back Bay. That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery; and Swansborough a port of delivery only; and there shall be a collector, naval officer, and a surveyor to reside at the said town of Wilmington, and a surveyor to reside at Swansborough. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the town of Beaufort a port of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort. That in the district of Washington, the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside at the same. That in the district of Edenton, the town of Edenton shall be a port of entry and delivery; and Hartford, Murfreesborough, Plymouth, Windsor, Skewarkey, Winton, and Bennet's Creek, ports of delivery; and there shall be a collector at the town of Edenton, and a surveyor at Hartford, another surveyor at Murfreesborough, one surveyor at each of the ports of Plymouth, Windsor, Skewarkey, Winton, and Bennet's Creek. That all ships or vessels, intending to proceed to Hartford, Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek, or Murfreesborough, shall first come to and enter at the port of Edenton. That in the district of Cambden, Plankbridge, on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indian town, Newbiggin Creek, Currituck Inlet, Pasquotank River Bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indian town, Currituck Inlet, Pasquotank River Bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over the waters, shores, bays, harbors, creeks, and inlets, comprehended within such district.

Sec. 3. And be it further enacted, That the ports of Wilmington, Newbern, Washington, and Edenton, shall be the sole ports of entry within the said State of North Carolina, for ships or ves-

sels not registered or licensed within the United States, according to law, and for all ships or vessels whatsoever, which shall arrive from the Cape of Good Hope, or any place beyond the same.

Sec. 4. And be it further enacted, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and not locally inapplicable, shall have the like force and effect within the said State of North Carolina, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated, and re-enacted in this present act.

Sec. 5. *Provided always, and be it declared,* That the thirty-ninth section of the said act, and the third section of an act, entitled "An act to suspend part of an act, entitled, 'An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes,'" did, by virtue of the adoption of the Constitution of the United States, by the said State of North Carolina, cease to operate in respect to the same.

Sec. 6. And be it further enacted and declared, That the act entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall, after the expiration of thirty days from the passing of this act, have the like force and operation within the said State of North Carolina, as elsewhere within the United States, and as if the several clauses thereof were repeated, and re-enacted in this present act.

Sec. 7. And be it further enacted, That the second section of the act, entitled "An act to suspend part of an act, entitled, 'An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes,'" passed the sixteenth day of September last, shall, with respect to the inhabitants and citizens of the State of Rhode Island and Providence Plantations, be revived, and also that the fourth section of the said act shall be revived, and both continued in force until the first day of April next, and no longer.

Speaker of the House of Representatives,
FRED. A. MUHLFENBERG,
JOHN ADAMS,
Vice President of the United States, and President of the Senate.
APPROVED, February 8, 1790.
GEO. WASHINGTON,
President of the United States.

An Act providing for the enumeration of the inhabitants of the United States.

Be it enacted, &c., That the marshals of the several districts of the United States shall be, and they are hereby authorized and required to cause the number of the inhabitants within their respec-

Sec. 3. And be it further enacted, That the marshals of the district of New York, three hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New

tive districts to be taken; omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years from all others; distinguishing also the sexes and colors of free persons, and the free males of sixteen years and upwards from those under that age; for effecting which purpose the marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds, or parishes, or of a territory plainly and distinctly bounded by water courses, mountains, or public roads. The marshals and their assistants shall respectively take an oath or affirmation before some judge or justice of the peace resident within their respective districts, previous to their entering on the discharge of the duties by this act required. "I, A. B., marshal of the district of _____ do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the directions of an act of Congress, entitled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A. B., do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the marshal of the district of _____, and make due return thereof to the said marshal, agreeably to the directions of an act of Congress, entitled 'An act providing for the enumeration of the inhabitants of the United States,' according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter: the several assistants shall, within the said nine months, transmit to the marshals, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following, that is to say: The number of persons within my division, consisting of _____, appears in a schedule hereunto annexed, subscribed by me this _____ day of _____ 1790.

A. B. assistant to the marshal of _____

Schedule of the whole Number of Persons within the Division allotted to A. B.

Names of the heads of families	Free white males of 16 years upwards, including heads of families	Free white males under 16 years	Free white females, including heads of families	All other free persons.

Sec. 2. And be it further enacted, That every assistant failing to make return, or making a false return of the enumeration to the marshal within the time by this act limited, shall forfeit the sum of two hundred dollars.

Sec. 3. And be it further enacted, That the marshals shall file the several returns aforesaid, with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same; and the marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety-one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every marshal failing to file the returns of his assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from said returns, to the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information, or indictment; the one half thereof to the use of the United States, and the other half to the informer: but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed to the President of the United States, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

Sec. 4. And be it further enacted, That every assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country, and where such persons reside in a city or town, containing more than five thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the marshals, with the approbation of the judges of their respective districts, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several marshals shall receive as follows: the marshal of the district of Maine, two hundred dollars; the marshal of the district of New Hampshire, two hundred dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of New York, three hundred dollars; the marshal of the district of New

Jersey, two hundred dollars; the marshal of the district of Pennsylvania, three hundred dollars; the marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the district of Virginia, five hundred dollars; the marshal of the district of Kentucky, two hundred and fifty dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, two hundred and fifty dollars. And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

Sec. 5. *Be it enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next shall be returned as of such family; and the name of every person, who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next, and every person occasionally absent at the time of the enumeration, as belonging to that place in which he usually resides in the United States.

Sec. 6. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is, obliged to render to such assistant of the division, a true account, if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such assistant, the one half for his own use, and the other half for the use of the United States.

Sec. 7. *And be it further enacted*, That each assistant shall, previous to making his return to the marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up and suffered to remain shall be transmitted to the marshal, with the return of the number of persons; and in case any assistant shall fail to make such proof by this act allowed him.

Approved, March 1, 1790.

An act to establish a uniform rule of naturalization.

Be it enacted, &c., That any alien, being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any

common law court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof, to the satisfaction of such court, that he is a person of good character, and taking the oath or affirmation prescribed by law, to support the Constitution of the United States, which oath or affirmation such court shall administer; and the clerk of such court shall record such application, and the proceedings thereon; and thereupon such person shall be considered as a citizen of the United States. And the children of such persons so naturalized, dwelling within the United States, being under the age of twenty-one years, at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born citizens. *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States. *Provided, also*, That no person heretofore proscribed by any State shall be admitted a citizen aforesaid, except by an act of the Legislature of the State in which such person was proscribed.

Approved, March 26, 1790.

An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety.

Be it enacted, &c., That there be appropriated for the service of the year one thousand seven hundred and ninety, to be paid out of the moneys arising from the duties on imports and tonnage, the following sums, to wit: a sum not exceeding one hundred and forty-one thousand four hundred and ninety-two dollars and seventy-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement annexed to his report made to the House of Representatives on the ninth day of January last, including therein the contingencies of the several executive officers, which are hereby authorized and granted; and, also, a sum not exceeding one hundred and fifty-five thousand five hundred and thirty-seven dollars and seventy-two cents, for defraying the expenses of the Department of War; and the further sum of ninety-six thousand nine hundred and seventy-nine dollars and seventy-two cents, for paying the pensions which may become due to the invalids, as estimated in the statements accompanying the aforesaid report.

Sec. 2. *And be it further enacted*, That all the expenses arising from, and incident to, the sessions of Congress, which may happen in the course of the aforesaid year, agreeably to laws heretofore passed, shall be defrayed out of the moneys arising from the aforesaid duties on imports and tonnage.

Sec. 3. *And be it further enacted*, That the President of the United States be authorized to draw from the Treasury a sum not exceeding ten thousand dollars for the purpose of defraying the

contingent charges of Government, to be paid out of the moneys arising as aforesaid from the duties on imports and tonnage; and that he cause a regular statement and account of such expenditures to be laid before Congress at the end of the year.

Sec. 4. *And be it further enacted*, That a sum not exceeding one hundred and forty-seven thousand one hundred and sixty-nine dollars and fifty-four cents be appropriated out of the moneys arising as aforesaid from the duties on imports and tonnage for discharging the demands which exist against the United States, as specified by the Secretary of the Treasury in his report made to the House of Representatives on the first of March instant, including therein a provision for building a light-house on Cape Henry in the State of Virginia, and for defraying the expenses arising from the act, entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers."

Sec. 5. *And be it further enacted*, That out of the aforesaid appropriation of one hundred and forty-seven thousand one hundred and sixty-nine dollars and fifty-four cents, the payment of the following sums, not heretofore provided for by law, and estimated in the aforesaid report of the Secretary of the Treasury of the first of March instant, is hereby authorized and intended to be made, to wit: for the expenses of the late office of foreign affairs, six hundred and fifty dollars; to Roger Alden, for his services, including his office expenses, and the allowance to his clerks, eight hundred and seventy-three dollars and seventy cents; to the late commissioner for settling the accounts of the departments of the late quartermaster-general and commissaries general of purchases and issues, for his own and clerk's services, from the eighth of May to the first of August, one thousand seven hundred and eighty-nine, one thousand and ten dollars and fifty-five cents; to the late commissioner for settling the accounts of the late marine, clothing, and hospital departments, for his own and clerk's services, from the eighth of May to the third of August, one thousand seven hundred and eighty-nine, six hundred and twenty-eight dollars and twenty-six cents; to the late commissioner for adjusting the accounts of the secret and commercial committees of Congress, for his salary from the first of July to the third of August, one thousand seven hundred and eighty-nine, one hundred and seventy-four dollars and sixteen cents; for defraying the extraordinary expenses of the late President of Congress, three hundred and eighteen dollars and fifty-three cents; for paying salaries to the late loan-officers of the several States, from the thirtieth day of June to the thirty-first day of December, one thousand seven hundred and eighty-nine, including office charges, six thousand seven hundred and twenty-five dollars; for paying the interest due on the loans made by the Secretary of the Treasury two thousand four hundred and fourteen dollars and sixty-one cents.

Sec. 6. *And be it further enacted*, That the sum of one hundred and twenty dollars be paid out of

the moneys arising from the aforesaid duties on imports and tonnage, to Jehoiahim McTolsin, in full compensation for his services as an interpreter and guide in the expedition commanded by Major-General Sullivan, in the year one thousand seven hundred and seventy-nine; and also the sum of ninety-six dollars to James Mathers and Gifford Dalley each, for services during the late recess of Congress.

Sec. 7. *And be it further enacted*, That the President of the United States be authorized to empower the Secretary of the Treasury, if he shall deem it necessary, to make such loans as may be requisite to carry into effect the foregoing appropriations, for the repayment of which the aforesaid duties on imports and tonnage shall be, and are hereby, pledged.

Approved, March 26, 1790.

An Act to prevent the exportation of goods not duly inspected according to the laws of the several States.

Be it enacted, &c., That the collectors and other officers of the customs in the several ports of the United States be, and they are hereby directed to pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel, having on board goods liable to inspection, shall be cleared out until the master or other proper person shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States do or may require to be produced to collectors or other officers of the customs.

Approved, April 2, 1790.

An Act to accept a cession of the claims of the State of North Carolina to a certain district of Western Territory.

A deed of cession having been executed, and in the Senate offered for acceptance to the United States, of the claims of the State of North Carolina, to a district of territory therein described; which deed is in the words following, viz:

To all who shall see these presents,

We, the undersigned SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North Carolina, send greeting.

Whereas, the General Assembly of the State of North Carolina, on the — day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled "An act for the purpose of ceding to the United States of America certain Western lands therein described," in the words following, to wit:

Whereas the United States in Congress assembled have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant Western Territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts,

Acts of Congress.

as of establishing the harmony of the United States; and the inhabitants of the said Western Territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received; now this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens: *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Senators of this State, in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered, and required to execute a deed or deeds on the part and be half of this State, conveying to the United States of America all right, title, and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State, west of a line beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; running thence along the extreme height of the said mountain to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's Road crosses the same; thence along the ridge of the said mountain, between the waters of Doe River and the waters of Rock Creek, to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain to the Painted Rock, on French Broad River; thence along the highest ridge of the said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of the said mountain to the place where it is called Unicoi or Unaka Mountain, between the Indian towns of Cowee and old Chota; thence along the main-ridge of the said mountain to the southern boundary of this State, upon the following express conditions, and subject thereto, that is to say: First, that neither the lands nor inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States, in the common expense occasioned by the late war. Secondly, that the lands laid off, or directed to be laid off, by any act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns respectively, shall be and enure to the use and benefit of the said officers, their heirs and assigns respectively; and if the bounds of the said lands already prescribed for the officers and soldiers of the Continental line of this State, shall not contain a sufficient quantity of lands fit for cultivation, to make good the several provisions intended by law, that such officer or soldier, or his assignee, who shall fall short of his allotment or proportion, after all the lands fit for cultivation within the said bounds are

appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the Governor for the time being shall be, and he is hereby, required to perfect, from time to time, such titles, in such manner as if this act had never been passed; and that all entries made by, or grants made to, all and every person or persons whatsoever, agreeable to law, and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any act or acts to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force, in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood that if any person or persons shall have, by virtue of the act entitled "An act for opening the Land Office for the redemption of specie and other certificates, and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry in the office usually called John Armstrong's office, and located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, that then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this State. Thirdly, that all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, that the territory so ceded shall be laid out and formed into a State or States, containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits, and advantages, set forth in the ordinance of the late Congress, for the government of the Western Territory of the United States; that is to say, whenever the Congress of the United States shall cause to be officially transmitted to the Executive authority of this State an authenticated copy of the act to be passed by the Con-

Acts of Congress.

gress of the United States, accepting the cession of territory made by virtue of this act, under the express conditions hereby specified, the said Congress shall at the same time assume the government of the said ceded territory, which they shall execute in a manner similar to that which they support in the territory west of the Ohio—shall protect the inhabitants against enemies, and shall never bar or deprive them of any privileges which the people in the territory west of the Ohio enjoy. *Provided always*, That no regulations made or to be made by Congress shall tend to emancipate slaves. Fifthly, that the inhabitants of the said ceded territory shall be liable to pay such sums of money as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State. Sixthly, that all persons indebted to this State, residing in the territory intended to be ceded by virtue of this act, shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties, as if this act had never been passed. Seventhly, that if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the Executive of this State, within eighteen months from the passing of this act, then this act shall be of no more force or effect whatsoever. Eighthly, that the laws in force and use in the State of North Carolina, at the time of passing this act, shall be and continue in full force within the territory hereby ceded, until the same shall be repealed or otherwise altered by the Legislative authority of the said territory. Ninthly, that the lands of non-resident proprietors within the said ceded territory shall not be taxed higher than the lands of residents. Tenthly, that this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract, should an office be opened for that purpose, under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this State in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly, the _____ day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*
S. CABARRUS, *Sp. H. C.*

Now therefore know ye, That we, SAMUEL JOHNSTON and BENJAMIN HAWKINS, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do by these presents convey, assign, transfer and set over unto the United States of America, for the benefit of the said States, North Carolina, inclusive, all right, title, and claim, which the said State hath to the sovereignty and territory of the lands situ-

ated within the chartered limits of the said State, as bounded and described in the above recited act of the General Assembly, to and for the uses and purposes, and on the conditions mentioned in the said act.

In witness whereof, we have hereunto subscribed our names, and affixed our seals, in the Senate Chamber, at New York, this twenty-fifth day of February, in the year of our Lord, one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

SAM. JOHNSTON,
BENJAMIN HAWKINS,
(L. s.) (L. s.)

Signed, sealed, and delivered in the presence of
SAM. A. OTIS.

Be it enacted, &c., That the said deed be, and the same is hereby, accepted.
Approved, April 2, 1790.

An act to promote the progress of Useful Arts.

Be it enacted, &c., That, upon the petition of any person or persons to the Secretary of State, the Secretary for the Department of War, and the Attorney General of the United States, setting forth, that he, she, or they, hath or have invented or discovered any useful art, manufacture, engine, machine, or device, or any improvement therein, not before known or used, and praying that a patent may be granted therefor, it shall and may be lawful to and for the said Secretary of State, the Secretary for the Department of War, the Attorney General, or any two of them, if they shall deem the invention or discovery sufficiently useful and important, to cause letters patent to be made out in the name of the United States, to bear teste by the President of the United States, reciting the allegations and suggestions of the said petition, and describing the said invention or discovery, clearly, truly, and fully; and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators, or assigns, for any term not exceeding fourteen years, the sole and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery; which letters patent shall be delivered to the Attorney General of the United States, to be examined, who shall, within fifteen days next after the delivery to him, if he shall find the same conformable to this act, certify it to be so at the foot thereof, and present the letters patent so certified to the President, who shall cause the seal of the United States to be thereto affixed, and the same shall be good and available to the grantee or grantees, by force of this act, to all and every intent and purpose herein contained, and shall be recorded in a book to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his agent; and the delivery thereof shall be entered on the record, and endorsed on the patent by the said Secretary at the time of granting the same.

SEC. 2. *And be it further enacted*, That the grantee or grantees of each patent, shall, at the

the pretence of any such authority, be deemed, adjudged, and taken, to be a pirate, felon, and robber, and on being thereof convicted, shall suffer death.

Sec. 10. *And be it enacted*, That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel, or advise, any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so, as aforesaid, aiding, assisting, procuring, commanding, counselling, or advising the same, either upon the land or the sea, shall be judged, to be accessory to such piracies before the fact, and every such person being thereof convicted, shall suffer death.

Sec. 11. *And be it enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, shall, on the land or at sea receive, entertain, or conceal, any such pirate or robber, or receive or take into his custody any ship, vessel, goods, or chattels, which have been by any such pirate or robber practically and feloniously taken, shall be, and are hereby declared, deemed, and adjudged, to be accessory to such piracy or robbery, after the fact; and on conviction thereof shall be imprisoned not exceeding three years, and fined not exceeding five hundred dollars.

Sec. 12. *And be it enacted*, That if any seaman or other person shall commit manslaughter upon the high seas, or confederate or attempt, or endeavor to corrupt any commander, master, officer, or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate, knowing him to be such, or shall furnish such pirate with any ammunition, stores, or provisions of any kind, or shall fit out any vessel knowingly, and with a design to trade with, or supply, or correspond with, any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate, or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavor to make a revolt in such ship, such person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and fined not exceeding one thousand dollars.

Sec. 13. *And be it enacted*, That if any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or

ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with intention in so doing, to maim or disfigure such person in any the manners before mentioned, then, and in every such case, the person or persons so offending, their counsellors, aiders, and abettors, (knowing of, and privy to, the offence aforesaid,) shall, on conviction, be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

Sec. 14. *And be it enacted*, That if any person or persons shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the falsely making, altering, forging, or counterfeiting, any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment, or for sale, any such false, forged, altered, or counterfeited certificate, indent, or other public security, with intention to defraud any person, knowing the same to be false, altered, forged, or counterfeited, and shall be thereof convicted, every such person shall suffer death.

Sec. 15. *And be it enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect, or if any person shall acknowledge, or procure to be acknowledged, in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons, on conviction thereof, shall be fined not exceeding five thousand dollars, or be imprisoned not exceeding seven years, and whipped not exceeding thirty-nine stripes: *Provided, nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given.

Sec. 16. *And be it enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States, or upon the high seas, shall take and carry away, with an intent to steal or purloin, the personal goods of another; or of any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot, powder, or habilitaments of war, belonging to the United States, or of any victuals provided for the victualing of any soldiers, gunners, marines, or pioneers, shall, for any lucre or gain, or wittingly, advisedly, and of purpose, to hinder or impede the service of the United States, embezzle, purloin, or convey away any of the said arms, ordnance, munition, shot or powder, habilitaments of war, or victuals, that then, and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders, and abettors, (knowing of, and privy to, the offences aforesaid,) shall, on conviction, be fined not exceeding the fourfold value of the property so sto-

len, embezzled, or purloined; the one moiety to be paid to the owner of the goods, or the United States, as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding thirty-nine stripes.

Sec. 17. *And be it further enacted*, That if any person or persons within any part of the jurisdiction of the United States as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbor, or conceal, any felons or thieves, knowing them to be so, he or they, being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

Sec. 18. *And be it enacted*, That if any person shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation, in any suit, controversy, matter, or cause, depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned not exceeding three years, and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

Sec. 19. *And be it enacted*, That in every perjury or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons, to have a competent authority to administer the same,) together with the proper averment or averments, to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

Sec. 20. *And be it further enacted*, That in every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Sec. 21. *And be it enacted*, That if any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present, or re-

ward, or any promise, contract, obligation, or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment, or decree, of any judge or judges of the United States, in any suit, controversy, matter, or cause, depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting, or securing to be given, paid or delivered, any sum or sums of money, present, reward, or other bribe, as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit, under the United States.

Sec. 22. *And be it enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist, or oppose, any officer of the United States, in serving, or attempting to serve, or execute, any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer, or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding twelve months, and fined not exceeding three hundred dollars.

Sec. 23. *And be it further enacted*, That if any person or persons shall, by force, set at liberty, or rescue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death; and if any person shall, by force, set at liberty, or rescue any person who, before conviction, shall stand committed for any of the capital offences aforesaid; or if any person or persons shall, by force, set at liberty, or rescue any person committed for or convicted of any other offence against the United States, every person so offending shall, on conviction, be fined not exceeding five hundred dollars, and imprisoned not exceeding one year.

Sec. 24. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforesaid shall work corruption of blood, or any forfeiture of estate.

Sec. 25. *And be it enacted*, That if any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts of a particular State, or by any judge or justice therein respectively, whereby the person of any ambassador, or other public minister of any foreign prince or State, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized, or attached, such writ or process shall be deemed

and adjudged to be utterly null and void, to all intents, construction, and purposes, whatsoever.

Sec. 26. *And be it enacted*, That in case any person or persons shall sue forth, or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violators of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding three years, and fined at the discretion of the court.

Sec. 27. *Provided, nevertheless*, That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take, or receive, any benefit of this act; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such Secretary transmitted to the marshal of the district in which Congress shall reside, who shall, upon receipt thereof, affix the same in some public place in his office, whereto all persons may resort and take copies, without fee or reward.

Sec. 28. *And be it enacted*, That if any person shall violate any safe conduct or passport duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding three years, and fined at the discretion of the court.

Sec. 29. *And be it enacted*, That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least three entire days before he shall be tried for the same; and in other capital offences, shall have such copy of the indictment, and list of the jury, two entire days at least before the trial: And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorized and required, immediately upon his request, to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all reasonable hours; and every such person or persons accused or indicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or

their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

Sec. 30. *And be it further enacted*, That if any person or persons be indicted of treason against the United States, and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he or they shall also stand mute, or will not answer to the indictment, or challenge peremptorily above the number of twenty persons of the jury, the court, in any of the cases aforesaid, shall, notwithstanding, proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

Sec. 31. *And be it further enacted*, That the benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the United States, the punishment is or shall be declared to be death.

Sec. 32. *And be it further enacted*, That no person or persons shall be prosecuted, tried, or punished, for treason, or other capital offence, aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried, or punished, for any offence not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

Sec. 33. *And be it further enacted*, That the manner of inflicting the punishment of death shall be by hanging the person convicted by the neck until dead.

Approved, April 30, 1790.

An Act for regulating the Military Establishment of the United States.

Be it enacted, &c., That the commissioned officers hereinafter mentioned, and the number of one thousand two hundred and sixteen non-commissioned officers, privates, and musicians, shall be raised for the service of the United States, for the period of three years, unless they should previously by law be discharged.

Sec. 2. *And be it further enacted*, That the non-commissioned officers and privates aforesaid, shall, at the time of their enlistments, respectively, be able-bodied men, not under five feet six inches in height, without shoes; nor under the age of eighteen, nor above the age of forty-six years.

Sec. 3. *And be it further enacted*, That the commissioned officers hereinafter mentioned, and the said non-commissioned officers, privates, and

musicians, shall be formed into one regiment of infantry, to consist of three battalions, and one battalion of artillery. The regiment of infantry to be composed of one lieutenant colonel, commandant, three majors, three adjutants, three quartermasters, one paymaster, one surgeon, two surgeons mates, and twelve companies, each of which shall consist of one captain, one lieutenant, one ensign, four sergeants, four corporals, sixty-six privates, and two musicians. The battalion of artillery shall be composed of one major commandant, one adjutant, one quartermaster, one paymaster, one surgeon's mate, and four companies; each of which shall consist of one captain, two lieutenants, four sergeants, four corporals, sixty-six privates, and two musicians: *Provided always*, That the adjutants, quartermasters, and paymasters, shall be appointed from the line of subalterns of the aforesaid corps, respectively.

Sec. 4. *And be it further enacted*, That the President of the United States may, from time to time, appoint one or two inspectors, as to him shall seem meet, to inspect the said troops, who shall also muster the same, and each of whom shall receive the like pay and subsistence as a captain, and be allowed ten dollars per month for forage.

Sec. 5. *And be it further enacted*, That the troops aforesaid shall receive for their services the following enumerated monthly rates of pay: Lieutenant colonel commandant, sixty dollars; major commandant of artillery, forty-five dollars; majors, forty dollars; captains, thirty dollars; lieutenants, twenty-two dollars; ensigns, eighteen dollars; sergeants, thirty dollars; surgeons' mates, twenty-four dollars; sergeants, five dollars; corporals, four dollars; privates, three dollars; and in the battalion of artillery, five dollars; musicians, three dollars: *Provided always*, That the sums hereinafter specified, shall be deducted from the pay of the non-commissioned officers, privates, and musicians, stipulated as aforesaid, for the purposes of forming a fund for clothing and hospital stores. From the monthly pay of each sergeant and senior musician, there shall be deducted, for uniform clothing, the sum of one dollar and forty cents, and the further sum of ten cents for hospital stores; and from the monthly pay of each corporal, for uniform clothing, one dollar and fifteen cents, and the further sum of ten cents for hospital stores; and from the monthly pay of each private and musician, for uniform clothing, the sum of ninety cents, and the further sum of ten cents for hospital stores.

Sec. 6. *And be it further enacted*, That the subalterns who may be appointed to act as adjutants, shall each receive for the same, in addition to their regimental pay, ten dollars per month; and quarter and paymasters, so appointed, each five dollars per month.

Sec. 7. *And be it further enacted*, That the commissioned officers aforesaid shall receive, for their daily subsistence, the following number of rations of provisions, to wit: Lieutenant colonel commandant, six; a major, four; a captain, three;

a lieutenant, two; an ensign, two; a surgeon, three; a surgeon's mate, two; or money in lieu thereof, at the option of the said officers, at the contract price at the posts, respectively, where the rations shall become due.

Sec. 8. *And be it further enacted*, That the commissioned officers, hereinafter described, shall receive, monthly, the following enumerated sums, instead of forage: Lieutenant colonels commandant, twelve dollars; major commandant of artillery, twelve dollars; and surgeon, each, ten dollars; surgeon's mates, each, six dollars.

Sec. 9. *And be it further enacted*, That every non-commissioned officer, private, and musician, aforesaid, shall receive annually, the following articles of uniform clothing: One hat or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles.

Sec. 10. *And be it further enacted*, That every non-commissioned officer, private, and musician, aforesaid, shall receive, daily, the following rations of provisions, or the value thereof: One pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey, or the value thereof, at the contract price where the same shall become due, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations.

Sec. 11. *And be it further enacted*, That if any commissioned officer, non-commissioned officer, private, or musician, aforesaid, shall be wounded or disabled while in the line of his duty in the public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations as shall be directed by the President of the United States, for the time being: *Provided always*, That the rate of compensation for such wounds or disabilities, shall never exceed, for the highest disability, half the monthly pay received by any commissioned officer at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided also*, That all inferior disabilities shall entitle the person so disabled to receive only a sum in proportion to the highest disability.

Sec. 12. *And be it further enacted*, That every commissioned officer, non-commissioned officer, private, and musician, aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear or affirm, (as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me, according to the articles of war."

Sec. 13. *And be it further enacted*, That the commissioned officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war, which have

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been established by the United States in Congress assembled, as far as the same may be applicable to the Constitution of the United States, or by such rules and articles as may hereafter by law be established.

Sec. 14. *And be it further enacted*, That the "act for recognizing, and adapting to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States in Congress assembled," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, be, and the same is hereby repealed: *Provided always*, That the non-commissioned officers and privates, continued and engaged under the aforesaid act of the twenty-ninth day of September, one thousand seven hundred and eighty-nine, and who shall decline to re-enlist under the establishment made by this act, shall be discharged whenever the President of the United States shall direct the same: *Provided further*, That the whole number of non-commissioned officers, privates, and musicians, in the service of the United States at any one time, either by virtue of this act, or by virtue of the aforesaid act, passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine, shall not exceed the number of one thousand two hundred and sixteen.

Sec. 15. *And be it further enacted*, That for the purpose of aiding the troops now in service, or to be raised by this act, in protecting the inhabitants of the frontiers of the United States, the President is hereby authorized to call into service, from time to time, such part of the militia of the States, respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence, while in service, be the same as the pay and subsistence of the troops above mentioned, and they shall be subject to the rules and articles of war.

Approved, April 30, 1790.

An act to prescribe the mode in which the public acts, records, and judicial proceedings, in each State, shall be authenticated so as to take effect in every other State.

Be it enacted, &c., That the acts of the Legislatures of the several States shall be authenticated by having the seal of their respective States affixed thereto; that the records and judicial proceedings of the courts of any State shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings, authenticated as aforesaid, shall have such faith and credit given to them in every court within the United States, as they have by law or usage in the courts of the State from whence the said records are, or shall be taken.

Approved, May 26, 1790.

An Act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned.

Be it enacted, &c., That whenever any person who now is, or hereafter shall be, liable to a fine, penalty, or forfeiture, or interested in any vessel, goods, wares, or merchandise, or other thing which may be subject to seizure and forfeiture, by force of the laws of the United States now existing, or which may hereafter exist, for collecting duties of impost and tonnage, and for regulating the coasting trade, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, may have accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted; the said judge shall inquire in a summary manner into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such fine, penalty, or forfeiture, or any part thereof, if in his opinion the same was incurred without wilful negligence or any intention of fraud, and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just: *Provided*, That nothing herein contained shall be construed to affect the right or claim of any person to that part of any fine, penalty, or forfeiture, incurred by breach of either of the laws aforesaid, which such person may be entitled to by virtue of the said laws, in cases where a prosecution has been commenced, or information has been given before the passing of this act; the amount of which right and claim shall be assessed and valued by the judge of the district in a summary manner.

Sec. 2. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of Congress, and no longer.

Approved, May 26, 1790.

An Act to continue in force an act passed at the last session of Congress, entitled "An act to regulate processes in the courts of the United States."

Be it enacted, &c., That the act, entitled "An act to regulate processes in the courts of the United States," passed on the twenty-ninth day of September last, shall be, and the same is hereby, continued in force until the end of the next session of Congress, and no longer.

Approved, May 26, 1790.

An Act for the government of the territory of the United States south of the river Ohio.

Be it enacted, &c., That the territory of the

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United States, south of the river Ohio, for the purposes of temporary government, shall be one district; the inhabitants of which shall enjoy all the privileges, benefits, and advantages, set forth in the ordinance of the late Congress, for the government of the territory of the United States northwest of the river Ohio. And the government of the said territory south of the Ohio shall be similar to that which is now exercised in the territory northwest of the Ohio; except so far as is otherwise provided, in the conditions expressed in an act of Congress of the present session, entitled "An act to accept a cession of the claims of the State of North Carolina to a certain district of Western territory."

Sec. 2. *And be it further enacted*, That the salaries of the officers which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act, shall be the same as those by law established, of similar officers in the government northwest of the river Ohio. And the powers, duties, and emoluments, of a Superintendent of Indian affairs for the southern department, shall be united with those of the Governor.

Approved, May 26, 1790.

An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.

Be it enacted, &c., That, from and after the passing of this act, the author and authors of any map, chart, book, or books, already printed within these United States, being a citizen or citizens thereof, or resident within the same, his or their executors, administrators, or assigns, who hath or have not transferred to any other person the copy-right of such map, chart, book, or books, share or shares, thereof; and any other person or persons, being a citizen or citizens of these United States, or residents therein, his or their executors, administrators, or assigns, who hath or have purchased or legally acquired the copyright of any such map, chart, book, or books, in order to print, reprint, publish, or vend the same, shall have the sole right and liberty of printing, reprinting, publishing, and vending such map, chart, book, or books, for the term of fourteen years from the recording the title thereof in the clerk's office, as is herein after directed. And that the author and authors of any map, chart, book, or books, already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these United States, or resident therein, as his or their executors, administrators, or assigns, shall have the sole right and liberty of printing, reprinting, publishing, and vending such map, chart, book, or books, for the like term of fourteen years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these United States, or resident therein, the same exclusive

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right shall be continued to him or them, his or their executors, administrators, or assigns, for the further term of fourteen years: *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is hereinafter directed, and that within six months before the expiration of the first term of fourteen years aforesaid.

Sec. 2. *And be it further enacted*, That if any other person or persons, from and after the recording the title of any map, chart, book, or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, re-print, publish, or import, or cause to be printed, re-printed, published, or imported from any foreign kingdom or State, any copy or copies of such map, chart, book, or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses; or knowing the same to be so printed, re-printed, or imported, shall publish, sell, or expose to sale, any copy of such map, chart, book, or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy or copies of such map, chart, book, or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book, or books, who shall forthwith destroy the same: And every such offender and offenders shall also forfeit and pay the sum of fifty cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported, or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book, or books, who shall sue for the same, and the other moiety thereof, to and for the use of the United States, to be recovered by action of debt in any court of record in the United States, wherein the same is cognizable: *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards.

Sec. 3. *And be it further enacted*, That no person shall be entitled to the benefit of this act, in cases where any map, chart, book, or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall, before publication, deposit a printed copy of the title of such map, chart, book, or books, in the clerk's office of the district court, where the author or proprietor shall reside: And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "District of ——— to wit: Be it remembered, That on the ——— day of ———, in the ——— year of the independence of the United States of America, A. B. of the said district hath deposited in this office the title of a map, chart, book, or books, (as the case may be,) the right whereof he claims as author or pro-

prior, (as the case may be,) in the words following, to wit: [here insert the title] in conformity to the act of the Congress of the United States, entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.' C. D. clerk of the district of _____ For which the said clerk shall be entitled to receive sixty cents from the said author or proprietor, and sixty cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the United States, for the space of four weeks.

Sec. 4. *And be it further enacted*, That the author or proprietor of any such map, chart, book, or book, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office.

Sec. 5. *And be it further enacted*, That nothing in this act shall be construed to extend to prohibit the importation or vending, re-printing or publishing within the United States, of any map, chart, book, or books, written, printed, or published, by any person not a citizen of the United States, in foreign parts or places without the jurisdiction of the United States.

Sec. 6. *And be it further enacted*, That any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of, or resident in, these United States,) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof.

Sec. 7. *And be it further enacted*, That if any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence.

Approved, May 31, 1790.

An Act for giving effect to an act, entitled, "An act to establish the judicial courts of the United States" within the State of North Carolina.

Be it enacted, &c., That the act, entitled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of North Carolina, as elsewhere within the United States.

Sec. 2. *And be it further enacted*, That the said State shall be one district, to be called North Carolina district; and there shall be a district court therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in July next, and the other three sessions progressively on the like

Monday of every third calendar month afterwards. The stated district court shall be held at the town of Newbern.

Sec. 3. *And be it further enacted*, That the said district shall be, and the same is hereby, annexed to the southern circuit: And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the eighteenth day of June next; the second session on the eighth day of November next, and the subsequent sessions on the like days of every June and November afterwards, except when any of the days shall happen on a Sunday; and then the session shall commence on the next day following. And the sessions of the said circuit courts shall be held at Newbern.

Sec. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district the yearly compensation of fifteen hundred dollars, to commence from his appointment, and to be paid at the Treasury of the United States in quarterly payments.

Approved, June 4, 1790.

An Act supplemental to the act for establishing the salaries of the executive officers of Government, with their assistants and clerks.

Be it enacted, &c. That the more effectually to do and perform the duties in the Department of State, the Secretary of the said Department be, and is hereby, authorized to appoint an additional clerk in his office, who shall be allowed an equal salary, to be paid in the same manner as is allowed by law to the chief clerk.

Approved, June 4, 1790.

An Act for giving effect to the several acts therein mentioned, in respect to the State of Rhode Island and Providence Plantations.

Be it enacted, &c. That the several and respective duties specified and laid in and by the act, entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States," and in and by the act, entitled "An act imposing duties on tonnage," shall be paid and collected upon all goods, wares, and merchandises, which, after the expiration of five days from the passing of this act, shall be imported into the State of Rhode Island and Providence Plantations, from any foreign port or place, and upon the tonnage of all ships and vessels, which, after the said day, shall be entered within the said State of Rhode Island and Providence Plantations, subject to the exceptions, qualifications, allowances, and abatements, in the said acts contained or expressed, which acts shall be deemed to have the like force and operation within the said State of Rhode Island and Providence Plantations, as elsewhere within the United States.

Sec. 2. *And be it further enacted*, That for the due collection of the said duties, there shall be, in the said State of Rhode Island and Providence Plantations, two districts, to wit: the district of Newport, and the district of Providence. The district of Newport shall comprehend all the

waters, shores, bays, harbors, creeks, and inlets, from the west line of the said State, all along the sea-coast, and northward, up the Narraganset bay, as far as the most easterly part of Kinnimicut Point, at high-water mark; and shall include the several towns, harbors, and landing places, at Westerly, Charlestown, South Kingstown, North Kingstown, East Greenwich, and all that part of the town of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors, and landing places, of Barrington, Warren, Bristol, Tiverton, Little Compton, and all the towns, harbors, and landing places, of the island of Rhode Island, Kinnimicut, Prudence, New Shoreham, and every other island and place within the said State, southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks, and inlets, within the said State, northward of the latitude of said Kinnimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer, and surveyor, shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river, in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol, and Pawcatuck river; and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence; and Patuxet, in the same district, shall be a port of delivery only; and a collector, naval officer, and surveyor, shall be appointed, to reside at Providence, and a surveyor shall be appointed, to reside at Patuxet.

Sec. 3. *And be it further enacted*, That all the regulations, provisions, exceptions, allowances, compensations, directions, authorities, penalties, forfeitures, and other matters whatsoever, contained or expressed in the act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," and not locally inapplicable, shall have the like force and effect within the said State of Rhode Island and Providence Plantations, for the collection of the said duties, as elsewhere within the United States, and as if the same were repeated and re-enacted in this present act: *Provided always, and be it declared*, That the thirtieth section of the said act, and the third section of an act, entitled "An act to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States, and for other purposes," did, by virtue of the adoption of the Constitution of the United States, by the said State of Rhode Island and Providence Plantations, cease to operate in respect to the same.

Sec. 4. *And be it further enacted*, That the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other

purposes," shall, after the expiration of five days from the passing of this act, have the like force and operation within the State of Rhode Island and Providence Plantations, as elsewhere within the United States, and as if the several clauses thereof were repeated and re-enacted in this present act.

Approved, June 14, 1790.

An Act for giving effect to an act, entitled "An act to establish the judicial courts of the United States" within the State of Rhode Island and Providence Plantations.

Be it enacted, &c., That the act, entitled "An act to establish the judicial courts of the United States," shall have the like force and effect within the State of Rhode Island and Providence Plantations, as elsewhere within the United States.

Sec. 2. *And be it further enacted*, That the said State shall be one district, to be called Rhode Island district: And there shall be a district court held therein, to consist of one judge, who shall reside in the district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in August next, and the other three sessions progressively on the like Monday of every third calendar month afterwards. The stated district court shall be held alternately at the towns of Newport and Providence, beginning at the first.

Sec. 3. *And be it further enacted*, That the said district shall be, and the same is hereby, annexed to the eastern circuit: And there shall be held annually in the said district two circuit courts; the first session of the circuit court shall commence on the fourth day of December next, the second session on the fourth day of June next, and the subsequent sessions on the like days of every December and June afterwards, except when any of the days shall happen on a Sunday, and then the session shall commence on the day following. And the sessions of the said circuit courts shall be held alternately at the said towns of Newport and Providence, beginning at the last.

Sec. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district, the yearly compensation of eight hundred dollars, to commence from his appointment, and to be paid at the Treasury of the United States, in quarterly payments.

Approved, June 23, 1790.

An Act providing the means of intercourse between the United States and foreign nations.

Be it enacted, &c., That the President of the United States shall be, and he hereby is, authorized to draw from the Treasury of the United States a sum not exceeding forty thousand dollars annually, to be paid out of the moneys arising from the duties on imports and tonnage; for the support of such persons as he shall commission to serve the United States in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, That exclu-

sive of an outfit, which shall in no case exceed the amount of one year's full salary to the Minister Plenipotentiary, or *Chargé des Affaires*, to whom the same may be allowed, the President shall not allow to any Minister Plenipotentiary a greater sum than at the rate of nine thousand dollars per annum, as a compensation for all his personal services and other expenses; nor a greater sum for the same than four thousand five hundred dollars per annum to a *Chargé des Affaires*; nor a greater sum for the same than one thousand three hundred and fifty dollars per annum to the secretary of any Minister Plenipotentiary. And provided also, That the President shall account specifically for all such expenditures of the said money as in his judgment may be made public, and also for the amount of such expenditures as he may think it advisable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office of the Treasury Department.

Sec. 2. And be it further enacted, That this act shall continue and be in force for the space of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

Approved, July 1, 1790.

An Act for giving effect to an act, entitled "An act providing for the enumeration of the inhabitants of the United States," in respect to the State of Rhode Island and Providence Plantations.

Be it enacted, &c., That the act passed the present session of Congress, entitled "An act providing for the enumeration of the inhabitants of the United States," shall be deemed to have the like force and operation within the State of Rhode Island and Providence Plantations, as elsewhere within the United States; and all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, contained or expressed in the said act, and which are not locally inapplicable, shall have the like force and effect within the said State, as if the same were repeated and re-enacted in and by this present act.

Sec. 2. And be it further enacted, That the marshal of the district of Rhode Island shall receive, in full compensation for the performance of all the duties and services confided to and enjoined upon him by this act, one hundred dollars.

Approved, July 5, 1790.

An Act to authorize the purchase of a tract of land for the use of the United States.

Be it enacted, &c., That it shall be lawful for the President of the United States, and he is hereby authorized, to cause to be purchased for the use of the United States, the whole or such part of that tract of land situate in the State of New York, commonly called West Point, as shall be by him judged requisite, for the purpose of such fortifications and garrisons as may be necessary for the defence of the same.

Approved, July 5, 1790.

An act further to provide for the payment of the invalid pensioners of the United States.

Be it enacted, &c., That the military pensions which have been granted and paid by the States, respectively, in pursuance of former acts of the United States in Congress assembled, and such as, by acts passed in the present session of Congress, are, or shall be declared to be due to invalids who were wounded and disabled during the late war, shall be continued and paid by the United States, from the fourth day of March last, for the space of one year, under such regulations as the President of the United States may direct.

Approved, July 16, 1790.

An act for establishing the temporary and permanent seat of the Government of the United States.

Be it enacted, &c., That a district of territory, not exceeding ten miles square, to be located as hereafter directed, on the river Potomac, at some place between the mouths of the Eastern Branch and Connocheague, be, and the same is hereby, accepted for the permanent seat of Government of the United States: *Provided, nevertheless*, That the operation of the laws of the State within such district shall not be affected by this acceptance, until the time fixed for the removal of the Government thereto, and until Congress shall otherwise by law provide.

Sec. 2. And be it further enacted, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited, and located, shall be deemed the district accepted by this act, for the permanent seat of the Government of the United States.

Sec. 3. And be it enacted, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the Government of the United States.

Sec. 4. And be it enacted, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

Sec. 5. And be it enacted, That prior to the first Monday in December next, all offices attached to the seat of Government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia.

delphia, in the State of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

Sec. 6. And be it enacted, That on the said first Monday in December, in the year one thousand eight hundred, the seat of the Government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the seat of Government shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

Approved, July 16, 1790.

An Act for the government and regulation of seamen in the merchant service.

Be it enacted, &c., That, from and after the first day of December next, every master or commander of any ship or vessel bound from a port in the United States to any foreign port, or of any ship or vessel of the burden of fifty tons or upwards, bound from a port in one State to a port in any other than an adjoining State, shall, before he proceed on such voyage, make an agreement in writing, or in print, with every seaman or mariner on board such ship or vessel, (except such as shall be apprenticed or servant to himself or owners,) declaring the voyage or voyages, term or terms of time, for which such seamen or mariners shall be shipped. And if any master or commander of such ship or vessel shall carry out any seamen or mariners (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seamen or mariner shall have been shipped, for a similar voyage, within three months next before the time of such shipping: *Provided*, such seaman or mariner shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit twenty dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States: and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act.

Sec. 2. And be it enacted, That at the foot of every such contract, there shall be a memorandum in writing of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum; and if the master, commander, or other officer of the ship or vessel, shall, on the day on which such

neglect happened, make an entry in the log-book of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself, (after the time appointed,) every such seaman or mariner shall forfeit, for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner, or consignee, of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sums so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any State, city, town, or county, within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

Sec. 3. And be it further enacted, That if the mate, or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, (and before the ship or vessel shall have left the land,) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master or commander shall, upon the request of the said mate, (or other officer,) and such majority, forthwith proceed to, or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept, directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same, in respect to the defects and insufficiencies complained of, and to make report to him, the said judge or justice, in writing, under their hands, or the hands of two of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel, will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made, or deficiencies supplied, where the ship or vessel then lays, or whether it be necessary for

the said ship or vessel to return to the port from whence she first sailed, to be there refitted, and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention, (to be ascertained by the said judge or justice,) out of the wages growing due to the complaining seamen or mariners. And if, after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations, as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant, under his hand and seal, every such seaman or mariner (who shall so refuse) to the common jail of the county, there to remain without bail or mainprize, until he shall have paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings: *Provided*, That sufficient matter shall be made to appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned.

Sec. 4. *And be it enacted*, That if any person shall harbor or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town, or county, where he, she, or they, may reside, shall forfeit and pay ten dollars for every day which he, she, or they, shall so continue to harbor or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the United States; and no sum exceeding one dollar shall be recoverable from any seaman or mariner by any one person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage for which such seaman or mariner engaged shall be ended.

Sec. 5. *And be it enacted*, That if any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall have so shipped, without leave of the master or officer commanding on board, and the mate, or other officer, having charge of the log-

book, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within forty-eight hours, such seaman or mariner shall forfeit three days' pay for every day which he shall so absent himself, to be deducted out of his wages; but if any seaman or mariner shall absent himself for more than forty-eight hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs, in any court, or before any justice or justices having jurisdiction of the recovery of debts to the value of ten dollars or upwards.

Sec. 6. *And be it enacted*, That every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one-third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo, before the voyage be ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract; and if such wages shall not be paid within ten days after such discharge, or if any dispute shall arise between the master and seamen or mariners, touching said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than three miles from the place, or of his absence from the place of his residence, then, for any judge or justice of the peace, to summon the master of said ship or vessel to appear before him, to show cause why process should not issue against such ship or vessel, her tackle, furniture, and apparel, according to the course of admiralty courts, to answer for the said wages; and if the master shall neglect to appear, or appearing, shall not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in

dispute, otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, where ever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

Sec. 7. *And be it enacted*, That if any seaman or mariner, who shall have signed a contract to perform a voyage, shall, at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, (upon the complaint of the master,) to issue his warrant to apprehend such deserter, and bring him before such justice; and if it shall then appear by due proof that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him to the house of correction, or common jail of the city, town, or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner.

Sec. 8. *And be it enacted*, That every ship or vessel belonging to a citizen or citizens of the United States, of the burden of one hundred and fifty tons or upwards, navigated by ten or more persons in the whole, and bound on a voyage without the limits of the United States, shall be provided with a chest of medicine, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same, or some other apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness, at every port or place where the ship or vessel may touch or trade during the voyage, without any deduction from the wages of such sick seaman or mariner.

Sec. 9. *And be it enacted*, That every ship or vessel, belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty

gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship bread, for every person on board such ship or vessel, over and besides such other provisions, stores, and live stock, as shall, by the master or passengers, be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh, or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew one day's wages beyond the wages agreed on for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages.

Approved, July 20, 1790.

An act imposing duties on the tonnage of ships or vessels.

Be it enacted, &c., That upon all ships or vessels which, after the first day of September next, shall be entered in the United States from any foreign port or place, there shall be paid the several and respective duties following, that is to say: On ships or vessels of the United States, at the rate of six cents per ton; on ships or vessels built within the United States after the twentieth day of July last, but belonging wholly or in part to subjects of foreign Powers, at the rate of thirty cents per ton; on other ships or vessels at the rate of fifty cents per ton.

Sec. 2. *And be it further enacted*, That the aforesaid duty of six cents per ton shall be also paid upon every ship or vessel of the United States, which, after the said first day of September next, shall be entered in a district in one State from a district in another State, other than an adjoining State on the sea-coast, or on a navigable river, having on board goods, wares, and merchandise, taken in one State to be delivered in another State: *Provided*, That it shall not be paid on any ship or vessel having a license to trade between the different districts of the United States, or to carry on the bank or whale fisheries whilst employed therein, more than once a year.

Sec. 3. *And be it further enacted*, That upon every ship or vessel not of the United States, which, after the said first day of September next, shall be entered in one district from another district, having on board goods, wares, and merchandise, taken in one district to be delivered in another district, there shall be paid at the rate of fifty cents per ton.

And whereas, it is declared by the twenty-third section of the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," that if any vessel of the burden of twenty tons or upwards, not having a certificate of registry or enrolment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and

from misapprehension in others, has operated to the prejudice of individuals. And it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience.

Sec. 4. *Be it therefore further enacted*, That in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the United States, whether registered at the time of payment or afterwards, restitution thereof shall be made, and that no such foreign duty shall hereafter be demanded on the said ships or vessels.

Sec. 5. *And be it further enacted*, That the act, entitled "An act imposing duties on tonnage," shall, after the said first day of September next, be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal, for which purpose the said act shall continue in force.

Approved, July 20, 1790.

An act providing for holding a treaty of treaties to establish peace with certain Indian tribes.

Be it enacted, &c., That in addition to the balance unexpended, of the sum of twenty thousand dollars, appropriated by the act entitled "An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same," a further sum, not exceeding twenty thousand dollars, arising from the duties on imports and tonnage, shall be, and the same is hereby appropriated, for defraying the expenses of negotiating and holding a treaty or treaties, and for promoting a friendly intercourse, and preserving peace with the Indian tribes.

Approved, July 22, 1790.

An Act to amend the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue, from and after the fifteenth day of August next, for the necessary support, maintenance, and repairs, of all light-houses, beacons, buoys, and public piers, within the United States, shall continue to be defrayed by the United States, until the first day of July, one thousand seven hundred and ninety-one, notwithstanding such light-houses, beacons, buoys, and public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time, be ceded to or vested in the United States, by the State or States respectively in which the same may be, and that the said time be further allowed to the States respectively to make such cessions.

Approved, July 22, 1790.

An act to regulate trade and intercourse with the Indian tribes.

Be it enacted, &c., That no person shall be permitted to carry on any trade or intercourse with the Indian tribes, without a license for that pur-

citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit any crime upon, or trespass against, the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such State or district, such offender or offenders shall be subjected to the same punishment, and shall be proceeded against in the same manner, as if the offence had been committed within the jurisdiction of the State or district to which he or they may belong, against a citizen or white inhabitant thereof.

Sec. 6. *And be it further enacted*, That for any of the crimes or offences aforesaid, the like proceedings shall be had for apprehending, imprisoning, or bailing, the offender, as the case may be, and for recognising the witnesses for their appearance to testify in the case, and where the offender shall be committed, or the witnesses shall be in a district other than that in which the offence is to be tried, for the removal of the offender and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had, as by the act to establish the judicial courts of the United States, are directed for any crimes or offences against the United States.

Sec. 7. *And be it further enacted*, That this act shall be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, July 22, 1790.

An Act making provision for the debt of the United States.

Whereas justice, and the support of public credit require that provision should be made for fulfilling the engagements of the United States, in respect of their foreign debt, and for funding their domestic debt upon equitable and satisfactory terms:

Be it enacted, &c., That reserving out of the moneys which have arisen since the last day of December last, past, and which shall hereafter arise from the duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand dollars, or so much thereof as may be appropriated from time to time, towards the support of the Government of the United States, and their common defence, the residue of the said moneys, or so much thereof as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be, and is hereby appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries; and also to the payment of interest on such further loans

as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well as those already made as those already made in virtue of this act, shall be fully satisfied, pursuant to the contrary relating to the same, any law to the contrary notwithstanding: *And provided*, That nothing herein contained shall be construed to annul or alter any appropriation by law made prior to the passing of this act.

And as new loans are, and will be, necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debt due, and growing due, and may also be found expedient for effecting an entire alteration in the state of the same:

Sec. 2. *Be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole twelve millions of dollars; and that so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said foreign debt, be appropriated solely to those purposes: And the President is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the said States: *Provided nevertheless*, That no engagement or contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced.

And whereas, it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors, which can only be done by a voluntary loan on their part:

Sec. 3. *Be it therefore further enacted*, That a loan to the full amount of the said domestic debt be, and the same is hereby proposed; and that books for receiving subscriptions to the said loan be opened at the Treasury of the United States, and by a commissioner to be appointed in each of the said States, on the first day of October next, to continue open until the last day of September following, inclusively; and that the sums which shall be subscribed thereto, be payable in certificates issued for the said debt, according to their specie value, and computing the interest upon such as bear interest to the last day of December next, inclusively; which said certificates shall be of these several descriptions, to wit:

Those issued by the Register of the Treasury
Those issued by the commissioners of loans in the several States, including certificates given pursuant to the act of Congress of the second January, one thousand seven hundred and seventy-nine, for bills of credit of the several emissions of the twentieth of May, one thousand seven hundred

and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight ;
Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments ;

Those issued by the commissioners for the adjustment of accounts in the respective States;
Those issued by the late and present paymaster general, or commissioner of army accounts;
Those issued for the payment of interest, commonly called indents of interest;
And in the bills of credit issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars in the said bills, for one dollar in specie.

SEC. 4. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigna, a sum to be expressed therein, equal to two-thirds of the sum so paid, bearing an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments, not exceeding in one year, on account of both principal and interest, the proportion of eight dollars upon a hundred of the sums mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigna, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one-third of a dollar upon a hundred of the sum so paid, which, after the year one thousand eight hundred, shall bear an interest of six per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in one year, on account both of the principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided*, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do.

Sec. 5. *And be it further enacted*, That for the whole, or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the interest of the said domestic debt, computed to the said last day of December next, or in the said certificates issued in payment of interest, commonly called indents of interest, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be specified therein, equal to that by him, her, or them, so paid, bearing an interest of three per centum per annum, payable quarter-yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

SEC. 7. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of the Treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her, or their attorney; but it shall be lawful for the Secretary of the Treasury, by special warrant, under his hand and the seal of the Treasury, countersigned by the Comptroller, and registered by the Register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the Treasury, and from those of the Treasury to those of a commissioner.

Sec. 8. *And be it further enacted*, That the interest upon the said stock, as the same shall become due, shall be payable quarter-yearly: that is to say, one-fourth part thereof on the last day of March; one other fourth part thereof on the last day of June; one other fourth part thereof on the last day of September; and the remaining fourth part thereof on the last day of December in each year, beginning on the last day of March next ensuing; and payment shall be made wheresoever the credit for the said stock shall exist at the time such interest shall become due, that is to say: at the Treasury, if the credit for the same shall then exist on the books of the Treasury, or at the office of the commissioner, upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demandable only at the Treasury.

And, as it may happen that some of the creditors of the United States may not think fit to become subscribers to the said loan—

Sec. 9. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair, the rights of those creditors of the United States, who shall not subscribe to the said loan, or the contracts upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue.

And that such creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the said proposed loan shall be depending, and until it shall appear from the event thereof what further or other arrangements may be necessary respecting the said domestic debt :

Sec. 11. *And be it further enacted*, That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the State of New Hampshire, six hundred and fifty dollars; the commissioner for the State of Massachusetts, fifteen hundred dollars; the commissioner for the State of Rhode Island and Providence Plantations, six hundred dollars; the commissioner for the State of Connecticut, one thousand dollars; the commissioner for the State of New York, fifteen hundred dollars; the commissioner for the State of New Jersey, seven hundred dollars; the commissioner for the State of Pennsylvania, fifteen hundred dollars; the commissioner for the State of Delaware, six hundred dollars; the commissioner for the State of Maryland, one thousand dollars; the commissioner for the State of Virginia, fifteen hundred dollars; the commissioner for the State of North Carolina, one thousand dollars; the com-

from any public record, act, or document, shall appear, or can be ascertained for any purpose, other than expenditures for services or prosecution of the late war, and the defence of the United States, or for some part thereof during the same:

Sec. 14. *Provided also, and be it further enacted*, That if the total amount of the sums which shall be subscribed to the said loan in the debt of any State, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such State, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such State within the same. And every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

Sec. 15. *And be it further enacted*, That for two-thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid, by the respective States, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her, or their assigns, a sum to be expressed therein, equal to two-thirds of the aforesaid two-thirds, bearing an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars, and one-third of a dollar upon a hundred of the said two-thirds of such sum so subscribed, which after the year one thousand eight hundred, shall bear an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments, not exceeding, in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and that for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter-yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

Sec. 16. *And be it further enacted*, That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-

one, inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter-yearly, at the same time, and in like manner as the interest on the stock to be created by virtue of the loan above proposed in the domestic debt of the United States.

Sec. 17. *And be it further enacted*, That if the whole sum allowed to be subscribed in the debt or certificates of any State as aforesaid, shall not be subscribed within the time for that purpose limited, such State shall be entitled to receive, and shall receive, from the United States, an interest per centum per annum, upon so much of the said sum as shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such State, who are holders of certificates or notes, issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States, and the individual States; and in case a balance shall then appear in favor of such State, until provision shall be made for the said balance.

But as certain States have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums:

Sec. 18. *Be it further enacted*, That the payment of interest, whether to States or to individuals, in respect to the debt of any State, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the Secretary of the Treasury, that certificates issued for that purpose by such State, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

Sec. 19. *And be it further enacted*, That so much of the debt of each State as shall be subscribed to the said loan, and the moneys (if any) that shall be advanced to the same pursuant to this act, shall be a charge against such State, in account with the United States.

Sec. 20. *And be it further enacted*, That the moneys arising under the revenue laws, which have been, or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be, and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations and priorities as may be requisite to satisfy the appropriations heretofore made

and which, during the present session of Congress, may be made by law, including the sums hereinbefore reserved and appropriated; and to the end that the said moneys may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises, and taxes, whatever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof, towards satisfying the interest aforesaid.

Sec. 21. *And be it further enacted*, That the faith of the United States be, and the same is hereby, pledged, to provide and appropriate hereafter, such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof, respectively, and according to the tenor of the certificates to be granted for the same, pursuant to this act.

Sec. 22. *And be it further enacted*, That the proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong, to the United States, shall be, and are hereby, appropriated towards sinking or discharging the debts, for the payment whereof the United States now are, or by virtue of this act may be, holden, and shall be applied solely to that use, until the said debts shall be fully satisfied.

Approved, August 4, 1790.

An Act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

Be it enacted, &c., That for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, there shall be established and appointed, districts, ports, and officers, in manner following, to wit:

The State of New Hampshire shall be one district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry; and the towns of Newcastle, Dover, and Exeter, ports of delivery only; but all ships or vessels bound to or from either of the said ports of delivery, shall first come to, enter, and clear at Portsmouth; and a collector, naval officer, and surveyor, for the said district, shall be appointed, to reside at Portsmouth.

In the State of Massachusetts shall be twenty districts and ports of entry, to wit: Newburyport, Gloucester, Salem, and Beverly, as one; Marblehead, Boston, and Charlestown, as one; Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, and Penobscot, as one; Portland, and Falmouth, as one; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, and Passamaquoddy. To the dis-

trict of Newburyport shall be annexed the several towns or landing places of Amesbury, Salisbury, and Haverhill, which shall be ports of delivery only; and a collector, naval officer, and surveyor, for the district, shall be appointed, to reside at Newburyport. To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only; and a collector and surveyor shall be appointed, to reside at Gloucester. To the district of Salem and Beverly shall be annexed the towns or landing places of Danvers and Ipswich, as ports of delivery only; and a collector, or naval officer, and surveyor, for the district, shall be appointed to reside at Salem, and a surveyor to reside at each of the towns of Beverly and Ipswich. To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only; and a collector for the district shall be appointed, to reside at Marblehead. To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, and Hingham, as ports of delivery only; and a collector, naval officer, and surveyor, shall be appointed, to reside at Boston. To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury, and Kingston, as ports of delivery only; and a collector for the district shall be appointed, to reside at Plymouth. To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Harwich, Welfleet, Provincetown, and Chatham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Barnstable. In the district of Nantucket the port of Sherbourne shall be the sole port of entry and delivery within the same; and a collector shall be appointed, to reside at Sherbourne. In the district of Edgartown a collector shall be appointed, to reside at Edgartown. To the district of New Bedford shall be annexed Westport, Rochester, and Wareham, as ports of delivery only; and a collector for the district shall be appointed, to reside at New Bedford. To the district of Dighton shall be annexed Swansea and Freetown, as ports of delivery only; and a collector for the district shall be appointed, to reside at Dighton. To the district of York shall be annexed Kittery and Berwick, as ports of delivery only; and a collector for the district shall be appointed, to reside at York. To the district of Biddeford and Pepperellborough shall be annexed Scarborough, Wells, Kennebunk, and Cape Porpoise, as ports of delivery only; and a collector for the district shall be appointed, to reside at Biddeford. To the district of Portland and Falmouth shall be annexed North Yarmouth and Brunswick, as ports of delivery only; and a collector and surveyor shall be appointed for the district, to reside at Portland. To the district of Bath shall be annexed Hallowell, Pittstown, and Topsham, as ports of delivery only; and a collector for the district shall be appointed, to reside at Bath. To the district of Wiscasset shall be annexed Bristol, Boothbay, Warren, Thomaston, and Waldoborough, as ports of delivery only; and a collector for the district shall be appointed, to reside at Wiscasset. To the district of Penobscot shall be annexed

Frankfort, Sedgwick Point, and Deer Island, as ports of delivery only; and a collector for the district shall be appointed, to reside at Penobscot. To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only; and a collector for the district shall be appointed, to reside at Frenchman's Bay. For each of the districts of Machias and Passamaquoddy shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy respectively. The district of Newburyport shall include all the waters and shores from the State of New Hampshire to the north line of Ipswich. The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester. The district of Salem and Beverly shall include all the shores and waters within the towns of Ipswich, Beverly, Salem, and Danvers. The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn. The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex and Suffolk. The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the towns of Wareham and Rochester. The district of Barnstable shall include all the shores and waters within the county of Barnstable. The district of Nantucket shall include the island of Nantucket. The district of Edgartown shall include all the waters and shores within the county of Duke's county. The district of New Bedford shall include all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol. The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth; and the collectors of the several districts within that part of the State of Massachusetts, eastward of New Hampshire, shall agree, as soon as may be, upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon, shall include all the shores, waters, and islands within the same. And in case of disagreement between any of the said collectors, concerning such divisional line, the Secretary of the Treasury shall determine the same.

In the State of Rhode Island and Providence Plantations there shall be two districts, to wit: The district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbors, creeks, and inlets, from the west line of the said State all along the seacoast, and northward up the Narragansett Bay, as far as the most easterly part of Kinnimicut Point, at high water mark; and shall include the several towns, harbors, and landing places, at Westerley, Charlestown, South Kingstown, North Kingstown, East Greenwich, and all that part of Warwick southward of the latitude of said Kinnimicut Point; and also the towns, harbors, and landing places of Barrington, Warren, Bristol, Tiverton, Little Crompton, and all the towns, harbors, and landing places of the island of

Rhode Island; Jamestown, Prudence, New Shoreham, and every other island and place within the said State, southward of the latitude of the said Kinnimicut Point. The district of Providence shall comprehend all the waters, shores, bays, harbors, creeks, and inlets, within the said State, northward of the latitude of Kinnimicut Point. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer, and surveyor, shall be appointed, to reside at the said town of Newport; and North Kingstown, East Greenwich, Barrington, Warren, Bristol, and Pawcatuck river, in Westerly, shall be ports of delivery only, and a surveyor shall be appointed, to reside at each of the ports of North Kingstown, East Greenwich, Warren, Bristol, and Pawcatuck river, and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry in the said district of Providence, and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer, and surveyor, shall be appointed, to reside at Providence, and a surveyor shall be appointed to reside at Patuxet.

In the State of Connecticut shall be three districts, to wit: New London, New Haven, and Fairfield. The district of New London shall extend from the east line of the said State of Connecticut, to the west line of the town of Killingsworth, and north to the south line of the State of Massachusetts; and shall also include the several towns or landing places of Norwich, Stonington, Groton, Lyme, Saybrook, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastonbury, Hartford, East Hartford, Windsor, East Windsor, and Killingsworth, as ports of delivery only; New London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New London; and a surveyor to reside at each of the ports of Stonington and Middletown. The district of New Haven shall extend from the west line of the district of New London, westerly to Ousatumnick river; to which shall be annexed the several towns or landing places of Guilford, Bradford, Milford, and Derby, as ports of delivery only; New Haven to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New Haven. The district of Fairfield shall include all the ports and places in the said State of Connecticut west of the district of New Haven; to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford, and Greenwich, as ports of delivery only; Fairfield to be the sole port of entry, and a collector for the district shall be appointed, to reside at Fairfield. and New London, New Haven, and Fairfield, shall severally be ports of entry.

In the State of New York shall be two districts, to wit: Sag Harbor on Nassau or Long Island, and the city of New York, each of which shall be a port of entry. The district of Sag Harbor shall include all bays, harbors, rivers, and shores within the two points of land which are called Oyster Pond Point, and Montauk Point;

and a collector for the district shall be appointed, to reside at Sag Harbor, which shall be the only place of delivery in the said district. The district of the city of New York shall include such part of the coasts, rivers, bays, and harbors of the said State, not included in the district of Sag Harbor; and moreover the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, city of Hudson Kinderhook, and Albany, as ports of delivery only; and a naval officer, collector, and surveyor, for the district shall be appointed, to reside in the city of New York; also two surveyors, one to reside at the city of Albany, and the other at the city of Hudson; and all ships or vessels bound to or from any port of delivery within the last named district, shall be obliged to come to, and enter or clear out at the city of New York.

In the State of New Jersey shall be four districts, to wit: Perth Amboy, Burlington, Bridge-town, and Great Egg Harbor, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the State of New Jersey known by the name of East New Jersey, (that part excepted which is hereafter included in the district of Burlington,) together with all the waters thereof heretofore within the jurisdiction of the said State; in which district the towns or landing places of New Brunswick, Middletown Point, Elizabethtown, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy. The district of Burlington shall comprehend that part of the said State known by the name of West New Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said State, including the river and inlet of Little Egg Harbor, with the waters emptying into the same, and the seacoast, sound, inlets, and harbors thereof, from Barnegat inlet to Brigantine inlets, in which district the landing places of Lambertton and Little Egg Harbor shall be ports of delivery only, and a collector shall be appointed for the district, to reside at Burlington, and a surveyor at Little Egg Harbor. The district of Bridge-town shall comprehend the counties of Gloucester, Salem, Cumberland, and Cape May, (such part of the counties of Gloucester and Cape May as shall be hereafter included in the district of Great Egg Harbor, excepted,) and all the waters thereof heretofore within the jurisdiction of the said State; and the town of Salem and Port Elizabeth, on Maurice river, shall be ports of delivery only; and a collector shall be appointed, to reside at Bridge-town. The district of Great Egg Harbor shall comprehend the river of Great Egg Harbor, together with all the inlets, bays, sound, rivers, and creeks, along the seacoast, from Brigantine inlet to Cape May; and a collector shall be appointed, to reside at Somers' Point, on the said river of Great Egg Harbor.

The State of Pennsylvania shall be one district, and Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer, and surveyor, for the district

shall be appointed, to reside at the said port of Philadelphia.

The State of Delaware shall be one district, and the borough of Wilmington shall be the port of entry, to which shall be annexed New Castle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed to reside at the said port of Wilmington.

In the State of Maryland shall be nine districts, to wit: Baltimore, Chester, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Cedar Point, and Georgetown. The district of Baltimore shall include Patuxet, Susquehanna, and Elk rivers, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river to the south side of Elk river, inclusive, in which Havre-de-Grace and Elkton shall be ports of delivery only; and a naval officer, collector, and surveyor, shall be appointed for the said district, to reside at the town of Baltimore, which shall be the sole port of entry. The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Elk river to the north side of the eastern bay and Wye river, exclusive, in which Georgetown, on Susquehanna river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry. The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river and the eastern bay, to the south side of Choptank river, inclusive, and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry. The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Great Choptank river to the south side of Hooper's Strait, Haynes's Point, and Wicomico river, inclusive, and Salisbury shall be the port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry. The district of Snow Hill shall include all the waters and shores on the sea-coast, from the north line of Virginia to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river inclusive, so far as the jurisdiction of the said State of Maryland extends, to which Sin-nepuxent shall be a port of delivery for West India produce only; and a collector for the district shall be appointed, to reside at Snow Hill, which shall be the sole port of entry. The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point, on Patuxet river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same. The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay to Drum Point, on the river Patux-

ent, together with the said river, and all the navigable waters emptying into the same, to which Benedict, Lower Marlborough, Town Creek, and Silvey's Landing, shall be annexed as ports of delivery only; a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town creek; and Nottingham shall be the sole port of entry. The district of Cedar Point shall include all the waters of the State of Maryland, from Point Lookout to Pomomkey Creek, inclusive, to which Nanjemoy, Saint Mary's, and Lewellensburg, shall be annexed as a port of delivery only; and a collector for the district shall be appointed, to reside at Cedar Point; also a surveyor to reside at each of the ports of Saint Mary's and Lewellensburg; and Cedar Point shall be the sole port of entry. The district of Georgetown shall include all the waters and shores from Pomomkey creek, on the north side of Potomac river, to the head of the navigable waters of the said river, within the jurisdiction of the State of Maryland, to which Digges's Landing and Carrollsburg shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

In the State of Virginia shall be twelve districts, to wit: Hampton as one port; Norfolk and Portsmouth as one port; Bermuda Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly Landing, Cherry-Stone, South Quay, and Louisville. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbors, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake bay to Hampton, and thence up James river to the west side of Chickahominy river; and a collector shall be appointed, to reside at Hampton, which shall be the sole port of entry. To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up James river to Jordan's Point, and up Elizabeth river to the highest tide water thereof, and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer, and surveyor, for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield. To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg, and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed, to reside at Bermuda Hundred, or City Point, which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat, and a surveyor for Richmond and Manchester, to reside at Richmond; and the authority of the officers of the said district shall ex-

tend over all the waters, shores, bays, harbors, and inlets, comprehended between Jordan's Point and the highest tide water on James and Appamattox rivers. To the district of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only; and a collector for the district shall be appointed, to reside at Yorktown, which shall be the sole port of entry; also a surveyor for the two ports of delivery, to reside at West Point; and the authority of the officers of the said district shall extend over all waters, shores, bays, harbors, and inlets, comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up said river to West Point, and thence up Pomomkey and Mattapony rivers to the highest navigable waters thereof. To the district of Tappahannock shall be annexed Urbanna, Port Royal, Fredericksburg, and Falmouth, as ports of delivery only; and a collector for the district shall be appointed, to reside at Tappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port Royal, and Fredericksburg; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Smith's Point, at the mouth of Potomac river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof. The district of Yeocomico river, including Kinsale, shall extend from Smith's Point, on the south side of Potomac river, to Boyd's Hole on the same river, including all the waters, shores, bays, rivers, creeks, harbors, and inlets, along the south shore of Potomac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry, and a collector shall be appointed, to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potomac river; and a collector shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbors, and inlets, comprehended between Boyd's Hole and Cockpit Point aforesaid. For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbors, and inlets, on the south side of the river Potomac, from the last mentioned Cockpit Point to the highest tide water of the said river. For the district of Folly Landing shall be appointed a collector, who shall reside at Accomack Court-house, and whose authority shall extend over all the waters, shores, bays, harbors, and inlets, of the county of Accomack. For the district of Cherry Stone shall be appointed a collector, to reside at Cherry Stone, whose authority shall extend over all the waters, shores, bays, harbors, and inlets, comprehended within Northampton county. For the district of South Quay a collector shall be

appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbors, and inlets, in that part of Virginia comprehended within the limits of the said State. For the district of Louisville a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, and inlets, included between the rapids and the mouth of the Ohio river, on the south side thereof.

In the State of North Carolina shall be five districts; one to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbors, creeks, and inlets, from Little River inlet, inclusive, to New River inlet, inclusive; another to be called the district of Newbern, and to comprehend all the waters, shores, bays, harbors, creeks, and inlets, from New River inlet, exclusive, to Ocracoke inlet, inclusive, together with that part of Pamlico sound that lies southward and westward of the shoal projecting from the mouth of Pamlico river towards the Royal Shoal, and southward of the said Royal Shoal. Another to be called the district of Washington, and to comprehend all that part of Pamlico sound not included in the district of Newbern, as far north as the marshes. Another to be called the district of Edenton, and to comprehend all the waters, bays, harbors, creeks, and inlets, from the marshes, inclusive, northward and westward, except those included in the district of Camden. The other to be called the district of Camden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbors, creeks, and inlets, from the junction of Currituck and Albemarle sounds to the north extremity of Back Bay.

That in the district of Wilmington, the town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer, and surveyor, to reside at the said town of Wilmington. That in the district of Newbern, the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swansborough shall be ports of delivery only; and there shall be a collector to reside at Newbern, and a surveyor to reside at Beaufort, and one at Swansborough. That in the district of Washington the town of Washington shall be the sole port of entry and delivery, and there shall be a collector to reside within the town of Edenton, and delivery, and there shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor, and Skewarkey, ports of delivery; and there shall be a collector to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor, and Skewarkey; and one at Murfreesborough, for said port and for Princeton. That all ships or vessels intending to proceed to Plymouth, Windsor, Skewarkey, Winton, Bennet's Creek bridge, Murfreesborough, or Princeton, shall first come to and enter at the port of Edenton. That in the dis-

trict of Camden, Plankbridge on Sawyer's Creek shall be the port of entry and delivery, and Nixonton, Indiantown, Newbiggin Creek, Currituck Inlet, Pasquotank River bridge, ports of delivery; and there shall be a collector at Plankbridge on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indiantown, Currituck inlet, Pasquotank River bridge, and Newbiggin Creek; and that the authority of the officers of each district shall extend over all the waters, shores, bays, harbors, creeks, and inlets, comprehended within such district. *Provided*, That any vessels coming in at Ocracoke inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound. And that any vessel coming in at the said inlet in ballast, with the purpose of loading without the Royal Shoal, shall be at liberty to enter at any port of entry connected with the waters of the said inlet.

In the State of South Carolina there shall be three districts, to wit: Georgetown, Charleston, and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets, and rivers, from the boundary of North Carolina to the point of Cape Romain. The district of Charleston shall include all the shores, inlets, and rivers, from Cape Romain to Combahee river inclusive; and the district of Beaufort shall include the shores, inlets, and rivers from Combahee river to Back river in Georgia, comprehending also the shores, inlets, and harbors formed by the different bars and sea islands lying within each district respectively. At the port of Charleston shall be a collector, naval officer, and surveyor; and a collector at each of the other ports.

In the State of Georgia shall be four districts, to wit: Savannah, Sunbury, Brunswick, and Saint Mary's, each of which shall be a port of entry. The district of Savannah shall include Savannah river, and all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the river to the north point of Ossabaw island, and Great Ogeechee river, inclusive; and a naval officer, collector, and surveyor, shall be appointed for the said district, to reside at Savannah. The district of Sunbury shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, south of the north point of Ossabaw island and Great Ogeechee river, exclusive, and north of the south point of Sapelo island, inclusive; and a collector shall be appointed to reside at Sunbury. The district of Brunswick shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Sapelo island, exclusive, to the south point of Jekyll island inclusive; and a collector shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick. The district of St. Mary's shall comprehend all the waters, shores, harbors, rivers, creeks, bays, and inlets, from the south point of Jekyll island, exclusive, to Saint Mary's river point of Jekyll island, exclusive, to Saint Mary's river

inclusive; and a collector for the said district shall be appointed, to reside at Saint Mary's; and in each of the said districts it shall be lawful for the collector to grant a permit to unlade at any port or place within the district, and to appoint or put on board any ship or vessel for which a permit is granted, one or more searchers or inspectors, as may be necessary for the security of the revenue.

Sec. 2. *And be it further enacted*, That it shall not be lawful to make entry of any ship or vessel which shall arrive from any foreign port or place within the United States, or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry hereinbefore established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established. *Provided always*, That every port of entry shall be also a port of delivery. *And provided further*, That none but ships or vessels of the United States shall be admitted to unlade at any other than the ports following, to wit: Portsmouth, in the State of New Hampshire; Portland and Falmouth, New Bedford, Dighton, Salem, and Beverly, Gloucester, Newburyport, Marblehead, Sherburne, Boston, and Charlestown, Plymouth, Bath, Frenchman's Bay, Wiscasset, Machias, and Penobscot, in the State of Massachusetts; Newport and Providence, in the State of Rhode Island and Providence Plantations; New London and New Haven, in the State of Connecticut; New York, in the State of New York; Perth-Amboy and Burlington, in the State of New Jersey; Philadelphia, in the State of Pennsylvania; Wilmington, Newcastle, and Port Penn, in the State of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomac, Chestertown, Towncreek, Nottingham, Cedar Point, Digges's Landing, Snowhill, and Carrolsbury, in the State of Maryland; Alexandria, Kingsale, Newport, Tappahannock, Port Royal, Fredericksburg, Urbanna, Yorktown, West Point, Hampton, Bermuda Hundred, City Point, Rock-et's Landing, Norfolk, and Portsmouth, in the State of Virginia; Wilmington, Newbern, Washington, Edenton, and Plankbridge, in the State of North Carolina; Charleston, Georgetown, and Beaufort, in the State of South Carolina; and in Brunswick, Frederica, and Saint Mary's in the State of Georgia; or to make entry in any other district than in one in which they shall be so admitted to unlade. *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following, to wit: Portsmouth, in the State of New Hampshire; Boston and Charlestown, Newburyport, Salem, and Beverly, Gloucester, Portland, and Falmouth, in the State of Massachusetts; Newport and Providence, in the State of Rhode Island and Providence Plantations; New London and New Haven, in the State of Connecticut; New York, in the State of New York; Perth-Amboy, in the State of New Jersey; Philadelphia, in the State of Pennsylvania; Wilming-

ton, in the State of Delaware; Baltimore, Annapolis, and Georgetown, in the State of Maryland; Alexandria, Norfolk, and Portsmouth, in the State of Virginia; Wilmington, Newbern, Washington, and Edenton, in the State of North Carolina; Charleston, Georgetown, and Beaufort, in the State of South Carolina; and Sunbury and Savannah, in the State of Georgia: *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned.

Sec. 3. *And be it further enacted*, That the master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, Bath, Newburyport, New London, (except the port of Stonington in the said district,) Norfolk and Portsmouth, Bermuda Hundred and City Point, Yorktown or Tappahannock, (except the port of Urbanna in the said district,) and Edenton, shall first come to at the port of entry of such district, with his ship or vessel, and there make report or entry, and pay, or secure to be paid, all legal duties, port fees, and charges, in manner by this act provided, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of Stonington or Urbanna, may first proceed to her port of delivery, and afterwards make report or entry within the time by this act limited.

Sec. 4. *And be it further enacted*, That the master or commander of every ship or vessel, if bound to the district of Nottingham, shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port, a true manifest of the cargo on board such ship or vessel; if bound to the district of Tappahannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor for that port a like manifest; if bound to the district of Bermuda Hundred or City Point, shall, before he pass by Elizabeth river, and immediately after his arrival, deposit with the collector of the port of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest; and if bound to the district of South Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton a like manifest. And the said surveyors and collectors respectively shall, after registering the manifests, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made. And if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, and as the case shall require, he shall forfeit and pay five hundred dollars, to be recovered with costs of suit, one half to the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said

ship or vessel may be bound. *Provided*, That if manifests shall have been in either of the said cases previously delivered to any officer of the customs, pursuant to the provision hereinafter to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary. *And provided also*, That no master of any ship or vessel which was absent from the United States on the first day of May last, and which hath not since returned within the same, or of any ship or vessel not owned wholly or in part by a citizen or inhabitant of the United States, shall incur the said penalty, if he shall make oath or affirmation that he had no knowledge of or information concerning the regulation herein contained, unless it can be otherwise proved that he had such knowledge or information.

Sec. 5. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter upon the duties of their respective offices, shall severally take an oath diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavors to prevent and detect frauds in relation to the duties imposed by the laws of the United States; which oath, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another, shall be taken before the collector of his district, and being certified under the hand and seal of the person by whom the same shall have been administered, shall, within three months thereafter, be transmitted to the Comptroller of the Treasury; in default of taking which oath, the party failing shall forfeit and pay two hundred dollars, to be recovered with costs of suit, in any court of competent jurisdiction, to the use of the United States.

Sec. 6. *And be it further enacted*, That, the several officers of the customs shall respectively perform the duties following, to wit: at such of the ports to which there shall be appointed a collector, naval officer, and surveyor, the collector shall receive all reports, manifests, and documents, to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record in books to be kept for that purpose, all such manifests; shall receive the entries of all ships and vessels, and of the goods, wares, and merchandise imported in them; shall, together with the naval officer, where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, endorsing the said amount upon the respective entries; shall receive all moneys paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unlading and delivery of goods; shall employ proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district; and shall provide at the public expense, and with the approbation of the principal officer of the Treasury Department, store-houses for the safe keeping of goods, and such scales, weights, and measures, as may be necessary. The naval officers shall receive copies of all manifests;

shall, together with the collector, estimate the duties on all goods, wares, and merchandise subject to duty, keeping a separate record thereof; and shall countersign all permits, clearances, certificates, and debentures, to be granted by the collector. The surveyor shall superintend and direct all inspectors, weighers, measurers, and gaugers within his district; shall visit and inspect the ships or vessels which arrive within his district, and shall have power to put on board each of them one or more inspectors; shall ascertain the proofs of distilled spirits, rating those which shall be of the proof of twenty-four degrees as of Jamaica proof; and shall examine whether the goods imported in any ship or vessel, and the deliveries thereof, are conformable to the entries of such goods and the permits for landing the same; and the said surveyor shall in all cases be subject to the control of the collector. And at such ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer shall be appointed, which he shall also do in case of the disability or death of the naval officer. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid; and shall also, as far as may be, perform all the duties prescribed to surveyors at the ports where such officers are established. And at ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector; shall record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality of the goods specified therein; and shall take care that no goods be unladed or delivered from any ship or vessel without a proper permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally, and from time to time, to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors, during the time they shall be employed. And the said collectors, naval officers, and surveyors, shall respectively attend in person at the ports at which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions as officers of the customs, in such manner and form as may be directed by the proper department, or officer having the superintendence of the collection of the revenue of the United States; and shall, at all times, submit their books, papers, and accounts, to the inspection of such persons as may be appointed for that purpose. And the said collectors shall at all times pay to the order of the officer who shall be authorized to direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act (such moneys as they are otherwise by this act directed to pay only excepted); and shall also

once in every three months, and oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement.

Sec. 7. *And be it further enacted*, That every collector, naval officer, and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several powers, functions, and duties, by deputy, duly constituted under their hands and seals respectively, for whom in the execution of the trust they shall respectively be answerable.

Sec. 8. *And be it further enacted*, That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, (for whose conduct the estate of such disabled or deceased collector shall be liable;) and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if none, upon the surveyor of the port nearest thereto, and within the same district. And in every case of the death or disability of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities. And the authorities of the person hereby empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices.

Sec. 9. *And be it further enacted*, That, from and after the first day of October next, no goods, wares, or merchandise, shall be brought into the United States from any foreign port or place in any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants, of the United States, unless the master or person having the charge or command of such ship or vessel shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places, where the goods in such manifest or manifests mentioned, shall have been respectively taken on board, and the port or ports, place or places, within the United States for which the same are respectively consigned or destined, and the name and build of such ship or vessel, and the true admeasurement or tonnage thereof according to the register of the same, together with the name of the master or other person having the command or charge of such ship or vessel, and the port or place to which such ship or vessel truly belongs, and a just and particular account of all the cargo so laden or taken on board, whether in packages or stowed loose, together with the marks and numbers, in words at length, of the said packages respectively, with a description of each, as whether laguer, pipe, butt, puncheon, hoghead, barrel, case, bale, pack, truss, chest, box, bundle, or other cask, or package, describing the same by its usual name or denomination.

Sec. 10. *And be it further enacted*, That if any goods, wares, or merchandise, shall, after the said first of October next, be imported or brought into the United States in any ship or vessel whatever belonging in the whole or in part to a citizen or citizens, inhabitant, or inhabitants, of the United States, from any foreign port or place, without such manifest or manifests in writing, or shall not be included and described therein, or shall not agree therewith, in every such case the master or other person having the command or charge of such ship or vessel shall forfeit a sum of money equal to the value of such goods, not included in such manifest or manifests: *Provided, always*, That if it shall be made appear to the satisfaction of the collector, naval officer, and surveyor, or the major part of them, where those offices are established at any port, or to the satisfaction of the collector alone, where either of the other of the said offices is not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped after it was taken on board, except such as shall have been specified and accounted for in the report of the master or other person having the charge or command of such ship or vessel, and that the manifest or manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident, or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred.

Sec. 11. *And be it further enacted*, That every master or other person having the charge or command of any ship or vessel belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants, of the United States, laden with goods as aforesaid, and bound to any port or place in the United States, shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks, or inlets thereof, upon demand, produce such manifest or manifests in writing, which such master or other person is herein before required to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof, (which copy or copies shall be provided and subscribed by the said master or other person having the command or charge of such ship or vessel;) and that the officer or officers to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid, was or were to him or them delivered, and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respectively to be consigned; and that the said master or other person so having the charge

or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel upon her arrival within the limits of any district of the United States, in which the cargo or any part thereof is intended to be discharged or landed, for his or their inspection, such manifest or manifests as aforesaid, and shall also deliver to him or them a true copy or copies thereof, (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel,) the production of which said manifest or manifests, and the delivery of which said copy or copies thereof shall also be certified by the said officer or officers of the customs who shall so first come on board the said ship or vessel on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof; and such officer or officers is and are hereby required forthwith to transmit or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district, and the said master or person having the charge or command of the said ship or vessel shall afterwards produce and deliver the said original manifest or manifests to the said collector. *Provided, always*, That nothing herein contained shall be construed to require of such master or other person having the charge or command of any ship or vessel, the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within four leagues of the coast of the United States aforesaid, and one other copy to such officer or officers as shall first come on board, within the limits of any district for which the cargo of such ship or vessel, or some part thereof, shall be consigned or destined; or shall be construed to require the delivery of any such copy to any other officer; but it shall be sufficient in respect to any such other officer to produce and show to him the said original manifest or manifests, and the certificate or certificates thereupon.

Sec. 12. *And be it further enacted*, That if the master or other person having the charge or command of any ship or vessel laden as aforesaid, and bound to any port or place in the United States, shall not upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel or any part thereof is intended to be discharged, produce such manifest or manifests in writing to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid according to the directions of this act in each case, or shall not give an account of the destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of the said destination, in order to evade the production of the said manifest or manifests, the said

master or other person having the charge or command of such ship or vessel, shall forfeit for every such refusal, neglect, or offence, a sum not exceeding five hundred dollars. And if such officer or officers first coming on board, in each case within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are hereinbefore directed to be delivered to such officer or officers, every such officer, so neglecting or refusing, shall forfeit and pay the sum of five hundred dollars.

Sec. 13. *And be it further enacted*, That if, after the arrival of any ship or vessel so laden with goods as aforesaid, and bound to the United States, within the limits of any of the districts of the United States, or within four leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladed for any purpose whatever, from out of such ship or vessel as aforesaid, within the limits or distance aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo or some part thereof, and shall be there duly authorized by the proper officer or officers of the customs, to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate or other person next in command, shall respectively forfeit and pay the sum of one thousand dollars; and the goods, wares, and merchandise so unladed and unshipped shall be forfeited and lost, except in the case of some unavoidable accident, necessity, or distress of weather, of which unavoidable accident, necessity, or distress, the master or other person having the charge or command of such ship or vessel, shall give notice to, and together with two or more of the mariners on board such ship or vessel shall make proof upon oath before the collector or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress, shall happen, or before the collector or other chief officer of the first district of the United States within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity, or distress shall have happened not within the limits of any district, but within four leagues of the coast of the United States, (which oath the said collector or other chief officer is hereby authorized and required to administer.)

Sec. 14. *And be it further enacted*, That if any goods, wares, or merchandise, so unladed from on board of any ship or vessel shall be put or received into any other ship, vessel, or boat, except in the case of such accident, necessity, or distress, as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of the ship, vessel, or boat, into which the said goods shall be so put and received, and every other person aiding and assisting therein, shall forfeit treble the value of the said goods; and the said ship, boat, or vessel, shall also be forfeited and lost.

Sec. 15. *And be it further enacted*, That if any ship or vessel which shall have arrived within

the limits of any district of the United States from any foreign port or place, shall depart or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the United States, the said master or other person having such charge or command shall forfeit and pay the sum of four hundred dollars. And it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters hereinafter mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the United States to which it may be most conveniently done. *Provided*, That it shall be made to appear by the oath of the said master or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure, or attempt to depart, was occasioned by distress of weather, pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred.

SEC. 16. *And be it further enacted*, That within twenty-four hours after the arrival of any ship or vessel from any port or place, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel, shall repair to the said office, and shall make report to the said chief officer of the arrival of the said ship or vessel; and within forty-eight hours after such arrival, shall make a further report to the collector of the said district in which such port may be, of the name, burden, and lading of such ship or vessel, whether in packages or stowed loose, and of the particular marks, numbers, and contents of each package, and the place or places, person or persons, to or for which or whom they are respectively consigned or destined, also, of the place or places where she took in her lading, of what country built, from what foreign port or place she last sailed, who was master or commander of her during the voyage, who is at the time of such report master or commander of her, and (if a vessel of the United States) who are owners of her; unless the whole of such information required on the second report as aforesaid, shall have been given at the time of making the first report, in which case it shall not be necessary to make a further report. And in the cases in which the master or person having the charge or command of any ship or vessel hereinbefore required to have on board, at the time of her departure from such foreign port or place for the United States, a manifest or mani-

fest of the lading of such ship or vessel, or of any part thereof, the said master or person having the said charge or command shall, at the time of making the said report, deliver the said manifest or manifests to the collector to whom the said report shall be made, and shall declare to the truth of such manifest or manifests, as the same ought to be, in conformity to the directions of this act. And the said master or person having the charge or command of any such ship or vessel shall in each case declare that no part of her lading, since her departure from the said foreign port or place from which she shall be so reported to have last sailed, has been landed or unladed, or otherwise removed from on board of her, except as he shall then specify, together with the cause, time, place, and manner; and shall further declare that in case he shall afterwards discover or know of any goods, wares, or merchandise, other than those by him then reported, he will forthwith thereafter make report thereof to the said collector: which report and declarations respectively shall be in writing, and signed by the party making the same, and shall be attested by his oath, to the best of his knowledge and belief; and the said collector is hereby authorized and required to administer the same. And if the said master or person having the charge or command of any such ship or vessel shall neglect or omit to make the said reports, or either of them, and declaration or declarations, or to deliver the said manifest or manifests, or to take the said oath, as the case may require, he shall for every such offence forfeit and pay the sum of one thousand dollars.

SEC. 17. *Provided always, and be it further enacted*, That it shall not be necessary for the master or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any Prince or State, as a public packet for the conveyance of letters and despatches, and not permitted by the laws of such Prince or State to be employed in the transportation of goods, wares, or merchandise in the way of trade, to make such report and entry as aforesaid.

SEC. 18. *And be it further enacted*, That it shall be lawful for the said ship or vessel to proceed with any goods, wares, or merchandise, brought in her, which shall be reported by the said master or other person having the charge or command of the said ship or vessel, to be destined for any foreign port or place from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares, or merchandise, as shall be actually re-exported in the said ship or vessel accordingly; any thing herein contained to the contrary notwithstanding. *Provided always*, That the said master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares, and merchandise, as the same shall be estimated by the collector to whom the said report shall be made, to the satisfaction of the said col-

lector, with condition that the said goods, wares, or merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereon shall have been first made, and the duties which bond shall be cancelled in like manner as bonds hereinafter directed to be given for obtaining drawbacks of duties. *Provided, nevertheless*, That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the United States from necessity, to be made appear in manner hereinafter prescribed.

SEC. 19. *And be it further enacted*, That it shall be lawful for any ship or vessel in which any goods, wares, or merchandise, shall be brought into the United States from any foreign port or place, to proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district.

SEC. 20. *And be it further enacted*, That before any ship or vessel shall depart from the district in which she shall first arrive, for another district, with goods, wares, or merchandise, brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report made by such master or person having the charge or command of such ship or vessel, certified by the said collector, together with a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district. And within twenty-four hours after the arrival of such ship or vessel within any other district, the said master or person having the charge or command of such ship or vessel shall make report of entry to or with the collector of such other district, producing and showing the said certified copy of his said first report, together with a certificate from each collector of any other district within which any of the goods, wares, or merchandise, brought in such ship or vessel shall have been before landed, of the quantity and particulars of such of the said goods, wares, and merchandise as shall have been so landed in each district, respectively; except in the State of Georgia, where such report shall be made within forty-eight hours: *Provided always*, That the master or person having the charge or command of the said ship or vessel shall first give bond with one or more sureties, to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition that the said residue of the said goods shall be duly entered and delivered in such other district or districts of the United States, for which the same shall have been report-

ed to be destined. And the said bond shall be cancelled or discharged by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods in such district or districts, and upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole or any part of the said goods shall not have been lost, that the same has been duly entered and delivered within the United States. And if the master or person having charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and show the same to the collector of any other district to which the said ship or vessel shall afterwards proceed, within the time for that purpose hereinbefore specified, he shall forfeit and pay for every such neglect or omission, five hundred dollars.

SEC. 21. *And be it further enacted*, That the owner or owners, consignee or consignees of any goods, wares, or merchandise, on board of any such ship or vessel, or in case of his, her, or their absence or sickness, his, her, or their known factor or agent, in his, her, or their names, within fifteen days after the report of the master or person having the charge or command of such ship or vessel to the collector of the district for which such goods, wares, or merchandise, shall be destined, shall make entry thereof with the said collector, and shall specify in such entry the particular marks, numbers, and contents, of each package or parcel whereof they shall consist, or if in bulk, the quantity and quality, together with the net prime cost thereof; and shall also produce to the said collector, if any such there be, the original invoice or invoices, or other documents in lieu thereof, and bill or bills of lading; all of which shall be done upon the oath of the person by whom such entry shall be made, according to the best of his or her knowledge and belief; who shall thereby also declare that, if he or she shall afterwards discover or know of any other goods, wares, or merchandise, imported in such ship or vessel, belonging or consigned to the person or persons by whom or on whose behalf such entry shall have been made, he or she will forthwith make known the same, in order to the due entry thereof, and the payment or securing the payment of the duties thereupon: *Provided always*, That where the particulars of any such goods, wares, or merchandise, shall be unknown, in lieu of the entry hereinbefore directed to be made, an entry thereof shall be made and received, according to the circumstances of the case, the party making the same declaring upon oath all that he or she knows or believes concerning the quantity and particulars of the said goods, and that he or she has no other knowledge or information concerning the

same; which entry, as well as the first as the last, shall be made in writing, and shall be subscribed by the party making the same.

And in order to ascertain what articles ought to be exempted from duty, as the sea-stores of a ship or vessel.

SEC. 22. *Be it further enacted*, That the master or person having the charge or command of such ship or vessel, shall particularly specify the said articles in the report to be by him made as aforesaid, designating them as the sea-stores of the said ship or vessel; and in the said oath to be taken by such master or other person, he shall declare that the articles so specified as sea-stores are truly such, and were *bona fide* put on board the said ship or vessel, for the use of the officers, crew, and passengers thereof, and were not brought and are not intended by way of merchandise, or for sale; whereupon the said articles shall be free from duty: *Provided always*, That if it shall appear to the collector to whom such report shall be made, together with the naval officer, where there is one, or alone where there is none, that the quantities of the said articles so reported as sea-stores are excessive, it shall be lawful for the said collector, jointly with the said naval officer, or alone, as the case may be, in his or their discretion, to estimate the amount of the duty on such excess; which shall be forthwith paid by the said master or person having the command or charge of the said ship or vessel, to the said collector, on pain of forfeiting the value of such excess. And if any of the said articles shall be landed for the purpose of being sold, or to be otherwise used than as the sea-stores of the ship or vessel in which they were brought, all such as shall be so landed shall be forfeited, and the master or commander of such ship or vessel being privy thereto, shall moreover forfeit and pay treble the value of the articles so landed.

And also to ascertain what articles ought to be exempted from duty, as the clothes, books, household furniture, tools, or implements of the trade or profession of persons arriving within the United States:

SEC. 23. *Be it further enacted*, That due entry thereof, as of other goods, wares, and merchandise, but separate and distinct from that of any other goods, wares, or merchandise imported from a foreign port or place, shall be made with the collector of the district in which the said articles are intended to be landed by the owner thereof, his or her agent, who shall make oath before the said collector, according to the best of his or her knowledge or belief, touching the person to whom the said articles shall belong, and his calling or occupation, the arrival or expected arrival of the said person within the United States, and that the said articles are truly intended for the use of the said owner solely, or jointly with his or her family, as the case may be, and are not directly or indirectly imported or intended for sale; which oath shall be in writing, endorsed upon the said entry, and subscribed by the party making the same. And in case the said party shall be other than the owner of the said articles, he or she shall give

bond with one or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles if imported subject to duty, with condition that in a certain time therein to be specified, not exceeding one year, a like oath as above directed shall be made by the said owner, and if not made before the said collector, shall be produced to him duly authenticated; whereupon a permit shall and may be granted for landing the said articles. And a copy of every such entry, and of the oath endorsed thereupon, shall be transmitted to the Secretary of the Treasury for his information.

And whereas, by the letter of the act entitled "An act for laying a duty on goods, wares, and merchandises imported into the United States," articles of the growth or manufacture of the United States, exported to foreign countries, and brought back to the United States, are subject to duty on their importation into the said States; and whereas it was not the intention of Congress that they should be so subject to duty:

SEC. 24. *Be it therefore further enacted*, That in every case in which a duty may have been heretofore paid on goods, wares, or merchandises of the growth or manufacture of the United States, exported to a foreign country, and brought back to the said States, the amount thereof shall be repaid to the person or persons by whom the same shall have been paid, or to his, her, or their representatives; and that in every case in which such duty may have accrued, but may not have been paid, the same be remitted, and that no such duty shall hereafter be demanded. *Provided*, That the regulations hereinafter prescribed for ascertaining the identity of such goods, wares, or merchandise, be observed and complied with, and that as well in respect to those heretofore imported, as far as may be practicable, as to those hereafter to be imported.

And also to ascertain the identity of articles of the growth, product, or manufacture of the United States, which, having been exported to any foreign port or place, shall be brought back to the said States:

SEC. 25. *Be it enacted, &c.*, That report and entry thereof shall be made as in other cases of goods, wares, or merchandise, imported from a foreign port or place, and proof by oath of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district, with whom such entry shall be jointly made with the naval officer, if there be a naval officer, or alone, if there be no naval officer, that the said articles had been exported from the United States, as of their growth, product, or manufacture, and of the time when, by whom, in what ship or vessel, and for what port or place they were so exported; and if the said collector shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof, in conformity to the proof aforesaid: whereupon a permit shall and may be granted for landing the same. *Provided*, That if the said certificate cannot be immediately

produced, and if the proof otherwise required shall be made, and if bond shall be given, with one or more sureties to the satisfaction of the collector of the district within which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product, or manufacture of the United States; with condition that the said certificate shall be produced within the term of four months, it shall be lawful for the said collector to grant a permit for the landing of the said articles, in like manner as if the said certificate had been produced.

SEC. 26. *And be it further enacted*, That the oaths to be taken upon making of any of the reports or entries aforesaid, whether by the master or other person having the charge or command of any ship or vessel, or of the owner or consignee of any goods, wares, or merchandise, his or her factor or agent, shall be administered by the collector or officer to whom report or entry shall be made, and where there shall be a naval officer, in the presence of such naval officer, who shall attend for that purpose, and shall be reduced to writing, and shall be subscribed by the person administering the same, and by the said naval officer, if any shall be present: and the said collector, jointly with the said naval officer, where there is a naval officer, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares, or merchandise to which the entry of any owner or consignee, his or her factor or agent shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said duties according to the said estimate, having been first paid or secured, pursuant to the provisions of this act, the said collector shall grant a permit to land the goods, wares, or merchandise, whereof such entry shall have been made, and then and not otherwise it shall be lawful to land the said goods.

SEC. 27. *And be it further enacted*, That no goods, wares, or merchandise, brought in any ship or vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the United States, but in open day; that is to say, between the rising and setting of the sun, except by special license from the chief officer of the port for that purpose, nor at any time without a permit from the collector for such unloading or delivery; and if any goods, wares, or merchandise, shall be unladen or delivered from any such ship or vessel, contrary to the directions aforesaid, or any of them, the master or person having the command or charge of such ship or vessel, and every other person who shall knowingly be concerned or aiding therein, or in removing, storing, or otherwise securing the said goods, wares, or merchandise, shall forfeit and pay the sum of four hundred dollars for each offence; and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and it shall be the duty of the collector of the district to advertise the names of all

such persons in the newspapers, printed in the State in which he resides, within twenty days after each respective conviction. And all goods, wares, or merchandise, so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture, shall be subject to like seizure and forfeiture.

SEC. 28. *And be it further enacted*, That no goods, wares, or merchandise, brought in any ship or vessel from any foreign port or place, requiring to be weighed or gauged in order to ascertain the duties thereupon, shall be removed from any wharf or place upon which the same may be landed or put, before the same shall have been weighed or gauged, by or under the direction of a proper officer for that purpose; and if any such goods, wares, or merchandise, shall be removed from such wharf or place, unless with consent of the proper officer, before the same shall have been weighed or gauged, the same shall be forfeited, and may be seized by any officer of the customs.

SEC. 29. *And be it further enacted*, That all goods, wares, or merchandise, of which entry shall have been made, without specification of particulars, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the care of some proper officer, until the particulars thereof shall be examined and ascertained, agreeably to which the duties thereupon shall be finally adjusted and satisfied. And in every case, if the amount of the duties estimated, or secured to be paid, shall exceed or fall short of the true amount of the duties on the goods, wares, or merchandise imported, as the same shall be finally ascertained, the difference shall be made good, or allowed where there shall be an excess, by return of the money, if paid, or credit on the bond which shall have been given for the same, if not paid; and where there shall be a deficiency, by payment of such deficiency to the said collector.

SEC. 30. *And be it further enacted*, That it shall be lawful for the collector of any district at which any ship or vessel may arrive, and for the surveyor of any port where any such ship or vessel may be, to put and keep on board such ship or vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties according to law as they shall be directed by the said collector or surveyor to perform for the better securing the collection of the duties: *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from one district to another. And the said inspector or inspectors shall make known to the person having the charge or command of such ship or vessel, the duties he or they is or are so to perform; and shall suffer no goods, wares, or merchandise to be landed or unladen from such

ship or vessel, without a proper permit for that purpose; and shall enter in a book to be by him or each of them kept, the name or names of the person or persons in whose behalf such permit was granted, together with the particulars therein specified, and the marks, numbers, kinds, and descriptions of the respective packages which shall be unladen pursuant thereto. And the wages or compensation of such inspector or inspectors in going from one district to another, shall be defrayed by the master or person having the charge of the vessel in which they respectively go.

Sec. 31. *And be it further enacted*, That it shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters hereinafter mentioned, to go on board of ships or vessels in any part of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin, and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package, shall be found in the cabin, steerage, or fore-castle of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, cask, or package, and the marks, if any there be, and a description thereof; and if he shall judge proper, to put a seal or seals on every such box, chest, trunk, cask, or package; and such account and description shall be by him forwarded to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks, or packages so described, or any of them, shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask, or package so missing, or of which the seals shall be broken, two hundred dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, to secure after sunset in each evening, the hatches and other communications with the hold of such ship or vessel, with locks or other proper fastenings, which fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in presence of the inspector or inspectors by whom the same shall have been affixed, except by special license from the chief officer of the port. And if the said locks or other fastenings, or any of them, shall be broken or removed during the night, or before the said rising of the sun, or without the presence of the said inspector or inspectors, the master or person having the charge or command of such ship or vessel shall forfeit and pay the sum of \$200.

Sec. 32. *And be it further enacted*, That when the delivery of goods, wares, or merchandise from on board of any such ship or vessel at any port shall have been completed, the accounts or entries which shall have been kept or made thereof by the

officer or officers who shall have been charged with superintending the said deliveries, shall be reported to the collector of the district, who, together with the naval officer, where there is one, or alone, where there is none, shall compare the said accounts and entries with the entry or entries which shall have been made by the owner or owners, consignee or consignees, his, her, or their factor or agent. And if any difference shall appear, the same shall be noted by endorsement on such entry or entries, specifying the particulars thereof; and if no difference shall appear, it shall be noted by like endorsement, that the deliveries have corresponded with the entry; which endorsement or memorandum shall in each case be subscribed by the officer or officers by whom such comparisons shall have been made, and by the officer or officers under, whose inspection the said deliveries shall have been executed.

Sec. 33. *And be it further enacted*, That if at the expiration of fifteen working days after the time within which the report of the master or person having the charge or command of any ship or vessel is required to be made to the collector of a district as aforesaid, there shall be found on board any goods, wares, or merchandise, other than shall have been reported for some other district or a foreign port or place the said inspector or inspectors shall take possession thereof, and deliver the same to the order of the collector of the district, taking his receipt therefor, and giving a certificate thereof to the master or person having such charge or command of such ship or vessel, describing the packages and their marks and numbers. And the said goods shall be kept with due care and reasonable care, at the charge and risk of the owner or owners, for a term of nine months; and if within that time no claim be made for the same, the said collector shall procure an appraisal thereof by two or more reputable merchants, to be certified under their hands, and to remain with him, and shall afterwards cause the said goods to be sold at public auction, and retaining the duties and charges thereon, shall pay the overplus, if any there be, into the Treasury of the United States, there to remain for the use of the owner or owners, who shall upon due proof of his, her, or their property, be entitled to receive the same; and the receipt or certificate of the collector shall exonerate the master or commander from all claim of the owner. *Provided*, That where any entry shall have been duly made of such goods, the same shall not be appraised; and that where such goods are of a perishable nature, they shall be sold forthwith. *Provided further*, That the said limitation of fifteen days shall not extend to ships or vessels laden with salt or coal; but if the said master or owner of any such ship or vessel requires longer time to discharge her cargo, the wages or compensation of the inspector for every day's attendance exceeding the said fifteen days, shall be paid by the said master or owner. And if by reason of the delivery of a cargo in different districts, more than the said term of fifteen working days shall in the whole be spent therein, the wages or compensation of the inspec-

tor or inspectors who may be employed on board any ship or vessel, in respect to which the said term may be so exceeded, shall for every day of such excess be paid by the said master or owner.

Sec. 34. *And be it further enacted*, That if any package whatever, which shall have been reported as aforesaid, shall be wanting and not found on board such ship or vessel, or if the goods on board the said ship or vessel shall otherwise not agree with the report of the master or other person having the charge or command of any such ship or vessel; in every such case he shall forfeit and pay the sum of five hundred dollars. *Provided, nevertheless*, That if it shall be made to appear to the satisfaction of the collector, naval officer, and surveyor, or the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone where either of the said other officers is not established, or in case of trial for the said penalty, to the satisfaction of the court, that no part of the cargo of such ship or vessel has been unshipped since it was taken on board, except as shall have been specified in the said report, or that the said disagreement is by accident or mistake; in such case the penalty aforesaid shall not be inflicted.

Sec. 35. *And be it further enacted*, That the following allowances shall be made for the draughts and tare of the articles subject to duty by weight, that is to say: for draught on any quantity of one hundred weight, or one hundred and twelve pounds, or under, one pound; on any quantity above one, and not exceeding two hundred weight, two pounds; on any quantity above two, and not exceeding three hundred weight, three pounds; on any quantity above three, and not exceeding ten hundred weight, four pounds; on any quantity above ten, and not exceeding eighteen hundred weight, seven pounds; on any quantity above eighteen hundred weight, nine pounds; for tare, on every whole chest of boxes, seventy pounds; on every half-chest, thirty-six pounds; on every quarter-chest, twenty pounds; on every chest of hyson, or other green tea, the gross weight of which shall be seventy pounds or upwards, twenty pounds; on every box of other tea, not less than fifty, or more than seventy pounds gross, eighteen pounds; on all other boxes of tea, according to the invoice thereof; on coffee in bags, two per cent., in bales, three per cent., in casks, twelve per cent.; on pepper, in bales, five per cent., in casks, twelve per cent., on sugars, other than loaf sugar, in casks, twelve per cent., in boxes, fifteen per cent.; on all other goods, according to the invoice thereof: *Provided, always*, That where the original invoices of any of the said articles are produced, and the tare or tares appear therein, it shall be lawful, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares according to such invoice.

Sec. 36. *And be it further enacted*, That there shall be an allowance for leakage of two per cent. on the quantity which shall appear by the gauge to be contained in any cask of liquors subject to duty by the gallon.

Sec. 37. *And be it further enacted*, That if any goods, wares, or merchandise, on which duties are payable, shall receive damage during the voyage, or shall not be accompanied with the original invoice of their cost, it shall be lawful for the collector (and upon the request of the party he is required) to appoint one merchant, and the owner or consignee to appoint another, who being sworn or affirmed by the collector, well and truly to appraise such goods, shall appraise and value them accordingly, and the duties upon such goods shall be estimated agreeably to such appraisement or valuation. And in respect to such damaged articles as are charged with a specific duty, by number, weight, or measure, the said appraisers shall certify what in their judgment would have been their value, in case they had not been so damaged, and there shall be an abatement in the duty in proportion to the difference in value: *Provided*, That if the owner or owners, consignee or consignees, of such goods not accompanied with an original invoice, shall choose to wait the receipt thereof, in such case the said collector shall take into his custody the said goods, and shall keep or cause the same to be kept with due and reasonable care, at the expense and risk of the party or parties, until the said invoice shall arrive, or until the said party or parties shall consent to the valuation thereof.

Sec. 38. *And be it further enacted*, That if any ship or vessel from any foreign port or place, compelled by distress of weather or other necessity, shall put into any port or place of the United States, not being destined for the same; and if the master or person having charge or command of such ship or vessel, together with the mate or person next in command, shall, within twenty-four hours after her arrival, make protest in the usual form upon oath before a notary public, or other person duly authorized, or before the collector of the district where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause and circumstances of such distress or necessity, and make report to the said collector, of the said ship or vessel and her cargo, as in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertaining the condition of ships and vessels arriving in distress, if any such there be, or by the certificate of any two reputable merchants, to be named for that purpose by the said collector, if no such wardens or other officers there be, that there is a necessity for unloading the said ship or vessel, the said collector shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unloading. And all goods so unladen shall be stored under the direction of the said collector; who, upon request of the master or other person having charge or command of such ship or vessel, or of the owner thereof, shall grant a license to dispose of such part of the said cargo as may be of a perishable nature, (if any there be,) or as may be necessary to defray the expenses

attending such ship or vessel, and her cargo: *Provided*, That the duties thereupon be first paid. And the said goods, or the remainder thereof, may afterwards be reladen on board the said ship or vessel, and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safekeeping of the said goods.

Sec. 39. *And be it further enacted*, That the *ad valorem* rates of duty upon goods, wares, and merchandise, at the place of importation, shall be estimated by adding twenty per cent. to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and ten per cent. on the actual cost thereof, if imported from any other place or country, exclusive of charges.

Sec. 40. *And be it further enacted*, That all foreign coins and currencies shall be estimated according to the following rates: each pound sterling of Great Britain, at four dollars and forty-four cents; each livre tournois of France at eighteen cents and a half; each florin or guilder of the United Netherlands, at thirty-nine cents; each mark banco of Hamburg, at thirty-three cents and one-third; each rix dollar of Denmark, at one hundred cents; each rial of plate of Spain, at ten cents; each milree of Portugal, at one dollar and twenty-four cents; each pound sterling of Ireland, at four dollars ten cents; each tale of China, at one dollar forty-eight cents; each pagoda of India, at one dollar ninety-four cents; each rupee of Bengal, at fifty-five cents and a half; and all other denominations of money in value as near as may be to the said rates.

Sec. 41. *And be it further enacted*, That all duties on goods, wares, and merchandise, imported, shall be paid, or secured to be paid, before a permit shall be granted for landing the same. And where the amount thereof on goods imported in any ship or vessel, on account of one person only, or of several persons jointly interested, shall not exceed fifty dollars, the same shall be immediately paid; but where the said amount shall exceed fifty dollars, the same may, at the option of the proprietor or proprietors, consignee or consignees, be either immediately paid or secured by bond, with condition for the payment thereof, if accruing upon articles of the produce of the West Indies, in four months; if accruing on Madeira wines, in twelve months; if accruing upon any other goods, wares, or merchandise, other than teas imported from China, in six months; which bond, at the like option of the said proprietor or proprietors, consignee or consignees, shall either include one or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue, or shall be accompanied with a deposit in the custody of the said collector, of so much of the said goods, as shall, in his judgment, be a sufficient security for the amount of the duties for which such bond shall have been given, and the charge of safekeeping and sale of the goods so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, with due

and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made, until the sum specified in such bond shall have become due, at which time, if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of such sum, rendering the overplus and the residue of the said goods, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her, or their representatives: *Provided*, That no person whose bond for the payment of duties is due and unsatisfied, shall be allowed a future credit for duties, until such bond shall be fully paid or discharged.

Sec. 42. *Provided always, and be it further enacted*, That all teas imported from China may, at the option of the proprietor or consignee thereof, be deposited in the custody of the collector with whom the same shall be entered, or the duties thereon secured by bond, with one or more sureties, to the satisfaction of the collector, with condition for the payment of such duties within twelve months; and in case of depositing such teas, they shall be kept at the charge of the person or persons depositing the same. And the collector shall deliver such teas, or part thereof, from time to time, to the person or persons depositing the same, or to his or their order, on payment of the duties for such part as may be so delivered, and not otherwise; and in case the whole of the duties shall not be paid within eighteen months from the time of the entry made, it shall be the duty of the said collector to sell at public auction so much of the said teas as shall be sufficient to pay the duties then due, together with the charges of sale and safe keeping, and to return the overplus to the person or persons who shall have deposited such teas, or his, her, or their representatives; and for such teas as have been imported from China in the present year, the owner or consignee thereof shall be entitled to deposit the same, or to give bond, payable in like manner, and under like regulations, as are hereinbefore directed for teas which shall hereafter be imported, notwithstanding the duties on such teas may have been already secured to be paid.

Sec. 43. *And be it further enacted*, That the duties imposed by law on the tonnage of any ship or vessel, shall be paid to the collector by the master or person having the charge or command of such ship or vessel, within ten days after his report to the said collector; and before such ship or vessel shall be permitted to clear out; the register of which ship or vessel shall at the time of entry be lodged in the office of the collector, and there remain until such clearance. And if any ship or vessel shall leave, or attempt to leave, any district of the United States, without paying the said duties, the master or person having the charge or command of the same shall forfeit and pay five hundred dollars.

Sec. 44. *And be it further enacted*, That to

ascertain the tonnage of any ship or vessel, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem to the after part of the stern post above the upper deck; the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel. And if such ship or vessel be single decked, the said surveyor, or other person shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three-fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling of the hold, shall multiply and divide as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel.

Sec. 45. *And be it further enacted*, That where any bond for the payment of duties shall not be satisfied on the day it becomes due, the collector shall forthwith cause a prosecution to be commenced for the recovery of the money thereon, by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of executors or administrators shall be insufficient to pay all the debts due from the deceased, the debt due to the United States, on any such bond, shall be first satisfied.

Sec. 46. *And be it further enacted*, That if any goods, wares, and merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares, or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited. And in every case in which the said collector shall suspect that any such goods, wares, or merchandise are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares, and merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained by two reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice; and until the duties arising according to such valuation shall be first paid, or secured to be paid, as required by this act in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial, of the actual and real cost of the said goods at the said place of exportation.

Sec. 47. *And be it further enacted*, That it shall be lawful for the collector or other officer of the customs, after entry made of any goods, wares, or merchandise, on suspicion of fraud, to open and examine, in the presence of two or more reputable merchants, any package or packages thereof; and if on examination they should be found to agree with the entries, the officer making such seizure shall cause the same to be repacked, and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector or other officer, and allowed in the settlement of his accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares, or merchandise contained in such package or packages shall be forfeited. *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue.

Sec. 48. *And be it further enacted*, That every collector, naval officer, and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel in which they shall have reason to suspect any goods, wares, or merchandise subject to duty shall be concealed; and therein to search for, seize, and secure any such goods, wares, or merchandise. And if they shall have cause to suspect a concealment thereof in any particular dwelling-house, store, building, or other place, they or either of them shall, upon application on oath to any justice of the peace, be entitled to a warrant to enter such house, store, or other place, (in the day time only,) and there to search for such goods, and if any shall be found, to seize and secure the same for trial; and all such goods, wares, and merchandise, on which the duties shall not have been paid or secured, shall be forfeited.

Sec. 49. *And be it further enacted*, That all goods, wares, and merchandise which shall be seized by virtue of this act, shall be put into and remain in the custody of the collector or such other person as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited or not; and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof. And if any person or persons shall conceal or buy any goods, wares, or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the value of the goods so concealed or purchased.

Sec. 50. *And be it further enacted*, That it shall be the duty of the several officers of the customs to make seizure of, and secure any ship or vessel, goods, wares, or merchandise, which shall

be liable to seizure by virtue of this act, as well without as within their respective districts.

Sec. 51. *And be it further enacted*, That if any officer or other person, executing or aiding and assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge or justice pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff be nonsuited, or judgment pass against him, the defendant shall recover double cost; and in actions, suits, or information to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant. And if any person shall forcibly resist, prevent, or impede any officers of the customs or their deputies, or any person assisting them in the execution of their duty, such person so offending shall for every offence be fined in a sum not exceeding four hundred dollars.

Sec. 52. *And be it further enacted*, That every collector, naval officer, and surveyor, shall, within three months after he enters upon the execution of his office, give bond with one or more sufficient sureties, to be approved of by the Comptroller of the Treasury of the United States, and payable to the said United States, with condition for the true and faithful discharge of the duties of his office according to law, that is to say: the collector of Philadelphia, in the sum of sixty thousand dollars; the collector of New York, fifty thousand dollars; the collector of Boston and Charlestown, forty thousand dollars; the collectors of Baltimore and Charleston, thirty thousand dollars each; the collector of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth, in New Hampshire, of Salem and Beverly, in Wilmington, in the State of Delaware, Annapolis, Georgetown in Maryland, Bermuda Hundred and City Point, Alexandria, Wilmington, Newbern and Edenton in the State of North Carolina, Newport and Providence in the State of Rhode Island and Providence Plantations, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Yorktown, Dumfries, Washington and Camden, Georgetown in South Carolina, Beaufort, and Savannah, each five thousand dollars; and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, ten thousand dollars each; and all the other naval officers in the sum of two thousand dollars each. The surveyors of the ports of Boston and Charlestown, New York, Philadelphia, Baltimore, and Charleston, five thousand dollars each; and all other surveyors one thousand dollars each; and all other surveyors one thousand dollars each. Which bonds shall be filed in the office of the said comptroller, and be by him severally put in suit for the benefit of the United States, upon any breach of the condition thereof. And as no

provision has been heretofore specially made concerning the officers of the customs who may have been heretofore appointed in and for the States of North Carolina and Rhode Island and Providence Plantations, the said officers respectively shall, within four months after the passing of this act, give bond with proper surety or sureties, in conformity to the provision aforesaid.

Sec. 53. *And be it further enacted*, That there shall be allowed and paid to the collectors, naval officers, and surveyors, to be appointed pursuant to this act, the fees and per centage following, that is to say; to each collector for every entrance of any ship or vessel of one hundred tons' burden or upwards, two dollars and a half; for every clearance of any ship or vessel of one hundred tons' burden and upwards, two dollars and a half; for every entrance of any ship or vessel under the burden of one hundred tons, one dollar and a half; for every clearance of a ship or vessel under one hundred tons' burden, one dollar and a half; for every permit to land goods, twenty cents; for every bond taken officially, forty cents; and for every permit to load goods for exportation, which are entitled to a drawback, thirty cents; for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document (registers excepted) required by the owner or master of any vessel not before enumerated, twenty cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one-third of the expense of necessary stationery, and the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district; and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof. To each surveyor for the admeasurement of every ship or vessel of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel, above one hundred tons, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel above two hundred tons, two hundred cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of one hundred tons and upwards, and having on board goods, wares, and merchandise subject to duty, three dollars; for the like services on board any ship or vessel of one hundred tons burden, having on board goods, wares, and merchandise subject to duty, one dollar and a half; on all vessels not having on board goods, wares, and merchandise subject to duty, two-thirds of a dollar; all which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only for his sole benefit, but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall be performed. To each in-

spector there shall be allowed for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and twenty-five cents, to be paid by the collector out of the revenue and charged to the United States. To the measurers, weighers, and gaugers, respectively, to be paid by the collector out of the revenue, for the measurement of every one hundred bushels of grain, thirty cents; for the measurement of every one hundred bushels of salt, forty cents; for the measurement of every one hundred bushels of coal, fifty cents; for the weighing of every one hundred and twelve pounds, two cents; for the gauging and marking of every cask (to be marked in durable characters with his own name and the quantity) eight cents; for computing the contents of, and, if requested by the party, marking cases containing distilled spirits and wines, three cents per case; for counting the number of bottles of cider, beer, ale, or porter, one cent per doz., and in proportion for any greater or less quantity. There shall moreover be allowed to the collectors of the districts of New York and Philadelphia, three-fourths of one per cent. on the amount of all monies by them respectively received on account of duties; and to the collector of each of the other districts by this act established, one per centum on the amount of all moneys by them respectively received on the said account of duties.

And whereas the allowances aforesaid will not afford an adequate compensation to the officers hereinafter mentioned, by reason of the small proportion of business done at the ports to which they respectively belong, although the said officers are necessary to the accommodation of the inhabitants, the facility of commerce, and the security of the revenue: Therefore,

Sec. 54. *Be it further enacted*, That in addition to the fees and emoluments which shall accrue to the said officers from the provisions aforesaid, they shall severally have and be entitled to the respective allowances following, to wit: the collector of the districts of Saint Mary's, in the State of Georgia, Brunswick, Beaufort, South Quay, Cherrystone, Folly Landing, Annapolis, Yeocomico, Saint Mary's, Oxford, Sagg Harbour, Passamaquoddy, the yearly sum of one hundred dollars each. The collectors of the districts of Sunbury and Penobscot in Massachusetts, the yearly sum of sixty dollars each. The collectors of the districts of Hampton, Snowhill, Bridgetown, Burlington, Frenchman's Bay, and Edgartown, the yearly sum of fifty dollars each. The surveyors of the ports of Fredericksburg, Smithfield, Port Royal, Suffolk, West Point, Richmond, Petersburg, and Little Egg Harbor, the yearly sum of eighty dollars each. The surveyors of the ports of Swansborough, Urbanna, Town Creek, Albany, Hudson, Stonington, East Greenwich, and Gloucester, fifty dollars each.

Sec. 55. *And be it further enacted*, That every collector, naval officer, and surveyor shall cause to be affixed and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall re-

ceive, specifying the particulars; and in case of failure therein, shall forfeit and pay one hundred dollars, to be recovered with costs, in any court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay two hundred dollars for each offence, recoverable in manner aforesaid for the use of the party aggrieved.

Sec. 56. *And be it further enacted*, That the duties and fees to be collected by virtue of this act, shall be payable in gold or silver coin, at the following rates, that is to say: the gold coins of France, England, Spain, and Portugal, and all other gold coins of equal fineness, at eighty-nine cents for every pennyweight; the Mexican dollar at one hundred cents; the crown of France at one dollar and eleven cents; the crown of England at one dollar and eleven cents; all silver coin of equal fineness at one dollar and eleven cents per ounce; and cut silver of equal fineness, at one dollar and six cents per ounce.

Sec. 57. *And be it further enacted*, That all the drawbacks allowed by law on the exportation of goods, wares, and merchandise imported, shall be paid or allowed by the collector at whose office the said goods, wares, and merchandise were originally entered, and not otherwise, retaining one per centum for the benefit of the United States. And that the allowances on dried and pickled fish of the fisheries of the United States, and on salted provisions of the United States, shall be paid by the collector of the district from which the same shall be exported, without any deduction or abatement.

Sec. 58. *Provided always, and be it further enacted*, That in order to entitle the exporter or exporters of any goods, wares, or merchandise to the benefit of the said drawbacks or allowances, he or she shall, previous to putting or lading the same on board any ship or vessel for exportation, give twenty-four hours' notice at least to the collector of the district from which the same are about to be exported, of his, her, or their intention to export the same, and of the particulars thereof, and of the casks, cases, chests, boxes, and other packages or parcels containing the same, or of which the same consist, and of their respective marks, numbers, and contents; and if imported articles, of the ship or ships, vessel or vessels, in which the person or persons for or by whom, and the place or places from which they were imported. And in respect to the said imported articles proof shall be made to the satisfaction of the said collector, by the oath of the person or persons (including the said exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment or securing the payment of the duties thereupon. And in respect to the said dried and pickled fish and salted provisions, proof shall

be made to the satisfaction of the said collector, according to the circumstances of the case, that the same, if fish, are of the fisheries of the United States; if salted provisions, were salted within the United States. And the said collector shall inspect or cause to be inspected, the goods, wares, or merchandise so notified for exportation; and if they shall be found to correspond with the notice and proof concerning the same, the said collector shall grant a permit for lading the same on board the ship or vessel named in such notice, which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected. And the said exporter or exporters shall also make oath that the said goods so notified for exportation, and laden on board the said ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the United States, and shall give bond with one or more sureties to the satisfaction of the said collector, in a sum equal to the amount of the drawback or allowances on such goods, with condition that the said goods, or any part thereof, shall not be reloaded in any port or place within the limits of the United States, as settled by the late treaty of peace.

And provided further, That the said drawbacks or allowances shall not be paid until at least six months after the exportation of the said goods, and until the said exporter or exporters shall produce to the collector with whom such outward entry is made, a certificate in writing of two reputable merchants at the foreign port or place in which the same were landed, together with the oath of the master and mate of the vessel in which they were exported, certifying the delivery thereof. But in case any vessel shall be cast away, or meet with such unavoidable accidents as to prevent the landing such goods, a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had, then the oath of the exporter or exporters, or one of them, shall be received in lieu of the other proofs herein directed, unless there shall be good reason to suspect the truth of such oath, in which case it shall and may be lawful for the collector to require such further proof as the nature of the case may demand.

Provided lastly, That no goods, wares, or merchandise imported shall be entitled to a drawback of the duties paid or secured to be paid thereon, unless such duties shall amount to twenty dollars at least; nor unless they shall be exported in the same casks, cases, chests, boxes, or other packages, and from the district of port into which they were originally imported.

Sec. 59. And be it further enacted, That the sums allowed to be paid by law on the exportation of dried or pickled fish, and of salted provisions, shall not be paid unless the same shall amount to three dollars at least upon one entry.

Sec. 60. And be it further enacted, That if any goods, wares, or merchandise, entered for exportation, with intent to draw back the duties, or to obtain any allowance given by law on the exporta-

tion thereof, shall be landed in any port or place within the limits of the United States as aforesaid, all such goods, wares, and merchandise shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. And for discovery of frauds, and seizures of goods, wares, and merchandise, reloaded contrary to law, the several officers established by this act shall have the same powers, and in case of seizure the same proceedings shall be had as in case of goods, wares, and merchandise imported contrary to law; and for measuring, weighing, or gauging goods for exportation, the same fees shall be allowed as in like cases upon the importation thereof.

Sec. 61. And be it further enacted, That if any goods, the duties upon which shall have been secured by bond, shall be re-exported by the importer or importers thereof, and if the said bond shall become due before the expiration of the time hereinbefore limited for payment of the drawback upon such goods, it shall be lawful for the collector of the district from which the said goods shall have been exported, to give further credit for so much of the sum due upon such bond as shall be equal to the amount of the said drawback, until the expiration of the said time limited for payment thereof.

And the better to secure the collection of the said duties,

Sec. 62. Be it further enacted, That the President of the United States be empowered to cause to be built and equipped, so many boats or cutters, not exceeding ten, as may be necessary to be employed for the protection of the revenue, the expense whereof shall not exceed ten thousand dollars, which shall be paid out of the product of the duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels.

Sec. 63. And be it further enacted, That there shall be to each of the said boats or cutters, one master, and not more than three mates, first, second, and third, four mariners and two boys; and that the compensations and allowances to the said officers, mariners, and boys, respectively, shall be, to the master thirty dollars per month, and the subsistence of a captain in the army of the United States; to a first mate twenty dollars per month; to a second mate sixteen dollars per month; to a third mate fourteen dollars per month; and to every mate the subsistence of a lieutenant in the said army; to each mariner eight dollars per month; to each boy four dollars per month; and to each mariner and boy the same ration of provisions which is or shall be allowed to a soldier in the said army. The said allowance for subsistence to be paid in provisions or money at the contract prices, at the option of the Secretary of the Treasury.

Sec. 64. And be it further enacted, That the officers of the said boats or cutters shall be ap-

pointed by the President of the United States, and shall respectively be deemed officers of the customs, and shall have power and authority to go on board of every ship or vessel which shall arrive within the United States, or within four leagues of the coast thereof, if bound for the United States, and to search and examine the same and every part thereof, and to demand, receive, and certify the manifests herein before required to be on board of certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the holds of ships or vessels, and to remain on board the said ships or vessels until they arrive at their places of destination.

Sec. 65. And be it further enacted, That the collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats in each district, together with the requisite number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships and vessels and otherwise, for the better detection of frauds; the expense of which shall be defrayed out of the product of duties.

Sec. 66. And be it further enacted, That if any officer of the customs shall directly or indirectly take or receive any bribe, reward, or recompense, for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares, or merchandise, and shall be thereof convicted, every such officer shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence; and any person giving or offering any bribe, recompense, or reward, for any such deception, collusion, or fraud, shall forfeit and pay a sum not less than two hundred, nor more than two thousand dollars for each offence. And in all cases where an oath is by this act required from a master or other person having command of a ship or vessel, or from an owner or consignee of goods, wares, or merchandise, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof, be punished by fine or imprisonment, or both, in the discretion of the court before whom the conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

Sec. 67. And be it further enacted, That all penalties accruing by any breach of this act shall be sued for and recovered with costs of suit, in the name of the United States of America, in any court proper to try the same, and the trial of any fact which may be put in issue shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, is hereby authorized and directed to cause suits for the same to be commenced and prosecuted to effect, and to receive, distribute, and pay the sum or sums recovered, after first deducting all necessary costs and charges, according to law. And that all ships or vessels, goods, wares, or merchan-

dise, which shall become forfeited by virtue of this act, shall be seized, labelled, and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause fourteen days' notice to be given of such seizure and label, by causing the substance of such label, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper, published near the place of seizure, and also by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial, for which advertisement a sum not exceeding ten dollars shall be paid; and proclamation shall be made in such manner as the court shall direct; and if no person shall appear to claim such ship or vessel, goods, wares, or merchandise, the same shall be adjudged to be forfeited; but if any person shall appear before such judgment of forfeiture, and claim any such ship or vessel, goods, wares, or merchandise, and shall give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares, or merchandise so seized and prosecuted, or any part thereof should be delivered to such claimant, it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares, or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties, to be approved of by the court, execute a bond in the usual form, to the United States, for the payment of a sum equal to the sum at which the ship or vessel, goods, wares, or merchandise, so prayed to be delivered, be appraised, the court shall, by rule, order such ship or vessel, goods, wares, or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court; and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole or any part of such ship or vessel, goods, wares, or merchandise, and the claimant shall not within twenty days thereafter, pay into the court the amount of the appraised value of such ship or vessel, goods, wares, or merchandise so condemned, with the costs, the bond shall be put in suit. And when any prosecution shall be commenced on account of the seizure of any ship or vessel, goods, wares, or merchandise, and judgment shall be given for the claimant or claimants, if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the same court shall cause a proper certificate or entry to be made thereof, and in such case the claimant shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor be liable to action, suit, or judgment, on account of such seizure or prosecution. *Provided,* That the ship

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or vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or claimants, his, her, or their agents. And provided, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within three years next after the penalty or forfeiture was incurred.

Sec. 68. *And be it further enacted*, That all ships, vessels, goods, wares, or merchandise, which shall be condemned by virtue of this act, shall be sold by the proper officer of the court in which such condemnation shall be had, to the highest bidder at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in case of perishable goods) in one or more of the public newspapers of the place where such sale shall be, or if no paper is published in such place, in one or more of the papers published in the nearest place thereto, for which advertising a sum not exceeding five dollars shall be paid.

Sec. 69. *And be it further enacted*, That all penalties, fines, and forfeitures, recovered by virtue of this act, (and not otherwise appropriated,) shall, after deducting all proper costs and charges, be disposed of as follows: one moiety shall be for the use of the United States, and paid into the Treasury thereof; the other moiety shall be divided into equal parts, and paid to the collector and naval officer of the district and surveyor of the port wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only one of the aforesaid officers shall have been established, the said moiety shall be given to such officer. *Provided, nevertheless*, That in all cases where such penalties, fines, and forfeitures, shall be recovered in pursuance of information given to such collector by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to the informer, and the remainder thereof shall be disposed of between the collector and naval officer and surveyor or surveyors in manner aforesaid.

Sec. 70. *And be it further enacted*, That no goods, wares, or merchandise, of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port or place in any other manner than by sea, nor in any ship or vessel of less than thirty tons' burden, except within the district of Louisville, nor shall be landed or unladen at any other place than is by this act directed, under the penalty of seizure and forfeiture of all such vessels, and of the goods, wares, or merchandise brought in, landed, or unladen in any other manner. And all goods, wares, or merchandise brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same. *Provided*, That nothing herein shall be construed to extend to household furniture and clothing belonging to any person or persons actually removing into any part of the United States, for the purpose of becoming an inhabitant or inhabitants thereof.

Sec. 71. *And be it further enacted*, That all matters by this act directed to be done to or by the collector of a district shall and may be done to and by the person who in the cases specified in this act, is, or may be, authorized to act in the place or stead of the said collector.

Sec. 72. *And be it further enacted*, That wherever an oath is required by this act, persons consecutiously scrupulous shall be permitted to affirm.

Sec. 73. *And be it further enacted*, That the master or person having the charge or command of a ship or vessel bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of the cargo on board the same, and shall make oath or affirmation to the truth thereof, whereupon the said collector shall grant a clearance for the said ship or vessel, and her cargo, but without specifying the particulars thereof, unless required by the said master or person having said charge or command. And if any ship or vessel bound to a foreign port or place shall depart on her voyage to such foreign port or place without such clearance, the said master or person having the said charge or command, shall forfeit and pay the sum of two hundred dollars for such offence.

Sec. 74. *And be it further enacted*, That after the first day of October next, the act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States," and also all other acts or parts of acts coming within the purview of this act, shall be repealed, and thenceforth cease to operate, except as to the continuance of the officers appointed in pursuance of the said act; except also as to the recovery and receipt of such duties on goods, wares, and merchandise, and on the tonnage of ships or vessels, as shall have accrued, and as to the payment of drawbacks and allowances in lieu thereof, upon the exportation of goods, wares, or merchandise, which shall have been imported, and as to the recovery and distribution of fines, penalties, and forfeitures, which shall have been incurred before or upon the said day, subject, nevertheless, to the alterations contained and expressed in this present act.

And whereas by the act entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandise, imported into the United States," it was declared that the rule of Russia should be rated at one hundred cents, and by the act entitled "An act to explain and amend an act entitled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,'" that part of the said first mentioned act, which so rated the rule of Russia, was repealed and made null and void; and whereas it is doubted whether the said repeal can operate with respect to duties incurred prior thereto, as was intended by Congress:

Sec. 75. *Therefore be it enacted and declared*, That the said repeal shall be deemed to operate in

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respect to all duties which may have arisen or accrued prior thereto.

Approved, August 4, 1790.

An act to continue in force, for a limited time, an act entitled "An act for the temporary establishment of the Post Office."

Be it enacted, &c., That the act passed the last session of Congress, entitled "An act for the temporary establishment of the Post Office," be, and the same hereby is, continued in force until the end of next session of Congress, and no longer.

Approved, August 4, 1790.

An Act to provide more effectually for the settlement of the accounts between the United States and individual States.

Be it enacted, &c., That a board, to consist of three commissioners be, and hereby is, established to settle the accounts between the United States and the individual States; and the determination of a majority of the said commissioners on the claims submitted to them shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.

Sec. 2. *And be it further enacted*, That the said commissioners shall respectively take an oath or affirmation before the Chief Justice of the United States, or one of the associate or district judges, that they will faithfully and impartially execute the duties of their office. And they shall each of them be entitled to receive at the rate of two thousand two hundred and fifty dollars per annum, payable quarterly at the Treasury of the United States for their respective services.

Sec. 3. *And be it further enacted*, That it shall be the duty of the said commissioners to receive and examine all claims which shall be exhibited to them before the first day of July, one thousand seven hundred and ninety-one, and to determine on all such as shall have accrued for the general or particular defence during the war, and on evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress, or supported by regular vouchers) so as to provide for the final settlement of all accounts between the United States and the States individually; but no evidence of a claim heretofore admitted by a commissioner of the United States for any State or District shall be subject to such examination; nor shall the claim of any citizen be admitted as a charge against the United States in the account of any State, unless the same was allowed by such State before the twenty-fourth day of September, one thousand seven hundred and eighty-eight.

Sec. 4. *And be it further enacted*, That it shall be the duty of the said commissioners to examine and liquidate to specie value, on principles of equity, the credits and debits of the States already on the books of the Treasury for bills of credit subsequent to the eighteenth of March, one thousand seven hundred and eighty.

Sec. 5. *And be it further enacted*, That the commissioners shall debit each State with all advances which have been, or may be, made to it by the United States, and with the interest thereon to the last day of the year one thousand seven hundred and eighty-nine, and shall credit each State for its disbursements and advances on the principles contained in the third section of this act, with interest to the day aforesaid, and having struck the balance due to each State, shall find the aggregate of all the balances, which aggregate shall be apportioned between the States, agreeably to the rule hereinafter given; and the difference between such apportionments and the respective balances shall be carried in a new account to the debit or credit of the States respectively, as the case may be.

Sec. 6. *And be it further enacted*, That the rule for apportioning to the States the aggregate of the balances first above mentioned, shall be the same that is prescribed by the Constitution of the United States for the apportionment of representation and direct taxes, and according to the first enumeration which shall be made.

Sec. 7. *And be it further enacted*, That the States who shall have balances placed to their credit on the books of the Treasury of the United States, shall, within twelve months after the same shall have been so accredited, be entitled to have the same funded upon the same terms with the other part of the domestic debt of the United States; but the balances so credited to any State shall not be transferable.

Sec. 8. *And be it further enacted*, That the clerks employed, or to be employed by the said commissioners, shall receive like salaries as clerks employed in the Treasury Department.

Sec. 9. *And be it further enacted*, That the powers of the said commissioners shall continue until the first day of July, one thousand seven hundred and ninety-two, unless the business shall be sooner accomplished.

Approved, August 5, 1790.

An Act making further provision for the payment of the debts of the United States.

Whereas, by an act, entitled "An act for laying a duty on goods, wares, and merchandise, imported into the United States," divers duties were laid on goods, wares, and merchandise, so imported, for the discharge of the debts of the United States, and the encouragement and protection of manufactures. And whereas the support of government and the discharge of the said debts render it necessary to increase the said duties:

Be it enacted, &c., That, from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that upon all goods, wares, and merchandise, (not herein particularly excepted,) which after the said day shall be brought into the United States, from any foreign port or place, there shall be levied, collected, and paid the several respective duties following, that is to say: Madeira wine of the quality of London particular,

per gallon, thirty-five cents; other Madeira wine, per gallon, thirty cents; Sherry wine, per gallon, twenty-five cents; other wine, per gallon, twenty cents; distilled spirits, if more than ten per cent. below proof, according to Dycas's hydrometer, per gallon, twelve cents; if more than five, and not more than ten per cent. below proof, according to the same hydrometer, per gallon, twelve and a half cents; if of proof, and not more than five per cent. below proof, according to the same hydrometer, per gallon, thirteen cents; if above proof, but not exceeding twenty per cent. according to the same hydrometer, per gallon, fifteen cents; if of more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty cents; if of more than forty per cent. above proof, according to the same hydrometer, per gallon, twenty-five cents; molasses, per gallon, three cents; beer, ale, and porter, in casks, per gallon, five cents; stout, and porter, in bottles, per dozen, twenty cents. Teas from China and India, in ships or vessels of the United States, bohea, per pound, ten cents; souchong and other black teas, per pound, eighteen cents; hyson, per pound, thirty-two cents; other green teas, per pound, twenty cents; teas from Europe, in ships or vessels of the United States, bohea, per pound, twelve cents; souchong and other black teas, per pound, twenty-one cents; hyson, per pound, twenty cents; other green teas, per pound, twenty-four cents; teas from any other place, or in any other ships or vessels, bohea, per pound, fifteen cents; souchong and other black teas, per pound, twenty-seven cents; hyson, per pound, thirty cents; other green teas, per pound, twenty-four cents; coffee, per pound, four cents; cocoa, per pound, one cent; loaf sugar, per pound, five cents; brown sugar, per pound, one cent and a half; other sugar, per pound, two and a half cents; candles of tallow, per pound, two cents; candles of wax or spermaceti, per pound, six cents; cheese, per pound, four cents; soap, per pound, two cents; pepper, per pound, six cents; pimento, per pound, four cents; manufactured tobacco, per pound, six cents; snuff, per pound, ten cents; indigo, per pound, twenty-five cents; cotton, per pound, three cents; nails and spikes, per pound, one cent; bar, and other lead, per pound, one cent; steel, unwrought, per one hundred and twelve pounds, seventy-five cents; hemp, per one hundred and twelve pounds, fifty-four cents; cables, per one hundred and twelve pounds, one hundred cents; tarred cordage, per one hundred and twelve pounds, one hundred cents; untarred cordage, per one hundred and twelve pounds, one hundred and fifty cents; twine and packthread, per one hundred and twelve pounds, three hundred cents; salt, per bushel, twelve cents; malt, per bushel, ten cents; coal, per bushel, three cents; boots, per pair, fifty cents; shoes, slippers, and galoshes, made of leather, per pair, seven cents; shoes and slippers made of silk or stuff, per pair, ten cents; wool and cotton cards, per dozen, fifty cents; playing cards, per pack, ten cents; all China ware, looking-glasses, window and other glass, and all manufactures of glass, (black quart

by virtue of this act, shall be returned or discharged in respect to all such goods, wares, or merchandise, whereupon they shall have been so paid, or secured to be paid, as within twelve calendar months after payment made, or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the same.

Sec. 4. *And be it further enacted*, That there shall be allowed and paid on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said States, which, after the said last day of December next, shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates, namely: dried fish, per quintal, ten cents; pickled fish, and other salted provisions, per barrel, ten cents.

Sec. 5. *And be it further enacted*, That where duties by this act are imposed, or drawbacks allowed on any specific quantity of goods, wares, and merchandise, the same shall be deemed to apply in proportion to any quantity, more or less, than such specific quantity.

Sec. 6. *And be it further enacted*, That all the duties, which, by virtue of the act, entitled "An act for laying a duty on goods, wares, and merchandises, imported into the United States," accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are, hereby, remitted and discharged, and that in any case in which they may have been paid to the United States, restitution thereof shall be made.

Sec. 7. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the Legislature of the United States from substituting other duties or taxes of equal value to any or all of the said duties and imposts.

Approved, August 10, 1790.

An Act to enable the officers and soldiers of the Virginia line on Continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota.

Be it enacted, &c., That the act of Congress of the seventeenth of July, one thousand seven hundred and eighty-eight, relative to certain locations and surveys made by, or on account of the Virginia troops on Continental establishment, upon lands between the Little Miami and Sciota rivers, northwest of the Ohio be, and the same is hereby, repealed.

And whereas, the agents for such of the troops of the State of Virginia, who served on the Continental establishment in the army of the United

States, during the war, have reported to the Executive of the said State, that there is not a sufficiency of good land on the southeasterly side of the river Ohio, according to the act of cession from the said State to the United States, and within the limits assigned by the laws of the said State, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws; to the intent therefore that the difference between what has already been located for the said troops on the southeasterly side of the said river, and the aggregate of what is due to the whole of the said troops, may be located on the northwesterly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said State:

Sec. 2. *Be it further enacted*, That the Secretary of the Department of War shall make return to the Executive of the State of Virginia of the names of such of the officers, non-commissioned officers, and privates of the line of the said State, who served in the army of the United States, on the Continental establishment, during the late war, and who, in conformity to the laws of the said State, are entitled to bounty lands; and shall also in such return state the aggregate amount in acres due to the said line by the laws aforesaid.

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the said agents to locate to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the southeasterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the Secretary of the Department of War.

Sec. 4. *And be it further enacted*, That the said agents, as soon as may be after the locations, surveys, and allotments are made and completed, shall enter in regular order, in a book to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer, or private, originally entitled to each; which entries being certified by the said agents, or the majority of them, to be true entries, the book containing the same shall be filed in the office of the Secretary of State.

Sec. 5. *And be it further enacted*, That it shall be lawful for the President of the United States to cause letters patent to be made out in such words and form as he shall devise and direct, granting to such person so originally entitled to bounty lands, to his use, and to the use of his heirs or assigns, or his or their legal representative or representatives, his, her, or their heirs or assigns, the lands designated in the said entries. *Provided always*, That before the seal of the United States shall be affixed to such letters patent, the Secretary of the Department of War shall have indorsed thereon that the grantee therein named was originally entitled to such bounty lands, and that he has examined the bounds thereof with the books of entries filed in the office of

the Secretary of State, and finds the same truly inserted; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and of the name of the grantee, shall be entered of record in his office, in a book to be specially provided for his purpose.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Secretary of State, as soon as may be after the letters patent shall be so completed and entered of record, to transmit the same to the Executive of the State of Virginia, to be by them delivered to each grantee; or in case of his death, or that the right of the grantees shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

Sec. 7. *And be it further enacted*, That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.

Approved, August 10, 1790.

An Act authorizing the Secretary of the Treasury to finish the light-house on Portland Head, in the District of Maine.

Be it enacted, &c., That there be appropriated and paid out of the moneys arising from the duties on imports and tonnage, a sum not exceeding fifteen hundred dollars, for the purpose of finishing the light-house on Portland Head, in the District of Maine; and that the Secretary of the Treasury, under the directions of the President of the United States, be authorized to cause the said light-house to be finished and completed accordingly.

Approved, August 10, 1790.

An Act to alter the times for holding the Circuit Courts of the United States in the districts of South Carolina and Georgia, and providing that the District court of Pennsylvania shall in future be held at the city of Philadelphia only.

Be it enacted, &c. That the circuit courts of the United States in the districts of South Carolina and Georgia shall for the future be held as follows, to wit: in the district of South Carolina on the twenty-first day of October next, at Charleston, and in each succeeding year at Columbia on the twelfth day of May, and in Charleston on the twenty-fifth day of October; in the district of Georgia, on the fifteenth day of October next, at Augusta, and in each succeeding year at Savannah, on the twenty-fifth day of April, and at Augusta on the fifteenth day of October; except when any of those days shall happen to be Sunday, in which case the court shall be held on the Monday following. And all process that was returnable under the former law at Charleston, on the first day of October next, and at Augusta on the seventeenth day of October, shall now be deemed returnable respectively at Charleston on the twenty-fifth day of October next, and at Augusta on the fifteenth day of October next; any

thing in the former law to the contrary notwithstanding.

Sec. 2. *And be it further enacted*, That so much of the act entitled "An act to establish the judicial courts of the United States," as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said State, be repealed; and that in future the district court for Pennsylvania be held in the city of Philadelphia.

Approved, August 11, 1790.

An Act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations.

Be it enacted, &c. That the consent of Congress be, and is hereby, declared to the operation of the acts of the several States, hereinafter mentioned, so far as the same relate to the levying a duty on the tonnage of ships and vessels, for the purposes therein mentioned, until the tenth day of January next, that is to say: an act of the General Assembly of the State of Rhode Island and Providence Plantations, at their session held in January, one thousand seven hundred and ninety, entitled "An act to incorporate certain persons, by the name of the River Machine Company, in the town of Providence, and for other purposes therein mentioned;" and also an act of the General Assembly of the State of Maryland, at their session in April, one thousand seven hundred and eighty-three, entitled "An act appointing wardens for the port of Baltimore Town, in Baltimore county;" as also another act of the General Assembly of the same State, passed at their session in November, one thousand seven hundred and eighty-eight, entitled "A supplement to the act entitled 'An act for appointing wardens for the port of Baltimore county,'" and also an act of the State of Georgia, "for levying and appropriating a duty on tonnage for the purpose of clearing the river Savannah, and removing the wrecks and other obstructions therein."

Approved, August 11, 1790.

An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons.

Be it enacted, &c., That Stephen Califfe, Jeremiah Ryan, Joseph McGibbon, Samuel Garretson, Ephraim McCoy, Christian Khun, David Steele, Joseph Shutliff, and Daniel Culver, disabled soldiers lately in the service of the United States, be allowed pensions at the rate of five dollars per month from the time their pay in the army respectively ceased. That Christian Wolfe, a disabled soldier, be allowed a pension at the rate of four dollars per month, from the date of his discharge. That Edward Scott, a disabled soldier, be allowed a pension at the rate of three dollars per month from the date of his discharge. That David Weaver and George Schell, disabled soldiers, be each allowed a pension, at the rate of two dollars per month, from the date of their respective discharges. That Seth Boardman, a disabled

soldier, be allowed a pension, at the rate of three dollars and one-third of a dollar per month, from the seventeenth day of March, one thousand seven hundred and eighty-six. That Severinus Koch, a disabled captain of Colonel Jacob Klock's regiment of New York militia, be allowed a pension, at the rate of five dollars per month, from the twentieth day of August, one thousand seven hundred and seventy-seven. That John Younglove, a disabled major of Colonel Lewis Van Woot's regiment of New York militia, be allowed a pension, at the rate of six dollars per month, from the thirtieth day of July, one thousand seven hundred and eighty-one. That William White, a disabled private of Col. Williams's regiment of New York militia, be allowed a pension, at the rate of three dollars and one-third of a dollar per month, from the first day of April, one thousand seven hundred and eighty-six. That Jacob Newkirk, a disabled soldier of Colonel John Harper's regiment of New York State troops, be allowed a pension, at the rate of three dollars per month, from the twenty-second day of October, one thousand seven hundred and eighty. That David Poole, a disabled seaman lately in the service of the United States, be allowed a pension of five dollars per month, to commence on the fifth of March, one thousand seven hundred and eighty-nine.

Sec. 2. *And be it further enacted*, That Caleb Brewster, lately a lieutenant, who was wounded and disabled in the service of the United States, be allowed three hundred and forty-eight dollars and fifty-seven cents, the amount of his necessary expenses for sustenance and medical assistance, while dangerously ill of his wounds, including the interest to the first of July, one thousand seven hundred and ninety. And that the said Brewster be allowed a pension equal to his half-pay as a lieutenant from the third of November, one thousand seven hundred and eighty-three, he first having returned his commutation of half-pay.

Sec. 3. *And be it further enacted*, That Nathaniel Gove, a disabled lieutenant, lately in the service of the United States, be allowed a pension, at the rate of six dollars and two-thirds of a dollar per month, from the twentieth of May, one thousand seven hundred and seventy-eight, to the first day of July, one thousand seven hundred and eighty-six, and that he be allowed at the rate of thirteen dollars and one-third of a dollar per month, from the said first day of July, one thousand seven hundred and eighty-six.

Sec. 4. *And be it further enacted*, That the commissioner of army accounts be authorized and directed to settle the pay and depreciation of the capitulation of the Cedars, as a captain in the line of the army, and that he issue certificates accordingly. That he also issue a certificate to Charles Markley, lately a captain in Armand's corps, for the commutation of his half-pay. That he also settle the accounts of James Derry and Benjamin Hardison, who were made prisoners in Canada, in May, one thousand seven hundred and seventy-six, and forcibly detained in captivity among the Indians, and that he issue certificates

for the balance of their pay respectively, to the third of November, one thousand seven hundred and eighty-three.

Sec. 5. *And be it further enacted*, That the several pensions mentioned in this act, due or to become due from the fifth of March, one thousand seven hundred and eighty-nine, shall be paid according to such laws as have been made, or shall be made relative to invalid pensioners; and that the arrears of the said pensions, due before the said fifth day of March, one thousand seven hundred and eighty-nine, shall be paid in such manner as Congress may hereafter provide for paying the arrears of pensions.

Sec. 6. *And be it further enacted*, That there shall be allowed to Seth Harding, for three months and ten days' services on board the Alliance frigate, during the late war, at the rate of sixty dollars per month, being the pay of a captain, to be paid out of the moneys arising from imports and tonnage.

Approved, August 11, 1790.

An act for the relief of the persons therein mentioned or described.

Be it enacted, &c., That the Register of the Treasury shall, and is hereby required to grant unto Sarah, the widow of the late Major General Earl of Stirling, who died in the service of the United States, a certificate to entitle her to a sum equal to an annuity for seven years' half-pay of a major-general, to commence as from the fourteenth day of January, one thousand seven hundred and eighty-three, in conformity to the act of the late Congress, passed on the twenty-fourth day of August, one thousand seven hundred and eighty; the amount for which the said certificate is to be granted to be ascertained by the Secretary of the Treasury, and on similar principles as other debts of the United States are liquidated and certified.

Sec. 2. *And be it further enacted*, That the said register shall grant unto Frances Eleanor Laurens, the orphan daughter of the late Lieutenant-Colonel John Laurens, who was killed whilst in the service of the United States, a certificate to entitle her to a sum equal to an annuity for seven years' half pay of a lieutenant-colonel, to commence as from the twenty-fifth day of August, one thousand seven hundred and eighty-two, according to the act of the late Congress of the twenty-fourth day of August, one thousand seven hundred and eighty; the amount for which the said certificate is to be granted to be ascertained by the Secretary of the Treasury in manner aforesaid.

And whereas no provision hath heretofore been made for discharging the arrears of pensions due to officers, non-commissioned officers, and soldiers, who were wounded and disabled whilst in the service of the United States: Therefore,

Sec. 3. *Be it further enacted*, That each of the officers, non-commissioned officers, and soldiers, who are so wounded and disabled, and who are now placed on the books in the office of the Sec-

retary of the Department of War, as a pensioner or to be so placed in conformity to any law of this Congress, shall receive from the Register of the Treasury, who is hereby required to grant the same, a certificate, to be liquidated and settled in such manner as the Secretary of the Treasury shall direct, for a sum equal to the pension annually due to him, to commence from the time he became entitled thereto, or from the time to which the same had been paid, as the case may be, which shall be ascertained and certified by the said Secretary for the Department of War, and which annuity shall be liquidated to the fourth day of March, one thousand seven hundred and eighty-nine, from which day the United States have assumed the payment of the pensions certified by the several States. And in case of the death of any person so entitled, the certificate shall pass to his heirs or legal representative or representatives.

Sec. 4. *And be it further enacted*, That the widow or orphan of each officer, non-commissioned officer, or soldier, who was killed or died whilst in the service of the United States, and who is now placed on the books in the office of the said Secretary, as entitled to a pension, by virtue of any act of the said late Congress, or any law of this Congress, and for whom provision has not been made by any State, and to whom any arrears of such pension are due, and which have arisen prior to the said fourth day of March, one thousand seven hundred and eighty-nine, shall receive a certificate therefor in like manner, and on the same principles, as certificates are by this act directed to be given to officers, non-commissioned officers, and soldiers, who were wounded or disabled as aforesaid.

Approved, August 11, 1790.

An Act making certain appropriations therein mentioned.

Be it enacted, &c., That there be appropriated to the purposes hereinafter mentioned, to be paid out of the moneys arising from the duties on goods, wares, and merchandise, imported, and on the tonnage of ships or vessels, the following sums, to wit: the sum of thirty-eight thousand eight hundred and ninety-two dollars and seventy-five cents, towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners, on account of the subsistence of the officers of the late army while in captivity; the sum of forty thousand dollars, towards discharging certain debts contracted by Colonel Timothy Pickens, late quartermaster-general, and which sum was included in the amount of a warrant drawn in his favor by the late superintendent of the finances of the United States, and which warrant was not discharged; the sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, for the several purposes specified in an estimate accompanying the report of the Secretary of the Treasury of the fifth instant, including one thousand dollars for defraying the expenses of certain establishments for the

security of navigation, of the like nature with those mentioned in the act, entitled "An act for the establishment and support of light-houses, beacons, buoys, and public piers," but not particularly specified therein; the sum of one hundred and eighty-one dollars and forty-two cents, for reimbursing the Secretary at War an advance by him made on account of George Morgan White Eyes, over and above the sum heretofore appropriated on account of the said George Morgan White Eyes; the sum of six hundred and thirty-two dollars and eighty cents, for the services and expenses of Isaac Guion, employed by direction of the President of the United States, in relation to the resolution of Congress of the twenty-sixth of August last; the sum of forty-one dollars and forty-seven cents, for reimbursing the Treasurer of the United States the costs by him paid on a protested bill; the sum of two hundred and fifty dollars, for the salary of an interpreter of the French language, employed in the Department of State; the sum of three hundred and twenty-six dollars and six cents, for sundry expenditures by Richard Phillips, on account of the household of the late President of Congress, and for certain unsatisfied claims against the same; the sum of seven hundred and fifty dollars, towards compensating the late loan officer of Pennsylvania for his services in relation to the re-exchange of certificates granted by the State of Pennsylvania, in lieu of certificates of the United States; which several sums so included in the said sum of one hundred and four thousand three hundred and twenty-seven dollars and twenty-two cents, are hereby authorized and granted; and the further sum of fifty thousand dollars, towards discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature according to the usage thereof to require payments in specie.

Approved, August 12, 1790.

An act making provision for the reduction of the public debt.

It being desirable by all just and proper means to effect a reduction of the amount of the public debt, and as the application of such surplus of the revenue as may remain after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States:

Be it enacted, &c., That all such surplus of the product of the duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

Sec. 2. *And be it further enacted*, That the purchases to be made of the said debt shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in such manner and under such regulations as shall appear to them best calculated to fulfil the intent of this act. *Provided*, That the same be made openly, and with due regard to the equal benefit of the several States. *And provided further*, That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year one thousand seven hundred and ninety-one, by the act entitled "An act making provision for the debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the Treasury during the said year, on account of the duties on goods, wares, and merchandise imported, and the tonnage of ships or vessels, after the last day of December next.

Sec. 3. *And be it further enacted*, That accounts of the application of the said moneys shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid; and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid before Congress, within the first fourteen days of each session which may ensue the present, during the execution of their said trust.

ACTS OF THE THIRD SESSION OF THE FIRST CONGRESS.

An Act supplementary to the act entitled "An act making further provision for the payment of the debts of the United States."

Whereas no express provision has been made for extending the act, entitled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," to the collection of the duties imposed by the said "Act making further provision for the payment of the debts of the United States," doubts concerning the same may arise: *Therefore*,

Be it enacted, &c., That the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States,

Sec. 4. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding the whole two millions of dollars, at an interest not exceeding five per cent., and that the sum or sums so borrowed be also applied to the purchase of the said debt of the United States, under the like direction, in the like manner, and subject to the like regulations and restrictions with the surplus aforesaid: *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight per centum per annum on account both of principal and interest towards the repayment of the two millions of dollars so to be borrowed.

Approved, August 12, 1790.

Resolved by the Senate and House of Representatives of the United States in America in Congress assembled, That all treaties made, or which shall be made and promulgated under the authority of the United States shall, from time to time, be published and annexed to their code of laws by the Secretary of State.

Approved, June 14, 1790.

Resolved, &c., That all surveys of lands in the Western Territory, made under the direction of the late geographer, Thomas Hutchins, agreeable to contracts for part of the said lands made with the late Board of Treasury, be returned to and perfected by the Secretary of the Treasury, so as to complete the said contracts; and that the said Secretary be, and is hereby, authorized to direct the making and completing any other surveys that remain to be made, so as to comply on the part of the United States with the several contracts aforesaid, in conformity to the terms thereof.

Approved, August 12, 1790.

and on the tonnage of ships or vessels," doth and shall extend to, and be in force for, the collection of the duties specified and laid in and by the act, entitled "An act making further provision for the payment of the debts of the United States," as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, or thing therein contained, had been inserted in and re-enacted by the act last aforesaid.

FRED. A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,
Vice President of the United States, and President of the Senate.

APPROVED, December 27, 1790.

GEO. WASHINGTON,
President of the United States.

An Act to provide for the unloading of ships or vessels, in cases of obstruction by ice.

Whereas, it sometimes happens that ships or vessels are obstructed by ice in their passage to the ports of their destination, and it is necessary that provision should be made for unloading such ships or vessels:

Be it enacted, &c., That in all cases where a ship or vessel shall be prevented by ice from getting to the port at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be so obstructed, to receive the report and entry of any such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unloading or landing the goods, wares, or merchandise, imported in such ship or vessel at any place within his district, which shall appear to him to be most convenient and proper.

Sec. 2. And be it further enacted, That the report and entry of such ship or vessel, and of her cargo, or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties, and provisions, as if the said ship or vessel had arrived at the port of her destination, and had then proceeded to the delivery of her cargo.

Approved, January 7, 1791.

An Act to continue an act, entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

Be it enacted, &c., That the act, passed the last session of Congress, entitled "An act, declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations, for the further term of one year, and from thence to the end of the then next session of Congress, and no longer.

Approved, January 10, 1791.

An Act declaring the consent of Congress, that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the State of Kentucky.

Whereas, the Legislature of the Commonwealth of Virginia, by an act, entitled "An act concerning the erection of the District of Kentucky into an independent State," passed the eighteenth day of December, one thousand seven hundred and eighty-nine, have consented that the District of Kentucky, within the jurisdiction of the said Commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new State: and whereas a convention of delegates, chosen by the people of the said District of Kentucky, have pe-

tioned Congress to consent that on the first day of June, one thousand seven hundred and ninety-two, the said District should be formed into a new State, and received into the Union by the name of the State of Kentucky:"

Be it enacted, &c., That the Congress doth consent that the said District of Kentucky, within the jurisdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the eighteenth day of December, one thousand seven hundred and eighty-nine, shall, upon the first day of June, one thousand seven hundred and ninety-two, be formed into a new State, separate from, and independent of, the said Commonwealth of Virginia.

Sec. 2. And be it further enacted and declared, That, upon the aforesaid first day of June, one thousand seven hundred and ninety-two, the said new State, by the name and style of the State of Kentucky, shall be received and admitted into this Union, as a new and entire member of the United States of America.

Approved, February 4, 1791.

An Act declaring the consent of Congress to a certain act of the State of Maryland.

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, entitled "An act to levy and collect the duty therein mentioned," until the tenth day of January next, and from thence until the end of the then next session of Congress, and no longer.

Approved, February 9, 1791.

An Act making appropriations for the support of Government during the year one thousand seven hundred and ninety-one, and for other purposes.

Be it enacted, &c., That there be appropriated the several sums, and for the several purposes following, to wit: a sum not exceeding two hundred and ninety-nine thousand two hundred and seventy-six dollars and fifty-three cents, for defraying the expenses of the civil list, as estimated by the Secretary of the Treasury, in the statement, number one, accompanying his report to the House of Representatives of the sixth instant, including the contingencies of the several Executive officers, and of the two Houses of Congress, which are hereby authorized and granted: a sum not exceeding fifty thousand seven hundred and fifty-six dollars and fifty-three cents, for satisfying the several objects specified in the statement, number two, accompanying the report aforesaid, all such whereof, as may not have been heretofore provided for by law, being hereby authorized; and a sum not exceeding three hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents, for the use of the Department of War, pursuant to the statement, number three, accompanying the report aforesaid, including

therein the sum of one hundred thousand dollars, for defraying the expenses of an expedition lately carried on against certain Indian tribes, and the sum of eighty-seven thousand four hundred and sixty-three dollars and sixty cents, being the amount of one year's pensions to invalids, together with the contingencies of the said Department, which are hereby authorized: which several sums shall be paid out of the funds following, namely, the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the debt of the United States," is reserved yearly for the support of the Government of the United States and their common defence; the amount of such surpluses as may remain in the Treasury, after satisfying the purposes for which appropriations were made, by the acts respectively, entitled "An act making appropriations for the service of the present year," passed the twenty-ninth day of September, one thousand seven hundred and eighty-nine; "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety," passed the twenty-sixth day of March, one thousand seven hundred and ninety; "An act making certain appropriations therein mentioned," passed the twelfth day of August, one thousand seven hundred and ninety, and the product, during the present year, of such duties as shall be laid in the present session of Congress.

Approved, February 11, 1791.

An Act for the admission of the State of Vermont into this Union.

The State of Vermont having petitioned the Congress to be admitted a member of the United States,

Be it enacted, &c., That on the fourth day of March, one thousand seven hundred and ninety-one, the said State, by the name and style of "the State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

Approved, February 18, 1791.

An Act to continue in force, for a limited time, an act passed at the first session of Congress, entitled "An act to regulate processes in the courts of the United States."

Be it enacted, &c., That an act, passed on the twenty-ninth day of September, in the year one thousand seven hundred and eighty-nine, entitled "An act to regulate processes in the courts of the United States," shall be, and the same hereby is, continued in force, until the end of the next session of Congress, and no longer.

Approved, February 18, 1791.

An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont.

Be it enacted, &c., That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the States of Kentucky and Ver-

mont shall each be entitled to choose two representatives.

Approved, February 25, 1791.

An Act to incorporate the subscribers to the Bank of the United States.

Whereas it is conceived that the establishment of a bank for the United States, upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon the principles which afford adequate security for an upright and prudent administration thereof, will be very conducive to the successful conducting of the national finances; will tend to give facility to the obtaining of loans, for the use of the Government, in sudden emergencies, and will be productive of considerable advantage to trade and industry in general: Therefore,

Be it enacted, &c., That a Bank of the United States shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; and that subscriptions towards constituting the said stock, shall, on the first Monday of April next, be opened at the city of Philadelphia, under the superintendence of such persons, not less than three, as shall be appointed for that purpose by the President of the United States, who is hereby empowered to appoint the said persons accordingly; which subscriptions shall continue open until the whole of the said stock shall have been subscribed.

Sec. 2. And be it further enacted, That it shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares as he, she, or they shall think fit, not exceeding one thousand, except as shall be hereafter directed relatively to the United States; and that the sums respectively subscribed, except on behalf of the United States, shall be payable one-fourth in gold and silver, and three-fourths in that part of the public debt, which, according to the loan proposed in the fourth and fifteenth sections of the act, entitled "An act making provision for the debt of the United States," shall bear an accruing interest, at the time of payment of six per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of six calendar months from each other; the first whereof shall be paid at time of subscription.

Sec. 3. And be it further enacted, That all those who shall become subscribers to the said bank, their successors and assigns, shall be, and are hereby, created and made a corporation and body politic, by the name and style of "The President, Directors, and Company of the Bank of the United States;" and shall so continue until the fourth of March, one thousand eight hundred and eleven: and by that name shall be, and are hereby, made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of what kind, nature, or quality soever, to the amount not ex-

specifying, in such notice, the object or objects of such meeting.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behaviour.

VIII. The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

IX. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the moneys then actually deposited in the bank for safe-keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the United States. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors, or administrators, in any court of record of the United States, or either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods, or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the United States, and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in anything except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum, for or upon its loans or discounts.

XI. No loan shall be made by the said corporation, for the use or on account of the Government, for the use or on account of the Govern-

place may be filled up by a new choice for the remainder of the year.

Sec. 6. And be it further enacted, That the directors for the time being shall have power to appoint such officers, clerks, and servants, under whom as shall be necessary for executing the business of the said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed, and determined by the laws, regulations, and ordinances of the same.

Sec. 7. And be it further enacted, That the following rules, restrictions, limitations, and provisions shall form and be fundamental articles of the constitution of the said corporation, viz:

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following: that is to say, for one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership, or body politic, shall be entitled to a greater number than thirty votes. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in elections by proxy.

II. Not more than three-fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year; but the director, who shall be president at the time of an election, may always be re-elected.

III. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

IV. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

V. Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness, or necessary absence; in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.

VI. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least ten weeks' notice in two public gazettes of the place where the bank is kept, and

ceeding in the whole fifteen millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also, to make, have, and use a common seal, and the same to break, alter, and renew at their pleasure; and also to ordain, establish, and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to law, or to the constitution thereof, (for which purpose general meetings of the stockholders shall and may be called by the directors, and in the manner hereinafter specified,) and generally to do and execute all and singular acts, matters, and things which to them it shall or may appertain to do; subject, nevertheless, to the rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed and declared.

Sec. 4. And be it further enacted, That, for the well ordering of the affairs of the said corporation there shall be twenty-five directors; of whom there shall be an election on the first Monday of January in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the Monday of January next ensuing the time of such election, and no longer.

Sec. 5. Provided always, and be it further enacted, That, as soon as the sum of four hundred thousand dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given by the persons under whose superintendence the same shall have been made, in at least two public gazettes printed in the city of Philadelphia: and the said persons shall, at the same time, in like manner, notify a time and place within the said city, at the distance of ninety days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made; and the persons, who shall then and there be chosen, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end or expiration of the Monday in January next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said bank, at the said city of Philadelphia. And provided further, That, in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. And provided lastly, That in case of the death, resignation, absence from the United States, or removal of a director by the stockholders, his

ment of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State, to an amount exceeding fifty thousand dollars, or of any foreign prince or State, unless previously authorized by a law of the United States.

XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons; that is to say, those which may be payable to any person or persons, his, her, or their order, shall be assignable by endorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer shall be negotiable and assignable by delivery only.

XIV. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors advisable; and once in every three years the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend which may have accrued, prior to the time for making such payment, and during the delay of the same.

XV. It shall be lawful for the directors aforesaid, to establish offices whereover they shall think fit within the United States, for the purposes of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the said discounts, to such persons, under such agreements, and subject to such regulations as they

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shall deem proper; not being contrary to law, or to the constitution of the bank.

XVI. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the moneys deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements. *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank.

SEC. 8. *And be it further enacted*, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandise, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandise, and commodities, in which such dealing and trade shall have been; one-half thereof to the use of the informer, and the other half thereof to the use of the United States, to be recovered with costs of suit.

SEC. 9. *And be it further enacted*, That if the said corporation shall advance or lend any sum for the use or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars, or if any particular State to an amount exceeding fifty thousand dollars, or of any foreign Prince or State, (unless previously authorized thereto by a law of the United States,) all and every person and persons, by and with whose order, agreement, consent, approbation, or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay, for every such offense, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the informer, and the residue thereof to the use of the United States, to be disposed of by law and not otherwise.

SEC. 10. *And be it further enacted*, That the bills or notes of the said corporation, originally made payable, or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the United States.

SEC. 11. *And be it further enacted*, That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars, to be paid out of the moneys which shall be borrowed by virtue of either of the acts,

the one entitled "An act making provision for the debt of the United States;" and the other entitled "An act making provision for the redemption of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimbursable in ten years by equal annual instalments; or at any time sooner, or in any greater proportions than that the Government may think fit.

SEC. 12. *And be it further enacted*, That no other bank shall be established by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged.

Approved, February 25, 1791.

An Act supplementary to an act entitled "An act to incorporate the subscribers to the Bank of the United States."

Be it enacted, &c., That the subscriptions to the stock of the Bank of the United States, as provided by the act entitled "An act to incorporate the subscribers to the Bank of the United States," shall not be opened until the first Monday in July next.

SEC. 2. *And be it further enacted*, That so much of the first payment as by the said act is directed to be in the six per cent. certificates of the United States, may be deferred until the first Monday in January next.

SEC. 3. *And be it further enacted*, That no person, corporation, or body politic, except in behalf of the United States, shall, for the space of three months after the said first Monday in July next, subscribe in any one day for more than thirty shares.

SEC. 4. *And be it further enacted*, That every subscriber shall, at the time of subscribing, pay into the hands of the persons who may be appointed to receive the same, the specie proportion required by the said act to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation.

SEC. 5. *And be it further enacted*, That such part of the public debt, including the assumed debt, as is funded at an interest of three per cent. may be paid to the Bank in like manner with the debt funded at six per cent., computing the value of the former at one-half the value of the latter, and reserving to the subscribers who shall have paid three per cent. stock, the privilege of redeeming the same with six per cent. stock at the above rate of computation, at any time before the first day of January, one thousand seven hundred and ninety-three; unless the three per cent. stock shall have been previously disposed of by the directors.

Approved, March 2, 1791.

An Act giving effect to the laws of the United States within the State of Vermont.

Be it enacted, &c., That, from and after the

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third day of March next, all the laws of the United States, which are not locally inapplicable, ought to have, and shall have, the same force and effect within the State of Vermont, as elsewhere within the United States.

And to the end that the act, entitled "An act to establish the judicial courts of the United States," may be duly administered within the said State of Vermont,

SEC. 2. *Be it further enacted*, That the said State shall be one district, to be denominated Vermont District; and there shall be a district court therein, to consist of one judge, who shall reside within the said district, and be called a district judge, and shall hold annually four sessions; the first to commence on the first Monday in May next, and the three other sessions progressively on the like Monday of every third calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first.

SEC. 3. *And be it further enacted*, That the said district shall be, and the same hereby is, annexed to the eastern circuit. And there shall be held annually in the said district one circuit court; the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June afterwards, except when any of the said days shall happen on a Sunday, and then the session shall commence on the day following; and the said sessions of the said circuit courts shall be held at the town of Bennington.

SEC. 4. *And be it further enacted*, That there shall be allowed to the judge of the said district court the yearly compensation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarterly yearly at the Treasury of the United States.

SEC. 5. *And be it further enacted*, That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as herein afterwards is expressly provided,) contained and expressed in and by the act entitled "An act providing for the enumeration of the inhabitants of the United States," shall have the same force and effect within the said State of Vermont, as if the same were, in relation thereto, repeated and re-enacted in and by this present act.

SEC. 6. *And be it further enacted*, That the enumeration of the inhabitants of the said State shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

SEC. 7. *And be it further enacted*, That the marshal of the district of Vermont shall receive in full compensation for all the duties and services confided to, and enjoined upon, him in and by this act, in taking the enumeration aforesaid, two hundred dollars.

And that the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships and vessels," may be carried into effect in the said State of Vermont:

SEC. 8. *Be it further enacted*, That, for the

due collection of the said duties, there shall be in the said State of Vermont one district; and a collector shall be appointed, to reside at Allburgh on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States.

Provided, nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be, and is hereby, extended to the said port of Allburgh.

Approved, March 2, 1791.

An Act to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States."

Be it enacted, &c., That the duty of one cent per pound, laid by the act "making further provision for the payment of the debts of the United States," on bar and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the United States from any foreign port or place.

SEC. 2. *And be it further enacted*, That the duty of seven and a half per cent. ad valorem, laid by the act aforesaid on chintzes, and colored calicoes, shall be deemed and taken to extend to all printed, stained, and colored goods, or manufactures of cotton or of linen, or of both, which hereafter shall be brought into the United States from any foreign port or place.

Provided always, That nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the United States before the passing of this act.

Approved, March 2, 1791.

An Act fixing the time for the next annual meeting of Congress.

Be it enacted, &c., That, after the third day of March next, the first annual meeting of Congress shall be on the fourth Monday of October next.

Approved, March 2, 1791.

An Act repealing, after the last day of June next, the duties heretofore laid on distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

Be it enacted, &c., That, after the last day of June next, the duties laid upon distilled spirits by the act, entitled "An act making further provision for the payment of the debts of the United States," shall cease; and that upon all distilled spirits which shall be imported into the United States after that day, from any foreign port or place, there shall be paid for every gallon of those following, that is to say: for every gallon of those spirits more than ten per cent. below proof, according to Dicas's hydrometer, twenty cents; for

every gallon of those spirits under five, and not more than ten per cent. below proof, according to the same hydrometer, twenty-one cents; for every gallon of those spirits of proof, and not more than five per cent. below proof, according to the same hydrometer, twenty-two cents; for every gallon of those spirits above proof, but not exceeding twenty per cent. according to the same hydrometer, twenty-five cents; for every gallon of those spirits more than twenty, and not more than forty per cent. above proof, according to the same hydrometer, thirty cents; for every gallon of those spirits more than forty per cent. above proof, according to the same hydrometer, forty cents.

Sec. 2. *And be it further enacted*, That the said duties shall be collected in the same manner, by the same persons, under the same regulations, and subject to the same forfeitures and other penalties, as those heretofore laid; the act concerning which shall be deemed to be in full force for the collection of the duties herein before imposed, except as to the alterations contained in this act.

Sec. 3. *And be it further enacted*, That the said duties, when the amount thereof shall not exceed fifty dollars, shall be immediately paid; but when the said amount shall exceed fifty, and shall not amount to more than five hundred dollars, may, at the option of the proprietor, importer, or consignee, be immediately paid, or secured by bond, with the condition for the payment thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid or secured by bond, with condition for the payment thereof in six months; which bond, in either case, at the like option of the proprietor, importer, or consignee, shall either include one or more sureties, to the satisfaction of the collector, or person acting as such, or shall be accompanied with a deposit in the custody of the said collector, or person acting as such, of so much of the said spirits as shall, in his judgment, be a sufficient security for the amount of the duties for which the said bond shall have been given, and the charges of the safe keeping and sale of the spirits so deposited; which deposit shall and may be accepted in lieu of the said surety or sureties, and shall be kept by the said collector, or person acting as such, with due and reasonable care, at the expense and risk of the party or parties on whose account the same shall have been made; and if at the expiration of the time mentioned in the bond for payment of the duties thereby intended to be secured, the same shall not be paid, then the said deposited spirits shall be sold at public sale, and the proceeds thereof, after deducting the charges of keeping and sale, shall be applied to the payment of the whole sum of the duties for which such deposit shall have been made, rendering the overplus of the said proceeds, and the residue of the said spirits, if any there be, to the person or persons by whom such deposit shall have been made, or his, her, or their representatives.

Sec. 4. In order to a due collection of the du-

ties imposed by this act, *Be it further enacted*, That the United States shall be divided into fourteen districts, each consisting of one State, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portion of the greater as shall in his judgment best tend to secure and facilitate the collection of the revenue; which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion. That the President be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former: *Provided always*, That it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion, to appoint such and so many officers of the customs to be inspectors in any survey of inspection as he shall deem advisable to employ in the execution of this act. *Provided also*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same. *And provided further*, That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby, empowered to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 5. *And be it further enacted*, That the supervisors, inspectors, and officers, to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipt of moneys in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers, and accounts, to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act, and shall also once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be, to make such settlement.

Sec. 6. *And be it further enacted*, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavors to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within

the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall, within three months thereafter, be transmitted to the Comptroller of the Treasury, in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars for the use of the United States, to be recovered with costs of suit.

Sec. 7. *And be it further enacted*, That the supervisor of the revenue for each district shall establish one or more offices within the same, as may be necessary; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building, or place in which any such office shall be kept, these words, "*Office of Inspection*," and if any person shall paint or write, or cause to be painted or written, the said words upon any other than such house or building, he or she shall forfeit and pay for so doing one hundred dollars.

Sec. 8. *And be it further enacted*, That within forty-eight hours after any ship or vessel, having on board any distilled spirits brought in such ship or vessel from any foreign port or place, shall arrive within any port of the United States, whether the same be the first port of arrival of such ship or vessel or not, the master or person having the command or charge thereof, shall report to one of the inspectors of the port at which she shall so arrive, the place from which she last sailed, with her name and burden, and the quantity and kinds of the said spirits on board of her, and the casks, vessels, or cases, containing them, with their marks and numbers, on pain of forfeiting the sum of five hundred dollars.

Sec. 9. *And be it further enacted*, That the collector or other officer, or person acting as collector, with whom entry shall have been made of any of the said spirits, pursuant to the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," shall forthwith after such entry certify and transmit the same, as particularly as it shall have been made with him, to the proper officer of inspection, of the port where it shall be intended to commence the delivery of the spirits so entered, or any part thereof; for which purpose every proprietor, importer, or consignee, making such entry, shall deliver two manifests of the contents, (upon one of which the said certificate shall be given,) and shall at the time thereof declare the port at which the said delivery shall be so intended to be commenced, to the collector or officer with whom the same shall be made. And every permit granted by such collector for the landing of any of the said spirits shall, previous to such landing, be produced to the said officer of inspection, who shall make a minute in some proper book of the contents thereof, and shall endorse thereupon the word "*inspected*," the time when, and his own name: after which he shall return it to

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the person by whom it shall have been produced; and then, and not otherwise, it shall be lawful to land the spirits therein specified; and if the said spirits shall be landed without such endorsement upon the permit for that purpose granted, the master or person having charge of the ship or vessel from which the same shall have been so landed, shall, for every such offence, forfeit the sum of five hundred dollars.

Sec. 10. *And be it further enacted*, That whenever it shall be intended that any ship or vessel shall proceed with the whole or any part of the spirits which shall have been brought in such ship or vessel from any foreign port or place, from one port in the United States to another port in the said United States, whether in the same or different districts, the master or person having the command or charge of such ship or vessel shall, previous to her departure, apply to the officer of inspection, to whom report was made, for the port from which she is about to depart; for a certificate of the quantity and particulars of such of the said spirits as shall have been certified or reported to him to have been entered as imported in such ship or vessel, and of so much thereof as shall appear to him to have been landed out of her at such port; which certificate the said officer shall forthwith grant. And the master or person having the command or charge of such ship or vessel shall, within twenty-four hours after her arrival at the port to which she shall be bound, deliver the said certificate to the proper officer of inspection of such last mentioned port. And if such ship or vessel shall proceed from one port to another within the United States, with the whole or any part of the spirits brought in her as aforesaid, without having first obtained such certificate; or if, within twenty-four hours after her arrival at such other port, the said certificate shall not be delivered to the proper officer of inspection there, the master or person having the command or charge of the said ship or vessel, shall, in either case forfeit the sum of five hundred dollars; and the spirits on board of her at her said arrival shall be forfeited, and may be seized by any officer of inspection.

Sec. 11. *And be it further enacted*, That all spirits which shall be imported as aforesaid shall be landed under the inspection of the officer or officers of inspection for the place where the same shall be landed, and not otherwise, on pain of forfeiture thereof, for which purpose the said officer or officers shall, at all reasonable times, attend. *Provided*, That this shall not be construed to exclude the inspection of the officers of the customs as now established and practised.

Sec. 12. *And be it further enacted*, That the officers of inspection under whose survey any of the said spirits shall be landed, shall, upon landing thereof, and as soon as the casks, vessels, and cases containing the same shall be gauged or measured, brand, or otherwise mark in durable characters, the several casks, vessels, or cases containing the same, with progressive numbers; and also with the name of the ship or vessel wherein the same was or were imported, and of the port

of entry, and with the proof and quantity thereof; together with such other marks, if any other shall be deemed needful, as the respective supervisors of the revenue may direct. And the said officer shall keep a book, wherein he shall enter the name of each vessel in which any of the said spirits shall be so imported, and of the port of entry and delivery, and of the master of such vessel, and of each importer, and the several casks, vessels, and cases containing the same, and the marks of each; and if such officer is not the chief inspector within the survey, he shall, as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief officer, who shall keep a like book for recording the said transcript.

Sec. 13. *And be it further enacted*, That the chief officer of inspection within whose survey any of the said spirits shall be landed, shall give to the proprietor, importer, or consignee thereof, or his or her agent, a certificate to remain with him or her, of the whole quantity of the said spirits which shall have been so landed; which certificate, besides the said quantity, shall specify the name of such proprietor, importer, or consignee, and of the vessel from on board which the said spirits shall have been landed, and of the marks of each cask, vessel, or case containing the same. And the said officer shall deliver to the said proprietor, importer, or consignee, or to his or her agent, a like certificate for each cask, vessel, or case; which shall accompany the same wheresoever it shall be sent, as evidence of its being lawfully imported. And the officer granting the said certificates shall make regular and exact entries in the book to be by him kept as aforesaid, of all spirits for which the same shall be granted, as particularly as therein described. And the said proprietor, importer, or consignee, or his or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same; on pain of forfeiting the sum of fifty dollars for each cask, vessel, or case with which such certificate shall not be delivered.

Sec. 14. *And be it further enacted*, That upon all spirits which after the said last day of June next shall be distilled within the United States, wholly or in part from molasses, sugar, or other foreign materials, there shall be paid for every gallon of those spirits more than ten per cent, below proof, according to Dica's hydrometer, eleven cents; for every gallon of those spirits under five, and not more than ten per cent, below proof, according to the same hydrometer, twelve cents; for every gallon of those spirits of proof, and not more than five per cent, below proof, according to the same hydrometer, thirteen cents; for every gallon of those spirits above proof, and not exceeding twenty per cent, according to the same hydrometer, fifteen cents; for every gallon of those spirits, more than twenty and not more than forty per cent, above proof, according to the same hydrometer, twenty cents; and

for every gallon of those spirits more than forty per cent, above proof, according to the same hydrometer, thirty cents.

Sec. 15. *And be it further enacted*, That upon all spirits which, after the said last day of June next, shall be distilled within the United States, from any article of the growth or produce of the United States, in any city, town, or village, there shall be paid for their use the duties following, that is to say: for every gallon of those spirits more than ten per cent, below proof, according to Dica's hydrometer, nine cents; for every gallon of those spirits under five, and not more than ten per cent, below proof, according to the same hydrometer, ten cents; for every gallon of those spirits of proof, and not more than five per cent, below proof, according to the same hydrometer, eleven cents; for every gallon of those spirits above proof, but not exceeding twenty per cent, according to the same hydrometer, thirteen cents; for every gallon of those spirits more than twenty, and not more than forty per cent, above proof, according to the same hydrometer, seventeen cents; for every gallon of those spirits more than forty per cent, above proof, according to the same hydrometer, twenty-five cents.

Sec. 16. *And be it further enacted*, That the said duties on spirits distilled within the United States, shall be collected under the management of the supervisors of the revenue.

Sec. 17. *And be it further enacted*, That the said duties on spirits distilled within the United States shall be paid or secured previous to the removal thereof from the distilleries at which they are respectively made. And it shall be at the option of the proprietor or proprietors of each distillery, or of his, her, or their agent, having the superintendence thereof, either to pay the said duties previous to such removal, with an abatement at the rate of two cents for every ten gallons, or to secure the payment of the same, by giving bond quarter-yearly, with one or more sureties, to the satisfaction of the chief officer of inspection within whose survey such distillery shall be, and in such sum as the said officer shall direct, with condition for the payment of the duties upon all such of the said spirits as shall be removed from such distillery within three months next ensuing the date of the bond, at the expiration of nine months from the said date.

Sec. 18. *And be it further enacted*, That the supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each one or more distilleries as he may think proper, who shall attend such distillery at all reasonable times for the execution of the duties by this act enjoined on him.

Sec. 19. *And be it further enacted*, That previous to the removal of the said spirits from any distillery, the officer within whose charge and survey the same may be, shall brand or otherwise mark each cask containing the same, in durable characters, and with progressive numbers, and with the name of the acting owner or other manager of such distillery, and of the place where the

same was situated, and with the quantity therein, to be ascertained by actual gauging, and with the proof thereof. And the duties thereupon having been first paid, or secured, as above provided, the said officer shall grant a certificate for each cask of the said spirits, to accompany the same wheresoever it shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by its marks; and shall enter in a book for that purpose to be kept, all the spirits distilled at such distillery, and removed from the same; and the marks of each cask, and the persons for whose use, and the places to which removed, and the time of each removal, and the amount of the duties on the spirits so removed. And if any of the said spirits shall be removed from any such distillery without having been branded or marked as aforesaid, or without such certificate as aforesaid, the same, together with the cask or casks containing, and the horses or cattle, with the carriages, their harness and tackling, and the vessel or boat, with its tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendent or manager of such distillery shall also forfeit the full value of the spirits so removed, to be computed at the highest price of the like spirits in the market.

Sec. 20. *And be it further enacted*, That no spirits shall be removed from any such distillery at any other times than between sun-rising and sun-setting, except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or of the value thereof, at the highest price in the market, to be recovered with costs of suit from the acting owner or manager of such distillery.

Sec. 21. *And be it further enacted*, That upon stills which, after the last day of June next, shall be employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there shall be paid for the use of the United States the yearly duty of sixty cents for every gallon, English wine measure, of the capacity or content of each, and every such still, including the head thereof.

Sec. 22. *And be it further enacted*, That the evidence of the employment of the said still shall be, their being erected in stone, brick, or some other manner, whereby they shall be in a condition to be worked.

Sec. 23. *And be it further enacted*, That the said duties on stills shall be collected under the management of the supervisor in each district, who shall appoint and assign proper officers for the surveys of the said stills and the admeasurement thereof, and the collection of the duties thereupon; and the said duties shall be paid half-yearly, within the first fifteen days of January and July, on demand of the proprietor or proprietors of each still, at his, her, or their dwelling, by the proper officer charged with the survey thereof; and in case of refusal or neglect to pay, the amount of the duties so refused or neglected to be paid, may either be recovered with costs of

suit in an action of debt in the name of the supervisor of the district, within which such refusal shall happen, for the use of the United States, or may be levied by distress and sale of goods of the person or persons refusing or neglecting to pay, rendering the overplus (if any there be, after payment of the said amount and the charges of distress and sale) to the said person or persons.

Sec. 24. *And be it further enacted*, That if the proprietor of any such still, finding himself or herself aggrieved by the said rates, shall enter or cause to be entered in a book to be kept for that purpose, from day to day when such still shall be employed, the quantity of spirits distilled therefrom, and the quantity from time to time sold or otherwise disposed of, and to whom and when, and shall produce the said book to the officer of inspection within whose survey such still shall be, and shall make oath or affirmation that the same doth contain, to the best of his or her knowledge and belief, true entries made at their respective dates, of all the spirits distilled within the time to which such entries shall relate, from such still, and of the disposition thereof; and shall also declare upon such oath or affirmation, the quantity of such spirits then remaining on hand, it shall be lawful in every such case for the said officer to whom the said book shall be produced, and he is hereby required to estimate the duties upon such still, according to the quantity so stated to have been actually made therefrom at the rate of nine cents per gallon, which, and no more, shall be paid for the same. *Provided*, That if the said entries shall be made by any person other than the said proprietor, a like oath or affirmation shall be made by such person.

And the more effectually to prevent the evasion of the duties hereby imposed on spirits distilled within the United States,

Sec. 25. *Be it further enacted*, That every person who shall be a maker or distiller of spirits from molasses, sugar, or other foreign materials, or from materials the growth and production of the United States, shall write or paint, or cause to be written or painted upon some conspicuous part outside and in front of each house or other building or place made use of, or intended to be made use of by him or her for the distillation or keeping of spirituous liquors, and upon the door or usual entrance of each vault, cellar, or apartment within the same, in which any of the said liquors shall be at any time by him or her distilled, deposited or kept, or intended so to be, the words "Distiller of Spirits," and every such distiller shall, within three days before he or she shall begin to distil therein, make a particular entry in writing, at the nearest office of inspection, if within ten miles thereof, of every such house, building, or place, and of each vault, cellar, and apartment within the same, in which he or she shall intend to carry on the business of distilling, or to keep any spirits by him or her distilled. And if any such distiller shall omit to paint or write, or cause to be painted or written the words aforesaid, in manner aforesaid, upon any such house, or other building or place, or vault, cellar, or

apartment thereof, or shall, in case the same be situated within the said distance of ten miles of any office of inspection, omit to make entry thereof as aforesaid, such distiller shall, for every such omission or neglect, forfeit one hundred dollars, and all the spirits which he or she shall keep therein, or the value thereof, to be computed at the highest price of such spirits in the market; to be recovered by action, with costs of suit, in any court proper to try the same, in the name of the supervisor of the district within which such omission or neglect shall be, for the use of the United States: *Provided always, and be it further enacted*, That the said entry to be made by persons who shall be distillers of spirits, on the first day of July next, shall be made on that day, or within three days thereafter, accompanied (except where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered, and of the casks, cases, and vessels, containing the same, with their marks and numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make such entry, or to deliver such account, the sum of one hundred dollars, and all the spirits by him or her had or kept in any such house, building, or place, to be recovered as aforesaid.

Sec. 26. *And be it further enacted*, That the supervisor of the revenue for the district where, in any house, building, or place shall be situated, whereof entry shall be made as last aforesaid, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark or cause to be marked, in durable characters, the several casks, cases, or vessels containing the same, with progressive numbers, and also with the name of each distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds, and proofs of spirits therein contained, and these words, "old stock." And the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases, and vessels containing the same, and their respective quantities, kinds, proofs, and marks, and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case, or vessel, describing the same, which certificate shall accompany the same, wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificate shall not be delivered.

Sec. 27. *And be it further enacted*, That every importer of distilled spirits, who, on the first day of July next, shall have in his or her possession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose survey the same shall then be; who shall mark the casks, vessels, or cases, containing such spirits, in like manner as is herein before directed touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates thereof, as for such spirits, which certificates shall accompany the respective casks, cases, and vessels, to which they shall relate, wheresoever they shall be sent, and such importer, his, or her agent, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificates shall not be delivered. And if any such importer, or importers, shall refuse or neglect to make such entry at the time, and in the manner herein directed, all such spirits as shall not be so entered shall be forfeited, and the importer, or importers, in whose custody the same shall be found, shall, moreover, forfeit the sum equal to the full value thereof, according to the highest price of such spirits in the market.

Sec. 28. *And be it further enacted*, That, if any cask, case, or vessel, containing distilled spirits, which, by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person unaccompanied with such marks and certificate, it shall be presumptive evidence that the same are liable to forfeiture, and it shall be lawful for any officer of inspection to seize them as forfeited; and if, upon the trial, in consequence of such seizure, the owner or claimant of the spirits seized, shall not prove that the same were imported into the United States according to law, or were distilled, as mentioned in the thirteenth and fourteenth sections of this act, and the duties thereupon paid, or were distilled at one of the stills mentioned in the twentieth section of this act, they shall be adjudged to be forfeited.

Sec. 29. *And be it further enacted*, That it shall be lawful for the officers of inspection of each survey, at all times in the day time, upon request, to enter into all and every the houses, storehouses, warehouses, buildings and places, which shall have been entered in manner aforesaid, and by tasting, gauging, or otherwise, to take an account of the quantity, kinds, and proofs, of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price.

Sec. 30. *And be it further enacted*, That if any person or persons shall rub out or deface any of the marks set upon any cask, vessel, or case, pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the sum of one hundred dollars.

Sec. 31. *And be it further enacted*, That no cask, barrel, keg, vessel, or case, marked as "old stock,"

shall be made use of by any distiller of spirits, for putting or keeping therein any spirits, other than those which were contained therein when so marked, on pain of forfeiting the sum of one hundred dollars for every cask, barrel, keg, vessel, or case, wherein any such spirits shall be so put or kept; neither shall any such distiller have or keep any distilled spirits in any such cask, barrel, keg, vessel, or case, longer than for the space of one year from the said last day of June next, on pain of forfeiting the said spirits: *Provided*, That nothing in this section contained shall be construed to extend to casks or vessels, capable of containing two hundred gallons and upward, and which are not intended to be removed.

Sec. 32. *And be it further enacted*, That in case any of the said spirits shall be fraudulently deposited, hid, or concealed, in any place whatsoever, with intent to evade the duties thereby imposed upon them, they shall be forfeited. And for the better discovery of any such spirits so fraudulently deposited, hid, or concealed, it shall be lawful for any judge of any court of the United States, or either of them, or for any justice of the peace, upon reasonable cause of suspicion, to be made out to the satisfaction of such judge or justice by the oath or affirmation of any person or persons, by special warrant, or warrants, under their respective hands and seals, to authorize any of the officers of inspection, by day, in the presence of a constable, or other officer of the peace, to enter into all and every such place or places, in which any of the said spirits shall be suspected to be so fraudulently deposited, hid, or concealed, and to seize and carry away any of the said spirits which shall be there found so fraudulently deposited, hid, or concealed, as forfeited.

Sec. 33. *And be it further enacted*, That after the last day of June next, no spirituous liquors, except gin or cordials in cases, jugs, or bottles, shall be brought from any foreign port or place, in casks of less capacity than fifty gallons, at the least, on pain of forfeiting of the said spirits, and of the ship or vessel in which they shall be brought: *Provided always*, That nothing in this act contained shall be construed to forfeit any spirits for being imported, or brought into the United States, in other casks or vessels than as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen on board such ship or vessel, and shall not exceed the quantity of four gallons for each seaman.

Sec. 34. *And be it further enacted*, That in every case in which any of the said spirits shall be forfeited by virtue of this act, the casks, vessels, and cases, containing the same, shall also be forfeited.

Sec. 35. *And be it further enacted*, That every distiller of spirits, on which the duty is hereby charged by the gallon, shall keep, or cause to be kept, an exact account of the said spirits, which he or she shall sell, send out, or distil, distinguishing their several kinds and proofs; and shall, every day, make a just and true entry in a book, to be kept for that purpose, of the quantities and

particulars of the said spirits by him or her sold, sent out or distilled on the preceding day; specifying the marks of the several casks in which they shall be so sold or sent out, and the persons to whom, and for whose use, they shall be so sold or sent out: which said books shall be prepared for the making such entries, and shall be delivered, upon demand, to the said distillers, by the supervisors of the revenue of the several districts, or by such person or persons as they shall, respectively, for that purpose, appoint, and shall be severally returned or delivered at the end of each year, or when the same shall be respectively filled up, (which shall first happen,) to the proper officers of inspection; and the truth of the entries made therein shall be verified, upon the oath or affirmation of the person by whom those entries shall have been made, and as often as the said books shall be furnished, upon like demand, by the proper officers of inspection, to the said distillers, respectively. And the said books shall, from time to time, while in the possession of the said distillers, lie open for the inspection of, and, upon request, shall be shown to, the proper officers of inspection, under whose survey the said distillers shall respectively be, who may take such minutes, memorandums, or transcripts thereof, as they may think fit. And if any such distiller shall neglect or refuse to keep such book or books, or to make such entries therein, or to show the same, upon request, to the proper officer of inspection, or not return the same, according to the directions of this act, he or she shall forfeit, for every such refusal or neglect, the sum of one hundred dollars.

Sec. 36. *And be it further enacted*, That the penalties by this act imposed on distillers, for neglecting to make report to the inspectors, of their intentions of distilling spirits, or for neglecting to mark the houses, apartments, or vessels to be employed, or for neglecting to enter in books the quantity of spirits distilled, shall not extend to any person who shall employ one still only, and that of a capacity not exceeding fifty gallons, including the still head.

Sec. 37. *And be it further enacted*, That the several kinds of proof hereinbefore specified, shall, in marking the casks, vessels, and cases, containing any distilled spirits, be distinguished, corresponding with the order in which they are mentioned, by the words "First Proof," "Second Proof," "Third Proof," "Fourth Proof," "Fifth Proof," "Sixth Proof." And that it be the duty of the Secretary of the Treasury to provide and furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs.

Sec. 38. *And be it further enacted*, That in any prosecution or action, which may be brought against any supervisor or other officer of inspection, for any seizure by him made, it shall be necessary for such supervisor or officer, to justify himself, by making it appear that there was probable cause for making the said seizure; upon which, and not otherwise, a verdict shall pass in his favor. And in any such action or prosecution, or in any action or prosecution which may be

brought against such supervisor or other officer, for irregular or improper conduct in the execution of his duty, the trial shall be by jury. And in any action for a seizure, in which a verdict shall pass for such officer, the jury shall, nevertheless, assess reasonable damages for any prejudice or waste (according to the true amount in value thereof) which shall be shown, by good proof, to have happened to the spirits seized, in consequence of such seizure; and also for the detention of the same, at the rate of six per cent. per annum, on the true value of the said spirits at the time of such seizure, from that time to the time of restoration thereof; which shall be paid out of the Treasury of the United States: *Provided*, That no damages shall be assessed when the seizure was made for want of the proper certificate or certificates, or by reason of a refusal to show any officer of inspection, upon his request, the spirits in any entered house, building, or place: *And provided, also*, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.

Sec. 39. *And be it further enacted*, That if any supervisor, or other officer of inspection, in any criminal prosecution against him, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months, or both, at the discretion of the court; and shall also forfeit his office.

Sec. 40. *And be it further enacted*, That no fee shall be taken for any certificate to be issued or granted pursuant to this act.

Sec. 41. *And be it further enacted*, That if any of the said supervisors, or other officers of inspection, shall neglect to perform any of the duties hereby enjoined upon them, respectively, according to the true intent and meaning of this act, whereby any person or persons shall be injured or suffer damage, such person or persons shall and may have an action, founded upon this act, against such supervisors, or other officers, and shall recover full damages for the same, together with costs of suit.

Sec. 42. *And be it further enacted*, That any action or suit to be brought against any person or persons, for any thing by him or them done in pursuance of this act, shall be commenced within three months next after the matter or thing done, and, unless brought in a court of the United States, shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any such action or suit, may plead the general issue, and, on the trial thereof, give this act and the special matter in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinued his, her, or their action or prosecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her, or them, against such plaintiff or plaintiffs.

And in order that persons who may have incurred any of the penalties of this act, without wilful negligence, or intention of fraud, may be relieved from such penalties.

Sec. 43. *Be it further enacted*, That it shall be lawful for the judge of the district within which such penalty or forfeiture shall have been incurred, at any time within one year after the last day of June next, upon petition of the party who shall have incurred the same, to inquire, in a summary way, into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such penalty or forfeiture, and to the attorney of such district; to the end that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts, which shall appear upon such inquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized, to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.

Sec. 44. *And be it further enacted*, That the one-half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the person or persons who shall make a seizure, or who shall first discover the matter or thing whereby the same shall have been incurred, and the other half to the use of the United States. And such penalty and forfeiture shall be recoverable, with costs of suit, by action of debt, in the name of the person or persons entitled thereto, or by information, in the name of the United States of America; and it shall be the duty of the attorney of the district wherein such penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accordingly: *Provided always*, That no officer of inspection other than chief officer or officers of a survey, shall be entitled to the benefit of any forfeiture, unless notice of the seizure by him made, shall be by him given, within forty-eight hours next after such seizure to the said chief officer or officers; but, in such case, the United States shall have the entire benefit of such forfeiture.

Sec. 45. *And be it further enacted*, That if any person or persons shall counterfeit or forge, or cause to be counterfeited or forged, any of the certificates hereinbefore directed to be given, or shall knowingly or willingly accept or receive any false or untrue certificate, with any of the said spirits, or shall fraudulently alter or erase any such certificate after the same shall be given, or knowingly or willingly publish or make use of such certificate so counterfeited, forged, false, untrue, altered, or erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of five hundred dollars.

Sec. 46. *And be it further enacted*, That any

person or persons that shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

Sec. 47. *And be it further enacted*, That if any person or persons shall give, or to offer to give, any bribe, recompense, or reward whatsoever, to any supervisor, or other officer of inspection of the revenue, in order to corrupt, persuade, or prevail upon, such officer, either to do any act or acts contrary to his duty in the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at, or to conceal, any fraud or frauds relating to the duties hereby imposed on any of the said spirits, or not to discover the same, every such person or persons shall, for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding five hundred dollars.

Sec. 48. *And be it further enacted*, That if any person or persons shall forcibly obstruct or hinder any supervisor, or other officer of inspection, in the execution of this act, or of any of the powers or authorities hereby vested in him, or shall forcibly rescue, or cause to be rescued, any of the said spirits, after the same shall have been seized by any such supervisor, or other officer, or shall attempt or endeavor so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding two hundred dollars.

Sec. 49. *And be it further enacted*, That if any such supervisor, or other officer, shall enter into any collusion with any person or persons, for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, building, or place, wherein the same are deposited, without payment, or security for the payment, of the duties thereupon, or shall falsely or fraudulently mark any cask, case, or vessel, contrary to any of the said provisions, or shall embezzle the public money, or otherwise be guilty of fraud in his office, such supervisor, or other officer, shall, for every such offence, forfeit the sum of one thousand dollars, and, upon conviction of any of the said offences, shall forfeit his office, and shall be disqualified for holding any other office under the United States.

Sec. 50. *And be it further enacted*, That in every case in which an oath or affirmation is required by virtue of this act, it shall be lawful for the supervisors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And that wherever there are more than one supervisor for one district, a majority of them may execute all and any of the powers and authorities hereby vested in the supervisors of the revenue: *Provided*, That this shall not be construed to

make a majority necessary in any case in which, according to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be several.

And for the encouragement of the export trade of the United States:

Sec. 51. *Be it further enacted*, That if any of the said spirits (whereupon any of the duties imposed by this act shall have been paid or secured to be paid) shall, after the last day of June next, be exported from the United States, to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of drawback, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to the allowance upon spirits distilled within the United States from molasses, which shall be so exported, three cents per gallon, as an equivalent for the duty laid upon molasses by the said act making further provision for the payment of the debts of the United States: *Provided always*, That the said allowance shall not be made, unless the said exporter or exporters shall observe the regulations hereinafter prescribed: *And provided further*, That nothing herein contained shall be construed to alter the provisions in the said former act, concerning drawbacks or allowances in nature thereof, upon spirits imported prior to the first day of July next.

Sec. 52. *And be it further enacted*, That in order to entitle the said exporter or exporters to the benefit of the said allowances, he, she, or they, shall, previous to putting or lading any of the said spirits on board of any ship or vessel for exportation, give twenty-four hours' notice at the least, to the proper officer of inspection of the port from which the said spirits shall be intended to be exported, of his, her, or their intention to export the same, and of the number of casks, vessels, and so intended to be exported, and of the respective marks thereof, and of the place or places where the said spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported; whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the casks, vessels, and cases, so noticed for exportation, and the quantities, kinds, and proofs, of the spirits therein, together with the certificates which ought to accompany the same, according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the said casks, vessels, and cases, have the proper marks, according to the directions of this act, and that the spirits therein correspond with the said certificates, he shall thereupon brand each cask, vessel, or case, with the word "exportations," and that the said spirits shall, after such inspection, be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purpose. And after the said spirits shall be laden on board such ship or vessel, the certificates aforesaid shall be

delivered to the said officer, who shall certify, to the collector of the said district, the amount and particulars of the spirits so exported, and shall also deliver the said certificates, which shall have been by him received, to the said collector, which shall be a voucher to him for payment of the said allowance.

Sec. 53. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath, or affirmation, that the said spirits so noticed for exportation, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the United States; and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid, or secured to be paid; and shall also give bond to the collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel, in which the said spirits shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value, in the judgment of the said collector, of the said spirits so intended to be exported, with the condition that the said spirits, (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in, some port or place without the limits of the United States, and that the said spirits shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or reloaded in any other part of the same, (shipwreck or other unavoidable accident excepted).

Sec. 54. *Provided also, and be it further enacted*, That the said allowance shall not be paid until six months after the said spirits shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for the relanding the same.

Sec. 55. *And be it further enacted*, That if any of the said spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be reloaded within the United States, from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless, in case of necessity or distress, to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then, not only the

spirits so unshipped, together with the casks, vessels, and cases, containing the same, but also the ship or vessel in or on board which the same shall have been so shipped or laden, together with her guns, furniture, ammunition, tackle, and apparel; and also the ship, vessel, or boat, into which the said spirits shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection.

Sec. 56. *And be it further enacted*, That the said allowance shall not be made when the said spirits shall be exported in any other than a ship or vessel of the burden of thirty tons and upwards, to be ascertained to the satisfaction of the collector of the district from which the same shall be intended to be exported.

Sec. 57. *And be it further enacted*, That the bonds to be given as aforesaid, shall and may be discharged by producing, within one year from the respective dates thereof, (if the same be shipped to any part of Europe or America, and within two years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a consul or other agent of the United States resides,) a certificate of such consul or agent, or if there be no such consul or agent, then a certificate of any two known and reputable American merchants, residing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any other two reputable merchants, testifying the delivery of the said spirits at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer, of the vessel in which the said spirits shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always*, That in the case of death, the oath or affirmation of the party dying shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged upon proof that the spirits so exported, were taken by enemies, or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment and proof of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such spirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such spirits shall, nevertheless, be permitted to offer such other proof, as to the delivery of the said spirits without the limits of the United States, as he or they may have; and if the same shall be

deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards; in all which cases the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

Sec. 58. *And be it further enacted*, That it shall and may be lawful for the President of the United States, from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed, for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: *Provided always*, That the aggregate amount of the allowances to all the said supervisors, inspectors, and other officers, shall not exceed seven per cent. of the whole product of the duties arising from the spirits distilled within the United States: *And provided also*, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.

Sec. 59. *And be it further enacted*, That this act shall commence and take effect as to all matters therein contained, in respect to which no special commencement is hereby provided, (except the districts and surveys,) from and immediately after the last day of June next.

Sec. 60. *And be it further enacted*, That the nett product of the duties herein before specified, which shall be raised, levied, and collected, by virtue of this act, or so much thereof as may be necessary, shall be, and is hereby, pledged and appropriated for the payment of the interest of the several and respective loans which had been made in foreign countries, prior to the fourth day of August last; and, also, upon all and every the loan and loans which have been and shall be made and obtained pursuant to the act, entitled "An act making provision for the debt of the United States," and according to the true intent and meaning of the said act, and of the several provisions and engagements therein contained, and expressed, and subject to the like priorities and reservations as are made and contained in and by the said act, in respect to the moneys therein appropriated, and subject to this further reservation, that is to say: of the nett amount or product, during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the United States from any foreign port or place, and of the duties laid by this act on spirits distilled within the United States, and on stills; to be disposed of towards such purposes for which appropriations shall be made during the present session. And to the end that the said moneys may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose, until the final redemption or reimbursement of the loans or sums for the payment of the interest whereof they are appropriated, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise,

and taxes, whatsoever, except those heretofore laid and appropriated to the same purposes.

Sec. 61. *And be it further enacted*, That the unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, entitled "An act making provision for the reduction of the public debt," and provided by the act, entitled "An act making provision for the debt of the United States," unless the said surplus, or any part thereof, shall be required for the public exigencies of the United States, and shall, by special acts of Congress, be appropriated thereto.

Sec. 62. *And be it further enacted*, That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated shall be fully discharged and satisfied, and no longer: *Provided always*, That nothing herein contained shall be construed to prevent the Legislature of the United States from substituting other duties or taxes, of equal value to all or any of the said duties and imposts.

Approved, March 3, 1791.

An Act making an appropriation for the purpose therein mentioned.

Be it enacted, &c., That for the purpose of effecting a recognition of the treaty of the United States, with the new Emperor of Morocco, there be, and hereby is, appropriated a sum not exceeding twenty thousand dollars, to be paid out of the moneys which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled "An act making further provision for the payment of the debts of the United States." And the President is hereby authorized to take on loan the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six per cent. per annum, and the fund established for the above mentioned appropriation is hereby pledged for the re-payment of the principal and interest of any loan to be obtained in manner aforesaid, and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

Approved, March 3, 1791.

An Act to amend "An act for establishing the temporary and permanent seat of the Government of the United States."

Be it enacted, &c., That so much of the act,

entitled "An act for establishing the temporary and permanent seat of the Government of the United States," as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac, for the permanent seat of the Government of the United States, shall be located above the mouth of the Eastern Branch, be, and is hereby, repealed; and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria; and the territory so to be included shall form a part of the district not exceeding ten miles square, for the permanent seat of the Government of the United States, in like manner, and to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided*, That nothing herein contained shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

Approved, March 3, 1791.

An act supplemental to the "Act establishing the Treasury Department," and for a further compensation to certain officers.

Be it enacted, &c., That the eighth section of the act, entitled "An act to establish the Treasury Department," passed the second day of September, one thousand seven hundred and eighty-nine, shall be, and the same is hereby, extended to all and every of the clerks employed in the Treasury Department, as fully and effectually as if they, and every of them, were specially named therein, except as to the penalty in such section mentioned, which, in case of any such clerk offending against the provisions of the said section, shall be five hundred dollars, and removal from office.

Sec. 2. And be it further enacted, That each and every clerk, and other officer already appointed in any of the departments of the United States, (and who have not, since their appointment, taken the oath or affirmation hereafter mentioned,) shall, within fifteen days after the passing of this act, and those who shall hereafter be appointed, shall, before they enter upon the duties of such appointment, take an oath of affirmation, before one of the justices of the Supreme Court, or one of the judges of a district court of the United States, to support the Constitution of the United States, and also an oath or affirmation, well and faithfully to execute the trust committed to him; which oaths or affirmations, subscribed by such clerk, and certified by the person administering the same, shall be filed in the office of the person employing such clerk.

Sec. 3. And be it further enacted, That it shall and may be lawful for the principal in any of the offices of the United States, who is authorized by law to appoint clerks under him; to allow to each clerk such compensation for his services as he shall, in the opinion of such officer, deserve for

the same: *Provided*, That the whole sum to be expended for clerks in any such office (except the chief clerk) shall not exceed a sum equal to five hundred dollars per annum for every clerk employed therein.

Sec. 4. And be it further enacted by the authority aforesaid, That there shall be allowed for one year, commencing with the passing of this act, to the register, two hundred and fifty dollars; and to the auditor, the comptroller of the Treasury, and the attorney general, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.

Approved, March 3, 1791.

An act relative to the six dollar of Denmark.

Be it enacted, &c., That so much of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as hath rated the six dollar of Denmark at one hundred cents, be, and the same is hereby, repealed; and that this repeal shall be deemed to operate in respect to all duties which have already arisen or accrued, as well as to such as shall hereafter arise or accrue.

Approved, March 3, 1791.

An Act in addition to an act, entitled "An act for establishing the salaries of the executive officers of Government, with their assistants and clerks."

Be it enacted, &c., That, from and after the passing of this act, there shall be allowed to the chief clerk of the auditor, the annual sum of two hundred dollars, in addition to the salary allowed to him by the act, entitled "An act establishing the salaries of the executive officers of Government, with their assistants and clerks," to be paid at the Treasury of the United States, in quarterly payments, and from like appropriations as may be assigned for the payment of the other salaries mentioned in the above recited act.

Sec. 2. And be it further enacted, That there be allowed to the clerks employed in the several offices attached to the seat of Government, in addition to their respective salaries, their reasonable and necessary expenses, incurred by the removal of Congress from the city of New York to the city of Philadelphia.

Sec. 3. And be it further enacted, That there be allowed to the assistant Secretary of the Treasury, in addition to his salary for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary.

Approved, March 3, 1791.

An act for making compensation to the commissioners of loans, for extraordinary expenses.

Be it enacted, &c., That the commissioners of loans in the several States shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by

them in the purchase of stationery for the use of their several offices, from the commencement of the same to the first day of October next.

Sec. 2. And be it further enacted, That the commissioners of loans in the several States shall be allowed, in the settlement of their several accounts, such sums as they shall have necessarily expended for the hire of clerks to assist in executing the duties of their several offices, from the commencement of the same to the first day of October next.

Approved, March 3, 1791.

An act providing compensations for the officers of the Judicial Courts of the United States, and for jurors and witnesses, and for other purposes.

Be it enacted, &c., That there be allowed to the several officers following, in addition to the fees (except mileage to the marshals) to which they are otherwise by law entitled, and also to jurors and witnesses, in the Courts of the United States, the following respective compensations, that is to say: To the attorney of the United States for the district, for his expenses and time in travelling from the place of his abode to any court of the United States, on which his attendance shall be requisite, at the rate of ten cents per mile going, and the same allowance for returning; to the clerk of the district court, for attending in the district or circuit court, five dollars per day, and the like compensation for travelling as is above allowed to the attorney for the district; to the clerk of the supreme court, for attending in court, eight dollars per day; to the marshal of the district, for attending the supreme, circuit, or district courts, five dollars per day; for summoning a grand jury, three dollars; and for summoning a petit jury, two dollars; and for serving and returning a writ, five cents per mile for his necessary travel; to the grand and petit jurors, each, fifty cents per day for attending in court, and for travelling, at the rate of fifty cents for every ten miles from their respective places of abode to the place where the court is held, and the like allowance for returning; to witnesses, summoned on the part of the United States, or in behalf of any prisoner to be tried for any capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors. That the several officers above specified shall be deemed to have been entitled to the above respective compensations, from the time of their respective appointments; and that the grand and petit jurors and witnesses, who have heretofore attended, shall also be deemed entitled to the above compensation, in like manner as those who shall hereafter attend. That there shall also be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies for holding a court, as hath accrued, or shall accrue; and the compensations to the grand and petit jurors, and witnesses, shall be included in the account of, and paid to, the marshal, to the use of, and be by him accordingly paid over to, the several persons entitled to the same; and the accounts of the several officers for the

compensations aforesaid, (except mileage to the marshal for the service of writs in civil causes,) having been previously examined and certified by the judge of the district, shall be passed in the usual manner at, and the amount thereof paid out of, the Treasury of the United States. And a sum, arising from the fines and forfeitures to the United States, and equal to the amount thereof, is hereby appropriated for the payment of the above accounts.

Sec. 2. And be it further enacted, That instead of the provisions in that respect heretofore made, of the first session of the circuit courts in the Eastern circuit, after the passing of this act, shall commence at the times following, that is to say: In New York district on the fifth, and in Connecticut district on the twenty-fifth, days of April next; in Massachusetts district on the twelfth, and in New Hampshire district on the twenty-fourth, days of May next; and in Rhode Island district on the seventh day of June next; and the subsequent sessions in the respective districts, on the like days of every sixth calendar month thereafter, except when any of those days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the said circuit court shall be held in New Hampshire district, at Portsmouth and Exeter, alternately, beginning at the first, in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence, alternately, beginning at the first, in Connecticut district, at Hartford and New Haven, alternately, beginning at the last; and in New York district, at the city of New York only.

Sec. 3. And be it further enacted, That, from and after the passing of this act, instead of the provisions in the act for that purpose, the sessions of the circuit court for the district of Virginia shall be holden in the city of Richmond only.

Sec. 4. And be it further enacted, That this act shall continue in force until the end of the next session of Congress, and no longer.

Approved, March 3, 1791.

An Act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the Post Office."

Be it enacted, &c., That the act passed the first session of Congress, entitled "An act for the temporary establishment of the Post Office," be, and the same is hereby continued in full force until the end of the next session of Congress, and no longer.

Sec. 2. And be it further enacted, That all letters to and from the Treasurer, Comptroller, and Auditor, of the Treasury, and the Assistant to the Secretary of the Treasury, on public service, shall be received and conveyed by the post, free of postage.

Sec. 3. And be it further enacted, That the Postmaster General shall be, and he is hereby, authorized to extend the carrying the mail from

ty or parties applying for the same, secured to be paid, in manner following: that is to say, the said party or parties shall give bond, with one or more surety or sureties, to the satisfaction of the said inspector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars in four months; or, if the same shall exceed one hundred dollars, and shall not exceed five hundred dollars, in eight months; or, if the same shall exceed five hundred dollars, in twelve months. *Provided always*, That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years, originally allowed upon the depositing of the said teas.

Sec. 2. *And be it further enacted*, That if the duties on any parcel of teas which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of two years, according to the condition of the obligation to be given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured of the said duties, together with the expenses of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner or owners thereof, his, her, or their agent, or lawful representative.

Sec. 3. *And be it further enacted*, That the bonds which have been or shall be directed to be given, by this or any other act, for moneys or duties to be paid or performed to the United States, shall be taken in the name of the United States of America, unless special direction shall have been given to take them in some other name. And the bonds to be taken as aforesaid, by any inspector of the revenue, shall be delivered by him forthwith to the collector of the district within which the teas, to which they may relate, shall have been landed, in order to the collection of the moneys therein specified. And the permits which shall have been granted by such inspector, for the delivery of any teas out of any storehouse wherein they shall have been deposited, shall be received by such collector towards satisfying any bond which shall have been, in the first instance, taken by the said collector, touching the said teas; which permits shall, therefore, specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof, and the name of the ship or vessel in which they shall have been imported, and of the importer or importers thereof.

Sec. 4. *And be it further enacted*, That all teas, which, after the first day of April next, shall be imported into the United States from any foreign port or place, shall be landed under the care of the inspectors of the revenue for the ports where the same shall be respectively landed; and, for that purpose, every permit which shall be

act, which limits the rate of interest to five per centum per annum: And whereas it is expedient that the said doubt be removed: *Be it enacted, &c.*, That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled "An act making provision for the reduction of the public debt," and that any further loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

Approved, March 3, 1791.

An act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines.

Whereas it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the security of the revenue: *Be it enacted, &c.*, That, in addition to the provisions contained in the fortieth and forty-first sections of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as they regard the payment, or securing the payment of the duties on teas, it shall be lawful for every importer of teas, if he or she shall elect so to do, to give his or her bond to the collector of the district in which any of the said teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following: that is to say, the teas, for the duties whereof the said bond shall be accepted, shall be deposited at the expense and risk of the said importer, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse the said inspector or officer of inspection shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by the said inspector, or by such other person as he shall depute and appoint in that behalf, whose duty it shall be to attend, at all reasonable times, for the purpose of delivering the said teas, of the said storehouse or storehouses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the said inspector or officer of inspection. And in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid, or, at the option of the par-

Albany, in the State of New York, to Bennington, in the State of Vermont. Approved, March 3, 1791.

An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties, accruing under the revenue laws, in certain cases therein mentioned," shall be, and is hereby, continued in force until the end of the next session of Congress, and no longer.

Sec. 2. *And be it further enacted*, That the yearly pensions which have been allowed by or in pursuance of any act or law of the United States, to persons who were wounded and disabled during the late war, shall, for the space of one year from the fourth day of March next, be paid out of the Treasury of the United States under such regulations as the President of the United States may direct.

Sec. 3. *And be it further enacted*, That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-two, notwithstanding such light-houses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time, be ceded to or vested in the United States, by the State or States, respectively, in which the same may be, and that the said time be further allowed to the States, respectively, to make such cession: *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States, to grant pardons for offences against the United States.

Approved, March 3, 1791.

An act supplementary to the act making provision for the reduction of the public debt.

Whereas it hath been made known to Congress that the President of the United States, in consequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the year one thousand eight hundred, and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States:

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen, whether the said loan be within the meaning of the said last mentioned

granted by any collector for landing the same, shall, prior to such landing, be produced to the said inspector, who, by an endorsement thereupon under his own hand, shall signify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said inspector shall make an entry of all such permits, and of the contents thereof; and each chest, box, or package, containing any teas, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the said officer shall grant a certificate for each such chest, box, or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same whenever it shall be sent.

And whereas, for the payment of the duties accruing on Madeira wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines: *Be it enacted, &c.*, That, for the payment of the duties on other than Madeira wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Madeira wines.

Approved, March 3, 1791.

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.

Be it enacted, &c., That four hundred acres of land be given to each of those persons, who, in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes, or in the Illinois country, on the Mississippi, and who, since that time, have removed from one of the said places to the other. And the Governor of the territory northwest of the Ohio is hereby directed to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

Sec. 2. *And be it further enacted and declared*, That the heads of families at Vincennes, or in the Illinois country, in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are, notwithstanding, entitled to the donation of four hundred acres of land made by the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the Governor of the said territory, upon application to him for that purpose is hereby directed to cause the same to be laid out for such heads of families, or their heirs, and shall also cause to be laid off and confirmed to such persons,

ty or parties applying for the same, secured to be paid, in manner following: that is to say, the said party or parties shall give bond, with one or more surety or sureties, to the satisfaction of the said inspector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed one hundred dollars in four months; or, if the same shall exceed one hundred dollars, and shall not exceed five hundred dollars, in eight months; or, if the same shall exceed five hundred dollars, in twelve months. *Provided always*, That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of two years, originally allowed upon the depositing of the said teas.

Sec. 2. *And be it further enacted*, That if the duties on any parcel of teas which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of two years, according to the condition of the obligation to be given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured of the said duties, together with the expenses of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner or owners thereof, his, her, or their agent, or lawful representative.

Sec. 3. *And be it further enacted*, That the bonds which have been or shall be directed to be given, by this or any other act, for moneys or duties to be paid or performed to the United States, shall be taken in the name of the United States of America, unless special direction shall have been given to take them in some other name. And the bonds to be taken as aforesaid, by any inspector of the revenue, shall be delivered by him forthwith to the collector of the district within which the teas, to which they may relate, shall have been landed, in order to the collection of the moneys therein specified. And the permits which shall have been granted by such inspector, for the delivery of any teas out of any storehouse wherein they shall have been deposited, shall be received by such collector towards satisfying any bond which shall have been, in the first instance, taken by the said collector, touching the said teas; which permits shall, therefore, specify the amount of the duties which shall have been paid or secured upon the teas to be delivered in virtue thereof, and the name of the ship or vessel in which they shall have been imported, and of the importer or importers thereof.

Sec. 4. *And be it further enacted*, That all teas, which, after the first day of April next, shall be imported into the United States from any foreign port or place, shall be landed under the care of the inspectors of the revenue for the ports where the same shall be respectively landed; and, for that purpose, every permit which shall be

act, which limits the rate of interest to five per centum per annum: And whereas it is expedient that the said doubt be removed: *Be it enacted, &c.*, That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled "An act making provision for the reduction of the public debt," and that any further loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

Approved, March 3, 1791.

An act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines.

Whereas it is conceived that the following regulations concerning teas may be conducive both to the accommodation of the importers thereof, and to the security of the revenue: *Be it enacted, &c.*, That, in addition to the provisions contained in the fortieth and forty-first sections of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as they regard the payment, or securing the payment of the duties on teas, it shall be lawful for every importer of teas, if he or she shall elect so to do, to give his or her bond to the collector of the district in which any of the said teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in two years from the date of such bond; which bond shall be accepted by such collector, without surety, upon the terms following: that is to say, the teas, for the duties whereof the said bond shall be accepted, shall be deposited at the expense and risk of the said importer, in one or more storehouse or storehouses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such storehouse the said inspector or officer of inspection shall cause to be affixed two locks, the key of one of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by the said inspector, or by such other person as he shall depute and appoint in that behalf, whose duty it shall be to attend, at all reasonable times, for the purpose of delivering the said teas, of the said storehouse or storehouses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the said inspector or officer of inspection. And in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid, or, at the option of the par-

Albany, in the State of New York, to Bennington, in the State of Vermont. Approved, March 3, 1791.

An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties, accruing under the revenue laws, in certain cases therein mentioned," shall be, and is hereby, continued in force until the end of the next session of Congress, and no longer.

Sec. 2. *And be it further enacted*, That the yearly pensions which have been allowed by or in pursuance of any act or law of the United States, to persons who were wounded and disabled during the late war, shall, for the space of one year from the fourth day of March next, be paid out of the Treasury of the United States under such regulations as the President of the United States may direct.

Sec. 3. *And be it further enacted*, That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-two, notwithstanding such light-houses, beacons, buoys, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time, be ceded to or vested in the United States, by the State or States, respectively, in which the same may be, and that the said time be further allowed to the States, respectively, to make such cession: *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States, to grant pardons for offences against the United States.

Approved, March 3, 1791.

An act supplementary to the act making provision for the reduction of the public debt.

Whereas it hath been made known to Congress that the President of the United States, in consequence of "An act making provision for the reduction of the public debt," hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the year one thousand eight hundred, and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States:

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen, whether the said loan be within the meaning of the said last mentioned

granted by any collector for landing the same, shall, prior to such landing, be produced to the said inspector, who, by an endorsement thereupon under his own hand, shall signify the production thereof to him, and the time when; after which, and not otherwise, it shall be lawful to land the teas mentioned in such permit. And the said inspector shall make an entry of all such permits, and of the contents thereof; and each chest, box, or package, containing any teas, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, and with the name of the vessel in which the same shall have been imported. And the said officer shall grant a certificate for each such chest, box, or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same whenever it shall be sent.

And whereas, for the payment of the duties accruing on Madeira wines, and which may be secured by bond, the term of twelve months is allowed; and it is proper to extend, in like manner, the payment of the duties accruing on other wines: *Be it enacted, &c.*, That, for the payment of the duties on other than Madeira wines, and which shall be secured by bond, such bond shall be taken with condition for the payment of the duties in twelve months, in like manner as by law is directed for the payment of the duties on Madeira wines.

Approved, March 3, 1791.

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.

Be it enacted, &c., That four hundred acres of land be given to each of those persons, who, in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes, or in the Illinois country, on the Mississippi, and who, since that time, have removed from one of the said places to the other. And the Governor of the territory northwest of the Ohio is hereby directed to cause the same to be laid out for them, at their own expense, either at Vincennes or in the Illinois country, as they shall severally elect.

Sec. 2. *And be it further enacted and declared*, That the heads of families at Vincennes, or in the Illinois country, in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are, notwithstanding, entitled to the donation of four hundred acres of land made by the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight; and the Governor of the said territory, upon application to him for that purpose is hereby directed to cause the same to be laid out for such heads of families, or their heirs, and shall also cause to be laid off and confirmed to such persons,

the several tracts of land which they may have possessed, and which, before the year one thousand seven hundred and eighty-three, may have been allotted to them according to the laws and usages of the Government under which they had respectively settled: *Provided, nevertheless*, That if such persons, or their heirs, do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.

Sec. 3. *And be it further enacted*, That one hundred and fifty acres of land, heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.

Sec. 4. *And be it further enacted*, That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same, by any commandant or court claiming authority to make such grant, the Governor of the said territory be, and he hereby is, empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he, in his discretion, may judge reasonable, not exceeding to any one person four hundred acres.

Sec. 5. *And be it further enacted*, That a tract of land, containing about five thousand four hundred acres, which, for many years, has been fenced and used by the inhabitants of Vincennes as a common, also a tract of land including the villages of Cohos and Prairie du Pont, and heretofore used by the inhabitants of the said village as a common, be, and the same are hereby, appropriated to the use of the inhabitants of Vincennes, and of the said village, respectively, to be used by them as a common, until otherwise disposed of by law.

Sec. 6. *And be it further enacted*, That the Governor of the said territory be authorized to make a grant of land, not exceeding one hundred acres, to each person who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and ninety, was enrolled in the militia at Vincennes, or in the Illinois country, and has done militia duty, the said land to be laid out at the expense of the grantees, and in such form and place as the said Governor shall direct: *Provided, nevertheless*, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including by their village, which is hereby appropriated to the use of the said Indians.

Sec. 7. *And be it further enacted*, That two lots of land, heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby, granted in fee to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jam Beauvais, who claims the same in virtue of a purchase thereof.

Sec. 8. *And be it further enacted*, That so much of the act of Congress of the twenty-eighth of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land directed to be run out and reserved for donations, to the ancient settlers in the Illinois country, be, and the same is hereby, repealed, and the Governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth of June, one thousand seven hundred and eighty-eight.

Approved, March 3, 1791.

An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

Be it enacted, &c., That there shall be raised an additional regiment of infantry, which, exclusive of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.

Sec. 2. *And be it further enacted*, That the said regiment shall be organized in the same manner as the regiment of infantry described in the act entitled "An act for regulating the military establishment of the United States."

Sec. 3. *And be it further enacted*, That the troops aforesaid, by this act to be raised, including the officers, shall receive the same pay and allowances, be subject to the same rules and regulations, and be engaged for the like term, and upon the same conditions, in all respects, excepting the bounty hereinafter mentioned, as are stipulated for the troops of the United States, in the before-mentioned act.

Sec. 4. *And be it further enacted*, That each non-commissioned officer, private, and musician, who has enlisted, or shall enlist, pursuant to the act aforesaid, or who shall enlist pursuant to this act, shall be entitled to receive six dollars as a bounty.

Sec. 5. *And be it further enacted*, That in case the President of the United States should deem the employment of a major-general, brigadier-general, a quartermaster, and chaplain, or either of them, essential to the public interest, that he be, and he hereby is, empowered, by and with the advice and consent of the Senate, to appoint the same accordingly. And a major-general, so appointed, may choose his aid-de-camp, and a brigadier-general his brigade major, from the captains or subalterns of the line: *Provided always*, That the major-general and brigadier-general so to be appointed, shall, respectively, continue in pay during such term only as the President of the United States, in his discretion, shall deem it requisite for the public service.

Sec. 6. *And be it further enacted*, That in case a major-general, brigadier-general, quartermaster, aid-de-camp, brigade major, and chaplain, should be appointed, their pay and allowances shall be, respectively, as herein mentioned. The major-general shall be entitled to one hundred and twenty-five dollars, monthly pay, twenty dollars allowance for forage, monthly, and for daily sub-

sistence fifteen rations, or money in lieu thereof, at the contract price; the brigadier-general shall be entitled to ninety-four dollars, monthly pay, with sixteen dollars allowance for forage, monthly, and for daily subsistence twelve rations, or money in lieu thereof, at the contract price; that the quartermaster shall be entitled to the same pay, rations, and forage, as the lieutenant colonel commandant of a regiment; that the aid-de-camp be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment; that the brigade major be entitled, including all allowances, to the same pay, rations, and forage, as a major of a regiment; that the chaplain be entitled to fifty dollars per month, including pay, rations, and forage.

Sec. 7. *And be it further enacted*, That if, in the opinion of the President, it shall be conducive to the good of the service, to engage a body of militia to serve as cavalry, they furnishing their own horses, arms, and provisions, it shall be lawful for him to offer such allowances, to encourage their engaging in the service, for such time, and on such terms, as he shall deem it expedient to prescribe.

Sec. 8. *And be it further enacted*, That if the President should be of opinion that it will be conducive to the public service to employ troops enlisted under the denomination of levies, in addition to, or in place of, the militia which, in virtue of the powers vested in him by law, he is authorized to call into the service of the United States, it shall be lawful for him to raise, for a term not exceeding six months, (to be discharged sooner if the public service will permit,) a corps, not exceeding two thousand non-commissioned officers, privates, and musicians, with a suitable number of commissioned officers. And in case it shall appear probable to the President that the regiment directed to be raised by the aforesaid act, and by this act, will not be completed in time to prosecute such military operations as exigencies may require, it shall be lawful for the President to make a substitute for the deficiency, by raising such further number of levies, or by calling into the service of the United States such a body of militia as shall be equal thereto.

Sec. 9. *And be it further enacted*, That the President be, and he hereby is, empowered to organize the said levies, and alone to appoint the commissioned officers thereof, in the manner he may judge proper.

Sec. 10. *And be it further enacted*, That the commissioned and non-commissioned officers, privates, and musicians, of the militia, or said corps, be subject to the rules and articles of war; and they shall be entitled to the same pay, rations, and forage, and in case of wounds or disability in the line of their duty, to the same compensation as the troops of the United States.

Sec. 11. *And be it further enacted*, That the non-commissioned officers, privates, and musicians, of the said corps of levies, shall be entitled to receive such proportional quantity of clothing, as their time of service shall bear to the annual

allowance of clothing to the troops of the United States, subject, however, to a proportional deduction from their pay.

Sec. 12. *And be it further enacted*, That each of the non-commissioned officers, privates, and musicians, of the said levies, shall be entitled to receive three dollars as a bounty.

Sec. 13. *And be it further enacted*, That in case the nature of the service upon which the troops of the United States may be employed, should require a greater number of surgeon's mates than are provided for in the before-mentioned act, the President of the United States may engage, from time to time, such additional number of surgeon's mates as he shall judge necessary.

Sec. 14. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit men for the said regiments, shall be entitled to receive, for every recruit who shall be duly enlisted and mustered, the sum of two dollars.

Sec. 15. *And be it further enacted*, That, for defraying the expense, for one year, of the additional regiment to be raised by virtue of this act; for defraying the expense, for a like term, of the officers mentioned in the seventh section of this act; for defraying the expense of the said militia horse, militia foot, and levies, which may be called into, or engaged for, the service of the United States, pursuant to this act; for defraying the expense of such surgeon's mates as may be appointed pursuant to the fifteenth section of this act; for defraying the expense of recruiting the said two regiments; and for defraying the expense of any military posts which the President shall judge expedient and proper to establish, there be, and hereby is, appropriated, a sum not exceeding three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents, to be paid out of the moneys which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled "An act making farther provision for the payment of the debts of the United States."

And to the end that the public service may not be impeded for want of necessary means:

Sec. 16. *Be it further enacted*, That it shall be lawful for the President to take on loan the whole sum by this act appropriated, at an interest thereof as he may judge requisite, or so much not exceeding six per centum per annum; and the fund established for the above-mentioned appropriation is hereby pledged for the repayment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any

Acts of Congress.

deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency.

Whereas Congress did, by a resolution of the twenty-third day of September, one thousand seven hundred and eighty-nine, recommend to the several States to pass laws, making it expressly the duty of the keepers of their jails, to receive and safe keep therein, all prisoners committed under the authority of the United States, in order, therefore, to ensure the administration of justice:

Resolved, &c., That in case any State shall not have complied with the said recommendation, the marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States.

Approved, March 3, 1791.

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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

SECOND CONGRESS.

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

SECOND CONGRESS:

COMPRISING THE PERIOD FROM OCTOBER 24, 1791, TO MARCH 2, 1793,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

.....
1849.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, OCTOBER 24, 1791.

NOTES TO THE READER.

I. To account for the absence of any Report of *Debates* in the Senate in the Second Congress, it is proper here to repeat that the Senate sat with closed doors during its Legislative as well as its Executive sittings, from the beginning of the First Congress up to the 30th day of February, 1794, in the first session of the Third Congress, except in the case of Mr. Gallatin's contested election, when a proposition succeeded, which had frequently before failed, in that body, that the Legislative sittings of the Senate should thenceforth, after the end of that session of Congress, be conducted with open doors and galleries.

II. In the History of the First Congress, the Proceedings of the Senate in its Executive capacity were given, with a view to showing how they began, were modified in their progress, and continued to the end of that Congress. From the beginning of the Second Congress, however, the Executive Journal being in general a monotonous record, no notice is taken of Executive Proceedings in the Senate, unless of some important principle being involved, as in case of a Treaty, &c., or of Debate which, finding its way to the public knowledge, can yet be traced in the records of the day.

III. In those early proceedings of the Senate, *Bills* of either House are inserted at large when so found on the Journal of that body; the object of doing so being to show the original form of each, and to enable the inquiring reader to ascertain, by comparing them with the Acts of Congress, (to be found in the *Appendix*,) what changes they may have undergone in their passage through the two Houses, before they became Laws.

MONDAY, October 24, 1791.

This being the day fixed by law for the annual meeting of Congress, at the first session of the second Congress, the following members of the Senate appeared, produced their credentials, and took their seats:*

JOHN ADAMS, Vice President and President of the Senate;

JOHN LANGDON and PAINE WINGATE, from New Hampshire;

CALDER STRONG and GEORGE CABOT, from Massachusetts;

THEODORE FOSTER and JOSEPH STANTON, Jr., from Rhode Island;

ROGER SHERMAN, from Connecticut, in the place of WILLIAM S. JOHNSON, resigned;

AARON BURR, from New York;

PHILEMON DICKINSON and JOHN RUTHERFORD, from New Jersey;

ROBERT MORRIS, from Pennsylvania;

GEORGE READ, from Delaware;

SAMUEL JOHNSTON and BENJAMIN HAWKINS, from North Carolina;

* Mr. CARROLL, from Maryland; Mr. ELIZABETH, from Connecticut; Mr. FOSTER, from Rhode Island; Mr. MORRIS, from Virginia; and Mr. READ, from Delaware, were allowed to the class of Senators whose continuance in office was limited by the Constitution to two years; but they had been re-elected by their respective States, and had produced their credentials to the Senate of the United States, and had taken the oath of office, and were accordingly seated for the transaction of Executive business on the 24th March, 1791.

2d CON.—2

PIERCE BUTLER and RALPH IZARD, from South Carolina; and

WILLIAM FEW, from Georgia.

Ordered, That Messrs. BUTLER, MORRIS, and DICKINSON, be a committee to wait on the President of the United States, and inform him that a quorum of the Senate is assembled, and ready to receive any communication he may be pleased to make to them.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business; and that they have notified the President of the United States that they are ready to receive such communications as he may be pleased to make to them.

The petition of Robert Aikin, praying to be appointed printer to the United States, was read, and ordered to lie for consideration.

The petition of James Alexander, that he may be appointed Sergeant-at-arms, Doorkeeper, or Messenger, was read; and ordered to lie for consideration.

Mr. BUTLER, from the committee appointed to wait on the President of the United States, reported that they had executed their commission.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, informed the Senate that they have received that a committee be appointed, jointly with such committee as the Senate shall appoint, to wait on the President of the

United States, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may please to make to them; in which resolution they desire the concurrence of the Senate.

Resolved, That the Senate concur in the appointment of a joint committee to wait on the President of the United States, agreeably to the resolution of the House of Representatives; and that Messrs. Izard and LANGDON be the committee on the part of the Senate.

Ordered, That the Secretary communicate this resolution of concurrence to the House of Representatives.

A message from the House of Representatives, by Mr. BECKLEY, their Clerk, informed the Senate that they have resolved that two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, who shall interchange weekly.

The Senate proceeded to consider the resolution of the House of Representatives of this day, for the appointment of two Chaplains; and, *Resolved*, That they do concur therein, and that the Right Reverend Bishop WARREN be appointed on the part of the Senate.

Ordered, That the Secretary communicate the concurrence of the Senate in this resolution together with their proceedings thereon, to the House of Representatives.

Mr. IZARD, from the joint committee appointed to wait on the President of the United States, agreeably to the resolution of the two Houses, of this day, reported that they had executed the business, and that the President of the United States proposed to-morrow, at 12 o'clock, to meet the two Houses of Congress in the Senate Chamber.

TUESDAY, October 25.

The petition of Thomas Bradford, that he may be employed in printing such bills, journals, and other papers, as may be from time to time published, was read; and ordered to lie.

Ordered, That the Secretary inform the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to receive any communications the President of the United States may please to make to the two Houses of Congress; and that the usual seats will be assigned them.

The House of Representatives having accordingly taken their seats, the PRESIDENT OF THE UNITED STATES came into the Senate Chamber, and addressed both Houses of Congress as followeth:

Fellow-Citizens of the Senate, and of the House of Representatives:

I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion, equally strong, that the labor of the season which has just commenced will, under the guidance of a spirit no less prompt than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the Providential blessings which

demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the Constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, cannot fail to derive satisfaction from the confirmation of these circumstances, which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

The rapid subscriptions to the Bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the Government, but of resource in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these, is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

Those measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority, and at the expense, of the United States, by the militia of Kentucky; whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired, that all need of coercion in future may cease; and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians, and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice.

That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated as to obviate imposition, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment

towards them, and that such rational experiments should be made, for imparting to them the blessings of civilization, as may from time to time suit their condition.

That the Executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace.

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties, and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensations, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used will be found in the result to have secured the last of the two objects; but it is probable, that, with a view of the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community have been, upon the whole, such as were to be expected among enlightened and well disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion in particular places to some degree of discontent. But, it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty, and a virtuous regard to public welfare.

If there are any circumstances in the law which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of Government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the Government of the United States, has been fixed, and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out, agreeably to a plan which will be placed before Congress. And, as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for

which provision was made by law, has been duly notified, (excepting one instance in which the return has been informal; and another, in which it has been emitted or miscarried,) and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance, that the present population of the United States borders on four millions of persons.

It is proper also to inform you that a further loan of two millions and a half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:

Two treaties which have been provisionally concluded with the Cherokees and Six Nations of Indians, will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:

In entering upon the discharge of your legislative trust, you must anticipate, with pleasure, that many of the difficulties, necessarily incident to the first arrangements of a new Government, for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the Legislature. The important objects which remain to be accomplished, will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act making provision for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprise you of the exact result. Enough, however, is already known to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the Government with which they are actuated. The subscriptions in the debts of the respective States, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed, will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occurs, to supersede, for the present, the necessity of any new burdens upon our constituents.

An object which will claim your early attention is a provision for the current service of the ensuing year, together with such ascertained demands upon the Treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate, and of the House of Representatives:

I shall content myself with a general reference to former communications for several objects, upon which

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the urgency of other affairs has hitherto postponed any definitive resolution. Their importance will recall them to your attention; and, I trust, that the progress already made in the most arduous arrangements of the Government will afford you leisure to resume them with advantage.

There are, however, some of them of which I cannot forbear a more particular mention. These are: the Militia, the Post Office and Post Roads, the Mint, Weights and Measures, and a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connection with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the Post Office and Post Roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the Government; which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a Mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

An uniformity in the Weights and Measures of the country is among the important objects submitted to you by the Constitution, and, if it can be derived from a standard as once invariable and universal, must be no less honorable to the public council, than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations, that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity of burdening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

G. WASHINGTON.

THE PRESIDENT OF THE UNITED STATES having retired, and the two Houses being separated.

Ordered, That Messrs. BARR, CABOT, and JOHNSTON, be a committee to prepare and report the draft of an Address to the President of the United States, in answer to his Speech delivered this day to both Houses of Congress.

Ordered, That the Speech of the President of the United States, delivered this day, be printed for the use of the Senate.

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WEDNESDAY, October 26.

RUFUS KING, from the State of New York, and JOHN HENRY, from the State of Maryland, attended. The following Letter, dated October 25th, 1791, from the Treasurer of the United States to the Vice President, was communicated:

SIR: My accounts from the 1st October, 1790, to the 30th June, 1791, having passed the offices, and been reported on, permit me, through you, to lay them before the honorable the Senate, and at the same time to inform them that my specie and indent accounts from the 1st July to the 30th September, are at the Treasury for settlement, and when passed on, will be immediately handed you.

Ordered, That this Letter, and the accounts therein referred to, lie for consideration.

The following Message from the President of the United States was received and read:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you copies of the following Acts which have been transmitted to me during the recess of Congress, viz:

An Act passed by the Legislature of New Hampshire, for ceding to the United States the fort and light-house belonging to the said State.

An Act of the Legislature of Pennsylvania, ratifying, on behalf of said State, the first article of amendment to the Constitution of the United States, as proposed by Congress; and

An Act of the Legislature of North Carolina, granting the use of the jails within that State to the United States.

G. WASHINGTON.

UNITED STATES, October 26, 1791.

Ordered, That the Message and papers accompanying it lie for consideration.

The petition of Thomas Shubrick, Esq., of Charleston, in the State of South Carolina, on behalf of Mary and Susanna Shubrick, daughters of Richard Shubrick, Esq., deceased, was read, praying that the provisions of the resolves of Congress of the 15th of May, 1778, and of the 24th of August, 1780, may be extended to the said Mary and Susanna.

Ordered, That this petition be referred to the Secretary of War to report thereon to the Senate.

THURSDAY, October 27.

The following resolution of the Directors of the Library Company of Philadelphia was communicated, dated October 6th, 1791.

Resolved, That the resolution of the 18th of January last, be extended to the present Congress of the United States, and that the Secretary be directed to furnish copies of the said resolution to the President of the Senate and to the Speaker of the House of Representatives.

The memorial of John Nixon and others, a committee on behalf of certain creditors of the United States, was read, requesting that an appropriation may be made for the payment of the arrears of their interest and the annual interest accruing.

Ordered, That this petition lie on the table. The petition of Roger Smith, in behalf of Jacob and William Mott, minors, and sons of Charles

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Mott, Esq., deceased, late a Major of the second continental regiment of the State of South Carolina, was read, praying that the benefits of commutation of half pay may be extended to the aforesaid Jacob and William.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

The petition of Thomas O. Elliot, executor of the late Colonel Bernard Elliot, was read, praying that the orphan son of the said Bernard Elliot may receive the commutation for his late father's services, as Lieutenant-colonel, who died in the service of the United States.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

The petition of James Ball, of the State of South Carolina, on behalf of Jean Ann Ball, his wife, late Jean Ann Wise, only daughter of Major Samuel Wise, deceased, late of the third continental regiment in the State aforesaid, was read, praying that the benefits of the resolves of Congress of the 15th of May, 1778, and the 24th of August, 1780, may be extended to the said Jean Ann.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have proceeded by ballot to the appointment of a Chaplain to Congress on their part, and, upon examining the ballots, a majority of the votes of the whole House was found in favor of the Reverend Mr. BLAIR.

The petition of Charles Hateley, of South Carolina, that he may have a patent for a newly invented machine or mill, for freeing of grain or seeds from the hull; also, the petition of the said Charles Hateley, praying for encouragement in perfecting his machine for cleansing or whitening of rice, were severally read, and ordered to lie.

The petition of Cleland Kinloch, of Charleston, in the State of South Carolina, on behalf of his

sister Mary Huger, widow of Benjamin Huger, Esq., late Major of the fifth continental regiment of the State aforesaid, was read, praying that the resolutions of Congress, of May 15th, 1778, and 24th of August, 1780, may be extended to the said Mary Huger.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate. The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of a letter, and of sundry documents, which I have received from the Governor of Pennsylvania, respecting certain persons who are said to have fled from justice out of the State of Pennsylvania, into that of Virginia; together with a report of the Attorney General of the United States upon the same subject. I have received from the Governor of North Carolina a copy of an Act of the General Assembly of that State, authorizing him to convey to the United States the right and jurisdiction of the said State over one acre of land in Ocracoke Island, and ten acres on the Cape Island, within the said State, for the purpose of erecting light-houses thereon, together with the deed of the Governor, in pursuance thereof, and the original conveyances made to the State by the individual proprietors, which original conveyances contain conditions that the light-house on Ocracoke shall be built before the first day of January, 1801, and that on the Cape Island, before the eighth day of October, 1800. And I have caused these several papers to be deposited in the office of the Secretary of State.

A statement of the Returns of the Enumeration of the Inhabitants of the United States, which have been received, will at this time be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

The statement of the Enumeration referred to in the Message is as follows:

Whole number of Persons within the several Districts of the United States, according to an Act "providing for the Enumeration of the Inhabitants of the United States," passed March 1, 1790.

DISTRICTS.	Free white males of sixteen years and upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.	Total.
Vermont	22,435	22,328	40,505	252	16	85,539
New Hampshire	36,086	34,851	70,160	630	158	141,885
Maine	24,384	24,748	46,870	538	none.	96,540
Massachusetts	95,453	87,289	190,592	5,463	none.	378,787
Rhode Island	16,019	15,799	32,652	3,407	948	68,825
Connecticut	60,523	54,403	117,448	2,808	2,764	237,946
New York	83,700	78,122	152,320	4,654	21,324	340,130
New Jersey	45,251	41,416	83,287	2,762	11,453	184,139
Pennsylvania	110,788	106,948	206,363	6,537	3,737	434,373
Delaware	11,783	12,143	22,364	3,899	8,987	59,094
Maryland	55,915	51,339	101,395	8,043	103,036	319,728
Virginia	110,936	116,135	215,046	12,866	292,627	747,610
Kentucky	15,154	17,057	28,922	114	12,430	73,677
North Carolina	69,988	77,506	140,710	4,975	100,573	393,751
South Carolina	13,103	14,044	25,739	398	29,264	82,548
Georgia	6,271	10,277	15,365	361	3,417	36,691
Southwestern Territory	-	-	-	-	-	-
Northwestern Territory	-	-	-	-	-	-

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The Message and papers therein referred to were read; and ordered to lie for consideration. The following Message from the President of the United States was communicated by the Secretary of War:

Gentlemen of the Senate, and

of the House of Representatives:

I have directed the Secretary of War to lay before you, for your examination, the reports of Brigadier General Scott, and Lieutenant-colonel commandant Wilkinson, the officers who commanded the two expeditions against the Wabash Indians, in the months of June and August last; together with the instructions by virtue of which the said expeditions were undertaken. When the operations now depending shall be terminated, the reports relative thereto shall also be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

The Message and papers therein referred to were read; and ordered to lie for consideration.

Mr. Burr reported, from the committee appointed to prepare an Address to the President of the United States, in answer to his Speech to both Houses of Congress at the opening of the session. Ordered, That to-morrow he assigned to take the report into consideration.

FRIDAY, October 28

Agreeably to the order of the day, the Senate proceeded to take into consideration the Address of the President of the United States, on the 24th instant, to both Houses of Congress; which report was agreed to, as follows:

To the President of the United States:

SIR: The Senate of the United States have received with the highest satisfaction the assurances of public prosperity contained in your Speech to both Houses. The multiplied blessings of Providence have not escaped our notices, or failed to excite our gratitude.

The benefits which flow from the restoration of public and private confidence are conspicuous and important; and the pleasure with which we contemplate them is heightened by your assurance of those further communications which shall confirm their existence and indicate their source.

While we rejoice in the success of those military operations which have been directed against the hostile Indians, we lament with you the necessity that has produced them; and we participate the hope that the present prospect of a general peace, on terms of moderation and justice, may be wrought into complete and permanent effect; and that the measures of Government may equally embrace the security of our frontiers and the general interests of humanity. Our solicitude to obtain which, will insure our zealous attention to an object so warmly espoused by the principles of benevolence, and so highly interesting to the honor and welfare of the nation.

The several subjects which you have particularly recommended, and those which remain of former sessions, will engage our early consideration. We are encouraged to prosecute them with alacrity and steadiness, by the belief that they will interest no passion but

that for the general welfare; by the assurance of concert, and by a view of those arduous and important arrangements which have been already accomplished. We observe, sir, the constancy and activity of your zeal for the public good. The example will animate our efforts to promote the happiness of our country.

Ordered, That the Address to the President of the United States, in answer to his Speech, be presented by the Vice President, attended by the Senate; and that the committee which reported the Address wait on the President of the United States, and desire to be informed at what time and place he will receive the same.

MONDAY, October 31.

JAMES MONROE, from the State of Virginia, attended, and took his seat.

MOSES ROBINSON, from the State of Vermont, produced his credentials, and took his seat in the Senate.

Mr. Burr, from the committee appointed on the 28th to wait on the President of the United States, reported, that it would be agreeable to the President of the United States to receive the Address of the Senate, in answer to his Speech to both Houses of Congress, on Monday next at 12 o'clock.

Whereupon, the Senate waited on the President of the United States at his own house, and the Vice President, in their name, communicated to him the Address agreed to on the 28th instant, to which the PRESIDENT OF THE UNITED STATES was pleased to make the following reply:

GENTLEMEN: This manifestation of your zeal for the honor and the happiness of our country derives its full value from the share which your deliberations have already had in promoting both.

I thank you for the favorable sentiments with which you view the part I have borne in the arduous trust committed to the Government of the United States; and desire you to be assured that all my zeal will continue to second those further efforts for the public good which are insured by the spirit in which you are entering on the present session.

G. WASHINGTON.

The Senate returned to the Senate Chamber.

The representation of Joseph Ceracchi, a Roman sculptor, of the design conceived of a monument for perpetuating the memory of the American Revolution, was read; and ordered that it lie for consideration.

Ordered, That Messrs. MORRIS, KING, IZARD, CABOT, and HENRY, be a committee to take into consideration the subject of a Mint, and to report a bill thereon, if they think proper.

On motion to alter the Rule which provides for balloting in the choice of committees, and that the Vice President be empowered to nominate the committees in future; it was agreed that the motion be postponed.

Ordered, That Messrs. STROMG, BUTLER, and BURR, be the committee to consider and report what business it is necessary for the Senate to proceed on.

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TUESDAY, November 1.

The following Messages from the President of the United States were, by Mr. LEAR, his Secretary, delivered to the Vice President.

Gentlemen of the Senate, and

of the House of Representatives:

I send you, herewith, the arrangement which has been made by me, pursuant to the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," in respect to the subdivision of the several districts, created by the said act, into surveys of inspection, the appointment of officers for the same, and the assignment of compensations.

G. WASHINGTON.

UNITED STATES, October 31, 1791.

Gentlemen of the Senate, and

of the House of Representatives:

I received yesterday, from the Judge of the district of South Carolina, a letter, enclosing the presentments of the grand jury to him, and stating the causes which have prevented the return of the census from that district, copies of which are now laid before you.

G. WASHINGTON.

UNITED STATES, November 1, 1791.

The Messages and papers were read; and the arrangement respecting the collection of the excise is as follows:

Arrangements made by the PRESIDENT OF THE UNITED STATES, with respect to the subdivisions of the several districts thereof into surveys, the appointment of officers, and the assignment of compensations, pursuant to the act of Congress, passed the third day of March, 1791, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same."

New Hampshire forms one survey of inspection. The duties of inspector are performed by the supervisor; to this office Joshua Wentworth has been appointed. His compensation is a salary of five hundred dollars, and a commission of one-half per cent.

Massachusetts forms three surveys of inspection. No. 1, consists of the province of Maine; No. 2, of the counties of Essex, Middlesex, Worcester, Hampshire, and Berkshire; No. 3, of the residue of the State. Nathaniel Gorham has been appointed supervisor; his compensation is a salary of eight hundred dollars, and a commission of one-half per cent. The supervisor performs the duties of inspector of survey No. 1. Jonathan Jackson has been appointed inspector of survey No. 2, and Leonard Jarvis for survey No. 3. The compensation to each of these inspectors is a salary of five hundred dollars, and a commission of one-half per cent.

Rhode Island forms one survey. The duties of inspector are performed by the supervisor. John S. Dexter has been appointed to this office, with an allowance of a salary of five hundred dollars, and a commission of one-half per cent.

Connecticut forms one survey. The duties of inspector are performed by the supervisor, who is John Chester. His compensation is a salary of six hundred dollars, and a commission of one-half per cent.

Vermont forms one survey, of which the supervisor performs the duties of inspector. Noah Smith has been appointed to this office. His allowance is a salary of four hundred dollars, and a commission of one half per cent.

New York forms one survey, of which the supervisor acts as inspector. William S. Smith has been appointed to this office, with a salary of eight hundred dollars, and a commission of one-half per cent.

New Jersey forms one survey. The supervisor performs the duties of inspector. To this office, Aaron Dusham has been appointed. His compensation is a salary of four hundred dollars, and a commission of one-half per cent.

Pennsylvania forms four surveys. No. 1, consists of the city and county of Philadelphia, and the counties of Bucks and Montgomery; No. 2, of the counties of Berks, Northampton, Luzerne, and Northumberland; No. 3, of the counties of Delaware, Chester, Lancaster, York, Dauphin, Cumberland, Franklin, Mifflin, and Huntingdon; No. 4, of the counties of Bedford, Westmoreland, Washington, and Allegheny. The supervisor for the district, George Clymer, acts as inspector of survey No. 1. His compensation is a salary of one thousand dollars, and a commission of one-half per cent. James Collins has been appointed inspector of survey No. 2, Edward Hand of survey No. 3, and John Neville of survey No. 4. The allowance to each of these inspectors is a salary of four hundred and fifty dollars, and a commission of one per cent.

Delaware forms one survey, of which the supervisor acts as inspector. His compensation is a salary of four hundred dollars, and a commission of one per cent. Henry Latimer, who was appointed supervisor, has resigned his office.

Maryland forms two surveys. No. 1, comprehends the counties of St. Mary's, Somerset, Calvert, Queen Anne's, Caroline, Kent, Charles, Talbot, Dorchester, Baltimore, Anne Arundel, Worcester, Hartford, Cecil, and Prince George's. No. 2, consists of the counties of Montgomery, Washington, Frederick, and Allegany. The supervisor of the district, George Gale, officiates as inspector of survey No. 1. His compensation is a salary of seven hundred dollars, and a commission of one per cent. Philip Thomas has been appointed inspector of survey No. 2, with a salary of four hundred and fifty dollars, and a commission of one per cent.

Virginia has been divided into seven surveys of inspection. No. 1, consists of the counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Caroline, Hanover, Henrico, Charles City, James City, Warwick, Elizabeth City, York, Gloucester, Mathews, Middlesex, Essex, King and Queen, King William, and New Kent; No. 2, of the counties of Stafford, Prince William, Fairfax, Loudon, Fauquier, Culpeper, Orange, Albemarle, Louisa, and Spotsylvania; No. 3, of the counties of Goochland, Fluvanna, Amherst, Bedford, Franklin, Henry, Patrick, Pittsylvania, Halifax, Charlotte, Mecklenburg, Lunenburg, Nottingham, Amelia, Powhatan, Cumberland, Buckingham, Prince Edward, and Campbell; No. 4, of the counties of Princess Anne, Chesterfield, Norfolk, Isle of Wight, Sussex, Surry, Prince George, Dinwiddie, Brunswick, Greensville, Southampton, Nansemond, Accomack, and Northampton; No. 5, of Frederick, Berkley, Hampshire, Hardy, Monongalia, Ohio, Harrison, Randolph, Pendleton, Augusta, Rockingham, and Shenandoah; No. 6, of the counties of Rockbridge, Botetourt, Montgomery, Wythe, Washington, Russell, Greenbrier, and Kanawha; No. 7, consists of the district of Kentucky.

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Edward Carrington has been appointed supervisor, with a salary of one thousand dollars, and a commission of one per cent. Drury Ragdale has been appointed inspector of survey No. 1; Edward Stevens of No. 2; Mayo Carrington of No. 3; Thomas Newton of No. 4; Edward Smith of No. 5; James Brackenridge of No. 6; and Thomas Marshall of No. 7. The compensation to these officers are to each, a salary of four hundred and fifty dollars, and a commission of one per cent.

North Carolina forms five surveys. No. 1, consists of the counties of Wilmington, Onslow, New Hanover, Brunswick, Bladen, Duplin, Anson, Richmond, Moore, Cumberland, Robertson, and Sampson; No. 2, of the counties of Carteret, Hyde, Beaufort, Pitt, Craven, Jones, Dobbs, Johnson, and Wayne; No. 3, of the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, and Tyrrel; No. 4, of the counties of Northampton, Martin, Halifax, Nash, Edgecomb, Warren, Franklin, Caswell, Orange, Randolph, Grandville, Wake, and Chatham; No. 5, of the counties of Mecklenburg, Montgomery, Row, Iredell, Surry, Stokes, Rockingham, Guilford, Lincoln, Rutherford, Burke, and Wilkes. William Polk has been appointed supervisor, and a salary of seven hundred dollars, and a commission of one per cent. have been assigned him as a commissioner of survey No. 1; John Daves of No. 2; Thomas Benbury of No. 3; John Whitaker of No. 4; and Joseph M'Dowell, the elder, of No. 5. The compensation to the inspectors of surveys Nos. 1, 2, and 3, are to each a commission of two per cent.; those inspectors being also officers of the customs. A salary of four hundred and fifty dollars, and a commission of one per cent. have been assigned as a compensation to the inspectors of surveys Nos. 4 and 5, respectively.

South Carolina forms three surveys. No. 1, consists of the counties of Charleston, Berkeley, Washington, Marion, Bartholomew, Charleston, Granville, Hilton, Lincoln, Shrewsbury, Winton, Orange, and Lewisburgh; No. 2, of the counties of Winaw, Williamsburgh, Liberty, Kingston, Darlington, Chesterfield, Marlborough, Clarendon, Clarendon, Lancaster, Kershaw, Richland, Fairfield, Chester, and York; No. 3, of the counties of Edgefield, Abbeville, Newbury, Laurens, Union, Spartanburg, Greenville, and Pendleton. The duties of inspector of survey No. 1, are performed by the supervisor, Daniel Stevens, to whom a salary of seven hundred dollars, and a commission of one per cent. have been assigned as a compensation. Benjamin Cudworth has been appointed inspector of survey No. 2, and Sylvanus Walker of No. 3. The compensation assigned to the inspector of survey No. 2, is a salary of three hundred dollars, and a commission of two per cent.; to the inspector of survey No. 3, a salary of four hundred and fifty dollars, and a commission of one per cent.

Georgia forms one survey. The supervisor, John Matthews, officiates as inspector. The compensation assigned him is a salary of five hundred dollars, and a commission of one per cent.

The commission, in each case, is computed upon the nett product of the duties on spirits distilled within the jurisdiction of the officer to whom it is allowed; which nett product is determined by deducting, at each stage of the compensation, all preceding charges.

With regard to the ports, the following arrangements have been made: At the ports at which there are both a collector and a surveyor, the latter has been appointed an inspector; where there is a collector only, he has been appointed; and where there is a surveyor only, he

has been appointed. The ports at which neither collector nor surveyor resides, have been placed under the inspection of the collector or surveyor of the district to which they belong, as the one or the other is the inspector of the revenue for the port where he resides. The duties of these inspectors are confined to spirits imported from abroad; and, as they bear an analogy to those which they have been accustomed to perform, no compensation has been assigned. The officers, directed by the 18th section of the law to be appointed by the supervisors, have been denominated collectors of the revenue. Their number has been of necessity left to the discretion of the supervisor, with these general limitations, that they should be, in all cases, as few as the proper execution of the business would permit; and that, in regard to the collection of the duties on stills, one for each county would suffice; but this regulation necessarily varies as the stills are more or less dispersed. Where they are much scattered, two, three, or more counties, have been assigned to the same person. The compensation to these officers is a commission on the sums collected by each, of two per cent. on the product of the duties on spirits distilled from foreign materials, and of four per cent. on the product of the duties arising from spirits distilled from domestic materials, whether per gallon or by the still. This difference was dictated by the different nature of the business.

TREASURY DEPARTMENT, October 31, 1791.

By order of the President of the United States:

ALEXANDER HAMILTON,
Secretary of the Treasury.

Ordered, That the Message from the President of the United States, and the papers therein referred to, lie for consideration.

Mr. STRONG, from the committee appointed yesterday to consider the necessary business to be acted on, reported as follows:

That, in the opinion of the committee, it will be proper for the Senate to proceed on the following business:

1. The establishing of a Mint.
2. The fixing the standard of Weights and Measures.
3. The determining the time for choosing the Electors of the President and Vice President, and the day on which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of Government.
4. Providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses.
5. The bill postponed in the Senate, at the last session, for establishing offices for the purpose of Granting Lands within the territories of the United States.
6. The bill, postponed in like manner, concerning Consuls and Vice Consuls.

To which report the Senate agreed.

The petition of William Hort, in behalf of Isabella, Martha, and Mary, daughters of John Bush, late of the second continental regiment in the State of South Carolina, praying that the benefits of the resolutions of Congress, of 15th May, 1778, and 24th August, 1780, may be extended to them, for the reasons mentioned in the petition.

Ordered, That this petition be referred to the Secretary of War, to report thereon to the Senate.

Ordered, That Messrs. IZARD, MONROE, and

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LANGDON, be a committee to take into consideration the subject relative to Weights and Measures, and report their opinion thereon.

Ordered, That Messrs. RUTHERFORD, SHERMAN, and BURR, be a committee to report a bill determining the time of choosing the Electors of President and Vice President, and the day in which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of Government.

Ordered, That Messrs. HENRY, STRONG, and MONROE, be a committee to report a bill providing compensation for the officers of the Judicial Courts of the United States, and for jurors and witnesses.

Ordered, That Messrs. KING, FOSTER, MONROE, STRONG, and BUTLER, be a committee to report a bill for establishing offices for the purpose of Granting Lands within the territories of the United States.

Ordered, That Messrs. MORRIS, CABOT, and ELLSWORTH, be a committee to report a bill concerning Consuls and Vice Consuls.

Ordered, That Messrs. BURR, BUTLER, and ROBINSON, be a committee to revise the Rules, and report such alterations and additions as may be necessary.

WEDNESDAY, November 2.

The petition of the distillers of the city of New York was read, praying for such alteration as may be thought expedient in the act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

Ordered, That this petition be sent to the House of Representatives.

The memorial of James Sinkler, praying to be enabled to fund certain indents, in lieu of those destroyed by fire, was read, and referred to the Secretary of the Treasury to report thereon to the Senate.

The petition of John Mangnall, for compensation for certain losses sustained in the sea service during the late war, was read, and ordered to lie on the table.

THURSDAY, November 3.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act granting further time for making return of the enumeration of the inhabitants in the district of South Carolina," in which they desire the concurrence of the Senate.

The aforementioned bill was read the first time, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the marshal of the

district of South Carolina to complete and make return of the enumeration of the inhabitants of the said district to the President of the United States, in the form and manner prescribed by the act, entitled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next; any thing in the said recited act to the contrary notwithstanding.

And be it further enacted, That the marshal of the said district shall be exonerated of and from all penalties and forfeitures to which he became liable for not making the said returns to the President within the time prescribed by the act aforesaid.

Ordered, That this bill pass to a second reading.

Ordered, That the petition of John Mangnall, be referred to the Secretary of State, to report thereon to the Senate.

FRIDAY, November 4.

STEPHEN R. BRADLEY, from the State of Vermont, appeared, produced his credentials, and took his seat.

The Senate proceeded to the second reading of the bill for granting further time for making return of the enumeration of the inhabitants of the district of South Carolina:

The bill was amended, by striking out the word "recited," at the end of the first section, and also the second section of the bill.

The rule being dispensed with, the bill was then read the third time, and passed.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

The petition of Charles Colville, of the city of Philadelphia, was read, praying to have a sum of money reimbursed his brothers, who are in advance thereof, to redeem him from captivity at Algiers, and for allowance for his expenses and sufferings.

Ordered, That the petition be referred to Messrs. BUTLER, LANGDON, MORRIS, KING, and STRONG, to consider and report what is proper to be done thereon.

Ordered, That all communications made to the Senate on the subject of the American prisoners at Algiers, and now on file in the Secretary's office, be referred to the same committee, and that they be instructed to report generally thereon.

MONDAY, November 7.

The Senate proceeded to class the Senators from the State of Vermont, in conformity to the resolution of the 14th of May, 1789, and as the Constitution requires. Whereupon,

No. 3 and a blank were, by the Secretary, put into the box, when Mr. ROBINSON drew the blank, and Mr. BRADLEY drew No. 3; Mr. BRADLEY is accordingly of the class whose seats will be vacated in the Senate at the expiration of four years from March, 1791.

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The numbers 1 and 2 were then put into the box, when Mr. Robinson drew No. 1, who is accordingly of the class whose seats will be vacated in the Senate at the expiration of six years from March, 1791.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill granting further time for making return of the enumeration of the inhabitants in the district of South Carolina; and they have ordered that a committee be appointed, jointly, with such committee as may be appointed on the part of the Senate, for the purpose of enrolling bills.

The Senate took into consideration the order of the House of Representatives, appointing a joint Committee on Enrolled Bills, and it was agreed to; and, ordered, that Mr. RUTHERFORD be of the committee on the part of the Senate.

Ordered, That the Secretary acquaint the House of Representatives with the agreement of the Senate, to the appointment of a joint committee for the purpose above mentioned.

The Report of the Trustees of the Sinking Fund was read, as follows:

The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America:

That, pursuant to the act, entitled "An act making provision for the reduction of the public debt," and, in conformity to two resolutions agreed upon by them, one on the fifteenth day of January, another on the fifteenth day of August last, and severally approved by the President of the United States, they have caused purchases of the said debt to be made, through the agency, respectively, of Samuel Meredith, Treasurer of the United States, William Seton, Cashier of the Bank of New York, Benjamin Lincoln, Collector of the district of Boston and Charlestown, and William Heth, Collector of the district of Bermuda Hundred, to the amount of eight hundred fifty-two thousand six hundred seventy-seven dollars and forty-six cents, and for which there have been paid five hundred forty-eight thousand nine hundred twenty-four dollars and fourteen cents, in specie; as will more particularly appear by the several documents No. 1 to 8, herewith submitted as a part of this report, and which specify the places where, the times when, the prices at which, and the persons of whom, the said purchases have been made.

That, though the statements of William Seton and Benjamin Lincoln have not yet passed through the forms of a settlement, it appears, by the document No. 8, being a certified transcript from the books of the Treasury, that the amount of the stock, by them respectively reported to have been purchased, has been duly transferred to the said books.

That the purchases now, and heretofore reported, amount in the whole to one million one hundred thirty-one thousand three hundred sixty-four dollars, and seventy-six cents, for which there have been paid six hundred ninety-nine thousand one hundred sixty-three dollars, and thirty-eight cents in specie.

Signed in behalf of the Board:

JOHN ADAMS.

Statement of the purchases of Public Stock by the Agents of the Trustees named in the act for the reduction of the Public Debt.

Amount of six per cent stock.	Amount of three per cent stock.	Amount of deferred stock.	Total amount of stocks purchased.	Amount of specie paid for the purchases.
311,123 44	309,621 66	610,619 76	1,131,364 76	699,163 38
37,014 34	28,720 00	2,712 66	68,447 00	50,005 34
32,192 7	27,466 46	14,714 77	74,373 80	49,934 09
-	41,666 67	40,000 00	81,666 67	60,000 00
-	12,482 21	41,648 80	54,031 1	33,457 31
-	13,391 8	173,708 88	186,999 96	110,542 69
5,627 94	94,487 67	138,605 87	238,721 48	148,984 71
42,198 91	14,798 63	11,779 18	68,776 73	48,660 68
37,781 68	15,402 51	26,477 13	79,661 32	61,449 32
156,308 50	61,306 33	61,073 47	278,687 30	150,239 24
Dls. Cts.	Dls. Cts.	Dls. Cts.	Dls. Cts.	Dls. Cts.
Amount of six per cent stock.	Amount of three per cent stock.	Amount of deferred stock.	Total amount of stocks purchased.	Amount of specie paid for the purchases.

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ors of President and Vice President; and, after progress, the further consideration thereof was postponed until to-morrow.

FRIDAY, November 13.

A Letter from the Treasurer of the United States of this date, with his account of payments and receipts in indents of interest to the 30th of September, 1791, were read, and ordered to lie for consideration.

A Letter from the President of the General Assembly of the French colony of St. Domingo, explaining the reasons of the late embargo on the American shipping at that island, &c., was read; and ordered to be sent to the House of Representatives.

The Senate proceeded in the second reading of the bill to determine the time for choosing Electors of President and Vice President, and, after agreeing to sundry amendments, *Ordered*, that it be re-committed, and that Messrs. KING and BUTLER be added to the committee.

A Letter from the Secretary of the Treasury, of this date, together with a Return of the Imports of the United States, was read; and ordered to lie for consideration.

MONDAY, November 21.

The Senate assembled, but the committees not being ready to report, no business was done.

TUESDAY, November 22.

Mr. RUTHERFORD, from the committee to whom was referred the bill to determine the time of choosing Electors of President and Vice President, reported several amendments, which were agreed to, and the further consideration of the bill was postponed.

WEDNESDAY, November 23.

The Senate resumed the second reading of the bill for determining the time of choosing Electors of President and Vice President of the United States;

Ordered, That the bill be re-committed, and that the committee be instructed to report a clause, making provision for the administration of Government, in case of vacancies in the offices of President and Vice President.

THURSDAY, November 24.

A Letter from the Secretary of the Treasury was read, with an estimate exhibiting the value at the several places of shipment of all foreign goods, wares, and merchandise, imported into the United States during the year ending on the 30th day of September, 1790, conformably to the order of the Senate of the 16th of February, 1791.

Ordered, That they lie for consideration. The Report of the Secretary of War, in pursuance of the order of the Senate, on the petitions of Bernard Elliot, Samuel Wise, Benjamin Huger,

John Bush, Charles Motte, and Richard Shubrick, was read.

Ordered, That the report and petitions lie on the table.

A message from the House of Representatives, informed the Senate that the House of Representatives have passed the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act apportioning Representatives among the people of the several States, according to the first enumeration.

Be it enacted by the Senate and House of Representatives assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States: that is to say, from the State of New Hampshire four members, the State of Massachusetts fifteen, the State of Connecticut seven, the State of Rhode Island two, the State of Vermont two, the State of New York eleven, the State of New Jersey five, the State of Pennsylvania fourteen, the State of Delaware one, the State of Maryland nine, the State of Virginia twenty-one, the State of Kentucky two, the State of North Carolina eleven, and the State of Georgia two members.

Sec. 2. And be it further enacted, That the President of the United States, as soon as the Marshal of the State of South Carolina shall have transmitted to him returns pursuant to the provisions by law for an enumeration of the inhabitants of the United States, shall cause the Executive of the said State to be notified of the number of Representatives to be elected within the said State, according to the proportion aforesaid.

Ordered, That this bill pass to a second reading.

FRIDAY, November 25.

The Senate proceeded to the second reading of the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and, after debate, the further consideration thereof was postponed.

The petition of William W. Smith, for himself, and as administrator of Gilbert Tenant, and on behalf of George Hunter, attorney to Joseph Eaker, was read, praying for the payment of certain balances due to the surgeons in the general hospital during the late war.

Ordered, That the petition be referred to the Secretary of the Treasury, to report thereon to the Senate.

MONDAY, November 28.

A Letter from the Secretary of the Treasury of the 25th, with a return of the tonnage of all the vessels employed in the import, coasting, and fish-

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ing trades, of the United States, for one year, ending the 30th of September, 1790, was communicated.

Ordered, That the letter and return lie for consideration.

Mr. BURN, from the committee to whom was referred the bill concerning Consuls and Vice Consuls, reported amendments, which being agreed to, the bill was ordered to a third reading.

The bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," was taken up; and ordered to be printed for the use of the Senate. Mr. RUTHERFORD, from the committee to whom was re-committed the bill, to determine the time of choosing Electors of President and Vice President of the United States, reported amendments, which were read; and, *Ordered*, that the bill as proposed to be amended, be printed.

TUESDAY, November 29.

The Senate proceeded to the third reading of the bill concerning Consuls and Vice Consuls; and, after agreeing to sundry amendments,

Resolved, That this bill pass; that the title thereof be "An act concerning Consuls and Vice Consuls;" that it be engrossed, and that the Secretary carry it to the House of Representatives, and desire their concurrence.

The bill is as follows:

An Act concerning Consuls and Vice Consuls.

For carrying into full effect the Convention between his Most Christian Majesty and the United States of America, entered into for the purpose of defining and establishing the functions and privileges of their respective Consuls and Vice Consuls—

Be it enacted by the Senate and House of Representatives assembled, That where, in the seventh article of the said Convention, it is agreed that when there shall be no consul or vice consul of the Most Christian King, he shall attend to the saving of the wreck of any French vessel stranded on the coasts of the United States, or that the residence of the said consul or vice consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed; the district judge of the United States of the district in which such wreck shall happen, shall protect therein according to the tenor of the said article. The district judges of the United States shall also, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said Convention, and it shall be incumbent on them to give aid to the consuls and vice consuls of his Most Christian Majesty, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article.

And where, by any article of the said Convention, the consuls and vice consuls of his Most Christian Majesty are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the competent officers, and shall give their aid according to the tenor of the stipulations.

And whenever commitments to the jails of the country shall become necessary, in pursuance of any stipulation of the said Convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.

And, for the direction of the consuls and vice consuls of the United States, in certain cases,

Sec. 2. Be it enacted by the authority aforesaid, That they shall have right in the ports or places to which they are or may be severally appointed, of receiving the protests or declarations, which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may respectively choose to make there; and the copies of the said acts, duly authenticated by the said consuls or vice consuls, under the seal of their consulates, respectively, shall receive faith in law equally as their originals would in all courts in the United States. It shall be their duty, where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, who shall die within their consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others at their choice; shall collect the debts due to the deceased, in the country where he died, and pay the debts due from his estate, which he shall have there contracted; shall sell, at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the Treasury of the United States, to be held in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

For the information of the representative of the deceased, it shall be the duty of the consul or vice consul, authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Sec. 3. And be it further enacted, That the said consuls and vice consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided*, That no consul or vice consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof, is present or capable of taking possession of the same.

Sec. 4. And be it further enacted, That it shall and may be lawful for every consul and vice consul of the United States to take and receive the following fees of office, for the services he shall have performed:

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For authenticating, under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars.

For the taking into possession, inventorying, selling, and finally settling and paying, or transmitting, as aforesaid, the balance due on the personal estate left by any citizen of the United States, who shall die within the limits of his consulate, five per centum on the gross amount of such estate.

For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is heretofore directed, two and a half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.

And it shall be the duty of the consuls and vice consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

Sec. 5. *And be it further enacted*, That, in case it be found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the States on the said coast.

Sec. 6. *And be it further enacted*, That every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand, nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law; and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act, and the said bond shall be lodged in the office of the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That, to prevent the mariners and seamen employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice consuls, respectively, from time to time, to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man *per diem*; and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice consuls, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of cost or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burthen of said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul or vice consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused; to be recovered for the benefit of the United States, by the said

consul or vice consul, in his own name, in any court of competent jurisdiction.

Sec. 8. *And be it further enacted*, That citizens of the United States appointed to reside in foreign ports, and places as consuls or vice consuls of the United States, shall be enabled to own any ships or vessels in their own names, respectively, or in partnership with any other citizen or citizens of the United States residing within the said States, and be entitled to all the privileges and advantages in regard to such ships or vessels, as if such consuls or vice consuls, owning said ships or vessels, actually resided within any port or place within the United States; any law to the contrary notwithstanding.

Sec. 9. *And be it further enacted*, That where a ship or vessel belonging to citizens of the United States is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent to be discharged there, shall send them back to the State where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice consul of the United States having jurisdiction of the port or place. And in case of the master's refusal, the said consul or vice consul may (if the laws of the land permit it) cause his ship, goods, and person, to be arrested and held until he shall comply with his duty herein.

Sec. 10. *And be it further enacted*, That the specification of certain powers and duties in this act, to be exercised or performed by the consuls and vice consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act.

The Senate proceeded in the second reading of the bill to determine the time of choosing Electors of President and Vice President, and, after agreeing to sundry amendments,

Ordered, That this bill pass to a third reading. The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and, after debate, the further consideration thereof was postponed.

The petition of John Arthur and others, of the city of New York, distillers of Geneva spirits, was read, in which they pray for such alterations in the mode of collecting the excise on that article as Congress may think expedient.

Ordered, That the petition be referred to the Secretary of the Treasury.

WEDNESDAY, November 30.

The Senate proceeded to the third reading of the bill to determine the time of choosing Electors of President and Vice President, and, after agreeing to amend the same,

Resolved, That this bill pass; that the title thereof be "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" that the bill be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The engrossed bill is as follows:

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An Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except in case of an election of a President and Vice President of the United States, prior to the ordinary period, as hereinafter specified, Electors shall be appointed in each State, for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, 1792, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election.

Sec. 2. *And be it further enacted*, That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the authority thereof; and the Electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice President is contained therein; and shall, by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said Electors shall forthwith forward, by the post office, to the President of the Senate, at the seat of Government, one other of the said certificates, and shall forthwith cause the other of the said certificates to be delivered to the Judge of that district in which the said Electors shall assemble.

Sec. 3. *And be it further enacted*, That the Executive authority of each State shall cause three lists of the names of the Electors of such State to be made and certified, and to be delivered to the Electors on or before the said first Wednesday in December, and the said Electors shall annex one of the said lists to each of the lists of their votes.

Sec. 4. *And be it further enacted*, That if a list of votes from any State shall not have been received at the seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of Government.

Sec. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, 1793, and on the second Wednesday in February succeeding every meeting of the Electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the Constitution.

Sec. 6. *And be it further enacted*, That, in case there shall be no President of the Senate at the seat of Government, on the arrival of the persons intrusted with the lists of the votes of the Electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over, as soon as may be, to the President of the Senate.

Sec. 7. *And be it further enacted*, That the persons appointed by the Electors to deliver the lists of votes to the President of the Senate, shall be allowed, on the delivery of the said lists, twenty-five cents for every mile of the estimated distance, by the most usual road, from

the place of meeting of the Electors to the seat of Government of the United States.

Sec. 8. *And be it further enacted*, That if any person appointed to deliver the votes of the Electors to the President of the Senate, shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

Sec. 9. *And be it further enacted*, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected.

Sec. 10. *And be it further enacted*, That whenever the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, specifying that Electors of the President of the United States shall be appointed or chosen in the several States within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, That there shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the Electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December, in the year next ensuing, within which time the Electors shall accordingly be appointed or chosen; and the Electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said Electors, and others, shall be pursuant to the directions prescribed in this act.

Sec. 11. *And be it further enacted*, That the only evidence of a refusal to accept, or of a resignation of, the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State.

Sec. 12. *And be it further enacted*, That the term of four years, for which a President and Vice President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the Electors shall have been given.

The Senate proceeded in the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and, *Ordered*, That Messrs. ELLSWORTH, BURR, BUTLER, STRONG, and MONROE, be a committee to revise the apportionment of Representatives in the bill.

THURSDAY, December 1.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act for the relief of certain widows, orphans, invalids,

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and other persons," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act for the relief of certain widows, orphans, invalids, and other persons.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Captain Robert Lewis, Colonel William Douglas, Colonel Owen Roberts, Major Andrew Leitch, Captain William White, Lieutenant John Harris, Colonel William Bond, Lieutenant Wadleigh Noyes, Lieutenant-colonel Bernard Elliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, Major Charles Motte, and Captain Richard Shubrick, deceased, all of whom were killed or died in the service of the United States, for the seven years half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly.

Sec. 2. And be it further enacted, That the Secretary of the Department of War be, and he hereby is, required to place on the invalid list Timothy Mix, disabled in the late war, by the loss of his right hand, while in the service of the United States, at the rate of five dollars per month, to commence on the 4th day of February, 1783; That the said Secretary place on the invalid list Abel Turney, mariner, disabled while in the service of the United States, at the rate of one dollar per month, to commence on the 1st day of January, 1781.

Sec. 3. And be it further enacted, That the arrears of the said pensions be paid as the laws direct in similar cases.

Sec. 4. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, directed to adjust the accounts of Joseph Pamhill, a Lieutenant-colonel in the service of the United States, during the late war, and to allow him the usual commutation of the half pay for life of a Lieutenant-colonel; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount thereof accordingly: That the Comptroller adjust the account of the late Brigadier-general De Haas, admitting to the credit of the said account such sums as by evidence shall appear to have been advanced for the public service; and that the said Register do grant a certificate for the balance due on such settlement: That the said Comptroller adjust the account of Thomas McIntire, a Captain in the service of the United States, during the late war, and allow him the usual commutation of the half pay for life of a captain; and that the said Register grant a certificate for the amount thereof accordingly.

Sec. 5. And be it further enacted, That the Comptroller of the Treasury be, and he hereby is, required to adjust the account of Francis Suzor Debevere, a Surgeon's-mate in the service of the United States, during the late war, and who remained in captivity to the end thereof; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount which shall be found due for the services of the said Francis Suzor Debevere: That the said Comptroller adjust the account of Robert King, as a Lieutenant, discharged upon the principles of the act of the late Congress, passed the 24th day of November, 1778; and that the said Register grant a certificate accordingly: That the Comptroller adjust the account of Lemuel Sherman, as a Sailing-master of a galley on Lake Champlain, and

as such taken prisoner; and that the said Register grant a certificate accordingly.

Sec. 6. And be it further enacted, That there be granted to Nicholas Ferdinand Westfall, who left the British service and joined the army of the United States, during the late war, one hundred acres of unappropriated land in the western territory of the United States, free of all charges; and, also, the sum of three hundred and sixty-six dollars, out of any money appropriated to the contingent charges of Government.

Ordered, That this bill pass to a second reading.

FRIDAY, December 2.

The Senate proceeded to the second reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That all bills, after the first reading, be printed for the use of the Senate.

MONDAY, December 5.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act for the relief of David Cook and Thomas Campbell," in which they ask the concurrence of the Senate.

The bill was read the first time, as follows:
An Act for the relief of David Cook and Thomas Campbell.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That David Cook, a Captain of artillery in the late war, and who, being shot through the body at the battle of Monmouth, is rendered incapable to obtain his livelihood by labor, shall be placed on the pension list of the United States, and shall be entitled to one-third of his monthly pay as a Captain of artillery: *Provided,* That he return into the Treasury office two-thirds of his commutation of half pay, being the proportion of his pension to the amount of his commutation.

Sec. 2. And be it further enacted, That Thomas Campbell be placed on the pension list, and that the half pay of a Captain of infantry be allowed to the said Thomas Campbell, who has been so injured by repeated wounds in the service of his country that he is unable to support himself by labor; the half pay to commence from the 3d day of November, 1791; anything in the ordinance of Congress of the 11th day of July, 1788, to the contrary notwithstanding.

Ordered, That this bill pass to a second reading. The Senate then proceeded in the second reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That this bill be committed to Messrs. WINGATE, MORRIS, and GUNN, to report generally thereon.

A Letter from the Treasurer of the United States of the 3d instant, together with his specie accounts made up to the 30th of September, 1791, were read; and ordered to lie for consideration.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and

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reported amendments; and, after debate, the further consideration thereof was postponed until to-morrow.

TUESDAY, December 6.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of David Cook and Thomas Campbell," and,

Ordered, That this bill be referred to the committee appointed yesterday to take into consideration the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," to report thereon.

The Senate resumed the second reading of the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and, after progress, the further consideration thereof was postponed until to-morrow.

Mr. BUTLER reported from the committee to whom was referred the petition of Charles Colvill, on the 4th of November last, and to whom was also referred the communications relative to the prisoners at Algiers; and the report being read, it was ordered to lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have appointed a committee on their part, jointly with such committee as shall be appointed on the part of the Senate, to consider and report to Congress the most eligible manner for carrying into effect the Resolution of the United States in Congress assembled, of the 17th of August, 1783, directing that an Equestrian Statue of General WASHINGTON should be erected.

The resolution was then read; and ordered that the consideration thereof be postponed until to-morrow.

WEDNESDAY, December 7.

The petition of William B. Gould was read, praying that the Auditor of the Treasury may be empowered to adjust the accounts of his late father, a surgeon in the service of the United States, the deficiency of vouchers notwithstanding.

On motion that this petition be referred to the committee, appointed the 5th of December, to take into consideration the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," it passed in the negative.

On motion that the petition be referred to a special committee, it was agreed that this motion be postponed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and a motion was made to amend the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agree-

ably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four members; the State of Massachusetts, fourteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, ten; the State of New Jersey, five; the State of Pennsylvania, thirteen; the State of Delaware, one; the State of Maryland, eight; the State of Virginia, nineteen; the State of Kentucky, two; the State of North Carolina, ten; and the State of Georgia, two members."

And it was agreed to postpone this, to take into consideration the following motion:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, five members; the State of Massachusetts, sixteen; the State of Connecticut, eight; the State of Rhode Island, two; the State of Vermont, three; the State of New York, eleven; the State of New Jersey, six; the State of Pennsylvania, fourteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, twelve; and the State of Georgia, two members. And if, after apportioning a Representative to every thirty thousand persons of the State of South Carolina, computed according to the rule prescribed in the Constitution of the United States, there shall remain a fractional part of the number of persons of that State, equal to, or greater than, ten thousand eight hundred and forty-two, then the people of the State of South Carolina shall be entitled to choose an additional Representative; but if such fractional part shall be less than ten thousand eight hundred and forty-two, and more than ten thousand three hundred and seventeen, then the people of the State of Georgia shall be entitled to choose three Representatives, instead of the number before mentioned to be chosen in that State."

It was then agreed to divide this last motion, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and, until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, five members; the State of Massachusetts, sixteen; the State of Connecticut, eight; the State of Rhode Island, two; the State of Vermont, three; the State of New York, eleven; the State of New Jersey, six; the State

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of Pennsylvania, fourteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members."

And the yeas and nays being required by one-fifth of the Senators present, on this last recited clause; it was decided in the negative, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Read, Robinson, and Rutherford.—9.
NAYS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Stanton, Sherman, Strong, and Wingate.—15.

And on the question for the original motion postponed, the yeas and nays being required by one-fifth of the Senators present, stood as follows:

YEAS.—Messrs. Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—11.

NAYS.—Messrs. Bradley, Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—13.

So it passed in the negative.

On motion that the following amendment proposed yesterday and passed in the negative, be reconsidered, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of one hundred and six members, and the number hereinafter appointed to the State of South Carolina, who shall have been chosen by the people of the several States, in proportion, as nearly as may be, to the number of inhabitants in each State, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four members; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, three; the State of New York, ten; the State of New Jersey, six; the State of Pennsylvania, thirteen; the State of Delaware, two; the State of Maryland, nine; the State of Virginia, twenty; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members."

The yeas and nays were required by one-fifth of the Senators present, and being taken, stood as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Ellsworth, Langdon, Robinson, Sherman, Strong, and Wingate.—9.

NAYS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris, Read, Rutherford, and Stanton.—16.

So it passed in the negative.

On the question to agree to the following clause of the bill, as it came from the House of Representatives, to wit:

"That is to say: From the State of New Hampshire, four members; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, eleven; the State of New Jersey, five; the State of Pennsylvania, fourteen; the State of Delaware, one;

the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members."

The yeas and nays being required by one-fifth of the Senators present, stood—

YEAS.—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Read, and Stanton.—13.

NAYS.—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Robinson, Rutherford, Sherman, Strong, and Wingate.—11.

So it passed in the affirmative.

And, after agreeing to sundry amendments, the bill was ordered to the third reading.

THURSDAY, December 8.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act making appropriations for the support of Government for the year 1792," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act making appropriations for the support of Government for the year 1792.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the service of the year 1792, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money, not exceeding three hundred and twenty-eight thousand six hundred and fifty-three dollars and fifty-six cents; that is to say:

For the compensations granted by law to the President of the United States, the Vice President, Chief Justice, associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensations to the district judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months' continuance, and including the traveling expenses of the members, one hundred and twenty-nine thousand seven hundred and thirty dollars.

For the like compensations to the Secretary, and officers of the several departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of War, nine thousand six hundred dollars.

For the like compensations to the members of the Board of Commissioners for the settlement of the accounts between the United States and the individual States, including clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges, and other officers of the Western Territory of the Uni-

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ted States, including contingencies, eleven thousand dollars.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents.

For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationery, together with the printing work, and all other contingent expenses of the two Houses of Congress, rent and office expenses of the three several Departments, namely: Treasury, State, War, and of the general Board of Commissioners, twenty thousand five hundred and fifty-five dollars and eighty-three cents.

Sec. 2. And be it further enacted, That, for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand one hundred and nineteen dollars and forty-nine cents; that is to say:

For discharging a balance due on a liquidated claim of his Most Christian Majesty, against the United States, for supplies during the late war, nine thousand and twenty dollars and sixty-eight cents.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New Orleans, for supplies of clothing, arms, and military stores, during the late war, one hundred and eight thousand six hundred and five dollars and two cents.

For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list establishment, five thousand four hundred and seventy-one dollars.

For defraying sundry authorized expenses to the commissioners of loans in the several States, twenty-one thousand dollars.

For defraying a balance of certain liquidated and contingent expenses in the Treasury Department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses of clerks, jurors, and witnesses, in the courts of the United States, five thousand dollars.

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in execution of the laws of the revenue, one thousand dollars.

For the further expense of building and equipping ten cutters, two thousand dollars.

Sec. 3. And be it further enacted, That, for the support of the military establishment of the United States, in the year 1792; the payment of the annual allow-

ances to the invalid pensioners of the United States; for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years 1790 and 1791, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, passed the 29th of September, 1789, and the 30th of April, 1790, and for which no appropriations have been made, there shall be appropriated a sum of money not exceeding five hundred and thirty-two thousand four hundred and forty-nine dollars seventy-six cents and two-thirds of a cent; that is to say:

For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

For subsistence, one hundred and nineteen thousand six hundred and eighty-eight dollars and ninety-seven cents.

For clothing, forty-eight thousand dollars.

For forage, four thousand one hundred and fifty-two dollars.

For the hospital department, six thousand dollars.

For the quartermaster's department, fifty thousand dollars.

For the ordnance department, seven thousand two hundred and four dollars and sixty-four cents.

For the contingent expenses of the War Department, including maps, hire of express, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars and thirty-six cents.

For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars sixty cents and two-thirds of a cent.

For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars and seventy-one cents.

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand three hundred and thirty-nine dollars and forty-eight cents.

Sec. 4. And be it further enacted, That the several appropriations herein-before made, shall be paid and discharged out of the funds following, to wit: First, out of the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the debt of the United States," is reserved yearly for the support of the Government of the United States, and their common defence; and, secondly, out of such surplus as shall have accrued to the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt, during the same year, and for satisfying other prior appropriations.

Ordered, That this bill pass to a second reading. The bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," was read the third time, and,

On motion to expunge the first section of the bill, and substitute the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress

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assembled, That, from and after the 34 day of March, 1793, and until otherwise provided for by law, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution of the United States, that is to say: from the State of New Hampshire, four members; the State of Massachusetts, fourteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, ten; the State of New Jersey, five; the State of Pennsylvania, thirteen; the State of Delaware, one; the State of Maryland, eight; the State of Virginia, nineteen; the State of Kentucky, two; the State of North Carolina, ten; and the State of Georgia, two members."

The yeas and nays being taken, stood as follows:

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—12.

NAYS.—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—12.

The number of votes being equal, the Vice President determined the question in the affirmative; and,

On motion, that this bill pass with the last recited and the following amendment, to wit: "Strike out the words 'State of,' and insert 'dis-trict' after the word 'Carolina.'"

The yeas and nays being taken, stood—
YEAS.—Messrs. Bradley, Cabot, Ellsworth, Few, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—14.
NAYS.—Messrs. Burr, Butler, Dickinson, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, and Morris.—10.

So it was resolved that this bill pass as amended.
Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments.

FRIDAY, December 9.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792," was read the second time.

Ordered, That it be referred to Messrs. MONROE, SHERMAN, BURR, GUNN, and READ, to consider and report generally thereon.
The committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of David Cook and Thomas Campbell," reported the bill without amendment.

Ordered, That the report lie for consideration.

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list of invalid pensioners of the United States, for reasons mentioned in the petition, was read; and, Ordered, That it be referred to the Secretary of War, to report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill, entitled "An act for the relief of David Cook and Thomas Campbell."

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792," and, after progress, the further consideration thereof was postponed.

Ordered, That Messrs. BURR, BUTLER, and STRONG, be a committee to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers; and to report what alterations and further general regulations it will be proper to make therein.

Mr. WINGATE, from the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," reported amendments.

Ordered, That the consideration thereof be postponed.

THURSDAY, December 15.

The petition of Elijah Janes, of the State of New York, late a lieutenant in Colonel Sheldon's regiment of cavalry, that he may be placed on the list of invalid pensioners of the United States, was read; and referred to the committee appointed on the 14th instant, to consider the case of invalid pensioners at large.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the first amendment of the Senate on the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and agree to the other amendment.

The Senate proceeded to consider the resolution of the House of Representatives on the amendment of the Senate to the bill, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration," and, On motion to postpone the consideration of the bill until to-morrow se'nnight, it passed in the negative.

On motion to postpone the consideration of the bill until Monday next, it passed in the negative.
On motion to recede from the amendments disagreed to by the House of Representatives, the yeas and nays being required by one-fifth of the Senators present, stood as follows:

YEAS.—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, and Morris.—12.

NAYS.—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.—12.

The numbers being equal, the Vice President determined the question in the negative.

On motion to insist on the amendment disagreed to by the House of Representatives, and appoint a committee of conference, it passed in the negative. And it was resolved, that the Senate insist on the amendment disagreed to by the House of Representatives.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for the support of Government for the year 1792," and, after progress, the further consideration thereof was postponed until to-morrow.

Ordered, That Messrs. STRONG, SHERMAN, ELLSWORTH, IZARD, and BURR, be a committee to take into consideration the memorial of the Illinois and Ouabache land companies, and to report thereon.

FRIDAY, December 16.

The Senate resumed the second reading of the bill, entitled "An act making appropriations for the support of Government for the year 1792," and, after agreeing to sundry amendments, Ordered, That this bill pass to a third reading.

MONDAY, December 19.

The petition of Gilbert Dench, of the State of Massachusetts, in behalf of the orphan children of the late Roger Dench, a lieutenant in the service of the United States, was read, praying that the said children may be authorized to receive the half pay of a lieutenant, in right of their father.

Ordered, That the petition lie on the table.
The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government, for the year 1792," and,

Resolved, That this bill pass, with amendments: Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

[The following clause to be added to the first section of the bill, is the only material amendment, viz:

"And be it further enacted, That the compensation to the Doorkeepers of the two Houses for services which have been heretofore rendered, or may be rendered in the recess of Congress, for the year 1792, and certified by the President of the Senate, or Speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money heretofore appropriated for the contingent expenses of the two Houses of Congress."]

TUESDAY, December 20.

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you the copy of a Letter which I have received from the Governor of the Commonwealth of

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Pennsylvania, and of sundry documents which accompanied it, relative to a contract for the purchase of a certain tract of land bounding on Lake Erie; together with a copy of a Report of the Secretary of State on the same subject.

G. WASHINGTON.

UNITED STATES, December 20, 1791.

The Message and papers were read; and ordered to lie for consideration.

The petition of Jonathan Woolley, late of Colonel Scammel's regiment in the service of the United States, was read, praying that he may be placed on the list of invalid pensioners.

Ordered, That this petition be referred to the committee appointed December 14th, to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers.

A message from the House of Representatives informed the Senate, that the House of Representatives adhere to their disagreement to the first amendment insisted on by the Senate, to the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration."

Mr. CABOT requested leave to bring in "a bill for the encouragement of the bank and other cod-fisheries, and for the regulation and government of the fishermen employed therein;" and the bill was read the first time, and ordered to pass to the second reading.

The Senate proceeded to consider the resolution of the House of Representatives, in which they resolve to adhere to their disagreement to the first amendment of the Senate to the bill sent from the House of Representatives for concurrence, entitled "An act apportioning Representatives among the people of the several States, according to the first enumeration;" and,

On the question to adhere, the yeas and nays were required by one-fifth of the Senators present, and being taken, stood—

YEA.—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate—12.
NAY.—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, and Read—12.

The numbers being equal, the Vice President determined the question in the affirmative.

So it was resolved that the Senate adhere to their said first amendment.

Ordered, That the Secretary communicate this resolution to the House of Representatives.

WEDNESDAY, December 21.

RICHARD HENRY LEE, from the State of Virginia, attended, and took his seat.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate to the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1792."

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An Act for carrying into effect a contract between the United States and the State of Pennsylvania.

For duly conveying, to the State of Pennsylvania, a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State by a resolution of Congress, of the 4th day of September, in the year 1788, and whereof the right of soil has been sold by virtue of a previous resolution of Congress, of the 6th day of June, in the said year:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized, on fulfillment of the terms stipulated on the part of the State of Pennsylvania, to issue letters patent in the name, and under the seal, of the United States, granting and conveying to the said State, forever, the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the 6th day of June, 1788.

Ordered, That this bill pass to a second reading.

TUESDAY, December 27.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania."

Ordered, That this bill pass to the third reading. The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and, after progress, the further consideration thereof was postponed, until Monday next.

WEDNESDAY, December 28.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for carrying into effect a contract between the United States and the State of Pennsylvania;" and *Resolved*, that this bill pass.

Mr. CABOT, from the committee to whom was referred "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," reported amendments; and, after progress, the further consideration thereof was postponed.

Ordered, That the Secretary of the Treasury be requested to certify the quantum of allowance in lieu of drawback on exported, dried, and pickled fish, which hath been paid under "the act for laying a duty on goods, wares, and merchandises, imported into the United States," of the 4th of July, 1789. And also the quantum of bounty paid on the exportation of dried or pickled fish, under "the act for making further provision for the payment of the debts of the United States," of the 10th of August, 1790.

A Message from the President of the United States was received, inclosing for consideration the copy of a Letter which he had received from the Attorney General of the United States. The Message and letter were read, and ordered to lie for consideration.

THURSDAY, December 29.

The consideration of the report of the committee on "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," was further postponed.

FRIDAY, December 30.

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of the ratification, by the Commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States, and a copy of a Letter which accompanied said ratification, from the Governor of Virginia.

G. WASHINGTON.

UNITED STATES, December 30, 1791.

The papers referred to in the Message are as follow:

COUNCIL CHAMBER,

Richmond, Dec. 22, 1791.

SIR: The General Assembly, during their late session, have adopted, on the part of this Commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honor herewith to transmit.

I have the honor to be, &c.,

HENRY LEE.

The President of the United States.

VIRGINIA:

General Assembly, begun and held at the Capitol, in the city of Richmond, on Monday, the 17th day of October, in the year of our Lord 1791.

MONDAY, December 5, 1791.

Resolved, That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.

December 15, 1791: Agreed to by the Senate.

JOHN PRIDE, S. S.

THOS. MATTHEWS, S. H. D.

[For the ratification of the first article see ante, p. 29.]

MONDAY, January 2, 1792.

The Senate proceeded to the second reading of the bill establishing a Mint, and regulating the coins of the United States; and, after progress, the further consideration thereof was postponed.

TUESDAY, January 3.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," in which they desire the concurrence of the Senate.

The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and, after progress, the further consideration thereof was postponed.

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The bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," was read the first time, as follows:

An Act to extend the time limited for settling the accounts of the U. States with the individual States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the powers of the Board of Commissioners which, by an act passed in the second session of the first Congress was established to settle the accounts between the United States and individual States, shall continue until the 1st day of July, 1798, unless the business shall be sooner accomplished.

Sec. 2. And be it further enacted That, from and after the passing of this act, the pay of the principal clerk of the said Board shall be the same as the pay of a principal clerk in the Auditor's office.

Ordered, That this bill pass to a second reading.

WEDNESDAY, January 4.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

The petition of Patrick Ferral, clerk to the Board of Commissioners for settling the accounts between the United States and individual States, was read, praying for an addition to his compensation; also, sundry communications from the said Board of Commissioners; and it was agreed that the further consideration of the last mentioned bill be postponed.

The Senate resumed the second reading of "the bill establishing a Mint, and regulating the coins of the United States;" and made some progress therein.

THURSDAY, January 5.

The Senate resumed the second reading of the bill, entitled "An act establishing a Mint, and regulating the coins of the United States."

Ordered, That this bill pass to the third reading. The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Ordered, That this bill be referred to Messrs. BRADLEY, MONROE, and ELLSWORTH, to consider and report generally thereon.

The Senate resumed the second reading of "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" and, after agreeing to sundry amendments, the further consideration thereof was postponed.

Ordered, That the consideration of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," be the order of the day for to-morrow.

FRIDAY, January 6.

CHARLES CARROLL, from the State of Maryland, attended; and took his seat.

The Report of the Secretary of the Treasury, on the drawback on dried and pickled fish exported, in conformity to the order of Senate of the 26th ultimo, was read:

Ordered, That the Report, and papers therein referred to, lie for consideration.

Ordered, That the consideration of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," be further postponed.

MONDAY, January 9.

RICHARD BASSETT, from the State of Delaware, attended; and took his seat.

The petition of Isaac Ledyard, of the State of Connecticut, for the re-settlement of his account, for reasons stated in his petition, was read.

Ordered, That the petition be referred to the committee appointed on the 14th of December last, to revise the acts and resolves relative to the compensations of disabled officers and soldiers, and to the widows and orphans of deceased officers.

The Senate proceeded to the third reading of "the bill establishing a Mint, and regulating the coins of the United States," and agreed to sundry amendments, as follow:

Sec. 1. Expunge the latter part of the section, and make the following the second section, to wit:

Sec. 2. And be it further enacted, That the director of the Mint shall employ as many clerks, workmen, and servants, as he shall, from time to time, find necessary, subject to the approbation of the President of the United States.

And to number the subsequent sections accordingly.

On motion to amend section sixth, by inserting after the word "accounts," in the amendment, these words:

"Of the disbursements of the said Mint shall be rendered by the director thereof, at the Treasury of the United States, for settlement, according to the rules prescribed for the adjustment of accounts against the United States, in other cases: And the said director shall, likewise, once in each year, make a report to Congress of the transactions of the said Mint, accompanied by an abstract of the settlement of said disbursements, which abstract shall be certified by the Comptroller of the Treasury."

The motion passed in the negative.

On motion to amend section 9, of the original bill, as follows:

Strike out the words "and silver."

And after the word "America," erase to the end of the section, and in lieu thereof insert—

"And upon the reverse of each of the said silver coins, in the centre of the exergue, there shall be an engraving of two hands united, and around the margin of the piece as many circles linked together as there shall be States in the Union at the time of the coinage, each circle containing the initial letters of the name of its respective State; and between the representation of

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the united hands and the circles aforesaid, there shall be this inscription in an annular form, 'Dollar of the United States of America,' where the coinage shall be of a dollar, but where the coinage shall be of parts of a dollar, expressing the same accordingly.

"And on the reverse of each of the said copper coins, there shall be a representation of America, in the usual female figure of Justice holding balanced scales, with this inscription, 'To all their due.' And around the margin this legend, expressive of the denomination of the piece, 'Cent of the United States of America, or half cent, as the case may be.'"

This motion passed in the negative.

After further progress in the bill, the Senate adjourned.

TUESDAY, January 10.

Mr. BURR reported, from the committee appointed the 14th December last, to revise the acts and resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers.

Ordered, That the report lie for consideration. Mr. BRADLEY, from the committee appointed the 5th of January, on the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," reported sundry amendments, which were adopted; and the bill was ordered to pass to the third reading.

The Senate proceeded to consider the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Ordered, That this bill be committed to Messrs. BURR, STRONG, and BUTLER, who are also to consider and report such further general provisions as they shall conceive necessary for the relief of the widows and orphans of officers who were killed, or died, and officers and soldiers who were disabled in service during the late war.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to establish the Post Office and Post Roads within the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, as follows:

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the following roads be established as post roads, namely: From Wicasset, in the district of Maine, to Savannah, in Georgia, by the following route, to wit: Portland, Portsmouth, Exeter, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charleston, Havre-de-Grace, Harford, Baltimore, Bladenburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House,

Richmond, Petersburg, Halifax, Taborough, Smithfield, Fayetteville, New Bridge over Downing Creek, Cheraw Court House, Cambden, Statesburg, Columbia, Cambridge, and Augusta, and from thence to Savannah; and from Augusta to Washington, by the great falls of Ogeechee; and from Statesburg to Charleston; and from Charleston to Georgetown; from Charleston to Savannah; and from Savannah, by Newport Bridge, to Sunbury; and also from Exeter to Concord, in New Hampshire; and from Salem to Marblehead; and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Haven; and from Boston through Taunton, to New Bedford; and from Taunton, through Warren and Bristol, to Newport; also, from Taunton to Plymouth, and thence to Boston, and from Springfield, in the State of Massachusetts, to Kinderhook, in the State of New York; and from Springfield, through Northfield and Charlestown, to Windsor, in Vermont; and from Stockbridge, in Massachusetts, to Bennington, Manchester, and Rutland, in Vermont; and from Hartford, by Middletown, to New London; and also, from Hartford to Norwich and Providence; and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Bedford, and Greensburg, to Pittsburg; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; also, from Wilmington, by Duck Creek to Doanville, and from thence, by Dagaborough, to Northampton court house, in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's fresh, and Chaptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown, and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahannock, to Urbanna; and from Petersburg, by Cabin point, Smithfield, and Suffolk, to Portsmouth, and from Suffolk to Edenton and Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, to Salisbury; and from New York to Albany; from New York to Hartford, through White Plains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harrington, and Farmington; from Elizabethtown, by Morristown, to Sussex court house; from Alexandria, by Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham court house, to Staunton; and from Richmond, by Charlottesville, Staunton, Lexington, Fincastle, Montgomery court house, Wythe court house, Abingdon, and Hawkin's court house, in the territory south of the river Ohio, to Danville, in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagerstown, and from thence to Chambersburg: *Provided,* That the route by which the mails are at present conveyed shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

Sec. 2. And be it further enacted, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding five years, for extending the line of posts, and to authorize the person or persons so contracting to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers, and packets, conveyed by any such post; and the roads therein designated shall, during the continuance of such contract, be deemed and considered as post roads, within the terms and provisions of this act: *Provided,* That no such contract shall be made to the diminution of the revenue of the General Post Office,

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and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

Sec. 3. *And be it further enacted*, That there shall be established, at the seat of the Government of the United States, a General Post Office; and there shall be one Postmaster General, who shall have authority to appoint an assistant and deputy postmasters, at all places where such shall be found necessary; and he shall provide for carrying the mail of the United States by stage carriages or horses, as he may judge most expedient, and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper; and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the post office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the department, in all the duties that are or may be assigned to it; and also to direct the route or road, where there are more than one between the places above established; which route or road shall be considered as the post road.

Sec. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies the accounts and vouchers of their receipts and expenditures, and the balances due thereon; and shall return to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts; and shall pay, quarterly, into the Treasury of the United States, the balance in his hands. And the Postmaster General and his assistant, and the deputy postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their office, take and subscribe, before some justice of the peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm, as the case may be,) that I will not wilfully, willingly, and knowingly, open, detain, or delay, or cause, procure permit, or suffer to be opened, detained, or delayed, any letter or packet which shall come into my hands, power, or custody, by reason of my employment in, or relating to, the post office, except by the consent of the person to whom the same is directed, or except in such cases where the party to whom such letter or packet shall be directed, or who is charged with the postage thereof, shall refuse or neglect to pay the postage; and except such letters or packets as shall be returned for want of true directions, or where the party to whom the same are addressed cannot be found; and that I will not, any way, embezzle any such letter or packet." And the contractors for carrying the mail, and their agents or servants, to whom the care of the mail shall be entrusted, shall, before their discharging the said trust, take and subscribe the following oath or affirmation, and cause a certificate thereof to be filed, as aforesaid: "I do swear (or affirm, as the case may be,) that I will faithfully execute and perform all the duties required of me, and abstain from every thing forbidden by the act, entitled 'An act to establish the post office and post roads within the United States.'"

Sec. 5. *And be it further enacted*, That it shall be the duty of the Postmaster General to provide for the conveyance across any ferry of the mail and the carriage, and the horse carrying the same. And if any person shall obstruct or retard the passage of the mail,

or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine, not exceeding one hundred dollars. And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the seat of Government of the United States, for at least twelve weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded; describing the places from and to which such mail is to be conveyed; the time at which it is to be made up, the day and hour at which it is to be delivered, and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals which he shall have received respecting the same, in the office of the Comptroller of the Treasury of the United States.

Sec. 7. *And be it further enacted*, That every deputy postmaster shall keep an office, in which one or more persons shall attend, at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof; and all letters brought to any post office half an hour before the time of making up the mail at such office, shall be forwarded therein; and the letters to be delivered at any other post office shall be sealed up together, and the seal shall not be broken until they are so delivered.

Sec. 8. *And be it further enacted*, That the Postmaster General shall be allowed for his services at the rate of two thousand dollars per annum; his assistant at the rate of one thousand dollars per annum, to be paid quarterly, at the Treasury of the United States; and no fees or perquisites shall be received by either of them on account of the duties to be performed in virtue of their appointments.

Sec. 9. *And be it further enacted*, That, from and after the first day of March next, the deputy postmaster, and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are herein-after excepted, according to the several rates and sums following:

For the postage of every single letter to or from any place, by land, not exceeding thirty miles, six cents;

Over thirty miles, and not exceeding sixty, eight cents;

Over sixty miles, and not exceeding one hundred, ten cents;

Over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half;

Over one hundred and fifty miles, and not exceeding two hundred, fifteen cents;

Over two hundred miles, and not exceeding two hundred and fifty, seventeen cents;

Over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents;

And to and from any place, by land, more than four hundred miles, twenty-five cents.

And every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay at the rate of four single letters for each ounce; and in that proportion for any greater weight.

Sec. 10. *And be it further enacted*, That all letters

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passing by sea, to and from the United States, in packet boats or vessels, the property of, or provided by, the United States, and all letters brought by sea into the United States, in any other ship or vessel, shall be rated and charged as follows:

For every single letter brought into, or sent from, the United States, by sea, in any packet, boat, or vessel, belonging to, or employed by, the United States, eight cents;

For every double letter, sixteen cents;

For every triple letter, twenty-four cents;

For every letter brought into the United States, or carried from one port therein to another, by sea, in any other ship or vessel, four cents, if delivered at the place where the same shall arrive; and, if directed to any other place, with the addition of the like postage as other letters are made subject to the payment of by this act.

Sec. 11. *And be it further enacted*, That, if any deputy postmaster, or other person authorized by the Postmaster General, shall demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets, on conviction thereof, he shall forfeit, for such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

Sec. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a post office is established, shall be permitted to report, make entry, or break bulk, till the master or commander shall have delivered to the postmaster all letters directed to any person or persons within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee, or person concerned in any merchandise or lading in such ship or vessel; but when a vessel shall be bound to another port than that at which she may enter, and there is no communication by post between such port of entry, and her port of delivery, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the postmaster, at the port of entry. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters as aforesaid.

Sec. 13. *And be it further enacted*, That the postmasters, to whom such letters may be delivered, shall pay to the master, commander, or other person, delivering the same, two cents for every such letter or packet; and shall obtain, from the person delivering the same, a certificate, specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be, with his half yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the postmaster forwarding the same.

Sec. 14. *And be it further enacted*, That, if any person, other than the Postmaster General or his deputies, shall take up, receive, order, despatch, convey, carry, or deliver, any letter or letters, packet or packets, for hire or reward, on any established post road, or shall be concerned in setting up any foot or horse post, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the General Post Office may be injured, every person so offending shall forfeit, for every such offence, the sum of two hundred dollars, and for continuing so to offend for one or more weeks, shall for every week, forfeit the sum of three hundred dollars.

Sec. 15. *Provided, nevertheless, and be it further enacted*, That it shall be lawful for the masters of ships and vessels, conductors of pack horses, and for carriers of goods by carts or wagons, to be carriers and deliverers of all such letters or packets, as immediately concern any merchandise or lading in such ship or vessel, or such goods or merchandise as are under the immediate care or inspection of such masters, conductors, or carriers; provided, such master, conductor, or carrier, shall deliver every such letter to the person or persons to whom it is addressed, without hire or reward: *Provided, also*, That it shall and may be lawful for every person to send letters or packets by any private friend, or by special messenger.

Sec. 16. *And be it further enacted*, That the deputy postmasters, or agents of the Postmaster General, shall duly account, and answer to him, for all by or way letters, and shall specify the same, whether single, double, triple, or ounce weight, in the post bill; and if any deputy postmaster, or agent, shall neglect so to account, he or they, so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Sec. 17. *And be it further enacted*, That, if any person employed in any of the departments of the General Post Office shall unlawfully detain, delay, or open, any letter, packet, newspaper, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or, if any such person shall secrete, embezzle, or destroy, any letter, newspaper, or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to, the payment of money, or other bond or warrant, draft, bill, or promissory note, whatsoever, for the payment of money; or, if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person who shall have taken charge of the mail of the United States, shall quit or desert the same before his arrival at the next post office, or shall not use diligence to arrive seasonably at the same, every such person, so offending, shall forfeit and pay a sum not exceeding one hundred dollars for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive, or carry, any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Sec. 18. *And be it further enacted*, That, if any person or persons shall rob any carrier of the mail of the United States of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by

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post, of any letter, packet, bag, or mail of letters, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any bag or mail of letters, or from or out of any post office, house, or place, for the receipt or delivery of letters or packets, sent, or to be sent, by post, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.

Sec. 19. *And be it further enacted*, That the deputy postmasters shall, respectively, publish, at the expiration of every three months, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and, at the expiration of the next three months, shall send such of the said letters as remain on hand, as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers, or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to where the owner may be supposed to reside, if within the United States; and such letter and the contents shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage and the expense of publication.

Sec. 20. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say: all letters and packets to or from the President or Vice President of the United States; and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session, all letters to and from the Secretary of the Treasury and his assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, the Postmaster General, and his assistant and deputies, under such restrictions as shall be enjoined upon the Postmaster General by the President of the United States: *Provided*, That no person, having the privilege of franking letters, shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the Department of the Treasury may be franked by the Secretary of the Treasury or the assistant Secretary, or by the Comptroller, Register, Auditor, or Treasurer; and that, in all cases, such person shall deliver to the post office every letter or packet enclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon.

Sec. 21. *And be it further enacted*, That if any person shall counterfeit the hand-writing of any other person, in order to evade the payment of postage, such person or persons, so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Sec. 22. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage; under such regulations as the Postmaster General shall provide.

Sec. 23. *And be it further enacted*, That all newspapers, conveyed in the mail, shall be under a cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent for any distance not more than one hundred miles, and one cent

and a half for any greater distance; and it shall be the duty of the Postmaster General and his deputy to keep a separate account for the newspapers, and the deputy postmasters shall receive fifty per cent. on the postage of all newspapers; and if any other matter or thing be enclosed in such papers, the whole packet shall be charged agreeably to the rates established by this act for letters or packets.

Sec. 24. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the deputy postmasters, respectively, such commission on the moneys arising from the postage of letters and packets as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed twenty per centum to any deputy, other than the postmaster, at the port where the European packets do or shall steadily arrive, to whom such further allowance, in addition to the emoluments of his office, shall be made as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and despatch of letters, originally received into his office, from on board such packets, and by him forwarded to other offices: *And provided, also*, That the compensations aforesaid shall not exceed fifteen hundred dollars per annum to any one postmaster.

Sec. 25. *And be it further enacted*, That it shall be the duty of the postmasters of the respective cities of New York, Philadelphia, Annapolis, and Charleston, and of the towns of Portsmouth, in New Hampshire, Boston, Salem, Providence, Newport, and Baltimore, to cause all letters directed to persons in any of the said cities or towns, or the liberties thereof, to be delivered at the houses or dwelling of such persons; and that one cent, in addition to the postage, be charged on every letter or packet so delivered.

Sec. 26. *And be it further enacted*, That if any deputy postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render account, and pay over to the Postmaster General the balance by him due, at the end of every six months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such half year, the balances due from every such delinquent shall be charged to, and recoverable from, the Postmaster General.

Sec. 27. *And be it further enacted*, That all penalties and forfeitures recovered under this act shall be one half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

Sec. 28. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision at the post office of every seaport of the United States, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel, beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound; and for every letter or packet so received, there shall be paid at the time of its reception a postage of one cent. And the Postmaster General may make arrangements with the postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the post offices.

Sec. 29. *And be it further enacted*, That the deputy postmasters, and the persons employed in the transports-

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tion of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Sec. 30. *And be it further enacted*, That all the surplus revenue of the General Post Office, previous to the passing of this act, and not heretofore appropriated, be, and the same is hereby, appropriated towards defraying any deficiency which may arise in the revenue of the said department for the year next ensuing.

Ordered, That this bill pass to a second reading. The Senate resumed the second reading of "the bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," and agreed to sundry amendments; and, on the question.

Shall this bill pass to the third reading? The yeas and nays being taken, stood—

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Henry, Izard, King, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.—23.

NAYS.—Messrs. Bradley, Butler, Hawkins, and Johnston.—4.

So it was agreed that the bill should pass to the third reading.

WEDNESDAY, January 11.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States;" and, *Resolved*, That this bill pass, with the following amendments:

After the first section, insert the following:

"Sec. 2. *And be it further enacted*, That the aforesaid act shall extend to the settlement of the accounts between the United States and the State of Vermont. And that, until the first day of December next shall be allowed for the said State to exhibit its claims."

"And that section 2 be made to read section 3."

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you, in confidence, two Reports made to me by the Secretary for the Department of War, relative to the present state of affairs on the western frontiers of the United States.

In these Reports, the causes of the present war with the Indians, the measures taken by the Executive to terminate it amicably, and the military preparations for the late campaign, are stated and explained; and also a plan suggested of such further measures on the occasion as appear just and expedient.

I am persuaded, gentlemen, that you will take this important subject into your immediate and serious consideration, and that the result of your deliberations will be the adoption of such wise and efficient measures as will reflect honor on our national councils, and promote the welfare of our country. G. WASHINGTON.

UNITED STATES, January 11, 1792.

The Message and papers were read, and ordered to lie for consideration.

The Senate proceeded to the third reading of the "bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" and, after agreeing to a further amendment,

Resolved, That this bill pass; that the title thereof be, "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein;" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bounty now allowed upon the exportation of dried fish, of the fisheries of the United States, shall cease on all dried fish exported after the 10th day of June next; and in lieu thereof, and for the more immediate encouragement of the said fisheries, there shall be afterwards paid, on the last day of December, annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea for the term of four months, at the least, of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement as licensed or enrolled, if of twenty tons, and not exceeding thirty tons, one-and-a-half dollar; and if above thirty tons, two-and-a-half dollars; of which bounty three-eighths parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighths parts thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the bounty to be allowed and paid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

Sec. 2. *And be it further enacted*, That, on the last day of December, annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel, of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel; which bounty shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided, however*, That this bounty shall be allowed only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at least of the preceding season: *And provided, also*, That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish, not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to

be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery, when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time it has actually been employed in the fishery in the preceding season, shall, in all cases, be produced and sworn to before the said collector of the district, in order to entitle the owner, his agent, or lawful representative, to receive the bounty aforesaid. And if, at any time within one year after payment of such bounty, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such bounty shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered, and appropriated, in like manner as forfeitures and penalties are to be sued for, recovered, and appropriated, for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Sec. 3. *And be it further enacted*, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agents or lawful representative, shall, previous to receiving the bounty which is provided for in this act, produce, to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is hereinbefore required, and also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made in the preceding fishing season, to the truth of which, they shall swear or affirm before the collector aforesaid.

Sec. 4. *And be it further enacted*, That no ship or vessel, of twenty tons or upwards, employed as aforesaid, shall be entitled to the bounty granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement, in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage, or for the fishing season, and shall also express that the fish, or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may, respectively, have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent; and if any fisherman, having engaged himself for a voyage, or for the fishing season, in any fishing vessel, and signed an agreement therefor, as aforesaid, shall thereafter, while such agreement remains in force, and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, and may, in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing

voyage, to which such deserter hath or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit, to the use of the owner of such vessel, his share of the bounty which shall be paid upon such voyage, as is herein granted.

Sec. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage, or for the fishing season, and any fish, which may have been caught on board such vessel during the same, shall be delivered to the owner, or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper's, and every other fisherman's, share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant's service. And, upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel, or his agent, appearing to answer to such process, may offer, thereupon, his account of general supplies made for such fishing voyage, and other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands, respectively, and judgment shall be rendered upon such process, for the respective balances, which, upon such an inquiry, shall appear: *Provided, always*, That, when process shall be issued against any vessel liable as aforesaid, if the owner thereof, or his agent, will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process; or, if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

Sec. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign and salted provisions, be, and the same is hereby repealed.

Sec. 7. *And be it further enacted*, That the money which shall remain in consequence of the abolition of the bounty on the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby, appropriated to the payment of the bounties granted by this act; and in case the moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which, from time to time, shall be in the Treasury of the United States, and not otherwise appropriated.

Sec. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing by the act before mentioned, and to be in like manner sued for, recovered, and appropriated.

Sec. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress.

The bill establishing a Mint, and regulating the coins of the United States, was taken up, and, *Ordered*, That the further consideration thereof be postponed until to-morrow.

THURSDAY, January 12.

The Senate resumed the consideration of "the bill establishing a Mint, and regulating the coins of the United States;" and, after agreeing further to amend the same,

Resolved, That this bill pass; that the title thereof be "An act establishing a Mint, and regulating the coins of the United States;" that it be engrossed; and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act establishing a Mint, and regulating the coins of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared, That a mint, for the purpose of a national coinage, be, and the same is, established, to be situate and carried on at the seat of the Government of the United States, for the time being; and that, for the well conducting of the business of the said mint, there shall be the following officers and persons, namely:

A director, an assayer, a chief coiner, an engraver, a treasurer.

Sec. 2. *And be it further enacted*, That the director of the mint shall employ as many clerks, workmen, and servants, as he shall, from time to time, find necessary, subject to the approbation of the President of the United States.

Sec. 3. *And be it further enacted*, That the respective functions and duties of the officers above mentioned shall be as follow: The director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The assayer shall receive and give receipts for all metals which may lawfully be brought to the mint to be coined; shall assay all such of them as may require it; and shall deliver them to the chief coiner, to be coined. The chief coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions; but it shall be lawful for the functions and duties of chief coiner and engraver to be performed by one person. The treasurer shall receive from the chief coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be

paid or delivered: he shall, moreover, receive and safely keep all moneys which shall be for the use, maintenance, and support, of the mint, and shall disburse the same upon warrants signed by the director.

Sec. 4. *And be it further enacted*, That every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation, before some Judge of the United States, faithfully and diligently to perform the duties thereof.

Sec. 5. *And be it further enacted*, That the said assayer, chief coiner, and treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

Sec. 6. *And be it further enacted*, That there shall be allowed and paid, as compensations for their respective services:

To the said director, a yearly salary of two thousand dollars;

To the said assayer, a yearly salary of fifteen hundred dollars;

To the said chief coiner, a yearly salary of fifteen hundred dollars;

To the said engraver, a yearly salary of twelve hundred dollars;

To the said treasurer, a yearly salary of twelve hundred dollars;

To each clerk, who may be employed, a yearly salary not exceeding five hundred dollars; and, to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.

Sec. 7. *And be it further enacted*, That the accounts of the officers and persons employed in and about the said mint, and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the Treasury Department of the United States; and a quarterly yearly account of the receipts and disbursements of the said mint shall be rendered at the said Treasury for settlement, according to such forms and regulations as shall have been prescribed by that department; and that once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury, shall be laid before Congress for their information.

Sec. 8. *And be it further enacted*, That, in addition to the authority vested in the President of the United States, by a resolution of the last session, touching the engaging of artists, and the procuring of apparatus for the said mint, the President be authorized, and he is hereby authorized, to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and that as well the expenses which shall have been incurred pursuant to the said resolution, as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage hereinafter mentioned, shall be defrayed from the Treasury of the United States, out of any moneys which, from time to time, shall be therein, not otherwise appropriated.

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Sec. 9. *And be it further enacted*, That there shall be, from time to time, struck and coined at the said mint, coins of gold, silver, and copper, of the following denominations, values, and descriptions, viz:

Eagles; each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four-eighths of a grain of pure, or one hundred and seventy grains of standard, gold.

Half eagles; each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six-eighths of a grain of pure, or one hundred and thirty-five grains of standard, gold.

Quarter eagles; each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven-eighths of a grain of pure, or sixty-seven grains and four-eighths of a grain of standard, gold.

Dollars, or units; each to be of the value of a Spanish milled dollar as the same is now current, and to contain three hundred and seventy-one grains and four-sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard, silver.

Half dollars; each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten-sixteenth parts of a grain of pure, or two hundred and eight grains of standard, silver.

Quarter dollars; each to be of one-fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen-sixteenth parts of a grain of pure, or one hundred and four grains of standard, silver.

Dimes; each to be of the value of one-tenth of a dollar or unit, and to contain thirty-seven grains and two-sixteenth parts of a grain of pure, or forty-one grains and three-fifths parts of a grain of standard, silver.

Half dimes; each to be of the value of one-twentieth of a dollar, and to contain eighteen grains and nine-sixteenth parts of a grain of pure, or twenty grains and four-fifths parts of a grain of standard, silver.

Cents; each to be of the value of the one-hundredth part of a dollar, and to contain eleven pennyweights of copper.

Half cents; each to be of the value of half a cent, and to contain five pennyweights and one-half pennyweight of copper.

Sec. 10. *And be it further enacted*, That, upon the said coins, respectively, there shall be the following devices and legends, namely: Upon one side of each of the said coins there shall be an impression or representation of the head of the President of the United States for the time being, with an inscription which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription—"United States of America;" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent, or half cent, as the case may require.

Sec. 11. *And be it further enacted*, That the proportional value of gold to silver, in all coins which shall by law be current as money within the United States, shall be as fifteen to one, according to quality in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments, with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

Sec. 12. *And be it further enacted*, That the standard for all gold coins of the United States shall be eleven

parts fine to one part alloy; and accordingly that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one-twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions, not exceeding one half silver, as shall be found convenient; to be regulated by the director of the mint for the time being, with the approbation of the President of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.

Sec. 13. *And be it further enacted*, That the standard for all silver coins of the United States shall be four hundred and eighty-five parts fine to one hundred and seventy-nine parts alloy; and accordingly that four hundred and eighty-five parts in sixteen hundred and sixty-four parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy; which alloy shall be wholly of copper.

Sec. 14. *And be it further enacted*, That it shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the same shall have been brought: And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall, upon demand, receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided, nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one-half per cent. from the weight of the pure gold, or pure silver, contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint, from time to time, whenever the state of the Treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be, out of the coins which shall have been made of the bullion for which the money so furnished shall have been exchanged; and the said deduction of one-half per cent. shall constitute a fund towards defraying the expenses of the said mint.

Sec. 15. *And be it further enacted*, That the bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference to any person or persons; and if any preference shall be given contrary to the direction aforesaid, the officer by whom such undue preference shall be given, shall, in each case, forfeit and pay one thousand dollars, to be recovered with costs of suit. And to

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the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same a memorandum in writing under his hand, denoting the weight, fineness, and value thereof, together with the day and order of its delivery into the mint.

Sec. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from, the said mint, shall be a lawful tender in all payments whatsoever: those of full weight according to the respective values hereinbefore declared, and those of less than full weight at values proportional to their respective weights.

Sec. 17. *And be it further enacted*, That it shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavors that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper, whereof the cents and half cents aforesaid may be composed, shall be of good quality.

And the better to secure a due conformity of the said gold and silver coins to their respective standards, Sec. 18. *Be it further enacted*, That, from every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, yet apart by the treasurer, and reserved in his custody, a certain number of pieces, not less than three; and that once in every year the pieces so set apart and reserved shall be assayed under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, (who are hereby required to attend, for that purpose, at the said mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they, or a majority of them, shall direct, and in the presence of the director, assayer, and chief coiner, of the said mint; and if it shall be found that the gold and silver so assayed shall not be inferior to their respective standards hereinbefore declared, more than one part in one hundred and forty-four parts, the officer or officers of the said mint, whom it may concern, shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

Sec. 19. *And be it further enacted*, That if any of the gold or silver coins, which shall be struck or coined at the said mint, shall be debased or made worse, as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall, at any time, be committed to their charge, for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person, who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death.

Sec. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and that all accounts

the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same a memorandum in writing under his hand, denoting the weight, fineness, and value thereof, together with the day and order of its delivery into the mint.

in the public offices, and all proceedings in the courts of the United States, shall be kept and had in conformity to this regulation.

FRIDAY, January 13.

The Senate took into consideration the Message of the President of the United States, of the 11th of January; and, after progress, the further consideration thereof was postponed.

MONDAY, January 16.

The Senate then proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States."

Ordered, That this bill be committed to Messrs. BASSETT, BRADLEY, BURR, ELLSWORTH, FEW, FOSTER, HENRY, JOHNSTON, IZARD, LANGDON, LEE, MORRIS, RUTHERFORD, and STRONG, to report thereon.

TUESDAY, January 17.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendments of the Senate on the bill, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Mr. BURR, from the committee appointed on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," reported the bill amended; and the report was adopted.

On motion that the bill be postponed, it passed in the negative; whereupon, the Senate proceeded in the second reading of the bill; and, after progress, *Ordered*, that the further consideration thereof be postponed.

The petition of John Harpur and others, for the adjustment of an unliquidated claim, on account of services during the late war, was read.

Ordered, That it be referred to the Secretary of War, to report thereon to the Senate.

The petition of John M'Vikar, executor of Archibald M'Vikar, for a Legislative act to enable the Auditor and Comptroller of the Treasury to liquidate his account against the United States, for certain supplies during the late war, was read; and,

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.

The petition of Christopher Marshall, Jr., and Charles Marshall, was read, praying for encouragement in preparing sal-ammoniac, Glauber's salt, and volatile spirits, having erected a chemical laboratory for those purposes, near the city of Philadelphia.

Ordered, That this petition lie on the table.

The memorial of Hannah Stevens, of Concord, in the State of Massachusetts, wife of Isaac Stevens, mariner, was read, praying that Govern-

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ment would interpose in the liberation of the said Isaac Stevens from long captivity at Algiers. Ordered, That this petition be referred to the committee on the subject of the American prisoners at Algiers.

WEDNESDAY, January 18.

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of an exemplified copy of an Act of the Legislature of Vermont, ratifying, on behalf of that State, the articles of amendment proposed by Congress to the Constitution of the United States, together with a copy of a letter which accompanied said ratification.

G. WASHINGTON.

UNITED STATES, January 18, 1792.

The act of ratification referred to in the foregoing Message is as follows:

An act ratifying certain articles proposed by Congress as amendments to the Constitution of the United States.

Whereas the Congress of the United States, begun and held at the city of New York, on Wednesday the 4th of March, 1789, resolved, that certain articles, to the number of twelve, be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, which articles, when ratified by three-fourths of the said Legislatures, should be valid, to all intents and purposes, as part of the said Constitution: therefore,

It is hereby enacted by the General Assembly of the State of Vermont, that all and every of said articles, so proposed as aforesaid, be, and the same are hereby, ratified and confirmed by the Legislature of this State.

STATE OF VERMONT, }
Secretary of State's Office. }
I hereby certify, that the within is a true copy of an Act passed by the Legislature of this State, the 3d day of November, 1791, and deposited in this office according to law.

ROS. HOPKINS, Secretary.

Ordered, That the Message, and papers referred to therein, lie for consideration. The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," was further postponed.

THURSDAY, January 19.

Several committees being in session, and wanting time to perfect their reports, the Senate adjourned without doing any business.

FRIDAY, January 20.

The Senate assembled; and immediately proceeded to the consideration of Executive business.

MONDAY, January 23.

The committees not having perfected their reports, the Senate adjourned without doing any business.

TUESDAY, January 24.

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

Having received from the Governor of Virginia a Letter, enclosing a resolution of the General Assembly of that State, and a report of a committee of the House of Delegates, respecting certain lands located by the officers and soldiers of the Virginia line, under the laws of that State, and since ceded to the Chickasaw Indians, I lay copies of the same before you, together with a Report of the Secretary of State on this subject.

G. WASHINGTON.

UNITED STATES, January 23, 1792.

The Message, and papers therein referred to, were read, and ordered to lie for consideration.

WEDNESDAY, January 25.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and, after progress, the further consideration thereof was postponed.

Mr. Bassett, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," reported amendments, which were read; and, Ordered, That the amendments reported be printed for the use of the Senate.

THURSDAY, January 26.

Mr. Henry, from the committee appointed November 1, 1791, for the purpose, reported "A bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" and the bill was read the first time, and passed to a second reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

The report of the committee on the petition of Isaac Ledyard was read; and, on motion to amend the report, it passed in the negative.

Ordered, That the further consideration of the bill be postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions;" in which bill they desire the concurrence of the Senate.

The bill sent from the House of Representatives

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for concurrence, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," was read the first time, as follows:

An Act to ascertain and regulate the claims to half pay, and to invalid pensions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the resolution of Congress of the 24th of August, 1780, as declares "that the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die, in the service," shall be deemed and considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid 15th day of May, 1778. And the officers of the Treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner.

Sec. 2. *And be it further enacted,* That such officers as have been disabled in the service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the acts or regulations of Congress, and who, from an inability to return their whole commutation, as required by the act of the 22d day of March, 1783, have not received the said allowance, shall now be entitled to demand and receive the same, returning only such part of the said commutation as will be in due proportion to the said rate of allowance, calculating interest at six per cent. on the allowance and proportion of the commutation aforesaid, from the times they respectively became due, or were paid; and that their respective accounts be settled and adjusted accordingly.

Sec. 3. *And be it further enacted,* That all officers who have been disabled in the actual service of the United States, and whose degree of disability, to be ascertained in the manner hereafter prescribed, may entitle them to be placed on the pension list, at the rate of allowance equal to one-third or more of their monthly pay, shall be entitled to demand and receive such allowance during life: *Provided,* That the commutation received by any such officer shall be settled in the manner, and on the principles, prescribed in the last preceding section.

Sec. 4. *And be it further enacted,* That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States during the late war, by wounds, or other known cause, who did not desert from the said service, and whose name is not already on the pension list, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance in consequence of his disability, as the judge of the district in which they respectively reside may think just: *Provided,* That in every such case, the rules and regulations following shall be complied with, that is to say:

First. That the judge of the district court of the United States, in each district, shall allot the same into convenient divisions, and appoint in each division a reputable physician residing therein, for the examination of invalids; causing due publication thereof to be made in one or more of the gazettes of the district;

which physician shall act on oath, and receive the sum of one dollar for each examination.

Secondly. Every applicant shall produce to the physician of the division the following proofs, to wit:

A certificate from the commanding officer of the ship, regiment, corps, or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses, to the same effect;

The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support, of such applicant, for the last twelve months.

Thirdly. The physician of the division, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same under hand and seal, together with his opinion, whether or not the said disability is the effect of the wound, or injury, sustained while in the service of the United States: which proofs and certificate the said physician shall transmit to the district judge of the United States, within the said district, who shall retain a duplicate thereof, and transmit the originals to the Secretary of War, together with his opinion, in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

Sec. 5. *And be it further enacted,* That the Secretary of War, upon the receipt of the proofs, certificate, and opinion, aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided, always,* That, in any case where the said Secretary shall have cause to suspect imposition, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

Sec. 6. *And be it further enacted,* That all non-commissioned officers, soldiers, and seamen, disabled in the actual service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list until after the time limited by the act of Congress for that purpose, was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid; anything in this act, or any act of the late Congress, to the contrary notwithstanding.

Sec. 7. *And be it further enacted,* That, from and after the first day of February next, no sale, transfer, or mortgage, of the whole or any part of the pension, or arrears of pension, payable to any non-commissioned officer, soldier, or seaman, before the same shall become due, shall be valid. And every person claiming such pension, or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some justice of the peace, of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension; and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Ordered, That this bill pass to a second reading. A Letter from the Treasurer of the United States,

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enclosing his indent account from the 30th of September to the 31st of December, 1791, was read, and ordered to lie for consideration.

FRIDAY, January 27.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," and the amendments reported thereon by the committee.

On motion, to insert the following:

"That it shall be lawful for the Postmaster General, and his deputies, to receive donations from any person or persons in aid of the revenue arising from any post road, and if it shall appear, at the expiration of one year from the establishing of any post road, except the main road from Worcester to Savannah, that the revenue, arising from such post road, including donations, after deducting the compensations of the deputy postmasters, and the incidental charges of the post office, shall not amount to two-thirds of the expense of carrying the mail on the same, that then it shall be lawful for the Postmaster General to desist from sending a mail on such road."

It passed in the negative.

Ordered, That this bill pass to the third reading.

MONDAY, January 30.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," and, after making many amendments concerning particular roads,

Resolved, That this bill pass, with amendments. *Ordered*, That the Secretary desire the concurrence of the House of Representatives in the bill, as amended.

The Senate took up "the bill regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and agreed that the consideration thereof be further postponed. *Ordered*, That the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," be referred to Messrs. HAWKINS, STRONG, ELLSWORTH, LEE, and IZARD, to consider and report generally thereon.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and the further consideration thereof was postponed.

TUESDAY, January 31.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and, after progress, the further consideration thereof was postponed 'till to-morrow.

WEDNESDAY, February 1.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and, after progress, the further consideration thereof was postponed.

THURSDAY, February 2.

The Senate proceeded in the second reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and, after progress, the further consideration thereof was postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," in which they desire the concurrence of the Senate.

FRIDAY, February 3.

The bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," was taken up, read the first time, and ordered to pass to the second reading, and be printed for the use of the Senate, under an injunction of secrecy for the present.

The bill, as it came from the House of Representatives, is as follows:

An Act making further and more effectual provision for the protection of the frontiers of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the battalion of artillery and two regiments of infantry now in service, be completed in their numbers, according to the establishment.

Sec. 2. And be it further enacted, That there shall be raised, for a term not exceeding three years, three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians. And the President may employ as many of the said troops as riflemen as he shall think proper: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

Sec. 3. And be it further enacted, That the said additional regiments shall be organized in the same manner as the regiment of infantry described in the act, passed during the second session of the first Congress, entitled "An act for regulating the military establishment of the United States."

Sec. 4. And be it further enacted, That there shall be raised a squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and four non-commissioned officers, privates, and musicians, and that it shall be a condition in their enlistments to serve as infantry whenever they shall be ordered thereto. That the organization of the said squadron of light dragoons shall be as follows, viz: one major commandant, one adjutant, one quartermaster

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one paymaster, one surgeon's mate, and four troops; each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-five dragoons; and the said squadron shall be raised for a term not exceeding three years.

Sec. 5. And be it further enacted, That the non-commissioned officers, privates, and musicians, of the said three regiments of infantry, and the squadron of light dragoons, shall be enlisted for the term of three years, unless previously discharged.

Sec. 6. And be it further enacted, That every recruit, who shall be enlisted by virtue of this act, shall receive six dollars bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians, now in service, who have enlisted for three years since the passing of the aforesaid act, entitled "An act for regulating the military establishment of the United States."

Sec. 7. And be it further enacted, That the commissioned officers, who shall be employed to recruit for the establishment, shall be entitled to receive for every recruit duly enlisted and mustered, two dollars.

Sec. 8. And be it further enacted, That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments and squadron of light dragoons, authorized by this act, shall be in future as follows, free of all deductions, to wit:

GENERAL STAFF.—A major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; quartermaster, one hundred dollars; adjutant, sixty dollars; inspector, fifty dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, in addition to his pay in the line, twenty-four dollars.

REGIMENTAL.—Lieutenant colonel commandant, sixty dollars; majors commandant of dragoons and artillery, fifty-five dollars; paymaster, in addition to his pay in the line, ten dollars; quartermaster, in addition to his pay in the line, eight dollars; adjutant, in addition to his pay in the line, ten dollars; majors of infantry, fifty dollars; captains, forty dollars; lieutenants, twenty-five dollars; ensigns and cornets, twenty dollars; sergeants, forty-five dollars; mates, thirty dollars; sergeant majors and quartermaster sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; privates, four dollars; musicians, four dollars; artificers allowed to the light dragoons and artillery, and included as privates, eight dollars; matrons and nurses in the hospital, eight dollars.

Sec. 9. And be it further enacted, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers."

Sec. 10. And be it further enacted, That the forage to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

Sec. 11. And be it further enacted, That the allowance of clothing for the non-commissioned officers and privates of the three regiments and squadron aforesaid,

shall be the same as is by law established. That suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed the infantry and artillery.

Sec. 12. And be it further enacted, That all the commissioned and non-commissioned officers, privates, and musicians, of the three regiments and squadron aforesaid, shall take the same oath, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations, as are described in the before-mentioned act, entitled "An act for regulating the military establishment of the United States."

Sec. 13. And be it further enacted, That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole or any part of the said three additional regiments of infantry, or the squadron of light dragoons, in case events shall, in his judgment, render his so doing consistent with the public safety.

Sec. 14. And whereas, in case the forbearing to raise the whole or some part of the said three additional regiments should be deemed not consistent with the public safety, it will still be desirable that all unnecessary expense should, as far as possible, be avoided; and to that end, that the officers for the same should only be appointed from time to time, as occasion may require: *Be it enacted*, That the President alone be authorized to make all such appointments as may not be required previous to the close of the present session of the Senate, and may become necessary before the next session of Congress.

Sec. 15. And be it further enacted, That the President of the United States be, and he hereby is authorized to engage, in lieu of the whole or any part of the three regiments authorized by this act, or in addition to the same, such number of infantry or cavalry as in his judgment the public service may require; provided, that the entire number of non-commissioned officers and privates, including such part of the said regiments as may be raised and not discharged, shall not exceed six thousand; and provided, that the infantry and cavalry shall not be engaged for a longer term than nine months, nor be allowed, the infantry, more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day in lieu of rations and forage; provided he furnish himself therewith. And the allowance to non-commissioned officers, whether in the infantry or cavalry, shall not exceed to those of the infantry thirty-three cents and one-third of a cent per day, and to those of the cavalry one dollar and twenty-five cents per day.

Sec. 16. And be it further enacted, That the President alone be, and he hereby is, authorized to appoint, for the infantry and cavalry so to be engaged, the proper commissioned officers, who shall not exceed in number and rank the proportions assigned to the said three regiments and squadron, respectively; and whose pay, and other allowances, shall not exceed those of officers of corresponding rank in the said regiments and squadron.

Sec. 17. And be it further enacted, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ a number, not exceeding one thousand, of Indians, belonging to the tribes in alliance with the United States, to act against the hostile Indians; and also to make them such compensations as he shall judge right, not exceeding twenty thousand dollars in the whole.

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A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to some, and disagreed to other, amendments of the Senate on the bill, entitled "An act to establish the Post Office and Post Roads within the United States."

The Senate proceeded in the second reading of the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses, and, after agreeing to sundry amendments.

Ordered, That this bill pass to the third reading. The Senate resumed the consideration of the following resolution of the House of Representatives, on the amendments of the Senate to the bill, entitled "An act to establish the Post Office and Post Roads within the United States," to wit:

Resolved, That the House of Representatives doth disagree to the sixth amendment proposed by the Senate, in section 1st; and doth agree to all other amendments to the said bill, with amendments to the 15th amendment in the said 1st section.

Whereupon, Resolved, That the Senate recede from their sixth amendment on the above-mentioned bill, and concur with the House of Representatives in their amendments to the amendments of the Senate.

MONDAY, February 6

The third reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," was further postponed.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and, On motion, the consideration thereof was made the order of the day for to-morrow.

TUESDAY, February 7

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and, after progress, the Senate adjourned.

WEDNESDAY, February 8

The following Message from the President of the United States was received:

Gentlemen of the Senate, and of the House of Representatives:

An article of expense having occurred in the Department of Foreign Affairs, for which no provision has been made by law, I lay before you a Letter from the Secretary of State, explaining the same, in order that you may do thereon what you shall find to be right.

G. WASHINGTON.

UNITED STATES, February 8, 1792.

The Message and papers therein referred to were read; and ordered to lie for consideration.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and, after progress, the Senate adjourned.

THURSDAY, February 9

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

On motion to postpone the second reading, it passed in the negative.

On motion to expunge the second section, the yeas and nays being required by one-fifth of the Senators present, were taken, and stood:

Yeas.—Messrs. Bradley, Butler, Few, Foster, Gunn, Hawkins, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.—13.

Nays.—Messrs. Bassett, Cabot, Carroll, Dickinson, Ellsworth, Henry, Izard, Johnston, Langdon, Morris, Read, and Rutherford.—12.

So it passed in the affirmative.

Ordered, That the bill be referred to Messrs. STRONG, GUNN, MONROE, BRADLEY, and ELLSWORTH, to consider and report generally thereon.

A Letter from the Speaker of the House of Representatives, enclosing the memorial of D. L. Morel, was read.

Ordered, That the Letter and enclosure lie for consideration.

FRIDAY, February 10

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," with amendments, in which they desire the concurrence of the Senate.

Mr. Few communicated an act of the State of Georgia, to empower their Senators in Congress, or one Senator and two of their Representatives in Congress, to execute a deed of the light-house on Tybee Island in the said State. The act was read; and,

Ordered, To lie for consideration.

Ordered, That the Secretary of State be requested to furnish a translation of the memorial of D. L. Morel, communicated yesterday by the Speaker of the House of Representatives to the Vice President.

The Senate proceeded to the consideration of, and agreed to, the amendments of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein."

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The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons;" and, after debate, adjourned.

MONDAY, February 13

The Senate proceeded to the third reading of "the bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

On motion to insert these words at the end of section 2:

"And be at liberty to pursue the same until a tender of the debt and cost in gold or silver shall be made."

The yeas and nays were required by one-fifth of the Senators present, and being taken, stood:

Yeas.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Foster, Izard, King, Langdon, Morris, Read, Rutherford, and Strong.—14.

Nays.—Messrs. Bradley, Butler, Few, Gunn, Hawkins, Henry, Johnston, Lee, Monroe, Robinson, Sherman, Stanton, and Wingate.—13.

So it passed in the affirmative.

And, after agreeing to further amendments, Resolved, That this bill pass; that the title thereof be, "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses;" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill is as follows:

An Act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all writs and processes issuing from the supreme or a circuit court shall bear test of the chief justice of the supreme court; and if from a district court, shall bear test of the judge of such court, and shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals to be provided at the expense of the United States.

Sec. 2. And be it further enacted, That, until other provision shall be made, and except where, by this act, or other statutes of the United States, it is otherwise provided, the forms of writs and executions, except their style, and the modes of process and proceedings in suits at common law, shall be the same in each State respectively as are now used or allowed in the highest common law courts having original jurisdiction of the same. And the forms and modes of proceedings in causes of equity and of admiralty and maritime jurisdiction, shall be, except where the laws of the United States otherwise provide, according to the course which hath obtained in the States respectively in like causes; or in States which have not courts of equity jurisdiction, or have not had courts of admiralty and maritime jurisdiction, according to the course of proceedings in such courts, respectively, in any adjoining, or the nearest State in which they are or have been instituted; subject, however, to such deviations in each State, by

rule of court, as a difference of circumstances may require, or as may be requisite to prevent unnecessary delay and expense: *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same until a tender of the debt and cost, in gold or silver, shall be made.

Sec. 3. And be it further enacted, That, from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned shall be as follows: That is to say: to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process, in chancery, on each person named in the same, one dollar; for his travel out in serving each writ, warrant, attachment, or process, as aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel shall in no case exceed fifteen dollars; for each bail bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent.; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, each, twenty cents, and his necessary travel, at five cents per mile, to be computed as aforesaid; for summoning a grand or petit jury, each, three dollars, and his necessary travel, at five cents per mile, to be computed in like manner: *Provided*, That in those States where jurors by the laws of the State are drawn by constables or other officers of corporate towns or places by lot, the marshals shall receive, for the use of such constables or officers, such part of the fees allowed for travel in summoning juries as the court to which the juries may be returned shall direct; for attending the supreme, circuit, or district courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said courts; for levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the State where the services shall be rendered; to the clerk of the Supreme Court of the United States, ten dollars per day for his attendance in court, and for his other services in discharging the duties of his office, double the fees of the clerk of the supreme court of that State in which the Supreme Court of the United States shall be holden; to the clerk of the district and circuit courts, such fees in each State respectively as are allowed in the supreme courts of the same, and five dollars per day for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the courts of the State, and for which the laws of the State make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor; to each grand and petit juror one dollar per day for attending in court, and for traveling, at the rate of five cents for every mile from their respective places of abode to the place where the court is held, and the like allowance for returning;

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to witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for a capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors; to witnesses in other cases, the same compensation in each State respectively as are allowed in the supreme courts of the same; to the attorney of the United States for the district, such fees in each State respectively as are allowed in the supreme courts of the same, and also the like compensation for traveling as is above allowed to the clerk of the district and circuit courts; and where the amount of such fees and compensations to the district attorney shall be less in any year than one-fifth part of the salary of the judge of such district, the difference shall be allowed and paid to the attorney at the end of the year.

Sec. 4. *And be it further enacted*, That the marshal shall have the custody of all vessels and goods, seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable: And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: And such amount, as also the compensations aforesaid, to the grand and petit jurors, to the witnesses summoned on the part of the United States, or in behalf of a prisoner to be tried for a capital offence; to the clerk of the supreme court, for his attendance; to the clerks of the district and circuit courts for their traveling and attendance; to the attorney of the district, for traveling to court; to the marshal for his attendance at court; for summoning grand and petit jurors, and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in jail for any criminal offence, and for the commitment or discharge of such prisoner; and, also, the legal fees of the clerk, attorney, and marshal, in criminal prosecutions, shall be included in the account of the marshal: and the same having been examined and certified by the court, or one of the judges of it, in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of the Treasury of the United States, to the marshal, and by him shall be paid over to the persons entitled to the same. And the marshal shall be allowed two and a half per cent. on the amount by him so paid over, to be charged in his future account.

Sec. 5. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statute of the United States, if judgment is rendered against the defendant, he shall be subject to the payment of costs. And on every conviction for any other offence, not capital, the court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any informer, or plaintiff, on a penal station, to whose benefit the penalty, or any part thereof, if recovered, is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuit in the same, or if, upon trial, a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer, or plaintiff, be an officer of the United States, specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall, at the trial, in open court, certify, upon record, that there was reasonable cause for commencing the same, in which case no cost shall be taxed for the defendant.

Sec. 6. *And be it further enacted*, That the fees and

compensations to the several officers and persons hereinbefore mentioned, other than those which are above directed to be paid out of the Treasury of the United States, shall be recovered in like manner as the fees of the officers of the States respectively, for like services, are recovered.

Sec. 7. *And be it further enacted*, That if any officer hereinbefore mentioned, or his deputy, shall, by reason or color of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine, not exceeding five hundred dollars, or be imprisoned, not exceeding six months, at the discretion of the court before whom the conviction shall be.

Sec. 8. *And be it further enacted*, That the act passed at the last session of Congress, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States,'" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," be, and the same are hereby repealed.

TUESDAY, February 14.

The Secretary of State having transmitted to the Senate a translation of the memorial of D. L. Morel, it was read; and ordered that the Secretary of the Senate deliver the original, with a copy of the translation, to the Speaker of the House of Representatives.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and, after progress, adjourned.

WEDNESDAY, February 15.

The Senate proceeded in the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and,

Ordered, That the further consideration of this bill be postponed.

Mr. Strong, from the committee appointed on the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," reported the bill amended.

THURSDAY, February 16.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," and the report of the committee thereon.

On motion to postpone the report of the committee, so far as to take into consideration a proposed amendment, it passed in the negative.

On motion, it was agreed to postpone the report

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of the committee, and to reconsider the second section of the bill rejected on the 9th instant; and, after debate, the further consideration of the bill was postponed until to-morrow.

A message from the House of Representatives, informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," with amendments, in which they desire the concurrence of the Senate.

The amendments to the above mentioned bill were read, and are as follow:

Section 1, to the end of the section, add "which Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President, thus to be chosen, should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives."

In section 2, which reads as follows: "That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the authority thereof," strike out "authority," and insert "Legislature."

Section 9, strike out the whole section, and in lieu thereof insert, "And be it further enacted, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed or a President shall be elected."

Ordered, That the amendments lie for consideration.

FRIDAY, February 17.

The Senate proceeded to the consideration of the amendments of the House of Representatives on the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" and, after debate, the further consideration thereof was postponed until Monday next.

The Senate resumed the consideration of the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States;" and,

A motion being made, and the question put, to adopt the second section, it passed in the affirmative; yeas 15, nays 12—as follows:

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford. NAYS.—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

The report of the committee was then resumed; and on the question to agree thereto, so far as to

reject the third section of the bill, it passed in the negative.

Ordered, That it be referred to Messrs. Burr, HAWKINS, READ, ELLSWORTH, and GUNN, with the amendments reported by the committee, together with the motions made thereon, to consider and report generally.

MONDAY, February 20.

The Senate proceeded to the consideration of the amendments of the House of Representatives on the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" and,

Resolved, That they agree to all the said amendments except the last, to which they disagree.

Resolved, That Messrs. SHERMAN, LANGDON, and STRONG, be a committee to join with such committee as the House of Representatives may appoint, on their part, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed to the next session; that the proceedings may be so regulated as to close this session by the first Tuesday of April next.

A petition of James Oakley and others, was presented and read, praying compensation for services during the late war.

Ordered, That this petition be referred to the Secretary of War, to examine and report thereon to the Senate.

TUESDAY, February 21.

The application of James Mathers, Doorkeeper to the Senate, for compensation during the recess, was presented and read.

Ordered, That it be referred to Messrs. SHERMAN, IZARD, and JOHNSTON, to consider and report thereon.

Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay, and to invalidate pensions," reported amendments, which were read.

Ordered, That the report lie on the table.

A message from the House of Representatives informed the Senate that the House of Representatives recede from their last amendment to the bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President;" and that they agree to the resolution of the Senate of the 20th instant, appointing a joint committee for the purpose therein mentioned, and have appointed a committee on their part.

Also, that they have passed the bill, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another

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enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," in which they desire the concurrence of the Senate. Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," reported amendments; which report was read.

The bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the first time.

Ordered, That this bill pass to the second reading.

WEDNESDAY, February 22.

The amendments reported by the committee on the bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," were considered and agreed to; and the bill was ordered to pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

Mr. BUTLER reported from the committee to whom was referred the petition of Charles Colwell, which was read, and ordered to lie on the table.

THURSDAY, February 23.

The bill sent from the House of Representatives, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," was read the third time.

On motion to expunge the last section of the bill, as it was amended, to wit:

"Sec. — And be it further enacted, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars;"

It passed in the negative; yeas 8, nays 18, excused 1—as follows:

YEAS.—Messrs. Bassett, Bradley, Monroe, Robinson, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Lee, Foster, Gunn, Izard, Johnston, King, Langdon, Morris, Read, and Stanton.

Excused.—Mr. Butler.

On motion to amend the last section of the bill, as follows:

"And be it further enacted, That the President of the United States be authorized to distribute such sums as he may think proper among the Indians in alliance with the United States, not exceeding twenty thousand dollars in the whole;"

It passed in the negative.

On motion to reduce the number of each regiment to nine hundred and twelve non-commissioned officers, privates, and musicians, instead of nine hundred and sixty, reported by the committee, it passed in the negative; yeas 8, nays 18, excused 1—as follows:

YEAS.—Messrs. Burr, Cabot, Few, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Bassett, Bradley, Carroll, Dickinson, Ellsworth, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Morris, Read, and Robinson.

Excused.—Mr. Butler.

On motion to expunge the second section of the bill, which provides:

"That there shall be raised, for a term not exceeding three years, three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians. And that the President may employ as many of the said troops as ride-men as he shall think proper: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes;"

And substitute the following:

"Sec. — And be it further enacted, That the President of the United States be, and he hereby is, authorized to engage such number of expert woodmen, to serve as infantry or cavalry, as, in his judgment, the public service may require: *Provided*, That the entire number of non-commissioned officers and privates shall not exceed two thousand: *And, provided*, That the infantry and cavalry shall not be engaged for a longer term than ten months, nor be allowed, the infantry more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith. And the allowance to the non-commissioned officers, whether in the infantry or cavalry, shall not exceed, to those of the infantry thirty-three cents and one-third of a cent per day, and to those of the cavalry one dollar and twenty-five cents per day;"

It passed in the negative; yeas 12, nays 15—as follows:

YEAS.—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford.

On the question, Shall this bill pass, as amended? It was resolved in the affirmative; yeas 16, nays 11—as follows:

YEAS.—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Lee, Foster, Gunn, Izard, Johnston, King, Langdon, Morris, Read, and Stanton.

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inson, Ellsworth, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, and Rutherford. NAYS.—Messrs. Bradley, Butler, Few, Foster, Lee, Monroe, Robinson, Sherman, Stanton, Strong, and Wingate.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the second time.

On motion to amend the first part of the first section of the bill, as followeth:

"That, from and after the 3d day of March, 1793, the House of Representatives shall be composed of one hundred members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each State, computed according to the rule prescribed by the Constitution;"

It passed in the negative; yeas 11, nays 16—as follows:

YEAS.—Messrs. Bassett, Cabot, Dickinson, Ellsworth, Foster, Langdon, Read, Robinson, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bradley, Burr, Butler, Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, Rutherford, and Stanton.

On motion to amend the first part of the first section, as followeth:

"That, from and after the 3d day of March, 1793, the House of Representatives shall be composed of one hundred and nineteen members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each State, computed according to the rule prescribed by the Constitution;"

And, after debate, Ordered, That the further consideration of this bill be postponed.

FRIDAY, February 24.

Ordered, That the Secretary desire the House of Representatives to return the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," with the amendments, for the purpose of correcting a mistake.

The House of Representatives returned the bill and amendments to the Senate by their Clerk; and the mistake being rectified, they were by the Secretary again carried to the House of Representatives.

The bill sent from the House of Representatives, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," was read the second time; and, after agreeing to amend the said bill, it was ordered to the third reading.

The further consideration of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the

several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was postponed until Thursday next.

MONDAY, February 27.

The bill sent from the House of Representatives, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," was read the third time.

Ordered, That this bill be referred to Messrs. Ellsworth, Lee, and Strong, to report thereon.

A message from the House of Representatives informed the Senate, that the House of Representatives agree upon some, disagree to some, and agree to other amendments of the Senate, with making further and more effectual provision for the protection of the frontiers of the United States.

The Senate proceeded to consider the resolutions of the House of Representatives on the last mentioned bill; which are (so far as material) as follow: In the amendment to the second section, strike out the last paragraph in the clause proposed to be inserted by the Senate, in these words, to wit:

"And that the said regiments shall be otherwise organized, as the regiment of infantry described in an act passed the second session of the first Congress, entitled 'An act for regulating the military establishment of the United States';"

And in lieu thereof insert,

"*Provided always, and be it enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed."

In the thirteenth amendment to the eighth section, after the words "three dollars" for the pay of the privates, insert:

"And at the rate of one dollar per month, to be paid according to the accumulated amount at the time of discharge to each soldier respectively; or in case of death in the service, according to the amount then accumulated, to be paid to his widow, if any, if not, to his next of kin, in equal degree; which reserved pay shall not be assignable."

To these amendments the Senate agreed in part, and disagreed as to others.

Ordered, That all bills, before they are sent to the House of Representatives, be examined by the committees respectively who brought in such bills, or to whom the same shall have been last committed in Senate.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions;" and it was agreed to amend the bill accordingly.

Ordered, That this bill pass to a third reading.

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TUESDAY, February 28.

The memorial of Moses Young, praying compensation for services rendered the United States during the late war, was presented and read.

Ordered, That this memorial be referred to Messrs. BUTLER, ELLSWORTH, and LEE, to examine and report thereon to the Senate.

The Senate proceeded to the third reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions."

On motion to restore that part of the first section which was yesterday rejected, to be read as follows:

"So much of the resolution of Congress of the 24th of August, 1780, as declares 'that the resolution of the 15th of May, 1778, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die in the service, shall be deemed and considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid 15th day of May, 1778. And the officers of the Treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner.'"

It passed in the negative.

On motion to restore the second section of the bill, which was yesterday rejected, to wit:

"Sec. 2. *And be it further enacted*, That such officers as have been disabled in the service of the United States during the late war, whose disability and rate of allowance have been ascertained pursuant to the acts or regulations of Congress, and who, from an inability to return their whole commutation, as required by the act of the 22d day of March, 1783, have not received the said allowance, shall now be entitled to demand and receive the same, returning only such part of the said commutation as will be in due proportion to the said rate of allowance, calculating interest at six per cent. on the allowance and proportion of the commutation aforesaid, from the times they respectively became due, or were paid; and that their respective accounts be settled and adjusted accordingly."

It passed in the negative.

A message from the House of Representatives informed the Senate, that they desire a conference with the Senate on the subject-matter of the amendments to the act "for making further and more effectual provision for the protection of the frontiers of the United States," having appointed managers at the said conference on their part.

The Senate proceeded to the consideration of the message; and

Resolved, That they agree to the proposed conference, and that Messrs. ELLSWORTH, BUTLER, and KING, be managers thereof on the part of the Senate.

The Vice President laid before the Senate a Letter from the Treasurer of the United States, enclosing his specie account to 31st of December, 1791; which was read, and, together with the account, ordered to lie on the table.

WEDNESDAY, February 29.

A petition of Moses Hazen, late Brigadier General in the army of the United States, was presented and read, praying that he may be furnished with certain papers, or copies of papers, therein referred to. Also, a memorial of the said Moses Hazen, that his petitions to Congress of the 25th of October, and the 15th of December, 1791, said to have been read in the House of Representatives, may be considered.

Ordered, That these petitions lie on the table.

A petition of John Little, a captain of militia, was presented and read, praying relief in consideration of a wound received in the service of the United States during the late war.

Ordered, That this petition lie on the table.

The petition of Gilbert Dean was presented and read, praying compensation for personal services rendered the United States during the late war.

Ordered, That this petition be referred to the Secretary of War, to examine and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have appointed a manager of the proposed conference, in the place of one prevented from attendance by accident.

The Senate proceeded in the third reading of the bill sent from the House of Representatives, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," and it was agreed to amend the fourth section, as follows:

"Sec. 4. *And be it further enacted*, That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance in consequence of his disability, as the circuit court of the district in which they respectively reside may think just."

On motion to subjoin the following proviso to the end of the fourth section:

"*And provided also*, That the benefit of this act shall extend to the cases of those invalids referred to the Secretary of War, and respecting whom he has reported they would be entitled to pensions as invalids had they applied in time, and that they should be put on the pension list according to the allowances in the said report without taking the measures prescribed by this act to obtain the said pension."

It passed in the negative.

On motion to subjoin the following clause to the end of the last section of the bill:

"*And be it further enacted*, That, from and after the expiration of two years from the passing of this act, no officer, soldier, or seaman, shall receive any pension, unless such person shall be entitled thereto, in pursuance of an adjudication of the circuit court, in the manner prescribed in the second section of this act."

It passed in the negative.

Resolved, That this bill pass as amended, and

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that the Secretary desire the concurrence of the House of Representatives in the bill as amended.

The second reading of the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," was resumed; and,

On motion to strike out the first section,

It passed in the affirmative—yeas 16, nays 9, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Carroll, Ellsworth, Foster, Hawkins, Johnston, King, Langdon, Lee, Monroe, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bassett, Butler, Dickinson, Few, Gunn, Izard, Morris, Read, and Stanton.

Ordered, That the further consideration of this bill be postponed.

THURSDAY, March 1.

The petition of Lewis Dubois and others, officers in the New York line of the army during the late war, was presented and read, praying that the depreciation of their pay for the time they were in the service of the United States might be allowed them.

Ordered, That the petitioners have leave to withdraw their petition.

Mr. SHERMAN made report, from the joint committee appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed to the next session of Congress, that the proceedings may be so regulated as to close this session by the first Tuesday of April next.

And the report being read, it was ordered to lie on the table.

Mr. SHERMAN, from the committee appointed to consider the application of James Mathers, Doorkeeper to the Senate, for compensation during the recess, made report, which was read and agreed to.

Ordered, That the said James Mathers be allowed three hundred and forty-nine dollars and a half, for his services in the late recess of Congress.

Ordered, That the Vice President certify the balance due to James Mathers, Doorkeeper to the Senate, for services during the last recess.

Ordered, That the committee last mentioned be instructed to bring in a bill providing for the annual salaries of the Doorkeepers of the Senate and of the House of Representatives, respectively.

Ordered, That Messrs. BURR, GUNN, and MONROIS, be appointed a committee to consider the expediency of building a light-house on Montauk point, on Nassau island, in the State of New York, and, if they think expedient, to report a bill for that purpose.

The petition of Samuel Augustus Barker, an officer in the service of the United States during the late war, was presented and read, praying that the half pay allowed to the officers of the late army may be extended to him.

Ordered, That the petitioner have leave to withdraw his petition.

Ordered, That the further consideration of the

bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," be postponed until Monday next.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and agreed so far to reconsider the resolution of yesterday, as to restore the first section of the bill as amended by the committee, as followeth:

"Section 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Eliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased; all of whom were killed or died in the service of the United States, for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly."

It was agreed to insert the following as the second section:

"Section 2. *And be it further enacted*, That the officers of the Treasury be, and they are hereby, authorized to re-examine the accounts of Isaac Ledyard, late assistant deputy director, and John Berrien, late commissary of the hospital department; and if any error has taken place in the settlement of the said accounts, to correct the same."

And having agreed to further amendments, the bill was ordered to pass to the third reading.

A memorial of Samuel Howell and other merchants of Philadelphia, trading to India, China, and other parts of Asia, was presented and read, stating certain discouragements in the prosecution of that branch of commerce, and praying such interposition as Congress, in their wisdom, may deem expedient.

Ordered, That this petition lie on the table.

FRIDAY, March 2.

Mr. ELLSWORTH reported, from the managers of a conference to which they were appointed, as followeth:

"The conferees having met and conferred on the matters of disagreement between the Houses, on the bill, entitled 'An act for making further and more effectual provision for the protection of the frontiers of the United States,' have agreed, that it will be proper for the House of Representatives to recede from their disagreement to the amendments of the Senate to the sixteenth section, and agree to the same. And that it will be proper for both Houses to agree to the fifteenth section amended, to read as followeth:

"*And be it further enacted*, That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem re-

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quisite, such number of cavalry as in his judgment may be necessary for the protection of the frontiers: *Provided*, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith."

And the report being read, it was ordered to lie on the table.

A message from the House of Representatives informed the Senate; that the House of Representatives agree to the report of the managers of the conference on the bill, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

The Senate proceeded to consider the resolution of the House of Representatives, adopting the report of the managers of the conference last mentioned; whereupon,

Resolved, That the Senate concur with the House of Representatives in the adoption of the said report.

The Senate proceeded to the third reading of the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

On motion to restore the words "Richard Shubrick" to the bill, as it came from the House of Representatives, it passed in the negative.

On motion to strike out the clause adopted yesterday as the second section, to wit:

"Section 2. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Eliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased, (all of whom were killed or died in the service of the United States,) for the seven years' half pay stipulated by the resolve of Congress of the 24th day of August, 1780; and that the Register of the Treasury do issue his certificates accordingly."

It passed in the negative.

Resolved, That this bill pass as amended, and that the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The petition of James Simons, an officer in the army of the United States during the late war, was presented and read, praying compensation for his services.

Ordered, That this petition be referred to the Secretary of War, to report thereon.

MONDAY, March 5.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth amendments to the fourth section of the bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," and agree to all the other amendments thereon.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives on the bill above mentioned; and,

Resolved, That they insist thereon, desire a conference with the House of Representatives on the disagreeing votes of the two Houses, and that Messrs. ELLSWORTH, STRONG, and RUTHERFORD, be appointed managers thereof, on the part of the Senate.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a Letter which I have received from his most Christian Majesty, announcing to the United States of America his acceptance of the Constitution presented to him in the name of his nation.

G. WASHINGTON.
UNITED STATES, March 5, 1792.

[Translation.]

Very dear, Great Friends and Allies:

We make it our duty to inform you that we have accepted the Constitution which has been presented to us in the name of the nation, and according to which France will be henceforth governed.

We do not doubt that you take an interest in an event so important to our Kingdom, and to us; and that it is with real pleasure we take this occasion to renew to you assurances of the sincere friendship we bear you. Whereupon, we pray God to have you, very dear, great friends and allies, in his just and holy keeping.

Written at Paris, the 19th of September, 1791.
Your good friend and ally,

LOUIS.
MONTMORIN.

THE UNITED STATES OF NORTH AMERICA.

Another written Message was, at the same time, received from the President of the United States, as followeth:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of the Return of the number of inhabitants in the district of South Carolina, as made to me by the Marshal thereof; and the copy of a letter which accompanied said return.

G. WASHINGTON.
UNITED STATES, March 3, 1792.

The schedule referred to in the last recited Message is as followeth:

DISTRICT OF SOUTH CAROLINA.	
Free white males of sixteen years, and upwards, including heads of families	35,576
Free white males under sixteen years	37,722
Free white females, including heads of families	66,880
All other free persons	1,801
Slaves	107,094
Total	249,073

The Messages and papers therein mentioned were read, and ordered to lie on the table.

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Agreeably to the order of the day, the Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration; and making provision for another enumeration; and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and, after progress, the further consideration thereof was postponed.

TUESDAY, March 6.

Mr. BURR, from the committee appointed to consider of the expediency of building a light-house on Montauk point, reported, that the measure appeared to the committee expedient and necessary; and that they had prepared a draft of a bill for that purpose.

The bill was presented and read the first time, and ordered to pass to the second reading.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the proposed conference on the amendments insisted on by the Senate to the bill, entitled "An act to ascertain and regulate the claims to half pay, and to invalid pensions," and have appointed managers on their part.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797." And, on motion to amend the title and the first section, as follows:

"An Act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1803.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire five, within the State of Massachusetts six, within the State of Vermont three, within the State of Rhode Island two, within the State of New Jersey six, within the State of Pennsylvania fourteen, within the State of Delaware two, within the State of New York eleven, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina twelve, within the State of South Carolina seven, and within the State of Georgia two."

It passed in the negative; yeas 13, nays 14—as follows:
YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rut-
erford, Stanton, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Sherman, and Strong.

On motion to amend the first clause of the first section, as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of members elected within the several States, according to the following apportionment: that is to say, according to the affirmative; yeas 15, nays 12—as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rut-
erford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, and Morris.

On motion to amend the second clause of the first section, as follows:

"Within the State of New Hampshire four, within the State of Massachusetts fourteen, within the State of Vermont two, within the State of Rhode Island two, within the State of Connecticut seven, within the State of New York ten, within the State of New Jersey five, within the State of Pennsylvania thirteen, within the State of Delaware one, within the State of Maryland eight, within the State of Virginia nineteen, within the State of Kentucky two, within the State of North Carolina ten, within the State of South Carolina six, and within the State of Georgia two;"

It passed in the negative; yeas 11, nays 16—as follows:

YEAS.—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Sherman, Strong, and Wingate.

NAYS.—Messrs. Bassett, Burr, Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, Read, and Stanton.

On motion to agree to the title, and the first section of the bill, amended as follows:

"An Act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of members elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire five, within the State of Massachusetts six, within the State of Vermont three, within the State of Rhode Island two, within the State of New Jersey six, within the State of Pennsylvania fourteen, within the State of Delaware two, within the State of New York eleven, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina twelve, within the State of South Carolina seven, and within the State of Georgia two."

It passed in the affirmative; yeas 15, nays 12—as follows:
YEAS.—Messrs. Bassett, Burr, Butler, Carroll, Few,

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Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, and Read.
 YAS.—Messrs. Bradley, Cabot, Dickinson, Ellsworth, Stanton, Strong, and Wingate.

On motion to expunge the second section of the bill as it came from the House of Representatives, it passed in the affirmative; yeas 14, nays 13—as follows:

YAS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Foster, King, Morris, Robinson, Rutheford, Sherman, Stanton, Strong, and Wingate.
 NAYS.—Messrs. Bassett, Burr, Butler, Few, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Lee, Monroe, and Read.

On motion, it was agreed to restore the second section, so amended as to provide for an enumeration to be taken in the year 1798, instead of the year 1796.

On motion, it was agreed to expunge the third and fourth sections of the bill as it passed the House of Representatives.

Ordered, That this bill pass to the third reading. A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

WEDNESDAY, March 7.

The bill to erect a light-house on Montauk Point, in the State of New York, was read the second time, and the further consideration thereof postponed.

The bill sent from the House of Representatives, entitled "An act for the apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," was read the third time.

Ordered, That the further consideration of this bill be postponed until Tuesday next.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a resolution agreeing to some, and disagreeing to other, amendments of the Senate on the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

The resolution of the House of Representatives, on the amendments above mentioned, was read, and ordered to lie on the table.

THURSDAY, March 8.

Ordered, That Messrs. Strong, Lee, and Ellsworth, be appointed a committee, to consider and report any alterations that may be necessary in the mode of entering and publishing the journals of the Senate.

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only as shall be affected by proposed amendments, be inserted on the journals.

That the Secretary be directed, once in each week at least, to furnish one of the printers of a public newspaper with a copy of the journals of the Senate, while in their Legislative capacity, unless otherwise specially directed.

A motion was made and seconded, that it be

Resolved, That the President of the United States of America be requested to make known to the King of the French the satisfaction with which the Senate of the United States has received the official communication of his acceptance of a Constitution, which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it.

Ordered, That the consideration of this motion be postponed until to-morrow.

It was agreed, by unanimous consent, that the order assigning to-morrow for the third reading of the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," be reconsidered, and to proceed at this time in the third reading of the said bill.

On motion to amend the first section, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year 1793, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States according to the following apportionment: that is to say, within the State of New Hampshire five, within the State of Massachusetts sixteen, within the State of Vermont three, within the State of Rhode Island two, within the State of Connecticut eight, within the State of New York eleven, within the State of New Jersey six, within the State of Pennsylvania fourteen, within the State of Delaware two, within the State of Maryland nine, within the State of Virginia twenty-one, within the State of Kentucky two, within the State of North Carolina twelve, within the State of South Carolina seven, and within the State of Georgia two;"

It passed in the affirmative; yeas 14, nays 13—as follows:

YAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutheford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, and Sherman.

On motion to amend the amendment last agreed to, by inserting these words, after the word "apportionment,"

"Made by dividing the whole aggregate numbers of the people in the United States by thirty thousand, and apportioning them among the several States by that ratio, until they shall respectively have the number to which it will entitle them, and the residue of said members among those States having the highest fractions;"

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It passed in the negative; yeas 7, nays 20—as follows:

YAS.—Messrs. Carroll, Dickinson, Henry, Johnston, Lee, Monroe, and Morris.

NAYS.—Messrs. Bassett, Bradley, Burr, Butler, Cabot, Ellsworth, Few, Foster, Gunn, Hawkins, Izard, King, Langdon, Read, Robinson, Rutheford, Sherman, Stanton, Strong, and Wingate.

On motion to amend the first enacting clause, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, being one member for every thirty thousand persons within the United States, computed according to the rule prescribed by the Constitution, and who shall be apportioned to and elected within the several States, according to their respective numbers;"

It passed in the negative; yeas 11, nays 18—as follows:

YAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Rutheford, Sherman, Stanton, and Strong.

It was agreed to expunge the second section as adopted by the Senate on the 6th instant, and that the title of the bill be amended as follows:

"An Act for an apportionment of Representatives among the several States according to the first enumeration."

On the question, Shall this bill pass as amended? It passed in the affirmative; yeas 14, nays 13—as follows:

YAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutheford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, and Sherman.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this bill as amended.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, accompanied with returns of the various descriptions of vessels employed during the year ending the 30th of September, 1790, in the import trade of each State at that time comprehended in the Union, together with the foreign places from whence they departed for the United States. Also, the returns exhibiting, as far as the public accounts admit, the various species of merchandise imported during the year ending on the 30th day of September above mentioned.

Ordered, That the Letter and papers referred to lie on the table.

TUESDAY, March 13.

The Senate resumed the consideration of the motion yesterday on the Message from the

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President of the United States, transmitting a copy of a Letter from his Most Christian Majesty to the United States of America.

A motion was made and seconded to postpone this motion, in order to take up the following:

"Resolved, That the President of the United States be informed that the Senate have received with satisfaction the official intelligence that the King of the French has accepted the Constitution presented to him by the National Assembly, and are highly gratified by every event that promotes the freedom and prosperity of the French nation and the happiness and glory of their King."

It passed in the negative; yeas 6, nays 21—as follows:

YEAS.—Messrs. Bassett, Cabot, Ellsworth, King, Strong, and Wingate.
NAYS.—Messrs. Bradley, Burr, Butler, Carroll, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Stanton, and Sherman.

The original motion, being amended, was agreed to. Whereupon, it was

Resolved, That the President be requested to make known to the King of the French, that the Senate of the United States have received with the highest satisfaction the official communication of his acceptance of a Constitution on which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the Monarch presiding over it.

WEDNESDAY, March 14.

Ordered, That the resolution of the Senate, on the Message of the President of the United States, enclosing the Letter from his Most Christian Majesty, be signed by the Vice President, and laid before the President of the United States, by the Secretary.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue, for a longer time, an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations," to which they desire the concurrence of the Senate.

The report of the managers of the conference on the matters of disagreement between the two Houses on the bill, entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," was again read, and agreed to.

Resolved, That the Senate insist on their amendments to the said bill, to which the House of Representatives have disagreed; and agree further to amend the bill, by inserting, between the fourth and fifth sections, a section, as follows, to wit:

"And be it further enacted, That the Clerk of the District Court in each district shall publish this act in such manner as the Judge of the District Court shall think effectual, to give general information thereof to the

people of the District; and shall give like information of the times and places of holding the Circuit Courts in such district. And, in districts wherein a circuit court is not directed by law to be holden, the Judge of the District Court shall be, and he is hereby, authorized to exercise all the powers given by this act to the respective Circuit Courts. And it shall be the duty of the Judges of the Circuit Courts respectively during the term of two years from the passing of this act, to remain at the place where the said courts shall be holden five days, at the least, from the time of opening the sessions thereof, that persons disabled as aforesaid may have full opportunity to make their application for the relief proposed by this act."

Mr. BUTLER reported, from the committee on the petition of Moses Young, as follows:

"That they have fully examined the evidences of his claim, and are of opinion that it is founded in justice. They, therefore, recommend that he may have credit for his salary at the rate of five hundred pounds sterling a year, for the time he was engaged or employed in the public service, and that the sums received by his attorney be deducted therefrom."

On motion to agree to the report, it passed in the negative.

THURSDAY, March 15.

The second reading of the bill to erect a light-house on Montauk Point, in the State of New York, was resumed, and sundry amendments agreed to.

Ordered, That this bill be recommitted, with instruction to report such further amendments as, on inquiry, may be found requisite.

The bill sent from the House of Representatives, entitled "An act declaring the consent of Congress to a certain act of the State of Maryland, and to continue, for a longer time, an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations," was read the first time.

On motion, it was agreed, by unanimous consent, that this bill be now read the second and third times.

Resolved, That this bill pass.

FRIDAY, March 16.

Ordered, That a committee be appointed to consider and report what may be necessary to prevent the sufferings of persons imprisoned for debt, on judgments rendered in the courts of the United States, and that Messrs. ELLSWORTH, LEE, and STRONG, be the committee.

The Vice President laid before the Senate a Letter from the Secretary of the Treasury, with a return of the exports from the United States for one year, ending the 30th of September, 1791, exhibiting the islands and countries to which those exports have been shipped.

Mr. BURN, from the committee to whom was recommended the bill to erect a light-house on Montauk Point, in the State of New York, reported amendments; which were read and agreed to.

Ordered, That this bill pass to a third reading.

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MONDAY, March 19.

A petition of Edward Darrell, attorney to Theodore Godet, administrator to Thomas Nelmes, was presented and read, praying compensation for a vessel and cargo of rice, said to be appropriated to the use of the United States during the late war.

Ordered, That this petition be referred to the Secretary of the Treasury, to examine and report thereon to the Senate.

The bill for erecting a light-house on Montauk Point, in the State of New York, was read a third time.

Resolved, That this bill pass, and that the Secretary desire the concurrence of the House of Representatives in this bill.

The Senate resumed the consideration of the resolution of the House of Representatives, of the 7th of March, on the amendments to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons."

Resolved, That the Senate insist on all their amendments to the first section, except the last, from which they recede; and that they insist on their last amendment to the fourth section.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to all the amendments of the Senate to the bill, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration; and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and desire a conference on the subject-matter of the said amendments, having appointed managers at the said conference on their part. They recede from their disagreement to the amendments of the Senate to the bill, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the amendments of the Senate to the bill, entitled "An act for an apportionment of Representatives among the several States according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and desiring a conference.

Resolved, That the Senate agree to the conference, and that Messrs. ELLSWORTH, BURN, and BUTLER, be the managers thereof on the part of the Senate.

Mr. ELLSWORTH, from the committee appointed, reported a further amendment to the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established," which was read and agreed to.

Resolved, That this bill pass as amended.

Mr. SHERMAN, from the committee appointed for that purpose, reported a bill for fixing the com-

pensations of the Doorkeepers of the Senate and House of Representatives in Congress. The bill was read the first time, and ordered to pass to a second reading.

TUESDAY, March 20.

The bill for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress, was read the second time; and, being amended, ordered to pass to a third reading.

Mr. GUNN reported, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States; which report was read, and ordered to be printed for the use of the Senate.

Mr. JOHNSTON obtained leave to bring in a bill to alter the times of holding certain of the circuit courts of the United States.

The bill was read the first time, and, by unanimous consent, read a second time, and referred to Messrs. JOHNSTON, SHERMAN, and STRONG, to consider and report thereon, and that it be an instruction to the committee to bring in a clause to establish such rotation in the attendance of the judges at the circuit courts as may best apportion the burden, and not impede the discharge of the duties of their office.

A message from the House of Representatives informed the Senate, that the House of Representatives recede from their disagreement to the amendments of the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," and agree to the amendments of the Senate to the bill, entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established."

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

The several acts which have been passed relatively to the Military Establishment of the United States, and the protection of the frontiers, do not appear to have made provision for more than one Brigadier General; it is incumbent upon me to observe, that, with a view merely to the organization of the troops designated by those acts, a greater number of officers of that grade would, in my opinion, be conducive to the good of the public service. But an increase of the number becomes still more desirable in reference to a different organization which is contemplated, pursuant to the authority vested in me for that purpose, and which, besides other advantages expected from it, is recommended by considerations of economy. I therefore request that you will be pleased to take this subject into your early consideration, and to adopt such measures thereon as you shall judge proper.

G. WASHINGTON.

UNITED STATES, March 20, 1792.

The Message was read, and ordered that it be referred to Messrs. BURN, GUNN, and HAWKINS, to consider and report thereon.

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WEDNESDAY, March 21.

The Vice President laid before the Senate the petition of Thomas Claxton, praying an annual salary as an assistant Doorkeeper; which was read, and ordered to lie on the table.

The bill for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress, was read the third time.

On motion to insert these words, "and that the assistant Doorkeeper to each House shall be allowed, in full compensation for his services in said office, four hundred and fifty dollars per annum," it passed in the negative.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress."

Ordered, That the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," be the order of the day for to-morrow.

Mr. JOHNSTON, from the committee to whom was referred the bill to alter the times of holding certain of the circuit courts of the United States, reported sundry amendments; which report was read, and agreed to.

Ordered, That this bill pass to a third reading.

THURSDAY, March 22.

The Senate resumed the consideration of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," as in committee of the whole; and, after progress, the further consideration thereof was postponed.

Mr. ELLSWORTH reported, from the managers of the conference on the amendments of the Senate to the bill sent from the House of Representatives, entitled "An act for an apportionment of Representatives among the several States, according to the first enumeration, and making provision for another enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797;" that they had conferred with the managers appointed on the part of the House of Representatives, but had come to no agreement.

On motion to insist on the amendment to the first section of the bill above mentioned, it was resolved in the affirmative—yeas 14, nays 13, as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, and Wingate.

NAYS.—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, and Sherman.

On motion to recede from all the amendments to the bill, subsequent to the first section, it passed in the negative—yeas 9, nays 17, as follows:

YEAS.—Messrs. Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, and Monroe.

NAYS.—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foster, King, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On motion, *Resolved*, That the Senate insist on all the amendments subsequent to the first section of the bill above mentioned.

A petition of Augustus Christian Geo. Elholm was presented and read, praying encouragement in the prosecution of certain discoveries respecting "the fundamental law that rules our solar system, together with the cause of the motions and variations of the magnetic needle; and for compensation for a supply of arms to the United States during the late war."

Ordered, That this petition lie on the table. The bill to alter the times of holding certain of the circuit courts of the United States, was read the third time; and, being amended, it was

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for altering the times of holding the circuit courts in certain districts of the United States, and for other purposes."

Mr. BURR, from the committee appointed on the Message of the President of the United States of the 20th instant, reported a bill supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States; which was read the first time, and ordered to pass to the second reading.

FRIDAY, March 23.

The bill supplemental to the act making further and more effectual provision for the protection of the frontiers of the United States, was read the second time; and being amended, was ordered to pass to the third reading.

It was agreed, by unanimous consent, that this bill be now read the third time, and it was so read, and passed.

On motion by Mr. MORRIS, seconded by Mr. DICKINSON, the petitions of the "Societies of the people called Quakers," resident in New England, in the States of New York, of Pennsylvania, of New Jersey, of Delaware, of Maryland, of Virginia, and of North Carolina, were severally read, praying exemption from militia duty.

Ordered, That the petitions lie on the table. The second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States," was resumed, as in committee of the whole; and, after progress, the further consideration thereof was postponed.

MONDAY, March 26.

Mr. STRONG reported, from the committee to whom was referred the memorial of the Illinois and Wabash land companies; which report was read, and ordered to be printed for the use of the Senate.

A motion was made by Mr. MONROE, seconded by Mr. LEE, as follows:

Resolved, That it be a standing rule, that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in their Legislative capacity, except on such occasions as in their judgment may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress; and it passed in the negative—yeas 8, nays 17, as follows:

YEAS.—Messrs. Butler, Carroll, Foster, Hawkins, Johnston, King, Lee, and Monroe.

NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Few, Gunn, Henry, Izard, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

The Senate resumed the second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after progress, the further consideration thereof was postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act establishing a Mint, and regulating the coins of the United States," with an amendment, in which they desire the concurrence of the Senate.

The Senate took into consideration the said message; and,

Resolved, That they disagree to the amendment to the bill therein mentioned.

The Senate took into consideration the amendment of the House of Representatives to the bill sent from the Senate, entitled "An act supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States."

Resolved, That they agree to the said amendment.

The bill from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina," was read the first time, and ordered to pass to the second reading.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the first time, and ordered to pass to the second reading.

TUESDAY, March 27.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the second time; and the petition, and other papers on which it was founded, being read,

Ordered, That this bill be referred to Messrs. STRONG, LEE, and READ, to consider and report thereon.

The Senate proceeded to consider the resolution of the House of Representatives, in which

they adhere to their amendment to the bill establishing a Mint, and regulating the coins of the United States.

Resolved, That the Senate recede from their disagreement to the said amendment.

The bill sent from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina," was read the second time.

Ordered, That it be referred to Messrs. JOHNSTON, LANGDON, and SHERMAN, to consider and report thereon.

Mr. CABOT presented a resolution of the Legislature of the State of Massachusetts, on the petition of Charles Knowles and others, late regimental paymasters and agents of that State's quota of the continental army; which was read, and ordered to be referred to the Secretary of War, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after progress, adjourned.

WEDNESDAY, March 28.

Mr. JOHNSTON reported, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina;" and it was accordingly read a third time and passed.

Ordered, That it be referred to the Secretary of the Treasury to inquire into, and report to Congress at their next session, the expediency of erecting a light-house on Ocracoke island, or elsewhere, near the entrance of Ocracoke inlet, and an estimate of the probable expense.

Mr. IZARD presented the petition of Laurens Manning, an officer in the South Carolina line of the late army, praying to be allowed his commutation; which was read, and ordered that it be referred to Messrs. IZARD, SHERMAN, and KING, to consider and report thereon.

Ordered, That Messrs. MORRIS, KING, and CABOT, be a committee to report a bill compensating the services of the late George Gibson.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, after agreeing to sundry amendments, as reported by the committee, *Ordered*, that this bill pass to the third reading.

THURSDAY, March 29.

The bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," was read the third time.

On motion, it was agreed further to amend the

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bill, as follows; to strike out the proviso at the end of the first section, to wit:

"Provided always, That if any person, enrolled as aforesaid, shall, by a majority of the field officers of the regiment to which he may belong, be deemed and adjudged unable to purchase the arms and accoutrements required by this act, he shall be excused from a forfeiture for any deficiency therein, until he can procure them, or until they are provided for him."

To expunge these words from section 7, "and the said Adjutant General shall have the rank of a Brigadier in the militia."

Also, these words, section 8, "prescribed to the late army of the United States by the then Major General Baron Steuben," so that the paragraph be read as follows: "Sec. 2. And be it further enacted, That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States."

It was also agreed to expunge the 16th section, to wit:

"And be it further enacted, That nothing in this act shall be construed to prevent any State from establishing such further regulations for the more effectually training their militia, according to the foregoing rules of discipline, as the Legislature thereof shall think proper to direct."

On motion by Mr. RUTHERFORD, seconded by Mr. LEZ, to add the following proviso to an amendment agreed on in Committee of the Whole, as the last section of the bill:

"And provided further, That no sentence of a court martial shall extend to the taking of life or limb, or to any corporal punishment, except in case an officer or private shall hold a traitorous correspondence with the enemy, or shall desert, or attempt to desert, to them, or shall misbehave in time of action, or shamefully abandon any post, or shall speak words inducing others to offend in any of the foregoing instances."

It passed in the negative.

On the question, Shall this bill pass as amended? It was resolved in the affirmative—yeas 22, nays 1, as follows:

YEAS.—Messrs. Bassett, Bradley, Cabot, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

Mr. Rutherford voted in the negative.

FRIDAY, March 30.

The VICE PRESIDENT laid before the Senate a Letter from Thomas Fielder, representing that there are certain deficiencies in the present laws respecting exclusive privileges to original inventors," which was read, and ordered to lie.

Ordered, That Messrs. CABOT, IZARD, and SHERMAN, be a committee to consider the expediency of, and, if they think proper, to report a bill respecting fugitives from justice, and from the service of masters.

Resolved, That the Secretary of the Senate be directed to procure, and deposit in his office, the laws of the several States, for the use of the Senate.

MONDAY, April 2.

Mr. ELLSWORTH reported, from the committee appointed for that purpose, a bill for the relief of persons imprisoned for debt; which was read the first time, and ordered to pass to the second reading.

Ordered, That Messrs. IZARD, MORRIS, and LANGDON, be a committee to bring in a bill further to extend the act, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

Mr. STRONG, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act ascertaining the bounds of a tract of land purchased by John Cleves Symmes," reported an amendment, which was agreed to.

Ordered, That this bill pass to the third reading.

TUESDAY, April 3.

Ordered, That Messrs. KING, STRONG, and ELLSWORTH, be a committee to consider and report whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the third time, and the further consideration thereof postponed.

The bill for the relief of persons imprisoned for debt was read the second time; and, being amended, the bill was ordered to pass to the third reading.

WEDNESDAY, April 4.

The bill sent from the House of Representatives, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes," was read the third time.

Resolved, That this bill pass as amended.

The bill for the relief of persons imprisoned for debt was read the third time.

On motion, to insert these words in lieu of the second section:

"That persons imprisoned as aforesaid shall be entitled to the same allowance for support as debtors confined in the same jails by executions issuing from the courts of such States are entitled to by the laws of the same, subject to the like regulations and restrictions;" It passed in the negative.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act for the relief of persons imprisoned for debt."

Resolved, That a committee be appointed to bring in a bill for joining the Secretary, Comptroller, and Auditor, of the Treasury, to the Board of Commissioners for settling the accounts between the United States and the individual States.

Ordered, That the consideration of this motion be postponed until to-morrow.

Mr. IZARD reported from the committee appointed to take into consideration the subject relative to Weights and Measures.

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Ordered, That the report be printed for the use of the Senate.

THURSDAY, April 5.

The consideration of the motion made yesterday, "that a committee be appointed to bring in a bill for joining the Secretary, Comptroller, and Auditor of the Treasury, to the Board of Commissioners for settling the accounts between the United States and the individual States," was further postponed.

Mr. IZARD reported, from the committee appointed for that purpose, a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; which was read the first time, and ordered to pass to the second reading.

On motion, that it be

"Resolved, That Congress will adjourn on Saturday, the 14th of April, instant;"

A motion was made that the consideration of this motion be postponed until to-morrow; which passed in the negative.

On motion, that a committee be appointed on the part of the Senate to confer with such committee as the House of Representatives may appoint on their part, on the day proper for Congress to close the present session; it passed in the negative.

On motion, it was agreed to amend the first motion on this subject. Whereupon,

Resolved, That Congress will adjourn on Tuesday, the 17th day of April, instant.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendment of the Senate to the bill, entitled "An act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes;" and that they have passed a bill, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to the said school during the late war," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to pass to the second reading.

The report of the committee appointed to consider the subject of Weights and Measures was read, as follows:

1. That it is their opinion, the standard for the Measures and Weights of the United States be an uniform cylindrical rod of iron, of such length as, in latitude 45° in the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations in small and equal arcs, in one second of mean time.

2. That the President of the United States be requested to have such a standard rod provided; that it be prepared with all the accuracy which the importance of the object merits, and circumstances admit; that this be done either by actual experiments under the parallel of 45° of latitude complete, or by actual experiments, rectified by due allowances, under any other parallel, where a superiority of means for accurate experiment may promise on the whole greater truth in the result.

3. That the expenses of the measures he shall adopt

for this purpose, not exceeding ——— dollars, be defrayed by the public.

4. That the standard rod, so to be provided, shall be divided into five equal parts, one of which, to be called a foot, shall be the unit of measures of length for the United States.

That the foot shall be divided into 10 inches, the inch into 10 lines, the line into 10 points; and that 10 feet make a decad, 10 decads a rood, 10 roods a furlong, and 10 furlongs a mile.

5. That measures of surface in the United States be made by squares of the measures of length; and that in the case of lands, the unit shall be a square, whereof every side shall be 100 feet, to be called a rood; that each rood be divided into tenths and hundredths; that 10 roods make a double acre; and 10 double acres a square furlong.

6. That the unit of measures of capacity in the United States be a cubic foot, to be called a bushel, that each bushel be divided into 10 pottles; each pottle into 10 demi pints; each demi pint into 10 metres; that 10 bushels be a quarter; and 10 quarters a last or double ton.

7. That the unit of weights of the United States be a cubic inch of rain water, to be called an ounce, and to be measured and weighed in a cellar of uniform natural temperature; that the ounce be divided into 10 double scruples; the double scruple into 10 carats; the carats into 10 minims or demi grains; the minims into 10 mites; that 10 ounces make a pound; 10 pounds a stone; 10 stones a quintal; 10 quintals a hoghead.

Ordered, That the consideration of this Report be postponed until the next session of Congress.

FRIDAY, April 6.

The bill sent from the House of Representatives, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," was read the second time; and Ordered, that this bill pass to the third reading.

The bill supplementary to the act for establishing and support of light-houses, beacons, buoys, and public piers, was read the second time, and amended.

It was agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act supplementary to the act for the establishment of light-houses, beacons, buoys, and public piers."

A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress," with amendments, in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," in which they desire the concurrence of the Senate.

The bill was read, and ordered to pass to the second reading.

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The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress." Whereupon,

Resolved, That they agree to the first amendment, and that they disagree to the other amendment, proposed as an additional section.

MONDAY, April 9.

The third reading of the bill sent from the House of Representatives, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," was postponed until to-morrow.

The bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFORD, GUNN, and SHERMAN, to consider and report thereon.

A message was received from the House of Representatives, notifying the Senate that the bill, entitled "An act for an apportionment of Representatives among the several States according to the first enumeration," had been returned to that House, by the PRESIDENT, with the following objections:

"1st. The Constitution has prescribed that Representatives shall be apportioned among the several States according to their respective numbers; and there is no one proportion or divisor, which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill. 2d. The Constitution has also provided, that the number of Representatives shall not exceed one for thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the States; and the bill has allotted to eight of the States more than one for thirty thousand."

And that, upon a reconsideration of the bill, two-thirds of that House did not agree to pass the same.

The House of Representatives farther notified the Senate, that they concur in the bill, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," with an amendment, to which they desire the concurrence of the Senate. Also, that the House of Representatives recede from their last amendment to the bill sent from the Senate, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress." And, that the House of Representatives concur in the bill sent from the Senate, entitled "An act to erect a light-house on Montauk Point, in the State of New York."

The VICE PRESIDENT laid before the Senate the memorial of Joseph Ceracchi, stating the terms on which he would begin the execution of the National Monument, mentioned in his memorial

of October last; which was read, and ordered to lie on the table.

The amendment of the House of Representatives on the bill sent from the Senate, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read.

Resolved, That the Senate agree thereto.

TUESDAY, April 10.

Mr. KING, from the committee appointed to consider and report whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments, reported a bill; which was read the first time, and ordered to pass to the second reading.

The memorial of Thomas Fielder was read, stating, that he had invented an apparatus for facilitating navigation, and, having been at considerable expense, praying the aid of Government to enable him to improve his plan.

Ordered, That the bill, entitled "An act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war," be referred to Messrs. LANGDON, READ, and MONROE, to consider and report thereon.

A message from the House of Representatives, informed the Senate that the House of Representatives have passed the bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," with amendments. Also, the bill sent from the Senate, entitled "An act for altering the times of holding the circuit courts in certain districts of the United States, and for other purposes," with amendments; in which they desire the concurrence of the Senate. And they have passed a bill, entitled "An act for apportioning Representatives among the several States according to the first enumeration;" and a bill, entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one;" to which bills they desire the concurrence of the Senate.

The bill sent from the House of Representatives, entitled "An act for apportioning Representatives among the several States according to the first enumeration," was read the first time. On motion, it was agreed, by unanimous consent, that this bill be now read the second and third times.

Resolved, That this bill pass. The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act concerning Consuls and Vice Consuls."

Resolved, That they concur in the said amendments. The Senate took into consideration the amendments of the House of Representatives to the bill, entitled "An act for altering the times for holding

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ing the circuit courts in districts of the United States, and for other purposes," and concurred in the said amendments.

The bill entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one," was read the first time, and, by unanimous consent, the second time.

Ordered, That this bill be referred to Messrs. KING, MORRIS, and LANGDON, to consider and report thereon.

WEDNESDAY, April 11.

The bill, respecting alterations necessary to be made in the acts establishing the Treasury and War Departments, was read the second time.

Ordered, That the further consideration of this bill be postponed.

Mr. MORRIS presented the memorial of James Wilson and others, on behalf of the Illinois and Wabash land company, praying to be heard by counsel, on the report of the committee of the Senate to whom their petition of the 15th of December last was referred.

Ordered, That this memorial lie on the table.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

Mr. LANGDON reported, from the committee appointed on the bill, entitled "An act to compensate the Corporation of Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war."

Resolved, That the Senate concur with the House of Representatives in this bill.

The bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," was read the first time, and ordered to pass to the second reading.

THURSDAY, April 12.

The bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late General Nathaniel Green, for a certain bond entered into by him during the late war," was referred to Messrs. IZARD, CABOT, STRONG, JOHNSTON, and ELLSWORTH, to consider and report thereon.

The petition of John Cleves Symmes, by Jonathan Dayton, his agent, was read, praying to have the same indulgencies extended to him and his associates, as are granted, or about to be granted, to the Ohio company, in respect to their future payments for lands purchased from the U. States.

Ordered, That this petition lie on the table.

The Senate proceeded in the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War

Departments; and, after progress, the further consideration thereof was postponed.

The petition of Charles Colvill and John Robertson was read, praying to be reimbursed certain sums advanced by their friends to redeem them from captivity at Algiers; also, that Congress would take into consideration the situation of Captain O'Brien and his crew; and of the crew of the schooner Maria, whereof Isaac Stephens was master, remaining in slavery.

Ordered, That this petition lie on the table.

Mr. RUTHERFORD, from the committee appointed to take into consideration the bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates," reported sundry amendments; which were read.

Ordered, That they lie on the table.

FRIDAY, April 13.

The Senate resumed the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments, and, after progress, the further consideration thereof was postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to all the amendments of the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," except the two last, to which they disagree.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I have thought it proper to lay before you a communication of the 11th instant from the Minister Plenipotentiary of Great Britain, to the Secretary of State, relative to the commerce of the two countries, together with their explanatory correspondence, and the Secretary of State's letter to me on the subject.

G. WASHINGTON.

UNITED STATES, April 13, 1792.

The Message and papers therein referred to were read, and ordered to lie on the table.

The Senate took into consideration the amendments to the bill sent from the House of Representatives, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States."

On motion to recede from the amendments, it passed in the negative.

On motion, it was agreed that the further consideration thereof be postponed until to-morrow.

Mr. READ presented a deed executed by the Senators of the State of Delaware, "transferring to the United States the right of that State of and in the light-house of Cape Henlopen, and piers at Reeden island, with all necessary jurisdiction over the same."

SATURDAY, April 14.

The Senate took into consideration the bill sent from the House of Representatives, entitled "An

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act authorizing the grant and conveyance of certain lands to the Ohio company of associates," and the amendments reported thereon by the committee; and, after debate, the further consideration thereof was postponed.

The Senate resumed the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments; and, after debate, the further consideration thereof was postponed.

The Senate took into consideration their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" and, on motion to recede therefrom, it passed in the negative.

Ordered, That the further consideration of this bill be postponed.

MONDAY, April 16

The following Message was received from the President of the United States:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a copy of a Letter from the Judges of the Circuit Court of the United States, held for the New York district; and of their opinion and agreement respecting the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

UNITED STATES, April 16, 1792.

The Message and papers were read, and ordered to lie on the table.

The Senate took into consideration their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States."

On motion to insist thereon, it passed in the negative.

On motion, it was agreed that the further consideration of the amendments to this bill be postponed.

The Senate proceeded in the second reading of the bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates;" and the report of the committee being read,

On the question to amend the bill as reported, it passed in the negative.

On the question to agree to the third section of the bill, as sent from the House of Representatives, to wit:

"Sec. 3. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent, as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Greene, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided always, nevertheless*, That the

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said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person, not less than eighteen years of age, being an actual settler at the time of such conveyance."

It passed in the affirmative by yeas and nays, as follows:

YEAS.—Messrs. Bradley, Cabot, Foster, Izard, Langdon, Lee, Morris, Robinson, Sherman, Stanton, and Wingate.—11.

NAYS.—Messrs. Burr, Carroll, Ellsworth, Few, Gunn, Hawkins, Henry, Johnston, Monroe, Read, and Rutland.—11.

The Senate being equally divided, the Vice President determined the question in the affirmative.

It was agreed to expunge the fifth section, to wit:

"Sec. 5. *And be it further enacted*, That the President shall be, and he hereby is, authorized and empowered to grant and convey, as aforesaid, to the said company of associates, in the proportion of their respective rights and interests, the residue of the said one million five hundred thousand acres of land: *Provided*, The said company, or any of them, or of their agents, shall, within six years from the passing of this act, pay into the Treasury of the United States therefor, at the rate of twenty-five cents per acre, with the interest thereof: *Provided, nevertheless*, That bounty warrants for land may be received in payment for the whole or any part of the said tract which shall remain after deducting the reserved lots."

Ordered, That this bill pass to a third reading.

TUESDAY, April 17.

The Vice President requested and obtained leave of absence from the Senate, for the remainder of the session, on account of the ill state of his own health and that of his family.

The Senate proceeded in the second reading of the bill respecting alterations necessary to be made in the acts establishing the Treasury and War Departments.

On motion to agree to the twelfth section, being amended as follows:

"Sec. 12. *And be it further enacted*, That, in addition to the compensations allowed to the Comptroller, Auditor, Treasurer, and Register of the Treasury, by the 'Act for establishing the salaries of the Executive officers of Government, their assistants and clerks,' and to the Attorney General, by 'the act for allowing certain compensations to Judges of the Supreme and other Courts, and to the Attorney General of the United States,' the said officers, respectively, shall be allowed the following yearly sums, viz: The Comptroller, four hundred dollars; the Auditor, four hundred dollars; the Treasurer, four hundred dollars; the Register, five hundred dollars; and the Attorney General, four hundred dollars."

It passed in the affirmative—yeas 20, nays 3, as follows:

YEAS.—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard,

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Johnston, Langdon, Lee, Monroe, Morris, Read, Sherman, Stanton, and Strong.

NAYS.—Messrs. Bradley, Robinson, and Wingate. It was agreed, by unanimous consent, that this bill be now read the third time.

On motion, it was agreed to increase the salary of the Accountant of the Department of War, from one thousand to one thousand two hundred dollars.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act making alterations in the Treasury and War Departments."

The Senate proceeded in the third reading of the bill sent from the House of Representatives, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates."

On motion to amend the second section, so as that the President of the United States shall be authorized to grant and convey to the said Rufus Putnam and others, one other tract of one hundred and twenty-five thousand, in lieu of two hundred and fourteen thousand two hundred and eighty-five acres of land; it passed in the negative.

On motion to add the following as an additional section:

"*And be it further enacted*, That the terms herein before allowed to the Ohio company of associates, so far as the same are applicable to, and respect the price of, the lands to be granted in virtue of the first payment, and the admissibility of army bounty rights in discharge thereof, be, and they are hereby, extended to John Cleves Symmes, and his associates, the purchasers of a tract of land lying upon the Ohio, and between the Miami rivers: *Provided, always, and be it further enacted*, That, instead of a donation of one hundred thousand acres, as mentioned in the third section, not more than sixty-six thousand acres be granted to the said John Cleves Symmes, and his associates, for the like purposes, and under the like conditions, as are therein prescribed and required."

It passed in the negative—yeas 4, nays 16, as follows:

YEAS.—Messrs. Burr, Hawkins, Johnston, and Monroe. NAYS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Henry, Langdon, Lee, Morris, Read, Robinson, Sherman, Stanton, and Wingate.

Resolved, That this bill pass as amended, and that the Secretary desire the concurrence of the House of Representatives in the amendment.

WEDNESDAY, April 18.

The Vice President being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides, and the Hon. RICHARD HENRY LEE was duly elected.

Ordered, That the Secretary wait on the President of the United States, and lay before him an attested copy of this proceeding, and that he notify the House of Representatives of the election of a President *pro tempore*.

The petition of a number of the inhabitants of Ontario and Tioga counties, in the State of New York, was read, praying that Congress would take into consideration their present critical and dangerous situation from the inroads of the savages.

Ordered, That this petition be referred to the Secretary of War.

A message from the House of Representatives informed the Senate, that the House of Representatives have agreed to the amendment of the Senate to the bill, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio company of associates."

Ordered, That the consideration of the amendments of the Senate, disagreed to by the House of Representatives, on the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," be further postponed.

Ordered, That the Message from the President of the United States, of the 13th of April, instant, respecting the communication from the Minister Plenipotentiary of Great Britain, to the Secretary of State, together with the papers therein referred to, be put on file.

Ordered, That the Message from the President of the United States, of the 16th of April, instant, referring to a communication from the judges of the circuit courts, respecting the "act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," together with the papers therein referred to, be put on file.

The committee appointed to take into consideration the bill, entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas imported after the 3d day of March, 1791," reported that it would be inexpedient to pass the said bill; and, on the question, Shall this bill be read the third time? it passed in the negative.

On motion by Mr. Few, seconded by Mr. GUNN, "that when the Senate are sitting in their Legislative capacity, the members of the House of Representatives may be admitted to attend the debates, and each member of the Senate may also admit a number not exceeding two persons; provided the operation of this resolution be suspended until the Senate chamber is sufficiently enlarged;" It passed in the negative—yeas 6, nays 16, as follows:

YEAS.—Messrs. Bradley, Burr, Few, Gunn, Hawkins, and Monroe.

NAYS.—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Henry, Izard, Johnston, Langdon, Morris, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

THURSDAY, April 19.

Resolved, That the President *pro tempore* of the Senate, as a member, retain his right to vote upon all questions.

Mr. MORRIS reported from the committee appointed for the purpose, a bill to compensate the services of the late Colonel George Gibson; which was read the first time, and ordered to pass to the second reading.

Mr. IZARD, from the committee to whom was referred the bill sent from the House of Representatives, entitled "An act to indemnify the es-

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tate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," reported amendments, which were read.

Ordered, That the consideration of the report be postponed until to-morrow.

FRIDAY, April 20.

The Senate proceeded to the consideration of the report of the committee on the bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

On motion to amend the first paragraph of the bill, conformably to the report of the committee, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States shall and will indemnify the estate of the late General Green, for the sum of eight thousand six hundred and eighty-eight pounds six shillings, sterling money, (being the amount due on the first of May, 1786, on a certain bond executed to Messrs. Mewcomen and Collet, by the said General Green, as surety for John Banks & Co.) and the interest thereon; excepting therefrom a certain conditional bond, given in June, 1786, for about one thousand six hundred pounds sterling, (the same, more or less,) being part of the aforesaid sum of eight thousand six hundred and eighty-eight pounds six shillings, which was to be paid only in case the said General Green should recover from said Banks, or Banks & Co., a sum sufficient for his indemnity."

It passed in the affirmative—yeas 17, nays 2, as follows:

YEAS.—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Morris, Read, Sherman, and Stanton.

NAYS.—Messrs. Monroe and Wingate.

On motion, it was agreed to amend the first proviso, in conformity to the report of the committee, as follows:

"Provided, It shall appear, upon due investigation by the officers of the Treasury, that the said General Green, in his lifetime, or his executors, since his decease, have not been already indemnified or compensated for the said sum of eight thousand six hundred and eighty-eight pounds six shillings, except as aforesaid."

Ordered, That this bill pass to a third reading.

The bill to compensate the services of the late Colonel George Gibson was read the second time.

Ordered, That this bill pass to a third reading.

MONDAY, April 23.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," in which they desire the concurrence of the Senate.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you the copy of a Letter which I have received from the Judges of the Circuit Court of the United States, held for the Pennsylvania district, relatively to the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

G. WASHINGTON.

UNITED STATES, April 21, 1792.

The Message and papers were read, and ordered to be put on file.

The bill sent from the House of Representatives, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," was read the first time, and, by unanimous consent, the bill was read the second time.

The bill sent from the House of Representatives, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war," was read the third time.

Resolved, That this bill pass as amended.

The petition of Moses Young was presented and read, praying allowance of depreciation on his salary as Secretary to his Excellency Henry Laurens, while President of Congress; and also on his salary as Secretary to Mr. Laurens, during his embassy to the United Netherlands.

Ordered, That the petitioner have leave to withdraw his petition.

The Senate resumed the consideration of the amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," and,

Resolved, That the Senate insist thereon; desire a conference with the House of Representatives on the disagreeing votes of the two Houses; and that Messrs. ELLSWORTH, GUNN, and KING, be managers at the conference on the part of the Senate.

TUESDAY, April 24.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to indemnify the estate of the late Major General Nathaniel Green, for a certain bond entered into by him during the late war."

WEDNESDAY, April 25.

The Senate proceeded in the second reading of the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and, after agreeing to sundry amendments,

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that the House have "Re-

solved, That the President of the Senate and the

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Speaker of the House of Representatives do adjourn their respective Houses on the fifth day of May next, to close the present sessions, and to meet again on such day as may by law be directed;" in which resolution they desire the concurrence of the Senate. The House of Representatives have also passed a bill, entitled "An act to alter the time for the next annual meeting of Congress;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and by unanimous consent, it was read the second time; and, after having agreed to an amendment,

Ordered, That this bill pass to a third reading. The resolution of the House of Representatives, that the two Houses of Congress be adjourned on the fifth day of May next was read.

Resolved, That the Senate concur therein.

THURSDAY, April 26.

Agreeably to the order of the day, the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," was read the third time.

Mr. BURR presented the memorial of a number of the merchants of New York against an increase of duties on articles imported; which memorial was read.

Ordered, That it lie on the table.

The consideration of the bill for raising a further sum of money for the protection of the frontiers, was resumed.

On motion to amend the first section as follows:

"That, from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, until the last day of June, one thousand seven hundred and ninety-four, and in lieu thereof, there shall be thenceforth, for the space of two years from the said last day of June next, laid, levied, and collected, upon the said articles, at their said importation, the several and respective rates or duties following:"

It passed in the negative.

On motion to amend the first section, so as to limit the duration of the aforesaid duties to five years, instead of two, as proposed in the above amendment, it passed in the negative.

On motion, it was agreed to insert an amendment in the sixth section, so as that the clause stand thus:

"And that, in addition thereto, there shall be allowed and paid upon provisions salted within the United States, (except upon dried fish,) upon the exportation thereof to any foreign port or place, as follows, to wit: on pickled fish, at the rate of eight cents per barrel, and other provisions at the rate of five cents per barrel."

It was agreed to expunge these words from the last line of the amendment adopted in the second reading of the bill, as part of the 18th section, to wit: "under the laws of any State, or of the United States."

On motion to adopt the following provision, agreed to in the second reading of the bill as the eighteenth section, to wit:

"And be it further enacted and declared, That if the principal in any bond, which shall have been given to the United States for duties on goods, wares, and merchandise imported, and on the tonnage of ships or vessels, or either of them, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if in either of the said cases any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the moneys thereupon due, such surety, his or her executors or administrators, shall have and enjoy the like advantage, priority, and preference, for the recovery and receipt of the said moneys out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States by the forty-fourth section of the act, entitled 'An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandises imported into the U. States, and on the tonnage of ships or vessels, and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her, or their, own name or names, for the recovery of the moneys which shall have been paid thereupon."

"And it is further declared, That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed, or absent debtor shall have been attached by process of law, as to cases, in which an act of legal bankruptcy shall have been committed."

It passed in the affirmative.

Ordered, That the further consideration of this bill be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have agreed to the conference desired by the Senate on the bill, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," and have appointed managers on their part; that they have passed a bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions," was read the first time, and was ordered to pass to the second reading.

The bill, entitled "An act to alter the time for the next annual meeting of Congress," was read the third time.

On motion to reconsider the amendment agreed to in the second reading, and to concur with the House of Representatives in the bill:

It was agreed that the further consideration thereof be postponed until to-morrow.

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FRIDAY, April 27.

The Senate proceeded in the third reading of the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and

On motion, it was agreed to amend the first clause of the amendment agreed to yesterday, as the eighteenth section, so that the clause be read as follows:

"And be it enacted and declared, That, if the principal in any bond, which shall be given to the United States for duties on goods, wares, and merchandise imported shall be insolvent."

Resolved, That this bill pass as amended.

The bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," was read the second time and passed to the third reading.

Resolved, That the Senate recede from their amendments disagreed to by the House of Representatives on the bill, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

It was agreed, by unanimous consent, that the bill, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," be now read the third time.

On motion by Mr. DICKINSON, to amend the bill, by inserting these words, "except that no militia man shall be subject to corporal punishment;" it passed in the negative.

Resolved, That the Senate concur in this bill.

Resolved, That the further consideration of the bill, entitled "An act to alter the time for the next annual meeting of Congress," be postponed until Tuesday next.

SATURDAY, April 28.

A message from the House of Representatives informed the Senate, that the House concur in the amendments of the Senate to the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," with an amendment; to which they desire the concurrence of the Senate; and that the House of Representatives have passed the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," with amendments; to which they desire the concurrence of the Senate; and they have also passed the bill, entitled "An act for reducing the rates of postage on newspapers;" and the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates;" to which bills respectively, they desire the concurrence of the Senate.

The petition of Samuel B. Turner, late an ensign of the Maryland battalion of levies, was presented and read, praying to be reimbursed the

amount of his ransom from captivity by the savages, together with the incidental expenses.

Ordered, That this petition be referred to the Secretary of War, to consider and report thereon to the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to an amendment of the Senate on the bill, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned;" and

Resolved, That the Senate concur in the said amendment.

The bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," was read the first time, and ordered to pass to the second reading.

The bill, entitled "An act for reducing the rates of postage on newspapers," was read the first time, and, on the question, Shall this bill be read the second time? it passed in the negative.

The amendments of the House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," were read.

Ordered, That they be referred to Messrs. ELLSWORTH, BRADLEY, MONROE, BURR, and HENRY, to consider and report thereon; and that the amendments be printed.

MONDAY, April 30.

Ordered, That the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," be referred to Messrs. READ, KING, and CARROLL, to consider and report thereon to the Senate.

Ordered, That Messrs. MORRIS, KING, IZARD, CABOT, and HENRY, be a committee to inquire into the value of foreign coins in circulation within the U. States; and, if they should think it expedient, to report a bill for ascertaining the rates at which they ought to pass, in conformity to the principles of an act passed the present session, entitled "An act establishing a Mint, and regulating the coins of the United States;" and, also, to report such other provisions as they shall think necessary for carrying into effect the intentions of the said act.

TUESDAY, May 1.

The President laid before the Senate the Report of the Secretary of War, on the petition of Samuel B. Turner; which was read, and ordered to lie on the table.

The third reading of the bill, entitled "An act to alter the time for the next annual meeting of Congress," was resumed.

On motion, it was agreed to strike out of the bill "the third Monday," inserted in the second reading, and to substitute "the first Monday" in November.

Resolved, That the Senate concur in this bill.

Mr. ELLSWORTH, from the committee appointed to take into consideration the amendments of the

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[SENATE.]

House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," made report; which, being read, and in part agreed to,

Ordered, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have *Resolved*, That a joint committee of both Houses be directed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public humiliation and prayer; and, having appointed a committee on their part, desire concurrence, and the appointment of a joint committee on the part of the Senate.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act for the relief of persons imprisoned for debt," with amendments; and, also, "An act to authorize the remission of certain duties;" in which they desire the concurrence of the Senate.

On motion, that a committee be appointed to join with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress; it was agreed that the consideration of this motion be postponed until to-morrow.

The bill, entitled "An act to authorize the remission of certain duties," was read the first time; and, by unanimous consent, the bill was read the second time.

Ordered, That this bill be referred to Messrs. CABOT, KING, and BURR, to consider and report thereon.

WEDNESDAY, May 2.

The Senate resumed the consideration of the motion made yesterday, "That a committee be appointed to join with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress."

On motion to postpone the consideration thereof, it passed in the negative.

Resolved, That Messrs. HAWKINS and BURR be a joint committee on the part of the Senate, with such committee as the House of Representatives shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act concerning the duties on spirits distilled within the United States;" in which they desire the concurrence of the Senate.

The bill was read the first time, and, by unanimous consent, it was read the second time.

Ordered, That this bill be referred to Messrs. HAWKINS, CABOT, and ELLSWORTH, to consider and report thereon.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

Resolved, That they agree to the first section, and the additional sections, except the second and fifth additional sections, with an amendment to the fourth additional section, so that it shall read as follows:

"And be it enacted, That it shall be the duty of the Attorneys General of the United States, on any matter relative to judicial business which shall arise within their respective districts, and upon which he shall request information from them."

And they disagree to all the other amendments on the said bill.

Mr. READ, from the committee to whom was referred the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes, and his associates," reported amendments; and it was agreed that the bill be amended accordingly; and, by unanimous consent, the bill was now read the third time and passed.

The Senate proceeded to the consideration of the amendments of the House of Representatives to the bill, entitled "An act for the relief of persons imprisoned for debt."

Resolved, That they disagree to the first and second, and agree to the last amendment to the said bill.

Mr. KING gave notice that he intended, to-morrow, to move for leave to bring in a bill to continue an act, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

THURSDAY, May 3.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," to which they desire the concurrence of the Senate; that they recede from their amendments disagreed to by the Senate to the bill, entitled "An act for the relief of persons imprisoned for debt;" that they agree to the amendments of the Senate to the bill, entitled "An act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates."

On motion, that a person be chosen to supply the vacancy occasioned in the Committee on Enrolled Bills, by the absence of Mr. BRADLEY, the Senate proceeded to the choice of Mr. WINGATE for that purpose.

The bill sent from the House of Representatives, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," was read

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the first time; and, by unanimous consent, it was read the second time.
Ordered, That this bill be referred to Messrs. MORRIS, SHERMAN, and MONROE, to consider and report thereon.

Agreeably to notice given yesterday, Mr. KING obtained leave to bring in a bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers; which was read the first time, and, by unanimous consent, was read the second time.

Ordered, That this bill be referred to Messrs. BASSETT, FOSTER, and JOHNSTON, to consider and report thereon.

Mr. MORRIS, from the committee appointed, reported "A bill for regulating foreign coins, and for other purposes;" which was read the first time, and, by unanimous consent, was read the second time.

Mr. CABOT reported, from the committee to whom was referred the bill, entitled "An act to authorize the remission of certain duties," that it was not expedient that the bill should pass.
Resolved, That this bill do not pass to the third reading.

Mr. BASSETT, from the committee to whom was referred "The bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," reported amendments, which were adopted; and, by unanimous consent, the bill was read the third time, and passed.

A message from the House of Representatives informed the Senate, that the House have considered the amendments disagreed to by the Senate, and the amendments of the Senate to their amendment on the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and agree to some of the said amendments as amended, recede from some, and insist on others, of the said amendments, and desire a conference on the subject-matter of the amendments insisted on, and have appointed managers at the said conference on their part.

The Senate proceeded to consider the amendments insisted on by the House of Representatives to the bill last mentioned; and,
Resolved, That the Senate insist on their disagreement to the said amendments; that they agree to the proposed conference, and that Messrs. ELLSWORTH, KING, and HENRY, be managers thereof on the part of the Senate.

FRIDAY, May 4.

Mr. HAWKINS, from the committee to whom was referred the bill, entitled "An act concerning the duties on spirits distilled within the United States," reported amendments, which were read; and it was agreed that the bill be amended accordingly.

Proceedings.

It was agreed, by unanimous consent, that this bill have the third reading at this time.

Resolved, That this bill pass with amendments. A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids," with amendments; to which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill above mentioned; and,

Resolved, That they concur therein. Mr. MORRIS, from the committee to whom was referred the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," reported amendments, which were read; and some of which being adopted, it was agreed to amend the bill accordingly.

It was agreed, by unanimous consent, that the bill should have the third reading at this time; and it was read, and passed accordingly.

The second reading of the bill for regulating foreign coins, and for other purposes, was resumed; and, being amended, was read a third time, and passed.

A message from the House of Representatives informed the Senate, that the House have resolved, that the resolution of the 24th of last month, authorizing the President of the Senate and Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 5th day of May, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 10th of May, instant, to meet again on such day as shall be by law appointed; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the resolution last mentioned; and,
Resolved, That they concur therein, with an amendment, to wit: strike out these words, "Thursday the tenth," and insert "Tuesday the eighth."

SATURDAY, May 5.

A Message from the House of Representatives informed the Senate, that the House agree to the amendment of the Senate to the resolution of the 4th, authorizing the President of the Senate, and the Speaker of the House of Representatives, to close the present session by adjourning their respective Houses on the 8th inst. The House of Representatives also agree to the amendments of the Senate to the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage." And they agree to the amendments of the Senate to the bill, entitled "An act concerning the duties on spirits distilled within the United States." And they have passed a bill, entitled "An act authorizing the settlement of the demands of Anthony Walton White against the United States," in which they desire the concurrence of the Senate.

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Proceedings.

[SENATE.]

The bill last mentioned was read the first time, as also the petition of the said Anthony Walton White, on which the bill originated, with sundry other papers referring thereto.

Resolved, That the consideration of this bill be postponed until the next session of Congress.

Resolved, That Messrs. HAWKINS and BURR be a committee to wait on the President of the United States, and notify him of the intended recess of Congress.

It was agreed to reconsider the above resolution, and substitute the following:

Resolved, That Messrs. HAWKINS and BURR be a joint committee, on the part of the Senate, with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and notify him of the intended recess of Congress on Tuesday next.

On motion, that the bills for regulating processes in the Judicial Courts of the United States; for providing for the public debt; for alterations in the Treasury and War Departments; for ascertaining the rates of foreign coins; and, for further appropriations; be passed before any other business is introduced: it passed in the negative.

MONDAY, May 7.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate, appointing a joint committee to wait on the President of the United States, and inform him of the proposed recess of Congress; and have appointed a joint committee on their part. And that they have passed a bill, entitled "An act supplementary to the act making provision for the debt of the United States; in which they desire the concurrence of the Senate."

The bill, entitled "An act supplementary to the act making provision for the debt of the United States," was read the first time; and, by unanimous consent, it was read the second time.

It was also agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That the Senate concur therein.

The bill, entitled "An act for making compensations to the Commissioners of Loans for extraordinary expenses," was read the first time; and, by unanimous consent, it was read the second and third time.

Resolved, That the Senate concur therein. Mr. HAWKINS reported, from the joint committee, that they had waited on the President of the United States, and informed him of the proposed recess of Congress.

The memorial of Thomas Fielder, referring to his former petitions of 30th March, and 10th of April last, respecting his inventions for facilitating navigation, was presented and read.

Ordered, That it lie on the table.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act concerning the claim of John Brown Cutting against the United States;" in which they desire the concurrence of the Senate.

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The bill, was read the first time, and passed to a second reading.

Ordered, That the Secretary of the Treasury do lay before the Senate, at the next session of Congress, a statement of the salaries, fees, and emoluments, for one year, ending the first day of October next, to be stated quarterly, of every person holding any civil office or employment under the United States, (except the judges,) together with the actual disbursements and expenses in the discharge of their respective offices and employments for the same period; and that he do report the name of every person who shall neglect or refuse to give satisfactory information touching his office or employment, or the emoluments or disbursements thereof.

MONDAY EVENING, May 7.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act making alterations in the Treasury and War Departments," with amendments; to which they desire the concurrence of the Senate. They recede from some and adhere to other amendments on the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

The amendments to the first mentioned bill were read; and

The Senate proceeded to consider the resolution of the House of Representatives, in which they recede from some and adhere to other amendments to the bill, entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

And, on motion to recede from the disagreement to the second amendment of the second section, which is, to strike out these words, "and be at liberty to pursue the same until a tender of the debt and cost, in gold or silver, shall be made."

It passed in the affirmative.

On motion to adhere to the disagreement to the amendment last recited, it passed in the negative—years 9, nays 10, as follows:

YEAS.—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Izard, King, Morris, and Read.

NAYS.—Messrs. Few, Hawkins, Henry, Johnston, Lee, Monroë, Robinson, Sherman, Stanton, and Wingate.

It was agreed to recede from the other amendment adhered to by the House of Representatives on the said bill.

Ordered, That the Secretary acquaint the House of Representatives with the proceedings of the Senate on the bill last mentioned.

A message from the House of Representatives informed the Senate, that they concur in the bill, entitled "An act regulating foreign coins, and for other purposes," with amendments; to which they desire the concurrence of the Senate. They agree to the amendment to their amendment on the bill,

entitled "An act making alterations in the Treasury and War Departments." The Senate proceeded to the consideration of the amendments to the bill first mentioned; and, resolved, that they concur therein.

TUESDAY, May 8.

A message from the House of Representatives informed the Senate, that the House of Representatives concurred in the bill, entitled "An act to compensate the services of the late Colonel George Gibson." They have passed a bill, entitled "An act making certain appropriations therein specified;" in which they desire the concurrence of the Senate.

The bill, entitled "An act making certain appropriations therein specified," was read the first time; and, by unanimous consent, it was read the second time.

Ordered, That the bill be referred to Messrs. MORRIS, CABOT, and ELLSWORTH, to consider and report thereon.

The bill, entitled "An act concerning the claim of John Brown Cutting against the United States," was read the third time.

Resolved, That the Senate concur in this bill.

A message from the House of Representatives informed the Senate, that the House have passed a resolution authorizing the Secretary of the Treasury to furnish the several collectors of the revenue within the United States with certain printed clearances of a particular form; in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the resolution, as follows:

Resolved, By the Senate and House of Representatives assembled, That the Secretary of the Treasury cause to be provided for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh from salt water, and of constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette on their return

to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice."

Resolved, That the Senate concur therein.

Mr. MORRIS, from the committee to whom was referred the bill, entitled "An act making certain appropriations therein specified," reported an amendment; which was read and agreed to.

Ordered, That this bill pass to the third reading.

Resolved, That this bill pass as amended. A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendment of the Senate to the bill, entitled "An act making certain appropriations therein specified;" and that they have passed a bill, entitled "An act respecting the government of the territories of the United States northwest and south of the river Ohio;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and, by unanimous consent, the bill was read the second and third time.

Resolved, That the Senate concur therein.

TUESDAY EVENING, May 8.

On motion, that a person be chosen to supply the vacancy occasioned in the Committee on Enrolled Bills, by the absence of Mr. WINGATE, the Senate proceeded to the choice of Mr. SHERMAN for that purpose.

After receiving several reports of enrolled bills and acting on other unfinished business,

Ordered, That the Secretary inform the House of Representatives, that the Senate, having completed the Legislative business before them, are about to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives, having completed the business before them, are about to adjourn.

In conformity to the resolution of the 4th instant, the President *pro tempore* adjourned the Senate to the first Monday in November next, being the time appointed by law for the next annual meeting of Congress.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, OCTOBER 24, 1791.

MONDAY, October 24, 1791.

This being the day appointed by law for the meeting of the present Congress, the following members appeared, produced their credentials, and took their seats:

From New Hampshire, NICHOLAS GILMAN, SAMUEL LIVERMORE, and JEREMIAH SMITH.

From Massachusetts, FISHER AMES, SHEARJASHUB BOURNE, ELBRIDGE GERRY, BENJAMIN GOODHUE, GEORGE THATCHER, and ARTEMAS WARD.

From Rhode Island, BENJAMIN BOURNE.

From Connecticut, JAMES HILLHOUSE, JONATHAN STURGES, JONATHAN TRUMBULL, JEREMIAH WADSWORTH, and AMASA LEARNED.

From New York, JAMES GORDON, JOHN LARANCE, PETER SYLVESTER, and THOMAS TREDWELL.

From New Jersey, ELIAS BOUDINOT.

From Pennsylvania, THOMAS FITZSIMONS, DANIEL HEISTER, and FREDERICK AUGUSTUS MUEHLBERG.

From Delaware, JOHN VINING.

From Maryland, JOSHUA SENEY, and SAMUEL STERRETT.

From Virginia, JOHN BROWN, WILLIAM B. GILES, SAMUEL GRIFFIN, JAMES MADISON, ANDREW MOORE, and ALEXANDER WHITE.

From North Carolina, JOHN STEELE, and HUGH WILLIAMSON.

From South Carolina, DANIEL HUGER, WILLIAM SMITH, and THOMAS TUDOR TUCKER.

From Georgia, FRANCIS WILLIS.

A quorum of the members being present, the House proceeded to ballot for a Speaker, when it appeared that JONATHAN TRUMBULL, from Connecticut, was elected.

On being conducted to the chair, Mr. TRUMBULL addressed the House as follows:

GENTLEMEN: I find myself unable to express to you the full sense I have of the distinguished honor you have done me in the choice of your Speaker.

The diffidence I feel in my abilities to discharge, with propriety, the duties of the Chair, is almost insuperable in my own mind. But, encouraged by the known candor of this honorable body, and depending, as I think I may confidently do, on the kind assistance of each individual in it, I shall enter on its duties, with full assurances to you, gentlemen, that I shall endeavor to conduct myself with that impartiality, integrity, and

assiduity, which become the conspicuous station in which you have been pleased to place me.

The House then proceeded to ballot for a Clerk, when there appeared an unanimous vote for JOHN BECKLEY.

The oath to support the Constitution was then administered to the members present, and the oath of office to the Speaker and Clerk.

Ordered, That the Speaker appoint committees until the House shall otherwise determine.

A message was received from the Senate, informing the House that a quorum of that body is assembled and ready to proceed to business; and that the Senate have informed the President of the United States that they are ready to receive any communications he may be pleased to make to them.

Resolved, That Mr. SMITH, of South Carolina, Mr. LAURANCE, and Mr. WHITE, be a committee on the part of this House, to act jointly with the committee from the Senate, to wait on the President.

Ordered, That a committee be appointed to prepare and report Standing Rules and Orders of proceeding for the House. Messrs. MUEHLBERG, TUCKER, WILLIAMSON, AMES, and SMITH, of New Hampshire, were named.

JOSEPH WHEATON was appointed Sergeant-at-Arms; and GIFFORD DALLEY, Doorkeeper, and THOMAS CLAXTON, assistant Doorkeeper.

Resolved, That two Chaplains, of different denominations, be appointed to Congress for the present session, to interchange weekly.

Mr. SMITH, from the joint committee appointed to wait on the President of the United States, reported that the President would make a communication to both Houses to-morrow at twelve o'clock, in the Senate Chamber.

A message from the Senate announced the agreement of that body to the resolution of this House for the appointment of two Chaplains, and had elected the Right Reverend Bishop WHITE, on their part.

TUESDAY, October 25.

The following members appeared, presented their credentials, and took their seats: ABRAHAM CLARK, JONATHAN DAYTON, and AARON KITCHELL, from New Jersey; and ISRAEL JACOBS, from Pennsylvania.

H. OF R.]

The President's Speech.

[OCTOBER, 1791.]

The House proceeded to ballot for a Chaplain, when a majority of the votes were found in favor of the Rev. Mr. BLAIR.

A message being received from the Senate, stating that they were ready to receive the Communication from the President of the United States, the Speaker, attended by the members of the House, withdrew to the Senate Chamber for the purpose of receiving the same.

On the return of the members, the Speaker laid before the House a copy of the Speech delivered by the President, (which will be found in the proceedings of the Senate, ante, page 11.) The Speech was committed to a Committee of the Whole to-morrow.

WEDNESDAY, October 26.

The following members appeared, presented their credentials, and took their seats: THEODORE SEDGWICK, from Massachusetts; ABRAHAM VENABLE, from Virginia; NATHANIEL MACON, from North Carolina.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of the public moneys, from October 1, 1790, to the 30th of June, 1791; which was read, and ordered to lie on the table.

Resolved, That the Rules and Orders of proceeding established by the last House of Representatives, shall be the Rules and Orders of proceeding to be observed in this body, until a revision or alteration of the same shall take place.

The President of the United States transmitted to the House, by message, copies of the following Acts, which had been transmitted to him during the recess, viz: "An act passed by the Legislature of New Hampshire, for ceding to the United States the fort and light-house belonging to said State;" "An act of the Legislature of Pennsylvania, ratifying, on behalf of said State, the first article of amendment to the Constitution of the United States, as proposed by Congress;" and "An act of the Legislature of North Carolina, granting the use of the jails within that State to the United States;" which were ordered to lie on the table.

A petition of James Rumsey, by Joseph Barnes, his attorney in fact, was presented to the House and read, praying that the act entitled "An act to promote the progress of useful arts," may be amended, and rendered more effectual for securing to original inventors, property in their respective discoveries."

Ordered, That the petition lie on the table.

PRESIDENT'S SPEECH.

The House then went into Committee of the Whole, on the President's Speech, Mr. MÜHLENBERG in the chair.

The Speech being read, Mr. VINING moved a resolution, of which the following is the purport:

"Resolved, That it is the opinion of this committee that an Address should be presented to the President of the United States by the House of Representatives, in answer to his Speech, to congratulate him on the prosperous situation of the United States, expressive of the

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Address to the President.

[H. OF R.]

idea of delegating to a committee this power of judging, expressly given to them by the Constitution. Such a transfer of power, he conceived, would be as unconstitutional as to delegate a Legislative authority. In the British Parliament, it was true, a committee was made the judge of contested elections; but there was no higher authority there, he observed, to prevent them from delegating this power; when here, the people of the United States had clearly spoken in their Constitution, and determined the judges of the elections.

Mr. VINING stated, that his object in wishing the resolution adopted, was to procure expedition, save expense, and secure fairness of decision in determining contested elections. He hoped the Constitution would be no obstacle to the attainment of these desiderata. Perhaps it might be found necessary to leave to the House a final vote, after the work of the committee had been laid before them.

Mr. WHITE clearly saw great inconvenience in permitting cases of contested elections to come directly before the House. The delays and consequent expense of examining witnesses would be very great. He was of opinion that a committee appointed for that purpose should examine the evidences brought forward, arrange them, and lay them in order before the House for their information; but then he insisted on the necessity of letting the determination depend upon a vote of the House.

Before any question was taken on the resolution, it was

Ordered, That a standing Committee of Elections be appointed.

And a committee was appointed, of Mr. LIVERMORE, Mr. BOUDINOT, Mr. GILES, Mr. GERRY, Mr. BOURNE, of Rhode Island, Mr. HILLHOUSE, and Mr. STEELE.

THURSDAY, October 27.

Mr. MADISON, from the committee appointed, reported an Address to the President of the United States, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the whole House immediately.

ADDRESS TO THE PRESIDENT.

The House accordingly resolved itself into a Committee of the Whole House on the said Address; and, after some time spent therein, Mr. MÜHLENBERG reported that the committee had had the said Address under consideration, and made no amendment thereto. Whereupon, it was

Resolved, unanimously, That this House doth agree to the said Address, in the words following:

SIR: In receiving your Address, at the opening of the present session, the House of Representatives have taken an ample share in the feelings inspired by the actual prosperity and flattering prospects of our country; and whilst, with becoming gratitude to Heaven, we ascribe this happiness to the true source from which it flows, we behold with an animating pleasure the degree in which the Constitution and Laws of the United States have been instrumental in dispensing it.

It yields us particular satisfaction to learn the success with which the different important measures of the Government have proceeded; as well those specially provided for at the last session, as those of preceding date. The safety of our Western frontier, in which the lives and repose of so many of our fellow-citizens are involved, being peculiarly interesting, your communications on that subject are proportionally grateful to us. The gallantry and good conduct of the militia, whose services were called for, is an honorable confirmation of the efficacy of that precious resource of a free State. And we anxiously wish that the consequences of their successful enterprises, and of the other proceedings to which you have referred, may leave the United States free to pursue the most benevolent policy towards the unhappy and deluded race of people in our neighborhood.

The amount of the population of the United States, determined by the returns of the census, is a source of the most pleasing reflections, whether it be viewed in relation to our national safety and respectability, or as a proof of that felicity in the situation of our country, which favors so unexampled a rapidity in its growth. Nor ought any to be insensible to the additional motive suggested by this important fact to perpetuate the free Government established with a wise administration of it, to a portion of the earth which promises such an increase of the number which is to enjoy those blessings within the limits of the United States.

We shall proceed with all the respect due to your patriotic recommendations, and with a deep sense of the trust committed to us by our fellow-citizens, to take into consideration the various and important matters falling within the present session; and, in discussing and deciding each, we shall feel every disposition, whilst we are pursuing the public welfare, which must be the supreme object with all our constituents, to accommodate, as far as possible, the means of attaining it to the sentiments and wishes of every part of them.

Resolved, That the Speaker, attended by the House, do present the said Address; and that Mr. MADISON, Mr. LAURANCE, and Mr. SMITH, of South Carolina, be a committee to wait on the President for him to receive the same.

A Message, in writing, was received from the President of the United States, by the Secretary of War, as follows:

Gentlemen of the Senate, and of the House of Representatives:

I have directed the Secretary of War to lay before you, for your information, the Reports of Brigadier General Scott and Lieutenant Colonel Commandant Wilkinson, the officers who commanded the two expeditions against the Wabash Indians, in the months of June and August last, together with the instructions by virtue of which the said expeditions were undertaken. When the operations now depending shall be terminated, the reports relative thereto shall also be laid before you.

G. WASHINGTON.

UNITED STATES, October 27, 1791.

Ordered, That the information referred to in the said Message do lie on the table.

Mr. MADISON, from the committee appointed to wait on the President of the United States, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress,

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reported that the committee had waited on the President, who signified to them that it would be convenient to him to receive the said Address at twelve o'clock to-morrow, at his own house.

FRIDAY, October 28.

Ordered. That a committee be appointed to prepare and bring in a bill or bills for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries; and that Mr. GOODHUE, Mr. FITZSIMONS, and Mr. LEARNED, be of the said committee.

The SPEAKER, attended by the House, then withdrew to the house of the President of the United States, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the President made the following reply:

Gentlemen:

The pleasure I derive from an assurance of your attention to the objects I have recommended to you is doubled by your concurrence in the testimony I have borne to the prosperous condition of our public affairs.

Relying on the sanctions of your enlightened judgment, and on your patriotic aid, I shall be the more encouraged in all my endeavors for the public weal, and particularly in those which may be required on my part for executing the salutary measures I anticipate from your present deliberations.

G. WASHINGTON.

A Message was received from the President of the United States, communicating a copy of the Enumeration of the Inhabitants of the United States, agreeable to the Census taken pursuant to a law of the Union. Also, sundry papers from the Governor of Pennsylvania, respecting several persons who have fled from justice from that State to the State of Virginia. The papers were read, and a motion laid on the table by Mr. SEDGWICK, that a committee should be appointed to whom the papers, respecting the persons fleeing from justice, should be referred; with instructions to report a bill or bills, making a general provision in cases of persons charged with felony, treason, or other crimes, who may flee from a State having cognizance thereof, &c.

The schedule of the Census was referred to a Committee of the Whole House, and made the order of the day for Monday next.

The other papers referred to in the Message of the President received yesterday, were then read, viz: An act of the State of North Carolina, ceding a tract of land for the use of the United States, for the erection of light-houses, and the reports of the commanders on the expeditions against the Indians.

On motion of Mr. SEDGWICK, a committee was appointed to bring in a bill to provide for the regulation of the Post Office and Post Roads, consisting of Messrs. LIVERMORE, CLARK, STEELE, BOURNE of Rhode Island, and THATCHER.

Mr. WILLIAMSON's motion, for a committee to bring in a bill to amend the act for promoting the progress of the useful arts, was adopted, and the

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be consequent on the plan proposed, and concluded by inquiring whether the above amendment had been adopted by the requisite number of the Legislatures? On examination it did not appear that a sufficient number of the States had made returns respecting the amendments to determine the question.

Mr. SEDGWICK said the Constitution had provided that the number of Representatives should not exceed one for every 30,000, but Congress may increase the number of constituents of each member. He read the result of a calculation of the number of Representatives which would be returned on a supposition of there being one to 30, 33, 34, and 40,000 thousand persons. According to the present census, supposing South Carolina to contain 240,000 thousand persons—thirty thousand would give 110—thirty-three, 104; thirty-four, 100; and forty thousand, 82 members. Judging from the sense of the people, so far as it could be collected from what had been done respecting the proposed amendment on this subject, he was of opinion that a ratio which would meet the general approbation was that which would give about one hundred members in the House of Representatives.

Mr. LIVERMORE was in favor of a ratio which would give the smallest number that was mentioned by the gentleman last up.

Mr. WHITE said, that the general sentiment of the people was perhaps more fully known on the subject before the committee, than on any other that can come before them. Among the objections to the Constitution, the smallness of the representation was very generally objected to. An increase of the number of this House is expected. It has been said by the enemies of the Constitution that Congress will never consent that there shall be a Representative for every 30,000 persons. The time is now come when the question is to be determined; and I hope, said Mr. W., that Congress will act with the utmost liberality on the occasion; and that they will not diminish the number of Representatives.

Mr. DAYTON considered the subject in a different light from the gentleman last speaking. He supposed the sense of the people at the present day was opposed to a great increase of the number of Representatives. He thought that one to 40,000 persons would give the most eligible number, but was willing to meet the gentleman half way, and moved to insert the word *five* between "thirty" and "thousand," in the resolution.

Mr. WHITE explained himself as referring particularly to the time when the Constitution was adopted.

Mr. SENEY observed, that the subject was too important, in his opinion, to come to a sudden decision upon, especially as many of the members of the House had not arrived. He moved, therefore, that the committee should rise, report, and ask leave to sit again. The committee accordingly rose.

A memorial of Joseph Ceracchi, a Roman sculptor, was presented and read, proposing to execute a monument to perpetuate American Independence. Laid on the table.

TUESDAY, November 1.

ANTHONY WAYNE, member from Georgia, and JOSIAH PARKER, from Virginia, took their seats this day.

A Message was received from the President of the United States, communicating the arrangement made in respect to the division of the United States into districts and surveys, appointment of inspectors, and compensations to officers, pursuant to the law, laying duties on distilled spirits, &c. Also, a copy of the presentment of the grand jury of the federal court for the district of South Carolina, in which the causes are stated which prevented the completion of the census of that State within the time limited by law.

These papers being read, the motion of Mr. SMITH, of South Carolina, for allowing further time to complete the enumeration of the inhabitants of South Carolina, was taken into consideration, and agreed to; and Messrs. SMITH, BOWDNOT, and VENABLE, appointed to report a bill accordingly.

Mr. MUEHLBERG, of the committee appointed to report such Standing Rules and Orders as may be proper to be observed by the House, brought in a report; which was read, and laid on the table.

Mr. BOURNE, of Rhode Island, moved the following resolution:

"That the Secretary of the Treasury be directed to lay before the House, the amount of the subscriptions to the public loan, made pursuant to the act making provision for the public debt, as well in the evidences of the domestic debt of the United States as those of the debts of the respective States; the amount that remains unsubscribed; also, such measures as he may think expedient to be adopted to complete the object of the law."

This resolution was agreed to.

THE PRESIDENT'S SPEECH.

The House then proceeded to the order of the day on the President's Speech. The Speech being read by the Clerk—

Mr. SEDGWICK said, that the last session of Congress, the House of Representatives, by the appointment of committees, to which almost every object of discussion in the President's Speech was referred, so far monopolized the public business, that during great part of the session, the Senate had very little to attend to. He thought it of importance that a similar interference should be avoided the present session. He then recapitulated the principal objects recommended to the attention of Congress in the Speech; and informed the House it had been intimated to him that the Senate proposed to take into consideration the subjects of the Mint, Weights and Measures, Consuls, election of President and Vice President, and the establishment of Land Offices. The House, therefore, if they thought proper, might avoid a primary discussion of these subjects, and employ their deliberations on other important parts of the Speech. Some of these the House had already provided for, by the appointment of committees, others remained to be attended to; among these,

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the reference in the Speech to the law, he thought of very material consequence, and accordingly moved that a committee should be appointed to take into consideration that part of the President's Speech which relates to the carrying that law into execution, and to report such circumstances in the law, as may, with consistency, be so altered as to remove any well-intentioned objections against it; also to ascertain and report whether there exists a due proportion between the duties on foreign spirits and those of domestic manufacture.

Mr. BOUNDARY observed, that it struck him as an impropriety for the House to receive any information from the Senate, except through an appointed medium; this informal mode, if it was allowed, would be a bad precedent, and productive of great embarrassment; the difficulty which has been mentioned might be avoided by the appointment of a joint committee—which he thought to be the most eligible mode.

Mr. SEDGWICK replied, that he meant only to convey to the House the information he had received, which he supposed was of importance; he had no intention of establishing a precedent.

Mr. LAURANCE called for the reading of the Speech; which being read, committees were appointed on the several articles, as before stated.

Mr. SEDGWICK's motion occasioned considerable debate.

Mr. STEELE moved an amendment, by inserting the Secretary of the Treasury, in lieu of a committee. This officer, he observed, was more competent than any other person to give information on the subject, as he had paid the most minute attention to the operation of the law. Prejudices, he said, were entertained against the Secretary, on account of his having originally drafted the law; these prejudices he wished to be removed, as he was well satisfied that it was the wish of the House, as well as of the Secretary, that every reasonable objection against the law should be removed.

The motion for a reference to the Secretary was supported by Mr. WHITE, Mr. LAURANCE, Mr. GERRY, Mr. SMITH, (S. C.), Mr. AMES, and Mr. WILLIAMSON.

Mr. SEDGWICK contended for a committee. He was supported by Mr. VINING, Mr. PARKER, Mr. BOUNDARY, and Mr. GOODHUE. On this side of the question it was urged, that there was a manifest impropriety and want of respect in referring any part of the President's Speech, or a law of the Union, to the Head of any particular Department; that the information to be derived from the Secretary would of course be received by a committee, and by them be communicated to the House. The present subject involved considerations that should arrest the particular attention of the Legislature, as they only were competent to decide upon them. The motion has reference to the rate of duties, and the House was certainly the most competent to judge of and estimate the public taxes.

After some further debate, Mr. SEDGWICK withdrew his proposition; and a motion by Mr. AMES,

for a reference to the Secretary of the Treasury for information respecting any difficulties in the execution of the law, was agreed to.

The business of offices for the sale of vacant lands within the territory of the United States, being considered as particularly connected with revenue, a committee of the House was appointed to prepare and report a bill or bills on that subject.

WEDNESDAY, November 2.

A petition of John Torrey, of the Commonwealth of Massachusetts, was presented to the House and read, praying to be reimbursed a sum of money which he has been compelled to pay for wagonage on account of the United States, during the late war. Referred to the Secretary of the Treasury.

Mr. GILES called up a memorial from the officers of the Virginia line, and other papers relative thereto, which were communicated by the President, to the late Congress, but not acted upon. The papers being read, he laid on the table the following resolution:

"That so much of the Message and Communications from the President of the United States to both Houses, on the 17th of January last, as relates to the bounty lands granted to the officers and soldiers of the Virginia line on the Continental establishment, be referred to a select committee, to examine the matter thereof, and report the same, with their opinion thereon, to the House."

On motion of Mr. DAYTON, it was resolved, that the Secretary of the Treasury be directed to report to the House, whether any and what alterations in favor of the spirits which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the exercise law, consistently with its main design, and with the maintenance of the public faith.

Mr. GILES laid on the table a motion, that the Secretary of the Department of War should be instructed to lay before the House an accurate statement of all balances of pay which appear, by the books of his office, to be due to the officers and soldiers of the late army of the United States, and which either remain unclaimed, or have been claimed but not paid; together with the reasons for withholding payment from those who may have respectively entered their claims therefor.

Mr. VINING laid on the table a motion for the appointment of a committee, to report a bill or bills, to establish a uniform system of bankruptcy throughout the United States.

Mr. DAYTON laid on the table a motion, that the Board of Commissioners for settling the accounts between the United States and individual States, be directed to report to the House what progress they have made in such settlement; and their opinion as to the prospect which the present state of the business affords of its speedy and final conclusion.

Mr. GERRY, from the committee to whom was referred the memorial of the Sheriff of Suffolk county, in the State of Massachusetts, made a re-

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port, tending to grant to all persons confined in any State, under the authority of the United States, the same privileges and immunities to which they would be entitled if confined under the authority of the State. Ordered to lie on the table.

THE CENSUS.

The House resolved itself into a Committee of the Whole, Mr. MUEHLBERG in the chair, and took up the bill for the enumeration of the inhabitants of the district of South Carolina.

Some gentlemen having expressed their apprehensions that, by the words of the bill, the Marshal of the district of South Carolina might be empowered to make a new enumeration of the inhabitants, which was contrary to the sense of the House, and would give that State an undue advantage over the other States, an amendment was moved and adopted by the committee, in the following words: "Provided, that in the said return" [of the enumeration of the inhabitants of the district of South Carolina] "such persons only shall be included as were inhabitants of the State at the time prescribed for taking the census," &c.

Another amendment being also proposed and adopted, the committee rose, and reported the bill as amended.

The House then proceeding to consider the amendments of the committee, some remarks were made, to show that the one above quoted might tend to violate the return, and was moreover an unnecessary precaution, as the proposition was not for making the enumeration of the whole State, but of giving in the return of the enumeration already made, and completing the census, by the addition of a very small district, that was not yet included in the general return. The amendment was therefore rejected by the House, and the bill was ordered to be engrossed.

THURSDAY, November 3.

Two other members, to wit: RICHARD BLAND LEE and JOHN PAGE, from Virginia, appeared, produced their credentials, and took their seats in the House.

An engrossed bill granting further time for making Return of the Enumeration of the Inhabitants of the District of South Carolina was read the third time and passed.

Ordered, That so much of the Message and Communication from the President of the United States to both Houses, on the seventeenth of January last, as relates to the bounty lands granted to the late officers and soldiers of the State of Virginia, together with all previous proceedings of Congress, or the Legislature of the State of Virginia, and all papers relative thereto, be referred to the consideration of Mr. GILES, Mr. CLARK, and Mr. LIVERMORE, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills, directing the mode in which the evidences of the debt of the United States which have been lost or destroyed shall be

renewed; and that Mr. SEDGWICK, Mr. GILES, and Mr. DAYTON be the said committee.

Ordered, That the Report of the Attorney General, concerning such matters relative to the administration of justice under the authority of the United States as require to be remedied, together with certain propositions of amendment to the Constitution of the United States, which were offered on the third of March last, and deferred for consideration to the present session, be committed to a Committee of the Whole House to-morrow.

THE CENSUS.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

The motion of Mr. LAURANCE was again read, viz: "That until the next enumeration of the inhabitants of the United States, there shall be one Representative for every thirty thousand persons."

Mr. SEDGWICK moved to insert the word *four*, between "thirty" and "thousand."

Mr. DAYTON moved to strike out *thirty*, before "thousand," and leave the blank to be filled up.

Mr. LIVERMORE moved to insert *forty thousand*.

Mr. CLARK observed, that it was well known that great uneasiness prevailed among the people in various parts of the Union, on account of the salaries and compensations to the officers of Government. The expense of supporting the Government was increasing, and it must therefore be contrary to the general wishes of the people to enlarge the representation, which would add to the public burden, without being productive of any advantage. He was in favor, therefore, of striking out "thirty," and inserting *forty*.

Mr. WILLIAMSON, after a few preliminary remarks on the several calculations that different members had made, and applying the various results to the population of the small States in particular, observed, that such a ratio should be adopted as would leave the fewest fractions, and at the same time do as much justice as possible to those States. With respect to the general question, he thought the people were divided in opinion; some were in favor of a large representation, others were opposed to a great addition to the present number. The expense of supporting the Government is great; the people realize that in the nature of things it must increase; this consideration should lead to adopt a medium, and if possible to fix on a ratio that might give general satisfaction. At all events he wished that Congress would reserve to itself the power of increasing the number of Representatives, in case the sentiments of the people should be in favor of the measure. He observed that the lowest number of constituents which had been mentioned was thirty thousand, and the highest forty; if gentlemen could not agree in either, he hoped they would adopt the medium.

Mr. LAURANCE objected to striking out *thirty*. This subject, said he, has been canvassed throughout America; innumerable are the pamphlet and newspaper publications which have appeared in

all parts of the United States. The smallness of the representation was early objected to; and it was very generally expected, that when the amendments to the Constitution took place, that one Representative to every thirty thousand persons would be the established ratio. The majority of the publications on this subject—the various amendments proposed by the States, all plainly declare that the sense of the people is in favor of one for every thirty thousand. And what are the objections? It is said that the public business will be impeded by a large number of members in the House, and that the expense will increase the public burdens of the people. With respect to the first objection, it seems to be a general idea of gentlemen, that about one hundred members would be the most eligible number; the proposed ratio will give about one hundred and twelve; an addition of ten or twelve cannot embarrass the public business. The objection on account of an increase of the expense, he did not consider as well founded. The increase of the representation will be in proportion to the increase of the people who pay for the support of the Government. The objection he could not consider, therefore, of sufficient weight to deter Congress from establishing such a ratio as would give a representation fully competent to doing full justice to every part of the Union. The Government is a Government by representation, and it is of the last importance that the confidence of the people should be inspired by feeling that their interests are fully represented.

Mr. L. observed, that increasing the ratio would undoubtedly excite uneasiness and complaint in some of the States, by diminishing their present representation. He concluded by saying that the few remarks he had made were crude and undigested. Not expecting the subject to be brought forward this day, he had not revolved it sufficiently in his mind. He hoped, however, that what had been said would prevent a sudden decision of the question.

Mr. GILES moved that the committee should rise, report, and ask leave to sit again. The motion was agreed to.

FRIDAY, November 4.

Another member, to wit: EGBERT BENSON, from New York, appeared, produced his credentials, and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on the several petitions of John Younglove, of sundry inhabitants of the counties of Albany and Washington, in the State of New York, and of John Torrey, administrator, &c., of the late Major Joseph Torrey; which were read, and ordered to lie on the table.

IMPRISONMENT FOR DEBT.

The reports of committees on the memorials of F. and J. Choat, Susannah Fowle, and the Sheriff of Suffolk county, in the State of Massachusetts, being called up,

Mr. SPOWICK moved, that the House should accept the committee's report on the last men-

tioned memorial, viz: that a committee would be appointed to bring in a bill allowing to prisoners, confined in any State under the authority of the United States, the same privileges and immunities as are enjoyed by persons confined under the authority of the State.

Mr. LIVERMORE doubted whether the House had a right to accept the report. Certain indulgences, he observed, are allowed to prisoners in some States, which are not granted in others; and he would ask, whether the House could establish any uniform rule for such cases throughout the United States? If the indulgence was only granted in conformity to the State laws, it would not be uniform. He wished, for the sake of humanity, that in every State there were laws equally indulgent to confined debtors; and, were this the case, he would cheerfully concur in accepting the report. But, since the case was otherwise, and that the adoption of the proposed measure would establish a system not uniform, he wished that the report should be referred to the committee, that was proposed to be appointed, to bring in a bill for the establishment of an uniform system of Bankrupt laws throughout the United States.

Mr. SPOWICK, after several remarks in support of his motion, concluded by expressing his hope, that the House possessed sufficient authority to make such provisions in favor of unfortunate debtors as humanity itself dictated. He did not recollect to have ever heard so many disagreeable observations made on any subject, as on the confinement of prisoners under the authority of the United States, which was more rigorous than could be the case under the laws of the State which he represented.

Mr. WHITE was against the appointment of a committee on this particular case, as it was one of many that would, of course, occur in the execution of the Judiciary system. He wished the case in question should be referred to the committee appointed yesterday, on the Report of the Attorney General; and that every inconvenience that might be foreseen in the Judiciary system should, as far as possible, be remedied.

Mr. SPOWICK having consented to withdraw his motion in favor of Mr. WHITE's proposal, The report was referred to the Committee of the Whole House on the revision of the Judiciary system.

On motion of Mr. WHITE, the petition of Susannah Fowle, and the committee's report thereon, was referred to a Committee of the Whole on the state of the Union.

The report of the committee on the petition of F. and J. Choat, that the prayer of the said petition cannot be granted, was accepted by the House.

Mr. FITZSIMONS moved for the appointment of a committee to bring in a bill to regulate the pilots, and to provide for the superintendence of the light-houses, beacons, buoys, and public piers of the district of Pennsylvania.

A proposition being made to extend the effects of the bill in contemplation, to the United States, in general, it was, after some remarks made by

Messrs. LEE, FITZSIMONS, and WILLIAMSON, ordered that the motion should lie on the table.

Mr. LAURANCE suggested the propriety of postponing the order of the day (the consideration of the census) until some day next week, when a fuller House might be expected. It was accordingly postponed till Thursday next.

MONDAY, November 7.

Several other members, to wit: From Pennsylvania, WILLIAM FINDLAY; from North Carolina, JOHN BAPTIST ASHE; and from Georgia, ABRAHAM BALDWIN; appeared, produced their credentials, and took their seats in the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of certain estimates of sums necessary to be appropriated for various objects therein specified, including the service of the year one thousand seven hundred and ninety-two; which was read, and ordered to be referred to Mr. LAURANCE, Mr. BALDWIN, and Mr. ASHE, with instructions to prepare and bring in a bill or bills pursuant thereto.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act granting further time for making return of the enumeration of the inhabitants of the District of South Carolina," with several amendments, to which they desire the concurrence of the House.

The House proceeded to consider the said amendments; and the same being read, were agreed to.

The SPEAKER laid before the House a report from the Commissioners appointed by the act entitled "An act making provision for the reduction of the public debt," stating the amount of the purchases which have been made of the public debt, in pursuance of the powers vested in them by the said act; which was read, and ordered to lie on the table.

CASE OF JOHN TORREY.

The Report of the Secretary of War on the petition of John Torrey was taken into consideration. This report was against the prayer of the petition; as the late Major Torrey died before the expiration of the war, and, leaving no widow or orphans, his heirs are not entitled by any law to commutation or half-pay.

Mr. AMES observed, that Congress stipulated with the officers of the army that those which continued in the service to the end of the war should be allowed half-pay for life, or commutation. The question, then, was, whether Major Torrey had performed his part of the contract? In his opinion he had; for, though the army was continued in pay till November, yet it is well known that hostilities had ceased before the period at which Major Torrey died. Mr. A. further observed that this was a case *aut generis*; that the application was founded in the strictest justice; and, were he to determine it in a judicial capacity, he should be as clear to decide it in favor of the prayer of the petition as he should in the case of a simple note of hand. He added several other remarks,

and concluded by a motion that the petition, together with the report thereon, be referred to a select committee, in order that the principle for which he contended might be fully discussed in the House.

Mr. WHITE opposed the motion for a reference to a select committee. He mentioned several difficulties which must occur in the course of the discussion, on account of past decisions of Congress. The petition (said he) appears to create a debt which is not cognizable by Congress, as it did not exist agreeably to the act of limitation at the time of adopting the new Constitution. He should rather be in favor of a reference to a Committee of the Whole House.

Mr. AMES observed, that he considered the application in a quite different light from the gentleman last up. It is not a petition for a grant from Government; but for the settlement of a just account and payment of a just debt, which really existed prior to the organization of the present Government.

Mr. BOURDINOT observed, that all the difficulty in the case appears to arise from a difference of opinion as to the time when the war ceased. This, he conceived, might easily be determined by the period to which the army of the United States had been paid and discharged.

Mr. CLARK was against a reference to a Committee of the Whole. He saw no difficulty in determining the business; but, if we go into a Committee of the Whole, it will appear as if we were fishing for applicants. This has been called a single case; but he believed, if the door was once opened, we should soon find a great many like it. He wished, rather, that the business should rest where it was.

Mr. WILLIAMSON said he was equally opposed to a Committee of the Whole and to a select committee. He was in favor of proceeding in the usual way, and coming to a vote upon the report. Congress promised that the widows and orphans of those officers who died in the service of the country should be entitled to half-pay for life. In the present case it happens that there are neither widows nor orphans, but some more distant relations who want it. He enlarged on the confusion which would be consequent on establishing a precedent like that proposed, and concluded by saying that he had heard nothing sufficient to induce a deviation from the line already prescribed.

Mr. PAGE was in favor of a reference to a Committee of the Whole; for though he had a high respect for the opinion of the officer who had made the report, yet, if an individual member of the House should at any time express a wish to have a report from the Head of any Department whatever discussed in the Committee, he should be in favor of his being gratified.

The motion for a select committee was negatived.

Mr. AMES then moved that the report should be rejected.

This motion was followed by one for a reference to a Committee of the Whole, by Mr. WASHINGTON, who observed, that he considered the ap-

plication as involving this question: Whether the heirs or representatives of every officer who died in the service of the United States, at any period of the war, should not be entitled to commutation or half-pay for life?

The question for a reference to a Committee of the Whole was carried in the affirmative, to be taken up to-morrow.

JOHN YOUNGLOVE.

The Report of the Secretary of War on the petition of John Younglove, and a counter-petition thereto from sundry inhabitants of the State of New York, was next taken into consideration. The counter-petition contained sundry charges of unfair conduct in procuring the pension granted to Mr. Younglove. The report exculpates the petitioner from any imputation of deception in respect to the means employed in obtaining the pension, and assigns the reasons on which it was granted by Congress, and concludes by stating this inquiry: Whether it would be expedient to repeal that part of the law which assigns a pension to the petitioner, agreeably to the prayer of the counter-petition?

Mr. LAURANCE moved the following resolution: "Resolved, That it would be inexpedient to repeal that part of the law on which the pension to John Younglove was founded."

Some discussion of the subject took place in consequence of this motion, which was eventually superseded by a motion offered by Mr. Benson, to this effect: That the prayer of the petition of sundry inhabitants in the State of New York, that so much of a law of the United States as grants a pension to John Younglove may be repealed, cannot be granted.

This motion was laid on the table, and the further consideration of the subject postponed.

JOSEPH TUCKER.

On motion of Mr. THATCHER, the Report of the Secretary of War, made to the first Congress, on the petition of Joseph Tucker and others, praying compensation as agents to certain regiments, last war, was taken into consideration. This report was against the petition. The same being read,

Mr. THATCHER moved that the report be rejected by the House, and that there be allowed to the said Joseph Tucker and others the sum of one per cent. on the amount received and paid by them respectively, including the sums granted by the State of Massachusetts.

Mr. BORDINOR objected to this motion. He thought the proper question before the House was, Whether the report of the Secretary should be agreed to or not? The motion involved a partial decision on a case which was by no means singular, as similar applications had been made to Congress. He moved that the report should be agreed to by the House.

Mr. SMITH, of New Hampshire, inquired whether the amount of the sums received by those agents from the public had been all paid over by them to the uses for which they were received; and what was the actual amount of their commissions on the sums paid?

The amount of the sums received was only mentioned in the Secretary's report.

Mr. SEDGWICK observed, that the accounts of the petitioners, it appears, have been settled by the Legislature of Massachusetts; and, should the motion be agreed to, it would lead to a revision of all the accounts which had been settled at that period on similar principles.

Mr. THATCHER, in reply, said that his colleague was mistaken in respect to the accounts being settled, as some of the parties had informed him that they never acquiesced in such settlement, and would not receive the certificate tendered them as compensation for their services, as its intrinsic value was much less than their just demand.

The motion for agreeing to the report of the Secretary of War being put, was carried in the affirmative; and Mr. THATCHER's motion was superceded of course.

TUESDAY, November 8.

Another member, to wit: ANDREW GREGG, from Pennsylvania, appeared, produced his credentials, and took his seat in the House.

JOHN TORREY.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of War on the petition of John Torrey, administrator of Major Joseph Torrey, deceased.

Mr. AMES objected to the motion for accepting the Report of the Secretary of War. He said, it must be apparent that he was placed by accident in a relation to the subject of choice. With very little knowledge of the parties and their connections, and the interests that would be involved by the decision, he seemed to be considered as standing sponsor for the petitioner. He might justify this active support of the petition, by assigning motives which were common to other gentlemen; but as they have continued silent, I will assign a reason for speaking, which is peculiar to myself. Nothing excites a person to a more fervid defence of his opinions, than the supposed discovery that they are misunderstood, and the force of the reasons on which he had formed them, unduly estimated.

Congress promised half-pay to the officers who should continue in service to the end of the war—This was afterwards made a commutation for half-pay. Major Torrey continued in service till September, 1783, when he died. The question is, did he continue in service to the end of the war? The provisional articles of peace were signed on the 30th November, 1782; but they were to remain without force till terms of peace should be agreed upon between Great Britain and France. This took place on the 30th January, 1783, and the ratifications were exchanged on the 3d February, 1783, at Paris. The provisional treaty between Great Britain and America was then a *treaty of peace*, and according to the words of that *treaty of peace*, concluded. Accordingly, on the 11th April, 1783, Congress by a proclamation made known those facts, and the stipulations made, in

regard to the periods when hostilities should cease, by the contracting parties to the treaty. Hostilities did cease, and before the end of April, 1783, all America was in perfect peace. The late hostile nations shook hands, our vessels sailed in safety, and by sea and land reconciliation succeeded to hostility.

But did all this put an end to the war? The children in the street would answer this question: They would say, it is peace when it is not war. Of all facts, the most notorious seems to be the state of war; and it is the fact that the war was at an end, (and not any after resolve of Congress) that the commutation of Major Torrey was made to hinge upon. When the meaning of a bargain is disputed, it is usual to search out the intention of the contracting parties when it was made. Supposing, instead of interpreting a resolve of Congress, any twelve of this body had to try a case between two private persons; suppose that a man had given his note of hand for a sum to be paid at the end of the war. Would twelve of this House, or would any jury in the country say that the war continued longer than hostilities? In private life, a man would think it touched his character to refuse paying his note in such case. Surely a Government ought to perform its promise with as much delicacy and exactness. Congress did not promise the half-pay, and afterward the commutation on the condition that a man should serve till they should think proper to say the war was at an end. He depended on the stubborn fact that it did end, which no resolution of Congress could change; and not on the refining opinion when the officers might safely be discharged—for that we see might be differently formed, according to the different views of policy and safety at the time. An officer having this promise of Congress, has a right to this commutation on the cessation of hostilities, in pursuance of the treaty. "The end of the war," meaning of the words "the end of the war," should be decided as it was understood at the time of the promise. Will any one believe that the 3d November, 1783, was the term, after the state of war and all the treaties which put an end to it, had been long passed? If any doubt still remains, writers on the law of nations should be consulted. For the officer may justly claim an execution of the promise according to law; that is the umpire between Government and the people. On appealing to the law of nations, we find that war is defined to be "the state in which a nation prosecutes its right by force." "Peace is opposed to the state of war—an accommodation is proposed and conditions agreed on, and thus peace puts an end to war." "When the Powers at war agree to lay down their arms, the agreement is the treaty of peace." "The general and necessary effects of peace, are the reconciliation of enemies and the cessation of hostilities; it restores the two nations to their natural state." Would any jury in this country say, that the matter of fact and the principles of law were not in favor of the petition? Apply these maxims of law to the case. The provisional articles of November, 1782, were of themselves nothing, it is true, but they were to constitute

tute the treaty of peace, whenever Great Britain and France had agreed on the terms of peace. As these two Powers did agree on the 30th January, 1783, and ratified the terms on the 3d February, 1783, then the provisional articles, to use the very words of the preamble, did constitute the treaty of peace; it was then a concluded thing; and peace in fact took place in the several parts of the world on the appointed days.

It has been said, that the preliminaries were no more than a suspension of arms—that the state of war still continued, until a definitive treaty. To this it is answered, that preliminaries bind the national faith, if violated, the perjured faithless nation would kindle a new war. By the law of nations there is not such a distinction as that which is alleged, between preliminary and definitive treaties. Let the authorities for such a distinction be produced by those who make it. But they do not exist—a truce does not put an end to a war—a truce is, however, a suspension of war for a specified term. At the end of this term, the war begins again, of course, without any fresh declaration. But a suspension of hostilities for an indefinite period, is not a truce, but a peace; especially if it is added, that it is agreed upon by the belligerent nations in consequence of a settlement of their disputes, and if it happens in fact that the war is not revived. Those who make so much of a definitive treaty, and so light of preliminaries, should consider that, on their own system, the former is a kind of defeasance which annuls the latter. But when the definitive treaty is signed, the preliminaries, which before were liable to be annulled, now become of force, and the treaty, now become indefeasible, takes its date from the preliminaries. Though this mode of reasoning has not much weight on my mind, it ought to have some with those who have set up the distinction which it is adduced to overthrow.

These are the reasons on which I have formed my opinion that the war ended in fact in April, 1783, when hostilities ceased by mutual agreement of the Powers at war. My opinion is supported by authority much more reputable than any I can give to it. The law courts in this country have decided it judicially; cases of captured vessels, and the question of interest on British debts, have produced decisions in every State of the Union, unless I am misinformed, that the war ended in March or April, 1783. The courts in England, and in every country where the war spread, on trials of property, have made similar decisions. Major Torrey died in September, 1783; shall this body decide against the settled rule of all the law courts?

It remains to remove some objections:

It is alleged, that Congress have by various resolves fixed the period of the war, and have declared that the 3d November, 1783, is the term. If they had declared that it should be computed from the end of the world, it would not alter the truth of the fact. After declarations ought not to be received to change their own promises. But a declaration, or a dozen of them, made for another purpose, and not to declare the meaning of the

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contract, cannot on any principle be received to interpret it. It is not necessary, however, to contend against those resolves of Congress. They are irreconcilable with the former engagement to Major Torrey. In undertaking to reconcile them, I feel that I impose a task on myself, which is made heavy by the prepossessions of many of my friends; I believe the minds of gentlemen are perfectly fair, and well-disposed to doing the petitioner justice. But I hope I shall not be thought to intend any offence, when I remark that certain ideas, such as that this claim is cut off by resolves of Congress, and that on allowing it, confusion would take place in the business of the public offices, were started with the discussion, and they have remained so woven into the texture of the debate, that I think it hard to unravel them. It was soon manifest that there was a general disposition to vote against the petition. This opportunity for debate seems to have been accorded as of grace, rather than as a means of removing any existing doubts of their own. Having adopted these opinions, this is rather a form of refusal than a mode of inquiring; and it seems to have been chosen with every circumstance of decency, and with all possible steadfastness of purpose. Yet I will proceed to state, that the point whether the war was at end when hostilities ended in April, 1783, being already considered fully, we are to look for other reasons than such as relate to the commutation, to explain the resolves of Congress which continued the service of the officers beyond the end of the war, and as late as November, 1783. A mistake seems to have crept in here. It seems to be supposed that the officers were engaged to serve to the end of the war, just long enough to secure their commutation. But the commutation depended on one thing—the term of their service on another. The former was their right at the end of the war; but they were to remain in service till dismissed, unless they should think fit sooner to resign. They held their commissions during the pleasure of Congress. Though when the war ended they had a right to the commutation, they had no right to say their service was at an end. They did not choose to resign: Congress, for wise reasons, did not choose to dismiss them. A foreign army was still in New York. They were sent home on furlough, but drawing pay, and liable to be called into the field. Congress, in their resolves, did not say that it was not peace, but in effect that it was unsafe to disarm. Gentlemen are not well agreed among themselves as to the end of the war. Some fix it at the definitive treaty of September 3, 1783; others at November 3. Their conclusions agree as illy with their principles; for if the definitive treaty put an end to the war, how can the same gentlemen say that the war was kept alive, on the journals of Congress, till November, 1783? Here, then, were Peace and War subsisting quietly together during two months.

The fears of making confusion by opening a door to many applications, seem to be groundless. A man must have died between the end of hostilities and November, 1783, to place a claim on

the like footing. The living have had their commutations; they cannot come; and no other officer died in that period, as far as I can learn. I have inquired, and cannot find at the office of the Secretary of War any precedent which militates with this claim, nor any reason to suppose that any similar one will be offered. The case is a new one; it stands alone, and probably ever will, and it must be decided on its own merits. Believing the fact to be indisputable, that Major Torrey served to the end of the war, confiding in the principles of the law of nations, and the settled decisions of the Judicial Courts, I have endeavored to explain my ideas with perspicuity, and to impress them with force. I have said more than questions touching an individual will often be found to merit; but when public principles are construed to the prejudice of private rights, the debate cannot be treated too seriously.

Mr. Boudinot said, he differed in opinion from the gentleman in his construction of the business. He did not coincide in the idea that the decision of the present question should be on a strictly judicial principle. The petition is founded on certain resolutions and laws of Congress; and as there are certain established rules which have been observed in settling with every other officer similarly circumstanced, Congress cannot now with propriety break through those rules; to these they ought to adhere, till by the decision of some Judicial Court it shall appear that they are contrary to the rules of justice. [Here Mr. Ames requested Mr. Boudinot to point out the rules to which he referred.] Mr. B. referred to the report now under consideration, which was founded on a resolution of Congress, that the time for which the army was engaged should expire in November, 1783. This has been made a rule in all the settlements with the officers of the army.

The terms of the contract, between the officers and the United States, depended, he said, on the decision of the sovereign power; that was authorized alone to determine when the war should cease. That power was vested in the then-existing Congress, who, although they entered into provisional articles in November, 1783, did not, however, think proper immediately to disband their armies or put an end to the war, as it was yet uncertain whether those provisional articles would be ratified by Great Britain, or a treaty of peace concluded between Great Britain and France; a circumstance which was necessary before those articles could be definitively binding. It was only when the definitive treaty was made, that Congress determined the period of the war. The army, when finally disbanded and paid up to that day, acknowledged, by accepting their pay, that it was then only the war ended; and, as far as was in their power, assented to the principle which he maintained, that the provisional articles had not before put an end to the war. Suppose that, on the arrival of the definitive treaty, Congress had not agreed to the terms, would the war have then been considered as at an end? Would not Congress have been in the same situation as before the signing of the provisional articles? It

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was necessary that Congress should, by a definitive act, determine when the war ceased. Congress had passed such an act; and the House at present cannot with propriety enter into a resolution to alter the period. The argument of inconvenience ought also to have some weight with the House; for if any alteration were now to be made in the law, it must have a retrospect to all the widows and children of deceased officers, who have received half pay for years past. Besides, many officers who have not hitherto considered themselves as entitled to half-pay, would, in consequence of such an alteration, have a right to apply for it.

Mr. LAURANCE said, he doubted not the gentleman who supported the petition was fully satisfied as to the justice of the claim which he advocated with so much ardor; he begged leave to state his opinion, however, on the subject, in which he should differ from that gentleman.

The contract with the officers of the late army was, that those should be entitled to certain benefits who served to the end of the war. But Major Torrey was not thus circumstanced, as he died previous to the period when the war ceased, and left neither widow nor orphan to receive the benefit of the provisions allowed by law; his case is not contemplated by any existing resolution of Congress.

It is well known that hostilities ceased at the time of publishing the provisional articles which formed the basis for the treaty of peace; but can any man say that every soldier had a right on that event to demand a discharge? Surely not. The provisional articles had the peace in contemplation, but the army was not to be discharged till the articles of the definitive treaty were ratified by the belligerent Powers. The army of the United States was, therefore, only furloughed, and Congress retained the power of recalling them into service; and had the officers and soldiers been recalled from their furloughs to take the field, it would have been a continuance of the same war; but if the definitive treaty had been signed, and hostilities had commenced the very next day, it would have been a new war, and would have been prosecuted on entirely new principles. The second article of the provisional treaty looks forward to a future period for a conclusion of the war; and he inferred, that the definitive articles being ratified, and the ratifications exchanged, alone constituted a termination of the war. Mr. L. added some observations on the legal ideas of Mr. Ames, in which he also differed from that gentleman; and concluded by expressing his approbation of the Report of the Secretary of War.

Mr. Ames's remarks were further combated by Mr. WILLIAMSON, Mr. DAYTON, Mr. HULLHOUSE, Mr. WADSWORTH, Mr. CLARK, and Mr. WHITE.

Mr. WAYNE was opposed to the report, and stated certain particulars to show that the army was not furloughed by Congress because it was apprehended there would be any further demand for their services, but because it was inconvenient to give them an absolute discharge at that period. The motion for accepting the Secretary's Report was carried by a large majority.

WEDNESDAY, November 9.

Two other members, to wit: from Maryland, WILLIAM VANS MURRAY; and from South Carolina, THOMAS SUMPTER; appeared, produced their credentials, and took their seats in the House.

The Speaker laid before the House a Letter from the Governor of Maryland, enclosing a Letter to him from WILLIAM PINKNEY, a member returned to serve in this House for the said State, containing his resignation of that appointment; also a return of JOHN FRANCIS MERCEN, elected a member to serve in this House, in the room of the said WILLIAM PINKNEY; which were read, and ordered to be referred to the standing Committee of Elections.

Mr. SEDGWICK, from the committee appointed, presented, according to order, a bill directing the mode in which the evidences of the debt of the United States, which have been lost or destroyed, may be renewed; which was received, and read the first time.

Ordered, That the Committee of the Whole House be discharged from considering certain propositions of amendment to the Constitution of the United States, which were committed to them on Thursday last; and that the said propositions of amendment be referred to Mr. SEDGWICK, Mr. HULLHOUSE, Mr. BENSON, Mr. BOUDINOT, Mr. MADISON, Mr. SMITH, of South Carolina, and Mr. STERLE.

Resolved, That the Attorney General be directed to report to this House such farther information as he may be in possession of, relative to the operation of the Judicial System.

Resolved, That a committee be appointed to prepare and bring in a bill or bills to establish a uniform system on the subject of bankruptcies throughout the United States; and that Mr. VINE, Mr. BOUDINOT, Mr. GILES, Mr. LAURANCE, and Mr. GERRY, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to regulate pilots, and provide for the superintendence of the light-houses, and the beacons, buoys, and public piers, in the bay and river of Delaware, and the bay of Chesapeake, with the rivers emptying into the same; and that Mr. FITZSIMONS, Mr. LEE, and Mr. SHERIDINE, be the said committee.

The House proceeded to consider the report of the Secretary of War on the petition of John Younglove, and of sundry inhabitants of the counties of Albany and Washington, in the State of New York; whereupon,

Resolved, That the prayer of the said petition of sundry inhabitants of the counties of Albany and Washington, in the State of New York, for a repeal of so much of the act of Congress, entitled "An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons," as relates to the pension of the said John Younglove, cannot be granted.

Mr. VINING called up a motion, heretofore made by him, for the appointment of a committee to prepare a bill or bills to establish a uniform system of bankruptcy throughout the United States.

The question being taken on the motion, and carried, a committee was accordingly appointed.

A committee was also appointed (pursuant to a motion heretofore made by Mr. FARRINGTON, and since amended) to bring in a bill or bills for the regulation of pilots, and public piers in the bay of the beacons, buoys, and public piers in the bay of Chesapeake, and the rivers disembodying thereinto.

The Report of the Secretary of the Department of War, on the petition of John Younglove, and the counter-petition of sundry inhabitants of the State of New York, being then called up, a resolution was moved,

"That the prayer of the petition of sundry inhabitants of the counties of Albany and Washington, in the State of New York, for the repeal of so much of the act, entitled, 'An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons,' as relates to the pension of John Younglove, cannot be granted."

[John Younglove having been, but not then actually being, in the service of the United States, was disabled in his own house, in repelling an attack of the enemy during the late war. He obtained from the late Congress a pension; and the contra-petitioners endeavored to effect the revocation of the grant. All the papers on this subject being referred to the Secretary of the War Department, he reported, as his opinion, that Mr. Younglove did not, by any of the existing acts of Congress, seem entitled to a pension.]

An interesting debate took place on the propriety of withdrawing the pension. On the one hand, it was urged, that if Mr. Younglove's title was admitted, every man who might suffer in his person or property, from an attack of the Indians or of any other assailant, would have an equal right to claim a compensation, at the national expense, and that the multitude of such claims would drain the public coffers; that Congress was not infallible; and if the late Congress had committed an error in granting a pension where it was not justly due, the present Congress have a right, and are, in duty to their constituents, bound to rectify the mistake, by revoking the grant. On the other hand, it was said, that although Mr. Younglove was not, under the then existing laws, entitled to a pension, yet, as the late Congress thought him deserving of one, and conferred it on him, it would ill become the present Congress to revoke the grant. They ought to suppose that their predecessors had sufficient reasons to influence them in making it; at all events, the grant being once made, and the public faith pledged for the continuance of the pension, they could not now withdraw it, without destroying the public confidence in the promises of the Government.

The question being taken on the motion, it was carried in the affirmative.

THURSDAY, November 10.

A bill directing the mode in which the evidences of the debt of the United States, which have been lost or destroyed, shall be renewed, was

read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

THE CENSUS.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. LAURANCE had previously moved, that until the next enumeration the number of Representatives should be one for every thirty thousand persons.

Mr. DAYTON moved to strike out "thirty," before "thousand." This amendment was under consideration.

Mr. GERRY observed, that in all the decisions of the Legislature, we ought to follow as far as possible the opinion of the great body of the people. If this opinion should be found to be against the ratio of thirty thousand, the amendment ought to be adopted; but if we refer to the amendments proposed by the Conventions to the Constitution, we shall find that five States are in favor of one Representative to every thirty thousand persons, till the number should amount to two hundred.

None of the propositions now moved as amendments to the motion of the gentleman from New York, amount to that number. Several others of the Conventions were of opinion that the representation was too small to secure the liberties of this country. This Government, said he, is a Government of representation: the people may control their Representatives, but their influence is small in respect to the Senate and the Executive, and still less over the officers of Government. On what then do the people depend for checking encroachments, or preventing abuses? On their Representatives? If these should be too few, or if they should fail them, they never can redress their grievances without having recourse to violence. If the number is small, a majority may be the more easily corrupted. On the other hand, too large a number will be attended with difficulties; a medium then is most eligible. An adequate number is absolutely necessary; and to show that one to thirty thousand would not produce more than an adequate number, he referred to the ratio of representation in England and France, in which there was a greater proportion of Representatives than in the Legislature of the United States.

It has been objected to an increase of Representatives, that it would lead to encroachments on the part of the General Government, over those of the individual Governments. He thought that the reverse of the objection was true, and instanced the opinion and plan of Governor Hutchinson, of Massachusetts, who proposed and advised a reduction of the representation of Massachusetts, as a necessary step in order to effect the designs of Great Britain; decreasing the number, therefore, will be lessening in proportion the security of the liberties of the people.

He then adverted to the objection arising from the additional expense; but, he observed, after Congress shall have passed a few more of the most

important acts, it is not probable that the public business will in future require that the sessions should be for more than four months annually; this would reduce the expense greatly, in the first instance; and, agreeably to a calculation, an addition of forty-seven members to the present number, would make the aggregate expense but about one-eighth part more than at present, supposing the sessions to be four months long. But he considered the objection on account of the expense as merely speculative.

Although Congress is not positively bound by the Constitution to give one member for every thirty thousand inhabitants, yet he would ask, whether the citizens of the United States did not expect that this ratio would be adopted? and whether they would not consider it as an abuse of power, if Congress, instead of one to thirty thousand, should settle the representation at one to forty thousand? Eight States have already adopted the first article of the proposed amendments to the Constitution: and if the House should either settle the number of the Representatives at one hundred, or reduce it, or establish it at one hundred, perhaps they might, before the end of the session, be obliged to repeal their act—as they would be bound by the amendment, as soon as it is ratified by a sufficient number of States. If gentlemen thought it probable that the proposed amendment would be ratified by the several States, they ought already to consider it as a rule for their conduct, and be restrained by it, from giving less than one Representative for thirty thousand inhabitants. After the representation amounts to one hundred, Congress will, no doubt, have a right to fix it there, until it is increased by the ratio of one to forty thousand; but that is a power which, he presumed, Congress will not exercise; but that they then will establish some ratio, by which the increase of representation shall keep pace with the increase of population, until the House consists of two hundred members.

Mr. BOUNDINOT was convinced of the propriety of striking out the word "thirty." The House ought to consider what would be an adequate number for doing the business of the Union; and that number ought not to be exceeded, except to answer some very valuable purpose. Business would proceed with difficulty, if the representation was so numerous as it would become by the ratio of one to thirty thousand. The present Representation of the United States is in a ratio very different from that of one to thirty thousand; and yet he thought it fully adequate. From a rough calculation, the ratio of thirty thousand would produce one hundred and thirteen members; thirty-five thousand would give ninety-seven; and forty thousand would produce eighty-one. If the number once settled was to rest there, he would not be over anxious to oppose the increase; but if gentlemen would take into view the increase consequent on the next enumeration, they would find that the number will by far exceed the due bounds. The increase of expense had been mentioned.

He thought it would greatly exceed the calculation.

tion of the gentleman, and, for his part, although he was willing to tax the people for the necessary purposes of Government, yet he would never consent to subject them to unnecessary burdens. Every man must see, that if the number was doubled, it would take almost double the time to do the business, as every member would have an equal right to deliver his sentiments, and thus protract their deliberations.

He thought the people of the United States would be duly represented, and to their entire satisfaction, if the ratio was set higher than thirty thousand; nor could he imagine that such an exact proportion, between the Representatives and the represented, was at all requisite to secure their liberties, or to do the necessary business of Government. This indeed might be the case, if the power vested in Congress was proportionate to their number: but, since the House would possess the same powers, whether it consisted of a greater or a smaller number, he thought the people equally secure in either case. The ratio of thirty-five thousand, which would produce ninety-seven members, would, in his opinion, be a very proper one. If, however, the people should think otherwise, they had it in their power to correct the mistake, by ratifying the proposed amendment. Their not having as yet ratified it, was to him an argument that they thought the ratio too low; or, at least, that they considered the question as doubtful. Some of the States, he observed, have postponed the consideration of the amendment; and eight only have as yet agreed to it. On the whole, the House might safely adopt the ratio of one to thirty-five thousand; for that the increasing population of the United States would ever supply a representation sufficiently numerous to answer every good purpose.

Mr. CLARK observed, that his objection was not merely on account of the pay of the members, but an increase in the representation would bring an additional expense on the people, by increasing the number of public officers; as almost every man would wish to see his friend provided for. The liberties of America could be in no danger from the present ratio of representation. The doors of the House are open, and the people know what their Representatives are doing.

Mr. STEELE was in favor of the motion for striking out *thirty*. In discussing the important subject before the Committee, he observed that there were two inquiries to be attended to: What is the proper number to constitute a Representative body for the United States, and what ratio will leave the fewest fractions in the respective States? One member to thirty thousand, he conceived, would give too numerous a representation. According to the present number of inhabitants, it will almost double the present number; it will divide and diminish the responsibility, make the House too unwieldy, retard public business, and increase the public expenses unnecessarily. An adequate representation, he thought, would be comprised within a much smaller number.

Gentlemen have called our attention to the House of Commons of Great Britain, and the Na-

tional Assembly of France; but, God forbid that we should draw our precedents from such examples as may be cited from European representation. He was opposed to thirty thousand as the ratio; it would, in fractions, throughout the United States, leave above three hundred and sixty-nine thousand citizens unrepresented. Thirty-five thousand he thought the most eligible number, as it would leave the fewest fractions.

Some gentlemen seem to favor the ratio of thirty thousand, because that number has been recommended by some of the Conventions, in their proposed amendments to the Constitution; but he hoped that no decision would be founded on those subsequent amendments. It would be well to recollect the sentiments of gentlemen in the several Conventions: in many of them, they were agreed to without any wish or expectation that they should ever be taken into consideration, and therefore he thought that no argument ought to be drawn from them: neither ought Congress to be influenced by the example of the State Governments; business is so transacted in most of them, on account of their numerous representation, that there is very little permanency or consistency in their systems. Too numerous an Assembly is perpetually liable to disorder; and, when that is the case, Government becomes contemptible. This consideration had greater weight with him than an additional expenditure of a few dollars. He again objected to any example from Great Britain or France; their Assemblies are too numerous and unwieldy to transact business without confusion; and, compared with what he considered as an adequate number, are mere mobs.

With respect to the proposed amendments, they have not been adopted by three-fourths of the States; and from thence he inferred that they would be finally rejected. He thought the amendment respecting the ratio of Representatives not so good as the original clause in the Constitution, and said he would not hesitate to declare that it ought never to be adopted as a part of it. It has been said that the voice of America is in favor of the ratio of thirty thousand; were this the case, he would obey the voice of America: but he believed that the opinion of enlightened America was that forty or fifty thousand would not be too high a ratio. He should give the preference to either of those numbers to thirty or thirty-five thousand, were it not on account of the fractions that would remain. He concluded by saying he should vote for thirty-five thousand.

Mr. LAURANCE agreed that an adequate number was the great object to be attended to; but he contended that the original motion would give this number more completely than a larger ratio: and it ought to be considered, that, before the next enumeration, it will not be probably more than one to fifty thousand. As to the increase of expense, he observed that the great objects being accomplished, the future sessions will be short; besides which, the compensation of the members may be diminished. But he considered a necessary increase in the expense to be fully counterbalanced by affording greater security to the Lib-

erties of the People. The firmness of a Government depends on a strong Executive; but this Executive should be founded on a broad bottom; and the broader the basis, the more secure is the public freedom under a vigorous Executive.

The existence of the Union may depend on the fullness of the representation. The inequality in the proportional increase of the number of inhabitants in different States, ought also to be taken into consideration; for it is very probable that, in a short time, while some of the smaller States had a Representative for every thirty thousand, others would not have one to forty thousand. He was governed by general principles, and not by any calculations of fractional numbers: the Constitution contemplates the ratio he had proposed, and therefore he hoped the motion for striking out would not obtain.

Mr. GOODRICH observed, that the situation and circumstances of the Government of the United States are so different from those of France or Great Britain, that no parallel could be drawn respecting them. Nor is there an absolute similarity between this Government and those of the State Governments. The objects of legislation which come under the cognizance of Congress, are but few compared with those which engage the British House of Commons and the National Assembly of France. A much larger representation for them, and in our State Legislatures, is therefore more proper, than is necessary for us in the General Government. He doubted the opinion that a large representation was less liable to corruption than a small one: some facts appear to confirm the former sentiment. He did not consider the expense as a material objection, if an increase of the number be necessary to doing more ample justice, or for the greater security of the Liberties of the People; but, as he thought this was by no means the case, he was in favor of striking out "thirty," in order to insert a larger number.

Mr. BARNWELL agreed with the gentleman last up. He should vote for striking out "thirty," in order to substitute the largest number that had been mentioned. Mr. B. entered into an abstract and philosophical discussion of the principle of representation in Government. The leading sentiment was, that a large proportion of Representatives is not necessary to obtain the best objects of legislation, in expressing the will of the people, or to secure the Liberties of the constituent body. The great point, he observed, was, to combine the greatest portion of honesty with a due degree of activity. That number which would comprise a due proportion of these, would be competent to all the purposes of legislation, whether the number for which it legislates is ten thousand, or five hundred thousand. On this principle, he was decidedly against a large number, and in favor of a small one. Adverting to the British House of Commons and the National Assembly of France, with respect to the former, he said, their corruption is, in a great degree, owing to their numbers: as to the latter, he observed, that the National Assembly had acted, in his opinion, politically and

wisely. They set out with a large representation, in conformity to the sentiments of the people at the moment; but, on experience, finding the number too great, they have reduced it from twelve hundred to about two hundred and fifty. He believed that the general sense of the people was against a large representation in Congress; the inconveniences experienced from numerous bodies in the State Legislatures has led several of the States to lessen the number. He instanced Georgia, South Carolina, and Pennsylvania.

Mr. BALDWIN was opposed to the motion. One Representative for thirty thousand, appeared to him by no means a great representation. The opinion that, of late, had been so often advanced from the press, and in public discussion, for reducing the Representative branch in Government to a small number, he held to be full of dangerous error. He was sensible that the terms great and small were so merely relative in their signification, that it was difficult precisely to understand each other in the use of them. Perhaps they may most properly, both of them, be considered as extremes. No doubt representation, which of late seems to be used as the character of Republican Government, is a great improvement upon Democracy, or legislation by the whole body of the people. He could conceive that a representation might be so large as to partake of the evils of assembling the whole body of the people; but it was a very improbable and not a dangerous extreme: the other extreme was full of danger. These observations acquire much force, when applied particularly to the Governments of this Country: enfeeble the Representative part of them, and you sap the very principles of life. They stand on a different basis from the Governments which have gone before them, and may justly be said to be new experiments in Government; time, as yet, has scarcely given room to judge of the probable issue; but this we may pronounce with much certainty—Let the principles of representation languish, and they have no chance of success.

It had not been found practicable to ground representation in the Federal Constitution upon any other principle than that of numbers; but extent of territory is unquestionably one of the natural principles on which it rests, and should if possible be regarded. One for thirty-four or thirty-five thousand may be deemed a proper representation in the Kingdom of France, or of Great Britain. The four millions which compose the United States, compactly settled where there was great sameness in the country, and pretty equally distant from a common centre, would be properly represented by a smaller number than in their present sparse settlement. But, still further: the settlement of the United States is a fillet stretched along the sea-coast for seventeen hundred miles, comprehending as great a variety of climate and interests as one of the other quarters of the globe. It is difficult to conceive of a situation which calls for a greater extension of the principle of representation.

It has been said, that one for thirty thousand will make too large and unwieldy a body. He has been said, that one for thirty thousand will make too large and unwieldy a body. He

was sensible that was a point that did not admit of being determined by any conclusive reasoning; it was a mere matter of opinion; sound judgment only is to be used, time and experience will come on and confirm or correct the opinion. In such a case, it is wise to inquire how this has been judged of by others who have had a Representative body. In France, one thousand two hundred was not thought too great a representation in forming their National Assembly; and the number established by their new Constitution for their stated Legislature was not two hundred and fifty, as the member last up had stated, but, if he had not been misinformed by the publications in this country, it was nearly seven hundred and fifty.

In the Kingdom of Great Britain, five hundred is not thought too great a representation: and can one hundred and thirteen, which is the greatest number contended for, be considered in this country as a huge and impracticable mass of representation?

It had ever appeared to him to be among the strongest marks of our youth and inexperience, that we grow wise too suddenly. He was afraid this instantaneous wisdom which sprung up so at once, and set at naught, or removed to the extreme of absurdity and folly, the deliberate and tried opinions of the most profound and enlightened among men, in circumstances peculiarly favorable to honest decision, will itself be left by time on that extreme.

And how does this compare with the opinion and experience of this Country in the State Governments? The idea had before been called up, but in his opinion justice was by no means done to the comparison. It had been said, that the States in general had found their representation too large, and were diminishing it. Let another view be taken of the comparison: A state will not suffer the ordinary business of its own internal legislation to be intrusted to fewer Representatives than from one to two hundred, and in some instances more, and yet in the Federal Government they are obliged to submit to a legislation which can much more substantially affect their happiness and prosperity, and perhaps they have there but a single Representative, or at most but five or six. The slightest comparison shows, that there is no manner of proportion between them; that they are irreconcilably distorted. Surely gentlemen of the opposite opinion will not have the effrontery to attempt to draw an argument from that source for diminishing the present representation.

The several State Conventions which had thought proper to animadvert at all upon the Federal Constitution, had pretty uniformly expressed their wish that the representation should be increased. Theorists in Government, so far as he had been informed, had generally given their opinion that this part was too small, and out of proportion. He was as far from venerating mere theories of Government as any man, and was sensible they must adjust themselves to the times and circumstances of the people. But it would not be useless to inquire—How does this appear in practice? He could say, for himself, that it brought

his own mind to the same conclusion, that it was the part of the Federal Constitution, of all others, most defective and insecure. Thirty-three members had formed the House, seventeen was a majority, and equal to the decision of any question. Questions had already occurred involving property to the amount of from fifty to eighty millions of dollars, and much of it in the hands of the most daring individuals, rendered desperate by their speculations. He did not say there had been any foundation for uneasy apprehensions from that quarter; but he did say, that in other countries it would be supposed to be a most dangerous experiment upon the passions and imperfections of human nature. But it had been said, and with an unexpected assurance, that increasing the numbers did not increase the security against these evils. If so, why not reduce it at once to the venerable number thirteen; or, indeed, three; which would give us as great a security as the whole body of the people? It is idle to pursue observations on such a point: the mind that can ask for reasoning upon it, can scarcely be supposed in a situation to be benefited by reasons.

The Federal Government, it must be admitted, is in fact pretty highly seasoned with prerogative; practice has already evinced the necessity, in many instances, of increasing it, by devolving much of the Legislative power upon the Executive Department, arising from the difficulty of making particular provisions and details in our laws, and accommodating them to the various interests of so extensive a country.

The other branch of the Legislature has many traits of a perpetual—at least of a very solid constituent part of the Government. He did not mention these as imperfections in the Government; they are perfections, if the other parts can be in due proportion: but it is surely a sound reason against taking positive measures at this time to diminish the Representative branch. For his own part, he was not well satisfied as to the intention. If there is any reason to apprehend that the Government will depart from the point on which it was first placed, he could scarcely suppose that any one could be honestly alarmed with the fear that the departure would be towards Democracy.

He concluded, by expressing his hopes that the representation to the next Congress would be fixed at one for thirty thousand, as it had hitherto been, and that the motion for striking out would not prevail.

At this point the Committee rose, and had leave to sit again.

FRIDAY, November 11.

The House met pursuant to adjournment; but as a great proportion of the members were on committees, who were not ready to report, Mr. SREBLE moved that, in order to afford those committees time to prepare and bring in their respective reports, the House should adjourn until Monday next; which motion was unanimously agreed to.

JOHN W. KIRKPA, from Pennsylvania, appeared, produced his credentials, and took his seat in the House to-day.

MONDAY, November 14.

A petition of James Jackson, of the State of Georgia, was presented to the House and read, complaining of the undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the said State.

Mr. BALDWIN moved that the petition should be referred to the Committee of Elections. He offered several observations to show the propriety of giving early attention to the business, particularly as the contested election took place in the remotest part of the remotest State in the Union. It was observed that a reference to the committee appointed to bring in a bill for establishing an uniform mode of proceeding in cases of contested elections, appeared to be the most eligible. A reference to the Committee of Elections was objected to, as the subject did not come within their cognizance, as that committee can only determine respecting the certificate, &c., which are required from the Executive of the State to entitle to a seat in the House. A reference to the committee appointed to report a bill was also objected to, as that committee was not authorized to take notice of past transactions, or to report a retrospective regulation. A select committee was mentioned, agreeably to the mode adopted in the two contested elections which occurred in the first Congress; but, it being observed that the petition was unaccompanied with the requisite documents mentioned in it, Mr. B. withdrew his motion, and the petition was laid on the table.

A petition of Moses Hazen was presented to the House and read, praying the settlement of a claim against the United States as an officer in the late army.

Ordered, To lie on the table.

A Message was received from the President of the United States by Mr. Secretary Lear, with a copy of a resolution of the Legislature of Virginia, ratifying the first article in the amendments proposed by Congress to the Constitution of the United States; also, sundry papers relative to a purchase of land on the Great Miami, by John C. Symmes.

Ordered, That the papers relating to the Miami purchase be referred to the committee appointed to prepare and bring in a bill or bills to establish offices for the purpose of granting lands within the territories of the United States.

The petition of Stephen Zachary, merchant, of Baltimore, was read, stating that, in consequence of an unintentional error in a bill of sale of a vessel purchased at Port-au-Prince, he had been obliged to pay extra tonnage duties, and praying relief. On motion, this petition was referred to a select committee, consisting of Messrs. FITZSIMONS, HUGER, and GILMAN.

A petition of the distillers of spirits in the town of Baltimore was presented to the House and read, praying a reduction of duties, and farther re-

vision and amendment of the act passed at the last session, for laying duties upon spirits distilled within the United States. Referred to the Secretary of the Treasury.

The Speaker laid before the House a Letter and Report from the Board of Commissioners for settling the accounts between the United States and the individual States; which were read, and ordered to lie on the table.

A member, in his place, produced certain papers respecting the sale and disposition of the marine hospital in the State of Virginia; which were read, and ordered to be referred to the Secretary of the Treasury, with instruction to examine the same and report his opinion thereupon to the House.

A petition of sundry persons, citizens of the State of New York, who are holders of certain bills of credit emitted under the authority of the late Congress, in the year one thousand seven hundred and eighty, was presented to the House and read, praying that adequate provision may be made for the redemption of the principal and interest of the said bills of credit, and that they may be put on a footing with other public creditors of the United States.

Ordered, To lie on the table.

The House proceeded to consider a Report of the Secretary of War on the petition of Rufus Hamilton, which was made to the House of Representatives the twenty-second of June, one thousand seven hundred and ninety, stating sundry reasons in opposition to the claim of the said Rufus Hamilton. Whereupon,

Resolved, That the prayer of the said petition cannot be granted.

RATIO OF REPRESENTATION.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. FINDLEY declared himself to be in favor of one Representative for every thirty thousand persons. The opinion of the people should be the guide of the committee; that opinion, he conceived, to be in favor of the ratio he had mentioned.

The representation ought as nearly as possible to express not only the will, but to participate in the wishes and interests of the people. A large representation embraces these interests more fully, and is more competent to giving and receiving information. The objects of legislation are such as come home to the doors, to the feelings of every man; the Government ought therefore to secure the confidence of the people by a large representation. The expense he considered as trifling compared to the benefits—and the people expect and are willing to pay for being well governed, and having their liberties secured. An increased representation, is an additional security against corruption. As to delays occasioned by a numerous body, he observed, that the Representatives were chosen to deliberate and to mature every subject before decision; he instanced the advantages derived from the numerous representation of the States, whatever inconveniences may attend them, plainly show the sense of the people on the subject. Mr. G. then took a view of the objects of legislation to the State Assemblies, and of those of the General Government. In the former, above one thousand persons are employed, though their attention is confined to their internal police. Those of the General Government, on the other hand, are on the great objects of the whole finance of

ations in France and in Ireland; the former had framed a Constitution in two years for twenty-six millions of citizens, and provided for securing the Liberties of their Country—and the latter had proved a successful barrier against the encroachments of the arbitrary power of England. He concluded, by asserting that the voice of the people was in favor of the amendment proposed to the Constitution, which would give one Representative to every thirty thousand persons.

Mr. GILLES said this subject had struck him in two points of view: whether Congress are not precluded from exercising any discretion on the subject? and whether, if they are not, it is expedient for them to exercise this discretion at this time? The ratio of representation is a Constitutional, and not a Legislative act. He referred to the Constitution, in which it is said that there shall be one Representative to every State; and secondly, that until the enumeration, the number should be as therein appointed to each State. After the enumeration, the number is mentioned below which it shall not be placed; but there is a negative power to increase the ratio, and from this negative power, a positive discretionary power is inferred. But, he observed, that Congress had precluded itself from a right to exercise this discretionary power, by sending out to the several State Legislatures an amendment on this very subject. This amendment he considered in a serious point of view; and had this idea been attended to at the commencement of the discussion, he conceived that it would have prevented the opinion from being brought forward, whether it was expedient that any change in the ratio of the representation should take place. The idea of one to thirty thousand, he considered as fully settled in the minds of the people; and a change on the part of the Government would indicate a changeable disposition, and a mutability of counsels, which is but another name for weakness.

The sense of the people has been resorted to by gentlemen on both sides of the question. This, if it can be ascertained, is undoubtedly the best guide; and he thought those in favor of one to thirty thousand had with great propriety referred to the Conventions, and to the acts of Congress itself. But the amendments are said to have been a matter of compromise, and were insincerely acceded to by the majority; but even on this ground, he conceived, that the sense of the people was equally as well declared. He, however, differed from gentlemen in respect to the motives which produced those amendments. In the State he came from, both Federalists and anti-Federalists are fully of opinion that further security as to the representation is requisite.

The numerous representations of the States, whatever inconveniences may attend them, plainly show the sense of the people on the subject.

Mr. G. then took a view of the objects of legislation to the State Assemblies, and of those of the General Government. In the former, above one thousand persons are employed, though their attention is confined to their internal police. Those of the General Government, on the other hand, are on the great objects of the whole finance of

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the Union, a sum of more than eighty millions of dollars, &c., &c.

It is said that we shall want abilities, but I should be sorry if a representation of ten times the present number of this House should comprise the abilities of a single State.

He assigned different causes than numbers, for the corruption in the British House of Commons; among these were the frequent mortgages of the funds, and the immense appropriations at the disposal of the Executive, the mode of their elections, &c. A large number is not so easily corrupted as a small body.

An inequality of circumstances, he then observed, produces revolutions in Government, from Democracy to Aristocracy and Monarchy. Great wealth produces a desire of distinctions, rank, and titles. The revolutions in property in this country have created a prodigious inequality of circumstances. Government has contributed to this inequality; the Bank of the United States is a most important machine in promoting the objects of this moneyed interest. This Bank will be the most powerful engine to corrupt this House. Some of the members are directors of this institution; and it will only be by increasing the representation that an adequate barrier can be opposed to this moneyed interest. He next adverted to certain ideas which he said had been disseminated through the United States; and here he took occasion to observe, that the Legislature ought to express some public disapprobation of these opinions. The strong Executive of this Government ought to be balanced by a full representation in this House. He hoped the motion to strike out thirty thousand would not obtain.

Mr. BOURNOR closed the debate of this day, by a few remarks, reinforcing his former observations in favor of an increased ratio.

TUESDAY, November 15.

Mr. SENDWICK, from the committee appointed, presented a bill respecting fugitives from justice, and from the service of masters; which was received, read twice, and committed.

RATIO OF REPRESENTATION.

The House again resolved itself into a Committee of the Whole House on the Schedule of the Enumeration of the Inhabitants of the United States.

Mr. PAGE addressed the Chair as follows:

Mr. CHAIRMAN: I can no longer refrain from expressing my sentiments respecting the question before the Committee; not only because I wish if possible to remove the error which I think several members, for whom I have the highest respect, have fallen into, but because I feel myself more interested in the question than I ever was in any one I have had to decide on.

Sir, it gave me pain to find those worthy members calculating and coldly applying the rules of arithmetic to a subject beyond the power of numbers to express the degree of its importance to their fellow-citizens. I was distressed, sir, to find that, in their honest zeal for securing order, de-

spatch of business, and dignity in respectability of members in the General Legislature, they used arguments which have been applied in other countries to the establishment of insolent Aristocracies—in some, tyrannical Despotisms—and in others, Kings; those countries which were most on their guard with a semblance of a free Government.

Sir, the errors I wish to correct are these: They think that because it is proposed, by a proposed amendment to the Constitution, to authorize them to interfere in the business of ascertaining and fixing the ratio of representation to the population of the States, that Congress ought, without any hesitation, to enter on that business; but I humbly conceive that Congress, as this is a delicate question in which their own weight and importance must unite with the weight and substantial interest of their constituents, ought to listen to the suggestions of delicacy, and leave its decision to a disinterested convention of the States. I say it appears to me no small error to quit the plain path of legislation, marked out for us by the Constitution, needlessly to wander into the field of political speculation respecting its supposed defects.

Let me, therefore, advise to leave the restriction of the numbers of members of this House to the people, or to some future Congress, which can see more plainly than can now be described, the evils of a too numerous representation. By so doing, we shall avoid, if not an improper measure, at least a rash step—at least we shall stand clear of a charge of indelicacy, and deprive our enemies of the triumph they expected in the completion of their predictions, that Congress would never propose any amendments to the Constitution but such as would be subservient to their own views and aggrandizement. Let us not give the enemies of our new Government cause to exult, and its friends to sigh and mourn. Let us not give our friends occasion to repeat what many have said, that so many of our citizens have been led away by theoretical writers on Government, as to render it problematical whether the American States are not at this time as much indebted to the National Assembly for its remains of Republican principles, as France was to Congress, in 1776, for their first ideas of that Liberty which they now enjoy. Let us not, in this moment of general exultation of the friends to the Rights of Man, take a step which may damp their joy, and lead them to fear that Americans, who were foremost in the glorious career of Liberty, have stopped short.

But, sir, granting that we were now sitting in full Convention, convened for the sole purpose of altering that article of the Constitution which respects the number of Representatives, would it not become us to consider rather what was the sense of the members who framed that Constitution, and what was and is the sense of their constituents and our own respecting it, than what may be the result of our inquiries concerning the speculative opinions of writers on the subject of Government, or even the real consequences of the most plausible theories reduced to practice in other countries?

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But, not to take up the precious time of this House with relations of facts to show what was and is the opinion of our fellow-citizens on this interesting subject, I will only state a few arguments which have weight with me as being in themselves evident truths, viz: Our Constitution being framed by the people, and introduced to us in their name, and Congress being the creatures of their will, spoken into existence by the word of their power, for Congress to lessen their weight, to diminish their importance, and to exclude them from as full a share in their own Government as can be consistent with the nature of it, and indeed from that share which they claim, must be impolitic and dangerous.

But, granting that the people wished not a greater share in the General Government than is proposed by the amendment, as it is impossible, in a country like the United States, that one man can be sufficiently informed of the opinions, wishes, and real interests of thirty-five thousand of his fellow-citizens, and therefore laws might be enacted contrary to the opinions, wishes, and interests of the people, in which they might nevertheless acquiesce, sacrificing their interests for the sake of peace and quiet to the wills of their Representatives, one thirty-five thousandth part of their own number, what friend to his country would wish to see such a dangerous influence on the one hand, and such a blind submission on the other? How long could an enlightened people remain in such a state of insensibility and torpor? And what might not be the consequence of their awakening from their lethargy? If not an expensive revolution, an expensive repeal of laws. And here I will remark, that the smallest number of Legislators, and they, too, well selected for their wisdom and respectability, if unacquainted with their constituents, might pass well-framed laws, founded on the wisdom of other countries, and yet find them disagreeable to their constituents, and be under a necessity of repealing them; but this could not be the case, if the people had in that Legislature a sufficient number of Representatives on whose fidelity, attachment, and disinterestedness they could rely. This, sir, is a truth worthy of our attention—an ignorance of which, or inattention thereto, I suspect has been the occasion of much political evil in the world. Happily for France, the people had such a number of Representatives in the National Assembly as could engage their feeling, inform their judgment, attach their interest, and establish their confidence in their fidelity and disinterestedness; had that number been much smaller, it is probable France would never have been delivered from oppression by their exertions.

I believe the National Assembly have judged about seven hundred and fifty members sufficient to represent their people, which on a supposition that they amount even to twenty-six millions, will be one Representative for every thirty-four thousand; a larger representation than is proposed by the amendment before us; but, sir, it is not and cannot be the interest or wish of the people at large to have a small representation in Congress

under the present Government. We are told, however, that to avoid expense the people wish it; and that to avoid confusion in this House we should comply with that wish. With respect to the article of expense, I think we may with propriety make use of arithmetical calculations, and find how much at six dollars per day paid to one Representative it would cost the thirty thousand, divide six hundred cents by thirty thousand, the number of citizens—and we have one-fiftieth of a cent per diem, the expense of each citizen, if to be equally divided amongst them; that is, one cent for every fifty citizens per diem, or which must be the same thing, one cent must be paid by each citizen for every fifty days session of their Representative in Congress. Sir, I have the consolation to find that if our Constitution had one Representative for every fifteen, instead of thirty thousand, they could well afford to pay them, and that if it were even more expensive as to the payment of members, yet the people would most certainly be better satisfied with the laws which they would then have so great a share in framing. The people see that if their interests are not well guarded by a sufficient number of their fellow-citizens, who have a fellow-feeling, a common interest, they may be sacrificed to the ambition of some, or the vanity of others. I trust, sir, that they know too well the high price they have paid for the purchase of their Liberties, to be unwilling to pay a few farthings for the only possible means of preserving them. They see now that the Monarchical and Aristocratical part of Government is to be restrained—the former from absolute tyranny, and the latter from an insufferable insolence, by a very numerous body of the Representatives of the people alone. Americans know, sir, that Monarchical Governments were necessary for the protection of weak, ignorant people, against the encroachments of ambitious and ferocious neighbors; and for the preservation of order amongst themselves: that an Aristocratical form became convenient to protect them against the oppression of tyranny springing up out of Monarchy; that this form was adapted to a small progress in the science of Government, and that these two forms properly checked and controlled by the Democratical form, is still better suited to a general knowledge of that science; that a Representative Government, such as their own is, every part of which is more or less pervaded by the spirit of representation, cannot by any other means be so perfectly secured, as by their having at least as full a share as they have claimed in the Democratical branch of their Government.

I know, sir, that many friends of our Constitution thought that the Convention did not pay a sufficient attention to the interests of their constituents, when they restrained them from having more than one Representative for every thirty thousand citizens. I know that there is a report that the people are indebted to their President, even for this share in their Government; and I believe, sir, if this report be true, that whatever has been so justly said of him, as compared to Fabius, to Hannibal, to Alexander, may be forgotten: when this instance of his wisdom, disun-

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terestedness, and attachment to the interests of his fellow-citizens, will be more and more known and applauded, and be forever engraved on the hearts of their posterity. Shall we, then, Mr. Chairman, the direct Representatives of the people, be less attentive to their interest, and that too respecting their share in the deliberations of their own House of Representatives, than the President of their Convention was? I trust not.

I will not pretend to say, however, whether in an Assembly where attempts are frequently made to carry into effect the projects of Monarchical or Aristocratical juntos, the virtuous struggles of patriotic members may not produce mob-like disorders; but in an Assembly like Congress, where I should suppose no such question can be agitated; none which may not be discussed with temper and decency, such disorder need not be apprehended. I should suppose there would be less danger of animosities and disorderly debates in Congress, amongst twelve hundred members, than in the British Parliament, if it consisted but of one hundred. Where we have all but one and the same great object in view, the happiness of our country, (not the interests of a particular body of men born with privileges insulting to the feelings and rights of freemen, nor the whims of an individual, born to trample on his fellow creatures,) we can have no cause to be dissatisfied with one another.

Surely, sir, unless these gentlemen suppose the members of Congress void of sense, or of every idea of decency and propriety, they cannot suppose that even five hundred members would not be easily restrained within the bounds of order.

Upon the whole, I conclude that neither an apprehension of expense, nor of disorderly debates, ought to induce this Committee to run the risk of being charged with indecency, if not of sacrificing the interests of their constituents. I hope, therefore, that the worthy and ingenious members who, by supporting the amendment, have produced a full discussion of the question, will now join with me, and a great majority, in voting against it.

Mr. STEELE said he should not have troubled the Committee again if his observations had not been distorted by the remarks which had been made on them. He hoped that what he should offer on some of the opinions which had fallen from gentlemen in opposition to him would be received with that candor with which he should deliver them. He professed to be as warm a friend to the Liberties of the People as any man, but he differed in his ideas respecting the measures which would most effectually secure them. The present question, he thought, was not particularly interesting to the Liberties of the People, as the point of difference would not make a very great variation in that number of the representative body which appeared to be the most eligible to the majority of the committee. But the principle he contended for, he conceived, had a very important aspect on the stability of the Government. The subject, therefore, should be considered principally with respect to legislation, the great and essential principles of which were involved in the discussion. And here he thought that our own experi-

ence was the best instructor, for the examples quoted from Great Britain did not, in his opinion, apply to this country in all respects; the circumstances of the people of the respective countries being essentially different.

The States, experiencing the difficulties arising from numerous Representative Assemblies, have, in several instances, diminished them. The end, less divisibility of power consequent on such numbers, had fully satisfied the people that the want of representation was the pernicious effect of a large unwieldy bodies as fast as they can. Pennsylvania appeared to be far happier since the reduction of its Assembly.

A large sphere of representation gave the people a fairer opportunity to select the best characters. They could exercise their own judgments unbiassed and uninfluenced. The trust was greater which was conferred; and in proportion to its magnitude would be the public solicitude that it should not be improperly delegated. Besides which, it is impossible, in a large sphere of representation, for candidates to practise those little arts, so common at elections; nor can they go round and take every demagogue of the district by the hand to secure his vote.

As European examples had been recurred to, he would mention one circumstance which confirmed the justice of his remarks. Those parts of Great Britain which are divided into the largest districts send the smallest number of Representatives—such as London and the county of York. The latter, though containing more inhabitants than the Ancient Dominion, sends only two members to Parliament; and the members of those districts, it is remarkable, have always been the staunchest friends of the Liberties of the People. In noticing the remarks of Mr. GILES and Mr. FINDLEY, he said, that the object of representation was different from that of giving information to their constituents. Legislation was their great business; and not making up weekly large packets to send off to the influential characters in the districts which the members represented on the floor of that House. The people, it is true, have a right to be informed of public measures, and it is the indispensable duty of Government to make provision for that purpose, and this ought to be done through the medium of the post office. This medium is the only competent one, as it will open the way for that general information which is necessary to the security and to the Liberties of the People.

With respect to security from corruption by means of a numerous representation, he still retained his former opinion. He did not anticipate evils from that quarter.

He observed, that, in the warmth of debate, he had before expressed himself with rather more zeal than he wished he had; but, as he thought an undue degree of censure had been the consequence, it was become necessary, in some measure, to justify himself, by citing some examples to show what excesses a very numerous representative body may be guilty of. He then related a fact

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which occurred in Virginia, the Legislature of which, on a certain occasion, had acted in a Legislative, Executive, and Judicial capacity. He also instanced a more recent fact, in the secession from their duty of a considerable body of the Representatives of Pennsylvania. These facts demonstrated that a numerous representative body was liable to a mobbish spirit.

He next adverted particularly to some remarks of Mr. GILES, and concluded by saying, that if the ratio is at this time fixed at 30,000, it must hereafter be increased; in doing which, some serious difficulties may take place, especially in respect to those States whose number of Representatives must, in that case, be reduced. He thought it best, therefore, to agree at the present time on a larger ratio.

Mr. CLARK said, he did not rise to trouble the House with a lengthy discourse, for he had always believed that long speeches answer no valuable purpose. He meant only to offer a few remarks on what had been said in opposition to his former observations, and he hoped that, although the gentlemen contend for the ratio of 30,000 as the only basis whereon to found the Liberties of the People, he should not be stigmatized with the name of an Aristocrat for voting in favor of a large ratio. Hitherto he had not borne that character, and he could not suppose himself yet infected, unless he had caught the disorder since he became a member of the present House. Much has been said about the influence of the Bank, and that bank directors are members of the House of Representatives. The Bank (said he) is public property, and therefore he could not see the force of the gentleman's arguments respecting the dangerous influence of that institution, unless it was that he was displeased at the distribution of the shares, so much of the stock being held at New York and to the Eastward, and so little at Conogochague. In the same predicament he viewed the other objections respecting the influence of speculators; for he did not know that any members of the House were speculators, neither could he see any danger from bribery.

In reply to Mr. FINDLEY's observation, that more wisdom would be brought into the House by increasing the ratio, he asked whether this would not also bring in more folly? For the probability is, that the ratio of both wisdom and folly will increase with the increase of numbers, and likewise of honesty and dishonesty; and with respect to the smallness of the district, or that it was safer for a small number to send a member than a greater, he was of a different opinion, as he believed that if ever the practice of bribery should come into play in America, it would be easier for a Representative to purchase a small district than a large one. If ever the Liberties of the People are endangered, it will not be by the smallness of the representation, but by the corruption of electors and elections. This is the door which Congress should guard in the strictest manner, and that will secure the people against corruption in the House.

A gentleman from Georgia has observed, that

the disposition of a great many millions of dollars has been in the hands of a quorum of this House, of whom it requires only seventeen to form a majority. On this Mr. C. observed, that the old Congress, which was composed of a much smaller number, were intrusted with the disposal of larger sums, although there were sometimes only two members from the largest State, Virginia, and no complaints were heard of their conduct.

But there is an argument which ought to have weight in the present question. The Senate, although a much smaller body than this House, are fully competent to judge of our proceedings, and of the safety of the country. Indeed, (said Mr. C.) it appears very evident to me that we are not in want of a larger number in the House of Representatives to debate any question, if it be considered how much has already been said on the subject now before us.

Mr. VINE expressed much surprise that the subject, which to him appeared perfectly definable, should have occasioned the debate to travel so widely from the line marked out by the Constitution. The pendulum seems to vibrate between the numbers 81, 96, and 113; and should that pendulum rest on any one of them in preference to the others, he could not suppose that it would affect the Liberties of America. Why, therefore, all this extraneous argument about a point of so easy decision? We are sent here to administer the Government, the first principles of which are already fixed, so that neither branch can encroach on the other. The Senate, the House of Representatives, the President, have each defined powers; and whilst those remain, I shall always believe the Liberties of America are invulnerable.

Under this impression, Mr. Chairman, I shall vote for striking out 30,000, in order to accommodate the question to a medium. But I shall do this on different principles from some other gentlemen; notwithstanding, I at the same time confess that the ratification of the first amendment to the Constitution ought to govern us in deciding this question. The spirit of the amendment appears to me clearly to imply that we should not suffer the number of Representatives to exceed one for 30,000. I am here, not as a person who shall exercise discretionary opinions, but judge by the letter of the Constitution. And in this case we may increase the number, but we cannot make it less after the enumeration. In the mean time, until that enumeration is complete, the representation remains as it has been hitherto, which I believe may be about one member to every 40,000 or 41,000.

If we go upon theory only, I would enlarge the representation to its greatest extent, and hand down the principle to futurity, in letters of gold, that a very great representation—that Democracy is the very best Government that can possibly be devised, provided it were practicable to give it stability. Next to a Government as free as it could extend, we have the freest in the world—a Government of representation, which will increase with the population of the country, and the ten new States will always preserve an equilibrium;

but if you increase it to an extreme, you may render it tumultuous, although it may be safe.

Mr. Chairman, a great deal has been said of the necessity of planting strong guards against the invasions of influential character. Sir, I fear no corruption; neither can I see the ground on which it can make an entry into these walls. In the British Parliament I will admit that corruption has planted her standard; but that is the natural consequence of a very large representation, and a constitution widely different from ours; and yet, in that body, how many patriots have we not known to hold forth the language of freedom, as loud and warm as in any part of the earth! But to what end would corruption be attempted in this Government, which is in itself perfectly rotatory? The President is elective every four years, the Senate, by interlocations, from two to six years, and the House of Representatives every two years. Then, surely, sir, there is no need of guards to prevent the encroachments of corruption, and the argument is not in the least applicable to the present system of our affairs. The difference between the State Legislatures and the National one affords another security to the citizen. They have the power of life and death, of making laws, &c., and Congress have a concurrent legislation in such affairs as are proper. Election forms another barrier in favor of the Liberties of the People; for, whilst elections are kept pure and free, there is double security.

Calculations have been exhibited by several gentlemen, and I have likewise made one, although not so old or experienced in calculations as some. But I find that all those who vibrate between the ratios of 30,000 and 40,000; and it is contended that the people will be better represented by adopting the small ratio, which produces the largest representation. But, sir, how many of the people are there who are not represented? Is the slave? The infant requires nothing more than nourishment from nature. By misapplying calculations, you may narrow down the Government so much as to endanger its dissolution; but if kept in a due medium, you insure safety. The present is a larger representation than either France or England boasts. I wish, Mr. Chairman, to support the State Governments, but I also wish to support the Federal Government.

I cannot, however, see the propriety of comparing this to the Government of Great Britain, although that is called a Government of Representation, consisting of two Houses of Parliament, one of which is elective, the Lords are hereditary, and the King can do no wrong; and it has hitherto been, I believe, the next best Government, after our own, in the world. And yet we know with how much reluctance Ireland obtained a participation of the trade and commerce of Great Britain; although a Flood bellowed forth with the voice of liberty like a Demosthenes, still nothing could induce the British Ministry to give way, until the volunteers effected it. And have we not the volunteers, sir, in this country to protect our rights? Yes, sir, the American volunteers are perfectly competent to this service.

the population increases, we ought to increase the representation in that ratio; and at present I think the number 34,000 will meet the sense of America.

Mr. HILLHOUSE said he had ever been a friend to a Republican form of Government, and God forbid, that he should ever give his vote for any measure that should endanger the Liberties of his Country. He was in favor of an energetic Government, as that alone can secure the blessings of Liberty. As to the dread of corruption in this House, which some gentlemen appeared to entertain, he thought there was no foundation for such an apprehension; at least as the idea refers to one or two hundred Representatives—two hundred he contended, were as easily corrupted as one. But the corruption contemplated was a mere matter of opinion; no facts, he presumed, existed in this country to justify a positive assertion; and as to foreign countries, it seems to be conceded that a larger number than any that has been mentioned is susceptible of undue influence. He then adverted to the restrictions on the President of the United States, and the Senate, in respect to the means of corrupting the Legislature. The Constitution has also made provision to secure the independence of the members, &c. He then urged some difficulties which would be occasioned by a small ratio. He observed that the population of some of the States is nearly stationary: if a small ratio is now established, the consequence will be when it is augmented, that the representation of those States must be diminished. This would be a measure that would be greatly disliked. With respect to the proposed amendment, he thought it was entirely out of the question, till it was ratified by three-fourths of the States. A very numerous representation would tend to weaken, if not destroy the State Governments, and, in the issue, would destroy the General Government. For, said he, they mutually depend on each other for support.

Mr. SENECA rose for inquiry, Whether if the word *thirty* should be struck out, it can be restored? for, though he wished for an increase of the ratio, yet he thought it ought to stop short of forty thousand. He was in favor of making the proposed amendment to the Constitution the rule to guide the House. He had no idea that the Liberties of this country depended on the difference in the representation between one hundred and one hundred and thirteen members. With more than eighteen hundred watchmen, in the State Legislatures, he conceived that the Liberties of this country were perfectly safe—and he never could believe that the people of the United States would ever be slaves. He was sure they never would, so long as they were just to themselves and deserve to be free.

Mr. HEISTER was in favor of retaining the ratio of one to thirty thousand. He stated sundry particulars respecting the very distant local situations of the Representatives of the United States, which rendered it almost impossible for the present number to do complete justice to their respective districts.

Mr. KITCHELL was in favor of a numerous representation. He thought the amendment proposed to the Constitution ought to be the guide to the House on this occasion. He did not draw his ideas from what should constitute a proper representation, nor was he actuated by an apprehension of corruption, as more applicable to a small number than to a large one; but when he considered the various objects, views, denominations, professions, callings and interests of the citizens of the United States, he was fully convinced that a large representation was necessary to embrace the wishes and answer the expectations of the people. He should, therefore, vote against the motion for striking out thirty thousand.

Mr. FINLEY rose to explain certain expressions which he said had been misunderstood. He defended the opinion he had before advanced respecting a large representation. In reply to Mr. CLARK, he observed, that the information to which he alluded when he said that a larger number would enable the Representatives to adapt the laws and proceedings of Government to the circumstances of the country, was that species of knowledge which arises from a more perfect representation of the wants, wishes, and interests of the people.

Mr. GERRY took a general survey of the arguments against the proposed ratio of one to thirty thousand. In noticing the objection from the instability of the State Legislatures, he said it was not owing to their numbers, but to the mode in which they are elected. Were the Senates and Executives of the several States chosen as those of the General Government, there would have been as much stability and consistency in their transactions, as in those of the Government of the Union. A gentleman had said that the proposed amendments to the Constitution had been adopted with reluctance by some of the States which had accepted them. He called on the gentleman to produce his authorities for this assertion. A relative proportion between the members of the House and the Senate had been suggested; this idea had no foundation in the Constitution. And he further observed, that the Constitution has so completely guarded and secured the rights and independence of the Senate, that he could not conceive of the apprehensions of gentlemen, who appear to think that an increase of the members of this House will overwhelm that branch of the Legislature. In all events, the privileges of that body will remain the same. The States, it is said, have reduced their Representative Assemblies. This, so far from being an argument against the proposed ratio, was directly in favor of it. The diminution of the State Legislatures has been occasioned by the idea which the people entertain of the increasing importance of the General Government. The objects of legislation to both Governments are nearly similar; they relate to those important concerns which interest the feelings of every citizen of the United States; all the difference lies in the magnitude of their respective spheres of action. Hence, it must evidently be the wish and expectation of the people,

that their interests in every point of view, should be fully and adequately represented in this House. The gentleman from North Carolina has said:

That extending the sphere of representation will lead to a choice of more competent characters; but he observed, that the larger the sphere, the less knowledge of the merits of candidates; and the electors will be obliged to vote on trust. The mode of election in Great Britain, and not the number of the members of the House of Commons, is the source of that corruption which has been so frequently alluded to. The mode of election in that country admits of an Executive influence in the election of a majority of the members. This is the rotten part of their Constitution which requires amputation. He did not apprehend any danger from undue attempts to influence or corrupt the members of the House; but, though he admitted that the Government may be untainted at the present time, yet he conceived it the best policy to prevent the evil, rather than to wait for a corrupt administration and then to seek for a remedy. The idea which had been suggested, that increasing the Federal representation would tend to diminish the importance of the State Governments in the estimation of the people, he conceived had no foundation. It supposed a want of wisdom in the community at large, which supposition had nothing to support it. The people know that their happiness depends on preserving the balance between the State Governments and that of the Union. The Government of the Union has been justly compared to a pyramid. He wished that the base, which was constituted by the Representative body, might be broad, in order to give it stability; and therefore hoped that the original motion of one Representative to every thirty thousand persons would be adopted.

The resolution being again read, in the following words:

Resolved, That the number of Representatives shall, until the next enumeration, be one for thirty thousand. The question was taken thereupon and agreed to by the House.—Yeas 35, Nays 23, as follows:

YEA.—Abraham Baldwin, Ebert Benson, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Heister, Daniel Huger, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurence, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Upton Sheridene, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, and Francis Willis.

NAY.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Nicholas Gilman, Benjamin Goodhue, William Barry Grave, James Hillhouse, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, John Vining, and Artemas Ward.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. PAGES

Mr. MURRAY, and Mr. MACON do prepare and bring in the same.

WEDNESDAY, November 16.

Mr. GOODRUE presented a petition from the merchants and distillers of the town of Salem, in Massachusetts, praying a reduction of the duty imposed on spirits of domestic manufacture, and an increase in that on foreign spirits, with sundry other modifications of the law. Referred to the Secretary of the Treasury.

Mr. BROWN presented a petition from sundry inhabitants of the district of Kentucky, praying to be relieved from the operation of the excise law, until they shall have obtained the free navigation of the Mississippi. Referred to the Secretary of the Treasury, so far as it respects a temporary suspension of the excise law.

PUBLIC CREDITORS.

Mr. FITZSIMONS called up the petition of a committee of the public creditors who loaned money to the United States, between September, 1777, and March, 1778, and moved that it should be referred to the Secretary of the Treasury, for his opinion on the prayer of the petition.

Mr. SEDGWICK observed, that the subject of this petition had undergone a decision during the last session, when a petition of a similar nature was presented. Speculation had already taken a sufficiently ample range through the United States; and he hoped no new paths would be opened for its future walks. He would move that the prayer of the petition should not be granted.

Mr. FITZSIMONS said, that the nature of the petition seemed to be misunderstood. He was as little disposed as any gentleman on the floor to innovate in the funding system. He would not undertake to pronounce that the petitioners were entitled to any relief, but he thought the Secretary of the Treasury did not consider this case as provided for under the funding law; in which case, he thought that the wisdom and justice of the House were interested in taking the same into consideration.

Mr. GERRY, after giving the history of the emission of the bills of credit in question, urged the propriety of doing equal justice to every class of the public creditors, and declared in favor of the reference to the Secretary of the Treasury, who would state facts, upon which the House could determine whether or no the prayer of the petition could be granted.

Mr. SEDGWICK thought a sufficient provision had been made; that it was not the interest of the people to proceed any farther; this would only raise passions that were now subsided, but had heretofore been productive of considerable mischief to the country; it would show the people that the House entertained doubts respecting the sufficiency of the provision; speculators would employ all their arts to draw the certificates out of the hands of the present holders; and he left it to gentlemen to determine whether such a scene of speculation would prove advantageous to the country. Besides, he would ask, whether the

required provision could be made without altering the system already established?

Mr. GERRY observed, that the objection, drawn from speculation, would prove an argument equally valid against funding, and even against the coinage of money, since gamblers would apply the coin to the purposes of gaming. It had been said that many of the certificates in question had been loaned; but he would ask, whether, because a number of persons, not knowing their rights, had yielded them up, an argument could thence be drawn why others, who understood their rights, should not maintain them, or why the former should not be redressed? Ought the Government to take advantage of the ignorance of the public creditors? He hoped not. The former memorial, to which the gentleman [Mr. SEDGWICK] alluded, was very different from the present one, and contained many matters which would have required a total alteration of the funding system.

Mr. LAURANCE saw no necessity for a reference: a knowledge of facts could be obtained from the journals of Congress. As to applying to the Secretary for his opinion, this would only prove a source of embarrassment; better to take it up in Committee of the Whole, or in the House, without a knowledge of his opinion. When the scale of depreciation was applied to the public debt, it was unequally applied, some receiving interest on the nominal, others on the specie value. In the funding bill, it was contemplated that the former class should be allowed such interest up to the close of the last year; and the only question now is, whether any alteration shall be made in the funding bill—whether one class of public creditors shall have a different measure of justice dealt out to them from what others have had? He concluded with a wish that the subject should be taken up in Committee of the Whole.

The question on the reference to the Secretary of the Treasury was then taken, and lost: whereupon,

Mr. LAURANCE moved that the petition should be referred to a Committee of the whole House.

Mr. BOURNOR was of opinion that the funding system had done ample justice, and that those who complained with it have no reasonable ground of complaint. At the time of the passing the law, it had been said that men would be forced by it to come in and subscribe whether they would or not; a clause was therefore inserted in favor of non-subscribing public creditors, by virtue of which the petitioners who are of the non-subscribing class consider themselves in the same situation as before the law was enacted; but an improper construction has been given to that clause, and therefore it is that the creditors complain. Were any one of them to bring an action against the public officers, he would, in his opinion, obtain redress. They applied to the House for redress, and the question was, whether they should be forced to subscribe, or be entitled to the benefit of their contract? He did not wish that any man should be forced to comply with the terms of the funding system against his will; he would have every man at liberty to accept or reject them at his

pleasure; and he thought it unreasonable that any man should have his six per cent. reduced to four, without his own consent.

Mr. FITZSIMONS thought further information on the subject necessary, and therefore it was that he favored the reference. One circumstance was unattended to by the gentlemen who had spoken on the subject; and that was, that the non-subscribing creditors must deliver up the original certificates before they can receive their interest; but this they do not choose to do, because these certificates bear a promise of interest on the original value, and they would afterwards receive interest only on the reduced value.

The question was then taken on the commitment to a Committee of the Whole, and lost.

Mr. SEDGWICK moved a resolution that the prayer of the petition cannot be granted.

The question being called for, Mr. BARNWELL observed, that he, and probably some others of the new members, were not thoroughly acquainted with the subject; and therefore he wished the question might be postponed. The resolution was, in consequence, ordered to lie on the table.

Mr. LAURANCE then called up a petition of sundry inhabitants of the State of New York, holders of certain bills of credit issued in 1780. Referred to the Secretary of the Treasury, to consider and report his opinion thereon.

Mr. BALDWIN called up the petition of General Jackson, relative to the Georgia election; which, after some debate, was referred to the committee heretofore appointed to report a regular and uniform mode of proceeding in cases of contested elections.

THURSDAY, November 17.

Two other members, to wit: from New York, CORNELIUS C. SCHOONMAKER, and from Pennsylvania, THOMAS HARTLEY, appeared, produced their credentials, and took their seats in the House.

CERTIFICATES OF PUBLIC DEBT.

The House, in Committee of the Whole, proceeded to the consideration of the bill for the renewal of lost or destroyed certificates—Mr. MURLENSBERG in the chair.

Mr. SEDGWICK moved to strike out the words "lost or," as he thought that the public ought to be secured in cases of lost certificates; and that if any security could be provided, it must be in some mode that was not pointed out in the bill.

Mr. LAURANCE thought the provisions made in the bill were sufficient; that, if an accurate description of the lost certificate was published, and it was in the power of the public officer to discover whether such certificate had been issued, and that sufficient security was given to refund the money to the United States in case the lost paper should again appear, he did not see what inconvenience could result to the public.

Mr. SEDGWICK suggested many difficulties that must arise from the want of checks, from the loaning of certificates, and other circumstances, that would render it impossible to detect frauds. He would wish that those who have unfortunately

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lost their certificates should be indemnified, if this could be done with safety; but, since it appeared impracticable, he thought it better that individuals should suffer than to make a provision for them that must be productive of so much inconvenience to the public.

Mr. J. SMITH allowed that some relief might be afforded in cases of destroyed certificates, and that the United States ought not to avail themselves of their destruction. But since the United States are not to pay the same certificates twice, and the person who receives payment for a lost one must give security, in case of its re-appearance he will be obliged to refund, and thus will gain nothing but trouble by the renewal. On the whole, he thought it best that the bill should extend no further than to certificates that had been destroyed, and therefore was in favor of striking out.

Mr. WADSWORTH also thought it impracticable to guard against frauds, and was in favor of striking out; otherwise, he would be willing to grant relief to the losers of certificates.

Mr. HILLHOUSE observed, that in private contracts a Court of Chancery never obliges to the renewal of an obligation, except when it is proved to have been destroyed; though there is less danger of fraud in transactions between individuals than in the more extensive ones of the United States, he saw no reason why the United States should take so much trouble as must necessarily attend the business of renewal. It would only be holding out an encouragement to negligence in the holders of certificates.

Mr. LAURANCE observed, that descriptions of these certificates, for which a provision was now contemplated, being lodged in the Treasury, sufficient information can there be obtained to guard against imposition; that a Court of Chancery will order the renewal of a bond, even when its destruction cannot be positively proved; and that since the United States would suffer no loss or inconvenience, he wished to afford relief to unfortunate individuals.

Mr. SEDGWICK observed, that it would be very difficult for a public officer to ascertain the truth respecting a certificate that might have been issued in Georgia, paid into the sub-Treasury, thence re-issued, and transferred, perhaps, from one extremity of the United States to the other; besides, when a number of certificates have been loaned, and one new certificate given for the aggregate sum, how can the officer determine whether a certificate, said to be lost, may not have been one of the number?

Mr. HILLHOUSE did not think one instance could be produced of relief, given by Chancery in cases of lost securities, except where the debtor had surreptitiously got possession of the papers.

Mr. LEE was against striking out; and, as additional security to the United States, wished that such as might be found guilty of frauds respecting lost certificates, should be subject to a penalty.

Mr. GILES, though not at all satisfied with the principle of the bill, wished to have it as unexceptionable as possible, in case it should pass; wherefore, from the impracticability of at once giving

relief to the unfortunate losers of certificates, and at the same time securing the United States, he was in favor of striking out.

Mr. BARRELL thought the security provided in the bill by no means sufficient; would have the original certificate of no avail in case of renewal, and wished the renewal not to take place for two or three years.

The question was then taken on the motion for striking out, and passed in the affirmative.

Two other amendments were proposed and carried, extending the time for the renewal and issuing of the certificates; after which, the committee rose, and reported the bill with amendments. The House proceeding to take the same into consideration, some opposition was made to the one that excluded the lost certificates; and, before the question could be taken on it, the House adjourned.

FRIDAY, November 18.

Mr. PAGE, from the committee appointed, presented "a bill Apportioning the Representation of the people of the United States according to the first Enumeration;" which was received, read twice, and committed.

The Speaker laid before the House a Letter from the Treasurer of the United States, covering his account of indents of interest received and issued from the first of July to the thirtieth of September, one thousand seven hundred and ninety-one, inclusive; which was read, and ordered to lie on the table.

Mr. LIVERMORE, from the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State, and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said WILLIAM PINKNEY, made a report; which was read, and ordered to lie on the table.

A memorial of the commissioned officers serving in the army of the United States, was presented to the House and read, stating the inadequacy of their pay, subsistence, and forage, under the present establishment, and praying that the same may be augmented. Referred to Mr. LAURANCE, Mr. WILLIAMSON, and Mr. KIRCHELL, with instruction to examine the same, and report their opinion thereupon to the House.

Mr. AMES, from the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, a member returned to serve in this House for the State of Georgia, made a report; which was read, and ordered to lie on the table.

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The House then proceeded to the consideration of the amendments proposed by the committee, to the bill for the renewal of lost or destroyed certificates.

On the first amendment for striking out the words, "or lost,"

Mr. LEE expressed a wish to provide for the

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renewal of lost certificates; but he would qualify that provision, by particularly designating what kind of lost certificates he meant, viz: such only as from strong presumptive evidence appear to have been destroyed. In any other case, where a man sees that he cannot expect a renewal, he will give himself no useless trouble on the occasion; and when the law is explicit, he will have no occasion to consult a lawyer. The House, he observed, ought not to make laws to be construed by lawyers, but to be understood by the people. He proposed to amend the amendment, by retaining the word "lost" and striking out "or destroyed," adding at the end of the clause a proviso, that the claimant, before he should be entitled to a renewal, should furnish strong presumptive evidence of the destruction of his certificates.

Mr. SEDGWICK declared himself at a loss to understand the object of the proposed amendment. If the House undertook, in this instance, to define what species of evidence should establish the fact, he saw no reason why they might not do it in every other instance. This was never attempted by any Legislature; and the attempt, if made, would tend to embarrass all kind of investigation, and involve the legal code in obscurity.

Mr. LEE was equally desirous with the gentleman last up to have the laws intelligible to every individual. He had no idea of entering into a detail of the evidence. He meant no more, than that strong presumptive evidence should be admitted as a proof of the destruction of any certificate.

Mr. CLARK apprehended, from the turn which the debate had taken, that the grand object of attention would be lost in the word "lost." There was but a single instance to be found in any nation, of such a provision as was now contemplated; it is not, nor ever was made by any bank; when Congress heretofore made such a provision, it was at a period when war raged through the country, and it was a piece of necessary policy to keep the people in good humor, by renewing their certificates, which had been destroyed by the enemy in burning their houses; but as no such reason exists in the present day, he hoped, if the bill should pass, the report of the committee would be adopted, as the lesser of two evils; for, as to his part, he did not wish to see any provision made at all.

Mr. KIRCHELL wished to retain the word, "destroyed," in preference to "lost," in case the bill should pass. He thought, however, that the House would act wisely in avoiding to establish any general rule for such cases, and keeping them individually under their own immediate inspection.

The question being taken on the first amendment of the committee, and carried; and the other amendments being severally considered and agreed to—

Mr. GERRY objected to the passing of the bill in its present, or in any other form. He did not wish to take advantage of the misfortunes of those who had lost their evidences of the public debt. He wished to give every individual an opportunity of recovering his right, so far as that could be granted consistently with the interest and security of

the nation at large. The mode pointed out in the bill, he considered as liable to many objections. To ascertain facts, it would be necessary that the claimants should have an opportunity of recurring to the records; thus, whoever might be disposed to embark in a fraudulent speculation would be enabled to ascertain what certificates were lost, and to concert plans for their recovery; he may apply to any District Judge, or Court of Record, and there make declaration that he has lost those certificates; in consequence of which, a warrant will be issued for their amount; it will never be in the power of the Commissioners of Loans, or of the Judges of Record, dispersed through every part of the Union, to detect such frauds during the late war. Many public officers had, together with their baggage, lost numbers of certificates, the amount of which was afterwards allowed to them; and it would now be impossible, from an examination of the files, to identify those certificates. Many persons, also, who were opposed to the Revolution, wantonly destroyed the public securities. The amount of the certificates lost and destroyed had never been ascertained; and it was impossible to foresee the extent of the bill. It would, in fact, amount to a premium for perjury and fraud.

Mr. G. further objected to the bill, as holding forth a strong temptation to the public officers to enrich themselves by fraudulent means, on the strength of the non-existing certificates. He entertained as high an opinion of the integrity of the public officers employed under the Federal Government as any gentleman on the floor; but was, nevertheless, averse to placing their interest and their duty in opposition to each other. Moreover, he could not see what good purposes would be answered by the bill. If it was intended to prevent individual applications to Congress, it would not produce that effect; it does not provide for all cases; and those that remain unprovided for must still come before the House. If saving time was the object, the time consumed in such business would not protract the session a single day. The amount of the lost certificates cannot be ascertained; it may possibly be very considerable; and the Treasury may be drained of large sums, without any advantage accruing to the rightful owners of such securities. If the applications were directly made to Congress, some gentlemen on the floor would no doubt be acquainted with the characters of the applicants; and the public will be much better pleased to see the fate of such petitions decided by both Houses of Congress than by a District Judge.

The act of the old Congress, he observed, extended no further than to loan-office certificates; and when Congress made such a provision, it was at a period when they found it necessary to exonerate themselves from such matters, that they might be more at liberty to attend to business of greater importance. Their example, he hoped, would not now be followed, as there does not now exist the same plea for the adoption of such a measure. He hoped the House would proceed in the usual train of receiving the individual petitions, and severally deciding upon them as heretofore,

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rather than subject the citizens of the United States to a tax, of which it was impossible to foresee the amount. To such a risk he would prefer a grant of a million of dollars to be divided among the applicants.

Mr. WADSWORTH opposed the bill, as inadequate to either of the purposes which it was intended to answer, viz: that of doing justice to the public, or of easing Congress from repeated applications. A gentleman, in the course of the discussion, had compared the bill to a child; for his part, he thought it a very rickety child, and hoped the bantling would not be adopted.

Mr. SEDGWICK said, that he had entertained doubts, whether certificates destroyed in any way, ought to be renewed; but if a renewal was thought expedient, he looked on the mode proposed in the bill as preferable to any substitute that had been offered in lieu of it. The gentleman last up had said that it would not prevent applications to the House. If further extended, it would have that effect; and he would very willingly concur with gentlemen, if they wished to extend it; but he doubted much whether they could do it effectually. If the remedy contemplated in the bill was to be applied only in cases where the certificates had been destroyed, he thought that ample provision was made for every possible case of that kind. Should the bill, therefore, pass into a law, applications to the House ought no longer to be admitted, except in cases of a very singular nature. As to the greater degree of caution that was expected from the Representatives of the people, than from the officers, he would observe, that the members of that House were men of like passions with the rest of mankind; that their responsibility is more diffusive, and they would not perhaps feel themselves, as a body, sufficiently interested in these smaller matters, when their attention is engaged by objects of greater national importance; whilst, on the other hand, individual members, feeling themselves interested within the sphere of those who come in contact with themselves, a kind of phalanx is formed in favor of the applicant.

As to the loss of time, which was alleged to be trifling, he observed, that only two petitions of this kind had as yet been presented to the House, and each had consumed a day; as to a fraudulent application of evidence to lost certificates, this could be equally practised in petitions to Congress, since the evidence is not to be brought before the House, but must be taken at home. As to the temptation which was said to be held out to the Commissioners, he would observe, that if the House could not confide in an officer to transact their business, they must become so suspicious as totally to impede the transaction of all business. On the whole, he thought that as good checks were provided as the nature of the case would admit of; and that if something like the principle of the bill were not adopted, lost certificates ought not to be renewed at all.

Some further remarks were made by Messrs. DAYTON, GERRY, WADSWORTH, WILLIAMSON, SENEY, and LEE; after which, the engrossment of the question was taken on the engrossment of the bill, and lost. So the bill was rejected.

MONDAY, November 21.

A petition of Jason Wate was presented to the House and read, praying the commutation of half pay as a Major in the army of the United States during the late war. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. WADSWORTH, from the committee appointed, presented, according to order, a bill more effectually to provide for the national defence, by establishing an uniform militia throughout the United States; which was received, read twice, and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia: whereupon,

Ordered, That the said report be committed to a Committee of the Whole House.

The House proceeded to consider the report of the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCE in the room of the said WILLIAM PINKNEY. Whereupon,

Ordered, That the said report be committed to a Committee of the Whole House.

The House resolved itself into a Committee of the Whole House on the bill apportioning the representation of the People of the United States, according to the first enumeration.

Mr. MACON moved that the first section be amended, by inserting the word "free" after the word "thousand."

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Mr. BOURNE (R. I.) observed that the gentleman did not advert to the amendment to the Constitution, which proposes that the number of Representatives shall amount to one hundred. This amendment will most probably be accepted, and then we shall have to repeal the proposed law, should it be enacted. He was in favor of thirty-four thousand, because that would be conformable to the amendment—and he saw no good reason why the representation should exceed one hundred. That number will be fully competent to express the wills, wishes, and ideas of the people, and he saw no necessity to burden their constituents with the additional expense of thirteen additional members.

Mr. MACON said he did not conceive that the amendment referred to was to be a guide to the House till it was fully ratified; and, as it was uncertain whether it ever would be, we ought not to be swayed by it on this occasion.

Mr. SEDGWICK expressed himself in favor of thirty-four thousand, as it was the opinion of the people from that part of the country which he represented, that the number of Representatives in this House should not exceed one hundred.

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Mr. LAURANCE said, that the question had been so fully debated, that he did not think the opinion of a single member would be changed by all that can be said. He wished therefore that every proposed amendment should be put, and the question taken on each with as little debate as possible.

Mr. WHITE advocated the clause. He was in favor of one Representative to thirty thousand persons. The question now is, whether the people shall have that share of influence in the Government, which plainly contemplates one Representative for every thirty thousand persons. He wished to preserve the independency of the several parts of the Government. Corruption has been mentioned. He wished it might never take place; but the present, he conceived, was the time to guard against it. He would not say that any undue measures had ever yet been taken to influence the House; but that it was the wish of some to innovate, was apparent, from some attempts which had been made to increase the importance of the Executive—from the predilection for titles and distinctions which the journals of the Senate would show still existed. He hoped that the proposed ratio would be established, as more consonant to the spirit of the Constitution than any which had been mentioned. The independency of the Senate cannot be affected by the number of this House—they will always have a negative on our acts.

Mr. DAYTON said, that he should be in favor of the amendment, not because it was a number the most agreeable to him, for he confessed that even this would have produced a more numerous representation than he could have wished; but because a greater number would be less likely to meet the approbation of the committee. He agreed with the member from Virginia, (Mr. WHITE,) in one of his declarations only, which was, that this question was of greater moment than the gentleman who advocated thirty thousand (the largest representation) seems to have conceived. He agreed with the gentleman from New York, (Mr. LAURANCE,) that this subject had undergone a pretty full discussion; but he at the same time believed that some new light might still be thrown upon it. There was one point of view, Mr. D. observed, in which it had not yet been exhibited by any gentleman in the course of debate, but in which, on account of its magnitude and importance, it ought to be critically examined. The Senate were considered as the Representatives of the States, or of the State Governments. The House of Representatives were supposed to contain, under certain qualifications, a pure representation of the People. Such was the apportionment of its members with respect to the unequal districts or States into which this country is divided, as to give the three great States a very predominant influence upon that floor. They had only to combine their strength, and to associate almost any one of the other eleven States with them, in order to insure success to any favorite project that they might have in view. He was aware, that it would be answered by gentlemen, that such combination was not likely to take place between States so dis-

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increase of one branch, at the expense of the independence of the other, and thereby destroyed that equilibrium of the Government, upon the preservation of which, the fairest hopes of its well-wishers were founded.

Mr. GERRY contended that the Constitution was misconstrued by the gentleman from North Carolina; and in reply to the gentleman from New Jersey, he said he was surprised to hear the remarks which he made, when he recollected his being a member of the Convention—in which, it must be remembered by that gentleman, the larger States consented to placing the small States on a par with them in the Senate, to obviate the difficulty which the smaller States objected against the larger representations from the larger States. He said the independence of the Senate is secured by the Constitution—and he was not apprehensive that the increase proposed would overwhelm that branch of the Government, or lessen their importance, or shake their firmness. The gentleman had talked of combinations in the larger States; but he presumed no facts could be produced to support such an apprehension. The proposed increase in the representation is founded on the principles of justice and equity: it is strictly agreeable to the spirit and design of the Constitution, which contemplates an increase in some degree proportionate to the increased population of the States. He hoped, therefore, that the Constitution would be fairly and honorably carried into effect.

Mr. BOUNDNOT was not yet convinced, from all the arguments he had heard, that by increasing the number of Representatives to one hundred and thirteen, as proposed by the bill, the wants, wishes, and interests of their constituents, would be more fully embraced, than by adopting the amendment then under consideration. It had not yet been taken into the account, that a certain species of property in three or four of the States [slaves] would be represented in the next Congress, if the bill passed, by at least twelve members, above the proportion of other States, whose property (though of superior value) was not entitled by the Constitution to any representation at all. That he did not mean to find fault with the Constitution in this respect, but to make it the rule of his conduct—although in the construction of it, he would not increase the evil when two extremes were given, and the intermediate number was optional. He had said, and he rested on the Constitution for the proof, that it contemplated one member for each State as the lowest, and the ratio of one for thirty thousand persons as the highest number. That the Convention in settling the present House of Representatives, without a precise knowledge of the amount of the citizens of the Union, had done it in a certain proportion to the number of Senators, which he had thought a good rule to go by, till the proposed amendment to the Constitution was ratified by three-fourths of the States; but as gentlemen seemed to think that this would soon take place, he had consented to agree to the ratio of thirty-four thousand, which would give one hundred members. This would accord with

the spirit of the amendment to the Constitution, and prevent the necessity of passing any other act when the amendment should be completed. He was therefore in favor of inserting *four* after "thirty," or any ratio that would confine the number of Representatives to one hundred, or under.

Mr. LAURANCE remarked, in answer to Mr. DAYTON's objections, that the States were disproportionately respecting territory, and consequently were so as to the number of the people. That an equality would take place amongst the people of the several States by the ratio proposed, although more members would come from some States than from others. He mentioned that every member of the House of Representatives stood in relation to the people of America, and ought to consult the interest of the whole, and not the particular interest of the State in which he was elected. Should this general principle operate, and which he supposed ought to actuate each member, no danger was to be apprehended from a combination, as the general good was the object of consideration. If this should not be the prevailing principle, it might be the interest of the States to have as great a number of Representatives as could be obtained; yet he supposed, unless a division of territory took place, the people in each State would be entitled to be represented in proportion to the numbers in each, and the danger that it was supposed would exist, could not be readily remedied. He also observed, that he imagined the Senate would not be subject to the influence suggested. The Senate was an independent part of the Legislature, and would decide all questions that came before them, as the judgments of the members will dictate. So long as a reciprocal negative existed, as to the acts of either branch of the Legislature, he hoped we should find firmness in each to decide properly. The Senate had frequently rejected the bills of the House, and had amended others—some very important ones—and the influence of the members of the House of Representatives did not operate on their decisions. The objection to the proposition not being agreeable to the amendment proposed to the Constitution, was unfounded. He explained his ideas respecting the nature of the amendment, and concluded that the proportion was conformable to it; and observed, that the nature of the amendment was contemplated, when the proposition respecting the ratio was made.

The committee now rose, reported progress, and had leave to sit again.

TUESDAY, November 22.

A memorial of the committee of the counties of Washington, Westmoreland, Fayette, and Alleghany, in the State of Pennsylvania, was presented to the House and read, stating their objections to an act, passed at the last session, imposing a duty on spirits distilled within the United States, and praying that the same may be repealed. Referred to the Secretary of the Treasury for his information.

Mr. LAURANCE, from the committee appointed, presented, according to order, a bill making appro-

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provisions for the support of Government for the year one thousand seven hundred and ninety-two; which was read twice, and committed.

A remonstrance of the people called Quakers, in the State of North Carolina, was presented to the House and read, stating their objections to certain provisions of a bill now depending, entitled "A bill more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

Ordered, That the said remonstrance be referred to the Committee of the Whole House, on the bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States.

The Speaker laid before the House a Letter from the Secretary of State, accompanying his report on the petition of Jacob Isaacs; which was read, and ordered to lie on the table.

REPRESENTATIVE FROM MARYLAND.

The House resolved itself into a Committee of the Whole House on the report of the standing Committee of Elections, to whom was referred the Letter from the Executive of the State of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said WILLIAM PINKNEY.

The law of the State of Maryland regulating elections being called for, was produced and read; by which it appeared, that the Governor and Council of that State were authorized to fill up vacancies in the representation of that State in Congress.

Some objections having been offered against accepting the report,

Mr. SENEY observed, that the case appeared to him to be so plain that he was surprised to find gentlemen objecting to an acceptance of the report of the committee. He then stated the whole process of the business, in the resignation of Mr. PINKNEY and the election of Mr. MERCER, in which the law of the State had been strictly adhered to. He concluded by saying, that two cases in point had already occurred in the State of Connecticut, and no difficulty respecting them had taken place in the House.

Mr. GILES said, that he was a member of the select committee which had made the report; and, from an accurate attention to all the circumstances of the case, he was led to think the report a very improper one. From recurring to the Constitution, he was of opinion that a resignation did not constitute a vacancy. The Constitution speaks only of vacancies in general, and does not contemplate one as resulting from a resignation. Adverting to the British House of Commons, he observed that in that body there could be no resignation. This is an established principle. The people having once chosen their representatives, their power ceases, and consequently the body to which the resignation ought to be made no longer exists. From the experience of the British Government in this respect, he argued against a devi-

ation from this rule. He showed from the Constitution, that the Executives of the States who are empowered to fill vacancies, are not at all authorized to declare the existence of such vacancies; for, if they are to judge in the case, the whole power is invested in them of determining the whole business of vacancies—an idea that materially and essentially affects the privileges of the members of the House. He remarked that, even by the law of Maryland, the requisite steps had not been pursued by the Executive of that State. He concluded by saying that, if the principles he had advanced were just, he hoped the report would not be accepted.

Mr. SMITH (S. C.) had had his doubts on the report; but, on more mature consideration, he was convinced that on account of the inconvenience which would result from rejecting it, and from other considerations, it was proper to adopt it, but not without a full discussion. He then stated some particulars to show that the vacancy which had occurred on this occasion could not properly be called a resignation. Mr. PINKNEY had never taken his seat, nor the requisite oath. He said that there was no analogy between the Parliament of Great Britain and this House; the mode of issuing the writs originally, and of filling up vacancies, is essentially different. No parts of the Constitution prohibits a member from resigning, and for convenience it ought to be concluded that he may resign. The public interest may suffer extremely in cases of sickness or embarrassments, which may prevent a member from attending. This argument from the body's not existing to whom the resignation ought to be made, will apply to the President of the United States, whose resignation is expressly mentioned in the Constitution. The objection urged from the Executives of the States judging of vacancies, he conceived had no great force, for Congress would finally judge in every case of election. It is uncertain how the practice of the British Parliament originated. Blackstone says nothing of resignations. When a member wants to resign in that Legislature, he gets appointed to some fictitious office which disqualifies him from sitting in the House. He thought it best to establish some precedent, rather than oblige members who may wish to resign to have recourse to some familiar method, by accepting of some appointment in the State which is incompatible with a seat.

Mr. MURRAY said he was in favor of accepting the report, both on account of propriety and convenience. Vacancies may happen from various causes—by resignation, by death, or by expulsion—the Executive of the State is the proper judge in the first case. He stated certain differences between a resignation after a person has taken his seat, and a resignation before that event. In the former case, Congress will of course give notice to the Executive of the State; in the latter, the Executive alone can take cognizance of the resignation. He stated the extreme inconvenience which would result from the ideas of the gentleman from Virginia, as it would respect the State of Georgia. He then stated several particulars to

show that Mr. PINKNEY was not a member of the House agreeably to the Constitution, and therefore the House cannot proceed with him as one. He said that we ought to be willing to derive information from the experience of every country; but he conceived that no precedents could be drawn that would apply in the present case from a country which had none, to one which had a Constitution that so clearly defined and guarded the rights of the citizens. The custom which had been mentioned as obtaining in that country, arose from a wish to prevent a frequency of elections. From what had been offered by the gentleman from South Carolina, and the ideas he had suggested, he hoped the committee would be induced to accept the report.

Mr. WILLIAMSON said, that it appeared to him that the Constitution contemplates that a member may resign. He read the clause, which says that no member of the Legislature shall accept of an office made during the time for which he was chosen—from hence he inferred that resignations were clearly contemplated.

Mr. GERRY said, that he had heard nothing to show that Mr. PINKNEY had ever accepted of his appointment, and therefore it ought to have been expressed that he had declined; but, granting he had resigned after accepting his appointment, he asserted that nothing had been offered to prove that resignations might not take place in one House as well as in the other; and the Constitution plainly expresses that a Senator may resign. The House of Commons originated with the Kings, who formed that body to control the Lords; and hence arose the prohibition against resignations, as they would weaken the body, and the expense of a new election would fall on the King. With respect to the Executive declaring improper vacancies, he observed that Congress was invested with full power to control the Executives of the States in respect to such declarations.

Mr. SENEY observed, upon a distinction made by Mr. GILES between a resignation on the part of a Senator and a Member of the House, he supposed a resignation in either would equally vacate a seat, and that no difference did really exist.

Mr. SEDGWICK observed that, if a power of adjudication was vested in the Executives of the States to determine on a vacancy in cases of resignation, it would involve this consequence, that a power of judging of vacancies in all possible cases would be the necessary result. He thought the proposition involved the most serious effects with respect to the privileges and independency of this House.

This subject was further discussed the next day, and ended in an acceptance of the report of the committee, which was in favor of Mr. MERCER's election.

The House again resolved itself into a Committee of the Whole House on the bill apportioning the Representation of the People of the United States according to the first Enumeration, and after making several amendments thereto, the committee rose and had leave to sit again.

WEDNESDAY, November 23.
A memorial of the people called Quakers, in the State of Virginia, was presented to the House and read, stating their objections to certain provisions of a bill now depending, entitled "A bill more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

Ordered, That the said memorial be referred to the Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States.

APPORTIONMENT BILL.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill apportioning the Representation of the People of the United States according to the first Enumeration: whereupon, the first amendment being under consideration in the words following, to wit:

"Section first, strike out from the word 'That,' after the enacting clause, to the end of the second section, and insert:

"From and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several States, in the proportion of one Representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States; that is to say, from the State of New Hampshire, four; the State of Massachusetts, fifteen; the State of Connecticut, seven; the State of Rhode Island, two; the State of Vermont, two; the State of New York, eleven; the State of New Jersey, five; the State of Pennsylvania, fourteen; the State of Delaware, one; the State of Maryland, nine; the State of Virginia, twenty-one; the State of Kentucky, two; the State of North Carolina, eleven; and the State of Georgia, two members."

A motion was made, and the question being put, to amend the said amendment by inserting between the words "thirty" and "thousand," in the fifth line, the word *four*,

It passed in the negative—Yeas 21, Nays 38, as follows:

Yeas.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, and Artemas Ward.

Nays.—Abraham Baldwin, Egbert Benson, John Brown, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridine, Thomas Sumpter,

Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the main question being put, to agree to the said amendment as reported, —

It was resolved in the affirmative.

The second amendment, in the words following, to wit:

"Section third, strike out from the word 'That,' at the end of the enacting clause, to the end of the bill, and insert:

"The President of the United States, as soon as the Marshal of the State of South Carolina shall have transmitted to him returns pursuant to the provisions by law for an enumeration of the inhabitants of the United States, shall cause the Executive of the said State to be notified of the number of Representatives to be elected within the said State, according to the proportion aforesaid,"

being read, was, on the question being put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

MARYLAND REPRESENTATIVE.

The House again resolved itself into a Committee of the Whole House on the report of the Standing Committee of Elections, to whom was referred the letter from the Executive of Maryland, containing the resignation of WILLIAM PINKNEY, a member returned to serve in this House for the said State; and also a certificate of the election of JOHN FRANCIS MERCER, in the room of the said William Pinkney; and, after some timespent therein, the Chairman reported that the committee had again had the said report under consideration, and made an amendment thereto; which said report and amendment were twice read and agreed to by the House, as follows:

"It appears that, at an election held for the State of Maryland, on the first day of October, one thousand seven hundred and ninety, William Pinkney was duly elected a Representative for that State, to serve in the House of Representatives of the United States; that the certificate of his election has been duly transmitted by the Executive thereof, and heretofore so reported by your committee; that, by letter, dated the twenty-sixth of September, one thousand seven hundred and ninety-one, directed to the Governor and Council of that State, William Pinkney resigned that appointment; and that, in consequence of such resignation, the Executive issued a writ for an election, to supply the vacancy thereby occasioned, and have certified that John Francis Mercer was duly elected, by virtue of that writ, in pursuance of the law of the State of Maryland in that case provided.

"Resolved, That it is the opinion of this committee that John Francis Mercer is entitled to take a seat in this House as one of the Representatives for the State of Maryland, in the stead of William Pinkney."

THURSDAY, November 24.

Mr. DAYTON, from the committee appointed, presented a bill to extend the time limited for the

settlement of the accounts of the United States with the individual States; which was received, read twice, and committed.

Mr. WHITE, from the committee appointed, presented a bill to regulate trade and intercourse with the Indian tribes; which was received, read twice, and committed.

APPORTIONMENT BILL.

An engrossed bill, apportioning the Representation of the People of the United States, according to the First Enumeration, was read the third time, and the question being put that the said bill do pass, it was resolved in the affirmative—yeas 43, nays 12, as follows:

Yeas.—Messrs. Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, William Findley, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, William Smith, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

Nays.—Elias Boudinot, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Samuel Livermore, Nathaniel Niles, Upton Sheridine, Jeremiah Smith, Israel Smith, Jonathan Sturges, and George Thatcher.

GEORGIA CONTESTED ELECTION.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return in this House from the State of Georgia.

The report being read by the Clerk,

Mr. WAYNE rose and observed, that about eleven months were now elapsed since the election which is at present called in question, had taken place—that the House was already upwards of four weeks in session—that the petitioner must surely have had sufficient time to come forward, at the first meeting of the House, to support the charges contained in his petition—that it could hardly be imagined the want of time prevented him from advancing—No!—it was rather to be supposed, that he was kept back by the want of evidence, to substantiate those charges; and perhaps by the expectation of procuring a majority in the Legislature of Georgia, to countenance his claims: these were facts, which, he believed, were not unknown to some gentlemen in the House; the same arts, the same practices, the same manoeuvres, which had procured a presentment from the grand jury, against the election in question, and even against some of the acts of the General Government, might perhaps be expected to prevail at length with the Legislative body.

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Georgia Contested Election—Relief of Widows and Orphans. [NOVEMBER, 1791.]

The newspapers (he observed) have teemed on this occasion, with testimonies and affidavits, procured during several months past; as to the manner in which they had been obtained, that, he said, was a subject of investigation for a future day. Some of them were under the signatures of persons who had never read, nor were capable of reading them. He felt for the situation of some of those individuals, as they were already presented for perjury on that occasion.

He declared that he entertained not the most distant desire to procrastinate an inquiry into the merits of the election; but he must observe, that it could not but be obvious to every gentleman on the floor, that no other country in the world would countenance the mode in which Mr. Jackson had proceeded, by the publication of *ex parte* evidence on a subject that was to come under the investigation of the House.

He concluded by declaring his unwillingness to trespass on the time of the committee. He would therefore only beg leave to recapitulate, that eleven months were elapsed since the election took place; and that the petitioner had, ever since, been industriously employed in procuring evidence: if the committee should be disposed to indulge the gentleman with further time for that purpose, he would not, for his part, make the smallest objection to granting him that indulgence: should they think proper to adopt the report now under consideration, which seemed to contemplate and even to invite the advances of that gentleman, he would have no objection to meet him upon that ground, or upon any other, provided it were honorable ground.

The committee then proceeded to consider the resolutions limiting a time for the trial, and regulating the mode in which it is to be conducted; and after having made sundry amendments thereto, rose, reported progress, and asked leave to sit again.

FRIDAY, November 25.

PHILIP KEY, from Maryland, appeared, produced his credentials, and took his seat in the House.

Mr. WADSWORTH, from the committee appointed, presented, according to order, a bill for making compensation to widows, orphans, and invalids, in certain cases; which was read twice and committed.

Mr. WADSWORTH, from the committee appointed to prepare and bring in a bill of bills for making compensation to widows, orphans, and invalids, in certain cases, presented, according to order, a bill for the relief of David Cook; which was received, and read the first time.

GEORGIA CONTESTED ELECTION.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of James Jackson, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House, for the State of Georgia; and, after some time spent therein, the

Chairman reported that the committee had made several amendments thereto; which being read, some were agreed to, and others disagreed to.

The said report was then further amended, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, That the first Monday of February next, be assigned for the trial of the articles alleged in the said petition, against the said return.

Resolved, That the evidence which may be offered, on the part of the petitioner, shall be confined to the proof of the articles of charge exhibited in the said petition against the validity of the return of the said election.

Resolved, That, on the trial, the deposition of a witness shall be received, which shall have been taken more than twenty-five days prior to the day assigned for the trial, before any justice or judge of the courts of the United States, or before any chancellor, justice, or judge, of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court, or court of common pleas of any of the United States, not being of counsel or attorney to either the said Anthony Wayne, or the petitioner: *Provided*, That a notification from the magistrate, before whom the deposition is to be taken, to the adverse party, to be present at the taking the same, and to put interrogatories, if he think fit, shall have been first made out and served on the adverse party, or his attorney especially authorized for the purpose, as either may be nearest, if either is within one hundred miles of the place of such caption, allowing time for their attendance, after notified, not less than at the rate of one day. Sundays exclusive, for every twenty miles travel. And every person deposing shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken, together with a certificate of the notice, if any, given to the adverse party, or his attorney, shall be sealed up by the said magistrate, and directed to the Speaker: *Provided, nevertheless*, That *no ex parte* deposition shall be used on the trial of said petition, which shall have been taken at any time before the twenty-sixth day of December next: *Provided, also*, That evidence taken in any other manner than is herein before directed, and not objected to by the parties, may, with the approbation of the House, be produced on the trial.

MONDAY, November 28.

RELIEF OF WIDOWS, ORPHANS, &c.

The "Bill for making compensation to widows, orphans, and invalids, in certain cases," was taken up in Committee of the Whole, Mr. MÜHLBERG in the chair.

The committee proceeded through the major part of the first section, and agreed to the clauses granting sums equivalent to seven years half-pay, to the orphan children of Captain R. Lewis, the widow of Colonel W. Douglass, and the orphan children of Major A. Leitch. The same provision was also agreed to in favor of the widow of Colonel O. Roberts, with a proviso, that, if any part of the said annuity has been already paid to her by

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the State of South Carolina, she shall only receive the balance.

By the next clause, a similar provision was intended for the children of Captain W. White, whose widow had intermarried, but not till after the expiration of seven years from his death. On this,

Mr. W. SMITH suggested the propriety of considering whether the widow of a deceased officer, even in case of intermarriage, was not still entitled to that part of the half-pay annuity which had accrued previous to the marriage; more especially as it was presumable that she had in the interim incurred some expense for the maintenance of the orphan children.

Mr. SEBASTIAN observed, that the claim to the annuity accrued to the widow immediately on the death of the officer; that she had a right, from day to day; that, if the contract of Government had been performed, she would have received the whole previous to her marriage. He would therefore move to strike out "the orphan children," for the purpose of inserting the name of their mother.

Mr. AMES was of opinion, that the only right acquired by the widow, on the death of her husband, was the right of applying for the provision: instead of making the application, she had intermarried; and that intermarriage operating as a renunciation of the provision, it must, in his opinion, revert to the children. As to any expense by her incurred for the maintenance of the children; if the children receive an estate from their public, that estate becomes chargeable with their maintenance; and the widow will come in like every other creditor.

Mr. LIVERMORE observed, that, as the widow had not intermarried during the seven years for which she was entitled to the half-pay, her claim must still hold good: it was a right given to her for her own use—not to pay her husband's debts. Her non-application for it could not, upon any principle, be construed into a transfer of the right from her to her children, who had no pretensions at all to it during the seven years that she remained single; and if by not applying for the provision she forfeited her claim to it, the children were excluded as well as she.

Mr. WILLIAMSON remarked, that in some of the States, where laws were passed on similar subjects, no respect was had for the time past; the annuities commencing only from the time of the passing the law. Further, he observed, that, if the widow had received the money from day to day, the children would have partaken of the benefit; whereas if it be now given to her new husband, they will be excluded from all participation in it.

Mr. LAURANCE reminded the committee, there was no act of Congress limiting claims of this nature; and he hoped that no such law would now be made. If the widow's present husband is entitled to the compensation, it must be given to him, although he may not make the proper use of it. The intermarriage of an officer's widow involved the forfeiture, not of what had already accrued to her, but of what was thereafter to accrue. She had continued a widow for seven years;

and the delay of payment during that time, was no reason why she should lose her right.

The question, on the motion for striking out "the orphan children," being taken and carried, the mother's name was inserted: after which, the committee rose, reported progress, and asked leave to sit again.

TUESDAY, November 29.

Mr. LIVERMORE, from the committee appointed, presented a bill to establish the Post Office and Post Roads within the United States; which was received, and read twice and committed.

RELIEF OF WIDOWS, ORPHANS, &c.

The House then proceeded to consider the amendments, proposed by the Committee of the Whole, to the "Bill for making compensation to widows, orphans, and invalids, in certain cases."

On the first amendment, for striking out the orphan children of Captain White, and inserting their mother's name,

Mr. WILLIAMSON said, that on the marriage of the widow she had forfeited her claim, which then devolved to her children; he wished, therefore, the half-pay should go to them. To avoid, however, a judicial decision in the House, he would be content with saying, "the legal representatives" of Captain White.

Mr. SEBASTIAN objected to the expression, as including both widow and children, and involving a division of the object in contest.

Mr. S. BOURNE was of opinion, that, by the intermarriage (though after the expiration of seven years) the widow had relinquished her claim to the pension: the right she had acquired by the death of her husband, was only what the law calls "*chose in action*;" it had only accrued to her conditionally; and as she had not reduced it into possession previous to her marriage, she could have no pretensions to it after, as the resolution of Congress expressly says, that if the widow marries, the pension shall go to the children. He added several arguments, drawn from the practice of the courts, to show the invalidity of any claim on her part or that of her present husband; and concluded, by declaring his opinion, that the pension ought to be paid to the children.

Mr. LIVERMORE objected to the words "legal representatives," as contrary to the intention of Congress, when they originally made the grant, which was never intended as assets, or to be distributed among the heirs at law. If those words were admitted, they would turn the pension into a channel that was never contemplated. To Mr. BOURNE's arguments drawn from the practice of the law, he opposed others derived from the same source; and maintained, that as the mother had continued seven years a widow, she still retains her right; and that, even if she had forfeited it, neither the children nor any one else could claim it now, as they had no title during the seven years for which the pension was granted.

The reason why this petition came before Congress was, that Congress had made no other provision in cases of this kind, than to recommend

to the different States to grant such pensions, and to charge them to the United States; and no provisions were made by the officers of the Treasury, except in consequence of a special order. In the cases of some General officers, who were considered not as belonging to the State, but as officers of Congress, their widows and children were obliged to petition Congress, as the State refused to make any provision for them, though living in it. In the present case, perhaps the widow did not know she had such a right, and therefore did not make application; but this delay cannot operate an extinguishment of her right, which is not lost, but must belong to the same person to whom it originally belonged.

Mr. W. SMITH was of opinion, that a deceased officer's widow had an indisputable title to whatever part of the pension might have accrued previous to her intermarriage: but if, after such intermarriage, she received any portion of it, the orphan's guardian would have a right to claim all that had been paid to her beyond that period. He doubted, however, whether Congress ought to make such a determination; as he thought they have no right to pass declaratory laws affecting the rights of individuals. The question before the House was a question of property between the widow and the orphans; their right depends upon an act of the former Congress, and must be determined before a Court of justice, not by the Legislative body, who, in making a decision, would outstep the limits prescribed by the Constitution. He therefore wished the matter might be left open for a judicial determination, and that the House would be content with saying "the widow or orphan of the late Captain White, as either may appear entitled thereto by the act," &c.

After some further remarks by Mr. KITTERA and Mr. WILLIAMSON, the objection stated by Mr. SMITH was removed, by incorporating the substance of the first and seventh sections into one, by which it is enacted,

"That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Captain R. Lewis, Colonel W. Douglas, Colonel O. Roberts, Major A. Leitch, Captain W. White, Lieutenant J. Harris, Colonel W. Bond, Lieutenant W. Noyes, Lieutenant Colonel B. Elliott, Major S. Wise, Major B. Huger, Lieutenant J. Bush, Major C. Motte, and Captain R. Shubrick, deceased, all of whom were killed, or died in the service of the United States, for the seven years half-pay stipulated by the resolve of Congress of the 24th of August, 1780; and that the Register of the Treasury do issue his certificates accordingly."

On proceeding to the second amendment of the committee, by which it was proposed to allow to Timothy Mix five dollars per month, Mr. GILES moved to strike out "five," for the purpose of inserting "sixteen and two-thirds," being the half-pay of a Lieutenant.

Hereupon a debate took place, in which various reasons were alleged why Mr. Mix, though wounded in the grade of a Sergeant, should be remunerated as a Lieutenant, since by his valor and good conduct he had risen to that rank, and still bravely

fought his country's battles, notwithstanding the state of mutilation under which he labored. The difference of the sum could be of little consequence to the United States, though of the greatest consequence to him, who was now reduced to the painful necessity of publicly begging his bread: to grant him only a Sergeant's pension, would be degrading him from that rank to which his merit had exalted him. No apprehension could be entertained that the grant of an officer's half-pay would open a wide door for similar applications: perhaps the whole of the United States would not furnish another case of the like nature, &c.

On the other hand, it was urged that even with the allowance of five dollars per month, he would fare better than if he had been an officer from the beginning; since he had already received the commutation for lieutenant's half-pay, and had no further claim to any compensation whatever. No degradation was meant, nor could this grant be construed into one: it was a gratuity, not a debt. If every man who had suffered in the cause of America was to be relieved in proportion to his losses and distresses, the whole revenue of the United States would be drained before one half the claimants could taste the bounty of Congress, &c.

The question being severally taken on Mr. GILES's amendment, and on the amendment of the committee, the allowance was settled at five dollars per month.

The House having proceeded through the bill and the amendments, the question was taken on the engrossment for a third reading, and carried.

WEDNESDAY, November 30.

The bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," was twice read and committed.

The Speaker laid before the House a Letter from the Attorney General, respecting his Report on the Judicial System of the United States; which was read: Whereupon,

Ordered, That so much of the order of the ninth instant, as directs the Attorney General to report to this House such farther information as he may be in possession of, relative to the operation of the Judicial System, be discharged.

Ordered, That the Committee of the Whole House to whom was referred the Report of the Attorney General on the Judiciary System of the United States be discharged therefrom; and that the said report be referred to Mr. SEDGWICK, Mr. HILLHOUSE, Mr. LAURANCE, Mr. BOUNDNOT, Mr. KITTERA, Mr. MURRAY, and Mr. MADISON.

Mr. GOODHUE, from the committee appointed, presented a bill concerning the registering or recording of ships or vessels; which was received, and read twice and committed.

RELIEF OF WIDOWS, ORPHANS, &c.

The House proceeded to consider the amendments reported yesterday, from the Committee of the Whole House, to the bill for making compensation to widows, orphans, and invalids, in certain

cases; and, the same being read, some were agreed to, and others disagreed to.

And then the said bill, being further amended, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" to which they desire the concurrence of this House.

THURSDAY, December 1.

An engrossed bill for making compensation to widows, orphans, and invalids, in certain cases, was read the third time and passed.

The bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President," was read the first time.

RELIEF OF DAVID COOK.

The House, in Committee of the Whole, (Mr. MUELENBERG in the chair,) proceeded to the consideration of "A bill for the relief of David Cook."

The purport of the bill was, to allow to David Cook, who was shot through the body at the battle of Monmouth, one-third of the monthly pay of a captain of artillery, provided he would return two-thirds of his commutation, being [as expressed in the bill] the proportion between the half-pay and commutation.

Mr. WILLIAMSON objected to this, as expressing what was contrary to fact; for, as the commutation was given for half-pay, his refunding two-thirds of the commutation could only entitle him to a third of the half, but not of the whole pay.

Mr. LIVERMORE was of the same opinion. Mr. FINDLEY wished the House might, in the present instance, set a favorable precedent. He observed that, if these officers who had received wounds in the service of their country were treated no better than others who had escaped unhurt, then there was no compensation allowed for superior hardship and suffering. The man who was unwounded could, with the assistance of his commutation, embark in some business that would afford him a maintenance. The case was different with the disabled officer, who was of course obliged to sell. In such circumstances as the latter, he would wish to see the officers permitted to retain the commutation, and allowed, moreover, such part of the annual pension as might be necessary for their subsistence. He thought it a disgrace to the country to see their veteran officers and soldiers pining in want and wretchedness.

This, however, is the case, and is but the natural consequence of their disability which incapacitated them from duly economizing their commutation. In the case under consideration, the object

was to place the officer in a more eligible situation; but if, after having been obliged to refund, he should die in the course of a year, the commutation would then be lost to him and his family; and, as to any apprehensions that might be entertained of throwing open a door for the admission of other claims, by showing an indulgence in the present case, he was so far from being swayed by such a consideration that he even wished to see numbers of deserving veterans come forward to receive those rewards to which their services entitled them.

Mr. BARNWELL observed, that, to purchase the half-pay at the expense of refunding the commutation, was only receiving with one hand and paying away with the other. He wished that, without a repayment of the commutation, the half-pay should be allowed from some given period.

Mr. BALDWIN remarked, that, as the petitioner had been examined by persons appointed to decide on the degree of his disability, if the House set aside their decision in the present instance, they should do the same in every other case.

Mr. KITTERA entered into sundry calculations, tending to prove that the grant of half-pay would confer no real benefit on an officer, if clogged with the condition of returning the commutation.

Mr. HILLHOUSE wished the committee might rise, and the matter be postponed until the proper officer should, from the current value of the public securities, ascertain the rate at which the United States may be indemnified for the commutation, that the repayment may only be made in proportion.

Mr. HARTLEY observed, that the Committee were about to establish a principle which would affect a number of officers. Pursuant to their contract with the public, they were entitled to half-pay for life; in lieu of which, they thought it more to their advantage, at the conclusion of the war, to accept of whole pay for five years. Since that period, however, many of them have been so affected by their wounds as to be disabled from obtaining a livelihood. Something ought, in his opinion, to be done for those men, whom it was cruel to see travelling about in distress, after they had rendered such services to their country. He adverted to the circumstance of the amount of the half-pay being alone sufficient (without refunding) to discharge the commutation, in a certain number of years; after which, he thought it but justice that those unfortunate men should receive a further compensation for their services and sufferings. This being, however, a question of considerable moment, he wished the committee might rise, to consider again to-morrow.

Mr. BOUNDNOT opposed the rising of the committee, as he saw no advantage in postponing the business. The public officers had, for several years, pursued, in cases of this nature, a regular system, in which he thought it might prove dangerous to innovate. A general revision of the claims of the officers on the pension list would be attended with much difficulty. Better that the House should determine on particular cases. The one under consideration he wished to see taken up

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on its own merits, and a provision made suitable to the peculiarity of the circumstances.

Mr. PARKER disapproved of passing laws for particular cases, when they could all be embraced by a general one. If the committee should rise, he hoped it would be for the purpose of reporting their opinion in favor of passing a bill to make a general provision for all such cases. If they proceeded in the bill under consideration, he would wish to include in it Captain Campbell, in whose favor a report from the Secretary of War had just been read.

The question on the committee's rising being taken and lost.

Mr. BOURNOR observed, that unless Captain Cook's situation (in consequence of his wound) be now worse than it was at the time of inspection, the House ought strictly to adhere to the principle laid down in the rule heretofore established. He thought it dangerous to change the law in an individual case. If any innovation were to take place, it ought equally to extend to all; otherwise, petitions would be pouring in by every man on the pension list, suing for the same advantages that had been granted to one. If Captain Cook's situation were grown worse, his particular circumstances might require the particular attention of the House; otherwise, it would be prudent to weigh the consequences of deviating from the established rule. A number of invalids had, on refunding part of their commutation, been admitted on the pension list; and if the House did not think that a sufficient compensation for wounds and services, the same additional favor that was shown to any one ought to be generally extended to every one. This he thought the only path to be pursued, if the House wished to avoid the imputation of injustice to many worthy men, whose names are on the pension list.

After some further debate, the committee rose and reported the bill, without amendment.

On motion of Mr. PARKER, it was then proposed to amend the bill by the insertion of a clause for the admission of Captain Campbell (above mentioned) on the pension list, with an allowance of the half-pay of a captain of infantry.

Several gentlemen having spoken in support of the amendment,

Mr. FITZSIMONS expressed a wish to see a suitable provision made for every case similar to the two under consideration, but thought the House were pursuing a very improper mode of making such provision. Equal justice ought to be done to all. This was not the case in the present instance, in which the two officers were put on an unequal footing. He saw no reason why one should receive more, and the other (merely because he had not asked more) should receive less. When officers are put on the pension list, this ought to be done in the most convenient manner, and some general law must be made for the purpose. Such a measure would obviate the inconvenience of throwing in fractions of £20 to one and £50 to another. If gentlemen would suffer the bill to pass as reported by the committee, Captain Campbell, and many others in similar cir-

cumstances, might be provided for by a general law.

Mr. WADSWORTH observed, that many such petitioners had waited three years without receiving any relief. He admitted that the resolutions of the old Congress excluded the petitioners from the pension list, unless the commutation were returned; but he hoped the House would not consider themselves as bound by those resolutions. He could not consent to see the few invalids who have survived their hardships and distresses, doomed to starve and perish for want. The whole annual amount of the invalid pensions is only \$87,000—a sum far short of what is, in many countries of Europe, annually spent by a single individual; and even this is every day diminishing. As to the idea of a "general bill," he had often heard general bills talked of, when there was a question of postponing the consideration of particular cases, but he had ever observed them to end in nothing. He was pleased, however, to see in the House an increasing disposition to do justice. He hoped the same spirit had extended its influence to the Senate, and that they would be disposed to do justice also.

The question being taken on the amendment, and carried, the bill was ordered to be engrossed for a third reading.

Mr. BOURNOR laid on the table a resolution that the Secretary of War be directed to lay before the House a statement of the claims of all such invalids, widows, and orphans, as are, in his opinion, justly entitled to the provisions made by the former Congress, but have been prevented from receiving the same; together with the particular circumstances attending such claims; and also a similar statement of the claims of all other persons belonging to his Department who have been prevented from exhibiting the same in due time.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to explain and amend the acts which relate to the seven years' half pay promised to the widows and orphans of officers who died in the service of the United States, and of persons who are, or have been, entitled to pensions as invalids; and that Mr. LAURANCE, Mr. FITZSIMONS, and Mr. BARNWELL, be the said committee.

FRIDAY, December 2.

An engrossed bill for the relief of David Cook, and Thomas Campbell, was read the third time and passed.

The bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President," was read the second time, and ordered to be committed to a Committee of the Whole House. Committed.

Ordered, That the petition of Nathaniel Lucas, which lay on the table, be referred to the Secretary of War.

A memorial and petition of the Society of Uni-

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ted Brethren for propagating the Gospel among the Heathen, was presented to the House and read, praying that the resolve of Congress of the third of September, one thousand seven hundred and eighty-eight, making a grant of certain lands for the benefit of the said Society, may be confirmed, and warrants issued to survey the same. Referred.

APPROPRIATION BILL.

The House then resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two.

Mr. PARKER observed, that the sum contemplated to be granted by the bill before the committee was nearly double the amount of that granted for a former year. He conceived it was the duty of the committee who reported this bill to have examined into the expenditure of the former appropriations, and called on them for information on this head.

Mr. LAURANCE said, that it was not the duty of the committee to collect the information called for. Public officers had their accounts settled according to law, and those settlements were open to the inspection of the members. It was only the duty of the committee to examine the estimates contained in the Report of the Secretary of the Treasury, and to report a bill, providing for the expenses of Government and the discharge of claims due in 1792. The Committee of the Whole would also examine those estimates. The amount of salaries depended upon the positive laws of the Legislature, and the estimates from the different offices stated to what purpose the money called for by each was intended to be applied. If from the documents in the possession of the committee, it was found that money was wanted, money would be granted he supposed; if money was not found wanting, grants would not be made. When the former Congress made grants of money for particular purposes, they necessarily relied on the honor of their officers that it would be expended agreeably to appropriation.

Mr. PARKER did not doubt but that the committee had done what they thought their duty, but his wish in rising was to provoke an inquiry into the expenditure of money heretofore appropriated. He had no doubt of the integrity of the officers into whose hands the money was intrusted, yet he thought it the duty of the Representatives of the people to inquire in what manner the money of their constituents was expended. The sums intended for the War Department he considered as very considerable, and for the Treasury Department sums were called for to pay a number of clerks, who perhaps were not all employed. He concluded by declaring that he could not vote in favor of the bill until he had obtained the information he called for.

Mr. FITZSIMONS remarked, that the allowance of the different clerks of the Treasury would not be paid, if it was not shown to the proper officer that they had been employed and had done their duty.

Mr. BALDWIN said the committee, of which he

was a member, had not been appointed to inquire into the expenditure of former appropriated money, but to bring in a bill agreeably to the report; yet, as an individual member, he had called at the Register's office, and had been induced to look over the accounts. In that of the Secretary of the Senate, three thousand dollars had been appropriated last year for contingent expenses. He did not see that that sum had fallen short, though that officer now called for four thousand five hundred dollars as an appropriation for the expenses of 1793. The reason for granting this increased sum, was stated that some articles had risen in price.

Mr. DAYTON observed, that the objections which Mr. PARKER made to the bill were indefinite. He wished he would point out those parts on which his dislike to it was grounded. They appeared to amount to this, that he would not vote for an appropriation bill.

Mr. SMITH (N. H.) said the bill was intended to make provision for the expenses of Government, and he could see no necessary connexion between the object of it and an examination into the expenditure of money already appropriated. He saw no reason for suspending his determination on this till he had received satisfactory information on the other head: for if the officers were not able to account for one farthing of the money appropriated, yet it would be necessary to provide for future expenses. He agreed that the information called for was necessary, but contended it need not interfere with the business now before the committee, or interrupt its progress.

Mr. CLARK thought the inquiry not only necessary, but well-timed. There was no doubt that the money appropriated had been expended; but he wished to know whether it had been properly expended. It was necessary to know how it was expended, before any more was appropriated. This information should form the ground of future appropriations.

Mr. PARKER declared he had no intention of unnecessarily impeding the progress of the bill before the committee; but he saw no necessity for hurrying the business—to give two or three days for inquiries would be no injury to it. He did not know that any money had been applied by any of the officers of Government improperly, but he conceived it his duty to inquire. As soon as the inquiry was made, and the information he called for obtained, he was ready to grant every requisite supply; because he was confident that these inquiries, once made, would never be neglected, and a habit would follow to look into the expenditure of all public appropriations. He again adverted to the great increase of expense, by comparing the appropriation of the second session of Congress and the one proposed by the bill before the committee. The first was about six hundred thousand dollars, and this upwards of a million. Perhaps there was a necessity for this increase, and all money heretofore granted had been properly expended, but this he wished might be made to appear.

Mr. LAURANCE wished every part of the bill

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thoroughly examined, and every member satisfied that the sums called for were necessary before they were appropriated. The gentleman from Virginia, who first objected to the bill, only took a comparative view of the sum total of former appropriations and of that contemplated by the bill. He wished the gentleman would turn to the particulars, and view the variety and nature of the calls on the Treasury for 1792. He noticed the mention that had been made of the increased sums called for, for the contingent expenses of the Senate, and said that, if the whole of this was not expended, the remainder would lay in the Treasury, and such parts as were expended must be accounted for by the proper officer to the proper office where it was open to inspection.

Mr. SMITH (S. C.) wished that the gentleman from Virginia, to satisfy his doubts respecting the expenditure of former appropriations, would take the trouble of examining the accounts of the Treasurer, which had already been lying on the table for three weeks. He mentioned some of the objects that occurred at the present session, and which called for an increase of the sum to be appropriated. Among these he enumerated the increase of our army in consequence of the attacks on our frontiers, the expense incurred in taking the census, the additional claims on Government, and the expense of the Government of the Southwestern Territory. He wished the gentleman to state the particular parts of the bill he objected to. If he did this, the attention of the committee would be turned to one point, and progress might be made in the business.

Mr. STEELE thought the objections made by the gentleman from Virginia (Mr. PARKER) proper; and fully agreed in the propriety of checking the progress of the bill until the information called for by that gentleman could be obtained. The intention, he conceived, in appointing a select committee was, that they should examine the estimates on which the appropriation bill was to be founded. He wished to know how it happened that the Secretary of the Senate, for contingent expenses of that body, should call for four thousand and five hundred dollars, when the Clerk of the House of Representatives only called for five thousand and five hundred dollars, though the last mentioned body is so much more numerous than the first. He was of opinion that the annual contingent expenses of the Auditor's and Comptroller's offices must now be well known from experience, and that *supposition* was no longer proper in estimating the sums necessary to be appropriated for those objects. He conceived that the last year's expenses being inquired into, would give the sum necessary for the next. He wished to depend on the select committee for every information of this kind; and, if they were not able to give it, he conceived they had not done their duty. Mr. LAURANCE supposed it was the duty of members to inform themselves on every subject that came before the House. In this instance, want of time could not be pleaded in excuse for a neglect of this duty. The estimate of the Secretary of the Treasury had early in the session been

handed in, was printed for the use of the House, and a copy put into the hands of each member, so that they had a full opportunity of examining it. The bill now before the committee had been reported two weeks since; so that, from the time of the bill's being reported, the business had not been precipitated. Gentlemen knew the subject was before them, and if they had examined into it, their minds would be made up, because there were materials on which their opinions could be formed. Relative to the two particulars adverted to, first the increased estimate of the Secretary of the Senate, he observed, that it was impossible for any member of the committee positively to declare that the additional sum of one thousand five hundred dollars to the former allowance was too much. With respect to the estimate of the Clerk of the House, it was particular, it was easily examined, and the Committee of the Whole were competent to determine whether any items of it appeared unreasonable. The contingencies in the War Department, in the Comptroller's office, &c., if they were higher than heretofore, it should be considered that rents are raised, and wood higher, and an allowance should therefore be made. He was sorry to hear it said that the committee had not done their duty. The information called for, he repeated, was on the table. It was impossible for the committee to say the exact quantity of wood, paper, &c., necessary for the Houses—something must be left to the honor and integrity of the persons intrusted with making the purchase of these articles.

Mr. GERRY said, that the committee were directed to report a bill pursuant to the estimate made, and their duty had no relation to the examination of the last year's expenditure. Yet he conceived it the duty of the House to make some such inquiry, and he hoped the committee would rise to give time to collect this information. He wished the House would make it a rule that every Executive should, at each session, lay before the House an account of the expenditure of all the money passing through their hands. The people depended on their Representatives for a scrutiny into the expenditure of the public money. He wished, at present, that a committee should be appointed to examine into the expenditure of all former appropriations, and that a rule should be established to apply for the future, and procure regular accounts from every branch of the Executive Department. The effect of this, in the end, would be to increase the confidence of the people in those officers, by bringing the rectitude of their official conduct to full evidence, and would be the best guard against the embezzlement of public money, should we be less fortunate in future in the choice of Executive officers. If some such plan as this was not adopted, the Representatives would have no more idea of the money expended than the people themselves, and the people no more than if their officers were in the moon. He moved that the committee rise.

Mr. BOURNOR hoped the committee would not rise until some more notice had been taken of the objections of the gentleman from Virginia. His

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charges were to the bill in general, and were founded upon the difference between the sum total of the appropriation contemplated in the bill, and that of former appropriations, a difference of about four hundred thousand dollars. To account for this difference he wished the gentleman would turn his attention to the Report of the Secretary of the Treasury; in which he would find a number of extraordinary calls for considerable appropriations. A considerable sum to the King of France; a large sum, the balance of an old account due Oliver Pollock; one hundred and twenty thousand dollars, a deficiency in last year's appropriation; considerable expenses in consequence of an increase of our army for the defence of the Pennsylvania and Virginia frontiers. He mentioned that if the sums called for to provide for these objects, and a few more which he enumerated, were added together, they would be found to make up nearly the difference complained of. This explanation he considered as necessary, lest it should be imagined that our regular annual expenses had increased in the sum of four hundred thousand dollars. These extraordinary expenses were peculiar to the ensuing year, and could not be reckoned as an increase to the annual expenses of the Government of the United States.

Mr. STEELE wished the members of the select committee would declare whether they had examined the items of the particular estimates laid before them. He was willing to rely on their opinion of them to make up his own mind.

Mr. BALDWIN said, the committee were only appointed to bring in a bill in conformity to the estimates laid before the House. He conceived that, as every member had a right to examine the documents on which those estimates were founded, that they would take the necessary steps to acquire information. For his own part, he had been induced for this purpose to call at the Register's office. He had procured from the Register such papers (making himself personally responsible for their safety) as threw sufficient light upon it to satisfy his mind; those papers were on the table and open to the inspection of every member.

Mr. GILES was of opinion that the committee had done their duty, and had acted in conformity to the resolution of the House. He mentioned his being one of a small minority against that resolution, when it was under consideration. At that time he was of opinion that some previous examination was necessary. He adverted to the estimate from the Secretary of the Senate. That officer called for four thousand five hundred dollars, for contingent expenses, though it did not appear that there was a deficiency in the sum of three thousand dollars granted last year. The only reason that was given for an increase of fifty per cent. was, the increased price of the articles to be purchased. He was against allowing an unnecessary latitude in appropriations. It would generally be found that the expenditures would come up very near to the sum appropriated; and if three thousand dollars were sufficient last year, it remained to be determined whether the increased price of articles warranted an increase of

fifty per cent. in the sums to be appropriated now. If an increase in the appropriations for the Department of War, from good reasons, was necessary, this was no reason why the contingent expenses of the Senate should increase. He hoped the passage of the bill would not be precipitated, and was of opinion that information should be previously obtained. He approved of the idea suggested by Mr. GERRY, to call on Executive officers at stated times for their accounts. It had been said that members could seek for information at their offices; he thought it more proper that the officers should be called upon to bring their accounts to the House. He did not like the mode pointed out; and, indeed, even supposing the members had neglected a duty, yet he hoped further time would not be refused. He was for the committee's rising.

Mr. BARNWELL was of opinion that the Report of the Treasurer, containing a full account of the receipt and expenditure of all the public money, was the fullest information that need be received. Neither the members of the House, nor a committee of it, could possibly examine into the minutiae and items of every public account. The Comptroller, Treasurer, and Register, were the proper officers to do this. If any member of the House was dissatisfied with any particular charge received at the Treasury, he could, either as an individual, call and examine into its propriety, or on the floor of the House call for the information he wanted to satisfy his mind.

Mr. FITZSIMONS was against the committee's rising. Many of the items in the appropriation bill were right without doubt, and papers were on the table to explain the propriety of others. Salaries would not be disputed. If clerks were unemployed at the offices, they would not be paid. The contemplated appropriations for contingent and incidental expenses depended on estimates which were before the committee; and if any are thought too considerable, motions may be made to reduce them; but to rise now would be mere waste of time. He enumerated some of the objects of expense which called for a larger appropriation this year, to remove the general objections of the gentleman from Virginia.

Mr. MADISON considered the present a good opportunity to determine how far the House could go into an examination of the accounts of public officers. It was true, that the Representatives of the people were the guardians of the public money, and consequently it was their duty to satisfy themselves as far as possible of the sources from which money flowed into the Treasury—how that money was applied—under what authority—and to inquire, at different times, what balance actually remained in the Treasury. This, he conceived, could best be done by appointing a committee periodically to examine the books of the Treasurer, see what balance appeared on the face of them, and inquire whether that balance was really in the Treasury. He mentioned the practice of the former Congress, to appoint four committees to inspect the operations of the four Departments under them. These Departments,

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however, now belonged more to the Executive; but still, as the Representatives were, by the Constitution, made the guardians of the public money, they had a right, and it was their duty, to inspect the operations of the Treasury Department. This right could not be conveniently exercised, in his opinion, by the whole body, but it should be done by a detachment from it, who would report the necessary information. This mode of proceeding was usual. He instanced the practice of the British House of Commons, and of several State Legislatures. Even if these inquiries procured no more information than was obtained by means of reports from the different officers of Government, yet being made by the immediate Representatives of the people, they would give more satisfaction. So far as it was useful to ascertain the real balance in the Treasury, so far these periodical committees would be of the first utility. A question arose, whether the progress of the bill before the committee should be stopped to make those inquiries, or whether it should be suffered to go on, on the supposition that all was right. He wished the proper regulations on this subject settled, as standing regulations, and to be adopted before any idea of their necessity should arise from suspicious circumstances.

Mr. LAURANCE wished to proceed in the bill as far as the information already in the possession of the House would carry them.

Mr. GERRY made some observations, to show that accounts from the Treasury could never give the information wanted; they generally stated sums of money paid to individuals, without mention of particular objects to which they were meant to be applied. This was a favorable opportunity to establish some such regulations as were contemplated by members. Our officers have, and deserve, the confidence of the people. It would be too late to attempt to make those regulations when there were reasons for suspicion; the influence of suspected officers would be exerted to oppose them.

Some further remarks were made by Messrs. BALDWIN, GILES, and FITZSIMONS; after which, the question was put, and the Committee rose, reported progress, and obtained leave to sit again.

MONDAY, December 5.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two; and, after some time spent therein,

Ordered, That the said bill, with amendments, be recommitted to Mr. LAURANCE Mr. BALDWIN, and Mr. ASHE.

The Speaker laid before the House a Letter from the Secretary of Treasury, accompanying his report on the subject of Manufactures, made pursuant to an order of the House of the fifteenth of January, one thousand seven hundred and ninety; which was read, and ordered to lie on the table.

The Speaker laid before the House a Letter

from the Treasurer of the United States, accompanying his account of receipts and expenditures of the public moneys, between the first of July, and the thirtieth of September, one thousand seven hundred and ninety-one; which were read, and ordered to lie on the table.

Mr. BENSON laid on the table a resolution for the appointment of a committee to join a committee of the Senate, to consider and report the most eligible manner of carrying into effect a former resolution of Congress, respecting the erection of an Equestrian Statue, in honor of General WASHINGTON.

APPROPRIATION BILL.

The House then, pursuant to the order of the day, resolved itself into a Committee of the Whole, and resumed the consideration of the appropriation bill—Mr. MUEHLBERG in the chair.

In proceeding through the bill, the several items were separately considered, and agreed to. Some occasional remarks were made; but no material debate took place. One amendment was proposed, by which the bill is made to express the several purposes for which the moneys are appropriated, instead of appropriating sums in gross, with a reference to the Secretary's estimate, for particulars.

The committee having reported the bill and the amendment, the House adopted the same, and re-committed the bill to the select committee, who had originally framed it, with instructions to new-model it pursuant to the sense of the House.

Mr. GERRY presented a resolution in lieu of one which he laid on the table on Friday last, making it the duty of the Secretary of the Treasury to report to the House, on the third Monday of every session, an account of the receipts and expenditures of the public money appropriated during the preceding session, so far as he shall then have it in his power to state particulars; and if he be unable to give an accurate statement of the whole, at the time appointed, he is to complete it as soon afterwards as may be.

TUESDAY, December 6.

Resolved, That Mr. BENSON, Mr. GERRY, and Mr. SMITH, of South Carolina, be appointed a committee on the part of this House, jointly, with such committee as shall be appointed on the part of the Senate, to consider and report to Congress the most eligible manner for carrying into effect the resolution of the United States in Congress assembled, of the seventh of August, 1783, directing that an Equestrian Statue of General WASHINGTON should be erected.

The three following motions being severally made and seconded, to wit:

"First. That a committee be appointed to examine and report upon the state of the Treasury Department; and that such committee be appointed on the second Monday after the meeting of Congress in every session.

"Second. That it shall be the duty of the Secretary of the Treasury to report to this House, on the third Monday of every annual session of Congress, a regular statement and account of the receipts and expenditures of all public money, for the preceding year, as far as the

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same can be then ascertained; and as soon thereafter as circumstances will permit, of such receipts and expenditures as cannot be specified in the first statement. "Third. That, within the month of January in each year, if Congress shall be then in session, or, if not then in session, within the first week of each succeeding session, the Secretary of the Treasury shall lay before the House of Representatives an accurate statement of receipts and expenditures down to the last day of the month of December immediately preceding, including the said day; in which statement shall be distinguished the expenditures which fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended of such appropriations. And that a committee be thereupon forthwith appointed to examine the said statement, and report concerning the same to the House, and that this be considered as a standing order."

Ordered, That the said motions be referred to Mr. GERRY, Mr. DAYTON, and Mr. BARNWELL; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

POST OFFICE BILL.

The House resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

Mr. SENDWICK moved to strike out all that clause of the bill which designated the roads, and to insert, instead thereof, these words, "by such route as the President of the United States shall, from time to time, cause to be established."

It had appeared, he said, to be the sense of the House, when this subject was formerly under consideration, that the demarkation of the particular roads should be intrusted to the Executive; the only difference had been with respect to the mode of expression—but the effect was still to have been the same—some gentlemen thinking it best to leave the details of this business entirely to the supreme Executive, others wishing to name the Postmaster General. The members of the House could not be supposed to possess every information that might be requisite on this subject, and their opinions were liable to be biased by local interests. He had ever considered it as highly incumbent on the House to give the people every possible information on public concerns; but in this, as in every other subject, he thought it sufficient that the House should establish the principle, and then leave it to the Executive to carry it into effect.

Mr. LIVERMORE observed that the Legislative body being empowered by the Constitution "to establish post offices and post roads," it is as clearly their duty to designate the roads as to establish the offices; and he did not think they could with propriety delegate that power, which they were themselves appointed to exercise. Some gentlemen, he knew, were of opinion that the business of the United States could be better transacted by a single person than by many; but this was not the intention of the Constitution. It was provided that the Government should be administered by Representatives, of the people's choice; so that

every man, who has the right of voting, shall be in some measure concerned in making every law for the United States. The establishment of post roads he considered as a very important object; but he did not wish to see them so diffused as to become a heavy charge where the advantage resulting from them would be but small; nor, on the other hand, for the sake of bringing a revenue into the Treasury, consent to straiten them so as to check the progress of information. If the post office were to be regulated by the will of a single person, the dissemination of intelligence might be impeded, and the people kept entirely in the dark with respect to the transactions of Government; or the Postmaster, if vested with the whole power, might branch out the offices to such a degree as to make them prove a heavy burden to the United States. In many instances the expense is productive of a benefit sufficient to counterbalance it; in others, no public benefit arises, but some individuals reap a private advantage from the institution, whilst it is injurious to others. The most material point, in his opinion, was to determine the road itself; if the House gave up that, they might as well leave all the rest of the business to the discretion of the Postmaster, and permit him to settle the rates of postage, and every other particular relative to the post office, by saying, at once, "there shall be a Postmaster General, who shall have the whole government of the post office, under such regulations as he from time to time shall be pleased to enact."

Mr. SENDWICK felt himself by no means disposed to resign all the business of the House to the President, or to any one else; but he thought that the Executive part of the business ought to be left to Executive officers. He did not, for his part, know the particular circumstances of population, geography, &c., which had been taken into the calculation by the select committee, when they pointed out the roads delineated in the bill; but he would ask, whether they understood the subject so thoroughly as the Executive officer would, who being responsible to the people for the proper discharge of the trust reposed in him, must use his utmost diligence in order to a satisfactory execution of the delegated power? As to the constitutionality of this delegation, it was admitted by the committee themselves who brought in the bill; for if the power was altogether indelegable, no part of it could be delegated; and if a part of it could, he saw no reason why the whole could not. The second section was as unconstitutional as the first, for it is there said, that "it shall be lawful for the Postmaster General to establish such other roads as post roads, as to him may seem necessary."

Congress, he observed, are authorized not only to establish post offices and post roads, but also to borrow money; but is it understood that Congress are to go in a body to borrow every sum that may be requisite? Is it not rather their office to determine the principle on which the business is to be conducted, and then delegate the power of carrying their resolves into execution? They are also empowered to coin money, and if no part of their

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power be delegable, he did not know but they might be obliged to turn coiners, and work in the Mint themselves. Nay, they must even act the part of executioners, in punishing pirates committed on the high seas. In the delegation of power, the whole purpose, in his opinion, is answered, when the rules by which the business is to be conducted are pointed out by law; nor could he discover anything in the Constitution to restrict the House from adopting this mode of conducting business.

Mr. HARTLEY.—I cannot agree with the gentleman from Massachusetts, that as often as this business had been agitated, there had been a majority in the House in favor of leaving it to the Executive to designate the post roads. Nay, so far as my recollection (which is perhaps not so good as that gentleman's) serves me, we uniformly have had a majority for Congress to point out the post roads.

The Constitution seems to have intended that we should exercise all the powers respecting the establishing post roads we are capable of; but the gentleman says we are not competent to this duty, that it must be intrusted to the Executive.

Sir, in many questions concerning the property or geography of the United States, we had full information on this floor from every quarter. The people's interests and circumstances have been known, however distinctly or differently situated.

On the subject of the post office there has been much discussion. Almost the whole of the roads here stated have appeared in bills before, and though the gentleman (who made the motion for striking out) may not perfectly understand all the roads, yet if he will be so good as to attend to the gentlemen who represent the different parts of the Union, he ought to be satisfied. Unless they are prejudiced, they can certainly give the best information. If it were left to the President or Postmaster General, neither is acquainted with all the roads contemplated; they must depend in a great measure on the information of others.

We represent the people, we are constitutionally vested with the power of determining upon the establishment of post roads; and, as I understand at present, ought not to delegate the power to any other person.

A General Post Office is intended to be established by the bill, and the collection of the revenue is put under the superintendence of a Postmaster General; the minutiae is submitted to him. I should imagine there ought to be a limitation of the law in point of time, say three, four, or five years; when we come to the proper place, a motion to that purpose may be made. No one in the United States has a greater respect for the President than myself, and I hold that the several Departments are filled with gentlemen of the first abilities and fitness; but we are not to confine ourselves to a view of the moment. This bill has the complexion of a perpetual law; we must have some regard to consequences. If the amendment takes place, the office as well as revenue will be thrown into the power of the Executive, who may

increase the roads and offices as far as the revenues go. The revenue of the post office is at present not great, but if proper seeds are now sown, it may hereafter be productive. In Great Britain, much has been obtained from the post office, and most of the European nations count upon it as a considerable branch of revenue. Will it be prudent for us to grant this power to the Executive, in the latitude contended for? We must not suppose that this country will always remain incorrupt; we shall share the fate of other nations. Through the medium of the post office a weighty influence may be obtained by the Executive; this is guarded against in England by prohibiting officers in the Post Office Department from interfering at elections. There is no such guard or caution in the present bill. By the amendment, we are unnecessarily paring with our revenues, and throwing an improper balance into the Executive scale, and which our constituents do not expect from us. The Senate heretofore have disagreed with us, but if they will take the same pains we have, the means of information is within their reach; upon a review, they may probably change their sentiments. This is a law of experiment, let us try it a few years. If, upon experience, we find ourselves incompetent to the duty, we must (if the Constitution will admit) grant the power to the Executive; or, if the Constitution will not allow such a delegation, submit the article for amendment in a constitutional way. I am against the amendment.

Mr. B. BOURNE was in favor of the amendment, which he thought both expedient and constitutional. In speaking of *post offices and post roads*, the Constitution, he observed, speaks in general terms, as it does of a *mint, excises, &c.* In passing the excise law, the House, not thinking themselves possessed of sufficient information, empowered the President to mark out the districts and surveys; and if they had a right to delegate such power to the Executive, the further delegation of the power of marking out the roads for the conveyance of the mail, could hardly be thought dangerous. The Constitution meant no more than that Congress should possess the exclusive right of doing that, by themselves or by any other person, which amounts to the same thing. The business he thought much more likely to be well executed by the President, or the Postmaster General, than by Congress. He had himself been of the committee who framed the bill, but could not tell whether the roads marked out in it were better than any other, except so far as relates to the State which he represents; and he imagined the other members of the committee were in a similar predicament. The President having opportunities of obtaining information from the different members of the House, from the Postmaster General, and from others, will be more competent to determine the proper road. It will be occasionally necessary to change the route, and lay out new roads, and he could see no inconvenience from intrusting either the President or the Postmaster General with the necessary powers for these purposes. At all events, the House could guard against any ap-

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prehended danger, by the insertion of such a clause as had been proposed, [by Mr. HARTLEY,] limiting the operation of the bill to three, four, or five years. At the expiration of that term, the power would revert to Congress, and they might then retain the exercise of it in their own hands, if they found that any improper use had been made of it.

Mr. WHITE made several observations on the expediency and constitutionality of the measure. No individual could possess an equal share of information with that House on the subject of the geography of the United States. He disapproved of the amendment for many other reasons, and particularly its approximation to the custom of England. Such advances towards Monarchy, if not checked in season, he was apprehensive would tend to unhinge the present Government. If this Government retains its present Republican form, it will be owing to the members of this House. It is easy to see what hand could be made of the post offices, if ever they are under the direction of an improper person. At the time of a general election, for instance, how easy would it be for this man to dictate to particular towns and villages, "If you do not send such a man to Congress, you shall have no post office; but if you elect my friend, you shall have a post office, and the roads shall be run agreeably to your wishes." Another improper use may be made of this power by the interception of letters, and checking the regular channel of information throughout the country. Upon the whole, he was clearly for rejecting the motion for striking out the words in the bill.

Mr. LAURANCE observed, that the revenues arising from the post office would not, perhaps, produce a sufficient sum to defray the expenses of the establishment. If this should be the fact, he would prefer the amendment, but if the revenue should increase from time to time, he should have no objection to the addition of posts and roads in proportion to such increase. The consequence of establishing so extensive a system all at once, as was contemplated in the bill, might be, that the revenue would fall short, and then additional taxes must be laid to pay off the deficiency; however, upon the whole, if he could be satisfied that the revenues of the Department would be sufficient to defray the expenses of it, he would be against striking out the clause in the bill.

Mr. PAGE.—If the motion before the committee succeeds, I shall make one which will save a deal of time and money, by making a short session of it; for if this House can, with propriety, leave the business of the post office to the President, it may leave to him any other business of legislation; and I may move to adjourn and leave all the objects of legislation to his sole consideration and direction. But how the President should be better acquainted with the proper places for post offices and post roads than the Representatives of the people, I cannot conceive. In Virginia, for instance, I cannot conceive Representatives say, with more certainty, what post roads would be proper in that State than any one man? I look upon the motion as unconstitutional.

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tional, and if it were not so, as having a mischievous tendency, which I am willing to believe the member who made it is not aware of.

In reply to Mr. SENECA, he said, he heard but two arguments on which any stress was laid, viz: that the President's greater responsibility pointed him out as the proper person to be intrusted with the important business of establishing post offices and post roads, and that his superior knowledge of this subject ought to induce the committee to leave it to him alone; but as to the responsibility, how that can be greater than the responsibility of the members of this House, when he is appointed by Electors for a longer term than they are; and they elected by the people themselves, and accountable to them every two years, is to me inconceivable; and as to his superior knowledge, granting that he possessed it, which I cannot grant, can there be a greater paradox than the assertion that the President's knowledge alone is greater than that very knowledge, aided by the united information of both Houses of Congress, collected and presented to him in the bill? Sir, if the clause which it is said we should strike out, instead of communicating the sense of this House to the President, took away his right of approving or rejecting it, there might be some weight in the argument drawn from the supposition of his superior knowledge; but as this is not, and cannot be the case, and so far from it, that the clause submits the matter to the most mature deliberation of the President and Senate, it must be paradoxical to say that we lose the advantage of superior wisdom and knowledge of the subject, if we do not leave it to the President alone. But we are told that the motion is not unconstitutional. I think it is; but who is there that denies it is contrary to the interest and spirit of a free Government? The people, however, may think with the member who made the motion, that the President (that is, the man who is now their President) understands this matter, and can do it better than their Representatives; and they may think the whole business of Government might be safely intrusted to him; but they are too wise to make the experiment, and understand the nature of their Government so well as to complain that Congress too often commits to Heads of Departments what the Constitution requires at their hands. The President himself, if I mistake not, views the subject before us in the light I do, or he would not so repeatedly have called on us to make it a peculiar object of our deliberation.

Mr. STEELE would not take up the time of the House in considering whether the motion was constitutional or not; but he was apprehensive it would be burdensome to impose the duty on the President, who must feel very disagreeable to hear that after he had exerted his utmost abilities to give satisfaction, discontents had taken place. He hoped the gentleman from New York, who had hitherto shown himself so staunch a friend to the present Constitution, would not oppose the diffusion of knowledge and information amongst the people, upon an idea of a supposed deficiency in the revenue of the Post Office, for it might very

soon increase to a sum more than sufficient for the expenses of the establishment.

Mr. VINING said, that since this subject had been before the last House, during the recess, he had seen many lights thrown on it, and he was convinced that the members were as fully competent to judge of the matter as any one man could be; this, he thought a fact not now to be disputed, as well as that more satisfaction would be given to the country in general. There is no analogy between the United States and Great Britain, when the subject of the post roads and post offices are to be considered. This country, from its great extent and uncultivated state, as well as from a thousand other causes, is not at all similar to the situation of Great Britain; therefore, any attempt to imitate their regulations would be improper. With regard to the regulation being given to the President, two things should be considered; to a good President it would be a burden; to a bad President, a dangerous power of establishing offices and roads in those places only where his interest would be promoted, and removing those of long standing, in order to harass those he might suppose inimical to his ambitious views. The Constitution has certainly given us the power of establishing posts and roads, and it is not even implied that it should be transferred to the President; his powers are well defined; we create offices, and he fills them with such persons as he approves of, with the advice of the Senate. Having thus far stated his opinion, he would vote against the amendment to the bill; and when the first section was got over, he would propose a clause to be inserted in the second section, which he hoped would meet the ideas of the gentleman from New York, viz: that the cross-roads and offices should be so regulated as not to exceed the surplusage of the revenue of the general establishment. The doubt of the bill's not passing the Senate, should have no weight in his mind; he would rather fifty bills should be lost than shrink from his trust; and he hoped the House of Representatives would show their firmness in the present instance; and if the Senate should afterwards reject the bill, as they had done before, let them be answerable for their own conduct: they can do these things more gracefully than this House, as they are not seen in the act. Mr. V. concluded by drawing another argument from that part of the Speech of the President, at the opening of the present session, which respects the post office and post roads, wherein he so warmly recommends it to the Legislature to take up the subject. This expression is as strong an argument as can possibly be adduced, to show that he had no other conception of the matter than that it was the peculiar privilege of the Legislature.

Mr. BARNWELL was not surprised that a diversity of opinions should prevail on such a subject; but that there should be any question respecting the constitutionality of the amendment astonished him. It was very natural to suppose members from the same State would differ in opinion, and this showed the greater degree of necessity there was to vest the power in the hands of a high re-

sponsible officer to determine upon it; for, by doing so, there would be less partiality exhibited in the delineation of the roads, &c. But, if left to the House, it would be almost impossible to reconcile any line to all parties; for the members from each State would probably be guided more by the principle of domestic convenience than by a sense of general good. In reply to Mr. V.'s argument, that it would be a burden to a good President, he thought it would be a pleasure to him to render service to his country. Upon the whole, he was in favor of Mr. SEBOWICK'S motion.

Mr. GERRY took a general view of most of the arguments in favor of the motion; replied to each; and concluded, by asking why the commercial interest only should be accommodated, and the inland inhabitants excluded from the advantages of post roads? Why one class of citizens should be preferred to another? The diffusion of knowledge and information is as necessary to one as to the other; and the revenue from the post office would increase from year to year, to defray the expense of the additional post roads which are proposed in the bill.

Mr. STEELE defended the committee who had reported the bill, and explained the grounds on which they had proceeded in laying out the roads for the general advantage of the United States, rather than to accommodate a few trading places only on the sea coast; and with regard to the route to Charleston, to which Mr. BARNWELL had objected, he said it would cause letters to arrive there four or five days sooner than by the old route.

Mr. BENSON observed, that the constitutionality of the amendment is denied, and it is said that the Legislature alone is competent to establish post offices and post roads; notwithstanding this, there is not a single post office designated by the bill. Much has been observed respecting the Legislative and Executive powers, and the committee are cautioned against delegating the powers of the Legislature to the Supreme Executive. Without attempting a definition of their powers, or determining their respective limits, which he conceived it was extremely difficult to do, he would only observe that much must necessarily be left to the discretion of the Legislature. He was very doubtful whether it would ever be in the power of the House to form any bill that would give satisfaction. This he spoke from experience; for it had been often tried in the old Congress, and was as often defeated by the partial and local clauses proposed by the different members. For these reasons, he believed it would be better to delegate the power, and let the regulations be made by the President, than to be enacting supplementary laws year after year, at the instance of individual members.

The Committee now rose, and obtained leave to sit again.

APPROPRIATION BILL.

Mr. LAURANCE, from the committee to whom was recommended the bill making appropriation for the support of Government, for the year one

thousand seven hundred and ninety-two, reported an amendatory bill; which was received, and ordered to lie on the table.

WEDNESDAY, December 7.

An amendatory bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two, was read the first and second time, and ordered to be engrossed, and read the third time to-morrow.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House on the bill establishing the Post Office and Post Roads, within the United States. Mr. SEBOWICK'S motion being under consideration—

Mr. WHITZ observed, that there was a necessity for changing many of the present routes of the post, and although gentlemen have said that information on the subject cannot be so well obtained from this House as from the Executive, because no one member knows all the roads, yet it must be allowed that every road is known to some of the members. The people of the United States have suffered too long under the present establishment; four hundred and eighty-six thousand inhabitants, on the western side of the river Potomac, in the State of Virginia, are deprived of the benefit of a post road: will any gentleman say that nearly half a million of persons shall not have the privilege of a post office, or the means of information? He would not go into any lengthy observations, as the subject had been so fully discussed yesterday. He declared his opinion that the House had a right to send a person to lay out the post roads, agreeably to their directions, and therefore hoped the amendment would be negatived, and that the bill would be gone through with, with such reasonable amendments as might be suggested.

Mr. LIVERMORE said, that gentlemen had drawn arguments from the second clause of the bill before it was yet under consideration, from which they endeavored to prove an absurdity in the first clause, and thus take an uncandid advantage of the liberality of the committee in leaving the appointment of the deputy postmasters and branching offices to the Postmaster General. If, however, there be any defect in the second clause, it can be amended when we come to it; but to attempt to bring forward this section as a bar to the adoption of the first, is an unfair mode of proceeding, and seems as if intended to throw the bill out at any rate. With regard to what has been said of the responsibility of a high Executive officer, he did not deny the wisdom and integrity of the President, who would, no doubt, conduct this as well as he had always done any subject committed to his care; but this would be a very troublesome business to impose upon him, and those who are desirous of doing it, are not acting a friendly part. The Constitution has pointed out one certain mode for the Legislature to proceed in, and it is more proper for the House to determine on

the subject than any one man; let the experiment be made for three years, or for ten years, and it will always be found in our power to amend the defects in the system as they arise to our view.

Mr. MADISON said, that the arguments which are offered by the gentleman who are in favor of the amendment, appear to be drawn rather from theory than any line of practice which had hitherto governed the House. However difficult it may be to determine with precision the exact boundaries of the Legislative and Executive powers, he was of opinion that those arguments were not well founded, for they admit of such construction as will lead to blending those powers so as to leave no line of separation whatever. The greatest obstacle to the due exercise of the powers vested in the Legislature by the bill, which has been mentioned, is the difficulty of accommodating the regulations to the various interests of the different parts of the Union; and this is said to be almost impracticable. But it may be remembered, that similar embarrassments appeared when the impost and tonnage bills were under consideration; on those subjects, the members were obliged to be governed, in a great degree, by mutual information and reciprocal confidence. In respect to the establishment and arrangements of the different ports of entry and clearance, and other objects, that was a business of much greater importance and difficulty than this; but it was accomplished. The Constitution has not only given the Legislature the power of creating offices, but it expressly restrains the Executive from appointing officers, except such as are provided for by law. As has been well observed by the gentleman from Delaware, the President is invested with the power of filling those offices; but does it follow that we are to delegate to him the power to create them? The reference to the appointments and arrangements made by the Executive, pursuant to the powers delegated to the Executive by the excise law, cannot be considered as a parallel case; no similar exigency exists to justify a similar delegation. The danger of infringing on the powers of the Executive, which has been suggested, and the caution to the House against touching on the appointment of officers, is a species of reasoning on the subject, which may be carried so far as to say that we ought not to make any appointments by law; and yet this has been done as in the instance of the appointment of the Commissioners for purchasing in the public debt, all of whom were appointed by the act making provision for the reduction of the public debt. Where is the necessity of departing from the principles of the Constitution in respect to the post office and post roads, more than in all other cases? The subject is expressly committed to Legislative determination by the Constitution. If the second section of the bill requires amendment, it can be rectified when it comes before us; and with respect to future cases, should there be a necessity for additional post roads, they can be provided for by supplementary laws; and therefore no reason on that account can be urged for delaying the provision proposed by the bill. He concluded by saying, that

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there did not appear to be any necessity for alienating the powers of the House; and that if this should take place, it would be a violation of the Constitution.

Mr. Sedgwick would make a few observations, which he felt himself obliged to submit to the consideration of the Committee, as well to defend himself as his motion, from the unwarrantable attacks which gentlemen had made on both.

The powers of the Constitution, he was sorry to say, were made in debate to extend or contract, as seemed, for the time being, to suit the convenience of the arguments of gentlemen. The member from Virginia, [Mr. Madison] had discovered an additional quality of unconstitutionality involved in the motion under consideration. It was, that the creation of offices was by the Constitution confined solely to the Legislature. This position was undoubtedly just, if by it was meant that the powers and duties of officers must be defined by law. But he understood the gentleman to extend his meaning much further, and to have declared, in substance, that all offices, however subordinate and dependent, must be numerically provided for by law. The gentleman had, with his usual accuracy and precision, foreseen the application of his principle to the power which, on the same subject, had been delegated by the Executive, by which the Executive was authorized to parcel the whole country into districts, and to appoint the various officers necessary to execute the law. Nothing more was in that instance done, than to define the powers and duties annexed to the offices, but the limits to which their authority was to extend, and their number, was very properly left with the Executive. In that instance, such a delegation was indispensably necessary; nor was it, in his opinion, less necessary in the multifarious arrangements of post offices. That gentleman justified this necessity had in that instance justified the expedients; if so, the same conclusion might be drawn on the present occasion. But, for his part, if he should assume that member's opinions, he should be incapable of deriving consolation from the same source; for that there never had as yet been, and probably never would exist in the administration of this Government, a necessity so urgent as to authorize an usurpation of power. The motion before the committee was constitutional, or the reverse; if the latter, the same was true of the existing act in the instance alluded to. That in either instance, a supposed necessity could not justify the infringement of a Constitution which the members were under every obligation of duty, and their oaths, solemnly pledged, to support. Gentlemen should be very cautious how, on slight grounds, they assent to principles, which, if they were true, would evince that the Government had scattered through the whole country, officers who are daily seizing on the property of the citizens, by the assumption of unconstitutional powers. It was true, as had been observed by his friend from New York, [Mr. Benson] that it was impossible precisely to define a boundary line between the business of Legislative and Executive; but from his own experience, as a public

man, and from reflection, he was induced to believe, that as a general rule, the establishment of principles was the peculiar province of the former, and the execution of them, that of the latter. He would, therefore, at least, generally, as much as possible, avoid going into detail. In adopting this as a general rule of conduct, he was not influenced by considerations which gentlemen in opposition to his motion had suggested—the pre-eminently great and good character of the man who was now called by unanimous suffrage to administer the Executive—for he had always considered that, with sagacious minds, that should be the season of political caution, when the Executive was in the hands of one to whom all hearts justly bowed. From the nature of the business to be transacted, he had drawn his conclusion; he thought an Executive officer, responsible to the public for the performance of an important and interesting trust, would inquire with more scrupulous caution, and decide with more justice, than could be expected from a popular assembly, who, from the nature of things, would be more remiss than consisted with a just determination; and he appealed to those gentlemen who were members of the last House, for a recollection of that apathy and torpor which prevailed on a former attempt to demark the post roads. He observed that the opposition to his motion on the ground of unconstitutionality, came with an ill grace from the gentleman who had reported the bill; for, by one section, the Postmaster General was expressly authorized to establish post roads not provided for by the bill, upon a condition that does not at all affect the present question; and by another section, the same officer was authorized to appoint, unrestrained, all his deputies, each of whom is to establish and keep an office. This, in his opinion, was not only expedient but indispensably necessary. It was, however, a delegation of power, attended by all those circumstances which rendered, in the opinion of that gentleman, the present motion unconstitutional. He said, no gentleman had contended for carrying into execution the principles they attempted to establish, to an extent which they would go. That no road can be a post road but such as shall be established by law. The bill establishes the road from place to place, leaving the intermediate distance untouched; as for instance, from Boston to Worcester. Between those two points is, or is not, a post road. If the bill should become a law, established? If the former part of the dilemma is embraced, then also by the motion, if adopted, will a post road be established from Maine to Georgia. For he supposed it impossible to make any well-founded distinction between the one case and the other. His motion then would as effectually establish a post road in the intermediate space as the bill in its present form; and all the objections which had been made to the former, would apply with equal force to the latter. Gentlemen had spoken in strong terms of the disinterestedness, information, and respectability of the members of the House, and of the popular confidence which resulted therefrom. No man had a more respectable opinion of the Repre-

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sentatives of the people than himself; he need not, however, observe to them, that they were men, subject to like passions and imperfections with their fellow-citizens. It could not have escaped the reflection of the committee, that the gentlemen who composed it, had a very important interest in establishing the directions of the post; that on the declarations of men thus interested, we must rely for the justice of our ultimate conclusions; on evidence of interested individuals, individuals who are, by their relation to the subject of inquiry, excluded, on principles of law, from all credit, must we rely for a knowledge of those facts which are to direct our judgment. Mr. Bourne and Mr. Gerry made some remarks, and then the question being taken, Mr. Sedgwick's motion was negatived.

THURSDAY, December 8.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-two, was read the third time, and passed.

Memorials of the several Societies "for promoting the abolition of slavery, for the relief of free negroes, unlawfully held in bondage, and for improving the condition of the African race," in the States of Rhode Island, Connecticut, New York, Pennsylvania, Maryland, and Virginia, were presented to the House and read, respectively praying that the African trade may be totally prohibited to the citizens of these United States, for the supply of slaves to foreigners; that foreign ships, destined for that trade, may be prohibited from fitting in the ports of the United States; and that proper regulations may be adopted for the humane treatment of slaves imported into the States admitting such importations. Referred to Mr. Benson, Mr. Baldwin, Mr. Dayton, Mr. Smith, of South Carolina, and Mr. Learned; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

POST OFFICE BILL.

The House having resolved itself into a Committee of the Whole, proceeded to the further consideration of the Post Office bill; and, after some time spent therein, agreed to establish the main post road as follows:

Wiscasset, Portland, Portsmouth, Exeter, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charlestown, Havre-de-Grace, Hartford, Baltimore, Bladenburg, Georgetown, Alexandria, Colchester, Dumfries, Frederickburg, Bowling Green, Hanover court-house, Richmond, Petersburg, Halifax, Tarborough, Smithfield, Fayetteville, New Bridge over Drowning creek, Cherraw court-house, Camden, Statesborough, Columbia, Cambridge, Augusta, and Savannah.

The Committee then proceeded to consider the cross posts, pointed out in the bill; agreed to some,

altered others, introduced some additional ones, and then rose, reported progress, and asked leave to sit again.

FRIDAY, December 9.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act appointing Representatives among the People of the United States," with several amendments; to which they desire the concurrence of this House.

The House again resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

The subject was further discussed, several motions for additional routes of the post were made, lengthy debates ensued; some of the motions were rejected, and others agreed to. The Committee rose and reported progress; and then the House adjourned till Monday.

MONDAY, December 12.

The Speaker laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the memorial of George Webb, referred to him, pursuant to an order of this House, of the twenty-fourth of February last; which were read, and ordered to lie on the table.

The petitions of sundry inhabitants of the County of Northumberland, in the State of Pennsylvania, were presented to the House and read, praying that so much of an act, passed at the last session, imposing a duty on spirits distilled within the United States, as respects the duty on spirits distilled from materials the growth or produce of the United States, may be repealed. Referred to the Secretary of the Treasury, for his information.

A petition of Charles Hately, of the State of South Carolina, was presented to the House and read, praying that an exclusive prior right of patent may be reserved to him in a machine, which he has invented, for whitening or cleansing rice; provided he shall, within a reasonable time, comply with the requisites of the law, in such case. Referred to the Secretary of State for his information.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

It is with great concern that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A farther communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue. GEORGE WASHINGTON.

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The papers referred to in the said Message were read, and ordered to lie on the table.

APPORTIONMENT BILL.

The House then proceeded to the consideration of the amendments of the Senate to the bill fixing the future number of Representatives.

The first amendment, to increase the ratio to thirty-three thousand, being read,

Mr. GERRY observed, that the bill had passed both the Committee of the Whole, and the House, by a large majority. The principle, as he was informed, on which the amendment had taken place in the Senate, was to reduce the fractions which would result from the ratio proposed by the House; but he said this difficulty had been fully considered in the House. The representation, every body knows, is now unequal, and it must be submitted to for two years longer; and now it is proposed, at that period, to deprive the people of that representation to which they are entitled by the Constitution. He thought that it was extraordinary, after the ratio proposed in the bill had been agreed to by the House, by so large a majority, a proposition to alter it should have been agitated and carried in the Senate. Till some better reason than he had heard assigned should be offered, he should be against concurring with the Senate; he moved, therefore, that the House disagree to the amendment of the Senate. The motion was seconded by Mr. WHITE.

Mr. LIVERMORE was in favor of agreeing to the amendment. He enlarged on the inequality in the representation from the great fractional numbers which would result from the ratio of thirty thousand. He was fully of opinion that the public business could be full as well transacted by one hundred and five members, the number which would be produced by a ratio of thirty-three thousand, as by one hundred and twelve or one hundred and thirteen, the number arising from the ratio of thirty thousand.

Mr. BENSON said, there was one idea which, if it had been considered in time, might have been adopted, and would perhaps have given very general satisfaction; and that is, that the Representatives of the United States shall amount to a certain number, according to the whole number of the people, say one to thirty thousand. This would have given a surplus number which might have been assigned to those States that have the largest fractional numbers. He had formerly voted for thirty thousand, but as the principle of equality was more particularly attended to in the amendment, he should now vote for the ratio proposed by the Senate. He observed, some States are stationary; the increased representation of the larger States, when once established, never will be receded from. This ought to be taken into serious consideration.

Mr. MADISON observed, that the idea of diminishing the fractional parts appears to be the only reason for the alteration proposed by the Senate. The aggregate of these fractions only has been taken into consideration; but, said he, if the fractions of any particular States will be augmented

by the amendment, which would be the case, he conceived that the argument amounted to no good reason for agreeing to it; and this, he said, would evidently be the fact.

Mr. WILLIAMSON was opposed to a concurrence. He observed, in general, that the operation of the amendment was to diminish the fractions to the Eastward, and increase those to the Southward. The Southern States had suffered so much under the narrow of speculation, that he hoped no measure would be adopted to lessen the means of information to the people of those States, by denying them that proportion in the representation to which they are entitled. He regretted that some of the Southern States were not fully represented at this time in the Senate; he thought it probable, had it been otherwise, that a different decision would have taken place.

Mr. WHITE observed that the amendment would operate generally against the larger States.

Mr. SENEZAR differed from those opposed to the amendment. In his statements respecting the fractional parts to be produced by thirty-three thousand, he said they were fewer on the whole than would result from any other number between thirty and forty thousand, and those numbers both included; and this figures would demonstrate. Hence he deduced a greater degree of equality, and relative justice between the several parts of the Union. He disclaimed all local motives, and suggested the propriety of gentlemen forbearing any imputations of that kind, as totally alien from the subject.

Mr. BOUNDNOT defended the amendment, and observed that the Senate were in the legal exercise of their office when they passed it, and had most undoubtedly a right so to do. He read several calculations to show that the aggregate of the fractions would be reduced upwards of ninety thousand, by a ratio of thirty-three thousand, and that the fractions in every State, except one, would be diminished also by it. He adverted to the circumstance of the Southern States deriving so great an advantage from the Representatives they are entitled to by reason of their possessing slaves; and though he would not do any thing which would interfere with the Constitution on that point, every dictate of justice and equality was opposed to giving an unnecessary and undue advantage to the Southern States in this matter.

Mr. FINDLEY said, he had expected to hear something new on the subject, to induce an alteration in the opinion of the House, but had heard nothing. Fractions were fully considered before, both in the House and in the Committee. This he considered as one of the lesser matters pertaining to the subject. The best way would have been to have settled the ratio without knowing the numbers of the people in the several States; though that could not be done, as the numbers are known, yet he said he had made it the rule of his conduct in voting. The principle being established, there will be no room for combinations, nor any ground for complaints and reproaches respecting either Southern or Northern interests. He was for adhering to the principle as that contemplated in the Constitution

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tion—and this he conceived the House had done—and he hoped they would not depart from it; and as to fractions, in competition with that principle, he considered them of very little consequence. He did not deny but a smaller number of Representatives would be competent to doing the public business; but despatch of public business, and a Republican representation of the people, he conceived were distinct things; he therefore should have been in favor of a larger representation. He controverted the right of the Senate to decide for the House in regard to this question—it was not a question of right and privilege—it appertains principally to the Representative body. He then considered the question as it respected the Senate—and he thought that a large representation was necessary as a barrier to the influence of that body; nor do I, said he, think this an unreasonable jealousy, when the constitution of human nature is considered. The Constitution of the United States is express on the subject, and now is the time when the people ought to enjoy the advantages of the representation of one to thirty thousand. Another consideration to induce a large representation, he deduced from the accumulation of money capitals in the United States, which have been increased beyond all parallel; the influence of these capitals will find its way into the House. He hoped no alteration would be made in the determination of the majority of the members.

Mr. GOODHUE said, the difference between the result of the two ratios was so small, that he did not conceive it would constitute a sufficient reason for disagreeing to the amendment. He stated that the difference between the Southern and Northern States, on the ratio of thirty thousand, was beyond all reason in favor of the Southern States; whereas the difference on that of thirty-three thousand was very small indeed, in favor of the Northern States; which evidently demonstrated that the principle of equality was involved in agreeing to the amendment of the Senate.

Mr. HULLHOUSE stated various particulars to show the inequality of the representation by thirty thousand, particularly as it respects the smaller States. He said he rejoiced that the Senate had given their opinion on the subject; they had a right to do it; they are the Representatives of the people, and on this question are probably more impartial judges than this House.

Mr. GERRY still supported his motion for a disagreement. He stated a case to show that in the ordinary course of population, a State at the next enumeration, which now contains three hundred and thirty thousand, will then have a much larger fraction, by a ratio of thirty-three thousand, than any now contemplated. He supposed the Senate had a different interest in this matter from that of the House. The larger States not being represented in the Senate, and the representation of those States which are stationary, or nearly so, being full—is the reason of this proposed amendment.

Mr. AMES observed, that he thought the only question was to consider whether the bill, as sent from this House, was a proper one; for, as to a

smaller or larger representation, he considered all debate on that precluded, as the only difference was between one hundred and five and one hundred and thirteen. He then entered into a consideration of the bill as it respects equality; he asserted that the bill was not only improper as unequal, but was also unconstitutional. To show the inequality of the bill, he observed that Virginia, with six hundred and thirty thousand inhabitants, would have as many members as six of the smaller States, whose aggregate numbers exceeded those of Virginia upwards of seventy thousand. This inequality amounted to a direct violation of the Constitution, which expressly declares that representation and taxation shall be according to numbers. He amplified this idea, by showing how it would operate, if strictly adhered to in the assessment of taxes.

Mr. WILLIAMSON still contended, that the deduction from the bill was two members from the Eastern and four from the Southern States, which plainly showed that the amendment was in favor of the Eastern States; and added, that if the Southern States had been represented in the Senate, the bill would not have been sent back.

Mr. NILES suggested an amendment to the amendment of the Senate, which was to strike out one after the word "Delaware," and to insert two. This he was influenced to move, from the consideration of the manifest inequality of the representation of that State, compared with that of other States, particularly Virginia. He had no doubt, from the justice of the House, that if the amendment he proposed was not directly contrary to the Constitution, it would be agreed to. He then adverted to the Constitution, and read the passage respecting representation and taxation, which are to be apportioned according to numbers. He observed that there were evidently wanting to complete the sentence, these words, *as nearly as may be*—with this explanation added, he went on to show that the principle of equality would be more strictly adhered to, by admitting his amendment, than by rejecting it—for if Delaware contains fifty-eight thousand inhabitants, twenty-eight thousand were certainly nearer to thirty-three thousand, than thirty-three thousand were to fifty-eight thousand. He recited other passages of the Constitution, to show that his idea was compatible with it.

Mr. BENSON again suggested his proposition, of apportioning the representation according to the whole population. He was in favor of a large representation. The principle advanced by the gentleman from Pennsylvania (Mr. FINDLEY) was undoubtedly just, that a large representation was necessary in a free Government, for information and security—this principle is not to be disputed. And with respect to the danger from corruption, undoubtedly patronage and influence would creep in; but he conceived that danger of a more serious nature was to be apprehended from another quarter. Gentlemen had mentioned the funding system. In questions of that kind, where one part of the Union thought themselves the only sufferers, the liberties of this country would be but a secondary consideration. For, in a Republican Govern-

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ment, the majority must rule, and the minority must submit, except they are oppressed, and then they have an undoubted right to resist.

Mr. GILES defended the bill. He observed that the apparent inequality in the representation of the smaller States, was rendered equal by their representation in the Senate. He enlarged on the idea of adhering to the amendment proposed to the Constitution. The inequality spoken of was, in fact, in favor of the smaller States. He adverted to the restive spirit in some of the States. Some of the measures of Congress, were so disliked, that the people in those States wished themselves separated from the Government. The people of the State from which he came, were so impressed with the idea of the ratio being settled agreeably to the bill, that he really feared the discontents of the people there would be increased to an alarming degree, should the amendment of the Senate be agreed to.

At this point the consideration of the amendment was postponed till to-morrow.

TUESDAY, December 13.

A petition of John Frederick Amelung, proprietor of the glass manufactory, at New Bremen, in the State of Maryland, was presented to the House and read, praying the patronage of Congress to his undertaking, and that Government will assist him with a loan of money, or other means, to further the same.

Ordered, To lie on the table.

A memorial of James Wilson, and others, in behalf of the Land Companies of the Illinois and Outback, was presented to the House and read, praying to be permitted to exhibit the titles of the Companies to certain Western lands, heretofore purchased by the said Companies, under the sanction of lawful authority; and also to make certain proposals for a reasonable compromise, between them and the United States. Referred to Mr. LIVERMORE, Mr. FITZSIMONS, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I place before you the plan of a City that has been laid out within the District of Ten Miles Square, which was fixed upon for the Permanent Seat of the Government of the United States.

G. WASHINGTON.

UNITED STATES, December 13, 1791.

APPORTIONMENT BILL.

The House proceeded to the consideration of the amendments, proposed by the Senate, to the bill "apportioning Representatives among the people of the United States."

Some debate having taken place respecting the regularity of a resolution moved by Mr. BENSON, for apportioning among the different States (according to their respective numbers) the whole

number of Representatives produced by the gross amount of the aggregate population of the United States.

Mr. SENDWICK moved to amend the Senate's amendment by inserting two members for the State of Delaware, instead of one.

In favor of this motion, it was observed, that the injury arising from unrepresented fractions of population is more severely felt by the smaller than by the larger States, as in the case of the State of Delaware, to which the bill allowed but one representative for 59,000 inhabitants, whilst the larger States would be much better represented, as their fractions would be divided among a greater number of Representatives. By the amendment proposed to the Constitution, a latitude was given to Congress in this particular, allowing them either to apply the ratio to the aggregate amount of the general population, and then to apportion the representation to the different States, as nearly as they could approach the ratio once established, or to apply the ratio to the population of each State; and if, in case of applying the ratio to the aggregate number of the inhabitants of the United States, the number of Representatives was found to be exactly one hundred, it appeared doubtful whether Congress could well avoid adopting the former mode; otherwise, it would be impossible to apportion the representation to the population with exact precision. Even if the United States were to be divided into districts of thirty thousand inhabitants each, there would still remain a fraction, and inequality, somewhere or other, must be the consequence.

In the bill, it was said, a manifest inequality appeared, as it allowed Virginia to elect twenty-one Representatives, whereas, according to the proportion which her population bears to that of the United States in general, she is entitled only to nineteen. The Constitution has said that "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers." But if taxation were to be striven by the bill, the inequality would be striking, and such as never would be submitted to. Rhode Island, for instance, being represented by two members, would have to pay \$60,000; whilst Delaware, having but a single Representative, would pay only \$30,000, although the difference of population is so small between those two States—Rhode Island having only about 68,000 inhabitants, whilst 59,000 are found in the State of Delaware. The time may come when the safety and good order of Government will require the imposition of direct taxes. But how can any such taxes be laid without a new census and a just apportionment of the representation? Before these steps could be taken the measure might be too late; and it would be unwise in the present Congress to pass any law that may, at a future day, deprive the House of one of its constitutional powers—the power of laying direct taxes. It was further observed, that the Constitution itself did not seem to exact so rigid an observance of the ratio as to require that any State should be deprived of

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a Representative merely on account of a trifling deficiency in the number of inhabitants. It appeared visibly to contemplate such a deficiency, and that there might be States whose entire population would not amount to the ratio that might be fixed on. Still, it had provided that such States should not remain unrepresented; but that, however small the population may be, "each State shall have at least one Representative." The Convention themselves, who framed the Constitution were not such scrupulous observers of trifling fractional differences, when they apportioned the representation; for, although, by the estimate of population, which was the ground of the apportionment, the State of New Jersey was, strictly speaking, entitled only to three members; yet, as she had a large fraction remaining, she was allowed four.

In opposition to the proposed amendment, it was said that the Constitution never contemplated a minute attention to fractions; that the weight given to the smaller States in the Senate was a concession, to compensate for any inequality that they might be subject to in the other branch of the Legislature; that the Constitution points out the apportionment according to their respective numbers of the several States; that to allow a Representative to be chosen by a less number than thirty thousand, would be an open violation of the express words of the Constitution. Even if it were not unconstitutional, yet it never could, as a permanent rule, answer the purpose for which it was intended. The same difficulty would again recur on other occasions; for, if it were laid down as a rule, that an additional member should be allowed only for a fraction above fifty per cent., it might happen that there would be found in one State a fraction of 15,001 inhabitants, and in another the precise number of 15,000. Suppose the State of Delaware to be in the latter predicament, she would have a representation of only one member for 45,000 inhabitants, whilst another State, whose fraction was 15,001, would be represented in the ratio of one member for less than 30,000.

The Constitution directs that taxation shall be apportioned among the individuals in the several States; whereas representation is to be apportioned to classes of thirty thousand in each State, and this according to a census first actually taken. Hence, as the one apportionment was intended to operate upon States, and the other upon individual citizens, any difference in the apportionment could never curtail the authority of the Government with respect to taxation. As to the inequality said to arise from one large State having as many Representatives as six smaller States, any argument drawn from that circumstance must lose its force, when it is considered that the six lesser States, sending twelve members into the Senate, possess three-sevenths of the whole governmental influence of that body, (which is much more considerable than that of the House of Representatives,) whereas the large State, having only two members, can possess but one-fourteenth part of the Senatorial influence. This circumstance operates to the disadvantage of the large State, and

in favor of the smaller ones, which have, therefore, no reason to complain of an inequality that exists but in idea; or if it does exist at all, bears heavier on the larger State, to which a small advantage in the House of Representatives can hardly be deemed a sufficient compensation for the loss it must necessarily suffer in the Senate. The proposed amendment would but increase that inequality, by giving a greater proportion of influence to the smaller States, which already possess more than their due share of it, and derive this advantage from the very circumstance which is complained of as productive of inequality in the House of Representatives. On a former occasion, a proposition had been made to correct that supposed inequality, by allowing the State of Delaware two members in the House. It was made at a time when no local interests could be supposed to influence the decision; and it was then declared to be unconstitutional, unless that State should be found to contain sixty thousand inhabitants.

The question being taken on Mr. SENDWICK'S amendment, was lost.

The question was then put on agreeing to the Senate's amendment, and passed also in the negative; after which, the Committee rose, and reported accordingly.

WEDNESDAY, December 14.

Mr. SENDWICK, from the committee to whom were referred certain propositions of amendment to the Constitution of the United States, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the relief of David Cook and Thomas Campbell;" and the same, being twice read, were agreed to.

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The House then proceeded to consider the report of the Committee of the Whole, on the amendments proposed by the Senate to the Representation bill. It was moved, that the amendments proposed by the Senate, with the report of the Committee of the Whole thereon, be recommitted to a Committee of the Whole House; and on the question to agree to this motion, it was carried in the affirmative.

Mr. VINING moved this amendment—to strike out "thirty-three thousand," and to insert:

"That Representatives be apportioned among the several States as follow: that is to say, New Hampshire shall choose five, Massachusetts sixteen, Connecticut eight, Rhode Island two, Vermont three, New York eleven, New Jersey six, Pennsylvania fourteen, Delaware two, Maryland nine, Virginia twenty-one, Kentucky two, North Carolina twelve, Georgia two."

On the question to agree to this amendment, it passed in the negative. The Committee then rose, and the Chairman reported.

Mr. VINING renewed his motion in the House; where it was again negatived—ayes 23, noes 37.

And on the question to agree to the first amend-

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ment of the Senate, the yeas and nays were as follows:

YEAS.—Messrs. Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Sheshaub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kitzers, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wedderburn, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridene, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willie.

The second amendment, after the words "South Carolina," to strike out "State" and insert "district," was agreed to.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

THURSDAY, December 15.

The House again resolved itself into a Committee of the Whole House, on the bill "For establishing the Post Office and Post Roads within the United States."

Mr. Vining's motion for striking out the second section, which empowers the Postmaster General to establish additional post roads, for the purpose of substituting a clause making it his duty to report to Congress, from time to time, such cross post roads as may appear necessary, with information respecting the amount of the income of the Department, and the expense of such additional post roads, was taken into consideration. After some debate, the second section was struck out; and the substitute being withdrawn, a clause proposed by Mr. Fitzsimons, in lieu thereof, empowering the Postmaster General, under certain restrictions, to form contracts for extending the line of posts, was adopted. The Committee then rose and reported progress.

A message was received from the Senate, informing the House that they had taken into consideration their first amendment to the Representation Bill, which was disagreed to by the House, and do insist thereon.

FRIDAY, December 16.

A petition of Robert McCulloch was presented to the House and read, praying to receive certain arrears of pay as a soldier; and, also, relief in consideration of wounds received in the Army of the United States, during the late war, which have rendered him incapable of obtaining a livelihood by labor. Also,

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ter acquainted with the operation of such laws, transmitted to the House much valuable information on those subjects; and to such information the House ought ever to be open; as, on the other hand, the motives for adopting certain measures, ought always to be explained to influential characters in the different parts of the Union. Such conduct will produce the most salutary effects in reconciling the people to the measures of Government, when the principles upon which every law is framed, are explained to them, as well by the correspondence of the members, as by their debates, published in the newspapers. It is the duty of the members to disperse the newspapers among those people who cannot, perhaps, otherwise obtain them, under the protection of franks. Even along the post roads, the common packets of newspapers are not safe from depredation; but when once they get into the interior parts of the country, there is hardly any chance of their escaping; whereas, under cover of a frank, they are sure to reach their destination in safety.

If the privilege were confined, during the session, to letters sent from and received at the seat of Government, and the members limited to their own letters, and obliged to write the whole superscription, the increase of the apprehended abuses would be prevented; if it were further restricted, by limiting it to those letters only that are sent to or come from the State to which the member belongs, this would convince the people, that the privilege was intended for the benefit, not of the members, but of their constituents.

Further, it was observed, that every argument, which might be adduced in favor of withdrawing the privilege from the members of Congress, might be used with equal force in the cases of the President, Vice President, and every other public officer, mentioned in the same section. If the allowance of six dollars per day was a reason for subjecting the members to the payment of postage, every public officer ought also, on the same principle, to pay for his letters, as they were all compensated with equal liberality. If abuses were apprehended from the members, others were as likely to introduce them as they; if an increase of revenue was contemplated, the postage of all letters to and from the President, the Vice President, the Secretaries of State, of the Treasury, of the Department of War, &c., would contribute to that increase; but, on the other hand, those gentlemen must have their compensations increased, if their letters were to be taxed; for they could not be expected to pay for them at their own expense. If the privilege can be guarded against abuse, with respect to those officers, it can also be guarded in the case of members of Congress.

The establishment of the post office is agreed to be for no other purpose than the conveyance of information into every part of the Union; and a greater portion of that had been conveyed into many of the interior parts of the country, by the newspapers sent by the members of the House, than could be conveyed by other means, excepting on the main roads on which stages go. That information had proved highly serviceable

to the present Government; for wherever the newspapers had extended, or even the correspondence of the members, no opposition has been made to the laws; whereas, the contrary was experienced in those parts to which the information had not penetrated; and even there, the opposition ceased, as soon as the principles on which the laws had been passed, were made known to the people.

As long as the privilege can be thus used for the general advantage of the citizens, it ought not to be relinquished by the members merely through fear of its being thought a personal privilege; it might be confined to members actually attending the session; they might be obliged to write the whole superscription, and even to add the date. In short, the wisdom of the House, it was hoped, would prevent all the evils apprehended from it, and retain the advantages.

The question being taken on the motion, for withdrawing the privilege from the members, it passed in the negative—yeas 21, nays 35.

MONDAY, December 19.

APPORTIONMENT BILL.

The House proceeded to consider the message sent from the Senate on Thursday last, notifying that the Senate insist on their amendment, disagreed to by this House, to the bill, entitled "An act apportioning Representatives among the People of the several States, according to the first Enumeration," and the said amendment being read, as follows:

"Strike out the first section and substitute the following:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, 1793, and until otherwise provided for by law, the House of Representatives shall be composed of Members who shall have been chosen by the People of the several States, in the proportion of one Representative for every thirty thousand persons, in each State, computed according to the rule prescribed by the Constitution of the United States: that is to say, from the State of New Hampshire four members, the State of Massachusetts fourteen, the State of Connecticut seven, the State of Rhode Island two, the State of New York ten, the State of New Jersey five, the State of Pennsylvania thirteen, the State of Delaware one, the State of Maryland eight, the State of Virginia nineteen, the State of Kentucky two, the State of North Carolina ten, and the State of Georgia two members."

Mr. Ames said, the amendment proposed by the Senate, though a single proposition, involves two questions, which it will be proper, on this occasion, to discuss distinctly.

Is the bill wrong, as the House passed it? and is the proposed amendment of the Senate fit and proper?

The original bill gives the ratio of one member to thirty thousand persons, and proceeds to state the number of Representatives which the respective States shall have in the next Congress. If in this distribution of members it shall appear that we have not pursued the Constitution, the bill is

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a bad one, and it is our duty to concur with the Senate, at least in striking out the exceptionable part.

The Constitution directs that Representatives shall be apportioned among the several States according to their respective numbers. The whole number of Representatives being first fixed, they shall be apportioned to any State according to its census. The Rule-of-Three will show what part of the representation any State shall have. The wisdom and caution of the Constitution have left very little to Congress in this affair. Though Congress is to apportion the members, the rule of apportionment is fixed; the number of Representatives will be one hundred twelve. These are to be apportioned to each State according to its numbers. What part of the one hundred and twelve members will Virginia have according to its people? The answer is easily found. Virginia, having six hundred and thirty thousand persons, (which is her Federal number, after deducting two-fifths for the slaves, according to the Constitution,) is entitled to nineteen members. The bill gives her twenty-one. Is that right? Who will say that the words or meaning of the Constitution are pursued? Are the Representatives, then, apportioned or disproportionate? We may believe the result of figures. The sum is short and easy to reckon. Let us not, then, persist in a measure which palpably violates the Constitution. The argument might stop here; but to show how other States will be wronged by the bill, it may be well to proceed. If the Constitution had been silent—as we are men common sense would have told us, and as we are freemen we should have learned from our habits of acting, that an unequal representation is wrong. But the Constitution is not silent; and yet the bill gives Virginia twenty-one members.

The States of Vermont, New Hampshire, Rhode Island, Connecticut, New Jersey, and Delaware, have seven hundred and sixty-six thousand four hundred and twenty-eight persons, and they will have by the bill only twenty-one members. With upwards of one hundred and thirty thousand persons more than Virginia, they will have no more members than that single State. Thus Virginia has by the bill two members more than her due number compared with the whole Union, and not less than four as it respects the six States before mentioned.

From this view of the operation of the bill I draw this conclusion, which I presume is anticipated, that the proposed distribution of Representatives is neither just and equal in itself, nor warranted by the Constitution. If further evidence of this injustice should be demanded, it can be furnished. Representatives and direct taxes are to be apportioned by the same rule; and there is a manifest propriety in the rule. In the distribution of benefits and burdens, the Constitution has wisely excluded this means and temptation to partiality.

It is an additional security to our property that those who hold the power are made to feel it when they exercise it, and that exactly in the de-

gree that they hold it. Taxes are to be apportioned according to the numbers in the respective States. It would not be allowed by the Constitution to use one rule for apportioning taxes, and another for the members. If two things are to be compared with a third, and made equal to it, it follows that they must be equal to each other. Let us suppose this bill to have become a law; and, for the more plainly showing its tendency, let us suppose Virginia to have six hundred and thirty thousand persons, (her true number,) and twenty-one members, and the thirteen States to have—as Delaware actually has—fifty-nine thousand persons each, and one member to each State; in the whole one million three hundred and ninety-seven thousand persons: let us suppose a tax to be laid equal to one dollar for each person in the fourteen States—that is, a tax of \$1,397,000—Virginia, in point of justice, and by the Constitution, should pay only according to her numbers, or \$630,000; yet she would pay twenty-one parts in thirty-four, or \$1,007,000, being \$377,000 more than her proportion. Whether with twenty-one members in thirty-four this wrong would be imposed or submitted to, is not my question. This may be called an extreme case; yet in fact Delaware, New Jersey, Connecticut, New Hampshire, and Vermont, on a tax equal to one dollar a head, would avoid more than \$150,000 of their just proportion: the justice and the constitutionality of such an apportionment of taxes are upon an equal footing.

Extraordinary as this statement may seem, it is not easy to show an authority in Congress to apportion a tax on any other principle. It would not do to deprive a State of its proportion of members, and yet to saddle it with taxes according to numbers. The departure from the rule of the Constitution in the case of Representatives, would be rendered both more flagrant and more galling by an adherence to it in the imposition of taxes. Such a comment upon this law would silence its advocates—such an execution of it would disfranchise the sufferers. But this is not the country, and I trust this is not the Government, to do a violence of this sort; therefore no tax would be laid: and yet, unless a new census should be taken, or a new law, at least, for apportioning Representatives should be passed, Congress might be found destitute of one of its constitutional faculties.

The gentlemen who vote for this law have been importuned to defend it. Anxious as we are, under the fear of seeing the Constitution and our primary civil rights violated, we have listened to hear reasons which would show some respect for the one and the other. It is needless to decide whether men's passions will be soothed, or their understandings convinced, by an argument of this kind: that, as the small States are equally with the large ones represented in the Senate, the advantage which the bill will secure to Virginia in the Representative branch is fit and proper, and that it was so intended by the Constitution. Is one inequality, if it really existed, to be balanced by another? Because the Constitution has se-

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cured to each State an equal vote in the Senate, are we at liberty to make a new Constitution as often as we make a representation law, to counterpoise it? and under a form of Government contrived to secure equal liberty, and to fix right above opinion, are the measure and the nature of this retribution to the great States to depend on our arbitrary discretion? This answer is perhaps more serious than the argument. Let it be refuted by itself.

Because the great States suffer wrong in the constitutional compact, will this bill do them right? Is Massachusetts or North Carolina benefited by giving Virginia two extra members? By this bill, the great States are injured as well as the small ones. The small ones are injured as it respects each other. Delaware will have one member, Rhode Island two; yet the latter has only nine thousand more people than the former. But the doctrine tears up the foundation of compact on which we stand, and, under the appearance of vindicating the bill from a charge of violating the Constitution, establishes a claim to violate it at pleasure.

It has been said that the Representatives are to be apportioned among the several States; that Congress is not to regard the number of the whole nation. It is not easy to see how the bill can be defended on any principle of distribution among the States. The Representatives are to be apportioned according to numbers. The number of members allotted to a State must correspond either with the number of persons in any other State, or the number in all the States. Compare Virginia with either of the six States before mentioned, or with the whole six. It appears that 130,000 persons in the latter will go unrepresented. Compare Virginia with the nation, she has two members more than her proportion. Why, then, is it so zealously contended that the apportionment is not to be made upon the entire number of the Union, but upon the census of each State? The bill is as naked of defence on the one comparison as the other. It departs as widely from the principles of its advocates as from those of its adversaries.

It is indeed intimated that you are to take the ratio of 30,000, and to apply it to each State, without regarding its operation. To justify this interpretation, the text of the Constitution ought to read, *Each State shall have as many members as the ratio of thirty thousand, applied to the number of persons, will give it*; but that instrument is very differently expressed, and much better: "*Representatives and direct taxes are to be apportioned among the several States according to their respective numbers*." Will any gentleman who votes for the bill say that it is such an apportionment? Will it accord with the Constitution to take, instead of such an apportionment, an arbitrary ratio, which, instead of apportioning, disproportion Representatives to numbers? The ratio mentioned in the Constitution, and in the proposed amendment to it, evidently relates to the whole number of Representatives which according to it may be had from the whole nation, and not from

the number of people in a State. Any other sense, besides being unnatural, would disagree with the clause which directs how Representatives shall be apportioned.

By the ratio of one to 30,000 may be known the greatest number of Representatives which shall form this branch of the Government. Having determined the number, it remains to apportion the members according to the census in the respective States. Nothing is more natural, or corresponds more perfectly with the Constitution, than to find then to apportion them as the Constitution directs. But this method would not suit the present emergency; for that would give Virginia nineteen members, and no more. Instead of beginning with the whole number, the bill says, let us begin at the other end: give to Virginia her twenty-one first, and if the number should hold out, give to all the States at that rate. It seems, on trial, the number will not hold out to apportion in that manner. Still, however, says the bill, give Virginia her twenty-one.

Let the Constitution become what the bill makes it, a dead letter. Still, however, men, and freemen, will remain, who will preserve the departed spirit; for, before the Constitution was formed our rights were equal; and can it be believed that compact has made them less? Men equal in rights assented to a Government which preserves them equal in power. Thirty thousand citizens, residing where they may, must possess civil rights and powers equal to thirty thousand in any other part of the Union; yet, though a compact which ought to be inviolable, has ordained that representation, that is to say, power, shall be apportioned according to numbers, this bill, contradicting the language of nature and compact, directs that thirty thousand in Virginia shall have as much power as near sixty thousand in Delaware and several other States.

It would ill suit the seriousness of my present emotions to say how little the supposed expediency of a numerous assembly and many other favorite topics have to do with the debate. Constitutional questions are so frequent they have almost lost their power to impress us. But this touches the first organization of the body politic. It goes to stifle liberty in her cradle. It establishes the power of a part over the whole. If the disfranchisement of some of the States. If the rights of Virginia were invaded, I trust I should be equally zealous to maintain them. For the common right is the common security; but this bill tears the title deed in pieces.

Having compared the bill with the Constitution, and seen the result of the comparison, it remains to inquire what amendment will be proper and constitutional. In this part of the inquiry I will not pretend to say that I have arrived at equal certainty. I have no doubt that the bill is bad, but I am not equally satisfied of the best mode of amending it.

To determine what is right, some principle must be ascertained. That first principle is equality; it is another name for justice. That which is the

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right of the people, therefore, is the duty of the Government. But, as it is not practicable to apportion Representatives exactly among the several States, according to their numbers, it is our duty to approach as nearly to that equality as may be. If an apportionment is proposed, and it can be shown that a more equal one can be made, it becomes our duty so to make it. For, if we have an arbitrary discretion to reject the most equal apportionment, and to adopt a less equal, what is to restrain us from choosing the least equal of all, that is to say, having no apportionment at all. If this principle is not to govern us, then we are to act without any rule at all, and the Constitution was made in vain. We cannot have more Representatives than one to 30,000; but, in apportioning them, let us follow the Constitution, and do it according to numbers; and, when we stop, as we must, short of a perfect equality, it will be the Constitution that restrains us. In doing this, we shall assume no arbitrary control over the equal and sacred rights of the people. We shall have done all that we can to give them energy. It has appeared, on discussion, that the rule of 30,000, proposed by the bill, is so far from being the most equal, that no more capricious and unjust disproportionment of Representatives has yet been suggested. The ratio of 33,000, though not free from exception, is less unequal, and leaves less unrepresented fractions.

The amendment (Mr. Benson's) which was proposed to the amendment of the Senate would increase the Representatives to one hundred and nineteen. Two objections have been made to this increase. It has been called a representation of fractions, and a number of changes were rung upon the idea. It has also been said to be as disproportionate a representation as that given by the bill.

As to the first objection, it is a mere play upon the word *fractions*; for, if the effect be, as it will appear to be, to produce a more equal representation, it may be retorted that the bill gives a representation by fractions; whereas the other mode makes one hundred and nineteen whole parts, nearly equal to each other, and gives a member to each.

This brings me to the next objection, and which has been strenuously urged against having the amendment of one hundred and nineteen members: that it will be as unequal as the bill. Then, I shall think as unfavorably of it. We should not hesitate to renounce them both.

But figures will show with certainty whether it is true that the amendment which proposes to add one member to seven of the States will operate as unequally as the bill. To refute this, I have made a table in which are seen the effects of the two plans which are to be compared.

Mr. Ames then read the following statement:

"Ratio of Representation."

"The amendment proposed in the House to the amendment of the Senate will make an addition of one member to each of the following seven States:

"In the fifth column of figures is the ratio according

to which each State will be represented, in case the bill should pass as it stood when it was sent to the Senate.

States.	Members.	Numbers lost on the bill.	Ratio of the House.	Lost numbers, or fractions.	Ratio by the amendment which adds seven members.	No. short of 30,000 for each member.
N. Hampshire	5	5,455	35,455	21,820	28,365	1,635
Massachusetts	16	1,919	31,919	25,327	29,924	291
Connecticut	8	4,223	34,223	26,841	29,805	195
Vermont	3	12,766	42,766	25,533	28,511	1,489
New Jersey	6	5,911	35,911	29,559	29,826	174
North Carolina	12	2,138	32,138	23,532	29,460	540
Delaware	2	25,539	55,539	27,769	2,231	
	52			according to the amendment.		

"The following States, to which the rejected amendment makes no addition, stand thus:

States.	Members.	Ratio.	Total loss by the ratio.
New York	11	30,144	1,594
Pennsylvania	14	30,919	12,866
Maryland	9	30,946	8,514
Virginia	21	30,026	546
	55		
Kentucky	2	34,352	8,704
Georgia	2	35,421	10,842
Rhode Island	2	34,223	8,447

Mr. Ames then remarked, that, if the ratio of 30,000 deserved so much respect as gentlemen had declared was due to it, because the amendment of the Constitution has adopted it, they cannot forbear to say that the bill, in every instance, except four States, departs from that ratio; whereas, the plan he was comparing with the bill has made it the common measure and applied it with less variation than perhaps any other scheme will permit. It appears, from the foregoing statement, that the ratio of 30,000 is applied with more equality, in pursuance of the amendment than by the bill; for fifty members will be chosen by six of the seven States to which one member is proposed to be added, and the ratio of 30,000 will be nearly observed.

The short numbers, in the case of five members, will be 1,635; of three members, 1,489; of twelve, 540. The deficiency of numbers for choosing sixteen will be less than 300, and for fourteen less than 200.

The deficiency for the choice of the two Delaware members will be greater, but that will be only 2,231.

Add to this, fifty-five members will be chosen by New York, Pennsylvania, Maryland, and Virginia, at the rate of one to 30,000.

So that one hundred and seven members will in effect be chosen by the ratio of one to 30,000.

By the bill, some States, especially the seven to

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[H. or R.]

which additions are proposed, will lose numbers. In the plan of the amendment, they will gain. By comparing their loss in one case with the gain in the other, the degree of equality can be exactly computed, viz:

States.	Members.	Lost on each member.	Total loss.	Gain in each member.	Total gain.
N. Hampshire	5	5,455	21,820	1,635	8,175
Massachusetts	16	1,919	25,327	291	4,673
Connecticut	8	4,223	26,841	195	1,560
Vermont	3	12,766	25,533	1,489	4,467
New Jersey	6	5,911	29,559	174	1,044
North Carolina	12	2,138	23,532	540	6,480
Delaware	2	25,539	25,539	2,231	4,462
			178,171		30,861
			30,861		
Difference of numbers in favor of the amendment					147,310

Mr. A. said, that if, by this plan, the seven States to which a member was added were gainers, that is to say, would be allowed members for a less number than 30,000, the gain was very little. In fact, the States would be represented very nearly according to the same scale. The bill, on the contrary, makes the scale or ratio vary from 55,000 to 30,000.

But if the advantage to the seven States, or the number less than 30,000 for one member, is compared with the loss or inequality sustained by the bill, it is found to be as 30,861 gain, by adding seven members, to 178,171 loss by the unrepresented fractions, as the bill stands.

Mr. Ames made a number of remarks to elucidate the statements and to show the unequal operation of the bill, and the fairness of the other plan.

After which, he proceeded to show that the States of Kentucky, Georgia, and Rhode Island would have the most cause to complain of fractions or unrepresented numbers. But the fractions of those three States amounted to the fractional number of one only of the seven States to which a member would be added. If no nearer approach could be made towards an exactly equal proportion, no just objection could be urged against the plan on the part of Rhode Island, Georgia, or Kentucky; for they would see the case could not be remedied. He then urged the equal operation of the plan between States having equal numbers, and contrasted the bill and the amendment which had been proposed in the House.

From the aggregate loss and gain on the two modes of apportionment in the foregoing statements, see the comparison more particularly between particular States, viz:

Virginia has 21 members. The loss, that is, the excess of her numbers over 30,000, is 546 Massachusetts has 15, New Hampshire 4, 1 to be added to each makes 21 members. The loss to these two States on 19 members is - - - - - 47,147 Or nearly as 90 to 1.

On the other hand, the gain on 21 members, or numbers short of 30,000 for a member, is, for New Hampshire and Massachusetts, only - - - 12,848 New York has 11 members. Loss, or excess of numbers over 30,000 for one member, is - - - - - 1,584 North Carolina 11 members. Loss - - - 23,552

Whereas the gain to North Carolina by adding a member will be only - - - 6,480 The difference between the loss and gain, or the balance against the bill, is - - - 17,072 Maryland has 9 members. Her lost numbers by the bill - - - - - 8,514 Connecticut has 7 members. Lost numbers by the bill are - - - 26,841 Vermont has two. Lost numbers by the bill are - - - 25,533

Difference against the bill is - - - 52,374 By adding a member to Connecticut and Vermont, the numbers gained will be - - - 6,027 Balance against the bill is - - - 37,733

The question is: Will the amendment, adding one member to Massachusetts and one to New Hampshire, cure the error? The answer appears, by the statement, that Virginia will be as fully represented according to numbers as those two States, saving a difference of 13,389, or within two-fifths of a member. In forty-two members, that fractional inequality is scarcely an error.

In like manner, by adding a member to North Carolina, the error or inequality compared with New York is equal to a fourth part the number for one member; whereas, by the bill, Massachusetts and New Hampshire will lose almost two members, and Virginia will gain two—a difference little short of four members.

Mr. Davton said that, if the vote which was about to be taken were merely to determine what should be the ratio of representation, he should have been contented to have remained in his seat and to have given a silent vote upon the occasion; but to him it appeared to involve in it a question and a principle of infinitely higher moment.

Two of the members from Virginia (Mr. D. observed) had candidly admitted the inequalities complained of in the apportionment prescribed by the bill sent up to the Senate, and had acknowledged the advantages to be given to their State over every other. They did not contradict the calculations nor combat the arguments which had been offered against it, but they boldly claimed and exacted those advantages as a right. This being the case, the question was, in reality, no longer whether 30,000 or 33,000 should be the rule of apportionment, but whether the Legislature of the Union were in future to frame their acts with a view to the particular and almost exclusive advantage of Virginia, and to bend and accommodate their laws to the interests and will of the people or Representatives of that State.

It was now also to be determined, Mr. D. further observed, whether Pennsylvania was here-

after destined to hold in her hands, as she had been in some measure used to do, the political balance of the States—to be the umpire in our disputes, and the centre of our Union. Judging from the votes upon record relating to this subject, and from some other circumstances, she was no longer intended or qualified to hold that important station. The ancient prophecy seemed to be verifying among a people for whom he had never considered it as intended. The Saviour of this country, the political Shiloh, was now among us, and universally known and acknowledged, and the sceptre was about to depart from Judah. These, (he added) were the well known preparatives to the summons which was soon to follow for their assembling at the New Jerusalem. He concluded with saying that not Pennsylvania alone, but far the greatest part of the Union, would have reason to repent the determination against the amendment of the Senate, and of adherence to the original bill. He, for his own part, believed that such a determination not only struck at the existence of the State sovereignties, but reached to the very vitals of the General Government, and that it must eventually produce either a general consolidation of the Union into one national mass, or an absolute separation of its members.

Mr. VENABLE supposed that a Virginian was possessed of equal rights with other men. If this be a Government of compact, he has equal rights with other men. But is it a reason, that, because Virginia has relinquished a part of her rights when this compact was forming, that she should not now hold what she has not resigned? The dispute on the ratio of representation does not affect Virginia; for, whatever ratio may be adopted, her representation must always be complete. Whether this be a consolidated or federal Government, Virginia will have her full proportion in every case except one—that is, in case she should be reduced to a less number than one member—so that, upon whatever grounds we take it, whether fractional or constitutional, the result will be nearly the same. Calculations, therefore, are out of the question; and, after all the arguments of Northern and Southern interests, of the differences between small States and large States, the comparison is brought to Virginia and Delaware, and the question to strike off seven members from the five large States and add to the seven smaller ones. Thus is one-sixteenth of the whole representation of the Union to be deducted unconstitutionally from one part and given away to another which has already more than a just proportion in the Government; for, although it is contended that we should not argue from the proportion the small States bear in the Senate, yet I hold it fair, in speaking of a Government of representation, to take the whole into view, and not to be governed by such partial comparisons. Under this consideration, I say that every man in Virginia, as represented in the two branches of the Legislature, is to a man in Delaware only as one to eleven and one-half, and in the election of a President only as one to one and one-half. This is an advantage enjoyed by individuals in the smaller States more than

by those in the larger; and this advantage would be still increased by an adoption of the amendment of the Senate. Is it, therefore, just to increase this inequality? Is it fair that a man living in the neighborhood of another, with only the boundary line of a State between them, should be represented only in the proportion of one to eleven and one-half? I contend that the principle which comes the nearest to hold out equal rights to every man is the most proper one, and one that I will always contend for as a citizen of the United States and as a citizen of Virginia. I shall never wish to encroach upon the Constitution, but I will be equally against destroying the balance between the rights which the people have delegated and those they have retained.

Take the subject in any point of view, the five large States will send, suppose 81 members to the House of Representatives, and 10 to the Senate; while the nine smaller States will have 31 members in this House and 18 in the Senate—so that the majority of the representation in the one is overpowered in the other; and, taking the whole aggregate of the inhabitants of the United States, if divided into the majority contained in those five large States, and the minority in the nine smaller ones, it appears that the minority of the people can dictate to the majority in elections, &c. Government is formed by an association of the people upon principles of equality, and whilst we admit the argument of sovereignty retained to the States in Senate, let us not lose sight of justice, right, and equity. He concluded by declaring himself of the same opinion as formerly, in favor of the bill; and, as there were no reasons offered by the Senate, or for them, that could induce him to change, consequently, he could not recede from his opinion.

Mr. MADISON, after making a few prefatory observations, said he felt himself impelled to take some notice of the arguments that had been used this day on the subject before the House. He would not, however, attempt any reply to the gentleman from New Jersey, nor pretend to follow him in his flights of imagination respecting the New Jerusalem or the umirage of Pennsylvania, but leave it to those to whom such observations might have been addressed to draw their own conclusions. He was sorry that it almost always happened, whenever any question of general policy and advantage to the Union was before the House, when gentlemen found themselves at a loss for general arguments, they commonly resorted to local views; and at all times, as well as the present, when there was most occasion for members to act with the utmost coolness, when their judgments ought to be the least biased—it was to be regretted that at those times they suffered their feelings, passions, and prejudices, to govern their reason. Thus it is, that the most important points are embarrassed, the Northern and Southern interests are held up, every local circumstance comes into view, and every idea of liberality and candor is banished.

The gentleman from New York, (Mr. LARANCE,) when he introduced this subject at the

commencement of the present session, did it on the most generous plan, and disavowed every principle of calculation so much, that he then declared he had not so much as made a single calculation of the different fractions which have since been introduced into the debate—his only object was to fix a rule on general principles, agreeably to the Constitution and to the preservation of the rights of the people; and this idea was approved by two of the gentlemen from New Jersey, who have since altered their opinions, although they then had no objections but as to the expense; the idea of fractions was not then contended for, but has since become the very essence of the Opposition; and we are called on to violate the Constitution by adopting a measure that will give Representatives for those separate and distinct fractions in the respective States; and afterwards are told, it is not to the fractional numbers in the States that they refer, but to the aggregate of the fractions in the United States. If this reasoning is good, why do the gentlemen stop at this boundary of a representation by States? Why not proceed to erect the whole of the United States into one district, without any division, in order to prevent the inequality they conceive to exist in respect to individual States?

He would not encroach upon the time of the House by protracting the debate, which had already swelled to an immoderate extent. Upon the whole, he said that this was a great question, wherein attention should be paid to the people, and a strict eye kept towards the public good, divested of prejudice; but he had heard with pain how much had been said to divert the House, by an attention to fractions, from the true object of general welfare; yet he hoped that the Government would be equally administered—that none of those predictions or threats thrown out in the course of the debate, that no mutilation of the Union, would take place; but, on the contrary, that harmony would guide the decision of this question free from every local consideration.

Mr. HILLHOUSE.—It has often been said this Government is a Government of confidence—and, taking this for granted, can it ever be supposed that a plan of representation, which is unequal and unjust, can excite this confidence? This ratio of thirty thousand throws an additional weight of seven Representatives into the scale of the large States. If this principle can be established on this occasion, it may be also extended to taxation. Northern and Southern interests have been mentioned. He was sorry the idea had ever been suggested, but as it had, there was no impropriety in adverting to it. Let a line, then, be drawn at any given place, and a ratio established which will do equal justice to the members on both sides of that line. A representation that will deviate from such a principle, it cannot be expected will give satisfaction, or be cheerfully submitted to by the people. The ratio of thirty-three thousand—figures will show it—will give a more equal representation than that of thirty thousand; and there has not, and, in his opinion, could not be any good reason assigned, why it should not be adopted.

Mr. BOUNDINOT said, he was pleased when gentlemen were desirous of appealing to candid and fair argument, in determining important questions. In the present case, he thought there was propriety in examining the principles of the bill and amendment, by the terms of the Constitution. It had been said by gentlemen, that the ratio, when adopted, must be applied to the number of citizens in the individual States, and that no regard was to be paid to the fractions occasioned thereby, because not regarded by the Constitution. This, he thought, was by no means conclusive. The House of Representatives was to consist of members chosen every second year, by the people of the several States; these members not to exceed the proportion of one to thirty thousand. It appeared to him, that the whole number of Representatives, to be chosen by the whole people of the Union, was the subject contemplated by the Constitution, as constituting this branch of the Legislature; while, by another part of the Constitution, it becomes the duty of Congress to apportion them, when so ascertained, among the several States, in proportion to their respective numbers. As an instance, suppose, for argument's sake, the aggregate number of the citizens of the United States to be exactly three millions; by applying the ratio of thirty thousand, the constitutional number of the House would be found one hundred: Congress should then proceed to apportion (for he could apply no other meaning to the word) the one hundred members among the States, as their respective numbers bore a proportion to the whole number of three millions. Thus, the Representatives from every State would bear an exact proportion to each other, according to the number of inhabitants in the State; and the whole representation would stand on principles of perfect equality. An equal representation appears to have been the desirable object of the framers of the Constitution—it is the very spirit of our Government. He insisted that this was the only mode of applying the ratio, and making the apportionment, that would hold good at all times, and under all circumstances. It cannot be said, with propriety, that the Constitution does not proceed on principles of perfect equality in this House, yet if the ratio be applied to the numbers in the individual States, it will always produce (as has been fully shown by several gentlemen) very great inequality, by large fractions being unavoidable: in one State we now find one of upwards of twenty-nine thousand. He acknowledged the amendment did not proceed on this principle any more than the bill, for which reason he fully approved of neither, but as the ratio of thirty-three thousand in the amendment produced a much greater equality, and came in effect nearer to his principle, (by reducing the fractions made by the bill nearly two-thirds,) he should prefer it, as he must vote for the one or the other.

It had been said that they were making distinctions between the North and the South—between the large and small States. He observed, in answer, that if gentlemen would introduce principles of inequality, that bore unconstitutionally hard on individual States, they ought not to take

it amiss that the suffering States would complain of the injustice. The injured must complain, and the fault, if any, lies with the first framers of the principle.

If gentlemen wished for equality, let them adhere to the principles of the Constitution. Apply the ratio to the whole number of citizens, by which you find the number of Representatives to constitute this House; and then apportion those Representatives among the individual States, according to their respective numbers.

When gentlemen advert to the Senate, and say that the equal representation of the small States there, should be taken into the account, they do not consider the relative situation of the States, as represented in that House. There, the sovereignty of each State is represented, and not the individual citizen. Sovereignty is perfectly equal in every State; as sovereigns, there are none great or small; and if his information had been right, it was on that principle that the Senate was originally constituted—but that House was a representative of every individual citizen. On the whole, he was of opinion, that, by agreeing to the amendment of the Senate, they would secure the great principle of equality better than by the bill.

Mr. BOWDWIN thought the construction he had given the Constitution was a true one. It supported the spirit of the Confederation between the States, which was on the footing of perfect equality in proportion to numbers; it coincided with the spirit of our Government, which was equality; and although by it the number of members constituting the House was first ascertained from the whole people aggregately considered, without respect to the division of States in their political capacity, yet by the after *apportionment* among the respective States in that capacity, the wisdom of the Constitution appeared in thus providing a General Government for general purposes, and at the same time making each individual State (as a State) essential to the existence of that Government, thereby preventing, in the most effectual manner, an unnecessary entire consolidation of the Union.

Mr. B. said he had originally objected to the bill, on account of a too numerous and expensive representation, as well as of an unequal one, but chiefly relied on the last as unconstitutional, and therefore should still prefer a concurrence with the Senate.

Mr. GERRY observed, that it had been fashionable to speak of the ratio of thirty thousand as a Federal number. He did not know what name to give to the amendment of the Senate, unless it were called the fractional number. He then took notice of an argument which had been used to create suspicion that there was danger to be apprehended from a combination of the larger States; but this would appear a weak argument, when it was considered that the power and influence of the smaller States are equal in the Senate to those of the greater States. The thing is impossible, and if attempted it could not succeed.

He wished to know whether it was the opinion of gentlemen, that there was less judgment and

less firmness in the House of Representatives than in the Senate? He hoped an equivoque would be preserved in the two branches, and that the balance would not be destroyed by constantly giving up the judgment of the House to every whim of the Senate. If a latitude be now admitted, that we may increase the ratio, before the expiration of the first ten years, the gentlemen in favor of the Senate's amendment may insist on a ratio of fifty or sixty thousand; but this is ground they know they cannot yet touch upon; and the same reason that should prevent us from adopting this extreme, operates against the amendment. The whole expense of Congress, from adopting the ratio in the bill, will not amount to two cents upon each citizen of the United States annually, and as population increases it will be lessened. Surely the gentlemen in favor of the amendment cannot object to this trifling expense. They speak of a liberal policy; I wish they would show us an example, by agreeing to the bill with a better grace than they seem to have exhibited hitherto.

Mr. MURRAY.—The subject has gone through a very ample discussion. When the question of representation first came on, the theory of the Government was ably resorted to by those who urged a large representation. Sir, I most heartily agreed in the principle on which, by a large majority, this House made thirty thousand the ratio. As I still am of that opinion, I shall be indulged by this House while I give my reasons for adhering with a firmness which may be deemed by some tenaciousness, to a rejection of the amendment of the Senate.

I voted for thirty thousand, because I saw in that ratio the constitutional wishes and expectations of the people. I deemed the largest possible ratio allowed by the Constitution to be the source of National Government, and its best security. Nothing, sir, which I have yet heard has convinced me to the contrary. It is unnecessary to recapitulate whatever has been said on this point. I must remark, however, that during the discussion, the members of this House who suggested that principle appeared to me to be convinced. They seemed to be masters of their own opinions, and to agree in this idea, without advert- ing to the doctrine of fractions, that the sole ques- tion was a point of theory rather than a measure of expedience; and they decided, by a very large majority, that in this House, immediately warm from the very bosom of the people, the ratio of thirty thousand was theoretically correct and practically useful. The bill was sent up to the Senate, who returned it with an amendment of thirty-three thousand as the ratio. I voted against that amendment, because it was an attack upon the principle of an enlarged representation; and because the idea of fractional representation aimed at by the amendment, was but a commutation of the evil of fractions from one State to another, from the Eastern to the Southern; and contained a surrender of the principle without an attainment of convenience.

Sir, it has been, in the course of debate, foretold, that that honorable body would be adverse to an

enlarged representation here. Whatever has been argued, has been verified by experience; nor can any man be at a loss to see that the temper against large representation, though not openly avowed—for that would have been impolitic—has been covertly and successfully exerted under the semblance of *equality* of representation, by this doctrine of fractions. It was sent down into this House in the form of jealousy and suspicion, and it has produced its effects. It has roused the latent and local interests from their plans, and we have had debates entirely constructed on the tenets of Northern and Southern interests and influence.

A proposition was made by a member from New York, (Mr. BENTON,) and reiterated by the gentleman from Delaware. The object of this proposition was to sum up the fractions, and from the aggregate take seven members. Sir, if I was surprised, I confess I was delighted to see men who a few days before had opposed in theory the idea of a large representation, come down with moderation, and suggest this great principle even in a bad form. I imagined they were converted. I voted against this proposition, because I thought it first, unconstitutional, inasmuch as it could have been contemplated but in the consolidation of States; and because I thought it contained a solecism in politics. I deemed it unconstitutional, as the Constitution calls for a representation of the people of the respective States in a ratio of thirty thousand; and if this had obtained, it was to be done by collecting the fragments of constituents from States widely separate, and giving a representation of their fractions thus divided to that State which had the largest fraction. Thus, sir, the two from Delaware would be chosen by less than the Constitution contemplates, as there are not sixty thousand; and it is in vain to say that the member chosen by twenty-five thousand is elected by the addition of five thousand in any other State, in order to complete his proper number of constituents, for they do not elect him; and if it be said that he nevertheless does represent them as his constituents, it can only be by the idea of a consolidation having pre-existed, which no man has yet openly avowed to be the doctrine on this subject. The very first and most intelligible principle of representation in Government is, that the Representative is responsible to his constituents; but, sir, this, though an abstract truth, must be shown to the people, not in a fiction, but in a solid and palpable mode, congenial with their habits, and palatable to their understandings. In the adoption of this extraordinary proposition, the idea of *virtual* representation is the only one which at all protects it. No man, however, who knows the country, will tamper and trifle with so solid a part of Government as that of actual representation and actual responsibility. I never, sir, could consent to commute a known and practical measure of good, for a flimsy speculation, which could only have been invented to serve particular views, and was never thought of till it was discovered in what manner the fractions would affect particular States.

For these reasons, sir, I voted against that pro-

position. I shall now vote against the amendment of the Senate, because I find no cure, but a partial one, for the inconvenience of fractions; and even this is to be obtained at the expense of principle. Though this amendment may gratify some States, as New Jersey, that may have large fractions, it throws off the evil from them on other States. The fraction of Massachusetts may be smaller, but the State of Maryland loses a member, and will have a large fraction. Sir, I can find nothing in this amendment but the design to accomplish what I humbly conceive an unwhole- some end by improper means, and shall therefore vote against the proposed amendment.

Mr. FINDLEY said, from the various observations which had been made on the subject, it had become necessary that a vote should be given with due deliberation—such a vote as constitutional justice shall require—on the ground of constitutional justice; for as to general justice, it is entirely out of the question; and, indeed, general justice could not be done, on the principles of any Government under heaven. He adverted to the particular situation of the respective States, and said that this general justice was not attainable in any one of them. We are not to be moved by any threats; we act on principle, and we will in- trench ourselves in principle; and this principle of constitutional equality is all that we can pre- tend to. But it is objected that the ratio will produce fractions, and to get rid of this difficulty of fractions, we are to reduce the representation of the people, from the constitutional number of one to every thirty thousand; that is, we are to strike off one-sixteenth part of the whole representation of the Union. He urged that the representation on the ratio of thirty thousand would not be too great. He instanced the representation of Geneva and other foreign States. If there should arise any inconvenience from the present ratio of thirty thousand, Government were not obliged to wait for the expiration of ten years to remedy the defect; it was always in the power of Congress to order another census to be taken at any time. For his own part, he had not considered fractions as an obstacle to the bill; on the contrary, he was rejoiced that the population of the country increased so rapidly as to make those fractions always quickly increase to a whole number. To conclude, he was for going on general principles, which would certainly reflect the most honor on the proceedings of the Legislature.

Mr. W. SMITH said, he had hitherto voted uniformly in favor of a smaller representation than that which was contemplated in the bill, and in doing so he had acted from principle, without any reference to the doctrine of fractions. As the enumeration of his State was not yet known, it must be evident to every gentleman in the House that this was the case; but he now saw the necessity of changing his vote, since the bill had been returned from the Senate, where it seemed there was a disposition to modify every bill and every proceeding of this House just as they pleased. He thought it would have a very awkward appearance to the world, if the House should give way

in all cases whatever, and more especially in the present instance, where the Senate had been equally divided, and the question was decided by the vote of a single member of that body—the Vice President. For these reasons, and the locality and fractions that had been introduced into the debate, he would vote for an adherence to the former decision of the House, in order to support that balance which should be preserved between the two branches of the Legislature.

Mr. BARNES said, that if this business is in future to be made a lottery, let us at once declare it; for if principle is entirely out of the question, it remains that we should declare explicitly the truth.

Mr. SEDGWICK said, that it was impossible for him to understand on what principle the gentleman from South Carolina and his colleague were to give their votes, (contrary to their former expressed opinion, excepting that they had discovered that the Senate concurred with them; which would not, he hoped, be generally considered as a good ground for changing, as it seemed to be embracing contradiction for the purpose of contradiction;) unless, as the gentleman had declared, that at the time he formed his opinion he did it on principle, by the abandonment of which he could acquire an undue weight to the district of country from which he came, by departing from a just equality in representation.

Gentlemen had seemed to wish to obscure the merits of the present controversy, by considering it as a contest between the larger and smaller States, and by supposing that the latter would be compensated for their loss of weight and influence in this House, which would result from an unequal apportionment of the representation, by the undue influence which they possessed in the Senate. He himself came from a very large and important State. Justice, however, obliged him to declare that this mode of conducting the argument, only tended to divert the judgment from the true merits of the question. What had the distribution of the powers of the Government—which, by the Constitution, was adjusted to the interests and sovereignty of the States—to do with the apportionment of representation, as it respected either its numbers or the various interests which were to be secured by equality of influence? Was it possible that any mind should be so weak as to discover that the constitutional organization of the Senate was not wholly irrelevant to those considerations which should influence in the decision of the present question?

In contemplating the subject before the House, he observed, that a vast variety of circumstances were entitled to deliberate consideration. Among others, the number of Representatives compared with the number of inhabitants of the United States; in determining which, the nature and objects of the Government were administering, its machinery, the distribution of its parts, the construction of the other branch of the Legislature, and many other objects, were to be considered; that we had not on any of these subjects, the aid of experience, and that the Government

itself was a novel experiment. He need not, therefore, add that there were no data from which any certain conclusion could be drawn. All was uncertainty and conjecture. Was an apportionment of a ratio of thirty thousand eligible? As an abstract proposition, he was disposed to give it a preference to any other; but if he was asked wherefore, he could only answer, that it was rather an inclination of sentiment, than the result of rational reflection. He would not, therefore—because justice would not permit it—sacrifice to the effect of conjecture, which might be only the result of whim, the important and indispensable duty he owed to respect the claims of States to equality.

If an apportionment was made by a ratio of thirty thousand, the members would be seven more than if the amendment of the Senate were adopted. Whichever proposition was agreed to, would any one venture to affirm that the liberties of the people would be more or less secure, the House aggregate more or less wise, or the due balance between the two Houses better or worse adjusted? Considering thus the subject, does not the earnestness with which gentlemen contend for the proposition of the House, appear perfectly unaccountable? But in the progress of this business, it is discovered that an application of the principle of the House gives a balance of weight and influence to one part of the United States, to which it is not entitled by the equal apportionment contemplated by the Constitution. This, it is agreed by all, is demonstrated by figures. Nor can it be denied that equality is among the most essential principles of representation, and expressly provided for by the Constitution, as far as would consist with the state of our society, having a due regard to our particular circumstances. Yet, all important as this consideration is, it is to be sacrificed, with all the interests involved in it, to a fanciful idea of theory—theory unsanctioned by experience.

For his own part, he believed that wise policy would be found perfectly to coincide with, and reconcile the various interests of this extensive country. It could not, however, have escaped the observation of every gentleman, that there existed an opinion of every gentleman, that there existed the Northern and Southern States. The influence of this opinion had been felt in the discussion of every important question which had come under the consideration of the Legislature. The extreme anxiety of gentlemen on the present occasion, would render all other evidence superfluous on this subject. Such a belief, he said, however ill-founded, would, as long as it continued, have the same effect as if it existed in fact. Feeling the weight of this observation, and the influence it ought to have to give to every part of the United States, as nearly as might be, a due proportion of constitutional weight in the public councils, he was incapable of reconciling the conduct of members who were disposed to sacrifice the most important interests of their immediate constituents, to their strange ideas of conjectural perfection. It seemed to him that the gentlemen who came from the North, and on this occasion dissented from

their neighbors, were disposed blindly to surrender all the important interests of their immediate constituents to the arbitration of those, the whole course of whose conduct had demonstrated that they thought those interests adverse to their own.

He concluded, by warning those who had hitherto composed a majority on this subject, to reflect on the danger that would result from a pertinacious adherence to a measure so productive of the sources of jealousy; and he called on their generosity, magnanimity, and justice, to respect the claims of the minority to an equal weight in the Government, on the principles of the Constitution.

Mr. GERRY made some reply to his colleague, Mr. SEDGWICK, respecting locality of interests, and declared that he never would agree to a reduction of the people's representation.

Mr. LAURANCE said, he had always advocated a large representation, without any reference to the part of the Union from which the members are to come. Thirty thousand will give the largest number that we can get; he could have wished it had been larger, but as it could not, he should vote against thirty-three thousand, which would diminish the number; and this was the principle he acted upon. If an equality is the object, is there not a number which will produce a still greater equality than that proposed by the Senate? If there is, there is no principle in the ratio of thirty-three thousand, for it ought to be carried to the full extent to make it perfectly equal. He was sorry that the discussion of the question had excited those disagreeable reflections which had been made, and that the discussion of general principles was dwindled into a debate on fractions, and on the interests of the Northern and Southern parts of the Union. He was persuaded this would not be the proper mode of obtaining the end, which ought to be in view, but would only tend to disturb the tranquility and harmony that ought to exist in investigating and determining this subject.

Mr. KITTEPA having at first voted for thirty thousand, he thought it proper to offer a few reasons for altering his opinion. He had voted for thirty thousand because it would give the largest representation, but finding its unjust and unequal operation, in respect to a majority of the States, he had determined to vote for the ratio of thirty-three thousand. He then noticed the remark of Mr. FINDLEY, that the injustice may be corrected by an enumeration at an earlier period than that proposed in the Constitution; he observed, that this was in effect saying, let us do injustice, and wait a number of years, and then justice shall be done. Why not do justice now, as far as is in our power? Mr. LAURANCE had said, why not adopt a ratio that would leave less fractions than thirty-three thousand? He said, this was in effect saying, we would not do it to any degree whatever. The superior degree of equality which would result from the amendment of the Senate, had been so fully demonstrated, that he should now vote to recede from the disagreement of the House to it.

The question being now put, that the House do recede from their disagreement to the said amendment, it passed in the negative—yeas 27, nays 33, as follows:

YEAS.—Messrs. Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John Laurence, Richard Bland Lee, Nath'l Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William C. Schoonmaker, Joshua Seney, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

A motion was then made, and the question being put, that the House do adhere to their disagreement to the said amendment, it was resolved in the affirmative—yeas 32, nays 27, as follows:

YEAS.—Messrs. John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, Elbridge Gerry, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John Laurence, Richard Bland Lee, Nath'l Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William C. Schoonmaker, Joshua Seney, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alex'r White, Hugh Williamson, and Francis Willis.

NAYS.—Messrs. Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House that they have passed the bill, entitled "An act making appropriations for the support of Government for the year 1792," with several amendments; to which they desire the concurrence of this House.

TUESDAY, December 20.

A Message was received from the President of the United States, with the copy of a Letter which he had received from the Governor of the Commonwealth of Pennsylvania, and of sundry documents which accompanied it, relative to a con-

tract for the purchase of a certain tract of land bounding on Lake Erie, together with a copy of a Report of the Secretary of State on the same subject.

The said Message was read, and, together with the papers accompanying it, ordered to be referred to Mr. MADISON, Mr. BANCROFT, and Mr. SPENCER, with instruction to prepare and bring in a bill or bills to make provision for carrying into effect the contract therein specified.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act making appropriations for the support of Government for the year 1792," and the same being read were agreed to.

A message from the Senate informed the House that the Senate do adhere to their amendment to a disagreement to which this House has adhered, to the bill entitled "An act Apportioning Representatives among the People of the several States, according to the First Enumeration."

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House on the bill for establishing the Post Office and Post Roads within the United States.

Mr. WADSWORTH moved an amendment, to withdraw the privilege of franking from the members of both Houses of Congress.

In support of this motion, it was said, that the grand security which the people of the United States have in their Representatives is, that those Representatives are subject to the same regulations as this was not the case.

Congress, in this case, assume to themselves a privilege, which they refuse to the people; they took money from their constituents, and paid none themselves.

The people viewed this privilege with a jealous eye, and could not be pleased to see it enjoyed by Congress, whilst neither the members of the State Assemblies, nor even the Governors were indulged in it.

Congress enjoys only chartered rights; and all rights not expressly mentioned in the charter, are of course excluded.

The Constitution is their charter; the Convention, who framed it, had, no doubt, well considered the whole subject of privileges, and accurately defined all such as they wished the Legislative body should enjoy distinct from their constituents.

In the enumeration of those privileges, there is not a syllable tending to exonerate them from their share of the common burden of postage; they have no constitutional claim to such an immunity, and if they assumed it, they would increase the burden on their constituents.

The post office, if unable to maintain itself, must derive its support from other sources of revenue. Already the members of both Houses send and receive, during their session, as many letters through the General Post Office as all the other inhabitants of Philadelphia; those letters, if paid at the usual rates, would amount to half the postage of the United States.

The number and bulk of the franked letters and packets excluded the newspapers from the mail, and thus pre-

vented the circulation of intelligence; if the evil increased (and there was no probability of its being diminished, except by the utter abolition of the privilege) it would eventually prove the ruin of the post office. The example of Britain showed to what an enormous height the abuse of such a privilege may be carried; and though similar abuses may not as yet have taken place here, yet it could hardly be doubted that many unnecessary letters were daily sent by the post, which never would have been written if subject to postage; those letters are not only unproductive, but an actual expense to the post office, as the postmaster receives a certain per centage on these, as well as upon other letters. The privilege of franking is moreover unequal in its operation; while some members use it only for the purpose of transmitting political information to their constituents, others, absent perhaps during the whole session, use it for very different purposes: to men in trade it was a considerable advantage, amounting, probably, in some instances, to a hundred dollars a year. It would be better to take away the privilege entirely, and reduce the general rates of postage one half, or to allow the members, at the close of each session, to make a charge for all letters on public business, from their constituents, or to make them an allowance in gross to defray the expense of postage; better, even, if necessary, to make an addition to the compensation which the members receive for their services, if the present one be found incompetent to their honorable support.

On the other hand, it was observed, that the privilege of franking was not assumed by the members for their own private accommodation, but for the benefit of their constituents, to transmit to them every necessary information respecting the operations of the General Government, and to receive from them such information as they might have to communicate. Petitions are frequently enclosed to members; and if these were to be subject to the payment of postage, the privilege of petitioning the House, would be in a great measure destroyed. The diminution of revenue which the post office might in some instances suffer from the privilege of franking, ought not to be deemed a sufficient reason for abolishing that privilege; since it is allowed, that the object contemplated in the establishment was the general convenience, and an easy and speedy mode of disseminating public and private intelligence. Revenue was but a secondary consideration. Although the citizens who live at the Seat of Government, and have daily opportunities of learning from the newspapers what public measures are going forward, may not be materially affected by the abrogation of the privilege, yet the case would be widely different with those who live at a distance, especially when fiscal operations were on foot; those who are informed, will make a prey of those who are ignorant, and destructive speculation will enrich the few, at the expense of the many. In a Government of opinion (which is the Government of America) much greater reliance is to be placed on the confidence of the people than upon any other circumstance: that confidence can only be

the result of the fullest information; but if the privilege of franking were taken away, the avenues of information would be in a great measure closed; for the members could not undertake, at their own private expense, to transmit intelligence to every part of the Union; yet the citizens have a right to expect information, not only of the acts of Government, but also the principles upon which they were grounded. The abuses of the privilege, that have prevailed in England, do not prevail here; and its abolition would give general dissatisfaction, particularly in the more distant parts of the Union, where information would be subject to a very high tax, if circulated through the post office, at the ordinary rates of postage. Of those bundles of letters received and despatched by members of Congress, many (though far from being unnecessary, as had been said) would perhaps never be written, if they were not to pass free of postage; and thus that free communication of sentiment between the Representative and constituent, which is so essential in a Government like this, would be in a great measure cut off; and the post office would gain little or nothing by it, as those packets of newspapers, bills, reports, &c., would either be sent by private hand, or not sent at all; even here an inequality would prevail, as the people who live near the Seat of Government, and all along the main road, could, from the greater frequency of opportunities, receive such packets with more ease and regularity, whilst those in more remote situations could seldom or never receive them, unless by the mail. The expense arising from the per centage to the postmaster on the free letters, is but trifling, as in such cases he receives no more for a packet of two ounces than for a single letter; and as to the idea of allowing the members to make a charge for their letters, this would be no better than receiving with one hand and paying away with the other. If, however, it were found absolutely necessary to take precautions against the abuses that were apprehended, this might be done by limiting the number or weight of letters that should go free by any one post, without entirely preventing the interchange of sentiments between the Representative and his constituents.

The Committee then rose, without taking the question on the amendment.

WEDNESDAY, December 21.

Mr. MADISON, from the committee appointed, presented a bill for carrying into effect a contract between the United States and the State of Pennsylvania; which was received, and read the first time.

THE POST OFFICE BILL.

The House resolved itself into a Committee of the Whole (Mr. W. SMITH in the chair) and resumed the consideration of the Post Office Bill. After having proceeded through all the remainder of the bill, except the eighth, the twenty-second, and twenty-third sections, (respecting the carriage of newspapers,) which were postponed

for future consideration, the Committee rose and reported progress.

THURSDAY, December 22.

A bill for carrying into effect a contract between the United States and the State of Pennsylvania was read the second time, and committed.

A memorial and address of the people called Quakers, from their several religious societies in Pennsylvania, New Jersey, Delaware, Maryland, and Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed salutary and effectual, for securing peace and friendship with the original holders of this land.

Ordered, That the said memorial and address do lie on the table.

Mr. GEARY, from the committee to whom were referred several motions for obtaining annual and regular statements of the receipts and expenditures of all public moneys, and for a due examination of such statements, made a report; which was read, and ordered to lie on the table.

ELECTION OF PRESIDENT, &c.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices, both of President and Vice President."

The bill was read by the Chairman, and being again read by the Chairman, Mr. TUCKER moved to amend this clause by striking out these words, "except in cases in which an extraordinary election of President and Vice President shall take place, as hereinafter specified." This motion was agreed to.

Mr. SPENCER made some general observations on the great objects of the bill, and adverted to the term proposed for the choice of Electors of President and Vice President, observed that he had his doubts whether it would not be best to give a longer time. He enlarged on the disagreeable consequences which would probably ensue, in case there should not be a choice by the Electors; as the matter must then be determined by the House, voting according to the Constitution, by States. He descanted on the pernicious consequences which might result from the collision of parties, and the working of passions in the breasts of men whose ardor would probably be excited to the greatest degree on such an occasion; every reasonable measure should be adopted to prevent the evils which he deprecated; he therefore moved that the words "thirty days" should be struck out, in order to give the people a longer time to give in their votes for Electors.

Mr. WHITE objected to the motion. He conceived it was calculated to produce the very mischief the gentleman appeared to deprecate. If it had been possible, he could have wished that the Electors should meet and give in their votes on the very day of their being chosen; he wished as much

as the gentleman to adopt measures to prevent the evils he mentioned; but did not think the motion would conduce to that object; he thought the time should rather be contracted than extended.

Mr. DAYTON also objected to the motion; he thought fourteen days would be a more proper time; it was the design of the Constitution, though it is not expressed, that the President should not know the characters to whom he is indebted for his election.

Mr. SEDGWICK observed, that the objections would be very proper was it certainly known that the Electors would always agree in a choice; but this he conceived, it was hardly possible should always be the case; and what will then take place? The election devolves on this House, and the Electors will then be known, and liable to all that intrigue and cabal which has prevailed in other countries. He left it to the consideration of the Committee to determine on the immense importance of providing in season against the evils of a contested election, in the case now before them.

Mr. BALDWIN objected to the motion; but said if it was struck out, he should then move to insert a clause which should assign different periods according to the circumstances of the several States, so that the Electors should meet as nearly as possible at the same time in all the States.

Mr. NILES objected to the motion; and the question being put it was negatived.

The clause which makes it the duty of the Executive of the several States to cause the names of the Electors to be certified, was objected to.

Mr. NILES observed, that no person could be called upon to discharge any duty on behalf of the United States, who had not accepted of an appointment under their authority. He thought that this was opening the door too wide, and involves a blending of the respective powers and duties of each, which are not warranted by the Constitution; and he observed that he should be sorry that the Government of the United States should attempt to exercise a power which they are not competent to carrying into execution.

He moved that the clause should be struck out.

Mr. SEDGWICK observed that if Congress were not authorized to call on the Executives of the several States, he could not conceive what description of persons they were empowered to call upon.

Mr. NILES said he considered this section as degrading to the Executive of the several States; and inquired what is to be done in case those Executives should refuse to comply with the requisition?

Mr. CLARK said, it appeared to him that the Committee was creating difficulties where none before existed. He observed that the choosing these Electors was a privilege conferred on the people, and that this was merely pointing out the mode of exercising this privilege; he thought the clause stood very well and would create no uneasiness whatever.

Mr. HULLHOUSE said, he considered the provision improper. It imposed a duty on the Supreme Executives of the several States, which they might, or might not execute; and thus the necessary cer-

tificates may not be made. He seconded the motion to strike out the clause, and proposed a substitute making it the duty of the Electors to procure for themselves the necessary certificates.

Mr. LIVERMORE spoke in favor of the clause; he did not consider it either as an undue assumption of power, or degrading to the Executives of the respective States.

Mr. BARNWELL said, a small addition to the clause would in his opinion obviate every difficulty; the words he proposed to insert were—"or such person as the Executive may appoint."

Mr. STURGES moved to strike out "Executive," and insert "the Legislature."

Mr. J. SMITH said, it appeared to him that the proposed alteration would amount to exactly the same thing; for the duty of giving the certificate would eventually devolve on the Executive.

The motion for striking out the clause was negatived.

The ninth section provides, that in case of vacancies in the offices of President and Vice President, the President of the Senate *pro tem.* or the Speaker of the House of Representatives shall act as President.

Mr. WHITE moved the section should be struck out. He said the House had formerly discussed the subject and could not agree; the first part of the bill is necessary; this is not of immediate importance to be attended to.

Mr. FRIZZIMONS said, he supposed the question must be determined some time or other, and he knew of no reason why it should not be decided at this time; to strike out the clause would, in effect, be to declare that the House could not agree.

Mr. WILLIAMSON was in favor of striking out. Mr. LIVERMORE objected to the motion; he said no two subjects could possibly be more intimately connected; and the provisions of the bill are such as to render the intermission, during which this agency was to take place, as short as possible; he hoped the clause would not be stricken out.

Mr. WHITE added some further objections to the section; he said it was distinct from the bill, and though a majority of the Committee were in favor of the characters nominated, yet he thought it would be best to make it the object of another bill, and of an independent discussion.

Mr. SEDGWICK said, he hoped the section would not be struck out, especially if there is a majority of the Committee in favor of it. He observed, that last session there was no decision in the case; he conceived it necessary that the business should be now decided on; and adverted to the particular characters named, he said they were as far removed from any influence of the Executive as any persons that could be possibly pointed out.

Mr. BARNWELL was in favor of going into a discussion of the subject at this time. He said there was a large number of the present House who had not heard the observations offered in the last Congress; he supposed the present as proper a time to consider the subject as any that could occur. If gentlemen who are opposed to the section will offer their objections, he should be glad to hear

them; if they were conclusive, he should vote to strike out the section. If nothing was offered, he should vote against the motion.

Mr. STURGES mentioned several objections to the section, which in his opinion rendered it unconstitutional; he could not find that the Speaker of the House, or President of the Senate *pro tem.* were officers of the Government in the sense contemplated by the Constitution. The compensations of the President and Vice President are settled by the House; the Speaker would have to decide on those compensations; this he said rendered him evidently improper. He further observed that the consequence would be, caballing and electioneering in the choice of Speaker.

Mr. WHITE said, the Speaker was not a permanent officer, if he could be considered as one in any point of view; but he was of opinion, that he was no more an officer of Government than every other member of the House.

The question for striking out the section was negatived.

Mr. STURGES then moved to strike out the words, "the President of the Senate *pro tem.*," and the Speaker of the House of Representatives."

Mr. GILES stated the reasons which he conceived fully proved the unconstitutionality of the clause. The characters referred to he did not think were officers. If they had been considered as such, it is probable they would have been designated in the Constitution; the Constitution refers to some permanent officer to be created pursuant to the provisions therein contained. These persons are not permanent; a permanent officer was contemplated; the subject was not to be left to any casualty, if it could possibly be prevented.

Mr. SEDGWICK said, he did not know what officer could with propriety be said to be permanent; offices are held during good behaviour in some instances, and in others during pleasure; but it will be impossible to say that any officer is a permanent officer, for the expression is very extensive. He was surprised to hear the idea controverted, that the Speaker of the House, or the President of the Senate, *pro tem.*, is not an officer. In common parlance he was sure there was no difficulty in the matter.

Mr. GERRY observed, that some gentlemen had said the Speaker is not an officer; but if he is not an officer, what is he? He then read a clause from the Constitution, which says that the House shall choose their Speaker and other officers. He hoped, however, that the Speaker of the House of Representatives would be struck out, in order to avoid blending the Legislative and Executive branches together. He considered this measure as a political stroke of the Senate; but he hoped that the House would never consent to making their Speaker an amphibious animal. He moved therefore that the words "Speaker of the House of Representatives" should be struck out.

Mr. HULLHOUSE objected to any officer appointed by the Executive being inserted. He said, if that should be the case, the appointments would in most cases be made with reference to that object; and hence important offices would often be filled

with improper and incompetent persons. Besides, it was taking away the choice from the people, and thus violating the first principle of a free elective Government. The Senate are appointed by the people, or their Representatives, and hence, in his opinion, filling the vacancy would devolve with the greatest propriety on that body.

Mr. WILLIAMSON was in favor of the motion for striking out both the characters. He observed, that this extensive construction of the meaning of the word officer, would render it proper to point out any person in the United States, whether connected with the Government or not, as a proper person to fill the vacancy contemplated.

Before taking the question upon the amendment, the Committee rose.

FRIDAY, December 23.

On a motion made and seconded,

"That the Report of the Secretary of the Treasury, upon the petition of George Webb, be referred to a Select Committee, and that the Committee be instructed to prepare and bring in a bill allowing such of the Receivers of Continental Taxes in the several States, as continued in service after the end of the year 1782, a commission, as a compensation for their services and expenses, not exceeding the rate of — per centum upon the amount of moneys by them respectively received for Continental services subsequently to the time aforesaid."

Ordered, That the said motion and report be referred to Mr. LIVERMORE, Mr. GILES, Mr. CLARK, Mr. FRIZZIMONS, and Mr. BOURNE, of Rhode Island; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial and petition of sundry merchants of the city of Charleston, in the State of South Carolina, engaged in commerce, previous to the late Revolution, was presented to the House and read, stating the peculiar hardships under which they labor, from the two-fold causes of the operation of the fourth article of the definitive Treaty of Peace, and of so much of the act of Congress for funding the public debt as redeems the old Continental money, at the rate of one hundred dollars thereof for one dollar specie, the former requiring them to pay their British debts in sterling money, with full interest to the present time, and the latter, depriving them of all hope of indemnity, from the effects of depreciation and tender laws to which they were exposed during the war, and praying relief.

Ordered, That the said memorial and petition do lie on the table.

The House resolved itself into a Committee of the Whole House, on the bill for carrying into effect the contract between the United States and the State of Pennsylvania; and, after some time spent therein, the Committee rose and reported the bill without amendment. It was ordered to be engrossed.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for estab-

blishing the Post Office and Post Roads within the United States.

Mr. FITZSIMONS offered a sketch of rates of postage, by way of amendment, different from that reported in the bill and the rates now paid. His plan was a general reduction of the rates.

Mr. GOODRICH said, he did not believe that the revenue from the Post Office, any more than that from the impost, would be increased by establishing a high rate of postage. He was pleased with the sketch offered, and wished it might be agreed to as an amendment; he had no doubt of its increasing the revenue of the Department.

Mr. LIVERMORE was in favor of the original rates reported in the bill. He conceived that the reduced rates would be so low, as materially to injure the income of the Department. He did not conceive why the rate of postage for one hundred miles, in one part of the United States, should be greater than for one hundred miles in another part; he referred to the diminished rates for great distances.

Mr. WILLIAMSON was in favor of reducing the rates. He observed, that though our experience in this business was not great, yet it was sufficient to show that a reduction of the rates of postage tended to increase the income of the Department. And the experience of European countries was incontrovertibly in favor of the idea of a reduction.

Mr. BALDWIN replied to Mr. LIVERMORE, and observed that the amendment recognised the same principle in respect to great distances, which is contained in the bill as reported.

On motion of Mr. WILLIAMSON, the amendment was altered, so that the rate of postage for a single letter to the greatest distance, should not exceed twenty-five cents.

Mr. FITZSIMONS's amendment was then adopted. The section which makes it death for persons employed in the Post Office Department to rob the mail, occasioned considerable debate. The words "shall suffer death," were struck out, and it was then moved to insert imprisonment for life, or for a term which the Court may think proper. This motion occasioned further debate, on its being moved to amend it by striking out imprisonment for life.

Mr. MURRAY entered into a general consideration of the subject. He was clearly of opinion that if the punishment was not loss of life, it ought to be the next in point of severity. He enlarged on the enormity of the crime, and inferred that a person who was so depraved as to be guilty of it, ought to be forever deprived of the power of injuring society again. He adverted to the principles advanced by Montesquieu, Beccaria, and others, who had written so ably on crimes and punishments; but, with all their refinements, they were obliged to acknowledge that as there were grades in guilt, so there should be degrees of punishment. He adverted to the regulations of Pennsylvania; he said their jail was more properly a school of morality than a place of punishment. It may reform, but it will never deter the abandoned from the perpetration of crimes. It might answer the present state of society in the Commonwealth, but

but he doubted whether it would not invite to the commission of crimes, and accelerate the period when they must have recourse to a more severe system of jurisprudence. He concluded by saying, that, as imprisonment for life was the next severest punishment to loss of life, he should vote against the last amendment.

Mr. HARTLEY defended the system of punishment and reformation adopted by Pennsylvania. Experience was in its favor. The gentleman has carried our ideas to European countries; but he thought that examples from our own country were more in point. He objected, generally, to sanguinary punishments; and the punishment now proposed he thought would be too severe, if generally incurred for the crime under consideration. The Committee now rose, and had leave to sit again.

MONDAY, December 26.

An engrossed bill for carrying into effect a contract between the United States and the State of Pennsylvania, was read the third time and passed.

POST OFFICE BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for establishing the Post Office and Post Roads within the United States.

On the subject of newspapers, Mr. WILLIAMSON suggested the propriety of their being so packed that they may be easily inspected by the postmasters; that there should be separate accounts, and a separate mail or portmanteau for them; and that the rate of postage should be in proportion to the distance they are carried; those sent one hundred and not exceeding two hundred miles, one-half cent; those above two hundred and not exceeding three hundred miles, one cent; those above three hundred and fifty miles, one cent and a quarter. He moved to strike out the 23d section, and to insert the above as a substitute.

Mr. CLARK proposed to amend the clause by a proviso, that the papers shall be dried.

Mr. FITZSIMONS doubted whether it would be proper to agree to the amendment. He was of opinion that the consequence would be, very few papers would be sent by the mail. He inquired who is to pay the postage? The printers will not pay it; they are sufficiently out of pocket by distant subscribers. Is it to be defrayed by the subscribers, weekly? There is no coin of the description mentioned. Difficulties will result from the mode which is necessarily adopted for great part of the year, of sending the mail on horseback. Should the papers increase, as is supposed, it would be impossible to send them. There were difficulties in the way. The printers had been called on to declare what would be convenient and agreeable to them; but there was so little concert among them, that they had not given any intimation to the Department of what would please them.

Mr. WILLIAMSON replied to Mr. FITZSIMONS, and obviated some of the difficulties he suggested. He observed that a certain weight ought to be

specified, which the postmaster ought not to exceed, when the mail is sent on horseback.

Mr. CLARK said, he thought the most eligible method would be to make the printers accountable for the postage. This had been proposed by a printer, who issued a larger number of papers than any other printer in the United States. This would simplify the business, and prevent trouble in the different post offices.

Mr. BOURNE objected to different rates of postage for newspapers. He believed it was not customary with the post-riders. Newspapers contained general information, and ought to come to the subscribers in all parts of the Union on the same terms; the half cent would indemnify for the charge. He moved that such parts of the motion as proposed a different rate should be struck out.

Mr. BOURNE believed the gentleman was mistaken in respect to expense of carriage to a great distance. He further observed, that the rates being the same to all parts of the Union, would operate as a bounty to the printers at the Seat of Government; for it was well known that the printers at the Southward could not afford to sell their papers at the same rate with those at the Northward.

Mr. WILLIAMSON enlarged on these ideas. Mr. STEELE said, that the amendment of his colleague, instead of giving facility to the circulation of newspapers, tended only to give a douceur to the printers of particular States. He could have wished that the privilege of franking had been struck out, and the supposed amount thereof applied to defray the expense of transporting a larger number of newspapers; it would conduce to opening a larger channel of information, and would in an easy way bring intelligence to the door of every citizen in the United States. He preferred the bill without the amendment, as more competent to the great object.

Mr. PARKER observed that every law ought to be founded on a principle of equality; and, on this idea, supposed the postage ought to be augmented in some proportion according to the distance.

Mr. HILLHOUSE advocated an increase of the postage. He said the rates proposed were not competent to discharging the expense.

Mr. WILLIAMSON said, that the half cent for a great distance would not defray the expense; he had authority for the assertion; and if the rate is reduced, it will operate to discourage the private stages, and all communication on those roads supported by private subscriptions, will be cut off. Mr. HARTLEY was in favor of one rate. He observed that the rates demanded by private posts was so high, as to amount to an interdiction of the papers almost entirely.

Mr. BARNWELL was in favor of Mr. WILLIAMSON's motion; a half cent would not be sufficient to defray the expenses. He enlarged on the bad policy of giving a monopoly to the printers at the Seat of Government; country papers are important on many accounts, and ought to be encouraged. It is the opinion of the Postmaster General that a half cent is not a sufficient postage.

Mr. BOURNE's motion for striking out was negatived.

On motion of Mr. HILLHOUSE, the postage for one hundred miles was raised from a half to a whole cent, and one cent and a half for any greater distance.

Mr. CLARK moved to add this clause: "to be paid by the Printers sending the same, at the expiration of every three months." This was not carried. The section was further amended, by saying that the newspapers shall be under cover opened at one end; the postmasters to receive fifty per cent. of the postage.

The residue of Mr. WILLIAMSON's amendment was agreed to.

Mr. LIVERMORE moved that the proviso, which empowers the contractors to carry newspapers, should be struck out.

Mr. PAGE observed, that in disposing of this subject the utmost caution ought to be used, lest some infringement of the liberty of the press should be the consequence. We have subjected the printers of papers to a certain tax for sending their papers by the mail, and now it is proposed to cut them off from all opportunity of making their own contracts. He thought the business ought to be simplified as much as possible, and the printers left to themselves to dispose of their publications as they think proper, independent of the mail.

Mr. BARNWELL supported the motion: by retaining the clause, the post office would be subjected to innumerable impositions.

The proviso was struck out, and another proposed by Mr. BOURNE, to the same purpose, with an addition, subjecting papers sent by contract to the inspection of the postmasters.

This motion was objected to, as it would operate against the revenue of the post office.

Mr. BOURNE observed, that in forming the contracts, the contractors always agreed for a less consideration, on account of the advantage derived from carrying newspapers.

This motion was also disagreed to.

The Committee then rose, and reported the bill with amendments to the House.

TUESDAY, December 27.

THE POST OFFICE BILL.

The House then proceeded to consider the amendments reported by the Committee of the Whole House yesterday, to the bill for establishing the Post Office and Post Roads within the United States.

The several amendments agreed to by the Committee were read. The first section, as amended, after some further amendments, was agreed to; this section details the roads. Second amendment was to authorize the Postmaster General to form contracts for carrying the mail on cross roads; agreed to. In the eighth section, the rates of postage are established by an amendment, the lowest at six cents for a single letter, and the highest twenty-five cents for the greatest distance; agreed to. The substitution of "imprisonment for life," in lieu of the words "shall suffer death," for robbing the mail, was objected to by Mr. HARTLEY,

who observed, that, for the protection of property, most countries have enacted penal laws. Those which have been the most sanguinary, have I think, not been the most successful. Those of a moderate complexion, have had a better effect, without sporting with the lives of men. While the English Government had its influence in America, the public mind in most of the Provinces was in favor of the former kind. Pennsylvania was among the first exceptions. The Quakers, who first settled Pennsylvania, were moderate in their manners and principles: their penal code remained till the late revolution. The Independence of America has led to great inquiry, and we have ventured to change our laws, and made them less sanguinary; this has happened in a greater or lesser degree in most of the States. Life is not sported with, and the idea of confinement and repentance strongly prevails. As I said the other day, said Mr. H., we have altered our laws with great success in Pennsylvania. What protection are we to have to this property? What danger is it subject to? The Postmaster General will doubtless take security from the deputies he appoints, and of those to whom the mail is intrusted. This is our security; and there is scarcely an instance where a man is punished with death for a mere breach of trust. Fines and imprisonment will be sufficient to punish the party, and deter others from committing the like offence. It is not like a robbery upon the person, taking his money. There it, in the latter, a complication of offences; personal security as well as property are involved, and the crime enhanced. Perhaps robbery should be punished with death; but I think fine and imprisonment sufficient for the crime now under consideration. The public mind would more approve of it than the punishment of death.

Mr. BOUNDNOT agreed in sentiment with Mr. HARTLEY. He said that extreme punishments of ten prevented a jury from convicting a criminal.

Mr. BARWELL was of opinion that a crime of so pernicious a nature as robbing the mail, ought to be punished with death.

Mr. LIVERMORE was also in favor of the original clause. He observed that a felon was never so secure as when he was hanged out of the way. In reply to Mr. HARTLEY's remarks respecting the salutary effects of the new system adopted in Pennsylvania, he did not think they were so apparent as had been represented; crimes were still committed in this city; for, since the meeting of Congress, several attempts had been made to set it on fire. He said that punishment, and capital ones, would always be found necessary.

Mr. SMITH, of New Hampshire, observed, that punishments ought to be proportioned to the offences committed; this is not done in the bill. He therefore was under the necessity of voting against the clause, in order to obtain some modification of it.

Mr. HILLHOUSE was in favor of the amendment as reported by the Committee.

Mr. HARTLEY moved an amendment to the amendment, by striking out the words "for life." This was seconded by Mr. FINDLEY, and supported

by Mr. KITTEBA; who observed, that it was a principle in jurisprudence not to leave too much to the discretion of the judges. This amendment was carried. On the question to agree to the section as thus amended,

Mr. BALDWIN stated sundry particulars to show that the crimes and punishments referred to in this bill, were on a totally different principle from those mentioned in laws already passed by the Legislature of the United States. He should therefore vote against the amendment.

The question being divided, the first was on striking out the clause, "shall suffer death;"—it passed in the negative; so that the original clause remains.

The twentieth section, respecting *franking*, Mr. WADSWORTH moved should be stricken out.

Mr. WATTS observed, that he did not like the clause as it stands; but he was not for abolishing the privilege altogether. He read a clause which very much restricted the privilege, and which he should prefer to the section in the bill.

Mr. HILLHOUSE said, he had thought favorably of the motion; but on more mature consideration, and after hearing the arguments on the subject from gentlemen in favor of it, he was of opinion it would be best to retain the privilege.

Mr. WADSWORTH observed, that finding a great alteration had taken place in the sentiments of gentlemen on the subject, he had been induced to renew the motion. He observed, that the evils resulting from the practice, he had found on inquiry were much greater than he had supposed; but if the practice is retained, he should greatly prefer the proposition of the gentleman from Virginia. He doubted not that a revenue might be raised from the Post Office, and in a way which would be perfectly agreeable to the people, provided abuses were kept out of the Department, by franks and other means.

Mr. STURGES replied to Mr. WADSWORTH. He observed, that it was not to be considered as a privilege conferred on the members, but intended solely for the benefit of the people; it had not been complained of; was productive of the most salutary consequences; and he did not think the disadvantages counterbalanced the numerous benefits resulting from it. As to the abuses mentioned, he had greater confidence in the honor and integrity both of the present members, and those of any future National Legislature, than to suppose they would abuse the privilege. He was in favor of every necessary restriction, but still for retaining the substance of the clause.

Mr. GERRY replied to Mr. WADSWORTH. He observed, that the arguments offered for abolishing the privilege, were the most forcible in favor of retaining it.

Mr. KITTEBA said, that though the revenue of the Post Office might at first be affected, yet he was of opinion that the correspondences which would arise from those begun by *franking*, would eventually contribute to an increase of the revenue.

The further consideration of the amendments was postponed.

WEDNESDAY, December 28.

A memorial of the Legislature of the State of New Hampshire was presented to the House and read, representing the inequality and injustice of a late act of Congress for the assumption of the State debts, and praying that the inequalities thereby occasioned to the said State redressed in such other way as the wisdom of Congress shall deem expedient. Referred to the Secretary of the Treasury, for his information.

A Message from the President of the United States was received, accompanied with the copy of a Letter from the Attorney General, stating certain difficulties in the execution of his office. Laid on the table.

THE POST OFFICE BILL.

The House resumed the consideration of the amendments, proposed by the Committee of the Whole on the Post Office bill.

The twentieth section, with the amendments, was agreed to. The privilege of *franking* to the members of both Houses, and conferred on the Secretary of the Senate, the Clerk of the House of Representatives, and some other officers, being under consideration, the following debate took place:

Mr. WADSWORTH having mentioned certain abuses that had heretofore crept in under cover of the privilege of *franking*, said that, of a great number of petitions which had been transmitted to him, hardly one had come by post.

Mr. GERRY observed, that if gentlemen thought it necessary to restrain members from writing (free of postage) to their families, and on their own private business, he would consent to such a proposition; but to propositions of a visibly dangerous tendency, he never would give his assent; and such he deemed those which tended to prevent the members from taking the newspapers, or to burden the carriage of the papers with a tax. That wherever information is freely circulated, there slavery cannot exist; or if it does, it will vanish as soon as information has been generally diffused. The light of information has enabled the French to discover their rights, which so long lay concealed from their eyes, and has put them in possession of their present Constitution. However firmly liberty may be established in any country, it cannot long subsist if the channels of information be stopped; instead, therefore, of taking any steps that might tend to prevent the diffusion of political information, the House ought to adopt measures by which the information, contained in any one paper within the United States, might immediately spread from one extremity of the continent to the other; thus the whole body of the citizens will be enabled to see and guard against any evil that may threaten them. To take any measures of a contrary tendency, would be establishing a precedent that may hereafter be improved to the most dangerous consequences. It is impossible to foresee whether every future Legislature of the United States will be entirely free from despotic principles; and if such a disposition

should at any time prevail in the Legislative body, the readiest way to effect their purposes, will be to stop the channels of political information; first, by preventing the members from taking the papers; in the next place, by preventing their sending them to their constituents; and lastly, by imposing a tax on the papers. This will be the surest mode of introducing a system of despotism into this country. The evils that are apprehended from the privilege of *franking* are but trifling, when compared with those evils of greater magnitude that may ensue from its abolition. A man might become a non-franking patriot on very cheap terms, indeed; but if gentlemen wished to establish their reputation for public spirit, this was not the proper mode.

It could hardly be supposed, he said, that any member would wish to retain the privilege of *franking*, merely for the sake of the trifling, contemptible advantage he would derive from *franking* his own letters. But if such an idea was entertained let a provision be made that no commercial letter, no letter on private business, nor any letters passing between a member and his family, shall be exempt from postage; and that no letters shall be *franked* but those relating to public business, enclosing petitions, or suing for redress of grievances.

Mr. WILLIAMSON observed, that if the burden of franks was made so heavy on the post office, as to destroy it, this would prevent, instead of promoting the diffusion of information, and thus the sooner pave the way for the introduction of despotism. From the per centage allowed to the postmaster on the free letters at New York during the last year, it appeared that, if they had been all charged with postage as single letters, they would have produced a revenue of two thousand two hundred and fifty-three dollars; but as a considerable proportion of them were triple and quadruple letters, and would thus have yielded four thousand five hundred and six dollars, a sum which, if applied to the extension of the posts to different parts of the Union, would furnish the means of diffusing more general information.

After further remarks, he observed, that the greatest charge contemplated for the conveyance of newspapers in the ordinary way, was to be only a cent and a half; whereas, if enclosed in franks, they would cost the public five cents each.

Mr. GILES did not consider the privilege of *franking*, as the cause of a general diffusion of information. The privilege he thought unnecessary, where public presses are established, the freedom of debate unrestrained, and the debates published in the newspapers. It is sufficient to leave every man at liberty to express his sentiments in the papers, and that the public are free to read them. Although the French nation, who before lived under an arbitrary Government, were now become free in consequence of the diffusion of information, yet he could not find that the National Assembly possessed the privilege of *franking*; even if they did, it could not be by means of that privilege the information had been diffused

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It had been said, that this privilege was conferred on the members, not for their own private benefit, but for that of the public. Were this the case, he would consent to retain it; but it extends further, private letters being equally exempt from postage, as those of a public nature. Thus one individual is exonerated from a certain burden or duty, which another individual is obliged to bear; and by extending the principle, it would ultimately authorize an exemption from any contribution whatever. If the object was merely to diffuse information, he would suppose that every individual in the United States ought to enjoy the same privilege, and that the post office ought to be established for this particular purpose, so that all the citizens might be upon an equal footing. If it were said that postage is not a tax, because no man is obliged to send letters by the post, the same thing may be said of the impost; as no man is obliged to pay the duty, since he may purchase or not, as he pleases. The constituent body, however, would be justly alarmed, if Congress were to say that the members should be exempt from the duty, while their constituents pay it; and yet, in the article of postage, this is exactly the case, as every member who has private business to transact, makes use of the post office for that purpose, derives a benefit from it, and is free from a pecuniary duty, which his constituents suffer. The grand security in every Representative Government being, that the Representatives should themselves be subject to the same rules and regulations which they impose upon their constituents, he was of opinion that, if the privilege in question were not a direct infringement of this principle, even if it were but an indirect or collateral one, Congress would, nevertheless, act wisely in relinquishing it; nor would the diffusion of information be checked by its abolition.

The abuses attendant on this privilege, he had not himself examined into. He took them on the authority of other gentlemen, who had been at the pains of examining; but, since it was acknowledged that abuses already exist, he thought it but reasonable to conclude that they would increase in proportion to the increasing number of those who are to use the privilege; and as the House will, in a short time, contain above a hundred members, the abuses may be calculated accordingly. Moreover, the very duration of the privilege will tend to vitiate the use of it, as the example of other countries has sufficiently proved. Every gentleman on the floor must be sensible, that the abuses are already increasing, and are likely to increase still more. He had himself received two very heavy letters (one of them from an utter stranger) that were written merely for the purpose of enclosing letters to other persons, and thus avoiding the payment of postage.

After some further remarks, he concluded with a wish, that the clause might be either struck out, or so modified, as only to include letters of a public nature, beyond which he thought it dangerous to extend it.

Mr. LIVERMORE offered a few remarks, to show that the privilege is not confined to the members,

but common to them and their constituents, who derive from it the advantage of communicating their sentiments to their Representatives, free from postage. Whence he concluded, that Representative and constituent are only on a footing of equality.

Mr. GILES denied the equality, since the constituent's exemption from postage is confined to those letters which he writes to the members, and does not include his letters to any of his fellow constituents.

Mr. LAURANCE expressed his unwillingness to relinquish any privilege attached to an official station, unless good reasons were alleged for such a step. If he thought that sufficient reasons could be given for resigning a privilege that was coeval with the Government itself, he would concur with gentlemen in divesting themselves of it; but he did not think the arguments adduced for striking out the clause possessed that weight which gentlemen supposed. The privilege in question, though perhaps sometimes abused, had, to him, ever appeared highly beneficial, as affording an easy communication between the members and their constituents, for useful information. Many subjects had occurred in the House, on which he had found himself incompetent to decide from his own judgment, and wished to obtain information from some of his well-informed constituents; other gentlemen, he supposed, were often in the same predicament; and in such cases, as their judgment was to be exercised, not for their own advantage, but for that of their constituents, he did not think they ought to procure the necessary information at their own private expense, but at the public charge. As there are some evident advantages resulting from the privilege, he thought it necessary to examine whether the arguments, offered for its abolition, were well grounded. It had been said that members had, under cover, received letters which ought not to have passed free; but the bill, in its present form, provides a remedy for that effect, by directing that all such letters shall be sent to the post office and charged with postage. When this regulation is made known throughout the United States, no more letters will be so inclosed; or if any should yet be transmitted in that clandestine manner, surely the honor of the members may be so far relied on, as to expect that they will, in compliance with their own law, hand them over to the postmaster. No gentleman will so far commit himself as to lay his character open to censure and obloquy, by conniving at such abuses; if they have hitherto existed, it may reasonably be hoped that they will not hereafter prevail so extensively.

It had been alleged that the privilege would produce a diminution in the revenue of the post office; but he was surprised to hear such an allegation; for, since it was well known that, during the last year, the post office had yielded a net surplus revenue of five thousand dollars, to be employed in erecting new posts, if the privilege (notwithstanding the many abuses charged to its account) has still left the post office so productive, it can hardly be supposed that, when the abuses

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are corrected, it will operate more injuriously than heretofore.

The privilege of franking, he thought, more likely to increase than to diminish the revenue of the post office. Without it, fewer letters would be written by the members; whereas, those letters in which they communicate information respecting the different subjects which engage the attention of the Legislature generally produce other letters, a single one written to a commercial town, occasioning many others to other towns on the same subject.

The people, it had been said, would entertain a jealousy against their Representatives, on account of the privilege; and would be alarmed, lest this should open a door for an exemption from taxes in many other instances. But are the people jealous of the privilege by which the Constitution secures the persons of the members from arrest, during their attendance at the session, and on their way to and from it, whilst other citizens are liable to arrest at all times? They are not; and to suppose that because the members retain a privilege which has been constantly used since the first formation of the Government, they will also seek to exempt themselves from taxation, was, in his opinion, an unwarrantable supposition.

If the privilege were taken away, he did not think the members would be upon a footing of equality. It is well known that many members stand in a more particular relation to their constituents than others do. Those who come from commercial towns are subject to more numerous applications; and if they are, at their own expense, to defray the postage of all the letters they receive from their constituents, they will have to bear a heavier burden than other members, to whom applications are less frequently made.

The clause under consideration contemplates an exemption from postage for all official communications. Now, if gentlemen admit the principle, that the officers of Government, who are paid for their services, ought not to bear the expense of those communications, why should the members of the Legislative body be taxed for communications of a similar nature? If the members be obliged to pay postage, why should not the public officers pay it in like manner? If any distinction were made in this particular, there would be no equality in the application of the principle; and if, for the sake of equality, the whole clause were struck out, and the privilege taken away from all parties, then the public would have bills to pay for the postage of those officers who receive communications, or it would become necessary to increase their salaries; for it would be unreasonable and unjust, to expect that they should, at their own expense, defray the postage of letters on official business.

Mr. WILLIAMSON observed, that the bill contemplated the establishment of double the number of post offices that were before in existence; that many of the new ones do not promise to be very productive, some of them not being likely to pay five shillings in the pound. That the charge for the last year was twenty-five thousand dollars;

and that, if the post office be not supported, the means will be wanting to aid the diffusion of information.

Mr. LAURANCE thought, that with moderate rates of postage, and a strict attention to the regulations established in the bill, there would be little danger of a deficiency of revenue to support the post office. He did not think the additional posts would so far exceed the revenue as the gentleman last up seemed to apprehend. Even if they did happen to exceed it, he was willing to go somewhat beyond the income of the post office, for the sake of a more extensive circulation of intelligence; and the additional sums that might be applied to this purpose, he would consider as money well expended. He did not, however, entertain any apprehensions on this head; but expected, that notwithstanding all the new posts, a surplus would still be found, instead of a deficiency.

Mr. BOWDISH observed, that the privilege of franking is both personal and official; and, in both points of view, perfectly justifiable. As an official privilege, he thought its propriety would not admit of a doubt; for if men in office be not exonerated from those expenses which the performance of their duty entails on them, their salaries must be raised to indemnify them, as they cannot be expected to serve the public for nothing. As a personal privilege, he also thought it necessary, in order to preserve equality between the members from the distant parts of the Union, and those who live near the seat of Government. It was wise, he observed, to apply proper remedies to every inconvenience resulting from the remoteness of situation; and a member who comes from the distance of five or six hundred miles, would by no means stand upon an equal footing with another whose place of residence is less remote, unless he received a compensation for the local disadvantages under which he labors. This circumstance had been attended to, when the traveling charges of the members were settled, and a greater allowance was made to those from the more distant States, than from the nearer ones. In the article of postage, a member from Georgia or New Hampshire, would be obliged to pay more than a member from New Jersey; and unless a compensation be allowed, adequate to the increase of expense, a visible inequality must prevail. Suppose the price of boarding were raised in Philadelphia to six dollars per day, could the compensations be then considered as equal, unless the members were, either by the privilege of franking, or by an extra allowance for their postage, exonerated from the expense of that necessary correspondence which they are obliged to maintain with their families and their constituents? The privilege eases the public from the payment of a higher compensation; it was known and used when the compensation was settled, and the sum was determined accordingly.

As to the abuses that had been mentioned, he acknowledged, that, according to his ideas on that subject, the privilege had been abused, though, as some other gentlemen understood the matter, no abuse had been committed; for some thought

themselves entitled to use the privilege in favor of their friends. But when the law expressly prohibits the members to do so in future, can it be imagined that they will pay less regard to the moral obligation of obeying the laws of their country, than the other officers of Government? Gentlemen acknowledged that the latter ought to be allowed to retain the privilege, and seemed to confine all the abuses to the members of Congress; but if it could be guarded in the hands of others, it could be equally so in the hands of the members, from whom it was reasonable to expect as scrupulous an obedience to the laws, as would be paid by the public officers.

The calculation that had been made (by Mr. WILLIAMSON) of the revenue that would have accrued from the franked letters, if they had been charged at the usual rate, produced on his mind an effect very different from what was intended. The postage, it was said, from this city only to New York, would have amounted to near five thousand dollars in a single year; and would any gentleman wish to subject the members to so heavy a tax? If the letters were not written, the post office would gain nothing on them; if written and charged with postage, at the expense of the members, it would be impossible for any one but a man of fortune to come forward and represent his fellow-citizens on the floor of Congress. This circumstance would, in its consequences, abridge the liberty of the people in the choice of their Representatives, a choice which the citizens of America have a right to make at their pleasure, electing men of talents and integrity to represent them, whether possessed of fortunes, or without them.

If it was gentlemen's intention to abolish the privilege of franking altogether, without making an exception in favor of the deputy postmasters, the deputies in every part of the Union would resign their offices, and how could the business of the post office be carried on, without postmasters? If men of character cannot be found to fill the vacant places, the post office will be exposed to very great danger, and people will be afraid to intrust their valuable letters to men of bad character. Most of the present postmasters are men of reputable characters; and what is their inducement to accept the employment? Not, surely, the trifling consideration of a few dollars per annum, but the advantage of writing an occasional letter free from postage, and the convenience of having the post attending at their own houses once or twice a week. From the abolition of the privilege, the post office would suffer much greater injury than gentlemen seemed to be aware of. It was wrong to suppose that the same number of letters would be written if it were taken away; and if retained, the additional weight of letters would prove an inconvenience. In answer to the arguments drawn from the expense of the new roads, against the competency of the post office to support itself from its own revenue, he observed, that the additional expense will be only twelve thousand five hundred dollars; that the surplus of the last year had been five thousand; and if the old established roads continue equally productive, and the new ones pro-

duce even ten shillings in the pound, the post office will, on the whole, come so near defraying itself, that the trifling deficiency will not be an object worthy of attention.

Mr. WARREN observed, that if the section were retained in its present form, a member, who totally absented himself from Congress might, during the whole session, and twenty days before and twenty days after it, carry on a free correspondence to every part of the United States, on his own private business. This, he thought, by no means reasonable. He wished, therefore, to have the privilege limited to members actually attending their duty in Congress, and confined, moreover, to letters coming from, or written to, the State that each member represents; for he believed that very few gentlemen in the House correspond on public business with other States than their own.

Mr. MURRAY was decidedly of opinion, that all the officers of Government ought to have the privilege of sending and receiving letters on official business, free of postage; but he thought that the members of Congress ought not to enjoy the same advantage. When gentlemen argued this question, as relating to themselves, it appeared to him to be very little more than a competition between personal privilege and public utility. The abolition of the privilege would, in his opinion, prove highly advantageous to the post office, especially when the number of the members is increased.

Mr. HULLHOUSE observed, that the privilege was conferred on the public officers, for the purpose of enabling them to transact the public business; and it was for the same purpose, the members were to enjoy it. That there is no reason to suppose a greater degree of virtue in the public officers than in the members of Congress; and that abuses are as likely to arise from the former as from the latter. He thought it was placing the characters of the members on a very low footing, indeed, to say that the public officers will never abuse the privilege, but that the members will crush the post office under a heap of abuses. To make a member pay for letters on public business, would be taxing him merely because he is a member; for, if he were not so, he would receive none of those letters. Some of the State Governments had already subjected the officers of the General Government to a tax on their salaries; and if the present motion were carried, it might furnish them with a hint for proceeding a step further, and taxing the compensations of the members. If a member of Congress be subjected to impositions that will depreciate his compensation; if his privileges be so abridged as to leave it inadequate, a pecuniary addition will become necessary; otherwise, no man can occupy a seat in the House, except a man of large fortune—a circumstance that would be pregnant with the most calamitous consequences. Whereas, if the doors of Congress be left accessible to every citizen, proper characters will be elected, without respect to fortune. If the privilege were to be withdrawn from the members, he hoped it would be equally abolished in every other instance; and that no invidious distinctions would

be made, attributing a greater or less degree of integrity either to the members or to the public officers.

Mr. MURRAY replied, that he meant no reflection on the characters of the members, when he put them in competition with the public officers. If the privilege were withdrawn from the former, the door would be still open for any gentleman to introduce a mode of communication, between the constituents and their Representatives, that would be less liable to abuses. Memorials, petitions, &c., might come enclosed to the Speaker, or to the Clerk of the House; and every person forwarding such papers might, by an endorsement, designate the particular member whom he would wish to take charge of them.

From the complexion of the debate, a stranger might have been tempted to imagine that the point in dispute was, whether or not the members should be permitted to hold correspondence with their friends and their constituents; whereas, in fact, the only question was, whether they would relinquish a privilege which they had unconsciously assumed; since the Constitution, in enumerating the several privileges conferred on the Legislative body, is totally silent on the subject of franking.

The nature of the Executive Department requires secrecy and despatch; and this was one reason why he wished the public officers should be allowed to retain the privilege of franking; but the same argument could not be urged in favor of continuing it to the members of Congress, whose operations are deliberate and open to the public eye; to diminish the number and bulk of their communications, by depriving them of this unconstitutional and unnecessary privilege, so far from impeding the diffusion of intelligence, would, on the contrary, promote it, by increasing the revenue of the post office, and thus facilitating the more extensive circulation of newspapers.

Mr. GILES wished the motion so modified, as to meet the idea of the gentleman last up. The chief danger of the privilege appearing to result from its being vested in the members. In the course of the debate, he had observed, that when the taxation of members of Congress was mentioned, an apprehension had been expressed, lest they should be subjected to any new burdens; but that tender regard for their privileges, which made gentlemen so cautious of giving up any one of them, would, he believed, inspire them with an equal degree of caution, if ever there should be question of taxing members of Congress.

A gentleman had declared himself unwilling to relinquish this privilege; but, previous to such a declaration, the possession of it ought to be clearly proved. The Constitution, from which Congress derive all their rights, does not where mention such a privilege. The privilege of freedom from arrest, does not, it was said, give umbrage to the constituent body; but the reason is evident, and that is, that the Constitution expressly grants it. Suppose, however, the members of Congress had the further privilege of not being obliged to pay their debts; this, in addition to the other privileges,

would justly alarm their constituents. Here he saw an exemption from a pecuniary obligation—and the principle he considered as dangerous. On this ground, he wished the question might be taken on the privilege, merely as it respected the members; for, as to the Executive officers, he had not the same objection to their possessing it, since the mode in which they should use it is to be prescribed, not by themselves, but by the Legislature, who might safely be intrusted in conferring privileges on the officers of Government; but gentlemen were proceeding further, and going to determine what privileges they should themselves enjoy. The Representatives were not to be subject to the same duty that was imposed on their constituents, and this was what struck him as highly dangerous. He hoped other gentlemen would view the subject in the same point of light; and if it appeared equally serious to them, he trusted that no arguments of policy would be set up against the Constitution.

The use of the privilege, during the time past, had been given as an argument in favor of its future retention; but if the members had assumed an unjustifiable privilege, and used it, could that improper use furnish a sufficient reason for its continuance? The privilege in question is a personal advantage, not enjoyed by our constituents, and involves the violation of a most important principle.

He concluded, by reminding the House that the Constitution has conferred on the members every privilege which was thought necessary; and that if they swelled the catalogue, by the addition of any new privilege, it would, in fact, be adding a new clause to the Constitution. He hoped, therefore, that gentlemen would proceed with caution, especially when they were treading on what might be considered as at least doubtful ground.

The question being now called for, and passing in the negative, the section was retained.

The amendment to the twenty-third section was also agreed to, subjecting newspapers conveyed in the mail, to a postage of one cent for one hundred miles, and a cent and a half for any greater distance.

Section twenty-five, as amended and agreed to, authorizes the postmasters of Portsmouth, New Hampshire, Boston, Providence, New York, Philadelphia, Baltimore, Annapolis, and Charleston South Carolina, to send the letters to the houses of the persons to whom addressed, and to charge, for such conveyance, one cent on each letter, in addition to the postage.

Having proceeded through all the amendments, the House adjourned.

THURSDAY, December 29.

Ordered, That the written Message, of yesterday, from the President of the United States, together with the Letter of the Attorney General, therein referred to, be referred to the committee to whom was committed the Report of the Attorney General, on the Judiciary system of the United States.

Ordered, That the petition of James Rumney, by Joseph Barnes, his attorney in fact, which lay on the table, be referred to the committee appointed to prepare and bring in a bill or bills to amend the act, entitled "An act to promote the progress of useful arts."

The House proceeded to consider the bill, which lay on the table, for establishing the Post Office and Post Roads within the United States, together with the amendments thereto; and the same being further amended, *Ordered*, That the seventeenth and eighteenth sections of the said bill be re-committed to Mr. SMITH, of New Hampshire, Mr. LAVERGNE, Mr. BALDWIN, and Mr. BOURNE, of Massachusetts.

FRIDAY, December 30.

The several petitions of Isaac Benjamin, James Bray, David Brown, John Caraghgan, Thomas Chandler, Philip Durk, and George Durk, Thomas Jones, John Kryster, William Miller, and Aaron Stratton, were presented to the House and read, respectively praying compensation or relief for supplies furnished, services rendered, wounds received, or injuries sustained, in the Army of the United States, during the late war. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

A petition of Abraham Darlington was presented to the House and read, praying to receive payment for property impressed for the use of the Continental army, during the late war. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of John Churchman was presented to the House and read, praying the patronage of Government to enable him to undertake a voyage to Baffin's Bay, for the purpose of making discoveries to confirm his new theory of the variation of the magnetic needle: Also, that the penalties imposed by the act, entitled "An act to promote the progress of useful arts," may be increased. *Ordered* to lie on the table.

PETITION OF NORTHUMBERLAND CO., PA.

A petition of sundry inhabitants of the county of Northumberland, in the State of Pennsylvania, was presented to the House and read, praying that an act, passed last session, imposing duties on spirits distilled within the United States, may be repealed.

On motion to refer the petition to the Secretary of the Treasury—

Mr. GILES objected to such reference as improper. He thought the subject cognizable by the House only.

Mr. GERRY made some remarks, which were opposed to a more particular attention to this petition than to others on the same subject. He thought the petition improper, as it prays for a repeal of the law. He threw out some reflections on the people of the Western counties for their want of patriotism, in not paying taxes for the

support of their State Government; and now, said he, they appear to wish to get rid of all contribution for the support of the General Government also.

Mr. FINDLEY observed, that it had been customary to refer the petitions to the Secretary of the Treasury. If this regulation had not been adopted, he should now be opposed to it. He replied to Mr. GERRY, and defended the character of the people of the Western counties; said they had paid their taxes for the support of the State Government with promptitude. Observations of a contrary kind, he knew, had got into the newspapers, which he thought were very uncandid and improper; but he was sorry to hear such observations from the members of this House. The present petition, however, is not from a Western county.

The motion for the reference was agreed to.

RECEIPTS AND EXPENDITURES.

The House again resolved itself into a Committee of the Whole House on the bill to extend the time limited for the settlement of the accounts of the United States with the individual States; and, after some time spent therein, Mr. MUEHLBERG reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read and agreed to by the House.

The House proceeded to consider the report of the committee to whom were referred several motions for obtaining annual and regular statements of the receipts and expenditures of all public moneys, and for a due examination of such statements.

Mr. LIVERMORE rose for inquiry as to the designation of Legislative proceedings which this report was to receive, whether it was to be enacted into a law, or to be considered as a standing rule of the House.

Mr. GERRY replied. He said the object was to obtain such information, from time to time, as was necessary to forming a judgment respecting the propriety of additional taxes. The committee has taken such steps as they thought proper; the result is before the House, and it remains for them to dispose of it as they may think proper. He thought there would be a propriety in making it a standing rule of the House. It would be acting agreeably to the Constitution, which expressly says that such an account shall be exhibited.

Mr. LIVERMORE said he could not see any propriety in this mode of proceeding. He was in favor of as full an investigation into the expenditures of public money as any man; but he thought that no rule or standing order of the House could control the law. A law is already enacted for the regulation of the Treasury Department; if this law is defective, it may be amended; but he had no idea of doing business in this way. As the gentleman has observed, we have a right to call for such an account whenever we please, agreeably to the laws already enacted, and therefore the resolution seems to be superfluous. Besides, he doubted whether the power of this House extend-

ed to the making rules which shall bind any future Congress.

Mr. GILES undertook to show, from the Constitution, that one Congress had a right to prescribe rules for a subsequent Congress. He showed that several disadvantages would accrue from a contrary position, and in fact do already exist in consequence of the House having acted on the opposite supposition.

Mr. GERRY contended, that the regulation proposed was necessary, in order to securing this important object. The House had a right to call for this information; the Constitution has made it our duty to do so, and we have a right to say in what manner, and at what periods, this information shall be received.

Mr. BOURNE said, he conceived the resolutions were entirely superfluous, as the law was expressed on the subject. He called for the reading of the law; which was read.

Mr. BARNWELL spoke in favor of the resolutions.

Mr. LIVERMORE denied the right of one House to impose rules on another. The supposition, in his opinion, was contrary to several express provisions in the Constitution; to prove which, he referred to several parts of that instrument.

Mr. MURRAY was of opinion that the practice of the House justified the adoption of the resolutions now under consideration. He referred to the Secretary of the Treasury's report on Manufactures, which had been ordered by a former House, and received by the present.

Mr. GERRY, in reply to Mr. BOURNE, observed, that the article in the law just read, had respect only to the *estimates* of receipts and expenditures. An estimate, he supposed, was a very different thing from an account.

Mr. WILLIAMSON supported the resolutions. He said the present Congress had a right to make such rules and regulations respecting the Treasury as they thought proper; and to say that those rules shall be perpetual; still a future Congress may repeal them, and establish others which they may say shall be standing rules.

Mr. NILES wished some rules similar to those proposed should be adopted. He denied the right of one Congress, in its rules and regulations, to bind another. On this principle, the present House may choose a Speaker for a subsequent House. The question never has been for repealing the rules and regulations of a former House; but, whether they shall be adopted? He wished for a law on the subject, but was opposed to the inquiry in its present form.

Mr. CLARK was in favor of adopting some measures to obtain the information in question; but he thought the present House had no more right to bind a future House by a standing rule in this respect, than they have to say that the Speaker of the next House shall wear a tie-wig. He moved an amendment, by making the resolution to read, "that the return should be made on the fourth Monday of October next." This motion was seconded, but not agreed to.

One of the resolutions offered by the Committee

tee, after some modification, was agreed to as follows:

Resolved, That it shall be the duty of the Secretary of the Treasury to lay before the House of Representatives, on the fourth Monday of October in each year, if Congress shall then be in session, or if not then in session, within the first week of the session next following the said fourth Monday of October, an accurate statement and account of the receipts and expenditures of all public moneys, down to the last day inclusively of the month of December immediately preceding the said fourth Monday of October, distinguishing the amount of the receipts in each State or District, and from each officer therein; in which statements shall also be distinguished the expenditures which fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended, and to be accounted for in the next statement, of each and every of such appropriation.

MONDAY, January 2, 1792.

An engrossed bill to extend the time limited for settling the Accounts of the United States with the individual States was read the third time and passed.

A Message was received from the President of the United States, communicating a statement of the disposition of the sums expended from the ten thousand dollars appropriated for contingent expenses of Government.

ELECTION OF PRESIDENT AND VICE PRESIDENT.

The House then took up, in Committee of the Whole, the bill relative to the election of a President and Vice President, &c., Mr. MUEHLBERG in the Chair.

The ninth section being under consideration: a motion had been made to strike out "the President of the Senate *pro tempore* and Speaker of the House of Representatives," &c.

The question being divided, the vote on the President of the Senate *pro tempore* was put and negatived; that on the Speaker of the House of Representatives was also negatived. The tenth, eleventh, twelfth, and thirteenth sections, were discussed and agreed to.

The Committee then rose and reported the bill with the amendments to the House. The House took the same into consideration. The first amendment was not adopted. The second amendment was to insert "Legislature" instead of "authority," which was agreed to.

Mr. WILLIAMSON, then renewed the motion to strike out of the ninth section the words "the President of the Senate *pro tempore*," and, in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being."

A division of the said motion was called for.

Whereupon, The question being put for striking out the words "the President of the Senate *pro tempore*," it passed in the negative—yeas 24, nays 27, as follows:

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Yates.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, William B. Giles, Samuel Griffin, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Samuel Sturges, Jonathan Surges, Thomas Sumpter, George Thatcher, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Daniel Heister, Philip Key, Amasa Learned, Samuel Livermore, William Van Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

And then the question being put for striking out the words "and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being," it was resolved in the affirmative—yeas 26, nays 25, as follows:

YEAS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Samuel Griffin, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Samuel Sturges, Jonathan Surges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Benjamin Goodhue, James Gordon, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Amasa Learned, Samuel Livermore, William Van Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Peter Sylvester, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

A clause was added to the bill, on motion of Mr. TUCKER, providing for the choice of a President of the Senate *pro tempore*, in case of vacancies in the offices of President and Vice President.

The bill was then laid on the table, and the House adjourned.

TUESDAY, January 3.

THE POST OFFICE BILL.

Mr. SMITH, of New Hampshire, from the committee to whom were re-committed the seventeenth and eighteenth sections of the bill for establishing the Post Office and Post Roads within the United States, made a report: Whereupon, the amendments reported by the said committee, in lieu of the seventeenth and eighteenth sections, were, on the question put thereupon, agreed to by the House.

Several other amendments being proposed to the bill—

A motion was made by Mr. FITZSIMONS to

ferry has been kept for a hundred years past in the most convenient place for crossing a river, give the post-rider authority to set up a new one beside it, and ruin the old establishment; they may say, that the person who carries the mail shall participate in every privilege that is now exclusively enjoyed by any man or body of men, and allege, as a reason for these encroachments, that they are only necessary encouragements to carry the mail of the United States. In short, the ingenuity of man cannot devise any new proposition so strange and inconsistent, as not to be reducible within the pale of the Constitution, by such a mode of construction. If this were once admitted, the Constitution would be an useless and dead letter; and it would be to no purpose, that the States, in Convention assembled, had framed that instrument to guide the steps of Congress: as well might they at once have said, "There shall be a Congress, who shall have full power and authority to make all laws, which to their wisdom shall seem meet and proper."

But the States will never submit to this new regulation; nor will the individuals concerned tamely suffer an invasion of those rights, which they enjoy under the State laws. A contest will undoubtedly ensue; and the present proprietors of the stages will not fail to stop any new stage-wagons that carry passengers along their roads, whether they carry the mail or not. It would be unwise in Congress to enter into a contest where the advantage is but trifling, and the risk much greater than they are aware of. It is easy to blow a small spark into an extensive flame; and prudence ought to caution them against raising a ferment, which may be productive of the most serious consequences.

In favor of the motion it was urged that the Constitution, in authorizing Congress to establish post offices and post roads, and to make all laws necessary for carrying into execution the several powers intrusted to them, has conferred on them ample powers respecting the point in question. If the post roads belong to the United States, then every citizen of the United States has as good a right to use them, under the regulations of Congress, as the citizens of any particular State, through which they happen to run. If they belong to the individual States, and are subject to their regulation, the same authority that limits the use of them to particular wagons, may also say that those wagons shall carry nothing else but passengers, and thus even the mail itself may be prevented from passing.

It was thought hard that a citizen of the United States should be prevented from traveling through an individual State in a stage-wagon, unless the wagon belonged to that State. If a right exists in the State Legislature to impose a tax in this instance, they may farm it out at a high rate, and make it amount to what they please: they may proceed further, and oblige every citizen of the United States who travels within their boundaries, to purchase a certificate to entitle him to pass.

If the House meant to establish the post office at all, and to have the roads free, it was thought necessary to make such a provision as the one un-

der consideration. If not, the Postmaster General may be obliged to adopt the less convenient mode of having the mail carried every where on horse-back; even in this case, the State Legislatures may subject the post-horses to a tax, upon the same principle as the post-carriages.

The question, it was said, could not involve any controversy between the United States and the individual States. It was merely a judicial question, and determinable in a Court of Law, whether a State has a right to grant and support such a monopoly. Other monopolies had existed before the establishment of the General Government, but had been since done away; the duty of tonnage, for instance, which had been granted in some States for the improvement of navigation.

As to the infringement of contracts made before the adoption of the Constitution, if the different Conventions had agreed upon that ground, the Constitution itself would never have been adopted, as it abrogated not only several private contracts, but even certain parts of the State Constitutions themselves. But the evil, in the present case, would be great indeed, if the States were allowed a power of repealing or annulling the principles of the Constitution, under cover of acts that existed previous to its formation.

The laws of the United States must be general; they must operate equally throughout the Union, nor be clogged with any incumbrances or restrictions in any one State more than another. The power of barely establishing post roads would prove a mere nullity, unless accompanied with a power of making them useful. The stages are a public convenience to the citizens of the United States traveling along those roads; and if the State Legislatures exercise the power of stopping and taxing those carriages at their pleasure, the utility of this mode of conveyance, together with that of the roads themselves, will be in a great measure destroyed. If, to prevent this evil, and the better to accommodate the citizens of the United States, and to facilitate the conveyance of the public mail, Congress found it necessary to establish turnpike-roads from one end of the Continent to the other, the Constitution gave them full power to make such regulations and it hoped they would soon adopt the measure.

Without coming to a decision, the House adjourned.

WEDNESDAY, January 4.

Mr. LAURANCE, from the committee to whom was referred the memorial of Brigadier General Joseph Harmer, in behalf of the commissioned officers of the army, made a report; which was read, and ordered to lie on the table.

A memorial of the Legislature of the State of Rhode Island was presented to the House and read, representing the injuries they are subject to from the operation of an act of Congress relative to the assumption of the State debts, and praying a farther assumption of the debt of that State.

Referred to the Secretary of the Treasury.

The Speaker laid before the House a Letter

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from the Secretary of War, accompanying his report on the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians. Whereupon,

Ordered, That the said memorial and report be referred to Mr. AMES, Mr. BOUNDNOT, and Mr. STRELS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. LIVERMORE, from the committee to whom was referred the petition of George Webb together with the report of the Secretary of the Treasury thereon, presented a bill granting farther compensation to certain receivers of Continental taxes; which was received, and read the first time.

THURSDAY, January 5.

A bill granting further compensation to certain receivers of Continental taxes was read the second time, and ordered to be committed.

THE POST OFFICE BILL.

The House resumed the consideration of the bill, which lay on the table, for establishing the Post Office and Post Roads within the United States. Whereupon,

A motion was made and seconded further to amend the said bill, by inserting, after the section, the following clause:

"And be it further enacted, That it shall be lawful for the carriage, by which the mail shall be conveyed, to receive passengers to or from any place or places, and through any State or States, upon all roads declared to be post roads, by the laws of the United States."

Mr. CLARK objected to the proposition. He thought it would give rise to a contest between the State and General Governments, which he conceived was unnecessary, and had better be avoided.

Mr. SENY also objected to it. Before such a clause was agreed to, it certainly was incumbent on the gentlemen in favor of it to show that the regulations in the several States which would be affected by it had or would obstruct the transportation of the mail. Except this was made to appear, it ought to be well considered how far the interference with those privileges would tend to disturb the tranquility of the Government.

Mr. LIVERMORE said he had no doubts on this subject. The right of Congress to send the mail in that way which will be most for the public advantage, cannot be controverted. Let gentlemen consider what would be the consequence, if similar monopolies existed in all the other States; it would entirely render nugatory the power of Congress to establish post offices and post roads. The consequences of this are easily to be conceived. It is said, that the persons vested with these exclusive privileges have contracted on as easy terms as the Postmaster General could have contracted with any other persons; but it does not follow that they will not extort in future—it certainly destroys all competition, and leaves the

United States entirely in the power of these persons. He hoped that the House would not hesitate to adopt the proposition.

Mr. SENY replied to Mr. LIVERMORE, in a few remarks, in which he justified the States of Maryland and Virginia for granting the monopolies in question.

Mr. GERRY said he was in favor of the proposition. He asserted that the power to establish post roads was coeval with that of establishing post offices; if the former power is not in Congress, they have already proceeded too far in exercising the latter power. It has been said, that the States had a right to grant these monopolies—to this he conceded that they had, previous to the adoption of the Constitution; but, in consequence of that event, all such laws are null and void of course. It is become necessary for Congress to carry their power in this respect into execution; for he had been informed, from good authority, that the Postmaster General could not contract with these persons upon the same terms that he could with others. He instanced other inconveniences and disadvantages resulting from this situation of things, especially by an unnecessary detention of the mail for two days every week. Congress ought to define and declare their powers, that those States which have passed laws incompatible therewith may repeal them. With respect to the power of establishing post offices, none of the States claim a participation of that power; and as to the establishing post roads, if the States possess any power in that case, Congress certainly possesses concurrent power; and therefore this Government may certainly make the necessary regulations, where the States have either made improper regulations, or no regulations at all. He conceived that justice to individuals, and to the United States, rendered it absolutely necessary for Congress to exercise the power.

Mr. NILES inquired, what is the import of the present question? Is it not, sir, whether you may carry your mail through any of the States, on foot, on horseback, or in a stage coach? It is not contended that any law of any State can, constitutionally, prevent this. The States, by adopting the Constitution, have ceded their right to you, and of course divested themselves of all right to prevent you from exercising it. But, sir, the question is simply, whether Congress have a right to authorize the carrier of the mail to carry passengers, on hire, through those States where an exclusive right of carrying passengers for hire has been granted by the State Government, and still exists. You are empowered by the Constitution to establish post offices and post roads, and to do whatever may be necessary and proper to carry that power into effect. Now, sir, is it necessary, in order to the transportation of your mail, that you should erect stage-coaches for the purpose of transporting passengers? What has your mail to do with passengers transported for hire? Why, sir, nothing more than this—by granting to the carrier of your mail a right to carry passengers for hire, the carriage of the mail may be a little less expensive. Does this consideration render it ne-

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cessary and proper for you to violate the laws of the States? If not, you will, by so doing, violate their rights, and overleap the bounds of your own. This matter may occasion a legal adjudication, in order to which the Judiciary must determine, whether you have a constitutional right to establish this regulation, and this will depend on the question whether it be necessary and proper. A curious *discretionary law* question! Such a one as I presume never entered the thought of the States when they adopted the Constitution. But, sir, if the trifling pecuniary saving proposed by this regulation, entitles it to the character of a necessary one, or, in the sense of the Constitution, a proper one, and so a constitutional one, what may not Congress do under the idea of propriety? It may be proper, for the sake of a more advantageous contract for carrying the mail, to authorize the carrier to erect ferry-boats, for the transportation both of the mail and of passengers—or to grant the right of driving herds of cattle over toll bridges and turnpike roads, toll free, in violation both of legal and prescriptive rights—to erect post-houses under peculiar regulations, and with exclusive right. What, sir, may not be construed as proper to be done by Congress? Under this idea, the whole powers vested in Congress by the Constitution will be found in the magic word *proper*; and the States might have spared, as nugatory, all their deliberations on the Constitution, and have constituted a Congress, with general authority to legislate on every subject, and in any manner it might think proper. What rights, then, remain to the States? None, sir, but the empty denomination of Republican Governments. I consider the proposition as an attack upon the rights of the States, and shall therefore give my vote against it.

Mr. BARNWELL said he had no doubt of the constitutionality of the proposition; but he was of opinion that the present was not the most eligible time to exercise the power. Still he was of opinion that Congress ought now to declare that it would exercise it at the expiration of the contracts which at present exist between particular States and individuals, and he moved a proviso to that effect, as follows:

"Provided, That whenever any exclusive privilege of conveying passengers for hire in stage carriages, on any of the roads established by this law, hath been heretofore granted by any of the States for a term of years, such exclusive privilege shall continue and be of full force and effect, agreeable to the conditions thereof, until such term shall expire."

Mr. LAURANCE was in sentiment with Mr. BARNWELL, and seconded his motion for adding a proviso, as above.

Mr. CLARK objected to the proviso; it was legislating on a subject of which the House was entirely ignorant. We do not know how long those contracts are to exist; why should we, then, interfere in a business which we ought not to do any thing about. We may set aside the law, or the State may abrogate it, but in either case the proprietors would be entitled to a full indemnification. For his part, he thought the House was

getting into a maze—the bill has long been under consideration, and we seem to make no progress. I could wish that the whole bill was buried, and that we might hear no more of post offices and post roads.

Mr. VENABLE controverted the constitutionality of an interference on the part of Congress in respect to these monopolies. He observed, that the Constitution was totally silent on the subject of passengers; it simply relates to the transportation of letters. And he conceived that the operation of the proposition would be to create monopolies on the part of the United States.

[It was here contended that the proviso was not in order. The Speaker said it was not in order. An appeal was then made to the House, which voted that the proviso was in order, and it was then discussed.]

Mr. WADSWORTH said he was opposed to both the clause and the proviso; he conceived there was no occasion for either. The State of Connecticut has granted exclusive privileges to run stages in that State, but has reserved to itself the power to annihilate those contracts at pleasure; and, whenever the General Government shall make provision for transporting the mail on those roads, those exclusive privileges will cease; and he did not know but that this was the case in other States.

Mr. LIVERMORE said the proviso was the most extraordinary one he had ever heard in his life—we in the first place, in effect, abrogate certain laws of particular States, and then by a proviso confirm those very laws.

Mr. LAURANCE contended that, however extraordinary the proviso may appear, it was strictly proper. Contracts are not to be violated—once formed, they are sacred. The States had a right to form those contracts, and to grant those privileges, and therefore the persons enjoying them cannot be deprived of them; and though the General Government has undoubtedly a right to take the most eligible methods for the transportation of the mail, yet the rights of these people ought not to be violated.

Mr. GERRY opposed the proviso. It recognised the right of the respective States to pass such laws as the first part of the clause intends to abrogate, not only before, but subsequent to the adoption of the Constitution, which he conceived involved an absurdity. On the general subject, he said, that these monopolies were a tax, not only on the citizens of other States, but of every State in the Union. He conceived that no State possesses the power of taxing the people of the United States.

Mr. BENSON remarked, that the proviso was improper and unnecessary. Should any consequences result from agreeing to the first part of the clause, they will arise between the individual claiming the privileges and the State which granted them, and must be settled by a judicial decision.

Mr. STURGES said he should vote in favor of the proviso, though he conceived that Congress had a right to make such a law as would, in its operation, entirely supercede these contracts.

Mr. FINDLEY was opposed to the proviso, because it was legislating on improper principles, or rather no principles whatever; for we know nothing about those contracts.

On the question being put, to agree to the said proviso, by way of amendment to the said clause, it passed in the negative—Yeas 14, Nays 43, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Samuel Griffin, Daniel Huger, John Laurence, James Madison, William Van Murray, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, and John Vining.

NAYS.—Fisher Ames, John Baptist Ashe, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Nicholas Gilman, James Gordon, Andrew Gregg, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, Amasa Learned, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, Thomas Tredwell, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the question being put to agree to the said amendment first proposed, it passed in the negative—Yeas 25, Nays 33, as follows:

YEAS.—Fisher Ames, Egbert Benson, Shearshub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, James Gordon, Andrew Gregg, Daniel Huger, John W. Kittera, John Laurence, Amasa Learned, Samuel Livermore, Nathaniel Macon, Frederick Augustus Muhlenberg, William Smith, John Steele, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Elias Boudinot, John Brown, Abraham Clark, William B. Giles, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, James Madison, Andrew Moore, William Van Murray, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

And then the said bill being further amended, it was, together with the amendments thereto, ordered to be engrossed, and read the third time on Monday next.

Mr. AMES, from the committee to whom was referred the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, made a report; which was read, and ordered to lie on the table.

A petition of Daniel Freer was presented to the House and read, praying the renewal of certain loan office certificates, which were destroyed by fire. Referred to the Secretary of the Treasury, to examine the same, and report thereon to the House.

plained by an hypothesis which has been called extravagant, as it supposed the earth a hollow shell, with a nucleus within, revolving freely, and carrying round it the four points which he supposed attracted the magnetic needle, and gave it its direction—no theory, except Mr. C.'s, has been offered to the world, which solves so many phenomena of the variation of the needle, and bids fair to be of real use. I assisted (by the invitation of one of the committee of the first Congress at New York, to whom Mr. C.'s memorial was referred) in the examination of his theory respecting the finding the longitude of any place whose latitude is known, and where the variation is known, and I put it to the test in this manner. I gave Cook's voyages to one of the committee, and desired him to tell me the latitude of any place and the variation found there, and I calculated what the longitude ought to be according to the theory, and constantly found it to be nearly that stated in the voyage. The committee compared Mr. C.'s calculations of the longitude which they demanded of him, with that given by Cook, and found a wonderful agreement; and I have since seen many of Mr. C.'s comparisons of this sort, which agree with observations so nearly, as to justify my assertion that the theory shows the ingenuity of Mr. C.; and I will add, that although it may not be generally applied to finding the longitude, because of the smallness of variation in some places, and other circumstances, yet it may be used in many places, if the truth of the theory be once established; and whatever can contribute to the discovery of longitude at sea must be worthy of encouragement. But granting that the variation of the needle could not be applied to the discovery of the longitude at sea, yet an easy and certain method of finding the variation is a most desirable thing, and of great consequence to geography, navigation, and surveying; and if Mr. C.'s theory be true, not only the variation, but the alteration of that variation, will be found by an easy calculation at any place whose longitude and latitude are known, and for any given time; and he puts the truth of his theory to the test, which few theorists have been willing to do, of a single experiment—a voyage to Baffin's Bay. The United States need not be ashamed to encourage the memorialist; the British Parliament encouraged voyages to ascertain the truth of Halley's theory; and, if I mistake not, when that was abandoned, it was supposed the poles of the earth influenced the needle; the Parliament offered twenty thousand pounds to any one who would go to the North pole, and at the expense of their Government the attempt has been made. But Mr. C. only requires that a voyage be made within fourteen degrees of that pole; and all I have asked is, that his memorial be referred to a committee to examine his theory, his calculations, and vouchers, respecting the probability of its truth, and the reasonableness of his petition. If the committee should think his theory worthy of the experiment, he proposes to establish its truth; and if this House should not think Congress authorized to grant money for that purpose, they may recommend Mr. C. and his theory to the patronage of the Legisla-

tures of the sister States, whose authority and ability to enable the memorialist to prosecute his inquiries cannot be doubted, any more than their readiness to listen to a recommendation so worthy of Congress. On the other hand, should the committee be of opinion that Mr. C.'s is a wild project, and that his petition ought to be rejected, let the House, if satisfied with their report, confirm it by their unanimous vote. Where then is the danger of referring the memorial to the consideration of a committee? But if the House reject the motion for a reference, and the ingenious memorialist be obliged to apply to foreign countries, whose learned societies have already applauded his theory, and should there meet with encouragement, and be enabled to establish its truth, may we not be in danger of incurring the censure of the liberal and enlightened world?

Mr. CLARK made some observations on the subject. He said that the variation of the needle was already sufficiently understood by all land surveyors, otherwise they were not fit for their business; and with regard to any discoveries by sea, he had little hopes from them, after all the fruitless attempts which have been made by the ablest navigators and philosophers of Europe.

Mr. SENEY said, that there was a degree of attention due to all applications from men of genius, and as Mr. C.'s memorial comes supported by many respectable vouchers, it ought certainly to be referred to a committee; if Congress should not deem it proper to give him the aid he requires at present, perhaps it may be recommended to the next House to afford him encouragement.

Mr. WILLIAMSON said, it was the very same petition which had been before Congress the last session, when there were only three or four members who appeared to support it.

Mr. PAGE said it was not out of order to reconsider the subject; and to condemn it rashly, without a proper investigation, would be to render Congress ridiculous in the eyes of the world.

Mr. MURRAY hoped the House would appoint a committee. He was not in Congress when this subject was before decided against. This was a question on which he was incompetent to decide, but he could feel sufficiently for the literary reputation of the House, and the great interest of science, to believe, that to commit the matter to a committee would best comport with the dignity of the subject. Something more than was then submitted to the wisdom of Congress, is now brought forward; at least Mr. Churchman so alleges. Let those gentlemen who wish to have an opportunity of gratifying a laudable curiosity be indulged. When a man of science comes here with supposed discoveries in the active sciences, we owe it to the subject, to ourselves, and to human nature, to give his propositions fair play and mature consideration. We cannot do this without a reference to a committee. We ought to be cautious how we hastily decide on the views and experiments of philosophical applicants, and ought to take warning from the disgrace of other nations whom history has held up for their premature rejection of enterprises and schemes of science. Co-

LUMAS himself, to whom we owe our country, travelled about, a philosophical vagabond, through many Courts of Europe, and met with patronage at last out of his own country. There may be nothing solid in this projected scheme, but let gentlemen be indulged—it will be most decent.

The question for referring being taken, it was carried in the affirmative by a large majority, and a select committee appointed.

Mr. PAGE, Mr. WADSWORTH, and Mr. WAYNE, were appointed said committee.

ELECTION OF PRESIDENT, &c.

The House resumed the consideration of the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President: whereupon, *Ordered*, That the said bill, together with the amendments thereto, be recommitted to a Committee of the Whole House.

Mr. LAURANCE, from the committee appointed, presented, according to order, a bill to ascertain and regulate the claims to half-pay, and to invalid pensions; which was received and read twice and committed.

The House then proceeded to consider the report of the committee to whom was referred the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, together with the report of the Secretary of War thereupon; and, after debate, an adjournment was called for and carried.

MONDAY, January 9.

THE POST OFFICE BILL.

The bill to establish Post Offices and Post Roads in the United States was read the third time. Mr. MURRAY moved to recommit the bill, in order to amend the section respecting newspapers, by reducing the postage on them to a half cent. Some opposition was made to this motion, and the question being put it was negatived.

The House then proceeded to fill up the blanks. The blank for the term of the contract was filled with "five years." Penalty for obstructing the transportation of the mail, \$100. For negligence on the part of any ferryman, by which the mail may be delayed, \$10 for every half hour. Advertisement for contract to be published twelve weeks. The blank for the Postmaster General's salary was filled with \$2,000; that of the assistant, \$1,000. The new rates of postage to commence the first day of March next. Penalty for exacting a greater rate of postage than that established by law, \$100. Penalty for setting up posts for carrying letters, &c., in opposition to the General Post Office, \$200; for continuing so to offend, \$300 per week. For the deputy postmasters' neglect to account with the Postmaster General for way letters, \$100. Penalty for unlawfully opening, detaining, or embezzling letters, packets, &c., by any person in the

dered by General Greene to his country, must serve to give a keener sting to the regret, which ought ever to attend the necessity of a strict adherence to claims of public policy, in opposition to claims founded on useful acts of zeal for the public service, if no means of protecting from indigence and penury the family of that most meritorious officer shall, upon examination, be found admissible."

Mr. WAYNE rose and gave his reasons for supporting the petition, as follows:

Mr. Chairman: It may not be improper to mention the motives that impel me to wish a fortunate issue to the claim now under consideration of this Committee, which I must also offer as an apology for the part I have taken, or that I may eventually take, in support of the claim. From my first interview with General Greene until the moment of his dissolution, we always lived in the strictest habits of friendship and confidence. He was an officer with whom I had participated in almost every vicissitude of fortune, (in many a well-tried field,) from the frozen waters of the North to the burning sands of the South. He was a man whose virtues and talents I knew and revered; his noble soul would have revolted at the idea of imposition. He never would have offered in a claim to Congress, but upon the purest principles of honor and justice. I was a witness to the pressing necessity that compelled him to become the surety, for which indemnity is now claimed. He did what I would have done, (as second in command,) had he been absent at that trying crisis. The claim I know to be just, and I am decidedly of opinion that he was drawn into that security from the situation in which he was placed by Congress, as Commander-in-Chief of the Southern Department. Under these impressions, I beg leave to submit to the consideration of this Committee the resolutions now in my hand, and doubt not of their concurrent support.

"*Resolved, as the opinion of this Committee*, That the estate of the late Major General Nathaniel Greene ought to be indemnified for and on account of the engagements entered into by that General with certain persons in the State of South Carolina, for the purpose of obtaining supplies for the American Army, in the year 1783, and that — be granted to the Executors of the estate of the late Major General Nathaniel Greene, for that purpose."

"*Resolved*, That a committee be appointed to bring in a bill in conformity to the foregoing resolution."

Mr. BOUNDNOT said, there was no greater friend to the memory of General Greene than he was, nor any person more anxious to have justice done to his widow and family; but he was apprehensive that the resolution proposed by the worthy gentleman who had first brought forward this subject was not drawn up in such a manner as to insure it a passage through both Houses of Congress. He wished, therefore, that it should be so expressed as to prevent any tedious discussion, and at the same time do ample justice. The Report of the Secretary of the Treasury puts the subject on the best footing. The motives which led him to make the contract were, first, the public good; and perhaps, secondly, to serve his friend,

Mr. Burnett, because he was his Aid-de-Camp, and he wished to put him in the way of being established in business after the war; but Mr. Burnett was never in any other way connected with General Greene than as a young man brought up in the family, whom he wished to patronize.

After a few other observations, Mr. BOUNDNOT moved to strike out the preamble of the resolution proposed by Mr. WAYNE, and to adopt words nearly in substance as follows:

"*Resolved*, That it is becoming the dignity of Congress to make compensation for the widow and orphans of the late Major General Greene, who so gloriously served his country; and that they be indemnified for the loss which his estate is likely to sustain by his having entered into certain bonds for supplying the Southern army with rations and clothing, at a time when they were threatening to disperse."

Mr. FINDLEY observed, that on the question as it is now stated, the Committee have a choice of three alternatives; the claim may be rejected, a pension or gratuity may be granted to the amount, or the claim of the petition may be granted as a matter of right, upon the footing of its own merits by a special law, as all authorized claims which Congress grant are given. Claims for which the standing laws are competent, do not come before us. I am in favor of the last alternative. I am against rejecting the petition; because, as the facts are stated in the Report of the Secretary of the Treasury, General Greene putting himself in this situation of risk was from the most public-spirited motive: it was to support the public interest at a most important crisis, when the well-being, if not the existence of the Southern army was at stake, as well as the security of the inhabitants. If a Commander-in-Chief of an army may be ruined in his private affairs by making an unauthorized exertion to save his army or his country, the precedent may be dangerous; it may teach Commanders lessons of prudence, which may have ruinous effects. It is true, the necessity of the case must be such as will justify the unauthorized measure: from the Report, this appears to have been the case in the subject of the present debate. From the whole state of the facts before us, General Greene appears not to have had his own interest in view in this transaction, if the proof of this only lay between Banks and him. The established character of General Greene, not only as an officer, but as a man of integrity and public spirit, certainly cannot sink when laid in the balance with the secret insinuation of an unprincipled speculator. Such has been my own opinion of General Greene's character, that I would certainly require other proofs than this before I would even indulge suspicions; but it does not rest upon this. We have Banks's own testimony to the contrary, and his partner, and we know it would have been the interest of Banks & Co. to have made the contrary appear: nay, we have such a cloud of witnesses, all concurring to the same point, as appears sufficient to remove doubts from the most scrupulous mind. Unauthorized accounts are admitted in settlements between the United States and the individual States, upon the principles of

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equity. I consider this as a case of the same nature, and will vote for it agreeably to this precedent. I consider granting the prayer of the petition in this manner, as an act of justice, not only to his estate, but to the memory of his character. But I object to granting the relief in the indirect way of a pension; it is not so safe to the public, nor so honorable to the heirs of General Greene. To the public it is highly dangerous as a precedent; it will operate as an opening wedge to other claims without limitation. Few indeed can have an unauthorized though just claim as Commanders-in-Chief of an army reduced to such a dilemma as originated the present question: but merit and distress are not confined to Commanders alone; they are to be found in every rank of citizens. The struggles during the late Revolution produced abundance of merit: we cannot look around in this House, nor in any large collection of citizens, but our eye meets with those who have claims of merit. We can scarcely be acquainted in any neighborhood, but we must be acquainted with such as have been reduced to distress by their meritorious exertions, either in the camp, in the cabinet, or by granting supplies. How many who have aided the public with their substance, have been obliged to part with the evidences of their meritorious claims for a temporary relief. Many of the aged, many widows and orphans, to my knowledge, labor in penury, and mourn in secret, on the account of such meritorious aids not being recompensed when they ought to have been; though this was owing to the public misfortune, yet the merit and sufferings were not the less. I am very sensible of the great merit of General Greene; it is so well known, and so generally acknowledged, on all hands, as to render it improper for me to enlarge thereon. But, superior as his merit was, if we grant a pension or relief not founded on a just claim, merit of a lower order must be also admitted: there is no distinguishing the shades. I have heard of claims on the footing of merit brought before Congress, supported by such arguments as would induce a stranger to think that nearly all the merit of accomplishing the Revolution was centered in the claimant. If merit is to be rewarded by pensions, we shall soon have claimants in abundance. In the exercise of supreme command, difficulties often arise which render exertions necessary for which general rules cannot be provided; these have been generally treated as objects of indemnification. Many claims are now before Congress; they are various in their nature, and no doubt a number of them will be admitted; but from every view I have taken of the claim before us, I think the present as strongly addresses our justice and sympathy as any of them.

Mr. WAYNE thought it necessary to make some observations upon what had fallen from the gentleman on his right, [Mr. BOURNOUT.] In order to place this subject in a proper point of view, he begged leave to mention certain circumstances previous to the evacuation of Charleston. Some of the first characters in South Carolina obtained a flag from General Greene, to meet a deputation of merchants and others under a flag from the

British lines. Those merchants were anxious to remain after the army, for the purpose of disposing of their stock in trade, and wished for a reasonable time to transact that business; this indulgence was readily granted, for it was thought an object of consequence to retain supplies for the use of the country as well as for the army: and they were permitted to continue in the place for the space of *twelve months* after the abandonment should take effect. Assurances were also given them for the inviolable protection of their persons and property for that period. Thus sanctioned, they were probably induced to speculate upon such stores as the British army could spare, (for that army was redundantly supplied,) whilst the Americans were experiencing almost every possible distress for want of the common necessities of life. About this time, hopes were entertained of the speedy appearance of a superior marine force from the French West Indies, to that of the British; and the operating army under my command was advanced to the quarter-house, in a position to prevent the enemy from embarking with impunity, and to protect the town and its inhabitants from depredation and insult. This manœuvre had the desired effect: it created a jealousy in the British General for the safety of his rear, and General Leslie was, in a manner, compelled to come into a Convention, more resembling a *capitulation* than an *abandonment*, for he was under the necessity to "agree not to commit any insult upon the inhabitants, or depredation on their property, or damage to the city, at or after his embarkation." The word *after* caused some demur; but it was insisted upon and complied with, in consequence of the orders I had previously received from General Greene; a measure which at once afforded security to the inhabitants, and a flattering prospect of full supplies, as well for the citizens as for the army.

The gentleman [Mr. BOURNOUT] says—How are we to distinguish between the articles and necessities that were actually made use of by the army, and of the other goods purchased of the British merchants? This may be fully answered and explained by mentioning this fact: that those merchants took advantage of their situation, and would not dispose of any article suitable for the army, unless *their whole stock were purchased together*; having but twelve months to dispose of their goods and collect their debts. Nor could the necessary articles be obtained at the point of the bayonet, as the merchants were protected by a compact made under the sanction of a flag. Nor would they trust the contractor *Banks* with their property, unless General Greene became his security; by which act, in their opinion, the *United States* would be bound in honor to fulfil a contract made by their Commanding Officer; nor did General Greene come into the measure until compelled by dire necessity, to prevent a mutiny and dissolution of the army. And such was the exhausted situation of the country in the vicinity of Charleston, that the Executive and the Legislature found it expedient to send a distance into the country to obtain supplies for themselves and the refugee

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families who were returning to the city after the evacuation: in fact, we were under the necessity of taking part of these very provisions, to prevent an instantaneous revolt.

But the gentleman [Mr. BOURNOUT] says that General Greene's private friendship for Major Burnett, who had been his Aid-de-Camp, was a peculiar inducement for his entering into that security, and that Major Burnett had mortgaged an island to General Greene as a collateral security. This, indeed, was an act of private friendship; but it was a subsequent transaction, and no ways connected with the former, nor is it amongst the charges. This was a private purchase by Major Burnett from Mr. John M'Queen, a gentleman well known in South Carolina; and it was thought to be a very advantageous purchase for Major Burnett at the time it was made, (although it has turned out otherwise,) but it was necessary for him to obtain security, previous to receiving *titles*. He applied to General Greene to become his security upon that occasion, which was complied with; and in that act he certainly displayed a superior degree of private friendship, and such as has already been found extremely injurious to his family; but it is by no means connected with the claim now under consideration.

The danger of establishing a precedent in future, unsupported by previous authority obtained from Congress, is also mentioned as an objection. Mr. Chairman, there never can be any danger of drawing this circumstance into precedent; for the page of History never did before, nor I believe ever will again, produce a similar precedent, *i. e.* an army facing and surmounting every difficulty and danger through a long and bloody contest, badly clothed and worse paid, and frequently destitute of the common necessities of life. Sir, it is for the honor of General Greene that we contend; and I am warranted in asserting, that he was not interested in the contract of Mr. Banks, otherwise than from the pure and virtuous motives of serving and saving his country. I therefore feel myself interested, and bound in honor to support and defend the character of my departed friend, and to demand this claim as a matter of *right*, and not of *grace*; and I have a confidence that the candor and justice of this Committee will induce them to adopt the principles of the resolutions submitted to their consideration.

Mr. SUMPTER:—With respect to the resolution as it now stands, I feel myself obliged to oppose it. Nothing that has fallen from the gentleman over the way [Mr. WAYNE] has convinced me that the measure is proper or just. It is necessary to be cautious in the manner of discussing a matter of so much delicacy. I rise, not to make any pointed objections that can in any degree injure the reputation of the officer, whose abilities I respect, or to hurt the feelings of his family or connexions. I suppose that no gentleman will decide in favor of the resolution without examining the merits of the case. The Committee will have that information which they shall deem to be requisite on the occasion. I am sorry to differ in opinion with the gentleman from Georgia, and

am therefore disposed to make sacrifices of my own feelings of past injuries, and will not suffer to decide in conformity with the opinions of the people of the State of South Carolina, and in particular of the district which I have the honor to represent. In going into the investigation of this matter, I will give my reasons why I do not think the country, although in extreme distress, was in that deplorable situation which has been represented; neither was its credit reduced so low but that relief might have been obtained, and that so small an army might have been accommodated, had a proper application been made in time to the Government. The gentleman must therefore be mistaken in stating those circumstances; for if the proper documents be examined, it will appear that the army received very ample supplies from the same source, some months previous to the contract made by Mr. Banks, which must have been in November, or early in December, and previous to the evacuation of Charleston. Whether it was better to adopt the means used by General Greene, or those within the power of the Government, I shall not pretend to determine; but I have no doubt that the Government possessed both the means and the inclination to find supplies. The contract was first made by Banks in November or December, and General Greene did not become the guarantee until the April following: whether there were any reasons for preferring this mode to that of an application to Government, will perhaps appear in the course of the investigation.

Mr. Chairman, this contract has been considered to have operated rather as a misfortune, although it may have afforded a temporary relief; it was the occasion of much complaint, vexation, and distrust, rather than of conciliation: and that this discontent ran through the army is within the knowledge of several officers whose names could be mentioned. It is therefore necessary to bring the matter into the full view of the Committee, and to have recourse to the files of the public offices, before we agree to the resolution on the table. At the same time, it is my sincere wish to render justice to the family of the deceased in every reasonable accommodation; but it does not appear to me that the family is reduced to that disagreeable situation which has been represented. The large grants that have been made by the States of Georgia, North and South Carolina, are still in the possession of the heirs of the deceased, and I have been informed that a gentleman offered \$30,000 for that granted by North Carolina, so late as last summer; neither have I heard that any distress has been levied upon any of these estates, or that they are so much affected, in reality, but that the claims made against them are rather of a nominal and visionary nature. But, admitting that General Greene was security for the United States, and that the operation had been beneficial, (which I deny); does it appear that executions have been levied to any considerable amount, or to such an extent as to justify the present application? To me it does not appear that this has been the case, neither do I believe that

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the estate has been reduced in the manner represented; and, whilst I say it, I honestly and sincerely hope it: under which impression, I can never accede to the resolution on the table.

Mr. WADSWORTH: The gentleman last up has said many things to me utterly unintelligible, and others which directly militate with what has been said by the gentleman from Georgia. He has, however, declared that no real or supposed personal injury shall influence him in giving his opinion or vote. I hope, sir, he will not now feel or resent those real or supposed injuries. I do believe they are not real; and from my long and intimate acquaintance with General Greene, I had good opportunity to know him: a better man I never did know. That he had enemies is not to be wondered at: the nature of his command to the Southward was important, critical, and difficult, and he might be constrained to do things that necessity only would justify. If he has injured any man, he has atoned for it: neither the tongue nor pen of malice have been able to affix a stigma on his character. If I ever knew a man whose heart was pure and without guile, it was General Greene. Yet he had enemies: no man deserved them so little. More honest fame is due to no man. And if his fortune is to be sacrificed, and his family beggared, it is a consolation that his good name will last forever. Being one of his executors, I know something of his affairs; but it was with reluctance I rose, as my attachments to him and concern for his family render it extremely difficult for me to enter on the subject. The gentleman from South Carolina has told us he is acquainted with the affairs of the estates in the Carolinas, and has said they are without any executions against them, the bonds on good credit, and the family in no danger of poverty, &c. I can hardly allow, sir, that he is acquainted with the affairs of General Greene, even in South Carolina and Georgia; but if he is, I will ask him if he does not know that all the negroes from the South Carolina estate are sold, and that the land is totally unproductive? that Mr. Rutledge has prevented executions from taking the Georgia estate by his personal interference? that all the estates in Rhode Island and New Jersey are sold? and that the hope of the justice we now ask for has delayed the sale of all the rest, to satisfy his creditors—his Southern creditors?

The proofs and documents alluded to by the gentleman [Mr. SUMPTER] have been before Congress for several years, and the friends and executors of General Greene have challenged his enemies, in every part of the Union, to disprove them; and I hope no delay will now take place. The subject is fully before Congress. I hope justice will be done to the widow and orphans of the late General Greene, and that the investigation will now be finished; his honest fame vindicated and established, and his family saved from the ruin that awaits them.

Mr. HARTLEY, in support of Mr. WAYNE's motion, observed, that he had paid some attention to the report and the documents referred to in it, as well as the objections made to the resolutions un-

der consideration. Many of the objections, said he, have been answered by gentlemen who were nearer to the scene of action than myself; I shall strive to obviate others. The mode of conducting our affairs in South Carolina does not seem to have been agreeable to the gentleman opposite to me from that State, [Mr. SUMPTER,] and he expresses his high disapprobation of many parts of it. When I disagree with that gentleman, I do it with great reluctance; for no one on this floor has a greater respect for him than myself. In a hazardous and difficult situation, or in carrying on war, or even in great political questions, the best friends may differ in the mode of conducting them; and it has too frequently happened, that such difference has tended to lessen the friendship which formerly existed. Upon the whole, our arms to the Southward were crowned with success: we must presume the means generally used were right. If supplies could have been furnished by the State of South Carolina, it is a pity they were not granted. I say, it is possible General Greene might have pursued a different mode to obtain clothing and provisions. He did not. He was of opinion no other plans could have been successfully followed but those which were adopted. The idea of his being a partner with Banks and Co. seems to be given up by the opposition. The mere insinuation of Mr. Banks and some others can have no influence against such a cloud of evidence and documents. These are so strong for the General, that they would work conviction on the greatest infidel. I shall barely advert to a part of them, as mentioned in the report, and on this head give a few observations of my own. And, first, the application to the Legislature of South Carolina, in order to create a competition: Had he been concerned as a partner or intended to be so, no competition through that channel would have been proposed. If he was to be a partner, the more secret the transaction, the higher the advantage. The bond of indemnity to General Greene, oaths of Banks and Hunter, certificate from Major Forsyth, Nathaniel Pendleton's oath, Charles C. Pinckney's oath, (now Governor of South Carolina) and the certificates of the two Chancellors of South Carolina, who were both high in the Executive, when these transactions should have happened. Besides, sir, if we consider how many partners there were concerned with Banks in the different transactions, had General Greene been one of the company, it must long since have been manifested to the world. The secret could not have been kept; nor can we possibly think that General Greene who was undoubtedly a man of understanding, would have expressed himself in the manner he has done, in the close of his letter from Newport, dated the 24th of August, 1785, had he been a partner. He says there, "Thus have I given your Excellency a short narration of the origin and situation of this matter, and have only to add on this subject, that I never held any commercial connexion with the company, other than what concerned the public, either directly or indirectly, or ever received one farthing profit or emolument, or the promise of any one from them; and my bond of indemnity

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expressly declares that I have no interest, connexion, or concern, in the debts for which I became bound, all which I am willing to verify on oath. Would he have pledged his honor, his reputation, had he been interested? No, it is impossible! He would have been silent had he been a culprit, and not have challenged the world, as the power of detection would have laid with so many, and the shaft of envy always ready. I hope every man must be satisfied that the General was no partner. The great points of contest before the committee seem now to be—

1st. Did the General enter into these engagements out of personal regard to individuals, without a view to the public interest?

2dly. Was not the good of the public his principal object?

3dly. Under all circumstances, should not his estate be indemnified?

As to the first, I cannot think that the General, out of mere personal regard to individuals, without a view to the public good, would have been bail. He had been esteemed a man of prudence, and was not a person of large fortune. How would he embarrass his family and property in such engagements? Who, under mere motives of friendship, would have done so? The sum was too large; he had no interest. He got no goods or money for himself. He might have had a favorable opinion of some of the company, but his responsibility was become necessary with a view to the public good.

As to the second, public good must have been his principal object. The contracts before made would not have been carried into execution, without the aid of the contract, for which the indemnity was made in April, 1783. A great many articles were absolutely necessary to the army; they were connected with others; the necessities could not at that critical period, or for the moment, be obtained elsewhere. The merchants, as I understand, insisted upon two conditions before they would deliver the goods: 1st, that all the goods should go together; 2d, that the commanding officer should become security. There was a necessity for an additional capital to furnish the means for supporting the army; and as most of the goods were useful and necessary, the residue might be disposed of to the best advantage, and the money arising from them be applied to the payment of the debt. Public necessity and the state of things would oblige the General to agree to the first condition. The compliance with the second condition became a necessary consequence. The General's letter from Newport, and General Wayne's oath, Nathaniel Pendleton's oath, and other evidence, prove the situation of the army. As to the third point, should not his estate be indemnified? Through his zeal for the public good, he has unfortunately involved his estate in difficulty, whatever the conduct of the company might be. The creditors were not to be affected either by the fraud or failure of Banks and the purchasers. General Greene was liable. The General, when he hears of misconduct, does all he can to save and indemnify himself, and through him the

United States. Securities were taken in as ample a manner as they could be obtained from the delinquents; and General Greene never wished to call upon the public, until every other means failed. So late as the year 1785 he had still hopes there would be no loss; but when he found the danger, a sense of duty obliged him to come forward to save himself and family, to ask the protection of the public to indemnify him from a debt that he had contracted to save an army from mutiny and disbanding; to protect a country which otherwise would have been exposed. Many exertions had he to make to feed the hungry and cover the naked; were not these for the public good, and shall his private property suffer? Shall his family be reduced to beggary, be stripped of their all, to discharge what the United States are in honor and in justice bound to pay?

Retrospective laws, to affect rights attacked, ought never to pass; but laws have frequently been enacted to indemnify persons for a conduct, though not strictly legal, but founded on the special circumstances of the case—the safety or honor of a nation or army, where the constitutional authority could not come forward in time. Such was the treaty or system formed by the Duke of Marlborough and the great De Witt. The Dutch, instead of punishing their minister, approved the measure; it eventually tended to the safety and honor of the allies. The individual who undertakes risks for his country's good, a magnanimous Government will always sanctify. We should consider the case upon substantial principles, not according to the letter, not act as the Lacedaemonians did to one of their leaders; they fined him for the infringement of the letter of the law, yet for the same act rewarded the hero with a garland. The fine here ruins the General's estate, and the garland alone, I fear, in this country, will not give his children bread or a becoming education.

In our late contest, the common maxims of old nations could not always be adhered to. We were obliged to act according to emergencies. In the case of General Greene, he seems to have intended for the best. He helped to serve and save a country. His merit stands high indeed. I need not repeat the number of his great and glorious actions, which mark him the General and the hero. His name will be handed down with honor to succeeding ages.

Under all circumstances, I think his estate should be indemnified. If the committee do not like the whole of the resolution, let there be a division, as proposed by one of the gentlemen from South Carolina; though I should think we might safely vote for the whole of the resolution, and let the bill make any other provisions which it may be thought necessary.

Mr. LEE, Mr. BARNWELL, Mr. WAYNE, and Mr. BOURNE, R. I., spoke in favor of agreeing to the resolutions, and Mr. MAÇON and Mr. STURGES, against the motion. Mr. SUMPTER closed the debate in sundry remarks on extracts from letters wrote by General Greene during the late war, inserted in Gordon's History of the American Revolution, which extracts contain unfavorable reflec-

H. OF R.]

Fisheries—Western Frontier.

[JANUARY, 1792.]

tions on the militia of South Carolina, and the patriotism of the inhabitants of that State. These reflections, Mr. SWARTEN said, were gross calumnies on, and misrepresentations of the character of that people, which he said were invalidated by facts that at that time took place, and by the general tenor of the conduct of South Carolina throughout the whole course of the war.

WEDNESDAY, January 11.

A Message from the President of the United States was delivered by Mr. Secretary Lear, together with two Reports from the Secretary of the Department of War, respecting the situation of affairs in the Western country; which being confidential, the gallery was cleared.

THURSDAY, January 12.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," with several amendments; the Senate have also passed a bill entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," to which bills they desire the concurrence of this House.

FRIDAY, January 13.

The bill sent from the Senate entitled "An act for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein," was read twice and committed.

A message from the Senate informed the House that they have passed a bill "for establishing a Mint and regulating the coins of the United States," to which they desire the concurrence of this House.

The bill was twice read and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act to extend the time limited for settling the accounts of the United States with the individual States;" and the same being twice read, were agreed to.

The House proceeded to consider the report of the committee to whom was referred the memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late Commissioners on the part of the United States for treating of peace with the Southern tribes of Indians, together with the Report of the Secretary of War thereon. Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill or bills granting to the said Commissioners ——— dollars, on account of their extra expenses going to and returning from the treaty; and that Mr. TUCKER, Mr. GILES, and Mr. SMITH, of New Hampshire, be the said committee.

The House resolved itself into a Committee of

the Whole on the bill to ascertain and regulate the claims to half-pay, and to invalid pensions, and, after some time spent therein, the Committee reported that they had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

MONDAY, January 16.

This day was principally taken up with the President's late Message.

TUESDAY, January 17.

Mr. TUCKER, from the committee appointed, presented a bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians; which was received, and read the first time.

A representation and petition of Christopher Marshall, jr. and Charles Marshall, was presented to the House and read, praying the encouragement and patronage of the General Government in a chemical laboratory which they have erected for preparing sal-ammonia, Glauber's salts, and volatile spirits.

Ordered, That the said representation and petition do lie on the table.

WEDNESDAY, January 18.

A bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians, was read the second time, and ordered to be committed to a Committee of the Whole House.

Mr. LAURANCE, from the committee to whom was referred the Message from the President of the United States, of the twenty-eighth ultimo, covering a copy of a letter to him from the Attorney General, made a report; which was read, and ordered to lie on the table.

Ordered, That the Comptroller of the Treasury be directed to lay before this House a copy of the account for extra expenses incurred by the late Commissioners for treating of peace with the Creek Indians.

A Message was received from the President of the United States, together with the copy of an Act of the Legislature of the State of Vermont, ratifying in behalf of that State, all the articles of amendment, proposed to the Constitution of the United States.

The House resolved itself into a Committee of the Whole, on the communications from the President, respecting the Western frontiers; whereupon the doors were closed.

THURSDAY, January 19.

Ordered, That a committee be appointed to consider and report whether any, and what, alterations ought to be made in the acts for establishing the Treasury and War Departments, and that Mr. SMITH, of South Carolina, Mr. WADSWORTH, and Mr. BENSON, be the said Committee.

JANUARY, 1792.]

Attorney General—Petition of Catharine Greene.

[H. OF R.]

Ordered, That the Secretary of the Treasury be directed to lay before this House such information, with respect to the Finances of the United States, as will enable the Legislature to judge whether any additional revenue will be necessary, in consequence of the proposed increase of the Military Establishment.

The House again took up the report of the Committee of the Whole, on the Message from the President of the United States, relative to the situation of the Western frontiers; on which the doors were closed.

FRIDAY, January 20.

A petition of Zedekiah Morgan, praying the settlement of an account against the United States, for services rendered and supplies furnished, in the Quartermaster's Department, during the late war. Referred to the Secretary of the Treasury, with instructions to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, on the petition of Catharine Greene, relict of the late Major General Greene; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

MONDAY, January 23.

The Speaker laid before the House a Letter from the Comptroller of the Treasury, covering an account of extra expenses incurred by the late Commissioners for treating of peace with the Creek Indians, pursuant to an order of this House on the 18th instant; which was read, and ordered to lie on the table.

The Speaker laid before the House a Letter from the Secretary of the Treasury, covering his Report, and sundry statements, respecting the finances of the United States, made pursuant to an order of this House on Thursday last; which were read, and ordered to lie on the table. *Ordered*, That the Report of the Secretary of the Treasury, on the subject of Manufactures, be committed to a Committee of the Whole House on Monday next.

DUTIES OF ATTORNEY GENERAL.

The House proceeded to consider the report of the committee to whom was referred the Message from the President of the United States of the 28th ultimo, covering the copy of a Letter to him from the Attorney General: Whereupon,

Resolved, That it would be proper to make it the duty of the attorneys in the several districts to pursue the instructions which, from time to time, shall be given them, respectively, by the Attorney General of the United States, in all matters touching their respective offices, and to correspond with him on any matter relative to judicial business, which shall arise within their respective districts, and upon which he shall request information from them. And that it would be proper to make it the duty of the Attorney General to give his

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advice to the attorneys of the several districts, upon any matter relative to judicial business, which shall arise within their respective districts; and upon which they shall request such advice, or he shall think it proper for him to interfere: and to make it lawful for the Attorney General in any suit, in which the United States shall be a party, or shall be interested, and in any Court whatsoever, to advocate the United States, although such suit shall not have been originally instituted by him, or under his direction; and that, for the purpose of assisting him in the execution, as well of the duties herein assigned him, as of those heretofore assigned him by law, he may appoint a clerk, who, for his services, shall be allowed at the rate of ——— dollars by the year.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the said committee do prepare and bring in the same.

PETITION OF CATHARINE GREENE.

The order of the day being called for, on the report of the Secretary of the Treasury on the petition of Catharine Greene, several members objected to taking up this subject, being of a private nature, while matters of the greatest public importance demand the immediate attention of Congress. The question being taken, the motion for going into Committee of the Whole was carried, 21 to 16; and Mr. LIVERMORE took the Chair.

After considerable debate, the question was put for agreeing to the first resolution, in the following words:

Resolved, as the opinion of this Committee, That the estate of the late Major General Greene ought to be indemnified for the engagements entered into by that General, with certain persons in the State of South Carolina, for the purpose of obtaining supplies for the Army of the United States, under his command, in the year 1783.

Which was negatived, 28 to 25.

The Committee then rose, and the Chairman reported that the Committee of the Whole House had had under consideration a report of the Secretary of the Treasury on the petition of Catharine Greene, and had come to no resolution thereon.

Mr. MACON then moved that the Committee of the Whole should be discharged from any further proceedings on the subject; which motion was agreed to.

Mr. BOURNE then laid on the table a resolution for referring the Secretary's Report, together with Mrs. Greene's petition, and the vouchers accompanying it, to a select committee, with instruction to inquire into the facts which rendered it necessary for General Greene to become security to Banks & Co., and the nature, circumstances, and amount of the original debt, and the obligation entered into by General Greene for payment thereof; with an account of the moneys or collateral security received by the obligees, or by General Greene in his life time, or his representatives since his death, in part thereof; and the eventual loss which his estate will sustain in consequence of the said securities; and after examin-

ing all the circumstances and such further evidence as may be offered relative to the transaction, to report their opinion thereon to the House.

A Message was received from the President of the United States, transmitting certain documents received from the Legislature of the State of Virginia, respecting lands located by the officers and soldiers of the Virginia line, under the laws of that State, and since ceded to the Chickasaw Indians. Referred to the committee formerly appointed on the same subject.

TUESDAY, January 24.

Mr. LAURANCE, from the committee appointed, presented a bill concerning the office of the Attorney General of the United States; which was received and read twice, and committed.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the proposition for apportioning Representatives among the several States, according to the first enumeration—Mr. MURPHY presiding in the Chair—when the report of a select committee came up, as follows:

Resolved, That it is the opinion of this committee, that a bill ought to be prepared for apportioning Representatives among the several States, according to the first enumeration; and making provision for a second enumeration; and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797.

To which the following amendment was proposed:

"And that no greater ratio be reported, than thirty thousand inhabitants for one Representative."

Mr. GERRY observed, that as the ratio of thirty thousand had already received a sanction, the proposed amendment became necessary for the sake of consistency; that the select committee ought not to be left at liberty to bring in a bill according to their own principles, as it was uncertain whether they might not report a different ratio. If, however, gentlemen preferred a discussion of the question after the bill should be reported, he had no objection to having the amendment altered, so that the committee might leave the ratio blank.

Mr. BENSON had no objection to the provision for a second enumeration, he would also agree to that; not that he wished the measure to be at once adopted; but that if a second enumeration appeared necessary, the provision should be ready at hand, without the necessity of passing a new bill for the purpose.

Mr. LIVERMORE moved to strike out the clause respecting the ratio of one to thirty thousand; and observed, that as far as he could understand the idea of the gentleman from Massachusetts, [Mr. GERRY,] it was that, as the House had already, in the former bill, expressed their opinion in favor of the ratio of thirty thousand, and adhered to it, when disagreed to by the Senate, that was a reason why the principle should be established in the new bill which was contemplated. But, for his

own part, he, on the contrary, thought this alone was a sufficient reason why the House should not establish the principle; for, having already tried it, and not met with a concurrence on the part of the Senate, they need not go on the same ground again, unless the Senate were known to have altered their opinion.

Mr. GERRY replied, that the gentleman last up had misconceived his idea. He did not mean, that because the House had once adopted, and afterwards adhered to, the ratio of thirty thousand, therefore they should not reconsider the question. His meaning was, that the reconsideration should be made by themselves, and not by a select committee. He wished, therefore, that the committee should be restricted in that particular; and, after the bill should be reported, the House might then go into a discussion of the matter.

Mr. LIVERMORE could see no reason for pointing out the ratio of thirty thousand, unless the House meant particularly to fix upon it. If a decision of the question was intended, he thought it might as well take place beforehand; the decision of the House would be a leading principle to the committee, in drafting the bill, and it would afterwards require a majority to make any alteration. He hoped the question would be taken; and if gentlemen were determined to pursue the old track, the majority would, no doubt, carry it.

Mr. GILES observed, that as the committee would still be authorized to report the ratio blank; it would be unnecessary to discuss the question for the present; as this would not prevent an after discussion, when the bill should be brought forward. The words of the clause did not appear to him to establish any principle; and he hoped they would be retained.

Mr. WHITE thought the clause nugatory, as only forbidding the committee to do what they are already, by the Constitution, prevented from doing. He further observed, that it was not the Senate who had negatived the former bill, but the President of the Senate, who, as Chairman of that body, had decided the question by his casting vote. The Senate was not, at that time, full; and several of the Senators had since come in.

Mr. DAYTON suggested that it might, perhaps, be better to direct the committee to leave the ratio blank.

Mr. WHITE observed, that such a direction given to the committee, would be a dereliction of a principle already established by the House.

Mr. DAYTON denied that the House had established a principle.

Mr. WHITE replied, that the House had established the principle by their former adherence to the ratio of thirty thousand; he wished, therefore, that the committee should report either that ratio or a blank.

Mr. DAYTON asked whether the object in view was not to reconcile the varying opinions of the House and the Senate, by some reasonable compromise?

Mr. MADISON observed, that, as the final decision of the question must be made by a majority of the House, it was immaterial whether it was made

the subject of present or of future discussion; but, since the House found so great difficulty in filling up the blank, he thought it improper that a select committee should have the power of doing it. Even if they did fill it up, their decision would not be conclusive, though it might tend to embarrass the House. He wished, therefore, either that the ratio should be previously fixed, or the committee directed to report it blank.

Mr. MURRAY did not consider the proposition in the light of a compromise; nor did he imagine that gentlemen would give up a principle, to which they were attached. A difference of opinion prevailed with respect to the apportionment, resulting from a calculation upon fractions; some gentlemen thinking that the ratio, once determined by the House, ought to be applied to the aggregate number of the inhabitants of the United States, whilst others (of which number he was one) were for applying it to the number of citizens in each State. He hoped that, in the instructions to the committee, either the one or the other principle would be established. Such a previous recognition on the part of the House would facilitate the business of the committee, and show them on what ground to proceed.

Mr. LIVERMORE observed, that if the clause was intended merely to enable the committee to leave the ratio blank, it would be indifferent to him whether it were struck out or not, as he only wished to have a fair opportunity of discussing the subject. But, in his opinion, the words of the clause were intended to establish the ratio of thirty thousand, the very thing which had caused the loss of the former bill. However, as the words were of such ambiguous meaning, as to be thus differently understood by different gentlemen, he hoped they would be struck out.

The question being taken on striking out the clause in question, passed in the negative; after which the committee, having agreed to the resolution and the amendment, rose, and reported the bill to the House.

Mr. DAYTON then moved to strike out the words, "and making provision for a second enumeration," and for an apportionment of Representatives thereafter the 3d day of March, 1797; as he saw no necessity for burdening the people so soon with the expense of a second enumeration.

Mr. WILLIAMSON observed, that although some complaints were made of the fractional parts not being represented, he never could conceive that the framers of the Constitution entertained an idea of a representation of the people distinct from the States, but contemplated the representation of the people of each State, according to some given ratio. No ratio could be adopted that would not leave fractions; and those fractions would be greater in some States than in others. The State which he represented would suffer in that particular as much, perhaps, as any other State in the Union; but those States that will suffer the most in the first instance, will be the sooner relieved, as the fractional parts will probably then be in their favor, provided Congress proceed upon some gene-

ral rule. In order to remove all complaints of inequality on account of fractions, and to give those States which have large portions of people unrepresented, the same advantage hereafter that other States will now enjoy, he wished to see a second enumeration take place before the expiration of ten years.

Mr. GERRY remarked, that there would have been no dispute about fractions if the ratio had been first established, and provision afterwards made for carrying it into execution; but when it was once known how the principle would apply, and leave greater or less fractions, gentlemen then took the one or the other side of the question, and wished to vary the ratio, as would best suit particular States. This was the cause of that difference of opinion which prevailed in the House and in the Senate. The evil ought to be remedied if possible; and the only remedy he knew, was the proposition under consideration. The principle would be thus established at a time when its future operation cannot be foreseen; and the members from particular States cannot possibly know what number will result from the ratio they fix upon.

Mr. SMITH, of New Hampshire, observed, that if the representation was apportioned every ten years, with as great equality as circumstances would admit, this would be amply sufficient for the general security.

Mr. MADISON insisted on the propriety of providing beforehand for the census which is next to take place, in such manner, as to render it impossible for local calculations to intrude themselves. If the principle of equality was of one-tenth part of the importance that some gentlemen contended for, surely some precautions ought to be taken to guard against those inequalities that will every day take place, and will by far exceed those which have already agitated the House so much. If it be an evil that one State should have greater unrepresented fractions than another, it would be a much greater evil that any one State should be deprived of, perhaps, three or four members, to whom she has a right. Gentlemen seemed to think that the larger States would not suffer so much from those inequalities as the smaller ones; but he would ask, whether the people in every part of the United States were not to be considered as equal on the floor of Congress? Ten or twenty thousand citizens of New York, North Carolina, or Virginia, when considered in relation to that House, were of as much consequence as the same number in Rhode Island or Delaware; it is not to be considered whether such a surplus rises from ten Representatives, or from a single one.

He could see no objection to the measure but the expense attending it; but he did not think the expense ought to be put in competition with the advantages that would result from it. He thought, even, that there would be a considerable saving of expense in settling the matter beforehand, when much less time will be spent in debate. Had the question been determined at the last session, it would not have cost the community one-tenth part of what it has cost them.

H. or R.]

Apportionment Bill.

[JANUARY, 1792.]

Mr. Boudinot said there was a great difference between the surplus of a smaller State represented by a single member, and that of a larger one, whose representation is more numerous; as the wants, the wishes, and the intentions of the constituents, are better represented in the latter case than in the former. He wished the committee might be left at liberty to devise whatever means might seem most likely to unite both sides of the House; and wished to strike out all the latter part of the resolution, from the words "first enumeration."

Mr. Davron thought it by no means proper, that the present Congress should undertake to legislate, not only for their constituents, but also for their successors in the House, especially in a point which the future Congress will be more competent to decide upon.

Mr. Livermore remarked, that if the ratio be applied to the people of particular States, it will be ever productive of inequality. Although a fractional number may remain as well in a large as in a small State; yet, it will not affect the larger so much as the smaller one. The ratio of thirty thousand gives Virginia twenty-one Representatives; and if there remained even a surplus of twenty-nine thousand, that State could not feel her interests very sensibly affected, and would have little reason to complain; whereas, that ratio operates more strongly against the States of Vermont, New Hampshire, New Jersey, and Delaware, whose Representatives are so much inferior in number. Delaware, for instance, having but one Representative and a fraction of above twenty-five thousand, would be represented in the ratio of only one to fifty-five thousand. This inequality might be remedied, unless gentlemen, because the scale was now turned in their favor, wished to take all possible advantage of it, and, as far as in their power, to give perpetuity to the law, and make the ratio apply to every future census for ever. But could gentlemen say there is now more wisdom in the House than ever can be collected into it at any future period? Gentlemen had asserted that one hundred and twenty Representatives will possess double that share of wisdom, which falls to the lot of sixty; and this very argument had been strongly urged for increasing the representation to the utmost extent allowed by the Constitution, because the House is then to possess twice or three times more wisdom than is now contained within its walls. Posterity, he hoped, might be trusted to pass laws that will affect their own time.

After some further remarks by Messrs GERRY, NILES, and BARNWELL, a division of the question was called for; and the question being put, for striking out the words, "and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797;"

It passed in the negative—Yeas 22, Nays 36, as follows:

YEAS.—Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Israel Jacobs, Aaron

Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Peter Sylvester, Thomas Tudor Tucker, and Artemas Ward.

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, William Findley, Elbridge Gerry, William B. Giles, Benjamin Goodhue, Samuel Griffin, William Barry Grove, Daniel Huger, Philip Key, John W. Kitter, John Laurance, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Upton Sheridene, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Jeremiah Wadsworth, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

The question being then put, for striking out the words, "and that no greater ratio be reported than thirty thousand inhabitants for every representative."

It was resolved in the affirmative—Yeas 32, Nays 26, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kitter, Amasa Learned, Samuel Livermore, Nathaniel Macon, James Madison, Nathaniel Niles, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

NAYS.—John Baptist Ashe, Abraham Baldwin, Benjamin Bourne, John Brown, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Samuel Griffin, Daniel Huger, John Laurance, Richard Bland Lee, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridene, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Anthony Wayne, Alexander White, and Hugh Williamson.

And then the main question being put, that the House do agree to the said resolution, amended to read as follows:

Resolved, That a bill be prepared for apportioning Representatives among the several States, according to the first enumeration, and making provision for a second enumeration, and for an apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797: it was resolved in the affirmative.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. BENSON, Mr. MADISON, and Mr. GERRY, do prepare and bring in the same.

The House proceeded to consider the amendments reported by the Committee of the Whole House to the bill to ascertain and regulate the claims to half-pay and to invalid pensions, and made some progress therein; when the House adjourned.

JANUARY, 1792.]

Protection of the Frontier.

[H. or R.]

WEDNESDAY, January 25.

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the official communications which have taken place between the Governor of the State of Pennsylvania and the Secretary of War, with respect to the raising of troops within, and under the direction of the said State.

The House resumed the consideration of the amendments reported by the Committee of the Whole House on Monday last, to the bill to ascertain and regulate the claims to half-pay and to invalid pensions; and the same being twice read, were agreed to; and the bill being further amended at the Clerk's table, was ordered to be engrossed, and read the third time to-morrow.

Mr. MADISON, from the committee appointed, presented a bill for making further and more effectual provision for the protection of the frontiers of the United States; which was received, read twice, and committed.

THURSDAY, January 26.

An engrossed bill to ascertain and regulate the claims to half-pay and to invalid pensions was read the third time and passed.

PROTECTION OF THE FRONTIERS.

The House resolved itself into a Committee of the Whole House on the bill for making further and more effectual provision for the Protection of the Frontiers of the United States.

A motion being made to strike out the second section of the bill, which contemplates the raising of three additional regiments of infantry and a squadron of light dragoons, amounting in all to three thousand and forty men, exclusive of commissioned officers—

It was urged in favor of the motion, that the Indian war, in which the United States are at present involved, was, in its origin, as unjustly undertaken as it has since been unwisely and unsuccessfully conducted; that depredations had been committed by the whites as well as by the Indians; and the whites were most probably the aggressors, as they frequently made encroachments on the Indian lands, whereas the Indians showed no inclination to obtain possession of our territory, or even to make temporary invasions until urged to it by a sense of their wrongs. A proof of this unencroaching disposition on their part plainly appeared in their conduct, after the victory they lately obtained over our troops; for, when flushed with success, they might have swept the country before them, and penetrated as far as Pittsburg; they contented themselves with the advantage they had gained over their invaders, and did not attempt to invade our territories in return, although there was nowhere at hand a sufficient force to check their career.

The mode of treating the Indians in general was reprobated as unwise and impolitic. The Indians are with difficulty to be reduced by the sword, but may easily be gained by justice and moderation; and, although their cruelties are alleged as reasons

for a different conduct, and the sufferings of the white people pathetically deplored, these narratives, it was said, are at best but *ex parte* evidence—we hear nothing of the sufferings of the Indians—but if Cornplanter's speech were read, it would set the matter in a very different point of view, and furnish a complete answer to all the charges of their accusers.

Peace, it was said, may be obtained from the Indian tribes at a much less expense than would be necessary for the support of the war. To persevere in hostilities would be wasting the public money to a very bad purpose indeed; for, supposing our arms crowned with victory, what are the advantages we may expect to reap from our success? We can only gain possession of their lands—a possession that must long continue unproductive of the smallest benefit, as we already possess land sufficient—more, in fact, than we will be able to cultivate for a century to come.

Instead of being ambitious to extend our boundaries, it would answer a much better national purpose to check the roving disposition of the frontier settlers, and prevent them from too suddenly extending themselves to the Western waters. If kept closer together, and more nearly connected with the old settlements, they would be more useful to the community at large, and would not so frequently involve us in unnecessary and expensive wars with the Indians; but if permitted to rove at pleasure, they will keep the nation embroiled in perpetual warfare as long as the Indians have a single acre of ground to rest upon.

If the citizens of the United States were recalled within their proper boundaries, there they might, for years to come, cultivate the soil in peace, neither invaded nor invading. As the country progresses in population, and our limits are found too narrow, it will then be soon enough to contemplate a gradual extension of our frontier; but, in the mean time, it is an idle profusion of blood and treasure to carry war beyond our present line of forts. It is only exposing our arms to disgrace, betraying our own weakness, and lessening the public confidence in the General Government, to send forth armies to be butchered in the forests, while we suffer the British to keep possession of the posts within our territory.

As long as Britain is suffered to retain these posts, we can never hope to succeed against the Indians; nor ought we to trace our late misfortune to any other source than her still holding them in her possession. Were they in our hands, the Indians could not carry on their operations against us with the same degree of vigor as they now do; for it is from those forts that they obtain their supplies of arms and ammunition, with which they can be at all times plentifully furnished, as long as things continue on their present footing.

Until those posts are in our possession, it will be in vain to send our armies into the wilderness. A body of five thousand men, sent out against the Indians, under the present circumstances, would be as effectually defeated as the smaller ones have already been. In those wilds, our troops have no friend at hand to furnish them with supplies, or to

give them intelligence of the approach and operations of the enemy; whereas, the Indians, receiving both aid and information from their friendly neighbors, can preconcert their plans, and choose according to their own convenience, the place and the hour of attack, as they did before.

It was here observed, by an honorable gentleman on the other side of the question, that we ought undoubtedly to get possession of those posts; and that we might have long since obtained it, if we had only laid a seasonable embargo on all the British shipping in our ports; though he doubted whether it would at present be worth while to take such a step, as the English have lost so great a portion of our carrying trade, in consequence of the additional tonnage laid on their vessels.

In favor of the motion, it was further urged, that, supposing even the war to have been originally undertaken with justice on our side—supposing, also, that the national honor and interest called for a continuance of hostilities—yet, as it was by no means either necessary or prudent to invade the Indian territory, as this had been attempted in two successive campaigns, and the event had, in both instances, been such as to afford no very flattering prospect from a third expedition of the same kind, it was thought much more advisable to content ourselves with defending the frontier; and this might be done without making so great an augmentation in the military establishment.

The only use of regular troops on the frontier is to garrison the forts, and to have a standing force in the neighborhood to form a station, to which the militia may resort either for protection or supplies; but as to active service, the frontier militia and rangers were pronounced to be by far preferable to the regular troops, as being more expert woodsmen, and better habituated to the Indian mode of fighting. To defend the forts, a small number of regulars would be sufficient. The present establishment of two regiments would, if completed, be amply adequate to the purpose, and, when assisted by such forces as might at all times be collected on the frontier, would be able to repel every inroad of the enemy.

Experience has proved that the sudden and desultory attacks of the frontier militia and rangers are ever attended with better success than the methodical operations of a regular force. The former are better calculated for expedition and surprise, making unexpected sallies, scouring the country in small bodies, harassing the Indians, and intercepting their straggling parties, by whom their motions are unobserved; whereas, when a body of regulars take the field, encumbered with baggage and heavy artillery, the unavoidable slowness of their movements affords the enemy an opportunity of watching all their operations, collecting their whole force, and skulking in the woods around them till they can seize the favorable moment to strike a sudden blow, which they generally do with success, but which they could never attempt if exposed every hour to the unforeseen attacks of our woodsmen, who would keep their attention constantly engaged in all quarters, and thus prevent them from uniting in large bodies.

It was further observed by some gentlemen, who even admitted the propriety of invading the Indian territory, that, to effect this with success, it was by no means necessary to make such an increase in the military establishment as that contemplated in the bill. The miscarriage of the former expeditions could not (they said) be alleged as a sufficient reason; for it is well known that the former establishment was far from being complete. The regulars intended for the service of the last campaign were to have been above two thousand two hundred; the President was, besides, empowered to raise two thousand five hundred levies, in addition to the regulars; and these would, together, have constituted an army of about four thousand seven hundred men. Had such a body been employed, we might reasonably have expected much better success against the Indians, whose numbers were so far inferior; the whole force of the Wabash tribes not amounting to above eleven or twelve hundred warriors, who never could keep the field for any length of time, but must be soon obliged to disperse, without venturing an attack upon an army of such superior strength.

Instead of this, our army consisted of only about twelve hundred men, and of these not above four or five hundred were regular troops; besides, had even this force been sufficient, if employed in season, the delays that had taken place in the execution of the plan would alone have been sufficient to defeat the intended purpose. During the winter, the law was passed for raising the additional troops for carrying on the war with greater vigor. The whole summer was spent in the business, and the few men that we did enlist were not raised till late in the fall. Collected at length at the head of the Ohio, they fruitlessly loitered away their time, till they finally erected a monument to our eternal disgrace and infamy.

Whatever troops are to be employed, ought to be raised with diligence and despatch, if we wish to avoid a similar miscarriage in our next attempt. The army ought not to enter the Indian country till their whole force is complete. Difficulties, however, and delay, equal to those of last year, may be expected in enlisting the men; and we shall have the officers in pay a considerable time without any soldiers. Perhaps the former pay of the troops was too low, and proper effective men were unwilling to accept of it; if so, let it be raised, let the men be well clothed and fed, and they will more readily engage in the service. Probably, also, the term of three years was an objection with many, who would otherwise have joined our standard. If enlisted only for six months, the ranks will be sooner filled; and this ought to have considerable weight with those who advocate the augmentation of the military establishment, as they cannot but know that, if we set about enlisting the number of men contemplated in the bill, and in the manner there prescribed, they cannot be raised time enough to render any service in the next campaign.

The information contained in the report on the table was not, it was said, to be implicitly relied

on. That report was made by a man who had not personally visited the frontier. Others, who had been on the spot, were of opinion that, if two thousand levies had been raised last year, they would have been sufficient, not only for the defence of the frontier, but even for any offensive operations that might have been thought necessary. Such troops, collected in the vicinity, are more competent to the undertaking than the troops now in contemplation. No complaint had been made of their conduct. Whenever they were tried, they behaved as well as the regulars, and, in the action under General St. Clair, they gave equal proofs of their valor.

It was further urged, that the frontier militia are not only equal, but infinitely superior to any regular troops whatever, for the defence of the borders, and that they are, in fact, the only force that can be effectually employed in expeditions against the hostile Indians, whose mode of fighting is familiar to them, and does not strike them with that degree of terror with which it inspires those men who enlist on the regular establishment. These latter being collected in the heart of populous cities, where the face of an Indian is seldom seen, hardly know whether the Indian and his horse are not the same animal. And when they approach the enemy, at the very first shout, even before he is in view, they are terrified at the idea of savage barbarity, which they have ever been taught to reflect on with horror, and, being incapable of resistance, they commit their safety to flight. To prove the superiority of the militia, gentlemen need only contrast the despatch and success of the expedition conducted by General Scott, with the delays, disgrace, and mortification, which attended that under General St. Clair, and consider the difference of the expense on those two occasions.

The expense of such an army as the bill contemplates is an object well worthy of serious consideration, especially at the present moment, when there is scarcely a dollar in the Treasury. Gentlemen would also do well to advert to the progress of this business, and consider where they were likely to stop, if they went on at the present rate. At first, only a single regiment had been raised, and the expense was about \$100,000; a second was afterwards added, which swelled the expense to about \$300,000; and now a standing force of 5,168 men is contemplated, at an annual expense of above a million and a quarter of dollars. Can this be justified in the present state of our finances, when it is well known that the Secretary of the Treasury, having been requested by the members from a particular State to build a light-house on a part of their coast, declined the undertaking, and alleged the want of funds as the reason?

Our resources, however, might be made to answer for the support of such a force as that which was intended for the service of the preceding year, and there would be little complaint or dissatisfaction among the people. Very few murmurings were heard against the former establishment; but such a one as is now contemplated will be thought

extravagant, will breed discontent among the citizens of the United States, and perhaps afford our neighbors in Canada an opportunity to take advantage of our divided situation, and involve us in a war more dangerous than the former which separated us from Great Britain.

Apprehensions, it is said, are entertained, that the object contemplated in raising these additional troops is not so much to punish and coerce the Indians, as to have a standing regular force equal to what the British have on this continent. This is said to amount to about six thousand men, including those in Canada. But it is to be remarked, that the British nation has not above *one thousand* men within the limits of the United States; and yet, with this handful of troops, they not only keep the Indians in awe, but even, in opposition to the wishes of the United States, retain possession of those posts which should have been ceded to us pursuant to the terms of the treaty. Why, then, is it necessary, for the purpose of establishing posts and garrisoning them, to increase the standing force to so large a number as that contemplated in the clause under consideration? During our late arduous struggle for liberty, when we had to cope with the most powerful nation under heaven, the Commander-in-Chief had never at any one time above ten thousand men under his own immediate command; and if, with so small a force, we were able to effect so glorious a Revolution, there can be no necessity of going such lengths at present, for the sake of establishing a military character. It is strange policy, indeed, to raise five or six thousand men to oppose a handful of Indian banditti, whose utmost amount does not, from the documents on the table, appear to exceed twelve hundred.

We are preparing to squander away money by millions; and no one, except those who are in the secrets of the Cabinet, knows for what reason the war has been thus carried on for three years. But what funds are to defray the increased expense of maintaining such a force as is now contemplated? The excise is both unpopular and unproductive. The impost duties have been raised as high as is consistent with prudence. To increase them would be but to open a door for smuggling, and thus diminish their productiveness. And if those sources of revenue fail—if our finances be thus exhausted in unnecessary wars—we shall be unable to satisfy the public creditors, unless recourse be had to new taxes, the consequence of which may, with just reason, be deplored; whereas, if we but keep our expenses within bounds—if we nurse our finances—we shall be respectable among the nations of the earth, nor will any nation dare to insult us, or be able to do it with impunity.

During the course of these observations, an honorable gentleman asked, whether this was a day set apart for rhetorical flourishes, as the galleries were open, and he saw the short-hand writers stationed at their different posts?

At an early stage of the debate, an honorable gentleman had suggested, that, instead of passing a law for raising at all events the additional regiments, which, for his part, he did not think neces-

sary, the House, if they finally determined the present establishment to be insufficient, would perhaps do better to appropriate a certain sum of money, to enable the Executive to call in such additional aid as circumstances may require.

To this it was objected, that it is the duty of the Representatives of the People, in all appropriations of the public money, to make them for certain specific purposes. To act otherwise on the present occasion would be setting a precedent that might, in its consequences, prove highly injurious; for, although the greatest confidence may safely be reposed in the virtue and integrity of him who now fills the Presidential Chair, it is impossible to foresee what use may hereafter be made of the precedent by his successors, or how far it may be carried.

Against the motion for striking out, and in favor of the proposed augmentation of the military establishment, it was urged: That, as to the justice of the war carried on against the Indian tribes, that was a question which could not admit of a doubt in the mind of any man who would allow that self-preservation and indispensable necessity are sufficient causes to justify a nation in taking up arms. If the present war be not in every respect justifiable, then there never was, nor ever will be, a just war. It was originally undertaken, and since carried on, not for the sake of conquest, but to defend our fellow-citizens, our friends, our dearest connexions, who are daily exposed, in the frontier settlements, to all the rage of savage barbarity, to which they, with their wives and children, must soon fall victims, unless we speedily fly to their assistance; and, although there are some people who utterly deny the justice of any war whatever, this doctrine, however fine in theory, will hardly ever obtain in practice; for, it is to be imagined, that any set of men are of such a passive disposition as calmly to look on whilst their friends and relations are butchered before their eyes, and to refuse giving them every assistance in their power?

The murders and depredations which have for years past been repeatedly committed by the savages, loudly call for redress. From various documents of unquestionable authority, now in the hands of the Secretary of War, signed and attested by the Executive and Legislature of Kentucky, by the District Judge, and the Captains of the militia, it appears, that, from the year 1783 to 1790, there have been, of the inhabitants of that District, or of emigrants on their way thither, no less than fifteen hundred persons either massacred by the savages, or dragged into captivity, two thousand horses taken away, and other property plundered or destroyed to the amount of fifty thousand dollars. And there is good reason to suppose that on the other frontiers of Virginia and Pennsylvania the number of persons murdered or taken prisoners during the above mentioned period would furnish a list of one thousand or fifteen hundred more.

The white people, it is true, have sometimes committed depredations on the Indians; but the instances have been rare [the honorable gentle-

man who spoke did not recollect above one or two] of their making unjust attacks upon the savages; nor did they, on those occasions, commence hostilities against them till exasperated by the strongest provocations that could possibly stimulate the human heart. This circumstance may be justly allowed as some palliation of the offence. Even in these instances, however, a few individuals only were concerned; and, when the affair came to the knowledge of the State, ample reparation was made to the injured party. The General Government, too, had shown an equal disposition to do justice to the Indian tribes. Witness the affair of the Cherokees; for, as soon as Congress had heard their complaints of an encroachment made on them by some of the people from the frontier of the Carolinas, immediate orders were issued for obliging the intruders to evacuate the Indian territory.

But, notwithstanding the disposition that prevails, as well in the Legislatures of those States whose frontiers are most exposed, as in the General Government, to cultivate peace and amity with the neighboring Indians, that desirable object is become utterly unattainable in the present posture of affairs. The frontier Indians have killed a number of whites; the whites, in their turn, have made retaliation. Both parties are in the highest degree exasperated against each other, and likely to continue so, in spite of every endeavor that can be made to effect a reconciliation. With minds thus irritated, it is vain to hope for peace, as long as they continue in each other's neighborhood. It is therefore necessary to form a strong barrier, to keep them asunder, unless, indeed, the advocates for a cessation of hostilities would oblige the frontier settlers to abandon their lands. But by what new-invented rule of right should the inhabitants of Kentucky, and the other frontier settlers, be laid under a greater obligation than any other citizens of the United States to relinquish a property legally acquired by fair purchase? Were it even proposed to pacify the savages, by purchasing the lands anew, such a measure would answer no other purpose than that of procuring a temporary peace, which would soon again be interrupted by a war that would reproduce the necessity of again having recourse to the same expedient. We should have to purchase the lands again and again, without end. By thus squandering the public money, year after year, we should swell the national debt to an amount that we cannot possibly foresee. Better at once to make a vigorous effort, to act in a manner becoming the national dignity, and to maintain our ground by war, since we cannot obtain a durable or an honorable peace.

Attempts have, at various times, been made to effect treaties of peace with the Indian tribes with whom we are now at war; and, although these efforts have constantly proved ineffectual, they yet show that, neither the United States nor the State of Virginia were backward on their part to adopt conciliatory measures, and to do away that animosity which had commenced on the part of the savages at an early period of the late war with

Great Britain, and had continued to break out at intervals ever since. In the years, 1783, '84, '85, '87, '88, and '90, offers of peace were made to them. On the last mentioned occasion, when a treaty was proposed at the Miami village, the Indians at first refused to treat. They next required thirty days to deliberate; and, in the interim, the inhabitants of Kentucky were expressly prohibited by the President of the United States from carrying on any offensive operations against them; yet, notwithstanding this forbearance on the part of the whites, no less than one hundred and twenty persons were killed or captured by the savages, and several prisoners roasted alive, during that short period, at the expiration of which, the Indians refused to give any answer at all.

On another occasion, the Indians, not content with rejecting our offers of peace, proceeded even so far as to insult us, by telling us we have lands within the British posts, and asking us why we did not go and take possession of them? Will it be said that we are unable to do it? Is this language to be used within the United States? No! We are able, abundantly able to do it, whenever we please; and if we would but retrench our expenses in some instances, which might well admit of a reduction, our ability would still increase; our finances are not quite so insufficient as some gentlemen seem to imagine, nor so easily deranged. We are still able to prove that the boasted efficiency of the General Government is something more than an empty name—we can yet raise both men and money sufficient to defend the nation from either injury or insult.

It is now too late to inquire whether the war was originally undertaken on the principles of justice or not. We are actually involved in it, and cannot recede, without exposing numbers of innocent persons to be butchered by the enemy; for, though we should determine to discontinue the war, can it be said that the savages will also agree to a cessation of hostilities? It is well known that they are averse to peace; and even the warmest advocate of pacific measures must therefore allow that the war is a war of necessity, and must be supported. We cannot, without impeachment both to our justice and our humanity, abandon our fellow-citizens on the frontier to the rage of their savage enemies. And although the excuse may be somewhat unpopular, although money may still be wanted; what is the excuse? what is money, when put in competition with the lives of our friends and brethren?

A sufficient force must be raised for their defence; and the only question now to be considered is, what that force shall be? Experience has proved, that the force employed in the last campaign was inadequate. It is true the establishment was not complete; but who will venture to assert that, if it had been complete, it would have been sufficient for the intended purpose? Are gentlemen who assert this so well acquainted with the circumstances of the enemy, as to be able to give an accurate statement of the amount of their forces on the frontier? There are stronger opinions in favor of an augmentation of the army than can

be adduced against it—opinions, given by men of judgment and experience, who have themselves been on the spot, and are well acquainted with the situation of affairs in that quarter. These gentlemen, who must be allowed to be competent judges, are decidedly of opinion that the present establishment, though completed to the last man, will not furnish an adequate force to carry on the war with effect; and that it will be a hopeless attempt to open another campaign, with a less than about five thousand regular troops, the number contemplated in the bill.

Nor ought that number to be deemed extravagant, under an idea that we have only a contemptible handful of banditti to contend with. Their numbers were, last year, from authentic documents, stated at about twelve hundred warriors, from twenty-three different tribes; such was the opposition then contemplated; but it is impossible to ascertain what accessions of strength they have since received, or even what force they had engaged in the late unfortunate action, as the very men who were in the engagement do not pretend to form any just or accurate estimate of the number of their assailants; but there is good reason to suppose that they had previously entered into an association with various tribes, that have not as yet come within our knowledge. The bows and arrows used against our troops on that occasion, afford a convincing proof that they had foes to encounter from distant nations, as yet unacquainted with the use of fire-arms. Nor does the account of the bows and arrows depend, for its authenticity, on newspaper evidence alone; gentlemen of unquestionable veracity, who were personally engaged in the action, have declared that they had themselves noticed the arrows flying.

When we consider the warlike disposition of the Indians in general, and the alacrity with which the victors are ever sure to be joined by numerous allies, we have every reason to expect a much more formidable opposition in the next campaign. It is well known that the savages place all their glory in deeds of war; and that, among them, a young man cannot make his appearance in company till he has signalized his valor by some martial achievement. When, to this powerful incentive, a new stimulus is added by the trophies obtained in the late action, it is presumable that numbers will crowd to their standard; and it strongly behooves us to prepare in time for a much more vigorous effort than any we have yet made against them.

The objections drawn from the increased expense, must entirely vanish from before the eyes of any man who looks forward to the consequences of one more unsuccessful campaign. Such a disaster would eventually involve the nation in much greater expense than that which is now made the ground of opposition. Better, therefore, at once to make a vigorous and effectual exertion to bring the matter to a final issue, than to continue gradually draining the Treasury, by dragging on the war, and renewing hostilities from year to year.

If we wish to bring the war to a speedy and a happy conclusion, and to secure a permanent peace

to the inhabitants on the frontier, we must employ such troops and adopt such measures as appear best calculated to insure success. If we delay our determination until the force of the enemy be ascertained, we can make no provision at all; for the nature and circumstances of the case preclude us from the very possibility of obtaining a knowledge of their strength and numbers. And are we, meanwhile, to remain inactive and irresolute, and make no efforts to repel their intended attacks? No! Whatever their numbers may be, prudence calls aloud for provision of some kind. And if experience is to have any weight with us, the example of the French and of the British points out the true mode of securing our frontier, and rendering it invulnerable to an Indian foe. Let us occupy posts in the vicinity of the enemy, let them be properly garrisoned and well provided, and the business is done.

These will afford an opportunity of trading with the friendly tribes, and will prevent all intercourse between the whites and the Indians, except under proper regulations. Should hostilities be mediated by any tribes who are not in amity with us, early intelligence of their movements can be obtained; their marauding parties may either be beaten off on their approach, or intercepted on their return; opportunities may be taken of separately attacking the hostile tribes; their old men, their squaws, their children, will be exposed a great part of the year, whilst the others are out hunting. In short, if fear, hope, interest, can be supposed to have any influence on the Indians, this mode of defence must be allowed to be preferable to any other, as giving the fullest scope to the operation of all those motives.

A different mode has long been pursued in Virginia, and adopted by the inhabitants of Kentucky, but its success has not been such as to offer any inducement to the General Government to follow the same plan. Rangers have there been employed for a number of years to scour the frontiers; and those rangers, too, were expert woodsmen, perfectly inured to the Indian mode of warfare; yet, notwithstanding their utmost vigilance, the savages still found means to commit all the murders and depredations already enumerated. It is true, however, that a frontier militia man, trained up in the woods, may be, in many respects, preferable to a regular soldier, who has not the same knowledge of the country, and of the mode of fighting; but with equal experience, (and proper men, possessed of that experience, may be enlisted on the establishment) regular troops will be found infinitely superior to any militia upon earth.

Every man who has ever seen militia in the field, cannot but know that a very trifling disaster, or a slight cause of discontent, is sufficient to make them disband and forget all subordination, so far as even to neglect the means of self-defence; whereas regular troops, under proper discipline, and acting with greater steadiness and concert, are much more to be depended on, especially when the object of attack is distant, and great fatigue is to be undergone. The militia, in whatever mode they may be called out, will hardly furnish men

of the proper description: if large pay be offered, the temptation will equally prevail upon those who are unfit for the service as it will upon good, effective men; besides, some of the States have no militia laws; and, even in those States which have such laws, they are gone into disuse; no dependence can therefore be placed on militia under any laws now existing. There is, indeed, a general militia law now before the House; but if it ever passes, it certainly cannot be passed in due season to answer the purpose of providing for the immediate defence of the frontier. Regular troops must be raised, or nothing effectual can be done; and if to avoid the expense we refuse the only aid that may prove of any real service, we render ourselves responsible for the consequences of this parsimonious policy, which may be attended with the ruin and destruction of our fellow-citizens in the Western country.

The Congressman's speech was again mentioned and called for; but, as it had been confidentially communicated by the President, an objection was made to having it read without clearing the galleries. Whereupon,

An honorable member arose, and mentioned his having read it in one of the public newspapers in the State of New Jersey.

To this it was answered, that if any gentleman had the newspaper to produce, the speech might be publicly read from that; otherwise, although it might be very proper that the speech itself should be read, yet, as it had been confidentially received from the Executive, there would be a manifest trespass on propriety and decorum in having it read with open galleries; it was therefore wished that the galleries might be cleared.

The Parliamentary etiquette requiring that this should be done by the House, and not by a committee, the committee rose for the purpose; and, the Speaker having resumed the Chair, the motion for clearing the galleries was renewed.

An objection was here started by an honorable gentleman in favor of the augmentation, who said that, as some gentlemen had spoken on the popular side of the question, whilst the galleries had been open, it was unfair to preclude those of opposite sentiments from an opportunity of answering their arguments in the same public manner, and proving to the people the justice and necessity of the war.

The motion, however, was persisted in, and the galleries were cleared.

[The speakers in this day's debate were MESSRS. WAYNE, GOODRUE, BORDINOT, LIVERMORE, STEELE, PARKER, BOURNE, (Rhode Island,) WHITE, and MOORE. Mr. WHITE and Mr. MOORE opposed the motion; they were in favor of the augmentation proposed in the bill. The other gentlemen were in favor of striking out the clause.]

FRIDAY, January 27.

The Speaker laid before the House a Letter from the Treasurer of the United States, covering his account of indents of interest received and issued between the first of October, and the thirty-

first of December, one thousand seven hundred and ninety-one, inclusive; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House again resolved itself into a Committee of the Whole House on the bill for making further and more effectual provision for the protection of the frontiers of the United States.

Mr. MERCER rose and addressed the Chair as follows:

Mr. Chairman: I originally opposed the reference of this subject to the Secretary of the Treasury, on principles supported by the Constitution, by the theory of free Government, and from practical observation on the progress of our own, and I believe the result now before us will fully exemplify every evil predicted.

Let any man examine this bill, and compare it with the terms of the original reference. Let it then be asked, whether the submission to devise ways and means to provide for the defence of the Western frontier, authorized the plans proposed by the Treasury Department, that we are now giving sanction to? Did it authorize a perpetual tax, irrepealable by the whole Legislature, without a breach of faith, according to received doctrine? At least, so far placing the purse-strings in the hands of the Executive, who may refuse an assent to the repeal; in the power of the Senate also, and consequently beyond the reach of the Representatives of the people, who alone are deputized by, and may be recalled by the great mass of society, and to whom the Constitution expressly confines the power of originating money bills. Have we, in truth, originated this money bill? Do we ever originate any money bill? If a reference, such as made to the Secretary, was proposed to the Senate, who are a branch of the Legislature, nearly of equal importance with ourselves, would it not be held a breach of the Constitution? Were they to propose such a plan as this to us, would it not be received with indignation? Why so little jealousy of the Executive Department, separated by the Constitution with so much care from us? Of the Treasury Department, too, which is considered in other countries as possessing and exercising the means of corruption? It is in my judgment a direct infraction of the letter and spirit of the Constitution, of the principles of free Government, and I have heard no attempt to defend it, but on the ground of pitiful evasion, more dishonorable to ourselves and dangerous to the public, than an open violation, that would rouse their resentment and insure opposition.

But did the submission of a provision to defend the frontier authorize a system for the encouragement of manufactures? Thereby placing the occupations and productive labor of our citizens under the direction of Government, and rendering the living of the artist and subsistence of the farmer, so far equally dependent on and subservient to the views of Administration? Did it authorize an entire provision for the public debt, past, present, and to come? Did it authorize a plan for supplying former deficiencies, which it is admitted do not exist? Lastly,

did it authorize an extensive increase of the Sinking Fund, which we are informed is one of the principal objects? It would be an affront to common sense to answer one of these queries in the affirmative—it authorized none of them. And yet these are all its offspring; these are the great objects it produced. It is true there are in the bill two or three little clauses that were authorized, and which relate to the submission, and which might well have escaped my attention, and would probably never attract the observation of the public, but for the title—a bill for the protection of the frontiers. By these clauses five hundred and twenty-three thousand dollars of the whole money to be forever raised from its perpetual revenue, are appropriated for this year's campaign. After that sum is expended, we must, even the next year, look out for new taxes, and upon the same principles, as long as the Indian war continues (and by the enlistments it is not contemplated to be of very short duration) new taxes must be provided, for the residue of these taxes are by this bill appropriated to other purposes, for ever, after five hundred and twenty-three thousand dollars are paid. This appropriation is unalterable even by the whole Legislature, unless by a breach of public faith, or providing other equal revenue. Should every year's Indian war, and every national disaster excuse Government for laying a perpetual tax, equal to the increased annual demand, it will be selling us defeats at a very high price; and if Government are paid so well, they may be tempted to repeat the tragical representation.

But what is the reflection that naturally arises from a contemplation of this bill. That Administration will not even permit us to defend the helpless women and children of the frontier from the brutal ferocity of a savage foe, but on condition that the Representatives surrender up forever the sacred trust of the Constitution, and place in the power and under the control of the Executive and Senate, a perpetual tax. Unless they throw the power of regulating the labor and industry of their fellow-citizens into the hands of Government, and into a mean dependence on Administration; and unless they furnish a large sum of money, under the denomination of a Sinking Fund, for the purposes of speculation, in order to raise and lower the price of stocks at pleasure, or as may suit the views and interest of the band of favorites that are in the secret.

Hard and oppressive conditions! Was this the object of the reference to the Secretary? It was not the avowed one, nor could it have been suspected, from a simple proposition to devise ways and means to defend the frontier. A mighty fabric has been erected on this slight foundation, to hurry us into its adoption. We have been officially, I suppose, informed that the money for the War Department is almost expended; that the preparations for the Western expedition must stop, unless we pass the bill immediately; and thus, with the tomahawk suspended over our heads, we must give up to Administration the dearest interests of the people, and sacrifice the most sacred rights of the Constitution.

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If anything can equal the boldness of this measure, it is its injustice. I have long remarked in this House, that the Executive, or rather the Treasury Department, was really the *efficient Legislature of the country*, so far as relates to the revenue, which is the vital principle of Government. The clause of the Constitution confining to the immediate Representatives of the people, in this House, the origination of money bills, is converted into a Committee of Sanction, that never withholds its assent; a convenient cloak to divert the blame of odious measures from the real authors. We have heard of corrupt majorities in British Parliaments. I will not suppose an improper motive in any member of this body, but I am free to say that we appear better trained than any House of Commons I have yet read of; for if a Minister, with them, was to attempt to supply all the ordinariness and extraordinary of Government by perpetual taxes, I am persuaded he would risk his head. The Representatives of the British nation, the immediate agents of the people, dare not vote away the rights of their principals and the power of their successors. They preserve the purse-strings in their own hands, by laying taxes for the support of Government from year to year; they know no permanent taxes, except those pledged for certain debts—and even those the whole nation now exclaims against, as the mortal poison of the Constitution—and the settlement for the support of the Crown, given in exchange for the feudal and constitutional rights relinquished by the King.

When this tax-law made its first appearance from the Treasury Department, petitions against it from the great commercial capitals of America, convenient to us, were presented. The petitioners represented the impositions on commerce as already oppressive and intolerable. Their particular Representatives seemed to sympathize at first with these sentiments. I hope it was not intended to enhance this measure as a boon, in order to demand some greater sacrifice as an equivalent. But certainly when these objections were admitted to be valid, and a proposal was made to render the evils temporary, by limiting the bill to a short period, and in order that it might be commensurate with the original purpose, the *Indian war*—the encouragement of manufactures, stability in commercial arrangements, a variety of new purposes for money, former deficiencies, and a Sinking Fund, were then vaunted forth as the objects of the measure. These were certainly never the objects of the reference, and show, at one view, how iniquitous and dangerous it is to blend temporary objects with permanent regulations, and connect necessary and indispensable provisions with measures of doubtful, if not unjust policy.

Independent of the constitutional question of the right of Congress, why should we be compelled to consider the extensive range and delicate refinement of encouraging manufactures by extensive duties operating as indirect bounties, under the pressure of providing for an Indian war? Putting out of view the general and irrefragable principle, that industry will almost always select the most beneficial channels for its streams to flow in, and

that for Government to attempt to divert its course, as it can only be done by the obstructing in part and opening in another, is not only impolitic and imprudent, but unjustifiable and tyrannical; yet even such encouragement, if proper, should certainly not be permanent. A manufacture that will not, after a sufficient stimulus, support itself, ought not to be encouraged. When it no longer needs aid, the tax ought to be withdrawn; but as there is no limitation proposed, as the law is perpetual, a repeal at any time would be construed into a breach of faith, by those who embarked capitals on the proffered encouragement. But we should recollect, that this not only operates unequally in the same States, between the farmer and mechanic—the staple States are unequally represented in this Government—that we are differently, therefore, interested with respect to manufactures; that these bounties are in fact paid from the staples of the Southern States, by producing retaliating regulations in their only markets abroad, and raising the price of what the planters must buy at home. In fine, such precipitate measures seemed calculated to sow discontent, in order to reap confusion, and out of confusion it is said or der arises; that is, it gives countenance to the abuse and desertion of all free Governments, and the introduction of despotism in its stead. With respect to stability in commercial regulations as necessary to mercantile calculations—if duties have a certain limit, calculations may as well be made on that limitation as on permanency; but surely these arguments have been advanced by the advocates of the bill with one eye shut. They have not even squinted at that part of this same bill which limits the continuation of the increased duties on three-fourths of the articles of importation to a short period; their hearers are to be compelled to forget all the arguments on the first part before they are allowed to consider the second.

As to the other purposes and former deficiencies, they were never suggested until some excuse was to be invented; and in this case it seems also unfortunate that this very bill, in one of the latter clauses, states that there is an actual surplus of revenues of one hundred and fifty thousand dollars; surely, in such arguments, there is no regard to decency preserved; but, in every view, to lay permanent taxes, without appropriating them to specified purposes, is unsafe and unconstitutional.

As to a Sinking Fund, it is a pretext that will not bear inspection. If it was really meant to discharge the principal of the debt, why not early present a plan as an independent object of deliberation? It is certainly of sufficient magnitude. Why wait until the Indian war was on the tapis? But perpetual taxes are not necessary for a Sinking Fund. Perpetual taxes were never excused upon any other principle but the providing a certain interest to give currency to a fictitious capital. That is not the case with respect to a Sinking Fund; that should be provided and increased as circumstances will permit, from year to year; our successors should be left as free in this respect as we are. Besides, a perpetual tax for a Sinking Fund is an absurdity in language. It is true, where we

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are constantly increasing our debts, and even when we cannot increase them fast enough, assuming debts of others, a perpetual Sinking Fund may be reconciled to the fact; but that fact must also prove that there is really no serious intention of our paying the debt, but that it is considered as the great engine necessary to influence the motions of Government, and which must ever be preserved when once introduced. That this is the real policy, the use that has been made of the Sinking Fund we now have, will evidently demonstrate. I have, it is true, no official documents, but it has been published in the newspapers, and not contradicted. I have before mentioned it in this House, and it has not been denied. I must, therefore, believe it to be true that the Treasurer of the United States, and other agents for the Department of the Treasury, have gone into market, and given higher prices for stock than individuals purchased at: in this city, at 12s. for three per cents, when they sold at 10s. 6d. at New York—12s. when others could buy at 10s. Is not this throwing away 3s. and 4s. in the pound of the public money, betraying the confidence of the people? Is it not worse—is it not deviating so much to sinister purposes? It is said, that it raises the price on foreigners; the fact is directly the reverse. It raises the price of foreign property on ourselves, for they hold perhaps the greater part of this paper. But, on this principle, we should go on until we stimulate the six per cents, to 30s. in the pound, to make it equal to money at 4 per cent., at which rate it is said foreigners now lend to us. We certainly, on their own principles, lose more by the difference between 20s., the ultimatum to which we now go, and 30s., to which we ought to go to raise our stocks to the price of foreign loans. Then we should lose between 20s. and 15s. or 16s., which is the lowest that stocks could probably descend, whilst we pay the interest quarterly.

But it is asked, Would Government wish to give less than 20s.? The answer is, the money of the people ought to be laid out so as to sink the greatest quantity of the debt. But, again: Government had no such scruples when the debt was principally in the hands of the original holders. They bought up then at 12s., 13s., and 14s., or less, and so on. Why did they not fix then the price at 20s.? Why are *mere speculators* (I mean not to include those who purchase to hold, for it is their interest to purchase cheap) dearer to Government than those who have gained these debts in exchange for their blood or their property? Why protect those who have purchased 20s. for 2s. 6d. from the soldier and farmer from losing perhaps a tenth of their profits? Why should Government make use of the contributions of these very injured people, as well as others, to increase the advantages of those who have injured them? Why select this particular species of property to raise its value? Why not raise the price of tobacco, rice, and other articles, now so low? Have they not been as honestly earned?

In fine, we have opened a small door, and let us only observe what a host of evils have entered; and then we are asked, Why do we not prepare a

substitute? After having compelled us to part with the subject out of our hands, and refer it to a part of the Executive—after it has been cooped up out of doors, and kept back until the cravings of necessity compel the admission of part of the proposals—when we now wish to separate the necessary and useful from the pernicious parts, unjustifiably blended and introduced, we are arrested by the votes of a majority, and even insulted by an abuse of an imputed incapacity, that, if true, would, by degrading the whole Representative body of the people, involve themselves, as well as the minority, in the ignominy. But, surely no two propositions can be more readily distinguished than the increase of revenue for the Indian war, and this complicated, unauthorized, unnatural, unconstitutional mixture of manufacturing, financial, deficiency, sinking fund, and Indian war ingredients.

When Mr. MERCER had concluded, the Committee rose, and the House adjourned.

MONDAY, January 30.

The Speaker laid before the House a Letter from the Secretary of War, transmitting, pursuant to the directions of the President of the United States, copies of the official communications which have passed between the Executive of the United States and the Governor of Pennsylvania, upon the subject of the temporary defensive protection of the frontiers of the said State; which were read, and ordered to lie on the table.

A message from the Senate informed the House that they have passed the bill to establish the Post Office and Post Roads within the United States, with several amendments; to which they desire the concurrence of the House.

PROTECTION OF THE FRONTIERS.

The House again resolved itself into a Committee of the Whole House on the bill making farther and more effectual provision for the protection of the frontiers of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; when the same being read, some were agreed to, and others disagreed to.

And then the said bill being before the House, a motion was made, and the question being put to amend the same, by striking out the second section thereof, in the words following:

"And be it further enacted, That there shall be raised three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians."

It passed in the negative—yeas 18, nays 34, as follows:

YEAS.—John Baptist Ashe, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Nicholas Gilman, Benjamin Goodhue, William Barry Grove, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Josiah Parker, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Artemas Ward, Hugh Williamson, and Francis Willis.

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Protection of the Frontier—Post Office Bill.

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NATS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Thomas Hartley, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurence, Amasa Learned, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Williams Vans Murray, John Page, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wedgworth, Anthony Wayne, and Alexander White.

The farther consideration of the said bill was then postponed until to-morrow.

TUESDAY, January 31.

The Speaker laid before the House a Letter from the Secretary of War, covering his report on the petitions of James Swaine, Abraham Springer, Timothy Mountford, sundry seamen, Samuel Wail, for himself and servant, John Carnaghan, James Shields, Henry Skinner, and William Loring; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House resumed the consideration of the bill for making farther and more effectual provision for the protection of the frontiers of the United States; and the same being further amended, was Ordered To be engrossed, and read the third time to-morrow.

WEDNESDAY, February 1.

Mr. PAGE, from the committee to whom was referred the petition of John Churchman, made a report; which was read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

An engrossed bill for making farther and more effectual provision for the protection of the frontiers of the United States, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass, It was resolved in the affirmative—yeas 29, nays 19, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, John Brown, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Thomas Hartley, Daniel Huger, Aaron Kitchell, John W. Kittera, Amasa Learned, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Joshua Seney, William Smith, Samuel Sterrett, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Jeremiah Wedgworth, Anthony Wayne, and Alexander White.

NAYS.—John Baptist Ashe, Sheafjashub Bourne, Benjamin Bourne, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Nathaniel Macon, Nathaniel Niles, Josiah Parker, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Artemas Ward, and Francis Willis.

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Post Office Bill.

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State, the Secretary's and Treasury offices are kept there; that the records and treasury of a large county, comprehending both Portsmouth and Exeter, and extending fifty or sixty miles into the country, are also kept there; and that the Judicial Courts of the County, the State, and the United States, sit there at appointed periods. It is there the Governor convenes his Council, to consult on public affairs; and it is from that place a communication should be kept up between the State and the General Government. From these circumstances, it appears that it would be very convenient not only for Exeter, but for a considerable part of the State, to have an office established there; and as the necessary communication between that and other towns would afford frequent opportunities to send and receive letters by private conveyance, a doubt can hardly exist that such an arrangement would be productive to the revenue. This, I believe, to be the opinion of the Postmaster General. Sir, the distance from Boston to Portsmouth does not exceed seventy miles, and that perhaps the best road within the United States, of equal extent. The objection, therefore, that the stage cannot pass through in a day, can have no weight; it is too absurd to deserve a serious refutation. The difference in the distance between the present route of the mail and the one proposed through Exeter, is, passing through Kensington, about three miles, or by Hampton Falls, about five miles. The road through Kensington is a good carriage road; the stage ran that way about five years ago, before the proprietors contracted for the transportation of the mail; it was then a pretty good road, since which it is much improved. It was, therefore, a false assertion to say that the road through Kensington or Hampton Falls is bad; and I am persuaded that the mail passing that way could not be injurious to Portsmouth. But, sir, the opposition to this measure arises from a rivalry between the two towns. Before the war, the courts and offices, just now mentioned, were held exclusively at Portsmouth; on the commencement of hostilities, it was found convenient to remove them to Exeter, where it has been thought expedient to continue them. But this has excited a degree of jealousy in the minds of some persons, in the interest of Portsmouth, who are perpetually on the watch to oppose any public measure calculated to promote the interest or convenience of Exeter. If this alteration takes place, letters going to Exeter will be liable to a postage of twenty or twenty-five per cent. more than by the present arrangement; and, as the cross-post will set off but once a week, letters may lie six or seven days in the office at Portsmouth: this will preclude the people of Exeter from the benefit of a post, and they will be obliged to send their letters by private conveyance, as they now do. By the original construction of the bill, the expense of transporting the mail would be less than by the proposed alteration; as, by extending the route of the principal mail about three miles further, the travel of the cross-post is shortened fourteen. I therefore hope the people in that part of the State will not be deprived of rights naturally arising from their

situation, by the prejudice and misrepresentation of those who wish to injure them, and that the amendment will not be agreed to.

Mr. LIVERMORE.—I shall agree to the amendment made by the Senate in this bill, to strike out Exeter, and to carry the mail by the accustomed route, through Hampton, which is the nearest way, as gentlemen have heretofore stated, by about five miles; and it is also the best road, more especially in winter, when the snow is deep, being a road more used, and consequently the paths better kept open. And as the bill provides that a mail shall be carried from Portsmouth, by Exeter, to the interior parts of the State, I think the town of Exeter will be well accommodated, without the deviation of five miles before mentioned. As the stage-carriages that carry the mail three times a week between Portsmouth and Boston, in the summer season, carry many passengers from Portsmouth and from Boston, and other places, a deviation of five miles, and in a worse road, would be a very great inconvenience to such passengers. The distance from Boston to Portsmouth, by the usual route, is about sixty-five miles. This is a pretty long journey to be performed with a stage-wagon in one day, which is the case in the summer season; but five miles added, may induce the necessity of traveling sometimes after night, which would be attended with inconvenience to the passengers, besides hindering the mail from arriving at the appointed hour. The inconvenience would also perhaps be greater in winter, in proportion to the number of passengers, and in respect to retarding the mail, as some part of the new proposed route is considerably more liable to be blocked up with snow, for want of traveling to keep it open, than the old route. Portsmouth being a place of considerable commerce and navigation, it is important that the mail should arrive at its proper times, and as early as possible. The letters for Exeter are few, compared with the number for Portsmouth. The postmaster has stated the amount of the postage of letters for Exeter, passing through his office at Portsmouth, to be about fifteen dollars and a half, in eleven months, from the first of January, 1791; a sum very inconsiderable indeed compared to the amount of postage received for letters delivered in Portsmouth during the same period.

Mr. THATCHER.—I feel, myself, sir, as little interested in the present question as it is possible for the gentleman just now up, from New Hampshire, [Mr. LIVERMORE.] Indeed, I have no other interest in this matter than what arises from a desire to accommodate the greatest number of people; and so far, I confess, I feel interested; for any general measure that does not effect this, gives a certain degree of pain. If the facts that have been stated be true, and the arguments drawn from them in support of the amendment be conclusive, I certainly should be interested in favor of it; because it must immediately affect my constituents. But, sir, the facts are not true, nor the reasoning just. Sir, the real matter in dispute between Portsmouth and Exeter has not yet been understood; and I conceive it to be simply this: Shall the mail

from Boston arrive at Exeter about two hours earlier, on the same day, than at Portsmouth; or shall it arrive at Portsmouth first, and at Exeter the next day, or within six or seven days after? This, sir, is the real question; for whether it passes through Exeter, or through Hampton, as it now does, it will reach Portsmouth on the same day it leaves Boston, and about the same hour. If the hour of arrival at Portsmouth be fixed at eight o'clock in the summer time, the post may accomplish the route through Exeter with ease, and he will do no more if he passes through Hampton. This brings us to an examination of the reasons offered in favor of the amendment, which go altogether to show that if the route be established through Exeter, the mail will not arrive at Portsmouth on the same day it leaves Boston, and consequently, the merchants at that place will be injured; and not only so, but it is said, the Portland mail will be delayed another day. Did I believe there was the least shadow of reason for this apprehension, I should be the first for agreeing to the amendment; but, sir, it is all a pretence, a whim, invented for no other reason than to prevent the mail's arriving at Exeter before it does at Portsmouth.

The gentleman [Mr. LIVERMORE] has said the route from Boston to Portsmouth, through Exeter, is about five miles farther than through Hampton. He does not pretend to say it is more. I verily believe the difference is not more than three miles, if it is so much as that; but, for the sake of the argument, I will admit there is the difference contended for by the gentleman. We will examine the question on that supposition, and see if there arises a probability that the increased distance will prevent the arrival of the mail at Portsmouth on the day it leaves Boston. It seems to be agreed, that the old route from Boston to Portsmouth is about sixty-four or five miles. Now, it is a fact, that prior to the building the bridges across Mystic and Beverly rivers, the stage passed this route in a day, although at Beverly ferry it was detained from thirty to forty minutes where it now passes in two, and it was obliged to go round by the town of Mystic, which is two miles farther than where it now crosses on the bridge; by these bridges, then, we may consider five miles taken off the whole distance—so that, admitting the objection of the addition of five miles, as the gentleman wishes to have it, the mail may now pass in a day, from Boston to Portsmouth, through Exeter, with the same ease and certainty that it did before the erection of these bridges through Hampton Falls, the route contemplated by the amendment; and I must beg leave further to observe, that a bridge is will considerably add to the facility of passing, and may well be counted upon as a further deduction of the distance.

It has been said by the gentleman from New Hampshire, [Mr. LIVERMORE], that the road from Portsmouth to Newburyport is a good road. I agree with him in this point; I am as perfectly acquainted with the road from Portsmouth to Newburyport as he can be; I know every patch

of sand or rock in the way that can impede a carriage; but, as good as it is, I presume he will acknowledge there is more sandy, heavy road for wheel carriages in this part of the line than all the rest of the way to Boston; so that something ought to be carried to the credit of the Exeter route, because it avoids this sand. 'Tis said the road through Kensington to Exeter is blocked up with snow in the winter time—granted as to some particular seasons; but the same is also the case as to Hampton road. I have often known the Hampton road so blocked up that the stage could not run for several weeks. This was the case last March; and I was then informed that the road through Kensington and Exeter was passable for the stage earlier than the Hampton, and it ought here to be noted there is a causeway near half a mile in length in Hampton, over which the passenger is not only difficult in the winter time, but very dangerous if passable at all, as some tides overflow it two feet and more. I passed it last March in this situation. This inconvenience will be avoided by passing through Exeter—and no part of that route is so bad in the winter time as this causeway. I have heretofore traveled in the winter time through Kensington and Exeter, on being advised it was the best road of the two; and though there was much snow on the ground, we found no difficulty in getting along. Hence, sir, it is evident to me, that the mail may easily be carried from Boston, through Exeter, to Portsmouth, in a day; and that the objection founded on the increase of distance is a mere pretence, originating in an unwillingness, in the minds of some people, that the mail should arrive an hour or two sooner at Exeter than Portsmouth.

The gentleman [Mr. LIVERMORE] has said it is a principle of the bill, that the mail shall be carried in the most direct road from place to place, and that it will be a deviation from this principle to go through Exeter. This, sir, is not strictly true; no such principle has been adhered to but in a qualified sense, and it has been departed from whenever it would accommodate any considerable number of people. I wish here to remind the House of Springfield, in Massachusetts, and Middletown, in Connecticut; in the former instance, the direct route from Worcester to Hartford is not through Springfield, but a deviation of near ten miles is made to accommodate that town; and in passing from Hartford to New Haven, a deviation of four or five miles (if I am mistaken, gentlemen from that State will correct me) is made for the purpose of accommodating the town of Middletown. Many other instances of this nature might be adduced, and why shall not a small deviation be now made in favor of Exeter, especially since no inconvenience will result therefrom to Portsmouth? I can see no reason.

In order to convince this House that the mail, in passing from Boston to Portsmouth, ought not to be carried through Exeter, the gentleman has read a letter from the postmaster at Portsmouth, stating the number of letters that pass in a year, by a cross-post, from Portsmouth to Exeter; by which it appears the number indeed is very small.

Hence he would draw an argument that the business between Boston and Exeter is trifling, and not of consequence enough to justify so small a deviation in the mail line of three or four, or, as the gentleman contends, of five miles. But this is strange logic, and a very different conclusion results in my mind from the contents of the letter. The letter may be evidence how little business is carried on between Portsmouth and Exeter, and that consequently there is no real need of a post between these two places; but it does not contain the shadow of evidence that there is no commercial business between Boston and other places in Massachusetts and Exeter. If a gentleman in those places wished to write to Exeter, he would never think of putting his letter into the Portsmouth mail. He must know that it is liable to lie six days in the post office at Portsmouth; and perhaps longer, while various opportunities, by a private conveyance, would present within that time.

I have hitherto admitted the additional distance, by going through Exeter, to be five miles; but, sir, since the mail stage passes Merrimack river, about four miles above the old ferry, (the gentlemen of the House acquainted with that part of the country know the places I refer to,) I cannot agree that this additional distance will be more than three miles, if so much. But, however this may be, I trust I have shown to the satisfaction of the House that, whether it be five or three, it cannot produce any inconvenience to Portsmouth, but must be highly beneficial to Exeter.

There is another consideration, sir, that ought to have some weight in deciding this question, which I will mention, and say no more. It is this: A letter that goes from Boston to Exeter, through Portsmouth, will stand charged twenty-five per cent. more than if the mail was carried directly from Boston to Exeter; while, on the other hand, the postage of a letter from Boston to Portsmouth is the same, whether the mail passes through Hampton or Exeter, because, in both of these routes, the distance from Boston to Portsmouth is more than sixty miles, and short of the next grade of postage. For these reasons, sir, I hope the House will disagree to the amendment.

Mr. SMITH (N. H.) observed, that he was sorry to find his colleagues differing in opinion on the subject under consideration. He had no prejudice in favor of one of the towns (Portsmouth and Exeter) above the other. He only wished the bill might establish that route which would best accommodate the State at large. He conceived, when the situation of New Hampshire was considered, it would be evident that the bill as passed by the House was better calculated to answer this purpose, than it would in case the amendment proposed by the Senate should be adopted. He remarked, that the trade of the greater part of that State had been, and probably would continue to be, with Boston; that, if the general line of the post road should be established through Exeter, it would be, to the people in the interior part of New Hampshire, a saving of at least twenty-five miles in the distance between them and Boston;

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that the trade of Exeter, though within fifteen miles of Portsmouth, was principally with Boston; that, if the amendment proposed by the Senate should be adopted, they would be deprived of any benefit from the establishment of post roads; that the route would be so circuitous, that the people in the interior parts of the State would probably in future, as they had in times past, send their letters to Boston, and to the Southward, by private conveyance rather than by post. It was easy to see that the revenue, by this means, would be injured; that this circumstance would serve to account for the statement read from the postmaster at Portsmouth, of the small number of letters sent from his office to Exeter. It was his opinion, that the revenue would be greatly increased by taking Exeter into the main post road; and that a contract for carrying the mail from Portsmouth to Boston might, in that case, be obtained for as small a sum as by the road now used. He could not see how this would injure Portsmouth, though it might not prove advantageous to the postmaster at that place. How far the House might think it their duty to consult the particular interest of that officer, he would not pretend to say. He had reason to believe (though he could not speak altogether from his own knowledge) that the account given of the road by one of his colleagues, and the gentleman from Massachusetts, was a just one. Upon the whole, considering the amendments as not calculated to promote the advantage of the State he had the honor to represent, he should vote against it.

FRIDAY, February 3.

A message from the Senate informed the House that the Senate recede from their amendments, disagreed to by this House, to the bill to establish Post Offices and Post Roads within the United States, and do agree to the amendments proposed by the House to their amendment to the said bill.

THE COD FISHERIES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled, "An act for the encouragement of the Bank and other Cod-Fisheries, and for the regulation and government of the fishermen employed therein."

The first section being read as follows:

"Be it enacted, &c. That the bounty, now allowed upon the exportation of dried fish of the fisheries of the United States, shall cease on all dried fish exported after the tenth day of June next; and in lieu thereof, and for the more immediate encouragement of the said fisheries, there shall be afterwards paid, on the last day of December annually, to the owner of every vessel, or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the Bank and other Cod-Fisheries, and that shall actually have been employed therein at sea, for the term of four months at least, of the fishing season next preceding (which season is accounted to be from the last day of February, to the last day of November in every year) for each and every ton of such vessel's burden, according to her admeasurement, as licensed or

enrolled; if of twenty tons and not exceeding thirty tons, one and a half dollars, and if above thirty tons, two and a half dollars, of which bounty three eighths parts shall accrue and belong to the owner of such fishing vessel, and the other five eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been employed in such vessel, during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season. *Provided*, That the bounty, to be allowed and paid on any vessel for one season, shall not exceed one hundred and seventy dollars."

Mr. GILES, expressed some doubt respecting the principle of the bill; and for the purpose of collecting the sense of the Committee on the subject, he thought the most effectual means would be a motion to amend the bill, by striking out the whole section. He accordingly made the motion, observing at the same time, that he could not positively assert, whether the reasons which determined him against the principle of the bill, were well founded or not; that, in matters where a local preference is given, it is necessary to accommodate; and he would be happy if his objections could be removed. The present section of the bill appears to contain a direct bounty on occupations; and if that be its object, it is the first attempt as yet made by this Government to exercise such authority; and its constitutionality struck him in a doubtful point of view; for in no part of the Constitution could he, in express terms, find a power given to Congress to grant bounties on occupations: the power is neither directly granted, nor (by any reasonable construction that he could give) annexed to any other power specified in the Constitution. It might perhaps be brought in under a mode of construction already adopted by the House, viz: that of "ways and ends," by which any power whatever might be equally implied; but he wished ever to see some connexion between a specified power, and the means adopted for carrying it into execution. There is a great difference between giving encouragement, and granting a direct bounty. Congress have a right to regulate commerce; and any advantage thereby resulting to a particular occupation connected with commerce, comes within that authority; but when a bounty is proposed to a particular employment or occupation, this is stepping beyond the circle of commerce; and such a measure will affect the whole manufacturing and agricultural system. In all cases, the revenue, to be employed in this bounty, is drawn from all the sources of revenue in the United States, and confined to a particular object. He was averse to bounties in almost every shape, as derogations from the common right; and he thought there would be no great difficulty in proving, that a Government is both unjust and oppressive in establishing exclusive rights, monopolies, &c., without some very substantial merit in the persons to whom they are granted; although even in that case, the propriety of such grants is still questionable. Under a just and equal Government, every individual is entitled to protection in the enjoy-

ment of the whole product of his labor, except such portion of it as is necessary to enable Government to protect the rest; this is given only in consideration of the protection offered. In every bounty, exclusive right, or monopoly, Government violates the stipulation on her part; for, by such a regulation, the product of one man's labor is transferred to the use and enjoyment of another. The exercise of such a right on the part of Government can be justified on no other principle, than that the whole product of the labor of every individual is the real property of Government, and may be distributed among the several parts of the community by governmental discretion; such a supposition would directly involve the idea, that every individual in the community is merely a slave and bondman to Government, who, although he may labor, is not to expect protection in the product of his labor. An authority given to any Government to exercise such a principle, would lead to a complete system of tyranny.

He entertained fewer doubts, respecting the principle, as it regards political economy. All occupations that stand in need of bounties, instead of increasing the real wealth of a country, rather tend to lessen it; the real wealth of every country consisting in the active product of useful labor employed in it. It is therefore bad policy to encourage any occupation that would diminish, instead of increasing the aggregate wealth of the community; and if an occupation is really productive, and augments the general wealth, bounties are unnecessary for its support; for when it reimburses the capital employed, and yields a profit besides, it may be said to support itself. When it fails in these points, any forced advantage that is given to it by the Government, only tends to decrease the wealth of the country. The subject however might be considered in a more favorable point of view: and that is, whether the provision be essential to the defence of the United States, and whether the bounties proposed in the bill were more than equivalent to the portion of defence that would be procured by them. The bill does not (in his opinion) contain that kind of encouragement, which is essential to the national defence. Any man who takes a view of this country, must be convinced, that its real support rises from the land, and not from the sea; and the opposite mistake must have arisen merely from a servile imitation of the conduct of Great Britain: the inhabitants of this country heretofore thought favorably of her Government, and the Revolution has not yet altered their former ideas respecting it. But the circumstances of the two countries will, on examination, be found widely different; Britain, surrounded by the sea on every side, finds a navy necessary to support her commerce; whilst America, possessed of an immense territory, and having yet ample room to cultivate that territory, has no occasion to contend by sea with any European Power: her strength and her resources are all to be found within the United States; and if she but attends to her internal resources, the object of national defence will be much better answered.

Mr. G. next proceeded to consider whether that

portion of the national defence which might be derived from the fisheries, would not be purchased at too high a price. Although the apparent intention of the bill is only to convert the present existing drawbacks into a bounty; yet the drawbacks being allowed only to the actual exportation of the fish, and the bounty being granted on the tonnage of the fishing vessels, there can be no comparative value between the drawback and the bounty; they have no necessary relation to each other, and the latter may exceed the former, or the former exceed the latter. He had made a calculation, and upon the most favorable principles, grounded on the Reports of the Secretary of the Treasury and the Secretary of State. Here he produced a calculation, tending to show that the proposed bounty on the tonnage of the fishing vessels, would considerably exceed the amount of the present drawbacks. From a comparison between the bounty, and the number of sailors employed in the fisheries, he showed what an expense each man would be to the United States; and, after other remarks, observed, that even Great Britain, whose whole national support and defence depends on her navy, had found, that the men employed in the fisheries, though so necessary for that defence, cost her too much; that America, whose consequence, as a nation, does not depend on a navy, ought to take a lesson from the experience of Britain: that he did not wish to enter into a competition with Britain and France, in supplying the different markets with fish; that, as those nations are able to hold our greater encouragement to their fishermen, than we can to ours, we would, by such a competition, only exhaust the Treasury of the United States to no purpose; and upon this principle alone, he thought there was some reason to doubt the policy of the measure proposed in the section under consideration, which therefore he hoped the Committee would agree to strike out, unless his objections could be obviated.

Mr. MUNNAY observed, that in order to demonstrate the propriety of the measure, it would be incumbent on the friends of the bill, first, to prove that the fishery trade is in a state of decay, that the stock employed in it does not yield the ordinary profits, so as to justify the merchants in embarking their capital in this branch of trade: that there is a system of defence in contemplation, which the circumstances of the country call for, and which this trade is calculated to furnish; that other branches of trade, which do not stand in need of encouragement, are not equally capable of furnishing seamen for the purpose: that this particular object so peculiarly claims the attention and encouragement of the United States, as to leave far behind every consideration of the manufacturing interest, the agricultural, &c. All this he thought necessary for gentlemen to prove, and to show some very strong necessity for encouraging one particular class of men, in preference to all others.

Mr. GOODRICH.—It happens that the fisheries of the United States are almost entirely confined to the State of Massachusetts; and they furnish a considerable, a principal portion of our export trade.

As we are a part of the United States, the United States in general are interested in the prosperity of that branch of business, so far at least as it contributes to the national defence: it furnishes a copious nursery of hardy seamen, and offers a never-failing source of protection to the commerce of the United States. If we engage in a war with any European Power, those seamen will be excluded from their ordinary employment, and must have recourse to privateering. During the late war with Great Britain, we annoyed the enemy more in that line than all others; and had it not been for privateering, it would often have been impossible to keep together our armies, who frequently, in the hour of need, were supplied by the privateers with ammunition and clothing, of which they were wholly destitute. All that we wish to obtain by this bill is, that we may not be burdened with duties. An opinion has been entertained, that no drawbacks ought to be allowed on the re-exportation of articles imported from foreign countries; but if this opinion were to obtain in practice, and no drawbacks were to be admitted, we must confine our importation to articles for our own consumption. The drawback, allowed by the existing law, on the exportation of salt fish, was calculated to be only equal to the duty beforehand paid on the quantity of salt used in curing the fish; but the fishermen complain that, as the act now stands, they are wholly excluded from any participation in the benefit, which centres entirely in the coffers of the merchants. The object of the present bill is, only to repay the same money into the hands of those persons who are immediately concerned in catching the fish; and there can be no reasonable objection be made to such a transfer of the drawback, as Government will not lose a single dollar by the change. The gentleman from Virginia [Mr. GILES] talks of the unconstitutionality of granting bounties; but no bounty is required. We only ask, in another mode, the usual drawback for the salt used on the fish. If we can make it appear that the bill does not contemplate any greater sums to be drawn from the Treasury, than are already allowed, it is to be hoped that no further opposition will be made to the measure: and that this is really the case, can be proved by documents from the Treasury office. Here he read a statement and calculation to prove his assertion; and to show that the United States will probably pay one thousand dollars per annum less in the proposed bounties on the tonnage of the fishing vessels, than they would in the drawbacks on the exportation of the fish. The fishermen, he continued, are now under no control; and in consequence of this want of a proper restraint, they often take whims into their heads and quit the vessels during the fishing season. To prevent the inconveniences of this practice, the bill contemplates their exclusion from the bounty, unless they enter into such contracts and regulations, as may be found necessary for the proper and successful conducting of the business, which, from our advantage, would be entirely in our hands, if we did not meet with such opposition and discouragement from foreign nations, whose bounties

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to their own fishermen, together with the duties laid upon our fish, would, to persons less advantageously situated than us, amount almost to a total prohibition.

In the Report from the Secretary of State, a drawback is contemplated of the duties on all foreign articles, used by the seamen employed in the fishing trade, such as coffee, rum, &c.; but we ask it on the salt alone; nor is it asked as a bounty, but merely as a transfer from the hand of the merchant to that of the fishermen.

Mr. Warren had no objection to give the trade a proper degree of encouragement; but he did not relish the idea of granting bounties; if any gentleman would prepare an amendment, so as to make them drawbacks in fact, as well as in words, he would consent to the measure.

Mr. Ames, after some introductory observations, adverted to the necessity of fixing some point in which both sides would agree. Disputes, he said, could not be terminated—nor, more properly, they could not be managed at all, if some first principles were not conceded. The parties would want weapons for the controversy.

Law is in some countries the yoke of Government, which bends or breaks the necks of the people; but, thank Heaven, in this country, it is a man's shield—his coat of mail—his castle of safety. It is more than his defence: it is his weapon to punish those who invade his rights—it is the instrument which assists—it is the pace that rewards his industry.

If I say that fishermen have equal rights with other men, every gentleman feels in his own bosom a principle of assent. If I say that no man shall pay a tax on sending his property out of the country, the Constitution will confirm it; for the Constitution says, *no duty shall be laid on exports*. If I say, that on exporting dried fish, the exporter is entitled to drawback the duty paid on the salt, I say no more than the law of the land has confirmed. Plain and short as these principles are, they include the whole controversy. For I consider the law allowing the drawback as the right of the fishery; the defects of that law as the wrong suffered, and the bill before us as the remedy. The defects of the law are many and grievous. Supposing 340,000 quintals exported—

The salt duty is -	-	-	-	\$42,744
The drawback is only	-	-	-	34,000
Loss to the fishery	-	-	-	8,744
Whereas Government pays \$45,900, at 13½ cts., including charges, which are 3½ cts. on a quintal: which is beyond what the fishery receives	-	-	-	11,900
Being a clear loss to the Government of	-	-	-	3,156

So that though the whole is intended for the benefit of the fishery, about one-fourth of what is paid is not so applied: there is a heavy loss both to Government and the fishery. Even what is paid on the export is nearly lost money; the bounty is not paid till the exportation, nor then, till six months have elapsed; whereas the duty on salt is

paid before the fish is taken: it is paid to the exporter, not to the fisherman. The bounty is so indirect, that the poor fisherman loses sight of it. It is paid to such persons, in such places, and at such periods, as to disappoint its good effects; passing through so many hands, and paying so many profits to each, it is almost absorbed. The encouragement, too, is greatest in successful years, when least needed; and is least in bad fishing seasons, when it is most needed. It is a very perplexed, embarrassing regulation to the officers of Government and to the exporter; hence the great charge; and, with all this charge and trouble, it is liable to many frauds. Four hundred miles of coast, little towns, no officer. All these defects the bill remedies; and, besides, gives the money on condition that certain regulations are submitted to, which are worth almost as much as the money. The bill is defended on three grounds. First, it will promote the national wealth; second, the national safety; third, justice requires it: the last is fully relied on.

To show that the fishery will increase the wealth of the nation, it cannot be improper to mention its great value. The export before the war brought more than a million of dollars into this country; probably it is not less at present, and no small part in gold and silver. It is computed that thirty thousand persons, including four thousand seamen, subsist by it. Many say, very composedly, if it will not maintain itself, let it fall. But we should not only lose the annual million of dollars which it brings us, an immense capital would be lost. The fishing towns are built on the naked rocks, or barren sands, on the side of the sea. Those spots, however, where trade would sicken and die—which husbandry scorns to till—and which Nature seems to have devoted to eternal barrenness, are selected by industry to work miracles on. Houses, stores, and wharves, are erected, and a vast property created, all depending on this business. Before you think it a light thing to consign them to ruin, see if you can compute what they cost; if they outrun your figures, then confess that it would be bad economy, as well as bad policy, to suffer rival nations to ruin our fishery. The regulations of foreign nations tend to bring this ruin about. France and England equally endeavor, in the language of the Secretary of State, to mount their marine on the destruction of our fishery. The fishers at Newfoundland are allowed liberal bounties by the English Government; and, in the French West Indies, we meet bounties on their fish and duties on our own, and these amount to the price of the fish. From the English islands we are quite shut out; yet such is the force of our natural advantages, that we have not yielded to these rivals. The Secretary of State has made these statements in his Report.

The more fish we catch the cheaper; the English fish will need a greater bounty; whereas if we should yield, the English would probably need no bounty at all; they would have the monopoly. For example; suppose the English can fish at two dollars the quintal—we catch so much that we sell at one dollar and two-thirds: the loss to them

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is one-third of a dollar on each quintal. They increase our fishery, a greater and a greater bounty is needed by foreign nations. The contest so painfully sustained by them must be yielded at last, and we shall enjoy alone an immense fund of wealth to the nation, which Nature has made ours; and though foreigners disturb the possession, we shall finally enjoy it peaceably and exclusively. If the lands of Kentucky are invaded, you drive off the invader; and so you ought. Why not protect this property as well? These opinions are supported by no common authority. The State of Massachusetts having represented the discouragements of the fishery, the subject has received the sanction of the Secretary of State; he confirms the facts stated in the petition; he says it is too poor a business to pay anything to Government.

Yet, instead of asking bounties, or a remission of the duties on the articles consumed, we ask nothing but to give us our own money back, which you received under an engagement to pay it back, in case the article should be exported. If nothing was in view, therefore, but to promote national wealth, it seems plain that this branch ought to be protected and preserved; because, under all the discouragements it suffers, it increases, and every year more and more enriches the country, and promises to become an inexhaustible fund of wealth.

Another view has been taken of the subject, which is drawn from the naval protection afforded, in time of war, by a fishery. Our coasting and foreign trade are increasing rapidly; but the richer our trade becomes, the better prize to the enemy: so far from protecting us, it would be the very thing that would tempt him to go to war with us. As the rice and the tobacco planter cheerfully pay for armies, and turn out in the militia to protect their property on shore, they cannot be so much deceived as to wish to have it left unprotected when it is afloat; especially when it is known that this protection, though more effectual than the whole revenue expended on a navy could procure, will not cost a farthing; on the contrary, it will enrich while it protects the nation. The coasters and other seamen, in the event of a war, would be doubly in demand, and could neither protect themselves nor annoy the enemy to any considerable degree; but the fishermen, thrown out of business by a war, would be instantly in action. They would, as they formerly did, embark in privateers; having nothing to lose, and everything to hope, they would not dishonor their former fame. Their mode of life makes them expert and hardy seamen. Nothing can be more adventurous. They cast anchor on the banks, three hundred leagues from land, and with a great length of cable ride out the storms of winter. If the gale proves too strong they often sink at their anchors, and are food for fish which they came to take; forever wet, the sea almost becomes their element. Cold and labor, in that region of frost, brace their bodies, and they become as hardy as the bears on the islands of ice: their skill and spirit are not inferior: familiar with danger, they

despise it. If I were to recite their exploits, the theme would find every American heart already glowing with the recollection of them; it would kindle more enthusiasm than the subject has need of. My view is only to appeal to facts, to evince the importance of the fishery as a means of naval protection. It is proper to pass over Bunker's Hill, though memorable by the valor of a regiment of fishermen; nor is it necessary to mention, further, that five hundred fishermen fought at Trenton.

It is known, that the privateers manned by fishermen, in want of everything, not excepting arms, which they depended on taking from their enemies, brought into port warlike stores of every kind, as well as every kind of merchandise sufficient for the army and the country: the war could not have been carried on without them. Among other exploits almost beyond belief, one instance is worth relating: these people, in a privateer of sixteen guns, and one hundred and fifty men, in one cruise, took more than twenty ships, with upwards of two hundred guns, and nearly four hundred men. The privateers from a single district of Massachusetts, where the fishery is chiefly seated, took more than two thousand vessels, being one-third of the British merchant vessels, and brought in near one thousand and two hundred. An hundred sail of privateers, manned by fishermen, would scour every sea in case of a war.

Some gentlemen think of a navy: but what navy could do more? What nation would provoke a people so capable of injuring them? Could fifty ships of the line afford more security? and yet this resource of the fishery, always ready, always sufficient, will cost nothing. The superior naval force of our foes should not discourage us; our privateers would issue like so many swordfish to attack the whale. I leave these observations to their weight, and forbear to press them further; strong as I think them, I rest my support of the bill on another ground. I will only ask whether you will oppress, if you will not encourage them? Whether, if you will not give them the money of the public, you will partially seize their own? This is all they ask. If your policy demands for them so much, will your justice deny them so little?

I have repeatedly asserted that the bill will not cost the public a farthing; you only take the money which the fishery brings into the Treasury for the salt duty, and pay the same, or a less sum, back in bounties, instead of a drawback on the exportation of the fish. Here I rest the argument. Before I adduce my proofs, I cannot forbear to lay open the state of my mind. I rely on the truth of the facts I propose to offer. I rely on the proof of them, being as near demonstration as the nature of the case will admit. I make no doubt of the good sense and good intentions of the gentlemen whom I wish to convince; and yet I am sorry to say I am far from being sanguine in the hope of gaining a single vote for the bill. I will explain my meaning, and then I think no gentleman will take exception at it. This debate depends on calculation. In print or writing, or in private conversation, figures have the advantage of every

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other mode of investigation: the mind is fixed to a point, and made to perceive it clearly. But in public debate it is otherwise. Figures not only disgust attention, but, as the mind cannot carry them along, they confound it; they make a plain thing look mysterious, and bring it into suspicion. When I ask of the Committee a hearing, and it is granted, I get nothing: I want a close attention; and I have to beg, and earnestly too, that gentlemen will not trust their first opinions and vote against the bill, without condescending to receive and to weigh the facts and calculations of its advocates.

The first question is, how much does Government receive by the duty on the salt used in curing the fish which is exported? The quantity of fish must be known. Several ways of information are to be explored. The Secretary of State supposes the fish of 1790 to be 354,276 quintals. A Treasury return of fish exported from August 20, 1789, to September 30, 1790, which is thirteen and one-third months, is 378,721 quintals. For a year, equal to 340,849 quintals.

Foreign dried fish imported from August 15, 1789, to August 1790, 3,701 quintals; five per cent. drawback thereon is only three hundred and ten dollars, at one dollar and sixty-six cents per quintal. Mr. GILES is mistaken in supposing that foreign fish deducts \$16,000 from our estimate. Return of fish in seven months, from May 30, to December, 1790, exported, all fish of the United States, 197,278 quintals; which, for a year, is 338,184 quintals. The medium may be fairly taken for the time past at 340,000 quintals a year.

Six gentlemen of Marblehead certify, that 5,043 hogsheads, or 40,344 bushels of salt were used on 38,497½ quintals; which, for 340,000 quintals, gives 356,200 bushels. The duty, at twelve cents, is \$42,744, which Government receives. But the charge to the United States is, at thirteen and a half cents per quintal - \$45,900. Whereof the fishery receives ten cents - \$34,000 on each quintal exported

Charges as the law stands - 11,900. Further, this is but an estimate made up from what the last year proved. The next may be very different, and probably it will be. If more money should be demanded than \$44,000, we must not be accused of misleading Congress. But in that case an increase would be made by law; for the more fish is exported the more thirteen and a half cents must be paid; so that the bill creates no burden in that way. But the increase of the export of fish will probably operate in favor of Government. For it is known that the economy, skill, and activity of the fishery are making progress. Its success has progressed. The more fish to a vessel, the cheaper the allowance on the tonnage. Therefore, the tonnage of vessels will not increase in a ratio with the increase of the fish.

The very objections prove this. For they deem the encouragement too great. But any encouragement must have the effect. The difference of the agreements for distributing the fish according to the present practice, or by

this bill, makes a great one in the quantity taken. The bill reforms the practice in this point. Marblehead vessels take less than those from Beverly. The former throw the fish into a common stock, which is afterwards divided upon a plan very unfriendly to exertion. A man works for the whole—perhaps twelve hours, and they take about eight hundred quintals to a vessel. But in Beverly, the exertion is as great as can be made; eighteen hours a day, because each man has what he catches, and they catch eleven hundred quintals.

Marblehead seamen sailing from other towns, and dividing as last mentioned, which the bill establishes, seldom fail to catch two or three hundred quintals more than vessels and men from Marblehead on the first plan. Accordingly, I assert on good authority, that the increase in Marblehead only may be computed at fifteen thousand quintals, merely in consequence of the reform by the bill. The best informed persons whom I have consulted, entertain no doubt that the export in case the bill should pass, would not be less than four hundred thousand quintals, probably more; but at four hundred thousand quintals, it would add seven thousand two hundred dollars more to the salt duty; a sum more than equal to any estimate of the actual tonnage, or any probable increase of it - \$42,744 - 7,200

Salt duty on 400,000 quintals - 49,944. Other facts confirm the theory, that skill and exertion are increasing in this business.

In 1775, 25,000 tons, 4,405 seamen. Fish sold for \$1,071,000. In 1790, three-fourths of the seamen and three-fourths of the tonnage take as much fish. It is owing to this that our fishery stood the competition with foreign nations.

Finally, the average in future may be relied on not to be less than 350,000 quintals.

Salt duty on which - \$43,944. Bounties - 44,000.

Wanted - 56. The calculation first made will answer the purpose.

340,000 quintals pay salt duty - \$42,744. Tonnage bounty - 44,000.

Wanted - 1,256. This is the mighty defect. Observe the authentic return of the export of fish may be, and we can almost prove it to be, below the future export. Whereas to banish all doubt we go to the top of the scale for the tonnage, we take what we know to be the utmost. This we might have represented more favorably if we had chosen to conceal any thing. But even this will answer our purpose.

For two hundred tons are wanting in the estimate of the bounties, being nineteen thousand eight hundred, not twenty thousand, which will take off one third of the deficient sum.

The tonnage over sixty-eight, which receives nothing, is not mentioned; and which probably is not less than another third.

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The boats under five tons though trifling are to be noticed—they receive nothing.

But, above all, the chances of non-compliance with the regulations are in favor of the remainder of the twelve hundred and fifty-six dollars being stopped. Boats may not get twelve quintals to the ton, or vessels may have their voyages broken up, and not stay four months on the fishing ground, in either case they would receive nothing. Take all these together, is it not to be doubted that twelve hundred and fifty-six dollars will remain of the forty-four thousand in the Treasury?

But these are trifles which I cannot believe gentlemen are anxious about.

For the event cannot be reduced to a certainty. What quantity of fish will be exported, no man can tell now. But as Government may receive more than it will pay, the chance may turn the other way, and it may have to pay a few hundred dollars more than it will have received. We have seen that the chance is most in favor of Government. But one chance must balance the other. This answer is sincerely relied on as a good one.

I barely mention that the wear of cordage, cables, sails, and anchors, is very great. These articles on being imported, pay duties. So that it is probable the extra duty paid by the fishery on their extra consumption, will over balance any little sums supposed to exceed in the bounty.

It has been asked, as if some cunning was detected, why if the money received in the Treasury to pay the drawbacks is equal to the proposed bounties, a further appropriation should be made? This cunning question admits of several very simple answers.

The bill being for seven years, the average product is the proper sum to be calculated. But the three first years may fall short of the bounties, say two thousand dollars a year, which is six thousand dollars.

The four last may exceed two thousand dollars, say eight thousand dollars.

Shall a poor fisherman wait for the whole, or if he takes his part according to the money in the Treasury—for a twenty-fourth part of the bounty on his vessel, from 1792 to 1795?

2d. This delay would happen after a bad year, the very time when he would most need prompt pay.

3d. But fish taken this year will not be exported till December next. Therefore the money will not be stopped by the drawback as the law stands, till six months after.

A substitute has been proposed for the clause, to appropriate the drawback only.

This is absolutely improper. For the ten cents allowed as drawback is but a part of the duty paid on salt. It is not easy to see any reason why a part stopped at the Treasury should be equal to the whole paid there long before. The drawback falls near nine thousand dollars short of the salt duty received by the Government. The expense of the drawback would be very heavy and useless.

Nor may gentlemen apprehend that Government, by paying next December, will advance money to the fishery. The salt duty will have

been paid, and Government will have the use of the money many months before the fishermen will have a right to call for the bounties.

It is left to the candor of the gentlemen who have urged this objection, whether a better or further answer is desired.

After having laboriously gone through the estimate of the probable export of fish, it will not be necessary to be equally minute as to the quantity or kind of vessels which are to receive the bounty.

The estimate we believe to be very high. That it is high enough, we suppose very probable from the estimate of the Secretary of State, which is only nineteen thousand one hundred and eighty-five tons.

This mode of paying the bounty on the tonnage is very simple and safe. The measurement is already made and costs nothing; and as it was made to pay a duty on tonnage, we are very sure that Government will not be cheated by an over-measure. The mode of paying the drawback, as the law now stands, is expensive, perplexed and embarrassing; liable to frauds and delays.

This intricate and disgusting detail of calculations was necessary to satisfy the Committee that each of the three grounds of defence on which the bill rests, is tenable.

Instead of impoverishing the nation by scattering the treasures of the whole to benefit a part, it appears that we are preserving mine of treasure. In point of naval protection, we can scarcely estimate the fishery too highly. It is always ready, always equal to the object; it is almost the only sufficient source of security by sea. Our navigation is certainly a precious interest of the country. But no part of our navigation can vie with the fishery in respect to the protection it affords. There is no point which regards our national wealth or national safety, in respect to which it seems practicable to do so much with so little.

We rely on the evidence before you, that the public will not sustain the charge of a dollar. Those ought not to doubt the evidence who cannot invalidate it. If then the fishermen ask you to restore only their own money, will you deny them? Will you return to every other person exporting dutied goods the money he has paid, and will you refuse the poor fisherman?

If there must be an instance of the kind, will you single out for this oppressive partiality, that branch which is described by the Secretary of State as too poor even to bear its own part of the common burden? That branch which nevertheless has borne the neglect of our nation, and the persecution of foreign prohibitions and duties. A branch which, though we have received much and expect more, both of money and services, urges no claims but such as common justice has sanctioned.

Mr. GERRY having moved to strike out the words "bounty allowed" in order to insert *allowance made*, by way of accommodation,

Mr. MURRAY observed, that the question was, whether a bounty should be given for the encouragement of the fishery: the amendment proposed by the gentleman from Massachusetts [Mr. GERR-

ay] did not alter the principle—it was still “the old cocked hat” on the one hand, and on the other, “the cocked old hat.” The gentleman from Pennsylvania [Mr. Fitzsimons] had asserted, that Congress have a right to alter the drawbacks, and allow them in any other mode, by which the citizens may receive back their own money; but this is not a case of that nature; for the bill says, “in case the moneys appropriated (for the payment of the duties) shall be inadequate, the deficiency shall be supplied from the Treasury;” here the Treasury is pledged for the payment of the bounties; and the question is, not on the principle of changing the drawback, but the giving encouragement to a particular branch, at the expense of the community at large.

Mr. BARNWELL observed, that those who are best acquainted with the fisheries, look on the proposed mode of encouragement as the best; and that they ought to be allowed to use the gifts of the public in the most advantageous manner: that, if he himself were concerned in the cultivation of any particular commodity, for the encouragement of which a sum were granted, he would be much surprised to meet a refusal, in case he should come forward, and propose some more effectual mode of applying that grant: that even if the bounties should happen to exceed the drawbacks, by eight or ten thousand dollars, the number of seamen to be maintained would be well worth that sum: that whenever the two Houses of Congress and the President of the United States are of opinion that the general welfare will be promoted by raising any sum of money, they have undoubted right to raise it, provided that the taxes be uniform; that although it may not at present be an object of great consequence to America to become a maritime power, yet it is of some importance to have constantly at hand a nursery of seamen, to furnish our merchants with the means of transporting their commodities across the sea; that whatever allowance or bounty is granted upon any particular commodity, must ever be paid by the whole, for the advantage of a part, whether it be upon cotton to the Southward, upon fish to the Eastward, or upon other commodities to the middle States; that, if the people cannot have so much confidence in their Representatives, as to trust them with the power of granting bounties, the Government must be a very paltry one indeed. The object of the bill was only to allow to the fishermen, in the manner that would be most beneficial to them, the same sum, that would otherwise be allowed. If, however, from time and experience, it should appear that this bounty proved an imposition on Government, he would not hesitate to revoke it.

Mr. GERRY.—The State of Massachusetts asks nothing more than equal justice. We do not come forward to request favors from the United States; we only wish that the same system which is applied to other parts of the Union, may be applied to us. But, in examining this question, we wish that gentlemen would not make distinctions which will not admit of a difference.

The proposed allowance has been called a bounty on occupation, and is said to be very different from

that encouragement, which is the incidental result of a general commercial system; but in reality it is no bounty: a bounty is a grant, made without any consideration whatever, as an equivalent; and I have no idea of a bounty, which admits of receiving from the person, on whom it is conferred, the amount of what is granted. We have imposed a duty on salt, and thereby draw a certain sum of money from the fishermen: the drawback is, in all instances, the amount of the money received; this is all we ask; and we ask it for a set of men who are as well entitled to the regard of Government as any other class of citizens.

It has been supposed, that the allowance, made to the fishermen, will amount to a greater sum than the drawback on the exportation of the fish; but I think it has been clearly shown that this will not be the case: on the contrary, it is presumable, that the drawback on the fish would on the whole exceed the sum which is proposed to be allowed to the fishermen; sometimes it might be more, sometimes less. The calculation is made on general principles; and it is impossible to calculate to a single cent: the quantity of salt to be expended on the fish, cannot be minutely ascertained; but this was not heretofore considered as a sufficient reason why Congress should refuse to allow the drawback; they allowed it, though in a different shape. It is now proposed to make a further commutation: gentlemen call this a bounty on occupation; but is there any proposition made for paying to the fishermen, or other persons concerned in the fishery, any sums which we have not previously received from them? If this were the case, it would indeed be a bounty; but if we beforehand receive from them as much as the allowance amounts to, there is no bounty granted at all.

If, however, it really was a bounty on occupation, it would after all be only an indulgence similar to what has been granted to the landed and agricultural interest. We have laid on hemp a duty of fifty four cents per hundred weight; and on beer, ale, and porter, five cents per gallon. Now, I ask gentlemen, whether the professed design of those duties was to raise a revenue, or to prevent the importation of those articles? they were laid for no other purpose, than to prevent foreigners from importing them, and thereby to encourage our own manufactures; and was not that encouragement a bounty to the persons concerned in producing such articles in this country? If the duties had not been laid, the importer could sell much cheaper than he now can; and the landed interest would be under a necessity of selling cheaper in proportion. If those prohibitory duties operate as a bounty in favor of raising hemp, and of brewing beer, ale, and porter, I ask, whether, if a bounty were proposed on every quintal of fish, it might not, with the same propriety, be granted? If we have not a right to grant a bounty in the one case, we have as little right to grant it in the other.

A calculation has been offered to show that the proposed allowance will exceed the amount of the present drawbacks, by ten thousand dollars a year; but that calculation has been proved to

be erroneous. Suppose, however, that this was the fact, what comparison is there between such a tax on the citizens of the United States, and the tax borne by the citizens of Massachusetts, for the defence of the Western frontier? A commercial war is waged against the American fisheries, by foreign nations, who lay heavy duties on the American fish, and apply the produce of those duties in bounties to their own fishermen; and their fisheries being less extensive than ours, the duty thus imposed on our fish, and bestowed in bounties to their vessels, operate in a two-fold proportion to the discouragement of our fishermen, and the encouragement of theirs.

I wish to know on what principle gentlemen can expect, that the citizens of Massachusetts should contribute two hundred thousand dollars, or perhaps a greater sum, for the protection of the Western frontier against the Indians, when no contribution is made to support the commerce of Massachusetts, which, without this support, will be as effectually ruined, as if their vessels were captured by an enemy. The principle is carried farther with respect to the protection of the frontier: we have voted large sums as presents to the savages, to keep them friends to the Frontier settlers: there is, however, no clause in the Constitution that will authorize a measure of this kind: it is true, indeed, we have a power to regulate trade and commerce with the Indian tribes; but does that give us a power to render the United States tributary to the savages? and if we make them such grants every year, do we not in fact become tributary to them?

The gentleman from Virginia [Mr. Giles] says, that although this plan of encouraging the fisheries may be wise policy in Britain, as being on all sides surrounded by the sea, yet the United States will not equally find their account in pursuing the same plan. The State of Virginia is, in point of exposure from the sea, very differently circumstanced from the State of Massachusetts: we have a vast extent of country, four hundred and fifty miles along the coast, exposed: the citizens of all the towns along the coast are obliged to pursue marine occupations; and I hope the gentleman does not wish that the country should be depopulated, and the inhabitants driven off to settle the Western territory.

The State of Virginia is very happily circumstanced with respect to a marine war: should such an event take place, that State is pretty secure from depredations; but when we consider how much the inhabitants of Massachusetts are exposed in a case of that kind, we ought to look forward, and make some provision for their defence: they have as good a right to expect that Government will make some arrangements for their protection, as that they shall be obliged to contribute for the defence of the Western frontier.

But their commerce, it seems, must not be supported! Taxes however must be laid: and those taxes applied to encourage the farmer, and to bribe the Indians into peace! Is this fair? Is this pursuing a liberal system of politics? Will this reconcile the minds of our people to the General Government? If so reasonable a proposition be

neglected by the House, it will convince the citizens of that State, that it is the object of Government to destroy their commerce, and to make them entirely dependent on the agricultural interest.

Here Mr. GERRY read a statement, to show the diminution of the revenue in consequence of the failure of the fisheries; and added,

To support the fishery, is to support the revenue: by that staple, the citizens of Massachusetts are enabled to pay the revenue that is expected from them: and, by an attempt to save ten thousand dollars, Government will probably sacrifice a hundred thousand; and besides, lose the confidence of the citizens of that State.

The only question now is, whether this be a direct bounty, or simply a commutation of the allowance already granted by Congress? If the latter be the case, I can see no reason why we should refuse our assent to a proposition, which is only calculated to do justice to the people concerned, and to give encouragement to a very important branch in the United States; especially as the proposition will even have a tendency to increase the revenue.

Mr. WILLIAMSON.—It has been urged with great propriety, in favor of the bill now submitted to our consideration, that the operation of our laws should in all cases tend to encourage useful industry; that while we are giving back the duties on all other foreign goods which are exported, it would be unjust and cruel to refuse a full drawback of the duties on salt which may be exported, especially when the circumstances of its exportation are attended with an increase of riches and strength to the nation. Impressed as I am with the force of these arguments, and desirous as I am to protect and encourage the native seamen of America, by all prudent, practicable, and constitutional means, I shall nevertheless find it my duty to vote for striking out the first section of the bill, because it proposes to give a bounty for the encouragement of the vessels employed in the fisheries.

We have been told that the name is improper; that it is simply a drawback of the duty upon salt; and gentlemen have produced a very ingenious calculation, by which they attempt to prove, that in some years it may happen that the whole duty on the salt will not be repaid; but they admit that in some years the drawback or bounty will exceed the duty. It is certainly their opinion—and in this we are perfectly agreed—that the money to be paid will be more than that received, else there had been no use for so large an appropriation. We shall not trouble the Committee with calculations on this subject. It is conceded, that the encouragement to be given, probably will exceed the full drawback of the duty on salt. In other words, a douceur or a proper bounty is to be given: let us call it one thousand dollars per annum. Is it within the powers of this Congress to grant bounties? I think not; and on this single position I would rest the argument.

In the Constitution of this Government there are two or three remarkable provisions, which seem to be in point. It is provided, that direct

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taxes shall be apportioned among the several States according to their respective numbers. It is also provided, that all duties, imposts, and excises, shall be uniform throughout the United States; and it is provided, that no preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another. The clear and obvious intention of the articles mentioned was, that Congress might not have the power of imposing unequal burdens; that it might not be in their power to gratify one part of the Union by oppressing another. It appeared possible, and not very improbable, that the time might come, when, by greater cohesion, by more unanimity, by more address, the Representatives of one part of the Union might attempt to impose unequal taxes, or to relieve their constituents at the expense of other people. To prevent the possibility of such a combination, the articles that I have mentioned were inserted in the Constitution. Suppose a poll-tax should be attempted; suppose it should be enacted that every poll in the Eastern States shall pay a tax of half a dollar, and every poll in the Southern States should pay a tax of one dollar. Do you think we should pay the tax? No, certainly. We should plead the Constitution, and tell you that the law was impotent and void.

But we have been told, that Congress may give bounties for useful purposes; that is to say, they may give bounties for all imaginable purposes; because the same majority that votes the bounty will not fail to call the purpose a good one. Establish the doctrine of bounties, and let us see what may follow. Uniform taxes are laid to raise money, and that money is distributed—not uniformly; the whole of it may be given to the people in one end of the Union. Could we say, in such a case, that the tax had been uniform? I think not. There is certainly a majority in this House who think that the nation would be stronger and more independent, if all our labor was performed by free men. This object might be promoted by a bounty. Let a poll-tax be laid, according to the Constitution, of one dollar per poll: in this case, sixty cents must be paid for each slave; and the number of slaves being 680,166, their tax would amount to \$334,911. To encourage the labor of citizens, let Congress then give an annual bounty of one dollar to every free man who is a mechanic, or who labors in the field. We might be told that the bounty was small, and the object was good; but the measure would be most oppressive, for it would be a clear tax of rather more than three hundred thousand dollars on the Southern States.

Perhaps the case I have put is too strong—Congress can never do a thing that is so palpably unjust—but this, sir, is the very mark at which the theory of bounties seems to point. The certain operation of that measure is the oppression of the Southern States, by superior numbers in the Northern interest. This was to be feared at the formation of this Government, and you find many articles in the Constitution, besides those I have quoted, which were certainly intended to guard us against the dangerous bias of interest, and the power of numbers. Wherefore was it provided

that no duty should be laid on exports? Was it not to defend the great staples of the Southern States—tobacco, rice, and indigo—from the operation of unequal regulations of commerce, or unequal indirect taxes, as another article had defended us from unequal direct taxes?

I do not hazard much in saying, that the present Constitution had never been adopted without those preliminary guards in it. Establish the general doctrine of bounties, and all the provisions I have mentioned become useless. They vanish into air, and like the baseless fabric of a vision, leave not a trace behind. The common defence and general welfare, in the hands of a good politician, may supersede every part of our Constitution, and leave us in the hands of time and chance. Manufactures, in general, are useful to the nation; they promote the public good and general welfare. How many of them are springing up in the Northern States? Let them be properly supported by bounties, and you will find no occasion for unequal taxes. The tax may be equal in the beginning—it will be sufficiently unequal in the end.

We are told, that a nursery of seamen may be of great use to the nation, and the bounty proposed is a very small one. These, sir, are the reasons why I have marked this as a dangerous bill; the most dangerous innovations are made under these circumstances. To begin with a great bounty would be imprudent, and to give a small bounty for a doubtful purpose, might deserve a worse epithet. Half a million of dollars per annum would have been too much for a beginning, and perhaps a bounty on the use of sleighs, though they are convenient for traveling in winter; or a bounty on stone fences, though they are durable, would not at this time be prudent. The object of the bounty, and the amount of it, are equally to be disregarded in the present case; we are simply to consider whether bounties may safely be given under the present Constitution. For myself, I would rather begin with a bounty of one million per annum than one thousand. I wish that my constituents may know whether they are to put any confidence in that paper called the Constitution.

You will suffer me to say, that the Southern States have much to fear from the progress of this Government, unless your strength is governed by prudence. The operation of the funding system has translated at least two millions of dollars from the Southern States, that is to say, from Georgia, the Carolinas, and Virginia, to the Northern States. The interest of that sum, when it shall be six per cent, will be \$120,000; but the quota of those States is at least one-third of the whole; whence it follows, that they must pay forty thousand dollars every year, in the form of interest to the Northern States. This, it seems, is not sufficient, and other measures are to be adopted for draining the Southern States. Bounties to promote the general welfare are already brought forward. We shall not hear of a bounty for raising rice, or preparing naval stores. If that was the question, the general welfare would not have such prominent features. Unless the South-

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ern States are protected by the Constitution, their valuable staples, and their visionary wealth, must occasion their destruction. Three short years has this Government existed—it is not three years—but we have already given serious alarms to many of our fellow-citizens. Establish the doctrine of bounties, set aside that part of the Constitution which requires equal taxes and demands similar distributions, destroy this barrier, and it is not a few fishermen that will enter, claiming ten or twelve thousand dollars, but all manner of persons—people of every trade and occupation—may enter at the breach, until they have eaten up the bread of our children.

Perhaps I have viewed this project in too serious a light; but if I am particularly solicitous, on the subject of finance, that we do not even seem to depart from the spirit of the Constitution, it is because I wish that the Union may be perpetual. The several States are now pretty well relieved from their debts, and our fellow-citizens in the Southern States have very little interest in the national funds; press them a little with unequal taxes, and the remedy is plain.

While I would shun bounties, as leading to dangerous measures, I am not inattentive to every argument that has been advanced by the honorable member who first rose in defence of the bill. That gentleman tells us, that more than a bushel of salt is used in curing a quintal of fish. If this fact be established, the former act should be amended, by giving a greater drawback. He says the drawback, as it is now paid to the merchant, does not operate so as to encourage the seamen, who have most need of such assistance. This is very probable, and the parties may be relieved by dividing the drawback in the very manner that is proposed by the bill. If it is true that the proposed bounties will not exceed the average of the drawback that should be paid on salt, why do they contend about names, unless they are solicitous about the precedent? If our object is to encourage industry, and to increase our commerce, by sending fish to a foreign market, we must adhere to the drawback; for, according to the terms of the bill, the bounty is to be paid, though every fish that is caught should be consumed in the country; in which case we should be paying a visionary drawback, when nothing was exported. According to the terms of the bill, there is no proportion between the labor and the reward, so far as the bank fishery is concerned; the bounty in all cases being the same.

Having exercised your patience in objecting to this new system of bounties, and having hinted on some objections to the general operations of the bill, so far as industry and enterprise may be desired, I shall, in a few words, submit the outline of a plan that seems to comprehend all the useful parts of the bill, without any speculation upon bounties.

If the drawback on dried fish exported, is not equal to the duty on the salt used in curing such fish, let the drawback be increased to eleven cents or twelve cents, as the case may be. Let us suppose that the drawback for the next year will be equal to the drawback on the last year; and let

that sum of money, being the expected drawback, be divided between the seamen and owners, according to the terms of the bill. The accounts must be made up annually. If the drawback exceeds the allowance that had been made, the difference will be considered as advanced to the fishery, and the allowance for the next year must be somewhat reduced, according to the actual amount of the drawback. If the fishermen are more fortunate or more active, and the exports are increased, the allowance for the next year must be raised. The rule being fixed by law, all that remains, being pure calculation, may be done from year to year by the Executive. Every important object of this bill, that has been presented to our view, may be obtained by safe and constitutional steps. Why should a man take a dangerous and a doubtful path, when a safe one presents itself? If nothing more is desired than to regulate and protect the fishery, the bill may be altered and accommodated to that purpose. If the theory of bounties is to be established, by which the Southern States must suffer while others gain, the bill informs us what we are to expect.

The Committee now rose, without taking any question.

MONDAY, February 6.

A member from Maryland, to wit: JOHN FRANCIS MERCER, returned to serve in the room of WILLIAM PINKNEY, resigned, appeared, and took his seat in the House.

A petition of the tanners of the town of Newark, in the State of New Jersey, was presented to the House and read, stating the inconveniences they suffer from the erection of mills for the purpose of grinding tanners' bark for exportation, and praying that Congress will adopt such measures for their relief as may appear just and right. Ordered to lie on the table.

THE COD FISHERIES.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod-Fisheries, and for the regulation and government of the fishermen employed therein."

Mr. GOODHUE.—The gentleman last up [Mr. WILLIAMSON] says, that an appropriation of money being made by the bill now before us, and the Treasury standing pledged for the payment, therefore a direct bounty is granted. At present, we pay in drawbacks about \$45,000; but we cannot say that this sum will be adequate to the payment of the drawbacks next year; for, if a greater quantity of fish be taken, a greater sum, of course, must be allowed; and, as the sum depends entirely on the quantity of fish, it is impossible to ascertain beforehand the precise amount. There is not, however, in the whole bill, anything of a bounty, except the bare name. The gentleman allows that we may commute the present drawbacks, and give them to the fisherman instead of the merchant; but it is impossible to do this with safety in any other mode than that pointed out in the

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bill. Shall we leave it to the fisherman, to be determined by his oath? This would not be advisable.

The plan proposed is a much less exceptionable one. It is founded on a calculation that a certain quantity of tonnage is employed in taking a certain quantity of fish. On this calculation the allowance is apportioned to the tonnage. If gentlemen think the allowance too high, let the sum be reduced; but let it not be stigmatized as a bounty. It is no such thing. The word "bounty" is an unfortunate expression, and I wish it were entirely out of the bill.

Mr. LIVERMORE.—The bill now under consideration has two important objects in view. The one is, to give encouragement to our fishermen, and, by that encouragement, to increase their numbers; the other is to govern those fishermen by certain laws, by which they will be kept under due restraint. Both these objects are of great importance to such persons as choose to employ their capitals in the fishery business. And I believe it will not be disputed that the business itself is of considerable importance to the United States, inasmuch as it affords a certain proportion of remittance or exportation to foreign countries, and does not impoverish the country, but enriches it by the addition of so much wealth drawn from the sea.

It is the object of those gentlemen who favor the bill that the fishermen should have some encouragement, not given to them at the expense of the United States, but directed to them out of what was in the former law, called a drawback of the duty on salt. The calculation, as I understand it, has been made as nearly as possible to give that drawback, not to the merchants who export the fish, but to the fishermen who take it, in order to increase that description of men, without whose assistance it is vain to expect any benefit from the fisheries; for, if the merchants at present engaged in that branch possessed the whole capital of the United States, yet, if they cannot get fishermen, they cannot carry on the fishery. This is done by a particular class of men, who must be not only expert seamen, but also accustomed to taking the fish and curing it. If these men cannot be had, the capital cannot be employed, and those who undertake the business cannot carry it on, or reap any profit from it.

Whilst the drawback is payable only to the merchant who exports the fish, it is impossible to convince the fishermen that they reap from it any advantage whatever; or, if the more discerning among them do perceive any advantage in it, the others who are not so clear-sighted cannot discern it, and are therefore not disposed to undertake the business. It is, however, of considerable importance to the merchants that the fisherman should receive a proper encouragement, even if they were obliged to allow him a bounty out of their own pocket.

The government of the fishermen, after their engagement in this business, is also necessary to be provided for; otherwise, frequent instances may occur among that class of men of quitting one vessel to embark on board another, or of shipping

themselves for a foreign voyage, before the expiration of the fishing season. In the latter case, the vessel lies useless on the owner's hands, and he, together with the whole expense of the outfit, loses all his prospects of future gain.

The two objects here mentioned are fully provided for in the bill. Still, however, it is objected to. But what is the objection? It is, that the word "bounty" is twice used in this clause. Let us now see what advantage will result from striking out this obnoxious "bounty." None at all. The bill says it shall cease; and have gentlemen any objection to the bounty's ceasing? Since the bounty is to cease by this bill, what advantage in striking it out? The sense would still remain the same; and I do not know why we should make a law expressly to strike out the word "bounty," but to strike out the bounty itself.

It is strange to me that any gentleman, whether he is giving a great bounty or no bounty at all, should quarrel with this unfortunate word. There is, indeed, one part of the section which I will readily consent to strike out, and I believe every other gentleman who is in favor of the bill will consent to it likewise; and that is the clause which provides that the bounty to be allowed and paid on every vessel, for one season, shall not exceed one hundred and seventy dollars. If, when the vote is taken on the section, there does not appear a majority of the House in favor of striking out the whole, we may then move for striking out the *proviso*, if it be offensive to any gentleman. If it be not offensive, it may remain.

If gentlemen are disputing only because the word "bounty" is in the bill, they may be perfectly relieved from their uneasiness on that score; for the bill expressly says, "that the bounty now allowed upon the exportation of dried fish of the fisheries of the United States shall cease, and, in lieu thereof," a different kind of encouragement is to be given. Here is no reason to dispute about a word. If gentlemen are disposed to consent to the principle of the bill, that the drawback of the duties on salt shall be commuted for a certain sum, to encourage the fishermen, they will vote in favor of the bill; if not, they will vote against it. But it is impossible for me to conceive why any gentleman under Heaven should be against it. It is only fixing, for the merchants engaged in this branch, a clear and equitable ratio for distributing among the fishermen that encouragement which they think necessary in order to attach those people to the business, and to prevent them from going to other occupations on land. The bill is an important one, and will increase that branch of business, which is very useful to the community. It does not lay a farthing of bounty or duty on any other persons than those who are immediately concerned in it. It will serve them, and will not injure anybody.

Mr. LAURANCE said, from examining the section, he conceived it contemplated no more than what the merchant is entitled to by existing laws. The merchant is now entitled to the drawback; but it is found by experience that the effect has not been to produce that encouragement to the fisher-

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men which was expected; and he presumed the way was perfectly clear to give a new direction to the drawback, and this is all that is aimed at in the bill. He supposed that the clause had no necessary connexion with the question which had been started respecting the right of the Government to grant bounties; but, since the question has been brought forward, it may be proper to consider it. In discussing the question, he inquired, What has Congress already done? Have we not laid extra duties on various articles, expressly for the purpose of encouraging various branches of our own manufactures? These duties are bounties to all intents and purposes, and are founded on the idea only of their conducing to the *general interest*. Similar objections to those now advanced were not made to these duties. They were advocated, some of them, by gentlemen from the Southward. He traced the effects of these duties, and showed that they operated fully as indirect bounties.

Mr. L. then adverted particularly to the Constitution, and observed that it contains *general principles* and powers only. These powers depend on *particular laws* for their operation; and on this idea, he contended that the powers of the Government must, in various circumstances, extend to the granting bounties. He instanced, in case of a war with a foreign Power, will any gentleman say that the General Government has not a power to grant a bounty on arms, ammunition, &c., should the general welfare require it? The general welfare is inseparably connected with any object or pursuit which in its effects adds to the riches of the country. He conceived that the argument was given up by gentlemen in opposition to the bill, when they admit of encouragement to the fishermen in any possible modification of it. He then adverted particularly to the fisheries, stated the number of men employed, the tons of shipping necessary to export the fish taken, and inferred the sound policy of encouraging so important a branch of business.

Gentlemen say that we do not want a navy. Grant it; but can they say that we shall never have a war with any European Power? May not the time arrive when the protection to the commerce of this country, derived from this source, may be of the utmost necessity to its existence? Adverting to Mr. WILLIAMSON's objection from the unequal operation of bounties, and who had referred to the article of the Constitution which says that taxes shall be equal in all the States, Mr. L. observed, that this article in the Constitution could only respect the *rates* of the duties, and that the *same* duties should be paid in Virginia that are paid in New York—at the Northward as at the Southward. It surely could not mean that every individual should pay exactly the same sum in every part of the Union. This was a provision that no law could possibly contemplate.

He concluded by a summary recapitulation of his arguments, and saying he hoped the section would be retained.

Mr. MADISON.—In the conflict I feel between my disposition on one hand to afford every constitutional encouragement to the fisheries, and my dislike on

the other, of the consequences apprehended from some clauses of the bill, I should have forborne to enter into this discussion, if I had not found, that over and above such arguments as appear to be natural and pertinent to the subject, others have been introduced which are, in my judgment, contrary to the true meaning, and even strike at the characteristic principles of the existing Constitution. Let me premise, however, to the remarks which I shall briefly offer, on the doctrine maintained by these gentlemen, that I make a material distinction in the present case, between an allowance as a mere commutation and modification of a drawback, and an allowance in the nature of a real and positive bounty. I make a distinction also, as a subject of fair consideration at least, between a bounty granted under the particular terms in the Constitution, "a power to regulate trade," and one granted under the indefinite terms which have been cited as authority on this occasion. I think, however, that the term "bounty," is in every point of view improper as it is here applied, not only because it may be offensive to some, and in the opinion of others carries a dangerous implication, but also because it does not express the true intention of the bill, as avowed and advocated by its patrons themselves. For if, in the allowance, nothing more is proposed than a mere reimbursement of the sum advanced, it is only paying a debt; and when we pay a debt, we ought not to claim the merit of granting a bounty.

It is supposed by some gentlemen, that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawbacks, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the "general welfare." This, sir, in my mind, raises the important and fundamental question, whether the general terms which had been cited, are to be considered as a sort of capion or general description of the specified powers, and as having no further meaning, and giving no further power than what is found in that specification; or as an abstract and indefinite delegation of power extending to all cases whatever; to all such, at least, as will admit the application of money, which is giving as much latitude as any Government could well desire.

I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite Government, deriving its powers from the general terms prefixed to the specified powers, but a limited Government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.

It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterwards so carefully and distinctly enumerated would be without any meaning, and must go for nothing. It would be absurd

to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd; to say the least, to superadd a power to raise armies, to provide fleets, &c. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers, into a Government without any limits at all.

It is to be recollected, that the terms "common defence and general welfare," as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction, and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered as clear and certain, that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves, whether it ever was supposed or suspected that the old Congress could give away the moneys of the States in bounties, to encourage agriculture, or for any other purpose they pleased? If such a power had been possessed by that body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The novel idea now annexed to these terms, and never before entertained by the friends or enemies of the Government, will have a further consequence, which cannot have been taken into the view of the gentlemen. Their construction would not only give Congress the complete Legislative power I have stated—it would do more—it would supercede all the restrictions understood at present to lie on their power with respect to the Judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever. This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a Judiciary Establishment, with a jurisdiction extending to all cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws and apply money, providing in any other way for the general welfare. I shall be reminded, perhaps, that according to the terms of the Constitution, the Judicial Power is to extend to certain cases only, not to all cases. But this circumstance can have no effect in the argument, it being presupposed by the gentlemen that the specification of certain objects does not limit the import of general terms. Taking these terms

as an abstract and indefinite grant of power, they comprise all the objects of Legislative regulation, as well as such as fall under the Judiciary article in the Constitution, as those falling immediately under the Legislative article; and if the partial enumeration of objects in the Legislative article does not, as these gentlemen contend, limit the general power, neither will it be limited by the partial enumeration of objects in the Judiciary article.

There are consequences, sir, still more extensive, which, as they follow clearly from the doctrine combated, must either be admitted, or the doctrine must be given up. If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything, from the highest object of State legislation, down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House, is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of this Government, as limited to certain enumerated powers, instead of extending, like other Governments, to all cases not particularly excepted. In a very late instance—I mean the debate on the Representation bill—it must be remembered, that an argument much urged, particularly by a gentleman from Massachusetts, against the ratio of one for thirty thousand, was, that this Government was unlike the State Governments, which had an indefinite variety of objects within their power; that it had a small number of objects only to attend to, and therefore that a smaller number of Representatives would be sufficient to administer it.

Several arguments have been advanced to show, that because, in the regulation of trade, indirect and eventual encouragement is given to manufactures, therefore Congress have power to give money in direct bounties, or to grant it in any other way that would answer the same purpose. But surely, sir, there is a great and obvious difference, which it cannot be necessary to enlarge upon. A duty laid on imported implements of husbandry, would, in its operation, be an indirect tax on exported produce; but will any one say, that by virtue of a mere power to lay duties on imports, Congress might go directly to the produce or implements of agriculture, or to the articles exported? It is true, duties on exports are expressly prohibited; but if there were no article forbidding them, a power directly to tax exports could never be deduced from a power to tax imports, although such

a power might directly and incidentally affect exports.

In short, sir, without going further into the subject, which I should not have here touched on at all but for the reasons already mentioned, I venture to declare it as my opinion, that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation, and transmute the very nature of the limited Government established by the people of America; and what inferences might be drawn, or what consequences ensue from such a step, it is incumbent on us all well to consider.

With respect to the question before the House, for striking out the clause, it is immaterial whether it be struck out, or so amended as to rest on the avowed principle of a commutation for the drawback; but as a clause has been drawn up by my colleague, in order to be substituted, I shall concur in a vote for striking out, reserving to myself a freedom to be governed in my final vote by the modification which may prevail.

Mr. BOURNE, of Massachusetts—

Mr. Chairman: I think little can be added after so full a discussion of the subject before you. The object of the first section in this bill is intended for the relief of the fishermen and their owners. They complain that the law now in force was meant for their benefit, by granting a drawback on the fish exported; this they find by experience is not the case, for they say, that neither the fishermen who catch the fish, nor the importer of the salt, receive the drawback; and I rather suppose, sir, it is the case. The owners of the greater part of the fishing vessels are not merchants, neither do they import the salt they consume; but when the fish they take are cured for market, they are sold at the market price; and it frequently happens that those persons who purchase the fish are not the exporters of them, or the importers of the salt, but a third person, who purchases with a prospect of selling them at a profit, is the exporter; and when it so happens, neither the fisherman who catches the fish nor the importer of the salt, receive any benefit from the drawback, unless the purchaser (the third person) give a greater price in contemplation of the drawback, which I think is not to be supposed.

Is it worthy the attention of Government that the cod fishery should be preserved? It appears to me that it is. When we consider the labor and assiduity bestowed on this object by our Ministers, at the settlement of peace between us and Great Britain, and the care then taken to secure this privilege, as appears by the treaty—[here Mr. B. read that part of the treaty which secures to us the fishery, he then proceeded]—and consider the struggle made to deprive us of this inestimable branch of commerce, I cannot suppose that any one would, at this day, voluntarily relinquish it, and suffer Great Britain to monopolize this branch, and supply the Mediterranean, French, and other markets. Great Britain, at present, enjoys a sufficient portion of this commerce, while France is confined to the narrow limits of St. Peters and Miquelon. If we relinquish this branch of the

cod fishery, what is left us? Our whale fishery is nearly at an end, and unless Government speedily interpose, by granting relief, we shall totally lose it. Does not the British Government wish to deprive us of this branch also? Have not letters or agents been sent to the island of Nantucket, as well as New Bedford, where this branch of business is principally prosecuted, inviting the whale fishermen to remove, and offering them permanent settlements at Milford-Haven, at the expense of their Government? This must be viewed as a great encouragement, in addition to their bounties on oil, to a class of poor men employed in that business. If the cod fishery is relinquished, the fishermen have only to remove to the opposite shore of Nova Scotia, where they will find encouragement fully adequate to their services—of all which they are not unapprised. By encouraging this class of men, your revenue will be increased; for in return for the fish exported, you will receive sugar, coffee, cocoa, indigo, molasses, pimento, cotton, dye-woods, rum, wine, salt, fruit, and other articles subject to duty, and consumed in the country. And again, your Treasury will receive an excess by the provision in this bill; for I presume the greater proportion of vessels employed in this business are from twenty to forty tons; the town of Marblehead, perhaps, has principally large ones. Suppose, then, a vessel of thirty tons obtains, in a season, six hundred quintals of fish? (a very moderate voyage indeed,) her tonnage is seventy-five dollars; the drawback on exportation would be seventy-eight dollars; so that your Treasury retains three dollars gain by this bill, which would be a loss on the drawback.

Mr. Chairman, I think, upon the whole, that by granting the encouragement to the fishermen and their owners, held out in the bill, would prove very beneficial to the United States, I hope therefore, the section before you will not be struck out.

At this point, the Committee rose, and had leave to sit again.

TUESDAY, February 7.

Ordered, That the petitions of the tanners of the town of Newark, in the State of New Jersey, which was presented yesterday, be referred to Mr. BOURDINOT, Mr. WHITE, Mr. THATCHER, Mr. BOURNE, of Rhode Island, and Mr. NILES; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BENSON, from the committee appointed, presented a bill for an apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and apportionment of Representatives thereon, to compose the House of Representatives after the third day of March, 1797; which was received and read the first time.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report stating the amount of the subscriptions to the loans proposed by the act making provision for the public debt, as well in the debts of

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the respective States as in the domestic debt of the United States, and of the parts which remain unsubscribed, together with such measures as are, in his opinion, expedient to be taken on the subject, pursuant to an order of this House of the 1st of November last; which were read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE FISHERY BILL.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act for the encouragement of the Bank and other Cod Fisheries, and for the regulation and Government of the fishermen employed therein."

Mr. PARR said no man in this House was more heartily disposed to encourage the fisheries of the United States than he was; nor could any one more sincerely wish to encourage the bold, active, and enterprising adventurers in that branch of our commerce to persevere in it, than he did; being sensible of the importance of their traffic in peace, and of their defence of their country and annoyance of their enemies in war. But, sir, (said Mr. P.) I much doubt whether Congress can give that encouragement to the fisheries to which they are entitled, and which policy would lead the General Government to give, were it not restricted by the Constitution. I consider, sir, the Constitution as intended to remedy the defects of the Confederation to a certain degree; so far only as would secure the independence and general welfare of the Confederate States, without endangering the sovereignty and independence of the individual States. Congress, therefore, was authorized to pay the debts of the Union, and to regulate commerce, partly for that purpose, and partly to prevent improper and dangerous commercial combinations, jealousies, and alterations between the States. But Congress was not intrusted with any regulation of exports which could admit of an interposition which might be dictated by partiality; nor was Congress permitted to lay any tax which could by any possibility operate unequally on the States in general. It is said, indeed, that if a drawback be not allowed on the salt used in salting fish, there will be, in fact, a duty on the exportation of the fish. But to this I think it may be replied, that the Constitution guards the exports of each State against the possibility of a partial restriction by Congress, or even by the States themselves; that Congress cannot lay a duty on the exportation of rice, indigo, tobacco, &c., or any other article exported from any State, because this might be done to the injury of the State where such duty would operate, and to the advantage and aggrandizement of some particular States, its competitors more favored by the General Government, or possessing more influence in the debates of Congress; and that the States are also individually restrained from laying such duties without the consent of Congress, to prevent acts which might produce jealousies, commercial combinations, and, perhaps, at length, civil dissensions. That this restriction, if it be intended to prevent partiality, therefore, cannot

extend to authorize drawbacks, which may be productive of partial preferences and their consequent jealousies; that, if drawbacks be granted at all, they ought to be universally extended to every article which is or can be exported from any of the States, having in its composition a dutiable ingredient; that hence, ships and other vessels, &c., should have drawbacks on the sails, cordage, iron, &c.; but it may also be said that, as to the duty on salt, that is amply repaid to the merchant by the price annexed to his fish: the sums laid out in salt and fish together form a capital on which he takes care to have a sufficient profit. Those merchants employed in this traffic, if allowed a drawback, would have a preference to other merchants, who import largely, pay heavy duties, and have no other advantage than the usual advance on their goods. The exporter of any article, with a drawback, must have an advantage over his fellow-citizens, who purchase through necessity many dutiable articles, and are obliged to consume them, without any other benefit than the use of them. I mention this because it has been said [by Mr. AMES] that, having made the men of Marblehead pay for salt, they have a right to demand the money expended in that salt on the exportation of their fish; for it would be as reasonable for the man who had his fish on which his salt was expended, or who had used any other article for which he had paid a duty, to claim of Congress a return of his money expended therein, as the exporter of fish. The only difference is, that, if both were paid the exact sum so expended by them, the exporter of fish would get twice paid. The purchaser or consumer of his fish would pay him for his salt therein, as if it were substantial fish, and the State for it as mere salt. Here, then, is a field for partiality, discontent, and complaints, which the Constitution wisely guards against. It cannot, therefore, be to any purpose to tell us that a bounty, or allowance, as it is now called, is preferable to a drawback, as there is not so great room for fraud in the one as the other; nor can it be of importance to show that the fishermen have not the profits to which they are entitled. That their services in the last war deserve rewards, &c., their country shared with them the glory of their gallant behaviour; but they alone received the rewards they aimed at. The twelve hundred ships they took was a compensation for services and a reward for those exploits. It is true, they annoyed the enemy; it is certain their prizes sometimes fed, armed, and clothed our armies; but it is not said that they did not receive payment for furnishing those things.

But here we are asked, Is it not of great consequence to the United States to employ those bold, skillful seamen in our service that we may enjoy the commercial advantage they give us in peace, and their powerful assistance in war? To this I reply, that it ought first to be proved that Congress has the power and authority to give them the encouragement demanded; and even if Congress have that power, it ought to be shown that it can be extended to the benefit of the sailors of some of the States, and not to those of every State.

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It may be said that Congress may with as much propriety give bounties to our hunters in the Western country, to raise up a nursery of soldiers as a barrier against the Indians, and to promote the fur trade, as to give drawbacks and bounties to the fishermen of the Eastern States, with a view to encourage fisheries, and to raise a nursery of seamen for their defence against enemies who may invade our Eastern frontiers. Indeed, if defence be the object in view, we might as well give bounties to sturdy landmen to be in readiness and constant training for war.

Indeed, sir, I confess I am not altogether convinced that, if Congress have this power, it ought to be thus exerted; because it is not clear to me that those fishermen would not be more profitable to the United States, if they were cultivating the lands which now lie waste, and raising families, which would be of ten times more value than their fisheries. A nursery of virtuous families, which will produce soldiers, sailors, husbandmen, and statesmen, must be preferable to a mere nursery of sailors, who generally live single, and often perish at sea. I always look upon the loss of a crew to an infant Republic as the loss almost of a new State.

I speak of this question, however, as a citizen of the United States, as a member of this House. Were I to discuss it as a citizen of Massachusetts, and in their Legislature, I should say, as the State is nearly filled with inhabitants, and our fishermen increase our commerce in peace, protect us in war, and, indeed, even enrich us by their prizes, it is our interest to encourage them to the utmost, and to prevent their going into the service of other countries. I might, therefore, as a member of the Legislature of that State, do all in my power to procure bounties for them, and indeed for all the sailors belonging to that State; but I should not think of applying to Congress for their assistance; not only because I doubt their right to afford it, but because I should look upon it as in some degree derogatory to the sovereignty and independence of the State. I should look upon such an interference of Congress as a step towards swallowing up the powers of the State Governments, and as consolidating the different States into one Government, which the wise and virtuous in every State always protested against as dangerous to their liberties; the fear of which consolidation prevented many good men from voting for the adoption of the new Government.

The framers of the Constitution guarded so much against a possibility of such partial preferences as might be given, if Congress had the right to grant them, that, even to encourage learning and useful arts, the granting of patents is the extent of their power. And surely nothing could be less dangerous to the sovereignty or interest of the individual States than the encouragement which might be given to ingenious inventors or promoters of valuable inventions in the arts and sciences. The encouragement which the General Government might give to the fine arts, to commerce, to manufactures, and agriculture, might, if judiciously applied, redound to the honor

of Congress, and the splendor, magnificence, and real advantage of the United States; but the wise framers of our Constitution saw that, if Congress had the power of exerting what has been called a royal munificence for these purposes, Congress might, like many royal benefactors, misplace their munificence; might elevate sycophants, and be inattentive to men unfriendly to the views of Government; might reward the ingenuity of the citizens of one State, and neglect a much greater genius of another. A citizen of a powerful State, it might be said, was attended to, whilst that of one of less weight in the Federal scale was totally neglected. It is not sufficient, to remove these objections, to say, as some gentlemen have said, that Congress is incapable of partiality or absurdities, and that they are as far from committing them as my colleagues or myself. I tell them the Constitution was formed on a supposition of human frailty, and to restrain abuses of mistaken power. The Constitution has been said by some one to be, like answers of the oracles of old, capable of various and opposite constructions; that it has been ingeniously contrived, like some of them, to suit two events—a Republican or a Monarchical issue. I will not pretend to say that this is not, in some instances, too just an observation; nor will I undertake to deny that it was not the intention of some of the Convention that such ambiguities might be in their Constitution, to correspond with the critical and ambiguous state of the American mind respecting Government; but I will boldly affirm, that, whatever the theories of that day might lead some to think respecting the application of Monarchical principles to the Government of the United States, no one can, at this day, pretend that they are applicable to their circumstances, their dispositions, or interests, or even are agreeable to the wishes of the people. Even before the adoption of the Constitution, when the rights of men had not been so thoroughly investigated as they since have been, it must be remembered, that whole States, and large and respectable minorities in other States, complained of and objected to the Aristocratical and Monarchical features of the new Government. In vain did the friends of the new Government—friends of order, of union, or of liberty—contend that the powers granted by the Constitution which appeared so alarming were such as would never be exerted but when all good men would acknowledge the necessity of exercising them, and that, indeed, they would be explained or restrained by some future amendments. The sagacious and eloquent Henry shook his head at such promises, sighed, and submitted to the will of the majority—a small one, indeed—but foretold, from his knowledge of the human heart, what would be done and said in justification of every measure which might extend the power of Congress.

Is it politic and wise, then, Mr. Chairman, to exert the power contended for, even if it be authorized by the Constitution? May not the interference of Congress in the business of regulating the trade of the Eastern States, excite, if not envy on account of a supposed partiality, a jealousy lest

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Congress undertake to intermeddle in the commercial regulations of other States? May not Congress, with equal propriety, undertake to regulate the tobacco, the rice, and indigo trade, as well as that of the fisheries? If they intermeddle in the business of sailors, why not in that of manufacturers and farmers? Where, I may ask with my colleague, may they not go on in their zeal, and I may add, in their laudable pursuit, of promoting the general welfare—and how totally may they be mistaken? If jealousy of rival States, instead of mutual satisfaction and pleasure—if distrust and suspicion of Congress, instead of confidence in their measures, be the consequence—how will the Union be promoted, or the General Government secured? However virtuously disposed the present members may be, (and I am ready to applaud their honest intentions,) let them consider, sir, that they had better suppress their patriotic emotions, than give a pretext for their successors to abuse the powers which they now wish to exert for the public good. I know they will quote the opinion of as wise and virtuous a citizen as is in the United States. I know his patriotism, and know well his true Republican principles; but, sir, with the freedom of a fellow-citizen, I take the liberty of saying, that his honest zeal, like that of the friends of the bill, has led him into a mistake.* That able statesman and virtuous citizen, like the eloquent advocates of the bill, has considered the acts now quoted as a full sanction for the one before the Committee. But I am of opinion, that those acts had better be repealed than give a sanction to the enacting of a law which goes to the establishing of bounties, or drawbacks, or by whatever other name they are called, which may be used to the partial encouragement of any branch of trade or employment whatsoever. I shall therefore vote against the bill before us, and, to get rid of it, shall vote for striking out of it the first section, according to the motion now before the Committee. As a member of this House, I shall think it my duty to protect the fisheries, and every other branch of our commerce, the fisherman as well as every other citizen, as far as may be within my ability; but I am not permitted, as a member of Congress, I humbly conceive, to select the fisheries and fishermen as objects of more consequence than any other branches of trade, or persons employed in them, lest Congress should not only show a mistaken attachment, or even if judiciously placed, excite jealousies and discontents between the States, and distrust, destructive of their weight and influence. My constant wish has been to see Congress confined to such acts as would form a more perfect union, promote the general welfare, insure domestic tranquillity, and engage the confidence of our fellow-citizens.

My wish is, that the members of Congress would leave their respective States in the full enjoyment of every right and privilege they held before their adoption of the new Constitution, which can be exercised without prejudice to the General Government. Let the Legislatures of the

* Mr. JEFFERSON, Secretary of State, in his Report on the fish-

different States encourage, as far as in their power, the commerce, agriculture, or manufactures of their respective States; and let Congress, as far as can be consistent with the most steady impartiality, patronize their patriotic exertions, by wise regulations of their commerce with foreign nations, such as may open as full an intercourse with those nations as the States may desire. The emulation of the sister States in commerce, manufactures, or agriculture, would lead to the early establishment of that branch of either to which each State might be best adapted. This rivalry could produce no jealousy, no general national discontent in the States, no localities in Congress. Virginia would not attempt to rival Massachusetts in her fisheries or carrying business, nor will South Carolina and Georgia rival the manufactures of New Jersey and Pennsylvania. Each State may rejoice to see its sister States enjoying the advantages with which Heaven has blessed them; and Congress, if confined to subjects which admit not of local considerations, may debate with temper and decide with unbiassed judgment. I confess I have wished that Congress possessed the power that the friends of the bill tell us we do possess, and tell us we have exerted; but, on examining the Constitution with a view to my wish, I found reason to think, not only that Congress has not that power, but that it ought not to possess it, unless the Constitution was intended to establish a consolidated Government on the ruin of the State Legislatures; but this, I conceive, cannot be the case, because the Constitution guarantees to the States their respective Republican Governments. The general powers of Congress, no doubt, ought to be (as they are) adequate to the purpose of forming a more perfect union than subsisted under the Confederation, to establish justice, &c.; but, as they are bound to guarantee to the States their respective Republican forms of Government, I cannot conceive how any of these powers can be employed, consistently with the ends for which they were given, in diminishing the power and sovereignty of the State Legislatures. How Congress can interfere in the regulations respecting the merchants and their sailors at Marblehead with more propriety than with those at Philadelphia, Norfolk, or Charleston, I cannot conceive; nor how this interference could take place without alarming those States, I know not. Viewing the bill before us in this light, Mr. Chairman, I shall vote against it, and, as I said before, to get rid of it, shall vote to strike out the first section, according to the motion now before the Committee.

The question on striking out the first section was taken, and negatived—32 to 26.

— WEDNESDAY, February 8.

A Message was received from the President of the United States, together with a statement of certain articles of expense, which have occurred in the Department of Foreign Affairs, and for which no provision is made by law. [The expense alluded to was incurred for the relief of a number of American sailors, impressed in England to serve on

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board the British navy.] The Message and accompanying Papers were referred to a select committee, to examine and report.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain communications with the Executive of Virginia relative to the existing temporary defensive protection of the exposed frontiers of that State, pursuant to the orders of the President of the United States; which were read, and ordered to lie on the table.

Mr. WHITE, from the committee appointed, presented a bill providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established; which was read twice and committed.

Mr. BENSON, from the committee to whom was referred the report of the Secretary of the Treasury on the petition of Comfort Sands, and others, made a report; which was read, and ordered to lie on the table.

THE COD FISHERIES.

The House again resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod-fisheries, and for the regulation and government of the fishermen employed therein."

On a motion to strike out the words "bounty now allowed," and insert *allowance now made*, &c.—

Mr. GILES observed, that he conceived the vote of yesterday against striking out the first section, was a decision in favor of the policy of granting Governmental aid to the fisheries; the inquiry of to-day will be on what terms this aid shall be granted? He felt but little regret at the decision of yesterday, because he had himself previously contemplated some reasons, not unimportant, to justify that decision, and others had been suggested by several gentlemen in the course of the debate. The principles of this policy, he thought, however, might be combated by reasons of at least equal, and as far as he was able to judge, of paramount importance; but as he admitted considerable weight in the reasons on each side of the question, he was not particularly tenacious of the preference which his own opinion suggested. When he first mentioned his doubts respecting the principle of the bill, it was with diffidence, and those doubts in some measure arose from an idea that the bill contained a direct bounty upon occupation; upon a more minute examination, he thought the term bounty unnecessarily introduced into the bill, and that the object of it could be answered without the use of terms, which might hereafter be deemed to contain a decision upon the general principle of the constitutional right to grant bounties; it was to avoid any thing which might wear the appearance of such a decision, that induced him to make the present motion.

He proceeded to remark, that as great a difference of opinion often existed respecting the precise meaning of the terms used, as the consequences which flow from them after attaining such preci-

sion of meaning; and it is of importance to the present discussion that an accurate definition of the terms used in the bill, and those proposed to be used, should be had. The avowed object of the bill is not to increase, but to transmute the sum, or a portion thereof, now allowed to the fishermen in lieu of the drawback upon salt, from the merchant who is now supposed to receive the sole benefit, to the fishermen really employed in the fishing vessels. This is a mere chimerical project, but if it be admitted that this is the object to be effected by the bill, the term bounty is improperly applied.

A gentleman from Massachusetts, [Mr. AMES,] who rests the defence of this bill almost solely upon this position, that those who receive the benefit intended by it, are of right entitled to such benefit in consideration of a previous advancement in value, and that this bill contains a mere permission to them to retain their own, has at the same time declared, that he thought the term bounty the most proper and technical, to convey this idea. In this, the gentleman appears to have deviated from his usual accuracy. A bounty is the granting a benefit without a correspondent return in value; a drawback is the retaking of something in consideration of a previous advancement; this is always founded upon a consideration previously received—that is a grant of favor *ex mero motu*. But the great characteristic distinction between bounties and drawbacks as they essentially relate to the administration of this Government, consists in the Governmental objects to which they may severally be applied: drawbacks are necessarily confined to commercial regulations; bounties may be extended to every possible object of Government, and may pervade the whole minutiae of police. They may not only be extended to commerce, but to learning, agriculture, manufactures, and even the sacredness of religion will be found too feeble to furnish complete protection from their influence. The people of the United States have always been scrupulously tenacious of a constitutional security for the most free and equal exercise of this right, but through the medium of bounties, even this right may be invaded, and the only security against such invasion must be *Governmental discretion*. The same characteristic distinction will attend that species of bounty which may incidentally result from commercial regulations; and direct bounties upon occupation founded upon the broad basis of discretionary right. The specification in the Constitution of the right to regulate commerce, may possibly in some cases give rise to this indirect species of bounty, not from any right in the Constitution to grant bounties, but as the necessary result from the specified right to make commercial regulations; and this specification can be the only foundation of justification to this indirect species of bounty, but there is no specification in the Constitution of a right to regulate learning, or agriculture, manufactures, or religion, and so far as the sense of the Constitution can be collected, it rather forbids than authorizes the exercise of that right.

Arguments used to deduce any given authority

from the term *general welfare*, abstractedly from the specification of some particular authority, are dangerous in the extreme to rights constitutionally reserved, and ought ever to be viewed with great caution and suspicion. They serve directly to show that this Government is not only consolidated in all its parts, but that it is a consolidated Government of unlimited discretion; that it contains no constitutional limitation or restriction. If any given authority be inferred from the term *general welfare* in the abstract, any other authority is equally deducible from it, because the term is applicable to every possible object of Government, and differs only in degree, as to the several Governmental objects.

He could not see the force of the novel and curious distinction taken by a gentleman from Connecticut [Mr. HULLHOUSE] between *general welfare* and *particular welfare*; for every particular welfare, however minute, may be in a degree for the general welfare, and if the decision respecting the existence of this distinction, have no other limitation than Congressional discretion, it is equally destructive of all constitutional restraint. Gentlemen who have advocated this principle of construction, appear startled at some consequences suggested to result from it, and have denied that they have made the admission of such consequences. This is true, nor have those in reply so asserted, but they have taken up the principles of construction furnished by its advocates, and made the application of it to the consequences which they themselves infer; and if the principle be admitted, it is undeniable that the conclusions drawn from it will necessarily follow in their utmost latitude.

A gentleman from South Carolina [Mr. BARNWELL] confidently spoke of the inherent rights of this Government; this is a new source of authority, and totally inapplicable to this Government. If there be inherent rights in Governments at all, they must belong to Governments growing out of a state of society, and not to a Government deriving all its authorities by charter from previously existing Governments, or the people of those Governments. In such a Government, the exercise of every authority not contained in the instrument, or deducible from it by a fair and candid construction, is an unjustifiable assumption and usurpation. He did not mean to analyze this subject further at this time, and had been led into these general remarks, because the impatience of the Committee had caused him to refrain from delivering these sentiments at that time.

He would remark further, that bounties in all countries and at all times, have been the effect of favoritism; they have only served to divert the current of industry from its natural channel, into one less advantageous or productive; and in fact, they are nothing more than Governmental *theft* committed upon the rights of one part of the community, and an *unmerited* Governmental *munificence* to the other. In this country, and under this Government, they present an aspect peculiarly *dreadful* and *deformed*.

To contemplate the subjects upon which bounties are to operate in the United States, the nature of the Government to dispense them, the State preferences which now do and will forever, more or less, continue to exist, the impossibility of an equal operation of bounties throughout the United States, upon any subject whatever, should be considered; and one of these two effects will necessarily follow the exercise of them; either the very existence of the Government will be destroyed, or its administration must be radically changed, it must be converted into the most complex system of tyranny and favoritism.

He observed, that it is not unfrequent at this time to hear of an Eastern and Southern interest, and he had for some time silently and indignantly seen, or thought he saw, attempts by this means to influence the deliberations of this House upon almost every important question. So far as he was the insulted object of these attempts, he felt that contempt for their authors, which appeared to him to be the correspondent tribute to the impurity of their designs; yet he thought that this had been the most formidable and effectual *material machine* which had been yet used in the administration of Government. But one great mischief he apprehended from establishing the principle of the unrestrained right to grant bounties, will be, that it will make the difference of interest between Eastern and Southern, so far as they differ in their respective States of manufacture and agriculture, real, which is now only ideal. It will make that party real, which is now artificial. The jealousies and suspicions arising from *party*, will then have a substantial foundation, which now have no foundation in fact, but are ingeniously stimulated by a few, for the purpose of effecting particular objects; as long as the Government shall be administered liberally and impartially, as long as the principle of reciprocal demand and supply between East and South shall remain inviolate, so long there can exist no essential distinct interest between them; but the instant bounties or Governmental preferences are granted to occupation, that instant is created a separate and distinct interest, not wholly between East and South, but between the manufacturer and the cultivator of the soil. There will still exist a community of agricultural interest throughout the United States, and he hoped the time was not far distant, when a common sympathy will be felt by the whole of that class of the community. For these reasons, he hoped the motion would prevail. The bill having been gone through with, and amended, the Committee rose and reported it with amendments which the House immediately took into consideration and adopted. The bill was then further amended and the House adjourned.

THURSDAY, February 9.
THE COD FISHERIES.

The bill sent from the Senate, entitled "An act for the encouragement of the Bank and other Cod Fisheries, and for the regulation and government of the fishermen employed therein," together with

the amendments thereto, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 38, nays 21, as follows:

YEAS.—Messrs. Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kitter, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, Joshua Madison, Frederick Augustus Muhlenberg, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Messrs. John Baptist Ashe, Abraham Baldwin, John Brown, William B. Giles, William Barry Grove, Daniel Heister, Philip Key, Nathaniel Macon, John Francis Mercer, Andrew Moore, William Vans Murray, John Page, Josiah Parker, Joshua Seney, John Steele, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That the title of the said bill be, "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein."

Mr. LAURANCE presented a petition from the tanners and carriers of the city of New York, praying relief from the hardships they labor under, in consequence of the exportation of tanners' bark. Referred to a select committee.

ELECTION OF PRESIDENT, &c.

The House then resolved itself into a Committee of the Whole, Mr. W. SMITH in the Chair, on a bill (received from the Senate) relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

The ninth section was struck out, in which the President of the Senate *pro tempore* was designated to act as President in case of vacancies in both of the above mentioned offices.

A motion was then made to add a new section to the bill, appointing the senior Associate Judge as the person to fill the vacancy. A motion was made to amend this proposition, by substituting the Secretary of State, instead of the senior Associate Judge. A short debate ensued, after which, the Committee rose without taking the question, reported progress, and obtained leave to sit again.

FRIDAY, February 10.

Resolved, That the Secretary of State lay before the House copies of such laws as have been adopted and published by the Governor and Judges of the territory North west of the Ohio.

Ordered, That the Clerk be directed to furnish the sitting member, and the petitioner, James Jackson, at the request of either party, with copies of all such documents, evidences, and testimony,

as are in his possession, or that may come to the hands of the SPEAKER, previous to the time of trying the validity of the election of a member to represent the lower district of the State of Georgia, in the Congress of the United States.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" and, after some time spent therein, reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were read, and are as follow:

Strike out the ninth section, in the words following:

"And be it further enacted, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

In lieu of the said ninth section, insert:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

Whereupon, the said first amendment being again read, and the question put to strike out the said ninth section, in the words following:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative—yeas 32, nays 22, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, William Barry Grove, Israel Jacobs, Philip Key, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Elbridge Gerry, Benjamin Goodhue, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John W. Kitter, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

The second amendment being again read, and the question put to insert in lieu of the said ninth section, the words following:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

It was resolved in the affirmative.

The House then proceeded to the farther consideration of the said bill; made some progress therein, and then adjourned.

MONDAY, February 13.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue an act entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations;" and that Mr. STERNETT, Mr. BOURNE, of Rhode Island, and Mr. BALDWIN, be the said committee.

The House resumed the consideration of the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President;" Whereupon—

Resolved, That the said bill with the amendments, be again recommitted to a Committee of the Whole House to-morrow.

APPORTIONMENT BILL.

The House resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven—Mr. SMITH, of South Carolina, in the Chair. The bill was read through by the Clerk.

The first section being repeated by the Chairman, Mr. SENEY moved that the blank should be filled with the word "thirty," which would determine that the ratio of representation should be 30,000.

This motion was opposed by Mr. HILLHOUSE, on the old ground of its unequal operation.

Mr. GERRY replied to Mr. HILLHOUSE. He observed that this apportionment on the aggregate Federal number would be more equal than by the ratio of 33,000; but this had been rejected by the Senate; and as the ratio of 33,000 would not perfectly cure the difficulty, and would operate to reduce the whole number of the Representatives, he conceived that no new light had been thrown on the subject to induce the House to consent to such diminution.

Mr. MERCER entered into a general view of the subject. He supported a large representation, and urged its importance, as it respects the democratical part of the community. The theory of Go-

vernment is the same, whether it respects a free or a despotic Government; it is not a small number that can govern in any country. Standing armies supply in Despotic Governments the place of a large representation in a Free Government. Still, the operations of Government, in both cases, depend on a large number of people.

The question for inserting 30,000 was carried in the affirmative—30 to 21.

Mr. MERCER then moved to strike out "the third day of March, 1793," and to insert "the first day of October, 1792"—referring to the period when the States shall be represented by the number arising from the first enumeration. He informed the House that Virginia had already made provision to send forward their supplementary numbers. He urged the right of the States respectively to fill up their representation agreeably to the enumeration, &c.

Mr. GERRY supported the motion.

Mr. HILLHOUSE suggested another mode. He proposed that the present Congress should expire after the present session, and a new House be elected agreeable to the census, and to meet at the time to which the present Congress may be adjourned. He urged many advantages which would result from this plan.

Mr. MERCER said, his idea was, that the choosing these additional members would be only filling up vacancies.

Mr. MURRAY was for striking out "the third day of March, 1793," for the purpose of inserting an earlier day. The great objection is its inconvenience. It is said the members which now compose this House will have to continue by law another session, and the supplemental members would have to continue but to fill the intermediate space of time from the election to the 3d of March. He begged gentlemen to give him leave to say, that the only possible obstacle to their thinking as he did arose from themselves—from a desire, he would not say how disinterested, to continue in power longer than they were entitled to remain under the Constitution. The act of Congress declaratory of the time which members were to continue was the sole obstacle to the gratification of the people in one of their best rights. This act, founded in error, ought previously to be repealed, and then no difficulty, either from the construction of the Constitution or from inconvenience, could be raised to the wish that the additional Representatives should take their seats immediately after the next general election. This act produced a mischievous and unthought-of solecism in the Government. It separated representation from confidence, and violated responsibility, which is the very soul of the Government.

The people could not but be astonished that, after the last general election, the members of Congress whom they had not chosen still continued there to hold their seats, and to act as upon their confidence and trust. Surely one of the most obvious truths in a Government by representation is, that election shall be the criterion of confidence, and that a continuance to discharge a trust after it is withdrawn overturns every idea of representation.

He wished the Committee to reflect that the principal objection to the motion was easily removed, if members would act a disinterested part; and that if it be admitted that the duration of the present Congress is the objection to the admission of the supplemental members, gentlemen cannot hesitate between the gratification of what evidently appears to be the rights of the people, under a fair construction of the Constitution, and a declaratory law, which is repealable, and which is so contrary to reason. The objection is removable—the right is permanent. It is certainly of more consequence to adhere to the principle of a just and numerous representation, and to adopt an early day to give it operation, than to give the principle the go-by, merely to support a stretched duration of our term, under a law that oversets the most obvious truths and reasoning on representation. As to the members from Georgia, if the law giving an extra term to the seats of members was not repealed, he would still vote for Georgia's having three members till the term expired; but at all events he hoped the motion would be agreed to.

The motion was finally disagreed to.

TUESDAY, February 14.

Mr. STERNETT, from the committee appointed, presented a bill declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," so far as the same respects the States of Georgia and Rhode Island and Providence Plantations; which was received, and read twice and committed.

ELECTION OF PRESIDENT, &c.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President."

A motion made yesterday, to insert a clause restricting the number of Electors to the number of the present Senate and House of Representatives, being put and negatived—

Mr. GERRY moved to insert a clause which specifies that "the Electors shall be equal to the number of Senators and Representatives to which the several States may by law be entitled at the time when the President and Vice President thus to be chosen should come into office: *Provided*, always, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives."

This motion, with very little objection, was adopted; its propriety will appear from the following remarks made by Mr. MURRAY, who said

he was in favor of the whole, both the proposition and the proviso: the first meditates a more equal representation of the wishes of the people of America in the election of the two great officers of the State; the proviso guards against a confusion which might take place without the provision. The present representation in Congress is by no means equal; the States, in their conventional deliberation, produced the present proportion of Representatives more from compromise than authenticated data; no census had then measured to the public the proportions of population which one State bore to another; and Representatives, including Senators and Electors of President and Vice President, being the same in number, and the scale of Representatives being unfounded in facts and evidence, the inequality, which is evident, is not to be wondered at. This proposition remedies the inequality; the proviso was not perfectly agreeable to his wishes; but as it refers the number of Electors to a scale of representation ascertained by an actual enumeration, and at the same time will remove the probability of confusion by making each State uniform with others as to the rule of fixing the number of Electors, he should vote for it. This was a great object attained. It is not a difficult thing to foresee, without jealousy or suspicion, that, unless the States are uniform as to the rule of apportioning Electors, the repose of the Union might be violated. Should this law refer to an apportionment to be hereafter made by Congress, this event might take place. A disagreement might happen between this House and the Senate, and, in the tumults and contumacy by which they might be agitated towards each other, no apportionment might be made; in this situation the Executive would be left at the mercy of the two Houses, and the order of things violently deranged. But even if the people, having a census before them, though not acted on by Congress, were to make their elections agreeably to what might be their respective ideas of the apportionment to which the census apparently entitled them, yet we are not certain that they would all act by a uniform rule; and, if they acted without such rule, there might appear before the tribunal of the public two Presidents, or two men of great power claiming the Presidency of America. This would be an evil of great and alarming size, and one which he so much deprecated, that he willingly yielded to the proviso, which he thought would tend to lessen the opportunity by which designing men could effect it.

Ordered, That the said bill be read the third time to-morrow.

WEDNESDAY, February 15.

The bill sent from the Senate entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President," together with the amendments thereto, was read the third time and passed.

H. or R.]

Apportionment Bill.

[FEBRUARY, 1792.]

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The bill sent from the Senate entitled "An act for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," was read twice and committed.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, after an Apportionment of Representatives, after the third day of March, one thousand seven hundred and ninety-seven; and, after some time spent therein, the Committee rose, and had leave to sit again.

THURSDAY, February 16.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House, on the bill for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an apportionment of Representatives thereon, to compose the House of Representatives after the 24 day of March, 1797.

Mr. VINING's proposition being under consideration—the first article of which is, that New Hampshire shall be entitled to five Representatives—

Mr. LIVERMORE rose in support of the principle of the proposition, which is to apportion the Representatives agreeably to the aggregate number of the people of the United States; he urged, in brief, the arguments which had before been adduced on the importance of making the representation as equal as possible, and concluded with saying he hoped that the number proposed for New Hampshire (five) would be agreed to.

Mr. BALDWIN said, that if New Hampshire should have five members, Georgia, according to its present number, which is about one half of that of New Hampshire, would be entitled to three—but this is not proposed, nor do the members from that State expect it should be.

Mr. KITTERA observed, that apportioning Representatives to the State of Virginia, on the principle contended for by the gentleman from New Hampshire, would give Virginia twenty-four members.

Mr. NILES supported the proposition. He urged that the fractions would be diminished on the whole by it; and though perfect equality is not attainable, he could not conceive on what gentleman founded their opposition to that plan which came the nearest to this equality, and as the Constitution fully warrants a liberal though strictly just construction, the apportionment now contemplated he hoped would be agreed to.

Mr. MANSON repeated the substance of what he had before offered in objection to this proposition. Fractions will exist, said he, on every possible plan; this is to be a permanent law, and in its operation will probably increase those fractions.

The Constitution refers to the respective numbers of the States, and not to any aggregate number. The proposition breaks down the barriers between the State and General Governments, and involves a consolidation.

Mr. LIVERMORE replied to Mr. KITTERA. He observed, that if Virginia was represented agreeably to the proposition contemplated for New Hampshire, that is, four members, Virginia would be entitled to only *seventeen*—this would appear on calculation.

Mr. WILLIAMSON contended that, by the Constitution, whatever ratio was adopted it is to be applied as a divisor to the number of persons in each State respectively. This idea of an aggregate number looks like a consolidation of the Government; not only so, but the supplementary member proposed for those States who had not inhabitants to vote for such supplementary member, would not be elected agreeably to the Constitution.

Mr. SENEY opposed the proposition. He observed, that it was very extraordinary, indeed, that those persons who, in the previous discussion, were opposed to the ratio of thirty thousand on account of giving so large a representation, should now advocate this proposition, which in fact increases the whole number. He hoped that it would be rejected.

Mr. VINING said a few words to exculpate the friends of the proposition from the charge of inconsistency.

Mr. VENABLE stated various particulars to show that the plan of transferring the fractions from one State to another, comparing them with the general ratio, would produce greater inequality than the plan contended for by those who oppose the present motion.

Mr. LIVERMORE justified himself from the charge of inconsistency; he was always in favor of an equal representation; with this he began, and with this he should end; and he was not solicitous which way the vote determined the matter, provided the principle of equality was adhered to, and therefore he should not regret New Hampshire being restricted to four members, provided Virginia had only 17—which is the highest number she will be entitled to, apportioning them agreeably to four for New Hampshire. He observed that the friends of the proposition might be outvoted by numbers; he wished, if it could be done, that they might be outreasoned as well as outnumbered.

Mr. LAURANCE said, having advocated in a former discussion the ratio of thirty thousand, he hoped he should not be charged with inconsistency if he gave his assent to the present proposition, as he had explicitly declared that he advocated that number as giving the largest representation—and this proposition not only preserved that idea, but enhanced the number, and on more equal principles. He then entered into an examination of the clause in the Constitution respecting taxes and Representatives, which it is expressly declared shall be according to numbers. He reproached the idea of members considering themselves as Representatives.

FEBRUARY, 1792.]

Apportionment Bill.

[H. or R.]

representatives merely of particular parts of the Union. The members of this House are the Representatives of America. The States, as States, are represented in the Senate. A member of this House from Georgia is a Representative of the State of New York, as much as if he came from the latter State. Conceiving the idea of the meaning of the Constitution which he had given to be just, he should vote for the proposition.

Mr. FINDLEY said he should vote against the proposition. He did not like the principle of it, if it had any; he rather thought it was destitute of all principle, for it contemplates no ratio at all—it is rather an arbitrary apportionment of the representation. Adverting to the article respecting taxation, he observed that the proposition does not accord with the idea of the gentlemen who advocate it, for still there will be fractions left, and are not these fractions to be taxed? In reply to Mr. LAURANCE's remarks respecting local representation, he observed that the gentleman's idea proved too much; for, if the idea of representing local interests is destroyed, the essence of representation is done away altogether, and all responsibility is lost.

Mr. ANNEA.—The Constitution says, that "Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, according to their 'representative numbers,' &c." The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative."

Deductions from the above—

1st. You may have as many as one to 30,000 of the whole number of the Union.

2d. You may have as many as one to 30,000 of the whole number of the Union.

3d. Supposing the amendment ratified, you must have 100 members, if one to 30,000 will give them. These principles were not disputed till lately. But it is now pretended that the ratio may be applied to each State, and the number of Representatives no more than the multiples of 30,000 in each State. Some even go so far as to say that it must be so applied, and that Congress may not have as many members as one to 30,000 of the whole Union.

This construction seems to be violent.

1st. The word Representatives, first used, can only mean the whole number of Representatives, for they are to be apportioned among the several States. The word is used in the same sense afterwards—"The number of Representatives shall not exceed one to 30,000," again meaning the whole number of Representatives. The whole number of Representatives shall not exceed one to 30,000 of the whole people. To avoid this obvious meaning, they say it should read, "shall not exceed one to 30,000 in each State." These words are supplied wholly without authority.

2d. The clause merely restrains the number of Representatives so as not to exceed one to 30,000. The members in Congress might have been increased to any number, had not this restriction existed. It is a restrictive, and not an explanatory

clause. It curtails, but cannot be supposed to change the natural import of the preceding power. It is against the fair rules of construction so to change it.

3d. The sense is perfect without the words one to 30,000 in each State. Expressum facit cessare tacitum.

4th. The construction makes tautology. The first clause having directed the manner of apportioning Representatives among the several States according to their respective numbers, might have been wholly omitted, one to 30,000 in each State being a final apportionment.

5th. Words must not be supplied by construction repugnant to words expressed. The result of an apportionment according to numbers, as first directed by the Constitution, differs in terms from a ratio of one to 30,000 in each State. It differs in its operation no less. The members in the next House will be 113. Apportion them according to numbers among the several States, Virginia would have 19—19 being to 113, as 630,000, the numbers of Virginia, to 3,619,000, the whole people of the United States. But by the construction which supplies the words in each State, she will have 21 members.

6th. The words one to 30,000 are merely restrictive of the number in Congress from the whole people, and do not change the sense of the first clause, for taxes and Representatives are to be apportioned according to numbers. The construction cannot be extended to taxes with any good sense. Yet, as taxes and Representatives are to be apportioned similarly, the construction applying to the one should apply to the other. Yet the advocates of this construction say that taxes shall be imposed according to numbers, and not the multiples of 30,000 in each State. Taking it for proved, that the sense of the first clause is not changed, but its operation limited by the clause *shall not exceed one to 30,000*, it remains to see what is the sense of the first clause standing alone. "Representatives shall be apportioned among the several States according to their respective numbers." The Rule-of-Three will show the number of members any State is entitled to. Thus, as the whole number 3,619,000 is to the number of the next House 113, so is the number of persons in a State, say Virginia, which are 630,000, to her quota of members. The result is 19 members. The bill, pursuing another rule, obtained as we have seen by a forced construction, gives that State 21 members.

7th. The amendment to the Constitution refutes the sense of the construction. The words are, "there shall be one for every 30,000 till the number shall amount to 100." Plainly the whole number of the nation is intended. The whole number is to be formed by one for every 30,000. The words contended for are therefore excluded, and no construction will avail in this place to add them.

8th. The ratio of one to 30,000 in each State is inconsistent with this amendment; for, according to that, 3,000,000 of persons must have 100 members in Congress. Had the numbers by the census

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fallen short of a surplus beyond 3,000,000, sufficient to cover the fractions or lost numbers, this amendment to the Constitution could not be carried into execution, according to the principles of the bill. For the amendment requiring 100 members, the numbers being more than 3,000,000, it would appear that 100 members could not be obtained by applying the ratio of 30,000 to the numbers in each State, instead of taking the entire number of the Union. Here, then, would be a constitutional obligation to have 100 members in Congress, and an absolute impossibility of having them according to the principles of this bill.

10th. The number of Representatives is limited not to exceed one for 30,000. Pursue the letter of the Constitution, and avoid all construction, the number of Representatives will be 120. Adopt the construction that you are to have no more than one to 30,000 will give you, and you bring down the number to 113.

But this process, erroneous as it is, only fixes the number—it does not apportion them. That should be done according to numbers, and Virginia would not be found entitled to 21 of 113. According to the principle of the bill, if it may be called a principle, it is defective. The letter and true intention of the Constitution will be violated by a forced construction, which gives some States more and others less than their due share of the Representatives.

Mr. PAGE.—I rise not to enter into a debate on the question before you, sir, because, as I said yesterday, it being out of order, it did not admit of debate. It is true, the question is now a little varied, but it comes to the same thing; for, if we vote in favor of it, we must vote contrary to a solemn decision of this very Committee. What I wish to observe, sir, is in reply to the member from New Hampshire, who seemed dissatisfied with my ideas of order; and to make one remark on what the member from Massachusetts [Mr. Ames] said, as to *truth* being his aim. As to the point of order, it must be most evident that it is no purpose to put a question in a Committee of the Whole, if, when the sense of the Committee has been taken, another question may be proposed, which may lead to a decision directly contrary to that before made: but the gentleman tells us that the Committee were taken in; that they began, too, at the wrong end; but surely, sir, this cannot be said, for the blank in the sixteenth line was not filled up till after solemn debate; and it was generally understood, that by filling it up, we should fix the principle of the bill. On that question, the ratio of one for thirty thousand was established, and applied in a clause respecting South Carolina in such a manner as, without inconsistency, may lead the Committee to fill up the blanks now under consideration. But, sir, if such debating as is contended for be allowable, when can the business before us be finished? How many amendments of this sort may not be proposed? Is it not sufficient for gentlemen to vote against the motion, if they dislike it, and then in the House, where they will have a right to be heard, to propose their own amendments? There, if they can

convince the House that the Committee were in an error, they may correct it; but surely, sir, the Committee cannot now, without violating order, and being charged with a great inconsistency, agree to the motion before you. Truth is my aim, said the member from Massachusetts; it is mine as much as his: but, without pretending to decide whether his construction of the Constitution is right or not, I will ask him, how are we to arrive at the truth we now aim at? That is, how find the numbers to be inserted in the blanks, if his construction be right? For, according to that construction, we must apply the ratio to the whole Federal number of the United States, before we can find the number of Representatives for any one State; and can this be done till South Carolina has made the return of her census? And if this construction be right, may not South Carolina, if it be the interest of that State to retain its present representation, keep back that return? This construction, then, is attended with an insuperable difficulty, and, indeed, I think with my colleague, [Mr. Madison,] was never thought of till lately within this House. Our constituents put the construction which the majority of the Committee and of the House have hitherto put on the Constitution; and several States have shown, by their acts, that their construction is the same.

Mr. VINING said, if by consolidation is meant a consolidation of interests, he gloried in the idea; but if a consolidation of States is intended, he was opposed to such an idea as much as any member on the floor. Adverting to Mr. FINDLEY's idea of local interests being represented, he contended he had given up the contest; for if the gentleman is sincere, he must concede that the proposition now under consideration, more perfectly accorded with that idea than his own. Virginia, represented as Delaware, would have but about ten members: are the local interests, then, of Delaware, represented by one member, when Virginia is represented by twenty-one?

Mr. MURRAY hoped that number would not be inserted. If, however, the motion were carried, he wished its friends would, if consistent with order, amend the preliminary section of the bill, by inserting the principle under which this motion is made. The principle is, that the ratio of thirty thousand is to be applied to the aggregate number of the Continent, and not to the aggregate number of each State. He could not, on the fullest and most liberal reflection, give his assent to such a principle; but observed, that at all events some principle, whatever it might be, ought to show that the vote of the House was regulated by rule, rather than by expedience. On a question so important as that of Representation, the measure agreed to ought to result from some established principle. As the bill now stands, it will appear altogether arbitrary; and rights in which all are concerned, seem to flow more from grace, and the strength of a majority, than a settled system. If there is a principle in the bill, it is to be discovered merely in its provisions; whereas, on such a subject, its light, destined to guide the understanding, ought to be steady and apparent, and

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not glimmer dimly through the intricate windings of various provisions. These ought to have been natural conclusions, resulting from the principle, rather than the sources from which it is to be inferred. It ought to have been settled as soon as the bill came in, and before a vote indicative of it had been moved. As the whole of this subject had been hitherto completely sifted, he would make but one or two remarks. The framers of the Constitution could never have thought of this mode of applying a ratio. All the guards in favor of State Governments, show that the States were viewed respectively and severally. The laws relative to elections are entirely and exclusively in the hands of the States. Had the Convention intended the aggregate of the whole, and not of States, should be the object of apportionment by ratio, they would have kept the election law in the hands of Congress; they would have empowered Congress to divide the Continent into districts. If New Hampshire has five members here, and her aggregate divided by thirty thousand would give her but four, (which is the case,) she will have an undue influence on this floor; as the weight and power that any State has here, ought to be but equal to her numbers. It has been laid down as doctrine here, that every member represents the whole. He could not comprehend the force of that position in the use and latitude in which it was applied. He would not annex any meaning to theoretical truths, which did not admit of a wholesome practice. A member here represents his constituents; he legislates for the whole. The people whose rights and interests are the subject of legislation, are a whole; from their unity of interests, and from their union of Government, results the general duty of the Representative. His responsibility to his own circle of constituents, is on his duty discharged or neglected to the whole; because the true good of the several parts consists in the general prosperity of the whole. Where a member represents one district, he meant to give, and show a truth, on the use of which alone he could conceive a practical operation to the principle of responsibility which he had obtained. Any other idea of responsibility which he had ever heard, was too refined for common use. If a member from one part of the Union is to be the Representative of a part which does not elect him, agreeably to this fractional doctrine, he cannot be held in check or control by them; and the very reason that may make him hateful to them, may ingratiate him among those from whom he actually comes. Instead of cementing confidence, such a predominance given any one State, beyond what her numbers entitle her to, will sow discord and jealousy. He had an amendment ready to offer, which was, to strike out the words "within the several States," and to insert these words: "agreeably to a ratio of one member for every thirty thousand." He would vote against the motion, and against the principle on which it was founded, which, though not specified in the bill, was obvious, and take the liberty of moving his amendment, if the motion now before the Committee failed, which he hoped would be the case.

Mr. BOURNOR said, he could have wished that, as the House had gone into a Committee of the Whole, the gentleman [Mr. MURRAY] had brought forward a proposition, as he is abundantly able to do, which would give the bill the consistency he wished for. He then entered into a defence of the proposition, and justified its friends from the charge of inconsistency. He had been in favor of forty thousand; if that had been agreed to, he should have applied it as it is now proposed in respect to thirty thousand. He replied to several objections, by explaining the Constitution.

Mr. BENSON moved an amendment as a substitute for Mr. VINING's proposition, expressly apportioning the representation on the aggregate number of the people of the United States. This he moved in conformity to the idea of Mr. MURRAY, who contended that there was no principle in the bill.

Mr. VINING, on this, withdrew his proposition. The debate was continued on Mr. BENSON's motion, and was finally negatived—33 to 24.

The Committee then rose, and had leave to sit again.

FRIDAY, February 17.

The SPEAKER laid before the House a Letter and Memorial from D. L. Morell, of the Island of St. Domingo, suggesting a plan for the civilization of the Indians; which were read, and ordered to lie on the table.

On a motion made and seconded, *Resolved*, That it be a Standing Order of this House that, whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and during all debates and proceedings to be had thereon. And that, when the SPEAKER, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States according to the first Enumeration; and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven; and after some time spent therein, the Committee rose and reported progress and obtained leave to sit again.

FRIDAY, February 20.

A memorial and petition of sundry merchants of the State of North Carolina, engaged in com-

merce, previous to the late Revolution, was presented to the House and read, stating the peculiar hardships under which they labor, from the twofold causes of the operation of the fourth article of the Definitive Treaty of Peace, and so much of the act of Congress for funding the public debt, as accords the old Continental money, at the rate of one hundred dollars thereof, for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time, and the latter depriving them of all hope of indemnity, from the effects of depreciation and tender laws, to which they were exposed during the war, and praying relief. Referred to the Committee of the Whole House on the state of the Union.

APPORTIONMENT BILL.

The House again resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, after the third day of March, one thousand seven hundred and ninety-seven.

Mr. SENEY moved that the third and fourth sections, which provide for an apportionment of the representation on the Second Census, &c. should be struck out. This motion occasioned some debate, and was disagreed to.

The blank for the ratio of representation on the Second Census, was filled with "thirty thousand." The bill was then reported to the House with the amendments. These were taken into consideration, and severally agreed to.

Mr. DAYTON then moved to strike out the second section, which provides for a second enumeration in five years; and called the yeas and nays; which were taken, and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Aaron Kitchell, John W. Kittera, John Laurance, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Samuel Sterrett, Thomas Tudor Tucker, George Thatcher, Thomas Tredwell, and Alexander White—23.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William Barry Grove, Thomas Gregg, Samuel Griffin, William Hillhouse, Andrew Hartley, Daniel Huger, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Vane, Samuel Sterrett, Thomas Sumpter, Abraham Venable, John Vining, Anthony Wayne, and Francis Willis—26.

Mr. SENEY renewed his motion for striking out the third and fourth sections, which respect the ratio of representation on the Second Census, and called for the yeas and nays; which were taken and stood as follow:

YEAS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell,

nathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, Samuel Livermore, Andrew Moore, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, and Thomas Tudor Tucker—25.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Huger, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vane, Samuel Sterrett, Thomas Sumpter, William Smith, Samuel Tredwell, John Vining, Anthony Wayne, Abraham Venable, and Francis Willis—26.

On filling up the blank in the fourth section with "thirty thousand," the yeas and nays were taken and stood thus:

YEAS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, John Brown, William Findley, Thomas Fitzsimons, Samuel Griffin, Thomas Hartley, Daniel Huger, Philip Key, John Laurance, Nathaniel Macon, James Madison, Frederick Augustus Muhlenberg, William Vane, Samuel Sterrett, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis—29.

NAYS.—Robert Barnwell, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kittera, Amasa Learned, Samuel Livermore, Andrew Moore, Nathaniel Niles, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, and George Thatcher—22.

The other amendments to the said bill were then severally again read, and agreed to.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

Mr. LIVERMORE laid a motion on the table to the following purport: "That a committee should be appointed to report a bill authorizing the officers of the Treasury to settle the claim on the estate of General Greene, so as that the said estate may be indemnified from the claims against it, by virtue of his having become security for certain contractors, who furnished clothing and rations to the army of the United States, in the State of South Carolina."

SETTLEMENT OF CLAIMS.

The House went into Committee of the Whole on a bill providing for the settlement of the claims of certain persons, under particular circumstances, barred by the limitations heretofore established—Mr. W. SMITH in the Chair.

The object of this bill is, to admit the claims of such officers, soldiers, artificers, sailors, and marines, as may have been inevitably precluded from presenting them, within the times prescribed by the ordinances of the late Congress, dated the 2d November, 1785, and 23d July, 1787.

The Committee agreed to sundry amendments, which were reported. The House adopted several of them; others were proposed, but not decided on. Adjourned.

TUESDAY, February 21.

A message from the Senate, informed the House that the Senate disagree to the last, and agree to all the other amendments proposed by this House to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President." The Senate have also appointed a committee, jointly, with such committee as shall be appointed on the part of this House, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may, without great inconvenience, be postponed to the next session, the proceedings may be so regulated as to close this session by the first Tuesday in April next.

Mr. GOODHUE, Mr. WADSWORTH, Mr. LARANCE, Mr. WHITE, and Mr. MACON, were appointed a committee on the part of this House, for the purpose expressed in the message from the Senate.

ELECTION OF PRESIDENT, &c.

The House then proceeded to reconsider their last amendment, disagreed to by the Senate, to the bill sent from the Senate, entitled "An act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President, in case of vacancies in the offices both of President and Vice President." Whereupon, the said amendment being read as follows:

Strike out the ninth section in the words following:

"And be it further enacted, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

And in lieu thereof, insert:

"And be it further enacted, That, in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the Secretary of the State, for the time being, shall act as President of the United States, until the disability be removed, or a President shall be elected."

A motion was made, and the question being put, that the House do recede from the said amendment—it passed in the affirmative—yeas 31, nays 24, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell,

John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, William Vane Murray, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Israel Smith, William Smith, Peter Sylvester, Thomas Tudor Tucker, and Jeremiah Wadsworth.

NAYS.—Abraham Baldwin, John Brown, Nicholas Gilman, Samuel Griffin, William Barry Grove, Frederick Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

APPORTIONMENT BILL.

An engrossed bill for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 34, nays 16, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Egbert Benson, Abraham Clark, William Findley, Thomas Fitzsimons, Samuel Griffin, William Barry Grove, Thomas Hartley, Israel Jacobs, Philip Key, John W. Kittera, John Laurance, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vane Murray, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, William Smith, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Aaron Kitchell, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Israel Smith, Jonathan Sturges, George Thatcher, and Jeremiah Wadsworth.

SETTLEMENT OF CLAIMS.

The House resumed the consideration of the amendments reported by the Committee of the Whole House yesterday to the bill providing for the settlement of claims of persons under particular circumstances, barred by the limitations heretofore established; and the same being read was agreed to. The said bill was then further amended, and together with the said amendments, ordered to be engrossed, and read the third time to-morrow.

THE MILITIA BILL.

The House resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States. The first section being read—

Mr. STURGES said, that he conceived some amendment was necessary to this section. It appears to consider the militia of the several States, as the militia of the Union; whereas the Consti-

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tution considers it as belonging to the respective States; that the States alone are to say of what description of persons the militia shall consist, and who shall be exempt from militia duty; Congress have only power to organize them, when thus designated. He therefore moved that the section which he considered as involving the principle he was opposed to.

Mr. SENEY observed, that the consequence of the gentleman's motion would be to render the power of Congress in organizing, arming, and disciplining the militia, entirely nugatory.

Mr. BARNWELL enlarged on the ideas suggested by Mr. SENEY.

Mr. LIVERMORE made some general remarks on the terms used in the Constitution, to designate the power of Congress in respect to the militia. He contended that they were the most vague and indefinite that could possibly have been adopted. He agreed substantially with Mr. STURGEON. It is the militia of the several States that Congress have power to organize, and provide a mode of discipline for. It is not a militia to be formed, or created—it already exists. He therefore thought it best to leave it to the respective States to make their own militia laws.

Mr. BARNWELL observed, that the consequence of the gentleman's proposition would be a total want of uniformity in the militia, and a clashing from different militia systems. That it was in vain to expect an effective militia, except Congress should exercise the powers so expressly delegated to them in this respect.

Mr. BOBINOT observed, that from the experience Congress has had in the preceding sessions, of the difficulties attending this subject, he was fully of opinion that a plan of condonation alone would ever procure a passage through the Legislature for a militia bill. He adverted to the powers of Congress on this subject, and to those reserved to the States; to the latter, was expressly reserved the power of appointing the officers, and if they refuse to do it, there is no power in Congress to compel them. He therefore accorded with the gentleman from Connecticut [Mr. STURGEON] in opinion that the law which Congress shall pass, must be very simple in its construction, and refer to as few objects as possible.

Mr. HILLHOUSE controverted the sentiments advanced by Mr. BOBINOT. He said the natural inference was, that Congress possesses no power at all in the case; for, if what that gentleman advances is true, no provision that Congress can possibly make will be of the least avail. He contended that Congress, by virtue of the powers vested in them, are empowered to organize the militia, to say what descriptions, ages, &c., the militia shall consist of; to form them into companies, corps, regiments, &c.; and that when this is done, the States are to appoint the officers; for, previous to such an organization, the States cannot exercise the power of appointing the officers. He hoped, therefore, that the motion would not be agreed to; but that the Committee would proceed in the matter agreeable to the express powers of the Con-

stitution, and when they came to the section making exemptions, he hoped they would make them on a very liberal scale, that the militia should consist of such persons as would be capable of rendering service.

Mr. WADSWORTH opposed the motion. He observed that the subject had been managed in such manner, as to pare the bill now under consideration, down to such an inadequate, defective system, that he did not feel much interested in its fate. Still he hoped the motion would not prevail, for he considered it as better than no provision at all. He said that the militia of the several States exist at the present moment more by general consent of the persons forming them in the several States, than in consequence of any laws of the particular States. The people in several States already avow the sentiment, that they think that Congress alone has the power to form the militia.

Mr. SENOWICK enlarged on the ideas of Mr. WADSWORTH. He further remarked that the amendment proposed would operate extremely unequal, and would defeat the public expectations of an efficient military defence, such an one as was consistent with a free Government.

Mr. STURGEON supported his motion. He was surprised to hear gentlemen express their apprehensions that we should have no militia at all. Adverting to the Constitution, he explained what he considered the meaning of organizing, &c. It simply relates to forming, arming, and arranging in a particular way, those materials which are furnished by the militia laws of the several States. In reply to the objections derived from the inattention and aversion of the States, to such requisitions as Congress may make, he said it was not to be supposed that the States would be so inattentive to the means of their own preservation, as to neglect their duty in this respect.

Mr. NILES supported the motion. Mr. MURRAY observed, that in no particular point of view was the people to be considered as united for a general purpose, more than in that of the general defence. The militia, contemplated in the Constitution, certainly does not mean an existing militia; for many of the States have no militia nor militia laws; and therefore the clause must respect a militia to be formed or created. He enlarged on the necessity and wisdom of the provision. The appointment of the officers he considered as being properly left in the power of the States.

The motion was negatived.

A motion by Mr. FITZSIMONS, to exempt persons who are not able to arm and equip themselves, from any penalty on that account, while that disability continues, occasioned some debate. Mr. SUMPTER entered into a general consideration of the subject. He denied that Congress had any right to interfere with the regulations of the several States in respect to their militia; their whole power respects only the calling the militia into actual service in cases of invasion, insurrection, or rebellion; and when thus called into service, they may provide for the organizing and ar-

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ranging them in companies, corps, and battalions; and it is the duty of the General Government then to provide them with the means of defence; but they have no right to say that the militia, previous to being thus called out, shall be at the expense of arming themselves. He hoped the bill would take a different direction, and that Congress would not so far interfere in this business as to designate the persons who shall bear arms, and to say how they shall be armed. It seems to be the opinion of some gentlemen, according to the observations which have fallen from them, that the militia service shall be imposed on a comparatively small part of the citizens; and this inequality is to be increased by obliging those persons to be at the expense of arming themselves. He hoped that such injustice would not take place.

Mr. NILES, adverting to the Constitution, observed, that it appeared to him that a provision for arming the militia was reserved to the States, so far as it respects the common defence. He considered the requisition in the bill as operating like a capitation tax; and this species of tax, he observed, was to be assessed only in a certain way, agreeably to a particular clause in the Constitution. He concluded by moving that the clause in the bill which contained this provision for arming, should be struck out.

This motion was negatived.

Mr. FITZSIMONS withdrew his motion, which provided for a certificate from two Justices of the Peace, to admit a substitute, which provides that they shall be excused, if, in the judgment of the commissioned officers to whose company they belong, they are not able to furnish themselves.

This substitute was adopted. Mr. KITCHELL moved that the clause should be struck out, which provides that the calibres of the guns should be of one bore. He observed that this provision was unnecessary, and in fact impossible to be complied with.

Mr. SUMPTER asked what was to be done with the arms which the militia now have in their hands. Are they to be thrown away? Besides, he thought the provision inconsistent with the actual state of the military force of the country, the laws for the regulation of which contemplate the enrolment of riflemen among the regular forces of the country. Adverting to the expense which would attend this provision, he observed it was almost totally impracticable to carry it into execution. He hoped it would not be agreed to, as it would involve an enormous and unnecessary expense.

Mr. MURRAY offered some similar remarks. He did not conceive that the excellency of the militia of the United States consisted in their being armed all with muskets of the same bore. He did not consider the bill in the light that some gentlemen appeared to do. It was, in his opinion, merely a provision to keep alive a military germ that shall, when occasion calls, spring up, and diffuse its influence among the people in such manner as to furnish the most competent means of defence.

Mr. WADSWORTH objected to the motion. He said this was one of the very few good regulations

left in the bill, and to strike out this would render the militia a fallacious source of defence, and effectually destroy every idea of uniformity.

Mr. KITCHELL's motion was negatived. The motion to expunge the exemptions was seconded by Mr. DAYTON.

Mr. BOBINOT opposed it. He urged, in brief, the several reasons which were offered on a former occasion in support of the exemptions.

Mr. DAYTON said, it appeared to him unreasonable to exempt persons from militia duty, and from paying an equivalent, too, who, from their station in life, are best qualified to pay those equivalents. It appeared to him to be unjust and impolitic.

Mr. J. SMITH opposed the motion. He observed that the experience of the Eastern States, where the militia is on at least as respectable a footing as in any part of the Union, was against the spirit of the motion. There various exemptions are made, and the prejudices of the people are in favor of the practice. Many exemptions are necessary, and many characters in society cannot, and ought not to be compelled to bear arms—Ministers of the Gospel, &c. To combat these prejudices, would be little better than attacking a windmill. Several other gentlemen spoke on the subject. The motion was finally negatived.

The third section being read—Mr. J. SMITH moved that these words, after the word "companies," "in such manner as the President of the United States shall see proper to direct," should be struck out. He observed, that, as the President of the United States has, by the Constitution, no command over the militia till they are called into actual service, he cannot, with any propriety, be invested with this power. It lies with the Legislatures of the several States to make the provision requisite in this case. The Executives of the several States must be more competent to determine the number of regiments, &c., into which their respective militia should be divided.

Mr. LAURANCE said, the Constitution, by investing Congress with the power of organizing the militia, appears necessarily to have included the power in question.

Mr. LIVERMORE said, he was in favor of striking out the words, on two accounts. He did not know how the power could be exercised, and he was opposed to retaining phrases which, however sounding and pompous they may be, contained no meaning. This he conceived to be the case in respect to the words in question. They propose to invest a power in the President, which I do not see how he can exercise; or, if he can, certainly not with so much propriety as the Legislatures of the several States.

Mr. HILLHOUSE was opposed to striking out the words. He said he could conceive of no disadvantage which would result from giving the President the power of making a uniform arrangement of the militia. It appeared to be necessary, in order to his being able to determine how to call them into service, should public exigencies require it, in such proportions and drafts as shall be

most equal to the people, and most conducive to the public service.

Mr. PAX observed, that it appeared necessary to retain the clause, in order to effecting the object of uniformity; for, if the power is invested in fifteen different bodies, or individuals, it cannot be expected that they will ever agree in one uniform plan. Nor did he conceive that this regulation would, in the least, interfere with the essential powers of the several States. He was as much adverse as any man from abridging any of the powers of the several States, but this regulation would not interfere with those powers in any manner whatever.

Mr. SENEY was in favor of striking out. He thought it was a sufficient reason to reject the clause, but the President could not be supposed so competent to the business as the authority of the several States.

Mr. SUMPTER was in favor of striking out. The scope of his observations was, that the United States have power only to say how the militia shall be organized, but it must be left to the several States to carry the plan into execution.

Mr. LAURENCE stated the difficulties which would result from the want of uniformity, in case of the militia being called into actual service.

Mr. NILES observed, that the relative boundaries of towns, States, and districts, rendered the uniformity contended for impracticable, and therefore the clause is nugatory. A great variety, as to numbers, in the companies and regiments of the Continental Army, actually existed during the late war, and yet no difficulty occurred from that circumstance.

The motion for striking out was carried. It was then moved to insert: "In such manner as the Legislatures of the respective States shall direct." This was agreed to.

Mr. GILMAN moved that the clause in the fourth section, which provides that the militia shall be taken from the line, and the words "with the rank of Major" should be struck out. He observed, that, in the regular service, on the principles of economy, this arrangement takes place; but he conceived this would be unnecessary in the militia, if not injurious to the service.

This amendment was agreed to. The sixth section, which specifies the times of mustering and training the militia, says that the artillery, light infantry, troops of horse, &c., shall rendezvous four times a year, and the rest of the militia twice a year.

Mr. J. SMITH rose to inquire the reason of the distinction between the companies.

Mr. BARNWELL moved to add a proviso, authorizing the States to pass laws enjoining musters as often as they may see proper.

Mr. BOURNOR answered Mr. J. SMITH's inquiry. He said the object was to form a nursery of officers for the militia, whenever detachments shall be suddenly called into actual service.

Mr. J. SMITH objected to Mr. BARNWELL's proviso. He conceived that the States already fully possessed this power.

The proviso, after further debate, was nega-

tived, and the Committee rose, and the House adjourned.

WEDNESDAY, February 22.

An engrossed bill providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established, was read the third time and passed.

Mr. FITZSIMONS, from the committee to whom were referred the Message from the President of the United States, of the eighth of this month, and a Letter from the Secretary of State accompanying the same, together with an account of John Brown Cutting, against the United States, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a copy of the laws adopted and published by the Governor of Charleston, for the payment of eight thousand seven hundred and forty-three pounds, fifteen shillings and sixpence, sterling money, being the condition of said bond:

"And whereas, on the first day of May, one thousand seven hundred and eighty-six, the balance of principal and interest of said bond, being then eight thousand six hundred and eighty-eight pounds six shillings sterling, was paid by the said General Greene: Therefore,

"Resolved, That the United States shall indemnify the estate of the said General Greene for the said sum last mentioned, and the interest thereof: *Provided*, The Executors of the said General Greene shall account for a sum, being about two thousand pounds, be the same more or less, received of John Ferris, one of the partners of the said Banks and Company, to be in part of the indemnification aforesaid; and also shall make over, for the use of the United States, all mortgages, bonds, covenants, or other counter-securities whatsoever, now due, which were obtained by the said General Greene in his lifetime, from the said Banks and Company, on account of his being surety for them as aforesaid, to be used for in the name of the said executors, for the use of the United States."

Ordered, That the said resolution be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into a Committee of the Whole House on the said resolution; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

THURSDAY, February 23.

Mr. BOURNOR, from the committee to whom were referred sundry petitions of the tanners of

New York, New Jersey, and Pennsylvania, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for making farther and more effectual provision for the protection of the frontiers of the United States," with several amendments, to which they desire the concurrence of this House.

UNPAID BALANCES.

On motion that the House do come to the following resolution:

"Resolved, That the Secretary of the Treasury cause to be laid before this House a statement of the balances remaining unpaid, if any, which may have been due by individuals to the United States previous to the fourth day of March, one thousand seven hundred and eighty-nine, and whether any, and what, steps have been taken to recover the same; and also a statement of the sundry sums of public money which may have been intrusted to individuals, previous to the said fourth day of March, one thousand seven hundred and eighty-nine, and have not been accounted for."

It was moved and seconded that the said resolution be committed; and, on the question for commitment, it was resolved in the affirmative—yeas 31, nays 27, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Benjamin Goodhue, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, John W. Kitters, Amasa Learned, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Mur-ray, Theodore Sedgwick, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Jeremiah Wadsworth, Anthony Wayne, and Francis Willis.

NAYS.—John Baptist Ashe, John Brown, Elbridge Gerry, Nicholas Gilman, William Barry Grove, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Alexander White, and Hugh Williamson.

Ordered, That the said resolution be committed to Mr. BOURNOR, Mr. DAYTON, Mr. GERRY, Mr. SMITH, of New Hampshire, and Mr. BOURNE, of Rhode Island.

Against the resolution, as originally proposed by Mr. MACON, it was objected that it was informal; that the law instituting the Treasury Department had made every competent provision in the case; that the duty of the Comptroller was particularly designated; and that, if he has been deficient, the proper mode would be to call him to an account, and if found remiss he should be impeached. The resolution contained an imputation on that officer, and yet no gentleman had come forward with any direct charges against him. It was further said, that information had been received from the Comptroller on this subject; that

a compliance with the resolution would operate against the interest of the United States.

The officers of the Treasury are proceeding in this business; no charge of remissness has been adduced; they have already made greater progress in settling the old accounts, since the new Government came into operation, than had been done in many years previous thereto; and their investigations receive no interruption but what arises from the more important business of the present Government.

It was inquired what would be the effect of this resolution. It would bring forward one thousand or fifteen hundred names of persons apparently debtors to the United States; but the principal part of whom were either creditors, or did not owe the public one farthing. What is intended to be done as a consequence of this disclosure? Is it designed that suits shall be instituted against these persons? That would induce an unproductive expense to an amount which cannot now be estimated. The Comptroller is empowered by law to sue every delinquent; but is he to exercise no discretion in the discharge of his duty? It had been stated, as a reason for adopting the resolution, that its object was to ascertain to what amount these balances, if any, would supercede the necessity of additional taxes; but it was asked, would the Government be justified in assessing one farthing less on account of these balances, which must be considered in a great measure as fictitious? It was further said, that it was utterly impossible for the officers of the Treasury to make out the statement in question during the present session.

In support of the resolution, it was said that it did not imply, either directly or indirectly, any imputation against the Comptroller—the House has undoubtedly a right to call on any of its officers for information. It is an opinion abroad, that there are large sums due from individuals, and the public has a right to be satisfied that the proper steps have been taken to recover those sums. Those steps may have been pursued, but it is not known that they have; further, it was said, that this information was necessary in order to be able to form a competent judgment of the state of the public accounts; that the information in question, the House had a most undoubted right to receive; and that it was a very strange idea, indeed, to suppose that it contained any reflection on the Comptroller, or any other officer of the Treasury; it was further said, that no difficulties ought to deter the House from going into the investigation; it was immaterial whose names were brought forward in consequence, the balances due to the public ought to be known. That similar objections to those now offered will always lie against going into this investigation, and in proportion to the urgency of the inquiry will be the strength and ingenuity of those objections. With respect to the disclosure of names, it was observed, that the truth once known would set every man's character in a just point of light; the inquiry, so far from proving injurious to such characters, appears to be the most direct method to do away the

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of public money between the 1st of October and the 31st of December, 1791, inclusive; which were read, and ordered to be referred to Mr. FITZSIMONS, Mr. LAURENCE, and Mr. AMES.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, covering his report on the petition of the executors of Edward Carnes, deceased; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A memorial of the merchants of New York trading to India and China was presented to the House and read, praying the patronage and encouragement of the General Government, either by prohibiting foreigners from interfering in the said trade, or making a greater difference than now exists between duties on goods imported into the United States immediately from Asia and those brought by the way of Europe.

Ordered, That the said memorial be referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH, of South Carolina, from the committee appointed to examine whether any, and what, alterations are necessary to be made in the acts establishing the Treasury and War Departments, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

PETITION OF JOHN CHURCHMAN.

The House proceeded to consider the report of the committee to whom was referred the petition of John Churchman. Whereupon,

Resolved, That this House doth agree to the said report, in the words following:

"That the said Churchman, having pursued his inquiries into his theory of the variation of the magnetic needle, has found a number of observations, made in different parts of the world, which confirm his hypothesis; that, animated by this circumstance, and applauded for his ingenuity by several learned societies in Europe, which have looked up to him for the prosecution of his plan for establishing the truth of his theory, he has been emboldened to ask again the aid of the General Government of the United States to enable him to gratify the expectations of the philosophical world, and to put his theory to an immediate and the strictest scrutiny. The committee are free to declare it as their opinion, that Mr. Churchman's ingenuity, displayed in proposing and supporting his theory, and his labors in prosecuting his examination thereof, entitle him to the applause of the enlightened world, and to the encouragement and support of his country. And it is the opinion of the committee that, as a more perfect knowledge of the laws of magnetism, and the variation of the magnetic needle, is greatly to be desired, as it would furnish a ready means of adjusting and preventing disputes respecting the boundaries of ancient surveys of land, and of correcting many inaccuracies in geographical charts, and in the journals of the courses and distances run by vessels at sea, every possible encouragement ought to be given to all persons who, by their theories, confirmed by observations, contribute towards the perfecting this desirable knowledge; and that, as the United States are peculiarly interested in whatever can adjust or prevent disputes between their citizens, and can improve geography and

amendment and modification of the fifteenth section, to read as follows:

"And be it further enacted, That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: Provided, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith."

Ordered, That the Clerk of this House do acquaint the Senate therewith.

FRIDAY, March 2.

A bill to amend an act entitled "An act to promote the progress of Useful Arts" was read the second time, and ordered to be committed to a Committee of the Whole House on Friday next.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for reducing the rates of postage on newspapers; and that Mr. GERRY, Mr. MURRAY, and Mr. FINDLEY, be the said committee.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions," with several amendments, to which they desire the concurrence of this House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for finishing the light-house on Bald Head, at the mouth of Cape Fear river, in North Carolina; and that Mr. GROVE, Mr. KEY, and Mr. BARNWELL, be the said committee.

A message from the Senate informed the House that the Senate have agreed to the modification of the amendments depending between the two Houses to the bill entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," conformably to the report of the Joint Committee of Conference.

The House again resolved itself into a Committee of the Whole House on the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States; and, after some time spent therein, the Committee rose, and reported several amendments thereto. Ordered, That the said report do lie on the table.

A memorial and petition of the Directors of the Ohio Company of Associates was presented to the House and read, praying that Congress will grant them such terms and conditions for the completion of their contract with the late Board of Treasury, and for confirming their title to the tract of land then purchased, as will relieve them from the danger, difficulty, and distress, in which the said company are now involved, from causes which have arisen since the purchase, and which were, then wholly unforeseen.

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Ordered, That the said memorial and petition be referred to Mr. SEDGWICK, Mr. FINDLEY, Mr. BENSON, Mr. LEARNED, and Mr. BALDWIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

SATURDAY, March 3.

A petition of Timothy Pickering, Quartermaster General, praying that the officers of the Treasury may be authorized to apply a certain sum of money, heretofore granted to discharge claims against his Department, to the payment of demands of certain public creditors in the State of New York, who the petitioner conceives are, from their peculiar circumstances, unjustly precluded by the act of limitation. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GOODHUE, from the committee appointed, reported a "bill for enrolling and licensing ships and vessels employed in the coasting trade and fisheries, and for regulating the same."

Mr. FINDLEY presented nine petitions from the inhabitants of Chester county, in the State of Pennsylvania, praying a revision of the Excise law.

The House proceeded to the consideration of the amendments offered by the Senate, to the "bill to ascertain and regulate the claims to half-pay and to invalid pensions." Some they agreed to, and disagreed to others.

A Message was received from the President of the United States, together with a copy of the Return made to him of the number of the Inhabitants within the District of South Carolina.

A Report from the Secretary of the Treasury respecting compensations to the Commissioners of Loans, was read and referred to a select committee, consisting of Messrs. B. BOURNE, MERCER, and TUCKER.

MONDAY, March 5.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a copy of the laws adopted and published by the Governor and Judges of the Territory Northwest of the Ohio, in the year one thousand seven hundred and ninety-one; which were read, and ordered to be referred to the committee to whom was referred the petition of George Turner, one of the Judges of the said Territory.

Mr. GROVE, from the committee appointed, presented, according to order, a bill for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina; which was received and read twice and committed.

A message from the Senate, informed the House that the Senate have passed the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," with several amendments; to which they desire the concurrence of this House.

A Message was received from the President of the United States, communicating to the House the translation of a Letter from the King of

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France, announcing his acceptance of the Constitution of that Kingdom. These were read and laid on the table.

A message from the Senate informed the House, that they insist on all the amendments proposed by the Senate to the bill to ascertain and regulate the claims to half-pay and invalid pensions; and propose a conference on the subjects of disagreement.

A committee of conference was appointed on the disagreement between the House and Senate, respecting the bill to ascertain and regulate the claims to half-pay and invalid pensions. Committee, Messrs. LIVERMORE, MURRAY, KIRCHELL. The amendments of the Senate to the bill providing for the relief of certain widows, &c., were read, and laid on the table.

MILITIA BILL.

The House proceeded to consider the amendments reported from the Committee of the Whole House to the bill more effectually to provide for the national defence by establishing an uniform Militia throughout the United States; and the same being severally read, some were agreed to, and others disagreed to. The said bill was then further amended; and, together with the amendments, ordered to be engrossed, and read the third time tomorrow.

TUESDAY, March 6.

A memorial of the Trustees of the University of North Carolina was presented to the House and read, praying to be reimbursed for the value of certain tracts of land in the Western Territory of the said State, which were a donation to the said University from Benjamin Smith, Esquire, and have been since ceded to the Indians, by the Commissioners of the United States, at the Treaty of Hopewell.

Ordered, That the said memorial do lie on the table.

A petition of Andrew Jackson was presented to the House and read, praying compensation for his services as Attorney for the District of Miro, in the Territory South of the Ohio. Referred to the Attorney General, with instruction to examine the same, and report his opinion thereupon to the House.

MILITIA BILL.

An engrossed bill more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States, was read the third time, and the blanks therein filled up; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 31, nays 27; as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Benjamin Goodhue, William Barry Grove, James Hillhouse, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Israel Smith, William Smith, John Steele, Samuel

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Ordered, That the Clerk do acquaint the Senate therewith.

A motion was made and seconded, that the House do come to the following resolution:

“Resolved, That the Secretary of the Treasury be directed to report to this House his opinion of the best mode for raising the additional supplies requisite for the ensuing year.”

And, debate arising thereon, an adjournment was called for and carried.

THURSDAY, March 8.

A bill to amend the act, entitled, “An act for the Encouragement of Learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned,” was read the second time, and ordered to be committed to a Committee of the Whole House on Wednesday next.

A bill to enable John Churchman to prosecute certain observations and discoveries relative to the Northern magnetic point, was read the second time, and ordered to a Committee of the Whole House on Monday se’night.

Mr. SENECA, from the committee to whom was referred the memorial and petition of the Directors of the Ohio Company of Associates, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

A petition of Henry Laurens, of Charleston, in the State of South Carolina, was presented to the House and read, praying that a claim presented, and referred to the Secretary of War, at the last session of Congress, and by him reported on, may now be considered and decided on.

Ordered, That the said petition be referred to Mr. SMITH, of S. C., Mr. WAITE, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

ADDITIONAL SUPPLIES.

The House resumed the consideration of the motion made yesterday, in the words following:

“Resolved, That the Secretary of the Treasury be directed to report to this House his opinion of the best mode for raising the additional supplies requisite for the ensuing year.”

Mr. SENECA said, that when the law was passed constituting the Department of the Treasury, and making it the duty of the Secretary to report to the Legislature plans for the management and improvement of the revenue, he had fondly indulged the hope that a great principle in the administration of the Government had been so far settled that it would not have been called in question at so early a period. This principle he then and still understood to be, that a great officer should, by appointment for that purpose and an adequate salary, be responsible to the community to produce to the consideration of the National Legislature, such systematic arrangements in the intricate business of finance, as should give the highest assurance of the support of public credit,

with the least possible burden to the citizens of America. That if this great principle remained still to be determined, he ardently wished that we might profit by the experience of other nations, and by our own: that he knew of no nation that suffered under the weight of a public debt, but had found it indispensable to its welfare to appoint some officer, whose duty it should be to superintend this important branch of business; and that, without such appointment, it was impossible for him to conceive that an orderly administration of the finances could be effected. It was not long since, that all America had attempted to provide for the public exigencies, by the undigested schemes of legislating financiers. The effects are remembered by all; the revenue was incomparably less productive, and yet the people infinitely more burdened than at present. These facts would reader believe that experience was the best guide to the well-founded political conclusions. But, on the other hand, if gentlemen were disposed to calculate on the data afforded by imagination, and to build systems on arguments *a priori*, not only unsanctioned by experiment, but in opposition to all experience, we might render the debts we owed—which had been justly styled the price of liberty, and for which therefore we were under the highest obligation to provide—an intolerable burden. For he would venture to pronounce, that the measures which would result from such a desultory mode of procedure, would create grievous expectations on our constituents, disappoint the expectations of Government, and prove inadequate to the support of public credit.

By these observations, he did not mean to derogate from the responsibility of the character of the House collectively, or of any individual member of it. There might be many who had sufficient talents ably to preside in the management of our finances, provided their minds were confined to the contemplation of that subject alone. But it should be remembered, that while separated in the recess of the Legislature, the avocations of professions, or other business, left to most of the members but little leisure for the investigation of political questions; that while in session, they were obliged to pay attention to every subject of legislation committed to the National Government. That, considering the limited faculties of the human mind, he did not think gentlemen should feel themselves wounded in reputation, by the supposition that they were not, collectively, minutely acquainted with every branch of science, a knowledge of which might be involved in the subjects of our legislation. Without such an extent of information and science, a man might be an excellent legislator; otherwise the business of popular legislation must altogether cease, or be very badly managed. It would not produce the smallest usefulness in his mind, to have it universally known that he pretended not to the deep knowledge of jurisprudence of the Attorney General, the acquaintance of the Secretary of State with the political interests and relations of the community, or the profound knowledge of the Secretary of the Treas-

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survey of the intricate subjects of finance. Yet he felt some degree of confidence in the ability which he possessed, of judging of the expediency of adopting such measures as those officers should recommend. He observed, that the House, ever since the organization of the Executive Department, had conducted as if convinced of the justness of this reasoning, by their frequent references to the Heads of these Departments. That, particularly, when it had been suggested that the Judicial system required amendment, the subject had been referred to the consideration of the Attorney General. That when the commerce of the country came under deliberation, it was referred to the Secretary of State. That these subjects comprehended the most important and dearest interests of the people. That he heartily concurred in those references, and would take the liberty to add, that they had the support of the gentlemen who were now so strenuous in opposition to the present motion. That if the House was then right, those would not be wrong who were in favor of this question. He observed, that gentlemen, in the two cases which in argument they had supported, had given very opposite opinions of the collective character of the members of the House. When they were considering them solely devising the ways and means necessary to supply the deficiency of the revenue, they gave them all the qualities of profound financiers; but when they were to consider the reports of the Secretary, they became at once transformed into resistless dupes, incapable of manly investigation, and quietly sailing down the stream of Ministerial influence. Did gentlemen feel, in the latter instance, the want of that independence of spirit which is necessary to enable them to investigate and decide for themselves? If so, they would want much of that greatness of character which would enable them, in the former case, to act for the public benefit. It appeared, by what gentlemen had said during the course of the debate, that members were not to be absolutely restricted from receiving every species of information on this interesting subject from the man who was constitutionally selected as the best qualified to give it, and amply paid by the public to devote all his time and talents to understand and communicate respecting it. It was, however, curious to observe the narrow limits within which that information was to be restricted, and the incomprehensible mode by which it was to be obtained.

The gentleman from Virginia, [Mr. MANLSON,] who had heretofore approved the references which he had mentioned, to the Attorney General and to the Secretary of State, and who had given efficient aid in making it by law the duty of the Secretary of the Treasury to report plans for the management and improvement of the revenue—had, on this occasion, taken some pains to show the consistency of his political conduct, by attempting to prove that management and improvement implied neither project nor appropriation. This gentleman had given in detail the several proceedings which ought to take place to obtain on one hand the benefit of the knowledge of the Secretary, and to maintain on the other the indepen-

dency of the House. Thus, according to his plan, was the business to be pursued. The House was, in the first place, to call on the Secretary for a state of facts; it was then to resolve itself into a Committee of the Whole, to form opinions; these opinions were then to be referred to the Secretary, for him to report respecting them a systematic arrangement. Let this scheme, so far as it is intelligible, be examined. First, the House is to obtain from the Secretary a state of facts. The House had been left to conjecture to what subjects those facts were to relate. We already knew the deficiency to be provided for—the subjects of revenue, such as were pre-occupied, and such as still remained untouched; we also knew how far those which had been occupied were productive. These facts were already known; we must not receive any opinions or argumentative deductions respecting them; this would go in destruction of the independence and purity of the House, and some gentlemen seemed to suppose, to the subversion of liberty. The facts, whatever they might be, were to be referred to a Committee of the Whole, who, as financiers, were to form opinions respecting them; and those opinions were to be sent to the Secretary for a systematic arrangement, and this systematic arrangement was to be made without suggesting any opinion. How this was to be done the gentlemen had not been pleased to declare. We only knew that no opinions were to be recommended to the adoption of the House. This was the dreadful enemy to our independence and freedom, that was to be avoided with the utmost caution. He himself had hitherto supposed, that a systematic arrangement for the execution of a complicated and intricate subject, could not be made without suggesting many opinions. That he believed this singular, and as yet inexplicable, scheme of forming systematic arrangements without opinions, would be as curious as it would be new in practice.

He said, no gentleman could doubt but that the plans of the Minister would find their way into the House, if regularly introduced, as they had hitherto been. The officer, whoever he might be, would be responsible at least in reputation to America and to the world, which alone would form the strongest motives to industry and integrity in the various plans he should recommend. That it appeared to him, that gentlemen who so strenuously opposed the present motion, would, if they should succeed in their wishes, destroy most of the benefits intended by the institution of the office of the Secretary of the Treasury, and wholly screen the officer from every species of responsibility.

Mr. GOODHUE supported the reference. He generally remarked, that in his opinion the most eligible mode to be adopted for raising the supplies on the present occasion would be by way of loan. He then entered into a consideration of the various objects which ought to be within the knowledge of every man who pretends to manage the finances of a country. He did not think it any derogation from the character of any member of the House to suppose that they were less com-

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petent to a thorough investigation of fiscal arrangements than an individual who had made the subject the particular object of his study and attention. The mischievous consequences of committing these arrangements to numbers, had been severely felt in some of the States; in the present case the House does not, however, commit its judgment—it is at liberty to approve or reject—and the measure, in fact, is only taking the best means to get the best information.

Mr. PAGE—I shall always vote against a motion for applying to the Secretary of the Treasury for information respecting the means of procuring the sums of money necessary for the exigencies of Government. It is no argument to me to be told, that the act which established the Department, at the head of which that officer is placed, authorizes that motion. That act may be plead as obligatory on the Secretary to reply to such inquiry when made by Congress, but not to induce this House to make such inquiry. When that act, which is now urged in justification of the motion before the House, was under the consideration of the House which formed it, I raised my feeble voice against it. I endeavored to show, that the powers given to an officer, who was appointed by the President and Senate, and removable by the President alone, were such as were utterly incompatible with the principles of the Constitution, and perhaps with the letter of it; as that does not permit even the independent Senate, the Representatives of the Legislatures of the several States, to originate a money bill. I remarked, that if the bill passed, it would verify the predictions of the anti-Federalists, as they were called, and would alarm many friends of the new Government. I observed that the practice of the former Congress, which was adduced as a precedent for such applications to the Secretary for his statements and reports, was not a case in point; as the Congress, under the Confederation, was looked upon as a mere diplomatic body, whose acts were revised, approved, or rejected by the State Assemblies—which shows that it was immaterial who planned the schemes of finance—whence information was derived, or who drew the acts of the then Congress, as they were not, as the laws of the present Congress are, paramount to the laws of all the States. I contended, sir, that it was the peculiar duty of this House, to originate money bills, and to devise ways and means, as they are called. I am still most decidedly of the same opinion; and I think with the member from Pennsylvania [Mr. FITZSIMONS] that such a reference to the Secretary of the Treasury is a dereliction of our duty, and an abandonment of the trust reposed in us; and that many other references must have the appearance of an unbecoming indolence. I am also of opinion with the member from Georgia, [Mr. BALDWIN,] that if ever we make a stand, it should be on this ground. I will add, that it is high time to make that stand. For a bill having passed, which was opposed as dangerous to the Constitution, and utterly incompatible with the principles of a free Government, and indeed as inconsistent with the plain construction, and I may say the very letter of our own Constitution; and that bill

being now appealed to as a justification of a motion which can be supported on no other principles, but such as may be used to subvert our Government, and to introduce a Monarchy, as unlimited as that lately abolished in France; for surely if more wisdom can be found in a few Heads of Departments, than in the whole Representative body of the people—and if those Heads can be made responsible, whilst the Representatives are free from responsibility, and despatch and energy can be obtained without the expense of a Congress, or of this House at least, I see not why the people might not make a favorite President as absolute as the Kings of France have been, and call on Congress, like the Parliaments of Paris, only to register his edicts. I say, as this is the case, it is high time to make a stand. But we are told, that the Heads of Departments are recognised by the Constitution, and the business now required of one of them sanctioned by law; and we are also told of precedents establishing and authorizing this mode of proceeding. It is surely, then, high time for every member who views that law and such proceedings under it, in the light I do, to join with the member from Georgia, and make a stand, as he calls it. And I trust, sir, that rather than suffer that law to be thus resorted to, they will unite to amend or repeal it.

I repeat it, sir, here we should make a stand; for however well intended such measures may be, and the arguments in support of them, their tendency is mischievous, and ought to be opposed by every friend to a free Government.

The bills establishing the Departments of Government have strong Monarchical features; and have too often led Congress into the steps of Monarchical Governments. The Republican part of the British Government rely on a Committee of Ways and Means; the Heads of Departments being members of the House of Commons, are always forward to take the lead in the plans or projects of the Crown; and they have so ingeniously involved the plans of finance, that few understand the mysterious business, and therefore it is in the Minister's hands alone. Sir, the House of Commons always severely scrutinize their plans, and are not so obsequious to their Ministers, as some gentlemen are disposed to be to our Secretaries.

But what would Englishmen say, if their Parliament were to pass such a bill as this now referred to; and should call on a man, not a member of either House, but appointed by the King, with the advice indeed of the House of Lords, removable however by the King alone, to lay before the House of Commons a plan of ways and means? Would the people of England be satisfied with the strange story of his responsibility? And of his superior abilities? But what is this responsibility so much talked of? The President may dismiss the Secretary from his office, or this House may impeach him; but when the President and Congress both are his accomplices, who will dismiss or who impeach, and where then is his responsibility? And what is to become of the people's rights, if this be the case, and this House be not accountable to the people for its acts? as a member said.

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But, sir, I will not ask what Englishmen would say on such an occasion, I will tell you what Americans have said. They have said that, under this boasted act, you might as well apply to the President in the first instance, as to any Head of Department under him, were it not for their virtue; and that, at the rate Congress have proceeded in some cases, their rights are at the mercy of Departments. But here we are asked, if we have not wisdom enough to reject an improper plan, how we could be supposed capable of devising a good one? To this, sir, I shall only reply, that when we have done our best, we shall have discharged our duty; and our bills will at least be framed according to our Constitution; and the doubting members may ask the opinion of the Secretary, if they please. One member endeavored to ridicule Republican jealousy; I thank God, although I am a Republican, I know where to direct my jealousy, and where when to repose confidence; when to strengthen Government and when to restrain it.

We were asked indeed, Are you afraid of truth, and unwilling to receive instruction? I answer, No. Truth is our great object, and just information our only aim; but to get at truth, respecting the most likely means of raising a revenue, with as little inconvenience as possible to our constituents, was, I conceive, a principal object in the view of the framers of our Constitution, when they instituted this House of Representatives. In this House alone I should search for truth, respecting this important question; from the Representatives of the States I should expect to receive all the necessary information respecting it; and if the Secretary be possessed of vouchers for further information, the House should call for it. In the Committee of the Whole, every inquiry should be made—resolutions be proposed, examined, amended, and when maturely considered and approved by the House, where all the further information which the Heads of Departments can give may be called for, our business would be done. I say this is the way for Congress to get at information, and to arrive at truth; but to apply, in the first instance, to a single individual must be improper—to an individual circumstance as the Heads of Departments are—who are removable by the President—liable, from the infirmity of human nature, to local attachments, to imposition, even of ingenuity and good sense; I mean the imposition of their own theoretical reasoning, borrowed from writers on Governments not altogether resembling our own. Whatever he should propose, would come with such advantages as to require much time, and perhaps more penetration than this House could readily command, to see through and reject, if improper; but some, I know, are of opinion that a Secretary may venture to propose what no member would be hardy enough to mention. Some have doubted whether the Funding System, the Assumption, or the Excise, could have been introduced by any other means. If this be true, and these schemes be such as in the issue of them shall be attended with happy consequences, so far as we have gone, such applications to the

Secretary were right; but it is unmanly, and unbecoming the Representatives of freemen, to act in this manner, to adopt measures which we dare not propose, and to applaud them because they were planned by this or that Secretary. It is ungenerous to hold up a Secretary as responsible for errors adopted by Congress; and it is unreasonable to impose upon him a task which, although our peculiar duty to perform, we shrink from. The multitude of references already made to the Secretary of the Treasury, and the necessary length of some of his reports, leave him no leisure to attend properly to the different branches of his own Department.

But what information do we ask? We know the estimates of expenses for the present year. We have estimates of the probable amount of the revenue; and we have called for a Report of the amount of surpluses, if any, in the Treasury. We can then, as well as the Secretary, determine whether any additional revenue will be necessary; and if so, we alone ought to devise the ways and means of raising it. If despatch is necessary, it is better to determine here at once what is to be done, than to apply to the Secretary, whose plans we may, after long debates, reject. As to the Secretary of the Treasury, I acknowledge his abilities; I know too that some of his Reports do honor to his heart, as well as to his head; his gallant behaviour in the late war has commanded my highest respect and esteem; but I owe too much respect to our country to agree to the resolution before you. I wish, therefore, that this House would refer only such cases to him, as they cannot decide on without official information in his hands; and that, in the present case, the House would, in a Committee of the Whole on the state of the Union, take under their consideration the means of raising the supplies which may be found necessary for the support of Government, and protection of the frontiers.

Mr. STEELE observed that a motion to bring forward a bill for repealing the law establishing the Treasury Department, would afford a proper opportunity for the display of that oratory which the House had been entertained with yesterday and to-day; but on the present occasion, he conceived the remarks were not in point. He observed that it was customary with the first Congress to make references of subjects of this nature to the Secretary of the Treasury; the present Congress has done the same, and he had heard of nothing that suggests a sufficient reason to deviate from the practice. All the Reports that have been received have been attended to, investigated, and scrutinized with a zeal and diligence which have not marked the conduct of the House on the Reports from Select Committees. He instanced several Reports of the latter description, to which little attention had been paid. The independence of the House has been manifested in respect to Reports from Executive officers, even from the highest; and he trusted that, on all occasions, the House would continue to support its independence of character. He should always rejoice in an opportunity to oppose every Report from the Heads

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of Departments, when his judgment did not approve of them.

He contrasted the present conduct of those opposed to the motion, with their conduct on the bill providing for the defence of the frontiers. Every one who now opposes this proposition, was in favor of almost an implicit adoption of the Report from the Secretary of War. He opposed that report; but these gentlemen now oppose the most obvious mode of devising ways and means to defray an enormous expense, brought on the country by that very bill.

Mr. MURRAY observed, that, on such a question, his object should be to pursue what appeared to him the wisest mode of raising taxes. In agreeing, however, with the resolution and its reference, he could neither see danger in the precedent, nor surrender of constitutional right in the consequences. As to the privilege of originating money bills, when ways and means are to be sought for, his first object should be, to gain all the information the delicacy of the case demanded. The duty of exploring the resources of a country, as yet untried in many of its objects of taxation, was certainly the business of the House of Representatives; but why they should refuse to themselves an opportunity of gaining additional knowledge beyond what the leisure of any one here, or the abilities of few could collect, was extraordinary. He wished for a reference to the Secretary, in the first instance, because it would not very well comport with the dignity of the House to refer to him in the second instance. If, on trial, there should appear either a crudity or a conflicting of systems; and if, as would most probably be the case, partiality in the mover of any undebated set of resolutions, should show itself, the House must either make the most of the plans proposed, or, in the very last resort, call on the Officer of Government to suggest his opinion on the subject. The subject was extremely intricate; but part of the intricacy of taxation and finance was removed by the well-arranged order in which, he presumed, the documents relative to the Department were preserved. An act of Congress has already delineated the duties of the various Departments. To the Secretary of the Treasury, it belonged to collect information respecting the objects of taxation; to invent or adopt, and propose schemes by which the revenues were to be improved; to digest ideas on the political economy of the country, and to superintend its finances. In such a Department, he must think that a mass of information existed on the various resources of this country, and their probable productiveness, which was not necessarily to be expected elsewhere. He wished to avail himself of this information, on which he would exercise his right of judging, altering, or rejecting; and he wished to obtain it in the mode most congenial with his own mind, in an open, responsible communication to the whole House. He was certain that, though in no habits of intimacy himself, that could justify a private communication with the Secretary, nor warrant from the Secretary an unsolicited opinion to him, the opinions and ideas of the Secretary would, in some way or

other, most assuredly find their way into the House. He wished to see no Ministerial out-door influence. The whole influence of superior judgment, and of well-digested opinion, he did not fear. On the contrary, that superiority was the only one to which could bow; and the only way in which the unmixed benefit of such an influence can be felt, was that way in which the law respecting the Heads of Departments contemplated the subject. From this mode of communicating all the knowledge of the Treasury Department, two benefits would be derived: the Secretary would send to us his best opinions on the subject, and in a way of which the whole House and the public itself could avail themselves in forming a judgment; and private influence, partially and irresponsibly given to individual members, would be rendered useless. He begged leave to remark, that the objection to this mode, that the power and right was in the House of Representatives to originate money bills, could not have much weight. The House of Representatives, of right, and by the Constitution, were properly constituted the sole origin of money bills; but this reference does not deny the right, nor can it weaken its operation. A bill does not originate till the House has agreed to some principles or resolutions, or a committee reports a bill by order. Principles then established by vote, resolutions, or leave, are the only ways in which, in a Legislative sense, any thing can be known to this Government to originate in the work of legislation. He who has not a seat here, of whom, for the sake of multiplied information, we require controllable opinion, does no more originate the legislative work of the House, than the author of a work on finance, from whose opinions we form a scheme of revenue, can be said to tax the people. There is certainly this good attending a reference in such cases: a greater chance for simplicity in the system of finance, and greater stability. The opinions thus obtained are not obligatory farther than as they appear founded in wisdom; we can alter, add, or reject; a complete control is in our power. It is thus we shall unite the efficiency and regularity which are the only good parts of bad government, with the control and the right of rejection, which belong to the most free. Gentlemen, after all, will not be precluded from furnishing the House with the result of their individual labors and talents. Some gentlemen had agreed that if a Committee were to submit a plan to the House, that Committee might obtain all the intelligence necessary from the Secretary. This would, he thought, be better than obtaining information secretly by individuals, but would be very objectionable, and attended with this inconvenience: that the opinions of the Secretary on which the Committee might make their report, would be but partially known to the House, and would come into it unaccompanied by the high responsibility which an official Report from the officer, made in the face of the world, would give them. He would vote for the reference, because he wished, on so tender a subject as that of taxation, to have all possible information, because he felt his right to reject opinions to which he might not

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be able to subscribe, and because he thought the House too delicate to obtain official information in any other mode than that in which they might rightfully exert their impartial judgments in its admission or rejection.

Mr. FIDLEY.—I object to the resolution for calling upon the Secretary to report upon the ways and means, as contrary to the principles of the Government, and inconsistent with the purity and independence of the House of Representatives, whose duty it is exclusively to prepare or originate revenue laws.

I consider this mode as a transfer of Legislative authority. It is a serious question, if Legislative authority can be transferred by the constitutional Representatives of the people. If it can, how far? If any part of the constitutional Legislative trust can be transferred, may not all or any part thereof be so? The opinion I have received, and in which I am firmly persuaded, is, that the Legislature, nor any branch thereof, can do any part of legislation by proxy. The members only are responsible for the discharge of that trust; they are the official judges of the principles and objects of legislation.

The House of Representatives are peculiarly intrusted with the authority of digesting fiscal arrangements and principles; of saying what shall be a subject of taxation, to what amount, and the uses to which it shall be applied. This power is supposed by the Constitution of the United States, and by the constitutions of most or all of the separate States, to be a most important and influential part of Legislative authority. Hence the Senates, though they are also the people's Representatives, are in other respects vested with equal Legislative authority, are not permitted to prepare revenue systems; their attempting to do it would be an unconstitutional usurpation of Legislative power.

The method of transferring a power to the Secretary to digest the principles of money bills, and report them officially to the House, accompanied with his arguments in support of the principles and arrangements contained in his Report; which has been sanctioned by Congress, and is now about to be repeated by the resolution before you, I consider as a method of originating money bills highly improper in itself, and which has a dangerous tendency.

But a worthy member [I believe Mr. AMES] informs us, in defence of the resolution, that the Secretary can prepare a revenue system with more consistency with respect to the existing revenue laws, and better calculated to support public credit; that it will pass with greater facility through the House; that the members do not possess sufficient information to enable them to originate the business; that the Secretary only is possessed of the information competent to it; that we can judge of his systems when they are laid before us, as there will always be some to find out his defects, and expose them. All these arguments respecting the incompetency of the members for the business, and the superior fitness of the Secretary, apply against the Government itself. If the Con-

stitution vests this House with a trust which it is not qualified to discharge, it is time to change it, and adopt a more simple form. It is much better to have a Minister responsible to the people for the revenue systems they introduce, than to have the responsibility lost in the Legislature. If the members of this House are only to give a sanction to the Minister's systems, it is better to dispense with that sanction. I have no doubt but that the Secretary of the Treasury is very capable of discharging this duty; and, if he was a member of this House, I would not say he was unfit for his part of that trust; but this is not the place for paucity. The Minister's eminent abilities, or his want of them, is all one to me on this subject. The modesty of gentlemen who declare themselves unfit, is not very honorable to the House, nor easy to be credited. Let the House fix its own principles, judge for themselves of the proper sources of revenue, and of the uses to which it ought to be applied; and capacity and information will grow out of the investigation. If the members differ in opinion, as may be expected, they will propose different systems; and, by comparison and discussion, they will become the better acquainted with the subject. If the members stand in need of that information which arises from the operation of existing laws, or of the efficiency of operating revenues, the President has a constitutional power to call upon the Heads of Departments for that information, and communicate it to the Legislature; and the House, by its own authority, has a right to call for information from any Officer or Department, upon any subject respecting which it may originate laws. This is a power incidental to legislation. But with respect to the general interests of the community, the knowledge of which must grow out of a representation of all the local interests, this can only be found among the members of this House; and, if the representation was more numerous and more equal, that kind of information would be still more perfect. Certainly this House contains in itself more extensive knowledge of the people's wants and pressures, of their situation and prepossessions, and of their resources, than the most enlightened Minister can possibly do—especially when it is considered that all the documents locked up in the Minister's office are at their command. The practice of the House, in depending on the Minister to originate principles, and to furnish the House with volumes of arguments in favor of those principles, and the custom of members having recourse to those arguments as authorities, has done more to dishonor Congress, and lessen the members in the public esteem, since the change of the Government, than any other part of their conduct. How can Congress be respectable, if they spend long sessions, at a great expense, on the most influential parts of legislation, only to give a sanction to Ministerial systems; or, at best, only to criticize and correct them?

If, as it is alleged, the Secretary of the Treasury, framing revenue systems, is better calculated to support public credit, and gives the business a greater facility in its passage through the House—

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I say if this is true, it proves the influence to be dangerous in a high degree. Certainly, public credit, and the means of supporting it, ought to depend only on the will of the Legislature, and neither on the wisdom nor the caprice of a Minister; indeed, if it stands upon any other authority or influence, it is not fixed upon stable ground; for the Legislature may, and will, some time or other, act upon its own principles, and in this case the change of systems may be the more sensible. Gentlemen are wrong in arguing from the old Government to the new; the old Government was not vested with powers, nor possessed of resources for the support of public credit; therefore the not supporting it cannot be ascribed to the Minister's not originating the systems. The gentlemen say, that it is proper the Secretary should be permitted to accompany his Report with arguments, in order to explain the principles thereof, and state the facts with which it is connected. I wholly object to a Minister's dictating or propounding revenue systems, and still more to his supporting them with arguments, as it is carrying the influence of the Executive administration to a still greater extent. The President has a constitutional right to communicate information, to recommend such subjects as he may think expedient, and to exercise a limited negative after the bills have passed both Houses. But if the President was to claim a right to originate a money-bill, it would be judged contrary to the principles of the Government, and dangerous to liberty. How much more dangerous, and I had almost said degrading, is it to transfer that power to a temporary Minister, not chosen by the people nor responsible to them.

But, one gentleman says, that this is made the Secretary's duty by the law which constitutes his office. That it is made his duty by law is a sufficient apology for him in undertaking and discharging it, but not for the House in transferring it to him. I deny that the House can be bound by a law with respect to its powers and duties. This House is as free to originate money-bills as the last House was, and any future House will be as free as this. The Constitution is the only law whereby the powers and duties of this House can be governed, nor can we either decline a duty or transfer a trust which has been specially bound on us by it. Nor will I agree with the gentlemen that if it is an evil it arises from necessity. Certainly if we are capable of altering, amending, or changing the principles of the Secretary's Reports altogether, as is granted, we must be capable, with due industry and attention, to originate them ourselves.

But we are further told, in defence of referring to the Secretary, that if we do not do it ourselves, the committee employed, or some of the members, will have recourse to the Secretary for assistance, and that in this way his principles and arguments will be introduced with equal influence secretly, and that it is better to face it openly, and for all the members to have equal advantages from it. This argument is plausible indeed, but will not bear examination. So far is the method con-

tended for from preventing private influence, that it produces it in a much greater degree. From the nature of the case we may conclude, that a Minister will not digest a revenue system without adapting it to the views and interests of a number of influential members, who will assist him in preparing and influencing others to support it when introduced; indeed, it gives the greatest possible stimulus to private influence; for it not only combines an influential private interest to support it, but the Minister's character and the character of his friends are much higher pledged for its success than if the influence was private. Thus, I apprehend, this method is not only objectionable on account of the Ministerial systems and arguments which the members receive in this House, and peruse in their closets, but also on account of the greater inducement it must give to corruption. But the gentleman from North Carolina [Mr. STEELE] observes, that we may upon the same grounds object to the President's Address, recommending business to the Legislature; that myself and others who oppose the reference in question, very lately advocated a Report of the Secretary of War, which he opposed; that by carrying the substance of that Report into a law, we have saddled the Government with a debt for which we are now about to provide; and he suggests the impropriety of those for whose immediate defence the debt is incurred objecting to the usual method of providing for its discharge.

I have observed already, that the President has a right, created by the Constitution, to recommend business to the Legislature, as well as to give information of the state of the Union; in consequence of this trust he, by a Report of his Secretary, gave us information of the state and misfortunes of the Indian war, and his opinion of the force and expense that he judged necessary to enable him to bring it to a happy and speedy conclusion. This information was constitutional and necessary. Well knowing that an inadequate force and the short enlistments rendered the two last campaigns disgraceful, and increased the strength and irritation of the enemy, I voted for the increase of the army, and for longer enlistments; but I voted for higher wages than was reported, and we will yet regret that this was not agreed to; and I think, in doing so, I was promoting the best interests of the country, and countenancing no unconstitutional influence. Surely if the gentleman would reflect for a moment, he would not quote this as a precedent to justify this House in voting a transfer of the peculiar and exclusive constitutional privilege and inalienable trust of this House, to originate or digest the principles of revenue systems, to an Executive Officer, not known in the Constitution, nor appointed by or dependent on this House.

I will further beg leave to inform the gentleman, that the people of the frontiers do not claim protection as a favor; they demand it as a right; they know that protection and allegiance are inseparable; that if they are not protected, their

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connexion with the Government is dissolved; it is in their lot and their misfortune to be exposed as constant picket guard to the interior inhabitants; too frequently have their habitations been rendered desolate, and they have had their dearest relatives butchered. When the Atlantic shores were the object of invasion, neither the inclemency of the season nor the dangerous situations of their families at home prevented them from giving assistance. They have had little weight in the Councils which have, by affording inadequate means of protection, increased their distress; they think it ungenerous to be aided with a too sparing hand, and at the same time insulted with unmerited reproach.

The gentleman says, he has heard me often moving to refer petitions to one or other of the Secretaries myself. I acknowledge it. When the petitions are for personal claims, being of a judicial nature, and connected with the documents in the Secretary's office, I think it proper to refer them there for information with respect to facts. When I moved for a reference of the excise petitions which came in by me, I did it in obedience to the custom of the House, but with an express declaration that I thought the custom then wrong; that, I have no doubt, the members will recollect. The gentleman has also observed, that there is independence and good sense enough in this House to examine, to alter, or reject a Report of the Secretary, notwithstanding his arguments which accompany it, and that we have done so in various instances. This I freely grant; nay, I advocate more than this: I believe there is good sense and independence enough in this House to digest and originate revenue systems without the Secretary's doing it for us. But what does this argument amount to? Why, it amounts to giving the peculiar trust of originating to the Secretary, and reserving that power to ourselves which the Constitution vests in the other branch. The Senate cannot prepare a money bill, but they may alter, amend, or reject such as we prepare and transmit to them; and they have done so. Is not this giving the power and influence in a great degree to the Secretary, which the Constitution gives to us? Is it not, in fact, giving up the point? The Senate is not permitted to digest their arguments and transmit them to us in support of business which they prepare; neither are we permitted to do so with them. Nay, it is unconstitutional to mention what we think would be agreeable to the Senate or the President, in our arguments on the floor, lest it should have the appearance of influencing the measure. The one branch cannot call upon the other officially to originate business; how unreasonable, then, is it to refer the most important business to the Secretary to digest and prepare, and also to digest arguments for us which we order to be printed and put into every member's hand. But this method is highly objectionable on another ground. It is putting the power of the business out of our hands with respect to the time of our deliberation; this is certainly more than we are authorized to do, or can be accountable for to our constituents. If this practice be-

comes established, I shall not be surprised to find a Minister, in connexion with his friends in the House, delaying to report on the most important subjects until near the end of the session, when many of the members are gone home, or so anxious to get home that there will not be a sufficient opportunity for deliberation. Such things are not unusually attempted in public bodies without the aid of a Minister; in this House, I have heard the close of a session mentioned as an apology for the passage of an improper law; it is not necessary to create new snares for the deliberations of the House. Before I had the honor of a seat in this House, I was informed of this method of originating revenue systems, and I always thought it wrong. I am not confident the opposition to it will succeed at this time; the session is drawing near a close, and the opposition of members who advocate the proposed reference may delay the business, if originated in a way disagreeable to them. These reasons may induce some members to vote for it now, that would not do so in other circumstances; however, if it is carried, I hope the precedent will not be strengthened by a large majority. For my part, I pledge myself to persevere in opposition thereto; and have no doubt but when a more equal and more numerous representation occupies this floor, this unwarrantable practice of transferring so influential a part of the Legislative trust will be changed.

The question being put, that the House do agree to the resolution, it was resolved in the affirmative—yeas 31, nays 27—as follows:

Ysaac—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjeshub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Laurance, Amasa Learned, Samuel Livermore, Wm. Van Murray, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, William Smith, John Steels, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, and Anthony Wayne.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Samuel Griffin, John W. Kitter, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Thomas Trevellick, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

FRIDAY, March 9.

A Message was received from the President of the United States, communicating the copy of a statement of the expenditures of public moneys pursuant to the act providing the means of intercourse between the United States and foreign nations; this statement was read, and laid on the table.

STATE DUTIES OF TONNAGE.

The House went into Committee of the Whole on the bill declaring the assent of Congress to

MARCH, 1792.]

State Duties of Tonnage—Indemnity to General Greene.

[H. OF R.]

certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, which impose a small duty on tonnage for the purpose of clearing obstructions in the navigation of the Sound—Mr. W. SWANN in the Chair.

Mr. GILES moved to strike out the first clause, and made sundry remarks on the unequal operation of a law of Maryland which should subject the vessels of other States to a tax solely for the benefit of the port of Baltimore. It is designed by this bill to raise a fund to be applied for the removal of a natural obstruction in the navigation of that port, and hence he considered it as a *petual* tax on the citizens of other States; in this view, he objected to it as a partial imposition; it was much complained of by the neighboring ports; he hoped therefore the clause would be struck out.

Mr. SENEY supported the clause. He observed, that though the port of Baltimore would be benefited in the first instance, yet it was by no means a partial business; the accommodation and safety to shipping resulting from it had an important reference to the commerce of the Union; it contributed to the security of navigation, both foreign and domestic—and the importance of the trade of that place was sufficiently obvious from the amount of the revenue collected there. The salutary effects of the regulations which have been adopted and sanctioned by Congress, he conceived were sufficient reason for continuing those regulations.

Mr. GOONHUS and Mr. GENAY offered a few remarks in opposition to the regulation, and said the provision might be extended with equal propriety to various other parts of the Union; it ought not therefore to be taken up except on general principles.

Mr. MURRAY defended the regulation of the bill on general principles. He considered it in the light of a turnpike road, which, though it may subject the citizens to a tax, they are abundantly compensated by the benefits resulting from the accommodation thereby provided; the tonnage paid is a small duty, applied expressly to this object, and cannot reasonably be considered as an oppressive or partial tax; and it is paid by those who are immediately benefited, and is in every sense reciprocal.

Mr. NILES said he had seconded the motion for striking out on a mistaken apprehension. He had supposed the money to be collected was to go into the public Treasury, but the remarks of the gentleman from Maryland [Mr. MURRAY] had undeceived him, and he thought his comparison to a turnpike road was in point; he then enlarged on this idea, and said he could not conceive what injury would result from extending the principle to any part of the Union where similar obstructions exist.

Mr. STERNETT supported the clause. He gave a short history of the subject, and then enlarged on the general policy of the measure. It had been objected to by one gentleman on constitutional ground; this was an objection which he had not expected, but he conceived it totally unfounded, as no partial preference was contended for, but merely

the continuance of a regulation which had been sanctioned by the General Government, and was clearly within the spirit and letter of the clause which has reference to the commerce and navigation of the States; it is a regulation of a *general* nature, that tends to the advancement of the trade of the Union as well as of that particular port.

Mr. AMES and Mr. WARRIS both spoke in favor of the clause—the latter observed that it appeared to him perfectly constitutional.

Mr. GILES denied that the benefits resulting from the regulation were reciprocal; they are confined to the town of Baltimore; and, if the clause is agreed to, he said he should move for a bill to confer similar benefits on all other seaports laboring under natural impediments in their harbors.

Mr. HARTLEY supported the clause on general principles, and said he should advocate a law which has for its object similar regulations in respect to any other place laboring under the like difficulties.

Mr. WADSWORTH said, as an owner of shipping, he should give his consent to any law which provides for removing the obstructions in navigation. No impositions are paid with more cheerfulness than those which are designed to procure safety and accommodation to the shipping. He enlarged on the advantages which result to the general interest, both of the merchant and farmer, from the shipping being able to penetrate far into the country by the navigable rivers; similar applications, said he, may be made from other quarters, and if they should be would give his assent to them.

Mr. FITZSIMONS added some observations in favor of the clause, and then the question being put, the motion for striking out was negatived.

The Committee proceeded through the other sections, and then reported the bill without amendment.

The blank for the continuance of the act was filled with three years, and then it was ordered that the bill be engrossed for a third reading.

INDEMNITY TO GENERAL GREENE.

The House proceeded to consider the resolution reported from the Committee of the Whole House on the 24th of February last, to indemnify the estate of the late Major General Nathaniel Greene, for a certain suretyship entered into by the said Nathaniel, in his life-time, on public account.

The report being read, a memorial of Henry Hill was presented by Mr. FITZSIMONS, praying that no law may be passed in the case which may operate to the injury of the petitioner in respect to an assignment made to him of a certain demand against the United States, by one of the partners of Banks and Company. Mr. F. recapitulated the general objections which had been before urged against the indemnification, and concluded by a motion in which it was proposed that the business should be put into a train of legal investigation.

Mr. BALDWIN, after some remarks highly favorable to General Greene's character, observed, that

a legal process in this case did not appear to offer those accommodations which this case seemed to call for. He then entered into a general consideration of the subject, in the course of which he observed, that certain bold and striking traits distinguished the conduct of General Greene during the late war. He acted as a Soldier, a Politician, a Legislator, a Commissary, a Quarter-master, and a General; in short, like a man who was conducting a Revolution on the success of which his own life depended and the liberties of his country, perhaps of mankind. He then adverted to the evidence which had been adduced to show that no partnership existed between General Greene and Banks, and that the engagements he entered into were on a public account. He said the characters of those who had solemnly testified on that occasion were such as to banish every trace of suspicion from his mind. He concluded by observing, that if ever a claim on the justice and humanity of a country existed, the present was such a claim.

Mr. STEELE said, he hoped the report would not be agreed to. He said the subject appeared now to be involved in more complexity than it at first appeared to be attended with. In all appropriations of money, the subject ought to be well considered; but what have the gentlemen who reported the resolutions done? Instead of producing that evidence which would pass in any Court of Justice, they have adduced General Greene's character, virtues, services, &c.; of these he had as just an opinion as any one, but he thought they were not altogether pertinent to the occasion. He hoped a further investigation would be made, and that if the Report was not rejected, the business would be put in a different train. Various and contradictory statements have taken place in the course of the discussion in six weeks. Some things are now admitted which were before denied. As the advocates of the Report have founded their arguments on the character of General Greene, he thought it his duty to bring forward some circumstances, which, though they do not impeach his character as a soldier and a brave man, yet they show his want of sincerity and consistency. He then adverted to the letters which he wrote, abusing the people South of the Potomac, at the very time he was experiencing their munificence and liberality. These things he mentioned not to injure his reputation, but to show that full credit ought not to be given to his subsequent assertions and declarations. He observed that the subject had not been so fully investigated, nor had such evidence been adduced as would justify an appropriation of the sum of sixty thousand dollars. He then took notice of those documents which appeared to favor the idea that General Greene was connected with Banks and Co. This matter, he thought, had not been placed in the most satisfactory point of light; a more thorough investigation ought to take place, and in order to do this, he said the subject had better be postponed to the next session.

Mr. CLARK was opposed to agreeing to the Report; he offered several objections arising from the obscurity which envelope the transactions.

Mr. HILLHOUSE stated sundry reasons why he should vote against the Report; and then the House adjourned without deciding the question.

SATURDAY, March 10.

An engrossed bill declaring the consent of Congress to a certain act of the State of Maryland; and to continue for a longer time an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations, was read the third time and passed.

A petition of Isaac Ledyard was presented to the House and read, praying compensation for services in the Military Hospital of the United States; referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

COURTESIES TO FRANCE.

On a motion made and seconded, that the House do come to the following resolution:

Resolved, That this House hath received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the Nation; and that the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French Nation, on this great and important event; and their wish that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a people.

It was moved and seconded that the said motion be committed. And on the question for commitment, it passed in the negative—yeas 17, nays 35—as follows:

YEAS.—Fisher Ames, Benjamin Bourne, Benjamin Goodhue, James Gordon, James Hillhouse, John Laurance, Amasa Learned, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Jeremiah Wadsworth, Artemas Ward, and Anthony Wayne.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Philip Heister, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Nathaniel Macon, John Francis Mercer, John Page, Cornelius C. Schoonmaker, Joshua Seney, John Steele, Samuel Sterrett, Thomas Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Alexander White, Hugh Williamson, and Francis Willis.

And then debate arising on the said motion, a division thereof was called for. Whereupon, The question being put, that the House do agree to the first part of the said motion, in the words following:

Resolved, That this House has received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the Nation: And that

the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French Nation, on this great and important event."

It was resolved in the affirmative—yeas 50, nays 2, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Benjamin Bourne, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, William Vans Murray, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thos. Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Jeremiah Wadsworth, Artemas Ward, Anthony Wayne, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Robert Barnwell and Egbert Benson.

On the question, that the House do agree to the second part of the said motion, in the words following:

"And their wish that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a People."

It was resolved in the affirmative—yeas 35, nays 16, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Benjamin Bourne, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Andrew Gregg, Thomas Hartley, Daniel Heister, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, William Vans Murray, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Joshua Seney, John Steele, Samuel Sterrett, Jonathan Sturges, Thos. Sumpter, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Anthony Wayne, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Benjamin Goodhue, James Gordon, James Hillhouse, Israel Jacobs, John Laurance, Amasa Learned, Samuel Livermore, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jeremiah Wadsworth, and Artemas Ward.

Ordered, That Mr. TUCKER, Mr. MADISON, Mr. MERCER, Mr. VINING, and Mr. PAGE, be appointed a committee to wait on the President of the United States, with the said resolution.

GEORGIA CONTESTED ELECTION.

On a motion made and seconded,

"That, in the case of the contested election on the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia, the sitting member have leave to be heard by his Counsel at the bar of this House, on Monday next."

It was resolved in the affirmative.

2d CON.—16

MONDAY, March 12.

GEORGIA CONTESTED ELECTION.

This being the day to which the trial of the contested election in the case of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia, stood postponed; the House proceeded to take up the same for consideration. Whereupon,

The sitting member, with his Counsel, and the petitioner, being present at the bar of the House, application was made by the Counsel for the sitting member further to postpone the hearing on the said trial until Wednesday se'night. On which application, the parties respectively being fully heard, and the question put thereupon, it passed in the negative.

The petitioner then proceeded to exhibit and read his proofs in support of the allegations of his petition, so far as respects the first article of charge therein contained; when an adjournment being called for,

Ordered, That all farther proceeding on the said hearing be postponed until to-morrow.

TUESDAY, March 13.

Mr. TUCKER, from the committee appointed on Saturday last to wait on the President of the United States, with the resolution, of the same day, expressive of the sense of this House of the notification by the King of the French of his acceptance of the Constitution, presented to him in the name of the nation, reported that the committee had discharged the duty assigned to them.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for an apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven," with several amendments; to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election, in the case of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. LEWIS (Counsel for Mr. WAYNE) appealed from the charges contained in the petition, in support of the sitting member, and stated reasons why it would be proper in the House to grant a further postponement, which he moved for. The chief arguments were, that there was certain evidence expected by Mr. WAYNE which had not arrived from Savannah.

A debate of two hours took place upon the motion for postponement, which was negative, 19 members only rising in the affirmative; consequently the trial commenced.

It was opened by a short exordium from Mr. Jackson, who was allowed to read and comment upon his evidence until past the usual hour of adjournment.

Mr. Jackson observed that, whilst he acknowledged the unpleasant task of appearing as a prosecutor, and sincerely wished the occasion had never presented itself; and whilst he lamented that so much of the public time which was required to other important objects had been expended, he could not help expressing the satisfaction he felt at the prospect of a decision on the Georgia election; nor could he forbear to observe that the doors of investigation could never be too widely extended on a subject of such capital import, and where the liberties of the people were so materially interested.

One of the greatest advantages, he observed, of a free Government was the right, which every individual of the community possessed, of making the grievances he lay under known; but that what in a private man, where there had been a private injury, was a private right, became, in a public man, where a public grievance or injury to the community had taken place, a public and indispensable duty.

Possessing, therefore, the testimony he did, and being in the situation he was, a candidate at that election, and the person who he believed, had justice been done, ought to have held the seat on that floor, he felt himself called on, in a double capacity, first, as a private individual, to assert his own rights, and, secondly, as a public man, to prevent an injury to the community—silence would have been inexcusable, and he should justly have been charged by his fellow-citizens as the betrayer of the rights of those whom he might most improperly term his constituents. He observed, that it was but a short time since that a period had been put to a Revolution, which, although glorious in its issue, was severe and bloody in its contests.

It was needless for him to remind the honorable House of the groundwork, the cause of that Revolution, where so many of its members had participated in its dangers, and had been distinguished in its conflicts; that it must be well remembered that the avowed principle, the declared right of Britain to bind America in all cases whatsoever, without representation, was the cause. Sir, added he, the right of representation was what America fought for seven long years, for which so many States were desolated, and for which so many heroes fell. Yet, strange as it might appear, scarce half a score of years had passed away ere this right had been violated and trampled on; trampled on ere the blood of our fellow-citizens, spilt in its defence, was as yet scarcely cold, and whilst the vestiges of the Revolutionary War were still exposed to every eye.

To prove this—and, for the honor of human nature, he wished he could not—was the object of his petition, and his appearance at the bar of the House; that, in the prosecution, he wished the House to observe that it was not their favor, but their justice, which he demanded; that the names or merits of the sitting member, of himself, should

not be known on the occasion; and that, for his own part, whatever might be the opinion of the honorable gentleman, of his merits or ability, he had not the vanity to suppose that his being in or out of Congress would affect the interest of America in the smallest degree; but that the question, abstractedly considered, was a question of the greatest magnitude, in which the lives, the liberties, the fortunes, the happiness of the American people, were materially involved; for it could not be denied that they all depended, in a greater or lesser degree, on the representation in that House; that the question was rendered more important by its being the first of its kind, and therefore would become the rule of decision in all future cases.

He then proceeded to state the facts and charges in his petition, and to make a few observations on them; that those observations should be as concise as possible, for he wished to address the House, not as a common jury, liable to be biased by prejudice, or to be imposed on by quibbles, but as the great guardians of the nation, sitting in a judicial capacity on a great and an important question, and in the decision of which the whole community was concerned.

After stating that he had testimony of another nature, which he had been prevented by the resolution from bringing forward, being tied down to the express articles of charge, which, in the Effingham election, were confined in two points—that of there being more votes than voters, and but one qualified magistrate presiding thereat, he proceeded to the investigation of those charges, and produced the following evidence:

First, the law of the State of Georgia for the election, by which he proved that the State was divided into three districts; that three magistrates were required to open a poll; that the poll was to be opened at nine o'clock on the 3d of January, 1791, and to be continued open until sunset; that the voters within the districts were to meet on the day of election in their respective counties, agreeably to the Constitution, to elect, by ballot, one person for each district, agreeably to proclamation. He then produced the return of the election itself, which proved the charge of there being nine more votes than voters; and, by the signatures of the three persons presiding, it appeared that but one of them had signed as a magistrate. He observed here that he should deem this sufficient if he brought no more evidence, but that he would now produce the testimony of Bell and Hudson, two of the persons acting at that election, to prove that they acted as private individuals, and in no other manner whatever. Mr. Bell's testimony went to prove that, when he arrived at the place of election, he was accosted by Lane, the sheriff of the county, who then first apprised him of his appointment, and persuaded him to sit as a magistrate; that he refused at first, saying he had no right, but afterwards agreed to sit, saying he might as well sit there as any where else; that he refused to sign the return as a magistrate, and that he signed as an individual, and in no other manner; that he was not at that time

qualified; and, in the cross-examination by Mr. Gibbons, he, on being asked if he had ever acted as a magistrate before that election, answered that he had never acted as a magistrate until that time.

He next produced the testimony of Mr. Hudson, who proved much the same as Mr. Bell; and added, that he found the people intoxicated between ten and eleven o'clock in the forenoon; that Messrs. Gibbons, Moore, and Putnam, residents of Chatham, voted in Effingham; that he gave up his opinion to Mr. Gibbons that the magistrates were not qualified; that a qualification was necessary, he produced the testimony of John Godlieb Meidlinger, clerk of the Superior Court of Effingham county, who proved that he never saw them act as magistrates before; that he did not consider them as magistrates; and that they were qualified in open court after the day of election.

Meidlinger, whose testimony was taken on behalf of the sitting member, likewise proved that the grand jury of the county had presented the election as illegal; indeed, added Mr. Jackson, a qualification on oath is necessary, and is founded on the justest reasoning. Should not he be qualified on oath, who has the power to qualify on oath? Should not he be bound by some tie, who has the personal liberty and property of his fellow-citizens so greatly at his disposal? "Miserable is that servitude where the law is vague and uncertain," says a law author; but much more miserable, he thought, would be that country where the public and private rights of a community would be at the will of a little despot of a Justice, without any tie, human or Divine. He did not mention this to censure the persons who had signed the return; he knew them to be honest and well intentioned, and they had objected to sitting as magistrates themselves.

It was in Georgia as it was in most other new countries; to prevent greater evils the Government was compelled to appoint characters of this kind; honest and upright persons, who were totally unacquainted with the law; men who generally did well when left to themselves, but who, when worked on by artful and designing persons, such as Lane, the sheriff, who you find by Bell's testimony persuaded him to sit, and that he had a right to do so, although it was the first time he had heard of his appointment. Lyman, the attorney, whom you find informing Hudson, to induce him to sit, that he had spoken to the Governor, who had answered, "It did not make the least odds whether he was qualified or not;" and this person, Gibbons, whose soul is faction, and whose life has been a scene of political corruption; who never could be easy under Government—

[Here Mr. Jackson was called to order.] After apologizing to the House, he observed that he was commenting on facts; that the proofs were strong against Gibbons of abominable corruption; that this corruption was, in a great measure, of his charges; that Gibbons had gone out of his own county, not merely to use an undue influence with the electors, but to corrupt even the magistrates themselves; that it was evident, that when he

worked on those persons they had given up their own opinions; and here he appealed to the evidence of Hudson, who swore that he had objected to Gibbons, Putnam, and Moore, signing the return, but had been prevailed on by Gibbons, and had given up his own opinion to him, as Gibbons was an attorney at law, and he, Hudson, supposing him to know more of these matters than himself.

Mr. Jackson likewise here appealed to the House whether, if a law had been passed by Congress on elections, Mr. Gibbons's behaviour would not have come under it, and whether an offender of the kind would not have been severely punished; that there would be no safety for the liberties of the people, if such corruptions could be permitted; you find, says he, the electors generally intoxicated by ten or eleven o'clock in the morning; the electors in that situation could not tell who they voted for. Why, he asked, were those individuals so solicitous to get those persons to sit, but that they supposed they would be more docile to their measures, and permit those to vote who had no right to vote?

Hence, he said, your honorable House find Gibbons, Moore, and Putnam, voted in Effingham contrary to the law and Constitution, giving their suffrages. [Here Mr. Jackson produced the testimony of John Moore, which was objected to by Mr. Lewis, but on argument it was admitted; who proved that one John King, a minor, had voted. Mr. Moore likewise proved that Gibbons, Lyman, and James Moore, were very active in favor of Mr. Wayne, and that there were nine more votes than voters; and that Hudson had signed the return at the instigation of Gibbons.] Hence, too, he said, the House might perceive other irregularities, such as magistrates and clerks leaving the poll altogether, and hence, no doubt, the nine more votes than voters. [Here he produced the testimony of Thomas Wyllis, who corroborated the testimony before read very fully, and proved that the poll was sometimes left by the justices and clerks; he further declared that he knew Bell and Hudson not to be qualified magistrates.]

And hence, he observed, the very return itself was drawn up by this Mr. Gibbons; what right had he to interfere with this return? But, notwithstanding all this cunning and corruption of Gibbons, the very return was deficient. Were it not in the same bundle and under the same seal, there would be no knowing whether it was an election for a member of Congress or a member for the State Legislature; whether an election for the office of a coroner, or that of a constable. [He here produced the return, which did not mention that the election was held for, but barely declares that at an election held at Elberton, in the said county, the candidates were, &c.]

Mr. Jackson also observed that there was some testimony brought forward by the sitting member, to prove that a Mr. Lavier was a magistrate and a worthy man. Why, he would ask, did he go away? Why did he not sign the return, but that there were some such transactions going forward

which he could not bring his mind to consent to? Mr. JACKSON made a variety of other observations, which continued until an adjournment was called for. Next day—

Mr. JACKSON proceeded in his observations, and remarked to the House, that some members had been solicitous to see a law of Georgia where a qualification was rendered necessary, previous to a magistrate's entering on the duties of his office; that he had been uncertain yesterday whether he had the law present with him or not; that he now felt himself happy in being able to satisfy those members on that point.

[He here produced the law, and which appeared positively to require the magistrates taking and subscribing the oath therein prescribed, previous to their entering on any official duty.]

Mr. JACKSON then observed that he would, as he was on the Effingham business, beg leave to produce the Constitution of Georgia, to ground what he had advanced yesterday respecting the right of Mr. Gibbons, Mr. Putnam, and Mr. Moore's voting at Effingham. From the 1st section, 4th article of the Constitution of Georgia, it required six months' residence in the county; this he read in his place, and said he considered the grounds of his charges respecting the Effingham return and election so well established, that he would take up no more time of the House on that business.

He observed to the House that the next charge was that of the suppression of the Glynn return; but as the House had been pleased to indulge him in the mode of conducting the prosecution, he would beg the permission to pass over the second, and come to the third charge, that for the county of Camden.

And here he came, he said, to a scene of iniquity indeed, a scene which had improved upon British corruption, and had left ancient and modern story all behind; we read, it is true, of a Roman consul who stole the votes from the forum, to prevent an election of the people, and we have heard of British sheriffs falsifying returns in favor of their friends; but here was a Judge of the land, the great check upon the Executive Department, (and agreeably to the principles of free Government, they ought to be separate and distinct,) acting as the Executive officer, the sacred guardian of the laws, the liberties, and privileges of his fellow-citizens, violating them all, and trampling them beneath his feet; who not only set down more votes than the county had, but added to the polls names which were never known. Here the sacred office of a judge became subservient to the views of party, and the possessor of it the tool of faction; but he forbore, he said, to animadvert on his notorious conduct; he had been tried, impartially tried; he had been convicted, and been punished; and by that punishment the character of his country had been restored. Yes, said he, Georgia, thou hast set an example worthy of thy elder sisters! thou hast hung out a warning to tyranny and its supporters; thou hast set an example which must be respected, and I trust will be followed, in similar circumstances, in the United States, to the end of time.

He would proceed to offer the evidence on the

charges, and he begged leave to assure the House that he would conform as much as possible, in the mode of producing the evidence, to the wishes of some gentlemen yesterday; and the first testimony he would read would be that of Daniel Miller, who was one of the clerks of the check of the poll of Camden, and a necessary officer under the law of Georgia, which he produced, and whereby it appeared that the superintending officers at elections are empowered to appoint three clerks to attend, and to keep three rolls or checks, setting down the names of the voters therein, with the names of the candidates, &c. He observed that it would appear by Miller's testimony that he was one of these clerks; that the check was preserved, and sent on annexed to the testimony; that the whole number of votes at the legal poll was but twenty-five, fifteen for General WAYNE, and ten for himself; that poll was closed agreeably to law, on or about sunset; that he had scarcely daylight to complete the return by which it was made out by him, and signed by the presiding magistrates outside the door; that a person by the name of Allen Thomas was spoken to, to carry the said express to the Governor; that the return was then lodged in his hands for safe keeping until the next day. This testimony Mr. JACKSON read, which further proved that Mr. Osborne had taken the return from Miller, with a promise of returning it in the morning, Miller having been sent for by Osborne in the night; that Mr. Wright, one of the magistrates at the first poll, advised with Mr. Miller, with a proposal of Osborne's of adding the legal and the night election together, and to which Wright, at that time, seemed adverse, but afterwards consented, telling Miller that Osborne had not returned the first or legal return, having made out another more to his mind, having found fault with some of the words of the former, adding that Mr. Osborne was a very good patcher, and that, if it was a measure insupportable, he would not have done it, and that he had given up, as Miller believed, his opinion to the better one of Judge Osborne; Miller's testimony likewise proved that the legal return was suppressed or destroyed. To corroborate the testimony of Miller, Mr. JACKSON observed, that he would produce the testimony of Samuel Smith, the sheriff of Camdentown, whose presence at the election was made necessary by law. Mr. Smith proved that he attended the election, performing the duty required of him. Mr. Smith proved that the poll was continued till after sunset; that after the poll was closed, he saw the return made out by one of the clerks appointed to keep the checks; that he saw it signed by the presiding magistrates, viz: Henry Wright, Langley Bryan, and Hugh Brown.

That an express was engaged to carry the return to the Governor, and that the number of votes at the said election did not exceed thirty; that the business of the day being concluded, and it being then dark, he returned to his lodgings, two miles distant from the place of election; that some time after he got there, he received a message from Osborne, requesting his return with the people there with him: that he observed to those about

him that he supposed the business of that day at end, and that he should not return until next morning.

That, when he returned in the morning, he was told that a second poll had been held the evening before, a certified return of which he had seen, containing eighty-nine votes, and that he did not believe that, at that time, there were above seventy persons entitled to vote in the county. That he was well acquainted with Miller, who acted as one of the clerks of the check, and that he was a man of veracity, and well respected.

Mr. JACKSON next produced the testimony of Dr. John M. Scott, one of the surgeons of the first regiment of the United States; a gentleman, he said, who had been as delicate in coming forward as his opposers could wish. It had been with difficulty he had procured his evidence, but Dr. Scott, when he did come forward, had given his testimony to prove that a second or illegal poll had been held. The doctor's evidence set forth that he was in Camden, at the station on St. Mary's, in the month of January, 1791; that he went to the election with some gentlemen in a boat; that on the passage they fell in with Osborne.

That they arrived at Gray's about dark, and that Osborne examined Gray respecting the election, and begged him to come on board and pilot him to the place of election; that Gray showed them the landing, and that a torch was brought them to show them where to land; that, on going up to the house where the election was held, the judge inquired what time the people went away; that it was answered the poll was closed at sunset; that Osborne sent for several of the electors to return, and that the poll was again opened; that the whole number did not exceed twenty; that Mr. Seagrove's name was put down as a voter, but who was not present; that Osborne inquired of Gray the names of those who were not present at the first election, and that their names were likewise set down as voters; that he did not see a ticket or ballot given in; that he asked the judge if this was the common mode of doing business at elections in Georgia, to which Osborne replied to him, Never to mind.

Mr. JACKSON now produced the affidavit of Gray, to which some objections were made by Mr. Lewis, on behalf of the sitting member, and on which an argument, and reading the statement of the magistrate, was admitted. Gray corroborated the evidence of Dr. Scott in a full manner, and proved the absentees' names being set down to the poll, particularly Seagrove's and Goodbread's.

Mr. JACKSON next brought forward the testimony of Abner Williams, to which objections were likewise made by Mr. Lewis, that it did not appear to be written in the magistrate's presence; many nice and refined distinctions and reasonings were given, and the testimony was ultimately rejected. Mr. JACKSON observed that he had other testimony of the same nature from Camden, which, as the House had decided against the testimony of Williams, he should not produce.

From the testimony Mr. JACKSON had produced, he thought he had fully established the iniquity

and illegality of the Camden election, and he begged them to observe the chain of evidence; you find, says he, Miller, a public officer, doing his duty at the election, who swears that the legal poll consisted but of twenty-five votes, that fifteen were for Mr. WAYNE, and ten for himself; you find the poll was closed at sundown, agreeably to law; you find that Miller had scarcely daylight to complete the return by; you find that presiding magistrates, on that account, signed the return outside the door; you find the return delivered to Miller for safe keeping, and you find an express applied to; you find the number from Smith's testimony, who was the sheriff of the county, and a necessary officer at the poll, corroborating the testimony of Miller, that the number of votes did not exceed thirty; an express was absolutely engaged to carry the return to the Governor, and that after the law had been complied with, the electors had generally dispersed; you next find, by the testimony of Dr. Scott and Gray, the arrival of Mr. Osborne after dark, that a torch was brought to show them the landing; you find him sending again for the people, and here you observe the answer of the sheriff, that the business of that day was at an end, and he should not return; notwithstanding this caution, you view, from their evidence, Osborne proceeding to a second election, and setting down absentees' names, who were not present at the first poll, and among them James Seagrove and Philip Goodbread. You find here the question of Dr. Scott, Is this the mode of conducting business at elections in Georgia? Why that question, said he, but that the honest dictates of a virtuous heart spurned at such abominable villany. Mark the answer of this iniquitous judge, "You never mind." Evasion, dark, designing evasion, which carried guilt in its countenance; he dared not explain; the deed would not bear the light. Shall we rest here a moment, said he, and search whence this right of proxy? Is it found in the laws or the Constitution of the Continent? Is it expressed in the laws or the Constitution of Georgia? Is it to be met with in any of the laws or Constitutions of the respective States? In France it is exploded; in England it is only admitted to the Lords; whose right is hereditary; in no free country on earth, said he, is this right established. Shall the United States then be the first to sanction this pernicious principle? Shall she who has lighted up the flame of liberty in other nations, who has astonished the universe, and loosened the trammels on the rights of men, be the first to nourish this tyrannic vulture in her bosom? View how far it leads, see how far it extends, and there is not a freeman who hears me, but must fire with indignation at the attempt. If admitted to one, shall we stop there? Shall we stop at ten, at twenty, at one hundred, or one hundred thousand? Shall we stop at a township, a county, a district, or a State? Sir, the glory of our Constitution is that our rights are equal; and if one citizen may be permitted to vote by proxy, the whole rights of the community may be in like manner delegated, and the consequence might be, that a Dionysius or a Nero might be palmed upon us by authority. He

did not like to be severe; he would repress what he felt, out of respect to the House; but with what view did this wicked judge come to that election? He was not actuated by a love of country, for his attempts, if successful, would have damned its liberty; not acting as a magistrate, because, as a magistrate, he was bound by the law, but here he was barefacedly breaking it; but, void of principle, and, from his character, he believed he never possessed any; regardless of oaths, and worked on by prejudice and party, he came there at all events, and by any means, however base or abominable, to prevent his being elected.

Let it be remembered, sir, if this can obtain in Georgia, it can in other States, and the corruption will be general. But, supposing there is right of proxy admitted, he would produce the census of Georgia, under the official signature of the Secretary of State, taken by the marshal of the district of Georgia, whereby it would appear that the whole number of male inhabitants consisted of but eighty-one persons; here were eight more votes than the whole contained, and sixty-four more than the legal poll; but admit, said he, that there are as many voters as the return mentions. Is it not extraordinary that, whilst other counties have polled but one-half, and some not one-fourth of its citizens, this county should have every elector attending? But let us take the two elections, said he, and add them together, and how will they then stand, as appears by the testimony before the House? Dr. Scott swears there were not more than twenty persons at the second election. Twenty, therefore, at the second election, and twenty-five at the first election, are but forty-five, so that forty-four votes are still wanting, at the utmost extent; but, take Gray's testimony, and this deficiency is much greater. [Mr. GILES here asked the question, whether the eighty-one male persons, returned by the census, were the persons above the age of 16 or 21?] Mr. JACKSON, after thanking the honorable gentleman for the question, as it had escaped him in observation, said that the eighty-one were the free males above 16, so that one-fifth of those, which was the nearest proportion, ought to be deducted for those between 16 and 21, and which would bring it to sixty-five, which number was corroborated by the testimony of Smith, the sheriff, who had sworn that the whole number of voters did not exceed, at that time, the amount of seventy. He observed that the testimony of Smith must be of weight, for he was the sheriff of the county, who knew, or must be supposed to know, all the residents, who summoned all jurors, and served all judicial processes. Mr. JACKSON here begged leave to offer a statement he had made out, not as testimony, but to assist the minds of the House of those particular elections, and in the particular views in which they might be received.

[Here follows a statement of the polls in the different counties. Mr. BARRETT here interrupted Mr. JACKSON, as did also Mr. BENSON, by opposing the reading of any calculation; but Mr. MANISON insisted that the petitioner had a right to state the numbers at the different polls.]

Mr. J. then proceeded, by observing that he should now close his evidence and observations on the Camden election; he thought he had perfectly established his charges on this head, as well as on the Effingham election; he had proved that the legal return had been suppressed, and that the second election had been illegal altogether.

He would now proceed to the last article of charge, the Glynn return, and here he should offer the testimony of Colonel Samuel Hammond, a gentleman of the greatest veracity, who would prove—[Here Mr. JACKSON was called on by Mr. LEWIS to produce the evidence, and was desired not to inform the House of the contents of the testimony.]

Mr. LEWIS objected to Colonel Hammond's evidence, on the grounds he had formerly made to the testimony of Williams, and, on argument, it was finally rejected.

Mr. JACKSON here observed that it was not for him to do otherwise than suppose that the decision of the House was proper, however hard it might bear on him, which, he must be permitted to say, it did; that, however, by the failure of the receipt of this testimony, his charge must fall to the ground, as the evidence of Hammond was the principal ground on which he rested his charge, and that he must, therefore, decline bringing forward the other testimonies relating to this business before the House.

He said he felt himself now bound in duty to produce to the House the decision of the State of Georgia on the impeachment of Judge Osborne, and he did not produce it without an expectation of its being objected to; but he begged leave to offer some reasons why it should be received.

Baron Gilbert, in his excellent treatise on evidence, had quoted Mr. Locke, to prove that the degrees of evidence were various, and that they extended from perfect certainty and demonstration, quite down to improbability and unlikelihood, even to the confines of impossibility. Perfect certainty was defined to be a clear and distinct perception with one's own senses; probabilities, on which, in a greater or lesser degree, all other evidence rested, consisted of obscure views, or what was seen or heard by the report of others. The first kind of evidence was not in the power of the House, because none of the facts alleged were within their views; but they were compelled to, and did, by their resolutions, depend on the second kind of evidence, or what was heard by the report of others in Georgia. The House, in receiving the testimony offered, would receive evidence taken at least on as careful grounds as that taken under the resolutions; the facts were the same; the point at issue was the same, whether corruption had or had not taken place at this election; the person accused was present, with his attorneys, to cross-examine; two of the attorneys of the sitting member were employed as counsel, on that occasion, for Mr. Osborne, and one of them actually cross-examined the evidence; it must therefore be supposed that, from the exalted station of that gentleman, every industry would be used, every exertion be made by them,

as well to clear the character of their client in Georgia as to establish the right of the sitting member here. It was, he said, a decision of the highest court of the State of Georgia, founded on an express article of the Constitution—a court having competent jurisdiction to decide, and an authority which the members of that State here were not only called on to acknowledge, but to respect. A decision of factum, he said, it could not be supposed, for whoever heard of a unanimous faction? Faction signified a party in a State; here was a political phenomenon, which did not happen in a political age—a whole people of one way of thinking—a House of Representatives unanimously convicting. How, he asked, should the voice of the people be known? Here were but two ways: by petition from the people at large, or by the declared sense of the Legislature. If he had taken the former, would not the gentleman have come forward to object to it? Would not there have been room to charge him with undue influence in procuring it? The voice of the people, therefore, would be best known by the Legislature of the State; for, notwithstanding the nice-splendored sophistry of the day, he could not distinguish between the people and the State. Who was the State, but the society which composed it? Who, then, were the people, but the State? Would Congress, then, not receive the sense of the State of Georgia? Would they hush that voice which says we are not represented? Would not the world perceive how short-lived Republican virtues were, and the British King behold acts for which they had denominated him a tyrant? The Government was founded on the basis of the States and people; and, at least, a decent respect should be so far paid them as to receive their complaints. If it be said that Congress have the sole power of judging of the returns, elections, and qualifications of its own members, without denying this position, he would beg leave to observe, there were powers delegated by the Constitution which were not exclusive; that a power was given to the States to prescribe the times, manner, and place, for holding the elections, but Congress might alter those regulations. Here, then, was a right in Congress which was not exercised; the States were in the exercise of this power; every member in the House had been elected under State laws; the State officers executed the laws; and who had the cognizance of their malfeasance but the States under whom those officers held their appointments? Besides, who, he asked, could so well detect corruption as the States, who were so much interested to do it? Could Congress detect this corruption? Would individuals hazard their lives and fortunes, at the end of every election, to attend Congress to inform them of it? Would Congress establish inquisitions in the respective States to find it out? Would the people of America submit to inquisitions? Had Congress the power to compel evidence to attend? Where was their law—where their compulsory process? He had seen neither. But, suppose all this got over, and corruption detected, can Congress punish the authors of it?

Here, again, he would ask for their law, their power to do so; and even then, could they dismiss the State officers convicted of corruption? Sir, added he, could the united wisdom of this House have removed Mr. Osborne from the bench of Georgia? Secure in his seat, he would have minded the fulminations of Congress no more than the fulminations of the Court of Rome. But, he supposed, it would be objected to on another ground, that it was not agreeable to the strict rules of law, and therefore inadmissible, as the parties were not the same. Although he admitted, in some degree, that the doctrine might hold, yet still it was not unfrequently allowed to admit decisions in other courts, on trials between other parties. Thus, for instance, a sentence of a court of admiralty, where goods had been condemned in a case of piracy, was admitted, as evidence, in an ecclesiastical court, was admitted. A sentence, in an ecclesiastical court, was admitted. A decree in chancery was not usually admitted as common law. And he recollected one strong case, where a judgment of ouster against the bailiffs of a corporation was admitted as evidence against the person claiming a title under their election. This last case was precisely in point, and he begged leave to impress it on the House, and the sitting member claiming under the return of Mr. Osborne. He acknowledged the advantage the learned counsel had of him here, having his books to resort to, but he did not mean to rest fully on those cases, because he conceived the House bound by their own laws, and not by the laws of any inferior court; but where could be the danger of admitting it? Were the House a common jury, liable to be imposed on by artifice, or biased by prejudice, they could not examine the evidence, reject what ought to be rejected, and suffer that to impress them which ought to impress them.

Here Mr. LEWIS objected to the admission of these papers, and was astonished that they should be offered to the House. He argued that the impeachment of Judge Osborne was unconnected with the business in question; that it was altogether *ex parte*, and therefore hoped the House would reject it, and not suffer the proceedings of the State of Georgia, dignified as it was, to influence Congress in a matter which was entirely within their own jurisdiction. The House refused to receive them. Whereupon the farther hearing on the said trial was adjourned until to-morrow.

WEDNESDAY, March 14.

A message from the Senate informed the House that the Senate insist on their amendments to the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions," and have made a farther amendment to the said bill; to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the hearing on the contested election in the case of JAMES JACKSON, com-

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Georgia Contested Election.

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plaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and the Counsel for the sitting member having concluded his defence, the petitioner was heard in reply; after which, the parties retired from the bar.

A motion was then made and seconded, "That certain proceedings of the House of Representatives of the State of Georgia, accompanied with other papers, transmitted agreeably to their resolution, under the signature of the Governor and the seal of the State, relative to the election of a member to represent the Eastern District of the said State in this House, be received."

On which motion, the previous question being called for by five members, to wit: "Shall the main question to agree to the said motion be now put?" it passed in the negative, and so the said motion was lost.

An adjournment was then called for and carried.

FRIDAY, March 16.

The House proceeded to a decision on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and, after debate thereon, a motion being made and seconded that the House do agree to the following resolution:

Resolved, That ANTHONY WAYNE was not duly elected a Member of this House."

It was unanimously resolved in the affirmative, by yeas and nays, every member present voting in the affirmative.

Another motion was then made and seconded, "That the SPEAKER do transmit a copy of the said vote to the Executive of the State of Georgia;" and, debate arising thereon,

Ordered, That all farther decision on the said contested election be postponed until Monday next.

Mr. BOURNE, of Rhode Island, from the committee to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans for the States of New Hampshire and Rhode Island and Providence Plantations, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Tuesday next.

The House proceeded to consider the amendments of the Senate, disagreed to by this House, and insisted on by the Senate, to the bill entitled "An act to ascertain and regulate the claims to half-pay and to invalid pensions." Whereupon, *Resolved*, That this House doth recede from their disagreement to the said amendments, and doth agree to all the amendments of the Senate to the said bill.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Ordered, That the Report of the Secretary of the Treasury, relative to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported

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Apportionment Bill.

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from abroad, and laying others in their stead; and also, upon spirits distilled within the United States, and for appropriating the same," which was made to this House on Tuesday, the 6th instant, be committed to a Committee of the Whole House on Tuesday next.

SATURDAY, March 17.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of the Ministers and Trustees of the Lutheran church in Rheland township, Chester county, in the State of Pennsylvania; also, on the petition of the Wardens of the Calvinist church, in Vincent township, in the county and State aforesaid; and on the petition of the Corporation of Trustees of the public Grammar school and Academy of Wilmington, in the State of Delaware; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report concerning the additional supplies requisite for the ensuing year, made pursuant to a resolution of the House of the 8th instant; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

The SPEAKER laid before the House a Letter from the Attorney General of the United States, enclosing his report on the petition of Andrew Jackson; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to amend an act entitled "An act to provide more effectually for the collection of duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," so far as to permit the landing of salt, under certain regulations, at warehouses belonging to the several fisheries, and to allow a drawback on the exportation of salted provisions equal to the duty that is paid on the salt used in preserving the same; and that Mr. WILLIAMSON, Mr. KEY, and Mr. PARKER, be the said committee.

APPORTIONMENT BILL.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act for the Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the 3d day of March, 1797." Whereupon, the first amendment being read, and the question put, that this House doth agree to the same, as follows:

Section first, between the words "of" and "members," insert "one hundred and twenty:"

It passed in the negative—yeas 30, nays 31, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham

Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Harley, Israel Jacobs, Aaron Kitchell, John W. Kittredge, John Laurence, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, George Thatcher, Thomas Tredwell, John Vining, and Jeremiah Wadsworth.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

The other amendments of the Senate to the said bill were then severally read; and, on the question put thereupon, disagreed to by the House.

Resolved, That a conference be desired with the Senate on the subject-matter of the said amendments; and that Mr. MADISON, Mr. FINDLEY, Mr. HILLHOUSE, Mr. SMITH, of South Carolina, and Mr. BALDWIN, be appointed managers at the said conference, on the part of this House.

MONDAY, March 19.

A petition of John Macpherson, setting forth that he has discovered an infallible method of ascertaining the longitude, to a degree of precision far beyond any former discovery; and praying that Congress will enable him to prove his theory by experiments in a voyage to France.

Ordered, That the said petition do lie on the table.

A message from the Senate informed the House that the Senate agree to the conference proposed by this House, on the subject-matter of the amendments disagreed to by this House to the bill entitled "An act for an Apportionment of Representatives among the several States, according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797," and have appointed managers at the said conference on their part. The Senate recede from some, and insist on other of their amendments disagreed to by this House to the bill entitled "An act for the relief of certain widows, orphans, invalids, and other persons." The Senate have also passed a bill entitled "An act to erect a light-house on Montauk Point, in the State of New York;" to which they desire the concurrence of this House.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act providing for the settlement of the claims of persons under particular circumstances barred by the limitations heretofore established," with several amendments; to which they desire the concurrence of this House.

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Georgia Contested Election.

[MARCH, 1792.]

GEORGIA CONTESTED ELECTION.

The House then resumed the consideration of a further decision on the contested election, in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia; and, a motion being made and seconded, that the House do come to the following resolution:

Resolved, That the petitioner, JAMES JACKSON, is entitled to a seat in this House, as a member for the lower district of the State of Georgia; and that the right of petitioning against the election of the said JAMES JACKSON be reserved to all persons, at any time during the term for which he was elected."

Debate thereon ensued; when an adjournment being called for, the several orders of the day were further postponed until to-morrow.

TUESDAY, March 20.

A bill sent from the Senate, entitled "An act to erect a light-house on Montauk Point, in the State of New York," was read twice and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act providing for the settlement of the claims of persons, under particular circumstances, barred by the limitations heretofore established;" and the same being read, were agreed to.

The House proceeded to reconsider the amendments proposed by the Senate to the bill, entitled "An act for the relief of certain widows, orphans, invalids, and other persons," which were disagreed to by this House and insisted on by the Senate; whereupon,

Resolved, That this House doth recede from their disagreements to the said amendments, and doth agree to the same.

GEORGIA CONTESTED ELECTION.

The House resumed the consideration of the motion made yesterday, on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. W. SMITH proposed the following resolution, viz:

"That the seat of ANTHONY WAYNE, as a member of this House, is vacant; and that notice be served on the Executive of the State of Georgia, in order that he may issue a writ for a new election."

This motion was objected to as not being sufficiently comprehensive to express the sense of the House. On the contrary, it seemed to be intended to prevent the introduction of a resolution which was proposed by Mr. GILES, viz:

Resolved, That James Jackson is entitled to a seat in this House."

To both of those motions several amendments, substitutes, &c., were proposed; and Mr. GILES's motion was modified so as to read thus:

Resolved, That JAMES JACKSON is duly elected, and, therefore, entitled to a seat in this House."

Mr. GILES supported this motion by a train of judicious and well applied arguments, drawn from the precedents of the British Government; he particularly mentioned the Middlesex election, when Mr. Wilkes was expelled the House of Commons, for having been tried and found guilty of an abominable libel; in which case a writ for a new election was issued, because there was not then any other candidate: but when afterwards there was a candidate set up against Mr. Wilkes, the House of Commons did not order a new writ to issue, they declared the other candidate duly elected, having previously decided that Mr. Wilkes was ineligible to a seat in the House. This, although it may not be reckoned exactly a case in point, comes something near to the Georgia election; and from this and a variety of other cases, which Mr. G. quoted, he thought the House would be highly justifiable in declaring Mr. JACKSON duly elected, and therefore entitled to a seat in the House of Representatives. Mr. G. further observed, that the consequence of not agreeing to the resolution he had the honor to propose, would be a disavowal of the right of the judicial powers of the House in cases where they were to decide on the qualifications of their own members; and it would be transferring those powers to the Executives of the States, if Mr. SMITH's motion should obtain.

Mr. W. SMITH rose to oppose Mr. GILES's motion, and entered into a very extensive chain of argument on the rights of election, the powers of Congress, the danger of foreclosing the chair of the sitting member, should he desire to impeach the validity of the petitioner's election; the want of reciprocity that would ensue from an adoption of the resolution; the danger of so bad a precedent; the deprivation of the rights of Georgia to hold a new election to fill the vacancy, &c., &c. He also quoted almost all the cases of contested elections in Great Britain, and drew inferences from each in favor of his own opinion. He said the business before the House was not to take cognizance of Mr. JACKSON's right to a seat, it had been no more than to investigate the legality of Mr. WAYNE's seat, which was now decided in the negative; it was not a contest between Mr. WAYNE and Mr. JACKSON, but an inquiry into a return.

Mr. GILES proposed to amend his motion, by adding these words, "and that the right of petitioning against the said election (of JAMES JACKSON) be preserved to all persons, &c., within the time for which he was elected."

Mr. MADISON replied generally to all the reasoning of the gentlemen who had gone before him in this business; he mentioned the general rule, that whosoever had a majority of sound votes was the legal Representative; he then recited the several exceptions to this rule, and expatiated on the *lex parliamentaria*. In addition to the cases quoted by Mr. GILES and Mr. W. SMITH, he mentioned one wherein corruption appeared in both candidates, and the seat was adjudged to him who had the greatest number of sound votes; but this, he said, was not a case exactly in point: he therefore believed it would be necessary to decide the present one agreeably to the Constitution and

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right reason. He had ventured an opinion formerly upon an occasion of this kind, and he would now confess that if the House could, conformably to reason, precedents, or convenience, admit the petitioning member to a seat, he believed that they ought to do it, in order to fill up the chasm in the House, so far as relates to the representation and interest of the State of Georgia. He differed in opinion with those who had argued that the petitioner had not claimed his seat; and even admitting he had done so, or that he would resign or refuse to accept it, still the House are bound to declare and establish his right. The House now adjourned.

WEDNESDAY, March 21.

A petition of sundry merchants of the State of Rhode Island, trading to India and China, was presented to the House and read, praying that teas imported from Europe in vessels the property of citizens of the United States, may be subjected to the same duties and regulations as teas imported from India in vessels belonging to citizens of the United States. *Ordered*, that the said petition be referred to the Committee of the Whole House on the state of the Union.

Ordered, That the report of the Attorney General on the petition of Andrew Jackson, be committed to Mr. CLARK, Mr. STEELE, and Mr. LIVERMORE.

Ordered, That the Message, of yesterday, from the President of the United States, be committed to Mr. WHITE, Mr. LAURANCE, and Mr. SMITH, of South Carolina, with instructions to report thereon by way of bill or bills.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for fixing the compensation of the Doorkeepers of the Senate and House of Representatives in Congress;" to which they desire the concurrence of this House.

GEORGIA CONTESTED ELECTION.

The House resumed the consideration of the motion on the contested election in the case of the petition of JAMES JACKSON, complaining of an undue election and return of ANTHONY WAYNE, one of the members returned to serve in this House for the State of Georgia.

Mr. BOURNOR rose to deliver his opinion; previous to which, he thought proper to recapitulate most of the circumstances which have come into view, before the House, from the time of receiving Mr. JACKSON's petition to the present time, of declaring whether he is, or is not, entitled to the seat in the House of Representatives. He took particular notice that there were only two candidates for the lower district of Georgia; no third candidate had been set up. Hence, as there were only two, and one of them has been proved to be illegally elected, it remains to be decided whether the other be entitled to his seat. He observed, that in three of the counties the whole of their elections were null and void; and that, with respect to the others, all the evidence which would be

necessary to an investigation had not been yet before the House, as no other evidence had been adduced but such as was thought necessary to vacate the contested seat; consequently, the evidence admitted in one case cannot be admitted in the other; and if Congress proceed in the question now under consideration, they must do it without the cognizance of Georgia, and without any return by them made in favor of the petitioner. Besides, it will be doing an essential injury to the sitting member, should it appear that he had a majority of votes exclusive of all the illegal ones, as it will be precluding him from all redress, to declare the petitioner the sitting member.

Mr. B. also quoted the case of the Maryland election of Mr. PINKNEY, who had resigned; yet the next candidate in number of votes was not declared; a new election was held. Upon the whole, after considerable time spent in reasoning nearly on similar grounds with those of Mr. W. SMITH, he concluded by declaring that he was apprehensive the House would be acting rather precariously should they attempt any decision at present on the resolution proposed.

Here Mr. BOURNOR proposed to read a paper in his place, containing information which he said was necessary to support the opinions he had advanced, and which paper went to prove that there was not a majority of votes in favor of the petitioner after deducting the illegal votes. Several members opposed the reading of these papers, and some asked why these papers had not been produced on the trial? To this it was replied by Mr. W. SMITH, that this testimony was not then necessary; it was also observed, that in case Mr. WAYNE's testimony should prove so many illegal votes against Mr. JACKSON, that, after all the bad votes were left out on both sides, it should appear that Mr. WAYNE had a majority notwithstanding; the House would be driven into a dilemma, for it might be demanded of them to declare his election illegal after the House had already declared it illegal. Under these circumstances, it was judged improper to produce the evidence proposed to be read by Mr. BOURNOR; and he accordingly withdrew it, and proceeded to make some further observations on the impropriety of agreeing to the motion under consideration.

Mr. LIVERMORE expressed some regret at the situation into which the House was driven in this business. He quoted the election laws of Britain, and drew several inferences therefrom, as the only precedents that could enable Congress to form a judgment. He also observed that special regard ought to be paid to the election law of Georgia. From the whole of his arguments, it appeared that unless a majority of votes in favor of Mr. JACKSON had been returned to the Governor, and from him transmitted officially to the Speaker, &c., he could not suppose him entitled to a seat.

Mr. HILLHOUSE was of opinion that, until such time as Congress enacted a law for regulating elections, there was no other rule to go by than the laws of the States; under this impression, he joined in opinion with Mr. LIVERMORE.

The question being now taken that this House

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doth agree to the said motion, amended to read as follows:

"Resolved, That JAMES JACKSON is entitled to take a seat in this House, and that the right of petitioning against the election of the said JAMES JACKSON, be referred to all persons, at any time during the term for which he was elected."

It passed in the negative—yeas 29, nays 29—the House being equally divided.

And Mr. SPEAKER declaring himself with the nays—the yeas and nays, as demanded by one-fifth of the members present, were as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Francis Willis.

NAYS.—Fisher Ames, Robert Bartwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurence, Amasa Learned, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, William Smith, John Steele, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

Resolved, That the seat of ANTHONY WAYNE, as a member of this House, is, and the same is declared to be, vacant.

Ordered, That the SPEAKER transmit a copy of the preceding resolution, and of this order, to the Executive of the State of Georgia, to the end that the said Executive may issue writs of election to fill the said vacancy.

THURSDAY, March 22.

A memorial of sundry public creditors, who loaned money to the United States between September, 1777, and March, 1778, was presented to the House and read, praying that the modification of their claims, suggested in the Report of the Secretary of the Treasury, made to the present session on the subject of the public debt, may be adopted. Referred to the Committee of the Whole House on the Report of the Secretary of the Treasury on the Public Debt.

The bill sent from the Senate, entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress," was read the first time.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury, on the subject of the Public Debt; and, after some time spent therein, the Committee rose, and had leave to sit again.

Mr. WILLIAMSON, from the committee appointed, presented a bill for ascertaining the bounds of a tract of land purchased by John Cleves Symmes; which was received, read twice, and committed.

Mr. SMITH, of South Carolina, from the committee to whom was referred the petition of Henry Laurens, made a report; which was read, and ordered to lie on the table.

Mr. LIVERMORE, from the committee to whom was referred the petition of George Turner, one of the Judges of the Territory Northwest of the River Ohio, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of State, on the subject of a report on the commerce and navigation of the United States with foreign nations; which was read, and ordered to lie on the table.

A memorial of Benjamin Stiles, in behalf of himself and his associates, was presented to the House and read, praying that the contract between the United States and John Cleves Symmes may be so far varied, as to include the purchase made by the memorialist and his associates of the said Symmes, and to quiet them in their title and possession of the same.

Ordered, That the said memorial do lie on the table.

The House resolved itself into a Committee of the Whole House, on the report of the committee to whom was referred the memorial of the Directors of the Ohio Company of Associates; and, after some time spent therein, the Committee rose, and had leave to sit again.

Mr. MADISON, from the managers appointed on the part of this House, to attend a conference with the Senate on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the 3d day of March, 1797," reported that the managers had, according to order, attended to that duty, and that, after offering the reasons for disagreement on the part of this House, and hearing those which were offered by the managers on the part of the Senate in answer thereto, several propositions, offered by the managers on the part of this House, for accommodating the said disagreement, not being acceded to by the managers on the part of the Senate, they had mutually determined to separate from the said conference without agreement.

A message from the Senate informed the House, that the Senate insist on their amendments disagreed to by this House to the bill, entitled "An act for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797."

FRIDAY, March 23.

The House proceeded to consider the report of the committee to whom was referred the petition of George Turner, one of the Judges of the Ter-

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ritory of the United States Northwest of the River Ohio. Whereupon,

Resolved, That the laws of the Territory Northwest of the Ohio be printed under the inspection of the Secretary of State, and delivered to the Governor and Judges, to be distributed for the information of the inhabitants; that the official duties of the Secretary of the said Territory be under the control of the laws of the Territory; that the Governor and Judges have power to repeal their laws, if found to be improper; that a single Judge, in the absence of the other Judges, be authorized to hold a Court; that the Secretary of State provide seals for the said Territory; that the military power be subordinate to the civil power; that the limitation act, passed by the Governor and Judges of said Territory the 28th day of December, 1788,

ought to be repealed by Congress; that certain expenses incurred by two of the Judges in purchasing a boat to carry the Judges and soldiers, as an escort on the circuit, and also for sending an express, amounting to —, ought to be paid by the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. LIVERMORE, Mr. LAURANCE, Mr. WHITE, Mr. WILLIAMSON, and Mr. SMITH, of South Carolina, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes;" to which they desire the concurrence of this House.

A petition of Christian George Elholm was presented to the House and read, stating that he had discovered the cause of the motions and variation of the magnetic needle, and praying the patronage of Congress to aid him with the means of making experimental proofs and demonstration of his theory; or that he may now receive compensation as the survivor of five captors, who, during the late war, took and captured one hundred and eleven British regulars, one hundred and twenty-seven stand of arms, five armed vessels, mounted with thirty-six four-pounders, and manned with forty sailors, together with swivels, provisions, and other articles, all which were delivered for the use of the Army.

Ordered, That the said petition, so far as it respects a claim for services rendered during the late war, be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

The House proceeded to consider the Report of the Secretary of the Treasury, on the petition of the Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware. Whereupon,

Ordered, That the said report and petition be referred to Mr. Vining, Mr. MENCER, and Mr. ASH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An

act supplementary to the act for making further and more effectual provision for the protection of the frontiers of the United States," to which they desire the concurrence of this House.

The said bill was read twice and committed.

The House resolved itself into a Committee of the Whole House, on the bill for ascertaining the bounds of a tract of land purchased by John Cleves Symmes; and after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SENEY reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SENEY reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House proceeded to consider the report of the committee to whom were referred the petitions of the merchants of the cities of New York and Philadelphia, importers of teas. Whereupon,

Resolved, That, for all teas imported into the United States since the 3d day of March, 1791, the duties whereon shall have been bonded, payable in one year, it shall be lawful for the officers of the customs to whom such bonds were given, to cancel the same, and to take other bonds in lieu thereof, payable in two years, (from the time of the importation of the teas for which the same is given): Provided, That such teas are deposited with the proper officer, agreeably to the provisions of the act of the 3d of March, 1791.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. LAURANCE, Mr. FITZSIMONS, and Mr. GERRY, do prepare and bring in the same.

APPORTIONMENT BILL.

The House proceeded to reconsider the amendments proposed by the Senate, which were disagreed to by this House and insisted on by the Senate, to the bill for an Apportionment of Representatives among the several States according to the first Enumeration, and making provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives after the 3d day of March, 1797. Whereupon,

The question being taken, that this House doth recede from their disagreement to all the said amendments, it was resolved in the affirmative—yeas 31, nays 29, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurence, Amasa Learned, Samuel Livermore,

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Frederick Augustus Muhlenberg, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, Peter Sylvester, Geo. Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

YAS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Benjamin Bourne, John Brown, B. Giles, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the petition of the Executors of Edward Carnes, deceased; and, after some time spent therein, the Committee rose, and had leave to sit again.

SATURDAY, March 24.

An engrossed bill for ascertaining the bounds of a tract of land purchased by John C. Symmes, was read the third time and passed.

An engrossed bill for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina, was read the third time and passed.

The bill sent from the Senate, entitled "An act to alter the time of holding the Circuit Courts in certain districts of the United States, and for other purposes," was read the second time, and committed.

A petition of the officers of the Massachusetts line of the late Army was presented to the House and read, praying that the subject-matter of a petition presented at the last session, representing the losses they sustained in the mode of compensation for their military services, may now be taken into consideration and relief granted. **Ordered,** That the said petition do lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act supplemental to the act, entitled 'An act making further and more effectual provision for the protection of the frontiers of the United States,'" and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House; and then the bill was read a third time and passed.

Mr. FITZSIMONS from the committee appointed, presented a bill to extend the time heretofore granted for the payment of the duties on certain teas imported after the third of March, one thousand seven hundred and ninety-one; which was received, read twice, and committed.

ESTABLISHMENT OF A MINT.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate,

entitled "An act establishing a Mint, and regulating the coins of the United States." The following amendment being under consideration, viz: "In the tenth section, strike out the words 'Or representation of the head of the President of the United States for the time being, with an inscription, which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically,' and, in lieu thereof, insert, 'Emblematic of Liberty,' with an inscription of the word LIBERTY."

Mr. PAGE, in support of this motion said, that it had been a practice in Monarchies to exhibit the figures or heads of their Kings upon their coins, either to hand down in the ignorant ages in which this practice was introduced, a kind of chronological account of their Kings, or to show to whom the coin belonged. We have all read, that the Jews paid tribute to the Romans, by means of a coin on which was the head of their Caesar. Now as we have no occasion for this aid to history, nor any pretence to call the money of the United States the money of our Presidents, there can be no sort of necessity for adopting the idea of the amendment proposed; and the more readily because I am certain it will be more agreeable to the citizens of the United States, to see the head of Liberty on their coin, than the heads of Presidents. However well pleased they might be with the head of the great man now their President, they may have no great reason to be pleased with some of his successors; as to him, they have his busts, his pictures everywhere; historians are daily celebrating his fame, and Congress have voted him a monument. A further compliment they need not pay him, especially when it may be said, that no Republic has paid such a compliment to their Chief Magistrate; and when indeed it would be viewed by the world as a stamp of Royalty on our coins; would wound the feelings of many friends, and gratify our enemies.

Mr. WILLIAMSON seconded the motion also, and affirmed that the Romans did not put the heads of their Consuls on their money; that Julius Caesar wished to have his on the Roman coin, but only ventured to cause the figure of an elephant to be impressed thereon; that by a pun on the Carthaginian name of that animal, which sounded like the name of Caesar, he might be said to be on the coin. He thought the amendment consistent with Republican principles, and therefore approved of it.

Mr. LIVERMORE ridiculed, with an uncommon degree of humor, the idea that it could be of any consequence to the United States whether the head of Liberty were on their coins or not; the President was a very good emblem of Liberty; but what an emblematical figure might be, he could not tell. A ghost had been said to be in the shape of the sound of a drum, and so might Liberty for aught he knew; but how the President's head being on our coins could affect the Liberty of the People, was incomprehensible to him. He hoped, therefore, that the amendment would be rejected.

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Mr. SMITH, of South Carolina, agreed with Mr. LIVERMORE in opinion; adding, that the President representing the people of the United States, might with great propriety represent them on their coins. He denied that Republics did not place the images of their Chief Magistrates on their coins; and said, he was surprised that a member who so much admired the French and their new Constitution, should be so averse to a practice they have established; the head of their King is by their Constitution put upon their money. Besides, it was strange that for a circumstance so trivial we should lose time in debating, and risk the loss of an important bill.

The said amendment was again read, and a division of the question thereon called for: Whereupon,

The question being taken, that the House do agree to the first part of the said amendment, for striking out the words "or representation of the head of the President of the United States for the time being, with an inscription, which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the Presidency numerically;"—it was resolved in the affirmative—yeas 26, nays 22, as follows:

YAS.—Abraham Baldwin, Abraham Clark, Thomas Fitzsimons, William B. Giles, Andrew Gregg, Daniel Heister, Philip Key, Aaron Kitchell, John W. Kittera, John Laurence, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Joshua Seney, Jeremiah Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, John Brown, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Amasa Learned, Samuel Livermore, Cornelius C. Schoonmaker, Theodore Sedgwick, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

And then the question being taken that the House do agree to the second part of the said amendment, for inserting, in lieu of the words stricken out, the words, "Emblematic of Liberty, with an inscription of the word Liberty;"—it was resolved in the affirmative—yeas 42, nays 6, as follows:

YAS.—Abraham Baldwin, Robert Barnwell, Benjamin Bourne, John Brown, Abraham Clark, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John W. Kittera, John Laurence, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Egbert Benson, Elias Boudinot, Shearjashub Bourne, Amasa Learned, Samuel Livermore, and George Thatcher.

Ordered, That the said bill, with the amendments, be read the third time on Monday next.

MONDAY, March 26.

The bill sent from the Senate entitled "An act establishing a Mint, and regulating the coins of the United States," together with the amendment, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 32, nays 22, as follows:

YAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, John Brown, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Thos. Hartley, Dan. Heister, Dan. Huger, Philip Key, John W. Kittera, John Laurence, Amasa Learned, Samuel Livermore, John Francis Mercer, Frederick Augustus Muhlenberg, John Page, Theodore Sedgwick, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, John Vining, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—Abraham Clark, William Findley, William B. Giles, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Israel Smith, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, and Alexander White.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

OHIO COMPANY OF ASSOCIATES.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of the Directors of the Ohio Company of Associates; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

"Resolved, That the title ought to be made to the Ohio Company for so much of the lands in their contracts as they have actually paid for.

"Resolved, That, in addition to the above quantity of land, there be also granted to the said Ohio Company, two hundred and fourteen thousand two hundred and eighty-five acres, being the proportion they were, by a resolve of Congress, authorized to pay in army rights, upon their delivering to the Secretary of the Treasury army rights sufficient for the purpose; and that there be also granted to the said company, in addition to the before-mentioned tracts, one hundred thousand acres, to make good one thousand lots of one hundred acres each, appropriated by the said company as bounties to such as might become settlers within the said purchase, upon condition, nevertheless, that the said company shall make good such bounties, as well to future settlers as to those already settled.

"Resolved, That a title be made to the said company for the remainder of the one million five hundred thousand acres contracted for, upon their paying into the Treasury of the United States a sum not exceeding —

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cents per acre for the same, with interest from the passing an act for that purpose." Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. SEDGWICK, Mr. FINDLEY, Mr. BENSON, Mr. LEARNED, and Mr. BALDWIN, do prepare and bring in the same.

ESTABLISHMENT OF A MINT.

A message from the Senate informed the House that the Senate disagree to the amendment proposed by this House to the bill entitled "An act establishing a Mint, and regulating the coins of the United States," and agree to the amendment proposed by this House to the bill entitled "An act supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States."

It was moved that the House should recede from their amendment to the bill entitled "An act establishing a Mint, and regulating the coins of the United States."

Mr. LIVERMORE supported the motion. He said he did not conceive it possible that any friend to the President of the United States, the Chief Magistrate, that great and good man, would have refused to pay every tribute of respect which was justly due to him. We have now a favorable opportunity of complimenting him, without any shadow of flattery, and without any expense. But, instead of this, what is proposed? An emblematical figure of Liberty. But what is this Liberty which some appear to be so fond of? He had no idea of such Liberty as appears to possess the minds of some gentlemen. It is little better than the liberty of savages—a relinquishment of all law that contradicts or thwarts their passions or desires. His idea of Liberty was that which arose from law and justice, which secured every man in his proper and social rights. Some gentlemen may think a bear broke loose from his chain a fit emblem of Liberty; others may devise a different emblem; but he could not conceive that any of them would be applicable to the situation of the United States, which justly boasted of being always free. If any idea of an emblem is necessary, he thought it might be applied to the head of the President of the United States. The present occasion affords the best opportunity of doing honor to the man we love; instead of which, we offer him an affront. He could not reconcile this conduct to propriety or consistency; for, while it is proposed to raise a monument to the memory of the President, which will cost fifty thousand guineas, a proposition to honor him in a more effectual manner, and in a way which will be satisfactory to the people, without any expense, and with perfect security to their liberties, is objected to. He hoped the House would recede.

Mr. MERCER replied to Mr. LIVERMORE with some degree of asperity. He observed that there was a rule in the British House of Commons that the name of the King should never be mentioned in any debate. He thought some such rule might be introduced with advantage into this House. In the course of his remarks, to show that the cir-

cumstance of having the President's head stamped on the coin could not be justly considered as doing him an honor, he said, that persons of no better character than a Nero, a Caligula, or a Helio-gabalus, may enjoy it as well as a Trajan, &c. Mr. SENEY animadverted with severity on the remarks offered by Mr. LIVERMORE, and on the conduct of the Senate; particularly in returning the bill with a negative to the amendment of the House, within a period that left them no time to deliberate on the reasons which might have influenced the House.

Mr. GILES opposed the motion for receding. He adverted to the ideas which are connected with the subject in European countries. The President's head will not designate the Government. There is to be but one head; but does not our Government consist of three parts? Is there any other head proposed to be on the coin but the President's? He said this circumstance was of a piece with the first act of the Senate. It had a near affinity to titles, that darling child of the Senate, which has been put to nurse, with an intention that it shall be announced at some future period in due form.

Mr. BENSON said, he supposed he should be extremely disorderly were he to mention the motives which influenced the Senate in their discussions. He knew not what they were, nor was it of importance that he should. He then observed, that plain pieces of metal will not answer for money; some impression is necessary to guard against counterfeits. The Senate have determined what the device shall be; but the House, by their amendment, have left the matter entirely to the judgment of the artist, who may form such an emblem as suits his fancy. Mr. B. ridiculed the idea of the people's being enslaved by their Presidents, and much less by his image on their coin.

Mr. PAGE replied that he was sorry to find that some gentlemen endeavored to ridicule Republican cautions. He thought it both indelicate and inconsistent with their situations, as well as highly impolitic. He confessed that, as long as the people were sensible of the blessings of liberty, and had their eyes open to watch encroachments, they would not be enslaved; but if they should ever shut them, or become inattentive to their interests and the true principles of a free Government, they, like other nations, might lose their liberties; that it was the duty of the members of that House to keep the eyes of their constituents open, and to watch over their liberties. It was therefore unbecoming a member to treat with levity and to ridicule any sentiment which had that tendency. For his part, he thought it the peculiar duty of the Representative of a free people to put them upon their guard against anything which could possibly endanger their liberties. That with this view he warned his constituents of the danger, not merely of imitating the flattery and almost idolatrous practice of Monarchies with respect to the honor paid to their Kings, by impressing their images and names on their coins, but he wished to add as few incentives as possible to competitors for the President's place. He warned his

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country against the cabals, the corruption, and animosities, which might be excited by the intrigues of ambitious men, animated with the hope of handing their names down to the latest ages on the medals of their country. But this indiscriminate honor is unworthy of the President's acceptance. A Nero, a Caligula, a Helio-gabalus, it has been observed, [by Mr. MERCER,] may enjoy it as well as a Trajan. To apply it to the present Chief Magistrate, alone, would be less exceptionable. But this would be highly improper; for, if he should pass an act for this purpose, it might blast his reputation. I am of opinion that the Senate knew his delicacy would not permit him to pass such an one. They have therefore extended the compliment to all his successors. We are under obligations to the great man now our President; but a lover of Liberty and friend to the Rights of Man, would be cautious how he showed his sense of that obligation. As a friend to the President, I am unwilling to offer him a compliment which, if accepted, might damn his reputation. Were I in his place, I would cut off my hand rather than it should sign the act as it now stands. Were I his greatest enemy, I should wish him to pass it as it was passed by the Senate. Sir, I am as much his friend as the member from New Hampshire, and have shown, at proper times and places, that I was so. I am too sensible of the honor our President has acquired to suppose that an unbecoming compliment can in any degree contribute to its increase. I hope, therefore, the amendment which the House has made will not be receded from.

The question being now put, that this House doth recede from the said amendment, it passed in the negative—yeas 24, nays 32, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, John W. Kittera, Amasa Learned, Samuel Livermore, Theodore Sedgwick, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, John Vining, Alexander White, and Hugh Williamson.

Resolved, That this House doth adhere to the said amendment.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

TUESDAY, March 27.

A message from the Senate informed the House that the Senate recede from their disagreement 2d Con.—17

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to the amendment adhered to by this House to the bill entitled "An act establishing a Mint, and regulating the coins of the United States."

DEFEAT OF THE ARMY UNDER GENERAL ST. CLAIR.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That the President of the United States be requested to institute an inquiry into the causes of the late defeat of the army under the command of Major General St. Clair; and also into the causes of the detentions or delays which are suggested to have attended the money, clothing, provisions, and military stores, for the use of the said army, and into such other causes as may, in any manner, have been productive of the said defeat."

Mr. VINING inquired what was the object of the resolution? In what way was it to be carried into execution? For, if the House is not furnished with some answer to these inquiries, he did not see how gentlemen could vote for it. He conceived that this indefinite mode of procedure would only embarrass the President, without producing the desired effect. He was in favor of a full and complete investigation of the subject; and, if there has been any deficiency, let those who are to blame be impeached. He was not disposed to screen any officer from justice, let him be of what rank he may; but he was not satisfied with the mode now proposed. He did not consider it as constitutional or practicable.

Mr. BOUNDINOT said, he was surprised to hear the gentleman from Delaware express a doubt of the practicability of instituting an inquiry into the late unfortunate business in the mode proposed. For his part, he saw no such difficulties in the way, as appeared to the gentleman. Mr. B. then stated certain complaints which existed, and were currently reported—such as a failure of the contracts, and, for aught that appeared to the contrary, the misfortunes of the army may be traced to that cause. Other complaints are circulated, respecting which the public have a right to be satisfied. The present proposition goes no further than a simple request. Having signified the wish of the House, the President may adopt such measures in relation to the subject as he may see proper.

Mr. GILES supported his motion. He conceived that the inquiry was indispensable, and the mode proposed strictly proper. The business must begin somewhere. This House is the proper source, as the immediate guardians of the public interest. Mr. VINING rose to explain. He stated various difficulties which would impede the progress of the matter in the informal mode proposed. These, he observed, were so great as to involve an impossibility of prosecuting the investigation to any purpose. He supposed that a more proper and constitutional way would be to call on the Heads of Departments to give an account of their conduct.

Mr. CLARK observed, that it was evident the public mind was greatly agitated. An inquiry was necessary. If the mode proposed should not

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prove agreeable or convenient to the President, he will let us know it.

Mr. W. SMITH observed, that this was the first instance of a proposition on the part of this House to inquire into the conduct of officers who are immediately under the control of the Executive. In this view of the subject, the resolution proposed could not but be considered as an impeachment of the conduct of the First Magistrate. Mr. S. then adverted to the division of the powers of the Government expressly provided for in the Constitution. Gentlemen have discovered great solicitude to keep the branches separate and distinct; but, on this occasion, from the consideration that this House is the grand inquest of the nation, they seem to discover a disposition to go into a similar mode of conduct with the National Assembly of France, who spent a whole night in examining a drum major. He would not say that they had not a right so to do, but he believed no gentleman would justify such a line of conduct on the part of this House. He then particularized the several objects of inquiry in relation to the present subject. He showed that the Constitution had made provision in all the several cases. And as it was the duty of the President of the United States to carry the laws into execution, it ought to be shown that he has been remiss in his duty, before he is called on in this way. He noted the account published by the Secretary of War, by direction of the President, and considered as his act. After several other remarks, Mr. S. concluded by saying that, in any case where it shall appear that the Supreme Executive has not done his duty, he should be fully in favor of an inquiry; but, till that was done, he trusted the measure would not be adopted, without at least a previous and full discussion.

Mr. WILLIAMSON said, he doubted the propriety of the resolution, in its present form; but was fully of opinion that an inquiry into the expenditure of all public money was the indispensable duty of this House. He proposed the appointment of a select committee to inquire and report.

Mr. KITTERA moved to amend the resolution by substituting a select committee.

Mr. VENABLE was in favor of the original motion. He conceived that it was the only proper mode of proceeding. Nor had he any apprehension that the President would consider it as encroaching in the smallest degree.

Mr. GILES contended that his motion was so far from tending to blend the several branches of Government, that its effect would be the reverse.

Mr. STEELE said, he was indifferent as to the mode, provided the matter was fully gone into. The gentleman from South Carolina has mentioned the Report of the Secretary of War, and has said that it is considered as the act of the President of the United States. Mr. S. denied that it was the President's act. It was not satisfactory. Will any gentleman on this floor say it is satisfactory to him? He enumerated several articles of complaint, and observed that he had no great doubt that an inquiry would lead to an impeachment. Justice to the public, and the officers

particularly concerned, loudly demands an inquiry.

Mr. VINING here moved that the resolution should be committed to a select committee.

Mr. BONDINOT objected to the idea of a committee. He said the time would not admit of it. Witnesses are perhaps eight hundred miles off. What progress can a committee make in such a business? He denied that it was the duty of the President to institute the inquiry, unless he was requested to do it. The magnitude of the objects of inquiry would involve such an expense that the President would not be justified in incurring it, unless he was authorized by the House. He then stated some particulars to show the practicability of the measure—among others, that there were a sufficient number of officers present to form what is denominated a Court of Inquiry.

Mr. BARNWELL was opposed to the original motion. He considered it as informal, and suggested what he considered as the proper mode of procedure, which was, to call on the several officers of Government for such information as may be necessary. He was against the commitment. The motion for a select committee was negatived.

The question then was on agreeing to the resolution.

Mr. HILLHOUSE said, he believed this was the first time that it was ever contemplated to appoint a Court Martial to inquire into the expenditure of public money.

Mr. FITZSIMONS said, he conceived that several parts of the resolution were improper. He thought that it was entirely out of order to request the President of the United States to institute a Court Martial or a Court of Inquiry. The reasons and propriety of such Courts are better and more fully known to the President than to the members of the House. He was in favor of a committee to inquire relative to such objects as come properly under the cognizance of this House, particularly respecting the expenditures of public money; and if the resolution should be disagreed to, as he hoped it would, he should then move for such a committee.

Mr. BALDWIN said he had made up his mind on the subject. He was convinced the House could not proceed but by a committee of their own. Such a committee would be able to throw more light on the subject, and then the House would be able to determine how to proceed; and, if any failure had taken place on the part of the Executive officers, he should then be prepared to address the President, and to request him to take the proper steps in the case.

Mr. SENEY advocated the resolution, and urged several objections against a committee.

Mr. HARTLEY said, as it was probable some degree of odium would fall on those who might vote against this resolution, he thought proper to give some reasons, why he should vote against it. These were similar to what had been offered by several other gentlemen against the resolution, as being improper and informal.

Mr. MADISON started some difficulties in the

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case. He said the House ought to deliberate well, before they requested the President to do a thing which he had it not in his power to do. It was evident that the object of a Court Martial or Court of Inquiry must be to elucidate facts which would require the presence of officers, who could not possibly give their attendance in season to meet the object of the resolution. He made some further remarks, and then the question on the resolution was put, when—

A division of the said motion was called for; and the question being put, that the House do agree to the first clause thereof, in the words following:

“Resolved, That the President of the United States be requested to institute an inquiry into the causes of the late defeat of the Army under the command of Major General St. Clair.”

It passed in the negative—yeas 21, nays 35, as follows:

YEAS.—John Baptist Ashe, Elias Bondinot, Abraham Clark, William Findley, William B. Giles, Benjamin Goodhue, Daniel Heister, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Treadwell, Abraham Venable, Artemas Ward, and Francis Willis.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, John Brown, Thomas Fitzsimons, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Amasa Learned, Samuel Livermore, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, John Vining, Alexander White, and Hugh Williamson.

And so the said motion was rejected.

Another motion was then made and seconded, that the House do come to the following resolution:

“Resolved, That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries.”

And the question being put that the House do agree to the same, it was resolved in the affirmative—yeas 44, nays 10, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Shearjashub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Josiah Parker, Theodore Sedgwick, Joshua Seney, Jeremiah Smith, John Steele, Samuel Sterrett,

Jonathan Sturges, Peter Sylvester, Thomas Treadwell, Thomas Tudor Tucker, John Vining, Artemas Ward, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Benjamin Goodhue, James Hillhouse, John Page, Cornelius C. Schoonmaker, Israel Smith, William Smith, and Thomas Sumpter.

Ordered, That Mr. FITZSIMONS, Mr. GILES, Mr. STEELE, Mr. MERCER, Mr. VINING, Mr. CLARK, and Mr. SEDGWICK, be appointed the said committee.

Ordered, That the Secretary of the Treasury and the Secretary of War return the petitions presented to this House by invalids and others, whose cases are comprehended in the provision of any act of the present session, with the papers accompanying the said petitions, which have been referred to them, and are now in their respective offices; and that the several petitioners have leave to withdraw their petitions.

The House proceeded to consider the report of the committee to whom was referred the petition of the officers of the levies late in the service of the United States. Whereupon,

That part of the said report in the words following:

“That the said officers are entitled to a similar bounty allowed to the officers of the regiments, for each recruit by them enlisted; and that a special provision be made therefor,”

being read, was, on the question put thereupon, disagreed to by the House.

Resolved, That the said petition be rejected.

WEDNESDAY, March 28.

Mr. FITZSIMONS, from the committee to whom were referred the Treasurer's accounts of receipts and expenditures of the public moneys, from the 1st October to the 31st December, 1791, inclusive, made a report; which was read, and ordered to be laid on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the returns of duties arising on imports and tonnage for one year, ending the 30th September last, and a return of exports to the same period; which was read, and ordered to be committed to Mr. PARKER, Mr. KEY, and Mr. GILMAN.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury respecting the Public Debt; and, after some time spent therein, the Committee reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate have passed the bill entitled “An act for finishing the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina.”

THURSDAY, March 29.

Mr. SEDGWICK, from the Committee appointed, presented a bill authorizing a grant and conveyance of certain lands to the Ohio Company of

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Associates, on the terms therein expressed; which was received, and read twice and committed.

Mr. STILES, from the committee to whom was referred the report of the Attorney General on the petition of Andrew Jackson, made a report; which was read, and ordered to lie on the table.

Mr. VINING, from the committee to whom was referred the Report of the Secretary of the Treasury on the petitions of the Minister and Trustees of the Lutheran Church in Rheland township, Chester county, in the State of Pennsylvania; of the Wardens of the Calvinist Church in Vincent township in the county and State aforesaid; and of the Trustees of the Grammar school and Academy of Wilmington, in the State of Delaware, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of William Smith, of the town of Baltimore; which was read, and ordered to lie on the table.

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury on the subject of the Public Debt.

Mr. GILES proposed a clause to be added to the first proposition offered by Mr. FRIZARDSON, the object of which was to preclude the admission of the irredeemable principle in the debt hereafter to be subscribed to the loan of the United States. Mr. G. supported his motion by adducing sundry reasons. The creditors, by not availing themselves in season of the chance of subscribing under the terms of the first subscription, the Government are under no obligation to renew those terms. He said his motion was to have a subsequent operation, and therefore cannot be considered as an infraction of existing contracts. The irredeemable principle, he observed, is an exotic, and appears to have been adopted without a due consideration of its applicability to our circumstances. The funding system of Great Britain has prostrated that Government. The prosperity of that country is not owing to its financial arrangements; Great Britain is in its decay; this Government is in its youth. It is improper for us to use such stimulants as may be necessary to induce vigor in age. The irredeemable quality is the result of necessity in the funding system of Great Britain; and that principle will operate its ruin. The argument drawn from a violation of contracts applies as well to the first system as to that now proposed; the reduction of the interest was a violation of the original contract.

He then entered into a consideration of the principle of equality, and showed from the present state of the debt, part of it being in the hands of those who were inimical to the cause which this Government contracted to support, the obligation of the Government to add to the gift, which in fact has already been made to these people, by infusing this irredeemable quality, may well be questioned. He added some further remarks, and con-

cluded by saying, he hoped that a principle which would be so fatal to the United States would be rejected, by adopting the proposition he offered. Mr. AMES offered various estimates, by which he demonstrated that funding the debt on the principle now opposed would not incapacitate the Government from discharging it; on the other hand, it would facilitate the object greatly.

Mr. LAURANCE observed, that the opposers of the proposed system, after offering various objections, appear at last to be agreed in a specific object. He denied that the consequences which it had been said resulted from the funding system of Great Britain had taken place. Adverting to the operation of the system in this country, he said the observations were no better founded. With respect to the irredeemable quality, it was not a novel circumstance: under the old Congress foreign loans had been made on a similar principle. It is well known that the old Congress contracted a debt which they could not discharge under ten years; and the payments then could be only made by instalments. No fault had ever been found with this transaction. He then entered into a general defence of the funding system; and, adverting to its operation, he showed what had been done. The credit of the country had been raised from the lowest ebb, and a larger sum of the debt had been paid off than any man in the country had any conception of. Here he noticed some remarks which had been made yesterday by a gentleman, who had said that the Secretary had insulted the House by his propositions; and said, in his opinion, such reflections were not merited by an officer who had done so much for his country. He defended the irredeemable principle, and showed the advantages which the country derived from it. He further remarked, that the Government was not precluded from exerting its faculties in discharging the debt or as great a degree as any person had proposed, and had been considered prudent; and while the United States are thus circumstanced, the doubt to the creditors, in the principle now opposed, is in fact no possible disadvantage to the Government.

Mr. MERCER said the funding system was not understood by the country at large, and he was not surprised when he found it was not understood in this House. He was glad, therefore, to hear observations thrown out, which served more fully to develop this system. The irredeemable quality he was astonished to hear advocated by any gentleman in this House; for sure he was that no measure of the Government was more odious elsewhere, or more universally execrated. He adverted to some of the financial operations of the British Government, and drew a comparison which placed the funding system of this country in a less eligible point of view than that of Great Britain. He said that by an easy process it could be made to appear that one-half, or at least one-third, of the six per cents might have been paid off, viz: by borrowing at three or four per cent. This is the mode which the British minister adopted. He showed, from certain state-

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ments, that this irredeemable quality operated to the injury of the holders of the three per cents of the United States. The British three per cents were at 100 per cent. for a number of years together. He denied that the loans which had been made by the old Government were on the irredeemable principle. He said the terms were in favor of the borrower on exactly similar principles with the contracts in common life. He introduced some observations of those who had written on the subject of finance. He said that funding systems had uniformly operated to the destruction of the common people; the principle has raised a splendid superstructure on no foundation whatever. He contrasted the situation of the modern with the ancient Dutch Republic. He stated the enviable situation of the Swiss Cantons; this, he said, was an eulogium on the steady produce of labor and industry.

Mr. GERRY stated his ideas on the irredeemable principle. He defended it on the grounds of justice and policy. He then adverted to the operation of the funding system. It had changed the whole face of our affairs—had transformed us from the vassals of foreign creditors to freemen—had revived the trade, agriculture, and manufactures of the country, and placed the credit of the United States on an equality with that of the most flourishing European Governments, and in a situation much superior to some of them.

Mr. HAISTEN, in a speech of some length, opposed the irredeemable principle, and the funding system in general.

Mr. FINDLEY said he was opposed to the irredeemable quality; he doubted whether it was not going beyond what is allowed by the Constitution. He had heard it often said, that principle was infused into the system on the idea of its being an equivalent for a reduction of the interest; this idea seems to be assumed by gentlemen, but he had not heard any of them adduce any reason in support of it. He did not think it in any degree an equivalent, nor did he think the creditors considered it in any such light. He was not unacquainted with many of the public creditors; they did not consider this as an equivalent; the debtors, in this case, assumed the office of judges, and they only considered what was an equivalent. He admitted that the debt was above par; but common interest had not declined; it was in fact higher than at any period during the war; this, he said, showed that the irredeemable quality was not an equivalent. Hence, he inferred the credit of the country was not supported by the funding system; the present credit of the country is a nominal and destructive credit; therefore, he insisted that, admitting the residue of the creditors to loan on this principle, will not be giving them an equivalent. He considered the funding system, from the first, as tending to the interest, not of the citizens, but of foreigners; it has given rise to one bubble after another, which have deluded our citizens to their destruction. He denied that it had increased the specie, or circulating medium, or raised the value of the lands, or promoted the manufactures or industry of the country. The

reverse of all this, he said, were facts; credit between man and man is lessened; extravagance and immorality have spread their baneful influence. He then adverted to the system generally, and reprobated it as a departure from the original contract—that contract which was most solemnly guaranteed by the Constitution.

What is the obligation of the Government in respect to the residue of the debt? He conceived that the present Congress was perfectly clear to act agreeably to the principles of the original contract, as much so as the first Congress. In providing for the residue, he said the Government was bound to provide for it by a provision to pay six per cent., but not to pay interest on interest. Here he entered into a consideration of the policy of funding the facilities. This he reprobated, as unnecessarily increasing the public debt; and he could conceive of no other reason but that of increasing the debt which gave rise to this measure—a measure which ought not to have been adopted, and ought to have been prevented by the States doing their duty. He denied the right of one Congress to say that another shall not provide for paying off the whole of the debt, or of any part of it; for this reason he considered it unconstitutional, and should vote against the irredeemable quality. He had no doubt of the right of Congress to alter the funding system in regard to this principle, and that they would do it whenever they thought proper.

The question being put on Mr. GILES's motion, it was negatived—32 to 25.

And then the House adjourned.

FRIDAY, March 30.

Mr. PARKER, from the committee to whom was referred the Letter from the Secretary of the Treasury, accompanying returns of the amount of duties arising on imports and tonnage for one year ending the 30th September last, and a return of exports for the same period, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the Committee to whom was referred the Report of the Secretary of the Treasury on the petitions of the Minister and Trustees of the Lutheran church, in Rheland township, Chester county, in the State of Pennsylvania; of the Wardens of the Calvinist church in Vincent township, in the county and State aforesaid; and of the Trustees of the Grammar School and Academy of Wilmington, in the State of Delaware; Whereupon,

That part of the said report, in the words following, was agreed to by the House, viz:

"That the sum of — be allowed for the use of the Grammar School and Academy of Wilmington, in the State of Delaware, and that provision by law be made for that purpose."

Ordered, That a bill or bills be brought in pursuant thereto, and that Mr. VINING, Mr. MERCER, and Mr. ASH, do prepare and bring in the same. A message from the Senate informed the House that the Senate have passed the bill, entitled "An act more effectually to provide for the national de-

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fence, by establishing an uniform Militia throughout the United States," with several amendments; to which they desire the concurrence of this House.

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The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury on the subject of the Public Debt.

The following resolution of Mr. FITZSIMONS, being under consideration, viz:

"Resolved, That the term for receiving on loan that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of next, on the same terms as was provided by the Act making provision for the Public Debt of the United States."

Mr. MERCER rose and offered a proposition to the Committee to the following effect: That the unsubscribed debt of the United States should be admitted to subscription on the following principles: "That subscribers should be entitled to stock of the United States for their principal debt, bearing an interest quarterly at the rate of five per cent. per annum, and, for the interest due thereon to the time of subscription, stock bearing an interest payable quarterly at the rate of three per cent. per annum, until redeemed," which being seconded by Mr. PARKER, Mr. MERCER proceeded to observe, that the resolution of the honorable member of Pennsylvania now before the Committee, and to which this was offered as an amendment, involved two questions, which, however united in form and blended in discussion, certainly required, by the just order of deliberation, a separate vote.

The first question was, Whether we should now propose a subscription on loan of the unsubscribed debt of the United States? And then the second would be, Whether we should pursue principles originating in speculative theory, and an experiment abandoned equally by bold projectors and blind admirers? such as those of the present Funding System.

The House was now free to act for the benefit of the United States. The holders had not come in by the time limited in the first proposal for subscription. They remained now creditors of the United States on the terms of the original contract, and if the United States proposed a new contract, they were at liberty to offer such as a full consideration of the subject and the benefits of experience now recommended.

The chief merit or demerit of the proposition before the Committee rested on the leading features of the old system. The funding a debt or transferring by way of mortgage to a particular class of persons, whether citizens or foreigners, the public resources, was, in its simplest form, a momentous measure; but, when complicated by principles unalterable and irrevocable by ourselves or posterity, it assumed an awful aspect.

Such principles had hitherto been adopted in a great measure without inquiry, and swallowed without hesitation, but they included all that was dear to society. They should be now developed,

and the American mind thoroughly informed on the prominent features at least—the irredeemable quality, and the deferred stock.

Called upon to act, a mind in which nature had implanted the seeds of justice, would first well examine the right, and then cautiously consider the policy.

That Congress have the right at all of mortgaging the revenues of the Union, or laying a tax irrepealable or unalterable by a future Congress is at least questionable. In speaking of a right, I mean what can or cannot be rightfully done. I exclude all idea of force, violence, or breach of public faith. On a question of right, these considerations are withdrawn. If they can rightfully do it, they rightfully bind a next Congress; who cannot, if they ought not, either alter or annul the obligation. But if this right does exist, it does not extend to the admission of the principles of this resolution. That a deferred stock and an irredeemable quality are in violation of natural right, and of the Constitution of the United States, can, I think, be easily demonstrated.

Our natural reason, independent of the written Constitution, will tell us, that a Legislative Body, deriving authority from the same source, and under the same grant, must continue equal in power through every period of its existence. Different sessions have equal rights. If a preceding session could make laws which a subsequent session could not repeal, the Legislative power would be gradually abridged by the exercise, and eventually annihilated. The power of repeal is the renewing principle essential to its existence; and, although the mutability of human affairs may not require, and convenience may have suggested the rule that it should not be exercised during the same session, yet this rule does not destroy the right: it still is frequently and always will be exercised whenever occasion shall require it. But this right of repeal has never been doubted as applying to a subsequent session, except in the singular case of mortgaging revenues or laying an irrepealable tax. As this is the most important of all Legislative powers, and that which in fact includes all others, it demands serious attention. The existence of a nation depends on the possession of resources. These have their natural limits, beyond which they cannot be extended. A Legislative power of anticipating the public resources, or transferring the revenue, has no limits defined or prescribed until it arrives at the physical inability to raise more supply. They who anticipate are the judges of the exigencies of the State, and the extent of the funds required. But as exigencies will happen hereafter as well as now, and as Government will always have the natural right of subsisting itself, and providing for future exigencies, as they arrive, they will find the necessity, and with it the natural right of reversing the system ultimately, and of repealing the mortgages already made, to the extent that the necessity, in their judgment, may require. The right existing to undo what was done, decides this question, that nothing can have been rightfully done by the preceding Legislature, which the succeeding Legislature cannot as rightfully undo. A

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power then of mortgaging the public revenue or laying an irrepealable tax, being repugnant to natural reason, will, I trust, not be found in the letter of the Constitution of the United States, and will appear utterly inconsistent with its spirit.

Generally speaking, the Legislative power is conferred on the Congress of the United States; each succeeding session being equal to the Congress of the United States with the preceding, must derive equal rights from a grant confined and limited to no particular session. And in no particular part of the Constitution is any such power expressed or implied. It is not in the power of laying taxes; because this is laying taxes without repeal, and there is no such additional clause in the Constitution. The power of laying taxes is granted in the same manner as all the other specified powers. If they can exercise this rightfully without a power of repeal or modification, they may exercise all the powers in the same manner—they are all given in the same terms: this will not, I suppose be contended for.

Is such a power included in the power of paying the debts of the United States? I apprehend not. If Congress had the money, they might pay the debts, no doubt; but if they have not, and are obliged to resort to taxes to raise the money—as it is physically impossible to raise by their authority all the money, without interfering with the rights of a future Congress—all that is incumbent on them to do, is to raise as much as they can, and then the unperformed obligation descending upon the succeeding Legislature with equal force, constitutes the true and only real principles of public credit in a free Government; for, no theory will admit the position, nor will practice support the idea, that the principles of morality and the force of public faith will be confined to one session. Reason and experience show it, that these principles will aid a future Legislature as well as ourselves; they then will do as we have done, contrive to pay as much as they can. On this credit—a credit founded on the terms of the Constitution—the United States are empowered to borrow money; the Constitution is admitted as of notoriety; well understood by the money lenders. The same power was given to the old Congress, to borrow money on the credit of the United States; they confessedly had no power of mortgaging the resources of the Government, and laying an irrepealable tax, for they notoriously had no power of laying a tax at all. Yet they borrowed money abroad, before we could be considered as a nation, in the midst of a war, that shook the credit of an old established and opulent adversary; and they sustained a credit at home, which, however productive of individual losses, carried us triumphantly through a contest that cost our enemies one hundred and ten millions sterling.

It may be said, they contracted a debt that we are now called on to pay. Admitted, and that it is a sacred debt; but the original holders, who have certainly as much claim as any subsequent purchasers, trusted to the old Constitution without this power, and the sixth article of the new Constitution places this debt precisely on the same footing.

ing as it was before, so that there can be no such claim on the original contract.

But it may be further said, that they have made a new contract, since the adoption and on the faith of the new Government. Then let them show under what part of that Constitution, either in letter or spirit, they can expect this mortgage, this irrepealable tax, in their favor.

Having thus examined the letter, let us advert to the spirit.

Every free Constitution made for the use of man, infers that the various necessities and unforeseen events which characterize human affairs forbid the irrepealable quality of laws. By our Constitution, and that of every Government that really contemplates the rights of freemen, the grant and distribution of taxes, or the public contributions, is confined to the Representatives of the people. When I speak of the Representatives of the people, I do not speak according to the new fashioned doctrines of the day, that the Executive and Senate are Representatives of the people; they only represent the people in my idea, whom the people themselves deputize to represent them. If persons elected by the people elect others, they are not the Representatives of the people; they may be Representatives of the Representatives of the people, which is a very different thing in form and effect. The power of laying taxes, the burden of which must fall on the great mass of the industrious poor, who feel every deduction from the fruits of their labor as a diminution of the sources of life, should rest with those immediate Representatives, over whom these persons have a constant control, to whom they are responsible and whom they may frequently remove. But if one weak or corrupt set of Representatives could, by an imprudent or wicked act, transfer all the attainable resources of society in such a manner that a future set of Representatives could have no power over them without the concurrence of the Executive and Senate, then all this principle of the Constitution is utterly evaded.

But it may be said, that exigencies of State will arise—wars may happen, when it will not be possible to raise the necessary supplies within the year. What is to be inferred from this? Only that we must anticipate, not borrow. This power is certainly given to the new Government, and was to the old it is not denied; but it has been explained. Is it intended that we cannot borrow without pledging particular resources or laying irrepealable taxes? Surely no; because we have certainly borrowed without, still do it, and all nations do it; and unless this can be proved, no right can be inferred; for a right not expressly given, is only to be inferred from necessity. If it should be said that we cannot borrow on such good terms, this quits the ground of right, and dwindles into a question of expediency and convenience, on which I shall observe; but, for the present, it is to be remarked, that exigencies and wars may happen hereafter, and at all times as well as now, and at any other time: and on these principles, will be found as sound arguments for the right of repeal and revocation as of anticipation.

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Funding Systems and anticipations have endeared public debts to all Administrations, because they get into their hands and disposition (and make them account when you can) all the attainable resources of society, without the necessity of frequently applying to the Representatives of the People, who have usually accompanied their supplies to Government with an inquiry into its errors, and a rectification of its abuses, which are sometimes very inconvenient things to Administrations. The right has, I believe, ever been defended on this principle: it has been urged that a nation is a body politic and corporate, and never dies; and has, therefore, a right to contract and bind itself by its contracts. The principle, although not founded in analogy, may be true in a degree, and merits examination. Society, by law, may dispose of wealth to individuals upon specified terms, and create fictitious personages and powers with specified rights. This is a modification of the creature of society, by the creative hand of the Constitution; but we should be unsupported by any principle, if we were to apply these qualities to the Constitution, which is the creator; and which acknowledges no superior but God, the natural law which he imprinted in the mind of man, and the power of the people who made it, and by express compact, defined its qualities, powers, and attributes; from neither of which sources, can we derive the qualities thus contended for; but even to admit the analogy, every society, I believe, that has created this legal fiction of a corporate body, have found, by experience, that the usufructuaries are so unmindful of those that are to come after them, that they have generally, if not universally, limited their alienations and mortgages of their revenues to the space of twenty-one years; after which, the obligation of the contract ceases.

In fine, should we admit, which is really a questionable point, that a majority of society, or the present generation of adult age, (capable of contracting) could, by themselves, personally, or by their Representatives, constitutionally, bind themselves by contract and mortgage their industry, so that a future assemblage of the same persons, or their Representatives, could not rightfully avoid the obligation, but would remain bound; yet, as it is a slender and equivocal right, it should at least be exercised with some regard to decency and respect to such future assemblage.

For a Government, at its commencement, to contract debts greatly beyond its immediate resources, to dispose of almost the whole of the attainable revenue in a manner to create, by assuming debts from Governments who were sinking them fast, and were altogether opposed to such assumption, and thus opening a door for the revival of liquidated claims, and make it the interest of States to make out as large a debt as possible, to get a greater share of the general plunder, is certainly covering the weakness of the right by the boldness of the exercise. And then to say to the such future assemblage, "that they shall not pay when they are able," is subjecting them to conditions that none but a lunatic in private life would submit to, and this in direct violation of the

Constitution, which gives to Congress the express power of *paying the debts of the United States*. Can this power of Congress be abridged or destroyed by any contract with a creditor? Such a principle could never bind; it would not be upheld in a private case; it was arbitrary in adoption, shameful in continuance, and would be criminal, perhaps, in imitation.

But, should we admit that a majority of the present generation may so bind themselves and mortgage their own industry, yet, the extent of this power is to be defined. The grand and important question yet remains to be discussed—a question that never has been, and perhaps never will be, fairly met.—Can they sell or mortgage the labor and industry of another generation—of posterity? Are they the judges of the extent and conditions? That they cannot, and are not, is as demonstrable as any proposition in Euclid.

The God of Nature has given the earth to the living. That He will make our children and our children's children as free as He made us, is what no parent, I trust, will deny. Under the Divine impression, the voice of United America has declared that we cannot deprive posterity of their natural rights, which, from generation to generation, must continue the same as we came into the world with; we have a right to the fruits of our own industry—they to theirs.

The infringements of this sacred law, I believe, more often arise from a want of accuracy and precision of reflection, than a desertion of moral principle.

Were all men born on one day, and died on another, the separate rights of posterity would then be as distinctly visible as the line that would divide the one generation from another; but, although the human race flows like a constant stream, in an uninterrupted course of renewal and decay, the rights of the separate parts are the same in reality as if they could be readily and easily distinguished in practice.

That there is a period at which the majority of adults capable of contracting, now living, will give place to a majority of adults equally capable, of the succeeding generation, is as certain as the great principle of mortality itself. This period may be ascertained with sufficient precision for every practical purpose, by the recorded bills of mortality; they are admitted in municipal legislation, and constitute its leading and distinguishing traits. By the calculations of Mr. Buffon, it does not extend beyond nineteen years; but, to give the present the ultimatum of their pretensions over the future, would not carry it beyond twenty years—the period limited by the English law; after which, even a private debt ceases to exist.

And surely these bounds, which nature has established, afforded ample scope for any reasonable anticipations. Can we figure any exigencies of State that ought or can require, from their termination, an anticipation of the resources of Government for a greater length than twenty years? or, that a mortgage of the labor of society should be sold by any contract irrevocable for a greater

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term? Go beyond this, and you seize on the rights of posterity; pass this bound—there is none other that nature or reason can assign—the great mass of the industry and labor of all future generations becomes then yours to the extent, and on what conditions, you please to prescribe: no other line can be drawn.

Such a principle is against the laws of God and man; it inverts the whole order of society; it sweeps away, in a torrent, every check and safeguard of Government, and arms any Despot, any Administration, with means not sanctioned by nature, to bind in chains their fellow-men.

In the first place, it destroys that great principle which alone was the cause of the war with Great Britain; which cost us the blood of our heroic countrymen, and which involved us in the debt. That taxation and representation should go hand in hand. We have no one quality of the Representatives of posterity—not elected by them, and not responsible to them. It establishes a principle that those are to spend who are to pay. This lets loose extravagance, in defiance of justice, from its only natural restraints. Posterity, whom we injure, has no power over us; we are not responsible to them; the order of nature renders the grave an asylum from their vengeance. It destroys one great check of free legislation—that the legislator should feel, in his own property, the burden of the tax he lays, and the contract he makes for society. It avoids that still greater check, that the constituents should feel the burdens their Representatives impose. The people never act but from feelings: so long, therefore, as their deputies contract for and at the expense of posterity, they act in perfect safety. If they have a right to say they will only pay part of the debt, they may diminish that part at pleasure, and finally they may say they will pay no part; and this, which, in the hyperbole, is precisely, in practice, the very principle we have adopted with respect to the *deferred stock*; and that not sparingly, as it is almost half our debt. Let any man examine the principles of this novelty of finance, and see where it leads to.

Administration, on this ground, would be perfectly safe in assuming the debt of Great Britain. The honor, if I may use the term, of this bold violation of natural law was reserved for us. The extravagance of veteran corruption in old, exhausted nations, has never, that I have heard, hazarded this principle. It appears as a frontispiece to adorn the annals of an infant Republic. And who will impeach? The people see nothing. The beings whose rights we thus trample on, will not burst into existence until we retire from the scene. Exercising such powers with rapidity, and to the extent already effected—any Administration might become masters of a mass of corruption; and constant, attracting hardly observation, go on to bribe the present with the means of future generations, to do any thing that gold can tempt the weak, the wicked, and the necessitous to do. All Constitutions, all forms of Government, disappear before such a system of finance.

And what is the defence that ingenious and independent sophistry has yet invented? That as posterity are to partake of the benefit, they should pay part of the price. We have gone a little further with our deferred stock: of that we pay nothing, but make them pay the whole; but is it not natural justice that they who are to pay should have some hand in the bargain? Have they not a natural right to judge whether it is a benefit? and whether it is worth the money? Does any man suppose, that a Government that admits such principles will be really a benefit to posterity, or so considered by them?

The case has, indeed, been likened to that of an individual in society, who leaves an estate to an heir, burdened with debts; but it can bear no analogy. Society may say to an individual, by its laws, that we will prevent the intrusion of any other occupant into the property you hold, provided you leave it to your son, or to your creditor. This property the individual had no right to but by law: it is a right which society has secured to him, to the labor of others, which, by nature, he could not pretend to. But different generations of men bear no relation to each other but by the natural law and the terms of the constitution they adopt, and even this last is limited by the former. But in what society upon earth has a contract of an individual ever been upheld, by the municipal tribunals, by which a parent has burdened property with a debt bearing no immediate interest, but to be paid by posterity, or by a contract prohibiting his posterity from paying it off when they are able. I must doubt whether any courts would countenance such principles.

If one generation has a right to sell the produce of the soil for any extent of years, the next generation must quit it. If a nation was to borrow foreigners to such extent, which is not only possible, but, I believe, was nearly the case in Louis the XIVth's time, they must break or quit.

But no principle has ever been admitted with respect to an individual, much less an American parent, that he has a right to dispose of the labor of his child. The child may relinquish the property, and then he has his hands free as nature made them, to labor for himself; so there is no injury to natural right. But where one generation sells the industry of another, they cannot get free unless they go into voluntary exile; and even then, by some modern doctrine, the contract will bind, let them go where they will, whilst they continue in the social bond; they must disperse, like the Jews, to get rid of it.

The iniquity of the principle will be more clear and striking, when we contemplate that all public revenue or private income is a contribution, mediate or immediate, of the labor of the industrious farmer or mechanic. If the rich pay anything, it is only mediate—a part of what they first received from these classes. They are the drones of society, which, however essential to its well-being, are fed by the bees. Money is a representation of industry—a representation of that residuum of labor which the poor either can or must spare after sustaining life. If they only worked to maintain themselves, money would have no value;

there could be no public revenue or private income. It follows, then, that any transfers of public resources to any persons, citizens or foreigners, is a transfer of such a portion of the labor of the farmer and mechanic, and their posterity. No money-lender would lend one farthing, to be paid out of the labor of the rich, to all eternity. It is true that the rich are, by such transfers, diminished in their comforts and conveniences, by withdrawing from them, and giving to others, that part of the labor of the industrious and productive classes, which they before enjoyed under contracts and the laws of society; but they are no objects to the money-lender. It is true, that all public burdens fall, in a great measure, on the land, so as to diminish its value and price, as I shall observe; but then, to the men who lend to Government, lands have no value but from the hands that are to work it.

That country is happy and free, in proportion as its political institutions and public economy leaves to the industrious the greater portion of the fruits of their industry. On the contrary, that country is wretched, and its people slaves, whatever they may be called, whose labor and industry, by any mechanism or movement of society, belongs to others. As this evil proceeds, such country must decline; and, when arrived at a certain extent, it must be deserted.

Contemplate a public debt as a mortgage on industry and labor; extend its effects to posterity; exempt ourselves from the burden, and put it wholly on them, on the principle of the deferred stock, and then say that they shall not free themselves by payment, and what does it amount to? That a free man, born now, has a right to the labor of a free man born twenty or thirty years hence; and that, because he will be then dead and gone, and cannot enjoy it, he may sell it now to a third person, and spend the money. Thus truly simplified, is any American prepared to avow the principle?

So much for the right. I now beg leave to remark with respect to the policy.

From reasons stated, it would be readily imagined what experience has sanctioned—that a Funding System, once begun in any nation, has always increased—the motives that led them to run in debt act with double force to prevent their getting out. It is a cancer in the body politic that acquires strength from amputation; if any remedy exists in nature, it is yet to be discovered. It is so pleasant to spend at other people's cost, that it arms all the powerful passions against the judgment. Hence the rapid accumulation of public debts throughout Europe—the increase exhibits the appearance of the regular ascent of a mountain, while the reductions appear like gullies in the sides, scarcely discernible, impeding the progress but for a moment. Great Britain has run in debt two hundred and fifty millions sterling in less than a century. Had she originally adopted a plan of rendering the debt irredeemable, and had not seized every favorable rise of credit to lower the interest, by which means she pays now three per cent. for money borrowed at eight, no system

of taxation would have paid the interest and supported Government even at this day; and all this debt must have begun in the memory of men now living.

That this Government would have funded, in less than five years from its origin, near fifty millions of dollars, and would now propose to fund near twenty millions more—that we should have ransacked the whole United States to find debts to effect this, invite them from every quarter, and set them to find out, create, and revive debts already sunk, to secure as large a share of the general revenue as possible:—that we should have carried the principle to the extravagant excess we have done, by the invention of deferred stock, which no nation ever ventured to hazard, all in our earliest infancy, must afford sublime prospects of our progress in mature age.

Something unexampled must be done; for, if we adopt the addition now proposed, I believe we shall find ourselves saddled with a greater funded debt than Great Britain herself, comparatively with the relative wealth of the respective nations; and I believe their debts make even the boldest veteran of the projecting tribe quake with terror. It is true, we may not feel it so sensibly in consequence of paying no immediate interest in so great a proportion as the deferred stock; yet it is a debt our children will feel, and some of us.

It will in the aggregate form a mass of seventy millions of dollars. The property of the United States is worth what it will sell for at an ordinary market. Although it cannot be precisely ascertained what the amount would be, we are still furnished with sufficient data to form a tolerable estimate. In the State I have the honor to represent, industry and economy have long given a high relative value to their property. That property was assessed, soon after the war was raised, to an ideal height, to twelve millions their money. From the fall of price, I do not believe that the whole or any proportion of it would now bring, at fair market, the money. From this we must deduct four millions for the negro property, which cannot be included in a relative comparison with other countries, when the laborers, although equally and more valuable, are not considered as property; and there would then remain eight millions. Maryland is at least one-twelfth of the United States; she has, indeed, always been rated at a higher proportion; this would fix the property of the United States at two hundred and sixty millions of dollars; the debt, then, is more than one-fourth of the whole value of the property.

The wealth of Great Britain is estimated, by Mr. Young and Mr. Pulteney, and I believe there is no good reason to question their authority, at one thousand millions sterling; they owe two hundred and fifty millions, which is a fourth; their debt, then, is relatively less than ours. Again, from their extensive and lucrative Colonial establishments in the East and West Indies, their annual income is increased so as to yield a net revenue of one hundred millions sterling per annum, so that they really do not owe three years income. What our annual net income is, I have

no satisfactory document to form any estimate of, but I fear it is but small. The deferred stock may defer the extent of the evil, but it is by a sacrifice of all principle to convenience.

And for what has all this magic building been erected? What were the benefits expected? The States were going on rapidly in extinguishing their debts; there was no complaint that their certificates were too low in 1785 and 1786. The Maryland certificates were nearly as high as they are now, or would be if assumed. Perhaps some sound understandings were led away by vigor of genius, uncorrected by experience, and became bewildered by the visionary dreams of Pinto, Champion, and a variety of calculators. To compare the Secretary's first Report on the Public Debt with the last on the Frontier Defence, furnishes at least the consolation that a candid mind will relinquish error. Had he adhered to those apostles of political truth, Montesquieu and Smith, the first pages of the first Report would have been stricken out.

It has answered, I will venture to assert, but one good effect of those predicted, for the myriads of evils it has entailed. It has enabled many debtors to pay off on better terms. But the number of them are but few; distressed people cannot keep these things; they early get into other hands.

As to its increasing our capital, that ground is now abandoned even by bigotry itself. To mortgage an estate adds nothing to its value—an estate is not doubled by dividing its profits. So much less wealth as is borrowed on property, of so much less value is the property to him that holds, pays the interest, and stands charged.

Every atom of funded debt is so much taken from the value of the land in the hand of the landholders, and so much diminished from the value of labor to the laborer. Thus one great blessing of the funded debt predicted, the rise of land, has taken a contrary direction; unless it is round some towns, lands will hardly sell at all. Even in England and the old countries, where there is a variety of other wealth, the public debt has so far lessened the value of land, that an estate that actually produces £90,000 a year, is in fact only estimated at about £63,000, and when sold the year's purchases are estimated at the latter sum.

Men that purchase land are not so thoughtless of posterity as administrators usually are. They purchase in a great measure for children. They consider the incumbrances, and fix their price accordingly. Although we pay no interest on deferred stock, yet it enters deeply into the price of our lands.

There is another consideration that is weighty on this subject. That stock in every country, particularly in one situated as we are, is ever varying in value. Since I have been here, in five weeks, it has altered its value one-third. It cannot serve them as a medium of commerce, for that must be some certain common standard. To measure our commodities by a standard more variable than the commodities themselves, has always been held as absurd. Consequently, I never heard of land, or indeed any thing else, sold for

stock. If the exchange takes place at all, it is first by a sale, and money is the medium. It bears, therefore, such a proportion to the money in circulation, and requires so much, that it pinches all other objects of sale, land, produce, and I believe commerce too. It is an old maxim, and I believe a true one, that if money is to be had, it will be had to game with. Stocks are so uncertain, that traffic in them has ever been considered as a species of gaming. Their value is supported by it. Withdraw the gamblers, and the whole fabric vanishes. They are the leaven that raises the bread of the stockholders. The misfortune is, it is so extensive as to withdraw men from the solid pursuits and moderate profits of useful occupation into a vortex of corruption and vice. This is a complaint from all quarters, and so very general, that I must believe it has too much foundation.

This kind of gaming has ever been considered as highly pernicious to the public morals. If it is so, no benefits (if such exist) could compensate the injury. To a Republic, whose existence depends on a due proportion of disinterested virtue, such an over-dose of poison administered must either destroy the patient, or be thrown off by some violent and latent power of the Constitution.

A love and veneration of equality is the vital principle of free Governments. It dies when the general wealth is thrown into a few hands. The effect of stocks is to transfer the fruits of the labor of the many, who are able to appreciate its value by the difficulty of acquirement, and would convert it into useful improvement, into the hands of the opulent few, who exchange them for foreign luxuries, and consume in an hour the labor of industrious families for years. It prevents a general diffusion of wealth by drawing it to a centre, and saps the foundation of a Republican Government, especially in a large Continent.

In a young country, these effects of individual opulence are particularly hurtful. Such men are not only idle themselves, but they maintain numerous idle dependants and menial servants, whose lives are consumed in ministering to their luxuries, and whose services die the moment they are rendered. Their want is felt in an unimproved, thinly populated country, where there are no superfluous hands, differently from an old well settled State, where there are more hands than employment. But of all opulence, that of the wealthy stockholder is most fatal to a young country. Where a man's revenue arises from landed property, it is created by productive labor employed on the land, and the necessities of life are increased as his income increases. As his wealth depends on the value of some particular estate, it becomes his interest to improve it. His private advantage becomes the public prosperity. He also who employs his capital in manufactures, increases thereby the aggregate of necessary productions; and even he who lends money on interest to individuals, generally selects the industrious from motives of safety, and so increases the general welfare.

But wealthy stockholders who have lent their money to Government, are interested in no par-

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ticular spot of land or manufacture. They improve nothing, but take something from all. They are citizens of the world; oftener foreigners than natives; attached to no country. At the first appearance of danger, they sell out, and sink your credit at the moment it becomes essential. As your distresses increase, they fly you. When the impending cloud of misfortune casts its gloom beyond you, these sunshine friends disappear in a moment.

So far as foreigners are proprietors in our funds, the inquiry into the operation is truly interesting to the independence and prosperity of the community. In peace you are tributary, in war you are at their mercy. Great Britain and Holland, allied as they are with their interest in our funds, present an object that must be viewed with concern. How far our pecuniary interest is benefited is also truly consequential. I have been, some time ago, told that they possessed eleven millions of the thirty-one, and from the proportion of purchase made since it was supposed they owned at least one-half. A great deal of money ought to have come in for this. Is this the fact, or have we taken in exchange their gewgaws and luxuries, and eaten up the fat of our land? I fear the fact is so. Had their purchases been made with money, there must have been a demand for money here, and exchange would have fallen. It is an invariable rule, to try the flux and reflux of money. It has almost always been, I believe, considerably above par, except one year when there was a demand for produce; then it fell at once fifteen per cent. below par. Money certainly came then, and I believe one year's good price for produce of more real advantage than any stock that could be devised, or any price that could be wished for it.

But this mode of employing money has reduced produce to nothing. It takes considerable capital to make the expensive and circuitous voyages necessary to vend our produce, and the profits can never be large; for the difference between the price of the necessities of life, and raw materials in different countries, will not bear high commission or charges of transportation.

Thus I have considered all the boasted benefits of Funding Systems but one, and that is the strengthening of Government. That, to a certain extent, they may have this effect, may be true; but, carried beyond it, they certainly operate in a contrary direction. Let the interest settle chiefly in the hands of foreigners, or let the agricultural interest, which in a young country must always preponderate, become alarmed at its extent, and jealous of a moneyed interest acting in opposition to their wishes and principles, and it may destroy a Government that otherwise might have secured the public happiness; but these are trifling circumstances. The position may be justly reduced to this: A good Government will always be supported without these aids by the good sense of a great majority of its members, and a bad one ought not to be supported by it. Now the mischief is, that these people support bad Government more willingly than good, because they are better paid

for it; they can make better bargains with them. There is a still further consideration that will affect this country powerfully, and is peculiar to it. Our people will not purchase to hold at the prices stocks have risen to. Foreigners have the market to themselves, and they must finally settle with them; this prevents their lending money to us in peace, on the terms we obtained when under the pressure of every calamity, and had no right to expect the establishment of our independency. They purchase into our funds instead of lending; this is the effect of the irredeemable quality of the stock; it deprives us of every benefit of the rise of credit, and gives the market to foreigners. The strange terms on which it is constituted, must keep its value always unsettled, as the redemption is rendered so contingent; this also deprives it of every useful quality as a medium of intercourse, and must keep it an object of barter.

What would be our operation but for this irredeemable quality? Why, as our credit rose at market, we would do as Great Britain has done—form new loans at a lower interest, and pay off the debt at the higher interest; this is done without a sinking fund on hand, and shows the folly of those that say we cannot redeem now as fast as we have the liberty. In Great Britain, soon after the establishment of their Funding System, they effected new loans, and in 1717 reduced the eight and six per cents, to five; and in 1727, they reduced the five to four; and from 1750 to 1757, they reduced the four to three; which was equal to the sinking half their debt: and from the first creating of their three, to 1757, they averaged at market, par, that is, were equal to gold and silver. By these operations, there was no injury to the creditor in reality, for he could, at the end, sell the £100 that bore three per cent. for as much money as he lent Government at eight. At this moment, if it were not for the irredeemable quality, we could, if our credit is worth four per cent. as we are told, make an operation that would be equal to the sinking of our debt nearly one-half in value, on the same plan that Great Britain has pursued so successfully. And the public creditors are really not benefited by this irredeemable quality; for, although it raises the price of sixes with foreigners, yet it keeps down that of threes; which, by a reduction such as I mention, and the liberation of our commerce from high duties, must soon be on equal terms to what they were in Great Britain in the infancy of their Funding System, that is, near par.

In fine, the debt is to be deplored, but it must be paid; let as much of it be paid, and as fast, as possible; these are the true principles of public credit. Let us reprobate the idea of increasing or continuing it when it can be avoided, upon the principles of any political enterprise. It seems strange to be called upon to fund it now, and provide the funds hereafter. It looks too much like taking an undue advantage of a future Legislature, and has a suspicious, and low, lurking aspect, when we know that we are really not the true Representatives of the people. Are we afraid that a real representation of the people would act otherwise? If we are, we ought to hesitate. All the virtue of this

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Continent is certainly not confined to this session; we may trust that any succeeding Representative will be as just and wise as ourselves. As they are to find the means of paying, let them agree on the terms of the contract.

Mr. SMITH, of New Hampshire, said: The ill policy of any assumption of the State debts has been asserted, and, in my opinion, very satisfactorily proved, in the discussion which this subject has already undergone.

Taking it for granted, for the present, that an assumption, in some form, must take place, I rise to offer my sentiments in favor of the amendment proposed by the gentleman from Maryland. The measure, as contemplated by the Secretary of the Treasury, is, as I have observed, impolitic, as it will greatly increase the public burden, already too great, for the resources of which the United States, in this infant state of their Government, can avail themselves; but it is also unequal, and as it respects several of the States, very unjust, as it saddles them with the debts of other States. Because they have exerted themselves successfully in effecting the extinguishment of the debts which they contracted in the common defence, they are now to be loaded with the debts of those States which have made no such exertions.

If any gentleman will take the trouble of examining the first assumption, and will add to it what is proposed now to be assumed, he will find that the sums so assumed from the respective States are not such as would have resulted from a due apportionment of the whole sum assumed, among the several States in the Union, according to their respective numbers.

To vindicate an assumption so unequal and disproportionate, gentlemen must prove to us that the payments which the several States have actually made towards the general defence, have been in exact proportion to their ability, that is, according to their numbers. They must satisfy us that South Carolina, though she had, previous to any undischarged, had nevertheless discharged as great a portion of debt incurred in the war as any other State in the Union; and that the reason why she had then so great a State debt pressing heavy upon her, was not because she had not exerted herself according to her utmost ability to discharge that debt, but because she had contracted a debt much beyond her just proportion; that is, in fact, that, upon a final settlement of accounts, she would have a balance due equal to the sum which constitutes the difference between her just proportion of the whole sum assumed, and the sum actually assumed; which is, in this case, more than four millions of dollars.

The same reasoning would apply to the other States who have sums assumed beyond their just proportion. Upon these principles, too, they must prove to us that New Hampshire, upon a final settlement of accounts, would be found in debt to the Union more than seven hundred thousand dollars; that is, that she is the greatest delinquent in the Union. I ask gentlemen if they have any documents to prove this.

It would be easy to satisfy an inhabitant of Massachusetts or South Carolina that they were great creditors, and that New Hampshire is a very great debtor. But it will require something more than the confident assertions of gentlemen to convince the State I represent that this is really the case; they believe, and they will continue in this well-founded belief, till some evidence appears to the contrary, that they at least contributed their just proportion towards the general defence. Some States, no doubt, from the manner in which they were peculiarly circumstanced, may have done more than in proportion to New Hampshire, while I am persuaded that others have done less. The United States have uniformly proceeded upon the idea that the States who have done more than their proportion should have credit in a general settlement, while those who have done less, should be compelled to pay the balances due from them. I have no doubt but that some of the States, who now have debts unassumed, will be found entitled to balances, but I deny that New Hampshire can justly be called upon for the payment of them.

Congress have uniformly taken it for granted that the inequalities which may have existed in the exertions of the several States, can only be remedied by a settlement of all accounts between the United States and the several States. At great expense, they have established Boards of Commissioners, with very ample powers; they have sent commissioners into the several States, to receive and adjust their claims. The States have been at very great expense in stating their accounts, and procuring the necessary vouchers to support them. But gentlemen have now made a discovery, which, if it had been made in season, would have saved all this trouble and expense; they have discovered that the several States in the Union have laid equal burdens on their citizens to carry on the war and to discharge the debt incurred in the common defence, and that equal justice required at the commencement of this new Government, in 1789, that the United States should step in between the States and their creditors, and ease them of their debts. But the gentlemen who have made this discovery are too much interested to expect full credit to their sentiments on this head.

It happens, somewhat unfortunately for this hypothesis, that those who maintain it are those who are to be gainers by it. It may well be expected that less evidence will satisfy South Carolina that she is a creditor State, than New Hampshire that she is a debtor; and more efficacious logic must be used to induce the latter to pay seven or eight hundred thousand dollars of the debt of the former, than to persuade the former to put that burden off her own shoulders and lay it upon the latter. Let not gentlemen imagine that New Hampshire, though she is a small State and of no great importance in the Union, patiently submitted to the injustice of the former assumption. They remonstrated: that remonstrance is now on your table. Why did they complain? Because, in that assumption, they were considered as the greatest debtor of any State in the Union; and because they were, as a constituent part of the Union,

called upon to pay seven or eight hundred thousand dollars of the debt of South Carolina, Massachusetts, or some other State. Why should it be taken for granted, they ask, that we are a debtor? What documents are gentlemen possessed of that justify such a supposition? Let them be produced. If the opinion of gentlemen who have spoken within these walls and without, is to be relied upon, there is scarce a State in the Union but that has done far more than her proportion; so that there must be a great balance due to each State. All this tends to show, that it is unreasonable to expect that any one State will patiently submit to a measure which takes that for granted which they do not believe, and which it is never their interest to admit. There never was, in my opinion, but one principle which could justify any assumption previous to a final settlement, and that was, giving relief to States who had unquestionably contracted a debt much beyond their just proportion, and who were groaning beneath the burden of that debt. Where it could be known with tolerable certainty that a balance would be finally due to such a State, much might be said in favor of anticipating the payment of it. But was this the principle which governed? Was this principle at all pursued? Were \$2,200,000 assumed from Pennsylvania, because she was or would be a creditor State, or because she was heavily burdened with debt? Will gentlemen undertake to say that any principle at all was adhered to in the assumption? Was it not a mere bargain and sale between certain States who were interested, that an assumption should take place; and who, provided they could be only exonerated from their own debt, would not stick at any means to accomplish so desirable a thing? Was it not at the expense of justice, and at the expense of certain States, particularly at the expense of the State I represent? If the States who had the largest portion of debt to struggle with, at the adoption of the present Constitution, were to be relieved, such relief might have been afforded without any violation of the principles of justice and equality. The United States might have afforded a temporary relief, till the accounts were settled; or, if it was thought best to assume the balances due from those States to their creditors, a proportionate sum—which is what I now advocate—should have been assumed from every other State. The United States could never advance a sum to any one State without advancing a proportionate one to every other State, without at the same time declaring that the one had better pretensions to such a grant than the other. And what can authorize such a declaration? I know of no data on which to found it. A gentleman from Massachusetts objects to this; he says this would greatly increase the public debt, and he appears now to be a great enemy to such an increase. When this argument was urged against any assumption, it was treated with great contempt. It seems, however, that gentlemen have no objection to increasing the public debt, as far as the debts of their respective States will do it. They do not wish to go further. They are against accumulating the public debt, if they are

not to have the whole benefit of it. If they are in favor of an assumption, they should be in favor of an equal one. Some gentlemen have taken much pains to convince us that the citizens of their States are zealous for the measure. I am not disposed to doubt it; if they can have their burdens taken from their own shoulders, and placed upon their neighbors', it is not to be expected that they should complain. But because the winners are pleased too. But we are told that the losers are pleased too. But we are told that the inequalities of both assumptions will be remedied by the settlement. Who, is it expected, will be deceived by this State device? Is there any one so ignorant? What is it but saying, submit to injustice now, and we will redress it hereafter. Only be so kind as to acknowledge now that you are a debtor State, and we will be much obliged to you; and if it should turn out, on settlement of accounts, that you have been paying our debts for us, we will then repay you. But do not these same persons tell us, that the accounts never will be paid or received. I believe it. I consider this assumption as signing the death-warrant of the settlement of accounts. Therefore, let the assumption be equal. If any take place at this time, I hope it will be a just and equal one; nay, more, that it will redress the inequalities of the former one; and that the States who have laid heavy burdens on their citizens, will not be punished for their laudable zeal in extinguishing their debts, but that they will at least fare as well as those who have made no such exertions. In one word, I am against any assumption; but if any assumption obtain, as it cannot be known which State is debtor or which creditor, let the sums assumed from each be equal, that is, according to their respective numbers.

Mr. BALDWIN said, he was not in the situation just complained of, the Representative of a State, the whole of whose debt had been before assumed, and therefore interested in opposing any further assumption. He was from a State, the half of whose debt was not before assumed, and they were not consoled by observing, that four-fifths was assumed for their next neighbor, neither was it a solitary instance of treatment, such as had not been expected from that House. He did not indulge the habit of complaining; but he felt it to be his duty to remember them, and the people from which he came could not easily forget them. He was however of opinion that these evils would not be corrected by a general assumption, on principles so ungovernable as were contained in the proposition now under consideration, and that it would administer injury rather than relief.

Each State had been made debtor for the sum assumed, and as the General Board of Commissioners for settling all accounts between the United States and individual States, had reported that the whole would be finished in little more than a year from this time, he was of opinion it would give much more effectual relief to the States which had been injured in the apportionment of the former assumption, and upon principles much less injurious than the general and promiscuous as-

sumption, which would be the effect of the present proposition.

As the subject was not now before the House, his opinion upon it in general had been often expressed. Events had much confirmed his former opinions on the subject, and he was more than ever convinced of its pernicious effects. This Government, said he, is not calculated to bear a heavy burden, it is put to its worst use when it is put to that use, it shows the Government to the greatest disadvantage. The general national powers, the want of which was so much complained of before the institution of it, appear, from the experiment, to be more easy and manageable than was expected. When considered as a great society, instituted by Sovereigns to cut off the causes of war among themselves, and to deliberate on general national concerns which could be not otherwise provided for—it is an experiment honorable to human nature, and is as useful an extent of the social principle as the institution of society over individuals for the supply of their wants, and to prevent individual slaughter and carnage. Its friends have had great reason to promise themselves success to the experiment, if there can be a due moderation in administering it, in confining it to those objects for which it was alone intended. But, if any one supposes that this Government may be made to answer the purposes, and be put to the same uses as common Governments, and be administered upon the same principles, it gives reason to believe that he is either wicked in his intentions, or that his mind has never comprehended the subject. General questions of boundary, of war, and peace, regulations of commerce, a moderate and general impost for the immediate support of the Government, might be decided in a manner that would reflect honor on the Government, and to the satisfaction of the people. But accumulate an enormous public debt, and let this Government be called to the odious task of applying to the individual citizens for a heavy tax, and you will then see the structure of the Government to the greatest possible disadvantage. It is better suited to any thing than that. It ought to be directed to such a use with the most extreme and cautious reluctance. Probably it will be found, in the nature of things, impossible that it should be well adjusted to such use. To raise a heavy tax, there ought to be a great similarity in the circumstances of the persons on whom it is to operate. If the burden is not equal, it must be in some parts cruelly oppressive. The first object, in attempting a heavy tax is, to be sure that it will be equal; otherwise, some will be crowded to their destruction, while others are exulting in prosperity, and feel no burden at all. There is such a dissimilarity in the interests and circumstances of the extensive country over which this Government is to operate, that it will be scarcely possible to adjust heavy burdens to any tolerable equality. The whole current of experience in society forbids the expectation. Even some of the States had found their limits too large to preserve the necessary equality in their own revenue systems. And to suppose that this Government should be able to bear bur-

dens in the same proportion to its size, without intolerable oppression, is founded neither in good sense nor experience.

This view of the subject supposes the most honest disposition in endeavoring to make the burdens as equal as possible. But an important view of it, which ought to be taken on this occasion, is, that there is much less security for an honesty of disposition in laying the burdens. The circumstances of the persons who make the laws, and of those on whom they operate, ought to be closely connected, and thoroughly in the view of each other. The moment they get so far dissociated as not to be known and felt by each other, security against oppression is gone. In this Government there can be but a mere shadow of representation. In many instances, not more than one for a hundred miles square. They for a great part of the year are entirely detached from their constituents, so that they who are acquainted with their circumstances at home, cannot be intimately acquainted with their conduct, so as to judge of the motives by which they are governed. And they who are witnesses of their conduct in the Government, do not know their circumstances at home; so that men may feel themselves at greater liberty to indulge improper passions, than they would if both their circumstances and their conduct were under the immediate notice of their constituents, and thus the motives by which they were governed on every occasion could be easily explained. On the general national subjects, which are their more immediate province, there would be less danger from this cause, as they would present fewer objects for individual passions. But, in the collection and management of vast revenues and their necessary concomitants, there are the strongest lures to improper conduct. The love of power and property are two fierce passions of nature, which if they can be indulged without any loss of reputation, or even without the fear of detection, will be sure, in all countries, to make havoc of the happiness and rights of men. He did not pretend that it was possible altogether to avoid this source of danger. The Government cannot be carried on without resources; they had been provided to a pretty large extent on its first commencement, by general regulations, which appeared to have been tolerably satisfactory to the community.

They who agreed with him in the general observations which he had made, must allow that they were substantial reasons against the proposition on the table, and that those debts ought to be left upon the States, rather than be assumed by the present Government.

Mr. B. said, the general assumption, not only reconciled very ill to the nature of the Government, as he had shown, but it also reconciled as ill to the circumstances of the country. It was, in its very nature, designed to draw off business and property from the different States, and unite them in one great vortex at the centre. This is an evil which appears to have been most cautiously guarded against in every part of the Constitution. How many checks and guards show themselves in every

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part, to keep up the equality of States, to prevent the combination of strong interests in giving special advantages, and that there should be no preference for the increase of the ports of one State over those of another. No one can look over the principles of the Union without seeing this to be the great and striking feature of the whole States possessing equal powers, feeling and being strongly attached to their own advantages, and, like individuals in forming a society, giving them up with reluctance, and only such as appeared indispensable to the protection of the rest.

The present object seems to be to construct a huge, gigantic organization at the centre, which shall collect all the vital fluids, to strengthen and enlarge those parts, without any means of propelling a circulation in return to keep up the principles of life in the extremes of the body. The very figure is monstrous. A State centre and a State organization, which it is the avowed intention of the present system to reduce, and as far as possible to do away, is necessary to preserve the principles of life in them. The collection of a revenue in the States, and the circulation of it among their people, is not only necessary to their health, but it is necessary to their existence; and they who avow their opposition to it are seeking their destruction. The instance which had been mentioned of a distant State paying more than half a million of dollars in a year, which had been sent on to the General Treasury, without scarcely any call on the Government to receive any part of it in return, struck him very forcibly and the more forcibly, as the same impression had been made upon him from his own State. One of their ports, he said, would probably this year pay into the Treasury forty thousand dollars; and, except the accidental circumstance of there being at this time some companies of the Federal troops in that State, who might receive their pay there, he knew no cause which could have prevented the actual sending of almost the whole of that sum in specie to this place; which, if it were to take place every year, and increased in the manner as is now proposed, would soon drain them of all the medium by which business is to be transacted.

The circulating medium in society has been aptly styled the oil of the machine which lubricates all its motions. Adopt a system which shall entirely prevent the supply of it, and the motions cannot be easy; when the solid parts are left to grind against each other, it is not to be expected that the machine should long remain cool.

Mr. B. proceeded to take a view of the subject on the grounds which the gentlemen in favor of the proposition had themselves taken, that the general assumption must intend either taking up all the debts of the States, whatever may have been the cause for which they were contracted, or there must be some process to distinguish those that were contracted for the purpose of carrying on the war.

He could not suppose that any person could be serious in maintaining that all the debts of the States, contracted for the support of their Governors, or State Legislatures, or for any other

State purposes, ought to be assumed by the United States. It had been the universal principle, from the first contracting of the debts, that a distinction ought to be made between what was contracted for the purpose of carrying on the war and what was not. He then reviewed the systems of the old Congress on that subject, and showed how they had at the time assumed the claims of the States as the expenses were incurred, and passed particular resolutions for their liquidation, putting them on interest upon the general funds, which was then called funding them.

Congress was continually extending their assumption by particular resolutions, founded on the nature of each particular case, and, by the agency of Commissioners invested with chancery powers, to enter most summarily into all the equitable considerations attending the particular applications. For several years after the close of the war, till they supposed they had assumed nearly all that ought to be assumed, some few cases they had left undetermined, as the Penobscot expedition, &c. That there might not be left the least color for any complaint on the part of the States that Congress was reluctant in assuming any debts which had been contracted for carrying on the war, in the year 1786 they appointed a General Board of Commissioners, with ample powers to assume all debts which might be still remaining, which, upon the principles of equity and conscience, they might think ought to be assumed. It will be seen by the Journal that this passed unanimously, and appeared to give universal satisfaction, carrying the principle as far as it ought to be carried. The whole of this process has been founded on the universal impression that a distinction ought to be made between the debts incurred for the purposes of carrying on the war and debts contracted merely for State purposes.

There has been immense labor for these ten or twelve years past, at an expense not much short of a million of dollars, in liquidating and distinguishing the proper debt of the United States. The House had been officially informed that the business was now near a close, and that the whole would be finished in a short time. Can any one, he asked, after all this, be hardly enough to intend that the United States should be plunged under the promiscuous debts of the States, regardless of all distinction?

He was sensible that the proposition under debate professed to regard the principle, and contained a proviso, that no State certificates should be assumed which on the face of them appeared to have been issued for any other purpose than carrying on the war. But it was in vain that it contained the principle, if it was accompanied with no mode of carrying it into effect. From that cause, he supposed, there was some reason to suspect the sincerity of the intention. He believed there could not be devised a mode for carrying the principle into effect more summary and complete than that which was now in operation, and so near its close, under the General Board of Commissioners. They had power and evidence to distinguish the

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proper debts; they would strike the balance in favor of the States who were actually in advance, and then no one could object to assuming it.

He was thus particular on this part, because some gentlemen had taken the liberty to place it, in some respects, in an unfair view. The former assumption had not been contended for as necessary to the final attainment of justice. There was no doubt of a complete attainment of justice on striking the balance of the accounts under the system which has been described. But some of the States complained of the present pressure of their enormous debts, and, in confidence of a large balance appearing in their favor, begged a part payment in advance, to be received on account, for their immediate relief. On these grounds only had the former assumption taken place. It was presumed that enough was left in arrears to secure an adherence to an impartial settlement, which might correct any mistakes in such a random assumption. In this view the argument which produced the former assumption loses all its force on the present occasion. It will be difficult to conceive that the little fraction of debt left on the States is a burden so much more enormous than the whole war that it cannot be supported a few months till there is a settlement of the accounts. If the assumption should, in any instance, be made to exceed the amount of the claims, it will be productive of great discontent and embarrassment; when it approaches near the balance of the claim it is foregoing the security for the final settlement of accounts. As this general settlement of the accounts had been continually regarded during the whole of the war, as the minds of the citizens had been reconciled to quotas and requisitions made on very slight information, merely by being led to expect justice from that event, and as it was the basis on which alone our proceedings since could be explained, he thought there should be some care not to make it the interest of any to wish that it should be relinquished.

Mr. FINDLEY said, during the progress of the discussion in support of the resolution, it has been presumed by all the gentlemen on that side of the question, that the irredeemable principle ingrafted on the Funding System, was an equivalent for deferring one-third of the debt for ten years. In short that it was equal to the original contract; consequently, that the Funding System, including the irredeemable quality, was a full discharge of the original obligations, and that the amendment now under debate, if adopted, would be a breach of the original contract, and would operate unjustly towards the public creditors.

In all transactions in public life wherein I have been engaged, and the public creditors concerned, I have steadily attended to their honest claims, and supported their interests, agreeably to the principles of the Government. In this I have acted with the same industry and zeal that I have exercised in contributing to accomplish the Revolution, from which these claims originated. I have been attentive to the present Funding System, in its progress to existence, and in its opera-

tion and effects; and I did, and still do, believe that the irredeemable principle was no equivalent for the departure from the original contract. I am also persuaded, that it is inconsistent with the original contract, and contrary to the principles of the Constitution, and unsuitable to our political circumstances. With respect to the first, I know of no law existing in any of the States, whereby a debt which the creditor can only recover at a distant period, and in very small instalments, is rendered more valuable than a right to recover it on demand, and all at one time. Disposing of property, to be paid for in instalments, and at a distant period, is common in this country; but in that case, the privilege is supposed to be enjoyed by the debtor, for which he always pays a higher price. To presume that putting a man's just claims to prompt payment out of his own power, except in such small portions and distant periods as he cannot reasonably calculate upon receiving in the course of one generation, nor to such an amount at any one time as can be applied to any valuable purchase, is presuming contrary to reason, to the laws and usages of the United States.

But it may be answered, that the public creditors, as a party in the contract, had a right to agree to such terms, if they pleased; and that they did agree to them, is, by their acceptance in subscribing to the loan, testified. It is not pretended that the terms were proposed by the public creditors; so far from this, it is well known that many of them remonstrated against the terms of the Funding System, and gave an ample testimony against the irredeemable quality being an equivalent for deferring; or, in other words, lowering the interest of the debt.

Their acceptance of the terms is no proof of their voluntary approbation; it was not optional to them on impartial ground. Provision was made for the interest for fifteen years, and the obligation made perpetual in favor of those who subscribed; and, if I am not mistaken, the provision was afterwards made perpetual; and what was the alternative in favor of those who did not accept? Why, they had a provision of four per cent. made for one year only, without any obligation for continuing that provision, and without interest upon their interest, as those who subscribe have; and so recent and striking an instance before them of disregard to the original obligation, both in matter and form, as is witnessed in the Funding law, was a discouraging circumstance to those who would have otherwise preferred resting their claim upon that ground. In this situation, interest and necessity dictated the propriety of accepting the terms of the Funding System, not as an equivalent for their claims, but as the best they could get. That the original holders accepted with reluctance, and remonstrated, we know: that many of that description, as well as foreigners, did not accept at all, is evident from the question before us. The parties, therefore, were too unequal for a contest, and the terms were too unequal, with respect to security, to render the acceptance a proof of approbation. The truth is, that the irredeemable quality appears

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never to have been intended as a real or solid equivalent. It was wholly calculated to be a subject of speculation, which might draw the attention of persons in those countries where, from the superabundance of specie capital, enormous national debts, and long habits in stock-jobbing speculation, is become a science. To promote this, which was unnatural and novel distinction of parts, which had no foundation in the contract, and a variety of necessary fluctuation in the comparative value was introduced. This distinction to the merit was well adapted to be an inducement to the meritorious public creditors, especially such of them as resided in the country, to part with their certificates.

The two-thirds of two-thirds, the six per cents, the three per cents, deferred debt, &c., all in one certificate, which the farmer received, originally with an obligation simply of six per cent upon the principal, until it was paid, is so much beyond his comprehension, that he prefers parting with it to keeping it on terms which he does not understand, and which he conceives may, with equal ease, be changed again by the same authority into other and more unintelligible varieties. To this end, it corresponded to admiration. Few, indeed, are the certificates now in the hands of original holders of the agricultural class.

One leading advantage which the promoters of the Funding System suggested that would arise from its operation, was a circulation of the revenues to the more remote parts of the country, in payment of interest, which had been previously drawn into the Treasury by duties, and had the system been adapted to the genius and circumstances of the people of the United States, this no doubt would have been its effect, and in this way a beneficial balance of circulating specie would have been supported. It was also suggested, that the certificates when appreciated, would assume the form and use of a circulating medium, and in this way be as a substitute for money, promote the purchasing of land, improving the country, and give a general spring to industry; and this salutary effect a Funding System, calculated and guarded suitably for that purpose, might also have had. But these important consequences have been completely defeated by the irredeemability and other peculiarities of the Funding System; that the Funding System was calculated to be a field for speculation, was the general opinion of people of reflection, when it was originated. And what has been the effects of its operation? Why, it has introduced the most extravagant combinations, promoted fictitious credits, and by giving a facility to stock-jobbing, in all its varied forms, has become an enormous and ruinous snare. It has occasioned many of the most enterprising characters to desert the useful paths of industry; dissipation, gambling, extravagant projects and extravagant modes of life, are promoted to such a degree, as to be ruinous to our morals and degrading to our national character. Wealth hastily gotten, without industry, has changed the grades of society, and erected a new and formidable interest in the Commonwealth. One week we behold fortunes rising

like exhalations, and the price of stocks blown up above all reasonable calculation; but perhaps before the next week arrives, we find the stocks fallen a fourth or a fifth, and disappointment, bankruptcy, and stagnation of the most useful branches of commerce, spreading consternation far and wide, and the tales of villany and consequent distress swell up the news of the day. Though I have not changed my opinion of the Funding System, since it made its appearance, yet I confess its delusory and ensnaring progress has been more rapid, the bubbles have sprung up and burst in greater variety and in quicker succession than I expected. General confidence and contentment among the citizens has not been among the effects produced by the irredeemability, and the complex and mysterious forms of the Funding System.

A principal advantage the Funding System was to produce, was, the lowering the rate of interest for money; indeed this was the principle upon which it was supposed to be calculated; it was to reduce the rate of interest to five or even four per cent. by its beneficial operation as a circulating medium, &c. I ask, sir, has it had this effect? No, it has not, but the reverse. I acknowledge certificates have been purchased at a rate that would not afford five per cent. upon the price given for them, and that even after they were above par; but at the same time the rate of negotiable interest rose to an unheard of height. No such instance of usury was heard of in this country at any former period, (except in the times of general distress and bankruptcy occasioned by old debts, losses in the course of the war, and an over-importation of goods at the conclusion of the war) and this has not been incidental, but the native effect of the system. Negotiable interest has risen too high for the solid purposes of commerce, and capital, and attention have been withdrawn from it by the bubbles of the times; and by the prevailing fluctuations in the funds and private credit, the regular circulation of credit and cash suited to commercial purposes are obstructed. However, I do not deny but that importations are too great for the public good, but this is not the result of the quantity, or high price of our exports, but it is the return for our certificates transferred to foreigners, to whom they are in the more esteem because of that irredeemable quality to which I object. In consequence of this, we become tributaries to foreigners, over whom we have no control, and from whose wealth we can derive no advantage. This evil has already prevailed to a great degree, and by the present system can neither be remedied nor prevented.

I have said that the Funding System is inconsistent with the original contract. This is evident from all its complex and mysterious division of parts and difference of value, which had no foundation in the original obligation. Many instances of this might be adduced, but I will only select one. The act of Congress provided for the redemption of the old Continental bills of credit at forty for one; the Funding System provides for it at the rate of one dollar for the hundred, and that dollar subject to its divisions of parts and

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value. Is not this a total departure from the contract, both in matter and form? It is vain to answer, that the Congress money had been considered as lost, and had depreciated much lower than one for forty. The sanction of an act of Congress, supported by the obligation of the Constitution, fixed it at forty for one; and the same power that could alter it to one hundred for one, could annihilate that or any original claim altogether. I am not here treating about the equity of the claims, but about the Legislative authority of Congress to change contracts which they were bound to fulfil, both by the acts of the old Congress and an express clause of the Constitution.

In preparing and enacting the Funding law, Congress seems to have laid aside the character of the Legislature, and assumed that of the Judge; whereas, their most conspicuous character in transacting that business ought to have been that of a party prevailing for the payment of their debts; but, in acting the part of a Judge, they have taken it upon an original plan. They have changed the value and the principles of the claim by a mere act of their will, without being guided by reasons taken from the original obligations; but have rather been influenced by the contemplation of the mighty political machine they were about to erect, viz: an unextinguishable national debt and consolidated moneyed interest.

I have also said, that the irredeemable quality of the Funding System is contrary to the Constitution. Congress have the power of applying the public resources towards paying the debts of the Union. Every successive Congress is equally vested with that power. It is derived immediately from the Constitution to every Congress, and not derived through the laws of one Congress to another; but, in the Funding System, the Congress who enacted it have decreed that no succeeding Congress shall pay the existing debts of the United States, except in certain small and distinct instalments, which, perhaps, would occupy two, or a part of three, generations to complete. Certainly the present Congress cannot say unto the next, or to any future Congress, that they shall not do what the Constitution expressly says they have power to do; and yet, if we reject the amendment and adopt the resolution, we are in fact saying so. If we do so, we are holding out a further delusion to the citizens. Snares of this kind have proceeded far enough already. A future Congress certainly will disregard this restraint, and repeal the irredeemable quality of the Funding System.

The creditors who hold those claims for which we are about to provide, have an unquestionable right to six per cent. interest upon the original claim—not to interest upon the interest—but to a provision for extinguishing the arrears of interest. All the different laws which I know of contemplate a delay of payment of interest and expressly guard against paying compound interest. The party to whom interest is due may claim and recover it at short periods, but if it is not claimed, or cannot be got, any supposed delay does not enable the creditor to claim interest thereon. This

proves that legal interest is supposed in the law to be a sufficient compensation for the delay of payment.

My first design was to have moved to amend the resolution so as to provide six per cent. for the principal, according to contract, and to have proposed some provision for paying the arrears of interest; but, upon reflection, I find the business so far put out of its natural course already, that I have relinquished that design. The progress of innovation has been so great that it is difficult to tread back the ground; therefore, I will vote for the amendment.

One difficulty which influenced me to give up my first design was, that not only the arrears of interest which arose since the first of January, 1788, is funded at three per cent., to those who subscribed to the loan, but also the indents of interest issued previous to that period, under the Confederation, which had been disposed of and provided for by requisitions as fully as the power or laws of that Government permitted. Many, indeed I believe most of the States, had made adequate provision for them to their respective citizens; and those who did not, were under the same obligations to do it that they had been to do any other part of Federal duty in the course of the Revolution. Even these have been received again and funded at three per cent. The indents, and about three years' interest, which became due since the first of January, 1788, making, in all above ten millions, have been funded. Above seven millions of these, if it was not a debt created by the Funding System, received a resurrection by it. This will explain the charge of creating a new debt, asserted by one of the gentlemen, and denied by another. Here was above seven millions as redeemed, which ought to have been considered, as such as were not citizens of any State, and above three millions funded at three per cent., for the doing of which there existed no obligation. If it be answered, that equity required it, I will allege that, if the Congress, acting on the general claims of equity which originated in the course of the Revolution, a much greater amount must yet be provided for. I never knew a public creditor who expected interest upon his interest, or that expected the indent debt that had been disposed of to be received, or otherwise provided for than by a final settlement between the respective States and the United States. Why should they expect Congress to make provision where an actual obligation did not exist, when, in the same act, they were destroying ten years' interest of one-third of the principal, where the most express obligation did exist, and where the claim was also founded in the strictest equity? This increase of the debt, and funding at three per cent., appears not to have been calculated for the profit, nor at the request of the public creditor; for what they gain in the one hand they lose in the other. Nor does it operate as a gain to the United States. If we may judge of its object by its effects, we may observe that, by receiving the indents redeemed by the States, an increase of revenue becomes ne-

No ships on our stocks, few vessels in our harbors, commerce decayed; the vital spirit lost. I might say more; but I will turn from a disagreeable scene to one more pleasing.

What is our present state? The credit of our Government is as good as that of any country. Individuals of all nations will trust the individuals of America. Individuals here (until a late unfortunate bubble or abuse of credit, arising from bad men or bad management, and which will possibly only do hurt for the moment) gave full credit to each other as far as their capital extended, as well in the city as in the country, and confidence prevailed. Agriculture, where the people are industrious and apply their attention to the raising of those articles which are most in demand, is in the highest improvement ever known here before. I can speak with confidence of the State I live in. The idle and indolent can expect no great success in an art which depends upon the steady hand of industry. There are ships on the stocks in every part where there are ship-builders and materials. The tonnage list will evidence the mighty increase of the American shipping; it has far exceeded the most sanguine expectation. Several of the first merchants state your commerce in a most respectable situation, far beyond any other period. Indeed, the returns from the Secretary of the Treasury show how great our imports and how vast our exports. In point of justice, our reputation stands high with the world; our courts will do justice. Pray what foundation for those strong assertions which have been made against the Constitution and the Government?

As to the Funding System, I shall say little at present. I much doubt if it deserves the hard names which have been given it. Abuses will be committed in all countries; no human plan can be secure against them. The assumption of the State debts was fully considered upon a former occasion. Several of us wished to fund the debt of the Union alone; many gentlemen of the South, when we came to look for ways and means, voted against us, and the Eastern Representatives were always ready to join in defeating us, unless the assumption of State debts also took place.

The bill passed the House of Representatives for funding the debt of the Union alone; but the Senate sent it back, with an amendment, assuming State debts to a certain amount. After much argument, the amendment of the Senate was agreed to by the House of Representatives. Justice was nearly done to some States; others do complain, and I think Rhode Island with much reason.

I could have wished that the accounts between the United States and the several States had been settled. But I will give the gentlemen who complain so much an opportunity of satisfying this House, (if they are able,) when the blanks are to be filled up in the bill, that the sums they demand are reasonable, and are intended to give relief to the people of their States. I will vote for the resolution.

Mr. FINDLEY, in answer, said: If I am not altogether so elated with our present prosperity and

resources as my worthy colleague, who has just sat down, I assure you I am not desponding. I think our resources are competent, and our circumstances not depressed; the great industry of our citizens, and the great demand and high price for our produce in foreign markets, which took place about two years ago, gave a spring to our wealth and industry, and furnished ample resources to Government; our feelings have not been pierced with the cries of general distress, until very lately, through the abuse of the novel principles introduced in the Funding System. But though I rejoice with the gentleman in the sufficiency of our means, yet I consider ourselves in the situation of an unexperienced heir, newly come to the enjoyment of a great estate, who, being dazzled with his own splendor, and confident of his means, sets about spending without system or principles, and gets embarrassed before he is aware. We are told, that the principle of assuming the State debts is already admitted by the last Congress, therefore it ought to be completed now; we are just told, too, that it was fully considered there. I ask, then, why was not the business fully completed at that time? If it was not, then what good reason can be given for carrying it further now? Is there any new discovery of better rules to apportion by? or is the distress of the States who have yet some unassumed debt, as pressing as when they had to bear the burden of three or four millions more than now? Gentlemen know, that the length this business has gone already, has given great uneasiness to those States who made the greatest exertions to extinguish their own debts, and to whose circumstances and feelings the resources applied to the assumed debts of the States, are distressing and disagreeable. For what purpose are the Commissioners employed in adjusting the accounts between the individual States and the United States, if the whole of the State debts were to be assumed previous to that settlement? We know the Government is not vested with powers to compel delinquent States to do justice, and that if ever justice is done to those States who have extinguished their own debt, it must be by increasing of the general revenue in proportion to the money Congress will have to pay to those States; and it is an unjustifiable and dangerous policy to draw the money from the people with one hand, to pay it to the State Governments with the other.

I have such information as I can depend upon, that the Commissioners will report upon the final settlement of the State debts, in the course of next winter; and the resolution before the Committee makes no provision for interest until after the year 1792. Why then take this further leap in the dark, when those States who will be actually entitled to it, will be as soon relieved, according to the principles of justice, as they would be by distributing the public property in this manner, by the rule of thumb?

I always thought the assumption of the State debts a measure which the Constitution did not contemplate, and which had a tendency to sow the seeds of discontent in many parts of the Unit-

cessary, and the States become like pensioners to Congress for the annual amount they are to receive. Thus the revenue must be the greater in the hands of those who conduct it, and the individuals of the States must be dependent on the Treasury of the United States for the means of their support. Foreigners may make reprisals if they are not paid; for does the support of their Government depend upon it. But this is not the case with dependent States. We know several of the States are in this way entitled to a greater annuity than is necessary for the support of their Governments, and the people are in the habit of living wholly free of State taxes; while, to accomplish this strange state of things, the debt of the Union is increased, obnoxious revenues are rendered necessary, ministerial influence, speculation, and consequent depravity, are advanced.

With respect to the dangerous effects which the irredeemable principle and unnecessary increase of funded capital will have upon the genius of our Government, and the interests of posterity, this subject has been investigated with too much ability by the gentlemen who were up before me in support of the amendment, that I will not now detain the Committee with any thoughts upon it, but will conclude with observing that, having proved that the irredeemable principle, which the amendment is designed to correct, is not an equivalent for the departure from the terms of the contract, and that, being contrary to the Constitution, cannot be obligatory on any future Congress, but is delusory in its nature, and calculated to promote speculation and a transfer of the debt to foreigners; and that the increase of funded debt created in the Funding System was not necessary from the original obligation, nor profitable to the public creditors, but calculated for dangerous speculating and political purposes. I will sit down, with expressing a wish that, by adopting the amendment, we will prevent the worst effects of the Funding System from being further extended. The Committee now rose, and reported progress.

SATURDAY, March 31.

Mr. LIVERMORE, from the committee appointed, presented a bill in addition to an act, entitled "An act to provide for the Territory Northwest of the River Ohio," which was received, read twice, and committed.

Mr. VINING, from the committee appointed, presented a bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school, during the late war; which was received, read twice, and committed.

On a motion made and seconded that the House do come to the following resolution:

"Whereas, by several documents and papers communicated in pursuance of a resolve of the Legislature of Maryland, it appears that Nicholas Moxton Moore received, from the Treasurer of that State, on the 24th day of November last, the sum of two hundred and

forty-two pounds eight shillings and three pence, current money of the said State, the amount of a judgment rendered against him in the General Court of the same State, on account of horses purchased for the use of the United States, during the late war; and that the claim of the said State, by the payment aforesaid, hath not been credited in the accounts of the same with the United States:

"Resolved, That the proper officers of the Treasury be authorized, and they are hereby directed, to adjust and settle the said claim with the Agent of the State, and any limitation in the acts of Congress to the contrary notwithstanding."

Ordered, That the said motion be referred to Mr. SENEY, Mr. GENNY, and Mr. SUMNER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A representation and memorial of the Legislature of the Commonwealth of Massachusetts was presented to the House and read, praying that the General Government will assume the balance of the debt of the said State. Referred to the Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt.

Mr. GENNY offered a few remarks on the subject, and urged the justice and sound policy of completing a business which had, for reasons well known, been left in an unfinished state, but which equity and precedent now called on Congress to finish.

Mr. CLARK was opposed to the proposition.

Mr. HARTLEY.—After so long a discussion, my attempting to take up any great length of time would not be excusable; but I consider it my duty to say a word or two in answer to some expressions and observations used against the Constitution and operation of this Government; and give a few reasons why I shall now vote for the resolution under consideration. It will not be necessary to take into view the principles upon which the Constitution was framed; they were fully examined in the General Convention, and stood the test of the strictest scrutiny. They are favorable to liberty and justice. As to the operation of the Government, we may best understand it by contrasting the state of America at the adoption of the Constitution, with that of the present day. At the former period, our credit as United States of America was at a low ebb. Few of the individuals of foreign countries would give credit to the individuals of this. The capital of Europe would not be trusted in America; they doubted our justice as well as our Government; there was scarcely any credit given to individuals here; a universal distrust prevailed. Agriculture languished; the farmer diffident, he had lost his confidence; the great spur to industry was wanting.

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ed States; and now it is argued that the precedent being set by the last Congress, we ought to copy it. I admit of no principles of infallibility in Congress: and if precedents produce an obligation, we ought to be the more careful not to strengthen them, by repeating such as are improper or doubtful. The only plausible reason for assuming the State debts in the last Congress was so far, was to ease the burden of such States as had been most backward in providing for their respective debts, so as that they might be able to provide for what remained until the accounts would be settled, and to make some provision for the States who had done much to extinguish their debt, as a security that the debts would be brought to a final settlement. Certainly these States, at whose desire and for whose convenience so much has been done, ought to have a little more moderation.

Mr. Madison observed, that a great deal had been said to prove that the General Government is under obligation to provide for the debts of the individual States. The gentlemen who maintain this opinion have not shown that the creditors themselves ever entertained an idea that they should look to the United States for payment of those debts. It is not pretended that the new Constitution varies the situation of the creditors; they stand precisely on the same ground they did under the old Confederation. He (Mr. M.) denied that in the former assumption, the creditors of the individual States were considered in the same point of light as the creditors of the Continent, and for the truth of this, he appealed to the law itself "making provision for the public debt."

The proposition now before the Committee he considered as unjust, as it would place some of the States which had made no exertions to discharge its debts, in a more eligible situation than those which had made the greatest exertions to effect that object. He denied that the first assumption had been generally approved, or had been acquiesced in, and adverted to the proceedings and resolutions of the State of Virginia on the subject; papers are on the table to show the truth of what is now asserted: he added that he was sorry to find that no more attention had been paid to those papers. Mr. M. then noticed the state of imports and exports from the several States, to show the unequal operation of the assumption as it affects those States, particularly Virginia, which pays so great an over-proportion of the interest on the debts of some of the States.

Mr. Gerry stated a variety of instances to show that the debts of the individual States were always considered as founded ultimately on the faith of the Union; that the creditors had taken the paper of the States on that idea; that the States were considered as agents for the United States: and, on this principle, the contracts for supplies and services on a Continental account had been made, without which the war must have ceased, and the subjugation of the United States have followed. Mr. G. remarked on the partiality and evident injustice of leaving the possessors of

the remainder of the State debts totally unprovided for.

The question on agreeing to this proposition was carried in the affirmative, 33 to 25, but was eventually lost.

The Committee then rose, and had leave to sit again.

MONDAY, April 2.

The House proceeded to consider the report of the committee to whom was referred the Letter from the Secretary of the Treasury, enclosing Returns of Duties arising on Imports and Ton-

nage within the United States, for a year, ending the 30th of September; also, a Return of Exports within the same period. Whereupon, Ordered, That the abstract returns of duties on imports and tonnage, also the abstract of exports from the United States to foreign countries, be printed for the use of the members of this House; and that the Secretary of the Treasury be directed to report to this House, in the course of this session, the quantity and value of the exports from each State, anything in the order of the 10th of November last to the contrary notwithstanding.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the subject of the Public Debt; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and come to several resolutions thereupon, as follow:

"Resolved, That the term for receiving on loan that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of — next, on the same terms as was provided by the act making provision for the public debt of the United States.

"Resolved, That provision ought to be made for payment of the interest on the unsubscribed part of the domestic debt of the United States, to the first day of —, one thousand seven hundred and ninety—, on like terms as was provided by the act aforesaid.

"Resolved, That the term for receiving on loan that part of the debt of the individual States assumed by the United States, yet unsubscribed, be extended to the first day of — next, on the same terms as is provided by the act making provision for the public debt.

"Resolved, That a subscription for a farther loan in the debts of the individual States be opened and continued to the first day of — next, not to exceed in the whole — millions of dollars, in the proportions following: that is to say, [Here enumerating the several States.] Provided, That the interest on such loan shall not be payable before the — day of —. And provided, That when the sum to be assumed for any State shall not be subscribed by the holders of any of the evidences in which the same is made receivable, the State shall not be entitled to receive interest on the residue.

"Resolved, That the subscriptions to the aforesaid loans in State debt, be payable in such certificates, bills, notes, and evidences of debt whatsoever, as shall have been issued by the respective States, and by the several Commissioners of Loans of the United States, on ac-

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count of the excesses of the sums subscribed in certain States beyond the sums heretofore assumed for such States: Provided, That no such certificates, bills, notes, or evidences of debts of the respective States, shall be receivable upon the said loan, which, from the tenor thereof, from any public record, act, or document, shall appear or can be ascertained to have been issued for purposes irrelative to compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note, or evidence of debt, which shall have been issued in lieu or on account of any other certificate, bill, note, or evidence of debt, which was itself issued in relation to such compensations and expenditures.

"Resolved, That the debt due to certain foreign officers, the interest whereon is payable at the house of Grand, in Paris, be discharged out of any moneys obtained on loan by the President of the United States, in virtue of the act making provision for the public debt, which may now be unappropriated.

"Resolved, That the interest on so much of the domestic debt as has been or may be purchased for the United States, or as shall be paid into the Treasury, and so much of the sum appropriated for the payment of the interest on the foreign and domestic debt as shall be over and above what may be sufficient for the payment of such interest, shall be appropriated for the redemption of the public debt. The said funds to be applied to the purposes aforesaid by the Commissioners hereafter mentioned, under the approbation of the President of the United States.

"Resolved, That — be Commissioners for the purposes aforesaid, and that a precise account of all the debts redeemed, and of all purchases by them made, be laid before the Legislature within — months after its first meeting in every year."

The House proceeded to consider the said resolutions; and the first resolution being twice read, a motion was made, and the question being put, to amend the same by adding thereto the following words:

"Except that condition in the act which renders the debt so far subscribed subject to redemption by payments not exceeding, in one year, on account of both principal and interest, a proportion of eight dollars upon the hundred, on any certificate which shall be issued according to the terms therein specified: which condition, so far as it relates to any part of the debt which may hereafter be subscribed, shall be abolished."

It passed in the negative—yeas 27, nays 30, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heustor, Israel Jacobs, Aaron Kitchell, John W. Kitter, Richard Bland Lee, James Madison, John Francis Moore, Andrew Moore, William Vane Murray, John Page, Josiah Parker, Joshua Seney, Jeremiah Smith, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Huger, Philip Key, John Laurence, Amasa Learned, Samuel Livermore, Nathaniel Macon,

Frederick Aug. Muhlenberg, Nathaniel Niles, Theodore Sedgwick, William Smith, John Steele, Samuel Streett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

And then the main question being put, that the House do agree to the said first resolution, it was resolved in the affirmative.

The second and third resolutions were then severally read; and on the question thereupon, agreed to by the House.

Ordered, That the further consideration of the said resolutions be postponed until to-morrow.

TUESDAY, April 3.

Mr. LIVERMORE, from the committee to whom was referred the memorial of the Illinois and Wash Land Companies, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying lists of sundry petitions returned to this House, pursuant to an order of the 27th of last month; which was read, and ordered to lie on the table.

THE PUBLIC DEBT.

The House resumed the consideration of the resolutions reported by the Committee of the Whole House yesterday, on the Report of the Secretary of the Treasury on the subject of the Public Debt. Whereupon, the fourth resolution having been read, in the words following:

"Resolved, That a subscription for a further loan in the debts of the individual States be opened and continued until the first day of — next, not to exceed in the whole — millions of dollars, in the proportions following: that is to say, in the debt of New Hampshire, —; [and enumerating all the other States.] Provided, That the interest on such loan shall not be payable before the — day of —. And provided, That, when the sum to be assumed for any State shall not be subscribed by the holders of the evidences in which the same is made receivable, the State shall not be entitled to receive interest on the residue."

A motion was made, and the question being put to amend the same by inserting after the words "individual States," these words: "whether discharged by the said States respectively since the treaty of peace, or undischarged."

It passed in the negative—yeas 22, nays 30, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William B. Giles, Andrew Gregg, Israel Jacobs, Philip Key, Aaron Kitchell, Samuel Livermore, Nathaniel Macon, James Madison, John F. Mercer, Andrew Moore, Nathaniel Niles, Josiah Parker, Joshua Seney, Upton Sheridene, Jeremiah Smith, Jonathan Sturges, Abraham Venable, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, James Hillhouse, Daniel Huger, John W. Kitter, John Laurence, Amasa Learned, Frederick Aug. Muhlenberg, William Vane Murray, John Page, Theodore Sedgwick, William Smith, John

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Steele, Peter Sylvester, George Thatcher, Thomas Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

And then the main question being put, that the House do agree to the said fourth resolution, it passed in the negative—yeas 26, nays 29, as follows:

YEA.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benj. Bourne, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, Dan'l Huger, Philip Key, John Laurance, Amasa Learned, Nathaniel Macon, Frederick Augustus Muhlenberg, Theodore Sedgwick, William Smith, John Steele, Peter Sylvester, George Thatcher, Thomas T. Tucker, Jeremiah Wadsworth, and Artemas Ward.

NAY.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Nicholas Gilman, Andrew Gregg, Daniel Heister, James Hillhouse, Israel Jacobs, Aaron Kitchell, John W. Kitter, Richard B. Lee, Samuel Livermore, James Madison, John Francis Mercer, Andrew Moore, William Murray, Nathaniel Niles, John Page, Josiah Parsons, Joshua Seney, Upton Sheridene, Jeremiah Smith, Jonathan Sturges, Abraham Venable, Alex'r White, and Francis Willis.

Ordered, That the further consideration of the said resolutions be postponed until to-morrow.

WEDNESDAY, April 4.

The House resumed the consideration of the resolutions reported by the Committee of the Whole House on Monday last, on the Report of the Secretary of the Treasury on the subject of the Public Debt. Whereupon, the fifth resolution having been read, in the words following:

"Resolved, That the subscriptions to the aforesaid loans in State debt be payable in such certificates, bills, notes, and evidences of debt, whatsoever, as shall have been issued by the respective States and by the several Commissioners of Loans of the United States, on account of the excesses of the sums subscribed in certain States beyond the sums heretofore assumed for such States: *Provided*, That no such certificates, bills, notes, or evidences of debt, of the respective States, shall be receivable upon the said loan, which, from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for purposes irrelative to compensations and expenditures, for services or supplies towards the prosecution of the late war and the defence of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note, or evidence of debt, which shall have been issued in lieu or on account of any other certificate, bill, note, or evidence of debt, which was itself issued in relation to such compensations and expenditures."

The question was put that the House do agree to the same, and it passed in the negative.

The sixth, seventh, and eighth resolutions were severally twice read; and on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the first, second, fourth, sixth, seventh, and eighth resolutions, and that Mr. FITZSIMONS, Mr. LAURANCE, Mr. KEY, Mr. MACON, and Mr.

Sumner, of South Carolina, do prepare and bring in the same.

On a motion made and seconded, "That it be an instruction to the committee last appointed, to report a provision for a loan of the remaining debts of the individual States:"

The said motion was objected to, as out of order. Whereupon, the SPEAKER declared the said motion not to be in order; from which decision of the Chair, an appeal being made by two members to the judgment of the House, and the question taken, "Is the said motion in order?" it passed in the negative; and so the said motion was rejected.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to ascertain the boundary of a tract of land purchased by John Cleves Symmes," with an amendment; to which they desire the concurrence of this House.

On motion, Resolved, That the President of the United States be requested to cause the proper officers to lay before this House such papers of a public nature, in the Executive Department, as may be necessary to the investigation of the causes of the failure of the late expedition under Major General St. Clair.

Ordered, That Mr. FITZSIMONS, Mr. GILES, and Mr. STEELE, be appointed a committee to wait on the President of the United States with the foregoing resolution.

GENERAL NATHANIEL GREENE.

The House proceeded to consider the resolution reported from the Committee of the Whole House on the 24th of February last, to indemnify the estate of the late General Nathaniel Greene for a certain suretyship entered into by the said Nathaniel Greene, in his lifetime, on the public behalf. Whereupon, the said resolution being read at the Clerk's table, as follows:

"Whereas, the late Major General Nathaniel Greene, on the 8th day of April, 1783, the more effectually to procure rations and supplies for the Southern Army of the United States, became bound as surety for John Banks & Co. to Newcomen & Collet, merchants in Charleston, for the payment of £8,743 15s. 6d., sterling money, being the condition of the said bond:

"And whereas, on the 1st of May, 1786, the balance of principal and interest of said bond, being then £8,688 6s. sterling, was paid by the said General Greene. Therefore,

"Resolved, That the United States shall indemnify the estate of the said General Greene for the said sum last mentioned, and the interest thereof, or for such sum as, upon due investigation by the officers of the Treasury of the transactions between John Banks & Co., with Messrs. Newcomen & Collet, in which General Greene was security for the said Banks & Co., it shall appear that neither General Greene nor his executors shall have received any payment or compensation for:

Provided, The executors of the said General Greene shall account for a sum being about £2,000, be the same more or less, recovered by John Ferrie, one of the partners of the said John Banks & Co., to be in part of the indemnification aforesaid; and also shall make over for the use of the United States, all mortgages, bonds, co-

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venants, or other counter-securities whatsoever, now due, which were obtained by the said General Greene, in his lifetime, from the said Banks & Co., on account of his being surety for them as aforesaid, to be used for the name of the said executors, for the use of the United States."

The previous question thereon was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?" And on the previous question, "Shall the main question be now put?" it was resolved in the affirmative. And then the main question, "That the House do agree to the said resolution?" being put, it was resolved in the affirmative—yeas 29, nays 26, as follows:

YEA.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, Andrew Gregg, Thomas Hartley, Daniel Heister, Philip Key, John W. Kitter, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Theodore Sedgwick, Upton Sheridene, William Smith, Samuel Sterrett, George Thatcher, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAY.—John Baptist Ashe, Elias Boudinot, John Brown, Abraham Clark, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Nathaniel Niles, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. LIVERMORE, Mr. PAGE, and Mr. BARNWELL, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act for the relief of persons imprisoned for debt." The said bill was read the first time.

Mr. SENY, from the committee to whom was referred a motion relative to a certain claim of the State of Maryland, made a report, which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. BOUDINOT, from the committee to whom was committed the bill sent from the Senate entitled "An act for regulating processes in the courts of the United States, and providing compensation for the officers of the said courts, and for jurors

and witnesses," made a report, which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to the Ohio Company of Associates, on the terms therein expressed; and, after some time spent therein, the Committee reported progress, and obtained leave to sit again.

THURSDAY, April 5.

An engrossed bill to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school, during the late war, was read the third time and passed.

The bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt" was read the second time, and ordered to be committed to a Committee of the Whole House.

Mr. LIVERMORE, from the committee appointed, presented a bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him, for the public service, during the late war; which was received, and read the first time.

The House proceeded to consider the report of the Secretary of War on the memorial of Anthony Walton White, which was made on the 21st day of February, 1791. Whereupon, so much of the said report being read as proposes—

"That the sum of one hundred and fifty thousand dollars, paper currency, advanced by the memorialist for the support of his regiment of cavalry, during the late war, should be passed to the credit of the memorialist, at its specie value, on the final settlement of his public accounts, either with the State of Virginia or the United States."

Ordered, That the same be referred to Mr. BOUDINOT, Mr. MOORE, and Mr. SUMPTER, with instruction to report thereon by way of bill or bills.

The House again resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to the Ohio Company of Associates, on the terms therein expressed; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. MURRAY, HERO reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act to ascertain the boundaries of a tract of land purchased by John Cleves Symmes;" and the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury relative to supplies necessary for the ensuing year; and, after some time spent

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therein, the Committee reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate have agreed to a resolution that Congress will adjourn on Tuesday, the 17th of April, instant; to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury accompanying his report on the subject of compensations to officers employed in the collection of the revenue, pursuant to an order of the 18th of January, 1791; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress;" and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

The said bill, together with the amendments, was then read the third time and passed.

APPORTIONMENT BILL.

A message was received from the President of the United States returning to the House the bill passed by the two Houses entitled "An act for an Apportionment of Representatives among the several States according to the first Enumeration," and presented to the President for his approbation on Monday, the 26th of March; to which bill the President having made objections, the said objections were read, and ordered to be entered at large on the Journal, as follows:

"UNITED STATES, April 5, 1792.

"Gentlemen of the House of Representatives:

"I have maturely considered the act passed by the two Houses entitled 'An act for an Apportionment of Representatives among the several States, according to the first Enumeration;' and I return it to your House, wherein it originated, with the following objections:

"First. The Constitution has prescribed that Representatives shall be apportioned among the several States according to their respective numbers; and there is no one proportion or divisor which, applied to the respective numbers of the States, will yield the number and allotment of Representatives proposed by the bill.

"Second. The Constitution has also provided that the number of Representatives shall not exceed one for every thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the States; and the bill has allotted to eight of the States more than one for every thirty thousand.

"G. WASHINGTON."

Resolved, That to-morrow be assigned for the reconsideration of the said bill, in the mode prescribed by the Constitution of the United States.

FRIDAY, April 6.

An engrossed bill authorizing the grant and conveyance of certain lands to the Ohio Company

of Associates, according to the terms therein expressed, was read the third time and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill supplementary to the act making provision for the Debt of the United States; which was received, and read twice and committed.

INDEMNITY TO GENERAL GREENE.

A bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him, for the public service, during the late war, was read the second time; and, on a motion made and seconded that the said bill be committed to a Committee of the Whole House on the first Monday in August next, it passed in the negative—yeas 17, nays 45, as follows:

YEA.—John Baptist Ashe, Abraham Clark, William B. Giles, William Barry Grove, Aaron Kitchell, Nathaniel Macon, James Madison, Andrew Moore, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Hugh Williamson.

NAY.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, John Brown, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Huger, Daniel Heister, James Hillhouse, John Laury, John Laurens, Amasa Learned, Richard Bland Lee, Samuel Livermore, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Theodore Sedgwick, Upton Sheridene, Israel Smith, William Smith, Samuel Sterrett, Peter Sylvester, Geo. Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, Alexander White, and Francis Willis.

Ordered, That the said bill be committed to a Committee of the Whole House on Monday next.

APPORTIONMENT BILL.

The House proceeded to reconsider the bill passed by the two Houses entitled "An act for an Apportionment of Representatives among the several States, according to the first Enumeration," which was presented for approbation on Monday, the 26th of March, and returned by the President yesterday, with objections.

The said bill was read, and is as follows:

"An Act for an Apportionment of Representatives among the several States, according to the first Enumeration.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 3d day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, elected within the several States, according to the following apportionment, that is to say: Within the State of New Hampshire, five; within the State of Massachusetts, sixteen; within the State of Vermont, three; within the State of Rhode Island, two; within the State of Connecticut, eight; within the State of New York, eleven; within the State of New Jersey, six; within the State of Pennsylvania, fourteen; within the State of Delaware, two

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within the State of Maryland, nine; within the State of Virginia, twenty-one; within the State of Kentucky, two; within the State of North Carolina, twelve; within the State of South Carolina, seven; and within the State of Georgia, two.

"JONATHAN TRUMBULL,

"Speaker of the House of Representatives.

"JOHN ADAMS,

"Vice President U. S. and President of Senate."

The President's objections were also read; and, after debate on the subject-matter of the said bill, the question "That the House, on reconsideration, do agree to pass the bill," was determined in the mode prescribed by the Constitution of the United States, and passed in the negative—yeas 23, nays 33, as follows:

YEA.—Fisher Ames, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, Israel Jacobs, Aaron Kitchell, John W. Kittera, John Laurens, Amasa Learned, Samuel Livermore, Nathaniel Niles, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, John Steele, George Thatcher, Thomas Tredwell, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAY.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, John Brown, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, Wm. Barry Grove, Daniel Heister, James Hillhouse, Daniel Huger, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, Upton Sheridene, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

And so the said bill was rejected, two-thirds of the House not agreeing to pass the same.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," to which they desire the concurrence of this House.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury relative to supplies for the ensuing year; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate agree to the first and disagree to the last amendment proposed by this House to the bill sent from the Senate entitled "An act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress."

SATURDAY, April 7.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury accompanying sundry petitions which were referred to him, and returned pursuant to an order of the House of the 27th ultimo.

The bill sent from the Senate entitled "An act

supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read twice and committed to the whole House immediately.

The House then resolved itself into a Committee of the Whole on the said bill; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. BOURNE, of Rhode Island, reported that the Committee had had the bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House. The said bill, together with the amendment, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative. Ordered, That the Clerk of this House do acquaint the Senate therewith.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to erect a Light-house on Montauk Point, in the State of New York;" and, after some time spent therein, and an amendment being made thereto, the said bill was read the third time and passed.

The House proceeded to reconsider their last amendment, to which the Senate hath disagreed, to the bill sent from the Senate, entitled "An act fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress;" and the same being read—

Resolved, That this House doth recede from their said amendment.

Ordered, That a committee be appointed to prepare and bring in a bill or bills apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one Representative for every thirty thousand persons in the respective States; and that Mr. LAURANCE, Mr. SENY, and Mr. SMITH, of New Hampshire, be the said committee.

The House again resolved into a Committee of the Whole House on the Report of the Secretary relative to supplies necessary for the ensuing year; and, after some time spent therein, the Chairman reported several resolutions thereupon, which were severally twice read, and agreed to by the House.

Mr. LAURANCE, from the committee appointed, presented a bill apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one Representative for every — thousand persons in the respective States; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for altering the times of holding the Circuit Courts in certain districts of the United States, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the bill under consideration, and made no amendment thereto.

Ordered, That the said bill do lie on the table.

MONDAY, April 9.

The House proceeded to consider the report of the committee to whom was referred a motion

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respecting a claim of the State of Maryland: Whereupon,
Resolved, That the claim of the said State be allowed for the sum of two hundred and forty-two pounds eight shillings and three pence, current money of the said State, paid to Nicholas Ruxton Moore, for the amount of a judgment rendered against him in the General Court of the said State, on account of horses purchased for the use of the United States during the late war; and that the Commissioners for settling the accounts between the United States and individual States, be authorized and directed to adjust and settle the said claim, with the agent of the State aforesaid, on the same principles as other claims of the several States are adjusted and settled; any limitation in the acts of Congress to the contrary notwithstanding.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SENEY, Mr. GRAY, and Mr. SUMNER, do prepare and bring in the same.

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The House resolved itself into a Committee of the Whole House on the bill for an Apportionment of Representatives among the several States, according to the first Enumeration; at the ratio of one for every — thousand persons, in the respective States.

Mr. GILES observed, that, although this subject has been heretofore thoroughly discussed, and the minds of gentlemen probably fatigued with the discussion, yet he could not help trespassing upon the patience of the Committee, by mentioning some of the principal reasons which would influence his vote against the motion, and in favor of that ratio which will afford the greatest number of Representatives authorized by the Constitution. He was induced to do this from an opinion that, in the usual course of things, arguments will have an effect upon the public mind in some measure proportioned to their own solidity, and the purity of the motives which actuate them. That the compound of these qualities forms a common standard, by which all arguments would and ought to be measured by the great majority of the people; and he had no objections to submitting his reasons to the application of this common standard; he meant, however, to confine himself to general remarks, and not to fatigue the Committee unnecessarily with minute exemplification of them.

He proceeded by observing, that the expression in the Constitution induced and justified the general expectation among the people of the United States, that one Representative for every thirty thousand persons was secured to them by the Constitution; that a definitive certainty in the number of Representatives, as well as the manner of procuring them, is, in its nature, of Constitutional and not of Legislative provision, and affords a reason against varying the ratio mentioned in the Constitution, although that ratio be expressed in terms of latitude; that Congress had confirmed the general expectation in the public mind by the proposed amendments to the Constitution, and had at least given a solemn opinion in favor of the ratio of one to thirty thousand, until the number

of Representatives should amount to one hundred, after acquiring which number by that rule only, a qualified discretion is admitted; that the opinions of the great bulk of the people of America were in favor of an increased representation, at least as far as the utmost limits prescribed by the Constitution; that this circumstance was evidenced by the Conventions which adopted the several Legislatures before alluded to; that it was proposed amendments before adopted the proposed amendments evidenced by the number of Representatives in the respective State Legislatures; that this last circumstance is rendered peculiarly forcible by a comparative view of the objects of the legislation chartered to the Government of the United States, and those retained to the State Governments. The objects of legislation chartered to the Government of the United States are wholly national and important; the objects of legislation retained to the State Governments are comparatively local and subaltern: those peculiarly prompt temptation and invite corruption—these offer no inducements to either. In the Government of the United States, the constituents of the Representative body are complex and diversified; in the State Governments they are comparatively simple and assimilated. That a sympathy with the feelings of the people should characterize this branch of the Government; wisdom is the expected characteristic of the Senate; and despatch of the Executive.

To the inequality of representation relatively to States suggested to result from the application of this rule, Mr. G. replied that the inequality complained of is rather ideal than real; that to determine how far this consideration really ought to exist among States, it is right and proper to ascertain the whole comparative Government: and the issue of this inquiry will be, that those States in whose favor the rule is said to operate, possess the least governmental influence in the Senate, proportioned to numbers; and that the casual gain here is no equivalent for the certain loss there. As far, therefore, as the governmental influence of States in relation to numbers is to operate, it will furnish a motive of preference for the rule he contended for.

It has been said (continued Mr. G.) that the representation of the States in the Senate is strictly defined by the Constitution, and that therefore the consideration of the relative influence of the States, then, should not be resorted to as an argument in the apportionment of Representatives to this House. But, it should be observed, that the rule contended for, though not so strictly defined, is equally within the pale of the Constitution; and the most extended use to be made of this consideration is, to manifest the impropriety of resorting to the pretended inequality among States, as a conclusive argument to vary that ratio of representation for this House which is admitted to be the most proper, upon its intrinsic merits, and when viewed without a reference to that consideration. This particular subject suggests a peculiar equity and propriety, in taking into consideration the com-

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parative governmental influence of the States in the Senate, proportioned to numbers; because, it is in consequence of a representation by States, there, that they gain this unequal influence: and nothing more is contended for by this rule than a representation of the people through the medium of the several States, here. The rule of representation is not the cause of the present inequality, as far as it may appear to exist; it is a mere contingent circumstance, depending upon arbitrary facts and numbers, which cannot be rendered subservient to any general rule. It should also be remarked, that most of the States supposed to be favored by the operation of this rule, have, heretofore, been unequally represented in the extreme; and from the extent and rapid population of these States, it may be concluded, with certainty, that previously to the expiration of the present apportionment, the real inequality of representation in this House, as well as in the Senate, will continue to bear particularly hard upon them. Perfect equality is unattainable; and the proposed ratio is, in the principle, equally subject with any other to all the inconveniences which it is intended to remedy.

The inconveniences of the rule he contended for, in their utmost extent, can never be very great, because the same rule is applied in the same manner to the respective States; and the most extended scope for its unequal operation must be confined to the casual result of the fractional numbers within the several States. In reflecting upon this argument of inequality of representation in relation to States, an idea had presented itself to his mind which seemed to him both novel and important; and that is, that a quality exists in the Government, from its peculiar organization, which enables a minority of constituents, through the medium of a majority of Representatives, to give law to a majority of constituents, absolutely against the will of their minority of Representatives. This quality of the Government arises from the State representations in the Senate; and it exists not merely in speculation or idea—it has been sensibly felt in practice, and there is a real tendency in the Government to make it still more so. The very bill now under consideration will probably furnish one strong evidence of its efficacy in practice; it would have passed very differently from the present proposition, if it had not met with this unnatural check; and I am concerned, said he, to remark, that almost in every important measure of the Government, the minority of the people of the Union had given law to the majority of the people, against their consent, as far as this can be evidenced through the medium of their Representatives. This, it is to be feared, is a radical evil in the Government, and its magnitude would be in a great measure proportioned to the extension of the objects of legislation by this Government. If the people be the only legal source of governmental authority, and this right of individuals be equal, this is certainly a heterodox principle in the Government. He would not pretend to say, however, that this was a cancer upon the body politic too inveterate and vital to admit of a

cure; but he conceived it to be a sore of that sort which it would be unwise to irritate or tamper with: and he conceived, also, the present proposition not to be without its irritating qualities.

Mr. G. then proceeded to consider, upon general principles, of increasing the representation in this House to the full extent authorized by the Constitution, and particularly with a view to the necessity of establishing, in this branch of the Government, a permanent sympathy with the landed interest. He observed, that all Representative Governments appeared to possess a natural tendency from Republicanism to Monarchy; that, great inequalities in the distribution of wealth among individuals, consequent upon the progress of their Governments, appeared to be the cause of their political evolutions; that no competent remedy against this evil had been heretofore discovered, or at least practically applied by any Government; that perhaps this great political light may first shine forth through the medium of the American Constitutions, and serve, as some others have previously done, to illumine not only the American, but the European world.

The peculiar circumstances of the United States, however, since the late Revolution, and in the infancy of the American Governments, favored extremely this natural principle of the growing inequality in the distribution of wealth amongst individuals. An extensive, unexhausted, fertile country furnished full scope for agriculture, the plenty and cheapness of provisions and rude materials for manufactures, and an unshackled commerce for the merchant; and to these were added the blessings of peace, and laws securing to the individual the exclusive possession of the fruits of his own industry, however abundant. There were intrinsic circumstances; there was a continuation itself and its consequent blessings—had been incurred, and, from the imbecility of the then existing Confederacy, and other causes, was depreciated considerably below its nominal value; but it was then in small masses, and not very unequally spread amongst the individuals throughout the whole United States. The Government of the United States, instead of managing this contingent circumstance with caution, and declaring so in its ministrations, seized upon it with its fiscal arrangements, and applied it as the most powerful machine to stimulate this growing inequality in the distribution of wealth—a principle perhaps too much favored by other existing causes. The Government, not satisfied with the debts contracted by the former Confederacy, assumed the payment of a great proportion of the debts contracted by the respective State Governments, and established funds for paying the interest of the whole. This measure produced two effects, not very desirable amongst individuals. It gathered these scattered debts, at a very inferior price, from the hands of the many, and placed them into the hands of the few; and it stimulates the value of them. Thus collected into greater masses, beyond all calculation, by the artificial application of fiscal mechanism, it produced a variety of serious effects with

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respect to the Government. In opposition to the agricultural or republican, it enlisted a great moneyed interest in the United States, who, having embarked their fortunes with the Government, would go all lengths with its Administration, whether right or wrong, virtuous or vicious, by rendering the debt but partially redeemable, passing perpetual tax laws, and mortgaging their property to the payment of the interest of this perpetually-existing debt. It gave the Executive a qualified control over the best moneyed resources of the United States, not contemplated by the Constitution, nor founded in wisdom. It gave rise to an unauthorized incorporation of the moneyed interest, and placed it as far as possible from the reach of future Legislative influence. It established the doctrine that one systematic financier was better able to originate money bills and tax the people of the United States, than the whole collected wisdom of their Representatives, with the aid of a reciprocity of feeling. It gave rise to the idea of a Sinking Fund, without limitation as to amount, to be placed in the hands of a few trustees, and there to be protected from Legislative control by all the sanctions and securities annexed to private property. In short, it established the doctrine that all authority could be more safely intrusted to, and better executed by a few, than by many; and, in pursuance of this idea, made more continual drafts of authority from the Representative branch of the Government, and placed it in the hands of the Executive; lessening, by this mechanism of administration, the constitutional influence of the people in the Government, and fundamentally changing its native genius and original principle. He (Mr. G.) knew of no comprehensive remedy against the abominable evils to be apprehended from the future operation of these unhallowed principles, but a permanent establishment of the candid or republican interest in this House; and the best chance of effecting this great object he conceived to be a full representation of the people. His alarms respecting these fashionable, energetic principles were greatly increased by a perspective view of some of the proposed measures of Government. He saw systems introduced to carve out of the common rights of one part of the community privileges, monopolies, exclusive rights, &c., for the benefit of another, with no other view, in his opinion, but to create nurseries of immediate dependants upon the Government, whose interest will always stimulate them to support its measures, however iniquitous and tyrannical, and, indeed, the very emoluments which will compose the price of their attachment to the Government will grow out of a tyrannical violation of the rights of others. He would forbear to mention a variety of other circumstances, to prove that principle having a tendency to change the very nature of the Government, have pervaded even the minutest ramifications of its fiscal arrangements, nor would he dwell upon the undue influence to be apprehended from moneyed foreigners, who had become adventurers in the funds, nor the various avenues opened to facilitate the operation of corruption. He would merely re-

mark, that, acting under impressions produced by these considerations, and strengthened by others not less pertinent and important, suggested by a number of gentlemen, in the course of the discussion of this subject, and believing that a full representation of the people will furnish the only chance of remedy for the existing, and a competent protection against future evils, he should feel himself criminal if by his vote he should give up a single Representative authorized by the Constitution. The same impressions would have induced him to have voted for the proposition which gave one hundred and twenty members, had it not been for a conscientious and paramount regard for the preservation of the Constitution. The difference of the position of the members throughout the United States, which would have been assumed by the difference in the manner of making the apportionment, never amounted to the minimum of a consideration with him against the proposition; for he felt a conviction that the agricultural or equalizing interest was nearly the same throughout all parts of the United States; and he hoped that the increased representation would furnish strong testimonies of the truth of the position. He would remark, generally, the Government of America was now in a state of puberty, that is, at this time. She is to assume a fixed character, and he thought it in some degree rested upon the vote now to be given, whether she would preserve the simplicity, chastity, and purity of her native representation and Republicanism, in which alone the true dignity and greatness of her character must consist; or whether she will, so early in youth, prostitute herself to the venal and corrupted artifices and corruptions of a stale and pampered Monarchy? Whatever his own opinions or suspicions may be respecting the tendency of the present Administration, and whatever may be the discussion of to-day, he should still preserve a hope that the increased representation, supported by the enlightened spirit of the people at large, will form an effectual resistance to the pressure of the whole vices of the Administration, and may yet establish the Government upon a broad, permanent, and Republican basis.

When Mr. GILES had concluded, the Committee rose, and reported an amendment, viz: to fill up the blank with the word "thirty-three;" which was carried in the affirmative—yeas 34, nays 30, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Hugger, Israel Jacobs, Aaron Kitchell, John W. Kitter, Amasa Learned, Samuel Livernmore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William B. Giles, Samuel Griffen, William Barry Grove, Philip Key, John Laurence, Richard Bland Lee, Nathaniel Macon, James

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Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Van Murray, John Page, Josiah Parker, Cornelius O. Schoonmaker, Joshua Seney, Upton Sheridane, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the said bill, together with the amendments, be engrossed and read the third time to-morrow.

A message from the Senate informed the House that the Senate agree to the amendment proposed by this House to the bill sent from the Senate, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers."

The House proceeded to consider the bill sent from the Senate, entitled "An act for altering the times of holding the Circuit Courts in certain Districts of the United States, and for other purposes." Whereupon the said bill was amended at the Clerk's table, and was then read the third time and passed.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying sundry papers and documents, relative to the late campaign, under General St. Clair, transmitted pursuant to the directions of the President of the United States.

Ordered, That the said Letter and papers be referred to the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair.

The House resolved itself into a Committee of the Whole House on the bill to extend the time heretofore granted for the payment of the duties on certain teas imported after the third day of March, one thousand seven hundred and ninety-one; and, no amendment being made thereto, read the third time to-morrow.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendments, be read the third time to-morrow.

TUESDAY, April 10.

Ordered, That Mr. GENAY be appointed, in the room of Mr. SEDGWICK, on the committee to whom it was referred to inquire into the causes of the failure of the late expedition under Major General St. Clair.

The bill sent from the Senate, entitled "An act concerning Consuls and Vice Consuls," together with the amendments thereto, was read the third time and passed.

An engrossed bill to extend the time heretofore

granted for the payment of the duties on certain teas, imported after the third day of March, one thousand seven hundred and ninety-one, was read the third time and passed.

An engrossed bill for apportioning Representatives among the several States, according to the first Enumeration, at the ratio of one for every thirty-three thousand persons in the respective States, was read the third time and passed.

Mr. FINDLEY, from the committee to whom was referred the petition of Henry Hill, on behalf of himself and others, made a report; which was read, and ordered to be referred to the Committee of the Whole House on the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him for the public service, during the late war.

Mr. MUHLBERG, from the committee to whom was referred the petition of Moses Young, made a report; which was read, and ordered to lie on the table.

Mr. SENEY, from the committee appointed, presented a bill to direct the settlement of a certain claim of the State of Maryland; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him for the public service, during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the question being put, that the said bill, together with the amendments be engrossed, and read the third time to-morrow, it was resolved in the affirmative—yeas 37, nays 23, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearshub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, Daniel Hugger, Philip Key, John W. Kitter, John Laurence, Amasa Learned, Richard Bland Lee, Samuel Livernmore, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Van Murray, John Page, Josiah Parker, Theodore Sedgwick, Upton Sheridane, William Smith, Samuel Sterrett, George Thatcher, Abraham Venable, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, John Brown, Abraham Clark, Benjamin Goodhue, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States;" and the same being read, several were agreed to.

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The Militia Bill.

[APRIL, 1792.]

Ordered, That the further consideration of the said amendments be postponed until to-morrow.

WEDNESDAY, April 11.

A memorial of John de Neufville, late a citizen of and merchant in Amsterdam, but now of Cambridge, in the State of Massachusetts, was presented to the House and read, praying to be reimbursed for sundry advances of money and supplies in support of the American cause, during the late war; also, for the losses he sustained in consequence of his exertions to produce a commercial treaty between Holland and the United States, and an acknowledgment of American Independence. Referred to the Secretary of State, with instruction to examine the same, and report his opinion thereupon to the House, at the next session of Congress.

A petition of the inhabitants of the towns of Cincinnati and Columbia, and the settlements upon the Little Miami, in the Northwestern Territory of the United States, was presented to the House and read, praying to be quieted in their respective locations and settlements, to which they suppose themselves entitled, under the purchase made by John Cleves Symmes, and his associates, of the United States. Referred to Mr. FINDLEY, Mr. BENSON, Mr. MADISON, Mr. SMITH, of South Carolina, and Mr. BALDWIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

An engrossed bill to indemnify the estate of the late Major General Nathaniel Greene, for a certain bond entered into by him for the public service, during the late war, was read the third time; and the question being put that the same do pass, it was resolved in the affirmative—yeas 33, nays 24, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, Philip Key, John W. Kittera, John Laurence, Amasa Learned, Richard Bland Lee, and Bland Lee, Samuel Livermore, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, William Smith, Samuel Sterrett, George Thatcher, Abraham Venable, John Vining, Jeremiah Wadsworth, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, John Brown, Abraham Clark, Benjamin Goodhue, James Gordon, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Nathaniel Niles, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

Mr. FITZSIMONS, from the committee appointed, presented a bill for raising a farther sum of money for the protection of the frontiers; which was received, and read twice and committed.

The House resumed the consideration of the amendments proposed by the Senate to the bill,

entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States." And having made further progress therein, an adjournment was called for: Whereupon, the several orders of the day were further postponed until to-morrow.

THURSDAY, April 12.

A petition of John Gibbons, Treasurer of the State of Georgia, was presented to the House and read, praying that separate certificates may be issued for the pay of the officers of the late Georgia line, agreeably to a general certificate of the list of balances due them, signed by the late Commissioner of Army Accounts, and lodged in the Treasury thereof. Referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

THE MILITIA BILL.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States;" and the two last amendments being read, for adding to the end of the bill the following sections, to wit:

X "And be it further enacted, That the President of the United States is hereby authorized to call out the Militia, or such part thereof, as the exigence may, in his opinion require, to execute the laws of the Union, suppress insurrections, and repel invasions. And when Militia are employed in the service of the United States, they shall receive the same pay and allowances as are now made to the troops in service."

X "And be it further enacted, That, if any officer or private soldier of the Militia, being ordered into the service of the United States, pursuant to the powers herein given, shall refuse obedience to such orders, he shall forfeit to the use of the United States a sum not exceeding the amount of one year's pay of such officer or soldier respectively, as herein established. And the Militia, while in the service of the United States, shall be subject to the Rules and Articles of War. Provided, That the Courts Martial by whom they shall be subject to be tried, shall be composed entirely of Militia officers of the same State with the offenders."

A motion was made, and the question being put, to amend the first of the said amendments, by adding thereto the following proviso:

"Provided, always, That the powers herein given to the President of the United States for calling the Militia into service, be and continue in force until the end of the next session of Congress, and no longer."

It was resolved in the affirmative—yeas 37, nays 20, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John W. Kittera, John Laurence, Amasa Learned, Richard Bland Lee, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Joshua Seney, Upton Sheridine, Jeremiah Smith, Sam-

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The Militia Bill.

[H. or R.]

uel Sterrett, Peter Sylvester, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elbridge Gerry, William B. Giles, William Barry Grove, Philip Key, Samuel Livermore, Nathaniel Macon, John Francis Mercer, John Page, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, William Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Abraham Venable, Alexander White, and Francis Willis.

Pending the consideration of the foregoing amendments the following debate took place:

Mr. MERCER opposed the section empowering the President of the United States to call out the Militia. He considered the subject too important to receive a hasty decision; and as the section is so near its close, and no immediate necessity exists to make the provision, he hoped it would be postponed to the next session.

Mr. STEELE objected to the section; he considered it as having an inauspicious aspect; that it was an insult to the majesty of the people to hold out the idea that it may be necessary to execute the laws at the point of the bayonet. He moved, as an amendment, "that nothing in this act shall be construed to empower the President to march the militia of one State into another." He said he had no doubt that there were in every State a sufficient number of persons well informed, and attached to Government, to quell any insurrection, and to restore good order.

Mr. BENSON supported the section. He observed that the question must be met some time or other; and he conceived that it would be a perfect nullity to pass a militia law without the provision contemplated by the amendment; for, he asked, to what purpose is it to constitute a militia, if they are not to be made any use of to support the laws? According to a doctrine which was avowed in the House yesterday, the institution of a militia is to enable the individual States to oppose the encroachments which may be made on them by the General Government! This, he conceived, was an entire new doctrine; such a doctrine as was never before heard of. What sort of Government must that be, which is authorized to pass laws, and at the same time has no power to carry those laws into execution? He said that such a discretionary power was lodged in the Supreme Executive of the several States, and for exactly the same purposes specified in the amendment; and he had never heard it objected to before. Gentlemen contend that this power is proper, as it respects the several States, but highly improper as it respects the Government of the United States. What sort of a situation, said he, does this place this Government in?

Mr. WILLIAMSON objected to the amendment, as imperfect in its construction, and as containing some dangerous principles. He said that Mr. LIVERMORE also opposed the amendment. Mr. LIVERMORE opposed the amendment, as resting a dangerous power in the Supreme Executive; that circumstances did not render the delegation necessary. The people of the several States ap-

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pear disposed to submit to the laws, and such an exigency ought not to be anticipated.

Mr. MURRAY said he had voted in the affirmative of the amendment which had just been annexed to the amendment from the Senate, because it limited the duration of a power which struck his mind as rather large and undefined as to its objects. He should now vote against the whole as amended; and he was at liberty so to do, inasmuch as he had voted for the amendment, because he wished, if the gift of such power was to be made, to circumscribe, at least, its duration. He professed himself a friend to energetic Government, but wished to communicate such energy through well defined channels, and to see it directed towards constitutional objects. He would go as far as most men in enforcing the laws of the Union; in providing for the calling out of the strength of the community to preserve peace and repel force; but he could not accede to the idea contained in the provision of that section; which was, that the time, the cause, and the place in which the militia were to be called out, should be all left to the discretion of one man. The theory of the Government warranted no such dereliction of power in this House, nor its delegation to another. He imagined that, as the Constitution had contemplated the organizing of the militia separately from the provision for calling them into actual service, it would be most proper to separate these different objects in legislation. He, therefore, hoped the amendment, as amended, would be negatived; and that a committee would be appointed immediately to bring in a bill to accomplish its objects with proper modifications. To create and organize a militia, was one thing—to provide for calling it forth to execute the laws of the Union, suppress insurrections, and repel invasions, was another and separate object. These things were as separate in their nature, as they were diversified by relative inferiority and magnitude of objects. The ingenuity with which a weapon is formed, bears no comparison with the principles and wisdom under which its use and direction are to be applied. Of all the offices of politics, the most irksome and delicate is that by which a Legislature directs the military force of the community to its own conservation, as it presupposes situations in which resistance to the Government itself is contemplated. Hence, we see a jealousy even in England of the use of the sword, when drawn against any part of the community. It was surely the duty of Congress to define, with as much accuracy as possible, those situations which are to justify the execution in its interposition of a military force. The bill he had in view, he hoped, would attempt to mark with precision the objects the Constitution looked towards, under the words "execute the laws of the Union, and suppress insurrections." What was the occasion to warrant force of that species, was the first object: Who was to judge of its existence, was another: The space or district to which the draft should be or not be confined, was another. And the duration of the service, another. Among these considerations, it could not be forgotten that the civil arm

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was ever to be united, if not commanding; and how far the Marshals and Judges of the Courts of the Union ought not to have a power on this subject, deserved more time than the House seemed inclined at present to give this bill. He would take the occasion to declare he had no jealousy as to abuses of power; but this Government is to be administered according to written law, applying to defined objects and situations. It was a Government of definition, and not of trust and discretion. After the objects are well described upon which the military force is to act, the evidence of the occasion settled, and the sphere and duration limited, he would heartily support the most energetic mode in which the object should be reached, and the occasion obeyed. He therefore hoped the amendment would be negatived, and leave given for a committee to bring in a separate bill. The main question being now put that this House do agree to the said amendment, as amended, it passed in the negative—Yeas 24, nays 37, as follows: Yeas.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, John W. Kittera, John Laurance, Amasa Learned, Jeremiah Smith, William Smith, Samuel Sterrett, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Clark, Elbridge Gerry, Boudinot, John Brown, Abraham Clark, Elbridge Gerry, William B. Giles, Samuel Griffith, William Barry Grove, Daniel Heister, Daniel Huger, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Van Murray, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Up-ton Sheridene, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Resolved, That this House doth disagree to the said amendment.

The last amendment was then again read, and on the question put thereupon, was disagreed to.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for calling forth the militia, when necessary, to execute the laws of the Union, suppress insurrections, and repel invasions; and that Mr. WHITE, Mr. GERRY, and Mr. MURRAY, be the said committee.

Ordered, That the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said Courts, and for jurors and witnesses," together with the amendments thereto, which were reported by a committee on the fourth instant, be committed to a Committee of the Whole House to-morrow.

Ordered, That Mr. FINDLEY be appointed, in the room of Mr. GERRY, on the committee to whom it was referred to inquire into the causes of the failure of the late expedition under Major General St. Clair.

Proceedings.

[APRIL, 1792.]

This being the first instance in which a court of justice had declared a law of Congress to be unconstitutional, the novelty of the case produced a variety of opinions with respect to the measures to be taken on the occasion. At length a committee of five was appointed to inquire into the facts contained in the memorial, and to report thereon.

During the course of the debate, it was mentioned that the Judges of the Circuit Court, in the State of New York, had consented to examine invalids pursuant to the law in question, but on this principle: Congress, they thought, have a right in appointing commissioners for any special purpose, to designate the persons, as well by any official titles with which they are vested, as by their proper names; wherefore, although they would not, in their judicial capacity, undertake the examination of invalids; yet, as commissioners, they devoted each day an hour to the business, after the adjournment of the Court.

Mr. MURRAY urged the necessity of passing a law to point out some regular mode in which the Judges of the Courts of the United States shall give official notice of their refusal to act under any law of Congress, on the ground of unconstitutionality.

No regular motion, however, was made on the subject, which lies over for future consideration.

MONDAY, April 16.

Mr. CLARK, from the committee to whom was referred the petition of the inhabitants of the town of Newark, praying compensation for an Academy which was destroyed by the enemy during the late war, made a report; which was read, and ordered to lie on the table.

A Message was received from the President of the United States enclosing a copy of a Letter from the Judges of the Circuit Court of the United States, held for the New York district; and of their opinion and agreement respecting the "Act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said Courts, and for jurors and witnesses," together with the amendments thereto; and, after some time spent therein, the Chairman reported that the Committee had had the same under consideration, and made some amendments thereto; which were read, and ordered to lie on the table. The several orders of the day were further postponed until to-morrow.

TUESDAY, April 17.

Mr. WHITE, from the committee appointed, presented a bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; which was received, read twice, and committed.

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Proceedings.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his reports on the several petitions of Simon Nathan, Mary Wooster, Daniel Ellis, and Samuel How, executors of John How, deceased. Ezra Stiles, on behalf of the President and Fellows of Yale College, in Connecticut, and of Philip Verplank; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of the amount and value of exports from each State for one year, pursuant to an order of the second instant; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating such farther appropriations of money as will be necessary for the services of the present year; which was read, and ordered to be referred to Mr. FRIZZMONS, Mr. BENSON, and Mr. KEY, with instruction to report thereon by way of bill or bills.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the several petitions of Lewis Van Woort, Jacob Green, and others, surviving partners of Nathaniel Green and Company, Benjamin Van Fossan, administrator of Peter Van Fossan, deceased, Thomas Hart, John Holbrook, Ludwig Kuhn, Levy Bartleson, Abiel Smith, William Harris, Webb & White, John Crumpton, and Griffith Jones, respectively praying compensation for supplies furnished during the late war; also, on the several petitions of Abraham Darling-ton, John Wilson, John Franklin, Mary McCullen, Christian Harner, William Lane, Peter Miller, John Jones, Adolphus Brower, John Harly, Henry Walton, and Richard Green, respectively praying compensation for damages done, and property taken, by the army of the United States during the late war; also, on the several petitions of Christian Knipe, John Smyth, Nathaniel Tracy, and Roger McLean, respectively praying compensation for transportation during the late war; which report was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on sundry papers referred to him, concerning a marine hospital at the town of Washington, in the State of Virginia, and on the memorial of the Marine Society of Boston, on the subject of marine hospitals; which was read, and ordered to be referred to Mr. AMES, Mr. STERRETT, and Mr. PARKER.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing a grant and conveyance of certain lands to the Ohio Company of Associates," with an amendment; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill for raising a farther sum of money for the protection of the Frontiers; and, after some time spent therein, reported progress, and obtained leave to sit again.

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Protection of the Frontier.

[APRIL, 1792.]

WEDNESDAY, April 18.

Mr. BOUNDNOT, from the committee to whom was referred the petition of William Haburn, respecting the refusal of the Judges of the Circuit Court for the district of Pennsylvania, to execute an act passed at the present session, entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," made a report; which was read, and ordered to lie on the table.

Mr. BOUNDNOT, from the committee appointed, presented a bill for settling the demands of Anthony Walton White against the United States; which was received, and read the first time.

A petition of Charles Colwill and John Robertson was presented to the House and read, praying to be paid the amount of their ransom from slavery among the Algerines, together with their expenses in traveling from Algiers to Scotland, and from thence to America; as also, that measures may be taken for procuring the ransom or relief from slavery of Captains O'Brien and Stephens, with their respective crews, being citizens of the United States, and now in slavery at Algiers. Referred to Mr. LAURANCE, Mr. MADISON, and Mr. LIVERMORE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the VICE PRESIDENT having requested and obtained leave of absence from the Senate for the remainder of the session, RICHARD HENRY LEE was duly elected President of the Senate *pro tempore*; also, that the Senate have passed a bill entitled "An act making alterations in the Treasury and War Departments;" to which they desire the concurrence of this House.

The said bill was read twice, and committed. The House again resolved itself into a Committee of the Whole House on the bill for raising a further sum of money for the protection of the Frontiers; and, after some time spent therein, the Chairman reported that the Committee had made several amendments thereto; which were severally read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have resolved that the bill sent from this House entitled "An act to extend the time heretofore granted for the payment of the duties on certain teas, imported after the third day of March, 1791," do not pass to a third reading.

THURSDAY, April 19.

A bill for settling the demands of Anthony Walton White against the United States was read the second time, and committed.

Mr. GOODHUE, from the committee appointed, presented a bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompany-

ing his report on the petition of the merchants of Philadelphia, relative to the erection of piers for the convenience of the navigation of the river Delaware; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. VINING, and Mr. KEY, with instructions to prepare and bring in a bill pursuant thereto.

PROTECTION OF THE FRONTIERS.

The House proceeded to consider the amendments reported by the Committee of the Whole House yesterday to the "bill for raising a further sum of money for the protection of the Frontiers;" and the same being read were further amended, and agreed to.

A motion being made to enhance the duty on imported hemp and cordage, and to strike out imported cotton from articles exempted from duty—Mr. BOURNE said, he hoped this increase would not be agreed to; the navigation of the United States would suffer by it, as the supply furnished by the cultivation of that article was not competent to the demand.

Mr. WHITS said, that on the principle of uniformity, he thought this duty ought to be raised; but when it is considered that many of the duties are designed to encourage the manufactures of the United States, he thought that equal attention should be paid to the agricultural interest, an interest as important as any other, at least.

Mr. WILLIAMSON supported the amendment. He said the independence of the United States, in respect to its navigation, was so important an object, that he conceived everything ought to be done to effect it. Among others, proper encouragement should be given to the raising of hemp, especially when it is considered that we have a greater proportion of land than any other country; that experiments have proved that it can be raised to advantage; that it will, if duly encouraged, conduce to rooting out the cultivation of tobacco, which impoverishes the soil, and is a mere article of luxury. He was at a loss to account for the omission of this duty in the first instance.

Mr. PARKER supported the amendment. He enlarged on the good policy of affording this encouragement. He said, if the gentleman who moves to disagree to the amendment, had proposed to reduce the duty on canvas, he thought it would be more consistent; and, in this case, he should be willing to relinquish this enhanced duty on hemp.

Mr. GOODHUE said he should agree to the enhanced duty.

Mr. LAURANCE opposed it, principally on account of its being a tax on a raw material, and a very essential one, too, to the navigation and commerce of the United States.

Mr. MADISON offered some remarks in favor of the enhanced duty.

The amendment was agreed to. Foreign cotton being inserted among the articles to be exempted from duty—

Mr. MAISON moved that it should be struck out. He thought it best that the duty should be continued. Great quantities, he said, were raised in

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Protection of the Frontier.

[H. or R.]

the Southern States, for which they could not find a market.

Mr. AMES opposed the motion. He said there were manufactures carried on in the United States which required foreign cotton. Some things could not be manufactured without cotton of a particular staple. He further remarked, that the encouragement to the raising of cotton depends on the manufactures formed from it; hence he inferred that this very encouragement is suspended on a due attention to the manufactures.

Mr. STEELE stated sundry particulars, to show that the cotton raised in the Southern States was adapted to every species of manufactures; and depending on encouragement from Government, the farmers of North Carolina had gone largely into the cultivation of that article. It is well known, said he, that the situation of the three Southern States is favorable to the raising of hemp and cotton; and, on the principles of reciprocity, he thought it but just and equal to extend encouragement to the agricultural interest of those States.

Mr. BALDWIN observed, that he could have wished the gentleman had mentioned the particular species of cotton, which was so necessary in the manufactures, that could not be procured from the Southern States. He said that there were two sorts of cotton raised there—one of a short, the other of a long staple; and under due encouragement, they would in a few years raise every description of that article.

Mr. FITZSIMONS, Mr. MURRAY, and Mr. KITTERA, supported the motion for striking out the article.

Mr. PAGE, in favor of the duty, observed, that the gentleman [Mr. AMES] who had expressed his fears that American cotton would not suit the manufacturers, might lay aside his fears, for he knew from experience the contrary. That even if what had been said of the cotton of the United States were true, he knew that there was reason to believe that the cotton of the West and East Indies would grow even in Virginia—that both had been lately introduced into that State. Such fears, he said, might upon examination perhaps be traced to the same origin with some formerly introduced into Virginia; that the sheep of America were only useful as food, their wool being unfit for the woollen manufacture. He added, he well remembered it was with difficulty some people were convinced that the salt water of America would yield *salt*. He said, for his part, he should as easily be persuaded that the fish of the United States were unfit for food, and as incapable of being cured so as to be merchantable, as that the cotton of America was unfit for the cotton manufactories; he therefore, advised the worthy member to be upon his guard against such insinuations. As to himself, Mr. P. declared, he had no idea that any member of either House could wish to injure the interests of any of the States; but, he said, he was authorized to suppose that as the manufacturers in general were foreigners, they had their prepossessions and prejudices, which might give rise to the opinions entertained by some gentlemen respect-

ing the unfitness of our cotton for manufacture; but he averred that whatever gave rise to them, they were ill-founded, as he had often seen and worn in the late war, cotton cloth and stockings, as good and fine as ever had been imported. As to encouraging the manufactures, however, said he, I have ever thought it foreign to the business of Congress, and if not so, a mere taking from one hand and giving to another; a delicate affair, which might be misunderstood and misapplied; however, as it is thrown in before us, I take my share for my constituents.

As to the fears of the member from Pennsylvania, [Mr. KITTERA] that the culture of cotton may injure the farmer, Mr. P. said, he could assure him that he had found cotton a good preparative for wheat, and that lands where he lived, which had been worn out with tobacco, yielded excellent cotton, and left the ground in fine order for wheat, and that cotton, if properly encouraged, would be a good substitute for tobacco.

A motion was then made, and the question put, to amend the said bill by adding to the end thereof the following clause:

"And be it further enacted, That this act shall continue until the — day of —, and until the next session of Congress which shall happen thereafter, and no longer; and that, from and after the expiration of the same, the duties hereby extinguished and repealed shall be revived, collected, and appropriated, in the same manner they would have been had this act never been passed."

The yeas and nays being demanded by one-fifth of the members present, were taken, and stood—yeas 32, nays 31.

Whereupon, the SPEAKER declared himself with the nays. And so the said question was lost.

Those who voted in the affirmative are as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, William Barry Grove, Daniel Gregg, Samuel Griffin, William Bland Lee, Nathaniel Heister, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridhan Sturges, Thomas Sumpter, John Steele, Jonathan Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Those who voted in the negative are—NAYS.—Jonathan Trumbull, Speaker, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, William Smith, Samuel Sterrett, Peter Sylvester, George Thatcher, John Vining, Jeremiah Wadsworth, and Artemas Ward.

FRIDAY, April 20.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury,

on the memorial of Eliphalet Ladd; which was read, and ordered to be referred to Mr. FITZSIMONS, Mr. GERRY, and Mr. MURRAY, with instruction to prepare and bring in a bill or bills making a general provision for the case of the petitioner and others in similar circumstances.

A petition of divers citizens and inhabitants of the State of North Carolina was presented to the House and read, praying that Congress will authorize the Assembly of the said State to lay a duty by way of tonnage or toll on vessels coming over the Bar and Swash and Croatan Shoals, for the express purpose of deepening the same, and thereby removing the obstruction to the navigation leading to the towns of Edenton, Washington, and Newbern.

Ordered, That the said petition be referred to Mr. WILLIAMSON, Mr. WHITE, and Mr. TUCKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

PUBLICATION OF THE DEBATES.

Before the House proceeded to the order of the day—

Mr. GERRY said, that the circumstance of a publication which had made its appearance that morning induced him to rise for the purpose of bringing forward a proposition respecting a full and impartial publication of the debates of that House. Every gentleman, he believed, would agree with him that, from a publication of this kind, the citizens of the United States would derive such information respecting the proceedings of the Legislature, and the principles on which the laws are grounded, as must be productive of the most salutary effects, and attach the people more strongly to the General Government; but that *ex parte* publications can have no other tendency than to misrepresent their proceedings, and alienate the affections of the citizens. He therefore moved the following resolution:

“Whereas an impartial publication of the Debates of Congress, stating accurately their Legislative measures, and the reasons urged for and against them, is a desirable object, inasmuch as it may aid the Executive in administering the Government, the Judiciary in expounding the laws, the Government and citizens of the several States in forming a judgment of the conduct of their respective Representatives, and Congress themselves in revising and amending their Legislative proceedings: And whereas, from the want of proper arrangements, such publication has not been accomplished—

Resolved, That — persons, of good reputation, and skilled in the art of stenography, be, at the next session, appointed by ballot, to take and publish, impartially and accurately, the Legislative subjects which may be submitted to the consideration of the House, and the debates thereon of the members respectively; that the persons so to be appointed be considered as officers of the House, and provided for accordingly; that they be severally qualified by oath to a faithful discharge of the trust; and that such regulations shall be prescribed, as may be necessary to protect them in attaining the salutary objects of their appointment.”

This (Mr. G. said) was a subject which ought no

longer to be overlooked. Whilst Congress sat at New York, great uneasiness had been occasioned in the House by the mode in which the debates were published. Sometimes members were introduced as uttering arguments directly the reverse of what they had advanced. At other times, the substance of the arguments, as published, wore an aspect widely different from what they had when offered in debate. In some instances, their arguments were so garbled that they themselves were unable to recognise them in print; in others, they were disfigured with grammatical errors, and rendered totally unintelligible; and, on many occasions, the arguments on one side of the question only were published.

Such were the effects produced by this mode of publication that a gentleman from South Carolina [Mr. BURKE] brought forward a motion for correcting those evils, which was debated for some time. After the subject had been two or three times under discussion, the House was informed that there was a probability of care being taken in future to correct the errors; and thus the matter was passed over.

Mr. G. then mentioned a circumstance which he had learned from a gentleman who had declared he could prove it on oath before the House, if called upon, viz: that, having asked one of those persons who at that time published the debates, how he could think of publishing them so inaccurately? the answer was, “that he was under a necessity of obliging his employers.” Hence, he concluded that there must have been a corrupt faction who influenced that short-hand writer.

When Congress first came to this city, the debates were published pretty accurately; and so they were this session, in some of the papers, but in others, the case was otherwise; and he himself, as well as other gentlemen, had been under a necessity of publicly contradicting them in print. In some of the debates, the answer to an argument was published before the argument itself made its appearance; on other occasions, they were published very fully on one side of the question, whilst nothing appeared on the other. Every gentleman, he believed, would admit that this was a true state of the business; and it was well known that, on many important occasions, no debates had been published at all.

The want of regularity in the publication was, he supposed, owing, in some measure, to the want of proper encouragement, as the printers of newspapers would not probably find their account in allowing a sufficient compensation to induce short-hand writers to devote their whole time to the business.

Mr. G. then read from the American Daily Advertiser (of Friday last) the following passage:

“A warm debate hereupon took place, during the course of which, one gentleman, who strenuously supported the motion, was several times interrupted. Appearances were expressed of dangerous consequences, in case his speech should appear in print; and an honorable member, who opposed the motion, [Mr. GERRY,] declared that the manner in which the debates of Congress had been published, and the business conducted,

during the present session, had a direct tendency to bring about a dissolution of the Union.

“As the honorable gentleman did not further explain himself, we are at a loss to determine whether he meant to tax the publishers of the debates with inaccuracy in stating them wrong, — or imprudence, in stating them right, and freely publishing whatever sentiments any member of that House may think proper to express, in the constitutional exercise of the freedom of debate. But, certain we are, that he could not mean to stigmatize them as actuated by partiality, undue influence, or sinister motives of any kind.”

Here (said Mr. G.) an idea was held up that the gentleman who had spoken first [Mr. MERCER] was interrupted. But it is not said that I was interrupted, too. I was interrupted as often as he. The House can determine whether I have ever taken any measures to prevent a free and candid publication of the debates. On the contrary, I have always endeavored to obtain it; and I will still proceed to accomplish it as far as possible. I think neither this House, nor any of its members, ought to be subject to publications of this kind. If they are, they will be obliged either to enter into paper wars with printers, or to relinquish the public good. It is incumbent on the House to take measures to prevent misrepresentation. I therefore submit to the House the resolution which I have read; and I hope that, if the proposition itself appears worthy of their attention, they will take it into consideration; or, if it wants any amendment, they will refer it to a committee; for I think the subject ought not to be any longer neglected.

Mr. MERCER.—I second the motion; and I think the publication which the honorable gentleman has read to the House contains but a fair statement of facts. The gentleman, in the course of the former debate, made some very strange allusions to what was said by me, which were wholly unauthorized. I consider it as a primary object in this Government that we should on this floor be at all times free to express our sentiments of the Government, without involving the Government itself. I consider such a measure as is now contemplated to be well worthy the serious attention of the House. We are at a distance from our constituents; and it is a misfortune that we are withdrawn from their inspection, by being placed in a part of the Union where it is not easy to compare our circumstances and conduct in private life with the motives which may be supposed to influence our political conduct. Our constituents ought to be acquainted with our proceedings here; and it is only from a full and accurate publication of the debates of this House that they can obtain any satisfactory information on the subject.

Mr. GERRY said, that the paragraph he had read did not contain a full statement of facts, as the apprehensions he had expressed were only in case the arguments should go “unanswered.”

Mr. GILES made, and Mr. W. SMITH seconded, a motion for referring the resolution to a select committee, to report such regulation as they may think necessary for the publication of the debates.

An additional reason for the reference was, that some alteration in the wording appeared necessary, to [Mr. SMITH,] so far as respects the Judiciary, &c.

Mr. BORDINOR objected to the commitment, as he thought it a subject of considerable consequence, and there would not be time to take it up during the present session, the House having already out-sat the time which the other branch of the Legislature had proposed for the adjournment. This was his only objection; otherwise, he was far from being opposed to the measure.

Mr. GILES thought the consequence of letting the matter lie over till next session would be, that it would die away, and nothing would be done. Unless some steps be taken during the present session, no persons would come forward as candidates at the commencement of the next. But if a committee report on the subject, the House may determine what steps are to be taken, and people will be prepared accordingly.

The question being taken on the commitment, it passed in the affirmative—yeas 27, nays 22.

Ordered, That the said motion be committed to Mr. GERRY, Mr. MERCER, Mr. LEE, Mr. SMITH, of South Carolina, and Mr. KITTEA.

PROTECTION OF THE FRONTIERS.

The House resumed the consideration of the bill which lay on the table “for raising a further sum of money for the protection of the Frontiers.”

Mr. PAGE rose to renew the motion which he made yesterday, that the bill before the House might be recommitted.

I observed then, said Mr. P., that having been reminded of my duty by gentlemen who said that they had not brought any other plan of ways and means before the House, if they objected to that proposed by the Secretary, had not done their duty, I arose then to show how far I had done my duty, and how far I was willing to perform it. I informed the House that as I did not approve of the Secretary's third plan (that which the House had adopted) I had proposed to the leading members (an expression which gave offence to some gentlemen, but which I explained as meaning no more than members who take the lead in business, and to whom I confessed myself obliged for their services, and whom, when they lead rightly, I was willing to follow) an adoption of the Secretary's second plan, but not meeting with their approbation, I then joined my friends in endeavors to amend the bill; failing in this, and called on to do my duty, I rise to move that the bill be recommitted. Had gentlemen, sir, done what they promised they would do, if the House would apply to the Secretary of the Treasury for a plan of ways and means, I should have no occasion to make this motion. They promised that they would freely and boldly examine his report, and listen attentively to every proposition which could be opposed to it; but have they done this? No; they embraced without hesitation the third plan proposed by the Secretary, as if it were because he said it was the best of the three, without offering either of the other two plans to the House, although the second had been proposed by

a member from Massachusetts [Mr. GOUGH] before the House had agreed to apply to the Secretary for his opinion. I hope, therefore, that those gentlemen will now agree to recommend the bill, that we may have an opportunity of trying whether one of the two other plans proposed by the Secretary, or some other, may not be preferable to that adopted in the bill; or, if not, let us at least see whether the plan which has been adopted may not be simplified; for there appears no shadow of reason for repealing an act for establishing a permanent revenue, to re-enact it in a bill for raising a sum of money for a temporary purpose—the business of a campaign—nor can there be any propriety in passing a bill for the defence of the frontiers, which is in fact a bill for the encouragement of manufactures, and of the fisheries, and for increasing the Sinking Fund, and also for the introduction of a Stamp Act.

If the Committee of the Whole will not adopt the first plan proposed by the Secretary, I mean that for disposing of the interest in the Bank of the United States, which I confess I should prefer to laying the excessive duties proposed in the third plan, and which are to be levied by the bill before you; nor the second plan, which was once so well recommended by the member from Massachusetts, at least I hope they will simplify the bill, by striking out what is foreign to its purpose; that is, the repeal of the former revenue law; and the indirect introduction of a Stamp Act; if we are to have a Stamp Act, and I have no objection to one, let it be introduced fairly and openly, and stand by itself. For my part, I think it a sufficient reason to recommit the bill, to amend it so that it may show at one view not only for what purpose the additional duties are to be laid, but what they are. As the bill now stands, they are so bleaded with other duties, that no man can see in what manner the sum wanted is to be raised. I know I shall be said to be a bad financier, if I propose to sell out our stock in the bank. I agree that the Secretary's reason against selling now, when stocks are so low, is good; but I know that I speak like the representative of plain dealing, honest Republicans, when I propose rather to sell out their stock in the bank, than to lay additional taxes on them, and increase the duty on imports to such a degree as to introduce smuggling, which must be destructive of their morals, ruinous to their revenue, and which may undermine even their manufactures, which these duties were intended to protect; for, as I remarked on a former occasion, if you go beyond a certain point in taxing imports, you will tempt smugglers to introduce articles with which they will undersell the fair trader and the manufacturer. I confess, however, that as we have an interest in the bank, which may be usefully applied to sinking the national debt—I am willing to apply it to that purpose—and that I prefer the Secretary's second plan to the one the House has adopted. If the bill be committed, I shall be pleased to find the Committee disposed to adopt that. By the plan now in the bill, we are in the first instance to borrow the money wanted. Why, if we are to lay an additional duty, may we not lay only enough

to pay the interest annually, and the principal by instalments? This, I think, must be much more agreeable to our constituents, than to pay the whole sum required by taxes in one year. I see not why we should increase the duties on imported articles rather than on tonnage. I think an additional duty on foreign tonnage, or, if Congress have the courage to lay it, on vessels of nations not in alliance with us, would easily raise a sum for the discharge of the loan necessary on this occasion; and I am of opinion that it is high time to increase the tonnage on such vessels; it is more than two years since this House declared that it would lay an additional duty on the tonnage of vessels of a certain nation, if it would not make a commercial alliance with our States. I know it is said that such a measure might impede a treaty; but, sir, no nation upon earth has a right to resent such a step, nor can we be injured by retaliation. As to a treaty, I doubt much whether we stand in need of one. I fear the business of treaties is better understood elsewhere than here, and that Foreign Ministers might be an overmatch for us in such negotiations. I had rather regulate our commerce, so as to induce the country with which we wish to trade upon advantageous terms, to grant us such terms; at all events, I should aim at increasing our revenue in this manner. If we cannot extend our commerce, and at present I would avoid an increase of duty on imports, I think that the lands in the Western Territory should be sold, and tonnage increased, before we lay any further burden on imported articles—a burden which must be unequally felt by the different States. I hope, therefore, that the bill will be recommitted, and so amended, that it may pass by a great majority.

Mr. HARTLEY made some observations in opposition to the motion. The motion to recommit was negatived.

The bill then being open to amendments, Mr. WILLIAMSON objected to the section which exempted books imported for Colleges and Academies from a duty, and after stating some reasons for his opinion, moved to amend the section by striking out the clause making this exception.

This motion, after some debate, was agreed to. The bill being further amended, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

SATURDAY, April 21.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the several petitions of Josias Clapham, John Higby, John Elias Moore, William Arnold, William Albaugh, and Margaret Crowell, executors of Henry Crowell, deceased; Daniel Freet; Laurana Richardson, administratrix of George Richardson, deceased; Elizabeth Mark, widow of George Mark, deceased; Henry Lee, William Graham, jr., William Baker, William Jones, Daniel Schermerhorn, John Crane, Peter Huber, John Hays, Daniel Robbins, John Polhemus, Thomas Donnellan, Stephen Remington, Samuel Skillman, John Hayden, Job Kit-

trede, Ebenezer Whittemore, and Martha Whittemore, heirs of William Kittredge, deceased, and William Robinson, respectively, praying the renewal of certain certificates, which are alleged to have been destroyed or lost; which report was read, and ordered to be referred to Mr. LEE, Mr. STERRETT, and Mr. THATCHER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of sundry merchants and others, inhabitants of the city of New York, was presented to the House and read, praying that an act establishing a uniform system of bankruptcy throughout the United States may be passed, under such restrictions and with such limitations as Congress shall think just. Referred to the committee appointed to prepare and bring in a bill or bills to establish an uniform system of bankruptcy throughout the United States.

PROTECTION OF THE FRONTIERS.

An engrossed bill for raising a further sum of money for the protection of the Frontiers was read the third time, and the blanks therein filled; and, on the question that the said bill do pass—

Mr. PAGE made the following remarks: If the bill were what its title says it is, I should be the last man in this House to vote against it. But it is so different from what its title represents it to be, that this, added to the objections which I have already made and heard against it, I shall vote against its passage. Sir, it is not a bill for the protection of the frontiers, but for the encouragement of certain manufactures, and of the fisheries, and for the increase of the Sinking Fund. It is a bill very different from what it ought to be, and is about to pass, from what has fallen from some gentlemen, as a compromise for the assumption of the State debts, and an encouragement to the manufacturers and fisheries. Such compromise I cannot approve of; and such a bill I cannot vote for. If it be thrown out, I think we may bring in one to answer its purpose much better. It is improper to entangle this bill with matter foreign to it. There is no occasion to repeal the act for establishing a permanent revenue to blend it with this bill.

Mr. MURRAY said he was in favor of the bill. A great and unexpected calamity had called on the country for money for the support of a necessary and increased army. In the discussion of this bill there had been a perpetual reiteration of objection by some members as to the inexpediency and impolicy of a reference to the Secretary of the Treasury for his opinion. This might have been all very fair before the reference was made, and his report obtained, but was not altogether absolutely necessary now, when the question was not a reference, but the best mode of raising the sum wanted. He had, however, been convinced of this, that had the faith of the House rested itself on the powers of those who perpetually recur to the reference, and who propose nothing themselves, little could have been accomplished. For surely if those who, in the midst of a general call for the exercise of invention and judgment, con-

tempt themselves with complaints at the mode in which the resources of the country have been shown to us, we must conclude that either they have not power, or want inclination to originate or to amend—a fair field has been open to both.

We had been called on to raise five hundred and fifty odd thousand dollars to defray the expenses of a frontier defence; we referred the mode of raising the sum to the Secretary, still retaining what we could not yield—the power of altering, amending, or wholly rejecting the report of that officer. He said that he had voted the reference for reasons which he would not again repeat. Satisfied, as he now was, that he had been then right, he would now vote for the measure, which, with some amendments on the Secretary's system, had arisen from the report. The opposition to the reference at first seemed to him to be founded among other reasons in a properly grounded consciousness of some members in their own ability to do without official assistance. He had imagined, however, that when the report came to be taken up, it would not have been treated with merely naked opposition. He hoped, and he declared himself sincere in the expectation, that some gentlemen, whose distinguished talents fitted them for something better than the mere prevention of evil, would have favored the committee with plans of their own, and at all events have joined in improving and correcting, not merely by limitation of time, but by supplying and ingrafting strength where there might be weakness, and a substitute of something better where there was merely good. When the bill came into discussion he expected that when gentlemen opposed one proposition they would candidly have given an election of a better by proposing something of their own. Where there was no alternative presented, there could be no choice; and it was natural to expect where proof is given of the badness of one system, the judgment should have a chance of comparing what is alleged to be defective with that which is more eligible and perfect. But he lamented that gentlemen had offered nothing like an alternative in the very moment when their efforts seemed to be directed to defeat a bill, for which they neither promised nor offered a substitute. Had the same ingenuity, that appeared to pride itself in its power of impeding, been exercised in its ability to create, to amend, and to propose, he had not a doubt but that a yet more perfect and better digested system had been the result. As he was bound to no particular lesson of finance, he would have met the propositions of members with partiality, and exercised his judgment with deference and candor. On all sides it was agreed that the local feelings and knowledge of the nation were here; they ought, then, occasionally in the progress of the bill to have here suggested the claims of particular interests, and in all practicable cases to have ingrafted them; this was done in some instances, particularly the protecting duties by which the hemp and cotton of the Southern States, and the iron of the Middle States, are encouraged and established. He said he would not detain the House but with a few remarks why the

bill appeared not only defensible, but good. The predominant feature of it was its *nationality*, as it respected impartial, and, as far as circumstances admit, equal justice and encouragement to the interests and raw materials of the respective States. It presented a point in which the relative interests of the country, and the various resources of its natural riches, had been combined with skill and harmony. A temper of conciliation had actuated members in the several exemptions and protections which they had brought forward; this was a principle invaluable in a Government whose very soul results from that union in which the natural, but distinct and variant, resources of the country could alone flourish.

They can furnish but by combination and mutual aid. Had the bill no other good, it contained this, that it exhibited a striking proof to all the world that, in the various natural endowments of a country so variously gifted, there existed such a character of relation to each other as to secure great internal wealth and prosperity when combined together, and when acted on by a desire to render the natural wealth and raw materials of one State instrumental to the industry and happiness of another. In this bill the raw materials of the more southern States are protected, and made to serve the purposes of industry and manufacture in the more northern States. Manufacturers would indeed be a favored class of the community if the same protecting duties which secured to them the chances of trade, did not at the same time secure to the agricultural interests a sure market for the raw materials of which the manufacture is composed.

In the early stages of this bill several gentlemen complained of the preference shown to the manufacturing parts of the country, and it was said that the protecting duties would operate exclusively in the Eastern States. When, however, on the completion of this bill, we see the reciprocity under which the agricultural and the manufacturing interests have been viewed and cherished, we must be forced to own both the liberal and conciliating spirit with which the House has been moved, as well as the mutual dependence on which these apparently opposite interests really are supported. In the instances of hemp and cotton, to which the more southern States are best adapted, we see such a preference given that the duties on these articles of foreign growth almost amount to exclusion. Thus the cotton and the hemp of the South will be carried to supply the manufactures of the North, agriculture be gradually invited and drawn into activity and internal supply, and the bands of the Union drawn amicably tighter by a mutual and habitual dependence of each and all the States in the wants and productions of each other. The iron and steel of the Middle States were likewise protected, and as far perhaps as our experience permitted experiment, the domestic resources of the country were nursed and guarded. While the raw materials of the growth of the country have thus a preference, manufacture and agriculture will go hand in hand; and political union, thus enlivened by commercial

barter, as it is the only medium through which their mutual prosperities are produced and harmonized, will prove by experience the blessing which all have hoped for.

The objection of some gentlemen that the protection of manufactures was not the original object of the bill, he did not think a sound one. Several modes of raising the sum, which is our first object, were held out as alternatives. This mode, by imposts, was the most liked. The line of taxation being once adopted, the protection of manufactures naturally arose out of the thing itself. It arose not as a prime object, but as a necessary incident. He thought the bill would insure productive revenue; and he thought the collateral benefit, as it touched a production of the natural riches of the country, a high recommendation.

The question on passing the bill was then taken, and it was resolved in the affirmative—yeas 37, nays 20, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, John Brown, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Samuel Livermore, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, Geo. Thatcher, John Vining, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William B. Giles, William Barry Grove, Nathaniel Macon, James Madison, John Francis Mercer, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sheridene, Jeremiah Smith, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Hugh Williamson, and Francis Willis.

WIDOWS AND ORPHANS' CLAIMS.

A Message was received from the President of the United States laying before Congress the copy of a letter which he had received from the Judges of the Circuit Court of the United States held for the Pennsylvania District, relatively to the "Act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

The copy of the Letter referred to in the said Message was read, as follows:

PHILADELPHIA, April 18, 1792.

To the President of the United States:

SIR: To you it officially belongs to "take care that the laws" of the United States "be faithfully executed." Before you, therefore, we think it our duty to lay the sentiments which, on a late painful occasion, governed us, with regard to an act passed by the Legislature of the Union.

The people of the United States have vested in Congress all *Legislative* powers "granted in the Constitution."

They have vested in one Supreme Court, and in such inferior Courts as the Congress shall establish, "the *Judicial* power of the United States."

It is worthy of remark that, in Congress, the *whole* Legislative power of the United States is not vested. An important part of that power was exercised by the people themselves, when they "ordained and established the Constitution."

"This Constitution" is "the supreme law of the land." This supreme law "all Judicial officers of the United States are bound, by oath or affirmation, to support." It is a principle important to freedom, that, in Government, the *Judicial* should be distinct from, and independent of, the *Legislative* department. To this important principle the people of the United States in forming their Constitution, have manifested the highest regard.

They have placed their *Judicial* power, not in Congress, but in "Courts." They have ordained, that the "Judges" of those courts shall hold their offices "during good behaviour;" and that "during their continuance in office, their salaries shall not be diminished."

Congress have lately passed an act, "to regulate" (among other things) "the claims of invalid pensions." Upon due consideration we have been unanimously of opinion that, under this act, the Circuit Court, held for the Pennsylvania district, could not proceed:

1. Because the business, directed by this act, is not of a *Judicial* nature; it forms no part of the power vested, by the Constitution, in the Courts of the United States; the Circuit Court must consequently have proceeded without constitutional authority.

2. Because, if, upon that business, the Court had proceeded, its judgments (for its opinions are its judgments) might, under the same act, have been revised and controlled by the Legislature, and by an officer in the Executive Department; such revision and control we deemed radically inconsistent with independence of that *Judicial* power which is vested in the courts; and, consequently, with that important principle, which is so strictly observed by the Constitution of the United States.

These, sir, are the reasons of our conduct. Be assured that, though it became necessary, it was far from being pleasant. To be obliged to act contrary either to the obvious directions of Congress, or to a constitutional principle, in our judgment, equally obvious, excited feeling in us, which we hope never to experience again.

We have the honor to be, with the most perfect consideration and respect, sir, your most obedient and very humble servants,

JAMES WILSON,
JOHN BLAIR,
RICHARD PETERS.

Mr. WILLIAMSON, from the committee appointed, presented a bill for the sale of lands in the Territory of the United States Northwest of the river Ohio; which was received and read the first time.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of Robert Neil; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to inquire into the state of the recruiting service, and to report thereupon to the House; and that Mr. HARTLEY, Mr. MOORE, and Mr. THATCHER, be the said committee.

MONDAY, April 23.

A bill providing for the sale of land in the Territory of the United States Northwest of the river Ohio, was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates; and that Mr. DAYTON, Mr. TREDWELL, and Mr. GILMAN, be of the said committee.

THE MILITIA BILL.

The House resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions:

The second section of the bill being under consideration—

Mr. LIVERMORE, objected to the general terms used in this section; he thought the nature of the offences intended to be guarded against, ought to be more particularly defined, that the sources from whence complaints should issue should be pointed out.

Mr. BENSON was in favor of introducing the express words of the Constitution, and moved to strike out certain expressions for the purpose of substituting those words.

Mr. WARREN observed, that the objections which had now been started were considered by the Committee, and attempts were made to render the clause more express and definite, but it was found they only rendered it more obscure.

Mr. BALDWIN said, he considered the objection of the gentleman from New York as involving a dangerous principle. It seems to suppose that the General Government only possesses the power to suppress insurrections; whereas the States individually certainly possess this power; they can suppress insurrections, and will do it; their interest is involved in supporting the laws, and they are fully competent to do it.

Mr. KIRKPATRICK said the gentleman from New Hampshire objects to the clause because it is not particular enough; while the gentleman from New York thinks it not general enough; he thought that the clause was very well expressed; it adopts that medium which in such cases is perhaps always the safest.

Mr. PAGE.—I move to strike out the clause—it cannot be amended; I hope there is no occasion for such a clause; it holds out an idea of resistance which I will not suppose can exist. Mild and equitable laws will not be resisted; and if Congress should be so infatuated as to enact those of a contrary nature, I hope they will be repealed, and not enforced by martial law. We have seen no occasion for three years past of such a law as is now supposed necessary. If the resistance be small, said a member from North Carolina, the magistrates will be competent to the business; if great, it would not be prudent to attempt to crush it. It is not necessary to make laws merely because the Constitution authorizes a dangerous power.

H. or R.]

The Militia Bill.

[APRIL, 1792.]

Mr. MURRAY said, he was opposed to the last motion, as well as to that from the gentleman from New York. He offered several remarks to show the necessity of providing for an energetic execution of the laws, while at the same time he was fully impressed with the importance of having the power defined and guarded as much as possible. He adverted to the British Government, where a prompt and energetic execution of the law is considered of the first importance, while at the same time the military is never called in but in the last extremity. He gave a short account of the proceedings of that Government in the insurrection raised in the city of London by Lord George Gordon, &c.

Mr. CLARK was in favor of striking out. He said the motion from the gentleman of New York, went to call forth the military in case of any opposition to the excise law; so that if an old woman was to strike an excise officer with a broomstick, forsooth the military is to be called out to suppress an insurrection. The Government, he observed, was in its infancy, and he saw no necessity for supposing that the people would at this early stage oppose the laws.

Mr. BENSON rose to explain. He said, his ideas were misconceived, he had no such designs as were imputed to him; his wish was to provide in the simplest and best manner for the object contemplated in the bill.

Mr. GERRY said he was opposed to striking out the section, but still was not pleased with it altogether, and moved an amendment.

Mr. MERCER said, he had not heard any proposition which pleased him; he liked the section as it stood better than any of them, but thought that it required some essential alteration or addition; he had no idea that this Government was to depend on the several State Governments for carrying its laws into execution. He then adverted to the two different powers in a community, the civil and military; the first is a deliberative power, the other cannot deliberate; and therefore in no free country can the latter be called forth, nor martial law proclaimed but under great restrictions. He observed, that the General Government had respect to the persons of the citizens of the several States, and not to the Government of those States; on this principle the marshals of the several States have a power to call forth the posse comitatus; and additional marshals should be appointed, and only in the last extremity they may call forth the military power; he was in favor on the whole of retaining the section, and concluded by reading a clause which he proposed should be inserted as an additional section.

Mr. SENY was in favor of retaining the clause, but he thought it ought to be qualified by some explanatory article.

Mr. PAGE. Suppose the case should happen in which the militia should refuse to act, regulars must then be called in—a fair pretext for a military establishment. Treason has existed in every country, and has been punished with the approbation of good men; and should a combination too powerful take place, and application be made for assistance, let Congress make laws to provide

for such cases in future. It should be remembered that the doctrine now contended for is that very doctrine which dismembered the British Empire. Sir, it would have been happy for Britain if this doctrine had never been taught in that Kingdom: Soldiers, not militia, must be the proper tools for the Government that wishes to enforce its laws by arms. But do the virtuous, patient, submissive, and truly patriotic citizens of the United States deserve the suspicion which is excited against them, and stigmatizes them in the clause which I move to strike out?

Such bills in a free State, where the people have been taught to look upon the right of refusing submission to unconstitutional acts, may excite insurrections much easier than quell them.

The motion for striking out was negatived.

Mr. STEELE moved to amend the section by striking out the clause which authorizes the President of the United States to call out the militia of one State to suppress insurrections in another. He enforced this motion by saying that he hoped it would always be found that there were a sufficient number of persons within every State well affected to the laws to suppress any opposition to them within the State.

Mr. MURRAY replied to Mr. STEELE. He said that the gentleman's observations went to deprive the people of one of the most obvious benefits arising from the social compact. He said he should be much obliged to the gentleman if he would point out any other remedy for the case contemplated, than that proposed; for his own part, he knew of none.

Mr. GILES observed, that the exigency contemplated by the section was of so great magnitude, that of the opposition of a whole State to the laws of the Union, that it required a more competent provision than was provided by this bill. He was fully impressed with the propriety of the Government's possessing a power to execute its laws, and to provide for its own security; still he considered that the case to be provided for could not happen suddenly, and therefore he thought the power now under consideration could not with safety be intrusted to the President of the United States; he was therefore in favor of striking out the clause.

Mr. GERRY supported the clause; he denied that it involved the consequences deduced by the gentlemen opposed to it. It does not suppose a State to be in rebellion; such a supposition cannot be supported, when it is considered that in order to a State's being considered in that light, a Legislative act must precede and accompany a declaration of the fact. He adverted to facts to show the necessity for the provision. He had no objection to qualifying the clause by directing the marshals in the first instance to apply to the Executives of the several States.

Mr. BALDWIN was opposed to the clause, and in favor of striking out. He adverted to the Constitution to show that it was not contemplated thereby that this power should be slightly delegated to the Executive, and agreeable to this idea

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the first Congress had dealt out this power with a sparing hand.

The motion for striking out the clause was negatived.

Mr. STEELE moved to add a clause providing for the intervening of a session of Congress previous to the marching of the militia of one State into another; this, after some debate, was negatived.

An amendment was then moved by Mr. MADISON to modify the section, so as to delegate this power to the President of the United States during the recess of Congress.

Mr. BENSON observed, that with respect to the object, State lines were perfectly ideal; that an inhabitant of one State was equally bound with that of another to march to suppress insurrections, and to assist in execution of the laws as much as the inhabitants of a State in which the opposition to the laws existed.

The motion of Mr. MADISON was agreed to.

Mr. BALDWIN moved an amendment to the second section, providing that information of any insurrection shall be communicated to the President of the United States by one of the Associate Justices, or the District Judge; which was agreed to.

Mr. MERCER proposed an additional section providing for the issuing a Proclamation by the President of the United States, and for the reading of such Proclamation in the hearing of the insurgents, previous to using a military force; which was agreed to.

Section 3d.—Mr. MERCER moved to add after the words "articles of war," in the 10th line, except that they shall not be subject to corporal punishment; this, after some debate, was negatived.

The Committee now rose, reported progress, and had leave to sit again.

A message from the Senate informed the House that the Senate insist on their amendments disagreed to by this House, to the bill entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States," and desire a conference with this House on the subject-matter of the said amendments, and have appointed managers at the said conference on their part. They have passed the bill entitled "An act to indemnify the estate of the late Major General Nathaniel Greene, for a certain bond entered into by him during the late war," with several amendments; and a bill entitled "An act to compensate the services of the late Colonel George Gibson," to which they desire the concurrence of this House.

Mr. HARTLEY, from the committee appointed to inquire into the present state of the recruiting service, made a report; which was read, and ordered to lie on the table.

TUESDAY, April 24.

The House proceeded to consider the amendments proposed by the Senate to the bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into

by him during the late war; and the same being twice read, were agreed to.

Mr. DAYTON, from the committee appointed, presented a bill authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates; was read twice, and committed.

Mr. GERRY, from the committee to whom was referred a motion for obtaining an impartial publication of the debates of the House of Representatives, made a report; which was read, and ordered to lie on the table.

On a motion made and seconded, Resolved, That the President of the Senate and the Speaker of the House of Representatives do adjourn their respective Houses on the 5th day of May next, to close the present sessions, and to meet again on such day as may by law be directed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to alter the time for the next annual meeting of Congress; and that Mr. GOODHUE, Mr. BENSON, and Mr. SMITH, of South Carolina, be the said committee. The House proceeded to consider the report of the Secretary of the Treasury on the petition of Robert Neil. Whereupon, Resolved, That the prayer of the petitioner, praying relief against the determination of the Auditor and Comptroller of the Treasury, on a claim which he has exhibited against the United States, cannot be granted.

Mr. GOODHUE, from the committee appointed, presented a bill to alter the time for the next annual meeting of Congress; which was received, read twice, and ordered to be engrossed and read the third time.

Mr. FITZSIMONS, from the committee appointed, presented a bill making certain appropriations therein specified; which was received, read twice, and committed.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the remission of certain duties; which was received, read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and agreed to several amendments thereto; which he delivered in at the Clerk's table.

An engrossed bill to alter the time for the next annual meeting of Congress was read the third time and passed.

WEDNESDAY, April 25.

Mr. LAURANCE, from the committee to whom was referred the petition of Charles Colvill and William Robertson, made a report; which was read, and ordered to lie on the table.

THE MILITIA BILL.

The House proceeded to consider the amendments reported by the Committee of the Whole

House yesterday, to the bill to provide for calling forth the Militia, to execute the laws of the Union, suppress insurrections, and repel invasions.

The second section of the bill, for calling forth the Militia, being under consideration—

Mr. GOONAU observed that the amendment appeared to him to require some amendment; for an insurrection may happen in a remote part of the Union, and all the mischief completed before this proclamation could reach the spot.

Mr. FITZSIMONS observed that the proclamation could reach the scene of action as soon as the order from the President for calling forth the Militia could; therefore, the objection applies to other parts of the bill.

Mr. MERCER supported the amendment on precedent, and by arguments drawn from facts and experience.

Mr. LIVERMORE objected, generally, to any amendment of the bill. He doubted whether the Legislature of the United States had a right to authorize the President to call forth the Militia till some real necessity for the measure should exist.

Mr. CLARK inquired whether the United States have a right to call on the justices of the peace to execute the laws of Congress; if they have no such right, the amendment, so far as it respects those officers, is nugatory.

Mr. WAITE was in favor of the clause generally, but said he had no idea that the General Government had any right to call on the officers of the particular States to execute the laws of the Union.

Mr. GERRY, advertent to several parts of the Constitution, observed, that nothing could be plainer than this—that the General Government had a right to require the assistance of the officers of the several State Governments; for they have severally taken an oath to support the Constitution of the United States.

Mr. KIRKLAND opposed the amendment. He thought the tendency of it, so far from operating to suppress insurrections, would produce them in a much greater degree. He objected particularly to that part of the clause which required the proclamation's being read in the hearing of the insurgents. He believed it was true that no advantage had ever, in fact, resulted from the practice. It was then voted to strike out the latter part of the amendment, which respects calling on the justices of the peace or the judges to read the proclamation.

And then the said bill, together with the amendments, were ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, authorizing the President of the Senate and SPEAKER of the House of Representatives to adjourn their respective Houses on the 5th day of May next, to close their present sessions, and to meet again on such day as may by law be directed.

The House proceeded to consider the message from the Senate on Monday last, desiring a con-

ference with this House on the subject-matter of the amendments disagreed to by this House, and insisted on by the Senate, to the bill more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States. Whereupon,

Resolved, That this House doth agree to the said conference, and that Mr. CLARK, Mr. WAITE, and Mr. MURRAY, be appointed managers at the same, on the part of this House.

The House proceeded to consider the amendments reported by the Committee of the Whole House, on the 16th instant, to the bill sent from the Senate, entitled "An act for regulating proceedings in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and made some progress therein, when an adjournment was called for. Whereupon, the several orders of the day were further postponed until to-morrow.

THURSDAY, April 26.

An engrossed bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, was read the third time, and passed.

Mr. WILLIAMSON, from the committee to whom was referred the petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the petition of Charles Colvill and William Robertson. Whereupon,

Ordered, That the said report be referred to the Committee of the Whole House on the bill making certain appropriations therein mentioned.

Mr. LEE, from the committee to whom was referred the report of the Secretary of the Treasury on sundry petitions, praying the renewal of certificates which have been lost or destroyed, made a report; which was read, and ordered to lie on the table.

The House resumed the consideration of the amendments reported by the Committee of the Whole House on the 16th instant, to the bill sent from the Senate, entitled "An act regulating proceedings in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," and the same being further amended, were, on the question severally put thereupon, agreed to by the House.

Ordered, That the said bill, together with the amendments thereto, be read the third time to-morrow.

The House proceeded to consider the resolutions reported by the Committee of the Whole House on the 13th instant, on the report of the Secretary of the Treasury, relative to alterations in the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying duties in their stead; and, also, upon spirits dis-

titled within the United States, and for appropriating the same," and the said resolutions being twice read, were, on the question severally put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. FITZSIMONS, Mr. PARKER, and Mr. MACON, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill authorizing a grant and conveyance of certain lands to John Cleves Symmes and his associates; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendment, be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to confirm an award or report of referees between the United States and Comfort Sands, and others; and that Mr. BENSON, Mr. SMITH, of New Hampshire, and Mr. GRIFFIN, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

The House resolved itself into a Committee of the Whole House on the bill for reducing the rates of postage on newspapers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

FRIDAY, April 27.

The bill sent from the Senate, entitled "An act regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," with the amendments, was taken up, on its third reading; when

Mr. MERCER moved to recommit the bill, in order to restoring an amendment disagreed to in the House, which had passed unanimously in the Committee of the Whole. This amendment was, to strike out the clause that authorizes the creditor to pursue his action till a tender of the debt and costs in gold or silver is made. This motion was founded on the particular circumstances of persons indebted to foreigners. It was said that the law, with this clause in it, would annihilate the power of the several States to pass insolvent laws; and, in consequence, those unfortunate debtors would be entirely in the power of a set of persons who retained the most rancorous enmity against the Revolution, and the persons most conspicuous in their exertions to bring about that event. It was

further said, that it vests a power in a merciless creditor to immure an unfortunate debtor within the walls of a prison for life. It confounds the unfortunate with the vicious and abandoned, and extends a regulation designed originally merely to produce a full discovery and delivery of all the debtor's property, to a most unrighteous and unreasonable punishment, to the shortening of life, and to the injuring of society. It was further observed, that its operation would place the citizens of the United States upon a very different footing from English debtors who owe money to the citizens of the United States. The Treaty of Peace which had been mentioned, was concluded during the existence of those laws under which the British debtors enjoyed privileges which will by no means be reciprocal, should this clause be retained. It was also observed, that if this law was passed, it would not be in the power of the Legislature to provide a remedy, as it would be an *ex post facto* law; it would place the debtors in a much worse situation than they were in at the time the contracts were made—by giving these foreign creditors an advantage which they did not contemplate at the time when the credit was given.

In opposition to the motion, for recommitting the bill, it was contended that the creditors alluded to had not discovered that rancorous and cruel disposition, in at least some of the States, which had been complained of; but, on the contrary, had treated their debtors in the most humane and generous manner. The provision contemplated by the bill is precisely the same with that contained in a law which has twice received the sanction of Congress under the new Constitution, of which no complaint had ever been made; that to prescribe a different rule, would excite great alarms, and be attended with embarrassments, and perhaps with injury to the debtor as well as to the creditor. To leave it optional with the debtor to say in what manner he will pay his debts, or to subject the creditor to the caprice of the several State Governments whose laws may be founded on very opposite principles, will put it out of his power to get his debts paid agreeably to the Treaty of Peace, and therefore will be a virtual infraction of that treaty. The provision, it was said, is strictly conformable to the letter of the Constitution. Uniformity, in connexion with justice, was a principal object contemplated by the Constitution. This was considered as one of its chief excellencies; but, to say that foreign creditors shall be subjected to the Legislative provisions of the several States, which are known to clash, some of which have made paper a tender, others of which have depreciated paper in circulation, is, to defeat every just expectation founded on the Treaty of Peace and the Constitution. It was urged that this clause ought to be retained on every principle of uniformity as a general provision. Nor could it be considered as an *ex post facto* law, since every contract would remain as it was, and always be determined according to its own principles; except by mutual consent, this general provision should be resorted to.

The question was then taken on recommitting the bill, and it was ordered to be recommitted to a Committee of the Whole House immediately.

The House accordingly again resolved itself into a Committee of the Whole House on the said bill; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made a farther amendment thereto; which was twice read, and agreed to.

The said bill, together with the amendments thereto, was again read; and on the question that the same do pass, it was resolved in the affirmative.

An engrossed bill authorizing a grant and conveyance of certain lands to John Cleves Symmes and his associates was read the third time and passed.

An engrossed bill for reducing the rates of postage on newspapers, was read the third time and passed.

Mr. BENSON, from the committee appointed, presented a bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provision to the Army, during the late war; which was received and read twice and committed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions." They also recede from their amendments, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States." And they have passed the bill, entitled "An act for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned," with several amendments; to which they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee appointed, presented a bill concerning the duties on spirits distilled within the United States; which was received, read twice and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill "for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned;" and the same being read, were amended and agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the relief of persons imprisoned for debt," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The several orders of the day were further postponed until to-morrow.

SATURDAY, April 28.

Mr. AMES, from the committee to whom was referred the Report of the Secretary of the Treas-

ury on the subject of Marine Hospitals, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill concerning the duties on spirits distilled within the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

A message from the Senate informed the House that the Senate agree to the amendment proposed by this House to their amendments to the bill, entitled "An act for raising a farther sum of money for the protection of the Frontiers, and for other purposes therein mentioned." They have also resolved that the bill, entitled "An act for reducing the rates of postage on newspapers" do not pass to a second reading.

MONDAY, April 30.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his reports on two petitions of Richard Blackledge; also, on the petition of Joseph Henderson and Alexander Contee Hanson; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, together with the amendments, do lie on the table.

DUTIES ON SPIRITS.

The House proceeded to consider the amendments reported by the Committee of the Whole House on Saturday last, to the bill concerning the duties on spirits distilled within the United States; and the same being read, some were agreed to, and others disagreed to.

Mr. STEELE moved to strike out eight cents and insert six, upon the first class of spirits distilled from fruit or grain within the United States. This motion, he said, had failed in Committee, but upon reflection the House might probably express a different opinion, and with that hope he was induced to renew the motion. When a proposition has for its basis justice as well as policy, it cannot lose advocates by consideration, and several days having elapsed since the former discussion, a well grounded assurance is entertained that the present attempt will not be wholly unsuccessful. The object of the Excise law originally was supposed to be revenue. The objects of the present bill is to remove objections, and, if possible, render that mode of taxation more palatable to the community. If therefore it can be proved that neither of these desired ends can be attained without reducing the duty, common sense suggests the propriety of doing it. The manner in which this law is now executed has disgracefully committed the dignity of

the General Government, and a sense of national honor requires that one of two things should be done; either that the law be totally repealed, or fully executed. If the latter be the determination of the Government, it cannot be productive without reducing the rate simplifying its operations, and, in many respects, rendering it less exceptionable to the people. It has been enacted now near twelve months, and in that time it cannot be said to have been well executed in all, or productive in any part of the United States, in the degree which was originally expected.

The Secretary of the Treasury has proposed, in his report, that in certain instances the proprietors of stills should be allowed to discharge the amount of their respective duties in the produce of the distilleries. This, sir, will be an accommodation to the distillers, but while it answers this beneficial purpose to them, it operates as a strong argument in favor of a reduction of the duties. If reasonably reduced, an indulgence so unfavorably to the public would not be demanded or expected. The present motion is made under a conviction (resulting from a considerable knowledge of the nature of grain distilleries, and of the circumstances of the country where they are most in use) that the Treasury will receive more money from a duty of six than nine cents upon the gallon.

Mr. STEELE then begged the House to recollect that this is the first attempt to introduce a system of excise into the United States; that it is too the first attempt to tax any article of American growth or manufacture; that the law requires a surrender of at least one-fourth part of the value of the thing excised, and that not only the justice of the measure is denied, but its policy is doubted. The necessities of the Government are so interwoven at this time with its policy, that it is not easy for this or any other measure relating to revenue, to undergo the proper consideration, or to be decided simply upon its merits. The opposition to this law has not proceeded from a restless and disorderly spirit among the people, but from an aversion which freemen in all countries ever had, and perhaps ever will have to this mode of taxation. And let ingenious theorists refine as they please upon the nature of indirect taxes, it must always be admitted that excises retrench the liberty of the citizens on whom they operate, and that they are subject to solid, as well as plausible objections. It has already been the subject of much complaint in many parts of the Union, and will be productive of serious consequences if these complaints be not redressed by the Legislature, in the present session. Among the causes of dissatisfaction are the following: 1st. Excise laws are novel in the United States, and odious in their nature; 2d. Articles of American manufacture are not proper objects of taxation, and if they were, the rate of duty in this instance is too high; 3d. The proportion which was established between the rate of duties on molasses, rum, and spirits distilled from fruit and grain, tends to the encouragement of the former, at the expense and depression of the latter; 4th. Because it operates, and is in fact, a tax upon this occupation and agriculture,

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as they stand connected in one part of the Union, while manufactures in other parts are not only rewarded by high protecting duties, but in some instances even by specified bounties.

The agricultural interest has experienced the unfavorable influence of this law likewise, and it operates most oppressively too upon that class of farmers whose estates are situated in the interior country, and whose interests have thus far passed almost unnoticed, in the policy of the General Government. That class of citizens, though they have not been most solicitous, are nevertheless not insensible of their burdens, and the neglect with which their interest has been treated.

The value of our lands has been stationary for some time; its produce not in demand, and where it is, at depreciated prices; and notwithstanding this, taxes are imposed, evidently calculated in their operation to render agriculture tributary to the more favored branches of business.

No argument can be advanced that will justify the imposition of burdens upon the cultivation of the soil, for the aggrandizement of manufactures, or the emolument of those concerned in them.

Mr. STEELE then said, he would put a case, which is a familiar one in the State which he represents, and might be so in others. If a farmer is possessed of a given quantity of rye for sale, money cannot be obtained for it at any price—he sends it to a distillery, where one-half is given in the first instance for manufacturing the other. The duty is then to be paid out of the farmer's part, which reduces the balance to less than one-third of the original quantity. If this is not an oppressive tax, I am at a loss to describe what is so; and if a proposition had been made to lay a similar tax upon American porter, nails, paper, shoes, or any other article of this kind, we should not shortly have heard the last of it. And here let me ask, what is in the nature of these manufactures which entitles them to such priorities and preferences? It may fairly be answered, that they are nearer to perfection, that they are aided by more capital, that they are therefore better able to bear taxation, and that the advantages which they now enjoy have been derived from the generosity of members representing the agricultural parts of the country. It is most sincerely to be wished that the manufacturing States would fix some bounds to their expectations, and that they will not continue to insist upon unreasonable sacrifices from those who are engaged in different pursuits, and little able to make them.

The tendency of this law has been, and, if not differently modified, will continue to be, to build up the rum distilleries upon the ruins of those employed by farmers for domestic uses. These are not suggested to be the motives which actuated any part of the majority in passing this law originally, or which now influence the zealous opposition to the present motion; but as the reduction of the tax is objected to principally by gentlemen, who on other occasions have been anxious to afford Legislative aid to American manufactures, it is not uncharitable to say that their singular conduct now might justify such an imputation.

H. OF R.]

Duties on Spirits.

[APRIL, 1792.]

If this has not been the policy, my motion for the proposed reduction will indubitably prevail. Mr. STEELE then called the attention of the House to the system of Federal taxation in general, and instanced several duties which operate unfavorably to the landed interest in the Southern parts of the Union. Particularly the high duty on salt, nails, shoes, and other essential articles in husbandry, with which the people of those States are almost wholly supplied from foreign markets. The enhanced price of salt and nails are seriously complained of in those States, because the one is essential to the improvement of their large stocks of cattle; and the article of nails is in very extensive use because the country is improving in buildings, and yet to be improved. The tax upon these articles cannot be felt in an equal degree in the Northern and Eastern States for very obvious reasons.

It has been frequently asserted in the course of this debate, that distilleries in the Eastern States have flourished and are growing up under the operation of this law, which, if true, is an unsolvable argument in proof of its inequality. In the Southern States they are cramped, in many instances annihilated; and the Secretary, sensible of this, has, in his report, proposed a temporary expedient of allowing the distillers the privilege of discharging the duties on the spirits distilled at certain stipulated prices. This is plainly admitting the truth of an assertion which has often been repeated, that the law, in its operation, would be found unequal and oppressive.

In order to vote understandingly on the present question, we ought to have been furnished from the Treasury, with a statement of the net amount of revenue accruing from molasses distillation, after deducting the drawbacks upon the molasses distilled and the rum exported. This, compared with the amount accruing from the distillation of American produce, on which a drawback is seldom demanded, would be placing the subject in a proper point of view for a satisfactory decision. The statement should now be called for, if the late hour of the session did not render it impracticable. A gentleman from Massachusetts, [Mr. AVES.] in the course of his remarks, has stated that the existing proportion is sufficiently favorable to the distilleries employed in grain and fruit. For that the American-made rum now pays, including the duty on molasses, thirteen cents per gallon, while its rival liquor, of common quality, is only subject to nine cents. This is true, as it relates to the consumers within the United States, and if none was exported, might be less excepted; but how does it operate upon the American distillers? One in Massachusetts makes a certain quantity of rum for exportation; it is exported, and of course pays no duty; while another, in North Carolina, makes an equal quantity of spirits, from fruit and grain, wholly for home consumption, and stands chargeable for the full amount of the duties. But admitting them both to be articles of American manufacture, and alike entitled to Legislative protection, is there any color of justice in taxing rum, which, by the estimation

of the gentlemen themselves, is worth in the market at least two-thirds of a dollar per gallon, only ten cents, when you propose to tax spirits made from grain, which is worth in the market but half as much, eight cents? The inequality is so glaring that if the motion is decided on principle it must succeed; and if it does, there is good reason to believe that the people will be disposed to give the law a fair experiment, even in places where it has been hitherto least palatable.

This, sir, may not improperly be termed a struggle between two classes of citizens whose interests are, and will be for some years, dissimilar—the agricultural and manufacturing parts of the United States. It is not the first conflict of the kind, and may not, perhaps, be the last; and, if we may judge from experience, it will not be difficult to predict how it will terminate.

However, while facts and principles are in favor of the motion, we shall be justified in contending for what we have not heretofore had, "constitutional equality, and impartial legislation."

It may once for all be remarked, without expecting it will have any influence on the House, that a great majority of my constituents hold in detestation the name as well as the nature of an Excise law; and that they would have been among the first to remonstrate, if they had not been fully sensible that their Representatives would speak their sentiments and describe their feelings whenever a proper occasion should occur.

This is deemed to be that proper occasion; these are their sentiments, delivered in the language of sincerity; and if they are disregarded, the members from that State have discharged their duty, and will not be answerable for the consequences. But it has been said by a gentleman from Pennsylvania, [Mr. FITZSIMONS.] that if the duty be reduced to six cents, agreeably to my motion, it will not be worth collecting. To this it may be plainly answered, that if the duty be not reduced, it cannot, nor will not be collected.

The question was then taken that the House do agree to the amendment proposed by the Committee of the Whole for filling up the blank for the amount of duty "on every gallon of spirits of the first class of proof, distilled within the United States from materials of the growth or produce of the United States," with "eight cents," and it passed in the negative—yeas 26, nays 27, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, James Hillhouse, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, Jeremiah Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tredwell, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, William Findley, Andrew Gregg, Wm. Barry Grove, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, William Vans Murray, Nathaniel Niles, John Page, Josiah Parker, Joshua Seney, Upton Sheridene, Israel Smith, John Steele, Thomas

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Sumpter, Thomas Tudor Tucker, Alexander White, Hugh Williamson, and Francis Willis.
Resolved, That the said blank be filled up with the words "seven cents."
Ordered, That the farther consideration of the said bill be postponed until to-morrow.

TUESDAY, May 1.

The House proceeded to consider the amendments reported by the Committee of the Whole House yesterday to the bill relative to the compensation of certain officers employed in the collection of the duties of impost and tonnage; and, the same being read, were agreed to; and then the said bill, being further amended, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to authorize the remission of certain duties; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.
Ordered, That the said bill be engrossed, and read the third time to-day.

On a motion made and seconded,
Resolved, That a joint committee of both Houses be directed to wait on the President of the United States, to request that he would recommend to the people of the United States a day of public humiliation and prayer to be observed, by supplicating Almighty God for the safety, peace, and welfare of these States.

Ordered, That Mr. BODINOT, Mr. PAGE, and Mr. SYLVESTER, be appointed of the said joint committee on the part of this House.

The House proceeded to consider the bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt;" and, the same being amended, was, together with the amendments, ordered to be now read the third time.

The said bill, with the amendments, was accordingly read the third time and passed.

The House proceeded to the further consideration of the bill concerning the duties on spirits distilled within the United States; and, the same being further amended, was, together with the said amendments, ordered to be engrossed and read the third time to-morrow.

An engrossed bill to authorize the remission of certain duties was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provisions to the Army during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read and agreed to by the House.
Ordered, That the said bill, together with the amendment, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee

to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans of New Hampshire and Rhode Island; and, after some time spent therein, the Committee reported progress, and had leave to sit again.

WEDNESDAY, May 2.

An engrossed bill concerning the duties on spirits distilled within the United States was read the third time and passed.

A message from the Senate informed the House that the Senate have appointed a committee, jointly, with such committee as this House shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

An engrossed bill to confirm an award of referees between the United States and certain contractors for furnishing supplies of provisions to the Army during the late war was read the third time; and, on the question that the said bill do pass, it passed in the negative—yeas 25, nays 27, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Benjamin Goodhue, James Gordon, James Hillhouse, John Laurance, Amasa Learned, Samuel Livermore, John Page, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, Jonathan Dayton, William B. Giles, Nicholas Gilman, Andrew Gregg, William Barry Grove, Daniel Heister, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Josiah Parker, Joshua Seney, Upton Sheridene, John Steele, Thomas Sumpter, Abraham Venable, Alexander White, and Hugh Williamson.

And so the bill was rejected.

The House resolved itself into a Committee of the Whole House on the "bill supplementary to the act making provision for the Debt of the United States;" and, after some spent therein, the Committee rose, reported and progressed.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to authorize the grant and conveyance of certain lands to John Cleves Symmes and his associates," with several amendments, to which they desire the concurrence of this House. They also agree to some and disagree to others of the amendments proposed by this House to the bill which originated in the Senate entitled "An act for the relief of persons imprisoned for debt;" and they agree to some and disagree to others of the amendments proposed by this House to the bill which originated in the Senate entitled "An act regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

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THURSDAY, May 3.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act authorizing the grant and conveyance of certain land to John Cleves Symmes and his associates; and, the same being read, were agreed to."

The House proceeded to reconsider their amendments, disagreed to by the Senate, to the bill sent from the Senate entitled "An act for the relief of persons imprisoned for debt." Whereupon,

Resolved, That this House doth recede from the said amendments.

The House proceeded to reconsider their amendments, disagreed to by the Senate, to the bill sent from the Senate entitled "An act for regulating processes in the Courts of the United States, and providing compensations to the officers of the said courts, and for jurors and witnesses." Whereupon,

Resolved, That this House doth agree to the amendment proposed by the Senate to their first amendment to the second section.

Resolved, That this House doth recede from their third amendment to the third section; also, from the second section proposed to be added to the end of the bill.

Resolved, That this House doth insist on their second amendment to the second section; on their fourth amendment to the third section; on their second amendment to the fourth section; also, on the fourth and fifth sections proposed to be added to the end of the bill.

Resolved, That a conference be desired with the Senate on the subject-matter of the amendments insisted on; and that Mr. MADISON, Mr. LAURANCE, and Mr. CLARK, be appointed managers at the said conference on the part of this House.

On the question that the House doth recede from their second amendment to the second section, for striking out the words "and be at liberty to pursue the same, until a tender of the debt and costs in gold and silver be made," it passed in the negative—yeas 19, nays 38, as follows:

YEAS.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Amasa Learned, William Vans Murray, Jeremiah Smith, William Smith, John Steele, Peter Sylvester, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Benjamin Bourne, John Brown, Abraham Clark, Jonathan Dayton, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John Laurance, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Upton Sherdine, Israel Smith, Samuel Stretwell, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Hugh Williamson.

A message from the Senate informed the House that the Senate have resolved that the bill sent

from this House entitled "An act to authorize the remission of certain duties" do not pass to the third reading.

The House again resolved itself into a Committee of the Whole House on the bill supplementary to the act making provision for the Debt of the United States; and, after some time spent therein, the Committee rose, reported progress, and obtained leave to sit again.

A message from the Senate informed the House that the Senate agree to the conference proposed by this House on the subject-matter of the amendments depending between the two Houses to the bill sent from the Senate entitled "An act for regulating processes in the Courts of the United States, and providing compensations to the officers of the said courts, and for jurors and witnesses," and have appointed managers at the said conference on their part. The Senate have also passed a bill entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids;" to which they desire the concurrence of this House.

FRIDAY, May 4.

The bill sent from the Senate entitled "An act to continue in force the act therein mentioned, and to make provision for the payment of pensions to invalids;" was read three times and passed.

Mr. WILLIAMSON, from the committee appointed, presented a bill for the protection of the river and bay fisheries; which was received and read the first time.

The House proceeded to consider the report of the committee to whom was referred the petition of John Brown Cutting: Whereupon,

Resolved, That, in consideration of certain expenditures on behalf of the United States, made by John Brown Cutting, in the year one thousand seven hundred and ninety, there be advanced and paid to the said John Brown Cutting the sum of two thousand dollars, out of any money not otherwise appropriated; and that the Secretary of State be authorized to inquire into the entire claim of the said John Brown Cutting against the United States; and, upon receipt of the proofs and exhibits in support thereof, to ascertain what sum shall thereupon appear to be due to or from him, in account with the United States, including the advance hereby directed, and to report the same to the next session of Congress.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. LAURANCE, and Mr. GOODHUE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill for settling the demands of Anthony Walton White against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. FITZSIMONS, from the committee appointed, presented a bill concerning the claim of John Brown Cutting against the United States; which was received, and read twice and committed.

The SPEAKER laid before the House a Letter and Report from the Secretary of War on the petition of Richard Henly Courts; which was read, and ordered to lie on the table.

Resolved, That the resolution of the twenty-fourth ultimo authorizing the President of the Senate and SPEAKER of the House of Representatives to close the present session by adjourning their respective Houses on the 5th of May be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 10th of May instant, to meet again on such day as shall by law be appointed.

Ordered, That the Committee of the Whole House be discharged from further proceeding on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petitions of the Commissioners of Loans of New Hampshire and Rhode Island; and that Mr. BOURNE, of Rhode Island, Mr. GRIFFIN, and Mr. ASHE, be appointed to prepare and bring in a bill or bills to provide for the payment of the hire of clerks, and for stationery in the offices of the several Commissioners of Loans.

The House again resolved itself into a Committee of the Whole House on the bill supplementary to the act making provision for the Debt of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally read and agreed to.

Ordered, That the further consideration of the said bill be postponed until to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act concerning the duties on spirits distilled within the United States," with several amendments; to which they desire the concurrence of this House. They also agree to the amendment proposed by this House to the bill sent from the Senate entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids." The Senate have also passed the bill entitled "An act relative to the compensations to the officers employed in the collection of the duties of impost and tonnage," with several amendments; to which they desire the concurrence of this House. They have also agreed to the resolution of this House respecting the adjournment of the two Houses of Congress, with an amendment; to which they also desire the concurrence of this House.

The House proceeded to consider the amendment proposed by the Senate to the resolution last mentioned; and, the same being read, was agreed to, as follows: Strike out "Thursday, the 10th instant," and insert "Tuesday, the 8th instant."

SATURDAY, May 5.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled

"An act concerning the duties on spirits distilled within the United States;" and the same being twice read, was agreed to.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act relative to the compensations to the officers employed in the collection of the duties on imposts and tonnage; and the same being twice read, were agreed to.

Mr. MADISON, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill which originated in the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors, and witnesses," reported that the managers had met the managers on the part of the Senate, in the conference chamber, and fully discussed the subject referred to them, and had agreed that it would be proper, on the part of this House, to recede from the fourth amendment to the third section, as also from the second amendment to the fourth section; but that, on the subject-matter of all the other amendments, the managers of the two Houses had not come to any agreement. **Ordered,** That the consideration of the said report be postponed until Monday next.

An engrossed bill for settling the demands of Anthony Walton White against the United States was read the third time; and, on the question that the same do pass—it was resolved in the affirmative—yeas 30, nays 23, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, James Gordon, Andrew Gregg, Samuel Griffin, Daniel Huger, Aaron Kitchell, John Laurance, Richard Bland Lee, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Joshua Seney, William Smith, Samuel Stretwell, Jonathan Sturges, Peter Sylvester, Thomas Tudor Tucker, John Vining, Artemas Ward, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Shearjashub Bourne, Elbridge Gerry, William B. Giles, Benjamin Goodhue, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Nathaniel Macon, Nathaniel Niles, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, George Thatcher, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

THE PUBLIC DEBT.

The bill supplementary to the act making provision for the Debt of the United States, was further discussed.

A motion was made and seconded further to amend the said bill by inserting, after the third section, the following clause, to wit:

"And be it further enacted, That a farther loan, to the amount of ——— dollars, be proposed, and subscriptions thereto be received, at the same times and places, and by the same persons, as hereinbefore mentioned, and that the sums which shall be subscribed to the said loan, shall be payable in the debts of the States hereinafter mentioned, and in the proportions following."

H. or R.]

The Public Debt.

[May, 1792.]

Mr. Genay observed, that when this question was last under consideration, he had followed gentlemen who were opposed to it in their arguments through the extensive field of the constitutionality, policy, and equity of the measure, and that he now should confine himself to the statement of some facts and a few observations thereon.

It appears by official reports, that the unassumed debts of the several States, are as follows:

Of New Hampshire	\$42,501
Massachusetts	1,838,540
Rhode Island	349,259
Connecticut	313,766
New York	23,878
New Jersey	7,351
Virginia	225,126
South Carolina	1,965,756
Georgia	400,000
Total	5,166,177

It also appears that the following *fictitious* debts have been assumed, viz:

For Pennsylvania	\$1,024,898
Delaware	146,694
Maryland	70,774
North Carolina	20,452
Total	1,262,818

From this statement it is manifest, that whilst several of the States are exonerated of the debts contracted for the support of the war, and others have but a small proportion of them unassumed, the States of South Carolina and Massachusetts are pressed with a heavy debt of nearly two millions of dollars each. This is a grievance that requires immediate redress, and should Congress rise without providing it, they would forfeit that confidence in their generosity, honor, and justice, which had been ever entertained by the citizens of Massachusetts. No gentleman, could deny, that the exertions of that State in support of the Independence of the United States, had equalled those of any other State in the Union; the documents would prove that Massachusetts had not been exceeded by any of her sister States in the amount of her advances, or in the economy of her expenditures; and her exertions to sink the debt, which commenced with the debt itself, were finally so great as to have produced convulsions in the State.

The unassumed debt of that State, from the best information which he could obtain, was in the hands of the substantial yeomanry thereof, who, having never speculated in the funds, were original holders. Most of these, either by art, or by accident, had been misinformed relative to the time for receiving subscriptions to the loan, and had thus been prevented from having a part of their debts assumed. It will be, therefore, peculiarly hard, whilst Congress are calling on this class of citizens for their proportion of contributions to pay the debts due to others, that no provision is made for the payment of their just demand; and the case is aggravated, when it is considered

that their contributions are not confined to real, but are extended to fictitious debts, and that whilst they are unjustly required to pay interest on the latter, their just claims are rejected for interest on the former. It is still more grievous, when it is considered that whilst Government refuse to reimburse the sums advanced by Massachusetts for the defence of her sister States, ten or fifteen years past, she is called on for large sums to defend their frontiers against savage incursions. What must be the feelings of the citizens of Massachusetts, when they are informed, that Pennsylvania, whose frontiers are now invaded, and who is receiving the interest of an imaginary debt of about a million of dollars, is calling on them for supplies to carry on the war, and at the same time refuses to discharge their advances for her defence, during the late war? Indeed, some of the members of this State have been always liberal on the question of assumption, and have uniformly supported it, but others have opposed it, and the votes of the former have been rendered ineffectual by those of the latter. Under such circumstances, would not the members of South Carolina and Massachusetts have been justified in refusing aids for support of the Indian war, and in defeating this measure, by joining in the opposition to it? Would they not have been warranted in thus compelling Pennsylvania to have defended herself by her own resources, and to have exhibited her claims for supporting this war, to be adjusted with those of other States for supporting the Revolution? True it is, that in such an event, many of the innocent citizens of the Western frontiers would have fallen a sacrifice, and some of their own Representatives would have been chargeable for the consequence; but so far were the members of South Carolina, Massachusetts, and other creditor States, from adopting such policy, that they have advocated the measures for defending the Western frontiers, and are now to be sent home in disgrace to their constituents, for having spent a great part of the session in pursuing measures to promote the welfare of those States, who have had no disposition to do justice to the creditor States. Could he have foreseen such an event, he would not have taken his seat in the House this session; but he still hoped, as it was well known and ascertained beyond a doubt, that Massachusetts would have a claim against the United States, far exceeding the sum proposed to be assumed for her, that the House would consider the subject in a candid manner; that the members would divest themselves of local considerations, and that they would adopt measures consistent with liberality and justice. Indeed, it was for the interest even of the debtor States to assume the debts, because when the accounts are liquidated, the debts due to the creditor States will not be due from the Union, but from the debtor States; and if the Union is to be taxed for those debts, the creditor States will be obliged to contribute to the reimbursement of advances, which they have made for the other States. This cannot be done consistently with justice, and will therefore be a source of great uneasiness and embarrassment to Government: whereas, if the debts of the citizens of the

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[H. or R.]

States are now assumed, and the claims of the States are thus diminished, the cause of the embarrassment will in a great measure be prevented. He hoped, therefore, the motion would be adopted, and that the residue of the State debts would be now assumed.

The previous question was then demanded by five members, to wit: "Shall the main question to agree to the said motion be now put?" And on the question, "Shall the main question be now put?"—It passed in the negative—yeas 24, nays 35, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, Daniel Huger, John Laurance, Amasa Learned, William Vans Murray, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Tudor Tucker, John Vining, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, John Brown, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Josiah Parker, Cornelius C. Schoonmaker, Joshua Seney, Jeremiah Smith, Israel Smith, Jonathan Sturges, Thomas Tredwell, Abraham Venable, Alexander White, and Francis Willis.

And so the said motion was lost.

The said bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time on Monday next. A message from the Senate informed the House, that the Senate have deferred, until the next session of Congress, the consideration of the bill sent from this House, entitled "An act authorizing the settlement of the demands of Anthony Walton White against the United States." The Senate have also passed the bill, entitled "An act regulating foreign coins, and for other purposes," to which they desire the concurrence of this House. They have appointed a committee jointly, with such committee as this House shall appoint, to wait on the President of the United States, and notify him of the proposed recess of Congress.

MONDAY, May 7.

An engrossed bill supplementary to the act making provision for the Debt of the United States was read the third time.

The bill sent from the Senate, entitled "An act regulating foreign coins, and for other purposes," was read twice, and committed.

Mr. Bourne, of Rhode Island, from the committee appointed, presented a bill for making compensations to the Commissioners of Loans for extraordinary expenses; which was received and read twice, and ordered to be engrossed and read the third time to-day.

Ordered, That Mr. Seney, Mr. Gilman, and

Mr. Grove, be appointed a committee on the part of this House jointly with the committee appointed on the part of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress.

The House resolved itself into a Committee of the Whole House on the bill concerning the claim of John Brown Cutting against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read a third time to-day.

An engrossed bill for making compensations to the Commissioners of Loans for extraordinary expenses, was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act making alterations in the Treasury and War Departments," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House. The said bill, together with the amendments thereto, was then read the third time and passed.

An engrossed bill concerning the claim of John Brown Cutting against the United States, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 23, nays 22, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, James Gordon, Samuel Griffin, Daniel Heister, Daniel Huger, John Laurance, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, William Vans Murray, John Page, William Smith, John Steele, Samuel Sterrett, and Thomas Tudor Tucker.

NAYS.—John Baptist Ashe, Abraham Baldwin, Shearjashub Bourne, John Brown, William B. Giles, Benjamin Goodhue, Philip Key, Aaron Kitchell, Nathaniel Macon, Andrew Moore, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, Jonathan Sturges, Thomas Sumpter, Peter Sylvester, George Thatcher, Thomas Tredwell, Abraham Venable, Artemas Ward, Alexander White, and Hugh Williamson.

Mr. Seney, from the committee appointed on the part of this House, jointly, with the committee of the Senate, to wait on the President of the United States, and notify him of the proposed recess of Congress, reported that the committee had performed that duty.

Mr. Lee, from the committee to whom was recommended the report on the memorials of Joseph Ceracchi, made a report; which was twice read, and agreed to by the House, as follows:

"It appears to your committee, that Mr. Ceracchi is an artist of great reputation in Europe, a gentleman of respectable character, and has been actuated by the most honorable motives in offering to dedicate his genius and labors in the service to the United States. It appears, however, to your committee, that, at the present time, it might not be expedient to go into the expenses which

the monument voted by Congress on the 7th day of August, 1783, would require, especially with the additional ornaments proposed by the artist."

The House proceeded to consider the report of the managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses." Whereupon, the second amendment to the second section, for striking out the words following:

"And be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made," being read, and the question put that this House do adhere to the said amendment, it was resolved in the affirmative—yeas 30, nays 17, as follows:

Y^{EA}S.—John Baptist Ashe, Abraham Baldwin, John Brown, Abraham Clark, William Findley, William B. Giles, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Joshua Seney, Israel Smith, Thomas Sumpter, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

N^{AY}S.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Sherrishub Bourne, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Jas. Hillhouse, Amasa Learned, William Vans Murray, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, Peter Sylvester, and Artemas Ward.

Resolved, That this House doth adhere to their disagreement to the amendment of the Senate to the fourth section proposed to be added to the said bill, and doth recede from all the other amendments disagreed to by the Senate.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act for making compensations to the Commissioners of Loans for extraordinary expenses;" and also the bill entitled "An act supplementary to the act making provision for the Debt of the United States."

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act regulating foreign coins, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The said bill was then amended; and, together with the amendments, ordered to be now read the third time.

The said bill, with the amendments, was accordingly read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill making certain appropriations therein specified; and, after some time spent therein, the Chairman reported that

the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate agree to the amendments proposed by this House to the bill sent from the Senate entitled "An act making alterations in the Treasury and War Departments," with an amendment, to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being twice read, was agreed to.

TUESDAY, May 8.

An engrossed bill making certain appropriations therein specified, was read the third time, and passed.

A message from the Senate informed the House, that the Senate recede from their disagreement to the amendment to which this House hath adhered, to the bill sent from the Senate, entitled "An act for regulating processes in the Courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses."

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to compensate the services of the late Colonel George Gibson;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his Report on the petition of Simon W. Wilson; which was read, and ordered to lie on the table.

Mr. GROVE, from the committee to whom was referred the petition of Henry Emanuel Lutterloh, made a report; which was read, and ordered to lie on the table.

Mr. WILLIAMSON, from the committee to whom was referred the petition of sundry inhabitants of the State of North Carolina, made a report; which was read and agreed to by the House, as follows:

"The committee to whom was referred the petition of sundry inhabitants of the State of North Carolina, praying that Congress would authorize the Legislature of that State to impose a duty of tonnage, for deepening the channel across the Swash and Bar in Pamlico Sound and Croatan, report:

"That the Legislatures of the States of Rhode Island, Maryland, and Georgia, have severally passed laws for removing obstructions or deepening rivers or harbors, to which laws the United States in Congress have given their assent: wherefore, the committee are of the opinion, that when the Legislature of the State of North Carolina shall have passed a law imposing a duty of tonnage for the improvement of their navigation, it may be proper for Congress to consider whether such law shall have the proposed operation."

On a motion made and seconded.

Resolved, That the Secretary of the Treasury report to this House, as early in the next session as may be practicable, the number and capacity of the stills in the respective districts and States, the net product of revenue of the respective districts and States, particularizing the drawbacks, and distinguishing foreign from American materials, and the product paid by the gallon, month, or year; also, the number of officers and the amount of their salaries.

On motion,

Resolved, That the Secretary of the Treasury cause to be provided for the use of the several Collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh from salt water, and of constructing ex tempore stills, of such implements as are generally on board every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

The House resolved itself into a Committee of the Whole House, on the bill respecting the government of the Territories of the United States, Northwest and South of the river Ohio; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, together with the amendment, be engrossed, and read the third time to-day.

Mr. FITZSIMONS, from the committee appointed

to inquire into the causes of the failure of the late expedition under Major General St. Clair, made a report; which was read. Whereupon,

Resolved, That this House will, early in the next session, proceed to take the said report into consideration.

An engrossed bill respecting the government of the Territories of the United States Northwest and South of the river Ohio was read the third time, and passed.

A message from the Senate informed the House, that the Senate agree to the resolution of this House, directing printed clearances of a particular form, to be furnished to the several Collectors in the United States. They have passed the bill, entitled "An act making certain appropriations therein specified," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and the same being twice read, was agreed to.

Ordered, That the Clerk of this House do procure such of the statutes of the several States as may not be in his office; and that the expense thereof be defrayed out of the money that is, or may by law be appropriated to defray the contingent expenses of this House.

A message was received from the Senate, notifying the House that the Senate, having completed the Legislative business before them, are now about to adjourn. Whereupon,

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn until the first Monday in November next, and that the Clerk of this House do go with the said message.

The Clerk accordingly went with the said message; and, being returned,

The SPEAKER adjourned the House, to meet on the first Monday in November next.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, NOVEMBER 5, 1792.

MONDAY, November 5, 1792.

This being the day fixed by law for the annual meeting of the second session of the second Congress, the following Senators appeared, and took their seats:

JOHN LANGDON and PAINE WINGATE, from New Hampshire;

CALEB STRONG and GEORGE CABOT, from Massachusetts;

THEODORE FOSTER, from Rhode Island;

OLIVER ELLSWORTH and ROGER SHERMAN, from Connecticut;

STEPHEN R. BRADLEY and MOSES ROBINSON, from Vermont;

RUFUS KING, from New York;

PHILEMON DICKINSON and JOHN RUTHERFORD, from New Jersey;

GEORGE READ, from Delaware;

JAMES MONROE, from Virginia;

JOHN BROWN and JOHN EDWARDS, from Kentucky;

BENJAMIN HAWKINS, from North Carolina;

PIERCE BUTLER and RALPH IZARD, from South Carolina; and

WILLIAM FEY, from Georgia.

In the absence of the VICE PRESIDENT, and also of RICHARD HENRY LEE, elected President *pro tempore* at a former session, the Senate proceeded to the choice of a President *pro tempore*, as the Constitution provides, and JOHN LANGDON was duly elected.

JOHN BROWN and JOHN EDWARDS, from the State of Kentucky, respectively, produced their credentials; and the oath required by law was, by the PRESIDENT *pro tempore*, administered to them.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed on business.

A message from the House of Representatives informed the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business.

A second message informed the Senate that the House of Representatives have resolved that a committee be appointed, jointly with such committee as the Senate shall appoint, to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications he may

please to make to them; in which resolution they desire the concurrence of the Senate.

Resolved, That the Senate concur in the appointment of a joint committee to wait on the PRESIDENT OF THE UNITED STATES, agreeably to the resolution of the House of Representatives, and that Messrs. IZARD and STRONG be the committee on the part of the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have resolved that two Chaplains, of different denominations, be appointed to Congress, for the present session, one by each House, who shall interchange weekly; in which they desire the concurrence of the Senate.

The Senate proceeded to consider the said resolution; and

Resolved, That they do concur therein, and that the Right Rev. Bishop WHITE be the Chaplain on the part of the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have proceeded to the election of a Chaplain to Congress for the present session, and have appointed the Rev. Doctor GREEN on their part.

Mr. IZARD, from the joint committee appointed to wait on the PRESIDENT OF THE UNITED STATES, agreeably to the resolution of the two Houses of this day, reported,

That they had executed the business, and that the PRESIDENT OF THE UNITED STATES proposed to meet the two Houses of Congress in the Senate Chamber to-morrow at 11 o'clock.

TUESDAY, November 6.

ROBERT MORRIS, from the State of Pennsylvania, attended, and took his seat.

Ordered, That the Secretary acquaint the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to receive any communications the PRESIDENT OF THE UNITED STATES may be pleased to make to the two Houses of Congress, and that the usual seats will be assigned to them.

The House of Representatives having accordingly taken their seats, the PRESIDENT OF THE UNITED STATES came into the Senate Chamber, and addressed both Houses of Congress, as follows:

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Fellow-citizens of the Senate, and of the House of Representatives:

It is some statement of the satisfaction with which I meet you on the present occasion, that, in felicitating you on a continuance of the national prosperity, generally, I am not able to add to it information that the Indian hostilities, which have, for some time past, distressed our northwestern frontier, have terminated.

You will, I am persuaded, learn with no less concern than I communicate it, that reiterated endeavors, towards effecting a pacification, have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquility to the frontier; to stop the further effusion of blood; to arrest the progress of expense; to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes: in making which efforts, I consulted less my own anticipations of the event, or the struggles which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain unequivocally that such is the case.

A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success, thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despised, is not promised by any thing that has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction commonly respected even among savages has been found, in this instance, insufficient to protect from massacre the emissaries of peace: it will, I presume, be duly considered whether the occasion does not call for an exercise of liberality towards the families of the deceased.

It must add to your concern to be informed, that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chickamagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe, in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed. It is not understood that any breach of treaty, or aggression whatsoever, on the part of the United States, or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practicable exertion has been made (pursuant to the provision by law for that purpose) to be prepared for the alternative of a prosecution of the war, in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete. And pains have been taken

to discipline and put them in condition for the particular kind of service to be performed. A delay of operations (besides being dictated by the measures which were pursuing towards a pacific termination of the war) has been in itself deemed preferable to immature efforts. A statement, from the proper Department, with regard to the number of troops raised, and some other particulars which have been suggested, will afford more precise information, as a guide to the Legislative consultations; and, among other things, will enable Congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive, that the product of the revenues for the present year is likely to supercede the necessity of additional burdens on the community for the service of the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I cannot dismiss the subject of Indian affairs without again recommending to your consideration the expediency of more adequate provision for giving energy to the laws throughout our interior frontier, and for restraining the commission of outrages upon the Indians; without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them, upon a scale equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interest with ours, could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case were it not for the impediments which, in some places, continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening, in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and, under this impression, have issued a Proclamation, warning against all unlawful combinations and proceedings, having for their object or tending to obstruct the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured that nothing within constitutional and legal limits, which may depend upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other Departments of the Government, and upon the zealous support of all good citizens.

I cannot forbear to bring again into the view of the Legislature the subject of a revision of the Judiciary system. A representation from the Judges of the Supreme Court, which will be laid before you, points out some of the inconveniences that are experienced. In

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[SENATE.]

Gentlemen of the House of Representatives:

I entertain a strong hope that the state of our national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the Public Debt, according to the right which has been reserved to the Government; no measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; in fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such extraordinary services as may require provision, will demand, and I doubt not will engage, your early attention.

Gentlemen of the Senate, and of the House of Representatives:

I content myself with recalling your attention, generally, to such objects, not particularized in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular attention.

The results of your common deliberations hitherto, will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of Government upon which, under Divine Providence, materially depend their union, their safety, and their happiness.

Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency, than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

G. WASHINGTON.

UNITED STATES, November 6, 1792.

The PRESIDENT OF THE UNITED STATES having retired, and the two Houses being separated,

Ordered, That Messrs. STRONG, KING, and RUTHERFORD, be a committee to prepare and report the draft of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech this day, to both Houses of Congress convened in the Senate Chamber.

Ordered, That the Speech of the PRESIDENT OF THE UNITED STATES, delivered this day, be printed for the use of the Senate.

The petition of a number of the merchants of the city of Charleston was presented and read, praying that a law may be passed, restraining and altering the proceedings, and reducing the fees of the Court of Admiralty.

Ordered, That this petition lie on the table.

Ordered, That the Secretary furnish the members of the Senate, from such printers as they may respectively direct, each, three newspapers, to be left from time to time, during the session, at their several places of abode.

[SENATE.]

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[NOVEMBER, 1792.]

WEDNESDAY, November 7.

The President laid before the Senate a Letter from the Treasurer of the United States, with his accounts made up to the 30th of September, 1792; which were read.

Ordered, That they lie on the table.
The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

In pursuance of the law, I now lay before you a statement of the administration of the funds appropriated to certain foreign purposes, together with a Letter from the Secretary of State, explaining the same.

I also lay before you a copy of a Letter and representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties, according to the present Judiciary system.

A copy of a Letter from the Judges attending the Circuit Court of the United States for the North Carolina district, in June last, containing their observations on an act passed during the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions;" and

A copy of the Constitution formed for the State of Kentucky.

G. WASHINGTON.

UNITED STATES, November 7, 1792.

The Message and papers therein referred to were read.

Ordered, That they lie for consideration.
Mr. Strong, from the committee appointed for that purpose, reported an Address to the President of the United States, in answer to his Speech to both Houses of Congress; which was read.

Ordered, That to-morrow be assigned to take this report into consideration.

The President laid before the Senate a Letter from the Secretary for the Department of War, on the subject of Indian affairs, with sundry papers therein mentioned.

The Letter was read, and the papers were in part read; and, after progress, the further reading thereof was postponed.

THURSDAY, November 8.

JOHN HENRY, from the State of Maryland, attended, and took his seat.

The President laid before the Senate a Letter from the Secretary of War, communicating the information of a Treaty of Peace having been recently concluded by General Putnam between the United States and certain tribes of Western Indians, together with sundry papers; which were read.

Ordered, That they lie on the table.

Agreeably to the order of the day, the Senate took into consideration the Address reported by the committee to the President of the United States, in answer to his Speech to both Houses of Congress; which, being recommitted and amendments reported, was agreed to, as amended.

Ordered.

That the same committee wait on the President of the United States, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

Mr. Strong, from the above-mentioned committee, reported that the President of the United States proposed to receive the Address of the Senate at 11 o'clock to-morrow.

The reading of the papers communicated on the 7th of November, from the Secretary of War, was resumed, and, after progress, postponed.

FRIDAY, November 9.

The Senate waited on the President of the United States at his own house, and the President *pro tempore*, in their name, communicated him the Address agreed to on the 8th instant, which is as follows:

To the President of the United States:

Accept, sir, our grateful acknowledgments for your Address at the opening of the present session. We participate with you in the satisfaction arising from the continuance of the general prosperity of the nation, but it is not without the most sincere concern that we are informed that the reiterated efforts which have been made to establish peace with the hostile Indians, have hitherto failed to accomplish that desired object. Hoping that the measures still depending may prove more successful than those which have preceded them, we shall nevertheless concur in every necessary preparation for the alternative; and, should the Indians on either side of the Ohio persist in their hostilities, fidelity to the Union, as well as affection to our fellow-citizens on the frontiers, will insure our decided co-operation in every measure which shall be deemed requisite for their protection and safety.

At the same time that we avow the obligation of the Government to afford its protection to every part of the Union, we cannot refrain from expressing our regret that even a small portion of our fellow-citizens in any quarter of it should have combined to oppose the operation of the law for the collection of duties on spirits distilled within the United States; a law repeatedly sanctioned by the authority of the nation, and, at this juncture, materially connected with the safety and protection of those who oppose it. Should the means already adopted fail in securing obedience to this law, such further measures as may be thought necessary to carry the same into complete operation cannot fail to receive the approbation of the Legislature, and the support of every patriotic citizen.

It yields us particular pleasure to learn, that the productiveness of the revenue of the present year will probably supercede the necessity of any additional tax for the service of the next.

The organization of the government of the State of Kentucky being an event peculiarly interesting to a part of our fellow-citizens, and conducive to the general order, affords us particular satisfaction.

We are happy to learn that the high state of our credit abroad has been evinced by the terms on which the new loans have been negotiated.

In the course of the session we shall proceed to take into consideration the several objects which you have been pleased to recommend to our attention; and, keep-

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ing in view the importance of union and stability in the public councils, we shall labor to render our decisions conducive to the safety and happiness of our country.

We repeat with pleasure our assurances of confidence in your Administration, and our ardent wish that your unabated zeal for the public good may be rewarded by the durable prosperity of the nation, and every ingredient of personal happiness.

JOHN LANGDON,

President pro tempore.

To this Address, the President of the UNITED STATES was pleased to make the following reply:

I derive much pleasure, gentlemen, from your very satisfactory Address. The renewed assurances of your confidence in my Administration, and the expression of your wish for my personal happiness, claim and receive my particular acknowledgments. In my future endeavor for the public welfare, to which my duty may call me, I shall not cease to count upon the firm, enlightened, and patriotic support of the Senate.

G. WASHINGTON.

The Senate returned to their Chamber.

The Senate proceeded to class the Senators from the State of Kentucky, as the Constitution requires, when numbers two and three being by the Secretary, rolled up and put into the ballot-box, Mr. Brown drew number two, and is accordingly of the class whose seats will be vacated in 1791. Mr. Edwards drew number three, and is accordingly of the class whose seats in Senate will be vacated at the expiration of four years from March, 1791.

Ordered, That Messrs. RUTHERFORD, SHERMAN, and WINGATE, be a committee to report a bill, authorizing the settlement of the demands of Anthony Walton White against the United States.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I now lay before you a Letter from the Secretary of State, covering the copy of one from the Governor of Virginia, with the several papers therein referred to, on the subject of the boundary between that State and the Territory of the United States south of the Ohio. It will remain with the Legislature to take such measures as it shall think best, for settling the said boundary with that State, and, at the same time, if it thinks proper, for extending the settlement to the State of Kentucky, between which and the same Territory the boundary is as yet undetermined.

G. WASHINGTON.

UNITED STATES, November 9, 1792.

The Message and papers were read, and ordered to lie on the table.

The petition of Richard O'Brien and others, American citizens, prisoners at Algiers, was read, praying that measures may be taken for their present support, and for their relief from long captivity.

Ordered, That it be referred to the Secretary of State, to report thereon to the Senate.

The petition of Arthur Hughes, for compensation for services and supplies during the late war, was presented and read.

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.
The reading of the papers, communicated by the Secretary of War, of the 7th instant, on Indian affairs, was continued, and, after progress, postponed.

MONDAY, November 12.

SAMUEL JOHNSTON, from the State of North Carolina, and JOSEPH STANTON, from the State of Rhode Island, attended.

The memorial of James Warrington, the true and lawful attorney of Joseph Blackford, surviving co-partner of Michael John Harris, deceased, who, with the said Joseph, carried on business, as merchants, under the firm of Harris and Blackford, in Charleston, in the State of South Carolina, and who supplied Joseph Banks, during the late war, a contractor to the Southern army, with goods to a large amount, was read, praying the interposition of Congress in respect to a demand on the said Joseph Banks, for reasons stated in the said memorial.

Ordered, That it lie on the table.

The memorial of Gaetano Brago di Domenico was read, on the subject of appointing a Consul to the Republic of Genoa.

Ordered, That it lie on the table.

Ordered, That Messrs. CABOT, HENRY, and MORRIS, be a committee to report a bill regulating Foreign Coins, and for other purposes.

The reading of the papers communicated from the Secretary of War the 7th instant, respecting Indian affairs, was continued; and, after progress, the Senate adjourned.

TUESDAY, November 13.

The petition of Mary Kent, for the renewal of a loan-office certificate, destroyed by accident, was presented and read.

Ordered, That it be referred to the Secretary of the Treasury, to report thereon to the Senate.

The reading of the papers, communicated from the Secretary of War on the 7th instant, respecting Indian affairs, was continued; and, after progress, postponed.

Mr. CABOT, from the committee appointed for that purpose, reported a bill, regulating Foreign Coins, and for other purposes; which was read the first time, and ordered to pass to a second reading.

WEDNESDAY, November 14.

The petition of William Dunbar, executor of the last will and testament of George Galphin, deceased, late a Commissioner of Indian affairs, was presented and read, praying, in behalf of the children of the said George Galphin, that the compensation allowed to the other commissioners of Indian affairs may be extended to them, the legal representatives of their late father.

On motion that this petition be referred to a committee, it passed in the negative.

The Senate continued the reading of the papers, communicated from the Secretary of War, on Indian affairs; and, after progress, adjourned.

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THURSDAY, November 15.
The papers communicated the 7th instant, from the Secretary of War, respecting Indian affairs, were read, and ordered to lie on the table.
The bill regulating Foreign Coins, and for other purposes, was read the second time, and ordered to pass to the third reading.

The President laid before the Senate a Letter from the Secretary of War, together with copies of sundry papers transmitted by James Seagrove, Superintendent and Commissioner of Indian affairs, respecting the peaceable disposition of the Creek nation; which were read.
Ordered, That they lie on the table.

FRIDAY, November 16.

AARON BURR, from the State of New York, attended, and took his seat.
The President laid before the Senate a Letter from Messrs. Herbert & Co., dated Paris, January 26, 1792, respecting the purchase of a tract of land of the United States; which was read.
Ordered, That the Secretary carry this Letter to the House of Representatives.

The bill regulating Foreign Coins, and for other purposes, was read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act regulating Foreign Coins, and for other purposes."

Ordered, That the consideration of the report of a committee, made April the 5th, 1792, on the subject of Weights and Measures, be the order of the day for Monday next.

MONDAY, November 19.

The President laid before the Senate a Letter signed Thomas Jefferson, in behalf of the Trustees of the Sinking Fund, who were appointed pursuant to an act, entitled "An act making provision for the reduction of the Public Debt," enclosing their accounts, and stating that, from the 25th of October, 1791, there have been purchased, of various denominations of the Public Debt, to the amount of \$364,093 13 cents; and that, since the commencement of the business, \$1,495,457 89 cents of said debt have been purchased; for which the sum of \$967,821 65 cents in specie, have been paid; which Letter and papers therein referred to, were read, and ordered to lie on the table.

An Address from the people called Quakers, in behalf of the religious societies of that denomination in the States of Pennsylvania, New Jersey, Delaware, and part of Maryland and Virginia, was presented and read, suggesting the expediency of adopting further measures to conciliate the minds, and to effect a peace with the hostile tribes of Indians.

Ordered. That it lie on the table.

TUESDAY, November 20.

Agreeably to the order of the day, the Senate proceeded to consider the report of the committee made April the 5th, 1792, on the subject of Weights and Measures; and, after debate,

Ordered, That the further consideration thereof be postponed to the first Monday in December next.

The petition of Thomas Screven, one of the qualified acting executors of the last will and testament of James Screven, Brigadier General in the State of Georgia, deceased, was presented and read, praying for the renewal of certain certificates of Public Debt, said to be burnt or otherwise destroyed by the enemy during the late war.

Ordered, That this petition lie on the table.

The petition of Ellisha Bennett, a seaman on board the Continental frigate the Trumbull, was presented and read, praying to be allowed the arrearage of his wages, the payment of which hath been hitherto impeded by accident.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

WEDNESDAY, November 21.

Ordered, That Messrs. ELLSWORTH, STRONG, MONROE, JOHNSTON, and KING, by a committee to take the Judiciary system into consideration, and report thereon to the Senate.

The petition of Barent I. Staats was presented and read, praying compensation for services rendered the United States during the late war, which is stated to have been delayed by reason of a mistake in the officer appointed to liquidate the public accounts.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The petitions of Asa Day, and of William Perkins, by his attorney Josiah Rogers, were severally read, praying to be allowed the arrearages of their wages, due for military services during the late war.

Ordered, That these petitions be severally referred to the Secretary of War, to report thereon to the Senate.

THURSDAY, November 22.

Ordered, That Messrs. JOHNSTON, CABOT, and READ, be a committee to consider the expediency of a law respecting fugitives from justice, and persons escaping from the service of their masters, and, if they think proper, to report a bill.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I send you herewith the abstract of a supplementary arrangement which has been made by me, pursuant to the acts of the 3d day of March, 1791, and the 8th day of May, 1792, for raising a revenue upon foreign and domestic distilled spirits; in respect to the subdivisions and officers which have appeared to me necessary, and to the allowances for their respective services to the supervisors, inspectors, and other officers of inspection; together with estimates of the amount of compensations and charges.

G. WASHINGTON.

UNITED STATES, November 22, 1792.

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Ordered, That this Message, and the papers therein referred to, lie for consideration.

FRIDAY, November 23.

RICHARD BASSETT, from the State of Delaware, attended, and took his seat.

The committees not having perfected their reports, the Senate adjourned.

MONDAY, November 26.

The petition of James Mathers, Doorkeeper to the Senate, was presented and read, praying that he may be "authorized, at public expense, to employ a person to make fires, carry wood, &c."

Ordered, That the petition lie on the table.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act concerning the registering and recording of ships or vessels," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

TUESDAY, November 27.

No business was done to-day.

WEDNESDAY, November 28.

Ordered, That the Secretary be directed to purchase a map of the United States, and maps of the respective States, for the use of the Senate.

Ordered, That Messrs. BRADLEY, BUTLER, and SHERMAN, be a committee to consider the petition of James Mathers, Doorkeeper to the Senate, and report thereon.

THURSDAY, November 29.

The President laid before the Senate a Letter from Samuel Meredith, Treasurer of the United States, of the 28th instant, enclosing his specie account to the 30th of September last; which Letter and papers were read.

Ordered, That they lie on the table.

Ordered, That the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," be the order of the day for Monday next.

FRIDAY, November 30.

The Senate assembled, and adjourned to Monday next at 11 o'clock.

MONDAY, December 3.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels."

Ordered, That it be referred to Messrs. BUTLER, CABOT, MONROE, MONROE, and KING, to consider and report thereon.

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The Senate took up the report of the committee, made April 5th, 1792, on the subject of Weights and Measures; and, after debate, ordered, that the further consideration thereof be postponed until Thursday next.

The petition of a number of persons, of the State of South Carolina, praying that Congress would take into consideration the expediency of passing a Bankrupt law, was read.

Ordered, That this petition lie on the table.

TUESDAY, December 4.

No business done to-day.

WEDNESDAY, December 5.

The VICE PRESIDENT of the United States attended.

Mr. BRADLEY gave notice that, on Friday next, he should move for leave to bring in a bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

THURSDAY, December 6.

Agreeably to the order of the day, the Senate proceeded to the consideration of the report of the committee, made April 5th, 1792, on the subject of Weights and Measures.

On motion, that the report under consideration be recommitted, and that the committee be requested to report a bill for rendering the Weights and Measures of the United States uniform and invariable, retaining in general the Weights and Measures now in use,

It was agreed, that the further consideration of the report, together with the motion made thereon, be postponed until Monday se'nnight.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The several measures, which have been pursued to induce the hostile Indian tribes north of the Ohio to enter into a conference or treaty with the United States, at which all causes of difference might be fully understood, and justly and amicably arranged, have already been submitted to both Houses of Congress.

The papers herewith sent will inform you of the result.

G. WASHINGTON.

UNITED STATES, December 6, 1792.

The Message and papers were read, and ordered to lie on the table.

FRIDAY, December 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you two Letters, with their enclosures from the Governor of the Southwestern territory, and an extract of a letter to him from the Department of War.

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These, and a Letter of the 9th of October last, which has been already communicated to you, from the same Department to the Governor, will show in what manner the first session of the act of the last session, which provides for calling out the Militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress whether, in the present situation of the United States, it be advisable or not to pursue any further or other measures than those which have been already adopted. The nature of the subject does, of itself, call for your immediate attention to it; and I must add, that, upon the result of your deliberations, the future conduct of the Executive will on this occasion materially depend.

G. WASHINGTON.

UNITED STATES, December 7, 1792.

The Message and papers were read, and ordered to lie on the table.

Agreeably to the notification of the 5th instant, Mr. BRADLEY obtained leave to bring in "a bill in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States,'" and the bill was read the first time, and ordered to pass to the second reading.

MONDAY, December 10.

The Senate proceeded to the second reading of the bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," and, after debate,

Ordered, That this bill be referred to Messrs. BRADLEY, STRONG, KING, ELLSWORTH, and BROWN, to consider generally, and report thereon.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, on the subject of Indian affairs, with sundry papers enclosed; which were read, and ordered to lie on the table.

TUESDAY, December 11.

Mr. BUTLER, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," reported amendments.

The Senate resumed the second reading of the last mentioned bill; and, on motion, to expunge the following proviso in the first section of the bill, to wit:

"Provided, That they shall not continue to enjoy the same longer than they shall continue to be wholly owned, and to be commanded, by a citizen or citizens of the said States."

It passed in the negative—yeas 5, nays 19, as follows:

YEAS.—Messrs. BROWN, Butler, Edwards, Few, and Izard.
NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, King, Langdon, Monroe, Morris, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

And, after agreeing to sundry amendments, as reported by the committee,

Ordered, That this bill pass to the third reading.

WEDNESDAY, December 12.

JOHN TAYLOR, appointed by the Legislature of the State of Virginia, in the place of RICHARD H. LEE, resigned, produced his credentials and took his seat in the Senate. He also produced the credentials of his appointment to a seat in the Senate for six years from the 4th of March, 1793; which were severally read, and the oath was, by the VICE PRESIDENT, administered to Mr. TAYLOR, as the law provides.

According to the order of the day, the Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act concerning the registering and recording of ships or vessels," and, after agreeing to further amendments,

Resolved, That this bill pass as amended.

THURSDAY, December 13.

Mr. BRADLEY, from the committee appointed to take into consideration the bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," reported amendments, which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to a third reading.

FRIDAY, December 14.

Mr. BRADLEY reported from the committee to whom was referred the petition of James Mathers, and the report was adopted. Whereupon,

Ordered, That James Mathers be authorized to employ a person for the purpose mentioned in his petition, and that the person thus employed be allowed, under the direction of the Secretary of the Senate, a sum not exceeding fifty cents per day during the session of the Senate, to be paid out of the money appropriated for the contingent expenses of the two Houses of Congress.

The bill in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States," was read the third time.

Resolved, That this bill pass; that the title thereof be "An act in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States,'" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

MONDAY, December 17.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee, made April the 5th, 1792, on the subject of Weights and Measures, together with the motion made thereon the 6th instant.

A motion was made to postpone the consideration thereof, and to

Resolve, That the present measures of length be retained and fixed by an invariable standard; that the measures of surface remain as they are, and be invariable.

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ble also as the measures of length to which they are to refer; that the unit of capacity, now so equivocal, be settled at a medium and convenient term, and defined by the same invariable measures of length, that the more known terms in the two kinds of weights be retained, and reduced to one series, and that they be referred to a definite mass of some substance, the specific gravity of which never changes; and that a committee be appointed to bring in a bill accordingly."

And, after debate, it was

Ordered, That the consideration of this motion be deferred until to-morrow.

A message from the House of Representatives informed the Senate that the House agree to the amendments of the Senate to the bill, entitled "An act concerning the registering and recording of ships or vessels," except to their amendment to the seventeenth section, to which they disagree.

The Senate proceeded to the consideration of the resolution of the House of Representatives disagreeing to the amendment of the Senate to the seventeenth section of the bill last mentioned; and *Resolved*, That the Senate recede from their amendment to the said seventeenth section.

TUESDAY, December 18.

Agreeably to the order of the day, the Senate resumed the consideration of the motion made yesterday, to postpone the consideration of the report of the committee, made the 5th of April last, on the subject of Weights and Measures, with the motion of the 6th of December instant, made thereon; and agreed to amend the motion for postponement made yesterday, by striking out these words: "And that a committee be appointed to bring in a bill accordingly."

It was agreed to postpone the motion made yesterday for postponement, and to take up the following motion:

1st. That the units of the Measures and Weights of the United States shall be equal to certain Measures and Weights now in use.

2d. That the standard for the Measures and Weights of the United States be an uniform cylindrical rod of metal, of such length as in the latitude of forty-five degrees, in the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations in small and equal arcs in one second of time, and which standard rod shall be divided into four hundred and eighty-nine equal parts.

3d. That the unit of Measures of length shall be a rod, which shall be equal in length to one hundred parts of the aforesaid standard rod.

That sixty-six feet shall be a chain, and eighty chains a mile.

4th. That Measures of surface be made by squares of the measures of length; but in the case of land the unit shall be an acre, which shall contain forty-three thousand five hundred and sixty square feet, or shall be ten chains in length and one in breadth.

5th. That the unit of the Measures of capacity shall be a bushel, which shall be one foot square, and one foot and twenty-five cents of a foot deep, and shall contain one cubic foot and a quarter.

6th. That the unit of Weights shall be a pound, which shall be equal to the pound Avoirdupois, now in use, and shall be equal in weight to a quantity of rain water.

twenty cents of a foot square, and forty cents deep, or sixteen thousand cubic cents of a foot, measured and weighed in a cellar of uniform natural temperature.

7th. That the units of the Measures and Weights of the United States shall be divided into cents or hundredth parts, and where necessary into mills or thousandth parts, and in the case of Weights the mill shall be divided into seven grains, equal to seven grains Troy.

Ordered, That the motion for postponement made yesterday, as amended, together with the motion last made, be referred to Messrs. RUTHERFORD, MONROE, IZARD, ELLSWORTH, and LANGDON, to consider and report thereon.

WEDNESDAY, December 19.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, enclosing copies of letters from General Wilkinson, Major Adair, and others, on Indian affairs, which were read.

Ordered, That they lie on the table.

The petition of James Wilson and others, in behalf of the Illinois and Ouabache Land Company, praying to be heard by counsel on the report of a committee made to the Senate the 11th of April, 1792, on a former petition, was presented and read.

Ordered, That the consideration of this petition be the order of the day for Monday the 31st instant.

THURSDAY, December 20.

Mr. JOHNSTON, from the committee appointed for that purpose, reported a bill respecting fugitives from justice, and persons escaping from the service of their masters; which was read the first time, and ordered to pass to the second reading.

FRIDAY, December 21.

The Senate proceeded to the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a joint committee on their part for enrolled bills, and desire the appointment of a joint committee for that purpose on the part of the Senate.

The Senate took into consideration the message above-mentioned; and ordered that Mr. BROWN be of the committee on their part, for the purposes expressed therein.

MONDAY, December 24.

Agreeably to the order of the day, the Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after debate,

Ordered, That the further consideration thereof be postponed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, enclosing the copy of a Letter from the Governor of Georgia

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together with a deposition respecting some recent and cruel murders of a number of the citizens of that State by the Cherokee Indians; which were read, and ordered to lie on the table.

WEDNESDAY, December 26.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after debate,

Ordered, That the consideration thereof be further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same;" in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

THURSDAY, December 27.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and

Ordered, That the further consideration thereof be postponed.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters;" and, after debate,

A motion was made and seconded, to postpone the further consideration thereof to the next session of Congress.

FRIDAY, December 28.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters; and the motion yesterday made thereon, to wit: "That the further consideration of the bill be postponed to the next session of Congress;" was passed in the negative.

Ordered, That the bill be recommitted, and that Messrs. TAYLOR and SHERMAN be added to the committee, who are instructed to consider the subject generally, and report thereon.

MONDAY, December 31.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and

Ordered, That it be referred to Messrs. CABOT, MORRIS, BRADLEY, LANGDON, and MONROE, to consider generally, and report thereon.

The Vice President laid before the Senate a

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the coinage of copper," was read the first time, and ordered to pass to the second reading.

The bill entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the first time, and ordered to pass to the second reading.

THURSDAY, January 3.

The bill sent from the House of Representatives for concurrence entitled "An act to amend an act entitled 'An act establishing a Mint, and regulating the coins of the United States,' so far as respects the coinage of copper," was read the second time.

Ordered, That this bill be referred to Messrs. MORRIS, CABOT, and JOHNSTON, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the second time.

Ordered, That this bill be referred to Messrs. STRONG, SHERMAN, and KING, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," was read the second time.

The petition of the said Lewis Garanger, and sundry papers thereto referring, were read.

Ordered, That the petition of the said Lewis Garanger be referred to the Secretary of War, to report thereon to the Senate.

Ordered, That the bill last mentioned pass to the third reading.

Mr. JOHNSTON, from the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters, reported amendments; which were read.

Ordered, That the report be printed for the use of the Senate.

Mr. ELLSWORTH, from the committee appointed to take the Judiciary system into consideration, reported a bill on that subject; which was read the first time, and ordered to pass to the second reading.

A motion was made and seconded that the Senate adopt the following resolutions, to wit:

"Resolved, That the Senate of the United States are individually responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof.

"Resolved, That the Journals are too voluminous and expensive to circulate generally; and, if it were otherwise, that the information they contain, as to the principles, motives, and designs of individual members, is inadequate.

"Resolved, That this information, defective as it is, becomes more nugatory and delusive, in proportion as the occasion for it increases, since the Senate make their own Journals.

"Resolved, That the conducting of the Legislative and Judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct of individual members; and that, by withholding this information, responsibility becomes unavailing, the influence of their constituents over one branch of the Legislature, in a great measure, annihilated, and the best security which experience has devised against the abuse of power and a mal-administration abandoned.

"Resolved, therefore, That it be a standing rule that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a Legislative and Judicial capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

"Resolved, That the Secretary of the Senate request the Commissioners of the city and county of Philadelphia to cause a proper gallery to be erected for the accommodation of an audience.

On motion that the resolves now proposed be printed for the use of the Senate, it passed in the negative.

Ordered, That they lie on the table, and that the consideration thereof be the order of the day for the first Monday in February next.

FRIDAY, January 4.

The Senate resumed the second reading of the bill respecting fugitives from justice, and persons escaping from the service of their masters, and the report of the committee thereon; and, after debate, the consideration thereof was further postponed.

The Senate proceeded to the second reading of the bill in addition to the act entitled "An act to establish the Judicial Courts of the United States;" and, after debate,

Ordered, That the further consideration thereof be postponed until Monday next.

MONDAY, January 7.

On motion, at the request of D. L. Morel, Ordered, That he have leave to withdraw his memorial.

The Vice President laid before the Senate a Letter from the Secretary of War, containing confidential communications from the President of the UNITED STATES, respecting Indian Affairs; which were read.

Ordered, That they lie on the table.

The Senate resumed the second reading of the bill in addition to the act entitled "An act to establish the Judicial Courts of the United States;" which, having been amended,

Ordered, That it pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce;" in which they desire the concurrence of the Senate.

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The bill was read the first time, and ordered to pass to the second reading.
Ordered, That the report of the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters, be further postponed.

Mr. SHERMAN, from the committee to whom was referred the bill entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," reported the bill without amendment.
Ordered, That this bill pass to a third reading.

TUESDAY, January 8.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce," was read the second time.

The papers brought from the House of Representatives, respecting the persons mentioned in the said bill, were read.

Ordered, That this bill pass to the third reading. The bill in addition to the act entitled "An act to establish the Judicial Courts of the United States," was read the third time.

Read, That this bill pass; that it be engrossed; and that the title thereof be, "An act in addition to the act entitled, 'An act to establish the Judicial Courts of the United States,' in which they desire the concurrence of the Senate."

The consideration of the bill respecting fugitives from justice, and persons escaping from the service of their masters, was postponed to Monday next.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named," was read the third time.

Resolved, That this bill pass.

WEDNESDAY, January 9.

Ordered, That the bill sent from the House of Representatives for concurrence, entitled, "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," be referred to Messrs. KING, SHERMAN, and FOSTER, to consider generally, and report thereon.

Mr. MORRIS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to amend an act, entitled 'An act establishing a Mint, and regulating the coins of the United States, so far as respects the coinage of copper,'" reported the bill without amendment.

Ordered, That the rule be dispensed with, so far as that bill is now read the third time. It was agreed to amend the bill, and strike out "eight pennyweights and sixteen grains," and to insert, in place of those words, "two hundred and

eight grains;" to strike out the words "four pennyweights and eight," and insert, in place of those words, "one hundred and four."

Resolved, That this bill pass as amended. A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act making appropriations for the support of Government for the year 1793," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the first time, and ordered to pass to the second reading.

THURSDAY, January 10.

A message from the House informed the Senate, that the House of Representatives concur in their amendments to the bill, entitled "An act to amend an act, entitled 'An act establishing a Mint, and regulating the coins of the United States, so far as respects the coinage of copper.'"

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the second time.

Ordered, That it be referred to Messrs. IZARD, STRONG, and TAYLOR, to consider generally, and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to regulate the claims to Invalid Pensions;" in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

FRIDAY, January 11.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, STRONG, SHERMAN, HAWKINS, and KING, to consider generally, and report thereon.

MONDAY, January 14.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice, and persons escaping from the service of their masters; and, after progress, further postponed.

Ordered, That the consideration thereof be further postponed. The consideration of the memorial of James Wilson and others, on behalf of the Illinois and Ouabache Land Company, be further postponed.

TUESDAY, January 15.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from

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the service of their masters, and the amendments proposed; and, after debate,
Ordered, That the consideration thereof be further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted;" in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to pass to the second reading.

Mr. IZARD, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," reported amendments; which were read and agreed to.

On motion by Mr. BUTLER, seconded by Mr. BRADLEY,

Ordered, That the Secretary of the Treasury lay before the Senate the account of the United States with the Bank of the United States, specifying the precise sums, with the dates of the debits and credits, from the institution of the Bank to the day the return is made. That the Secretary of the Treasury also lay before the Senate an account of the surplus of revenue appropriated to the purchase of the Public Debt, to the same period, specifying the sums and dates. That he lay before the Senate a statement of the money borrowed by virtue of the law passed August 4, 1790, with the appropriation of the amount, and the precise dates. That he lay before the Senate the amount and application of the money borrowed by virtue of the law of August 12, 1790; and that he also lay before the Senate an account exhibiting the probable surplus and unappropriated revenue of the year 1792, stating, as far as possible, the dates and the sums.

WEDNESDAY, January 16.

The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence entitled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted;" and,

Ordered, That this bill pass to the third reading. The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and the amendments proposed; and, after progress, the Senate adjourned.

THURSDAY, January 17.

Ordered, That the bill sent from the House of Representatives for concurrence entitled "An act relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted," be referred to Messrs.

HAWKINS, KING, and STRONG, to consider generally, and report thereon.

The Senate resumed the consideration of the report of the committee on the bill respecting fugitives from justice and persons escaping from the service of their masters, and, having amended the report, it was adopted, and agreed that the bill be amended accordingly.

Ordered, That this bill pass to the third reading.

FRIDAY, January 18.

The VICE PRESIDENT laid before the Senate the Report of the Secretary of the Treasury, made conformably to the order of the 15th of January instant, with sundry papers enclosed; which were read.

Ordered, That they lie on the table.

A motion was made that it be

"*Ordered*, That the Secretary of the Treasury lay before the Senate an account of the Sinking Fund, stating the reasons which have contributed to its supply, from its institution to this time, and showing the present balance on hand; and it was agreed that this motion be postponed until Monday next."

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to continue in force, for a limited time, and to amend the act entitled 'An act providing the means of intercourse between the United States and foreign nations,'" a bill entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina," and a bill entitled "An act to regulate trade and intercourse with the Indian tribes," to which several bills they desire the concurrence of the Senate.

The three bills last mentioned were severally read the first time, and ordered that they severally pass to the second reading.

The bill respecting fugitives from justice and persons escaping from the service of their masters was read the third time; and, being further amended, on a motion to strike out "five hundred dollars," for the purpose of inserting a less sum, in section 4th, the penalty on "any person who shall knowingly and willingly obstruct or hinder such claimant, his agent, or attorney, in so seizing or arresting such fugitive from labor, or shall rescue such fugitive from such claimant, his agent, or attorney, when so arrested, pursuant to the authority herein given or declared, or shall harbor or conceal such person, after notice that he or she was a fugitive from labor as aforesaid," it passed in the negative.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act respecting fugitives from justice and persons escaping from the service of their masters."

Mr. ELLSWORTH, from the committee to whom was referred the bill entitled "An act to regulate the claims to invalid pensions," reported the bill, with amendments; which were read.

Ordered, That the consideration thereof be postponed.

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MONDAY, January 21.
The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War accompanying his report on the petition of Lewis Garanger; which were read; and,
Ordered, That the bill sent from the House of Representatives for concurrence entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," together with the report of the Secretary thereon, be referred to Messrs. SHERMAN, HAWKINS, and BROWN, to consider generally, and report.

Ordered, That the second reading of the bill sent from the House of Representatives for concurrence entitled "An act to continue in force, for a limited time, and to amend the act entitled 'An act providing the means of intercourse between the United States and foreign nations,'" be postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFORD, HAWKINS, and STRONG, to consider generally, and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, BURR, MONROE, BRADLEY, and STRONG, to consider and report thereon.

The motion made on the 18th instant, for an order to the Secretary of the Treasury, was, by consent of the Senate, withdrawn.

A motion was made and seconded, that it be

"Ordered, That the Secretary of the Treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys (loans included) up to the end of last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited. That he also lay before the Senate a copy of the powers under which he negotiated the loans made under the laws of the 4th and 12th of August, 1790, and the original communications from the Public Commissioners in Holland, stating the difficulties of making separate loans under the said acts, as mentioned in his letter of January, 1793."—It was

Ordered, That the Secretary of the Treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys (loans included) up to the end of the last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited, as far as the same can at present be done. That he particularly state the amount which has been drawn into the United States, of the moneys borrowed in Europe, under the acts of the 4th and 12th of August, 1790, the purposes for which drawn, how any part thereof hath been applied, with the balance now on hand, and where deposited.

Ordered, That this motion lie on the table.

A motion was made and seconded, that it be

"Ordered, That the Trustees of the Sinking Fund lay before the Senate an account of the funds under their direction, stating specially the reasons of their proceedings, the surpluses now on hand, and where deposited."

Ordered, That this motion lie on the table.

The Senate resumed the second reading of the bill sent from the House of Representatives for

concurrence, entitled "An act making appropriations for the support of Government for the year 1793;" and, after progress, the further consideration thereof was postponed.

Mr. MONROE notified the Senate, that he should, to-morrow, move for leave to bring in "A bill to explain and amend an act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miamis and Sciota.'"

TUESDAY, January 22.

The petitions of Theodosius Chartier, Jean Baptiste Laporte, and others, for compensation for military services during the late war, were severally read.

Ordered, That they be referred to the Secretary of War, to report thereon to the Senate.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793;" and, after progress, the consideration thereof was further postponed.

WEDNESDAY, January 23.

JAMES GUNN, from the State of Georgia, attended, and took his seat.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793."

It was agreed that the consideration of this bill be further postponed, for the purpose of taking into consideration the motion made on the 21st instant, for an order to the Secretary of the Treasury.

It was agreed to amend the first paragraph of the motion, and to subjoin these words: "as far as the same can at present be done." And the second paragraph of the motion being also, by consent of the Senate, withdrawn, to wit:

"That he also lay before the Senate a copy of the powers under which he negotiated the loans made under the laws of the 4th and 12th of August, 1790, and the original communications from the Public Commissioners in Holland, stating the difficulties of making separate loans under the said acts, as mentioned in his letter of January, 1793."—It was

Ordered, That the Secretary of the Treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys (loans included) up to the end of the last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited, as far as the same can at present be done. That he particularly state the amount which has been drawn into the United States, of the moneys borrowed in Europe, under the acts of the 4th and 12th of August, 1790, the purposes for which drawn, how any part thereof hath been applied, with the balance now on hand, and where deposited.

The consideration of the motion made on the

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21st instant, for an order to the Commissioners of the Sinking Fund, was resumed; and it was agreed to strike out of the order these words: "specially the reasons of their proceedings."

A motion was made and seconded, to subjoin the following words to the order: "together with the journal of their proceedings in the execution of their trust;" which passed in the negative.

On the question to agree to the order as amended, it passed in the negative.

Resolved, That the President of the United States be requested to lay before the Senate, copies of the powers given by him for the negotiation of the loans authorized by the laws of the 4th and 12th of August, 1790, and of the communications from the Public Commissioners in Holland.

THURSDAY, January 24.

The petition of Lachlan McIntosh, in behalf of himself and the officers and soldiers of the Georgia line of the Continental Army, for further compensation for military service during the late war, was presented and read.

Ordered, That it lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, stating "that an order, which passed the House of Representatives yesterday, renders it necessary that he should have recourse to the Treasurer's Bank books, and the accounts of the several offices of discount and deposit, that were lately transmitted to the Senate."

Ordered, That the Secretary of the Senate return the papers above mentioned to the Secretary of the Treasury.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was resumed; and, after debate, the consideration thereof was further postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was read the second time; and, after debate,

Ordered, That the further consideration of this bill be the order of the day for Thursday next. The Senate took into consideration the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions;" and the consideration thereof was further postponed.

FRIDAY, January 25.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his account of expenditures in the Department of War, to the 31st of December, 1792; which were read.

Ordered, That they lie on the table.

The memorial of Francis De Bretteville, for com-

pensation for military service during the late war, was presented and read.

Ordered, That it be referred to the Secretary of War, to examine and report thereon to the Senate.

Mr. MONROE obtained leave to bring in a bill, agreeably to his notification of the 21st instant.

MONDAY, January 26.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

Since my last communication to you, on the subject of the revenue on distilled spirits, it has been found necessary, on experience, to revise and amend the arrangements relative thereto, in regard to certain surveys, and the officers thereof, in the district of North Carolina; which I have done accordingly, in the manner following:

1st. The several counties of the said district originally and heretofore contained within the first, second, and third surveys, have been allotted into, and are now contained in, two surveys; one of which (to be hereafter denominated the first) comprehends the town of Wilmington, and the counties of Onslow, New Hanover, Brunswick, Robertson, Sampson, Craven, Jones, Lenox, Glascow, Johnston, and Wayne; and the other of which (to be hereafter denominated the second) comprehends the counties of Currituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, Tyrrel, Bertie, Carteret, Hyde, Beaufort, and Pitt.

2dly. The several counties of the said district originally and heretofore contained within the fifth survey of the district aforesaid, has been allotted into and is contained in two surveys, one of which (to be hereafter denominated the third) comprehends the counties of Mecklenburg, Rowan, Iredell, Montgomery, Guilford, Rockingham, Stokes, and Surry; and the other of which (to be hereafter denominated the fifth) comprehends the counties of Lincoln, Rutherford, Burke, Buncombe, and Wilkes.

3dly. The duties of inspector of the revenue, in and for the third survey, as constituted above, is to be performed, for the present, by the supervisor.

4thly. The compensations of the inspector of the revenue for the first survey, as above constituted, are to be a salary of two hundred and fifty dollars per annum, and commissions and other emoluments similar to those heretofore allowed to the inspector of the late first survey, as it was originally constituted.

5thly. The compensations of the inspector of the revenue for the second survey, as above constituted, are to be a salary of one hundred dollars per annum, and commissions and other emoluments heretofore allowed to the inspector of the late third survey, as it was originally constituted.

6thly. The compensations of the inspector of the revenue for the fifth survey, as above constituted, are to be a salary of one hundred and twenty dollars per annum, and the commissions and other emoluments, similar to those heretofore allowed to the inspector of the late fifth survey, as it was originally constituted.

UNITED STATES, January 23, 1793.

Ordered, That this Message lie for consideration.

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Gentlemen of the Senate, and of the House of Representatives:

I lay before you an official statement of the expenditure to the year 1792, from the sum of ten thousand dollars granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790.

Also, an abstract of a supplementary arrangement made in the district of North Carolina, in regard to certain surveys, to facilitate the execution of the law laying a duty on distilled spirits.

G. WASHINGTON.

UNITED STATES, January 25, 1793.

Ordered, That this Message lie for consideration.

The second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," was further postponed.

The Senate resumed the consideration of the amendments reported by the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions," and, having adopted them, it was agreed that the bill be amended accordingly.

Ordered, That this bill pass to the third reading. A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to pass to the second reading.

TUESDAY, January 29.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States," was read the second time.

Ordered, That the further consideration of this bill be postponed until Monday next.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," reported the bill with amendments; which were read.

Ordered, That the amendments be printed for the use of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the claims to Invalid Pensions," was read the third time.

Resolved, That this bill pass as amended. Mr. RUTHERFORD reported, from the committee appointed the 13th of December last, on the subject of Weights and Measures.

WEDNESDAY, January 30.

The VICE PRESIDENT laid before the Senate a Letter from Monsieur Le Brunn, respecting certain arrears said to be due for military services to his late brother; which was read.

Ordered, That this Letter be sent to the House of Representatives.

The report of the committee on the bill, sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was taken into consideration and adopted; and, after progress in the second reading of the bill,

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act regulating Foreign Coins, and for other purposes," with amendments, in which they desire the concurrence of the Senate.

The amendments proposed to the last mentioned bill were read.

Ordered, That they be printed for the use of the Senate.

THURSDAY, January 31.

The petition of a number of the ship owners and masters, insurers and traders, of the town of Portsmouth, in the State of New Hampshire, was read, stating the expediency of erecting a light-house, and placing buoys and beacons at the entrance of the river leading to the said town.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The Senate took into consideration the amendments of the House of Representatives to the bill, sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes;" and

Resolved, That they concur therein, with an amendment to their last amendment, to wit: strike out the words "be made," and insert "commence," so that the clause be read as follows:

"And be it further enacted, That the assay, provided to be made by the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,' shall commence, in the manner as by the said act is prescribed, on the second Monday of February, annually; any thing in the said act to the contrary notwithstanding."

Mr. BRADLEY notified the Senate that he should to-morrow request leave to bring in a bill "for altering the time and place of holding the Circuit Court in the district of Vermont."

Mr. MONROE, agreeably to leave obtained the 25th instant, brought in a bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miamis and Sciota," which was read the first time, and ordered to pass to the second reading. The second reading of the bill sent from the

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House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was resumed.

Ordered, That this bill pass to the third reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same;" and having further amended the bill,

Ordered, That it pass to a third reading, and that it be the order of the day for Tuesday next.

FRIDAY, February 1.

The third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was postponed.

The bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miamis and Sciota," was read the second time.

Ordered, That it be committed to Messrs. READ, SHERMAN, and MONROE, to consider generally and report thereon.

Agreeably to notice given yesterday, Mr. BRADLEY brought in a bill, "for altering the time and place of holding the Circuit Court in the district of Vermont;" which was read the first time, and ordered to pass to the second reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendment of the Senate on their last amendment to the bill, entitled "An act regulating Foreign Coins, and for other purposes;"

MONDAY, February 4.

RICHARD PORTIS, from the State of Maryland, appointed in place of CHARLES CARROLL, resigned, produced his credentials, and took his seat.

Agreeably to the order of the day, the Senate proceeded to consider the motion made the 3d of January, 1793, "That the doors of the Senate Chamber remain open whilst the Senate shall be sitting in their Legislative and Judiciary capacity."

On motion for the previous question, to wit: Shall the question be now put on the following preliminary resolutions?

Resolved, That the Senate of the States are, individually, responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof.

Resolved, That the journals are too voluminous and expensive to circulate generally; and, if it were otherwise, that the information they contain, as to the principles, motives, and designs, of individual members, is inadequate.

Resolved, That this information, defective as it is, becomes more nugatory and delusive, in proportion as the

occasion for it increases, since the Senate make their own journals:

Resolved, That the conducting of the Legislative and Judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct, of individual members; and that, by withholding this information, responsibility becomes unavailing; the influence of their constituents over one branch of the Legislature in a great measure annihilated, and the best security which experience has devised against the abuse of power and a mal-administration abandoned:

It passed in the negative—yeas 7, nays 21, as follows:

YEAS.—Messrs. Burr, Butler, Edwards, Gunn, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bassett, Bradley, Brown, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, Izard, King, Langdon, Morris, Read, Robinson, Rutherford, Stanton, Sherman, Strong, and Wingate.

And on motion to agree to the main question, to wit:

Resolved, therefore, That it be a standing rule, that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

It passed in the negative—yeas 10, nays 18, as follows:

YEAS.—Messrs. Brown, Burr, Butler, Edwards, Gunn, Hawkins, King, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Henry, Johnston, Izard, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, and Wingate.

On the question to agree to the last resolution moved for on this subject, it passed in the negative.

Mr. SHERMAN, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," reported a state of facts. Whereupon, the Senate resumed the second reading of the bill reported on, and, having agreed to an amendment, Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to some, and disagree to other amendments of the Senate to the bill, entitled "An act to regulate the claims to Invalid Pensions;" and that they have passed a bill, entitled "An act to promote the progress of Useful Arts; and to repeal the act heretofore made for that purpose;" in which they desire the concurrence of the Senate.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to authorize a loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States," was resumed.

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On motion to agree to the first section of the bill, to wit:
"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That, after the accounts between the United States and the individual States shall be finally settled, and the balances placed on the books of the Treasury, pursuant to the act entitled, 'An act to provide more effectually for the settlement of the accounts between the United States and the individual States,' a loan, to the amount of the balances which, upon such settlement, shall be found due to particular States, including interest thereon to the end of the present year, shall be opened at the loan offices within such States, respectively, to the extent, in each State, of the balance which shall be found due to the same, to commence on the 1st day of January, 1794, and to continue open for the term of six months, and no longer: *Provided*, That no such loan shall be opened in any State without the assent of the Legislature thereof."

It passed in the negative—yeas 11, nays 17, as follows:
YEAS.—Messrs. Cabot, Dickinson, Ellsworth, Foster, Izard, King, Morris, Rutherford, Sherman, Stanton, and Strong.
NAYS.—Messrs. Bassett, Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Henry, Johnston, Langdon, Monroe, Potts, Read, Robinson, Taylor, and Wingate.

On motion to agree to the subsequent sections of the bill, it passed in the negative.
On the question, Shall this bill pass to the third reading? it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in passing this bill.

TUESDAY, February 5.
The Senate proceeded to consider their amendments, disagreed to by the House of Representatives, to the bill, entitled "An act to regulate the claims to Invalid Pensions."
Resolved, That they insist on their amendments, desire a conference on the disagreeing votes of the two Houses, and that Messrs. King, ELLSWORTH, and STRONG, be managers at the conference, on the part of the Senate.

A message from the House of Representatives informed the Senate that a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected of their election; and for regulating the time, place, and manner, of administering the oath of office to the PRESIDENT; and have appointed a committee on their part.

This resolution of the House was read.
Ordered, That the consideration thereof be postponed until to-morrow.

The bill sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time, and to amend the act, entitled 'An act to provide the means of intercourse between the United States and foreign nations,'" was read the third time.

Resolved, That this bill pass.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," with an amendment; in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," was read the first time, and ordered that it pass to the second reading.

On motion, the third reading of the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was read the second time, and being further amended,
Resolved, That this bill pass as amended.

Ordered, That Messrs. BRADLEY, GUNN, and FEW, be a committee to report "A bill supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

The petition of William Scott, late a Captain in the Massachusetts line of the Continental Army, was presented and read, praying for an adjustment of his claim for arrears of pension.
Ordered, That the petitioner have leave to withdraw his petition.

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may be appointed by the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT, and of notifying the persons who shall be elected of their election, and for regulating the time, place, and manner, of administering the oath of office to the PRESIDENT.

Resolved, That the Senate concur in this resolution, and that Messrs. KING, IZARD, and STRONG, be the committee on the part of the Senate.

Mr. HAWKINS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," reported the bill with an amendment, which was adopted; and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

THURSDAY, February 7.
The bill sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents," was read the second time.

Ordered, That the further consideration thereof be postponed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," was read the second time.

Ordered, That this bill be referred to Messrs. FEW, BRADLEY, and JOHNSTON, to consider generally, and report thereon.

The bill, sent from the House of Representatives for concurrence, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was read the third time, and being further amended,
Resolved, That this bill pass as amended.

Ordered, That Messrs. BRADLEY, GUNN, and FEW, be a committee to report "A bill supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

The petition of William Scott, late a Captain in the Massachusetts line of the Continental Army, was presented and read, praying for an adjustment of his claim for arrears of pension.

Ordered, That the petitioner have leave to withdraw his petition.

The bill, sent from the House of Representatives for concurrence, entitled "An act to reimburse Henry Emanuel Lutterloh, for expenses incurred in coming to America to join the Army of the United States," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, GUNN, SHERMAN, STRONG, and WINGATE, to consider and report thereon.

The bill, sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress of the 29th of August, 1788, respecting the inhabitants of Post Saint Vincents," in which several bills, they desire the concurrence of the Senate.

These bills were severally read the first time, and ordered to pass to the second reading.
The Senate proceeded to consider the resolution of the House of Representatives, that a committee be appointed, to join such committee as

tives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," was read the second time.

Ordered, That this bill be referred to the committee last mentioned, to consider and report thereon.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," was read the second time.

Ordered, That this bill be referred to the last mentioned committee, to consider generally and report thereon.

On motion,
"That a committee be appointed to report a bill, prescribing the time and manner of choosing Senators of the United States,"

It was agreed that this motion should lie until to-morrow for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," was read the third time, and amended, by inserting after the word "interest," "balances entered in the books of the Register of the Treasury."

Resolved, That this bill pass as amended.

FRIDAY, February 8.
The bill, sent from the House of Representatives for concurrence, entitled "An act to repeal part of a resolution of Congress, of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents," was read the second time.

Ordered, That this bill be referred to Messrs. RUTHERFORD, BROWN, and BRADLEY, to consider and report thereon.

The Senate proceeded to the second reading of the bill for altering the time and place of holding the Circuit Court in the district of Vermont.

Ordered, That this bill be referred to the committee last mentioned, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered that it pass to the second reading.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday, "that a committee be appointed to report a bill prescribing the time and manner of choosing Senators of the United States."

Ordered, That the further consideration of this motion be postponed.

The petition of William Moultrie, in behalf of

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himself and the officers and soldiers of the South Carolina line, of the late Continental Army, was presented and read, praying for further compensation for military services during the late war.

Ordered, That this petition lie on the table. Mr. RUTHERFORD reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina," and the second reading of the bill was resumed.

Resolved, That this bill do not pass.

Ordered, That the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," be the order of the day for to-morrow.

Ordered, That the consideration of the report of the committee relative to the Measures and Weights of the United States, be postponed to the next session of Congress.

SATURDAY, February 9.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted."

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," was resumed; and, after debate, the consideration thereof was further postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war," was read the third time.

Resolved, That this bill do not pass.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill sent from the House of Representatives for concurrence, entitled "An act providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES," was read the second time. Ordered, That this bill pass to a third reading.

MONDAY, February 11.

The bill sent from the House of Representatives for concurrence, entitled "An act, providing compensation to the PRESIDENT and VICE PRESIDENT OF THE UNITED STATES," was read the third time. Resolved, That this bill pass.

Mr. BRADLEY, from the committee appointed for the purpose, reported "A bill supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'"

law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the motion made the 7th instant, "That a committee be appointed to report a bill prescribing the time and manner of choosing Senators of the United States."

On the question to agree to this motion, it passed in the negative.

A message from the House of Representatives, informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade, and fisheries, and for regulating the same," and that they have passed a bill, entitled "An act for the relief of Simeon Thayer," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to pass to a second reading.

The petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, praying that the principal and interest on their certificates may be paid in specie, at the Treasury of the United States, and for the further allowance of subsistence, was read. Ordered, That this petition lie on the table.

Mr. KING, from the joint committee appointed the 6th February, instant, reported, that the two Houses shall assemble in the Senate Chamber on Wednesday next, at twelve o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected PRESIDENT and VICE PRESIDENT, and, together with a list of the votes, be entered on the journals of the two Houses. And the report was agreed to.

TUESDAY, February 12.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the second time.

Ordered, That this bill be referred to the committee appointed on the 7th of February, instant, on the bills respecting Henry Emanuel Lutterloh, and others, to consider, generally, and report thereon.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the second time, and, being amended, was ordered to a third reading.

A message from the House of Representatives, informed the Senate, that the House of Representatives agree to the report of the joint committee appointed the 6th of February, instant, respecting the manner of counting the votes for PRESIDENT and VICE PRESIDENT.

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SIDENT AND VICE PRESIDENT OF THE UNITED STATES.

Ordered, That Mr. KING be appointed, on the part of the Senate, a teller of the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, conformably to the report of the joint committee, agreed to the 11th instant.

Mr. RUTHERFORD, from the committee to whom was referred the bill, entitled "An act to repeal a part of a resolution of Congress, of the twenty-ninth of August, 1788, respecting the inhabitants of Post Saint Vincents," reported the bill without amendment. Ordered, That this bill pass to a third reading.

WEDNESDAY, February 13.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal a part of a resolution of Congress of the twenty-ninth of August, 1788, respecting the inhabitants of Post Saint Vincents," was read the third time, and passed.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and, after debate, the further consideration thereof was postponed.

Francis Menges had leave to withdraw certain papers referred to in his memorial.

Ordered, That the Secretary notify the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to attend the opening and counting the vote for PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, as the Constitution provides.

The two Houses having accordingly assembled, the certificates of the Electors of the fifteen States in the Union, which came by express, were, by the VICE PRESIDENT, opened, read, and delivered to the tellers appointed for the purpose, who, having examined and ascertained the votes, presented a list of them to the VICE PRESIDENT; which list was read to the two Houses, and is as follows:

FOR GEORGE WASHINGTON.

New Hampshire	-	6
Massachusetts	-	16
Rhode Island	-	4
Connecticut	-	9
Vermont	-	3
New York	-	12
New Jersey	-	7
Pennsylvania	-	15
Delaware	-	3
Maryland	-	8
Virginia	-	21
Kentucky	-	4
North Carolina	-	12
South Carolina	-	8
Georgia	-	4
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FOR JOHN ADAMS.

New Hampshire	-	6
Massachusetts	-	16
Rhode Island	-	4
Connecticut	-	9
Vermont	-	3
New Jersey	-	7
Pennsylvania	-	14
Delaware	-	3
Maryland	-	8
South Carolina	-	7
		77

FOR GEORGE CLINTON.

New York	-	12
Pennsylvania	-	1
Virginia	-	21
North Carolina	-	12
Georgia	-	4
		50

FOR THOMAS JEFFERSON.

Kentucky	-	4
		1
South Carolina	-	1

Whereupon, the VICE PRESIDENT declared GEORGE WASHINGTON unanimously elected PRESIDENT OF THE UNITED STATES, for the period of four years, to commence with the fourth day of March next; and, JOHN ADAMS elected by a plurality of votes, VICE PRESIDENT OF THE UNITED STATES, for the same period, to commence with the 4th day of March next.

After which, the VICE PRESIDENT delivered the duplicate certificates of the Electors of the several States, received by post, together with those which came by express, to the Secretary of the Senate. The two Houses then separated, and the Senate adjourned.

THURSDAY, February 14.

The petition of Woodrop and Joseph Sims was presented and read, praying to be discharged from a bond given for the payment of the duties of import on certain goods wrecked in their passage from the port of New York to that of Philadelphia.

On motion that a committee be appointed to take this petition into consideration, it passed in the negative. Ordered, That the petitioners have leave to withdraw their petition.

The bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and, being amended, Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'"

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A message from the House of Representatives, informed the Senate that the House of Representatives have passed a bill, entitled "An act for the relief of Elijah Bostwick," in which they desire the concurrence of the Senate.

Mr. KING, from the committee appointed the 6th instant, to join the committee on the part of the House of Representatives, to report a mode of notifying the person who should be elected President of the UNITED STATES of his election, submitted the following resolve:

Resolved, That a committee be appointed, to join such committee as shall be appointed by the House of Representatives, to wait on the President and notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

And the report was adopted. *Ordered*, That Messrs. KING, IZARD, and STRONG, be the committee on the part of the Senate.

Mr. FEW, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," reported the bill with amendments, which were adopted, and the bill was amended accordingly; and ordered to a third reading.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury, with sundry statements, in pursuance of the order of the Senate of the 23d of January last; which were read.

Ordered, That they be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have adopted the report of the joint committee, appointed the 6th instant, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, and for other purposes; and have appointed a joint committee on their part to wait on the PRESIDENT and notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick," was read the first time, and ordered to pass to the second reading.

FRIDAY, February 15.

The bill sent from the House of Representatives for concurrence, entitled "An act to promote the progress of the Useful Arts, and to repeal the act heretofore made for that purpose," was read the third time.

Resolved, That this bill pass with amendments. The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick," was read the second time.

Ordered, That this bill be referred to the committee, appointed the 7th instant, on the bills respecting Henry Emanuel Lutterloh and others, to consider generally, and report thereon.

[FEBRUARY, 1793.]

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to refund to Jacob Bell certain duties on pickled fish," in which they desire the concurrence of the Senate.

The bill was read, and ordered to pass to the second reading.

Mr. ELLSWORTH, from the committee to whom was referred, on the 7th instant, sundry bills sent from the House of Representatives for concurrence, reported the bill, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," with amendments.

The second reading of the bill was resumed; and, after debate, the further consideration of the bill, and the report thereon, were postponed.

Mr. ELLSWORTH reported, from the same committee, on the bill, entitled "An act to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America, to join the Army of the United States."

The Senate resumed the second reading of this bill.

Resolved, That it do not pass.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. ELLSWORTH reported, from the same committee, on the bill, entitled "An act for the relief of Simeon Thayer," and the Senate resumed the second reading of the bill; and, after debate,

Ordered, That the further consideration thereof be postponed.

Mr. ELLSWORTH also reported, from the same committee, on the bill, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," that the bill pass without amendment; and the report was adopted.

The Senate resumed the second reading of this bill.

Ordered, That it pass to the third reading. Mr. KING, from the joint committee appointed for the purpose, reported,

"That, pursuant to the resolutions of the 14th instant, the joint committee of the Senate and House of Representatives have this day waited on the PRESIDENT, and notified him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES."

MONDAY, February 18.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose."

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the adjustment of a claim of Joseph Henderson against the United States," was read the third time.

The bill sent from the House of Representatives

[FEBRUARY, 1793.]

tives for concurrence, entitled "An act to refund to Jacob Bell certain duties on pickled fish," was read the second time.

Ordered, That this bill be referred to Messrs. FOSTER, MONROE, and CABOT, to consider generally and report thereon.

The petition of Arthur St. Clair was presented and read, stating that, in the performance of sundry services prescribed to him by Congress, he made disbursements and contracted debts which considerably exceeded the sums placed in his hands; and praying that the officers of the Treasury may be empowered equitably to adjust his accounts.

Ordered, That this petition lie on the table.

The memorial of the Directors of the Library Company of Philadelphia, and of the Trustees of the Loganian Library, was presented and read, praying that a law be passed exempting from any duty or impost books imported for those and all other similar institutions.

Ordered, That this memorial lie on the table.

The memorial of the French inhabitants of Gallipolis was presented and read, praying the interposition of Government in confirming their titles to certain lands purchased of William Duer, agent for the Scotia Company; and an indemnification for certain losses and damages, referred to in their petition.

Ordered, That this petition lie on the table.

Mr. KING reported, from the managers on the part of the Senate, at the conference on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act to regulate the claims to Invalid Pensions:"

"That, on conferring with the managers on the part of the House of Representatives, the managers on the part of the House agreed to recommend to the House, to recede from their disagreement to the last amendment proposed by the Senate, but, that the managers from the two Houses did not agree to any report respecting the amendment proposed by the Senate to the 4th section of the bill.

"Whereupon, the managers on the part of this House recommended that the Senate do recede from their amendment to the 4th section, so far as respects the words proposed to be inserted in lieu of the words proposed to be expunged; and that they do insist on their amendment, so far as respects the striking out of the words proposed to be struck out in the said 4th section. "And that the Senate do also insist on their last amendment."

And the report was agreed to.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I now lay before you a report and plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, together with a Letter from the Secretary of State, which accompanied them. These papers being original, are to be again deposited with the records of the Department of State, after having answered the purpose of your information.

G. WASHINGTON.

UNITED STATES, February 18, 1793.

Ordered, That this Message lie on the table.

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The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury of this date, with copies of sundry communications lately made to the House of Representatives, containing further information on subjects which appear to have been objects of inquiry before the Senate; which Letter and papers being read,

Ordered, That they lie for consideration.

The petition of William Hardy was presented and read, praying compensation for services performed at New York as an Inspector, under the existing revenue laws.

Ordered, That this petition lie on the table.

On motion to adopt the following resolution, to wit:

Resolved, That the Secretary of the Treasury be instructed to revise the account of the pension granted by Congress for the education and board of Hugh Mercer, son of the late General Mercer, from its date to the present period, and correct any error that may have taken place therein, paying all arrearages, if any now due; and that he likewise pay hereafter without account, annually, and until his education shall be completed, for that purpose, to the guardian of the said Hugh, the sum of four hundred dollars.

It was agreed to postpone the consideration of this motion until to-morrow.

The memorial of a number of the inhabitants of the States of Connecticut and Rhode Island was presented and read, praying that a light-house may be erected, at the expense of the United States, on Watch Hill, in the State of Rhode Island.

Ordered, That this memorial be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The Senate resumed the consideration of the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," which being adopted, the bill was amended accordingly.

Ordered, That this bill pass to a third reading

TUESDAY, February 19.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," was read the third time.

Resolved, That this bill pass with an amendment.

The Senate proceeded to the consideration of the motion made yesterday, respecting the education of the son of the late General Mercer.

Ordered, That this motion be referred to Messrs. MONROE, ELLSWORTH, and BUTLER, to consider and report thereon.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to

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regulate trade and intercourse with the Indian tribes," reported amendments.
Ordered, That the amendments be printed for the use of the Senate.
A message from the House of Representatives informed the Senate, that they had sent to the Senate a plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, and which was referred to in the Message of the President of the UNITED STATES of the 18th instant.
The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," and it was agreed to amend the third section.
And, on the question to agree to the third section, amended to read as follows:

"Sec. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said States, any sum or sums, not exceeding in the whole eight hundred thousand dollars, at a rate of interest not exceeding five per cent. per annum, and reimbursable at the pleasure of the United States, to be applied for the purpose aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, 1793; and that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the loan made of the Bank of the United States, pursuant to the 11th section of the act by which it is incorporated, to be paid off in sums not less than fifty thousand dollars, as in his opinion the state of the Treasury may, from time to time, admit, out of any moneys which may be in the Treasury, having due regard to the exigencies of Government, and the appropriations made and to be made by law."

It passed in the affirmative—yeas 19, nays 9, as follows:

YEAS.—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foster, Gunn, Johnston, Izard, King, Langdon, Morris, Read, Rutherford, Sherman, Stanton, Strong, and Wingate.

NAYS.—Messrs. Brown, Butler, Edwards, Few, Hawkins, Henry, Monroe, Robinson, and Taylor.

Ordered, That this bill pass to a third reading.

WEDNESDAY, February 20.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year 1793," was read the third time.

Resolved, That this bill pass as amended.
A motion was made that the Senate adopt the following resolution, to wit:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, viz:

"The Judicial power of the United States shall not extend to any suits in law or equity, commenced or

prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

Ordered, That the amendments reported by the committee on the bill sent from the House of Representatives for concurrence entitled "An act to regulate trade and intercourse with the Indian tribes," be the order of the day for to-morrow.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill entitled "An act to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States."

THURSDAY, February 21.

A message from the House of Representatives informed the Senate that the House of Representatives have reconsidered the amendments depending between the two Houses to the bill entitled "An act to regulate the claims to Invalid Pensions," together with the report of the committee of conference on the subject-matter of the said amendments; and adhere to their disagreement to the amendment insisted on by the Senate to the 4th section of the said bill; and recede from their disagreement to the amendment insisted on by the Senate to the 5th section of the said bill; and that they have passed the bill sent to the House of Representatives for concurrence, entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States,' with amendments; in which they desire the concurrence of the Senate."

Mr. RUTHERFORD reported, from the committee appointed for the purpose, "a bill authorizing the settlement of the demands of Anthony Walton White against the United States."

Ordered, That this bill lie on the table.

FRIDAY, February 22.

The bill "authorizing the settlement of the demands of Anthony Walton White against the United States" was read the first time, and ordered to pass to the second reading.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States,' and, after debate,

Ordered, That the further consideration thereof be postponed.

The Senate took into consideration the resolution of the House of Representatives adhering to their disagreement to the amendment insisted on by the Senate to the 4th section of the bill entitled "An act to regulate the claims to Invalid Pensions;" and, after debate,

Ordered, That the further consideration thereof be postponed.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence entitled "An act to

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regulate trade and intercourse with the Indian tribes," and adopted the same in part.
Ordered, That the further consideration thereof be postponed.

SATURDAY, February 23.

Mr. EDWARDS notified the Senate that he should on Monday move for leave to bring in a "bill to authorize the President of the UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky and the other Western settlements, to the Eastern settlements of the United States, for the purpose of protecting and facilitating trade and friendly intercourse between the citizens of the said settlements."

Mr. KING, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," reported amendments, which were adopted; and the bill was amended accordingly.

It was agreed, by unanimous consent, that the rule be so far dispensed with as that this bill be now read the third time.

Resolved, That this bill pass as amended.

Ordered, That the consideration of the motion made the 20th instant respecting an additional article of amendment to the Constitution of the United States be the order of the day for Monday next.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act fixing the time for the next annual meeting of Congress," also, a bill entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid;" in which they desire the concurrence of the Senate.

These bills were severally read the first time, and ordered to pass to the second reading.

The bill "authorizing the settlement of the demands of Anthony Walton White against the United States" was read the second time.

On the question to agree to the enacting clause of the bill, it passed in the negative.

Ordered, That this bill pass to the third reading.
The Senate again took into consideration their amendments disagreed to by the House of Representatives, and insisted on by the Senate, to the bill entitled "An act to regulate the claims to Invalid Pensions."

On the question to recede from their said amendment, it passed in the affirmative—yeas 15, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Dickinson, Edwards, Few, Gunn, Hawkins, Izard, Monroe, Morris, Potts, Rutherford, and Taylor.

NAYS.—Messrs. Bassett, Cabot, Ellsworth, Foster,

Henry, Johnston, King, Langdon, Read, Robinson, Sherman, Stanton, Strong, and Wingate.

Ordered, That the Secretary communicate this resolution to the House of Representatives.

A message from the House of Representatives informed the Senate that the House of Representatives concur in the bill sent from the Senate, entitled "An act in addition to, and alteration of, an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States.'"

Mr. RUTHERFORD, from the committee appointed to take into consideration the bill "for altering the time and place of holding the Circuit Court in the district of Vermont," reported sundry amendments, which were read, and adopted, and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.
The amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,' were taken into consideration; and, after progress, the further consideration thereof was postponed.

MONDAY, February 25.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce." They disagree to the fifth amendment of the Senate to the 2d section of the bill, entitled "An act making appropriations for the support of Government for the year 1793;" and agree to all the other amendments to the said bill.

The Senate proceeded to consider their fifth amendment, disagreed to by the House of Representatives, to the bill last mentioned.

Resolved, That the Senate recede from their said amendment.

The bill, sent from the House of Representatives for concurrence, entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid," was read the second time, and amended.

On motion, it was agreed, by unanimous consent, so far to dispense with the rule as that this bill be now read the third time.

Resolved, That this bill pass as amended.

The bill for altering the time and place of holding the Circuit Court in the district of Vermont was read the third time; and, being further amended,

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes."

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Ordered, That the Secretary request the concurrence of the House of Representatives in this bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the second time, and amended.

Ordered, That this bill pass to the third reading.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes," and having amended the report, it was adopted, and the bill amended accordingly.

Ordered, That this bill pass to the third reading.

Mr. MONROE, from the committee to whom was referred the motion, made the 18th instant, respecting the education of the son of the late General Mercer, reported a bill, which was read the first time.

Ordered, That this bill pass to a second reading.

Mr. EDWARDS, agreeably to notification on the 23d instant, obtained leave to bring in "A bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky and the other Western settlements, to the Eastern settlements of the United States;" which was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the amendments of the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" which they concur therein with amendments.

Resolved, That they concur therein with amendments.

Mr. MONROE, from the committee to whom was referred the bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on the Continental establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto," reported, that the further consideration thereof be postponed until the next session of Congress.

And the report was agreed to.

On motion, to refer the memorial of Lachlan McIntosh, in behalf of himself and the officers and soldiers of the Georgia line of the late Army, for further compensation for their services during the late war, to a committee, to consider and report thereon; it passed in the negative.

Ordered, That Lachlan McIntosh have leave to withdraw his memorial.

On motion,

That the Secretary of the Senate call on the Secretary of the Treasury for a report on the petition of Arthur Howes, referred to him on the 9th of November last; it passed in the negative.

Mr. ELLSWORTH reported from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick."

Ordered, That this report lie until to-morrow for consideration.

The third reading of "the bill authorizing the settlement of the demands of Anthony Walton White against the United States," was further postponed.

A message from the House of Representatives informed the Senate that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed."

The Senate resumed the consideration of the motion, made the 20th instant, respecting an additional article of amendment to the Constitution of the United States.

On motion, to postpone the consideration thereof to the next session of Congress, it passed in the negative.

And, after debate, the further consideration thereof was postponed.

TUESDAY, February 26.

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the third time.

On motion to strike out the word 'proper,' from the following clause of the first section:

"Which superintendent, or person so authorized, shall, on application, issue such license, for a term not exceeding two years, to any proper person; who shall enter into bond, with one or more sureties, approved of by the superintendent or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars."

It passed in the negative—yeas 11, nays 16, as follows:

YEAS.—Messrs. Burr, Cabot, Edwards, Few, Gunn, Hawkins, Johnston, Monroe, Morris, Strong, and Taylor.

NAYS.—Messrs. Bassett, Brown, Butler, Dickinson, Ellsworth, Foster, Henry, Izard, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, and Wingate.

On motion it was agreed to substitute the following, for the 7th section stricken out:

"And be it further enacted, That no agent, superintendent, or other person authorized to grant a license to trade or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses to or from any Indian, and that any person offending herein shall forfeit one thousand dollars, and be imprisoned, at the discretion of the Court before which the conviction shall be had, not exceeding twelve months."

Resolved, That this bill pass with the amendments.

"The bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more small posts in the wilderness, on the road leading from Kentucky," was read the second time.

Ordered, That this bill be referred to Messrs. EDWARDS, STRONG, and KING, to consider and report thereon.

A message from the House of Representatives informed the Senate that the House of Representatives concur in the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' with amendments; in which they desire the concurrence of the Senate."

The bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the third time.

Resolved, That this bill pass as amended.

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," reported amendments, which were considered; and, after debate,

Ordered, That the further consideration thereof be postponed.

WEDNESDAY, February 27.

The Senate proceeded to consider the amendments of the House of Representatives to the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' and agreed to some of the said amendments."

It was agreed to reconsider the second amendment, and that this, with the amendments subsequent thereto, be referred to Messrs. KING, MONROE, and CABOT, to consider and report thereon.

Mr. EDWARDS reported, from the committee appointed to consider "the bill to authorize the PRESIDENT OF THE UNITED STATES to establish two or more posts in the wilderness, on the road leading from Kentucky."

Resolved, That this bill do not pass.

The bill "respecting the education of the son of the late General Mercer," was read the second time.

It was agreed by unanimous consent, that the rule be so far dispensed with, as that this bill be now read the third time.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act providing an annual allowance for the education of Hugh Mercer."

The third reading of "the bill authorizing the settlement of the demands of Anthony Walton White against the United States," was resumed.

Ordered, That the further consideration thereof be postponed.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act to authorize a grant of land to the French inhabitants of Gallipolis;" also, a bill, entitled "An act mak-

ing an appropriation to defray the expenses of a treaty with the Indians Northwest of the Ohio;" in which several bills they desire the concurrence of the Senate.

The bill first mentioned was read, and, by unanimous consent, read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, BROWN, and BURR, to consider and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio," was read the first time, and ordered to pass to the second reading.

The Senate resumed the consideration of the Report of the Committee on the bill sent from the House of Representatives for concurrence, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and the report being adopted, the bill was amended accordingly.

It was agreed, by unanimous consent, so far to dispense with the rule as that this bill be now read the third time.

Resolved, That this bill pass as amended.

The VICE PRESIDENT laid before the Senate a Report of the Secretary of the Treasury, on the salaries, fees, and emoluments, of persons holding civil offices under the United States, pursuant to the order of the Senate of the 7th of May, 1792; which was read.

Ordered, That it lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress;" they agree to their amendments to the bill, entitled "An act to regulate trade and intercourse with the Indian tribes;" they agree to the amendments of the Senate to their amendments, with an amendment to the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" in which they desire the concurrence of the Senate.

The following message from the PRESIDENT OF THE UNITED STATES was received:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of an exemplification of an Act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, for the purpose mentioned in said act; and a copy of a Letter from the Governor of New York to the Secretary of State, which accompanied said exemplification.

UNITED STATES, February 27, 1793.

Ordered, That the Message and papers lie on the table.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie accounts, passed at the Treasury, up to the 31st of December, 1792.

Ordered, That the Letter and papers therein referred to lie on file.

The Senate proceeded to consider the amendments of the House of Representatives to the amendments of the Senate to their amendments to the bill, entitled "An act in addition to the act, entitled, 'An act to establish the Judicial Courts of the United States.'" *Resolved*, That the Senate agree to the said amendment.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress." *Resolved*, That they adhere to their amendments to the said bill.

The VICE PRESIDENT laid before the Senate the Report of the Secretary of War on the petition of Charles Knowles and others, Paymasters of the line of the late Army.

Ordered, That the petition and report be referred to Messrs. CABOT, ELLSWORTH, and MONROE, to consider and report thereon.

THURSDAY, February 28

The bill sent from the House of Representatives for concurrence, entitled "An act making an appropriation to defray the expense of a Treaty with the Indians Northwest of the Ohio," was read the second time; and, by unanimous consent, the bill was read the third time and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Treasury of the 27th instant, with sundry statements of exports, imports, and tonnage; which letter was read.

Ordered, That the Letter and statements thereon be referred to lie on the table.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

A message from the House of Representatives informed the Senate, that the House of Representatives insist on their disagreement to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress;" ask a conference on the subjects of disagreement between the two Houses, and have appointed managers on their part: and that they have passed a bill, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents;" a bill entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers;" also, a bill entitled "An act providing for the payment of the first instalment due on a loan made of the Bank of the United States;" in which several bills they desire the concurrence of the Senate.

The bills brought up from the House of Representatives for concurrence were severally read the first time, and ordered to pass to the second reading. The petition of John McLane, Attorney to Ag-

nus McLane, was read, stating that the compensation of the said Agnus, for military services during the late war, was drawn on a forged order by one Samuel Abbot, without the knowledge or consent of the said Agnus; and praying relief. *Ordered*, That this petition be referred to the Secretary of the Treasury, to consider and report thereon.

The Senate proceeded to consider the resolution of the House of Representatives insisting on their disagreement to the amendments of the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress," and asking a conference on the said amendments. *Resolved*, That the Senate agree to the proposed conference, and that Messrs. GUNN, TAYLOR, and LANGDON, be the managers on the part of the Senate.

The Senate resumed the consideration of the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick." On motion, that the report of the committee of the House of Representatives on this subject be read in Senate; it passed in the negative.

On the question to agree to the report, and that the bill be rejected; it passed in the negative. *Ordered*, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate that the House of Representatives have passed the bill, sent from the Senate for concurrence, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes," with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the amendments of the House of Representatives to the bill last mentioned.

Resolved, That they concur therein. Mr. KING, from the committee appointed to consider the amendments of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported an amendment to the amendment, which was adopted.

The VICE PRESIDENT laid before the Senate a certificate, purporting that the Legislature of the Commonwealth of Pennsylvania have this day chosen ALBERT GALLATIN a Senator of the United States.

Ordered, That this certificate lie on file. The memorial of Samuel Brown and others, fishermen, was presented and read, stating that they are principally employed in the mackerel fishery, and praying that the drawback allowed on the exportation of cod fish may be extended to pickled fish in general.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a

Letter from the Secretary of the Treasury, of this date, referring to sundry statements exhibiting the quantity of the various articles of exports to the Home and to the Colonial dominions of all the foreign nations with whom the United States have commercial intercourse; which Letter was read.

Ordered, That the Letter and papers to which it refers lie on file.

FRIDAY, March 1.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a PRESIDENT *pro tempore*, as the Constitution provides, and JOHN LANGDON was duly elected.

Ordered, That the Secretary wait on the PRESIDENT OF THE UNITED STATES, and lay before him an attested copy of this proceeding.

Ordered, That the Secretary notify the House of Representatives of this election of a PRESIDENT *pro tempore*.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for extending the time for receiving on loan that part of the Domestic Debt of the United States which March, one thousand seven hundred and ninety-three," in which the concurrence of the Senate is desired. They agree to the amendment of the Senate to their amendment to the bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" and that they have passed the bill sent from the Senate for concurrence, entitled "An act providing an annual allowance for the education of Hugh Mercer."

The bill, sent from the House of Representatives for concurrence, entitled "An act for extending the time for receiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three," was read the first time; and, by unanimous consent, it was read the second and third times. *Resolved*, That the Senate concur in this bill. The bill, sent from the House of Representatives for concurrence, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents," was read the second time.

Ordered, That this bill be referred to Messrs. ELLSWORTH, BUTLER, and CABOT, to consider and report thereon. The PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, enclosing a triplicate certificate of the votes of the Electors of the State of Kentucky for PRESIDENT and VICE PRESIDENT OF THE UNITED STATES, obtained by express, sent from the Seat of Government, as the law provides.

Ordered, That the Letter and papers lie on file.

The bill, sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the first instalment due on a loan made of the Bank of the United States," was read the second time; and, by unanimous consent, was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," was read the second time; and, by unanimous consent, was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Elijah Bostwick," was read the third time, and passed.

Mr. CABOT, from the Committee appointed to consider the Report of the Secretary of War, on the petition of the Paymasters of the Massachusetts line of the late Army, reported a bill, which was read the first time; and, by unanimous consent, was read the second and third times.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act providing for the compensation of Ebenezer Storer."

Ordered, That Mr. RUTHERFORD be appointed a manager at the conference on the disagreeing votes of the two Houses on the bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," in place of Mr. LANGDON, elected President *pro tempore*.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the second time, and amended.

Ordered, That this bill pass to the third reading. The petition of John Fisk and others, in behalf of the Marine Society of Salem, in the Commonwealth of Massachusetts, was presented and read, praying that a light-house may be constructed at the North end of Baker's island, near Salem, within the State aforesaid; and that due provision may be made, at the expense of the United States, for maintaining and supporting the same.

Ordered, That this petition be referred to the Secretary of the Treasury, to consider and report thereon to the Senate.

The PRESIDENT laid before the Senate the petition of Samuel Stearns, praying compensation as a physician to certain invalid officers during the late war; which was read, and ordered to lie on the table.

SATURDAY, March 2.

The PRESIDENT notified the Senate that the PRESIDENT OF THE UNITED STATES proposes to take the oath of office on Monday next, at 12 o'clock, in the Senate Chamber.

Ordered, That this communication be referred to the committee appointed on the part of the Senate the 6th of February last, to consider and report thereon.

A message from the House of Representatives

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informed the Senate that the House of Representatives have passed a bill, entitled "An act making certain appropriations therein mentioned," in which they desire the concurrence of the Senate. The President of the United States hath notified the House of Representatives, that he hath approved and signed "An act making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio."

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Simeon Thayer," was read the third time.

On motion to postpone the consideration of this bill to the next session of Congress, it passed in the negative.

On motion to concur in this bill as amended, it passed in the affirmative—yeas 17, nays 7, as follows:

YEAS.—Messrs. Bassett, Burr, Dickinson, Edwards, Few, Foster, Gunn, Henry, Johnston, Izard, Monroe, Morris, Potts, Read, Rutherford, Stanton, and Taylor.

NAYS.—Messrs. Brown, Butler, Cabot, Ellsworth, Hawkins, King, and Sherman.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendment.

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act directing the officers of the Treasury to pass to the credit of John Banks the sum of \$9,768 90," reported that the committee be discharged; and the report was agreed to.

Ordered, That the petition of James Warrington, on which the bill last mentioned was originated, be referred to the Secretary of the Treasury; to consider and report thereon to the Senate.

Ordered, That the further consideration of this bill be postponed till the next session of Congress.

A motion was made and seconded, to propose to the Legislatures of the several States the following amendments to the Constitution of the United States, to wit:

"Article 1, section 8, after the words 'general welfare of the United States,' add, 'in the cases herein-after particularly enumerated.' And at the end of the section, add, 'but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied.'"

"Section 9. Every tax shall be deemed direct, other than taxes on imports, excises, transfers of property, and law proceedings.' At the end of the section, add, 'no member of Congress shall be eligible to any office of profit under the authority of the United States, nor shall any person intrusted with the management of money of the United States, or concerned in the direction or management of any bank or other moneyed corporation within the United States, be capable of a seat in either House of Congress.'"

"Article 3, section 1. After the words 'ordain and establish,' add, 'or in such of the State courts as the Congress shall deem fit.'"

Ordered, That these propositions lie on the table.

The bill sent from the House of Representatives for concurrence entitled "An act making

certain appropriations therein mentioned" was read the first time, and, by unanimous consent, read the second and third times and passed.

Mr. KING, from the committee appointed this day on the communication of the President of the UNITED STATES relative to his taking the oath of office, reported that the Secretary inform the House of Representatives that the President of the UNITED STATES will, on Monday next take the oath of office required by the Constitution, in the Senate Chamber, at 12 o'clock; and that he inform the President of the UNITED STATES that the Senate will be in session at that time. And the report was adopted.

The Senators of the State of Georgia, in pursuance of a law of the said State, executed a deed of cession to the United States of the light-house on Tybee Island; which was ordered to lie on file.

Mr. FOSTER reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence entitled "An act to refund to Jacob Bell certain duties on pickled fish."

Resolved, That this bill do not pass.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill entitled "An act making addition to the compensation of certain public officers;" in which they desire the concurrence of the Senate.

On motion that the consideration of this bill be postponed to the next session of Congress, it passed in the negative.

It was agreed, by unanimous consent, that this bill be now read the third time.

Resolved, That this bill pass.

Mr. ELLSWORTH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence entitled "An act to authorize a grant of land to the French inhabitants of Gallipolis," reported an amendment; which was disagreed to.

On motion to postpone the further consideration of this bill to the next session of Congress, it passed in the negative.

On motion that this bill pass to the third reading, it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives informed the Senate that the House of Representatives disagree to the amendment of the Senate to the bill entitled "An act for the relief of Simeon Thayer;" they have postponed the consideration of the bill sent from the Senate entitled "An act providing for the compensation of Ebenezer Storer" to the next session of Congress.

Mr. GUNN, from the managers at the conference on the part of the Senate, on the disagreeing votes of the two Houses on the bill sent from the House of Representatives for concurrence entitled "An act fixing the time for the next annual meeting of Congress," reported that, having conferred with the managers on the part of the House of Representatives, they could not come to any agreement.

MARCH, 1793.]

Proceedings.

[SENATE.]

A message from the House of Representatives informed the Senate that the House of Representatives have adjourned until 7 o'clock this evening.

On motion to recede from the amendment disagreed to by the House of Representatives to the bill entitled "An act for the relief of Simeon Thayer," it passed in the affirmative.

The petition of Barent I. Staats was read, stating that he advanced money to one of the Quartermasters of the late Army, to enable him to compensate certain teamsters employed in the public service, and for which advance he has not been reimbursed, but is excluded therefrom by the acts of limitation, and praying relief.

Ordered, That this petition lie on the table.

SATURDAY EVENING, 7 o'clock.

The memorial of the Secretary of the Senate and the Clerk of the House of Representatives was read, stating that, from the enhanced prices of all the necessities of life, their respective stipends are become inadequate, and praying further compensation.

Ordered, That this memorial lie on the table.

Ordered, That the petition of the French settlers at Gallipolis be referred to the Attorney General, to examine and report to the Senate, at the next session of Congress, upon the validity of their claims to lands under purchases of the Ohio or Scioto Companies, or other persons; together with his opinion of the means proper to be pursued by them for the obtaining of justice.

Ordered, That the Secretary return all original papers not addressed to the Senate, which have been laid before them during the present session by the President or by any of the Heads of Departments.

Ordered, That the Secretary notify the House of Representatives that the Senate, having finished the Legislative business before them, are ready to adjourn.

A message from the House of Representatives informed the Senate that the House of Representatives have appointed a committee, jointly with a committee on the part of the Senate, to wait on the President of the UNITED STATES, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make; in which they desire the concurrence of the Senate, and the appointment of a committee on their part.

Resolved, That the Senate concur in the foregoing resolution, and that Messrs. JOHNSTON and RUTHERFORD be the joint committee on their part.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Mr. JOHNSTON reported, from the joint committee last mentioned, that they had waited on the President of the UNITED STATES, who informed the committee that he had no further communications to make to Congress at this time.

Whereupon, the Senate then adjourned without day.

SPECIAL SESSION.

MONDAY, March 4.

In conformity to the summons from the President of the UNITED STATES, the Senate assembled in the Senate Chamber.

The Hon. JOHN LANGDON, President *pro tempore*, read the summons of the President of the UNITED STATES, as follows:

The President of the United States to the President of the Senate:

Certain matters, touching the public good, requiring that the Senate shall be convened on Monday, the 4th instant, I have desired their attendance, as I do yours, by these presents, at the Senate Chamber, in Philadelphia, on that day; then and there to receive and deliberate on such communications as shall be made to you on my part.

G. WASHINGTON.

MARCH 1, 1793.

The following Senators were present:

JOHN LANGDON, from New Hampshire;
GEORGE CABOT, from Massachusetts;
THEODORE FOSTER, from Rhode Island;
OLIVER ELLSWORTH, and ROGER SHERMAN, from Connecticut;
RUFUS KING, from New York;
JOHN RUTHERFORD, from New Jersey;
ROBERT MORRIS, from Pennsylvania;
GEORGE READ, from Delaware;
JOHN HENRY and RICHARD POTTS, from Maryland;
JAMES MONROE, from Virginia;
JOHN BROWN and JOHN EDWARDS, from Kentucky;
BENJAMIN HAWKINS, from North Carolina;
RALPH IZARD, from South Carolina;
JAMES GUNN, from Georgia.

SAMUEL LIVERMORE, from the State of New Hampshire, produced his credentials, and took his seat in the Senate; and the oath was administered to him by the President of the Senate, as the law provides.

Agreeably to notice given by the President of the UNITED STATES, on the 2d instant, he came to the Senate Chamber, and took his seat in the Chair usually assigned the President of the Senate, who, on this occasion, was seated at the right and in advance of the President of the UNITED STATES; a seat on the left, and also in advance, being provided for Judge CUSHING, appointed to administer the Oath; the doors of the Senate Chamber being open, the Heads of the Departments, Foreign Ministers, the late Speaker, and such Members of the late House of Representatives as were in town, together with as many other spectators as could be accommodated, were present.

After a short pause, the President of the Senate arose, and addressed the President of the UNITED STATES, as follows:

"SIR: One of the Judges of the Supreme Court of the United States is now present, and ready to administer to you the oath required by the Constitution to be taken by the President of the UNITED STATES."

SENATE.]

Inauguration.

[MARCH, 1793.]

On which the PRESIDENT OF THE UNITED STATES, rising from his seat, was pleased to address the audience as follows:

"FELLOW-CITIZENS: I am again called upon, by the voice of my country, to execute the functions of its Chief Magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the people of United America.

"Previous to the execution of any official act of the President, the Constitution requires an oath of office. This oath I am now about to take, and in your pre-

sence; that, if it shall be found, during my administration of the Government, I have, in any instance, violated, willingly or knowingly, the injunction thereof, I may (besides incurring Constitutional punishment) be subject to the upbraidings of all who are now witnesses of the present solemn ceremony."

Judge CUSHING then administered the oath of office required by the Constitution; after which, the PRESIDENT OF THE UNITED STATES retired, and the spectators dispersed.

After acting upon several nominations received from the PRESIDENT, the Senate adjourned, *sine die*.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE SECOND CONGRESS, BEGUN AT THE CITY OF PHILADELPHIA, NOVEMBER 5, 1792.

MONDAY, November 5, 1792.

This being the day appointed by law for the meeting of the present Congress, the following members appeared, produced their credentials, and took their seats:

From New Hampshire, NICHOLAS GILMAN, SAMUEL LIVERMORE, and JEREMIAH SMITH.

From Massachusetts, FISHER AMES, SHEARJASHUB BOURNE, ELBRIDGE GERRY, BENJAMIN GOODHUE, GEORGE THATCHER, and ARTEMAS WARD.

From Rhode Island, GEORGE LEONARD, BENJAMIN BOURNE.

From Connecticut, AMASA LEARNED, JONATHAN STURGES, and JONATHAN TRUMBULL, (Speaker.)

From Vermont, NATHANIEL NILES and ISRAEL SMITH.

From New York, EGBERT BENSON, JOHN LARRANCE, and THOMAS TREDWELL.

From New Jersey, ELIAS BOUDINOT, ABRAHAM CLARK, and JONATHAN DAYTON.

From Pennsylvania, THOMAS FITZSIMONS and FREDERICK AUGUSTUS MUELLENBERG.

From Maryland, PHILIP KEY and WILLIAM VANS MURRAY.

From Virginia, WILLIAM B. GILES, JAMES MADISON, ANDREW MOORE, JOSIAH PARKER, ABRAHAM VENABLE, and ALEXANDER WHITE.

From North Carolina, NATHANIEL MACON, JOHN STEELE, and HUGH WILLIAMSON.

From South Carolina, WILLIAM SMITH, THOMAS SUMPTER, and THOMAS TUDOR TUCKER.

From Georgia, ABRAHAM BALDWIN and FRANCIS WILLIS.

A quorum of members being present, a message was sent to the Senate to inform that body thereof. And a similar message was received by the House from the Senate; and that JOHN LANGDON had been chosen their President *pro tempore*.

A joint committee were then appointed to wait on the PRESIDENT OF THE UNITED STATES, to inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make them.

Resolved, That two Chaplains, of different denominations, be appointed to Congress, one by each House, to interchange weekly.

The House then proceeded to appoint a Chaplain on their part, when a majority of votes appeared in favor of the Reverend ASHBEL GREEN.

The SPEAKER laid before the House a Letter from the Governor of Georgia, enclosing a proclamation and return of the election of JOHN MILLEDGE, to serve as one of the members of this House for the said State, in the room of ANTHONY WAYNE, whose seat was declared vacant; which was read, and ordered to lie on the table.

A petition of sundry merchants of the city of Charleston, in the State of South Carolina, was presented to the House and read, praying that Congress will pass a law to restrain the proceedings, and reduce the fees in the Court of Admiralty of the United States in the said State; as, also, to admit of other security being taken, to the satisfaction of the Judge of the Court, in small and trivial causes brought by seamen or others against vessels in the merchants' service.

Ordered, That the said petition be referred to Mr. WILLIAM SMITH, Mr. LAURANCE, and Mr. WHITE, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BOUDINOT, from the joint committee appointed to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled and ready to receive any communications he may be pleased to make to them, reported that the committee had performed that service, and that the PRESIDENT was pleased to say, that he would make a communication to both Houses of Congress to-morrow, at twelve o'clock, in the Senate Chamber.

TUESDAY, November 6.

Several other members, viz: from New York, JAMES GORDON; from Pennsylvania, JOHN WILKES KITTERA; and from Virginia, SAMUEL GRIFFIN and JOHN PAGE, appeared and took their seats in the House.

A message from the Senate informed the House that the Senate are now ready, in the Senate Chamber, to attend this House in receiving the communication from the PRESIDENT OF THE UNITED STATES, agreeably to his notification to both Houses yesterday.

The SPEAKER, attended by the members of this House, then withdrew to the Senate Chamber for the purpose expressed in the message from the Senate; and, being returned, the SPEAKER laid before the House a copy of the Speech delivered

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Defeat of General St. Clair—Answer to the President.

[NOVEMBER, 1792.]

by the PRESIDENT OF THE UNITED STATES to both Houses of Congress, in the Senate Chamber. [A copy of the Speech appears in the proceedings of the Senate.]

Ordered, That the said Speech be committed to the consideration of a Committee of the Whole House to-morrow.

WEDNESDAY November 7.

Several members, to wit: from New York CORNELIUS C. SCHOONMAKER; from New Jersey, AARON KITCHELL; from Pennsylvania, DANIEL HEISTER; and from Virginia, RICHARD BLAND LEE, appeared, and took their seats in the House.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of the public moneys, from the 1st of January, 1792, to the 30th of September following, inclusive; which was read, and ordered to lie on the table.

Mr. SPEAKER laid before the House a Letter from Mr. Meredith, Treasurer of the United States, enclosing several accounts of the receipts and expenditure of the public money. Ordered to be printed (100 copies) for the use of the members.

Mr. GOODHUE moved for a committee, to bring in a bill for registering ships and vessels, and regulating those employed in the coasting trade.

Ordered, That Messrs. GOODHUE, FITZSIMONS, and PARKER, be the committee.

Mr. WHITE presented a memorial from Joseph Barnes, attorney for James Rumsey, praying the House to take up his former petition, respecting the enacting another law for the encouragement of Useful Arts, and complaining that the law now in force is altogether insufficient for the purpose of securing authors and inventors of machinery, &c., from the piracy and frauds of pretending impostors. Read and ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating to the House sundry documents referred to by him in his Address to both Houses yesterday, viz: a statement of the appropriation of the funds, certified by the proper officers. A representation from the Chief Justice and associate Justices of the Courts of the United States, complaining of the great severity of the duties imposed on them in being obliged to attend the Circuit Courts, which occasioned them to spend a large portion of their lives in the act of traveling, which ought not to be expected from men far advanced in years, unless in cases of great necessity. That they were almost constantly forced to be absent from their families, and their health daily impaired by the fatigue and burden of their office. And praying that a modification may speedily take place in the Judiciary system.

Another memorial was also amongst the papers sent with the PRESIDENT'S Message, from the Judges of the North Carolina district, containing a detail of the inconveniences to which they were subjected by the law respecting the claims of widows, orphans, and invalid pensioners. Both of

those communications request that Congress may hasten a modification of the Judiciary system of the United States, which, in some instances, they affirm, to be not only burdensome and unnecessarily severe, but absolutely impossible in the execution.

The next document was the Constitution of the State of Kentucky.

The Clerk of the House proceeded to read some of the above-mentioned papers; and finished that respecting the appropriation of the funds, as ordered by law, in the Department of State. These were what had been communicated to the PRESIDENT by Mr. JEFFERSON, and contained details of moneys paid to the persons employed at Foreign Courts, &c., up to the 3d of November, 1792, amounting, in the whole to \$143,500. These sums have been paid principally to Colonel Humphreys, at Portugal; Mr. Gouverneur Morris, at Paris; Mr. Short, at the Hague; Mr. Carmichael, at Madrid; &c. Mr. Secretary JEFFERSON'S communication further contains an analysis of the expenses of the Department of State, from the 1st of July, 1790, to the 1st of July, 1791, and from thence to the 1st of July, 1792. During the former period the amount was \$21,054 61. The latter is about 23,000. These papers were referred to a committee, and then the House proceeded to the other parts of the PRESIDENT'S Message, some of which being of a confidential nature, the galleries were ordered to be cleared.

DEFEAT OF GENERAL ST. CLAIR.

Ordered, That the report of the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair, which was made on the 8th day of May last, be referred to the consideration of a Committee of the Whole House on Wednesday next.

Mr. STEELE, at this early hour of the present session, called the attention of the House to the report which had been brought in at the close of the last session, by the committee then appointed to inquire into and report on the causes of the defeat of the troops under the command of Major General St. Clair, on the 4th of November, 1791. Several reports having been circulated, reflecting dishonorably upon the conduct of that committee, of which Mr. S. was a member, rendered it necessary for him to require a speedy consideration of the whole subject, in order to do away the prejudices which had probably taken place in the minds of many of the citizens of the United States. For these reasons, he moved that the said report should be referred to a Committee of the Whole.

Ordered, That it be taken up on this day week.

ANSWER TO THE PRESIDENT.

The order of the day being called for, Mr. LAURANCE (in the Chair,) the Speech of the PRESIDENT, delivered yesterday to Congress, was taken up; and, on motion of Mr. SMITH, of South Carolina, the following resolve was agreed to: "That a committee be appointed to prepare and report a respectful Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech delivered to both Houses of Congress at the opening of the

NOVEMBER, 1792.]

Proceedings.

H. OF R.

present session; with assurances, that they would take into consideration the important matters therein contained." An amendment was now moved, to strike out the word "important;" but it was negatived, as being a word of too much importance to be neglected. The resolution was carried, in substance, as above, and the Committee rose and reported it. The House immediately agreed, and a committee of three—Messrs. MADISON, BENSON, and MURRAY—were appointed by the SPEAKER to prepare the answer in conformity with the said resolve.

The following Message was received from the PRESIDENT of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you copies of certain papers relative to the Spanish interference in the execution of the treaty entered into in the year 1790, between the United States and the Creek nation of Indians, together with a Letter from the Secretary of State to the President of the United States, on the same subject.

G. WASHINGTON.

UNITED STATES, November 7, 1792.

The papers accompanying the said Message were read, and ordered to lie on the table.

The SPEAKER laid before the House two Letters from Thomas Barclay, Consul of the United States at the Court of Morocco, one dated the 28th of May, the other the 17th of July, 1792, enclosing petitions from Richard O'Brien, in behalf of himself and other citizens of the United States, now in captivity at Algiers, stating the peculiar hardships they have undergone during the time they have been kept in slavery, and praying that Congress will consider their distressed situation, and take such measures for their release, as to their wisdom shall seem meet.

Ordered, That the said letters and petitions be referred to the Secretary of State, for information.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the following papers, to wit:

"1st. A statement of the measures taken, and the overtures made, to procure a peace with the Indians Northwest of the Ohio."

"2d. Information received relatively to the pacific overtures and the disposition of the Indians Northwest of the Ohio."

"3d. A statement of the measures which have been taken to conciliate and quiet the Southern Indians."

"4th. Information received relatively to the disposition of the Southern Indians, and the causes of the hostilities of part of the Cherokees and Creeks."

"5th. A statement of the troops in the service of the United States."

The said Letter and statements were partially read.

THURSDAY, November 8.

Several other members, to wit: from Connecticut, JAMES HILLHOUSE; from Pennsylvania, WILLIAM FINLEY and ISRAEL JACOBS; and from Kentucky, ALEXANDER D. ORR, appeared, and took their seats in the House.

The petition of James Warrington, attorney in fact of Joseph Blachford, surviving partner of Harris & Blachford, late of Charleston, in the State of South Carolina, was presented, praying that the sum of seven thousand and fifty-two dollars and eighty-three-ninetieths of a dollar, with the interest thereon, which is due from the United States to the estate of John Banks, deceased, may be applied to the discharge of a claim of the petitioner's constituents against the estate of the late General Greene, on account of his security to them in behalf of the said Banks, on a contract to supply the late Southern Army with provisions; which was ordered to lie on the table.

A memorial from Messrs. Joseph and Woodrop Sims, merchants in Philadelphia was read, declaring that the ship Two Brothers, with a cargo of salt, wines, &c., bound from Cadiz to Philadelphia, had been, some time ago, driven into New York by stress of weather; that they had directed their agent there (Mr. Seaton) to dispose of the cargo, but, on being afterwards informed that it would not bring prime cost, they countermanded their orders, and the ship was coming round to Philadelphia without having broke bulk, but was wrecked off Egg Harbor; that the duties had been bonded at New York when the ship entered there, and the Collector had informed them he could not relinquish his demand for the whole of said duties; that there was no part of the property saved except five casks and one quarter-cask of wine, and some part of the rigging; that said five and a quarter casks were duly gauged and the duty paid in Philadelphia; and, finally, praying to be relieved from the payment of the duties secured at New York on a cargo which never came into their possession—this either by a general or special law of Congress.

Mr. SMITH, of South Carolina, brought in a report from the committee appointed on the representation of the merchants of Charleston, against the law for regulating the fees in the Court of Admiralty of the United States, &c.; that it was the opinion of the committee that said law should be repealed, and another act passed to regulate said fees and to empower the Judges to take bail in trivial cases brought by seamen in the merchants' service, not exceeding five hundred dollars; which report was read, and ordered to lie on the table.

Ordered, That the petition of Joseph Barnes, attorney in fact for James Rumsey, which lay on the table, be referred to Mr. WILLIAMSON, Mr. STROGES, and Mr. LEE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of War, communicating information that, on the 12th of September last, Brigadier General Putnam concluded a Treaty of Peace, on behalf of the United States, with the Wabash and Illinois Indians, consisting of the several tribes of Eel River, Ouittanonah, Potawatamies of the Illinois river, Musquitons, Kickapoos of the Wabash, Piankeshaws, Kaskaskias, and Peorians.

H. or R.]

The President's Speech.

[NOVEMBER, 1792.]

The Clerk proceeded to read the Speeches delivered to the Indians by Brigadier General Putnam. That which he spoke to the Miami, &c., informed them that the Great Chief of the United States had sent a Speech some time ago, as well as one from himself inviting those tribes to peace, and to recommend it to their neighbors, at the same time observing, that a treaty had been concluded with the Wabash Indians, and the hatchet everlastingly buried. "Brothers," said he, "if you will hear me, and not listen to the singing of the birds, carried to your ears by those who would ruin and destroy you, open your ears to my message. My wish is to see you all happy, and that your women and children may lie down in peace, and your young men and hunters live in harmony with the United States. The United States never intended to wrong you out of any of your lands. Send some of your wise men to meet us, who can see and hear the truth, and who will consider your interest well. The road to happiness and peace is open to you. Arise! come and see me, and let us shake hands with one another."

To the Delaware General Putnam also made a Speech, wherein he expresses sentiments, in substance, as follows: "I have lived with you many years. The Great Chief of the United States is a good man. Listen to his words, which he sends by me to you for your good. Many things have happened which were forced to be left in the dark, but they will all come to light, if you will come to the mouth of the Muskingum and hear what we have to say to your people."

Another Speech of the General's, to a different tribe, offers them peace, and requests them to send a Speech to their brothers, desiring them not to stop their ears, but to take the straight road to happiness, which is now laid open to them. "The Great Spirit," said he, "I hope may succeed in bringing about a lasting peace, if your people are as willing as our Great Chief to brighten the chain of friendship. If you will come to Philadelphia, I will provide for your accommodation on the journey, and I request your answer."

After reading the above-mentioned papers, the House took up a memorial presented by Commodore John Hazlewood, respecting services and losses performed and sustained by him during the war, and requiring relief, &c. Read and laid on the table.

Mr. LEE moved that the Report of the Secretary of the Treasury, made to the House last session, respecting lost or destroyed certificates, be taken up in Committee of the Whole.

Ordered, That said Report be made the order of the day for next Monday week.

Ordered, That the Letter and representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties according to the present Judiciary system, referred to in the President's Message of yesterday, be committed to Mr. LIVERMORE, Mr. BENSON, Mr. KITTERA, Mr. VENABLE, and Mr. WILLIAM SMITH, with instruction to examine the same, and report their opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the regulation of pilots, and the superintendence of light-houses, beacons, buoys, and public piers throughout the United States; and that Mr. FRIZZIMONS, Mr. PARKER, and Mr. WILLIAMSON, be the said committee.

The House resumed the reading of the papers communicated yesterday by the Secretary of War, relative to the Indians Northwest and South of the river Ohio, and to the troops in the service of the United States, and made a farther progress therein.

FRIDAY, November 9.

Another member, to wit: CHRISTOPHER GREENUP, from Kentucky, appeared, produced his credentials, and took his seat in the House.

A Message was received from the PRESIDENT OF THE UNITED STATES, transmitting sundry communications from the Governor of Virginia, containing a correspondence between himself and the Governor of North Carolina, respecting the boundary line between the State of Virginia and the territory South of the river Ohio. These papers contain details of the situation of the unsettled boundaries extending toward the State of Kentucky, and a description of the difference between Walker's and Henderson's lines, which are at some places three miles asunder; and in this space there are upwards of a hundred families which may be claimed by either State, or they need acknowledge neither.

This subject was referred to Messrs. BOUNDNOT, WILLIAMSON, and PAGE.

Mr. MADISON, from the committee appointed, presented an Address, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

THE PRESIDENT'S SPEECH.

Mr. MURRAY called the attention of the House to that part of the PRESIDENT'S Speech which respects the transmission of newspapers throughout the different parts of the Union. He observed, that it had been in contemplation to qualify the Post Office law by a supplement, at the close of the last session; but, from the multiplicity of business crowding in at that time, the measure was relinquished. The same reasons could not operate in the present session, for the subject was particularly mentioned by the PRESIDENT, and ought to be referred to a committee as well as any other division of his communications. For these reasons, Mr. M. moved for the appointment of a committee; but, before any order could be taken on this motion, a member called for the reading of the confidential papers from the War Department, and the SPEAKER ordered the galleries to be cleared.

SATURDAY, November 10.

Two other members, to wit: PETER SYLVESTER, from New York, and THOMAS HARTLEY, from

NOVEMBER, 1792.]

Address to the President.

[H. or R.]

Pennsylvania, appeared, and took their seats in the House.

ADDRESS TO THE PRESIDENT.

The House resolved itself into a Committee of the Whole House on the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. LAURANCE reported that the Committee had had the said Address under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the said Address, as amended, being again read, was, on the question put thereon, agreed to by the House, as follows:

"SIR: The House of Representatives, who always feel a satisfaction in meeting you, are much concerned that the occasion for mutual felicitations afforded by the circumstances favorable to the national prosperity should be abated by a continuance of the hostile spirit of many of the Indian tribes, and particularly, that the reiterated efforts for effecting a general pacification with them should have issued in new proofs of their persevering enmity, and the barbarous sacrifice of citizens, who, as the messengers of peace, were distinguishing themselves by their zeal for the public service. In our deliberations on this important department of our affairs, we shall be disposed to pursue every measure that may be dictated by the sincerest desire, on one hand, of cultivating peace, and manifesting, by every practicable regulation, our benevolent regard for the welfare of those misguided people; and by the duty we feel, on the other, to provide effectually for the safety and protection of our fellow-citizens."

"While with regret we learn that symptoms of opposition to the law imposing duties on spirits distilled within the United States, have manifested themselves, we reflect with consolation, that they are confined to a small portion of our fellow-citizens. It is not more essential to the preservation of true liberty, that a Government should be always ready to listen to the representations of its constituents, and to accommodate its measures to the sentiments and wishes of every part of them, as far as will consist with the good of the whole, than it is, that the just authority of the laws should be steadfastly maintained. Under this impression, every Department of the Government, and all good citizens, must approve the measures you have taken, and the purpose you have formed, to execute this part of your trust with firmness and energy; and be assured, sir, of every constitutional aid and co-operation, which may become requisite on our part. And we hope that, while the progress of contentment under the law in question, is as obvious as it is rational, no particular part of the community may be permitted to withdraw from the general burdens of the country, by a conduct as irreconcilable to national justice, as it is inconsistent with public decency."

"The productive state of the Public Revenue, and the confirmation of the credit of the United States abroad, evinced by the loan at Antwerp and Amsterdam, are communications the more gratifying, as they enforce the obligation to enter on systematic and effectual arrangements for discharging the Public Debt, as fast as the conditions of it will permit; and we take pleasure in the opportunity to assure you of our entire concurrence in the opinion, that no measure can be more desirable, whether viewed with an eye to the urgent wish

of the community, or the intrinsic importance of promoting so happy a change in our situation.

"The adoption of a Constitution for the State of Kentucky, is an event on which we join in all the satisfaction you have expressed. It may be considered as particularly interesting, since, besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of providing, by free and deliberate plans of Government, for their own safety and happiness."

"The operation of the law establishing the Post Office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention, the circulation of political intelligence through these vehicles being justly reckoned among the surest means of preventing the degeneracy of a free Government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens."

"The several other matters which you have communicated and recommended, will, in their order, receive the attention due to them, and our discussions will, in all cases, be guided by a proper respect for harmony and stability in the public Councils, and a desire to conciliate, more and more, the attachment of our constituents to the Constitution, by measures accommodated to the true ends for which it was established."

Resolved, That the SPEAKER, attended by the House, do present the said Address, and that Mr. MADISON, Mr. BENSON, and Mr. MURRAY, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

The House proceeded to consider the report of the committee to whom was referred the petition of the merchants of the city of Charleston, in South Carolina. Whereupon,

Resolved, That provision ought to be made by law, to regulate the fees of the several District Courts of the United States, in all cases of Admiralty proceedings; and that so much of the act for the regulation of seamen in the merchants' service, as makes ships or vessels and their appurtenances liable to seizure and detention, for actions of trivial amount, be repealed; and that, in future, a power be vested in the District Judge, to accept of other sufficient security, in cases where the sum in dispute shall not exceed — dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. WILLIAM SMITH, Mr. LAURANCE, and Mr. WHITE, do prepare and bring in the same.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the PRESIDENT, who signified to them that it would be convenient to him to receive the said Address at 12 o'clock on Monday next, at his own house.

MONDAY, November 12.

Another member, to wit, JOHN BAPTIST ASHE, from North Carolina, appeared, and took his seat in the House.

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Address to the President—Defeat of General St. Clair.

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The SPEAKER laid before the House a Letter from the Secretary of the Treasury, covering a statement of the receipts and expenditures of public moneys, to the end of the year 1791; which was read, and ordered to lie on the table.

ADDRESS TO THE PRESIDENT.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the PRESIDENT made the following reply:

"GENTLEMEN: It gives me pleasure to express to you the satisfaction which your Address affords me. I feel, as I ought, the approbation you manifest of the measures I have taken, and the purpose I have formed, to maintain, pursuant to the trust reposed in me by the Constitution, the respect which is due to the laws; and the assurance which you, at the same time, give me, of every constitutional aid and co-operation that may become requisite, on your part.

"This is a new proof of that enlightened solicitude for the establishment and confirmation of public order, which, embracing a zealous regard for the principles of true liberty, has guided the deliberations of the House of Representatives: a perseverance in which can alone secure, under the Divine blessing, the real and permanent felicity of our common country.

"G. WASHINGTON."

The House, having returned to their Chamber, resumed the reading of the papers communicated by the Secretary of War, on Wednesday last, relative to the Indians Northwest and South of the river Ohio, and to the troops in the service of the United States, and made a farther progress therein.

TUESDAY, November 13.

Two other members, to wit: ROBERT BARNWELL and DANIEL HUGER, from South Carolina, appeared, and took their seats in the House.

Mr. BOURNOR, from the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 6th instant, together with sundry papers on the subject of the boundary line between the State of Virginia and the Territory of the United States South of the Ohio, made a report; which was read, and ordered to lie on the table.

DEFEAT OF GENERAL ST. CLAIR.

On a motion made and seconded, that the House do come to the following resolution:

"Resolved, That the Secretary of the Treasury and the Secretary of War be notified that this House intend, on Wednesday next, to take into consideration the Report of the Committee appointed to inquire into the causes of the failure of the late expedition under General St. Clair, to the end that they may attend the House, and furnish such information as may be conducive to the due investigation of the matters stated in the said report."

Mr. WILLIAMSON moved to strike out the latter part of the resolution, which respected the attendance of the Secretaries on the House. This motion, if carried, leaves the resolution a simple

proposition to inform those officers that the House were, on Wednesday, to take the Report on the failure of General St. Clair's expedition into consideration.

Mr. VENABLE objected generally to the resolution, as inconsistent with the dignity of the House. He doubted the propriety of the measure altogether. The gentlemen are not impeached, and therefore the House has no right to cite them to make their appearance; and, with respect to information, the House can command such from the Heads of Departments as they may see proper to require. He was at a loss in attempting to investigate the object of the resolution. He could see no purpose that it would answer, which could not as well be obtained without it.

Mr. WHITE offered several objections to the resolution, of a similar import with the above.

Mr. DAYTON supported the motion by a few remarks, stating the importance of that information which those gentlemen alone could give. He adverted to the report of the committee, which he observed had exculpated the commanding General on that expedition, whereas he was of opinion that the failure was owing to the misconduct of that gentleman.

Mr. TUCKER objected to the resolution. He preferred the mode of requiring that information which the House might think necessary, in writing.

Mr. MADISON objected to the motion on constitutional grounds, and as being contrary to the practice of the House. He had not, he said, thoroughly revolved the matter in his own mind, and therefore was not prepared to state fully the effects which would result from the adoption of the resolution; but he would hazard thus much, that it would form an innovation in the mode of conducting the business of this House, and introduce a precedent which would lead to perplexing and embarrassing consequences; as it involved a conclusion, in respect to the principles of the Government, which at an earlier day would have been revolved from. He was decidedly in favor of written information.

Mr. CLARK was opposed to the resolution; as a member of the committee who made the report, he had no apprehension; with respect to information, the report and the vouchers are before the House; and such further inquiry may be made of the proper officers as the House may think necessary.

Mr. AMES supported the resolution. He noticed the impressions which the failure of the late expedition had made on the public mind. Characters had suffered in the general estimation. It was of the utmost importance that a thorough investigation should take place, that if the failure of the expedition was a mere casualty, and the fortune of war, it might be made to appear; or, if it was owing to misconduct, the blame might fall on the proper subjects. The mode suggested to obtain information appeared to him the best that could be adopted—the most adequate to the object. It was due to justice, to truth, and to the national honor, to take effectual measures to in-

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investigate the business thoroughly. This inquiry appears to be the beginning of an arrangement preparatory to an impeachment; on whom this will fall, he should not presume to say; but still it places the subject in an important point of view, and shows, in the strongest manner, the necessity of adopting the best possible mode of ascertaining the real state of facts. This, he conceived, could not be done so effectually as by the mode proposed in the resolution.

Mr. GILES objected to the resolution. He preferred a thorough discussion of the report, in the first place, and a comparison of the vouchers with the report; and if, in the issue, it should appear necessary to call for information from these officers, it could then be done; but, in the present state of the business, to adopt the resolution would place the committee in a very disagreeable situation.

Mr. LAURANCE observed that the committee, in their report, say that, for want of time, they had not been able to complete it; it is, then, apparent from the report itself that it is immature. He stated several particulars in the report which were incomplete, and from hence inferred that there was material information to be received previous to being able to form a competent judgment on the matter. He observed that, as the information must be had, he saw no necessity of postponing the attendance of those officers in the first instance.

Mr. MADISON, in reply to Mr. AMES's remark, that the best possible mode ought to be adopted, observed, that there seemed to be different ideas entertained by the different advocates of the resolution; one seemed to implicate the officers alluded to as parties concerned; another appeared to consider them merely as witnesses. For his part, he thought there was no other way of proceeding, but that of adopting one or the other of these alternatives: either to take up the report and discuss its merits, or for the House to begin the inquiry themselves, *de novo*.

Mr. LIVERMORE objected to the resolution. He could not see any advantage which would result from adopting it. He thought the causes of the failure of the expedition were sufficiently obvious, without criminating any body. He adverted to these causes—they were the rawness of the troops, and the superiority of the Indians as marksmen. On these points, he could not see what information could be derived from the Secretary of the Treasury. He thought that the Legislature had gone too far already, and that no satisfaction would result from further proceedings, but that the subject would appear more and more involved.

Mr. BOURNOR, after stating sundry particulars relative to the state of the public mind at the time of the report, adverted to several parts of it which appear to criminate particular persons, some of whom were absent at the time of the investigation on which the report is founded. He therefore urged the necessity of receiving from the Heads of the Departments that information which was requisite to throw light on several parts of the report, and that this ought to be done previous to taking the report into consideration.

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Mr. FITZSIMONS said he should vote against the resolution. He did not think this the proper time to call for the information alluded to; nor the mode proposed a proper one. Some remarks have been made on the report, though it is not before the House; to these he should not particularly reply, but would only observe, that no person had applied to the House for redress of any supposed injury received by the report. It has been said that the inquiry ought to have been a military one; but it was well known that it was impossible to institute such an inquiry by reason of the want of officers. He then gave a sketch of the mode of proceeding adopted by the committee in conducting the inquiry, to show that they had availed themselves of every means of information within their power.

Mr. WILLIAMSON said he had moved to strike out the latter part of the resolution, but he was equally opposed to the whole of it; and since he had heard the remarks of several gentlemen, on both sides of the House, he was clearly of opinion that the best way was to dispose of it altogether, and to let the subject proceed in the course which it had already taken.

Mr. GILES observed, that he thought there was less delicacy observed on this occasion, in respect to the committee, than was usual in this House. With respect to the report, the vouchers on which every assertion is founded are before the House. As to the incompleteness of the report, it is an immaterial object; the few blanks it contains are occasioned by the want of time to examine the voluminous papers necessary to be examined, in order to ascertain some of the facts—facts not in themselves of the first importance. He observed, that he had not the smallest objection to the full investigation of the subject; he was in favor of all the information that could be possibly obtained; he objected not only to the mode now contended for, which he thought not only liable to all the objections which had been made, but to many others which might be offered.

Mr. DAYTON observed, that he was one of those who were not satisfied with the report; he did not think the conclusion which exculpated the commanding officer could be supported by the report itself. He adverted to several facts stated in it, which showed that the commander must have been highly culpable; he instanced the slowness of his movements, the dilatoriness in constructing forts, and his being surprised by the enemy. He thought that the remarks which had fallen from gentlemen, on what he had said, were illiberal, as they had virtually impeached his candor, when he was not conscious of deviating from its dictates. It was not his intention to have touched on the merits of the report, but he had been impelled to do it from the turn the debate had taken.

Mr. GERRY was in favor of the resolution. He enlarged on the magnitude of the object of investigation, and insisted that it was the indispensable duty of the House thoroughly to probe the subject to the bottom, that if any persons have been to blame they may suffer, or if the event which has taken place, by which the national character

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has suffered, and so severe an expense has been incurred, amounting probably to one million dollars, has been owing to circumstances which could not be avoided or controlled, the public may receive satisfaction as to the whole matter.

Mr. PAGE objected to the resolution, particularly to the precedent it would establish; but, at the same time, he was in favor of the fullest inquiry the subject was susceptible of. He said, that the mode proposed would operate to clog the freedom of inquiry, and the freedom of debate.

Mr. AMES, alluding to the spirit of the report, pointed out the peculiar situation of the two Secretaries, and that they did not stand on the same ground with other persons who are not so intimately implicated in the matter. He alluded to the various objections which had been urged from precedent, from the fullness of the investigation which the subject had undergone in the hands of the Committee, and from the remark by Mr. LIVERMORE, that sufficient had already been done. To this last objection he particularly replied, by saying that the public wanted further satisfaction, and that the House could not justify themselves to their constituents without a stricter and fuller investigation, that the whole of the facts might be laid before them.

Mr. MADISON said, the mode now proposed involved a dereliction of the only practicable mode of transacting public business; and that, however imperfect that mode might be, still he believed that it was the only one that had received the sanction of experience and utility. He therefore hoped that the resolution would be rejected, and the mode already adopted persevered in, and the necessary information called for in writing, from every person in anywise interested or competent to give it.

Mr. W. SMITH supported the resolution. He showed by the report itself, and from the reasoning used by gentlemen in opposition to the resolution, that the two Secretaries were implicated in the causes of the failure of the expedition; from hence, he inferred the justice and propriety of giving them an opportunity of exculpating themselves.

Mr. GERRY expressed surprise at the apprehension which some gentlemen appear to entertain of the measure of introducing the Heads of Departments into the House; for his part he had no such apprehensions. The Secretary will attend at the orders of the House merely to give such information as may be required, and not as members or ministers, to influence and govern the determinations of the House.

Mr. VENABLE objected further to the resolution; he urged the impropriety of any of the Heads of Departments coming forward, and attempting in any way to influence the deliberations of the Legislature.

Mr. LAURANCE replied to Mr. VENABLE; he observed that the gentleman appeared to mistake the object of the resolution; it was not contemplated that either of the Secretaries should appear on the floor of the House to influence, in any de-

gree, its decisions; they are to be called on merely for information.

Mr. MURRAY objected to the resolution. The report, he observed, is made to the House; if in the course of its discussion any further light or information should be deemed necessary, it may then be called for, and in that mode which shall appear most eligible—at present the question appears to be premature. Mr. MURRAY added several other remarks, and then the question being put, Mr. WILLIAMSON'S motion, for striking out was carried.

And then the main question being put, that the House do agree to the said resolution as amended, it passed in the negative.

Resolved, That the Committee of the Whole House, to whom is referred the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, be empowered to send for persons, papers, and records, for their information.

Resolved, That the Secretary of the Treasury be directed to cause to be laid before this House a statement of the several disbursements of money made by the Department of War in the years 1790 and 1791.

The House resumed the reading of the papers communicated by the Secretary of War on Wednesday last, relative to the Indians Northwest and South of the River Ohio, and to the troops in the service of the United States, and made a farther progress therein.

WEDNESDAY, November 14.

Another member, to wit: WILLIAM BARRY GROVE, from North Carolina, appeared and took his seat in the House.

A petition of John Blake, Joseph Bindon, John D. Mercer, and Benjamin Thompson, on behalf of themselves and other Canadian refugees, was presented to the House and read, praying compensation for losses and injuries sustained in their persons and property, by adhering to the American cause, during the late war.

Ordered, That the said petition be referred to Mr. DAYTON, Mr. BENJAMIN BOTWINE, and Mr. MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to regulate trade and intercourse with the Indian tribes; and that Mr. WHITE, Mr. CLARK, and Mr. WILLIAMSON, do prepare and bring in the same.

Ordered, That Mr. FITZSIMONS be added to the committee to whom was referred the petition of James Warrington, attorney in fact for Joseph Blachford, surviving partner of Harris & Blachford, late of Charleston, in the State of South Carolina.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1793; which were read, and ordered to lie on the table.

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Ordered, That a committee be appointed to take into consideration that part of the President's Speech which relates to the transmission of newspapers, and report whether any, and what alterations may be necessary in the act passed last session for the regulation of the Post Office; and that Mr. MURRAY, Mr. BALDWIN, Mr. GILMAN, Mr. AMES, and Mr. BARNWELL, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of War, together with a memorial of Samuel Hodgdon, late Quartermaster General to the Army, respectively praying that they may be heard, and permitted to give information and explanations as to the causes of the failure of the expedition under Major General St. Clair; which were read. The Letter of the Secretary of War is as follows:

WAR DEPARTMENT, November 14, 1792.

SIR: After the close of the last session of Congress I saw with much concern the report of the committee appointed to inquire into the causes of the failure of the expedition, under Major General St. Clair, of the 8th of May, 1792; which, having been presented to the House in the last moments of the session, was ordered to be printed, and has since circulated in the public newspapers throughout the United States, containing suggestions, most of them founded upon *ex parte* investigation, which have been understood in a sense very injurious to my reputation.

Learning that the present day was appointed for taking into consideration the above mentioned report, I have waited with anxious expectation for some act of the House enabling me to attend the progress of the examination upon which they are about to enter, for the purpose of furnishing such information and explanations as might conduce to a right understanding of facts, in which I am so materially implicated. The failure of a proposition, which I am informed was made to the House with that view, has added to my solicitude and regret.

Thus situated, I feel myself called upon to ask of the justice of the House that some mode may be devised, by which it will be put into my power to be present during the course of the intended inquiry, as well to hear the evidence on which the several allegations contained in the report are founded, as to offer the information and explanations to which I have alluded.

To this step I am impelled by a persuasion that an accurate and satisfactory investigation cannot otherwise be had with equal advantage, if at all. And my entire reliance upon the equity and impartiality of the House, will not permit a doubt to exist on my part that such an investigation will be exclusively the object of their desire and pursuit.

I have the honor to be, sir, with the highest respect, your most obedient humble servant,

H. KNOX.

The SPEAKER of the honorable the House of Representatives of the U. S. DEFEAT OF GENERAL ST. CLAIR.

And then the order of the day, that the House do resolve itself into a Committee of the Whole House on the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, being taken up—

Mr. MADISON suggested that the most simple, most practicable and consistent plan would be, to recommit the report of the select committee, and refer the present applications* to the committee to whom the report shall be re-committed. He therefore moved that the Committee of the Whole should be discharged from considering the reports on the causes of the failure of the late expedition.

Mr. SMITH (S. C.) observed that several objections struck him in opposition to this motion. The House must at some period, said he, meet this case; if it is re-committed, there will be an impropriety in referring it to the same committee; if a new committee is appointed, they must begin the whole subject *de novo*; and, if their investigation should take up such a length of time as that of the former committee, the session will be expended, and at the close of it the business will recur on the House, and the same discussion will occur again that is now proposed. He hoped the House would therefore proceed in the consideration of the report, assign two or three days in the week for the purpose, and continue the investigation till the whole is finished.

Mr. GRASS replied, that he had no doubt that the vouchers on which the committee had founded the report would appear sufficient to justify the decisions that they had made. He said that he did not suppose that the applicants would adduce any new information; one of them had been called on, he attended the committee, and he supposed that he had furnished all the information he was in possession of. He objected to a recommitment; as one of the committee, he was perfectly satisfied with the report; nor did he conceive there was any additional evidence to be produced, except it was of a recent date.

Mr. AMES said, he perceived such a disinclination to go into the subject as indicated a proper temper of mind in relation to the persons supposed to be any ways interested in the ultimate decision of the House. He was opposed to a recommitment, as it would procrastinate instead of expediting the inquiry. He adverted to the report. Facts are stated; the public have been left to draw the inferences; the committee have not explicitly criminated any body; but they have determined, in several instances, who is not to blame. What is the situation of those who are implicated in the causes of the failure? Every citizen knows that, in consequence of the issue of the expedition, clamors against the War Department, in respect to Indian affairs, have rung through the Continent. Should public officers, who have been placed in situations of such importance be silent, and submit calmly to such imputations, they would be unworthy of public confidence, unworthy to breathe the vital air. They now apply for an opportunity to be heard in their own vindication. Shall they be sent to a Committee-room, and make their defence against the allegations brought forward to their disadvantage, which have been published to the world, in the hearing of perhaps ten or a dozen persons only? He hoped not—he

* Letters of the Secretary of War and Quartermaster General.

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thought justice to them and to the public required that they should be allowed to make their defence in the face of the world. Will not precluding them look like a wish to smother all further inquiry into the matter?

Mr. BALDWIN was in favor of recommitting; he said it was the most eligible mode, and was consonant to the practice of the House.

Mr. MADISON remarked, that it had been said a disposition was discovered to smother inquiry. In reply he observed that, if he wished to prevent a thorough investigation, he should be in favor of the whole subject being undertaken by the House; because, he observed, that if a select committee of a few members took seven weeks to form an incomplete report, it must appear evident that so large a body as this House could never get through the matter. He further observed, that the same reason existed for referring the residue of the evidence to a select committee as induced the measure in the first instance.

Mr. FITZSIMONS said he was at first in favor of a recommitment, but on further consideration he was convinced the House would be able to get through the subject in a shorter time than a select committee. He added several other reasons which induced him to be in favor of the House proceeding with the report.

Mr. GERRY said it appeared to him that the only question seemed to be, whether the House or the select committee shall establish the facts. If these facts are established by the committee, would it give equal satisfaction as if they were established by the House? He conceived it would not; but, should the result be a conviction on the part of the House that some of the officers are culpable, will the House rest an impeachment on the report of the committee? He conceived the House ought to found their decisions on facts ascertained by themselves. It has been said there is no difference between the House and the committee. If this is the case, does it not imply a censure by the House on certain characters? He thought it did. It therefore becomes the House to discuss the report, that it may be determined on what footing it stands. If, in the case of a contested election the House revolted from the idea of submitting their judgment to facts substantiated by a committee, the case before us is of unspeakably greater magnitude. For these, and several other reasons, he hoped the report would not be recommitment.

Mr. WILLIAMSON was in favor of the motion for recommitting; he supported his opinion by the uniform practice of the House, which in every case where new evidence was adduced, always provided that the new evidence should be examined by the same committee, who had originally brought in the report. He said if this mode was departed from, we should find no committee would bring forward a state of facts in future. He thought it was not treating the committee with proper candor to decide on their report in its present situation.

Mr. SYLVESTER observed, that the resolution of the House at the close of the last session, that they

would take up the subject early in the present session, precluded a recommitment; he was therefore opposed to the motion.

Mr. BOUDINOT was in favor of a recommitment; he said, if there is new evidence to be brought forward, the House ought to wait till that is received and reported at the Clerk's table; and this he conceived ought to be done in the usual way, by a select committee; till the whole testimony is completed it appeared to him the House was not prepared to take one step in the matter.

Mr. MADISON replied to Mr. GERRY's allusion to the case of the contested election. He inquired of him whether the House itself went into an investigation of facts in the first instance? He believed he would not say they did. With respect to the memorials, he inquired, whether, if they had been presented at the time of the investigation of the subject by the select committee, they would not have been referred to the committee? If they would then have been referred, the same reason exists for referring them to a select committee at the present time.

Mr. LAURANCE was of opinion that a recommitment would tend to a saving of time; the committee will not be obliged to go over the same ground again that has already been explored; all they will be obliged to do is, to investigate the new testimony which will be adduced. He hoped, therefore, that the motion would prevail.

Mr. GILES said, that the proceedings of the committee were public, and that the Secretaries could have attended all the time, had they seen proper. They attended but once, and then appeared extremely anxious "to get away to attend to their offices." The committee would have been extremely glad to have had those gentlemen present oftener, and to receive all the information they could give, and supposed they had done it.

Mr. GERRY replied to Mr. MADISON. He said, if gentlemen would recur to the proceedings of the House on the contested election, they will find that the House expressly reserved to itself the right of substantiating the facts, which should appear from an examination of the depositions taken in conformity to the resolutions of the House; and here he adverted to the mode pointed out by the House in taking those depositions. The adverse party was to be summoned to attend to the taking them; but in this report it appears that *ex parte* evidence has been admitted as the foundation on which some of the decisions have been made.

Mr. MURRAY supported the motion for a recommitment. He observed that the matter, in its present state, was so incomplete that he could not see how the House could proceed upon it. One part of the evidence only is finished, and the report is made on that evidence. Now, we are told new testimony is offered; let the whole be brought into view at once, and then the House will be in a situation to judge.

Mr. PAGE was in favor of a further commitment of the subject; but whether to the committee who made the report, or to a new committee, he should not take upon him to say.

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respect to the admission of any Head of a Department to the bar of this House, except in case of an impeachment, he would never consent to it. It would be a precedent of a most dangerous nature, tending to a destruction of all freedom of inquiry by committees.

Mr. FINDLEY observed, that the committee wished that Mr. Hodgdon should have been present, but he did not make his appearance; the committee therefore proceeded on the testimony they had, and as there is now new evidence brought forward, he thought it was proper that the report should be recommitted. As one of the committee, he should have no objections to such alterations as might appear proper on further and more complete investigation of the matter.

Mr. STEELE called for the reading of a clause in the memorial of the Secretary of War, which states that the committee had drawn conclusions from *ex parte* evidence. This being read, Mr. STEELE remarked on the want of candor towards the committee, which had been shown by some of the members in the course of their observations. He then adverted to the above clause respecting *ex parte* evidence, and observed that, with respect to the Secretary of War, it was not true that the committee had proceeded on *ex parte* evidence; that officer, said he, was notified of the meetings of the committee; he attended those meetings; he furnished the committee with papers and documents, &c.; and further, he was requested to detain officers in town whose testimony was necessary in the matter, and that he complained of some of those officers being detained by the delays of the committee from the recruiting service. With respect to Mr. Hodgdon the same cannot be said, as he was not then in the country.

Mr. STEELE then concluded by some additional remarks on the indelicacy manifested by some gentlemen in their treatment of the committee, and observed that he did not apply it to himself personally, but as it respected the committee at large, he thought proper to express the contempt which he conceived it merited.

Mr. DAYTON replied to Mr. STEELE. He repeated the substance of his original remarks on the report, and added, that in the course of the discussion he should attempt to show that the deductions made in several parts of the report were false. Mr. D. added, that whatever the gentleman last speaking might say, as one of the committee who signed the report, he was certainly implicated in whatever censure it merited.

The question for a recommitment was then agreed to, 30 to 22. And it was accordingly Resolved, That the Committee of the Whole House, to whom was committed the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, be discharged from the consideration thereof; and that the said report, together with the documents relating thereto, including the Letter of the Secretary of War, and the memorial of Samuel Hodgdon, be recommitted to Mr. FITZSIMONS, Mr. GILES, Mr. STEELE, Mr. CLARK, and Mr. FINDLEY.

THURSDAY, November 15.
Another member, to wit: THEODORE SEDGWICK, from Massachusetts, appeared, and took his seat in the House.

Mr. GOODHUE, from the committee appointed, presented a bill concerning the registering and recording of ships or vessels: which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying an extract of a letter to him, from James Seagrave, temporary agent to the Creek Indians, dated the 28th ultimo, containing further information relative to Indian affairs in the Southern department; which were read, and ordered to lie on the table.

FRIDAY, November 16.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act regulating Foreign Coins," and for other purposes," to which they desire the concurrence of this House. The message also communicated a Letter from Messrs. Hebert & Co., of the city of Paris, addressed to the Congress of the United States, stating certain propositions for the purchase of a quantity of vacant lands, the property of the United States.

The Letter referred to in the said Message was read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes," was read the first time.

Ordered, That Mr. VENABLE and Mr. STEELE be added to the committee appointed to take into consideration that part of the President's Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session for the regulation of the Post Office.

The House resumed the reading of the papers communicated by the Secretary of War on the 7th instant, relative to the Indians Northwest and South of the River Ohio, and to the troops in the service of the United States, and made a farther progress therein.

MONDAY, November 19.

Another member, to wit: JOHN FRANCIS MERCER, from Maryland, appeared, and took his seat in the House.

The bill sent from the Senate entitled "An act regulating Foreign Coins, and for other purposes," was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter and Report from the Commissioners appointed by the act entitled "An act making provision for the reduction of the Public Debt," stating the amount of the purchases which have been made of the Public Debt, in pursuance of the powers vested in them by the said act," which were read, and ordered to lie on the table.

A memorial and address from the people called

Quakers, from their several religious societies in New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed salutary and effectual for securing peace and friendship with the original holders of this land.

Ordered. That the said memorial and address do lie on the table.

A petition of Thomas Screven, executor of Brigadier General James Screven, deceased, was presented to the House and read, praying the removal of sundry Continental Loan Office certificates, the property of the said deceased, which were burnt, or otherwise destroyed by the enemy, during the late war.

Ordered. That the said petition be referred to the consideration of the Committee of the Whole House, to whom is committed the Report of the Secretary of the Treasury respecting lost and destroyed certificates.

Ordered. That the Report of the Secretary of the Treasury concerning marine hospitals, which was made on the 17th of April last, together with the report of a committee thereupon, which was made on the 28th of the same month, be referred to the committee last appointed.

PROTECTION TO AMERICAN COMMERCE.

Mr. WILLIAMSON moved that a committee be appointed to prepare and bring in a bill or bills for promoting commerce, by the increase of American seamen. In moving the above, Mr. W. addressed the House as follows:

Much of your time during the present session, Mr. SPEAKER, will be employed in deliberating upon the several important subjects that have been recommended to us by the President. The numerous and lengthy bills that you inherit from the last session, must also demand a considerable portion of your time. Observing so much interesting and weighty business, from which you cannot turn aside, it is with some reluctance that I bespeak the attention of the House, while I submit to their consideration another subject of some importance: for it is a subject, unless I am mistaken, that interests the merchant and the planter.

Measures have already been taken by Congress, for increasing the number of our shipping; but no effectual and general measure has been adopted for increasing the number of native American seamen. Every gentleman in my hearing knows, that there are always a considerable number of foreigners employed on board American vessels; but none of us could have expected, and some of us may not have heard of the injury and insults to which our commerce has been exposed, from having British seamen on board our ships.

A schooner called the *David* and *George*, belonging to Portsmouth, in Virginia, and commanded by Captain Goffigan, lately touched at Sierra Leone, on the coast of Africa; she was navigated by eleven persons. Three of that number who had been on shore, informed Captain Wickham who commanded an armed vessel, that they were British subjects. Captain Wickham went on board

the American vessel and claimed the three seamen; he also claimed wages for them. Captain Goffigan refused to deliver the men, and declared with truth that nothing was due them. Captain Wickham took the men by force, and by the same regulation he went into the hold, and took as much of the cargo as he thought fit, under the cover of substitute for wages. Captain Goffigan complained of this violence and robbery to Mr. Clarkson, who is Governor of the Province. The Governor replied, that he should have done the same thing, and that he had orders from his superiors so to act in such cases.

The ship *Illustrious* President, belonging to Virginia, commanded by Captain Butler, touched some time ago at Maderia, in her passage to the East Indies. The British frigate *Hyena*, commanded by Captain Hargood, lay at that time in the road. Seven of Captain Butler's sailors being British subjects, Captain Hargood sent to take them by force from on board the American ship, and he would have done so, had not the Governor of the Island, remembering what he owed to the honor of his nation and to every ship under his protection, interrupted his authority.

The ship *Fame* belonging to Philadelphia, commanded by Walter Sims, on her way to the Cape Indies, lately touched at Table Bay, at the Cape of Good Hope. Captain Blith, who commanded a ship of twenty guns, then lay in the road. One of Captain Sims's sailors, a native of Scotland, offered his service to Captain Blith, calling himself a British subject. That very man in Philadelphia had taken the oath of allegiance to the United States; but the British claim was best, for Captain Blith's ship was strongest. He took the man, sent an officer on board the American ship, who took the liberty of opening the after hatch, searching the hold and looking out a chest and clothes. Captain Blith justified these acts of violence, by saying, that he had printed instructions to take all who called themselves British subjects. These are a few out of the numberless cases in which our ships have been robbed of their seamen, and they are samples of the manner in which we shall be constantly treated, while we depend on foreigners to navigate our ships. If these cases had terminated in threats and abusive language, to which our flag is too much accustomed, it might have been questioned, whether the nation of the offending party was to blame. When you are told by one officer and another, that he is instructed to distress our trade, we should, if possible, deprive them of the present excuse. Is it not our business to inquire into the cause of this strange conduct? By a vitiated passion for British goods, we are universally clothed in the manufactures of that nation. Our debts increase every year, and we labor to make her rich, while we are becoming poor. We pour our treasures into her lap more than any other nation under the sun. Observe the rewards! I say nothing about her measures on our Western Frontier; but our trading ships are boarded and plundered at discretion by her ships of war; and yet, Great Britain, whose commerce we cherish, is the only nation that treats us in this

manner. Perhaps it is conjectured, that Americans are of that species of animals whose favor is increased by rough treatment. Be this as it may, it is our duty to consider of the safest and surest mode of extending our commerce. After we have been told, that an American vessel having sailors on board, who chance to have been born in the British dominion, is subject to be deprived of her hands, robbed of her property, and turned adrift without help, it can hardly be necessary to adduce other arguments in favor of native American seamen; but other strong and conclusive arguments in favor of the measure present themselves. The merchants' property in critical situations, or in distant and obscure parts of the world, is always most safe when his ship is navigated by men who uniformly strive to return to their native home, and whose hopes and happiness centre in that country to which their ship belongs. The crew of a French brig some weeks ago, murdered their captain and mate on our coast; that misfortune, in all probability, would not have happened, if the seamen had been natives of France. Two of them only were of that Kingdom. Is it necessary to add, that a powerful body of seamen, at some future day, may save us from the vast expense and danger of a standing army? Upon this single argument of native seamen we might rest the question. It needs neither support nor illustration. I shall, therefore, presume, that it is our duty as soon as possible, to provide for the daily operations of pride or injustice, by furnishing the merchant with seamen, of whom he cannot be robbed, except by open declaration of war. With seamen in whom he can trust—with men, who actuated by those passions which are inseparable from the human breast, the pride of nation, and the love of country, may serve him in every part of the world. To furnish the nation with a safe and strong bulwark against foreign tyranny and invasion.

This conclusion, however, is drawn upon the supposition, that foreign commerce should be encouraged; but, I am aware that objections have been made to every measure that has foreign commerce for its object, and similar objections would fall with additional weight against any plan for supporting foreign commerce by native seamen. We are told, that in a country where land is plenty and the inhabitants few; where little progress is made in cultivating the soil, the Legislature should consider agriculture as the primary object of their attention. This is a position that will not be disputed, since we know that the hope of our species must prosper or perish; that our numbers must be many or few, according as the soil is well or ill cultivated; according to the abundance or scarcity of provisions. These facts being granted, we are only to inquire, what are the most certain and effectual means of promoting agriculture? To this I reply, that we can promote agriculture by extending foreign commerce, and by no other direct means whatever. Bounties can never prove effectual; they may serve to introduce a foreign plant, but they cannot produce industry nor plenty. The general demand for any article never fails to increase the manufacture of that article. The

great demand for provisions to be exported, will not fail to produce abundance of provisions in the country.

The simple calls of nature, the mere necessity of supporting life, is not a sufficient spring to active industry; it seldom gives birth to persevering diligence. Artificial wants and passions must come to our assistance, before we can shake off the indolence of nature, and apply ourselves steadily to work. Let a man discover that industry will procure him the luxuries as well as the necessities of life, and he will not fail to work. Let the farmer see a ready market for all the produce that is not consumed by his family, and he will commonly have something to sell; let no such market present itself, and his family will frequently suffer from the want of necessities. Every man who considers the effects of frequent and long embargoes, must discover that they generally produce a scarcity of provisions. The late war operated in this country as an embargo. What was the effect? The spirit of agriculture became torpid; the plow slept in the furrow. Let us for a moment cast an eye on the history of cities and nations. They have risen into greatness or sunk into obscurity, according to the measure of their commerce. By the creative power of foreign commerce, Palmyra and Alexandria arose out of sandy deserts, and Venice out of the sea. By the same power we have seen nations become wealthy and numerous.

If we agree that industry, population and wealth, are promoted by foreign commerce, it will certainly be granted that our commerce should be managed by native citizens. In order to secure a sufficient number of seamen, we should make it the interest of every master or owner of a vessel to have one or more apprentices. For this purpose, it may be proper to impose a small additional duty of tonnage on every American bottom, perhaps one cent per ton may be sufficient. A drawback of ninety per cent of this duty may be allowed, to such vessels as are navigated by a certain number of apprentices, native citizens of the United States, according to their several burdens. I have mentioned ninety per cent, because it may be proper that a small portion of this duty should pass to a separate account that shall presently be mentioned. The amount of domestic tonnage for the last year was \$504,900, at six cents per ton, this giving \$30,294; hence it will follow, that one additional cent per ton would produce \$5,049. The amount is small, perhaps it should be doubled.

While I am recommending the increase of American seamen, I should not do justice to my own feelings, if I did not recommend another measure that is equally connected with commerce. I mean a general provision for sick and infirm seamen. I do not contemplate the building of two or three great houses in some of our principal cities; houses that might administer to the vanity of a nation, rather than to the general comfort of sick and infirm sailors. I would consult the cause of humanity, not of pride.

Wherever it is probable that sailors may be sick, there I would make provision for their support and comfort. Hospitals should be erected, or lodgings

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hired, as the case may be, at every port of entry in the United States for sick and infirm seamen, where they may be properly attended during their several indispositions. The money to be collected at the several ports as hospital money, should be expended at such port, and at no other place, under the care of such persons as may be described for that purpose. Let a small deduction be made from the wages of every seaman, to be paid at the several ports of entry for their use. I have mentioned a deduction from their wages, because this mode of raising hospital money would probably be most acceptable, and because it is certainly the most equitable tax that can be levied.

It will readily be perceived, that the two subjects I have mentioned are nearly allied. While we attempt to increase the number of native seamen for the extension of commerce and general prosperity of agriculture, we should be solicitous to protect and cherish this useful class of our fellow-citizens. The direct tendency of the additional tonnage, is to increase the number of apprentices, and if this measure should have the desired effect, the greater part of that duty will be discharged in drawbacks. A small portion of the duty will be retained according to the plan mentioned, and some owners, less careful, will occasionally pay the whole duty. Perhaps the product of the additional cent may be \$1,000 per annum. This balance may very properly be applied towards a fund for sick and infirm seamen. This fund, however, being contingent, and at most very inadequate to the general use of seamen, it may be necessary to make a small stoppage of their wages as a uniform and certain fund for the support of those very persons when they are sick.

Such are the outlines of two bills that I would recommend to the attention of this House. If I have viewed these subjects in a more serious light; if I have been more anxious than other members to bring them before the House, the situation of my constituents, and the laws of our State, will be my excuse. That part of North Carolina in which I live, abounds in navigable waters, many of my fellow-citizens are owners of vessels, and many go to sea.

The Legislature of North Carolina, attentive to the wants and desires of the people, have lately passed a law to raise money by a tax on the wages of seamen, for the support of sick and infirm seamen. This is a sufficient proof of their desire to cherish commerce, and give particular assistance to those useful members of the community.

I shall now take the liberty of moving that committees may be appointed to bring in bills for the purposes mentioned.

MR. WILLIAMSON, MR. LAURANCE, MR. GOODRUE, MR. BENJAMIN BOURNE, and MR. BARNWELL, were appointed to prepare and bring in the same.

THE PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress:

On that part which relates to the reduction of

the Public Debt, Mr. FITZSIMONS offered a resolution to the following purport: "Resolved, That measures for the reduction of so much of the public debt as the United States have a right to redeem, ought to be adopted; and that the Secretary of the Treasury be directed to report a plan for the purpose."

MR. MADISON wished for information before he could agree to the motion just made. The exact state of our finances he conceived necessary to be well known before measures were taken for the reduction of the debt. The House of Representatives had already unequivocally expressed their sentiments on the subject, in their answer to the PRESIDENT'S Speech; but it was not time, he conceived, for the adoption of measures with a view to realize what appeared to be the general wish, until the information on which those measures were to be grounded was received.

MR. FITZSIMONS argued, that the motion, if adopted, would call forth the information necessary to ground a final measure upon. The recommendation from the PRESIDENT was strong, and the answer of the House as positive; no difference of opinion, he therefore supposed, could exist as to the propriety of reducing the debt. The United States had paid a valuable consideration for the right of reducing it, and the first opportunity of making use of that right, he conceived the best.

MR. WILLIAMSON was of opinion that information would come in of course. The PRESIDENT, he suggested, no doubt was acquainted with the situation of the revenue, when he recommended the reduction of the debt at the present time. He should be in favor of the motion. He declared it as his opinion, that our public debt was our most dangerous enemy; he wished it could be reduced twice as fast; the irredeemable quality of part of it he much disliked.

MR. MADISON again expressed it as his opinion that information should form the basis of any provision for the reduction of the debt. If the motion was carried, information no doubt could be obtained before the final adoption of any measure; but he insisted on the necessity of making that information the groundwork of any proceeding on so important a subject.

MR. MERCER.—No question, he conceived, was of more importance than that involved in the motion before the House. He wished for time to make up his mind on it. It involved one question which had occasioned very warm debate in the House, and which was decided but by a small majority: he alluded to the reference made last session to the Secretary of the Treasury. He conceived it improper to commit to any man what he was bound himself to do. He conceived the power of the House to originate plans of finance, to lay new burdens on the people intrusted to them by their constituents, as incommunicable. As to the main object of the motion, he rather doubted the propriety of adopting, at present, a premature system for the reduction of the public debt. The House, he said, stood in a very delicate situation. A fuller representation will shortly

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succeed the present. He saw a propriety in making a temporary provision to redeem, in order to secure the right of reducing in future. He hoped the House would consent to a delay of a day or two, when members would be better prepared.

MR. SMITH, of South Carolina, conceived, that as the motion had been made and seconded, some decision must be obtained on it, or that the Committee must rise. He saw no good reason for leaving it to a future House to adopt a permanent plan of reduction. If it was now thought too early a period to accomplish so desirable an object, it would be a good reason for deferring it; but if it was full time, measures for that purpose should be adopted; they should go forward. If the gentleman required further time to make up his mind, the Committee might rise, and sit again in a day or two.

He next made some reply to the objections of the gentleman last up, to that part of the motion which contemplated a reference to the Secretary of the Treasury. The ultimate decision, he remarked, in no one point, was relinquished by such a reference. If such a reference was unconstitutional, he observed, much business had been conducted in the House in an unconstitutional manner, by repeated references to the Heads of Departments. The reference of business to select committees would be unconstitutional, he said, on the same ground.

Turning on the main question—the House, he conceived, were in possession of information already, that would warrant a beginning in the work of reducing the public debt. From the report of the Trustees of the Sinking Fund, read in the morning, it appeared that they had funds remaining in their hands.

The House had pledged themselves, in their answer to the PRESIDENT'S Address, to proceed on the task: now to refer the subject to a future Congress, would appear like great reluctance to go into the measure, and would argue great unsteadiness. The system to be adopted for the purpose contemplated, could not, he conceived, be attempted, in the first instance, in so large a body as a Committee of the Whole House. He hoped the question on the motion would obtain a decision at the present time; but if the gentleman persisted in requesting a delay, he wished the Committee to rise, and ask leave to sit again.

MR. SEDGWICK conceived, the House did not need any more information than they were in possession of, to see the propriety of adopting immediate measures for the reduction of the debt. The United States, it was evident, he said, were paying more than the market interest upon their debt. It sells above par, and, considering the rate at which loans can be obtained in Europe on the credit of the United States, that mode of reducing the debt was, he said, incontrovertibly eligible. It would be economical for an individual, in similar circumstances, to effect a reduction; and the case was the same, the United States being in the place of that individual. It was agreed to in the House, he said, and re-echoed out of doors, that a public debt was a public evil; it was the duty,

therefore, of the Representatives of the people, to use all the means in their power, whenever opportunity offered, to reduce it.

He made some observations on the propriety of referring the subject to the Secretary, for information and his opinion; and concluded by declaring, that, viewing the main question as he first stated, he could not see any necessity in deferring a question on the motion.

MR. MERCER expressed some surprise at the disinclination some gentlemen appeared to show to a full discussion on so important a subject. He again objected to a reference. That mode of conducting business in the House, he said, had given very general dissatisfaction. The mode was adopted by a small majority. The House had received, since its adoption, an accession of new members; besides, since, every member had mixed with his constituents, and opinions might consequently have varied since that time. For his part, he said, he should pay great and implicit regard to the opinion of his constituents.

He again adverted to the nature of the trust reposed in the House by the Constitution, in originating money bills, &c., and dwelt on the true import of the word originate, which he conceived could not be explained away, so as to warrant a reference. Besides, he argued, is not a body selected from millions of the people more adequate to the task of originating than a single man?

He hoped that respect to the PRESIDENT'S recommendation would never make the House inattentive to the great interests of the people. The PRESIDENT'S Address had not been so long before the House, as that a short delay should argue disrespect. But the PRESIDENT, in his Address, did not, he said, recommend a reference to the Secretary.

He was willing to give a decision on the first part of the motion, though he would prefer a delay of a day or two; if this, however, was not granted, he should call, he said, for a division of the question. He again adverted to the propriety of taking advantage of the redeemable quality of our debt as soon as possible; observing that the next term of payment of interest came round with the new year.

MR. FITZSIMONS observed, that he was in the minority on the question adverted to by the gentleman from Maryland [MR. MERCER]; that he had not since altered his opinion upon that subject, but considered the present reference as very different from the former, and entirely within the letter and spirit of the act for establishing the Treasury Department. He did not believe it would be necessary to impose additional burdens, to effect a reduction of the debt. He believed that the existing finances, assisted by a foreign loan, would enable the United States to accomplish the object. As to the reports from the Treasury or other officers, they will stand on their own merits. If they are bad, they will be rejected.

MR. MADISON drew a distinction between the deliberative functions of the House and the ministerial functions of the Executive powers. The deliberative functions, he conceived, should be

first exercised before the ministerial began to act. It should be decided by the House, in the first instance, he conceived, whether the debt should be reduced by imposing new taxes, or by varying the burdens, or by new loans. The fundamental principles of any measure, he was of opinion, should be decided in the House, perhaps even before a reference to a select committee. He did not pretend to determine whether the motion now before the House might not involve a reference of a ministerial nature merely. But he well knew, he said, that the act establishing the Treasury Department had been so construed as to give it a greater latitude than was contemplated when the law passed, much against the opinion of a great portion of the people. In the infancy of our Government, that latitude perhaps might be necessary; but he saw no necessity for it at present.

Mr. PAGES opposed a division of the question, as precluding debate. He wished the motion amended, by striking out the last part.

Mr. FINDLEY was against a reference to the Secretary of the Treasury of a matter which, he conceived, was made the exclusive business of the House by the Constitution.

Mr. MERCER expressed himself in favor of striking out the last part of the motion.

Mr. HILLHOUSE was of a different opinion. His constituents, he conceived, expected their business to be done in the best manner possible, and that he should not rely on his own information only, but endeavor to avail himself of the information of others. He said he should consider himself unequal to the task of taking a share in legislating for the Union, if he was to depend on his own information alone. He expected to derive information from every source. It was the intention of meeting in Congress to collect information from every quarter.

He should despise any one, he said, he should despise himself, if he thought his judgment could be improperly influenced by any plan reported by any of the Heads of Departments. If any system originating with the Head of a Department, appeared the best that could be devised, it should meet the approbation of the House; but if any amendment was thought of, it was the duty of the House to adopt or reject it, according to its merits. He considered reports in the light of information, and dwelt on the necessity of receiving information from every quarter. He was against striking out.

Mr. FINDLEY was in favor of striking out. He was a friend to information, he said, but the reports from Heads of Departments he did not consider in the light of information merely. It was information, and plans built on that, and those plans supported by arguments.

Though a law, he said, had made it the province of the Secretary of the Treasury to report those plans, the Constitution had not enjoined the House to refer; and he hoped the House, being the masters of their own proceedings, would originate such measures themselves. The House had a right to, and, he conceived, should call for what information was wanted to enable them to digest their own plans.

Mr. MADISON saw some difficulty in drawing the exact line between subjects of legislative and ministerial deliberations, but still such a line most certainly existed. Gentlemen who argued the propriety of calling on the Secretary for information, plans, and propositions, involved the propriety of permitting that officer, in the shape of a plan or measure, to propose a new tax, and say whether it should be a direct or indirect one. Yet, if it was proposed directly to give this power to the Secretary, few members, he believed, would agree to it. He was in favor of striking out.

Mr. GERRY said, that while the law establishing the Treasury Department was under consideration,

tion, he had opposed that part of the bill which gave the Secretary power to propose to the House a tax, and a plan to carry it into execution. He conceived such a power contrary to the principles of the Constitution. This power is, however, involved in that part of the law which authorizes him to propose, without being called on, plans for the support of credit, for the reduction of the public debt, &c. The Secretary, nevertheless, knowing probably that that power, granted him by the law, was looked upon with a jealous eye by many members of the House, has never exercised it.

He, however, was not averse to referring the object of the motion to the Secretary. He saw an impossibility, if taken up in Committee of the Whole, in rendering the intended measure an uniform part of the great financial whole. The clashing of various opinions would prevent it. If the influence of the Secretary was formidable, he conceived it would be much more dangerous if exerted against a select committee, than in the whole House. He hoped the last part of the resolution would not be struck out.

On motion, the Committee rose, reported progress, and asked leave to sit again.

TUESDAY, November 20.

On a motion made and seconded that there be allowed to Joseph Henderson — per annum, in compensation for his services as Naval Paymaster to the Navy Board, for the Eastern Department, from the 5th day of August, 1778, to — 1782—

Ordered, That the said motion, together with the Report of the Secretary of the Treasury on the petition of the said Joseph Henderson, which was made to this House on the 30th of April last, be referred to the consideration of a Committee of the Whole House to-morrow.

A memorial of William Constable and Company, merchants of the city of New York, was presented to the House and read, praying to be allowed the amount of the drawback on a quantity of teas exported from the port of New York, and duly landed in the port of Dunkirk, in France, in the year 1790, of which they are possessed of sufficient evidence, although not in the form prescribed by law.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

THE MILITIA LAW.

A motion was made and seconded, that the House do come to the following resolution:

Resolved, That a committee be appointed to bring in a bill to amend the Militia law passed last session.

Mr. LIVERMORE rose to inquire, what particular part of the law was the object of the resolution? Mr. MURRAY explained. He informed the House that it had special reference to the clause which respects arming the Militia. He said, the injunctions of the law, in this particular, imposed equal burdens, on shoulders infinitely disproportioned as to their capacity to sustain them; it enjoins duties

on the major part of the Militia, of such a nature, as renders the law totally impracticable. A man not worth one farthing, is subjected to the same expense with one who may be worth ten thousand pounds a year; the inequality, evident in the operation of such a requisition, is a glaring instance of injustice, and calls loudly for Legislative interposition and relief. He adverted to the particular situation of the State of Maryland, to show the impracticability of carrying the law into execution in that part of the Union.

Mr. WILLIAMSON suggested an alteration in the resolution. It would be better, in his opinion, to have it read, a bill to amend the Militia law. He moved for this alteration. Mr. W. observed, that he thought the law susceptible of several amendments; but with respect to the objection of the gentleman from Maryland, he said it applied with equal force to many other parts of the law, particularly with regard to the general performance of Militia duty.

Mr. LIVERMORE stated some objections to the indefiniteness of the resolution.

Mr. GREENUP observed, that he had seconded the motion of the gentleman from Maryland, because he thought many parts of the law might be amended in such manner, as to make it more applicable to the circumstances of the State of Kentucky; which, from its peculiar situation, could not derive those advantages from the law, which other parts of the Union might; the want of which were sensibly felt. He preferred adopting the words to amend, in lieu of "supplementary."

Mr. HILLHOUSE objected to the motion. He thought that competent relief, in the case complained of, might be obtained from the State Legislature. He added, that the law had scarcely got into operation; some of the States have made provision to carry it into execution; others are about doing the same; and he doubted the policy exceedingly of taking any steps in the matter, before any experience of the law has been had.

Mr. FITZGERALD offered some remarks of a similar nature.

Mr. MERCER supported the motion. He urged a variety of reasons to show the importance of taking immediate measures to amend and ameliorate the law; if this is not done, he said, it will sanction the idea, already entertained by many of the respectable citizens of the Union, that there is a disinclination on the part of many members of the Legislature, to provide for an effective Militia—that a necessity may be induced for a standing army. He adverted to the injustice of the requisition, which enjoins, that a man who is not worth twenty shillings should incur an expense of twenty pounds in equipping himself as a Militia man.

Mr. MURRAY's motion, for a committee, was negatived; fourteen members only rising in the affirmative.

THE PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress.

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Mr. BALDWIN expressed reluctance in being obliged to rise on the present occasion, but the striking out the latter part of the proposition became indispensable, in order to defeat the dangerous doctrine of precedents, and prevent a future plea on the ground of construction. He was aware of the consequences, and that the practice, unless it should be relinquished, would lead to no good. It has been too common, when a certain object is to be carried—to avoid the defeat which a direct attack might produce—to wind round, in order to make its attainment the more certain, by gradual approaches. By one motion, made on doubtful ground, supported by arguments applying to its particular nature, keeping the doubtful tendency out of sight, one step, by the success of the first motion, is made over the true line; another motion follows, backed by the first as a precedent, and a further encroachment is effected, till when it becomes evident, by such gradual encroachments, that they are advancing to dangerous ground; but then, to excuse a further trespass, precedents innumerable, the general nature of which (although hitherto kept out of sight) now become a strong argument against receding.

When gentlemen talk of light and information only, he would agree with them, for he wished to obtain it from every proper source. It has been made the duty of the Executive Departments to give information to the Legislature, but this information should relate, merely, in his opinion, to statements of facts and details of business, but the laws should be framed by the Legislature, after they had acquired this information.

He wished that it might be explicitly and finally determined how far the Legislative business should be solely transacted by the Legislature, and how much be referred to Executive Departments. He conceived there was a solid difference of opinion in the House, on this point, as well as out of doors. Some persons conceive that the more of the affairs of society that are thrown into the hands of individuals, there will be the greater security against error. Whilst, on the other hand, there were many who entertained a contrary opinion, that there is less danger of passion influencing large Legislative bodies, and that the clashing of interests amongst them is a security against partial and improper bias, at the same time that it keeps them more free.

He did not mean to criminate the Treasury Department, but certainly the law which establishes it, is couched in such general language as to afford a latitude for the introduction of new systems, such as were never expected by the Legislature.

He had frequently, on former occasions, remarked, and now repeated it, that the whole of this mode was introduced under cover of referring the petition of the Pennsylvania public creditors (whilst Congress sat at New York) to the Secretary of the Treasury, with directions to report a plan respecting the public credit. But few of the members then suspected, or indeed entertained an idea, that that reference should have produced the plan of the Funding System, or that the Excise would be the consequence.

The impost system which the House originated previous to those *plans*, was framed upon very different grounds: first principles were adverted to; information was collected from all parts, with great labor. Had the Treasury Department been established then, this information might have been procured with less trouble; but this once collected, the Legislature made use of it, and framed a law, the formation of which has not been unfavorably considered. There is a material distinction between receiving information on which to ground a law, and a plan of the law ready formed. The latter mode he was opposed to. Gentlemen have said that we may reject what is proposed; but in this case we will only be exercising a sort of revisionary power, very different from a Legislative one; a very material difference from what is contemplated in the Constitution—the difference between originating and possessing only the right of a negative.

The House have as much power over the proceedings of the Senate, as over the plan of a law reported by the Secretary. There is but this difference between the cases, that the plans of the Secretary are well supported by argument. And it is to be presumed that he must have been strongly attached to these forms; they had become children of his mind; and it would be found hard to make him change an opinion of a system which he had spent so much time in maturing, although we should conceive them to be originated against the first principles of Government. Indeed, it is a principle itself, that the Legislative and Executive Departments should be kept as far distant as possible. We, whose privilege it is to originate the laws, should have no remote view of advantage. Although it is difficult to amend the defective parts in a complicated system without endangering the uniformity of the whole, yet it is less difficult to put together the parts from collected materials, and to amend a plan before it has been matured.

The objections which he at first entertained to this method of calling for matured plans from the Heads of Departments, were growing every day stronger in his mind. The propriety of keeping the Legislative, Judicial, and Executive powers distinct from each other, is founded in good sense. It is dangerous to intrust those who have a prospect of deriving some advantage in the execution of a law, to have any hand in framing it. And it is as improper for the Legislature to attend to the execution of a law, as it is for the Executive to meddle in the business of legislation. The principle, if once admitted, may be carried to such lengths as to admit the Judiciary to sit in the House of Representatives; and we shall have them here, in their long robes, introducing plans of laws, with the Secretaries of the Treasury and War Departments. The strong sense he had of the necessity of keeping the Departments distinct, had such force upon his mind as to occasion his opposition even to the introduction of the two Secretaries, the other day, to answer interrogatories in the House. Such a precedent, he feared, might prove a dangerous one, and lead to an interference

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in more important points. He confessed, however, that in some instances the different Departments of Government must necessarily, in some degree, be blended; but he insisted that they should be kept separate as much as possible.

Some gentlemen have gone so far as to intimate that the barrier between them is chiefly theoretical, that it is only a paper barrier. To be sure, said he, the barrier laid down in the Constitution for the separation of the Departments, is not a fence to keep out wild beasts, nor a ditch against a savage enemy, nor even like the wall of China, to keep out the Tartars; yet it is not so theoretical as not to be explicitly understood, and we ought to make it as strong and impregnable as if it were a mound.

Experience is strongly in favor of this principle. Both modes of originating laws have been tried; but that system which originated in the House, according to his opinion, had sat well on the feelings of the people, whose interests and wishes, joys and sorrows, must be better known to their Representatives than it is possible for any Executive officer to be acquainted with, in so extensive a country. Had the same principle been followed in the originating of the Excise law, as was in the impost, it would probably have sat better upon the people. His constituents, he contended, had a right to have their feelings represented; and if he found it impracticable to make their voice heard, and sentiments understood with effect in the House, he should consider it his duty to try another mode of forwarding their interests. He would go to where systems originated, and there he would thrust in what information an acquaintance with his constituents put him in possession of, and demand it as a right that their feelings should be consulted. He knew it would be answered, that information was received at the Treasury by private letters and by private conversations. But this was often deceitful information; he knew it to be so in many instances, and that that persons who gave this information would not have readily owned it amongst their neighbors, who might consider that their legal Representatives were the only true sources from which information, concerning their wants or desires, should be derived. If any other mode shall be pursued, it cannot come to good. Upon the whole, he was against the reference, and wished that part of the motion to be struck out.

Mr. WHITE was of the same opinion with Mr. BALDWIN, and spoke against the unqualified practice of giving such extensive powers to the Secretary of the Treasury. The House which will succeed the present will condemn those measures, and he foresaw all these dangers in the second session of the First Congress; that there would hardly be an object of taxation, but what might be thrown into the hands of the Secretary to manage. Indeed, the power given to that officer exceeds the whole powers possessed by the Senate, for their plans do not come accompanied with the improper influence of lengthy argument. He wished, if it were possible, that the House might be left to exercise their own judgments, and that

the Secretary should be restricted to the more Executive part of the business of managing the revenue after, and not before, it has been established by the Legislature.

Mr. GILES was sorry to hear this old contest again agitated. He was also against the reference, and lamented the wrong construction which had been put upon the Constitution. He also declared it to be his opinion, that some of the measures recommended by the Secretary of the Treasury discovered a princely ignorance of the country, for the wants and wishes of one part had been sacrificed to the interest of the other.

Mr. MURRAY was in favor of the reference. Mr. GERRY also spoke for it. He read the bill for establishing the Treasury Department, from which he argued that the House was bound, that it was their duty, to refer to the Secretary for plans, &c., and he saw no cause for jealousy, or for any faction to be raised against that officer.

Mr. MERRICK expressed much astonishment that the honorable gentleman from Massachusetts should suggest an idea that a faction (as he termed it) could exist in that House against the Secretary of the Treasury; his native manliness of character must have fled before he could admit so humiliating a position. That mind must be degraded without, before it could so far relinquish the self-love and self-esteem ingrafted in our natures, as to descend into a faction against a Secretary. As a citizen of the United States, he felt and acknowledged inferiority to no created being. As one of their Representatives in the Supreme Legislative Council, he considered himself in a situation more responsible, and invested with an authority more important and dignified than that of any Secretary whatever. And whatever might be the opinions of other gentlemen, these impressions should accompany him through every stage of his political conduct; and they would justify the uniform perseverance with which he had and should continue to preserve the full and entire exercise of the powers vested in him by the Constitution. The honorable gentleman had cited a law to enforce this reference. If this was the case, they had no power to deliberate. This surely must be admitted and be unconstitutional. No former Congress could deprive themselves and their successors of this most important of all their powers, and render themselves the cyphers and instruments of an individual. If it gave the Secretary the exclusive right to originate, it was waste, paper, it was nugatory and void; if it did not, he did not see why it should be urged. If it was not wholly exclusive, it ought not to be partially so; for by parting with the power by a reference, it could not be again taken up until a report, which could never make its appearance until accommodated to the wishes of a majority. Those who did not participate in this out-of-doors legislation, were excluded from all the benefits of Government, for a majority once agreed, no representations could break or alter it. He thought himself authorized to say so, from the principles and theory of human nature, and from the practice of the House. But, to lay aside (as

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he ought to do) cotemporary exposition, and to expound the law by the Constitution, he thought he could reconcile them. The Constitution had divided the delegated powers of the people among the three branches, Legislative, Executive, and Judiciary, neither of which could alter or transfer the powers so vested. The Legislature was the first, and the source which brought into activity the other two. The law must be made by them; it must be expounded and supplied by the Judiciary, and executed by the Executive; the two last, by the nature of things, flow from, and so far are dependent on the first, as the only source. Thus the Constitution speaks of Heads of Departments and inferior tribunals: it does not describe their duties; when the Legislature describes their duties, they must be expounded as Executive or Judiciary duties, accordingly as they may respect or appertain to either branch. The Heads of the Departments are the inferior organs of the Executive power. The Constitution permits the head of that branch to propose plans; it may be proper, then, that the different Secretaries may prepare such plans as are within their respective Departments, which the Chief Magistrate may propose to the Legislature, if he sees fit; and when so done, it is constitutional, and the Legislature may, or may not, at their discretion, take them up. Any other exposition is unconstitutional and idle. They are also the expositions of the documents and information that arise in the administration of Government which this House may require of the Executive Magistrate, and which he will communicate as he sees fit. The House may go too far in asking information. He may constitutionally deny such information of facts there deputed as are fit to be communicated and may assist in legislation I always wish for. But I want no opinions resulting from him. If they are to influence me, they are wrong; if not to influence, they are useless. This mode of procedure, of originating laws with the Secretary, destroys all responsibility; it throws it on a man not elected by the people, and over whom they have no control. Men will go in a crowd, and glide down a current embarked in a system which no one of them would have dared to propose. That practice has proved the theory, let the Executive law evince. Originating with the Secretary, it met little opposition; and I do not believe that any one member, relying on his individual responsibility to his constituents, would have openly, in this House, originated the design. A cavil, however, is raised on that part of the Constitution which confines the originating money bills to this House exclusively. It is said, by some, a bill is not originated until it has passed the House. Suppose a bill goes through one or two readings here, and is rejected on a third; will any man say, such a bill never originated? Surely the first application of general principles to a particular subject, is the origination, and no subsequent stage can be affixed. Some say the Secretary's Reports are like Smith's Treatise on the Wealth of Nations. We do not come here to go to school, or hear lectures from the Secretaries on finance or any other subject. It would be waste

of time to repeat arguments so often and so ably urged. I neither expect nor wish more than temporary expedients from the present representation. I look to the succeeding session, when ultimate and final arrangements, remedying the injustice of the present funding systems and concomitant evils, will take place.

After a few words from Mr. BALDWIN and Mr. PAGE, the question for striking out the latter part of the resolution was called for, and there rose in the affirmative 25, and 31 in the negative.

The Committee then rose, reported the resolution, and the House adjourned.

WEDNESDAY, November 21.

A petition of Thomas Faulkner and Edward Faulkner was presented to the House and read, praying that compensation may be made to them out of the unappropriated lands in the Western country, for the quantity to which they are entitled, as refugees from Nova Scotia, under a resolution of the late Congress, of the 13th of April, 1785.

Ordered, That the said petition be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to establish a uniform system on the subject of bankruptcies throughout the United States; and that Mr. WILLIAM SMITH, Mr. BOURDINOT, Mr. LAURANCE, Mr. WHITE, and Mr. GERRY, be the said committee.

THE MILITIA LAW.

Mr. MURRAY called for the resolution which he laid on the table yesterday, "that a committee be appointed to repeal that clause of the Militia law which relates to the arming the Militia;" this being read—

Mr. MURRAY said he still had hopes, though his first motion had failed. The present motion was to repeal the clause which he hoped to prove obnoxious. As it was more limited than the former one, and as he did not mean by this to go into a general revision of the whole law, but confine the repeal and substitute to the arming clause, he imagined many gentlemen would support his intentions, who yesterday were averse to opening the whole law to revision. The clause in question was obnoxious to his constituents; a late and most intimate knowledge of his district had enabled him with great confidence to say so; and he had reason to believe that unless an alteration in the law took place, no act of the Legislature of Maryland would give it the desired operation in that State. The clause was disagreeable to his constituents, because it was oppressive in principle and impracticable in its operation. It was a principle of political justice, which no occasion could dispense with, that protection and taxation should be commensurate. That wherever a tax was levied for the protection of society, its apportionment among individuals should be as exactly as possible correspondent with the property of each individual. There is so much justice in this, that he did not suppose it would be

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controverted. The oppression that will be felt in the operation of this clause, flows from the violation of that principle. The obligation to arm in a particular manner, as it will produce a uniform expense on men of unequal property, will prove a tax that will act unjustly, because unequally—men will not pay agreeably to their property. To illustrate this is easy, and the plainest mode of showing the truth. By the law, he who has passed his forty-fifth year is exempt from militia duty. It must often happen that men of large fortune will thus contribute nothing towards this species of protection, while the man of very small fortune will be obliged to furnish largely to it, if the father of a family, capable and of age to bear arms. For the sake of harmony and a ready disposition to fall into a patriotic impulse, he much doubted whether his constituents would have murmured much at the violation of the principle; but the impracticability of this clause obliges them to seek relief through their Representatives. The law, in the district he came from, he much feared could not be executed. Each militia-man is to come into the field with a musket or firelock, a bayonet, cartridge-box, and other equipments. These, he verily believed, could not be had. If the citizens—even those who would think lightly of the burden—could not procure these accoutrements, the law must be violated. Congress, he hoped, would not force his well-inclined fellow-citizens to violate the law; but if the law could not possibly be executed, because impracticable, the Legislature would be answerable for the indignities it brought upon itself, by thus prescribing unnecessary hardships.

It was, then, to shield Congress, and the dignity of legislation, from the shame of imposing impossible obligations, as well as to redress the citizen, that he wished the clause altered. Several modes presented themselves. The most obvious is, the furnishing of the arms at the public expense; and another is, the furnishing of the arms to such as might, in the opinion of certain officers, be too poor conveniently to find them. Congress might leave it with either the officers of the militia, or with the deputy marshals. The disposition once felt to relieve, would presently designate its mode of accomplishing redress. Fines, too, would prove a perpetually accumulating fund, which could in a few years either be applied to the further purchase of arms, and further exoneration of the poorer class, who might not fall within the idea of the most rigid poverty, or to a reimbursement of the public for the arms first purchased. At all events, it could do no harm to hear what a committee could report on this subject; and when the House reflected that this was the wish of a populous district, and he verily believed of the whole State of Maryland, he did not doubt of at least a sober regard to such claims. A matter of great importance it certainly was, that, as far as is consistent with the good of the whole, the interests and wishes of a part should be attended to. In this case, his constituents argued from no partial views or local motives, but from the fundamental principles of property and taxation, equally applicable to all who thought themselves aggrieved. He was

convinced the clause in question was as impracticable as it was oppressive, and he hoped to have a committee appointed. He felt, that whatever might be the event, he had discharged the duty he owed to his fellow-citizens, and obeyed his own opinions.

Mr. WILLIAMSON strongly reprobated the idea of making the arming of the militia a public expense, as involving a most unequal and oppressive species of taxation, especially as it is conceded that more than one half of the militia are already armed.

Mr. KITTERA said he was opposed to the motion. By a calculation which he offered, he said, the expense of arming the militia at the public charge would amount to forty-two millions of dollars, rating the expense at £20 per man, according to the estimate of a gentleman from Maryland. He reprobated the idea of making any alteration in the law, before any experience of its effects had taken place.

Mr. MERCER supported the estimate he had made of the individual expense; and if it amounted, said he, as the gentleman from Pennsylvania has said, to forty-two millions of dollars, was the expense lessened by its being imposed in the most unequal and oppressive manner? He said he never had any idea of the Government's incurring such an expense. He had no conception of the policy of a militia amounting to seven hundred and fifty thousand men; he never wished to see a militia which should exceed thirty thousand. The plan of arming such an immense mass of militia was, in his opinion, the most absurd idea that could be imagined, and amounted to a relinquishment of all hope of an efficient militia.

Mr. PAGE was opposed to the motion. He objected particularly to Mr. MERCER's idea of arming so small a part of the militia, and pointed out the difficulties which would naturally take place in consequence of different principles being adopted in respect to the arming of the militia. He remarked that the difficulties which had presented themselves in the former discussion of this matter now occurred in full force, and would involve the House in all the perplexities which had heretofore attended the subject.

Mr. DAYTON made a few remarks on the motion. He was opposed to it, and reprobated in strong terms any plan of arming the militia which should give either the State or General Government a right to dispose of their arms on any occasion.

Mr. MURRAY added some further remarks, and then the question was determined in the negative; yeas 6, nays 50, as follows:

YEAS.—Benjamin Bourne, Philip Key, John Francis Mercer, William Vans Murray, Thomas Sumpter, and Francis Willis.

NAYS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Hu-

get, Aaron Kitchell, John W. Kittera, John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livmore, Nathaniel Machin, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, Thomas Trevellick, Thomas Tudor Tucker, Abraham Venable, Artemas Ward, Alexander White, and Hugh Williams.

THE PRESIDENT'S SPEECH.

The House proceeded to consider the resolutions reported yesterday by the Committee of the Whole House on the Speech of the President of the UNITED STATES; which were read, as follows:

"Resolved, That it is the opinion of this committee that provision be made by law for the widows and orphans of those persons who may have been killed while under the protection of flags of truce to the Indian tribes.

"Resolved, That it is the opinion of this committee that provision be made by law for the maintenance of the intercourse with foreign nations.

"Resolved, That it is the opinion of this committee that measures ought to be taken for the redemption of so much of the public debt as by the act entitled 'An act making provision for the Debt of the United States' and the United States have reserved the right to redeem; and that the Secretary of the Treasury be directed to report a plan for that purpose.

"Resolved, That it is the opinion of this committee that the Secretary of the Treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the 11th section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States.'

The first and second resolutions were severally again read, and, on the question put thereupon, agreed to by the House.

The third resolution being again read, a motion was made, and, the question being put to amend the same, by striking out the words "and that the Secretary of the Treasury be directed to report a plan for that purpose."

Mr. PAGE said a few words on the subject, and denied the charge which had been made by some members against others, when they termed their conduct ministerial opposition.

Mr. LAURANCE spoke for some time in reply to the arguments yesterday adduced by those who had called the mode of referring to the Heads of Departments unconstitutional. He insisted that there was nothing coming from the Secretary of the Treasury which partook of a Legislative quality; and, with regard to the plans heretofore proposed by that officer, he was of opinion that they had met with general approbation, and that they had materially assisted the credit of the United States. Before he sat down he took occasion to inform the House that it was not to be expected that the surplus of the revenue mentioned by the Secretary in his report made at the opening of the present session, would be sufficient for the demands of Government for the year 1793. Other funds must be looked for. His reason for men-

reposed in us, for obvious reasons, which I will not at this time detain the House with explaining. And indeed the constitutional principles involved in this question have been so very ably investigated already by several gentlemen, that more from me on that ground is not necessary; nor could I improve upon what they have expressed. But an argument of another kind has been frequently repeated, and much urged by the gentleman last up, [Mr. GERRY,] viz: that the law which organizes the Treasury Department has made this mode of originating business our duty; that breaking this law would be setting a dangerous example of disobedience to the citizens, &c. The law in question doubtless gives the Secretary a legal capacity of originating money bills, or plans, and makes it his duty when called upon. How far the law is right is another question. But does the law make it our duty to refer this subject to him? I trust not. Had the last House of Representatives a right to originate revenue systems before this transferring law was enacted? Surely not. Had the House of Representatives power to alienate or abridge our rights? This is the strange doctrine that is avowed, but it is equally extravagant and mistaken. This House has equal powers with that which the first House at any time possessed, and the next House will have as much as this. I have as much power as any other member ever had, and the exercise of that power is only subject to the control of the Constitution and the Rules of Order. Will the gentlemen say that I have not a right just now, or at any time, to propose a plan for the very object in question, or for any other revenue purpose? Yes, sir, I have; and if I have, every other member on this floor has; and if the members individually have the right of proposing an original plan, surely the House in its collective capacity has. It is the members of this House who are sworn to the discharge of this duty, and they only are responsible to their constituents. But we are told that referring to the Secretary renders him responsible. Some have said that it even involves the responsibility of the President. I have sometimes thought that the idea of responsibility was the political idol of the times; however, responsibility properly placed is one of the greatest securities in Government. In the Executive Department much of the duty as well as responsibility of office may be transferred or divided; but in the Legislature, where there can be no transfer of duty or trust, there can be no transfer of responsibility. How can a Secretary be responsible for originating either the substance or form of laws? To whom is he accountable for the discharge of this trust? Not to the President; (by whom he is appointed, and on whom only he is dependent for his continuance in office;) no, for this is not an Executive trust. He is not responsible to the people; he is neither intrusted nor chosen by them. He is not responsible to us, for he is not our officer. It is not he, but us, will bear the blame, while we boast of the security arising from responsibility; by improperly dividing Legislative business, we lose the advantages thereof.

But, passing many arguments worthy of reply, I shall offer a few observations upon what has been much dwelt upon and so often repeated respecting the advantages and disadvantages of the different modes contended for. We are told that referring to the Secretary for revenue systems will secure public credit, by giving stability and system to our revenue, &c.; and the gentleman from New York has told us, that to this method of originating revenue laws, we are indebted for the advantages of our present situation; that we are indebted thereto for our prosperity and wealth. Certainly, if this is true, it proves too much. It proves that we are not capable of discharging the trust reposed in us; in short, that the Republican form of Government under which we are is not suitable for us; if so, it is better to change openly than in this indirect manner. But, Mr. SPEAKER, I ask, if, with all the increase of power and means possessed by the present Government, it is impossible that Congress would not have exercised the powers, nor applied the revenues to proper purposes? Would they have wholly overlooked the contracts and debts of the United States, if the Secretary had not originated the system? Surely this is not a supposable case. I wish he would give a few instances of what we could do; and if we did wrong, the gentlemen would be furnished with new arguments in favor of their plan. But the same gentleman has told us that the Secretary, digesting the plan, has no more influence on the subject than our Clerk's inserting a clause in a bill would have; that they are equally under our control. I think this is not very consistent with the eminent advantages he has suggested that we have derived from the Secretary's origination of revenue plans. However, I apprehend the difference is very great. The Clerk is wholly dependent on us; he has no patronage, no means of influence annexed to his office, nor would he be permitted to intrude his arguments in support of his plans. But, sir, if we are not capable of giving the first form to our revenue systems without such aid, the better way would be to apply for such an amendment to the Constitution as would enable the House of Representatives to appoint an officer wholly dependent on themselves for that purpose. Surely this would be more proper than to employ an Executive officer over whom we have no official control.

Much has been said of the security arising from our own virtue and discernment being a security against undue influence. I have no doubt but the most venal public bodies would boast as much as we; but our own self-confidence will never justify us in breaking down the constitutional guards which suppose a possibility of undue influence, and provides against the appearance of it. But we have been repeatedly charged by the gentleman from Massachusetts with endeavoring to introduce the confusion of the old Government. What confusion does the gentleman mean? Is it a confusion of powers? I grant that, though the old Congress did not possess power enough, yet it possessed, in a degree, every kind of power. This we certainly do not aim at; for it is an unauthorized

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ized exercise of this confusion of power which we oppose. However, that Government had no efficient revenue powers; and, by the restricted majority necessary to do business with them, and the bad attendance of members, they were perhaps necessarily induced to refer the originating Heads of Departments to the Boards who were of much of their business; from this source I believe it was that the practice was introduced by the new House of Representatives, though the circumstances and powers of the two bodies were essentially different. This method of referring I consider as a part of the confusion of the old Government, which I hope we will no longer tolerate. Surely this method of transferring so influential a part of our Legislative trust was not contemplated by the Convention which formed the Constitution, nor by the State Conventions which adopted it. It is not agreeable to the practice of the State Legislatures, which were the models of the Constitution of the Union; nor is it agreeable to the obvious design of the Constitution itself, or the impressions of the citizens.

Mr. LIVERMORE made some ingenious remarks upon this subject; amongst which, he said that if it was a violation of the Constitution to permit the Executive officers of Government to propose plans, then the President of the United States had been guilty of this breach. He argued ironically, but was against striking out the latter part of the motion.

Mr. GILES and Mr. LAURANCE each rose to explain certain points wherein they had respectively engaged in this debate.

Mr. AMES rose at a late hour in the debate, but before he would pretend to intrude upon the patience of the House, (a motion for taking the question being then under consideration,) he requested to know whether it was most agreeable to put the question? A general desire to hear his arguments, however, prevailed, and he proceeded nearly in substance as follows:

It is so fashionable to introduce the Funding System upon every occasion, it would perhaps appear strange to say that it is out of order upon any. To my mind, and probably to most gentlemen present, it will be difficult to perceive that the question before us bears any relation to that subject, or to the frontier bill, the excise, the perpetual taxes, the encouragement of manufactures, and many other topics, which, somehow or other, have been interwoven with the debate. At this late hour of the day, and in so wearisome a stage of the question, I may be permitted to decline any further notice of these auxiliary subjects.

The great end we have in view is the paying off the Public Debt. This object, truly important in itself, unites the best sense and strongest wishes of the country. It is our duty to provide means for the accomplishment of this end. All agree that a plan is necessary. It must be framed with wisdom and digested with care, so as to operate with the greatest effect, till the whole debt shall be extinguished. The true question is, Which is the best mode of framing this system? Several modes have been preferred by different persons.

Some advocate the appointment of a select committee of this House; others insist that the House in Committee of the Whole is the only proper mode; while others, who defend the original motion, desire to have a plan prepared and submitted by the Secretary of the Treasury. It may obviate the force of many of the arguments we have heard to remark, that it is not asserted that either of the several modes is intrinsically incapable of effecting the purpose. It would be improper to say that a select committee could not be formed who would be able to collect the materials for an exact knowledge of the subject, and who, after acquiring that knowledge, would be able to form a sound judgment. Neither would it be just nor respectful to deny, in the abstract, the capability of the House in Committee to digest such a plan. But the question still returns, Which of the three methods is the best to begin with? Neither this House nor a select committee are pretended to be already possessed of the knowledge which is requisite to the framing a system for a Sinking Fund. The very materials from which this knowledge is to be gleaned are not in the possession of this House—they are in the Treasury Department. Neither the curiosity nor the Legislative duty of members lead them to resort daily to the Treasury to investigate official details; and even if it were so, the officer at the Head of the Department, having his mind incessantly occupied with his official business, must be admitted to possess a more familiar and ready, if not a more ample, knowledge of the subject. Indeed, the situation of the Secretary of the Treasury is so evidently favorable to his digesting the plan of a Sinking Fund, that it seems unnecessary to urge it even to those who are opposed to the reference. For their objections imply the preference of the mode, in point of expediency, as strongly as those who explicitly recommend it. They say the plan of the Secretary will come forward with too much advantage. Members, say they, not having the aid of these means of information which the Secretary possesses, will not be able to resist the train of reasoning with which he will introduce his plan. It is even expressly admitted that the information of the Treasury Department is necessary, and must be called for; but they would not receive it with the reasoning of the Secretary. Without wasting time to prove this point, common sense will decide instantly that the knowledge of our financial affairs, and of the means of improving them, is to be obtained the most accurately from the officer whose duty it is made, by our own law, to understand them; who is appointed and commissioned for that very purpose; and to whom every day's practice in his office must afford some additional information of official details, as well as of the operation of the laws. The arguments on both sides end in the same point, that the information of the Secretary would be useful. Our object being to prefer that mode of preparing a plan which is adapted to present us the best, the argument might end here, if it were not that the Constitution is alleged to forbid our resorting to the Secretary. I reverence the Constitution,

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and I readily admit that the frequent appeal to that as a standard proceeds from a respectful attachment to it. So far it is a source of agreeable reflection. But I feel very different emotions when I find it almost daily resorted to on questions of little importance, when, by strained and fanciful constructions, it is made an instrument of casuistry. It is to be feared it may lose something in our minds in point of certainty, and more in point of dignity.

And what is the clause of the Constitution opposed to the receiving a plan of a Sinking Fund from the Secretary? Bills for raising revenue shall originate in this House. I verily believe the members of this House, and the citizens at large, would be very much surprised to hear this clause of the Constitution formally and gravely stated as repugnant to the reference to the Treasury Department for a plan, if they and we had not been long used to hear it.

To determine the force of this amazing constitutional objection, it will be sufficient to define terms. What is a bill? It is a term of technical import, and surely it cannot need a definition; it is an act in an inchoate state, having the form but not the authority of a law. What is originating a bill? Our Rules decide it. Every bill shall be introduced by a motion for leave, or by a committee.

It may be said the plan of a Sinking Fund, reported by the Secretary, is not in technical, or even in popular language, a bill—not by the Rules of the House or those of common sense is this motion the originating a bill. By resorting to the spirit of the Constitution, or by adopting any reasonable construction of the clause, is it possible to make it appear repugnant to the proposition for referring to the Secretary? The opposers of this proposition surely will not adopt a construction of the Constitution. They have often told us we are to be guided by a strict adherence to the letter; that there is no end to the danger of constructions. The letter is not repugnant; and will be seriously affirmed that, according to the spirit and natural meaning of the Constitution, the Report of the Secretary will be a revenue bill, or any other bill, and that this proposition is originating such a bill? If it be, where shall we stop? If the idea of a measure which first passes through the mind be confounded with the measure subsequent to it, what confusion will ensue! The President, by suggesting the proposition, may as well be pretended to originate a revenue bill; even a newspaper plan would be a breach of the exclusive privilege of this House; and the liberty of the press, so justly dear to us, would be found unconstitutional. Yet, if, without any order of the House, the draft of an act were printed, and a copy laid before every member in his seat, no person will venture to say that it is a bill, that it is originated, or can be brought under the cognizance of the House, unless by a motion in conformity to the Rules and Orders. The Report of the Secretary in regard to manufactures, so often adverted to, has not yet been acted upon; does that appear on our Journals as a bill? Language

has not yet been perverted to such a degree as to assert any such thing; and yet the constitutional objection implies opinions no less. I rely upon it, that neither the letter of the Constitution, nor any meaning that it can be tortured into, will support the objection which has been so often urged with solemn emphasis and persevering zeal.

If the Constitution be admitted, therefore, to authorize the reference to the Secretary, why should not the mode which is proved to be the most expedient be immediately adopted? Here we meet another objection. It is said, that the Legislative and Executive branches of Government are to be kept distinct, and this reference will produce an improper blending of them. It is a truth that these Departments are to be kept distinct; but the conclusion drawn from it is altogether vague. The execution of every trust requires some deliberation, and many of them call into action the highest powers of the human mind, and the most intense and persevering application of them; yet these trusts are to be Executively performed, and it by no means follows, that the officer charged with them invades the deliberative functions of Congress. On the other hand, many laws are the result of plain principles or parts of the Constitution, and Congress, by enacting them, only executes the Constitution. Yet, here is no encroachment upon the Executive branch. The truth is, the Constitution has allotted powers to the several branches of the Government, and by that rule we are to judge of their several limits. The President proposes measures to the Legislature, in conformity to the Constitution; yet no one ever supposed that his doing so is a departure from a just theory; not has it, as far as I know, been ever insinuated till of late, in this or any other country, that the calling for information from officers, any more than the calling for testimony from witnesses, amounts to a transfer of our Legislative duty. It is very easy to conceive how much increased information may aid us in deliberating, but it is hard to discern how we are to profit by the want of it. It is true it is our peculiar province to deliberate, but neither the letter of the Constitution, nor the law establishing the Treasury Department, nor the reason of the case, have restrained us from calling for official information. It is not true in fact, that the deliberative and Executive Departments are blended by referring to the Secretary. Any objections deduced from an over-refining theory, and not warranted by the Constitution, might need an answer if we were now framing a Government, but can have no force in the administration of one. Indeed, it is a very scholastic, and very imposing mistake, to abandon the letter and meaning of the plan of Government we act under, and to undertake to reason independently, as if we were now settling the institutes of a political treatise.

The expediency of this question of referring to the Secretary, which is brought into dispute, involves many others which will admit of none. In framing the plan of a Sinking Fund is the officer at the head of our finances to have any agency? If he said he is not, then, it may be demanded, why

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is an idle officer and an useless office kept up? The sense of mankind as well as the practice of nations, seems to show that where there are finances there should be a financier; that he should possess at least common talents, and more than common industry in the application of them to his duty.

This is not a point to be proved now for the first time. The law of the old Congress and their practice were conformable to this motion. We hear often of the people being opposed to these references. So far as I have been informed the opposition is a novelty. The law establishing the Treasury Department, passed by a great majority, expressly makes it the duty of the Secretary to prepare and report plans of finance. Scarce a whisper of objection was then heard in the House, and not one, I believe, in the country. Our own practice of referring has passed unresisted till of late. Gentlemen now opposed to this reference, in one instance, if I recollect rightly, referred to the Attorney General to revise a plan of the Judicial Department, and on another to require the Secretary of State to report on the means for improving our trade and navigation. These objects partake as much of legislation, and are as incommunicable as the subject of discussion. The former votes and arguments of gentlemen opposed to the present reference, afford some proof of its fitness as well as constitutionality.

The intrinsic reasonableness of this practice is not less than its authority from law and precedent, and what is more, the precedent of its opposers. Private affairs prosper by skill, economy, and industry, in the management of them. The finances of a nation, though infinitely more important, require nothing more than economy upon a great scale. Let the moneyed affairs of a country be made everybody's business, and nobody will do it. Would you have them prosper, let them be confided to one man, who, however, shall be under the strict control of the law, and rigidly responsible for his doings. That man, if he loves an honest reputation as much as a man of common sense and feeling may be expected to do, will make the public business his own; he will put his character at risk: his time and all his talents will be devoted to the public. Such will be his dispositions; now what will he have, at one view before him, the whole arrangements of finance: the imports and exports, the receipts and expenditures, the operation of the law, the means of improving it; the frauds committed or attempted on the revenue, and the checks to guard it: the well founded objections against the law and the prejudices which time or conciliatory conduct may efface, the appropriations of the revenue—the places where and terms on which loans may be obtained, as well as the state of foreign trade; the regulations of foreign nations, and perhaps it may be added, in subordination to the Chief Magistrate, the state of treaties and negotiations. It will be seen that the ordinary discharge of his duty, as well as that which will oblige him sometimes to conflict against prejudices, and sometimes against fraud, will render the details of finance familiar to him, and will almost force him

to adopt plans for reducing this great mass into system and order.

Is it to be denied that in consequence he will possess some means of information which this House or a committee must acquire only by slow and laborious investigation? In pursuing it the time might fail, and the materials get confused. Yet, allowing it effected, they have gained no more than it is his duty to furnish on the order of this House, and this is what we are contending for. If we call for it and he is not able to give it, we shall thus expose his incapacity or negligence. The public opinion, thus enlightened, will soon displace the officer, and a fitter man will succeed him. In this way, the people will exercise an effective control over their servants.

Be the information given by the officer what it may, the sources from which his inferences are drawn, his facts and reasonings, are publicly exposed. They are equally in possession of every member, who is thus placed on an equal, and on the best footing to attack or defend the report. As much cannot be said of the report of a select committee or a Committee of the Whole. It has been intimated, that in framing a report, the Secretary would be liable to misinformation, to some local or other attachments. This is possible, for he is a man; but will the Committee be free from it? The Secretary is answerable for his conduct to the nation, and certainly he is not more subject to local partialities than members are to their respective districts. The advantage of impartiality in the first concoction of a report seems to be evidently in favor of a reference.

It has been said, on the other side, information may be wanted, it is true, from the Secretary; but let the House first make progress in the business, and then receive it by a committee advising with the Secretary. If this may be done, what becomes of the constitutional difficulties and all we have heard of the transfer of our deliberative power?

But, if we are to have the official information, why should we set out without it? Why should it not be given openly, so as to put all the members on an equality, and before prepossessions are formed with regard to plans, which might make a late report from the Treasury appear to come in aid of one party or another? Would the style of declamation be less vehement against the secret communications of a Secretary with the Committee, than against a report made in the face of day, and subject to the criticism not only of this House, but of an enlightened nation?

It is not my present design to ask for what purpose of argument or of candor it is so often insinuated, that the question really is, whether this House shall legislate, or whether it shall transfer the power of making laws to the Secretary of the Treasury?

With all this official information previously before us, are we less qualified or worse disposed to deliberate? It would be extravagant to affirm that, in proportion as our means of information are made complete, we are worse situated to legislate; and, as to the spirit of inquiry, I do not remember that the reports of the Secretary have blunted it. From

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the manner in which they have been discussed heretofore, those gentlemen will confide in the assurance I venture to give them, that they will be thoroughly sifted. They have not always passed unaltered, and never without passing through the fire of a debate.

We may repeat it, therefore, what color is there for saying that the Secretary legislates? Neither my memory nor my understanding can discern any. I am well aware that no topic is better calculated to make popular impressions; but I cannot persuade myself that the people will charge us with neglect or violation of duty, for putting ourselves into a situation to discharge it in the best and most circumspet manner.

There is another ground of objection, which is urged against the reference. It is said, it gives undue influence to the Treasury. The reasonings of the Secretary, which accompany his reports, are alleged to excite an influence which cannot be resisted. There are two sorts of influence; one, which arises from weight of reason and the intrinsic merit of a proposition; the other, personal influence. As to the former, it is hard to conceive of the influence of reasoning which cannot be analyzed and made capable of exact estimation by the reasoning faculties of those to whom it is submitted; and that estimation, be it what it may, ought to obtain. No one can wish to see it underrated.

But we are told by the opposers of a reference, that it is incredible that one man, be his official opportunities what they may, should possess more information than the members of this House, collected from every district of the country. Then I answer, with inferior information, it would be impossible his superior information of the House. The members will be in the less danger from this officer, if, as we are told, he is misinformed by correspondents, and has repeatedly discovered on subjects of revenue and finance, a princely ignorance. This, we are told, however, by gentlemen who urge the danger of losing our independence and our faculties of discernment, as soon as we suffer a report, with its reasonings, to be made to the House.

If it be personal influence, independently of reason and evidence, which is apprehended by gentlemen opposed to the reference, for whom do they apprehend it? For themselves, or for us who advocate the motion? Surely, if they do not feel, we do not fear it; we know how to respect their independence of spirit; they would disdain an imputation of the sort; their candor will permit us to say, if it be a neighborly concern they feel for us, there is no occasion for it.

On the whole, if we regard the Constitution, we find not the least color for bringing it into question on this debate. The law and usage of the old Congress corresponded with this motion. Our own Treasury law expressly makes it the duty of the Secretary to prepare and report plans; and shall the practice of one branch run counter to that which is made the course of his duty by the law of the land? It would be an uncommon

and very irregular mode of repealing a law. The advantages of this practice of referring, are manifest and great: more information is obtained, and more order, intelligence, and system, are preserved in the administration of the finances. The old Congress and the several States have exhibited expensive and deplorable proofs of the evils incident to want of order, as well as to the number of systems of finance and financiers. With this mass of evidence before our eyes, it cannot be believed that we shall take any step which will tend to introduce disorder and inefficiency into our finances.

Mr. Madison closed the debate with a few powerful observations. He insisted that a reference to the Secretary of the Treasury on subjects of loans, taxes, and provision for loans, &c., was, in fact, a delegation of the authority of the Legislature, although it would admit of much sophistical argument to the contrary. The arguments which he had heard, he said, were not satisfactory to his mind; and he peremptorily denied that the plans of that officer came into the House in either an equitable or unbiased manner. A plan from the Senate might fairly be styled a constitutional one, because it came unsupported by any labored train of argument, and left the House at liberty to exercise its judgment *pro and con*, whilst those of the Secretary of the Treasury were accompanied by a force of reasoning not on both sides, but on one only. This, he insisted, was in opposition to Mr. Ames's doctrine; and, after making a few other remarks, concluded by declaring that it was evident the Secretary's plans were not introduced in such manner as to leave the House the freedom of exercising their own understandings in a proper constitutional manner.

When Mr. Madison sat down, the question was taken on striking out the latter part of the motion, to wit: for referring to the Secretary of the Treasury to report a plan, &c., and it passed in the negative—yeas 25, nays 32, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Samuel Griffin, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Wilkes Kittara, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Mul-lenberg, William Vans Murray, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Jonathan Sturges, George Thatcher, and Artemas Ward.

And then the main question being put, that the House do agree to the said third resolution, as reported by the Committee of the Whole House, it was resolved in the affirmative.

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Registering of Vessels.

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THURSDAY, November 22.

Another member, to wit, JOHN MILLEDGE, returned to serve in this House for the State of Georgia in the room of ANTHONY WAYNE, whose seat was declared vacant, appeared, produced his credentials, and took his seat in the House.

The House proceeded to consider the fourth resolution reported on Tuesday last by the Committee of the Whole House on the Speech of the President of the UNITED STATES; and the same being again read, was, on the question put thereupon, agreed to by the House, as follows:

"Resolved, That the Secretary of the Treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled 'An act to incorporate the Subscribers to the Bank of the United States.'"

Ordered, That a bill or bills be brought in pursuant to the first resolution reported by the Committee of the Whole House and agreed to yesterday, and that Mr. PARKER, Mr. MACON, and Mr. HEISTER, do prepare and bring in the same.

Ordered, That a bill or bills be brought in pursuant to the second resolution reported by the Committee of the Whole House and agreed to yesterday, and that Mr. SEDGWICK, Mr. DAYTON, and Mr. LEARNER, do prepare and bring in the same.

A Message was received from the PRESIDENT of the UNITED STATES, with an abstract of a supplementary arrangement which has been made by him, pursuant to the acts of the 3d day of March, 1791, and the 8th day of May, 1792, for raising a revenue upon foreign and domestic distilled spirits, in respect to the subdivisions and officers which have appeared to him necessary, and to the allowances for their respective services to the Supervisors, Inspectors, and other officers of inspection, together with estimates of the amount of compensations and charges.

The said Message, and papers therein referred to, were read, and ordered to lie on the table.

Ordered, That the Report of the Secretary of the Treasury containing estimates of the sums necessary to be appropriated for the service of the year 1793, which lay on the table, be referred to the consideration of a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the Report of the Secretary of the Treasury on the petition of Joseph Henderson; and, after some time spent therein, the Chairman reported that the Committee had had the said Report under consideration, and made some progress therein.

Ordered, That the Committee of the Whole House be discharged from the further proceeding on the said Report, and that it be committed to Mr. AMES, Mr. BENJAMIN BOURNE, and Mr. CLARK, with instruction to examine the same, and report their opinion thereupon to the House.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to reimburse certain extra expenses of the late Commissioners for

treating of Peace with the Creek Indians, and that Mr. AMES, Mr. TUCKER, and Mr. JEREMIAH SMITH, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his Reports on sundry petitions; which were severally read, and ordered to lie on the table.

REGISTERING OF VESSELS.

The House resolved itself into a Committee of the Whole House, on the bill concerning the registering and recording of ships or vessels:

Mr. PAGE opposed the clause which referred to "ships or vessels captured in war." He moved that it should be struck out, as countenancing a savage practice, now exploded and laid aside by civilized nations; that it would be time enough when the United States shall be so unfortunate as to be involved in a war, to make provision for the case now alluded to; that no inconvenience could arise from adopting the motion; that indeed it highly became the Legislature of the United States to adopt it, as they would thereby show their approbation of the liberal and benevolent sentiments now adopted by the greatest and most enlightened nations of Europe, abolishing the inhuman practice. That he supposed the clause had been inserted in the bill, because it was drawn before this circumstance of the benevolent disposition of the nations of Europe were generally known. He hoped therefore that his motion would be agreed to.

Mr. TUCKER seconded the motion, and supported it by arguments similar to Mr. PAGE's; remarking, that the French nation, though now engaged in an extensive war, did not permit the capture of merchant vessels; prohibiting that practice as inhuman and unbecoming a civilized nation.

Mr. GOODHUE, in reply, said, that the motion seemed to look to a state of perpetual peace, but for his part, as he did not think the millennium was begun, he should vote against the motion.

Mr. PAGE replied, that he did not expect the millennium in his day any more than the gentleman did who had endeavored to ridicule his motion. That he was not a little surprised to find that a motion which had a tendency so benevolent, and was in itself so rational, expressed too with modesty and deference to the framers of the bill, should meet with such a reception. He then repeated the substance of what he had before said, as he supposed he had not been heard, and insisted on it that the clause he moved to be struck out was not not only unnecessary in the bill, but was an improper adoption of a practice now condemned as savage by the enlightened nations of the world.

Mr. SEDGWICK remarked in opposition to the motion, that the clause ought not to be struck out, because it was not confined to merchant vessels which might be captured, but extended to ships of war, which, if taken by the United States in any future war, ought certainly to come within the view and benefit of the act.

The question was then put, and carried in the negative without a division.

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Foreign Coins.

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When the bill was reported, Mr. PAGE renewed his motion for striking out the clause, &c., repeating nearly his former arguments, adding that as to the objection made to his motion on account of its interfering with the case of ships of war which may be captured. He said he felt for the United States when such a case was mentioned; he felt himself depressed and dispirited at the idea of his country being so perplexed by the expenses of a trifling war with the Indians, and yet looking forward to the capture of ships of war. That surely if that be the object of the clause, as it looks to a case which cannot happen till a future distant day, it will be time enough for some future Legislature to consider it; that for his part, he hoped never to see the United States possessed of a navy; at all events, till they had one, it would be unnecessary to make regulations respecting their prizes. He assured the House, he would not have renewed his motion, if he did not think it his duty to persist in his attempt to show the propriety of uniting in sentiments and endeavors with the great enlightened nations of the world, to put a stop to a savage practice which had been too often a great inducement to enter into wars. He wished to take away every possible temptation to enter into a war, and whenever his country should be so unhappy as to be involved in one, he wished, by the amendment proposed, to lessen the number of unavoidable evils attending wars.

The bill was then ordered to be engrossed, and read a third time on Monday next.

FRIDAY, November 23.

Mr. AMES, from the committee appointed, presented a bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians; which was received, and read the first time.

FOREIGN COINS.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes."

Mr. PAGE said, he wished to be informed whether there really was the difference between the French and British coins stated in the bill; if so, how that difference has been ascertained. That a few years since he had examined hydrostatically the different gold coins named in the bill, and a variety of coins of the German Empire; and that although he readily discovered that the specific gravity of the latter was so little as to justify the low value at which they were generally rated, he remembered well, that there was by no means such difference between the specific gravity of the former as could justify the discrimination made in the bill. He added, that he doubted whether, if there really should appear to be that difference between the coins, it would be proper to introduce the distinction by a law of the General Government, as it might be attended with some inconveniences, and might be construed into a partiality to British commerce. He therefore, to take the sense of the Committee, moved to amend

the clause, so as that the gold coins of Great Britain, France, Spain, and Portugal, should be payable at the same rates.

Mr. TUCKER seconded Mr. PAGE, and supported his motion with similar arguments.

Mr. FITZSIMONS said, he should vote against the amendment, because, he believed that the distinction proposed in the bill was really that which did exist in the intrinsic value of the coins alluded to.

Several other members opposed the motion, because, said they, we have no doubt that the Senate, who originated the bill, had considered the subject fully, and had made the proper estimate, on full information, of the real value of the different coins.

Mr. PAGE replied, that since he had only heard the opinions and suppositions of gentlemen opposed to his opinion, and no satisfactory proof offered to support the bill against his amendment, he should persist in his motion; for, said he, although I will not be so dogmatical as to assert that I am right, and the Senate wrong; yet, in a matter of this nature, which admits of positive proof and demonstration, and which, as far as my own actual experiments have gone, establish my opinion, I cannot give it up, till I have been convinced by other arguments than such as I have heard. Had I been told that the different coins alluded to had been examined hydrostatically, or had been assayed by proper persons appointed for that purpose, I should have acquiesced. I might possibly, however, have supposed that they were of a different coinage or emission from those which I had examined. I think the clause under consideration is of such importance as to require full and satisfactory proof to the world, that it has not been adopted without a thorough investigation of the truth and propriety of the discrimination it establishes between the coins of the nations with which we have such a considerable commercial intercourse. With that proof, I should be satisfied, and would defy the invidious suspicion of our being influenced by improper motives; but till such proof be afforded, I must think it would be better to amend the bill as I proposed, which would leave those coins on their present footing during only the short term to which their circulation is limited by the bill.

From what fell from some gentlemen, he said, it appeared that they thought the examination of the relative value of coins could only be ascertained by an assayer. He affirmed that any person acquainted with the use of an hydrostatic balance might easily examine them. That it was with reluctance he said any thing which might look like a scientific parade, but he thought it his duty to bring forward the inquiry he made; and what had fallen from some gentlemen compelled him to explain and support his motion.

To explain what he had said respecting the hydrostatic experiment, he observed, that it had pleased Nature, or rather the Great Author of Nature, to annex to most bodies, and particularly to metal, a different weight. Happily each species of substances have different weights, which, with propriety, are called specific gravities. That, most happily for our purpose, a cubic foot of water

weighs 1,000 oz. avoirdupois; and a body when immersed in water, displaces a mass of water equal to the bulk of the immersed body; in displacing which mass of water, the body, if suspended to a pair of scales, is found to lose a weight exactly equal to the weight of the mass of water so displaced; so that, if any piece of money be weighed first in air, and then in water, its loss of weight in water will be exactly the weight of an equal bulk of water, which must at once give the comparative weight of that piece of money and of water. And as by this method pure gold has been found to be about nineteen times heavier than water, and copper nine times, which has been generally the alloy used in gold coins, if copper be mixed in any proportion (or any other metal whose specific gravity is known) the specific gravity of the compound may be found, and the exact proportion of each ingredient ascertained; and here I will regulate the coins of the United States, the proportion of silver and copper, which are declared to be the composition of the alloy for our gold coins, is not exactly fixed; there must be a difficulty of finding the real value of that coin without an actual and accurate assay, and also room for varying its value. But, as this is happily left to the discretion of the Director of the Mint, whose abilities, accuracy, and integrity, are so remarkable, no inconvenience need be apprehended, as there is no doubt that he will observe the trust reposed in him, and that he will point out, from time to time, the exact proportion of these two ingredients of the alloy, which are left by the bill to his discretion. This I looked upon as a defect in the bill, and mentioned when it was before us the last session, as a reason why I wished to have it recommitted; but to return to the question. As I have found that the specific gravity of the gold coins of England, France, Spain, and Portugal, was, as well as I can now remember, about seventeen and an half, and that of some German coins not fifteen; that is, that the former weighed seventeen and a half times more than an equal mass of water, and the latter not fifteen times as much, or, in other words, that a cubic foot of the former weighed 17,500 oz. whilst a cubic foot of the latter would not weigh 15,000—I say, as I have found this to be the case, I wish to know now whether any later experiments on those coins have been made to prove that there is a difference stated in the bill; if there have been, such experiments I shall withdraw my motion, if not, I must insist upon it.

MONDAY, November 26.

JEREMIAH WADSWORTH, from Connecticut, appeared, and took his seat.
A bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.
An engrossed bill concerning the registering and recording of ships or vessels was read the third time, and passed.

A petition of sundry masters and owners of coasting vessels, and others, trading between the ports of New London and New York, was presented to the House and read, praying that the tonnage and fees of office imposed on vessels employed in the coasting trade, may be lessened.

Ordered, That the said petition be referred to the committee appointed to prepare and bring in a bill or bills for regulating ships or vessels employed in the coasting trade and fisheries.

A petition of John Manley was presented to the House and read, praying to be allowed the prize money on certain British ships captured by the petitioner, while a Captain in the Navy of the United States, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes;" and, after some time spent therein, the Committee rose and reported several amendments thereto; which were severally read twice, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.
A memorial and representation of Warner Mifflin, one of the people called Quakers, was presented to the House and read, stating certain reflections for the consideration of Congress, in relation to the African slave trade, and to the humane treatment of slaves in the United States.

Ordered, That the said memorial and representation do lie on the table.
Resolved, That the Commissioners for the settlement of the accounts between the individual States and the United States, report to the House the time at which they suppose they will be ready to make their final report; and whether any, and what, obstacles remain, to prevent such final report.

TUESDAY, November 27.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to ascertain the fees demandable on Admiralty proceedings, in the District Courts of the United States, and to amend, in part, the act, entitled "An act for the government and regulation of seamen in the merchants' service," which was received, and read twice, and committed.

Mr. GOODHUE, from the committee appointed, presented a bill for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Governor of the Territory of the United States Northwest of the river Ohio, covering a petition of a number of inhabitants of St. Vincennes, on the Wabash, praying that the survey of their lands, directed by a late law, may be made at the public expense; which were read, and or-

dered to be referred to Mr. LIVERMORE, Mr. MUNDENBERG, and Mr. LEONARD, with instruction to examine the same, and report their opinion thereupon to the House.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, respecting lost and destroyed certificates; and, after some time spent therein, the Committee rose, and reported progress.

WEDNESDAY, November 28.

Mr. PARKER, from the committee appointed, presented a bill to make compensation to the widows and orphans of persons who were killed by Indians, under the sanction of flags of truce; which was received, read twice, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills granting farther compensation to certain Receivers of Continental Taxes; and that Mr. GILES, Mr. SHEARJAH-BURN, and Mr. SYLVESTER, be the said committee.

The House proceeded to consider the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 9th instant, together with the papers accompanying the same, on the subject of the boundary between the State of Virginia and the Territory of the United States south of the river Ohio; whereupon,

Resolved, That the PRESIDENT OF THE UNITED STATES be requested and authorized, with the concurrence of the States of Virginia and Kentucky, to cause the line to be extended from the western termination of the line formerly run by Fry and Jefferson, on the part of Virginia, and by other surveyors on the part of North Carolina, by a surveyor of sufficient abilities, in the proper latitude, whereby the northern boundary of the territory ceded to the United States by the State of North Carolina may be determined; and that Congress will provide for the necessary expense attending the same.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. BOUNDARY, Mr. WILLIAMSON, and Mr. PAGE, prepare and bring in the same.

The bill sent from the Senate, entitled "An act regulating Foreign Coins, and for other purposes," together with the amendments thereto, was read the third time; and, on a motion made and seconded,

Ordered, To be recommitted to a Committee of the Whole House on the first Monday of January next.

Mr. GILES, from the committee appointed, presented a bill granting farther compensation to certain Receivers of Continental Taxes; which was received, read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians; and, after some time spent therein, the Chairman reported that the Committee had had the said bill

under consideration, and made an amendment thereto; which was read.
Ordered, That the said bill, with the amendment, do lie on the table.

WARNER MIFFLIN'S PETITION.

Mr. STEELE called the attention of the House to the memorial and representation of Warner Mifflin on the subject of Negro slavery. Mr. S. said, that after what had passed at New York on this subject, he had hoped the House would have heard no more of it; but, to his surprise, he found the subject was started anew, and had been introduced by a fanatic, who, not content with keeping his own conscience, undertook to become the keeper of the consciences of other men, and in a manner which he deemed not very decent, had intrusted his opinions into this House. Had an application been made to him to present such a petition, he thought he should have avoided a compliance with it. Gentlemen in the Northern States do not realize the mischievous consequences which have already resulted from measures of this kind, and if a stop were not put to such proceedings, the Southern States would be compelled to apply to the General Government for their interference. He concluded, by moving "that the paper purporting to be a petition from Warner Mifflin, be returned to him by the Clerk of the House; and that the entry of said petition be expunged from the Journal."

Mr. AMES rose to explain his motives in presenting the petition. He said it was his opinion, which he had expressed to the House long ago, that this Government could not, with propriety, take any steps in the matter referred to in this petition; but, on the general principle, that every citizen has a right to petition the Legislature, and to apply to any member to present his request to the House, he had handed it in. The petitioner is a citizen of Delaware; and had the member from that State been in the House, he should not have thought himself obliged to have introduced it; but that gentleman being absent, the petitioner had a right to apply to a member from any other State. He had no idea of supporting the prayer of the petition, his mind having been long made up on the subject. He considered it as totally inexpedient to interfere with the subject, and had uniformly opposed the applications made at a former session of Congress.

Mr. LIVERMORE did not consider the motion in order, the subject not being properly before the House; nor did he believe there was any disposition to bring it forward.

Mr. W. SMITH said he had seconded the motion, with a view of putting it out of the power of any member to call it up when persons might be absent who would find it their duty to oppose it. Mr. S. said he admitted, in its full extent, the right of every citizen to petition for a redress of grievances, and the duty of the House to consider such petitions; but the paper in question is a mere rant and rhapsody of a meddling fanatic, interlarded with texts of Scripture, and concluded with no specific prayer. He observed it was the general

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practice of Legislative bodies for members presenting petitions to read them, in order to make known their objects, and to have them entered on the Journal. In this particular instance, the practice might be attended with danger. Citizens of the Southern States learning that papers of this kind meet with countenance here, would be alarmed. The gentleman who presented this paper had not, on this occasion, shown his usual regard to Southern interests. Had he stated its dangerous object, the House would undoubtedly have refused its reception. After the proceedings at New York, when a similar application was made, his constituents had a right to expect that the subject would never be stirred again. He would assure the House, that while he continued a member of it, he should never fail to express his abhorrence against all such applications, as they could have none but a mischievous tendency. So far from being calculated to meliorate the condition of the race who were the object of them, they had a tendency to alienate their affections from their masters, and by exciting in them a spirit of restlessness, to render greater severity towards them necessary. He therefore earnestly called on the House to agree to the motion, and thereby convince this enthusiast, and others, that they can never meet countenance in the Legislature of the Union. The part of the motion directing the petition to be returned by the Clerk was agreed to. The remainder was withdrawn by Mr. STEELE, the mover.

THURSDAY, November 29.

Mr. WHITE, from the committee appointed, presented a bill to regulate trade and intercourse with the Indian tribes; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures of public moneys, from the first of July to the thirtieth of September, one thousand seven hundred and ninety-two, inclusive; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Committee rose, and had leave to sit again.

The House proceeded to consider the report of the committee to whom was referred the petition of Lewis Garanger, in behalf of himself and his brother, Charles Garanger: whereupon,

Resolved, That the Comptroller of the Treasury be empowered and directed to adjust and settle the accounts of Lewis Garanger, as a Captain of Artillery, from the twenty-ninth of September, one thousand seven hundred and eighty, until the establishment of peace.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. MADISON, Mr. WILLIAMSON, and Mr. WILLIAM SMITH, do prepare and bring in the same.

On a motion made and seconded, *Resolved*, That the PRESIDENT OF THE UNITED STATES be requested to cause assays and other proper experiments to be made, at the Mint of the United States, of the gold and silver coins of France, England, Spain, and Portugal; and a report of the quantity of fine metal, and of alloy, in each of the denominations of the coins, to be laid before this House.

Ordered, That the said resolution be transmitted to the PRESIDENT OF THE UNITED STATES, by the SPEAKER.

FRIDAY, November 30.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury on the petition of the executors of Edward Carnes, deceased; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to inquire whether any, and what, measures are necessary to facilitate the settlement of claims against the United States, not barred by acts of limitation, founded upon certificates granted, or settlements made, by any officer or officers, heretofore authorized by the United States to issue certificates or make settlements in their behalf; and who have not settled their accounts; and to report the result of their inquiries."

Ordered, That Mr. GOODHUE, Mr. FITZSIMONS, Mr. DAYTON, Mr. PARKER, and Mr. NILES, be a committee, pursuant to the said resolution.

Ordered, That a committee be appointed to prepare and report a bill to amend the act establishing a Mint and regulating the coins of the United States, so far as respects the copper coinage; and that Mr. WILLIAMSON, Mr. PAGE, and Mr. KIRKPA, be the said committee.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made a farther progress therein.

Resolved, That the Secretary of the Treasury be directed to lay before the House the accounts of the Commissioners of Loans, for the current year, by which his estimate is formed for appropriating thirty-five thousand and sixty-three dollars and twenty-eight cents, for the salaries of clerks and for stationery, in the Loan Offices of the United States, to the thirty-first of March, one thousand seven hundred and ninety-three.

MONDAY, December 3.

Ordered, That the petition of Woodrop and Joseph Sims, which was presented to this House on the 8th ultimo, be referred to Mr. KEY, Mr.

GROVE, and Mr. TUCKER, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of a plan for the redemption of the Public Debt, and for the reimbursement of a certain loan made of the Bank of the United States, pursuant to the orders of the 21st and 22d ultimo; which was read, and ordered to lie on the table.

A petition of sundry merchants and traders, inhabitants of the State of South Carolina, was presented to the House and read, stating the disadvantages under which they labor, for the want of a bankrupt law, and praying that Congress will take the subject into consideration, and pass an act thereupon.

Ordered, That the said petition be referred to the committee appointed to prepare and bring in a bill or bills to establish an uniform system on the subject of bankruptcies throughout the United States.

Mr. BOUDINOT, from the committee appointed, presented, according to order, a bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; which was read the first time.

Resolved, That the Secretary of War be directed to lay before this House a list of the names of the persons returned to his office for pensions, by the Circuit Courts, in pursuance of the act entitled, "An act to provide for the settlement of the claims of widows and orphans, barred by limitations heretofore established, and to regulate the rates of Invalid Pensions," together with the rates of the said pensions, and the causes assigned for disability, accompanied with a statement of such facts and circumstances as may relate thereto.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Chairman rose and reported progress.

The House resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose, and reported progress.

WIDOWS AND ORPHANS.

Mr. DAYTON's motion, laid on the table on Friday last, was called up by that gentleman, viz:

"That the Secretary of War be directed to lay before this House a list of the names of the persons returned to his office for pensions, by the Circuit Courts, in pursuance of the act, entitled 'An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the rates of Invalid Pensions,' together with the rates of said pensions, and the causes assigned for disability, accompanied with a statement of such facts and circumstances as may relate thereto."

Mr. DAYTON observed, that he considered it the indispensable duty of the Legislature to inquire into this subject, in order to avoid imposition. He held a paper in his hand containing an account of a number of persons admitted on the pension list by the Circuit Courts, on account of complaints, which if they were generally admitted, would increase the pension list in such manner, as ten times the present revenue of the United States would not be adequate to supporting.

Mr. B. BOURNE observed, that the Government had vested a discretionary power with the Secretary of War to check the grant of pensions in improper cases; that the Secretary was preparing a report on this subject; and that a full statement of the whole matter would be laid before the House. He therefore saw no necessity for the resolution.

Mr. SEDGWICK said, he hoped nothing was intended by the motion to counteract the benevolent views of the Legislature, in the only act of Legislative generosity ever exhibited by this Government, the law of the last session making particular provision for invalids. Mr. S. said, he thought the necessary information on the subject would come before the House in course; but he was anxious that no steps should be taken, on account of some improper grants of pensions, to frustrate the designs of Government, or divert the justice and humanity of the country from a class of citizens who have fought the battles of the Union and to whom the United States are so much indebted for their present freedom and happiness.

Mr. CLARK, Mr. W. SMITH, Mr. LAURANCE, and Mr. HULLHOUSE, supported the motion. It was said that the law was found inadequate to the purpose for which it was made; that while in some cases it was not carried into execution, in others very improper grants of pensions had been made. Information was wanted; this information may be obtained; the law is defective, and ought to be revised. Justice, therefore, to real objects, to guard against impositions, and to make that provision which the finances of the country are competent to, impose a necessity that the motion should be adopted. In reply to the objection, that information would come in of course from the War Office, it was said, the motion went to several points, on which it was not the duty of the Secretary to report, unless he was required to do it.

TUESDAY, December 4.

A bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina was read the second time, and ordered to be committed to a Committee of the Whole on Thursday next.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the Register's detail of the estimate of thirty-five thousand and sixty-three dollars and twenty-eight cents, for the clerk hire and stationery of the several Loan Offices of the United States, to the thirty-first of March next, made pursuant to the order of Friday last; which was read, and ordered to be referred to the consideration of the

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Appropriations—Creek War—Moses Young.

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Petition of Moses Young.

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Committee of the Whole House, to whom are referred the estimates of appropriation for the current year.

ESTIMATES OF APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three. The papers on which the estimate of the expense of the Loan Office was founded, were read.

The accounts of the Loan Office of Massachusetts, New York, Pennsylvania, Maryland, and Virginia, were particularly called for, and read in detail. The expenses of these offices were very different, owing to the business being much greater, by reason of transfers, in some States than in others. The amount of the expense was generally complained of. It was observed that some other mode of doing the business ought to be adopted, or, that those for whose advantage these numerous transfers are made, should bear a due proportion of the expense occasioned thereby. Several alterations or corrections were made in the estimate respecting this article.

The sum of fifty thousand dollars for the contingencies and incidental expenses of the War Department, having been struck out, Mr. STEELE moved that the blank be filled with five thousand dollars.

This motion was withdrawn, and was succeeded by another, to the following purport: "That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before the House a statement of the items constituting the sum in the estimate proposed to be appropriated for contingent, incidental, and conjectural charges in the War Department." This motion was objected to as informal in itself, and contrary to the practice of the House; it was urged that the proper mode would be to call on the officer at the head of the War Department, to lay before the House the necessary documents. It was accordingly moved that the words "the PRESIDENT OF THE UNITED STATES" be struck out of the motion, and that the Secretary of War should be directed to lay before the House, &c. The motion for striking out was lost; and then the question on the motion as originally made, was put and carried.

Mr. FITZSIMONS, from the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES of the 7th ultimo as relates to a statement of the administration of the fund appropriated to certain Foreign purposes, together with the papers accompanying the same, made a report; which was read, and ordered to lie on the table.

EXPENSES OF THE CREEK TREATY.

The House proceeded to consider the amendment reported by the Committee of the Whole House the 28th ultimo, to the bill to reimburse certain extra expenses of the late Commissioners for treating of peace with the Creek Indians: whereupon,

The question being taken, that the House do concur with the Committee in the said amendment for filling up the blank in the said bill with the words "twelve thousand dollars,"—it passed in the negative—yeas 24, nays 25, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Daniel Heister, Daniel Hughes, Amasa Learned, John Milledge, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Theodore Sedgwick, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Benjamin Bourne, Abraham Clarke, Jonathan Dayton, William B. Giles, James Gordon, Christopher Greenup, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Samuel Livermore, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Cornelius C. Schoonmaker, Peter Sylvester, Israel Smith, John Steele, Thomas Sumpter, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

And then, a motion being made, and the question put, to fill up the said blank with the words "nine hundred dollars," it was resolved in the affirmative.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

WEDNESDAY, December 5.

An engrossed bill to reimburse certain extra expenses of the late Commissioners for treating of Peace with the Creek Indians was read the third time; and, on the question that the said bill do pass, it passed in the negative—yeas 20, nays 21, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Thomas Fitzsimons, John Laurance, Samuel Livermore, John Milledge, Frederick Augustus Muhlenberg, John Page, Theodore Sedgwick, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

NAYS.—John Baptist Ashe, Benjamin Bourne, Abraham Clark, Jonathan Dayton, James Gordon, Israel Jacobs, Philip Key, Aaron Kitchell, George Leonard, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Peter Sylvester, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

And so the bill was rejected.

PETITION OF MOSES YOUNG.

The House proceeded to consider the report of the committee on the memorial of Moses Young. Whereupon,

The resolution reported by the said committee, in the words following, was read, to wit:

"That the said Moses Young hath a just claim on the United States for the full amount of his salary, at the rate of five hundred pounds sterling per annum, from the eighteenth of October, one thousand seven hundred and seventy-nine, to the thirtieth of August,

one thousand seven hundred and eighty-two, including the usual allowance of three months for returning to America; and that, after deducting the sums received from Doctor Franklin, and by his attorney, Joseph Nourse, the balance ought to be paid by the United States."

The facts of the case are these: Mr. Young was appointed Secretary to Mr. Laurens on his embassy to Holland. Mr. Laurens, it appears, had recommended to Mr. Young to take but one half of his salary, in consideration of the embassy's having proved inefficient; and, as an inducement, informed Mr. Young that he (Mr. Laurens) intended to relinquish the whole of his salary. Mr. Young, from patriotic motives, and influenced by the example of Mr. Laurens, accordingly relinquished one half of his salary as Secretary aforesaid; but finding afterwards that Mr. Laurens had, on his return to America, received his full salary and emoluments from the Government, as Ambassador, Mr. Young, in the petition, prays that he may be paid the full amount of the salary he had, on the aforesaid considerations, relinquished. All the vouchers and documents relating to this subject were read: among others, an account settled between the United States and Mr. Young. The question, therefore, according to the opinion given by the gentlemen who supported the petition was, whether the present Government should avail itself of this settlement made under the circumstances already stated, and thereby preclude the petitioner from the full allowance to which he was, by a resolution of the former Congress entitled, especially as by the account settled it appears that Mr. Young made a reservation of a further claim. It was observed that the allegations in the petition were supported by the most explicit declarations on the part of Mr. Laurens; and that the petitioner was clearly and justly entitled to the sum he had relinquished on a contingency which had not taken place, but directly the reverse; it was said that it would be little short of taking a pettifogging advantage of the petitioner.

In opposition to the report in favor of the petitioner, it was said that the settlement made at the public office appears to have been done deliberately, and the allowance of the salary of £250 sterling, was made pursuant to certificates received from Mr. Laurens, as a full salary. It was urged, that if the Legislature should rip up transactions so long settled, and do away accounts finally closed with the proper officers, it would be a most dangerous precedent indeed. It was constantly echoed in the House, that these settlements were not to be disturbed; the consequence, it was easy to perceive, would be of the most perplexing nature; there would be no end to the applications which would take place; applications, accompanied with circumstances whose pretensions, it was said, were much more weighty and important than that now under consideration. It was further observed, that it does not appear that Mr. Laurens had deviated from his agreement with Mr. Young, in settling his account; for, though he had received his full salary as Ambassador, it plainly appears that he did not receive it merely as a compensation for

his services as such, but in part as an indemnification for other services, and for losses he had sustained in consequence of being in public employment; and, therefore, Mr. Young's claim on account of a supposed violation of contract on the part of Mr. Laurens, is not well founded; and, besides, it was remarked, that Mr. Young, in the account he has settled, has no reference in his note of reservation, to any subsequent claim on account of any contract between him and Mr. Laurens. After a long debate, the question on agreeing to the report of the committee in favor of the petitioner, as above stated, was put and negatived, 27 to 25.

Mr. W. SMITH then moved that the petition of Moses Young, with the additional evidence and documents accompanying the same, be recommended to a select committee. This motion was lost.

THURSDAY, December 6.

Mr. MADISON, from the committee appointed, presented a bill to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war; which was read twice, and committed.

Mr. KEY, from the committee to whom was referred the petition of Woodrop and Joseph Sims, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter and report from the Commissioners for settling the accounts between the United States and the individual States, pursuant to the order of the 26th ultimo; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. SEDGWICK reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter from JOSHUA SENEY, one of the members for the State of Maryland, stating his acceptance of an appointment in the Judiciary Department of the said State, which disqualifies him from a seat in this House; which was read, and ordered to lie on the table.

The following Message was received, with closed doors, from the PRESIDENT OF THE UNITED STATES:

UNITED STATES, December 6, 1792.

Gentlemen of the Senate, and of the House of Representatives:

The several measures which have been pursued to induce the hostile Indian tribes, North of the Ohio, to enter into a conference or treaty with the United States, at which all causes of difference might be fully under-

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stood, and justly and amicably arranged, have already been submitted to both Houses of Congress. The papers, herewith sent, will inform you of the result.

The papers accompanying the said Message were read, and ordered to lie on the table.

CASE OF WOODROP SIMS.

Mr. KEV, of the committee on the petition of Woodrop and Joseph Sims, brought in a report, which was, that the relief prayed for ought to be granted.

The reading of the petition was called for, the prayer of which is, that they may be released from the payment of duties on sundry goods lost on a voyage from New York to Philadelphia.

A motion was made to accept the report of the committee.

Mr. GOODHUE observed, that though he was disposed to grant relief in the case, yet he saw no principle on which it could be done; had the owners insured a sum sufficient to have covered the duties, they would have avoided the additional loss occasioned by having given bond for them. He thought that the House ought to proceed with great caution, as granting relief in the present case would be establishing a precedent which might be attended with great inconvenience and eventual loss of revenue.

Mr. W. SMITH said, that relief had been granted in a former case, which perhaps was similar; though he did not perfectly recollect the circumstances; and said he wished the law he alluded to might be read. He suggested the propriety of receiving the opinion of the Secretary of the Treasury, as it was of the greatest importance that a full investigation of the subject should take place previous to any decision.

Mr. FITZSIMONS observed, that this was an individual case; it stood on its own merits; every member of the House was fully competent to forming an opinion on it; and he hoped the House would determine respecting it for themselves.

Mr. FITZSIMONS then stated the particulars to show that this was a case of peculiar hardship and misfortune; and that the loss of the duties to which the petitioners were exposed, arose in part from an excess of official attention on the part of the Collector of New York. After some further remarks by different gentlemen, the petition and report were referred to a Committee of the Whole, for Monday next.

FRIDAY, December 7.

The Letter from Mr. SENEY, containing his resignation was again read, and a motion made to refer the same to a committee; some debate ensued on this motion, in which the question was started how far it was in the power of a member of the House to vacate his seat; the solution of this, it was said, would involve a lengthy discussion of some constitutional questions; if it was the

opinion of the House that the present case naturally included this discussion, the reference ought to be to a Committee of the Whole. Some gentlemen thought that the most simple process was to accept the resignation, and make entry accordingly in the Journal; a notification to be sent to the Executive of the State of Maryland. The motion for commitment of the Letter was negatived; a motion was then made that the SPEAKER of the House notify the Executive of the State of Maryland of a representation of that State, by the resignation of Mr. SENEY. This motion was negatived and the Letter laid on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying certain statements, together with a Letter from the Comptroller of the Treasury, relative to the disbursements made by the Department of War, in the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, pursuant to the order of the thirteenth ultimo; which were read, and ordered to lie on the table.

Mr. SPENCER, from the committee appointed, presented a bill to continue in force for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations; which was received, read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend in part the act, entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose and reported progress.

The following Message was received, with closed doors, from the PRESIDENT OF THE UNITED STATES:

UNITED STATES, December 7, 1792.

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you two Letters, with their enclosures, from the Governor of the Southwestern Territory, and an extract of a Letter to him from the Department of War.

These, and a Letter of the ninth of October last, which has been already communicated to you, from the same Department to the Governor, will show in what manner the first section of the act of the last session, which provides for calling out the Militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress whether, in the present situation of the United States, it be advisable or not to pursue any further or other measures than those which have already been adopted. The nature of the subject does, of itself, call for your immediate attention to it; and I must add, that, upon the result of your deliberations, the future conduct of the Executive will on this occasion materially depend.

G. WASHINGTON.

Ordered, That the said Message, together with the papers herein referred to, be committed to a Committee of the Whole House on Monday next.

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MONDAY, December 10.

Mr. WILLIAMSON, from the committee appointed, presented a bill to amend an act, entitled "An act to promote the progress of Useful Arts;" which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing the copy of a letter from the Governor of Georgia, together with certain communications relative to Indian affairs; which were read, and ordered to be referred to the consideration of a Committee of the Whole House to-day.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to establish a uniform system of bankruptcy throughout the United States; which was received, read twice, and committed.

The House resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had had the said Message and papers under consideration, and made some progress therein.

TUESDAY, December 11.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, on the petition of Abraham Scribner and Thomas Cable; which were read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and made a further progress therein.

WEDNESDAY, December 12.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing a statement of certain materials whereon the estimate of contingencies of the War Department, for the year one thousand seven hundred and ninety-three, are founded; also, an explanation of certain heads of articles in the general estimate, called "conjectural;" which were read, and ordered to be referred to the consideration of the Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three.

A memorial of Moses Young was presented to the House and read, praying to be compensated for certain services as Secretary to Mr. LAURENS and to Doctor FRANKLIN, on their embassies to Holland and France, for which he has received no satisfaction.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial was presented of John Nicholson, Cornelius Barnes, John Mitchell, junior, and Norton Pryor, creditors of the United States, who loaned money between September, one thousand seven hundred and seventy-seven, and March, one thousand seven hundred and seventy-eight, praying that an appropriation may be made for the payment of the arrears of interest due, and the annual interest accruing on the amount of their respective claims.

Ordered, That the said memorial do lie on the table.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, the Committee rose and reported progress.

On a motion made and seconded that the House do come to the following resolutions:

"Resolved, That a loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, be opened at the Treasury of the United States, and at the loan offices in the respective States, to commence within — months after the said balances shall be reported at the Treasury, and to continue open for the term of — months, from the time of its commencement.

"Resolved, That the sums to be subscribed to such loans be payable in the principal or interest of the certificates or notes issued by any such of the said States, as, upon the final settlement of accounts, shall have a balance due to them from the United States, and which shall have been liquidated to specie value prior to the — day of — last.

"Resolved, That every subscriber to the said loan shall be entitled to certificates according to the sum subscribed, of the like tenor and description, in the like proportions, and upon the like terms, as are specified and directed by the fifteenth and sixteenth sections of the act, entitled "An act making provision for the Debt of the United States," except that interest on such of the certificates subscribed to the said loan as bear interest, shall be computed to the last day of the year one thousand seven hundred and ninety-three, inclusively, and that interest shall not begin to accrue upon any of the certificates which shall be issued in lieu thereof, till the first day of January, one thousand seven hundred and ninety-four.

"Resolved, That in all cases where the sum subscribed in the evidences of the debt of any State shall exceed the balance due to such State, the same shall be reduced (in equal proportions) to the sum actually due to such State.

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on the first Monday of January next.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to

H. or R.]

Public Debt.

[DECEMBER, 1792.]

amend in part the act, entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, December 13.

ANDREW GREGG, from Pennsylvania, appeared and took his seat in the House.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act concerning the registering and recording of ships or vessels," with several amendments; to which they desire the concurrence of this House.

Ordered, That the Report of the Secretary of the Treasury of a plan for the redemption of the Public Debt, and for the reimbursement of a certain loan made of the Bank of the United States, which lay on the table, be referred to the consideration of a Committee of the Whole House on this day fortnight.

The House proceeded to consider the amendments reported on Thursday last, by the Committee of the Whole House, to the bill for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, and for regulating the same; and the said amendments being severally twice read were, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendments, do lie on the table.

Resolved, That the Secretary of War be directed to lay before this House a Return of all the commissioned officers, non-commissioned officers, and privates, belonging to the regular establishment of the United States, specifying the regiments or corps to which they belong, and the times of their entering the service.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the estimates of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-three; and, after some time spent therein, Mr. SPEAKER resumed the chair, and Mr. SENECA reported that the Committee had again had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

"Resolved, That, for defraying the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-three, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated the several sums of money following, to wit:" [Here follow the several items.]

"Resolved, That, for making good deficiencies for the support of the Civil List Establishment, for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses; for the support of light-houses, and for the establishment of ten cutters, and for other purposes, there be appropriated the several sums of money following, to wit:" [Here again follow the items.]

"Resolved, That, for defraying the expenses of the War Department for the year one thousand seven hundred and ninety-three, there be appropriated the following sums, to wit:" [The items follow.]

"Resolved, That, for making good the several and respective sums of money aforesaid, there be appropriated—

"1st. The sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States.

"2d. The surplus which may remain unappropriated for the use of the War Department, in the year one thousand seven hundred and ninety-two.

"3d. So much of the existing revenues of the United States as are unappropriated."

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. LAURANCE, Mr. BALDWIN, Mr. JEREMIAH SMITH, Mr. STEELE, and Mr. GILES do prepare and bring in the same.

PUBLIC DEBT.

The report of the Secretary of the Treasury, containing a plan for the reduction of the Public Debt, on motion of Mr. SENECA, was referred to a Committee of the Whole.

A motion for its being made the order of the day, this day week, was opposed. Mr. MURRAY objected to so early a day. The subject, said he, is important; the State of Maryland has a right to six votes in this House; it so happens, that four seats of the representation from that State are vacant. He wished, therefore, that a more distant day may be appointed, as, in that case, it was highly probable that State would be more fully represented. Other reasons for a more distant day were urged by several gentlemen. This day fortnight was finally agreed to.

The House took into consideration the amendments by the Committee of the Whole to the coasting bill. They agreed to some of the amendments reported, with amendments; others were rejected. A clause was proposed to be added, requiring from the owners or masters of vessels a particular enumeration of all the goods, wares, and merchandise transported in the several coasting vessels from time to time. This occasioned some debate; it was objected to as involving a great and unnecessary expense, without affording a corresponding benefit; as tending to obstruct the coasting trade, so as almost to destroy the same. It was said it would be nugatory, being in many cases impracticable. The clause was supported, as conducive to information relative to the products and real consumptions of the several States—points on which very different opinions were entertained; that the expense would not probably be more than the addition of one clerk to the Treasury Department; that the duty would devolve on the collectors, and be a business, of course, &c. The motion was at length withdrawn. Some verbal corrections were made in several sections; and then, by general consent, the bill was laid on the table for further consideration.

DECEMBER, 1792.]

Estimates of Appropriations—Registering Vessels.

[H. or R.]

ESTIMATES OF APPROPRIATION.

The House then resolved itself into a Committee of the Whole on the estimate of appropriations, Mr. SENECA in the Chair. The Chairman observed that the subject was before the Committee without any specific proposition.

Mr. KITCHELL moved that the Committee should rise, and report the resolutions submitted some time since.

It being remarked that these resolutions were yet to be determined on, having never been reported to the House, they were again read; and then a motion for the Committee to rise and report was made and agreed to. The Committee accordingly rose and reported the resolutions, which were taken into consideration by the House. The items of the estimate were again recited. The sum in the estimate for the support and expenses of the Loan Office occasioned considerable conversation. The accounts of the several Loan Offices were again called for; that from the officer at New York being read, it was remarked that the amount of this account exceeded that of Pennsylvania, and, indeed, of all the other accounts. This disparity, it was said, was very extraordinary, and did not appear to be accompanied with any sufficient reasons for so great a difference; and though the accounts had been settled by the proper officers of the Treasury, yet that they were liable to be revised by the House.

Some remarks in opposition were made. The question on agreeing to the sum reported in the estimate for the Loan Office, was carried in the affirmative.

The House having proceeded through the items included in the several resolutions, a motion was made and agreed to, that a committee be appointed to prepare and report a bill in conformity thereto; and Messrs. LAURANCE, BALDWIN, SMITH, N. H., STEELE, and GILES, were appointed.

A motion that the estimate of contingencies received from the War Department, with the other papers relative to the estimate of appropriations, be referred to the select committee, was, after some debate, superseded by a motion to adjourn.

FRIDAY, December 14.

Mr. WILLIAM SMITH, from the committee to whom were referred the petitions of sundry persons, praying to be placed on the list of pensioners of the United States; also, a Letter from the Judges of the Circuit Court for the District of North Carolina, relative to the act passed the last session of Congress, regulating the claims to Invalid Pensions, made a report; which was read, and ordered to be referred to the consideration of a Committee of the Whole House on Monday, the 31st instant.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying lists of the names of persons returned to his office for pensions, by the Circuit Courts of the United States, together with the rates of the said pensions, and the causes assigned for disability, pursuant to the order of the 3d instant; which was

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read, and ordered to be referred to the consideration of the Committee of the Whole House last appointed.

Mr. LIVERMORE, from the committee to whom was referred the petition of a number of the inhabitants of St. Vincennes, on the Wabash; together with a Letter from the Governor of the Territory of the United States Northwest of the River Ohio, accompanying the same, made a report; which was read, and ordered to lie on the table.

The House proceeded to the consideration of the amendments proposed by the Senate, to the bill, entitled "An act concerning the registering and recording of ships or vessels." Whereupon, Resolved, That this House doth agree to the amendments to the fifth section.

Resolved, That this House doth disagree to the amendment to the seventeenth section of the said bill.

Ordered, That the Clerk of this House do acquaint the Senate therewith.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act in addition to, and alteration of the act, entitled 'An act for settling the accounts of the United States with the individual States,'" to which they desire the concurrence of this House.

The said bill was read the first time.

REGISTERING VESSELS.

The amendments of the Senate to the bill providing for the registering and recording of ships or vessels were taken into consideration. The first, second, and third amendments were agreed to. The fourth amendment was to strike out the 17th section of the bill, which was designed to guard effectually against collusion in regard to American vessels—it having been ascertained that impositions in this respect had been practised with success. The amendment of the Senate was objected to; it was said it left the door still open to the owners of foreign vessels to evade payment of foreign tonnage. Mr. GOODRICH, Mr. WILLIAMSON, Mr. SENECA, Mr. PARKER, and Mr. MADISON, opposed the amendment.

Mr. FITZSIMONS appeared to be partially in favor of the amendment; he observed that there was no clause in the British navigation law, equally rigid with that proposed in the bill, and which the Senate have objected to. He observed that the policy of such restrictions as went to discourage the building of vessels in the United States may well be doubted; but though he was not perfectly satisfied with the clause in the bill, yet he should not vote to concur with the Senate.

Mr. W. SMITH said he agreed with the gentleman from Pennsylvania in his remarks, but should draw a very different conclusion, and should therefore be in favor of concurring with the Senate; but if the House should not be disposed to concur, he inquired whether the proposal to strike out the clause could not be adopted without agreeing to the substitute?

Mr. BARNWELL was in favor of concurring with the Senate.

Mr. PARKER opposed the amendment. He said the operation of the proposed clause from the Senate might tend to increase the building of American vessels, but would most certainly tend to the injury of the mercantile interest in general. The collusions alluded to by several gentlemen, he observed, had undoubtedly taken place; and, if there is not some effectual provision, like that in the bill, adopted, the commerce of the United States in a few years would be transferred to foreigners altogether.

Mr. MANSON was opposed to the amendment. He added a few remarks, corroborative of the sentiments delivered by Mr. PARKER; and then the question being put, the amendment of the Senate was disagreed to.

The House again resolved itself into a Committee of the Whole House on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and made a farther progress therein.

MONDAY, December 17.

The bill sent from the Senate, entitled "An act in addition to, and alteration of the act, entitled 'An act for settling the accounts of the United States with the individual States,'" was read the second time, and ordered to be committed to a Committee of the Whole House on the second Monday of January next.

The House resolved itself into a Committee of the Whole House, on the Report of the Committee to whom was referred the Report of the Secretary of the Treasury on the petition of the Executors of Edward Carnes, deceased; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. SEDGWICK reported that the Committee had had the said Report under consideration, and come to several resolutions thereupon; which were severally read twice, and agreed to by the House, as follow:

Resolved, That all persons having claims upon the United States, not barred by any act of limitation, whether founded upon certificates, or other written documents from public officers or otherwise, (except Loan Office certificates, and certificates of final settlement, Register's certificates, and certificates issued pursuant to the act making provision for the Debt of the United States,) shall exhibit the same at the Treasury of the United States within ——— months, or be forever barred from payment or settlement.

Resolved, That the accounting officers of the Treasury be authorized to settle and adjust, after the expiration of the term aforesaid, all such of those claims as shall appear to them proper to be admitted, and to report to Congress upon all such as they may not think proper to admit.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. Good-

HUE, Mr. FITZSIMONS, Mr. DAYTON, Mr. PARKER, and Mr. NILES, do prepare and bring in the same. A message from the Senate informed the House, that the Senate recede from their amendment disagreed to by this House, to the seventeenth section of the bill, entitled "An act concerning the registering and recording of ships or vessels."

The House again resolved itself into a Committee of the Whole House, on the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians; and, after some time spent therein, the Chairman reported that the Committee had again had the said Message and papers under consideration, and come to no resolution thereupon.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the same, and that the said Message and papers do lie on the table.

TUESDAY, December 18.

A memorial of the officers, now residing in the State of New York, of the late American Army, in behalf of themselves and their brethren the soldiers of the said Army, was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit. Also, a memorial of the Pennsylvania line of the late Army, to the same effect.

Ordered, That the said memorials do lie on the table.

The House resumed the consideration of the amendments reported by the Committee of the Whole House, on the 6th instant, to the bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same.

Ordered, That the said bill, with the amendments, be recommitted to Mr. GOODHUE, Mr. FITZSIMONS, and Mr. PARKER.

The House proceeded to consider the Message from the PRESIDENT OF THE UNITED STATES, of the 7th instant, together with the papers therein referred to, relative to the execution of the act for calling out the Militia to repel the invasions of the Indians, which lay on the table. Whereupon, A motion being made and seconded that the House do come to the following resolution:

"*Resolved*, That the President of the United States be authorized to employ such part of the military force and of the Militia of the United States, as he may judge necessary, for the effectual protection of the frontiers; and (if he shall judge it expedient) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamugas, and such other of the Indian tribes as may hereafter commit acts of depredation against the lives and property of the citizens of the United States."

A division of the said motion was called for. Whereupon,

The question being put, that the House do agree to the first part of the said motion, in the words following, to wit:

"*Resolved*, That the President of the United States be authorized to employ such part of the military force and of the Militia of the United States, as he may judge necessary for the effectual protection of the frontiers; and (if he shall judge it expedient) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamugas."

It passed in the negative—yeas 21, nays 27, as follows:

YEAS.—Abraham Baldwin, Robert Barnwell, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Christopher Greenup, Samuel Griffin, Thomas Hartley, Daniel Huger, Richard Bland Lee, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, John Page, Josiah Parker, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—John Baptist Ashe, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Daniel Heister, James Hillhouse, Philip Key, Aaron Kitchell, John Laurance, Anasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

And so the said motion was lost.

WEDNESDAY, December 19.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing an extract of a letter from Brigadier General Wilkinson; also, a copy of a letter from James Seagrove, relative to Indian Affairs; which were read, and ordered to lie on the table.

Resolved, That the Committee of the Whole House, to whom is referred so much of the Report of the Secretary of the Treasury made on the 3d instant, as relates to a plan for the reimbursement of a certain loan made of the Bank of the United States, be discharged from the consideration of the same; and that a committee be appointed to report a bill authorizing a loan equal to the sum borrowed of the said Bank, to be applied to the said reimbursement, and providing that so much of the dividend in the stock of Government in the said Bank, as may be necessary, be appropriated for paying the interest of the sum to be borrowed.

Ordered, That Mr. SEDGWICK, Mr. LAURANCE, and Mr. MURRAY, be a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House, on the bill to regulate trade and intercourse with the Indian tribes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

THURSDAY, December 20.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, on the petition of Ludwig Kuhn; which were read, and ordered to lie on the table.

A memorial of the officers, now residing in the State of Maryland, of the late American Army, in behalf of themselves and their brethren the soldiers of the said Army, was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

REDUCTION OF THE ARMY.

Mr. STEELE laid a resolution on the table, to the following purport, viz:

"That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments or corps, consisting each of ——— non-commissioned officers, privates, and musicians, with such proportion of commissioned officers as the President may think proper to continue in service; and to repeal so much of an act passed the 6th of March, 1792, entitled 'An act for making further and more effectual provision for the protection of the frontiers of the United States,' as may contravene this intention."

This motion, Mr. STEELE said, he was influenced to bring forward, from two motives: the first was, to afford more effectual protection to the frontiers; the other was, that, by this reduction, a sum of money might be drawn from the War Department, to be applied to the reduction of the Public Debt, so that a necessity for new taxes, to effect that object, may be superceded.

COASTING BILL.

The select committee to whom the coasting bill had been recommitted reported sundry amendments; which were taken into consideration by the House, and all of them agreed to.

Mr. CLARK objected to a clause in the 12th section, which enjoins that every change of the master of every packet or ferry-boat shall be reported at the custom-house the first opportunity.

Mr. DAYTON stated the inconveniences to which the masters and owners of the small coasting craft and packet boats belonging to the State of New Jersey would be particularly exposed by this injunction, where the masters are very frequently changed.

To remove this objection, Mr. GOODHUE proposed to insert the words "ferry-boats excepted."

This motion was adopted. It was then ordered that the bill be engrossed for a third reading.

INDIAN TRADE.

The amendments reported by the Committee of the Whole to the bill to regulate trade and intercourse with the Indian tribes were taken into consideration.

Objections were made to the 5th section, which contemplates legislating and punishing crimes committed within the boundaries of the Indian countries. It was contended that the cases mentioned were fully provided for by treaties, or by the laws of the respective States; the whole ground, it was said, is covered by these provisions; and therefore there appears an impropriety, if not an absurdity, in enacting, in a subsequent law, that certain punishments shall be inflicted for certain crimes, which are sufficiently recognised by the several treaties already formed; that the attempt would operate unjustly; the provisions may reach our own citizens, but cannot affect so fully as they ought the savages. It was moved that the whole section should be stricken out.

In opposition to this motion, it was said that the power of the General Government to legislate in all the territory belonging to the Union, not within the limits of any particular State, cannot be doubted; if the Government cannot make laws to restrain persons from going out of the limits of any of the States, and commit murders and depredations, it would be in vain to expect any peace with the Indian tribes. The power of Congress to legislate, independent of treaties, it was also said, must be admitted; for it is impossible that every case should be provided for by those treaties.

The question being called for, Mr. CLARK rose and observed, that he conceived it was of importance that the House should vote with their eyes open; and, to enable them to do this, he said he should read the ordinance of the late Congress, passed in 1787, respecting the settlement of the Western country. He observed that he believed very few of the members had turned their attention to it. He accordingly read such parts of the ordinance as he thought essential to the point, which was to show that the clause of the bill now under consideration would in its operation violate the solemn stipulations with the settlers contained in the ordinance, as full provision is contained in the ordinance to institute all civil and criminal processes. The motion for striking out the section was negatived. The amendments of the Committee of the Whole were agreed to, with some amendments. Various subsequent amendments were moved, with various success, some being agreed to and others rejected. Without finishing the discussion of the bill, the House adjourned.

FRIDAY, December 21.

Mr. SENEWICK, from the committee appointed, presented a bill providing for the reimbursement of a Loan made of the Bank of the United States; which was read twice and committed.

A petition of Robert Ralston, Assignee of the estate of Thomas Barclay, was presented to the House and read, praying that payment may be made to him as legal representative of the said Thomas Barclay, for the amount of certain claims for services rendered by him to the United States previous to the 16th day of May, 1791.

Ordered, That the said petition be referred to

the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

The House again resolved itself into a Committee of the Whole House, on the bill to ascertain the fees demandable on Admiralty proceedings, in the District Courts of the United States, and to amend, in part, the act, entitled "An act for the government and regulation of seamen in the merchants' service," and, after some time spent therein, the Committee rose, and reported progress.

APPROPRIATION BILL.

Mr. LAURANCE, from the committee appointed, presented a bill making appropriations for the support of Government for the year 1793; which was read twice and committed.

Mr. STEELE proposed that the bill should be postponed to the first Monday in January. He observed that he had laid a motion on the table for a committee to report a bill to reduce the military establishment of the United States. This appropriation bill makes provision for the present establishment; and if it is acted upon and passed immediately it will preclude an opportunity for discussing the merits of the proposition contained in the motion which he had made.

The motion for the first Monday in January was negatived.

Mr. STEELE then moved the last Monday in December; which being put, was carried.

INDIAN TRADE.

The House resumed the consideration of the bill to regulate trade and intercourse with the Indian tribes. A motion to amend the fifth section by altering the clause which makes it felony for any citizen or citizens of the United States unlawfully to invade any Indian settlement, to fine and imprisonment for that crime, occasioned considerable debate. This motion was finally supported by one to recommit the bill; which being carried, it was reported to the select committee which reported it. On motion, Mr. BALDWIN and Mr. MURRAY were added to the committee.

MONDAY, December 24.

An engrossed bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, was read the third time and passed.

A memorial of the merchants and traders of the borough of Wilmington, in the State of Delaware, was presented to the House and read, praying that so much of the existing revenue laws of the United States as do not allow a drawback upon goods, wares, and merchandise, unless they are exported from the district or port into which they were originally imported, may be revised and amended.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the copy of a Letter from the Governor of Georgia, together with an enclosure, relative to Indian affairs in the Southern department; which were read, and ordered to lie on the table.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account of the application of the moneys borrowed in Antwerp and Amsterdam, for the United States, within the present year.

REIMBURSEMENT OF LOAN.

The House resolved itself into a Committee of the Whole on the bill to provide for a reimbursement of a Loan made of the Bank of the United States—Mr. WHITE in the Chair.

The bill was read by the Chairman, and then considered in paragraphs.

The first section being read—Mr. GILES said he was rather in favor of postponing the subject; but if it is peculiarly advantageous to the interest of the United States to make provision for this object immediately, he suggested whether it would not be better, if possible, to provide for it without having recourse to the expending of a new loan. He was averse to increasing the Debt of the United States by additional loans. He was rather in favor of applying the property belonging to the United States in the Bank of the United States for the purpose. He therefore moved that the section should be stricken out which provides for a loan, in order to substitute a clause providing for the sale of the shares in the Bank, owned by the United States, that the proceeds may be applied to the reimbursement of the Loan.

Mr. SENEWICK doubted whether the motion was in order, as it went to a totally different object from any specified in the bill.

The Chairman remarked that a motion to strike out the section was in order.

Mr. FITZSIMONS observed that, if the idea of the gentleman was adopted, he was clearly of opinion that the sale of the shares would not produce a sum adequate to the object, as bringing such a number of shares to market would undoubtedly reduce the price greatly below the present market price.

Mr. GILES said he was rather desirous of a postponement of the subject; he was not prepared to decide upon it; he suspected many gentlemen in the Committee were in the same predicament; he would therefore withdraw his motion for striking out, under a persuasion that no sudden decision would take place.

Mr. FITZSIMONS stated several reasons why the Committee should proceed in the business; particularly as it involves an economical disposal of property now lying useless, and a provision for the support of the public credit; no increase of the public debt is contemplated, said he, but directly the reverse.

Mr. CLARK said he never, while he had a seat in the House, would consent to a foreign loan, unless the exigencies of the country were much greater than at present. He had rather pay seven and a half per cent. to our own citizens than five per cent. to foreigners. He objected to the indefiniteness of the section, and moved to amend it by adding a clause which should confine the Loan within the United States.

Mr. FITZSIMONS suggested to Mr. CLARK a proviso, agreeable to his own idea, that the interest be at six or eight per cent.

Mr. CLARK replied that he had no doubt it might be had at six per cent., or less.

Mr. WILLIAMSON said he wished the gentleman would point out how he would contrive to prevent foreigners from being our creditors, even by confining the Loan to the United States. At an interest of six per cent. you will in fact give a premium of above two hundred thousand dollars per annum, which might be saved by opening a Loan at five per cent. in Europe. Devise what contrivance you please, (said Mr. W.) it must be a foreign Loan.

Mr. BOURNOR observed that the motion of his colleague amounted to the same thing in the result as the motion for striking out the section. The Loan is now at six per cent.; to say that a new Loan shall be made at six per cent. to pay it off, is losing all the advantages proposed by the bill. He was therefore against the motion.

Mr. GILES moved that the Committee should rise and report progress. He observed that very material information was wanted, in his opinion, to enable the Committee to proceed understandingly in the matter.

The motion for the Committee's rising was put and negatived.

Mr. CLARK's motion to amend the section, by adding the word "within" before "United States," was also negatived.

The Committee proceeded through the discussion of the remaining sections.

Mr. MADISON offered several observations to show the propriety of postponing the bill for a few days, in order to the members having time to revolve in their minds several propositions which have been suggested in relation to this subject—whether by an appropriation of the sum, which it is said now lies dormant in the Treasury, whether by a sale of the shares in the Bank, or by a Loan, to provide for the object.

Mr. FITZSIMONS stated some objections to what fell from the gentleman last speaking. The gentleman's idea goes to an immediate interference with an appropriation already made, and leaves to a contingency a provision to supply its place.

Mr. MADISON replied to Mr. FITZSIMONS. He thought the gentleman offered as good a reason as he could have suggested in favor of applying the money in the Treasury to the object now in question.

Mr. GILES urged postponement. He remarked that the zeal shown by some gentlemen to precipitate the matter to a decision, amounted to an exercise of deliberation on the subject.

Mr. SENEWICK stated several reasons which rendered it absolutely necessary that no delay should take place.

A motion being made that the Committee should rise and report the bill, the same being put, was agreed to.

The Committee rose accordingly, and reported the bill, with one amendment; which was, to strike out the word "fifteen," in the first section,

referring to the time for which the Loan should be made. This amendment was agreed to by the House, and the bill laid on the table by general consent.

WEDNESDAY, December 26.

Mr. BENSON, from the committee appointed, presented a bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named; which was read the first time.

REIMBURSEMENT OF LOAN.

The House proceeded to consider the bill providing for the reimbursement of a Loan made of the Bank of the United States, which lay on the table. Whereupon,

A motion was made and seconded to amend the said bill by striking out the first section, in the words following, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to cause to be borrowed, on behalf of the United States, a sum not exceeding five millions of dollars, at an interest not exceeding five per centum per annum, to be applied to the reimbursement of a loan made of the Bank of the United States, in pursuance of the eleventh section of the act entitled 'An act to incorporate the subscribers to the Bank of the United States:' Provided, That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within — years after the same shall be lent or advanced."

Mr. STEELE declared himself in favor of the intention of the bill. He wished the honor of the country to be preserved, and its debts duly discharged, as much as any man; but he could not approve of the repeated practice of making new loans. The facility of borrowing money is mostly attended with dangerous consequences, both to individuals and to States. For his part, notwithstanding the unpopular appearance of direct taxation, he would prefer it to the system of loans. He was anxious to hear the opinions of other gentlemen, and wished the subject might be fairly discussed, in order to afford an opportunity for which, he had moved that the first section of the bill be struck out, so that, if this motion should prevail, some other plan than borrowing might be substituted.

Mr. GILES seconded the motion. Mr. MADISON was desirous to hear the reasons that could be given by the friends of the bill for requiring so much greater a loan than the sum demandable by the Bank. He observed, that there was a large balance of money lying in the Treasury unappropriated, at least, to his knowledge. If, however, this balance was appropriated by the Executive, he wished to know it. He did not suppose but that if it was, it must have been done with propriety; and he would be one of the last men in the House to injure any existing appropriation.

Mr. SEDGWICK, who was of the committee that reported the bill, rose to reply to Mr. MADISON. He said, that the subject involved a degree of delicacy at present which perhaps it would be better not to express. It is known that money has been borrowed for certain purposes which has not yet been applied; but this money, he thought, ought not to be diverted to other purposes, without providing a substitute to replace the sum which might be diverted, and such provision ought to be made before the time when it would be wanted to answer the original appropriation. In reply to Mr. STEELE, he said, this new loan was not intended to increase the debt of the United States, but to decrease it by paying a debt bearing an interest of six per cent. with a loan at five.

Mr. MADISON said, that either the public money lying dormant in the Treasury is or is not appropriated. If it is appropriated for carrying on the Indian war, he was of opinion it could not be touched by a diversion in favor of the Bank, upon the uncertainty of having it replaced by a fresh loan to answer the original specific appropriation. Perhaps (said Mr. M.) I am ignorant of my situation; if so, I hope gentlemen will relieve me by explaining candidly the real state of the matter.

Mr. BALDWIN had recourse to the two acts for empowering the President to borrow twelve millions of dollars, and afterwards two millions. The former was to answer an existing demand against the United States; the latter was made at the Bank for another purpose, and all that is demandable is the first instalment and interest, which he was willing to have discharged, but he was opposed to replacing it by a new foreign loan. He remarked, that the United States had been regulated in paying off their interest and instalments—and of the foreign debt there is only a part demandable—but the disposition of the whole is disliked; and it is in the power of the United States to alter it, by making provision for the whole amount, if they please to do so. The President is authorized to do this, provided he can do it on advantageous terms. The creditors were not contented when this law was made, and the United States will be guilty of no breach of faith provided they pay their interest and instalments as they fall due.

Mr. GERRY went over the laws respecting the former loans, and the law for redeeming the public debt, also the act for making the loan at the Bank. From all which, he argued that the question was simply reduced to this: Whether the President shall be empowered to take up a loan at five to pay a sum borrowed at six per cent. interest, and provisionally to make use of the money obtained by loan which is at present lying inactive? And if this be not agreed to, the United States must go on paying to the Bank annually, for ten years, two hundred thousand dollars; and, at the end of that time, fifty-five thousand dollars more will have been paid there, if the President was now authorized to borrow at five per cent. The question, therefore, was, is this sum worth saving? For his part, he was against paying a higher interest any where than five per cent.; and, with re-

gard to foreigners, if it was alleged that our stocks would be kept from getting out of the hands of our own citizens as much as possible, he thought this a vain expectation, for it is impossible to prevent it, so long as foreigners find it their interest to purchase.

An idea had been started of selling out part of the stock owned by the United States, as this would lower the price by throwing too great a quantity into market. He should prefer keeping it until the present disorders in Europe subsided.

Mr. WILLIAMSON did not approve of the motion, because he was opposed to the idea of selling the Bank stock belonging to the United States. He rather wished that they held twice as much property in that institution. But, if the stock was sold, it would pass into foreign hands, and the country would be drained of the specie. It would, therefore, be better to keep it in circulation in the country. It is the only thing that can be called secure. Indeed, he doubted whether that property could be honestly parted with, considering that the law incorporating the Bank specifically provides for the retaining two millions of dollars stock. The other eight millions has been subscribed for, perhaps the greatest part of it by foreigners or other agents, and now, if the motion under consideration prevails, we shall throw away out of our hands the remaining two millions. It certainly gave a security and solidity to the institution, and was an encouragement to many subscribers, the idea that the United States held a considerable share of the stock; but now, to dispose of that stock would be putting them in a worse situation than they originally were. It would have an effect something like an *ex post facto* law.

Mr. MADISON expressed some surprise at the arguments of the gentleman last up, because they were absolutely in direct contradiction to the gentleman's opinion, and the opinion of the Legislature, and the Reports of the Secretary of the Treasury on all former occasions; for it has hitherto been held up as a valuable and secure resource in case of emergency to have that stock to dispose of, and why shall it not be of the same quality with the stock of any other subscriber—transferable? It is the first time (said Mr. M.) I ever heard the thing denied, that the United States should dispose of their stock whenever it became the interest of the country to do it, with equal facility as other stockholders do. I believe, however, the gentleman (Mr. WILLIAMSON) may have been right in his intentions, but he is certainly wrong in the application of his arguments. Mr. M. again expressed a desire that some candid explanation might be given respecting the appropriation of the money lying dormant in the Treasury, whether it was demanded abroad by the country to which it was due, and for which it had been borrowed. There was not any necessity for hurrying a decision on one part of the question—respecting the propriety of borrowing at five per cent. to pay off a debt at six, that could be deliberated upon without precipitation. The other part of the question involved a very different subject, that of diverting a sum already appropriated for a particu-

lar purpose, and applying it to another purpose, they paying the Bank instalment, &c., and this on no better foundation than the uncertainty of a new loan to replace the original appropriation. He declared, that he could not see how gentlemen would be able to answer to their constituents for such conduct, especially if it was originally intended to satisfy the debt or instalments due to France—a debt of justice and of gratitude. If it was intended to pay a debt to support a glorious cause, the cause of liberty, he wished it could be sent there, if possible, on the wings of the wind! It may be argued that the whole of this debt is not yet demandable; yet, as an appropriation has been made to pay it, it is presumable that it would be particularly acceptable, from the situation of France at this time. He concluded by declaring his dissent from any diversion of the appropriation, unless further light could be thrown on the subject than had yet appeared.

Mr. WILLIAMSON rose to explain. In regard to the notice which Mr. MADISON had taken of his arguments, he proved that the last-named gentleman had misunderstood him, and that he was equally anxious with him, both as to the honor of the country and the propriety of its measures.

Mr. HILLHOUSE was against the motion, and in favor of making the new loan. He said nothing as to the diversion of the money appropriated to pay a part of our engagements to France, only that it was his opinion there had been no demand made on the part of that country.

Mr. MURRAY expressed opinions very nearly similar to those of Mr. BALDWIN. He particularly noticed that the President was allowed a discretionary power to extend the loans, or not, as he should judge the interests of the country concerned. He took a general view of the arguments advanced by Mr. MADISON and Mr. WILLIAMSON, and noticed the honorable course of France.

Mr. MADISON rose again to explain in regard to the misconception of his arguments by Mr. WILLIAMSON. He was willing to admit of any reason for a diversion of the appropriation of the former loan intended to pay part of our debt to France, except one. He would admit of any reason from the Executive but one, and that was, what he had heard alleged, not in but out of Congress: "That there would ever exist a possibility of paying the debt over again." This reason he could never admit; because, although it might be vainly presumed that the present Government of France had not yet arrived at a proper stage of maturity, yet it must be evident to all the rational part of mankind that it was sufficiently established to insure it against all possibility of a retrograde motion.

Mr. GILES had seconded the motion of Mr. STEELE on this ground, that, although a sum of two hundred thousand dollars was wanted on the first of January, to pay to the Bank of the United States, yet, it did not follow from thence that two millions must be borrowed. He remarked, that no member had yet offered any explanation, on behalf of the Executive, how the money lying dormant was disposed of, or intended to be. He

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Reimbursement of Loan.

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could not see any great advantage in borrowing a new loan, although at five per cent., when it must be considered that an agency or douceur has always been paid of from four to five per cent. over and above the interest. This premium entirely destroys the arguments of gain to the United States; for we shall lose sixty thousand dollars by it, and, until the term of fifteen years shall have arrived, we will not make a beginning of savings, according to the Report of the Secretary of the Treasury on this very subject. After some further remarks, Mr. GILES moved that the Secretary of the Treasury be directed to lay before the House a statement of the loans and the applications thereof.

Mr. FINDLEY expressed himself in favor of the motion. Mr. STEELE particularly observed, that, in the course of the debate, a glimmering of light had been opened on the subject of loans, which he hoped might lead to a complete investigation. Loans had originated in an intention of saving money to the public; but it was now become the duty of Congress to see how much new debt had been created, and what proportion it bore to the amount extinguished. For his part, he would rather a paltry sum of sixteen thousand dollars were lost to the United States than that the House should go on voting in the dark.

Mr. VENABLE said, that, considering the douceurs and premiums which had been paid for foreign loans at a low interest, we were now in a worse situation than before those loans had been contracted for, because they had increased the capital of our public debt eighty thousand dollars, and it will require a term of four years to bring about an equality in the interest, and to reduce it to an average of five per cent.

In reply to this, Mr. FITZSIMONS took occasion to correct a mistake which the last mentioned member had committed. The premiums and douceurs paid on different loans, he said, had not averaged more than from four to four and a half and five per cent. on the whole capital; and he called upon the House to witness whether there was not a very material difference between the capital at five per cent. and one at six per cent. It must be evident there is so great a difference in the capital that the five per cent. reduces every £100 at six per cent. to £83 6s 8d., besides the continual and multiplied decrease produced on the reduced interest itself.

Mr. VENABLE said, the gentleman's arguments would only hold good upon a supposition that the capital was never to be paid; but it must be granted that the United States have retained the power of paying it off at any time, and in this case the arguments in favor of new loans accompanied with premium falls to the ground.

Mr. GERRY and Mr. BOUNDNOT insisted that the loan contemplated would produce the great saving to the United States of \$160,000 in fifteen years. Mr. TUCKER was against striking out the whole of the first section, unless a substitute was adopted to pay off the instalment to the Bank of \$200,000, but he observed, that, as there was a dividend due

from the Bank upon the stock owned by the United States of \$60,000, it would therefore be necessary to provide for no more than the sum of \$140,000.

The question being called for, was put, upon striking out the whole of the first section, and passed in the negative—yeas 18, nays 35, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, William Barry Grove, Richard Bland Lee, James Madison, Andrew Moore, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, and Abraham Venable.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, John Wilkes Kittera, Amasa Learned, George Leonard, Samuel Livermore, John Milledge, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, William Smith, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

Another motion was then made, and the question put, to amend the said bill by striking out, in the said first section, the words "two millions of dollars," and inserting, in lieu thereof, the words "two hundred thousand dollars."

The yeas and nays being demanded by one-fifth of the members present, there appeared—yeas 27, nays 26.

Whereupon, the SPEAKER declared himself with the nays.

Those who voted in the affirmative are—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Philip Key, Aaron Kitchell, Richard Bland Lee, James Madison, John Milledge, Andrew Moore, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, John Steele, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

Those who voted in the negative are—Jonathan Trumbull, Speaker, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Daniel Huger, Israel Jacobs, John Wilkes Kittera, Amasa Learned, George Leonard, Samuel Livermore, William Vans Murray, Theodore Sedgwick, Peter Sylvester, William Smith, George Thatcher, and Jeremiah Wadsworth.

And so the said question was lost. Another motion was then made and seconded, to amend the said bill by striking out, in the said first section, the words "not exceeding," and inserting, in lieu thereof the words "which, including the expense, shall not exceed," and the question being put thereupon, it was resolved in the affirmative.

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Reduction of the Army.

[H. or R.]

Ordered, That the further consideration of the said bill be postponed until to-morrow.

THURSDAY, December 27.

A bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1783, as an indemnity to the persons therein named, was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

Resolved, That the President of the United States be requested to cause this House to be furnished with a particular account of the several sums borrowed under his authority by the United States; the terms on which each loan has been obtained; the applications to which any of the moneys have been made, agreeably to appropriations; and the balances, if any, which remain unapplied. In this statement it is requested that it may be specified at what times interest commenced on the several sums obtained, and at what times it was stopped by the several payments made.

Ordered, That the said resolution be transmitted to the President of the UNITED STATES by the SPEAKER.

A petition of William Ellery, Collector of the District of Newport, in the State of Rhode Island and Providence Plantations, was presented to the House and read, praying that the compensation allowed him by law may be increased, and rendered more adequate to his services.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

On a motion made and seconded that the House do now proceed to the further consideration of the bill providing for the reimbursement of a Loan made of the Bank of the United States, it passed in the negative.

Mr. WHITE, from the committee to whom was recommended the bill to regulate trade and intercourse with the Indian tribes, reported an amendatory bill; which was read twice and committed to a Committee of the Whole House.

The House accordingly resolved itself into the said Committee; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were read, and partly considered.

Ordered, That the further consideration of the said amendments be put off until to-morrow.

The House again resolved itself into a Committee of the Whole House on the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a statement of the present organization of the troops; also, Returns of the commissioned officers, non-commissioned officers, and privates, in the service of the United States; which were read, and ordered to lie on the table.

FRIDAY, December 28.

A memorial of the officers and soldiers of the late New Hampshire line of the Continental Army was presented to the House and read, praying that the depreciation which accrued on the certificates of Debt granted them in reward for their military services during the late war may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit; which was laid on the table.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill to ascertain the fees demandable on Admiralty proceedings in the District Courts of the United States, and to amend, in part, the act entitled "An act for the government and regulation of seamen in the merchants' service;" and the said amendments being severally twice read, were, on the question put thereupon, agreed to by the House. And then, the said bill, being further amended, was, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

REDUCTION OF THE ARMY.

Mr. STEELE called up his resolution laid on the table some days ago, as follows:

"Resolved, That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments or corps, consisting each of ——— non-commissioned officers, privates and musicians, with such proportion of commissioned officers as the PRESIDENT may think proper to continue in service; and to repeal so much of an act, passed the fifth of March, one thousand seven hundred and ninety-two, entitled 'An act for making farther and more effectual provision for the protection of the frontiers of the United States,' as may contravene this intention."

Mr. STEELE, in proposing the above resolution, said, the situation of the frontiers, and the inefficiency of the measures adopted, through the medium of the War Department, to relieve them; the extreme burdens which those measures were heaping on the people, and the probability of their continuance, afforded ample scope for inquiry, and to sit silent on such an occasion, he thought, would be to partake of and support the errors from which those misfortunes may have arisen. The citizens of the United States, he said, were of a peaceable and patient disposition, and they have with cheerfulness acquiesced in the measures of the National Legislature; but they were not become so tame as to submit to immense and fruitless expenses, and the disgrace of their military character to answer any

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vain projects of folly and ambition, without a prospect of guaranteeing a peace. Is it not evident, said he, that plans have been persevered in without regard to common sense, by an unnecessary increase of our Army, until the indignation of the whole Continent has been roused up against it?

To elucidate this position, Mr. S. recited the expenses, charges, and increase of the War Department from its first establishment under the present Government, to its present enormous demands, which, for the year 1793, are no less, agreeably to the estimate furnished by the Secretary of the Treasury, than \$1,171,719. More than double the sum necessary for the support of all the other branches of the National Government. The better to illustrate this subject of the Indian War, he entered into comparative statements of the years 1790, '91, '92, and '93. And, animadverting on the different items of calculation, he asserted, in strong terms, that they exceeded every thing that the history of the Indian wars afforded for twenty years back; he wished any gentleman to enter into an investigation and comparison of the alarming increase of the expenses of the Department, and to take a retrospect of the subject for twenty years back; and he was certain neither the Secretary of War nor any other person could account rationally for the occasion of such an establishment. There was no precedent to be found in any of the States, not one of them have a War Department; neither was it contemplated in the Constitution of the United States. Yet it has, in the short space of three or four years, been imposed on the country burdens which the people have at length expressed their abhorrence of; it has been increased \$137,000 in 1789, to the extravagant demand now required, of \$1,171,719. This is so alarming an increase that it calls loudly for reformation, and the entire abolition of the Department, and that another system shall be adopted for the protection of the frontiers. Armies of regulars will never afford protection; they have never answered any good purpose against the Indians from the time of Braddock's defeat down to that of Major General St. Clair, although this last mentioned unfortunate expedition cost the United States an immense sum of money, and the lives of a great number of valuable officers and citizens. History and the experience of ages have proved this fact, that unwieldy armies will never be able to fight the savages in the wilderness; indeed, the Secretary of War confesses the fact in one of his reports, which Mr. S. read, wherein the Secretary accounts for the ill success of the plans, by observing, "that it was owing to the extreme activity of the enemy and our ignorance of the wilderness through which our troops had to march." But the Secretary might have also added, our entire ignorance of the mode of carrying on the war.

Here Mr. S. took occasion to observe, that this alarmingly expensive and useless Department had crept upon the country entirely from our fondness for taking up money on loans; for had it not

been that the money was thus obtained with a sort of facility that was not directly felt by the people, they never would have consented to be directly taxed to support the parade of so unnecessary an establishment. This is my reason for being an enemy to loans; they deceive the citizens, and lull them for a time, in order to levy double contributions afterwards.

But it may be demanded, how are the frontiers to be protected, if the Army was disbanded? In reply to this, Mr. S. said he wished that the former two regiments might be retained to garrison the forts, and that a militia near the scene of action should be raised, who would be able to make five expeditions against the savages in a year, if necessary, instead of one solitary fruitless attempt, which, upon an average, is as much as a regular army can do; and sometimes not so much, for it does not appear that any expedition took place during the last twelve months: moreover, it is not so easy for the Indians to discover the plans and approaches of militia, as they do the slow motions of an unwieldy army, dragging their heavy artillery through the woods. The fact is, that the Indians have the best intelligence, and know every motion of the Army, and they can even calculate the time and place to meet them, and the numbers of their tribes that will be necessary to receive such a force; they will always be prepared when a regular army are to march against them. But if the business be left to a militia of the frontier inhabitants, who know the country, and have their property at stake, it would not cost the Government one-fourth part of the expense to give a complete protection, and to repel all the depredations of the savages, if that be our intention. If it be the protection and happiness of our brethren on the frontiers—if we are serious to check the progress of expense, the motion which I have brought forward will be the most effectual means, and to establish a proper Militia System. On this motion, therefore, will depend the question, whether we are to continue a fruitless warfare in the present mode for seven or ten years, or shall we adopt a better system, which will not cost one-fourth of the expense, and which would completely check the Indians; nay, it would entirely exterminate them, if that was thought to be necessary.

In order to bring the matter to a point, Mr. S. suggested, that it would be proper to disband all the troops except the two former regiments of two thousand and one hundred and twenty-eight men, which would be more than sufficient to garrison all the fourteen posts on the frontier. These, with a militia, under proper regulations, and the officers appointed by the President, would be found a more certain protection. The garrisons are at Fayette, Hamilton, Steuben, Knox, Tammany, Telfair, Har-mar, Franklin, Jefferson, St. Clair, Marietta, Massachusetts, Matthews, and Knoxville. Most of these are commanded by Captains, except two that are commanded by Majors; now, reducing the establishment to two thousand one hundred and eighteen non-commissioned and privates, and average them amongst the garrisons, it will give one hun-

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dred and fifty-two men for each; the sum saved by this reduction would be six hundred and twenty-four thousand six hundred and seven dollars—the difference between the appropriations for 1792 and those required for 1793.

With regard to the expense that would be incurred from militia expeditions, none of them would cost above thirty thousand dollars; and four or five of those, if made in a year, would have ten times the success and effect that could be expected from the present system. Had the Militia plan been adopted, we should not at this day hear such murmurs from our constituents, nor would the people be saddled with heavy taxes and imposts; but, on the contrary, the money that has been actually wasted would have sunk a considerable part of our National Debt. But by the system of warfare lately adopted of dragging heavy cannon and camps into a wilderness, of which we have confessed our ignorance, if it be allowed any longer, our Treasury will be exhausted, and the public revenues which the Secretary of the Treasury reported as affording a prospect of income beyond the permanent wants of Government, will not all together be sufficient for our War Establishment; we must fly to loans, and pursue a system of ruin and distress to the country. Under these impressions, said Mr. S., I have introduced the proposition now before the House; and I entreat gentlemen to think seriously of it, for thereon, in a high degree, will depend the real protection of our frontier, the safety of our garrisons, and the ultimate ease, happiness, and tranquility of the Continent.

Mr. HARTLEY, although he did not wish to advocate the continuance of a Standing Army, yet he was averse to disbanding the troops at present, while it is known that a negotiation for a peace is going forward, and may not perhaps be brought to a decision before the Spring. It is a well known maxim in politics, that a peace can always be easiest obtained by a nation which is prepared for war. He noticed the great prudence and economy of the President in forming the Army into a legion; and he differed in opinion with Mr. STEELE respecting the insufficiency of regular troops. No instance could be quoted where regulars had engaged the Indians without beating them.

Mr. PARKER said he had always abhorred the idea of keeping up Standing Armies in this country; and he believed he could, from experience, demonstrate that it was an unwise measure at the commencement of the present Government; for it answered no better purpose than throwing out a hint to the British and Spanish Governments, on our Northern and Southern frontiers, to increase their forces, and even to administer countenance and support to the Indians, which they never would have thought of doing, but for our vain attempt at military parade. He mentioned a letter which had been written by Lord Dorechester to the Indians, informing them "that Prince Edward had arrived with a number of chosen warriors to protect them," meaning against the United States.

Thus, said Mr. P., we have been warring with

our finances for the last three years, by keeping up an Army in imitation of European plans, which are formed in countries altogether unanalogous to America in every possible view. The consequences have been unsuccessful, and produced military disgraces, by sending into the field a collection of beings, collected from stews and brothels and from the most unprincipled of their species, to fight against Indians well supported on both sides, and fighting, as they do, for their property, their hunting ground, their wives, and children, instead of calling forth the militia, the natural strength of the country. But the present plan has involved us in such difficulties that we are not now able to provide for the payment of our debts, without the medium of loans; nay, we are now called on for a small sum of two hundred thousand dollars at the Bank, which would have been easily paid out of the surplus in the Treasury, were it not that our finances have been exhausted by those ill-judged expeditions under General Harmer and General St. Clair. He mentioned the naked, starved appearance of the men who were sent out—with shoes that would not last three days, clothes that did not half cover their miserable bodies from the inclemency of the weather, and food sometimes not fit for dogs. He could mention the particulars, if required, of some other very abominable abuses, but refrained from it at present. He concluded by expressing the same opinion of militia that Mr. S. had done; and, with regard to the starved soldiery who had appeared in the woods, they were despised so much by the Indians, that they called them Cost-men, and shot them down like wild turkeys.

Mr. FITZSIMONS was apprehensive that it would be a dangerous experiment, so suddenly to alter the system of defence already adopted. He remarked, that when Mr. STEELE had stated the War Department to have cost the United States three millions five hundred and forty thousand dollars, he had committed a great mistake, for there was one million one hundred and seventy-one thousand dollars of that sum not yet granted. [Mr. STEELE explained, that he had gone by the estimates for the appropriations proposed, &c.] Mr. FITZSIMONS did not wish to advocate a Standing Army; and if any better mode of defence for the frontiers could be digested, he would be amongst the foremost who would agree to it.

Mr. WHITE could not entirely approve of the motion for striking out, unless a proper substitute for defence was fairly brought forward.

Mr. WILLIAMSON said, it was not disbanding an army of men, but the disbanding an army of paper, that he conceived to be the object of the motion, and it should have his support. He mentioned an affair between ninety militia and two hundred and forty Indians, wherein the militia received them much better than any of the regulars could boast of having done!

Mr. SMITH, of South Carolina, reverted to a clause in the law which empowers the President either to raise those three additional regiments, or to forbear to raise them, or discharge them, &c., provided he thought it consistent with the safety

H. or R.]

Reduction of the Army.

[DECEMBER, 1792.]

of the country. From this, Mr. S. said it was evident there was a sort of indecision in the motion, as it implies a doubt that the President might fail in this instance, or vary from his usual line of prudence.

Mr. DAYTON said, he would vote for referring the motion to a Committee of the Whole, although he disapproved of it. He should not have risen, had he not heard from the two North Carolina members the strangest perversion of argument and the most extraordinary reasoning. The gentleman who has brought forward the motion, said Mr. D., has decried every idea of energy and efficiency in regular, disciplined troops, considering them not only inefficient, but contemptible, when employed against Indians; and, to confirm this assertion, he has instanced the expedition under General St. Clair, when it is well known that there were not, in fact, two companies of regular disciplined infantry among them. The other gentleman [Mr. WILLIAMSON] has extravagantly commended the back-country militia, and extolled them for their efficiency and success in Indian warfare; and instances the affair of a rencontre between Major Adair, with ninety militia, against two hundred and forty Indians. In reply to this, Mr. D. felt himself compelled to remark, that that affair did not appear so successful in his mind; for those very militia were unquestionably surprised and beaten, inasmuch as they were driven into a corner, until the Indians captured all their horses and other property in their camp; and what is still more disgraceful, one half of the Major's party deserted him at the commencement of the action, and secured themselves within their garrison.

Whilst he was up, Mr. D. would further observe on the extraordinary speech of the mover of the question, that it was such as no person could have ever expected to hear within the walls of that House. It seemed to be calculated to prejudice the minds of the people against the whole Administration; and it appeared still the more extraordinary that such a speech should come from a gentleman who so lately expressed the nicest delicacy in matters of order and decency; for, in this instance, he has committed the greatest breach of decorum and propriety, by a direct censure of the Secretary of War, the President, and both Houses of the Legislature. [Here several members called Mr. DAYTON to order.] He proceeded, however, and appealed to the House, whether he had not drawn a just picture of the expressions of the gentleman from North Carolina. The very calculations which he has so laboriously produced have been questioned by other members. In regard to the surprise expressed by the gentleman at the increase of the War Department from 1791 to '92 and '93, it was not so strange that five thousand men would require greater supplies than two thousand. Yet the gentleman is surprised at the increase of expense, and seems to imply that abuses have been committed; but if an increase of expense for protecting the frontiers has accrued, the censure ought to fall on the Legislature for directing it by their laws, and not upon the

Executive, who are merely the instruments for carrying them into effect.

Upon the whole, Mr. D., however he might himself be in favor of a reduction of the Army, if it stood simply on its own merits, yet, as it now struck him, it being connected with some recent circumstances, he would therefore oppose it as tending only to embarrass the Executive in their attempts towards a pacification. Moreover, he said he knew the temper of Indians so well, by having lived amongst them, that there was not a nation on earth more extravagant in their demands, when they saw the force against them was lessening. So that what is intended by the motion for reduction at present, as economical, may turn out to be, in the end, the most expensive of any.

Mr. WADSWORTH was also against the motion; and Mr. AMES closed the debate by a few observations on the necessity of committing to a Committee of the Whole, as there would be no other way of answering the industrious calculations of the mover.

The question on commitment was carried, and made the order of the day for next Wednesday.

MONDAY, December 31.

A petition of Isaiah Thomas, of Worcester, in the State of Massachusetts, praying that printing types, of foreign manufacture, imported into the United States, may be exempted from the duty imposed on them by law; and that certain bonds, to a considerable amount, given by him to the Collector of the District of Boston, for the payment of the duties on printing types already imported, may be cancelled.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of the officers of the late Massachusetts line of the Continental Army, in behalf of themselves and the soldiers of the said line, was presented to the House and read, praying that the Debt granted them for military services during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

Mr. WILLIAMSON, from the committee appointed, presented a bill to amend an act entitled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper; which was received, read twice, and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of a number of the inhabitants of St. Vincennes, on the Wabash, together with a letter from the Governor of the Territory of the United States Northwest of the river Ohio, accompanying the same. Whereupon,

Resolved, That the survey directed by the resolve of the late Congress of the 29th of August

JANUARY, 1793.]

Fees in Admiralty Cases—Coinage Bill.

[H. or R.]

1788, of the lands ceded by the State of Virginia to the United States in the Territory Northwest of the river Ohio, and confirmed to the French and Canadian inhabitants and other settlers of the Kaskaskias, St. Vincennes, and the neighboring villages, who, on or before the year 1783 had settled there, and had professed themselves citizens of Virginia, be made at the expense of the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. LIVERMORE, Mr. MUELENBERG, and Mr. LEONARD, do prepare and bring in the same.

Mr. GOODRUE, from the committee appointed, presented a bill relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted; which was read twice and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to explain the act entitled "An act to establish the Judicial Courts of the United States," in respect to the taking bail in criminal cases; and that Mr. WHITTE, Mr. WILLIAM SMITH, and Mr. ISRAEL SMITH, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government for the year 1793; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made some progress therein.

Resolved, That the Secretary of State, the Secretary of the Treasury, and the Secretary of War, be directed to lay before this House lists of the several persons employed in the offices of their respective Departments, with the salaries allowed to each.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the petitions of a number of persons, praying to be placed on the list of pensioners of the United States; and, after some time spent therein, the Committee reported progress, and obtained leave to sit again.

FEES IN ADMIRALTY CASES.

The bill to ascertain the fees demandable in cases of Admiralty proceedings in the Courts of the United States, being read the third time, and the question being on its passage—

Mr. WILLIAMSON said, the bill appeared to him to be essentially defective; one leg was cut away, and it limped badly on the other. He therefore wished it not to pass. The Judiciary System required amendment. His constituents were exposed to innumerable difficulties. Respecting seizures, they had nearly ceased, owing to the perplexities thrown in the way by the regulations of courts.

Mr. W. SMITH acknowledged the bill was not so good a one as he could have wished; but he could not conceive how any thing could limp on one leg. And its mutilated state may be attributable to the gentleman who now opposes its passage. Mr. S. did not think a sufficient reason had been given against its passage. It originated on

the petition of upwards of sixty respectable merchants of the city of Charleston, who complain of the enormous fees to which they are subjected; and as the bill will afford them relief, without doing injury to any one, he hoped it would pass. The bill passed accordingly.

TUESDAY, January 1, 1793.

Mr. WHITTE, from the committee appointed, presented a bill to explain an act entitled "An act to establish the Judicial Courts of the United States," in respect to taking bail in criminal cases; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. WHITTE reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House proceeded to consider the report of the committee on the memorial of John Tucker, late Clerk of the Supreme Court of the United States, which was made on the 8th of March last. Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill providing for the allowance and payment of ——— dollars to the said John Tucker, to compensate him for his expenses and services, and for money paid by him as Clerk of the Supreme Court of the United States.

Ordered, That Mr. SEDGWICK, Mr. MURRAY, and Mr. BALDWIN, be a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill to authorize the settlement of the accounts of Lewis Garanger, for military services during the late war; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

COINAGE BILL.

The House went into Committee of the Whole on the Copper Coinage bill, (Mr. WHITTE in the chair.) The object of this bill is to alter the weight of the copper coin as stated in the former act. After some discussion, the blanks specifying the weight of the cent and half cent were filled—the first with 8 pennyweights 16 grains, the other with 4 pennyweights 8 grains.

Mr. BOURNOR, after remarking that the artists who had exhibited specimens of the figure of Liberty on the several samples of coin which he had seen all differed in their conceptions on this occasion; for the sake, therefore, of uniformity, he

moved to add a clause to the present bill, providing that, in lieu of the figure of Liberty, the head of Columbus should be substituted. Mr. B. supported his motion by some pertinent remarks on the character of Columbus, and the obligations to the citizens of the United States were under to honor his memory.

Mr. CLARK was in favor of the alteration. Mr. WILLIAMSON and Mr. LIVERMORE objected to it.

On the question being put, the motion was negatived.

The Committee then rose and reported the bill; which the House ordered to be engrossed for a third reading.

REPORT ON PETITIONS FOR PENSIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the petitions of a number of persons praying to be placed on the list of pensioners of the United States; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And then the said report being further amended, to read as follows:

"Resolved, That, in order to prevent the admission of improper claims, and to facilitate the allowance of such as are well founded, it is expedient to repeal the second, third, and fourth sections of the act entitled 'An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions,' and to provide that, in future, the claims for invalid pensions shall be regulated in the manner following, to wit:

"1st. That all evidence relative to invalids shall be taken upon oath before the Judge of the District in which such invalids reside, or before any three persons specially authorized by commission from the said Judge.

"2d. That the evidence relative to any claimant must prove decisive disability to have been the direct effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war; that this evidence must be the affidavits of the commanding officer, or surgeon of the ship, regiment, corps, or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

"3d. That every claimant shall be examined by two physicians, upon oath, to be authorized by commission from the said Judge, who shall report in writing their opinion of the nature of the said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor.

"4th. That every claimant shall produce evidence of the time of his leaving the service of the United States, and of his being honorably discharged therefrom. He must also produce evidence of three reputable freeholders of the city, town, or county, in which he resided for the two years immediately after he left the service, as aforesaid, of the existence of his disability.

ty during that period, and ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support, of the claimant.

"5th. That the said claimant must produce the evidence of two credible witnesses of the continuance of his disability from the expiration of the said two years to the time of his application.

"6th. That each claimant should show a good and sufficient cause why he did not apply to the State in which he resided, on or before the 11th of December, 1788, the time limited for applications of this nature.

"7th. That the evidence of no claimant should be admitted whose case had been rejected by any State prior to the aforesaid 11th of December, 1788.

"8th. That the reasonable allowance to such commissioners and physicians aforesaid for examining the claims of invalids shall be made by the _____, and paid out of such contingent funds as the President of the United States may direct.

"Resolved, That the said Judge of the District shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the Department of War, who shall examine the muster rolls and other evidences of the late war, in order to prove the services of the said claimants; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks as may be necessary, in order to enable them to take such order thereon as they may judge proper."

It was, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. WILLIAM SMITH, Mr. BENJAMIN BOURNE, and Mr. LEE, do prepare and bring in the same.

WEDNESDAY, January 2.

Ordered. That the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, and Maryland, which lay on the table, be referred to the consideration of a Committee of the Whole House on next Monday week.

An engrossed bill to amend an act entitled "An act establishing a Mint, and regulating the coins of the United States," so far as respects the coinage of copper, was read the third time, and passed. An engrossed bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress of the 28th of September, 1785, as an indemnity to the persons therein named, was read the third time, and passed.

Mr. AMES, from the committee to whom was referred the Report of the Secretary of the Treasury on the petition of Joseph Henderson, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the petition of Ebenezer Cowell, which was made on the 3d of February last. Whereupon,

Resolved, That the prayer of the said petition cannot be granted.

Mr. SEDGWICK, from the committee appointed, presented a bill to compensate John Tucker; which was received, read twice, and committed.

MILITARY ESTABLISHMENT.

The House resolved itself into a Committee of the Whole House on the motion of the 28th ultimo for reducing the Military Establishment of the United States.

Mr. WADSWORTH rose and observed, that he had pledged himself to the House last Friday to show that the calculations of the gentleman from North Carolina were not true; and, if true, that the inferences drawn from them were not correct. There was a material difference (he said) between the appropriations quoted by the gentleman and those which he would now read to the House. Here he read a statement which he had prepared, from which it would appear that Mr. STEELE had overrated the contingencies, hospitals, quartermasters, forage, cavalry, ordnance, pay, and subsistence, each of them.

The total difference between Mr. STEELE's and Mr. WADSWORTH's calculations, from this representation, was \$27,080 dollars in the year 1790.

In like manner, Mr. W. read his calculations for 1791. On comparing which with those of Mr. STEELE, he said there was a difference in the total of \$252,312; and in the total of 1792, he showed a difference of \$567,530. He also particularly objected to Mr. STEELE's statements of the ordnance expense for 1793, which had been called \$23,000; but that sum, although it comes under the head of ordnance in the estimate, is not altogether appropriated for the purchase of cannon; the whole amount of the expense of cannon, he said, had been very trifling,—about \$700 or \$800. Having proceeded thus far in attempting to controvert the calculations of the gentleman from North Carolina, Mr. W. said, it would indeed have been an alarming thing to the United States, had they been founded in reality. But the gentleman had not confined himself to misstatements—he had gone further; for he had "lamented the necessity of quoting even truths from that office"—the War Office. Here Mr. W. stated that the quotation which Mr. STEELE had made from a report of the Secretary of War had not been correctly quoted. After Mr. W. had thus represented Mr. STEELE's calculations as erroneous, and his quotations as misstated, he said that the House ought to beware of not being led astray by them. He next observed, that the gentleman had laid a great deal of blame of the present hostilities between the United States and the Indians, and the expense attending them, to the War Department. But Mr. W. conceived that there were other causes to be assigned for the Indian war, There had never been a day, from the first settlement of America to the present moment, without our being at war with the Indians, in one place or another. The history of the country, the resolves of the old Congress, every book published by Congress, show this to have been the case. [Here he read some quotations from the resolves of 1784, to show the appropriations for defraying the expenses of Indian wars.] He wished the House to take a retrospect of the subject, from the beginning of those troubles down to the late application for assistance from the National Government by the

Governor of Georgia. Although they have three thousand men on the frontier of that State, yet it is not found sufficient, and the Indians have driven them in. Indeed, there has been a time when the town of Savannah has been obliged to keep a guard.

It was not his intention to introduce commendations of the officer at the head of the War Department, but he thought it proper to observe, that he is not to be blamed on account of the expenses referred to. He is no more than an instrument acting under the Supreme Executive. It is the PRESIDENT OF THE UNITED STATES who has found it necessary and proper to recommend the establishment of a military force. It is, therefore, not the Secretary's, it is the PRESIDENT's war; and to assert that the Secretary has had any undue influence with the Legislature, would be altogether false; for, on the contrary, his reports have been treated with disrespect in this House. Was not his report at New York ridiculed, and called "preaching," &c., because it was in favor of peace, and spoke with great humanity respecting the hardships often inflicted by the whites on the Indians? Indeed, the Secretary of War has been uniform in his endeavors to bring about a durable peace. This, however desirable an object, has been found hitherto impracticable, and the Indians have lately carried their depredations to so great a length that the President has judged it necessary to repel them by force. They have murdered in cold blood our ambassadors of peace, whilst holding a flag of truce in one hand and reaching the other out in friendship to the Indians. Perhaps they may have been excited to this degree of barbarity by many causes. It is hard to determine which are the greatest aggressors—the settlers on the frontiers or the Indians. The murder of the Moravian Indians, the proclamation of Congress against our own people, all show that the Indians have ground for complaint.

Here Mr. W. recapitulated the affairs of the banditti at Fort St. Vincennes; the representations of Judge Innes, of Kentucky, from 1783 to 1790, respecting the people there who could not be restrained from the commission of crimes against the peace of the country. From these causes and the common fatality of the times, our attempts towards peace have proved abortive, and the war has been prolonged, but the Secretary is entirely innocent of promoting it.

In regard to the other arguments of the gentleman [Mr. STEELE] respecting the militia, that they would afford either a cheaper or better defence for the frontiers, he had his doubts.

Mr. W. now went over the whole history of the frontier wars; a line of posts was once established and garrisoned by militia, yet they could not prevent the Indians from coming within sixty miles of Winchester, and murdering, scalping, and plundering the women and children. After the peace of 1762, the Indians drove in the militia, and advanced as far as Cumberland and Carlisle, in the State of Pennsylvania.

But Colonel Boquet, with the remains of two regiments of regular troops, who had just before

arrived from the West Indies, marched against the savages, and hired pack-horses to carry some of his sick men. With these regulars, Colonel Boquet fought them and drove them with the bayonet from one end of the country to the other. The battle began at one o'clock the first day and lasted until night, and was renewed the next morning with superior force by the Indians; yet they were entirely discomfited. This news went to Fort Pitt and Virginia, and revived the spirits of the country. Virginia raised more troops—and Colonel Boquet dictated a peace to the savages.

These instances furnished sufficient arguments to show the superiority of regular troops over militia. But he could mention many others, viz: General Hartman, with eight hundred chosen men, giving a total defeat to the Indians; Colonel Willet's attack and defeat of them; and General Sullivan's affair in South Carolina.

As to the defeat of Harman and St. Clair, their men ought not to be reckoned regular troops. They were raw recruits, undisciplined, &c. But even they stood better than the militia; for the militia ran away, and those who remained to fight the savages fell, to their honor be it spoken, whilst the militia, who were the advanced guard, ran and threw away their guns, bay, their coats.

Upon the whole, the balance of argument, Mr. W. thought, must appear in favor of regular troops.

He further took occasion to animadvert on what Mr. Williamson had said, when that gentleman expressed himself so strongly in favor of the militia under Major Adair. That officer, Mr. W. observed, had been a Continental officer, and from his own words, it appeared that he had no very great opinion of the militia, for they had fled to the garrison; and the Indians obtained their ends, notwithstanding the reception given by Major Adair. There was the triumph, and when they retired, it seems to have been not so much a matter of necessity, as a thing of choice, on their part. The loss of horses, one hundred, perhaps, and the expense of this affair, amounted to a much greater sum than any regular troops would have cost. The party under Major Adair, supposing it to consist of a hundred men, cost one hundred dollars a day, reckoning the attendant circumstances—and considering it, as Mr. W. did, a complete defeat—for there are no circumstances to prove that it was otherwise—the militia having deserted him and left the few regulars he had exposed to the whole of the danger.

Mr. W. did not stop here in his details of militia disgraces—he recounted many other cases. He mentioned the Grant's expedition against the Cherokee, &c. And still he drew a balance against the successes of the militia; for, he said, they had constantly been defeated, and the country left exposed to the depredations of the enemy.

Much has been said, observed Mr. W., of Clark and Sevier's successes. They, indeed, afford an exception to the cases above mentioned; but how far were they successful? The immense expense of men and money, and the interruption given to the agriculture of the country by calling away from

their business so many industrious citizens, is a thing beyond the power of calculation; for my part, said he, I do not know figures enough to count it up. For the truth of this position, and for the enormous waste and expense incurred by militia, he appealed to one of the members [Col. PARKER] on the other side of the House, who had experience in the matter, whether it was not absolutely impossible either to bring militia under proper discipline, or prevent their enormous waste. A whole brigade of regular troops would not cost so much as one regiment of militia, to a country. The militia of Kentucky have cost more blood and wealth than all the American war; when the circumstances are considered of calling out men from the tillage of the field, &c. It is enormous the number of lives, and the aggregate loss is countless. The causes of these things are, want of order and discipline, &c. And those causes have produced an *universal reprobation of the war establishment*; but all those who condemn, are not well acquainted with those causes; they judge from hearing only one-half of the truth in our newspapers. It is supposed a peace can be easily effected, but I know of no peace that has not been effected by force; for, although promises have been made and peace often treated for with the Indians, yet they have constantly broken those promises. This is a good reason for keeping up the present force of the United States. We are now able to meet the Indians and demand a safe peace. But the gentleman from North Carolina calls our establishment a mere military parade, which it is said by another gentleman [Mr. PARKER] will only tend to rouse the Spaniards and the British, &c.

He went on quoting the conduct of the Indians and their threatening manner, when they told you, "go to your own side of the Ohio," &c. What language do they now hold out? But I am not at liberty, said Mr. W., to mention it, as it was confidentially communicated to this House, and read with our doors shut. However, it is well known to all the members present, the insolence of that language. For my part, I have little hopes of a peace from any promises of the Indians; and although a negotiation is said to be upon the carpet, I can never depend upon the promises of savages who have so often broken them.

In speaking of the recruits that have been lately raised for the regular army, Mr. W. opposed his opinion to that of Mr. PARKER, who mentioned them in such contemptible terms as having been collected from the stews and brothels of the cities, &c. For his part, Mr. W. had often seen them, and he believed they were equal, if not superior in spirit and appearance, to most of the soldiery during the British war, and better than the soldiery were at the close of the war, with some exceptions, such as respects the men who cost £300 each. Before he could quit the subject, he begged leave to mention another instance of the efficacy of regular troops; it was the affair of General Wayne's surprise, when the light-horse dismounted, and cut the militia to pieces, and the infantry drove them off at the point of the bayonet.

He ridiculed the idea of calling out a militia upon every emergency. Where are they to be formed? In Pennsylvania it would be attended with a tenfold loss, if they must quit their daily labor. He would admit that the character of the Kentucky militia had been brave and intrepid; but there was still occasion for a new war, and no ultimate protection afforded to the frontier.

The Governor of North Carolina had complained of a friendly Indian being murdered, &c. On the whole, he thought it improper to take militia to fight Indian warriors. He admitted that some abuses might have been practised in the regular army, but they were as little, if not less, than in any other army he could remember.

He insisted that the scheme of the Department of War was not a scheme of the Secretary, but a scheme of the United States from the President down to the members of the Legislature, and the means of the great skill of the President after Braddock's defeat. The President must be the best judge of the disposition of Indians, and the best way of treating with them; he approves the scheme of the present war, and shall we imprudently attempt to change his plan, by sending out a few men to be knocked on the head by the Indians, as those *coat* men were? so called by the gentlemen from Virginia, [Mr. PARKER,] but instead of coat-men, he Mr. W. thought they might also have been called petty-coat men, &c. He finished his observations by again remarking, that the calculations of the gentleman [Mr. STEELE] who had introduced the motion for reducing the present war establishments were founded in error, and ought not to have any weight with the House.

Mr. STEELE.—When the House have deliberated upon the merits of the gentleman's arguments and the truth of my statements; and when they have decided the question, I will submit to their decision; but, in the mean time, I insist that my calculations are founded on the reports of the Secretary and the public printed documents on the table, of the appropriations and laws, &c. I wish the gentleman [Mr. WADSWORTH,] had told us where he has found those papers, from which he attempts to controvert such authentic documents as I have quoted. I wish he had made the House understand them; for my part, they appear unintelligible.

Mr. WADSWORTH said it was from the laws. Mr. STEELE explained some things in his former statements; and in reply to some suggestions that might be thrown out with respect to his indelicate mode of attacking the Secretary of War, or the President, he denied any member to show that he had acted beyond the line of his duty; or that he had ever shown any disrespect toward the President. On the contrary, he was of opinion that that gentleman's character would for ever be secured against all the possible attacks of ingratitude or malice, &c. He also used some other very handsome expressions on this occasion. But whilst he was ready to declare these things, and to prove that he had no personal intentions of injuring the Secretary of War; yet, he would not suffer him-

self to be deprived of his privilege, whilst he had the honor of a seat in that House; and, in the present instance, he thought it his duty to hold up his opposition against the rapid increase of expenses in all the Departments of Government, which he said were grown to an enormous burden upon the people, and unwarranted by the Constitution; that they, therefore, ought to be immediately checked. He hoped, for the future, gentlemen would confine their arguments to measures, and not apply them to persons. He sat down, for the present, with this proviso: that he would reserve to himself the right of answering to what might be advanced against his proposition, which he could prove to be salutary; and that the present system is fundamentally wrong.

Mr. HARTLEY was against adopting the motion under the present circumstances of the country, and he entered into a particular investigation of the merits of the question. When the last law for the more effectual protection of the frontiers passed, the subject now under consideration was very fully and ably discussed, and the gentlemen who were averse to the augmentation had several alterations made to satisfy them.

Instead of the President's being obliged to raise the whole of the three regiments, he was to exercise his discretion either to make the augmentation complete, or raise a part, and he had authority to disband them after being raised. The 12th section of that law is thus expressed: "It shall be lawful for the President of the United States to forbear to raise, or to disband after they shall be raised, the whole or any part of the said three additional regiments, in case events shall in his judgment render his so doing consistent with the public safety."

We should therefore consider whether circumstances have so materially changed since that time as to render it proper that the Legislature should interfere, repeal the powers given to the President, and discharge the three regiments. This necessarily leads us first to view the situation of our finances, and the state of the frontiers at and immediately before the time of passing the law. The extent of our revenue was not as well known then as at present, and every good man deprecated the misfortune which obliged him to increase the taxes. The war was a disagreeable one, but necessary, if peace could not otherwise be obtained. The Legislature considered the expense, and were of opinion that we had means and abilities to defray the same. Many murders and ravages had been committed by the savages on the frontiers. One army had suffered in the year 1790, and nearly a whole army cut off on the 4th of November, 1791. And we had every reason to suppose that the Indians would act in great force against us. Our finances are still respectable. It is true, I should be happy if we could apply the money toward discharging the national debt already contracted, but the unfortunate situation of our frontiers prevent it. War, though an evil, may (from the present disposition of the world) be sometimes necessary, when nations are unreasonable and justice cannot be otherwise obtained.

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Hostilities have lately been committed on our troops commanded by Major Adair, and several of the Southern tribes show themselves inimical, and we have no absolute assurances that we shall have peace in the Spring. The agreement by some tribes to a suspension of hostilities, was only convenient to them as it protected their families for the Winter.

The great object of the additional armament was to obtain peace: this is not yet effected. May we promise ourselves more success in negotiation by laying down our arms, or by retaining them? History is in favor of the latter. Indeed I hold it as a maxim, that the nation which is prepared for war can most easily obtain peace. For my own part, I can discover no existing causes for altering the system established by the act to which I have before referred. The expense has been made a very serious objection. It ought to have weight; but where measures have been proper, America has not regarded it. She has freely expended her treasure to support her rights. We are bound in justice and honor to protect our fellow-citizens on the frontiers; we demand from them an excuse. They require from the General Government protection. I am for making peace with all the Indians upon reasonable terms; but any country which has been fairly purchased from the Indians, they should not be permitted to repossess or hold by conquest. If an offensive war be necessary, says the gentleman from North Carolina, regular troops are not the most proper to carry it on. They are more expensive, and unfit to meet the savages of the wilderness. As to the expense, I have partly answered before. But if the gentleman is to have five expeditions in one year, I believe he would find that his calculations are not correct: a misfortune to either detachments or party would bear very hard upon the district they came from; the partial loss of regulars would not be equally felt, very few of them having families.

I have a high opinion of the backwoods rifle-men, but I am confident that we cannot certainly rely upon their turning out as often as they might be wanted; we could not rely on such uncertainty; and yet this is offered as a favorite project. If you cannot rely upon them, you may say that the ordinary militia can be drafted. You would find them unfit for such a service; they would in general be composed of substitutes, inexperienced and undisciplined, and it would be unfair to take them all from the frontiers, and some of the States, or at least one, have no militia laws. I am for retaining the regular troops.

The President has practised economy in organizing the troops voted for, and I am told they have made considerable progress in discipline; they are formed into legionary corps, composed of horse, riflemen, light-infantry, and battalion-men. The three former will be fit for active service in the field, the latter for the common duties in the camp or garrison. I will allow volunteers and militia their full credit; but I do not think the regular troops merit the disparagement attempted. Volunteer corps have not been free from misfortunes. Colonel Crawford, at the head of five hundred

volunteers from Virginia and Pennsylvania, was defeated in the Western country, and he was burnt at the stake. General Braddock, it is said, was obstinate, and his European troops were undisciplined for such a service. The army under General St. Clair was lost, because the men were undisciplined and unfitted for that service. I can mention several instances where regular troops have successfully penetrated the Indian country, among warlike tribes, with success: Colonel Montgomery, into the Cherokees; Colonel Armstrong, to the Kittanog; Colonel Boquet's campaign of 1763 and 1764. Three detachments of the American army, in the year 1778, (one under the command of General Broadhead, one under Lieutenant Colonel Butler, and the last commanded by your humble servant,) penetrated the country possessed by the Six Nations. Neither of the detachments was large, and the last had to contend against superior numbers. In General Sullivan's campaign, the year following, his van-guard beat an equal, if not a superior number of Indians. I might mention the Roman legions: they almost constantly were successful against those they called Barbarians, until their enemies adopted the Roman discipline. I have a high opinion of the personal bravery and prowess of an Indian, but I do deny that they can act to the best advantage in large bodies. They have not an experience of that kind; disciplined troops would have the advantage. I reprobate the idea of a standing army, which might endanger the liberty of this country; but I consider the troops contemplated in the act of Congress to be absolutely necessary, until peace shall be obtained, and therefore shall vote against a reduction. Every step has been taken, and I dare say will be taken, by the President, to procure a peace without bloodshed. Our messengers of peace have, in some places, been murdered; and yet he has sent messengers to others.

Mr. CLARK.—One would suppose, from the style of the debate, that we were going to abandon the frontiers, the safety of the country, &c., and to disband the whole of the army: for, the arguments of those gentlemen who are opposed to the motion seem to be calculated to mislead the House, in that way, and to prove that the question under consideration is for reducing the whole of the troops now existing. But this is so far from being the true state of the matter, that it is not even contemplated to disband a single man of them; it only goes to the prevention of raising any more troops, which, perhaps, would be the safest policy under the present circumstances and temper of the United States. There are about three thousand and three hundred effective men already raised, who are sufficient to garrison the forts on the frontier, agreeably to the gentleman's statement who introduced the motion; and, indeed, it seems as if they were fully competent, if we believe the report that the whole of the Indian force, at the time of meeting General St. Clair, and when they exerted themselves to the utmost, was but one thousand two hundred warriors.

Mr. C. made some further remarks on the sentiments which had been expressed by the gentle-

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man last up; and, in speaking of the discretionary powers vested in the President, he was of opinion that the situation of the Chief Magistrate in this respect was extremely delicate: for, supposing he might be inclined to stop the recruiting service, and reduce the war establishment; and supposing the frontiers to be again harassed, it might be charged to him for not having kept up the legal complement of men. Under this impression, Mr. C. wished that some way could be adopted of conveying to the President the sentiments of the Legislature on this subject, without the tedious form of a law.

Mr. PARKER.—The gentleman from Pennsylvania [Mr. HARTLEY] has been reading a section of the law, to inform us of the discretionary powers vested in the President, which we have heard from other members before he rose, and which we all knew as well as himself. I am sorry to hear gentlemen, when they have no other resource of argument left, so often resorting to the name of the President, to carry their measures; and yet, in the present instance, I much doubt whether those sentiments are avowed by the President, which have been laid to his charge in the course of this debate; however, if they were really so, this is not a sufficient reason to silence me, or to prevent me from delivering my own sentiments, and those of my constituents who sent me here to do so. He vindicated the character of the militia, in opposition to the disgraceful picture which Mr. WASHINGTON had painted of this respectable class of citizens, whom he (Mr. P.) insisted were always more spirited soldiery, and fitter for fighting the Indians than the regulars, although they did not always move at the sound of a trumpet or beat of a drum, which were necessary to rouse the attention of heart-broken, mercenary troops, who seldom act but from force, or fear of the whipping-post. Militia were not so well acquainted with military show, or the display of columns; neither did the President of the United States, when acting Major of a regiment little better than militia, find that the doctrine of tactics were of any great service to him.

Mr. P. further mentioned, that the forerunner's of General Burgoyne's army were taken by General Stark's militia near Bennington; and the capture of the whole of Burgoyne's army was chiefly brought about by militia, as General Lincoln had very few regular troops at the time of his surrender. In short, the militia bore a conspicuous share of almost every engagement during the war. At Trenton, the men who took the Hessians were little other than militia, as they had been raised but a short time before. Mr. P. could vouch for them, as he was a witness of their activity and bravery. Another instance offered of their success at Charleston, after it was taken by the British and the regulars drove off; the militia kept possession of the country and supported themselves. He also remembered having been called away from the regular army in the North to take the command of some militia in Virginia, who supported themselves for twelve months without either pay or provisions from the United States;

and yet they were never once defeated or disgraced, neither did they leave the country unprotected and exposed; and all they received for their services was certificates which necessity obliged them to alienate at three shillings in the pound, to persons who are now in possession of them, drawing an annual interest of nearly as much, and who never perhaps had a good wish toward the Revolution. He next quoted the militia under Colonel Mercer, at Yorktown, who were successful in a skirmish with the enemy under Tarleton. These and several other arguments in favor of the militia, whom he still maintained to be the best security of a country, were used by Mr. P. He would not advocate the raising them from all parts of the United States, but only in such places as the safety of the frontiers required it most: they were not, to be sure, accustomed to the display of the column, &c., but they knew how to take the Indians in a proper way through the woods.

It gave him pain to hear the character of the militia so much traduced, and it also was a painful reflection to think of the two disgraceful defeats of our armies under Generals Harmar and St. Clair; indeed, it would have a strange appearance to the world, to think that this country is inhabited by the same men who lived in 1776. He repeated what he had before asserted, that most of the present regulars were collected from the stewards and brothers of the cities, and had none of the spirit or principles of the honest yeomanry, who composed the militia during former wars, when every man turned out impressed with a good cause.

It was not, he said, his desire to criminate any individual in office, although he would maintain his right of expressing his opinion on that floor, so long as he held a seat in the House. But with regard to myself, said he, I am not disposed to pour incense into any man's cup; I respect the President as much as any man, and think him incapable of doing wrong, at least on those principles that foreign despots are supposed to do no wrong, because the people are their subjects, and dare not to say their Sovereigns do wrong, and dare not contradict this tyrannic maxim. If the House, or if the President, have committed an error, they ought to correct it; for my part, I conceived the whole of the plan wrong from the beginning. From the present appearances, he was convinced we should get no peace with the Indians, unless it were dictated by the British agents in Canada; for it was clear, as long as they can do us the injustice to withhold territory from us, we can have little reason to expect their aid or friendship in bringing about a peace which is so desirable. He hoped to live to see the day that America will be able to show herself superior to her enemies, and chastise them: at present, it would be improper to engage in any war, if it could be avoided.

In addition to the foregoing reasons offered by Mr. P. for being opposed to a war establishment, he also remarked, that it was from a desire to see the public debt redeemed without resorting to

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new taxes; for if they once should get fixed there, (pointing up to the Senate Chamber,) we should never be able to withdraw them, whether they were necessary or not. He concluded by a hearty wish that the motion made by his friend from North Carolina might succeed.

Mr. Boudinot was against the motion, as he thought any immediate alteration of the present system would be attended with dangerous consequences, under the present circumstances of the United States. He did not think it would be justifiable to alter it. It would show an instability in our public measures, especially at this moment, when we have done everything to bring about a peace with the hostile Indians: and, when it is just advancing to the season for effecting it—when it is at the eve of completion—shall we rashly counteract the whole? and after having brought the enemy, who were so much elated on account of their recent success, to a proper sense of our power and force to impose an honorable peace, would it not be extremely imprudent to lessen our own consequence before we have accomplished the object? The Indians would, in this case, most indubitably raise their demands in proportion to what they supposed to be our weakness. Mr. B. added several other observations.

Mr. Willis had always been strongly impressed with a dislike for standing armies; but when he considered the situation of the frontiers, and particularly of the State of Georgia, he must give his vote against the motion. Neither did he think two regiments by any means a sufficient force, even to garrison the posts.

On motion, the Committee rose and reported progress.

The SPEAKER laid before the House a Letter from the Secretary of State, enclosing a list of the several persons employed in his office, with the salary allowed to each, pursuant to the resolution of this House of the thirty-first ultimo; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill making compensation to the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce; and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, January 3.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to regulate the claims to Invalid Pensions: which was received, and read twice and committed.

The House again resolved itself into a Committee of the Whole on the bill to make compensation to the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

The SPEAKER laid before the House a Letter

from the Secretary of War, enclosing a list of the persons employed in the several offices of his Department, with the salary allowed to each, pursuant to the resolution of this House, of the 31st ultimo; which were read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

The order of the day being called for, the House went into Committee of the Whole, (Mr. WHITE in the Chair,) on Mr. STEELE's motion for reducing part of the present military establishment of the United States.

In reply to the speech made yesterday by Mr. WADSWORTH, and which had been expressed in such strong language, Mr. STEELE thought it necessary to make a few observations, as a preliminary, before the House went further into the debate.

The gentleman from Connecticut had disputed the calculations which he, Mr. S., had produced. Perhaps the gentleman's calculations may be right, and perhaps both of our statements may be so; but with respect to those which I produced, if the acts of Congress are false, if the reports and estimates of the Heads of Departments on your table, Mr. SPEAKER, are false, then my statements are wrong, or "untrue" as the gentleman expressed it, and for which, I hope, on more cool reflection, he will not adhere to. Mr. S. then read the acts of Congress of the 29th of September, 1789, 26th of March, 1790, and 12th of August, same year; the 11th of February, 1791, and 23d December, 1792, &c., from which he clearly proved that every item of his calculations was exactly quoted. He knew of no surplusage unexpended at the War Department, but \$140,000, as reported by the Secretary of the Treasury; if any gentlemen in the House knew of any other, he hoped they would mention them. For his part, he thought they would mention them. For very little savings any where from the grants of the preceding year, but it contained demands for new grants much larger than for any former year. This, however, was a subject he did not at present mean to say much on, until he should hear the sentiments of other members. He therefore sat down with a reservation, that he would take the liberty of replying to such arguments as might be adduced against his proposition.

Mr. WADSWORTH disavowed any intention of being indelicate in his expressions yesterday, toward the gentleman from North Carolina; and if he had, in the warmth of debate, said anything to which that gentleman could take offence, it was not meant so, and he was ready to retract it. He could not, however, avoid taking notice, that the gentleman's arguments appeared to him to convey a strong censure on the Executive, and to spread abroad improper impressions. The principal error which he dwelt on, was that of quoting the difference between the appropriations of 1789 and 1790, to be so great as appeared from that gentleman's statement. But the fact is, that the gentleman had overlooked the laws, and instead of quoting the amount of the two appropriations made in 1789, he had only mentioned the amount of one, conse-

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quently this was giving an improper impression of the real comparative appropriations of those two years; for, when they are taken in the whole, the difference is not so great, nor the increase so much as Mr. STEELE exhibited it, by \$27,080. In like manner, the comparative increases of the other years, 1791, 1792, and 1793, have been misstated, and the truth is, that the total increases are not less, but more than the gentleman represented them by the sum of \$567,530 72.

Mr. CLARK hoped the gentleman last up did not suppose that the House was going to war with the Secretary of War. He sincerely wished that some means should be adopted of conveying the sense of the House to the President, who would thereby be considerably relieved from the delicate situation in which he now stands with regard to the discretionary powers vested in him. Before Mr. C. sat down, he suggested the idea of filling up the blank in Mr. STEELE's motion, with the word three, so as to limit the military to three regiments.

Mr. MILLIDGE liked the spirit of the motion, in regard to the prevention of standing armies; but he was against its being put in practice at the present time. He differed from the gentleman from New Jersey, and as his motion had not a second he would proceed. He wished the question under consideration to go to a Committee of the Whole, that a fair and open discussion of every point of the important subject might be brought into view. The situation of the State he had the honor to represent, had been mentioned in the course of debate; he therefore felt himself called on to deliver his sentiments; that he was persuaded there was not a member in the House who more ardently wished for peace than himself, or who would go further to promote so desirable an object, as putting an end to a savage war, and an enormous public expense; but he was of opinion that the reduction of the military establishment would not answer either of those purposes; that it well became members to take into consideration such parts of the Union as lay exposed, and then judge the propriety of the intended measure; that it was well known that Georgia was a frontier State, bordering on one side by a nation with whom a just understanding and intercourse still remains to be settled by treaty, and on the other by a warlike tribe of Indians, the most numerous of any on the Continent, ten thousand warriors, besides the Cherokee nation of three thousand and five hundred. A State, in proportion to its wealth, and in proportion to what it contributes to the General Government, of the fewest inhabitants, an extent of frontier from the river St. Mary to the northernmost line, full three hundred miles—a country hardly at any period enjoying perfect safety, since the commencement of the Revolution. My constituents, said he, adopted the Federal system, from a hope that we should be protected: some of them, at this moment, have never been able to return to their habitations, which they left at the commencement of the war; and I am warranted in saying that a part of my constituents are now throughout the State under

arms. Let members for a moment place their constituents in the situation of mine, and let me ask them if they would not demand the protecting arm of Government? As yet we have experienced little more than the enforcing a treaty, that has not been complied with on the part of the British, which has reduced some of our first citizens to a state of dependence on those who not long ago were their avowed and open enemies, and a deprivation of our territorial right, for the yielding of which a permanent peace and permanent line were to be established. Of the peace we have experienced no great share, and as for the permanent line it still remains to be run, and, from well grounded information, the half-way conduct of the Creeks the other day with Mr. Seagrave, gives very little reason to expect it. Such was the situation of his State. But to the point, he was of opinion that we set out wrong in warring with the Indians at any rate. Unfortunately for us, the event has not answered the design, and we are now reduced to that state that hardly any change can mend. The unaccountable success of the Indians has so elated them with their prowess, and which likewise has presented views to the English and Spanish they never dreamed of, and the federated situation of the different tribes occasioned him not to hesitate in pronouncing that the several frontier States would be more or less exposed to the cruel ravages of a savage warfare. If the customs of savage tribes did not direct them towards us, they were incessantly excited by the British and Spaniards to amuse us with false pretences of peace, while they were engrossing the advantages of their trade. The aged Indians kept their hunting, and the young men were gratified in the military exploits with the blood of our fellow-citizens. In this situation the frontier of the United States, a distance of not less than fifteen hundred miles, must be garrisoned. He left it to gentlemen to calculate what force would be required for that purpose, if troops should be employed in no other way. Militia, he said, were for sudden invasion; they were scattered when they returned, and must be protected while at home. The jealousy of the English, and their augmenting their force, surely ought not to occasion the reduction of any part of ours; if anything, it ought to have a contrary effect. He likewise said that it would be necessary to view the early history of our country, and find what had been the conduct of Spaniards and Indians about the commencement of the present century. The Spaniards, at the same spot where they now are, by their treachery, when they were at peace with the English, at a time when the Carolinians little suspected, when they imagined they were in perfect alliance with the Indians, the Yamassees, Creeks, and Cherokees, those Indians, by their instigation, massacred one hundred and thirty of their inhabitants, and drove the rest into Charleston. The inhabitants of the capital of Georgia are as much exposed as the Carolinians then were; a distance of twenty miles from Savannah, places them in an open, uninhabited country, to the Creek nation, and within that twenty miles, thinly inhabited on

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account of the nature of their cultivation. What had happened, he said, might happen again: the Spaniards had not changed their policy. If, therefore, we are forewarned, ought we not to be forearmed? That, from their dangerous situation, even on a peace establishment, there ought to be at least five hundred troops on that frontier.

If public officers have misapplied the public money, the Constitution pointed out a mode to punish them. The Government belongs to the people; the officers are their servants, we are their Representatives, and we ought to do them justice. He conceived it was praiseworthy in any member to afford any aid or information in his power to bring these things to light; that he felt it his duty to make strict inquiry into the expenditure of public money; that he was sent by his constituents to protect their property, and in doing that should vote against the present proposition.

Mr. FINDLEY observed that a difference of opinion existed in respect to the motion for reducing the Army. The mover was for filling up the blank with two regiments; but Mr. CLARK had proposed three, and was against discharging any of those already enlisted. The principle of the motion was what he wished to speak to. Passing by the comparative view, so much alluded to in the course of the debate, of militia and regulars, he struck at once into the heart of the question. The redemption of the public debt, from the savings to be made by the reduction of the Army, seemed to be a principal object with some members, but, in his opinion, it was no more than a secondary one: the defence of the frontier is of superior concern.

The origin of the war goes much farther back than that of the present Government; it arose out of the war with Britain; and it has been ever since changing for the worse, until it has at length assumed a very alarming complexion; for it has united a greater number of tribes than has ever been known, and it has exposed a much greater extent of our frontier. With regard to the mismanagement or abuses, if any there were, it was no place to discuss such subjects by desultory debates in this House, whilst there were other modes open. He did not, however, believe that any material abuses had taken place indeed. This war is not one of the faults chargeable to the Executive, for it might with more justice, perhaps, be said to have had its origin in the ineffectual measures of the Legislature. The first Congress assembled under the present Government found the Union in a state of war; and although one regiment was stationed at Pittsburgh, yet the militia were not relieved from actual service. But the lately raised troops may perhaps be found more effectual, as it is said there is an excellent system of discipline established amongst them.

With regard to the argument that the Union cannot support so heavy an expense by new taxes, he was of opinion that every consideration ought to give way to the safety and protection of the country.

A particular plan is set into operation for ac-

complishing a peace, and it ought not to be arrested without a trial being made. The ill-defined law authorizing the President to call out the militia, and the levies under General Harmar, did not answer the end intended, for the time of their enlistment had nearly expired ere they had reached their destination; but if General Harmar had carried out two regiments of permanent troops, he could, without the assistance of the militia, have destroyed all the Indian towns and villages that stood in his way, and he would have completed the object of erecting a line of posts which would secure a lasting peace; but from the weakness of the force and the inefficiency of the law, the purpose was arrested at a critical moment, and the vengeance of the Indians roused to the utmost pitch; instead of their fears being alarmed, the next step of raising another regiment was of a piece with the former weak policy; for the encouragement was insufficient, and the miserable two-dollar men who were raised for a six months' service—their fate is too well known, and will be long remembered. They arrived at the wilderness with clothing that lasted only to the time they reached the scene of action, and those who were not cut off by the enemy were left to starve with cold in the most inclement season.

The fatal catastrophe of this campaign has only served to elate the Indians, and render them insolent, as appears from their treatment of our messengers under flags of truce. The parsimony on those occasions has been the cause of a double expense.

In opposition to this, it may be said that those parsimonious plans were recommended by the Executive, and only enacted into laws by the Legislature. This, however, if it were the fact, is no apology for the Legislature, for they have no right to cast their Legislative responsibility upon the Executive Department; nor can they do it without a breach of trust towards their constituents. The members knew that the encouragement of pay and time of enlistments would never answer any good purpose; the want of resources could have been no reason for that parsimony towards the defence of the frontiers, because it is known that we found revenue enough not only to pay the interest of the public debt, and to support the Government, but even to pay the debts of the individual States. The conviction of these mistakes induced Congress, at last, to make adequate provision, and now an attempt is made to withdraw the means before the end is accomplished. The other branch of the Legislature has prevented us from giving higher wages to encourage the recruiting service; but notwithstanding all this, it appears to go on with considerable success.

Here he mentioned something of the confidential communications which he was not now at liberty to explain. The gentleman who says that two regiments are sufficient to garrison the forts, ought to consider that garrisoning those, is not the only object in contemplation. If we expect to exist as a nation we must protect the whole frontier, and make it the interest of the Indians to be at peace with us.

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But do gentlemen consider the consequences of throwing all internal defence and distant expeditions upon the militia? Is it not enough that they already stand as a picket guard to their brethren who live at ease; that they eat their bread in the fear of their lives, and are frequently embittered with the view of mournful incidents; but that we must lay a deliberate plan for increasing the number of their fatherless children and childless parents?

To say that those States who have frontiers, ought to be left to protect themselves, is a very anti-Federal sentiment, which he was sorry to hear advanced in that House. Neither is it generous to say we will pay the expense, and let them fight for us. Do gentlemen contemplate to what issue these principles would lead? Do they not observe that the fate of the Government is deeply involved in the decision? Perhaps I may be asked, Did not the States depend chiefly upon their own exertion for the defence of the frontiers under the old Congress? Yes, they did, and were better protected than since that period. But let it be recollected that at the time the States had the command of their own resources, and the laying and executing their own plans, that the Indians were not so formidably combined. But that since the States had not the power of retaliating, nor the means of gratifying with presents; since the Indians have been solemnly told to look away from the little fires of the States, to the great fire of the Union, they have looked upon us as a more formidable and dangerous foe, and made their arrangements accordingly, and European nations, and emissaries among them, have improved upon the circumstance, and excited and aided them in their union and exertions.

He made some further remarks on the impolicy of oppressing the militia at Marietta, &c., and asked if it were possible that those unfortunate few could be able to protect the whole frontier against the united force of the Indians?

He agreed with those who said that the sense of the people of America was in favor of peace; but the question is come to this. It is not to begin a war that we have raised this army, but to procure a peace, and so soon as this end is attained, the Army will be discharged. It is raised to protect, not to oppress, or to aid in governing our citizens. I know, said he, that standing armies have always been sources of oppression and aids of tyranny. Our people may long be governed without such aids; their situation will not admit of abuses from standing armies, nor would the citizens submit to them.

He was confident that the Army would be discharged by the next Legislature, as soon as a prospect of our affairs will admit it. The present prospects were not of a very flattering nature, and therefore it was good policy to keep up the force at the present crisis; and it would be dangerous to repeal the law under the circumstances.

The present Indian war is essentially different from any former one. When Britain and France divided North America betwixt them, if the emissaries of both excited the Indians to war, the

power of both afforded protection. When Britain became possessed of the Western posts, and many tribes of Indians commenced a war, the British Government conducted the war, carried it into the Indian country, and by the dread of their arms procured peace; but the Indians were not then supported by other Powers. In the present war, the Indians who at that time knew nothing of us, have combined to make it a common cause; and no superior Powers interest themselves in our favor. No: they conceive our interest to be inimical to theirs. But if they did not receive encouragement, protection, and supplies from our superior neighbors, a peace would soon be procured. The gentlemen who support this resolution know well how that matter stands, and they know explanations here are not convenient. He concluded by declaring that he could not vote for the motion.

The Committee now rose, and had leave to sit again.

FRIDAY, JANUARY 4.

SAMUEL STERRETT, from Maryland, appeared and took his seat in the House.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill to make compensation to the widows and orphans of certain persons who were killed by Indians under the sanction of flags of truce; and the same being read, some were agreed to and others disagreed to. And then the said bill, being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed and read the third time to-morrow.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, enclosing lists of the persons employed in the several offices of his Department, with the salary allowed to each; also, a Letter accompanying certain statements relative to foreign loans, which have been made by the United States, under the authority of the President, pursuant to the resolutions of this House of the 24th and 27th ultimo; which were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Committee rose and reported progress.

SATURDAY, JANUARY 5.

A petition of the inhabitants of the city of Hudson, in the State of New York, was presented to the House and read, stating the inconveniences under which they labor, from being obliged to register, enter, and clear their vessels at the port of New York, and praying that the said city of Hudson may be made a port of entry. Referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

An engrossed bill to make compensation to the widows and orphans of certain persons who were

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killed by Indians, under the sanction of flags of truce, was read the third time and passed.
The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the copy of a message of Complanter and New Arrow to Major General Wayne, dated the 8th of December last, relative to the measures which they have taken to conclude a Peace, on behalf of the United States, with certain tribes of hostile Indians; which were read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

The House again resolved itself into a Committee of the Whole House on the motion of the 28th ultimo, for reducing the military establishment of the United States:

Mr. MOORE said, that there was not sufficient information before the House respecting the prospect of a peace, to warrant a sudden reduction of the Army. He referred to the abuses which had been hinted at in some of the branches dependent on the War Establishment, but he did not believe there had been any worth much notice. He also mentioned the abstruseness of attempting an investigation into the origin of the war—whether the frontier settlers, or the Indians, were in fault, was a difficult thing to determine; but from many circumstances, it appeared to him, the white people were often guilty of committing depredations. This was, in his opinion, a good reason why the protection of those frontiers should not be intrusted to the militia that would be raised there. Shall we intrust the conduct of that matter to the very persons whom it has been alleged are often the aggressors? Can the PRESIDENT, at the distance he is situated from the Western Territory, check all the irregular proceedings that might happen amongst such a militia? There were two obvious reasons for passing the law of the 5th of March, 1792, for the protection of the frontiers by regular forces. First, it could not be expected that militia would always prove successful against the Indians, because the latter are gaining more experience every day in the mode of warfare, and there can be no dependence on a treaty between those militia and the Indians. The second reason was, that the PRESIDENT was strongly impressed with the necessity of establishing the greatest degree of harmony between the United States and the Indians, by encouraging and protecting a trade with them, and that this could be easiest and best effected by establishing a line of forts along the frontiers, to be garrisoned by the manners and customs of the Indians, whose practice it is to spend most of their time on their hunting grounds, leaving their old men, women, and children, in their towns. They have no regular plan of Government, and can only be attached by influencing some of their chiefs. The system of harassing them by burning and destroying their towns at the time they are employed in hunting, has come recommended to us by experience, and regular troops are the best to be employed in this service. Their present inexperience will soon be done away

by a proper mode of discipline, and why may not these troops be soon instructed? Are they not as capable of receiving instructions as militia, and may we not expect more subordination amongst them, than could possibly be established over militia? He concluded by declaring himself against the motion.

[Here the SPEAKER informed the Chair that he had received a Confidential Message from the PRESIDENT. The Committee then rose, and the galleries were closed for some time.]

The House having gone into Committee, the debate was renewed by Mr. WILLIAMSON, Mr. MADISON, and Mr. STEELE.

Mr. STEELE rose after Mr. MADISON, and said he was perfectly in sentiment with that gentleman, in regard to the propriety of inserting an amendment to the motion, which might secure a sufficient appropriation to carry on offensive operations against the hostile Indians, by the militia of the frontiers; and if an alteration was proposed to that effect, he would second it. The attention of the House to this question, speaks its importance; it is probable one more important will not occur during the present session. On its decision are suspended the hopes and fears of the people of this country, their hopes of a speedy and honorable peace, and their fears of a standing army, with its usual retinue of political evils.

The present is regarded as an interesting epoch in the affairs of the United States; and it has been perceived, with serious regret, that while our national character is forming, (he hoped it was not yet formed,) it seems to partake, in some respects, more of the unnatural spirit of Monarchy, than of the mild and conciliatory temper of a Republic. The principle of keeping up standing armies, though highly obnoxious to the great body of the people, has not been equally so to the Government; they have been maintained and increased without affording protection, or even defence to the frontiers. The supplies necessary to support the establishment begin to discover an alarming derangement of the public finances, and it is now incumbent on the House of Representatives to check this growing mischief.

Mr. S. then adverted to the effects of standing armies on the morals and political sentiments of the people, wherever they had been employed; of the expensiveness of all such establishments, and of the wicked purposes to which they had been, and might be, subservient. He said he had prepared himself to have spoken largely to this point, and to have quoted the pernicious effects of such a policy in other nations; but the debate having been already lengthy, and the Committee probably fatigued, it would be sufficient for his present purpose, for the members to make their own reflections, for to mark the rapid progression of the Army from 1789 to 1792, both in numbers and expenses. Instances from foreign history are superfluous, when our own affords such ample testimony. The establishment began with one regiment: it is now five. The House was called on 1789 to appropriate a little more than \$100,000 for that Department; in the present year, above

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\$1,000,000 is demanded. The reason of this extraordinary additional expenditure, this unexpected increase of the Army, if not enveloped in darkness, has been founded on policy hitherto not satisfactorily explained. He said, however lightly he was disposed to touch this part of the subject, he could not avoid reminding the Committee of the memorable sentiments of 1776, in regard to standing armies; of the universal abhorrence of the Americans to them at that time; and, to illustrate it more clearly, he read the expressions of some of the States in their Bills of Right. These were the sentiments of the Whigs of 1776, and to such Whigs he wished to appeal on this occasion. He also reminded the Committee of the recent debates of 1788, of the amendments proposed in several of the State Conventions, of the unanimity which prevailed among all ranks of people on this particular point; and it is now to be lamented, said he, that while the ink which recorded these objections to the Constitution is yet drying, the evil then predicted has taken place.

If there is a subject on which much deliberation is unnecessary, in order to form a right opinion, it would be in regard to military establishments. The feelings of a free people revolt at their continuance, and every man who reads or thinks, can point out their dangers. He said he felt more anxiety for the fate of this motion, than commonly marks his conduct, because this is the last session that will ever afford him an opportunity to trouble the House with his sentiments on this or any other subject. The motion was brought forward to discharge a duty which he owed to his constituents, to satisfy his own conscience, and to afford that protection to the frontiers which they deserved, and to save the public money. If an uncommon degree of zeal was discovered in supporting the motion, it ought to be attributed to these, and no other motives.

The question will now soon be taken; if adopted, I shall be among those who rejoice; if rejected, among those who have always submitted with a proper degree of decency to the decision of the majority. But in any event, the public will know that we have asserted the sense of the people against standing armies, that we are anxious to defend the frontiers against their enemies; that we have recommended a system of economy and efficiency, instead of profusion and delay; that we have recommended a system calculated to produce victory and peace, instead of disgrace and war, and that we wish to rescue the Government from the intoxication of the times, and all the apathy of military establishments.

He said he had been attentive to the arguments of the opposition, and they led principally to four points. If neither of these positions be found tenable, the motion will certainly succeed; and that they are not tenable, is believed and will be shown. 1st. It has been boldly asserted that the PRESIDENT is the author of the existing system.

2dly. They call in question the sincerity of our declarations in wishing to afford effectual protection to the frontiers.

3dly. They deny the competency of the militia.

4thly. The impolicy of reducing the establishment, when a treaty is expected. In regard to the first, we deny that the PRESIDENT is the author of this plan of prosecuting the war, not having avowed explicitly himself that he is so, no document appearing to confirm that opinion, we are justified in attributing a system which appears to us ineffectual to his Secretary and not to him.

It is true, that the Secretary is only a finger of his hand and the intimate connexion which must of necessity subsist between them, perhaps is the ground upon which the assertion has been made. The Secretaries are all equally near to the PRESIDENT, and if it be admitted that he is the author of this, he may with equal propriety, be said to have been the author of every system on general subjects which either of them have recommended. Was he the author of the report on the fisheries? Was he the author of the plan for establishing the National Bank? It is known that he was not, and circumstances might be mentioned (which are withheld from delicacy) to confirm this opinion.

Was he the author of the Funding System? Some gentlemen in the opposition to this motion, would not be willing to give the PRESIDENT that credit if he claimed it, and some who support this motion would not only be sorry that the PRESIDENT had even claimed such a credit, but believe that it was in no respect attributable to him. The same gentleman, [Mr. WADSWORTH,] who first asserted that the PRESIDENT was the author of this military plan, in the same speech admitted it to be the War, as well as the plan of the House, and then argued on the necessity of stability in our measures. It is not very material to the present question whose plan it is, being a public measure, we are justified in offering our objections to it, and this is the first time that I have heard it publicly asserted that a Government should persevere in an error, because they had undertaken it. If the plan be a good one, it may be supported by reason; if a bad one, no name ought to be called in to prop it up.

The inconsistency of that gentleman's [Mr. WADSWORTH's] arguments not only supports the motion before the Committee, but shows the wretched shifts which have been used to defeat it. It has been said, in the course of the debate, that individual members, and even this House, are incompetent to decide upon the efficacy or inefficacy of military plans. In answer to this it may be said, that if we are not all Generals, we are all members, and that we have the privilege of thinking for ourselves and for our constituents. To admit this doctrine in the latitude which has been expressed, would be to introduce military ideas indeed; it would be to make soldiers of us, instead of Legislators: nay, worse than that, it would be to revive the exploded doctrines of passive obedience, and non-resistance.

In regard to the sincerity of his intentions to afford effectual protection to the frontiers, Mr. S. said that he had been sufficiently explicit, that a feeling for the sufferers had dictated this motion; that he was sorry that it had been whispered in

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the ears of some of the members that it was intended to withhold the necessary appropriations, and divert them to other purposes.

If two regiments were insufficient to garrison all the posts necessary for defence, he would, even, under certain restrictions, consent to continue the three sub-legions, thereby enabling the President to establish double the number of posts now erected if he should deem it advisable. Regular troops being incapable of active expeditions against Indians in the wilderness, his wish was to abandon that system and confine them entirely to the garrison.

The next objection to the motion is the incompetency of the militia, and to support this opinion the gentleman from Connecticut [Mr. Wadsworth] has made this expression, "that as to the expedition under General St. Clair, the regulars were few, and not to be named when compared with the number of the militia." The truth is, there was not a man engaged that day as a militia man, except the advance guard commanded by Colonel Oldham, which consisted of about three hundred, perhaps a few more, the field return of the day preceding the action being in the War Office, this can be ascertained with precision. The balance of the army on that unfortunate day, had been enlisted as regulars, and poor fellows, died even clothed as regulars, and poor fellows, died like regulars. They suffered the fate which awaits every regular army destined for similar expeditions. Even the handful of militia employed that day, did not deserve that name; they were chiefly substitutes for draughted men from the ceded territory. This draught became unavoidable, from a misfortune to General Sevier, which Mr. STEELE related.

The attack on Major Adair has also been mentioned, as a proof of the incompetency of militia, and Mr. S. insisted that the only inference which could be drawn from thence was, that one hundred militia were able to repel, but not destroy near two hundred Indians. This event he conceived was in favor of and not against his motion.

He next adverted to the arguments of Mr. Wadsworth, in regard to the war of 1762; of the establishment of posts in Pennsylvania and Virginia, and of the success of Colonel Boquet's expedition. If two worn out regiments at that time were sufficient to defend the frontiers, and, with the aid of the militia, to terminate the war, two new regiments, with all the vigor which the gentleman described them to possess, with the aid of established posts, and a much more effective militia, can certainly be equal to the same end. After examining Mr. W.'s arguments for some time, Mr. S. said, that when analyzed, it would be found that they proved more than they were intended to prove; but the merits of this motion did not require that he should take advantage of these indiscretions.

He showed from the history of 1762 that though posts were established, with a handful of regular troops in each, they never answered the purpose of effectual protection; but the frontier people were always obliged, in a great degree, to defend

themselves; that they were best calculated for that service, and that they would perform it now with alacrity and success, if well rewarded.

Mr. S. then refuted the objection against the militia on account of their waste and expense which Mr. W. had alluded to. The law allows a mounted volunteer, furnishing himself with a good horse, good arms, provisions, and every other necessary, except ammunition, at his own risk and expense, one dollar per day. The exact expense, of such an expedition can be calculated. Whether successful or not, the charge to the public cannot be increased. The contractors, quarter-masters, and hospital departments, are all avoided, with the abuses, expenses, and frauds, attending such establishments. Mr. S. enlarged upon this point, and said that these were always found to be the most expensive departments in any army, and that the Federal Treasury had felt their effects already. In favor of the militia, it may be asked, who fought the battle of Bunker's Hill? Who fought the battle of New Jersey? Who have fought the Indians so often with success, under Generals Wilkinson, Scott, Sevier, and others? Who marched in 1776 under General Rutherford, through the Cherokee nation, laid waste their country, and forced them to peace? Who fought the battles of Georgia, under Clark and Twigg? Who fought the battles of South Carolina, under the command of an honorable member now present? Delicacy forbids me to enlarge upon his successes in his presence.

Who fought the ever-memorable battles of Cowpens, King's Mountain, Hanging Rock, Blackstocks, the pivots on which the Revolution turned in the Southern States? In short, who fought all the battles of the Southern States, while we had a mere handful of regular troops, scarcely the shadow, much less the reality of an army?

They were all fought by freemen, the substantial freeholders of the country; the men attached to the Revolution from principle: men who were sensible of their rights and fought for them.

Such men will not enlist in regular armies, nor will any one who has the disposition or the constitution of a freeman. It would give me pain to describe the trash which composes all regular armies: they enlist for three dollars a month; which, in a country like the United States, is a sufficient description of their bodies as well as their minds. Such men are not fit to combat the most active enemy in the world. Here Mr. S. read Major Gaither's and Major Trueman's depositions, respecting the defeat of the 4th November, 1791, stating that they could not see the Indians, because they were behind trees, &c.; that the regular troops tried, but could not fight that way; that they seemed to be stupid, and incapable of resistance; and that if any General in the world had commanded such men that day, he must have been defeated as they were.

An additional argument, and one of the most weighty, too, against regular expeditions, in this species of warfare, is, that, by the slowness of their movements, the force of the enemy may be concentrated; time is afforded them to form alliances,

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and to confederate against those whom they consider a common enemy. It is otherwise with militia incursions. He offered a number of reasons to show that it was so, and how essential for the interest of the United States to adopt a policy calculated to detach the tribes from each other as much as possible.

But it has been said, these men were not regular troops. Mr. S. asked, what, then, were they? They surely were not militia. The last objection, and the least serious of all, to this motion, is the expectations of a treaty in the Spring. Mr. S. said, if he thought the gentleman who threw this difficulty in the way believed himself that we have any reason to expect a permanent peace from the treaty now proposed, it may deserve an answer. Facts are more to be relied upon than words. From the channel through which these propositions have come—from the whole complexion of their talks, and from the late attack on Major Adair, it may safely be asserted that no peace can be effected in the Spring. He recapitulated some of the difficulties which this motion had to conflict with, and said that he could mention others, if he was at liberty to do so. Under such circumstances, success is hardly to be expected; but he knew the merits of the motion deserved it.

Mr. HULLHOUSE, who had hitherto sat silent, observed that nothing new had been advanced, in the whole course of this long debate, but what he had heard mentioned last Winter in that House. He was then opposed in principle to a war establishment, and he still retained the same opinion; but, from the complexion of affairs, it appeared to him that he ought to submit, and give up his own opinion to the general sense of the Legislature, which at present seemed to be for persevering in the system already adopted, and which, as it had scarcely had time for a fair trial, he thought, therefore, ought not to be arrested, perhaps in the very instant when its efficacy was to be expected. If peace should not be established during the next Summer, he would then join with such members as would propose a better system; but as the law provides for the discretionary powers of the Executive, it would be best to rely on them. A standing army, he said, was a thing impossible to be accomplished in the United States whilst the House of Representatives have the power of granting money only for two years at any time; he therefore had no fears on that score. An army existing in time of peace was the idea he had of a standing army, and not an army embodied for only a year or two. Upon the whole, it would be as expensive to disband the present force, and to institute another of militia, &c., as it will be to keep up the existing establishment for a little longer time; it was therefore his advice to let the matter rest where it is, with the Executive, for the present. But, in case of a peace not being accomplished within a reasonable period, he would join those who would be for a change in the system; and he was clearly of opinion that a system might easily be adopted, not only to protect our frontiers by repelling the savages, but to exterminate them altogether.

Mr. FINDLEY felt himself inclined to say a word or two more in reply to Mr. STEELE. He thought it would be unjust to lay so much of the weight of protecting the frontiers on the militia only. He expatiated on the meaning of the word militia as defined by law, &c. He also remarked that, however it might be fashionable to despise the levies, yet amongst them there were examples of great bravery to be found, and particularly in one battalion of the unfortunate army on the 4th of November, 1791. He noticed the well-conducted retreat of Major CLARK, and the success of General Brodhead up the Alleghany. It was unjust to expect to raise enough of militia in the back parts of Pennsylvania; and the inhabitants of Virginia are so dispersed near the frontiers that they cannot be expected from that State. With respect to the men who went out with General Harmar, and whose time of enlistment expired soon after they reached the scene of operations, many of them remained and settled in that country. He again repeated the injustice of calling out heads of families from one part of the frontier; and, above all, he lamented the risk and loss of lives. But, if it should be determined to carry on the war with militia, let them be called from all parts of the United States. The burden already laid on a part of the inhabitants is extremely unequal, and must not lay longer on them. Let the troops now raising be disciplined. I am informed that many of them are considerably advanced in point of discipline, and may before Spring become expert soldiers. Let these go on in the present system, and let the militia also be kept up or increased, until the object shall be attained for which the law was intended, and then, and not before, it may be proper to talk of reducing the present establishment. We are now in a situation that it would be extremely imprudent to retreat from.

Mr. MURRAY delivered some opinions on the preceding arguments of all the members, and remarked that the army, under the present establishment, had no right to be compared to or called a standing army; it bore no more comparison to a standing army than a camelion to an owl.

Mr. WADSWORTH closed this tedious debate with a few further explanations. He accounted for the difference between his calculations and those of the gentleman from North Carolina by observing that he got some of his statements from the War Office. Mr. STEELE's were taken from the appropriation laws, and in one instance he had underrated the appropriations. With regard to the opinions he had delivered on the militia, he had never meant to traduce the character of militia, because he had often experienced their brilliant actions; his arguments went no further than to show that the operations of regular troops were in general more effectual. He never wished to detract from the honor of militia, but only to remark that they were not so efficient as regular troops.

The question on the original motion being now put, was negatived.

Mr. WILLIAMSON did not entirely approve of the motion in its present form; the blanks might

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be so filled, he thought, as to import a thing opposite to his wishes—they might import a discharge of the regular troops already raised. He believed his colleague had no such desire; he thought the measure would be improper; but he wished not to have a regiment of officers without soldiers; he wished to fix a time at which the recruiting service should cease and the supernumerary officers should be discharged. As he intended to move that the proposition might be so amended, he should consider it in that light, and he believed the measure would not be imprudent nor inconsistent with the most vigorous measures of defence or offence.

It should be remembered that the House of Representatives, when they had the bill before them, which last Winter passed into a law, for defending the frontiers, sent it to the Senate, with a clause importing that officers below the rank of field-officers should not be put into commission any faster than troops could be enlisted. The Senate, adhering to their privilege, refused to agree to that clause in the bill, and it became necessary immediately to commission the officers for five thousand men, some of whom, if report speaks truth, not covetous of honor, are content with their pay, without having raised three men. By the proposed amendment the officers only would be dismissed, whom most of us wished never to have seen in commission.

The proposed regulation has been censured as implicating some kind of censure on the Executive. He viewed it in a different light. The Executive had done what was proper and necessary at the time. But if it should appear that other measures would fit the change of circumstances, he did not see why those measures should not be adopted. It should be recollected that, during the last Winter, when the estimate of five thousand men as necessary for the defence of our frontier was handed to Congress, there was no Militia law. A well-armed effective militia, that Palladium of Liberty, had once and again been recommended by the President to the attention of Congress; but Congress, from year to year, as if they wished for a standing army, had neglected the militia. Towards the close of the last session, indeed, they passed a law. He hoped he might, without offence, call it the shadow of a law. It was saying, in a few words, that the several States might have a good militia, if they pleased; and, if they pleased, they might have none at all. Was the Executive to trust the defence of a country to a militia formed under such a law? He thought not. But he observed that, since the last Winter, it had come to be generally known that a class of our fellow-citizens exist in the frontiers who are at all times ready to serve, not as drafted militia, but as volunteers. These are the men by whom the Indians must be chastized, or we shall never have peace. They are the best woodsmen and marksmen, and they have no professional interest in spinning out the war. He must repeat the observation that volunteers of the militia are the only troops for vigorous offensive operations. Figure to yourselves an army of

regulars creeping through the wilderness, with all its cannon and other military apparatus, in chase of a naked savage, who sees it without being seen. It is an elephant in chase of a wolf. The troops already raised may be pretty well disciplined before the season for action; they are sufficient, with the co-operation of the militia, to take a post, and build forts where they please; everything else is beyond their power, if they were not five but fifteen thousand. They will never see an Indian unless he chooses to be seen. He wished to be indulged in a single observation respecting a case in which it was said, the other day, that militia had been surprised. He was sorry that his naming Major Adair had produced the remark. He would nevertheless venture to repeat the case as an instance of vigilance and bravery. The Major, believing there was an enemy at hand, had visited all his posts at midnight in person; his Lieutenant, Madison, before the dawn of day, roused all the men, telling them that the Indians were coming. The Major, wishing to leave the ground before daylight, called in the sentinels; but the Indians, rushing in with them, gave a heavy fire before there was light by which they could be seen. The Major had not the merit, as he believed, of having been a Continental officer, but he had the merit, not less honorable, of having served bravely in the militia. He questioned whether any of the green troops to be recruited next Spring or Summer will make so good a defence as Major Adair's militia had made. They had taken scalp for scalp, though they fought against the odds of three to one. He prayed it might be remembered that his ideas were not founded on any hopes of sudden peace with the Indians; on the contrary, every motion of the Indians, and every measure taken by those who had most influence over the Indians, induced him to regard an Indian war as the perpetual tax of at least one million per annum. It is fortunate, as he conceived, that the United States know the source of their misfortunes; and if they are compelled to spend one million per annum in opposing a savage enemy, who seems to be hunted upon them, perhaps they may be taught to indemnify themselves by refusing to expend several millions which they can easily save. If a perpetual tax on this head must be raised, sound policy will readily point to the proper object of taxation; but this must remain over for our successors. In the mean time, believing that the troops already raised are sufficient to maintain every fort that is or may be erected, and being confident that volunteers may be found at any time sufficient, if it shall be necessary to extirpate every hostile tribe of Indians, he should vote for the proposition with the proposed amendment.

The question being taken on Mr. W.'s amendment, viz:—
“Resolved, That a committee be appointed to bring in a bill to reduce the military establishment of the United States to — regiments, to consist of the men who are now in service, or who may be recruited before the — day of — next,” &c.—
was negatived—32 to 24. The question then was

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on the original resolution, as moved by Mr. STEELE; which, being put, it was negatived—21 members only rising in favor of it. The Committee then rose, and the Chairman reported accordingly. The report was laid on the table, and the House adjourned.

MONDAY, January 7.

Mr. LIVERMORE, from the committee appointed, presented a bill to repeal part of a resolution of Congress of the 29th of August, 1788, respecting the inhabitants of Post Saint Vincents; which was received, read twice, and committed.

Mr. LAURANCE, from the committee to whom was re-committed the bill making appropriations for the support of Government for the year 1793, reported an amendatory bill; which was read twice, and committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee, and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill do lie on the table. The House again resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Committee rose, and reported progress.

TUESDAY, January 8.

The House proceeded to the consideration of the bill making appropriations for the support of Government for the year 1793, which lay on the table; and the said bill being amended, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill entitled “An act in addition to the act entitled ‘An act to establish the Judicial Courts of the United States;’ to which they desire the concurrence of this House.”

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a report of the assays and experiments made by the Director of the Mint, on the gold and silver coins of France, England, Spain, and Portugal, pursuant to the order of the 29th of November last; which were read, and ordered to lie on the table.

The bill sent from the Senate entitled “An act in addition to the act entitled ‘An act to establish the Judicial Courts of the United States,’ was read twice, and committed.

MILITARY ESTABLISHMENT.

The House proceeded to consider the motion of the 28th ultimo, for reducing the Military Establishment of the United States, to which the Committee of the Whole House had reported their disagreement on Saturday last. Whereupon,

A motion was made and seconded to amend the same by striking out the words “each of — non-commissioned officers, privates, and musicians,” and inserting, in lieu thereof, the words “of

— non-commissioned officers, musicians, and — of the privates who are now in service, or may be recruited before the — day of — next.”

And the question being put thereupon, it passed in the negative—yeas 26, nays 32, as follows:

YEAS.—John Baptist Ashe, Abraham Clark, Elbridge Gerry, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, Richard Bland Lee, George Leonard, Samuel Livermore, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Jeremiah Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Artemas Ward, and Hugh Williamson.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Andrew Gregg, Thomas Hartley, Daniel Heister, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kitters, John Laurance, John Milledge, Frederick Augustus Muhlenberg, William Vans Murray, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, Alexander White, and Francis Willis.

And then the main question being put, that the House do agree to the said motion, it passed in the negative—yeas 20, nays 36, as follows:

YEAS.—John Baptist Ashe, Abraham Clark, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, George Leonard, Samuel Livermore, Nathaniel Macon, John Francis Mercer, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Jeremiah Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Abraham Venable, and Artemas Ward.

NAYS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Andrew Gregg, Thomas Hartley, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kitters, John Laurance, Richard Bland Lee, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

Ordered, That the committee to whom was committed the Letter and Representation from the Chief Justice and Associate Judges of the Supreme Court of the United States, referred to in the President's Message of the 7th of November last, be discharged from the further consideration of the same.

The House again resolved itself into a Committee of the Whole House on the bill to regulate the claims to Invalid Pensions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were read, and partly considered.

Ordered, That the further consideration of the said amendments be put off until to-morrow.

WEDNESDAY, January 9.

An engrossed bill making appropriations for the support of Government for the year 1793, was read the third time, and passed.

INVALID PENSIONS.

The House resumed the consideration of the bill to regulate the claims to Invalid Pensions. Whereupon, a motion was made and seconded further to amend the same by adding to the end thereof the following section, to wit:

"And be it further enacted, That no person, not on the pension list before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed, saving, however, to all persons all and singular their rights, founded upon legal adjudications, under the act entitled 'An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions'; but it shall be the duty of the Secretary of War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States on the validity of any such rights, claimed under the act aforesaid, by the determination of certain persons, availing themselves of the provisions of the act."

And the question being put thereupon, it was resolved in the affirmative—yeas 40, nays 20, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Robert Boudinot, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, Aaron Kitchell, John Wilkes Kitters, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, William Smith, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Elbridge Gerry, Nicholas Gilman, James Hillhouse, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, George Thatcher, John Smith, Jonathan Sturges, and Artemas Ward.

And then the said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to amend an act entitled 'An act establishing a Mint, and regulating the Coins of the United States,' so far as respects the coinage of copper," with several amendments; to which they desire the concurrence of the House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

THURSDAY, January 10.

INVALID PENSION BILL.

An engrossed bill to regulate the claims to Invalid Pensions was read the third time, and a blank therein filled up.

And on the question that the said bill do pass, it was resolved in the affirmative—yeas 36, nays 13, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Elias Boudinot, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Nicholas Gilman, James Gordon, Christopher Greenup, Thomas Hartley, Daniel Heister, Daniel Huger, Israel Jacobs, Philip Key, Aaron Kitchell, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, William Smith, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Shearjashub Bourne, Benjamin Goodhue, James Hillhouse, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Israel Smith, Jonathan Sturges, George Thatcher, and Artemas Ward.

The House resolved itself into a Committee of the Whole House on the bill relative to claims against the United States not barred by any act of limitation, and which have not been already adjusted; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto.

Ordered, That the said bill, with the amendment, do lie on the table.

CLAIMS AGAINST THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the motion of the 12th ultimo, for opening a Loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States.

After reading the report of the Commissioners for settling the accounts, Mr. Giles made some opposition to providing for these balances before they were ascertained; that is not done by the report of the Commissioners.

Mr. FITZSIMONS briefly stated the motives which had induced him to come forward with the resolutions previous to ascertaining the balances; he thought that, while there was an uncertainty in the matter, the decisions would be more readily and impartially made.

Mr. LIVERMORE objected to providing for balances before they were known; he thought the resolutions incomplete, as they recognised only creditor States, and say nothing about debtor States.

Mr. FITZSIMONS said he did not believe there

would be any debtor States; he was sure there ought not to be any.

Mr. MANISON objected to the resolutions on the same principle with Mr. LIVERMORE; he enlarged on the idea, and insisted that, without the most urgent necessity, the provision contemplated ought not to be made in the present uncertain state of the subject. On the principles of justice and economy, he contended that a system which would be so complex in its operation ought not to be adopted; it would operate to the extension of taxation in the United States to the greatest degree, as it would involve a further levying of taxes to reimburse the States that shall finally appear to have large balances due them.

Mr. FITZSIMONS said he was not understood. Adverting to the act for assuming the State debts, he observed that these balances were there recognised, and the creditors to whom these balances are due are to all intents and purposes creditors of the Union. Mr. FITZSIMONS said he had no idea of the result contemplated by the gentleman in respect to the extension of taxes. No possible difference, he conceived, could take place whether the balances were now assumed, or the ascertainment of them was made previous thereto; the operation would be precisely the same in both cases.

Mr. SEDGWICK replied to Mr. MANISON. He stated various reasons to show that his objection on the score of increased taxes had really no foundation. Mr. SEDGWICK entered into a short discussion of the subject, and stated the real situation of some of the States, to whose citizens large sums are due. He said he had no doubt the General Government would consider themselves bound to pay those demands; could he despair of the public faith in this respect, he should anticipate the most pernicious consequences to flow from the withholding that justice, which those States now looked to the General Government to obtain.

Mr. MERCER observed, that the honorable gentleman from Pennsylvania had brought forward his proposition in such a shape, as that it was difficult to determine what his object was; but he inferred from his explanations, unless he contradicted himself, that the real object was a further assumption of the State debts, and to effect the adoption of a question which was rejected the last session.

Here Mr. M. entered into a consideration of the various principles which had been proposed as bases for settling and adjusting the accounts between the United States and individual States. He contended that the matter was not in such a state as to justify adopting the principle of the resolution. He adverted to the approaching dissolution of the present Congress. He remarked on the difference of the exertions which had been made by the several States; he inferred that there must necessarily be both debtor and creditor States, and hence deduced various considerations which should influence a postponement of this subject.

Mr. GERRY recurred to the Funding Act, to show that debtor and creditor States were therein

recognised; with respect to the principles on which the accounts are to be settled, that matter rests with the Commissioners, whose decision by a law of the Government is to be final; but this he conceived had nothing to do with the present proposition. He noticed several other objections offered by Mr. MERCER, which he thought appeared to be brought forward merely to embarrass the subject. He observed that the present proposition was totally different from that agitated last session; that now offered is reasonable; is founded on equal principles; and its effect will not be to increase the creditors of the Union, nor induce a necessity for one farthing of taxation, which will not be wanted after the accounts are adjusted and the balances known. He hoped, therefore, that the proposition would be agreed to.

Mr. B. BOURNE supported the resolution, as being free from the objections urged to those offered the last session. He noticed the remarks which had been made on the resources in lands of the States to whom the balances are supposed to be due; Massachusetts, Rhode Island, and South Carolina are the States the most interested in the matter; those States have no lands. With respect to exertions in the common cause, it will not be pretended that those States have not made as great an exertion as any in the Union. The present proposition involves this simple inquiry, whether the United States shall pay the States as States, or whether they will pay the individual creditors? Justice required, in his opinion, that the latter ought to be paid; for their demands are recognised by a law of the Union, and they are, to all intents and purposes, creditors of the Union as fully as any description of creditors whatever.

Mr. CLARK said, when the resolutions were first proposed, he thought no objection would be made to them; but he had heard something which had alarmed him, and that was what fell from the gentleman from Pennsylvania, that there would be no debtor States; this, he said, alarmed him, as it appeared to convey an idea of the Commissioners for settling the accounts having adopted the principle; this he conceived they were not authorized to do. He further observed, that he did not think with those who supposed that the decisions of the Commissioners were not to be revised; he was pretty sure they would be revised, if they adopted any such principle as this, which he considered as involving great injustice.

Mr. FITZSIMONS rose to explain; he said he was misunderstood; he had not said there would be no debtor States. Different principles of settling the accounts have been mentioned, but he had not said whether the Commissioners would settle the accounts on the principle of debtor and creditor States, or make them all debtor or all creditor States. He had only given his opinion that there ought to be no debtor States. The question now before the Committee is, whether the United States shall pay the States in their corporate capacities, or pay the individual creditors. He conceived the gentleman was totally mistaken in his opinion respecting a revision of the judgment of the Commissioners; the law, he

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said, had put that entirely out of the power of the Legislature.

Mr. W. SMITH said, that he conceived the present proposition had nothing to do with the question respecting debtor or creditor States; it relates simply to a provision for the sums due to the individual creditors of the several States, who are really creditors of the United States. He noticed the objection from additional taxes; no difference, he contended, would result from the measure, the balances are to be provided for at all events. That the present was the best time to take up the subject, he observed, was well argued by the gentleman from Pennsylvania; in addition to which, he thought the allusion to the state of affairs on the Representation bill, by the gentleman from Maryland, was directly in point; the difficulties on account of the ratio were increased, when the result of the census was known; and this would be the case if this matter should be postponed to the time when the accounts are settled. He therefore contended that the present was the most proper time to make the provision contemplated. Mr. SMITH noticed, in order, the various objections which had been made by several gentlemen, and concluded that he trusted, from what he had said, it would appear that the proposition was entirely clear of those difficulties which had been urged against it.

Mr. LIVERMORE moved an amendment to the first resolution; the object of which was to exonerate those States who on a final adjustment of accounts shall appear to be debtor States.

Mr. GERRY offered some objections to this amendment.

Mr. AMES said that the amendment appeared to him irrelevant to the subject now under consideration; he hoped, therefore, the gentleman would be induced to withdraw it.

Mr. MANISON observed, that when the amendment was first brought forward he had supposed it merely sportive, but it now appears that the gentleman is serious in moving it. He thought it in this view a proposition that might well excite attention; for he conceived it an extraordinary idea to be advanced, that any of the States who should be found debtor States should be released from all obligations to pay.

Mr. SENGWICK offered various observations on the subject generally; the tenor of which was this, that however it might appear on the final adjustment of accounts, that there were sundry debtor States, yet it was hardly practicable to devise a mode of compelling payment from such States; nor could he collect it to be the opinion of any gentleman that an idea of compulsion was entertained by any one.

Mr. LIVERMORE said his motion was not understood; he had no idea of exonerating the debtor States in the manner suggested by several of the gentlemen who had remarked on it; by the explanation he gave of his motion, it appeared that his object was the apportioning the general charge, and to exonerate the debtor States from any demand against them, on account of the credit they were entitled to as members of the Union, not to

release them from their full proportion of the average charge of prosecuting the war.

Mr. MERCER said he was more and more convinced that there was to be no debtor States; the proposition from the gentleman from New Hampshire says so; the resolutions originally moved speak the same language; the report of the Secretary of the Treasury is founded on the same principle. The meaning of all which is, burn the books.

Mr. CLARK moved that the Commissioners for settling the accounts should be instructed to report a statement of all the debts and credits of the several States. He reprobated the idea of making all creditor States, as he conceived the consequence would be a great increase of the balances to be provided for by the United States.

Mr. WILLIAMSON observed that he could not agree to the propositions, for reasons which he would give. In the law for settling the accounts of the several States, it is provided that the States who shall have balances placed to their credit on the books of the Treasury shall, within twelve months after the same, be entitled to have them funded. Such are the words of the law; but we are now requested to do the thing by anticipation which, according to the law, was to be done afterwards. Is there any consistency—is there any principle in such conduct? Whence this haste, this speed of funding? Have gentlemen such a pleasure in building up the ponderous structure of a national debt that no part of the work can remain for their successors? He hoped that a Representative from North Carolina might be allowed to complain of this unnecessary, unkind, he prayed it might not be fatal speed. North Carolina, at present, is not fairly represented. It is known that, instead of five members, she will have ten in the next Congress. The States in general are to have no such increase. Is it fair to anticipate measures contrary to the intent and promise of your law, as if you wished to tax our citizens before they can be properly represented? It is well known that much offence has been given to many good citizens by the Funding Act. It has been charged to motives which are very improper, considering the regard which is due to public opinion. He thought they were bound in honor to postpone rather than to anticipate the assumption of more paper. If gentlemen, however, could not trust this delectable business in the hands of a future Congress; if they could not trust their own States with the payment of a small debt; if they wished to render the National Government still more unpopular by giving it exclusively the iron hand of taxation, he hoped they would not make themselves accessories to the most abandoned junctio that ever disgraced society. If the propositions before the Committee should pass into a law, the State of North Carolina would be charged with something more than half a million of dollars, interest included, for certificates that were confessedly issued by the force of bribery and corruption. They were not founded on the shadow of service, and are prohibited by the laws of the State. The most sleepy sot in

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life would resent such conduct. They would suspect that such paper must have had some undue influence. He was confident that the propositions imported more than had been intended.

He wished that left-handed favors of this sort could be more equally divided. It was hard that North Carolina should be distinguished by her sufferings. In the settlement of her accounts he thought it was probable that she would lose near two millions of dollars by the manner in which her accounts were to be adjusted. He supposed that a rule by which a good horse put into the service does not bring the State more than half a dollar could not be a good rule. This must be a loss, first, to the citizens, afterwards to the State, which is nearly the same thing. There is another sum of about a million of dollars, which the citizens of that State seem to be in a fair way of losing by the measures of Government. They have received nothing for their certificates, and they are not permitted to fund them. Oblige the citizens of North Carolina after all those losses or oppressions, to pay half a million that they do not owe, and you will at least deserve the title of hardy politicians. He said that he should offer no amendments to the propositions, because, in his opinion, they were improper in every part. The question was then adjourned till the next day.

FRIDAY, JANUARY 11.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report of a supplementary statement of loans, made in behalf of the United States, pursuant to the resolution of the 27th ultimo; which were read, and ordered to lie on the table.

Resolved, That the Attorney General be directed to report, at the next session of Congress, a table of costs and fees for the Courts of the United States.

The House again resolved itself into a Committee of the Whole House on the motion of the 12th ultimo, for opening a Loan, to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States; and, after some time spent therein, the Chairman reported that the Committee had again had the said motion under consideration, and made no amendment thereto.

SATURDAY, JANUARY 12.

The House proceeded to the consideration of the motion, made on the 12th ultimo, for opening a Loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, which was reported from the Committee of the Whole House, yesterday, without amendment. Whereupon, a motion being made and seconded to amend the first resolution, contained in the said motion, by adding, to the end thereof, the following proviso, to wit:

"Provided, That no such loan shall be opened in any State, without the assent of the Legislature thereof, by an act approving the measure."

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It was resolved in the affirmative—yeas 38, nays 23, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Hugger, Philip Key, Aaron Kitchell, John Wilkes Kitters, John Laurence, Amasa Learned, John Leonard, Samuel Livermore, James Madison, Frederick Augustus Muhlenberg, Nathaniel Niles, John Page, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, John Steele, Thomas Tredwell, Hugh Williamson, and Francis Willis.

And then the main question being put, that the House do agree to the said first resolution, amended to read as follows:

"Resolved, That a loan, to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual States, be opened at the Loan Office in the respective States, to commence within — months after the said balances shall be reported at the Treasury, and to continue open for the term of — months from the time of its commencement: *Provided*, That no such loan shall be opened in any State without the assent of the Legislature thereof, by an act approving the measure."

It was resolved in the affirmative—yeas 34, nays 28, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Hugger, Philip Key, John Wilkes Kitters, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

The second, third, and fourth resolutions, contained in the said motion, were also again read; and, on the question severally put thereon, agreed to by the House, as follows:

"Resolved, That the sums to be subscribed to such loans, be payable in the principal or interest

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of the certificates or notes issued by any of the said States, as, upon the final settlement of accounts, shall have a balance due to them from the United States, and which shall have been liquidated to specie value, prior to the — day of — last.

Resolved, That every subscriber to the said loans shall be entitled to certificates, according to the sum subscribed, of the like tenor and description, in the like proportions, and upon the like terms, as are specified and directed by the fifteenth and sixteenth sections of the act, entitled 'An act making provision for the Debt of the United States,' except that interest on such of the certificates subscribed to the said loan, as bear interest, shall be computed to the last day of the year one thousand seven hundred and ninety-three, inclusively, and that interest shall not begin to accrue upon any of the certificates which shall be issued in lieu thereof, till the first day of January, one thousand seven hundred and ninety-four.

Resolved, That in all cases where the sum subscribed in the evidences of the debt of any State, shall exceed the balance due to such State, the same shall be reduced (in equal proportions) to the sum actually due to such State.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. FITZSIMMONS, Mr. SEDGWICK, and Mr. WILLIAM SMITH, do prepare and bring in the same.

MONDAY, January 14.

A memorial of the officers of the late Delaware line of the Continental Army, in behalf of themselves and the soldiers of the said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debts granted them for military services rendered during the late war, may be made good to them, or such other relief afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom are referred the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, and Maryland.

The House proceeded to the consideration of the amendment reported on Thursday last, by the Committee of the Whole House, to the bill relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted; and the said amendment being twice read, was, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

The House resumed the consideration of the amendments reported, on the 27th ultimo, by the Committee of the Whole House, to the bill to regulate trade and intercourse with the Indian tribes; and the same being read, were agreed to.

Ordered, That the said bill, with the amendments, do lie on the table.

PAY OF THE LATE ARMY.

Mr. Boudinot moved for the order of the day on the Bankrupt law. The importance of this subject to the general interest, and that of a number of individuals in several of the States, who, by reason of the State Governments being precluded from passing bankrupt laws, are in a very distressed situation, was urged by several of the members. It was further observed, that it had long been before Congress; and if it was not taken up at the present session, it was very problematical whether it would be completed at the next session.

In opposition to the motion, it was observed, that though the subject has been a long time on the carpet, yet it had not been reduced to any specific form till very lately. That the bill had been laid before the public for the express purpose of collecting the general sense of the people on the subject. Sufficient time has not elapsed for this purpose, and therefore it was not possible for the Legislature to proceed in the matter, aided by the general sense of their constituents relative thereto.

The motion was at length withdrawn; and, on motion of Mr. GERRY, the House resolved itself into a Committee of the Whole, (Mr. DAYTON in the Chair,) and took into consideration the memorials of the officers of the several lines of the late Army, on the subject of a deficiency of their pay. The several memorials were, from New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland lines. The New Hampshire and Pennsylvania memorials being read—

Mr. GERRY said, in order to bring the subject before the Committee, he should move the following resolution, viz:

Resolved, As the opinion of this committee, that the contract between Congress and part of the officers and soldiers of the armies raised for the establishment of the Independence of the United States, has not been fulfilled on the part of Congress.

This motion was seconded by Mr. PARKER.

Mr. GERRY accompanied his motion by several observations, in which he showed that a depreciated medium could never be considered as an equivalent for services and supplies which were contracted to be paid for in specie.

Several members objected to the indefiniteness of this resolution. They suggested the propriety of the mover's bringing forward a sketch of the plan for which he intended the resolution as a basis.

Mr. MADISON suggested a variation of the proposition, to the simple question on the propriety of granting the prayer of the petitions.

After several observations from other members, and the Chairman had remarked that the resolution of Mr. GERRY was not in order, as referring to a part of the officers, whereas the memorials made no distinction.

Mr. CLARK moved in order to take the sense of the Committee, the following:

Resolved, As the opinion of this committee, that the prayer of the petitions of officers of several lines of the

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late American army cannot be granted, and that the petitioners have leave to withdraw their petitions."

Mr. SEDGWICK observed, that he did not rise to express an opinion as to any vote which he might ultimately give on the subject now before the Committee. It was undoubtedly an important subject; important, as it respects the character of the applicants, and as it involved a consideration of the services which had been rendered by them. No man had a more respectful opinion than he entertained of the honorable patriotism of those brave and meritorious citizens who had ventured their lives in defence of their country. No man would more regret than himself, that those services should remain unremunerated. Thus feeling, he should be sorry if the motion of the gentleman from New Jersey should preclude a discussion of the various questions which might otherwise arise in the contemplation of this subject.

He said he knew several gentlemen who believed that it was impracticable to grant the prayer of the memorials, without producing evils, so many and so great, as infinitely more than to counterbalance the benefits intended. That it would be a criminal reflection on gentlemen who, with so much warmth of declaration, had espoused the cause of the applicants, to suppose that they foresaw those evils and were not prepared to guard against them. It would be indirectly charging upon them as the motive of their conduct, to give an approving countenance to an impracticable object, an intention of acquiring popularity at the expense of the reputation of the Government. This was a charge he had no disposition to make; he would therefore suppose the gentlemen had digested some scheme, in their opinion, of practicable compensation, which, by what they have said, they have pledged to bring forward to the consideration of the Committee; but they would be precluded from doing it, should the mover of the present question persist in having the fate of the memorials decided on his motion.

He said that, confident in the hope that the gentlemen would gratify the wishes of his friends, he would take the liberty of mentioning some of the embarrassing questions which the Committee must meet in the progress of this business.

The whole merit of the present application, in his opinion, rested on the supposition that by the terms of the Funding law the Government had made a saving to itself; or, to speak with more precision, to the debtor part of the community. In other words, that by the terms of the loan an adequate provision was not made for the public debt. This supposition is denied by many gentlemen, who did not hesitate expressly to declare that the provision is ample, and ought to be satisfactory. Others, he said, went further, and even insinuated that there existed a sympathetic sensibility between the majority of Congress and the public creditors, injurious to the great body of the people. This saving constituted that residuum of the original contract, which was the subject of the present demand. If, then, there was no saving there was no residuum, no subject of distribution. On this idea the application is to the generosity, not the justice, of Con-

gress. On this ground the memorials, he presumed, were not advocated by those gentlemen. Should it, however, be demonstrated that the contemplated saving had been made to the public, he asked whether this was the only description of creditors to whom injustice had been done? And would not the same arguments which should demonstrate their rights prove equally the title of every other original holder to further provision? Was there any discriminating principle by which it would appear that these men alone were entitled to redress for a violation of justice? These questions were important, and being obvious, they must have occurred to the gentlemen, who, it might reasonably be presumed, had come prepared, if not with satisfactory, at least with plausible answers.

He said, that among the evils which had been endured during our struggle for freedom and independence, was a lapse of public credit, by which there had been apportioned a severe tax on the citizens; and although this was not in exact proportion, yet it was generally more equal than probably any reapportionment would make it. It was said, at least by some, that by comparing the relative circumstances of the army before and since the war, with the community at large, it might be presumed that they had not contributed to this tax beyond their proportion. If, on the whole, the claim of the army could not be distinguished from that of the other original creditors, and if justice required the provision contended for, then it would follow, irresistibly, that an account was to be opened with each original creditor; that even if a distinction could be discovered which would authorize a difference between the army and every other description of creditors, it was, he said, further asked by gentlemen who believed the project to be impracticable, whether it was intended, by a further distinction, to separate the officers from the soldiers, to provide for the former and not for the latter? If one part of the dilemma was chosen, it would operate manifest injustice; if the other, the Government would open those sources of speculation which seemed to threaten to inundate the country with enormous evils. He said gentlemen who were disposed to afford a favorable countenance to the present applications had undoubtedly considered these effects, and had also considered the means of preventing those evils, and candor required that they should be indulged with an opportunity of exhibiting their system.

He said that it was further objected, that the proposed measure would materially alter the Funding system, a strict adherence to which was guaranteed to the public by an almost unanimous vote of both Houses.

He said the objections he had mentioned were among the most important of those which had occurred on this subject; that a discussion of them would open an extensive field of argument. He thought it would be of public utility that they should be discussed; he therefore again solicited the gentlemen from New Jersey to withdraw his motion, that an opportunity might be afforded to gentlemen to bring forward a digested system.

Mr. Boudinot assured the Committee that he

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had determined not to trouble them on this subject, and he should have carried that determination into execution, did he not find that the question was likely to be taken in a manner not altogether pleasing to him. He had expected that the claims of the officers would have been fairly met, and if decided in the negative, those gentlemen would have gone away fully satisfied that their claims had received a fair and candid discussion. But he feared, from the arguments of gentlemen, that the idea that the United States had unjustly failed in performing the contract with the Army, would take place, and an ungrounded imputation of partiality (at least in the minds of the petitioners) would be left on the Government, when Mr. B. thought a fair statement of the matter would undoubtedly put a very different face on the whole subject. The officers of the Army had come forward as creditors of the United States in a decent and becoming manner, and presented their claims founded on former contracts, which they conceived had not been fulfilled, and therefore they called on Government to do what was right and just on the occasion. Congress were the independent representatives of the whole Union, to whom every citizen ought to have free access; and where every citizen was to be considered as equally entitled to an impartial hearing. If, on examination, it should appear that justice required a further compensation to the petitioners as a class of public creditors, when considered on a general scale, no man in the House would be more ready than himself to give his voice for such a measure. But if it should appear that the contract on the part of the public had been complied with, as far as distributive justice would permit, he wished the petitioners to be convinced of it, and that those losses they had met with, were such as had been equally borne by other creditors of the Union, and therefore a general burden, by which he hoped they would receive full satisfaction on this subject.

Mr. B., while he acknowledged the patriotism and virtue of the American Army, and subscribed fully to their eminent services and patient sufferings, he could not join in decrying the essential services and sufferings of the other public creditors of the United States, who, in the day of her distress, had administered their property to the support of that Army and the defence of the Union.

All public creditors who presented themselves in the day of distress to the relief of the Union, were equally entitled to the attention of Congress; but, as the officers in their memorials had applied in behalf of the army alone, he wished to consider their case, in the first instance, abstractedly, without connecting it with any other class of creditors, and then compare it with others of their fellow-citizens.

He undertook, therefore, in the first place, to state the public conduct towards the Army from the beginning to the commencement of the present Government. He would then examine the conduct of the present Government; and lastly, supposing their claim just, inquire into the practicability of satisfying it.

The Committee were well acquainted with the rise and progress of the late war. At the first alarm the patriotic citizens of the Colonies flew to their arms and formed in the field, without terms or stipulations as to their services. In 1775, Congress turned their attention to the Army as the first great object, and having organized it, fixed the pay at the rate of fifty dollars for a Colonel, and twenty dollars for a Captain. In 1776, desirous of encouraging citizens who were so zealous in their country's service, they gave a bounty of twenty dollars to each private, amounting in the whole to upwards of two hundred thousand dollars, besides a promise of one hundred acres of land; and to the officers at the rate of five hundred acres to a Colonel, and the rest in proportion. In October of the same year, desirous of keeping up the zeal of the officers, they increased the pay in the proportion of seventy-five dollars to a Colonel, and forty dollars to a Captain, and gave a suit of clothes per annum to every private, or twenty dollars in cash. In December, 1777, Congress showed their desire of encouraging the service, by giving a month's extra pay to the Army. The officers, anxious for their future support after the war was over, expressed an earnest desire of having some provision of this sort anticipated, and Congress, in compliance with their desires, after a consideration of three months, or more, agreed, in May, 1778, to give each officer half-pay for seven years after the end of the war, on condition that they did not hold any office of profit under any individual State, and eighty dollars to each private. In November following they gave to each supernumerary officer one year's pay extraordinary, and increased the allowance for every retained ration to 2s. 6d. in money. The Army, not being satisfied with this provision, in August, 1779, a committee, appointed for the purpose, reported further provision of half-pay for life, without any condition in favor of those who should continue to the end of the war, and recommended to the States to provide for widows of officers and soldiers who should be killed in the service. Congress likewise increased the allowance of monthly subsistence for officers to five hundred dollars for a Colonel, a Captain two hundred dollars, and a private ten dollars; and, added to all this, Congress allowed the officers to receive from the public stores one hat, a watch-coat, body coat, four vests, four pair of breeches, four shirts, four stocks, six pair of stockings, and four pair of shoes, per annum, nearly at former prices; and the soldiers in proportion. The half-pay for life was adopted, to the great offence of individual States, who sent forward petitions against the measure as impolitic and unjust. The war continuing, the distresses of the country increased, which reduced the public credit so low, as to produce great uneasiness among all classes of public creditors, both in the Army and country.

The gentleman from Pennsylvania, [Mr. HARR-LETT,] in his argument, represented (in Mr. B.'s opinion) his own feelings on the occasion, rather than a comparative view of the sufferings of the citizens at large; for it is not uncommon, when gentlemen are connected with a particular class

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of sufferers, to view what he sees and hears as an exclusive and peculiar evil, without considering what passes elsewhere. Thus, the soldier considers the sacrifice of the Army as the only intolerable burden; while the merchant, knowing his own losses best, considers others' complaints as trifling compared to his; and the farmer, who earns every farthing by the sweat of his brow, blames the Government for not giving him the first place in all their systems. Yet the fair conclusion is, that the burden has been generally nearly equal, and a common tax for the defence of our country. And although Mr. B. readily subscribed to the great sufferings and patriotic exertions of the Army, yet they should also give credit for the attention of the country to the utmost of her abilities. As the gentleman from Pennsylvania is best acquainted with the line of his own State, Mr. B. undertook to mention what was done by Pennsylvania for her own officers in addition to the allowance of Congress. During the war, stores were provided, from which they received a partial supply at the hard money prices. The depreciation of their pay was fully made up to them; at the sales of the confiscated estates their certificates were received as hard money; the same for lands in the land office; the interest of six per cent. was paid on their certificates for a number of years; an additional bounty of land was given to them, ready surveyed and free from expense; and when the Funding System took place, they had their three per cent. and deferred debt made good to six per cent. by additional certificates from the State, which were afterwards redeemed at about fifty and thirty-seven per cent. in hard money.

In August, 1782, a memorial from the State of Pennsylvania called loudly on Congress for fresh exertions towards the settlement of all accounts, and making provision for the paying off the public debt. It is supposed the Army took the hint, and in December following, a deputation of field officers, with a strong memorial on behalf of the Army, waited on Congress. The substance of their request was—first, some present pay; secondly, a settlement of their accounts and security for their pay for life; as they found that the measure was odious to their fellow-citizens, and would prevent the happy intercourse they expected on their return to private life. The present pay and settlement of accounts were immediately provided for, and as to security for the balances, Congress resolved, "as to what relates to the providing of security for what shall be found due on such settlement, that the troops of the United States, in common with all the creditors of the same, have an undoubted right to expect such security, and that Congress will make every effort in their power to obtain from the respective States substantial funds adequate to the object," &c. As to the commutation, it was urged, on the part of the Army, that five or six years full pay was but a reasonable sum to make good their sufferings, not only on account of the deficiency of their pay, but also on other accounts; and that it would be more agreeable to their fellow-citizens, than that they

should be pensioners for life. Mr. B. mentioned this from his memory, which he said was confirmed by the Journals of Congress of February, 1783, when a resolution proposed was preface in this manner: "Whereas, in consequence of the faithful services of the officers of the Army of the United States, and of their great sufferings, not only on account of the deficiency of their pay, but on other accounts, Congress have, by divers resolutions, promised them half-pay, &c. The want of money having been raised as an objection against this measure, the officers contended that they expected nothing more than certificates for their balances, in the same manner as other creditors of the United States had received. Congress finally determined to grant their request; but to prevent the Army from alienating their certificates at an under rate, and thereby affecting the public credit, it was proposed that they should not be made transferable. As soon as the delegation from the Army were made acquainted with this, they spurned at the idea, and justly asked if they were not free-men; if the balances were not their own property; whether they had not the same right to dispose of their property as they pleased, with every other citizen? They therefore insisted to be put on a footing with every other creditor who had received certificates. The reasoning was too forcible to be answered with propriety; and therefore Congress, on the 22d of March, 1783, resolved, "that such officers, &c., shall be entitled to receive the amount of five years' full pay in money or securities on interest at six per cent. per annum, as Congress shall find most convenient, instead of the half-pay promised for life; the said securities to be such as shall be given to other creditors of the United States, provided it is at the option of the lines of the respective States to accept or refuse the same." That, with regard to the retiring officers, the commutation, if accepted by them, shall be in lieu of whatever may be now due, &c. This commutation amounted to \$4,500 to a Colonel, and \$2,400 to a Captain.

Mr. B. alleged his privacy to this arrangement, having been in Congress at the time, and of course one of the parties to the contract. He also observed very particularly on this measure originating with the Army, and especially the negotiable property of the certificates: that in this transaction all former demands were involved, and the express stipulation of the Army and the assent of Congress was, not to pay a specific sum in specie, but to give such securities for the balances as should be given to the other creditors of the United States. Here, then, was no difference between creditors; all were put on a footing; and every citizen who had made advances for the Government, or had fought her battles, were considered equally entitled to the attention of Government. From this time the demands of the Army put on the face of a settled debt, and requisitions were made to the different States for a fund on which to found a certainty of payment, at least of the interest, from year to year: all the States but one having made the necessary arrange-

ments, the plan was frustrated; but many of the individual States made provision for, and did actually pay, the interest of six per cent. for several years. Notwithstanding these partial payments the public credit suffered much, and, among other causes, the great number of these negotiable securities brought to market was not the least. The distresses of some, the different objects of pursuit of others which required capital, the debts of others which called for payment as soon as the war was over, and the fears of others for the fate of the Government, all conspired to bring on a general bankruptcy. These securities fell from six shillings and eight pence to two shillings and six pence in the pound, and transfers were as common as any other merchandise. The public fears and the universal complaint of creditors finally brought about a change of the Government, and the new Constitution was formed, in which two material articles applied to all creditors: one, that the new Government was to be liable for the debts of the old; and another, that all contracts should be carried into effect agreeably to the terms of them. The old Congress had so far complied with their engagements as to give the securities required by the contract, and to apply to the individual States for the funds promised. The new Government, at the earnest request of her creditors, turned an early attention to the public debt. She found the contracts were with the original creditor, bearer, or assignee. The holder was equally a party to the contract, and demanded the whole debt, without regard to the sum paid for it to the original holder; on the other hand, many contended for the right of the first creditor as an equitable demand to the surplus, (or at least a part of it,) after paying the principal and interest of the sum for which it was transferred. To this it was answered, that Congress could not consider themselves as a Court of Law or Equity to determine these claims; they were bound to A, B or bearer, or his assignee; the holder of the evidence of the public debt could alone, in law or equity, give a discharge of the debt; that it would be unconstitutional to destroy the contract of the parties, when made *bona fide*, and it was agreed that fraud could vitiate every contract for which the Courts of Justice were adequate; therefore it was, that all discrimination was refused; first, as a matter without the jurisdiction of Congress; secondly, as a matter unjust, on the principle of a fair contract made on a risk to be run; and, lastly, as impracticable in its very nature. In consequence of this, propositions were made to the holders of the public securities on the principles of the Funding System; the substance of which were, that as the Government in its infancy could not embrace a discharge of the debt, or, indeed, a payment of full interest, without risking the public credit as heretofore, and by this means again exposing the creditor to loss, it was therefore advisable to new-modify the debt, so that the creditor should give up three per cent. upon the interest, and two per cent. on the principal, for ten years, for which he should receive an equivalent in the following manner: It was a very rea-

sonable conjecture, in case the new Government succeeded and public credit was restored, that interest would fall in five years to five per cent., and in ten years to four per cent.; in which case Congress might, by new loans, at that rate of interest, pay off the whole national debt: but on the present plan, she would secure to the holder full four per cent. on the principal for ten years, and afterwards six per cent. for a certain number of years, on terms, with three per cent. on the interest let the common rate of interest be what it might. This was accepted by the creditor as a reasonable equivalent, and the debt was subscribed.

The event proved the truth of the supposition, and the value of the Funded Debt at one time rose to twenty-five shillings on the pound on six per cent., while loans have been made by the United States at from four to five per cent. Congress then gave a certainty of six per cent. for a number of years, on the terms of the loans for a partial reduction for ten years, and a less interest on the arrears of interest then due. This was certainly a full and generous equivalent; and the only advantage gained by the public was, a modification of the debt, by which the burden would be divided, and the increased number of citizens, during fourteen or fifteen years, would bear their proportion of the expense of a war in the benefit of which they so essentially participated. At the time of funding the public debt, the irredeemable quality was considered as a full equivalent and a compliance with the public faith. Mr. B. alleged that he was then a public creditor, and considered it in that point of light. He was a creditor that had a right to feel a loss as much as any man. He was a creditor of 1776, when the Army could not be sent to Canada without hard money. He was a creditor in 1777, when the prisoners were perishing for want of food and clothing, and the Government could not furnish a single suit, or a tolerable supply, for their extreme distress. He was a creditor of 1778, when, at the Valley Forge, the tracks of the soldiers were marked with blood for want of shoes, which he collected in different parts of the State by his own exertions, and at his own expense, without fee or reward, and was not repaid till 1779. He was a large creditor of 1779, when Congress sent to all parts of the Union earnestly calling on the friends of their country to come forward with loans for the public exigencies; and he was a creditor as an officer of the Army, in which he had served. Under this view of the subject, Mr. B. acknowledged that he had entertained great jealousies lest some other end was aimed at by the present resolution than the ostensible one; this was raised when he heard gentlemen found the success of the resolution on the savings made by the Funding System, when those gentlemen had for years past been continually representing that system as founded on an extravagant waste of public treasure; that the irredeemability of the debt was a tax on the Government which ought never to have been admitted, as moneys might have been loaned at four per cent., and by that means one-third of the debt

saved to the Union. What ideas, then, must we form of a resolution calculated to raise the hopes of the memorialists, which, in the end, would certainly turn out a mere shadow, and worse than a shadow? This, really, was trifling with the complaints of our fellow-citizens. There had been no savings. The creditors who had possession of the public contracts had received a full equivalent for their demand by their own free consent, at twenty shillings in the pound. Where, then, was room for a demand on the Government for any saving? If there was a foundation for a claim, it must be against the possessors of the certificates; but however just it might be, it was merely illusory to form the resolution on principles that had no existence.

The losses sustained by the line of the Army were not peculiar to them as creditors of the United States. All classes of citizens who had generously advanced their money for the support of this very Army in food, clothing, arms, and ammunition, as well as that of the Government itself at home and abroad, had been equal sufferers, without the emolument which the Army had received, in the most distressing times of the war. The Army had been a refuge for many gentlemen driven from their homes, while other citizens were obliged to wander for a considerable time without employ or relief. He extended his observations to other citizens who had suffered during the war, and particularly mentioned the sufferers at Falmouth, Charlestown, New York, Norfolk, Yorktown, and South Carolina, as those who were of the first class in the United States; as also the aged, the widows, and the orphan creditors, who had suffered without receiving any advantage whatever from the public bounty.

Mr. B. then proceeded to consider the practicability of the measure, supposing its equality and justice to be fairly established. As the application was now founded on the savings on each man's individual certificate, the principle equally reached every public creditor. Suppose, then, A, B, C, D, and E, received their certificates together: A sold his at six shillings and eight pence in the pound to raise a capital to purchase public lands, which, at one time in this city, sold at six pence per acre; B sold his certificate at two shillings and six pence in the pound, to save a wife and children from starving; C sold his to raise a capital to go into the speculating line; D sold on one day from necessity, but replaced it the next day, and kept it till the Funding System took place, and then sold at twenty shillings in the pound; while E, having confidence in the Government, and not being under a necessity of selling, funded it under the present system. How could a discrimination take place here? or would it be fair equally to remunerate all these original holders? But suppose some had sold at twenty shillings, and also had received all the emoluments of the Pennsylvania line; where would be the distributive justice of the measure now proposed? If you extend this doctrine to the public creditors at large, it will appear in a strong point of light. It is well known that the common practice of the Government during the war, was,

to issue certificates in fictitious names—the names of clerks in office, of heads of departments, or other persons—merely to make them answer the purpose of a paper currency; as they were payable to bearer, the name was never thought to be material. The person doing the service or lending his money received these certificates, and was really the original holder, yet the face of the certificate spoke a different language. In this case a discrimination would be impossible; and much the largest part of the public debt was contracted in this way, after the war was over. Many debts had been paid by merchants and others to their foreign creditors and others, in certificates at their nominal value; and, in other cases, individuals had failed, and the loss had wholly fallen on their creditors. Mr. B. earnestly contended that the expense of a discrimination would exceed the revenues of the United States. The nature of transferable stock, which is designed to operate as current money, forbids the idea of a discrimination, and all public credit must necessarily fail if such a doctrine was to prevail in the finances of the Union. This was a very serious and important idea, worthy the attention of the applicants, who certainly were interested in the public weal. The right of freemen to dispose of their own property as they please, was involved in the question: for if the Government was to make up every loss on a transfer, then it ought not to be made without their consent. Mr. B. hoped he would not be understood to deny either the services or the sufferings of the Army; but he alleged the promised recompense was given, which had been transferred with all the legal and equitable right to the holder, who had received from Government the full value, and therefore no further demand either in law or equity remained against the Government. The negotiable quality was a principle in the securities insisted on by the Army, and which they had used as they chose, for different purposes, and from different views. He acknowledged that the generosity, benevolence, and humanity of Congress, had been addressed to this he answered, that they were but stewards of the people's property, for which they were answerable; that they were not sent here to show their generosity; it was to do justice; and that not to one class, but to every description of citizens. He knew of but one rule for every citizen of the United States. They were all equally represented in that House; but at all events it became them to be just before they were generous.

Mr. B. assured the House that he had taken up so much of their time, because he found that no one had come forward fairly to meet the question, and he had too great a regard for the memorialists to wish them to go away under the idea that anything had been refused to them which ought in propriety to have been done. At any rate, he had candidly and above-board given the reasons of his vote on this important occasion, which would be against the question proposed by the gentleman from Virginia.

The Committee now rose, without taking any question.

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TUESDAY, January 13.

An engrossed bill relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted, was read the third time and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States; which was read twice and committed.

On a motion made and seconded,

"That a committee be appointed to prepare and bring in a bill for placing on the pension list all such officers and privates of the Militia as have been or shall be wounded or disabled in the service of the United States, and not provided for by law."

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on Thursday next.

On a motion made and seconded,

"That the memorial and petition of sundry merchants of the city of Charleston, in the State of South Carolina, engaged in commerce previous to the late Revolution, which was presented to this House at the last session, stating the particular hardships under which they labor, from the twofold causes of the operation of the fourth article of the definitive Treaty of Peace, and of so much of the act of Congress for funding the public debt, as redeems the old Continental money, at the rate of one hundred dollars thereof for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time; and the latter depriving them of all hope of indemnity from the effects of depreciation and tender laws, to which they were exposed during the war, and praying relief," be referred to the consideration of the Committee of the Whole House to whom are referred the memorials of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland.

This motion occasioned a debate; those who opposed it, contended that it was a distinct and different case from that of the officers; that it involved a very different investigation and could not therefore be connected with it; and that it appeared to be designed to embarrass and perplex the application of the officers.

In support of the motion, a variety of reasons were adduced to show that the cases were parallel, and that there was no propriety in making a distinction between different classes of citizens in their application for relief in similar cases. After considerable debate,

The previous question being called for by five members, to wit: "Shall the main question, to agree to the said motion, be now put?"

It was resolved in the affirmative—yeas 30, nays 24, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Daniel Heister, Aaron Kitchell, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett,

Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Alexander White, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, Jonathan Dayton, William B. Giles, Andrew Gregg, William Barry Grove, Thomas Hartley, James Hillhouse, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Peter Sylvester, Thomas Tredwell, Abraham Venable, Artemas Ward, and Francis Willis.

And then the main question being put, that the House do agree to the said motion, it passed in the negative—yeas 24, nays 30, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Aaron Kitchell, Amasa Learned, George Leonard, Samuel Livermore, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Egbert Benson, Jonathan Dayton, William B. Giles, Christopher Greenup, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, Israel Jacobs, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Theodore Sedgwick, Peter Sylvester, John Steele, Thomas Tredwell, Abraham Venable, Artemas Ward, Hugh Williamson, and Francis Willis.

PAY OF THE LATE ARMY.

The petitions of the officers of the late Army being under consideration in Committee of the Whole, the following motion was made by Mr. GERRY, viz:

"Resolved, As the opinion of this Committee, that provision be made for such officers, non-commissioned officers, and soldiers of the late Army of the United States, who received certificates for the balances due to them on a final settlement of their respective accounts: *Provided*, That such provision shall not exceed the difference between the nominal amount of the said certificates and the real amount, estimated at the present rates in the market, of the certificates which are or may be issued for those first mentioned, pursuant to an act making provision for the Debt of the United States."

Mr. CLARK moved an amendment, which was to insert in the first clause after the word "for," all persons who have received liquidated certificates for services rendered or supplies furnished during the late war; and, on this motion to amend, Mr. HARTLEY made the following observations:

Mr. H. wished that a question upon the prayer of the petitions might be fairly taken, without any embarrassment or connexion with another subject. Let us, he said, consider and discuss the claims of the officers and soldiers of the late Army, and either grant them, or dismiss their petitions with decency. The gentleman from New Jersey

yesterday came forward with a resolution, expressing that the prayer of the petitioners could not be granted. If this was consistent with his opinion, it was candid; he appeared openly to avow his sentiments. I cannot say quite so much in his favor to-day for withdrawing his motion. Indeed, the motion presented by the gentleman from Massachusetts comes forward in so questionable a shape, that I am at a loss to know who are friends or enemies to the objects of the petitioners. To adopt the proposed amendment, I consider as death to the motion on the table; it embraces too much; it contemplates what the abilities of this country are not competent to. I hope it will not be agreed to. The officers and soldiers attempt to show that there is a distinction between their case and other citizens; besides, what have they to hope from the bounty and magnanimity of the nation? It may not be amiss for me here to mention, that I have never had a certificate, and that I am not personally interested in the question. I was an officer in part of the war, but have nothing to ask for here. I consider that the officers and soldiers have a claim of justice as well as equity, besides what they might expect from the magnanimity of the nation. I shall say but a few words on the sufferings and distress of the Army; they were great, and unexampled in the history of mankind. Those who are now present, and were either in the Cabinet or field, must know the force of my observation. I will not detail the scenes of misery exhibited during the war. To support the rights and liberties of the country, officers and soldiers freely entered into the service. In the year 1776, the officers had half-pay; in the year 1777, the pay was nominally increased, but unfortunately depreciation came on, and their actual compensation was less than the year before. I have a respect for a militiaman, but his case cannot be compared, in point of difficulties and danger, to that of the officer and soldier—the former occasionally called forth, the latter constantly at the post of danger and duty. There was certainly an inequality in their situations, which ought to have been compensated for to the soldier. The officer who was married, though he could meet the dangers of the field himself, yet could not view with fortitude the poverty and misfortune which threatened his family.

Congress had made no provision to grant half-pay to the officers (who should serve to the end of the war) until some time in the year 1778. Several officers who were well attached to the cause, owing to their necessities and the circumstances of their families, were obliged to resign. The Commander-in-Chief saw the evils which threatened his country and the Army; he stated them to Congress; some strong promises and appearances were absolutely necessary on the part of Government, or the Army would not be kept together. These were made in the most solemn manner. Many officers and soldiers were retained. Depreciation still continued. The soldier, hungry and forlorn, was obliged to take the paper that was offered him by the Government. This was not in general the case with the farmer; the latter

most commonly parted with his property voluntarily. One kind of paper followed another during the war; each depreciated; but still Congress, by repeated resolutions, (in order to induce the officers and soldiers to remain at their post,) engaged that they should be compensated at the end of the war. Certificates of different kinds were issued; and I believe Congress, and the whole American world, expected they were to be paid in specie as soon as there was sufficient ability in the Government. And I still think there is a difference between their claims and those of other citizens. At the first session of Congress under the present Government, the House resolved that they would support the public credit; and strong expressions were used. This gave great confidence to the public; certificates were enhanced in value, and many of them had passed into the hands of strangers, under the faith of Government; so that, when the Funding bill passed, nothing could be done without the consent of the holders. I wished exceedingly for an opportunity to give my aid in favor of the officers and soldiers who had served to the end of the war. It was a voluntary act in the holder to fund his debt at about four per cent., and it appears there is a considerable saving to Government out of the earnings of the officer and soldier, and which may fairly and honorably be granted to them. I mean to reach this. Those who concur with me in sentiment, ought to be against the amendment now under consideration, and assist to alter the motion so as to embrace the objects we have in view.

The Committee rose without coming to any conclusion.

WEDNESDAY, January 16.

The House again resolved itself into a Committee of the Whole House on the memorials of the late officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland; and, after some time spent therein, the Chairman reported that the Committee had again had the said memorials under consideration, and come to a resolution thereupon; which being amended to read as follows:

"Resolved, That it is the opinion of this Committee that the prayer of the memorials of the officers and soldiers of several of the lines of the late Army of the United States, ought not to be granted."

The question was taken, that the House do agree to the said resolution, and it was resolved in the affirmative—yeas 43, nays 10, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Philip Key, Aaron Kitchell, John Wilkes Kittera, John Laurens, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, Alexander D.

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Orr, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, Jeremiah Wedworth, Alexander White, and Hugh Williamson. N. Y. A.—John Baptist Ashe, Abraham Baldwin, Elbridge Gerry, William B. Giles, Christopher Greenup, Thomas Hartley, James Madison, John Francis Mercer, John Page, and Thomas Tredwell.

Ordered, That Mr. GAVES be added to the committee appointed the 14th of November last, to take into consideration that part of the President's Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed in last session, for the regulation of the Post Office, in the room of Mr. STEELE, excused from serving thereon.

Ordered, That Mr. MERCER be added to the committee to whom was recommitted the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair.

THURSDAY, January 17.

The House resolved itself into a Committee of the Whole House on the bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was read twice, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to continue in force, for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

INDIAN TRADE.

The House resumed the consideration of the bill to regulate trade and intercourse with the Indian tribes, which lay on the table;—when

Mr. MADISON's amendment came up for consideration, viz: to strike out the eighth section, which provided that no sale of land made by any tribe of Indians shall be valid to any person or State, whether such State may have the right of pre-emption or not, unless the same be made and executed at some public treaty held for that purpose, under the authority of the United States: And in lieu thereof, to insert a new section, declaring that no person shall be capable of acquiring any title to any lands beyond the Indian boundaries, and within those of the United States, by purchase, gift, or otherwise, from the Indians claiming the same; and that it shall be a misdemeanor in any person, punishable by fine and imprisonment, at the discretion of a jury, to obtain, accept, or treat for any title to such lands. And when any Indians shall desire, of their own ac-

cord, to sell any part of their lands, and it shall be deemed for the interest of the United States that a purchase shall be made, the same shall be done no otherwise than by a treaty to be entered into pursuant to the Constitution; the lands so purchased to enure to the use of whoever may have the right of pre-emption thereto, and who shall pay the price thereof.

Mr. MADISON observed, that misunderstandings, quarrels, and wars with the Indians, had originated from the circumstance of persons having obtained, through fraud, or other improper means, possession of lands belonging to the Indians. This consideration rendered it highly important that this whole business should be under the absolute and sole direction of the public authority, in order to guard effectually against the fatal consequences which may result to the public by being precipitated into a war, through the arts of unprincipled persons, who, while the public are made to sustain great calamities, often find means to extricate themselves from bearing their proportion of its inconveniences and expenses.

Mr. LIVERMORE moved, that the words "at the discretion of a jury;" "and it shall be deemed for the interest of the United States that a purchase shall be made," be struck out.

Mr. BARNWELL objected to the amendment. He thought the original section as comprehensive as the other; that it was better worded, and liable to fewer exceptions; for though the latter is longer, yet, sales made pursuant to treaties held under an authority not expressly pointed out, would be liable to cavil and revision; and the persons holding a treaty for the purpose of making purchases, are exposed to a penalty.

Mr. GILES preferred the substitute, because it provided a penalty for improper purchases.

Mr. FITZSIMONS proposed to retain the original section, and to amend it, by inserting after the word sale, *or gift*; and to add the penalty contained in the substitute.

The original section was struck out, and the new section was amended as proposed; and the bill and amendment were ordered to be engrossed and read a third time to-morrow.

FRIDAY, January 18.

An engrossed bill to continue in force, for a limited time, and to amend the act, entitled "An act providing the means of intercourse between the United States and foreign nations," was read the third time, and passed.

An engrossed bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina was read the third time, and passed.

An engrossed bill to regulate trade and intercourse with the Indian tribes was read the third time, and passed.

JOHN TUCKER.

The House resolved itself into a Committee of the Whole House on the bill to compensate John Tucker.

Mr. SEDGWICK moved to fill the blank with five

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hundred and nine dollars. Mr. TUCKER's petition stated that his actual expenses in attending on the Court five different times amounted to three hundred dollars, and that he paid nine dollars for a seal for the Circuit Court of Rhode Island.

The motion was opposed. It was said that it would establish a dangerous precedent for the Government to pay the voluntary expenses of an applicant for an appointment under the United States; and that in the present case the actual services only ought to be compensated according to the provision made by a subsequent law. In reply it was said, that it was taken for granted Mr. TUCKER had applied for the appointment, but no evidence of this is adduced; several circumstances were mentioned to show that the contrary was the fact, and that he was called to discharge the duties of the office. The question is, whether he ought not to have his necessary expenses, incurred in attending the courts reimbursed?

The motion for five hundred and nine dollars was superseded by a motion for three hundred and nine dollars, which was agreed to. The Committee rose and reported the bill with this amendment; which was adopted by the House, and the bill ordered to be engrossed for a third reading.

On a motion made and seconded,

"That a committee be appointed to bring in a bill to make provision of half-pay for seven years, to the widows and orphans of such officers of the Army of the United States as have been killed in the service, since the third day of June, in the year of our Lord one thousand seven hundred and eighty-four, or who may hereafter be killed in the service of the United States."

Ordered, That the said motion be referred to the consideration of a Committee of the Whole House on Wednesday next.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of Joseph Henderson; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and directed him to report to the House their disagreement to the same.

The House proceeded to consider the said report; and, on the question that the House do agree with the Committee of the Whole in their disagreement to the same, it passed in the negative.

And then the said report being amended at the Clerk's table to read as follows:

"Resolved, That there be allowed to Joseph Henderson a yearly salary of one hundred dollars, for his services as Paymaster to the Navy Board for the Eastern Department, from the tenth day of August, one thousand seven hundred and seventy-eight, to the tenth day of August, one thousand seven hundred and eighty-two, being four years; and that the officers of the Treasury be authorized to pass the same to his credit, and to settle his account accordingly."

It was, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. AMES, Mr. BENJAMIN BOWEN, and Mr. CLARK, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," in which they desire the concurrence of this House.

MONDAY, January 21.

An engrossed bill to compensate John Tucker was read the third time, and ordered to be recommitted to a Committee of the Whole House to-morrow.

Mr. WILLIAMSON from the committee appointed, presented a bill for the relief of sick and infirm seamen; which was read twice, and committed.

The bill sent from the Senate, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," was read twice, and committed.

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Mr. FITZSIMONS, from the committee to whom was recommitted the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States, reported an amendatory bill; which was received, read twice, and ordered to be committed to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into the said Committee; when

Mr. GILES moved that the proviso in the second section of the bill should be struck out, respecting the assent of the individual States to the new Loan, as it does not agree with the idea precisely contained in the resolutions on which the bill was founded; and, adhering to the provision contained in the Funding Law respecting these balances, he observed, that the bill now reported interfered with the disposition of the balances, whereas that law has vested the disposition of them exclusively in the several States.

Mr. FITZSIMONS said, that there was a variation in the proviso in the bill, from that in the original resolutions, which had accidentally taken place. He said, that the variation was certainly not in order, and he therefore moved that the proviso in the bill should be amended so as to conform to the resolutions.

Mr. SEDGWICK remarked, that the gentleman last speaking was undoubtedly right in respect to the point of order, but he did not draw the same conclusion. The proviso in the bill may vary from that in the resolutions; but if it more completely comports with the ideas of a majority of the Committee, he saw no good reason for not adopting it. He added some observations on the remarks of Mr. GILES, which he considered as making it a question, whether the Government should literally comply with its engagements or not? This, he hoped, would never be made a sub-

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ject of debate in the Legislature of the United States.

Mr. FITZSIMONS said, he hoped the amendment which he suggested, would take place.

Mr. CLARK observed, that he thought the bill was altogether wrong; he moved, therefore, that it should be recommitted. Mr. C. entered into a general consideration of the subject.

Mr. LAURANCE was in favor of the Committee's rising. He cited an instance in point, which occurred the last session. A select committee on the census had exceeded the limits of the principles agreed to in the Committee of the Whole; the bill they reported was accordingly recommitted; the House would not then consent to altering the bill in the House, as it would sanction a deviation from established principles.

Mr. MURRAY was opposed to the Committee's rising; he saw no occasion for it; the variation is merely verbal, and can be easily corrected.

The question for the Committee's rising was put, and agreed to. They accordingly rose, and reported progress. On motion, the Committee of the Whole was discharged. The bill was then recommitted to the select committee which reported it. The requisite alteration being made, the bill, as amended, was reported to the House twice read, and referred to a Committee of the Whole.

The Committee proceeded in the discussion of the bill.

Mr. MENCER, after stating that various unfriendly remarks were made on the Government, and on particular members, in consequence of the former assumption, and informing the Committee that there was a large sum of the paper money of a particular State in this town, which was selling at ten shillings in the pound, observed that this bill would appreciate the value of that paper perhaps to 20s. in the pound. In order, therefore, to give the fullest information to the people of the United States, and to prevent those at seven or eight hundred miles distance from being defrauded, he moved an amendment, the object of which was to prevent certificates which have been transferred within a certain period from being subscribed to the loan.

Mr. FITZSIMONS said, as he had brought forward the resolutions on which the bill was founded, he thought it incumbent on him to notice the observations advanced by the gentleman in support of his motion. He remarked, that with respect to the general sentiment of the people, perhaps he knew as little about it as others; but this he knew, that if unfavorable impressions had not been made, it was not because attempts had been wanting for that purpose on the part of individuals within these walls. With respect to himself, he felt no solicitude; but if any member of this House knew of any facts of the kind alluded to by the gentleman, let the person who knows of such things boldly come forward and charge openly the guilty; with respect to the present motion, he would have no objections to it, provided it did not interfere with the general provisions of the bill.

Mr. BOURNE said, he should be in favor of the

motion, provided it was practicable; but he did not see how it could be carried into execution.

Mr. WILLIAMSON supported the motion. He said it met his approbation so far as it would conduce to protecting the original holders of the State debts from such speculations as they suffered at the time of the former assumption.

Mr. SEDGWICK remarked on the rapid rise of the value of the paper, in consequence of the former assumption, and said, that, considering what human nature was constituted of, the speculations alluded to, and which he had lamented as much as any man whatever, were to have been expected. He then adverted particularly to the remarks of Mr. MENCER, in which he had said he had his suspicions even of the members of the House. Mr. SEDGWICK said, the ears of members had been often assailed by insinuations and suspicions of the base conduct of individuals in this House, as speculating in their own measures. If, said Mr. SEDGWICK, there is so base and infamous a character within these walls; if there is one member of this House who has been guilty of this abominable conduct, of plundering his constituents of their property, in the manner represented, let his name be mentioned, let the man be pointed out. From the part he had taken in this matter from the beginning, and from the suggestions which had been circulated, he had some reason to suppose it might be intended to implicate him in the charge. He could not help feeling himself called upon to notice such indiscriminate insinuations, such attempts to affix a stigma on particular characters; men whose reputation is their dearest possession. Mr. SEDGWICK then offered several objections to the motion; he remarked that its tendency would be to keep open the door of speculation.

Mr. MENCER replied to Mr. SEDGWICK; he observed, that his remarks were directed to human nature at large; he considered it as a point not to be controverted that temptation, in proportion to its extensive and flattering prospects, would always have an influence; for himself, he could never wish to have his own honor and integrity put to the test. He subscribed to the sentiments of Mr. SEDGWICK, respecting the sacred nature of reputation, and repeated the lines from Shakspeare:

"He that robs me of my good name," &c.

Mr. WHITE said he disapproved of the principle on which the amendment was brought forward. He believed the aspersions on the members of Congress were totally unfounded. He did not doubt but speculations had been carried on to a very great extent, during the dependence of the Funding Act; but this could not be avoided; men would venture according to their opinion of the final event of the measure, and prices would consequently fluctuate. When the proposition for dis-crimination was brought forward, the price of paper fell: when it was rejected the price rose again. It was probably the same with regard to the State Debts, in the various stages of the subject; but surely no suspicion of improper conduct could fall on those who voted uniformly either for or against the measure. Indeed the above has generally fallen on those who opposed the assump-

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tion in the extent first proposed, and voted for it as finally modified. These were but five in number; they were easily known; three yet retain their seats, two are of the same State with the gentleman who offered the amendment, and are not now members of the House; that he was of the number, and he was confident that no man applying the charge of speculation to himself or to any one of those who voted with him, would believe there was the shadow of truth in it; but he would attend to the discussion; and, however he might dislike the reason assigned for offering the amendment, if he found any good likely to arise from it, would give it his vote.

Mr. MENCER's remarks brought out several other members, who, severally adverted to the circumstances attending the passing the Funding Act, showed that though they had voted for the system, that they were not influenced by personal considerations.

The motion of Mr. MENCER was repeatedly modified and altered, and then further debated.

Mr. BARNWELL said, he disapproved of the motion; it appeared to be a very extraordinary measure indeed; the ostensible motive is to prevent speculation, but it will have directly the contrary effect. The way, in his opinion, to prevent speculation, was to appreciate the value of the certificates in the hands of the holders; but what will be the effect of this measure? it will lessen the value of the paper immediately, by preventing the possession or from transferring the property. This he considered as a retrospective measure, and that the Government had no right to abridge the right of transferring; it is a quality of the property, and cannot be taken away by any subsequent law. He considered the measure as counteracting the principles of the bill altogether, the design of which is to give a value to the paper in the hands of the owners. In every view of the proposition he was opposed to it; and though it appears designed to benefit the distant creditors, yet he felt so fully persuaded that it would operate to the disadvantage of his constituents, that he should under every modification vote against it.

Mr. MADISON replied to Mr. BARNWELL; he observed, that the gentleman argued from proper principles, if they had been applied to a different case. The present proposition of providing for these balances is a voluntary business, which this Government is under no obligation to engage in; but having engaged in it, the measures it may adopt on the occasion, have no necessary reference to, or connexion with the general regulations under which the paper now exists; the Government may make just what arrangements it thinks proper. The provision now contemplated, he remarked, was however to be justified on its own merits; the uses and the consequences resulting from it, were designed to be salutary; and with respect to persons remote from the Seat of Government, who are equally entitled to protection in every sense with those who reside there, they would evidently be benefited by the regulation.

Mr. MURRAY opposed the motion, as being hostile to the public faith, as involving an infraction

of that faith, so far at least as the value of the certificates have been enhanced in consequence of what has already been done.

Several other members spoke on the occasion; and the motion was at length negatived by the Committee.

TUESDAY, January 22.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his Report on the petition of Thomas Wishart; which were read, and ordered to lie on the table.

A memorial of the manufacturers of cordage, lines, and packthread, of Providence, in the State of Rhode Island, was presented to the House and read, praying the attention of Congress to the said manufacture, by repealing the drawback of the duties imposed by law on the reshipment and exportation of cordage, twine, and packthread, of foreign manufacture; and allowing a drawback of the aforesaid duties on foreign hemp, in case of its being manufactured and reshipped in the United States, or otherwise, as to the wisdom of Congress may seem meet.

Ordered, That the said memorial be referred to Mr. BENJAMIN BOURNE, Mr. GOODRUE, and Mr. MOORE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. WILLIAMSON, from the committee appointed, presented a bill to promote commerce by the increase of American seamen; which was received, read twice, and committed.

The House proceeded to consider the report of the committee on the petition of Henry Emanuel Lutterloh, made on the 8th of May last: whereupon,

Resolved, That the Accounting Officers of the Treasury cause the account of Colonel Henry Emanuel Lutterloh, for his traveling and passage expenses, incurred in coming to America and joining the Army of the United States, in one thousand seven hundred and seventy-seven, being seven hundred and forty-six dollars, to be settled, and the amount thereof to be paid out of the Treasury of the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. GROVE, Mr. SCHOONMAKER, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

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The House again resolved itself into a Committee of the Whole House on the bill to authorize a Loan, in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States:

Mr. MENCER's proviso was again under consideration, some objection being made, Mr. MENCER offered the proposition in a new form, still preserving the original object respecting transfers or sales of certificates. The debate was renewed on this motion. The question being at length taken, the proposition was negatived—32 to 28.

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The second section being read, Mr. STURGES moved an addition, which authorizes the States respectively to prescribe the several species of the notes or certificates which shall be subscribed to the loan. This was agreed to.

A proviso was moved by Mr. WILLIAMSON to the following purport: "That no certificate of any State shall be considered as the debts of the State which shall not be recognised as such by the Legislature thereof within twelve months after the same shall have been subscribed." Without deciding on this, the Committee rose, and reported progress.

WEDNESDAY, January 23.

The SPEAKER laid before the House a Letter from the Governor of Maryland, enclosing a return of the election of WILLIAM HINDMAN, to serve as one of the members of this House, for the said State, in the room of JOSHUA SENEY, who has resigned his seat; which were read, and ordered to lie on the table.

A member, in his place, laid before the House a Letter from the Governor of Kentucky, enclosing a representation from the Legislature of the said State, respecting an adjustment of a claim of that State against the United States, for the expense of certain expeditions against the Indians; which were read, and ordered to lie on the table.

LOANS AND FINANCES.

Mr. GILES submitted to the consideration of the House certain resolutions; after reading which, he proceeded to mention the reasons which had influenced him in moving them. The resolutions are as follows:

"Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before this House copies of the authorities under which loans have been negotiated, pursuant to the act of the fourth and twelfth of August, one thousand seven hundred and ninety, together with copies of the authorities directing the application of the moneys borrowed.

"Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause this House to be furnished with the names of the persons by whom, and to whom, the respective payments of the French debt have been made in France, pursuant to the act for that purpose; specifying the dates of the respective drafts upon the Commissioners in Holland, and the dates of the respective payments of the debt. A similar statement is requested respecting the debts to Spain and Holland.

"Resolved, That the Secretary of the Treasury be directed to lay before this House an account exhibiting, half-monthly, the balances between the United States and the Bank of the United States, including the several Branch Banks, from the commencement of those Institutions, to the end of the year one thousand seven hundred and ninety-two.

"Resolved, That the Secretary of the Treasury be directed to lay before this House an account of all moneys which may have come into the Sinking Fund, from the commencement of that Institution to the present time; specifying the particular fund from which they have accrued, and exhibiting, half-yearly, the sums uninvested, and where deposited.

"Resolved, That the Secretary of the Treasury be

directed to report to this House the balance of all unapplied revenues at the end of the year one thousand seven hundred and ninety-two, specifying whether in money or bonds, and noting where the money is deposited; that he also make report of all unapplied moneys which may have been obtained by the several loans authorized by law, and where such moneys are now deposited."

The resolutions, said Mr. GILES, have grown out of the embarrassments I have met with in attempting to comprehend the Report of the Secretary of the Treasury, made in pursuance of an order of this House of the 27th of December, 1792, exhibiting sundry statements respecting foreign loans. These embarrassments have increased in proportion to the attention which I have bestowed on the subject; and a number of official papers to which I have had reference for information, instead of elucidating, seem rather to obscure the inquiry. To obtain necessary information, and no one can doubt the immediate applicability of this information to a bill now lying upon your table, for the purpose of relieving the loan of \$2,000,000 made of the Bank of the United States, by opening a new loan for that sum abroad, and by changing the application of the like sum already borrowed and appropriated to the discharge of the debt to France from its original destination to the immediate discharge of the debt to the Bank.

The first resolution has arisen from that part of the printed Report of the Secretary of the Treasury which exhibits the terms upon which various loans have been made abroad, but neither presents the precise authorities under which those negotiations have been made, nor the precise amount of the sums borrowed for the separate and distinct objects of the two acts mentioned in the resolution.

Another reason has more strongly suggested the propriety of calling for the information requested by this resolution. The bill now upon your table, which has been before alluded to, contemplates the whole of the moneys borrowed from abroad, and now on hand, as being originally appropriated to the discharge of the French debt, and proposes to change the original destination of these identical moneys; and the reason assigned for this measure has been the unsettled state of affairs in France.

In the printed Report of the Secretary of the Treasury, he remarks that the same moneys are applicable to the Sinking Fund. It appears strange, that after express and distinct appropriations by law, that any misunderstanding relative to this object should exist, and the information called for may possibly explain this seeming contradiction.

The second resolution has arisen from that part of the printed Report marked B, and which exhibits the payments made to France, but does not furnish the names of the persons engaged in those negotiations, nor does it present to view the length of time those persons have been possessed of the public moneys, by stating the dates of the respective drafts in Holland, and the dates of the

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actual application of the moneys to the discharge of the debt; and it is evident that from the times the loans are respectively created, to the times of the actual application of the moneys borrowed, the United States are paying the usual interest upon the debt intended to be redeemed, and the stipulated interest upon the moneys borrowed for the redemption. This remark is equally applicable to the payments of other foreign debts with the payments of the debt to France.

The third resolution has arisen from calculations drawn partly from the last page of the printed report, and from the original Bank book of the United States, from which it appears that the balances in Bank in favor of the United States were as follows:

In Bank, Philadelphia, 30th May, 1792, and 16th June, same year, in branch banks \$676,952 55
1792, June 30th, in all banks in the United States 555,271 22
July 28th and 31st, in all banks in the United States 511,423 91
August 25th, 30th, and 31st, in all banks in the United States 740,903 87

On the 1st of June, a loan was negotiated with the Bank of the United States on the part of the United States, for \$100,000, at 5 per cent. per annum. On the 1st of July, another loan was made upon the same terms for the like sum. On the 1st of August, another loan was made upon the same terms for the like sum. On the 1st of September, another loan was made upon the same terms for the like sum. It appears from the last page of the printed Report, that there had been drawn into America, from the 15th of December, 1790, to the 27th of January, 1792, of the moneys borrowed abroad, the sum of 2,663,921 florins, 2 stivers, and 6 deniers. If this sum were expended, and lodged in the bank at the times of making these loans, (and Congress have never yet been informed of any deficiency of revenue,) the United States will, of consequence, have paid upon the moneys borrowed from the Bank of the United States, from 15 to 17 per cent. per annum, to wit: they will have paid 5 per cent. upon the original debt to France, 5 per cent. upon the moneys borrowed for its redemption, exclusive of douceurs and other charges, and 5 per cent. upon the sum borrowed of the bank, which may be deemed part of this deposit made in the Bank by the United States. But, discarding these inferences, it must at least be admitted that the United States are paying 5 per cent. for the loan of moneys from the Bank, when a sum larger than the loan itself, is actually deposited in Bank. It is here to be remarked, that a balance of cash is admitted, by the Treasurer's return, to have been in his hands on the 31st of December, 1790, amounting to \$973,342 43, and in July 30, 1791, the sum of \$582,189 54.

I am informed that bills are often drawn in favor of the Bank for moneys in the hands of the revenue officers in distant parts of the United States, and that credit is entered in the Bank book upon the receipt of such bills, although the moneys may not actually be in Bank for some time after the credit is entered, and hence it is inferred that the Bank-book does not conclusively show the real sum in Bank, not to mention that such bills answer all the purposes of cash, and ought therefore to be credited upon the receipt of them. It is to be remarked that there is a regular and continual influx of moneys into the Bank by the operation of these bills. It is not very material whether a bill lodged in Bank to-day, should be paid to-day, provided something like the same sum should be paid in consequence of a bill lodged in Bank one or two months ago, and the bill of to-day should be paid one or two months hence. The following statement will, in some measure, explain this idea, by exhibiting half-monthly the balances of public money in all the banks, about the middle and end of each month, beginning with May, 1792, and ending with December of the same year:

May	\$340,322 11
May	332,116 35
June	776,107 65
June	523,272 22
July	441,637 13
July	521,426 91
August	743,470 19
August	740,903 08
September	696,302 23
September	367,981 25
October	456,895 52
October	473,388 99
November	681,250 09
November	811,212 51
December 15	1,020,824 73
December 22, and January 5—	790,642 11

The fourth resolution has arisen from that part of the printed Report which remarks that the residue of the sum drawn from Holland, amounting to \$1,668,188 27 is applicable to the purchase of the public debt. It is known that the sum of \$1,374,656 40, being the surplus of the revenue up to the end of December, 1790, was originally appropriated to the Sinking Fund; that the surplus of other appropriations have been applied to this fund, and that the interest of the debt purchased has also been wholly appropriated to its increase. It is also known that between \$1,100,000 and \$1,200,000, and no more, of the original appropriation, have been really invested in the purchase of the debt; it is, therefore, somewhat unaccountable that so large a sum as \$1,668,188 should be drawn from the loans abroad, when the Sinking Fund has always overflowed from domestic resources, and when the probability of purchasing is extremely lessened by the rise in the price of paper and the limitations of the last act of Congress upon that subject. It would not be deemed an economical arrangement to make a loan of so large a sum of money upon terms by no means honorable or advantageous, and appropriate it to the purchase of the debt under limitations which would forbid its investment. The information called for in this resolution may possibly explain these difficulties.

H. or R.]

Loans and Finances.

[JANUARY, 1793.]

The fifth and last resolution has arisen from that part of the printed Report (page 5) which states the whole sums drawn from Holland to amount to \$2,304,769 13; but neither immediately presents to view the balance on hand, nor informs where that balance is deposited. It appears by the Bank-book, that the whole deposits of the United States in Bank at this time, from all resources, amounts to \$790,642 11. Hence, it will appear from a statement partly conjectural, and partly founded upon the statements in the printed Report, and some official documents, that \$1,554,851 43 remain unaccounted for, as will appear from the following account:

Sums which ought to be in the Treasury.

Whole moneys drawn from Holland, as stated in the printed Report, page 5	\$2,304,769
Deduct paid for St. Domingo, as stated in printed Report, page 5	455,263
Leaves a balance of	1,859,506
Deduct to foreign officers, if paid	191,316
Leaves a balance of	1,668,190
Add surplus of Sinking Fund, conjectural	400,000
Add surplus of revenue of 1792, reported at	277,385
Whole amount	2,345,495
Sums not taken into this estimate: First. Any moneys not paid of the \$191,316, due to foreign officers. Second. So much moneys in Bank as arose from the revenues. Third. The receipts of the current year.	
From this aggregate sum of	\$2,345,495
Deduct in Bank	790,642
Balance not accounted for	1,554,853

In this last estimate, cents have not been taken into calculation, which makes an inconsiderable variation in some of the sums.

Another circumstance appears somewhat singular: in the printed Report, 2,986,000 florins are stated to have been drawn from Holland in the year 1792. In the Bank-book, it appears from the list of bills drawn, that 8,695,237 florins were drawn for in the same time. This difference, I presume, may admit of explanation probably from the manner of negotiating this matter, or from some casual mistake. It deserves, however, to be explained.

It appears from another statement, made up to the 1st of April, 1793, that there ought to be at that time a sufficient sum of money in the Treasury to reimburse the loan of 2,000,000 dollars to the Bank, and to answer all the other purposes of Government.

Treasury, Dr.

April 1, 1793. Balance of foreign loans	\$1,668,182 27
Surplus of Sinking Fund, conjectural	400,000 00

JANUARY, 1793.]

Balances due certain States.

States as shall have balances due to them upon a final settlement of accounts with the United States.

Mr. WILLIAMSON's proviso was taken into consideration.

Mr. MACON offered another, in lieu of Mr. WILLIAMSON's; the purport specifying particularly certain notes of the State of North Carolina, which that State had procured, and which he proposed should be excluded from the loan now under consideration. The certificates are those issued at Warrenton, in 1786; certificates to pay for a militia expedition against the Indians in 1788; and certificates signed Patrick Travers.

Mr. WILLIAMSON withdrew his motion, and that moved by Mr. MACON was agreed to.

Several other amendments were moved, but not agreed to.

The Committee, having gone through with the discussion of the bill, rose, and reported it, with sundry amendments. The House took the same into consideration, and agreed thereto.

Mr. MERCER then renewed his motion for a proviso respecting assignments or transfers of State certificates. The object is, to exclude from the loans all certificates so transferred or assigned, from the first day of January, 1793, to the first day of June following.

Some further debate took place. It was urged in support of the motion, that the provision now to be made for a certain description of creditors, is merely a benefit; in conferring which, the Government had a right to annex what conditions they thought proper; that it was the duty of the Legislature to take measures to prevent those at a distance from the Seat of Government from being speculated upon, to their great injury and loss; that imputations have been thrown upon the members of the Legislature, in respect to the advantages taken of the uninformed on the first assumption; and therefore, as an opportunity is now offered to the House to purge themselves of all suspicions of improper motives, the amendment ought to take place. In answer to the objection on the proviso's being retrospective, it was said, that it had relation to such assignments or transfers only, as have taken place since this act originated.

In opposition to the proviso, it was said, that the present bill was not merely a bounty or benefit conferred on the creditors; it is a measure just, reasonable, and proper in itself; and on this principle only it is to be justified. It was further urged, that the proviso was unconstitutional, having a most manifest retrospective operation, interfering with contracts which the parties at the time had a most undoubted right to make, and thus altering the value of their property; it was reviving the principle of discrimination between the original holders and the assignees, a principle that had been so pointedly reprobated by a large majority of the Legislature on a former occasion.

A motion was then made, and seconded, further to amend the said bill, and debate arising thereupon, an adjournment was called for, and the House adjourned.

2d CON.—28

THURSDAY, JANUARY 24.

BALANCES DUE CERTAIN STATES.

The House resumed the consideration of the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States; whereupon, a motion was made, and the question being put, further to amend the said bill, by adding, to the end of the second section, the following proviso, to wit:

"Provided, That no such notes or certificates shall be subscribable in any name, other than that of the original owner, if living, or if dead, of his legal representative, and except such as are, or may be, transferred by executors, administrators, or assigns, under any bankrupt act, unless accompanied with an affidavit, certified by a magistrate, that the transfer or assignment to the party, in whose name and behalf the subscription is offered, was not made at any time between the first day of January and the first day of June next, and that such party is the true and bona fide proprietor thereof."

It passed in the negative—yeas 30, nays 33, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Nathaniel Niles, Alexander D. Orr, John Pugh, Josiah Parker, Cornelius C. Schoonmaker, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, Hugh Williamson, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, John Wilkes Kitters, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Sumpter, Samuel Sterrett, Jonathan Sturges, Thomas Sumner, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, and Artemas Ward.

A motion was then made, and the question being put, further to amend the said bill, by inserting, after the word "State," in the second section, the words "for services rendered, or supplies furnished, during the late war;" it passed in the negative; yeas 29, nays 30, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Abraham Clark, Jonathan Dayton, William Findley, William B. Giles, Christopher Greenup, William Barry Grove, Daniel Heister, Aaron Kitchell, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Pugh, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, John Steele, Thomas Tredwell, Abraham Venable, Alexander White, and Hugh Williamson.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearjashub Bourne, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin

H. or R.]

Balances due certain States.

[JANUARY, 1793.]

min Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Israel Jacobs, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

Ordered, That the further consideration of the said bill be put off until to-morrow.

FRIDAY, January 25.

Mr. AMES, from the committee appointed, presented a bill to authorize the adjustment of a claim of Joseph Henderson against the United States; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill granting further compensation to certain Receivers of Continental taxes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question, that the said bill be engrossed and read the third time, it passed in the negative—yeas 22, nays 24, as follows:

YEAS.—Egbert Benson, Benjamin Bourne, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, Samuel Griffin, Thomas Hartley, Daniel Huger, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Milledge, Frederick Augustus Muhlenberg, John Page, Josiah Parker, Theodore Sedgwick, Peter Sylvester, Samuel Sterrett, Thomas Sumpter, Abraham Venable, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Elias Boudinot, Shearshub Bourne, Abraham Clark, Jonathan Dayton, Andrew Gregg, William Barry Grove, Daniel Heister, James Hillhouse, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, George Leonard, Nathaniel Macon, Andrew Moore, Jeremiah Smith, Israel Smith, George Thatcher, Thomas Tudor Tucker, and Artemas Ward.

So the said bill was rejected.
The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his report on the petition of John Manly; which were read, and ordered to lie on the table.

BALANCES DUE CERTAIN STATES.

The House resumed the consideration of the bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them upon a final settlement of accounts with the United States. Whereupon,

A motion was made, and the question being put, further to amend the said bill as follows, to wit: strike out, in the first section, the words "within — months," and, in lieu thereof, after the word "same," insert "to commence on the first day of January, 1794," it was resolved in the affirmative—yeas 39, nays 20, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, William B. Giles, Nicholas Gilman,

Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, James Hillhouse, Israel Jacobs, Aaron Kitchell, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Samuel Livermore, James Madison, John Milledge, Andrew Moore, William Van Murray, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, Abraham Venable, and Alexander White.

NAYS.—Elias Boudinot, Abraham Clark, Thomas Fitzsimons, Elbridge Gerry, Benjamin Goodhue, Thomas Hartley, Daniel Heister, Daniel Huger, John Laurance, George Leonard, Nathaniel Macon, Frederick Augustus Muhlenberg, Nathaniel Niles, Peter Sylvester, John Steele, George Thatcher, Thomas Tredwell, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

And on the question that the said bill be engrossed and read the third time, it was resolved in the affirmative, the House being equally divided, to wit: yeas 32, nays 32, and the SPEAKER declaring himself with the yeas.

The yeas and nays are as follows:

YEAS.—Jonathan Trumbull, Speaker, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, John Wilkes Kittera, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Van Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

SATURDAY, January 26.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of expenditures for the War Department, from the 1st of October, to the 31st of December, 1792, inclusive; which was read, and ordered to lie on the table.

MONDAY, January 28.

BALANCES DUE CERTAIN STATES.

An engrossed bill to authorize a Loan in the certificates or notes of such States as shall have balances due to them, upon a final settlement of accounts with the United States, was read the third time, and the bill being on its passage—

Mr. HARTLEY said: I have attended to the debates on this bill, and considered the subject, and am fully convinced that the bill should pass. By the

JANUARY, 1793.]

Balances due certain States.

[H. or R.]

act for settling the accounts between the United States and individual States, the balances were assumed to be paid to the creditor States. The bill under consideration gives the alternative to the State (which shall be found a creditor) either to receive the balance herself and pay it to her citizens, or suffer them to fund their certificates with the General Government. I believe it will be found, on experience, most convenient to the creditor, and least expensive to the people, for the creditors to subscribe to a loan with the General Government. This, however, will rest in a great measure upon the individual States. Two taxes will be more expensive to collect than one; and if money is to go through two hands instead of one, in general it is attended with a double charge.

It is said, that the bill will offer a new field for speculation. It is possible that, to a certain degree, there may be weight in the observation; but after the experience we have had, the holders of certificates will not be easily imposed upon; and if the certificates of the individual States would be equalized, I am led to believe, that it would be of service to the community. They might, in a considerable degree, act as a medium in commerce, and in the transfer of property; but whilst they remain at different values, they will be mere objects of speculation. I regret exceedingly the great inequality of fortune, which has arisen among citizens, by the speculations in our paper; but in a great and mighty revolution, some partial evils must be expected, to obtain a general good. We are bound to pay our debts. I do not think that a large national debt is a blessing, but it is of high importance that the Government which is in debt should so dispose of it, as to do as little injury as possible, and if the same is practicable, produce a partial good.

In Pennsylvania our affairs appear to be in the highest state of prosperity; the farmer compensated for his labor; the mechanic everywhere fully employed and amply paid; commerce flourishing. Objections have been made against the law; yet I imagine if it is published, and the reasons for enacting it known, the public opinion of the State I represent, will be in favor of it. If we pass the act this session, we shall save the next Congress from much trouble and perplexity. We act now upon principle, without knowing how the balances will operate. If the creditor and debtor States were known, it would be found exceedingly difficult to reconcile the several interests. Remember the Representative bill; the Government had like to have been dissolved, on account of the various interests.

Much has been said about the interested motives of members. I may here say that I do not belong to that class called aristocrats, (if such there is among us.) I have always supported the rights of the people, according to the best of my judgment and abilities. I have almost in every instance received their approbation of my public conduct. In the present question I am not more interested than any other citizen; I have no certificates, I am no public creditor of any sort. I

mean to act upon principle, and vote for the passage of the bill.

Mr. PAGE, having moved the previous question, said that, in consequence of his aversion to waste the time of the House, which he always regarded as precious, he generally waited for the question, without troubling the House with his reasons for his vote, always satisfied if what occurred to him in support of it was offered by any other member, who might be better heard and understood—but that, when the names of the voters were to be held up to the public view, and when the vote he meant to give had been represented by some members, for whom he had the highest respect, as injurious to public creditors, as retrospective, and therefore unconstitutional in its operation, he thought himself bound to endeavor to justify his vote.

If the creditors, Mr. SPEAKER, who are the object of the bill before you, were, by the amendment, excluded from an application to their debtor, or were the General Government the only body to whom they could look for payment or common justice, I would most scrupulously avoid interfering with their claims; or, did the bill extend its influence to all the creditors of the States impartially, I might listen to some objections which have been made to a discrimination, said to be produced by the amendment. But, sir, granting all that has been objected to have its full force, I only find that such creditors of creditor States (for no others are to be benefited by this bill) as may not be able to establish their claims founded on a speculation, which was grounded on a supposition that this bill would pass, without the amendment now proposed, will only be left where they are, and where, in my opinion, they ought to be left—that is, to look to their original contract; and I do not contribute to seduce them from their attachment to their State, and from their reliance on its plighted faith. I wish not to see them deluded into an acceptance of four per cent. interest from the General Government of the United States, instead of six from their respective States, which I believe are willing and able to comply with their engagements. But, sir, if I were even an advocate for the assumption and for the complicated Funding System, I should vote for the amendment now proposed; because I think with my colleagues [Messrs. Madison and Giles] and the member from Maryland [Mr. MEXCE] that it is not only well calculated to prevent an improper scramble among speculators for the supposed benefit of the bill, but is proper to rescue the members of Congress from temptation, as well as from suspicion of speculating on their own laws. I therefore think, sir, I can honestly and conscientiously vote for the amendment.

Whilst I am up, (said Mr. P.) I will take the liberty of remarking that those gentlemen who so loudly and warmly replied to the member from Maryland, and supposed they were vindicating the honor of the House, in my opinion were greatly mistaken; their conduct tended to check free debate and bold investigation, and their remarks respecting newspaper information might be a dan-

gerous check to the freedom of the press. What avails the declaration of our Constitution respecting the freedom of the press, if it may be restrained by the conduct of members in either House of Congress? And surely it may be restrained by such remarks as have been so warmly made by members here, merely on a member's stating information in his place, and referring to newspapers for further confirmation. Bold must be the printer, and on a broad basis of a large subscription must he stand, who can repeat information so severely quoted in this House. The honor of the House can never be vindicated by such expressions; on the contrary, they may lead our constituents to suppose that at least passions prevail here, and animosities exist, which ought to have no place among us; and, indeed, such conduct may tend directly to produce consequences of a serious nature to members concerned in debate.

Mr. MADISON remarked, that an amendment now incorporated in the bill has changed its principles altogether. It was contemplated by the original bill to provide for debts incurred only for the support of the war; but by this amendment, debts are to be subscribed to the loan which were created subsequent to the period in which those debts originated that have been hitherto called debts of the United States. Another amendment has been added, which postpones the subscription to a period so distant as to anticipate the proper business of a subsequent Legislature, which will be more competent to decide upon it than this House is. The gentleman who brought forward this motion, assigned as a reason, that by this postponement the Senate would have a control over the subject which they would not have without passing the bill, and with this amendment.

Mr. M. reproached the idea of controlling the deliberations of a subsequent Legislature. He said the ground of the bill was changed. The postponement of the subscriptions renders it entirely unnecessary for the present Congress to decide upon it. He was in favor, therefore, of postponing it, and of the previous question.

Mr. GRAY said he did not expect this opposition to the bill, at this stage of the business, especially from gentlemen who had advocated the very principle on which the bill is founded, viz: a provision for the balances which shall be found due on a final settlement of the accounts. The motion for the previous question is founded on the remonstrance of the State of Virginia; a State which justly has the reputation of being wise in her councils and decisions, but on the present occasion is single and alone in her conduct in regard to this subject. No other State has come forward with such a remonstrance against the act and doings of the National Legislature. He concluded, therefore, that in this instance at least, that State is in an error; especially as the grounds of her complaints have been obviated. He then adverted to the general provisions of the bill, and showed that they were

* Mr. PAER had called for the reading of the proceedings of the Legislature of the State of Virginia relative to the funding system, particularly the assumption of the State debts. These proceedings were accordingly read.

perfectly consonant to the existing provisions made by former acts of the Government, respecting the balances which shall appear to be due to the several States. He alluded next to the several provisos and amendments of the bill which had been ingrafted in it, to accommodate it to the wishes of those who, notwithstanding, appeared to be as much opposed to it as ever. He was really surprised and confounded at the conduct of gentlemen in the Opposition. He noticed briefly the justice of the claims of the creditors; and concluded by observing that there were already sufficient difficulties to embarrass the operations of this Government, and he conceived that the opposition to measures calculated to doing justice in this particular case, was calculated to increase those difficulties and embarrassments.

Mr. AMES reproached the idea of putting the previous question. After a discussion of three weeks, it is now proposed to prevent a decision of the subject. He considered this as a very unfair and unjustifiable mode of procedure; such an one as the gentlemen in opposition to the bill, on mature reflection, would not themselves justify. He then noticed the scope of the arguments offered in support of the previous question, and urged a variety of considerations to show that the present was the most favorable time to decide the question. He deprecated the consequences of a postponement; it would be considered as a denial of justice on the part of the present Legislature, and as placing the creditors in the most uncertain situation as to their future fate; in short, he conceived it was such an evasion of justice as might put the country in a flame.

Mr. GILES replied to Mr. AMES. He conceived the consequences would be directly the reverse from those he had anticipated; he thought those who were to be benefited, who were comparatively but a small number, would not put the country in a flame: the danger was, that those who would suffer by the burdens which would result from the measure, would be thrown into a flame. He then entered into a general consideration of the subject, and urged a variety of reasons against the bill, and in favor of putting the previous question. Mr. G. also enlarged on the impropriety of precipitating the subject the present session.

Mr. WAITE said he had, last session, voted against the bill for assuming the State debts, but he should vote for the bill now under consideration. In this he thought he was perfectly consistent, as there was a radical difference between the two. The former was a proposition for assuming all the debts of all the States—the same which had been originally proposed at New York, and which he had uniformly opposed. The present is only for assuming to the amount of the balances which may be due to creditor States; this he always approved. He said he had heard but one argument against the propriety of coming to an immediate decision, which appeared to have any weight—that was, the unequal and imperfect representation. This, he said, was a circumstance which he felt as sensibly as any member of the House, and if the proposition was to impose bur-

dens on the people, or to change an established system, he should hesitate before he agreed to it; but neither of these was the present case; no additional sums were to be raised by the bill, and no change made in the mode of payment of the balances without the approbation of the States to which they may be due.

Having thus obviated this objection, he said, he would give the reasons which induced him to believe the matter ought now to be decided. He observed that, perhaps, it might have been well had the subject not been brought forward, considering the opposition which had taken place. He did not, however, censure the gentleman who introduced it; that gentleman had, as well as himself, been acquainted with the proceedings respecting the assumption, from the commencement. And he declared he did not expect, when the resolutions were laid on the table, that an objection would be made to them; and it was probable as little apprehension was entertained by the mover of the resolutions; but he thought the manner in which the bill had been opposed, and in which it had been supported, required an immediate decision. It had been made the criterion of the public faith of the Government, and of the fidelity of its officers. Those who were in favor of the bill, alleged, as one reason in support of it, that when the balances were known, the debtor States would not agree to make provision for those balances, agreeably to the existing law. He believed that this suggestion was unfounded; he did not believe it was possible that any man, whom the confidence of his fellow-citizens should place on

this floor, would ever refuse to carry that law into effect. He considered it as one of the pillars of the Constitution—a solemn compact between the United States and individual States—and he believed if ever this Government should be guilty of so gross a breach of faith, in a matter of importance sufficient to attract the general notice of the citizens, that there was an end to the Government itself. It was a Government founded on opinion; and when the opinion of the people ceased to support it, the Government must fall. On the other hand, the bill had not been opposed on its merits. No gentleman had attempted to point out the individual or the description of men who would be injured by the operation of the bill; they had opposed it wholly on collateral circumstances; they had supposed that if the States who had debts due to their citizens should have their balances discharged by assuming those debts, that they would oppose the payment of the balances to States which have no creditors. It had likewise been alleged, that the Commissioners for settling accounts might conduct themselves in such a manner as to render a legislative interposition necessary, to arrest the measures consequential on the settlement. He had no apprehension of such conduct on the part of the Commissioners, and could not legislate on a supposition that they would conduct themselves in a manner so very improper; but if they did, he could not see that the change in the payment of the balances could have any effect. If the Legislature could interfere where

States were concerned, they might do the same in the case of individuals. But as jealousies had taken place in the minds of the members, and as both sides of the House seemed to consider the passing this bill as giving a greater force and stability to the act for settling the accounts between the United States and individual States, it was a strong reason with him to give his assent to it. It had been said the passing the bill by so small a majority would occasion discontent and uneasiness among the people. This might be the case, but the same reason is equally applicable to a rejection of the bill by a small majority. But who are most likely to be dissatisfied? Those who by a rejection of the bill would feel themselves injured, at least disappointed in their expectations of advantage; or those who, notwithstanding its passage, would be left in their present condition? He believed, the former: so that as far as that argument had any weight, it was in favor of the bill.

Mr. MURRAY was in favor of the previous question. He thought the present stage of the business was the most proper to call for that question. It would, he said, have been justly exceptionable had the question been called previous to debate, but now it was strictly proper. Adverting to the merits of the bill, he objected to it as an infraction of the Funding System; that system provides for funding the balances in favor of the States, not the individual creditors. On this principle he considered the bill as establishing a dangerous precedent, and as affording a pretext for future infractions and mutilations of that system.

Mr. M., adverting to certain observations which had been thrown out respecting the uneasiness which was said to exist in some of the States, informed the House, that with respect to the State he had the honor to represent, the greatest apparent satisfaction with the measures of the General Government prevailed. It is true, said he, my constituents feel the pressure of taxes in common with the rest of their fellow-citizens, but they discover no disposition to complain; they consider the public burdens as the price of their liberties and independence, and, under this idea, submit to them with the utmost cheerfulness; at the same time confiding in the wisdom and justice of the Government that their impositions will be regulated according to the exigencies of the nation, and that no unnecessary taxes will ever be laid. He thought it necessary to say thus much, as he conceived too high a coloring had been given to some representations which the fancy of members had brought forward in their zealous opposition to the bill.

The previous question being called for by five members, to wit: "Shall the main question, that the said bill do pass, be now put?" it was resolved in the affirmative—yeas 33, nays 31, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, Philip Key, John Wilkes Kitters, John

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Half-Pay to Widows and Orphans.

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Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Millidge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

The main question, that the said bill do pass, being now put, it was resolved in the affirmative, the House being equally divided, viz: yeas 32, nays 32, and the SPEAKER declaring himself with the yeas.

Yeas.

YEA.—Jonathan Trumbull, Speaker, Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, Daniel Huger, John Wilkes Kitters, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Theodore Sedgwick, Peter Sylvester, William Smith, Samuel Sterrett, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Artemas Ward, and Alexander White.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, Israel Jacobs, Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Millidge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, John Steele, Thomas Tredwell, Abraham Venable, Hugh Williamson, and Francis Willis.

Ordered, That the Committee of the Whole House, to whom was referred the bill sent from the Senate entitled "An act in addition to the act entitled 'An act to establish the Judicial Courts of the United States,' be discharged from the further consideration of the same; and that the said bill be committed to Mr. BENSON, Mr. HILLHOUSE, Mr. WILLIAM SMITH, Mr. WHITE, and Mr. KITTERRA.

A Message was received from the PRESIDENT OF THE UNITED STATES, with an official statement of the expenditures to the end of the year 1792, from the sum of ten thousand dollars granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790; also, an abstract of a supplementary arrangement made in the District of North Carolina, in regard to certain surveys, to facilitate the execution of the law laying a duty on distilled spirits.

The papers accompanying the said Message were read, and ordered to lie on the table.

HALF-PAY TO WIDOWS AND ORPHANS.

The House resolved itself into a Committee of the Whole House on the motion of the 18th instant, for making provision of half-pay for seven years to the widows and orphans of such officers of the Army of the United States as have been killed in the service since the third day of June, 1784, or who may hereafter be killed in the service of the United States.

Mr. HARTLEY, who brought forward the motion, moved to strike out June 3, 1784, and insert 4th day of March, 1789.

Mr. LIVERMORE said he should be in favor of the motion if it went as far back as the year 1775, and comprehended the widows and orphans of the officers of the Army killed within two years from the commencement of the war.

Mr. WILLIAMSON said he should consider it his duty to move for an amendment to the proposition, in the progress of its discussion, by inserting a clause to provide for the widows and orphans of the officers of the militia.

Mr. WADSWORTH stated the reasons on which he supposed provision had not been made for the widows and orphans of those officers which were killed during the period alluded to by the gentleman from New Hampshire: one principal one was, that the new Government was not authorized by the Constitution to create any demands against the United States; the Government was bound to take up the debts as they found them. The old Government had not recognised the claims of those widows and orphans alluded to. With respect to the present resolution, he was opposed to the amendment; he thought it ought to go back to June, 1784, the commencement of the present Indian war. He should move for other amendments to the resolution, that it should provide not only for those who may fall by the sword, but for such as die in the public service. He should also be for extending the provision to the widows and orphans of the officers of the militia. He considered it as a most disgraceful thing to a Government not to make provision for the families of those who sacrificed their lives in the cause of their country.

The motion for striking out June 3, 1784, was put and carried. The other part of the motion, to insert 4th day of March, 1789, was not put, being superseded by a motion for the Committee's rising. The Committee then rose, and reported progress.

TUESDAY, January 29.

The House proceeded to consider the report of the committee to whom was referred the Report of the Secretary of War on the petition of Thomas Wishart. Whereupon,

Resolved, That Thomas Wishart is entitled to the pay of a Lieutenant in the Army of the United States, from the 15th of November, 1776 until the 15th of October, 1781; and that the Comptroller of the Treasury be authorized to settle and adjust the account of the said Thomas Wishart accordingly.

Ordered, That a bill or bills be brought in, pur-

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uant to the said resolution; and that Mr. PARKER, Mr. GORDON, and Mr. ASHE, do prepare and bring in the same.

Mr. BENSON, from the Committee to whom was referred the petition of Robert Heaton, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act regulating Foreign Coins, and for other purposes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

The said bill, together with the amendments thereto, was then read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to regulate the claims to Invalid Pensions," with several amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of the Useful Arts;" and, after some time spent therein, the Committee rose, and had leave to sit again.

WEDNESDAY, January 30.

Another member, to wit: WILLIAM HINDMAN, returned to serve in this House, for the State of Maryland, in the room of JOSHUA SENEY, who has resigned his seat, appeared, produced his credentials, and took his seat in the House.

The House proceeded to the consideration of the amendments proposed by the Senate to the bill entitled "An act to regulate the claims to Invalid Pensions." Whereupon,

The amendments of the Senate to the bill to regulate claims to Invalid Pensions, were taken into consideration. Being read, it was moved that the bill should be recommitted to a Committee of the Whole.

This motion was objected to, as it would set the whole subject afloat, and might in its consequences preclude the Senate from an opportunity of receding from their amendments, and agreeing to the bill as it passed the House.

In answer to this objection, it was said, that the amendments involved an entire new principle, a principle which had not been discussed in the House; and that is, they make distinction in the situation of those invalids whose cases have been decided on by the Secretary of War, and that of the persons whose claims have been examined by the judges. The cases of the latter are not recognized by the amendments.

The motion for recommitting was carried in the affirmative, and the subject made the order of the day for to-morrow.

PROMOTION OF THE USEFUL ARTS.

The House again resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of Useful Arts."

The motion offered by Mr. WHITE, the purport of which is to amend the first section by striking out what relates to the Director of the Mint, and inserting a clause which provides for the appointment of an officer to be denominated "the Director of Patents," was further considered.

Mr. LIVERMORE objected to the form of the amendment as indirectly providing for a new establishment.

Mr. WHITE withdrew his motion, and offered the following, in substance, in lieu of it:

"That an office shall be established for the purpose of granting patents, vesting in the authors of useful inventions and discoveries the exclusive right to their inventions and discoveries: said office to be under the direction of an officer to be denominated _____."

Mr. LIVERMORE said he liked this motion, because it brought the subject directly before the Committee. This object, however, he disliked; it sounded like a provision for granting _____ dollars per annum—a sound which he was always averse to. He was altogether in favor of devolving the business on some officer already appointed: the Secretary of State he mentioned as a proper officer to superintend this subject.

Mr. PAGE said he should not agree to the amendment if he thought a salary would be the consequence. He supposed that provision might be made for the officer without recurring to a salary: he alluded to fees from the patentees. He objected to devolving the subject on the officer of the Mint, or of the Secretary of State, as interfering with the essential duties of those officers; and, though the gentlemen at present in those offices are abundantly qualified to execute the duty, yet it may happen that persons may hold those appointments at some future time not qualified for this particular service.

Mr. MURRAY observed that the amendment contemplated the appointment of one officer only, and that to be fixed at the seat of Government. He suggested several considerations in favor of investing the Judges of the District Courts with the power of granting patents in the several States, and the greater accommodation of the citizens, and the more extensive encouragement of genius. He was in favor of giving greater facility to the issuing of patents than has hitherto been considered as advisable.

Mr. WHITE said he thought the gentleman's idea would not do, as patents might be issued in the different parts or extremes of the Union for the same invention.

Mr. MURRAY said that he conceived a remedy for this inconvenience might easily be devised.

Mr. BOURNOR said that one great objection to the present mode of obtaining patents was, the great delay and expense incurred by the applicants in being obliged to wait till the officers now empowered to decide on applications could find leisure, from the special duties of their offices, to attend to them. With respect to devolving the duty on the judges, he hoped that would not be done; as it would be found, judging from the engagements of the District Judge of Pennsylvania, that they could not possibly attend to the business.

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Mr. BALDWIN objected generally to any amendment which should provide for the institution of a new department. His opinion was, that no office should be created till there was an absolute necessity for it. He entered into a brief consideration of the subject, and attempted to show that the business might with ease and convenience be attended to by some officer already appointed.

Mr. WILLIAMSON, advertising to the principles of the bill, said it was an imitation of the Patent System of Great Britain; that the provisions were such as would circumscribe the duties of the department of disputes arising from contested claims will devolve on referees altogether. He was decidedly opposed to creating a new Department—expense to the Government would be the inevitable consequence. The question on Mr. WHITE's motion was negatived.

Mr. MURRAY said, he intended to move to strike out "Director of the Mint," for the purpose of inserting "the Judge of the District wherein the applicant might reside." As he thought the bill of great consequence as it related to the useful and ornamental arts, he would trouble the Committee with his reasons. He thought it was of consequence that, while the law holds out an invitation to genius, the mode of gratifying the fair and honest inventor should be as easy as possible. The Director of the Mint must reside at the Seat of Government; and, if he alone, or any other person, were exclusively empowered to issue patents, the benefits of invention would be but very partially enjoyed by the citizens who reside at a distance from the Seat of Government. The law ought to facilitate the granting of patents; and, as the right of exclusive enjoyment, at least for a limited term, was inherent in all equally, in every part of the nation, so all should, as far as possible, have equal facility in making their pretensions known and effectual. A country in Europe (Great Britain) had afforded, it was true, much experience on the subject; but regulations adopted there would not exactly comport in all respects either with the situation of this country, or with the rights of the citizen here. The minds of some members had taken a wrong direction, he conceived, from the view in which they had taken up the subject under its analogy with the doctrine of patents in England. There is this strong feature which distinguishes that doctrine in that country from the principles on which we must settle it in this. These patents are derived from the grace of the Monarch, and the exclusive enjoyment of the profits of a discovery is not so much a right inherent as it is a privilege bestowed and an emanation of prerogative. Here, on the contrary, the citizen has a right in the inventions he may make, and considers the law but as the mode by which he is to enjoy their fruits. England is one entire kingdom. Its Court is the scene where its prerogative diffuses its bounties, and, being stationed at London, the business can be well managed in a single spot. Here, on the contrary, there are fifteen States, sovereign as to many purposes, and forming within themselves centres of

attraction for the ingenious and aspiring. London, in that country, not only attracts as the mart of genius and of all that contributes to ease or gain, but, by its immense combination of things, aids invention, and draws the genius into action which it may have attracted. But we are differently circumstanced, both as to local situation, and as to the thing as it regards the principle on which it is to be obtained. The distance from the extremes of the Union, or from its centre to its extremes, is very great. If the power were lodged with the District Judges, the citizen of ingenuity would have an opportunity of taking a patent certainly with more ease than if you oblige him to take a journey of perhaps six or eight hundred miles. The facility of enjoyment would prove an incentive to invention. Difficulty and distance would discourage it, and would frequently overpower the wish to obtain a patent for a discovery the profits of which would often be doubtful.

One and but one objection had been made to this alteration: that if the District Judges have the power, patents may issue in different places for the same discovery. This would be an evil, but is not without a remedy. Patents are matters of record. Let it be the duty of the Judge, immediately after the granting of a patent, to transmit a copy of the application, with all the necessary description of the article, to the Supreme Court, from which it may be easily disseminated to every District Court, and through the United States. An inventor desirous of obtaining a patent, would, of course, examine the patent records to see whether he had been anticipated. The grant of a patent does not destroy a claim or right founded in priority. Here he would observe, that, if the inconvenience were not entirely removed by this measure which he proposed, neither was the inconvenience of conflicting claims as to originality and priority of discovery removed by any provision of the bill as it stands; nor could human ingenuity, perhaps, devise a complete mode in which it could be obviated. If a man who is really the inventor, chooses to try his title as to the originality of the invention, even after a patent is given to another, he will make and vend the article, and the solid title will be tried before a jury in an action brought against him by the patentee. If the measure he proposed were not deemed a sufficient guard, he would suggest the propriety of a further caution: Let the application be published and remain in the office, as in England it does (he believed) two months in the office of the Attorney General, that a caveat may be entered by any man who might claim or dispute the applicant's title.

He believed that the bill, either as it tended to foster the genius of men, or was considered with respect to distant emolument and national character, was extremely important. It was almost immediately one of those laws that embraced national views and national citizenship, and looked to an object of advantage which nothing but a National Government could secure. Without the aid of a General Government, the genius of the Americans could not reap its fruits. Nor had the

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State Governments given a fair occasion for the display of the ingenuity which he believed existed in the country. As to this great object, which requires national citizenship, the State laws were impotent. He thought that it was of consequence that no invention, however small or irrelative it might at first appear, should be lost; and, where he saw the idea of a patent law ridiculed by some, and unattended to by others, he believed they were accustomed to take things in their appearances, and had not exerted their reflection. A little reflection would teach us that whatever is great and astonishing in the works of art was humble in its origin, had been opposed by ignorance or cramped by poverty, and had become important but by gradual accumulation and a very slow progression; and that the wisdom of Government should be exerted in forming a repository, where nothing that might eventually be of service should be suffered to perish. He therefore wished to see such a law as would not only secure what might be offered near the Seat of Government, but invite and draw forth the useful invention of those who lived at a distance. That it should present an easy method of granting its protection, he therefore moved, that the Judge of the District wherein the applicant may reside, should be substituted for Director of the Mint.

Mr. WILLIAMSON offered a few objections to this motion, the question on which was taken, and decided in the negative.

On motion of Mr. SENOWICK, "Director of the Mint" was stricken out, and "Secretary of State" inserted.

Mr. WHITE moved an amendment by way of proviso, the purport of which is, to preclude the inventor of an improvement to a machine from using the original invention, or the author of the original machine from using the improvement. This motion, after some opposition, was agreed to.

Mr. WILLIAMSON moved an amendment to the second section, which provides that the requisite oath or affirmation may be taken before any Judge of the United States, or of any particular State, or any person authorized to administer an oath in the place where the applicant resides. Agreed to.

Mr. WILLIAMSON proposed another amendment, which should vest a discretionary power in the officer to dispense with the production of a model when he should think proper. Agreed to.

The Committee proceeded in the discussion of the bill as far as the seventh section; they then rose and reported progress, and the House adjourned.

THURSDAY, January 31.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill entitled "An act regulating Foreign Coins, and for other purposes," with an amendment to the last amendment; to which they desire the concurrence of this House. The Secretary also brought to the House a Letter, received and read in the Senate, from Monsieur Le Brun, heretofore Royal Com-

missioner at the Tribunal of the District of Constances, in France, addressed to the Congress of the United States, stating the delay of payment of a debt due to the heirs of Jerom Michael Le Brun, late an officer in Armand's Legion, for services in the United States during the late war.

A petition of Brown & Francis, of Providence, in the State of Rhode Island, merchants, was presented to the House and read, praying to be allowed the amount of the drawback on a quantity of gin and codfish, exported from the port of Providence, and duly landed at Calcutta, in the East Indies, and St. Eustatia, in the years 1791 and 1792, of which they are possessed of sufficient evidence, although not in the form prescribed by law.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GROVE, from the committee appointed, presented a bill to reimburse Henry Emanuel Luterloh for expenses incurred in coming to America to join the Army of the United States; which was received, read twice, and committed.

Mr. PARKER, from the committee appointed, presented a bill to authorize the Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States; which was received, and read twice and committed.

PROMOTION OF THE USEFUL ARTS.

The House again resolved itself into a Committee of the Whole House on the bill to amend an act entitled "An act to promote the progress of Useful Arts."

The seventh section was read; some amendments were proposed, but disagreed to.

A motion was made to strike out the 8th section, for the purpose substituting another, which should provide, that all interfering claims for patents, should be determined at the option of the parties, either by the Secretary of State, or by arbitrators, &c. This motion gave rise to debate. It was at length moved to amend the motion, by striking out all the words after "Secretary of State," this motion was not agreed to. Various other amendments to the motion were moved, and last, it was finally agreed to the following modification: That interfering applications for patents shall be determined by the Secretary of State; or, if all parties require it, by arbitrators, &c.

The motion for striking out the 8th section, and inserting the amendment, was put, and agreed to.

The Committee finished the discussion of the bill; they then rose and reported the same with amendments, which were laid on the table.

FRIDAY, February 1.

The Letter from Monsieur Le Brun, communicated in a message from the Senate yesterday, was read, and ordered to be referred to the Secretary of the Treasury, with instruction to examine the matter thereof, and make report thereupon to the House.

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The House proceeded to the consideration of the amendment proposed by the Senate to the last amendment of this House to the bill entitled "An act regulating Foreign Coins, and for other purposes." Whereupon,

Resolved, That this House doth agree to the said amendment to the amendment.

The House resolved itself into a Committee of the Whole House on the amendments proposed by the Senate to the bill entitled "An act to regulate the claims to Invalid Pensions," and, after some time spent therein, the Chairman reported that the Committee had had the said amendments under consideration, and directed him to report to the House their agreement to some and disagreement to others of the said amendments. The House proceeded to consider the said report and amendments: Whereupon,

Resolved, That this House doth agree to the amendments to the first and second sections; and doth disagree to the amendments to the fourth and fifth sections of the said bill.

The House proceeded to the consideration of the amendments reported yesterday by the Committee of the Whole House to the bill to amend an act entitled "An act to promote the progress of Useful Arts," and, the same being read, were agreed to. And then, the said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed and read the third time on Monday next.

A petition of James Montgomery, master and commander of the revenue cutter called the General Greene, in behalf of himself and the officers of the said cutter, was presented to the House and read, praying that the compensation allowed by law to the officers and crews of revenue cutters may be augmented, and rendered more adequate to their services.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial and petition of the manufacturers of cordage, lines, twine, and packthread, in Philadelphia, was presented to the House and read, praying that so much of the existing revenue laws of the United States as allows a drawback on foreign cordage, lines, twine, and packthread, may be repealed, and the duties imposed on said articles increased; and that the duty on hemp, when manufactured within the United States, and exported therefrom, may be refunded to the exporter.

Ordered, That the said memorial and petition be referred to the committee to whom was referred, on the 22d ultimo, the memorial of the manufacturers of cordage, lines, and packthread, of Providence, in the State of Rhode Island; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

PROMOTION OF THE USEFUL ARTS.

The amendments to the bill to amend the act, entitled an act to promote the progress of Useful Arts, were taken into consideration; some amend-

ments being made to these amendments, the whole were agreed to; additional amendments were proposed; among others,

Mr. MURRAY moved to add the words "being citizen or citizens of the United States," after the words *person or persons*; the object of which is, to prevent foreigners from obtaining patents in this country for inventions which they have already obtained patents for in Europe; by which means the citizens of the United States might be prevented from obtaining patents for the same, or similar inventions.

This motion was agreed to.

Mr. KIRTELL moved to reduce the period for which patents should be granted, from fourteen to ten years; this motion was negatived. The bill was then ordered to be engrossed for a third reading to-morrow.

MONDAY, February 4.

An engrossed bill to amend an act entitled "An act to promote the progress of Useful Arts," was read the third time and passed.

The House proceeded to consider the report of the Secretary of the Treasury on the petition of Alexander Contee Hanson, which was made on the 30th of April last: Whereupon,

Resolved, That the Accounting Officers of the Treasury be authorized to liquidate and pay the account of Alexander Contee Hanson, for traveling expenses and attendance at New York as one of the Judges appointed by the General Government to determine a controversy between the States of South Carolina and Georgia, which was, without his knowledge, compromised; and that the allowance be the same as that provided by law for the traveling expenses and attendance of the present members of Congress.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. MERRICK, Mr. PAGE, and Mr. STURGES, do prepare and bring in the same.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a report, and sundry statements marked A, B, C, D, E, and F, made in pursuance of the resolutions of this House of the 23d ultimo; which were read and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, do lie on the table.

TUESDAY, February 5.

The House resolved itself into a Committee of the Whole House on the bill to authorize the Comptroller of the Treasury to settle the account

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of Thomas Wishart, late a Lieutenant in the Army of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Resolved, That a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report the mode of examining the votes for President and Vice President, and of notifying the persons who shall be elected of their election, and to regulate the time, place, and manner of administering the oath of office to the President.

Ordered, That Mr. WILLIAM SMITH, Mr. MADISON, and Mr. LAURANCE, be of the said committee on the part of this House.

The House resolved itself into a Committee of the Whole House on the bill to repeal part of a resolution of Congress of the 29th of August, 1793, respecting the inhabitants of Post St. Vincents; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And then, the said bill being amended at the Clerk's table, was, together with the amendment, ordered to be engrossed and read the third time to-morrow.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for allowing a compensation to the President and Vice President of the UNITED STATES, to commence from the 4th day of March next; and that Mr. SEDGWICK, Mr. DAYTON, and Mr. BARNWELL, be the said committee.

The House proceeded to consider the bill sent from the Senate entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," which lay on the table: Whereupon, the said bill, together with the amendment agreed to yesterday, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 48, nays 7, as follows:

YEA.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjehub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Daniel Hugler, Israel Jacobs, Philip Key, Aaron Kitchell, Amasa Learned, Richard Bland Lee, George Leonard, Nathaniel Macon, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, William Smith, John Steele, Thomas Sumpter, Thomas Tudor Tucker, Jeremiah Wadsworth, Alexander White, Hugh Williams, and Francis Willis.

YEA.—Samuel Livermore, John Francis Mercer, Nathaniel Niles, Josiah Parker, Jonathan Sturges, George Thatcher, and Thomas Tredwell.

The House resolved itself into a Committee of

the Whole House on the report of the committee to whom was referred the petition of Woodrop and Joseph Sims; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows: *Resolved*, That the remission of duties on a quantity of salt and wines entered at the port of New York, which, together with the ship, was lost on the passage from thence to Philadelphia, in March last, ought to be granted, agreeable to the prayer of the petitioners.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. KEY, Mr. GROVE, and Mr. TUCKER, do prepare and bring in the same.

Mr. MERCER, from the committee appointed, presented a bill to make compensation to Alexander Contee Hanson; which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the motion of the 18th ultimo, for making provision of half-pay for seven years, to the widows and orphans of certain officers of the Army of the United States; and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. KEY reported that the Committee had, according to order, had the said motion under consideration, and come to a resolution thereupon; which he delivered in at the Clerk's table, where the same was twice read, and agreed to by House, as follows:

Resolved, That provision of half-pay for years to the widows and orphans of such officers of the Army of the United States, as have been killed in the service, since the fourth day of March, one thousand seven hundred and eighty-nine, or who may hereafter be killed in the service of the United States, ought to be made by law.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. HARTLEY, Mr. WADSWORTH, and Mr. GREENUP, do prepare and bring in the same.

A message from the Senate, informed the House, that the Senate disagree to the bill, entitled "An act to authorize a Loan in the certificates or notes of such States, as shall have balances due to them upon a final settlement of accounts with the United States." The Senate also insist on their amendments, disagreed to by this House, to the fourth and fifth sections of the bill, entitled "An act to regulate the claims to Invalid Pensions," and desire a conference with this House on the subject-matter of the said amendments; to which conference, the Senate have appointed managers on their part: The Senate have also agreed to the amendment, proposed by this House, to the bill, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters." The Senate have also passed the bill, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'" The House proceeded to consider so much of the

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said message, as desires a conference on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to regulate claims to Invalid Pensions." Whereupon.

Resolved, That this House doth agree to the said conference, and that Mr. SEBASTIAN, Mr. GILLES, and Mr. BURNETT, be appointed managers at the same on the part of this House.

The House resolved itself into a Committee of the Whole House on the bill to reimburse Henry Emanuel Lutterloh, for expenses incurred in coming to America, to join the Army of the United States during late war; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was then ordered to be engrossed, and read a third time to-morrow.

Mr. HARTLEY, from the Committee appointed presented a bill to make provision of half-pay to the widows and orphans of certain officers; which was received, read twice and committed.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill to authorize the adjustment of a claim of Joseph Henderson, against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was then ordered to be engrossed, and read a third time to-morrow.

WEDNESDAY, February 6.

A memorial of the officers of the Rhode Island line of the late American Army, in behalf themselves and the soldiers of said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debt granted them for military services during the late war, may be made good, or such other relief afforded them, as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie on the table.

A petition of John Rogers was presented to the House and read praying compensation for certain lands on the Mississippi river, granted him by the State of Virginia, for his services as an officer in the line of the said State, prior to the cession made to the United States, of the Territory Northwest of the river Ohio; the title to which lands has since been ceded to the Chickasaw Indians, by the treaty of Hopewell, in the year one thousand seven hundred and eighty-six.

Ordered, That the said petition be referred to Mr. PAGE, Mr. LIVERMORE, and Mr. CLARK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House. An engrossed bill to repeal part of a resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincents, was read the third time and passed.

An engrossed bill to authorize the Comptroller of the Treasury to settle the accounts of Thomas

Wishart, late a Lieutenant in the Army of the United States, was read the third time and passed. An engrossed bill to reimburse Henry Emanuel Lutterloh for expenses incurred in coming to America, to join the Army of the United States, during the late war, was read the third time and passed.

An engrossed bill to authorize the adjustment of a claim of Joseph Henderson against the United States, was read the third time and passed.

Mr. SEBASTIAN, from the committee appointed, presented, according to order, a bill providing compensation to the President and Vice-President of the UNITED STATES, which was received, and read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the Secretary of War, to whom was referred the petition of Simeon Thayer; and, after some time spent therein, the Chairman reported, that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That Simeon Thayer, late a Major in the Army of the United States, who was disabled at the battle of Monmouth, be placed on the pension list of the United States; that he be allowed the half-pay of a Major, from the first of January, one thousand seven hundred and eighty-one, provided he return his commutation of half-pay, with interest thereon.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. BENJAMIN BOURNE, Mr. GILMAN, and Mr. ISRAEL SMITH, do prepare and bring in the same.

The House proceeded to consider the report of the committee on the petition of Elijah Bostwick: Whereupon,

Resolved, That there be allowed and paid to the said Elijah Bostwick, the sum of fifty-eight pounds, three shillings and four pence, current money of New York, being the amount of costs which he incurred in defending a suit commenced against him, as agent to the deputy Commissary General of the Northern Department, on public account.

Ordered, That a bill be brought in pursuant to the said resolution, and that Mr. SYLVESTER, Mr. KEY, and Mr. GROVE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the engrossed bill to compensate John Tucker; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time, immediately. An engrossed bill to compensate John Tucker, was read the third time; and, on the question that the said bill pass, it passed in the negative. And so the said bill was rejected.

PENSIONS TO DISABLED OFFICERS, &c.

Mr. GREENUP's resolution for placing on the pension list all such officers and privates of the

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militia as are or may be wounded in the service, and who are not provided for by law, was taken up in Committee of the Whole. The resolution was read by the Chairman.

Mr. GREENUP supported this resolution by observing that, as the militia was now called into service by the General Government, it was reasonable to make provision for such as may be wounded or disabled. Except this was done, he conceived that the United States would find it extremely difficult to procure an effective militia force on any occasion. Indeed, it was to be imputed to this cause that the militia had hitherto discovered so great a backwardness in turning out; and that those who had been in service were so indifferent, being principally substitutes. He added some remarks on the justice and good policy of making the provision; nor did he conceive that the increase of the pension list was a sufficient reason to prevent making that provision, when it is considered how important a subject is a competent defence to our frontiers.

Several gentlemen objected to the resolution as involving a very great and increasing expense. The increase of the pension list, it was said, ought not to be thought lightly of in a republican Government. It was said that, in the Militia law, the object of the resolution was in a great measure provided for; it does not, indeed, look back; but provision for particular persons may be made without going to an unlimited retrospective view of the case. The resolution was modified to refer to such officers, non-commissioned officers, and privates of the militia as have been wounded or disabled since the — day of —, or who shall hereafter be wounded or disabled in the service of the United States.

The debate was continued to a considerable length, in which the difference between the militia and the regular troops was stated. The latter, it was said, abandon every other pursuit and occupation when they engage in the service; and, in cases of wounds and disabilities incurred in the public service, are left absolutely without any other resource than the provision made for them by the public as pensioners. With respect to the militia, they are commonly persons of property, who leave their respective occupations for a time, and when the service is performed they have their farms and their various occupations to return to. It was said that it would be unspeakably better to pay the militia at an enhanced rate—such a rate as may be sufficient to induce them to turn out. That extending the system of pensions in the manner contemplated, would render the matter complex, extensive, and enormously expensive—while at the same time it would subject the public to innumerable impositions.

A motion was made that the Committee should rise, and that the resolution should be referred to the committee which reported the bill providing half-pay to the widows and orphans of the officers of the regular troops. After further debate, this motion was put and negatived.

The question on agreeing to the resolution, as modified, was then put and agreed to.

Mr. BARNWELL moved an additional resolution, which was agreed to; the purport of which was to regulate the mode of ascertaining the nature and degree of the disabilities, and the annual allowance to be granted for the same. The Committee then rose and reported the two resolutions to the House, as follows:

"Resolved, That provision ought to be made by law for placing such officers, non-commissioned officers, and privates, of the militia, as have been disabled in the service of the United States, since the — day of —, or shall hereafter be disabled in such service, on the pension list.

"Resolved, That provision ought to be made by law for establishing such regulations as may be necessary to ascertain the nature and degree of such disabilities, and the annual allowance to be made for the same."

The House adopted the resolutions, and referred them to a select committee, with instructions to report a bill.

THURSDAY, February 7.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House, of the fifth instant, for the appointment of a joint committee to ascertain and report a mode of examining the votes for President and Vice President, and of notifying the persons who shall be elected, of their election, and for regulating the time, place, and manner of administering the oath of office to the President; and have appointed a committee for that purpose on their part.

Mr. BENJAMIN BOURNE, from the committee to whom were referred the memorials of the manufacturers of cordage, lines, twine, and packthread, of Philadelphia and Providence, made a report; which was read, and ordered to be referred to the consideration of a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill providing compensation to the President and Vice President of the UNITED STATES; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House. And then a motion being made and seconded further to amend the said bill at the Clerk's table, by adding to the end thereof the following section, to wit:

"And be it further enacted, That this act shall continue in force for, and during the term of, four years, from the third day of March next, and no longer."

It passed in the negative—yeas 27, nays 33, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, William B. Giles, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, Israel Jacobs, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, John Steele,

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Thomas Sumpter, Thomas Tredwell, and Alexander White, Nats.—Fisher Ames, Robert Baskin, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, James Hillhouse, William Hindman, Daniel Huger, Philip Key, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, William Vans Murray, Nathaniel Niles, John Page, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Jeremiah Wadsworth, Ademas Ward, and Hugh Williamson.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. Key, from the committee appointed, presented a bill for the remission of the duty on a quantity of wines, the property of Woodrop and Joseph Sims; which was received, and read twice and committed.

Mr. BENJAMIN BOURNE, from the committee appointed, presented a bill for the relief of Simeon Thayer; which was received, read twice and committed.

Mr. Key, from the committee appointed, presented a bill to refund to Jacob Ball certain duties on pickled fish; which was twice read and committed.

The House proceeded to consider the report of the committee on the petition of Robert Heaton; Whereupon, That it is advisable that the several impost laws of the United States, so far as they may be deemed to impose a duty on horses, and other useful beasts imported into the United States for breed, be repealed.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. BENSON, Mr. SEDGWICK, and Mr. MADISON, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred, on the sixteenth of April last, the petition of the inhabitants of Newark, in New Jersey; and, after some time spent therein, the Chairman reported that the Committee had the said report under consideration, and come to no resolution thereupon.

FRIDAY, February 8

An engrossed bill providing compensation to the President and Vice President of the United States was read the third time and passed.

Mr. SYLVESTER, from the committee appointed, presented a bill for the relief of Elijah Bostwick; which was read twice and committed.

A memorial of the officers of the late American Army, now residing in the State of South Carolina, in behalf of themselves, and the non-commissioned officers and privates of the said Army, was presented to the House and read, praying that the debt granted them for military services during the late war, may be made good, or such other relief

afforded them as the present circumstances of the United States will admit.

Ordered, That the said memorial do lie.

A memorial of the merchants and inhabitants of the towns of Norfolk and Portsmouth, in the State of Virginia, was presented to the House and read, stating the inconveniences under which they labor from the number of sick and disabled seamen that daily frequent that port, and praying that a tax may be imposed on all vessels or seamen, for the purpose of establishing, in or near the seaport towns of the United States, marine hospitals, for the reception and support of sick and disabled seamen; or that such other regulations may be adopted, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the bill for the relief of sick and infirm seamen.

The House resolved itself into a Committee of the Whole House on the bill to make provision of half-pay to the widows and orphans of certain officers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the bill, with the amendments, do lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and the same being read, was agreed to.

Ordered, That a committee be appointed to prepare and bring in a bill to establish fees in the Treasury Department, for the transfer of public securities, and that Mr. CLARK, Mr. FINDLEY, and GERRY, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the duty on a quantity of wines, the property of Woodrop and Joseph Sims; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And, on the question that the said bill be engrossed, and read the third time, it passed in the negative; and so the said bill was rejected.

A message from the Senate informed the House that the Senate disagree to the bill, entitled "An act for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina." The Senate have passed the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," with several amendments; to which they desire the concurrence of this House.

SATURDAY, February 9.

A petition of the French inhabitants of Gallopolis was presented to the House and read, pray-

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ing that the title to certain lands in the territory of the United States Northwest of the river Ohio, which they purchased from the agent of the Scioto Company, in 1790, may be confirmed to them.

Ordered, That the said petition be referred to Mr. WADSWORTH, Mr. SEDGWICK, Mr. FINDLEY, Mr. WHITE, and Mr. BARNWELL; that they do examine the matter thereof, and report their opinion thereupon, to the House.

A petition of the officers of the Georgia line of the late Army of the United States, on behalf of themselves and the non-commissioned officers and soldiers of the said line, was presented to the House and read, praying that the depreciation which accrued on the certificates of debt granted them for military services, during the late war, may be made good, or such other relief afforded them as the present circumstances of the United States will admit. Laid on the table.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of the manufacturers of cordage, lines, twine, and packthread, of Philadelphia and Providence; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and directed him to report to the House their disagreement to the same.

The House proceeded to consider the said report; and, on the question, that the House do agree with the Committee of the Whole House in their disagreement to the same; it passed in the affirmative; and so the said memorial was rejected.

Mr. CLARK, from the committee appointed, presented a bill to establish fees to be paid on the transfer of public securities; which was read twice and committed.

Mr. GOODHUE, from the committee to whom were referred the amendments proposed by the Senate to the bill, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and regulating the same," made a report; and, the same being read, the House proceeded to consider the said report and amendments: Whereupon,

Resolved, That this House doth agree to the said amendments.

A message from the Senate informed the House that the Senate disagree to the bill, entitled "An act to authorize the settlement of the accounts of Lewis Garanger, for military services rendered during the late war."

MONDAY, February 11.

An engrossed bill for the relief of Simeon Thayer was read the third time and passed.

The SPEAKER laid before the House a Letter from the Postmaster General, respecting a tax imposed on the proprietors of the lines of stages, by a late law of the State of New Jersey; which was read, and ordered to be referred to the committee appointed to take into consideration that part of the PRESIDENT'S Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session, for the regulation of the Post Office.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act providing compensation for the PRESIDENT and VICE PRESIDENT of the United States."

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on so much of the Report of the Secretary of the Treasury, made the third of December last, as relates to a plan for the redemption of the Public Debt. The Report being read:

Mr. GILES adverted to the imperfect state of the information before the House, relative to the state of the funds, particularly as the resolutions calling for this information had not yet been completed with, and he was apprehensive the requisite statements would not be furnished during the present session; this being the state of things, he thought the Committee were not in a situation to go into a discussion of the subjects of the new loans and new taxes, without further light; he moved therefore that the Committee should rise. This motion was seconded.

Mr. FITZSIMONS was opposed to the motion. After briefly stating the importance of the subject, the general expectation of the people that something would be done the present session relative to a provision for reducing the Public Debt, the duty of the Government to avail itself of the right reserved to it of paying off a part of the Debt, the state of the Treasury, the material information already received from the Secretary, the actual surplus in the Treasury, &c., concluded by saying, that he hoped the Committee would not rise, but go into a discussion of the subject, take up the propositions offered by the Secretary, and adopt or reject them, as their merits shall dictate, or agree to others which may be brought forward by any member of the Committee.

Mr. SMITH, of South Carolina, alluding to the Speech of the PRESIDENT OF THE UNITED STATES, respecting this particular object, and the answer of the House thereto, gave a short account of the progress of the business in the House; it had been neglected ever since the 30th November, though the Secretary's Report has been in its possession ever since that period.

For the Committee then to rise, would be tantamount to a relinquishment of the object of the present session. He stated several particulars to show that it was probable the existing funds would be adequate to the object in some degree, without being obliged to have recourse to new taxes. He said, that he had been informed a gentleman of the Committee had prepared some resolutions re-

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lative to the subject; he hoped, therefore, that the Committee would not rise, but that the gentleman would produce his resolutions; that the Committee would take them into consideration, and at least take such steps in the matter as would manifest some disposition to meet the wishes of the people, and justify the professions made by so great a number of the members of the Legislature.

Mr. GILES repeated his objections, arising from the imperfect state of the information before the House; advising to the PRESIDENT'S Speech, he said, the propositions before the Committee were in direct opposition to the Speech. The Speech does not contemplate any new taxes, but the reverse. The propositions directly propose to go into measures for a reduction of the Debt; it was an object he much desired; but he called on gentlemen to show how this could be done with any propriety, when the most important and most necessary information respecting the funds is not in their possession.

Mr. LAURANCE adverted to the resolutions brought forward a few days since by Mr. GILES; and going over them one by one, he asked what connexion the present subject had with a solution of the principal part of the inquiries contained in those resolutions? The most important information expected from the requisitions contained in the resolutions, he observed, was in the possession of the House, particularly that which had any bearing on the present matter. He was opposed to the motion for the Committee's rising.

Mr. MERCER said, he saw no good end that would result from the Committee's rising. Had he the least suspicion that the project of the Secretary of the Treasury would be adopted, he would be one of the last that would rise in support of a motion to go into the discussion at the present time; but he had no such expectation. He then entered into a consideration of the documents before the House, received from the Secretary of the Treasury; he observed they were inaccurate, defective, and imperfect; they do not furnish the requisite information as to the expenditures of the public money, which have been already paid by the people. He showed the impropriety of laying any new taxes until satisfaction was had relative to the sums already paid; the people would not consider their interest consulted until this was done. He then urged several reasons in favor of a postponement of a permanent provision for the reduction of the Public Debt, till a more competent representation was on the floor; that it was extremely improper for the requisites of an imperfect representation at the close of the session to go into the consideration of so important business. He professed his wishes that provision should be made for the reduction of the Public Debt, and concluded by suggesting, that a temporary provision only be made the present session; further than this, he thought, it would be improper to go in the present state of affairs.

Mr. FITZSIMONS observed, that the gentleman

last speaking furnished him with an opportunity to suggest to the consideration of the Committee some ideas he had revolved in his own mind respecting a temporary provision. He then pointed out resources within the control of the Legislature that might be applied to this object, without recurring to new taxes, specifying the sum that would be wanted to begin the operation; he mentioned a particular surplus, and the Bank dividend as being adequate to the object.

Mr. CLARK said, he wanted information as well as the gentleman from Virginia; but he saw no use in the Committee's rising; they would get up where they sat down, if they should now rise. He wished the propositions which had been mentioned were brought forward, that they might be considered; but there was another subject which he thought had a prior claim to attention, and that was the debt due the Bank: in December that business was pushed with great zeal; since that time nothing had been said about it; this appeared mysterious.

Mr. LAURANCE rose to explain the state of the matter respecting the debt due to the Bank. The subject had been suspended, in order that the House might receive complete information as to the state of the public funds.

Mr. PAGE offered some general remarks on the Report of the Secretary of the Treasury, which he said, were considered by many persons as exceptionable in all its parts. He had his objections to it. He wished the whole subject to revert to the consideration of the Legislature, and had therefore seconded the motion for the Committee to rise, as the most delicate mode of giving the subject the go by.

Mr. MADISON defended an observation brought forward by Mr. GILES, which was, that there was a manifest impropriety in bringing forward abstract propositions for discussion, when it was not known what consequences were involved in the adoption of those propositions. Mr. MADISON stated a variety of particulars to show that such abstract propositions are improper. He professed his wishes that some provision should be made for reducing the debt; he believed his colleague was sincere in his professions to the same purpose. He recapitulated some of the objections arising from the imperfect state of the information before the House.

Mr. GILES withdrew his motion; his object in doing so was to give an opportunity for bringing forward the propositions which had been alluded to.

Mr. FITZSIMONS, after offering some remarks in answer to observations which had been made, tending to impeach his consistency and sincerity in the present case, read two propositions, the purport of which is, that an annual fund be constituted, to consist of one hundred and three thousand one hundred and ninety-nine dollars and six cents, to begin to accrue the first day of January, 1793; and that a loan to the amount of five hundred and fifty thousand dollars be made.

These being read by the Chairman, Mr. GILES renewed his motion for the Committee to rise.

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Mr. MADISON objected to these resolutions, as being abstract propositions.

Mr. VENABLE objected to them; he informed the Committee that in the course of the discussion he should move to apply the Sinking Fund to the object now under consideration.

Mr. MERCER objected to diverting the Sinking Fund from its appropriate object.

The Committee then rose and reported progress, and had leave to sit again.

EXAMINING VOTES FOR PRESIDENT, &c.

Mr. WILLIAM SMITH, from the committee appointed on the part of this House, jointly, with a committee appointed on the part of the Senate, to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for other purposes expressed in the resolution of the fifth instant, made a report; which was twice read, and agreed to by the House, as follows:

"That the two Houses shall assemble in the Senate Chamber on Wednesday next, at twelve o'clock: That two persons be appointed tellers on the part of this House, to make a list of the votes as they shall be declared: that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to both Houses, assembled as aforesaid, which shall be deemed a declaration of the persons elected PRESIDENT and VICE PRESIDENT, and, together with a list of the votes, be entered on the Journal of the two Houses."

Ordered, That Mr. WILLIAM SMITH, and Mr. LAURANCE, be appointed tellers on the part of this House, pursuant to the said report.

TUESDAY, February 12.

Mr. BENSON, from the committee appointed, presented a bill for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Elijah Bostwick; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have agreed to the report of the Joint Committee appointed to ascertain and report a mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for the other purposes expressed in the resolution of the fifth instant, and have appointed a teller on their part, pursuant to the said report.

The House again resolved itself into a Committee of the Whole House on so much of the Report

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of the Secretary of the Treasury, made the third of December last, as relates to a plan for the redemption of the Public Debt; and, after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

WEDNESDAY, February 13.

An engrossed bill for the relief of Elijah Bostwick was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill to refund to Jacob Bell certain duties on pickled fish; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to make compensation to Alexander Contee Hanson; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And on the question, that the said bill, with the amendments, be engrossed and read the third time, it passed in the negative; and so the said bill was rejected.

VOTES FOR PRESIDENT AND VICE PRESIDENT.

A message from the Senate informed the House that a PRESIDENT of the Senate is elected for the sole purpose of opening the certificates, and counting the votes of the several States, in the choice of a PRESIDENT and VICE PRESIDENT of the United States; and that the Senate is now ready, in the Senate Chamber, to attend, with this House, on that occasion.

Resolved, That the SPEAKER, attended by the House, do now withdraw to the Senate Chamber, for the purpose expressed in the said message.

The SPEAKER accordingly left the Chair, and, attended by the House, withdrew to the Senate Chamber, and, after some time, returned to the House.

The SPEAKER resumed the Chair.

Mr. WILLIAM SMITH and Mr. LAURANCE then delivered in, at the Clerk's table, a list of the votes of the Electors of the several States, in the choice of a PRESIDENT and VICE PRESIDENT of the United States, as the same were declared by the President of the Senate, in the presence of the Senate and of this House; which was ordered to be entered on the Journal, and is as follows:

FOR GEORGE WASHINGTON.

New Hampshire	6
Massachusetts	16
Rhode Island	4
Connecticut	9
Vermont	3
New York	12
New Jersey	7
Pennsylvania	15

H. or R.]

Examining Votes for President, &c.

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Delaware	-	-	-	3
Maryland	-	-	-	8
Virginia	-	-	-	21
Kentucky	-	-	-	4
North Carolina	-	-	-	12
South Carolina	-	-	-	8
Georgia	-	-	-	4
				132
FOR JOHN ADAMS.				
New Hampshire	-	-	-	6
Massachusetts	-	-	-	16
Rhode Island	-	-	-	4
Connecticut	-	-	-	9
Vermont	-	-	-	3
New Jersey	-	-	-	7
Pennsylvania	-	-	-	14
Delaware	-	-	-	3
Maryland	-	-	-	8
South Carolina	-	-	-	7
				77

FOR GEORGE CLINTON.

New York	-	-	-	12
Pennsylvania	-	-	-	1
Virginia	-	-	-	21
North Carolina	-	-	-	12
Georgia	-	-	-	4
				50

FOR THOMAS JEFFERSON.

Kentucky	-	-	-	4
South Carolina	-	-	-	1
				5

The SPEAKER laid before the House two Letters from the Secretary of the Treasury, the first accompanying copies of certain powers, instructions, statements, and correspondence in relation to foreign loans, transmitted pursuant to the resolutions of this House, of the 23d ultimo; the second of the said Letters, accompanying three several statements in relation to the Sinking Fund, and two other statements of cash in the Treasury during the years 1791 and 1792, also transmitted in pursuance of the said resolutions; which were partly read.

THURSDAY, February 14.

Mr. WADSWORTH, from the committee to whom were referred the petitions of the French inhabitants of Gallipolis, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' to which they desire the concurrence of this House; also, that the Senate have agreed to a resolution for the appointment of a committee, jointly, with a committee on the part of this House, to wait on the President,

and to notify to him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

Mr. WILLIAM SMITH, from the committee appointed to join such committee as may be appointed on the part of the Senate, to ascertain and report the mode of examining the votes for PRESIDENT and VICE PRESIDENT of the United States, and for other purposes expressed in the resolution of the 5th instant, made a report; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to join such committee as may be appointed by the Senate, to wait on the President, and to notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES.

Ordered, That Mr. WILLIAM SMITH, Mr. MADISON, and Mr. LAURANCE, be of the said committee, on the part of this House.

The House resumed the reading of the Letters and statements communicated from the Secretary of the Treasury, yesterday, and made further progress therein.

FRIDAY, February 15.

An engrossed bill to refund to Jacob Bell certain duties on pickled fish, was read the third time, and passed.

Mr. BENJAMIN BOURNE, from the committee to whom was referred the petition of sundry printers and booksellers of the city of Philadelphia, made a report; which was read, and ordered to be referred to the Committee of the Whole House to whom is committed the bill for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid.

Mr. GREENUP, from the committee appointed, presented a bill for placing on the pension list such officers and privates of the militia as may be wounded and disabled in the service of the United States; which was read the third time, and committed.

Ordered, That the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" be committed to Messrs. GOODRUE, HINDMAN, and JEREMIAH SMITH.

The House resumed the reading of the Letters and statements communicated from the Secretary of the Treasury, on Wednesday last, and went through the same.

Mr. BENSON, from the committee to whom was referred the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" reported several amendments thereto; which were read, and ordered to be committed to a Committee of the Whole House on Monday next.

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Transfer of Public Securities.

[H. or R.]

Mr. GILES, from the committee to whom was recommitteed, on the 14th of November last, the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, made a revisionary report; which was read, and, together with the first report, ordered to be referred to the consideration of a Committee of the Whole House on Wednesday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose, with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. WILLIAM SMITH, from the committee appointed to join the committee appointed on the part of the Senate, to wait on the President, and to notify him of his unanimous re-election to the office of PRESIDENT OF THE UNITED STATES, reported that the committee had performed that duty.

SATURDAY, February 16.

TRANSFER OF PUBLIC SECURITIES.

The House resolved itself into a Committee of the Whole House on the bill to establish fees to be paid on the transfer of public securities.

The bill was read by the Chairman. An amendment was proposed, which was, to strike out the last line of the bill, and to substitute a clause providing for the disposal of the fees, which are to be received by the Comptroller of the Treasury and the Loan Offices.

Mr. FITZSIMONS said he did not know whether he should vote for the bill or not. At present he had his doubts on the expediency of departing from a principle established in the Government, which is, that public officers should be compensated for their services without being authorized to receive any fees. This principle has been adhered to in all cases where it was practicable; and it must appear the most eligible mode, when it is considered how difficult it is to guard against abuses and frauds. He considered it would be extremely difficult, if not impossible, to provide adequate checks.

Mr. BENSON objected to the provision, generally. He considered it as laying a tax on a particular species of property already encumbered with various restrictions, in respect to which there is no option left to one of the parties. The Government has prescribed for its own security a particular process in the subject of transferring public certificates. He saw no reason in imposing a tax in addition to these regulations.

Mr. DAYTON (in replying to Mr. FITZSIMONS) observed, that the process of making the transfers, at the several Loan Offices, would afford an opportunity to provide complete and adequate checks against any abuse in the transaction, or embezzlement of the fees; the names of the parties are always entered in books kept for the purpose, and

these would furnish the necessary criterions. With respect to the objection arising from the provision's operating as a tax, he conceived it did not apply with any greater force than what might be urged against fees imposed on deeds, &c. Mr. D. conceived that, as a host of clerks were employed in the Treasury Department on this business of transfer, which was done for the benefit of individuals, he thought it no more than reasonable that they should pay the expense.

Mr. CLARK followed Mr. DAYTON in a train of similar observations. He said he saw no difficulty in the case; the expense will fall on the speculators only.

Mr. STURGES said, it appeared to him that the bill would operate as an infraction of the law making provision for the Public Debt. He conceived that that law does not contemplate any charge being paid by the proprietors of public securities for transferring the certificates; they never supposed that they would be clogged with any such charge. In this view of the subject, he should be opposed to the bill.

Mr. BENSON replied to Mr. DAYTON's remarks on the tax imposed on deeds; he said the cases are not parallel. In the present case, there is no option to the public creditors; the Government has already prescribed how this business shall be done; it must therefore be considered as a breach of the rights of the creditors. With respect to the expenses falling exclusively on speculators, he said the gentleman was mistaken, and mentioned an instance to show that persons who are not speculators will be subject to the tax. Mr. B. doubted the propriety, however, of a regulation which should operate so partially. He very much doubted the legality of framing a tax that should be pointed at any class of citizens in particular.

Mr. MENCER, after a few introductory remarks on the general utility of public institutions, and the obligation which every citizen is under to support them, remarked, that however true this principle is, yet it is but just that those who derive peculiar personal advantages from these institutions, should pay for those advantages. He applied this reasoning to the case in hand, and observed, that on this principle he thought the provision contemplated by the bill was reasonable and just. With respect to taxing the property in the funds, he remarked, that the subject involved the most extensive considerations. He should not at present enter into a discussion of them; but he observed, that it was clearly his opinion that that species of property was liable to taxation in common with every other; and this idea he said was sanctioned by the usages and customs of nations.

Mr. BARNWELL said, it appeared to him that the particular regulation established in the Treasury Department was made for the public advantage; if so, he could not see the justice of throwing the expense on individuals. If the bill should be sustained, he contended that the individuals should have the alternative of transferring or not, as is the case in respect to deeds. He should therefore be opposed to the bill, unless some provision for an alternative should accompany it.

H. or R.]

Fees in the Transfers of Public Securities.

[FEBRUARY, 1793.]

Mr. GERRY objected to the bill on general principles. He stated sundry consequences extremely injurious to the public credit, which might be grafted on the principle contained in the regulation proposed.

Mr. BOUNDINOT observed, that when the proposition was first brought forward, he entertained a favorable idea of the provision; he had not, however, till this morning, critically examined the operation of the principle in relation to the contract between the Government and the public creditors. He was indebted, he said, to the gentleman from New York, for the idea of an interference. Mr. B. then analyzed the provision respecting the Public Debt, in order to show that the regulations adopted were considered as final and conclusive; full and complete provision was made to defray the expense by the Government; from hence he deduced this consequence, that the tax contemplated would have a retrospective aspect—would interfere with the stipulations of the contract, and go to injuring the public credit essentially; for, said he, if Congress can lay a tax on the transfer of the public securities, they may extend the principle to such a degree as to interdict all transfers whatever, yea, to taxing the Debt; an idea he conceived totally subversive of public credit.

Mr. DAYTON remarked, that the reasoning of his colleague, and of the gentleman from Massachusetts, [Mr. GERRY,] went too far; it would apply to every species of imposition whatever; and the Government would thereby be in effect precluded from laying any duties on impost and tonnage.

Mr. S. BOURNE was in favor of the bill. He cited precedents from Probate and other offices in the several States, to show that paying fees was customary, and was submitted to by the people. The parties deriving the benefit, it is universally conceived, should bear the expense incurred. With respect to the fees, he conceived the precedent is already established by the Government; fees are paid in the Department of State, these fees are accounted for to the Secretary of the Treasury. He thought a similar mode might be adopted in the present case. Let the fees be paid for the benefit of the United States, and let the several officers account with the head of the Treasury Department for the same; who will account to the Legislature.

Mr. CLARK supported the bill by further remarks. He extended his ideas to taxing the public securities: this expedient, he said, the public exigencies may possibly require. He repeated his observations relative to the number of clerks in the Treasury, employed on the business of transfers: the great expense hereby incurred, he said, was for the advantage of speculators, of which a host was collected in a neighboring city, where, as from a centre, they extended their negotiations to all parts of the Union.

Mr. LAURANCE said, he always considered it as indicative of the badness of a cause, when a person descends to general invectives against public bodies. He alluded to Mr. CLARK's reflection on the City of New York.

Mr. CLARK said, he had not mentioned New York. Mr. LAURANCE said, his remark was applicable to the gentleman's reflection, let him refer to any city whatever. Mr. L. then entered into a general consideration of the subject, and stated the various steps of the process prescribed by the Funding law in relation to transfers. The deductions he drew were similar to those made by Mr. BENSON.

Mr. MURRAY was against the bill. He thought it wrong in principle, and, thinking so, no argument speciously drawn from a small gain to the public, which it was unworthy in them to demand, should tempt him to vote for it. He declared, that when the bill was first noticed, his reflections had presented the provision merely in a sort of analogy with fees justly demanded in Courts, and in common civil offices—as offices for the registering of deeds; but the moment the course of his reflections had traced the subject in that analogy, he discovered a strong and insuperable objection. These institutions, for the support of which fees were demandable from such as had business, were such as the law established for the intercourse between one individual and another; here, on the contrary, the law relates to a proceeding in which a debtor public is to transfer its promissory notes to individual creditors. The public is a debtor, has issued negotiable paper, part of the value of which depends on the facility of negotiation; the necessity of registering transfers being merely to secure the public. As the debt was subscribed under the idea of transfers being free of expense, so to force the parties to pay fees would diminish the value of the property; for, if it be an expense now to the public, and that expense be intended to be taxed on the thing transferred, it would amount to something like diminishing of the debt without discharging it. There is a solid difference between laws that regulate fees to be paid on the transactions between man and man, and such as relate to transactions like this, between a debtor public and an individual creditor. If a debtor constitutes a debt of a negotiable kind, and at the time of issuing his note makes each transfer necessarily to depend on an act of his own, he cannot expect to be paid for this; this quality forms a part of the value he has parted from.

The debate on the subject was continued till a late hour; several other gentlemen spoke on the occasion. The motion to amend the bill was at length agreed to. The Committee then rose, and reported accordingly.

Ordered, That the said bill, with the amendment, do lie on the table.

MONDAY, February 18.

A petition of the Directors of the Library Company of Philadelphia, and of the Trustees of the Loganian Library, was presented to the House and read, praying that so much of the existing revenue laws of the United States as imposes a duty on books imported for the use of public libraries, may be repealed.

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Ordered, That the said petition be referred to Messrs. FINDLEY, LAURANCE, and MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon to the House.

Mr. MURRAY, from the committee appointed to take into consideration that part of the President's Speech which relates to the transmission of newspapers, and report whether any, and what, alterations may be necessary in the act passed last session for the regulation of the Post Office, made a report; which was read and ordered to be committed to a Committee of the Whole House.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States;' and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, do lie on the table.

A Message was received from the President of the UNITED STATES, laying before Congress a report and plat of the Territory of the United States on the Potomac, as given in by the Commissioners of that Territory, together with a Letter from the Secretary of State, which accompanied them. The papers referred to in the Message were ordered to lie on the table.

TUESDAY, February 19.

A memorial of sundry merchants and traders of Providence, in the State of Rhode Island, was presented to the House and read, stating the disadvantages which attend the operation of the existing revenue laws of the United States, and praying that the same may be revised and amended. Referred to the Secretary of the Treasury.

A petition of Caleb Newbold, John Black, and Sarah Newbold, executors of the last will and testament of Caleb Newbold, deceased, praying compensation for provisions furnished for the use of the militia and navy of Pennsylvania, in Continental service, during the late war; also, a petition of Thomas Coit, Collector of the Revenue for the Second Division, in the State of Connecticut, praying to be exonerated from the payment of a certain sum of money, which he collected on account of the duties accruing on a quantity of distilled spirits, and deposited in his storehouse at Norwich, in the said State, as a place of safety, and which, together with a part of the money so deposited, was consumed by fire on the night of the 15th ultimo.

Ordered, That the said petitions be referred to the Secretary of the Treasury, with instructions to examine the same, and report his opinion thereupon to the House.

A memorial of sundry paper-makers in the States of Pennsylvania and Delaware was presented to the House and read, praying that so much of the existing revenue laws of the United States as imposes a duty on imported rags used in

the manufacture of paper, may be repealed; and also, that the present duty on foreign paper imported into the United States, may remain. Laid on the table.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That the Commissioners for purchasing the Public Debt be directed to lay before this House a statement of all their proceedings not heretofore furnished."

A motion was made, and the question being put, to amend the said original motion, by inserting, after the word "House," the words, "their resolves as Commissioners, approved by the President of the UNITED STATES, together with;" it passed in the negative—yeas 30, nays 31, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Robert Barnwell, Egbert Benson, Elias Boudinot, Sherishub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, Daniel Huger, Aaron Kitchell, John Wilkes Kitters, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, John Steele, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—Abraham Baldwin, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, Christopher Greenup, Andrew Gregg, William Barry Grove, Daniel Heister, William Hindman, Philip Key, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Jeremiah Smith, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

Another motion was then made, and the question being put, to amend the said original motion, by striking out the words "not heretofore furnished," and inserting, in lieu thereof, the words "under the acts for the reduction of the Public Debt, since the date of the purchases mentioned in their last report;"—it passed in the negative—yeas 18, nays 43, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Sherishub Bourne, Benjamin Bourne, Jonathan Dayton, Nicholas Gilman, Benjamin Goodhue, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

NAYS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, Thomas Fitzsimons, Elbridge Gerry, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Daniel Huger, Philip Key, Aaron Kitchell, John Wilkes Kitters, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Peter Syl-

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vester, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

And then the main question being put, that the House do agree to the said original motion, it was resolved in the affirmative—yeas 39, nays 22, as follows:

YEAS.—John Baptist Ashe, Abraham Baldwin, Abraham Clark, William Findley, Elbridge Gerry, William B. Giles, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, William Hindman, Philip Key, John Wilkes Kitters, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Peter Sylvester, Jeremiah Smith, Israel Smith, John Steele, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

NAYS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Sherrishub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, James Hillhouse, Daniel Huger, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, Theodore Sedgwick, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, and Artemas Ward.

Mr. SEDGWICK, from the Managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act to regulate the claims to Invalid Pensions," made a report; which was read, and ordered to lie on the table.

A Message was received from the PRESIDENT OF THE UNITED STATES, stating that it had been agreed on the part of the United States, that a treaty or conference shall be held at the ensuing season with the hostile Indians Northwest of the Ohio, in order to remove, if possible, all causes of difference, and to establish a solid peace with them; and that, as the estimates heretofore presented to the House for the current year did not contemplate this object, it would be proper that an express provision be made by law, as well for the general expenses of the treaty, as to establish the compensation to be allowed the Commissioners who shall be appointed for the purpose; and that he would direct the Secretary of War to lay before the House an estimate of the expenses which may probably attend this measure.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying the estimate referred to in the foregoing Message; which, together with the said Message, was read, and ordered to be committed to Mr. Boudinot, Mr. WHITE, and Mr. WADSWORTH, with instruction to report thereon by way of bill or bills.

A message from the Senate informed the House that the Senate recede from some, and insist on others of their amendments, disagreed to by this House, to the bill, entitled "An act to regulate the claims to Invalid Pensions;" the Senate have also passed the bill entitled "An act to authorize the

Comptroller of the Treasury to settle the account of Thomas Wishart, late a Lieutenant in the Army of the United States," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the amendment, and, the same being read, was agreed to.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanied with sundry statements and reports, containing a further answer to the resolutions of this House, of the twenty-third of January last; which were ordered to lie on the table.

WEDNESDAY, February 20.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three," with several amendments; to which they desire the concurrence of the House.

The bill sent from the Senate, entitled "An act in addition to an act, entitled 'An act to establish the Judicial Courts of the United States,' together with the amendments agreed to on Monday last, was read the third time and passed.

The House proceeded to consider the report of the committee on the petitions of the French inhabitants of Gallipolis, in the territory of the United States Northwest of the river Ohio; whereupon,

Resolved, That there be granted to the said petitioners thirty thousand acres of land, to be divided among them in quantities proportioned to their late purchases of the Scioto Company; and that the further quantity of twenty thousand acres be divided equally among such of the said petitioners as are actual settlers of the said territory.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. WADSWORTH, Mr. SEDGWICK, Mr. FINDLEY, Mr. WHITE, and Mr. BARNWELL, do prepare and bring in the same.

Ordered, That a committee be appointed to bring in a bill fixing the time for the next annual meeting of Congress, and that Mr. MUHLENBERG, Mr. WILLIAM SMITH, and Mr. SEDGWICK, be the said committee.

The House proceeded to consider the report of the committee on the petition of James Warrington, attorney in fact of Joseph Blachford, surviving partner of Harris & Blachford; whereupon, *Resolved*, That the Accounting Officers of the Treasury cause the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents, charged to John Banks on the thirty-first day of December, one thousand seven hundred and eighty-three, to be credited to the said John Banks, and that the sum so credited be charged to the account of such other person as in their opinion shall be justly chargeable therewith.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. GILES, Mr. LIVERMORE, and Mr. FITZSIMONS, do prepare and bring in the same.

The House proceeded to reconsider the amendments depending between the two Houses on the

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Settlement State of Accounts.

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bill, entitled "An act to regulate the claims to Invalid Pensions," together with the report of the Committee of Conference on the subject-matter of the said amendments; whereupon,

Resolved, That this House doth adhere to its disagreement to the amendment insisted on by the Senate to the fourth section of the said bill.

Resolved, That this House doth recede from its disagreement to the amendment insisted on by the Senate to the fifth section of the said bill.

THURSDAY, February 21.

Mr. BOUDINOT, from the committee appointed, presented a bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the river Ohio; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his report on the petitions of Rawleigh P. Downman and Oliver Towles; and the same being read,

Ordered, That so much of the said report as relates to the petition of Rawleigh P. Downman be referred to Mr. PARKER, Mr. SUMPTER, and Mr. WARD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That so much of the said report as relates to the petition of Oliver Towles do lie on the table.

Ordered, That a committee be appointed to bring in a bill for the following purposes: To regulate the mode of taking bail in certain cases; to regulate the recovery of costs against informers or relators, in certain cases; to point out the mode in which suits for penalties under the revenue laws of the United States shall commence; to extend executions on transcripts of judgments from one district to another, and to regulate the costs and fees in cases of the commitment of witnesses; and that Mr. MURRAY, Mr. BOUDINOT, and Mr. JEREMIAH SMITH, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of State, communicating certain reasons for delaying his Report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, as directed by the order of the House of the twenty-third February, one thousand seven hundred and ninety-one, and suggesting that he is now ready to report on that subject, if the House shall be pleased to direct him so to do.

Ordered, That the said Letter be referred to Mr. GILES, Mr. LAURANCE, Mr. WILLIAM SMITH, Mr. BALDWIN, and Mr. BENJAMIN BOURNE; that they do examine the matter thereof, and report the same, with their opinion thereupon to the House.

A memorial of Eli Elmer, late a Captain Lieutenant of Artillery in the Army of the United States, was presented to the House and read, praying the liquidation and settlement of a claim for depreciation of pay, supplies of clothing, and other stores, due to him for military services rendered during the late war.

Ordered, That the said memorial be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Mr. GILES, from the committee appointed, presented a bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents; which was received, twice read, and committed.

SETTLEMENT OF STATE ACCOUNTS.

The House went into Committee of the Whole on the bill received from the Senate, entitled "An act in addition to and for amending the act, for extending the time limited for settling the accounts between the United States and the individual States."

A motion was made to strike out the first section of the bill. This section goes to repeal the second section of the former act, which makes the State of Vermont a party to the accounts between the United States and individual States. In support of the motion it was said that Vermont, participating in all the advantages of the independence of the country, and, being a member of the Union, is justly chargeable with its quota of all the expenses that have been incurred; that as, on the one hand, were she a creditor State, she doubtless would come in for her proportion of the balances which shall appear to be due from the United States to the creditor States; so on the other, if she is a debtor State, it is but reasonable that she should be liable to pay her proportion of those balances; a contrary principle, it was said, will increase the burdens of other States. It was further said, that in all the great questions relative to the finances and accounts of the United States, the voice of Vermont has had its proportional influence; and she is therefore on every principle to be considered as a constituent part of the Union, and liable to all the disadvantages resulting from the connexion.

In opposition to the motion, it was said that Vermont, as a Government, bore her proportion of the expenses and sacrifices of the war. She was a frontier State, and the only barrier between the United States and Canada. Her exertions during the war were made by her citizens alone, without assistance from the other States. That, in consequence of the peculiar confusion which prevailed in that State, the accounts of her services and supplies were left in a very deranged situation. That though the former act allowed twelve months for her to bring in her claims, yet it is said the other States have had a much longer time. That, though it should be concluded that Vermont ought to be considered as a part of the Confederacy prior to her adoption of the Federal Constitution, the time certainly ought to be extended for her to bring in her accounts. But it was urged that she could not be so considered; and therefore is not a party to the accounts, prior to that period. Since she came into the Union under the new Constitution, she has borne, and will continue to bear her proportion of the bur-

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Settlement of State Accounts.

[FEBRUARY, 1793.]

dens of the United States, and will be obliged to pay her proportion of the balances which shall be found due from the Union. In answer to the reasoning from her being represented on the floor of Congress, it was said that the Representatives of that State are Representatives of the Union; that they act in a Legislative capacity, and not as a committee of accounts.

The motion for striking out the first section was negatived. Some further amendments were moved, but disagreed to. The bill was reported without amendment. In the House, Mr. W. SMITH renewed the motion for striking out the first section, and called for the yeas and nays, which were—yeas 17, nays 39, as follows:

Yeas.—Robert Barnwell, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Jonathan Dayton, Elbridge Gerry, Nicholas Gilman, Daniel Huger, John Wilkes Kittern, Richard Bland Lee, Samuel Livermore, William Smith, Jonathan Sturges, Thomas Tudor Tucker, Abraham Venable, and Francis Willis.

Nays.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Egbert Benson, Thomas Fitzsimons, William B. Giles, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Aaron Kitchell, John Laurance, Amasa Learned, George Leonard, Nathaniel Macon, James Madison, John Francis Mercer, John Milledge, Andrew Moore, William Vans Murray, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Israel Smith, John Steele, George Thatcher, Thomas Tredwell, Jeremiah Wadsworth, Artemas Ward, Alexander White, and Hugh Williamson.

Ordered, That the said bill be read the third time to-morrow.

The House went into Committee of the Whole on the bill for exempting from impost duties useful beasts imported for breed.

The bill being read, it was moved to add after the words "for breed," or on rags.

Mr. LIVERMORE objected to this motion. He observed that the object of the bill is to encourage the importation of stallions, bulls, and boars, for the purpose of improving the breed of useful animals. These, he said, ought to stand alone; he thought it would be a very odd association to connect them with rags. Besides, said he, I do not conceive there is any necessity for bringing in the article, for when the rage of calling for information is abated, there will be such a diminution of the business of printing, that he doubted not a sufficient quantity of rags might be obtained in the country by the paper-makers.

Other objections were made by several members, and the motion being put, was lost. The bill was then reported without amendment. Some verbal amendments were made in the House. The bill was then ordered to be engrossed.

FRIDAY, February 22.

A memorial of Arthur St. Clair, Governor of the Territory of the United States Northwest of the river Ohio, was presented to the House and

read, stating that, in the execution of certain duties, and the performance of sundry services, prescribed by the late Congress, the memorialist made disbursements, and contracted debts, which considerably exceeded the funds placed in his hands, and praying that the officers of the Treasury may be empowered to adjust his accounts, and pay whatever balance may be found due to him.

Ordered, That the said memorial be referred to Mr. FITZSIMONS, Mr. THATCHER, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of John Ross, of the city of Philadelphia, merchant, was presented to the House and read, praying that a claim for a balance due to the memorialist by the United States, for sundry purchases of merchandise in Europe, on commission, and for which he rendered an account to the late Congress, in the month of January, one thousand seven hundred and eighty-three, may be considered and decided on.

Ordered, That the said memorial be referred to Mr. GERRY, Mr. HUGER, and Mr. TUCKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of Hugh Hughes, of the State of New York, was presented to the House and read, praying the liquidation and settlement of a claim for services as Commissary of Military Stores, and Assistant Quartermaster General in the Army of the United States, during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of the Society "for promoting the Abolition of Slavery, for the relief of persons unlawfully held in bondage, and for improving the condition of the African race," in the States of Rhode Island and Massachusetts, was presented to the House, and read, praying the attention of Congress to the subject of their memorial, presented the eighth of December, one thousand seven hundred and ninety-one, relative to the slave trade.

Also, a petition of Elizabeth Fish, late relict and widow of Lieutenant Colonel George Derance, of the county of Luzerne, in the State of Pennsylvania, deceased, praying relief in consideration of the loss of her late husband, who was killed in an engagement with a detachment of British troops and Indians, whilst in the militia service; as also, that she may be reimbursed for the loss of property belonging to the deceased, which was plundered or destroyed by the said detachment, in the year one thousand seven hundred and seventy-eight.

Also, a petition of Patrick Jack, of Franklin county, in the State of Pennsylvania, praying that the title to a tract of land of fifteen miles square, on the south side of the Tennessee river, granted to the petitioner, by the late Province of North Carolina, the seventh of May, one thousand seven hundred and sixty-two, and which has since been

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Appropriation Bill.

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ceded to the Cherokee Indians, by the United States, at a late treaty, may be restored to him, and himself and his friends permitted to settle thereon, with the consent of the said Indians.

Also, a petition of sundry inhabitants of Nine Mile and Baker's Creek, on the frontiers of the Territory of the United States south of the river Ohio, to the like effect.

Also, a memorial of John Parker, of the city of Philadelphia, praying that such alterations may be made in the act establishing the Post Office, as to place the transmission of monthly publications on the same footing with newspapers published within the United States.

Ordered, That the said memorials and petitions do lie on the table.

Mr. MUELLENBERG, from the committee appointed, presented a bill fixing the time for the next annual meeting of Congress; which was received, twice read, and committed.

Mr. MURRAY, from the committee appointed, presented a bill concerning bail, process, and costs, in the Courts of the United States; which was received, twice read, and committed.

Mr. GOODHUE, from the committee to whom was committed the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported an amendment thereto; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

A motion was made and seconded that the House do now adjourn for half an hour.

On which motion, the yeas and nays being demanded by one-fifth of the members present, it was resolved in the affirmative—yeas 42, nays 18.

One o'clock, P. M.

The House met, according to adjournment.

Mr. WADSWORTH, from the committee appointed, presented a bill to authorize a grant of land to the French inhabitants of Gallipolis; which was received, twice read, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a further statement in answer to the late resolutions of this House; which was read, and ordered to lie on the table.

APPROPRIATION BILL.

The Appropriation Bill for the year 1793 was taken up, with some amendments of the Senate, one of which was, that in the bill sent to the Senate, the House of Representatives had specified all the items of each sum granted to the support of the War Department; but the Senate's amendment condenses the whole into one aggregate sum. This occasioned some debate; and it was observed that, by thus making one sweeping grant, the particular items are kept out of view, so as to render any future inquiries into the application of the public money extremely difficult, and leaves too much discretionary power in the

hands of the Head of the Department; for, although it would be expected that he should apply the money to each particular object of the many expressed in the estimate by him furnished, yet, if they were not also specified in the law, he would not be obligated to pursue this conduct; in fact, he might apply the whole to a few of the objects, perhaps to only one, and leave all the others unsupported. Indeed, it must be granted that there are discretionary powers which ought to be allowed, such as respect particular contingencies, &c., but this should never be permitted to extend to such an extravagant degree as the Senate's amendments would authorize. Several members spoke on the occasion; and it was argued that the items had been already examined and discussed in the House, and that, as the total was not altered by the Senate, there could not be any danger in concurring with the amendments. On the other hand, it was objected that, as there was an expectation of peace with the Indians, and that therefore the recruiting service would be arrested, all these hopes of the public might be frustrated, in case the recruiting service was continued, and larger sums might be applied to it than would be proper, unless the law should expressly limit it. And there was no limitation of specific sums mentioned in the Senate's amendment but the sweeping total of nine hundred and sixty-three thousand dollars, and thirty thousand dollars for contingencies—nearly a round million. It was again urged by those who wished the House to concur with the Senate that a discretionary power lodged in the hands of the PRESIDENT OF THE UNITED STATES would be a sufficient check; and it was therefore suggested that a committee of conference be appointed between the two Houses, to introduce a clause in the law for this purpose. A discretionary power must be lodged somewhere to meet contingencies; for instance, it may be found expedient to mount the militia, or to vary the mode of carrying on the war, and therefore in some cases to apply the money, specifically appropriated for some of the objects which might upon trial be discovered unnecessary, to other objects of real utility. The debate was continued for a considerable time; and at length the question for concurring was negatived.

The question was then taken, that the House do agree to the said amendment, and passed in the negative—yeas 30, nays 31, as follows:

Yeas.—Fisher Ames, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, James Hillhouse, Daniel Huger, John Laurance, Amasa Learned, George Leonard, Samuel Livermore, John Milledge, Nathaniel Niles, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, George Thatcher, Jeremiah Wadsworth, Artemas Ward, and Francis Willis.

Nays.—John Baptist Ashe, Abraham Baldwin, Robert Barnwell, Abraham Clark, William Findley, Thomas Fitzsimons, William B. Giles, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman,

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Philip Key, Aaron Kitchell, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Alexander D. Orr, John Page, Peter Sylvester, John Steele, Samuel Sterrett, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Hugh Williamson.

An amendment to the section which authorizes the President to make a Loan to the amount of \$300,000, was arrested by an objection to the section itself, which had already passed the two Houses. Without deciding on this amendment, the House adjourned.

SATURDAY, February 23.

An engrossed bill to repeal the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for reimporting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid, was read the third time and passed.

An engrossed bill, fixing the time for the next annual meeting of Congress, was read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," with several amendments; to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act in addition to and alteration of an act, entitled 'An act to extend the time limited for settling the accounts of the United States with the individual States,'" was read the third time.

The passage of the bill was warmly opposed. The opposition arose from the idea that if the State of Vermont is not considered as a party in the settlement of the accounts between the United States and the individual States, as contemplated by the bill, it will operate to the injury of the other States. A motion for recommitting the bill was made and negatived.

And, on the question that the same do pass, it was resolved in the affirmative—yeas 39, nays 17, as follows:

YEAS.—Fisher Ames, John Baptist Ashe, Abraham Baldwin, Egbert Benson, Elias Boudinot, Abraham Clark, Thomas Fitzsimons, William B. Giles, Benjamin Goodhue, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Philip Key, Aaron Kitchell, John Laurence, Amasa Learned, George Leonard, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Cornelius C. Schoonmaker, Theodore Sedgwick, Peter Sylvester, Israel Smith, John Steele, Samuel Sterrett, Thomas Tredwell, Artemas Ward, Alexander White, and Hugh Williamson.

NAYS.—Robert Barnwell, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Elbridge Gerry, Nicho-

las Gilman, William Hindman, Daniel Huger, Richard Bland Lee, Samuel Livermore, William Smith, Jonathan Sturges, Thomas Sumpter, George Thatcher, Thomas Tudor Tucker, Abraham Venable, and Francis Willis.

APPROPRIATION BILL.

The consideration of the amendments proposed by the Senate to the Appropriation Bill was resumed by the House. The amendment to the section authorizing a Loan, in anticipation of the funds, was further debated. Their amendment goes to vest a discretionary power in the President of the UNITED STATES to pay off the Debt due to the Bank of the United States, in instalments not exceeding fifty thousand dollars, having respect to the public exigencies and the state of the Treasury. The discretionary power hereby proposed to be invested was opposed, as not being properly limited, as the provision for paying off the debt in question was irrelevant to the proper idea of an appropriation bill, and as the Legislature ought not to delegate this discretion. It was further opposed, as making an arrangement to pay a debt to a public body before it was due, in preference to paying individuals whose demands are already due. In opposition to this reasoning, it was said that the amendment contemplates a provision in a case which has been the subject of complaint to those who now oppose it; and that is, it vests a power in the President of the UNITED STATES to employ, from time to time, the revenues in the Treasury which may not be especially appropriated for other purposes, to pay off its debts; so that the revenues may not at any time lie useless. That the public moneys should lie dormant and useless in the Treasury (which it was denied has ever been the case) has been a subject of declamation; and now that an unexceptionable expedient is proposed to guard against such a contingency as a surplus revenue would present, the opposition is continued from the same quarter. After a long debate, the question on concurring with the Senate was determined in the affirmative—yeas 34, nays 25, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Abraham Clark, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Thomas Hartley, James Hillhouse, William Hindman, Daniel Huger, Philip Key, Aaron Kitchell, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Nathaniel Niles, Theodore Sedgwick, Peter Sylvester, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Jeremiah Wadsworth, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, Jonathan Dayton, William Findley, Thomas Fitzsimons, William B. Giles, Andrew Gregg, William Barry Grove, Daniel Heister, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, William Vans Murray, Alexander D. Orr, John Parker, Josiah Smith, Israel Smith, Thomas Sumpter, Thomas Tredwell, Thomas Tudor Tucker, Abraham Venable, Alexander White, and Francis Willis.

Proceedings.

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MONDAY, February 25.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to provide for the widows and orphans of certain persons who were killed by Indians, under the sanction of flags of truce," and, the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels,'" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

On motion, the said bill, together with the amendments thereto, was then read the third time and passed.

A message from the Senate informed the House that the Senate recede from their amendment, to a disagreement to which this House have adhered, to the fourth section of the bill, entitled "An act to regulate the claims to Invalid Pensions." The Senate also recede from their fifth amendment, disagreed to by this House, to the first section of the bill, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three."

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for reimporting the duties which have heretofore accrued on such importations, in the cases where they have only been secured to be paid," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to. The SPEAKER laid before the House a Letter from the Commissioners for purchasing the Public Debt, accompanying a report and statement of all their proceedings, not heretofore furnished, made pursuant to the resolution of the nineteenth instant; which were read, and laid on the table.

The House resolved itself into a Committee of the Whole House on the bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto.

Ordered, That the said bill, with the amendment, do lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes," to which they desire the concurrence of this House.

The said bill was read twice and committed.

Mr. GILES, from the committee to whom was referred the Letter of the Secretary of State of the twentieth instant, communicating certain reasons for delaying his report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, directed by order of the House of the twenty-third of February, one thousand seven hundred and ninety-one, reported that it is not expedient to call for the said report during the present session of Congress," which report was agreed to.

On a motion made and seconded, Resolved, That the term for receiving on loan that part of the domestic debt of the United States which may not be subscribed prior to the first day of March next, pursuant to the terms proposed in the act, entitled "An act making provision for the Debt of the United States," and also an act, entitled "An act supplementary to the act making provision for the Debt of the United States," be extended on the same terms as is, by the first recited act provided, to the — day of —; and books for receiving such further subscriptions shall be opened at the Treasury of the United States only, and to continue open until the said — day of —, inclusively.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. Goodhue, Mr. Griffin, and Mr. Gregg, do prepare and bring in the same.

TUESDAY, February 26.

The House resolved itself into a Committee of the Whole House on the bill to authorize a grant of land to the French inhabitants of Gallipolis; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" with several amendments; to which they desire the concurrence of this House.

Ordered, That a committee be appointed to bring in a bill to provide for the expense of supporting light-houses, not ceded to the United States, and that Mr. Fitzsimons, Mr. Griffin, and Mr. Tredwell, be the said committee.

The House proceeded to consider the amendment, reported yesterday by the Committee of the Whole House, to the bill making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio; and, the same being read, was agreed to.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

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Proceedings.

[FEBRUARY, 1793.]

On a motion made and seconded, that the House do now resolve itself into a Committee of the Whole House, to take into consideration the reports of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, it passed in the negative. *Ordered*, That the Committee of the Whole House be discharged from the consideration of the said reports.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate trade and intercourse with the Indian tribes," with several amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act fixing the time for the next annual meeting of Congress," with several amendments; to which they desire the concurrence of this House.

WEDNESDAY, February 27.

An engrossed bill to authorize a grant of land to the French inhabitants of Gallipolis, was read the third time and passed.

An engrossed bill, making an appropriation to defray the expense of a treaty with the Indians Northwest of the Ohio, was read the third time and passed.

Mr. GOODRUE, from the committee appointed, presented a bill for extending the time for receiving on Loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three; which was received, read twice, and committed.

Mr. FITZSIMONS, from the committee appointed, presented a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; which was received, read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating certain inaccuracies in printing the statements communicated by his first and second Letters, lately presented, on the subject of Foreign Loans, and expressing a wish that some regulation may be adopted to enable the Head of the Treasury Department to secure the fidelity and correctness of the printed copies of the reports which shall hereafter be made to the House, and shall be committed to the press by their order.

Ordered, That the said Letter be referred to Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. DAYTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GILES, after some pointed animadversions on the Reports of the Secretary of the Treasury, made to the House pursuant to the resolutions which have been passed, read several resolutions relative thereto; which were handed to the Clerk, again read, and laid on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to regulate trade and intercourse with the Indian tribes," the same was agreed to.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act providing an annual allowance for the education of Hugh Mercer;" to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the amendments of this House to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States.'" Whereupon.

Resolved, That this House doth agree to the said amendments proposed by the Senate to the amendments of this House to the said bill, with the following amendment, to wit: In the amendment of the Senate to the first amendment of this House, after the word "absent," insert these words, "or shall have been of counsel, or be concerned in interest in any cause then pending."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act fixing the time for the next annual meeting of Congress." Whereupon,

Resolved, That this House doth disagree to the said amendments.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be recommitted to Mr. LIVERMORE, Mr. SEDGWICK, and Mr. BENJAMIN BOURNE.

Ordered, That a committee be appointed to bring in a bill to make further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, and that Mr. FITZSIMONS, Mr. THATCHER, and Mr. TUCKER, do prepare and bring in the same.

The bill sent from the Senate, entitled "An act providing an annual allowance for the education of Hugh Mercer," was read the first time; and, opposition being made thereto, the question was put, "Shall the said bill be rejected?" and passed in the negative. Whereupon, the said bill was read the second time, and ordered to be committed to a Committee of the Whole House to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a supplementary estimate of certain sums for which appropriations are necessary; which were read, and ordered to be referred to Mr. FITZSIMONS, Mr. MADISON, and Mr. WILLIAM SMITH, with instruction to prepare and bring in a bill or bills pursuant thereto.

FEBRUARY, 1793.]

Reimbursement of Loan.

[H. OF R.]

A Message was received from the President of the UNITED STATES, with a copy of an explanation of an Act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, for the purposes mentioned in the said act: And a copy of a Letter from the Governor of New York to the Secretary of State, which accompanied the explanation.

The papers referred to in the said Message were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying a copy of the official report made by the officers of the Treasury Department, upon his account of the receipts and expenditures of the public moneys, from the 1st of October to the 31st of December, 1792, inclusive; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying an abstract of goods, wares, and merchandise, exported from the United States, from the 1st of October, 1791, to the 30th of September, 1792; also, two returns of impost and tonnage, to the end of the year 1791; which were read, and ordered to be referred to Mr. WILLIAMSON, Mr. BENJAMIN BOURNE, and Mr. STERRETT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House adjourned until 6 o'clock p. m.

EVENING SESSION—6 P. M.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and the same being read, were agreed to.

REIMBURSEMENT OF LOAN.

The House proceeded to consider the bill providing for a reimbursement of a Loan made of the Bank of the United States, which lay on the table. Whereupon,

Ordered, That the said bill be recommitted to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee; and the bill being read, a motion was made to strike out the first section, which authorizes a loan.

Mr. BARNWELL said, as he had been in favor of making the loan of two millions, as contemplated in the section, he thought it due to himself and to the Committee to state the reason which will induce him to agree to the motion for striking out the section. It is, said he, because there is not time during the session to go into such an investigation of the subject as it merited; such an investigation, he was persuaded, would convince every unprejudiced mind that it would be for the interest of the United States to effect the loan.

Mr. MADISON was in favor of striking out the section, setting aside the consideration that the United States are not under obligation to discharge the whole sum of two millions at the pre-

sent time; he very much doubted the policy of making loans at that amount, when the question Whether any saving could be made thereby? is problematical, considering the rate of interest in Europe. He thought it probable, that, before the time came round when the United States might be obliged to discharge the whole of this debt, money may be obtained on more advantageous terms than at present, if it should be found necessary to borrow.

The section was struck out, *nem. con.*

Several amendments were made to the next section. The Committee then rose and reported the same. The House adopted the amendments, and

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

Mr. WILLIAMSON, from the committee to whom were referred the Letter from the Secretary of the Treasury, accompanying an abstract of the goods, wares, and merchandise, exported from the United States, from the 1st of October, 1791, to the 30th of September, 1792; also, two returns of impost and tonnage, to the end of the year 1791, made a report. Whereupon,

Ordered, That one hundred copies of the said abstract and returns be printed for the use of the members of the two Houses.

THURSDAY, February 28.

An engrossed bill directing the officers of the Treasury to pass to the credit of John Banks the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents, was read the third time, and passed.

An engrossed bill providing for the reimbursement of a Loan made of the Bank of the United States, was read the third time, and passed.

An engrossed bill supplementary to the act for the establishment and support of light-houses, bea-

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cons, buoys, and public piers, was read the third time, and passed.

Mr. FITZSIMONS, from the committee appointed, presented a bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; which was received, twice read, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to increase the salaries of the Commissioner of the Revenue, and the Auditor of Accounts, and that Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. MURRAY, be the said committee.

Mr. FITZSIMONS, from the committee appointed, presented a bill making certain appropriations therein mentioned; which was received, twice read, and committed.

Mr. LIVERMORE, from the committee to whom was recommended the bill sent from the Senate, entitled "An act for altering the places of holding the Circuit Courts in the districts of Vermont and North Carolina, and for other purposes," reported several amendments thereto; which were severally twice read, and agreed to by the House, and said bill was read the third time, and passed.

A message from the Senate informed the House, that the Senate have agreed to the amendment proposed by this House to the amendment of the Senate to the first amendment of this House, to the bill, entitled "An act in addition to the act, entitled 'An act to establish the Judicial Courts of the United States.'" The Senate also adhere to their amendments, disagreed to by this House, to the bill, entitled "An act fixing the time for the next annual meeting of Congress."

The House proceeded to reconsider the amendments proposed by the Senate to the bill last mentioned. Whereupon,

Resolved, That this House doth insist on their disagreement to the said amendments; that a conference be desired with the Senate, on the subject-matter of the same, and that Mr. LIVERMORE, Mr. MUELENBERG, and Mr. WILLIAM SMITH, be appointed managers at the said conference, on the part of this House.

Mr. HULLHOUSE, from the committee appointed, presented a bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army; which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making an appropriation to defray the expense of a Treaty with the Indians, Northwest of the Ohio."

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The resolutions brought forward yesterday by Mr. GILES, were called for by that gentleman. The reading being finished, Mr. AMES moved that the resolutions should be taken up.

Mr. MURRAY suggested the necessity of giving a preference to the Judiciary Bill reported by him some days since. He was seconded by Mr. KEY.

The motion for taking up the resolutions was

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ring those resolutions to the consideration of the Committee of the Whole House, because he neither viewed a discussion of them as necessary on the present occasion nor warranted by the nature of the inquiry into the Secretary's conduct. It was trifling with the precious time of the House to lavish it on abstract propositions, when the object of the inquiry ought to be into the facts. He was satisfied that should the House once involve itself in an investigation of theoretic principles of Government the short residue of the session would be exhausted, and no opportunity remain for examining the charges themselves. Those charges being made, it became the House from a sense of duty to the public and justice to the accused to proceed immediately to consider them. If the mover intended to apply the principles of the two first resolutions to the facts contained in the subsequent ones, it was unquestionably proper first to substantiate the facts, and then establish the principles which were applicable to them; but it was surely a reversal of order to spend much time in establishing principles, when it might happen that the charges themselves would be totally unsupported. He did not like this mode of proceeding, because it might tend to mislead the House; it was sometimes a parliamentary practice to endeavor to lead the mind to vague and uncertain results, by first laying down theorems from which no one could dissent, and then proceeding by imperceptible shades to move unsettled positions, in order ultimately to entrap the House in a vote which in the first instance it would have rejected. This mode of conducting public business, he considered as inconsistent with fair inquiry. The question was, had the Secretary violated a law? If so, let it be shown; every member was competent to decide so plain a question. He could examine the proofs, read the law, and pronounce him guilty or innocent without the aid of these preliminary metaphysical discussions.

If it were urged that the propositions are so plain and obvious that no time would be lost in considering them, he then begged leave to observe that all antecedent discussions of constitutional questions had never failed to occupy a large portion of their time, and that however self-evident the resolutions might at the first glance appear, a more critical attention would satisfy a mind not much given to doubt that they were by no means so conclusive as to be free from objections. Though the position contained in the first resolution, as a general rule, was not to be denied; yet it must be admitted, that there may be cases of a sufficient urgency to justify a departure from it, and to make it the duty of the Legislature to indemnify an officer; as if an adherence would in particular cases, and under particular circumstances, prove ruinous to the public credit, or prevent the taking measures essential to the public safety, against invasion or insurrection. In cases of that nature, and which cannot be foreseen by the Legislature nor guarded against, a discretionary authority must be deemed to reside in the President, or some other Executive officer, to be exercised for the public good; such exercise instead of

being construed into a crime, would always meet the approbation of the National Legislature. If there be any weight in these remarks, it does not then follow as a general rule, that it is essential to the due administration of the Government, that laws making specific appropriations should in all cases whatsoever, and under every public circumstance, be strictly observed. Before the Committee could come to a vote on such a proposition, it would be proper to examine into the exceptions out of the rule, to state all the circumstances which would warrant any departure from it, to whom the exercise of the discretion should be entrusted, and to what extent. Did any member wish at this period to attempt this inquiry? He supposed not. Let every deviation from law be tested by its own merits or demerits.

The second resolution was liable to stronger objections. It might with propriety be questioned whether, as a general rule, the position was well founded. A law making appropriations may be violated in various particulars without infringing the Constitution, which only enjoins that no moneys shall be drawn from the Treasury but in consequence of the appropriations made by law. This is only to say, that every disbursement must be authorized by some appropriation. Where a sum of money is paid out of the Treasury, the payment of which is authorized by law, the Constitution is not violated, yet there may have been a violation of the law in some collateral particulars. There may even have been a shifting of funds, and how-ever exceptionable this may be on other accounts, it would not amount to that species of offence which is created by the Constitution. The Controller of the Treasurer must countersign every warrant, and is responsible that it be authorized by a legal appropriation; yet it cannot be supposed that he is to investigate the source of the fund.

One of the alleged infractions stated in the subsequent resolution, namely, the drawing part of the loans into the United States without the instructions of the President, evinces that the opposite construction is not a sound one. For, suppose the fact proved, and suppose it a violation of the law, it certainly would be a very different thing from drawing money out of the Treasury without an appropriation by law, for, in this case, there would be no drawing money from the Treasury at all, the money never having been in the Treasury.

Mr. S. then said, he should also object to referring the last resolution, which is in these words, "Resolved, That a copy of the foregoing resolutions be transmitted to the President."

The object of this resolution went clearly to direct the President to remove the Secretary from office; the foregoing were to determine the guilt, the last to inflict the punishment, and both the one and other without the accused being heard in his defence. When the violation of the Constitution was so uppermost in our minds, it would be indeed astonishing that we should be so hoodwinked as to commit such a palpable violation of it in this instance. The principles of that Constitution, careful of the lives and liberties of the citi-

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zens, and what is dearer to every man of honor, his reputation, secure to every individual in every class of society, the precious advantage of being heard before he is condemned.

That Constitution, peculiarly careful of the reputation of great public functionaries, directs that when accused of a breach of duty, the impeach-ment must be voted by a majority of the House of Representatives, and tried by the Senate, who are to be on oath, and two thirds of whom must concur before a sentence can pass, by which the officer is to be deemed guilty. The officer is to be furnished with a copy of the charge, and is heard by himself or his counsel in vindication of his conduct. Such are the solemnities and guards by which they are protected, and which precede a sentence, the only effect of which is a removal from office. But if the House proceed in the manner contemplated by this resolution; if they first vote the charges, and send a copy of them to the President, as an instruction to him to remove the officer, they will violate the sacred and funda-mental principles of this, and every free Govern-ment. They will condemn a man unheard, nay, without his having even been furnished with the charges against him; they will condemn to infa-my a high and responsible officer convicted by the Representatives of the people, of a violation of im-portant trusts committed to him, without af-fording him one opportunity of vindicating his character and justifying his conduct.

Mr. MURRAY said he was opposed to the refer-ence of the resolutions to the Committee of the Whole. He had, as far as the time permitted, ex-aminated the several reports on which the exami-nation depended, and was then ready to vote on them, though he confessed, from the intricacy which was inherent in such a subject, as well as from the vast variety of the detail involved, he had not had sufficient time for a complete inves-tigation. Nor did he imagine that any man who had not previously meditated on the subject for a length of time, and made choice of his ground of attack, could say he was completely master of the subject. Some vote, however, was now rendered essential to the character, not only of Government, but of the gentleman who presided over the finances of the country. But three days were left for this inquiry, and he thought that despatch which was usual in the House ought to be used in preference to the indulgence which a Committee afforded. As to the abstract propositions, if it were neces-sary now to go into them, he thought it would be proper to decide on them first. He thought it most logical to lay down principles of reasoning before facts were developed. Were they agreed to by the House, it would be under provisions and restrictions. They could not have the implicit force of axioms, but at most must be yielded to as wholesome maxims, the application of which must be frequently modified by a certain degree of discretion. With respect to all the other reso-lutions, he imagined they would, on examination, be found to be unwarranted by facts. He hoped the movers and supporters of the resolutions would

not be gratified at so late a season by the House in resolving itself into a Committee of the Whole. The mode in which they were brought forward did not entitle them to much confidence. He said a more unhandsome proceeding he had never seen in Congress. It had been a practice, derived from the lights of common liberty, common right, and the first principles of justice, that whoever was charged with a violation of law on which a pun-ishment ensued, should have some mode of an-swering to the charge. It had, in a recent instance, been the practice of Congress, when an officer's conduct was even in the first instance inquired into, to afford the officer an opportunity of attend-ing upon the examination on which his offence or his freedom from blame was to appear. He al-luded to the conduct of the House when an ex-amination took place relatively to the failure of General St. Clair's expedition. Suspicions were entertained that blame lay somewhere. A com-mittee was appointed to examine. The three offi-cers particularly concerned were, he understood, invited, as it were, to come before the committee, to explain, to interrogate, and to give information. Though the Secretary of War was not permitted to explain on this floor, justice and delicacy, and the most common principles of jurisprudence, to which we attempted to hold some analogy, de-manded that he should be heard somewhere, and the committee was renewed for this purpose. The Quartermaster General asked to be heard on this floor. Though refused, he was permitted to attend that committee, on whose examination his character as a Quartermaster depended. Were any man responsible as an officer to this House to fall under the suspicion of its members, a regard to decency and to the established rights of citizen-ship, would teach gentlemen to inquire formally before they hastily laid a charge on the table, to which they might move the assent of the House. But in this proceeding a Legislative charge was gone into before inquiry had been instituted. Every rule of justice, and all that delicacy which ought ever to attend her progress, had been dis-regarded, and in the very first instance, a number of charges are brought forward, not for inquiry, but conviction, which, if sanctioned by a majority of one of the highest officers in the Government, of one of the highest officers in the Government. This mode was as tyrannical as it was new, and, if any thing could throw a bias against the reso-lutions, independent of inquiry, it was the partial and unjust form in which the proceeding had com-menced. Resolutions of conviction might rise out of the report of a committee of inquiry, who would act as a Grand Jury to the House, but could never precede it. He hoped the House would not refer to a Committee of the Whole what might be decided in the House with more despatch.

Mr. PAGE in reply to Mr. SMITH, spoke, in sub-stance, as follows:

Mr. Chairman: The more precious our time, the more readily shall I vote for a consideration of the first resolution; for I think it of more conse-quence that we should decide on it, than on any

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other before us. We find, from the inquiry which has been set on foot, into the conduct of the Se-cretary of the Treasury, that he differs from the mover of the resolution in opinion respecting his powers, and the constitutional obligation he may be under of regarding acts of appropriation; it, therefore, must be the wish of the Secretary him-self, whether we agree with him or not; and it is our duty, as soon as possible, I conceive, to let our constituents know whether we approve, or not, of his opinion. The Secretary himself, I think, confesses "that a strict adherence to appropriations, in certain cases, would be pusillanimity." He pre-ferred, no doubt, the public good, which he thought he had in view, to a strict compliance with an act of appropriation. It becomes us, then, to determine whether we wish that the Secretary shall hereaf-ter be bound by our acts of appropriation or not. I cannot conceive that the rejection of the first resolution can alter the nature of the case before us, or in any manner confirm or invalidate the truth of facts which some gentlemen seem so ap-prehensive may lead to an impeachment. For my part, I keep in view the first resolution, without thinking a moment of the last, or the intermediate propositions. When they shall come under con-sideration, I shall be ready to show a proper atten-tion to them. How the first resolution can be called an abstract proposition, I know not—when the nature of the last before us requires a decision on it. The Secretary himself should desire it, and our constituents must expect it. If the Com-mittee of the Whole shall be of opinion that ap-propriations ought to be sacredly regarded, they will agree to the resolution; if they think they may be dispensed with "in certain cases," they may amend the resolution, and qualify it so as to justify the conduct of the Secretary. To call the resolution a preamble, and to object to it as such, appears to me as extraordinary as to call it an ab-stract proposition; for I have always thought it inconsistent with Republican principles to object to preambles. I have remarked, sir, when they have been objected to, it became the Representa-tives of a free people to show on what principles and with what views their laws are enacted, and not in a dictatorial manner enact that it shall be so and so. The framers of our Constitution have set us an example of an excellent preamble; and, as it has been remarked by several members, this House has occasionally used them; I think, there-fore, that none of the objections to the commit-ment of the first resolution are of sufficient weight to induce the House to agree to the motion for striking out the two first resolutions.

The question was now taken on committing the two first resolutions, and negatived—25 to 32. On the question of referring the last, only fourteen members voted in the affirmative.

Ordered, That the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the said motion be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee; and, after some time spent there-in, the Committee rose, and had leave to sit again.

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The House then adjourned until six o'clock post meridian.

EVENING SESSION—6 P. M.

A message from the Senate informed the House that the Senate agree to the conference desired by this House on the subject-matter of the amend-ments depending between the two Houses to the bill entitled "An act fixing the time for the next annual meeting of Congress," and have appointed managers at the said conference on their part.

The House resolved itself into a Committee of the Whole House on the bill for extending the time for receiving on loan that part of the Domes-tic Debt of the United States which may not be subscribed prior to the first day of March, 1793; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making certain ap-propriations therein mentioned; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under con-sideration, and made several amendments thereto.

Ordered, That the said bill, with the amend-ments, do lie on the table.

FRIDAY, March 1.

An engrossed bill for extending the time for re-ceiving on loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, 1793, was read the third time, and passed.

Mr. FRIZZMOND, from the committee appointed, presented a bill making addition to the compen-sation of the Auditor of the Treasury and the Commissioner of the Revenue; which was twice read, and committed.

A message from the Senate informed the House that the Senate have agreed to the amendments proposed by this House to the bill entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and mer-chandise, imported into the United States, and on the tonnage of ships or vessels,' with an amend-ment to the second amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amend-ment to the amendment, and the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Se-nate entitled "An act providing an annual allow-ance for the education of Hugh Mercer," and, after some time spent therein, the bill was report-ed to the House, read the third time, and passed.

A message from the Senate informed the House that the VICE PRESIDENT having obtained leave of absence, the Senate have proceeded to the choice of a PRESIDENT *pro tempore*, and JOHN LANGDON has been duly elected.

A message from the Senate informed the House

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that the Senate have passed a bill entitled "An act providing for the compensation of Ebenezer Storer," to which they desire the concurrence of this House.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of Arthur St. Clair, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill making certain appropriations therein mentioned; and the same being read, were agreed to.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The House again resolved itself into a Committee of the Whole House on the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the motion of yesterday, respecting the official conduct of the Secretary of the Treasury.

The third resolution being under consideration, in the words following, viz:

"Resolved, That the Secretary of the Treasury has violated the law, passed the fourth of August, one thousand seven hundred and ninety, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit:

"1. By applying a certain portion of the principal borrowed to the payment of the interest falling due upon that principal, which was not authorized by that or any other law.

"2. By drawing part of the same moneys into the United States without the instructions of the President of the United States."

Mr. SEDGWICK opened the debate, by calling for the reading of a Letter from the Secretary of the Treasury to Mr. Short, of the 1st of September, 1790, showing the objects and general views of the Secretary, relative to the negotiation of the loans under the two acts authorizing them.

Mr. BARNWELL.—Mr. Chairman, before I proceed to discuss the observations which yesterday fell from the gentleman who introduced the resolutions now before us, I cannot refrain from saying that I am extremely happy that, in passing through the medium of that gentleman's examination, this subject has changed its hue from the foul stain of speculation to the milder coloring of an illegal exercise of discretion, and a want of politeness in the Secretary of the Treasury. I feel happy, because I always am so when any man charged with guilt can acquit himself; and the more so now, when a man in a high responsible office, and high in the estimation of his countrymen, can reduce a charge from a quality calculation, to such a shape as I fancy will scarce serve to satisfy the uncommon curiosity which it appears to have excited. As I have never been in the habit of taking notes, I shall depend upon memory in answering the gentleman from Virginia; although I imagine, as that gentleman usually sticks very close to his point, whatever it

may be, that, in pursuing his charges, I shall substantially answer his arguments. In commenting upon the two first resolutions, to which I am by order confined, I shall consider, in the first instance, what regards the right of drawing money into this country. The gentleman appears not to have considered the law properly, for there cannot be a doubt that the President had a right to make what arrangements he pleased, in order to attain what he might consider a proper modification of the Debt due by the United States abroad. He might have borrowed the money here, or have paid it here; he might have borrowed the money in England, or wherever he thought fit. I will ask the gentleman by what precise authority he borrowed the money in Amsterdam and Antwerp, and paid it in Paris? Certainly by none but that discretion which has been depended upon to modify the Debt in the manner most conducive to the interest of the United States. I take it, then, for granted, Mr. Chairman, that the right of the President to draw the money borrowed here, or to send it anywhere, must be conceded. The question will then arise, whether the Secretary of the Treasury had a right to do this or not, and whether this has not been done without, nay, against the instructions of the President? I really consider this as one of the most extraordinary cases that I have ever known exhibited. Let us consider its form. A highly important trust, of no less import than the discretionary use of fourteen millions of dollars, is placed in the President of the UNITED STATES; he, by a general commission, and by special instruction, deposes this power to the Secretary of the Treasury, stating that he is to conform to these, and whatever instructions he might from time to time give him. Let any man seriously examine these powers, and I am of opinion that the Secretary, under these, had a right to draw, if he thought proper, unless instructed to the contrary; for the President conveys a complete power to modify the Debt, provided that it should be, with all convenient despatch, applied to pay the principal and interest due to France; for where the payments are to be made are certainly left to the Secretary. If this has not been exercised advantageously, this is another circumstance which the gentleman himself has not questioned. But, says the gentleman, the Secretary, under these instructions, had no special authority to draw; notwithstanding which, he began to draw in 1790, and has continued to draw, at different times, into this country the enormous sum of three millions of dollars, and therefore he must have done this without, nay, against the instructions of the President, who, it is presumed, having delegated this great trust, has never, for three years, inquired into the performance of it. Can this be the inference of common sense? Can this be the inference of the experience of the prominent features of whose character always has been an industry to investigate particulars, as remarkable as his sagacity to frame Generals? If, then, instructions have not been given, or have been exceeded, was it necessary

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for us to come in aid of the President, he who by our law has the power, which we ourselves cannot exercise, of removing any of the Executive officers at pleasure? It certainly cannot be necessary; for, as this officer continues to act, we must conclude that he has either acted by instructions, or in such manner as to have given satisfaction to his principal without them. Really, Mr. Chairman, I cannot but believe that if suspicion had not led the gentleman from Virginia astray, the usual correctness of his understanding would have prevented him from pursuing such an *ignis fatuus* as this. Thus, sir, I think I have shown that the President of the UNITED STATES certainly had the authority to draw the sums borrowed here, and that, both under his commission and his instructions given, and inevitably implied, the Secretary had also the power to do this. I shall therefore now proceed to a more special consideration of the first charge, that the Secretary has violated the law in applying a portion of the principal borrowed to the payment of the interest falling due upon that principal, which was not authorized by law. Before I proceed, Mr. Chairman, I would wish to remark that, whilst I consider no principle in legislation more correct than that money shall be drawn from the Treasury only under appropriations by law, yet I consider both as impracticable and mischievous the doctrine that the money arising from a special tax shall, in no instance, be used for any other than that special purpose for which the tax was imposed, but am of opinion that the sums raised ought rather to be considered as an aggregate fund, applicable to aggregate purposes; and, indeed, if a rigid adherence to the precise letter of the law is necessary, there has been no occasion to go abroad to search for violations; for our Government at home has been able to act only by this violation. It is well known that the duties of impost and tonnage are appropriated, first, to produce the sum of six hundred thousand dollars for the civil list, then to pay the interest of the Foreign Debt, and so on; so that, by a rigid observance of this law, the Secretary must have first collected the six hundred thousand dollars into the public coffers, and then a sum sufficient to pay the interest of the Foreign Debt—a process which only requires stating to show its absurdity, and which must nevertheless have been connected with a minute construction of the law. Indeed, Mr. Chairman, if the acts of common life bear any analogy with public management, which I believe, what could be considered as being more extraordinary than that an individual should appropriate the proceeds of one farm to purchase bread, of another drink, and to declare, in the face of contingencies, that, happen what may, he would starve, should the bread crop fail, rather than use the surplus of that appropriated to purchase drink for its purchase. But to return. What is this charge? A sum of money was due abroad for the interest of 1791 and 1792, to be paid out of the domestic revenues of 1791 and 1792; the United States had an offer to make a payment in part of what was due to France, for which money had

been borrowed, and was already on hand abroad, in a supply of provisions from here to the Island of St. Domingo. The Secretary, therefore, and doubtless with the consent of the President, instead of transmitting either bills or money from this country to France, in order to pay the interest due there, and bringing the money borrowed to pay the French Debt into this country, in order to furnish supplies for St. Domingo, has committed the great crime of directing the money borrowed, and already upon the spot, to be applied to the payment of the interest due, and has taken the sums applicable to the payments of that interest, which was already here, and made use of it to pay the Debt due to France in the produce of the United States; so that, although, apparently, a portion of the principal borrowed has been applied to pay an interest due, yet in reality its capacity to be thus used arose from its constituting in this country an equivalent sum applicable, and which has been applied to pay off the principal of the French Debt, the object for which the money was borrowed. Let candor investigate this transaction, and sure I am its deductions will be directly the contrary of a charge of criminality. I shall conclude with observing that I should have proceeded to examine the other resolutions, which I consider as weak as those I have made short comments upon, were I not restrained by the Rules of the House. But this I will venture to say, that they will be proved unfounded in their investigation, and will merit the witty observation of a celebrated writer, that "though they rose like a rocket, they will fall like the stick."

Mr. W. SMITH regretted that so important an inquiry had been instituted at the very close of the session, when the members were thronged with business of an indispensable nature, and it was scarcely possible for them to bestow that attention and deliberation which the nature of the subject called for. But, while he expressed this regret, he assured the Committee that it was mingled with much satisfaction, in finding that the vague charges of mismanagement, with which the public had long been alarmed, were at length cast into a shape susceptible of investigation and decision. Previous to an examination of the specific charge then under consideration, he claimed the indulgence of the Committee in offering a few preliminary remarks, which, though they did not bear precisely upon the charge itself, yet were intimately connected with the subject-matter of the inquiry, and were justified by the general remarks of gentlemen who had preceded him.

In recurring back to the origin and progress of this examination, it must appear somewhat surprising that that which, in the commencement of the session, was sounded forth as gross speculation, now turned out to be nothing more than a mere substitution of funds, and that which was announced as abominable corruption, was dwindled away into a mere drawing of money from Europe into this country, to be applied here according to law.

Whatever credit might be due to the motives which had originated this inquiry, every member

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would concur in the sentiment, that in a Government constituted like that of the United States, which had nothing but the public confidence for its basis, premature alarms and groundless suspicions respecting the conduct of public officers were pregnant with the most injurious consequences. This opinion was more peculiarly applicable to the important station of Secretary of the Treasury. Intrusted with the management of a large revenue, and necessarily clothed with some latitude of discretion, it was to be expected that he would excite the jealousy of the public vigilance; but as long as he kept in view the injunctions of law, and the public good, his reputation was entitled to that security which is due to every citizen.

An officer, intrusted with the care and distribution of public moneys, is generally looked at with a watchful eye; mankind are too prone to suspect the purity of his conduct; slight insinuations are but too often sufficient to injure him in the public estimation. Such being the natural propensity of things, it doubtless behoved those who wished for tranquility in the country to withhold charges not clearly warranted by proof—to suspend animadversions which were not likely to terminate in conviction. A contrary proceeding had an inevitable tendency unnecessarily to alarm the public mind, to instil into it suspicions against the integrity of men in high stations, to weaken their public confidence in the Government, and to enervate its operations.

There was something remarkable in the nature of the present allegations against the Secretary. Taking them all into view, they presented nothing which involved self-interest, pecuniary considerations; and in this, they essentially differed from accusations against financiers in other countries, to whom motives of interest were generally ascribed as the source of their peculations. To the Secretary, no such motive was imputed; notwithstanding former insinuations against his integrity, the sum of all the charges now amounted to nothing more than arrogance, or an assumption of power, or an exercise of unauthorized discretion.

With respect to discretion, Mr. S. observed that, though in the present inquiry it was not necessary to say much on that topic, being firmly persuaded the Secretary had strictly pursued the injunctions of law, yet, while on the subject, he took occasion to insist that in all Governments a discretionary latitude was implied in Executive officers, where that discretion resulted from the nature of the office, or was in pursuance of general authority delegated by law. This principle was so obvious that it required no illustration; were it contradicted, he would appeal to the conduct of the Secretary of State, who, though directed to report to the House on the commercial intercourse with foreign nations, had, in the exercise of a warrantable discretion, judiciously withheld his Report. He would appeal to the Report of the Committee on the failure of St. Clair's expedition, wherein that failure was in part attributed to the Commanding General's not being invested with a discretion to act according to circumstances.

There was one more observation which he thought proper to premise, before he entered into a discussion of the charges; and that was the disadvantageous situation in which the financier of this country was placed, when compared with that of similar officers in other nations. The Minister of Finance in Great Britain being always a member of the Legislature, and on a footing with other members, was prepared to defend himself when attacked. No charge could be made against his administration which he had not an immediate opportunity of repelling; and the charge and the refutation went out to the world together. The Secretary of the Treasury was, on the contrary, not even permitted to come to the bar and to vindicate himself. Through the imperfect medium of written reports he was compelled, when called upon for information, to answer, as it were by anticipation, charges which were not specific, without knowing precisely against what part of his administration subsequent specific charges would be brought to bear.

If in his reports he was concise, he was censured for suppressing information; if he entered into a vindication of the motives which influenced his conduct, he was then criminated for stuffing his reports with metaphysical reasonings. A gentleman from Pennsylvania [Mr. FINDLEY] had said that the Secretary's reports were so voluminous that he was quite bewildered by them, and that instead of their throwing any light on the subject, he was more in the dark than ever. It was true, the reports were voluminous, but not more so than the imputations on the Secretary's conduct and the orders of the House justified. He did not think that any member, who had attentively perused them, could justly complain of want of information, or of being more in the dark than before; he, on the contrary, believed that so much light had been thrown on the whole of the Secretary's fiscal operations, that if any member could not see, it must be owing to the glare of light being too strong for his eyes. Having made these observations, Mr. S. said he should proceed to examine the first charge, which, after much reflection bestowed on it, appeared to him to contain nothing that was not perfectly authorized by the strict letter of the law.

Mr. S. proceeded next to examine the charge under consideration. It consisted of two items: the first, the application of a certain portion of the principal sum borrowed in Europe to the payment of interest falling due upon that principal, which it was contended was not authorized by any law; the second, the drawing part of the same moneys into the United States, without the instructions of the President.

The first item of this supposed violation of law appeared of so frivolous a nature that it did not merit much discussion; at any rate, it was more an objection of form than of substance. If he comprehended well the purport of the charge, it was nothing more than this—that the Secretary was having moneys at his disposal in Europe applicable to the purchase of stock in this country, and having at the same time moneys in this country

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applicable to the payment of the interest abroad had substituted the one for the other. He had paid the foreign interest out of the foreign funds and he had purchased stock with the domestic funds. This was the heinous offence with which he was charged, and which was thought sufficient to remove him from office. If the moneys in Europe might have been drawn to this country by bills, for the purchase of the Debt, it might have equally been drawn here, by ordering the application of a sum in Europe, for a purpose which would be represented by an equal sum here, to be applied to the purchase. The substance, not the form, is to decide whether this mode of negotiating the matter was proper. Suppose bills had been ordered to be drawn on the Commissioners, and remitted to them, on account of the foreign interest, would not this have been as regular as to draw them for sale? Did the execution of the law require that the Secretary, having funds in Europe with which the foreign interest might be discharged, should nevertheless remit moneys abroad for that purpose, and then, having funds in this country with which the purchases of the Debt might be made, should draw bills to bring the foreign funds here? Was there any necessity for this complex operation, for the expense of remittance, the probable loss on the sale of bills, the loss of interest while the money was *in transitu* when the whole matter could be negotiated by the simple and economical mode pursued? So far from this arrangement being a ground of censure, Mr. S. asserted that, had the Secretary pursued the other mode, he would have been animated upon with great severity for such an extraordinary course. He would have been accused of ignorance of his duty, and every loss incidental to the transaction would have been charged to his account.

The second division of the charge, being of more magnitude, required a more lengthy discussion. This instance of violation consisted in a supposed deviation from the instructions of the President, or a supposed acting without any instruction whatever. It was, however, begging the question; it was taking for granted that which did not appear, and which ought not to be presumed. And here, Mr. S. observed, the gentlemen on the other side had entirely reversed one of the fundamental maxims of criminal jurisprudence, which declared that innocence should be presumed and guilt proved; whereas they had presumed guilt, and called upon the accused to prove his innocence.

And what was the slender basis on which the presumption was built? Why, say the gentlemen, the instructions from the President to the Secretary, which have been laid before the House, relate only to the payment of the French debt, and convey no authority to draw any of the foreign loan into this country for the purchase of stock; and hence they infer, he had no authority for this latter purpose.

To comprehend the fallacy of the inference, it was only necessary to recur to the laws, and to the President's commission to the Secretary to

negotiate the loans. Two acts of Congress had passed; one on the 4th of August, the other on the 12th of August, 1790. The first authorized a loan of twelve millions of dollars, applicable to the payment of the French debt; the other a loan of two millions, applicable to the purchase of the Domestic Debt. The President's commission to the Secretary embraced both acts and both objects, and under that commission one loan was negotiated applicable to both objects. True it is, that the President's first instructions were confined to one object, namely, the French debt; but the inference is not that no other instructions were given, and that the Secretary acted without authority; but the very reverse, that the President either left the other object to the general discretion of the Secretary, who was, *ex officio*, the proper agent and his representative; or that he reserved it for subsequent and occasional instructions.

This inference must be the true one; first, because a contrary supposition would impute to the President an illegal intention, that of applying all the moneys borrowed under both acts to the object of one only; secondly, because the commission extending to the borrowing fourteen millions of dollars, and embracing both objects, and the instructions being confined to twelve millions of dollars, and to only one object, it followed that the other either was left to discretionary management, or to after regulation, for the law enjoined the execution of both.

If presumption, then, was to govern, the more natural presumption was, that the officer acted according to some general discretion reposed in him, or according to instructions from time to time given. These instructions may have been verbal, as well as written. The written instructions given in the first instance were evidently confined to the object of the first act. The necessary conclusion is, that the application of the moneys borrowed under the second act was not meant to be included in that instruction, but was left to be regulated by a general discretion, or by occasional directions, verbal or otherwise.

To presume that the Secretary acted without the sanction of the President was to suppose that the President was totally ignorant of the application of any part of the loan to the purchase of the debt. But there is in the possession of the House abundant testimony of the President's privity and co-operation—

1st. In his Speech to both Houses, in December, 1790, in announcing the loan, he expressly refers to its being made by virtue of both acts, thereby implying clearly that it had reference to the objects of both. He therein likewise refers the House to a further communication from the Secretary on that subject.

2dly. The Secretary, pursuant to that reference, informed the House, in the name and by order of the President, that a part of the loan, to wit: 150,000 florins, was applied in payment to France; another part, to wit: 160,000 florins, to the Dutch debt; and that it was deemed highly advisable to apply the residue to the purchase of the debt, if

Congress would remove a doubt as to the terms on which the loan had been negotiated. Congress did remove that doubt by their act of March, 1791. It followed, then, of course, that the residue would be applied according to the intimation given. It was so understood on all hands, and the money being of course that it must be drawn wise followed of course that it must be drawn here. A contrary conduct would have been censurable. And yet, notwithstanding these facts, though the President had informed the House, as far back as December, 1790, that the loan had been a conjunct loan, under the authority of both acts, and consequently for both objects, though, at the same time, he had referred the House to the Secretary for further information in relation to that loan and its applicability, though the Secretary had, in the name and by order of the President, informed the House, by his Report in February, 1791, that only a part of the money borrowed had been applied to the French and Dutch debt, and that the residue would be applied to the purchase of stock, as soon as Congress removed the doubt; though Congress passed a law expressly to remove that doubt, yet it had been gravely and earnestly contended that the Secretary was not authorized to apply any part of that money to the purchase of stock; that it was done without the sanction of the President; and that Congress, until the late call for information, were totally ignorant of the application of any part of it to that object.

There was, then, the fullest and most satisfactory evidence of the privacy and concurrence of the President in confirmation of the evidence resulting from official relation. Between the Chief Magistrate and his immediate agents either a general discretion or instruction must be presumed, because it is presumable he will do his duty, and punish where either a discretion has not been allowed, or instructions have not been given, or where those instructions have been contravened.

The argument on the other side implies in the Chief Magistrate either ignorance or neglect of duty. On the one hand, that he was unacquainted with the transaction; or, on the other, that, being acquainted, he acquiesced in a violation of law, without removing the transgressor. Could it be seriously said—would it not be absurdity to suppose—that an operation of such extent, provided for by law, communicated to both Houses, notorious to all the merchants of Philadelphia and New York, as that of drawing and selling the bills of Europe, was unknown to the President?

Must he not have been well acquainted with these transactions, and that without daily frequenting the coffee-house, as some of his friends lately advised him? If the instructions or the intentions of the President had been contravened, would he not have vindicated his own authority by removing the officer? But it had been objected that the bills were drawn previous to the sanction of the Legislature by the confirmatory act of March, 1791. Admit the fact, and there was nothing reprehensible in it. It appears, from the first general instructions to Mr. Short, in August

1790, that the Secretary considered ordinary charges and five per cent. interest as within the meaning of the law. Pursuing this construction, and believing it to be very important to the general operations of the Treasury, he drew for the money, reserving himself as to the final application for an act of the House removing the doubt. The drawing for the money was a mere intermediate step, which amounted neither to a breach, nor to a fulfilment of the law, which was wholly silent on that point. The application was the criterion whether the law had been fulfilled or not. If the Legislature had not removed the doubt, the money would have been remitted back for the foreign object, and, from the relative price of public and private bills, without loss, probably with advantage. It was prudent, in the mean time, to place it where it was likely to be most useful. This was done. It was indeed remarkable that all the points now raised as objections were made known in the report, before alluded to, of February, 1791, as things done or intended. No objection was then made or dreamed of.

It has been asked, Why have the instructions not been produced, if any existed? The call had been only for copies of authorities; the instructions may have been verbal. The Secretary, in his Report on Loans, informed the House "that, besides the first general instructions, the trust reposed in him was to be regulated by subsequent and occasional directions." A motive very honorable to him might be assigned for his not bringing forward the President's instructions as a cover. Relying that the province of the House was to examine into the effects of measures, their conformity to law and the public good, and that the necessary Executive instructions were to be presumed, the Secretary had evidently chosen to implicate the President as little as possible.

The order requested the President to lay before the House copies of the authorities directing the application of the moneys borrowed. It was evident that the President construed this order into a call, not for the instructions from him to the Secretary, but for the instructions from the Secretary to his agents; because, in the report made in pursuance of that order, the Secretary presents, by order of the President, his own letters to Messrs. Short, Willink, and Van Staphorst, as the authorities to apply the proceeds of the loans. It followed, therefore, that the paper relied on was not intended to be given as the only instruction respecting the application of the loan. The inference from it was consequently erroneous. The President could never conceive that the House meant to call for his private instructions from time to time imparted to his immediate agent under the words of the resolution. That link must have been presumed. He therefore directed a transmission of the authorities from the Secretary to his agents.

But what has the want or breach of instructions to do with the breach of the law? Suppose no instructions given, or the instructions not pursued, and yet suppose the law to have been completely

pursued, could it be said there was any breach of law? Or suppose instructions given and strictly pursued, and the law to have been departed from, would the adherence to instructions have justified that departure? Either what was done was nugatory, or it would have been agreeable to law. To affirm the contrary, would be to confound two things perfectly distinct—instructions and laws.

The resolution imports that the Secretary has violated the law of the 4th of August, 1790, by not pursuing the instructions of the President. That law is silent as to instructions. It does not require that the President shall give instructions to the Secretary; nor does it require that the Secretary shall be alone guided by the instructions of the President. It only directs the President to cause a certain sum to be borrowed, and leaves it to him to cause a proper application to be made of the proceeds. The drawing money into this country, with or without authority, to apply it to the purchase of the debt, cannot be deemed a violation of the law of the 4th of August, for it was not loaned under the authority of that act alone, but under the joint authority of the two acts. If any thing is meant by the resolution, it ought to mention both the acts.

To go further, Mr. S. insisted that the Secretary had, *virtute officii*, a legal authority to apply the moneys when borrowed, according to law, without instructions. The loans might have been made in the United States as well as abroad. Suppose them obtained of the Bank of Boston, would it have been criminal for the Secretary, without instructions, to have drawn the money to the places where it would be most advantageously invested? Suppose the loan obtained of the Bank of the United States, would it have been deemed irregular to have, without instructions, issued a warrant to place them in the Treasury? Why was it more irregular or more criminal to draw them from abroad as a preliminary step?

The moment the foreign loans were negotiated, and the moneys paid into the hands of the Secretary's agents abroad, from that moment they became as much under his control and superintendence, subject to legal appropriation, as any moneys in the Treasury. It was not necessary, to establish this position, that the subject of foreign loans should have been specially mentioned in the constitution of the Treasury Department. Many things resulted collaterally from the general structure of an institution which were not expressed in it.

He did not, however, intend that the doctrine here advanced should touch the question as to what official propriety might have required between the Chief Magistrate and the Secretary. It was the point of legality only which he meant to examine. In all Executive functions relating to the finances, the Secretary must be considered as the agent of the President, and the Legislature must take it for granted, where the contrary is not manifest, that the relation has been properly attended to. Justice to both characters dictated the presumption.

It clearly resulted from these remarks—

1st. That there was no ground to infer either want of instruction, or breach of instruction; but directly the reverse.

2dly. It as clearly resulted, that, if there was, it would not follow that there had been a violation of law.

Having gone through this resolution, Mr. S. observed, that, if there was as little of criminality in the subsequent charges as in that which he had just discussed—and from an attentive examination he sincerely believed it—he was satisfied that, notwithstanding all the severe animadversions within, and all the virulent calumny without, the walls of Congress, the conduct of the Secretary would come forth chaste and unblemished. Instead of anything being detected which would disgrace Pandemonium, nothing could be chargeable to him which would sully the purest angel in Heaven. Whatever difference of opinion might exist as to the wisdom and benefit of his measures, he was confident in saying, that in every thing the Secretary had done, he had been guided by principles honorable and patriotic, and he trusted that a very great majority of the Committee would, by their votes, evince the same sentiment. The sword of justice, it was said, ought at times to be taken from its scabbard to keep great public functionaries within the pale of the law; but it should be remembered that if Justice had its sword to punish the guilty, it had likewise its shield to protect the innocent. If the Secretary had committed a wanton violation of law, let the sword be drawn forth for his punishment; but if he has pursued the dictates of an enlightened patriotism, the Committee were called upon to raise the shield for the defence of a faithful officer.

Mr. FINDLEY addressed the Chair as follows: Mr. Chairman: Being strongly impressed with the importance of our time, which is now so near an end, though I had the honor of seconding the resolutions, I took no part in the debates of yesterday; nor will I now detain you with replies to many of the arguments which have been offered against the resolution now under discussion.

Upon one argument frequently introduced by the gentleman last up, viz: the greatness of the Secretary's character, &c., I will only make a single remark. There is no character officially known in Executive Departments of this Government, who merits pre-eminence, or to whom a degree of greatness can be ascribed, but in proportion to his prompt execution of the laws, and the attention with which he discharges the duties of his office. From this rule, the President himself is not exempted, much less a subordinate Secretary, whose appointment is during pleasure, and the duties assigned him of a changeable and temporary nature. But to come to the resolution before us. The first questions that offer themselves, are: Was the money in question appropriated to special and distinct purposes? Did the Secretary of the Treasury apply the money to other uses than the law directed?

In answer to the first, it is only necessary to advert to the law authorizing the loans. The law authorizing the twelve million loan, appropriates

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whatever amount may be borrowed solely to the payment of debts then due to France and Holland. The law authorizing the two million loan directs the application thereof to the redemption of the Domestic Debt, in aid of about — dollars, arising from the revenues previous to the 1st of January. — These appropriations are precise, distinct, and unconditional. With respect to the uses, no room was left for the exercise of discretion. The will of the Legislature was expressed and clearly defined; it left no room for evasion, nor any excuse for mistake; nor did the President transfer to the Secretary any other authority or instructions than what the law expressed.

But the gentleman from South Carolina says, that the presumption is, that the President did give other instructions than he has communicated; that, in this case, presumption should be admitted as conclusive testimony, and that neither the Secretary nor the President is obliged to communicate the instructions or authority to us. The gentleman is a lawyer: I will appeal to himself; I will appeal to all the professional members on the floor, whether presumptions can be admitted as proof, where, in the nature of the case, positive testimony can be procured. Surely, in Courts of Justice, positive testimony is always required, and presumptive is rarely admitted; but in this case, the presumptive is by the gentleman set in opposition to the positive. However, this is not the case in fact. The President did give commission and instructions, and those are fully communicated to us. If he conceived we had no right to demand them, he would have told us so; if he had kept any part of them back, he would have informed us, and assigned his reasons for doing so. I presume that the President has acted from a candid, honest man; the gentleman presumes the reverse. The suggestion that this House, which has the exclusive right of originating the appropriation of money, has no right to be informed of the application of it, is so novel and extraordinary, so inconsistent with every idea of propriety and good Government, that it requires no reply.

Did the Secretary apply the money borrowed in Europe agreeably to the legal appropriations and the instructions of the President? No, he did not; though some of the gentlemen do not acknowledge this, yet the Secretary has clearly acknowledged it himself, and has filled his Reports with labored and ingenious apologies for so doing. He has suggested a variety of motives, and taken infinite pains to charm us with the mighty public advantages resulting from his doing so. He acknowledges combining the loans, and directing the application of them, in the very offset, in a way contrary to law; he acknowledges having drawn to this country, and applied in Europe, to uses for which other moneys were appropriated, near \$3,000,000. Out of this he has paid upwards of \$400,000 of the French debt, to St. Domingo. I do not complain of paying the interest due in Europe out of the money drawn here. The gentlemen apply the force of their arguments, with great attention, to support or apologize for this

part of the Secretary's conduct, as if against this only the charge in the resolution lay. But we do not object to applying that money in Holland, which ought to have been brought here, if the money which, according to the appropriation, should have gone to Holland, had been put to the use here for which the other was intended. A simple exchange of money for the purposes of convenience or economy, is properly one of those cases to which Ministerial discretion may safely be extended; but the question before us is, the money has not been replaced. The amount of money has not been applied to the uses intended; consequently, the appropriation has been disregarded. It is acknowledged that though there were upwards of \$1,300,000 of the Domestic Sinking Fund, and upwards of \$2,300,000 drawn from Europe, besides the moneys applied to the relief of St. Domingo; and yet, when these inquiries began, there was not \$1,000,000 applied to the redemption of the Public Debt, and even yet the whole of the domestic appropriation has not been applied to the Sinking Fund, notwithstanding that the Public Debt is now, and has for some time been under par. We have it on record that the Secretary never informed the Commissioners of the drafts he made on Europe, although the fund was exclusively to be at their disposal.

However, I will not detain the Committee with minute calculations. They are not necessary; the Secretary has acknowledged that he drew more money from Europe than the law authorized him to do; that he was influenced to do so by motives not contemplated in the law, and had either applied it, or drew it from Europe with the design of applying it to uses not authorized, and that he has broken in upon the fund appropriated to the discharge of the French debt.

Indeed, the delay of information, the receiving it by piecemeal, the abundance of reasoning and apologies, when only simple and plain statements were required, renders a scrutiny of all his calculations a work of time and labor. Therefore, I have contented myself with the facts which the Secretary acknowledges and vindicates on the questionable ground of policy. It remains to be inquired, had the Secretary a right to depart from the directions of the law in the execution of it? Could he, without a violation of the law, divert the money from its appropriate uses, to purposes foreign to the intention of the Legislature? He certainly could not.

The application of appropriations is the most sacred and important trust the Legislature can confer. If they may be made to bend to the will or projecting policy of a Financier, there is an end of all security and confidence. When the Legislature makes an appropriation of a general fund to a variety of uses, as has been done with respect to the impost, tonnage, excise, &c., there is necessarily a considerable degree of discretion left with the Executive, as far as respects preference to one or the other of the appropriate uses. But where the money is appropriated solely to a special purpose, as in the case of the loans, he who executes the law has no degree of power

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over the appropriation. There is ample room for discretion in many material circumstances respecting them, such as the terms of contract, the time of drawing, the agents employed, &c., but to assume or exercise the power of changing the appropriation is assuming a power to repeal the law itself in its most essential authority; it is assuming that power of dispensing with the laws which produced the late revolution in Britain. If the will of the Minister may control and give another direction to the will of the Legislature, the Sovereign Legislative authority is transferred from the Representative of the people to the temporary Minister. If we admit that the Ministerial agent is not responsible for his conduct, nor subject to censure, because he is appointed, and in this instance authorized by the President we will introduce the long-exploded doctrine of Charles I. of Britain, which brought ruin on the King and the Government. However, there is an essential difference, for in the case before us, the authority and instructions given by the President were agreeably to the law, but the conduct of the Minister was contrary to both. If, as I have said, the application of money to its appropriated uses, is the most sacred and important trust which the Legislature can confer; if the person who can apply the money to what use he pleases, may, by that means, command all the influence and all the force of the Government, I conclude that betraying the important trust partakes of the nature of treason.

The question before us is, not whether the Secretary has applied the money to a good or to a bad use? Whether he has, by departing from the legal appropriation, supported public credit better, or made a more convenient accommodation to what he or his friend may suppose to be the national interests. Neither the Constitution nor the laws have constituted him the judge of the national interests, nor submitted it to his wisdom to prescribe the degree of public credit which the nation ought to possess. The public credit and other national interests ought to be no other than the Legislature wills them to be, and ought only to be supported by the means, and in the manner thereby prescribed. This is the voice of the Constitution, the voice of the law, and the voice of reason. The President and both branches of the Legislature being the real, as well as the legal Representatives of the people, it is reasonable that they should be the sole judges of their interests. When this House repeatedly called for information from the Secretary, they did not call for political essays nor labored apologies; they did not constitute him the judge for, nor the instructor of the Legislature; they cared nothing about his variety of motives, nor his extensive and self-important plans. These he might have referred to embellish a system of finance, when he would again be called upon to report one to the House. They only required an account of his stewardship. It was time enough to make apologies when he was blamed; prefacing his statements with apologies, and being irritated at inquiries, and artfully evading so many calls for information, discovered a consciousness of blame.

However, I will admit that an Executive officer, pressed by some urgent and unexpected necessity, may be induced to depart from the authorized path of duty, and have great merit in so doing. This may be the case with the General of an army or the Admiral of a fleet, and, though more rarely, even with a Financier. But in such emergency, the officer so acting will embrace the earliest opportunity to explain the matter and obtain a justification, whilst the recent feelings arising from the occasion advocates his cause in the public mind.

Has the Secretary done so in the present instance? No: his conduct has been the very reverse. Notwithstanding repeated and explicit calls, both at the last session and the present, the extent of these transactions was concealed. A bill passed this House authorizing another loan of \$800,000; a second bill was urged in an unprecedented manner, for a loan of \$2,000,000; and, though this was a favorite bill with the Minister, the very inquiry after this information induced his friends to shrink from the matter, and desert the object about which they had discovered so much solicitude. But when the disclosure is made, does there appear any urgent necessity to justify this measure? No; there was none except what existed to the unauthorized plans of the Financier. He informs us that he thought it necessary to have always \$500,000 or \$600,000 at his command. I ask what law authorized him to think so? Did the Legislature judge this necessary? No. Did he ever state the necessity to the Legislature, and recommend such a provision? No, he did not; and we know he has never been backward in recommending Revenue Systems, nor in contriving uses for revenue. Supposing a sudden necessity for money, arising from a disappointment of some remittance, where was the boasted aid of the Bank, which was to have administered aid in all sudden emergencies? Could not bills have been sold for cash when the necessity pressed? Or could not a temporary loan have been procured from any of the banks? Certainly they could. Loans were obtained at the Bank when no necessity required such aid, and when the public money, to a much greater amount, was deposited with the Bank. In short, no necessity of State, for purposes authorized by the Legislature, existed. If there was a necessity at all, it must have arisen from another quarter—most probably from the Bank itself and its branches. A key to this suggestion may be discovered from a comparison of drawing at the times, and the situation of the Bank at such times? [Here Mr. FINDLEY was called to order, upon the ground of his arguments not being confined to the resolution before the Committee.] He alleged his arguments applied strictly to the charge of violating the law contained in the resolution; but as a further opportunity of applying the arguments arising from necessity and discretion would be given when a subsequent resolution was brought before the Committee, he would pass it now, and conclude with a very few remarks. He said the exercise of the power assumed by the Secretary,

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was inconsistent with that public confidence upon which the Government alone was founded; that it was inconsistent with public safety and a Government of laws; that the Secretary seemed to take the whole Government upon his shoulders, and to consider all the great interests thereof to be committed to his providence. His reports spoke the language of a Frederick of Prussia, or some other despot Prince, who had all the political powers vested in himself—not the language of a dependent Secretary, under a free and well-ordered Government.

Mr. GILLES rose.—He was sensible that he stood in a peculiarly delicate situation, in which nothing short of the public good could have induced him to place himself. If a public and highly responsible officer had violated the laws, it was necessary that he should be called to an account for it; and to determine whether in the instances before the House, he had been guilty of that violation, it is necessary to compare the testimony with the facts alleged in the resolutions before the Committee. He first adverted to the law authorizing the PRESIDENT OF THE UNITED STATES to borrow twelve millions of dollars for the purpose of paying the foreign debt. On this, he remarked that the authority of borrowing was expressly given to the PRESIDENT, no doubt, with an eye to the personal virtues of the character who fills that office; the loan is also directed to be made solely for the purpose of paying the Public Debt. Here he remarked, that in every appropriation law, the appropriation is always emphatically mentioned, which is an evidence that the Legislature intend to remain the sole judges of the appropriations of money. He read a letter from the Secretary of the Treasury, who was employed by the PRESIDENT to negotiate this loan, to Mr. Short, the Secretary's Foreign agent for this purpose, dated the 9th of May, 1791, in which the Secretary informs Mr. Short, that one million and a half of the money he had obtained on loan, was destined for France; of which sum he was authorized to apply immediately one million, but to reserve eight hundred thousand florins to answer such subsequent directions as he should receive from the PRESIDENT. He cited this passage to show that the million and a half which had been obtained on loan, was destined for France.

To remove any doubt that might remain upon this head, he referred to a preceding letter from the Secretary to Mr. Short, dated the 13th of April, in which it is also expressly said, that of the two millions borrowed, one million and a half is intended for France, the remaining half million to wait for further directions. Having established this point, he adverted to the resolution before the Committee, which says, that he applied a portion of the principal borrowed to the payment of the interest falling due upon that principal, without being authorized so to do by any law. To show this, he referred to a report of the 3d of January, containing sundry statements respecting foreign loans. That part of the Report to which he alluded in proof of the fact, stated in general terms, a sum paid on account of foreign loans, and this

sum was taken from the principal borrowed, and amounted to 1,833,189 florins. If his statement was accurate, the fact he wished to establish was proved. He wanted more light, he confessed, than he could collect from the Secretary's official communications. He should not go into the examination of what circumstances might have induced the Secretary to deviate from the positive injunctions of the law, or to make any remarks upon his conduct, until he had heard what gentlemen would say to controvert the fact he wished to establish.

Another fact of consequence he wished to prove, viz: that part of the money obtained on loan in Europe had been drawn over, though not wanted here for any public purpose. This appeared from other papers. He turned to the instructions from the PRESIDENT to the Secretary of the Treasury, authorizing him to borrow \$14,000,000, in which the Secretary is cautioned to keep in view the two several acts authorizing the loans, and the distinct conditions they contemplate. By the instructions of the PRESIDENT, the Secretary is authorized to apply the moneys. In the execution of the trust confided to him, the PRESIDENT generally directs him to employ Mr. Short to negotiate the loans, to borrow in the manner prescribed by the acts, and to discharge immediately the arrears of interest due to the French, to which purpose and to the complete payment of that debt the twelve million loan was altogether appropriated. If this money, then, was shown to have been drawn here, it was neither warranted by law nor by the PRESIDENT's instructions. The Secretary did begin to draw as early as 1790, and had continued to draw from time to time, till 1793, without giving notice of this to the Legislature. Having shown that the Secretary had drawn without authority to draw, he next proceeded to consider the purpose of those drafts.

The money thus drawn for was not, he stated, applied to the purchase of the Public Debt. No money obtained from foreign loans was thus applied until this year; the domestic resources appropriated to this object were never exhausted. These were the facts involved in the first resolution, which he wished to establish. Before he proceeded further into the discussion, he wished to hear what gentlemen had to say to controvert them. He wished to see justice done in the matter before the House; he wished justice, also, to be tempered with moderation and mercy; and if gentlemen could show the necessity for deviations from positive law, which he had endeavored to point out, it would exonerate the Secretary from a very great share of blame.

Mr. BARNWELL called for the reading of certain parts of the two acts authorizing the loans. One, of the 4th of August, authorizes a loan of \$12,000,000, to be obtained without limitation as to the interest, for the purpose of paying the Foreign debt; the other is of the 12th of August, for \$2,000,000, the interest to be not more than five per cent., and for the purpose of reducing the Domestic debt.

Mr. SEDGWICK, to disprove that the drafts alluded to had been made without the knowledge of the Legislature, called for the reading of the

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PRESIDENT'S Speech to both Houses on the 8th of December, 1790, and a subsequent report of the Secretary of the Treasury to the same point. By this, it appeared that the power of borrowing having been exercised under the joint authority of the two acts, the Secretary states a difficulty that had occurred to him on the subject of the drafts alluded to. The money having been obtained on an interest of five per cent., exclusive of douceurs, he wished the Legislature to determine whether it might strictly be considered as borrowed under the second act, which limited the interest at five per cent. This was sufficient, he conceived, to show that the Legislature were not ignorant of those drafts, and an act was passed solving the Secretary's doubt, and sanctioning his construction of the law.

Mr. GILES remarked, that he had drawn before that sanction was obtained.

Mr. FITZSIMONS observed, on the first charge in the resolution, that, as the interest of the money borrowed in Europe is payable where borrowed, it was economical in the Secretary to pay that interest with moneys there, which were to be drawn here, and replace the sum by taking the amount from the funds here destined for that payment. A financial operation of this nature is simple, and saves the trouble of drawing with one hand and remitting with the other. He conceived there was no just foundation for the first charge.

Mr. LAURANCE said, that when the resolutions calling for information from the Treasury Department were first brought forward, the public mind was impressed with an idea that there were moneys unaccounted for. This charge is now dropped, and it is honorable to the officer concerned that, after much probing, nothing is found to support it. The inquiry now is, whether a debt was paid out of this or that fund. He did not admit the fact, that it was paid out of any other moneys than what law strictly warranted. He went into a history of the subject from its origin. He stated the nature and purposes of the loans. There was nothing to prevent the PRESIDENT from consolidating the two loans, provided such an arrangement did not interfere with the purposes intended by them. The PRESIDENT employed the Secretary to obtain the loans under the joint authority of both acts, as it was found that the object could best be carried into effect by such an arrangement.

The money thus borrowed became subject to the appropriations of both acts, and not exclusively for the payment of the Foreign debt. Then, as part of that money was subject to be drawn here for the redemption of the Domestic debt, and the interest of the loan was to be paid with Domestic funds, it was perfectly reasonable to avoid further drafts and remittances to pay the debt there with money there, and replace it here with money already here. The fact stated in the first part of the resolution is, by this plain statement of the case, substantially refuted, and appears altogether unfounded; but if the fact is proved, what is implied? No injury to the interests of the community; the intention of the Legislature has been in every point fulfilled. If the Secretary had acted

differently, he would have been guilty of an absurdity, and to blame for sacrificing the public interest and neglecting the spirit of a law for a strict and unprofitable observance of its letter.

Mr. SEDGWICK, by adverting to the Speech of the PRESIDENT and Report of the Secretary, had shown that the Legislature had been made acquainted with the drafts, and sanctioned future ones on the same principles. The latter part of the first resolution criminales the Secretary for making them without instructions from the PRESIDENT. Even if this was the case, he did not know whether this was really reprehensible. He defended it on the ground, that the Secretary is the officer appointed by law to superintend the finances and apply all moneys agreeably to appropriations. He took a view of the subject, as stated by Mr. LAURANCE, and concluded by asking, whether, if the Secretary was found, on a critical examination, to have deviated in a trifle from the letter of the law, such a deviation was sufficient to warrant the alarm's being sounded from St. Croix to St. Mary's, and whether the precious time of the House, at the close of the session, should be taken up in so unprofitable and frivolous an investigation?

Mr. GILES said, the transaction alluded to by the gentlemen to controvert the fact laid down in the first part of the resolution before the Committee was not immaterial, as they had endeavored to show it. It was not merely a financial operation to avoid the necessity of drawing and remitting. The truth was, that the Secretary had drawn over nearly \$3,000,000. The PRESIDENT's authority was limited to \$2,000,000.

Mr. LAURANCE was of opinion, that if the PRESIDENT, or his agent, had drawn the whole amount of the money obtained under both loans, he could not be said to have gone beyond his authority. He was authorized to borrow \$12,000,000 to pay the arrears on the Foreign debt, and to modify the whole. In the execution of this trust, he might have found it advisable to draw to the country the whole of that sum. It had been found advisable to draw for part, and to pay the French by shipping produce to St. Domingo. If the money expended for supplies to St. Domingo is deducted, the balance will be found less than \$2,000,000.

Mr. L. contended, that the interest of the moneys borrowed was not paid out of the principal of the loan, as set forth in the first charge of the resolution before the Committee. If gentlemen would attend to the history of the transaction, they would find this strictly true. This interest was paid out of the moneys borrowed for the redemption of the Public Debt, and not out of those intended to pay the French, and the funds appropriated for the payment of that interest were here to replace the former and be applied as those were appropriated. He referred to the PRESIDENT'S Speeches at the commencement of the two last sessions, to show that the loan was obtained under the joint authority of both acts; and adverted to the act of Congress, in consequence of a doubt suggested by the Secretary, explaining that the moneys first obtained might be considered as bor-

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rowed under the act authorizing the loan. Having shown the first charge in the resolution to be unfounded, he turned to the second.

The Secretary is accused of drawing moneys to this country without instructions. In this transaction, the President must be considered as the principal, and the Secretary the agent, or the Secretary must be looked upon as the principal. If the President is the principal, and he be authorized to obtain the loans, as soon as the money is obtained it naturally falls under the direction of the financier; but if it be contended that the President was to have applied the moneys as well as to borrow them, then we have nothing to do with the agent; that agent is accountable to his principal, and as this principal is not called to an account by the Legislature for any improper exercise of discretion, he must be considered as having acted strictly within the law. If the Secretary is considered as the principal (and by a strict attention to the law, he believed, it would be found so, for the President is by it authorized to borrow, and it is not expressed who shall apply the money) then it was not one of the duties of the Secretary to procure the instructions of the President, being the principal, and consequently having the direction of the money borrowed, he is made the judge of the time of drawing, to fulfil the intention of the law. Was the money, he asked, to have remained in the hands of the banker in Europe? Since it was borrowed for the purchase of the Public Debt, the sooner it was drawn over the better, and the Secretary having the direction of those moneys, could do it without consulting the President. He proceeded to show, however, that the Secretary had by no means acted entirely without regard to the President's instructions. His letter to Mr. Short, which had been read, expressly says, that he is waiting for instructions from the President, and the only instructions brought forward clearly shows, that he did not act without them. On this occasion it was not necessary, he conceived, that all the private communications between those two officers should be brought forward; indeed many of the instructions might have been verbal, and of a private nature. Another proof lies before the Committee, to show that the Secretary did not act independent of instructions. A Report of the Secretary mentions that some matters relative to the loans were under consideration of the President of the UNITED STATES. This document, the gentlemen were in possession of when they framed the resolutions; and it, in his opinion, left very little ground indeed to suppose that the Secretary had acted without instructions.

That officer, he contended, had strictly obeyed the Appropriation law; he had not drawn one dollar that the act did not warrant. On the authority of one act, the Secretary drew two millions (by the by he wished to remark, that the Secretary is not the officer who actually draws, who sells the bills, or who receives the money; this falls within the province of the Treasurer, the Secretary does not touch a penny of those mo-

neys) to apply to the reduction of the Public Debt. The other act gave the President power to draw every dollar of the loan it established, if he thought fit, if those who were to receive the money wished to be paid here. Will the remittance which afforded so seasonable a relief to St. Domingo be found fault with? If this mode of paying was within the authority vested in the President, surely the power of drawing must have accompanied it. He concluded by observing, that he had stated his ideas on the subject in a hasty manner, for the want of time to go more fully into the discussion.

Mr. MERCER next rose. None of the communications from the Secretary of the Treasury had removed his suspicions relative to the transactions of that Department. What had fallen in the course of the discussion, had not removed his doubts. He confessed himself more at a loss than ever to account for the conduct of that officer. To judge of the propriety of his conduct, it was necessary to consider what his duties are, and investigate whether a necessity existed to justify the drawing complained of. Gentlemen, in their arguments, had alluded to some observations that had fallen from him on other occasions expressive of his opinion, that there had been corruption in that Department. This opinion he still entertained. He suggested that some irregularities had taken place as to the money appropriated to the Sinking Fund. This might be the fact, and his suspicions were sufficiently urgent to warrant him in suggesting that it might be possible. At the close of 1792, he stated there was a balance of cash in the Treasury of \$2,331,182, and the bonds due in the course of the present year would produce a sum of about \$2,269,000. Yet a proposition was made in the House, predicated on a total want of money in the Treasury, to borrow \$800,000 in addition to the \$400,000 already borrowed of the Bank.

[Here Mr. BODINOT interrupted the member, as being out of order. The Chairman, conceiving Mr. MERCER's remarks to be introductory to, and connected with the observations he intended to make on the resolution, declared him in order.]

Mr. MERCER proceeded to show, by sundry statements and calculations, that there was no necessity for this loan of \$800,000. The House, he said, to discharge their duty, should be satisfied how the money appropriated was applied, before they consented to repeated additional appropriations. When calls for information had been made by the House, with a view to comply with their indispensable duty, the Secretary had thought it sufficient to balance money actually received, by calculations of sums that would probably be wanted agreeably to appropriations. Were dollars, he asked, to be balanced by absolute appropriations? Can things certain be balanced by things uncertain? Actual expenditure would alone balance actual receipt. Appropriations founded only on uncertain calculations could not show the money actually laid out. He adverted to some calculations made to ascertain the probable expenses of the War Department.

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[Here the member was again called to order, and was declared out of order by the Chairman.] Mr. M. confined his observation more immediately to the resolution before the Committee. It had been said, that the interest paid was paid out of moneys that were to be drawn to this country, and were replaced here by funds from the domestic resources originally appropriated for that object, and that the dead letter of the law, if any part of it, had alone been violated. He contended there had been an essential violation.

The sums drawn for and appropriated to reduce the Public Debt, were not applied to that purpose; the domestic resources appropriated to that object, never were exhausted. If this is the case, conclusions surely unfavorable to that officer must naturally follow.

He proceeded to make some remarks on the question, whether the Secretary had acted under instructions from the President. It was disagreeable, he premised, to criminate the character of any officer. He bore a great respect for the President, for his virtues, talents, and services, but however grating to his feelings it might be to find fault with any part of his conduct in this matter, he was unable to discharge his duty under his present impressions, unless he avowed that he conceived that officer had violated the law, though he allowed, without intention, by not inquiring into the subject, while transacting, as it was his duty to do. He must declare that he saw no proof that the Secretary had acted under the President's instructions. On the contrary, he saw the reverse, there was even no presumptive proof of the fact. The House had called for information as to the extent of the authority delegated by the President to the Secretary. Either the Secretary has produced the proof of this authority, or he has not complied with the order of the House; it does appear that he has gone beyond it in making the drafts complained of. The President directed that the proceeds of the loan be immediately applied to pay the French; yet a great portion of that money was brought over here. It was said, that he might have brought the whole here if he chose, and paid it to the French here. This argument goes on the presumption that the President might do wrong without incurring blame. But the President expressly directed it to be paid immediately to France; and the House had no right to presume that he did direct the money to be drawn here, when proof to the contrary appears. Upon the whole, he concluded that the law had been broken in letter and substance, and that the Secretary had acted without proper instructions from the President.

Mr. LIVERMORE observed, that the charge against the Treasury Department was at first well calculated to beget serious alarm. When misapplications of the public money are sounded in the public ear, all feel interested, knowing, that what affects the public purse, must in a degree affect the purses of each private individual. In the present stage of the subject, he was happy in being able to facilitate himself and his fellow-citizens, that even should the whole of the charges contained in the

resolutions be proved, it would not appear that they had lost a farthing by the conduct so loudly complained of. What is the charge? That the Secretary has paid an interest that was justly due; why then, he presumed, we should not have it again to pay. If the Secretary has paid what was due, what then is the complaint? It was surely not intended, that it should not have been paid. This was not the intention of Congress; for they passed an act providing funds for its payment. The Secretary was then right to pay it. But it is said, he paid with the wrong money. He saw no harm in not paying it with the very dollars appropriated, and approved of the operation, which saved drawing with the one hand and remitting with the other; in this there was no crime committed, no loss incurred. It appears, on the contrary, that something was gained by it. So far, then, he was clear, no law had been violated, nor was any rule of propriety departed from. He then touched upon the Secretary's disputed right to draw. He contended, that he had that right. The loans were obtained under the joint authority of the two acts. It was said that more than two millions, the amount appropriated for the Sinking Fund, were drawn over; but, he insisted, he might have drawn the other twelve millions, if it had been for the public interest so to do. The French wished to be paid here, and it being no loss but rather a profit to comply with their wish, where was the harm in so doing? If any public loss had been incurred owing to these drafts, then blame would lie. He concluded, by expressing his hearty approbation of the conduct of the officer who is criminated by the resolutions, and declared it as his firm intention to give them his negative.

Mr. HILLHOUSE argued, that the interest paid, was not paid out of the \$2,000,000 loan, and that the drafts were made agreeably to the directions of the President. He showed this by the documents which had been already referred to. He put in a clear point of view the propriety of avoiding the expense and risk of drafts and corresponding remittances, and concluded by giving his approbation to the conduct of the Secretary in the transactions complained of, and by expressing it, as his firm belief that a majority of the Committee, from the evidence before them, would undoubtedly be of opinion, that the charges brought forward are unfounded.

Mr. SEDGWICK rose to correct a mistake of Mr. MERCER's. That gentleman had asserted, that the Secretary had drawn on Europe, before the loan, obtained by the Commissioners under the old Government, was ratified. This was not the case. The loan had been ratified in pursuance of the provisions of the act authorizing it. The President in his Speech, December, 8, 1790, says, "that agreeably to the powers vested in him at the last session, the loans in Holland had been completed."

By existing acts of the Legislature, and from express communications from the Secretary of the Treasury, it appears, that all the moneys borrowed were deemed borrowed under the joint authority of both acts, and not to be solely appropriated for the payment of the Foreign Debt.

Mr. MERCER explained, that he had said, that the Secretary had drawn from the loan obtained under the authority of the old Government, before said loan was legalized by law. If the Legislature had the right to legalize it, they had the right to reject it.

Mr. LEE next rose. He observed that as he found himself under the necessity of differing from his friend who had moved the resolution, with whom he generally agreed in opinion, and was accustomed to act, he begged the attention of the Committee for a few minutes. To determine whether the Secretary of the Treasury had acted legally, it was necessary to examine whether the authority from the President and his subsequent instructions authorized him to consolidate the loans under the acts of the 4th and 12th August, 1790.

On this question Mr. L. observed, that there seemed to be no objection to such a construction, except that which arose from the difference of interest allowed by those acts. That the first loan was commenced without any regular authority by a company in Amsterdam, that it received its authenticity from the acceptance of the Secretary of the Treasury. The interest and discounts on this loan amounted to more than an interest of five per cent., which was the only premium contemplated by the act of the 12th of August. It could consequently be accepted only under the act of the 4th of August, which gave no limitation to the interest which was to be allowed. This money seemed therefore solely applicable to the payment of the Foreign Debt. From his report of the 24th of February, 1791, the Secretary himself seemed to have had this impression. Congress seemed also to have had this impression, as on the 3d of March following they passed an act authorizing the application of this loan to the object of the act of the 12th of August, 1790. After the 3d of March, 1791, therefore, the Secretary of the Treasury had a right to bring this money to America for the purposes of the Sinking Fund. The interest of the Foreign Debt becoming due, for which domestic revenues were pledged, he thought it prudent to pay that interest out of this loan, relying on the domestic revenues to replace it for the purposes of the Sinking Fund. This was a mode of bringing the money here, and he was not limited in his discretion as to the mode; and therefore had a right to follow that which appeared to him most advantageous. The paying of the foreign interest out of this loan was made after the 3d of March, 1791.

Mr. L. had no doubt as to the legality of all the proceedings relative to money drawn to this country subsequent to the third of March, 1791; even the moneys borrowed for the Foreign Debt, because an higher interest than five per cent. was stipulated for, on any of the subsequent loans, and because the President, in his instructions to the Secretary, leaves the mode of paying the Foreign Debt to his discretion. If he judged it for the advantage of the United States to bring this money, in the first place, to America, the legality of such a measure cannot be questioned, though the economy and wisdom of it may not be admitted.

On this point, Mr. L. acknowledged, that he had not time to examine minutely all the statements and reports of the Secretary to judge of those exigencies which induced the drawing of all the money which had been drawn to America.

Whether it had been consistent or not with the interest of the United States, Mr. L. was of opinion, that the Secretary had legally a right to bring all the money he had drawn for to America, except what was drawn prior to the third of March, 1791. This money was drawn out of the first loan; it was drawn as declared, for the Sinking Fund; the first loan, for the reasons before stated, could not be applied, and consequently till the act of the 3d of March, 1791, this money could not be legally drawn for the Sinking Fund. Perhaps this act caused the irregularity of this proceeding.

But is not the Secretary of the Treasury subject to blame? Mr. L. observed, he thought he was not altogether free from it. At the meeting of Congress on the 8th day of December, 1790, the President in his Speech informed both Houses, that the first loan had been accepted, and that the Secretary of the Treasury had directions to lay the particulars before them. But what did he do? On the 15th of December following, he began to draw money on account of this loan to America, for the Sinking Fund; though from his Report on the 24th of February, 1791, he appears to have had a doubt as to the legality of this proceeding. He delayed giving information, in conformity to the President's Speech, till a few days before the dissolution of Congress. This conduct, Mr. L. said, seemed to argue a distrust of the Legislative Councils. Mr. L. dilated on the necessity of the purest and most confidential communication between the Secretary of the Treasury and the Legislature, and said, though he could not agree to the resolution then under consideration, there was one, subsequent to it, relating to this point, which he was sorry to find himself under the necessity of voting for.

Mr. BOUNDINOT considered it as the duty of the Committee in the discussion of the charges brought forward to confine themselves strictly to the points in question. The present examination differed from ordinary Legislative business. Specific charges are brought forward against a highly responsible officer; the facts brought forward to support those charges should be understood and considered, to form a right judgment on them. The Secretary is charged with having violated a law, by paying the interest due on a loan out of the principal of that loan. He went into some statements and calculations to show that the money paid on account of foreign loans, as stated in official documents, could not have been paid on account of interest of the late loans, from the disproportion of the sums.

He need say nothing more, he conceived, to show that the first charge in the resolution immediately before the Committee is unfounded. If what he said was not sufficient to disprove it, he asked where is the evidence to support it?

He next turned to the second charge in the resolution, viz: that the Secretary had made the drafts

complained of without the President's instructions. Here he noticed a mistake some gentlemen had fallen into, when speaking of the call of the House for information. This was a request to the President, and not an order to the Secretary. From the information communicated in consequence of this call, it did not appear that the Secretary had acted without, or contrary to instructions, and he insisted, that he ought to be presumed innocent till he was proved guilty.

He argued, that the authority given to the President in the subject put it in his power to draw the whole fourteen millions to this country, if he thought fit; it could not, therefore, be contended, he insisted, that the amount of the drafts had passed the limits of the authority given. It is not denied, he proceeded, that there was a right to draw for the two millions appropriated for the reduction of the Public Debt. Well, it has appeared, on a certain occasion to the House, that our Minister in France negotiated a contract with the National Assembly, or their officers, for the payment of \$800,000 of the debt due them, here; then certainly, the exigency of the case required that this sum should be drawn here for the purchase of provisions for St. Domingo, in which this payment was to be made. Here then was a positive necessity of drawing for \$2,800,000, and as a discretionary power in the subject had been left to the Executive, they might have found it advisable, perhaps, under an expectation of additional payments in the same manner, to have drawn over as much more as they might have thought prudent.

He adverted to the application of the Secretary to the Legislature to declare whether the loan obtained, for an interest of five per cent., exclusive of discounts, might be considered as borrowed under authority of the \$2,000,000 act. It was his (Mr. BOUNDINOT's) opinion at the time, that no explanatory law was necessary; and that the Executive had power to construe the act in that sense. This was also the Secretary's opinion, and in consequence of that opinion he had drawn bills. He thought it however right to apply to the House and have every doubt removed, and the Legislature sanctioned his construction of the law.

It had been said, that if the Legislature had a right to confirm, they also had a right to reject the construction put upon the law by the Executive. This, he conceived, they would not have been warranted in doing, after a contract agreeably to that construction had been made; such a proceeding must have involved a breach of contract.

It had been repeatedly asserted and strenuously insisted on, that the Legislature were totally in the dark, as to the drafts from Europe. To disprove this assertion, he read several items from sundry Reports of the Secretary, where sums received on account of loans are specified. It had also been said, that there was no evidence that any part of the loan was applied to or intended for the purchase of the Public Debt.

This also appears unfounded, from a note dated 25th of August, 1790, laid before the Trustees for purchasing the Public Debt, which expressly mentions, that a loan had been negotiated, part of

which was destined for the purchase of the Public Debt, and that some points relative thereto were before the President for his approbation. This also showed that the President had knowledge of such intentions. His Speech, and the Report of the Secretary, in consequence of part of that Speech, which had been so repeatedly referred to, also unequivocally prove this point.

He recapitulated the heads of his arguments, and concluded, that if nothing further could be brought in support of the charges now before the Committee, they should have his decided negative.

Mr. MADISON.—He wished not, he said, to waste a moment of the small portion of time left, by regretting its insufficiency for a full discussion of the subject before the Committee. But he thought it due to truth, and to the honorable and independent motives of his colleague [Mr. GILES] in proposing the resolutions, to remark, that the lateness of the day to which they had been postponed did not justify the strictures which had been made on it. If the delay was not to be considered as unavoidable, some blame, at least, would fall elsewhere. The inquiries in which the whole matter originated, had been moved by his colleague, and passed the House some weeks ago. The Reports in answer to these inquiries had not been finally made and printed a single day before the present resolutions were submitted to the House. He admitted that it might have been impracticable to report the information called for, as early as was desired by the House. He was sensible of the anxiety that would be naturally felt by the Officer called upon, to present every consideration that might place his conduct in the most favorable point of view; yet with all these allowances, it was impossible to deny that the Reports contained things which did not belong to them, and therefore consumed time which belonged to the period for discussion. He would mention one instance on which there could not possibly be a difference of opinion, viz: the vindication, formally undertaken by the Secretary, of the policy of borrowing money abroad. Whether this policy was right or wrong, the Legislature had themselves decided in favor of it; and it was the duty of the Secretary, in complying with the orders of the House, to inform the House how the law had been executed—not why it had been made; to explain his own conduct, not to justify that of the Legislature.

It had been asked why the call for information had not been sooner made? The answer was obvious and simple. It was not sooner perceived by the House, that there was such a necessity for it. The want of information was first suggested by the bill for paying \$2,000,000 to the Bank, although \$200,000 only were immediately due, and for authorizing another foreign loan to the amount of \$2,000,000. From the dawn of light thrown by some circumstances incident to the occasion, on the darkness in which the House had remained, proceeded those doubts and inquiries which had led to the information now possessed. His colleague had great merit in having brought about

this development. He had rendered a service highly valuable to the Legislature, and no less important and acceptable to the public. One good effect of the information had been, that it prevented the passage of the bill for borrowing \$2,000,000 as an anticipated payment to the Bank. The bill had dropped from the hand of its patron with the first light that broke in upon the House. What other measures would have been prevented or varied, if a like knowledge of our funds and finances had been sooner obtained, was matter of serious consideration.

Another consequence of the Reports, taken together, was, that the face of them presented to his colleague an evidence of the charges contained in the resolutions. Whether, at so late a day, it was best to leave the subject as exhibited by the various documents in print, for the examination and opinion of the public, or to press it on every member had a right to decide for himself. His colleague had viewed the positions stated in his motion as too important to be suspended, and as supported by such clear and authentic proofs, that a small portion of time would suffice for the subject. Under this impression, what was his right became his duty; and he had discharged it by offering his resolutions to the House.

As the House had refused to commit the two introductory resolutions, which established the rule of judgment to be applied to the case, and the last also, which declared the inference to be drawn, the task of the Committee was limited to a simple inquiry into the facts stated. They were to make out and report a special verdict of these, and leave it to the House to pronounce the proper judgment arising from them.

The resolution immediately before the Committee imported, "that the Secretary of the Treasury had violated the law passed on the 4th of August, 1790, making appropriations of certain moneys," first, "by applying a certain portion of the principal borrowed to the payment of interest on that principal;" secondly, "by drawing part of the same moneys into the United States, without the instruction of the President."

The questions here are questions of fact; and whatever quality may be attached by different gentlemen to the several facts, it would seem as if the facts themselves are too clearly supported by the Reports of the Secretary, and the documents attending them, to be denied or controverted.

The law of August 4, 1790, authorized the President to cause to be borrowed \$2,000,000, to be applied to the Foreign Debt of the United States. A subsequent law of August 12, 1790, authorized another loan of \$2,000,000, to be applied to the Domestic Debt of the United States. A power to make these loans was delegated, on the 28th of August, 1790, to the Secretary, by a general commission, in the usual form, referring to the several acts above mentioned, but without any further discrimination of the loans to be made. As the law, however, for applying loans to the foreign object was prior in date, the presumption would rather be, that it was to have a priority of execu-

tion; that the first money borrowed was to belong to the first object provided for. It was unnecessary, however, to dwell on this consideration, because the President had removed all uncertainty by the precise explanations and instructions which accompanied the power to the Secretary, and which ought, in truth, to be deemed a part of the commission. The instruction having been more than once read to the Committee, he would content himself with referring to it.

The part referred to is in the following words: "I do hereby make known to you that, in the execution of the said trust, you are to observe and follow the orders and directions following, viz: Except where otherwise especially directed by me, you shall employ in the negotiation of any loan or loans which may be made in any foreign country, William Short, Esq.; you shall borrow, or cause to be borrowed, on the best terms which shall be found practicable, and within the limitations prescribed by law as to time of repayment and rate of interest, such sum or sums as shall be sufficient to discharge, as well all instalments or parts of the principal of the Foreign Debt, which are now due, or shall become payable to the end of the year 1791, as all interest and arrears of interest which now are, or shall become due, in respect to the said Debt, to the same end of the year 1791. And you shall apply, or cause to be applied, the moneys which shall be so borrowed, with all convenient despatch, to the payment of the said instalments, and parts of the principal and interest, and arrears of interest of the said Debt. You shall not extend the amount of the loan which you shall make, or cause to be made, beyond the sum which shall be necessary for completing such payment, unless it can be done upon terms more advantageous to the United States, than those upon which the residue of the said Debt shall stand or be. But if the said residue, or any part of the same, can be paid off by new loans, upon terms of advantage to the United States, you shall cause such further loans as may be requisite to be made, and the proceeds thereof to be applied accordingly. And for carrying into effect the objects and purposes aforesaid, I do hereby further empower you to make, or cause to be made, with whomsoever it may concern, such contract or contracts, being of a nature relative thereto, as shall be found needful and conducive to the interest of the United States."

By this formal act, issued along with the commission to the Secretary, the President designated the object to which the loans to be made were to be applied; and by declaring the object to be that provided for by the act of August 4, 1790, he expressly placed the loan under the authority and provision of that act; so that the moment the money should be borrowed, it was to stand legally appropriated to its specified object—as much as if another law authorizing another loan for another purpose, had not existed.

This arrangement of the President was the more proper, not only because provision for the payment of the Foreign Debt had been the primary object of the Legislature, and the payment of the French debt, the anxious wish of their constituents, but because payments to France were no longer matter of option, but of strict and positive obligation on the United States. In proof of this, he stated that the debt to France, calculated

to the end of 1791, and computing the livre at 54-10 to a dollar, amounted to \$4,814,814, whilst the payments actually made, computing the florin at 2½ to a dollar, amounted to more than \$3,372,717, leaving, as a balance, at the end of 1791, \$1,442,097. Adding to this balance the instalments due for 1792, amounting to \$638,888, there were to be paid within that year \$2,080,985. The entire payments, however, composed of \$656,500 in Europe, and \$726,000 put to the account of St. Domingo, (although \$444,263 83 were actually paid,) amounted to \$1,382,500, leaving due at the end of 1792, a balance of \$698,485.

Here Mr. M. adverted to and read a paragraph in the Report of the Secretary, page 16, where in allusion to the measure of drawing bills in the latter part of 1792, he says: "I feel myself the more at liberty to do it, because it did not interfere with a complete fulfilment of the public engagements in regard to the Foreign Debt. It could be done consistently with a full reimbursement of all arrears and instalments which had accrued on account of that Debt."

Mr. M. observed, that, as he could not reconcile this paragraph with the calculations which he had stated, and which were drawn from official documents, he must regard it as an unquestionable error, produced by some hasty view of the subject.

Returning to the Commission, Mr. M. repeated that all the money which that instrument defined and qualified by the instruction annexed to it, authorized the Secretary to borrow, was actually and specifically appropriated to the payment of the Foreign Debt, and under circumstances particularly urgent, in relation to a part of it.

In what manner had this trust been carried into execution? It was to be observed, with regret, that, on the very day on which the commission and instruction issued from the President, the Secretary commenced his arrangement for diverting part of a loan, accepted and ratified by virtue of his commission, to a purpose different from that specified and required by his instruction. That a fact of so extraordinary a complexion might be grounded on the most unexceptionable proof, Mr. M. said he should take the liberty of supporting it by the authority of the Secretary himself. Here he read from the Secretary's Letter, dated August 28, 1790, to the Dutch houses from whom the Loan had been accepted, the following passages, viz:

"I should also wish, for particular reasons, that the business may be so regulated as to give it the form of two loans—one for two millions under the first act, and the other for one million under the second. But neither about this, am I so solicitous as to be willing that it should constitute an embarrassment."

"I destine a million and a half of this sum as a payment to France, under the direction of Mr. Short, our Chargé d'Affaires at that Court, whose orders for that purpose you will please to follow."

The aspect here presented by a comparison of the several documents, was singular and remarkable. The subordinate Officer appeared in direct opposition to the Chief Magistrate. The agent was seen overruling, by his own orders, the orders

of his principal. The language of the President was "By virtue of the power vested in me by law, I destine the money to be borrowed to the discharge of the instalments and interest of the Foreign Debt." The language of the Secretary was: "I destine a part of the money only to that purpose, and a part to be brought to the United States for other purposes." He left every member to make his own reflections on the subject. He would only observe, in general, that it demonstrated the truth asserted in the proposition that the Secretary had violated both the law of August 4, 1790, and the instruction of the President relating to it.

He then proceeded to a more distinct view of the two points particularly stated in the resolution. The first was, "That a certain portion of the principal borrowed under the act of August 4, 1790, had been applied to the payment of the interest falling due on that principal." As the fact would not, he presumed, be denied, he forebore to quote that part of the documents which admitted and authenticated it. He would, however, premise to any observations on it, a cursory view of the nature of appropriations.

It was unnecessary to repeat the emphatic remarks on this subject, which had fallen from the member from Pennsylvania, [Mr. FINDLAY.] It was sufficiently understood. He concluded that appropriations of money were of a high and sacred character; that they were the great bulwark which our Constitution had carefully and jealously established against Executive usurpations. He meant only to take notice of the different plans into which appropriations might be moulded, and of the particular operation which ought to be given to them.

One of the plans was that of appropriating specified funds to specified objects, in which the supposed certainty of the funds was adjusted to the supposed importance of the objects.

The other plan formed all the branches of revenue into an aggregate fund, on which the several objects should have a priority of claim according to their superiority of importance. It was evident that in both these cases, the Legislature alone possessed the competent authority. The exclusive right of that Department of the Government to make the proper regulations, was the basis of the utility and efficacy of appropriations.

There was a third question incident to the doctrine of appropriations, viz: Whether, under specific appropriations, such as had been adopted by Congress, the Executive authority could, without special permission of the law, apply the excess of one fund to the aid of a deficient one, or borrow from one fund for the object of another. On this question, there might perhaps be a difference of opinion. He would only remark, that, admitting such a discretion to be implied in the trust of executing the laws, it would still be requisite that the due sanction of the Executive should be given, that a regular account should be kept between the different funds, and that all advances from one to the other should be replaced as soon as possible. This was equally necessary to the preservation of

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order in the public finances, and to a proper respect for the authority of the laws.

In the present case, it did not appear that the moneys taken at different times from the Loans designated by the PRESIDENT, and thereby placed under the appropriation of the act of August 4, 1790, to the Foreign Debt, had ever been replaced. It did not appear that any such replacement was regularly planned or provided for. It was particularly worthy of observation, moreover, that the only use within the United States for which any loan in Europe could be assigned, was that of the Sinking Fund; that the Trustees of this Fund had never been even informed of the drafts; that if the moneys drawn had been carried to the Sinking Fund, the limited sum of \$2,000,000 would have been exceeded; and that the statements and accounts had, in fact, been so wound up, as mentioned by the Secretary, that not a single dollar of the money laid out in purchasing the Public Debt had been charged on loans drawn into the United States, although such was the only purpose to which they were legally applicable, and such the principal reason assigned for making the drafts.

He did not go into a particular proof that the sum drawn into the United States, after subtracting the whole sum placed to a foreign account, exceeded the sum of \$2,000,000, because the fact had been conceded on the other side, particularly by the statement of the member from Connecticut, [MR. HULLHOUSE.]

Thus it appeared clearly, in confirmation of the first point, that the application of a certain portion of the principal borrowed in Europe, to payment of the interest, was not a mere transposition of moneys, to prevent the sending them backwards or forwards, nor an advance of money from an overflowing fund in favor of a deficient one; but an absolute diversion of appropriated money, and consequently a violation of the law making appropriation.

The second point in the resolution related to the drawing of moneys into the United States without the instruction of the PRESIDENT. This point had been fully established by the documents and explanations applied to the first. They had done more: they had demonstrated that the instructions of the PRESIDENT, which dedicated the loans to be made under his commission, to a foreign object, were an express prohibition of drafts for any domestic object. It was sufficient, therefore, to refer to the instructions of the PRESIDENT, and to the contradictory steps taken by the Secretary. Two attempts had been made to elude the force of these official proofs. The first appealed to the PRESIDENT'S Speech at the opening of the session in 1790; to the Report of the Secretary, made in consequence of it, to the House; and to the supplementary act of Congress passed in conformity to the Report.

Had the circumstances involved in this transaction been attended to by those who seemed to rely on it, Mr. M. was persuaded that a reference to it would never have been made by gentlemen on that side. As they had thought fit, however, to draw arguments from that source, it was proper to

give an answer to them; and the best answer would be a naked statement of facts.

The instruction of the PRESIDENT to the Secretary was given, as has been seen, on the 28th of August, 1790. The Letter of the Secretary contravening this instruction, was dated, as has also been seen, on the same 28th day of August, 1790. The actual drawing of bills by the Secretary commenced the 15th of December, 1790. The law now pleaded in justification of the conduct of the Secretary, passed on the 3d of March, 1791.

There are other facts material to a correct and full view of the subject. The Speech of the PRESIDENT was delivered on the 8th of December, 1790. It briefly informed the two Houses that "a loan of 3,000,000 of florins, towards which some provisional measures had previously taken place, had been completed in Holland," and "that the Secretary of the Treasury had discretion to communicate such further particulars as might be requisite for more precise information." The consequent Report of the Secretary, recommending the provision in the supplementary act, was not received till the 25th of February, 1791—six days only before the constitutional dissolution of the House. In the interval between the Speech of the PRESIDENT and the Secretary's Report, he had proceeded to draw bills to the amount of 793,392 florins. His Report, notwithstanding what had been said of it, contained not a word from which it could be known that a single florin had been actually drawn over to the United States.

The other attempt to elude the evidence before the Committee, recoiled with equal force on the gentlemen who had hazarded it. In the report lately made by the Trustees of the Sinking Fund, is a statement laid before them by the Secretary, in which it is noted "that the acceptance of the loan of 3,000,000 of florins, and the application of one-third of it to the purpose of that Fund, was under the consideration of the PRESIDENT." From this fact, it had been inferred, not only that the Secretary had withheld no proper information from the Trustees, but that the result of the PRESIDENT'S deliberations on the subject had varied the purpose signified by his first instructions to the Secretary.

It happened, however, most unfortunately for the gentlemen who exulted in this argument, that they had entirely overlooked the dates of the two papers. The paper laid before the Trustees, and alleged to have explained the final purpose of the PRESIDENT, was dated on the 25th of August, 1790. The paper relied on by the other side, as the final, as well as the most formal, designation of the will of the PRESIDENT, was dated the 28th of August, 1790. The gentlemen, therefore, instead of the inference they had made, should have reversed their premises, and joined with their opponents in concluding that the PRESIDENT was led by a consideration of the subject, not to do what the Secretary, in his note to the Trustees, seemed to anticipate, but what had been evinced by the PRESIDENT'S own act of posterior date.

The second point, then, as well as the first, rests

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on the most solid proofs, taken from a collective view of authentic documents.

Much has been said on the necessity of some-times departing from the strictness of legal appropriations, as a plea for any freedoms that may have been taken with them by the Secretary. He would not deny that there might be emergencies, in the course of human affairs, of so extraordinary and pressing a nature, as to absolve the Executive from an inflexible conformity to the injunctions of the law. It was, nevertheless, as essential to remember, as it was obvious to remark, that in all such cases, the necessity should be palpable; that the Executive sanction should flow from the supreme source; and that the first opportunity should be seized for communicating to the Legislature the measures pursued, with the reasons explaining the necessity of them. This early communication was equally enforced by prudence and by duty. It was the best evidence of the motives for assuming the extraordinary power; it was a respect manifestly due to the Legislative authority; and it alone would enable the Legislature, by a provident amendment of the law, to accommodate it to like emergencies in future.

In the proceedings falling under the present inquiry, no necessity appeared for the liberties which had been taken, the money appropriated in Europe being more wanted there than at home. It appeared that the instructions of the Supreme Executive, instead of warranting those liberties, had precluded them; nor had the proper explanations been disclosed in due time to the Legislature. To place the subject in a more distinct point of view, it was proper to advert to the precise authorities and duties of the Secretary, as his office is defined by the act establishing the Treasury Department. For this purpose, Mr. M. read the second section of that act, which is in the words following:

"That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making returns, and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform."

This establishment of the office evidently had no reference beyond the case of superintending the regular and ordinary collection of the revenue, and granting warrants for moneys issued from the Treasury, in pursuance of appropriations by law.

The case of loans, as an occasional and extraordinary resource, was left to be provided for by particular laws for the purpose. The authority, with respect to the loans in question, was accordingly committed to the PRESIDENT, in order to secure for so special a trust, the highest responsibility to be found in the Government. And when it was considered that the whole sum contemplated was no less than fourteen millions of dollars, and when the latitude as to the terms and contracts was combined with the vastness of the sum, it might well be questioned whether so great a power would have been delegated to any man in whom the Legislature and the people of America had less confidence than they so justly reposed in the existing Chief Magistrate, and whether an equal power will ever be committed to a successor.

This distinction between the case of ordinary revenue and that of loans is not only consonant to the actual policy of our laws, but is founded in obvious and solid considerations. In the collection and disbursement of the ordinary revenues arising from taxation, the business flows in official channels, is subject in every stage to official checks, and the money, being in constant influx and efflux, nowhere accumulates in immense sums. The case of loans is, in all these respects, different. In settling the terms and arranging the negotiations, there is always an important discretion involved. When the loans are foreign, as well as great, regulations concerning the bills of exchange form another occasion where great latitude is implied in the trust; whilst the magnitude of the sums, falling under the same direction at the same moment, present a further and material variance between the two cases. The tendency of these observations is to show that, as the permanent law establishing the Treasury Department does not extend the authority of the Secretary to the case of loans, and as the law authorizing loans exacts, for special reasons, a responsibility from the PRESIDENT himself, the authority of the Secretary, in executing the loans, and the appropriation of them, must be derived from the PRESIDENT; and, consequently, where that authority fails, there can be no resort to the law establishing the Department, much less to any general discretion incident to his official character.

It is evident that the PRESIDENT, although no doubt guided by the most proper considerations in employing the agency of the Secretary of the Treasury in the business of the loans, might, if he had judged fit, have substituted the agency of another; and that, whatever agency he might prefer, his own instructions would always regulate the extent and exercise of the power conferred. The want of any apparent authority from the PRESIDENT had led several gentlemen to insist on presumed authorities, superceding the instructions joined with the commission to the Secretary. But here, again, the fair inference was to be reversed. A communication of the authorities given by the PRESIDENT to the Secretary, as to the application of the foreign loans, had been expressly requested by the vote of the House. It was not to be supposed that the Secretary, if he had re-

ceived further authorities or instructions, would have failed to produce them, or to refer to them, in the justification of his conduct. Far less could it be presumed that the *PASSEMENT*, if he had given any superceding authorities or instructions, would not have caused them to be communicated to the House, or that he would have suffered a partial communication to mislead the House into an error as to so important a fact. The *PASSEMENT* was the last man in the world to whom any measure whatever of a deceptive tendency could be credibly attributed.

Thus far (said Mr. M.) his observations had departed as little as possible from the question in its strictest sense. He should now avail himself of the opportunity afforded by the terms of the last clause, which spoke of drafts generally, to take a more particular notice of those recently made; in doing which, he considered himself safe within the Rules of the House, which were so rigorously enforced against the affirmative side of the question. The whole amount of foreign loans transferred directly or indirectly to the United States appeared from the several statements to be about \$3,000,000. The amount of the direct drafts was \$2,304,769 13. Of the drafts made since the 16th of April, 1792, and sold by the Bank, the proceeds now in the Bank, or payable into it, before the 1st of April next, amount to \$1,220,476 01. Of this sum \$310,000 have been drawn in the course of the present session of Congress. With respect to the times and the amount of these drafts, hitherto absolutely unknown to the Legislature, because the account of them had remained in the books of the Bank without ever appearing in the books of the Treasurer, Mr. M. confessed that he had found no explanations that were satisfactory to him. He had looked through the House, without discovering either that they had been made by the authority or with the knowledge of the *PASSEMENT*, or had been required for, or applied to the purchase of, the Public Debt, or had been ever communicated to the Trustees of the Sinking Fund, who had the direction of such purchases, or that they were the effect of any necessity that could justify them. And if there was no evident necessity for the proceeding, it was the more to be lamented that, whilst we were everywhere sympathizing with our allies in their arduous struggles for liberty, and echoing from every part of the Union, our congratulations and good wishes, the pecuniary success so critically necessary to their cause, and the most substantial proof of the sincerity of our professions, should be silently withdrawn across the Atlantic from the object for which they were intended—success, too, which were not merely a tribute of gratitude, of generosity, or of benevolent over of strict and positive obligation, for value acknowledged and received. In contemplating the subject in this point of view, he felt a pain which he could not easily express, and to which, he persuaded himself, the breast of no other member could be a stranger. Laying aside, however,

all these unfavorable considerations, the important question still remained, why the Legislature had been uninformed of the moneys so unexpectedly drawn into the Bank, and to so very great an amount? If the drafts had received every requisite sanction, if they had been produced by the most justifiable causes, the existence of \$1,220,476, in a situation so different from what had been contemplated, was a fact which the Representatives of the people had a right to know, which it was important to them and their constituents that they should know, and which it was the indispensable duty of the officer charged with it to have made known. This omission was the more remarkable when considered in relation to the measure above mentioned, of paying off at once the whole sum of \$2,000,000, payable to the Bank by instalments in ten years. A bill for this purpose had been introduced, and was on its passage; the object of it had been patronized by a report of the Secretary not long since made. In one of his last reports he expressly states, among the inducements to such extensive drafts of money from Europe, that they were made "with an eye to placing within the reach of the Legislature" the means necessary for this object. Was it not extraordinary, was it not unaccountable, that so important a measure should be recommended, and be actually introduced, and that money otherwise appropriated in Europe should be transferred to this country and deposited in the Bank, in order that it might be within the reach of being applied by the Legislature to that measure, and yet that no disclosure should be made to the Legislature of the fact that the money was so drawn and lay at the Bank, within their reach, to be so applied? If anything could heighten astonishment on this occasion it must be the reason assigned by the Secretary for any obsecrity that might have hung over our finances—that, till the last resolutions, no call had been made on the Department which rendered it proper to exhibit a general view of the public moneys and funds, or to show the amount and situation of such as were unapplied. Mr. M. would not decide that the Legislature was free from blame in not using more full and efficacious means of obtaining such information as would have removed all obscurity. But, whatever degree of blame might fall on them, it never could be admitted that their calls on the Department had furnished no proper occasion for exhibiting a full view of the various resolutions, which, without the least force of construction, would have extended to every particular article of information. He reminded the Committee of the latitude of reports under certain other orders of the House, and asked whether less freedom of construction was to be allowed when information was to be given, than when power or discretion was to be exercised? But, independently of this view of the matter, Mr. M. held it to be clear and palpable that the very situation of the money afforded an occasion which rendered it proper that the House should be informed of it. If a liberty could be taken of removing money from Europe, where it stood appropriated by law,

to this country, where there was no legal object that required it, and with an eye, as was stated, to an object to which no money was applicable, without the authority of the Legislature, how could it possibly be supposed improper to take the further liberty of communicating what was done to the Legislature? He concluded with recurring to the particular form in which the subject presented itself to the Committee, and repeating that, whatever quality might be attached to the facts charged, or however improper it might be thought by some to proceed in haste to any affirmative decision on them, it appeared irreconcilable with the evidence which had been produced, to decide, by a negative vote, against the truth of the facts.

Mr. Ames prefaced his remarks on the subject before the Committee by some observations on the nature of the charges brought forward. He was happy that they were determinate, and conceived that the defence could be crowded in a nutshell. As to the first charge in the resolution immediately before the Committee, he had seen no proof in support of it brought forward. It is founded only on assertion, and he conceived that contra-assertion was sufficient to meet it. No authority, it was said, was given to the Secretary to obtain the Loan under the blended authority of both acts. This is not one of the charges included in the resolutions before the Committee, and therefore this is not the time to answer it. However, if this were fact, nothing criminal could in consequence be imputed; and, since the purposes of both laws were carried into execution, there could be no ground for saying that either was violated. He said much on the impracticability of the line of conduct which some gentlemen appeared to think ought to have been followed by the Secretary. It was impossible to keep different funds, differently appropriated, so inviolably separate as that one might not be used for the object of the other; all was right, he conceived, provided what was taken was to be replaced. He was also of opinion that the overflowing of one fund could be applied to make up the deficiency of another; and that that is necessary is to give priority to the appropriation. The money paid in Europe for interest on the Loan was said to have been improperly applied, because the fund appropriated for the purpose was represented here by an equal sum: and he contended that, though the interest was not paid in the identical coin appropriated, yet, by allowing a very reasonable latitude of expression, it could be said that the interest was paid with the money appropriated, for the applicability of the sums there depended on the existence of the fund here. He next turned to the second charge in the resolution; and, after showing that the natural presumption was, that the Secretary either was instructed or had a discretionary power, he then vindicated his conduct in respect to the drafts of money to this country. He did honor the motives of the gentlemen who had instituted the inquiry, and concluded an elegant speech, by a contrasted picture of our former and present

situation as a country, dwelling upon the importance of preserving harmony, and insisting on the danger of giving rise to suspicions against a highly responsible officer, and of bringing forward charges not to be supported by proof.

Mr. FINLEY.—If my hopes respecting the Government have not been equally elevated with those of the gentleman from Massachusetts, [Mr. Ames,] neither are my apprehensions so much depressed with fears. But I hope I am equally anxious for the stability and prosperity of the Government; and though we differ in opinion on this question, yet I am firmly persuaded that the part I take is the best calculated to promote the necessary confidence in Government, and secure the virtue of its Administration. As the gentleman, in an elegant discourse, has explained no difficulties, nor adduced any proofs in support of his opinions, I will only add, that I believe the Government to be so well established, and so much beloved by the citizens, as not to be endangered by the House of Representatives' examining how the laws have been obeyed in the application of public money, and giving their opinions upon the result of that examination.

That the Secretary has not reported fully to this House, in due time, is so much within the knowledge of every member, that it is impossible to doubt of the truth of the fact, however we may differ about the propriety of the conduct. To go no further back than last session—besides the references to the Secretary to report upon the Ways and Means, and inform the House what revenue were necessary, on the 30th of February, 1791, a standing order was resolved, directing that he should report to the House, within a few days after the meeting of the next session, "an accurate statement and account of the receipts and expenditures of all the public moneys, in which shall be distinguished the expenditures which fall under each head of appropriation, and that it shall be shown the sums, if any, which remain unexpended," &c. Were not the moneys drawn upon loan, public moneys, and were not those loans appropriated? Undoubtedly, they were strictly so. It is a strange evasion to say, that by these expressions, only the current revenue is intended. Arguments must be scarce when this becomes necessary. It requires no refutation.

On the 19th of January last, he was called upon to "lay before the House such information with respect to the finances of the United States, as will enable the Legislature to judge whether any, or what additional revenues will be necessary." In consequence of the recommendations of the President, and the wishes of this House, to commence the discharge of the redeemable part of the funded Debt, a reference was made to the Secretary, requiring him to report a mode for the application of the public money for that purpose; the House being assured, by the gentleman who moved the resolution, that no new tax was intended or necessary. But the Secretary, so far from informing the House how much money he had subject to his discretion, in the Bank, in notes, &c., proposed a new and partial tax, as the foundation of

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a new system of loans. When the memorable bill to authorize another loan of \$2,000,000, was before the House, a few weeks ago, we were told by gentlemen on this floor, that there was not time for argument; that the bill must be passed in three or four days, &c.; and when we wanted information, we were told by some of the friends of the bill that it was not convenient to give information there—that we might procure information elsewhere, as they had done. I confess I did not comprehend this method of legislating; but the Secretary has since explained it, in one of his Reports, by complaining of the House, because the members did not go to his office and ask information, instead of requiring it to be publicly reported.

Even when this favorite bill for a new loan was before the House, the Secretary did not condescend to inform us that he had, without authority, provided near a million and a half of dollars for that purpose; he did not inform us how obligingly he had drawn bills upon our bankers in Holland, to have the money put in our way. Thus, in order to anticipate the payments due to the Bank, he did what he could to induce Congress to break the public faith, by repealing the existing appropriation made for securing the discharge of a debt of justice and gratitude to the French nation. From this and other instances, it appears, that however high the Secretary's regard for public credit may be, there are other considerations which have obtained a higher degree of his attention than obedience to the laws. The gentleman from Virginia [Mr. Madison] has so clearly explained the nature of that discretion with which the Secretary is vested, and so fully proved that there was no necessity to justify a departure from the appropriations made by law, that it is not necessary for me to explain further on this head. However, I cannot help remarking, that the discretionary powers were pretty freely exercised. The drawing of bills began early indeed, and were continued to a recent period. The times of drawing fortunately corresponded with the necessities of the Bank, and the power of employing agents was pretty freely used. The same agents were frequently both the sellers and the purchasers of the bills. Perhaps this was necessary: no doubt it was convenient. Probably it was safe; but who can say it will be always so.

I have not said so much to prove the truth of the facts expressed in the resolution, for of this there can be no doubt—it is as clear as the sun, shining in day-light,—but, in order to prove the propriety of this Committee expressing its disapprobation of a conduct so unjustifiable. That information was withheld unduly, is evident from the lateness of this discussion; that it was obtained with difficulty, is evident from the numerous applications we were obliged to make in order to obtain it.

Mr. BOURDINOT called the attention of the Committee to the change in the usual situation of the House. They were no longer acting in a Legislative capacity, but were now exercising the important office of the grand inquest of the Nation. It was necessary to advert to this circumstance, to prevent running into the diffuse mode of argu-

ment that had improperly been adopted on this occasion. A gentleman of this Committee had thought proper to institute an inquiry into the conduct of an officer of the Government in a very important and highly responsible station. He had exhibited his charges against him in writing—had reduced them to certain and specific facts. To these, and to these alone, he had pointed his evidence, and we were bound in honor and in conscience to give a just and decisive opinion on each independent charge. In the first place, the truth of the facts must be settled and established; if in their favor, the criminality would then necessarily require a second consideration. The honor and reputation of the officer thus charged, as well as the respect due to the gentleman who had brought forward the accusation, required a steady, uniform, and disinterested examination of every question from us. Under this view of the subject, Mr. B. said he should avoid the desultory mode of argument that had been run into on both sides, and confine himself to the nature of the facts charged, and the evidence adduced in support of them. The short time that yet remained of the session was too precious to waste in collateral arguments, or the consideration of merely presumptive proofs. The first charge in the resolution now before the Committee was, "That the Secretary of the Treasury has violated the law passed on the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars, to wit: 1st. By applying a certain portion of the principal borrowed to the principal, which interest falling due upon that principal, which was not authorized by that or any other law. 2d. By drawing part of the same moneys into the United States, without the instruction of the PRESIDENT." These specific charges make it necessary for us to understand determinately the terms of the act mentioned in the resolution, and the nature of the proof offered in its support. By the act of the 4th August, 1790, section 2—

"The PRESIDENT OF THE UNITED STATES is authorized to cause to be borrowed a sum or sums not exceeding in the whole twelve millions of dollars; and that so much of this sum as may be necessary to the discharge of the arrears of interest on loans heretofore made by the United States in foreign countries, and the instalments of the principal of the said Foreign Debt, and (if it could be effected upon terms advantageous to the United States) to the paying off the whole of the said Foreign Debt, be appropriated solely to these purposes; and the PRESIDENT was moreover further authorized to cause to be made such other contracts respecting the said Debt as should be found for the interest of the said States."

It is asserted by the prosecutor of these charges that this act contained an emphatic appropriation of the whole of the twelve millions of dollars to the payment of the Foreign Debt. By a Letter to Mr. Short of May 9, 1791, read in the Committee, it appears that a Loan of three millions of florins had been made, and that one-half only was appropriated to the payment of our debt to France, and that eight hundred thousand florins were to

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be drawn to this country. This was said to be contrary to the terms of the appropriation, and without authority; and the Secretary's Report of January 3, 1793, folio 3, was referred to in proof of the fact "that the interest arising on the principal borrowed under this act was paid out of that principal;" when, by the same law, part of the domestic revenues of the United States were appropriated to that purpose. The words of the Report are, "payments on account of other Foreign Loans made and to be made to the 1st January, 1793, inclusive. February 1, 1791, two hundred and eighty-nine thousand seven hundred and eighty-three florins six stivers, with several other payments on the same terms, till January 1, 1793, amounting in the whole to one million eight hundred and thirty-three thousand one hundred and eighty nine florins two stivers eight deniers. These payments were asserted to be on account of interest on the principal borrowed, but without further proof. By the Report, folio 4, it appears that on the 1st of February, 1790, there was borrowed no more than one million one hundred and sixty-seven thousand florins, on which was due the 1st of February, 1791, one year's interest, amounting, at five per cent., to fifty-eight thousand three hundred and fifty florins; but this evidence proves that two hundred and eighty-nine thousand seven hundred and eighty-three florins were paid on that day. Can gentlemen be serious when they assert that this was for interest on this principal borrowed, being almost twenty-five per cent. per annum, instead of five. This certainly is an inattention to the subject that the serious nature of the charge cannot justify. Mr. B. then asserted that, on a critical examination of these items, they will be found to be instalments of the Dutch Loans made by the old Congress, and which this money was expressly appropriated to discharge; but he said he did not mean to avoid the fact, had it been proved, but he denied that any evidence of it arose from this testimony. The PRESIDENT was generally authorized to make the loans. Money arising from a domestic fund was appropriated to pay the interest. It happened that the Loan was made in Europe, to the amount of three millions of florins; part of it was to be drawn to this country, but before that event interest became due; this was paid out of the moneys intended to be drawn into this country, and repaid by the fund here, to prevent the unnecessary sending the moneys from one country to the other. Mr. B. asked, if the Secretary had done otherwise, would any man in his senses have thought him worthy of the trust committed to him? But the gentleman has proceeded on this charge (and has so expressed himself) as if this loan was exclusively made under the act of the 4th August, mentioned in the resolution before us, and therefore was wholly appropriated by law to the payment of the Foreign Debt, and ought not, in any part, to have been drawn into this country for other purposes. This brings to consideration the act of the 12th August, 1790, passed eight days after the act alluded to. By the 4th section of this act the PRESIDENT OF THE UNITED STATES

is authorized to cause to be borrowed a sum or sums not exceeding two millions of dollars, at an interest not exceeding five per cent., and that the interest should be applied to the purchase of the Debt of the United States. The difference between these acts was, by that of the 4th of August, the PRESIDENT had a discretion as to the application of the sum borrowed towards payment of the whole of the Foreign Debt, over and above the instalments, depending upon terms of advantage to the United States. By the second act there was no discretion, the whole moneys being positively directed by law to be applied towards the purchasing of the Domestic Debt. By the first there was no restriction, in point of interest, to be paid, but an injunction that the terms of repayment should be stipulated within fifteen years. By the second, interest was restricted to five per cent., and no terms of repayment enjoined. By the preamble to the first law, the object of it appears to be the doing of justice and supporting public credit, by the payment of the Foreign Debt; by that of the second, "the reduction of the Public Debt, which would be beneficial to the credit of the Union, by raising the price of their stock, and be productive of savings to the United States." By virtue of these acts the PRESIDENT thought proper to constitute the Secretary of the Treasury his agent to make the loans; and, accordingly, on the 28th of August, 1790, by a commission under his hand and seal, reciting both the said laws, authorized him, "by himself or any other person or persons generally, to borrow, within the United States or elsewhere, a sum or sums not exceeding in the whole fourteen millions of dollars, subject to the restrictions and limitations in the said several acts contained." With this commission the Secretary received instructions relative to the said loans, in these words: "You shall borrow, or cause to be borrowed, on the best terms which shall be found practicable, and within the limitations prescribed by law, as to the time of repayment and rate of interest, such sum or sums as shall be sufficient to discharge as well all instalments or parts of the principal of the Foreign Debt which now are due, or shall become payable to the end of the year 1791, as all interest and arrears of interest which now are or shall become due, in respect to the said Debt, to the same end of the year 1791. And you shall apply, or cause to be applied, the moneys which shall be so borrowed, with all convenient despatch, to the payment of the said instalments and parts of the principal and interest, and arrears of the interest of the said Debt. You shall not extend the amount of the said Loan beyond the sum which shall be necessary for completing such payment, unless upon terms more advantageous to the United States," &c.

These instructions related solely to the application of the twelve millions, the two millions, as before observed, being applied by law, without any discretionary power, to the reduction of the Public Debt. Under this commission, it is in proof the Secretary caused three millions of florins to be borrowed in Europe generally, without ex-

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pressing particularly under which law, but reciting under them both. He directed half of this sum to be applied to the payment of the Foreign Debt, and part of the other half he appropriated, for the purposes mentioned, towards the reduction of the Public Debt. But it is insisted that the whole of this money was borrowed under the act of the 4th August, and therefore it was highly criminal to apply any part of it to the discharge of the interest arising on the principal so borrowed, there being another fund designed for that purpose. But it has clearly appeared that the Secretary made this Loan in Europe, where the interest was to be paid and had become due; the fund for its payment was in this country; and therefore, if he was authorized to draw any part of that principal into the United States, it was a mere economical operation, to pay the interest there out of those moneys on the spot, and repay them out of moneys here, where they were to be applied, and by that means prevent the loss of insurance and interest, that must have arisen by another negotiation. This question, then, depends wholly on the fact whether this money was borrowed by virtue of both acts, or under that of the 12th of August exclusively.

The Loan was made at five per cent., subject to charges and discounts of four and a half per cent. on the whole. The Secretary thought this within the act of the twelfth of August, limiting him to an interest not exceeding five per cent. This was the opinion of others besides the Secretary. Mr. B. himself had been of that opinion, and at the time thought an application to the Legislature unnecessary. But the prudence and caution of the Secretary led him to state this fact to Congress for their consideration and determination, who, by an act of the 3d March, 1791, declared their sense of the act of the 12th of August, and that the Loan was legally made under that act. The preamble to this act removes all doubt on this question:

"Whereas it hath been made known to Congress that the PRESIDENT OF THE UNITED STATES, in consequence of an act making provision for the reduction of the Public Debt, (that is, that of the twelfth of August,) hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per cent., &c. "And whereas it hath been also stated to Congress that the charges upon said loan have amounted to four and a half per cent., whereby a doubt hath arisen, whether the said loan be within the meaning of the said last-mentioned act, which limits the rate of interest to five per cent. per annum. And whereas it is expedient that the said doubt should be removed, be it enacted, &c., that the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act making provision for the reduction of the public debt," &c.

This puts an end to any dispute on this subject; and if this money was borrowed under both acts jointly, or exclusively under the act of the twelfth August, there can be no propriety or justice in the charge, that the Secretary had violated the act of the fourth of August in applying

part of this money to the purposes of the act of the twelfth of August, under which the Loan, as to a greater sum, was certainly made. By this act also the opinion of the Secretary of the meaning of the act of the twelfth of August as to the restriction of the interest to five per cent. was confirmed, and of course all his proceedings under it. There can then be no foundation for the charge, and it remains unsupported by proof.

The next part of the accusation attempted to be supported, was the drawing part of the same "moneys of the United States without instructions from the President." The instructions from the President as to the making the loans and applying them were only called for; he has therefore only reported these to the House; from this negative testimony, it was presumed that no other instructions have been given. This is weak support, indeed, to a criminal charge of this nature. I know it has been urged by one gentleman [Mr. Mendenhall] that the Secretary has been called upon for the instructions, and if he has failed to report them to the House, he ought to suffer: this shows how fallible gentlemen's memories are. There has been no call whatever of the House on the Secretary for this purpose—our Journals do not show any. The requisition was to the President, and he has complied with the terms of it. But if we are to rest on presumptive evidence, the presumption is in favor of the Secretary. The President has not made objections to the conduct of his agent. He has mentioned the loans to Congress, without disapprobation. The agent was properly accountable to him, and he has not found fault with him; but in his Speech at the opening of this and the last session of Congress, has expressed great satisfaction in the state of public affairs. But if the gentlemen who advocate this prosecution really believed this fact, had they it not in their power to have rendered the evidence certain to demonstration, by requesting, by resolutions of the House, that the President would declare whether this money was or was not drawn in consequence of his instructions, or with his approbation and consent? Can any man suppose that so responsible an agent as the Secretary of the Treasury would presume (for his own sake) to proceed in so important negotiation, without the knowledge, approbation, and directions of the President of the United States? But, for argument sake, suppose the fact to be true, is not the Secretary an officer to superintend the collection of the public revenue? As soon as this Loan was made under the act of the twelfth of August, was it not his duty, without further instructions, to draw the money into the United States for the purposes mentioned in the act? Would he not have been highly culpable if he had left this money in Holland till the next session of Congress, and waited for a law authorizing him so to do? It is really a reflection on the whole Legislature to suppose they would have directed a Loan which should remain inactive on an interest of five per cent. without giving a power of application.

But it has been said that a larger sum, viz., al-

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most three millions of dollars, has been drawn into this country, which was more than the President himself was authorized to do. If this is meant to criminate the President, we ought to know it. How does the fact stand? It is agreed that the President had a right to draw the moneys loaned under the act of the twelfth of August.

He had a right to make such other contracts respecting the Debt as should be for the interest of the United States, in consequence whereof the agent in Europe agreed with the National Assembly or the Executive of France, for the payment of four millions of livres, part of their debt, in the produce of the United States, for the supply of St. Domingo.

800,000 00

191,316 90

2,991,316 90

This, then, makes about the sum that it is proved was drawn for by the Secretary, and shows that he did not exceed the powers vested in the President for this purpose.

It has been also held up as highly criminal in the Secretary, that although he began to draw for this money in December, 1790, yet he never gave information to Congress or to the Trustees for purchasing the Public Debt on the subject; but left them wholly in the dark with respect to so important a measure, when it was his duty particularly to have kept the House constantly informed, and that this could only have happened for the purpose of covering some improper design, or aiding individuals with the public moneys of the United States.

To this charge Mr. B. said, he had paid serious attention, for as on the one hand he would ever be ready to bring every defaulter in public office, however exalted in character, to condign punishment, where found guilty: on the other hand, he wished ever to be found giving full support to every good officer of Government against unfounded charges of peculation and mismanagement of the public revenue. He had satisfied his mind on the subject, not being able to find a scintilla of evidence to support the charge, but abundant testimony to the contrary.

1. Congress knew that this money was appropriated to the payment of the debts in this country, that the Loan was made in Holland, and therefore that it must necessarily be drawn here for the purposes of the act.

2. By the Report of the Trustees of the Sinking Fund, folio 12, under the date of the 25th of August, 1790, is the following entry:

"It is probable that it will be deemed advisable to pay the interest for the year 1791 on the amount of the foreign debt out of foreign loans. There is one now maturing for the acceptance of the United States, amounting to three millions of florins, the proceeds of which may be at command in the course of the present year."

The expediency of an acceptance of the loan, and of an application of one third of it, to the purpose of the act, for the reduction of the Public Debt, is under the consideration of the President or the United States."—Alexander Hamilton, Secretary of the Treasury.

This entry affords strong presumption against all the suggestions of the want of instructions from the President, or his ignorance of the proceedings of the Secretary.

3. The Speech of the President delivered to both Houses of Congress, on the 8th of December, 1790, has the following paragraph:

"In conforming to the powers vested in me by the acts of the last session, a Loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. The Secretary of the Treasury has my directions to communicate such further particulars as may be requisite for more precise information."

4. The Report of the Secretary in conformity to that direction, dated 24th February, 1791, mentioning terms of the loans and application of moneys.

5. The preamble of the act of 3d March, 1791, already read.

6. In the Report of the Secretary of the Treasury of the receipts and expenditures from the commencement of the Government to the 31st of December, 1791, is the following article of receipts:

FOREIGN LOANS.

"From the President, Directors, & Co., of the Bank of North America, being the produce of bills of exchange, drawn on the agents for negotiating Foreign loans in Holland - \$229,369 47

"From the President, Directors, & Co., of the Bank of New York, being the produce of bills of exchange, drawn on the agents aforesaid - 132,121 87

\$361,391 34

7. In the Treasurer's account, commencing January 1, 1792, and ending on the 31st March, 1792, are found the following entries of receipts:

"On the proceeds of bills of exchange, drawn on Willhelm & Jan Willink, Nicholas and Jacob Van Steenhorst & Hubbard, of Amsterdam, on account of loans made for the United States, per statement, \$402,903 89."

In his account commencing on the 1st of April, 1792, and ending on the 30th of June, 1792:

"On the proceeds of bills of exchange, &c., in same words, \$1,400,000."

In his account commencing on the 1st of July, 1792, and ending on the 30th of September, 1792:

"On the proceeds of bills of exchange, &c., in same words, \$1,000,000."

Mr. B., after reading these vouchers, proceeded: These, Mr. Chairman, are the facts that have convinced my mind, at first much alarmed at the severity of the charges and the positive assertions of gentlemen, that discoveries would be made, showing corruption at the very heart of the Go-

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verment; these have convinced me fully that this prosecution has been rashly brought forward, without a proper examination of the transaction. My mind, in a conscientious research into the facts, has not been able to raise a doubt, on which to found even a suspicion of the integrity or abilities of the Secretary in this whole negotiation. So far am I from considering those charges supported by testimony, that I consider the conduct of the officer concerned in this transaction, not only wholly cleared up, but the measures he has pursued as stamped with wisdom and official knowledge. So far am I from judging him reprehensible for the manner in which he has negotiated and applied these loans, that I think him deserving of the thankful approbation of his country for his economy and strict attention to the true interests and credit of the United States. I rejoice, sir, that after so full and zealous an investigation, this officer, though unheard, appears to be free from even a suspicion of misconduct in the whole transaction; this is not only honorable to him, but does credit to our country. On the whole, therefore, I am decidedly against the present resolutions, and shall give them my hearty negative.

The House then adjourned until seven o'clock post meridian.

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An engrossed bill making certain appropriations therein mentioned was read the third time, and passed.

The bill sent from the Senate entitled "An act providing for the compensation of Ebenezer Storer," was read twice, and committed.

OFFICIAL CONDUCT OF THE SECRETARY OF THE TREASURY.

The House again resolved itself into a Committee of the Whole House on the third, fourth, fifth, sixth, seventh, and eighth resolutions contained in the motion of Thursday last, respecting the official conduct of the Secretary of the Treasury. The third resolution being still under consideration, in the words following, viz:

Resolved, That the Secretary of the Treasury has violated the law passed the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the said law, in the following particulars, viz: First, by applying a certain portion of the principal borrowed, to the payment of interest falling due upon that principal, which was not authorized by that or any other law. Secondly, by drawing a part of the said moneys into the United States, without the instructions of the President of the United States.

A motion was made, and the question being put, that the House do agree with the Committee to the resolution, it was resolved in the affirmative—yeas 40, nays 12, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell,

John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, Hugh Williams, and Francis Willis.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Andrew Gregg, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Alexander D. Orr, John Page, and Josiah Parker.

A motion was then made, and the question put, that the House do agree with the Committee to the Whole House in their disagreement to the fourth resolution, in the words following:

Resolved, That the Secretary of the Treasury has deviated from the instructions given him by the President of the United States, in executing the authorities for making loans, under the acts of the fourth and twelfth of August, one thousand seven hundred and ninety.

It was resolved in the affirmative—yeas 39, nays 12, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Christopher Greenup, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell, John Laurance, Amasa Learned, Richard Bland Lee, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williams.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Andrew Gregg, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Alexander D. Orr, John Page, and Josiah Parker.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the fifth resolution, in the words following:

Resolved, That the Secretary of the Treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information, in due time, of the moneys drawn by him from Europe into the United States; which drawing commenced December, one thousand seven hundred and ninety, and continued until January, one thousand seven hundred and ninety-three; and of the cause of making such drafts.

Mr. DAYTON said, that, at so late an hour of the night, he was unwilling to detain the Committee unnecessarily. He trusted, however, that they would grant him their indulgence and attention for a few moments before the vote was taken. The resolution upon which the sense of the Committee was about to be expressed contained a direct charge against the Secretary of the Treasury for having "failed to give Congress official infor-

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mation in due time of the moneys drawn by him from Europe into the United States, and of the cause of such drafts." He rose principally to remark, that the arguments which had been used by the advocates of these resolutions, in support of the first which had been discussed, and particularly by the member from Virginia, [Mr. MADISON.] were of such a nature as must, if applied to the one now under debate, compel that gentleman to abandon this charge, and give it his negative, if he would preserve any sort of consistency between his arguments and his vote.

It had been asserted by him, and seemed to be relied upon as an important fact, that the Secretary's agency in respect to foreign loans did not necessarily result from the duties of his office, or the constitution of the Treasury Department, which on that head was silent, but that it was founded upon a special commission and instructions given to that officer by the President, in whom the laws had vested an authority. Under that view, then, it was deemed convenient and proper to regard the President as the principal, and the Secretary as his agent, in order that there might appear to be some foundation for the charge against the latter for having acted in any instance without the express instructions of the former. If this was truly the relationship in which the Secretary stood to the President—if the President's commission was his authority, and the President's instructions his law and guide—if the case of loans was, in respect to the Treasury Department, an extraordinary and extra-official one, not necessarily falling under the head of it, but distinct from the ordinary revenues which bounded his legal authority, as had been declared by a member from Virginia and another from Pennsylvania, Mr. D. called upon those two gentlemen to explain with what propriety the Secretary of the Treasury could be censured for not comprising in his annual official statement of receipts and expenditures of public moneys in his Department a report of his agency in a business unconnected therewith, which he transacted, not in quality of financier, but of agent, and for which he was directly responsible to the President, who was his principal, and who could, and doubtless would, have dismissed him from office, if he had acted unfaithfully. There appeared to his mind (Mr. D. said) such inconsistency and contradiction between the reasoning he had quoted and the resolution on the table, as induced him to believe that all who gave their assent to those arguments, but especially those who had expressed and supported them, would join with him in voting against this proposition.

But there were other reasons (Mr. D. added) which seemed to his judgment to lead irresistibly to the same conclusion. The House of Representatives had already expressed their sense upon this subject. Their resolutions, passed on the 23d of January, without any opposition, evidently recognised certain principles which directly militated against those contained in this resolution. The President of the United States was there requested to communicate the informa-

tion wanted. It is well known to every member that this mode was never adopted in any call for information respecting our fiscal concerns, or other matters relating to the ordinary business of the Department, but that it was always observed when the information wanted was of such a nature as to render it improper for either of the subordinate Executive officers to give it without the order of their head, the President. Shall the Secretary of the Treasury, then, be censured for not reporting to Congress transactions unasked for, which it is admitted he was not at liberty to report, even upon the order of the House, without the sanction and express direction of the President? Shall he be censured for not giving information of the moneys drawn by him from Europe, and of the causes of making such drafts, when the very laws which authorized the loan of fourteen millions, point out the causes, declare the purposes, and designate the appropriation? The act of the 12th of August directed the application of two millions to the purchase of the Public Debt. Was not this contrary the only proper place for that operation? And would any one say that those purchases could be made advantageously for the United States unless the money was drawn here? Was there not a discretionary power given to the Executive over the other twelve millions destined to the payment of our debt to France, in virtue of which, such portion of it might be drawn here as might be deemed consistent with the public good? Had not events fully justified Congress in having granted in the use they had made of it? Through the instrumentality of those drafts, we had been enabled to purchase nearly two millions of our own debt, and to pay in this country (principally in our own produce) about half a million of the French debt, by which the Colony of St. Domingo had been relieved from its sufferings, and the Government and people of France highly gratified and benefited. Far from meriting censure for arrangements so provident and beneficial, the man who had effected them was (Mr. D. asserted) entitled to the commendation and thanks of his countrymen. That the Secretary had discharged both his ordinary and extraordinary duties with ability and integrity, had been directly denied by none; that he had misconstrued the act of the 4th of August, and departed from its true spirit, had been urged and supported by very few; but that the arrangements which he made had proved beneficial to France, and highly favorable to the interests of the United States, seemed to have been admitted by all, even by the very gentlemen who had questioned the legality of them.

Mr. D. concluded with saying that he was happy to find he should be with a very large majority of the House in the vote that the Secretary was not chargeable with the omission and failure which the resolution aimed to fix upon him.

It was resolved in the affirmative—yeas 33, nays 15, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, El-

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bridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Philip Key, Aaron Kitchell, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NATS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Samuel Griffin, William Barry Grove, Richard Bland Lee, Nathaniel Macon, James Madison, John Francis Mercer, Andrew Moore, Nathaniel Niles, John Page, Josiah Parker, and Israel Smith.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the sixth resolution, in the words following:

Resolved, That the Secretary of the Treasury has, without the instruction of the PRESIDENT or THE UNITED STATES, drawn more moneys, borrowed in Holland, into the United States, than the PRESIDENT or THE UNITED STATES was authorized to draw, under the act of the twelfth of August, one thousand seven hundred and ninety, which act appropriated two millions of dollars only, when borrowed, to the purchase of the Public Debt; and that he has omitted to discharge an essential duty of his office, in failing to give official information to the Commissioners for purchasing the Public Debt, of the various sums drawn from time to time, suggested by him to have been intended for the purchase of the Public Debt."

It was resolved in the affirmative—yeas 33, nays 8, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Jonathan Dayton, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, Aaron Kitchell, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Nathaniel Niles, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William Findley, William B. Giles, Nathaniel Macon, James Madison, John Francis Mercer, and Josiah Parker.

Another motion was then made, and the question being put, that the House do agree with the Committee of the Whole House in their disagreement to the seventh resolution, in the words following:

Resolved, That the Secretary of the Treasury did not consult the public interest, in negotiating a Loan with the Bank of the United States, and drawing therefrom four hundred thousand dollars at five per centum per annum, when a greater sum of public money was deposited in various banks, at the respective periods of making the respective drafts."

It was resolved in the affirmative—yeas 33, nays 8, as follows:

MARCH, 1793.]

Debate on Mr. Giles's Resolutions.

[H. OF R.]

Indian war. Mr. S. could not forbear expressing great surprise at this remark of the gentleman from Virginia, [Mr. MANISON,] when he recollected what had been just before said by the same gentleman in support of the former resolution. The gentleman, on that occasion, in his attempt to disprove the right of the Secretary, *ex officio*, to superintend the moneys derived from the Foreign loans, had endeavored to establish a nice distinction between the ordinary internal revenues of the country, and the resources resulting from Foreign loans. The law constituting the Treasury Department, he had said, gave the Secretary power only over the revenues, which embraced only the ordinary resources, whereas loans were distinct things, the management of which was specially intrusted by law to the Supreme Magistrate, and in relation to which the Secretary could exercise no authority whatever that was not derived from the PRESIDENT. The gentleman now argued that the Secretary was blameable in not giving information of the state of these extraordinary resources, which were not within his Department, when only called upon to state the amount of the ordinary revenues, which were within his Department. He left it to the gentleman to reconcile this contradiction, for certainly his doctrine was erroneous on the former occasion, or it must be so now. If the moneys obtained from Foreign loans were to be deemed the revenues of the country, then they fell of course under the management of the Head of the Treasury Department, and it was wrong in the gentleman to impute misconduct to the Secretary for exercising a legal authority; if, on the contrary, those moneys were viewed as an extra resource, and not within the purview of the Secretary's functions, then it was wrong to censure him for not communicating a state of those moneys, when required only to report the ordinary revenues.

Without admitting the soundness of the distinction set up by the gentleman from Virginia, Mr. S. said that it was never in the intention of the House, nor in the idea of any individual member, to call for a state of the moneys proceeding from the Foreign loans, when they passed the order of the 19th January, 1792. That order was in these terms:

Ordered, That the Secretary of the Treasury be directed to lay before this House such information with respect to the finances of the United States, as will enable the Legislature to judge whether any additional revenue will be necessary in consequence of the proposed increase of the military establishment."

This call was fully complied with, for the Secretary laid before the House an estimate of the internal revenues—which, unquestionably, were the only revenues in contemplation of the House at the time—and the House being satisfied that they were incompetent, laid additional duties. The House knew, as well as the Secretary, that loans had been made, and that moneys had, under them, been drawn into this country; but they knew that those moneys had been specially appropriated to the Sinking Fund, and it never entered into the idea of any member to divert them from that bene-

ficial object, in order to apply them to the current service. It was not to be supposed that the Secretary would have recommended such a diversion. To impute blame to him for not communicating the amount of moneys drawn from time to time, there must have been some law or order of the House requiring the communication, or it must have been necessary to some object depending before the House. What law or order of the House made it necessary? None. The laws authorized the loans, and prescribed their objects; the rest was mere Executive business; and no communication was necessary to any measure depending before the House.

But though the Secretary would not have been censurable for omitting to give the information, the truth was, that the PRESIDENT'S Speech of 8th December, 1790, the Secretary's Report of 25th February, and the act of the 3d of March, 1791, were conclusive proofs that the Legislature knew that the proceeds of the loans were in a train of being brought to the United States, and the accounts of receipts and expenditures presented in the first week of the session, informed the House that a large sum had been drawn for, and the Treasurer's quarterly account contained further information on the subject, all which was prior to any call of the House for such information. Hence, Mr. S. deduced, that it was not a fact that the Secretary had failed to give the information, as stated in the resolution, and that had he even so failed, he would not have been censurable for a breach of an essential duty of his office. It had been said, by a member from Pennsylvania, [Mr. FINDLEY,] that the lateness of the information from the Secretary made it inconvenient to go into an inquiry of his official conduct so near the close of the session. To this, Mr. S. replied, that he did not expect such a remark from that quarter of the House. If the gentleman had not been prepared for the inquiry, or thought it an improper season to enter upon it, why did he second the motion for bringing forward the charges? If suspicion had so long existed against the integrity of the Secretary, why was not information called for at the beginning of the session? Why was the call delayed till the session was within a few weeks of its termination? It was admitted that the Secretary had obeyed the order of the House with wonderful alacrity and promptitude. It was indeed strange that the gentleman who brought forward the charges, should be the first to complain that there was not time for their consideration.

Mr. S. concluded by noticing the observation of Mr. MANISON and Mr. MANSON, that the opinion of the House on the preceding resolutions would not change the truth of facts, and that the public would ultimately decide whether the Secretary's conduct was criminal or not. This, said Mr. S., was like the conduct of a prosecutor, who having chosen his jurisdiction, and being nonsuited, wished to appeal to another tribunal. Why were the resolutions brought before the House? Was it not to substantiate the truth of them by a vote? And had the prosecution succeeded, would the

H. or R.]

Public Printing.

[MARCH, 1793.]

Secretary have had an appeal to the public? No; the resolutions would have been sent to the President, and the Secretary would have been removed, disgraced, and ruined forever, without appeal.

Mr. FINDLEY said: Since these resolutions were laid on the table, I have, upon reflection, been convinced of the impropriety of connecting it with the others, or of treating this part of the Secretary's conduct in this manner. It is solely in the power of this House to punish all contemptuous or indecent treatment of its authority or orders; for this purpose, it is not necessary to lay our opinions in this way before the public, report them to the President, or make them a foundation of impeachment. We might have ordered him to the bar of this House, and obliged him to make proper acknowledgments, and I have known some high in office treated in this manner for infinitely less impropriety. It is true, in the case to which I allude, I thought the affair was carried too far; the offence was only a letter to the House respecting the conduct of a member, whom the officer charged with making free with his character in an insidious manner among the members. I would be sorry to see this House pursue such trifles. Though the indecorum of the Secretary to this House is of a higher nature, I think it is best to treat it with silent contempt; I will vote against this resolution, lest it should be interpreted as a relinquishment of our authority to punish contempts.

The question was then taken, and it was resolved in the affirmative—yeas 34, nays 7, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Elbridge Gerry, Nicholas Gilman, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Aaron Kitchell, John Laurence, Amasa Learned, George Leonard, Samuel Livermore, Frederick Augustus Muhlenberg, Nathaniel Niles, Josiah Parker, Theodore Sedgwick, Jeremiah Smith, William Smith, John Steele, Samuel Sterrett, Jonathan Sturges, George Thatcher, Thomas Tudor Tucker, Artemas Ward, and Hugh Williamson.

NAYS.—John Baptist Ashe, Abraham Baldwin, William B. Giles, William Barry Grove, Richard Bland Lee, Nathaniel Macon, and James Madison.

SATURDAY, March 2.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying his report on the petition of Lewis Garanger, on behalf of his brother, Charles Garanger; which were read, and ordered to lie on the table.

PUBLIC PRINTING.

Mr. FITZSIMONS, from the committee to whom was referred the Letter from the Secretary of the Treasury, stating certain inaccuracies in printing the statements communicated by his first and second Letters lately presented, on the subject of Foreign loans, and expressing a wish that some regulation may be adopted to enable the Head of the Treasury Department to secure the fidelity

and correctness of the printed copies of the reports which shall hereafter be made to the House, and shall be committed to the press by their order, made a report; which was twice read, and agreed to by the House, as follows:

"That the committee have examined into the circumstances stated in the Letter, and find that the standing order of the Clerk of this House to the printer, is, to send the proof sheets of all reports and statements to the Department from whence they were made, and that this practice has been generally followed.

"That it has been discontinued during the present session (so far as respects the Secretary of the Treasury) from an opinion of the printer, that the delay which the examination would occasion, might interfere with the intention of the House, of having the business speedily accomplished.

"It did not appear to the committee, that any unnecessary delay had taken place at the office of the Comptroller, by reason of the examination of the proof sheets, nor in the printer, in the execution of his business.

"The committee are of opinion, that it is not necessary for them to recommend any new regulation for the future execution of this business; but, in order to rectify the errors which have taken place in the printed reports and statements, the committee recommend the following resolution:

"Resolved, That there be printed under the direction of the Secretary of the Treasury, three hundred copies of the reports and statements made by him during the present session, and that the same be delivered to the Clerk to this House."

Resolved, That the Clerk of the House of Representatives shall be deemed to continue in office until a successor be appointed.

Resolved, That the Doorkeeper and assistant Doorkeeper of the House of Representatives shall be deemed to continue in office until successors to those officers, respectively, be appointed.

Resolved, That the Clerk of this House be authorized to pay to Thomas Claxton, out of the money appropriated to defray the contingent expenses of this House, the sum of eighty dollars, for extra services.

The House resolved itself into a Committee of the Whole House on the bill making addition to the compensation of the Auditor of the Treasury, and the Commissioner of the Revenue; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

And on the question, that the said bill, with the amendments, be engrossed, and read the third time, it was resolved in the affirmative—yeas 24, nays 17, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Robert Barnwell, Egbert Benson, Shearshub Bourne, Benjamin Bourne, Jonathan Dayton, William Findley, Thomas Fitzsimons, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, Philip Key, John Laurence, Richard Bland Lee, Frederick Augustus Muhlenberg, William Van Murray, Josiah Parker, Theodore Sedgwick, William Smith, John Steele, George Thatcher, Thomas Tudor Tucker, and Francis Willis.

MARCH, 1793.]

Proceedings.

[H. or R.]

NAYS.—Abraham Clark, William B. Giles, James Gordon, Christopher Greenup, William Barry Grove, James Hillhouse, Aaron Kitchell, Samuel Livermore, Nathaniel Macon, Nathaniel Niles, Alexander D. Orr, Peter Sylvester, Jeremiah Smith, Jonathan Sturges, Thomas Sumpter, Thomas Tredwell, and Artemas Ward.

Mr. LIVERMORE, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses, to the bill, entitled "An act fixing the time for the next annual meeting of Congress," made a report; which was read, and ordered to lie on the table.

A message from the Senate, informed the House that the Senate have passed the bill, entitled "An act for the relief of Simeon Thayer," with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was disagreed to—yeas 17, nays 21, as follows:

YEAS.—Fisher Ames, Robert Barnwell, Egbert Benson, Shearshub Bourne, Benjamin Bourne, Nicholas Gilman, Andrew Gregg, Thomas Hartley, John Laurence, Richard Bland Lee, Samuel Livermore, Josiah Parker, Theodore Sedgwick, William Smith, George Thatcher, Thomas Tredwell, and Francis Willis.

NAYS.—Elias Boudinot, Abraham Clark, William Findley, Thomas Fitzsimons, Christopher Greenup, William Barry Grove, Daniel Heister, Aaron Kitchell, Nathaniel Macon, James Madison, Andrew Moore, Frederick Augustus Muhlenberg, William Van Murray, Nathaniel Niles, Alexander D. Orr, Peter Sylvester, Jeremiah Smith, John Steele, Jonathan Sturges, Thomas Sumpter, and Hugh Williamson.

A message from the Senate, informed the House that the President of the UNITED STATES will, on Monday next, take the oath of office required by the Constitution, in the Senate Chamber, at twelve o'clock.

An engrossed bill making addition to the compensation of the Auditor of the Treasury, and the Commissioner of the Revenue, was read the third time and passed.

Resolved, That the Secretary of the Treasury report to Congress, on the first Monday of January next, the number of stills in the respective districts, distinguishing those that are employed in distilling spirits from materials of the growth of the United States; and also, the nett product of revenue arising from the respective Districts and States, particularizing the drawbacks, and distinguishing the Foreign from American materials, and the product by the gallon, month, and year. Also, the number of officers, and amount of their salaries.

The House then adjourned until seven o'clock post meridian.

EVENING SESSION—7 P. M.

The SPEAKER laid before the House, a Letter from the Secretary of the Treasury, accompanying a copy of a letter from the Commissioner of the Revenue to him; also, a report of the general state of the revenue on stills, and on spirits distilled, within the United States, made in pursuance

of the order of this House, of the eighth of May last; which were read, and laid on the table.

Ordered, That the Clerk of this House be directed, to suffer such persons as have given in statements of their public conduct, to the committee appointed to inquire into the causes of the failure of the expedition under General St. Clair, to take copies of all or any such statements.

The House resolved itself into a Committee of the Whole House on the bill marking farther provision for securing and collecting the duties on Foreign and Domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose, and were discharged from the further consideration of the said bill.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on sundry petitions; which were read, and ordered to lie on the table.

A message from the Senate, informed the House that the Senate having completed the Legislative business before them, are now about to adjourn.

Resolved, That Mr. Boudinot, Mr. Sedgwick, and Mr. Hindman, be appointed a committee, jointly, with a committee on the part of the Senate, to wait on the President of the UNITED STATES, and inform him of the intended recess of Congress, and inform him that Congress is ready to adjourn without day, unless he may have any farther communications to make to them.

A message from the Senate, informed the House that the Senate have agreed to the resolution of this House for the appointment of a joint committee, to wait on the President of the UNITED STATES, and inform him of the intended recess of Congress, and have appointed a committee for that purpose, on their part.

On a motion made and seconded, "That the thanks of the House of Representatives be presented to JONATHAN TRUMBULL, in testimony of their approbation of his conduct in the Chair, and in the execution of the difficult and important trust reposed in him, as SPEAKER of the said House,"

It was resolved unanimously: Whereupon, Mr. SPEAKER made his acknowledgments to the House, in manner following:

"GENTLEMEN: You have made me very happy by this testimony of your approbation of my conduct in the Chair. I feel, at the same time, an additional pleasure in the opportunity of rendering to you my sincere acknowledgments for the kind candor and indulgence, as well as the constant aid and support, which I have experienced in the performance of the duty which you were pleased to assign me. Be assured, gentlemen, I shall ever retain a grateful sense of your goodness—and you will suffer me to add, that my best wishes for your welfare and happiness, in public and private life, will attend each member of this honorable body."

Mr. Boudinot, from the Joint Committee appointed to wait on the President of the UNITED STATES, and inform him of the intended recess of Congress, reported that the Committee had performed that duty, and that the President was pleased to say he had no farther communication to make during the present session: Whereupon, Mr. SPEAKER adjourned the House sine die.

APPENDIX

TO THE HISTORY OF THE SECOND CONGRESS,

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

THE TREASURY DEPARTMENT, NOV. 4, 1791.

SIR: I have the honor to transmit herewith a Report to the House of Representatives, accompanying certain estimates of sums necessary to be appropriated for various objects therein specified, including the service of the year 1792.

I have the honor to be, with great respect, sir, your most obedient and humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

HON. JONATHAN TRUMBULL, Esq.,
Speaker of the House of Representatives.

ESTIMATES OF APPROPRIATIONS.

The Secretary of the Treasury respectfully reports to the House of Representatives the Estimates herewith transmitted, Nos. 1, 2, 3, and 4: The first relating to the Civil List, or the expenditure for the support of Government during the year 1792, (including incidental and contingent expenses of the several Departments and offices,) amounting to \$328,653 56

The second relating to certain liquidated claims upon the Treasury; to certain deficiencies in former estimates for the current service, and to a provision in aid of the fund heretofore appropriated for the payment of certain officers of the Courts, jurors, witnesses, &c.

The third relating to the Department of War, showing the stated expenditure of that Department for the year 1792

The amount of a year's pensions to invalids

Pay and subsistence to sundry officers, for which no appropriation has yet been made

Arrearages due upon Indian Affairs for the year 1791, and the sum supposed to be necessary for the year 1792

Expenses incurred for the defensive protection of the frontiers for the years 1790 and 1791, and for which no appropriation has yet been made

Total

\$1,058,222 81½

2d Con.—32

As appears by No. 4, which contains a summary of the three preceding ones—exhibiting in one view the total sum as above stated, for which an appropriation is requisite.

The funds out of which the said appropriation may be made are, first, the sum of six hundred thousand dollars reserved annually out of the duties on Imports and Tonnage, by the act making provision for the Debt of the United States, for the support of the Government thereof; and, secondly, such surplus as shall have accrued to the end of the present year upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the Public Debt during the same year, and for the satisfying of other prior appropriations.

Judging from the returns heretofore received at the Treasury, there is good ground to conclude that that surplus, together with the above mentioned sum of six hundred thousand dollars, will be adequate to the object.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

GENERAL ESTIMATE FOR THE SERVICES OF THE ENSUING YEAR.

CIVIL LIST.

For compensation to the President, Vice President, Chief Justice, and Associate Judges

\$51,500

21,300

129,730

60,300

6,300

9,600

13,100

11,000

2,500

2,767 73

20,555 83

\$328,653 56

Estimates of Appropriations.

EXTRAORDINARIES.

For discharging cer- tain claims on the United States -	117,625 70
To making good defi- ciencies in the Civil List establishment -	49,043 79
Clerks of Courts, ju- rors, witnesses, &c. -	5,000
Maintenance of light- houses and repairs -	16,000
Keeping prisoners -	4,000
Arranging the public securities -	2,450
Purchase of hydrome- ters -	1,000
Building and equipping ten cutters -	2,000
	\$197,119 49
WAR DEPARTMENT.	
Stated annual expenses	357,731 61
Annual allowance to invalids -	87,463 60½
For former deficient appropriations -	47,629 84
Indian Department -	39,424 71
	\$532,449 76½
Total	\$1,058,222 81½

TREASURY DEPARTMENT,
Register's office, Nov. 4, 1791.
JOSEPH NOURSE, Register.

REPORT ON MANUFACTURES.

The SECRETARY OF THE TREASURY, in obedience to the order of the House of Representatives of the 15th day of January, 1790, has applied his attention, at as early a period as his other duties would permit, to the subject of Manufactures; and particularly to the means of promoting such as will tend to render the United States independent of Foreign Nations, for military and other essential supplies. And he thereupon respectfully submits the following Report:

The expediency of encouraging manufactures in the United States, which was not long since deemed very questionable, appears at this time to be pretty generally admitted. The embarrassments which have obstructed the progress of our external trade, have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce: the restrictive regulations, which in foreign markets abridge the vent of the increasing surplus of our agricultural produce, serve to beget an earnest desire that a more extensive demand for that surplus may be created at home. And the complete success which has rewarded manufac- turing enterprise, in some valuable branches, con- sidering with the promising symptoms which at- tend some less mature essays in others, justify a hope that the obstacles to the growth of this spe- cies of industry are less formidable than they were

apprehended to be; and that it is not difficult to find, in its further extension, a full indemnification for any external disadvantages which are or may be experienced, as well as an accession of resources favorable to national independence and safety.

There still are, nevertheless, respectable patrons of opinions, unfriendly to the encouragement of manufactures. The following are, substantially, the arguments by which these opinions are de- fended:

"In every country, (say those who entertain them,) agriculture is the most beneficial and pro- ductive object of human industry. This position, generally, if not universally true, applies with pe- culiar emphasis to the United States, on account of their immense tracts of fertile territory, unin- habited and unimproved. Nothing can afford so advantageous an employment for capital and labor, as the conversion of this extensive wilderness into cultivated farms. Nothing, equally with this, can contribute to the population, strength, and real riches of the country."

"To endeavor, by the extraordinary patronage of Government, to accelerate the growth of ma- nufactures, is, in fact, to endeavor, by force and art, to transfer the natural current of industry from a more to a less beneficial channel. Whatever has such a tendency, must necessarily be unwise: indeed it can hardly ever be wise in a Govern- ment to attempt to give a direction to the indus- try of its citizens. This, under the quick-sighted guidance of private interest, will, if left to itself, infallibly find its own way to the most profitable employment; and it is by such employment that the public prosperity will be most effectually pro- moted. To leave industry to itself, therefore, is, in almost every case, the soundest as well as the simplest policy."

"This policy is not only recommended to the United States by considerations which affect all nations; it is, in a manner, dictated to them by the imperious force of a very peculiar situation. The smallness of their population, compared with their territory; the constant allurements to emi- gration from the settled to the unsettled parts of the country; the facility with which the less in- dependent condition of an artisan can be exchanged for the more independent condition of a farmer; these, and similar causes, conspire to produce, and for a length of time must continue to occasion, a scarcity of hands for manufacturing occupation, and dearth of labor generally. To these disad- vantages for the prosecution of manufactures, a deficiency of pecuniary capital being added, the prospect of a successful competition with the ma- nufactures of Europe must be regarded as little less than desperate. Extensive manufactures can only be the offspring of a redundant, at least of a full population. Until the latter shall characterize the situation of this country, it is vain to hope for the former."

"If, contrary to the natural course of things, an unseasonable and premature spring can be given to certain fabrics by heavy duties, prohibitions, bounties, or by other forced expedients, this will only be to sacrifice the interests of the community

Report on Manufactures.

to those of particular classes. Besides the misdi- rection of labor, a virtual monopoly will be given to the persons employed on such fabrics; and an enhancement of price, the inevitable consequence of every monopoly, must be defrayed at the ex- pense of the other parts of the society. It is far preferable that those persons should be engaged in the cultivation of the earth, and that we should procure, in exchange for its productions, the com- modities with which foreigners are able to supply us in greater perfection, and upon better terms."

This mode of reasoning is founded upon facts and principles which have certainly respectable pretensions. If it had governed the conduct of nations more generally than it has done, there is room to suppose that it might have carried them faster to prosperity and greatness, than they have attained by the pursuit of maxims too widely op- posite. Most general theories, however, admit of numerous exceptions; and there are few, if any, of the political kind, which do not blend a consi- derable portion of error with the truths they in- culcate.

In order to an accurate judgment how far that which has been just stated ought to be deemed liable to similar imputation, it is necessary to ad- vert carefully to the considerations which plead in favor of manufactures, and which appear to recommend the special and positive encourage- ment of them in certain cases, and under certain reasonable limitations.

It ought readily to be conceded that the culti- vation of the earth, as the primary and most cer- tain source of national supply; as the immediate and chief source of subsistence to man; as the prin- cipal source of those materials which constitute the nutriment of other kinds of labor; as including a state most favorable to the freedom and inde- pendence of the human mind; one, perhaps, most conducive to the multiplication of the human spe- cies; has intrinsically a strong claim to pre-emi- nence over every other kind of industry.

But, that it has a title to anything like an ex- clusive predilection, in any country, ought to be admitted with great caution. That it is even more productive than every branch of industry, requires more evidence than has yet been given in support of the position. That its real interests, precious and important as without the help of exaggeration they truly are, will be advanced ra- ther than injured by the due encouragement of manufactures, may, it is believed, be satisfactorily demonstrated. And it is also believed, that the expediency of such encouragement, in a general view, may be shown to be recommended by the most cogent and persuasive motives of national policy.

It has been maintained that agriculture is not only the most productive, but the only productive species of industry. The reality of this suggestion, in either respect, has, however, not been verified by any accurate detail of facts and calculations; and the general arguments, which are adduced to prove it, are rather subtle and paradoxical than solid or convincing. Those which maintain its exclusive productiveness are to this effect:

Labor, bestowed upon the cultivation of land, produces enough not only to replace all the neces- sary expenses incurred in the business, and to maintain the persons who are employed in it, but to afford, together with the ordinary profit on the stock or capital of the farmer, a nett surplus or rent for the landlord or proprietor of the soil. But the labor of artificers does nothing more than replace the stock which employs them, or which furnishes materials, tools, and wages, and yield the ordinary profit upon that stock. It yields no- thing equivalent to the rent of land. Neither does it add anything to the total value of the whole annual produce of the land and labor of the coun- try. The additional value given to those parts of the produce of land which are wrought into ma- nufactures, is counterbalanced by the value of those other parts of that produce, which are consumed by the manufacturers. It can therefore only be by saving or parsimony, not by the positive pro- ductiveness of their labor, that the classes of arti- ficers can in any degree augment the revenue of the society. To this it has been answered—

1. "That, inasmuch as it is acknowledged that manufacturing labor reproduces a value equal to that which is expended or consumed in carrying it on, and continues in existence the original stock or capital employed, it ought, on that account alone, to escape being considered as wholly un- productive; that though it should be admitted, as alleged, that the consumption of the produce of the soil by the classes of artificers or manufactu- rers is exactly equal to the value added by their labor to the materials upon which it is exerted, yet it would not thence follow that it added no- thing to the revenue of the society, or to the ag- gregate value of the annual produce of its land and labor. If the consumption for any given pe- riod amounted to a given sum, and the increased value of the produce manufactured in the same period to a like sum, the total amount of the con- sumption and production during that period would be equal to the two sums, and consequently double the value of the agricultural produce consumed. And though the increment of value produced by the classes of artificers should at no time exceed the value of the produce of the land consumed by them, yet there would be at every moment, in consequence of their labor, a greater value of goods in the market than would exist independent of it."

2. "That the position, that artificers can aug- ment the revenue of a society only by parsimony, is true in no other sense than in one which is equally applicable to husbandmen or cultivators. It may be alike affirmed, of all these classes, that the fund acquired by their labor and destined for their support, is not, in an ordinary way, more than equal to it. And hence it will follow, that augmentations of the wealth or capital of the com- munity (except in the instances of some extraor- dinary dexterity or skill) can only proceed, with respect to any of them, from the savings of the more thrifty and parsimonious."

3. "That the annual produce of the land and labor of a country can only be increased in two ways, by some improvement in the productive

powers of the useful labor which actually exists within it, or by some increase in the quantity of such labor. That with regard to the first, the labor of artificers being capable of greater subdivision and simplicity of operation than that of cultivators, it is susceptible, in a proportionally greater degree, of improvement in its productive powers, whether to be derived from an accession of skill, or from the application of ingenious machinery; in which particular, therefore, the labor employed in the culture of land can pretend to no advantage over that engaged in manufactures. That with regard to an augmentation of the quantity of useful labor, this (excluding adventitious circumstances) must depend essentially upon an increase of capital; which, again, must depend upon the savings made out of the revenues of those who furnish or manage that which is at any time employed, whether in agriculture or in manufactures, or in any other way."

But, while the exclusive productiveness of agricultural labor has been thus denied and refuted, the superiority of its productiveness has been conceded without hesitation. As this concession involves a point of considerable magnitude in relation to maxims of public administration, the grounds on which it rests are worthy of a distinct and particular examination.

One of the arguments made use of in support of the idea, may be pronounced both quaint and superficial; it amounts to this: That in the productions of the soil Nature co-operates with man, and that the effect of their joint labor must be greater than that of the labor of man alone. This, however, is far from being a necessary inference. It is very conceivable, that the labor of man alone, laid out upon a work requiring great skill and art to bring it to perfection, may be more productive, in value, than the labor of Nature and man combined, when directed towards more simple operations and objects: and when it is recollected to what an extent the agency of Nature, in the application of the mechanical powers, is made auxiliary to the prosecution of manufactures, the suggestion which has been noticed loses even the appearance of plausibility.

It might also be observed, with a contrary view, that the labor employed in agriculture is in a great measure periodical and occasional, depending on seasons liable to various and long interruptions; while that occupied in many manufactures is constant and regular, extending through the year, embracing, in some instances, night as well as day. It is also probable that there are among the cultivators of land, more examples of remissness than among artificers. The farmer, from the peculiar fertility of his land, or some other favorable circumstance, may frequently obtain a livelihood, even with a considerable degree of carelessness in the mode of cultivation; but the artisan can with difficulty effect the same object, without exerting himself pretty equally with all those who are engaged in the same pursuit. And if it may likewise be assumed as a fact that manufactures open a wider field to exertions of ingenuity than agriculture, it would not be a strained

conjecture, that the labor employed in the former being at once more constant, more uniform, and more ingenious, than that which is employed in the latter, will be found at the same time more productive. But it is not meant to lay stress on observations of this nature: they ought only to serve as a counterbalance to those of a similar complexion. Circumstances so vague and general, as well as so abstract, can afford little instruction in a matter of this kind.

Another, and that which seems to be the principal argument offered for the superior productiveness of agricultural labor, turns upon the allegation that labor employed on manufactures yields nothing equivalent to the rent of land; or to that nett surplus, as it is called, which accrues to the proprietor of the soil. But this distinction, important as it has been deemed, appears rather verbal than substantial. It is easily discernible that what, in the first instance, is divided into two parts, under the denominations of the ordinary profit of the stock of the farmer and rent to the landlord, is, in the second instance, united, under the general appellation of the ordinary profit on the stock of the undertaker; and that this formal or verbal distribution constitutes the whole difference in the two cases. It seems to have been overlooked that the land is, itself, a stock or capital, advanced or lent by its owner to the occupier or tenant, and that the rent he receives is only the ordinary profit of a certain stock in land, not managed by the proprietor himself, but by another to whom he lends or lets it, and who, on his part, advances a second capital to stock and improve the land, upon which he also receives the usual profit. The rent of the landlord and the profit of the farmer, are, therefore, nothing more than the ordinary profits of two capitals, belonging to two different persons, and united in the cultivation of a farm. As in the other case; the surplus which arises upon any manufactory, after replacing the expenses of carrying it on, answers to the ordinary profits of one or more capitals engaged in the prosecution of such manufactory: it is said one or more capitals, because, in fact, the same thing which is contemplated in the case of the farm, sometimes happens in that of a manufactory. There is one who furnishes a part of the capital, or lends a part of the money by which it is carried on, and another who carries it on, with the addition of his own capital. Out of the surplus which remains after defraying expenses, an interest is paid to the money-lender for the portion of the capital furnished by him, which exactly agrees with the rent paid to the landlord; and the residue of that surplus constitutes the profit of the undertaker or manufacturer, and agrees with what is denominated the ordinary profits on the stock of the farmer. Both together make the ordinary profits of two capitals employed in a manufactory; as, in the other case, the rent of the landlord and the revenue of the farmer compose the ordinary profits of two capitals employed in the cultivation of a farm. The rent, therefore, accruing to the proprietor of the land, far from being a criterion of exclusive productiveness, as has been argued, is no criterion even of superior

productiveness. The question must still be, whether the surplus, after defraying expenses of a given capital employed in the purchase and improvement of a piece of land, is greater or less than that of a like capital employed in the prosecution of a manufactory? or whether the whole value produced from a given capital and a given quantity of labor, employed in one way, be greater or less than the whole value produced from an equal capital and an equal quantity of labor employed in the other way? or, rather, perhaps, whether the business of agriculture or that of manufactures will yield the greatest product, according to a compound ratio of the quantity of the capital and the quantity of labor, which are employed in the one or in the other?

The solution of either of these questions is not easy; it involves numerous and complicated details, depending on an accurate knowledge of the objects to be compared. It is not known that the comparison has ever yet been made upon sufficient data properly ascertained and analyzed. To be able to make it on the present occasion, with satisfactory precision, would demand more previous inquiry and investigation than there has been hitherto either leisure or opportunity to accomplish. Some essays, however, have been made, towards acquiring the requisite information, which have rather served to throw doubt upon than to confirm the hypothesis under examination. But it ought to be acknowledged that they have been too little diversified, and are too imperfect, to authorize a definitive conclusion either way; leading rather to probable conjecture than to certain deduction. They render it probable, that there are various branches of manufactures in which a given capital will yield a greater total product, and a considerably greater nett product, than an equal capital invested in the purchase and improvement of lands; and that there are also some branches in which both the gross and the nett produce will exceed that of agricultural industry, according to a compound ratio of capital and labor. But it is on this last point that there appears to be the greatest room for doubt. It is far less difficult to infer, generally, that the nett produce of capital engaged in manufacturing enterprises is greater than that of capital engaged in agriculture.

The foregoing suggestions are not designed to inculcate an opinion that manufacturing industry is more productive than that of agriculture. They are intended rather to show that the reverse of this proposition is not ascertained; that the general arguments which are brought to establish it are not satisfactory; and, consequently, that a supposition of the superior productiveness of tillage ought to be no obstacle to listening to any substantial inducements to the encouragement of manufactures, which may be otherwise perceived to exist, through an apprehension that they may have a tendency to divert labor from a more to a less profitable employment. It is extremely probable, that, on a full and accurate development of the matter, on the ground of fact and calculation, it would be discovered that there is no material difference between the aggregate productiveness of the one and

of the other kind of industry; and that the propriety of the encouragements which may in any case be proposed to be given to either, ought to be determined upon considerations irrelative to any comparison of that nature.

But, without contending for the superior productiveness of manufacturing industry, it may conduce to a better judgment of the policy which ought to be pursued respecting its encouragement, to contemplate the subject under some additional aspects, tending not only to confirm the idea that this kind of industry has been improperly represented as unproductive in itself, but to evince, in addition, that the establishment and diffusion of manufactures have the effect of rendering the total mass of useful and productive labor, in a community, greater than it would otherwise be. In prosecuting this discussion, it may be necessary briefly to resume and review some of the topics which have been already touched.

To affirm that the labor of the manufacturer is unproductive, because he consumes as much of the produce of land as he adds value to the raw materials which he manufactures, is not better founded than it would be to affirm that the labor of the farmer, which furnishes materials to the manufacturer, is unproductive, because he consumes an equal value of manufactured articles. Each furnishes a certain portion of the produce of his labor to the other, and each destroys a correspondent portion of the produce of the labor of the other. In the mean time, the maintenance of two citizens, instead of one, is going on; the State has two members, instead of one; and they together consume twice the value of what is produced from the land. If, instead of a farmer and artificer, there were a farmer only, he would be under the necessity of devoting a part of his labor to the fabrication of clothing and other articles, which he would procure of the artificer, in the case of there being such a person, and of course he would be able to devote less labor to the cultivation of his farm, and would draw from it a proportionably less product. The whole quantity of production, in this state of things, in provisions, raw materials, and manufactures, would certainly not exceed in value the amount of what would be produced in provisions and raw materials only, if there were an artificer as well as a farmer. Again: if there were both an artificer and a farmer, the latter would be left at liberty to pursue exclusively the cultivation of his farm. A greater quantity of provisions and raw materials would of course be produced, equal, at least, as has been already observed, to the whole amount of the provisions, raw materials, and manufactures, which would exist on a contrary supposition. The artificer, at the same time, would be going on in the production of manufactured commodities, to an amount sufficient not only to repay the farmer in those commodities for the provisions and materials which were procured from him, but to furnish the artificer himself with a supply of similar commodities for his own use. Thus, then, there would be two quantities or values in existence, instead of one; and the revenue and consumption

would be double in one case what it would be in the other.

If, in place of both these suppositions, there were supposed to be two farmers and no artificer, each of whom applied a part of his labor to the culture of land, and another part to the fabrication of manufactures; in this case, the portion of the labor of both bestowed upon land would produce the same quantity of provisions and raw materials only, as would be produced by the entire sum of the labor of one applied in the same manner, and the portion of the labor of both bestowed upon manufactures, would produce the same quantities of manufactures only, as would be produced by the entire sum of the labor of one applied in the same manner. Hence, the produce of the labor of the two farmers would not be greater than the produce of the labor of the farmer and artificer; and hence it results, that the labor of the artificer is as positively productive as that of the farmer, and, as positively, augments the revenue of the society.

The labor of the artificer replaces to the farmer that portion of his labor with which he provides the materials of exchange with the artificer, and which he would otherwise have been compelled to apply to manufactures; and while the artificer thus enables the farmer to enlarge his stock of agricultural industry, a portion of which he purchases for his own use, he also supplies himself with the manufactured articles of which he stands in need. He does still more; besides this equivalent, which he gives for the portion of agricultural labor consumed by him, and this supply of manufactured commodities for his own consumption, he furnishes still a surplus, which compensates for the use of the capital advanced either by himself or some other person, for carrying on the business. This is the ordinary profit of the stock employed in the manufactory, and is, in every sense, as effective an addition to the income of the society as the rent of land.

The produce of the labor of the artificer, consequently, may be regarded as composed of three parts; one by which the provisions for his subsistence and the materials for his work are purchased of the farmer, one by which he supplies himself with manufactured necessities, and a third which constitutes the profit on the stock employed. The two last portions seem to have been overlooked in the system, which represents manufacturing industry as barren and unproductive.

In the course of the preceding illustrations, the products of equal quantity of the labor of the farmer and artificer have been treated as if equal to each other. But this is not to be understood as intending to assert any such precise equality. It is merely a manner of expression adopted for the sake of simplicity and perspicuity.

Whether the value of the produce of the labor of the farmer be somewhat more or less than that of the artificer, is not material to the main scope of the argument which hitherto has only aimed at showing that the one, as well as the other, occasions a positive augmentation of the total produce and revenue of the society.

It is now proper to proceed a step further, and to enumerate the principal circumstances, from which it may be inferred. That manufacturing establishments not only occasion a positive augmentation of the produce and revenue of the society, but that they contribute essentially to rendering them greater than they could possibly be, without such establishments.

These circumstances are—

1. The division of labor.
2. An extension of the use of machinery.
3. Additional employment to classes of the community not ordinarily engaged in the business.
4. The promoting of emigration from foreign countries.
5. The furnishing greater scope for the diversity of talents and dispositions which discriminate men from each other.
6. The affording a more ample and various field for enterprise.
7. The creating, in some instances, a new, and securing in all, a more certain and steady demand for the surplus produce of the soil.

Each of these circumstances has a considerable influence upon the total mass of industrious effort in a community; together, they add to it a degree of energy and effect, which are not easily conceived. Some comments upon each of them, in the order in which they have been stated, may serve to explain their importance.

I. As to the division of labor. It has justly been observed, that there is scarcely any thing of greater moment in the economy of a nation, than the proper division of labor. The separation of occupations causes each to be carried to a much greater perfection than it could possibly acquire, if they were blended. This arises, principally, from three circumstances.

1st. The greater skill and dexterity naturally resulting from a constant and undivided application to a single object. It is evident that these properties must increase, in proportion to the separation and simplification of objects and the steadiness of the attention devoted to each; and must be less, in proportion to the complication of objects, and the number among which the attention is distracted.

2d. The economy of time, by avoiding the loss of it, incident to a frequent transition from one operation to another of a different nature. This depends on various circumstances; the transition itself, the orderly disposition of the implements, machines, and materials employed in the operation to be relinquished, the preparatory steps to the commencement of a new one, the interruption of the impulse, which the mind of the workman acquires, from being engaged in a particular operation; the distractions, hesitations, and reluctance, which attended the passage from one kind of business to another.

3d. An extension of the use of machinery. A man occupied on a single object will have it more in his power, and will be more naturally led to exert his imagination devising methods to facilitate and abridge labor than if he were perplexed by a variety of independent and dissimilar opera-

tions. Besides this, the fabrication of machines, in numerous instances, becoming itself a distinct trade, the artist who follows it, has all the advantages, which have been enumerated for improvement in his particular art, and in both ways the invention and application of machinery are extended.

And from these causes united, the mere separation of the occupation of the cultivator from that of the artificer, has the effect of augmenting the productive powers of labor, and with them, the total mass of the produce or revenue of a country. In this single view of the subject, therefore, the utility of artificers or manufacturers, towards promoting an increase of productive industry, is apparent.

II. As to an extension of the use of machinery, a point which, though partly anticipated, requires to be placed in one or two additional lights.

The employment of machinery forms an item of great importance in the general mass of national industry. It is an artificial force, brought in aid of the natural force of man; and, to all the purposes of labor, is an increase of hands; an accession of the strength, unincumbered too, by the expense of maintaining the laborer. May it not, therefore, be fairly inferred, that those occupations, which give greatest scope to the use of this auxiliary, contribute most to the general stock of industrious effort, and, in consequence, to the general product of industry?

It shall be taken for granted, and the truth of the position referred to observation, that manufacturing pursuits are susceptible in a greater degree of the application of machinery, than those of agriculture. If so, all the difference is lost to a community, which, instead of manufacturing for itself, procures the fabrics requisite to its supply from other countries. The substitution of foreign for domestic manufactures is a transfer to foreign nations of the advantages accruing from the employment of machinery, in the modes in which it is capable of being employed, with most utility and to the greatest extent.

The cotton mill invented in England, within the last twenty years, is a signal illustration of the general proposition, which has been just advanced. In consequence of it, all the different processes for spinning cotton are performed by means of machines, which are put in motion by water, and attended chiefly by women and children; and by a smaller number of persons, in the whole, than are requisite in the ordinary mode of spinning. And it is an advantage of great moment that the operations of this mill continue, with convenience, during the night, as well as through the day. The prodigious effect of such a machine is easily conceived. To this invention is to be attributed, essentially, the immense progress which has been so suddenly made in Great Britain, in the various fabrics of cotton.

III. As to the additional employment of classes of the community, not originally engaged in the particular business.

This is not among the least valuable of the means by which manufacturing institutions con-

tribute to augment the general stock of industry and production. In places where those institutions prevail, besides the persons regularly engaged in them, they afford occasional and extra employment to industrious individuals and families who are willing to devote the leisure resulting from the intermissions of their ordinary pursuits to collateral labors, as a resource for multiplying their acquisitions or their enjoyments. The husbandman himself experiences a new source of profit and support from the increased industry of his wife and daughters; invited and stimulated by the demands of the neighboring manufactories.

Besides this advantage of occasional employment to classes having different occupations, there is another of a nature allied to it, and of a similar tendency. This is the employment of persons who would otherwise be idle, (and in many cases a burden on the community,) either from the bias of temper, habit, infirmity of body, or some other cause, indisposing or disqualifying them for the toils of the country. It is worthy of particular remark, that, in general, women and children are rendered more useful, and the latter more early useful, by manufacturing establishments, than they would otherwise be. Of the number of persons employed in the cotton manufactories of Great Britain, it is computed that four-sevenths, nearly, are women and children; of whom the greatest proportion are children, and many of them of a tender age.

And thus it appears to be one of the attributes of manufactures, and one of no small consequence, to give occasion to the exertion of a greater quantity of industry, even by the same number of persons, where they happen to prevail, than would exist, if there were no such establishments.

IV. As to the promoting of emigration from foreign countries.

Men reluctantly quit one course of occupation and livelihood for another, unless invited to it by very apparent and proximate advantages. Many who would go from one country to another, if they had a prospect of continuing, with more benefit, the callings to which they have been educated, will often not be tempted to change their situation by the hope of doing better in some other way. Manufacturers who, listening to the powerful invitations of a better price for their fabrics or their labor, of greater cheapness of provisions and raw materials, of an exemption from the chief part of the taxes, burdens, and restraints, which they endure in the Old World, of greater personal independence and consequence, under the operation of a more equal Government; and of what is far more precious than mere religious toleration, a perfect equality of religious privileges; would, probably, flock from Europe to the United States to pursue their own trades or professions, if they were once made sensible of the advantages they would enjoy, and were inspired with an assurance of encouragement and employment, will, with difficulty, be induced to transplant themselves, with a view to becoming cultivators of land.

If it be true, then, that it is the interest of the United States to open every possible avenue to

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emigration from abroad, it affords a weighty argument for the encouragement of manufactures; which, for the reason just assigned, will have the strongest tendency to multiply the inducements to it. Here is perceived an important resource, not only for extending the population, and with it the useful and productive labor of the country, but likewise for the prosecution of manufactures, without deducting from the number of hands which might otherwise be drawn to tillage, and even for the indemnification of agriculture for such as might happen to be diverted from it. Many, whom manufacturing views would induce to emigrate, would afterwards yield to the temptations, which the particular situation of this country holds out to agricultural pursuits. And while agriculture would, in other respects, derive many signal and unmingled advantages, from the growth of manufactures, it is a problem whether it would gain or lose, as to the article of the number of persons employed in carrying it on.

V. As to the furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other.

This is a much more powerful mean of augmenting the fund of national industry than may at first sight appear. It is a just observation, that the minds of the strongest and most active powers for their proper objects fall below mediocrity and labor without effect, if confined to uncongenial pursuits. And it is thence to be inferred, that the results of human exertion may be immensely increased by diversifying its objects. When all the different kinds of industry obtain in a community, each individual can find his proper element, and can call into activity the whole vigor of his nature. And the community is benefited by the services of its respective members, in the manner in which each can serve it with most effect.

If there be any thing in a remark often to be met with, namely: that there is, in the genius of the people of this country, a peculiar aptitude for mechanic improvements, it would operate as a forcible reason for giving opportunities to the exercise of that species of talent, by the propagation of manufactures.

VI. As to the affording a more ample and various field for enterprise.

This, also, is of greater consequence in the general scale of national exertion, than might, perhaps, on a superficial view be supposed, and has effects not altogether dissimilar from those of the circumstance last noticed. To cherish and stimulate the activity of the human mind, by multiplying the objects of enterprise, is not among the least considerable of the expedients, by which the wealth of a nation may be promoted. Even things in themselves, not positively advantageous, sometimes become so, by their tendency to provoke exertion. Every new scene which is opened to the busy nature of man to rouse and exert itself, is the addition of a new energy to the general stock of effort.

The spirit of enterprise, useful and prolific as it is, must necessarily be contracted or expanded in proportion to the simplicity or variety of the objects.

occupations and productions, which are to be found in a society. It must be less in a nation of mere cultivators, than in a nation of cultivators and merchants; less in a nation of cultivators and merchants, than in a nation of cultivators, artificers, and merchants.

VII. As to the creating, in some instances, a new, and securing in all a more certain and steady demand for the surplus produce of the soil.

This is among the most important of the circumstances which has been indicated. It is a principal mean by which the establishment of manufactures contributes to an augmentation of the produce or revenue of a country, and has an immediate and direct relation to the prosperity of agriculture.

It is evident that the exertions of the husbandman will be steady or fluctuating, vigorous or feeble, in proportion to the steadiness or fluctuation, adequateness or inadequateness of the markets on which he must depend, for the vent of the surplus, which may be produced by his labor; and that such surplus in the ordinary course of things will be greater or less in the same proportion.

For the purpose of this vent, a domestic market is greatly to be preferred to a foreign one; because it is, in the nature of things, far more to be relied upon.

It is a primary object of the policy of nations to be able to supply themselves with subsistence from their own soils; and manufacturing nations, as far as circumstances permit, endeavor to procure, from the same source, the raw materials necessary for their own fabrics. This disposition, urged by the spirit of monopoly, is sometimes even carried to an injudicious extreme. It seems not always to be recollected that nations who have neither mines nor manufactures, can only obtain the manufactured articles of which they stand in need, by an exchange of the products of their soils; and that, if those who can best furnish them with such articles are unwilling to give a due course to this exchange, they must, of necessity, make every possible effort to manufacture for themselves; the effect of which is, that the manufacturing nations abridge the natural advantages of their situation, through an unwillingness to permit the agricultural countries to enjoy the advantages of theirs, and sacrifice the interests of a mutually beneficial intercourse to the vain project of selling every thing and buying nothing.

But it is also a consequence of the policy which has been noted, that the foreign demand for the products of agricultural countries is, in a great degree, rather casual and occasional, than certain or constant. To what extent injurious interruptions of the demand for some of the staple commodities of the United States may have been experienced from that cause, must be referred to the judgment of those who are engaged in carrying on the commerce of the country; but it may be safely affirmed, that such interruptions are at times very inconveniently felt; and that cases not unfrequently occur, in which markets are so confined and restricted, as to render the demand very unequal to the supply.

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Independently, likewise, of the artificial impediments, which are created by the policy in question, there are natural causes tending to render the external demand for the surplus of agricultural nations a precarious reliance. The differences of seasons, in the countries which are the consumers, make immense differences in the produce of their own soils, in different years; and, consequently, in the degrees of their necessity for foreign supply. Plentiful harvests with them, especially if similar ones occur at the same time in the countries which are the furnishers, occasion, of course, a glut in the markets of the latter.

Considering how fast and how much the progress of new settlements of the United States must increase the surplus produce of the soil, and weighing seriously the tendency of the system, which prevails among most of the commercial nations of Europe; whatever dependence may be placed on the force of natural circumstances to counteract the effects of an artificial policy, there appear strong reasons to regard the foreign demand for that surplus as too uncertain, in a reliance, and to desire a substitute for it, in an extensive domestic market.

To secure such a market, there is no other expedient than to promote manufacturing establishments. Manufacturers who constitute the most numerous class, after the cultivators of land, are, for that reason, the principal consumers of the surplus of their labors.

This idea of an extensive domestic market for the surplus produce of the soil, is of the first consequence. It is of all things, that which most effectually conduces to a flourishing state of agriculture. If the effect of manufactures should be to detach a portion of the hands which would otherwise be engaged in tillage, it might possibly cause a smaller quantity of land to be under cultivation; but by their tendency to procure a more certain demand for the surplus produce of the soil, they would, at the same time, cause the lands which were in cultivation, to be better improved and more productive. And while, by their influence, the condition of each individual farmer would be meliorated, the total mass of agricultural production would probably be increased. For this must evidently depend as much, if not more, upon the degree of improvement, than upon the number of acres under culture.

It merits particular observation, that the multiplication of manufactures not only furnishes a market for those articles which have been accustomed to be produced in abundance in a country, but it likewise creates a demand for such as were either unknown or produced in considerable quantities. The bowels as well as the surface of the earth, are ransacked for articles which were before neglected. Animals, plants, and minerals acquire a utility and value, which were before unexplored.

The foregoing considerations seem sufficient to establish the propositions, that it is the interest of nations to diversify the industrious pursuits of the individuals who compose them; that the establishment of manufactures is calculated, not only to

increase the general stock of useful and productive labor, but even to improve the state of agriculture in particular, certainly to advance the interests of those who are engaged in it. There are other views, that will be hereafter taken of the subject, which, it is conceived, will serve to confirm these inferences.

Previously to a further discussion of the objections to the encouragement of manufactures which have been stated, it will be of use to see what can be said in reference to the particular situation of the United States, against the conclusions appearing to result from what has been already offered.

It may be observed, and the idea is of no inconsiderable weight, that however true it might be, that a State, which, possessing large tracts of vacant and fertile territory, was at the same time secluded from foreign commerce, would find its interest and the interest of agriculture, in diverting a part of its population from tillage to manufactures; yet it will not follow, that the same is true of a State, which, having such vacant and fertile territory, has at the same time ample opportunity of procuring from abroad, on good terms, all the fabrics of which it stands in need, for the supply of its inhabitants. The power of doing this at least secures the great advantage of a division of labor, leaving the farmer free to pursue exclusively the culture of his land, and enabling him to procure with its products the manufactured supplies requisite either to his wants or to his enjoyments. And though it should be true, that in settled countries, the diversification of industry is conducive to an increase in the productive powers of labor, and to an augmentation of revenue and capital, yet it is scarcely conceivable that there can be anything of so solid and permanent advantage to an uncultivated and unpeopled country, as to convert its wastes into cultivated and inhabited districts. If the revenue, in the mean time, should be less, the capital, in the event, must be greater.

To these observations, the following appears to be a satisfactory answer:

1. If the system of perfect liberty to industry and commerce were the prevailing system of nations, the arguments which dissuade a country, in the predicament of the United States, from the zealous pursuit of manufactures would doubtless have great force. It will not be affirmed, that they might not be permitted, with few exceptions, to serve as a rule of national conduct. In such a state of things, each country would have the full benefit of its peculiar advantages to compensate for its deficiencies or disadvantages. If one nation were in condition to supply manufactured articles on better terms than another, that other might find an abundant indemnification in a superior capacity to furnish the produce of the soil. And a free exchange mutually beneficial of the commodities which each was able to supply on the best terms, might be carried on between them, supporting in full vigor the industry of each. And though the circumstances which have been mentioned, and others which will be unfolded hereafter, render it probable, that nations merely agricultural, would

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not enjoy the same degree of opulence, in proportion to their numbers, as those which united manufactures with agriculture; yet the progressive improvement of the lands of the former, might in the end, atone for an inferior degree of opulence in the mean time; and in a case, in which opposite considerations are pretty equally balanced, the option ought perhaps always to be, in favor of leaving industry to its own direction.

But the system, which has been mentioned, is far from characterizing the general policy of nations. The prevalent one has been regulated by an opposite spirit. The consequence of it is, that the United States are to a certain extent in the situation of a country precluded from foreign commerce. They can indeed, without difficulty, obtain from abroad the manufactured supplies, of which they are in want; but they experience numerous and very injurious impediments to the emission and vent of their own commodities. Nor is this the case in reference to a single foreign nation only. The regulations of several countries, with which we have the most extensive intercourse, throw serious obstructions in the way of the principal staples of the United States.

In such a position of things, the United States cannot exchange with Europe on equal terms; and the want of reciprocity, would render them the victim of a system which would induce them to confine their views to agriculture, and refrain from manufactures. A constant and increasing necessity on their part, for the commodities of Europe, and only a partial and occasional demand for their own, in return, could not but expose them to a state of impoverishment, compared with the opulence to which their political and natural advantages authorize them to aspire.

Remarks of this kind are not made in the spirit of complaint. It is for the nations, whose regulations are alluded to, to judge for themselves, whether by aiming at too much, they do not lose more than they gain. It is for the United States to consider by what means they can render themselves least dependent on the combinations, right or wrong, of foreign policy.

It is no small consolation, that already the measures which have embarrassed our trade, have accelerated internal improvements, which upon the whole have bettered our affairs. To diversify and extend these improvements, is the surest and safest method of indemnifying ourselves for any inconveniences, which those or similar measures have a tendency to beget. If Europe will not take from us the products of our soil, upon terms consistent with our interest, the natural remedy is to contract as fast as possible our wants of her. 2. The conversion of their waste into cultivated lands is certainly a point of great moment in the political calculations of the United States. But the degree in which this may possibly be retarded by the encouragement of manufactures does not appear to counterbalance the powerful inducements to affording that encouragement.

An observation made in another place is of a nature to have great influence upon this question. If it cannot be denied that the interests even of

agriculture may be advanced more by having such of the lands of a State as are occupied under good cultivation, than by having a greater quantity occupied under a much inferior cultivation, and if manufactures, for the reasons assigned, must be admitted to have a tendency to promote a more steady and vigorous cultivation of the lands occupied, than would happen without them, it will follow that they are capable of indemnifying a country for a diminution of the progress of new settlements; and may serve to increase both the capital value and the income of its lands, even though they should abridge the number of acres under tillage.

But it does by no means follow, that the progress of new settlements would be retarded by the extension of manufactures. The desire of being an independent proprietor of land is founded on such strong principles in the human breast, that where the opportunity of becoming so is as great as it is in the United States, the proportion will be small of those, whose situations would otherwise lead to it, who would be diverted from it towards manufactures. And it is highly probable, as already intimated, that the accessions of foreigners, who originally drawn over by manufacturing views would afterwards abandon them for agricultural, would be more than an equivalent for those of our own citizens, who might happen to be detached from them.

The remaining objections to a particular encouragement of manufactures in the United States now require to be examined.

One of these turn on the proposition that industry, if left to itself, will naturally find its way to the most useful and profitable employment: whence it is inferred, that manufactures, without the aid of Government, will grow up as soon and as fast as the natural state of things and the interest of the community may require.

Against the solidity of this hypothesis, in the full latitude of the terms, very cogent reasons may be offered. These have relation to the strong influence of habit and the spirit of imitation, the fear of want of success in untried enterprises, the intrinsic difficulties incident to first essays towards a competition with those who have previously attained to perfection in the business to be attempted, the bounties, premiums, and other artificial encouragements, with which foreign nations second the exertions of their own citizens in the branches in which they are to be rivalled.

Experience teaches that men are often so much governed by what they are accustomed to see and practice, that the simplest and most obvious improvements, in the most ordinary occupations, are adopted with hesitation, reluctance, and by slow gradations. The spontaneous transition to new pursuits, in a community long habituated to different ones, may be expected to be attended with proportionably greater difficulty. When former occupations ceased to yield a profit adequate to the subsistence of their followers, or when there was an absolute deficiency of employment in them, owing to the superabundance of hands, changes would ensue; but these changes would be likely

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to be more tardy than might consist with the interest either of individuals or of the society. In many cases they would not happen, while a bare support could be insured by an adherence to ancient courses; though a resort to a more profitable employment might be practicable. To produce the desirable changes as early as may be expedient, may therefore require the incitement and patronage of Government.

The apprehension of failing in new attempts is perhaps a more serious impediment. There are dispositions apt to be attracted by the mere novelty of an undertaking; but these are not always those best calculated to give it success. To this, it is of importance that the confidence of cautious, sagacious capitalists, both citizens and foreigners, should be excited. And to inspire this description of persons with confidence, it is essential that they should be made to see in any project, which is new, and for that reason alone, if for no other, precarious, the prospect of such a degree of countenance and support from Government, as may be capable of overcoming the obstacles, inseparable from first experiments.

The superiority antecedently enjoyed by nations, who have pre-occupied and perfected a branch of industry, constitutes a more formidable obstacle than either of those which have been mentioned, to the introduction of the same branch into a country in which it did not before exist. To maintain, between the recent establishments of one country and the long matured establishments of another country, a competition upon equal terms, both as to quality and price, is in most cases impracticable. The disparity in the one, or in the other, or in both, must necessarily be so considerable as to forbid a successful rivalry, without the extraordinary aid and protection of Government.

But the greatest obstacle of all to the successful prosecution of a new branch of industry in a country in which it was before unknown, consists, as far as the instances apply, in the bounties, premiums, and other aids which are granted, in a variety of cases, by the nations in which the establishments to be imitated are previously introduced. It is well known (and particularly examples in the course of this Report will be cited) that certain nations grant bounties on the exportation of particular commodities to enable their own workmen to undersell and supplant all competitors in the countries to which those commodities are sent. Hence the undertakers of a new manufacture have to contend, not only with the natural disadvantages of a new undertaking, but with the gratuities and remunerations which other Governments bestow. To be enabled to contend with success, it is evident that the interference and aid of their own Government are indispensable.

Combinations by those engaged in a particular branch of business in one country, to frustrate the first efforts to introduce it into another, by temporary sacrifices, recompensed perhaps by extraordinary indemnifications of the Government of such country, are believed to have existed, and are not to be regarded as destitute of probability.

The existence or assurance of aid from the Government of the country in which the business is to be introduced, may be essential to fortify adventurers against the dread of such combinations, to defeat their effects, if formed, and to prevent their being formed, by demonstrating that they must in the end prove fruitless.

Whatever room there may be for an expectation that the industry of a people, under the direction of private interest, will upon equal terms find out the most beneficial employment for itself, there is none for a reliance that it will struggle against the force of unequal terms, or will of itself surmount all the adventitious barriers to a successful competition, which may have been erected either by the advantages naturally acquired from practice and previous possession of the ground, or by those which may have sprung from positive regulations and an artificial policy. This general reflection might alone suffice as an answer to the objection under examination—exclusively of the weighty considerations which have been particularly urged.

The objections to the pursuit of manufactures in the United States which next present themselves to discussion, represent an impracticability of success, arising from three causes: scarcity of hands, dearth of labor, want of capital.

The two first circumstances are to a certain extent real, and, within due limits, ought to be admitted as obstacles to the success of manufacturing enterprise in the United States. But there are various considerations which lessen their force, and tend to afford an assurance that they are not sufficient to prevent the advantageous prosecution of many very useful and extensive manufactures.

With regard to scarcity of hands, the fact itself must be applied with no small qualification to certain parts of the United States. There are large districts, which may be considered as pretty fully peopled; and which, notwithstanding a continual drain for distant settlement, are thickly interspersed with flourishing and increasing towns. If these districts have not already reached the point at which the complaint of scarcity of hands ceases, they are not remote from it, and are approaching fast towards it; and, having perhaps fewer attractions to agriculture than some other parts of the Union, they exhibit a proportionably stronger tendency towards other kinds of industry. In these districts may be discerned no inconsiderable maturity for manufacturing establishments.

But there are circumstances which have been already noticed with another view, that materially diminish every where the effect of a scarcity of hands. These circumstances are the great use which can be made of women and children; on which point a very pregnant and instructive fact has been mentioned; the vast extension given by late improvements to the employment of machines, which, substituting the agency of fire and water, has prodigiously lessened the necessity for manual labor; the employment of persons ordinarily engaged in other occupations during the seasons, or hours of leisure, which, besides giving occasion to the exertion of a greater quantity of

labor by the same number of persons, and thereby increasing the general stock of labor, as has been elsewhere remarked, may also be taken into the calculation as a resource for obviating the scarcity of hands; lastly, the attraction of foreign emigrants. Whoever inspects with a careful eye the composition of our towns, will be made sensible to what an extent this resource may be relied upon. This exhibits a large proportion of ingenious and valuable workmen, in different arts and trades, who by expatriating from Europe have improved their own condition, and added to the industry and wealth of the United States. It is a natural inference, from the experience we have already had, that, as soon as the United States shall present the countenance of a serious prosecution of manufactures, as soon as foreign artists shall be made sensible that the state of things here affords a moral certainty of employment and encouragement, competent numbers of European workmen will transplant themselves, effectually to insure the success of the design. How, indeed, can it otherwise happen, considering the various and powerful inducements which the situation of this country offers; addressing themselves to so many strong passions and feelings, to so many general and particular interests?

It may be affirmed, therefore, in respect to hands for carrying on manufactures, that we shall in a great measure trade upon a foreign stock—reserving our own for the cultivation of our lands, and the manning of our ships, as far as character and circumstances shall incline. It is not unworthy of remark, that the objection to the success of manufactures, deduced from the scarcity of hands, is alike applicable to trade and navigation, and yet these are perceived to flourish without any sensible impediment from that cause.

As to the dearthness of labor, (another of the obstacles alleged,) this has relation principally to two circumstances; one, that which has been just discussed, or the scarcity of hands; the other, the greatness of profits.

As far as it is a consequence of the scarcity of hands, it is mitigated by all the considerations which have been adduced as lessening that deficiency. It is certain, too, that the disparity in this respect, between some of the most manufacturing parts of Europe and a large proportion of the United States, is not nearly so great as is commonly imagined. It is also much less in regard to artificers and manufacturers than in regard to country laborers; and, while a careful comparison shows that there is in this particular much exaggeration, it is also evident that the effect of the degree of disparity which does truly exist, is diminished in proportion to the use which can be made of machinery.

To illustrate this last idea, let it be supposed that the difference of price in two countries, of a given quantity of manual labor requisite to the fabrication of a given article is as ten, and that some mechanic power is introduced into both countries, which, performing half the necessary labor, leaves only half to be done by hand, it is evident that the difference in the cost of the fabri-

cation of the article in question in the two countries, as far as it is connected with the price of labor, will be reduced from ten to five, in consequence of the introduction of that power.

This circumstance is worthy of the most particular attention. It diminishes immensely one of the objections most strenuously urged against the success of manufactures in the United States.

To procure all such machines as are known in any part of Europe, can only require a proper provision and due pains. The knowledge of several of the most important of them is already possessed. The preparation of them here is, in most cases, practicable on nearly equal terms. As far as they depend on water, some superiority of advantage may be claimed, from the uncommon variety and greater cheapness of situations adapted to mills seats, with which different parts of the United States abound.

So far as the dearthness of labor may be a consequence of the greatness of profits in any branch of business, it is no obstacle to its success. The undertaker can afford to pay the price.

There are grounds to conclude that undertakers of manufactures in this country can at this time afford to pay higher wages to the workmen they may employ than are paid to similar workmen in Europe. The prices of foreign fabrics in the markets of the United States, which will for a long time regulate the prices of domestic ones, may be considered as compounded of the following ingredients: the first cost of materials, including taxes, if any, which are paid upon them where they are made; the expense of grounds, buildings, machinery, and tools; the wages of the persons employed in the manufactory; the profits on the capital stock so employed; the commissions of agents to purchase them where they are made; the expense of transportation to the United States, including insurance and other incidental charges; the taxes or duties, if any, and fees of office which are paid on their exportation; the taxes or duties, and fees of office, which are paid on their importation.

As to the first of these items, the cost of materials, the advantage, upon the whole, is at present on the side of the United States, and the difference in their favor must increase in proportion as a certain and extensive domestic demand shall induce the proprietors of land to devote more of their attention to the production of those materials. It ought not to escape observation, in a comparison on this point, that some of the principal manufacturing countries of Europe are much more dependent on foreign supply for the materials of their manufactures, than would be the United States, who are capable of supplying themselves with a greater abundance as well as a greater variety of the requisite materials.

As to the second item, the expense of grounds, buildings, machinery, and tools, an equality at least may be assumed; since advantages in some particulars will counterbalance temporary disadvantages in others.

As to the third item, or the article of wages, the comparison certainly turns against the United

States; though, as before observed, not in so great a degree as is commonly supposed.

The fourth item is alike applicable to the foreign and to the domestic manufactory. It is, indeed, more properly a result than a particular to be compared.

But, with respect to all the remaining items, they are alone applicable to the foreign manufactory, and in the strictest sense extraordinary; constituting a sum of extra charge on the foreign fabric, which cannot be estimated at less than from fifteen to thirty per cent. on the cost of it at the manufactory.

This sum of extra charge may confidently be regarded as more than a counterpoise for the real difference in the price of labor, and is a satisfactory proof that manufactures may prosper in defiance of it in the United States.

To the general allegation, connected with the circumstances of scarcity of hands and dearthness of labor, that extensive manufactures can only grow out of a redundant or full population, it will be sufficient to answer, generally, that the fact has been otherwise; that the situation alleged to be an essential condition of success, has not been that of several nations, at periods when they had already attained to maturity in a variety of manufactures.

The supposed want of capital for the prosecution of manufactures in the United States, is the most indefinite of the objections which are usually opposed to it. It is very difficult to pronounce anything precise concerning the real extent of the moneyed capital of a country, and still more concerning the proportion which it bears to the objects that invite the employment of capital. It is not less difficult to pronounce how far the effect of any given quantity of money, as capital, or, in other words, as a medium for circulating the industry and property of a nation, may be increased by the very circumstance of the additional motion which is given to it by new objects of employment. That effect, like the momentum of descending bodies, may not improperly be represented as in a compound ratio to mass and velocity. It seems pretty certain, that a given sum of money, in a situation in which the quick impulses of commercial activity were little felt, would appear inadequate to the circulation of as great a quantity of industry and property, as in one in which their full influence was experienced.

It is not obvious, why the same objection might not as well be made to external commerce as to manufactures, since it is manifest that our immense tracts of land, occupied and unoccupied, are capable of giving employment to more capital than is actually bestowed upon them. It is certain that the United States offer a vast field for the advantageous employment of capital, but it does not follow that there will not be found, in one way or another, a sufficient fund for the successful prosecution of any species of industry which is likely to prove truly beneficial.

The following considerations are of a nature to remove all inquietude on the score of want of capital. The introduction of banks, as has been shown

on another occasion, has a powerful tendency to extend the active capital of a country. Experience of the utility of these institutions, is multiplying them in the United States. It is probable that they will be established wherever they can be supported, if administered with prudence, they will add new energies to all pecuniary operations. The aid of foreign capital may safely, and with considerable latitude, be taken into calculation. Its instrumentality has been long experienced in our external commerce; and it has begun to be felt in various other modes. Not only our own funds, but our agriculture and other internal improvements, have been animated by it. It has already, in a few instances, extended even to our manufactures. It is a well known fact, that there are parts of Europe which have more capital than profitable domestic objects of employment. Hence, among other proofs, the large loans continually furnished to foreign States. And it is equally certain that the capital of other parts may find more profitable employment in the United States than at home. And notwithstanding there are weighty inducements to prefer the employment of capital at home, even at less profit, to an investment of it abroad, though with greater gain, yet these inducements are overruled, either by a deficiency of employment, or by a very material difference in profit. Both these causes operate to produce a transfer of foreign capital to the United States. It is certain that various objects in this country hold out advantages which are with difficulty to be equalled elsewhere; and under the increasingly favorable impressions which are entertained of our Government, the attractions will become more and more strong. These impressions will prove a rich mine of prosperity to the country, if they are confirmed and strengthened by the progress of our affairs. And to secure this advantage, little more is necessary than to foster industry, and cultivate order and tranquility, at home and abroad.

It is not impossible that there may be persons disposed to look with a jealous eye on the introduction of foreign capital, as if it were an instrument to deprive our citizens of the profits of our own industry; but, perhaps, there never could be a more unreasonable jealousy. Instead of being viewed as a rival, it ought to be considered as a most valuable auxiliary, conducting to put in motion a greater quantity of productive labor, and a greater portion of useful enterprise, than could exist without it. It is at least evident, that in a country situated like the United States, with an infinite fund of resources yet to be unfolded, every farthing of foreign capital which is laid out in internal ameliorations, and in industrious establishments of a permanent nature, is a precious acquisition. And whatever be the objects which originally attract foreign capital, when once introduced it may be directed towards any purpose of beneficial exertion which is desired. And to detain it among us, there can be no expedient so effectual as to enlarge the sphere within which it may be usefully employed: though introduced merely with views to speculations in the funds, it may after-

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wards be rendered subservient to the interests of agriculture, commerce, and manufactures.

But the attraction of foreign capital for the direct purpose of manufactures, ought not to be deemed a chimerical expectation. There are already examples of it, as remarked in another place; and the examples, if the disposition be cultivated, can hardly fail to multiply. There are, also, instances of another kind, which serve to strengthen the expectation; enterprises for improving the public communications, by cutting canals, opening the obstructions in rivers, and erecting bridges, have received very material aid from the same source.

When the manufacturing capitalist of Europe shall advert to the many important advantages which have been intimated in the course of this Report, he cannot but perceive very powerful inducements to a transfer of himself and his capital to the United States. Among the reflections, which a most interesting peculiarity of situation is calculated to suggest, it cannot escape his observation, as a circumstance of moment in the calculation, that the progressive population and improvement of the United States, insure a continually increasing domestic demand for the fabrics which he shall produce; not to be affected by any external casualties or vicissitudes.

But while there are circumstances sufficiently strong to authorize a considerable degree of reliance on the aid of foreign capital, towards the attainment of the object in view, it is satisfactory to have good grounds of assurance that there are domestic resources of themselves adequate to it. It happens that there is a species of capital, actually existing within the United States, which relieves from all inquietude on the score of want of capital—this is the Funded Debt.

The effect of a Funded Debt, as a species of capital, has been noticed upon a former occasion; but a more particular elucidation of the point laid upon it: this shall accordingly be attempted. Public funds answer the purpose of capital from the estimation in which they are usually held by moneyed men, and consequently from the ease and despatch with which they can be turned into money. This capacity of prompt convertibility into money causes a transfer of stock to be in a great number of cases equivalent to a payment in coin; and where it does not happen to suit the party who is to receive, to accept a transfer of stock, the party who is to pay is never at a loss to find elsewhere a purchaser of his stock, who will furnish him in lieu of it with the coin of which he stands in need.

Hence in a sound and settled state of the public funds, a man possessed of a sum in them can embrace any scheme of business which offers with as much confidence as if he were possessed of an equal sum in coin.

This operation of public funds, as capital, is too obvious to be denied; but it is objected to the idea of their operating as an augmentation of the capital of the community that they serve to occasion the destruction of some other capital to an equal amount.

The capital which alone they can be supposed to destroy must consist of the annual revenue, which is applied to the payment of interest on the Debt, and to the gradual redemption of the principal. The amount of the coin, which is employed in circulating the funds, or, in other words, in effecting the different alienations which they undergo.

But the following appears to be the true and accurate view of this matter:

1. As to the point of the annual revenue requisite for the payment of interest and redemption of principal.

As a determinate proportion will tend to perspicuity in the reasoning, let it be supposed that the annual revenue to be applied corresponding with the modification of the six per cent. stock of the United States is in the ratio of eight upon the hundred; that is, in the first instance, six on account of interest, and two on account of principal.

Thus far it is evident that the capital destroyed to the capital created would bear no greater proportion than eight to one hundred. There would be withdrawn from the total mass of other capitals a sum of eight dollars to be paid to the public creditor, while he would be possessed of a sum of one hundred dollars, ready to be applied to any purpose, to be embarked in any enterprise which might appear to him eligible. Here, then, the augmentation of capital, or the excess of that which is produced beyond that which is destroyed, is equal to ninety-two dollars.

To this conclusion it may be objected, that the sum of eight dollars is to be withdrawn annually; until the whole hundred is extinguished; and it may be inferred that in process of time a capital will be destroyed equal to that which is at first created.

But it is nevertheless true that during the whole of the interval between the creation of the capital of one hundred dollars and its reduction to a sum not greater than that of the annual revenue appropriated to its redemption, there will be a greater active capital in existence than if no debt had been contracted. The sum drawn from other capitals in any one year will not exceed eight dollars; but there will be at every instant of time during the whole period in question a sum corresponding with so much of the principal as remains unredeemed in the hands of some person or other employed, or ready to be employed, in some profitable undertaking. There will therefore constantly be more capital in capacity to be employed than capital taken from employment. The excess for the first year has been stated to be ninety-two dollars; it will diminish yearly; but there always will be an excess until the principal of the Debt is brought to a level with the redeeming annuity; that is, in the case which has been assumed by way of example, to \$8. The reality of this excess becomes palpable, if it be supposed, as often happens, that the citizen of a foreign country imports into the United States \$100 for the purchase of an equal sum of Public Debt; here is an absolute augmentation of the mass of circulating coin to the extent of

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one hundred dollars. At the end of a year the foreigner is presumed to draw back eight dollars on account of his principal and interest, but he still leaves ninety-two of his original deposit in circulation, as he in like manner leaves eighty-four at the end of the second year, drawing back then also the annuity of eight dollars; and thus the matter proceeds; the capital left in circulation diminishing each year, and coming nearer to the level of the annuity drawn back. There, are however some differences in the ultimate operation of the part of the Debt, which is purchased by foreigners, and that which remains in the hands of citizens. But the general effect in each case, though in different degrees, is to add to the active capital of the country.

Hitherto the reasoning has proceeded on a conception of the position, that there is a destruction of some other capital to the extent of the annuity appropriated to the payment of the interest and the redemption of the principal of the Debt; but in this too much has been conceded. There is at most a temporary transfer of some other capital, to the amount of the annuity, from those who pay, to the creditor who receives; which he again re-stores to the circulation to resume the offices of a capital. This he does either immediately by employing the money in some branch of industry, or immediately by lending it to some other person, who does so employ it, or by spending it on his own maintenance. In either supposition, there is no destruction of capital; there is nothing more than a suspension of its motion for a time; that is, while it is passing from the hands of those who pay into the public coffers and thence through the public creditor into some other channel of circulation. When the payments of interest are periodic and quick, and made by the instrumentality of banks, the diversion or suspension of capital may almost be denominated momentary. Hence the deduction on this account is far less than it at first sight appears to be.

There is evidently, as far as regards the annuity, no destruction or transfer of any other capital than that portion of the income of each individual, which goes to make up the annuity. The land which furnishes the farmer with the sum which he is to contribute remains the same; and the like may be observed of other capitals. Indeed, as far as the tax, which is the object of contribution (as frequently happens when it does not oppress by its weight) may have been a motive to greater exertion in any occupation; it may even serve to increase the contributory capital: this idea is not without importance in the general view of the subject.

It remains to see what further deduction ought to be made from the capital which is created by the existence of the Debt on account of the coin which is employed in its circulation. This is susceptible of much less precise calculation than the article which has been just discussed. It is impossible to say what proportion of coin is necessary to carry on the alienations which any species of property usually undergoes; the quantity, indeed, varies, according to circumstances. But it

may still, without hesitation, be pronounced, from the quickness of the rotation, or rather of the transitions that the medium of circulation, always bears but a small proportion to the amount of the property circulated. And it is thence satisfactorily deducible that the coin employed in the negotiations of the funds, and which serve to give them activity as capital, is incomparably less than the sum of the Debt negotiated for the purpose of business.

It ought not, however, to be omitted, that the negotiation of the funds becomes itself a distinct business, which employs, and by employing diverts a portion of the circulating coin from other pursuits; but, making due allowance for this circumstance, there is no reason to conclude that the effect of the diversion of coin in the whole operation bears any considerable proportion to the amount of the capital to which it gives activity. The sum of the Debt in circulation is continually at the command of any useful enterprise; the coin itself which circulates it is never more than momentarily suspended from its ordinary functions. It experiences an incessant and rapid flux and reflux to and from the channels of industry to those of speculations in the funds.

There are strong circumstances in confirmation of this theory. The force of moneyed capital which has been displayed in Great Britain, and the height to which every species of industry has grown up under it, defy a solution from the quantity of coin which that Kingdom has ever possessed. Accordingly it has been coeval with its Funding System, the prevailing opinion of the men of business, and of the generality of the most sagacious theorists of that country, that the operation of the public funds as capital has contributed to the effect in question. Among ourselves appearances thus far favor the same conclusion. Industry in general seems to have been reanimated. There are symptoms indicating an extension of our commerce. Our navigation has certainly of late had a considerable spring; and there appears to be in many parts of the Union a command of capital, which, till lately, since the Revolution at least, was unknown. But it is at the same time to be acknowledged that other circumstances have concurred, and in a great degree, in producing the present state of things, and that the appearances are not yet sufficiently decisive to be entirely relied upon.

In the question under discussion, it is important to distinguish between an absolute increase of capital, or an accession of real wealth and an artificial increase of capital, as an engine of business, or as an instrument of industry and commerce. In the first sense, a Funded Debt has no pretensions to being deemed an increase of capital; in the last, it has pretensions which are not easy to be controverted. Of a similar nature is bank credit, and, in an inferior degree, every species of private credit.

But though a Funded Debt is not in the first instance an absolute increase of capital or an augmentation of real wealth, yet by serving as a new power in the operations of industry, it has, within

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certain bounds, a tendency to increase the real wealth of a community; in like manner as money borrowed by a thrifty farmer, to be laid out in the improvement of his farm may, in the end, add to his stock of real riches.

There are respectable individuals who, from a just aversion to an accumulation of Public Debt, are unwilling to concede to it any kind of utility, who can discern no good to alleviate the ill with which they suppose it pregnant, who cannot be persuaded that it ought in any sense to be viewed as an increase of capital, lest it should be inferred that the more debt the more capital—the greater the burdens the greater the blessings of the community.

But it interests the public councils to estimate every object as it truly is, to appreciate how far the good in any measure is compensated by the ill, or the ill by the good; either of them is seldom unmixed.

Neither will it follow that an accumulation of Debt is desirable, because a certain degree of it operates as capital. There may be a plethora in the political as in the natural body; there may be a state of things in which any such artificial capital is unnecessary. The Debt, too, may be swelled to such a size as that the greatest part of it may cease to be useful as a capital, serving only to pamper the dissipation of idle and dissolute individuals; as that the sums required to pay the interest upon it may become oppressive, and beyond the means which a Government can employ consistently with its tranquility to raise them; as that the resources of taxation to face the Debt may have been strained too far to admit of extensions adequate to exigencies which regard the public safety.

Where this critical point is, cannot be pronounced; but it is impossible to believe that there is not such a point.

And as the vicissitudes of nations beget a perpetual tendency to the accumulation of Debt, there ought to be in every Government a perpetual, anxious, and unceasing effort to reduce that, which at any time exists, as fast as shall be practicable, consistently with integrity and good faith.

Reasonings on a subject comprehending ideas so abstract and complex, so little reducible to precise calculation as those which enter into the question just discussed, are always attended with a danger of running into fallacies; due allowance ought therefore to be made for this possibility. But, as far as the nature of the subject admits of it, there appears to be satisfactory ground for a belief that the public funds operate as a resource of capital to the citizens of the United States, and if they are a resource at all, it is an extensive one.

To all the arguments which are brought to evince the impracticability of success in manufacturing establishments in the United States, it might have been a sufficient answer to have referred to the experience of what has been already done. It is certain that several important branches have grown up and flourished with a rapidity which

surprises, affording an encouraging assurance of success in future attempts; of these it may not be improper to enumerate the most considerable:—
I. Of skins. Tanned and tawed leather, dressed skins, shoes, boots, and slippers; harness and saddlery of all kinds; portmanteaus and trunks; leather breeches, gloves, muffs, and tippets; parchment and glue.

II. Of iron. Bar and sheet iron, steel, nail rods, and nails; implements of husbandry; stoves, pots and other household utensils; the steel and iron work of carriages and for ship building; anchors, scale beams and weights, and various tools of artificers; arms of different kinds: though the manufacture of these last has of late diminished for want of demand.

III. Of wood. Ships, cabinet wares, and turnery; wool and cotton cards, and other machinery for manufactures and husbandry; mathematical instruments; coopers' wares of every kind.

IV. Of flax and hemp. Cables, sailcloth, cordage, twine, and packthread.

V. Bricks and coarse tiles, and potters' wares.

VI. Ardent spirits and malt liquors.

VII. Writing and printing paper, sheathing and wrapping paper, pasteboards, fullers or presspapers, paperhangings.

VIII. Hats of fur and wool and of mixtures of both. Women's stuff and silk shoes.

IX. Refined sugars.

X. Oils of animals and seeds; soap, spermaceti and tallow candles.

XI. Copper and brass wares, particularly utensils for distillers, sugar refiners, and brewers; andirons and other articles for household use; philosophical apparatus.

XII. Tin wares for most purposes of ordinary use.

XIII. Carriages of all kinds.

XIV. Snuff, chewing and smoking tobacco.

XV. Starch and hairpowder.

XVI. Lampblack, and other painters' colors.

XVII. Gunpowder.

Besides manufactures of these articles, which are carried on as regular trades, and have attained to a considerable degree of maturity, there is a vast scene of household manufacturing, which contributes more largely to the supply of the community than could be imagined without having made it an object of particular inquiry. This observation is the pleasing result of the investigation to which the subject of this Report has led, and is applicable as well to the Southern as to the Middle and Northern States. Great quantities of coarse cloths, coatings, serges, and flannels, linsey-woolseys, hosiery of wool, cotton, and thread, coarse fastians, jeans and muslins, checked and striped cotton and linen goods, bedticks, coverlets and counterpanes, tow linens, coarse shirtings, sheetings, toweling and table linen, and various mixtures of wool and cotton, and of cotton and flax, are made in the household way, and, in many instances, to an extent not only sufficient for the supply of the families in which they are made, but for sale, and even in some cases for exportation. It is computed, in a number of districts, that

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two-thirds, three-fourths, and even four-fifths of all the clothing of the inhabitants are made by themselves. The importance of so great a progress as appears to have been made in family manufactures, within a few years, both in a moral and political view, renders the fact highly interesting.

Neither does the above enumeration comprehend all the articles that are manufactured as regular trades. Many others occur, which are equally well established, but which not being of equal importance have been omitted. And there are many attempts, still in their infancy, which, though attended with very favorable appearances, could not have been properly comprised in an enumeration of manufactures already established. There are other articles, also, of great importance, which, though, strictly speaking, manufactures, are omitted, as being immediately connected with husbandry—such are flour, pot and pearl ash, pitch, turpentine, and the like.

There remains to be noticed an objection to the encouragement of manufactures, of a nature different from those which question the probability of success. This is derived from its supposed tendency to give a monopoly of advantages to particular classes, at the expense of the rest of the community, who, it is affirmed, would be able to procure the requisite supplies of manufactured articles on better terms, from foreigners than from our own citizens, and who, it is alleged, are reduced to a necessity of paying an enhanced price for whatever they want by every measure which obstructs the free competition of foreign commodities.

It is not an unreasonable supposition that measures which serve to abridge the free competition of foreign articles have a tendency to occasion an enhancement of prices, and it is not to be denied that such is the effect in a number of cases; but the fact does not uniformly correspond with the theory. A reduction of prices has, in several instances, immediately succeeded the establishment of a domestic manufacture. Whether it be that foreign manufacturers endeavor to supplant by underselling our own, or whatever else be the cause, the effect has been such as is stated, and the reverse of what might have been expected.

But though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded, and accordingly seldom or never fails to be sold cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with

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the reason of the thing and with experience. Whence it follows, that it is the interest of the community, with a view to eventual and permanent economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a permanent reduction of it.

It is a reflection which may with propriety be indulged here, that this eventual diminution of the prices of manufactured articles, which is the result of internal manufacturing establishments, has a direct and very important tendency to benefit agriculture. It enables the farmer to procure with a smaller quantity of his labor the manufactured produce of which he stands in need, and consequently increases the value of his income and property.

The objections which are commonly made to the expediency of encouraging and to the probability of succeeding in manufacturing pursuits in the United States, having now been discussed, the considerations which have appeared in the course of the discussion, recommending that species of industry to the patronage of the Government, will be materially strengthened by a few general and some particular topics, which have been naturally reserved for subsequent notice.

1. There seems to be a moral certainty that the trade of a country which is both manufacturing and agricultural will be more lucrative and prosperous than that of a country which is merely agricultural. One reason for this is found in that general effort of nations (which has been already mentioned) to procure from their own soils the articles of prime necessity requisite to their own consumption and use, and which serves to render their demand for a foreign supply of such articles in a great degree occasional and contingent. Hence, while the necessities of nations exclusively devoted to agriculture for the fabrics of manufacturing States are constant and regular, the wants of the latter for the products of the former are liable to very considerable fluctuations and interruptions. The great inequalities resulting from difference of seasons have been elsewhere remarked. This uniformity of demand on the one side, and unsteadiness of it on the other, must necessarily have a tendency to cause the general course of the exchange of commodities between the parties to turn to the disadvantage of the merely agricultural States. Peculiarity of situation, a climate and soil adapted to the production of peculiar commodities, may sometimes contradict the rule; but there is every reason to believe that it will be found in the main a just one.

Another circumstance which gives a superiority of commercial advantages to States that manufacture as well as cultivate, consists in the more numerous attractions which a more diversified market offers to foreign customers, and in the greater scope which it affords to mercantile enterprise. It is a position of indisputable truth in commerce, depending, too, on very obvious reasons, that the greatest resort will ever be to those marts where commodities, while equally abundant, are most various. Each difference of kind holds out

an additional inducement; and it is a position not less clear, that the field of enterprise must be enlarged to the merchants of a country in proportion to the variety as well as the abundance of commodities which they find at home for exportation to foreign markets.

A third circumstance, perhaps not inferior to either of the other two, conferring the superiority which has been stated, has relation to the stagnations of demand for certain commodities which at some time or other interfere more or less with the sale of all. The nation which can bring to market but few articles is likely to be more quickly and sensibly affected by such stagnations than one which is always possessed of a great variety of commodities. The former frequently finds too great a portion of its stock of materials for sale or exchange lying on hand, or is obliged to make injurious sacrifices to supply its wants of foreign articles, which are numerous and urgent in proportion to the smallness of the number of its own. The latter commonly finds itself indemnified by the high prices of some articles for the low prices of others; and the prompt and advantageous sale of those articles which are in demand enables its merchants the better to wait for a favorable change in respect to those which are not. There is ground to believe that a difference of situation in this particular has immensely different effects upon the wealth and prosperity of nations.

From these circumstances, collectively, two important inferences are to be drawn—one, that there is always a higher probability of a favorable balance of trade in regard to countries in which manufactures, founded on the basis of a thriving agriculture, flourish, than in regard to those which are confined wholly or almost wholly to agriculture; the other (which is also a consequence of the first) that countries of the former description are likely to possess more pecuniary wealth, or money, than those of the latter.

Facts appear to correspond with this conclusion. The importations of manufactured supplies seem invariably to drain the merely agricultural people of their wealth. Let the situation of the manufacturing countries of Europe be compared in this particular with that of countries which only cultivate, and the disparity will be striking. Other causes, it is true, help to account for this disparity between some of them, and among these causes, the relative state of agriculture; but, between others of them, the most prominent circumstance of dissimilitude arises from the comparative state of manufactures. In corroboration of the same idea, it ought not to escape remark, that the West India Islands, the soils of which are the most fertile, and the nation which in the greatest degree supplies the rest of the world with precious metals, exchange to a loss with almost every other country. As far as experience at home may guide, it will lead to the same conclusion. Previous to the Revolution, the quantity of coin possessed by the Colonies which now compose the United States appeared to be inadequate to their circulation, and their debt to Great Britain was progressive. Since the Revolution, the States in which

manufactures have most increased have recovered safest from the injuries of the late war, and abound most in pecuniary resources.

It ought to be admitted, however, in this, as in the preceding case, that causes irrelative to the state of manufactures, account, in a degree, for the phenomena remarked. The continual progress of new settlements has a natural tendency to occasion an unfavorable balance of trade, though it indemnifies for the inconvenience by that increase of the national capital which flows from the conversion of waste into improved lands; and the different degrees of external commerce which are carried on by the different States may make material differences in the comparative state of their wealth. The first circumstance has reference to the deficiency of coin and the increase of debt previous to the Revolution; the last to the advantages which the most manufacturing States appear to have enjoyed over the others since the termination of the late war. But the uniform appearance of an abundance of specie, as the concomitant of a flourishing state of manufactures, and of the reverse, where they do not prevail, afford a strong presumption of their favorable operation upon the wealth of a country. Not only the wealth, but the independence and security of a country, appear to be materially connected with the prosperity of manufactures. Every nation, with a view to those great objects, ought to endeavor to possess within itself all the essentials of national supply. These comprise the means of subsistence, habitation, clothing, and defence. The possession of these is necessary to the perfection of the body politic, to the safety as well as to the welfare of the society. The want of either is the want of an important organ of political life and motion; and in the various crises which await a State it must severely feel the effects of such deficiency. The extreme embarrassments of the United States during the late war from an incapacity of supplying themselves, are still matter of keen recollection. A future war might be expected again to exemplify the mischiefs and dangers of a situation to which that incapacity is still in too great a degree applicable, unless changed by timely and vigorous exertions. To effect this change, as fast as shall be prudent, merits all the attention and all the zeal of our public councils. It is the next great work to be accomplished. The want of a Navy to protect our external commerce, as long as it shall continue, must render it a peculiarly precarious reliance for the supply of essential articles, and must serve to strengthen prodigiously the arguments in favor of manufactures.

To these general considerations are added some of a more particular nature. Our distance from Europe, the great fountain of manufactured supplies, subjects us, in the existing state of things, to inconvenience and loss in two ways. The bulkiness of those commodities which are the chief productions of the soil, necessarily imposes very heavy charges on their transportation to distant markets. These charges, in the cases in which the nations to whom our products are sent, maintain a competition in the supply of their own mar-

kets, principally fall upon us, and form material deductions from the primitive value of the articles furnished. The charges on manufactured supplies brought from Europe are greatly enhanced by the same circumstance of distance. These charges, again, in the cases in which our own industry maintains no competition in our own markets, also principally fall upon us, and are an additional cause of extraordinary deduction from the primitive value of our own products, these being the materials of exchange for the foreign fabrics which we consume.

The equality and moderation of individual property, and the growing settlements of new districts, occasion, in this country, an unusual demand for coarse manufactures—the charges of which, being greater in proportion to their greater bulk, augment the disadvantage which has been just described.

As in most countries, domestic supplies maintain a very considerable competition with such foreign productions of the soil as are imported for sale. If the extensive establishment of manufactures in the United States does not create a similar competition in respect to manufactured articles, it appears to be clearly deducible, from the considerations which have been mentioned, that they must sustain a double loss in their exchanges with foreign nations, strongly conducive to an unfavorable balance of trade, and very prejudicial to their interests. These disadvantages press with no small weight on the landed interest of the country. In seasons of peace, they cause a serious deduction from the intrinsic value of the products of the soil. In the time of a war, which should either involve ourselves or another nation possessing a considerable share of our carrying trade, the charges on the transportation of our commodities, bulky as most of them are, could hardly fail to prove a grievous burden to the farmer, while obliged to depend in so great a degree as he now does, upon foreign markets for the vent of the surplus of his labor. As far as the prosperity of the fisheries of the United States is impeded by the want of an adequate market, there arises another special reason for desiring the extension of manufactures. Besides the fish, which, in many places, would be likely to make a part of the subsistence of the persons employed, it is known that the oils, bones, and skins, of marine animals are of extensive use in various manufactures. Hence the prospect of an additional demand for the produce of the fisheries.

One more point of view only remains, in which to consider the expediency of encouraging manufactures in the United States. It is not uncommon to meet with an opinion, that though the promoting of manufactures may be the interest of a part of the Union, it is contrary to that of another part. The Northern and Southern regions are sometimes represented as having adverse interests in this respect. Those are called manufacturing, these agricultural States, and a species of opposition is imagined to subsist between the manufacturing and agricultural interests. This idea of an opposition between those two interests is the com-

mon error of the early periods of every country; but experience gradually dissipates it. Indeed, they are perceived so often to succor and to befriend each other, that they come at length to be considered as one—a supposition which has been frequently abused, and is not universally true. Particular encouragements of particular manufactures may be of a nature to sacrifice the interests of landholders to those of manufacturers; but it is nevertheless a maxim well established by experience, and generally acknowledged where there has been sufficient experience, that the “aggregate” prosperity of manufactures, and the “aggregate” prosperity of agriculture are intimately connected. In the course of the discussion which has had place, various weighty considerations have been adduced, operating in support of that maxim. Perhaps the superior steadiness of the demand of a domestic market for the surplus produce of the soil, is alone a convincing argument of its truth. Ideas of a contrariety of interests between the Northern and Southern regions of the Union, are, in the main, as unfounded as they are mischievous. The diversity of circumstances on which such contrariety is usually predicated, authorizes a directly contrary conclusion. Mutual wants constitute one of the strongest links of political connexion, and the extent of these bears a natural proportion to the diversity in the means of mutual supply. Suggestions of an opposite complexion are ever to be deplored, as unfriendly to the steady pursuit of one great common cause, and to the perfect harmony of all the parts.

In proportion as the mind is accustomed to trace the intimate connexion of interest which subsists between all the parts of a society, united under the same Government, the infinite variety of channels which serve to circulate the prosperity of each to and through the rest, in that proportion it will be little apt to be disturbed by solicitudes and apprehensions which originate in local discriminations. It is a truth as important as it is agreeable, and one to which it is not easy to imagine exceptions, that everything tending to establish substantial and permanent order in the affairs of a country, to increase the total mass of industry and opulence, is ultimately beneficial to every part of it. On the credit of this great truth, an acquiescence may safely be accorded, from every quarter, to all institutions and arrangements which promise a confirmation of public order, and an augmentation of national resource.

But there are more particular considerations, which serve to fortify the idea that the encouragement of manufactures is the interest of all parts of the Union. If the Northern and Middle States should be the principal scenes of such establishments, they would immediately benefit the more Southern, by creating a demand for productions, some of which they have in common with the other States, and others of which are either peculiar to them, or more abundant, or of better quality than elsewhere. These productions, principally, are timber, flax, hemp, cotton, wool, raw silk, indigo, iron, lead, furs, hides, skins, and coals. Of these articles, cotton and indigo are peculiar to

the Southern States, as are hitherto lead and coal. Flax and hemp are, or may be raised in greater abundance there, than in the more Northern States; and the wool of Virginia is said to be of better quality than that of any other State—a circumstance rendered the more probable by the reflection that Virginia embraces the same latitudes with the finest wool countries of Europe. The climate of the South is also better adapted to the production of silk. The extensive cultivation of cotton can perhaps hardly be expected, but from the previous establishment of domestic manufactures of the article; and the surest encouragement and vent for the others, would result from similar establishments in respect to them.

If, then, it satisfactorily appears, that it is the interest of the United States, generally, to encourage manufactures, it merits particular attention, that there are circumstances which render the present a critical moment for entering with zeal upon the important business. The effort cannot fail to be materially seconded by a considerable and increasing influx of money, in consequence of foreign speculations in the funds, and by the disorders which exist in different parts of Europe.

The first circumstance not only facilitates the execution of manufacturing enterprises, but it indicates them as a necessary mean to turn the thing itself to advantage, and to prevent its being eventually an evil. If useful employment be not found for the money of foreigners brought to the country to be invested in purchases of the Public Debt, it will quickly be re-exported to defray the expense of an extraordinary consumption of foreign luxuries; and distressing drains of our specie may hereafter be experienced to pay the interest, and redeem the principal of the purchased Debt. This useful employment, too, ought to be of a nature to produce solid and permanent improvements. If the money merely serves to give a temporary spring to foreign commerce, as it cannot procure new and lasting outlets for the products of the country, there will be no real or durable advantage gained. As far as it shall find its way in agricultural ameliorations, in opening canals, and in similar improvements, it will be productive of substantial utility. But there is reason to doubt whether, in such channels, it is likely to find sufficient employment, and still more whether many of those who possess it, would be as readily attracted to objects of this nature, as manufacturing pursuits, which bear greater analogy to those to which they are accustomed, and to the spirit generated by them. To open the one field as well as the other, will at least secure a better prospect of useful employment, for whatever accession of money there has been or may be.

There is at the present juncture a certain fermentation of mind, a certain activity of speculation and enterprise, which, if properly directed, may be made subservient to useful purposes, but which, if left entirely to itself, may be attended with pernicious effects.

The disturbed state of Europe inclining its citizens to emigration, the requisite workmen will be more easily acquired than at another time; and

the effect of multiplying the opportunities of employment to those who emigrate, may be an increase of the number and extent of valuable acquisitions to the population, arts, and industry of the country. To find pleasure in the calamities of other nations, would be criminal; but to benefit ourselves, by opening an asylum to those who suffer in consequence of them, is as justifiable as it is politic.

A full view having now been taken of the inducements to the promotion of manufactures in the United States, accompanied with an examination of the principal objections which are commonly urged in opposition, it is proper, in the next place, to consider the means by which it may be effected, as introductory to a specification of the objects which, in the present state of things, appear the most fit to be encouraged, and of the particular measures which it may be advisable to adopt, in respect to each.

In order to a better judgment of the means proper to be resorted to by the United States, it will be of use to advert to those which have been employed with success in other countries. The principal of these are—

I. Protecting duties, or duties on those foreign articles which are the rivals of the domestic ones intended to be encouraged. Duties of this nature evidently amount to a virtual bounty on the domestic fabrics, since, by enhancing the charges on foreign articles, they enable the national manufacturers to undersell all their foreign competitors. The propriety of this species of encouragement need not be dwelt upon, as it is not only a clear result from the numerous topics which have been suggested, but is sanctioned by the laws of the United States, in a variety of instances. It has the additional recommendation of being a resource of revenue. Indeed, all the duties imposed on imported articles, though with an exclusive view to revenue, have the effect in contemplation, and, except where they fall on raw materials, wear a benevolent aspect towards the manufactures of the country.

II. Prohibitions of rival articles, or duties equivalent to prohibitions. This is another and an efficacious mean of encouraging national manufactures, but in general it is only fit to be employed when a manufacture has made such a progress, and is in so many hands as to insure a due competition, and an adequate supply on reasonable terms. Of duties equivalent to prohibitions, there are examples in the laws of the United States, and there are other cases to which the principle may be advantageously extended, but they are not numerous. Considering a monopoly of the domestic market to its own manufacturers as the reigning policy of manufacturing nations, a similar policy on the part of the United States, in every proper instance, is dictated, it might almost be said, by the principles of distributive justice—certainly by the duty of endeavoring to secure to their own citizens a reciprocity of advantage.

III. Prohibitions of the exportation of the materials of manufactures. The desire of securing a cheap and plentiful supply for the national work-

men, and, where the article is either peculiar to the country, or of peculiar quality there, the jealousy of enabling foreign workmen to rival those of the nation, with its own materials, are the leading motives to this species of regulation. It ought not to be affirmed, that it is in no instance proper; but it is certainly one which ought to be adopted with great circumspection, and only in very plain cases. It is seen at once, that its immediate operation is, to abridge the demand, and keep down the price of the produce of some other branch of industry—generally speaking, of agriculture—to the prejudice of those who carry it on; and though, if it be really essential to the prosperity of any very important national manufacture, it may happen that those who are injured in the first instance may be eventually indemnified by the superior steadiness of an extensive domestic market depending on that prosperity; yet, in a matter in which there is so much room for nice and difficult combinations, in which such opposite considerations combat each other, prudence seems to dictate that the expedient in question ought to be indulged with a sparing hand.

IV. Pecuniary bounties. This has been found one of the most efficacious means of encouraging manufactures, and it is in some views the best. Though it has not yet been practised upon by the Government of the United States, (unless the allowance on the exportation of dried and pickled fish and salted meat could be considered as a bounty,) and though it is less favored by public opinion than some other modes. Its advantages are these:

First. It is a species of encouragement more positive and direct than any other, and for that very reason, has a more immediate tendency to stimulate and uphold new enterprises, increasing the chances of profit, and diminishing the risks of loss in the first attempt.

Second. It avoids the inconvenience of a temporary augmentation of price, which is incident to some other modes, or it produces it to a less degree, either by making no addition to the charges on the rival foreign article, as in the case of protecting duties, or by making a smaller addition. The first happens when the fund for the bounty is derived from a different object, which may or may not increase the price of some other article, according to the nature of that object; the second, when the fund is derived from the same or a similar object of foreign manufacture. One per cent. duty on the foreign article converted into a bounty on the domestic, will have an equal effect with a duty of two per cent., exclusive of such bounty; and the price of the foreign commodity is liable to be raised in the one case in the proportion of one per cent.; in the other, in that of two per cent. Indeed, the bounty, when drawn from another source, is calculated to promote a reduction of price; because, without laying any new charge on the foreign article, it serves to introduce a competition with it, and to increase the total quantity of the article in the market.

Third. Bounties have not, like high protecting duties, a tendency to produce scarcity. An in-

crease of price is not always the immediate (though where the progress of a domestic manufacture does not counteract a rise, it is commonly the ultimate) effect of an additional duty. In the international increase of price, it may discourage importation, by interfering with the profits to be expected from the sale of the article.

Fourth. Bounties are sometimes not only the best, but the only proper expedient, for uniting the encouragement of a new object of agriculture with that of a new object of manufacture. It is the interest of the farmer to have the production of the raw material promoted, by counteracting the interference of the foreign material of the same kind. It is the interest of the manufacturer to have the material abundant and cheap. If, prior to the domestic production of the material in sufficient quantity to supply the manufacturer on good terms, a duty be laid upon the importation of it from abroad, with a view to promote the raising of it at home, the interest both of the farmer and manufacturer will be disserved, by either destroying the requisite supply, or raising the price of the article beyond what can be afforded to be given for it by the conductor of an infant manufacture, it is abandoned or fails; and, there being no domestic manufactures to create a demand for the raw material which is raised by the farmer, it is in vain that the competition of the like foreign article may have been destroyed.

It cannot escape notice, that a duty upon the importation of an article can no otherwise aid the domestic production of it, than by giving the latter greater advantages in the home market. It can have no influence upon the advantageous sale of the article produced, in foreign markets—no tendency, therefore, to promote its exportation.

The true way to conciliate these two interests is, to lay a duty on foreign manufactures of the material, the growth of which is desired to be encouraged, and to apply the produce of that duty by way of bounty, either upon the production of the material itself, or upon its manufacture at home, or upon both. In this disposition of the thing, the manufacturer commences his enterprise under every advantage which is attainable, as to quantity or price of the raw material. And the farmer, if the bounty be immediately to him, is enabled by it to enter into a successful competition with the foreign material; if the bounty be to the manufacturer on so much of the domestic material as he consumes, the operation is nearly the same: he has a motive of interest to prefer the domestic commodity, if of equal quality, even at a higher price than the foreign, so long as the difference of price is anything short of the bounty which is allowed upon the article.

Except the simple and ordinary kinds of household manufacture, or those for which there are very commanding local advantages, pecuniary bounties are in most cases indispensable to the introduction of a new branch. A stimulus and support not less powerful and direct is, generally speaking, essential to the overcoming of the obstacles which arise from the competitions of supe-

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rior skill and maturity elsewhere. Bounties are especially essential, in regard to articles upon which these foreigners who have been accustomed to supply a country, are in the practice of granting them.

The continuance of bounties on manufactures long established, must almost always be of questionable policy; because a presumption would arise in every such case, that there were natural and inherent impediments to success. But in new undertakings, they are as justifiable as they are ofentimes necessary. There is a degree of prejudice against bounties from an appearance of giving away the public money, without an immediate consideration, and from a supposition that they serve to enrich particular classes at the expense of the community. But neither of these sources of dislike will bear serious examination. There is no purpose to which public money can be more beneficially applied, than to the acquisition of a new and useful branch of industry—no consideration more valuable than a permanent addition to the general stock of productive labor.

As to the second source of objection, it equally lies against the other modes of encouragement which are admitted to be eligible. As often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community, for the benefit of the domestic manufacturer. A bounty does no more. But it is the interest of the society, in each case, to submit to a temporary expense, which is more than compensated by an increase of industry and wealth, by an augmentation of resources and independence, and by the circumstance of eventual cheapness, which has been noticed in another place.

It would deserve attention, however, in the employment of this species of encouragement in the United States, as a reason for moderating the degree of it in the instances in which it might be deemed eligible, that the great distance of this country from Europe imposes very heavy charges on all the fabrics which are brought from thence, amounting from 15 to 30 per cent. on their value, according to their bulk.

A question has been made concerning the constitutional right of the Government of the United States to apply this species of encouragement, but there is certainly no good foundation for such a question. The National Legislature has express authority "to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare," with no other qualifications than that "all duties, imposts, and excises, shall be uniform throughout the United States;" that no capitation or other direct tax shall be laid unless in proportion to numbers ascertained by a census or enumeration, taken on the principles prescribed in the Constitution, and that "no tax or duty shall be laid on articles exported from any State."

These three qualifications excepted, the power to raise money is plenary and indefinite; and the objects to which it may be appropriated are no less comprehensive, than the payment of the public debts, and the providing for the common defence

and general welfare. The terms "general welfare" were doubtless intended to signify more than was expressed or imported in those which preceded; otherwise, numerous exigencies, incident to the affairs of a nation, would have been left without a provision. The phrase is as comprehensive as any that could have been used; because it was not fit that the constitutional authority of the Union to appropriate its revenues, should have been restricted within narrower limits than the "general welfare;" and because this necessarily embraces a vast variety of particulars, which are susceptible neither of specification nor of definition. It is therefore, of necessity, left to the discretion of the National Legislature to pronounce upon the objects which concern the general welfare, and for which, under that description, an appropriation of money is requisite and proper; and there seems to be no room for a doubt that whatever concerns the general interests of learning, of agriculture, of manufactures, and of commerce, are within the sphere of the National Councils, as far as regards an application of money.

The only qualification of the generality of the phrase in question, which seems to be admissible, is this: That the object to which an appropriation of money is to be made, be general, and not local; its operation extending, in fact or by possibility, throughout the Union, and not being confined to a particular spot.

No objection ought to arise to this construction from a supposition that it would imply a power to do whatever else should appear to Congress conducive to the general welfare. A power to appropriate money with this latitude, which is granted, too, in express terms, would not carry a power to do any other thing, not authorized in the Constitution, either expressly or by fair implication.

V. Premiums.

These are of a nature allied to bounties, though distinguishable from them in some important features.

Bounties are applicable to the whole quantity of an article produced, or manufactured, or exported, and involve a correspondent expense. Premiums serve to reward some particular excellence or superiority, some extraordinary exertion or skill, and are dispensed only in a small number of cases. But their effect is to stimulate general effort: contrived so as to be both honorary and lucrative, they address themselves to different passions, touching the chords as well of emulation as interest. They are accordingly a very economical mean of exciting the enterprise of a whole community.

There are various societies in different countries, whose object is the dispensation of premiums for the encouragement of agriculture, arts, manufactures, and commerce; and though they are, for the most part, voluntary associations, with comparatively slender funds, their utility has been immense. Much has been done by this mean in Great Britain. Scotland, in particular, owes materially to it a prodigious amelioration of condition. From a similar establishment in the United States, supplied and supported by the Government of the Union, vast benefits might reasonably be expected.

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Some further ideas on this head, shall accordingly be submitted, in the conclusion of this Report.

VI. The exemption of the materials of manufactures from duty.

The policy of that exemption as a general rule, particularly in reference to new establishments, is obvious. It can hardly ever be advisable to add the obstructions of fiscal burdens to the difficulties which naturally embarrass a new manufacture; and where it is matured, and in condition to become an object of revenue, it is, generally speaking, better that the fabric, than the material, should be the subject of taxation. Ideas of proportion between the quantum of the tax and the value of the article, can be more easily adjusted in the former than in the latter case. An argument for exemptions of this kind in the United States, is to be derived from the practice, as far as their necessities have permitted, of those nations whom we are to meet as competitors, in our own and in foreign markets.

There are, however, exceptions to it; of which some examples will be given under the next head.

The laws of the Union afford instances of the observance of the policy here recommended, but it will probably be found advisable to extend it to some other cases. Of a nature bearing some affinity to that policy is the regulation which exempts from duty the tools and implements, as well as the books, clothes, and household furniture, of foreign artists, who come to reside in the United States; an advantage already secured to them by the laws of the Union, and which it is, in every view, proper to continue.

VII. Drawbacks of the duties which are imposed on the materials of manufactures.

It has already been observed, as a general rule, that duties on those materials ought, with certain exceptions, to be forborne. Of these exceptions, three cases occur, which may serve as examples: One, where the material is itself an object of general or extensive consumption, and a fit and productive source of revenue. Another, where a manufacture of a simpler kind, the competition of which with a like domestic article is desired to be restrained, partakes of the nature of a raw material, from being capable, by a further process, to be converted into a manufacture of a different kind, the introduction or growth of which is desired to be encouraged. A third, where the material itself is a production of the country, and in sufficient abundance to furnish a cheap and plentiful supply to the national manufacturers.

Under the first description comes the article of molasses. It is not only a fair object of revenue, but being a sweet, it is just that the consumers of it should pay a duty as well as the consumers of sugar.

Cottons and linen, in their white state, fall under the second description; a duty upon such as are imported is proper, to promote the domestic manufacture of similar articles in the same state; a drawback of that duty is proper, to encourage the printing and staining at home of those which are brought from abroad. When the first of these

manufactures has attained sufficient maturity in a country to furnish a full supply for the second, the utility of the drawback ceases.

The article of hemp, either now does or may be expected soon to exemplify the third case, in the United States.

Where duties on the materials of manufactures are not laid for the purpose of preventing a competition with some domestic production, the same reasons which recommend, as a general rule, the exemption of those materials from duties, would recommend as a like general rule, the allowance of drawbacks, in favor of the manufacturer. Accordingly, such drawbacks are familiar in countries which systematically pursue the business of manufactures; which furnishes an argument for the observance of a similar policy in the United States; and the idea has been adopted by the laws of the Union, in the instances of salt and molasses. It is believed that it will be found advantageous to extend it to some other articles.

VIII. The encouragement of new inventions and discoveries, at home, and of the introduction into the United States of such as may have been made in other countries, particularly those which relate to machinery.

This is among the most useful and unexceptionable of the aids which can be given to manufactures. The usual means of that encouragement are pecuniary rewards, and, for a time, exclusive privileges. The first must be employed according to the occasion and the utility of the invention or discovery. For the last, so far as respects "authors and inventors," provision has been made by law. But it is desirable, in regard to improvements and secrets of extraordinary value, to be able to extend the same benefit to introducers, as well as authors and inventors; a policy which has been practised with advantage in other countries. Here, however, as in some other cases, there is cause to regret that the competency of the authority of the National Government to the good which might be done, is not without a question. Many aids might be given to industry, many internal improvements of primary magnitude might be promoted, by an authority operating throughout the Union; which cannot be effected as well, if at all, by an authority confined within the limits of a single State.

But if the Legislature of the Union cannot do all the good that might be wished, it is at least desirable that all may be done which is practicable. Means for promoting the introduction of foreign improvements, though less efficaciously than might be accomplished with more adequate authority, will form a part of the plan intended to be submitted in the close of this Report.

It is customary with manufacturing nations to prohibit, under severe penalties, the exportation of implements and machines, which they have either invented or improved. There are already objects for a similar regulation in the United States, and others may be expected to occur from time to time. The adoption of it seems to be dictated by the principle of reciprocity. Greater liberality in such respects might better comport with the general

spirit of the country; but a selfish policy in other quarters will not always permit the free indulgence of a spirit which would place us on an unequal footing. As far as prohibitions tend to prevent foreign competitors from deriving the benefit of the improvements made at home, they tend to increase the advantages of those by whom they may have been introduced, and operate as an encouragement to exertion.

IX. Judicious regulations for the inspection of manufactured commodities.

This is not among the least important of the means by which the prosperity of manufactures may be promoted. It is indeed, in many cases, one of the most essential. Contributing to prevent frauds upon consumers at home, and exporters to foreign countries; to improve the quality and preserve the character of the national manufactures; it cannot fail to aid the expeditious and advantageous sale of them, and to serve as a guard against successful competition from other quarters. The reputation of the flour and lumber of some States, and of the potash of others, has been established by an attention to this point; and the like good name might be procured for those articles, wheresoever produced, by a judicious and uniform system of inspection throughout the ports of the United States. A like system might also be extended with advantage to other commodities.

X. The facilitating of pecuniary remittances from place to place—

Is a point of considerable moment to trade in general, and to manufactures in particular, by rendering more easy the purchase of raw materials and provisions, and the payment for manufactured supplies. A general circulation of bank paper—which is to be expected from the institution lately established—will be a most valuable mean to this end. But much good would accrue from some additional provisions respecting inland bills of exchange. If those drawn in one State, payable in another, were made negotiable everywhere, and interest and damages allowed in case of protest, it would greatly promote negotiations between the citizens of different States, by rendering them more secure, and with it the convenience and advantage of the merchants and manufacturers of each.

XI. The facilitating of the transportation of commodities.

Improvements favoring this object intimately concern all the domestic interests of a community; but they may, without impropriety, be mentioned as having an important relation to manufactures. There is, perhaps, scarcely anything which has been better calculated to assist the manufactures of Great Britain than the ameliorations of the public roads of that Kingdom, and the great progress which has been of late made in opening canals. Of the former, the United States stand much in need, for they present uncommon facilities.

The symptoms of attention to the improvement of inland navigation, which have lately appeared in some quarters, must fill with pleasure every breast warmed with a true zeal for the prosperity of the country. These examples, it is to be hoped,

will stimulate the exertions of the Government and citizens of every State. There can certainly be no object more worthy of the care of the local administrations; and it were to be wished that there was no doubt of the power of the National Government to lend its direct aid, on a comprehensive plan. This is one of those improvements which could be prosecuted with more efficacy by the whole, than by any part or parts of the Union. There are cases in which the general interest will be in danger to be sacrificed to the collision of some supposed local interests. Jealousies, in matters of this kind, are as apt to exist, as they are apt to be erroneous.

The following remarks are sufficiently judicious and pertinent to deserve a literal quotation:

"Good roads, canals, and navigable rivers, by diminishing the expense of carriage, put the remote parts of a country more nearly upon a level with those in the neighborhood of the town. They are upon that account the greatest of all improvements. They encourage the cultivation of the remote, which must always be the most extensive circle of the country. They are advantages to the town, by breaking down the monopoly of the country in its neighborhood. They are advantages even to that part of the country. Though they introduce some rival commodities into the old market, they open many new markets to its produce. Monopoly, besides, is a great enemy to good management, which can never be universally established, but in consequence of that free and universal competition, which forces everybody to have recourse to it for the sake of self defence. It is not more than fifty years ago that some of the counties in the neighborhood of London petitioned the Parliament against the extension of the turnpike roads into the remoter counties. Those remoter counties, they pretended, from the cheapness of labor, would be able to sell their grass and corn cheaper in the London market, than themselves, and they would thereby reduce their rents, and ruin their cultivation. Their rents, however, have risen, and their cultivation has been improved, since that time."

Specimens of a spirit similar to that which governed the counties here spoken of, present themselves too frequently to the eye of an impartial observer, and render it a wish of patriotism that the body in this country, in whose councils a local or partial spirit is least likely to predominate, were at liberty to pursue and promote the general interest, in those instances in which there might be danger of the interference of such a spirit.

The foregoing are the principal of the means by which the growth of manufactures is ordinarily promoted. It is, however, not merely necessary that the measures of Government which have a direct view to manufactures, should be calculated to assist and protect them, but that those which only collaterally affect them, in the general course of the Administration, should be guarded from any peculiar tendency to injure them.

There are certain species of taxes which are apt to be oppressive to different parts of the community, and, among other ill effects, have a very unfriendly aspect towards manufactures. All poll or capitation taxes are of this nature. They either proceed according to a fixed rate, which operates unequally, and injuriously to the industrious poor;

or they vest a discretion in certain officers, to make estimates and assessments which are necessarily vague, conjectural, and liable to abuse. They ought, therefore, to be abstained from, in all but cases of distressing emergency.

All such taxes (including all taxes on occupations) which proceed according to the amount of capital supposed to be employed in a business, or of profits supposed to be made in it, are unavoidably hurtful to industry. It is in vain that the evil may be endeavored to be mitigated, by leaving it, in the first instance, in the option of the party to be taxed, to declare the amount of his capital or profits.

Men engaged in any trade or business have commonly weighty reasons to avoid disclosures, which would expose, with anything like accuracy, the real state of their affairs. They most frequently find it better to risk oppression, than to avail themselves of so inconvenient a refuge; and the consequence is, that they often suffer oppression.

When the disclosure, too, if made, is not definitive, but controllable by the discretion, or, in other words, by the passions and prejudices of the revenue officers, it is not only an ineffectual protection, but the possibility of its being so is an additional reason for not resorting to it.

Allowing to the public officers the most equitable dispositions, yet where they are to exercise a discretion without certain data, they cannot fail to be often misled by appearances. The quantity of business which seems to be going on, is, in a vast number of cases, a very deceitful criterion of the profits which are made; yet it is, perhaps, the best they can have, and it is the one on which they will most naturally rely. A business, therefore, which may rather require aid from the Government than be in a capacity to be contributory to it, may find itself crushed by the mistaken conjectures of the assessors of taxes.

Arbitrary taxes—under which denomination are comprised all those that leave the quantum of the tax to be raised on each person to the discretion of certain officers—are as contrary to the genius of liberty, as to the maxims of industry. In this light they have been viewed by the most judicious observers on Government, who have bestowed upon them the severest epithets of reprobation, as constituting one of the worst features usually to be met with in the practice of despotic governments. It is certain, at least, that such taxes are particularly inimical to the success of manufacturing industry, and ought carefully to be avoided by a government which desires to promote it.

The great copiousness of the subject of this Report, has insensibly led to a more lengthy preliminary discussion, than was originally contemplated or intended. It appeared proper to investigate principles, to consider objections, and to endeavor to establish the utility of the thing proposed to be encouraged, previous to a specification of the objects which might occur, as meriting or requiring encouragement, and of the measures which might be proper in respect to each. The first purpose having been fulfilled, it remains to pursue the second.

In the selection of objects, five circumstances seem entitled to particular attention: The capacity of the country to furnish the raw material—the degree in which the nature of the manufacture admits of a substitute for manual labor in machinery—the facility of execution—the extensiveness of the uses to which the article can be applied—its subserviency to other interests, particularly the great one of the national defence. There are, however, objects to which these circumstances are little applicable, which, for some special reasons, may have a claim to encouragement.

A designation of the principal raw material of which each manufacture is composed, will serve to introduce the remarks upon it; as, in the first place,

IRON.—The manufactures of this article are entitled to pre-eminent rank. None are more essential in their kinds, nor so extensive in their uses. They constitute, in whole or in part, the implements or the materials, or both, of almost every useful occupation. Their instrumentality is everywhere conspicuous.

It is fortunate for the United States that they have peculiar advantages for deriving the full benefit of this most valuable material, and they have every motive to improve it, with systematic care. It is to be found in various parts of the United States, in great abundance and of almost every quality; and fuel, the chief instrument in manufacturing it, is both cheap and plenty. This particularly applies to charcoal; but there are productive coal mines already in operation, and strong indications, that the material is to be found in abundance, in a variety of other places.

The inquiries to which the subject of this Report has led, have been answered with proofs that manufactures of iron, though generally understood to be extensive, are far more so than is commonly supposed. The kinds in which the greatest progress has been made, have been mentioned in another place, and need not be repeated; but there is little doubt that every other kind, with due cultivation, will rapidly succeed. It is worthy of remark, that several of the particular trades, of which it is the basis, are capable of being carried on without the aid of large capitals.

Iron works have greatly increased in the United States, and are prosecuted with much more advantage than formerly. The average price before the Revolution, was about sixty-four dollars per ton; at present it is about eighty; a rise which is chiefly to be attributed to the increase of manufactures of the material.

The still further extension and multiplication of such manufactures will have the double effect of promoting the extraction of the metal itself, and of converting it to a greater number of profitable purposes.

Those manufactures, too, unite in a greater degree, than almost any others, the several requisites, which have been mentioned, as proper to be consulted in the selection of objects.

The only further encouragement of manufactures of this article, the propriety of which may be considered as unquestionable, seems to be an

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increase of the duties on foreign rival commodities.

Steel is a branch which has already made a considerable progress, and it is ascertained that some new enterprises, on a more extensive scale, have been lately set on foot. The facility of carrying it to an extent which will supply all internal demands, and furnish a considerable surplus for exportation, cannot be doubted. The duty upon the importation of this article, which is at present seventy-five cents per cwt., may, it is conceived, be safely and advantageously extended to one hundred cents. It is desirable, by decisive arrangements, to second the efforts which are making in so very valuable a branch.

The United States already, in a great measure, supply themselves with nails and spikes. They are able, and ought certainly, to do it entirely. The first and most laborious operation in this manufacture, is performed by water-mills; and of the persons afterwards employed, a great proportion are boys, whose early habits of industry are of importance to the community, to the present support of their families, and to their own future comfort. It is not less curious than true, that, in certain parts of the country, the making of nails is an occasional family manufacture.

The expediency of an additional duty on these articles is indicated by an important fact. About 1,800,000 pounds of them were imported into the United States in the course of a year, ending the 30th of September, 1790. A duty of two cents per pound would, it is presumable, speedily put an end to so considerable an importation. And it is in every view proper that an aid should be put to it.

The manufacture of these articles, like that of some others, suffers from the carelessness and dishonesty of a part of those who carry it on. An inspection in certain cases might tend to correct the evil. It will deserve consideration whether a regulation of this sort cannot be applied, without inconvenience, to the exportation of the articles either to foreign countries, or from one State to another.

The implements of husbandry are made in several States in great abundance. In many places it is done by the common blacksmiths. And there is no doubt that an ample supply for the whole country can with great ease be procured among ourselves.

Various kinds of edged tools for the use of mechanics are also made, and a considerable quantity of hollow wares; though the business of castings has not yet attained the perfection which might be wished. It is however improving, and as there are respectable capitals in good hands, embarked in the prosecution of those branches of iron manufactures, which are yet in their infancy, they may all be contemplated as objects not difficult to be acquired.

To insure the end it seems equally safe and prudent to extend the duty ad valorem upon all manufactures of iron, of which iron is the article of chief value, to ten per cent.

Fire arms and other military weapons may, it is

conceived, be placed without inconvenience in the class of articles rated at fifteen per cent. There exist already manufactures of these articles, which only require the stimulus of a certain demand to render them adequate to the supply of the United States.

It would also be a material aid to manufactures of this nature, as well as a mean of public security if provision should be made for an annual purchase of military weapons, of home manufacture to a certain determined extent, in order to the formation of arsenals; and to replace from time to time such as should be withdrawn for use, so as always to have in store the quantity of each kind, which should be deemed a competent supply.

But it may hereafter deserve Legislative consideration, whether manufactures of all the necessary weapons of war ought not to be established on account of Government itself. Such establishments are agreeable to the usual practice of nations, and that practice seems founded on sufficient reason.

There appears to be an improvidence, in leaving these essential instruments of national defence to the casual speculations of individual adventure; a resource which can less be relied upon, in this case than in most others; the articles in question not being objects of ordinary and indispensable private consumption or use. As a general rule, manufactures on the immediate account of Government are to be avoided; but this seems to be one of the few exceptions, which that rule admits, depending on very special reasons.

Manufactures of steel, generally, or of which steel is the article of chief value, may with advantage be placed in the class of goods rated at seven and an half per cent. As manufactures of this kind have not yet made any considerable progress, it is a reason for not rating them as high as those of iron; but as this material is the basis of them, and as their extension is not less practicable, than important, it is desirable to promote it by a somewhat higher duty than the present.

A question arises, how far it might be expedient to permit the importation of iron in pigs and bars free from duty? It would certainly be favorable to manufacturers of the article; but the doubt is whether it might not interfere with its production.

Two circumstances, however, abate if they do not remove apprehension, on this score, one is the considerable increase of price, which has been already remarked, and which renders it probable that the free admission of foreign iron would not be inconsistent with an adequate profit to the proprietors of iron works; the other is, the augmentation of demand, which would be likely to attend the increase of manufactures of the article, in consequence of the additional encouragements proposed to be given. But caution, nevertheless, in a matter of this kind is most advisable. The measure suggested ought perhaps rather to be contemplated, subject to the lights of further experience, than immediately adopted.

Copper.—The manufactures of which this article is susceptible are also of great extent and utility. Under this description, those of brass, of

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which it is the principal ingredient, are intended to be included.

The material is a natural production of the country. Mines of copper have actually been wrought, and with a profit to the undertakers, though it is not known, that any are now in this condition. And nothing is easier, than the introduction of it, from other countries, on moderate terms, and in great plenty.

Coppersmiths and brass founders, particularly the former, are numerous in the United States; some of whom carry on business to a respectable extent.

To multiply and extend manufactures, of the materials in question is worthy of attention and effort. In order to this, it is desirable to facilitate a plentiful supply of the materials. And a proper mean to this end is to place them in the class of free articles. Copper in plates and brass are already in this predicament; but copper in bars and pigs with copper and charcoal, constitute the component ingredients of brass. The exemption from duty by parity of reason, ought to embrace all such of these articles, as are objects of importation.

An additional duty on brass wares, will tend to the general end in view. These now stand at five per cent., while those of tin, pewter, and copper, are rated at seven and an half. There appears to be a propriety in every view in placing brass wares upon the same level with them; and it merits consideration whether the duty upon all of them ought not to be raised to ten per cent.

LEAD.—There are numerous proofs, that this material abounds in the United States, and requires little to unfold it to an extent, more than equal to every domestic occasion. A prolific mine of it has long been open in the Southwestern parts of Virginia, and under a public administration, during the late war, yielded a considerable supply for military use. This is now in the hands of individuals, who not only carry it on with spirit, but have established manufactories of it, at Richmond, in the same State.

The duties already laid upon the importation of this article, either in its unmanufactured, or manufactured state, insure it a decisive advantage in the home market—which amounts to considerable encouragement. If the duty on pewter wares should be raised, it would afford a further encouragement. Nothing else occurs proper to be added.

FOSSIL COAL.—This as an important instrument of manufactures, may, without impropriety, be mentioned among the subjects of this Report.

A copious supply of it would be of great consequence to the iron branch. As an article of household fuel, also, it is an interesting production; the utility of which must increase in proportion to the decrease of wood, by the progress of settlement and cultivation. And its importance to navigation, as an immense article of transportation coastwise, is signally exemplified in Great Britain.

It is known, that there are several coal mines in Virginia, now worked, and appearances of their existence are familiar in a number of places.

The expediency of a bounty on all this species

of coal of home production, and of premiums on the opening of new mines, under certain qualifications, appears to be worthy of particular examination. The great importance of the article will amply justify a reasonable expense in this way, if it shall appear to be necessary to, and shall be thought likely to answer the end.

Wool.—Several manufactures of this article flourish in the United States. Ships are no where built in greater perfection, and cabinet wares, generally, are made little if at all inferior to those of Europe. Their extent is such as to have admitted of considerable exportation.

An exemption from duty of the several kinds of wool ordinarily used in these manufactures seems to be all that is requisite, by way of encouragement. It is recommended by the consideration of a similar policy being pursued in other countries, and by the expediency of giving equal advantages to our own workmen in wool. The abundance of timber proper for ship building in the United States does not appear to be any objection to it. The increasing scarcity and growing importation of that article in the European countries, admonish the United States to commence, and systematically to pursue measures for the preservation of their stock. Whatever may promote the regular establishment of magazines of ship timber, is in various views desirable.

SKINS.—There are scarcely any manufactories of greater importance than of this article. Their direct and very happy influence upon agriculture, by promoting the raising of cattle of different kinds, is a very material recommendation.

It is pleasing, too, to observe the extensive progress they have made in their principal branches; which are so far matured as almost to defy foreign competition. Tanneries in particular are not only carried on as a regular business in numerous instances and in various parts of the country, but they constitute in some places a valuable item of incidental family manufactures.

Representations, however, have been made importing the expediency of further encouragement to the leather branch in two ways; one by increasing the duty on the manufactures of it, which are imported, the other by prohibiting the exportation of bark. In support of the latter it is alleged that the price of bark, chiefly, in consequence of large exportations, has risen within a few years from about three dollars to four dollars and a half per cord.

These suggestions are submitted rather as intimations, which merit consideration, than as matters, the propriety of which is manifest. It is not clear, that an increase of duty is necessary; and in regard to the prohibition desired, there is no evidence of any considerable exportation hitherto; and it is most probable that whatever augmentation of price may have taken place, is to be attributed to an extension of the home demand from increase of manufactures, and to a decrease of the supply in consequence of the progress of settlement, rather than to the quantities which have been exported.

It is mentioned, however, as an additional rea-

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son for the prohibition, that one species of the bark usually exported is in some sort peculiar to the country, and the material of a very valuable dye, of great use in some other manufactures, in which the United States have begun a competition.

There may also be this argument in favor of an increase of duty. The object is of importance enough to claim decisive encouragement, and the progress which has been made, leaves no room to apprehend any inconvenience on the score of supply from such an increase.

It would be of benefit to this branch, if glue which is now rated at five per cent. were made the object of an excluding duty. It is already made in large quantities at various tanneries; and, like paper, is an entire economy of material, which, if not manufactured, would be left to perish. It may be placed with advantage in the class of articles paying fifteen per cent.

GRAIN.—Manufactures of the several species of this article have a title to peculiar favor; not only because they are most of them immediately connected with the subsistence of the citizens, but because they enlarge the demand for the most precious products of the soil.

Though flour may, with propriety, be noticed as a manufacture of grain, it were useless to do it, but for the purpose of submitting the expediency of a general system of inspection throughout the ports of the United States; which, if established upon proper principles, would be likely to improve the quality of our flour everywhere, and to raise its reputation in foreign markets. There are, however, considerations which stand in the way of such an arrangement. Ardent spirits and malt liquors are, next to flour, the two principal manufactures of grain. The first has made a very extensive, the last a considerable progress, in the United States. In respect to both, an exclusive possession of the home market ought to be secured to the domestic manufacturers as fast as circumstances will admit. Nothing is more practicable, and nothing more desirable. The existing laws of the United States have done much toward attaining this valuable object; but some additions to the present duties on foreign distilled spirits and foreign malt liquors, and perhaps an abatement of those on home-made spirits, would more effectually secure it; and there does not occur any very weighty objection to either. An augmentation of the duties on imported spirits would favor as well the distillation of spirits from molasses as that of grain. And to secure to the nation the benefit of a manufacture, even of foreign materials, is always of great, though perhaps of secondary importance. A strong impression prevails in the minds of those concerned in distilleries (including, too, the most candid and enlightened) that greater differences in the rates of duty on foreign and domestic spirits are necessary completely to secure the successful manufacture of the latter; and there are facts which entitle this impression to attention. It is known that the price of molasses, for some years past, has been successively rising in the West India markets, owing, partly, to a competition which did not formerly exist,

and partly to an extension of demand in this country; and it is evident that the late disturbances in those islands from which we draw our principal supply must so far interfere with the production of the article as to occasion a material enhancement of price. The destruction in Hispaniola, in particular, must not only contribute very much to that effect, but may be expected to give it some duration. These circumstances, and the duty of three cents per gallon on molasses, may render it difficult for the distillers of that material to maintain with adequate profit, a competition with the rum brought from the West Indies, the quality of which is so considerably superior. The consumption of Geneva, or gin, in this country, is extensive. It is not long since distilleries of it have grown up among us to any importance. They are now becoming of consequence, but being still in their infancy, they require protection. It is represented that the price of some of the materials is greater here than in Holland, from which place large quantities are brought; the price of labor considerably greater; the capitals engaged in the business there much larger than those in which are employed here; the rate of profits at much less; the prejudices in favor of imported gin, strong. These circumstances are alleged to outweigh the charges which attend the bringing of the article from Europe to the United States and the present difference of duty, so as to obstruct the prosecution of the manufacture with due advantage. Experiment could, perhaps, alone decide with certainty the justness of the suggestions which are made; but, in relation to branches of manufacture so important, it would seem inexpedient to hazard an unfavorable issue, and better to err on the side of too great, than of too small a difference, in the particular in question. It is, therefore, submitted that an addition of two cents per gallon be made to the duty on imported spirits increase on those of higher proof, and that a deduction of one cent per gallon be made from the duty on spirits distilled within the United States, beginning with the first class of proof, and a proportionable deduction from the duty on those of higher proof. It is ascertained that by far the greatest part of the malt liquors consumed in the United States are the produce of domestic breweries. It is desirable, and, in all likelihood, attainable, that the whole consumption should be supplied by ourselves. The malt liquors made at home, though inferior to the best, are equal to a great part of those which have been usually imported. The progress already made is an earnest of what may be accomplished. The growing competition is an assurance of improvement. This will be accelerated by measures tending to invite a greater capital into this channel of employment. To render the encouragement of domestic breweries decisive, it may be advisable to substitute to the present rates of duty eight cents per gallon generally; and it will deserve to be considered, as a guard against invasions, whether

there ought not to be a prohibition of their importation, except in casks of considerable capacity. It is to be hoped that such a duty would banish from the market foreign malt liquors of inferior quality, and that the best kind only would continue to be imported, till it should be supplanted by the efforts of equal skill or care at home. Till that period the importation so qualified would be an useful stimulus to improvement; and, in the meantime, the payment of the increased price, for the enjoyment of a luxury, in order to the encouragement of a most useful branch of domestic industry, could not reasonably be deemed a hardship. As a further aid to manufactures of grain, though upon a smaller scale, the articles of starch, hair powder, and wafers, may with great propriety be placed among those which are rated at fifteen per cent. No manufactures are more simple, nor more completely within the reach of a full supply from domestic sources; and it is a policy, as common as it is obvious, to make them the objects either of prohibitory duties or of express prohibition.

FLAX AND HEMP.—Manufactures of these articles have so much affinity to each other, and they are so often blended, that they may with advantage be considered in conjunction. The importance of the linen branch to agriculture, its precious effects upon household industry, the ease with which the materials can be produced at home to any requisite extent, the great advances which have been already made in the coarser fabrics of them, especially in the family way, constitute claims of peculiar force to the patronage of Government. This patronage may be afforded in various ways, by promoting the growth of the materials, by increasing the impediments to an advantageous competition of rival foreign articles, by direct bounties or premiums upon the home manufacture. First, as to promoting the growth of the materials. In respect to hemp, something has been already done by the high duty upon foreign hemp. If the facilities for domestic production were not unusually great, the policy of the duty on the foreign raw material would be highly questionable, as interfering with the growth of manufactures of it. But, making the proper allowances for those facilities, and with an eye to the future and natural progress of the country, the measure does not appear, upon the whole, exceptionable. A strong wish naturally suggests itself that some method could be devised of affording a more direct encouragement to the growth both of flax and hemp, such as would be effectual, and at the same time not attended with too great inconveniences. To this end bounties and premiums offer themselves to consideration; but no modification of them has yet occurred which would not either hazard too much expense or operate unequally in reference to the circumstances of different parts of the Union, and which would not be attended with very great difficulties in the execution. Secondly, as to increasing the impediments to an advantageous competition of rival foreign articles. To this purpose an augmentation of the duties on importation is the obvious expedient; which, in regard to certain arti-

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cles, appears to be recommended by sufficient reasons. The principal of these articles is sail cloth, one intimately connected with navigation and defence, and of which a flourishing manufactory is established at Boston, and very promising ones at several other places. It is presumed to be both safe and advisable to place this in the class of articles rated at ten per cent. A strong reason for it results from the consideration that a bounty of two pence sterling per ell is allowed in Great Britain upon the exportation of the sail cloth manufactured in that Kingdom. It would likewise appear to be good policy to raise the duty to seven and a half per cent. on the following articles: drillings, osenaburges, ticklenburgs, dowlas, canvas, brown rolls, bagging, and upon all other linens the first cost of which at the place of exportation does not exceed thirty-five cents per yard. A bounty of twelve and a half per cent., upon an average, on the exportation of such or similar linens from Great Britain encourages the manufacture of them in that country, and increases the obstacles to a successful competition in the countries to which they are sent. The quantities of tow and other household linens manufactured in different parts of the United States, and the expectations which are derived from some late experiments of being able to extend the use of labor-saving machines in the coarser fabrics of linen, obviate the danger of inconvenience from an increase of the duty upon such articles, and authorize a hope of speedy and complete success to the endeavors which may be used for procuring an internal supply. Thirdly, as to direct bounties or premiums upon the manufactured articles. To afford more effectual encouragement to the manufacture, and at the same time to promote the cheapness of the article, for the benefit of navigation, it will be of great use to allow a bounty of two cents per yard on all sail cloth which is made in the United States from materials of their own growth. This would also assist the culture of those materials. An encouragement of this kind, if adopted, ought to be established for a moderate term of years, to invite to new undertakings, and to an extension of the old. This is an article of importance enough to warrant the employment of extraordinary means in its favor.

COTTON.—There is something in the texture of this material which adapts it, in a peculiar degree, to the application of machines. The signal utility of the mill for spinning of cotton, not long since invented in England, has been noticed in another place; but there are other machines scarcely inferior in utility, which, in the different manufactures of this article, are employed either exclusively or with more than ordinary effect. This very important circumstance recommends the fabric of cotton, in a more particular manner, to a country in which a defect of hands constitutes the greatest obstacle to success. The variety and extent of the uses to which the manufactures of this article are applicable is another powerful argument in their favor. And the faculty of the United States to produce the raw material in abundance, and of a quality which, though alleged

to be inferior to some that is produced in other quarters, is, nevertheless, capable of being used with advantage in many fabrics, and is probably susceptible of being carried, by a more experienced culture, to much greater perfection, suggests an additional and a very cogent inducement to the vigorous pursuit of the cotton branch in its several subdivisions. How much has been already done has been stated in a preceding part of this Report. In addition to this, it may be announced that a society is forming with a capital which is expected to be extended to at least half a million of dollars; on behalf of which measures are already in train for prosecuting, on a large scale, the making and printing of cotton goods. These circumstances conspire to indicate the expediency of removing any obstructions which may happen to exist to the advantageous prosecution of the manufactures in question, and of adding such encouragements as may appear necessary and proper. The present duty of three cents per pound on the foreign raw material is undoubtedly a very serious impediment to the progress of those manufactures. The injurious tendency of similar duties, either prior to the establishment, or in the infancy of the domestic manufacture of the article, as it regards the manufacture, and their worse than inutilty, in relation to the home production of the material itself, have been anticipated, particularly in discussing the subject of pecuniary bounties. Cotton has not the same pretensions with hemp to form an exception to the general rule. Not being, like hemp, an universal production of the country, it affords less assurance of an adequate internal supply; but the chief object arises from the doubts which are entertained concerning the quality of the national cotton. It is alleged that the fibre of it is considerably shorter and weaker than that of some other places; and it has been observed, as a general rule, that the nearer the place of growth to the Equator, the better the quality of the cotton. That which comes from Cayenne, Surinam, and Demerara, is said to be preferable, even at a material difference of price, to the cotton of the islands.

While a hope may reasonably be indulged, that with due care and attention, the national cotton may be made to approach nearer than it now does to that of regions somewhat more favored by climate; and, while facts authorize an opinion that very great use may be made of it, and that it is a resource which gives greater security to the cotton fabrics of this country than can be enjoyed by any which depend wholly on external supply, it will certainly be wise, in every view, to let our infant manufactures have the full benefit of the best materials on the cheapest terms. It is obvious that the necessity of having such materials is proportioned to the unskilfulness and inexperience of the workmen employed, who, if inexperienced, will not fail to commit great waste where the materials they are to work with are of an indifferent kind. To secure to the national manufacturers so essential an advantage, a repeal of the present duty on imported cotton is indispensable. A substitute for this, far more encouraging to domestic pro-

duction, will also grant a bounty on the national cotton, when wrought at a home manufactory; to which a bounty on the exportation of it may be added; but either or both would do much more towards promoting the growth of the article than the merely nominal encouragement which it is proposed to abolish. The first would also have a direct influence in encouraging the manufacturer. The bounty which has been mentioned as existing in Great Britain upon the exportation of coarse linens not exceeding a certain value, applies also to certain descriptions of cotton goods of similar value. This furnishes an additional argument for allowing to the national manufacturers the species of encouragement just suggested, and, indeed, for adding some other aid. One cent per yard, not less than of a given width, on all goods of cotton, or of cotton and linen mixed, which are manufactured in the United States, with the addition of one cent per pound weight of the material, if made of national cotton, would amount to an aid of considerable importance both to the production and to the manufacture of that valuable article. And it is conceived that the expense would be well justified by the magnitude of the object. The printing and staining of cotton goods is known to be a distinct business from the fabrication of them. It is one easily accomplished, and which, as it adds materially to the value of a variety of new uses, is of importance to be promoted. As imported cottons, equally with those which are made at home, may be the objects of this manufacture, it will merit consideration whether the whole or a part of the duty on the white goods ought not to be allowed to be drawn back in favor of those who print or stain them. This measure would certainly operate as a powerful encouragement to the business; and, though it may in a degree counteract the original fabrication of the articles, it would probably more than compensate for this disadvantage in the rapid growth of a collateral branch, which is of a nature sooner to attain to maturity. When a sufficient progress shall have been made, the drawback may be abrogated, and by that time the domestic supply of the articles to be printed or stained will have been extended. If the duty of seven and a half per cent. on certain kinds of cotton goods were extended to all goods of cotton, or of which it is the principal material, it would probably more than counterbalance the effect of the drawback proposed in relation to the fabrication of the article. And no material objection occurs to such an extension. The duty, then, considering all the circumstances which attend goods of this description, could not be deemed inconveniently high; and it may be inferred, from various causes, that the prices of them would still continue moderate. Manufactories of cotton goods not long since established at Beverly, in Massachusetts, and at Providence, in the State of Rhode Island, and conducted with a perseverance corresponding with the patriotic motives which began them, seem to have overcome the first obstacles to success, producing corduroys, velvets, fustians, jeans, and other

similar articles, of a quality which will bear a comparison with the like articles brought from Manchester. The one at Providence has the merit of being the first in introducing into the United States the celebrated cotton mill, which not only furnishes materials for that manufactory itself, but for the supply of private families for household manufacture. Other manufactories of the same material, as regular businesses, have also been begun at different places in the State of Connecticut, but all upon a smaller scale than those above mentioned. Some essays are also making in the printing and staining of cotton goods. There are several small establishments of this kind already on foot.

Wool.—In a country the climate of which partakes of so considerable a proportion of Winter as that of a great part of the United States, the woollen branch cannot be regarded as inferior to any which relates to the clothing of the inhabitants. Household manufactures of this material are carried on, in different parts of the United States, to a very interesting extent; but there is only one branch which, as a regular business, can be said to have acquired maturity; this is the making of hats. Hats of wool, and of wool mixed with fur, are made in large quantities in different States; and nothing seems wanting but an adequate supply of materials to render the manufacture commensurate with the demand. A promising essay towards the fabrication of cloths, cassimeres, and other woollen goods, is likewise going on at Hartford, in Connecticut. Specimens of the different kinds which are made, in the possession of the Secretary, evince that these fabrics have attained a very considerable degree of perfection. Their quality certainly surpasses any thing that could have been looked for in so short a time and under so great disadvantages, and compares, with the scantiness of the means which have been at the command of the directors, to form the eulogium of that public spirit, perseverance, and judgment, which have been able to accomplish so much. To cherish and bring to maturity this precious embryo must engage the most ardent wishes, and proportionable regret, as far as the means of doing it may appear difficult or uncertain. Measures which should tend to promote an abundant supply of wool, of good quality, would probably afford the most efficacious aid that present circumstances permit. To encourage the raising and improving the breed of sheep at home would certainly be the most desirable expedient for that purpose; but it may not be alone sufficient, especially as it is yet a problem whether our wool be capable of such a degree of improvement as to render it fit for the finer fabrics. Premiums would probably be found the best means of promoting the domestic, and bounties the foreign supply; the first may be within the compass of the institution hereafter to be submitted; the last would require a specific Legislative provision. If any bounties are granted, they ought, of course, to be adjusted with an eye to quality as well as quantity. A fund for this purpose may be derived from the addition of two and a half per cent. to

the present rate of duty on carpets and carpeting, an increase to which the nature of the articles suggests no objection, and which may at the same time furnish a motive the more to the fabrication of them at home, toward which some beginnings have been made.

Stux.—The production of this article is attended with great facility in most parts of the United States. Some pleasing essays are making in Connecticut, as well toward that as toward the manufacture of what is produced. Stockings, handkerchiefs, ribbons and buttons, are made, though as yet but in small quantities.

A manufactory of lace, upon a scale not very extensive, has been long memorable at Ipswich, in the State of Massachusetts. An exemption of the material from the duty which it now pays on importation, and premiums upon the production to be dispensed under the direction of the institution before alluded to, seem to be the only species of encouragement advisable at so early a stage of the thing.

Glass.—The materials for making glass are found everywhere. In the United States there is no deficiency of them. The sands and stones called Tasso, which includes flinty and crystalline substances generally, and the salts of various plants, particularly of the sea-weed kali or kelp, constitute the essential ingredients. An extraordinary abundance of fuel is a particular advantage enjoyed by this country for such manufactures. They, however, require large capitals and involve much manual labor.

Different manufactories of glass are now on foot in the United States. The present duty of twelve and a half per cent. on all imported articles of glass amount to a considerable encouragement to those manufactories. If anything in addition is judged eligible, the most proper would appear to be a direct bounty on window glass, and black bottles. The first recommends itself as an object of general convenience; the last adds to that character, the circumstance of being an important item in breweries. A complaint is made of great deficiency in this respect.

Gunpowder.—No small progress has been of late made in the manufacture of this very important article. It may, indeed, be considered as already established; but its high importance renders its further extension very desirable. The encouragements which it already enjoys, are a duty of ten per cent. on the foreign rival article, and an exemption of salt-petre, one of the principal ingredients of which it is composed, from duty. A like exemption of sulphur, another chief ingredient, would appear to be equally proper. No quantity of this article has yet been produced, from internal sources. The use made of it in finishing the bottoms of ships, is an additional inducement to placing it in the class of free goods. Regulations for the careful inspection of the article would have a favorable tendency.

Paper.—Manufactories of paper are among those which are arrived at the greatest maturity in the United States, and are most adequate to national supply. That of paper-hangings is a branch in

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which respectable progress has been made. Nothing material seems wanting to the further success of this valuable branch, which is already protected by a competent duty on similar imported articles.

In the enumeration of the several kinds, made subject to that duty, sheeting and cartridge paper have been omitted. These being the most simple manufactures of the sort, and necessary to military supply, as well as ship-building, recommend themselves equally with those of other descriptions to encouragement, and appear to be as fully within the compass of domestic exertions.

PRINTED BOOKS.—The great number of presses disseminated throughout the Union, seem to afford an assurance that there is no need of being indebted to foreign countries for the printing of the books which are used in the United States. A duty of ten per cent. instead of five, which is now charged upon the article, would have a tendency to aid the business internally.

It occurs as an objection to this, that it may have an unfavorable aspect toward literature, by raising the prices of books in universal use in private families, schools, and other seminaries of learning. But the difference, it is conceived, would be without effect. As to books, which usually fill the libraries of the wealthier classes and of professional men, such an augmentation of prices, as might be occasioned by an additional duty of five per cent. would be too little felt to be an impediment to the acquisition.

And with regard to books which may be especially imported for the use of particular Seminaries of Learning, and of Public Libraries, a total exemption from duty would be advisable, which would go far toward obviating the objection just mentioned. They are now subject to a duty of five per cent. As to the books in most general family use, the constancy and universality of the demand would insure exertions to furnish them at home, and the means are completely adequate. It may also be expected ultimately, in this as in other cases, that the extension of the domestic manufacture would conduce to the cheapness of the article. It ought not to pass unremarked, that to encourage the printing of books is to encourage the manufacture of paper.

REFINED SUGARS AND CHOCOLATE.—Are among the number of extensive and prosperous domestic manufactures. Drawbacks of the duties upon the materials of which they are respectively made, in cases of exportation, would have a beneficial influence upon the manufacture, and would conform to a precedent which has been already furnished in the instance of molasses on the exportation of distilled spirits.

Cocoa, the raw material, now pays a duty of one cent per lb., while chocolate, which is a prevailing and very simple manufacture, is comprised in the mass of articles rated at no more than five per cent. There would appear to be a propriety in encouraging the manufacture by a somewhat higher duty on its foreign rival than is paid on the raw material. Two cents per lb. on imported chocolate would, it is presumed, be without inconvenience.

The foregoing heads comprise the most important of the several kinds of manufactures, which have occurred as requiring; and, at the same time, as most proper for public encouragement; and such measures for affording it as have appeared best calculated to answer the end, have been suggested. The observations which have accompanied this delineation of objects, supersede the necessity of many supplementary remarks. One or two, however, may not be altogether superfluous.

Bounties are in various instances proposed as one species of encouragement. It is a similar objection to them that they are difficult to be managed and liable to frauds. But neither that difficulty nor this danger seems sufficiently great to countervail the advantages of which they are productive, when rightly applied. And it is presumed to have been shown that they are in some cases, particularly in the infancy of new enterprises, indispensable.

It will, however, be necessary to guard with extraordinary circumspection the manner of dispensing them. The requisite precautions have been thought of; but to enter into the detail would swell this Report, already voluminous, to a size too inconvenient. If the principle shall not be deemed inadmissible, the means of avoiding an abuse of it will not be likely to present insurmountable obstacles. There are useful guides from practice in other quarters. It shall, therefore, only be remarked here, in relation to this point, that the bounty which may be applied to the manufacture of an article, cannot with safety extend beyond those manufactures at which the making of the article is a regular trade. It would be impossible to annex adequate precautions to a benefit of that nature, if extended to every private family in which the manufacture was incidentally carried on, and its being a merely incidental occupation, which engages a portion of time that would otherwise be lost, it can be advantageously carried on without so special an aid.

The possibility of diminution of the revenue may also present itself as an object of the arrangements which have been submitted. But there is no truth which may be more firmly relied upon than that the interests of the revenue are promoted by whatever promotes an increase of national industry and wealth. In proportion to the degree of these, is the capacity of every country to contribute to the public treasury; and where the capacity to pay is increased, or even is not decreased, the only consequence of measures which diminish any particular resource, is a change of the object. If, by encouraging the manufacture of an article at home, the revenue which has been wont to accrue from its importation should be lessened, an indemnification can easily be found, either out of the manufacture itself, or from some other object which may be deemed more convenient. The measures, however, which have been submitted, taken aggregately, will, for a long time to come, rather augment than decrease the public revenue.

There is little room to hope that the progress of manufactures will so equally keep pace with the progress of population, as to prevent even a

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gradual augmentation of the product of the duties on imported articles. As, nevertheless, an abolition in some instances, and a reduction in others of duties which have been pledged for the Public Debt is proposed, it is essential that it should be accompanied with a competent substitute. In order to this, it is requisite that all the additional duties which shall be laid, be appropriated in the first instance, to replace all defalcations which may proceed from any such abolition or diminution. It is evident, at first glance, that they will not only be adequate to this, but will yield a considerable surplus. This surplus will serve,

1st. To constitute a fund for paying the bounties which shall have been decreed.

2d. To constitute a fund for the operations of a Board to be established, for promoting arts, agriculture, manufactures and commerce. Of this institution, different intimations have been given in the course of this Report. An outline of a plan for it shall now be submitted.

Let a certain annual sum be set apart, and placed under the management of Commissioners, not less than three, to consist of certain officers in the Government and their successors in office. Let these Commissioners be empowered to apply the fund confided to them to defray the expenses of the emigration of artists and manufacturers in particular branches of extraordinary importance, to induce the prosecution and introduction of useful discoveries, inventions and improvements, by proportionate rewards, judiciously held out and applied, to encourage by premiums, both honorable and lucrative, the exertions of individuals, and of classes, in relation to the several objects they are charged with promoting, and to afford such other aids to those objects, as may be generally designated by law. The Commissioners to render to the Legislature an annual account of their transactions and disbursements; and all such sums as shall not have been applied to the purposes of their trust, at the end of every three years, to revert to the Treasury. It may also be enjoined upon them not to draw out the money, but for the purpose of some specific disbursement. It may moreover be of use, to authorize them to receive voluntary contributions; making it their duty to apply them to the particular objects for which they may have been made, if any shall have been designated by the donors.

There is reason to believe that the progress of particular manufactures has been much retarded by the want of skilful workmen. And it often happens that the capitals employed are not equal to the purposes of bringing from abroad workmen of a superior kind. Here, in cases worthy of it, the auxiliary agency of Government would in all probability be useful. There are also valuable workmen in every branch, who are prevented from emigrating by the want of means. Occasional aids to such persons, properly administered, might be a source of valuable acquisitions to the country. The propriety of stimulating by rewards the invention and introduction of useful improvements, is admitted without difficulty. But the success of attempts in this way must evidently depend much on the manner of conducting them.

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It is probable, that the placing of the dispensation of those rewards under some proper discretionary direction, where they may be accompanied by collateral expedients, will serve to give them the surest efficacy. It seems impracticable to appropriate by general rules, specific compensations for discoveries of unknown and disproportionate utility. The great use which may be made of a fund of this nature to procure and import foreign improvements is particularly obvious. Among these, the article of machines would form a most important item.

The operation and utility of premiums have been adverted to, together with the advantages which have resulted from their dispensation, under the direction of certain public and private societies. Of this, some experience has been had in the instance of the Pennsylvania Society for the Promotion of Manufactures and Useful Arts; but the funds of that association have been too contracted to produce more than a very small portion of the good to which the principles of it would have led. It may confidently be affirmed that there is scarcely anything which has been devised, better calculated to excite a general spirit of improvement than the institutions of this nature. They are truly invaluable.

In countries where there is great private wealth, much may be effected by the voluntary contributions of patriotic individuals; but in a community situated like that of the United States, the public purse must supply the deficiency of private resource. In what can it be so useful, as in promoting and improving the efforts of industry?

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

THE PUBLIC LANDS.

THE SECRETARY OF STATE, to whom was referred by the President of the United States the resolution of Congress requesting the President "to cause an estimate to be laid before Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to nor claimed by any citizens of the United States, within the Territory ceded to the United States by the State of North Carolina, and within the Territory of the United States Northwest of the river Ohio," makes thereon the following Report:

The Territory ceded by the State of North Carolina to the United States, by deed bearing date the 25th day of February, 1790, is bounded as follows, to wit: Beginning in the boundary between Virginia and North Carolina, that is to say, in the parallel of latitude 36 degrees 30 minutes north from the Equator, on the extreme height of the Stone Mountain, where the said boundary or parallel intersects it, and running thence, along the said extreme height, to the place where Watauga river breaks through it; thence, a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence, along the ridge of

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the said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; from thence, along the extreme height of said mountain, to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence, along the extreme height of the said mountain, to the Painted Rock, or French Broad river; thence, along the highest ridge of the said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence, along the extreme height of the said mountain, to the place where it is called the Unaka Mountain, between the Indian towns of Cowee and Old Chote; thence, along the main ridge of the said mountain, to the southern boundary of the said State of North Carolina, that is to say, to the parallel of latitude 35 degrees north from the Equator; thence, westwardly, along the said boundary or parallel, to the middle of the river Mississippi; thence, up the middle of said river, to where it is intersected by the first mentioned parallel of 36 degrees 30 minutes; thence, along the said parallel, to the beginning; which tract of country is a degree and a half of latitude from north to south, and about three hundred and sixty miles, in general, from east to west, as nearly as may be estimated from such maps as exist of that country.

The Indians having claims within the said tract of country are the Cherokees and Chickasaws, whose boundaries are settled by the Treaties of Hopewell, concluded with the Cherokees on the 28th day of November, 1785, and with the Chickasaws on the 10th day of January, 1786, and by the Treaty of Holston, concluded with the Cherokees, July 2, 1791. These treaties acknowledge to the said Indians all the lands westward and southward of the following lines, to wit: Beginning in the boundary between South and North Carolina, where the South Carolina Indian boundary strikes the same; thence, north, to a point from which a line is to be extended to the river Clinch, that shall pass the Holston, at the ridge which divides the waters running into Little river from those running into the Tennessee; thence, up the river Clinch, to Campbell's line, and, along the same, to the top of the Cumberland Mountain; thence, in a direct course, toward the Cumberland river, where the Kentucky road crosses it, as far as the Virginia line, or parallel, of 36 degrees and 30 minutes; thence, westwardly, or eastwardly, as the case shall be, along the said line or parallel, to the point thereof, which is due northeast from another point to be taken on the dividing ridge of Cumberland and Duck rivers, forty miles from Nashville; thence southward, to the point last mentioned, on the said dividing ridge, and along the said dividing ridge northwardly, to where it is intersected by the said Virginia line or parallel of 36 degrees 30 minutes. So that there remained to the United States the right of pre-emption of the lands westward and southward of the said line, and the absolute right to those northward thereof, that is to say, to one parcel to the eastward, somewhat triangular, comprehending the counties of Sullivan and Washington, and parts

of those of Greene and Hawkins, running about one hundred and fifty miles from east to west, on the Virginia boundary as its base, and between eighty and ninety miles from north to south where broadest, and containing, as may be conjectured, without pretending to accuracy, between seven and eight thousand square miles, or about five millions of acres: And to one other parcel, to the westward, somewhat triangular also, comprehending parts of the counties of Sumner, Davidson, and Tennessee, the base whereof extends about one hundred and fifty miles also, from east to west, on the same Virginia line, and its height from north to south about fifty-five miles, and so may comprehend about four thousand square miles, or upwards of two and a half millions of acres of land.

Within these triangles, however, are the following claims of citizens, reserved by the deed of cession, and consequently forming exceptions to the rights of the United States:

I. Appropriations by the State of North Carolina for their Continental and State officers and soldiers.

II. Grants and titles to grants vested in individuals by the laws of the State.

III. Entries made in Armstrong's office, under an act of that State, of 1783, for the redemption of specie and other certificates.

The claims covered by the first reservation are—

1st. The bounties in land given by the said State of North Carolina to their Continental line, in addition to those given by Congress. These were to be located within a district bounded northwardly by the Virginia line, and southwardly by a line parallel thereto, and fifty-five miles distant; westwardly by the Tennessee; and eastwardly by the meridian of the intersection of the Virginia line and Cumberland river. Grants have accordingly issued for 1,239,498 acres, and warrants for the further quantity of 1,549,726 acres, making, together, 2,789,224 acres.

It is to be noted that the southwestern and southeastern angles of this district, constituting perhaps a fourth or fifth of the whole, are south of the lines established by the treaties of Hopewell and Holston, and consequently in a country wherein the Indian title is acknowledged and guaranteed by the United States. No information is received of the exact proportion of the locations made within these angles.

2d. Bounties in land to Evans's battalion, raised for State purposes. These were to be taken west of Cumberland Mountain. The locations are not yet made.

The second reservation covers the following claims:

1. Lands for the Surveyor General's fees for laying out the military bounties, to be located in the military district. The grants already issued on this account amount to 30,203 acres.

2. Grants to Isaac Shelby, Anthony Bledsoe, and Absalom Tatum, Commissioners for laying out the military bounties; and to guards, chain-carriers, markers, and hunters, who attended them

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already issued to the amount of 65,932 acres, located in the military district.

3. Entries in Washington county, amounting to 746,362½ acres; for 214,541½ of which, grants have already issued. Of the remaining 531,821½ acres, a considerable proportion were declared void by the laws of the State, and were particularly excluded from the cover of the reservation in the deed of cession by this clause in it, to wit: "Provided, That nothing herein contained shall extend, or be construed to extend, to the making good any entry or entries, or any grant or grants, heretofore declared void by any act or acts of the General Assembly of this State." Still it is to be considered that many of these persons have settled and improved the lands, are willing, as is said, to comply with such conditions as shall be required of other purchasers, form a strong barrier on the new frontier acquired by the treaty of Holston, and are, therefore, objects meriting the consideration of the Legislature.

4. Entries in Sullivan county, amounting to 240,624 acres; for 173,332 acres of which grants have already issued. Of the remaining entries, many are certified void, and others understood to be lapsed, or otherwise voidable under the laws of the State.

5. Certain pre-emption rights, granted to the first settlers of Davidson county, on Cumberland river, amounting to 309,760 acres.

6. A grant of 200,000 acres to Richard Henderson and others, on Powell's river in a breadth of not less than four miles, and down Clinch's from their junction in a breadth not less than twelve miles. A great part of this is within the Indian territory.

Among the grants of the State now under recapitulation, as forming exceptions out of the absolute rights of the United States, are not to be reckoned here two grants of 2,000 each to Alexander Martin and David Wilson, adjacent to the lands allotted to the officers and soldiers; nor a grant of 25,000 acres on Duck river to the late Major General Greene; because they are wholly within the Indian territory, as acknowledged by the treaties of Hopewell and Holston.

The extent of the third reservation in favor of entries made in Armstrong's office is not yet entirely known, nor can be until the 20th of December, 1792, the last day given for perfecting them. The sum of certificates, however, which had been paid for these warrants into the Treasury of the State, before the 20th day of May, 1790, reaches, in all probability, near to their whole amount. This was £373,649 6s. 5d. currency of that State, and, at the price of £10 the hundred acres, established by law, shows that warrants had issued for 3,736,493 acres. For 1,762,660 acres of these, grants have passed, which appear to have been located partly in the counties of Greene and Hawkins, and partly in the country from thence to the Mississippi, as divided into Eastern, Middle, and Western Districts. Almost the whole of these locations are within the Indian territory. Besides the warrants paid for as before mentioned, it is known that there are some others outstanding and not

paid for; but, perhaps, these need not be taken into account, as payment of them has been disputed, on the ground that the lands being within the Indian territory, cannot now be delivered to the holders of the warrants.

On a review of all the reservations, after making such conjectural allowance as our information authorizes, for the proportion of them, which may be within the Indian boundaries, it appears probable they cover all the ceded lands susceptible of culture and cleared of the Indian title, that is to say, all the habitable parts of the two triangles before mentioned, excepting only the lands south of French Broad and Big Pigeon rivers. These were part of the tract appropriated by the laws of the State to the use of the Indians, whose title being purchased at the late treaty of Holston, they are now free to be disposed of by the United States, and are probably the only lands open to their disposal within this Southwestern Territory which can excite the attention of purchasers. They are supposed to amount to about 300,000 acres, and we are told that three hundred families have already set down upon them without right or license.

The territory of the United States Northwest of the Ohio is bounded on the south by that river, on the east by Pennsylvania, on the north and west by the lines which divide the United States from the dominions of Great Britain and Spain.

The part of this territory occupied by Indians is north and west of the following lines, established with the Wyandots, Delawares, Chippewas, and Ottawas, by the treaty of Fort McIntosh, and with the Shawanese, by that of the Great Miami, to wit: beginning at the mouth of the Cuyahoga, and running up the river to the portage between that and the Tuscaroras branch of the Muskingum; then down the said branch to the forks at the crossing place above Fort Lawrence; then westwardly, towards the portage of the Big Miami, to the main branch of that river; then down the Miami to the fork of that river next below the Old Fort which was taken by the French in 1752; thence due west to the river De la Panse, and down that river to the Wabash. So far, the lines are precisely defined, and the whole country southward of these lines and eastward of the Wabash cleared of the claims of those Indians, as it is also of those of the Pottawatomies and Sacs by the treaty of Muskingum. How far on the other side of the Wabash the southern boundary of the Indians has been defined we know not. It is only understood, in general, that their title to the lower country, between that river and the Illinois, has been formerly extinguished by the French while in their possession. As to that country, then, and what lies still beyond the Illinois, it would seem expedient that nothing be done until a fair ascertainment of boundary can take place by mutual consent between us and the Indians interested.

The country within the Wabash, the Indian line before described, the Pennsylvania line, and the Ohio, contains, on a loose estimate, about 55,000 square miles, or 35,000,000 of acres.

During the British government, great numbers

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of persons had formed themselves under different names, such as the Wabash, the Illinois, the Mississippi, or Vandallia Companies, and had covered with their applications a great part of this territory. Some of them had obtained orders, on certain conditions, which, having never been fulfilled, their titles were never completed by grants; others were only in a state of negotiation when the British authority was discontinued. Some of these claims being already under a special reference, by order of Congress, and all of them probably falling under the operation of the same principles, they will not be noticed in the present Report.

The claims of citizens to be here stated will be—

I. Those reserved to the States by their deeds of cession.

II. Those which have arisen under the Government of the United States themselves.

Under the first head presents itself the tract of country from the completion of the 41st degree to 42 degrees 2 minutes of north latitude, and extending from the Pennsylvania line before mentioned one hundred and twenty miles westward, not mentioned in the deed of Connecticut, while all the country westward thereof was mentioned to be ceded. About two and a half millions of acres of this may, perhaps, be without the Indian lines before mentioned.

1. A reservation in the deed of Virginia of the possessions and titles of the French and Canadian inhabitants, and other settlers of the Kastaskias, St. Vincennes, and the neighboring villages, who had professed themselves citizens of Virginia, which rights have been settled by an act of the last session of Congress, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the Territory Northwest of the Ohio, and for confirming them in their possessions." These lands are in the neighborhood of the several villages.

2. A reservation in the same deed of a quantity, not exceeding 150,000 acres of land, for General George Rogers Clark, and the officers and soldiers of his regiment, who were at the reduction of Kastaskias and St. Vincennes, to be laid off in such place, on the northwest side of the Ohio, as a majority of the officers should choose. They chose they should be laid off on the river adjacent to the rapids, which accordingly has been done.

3. A reservation in the same deed, of lands between the Scioto and Little Miami, to make up to the Virginia troops on Continental establishment the quantity which the good lands in their southern allotment might fall short of the bounties given them by the laws of that State. By a statement of the 16th September, 1788, it appears that 724,045½ acres had been surveyed for them on the southeastern side of the Ohio; that 1,395,385½ acres had been surveyed on the northwestern side; that warrants for 649,649 acres more, to be laid off on the same side of the river, were in the hands of the Surveyor, and it was supposed there might still be some few warrants not yet presented; so that this reservation may be stated at 2,045,034½ acres, or perhaps some small matter more.

III. The claims of individual citizens, derived from the United States themselves, are the following:

1. Those of the Continental Army, founded on the resolutions of Congress of September 16, 1776, August 12, and September 30, 1780, and fixed by the ordinance of May 20, 1783. The resolution of October 22, 1787, and the supplementary ordinance of July 9, 1788, in the seven ranges of townships, beginning at a point on the Ohio, due north from the western termination of a line then lately run, as the southern boundary of Pennsylvania; or, in a second tract of 1,000,000 of acres, bounded east by the seventh range of the said townships, south by the lands of Cutler and Sargent, north by an extension of the northern boundary of the said townships, and going towards the west so far as to include the above quantity; or, lastly, in a third tract of country, beginning at the mouth of the Ohio, and running up the river Mississippi to the river Au Vause; thence up the same till it meets a west line from the mouth of the Little Wabash; thence along that line to the Great Wabash; thence down the same and the Ohio to the beginning. The sum total of the said military claims is 1,851,800 acres.

2. Those of the individuals who made purchases of land at New York, within the said seven ranges of townships, according to the resolutions of Congress of April 21, 1787, and the supplementary ordinance of July 9, 1788; which claims amount to 150,896 acres.

3. The purchase of one million and a half acres of land by Cutler and Sargent, on behalf of certain individuals associated under the name of the Ohio Company. This begins where the Ohio is intersected by the western boundary of the seventh range of townships, and runs due north on that boundary 1,306 chains and 25 links; thence, due west, to the western boundary of the seventeenth range of townships; thence, due south, to the Ohio, and up that river to the beginning; the whole area containing 1,781,760 acres of land, whereof 281,760 acres, consisting of various lots and townships, are reserved to the United States.

4. The purchase by the same Cutler and Sargent, on behalf also of themselves and others. This begins at the northeastern angle of the tract of their purchase before described, and runs due north to the northern boundary of the tenth township from the Ohio; thence, due west, to the Scioto; thence, down the same, and up the Ohio, to the southwestern angle of the said purchase before described, and along the western and northern boundaries thereof to the beginning; the whole area containing 4,901,480 acres of land; out of which, however, five lots, to wit: Nos. 8, 11, 16, 26, and 29, of every township of six miles square, are retained by the United States, and out of the whole are retained the three townships of Gnadenhuetten, Schoenbrun, and Salem; and certain lands around them, as will be hereafter mentioned.

5. The purchase of John Cleves Symmes, bounded on the west by the Great Miami; on the south by the Ohio; on the east by a line which is to begin on the bank of the Ohio, twenty miles

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from the mouth of the Great Miami, as measured along the several courses of the Ohio, and to run parallel with the general course of the said Great Miami; and on the north by an east and west line so run as to include 1,000,000 of acres in the whole area, whereof five lots, numbered as before mentioned, are reserved out of every township by the United States.

It is suggested that this purchaser, under color of a first and larger proposition to the Board of Treasury, which was never closed, (but, pending that proposition,) sold sundry parcels of land between his eastern boundary, before mentioned, and the Little Miami, and that the purchasers have settled thereon. If these suggestions prove true, the settlers will perhaps be thought to merit the favor of the Legislature, as purchasers for valuable consideration, and without notice of the defect of title.

The contracts for lands, which were at one time under consideration with Messrs. Flint and Parker, and with Colonel Morgan, were never so far prosecuted as to bring either party under any obligation. All proceedings thereon were discontinued at a very early stage, and it is supposed that no further views exist with any other party. These, therefore, are not to be enumerated among existing claims.

6. Three townships were reserved by the ordinance of May 20, 1785, adjacent to Lake Erie, for refugees from Canada and Nova Scotia, and for other purposes, according to resolutions of Congress, made or to be made on that subject. These would, of course, contain 69,120 acres.

7. The same ordinance of May 20, 1785, appropriated the three towns of Gnadenhuetten, Schoenbrun, and Salem, on the Muskingum, for the Christian Indians formerly settled there, or the remains of that Society, with the grounds round about them; and the quantity of the said circumjacent grounds, for each of the said towns, was determined by the resolution of Congress, of September 3, 1788, to be so much as, with the plat of its respective town, would make up 4,000 acres; so that three towns and their circumjacent lands were to amount to 12,000 acres. This reservation was accordingly made out of the large purchase of Cutler and Sargent, which comprehended them. The Indians, however, for whom the reservation was made, have chosen to emigrate beyond the limits of the United States, so that the lands reserved for them still remain to the United States.

On the whole, it appears that the United States may rightfully dispose of all the lands between the Wabash and the Ohio, Pennsylvania, the forty-first parallel of latitude, and the Indian lines described in the treaties of the Great Miami, and Fort McIntosh, with exceptions only of the rights saved by the deed of cession of Virginia, and of all rights legally derived from the Government of the United States; and, supposing the part south of the Indian lines to contain, as before conjectured, about 35,000,000 of acres, and that the claims of citizens before enumerated may amount to between 13,000,000 and 14,000,000, there remains at

the disposal of the United States upwards of 21,000,000 of acres in this northwestern quarter.

And though the want of actual surveys of some parts, and of a general delineation of the whole on paper, so as to exhibit to the eye the locations, forms, and relative positions of the rights before described, may prevent our forming a well-defined idea of them at this distance, yet, on the spot, these difficulties exist but in a small degree. The individuals there employed in the details of buying, selling, and locating, possess local informations of the parts which concern them, so as to be able to keep clear of each other's rights; or, if in some instances a conflict of claims should arise, from any want of certainty in their definition, a local Judge will doubtless be provided to decide them without delay, at least provisionally. Time, instead of clearing up these uncertainties, will cloud them the more, by the death or removal of witnesses, the disappearance of lines and marks, change of parties, and other casualties.

TH. JEFFERSON,
Secretary of State.

NOVEMBER 8, 1791.

OBTAINING FRESH FROM SALT WATER.

THE SECRETARY OF STATE, to whom was referred by the House of Representatives of the United States, the petition of Jacob Isaacks, of Newport, in Rhode Island, has examined into the truth and importance of the allegations therein set forth, and makes thereon the following Report:

The petition sets forth, that, by various experiments, with considerable labor and expense, he has discovered a method of converting salt water into fresh, in the proportion of eight pints out of ten, by a process so simple that it may be performed on board of vessels at sea, by the common iron caboose, (with small alteration,) by the same fire and in the same time which is used for cooking the ship's provisions; and offers to convey to the Government of the United States a faithful account of his art, or secret, to be used by or within the United States, on their giving to him a reward suitable to the importance of the discovery, and, in the opinion of Government, adequate to his expenses and the time he has devoted to the bringing it into effect.

In order to ascertain the merit of the petitioner's discovery, it becomes necessary to examine the advances already made in the art of converting salt water into fresh.

Lord Bacon, to whom the world is indebted for the first germs of so many branches of science, had observed, that, with a heat sufficient for distillation, salt will not rise in vapor, and that salt water distilled, is fresh. And it would seem that all mankind might have observed, that the earth is supplied with fresh water chiefly by exhalation from the sea, which is in fact an insensible distillation effected by the heat of the sun. Yet this, though the most obvious, was not the first idea in the essays for converting salt water into fresh. Filtration was tried in vain, and congelation could

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be resorted to only in the coldest regions and seasons. In all the earlier trials by distillation, some mixture was thought necessary to aid the operation by a partial precipitation of the salt, and other foreign matters contained in sea water. Of this kind were the methods of Sir Richard Hawkins, in the sixteenth century; of Glauber, Houton, and Lister, in the seventeenth century; and of Hales, Appleby, Butler, Chapman, Hoffman, and Dove, in the eighteenth century: nor was there anything in these methods worthy noting on the present occasion, except the very simple still, contrived extempore by Captain Chapman, and made from such materials as are to be found on board every ship, great or small. This was a common pot with a wooden lid of the usual form, in the centre of which a hole was bored to receive perpendicularly a short wooden tube, made with an inch and half auger, which perpendicular tube received at its top, and at an acute angle, another tube of wood also, which descended till it joined a third, of pewter, made by rolling up a dish, and passing it obliquely through a cask of cold water. With this simple machine he obtained two quarts of fresh water an hour, and observed, that the expense of fuel would be very trifling, if the still was contrived to stand on the fire along with the ship's boiler.

In 1762, Dr. Lind, proposing to make experiments of several different mixtures, first distilled rain water, which he supposed would be the purest, and then sea water, without any mixture, which he expected would be the least pure, in order to arrange between these two supposed extremes the degree of merit of the several ingredients he meant to try. "To his great surprise," as he confesses, "the sea water, distilled without any mixture, was as pure as the rain water." He pursued the discovery, and established the fact that a pure and potable fresh water may be obtained from salt water by simple distillation, without the aid of any mixture for fining or precipitating its foreign contents. In 1767, he proposed an extempore still, which, in fact, was Chapman's, only substituting a gun-barrel instead of Chapman's pewter tube, and the hand-pump of the ship to be cut in two obliquely, and joined again at an acute angle, instead of Chapman's wooden tubes bored express; or, instead of the wooden lid and upright tube, he proposed a tea-kettle (without its lid or handle) to be turned bottom upward over the mouth of the pot, by way of still-head, and a wooden tube leading from the spout to a gun-barrel passing through a cask of water, the whole luted with equal parts of chalk and meal moistened with salt water.

With this apparatus of a pot, tea-kettle, and gun-barrel, the Dolphin, a twenty-gun ship, in her voyage round the world, in 1761, from fifty-six gallons of sea water, and with nine pounds of wood and sixty-nine pounds of pit-coal, made forty-two gallons of good fresh water, at the rate of eight gallons an hour. The Dorsetshire, in her passage from Gibraltar to Mahon, in 1769, made nineteen quarts of pure water in four hours, with ten pounds of wood. And the Stambel, in 1773,

between Bombay and Bengal, with a hand-pump, made ten quarts of fresh water in three hours.

In 1771, Dr. Irvin, putting together Lind's idea of distilling without a mixture, Chapman's still, and Dr. Franklin's method of cooling by evaporation, obtained a premium of £5,000 from the British Parliament. He wet his tube constantly with a mop, instead of passing it through a cask of water. He enlarged its bore, also, in order to give it a freer passage to the vapor, and thereby increase its quantity by lessening the resistance or pressure on the evaporating surface. This last improvement was his own, and it doubtless contributed to the success of his models; and we may suppose the enlargement of the tube to be useful to that point at which the central parts of the vapor, passing through it, would begin to escape condensation. Lord Mulgrave used his method in his voyage towards the North Pole, in 1773, making from thirty-four to forty gallons of fresh water a day, without any great addition of fuel, as he says.

M. de Bougainville, in his voyage round the world, used, very successfully, a still which had been contrived in 1763, by Poyssonier, so as to guard against the water being thrown over from the boiler into the pipe by the agitation of the ship. In this, one singularity was that the furnace or fire-box was in the middle of the boiler, so that the water surrounded it in contact. This still, however, was expensive, and occupied much room.

Such were the advances already made in the art of obtaining fresh from salt water, when Mr. Isaacks, the petitioner, suggested his discovery.

As the merit of this could be ascertained by experiment only, the Secretary of State asked the favor of Mr. Rittenhouse, President of the American Philosophical Society, of Dr. Wistar, President of Chemistry in the College of Philadelphia, and Dr. Hutchinson, Professor of Chemistry in the University of Pennsylvania, to be present at the experiments. Mr. Isaacks fixed the pot of a small caboose, with a tin cap and straight tube of tin passing obliquely through a cask of cold water; he made use of a mixture, the composition of which he did not explain, and from twenty-four pints of sea water, taken up about three miles out of the Capes of Delaware at flood tide, he distilled twenty-two pints of fresh water in four hours, with twenty pounds of seasoned pine, which was a little wetted by having lain in the rain.

In a second experiment, of the 21st of March, performed in a furnace and five gallon still at the College, from thirty-two pints of sea water he drew thirty-one pints of fresh water in seven hours and twenty-four minutes, with fifty-one pounds of hickory, which had been cut about six months. In order to decide whether Mr. Isaacks's mixture contributed in any and what degree to the success of the operation, it was thought proper to repeat his experiment under the same circumstances exactly, except the omission of the mixture. Accordingly, on the next day, the same quantity of sea water was put into the same still,

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the same furnace was used, and fuel from the same parcel. It yielded, as his had done, thirty-one pints of fresh water in eleven minutes more of time, and with ten pounds less of wood.

On the 24th of March, Mr. Isaacks performed a third experiment. For this, a common iron pot, of three and a half gallons, was fixed in brick-work, and the flue from the hearth wound once round the pot spirally, and then passed off up a chimney. The cap was of tin, and a straight tin tube of about two inches diameter, passing obliquely through a barrel of water, served instead of a worm. From sixteen pints of sea water he drew off fifteen pints of fresh water, in two hours and fifty-five minutes, with three pounds of dry hickory and eight pounds of seasoned pine. This experiment was also repeated the next day, with the same apparatus and fuel from the same parcel, but without the mixture. Sixteen pints of sea water yielded, in like manner, fifteen pints of fresh, in one minute more of time, and with half a pound less of wood. On the whole, it was evident that Mr. Isaacks's mixture produced no advantage, either in the process or result of the distillation. The distilled water in all these instances was found, on experiment, to be as pure as the best pump water of the city. Its taste, indeed, was not as agreeable, but it was not such as to produce any disgust. In fact we drink, in common life, in many places, and under many circumstances, and almost always at sea, a worse tasted and probably a less wholesome water.

The obtaining fresh from salt water, for ages was considered as an important desideratum for the use of navigators. The process for doing this by simple distillation is so efficacious, the erecting an extempore still with such utensils as are found on board of every ship, is so practicable, as to authorize the assertion that this desideratum is satisfied to a very useful degree. But, though this has been done for upwards of thirty years; though its reality has been established by the actual experience of several vessels which have had recourse to it, yet neither the fact nor process is known to the mass of seamen, to whom it would be the most useful, and for whom it was principally wanted.

The Secretary of State is therefore of opinion that, since the subject has been brought under observation, it should be made the occasion of disseminating its knowledge generally and effectually among the sea-faring citizens of the United States. The following is one of the many methods which might be proposed for doing this: Let the clearance for every vessel sailing from the ports of the United States be printed on paper, on the back whereof shall be a printed account of the essays which have been made for obtaining fresh from salt water, mentioning briefly those which were unsuccessful, and, more fully, those which have succeeded; describing the methods which have been found to answer for constructing extempore stills of such implements as are generally on board of every vessel, with a recommendation, in all cases where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette

on their return to the United States, or communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas which may occur to them in practice.

THOMAS JEFFERSON.

PHILADELPHIA, Nov. 21, 1791.

INDIAN HOSTILITIES.

UNITED STATES, January 16, 1792.

SIR: As the circumstances which have engaged the United States in the present Indian War may some of them be out of the public recollection, and others perhaps be unknown, it may appear advisable that you prepare and publish, from authentic documents, a statement of those circumstances, as well as of the measures which have been taken, from time to time, for the re-establishment of peace and friendship.

When the community are called upon for considerable exertions, to relieve a part which is suffering under the hand of an enemy, it is desirable to manifest that due pains have been taken by those intrusted with the administration of their affairs to avoid the evil.

G. WASHINGTON.

*The Secretary for the
Department of War.*

The Causes of the existing Hostilities between the United States and certain Tribes of Indians, Northwest of the Ohio, stated and explained from official and authentic Documents, and published in obedience to the orders of the President of the United States.

A recurrence to the Journals of the United States in Congress assembled, of the early stages of the late war, will evince the public solicitude to preserve peace with the Indian tribes, and to prevent their engaging in a contest in which they were no wise interested.

But though partial treaties or conventions were formed with some of the Northern and Western tribes, in the years 1775 and 1776, yet those treaties were too feeble to resist the powerful impulses of a contrary nature, arising from a combination of circumstances at that time; and accordingly all the various Indian nations (the Oneidas, Tuscaroras, and a few individuals of the Delawares, excepted) lying on our frontiers, from Georgia to Canada, armed against us.

It is yet too recent to have been forgotten, that great numbers of inoffensive men, women, and children, fell a sacrifice to the barbarous warfare practised by the Indians, and many others were dragged into a deplorable captivity.

Notwithstanding that these aggressions were entirely unprovoked, yet as soon as the war ceased with Great Britain, the United States, instead of indulging any resentments against the Indian nations, sought only how to establish a liberal peace with all the tribes throughout their limits.

Early measures were accordingly taken for this

purpose. A treaty was held, and a peace concluded, in the year 1784, with the hostile part of the Northern Indians, or Six Nations, at Fort Stanwix.

In January, 1785, another treaty was formed with part of the Western tribes, at Fort McIntosh, on the Ohio, to wit: with the Wyandots, Delawares, Ottawas, and Chippewas.

During the same year, treaties were formed at Hopewell, on the Keowee, with all the powerful tribes of the South, excepting the Creeks, to wit: the Cherokees, the Choctaws, and Chickasaws.

In January, 1786, a treaty was formed with the Shawanese, at the confluence of the Great Miami with the Ohio.

It was not long before certain turbulent and malignant characters residing among some of the northern and western tribes, which had formed the treaties of Fort Stanwix and Fort McIntosh, excited uneasiness and complaints against those treaties. In consequence of representations upon this subject, on the 5th of October, 1787, Congress directed, "That a general treaty should be held with the tribes of Indians within the limits of the United States, inhabiting the country Northwest of the Ohio, and about Lake Erie, as soon after the first of April next as conveniently might be, and at such place and at such particular time as the Governor of the Western Territory should appoint, for the purpose of knowing the causes of uneasiness among the said tribes, and hearing their complaints; of regulating trade, and amicably settling all affairs concerning lands and boundaries, between them and the United States."

On the 2d day of July, 1788, Congress appropriated "the sum of twenty thousand dollars, in addition to fourteen thousand dollars before appropriated, for defraying the expenses of the treaties which had been ordered, or which might be ordered to be held in the present year, with the several Indian tribes in the Northern Department, and for extinguishing the Indian claims; the whole of the said twenty thousand dollars, together with six thousand dollars of the said fourteen thousand dollars, to be applied solely to the purpose of extinguishing the Indian claims to the lands they had already ceded to the United States, by obtaining regular conveyances for the same, and for extending a purchase beyond the limits theretofore fixed by treaty; but that no part of the said sums should be applied for any purpose other than those above mentioned."

Accordingly new treaties were held at Fort Harmar the latter part of the year 1788, and concluded on the 9th day of January, 1789, with a representation of all the Six or Northern Nations, the Mohawks excepted; and with a representation of the following tribes, to wit: the Wyandots, the Delawares, Ottawas, Chippewas, Pottawatomies, and Sacs. By these treaties, nearly the same boundaries were recognised and established by a principle of purchase, as had been stipulated by the former treaties of Fort Stanwix and Fort McIntosh.

Thus careful and attentive was the Government of the United States to settle a boundary with the

Indians on the basis of fair treaty, to obviate the dissatisfactions which had been excited, and to establish its claim to the lands relinquished, on the principle of equitable purchase.

It does not appear that the right of the Northern and Western Indians, who formed the several before mentioned treaties to the lands thereby relinquished to the United States, has been questioned by any other tribes; nor does it appear that the present war has been occasioned by any dispute relatively to the boundaries established by the said treaties. But, on the contrary, it appears that the unprovoked aggressions of the Miami and Wabash Indians, upon Kentucky and other parts of the frontier, together with their associates—a banditti, formed of Shawanese and outcast Cherokees, amounting in all to about one thousand two hundred men—are solely the causes of the war. Hence it is proper that their conduct should be more particularly adverted to.

In the year 1784, when messages were sent to the Wyandots and Delawares, inviting them to meet the Commissioners, first at Cuyahoga, and afterwards at Fort McIntosh, the Miami Indians were also included in the said invitations, but they did not attend.

In the year 1785, these invitations were repeated; but the messengers, upon their arrival at the Miami village, had their horses stolen, were otherwise treated with insolence, and prevented from fulfilling their mission.

In the years 1787 and 1788, new endeavors were used to bring those Indians to treat. They were urged to be present at the treaty appointed to be held at Fort Harmar; but these endeavors proved as fruitless as all the former.

At a Council of the Tribes, convened in 1788, at the Miami river, the Miami and Wabash Indians were pressed to repair to the treaty, with great earnestness, by the chiefs of the Wyandots and Delawares; the Wyandot chiefs particularly presented them with a large belt of wampum, holding one end of it themselves, and offering the other to the hostile Indians, which was refused. The Wyandots then laid it on the shoulders of a principal chief, recommending to him to be at peace with the Americans; but, without making any answer, he leaned himself, and let it fall to the ground; this so displeased the Wyandots, that they immediately left the Council-house.

In the mean time the frontier settlements were disquieted by frequent depredations and murders, and the complaints of their inhabitants (as might be expected) of the pacific forbearance of the Government, were loud, repeated, and distressing—their calls for protection incessant—till at length they appeared determined by their own efforts to endeavor to retaliate the injuries they were continually receiving, and which had become intolerable.

In this state of things it was indispensable for the Government to make some decisive exertion for the peace and security of the frontier.

But notwithstanding the ill success of former experiments, and the invincible spirit of animosity which had appeared in certain tribes, and which

was of a nature to justify a persuasion that no impression could be made upon them by pacific exhortations, it was still deemed advisable to make one more essay.

Accordingly, in April, 1790, Anthony Gamelin, an inhabitant of Post Vincennes, and a man of good character, was despatched to all the tribes and villages of the Wabash river, and to the Indians of the Miami village, with a message, purporting that the United States were desirous of establishing a general peace with all the neighboring tribes of Indians, and of treating them in all respects with perfect humanity and kindness; and at the same time warning them to abstain from further depredations.

The Indians in some of the villages on the lower part of the Wabash, appeared to listen to him; others manifested a different disposition; others confessed their inability to restrain their young warriors; and all referred the messenger to the Indians at the Miami village. At this village some appeared well disposed, but the chiefs of the Shawanese returned the messages and belts, informing the messenger, however, that they would, after consultation, within thirty nights, send an answer to Post Vincennes. The promised answer was never received. While the messenger was at the Miami village, two negroes were brought in from our settlements, prisoners; and upon his return to L'Anguille, a chief informed him that a party of seventy warriors, from the more distant Indians, had arrived, and were gone against the settlements.

In three days after his departure from the Miami village, a prisoner was there burnt to death. Similar cruelties were exercised at the Ouittanon towns, about the same time; and, in the course of three months, immediately after the last mentioned invitation, upwards of one hundred persons were killed, wounded, and taken prisoners, upon the Ohio, and in the district of Kentucky.

It is to be remarked, that previously to the last invitation, the people of Kentucky, who, in consequence of their injuries, were meditating a blow against the hostile Indians, (as before intimated,) were restrained by the President of the UNITED STATES from crossing the Ohio, until the effect of the friendly overture, intended to be made, should be known.

It is also to be observed, that the Wyandots and Delawares, after having frequently and fruitlessly endeavored to influence the Miami and Wabash Indians to peace, upon mature conviction, finally declared that force only could effect the object.

As an evidence that the conduct of the hostile Indians has been occasioned by other motives than a claim relatively to boundaries, it is to be observed that their depredations have been principally upon the district of Kentucky, and the counties of Virginia, lying along the south side of the Ohio, a country to which they have no claim.

It appears, by respectable evidence, that from the year 1783 until the month of October, 1790, the time the United States commenced offensive operations against the said Indians, that on the Ohio, and the frontiers on the south side thereof,

they killed, wounded, and took prisoners, about one thousand five hundred men, women, and children, besides carrying off two thousand horses, and other property, to the amount of fifty thousand dollars.

The particulars of the barbarities exercised upon many of the prisoners, of different ages and sexes, although supported by indisputable evidence, are of too shocking a nature to be presented to the public. It is sufficient upon this head to observe, that the tomahawk and scalping knife have been the mildest instruments of death. That in some cases torture by fire, and other execrable means, have been used.

But the outrages which were committed upon the frontier inhabitants, were not the only injuries that were sustained; repeated attacks upon detachments of the troops of the United States were at different times made. The following, from its peculiar enormity, deserves recital. In April, 1790, Major Doughty was ordered to the friendly Chickasaws, on public business. He performed this duty in a boat, having with him Ensign Sedam, and a party of fifteen men. While ascending the Tennessee river, he was met by a party of forty Indians, in four canoes, consisting principally of the aforesaid banditti of Shawanese and outcast Cherokees. They approached under a white flag, the well known emblem of peace. They came on board the Major's boat, received his presents, continued with him nearly one hour, and then departed in the most friendly manner; but, they had scarcely cleared his oars, before they poured in a fire upon his crew, which was returned as soon as circumstances would permit, and a most unequal combat was sustained for several hours, when they abandoned their design, but not until they had killed and wounded eleven out of fifteen of the boat's crew. This perfidious conduct, in any age, would have demanded exemplary punishment.

All overtures of peace failing, and the depredations still continuing, an attempt at coercion became indispensable. Accordingly the expedition under Brigadier General Harmar, in the month of October, 1790, was directed. The event is known.

After this expedition, the Governor of the Western Territory, in order that nothing might be omitted to effect a peace without further conflict, did, on his arrival at Fort Harmar, in December, 1790, send through the Wyandots and Delawares, conciliatory messages to the Miamies, but still without effect.

The Cornplanter, a war chief of the Senecas, and other Indians of the same tribe, being in Philadelphia in the month of February, 1791, were engaged to undertake to impress the hostile Indians with the consequences of their persisting in the hostilities, and also of the justice and moderation of the United States. In pursuance of this design, Colonel Procter, on the 14th of March, was sent to the Cornplanter, to hasten his departure, and to accompany him to the Miami village; and messages were sent to the Indians, declaratory of the pacific sentiments of the United States towards them. But both Colonel Procter and the

Complanter, although zealously desirous of executing their mission, encountered difficulties of a particular nature, which were insurmountable, and prevented the execution of their orders.

Major General St. Clair, in the month of April, sent messages from Fort Harmar to the Delaware, Shawnee, and other Indian tribes, expressing the United States to all the Indian tribes.

A treaty was held at the Painted Post, by Colonel Pickens, in June, 1791, with a part of the Six Nations, at which the humane intentions of the General Government towards them particularly, and the Indian tribes generally, were fully explained.

Captain Hendricks, a respectable Indian residing with the Oneidas, appearing zealously disposed to attempt convincing the hostile Indians of their mistaken conduct, was accordingly sent for that purpose, but was frustrated by unforeseen obstacles in his laudable attempts.

The different measures which have been recited, must evince that, notwithstanding the highly culpable conduct of the Indians in question, the Government of the United States, uninfluenced by the resentment or any false principles which might arise from a consciousness of superiority, adopted every proper expedient to terminate the Indian hostilities, without having recourse to the last extremity; and, after being compelled to resort to it, has still kept steadily in view the re-establishment of peace, as its primary and sole object.

Were it necessary to add proofs of the pacific and humane dispositions of the General Government towards the Indian tribes, the treaties with the Creeks and with the Cherokees might be cited as demonstrative of its moderation and liberality.

The present partial Indian war is a remnant of the late general war, continued by a number of separate banditti, who, by the incessant practice of fifteen years, seem to have formed inveterate and incurable habits of enmity against the frontier inhabitants of the United States.

To obtain protection against lawless violence, was a main object for which the present Government was instituted: it is, indeed, a main object of all Governments. A frontier citizen possesses as strong claims to protection as any other citizen. The frontiers are the vulnerable parts of every country; and the obligation of the Government of the United States, to afford the requisite protection, cannot be less sacred in reference to the inhabitants of their Western, than to those of their Atlantic frontier.

It will appear, from a candid review of this subject, that the General Government could no longer abstain from attempting to punish the hostile Indians.

The ill success of the attempts for this purpose, is entirely unconnected with the justice or policy of the measure. A perseverance in exertions to make the refractory Indians at last sensible that they cannot continue their enormous outrages with impunity, appears to be as indispensable, in the existing posture of things, as it will be advisable, whenever they shall manifest symptoms of a more amicable disposition, to convince them, by decisive

proofs, that nothing is so much desired by the United States as to be at liberty to treat them with kindness and beneficence.

H. KNOX,
Secretary of War.

WAR DEPARTMENT, Jan. 26, 1792.

DEFEAT OF GENERAL ST. CLAIR.

UNITED STATES, December 12, 1791.
*Gentlemen of the Senate, and
of the House of Representatives:*

It is with great concern that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

Although the national loss is considerable, according to the scale of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

A further communication will shortly be made of all such matters as shall be necessary to enable the Legislature to judge of the future measures which it may be proper to pursue.

G. WASHINGTON.

A Letter from General St. Clair, dated

FORT WASHINGTON, October 6, 1791.

Sir: I have now the satisfaction to inform you that the Army moved from Fort Hamilton, the name I have given to the fort on the Miami, on the 4th, at eight in the morning, under the command of General Butler.

The order of march and encampment I had regulated before, and on the third returned to this place to get up the militia. They marched yesterday, and consist of but about three hundred men, as you will see by the enclosed abstract of the muster. I have reason to believe, however, that at least an equal number will be up here by the 10th, and I have left orders for their following us. The monthly return should have accompanied this Letter, but it was not ready when I left camp, and has not been forwarded since. I have hitherto found it impossible to reduce the officers commanding corps to punctuality with respect to their returns, but they are mending. Our number, after deducting the garrisons of this place and Fort Hamilton, are about two thousand, exclusive of the militia. I trust, I shall find them sufficient, and should the rest of the militia come on, it will make the matter pretty certain; but the season is now so far advanced, that I fear the intermediate posts, which would, indeed, have been highly necessary, it will be impossible to establish. In that, however, I must be governed by circumstances, of which I will take care that you shall be apprised in due time. Should the enemy come to meet us, which seems to be expected, and be discomfited, there will be no difficulties, but if they expect us at the Miami villages, the business will wear another face, and the intermediate posts become more essential.

Since the Quartermaster has been here, and got into his gears, which it took him a little time to do, I am very well satisfied with him, and do believe he will answer the description which you was pleased to give me of him; his business seems now to be well arranged.

In order to communicate with some degree of certainty with your office, I have directed Captain Buel, when he arrives, to send a Sergeant and twelve men to a house that has been newly erected, half-way between this place and Lexington, to each of which two men are to be sent off on every Monday morning to carry despatches. Those for the War Office, or any other public letters, to be put into the hands of Mr. Charles Wilkins, merchant of Lexington, who has engaged to forward all I have occasion to send, regularly, once a fortnight; and should you, sir, think proper to use the same route for any of yours, if they are sent to his care, he will forward them to me. I have been led to prefer this channel of communication to that of the river, because it appears to be rather the more certain of two, though it may be a little more tedious, and because desertion continues to prevail among the troops, and the sending small parties to such a distance gives great opportunity to effect it. General Butler informs me that no less than twenty-one went off the night before the Army moved from Fort Hamilton. I am this moment, setting out for the Army, which I hope to overtake to-morrow evening, and will write to you again, as soon after as may be.

With great regard and respect, I have the honor to be, sir, your very humble servant,

ARTHUR ST. CLAIR.

The Hon. H. KNOX, Secretary of War.

A Letter from General St. Clair, dated Camp, 81 miles advanced of Fort Washington, November 1, 1791.

Sir: Since I had the honor to write to you on the 21st instant, nothing very material has happened, and indeed, I am at present so unwell, and have been so for some time past, that I could ill detail it, if it had happened, not that that space of time has been entirely barren of incidents, but as few of them have been of the agreeable kind, I beg you to accept a sort of journal account of them, which will be the easiest for me.

On the 22d, the indisposition that had hung about me for some time, sometimes appearing as a bilious cholic, and sometimes as a rheumatic asthma, to my great satisfaction changed to a gout in the left arm and hand, leaving the breast and stomach perfectly relieved, and the cough, which had been excessive, entirely gone. This day, Mr. Ellis, with sixty militia from Kentucky, joined the Army, and brought up a quantity of flour and beef.

23d. Two men taken in the act of deserting to the enemy, and one for shooting another soldier, and threatening to kill an officer, were hanged upon the grand parade, the whole Army being drawn out; since the Army has halted, the country around this, and a-head for fifteen miles, has been well examined, it is a country which, had we arrived a month sooner in it, and with three times

the number of animals, they would have been all fat now.

24th. Named the fort, Jefferson, (it lies it lat. 50. 4. 22 N.) and marched the same Indian path, serving to conduct us about six miles, and encamped on good ground and an excellent position; a rivulet in front and a very large drain, which would at the proper season afford forage for a thousand horses on the left. So ill this day that I had much difficulty in keeping with the Army.

25th. Very hard rains last night, obliged to halt to-day on account of provisions, for though the soldiers may be kept pretty easy in camp under the expectation of provisions arriving, they cannot bear to march in advance, and take none along with them; received a letter from Mr. Hodgson, by express; 1,300 pounds flour will arrive the 27th.

26th. A party of militia, sent to reconnoitre, fell in with five Indians and suffered them to slip through their fingers. In their camp, articles to the value of \$22 were found and divided. The Virginia battalion is melting down very fast, notwithstanding the promises of the men to the officers. Thirteen have been discharged by Colonel Darke to-day.

27th. Gave orders for enlisting the levies, with the condition of serving out their time in the present corps. Payamingo arrived in camp with his warriors. I was so unwell, could only see him and bid him welcome; but entered on no business. Considerable dissatisfaction among the levies about their enlistments.

28th. Some clothing sent for to Fort Washington for the recruits arrived; was begun to be distributed, and will have a good effect; but the enlisting the levies does not meet with the encouragement that might have been expected. It is not openly complained of by the officers, but it is certainly privately by some of high rank; and the measure of tempting them with warm clothing, condemned. Mr. Hodgson writes me, that he is sending forward a quantity of woolen overalls and socks, by General Butler's orders. I have ordered them to be deposited at Fort Jefferson. Some few Indians about us, probably those the militia fell in with a day or two ago. Two of the levies were fired upon about three miles off; one killed; two of the militia likewise. One of them got in, and the other missing, supposed to be taken.

29th. Payamingo and his people, accompanied by Captain Sparks, and four good riflemen, going on a scout, they do not propose to return under ten days, unless they sooner succeed in taking prisoners.

30th. The Army moved about nine o'clock, and with much difficulty made seven miles, having left a considerable part of the tents by the way; the provision made by the Quartermaster for that purpose was not adequate—three days' flour issued to the men, to add the horses that carried it to his arrangements—the Indian road still with us; the course of this day N. 25 W.

31st. This morning about sixty of the militia deserted; it was at first reported that one-half of them had gone off, and that their design was to plunder the convoys which were upon the road.

Defeat of General St. Clair.

I detached the first regiment in pursuit of them, with orders to Major Hamtramck to send a sufficient guard back with Benham (a Commissary) whenever he met with them, and follow them about twenty-five miles below Fort Jefferson, or until he met the second convoy, and then return and join the Army. Benham arrived last night; and to-day, November 1st, the Army is halted to give the road-cutters an opportunity of getting some distance ahead, and that I might write to you. I am this day considerably recovered, and hope that it will turn out, what I at first expected would be, a friendly fit of the gout come to relieve me from every other complaint.

Yesterday I was favored with your's of the 28th and 29th of September. I have enclosed my communications with the old and new contractors, and their answers. My orders from the posts to them are not yet definitive, but they will be very soon. In the mean time, I expect they are both at work.

With great respect, I have the honor to be, sir, your most obedient servant,

ARTHUR ST. CLAIR.

To the Hon. H. Knox, Secretary of War.

P. S. Your Letters for General Wilkinson and General Scott, Mr. Jones and Mr. Brown, are sent back; and the public thanks, in the name of the President, presented to General Wilkinson, agreeably to your directions.

Copy of a Letter from Major General St. Clair, to the Secretary for the Department of War.

FORT WASHINGTON, November 9, 1791.

Sir: Yesterday afternoon the remains of the Army under my command got back to this place, and I have now the painful task to give you an account of as warm, and as unfortunate an action as almost any that has been fought, in which every corps was engaged and worsted, except the first regiment, that had been detached upon a service I had the honor to inform you of in my last despatch, and had not joined me.

On the 3d instant, the Army had reached a creek about twelve yards wide running to the southward of west, which I believe to have been the river St. Mary, that empties into the Miami of the lake; arrived at the village about four o'clock in the afternoon, having marched near nine miles, and were immediately encamped upon a very commanding piece of ground in two lines, having the above-mentioned creek in front, the right wing composed of Butler's, Clarke's, and Patterson's battalions, commanded by Major General Butler, formed the first line, and the left wing consisting of Bedinger's and Gaither's battalions, and the second regiment commanded by Colonel Darke formed the second line, with an interval between them of about seventy yards, which was all the ground would allow.

The right flank was pretty well secured by the creek, a steep bank, and Faulkner's corps, some of the cavalry and their picquets cover the left flank; the militia were thrown over the creek, and advanced about one quarter of a mile, and encamped in the same order, there were a few

line, another charge was made upon the enemy, as if with the design to turn their right flank, but, in fact, to gain the road; this was effected; and, as soon as it was open, the militia took along it, followed by the troops, Major Clark, with his battalion, covering the rear.

The retreat, in those circumstances, was, you may be sure, a very precipitate one: it was, in fact, a flight. The camp and the artillery were abandoned, but that was unavoidable, for not a horse was left alive to have drawn it off, had it otherwise been practicable. But the most disgraceful part of the business is, that the greatest part of the men threw away their arms and accoutrements, even after the pursuit, which continued about four miles, had ceased. I found the road strewn with them for many miles, but was not able to remedy it; for, having had all my horses killed, and being mounted upon one that could not be pricked out of a walk, I could not get forward half the front, or to prevent the men from parting with their arms, were unattended to. The route continued quite to Fort Jefferson, 29 miles, which began about half an hour before sunrise, and the retreat was attempted at half an hour after nine o'clock.

I have not yet been able to get returns of the killed and wounded; but Major General Butler, Lieutenant Colonel Oldham, of the militia, Major Ferguson, Major Hart, and Major Clarke, are among the former. Colonel Sargent, my Adjutant General, Lieutenant Colonel Darke, Lieutenant Colonel Gibson, Major Butler, and the Viscount Malletie, who served me as an aid-de-camp, are among the latter, and a great number of Captains and subalterns in both.

I have now, sir, finished my melancholy tale—a tale that will be felt sensibly by every one that has sympathy for private distress, or for public misfortune. I have nothing, sir, to lay to the charge of the troops but their want of discipline, which, from the short time they had been in service, it was impossible they should have acquired, and which rendered it very difficult, when they were thrown into confusion, to reduce them again to order, which is one reason why the loss has fallen so heavy upon the officers, who did every thing in their power to effect it. Neither were my own exertions wanting; but, worn down with illness, and suffering under a painful disease, unable either to mount or to dismount a horse without assistance, they were not so great as they otherwise would, and perhaps ought, to have been. We were overpowered by numbers, but it is no more than justice to observe, that, though composed of so many different species of troops, the utmost harmony prevailed through the whole Army during the campaign.

At Fort Jefferson, I found the first regiment, which had returned from the service they had been sent upon, without either overtaking the deserters, or meeting the convoy of provisions. I am not certain, sir, whether I ought to consider the absence of this regiment from the field of ac-

Defeat of General St. Clair.

tion as fortunate or otherwise. I incline to think it was fortunate; for I very much doubt whether, had it been in the action, the fortune of the day had been turned: and, if it had not, the triumph of the enemy would have been more complete, and the country would have been destitute of every means of defence.

Taking a view of the situation of our broken troops at Fort Jefferson, and that there were no provisions in the fort, I called on the field officers, viz: Lieutenant Colonel Darke, Major Hamtramck, Major Zeigler, and Major Gaither, together with the Adjutant General, for their advice what would be proper further to be done; and it was their unanimous opinion that the addition of the first regiment, unbroken as it was, did not put the Army on so respectable a footing as it was in the morning, because a great part of it was now unarmed; that it had been then found unequal to the enemy, and should they come on, which was probable, would be found so again; that the troops could not be thrown into the fort, both because it was too small, and that there were no provisions in it; that provisions were known to be upon the road, at the distance of one, or, at most, two marches; that, therefore, it would be proper to move, without loss of time, to meet the provisions when the men might have the sooner an opportunity of some refreshment, and that a proper detachment might be sent back with it, to have it safely deposited in the fort. This advice was accepted, and the Army was put in motion again at ten o'clock, and marched all night, and the succeeding day met with a quantity of flour; part of it was distributed immediately, part taken back to supply the Army on the march to Fort Hamilton, and the remainder, about fifty horse-loads, sent forward to Fort Jefferson. The next day a drove of cattle was met with for the same place; and I have information that both got in. The wounded who had been left at that place were ordered to be brought here by the return of the horses.

I have said, sir, in a former part of this letter, that we were overpowered by numbers; of that, however, I have no evidence: but the weight of the fire, which was always a most deadly one, and generally delivered from the ground, few of the enemy showing themselves aloft, except when they were charged, and that, in a few minutes, our whole camp, which extended above three hundred and fifty yards in length, was entirely surrounded and attacked on all quarters.

The loss, sir, the public has sustained, by the fall of so many officers, particularly General Butler and Major Ferguson, cannot be too much regretted; but it is a circumstance that will alleviate the misfortune in some measure, that all of them fell most gallantly, doing their duty. I have had very particular obligations to many of them, as well as to the survivors; but to none more than to Colonel Sargent. He has discharged the various duties of his office with zeal, with exactness, and with intelligence; and, on all occasions, afforded me every assistance in his power, which I have also experienced from my Aid-de-camp, Lieu-

Reduction of the Public Debt.

tenant Denny, and the Viscount Malerlie, who served with me in the station as a volunteer. With every sentiment of respect and regard, I have the honor to be, sir, your most obedient servant,

ARTHUR ST. CLAIR.
The Hon. H. Knox, Secretary of War.

P. S.—Some orders that had been given to Colonel Oldham over night, and which were of much consequence, were not executed, and some very material intelligence was communicated by Captain Slough to General Butler, in the course of the night before the action, which was never imparted to me, nor did I hear of it until after my arrival here.

List of the killed and wounded officers in the battle of the 4th of November, 1791.

KILLED.

Major General Richard Butler; Colonel Oldham, Kentucky Militia; Majors Ferguson, Clarke, and Hart; Captains Bradford, Phelan, Kirkwood, Price, Van Swearingen, Tipton, Smith, Purdy, Piatt, Guthrie, Cribbs, and Newman; Lieutenants Spear, Warren, Boyd, MacMath, Burgess, Kelso, Read, Little, Hapner, and Wilkins; Ensigns Cobb, Balch, Chace, Turner, Wilson, Brooks, Beatty, and Purdy; Quartermasters Reynolds and Ward; Adjutant Anderson; Doctor Grasson.

WOUNDED.

Lieutenant Colonels Gibson, Darke, and Sergeant adjutant general; Major Butler; Captains Doyle, Trueman, Ford, Buchanan, Darke, and Slough; Lieutenants Gration, Davidson, De Butts, Price, Morgan, McCrad, Lysle, and Thompson; Adjutants Whistler and Crawford; Ensign Bines; the Viscount Malerlie, volunteer aid-camp to Major General St. Clair.

REDUCTION OF THE PUBLIC DEBT.

The SECRETARY OF THE TREASURY, in obedience to the order of the House of Representatives of the 19th instant, respectfully makes the following Report:

At the close of the year 1790 there was a considerable surplus of revenue beyond the objects of expenditure which had required a provision to that period; which surplus, by an act of the 12th of August in that year, was appropriated to the reduction of the Public Debt. The statement (A) herewith submitted will show, in one view, all the sums which, according to the establishments heretofore made, and corresponding appropriations, have required and will require to be defrayed, from the beginning of the year 1791 to the end of the year 1792, amounting together to \$7,029,755 74. The statement (B) will also show, in one view, the nett product of all the public revenues for the same period, according to the best calculation and estimate which can now be formed of it, amounting to \$7,029,755 26 cents. The statement (C) exhibits a summary of the total annual expenditure of the United States, in conformity to exist-

Reduction of the Public Debt.

Amount of one year's interest on the Public Debt, foreign and domestic, during the year 1791 - \$2,060,861 40
Amount of one year's interest on the Public Debt, foreign and domestic, (including that of the respective States assumed,) during the year 1792 - 2,849,194 73
Total expenditure to the end of the year 1792 - 4,910,056 13

ALEXANDER HAMILTON,
Secretary of the Treasury.
TREASURY DEPARTMENT, January 23, 1792.

Estimate of the nett product of the public revenues during the years 1791 and 1792.

IMPORT DUTIES FOR 1791.
Quarter ending 31st March - \$314,881 11
Quarter ending 30th June, (A) - 1,345,303 49
Quarter ending 30th September - 919,570 66
Quarter ending 31st December, (B) - 600,000 00

Total nett products for 1791, of imports - 3,179,755 26
Duties on home-made spirits, from the 1st July to the last of December, (C) - 150,000 00
Total nett revenue, 1791 - 3,329,755 26

Duties on imports for the year 1792 estimated at, (D) - \$3,300 00
Duties on home-made spirits for the same year estimated at (E) - 400,000 00
Total of nett revenue for the years 1791 and 1792 - 3,700,000 00

Notes to statement, (B.)

(A.) The produce of these three quarters may be considered as ascertained. Though returns have not been received from all the ports for the entire period, yet so many have been received (including the principal ports) as to have admitted of a calculation, with regard to the rest, not liable to material error. The produce for the year 1790 has served as a guide in respect to ports from which returns have not been received.

(B.) The sum here stated is altogether upon estimate, the time which has elapsed since the end of the quarter not admitting of the proper documents. It exceeds the produce of the same quarter for the preceding year \$55,773 19. If the ratio of increase of any preceding quarter during the year 1791 had been applied to this quarter, the sum would have been considerably greater. But it is believed that this would not furnish a just rule. It is understood that the importations for the last quarter of 1790 were much increased to avoid the additional duties which were to take place on the first day of the year 1791. And,

though the additional duty on distilled spirits might at first view be expected to add to the product for the quarter in question, yet it is far from certain that this was the effect of it. Extraordinary exertions were made to import distilled spirits prior to July, when the additional duty took effect, which may be supposed to have lessened the quantity afterwards, so as to leave it a question whether this article was more or less productive in that quarter than in the same quarter of the former year. Making allowance for these circumstances, it does not appear probable that the last quarter of 1791 will exceed the last quarter of 1790 in so great a proportion as any of the preceding corresponding quarters.

(C.) This sum is materially short of the originally-estimated product; but, from the returns hitherto received, it does not appear likely to be greater. This is owing partly to a decreased distillation of spirits from foreign materials, in consequence of a sudden rise in the price of molasses, and partly to the obstacles which have retarded the complete execution of the law.

(D.) The sum here estimated cannot, in the nature of the thing, be accurate. It includes a compromise of opposite considerations. First, it contemplates an additional sum for the additional duty on imported spirits, which will be fully operative during the present year. Secondly, it contemplates the possibility that the disturbances in Hispaniola may tend to diminish the supply of several articles which are objects of considerable duties, and may proportionably diminish the revenue. Hence about one-third of the probable increase of the duties on spirits is added to the produce of the year 1791, and the aggregate is taken as the produce of the year 1792, abating two-thirds of that increase as an equivalent for other deficiencies.

(E.) The same disturbances in Hispaniola may be expected to diminish the product of the duties on home-made spirits, by considerably reducing the supply of molasses; which, added to the obstacles already alluded to, (and which it will require yet some time completely to surmount,) cannot fail to render the real product of these duties, in the course of the present year, materially less than the estimated product. Accordingly, an abatement of about one-third is made in the present estimate.

ALEXANDER HAMILTON,
Secretary of the Treasury.
TREASURY DEPARTMENT, January 23, 1792.

Estimate of annual expenditure on the ground of existing establishments, viz:

For the support of the civil establishments of Government, including \$40,000 for foreign affairs - \$368,653 56
Stated expenditure of the War Department, including \$25,000 for Indian affairs - 383,731 61
Pensions to invalids - 87,463 69
838,849 77

Loans.

Interest on the Public Debt, foreign and domestic, including the amount of the State debts assumed - 2,849,194 73
Total annual expenditure - 3,688,043 50

ALEXANDER HAMILTON,
Secretary of the Treasury.
TREASURY DEPARTMENT, January 23, 1792.

THE PUBLIC DEBT.

SIR: I have the honor to send herewith a Report on the subject of the Public Debt, pursuant to the order of the House of Representatives of the first of November, 1791, and to subsequent references therein mentioned; and to beg your perfect respect, sir, your most obedient and most humble servant.

ALEXANDER HAMILTON,
Secretary of the Treasury.
The Hon. the SPEAKER
of the House of Representatives.

TREASURY DEPARTMENT, Jan. 23, 1792.
Pursuant to the order of the House of Representatives of the first of November, 1791, directing the Secretary of the Treasury "to report to the House the amount of the subscriptions to the loans proposed by the act making provision for the Public Debt, as well in the debts of the respective States as in the Domestic Debt of the United States, and of the parts which remain unsubscribed, together with such measures as are, in his opinion, expedient to be taken on the subject," the said Secretary respectfully submits the following Report:

I. The whole amount of the Domestic Debt of the United States, principal and interest, which has been subscribed to the loan proposed concerning that Debt, by the act entitled "An act making provision for the Debt of the United States," according to the statement herewith transmitted, marked A, and subject to the observations accompanying that statement, is \$31,797,481 22.

Which, pursuant to the terms of that act, has been converted into stock bearing an immediate interest of six per cent. per annum \$14,177,450 43

Stock bearing the like interest from the first of January, 1801, 7,088,727 79
Stock bearing an immediate interest of three per cent. per annum - 10,531,303 00

Total - \$31,797,481 22

Of which there stands to the credit of the Trustees of the Sinking Fund, in consequence of purchases of the Public Debt, made under their direction, the sum of \$1,131,364 76.

The unsubscribed residue of the said Debt, according to the statements herewith transmitted, marked B and C, and subject to the observations accompanying the statement C, appears to amount to \$10,616,604 65.

Consisting of registered Debt, principal and interest - \$6,795,815 26
Unsubscribed stock on the books of the Commissioners of Loans for New Jersey, Pennsylvania, and Maryland, principal and interest - 15,674 62
Credits on the books of the Treasury, for which no certificates have been issued, principal and interest - 107,648 63
Outstanding or floating evidences of Debt estimated, per statement C, at - 3,697,466 14
Total - \$10,616,604 65

Concerning which, some farther arrangement is necessary.

The greatest part of the registered Debt, hitherto subscribed, is owned by citizens of foreign countries; most, if not all, of whom appear now disposed to embrace the terms held out by the act above mentioned; extensive orders having been received from those creditors to subscribe to the loan, after the time for receiving subscriptions had elapsed.

A considerable part of the outstanding or floating Debt consists of loan-office certificates, issued between the first of September, 1777, and the first of March, 1778, bearing interest on the nominal sum. Many of the holders of this species of Debt have come in upon the terms of this act, but others have hitherto declined it; alleging that the special nature of their contract gives a peculiarity to their case, and renders the commutation proposed not so fair an equivalent to them as in other instances. They also complain that the act has had, towards them, a compulsory aspect, by refusing the temporary payment of interest unless they should exchange their old for new certificates, essentially varying the nature of their contract.

A resolution of Congress of the 10th of September, 1777, stipulates in favor of this class of creditors, interest upon the nominal instead of the real principal of their Debt, until that principal be discharged. This certainly renders their contract of a nature more beneficial than that of other creditors; but they are, at the same time, liable to be divested of the extra benefit it gives them by a payment of their specie dues; and it may be observed, that they have actually enjoyed, and by accepting the terms offered to them, were enabled to realize, advantages superior to other creditors. They have been paid interest by bills on France, from the 10th of September, 1777, to the 1st of March, 1782, while other creditors received their interest in depreciated bills of the old emissions; and the terms of the loan proposed put it in their

Loans.

power to realize the benefit of interest on the nominal amount of their respective debts, at rates from six and twenty-one hundredths nearly to ten and forty-seven one hundredths per cent., on their real or specie capital, down to the last of December, 1790.

It does not, therefore, appear to have been an unreasonable expectation that they, as readily as any other description of public creditors, would have acquiesced in a measure calculated for the accommodation of the Government, under circumstances in respect to which it has been demonstrated, by subsequent events, that the accommodation desired was consistent with the best interest of the public creditors. A large proportion of the parties interested have, indeed, viewed the matter in this light, and have embraced the proposition. It is probable that the progress of things will satisfy the remainder that it is equally their interest to concur, if a farther opportunity be afforded. But it is, nevertheless, for themselves only to judge how far the equivalent proposed is in their case a reasonable and fair one; how far any circumstances in their claim may suggest reasons for moderation on their part; or how far any other motives, public or private, ought to induce an acceptance. And the principles of good faith require that their election should be free.

On this ground, the complaint which regards the withholding of a temporary payment of interest, except on the condition of surrender of the old certificates for new ones, importing a contract substantially different, appears to the Secretary not destitute of foundation. He presumes that the operation of that provision, in the particular case, was not adverted to; or, that an exception would have been introduced as most consonant with the general spirit and design of the act. Accordingly, the further measures which will be submitted will contemplate a method of obviating the objection in question.

From the consideration that an extension of the time for receiving stipulations, upon the terms of the act making provision for the Debt of the United States, is desired by a large proportion of the non-subscribing creditors; and from the further consideration that sufficient experience has not yet been had of the productiveness of a considerable branch of the revenues which have been established, to afford the light necessary to a final arrangement, it is, in the judgment of the Secretary, advisable to renew the proposition for a loan in the Domestic Debt, on the same terms with the one which has been closed, and to allow time for receiving subscriptions to it until the last day of September next, inclusively; making provision for a temporary payment of interest to such who may not think fit to subscribe, for the year 1792, of the like nature with that which was made in the same case for the year 1791—except as to the holders of Loan-office certificates, issued between the 1st of September, 1777, and the 1st of March, 1778; in respect to whom it is submitted as proper to dispense with the obligation of exchanging

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their old certificates for new, as the condition of their receiving interest in capacity of non-subscribers, and to allow them, without such exchange, to receive the same interest, both for the years 1791 and 1792, as if they had subscribed to the first loan. It will not be materially difficult so to regulate the operation at the Treasury as to avoid, in the particular case, that danger of imposition by counterfeits, which was the motive to the general provision for an exchange of certificates.

II. The amount of the subscriptions in the Debts of the respective States, within the limits of the sum assumed in each, appears by the statement marked D to be \$17,073,334 39, subject to the observations accompanying that statement. Consequently, the difference between the aggregate of the sums subscribed, and the aggregate of the sums assumed, is \$4,427,665 61.

This difference is to be attributed to several causes, the principal of which are the following: First, that the sums assumed in respect to certain States, exceeded the actual amount of their existing debts. Second, that in various instances a part of the existing Debt was in a form which excluded it from being received without contravening particular provisions of the law—as in the case of certificates issued after the 1st day of January, 1790, in lieu of certificates which had been issued prior to that period, which was reported upon by the Secretary on the 25th day of February last. Third, ignorance of, or inattention to, the limitation of time for receiving subscriptions. It appears that a number of persons lost the opportunity of subscribing from the one or the other of these causes.

A strong desire that a further opportunity may be afforded for subscriptions in the debts of the States, has been manifested by the individuals interested. And the States of Rhode Island and New Hampshire have, by the public acts referred to the Secretary, indicated a similar desire. The affording of such further opportunity may either be restricted within the limit as to amount, which is contemplated by the act itself, or may receive an extension which will embrace the residuary debts of the States.

The first may be considered as nothing more than giving full effect to a measure already adopted. The last appears to have in its favor all the leading inducements to what has been already done. The embarrassments which might arise from conflicting systems of finance are not entirely obviated. The efficacious command of the national resources for national exigencies, is not unequivocally secured. The equalizing of the condition of the citizens of every State, and exonerating those of the States most indebted, from partial burdens which would press upon them in consequence of exertions in a common cause, is not completely fulfilled until the entire Debt of every State, contracted in relation to the war, is embraced in one general and comprehensive plan. The inconvenience to the United States of debarring the States, which are still encumbered with considerable debts, would bear no proportion

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to the inconvenience which they would feel if left to struggle with those debts unpaid. More general contentment, therefore, in the public mind may be expected to attend such an exoneration, than the reverse, in proportion as the experience of actual inconvenience would be greater, though only applicable to parts, in the one than in the other case.

With regard to States, parts only of the debts of which have been assumed, and in proportions short of those which have prevailed in favor of States, and other short also of what would have resulted from a due apportionment of the entire sum assumed, the claim to a further assumption is founded on considerations of equal justice, as relative to the measure itself, considered in a separate and independent light.

But there is a further reason of material weight for an immediate general assumption. Moneyed men, as well as foreigners as citizens, through the expectation of an eventual assumption, or that in some shape or other a substantial provision will be made for the unassumed residue of the State debts, will be induced to speculate in the purchase of them. In proportion as the event is unsettled, or uncertain, the price of the article will be low, and the present proprietors will be under disadvantage in the sale. The loss to them in favor of the purchasers is to be regarded as an evil; and, as far as it is connected with a transfer to foreigners, at an undervalue, it will be a national evil. By whatsoever authority an ultimate provision may be made, there will be an absolute loss to the community equal to the total amount of such undervalue.

It may appear an objection to the measure, that it will require an establishment of additional funds by the Government of the United States. But this does not seem to be a necessary consequence. The probability is, that without a supplementary assumption, an equal, or very nearly equal augmentation of funds will be requisite to provide for greater balances, in favor of certain States, which would be proportionably diminished by such assumption. The destination, not the quantum of the fund, will, therefore, be the chief distinction between the two cases.

It may also appear an objection to a total assumption, that the magnitude of the object is not ascertained with precision. It is not certainly known what is the sum due in each State, nor has it been possible to acquire the information, owing to different causes. But, though precise data are deficient, there are materials which will serve as guides. From the returns received at the Treasury, assisted by information in other ways, it may be stated, without danger of material error, that the remaining debts of the States, over and above the sums already subscribed, will not exceed the amounts specified in statement D, accompanying this Report; and that, including sums already subscribed, the total amount to be ultimately provided for, in the event of a general assumption, will not exceed \$25,403,363 71, which would constitute an addition of \$3,903,363 71 to the sum of \$21,500,000, already assumed. Should

a total assumption be deemed eligible, it may still be advisable to assign a determinate sum for each State, that the utmost limit of the operation may be pre-established; and it is necessary in order to the certainty of a due provision, in proper time, that interest should not begin to be payable, on the additional sums assumed, until after the year 1793. It will occur, that provision has been made for paying to each State, in trust for its non-subscribing creditors, an interest upon the difference between the sum assumed for such State, and that actually subscribed, equal to what would have been payable, if it had been subscribed.

In the event of a further assumption, either within the limits already established, or commensurate with the limits remaining debts of the States, it is conceived that it will not be incompatible with the provision just mentioned, to retain, at the end of each quarter, during the progress of the further subscription, out of the money directed to be paid to each State, a sum corresponding with the interest upon so much of its debts as shall have been subscribed to that period, paying the overplus, if any, to the State. An absolute suspension of that payment does not appear consistent with the nature of the stipulation included in that provision; for, though the money to be paid to a State be expressly a trust for the non-subscribing creditors, yet, as it cannot be certain beforehand that they will elect to change their condition, the possibility of it will not justify a suspension of payment to the State, which might operate as suspension of payment to the creditors themselves.

A further objection to such a suspension results from the idea that the provision in question appears to have a secondary object, namely: as a pledge for securing a provision for whatever balance may be found due to a State on the general settlement of accounts. The payment directed to be made to a State is "to continue until there shall be a settlement of accounts between the United States and the individual States; and, in case a balance should then appear in favor of a State, until provision shall be made for the said balance." This secondary operation as a pledge or security (consistently with the intent of the Funding Act) can only be superseded in favor of the primary object, a provision for the creditors, and, as far as may be necessary, to admit them to an effectual participation of it. But, as whatever money may be paid to a State is to be paid over to its creditors, proportional deductions may, with propriety, be made from the debts of those creditors who may hereafter subscribe, so as that the United States may not have to pay twice for the same purpose.

If it shall be judged expedient, either to open again, or extend the assumption, it will be necessary to vary the description of the debts, which may be subscribed, so as to comprehend all those which have relation to services or supplies during the war, under such restrictions as are requisite to guard against abuse.

In the original proposition for an assumption of the State debts, and in the suggestions now made on the same subject, the Secretary has con-

Loans.

templated, and still contemplates, as a material part of the plan, an effectual provision for the sale of the vacant lands of the United States. He has considered this resource as an important mean of sinking a part of the Debt, and facilitating ultimate arrangements concerning the residue. If supplementary funds shall be rendered necessary by an additional assumption, the provision will most conveniently be made at the next session of Congress, when the productiveness of the existing revenues, and the extent of the sum to be provided for will be better ascertained.

There is a part of the Public Debt of the United States which is a cause of some perplexity to the Treasury. It is not comprehended within the existing provision for the Foreign debt, which is confined to loans made abroad; and it is questionable whether it is to be regarded as a portion of the Domestic debt. It is not only due to foreigners, but the interest upon it is payable, by express stipulation, in a foreign country; whence it becomes a matter of doubt, whether it be at all contemplated by the act making provision for the Debt of the United States. The part alluded to is that which is due to certain foreign officers who served the United States during the late war. In consequence of a resolution of Congress, directing their interest to be paid to them in France, the certificates which were issued to them specify that "in pursuance of, and compliance with, a certain resolution of Congress of the third day of February, 1784, the said interest is to be paid annually, at the house of Monsieur Le Grand, banker, in Paris." Interest has accordingly been paid to them at Paris, down to the 31st of December, 1788, by virtue of a special resolution of Congress, of the 20th of August in that year; since which period, no payment has been made.

It has been heretofore suggested, as the opinion of the Secretary, that it would be expedient to cause the whole of this description of debt to be paid off, among other reasons, because it bears an interest at six per centum per annum, payable abroad, and can be discharged with a saving. The other reasons alluded to are of a nature both weighty and delicate, and too obvious, it is presumed, to need a specification. Some recent circumstances have served to strengthen the inducements to the measure; but, it should finally be deemed unadvisable, it is necessary, at least, that provision should be made for the interest, which is now suspended, under the doubt that has been stated, and from the want of authority to remit it pursuant to the contract. The amount of this debt, with the arrears of interest to the end of the year 1791, is \$220,646 81.

IV. The act making provision for the Debt of the United States has appropriated the proceeds of the Western lands as a fund for the discharge of the Public Debt. And the act making provision for the reduction of the Public Debt has appropriated all the surplus of the duties on imports and tonnage, to the end of the year 1790, to the purpose of purchasing the Debt at the market price, and has authorized the President to borrow the further sum of \$2,000,000 for the same object.

These measures serve to indicate the intention of the Legislature, as early and as fast as possible, to provide for the extinguishment of the existing Debt. In pursuance of that intention, it appears advisable that a systematic plan should be begun for the creation and establishment of a Sinking Fund.

An obvious basis of this establishment, which may be immediately contemplated, is the amount of the interest on so much of the Debt as has been or shall be, from time to time, purchased or paid off, or received in discharge of any debt or demand of the United States, made payable in public securities, over and above the interest of any new debt, which may be created in order to such purchase, or payment.

The purchases of the Debt already made have left a sum of interest in the Treasury, which will be increased by future purchases, certain sums payable to the United States in their own securities, will, when received, have a similar effect. And there is ground to calculate on a saving upon the operations which are in execution with regard to the Foreign debt. The sale of the Western lands, when provision shall be made for it, may be expected to produce a material addition to such a fund.

It is, therefore, submitted that it be adopted as a principle, that all interest which shall have ceased to be payable, by any of the means above specified, shall be set apart and appropriated in the most firm and inviolable manner, as a fund for sinking the Public Debt, by purchase or payment; and that the said fund be placed under the direction of the officers named in the second section of the act making provision for the reduction of the Public Debt, to be by them applied towards the purchase of the said Debt, until the annual produce of the said fund shall amount to two per cent. of the entire portion of the Debt which bears a present interest of six per centum, and thenceforth to be applied towards the redemption of that portion of the Debt, according to the right which has been reserved to the Government.

It will deserve the consideration of the Legislature, whether this fund ought not to be so vested as to acquire the nature and quality of a proprietary trust, incapable of being diverted without a violation of the principles and sanctions of property.

A rapid accumulation of this fund would arise from its own operation; but it is not doubted that the progressive development of the resources of the country, and a reduction of the rate of interest, by the progress of public credit, already exemplified in a considerable degree, will speedily enable the Government to make important additions to it, in various ways. With due attention to preserve order and cultivate peace, a strong expectation may be indulged, that a reduction of the Debt of the country will keep pace with the reasonable hopes of its citizens.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Loans.

A.

Statement of the Debt of the United States, funded agreeably to the act of Congress of the 4th of August, 1790, at the Treasury and the several Loan Offices, from the 1st of October, 1790, to the 30th of September, 1791.

	Funded 6 per cent. stock.	Deferred 6 per cent. stock.	Funded 3 per cent. stock.	Total amount.
Treasury	\$5,184,041 41	\$2,592,018 72	\$3,973,865 10	\$11,749,925 23
New Hampshire	191,322 44	95,661 22	147,423 35	434,407 01
Massachusetts	2,126,062 40	1,063,034 94	1,984,457 41	5,173,554 75
Rhode Island	279,609 72	139,803 55	179,577 71	598,990 98
Connecticut	461,644 31	230,823 38	342,760 99	1,035,228 68
New York	2,204,016 07	1,102,012 12	1,643,224 96	4,949,253 15
New Jersey	472,728 51	236,358 96	271,749 71	980,837 18
Pennsylvania	1,871,455 80	935,730 39	865,216 21	3,672,402 40
Delaware	26,191 19	13,095 64	16,242 75	55,529 58
Maryland	717,818 71	358,903 15	621,188 48	1,697,910 34
Virginia	453,079 69	226,996 35	343,128 22	1,024,104 26
North Carolina	13,064 03	6,531 77	9,398 35	28,994 75
South Carolina	135,366 33	67,682 68	96,060 87	299,109 88
Georgia	40,149 82	20,074 92	37,008 29	97,233 03
	14,177,450 43	7,088,727 79	10,531,303 00	31,797,481 22

The amount of stock funded at the Treasury to 30th September, 1791, has been ascertained with accuracy; but, at that time, many subscriptions had been made, which have not yet been adjusted for want of proper powers of attorney, and other documents. It is, therefore, probable that, on settlement of all the Loans, the amount will be found somewhat different from what is now represented. The sums funded at the several Loan Offices, it is presumed, are ascertained with accuracy; but, as the loans had not been adjusted in all instances when the returns were made, some immaterial differences will probably hereafter appear.

TREASURY DEPARTMENT, REGISTER'S OFFICE, September 30, 1791.

JOSEPH NOURSE, Register.

B.

Statement of the Registered and Unsubscribed Debt of the United States, which remained unfunded upon the close of the Loan on the 30th September, 1791.

REGISTERED OR UNFUNDED DEBT.

The amount of this debt, as stated to Congress on the 3d of March, 1789, was	\$4,598,462 78
There were Treasury certificates issued in exchange for Loan Office settlement certificates, cancelled by the Auditor of the Treasury, from the 3d of March, 1789, to the 30th of April, 1791	4,716,376 45
There have been certificates issued to invalid pensioners and others entitled thereunto, on final settlement, in pursuance of acts of Congress of the present and late Government	134,883 18
	9,449,722 41

Of the said debt, there has been loaned as follow, viz:

From the opening of the Loan to the 31st of March, 1791	\$1,371,978 37
From the 1st April to 30th June, 1791	1,088,466 60
From the 1st July to 30th September	1,611,194 82
	4,071,639 79

Which, being deducted, leaves a balance—principal sum due the several creditors on the Treasury books

5,378,082 62

Loans.

The interest on said Debt to December 31, 1790, is as follows, viz:
 Arranges to the 31st December, 1787 - \$479,677 88
 Three years' interest, from 1st January, 1788, to 31st December, 1790 - 968,054 76
 1,417,732 64

Registered Debt, principal and interest -

\$6,795,815 20

UNSUBSCRIBED DEBT.

The Debt unsubscribed upon the books, New Jersey, Pennsylvania, and Maryland, amounts to

\$12,539 70
 3,134 92

Credits on the Treasury books to invalid pensioners and several corps, for which certificates of Registered Debt are yet to be issued.

15,674 03

INVALID PENSIONERS.

For the amount due to them under the act of Congress providing for the payment of their arrearages - \$56,153 76
 The following corps have credit on the Treasury books, being for certain certificates of final settlement, returned to the Treasury and cancelled, and which certificates had issued to non-commissioned officers and soldiers of said corps, respectively, for their pay:

Fourth regiment Pennsylvania artillery	\$846 37
Corps of light dragoons	1,009 83
Invalid regiment	3,803 35
Artillery officers	386 28
Willlet's regiment	2,565 42
Hazen's regiment	11,267 49
Baldwin's regiment of artificers	281 28
Corps of sappers and miners	416 93
Armand's legion	834 17
Lee's legion	593 17
Fourth Pennsylvania regiment, Captain North's company	\$487 67
Fourth Pennsylvania regiment, Captain Lacy's company	1,062 97
Franklin's company of militia	1,550 64
Individual creditors of the States of Pennsylvania and Maryland have credit on the Treasury books, being for certificates of final settlement, returned to the Treasury and cancelled, and which certificates had issued to them respectively.	280 67
By Benjamin Steele, Commissioner of Pennsylvania	6,130 55
John White, Maryland	98,118 91
	21,529 72
Interest on the foregoing credits	107,649 63
	6,919,138 51

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 30, 1791.

JOSEPH NOURSE, Register.

C.

Estimate of the Outstanding Debt, on the 30th of September, 1791, viz:

The amount of the Domestic Debt of the United States, as stated by the Secretary of the Treasury, in his Report of the 9th of January, 1790, to the House of Representatives, relative to a provision for the support of the public credit, is as follows:

Loans.

Liquidated and Loan Office debt, as per schedule C	-	-	-	-	-	\$27,383,917 67
Interest thereon to the 31st of December, 1790, per schedule D	-	-	-	-	-	13,030,168 20
Additional sum for sinking the Continental bills of credit, and for the discharge of the other parts of the unliquidated debt	-	-	-	-	-	2,000,000 00
						<hr/> 42,414,085 87
From which deduct amount, as per statement A	-	-	-	-	-	\$31,797,481 22
Amount of the registered debt and credit, with interest, per statement B	-	-	-	-	-	6,919,138 51
						<hr/> 38,716,619 73
Balance outstanding	-	-	-	-	-	<hr/> 3,697,466 14

NOTE.—The balance above stated to be outstanding, probably exceeds the real sum. In the original estimate, the old emission bills were computed at forty for one; but they have been provided for, at one hundred for one. There are also Loan Office certificates, which were sent to public officers, to be applied to the public service, and which were supposed to have been so applied, but which have, since, upon settlements of their accounts at the Treasury, been returned and cancelled.

In addition to this, payments in public securities are expected to be made into the Treasury, which will thereupon be cancelled. And it is presumable that, in the course of the war, sums have been lost and destroyed, which are included in the estimate; but, as there is some arrearage of interest not included in the calculation, and as there are certain claims on the Treasury, the event or amount of which is not yet determined, it is not possible now to make a precise estimate of the difference between the sum computed to be outstanding, and what will be really found so.

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 30, 1791.

JOSEPH NOURSE, Register.

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D.

Statement of subscriptions to the Loan, payable in certificates or notes issued by the respective States, in the several Loan Offices, from the 1st of October, 1790, to the 30th of September, 1791, agreeably to the act passed the 4th of August, 1790.

States.	Amount assumed by the act.	Amount unsubscribed.	Remaining unsubscribed, to complete the amount assumed.	Subscribed beyond the assumed.	Estimated amount of the remaining debt of the State.
New Hampshire	\$300,000	\$242,501 25	\$57,498 75	-	\$100,000 00 (a)
Massachusetts	4,000,000	4,447,013 81	-	\$477,013 81	1,838,540 66 (b)
Rhode Island	200,000	344,259 49	-	144,259 49	349,259 69 (c)
Connecticut	1,600,000	1,455,331 81	144,668 19	-	458,436 52 (a)
New York	1,200,000	1,028,238 75	171,761 25	-	195,639 79 (a)
New Jersey	800,000	593,703 56	200,296 44	-	207,647 78 (a)
Pennsylvania	2,200,000	675,101 33	1,524,898 67	-	500,000 00 (a)
Delaware	200,000	53,305 84	146,694 16	-	None.
Maryland	800,000	299,225 40	500,744 60	-	430,000 00 (c)
Virginia	3,500,000	2,552,570 88	947,429 12	-	1,172,555 25 (d)
North Carolina	2,400,000	1,166,355 57	733,644 43	-	713,192 30 (e)
South Carolina	4,000,000	4,634,578 52	-	634,578 52	1,965,756 33 (b)
Georgia	300,000	300,000 00	-	-	400,000 00 (f)
	21,500,000	18,328,186 21	4,427,665 61	1,255,851 82	8,331,028 32

NOTES.

1. The sums marked *a*, in the column of remaining debts, are inserted upon recent official communications.
 2. Those marked *b*, are founded upon official statements some time since received, and reported to the House of Representatives, on the 9th of January, 1790, adding interest for the subsequent period.
 3. Those marked *c*, are founded on informal information, but such as is deemed substantially authentic and accurate.
- The estimate for Rhode Island includes a sum not ascertained, which has been cancelled in consequence of former laws of the State, enjoining the creditors to bring in their certificates, and receive

Spirits, Foreign and Domestic.

payment in paper money, but has been revived by a late law of the State, directing the sums paid to be liquidated according to a certain scale, and deducted from the original amount.

4. That marked *d*, is founded on a report of a committee of the 11th November, 1791, to the House of Delegates of Virginia, compared with a former return to the Treasury, and other informations.
5. That marked *e*, is founded upon a statement of the Comptroller of North Carolina, of the 30th of May, 1790.
6. That marked *f*, is founded on a statement of the Treasurer of Georgia, of the 30th of April, 1790, compared with other information.
7. The sums expressed in round numbers are not meant to be understood as precisely accurate, but as very near the truth.
8. The Foreign, as well as the Domestic Debt of the States, is included.
- TREASURY DEPARTMENT, *January 25, 1792.*

TREASURY DEPARTMENT, January 25, 1792.
ALEXANDER HAMILTON, Secretary of the Treasury.

SPIRITS. FOREIGN AND DOMESTIC.

SPIRITS, FOREIGN AND DOMESTIC.

In obedience to the orders of the House of Representatives, of the first and second days of November last, the first directing the Secretary of the Treasury to report to the House such information as he may have obtained respecting any difficulties which may have occurred in the execution of the act "repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," together with his opinion thereupon. The second directing him to report to the House whether any and what alterations in favor of the spirits which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the act for laying duties upon spirits distilled within the United States, consistently with its main design, and with the maintenance of the public faith. The said Secretary respectfully submits the following Report:

From the several petitions and memorials which have been referred to the Secretary, as well as from various representations which have been made to him, it appears that objections have arisen in different quarters against the above-mentioned act, which have, in some instances, embarrassed its execution; and inspired a desire of its being repealed; in others, have induced a wish that alterations may be made in some of its provisions. These objections have reference to a supposed tendency of the act—1st. To contravene the principle of liberty. 2dly. To infringe the rights of the subject. 3dly. To increase the expense of the law.

It has been heretofore noticed that the chief circumstances which, in certain excise laws, have given occasion to the charge of their being unfriendly to liberty, are not to be found in the act which is the subject of the Report, namely : 1st, a summary and discretionary jurisdiction in the excise officers, contrary to the course of the common law; and an abridgement of the right of trial by jury; and, secondly, a general power in the same officers to search and inspect indiscriminately all the houses and buildings of the persons engaged in the business to which the tax relates.

possessor as a place used for distilling or keeping spirits. And even the power to qualified is only applicable to distilleries from foreign materials, and in cities, towns, and villages, from domestic materials; that is, only in cases in which the law contemplates that the business is carried on upon such a scale as effectually to separate the distillery from the dwelling of the distiller. The distilleries scattered over the country, which form much the greatest part of the whole, are in no degree subject to discretionary inspection and search. The true principles of the objection which may be raised to a general discretionary power of inspection and search is, that the domicile or dwelling of a citizen ought to be free from vexatious inquisition and intrusion. This principle cannot apply to a case in which it is put in his own power to separate the place of his business from the place of his habitation, and by designating the former visible public marks, to avoid all interfering with the latter. A distillery seldom forms a part of the dwelling of its proprietor, and even where it does, it depends on him to direct and limit the power of visiting and search, by marking out the particular apartments which are so employed.

But the requisition upon the distiller to set marks on the building or apartments which he makes use of in his business is one of the topics of complaint against the law. Such marks are represented as a dishonorable badge. And thus a regulation designed as much to conform with the feelings of the citizen as for the security of the revenue is converted into matter of objection.

It is not easy to conceive what maxim of liberty is violated by requiring persons who carry on particular trades, which are made contributory to the revenue, to designate by public marks the places in which they are carried on. There can certainly be nothing more harmless or less inconvenient than such a regulation. The thing itself is frequently done by persons of various callings, for the information of customers; and why it should become a hardship or grievance, if required for a public purpose, can with difficulty be imagined.

The supposed tendency of the act to injure morals seems to have relation to the oaths, which are in a variety of cases required, and which are liable to the objection that they give occasion to perjuries. The necessity of requiring oaths is, whenever it occurs, matter of regret. It is certainly desirable to avoid them as often and as far as possible. But it is more easy to desire than to find a substitute. The requiring of them is not peculiar to the act in question. They are a common appendage of revenue laws, and are among the usual guards of those laws, as they are of public and private rights in Courts of Justice. They constantly occur in jury trials, to which the citizens of the United States are so much and so justly attached. The same objection, in different degrees, lies against them in both cases. Yet it is not perceivable how they can be dispensed with in either. It is remarkable that both the kinds of security to the revenue which are to be found in the act, the oaths of parties and the inspection of

officers, are objected to. If they are both to be abandoned, it is not easy to imagine what security there can be for any species of revenue which is to be collected from articles of consumption. If precautions of this nature are inconsistent with liberty, and immoral, as there are very few indirect taxes which can be collected without them, the consequence must be, that the entire or almost entire weight of the public burdens must, in the first instance, fall upon fixed and visible property, houses and lands, a consequence which would be found, in experiment, productive of great injustice and inequality, and ruinous to agriculture.

It has been suggested by some distillers that both the topics of complaint which have been mentioned might be obviated by a fixed rate of duty, adjusted according to a ratio compounded of the capacity of each still, and the number and capacities of the cisterns employed with it; but this and every similar method are objected to by other distillers, as tending to great inequality arising from unequal supplies of the material at different times and at different places, from the different methods of distillation practised by different distillers, and from the different degrees of activity in the business which arise from capitals more or less adequate.

The result of an examination of this point appears to be, that every such mode, in cases in which the business is carried on upon an extensive scale, would necessarily be attended with considerable inequalities, and, upon the whole, would be less satisfactory than the plan which has been adopted.

It is proved by the fullest information that, in regard to distilleries which are rated in the law according to the capacity of each still, the alternative of paying according to the quantity actually distilled is viewed in many parts of the United States as essential to the equitable operation of the duty. And it is evident that such an alternative could not be allowed, but upon the condition of the party rendering upon oath an account of the quantity of spirits distilled by him, without entirely defeating the duty.

As to the charge that the penalties of the act are severe and oppressive, it is made in such general terms, and so absolutely without the specification of a single particular, that it is difficult to imagine where it points. The Secretary, however, has carefully reviewed the provisions of the act in this respect, and he is not able to discover any foundation for the charge. The penalties it inflicts are in their nature the same with those which are common in revenue laws, and in their degree comparatively moderate. Pecuniary fines, from fifty to five hundred dollars, and forfeiture of the article in respect to which there has been a failure to comply with the law, are the severest penalties inflicted upon delinquent parties, except in a very few cases. In two, a forfeiture of the value of the article is added to that of the article itself; and, in some others, a forfeiture of the ship or vessel and of the wagon or other instrument of conveyance, assistant in a breach of law, is likewise involved.

Penalties like these for wilful and fraudulent breaches of an important law cannot truly be deemed either unimportant or excessive. They are less than those which secure the laws of impost, and as moderate as can promise security to any object of revenue which is capable of being evaded.

There appears to be but one provision in the law which admits of a question whether the penalty prescribed may not partake of severity. It is that which inflicts the pains of perjury on any person who shall be convicted of "wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required by the act. Precedents in relation to this particular vary. In many of them the penalties are less severe than for perjury in Courts of Justice; in others they are the same. The latter are generally of the latest date, and seem to have been the result of experience.

The United States have in other cases pursued the same principle as in the law in question; and the practice is certainly founded on strong reasons. 1st. The additional security which it gives to the revenue cannot be doubted. Many who would risk pecuniary forfeitures and penalties would not encounter the more disgraceful punishment annexed to perjury.

2d. There seems to be no solid distinction between one false oath in violation of law and right and another false oath in violation of law and right.

A distinction in the punishments of different species of false swearing is calculated to beget false opinions concerning the sanctity of an oath; and, by countenancing an impression that a violation of it is less heinous in the cases in which it is less punished, it tends to impair in the mind that scrupulous veneration for the obligation of an oath which ought always to prevail, and not only to facilitate a breach of it in the cases which the laws have marked with less odium, but to prepare the mind for committing the crime in other cases.

So far is the law under consideration from being chargeable with particular severity, that there are to be found in it marks of more than common attention to prevent its operating severely or oppressively. The 43d section of the act contains a special provision (and one which it is believed is not to be found in any law enacted in this country prior to the present Constitution of the United States) by which forfeitures and penalties incurred without an intention of fraud or wilful negligence may be mitigated or remitted. This mild and equitable provision is an effectual guard against suffering or inconvenience in consequence of undesigned transgressions of the law.

The 30th section contains a provision in favor of persons who, though innocent, may accidentally suffer by seizures of their property, (as in the execution of the revenue laws sometimes unavoidably happens,) which is perhaps entirely peculiar to the law under consideration. Where there has even been a probable cause of seizure, sufficient to acquit an officer, the jury are to assess whatever damages may have accrued from any injury to the articles seized, with an allowance for the de-

tention of it at the rate of six per centum per annum of the value, which damages are to be paid out of the public Treasury.

There are other provisions of the act which mark the scrupulous attention of the Government to protect the parties concerned from inconvenience and injury, and which conspire to vindicate the law from imputations of severity or oppression.

The supposed tendency of the act to injure industry, and to interfere with the business of distilling, is endeavored to be supported by some general and some special reasons, both having relation to the effect of the duty upon the manufacture. Those of the first kind affirm generally that duties on home manufactures are impolitic, because they tend to discourage them; that they are particularly so when they are laid on articles manufactured from the produce of the country, because they have then the additional effect of injuring agriculture; that it is the general policy of nations to protect and promote their own manufactures, especially those which are wrought out of domestic materials; that the law in question interferes with this policy.

Observations of this kind admit of an easy answer. Duties on manufactures tend to discourage them or not, according to the circumstances under which they are laid, and are impolitic or not, according to the same circumstances. When a manufacture is in its infancy, it is impolitic to tax it; because the tax would be both unproductive and would add to the difficulties which naturally impede the first attempts to establish a new manufacture, so as to endanger its success. But when a manufacture, as in the case of distilled spirits, in the United States, is arrived at maturity, it is as fit an article of taxation as any other. No good reason can be assigned why the consumer of a domestic commodity should not contribute something to the public revenue, when the consumer of a foreign commodity contributes to it largely; and, as a general rule, it is not to be disputed that duties on articles of consumption are paid by the consumers.

To the manufacture itself the duty is no injury, if an equal duty be laid on the rival foreign article. And when a greater duty is laid upon the latter than upon the former, as in the present instance, the difference is a bounty on the domestic article, and operates as an encouragement of the manufacture. The manufacturer can afford to sell his fabric the cheaper, in proportion to that difference, and is so far enabled to undersell and supplant the dealer in the foreign article.

The principle of the objection would tend to confine all taxes to imported articles, and would deprive the Government of resources which are indispensable to a due provision for the public safety and welfare; contrary to the plain intention of the Constitution, which gives express power to employ those resources when necessary: a power which is found in all Governments, and is essential to their efficiency, and even to their existence.

Duties on articles of internal production and manufacture form in every country the principal sources of revenue. Those on imported articles

can only be carried to a certain extent, without defeating their object; by operating either as prohibitions, or as bounties upon smuggling. They are moreover in some degree temporary; for as the growth of manufactures diminishes the quantum of duty on imports, the public revenue ceasing to arise from that source, must be derived from articles which the national industry has substituted for those previously imported. If the Government cannot then resort to internal means for the additional supplies, which the exigencies of every nation call for, it will be unable to perform its duty or even to preserve its existence. The community must be unprotected, and the social compact be dissolved.

For the same reasons that a duty ought not to be laid on an article manufactured out of the produce of the country (which is the point most insisted upon) it ought not to be laid upon the produce itself, nor consequently upon the land, which is the instrument of that produce; because taxes are laid upon land as the fund out of which the income of the proprietor is drawn, or, in other words, on account of its produce. There ought, therefore, on the principle of the objection, to be neither taxes on land, nor the produce of land, nor on articles manufactured from that produce. And if a nation should be in a condition to supply itself, with its own manufactures, there could then be very little or no revenue, of course there must be a want of the essential means of national justice and national security.

Positions like these, however well meant by those who urge them, refute themselves, because they tend to the dissolution of Government, by rendering it incapable of providing for the objects for which it is instituted.

However true the allegation that it is and ought to be the prevailing policy of nations to cherish their own manufactures, it is equally true that nations in general lay duties for the purpose of revenue on their own manufactures; and it is obvious to a demonstration that it may be done without injury to them. The most successful nations in manufactures have drawn the largest revenues from the most useful of them. It merits particular attention, that ardent spirits are an article, which has been generally deemed and made use of, as one of the fittest objects of revenue, and to an extent in other countries, which bears no comparison with what has been done in the United States.

The special reasons alluded to are of different kinds:

I. It is said, that the act in question by laying a smaller additional duty on foreign spirits, than the duty on home-made spirits, has a tendency to discourage the manufacture of the latter.

This objection merits consideration, and as far as it may appear to have foundation, ought to be obviated. The point, however, seems not to have been viewed in all its aspects in a correct light. Before the present Constitution of the United States began to operate, the regulations of the different States, respecting distilled spirits were very dissimilar. In some of them duties were

laid on foreign spirits only, in others, on domestic as well as foreign. The absolute duty in the former instances, and the difference of duty in the latter, was upon an average, considerably less than the present difference in the duties on foreign and home-made spirits. If to this be added the effect throughout the United States, it is easy to infer that the situation of our own distilleries is in the main much better, as far as they are affected by the laws, than it was previous to the passing of any act of the United States upon the subject. They have, therefore, upon the whole, gained materially under the system which has been pursued by the National Government.

The first law of the United States on this head laid a duty of no more than eight cents per gallon on those of Jamaica proof. The second increased the duty on foreign spirits to twelve cents per gallon of the lowest proof, and by certain gradations to fifteen cents per gallon of Jamaica proof. The last act places the duty at twenty cents per gallon of the lowest proof, and extends it by the like gradations, to twenty-five cents per gallon of Jamaica proof, laying also a duty of eleven cents per gallon on home-made spirits distilled from foreign materials of the lowest proof, with a like gradual extension to fifteen cents per gallon of Jamaica proof; and a duty of nine cents per gallon on home-made spirits distilled from domestic materials of the lowest proof, with the like gradual extension to thirteen cents per gallon of Jamaica proof.

If the transition had been immediate from the first to the last law, it could not have failed to have been considered as a change in favor of our own distilleries, as far as the rate of duty is concerned. The mean duty on foreign spirits by the first law was nine cents, by the last the mean extra duty on foreign spirits is in fact about eleven cents, as it regards spirits distilled from foreign materials, and about thirteen, as it regards spirits distilled from domestic materials. In making this computation it is to be adverted to, that the four first degrees of proof mentioned in the law correspond with the different kinds of spirits usually imported, while the generality of those made in the United States are of the lowest class of proof.

Spirits from domestic materials derived a double advantage from the last law, that is, from the increased rate of duty on foreign imported spirits, and from a higher rate of duty on home-made spirits of foreign materials.

But the intervention of the second law has served to produce in some places a different impression of the business than would have happened without it. By a considerable addition to the duties on foreign spirits, without laying anything on those of home manufacture, it has served to give to the last law the appearance of taking away a part of the advantages previously secured to the domestic distilleries. It seems to have been overlooked, that the second act ought in reality to be reviewed only as an intermediate step to the arrangement finally contemplated by the Legislature; and that, as part of a system, it has upon the

whole operated in favor of the national distilleries. The thing to be considered is the substantial existing difference in favor of the home manufacture, as the law now stands.

The advantage, indeed, to the distillation of spirits from the produce of the country arising from the difference between the duties on spirits distilled from foreign and those distilled from domestic materials, is exclusively the work of the last act, and is an advantage which has not been properly appreciated by those distillers of spirits from home produce, who have complained of the law as hurtful to their manufacture.

Causes entirely foreign to the law itself have also assisted in producing misapprehension. The approximation of the price of home-made spirits to that of foreign spirits, which has of late taken place, and which is attributed to the operation of the act in question is in a great degree owing to the circumstances, which have tended to raise the price of molasses in the West India market, and to an extra importation of foreign spirits prior to the first of July last, to avoid the payment of the additional duty which then took place.

It is stated in the petition from Salem, that previous to the last act, the price of domestic to foreign spirits was as 1s. 9d. to 3s. 4d., of the money of Massachusetts, per gallon, and that since that act it has become as 3s. 3d. to 4s. 2d.

It is evident that a rise from 1s. 9d. to 3s. 3d. per gallon, which would be equal to twenty cents, is not to be attributed wholly to a duty of eleven cents. Indeed if there were a concurrence of no other cause, the inference would be very different from that intended to be drawn from the fact, for it would evince a profit gained to the distiller of more than eighty per cent. on the duty.

It is, however, meant to be understood, that this approximation of prices occasions a greater importation and consumption of foreign, and a less consumption of domestic spirits than formerly. How far this may or may not be the case, the Secretary is not now able to say with precision; but no facts have come under his notice officially, which serve to authenticate the suggestion. And it must be considered as possible, that representations of this kind, are rather the effect of apprehension than of experience. It would even be not unnatural, that a considerable enhancement of the prices of the foreign article should have led to a greater consumption of the domestic article, as the cheapest of the two, though dearer itself than formerly.

But while there is ground to believe that the suggestions which have been made on this point, are in many respects inaccurate and misconceived, there are known circumstances, which seem to render advisable, some greater difference between the duties on foreign and on home-made spirits. These circumstances have been noticed in the Report of the Secretary on the subject of manufactures, and an alteration has been proposed by laying two cents in addition upon imported spirits of the lowest proof, with a proportional increase on the higher proofs, and by deducting one cent from the duty on the lowest proof of home-made spirits, with a

proportional diminution in respect to the higher proofs.

This alteration would bring the proportion of the duties nearly to the standard, which the petitioner, Hendrick Doyer, who appears likely to be well informed on the subject, represents as the proper one to enable the distillation of Geneva to be carried on with the same advantage as before the passing of the act. He observes that the duty on home-made Geneva being nine cents, the additional duty on foreign ought to have been twelve cents. By the alteration proposed, the proportion will be as ten to eight, which is little different to that of twelve to nine.

It is worthy of remark, that the same petitioner states, that previous to the passing of the act of which he complains, he "could sell his Geneva sixteen and a quarter per cent. under the price of Holland Geneva, but that he cannot do it at present, and in future, lower than fourteen per cent." If, as he also states, the quality of his Geneva be equal to that of Holland, and if his meaning be as it appears to be, that he can now afford to sell his Geneva lower by fourteen per cent. than the Geneva of Holland, it will follow that the manufacture of that article is in a very thriving train, even under the present rate of duties. For a difference of fourteen per cent. in the price is capable of giving a decided preference to the sale of the domestic article.

II. It is objected that the duty, by being laid in the first instance upon the distiller, instead of the consumer, makes a larger capital necessary to carry on the business, and in this country, where capitals are not large, puts the national distiller under disadvantages.

But this inconvenience, as far as it has foundation, in the state of things, is essentially obviated by the credits given. Where the duty is payable upon the quantity distilled, a credit is allowed, which cannot be less than six, and may extend to nine months. Where the duty is charged on the capacity of the still, it is payable half yearly. Sufficient time is, therefore, allowed to raise the duty from the sale of the article, which supercedes the necessity of a greater capital. It is well known, that the article is one usually sold for cash or at a short credit. If these observations are not applicable to distilleries in the interior country, the same may be said in a great degree of the objection itself. The course of the business in that quarter, renders a considerable capital less necessary than elsewhere. The produce of the distiller's own farm, or of the neighboring farms, brought to be distilled upon shares or compensations in the article itself, constitute the chief business of the distilleries in the remote parts of the country. In the comparatively few instances, in which they may be prosecuted as a regular business, upon a large scale, by force of capital, the observations which have been made will substantially apply.

The collection of the duty from the distiller has, on the other hand, several advantages. It contributes to equality, by charging the article in the first stage of its progress, which diffuses the duty among all classes alike. It the better secures the

collection of the revenue, by confining the responsibility to a smaller number of persons, and simplifying the process. And it avoids the necessity of so great a number of officers as would be required in a more diffuse system of collection, operating immediately upon purchasers and consumers. Besides, that the latter plan would transfer, whatever inconveniences may be incident to the collection, from a smaller to a greater number of persons.

III. It is alleged that the inspection of the officers is injurious to the business of distilling, by laying open its secrets or mysteries.

Different distillers, there is no doubt, practice in certain respects different methods in the course of their business, and have different degrees of skill. But it may well be doubted whether in a business so old and so much diffused as that of the distillation of spirits, there are at this day secrets of consequence to the possessors.

There will at least be no hazard in taking it for granted, that none such exist in regard to the distillation of rum from molasses or sugar, or of the spirits from grain usually called whiskey, or of brandies from the fruits of this country. The cases in which the allegations are made with most color apply to geneva, and perhaps to certain cordials.

It is probable, that the course of the business might and would always be such, as in fact to involve no inconvenience on this score. But as the contrary is affirmed, and as it is desirable to obviate complaint as far as it can be done, consistently with essential principles and objects, it may not be unadvisable to attempt a remedy.

It is to be presumed, that if any secrets exist, they relate to a primary process, particularly the mixture of the ingredients; this, it is supposable, cannot take a greater time each day, than two hours. If, therefore, the officers of inspection were enjoined to forbear their visits to the part of the distillery commonly made use of for such process, during a space not exceeding two hours in each day to be notified by the distiller, there is ground to conclude that it would obviate the objection.

IV. The regulations for marking of casks and vessels, as well as houses and buildings, also furnish matter of complaint. This complaint, as it regards houses and buildings, has been already adverted to; but there is a light in which it is made that has not yet been taken notice of.

It is said that the requiring the doors of the apartments as well as the outer door of each building to be marked, imposes unnecessary trouble. When it is considered how little trouble or expense attends the execution of this provision, in the first instance, and that the marks once set will endure for a great length of time, the objection to it appears to be without weight.

But the provision, as it relates to the apartments of buildings, has for its immediate object the convenience of the distillers themselves. It is calculated to avoid the very evil of an indiscriminate search of their houses and buildings, by enabling them to designate the particular apartments which are employed for the purposes of their business, and to secure all others from inspection and visitation.

The complaint, as it respects the marking of casks and vessels, has somewhat more foundation. It is represented (and upon careful inquiry appears to be true) that through long-established prejudice, home-made spirits of equal quality with foreign, if known to be home-made, will not command an equal price. This particularly applies to geneva. If the want of a distinction between foreign and home-made spirits were an occasion of fraud upon consumers, by imposing a worse for a better commodity, it would be a reason for continuing it; but as far as such a distinction gives operation to a mere prejudice, favorable to a foreign and injurious to a domestic manufacture, it furnishes a reason for abolishing it.

Though time might be expected to remove the prejudice, the progress of the domestic manufacture, in the interval, might be materially checked. It appears, therefore, expedient to remove this ground of complaint by authorizing the same marks and certificates, both for foreign and for home-made geneva. Perhaps, indeed, it may not be unadvisable to vest somewhere a discretionary power to regulate the forms of certificates, which are to accompany, and the particular marks, which are to be set upon casks and vessels containing spirits, generally, as may be found convenient in practice. Another source of objection with regard to the marking of casks is, that there is a general prohibition against defacing or altering the marks, and a penalty upon doing it, which prevents the using of the same casks more than once, and occasions waste, loss, and embarrassment.

It is conceived, that this prohibition does not extend to the effacing of old marks and placing of new ones by the officers of the revenue, or in their presence and by their authority. But as real inconveniences would attend a contrary construction, and there is some room for question, it appears desirable that all doubt should be removed, by an explicit provision to enable the officer to efface old marks and substitute new ones, when casks have been emptied of their former contents, and are wanted for new use.

V. The requisition to keep an account from day to day of the quantity of spirits distilled is represented both as a hardship and impossible to be complied with. But the Secretary is unable to perceive that it can justly be viewed either in the one or in the other light. The trouble of setting down in the evening the work of the day, in a book prepared for and furnished to the party, must be inconsiderable, and the doing of it would even conduce to accuracy in business.

The idea of impracticability must have arisen from some misconception. It seems to involve a supposition that something is required different from the truth of the fact. Spirits distilled are usually distinguished into high wines, proof spirits, and low wines. It is certainly possible to express each day the quantity of each kind produced, and where one kind is converted into another, to explain it by brief notes, showing in proper columns the results in those kinds of spirits which are ultimately prepared for sale.

A revision is now making of the forms at first

transmitted, and it is not doubted that it will be easy to obviate the objection of impracticability. On full reflection the Secretary is of opinion, that the requisition in this respect is a reasonable one, and that it is of importance to the due collection of the revenue, especially in those cases, where, by the alternative allowed in favor of country distilleries, the oath of a party is the only evidence of the quantity produced. It is useful in every such case to give the utmost possible precision to the object which is to be attested.

VI. It is alleged as a hardship, that distillers are held responsible for the duties on spirits which are exported, till certain things difficult to be performed, are done, in order to entitle the exporter to the drawback.

This is a misapprehension. The drawback is at all events to be paid in six months, which is as early as the duty can become payable, and frequently earlier than it does become payable. And the Government relies on the bond of the exporter for a fulfilment of the conditions upon which the drawback is allowed. An explanation to the several collectors of this point, which has taken place since the complaint appeared, will have removed the cause of it. The same explanation will obviate another objection founded on the supposition that the bond of the distiller and that of the exporter are for a like purpose. The latter is merely to secure the landing of the goods in a foreign country, and will often continue depending after every thing relative to duty and drawback has been liquidated and finished.

VII. It is an article of complaint that no drawback is allowed in case of shipwreck when spirits are sent from one port to another in the United States. There does not occur any objection to a provision for making an allowance of that kind, which would tend to alleviate misfortune and give satisfaction.

VIII. The necessity of twenty-four hours' notice, in order to the benefit of drawback on the exportation of spirits, and the prohibition to remove them from a distillery after sun-set, except in the presence of an officer, are represented as embarrassments to business.

The length of notice required appears greater than is necessary. It is not perceived, that any inconvenience could arise, from reducing the time to six hours. But it is not conceived to be necessary or expedient to make an alteration in the last mentioned particular. The prohibition is of real consequence to the security of the revenue. The course of business will readily adapt itself to it, and the presence of an officer in extraordinary cases will afford due accommodation.

IX. It is stated as a hardship, that there is no allowance for leakage and wastage in the case of spirits shipped from one State to another. The law for the collection of the duties on imports and tonnage allows two per cent. for leakage on spirits imported. A similar allowance on home-made spirits at the distillery, does not appear less proper.

X. It is mentioned as a grievance, that distillers are required to give bond with surety for the amount of the duties, and that the sufficiency of the

surety is made to depend on the discretion of the chief officer of inspection. The requiring of sureties can be no more a hardship on distillers than on importing merchants, and every other person to whom the public afford a credit. It is a natural consequence of the credit allowed; and a very reasonable condition of the indulgence which, without this precaution, might be imprudent, and injurious to the United States.

The party has his option to avoid it by prompt payment of the duty, and is even entitled to an abatement, which may be considered as a premium if he elects to do so.

As to the second point, if sureties are to be given, there must be some person on the part of the Government to judge of their sufficiency, otherwise the thing itself would be nugatory; and the discretion cannot be vested more conveniently for the party than in the chief officer of inspection for the survey. A view has now been taken of most, if not of all, the objections of a general nature, which have appeared. Some few of a local complexion remain to be attended to.

The representation, signed Edward Cook, chairman, as on behalf of the four most western counties of Pennsylvania, states, that the distance of that part of the country from a market for its produce leads to a necessity of distilling the grain, which is raised, as a principal dependence of its inhabitants; which circumstance and the scarcity of cash combine to render the tax in question unequal, oppressive, and particularly distressing to them.

As to the circumstance of equality, it may safely be affirmed to be impracticable to devise a tax which shall operate with exact equality upon every part of the community. Local and other circumstances will inevitably create disparities more or less great. Taxes on consumable articles have, upon the whole, better pretensions to equality than any other. If some of them fall more heavily on particular parts of the community, others of them are chiefly borne by other parts. And the result is an equalization of the burden as far as it is attainable. Of this class of taxes it is not easy to conceive one which can operate with greater equality than a tax on distilled spirits. There appears to be no article, as far as the information of the Secretary goes, which is an object of more equal consumption throughout the United States.

In particular districts a greater use of cider may occasion a smaller consumption of spirits; but it will not be found on a close examination that it makes a material difference. A greater or less use of ardent spirits, as far as it exists, seems to depend more on relative habits of sobriety or intemperance than on any other cause.

As far as habits of less moderation, in the use of distilled spirits, should produce inequality anywhere, it would certainly not be a reason with the Legislature either to repeal or lessen a tax which, by rendering the article dearer, might tend to restrain too free an indulgence of such habits.

It is certainly not obvious how this tax can operate particularly unequal upon the part of the country in question. As a general rule it is a

true one, that duties on articles of consumption fall on the consumers, by being added to the price of the commodity. This is illustrated in the present instance by facts. Previous to the law laying a duty on home-made spirits the price of whiskey was about thirty-eight cents; it is now about fifty-six cents. Other causes may have contributed in some degree to this effect, but it is evidently to be ascribed chiefly to the duty.

Unless, therefore, the inhabitants of the countries, which have been mentioned are greater consumers of spirits, than those of other parts of the country, they cannot pay a greater proportion of the tax. If they are, it is their interest to become less so. It depends on themselves by diminishing the consumption to restore equality.

The argument, that they are obliged to convert their grain into spirits in order to transportation to distant markets, does not prove the point alleged. The duty on all they send to those markets will be paid by the purchasers. They will still pay only upon their own consumption.

As far as an advance is laid upon the duty, or as far as the difference of duty between whiskey and other spirits tend to favor a greater consumption of the latter, they as greater manufacturers of the article, supposing this fact to be as stated, will be proportionably benefited.

The duty on home-made spirits from domestic materials, if paid by the gallon, is nine cents. From the communications which have been received, since the passing of the act, it appears that paying the rate annexed to the capacity of the still, and using great diligence, the duty may be in fact reduced to six cents per gallon. Let the average be taken at seven and a half cents, which is probably higher than is really paid.

Generally speaking, then, for every gallon of whiskey which is consumed, the consumer may be supposed to pay seven and a half cents; but for every gallon of spirits distilled from foreign materials, the consumer pays at least eleven cents, and for every gallon of foreign spirits at least twenty cents. The consumer, therefore, of foreign spirits pays nearly three times the duty, and the consumer of home-made spirits from foreign materials nearly fifty per cent. more duty, on the same quantity, than the consumer of spirits from domestic materials, exclusive of the greater price in both cases, which is an additional charge upon each of the two first mentioned classes of consumers.

When it is considered that 4-21 parts of the whole quantity of spirits consumed in the United States are foreign, and 7-21 parts are of foreign materials, and that the inhabitants of the Atlantic and Midland countries are the principal consumers of these more highly taxed articles, it cannot be inferred that the tax under consideration bears particularly hard on the inhabitants of the Western country.

This may serve as an exemplification of a general proposition of material consequence, namely, that, if the former description of citizens are able from situation to obtain more for their produce than the latter, they contribute proportionally

more to the revenue. Numerous other examples in the confirmation of this might be adduced.

As to the circumstance of scarcity of money, as far as it can be supposed to have foundation, it is as much an objection to any other tax as the one in question. The weight of the tax is not certainly such as to involve any peculiar difficulty. It is impossible to conceive that nine cents per gallon on distilled spirits, which is stating it at the highest, can, from the magnitude of the tax, distress any part of the country, which has an ability to pay taxes at all, enjoying too the unexampled advantage of a total exemption from taxes on houses, lands, or stock.

The population of the United States being about four millions of persons, and the quantity of spirits annually consumed between ten and eleven millions of gallons, the yearly proportion to each family, if consisting of six persons, which is a full ratio, would be about sixteen gallons, the duty upon which would be less than one dollar and a half. The citizen who is able to maintain a family, and who is the owner or occupier of a farm, cannot feel any inconvenience from so light a contribution, and the industrious poor, whether artisans or laborers, are usually allowed spirits or an equivalent in addition to their wages.

The Secretary has no evidence to satisfy his mind, that a real scarcity of money will be found, on experiment, a serious impediment to the payment of the tax anywhere. In the quarter where this complaint has particularly prevailed, the expenditures for the defence of the frontier would seem alone sufficient to obviate it. To this it is answered, that the contractors for the supply of the Army operate with goods and not with money.

But this still tends to keep at home whatever money finds its way there. Nor is it a fact, if the information of the Secretary be not materially erroneous, that the purchases of the contractors of flour, meat, &c., are wholly with goods. But if they were, the Secretary can aver, that more money has, in the course of the last year, been sent into the Western country from the Treasury, in specie, and bank bills which answer the same purpose, for the pay of the troops and militia, and for Quartermaster's supplies, than the whole amount of the tax in the four Western counties of Pennsylvania and the district of Kentucky is likely to equal in four or five years. Similar remittances are likely to be made in future.

Hence the Government itself furnishes, and in all probability will continue to furnish, the means of paying its own demands, with a surplus which will sensibly foster the industry of the parties concerned, if they avail themselves of it, under the guidance of a spirit of economy and exertion.

Whether there be no part of the United States, in which the objection of want of money may truly exist, in a degree to render the payment of the duty seriously distressing to the inhabitants, the Secretary is not able to pronounce. He can only express his own doubt, of the fact, and refer the matter to such information as the members of any district so situated, may have it in their power to offer to the Legislative body.

Should the case appear to exist, it would involve the necessity of a measure in the abstract very intelligible, that is, the receipt of the duty in the article itself.

If an alternative of this sort were to be allowed, it would be proper to make it the duty of the party paying, to deliver the article at the place in each county where the office of inspection is kept, and to regulate the price according to such standard, as would induce a preference of paying in cash, except from a real impracticability of obtaining it.

In regard to the petition from the district of Kentucky, after what has been said with reference to other applications, it can only be necessary to observe that the exemption which is sought by that petition, is rendered impracticable by an express provision of the Constitution, which declares, that all duties, imposts and excises shall be uniform throughout the United States.

In the course of the foregoing examination of the objections which have been made to the law, some alterations have been submitted for the purpose of removing a part of them. The Secretary will now proceed to submit such farther alterations as appear to him advisable, arising either from the suggestions of the officers of the revenue, or from his own reflections.

I. It appears expedient to alter the distinction respecting distilleries from domestic materials in cities, towns and villages, so as to confine it to one or more stills worked at the same distillery, the capacity or capacities of which together do not fall short of four hundred gallons.

The effectual execution of the present provisions respecting distilleries from home materials in cities, towns, and villages, would occasion an inconvenient multiplication of officers, and would in too great a degree exhaust the product of the duty in the expense of collection. It is also probable that the alteration suggested would also conduce to public satisfaction.

II. The present provisions concerning the entering of stills are found by experience not to be adequate, and in some instances not convenient.

It appears advisable, that there shall be one office of inspection for each county, with authority to the supervisor to establish more than one, if he shall judge it necessary for the accommodation of the inhabitants; and that every distiller or person having or keeping a still, shall be required to make entry of the same, at some office of inspection for the county, within a certain determinate period in each year. It will be proper also to enjoin upon every person, who, residing within the county, shall procure a still, or who removing into a county, shall bring into it a still, within twenty days after such procuring or removal, and before he or she begins to use the still, to make entry at the office of inspection. Every entry, besides describing the still, should specify in whose possession it is, and the purpose for which it is intended, as whether for sale or for use in distilling; and in the case of a removal of the person from another place into the county, shall specify the place from which the still shall have been brought. A forfeiture of the still ought in every

case in which an entry is required, to attend an omission to enter.

This regulation, by simplifying the business of entering stills, would render it easier to comprehend and comply with what is required, would furnish the officers with a better rule for ascertaining delinquencies, and, by avoiding to them a considerable degree of unnecessary trouble, will facilitate the retaining of proper characters in the offices of collectors.

III. It is represented that difficulties have in some instances arisen concerning the persons responsible for the real proprietor, an opportunity for collusion is afforded; and without collusion the uncertainty is stated as a source of embarrassment.

It also sometimes happens, that certain itinerant persons without property, complying with the preliminary requisitions of the law as to entry, &c., erect and work stills for a time, and before a half-yearly period of payment arrives, remove and evade the duty.

It would tend to remedy these inconveniences, if possessors and proprietors of stills were made jointly and severally liable, and if the duty were made a *specific lien* on the still itself; if also the proprietor of the land, upon which any still may be worked should be made answerable for the duty, except where it is worked by a lawful and *bona fide* tenant of the land of an estate, not less than for a term of one year, or unless such proprietor can make it appear, that the possessor of the still was during the whole time, without his privity or connivance, an intruder or trespasser on the land; and if, in the last place, any distiller about to remove from the division in which he is, should be required previous to such removal to pay the tax for the year, deducting any prior payments, or give bond with approved surety, conditioned for the payment of the full sum for which he or she should be legally accountable to the end of the year, to the collector of the division to which the removal shall be, rendering proof thereof under the hand of the said collector, within six months after the expiration of the year.

As well with a view to the forfeiture of the stills for non-entry, as to give effect to a specific lien of the duty (if either or both of these provisions should be deemed eligible) it will be necessary to enjoin it upon the officers of the revenue to identify by proper marks the several stills which shall have been entered with them.

IV. The exemptions granted to stills of the capacity of fifty gallons and under, by the 36th section of the law, appear from experience to require as to frustrate the revenue, they have excited complaint. It appears at least advisable, that the obligation to enter, as connected with that of paying duty, should extend to stills of all dimensions, and that it should be enforced in every case by the same penalty.

V. The 28th section of the act makes provision for the seizure of spirits unaccompanied with marks and certificates in the cases in which they

are required; but as they are required only in certain cases, and there is no method of distinguishing the spirits, in respect to which they are necessary, from those in respect to which they are not necessary, the provision becomes nugatory, because an attempt to enforce it would be oppressive. Hence not only a great security for the due execution of the law is lost, but seizures very distressing to offending individuals must happen, notwithstanding great precaution to avoid them.

It would be, in the opinion of the Secretary, of great importance to provide, that all spirits whatsoever in casks or vessels of the capacity of twenty gallons and upwards should be marked and certified, on pain of seizure and forfeiture, making it the duty of the officers to furnish the requisite certificates gratis to distillers and dealers in all cases, in which the law shall have been complied with. In those cases in which an occasional recurrence to the officers for certificates might be inconvenient, blanks may be furnished, to be accounted for. And it may be left to the parties themselves, in the like cases, to mark their own casks or vessels, in some simple manner, to be defined in the law. These cases may be designated generally. They will principally relate to dealers, who, in the course of their business, draw off spirits from larger to smaller casks; and to distillers, who pay according to the capacities of their stills.

As a part of a regulation of this sort, it will be necessary to require, that within a certain period, sufficiently long to admit of time to know and comply with the provision, entry shall be made, by all dealers and distillers, of all spirits in their respective possessions, which shall not have been previously marked and certified according to law, in order that they may be marked and certified as old stock.

The regulations here proposed, though productive of some trouble and inconvenience in the outset, will be afterwards a security, both to individuals and to the revenue.

VI. At present spirits may not be imported from abroad in casks of less capacity than fifty gallons. The size of these casks is smaller than is desirable, so far as the security of the revenue is concerned; and there has not occurred any good objection to confining the importation to larger casks, that is to say, to casks of not less than ninety gallons. Certainly, as far as respects rum from the West Indies, it may be done without inconvenience, being conformable to the general course of business. The result of examination is, that the exception as to this particular in favor of rum may be abolished. Should any alteration on this subject take place, it ought not to begin to operate till after the expiration of the year.

VII. There is ground to suppose that the allowance of drawback, without any limitation as to quantity, has been abused. It is submitted, that none be made on any less quantity than one hundred and fifty gallons.

VIII. There is danger that facility may be given to illicit importations, by making use of casks which have been once regularly marked, and the certificates which have been issued with them, to

cover other spirits than those originally contained in such casks. Appearances which countenance suspicion on this point, have been the subjects of representation from several quarters.

The danger may be obviated, by prohibiting the importation in such marked casks, on pain of forfeiture both of the spirits and of any ship or vessel in which they may be brought. A prohibition of this sort does not appear liable to any good objection.

IX. The duty of sixty cents per gallon of the capacity of a still, was founded upon a computation that a still, of any given dimensions, worked four months in the year—which is the usual period of country distillation—would yield a quantity of spirits which, at the rate of nine cents per gallon, would correspond with sixty cents per gallon of the capacity of the still. It will deserve consideration, whether it will not be expedient to give an option to country distillers, at the annual entry of their stills, to take out a license for any portion of the year which they may respectively think fit, and to pay at the rate of twelve and a half cents per gallon of the capacity per month, during such period. This to stand in lieu of the alternative of paying by the gallon, distilled. It would obviate in this case the necessity of accounting upon oath, and would leave it in the power of each distiller to cover the precise time he meant to work his still, with a license, and to pay for that time only. A strict prohibition to distil at any other time than that for which the license was given, would be of course necessary to accompany the regulation, as far as regarded any such licensed distiller.

The only remaining points which have occurred, a proper to be submitted to the consideration of the Legislature, respect the officers of the revenue.

It is represented, that in some instances, from the ill humor of individuals, the officers have experienced much embarrassment, in respect to the filling of stills with water, to ascertain their capacity—which, upon examination, is found the most simple and practicable mode. The proprietors have, in some instances, not only refused to aid the officers, but have even put out of their way the means by which the filling might be conveniently accomplished.

It would conduce to the easy execution of the law, and to the very important purpose of retaining and procuring respectable characters as collectors, if the proprietors and possessors of stills were required to aid them in the execution of this part of their duty, or to pay a certain sum as a compensation for the doing of it.

The limits assigned in the law respecting compensations, are found, in practice, essentially inadequate to the object.

This is so far the case, that it becomes the duty of the Secretary to state that greater latitude in this particular is indispensable to the effectual execution of the law.

In the most productive divisions, the commissions of the collectors afford but a moderate compensation. In the greatest part of them, the compensation is glaringly disproportioned to the ser-

vice; in many of them it falls materially short of the expense of the officer.

It is believed, that in no country whatever has the collection of a similar duty been effected within the limit assigned. Applying in the United States to a single article only, and yielding consequently a less total product than where many articles are comprehended, the expense of collection must of necessity be proportionally greater.

It appears to the Secretary, that seven and a half per cent. of the total product of the duties on distilled spirits, foreign as well as domestic, and not less, will suffice to defray the compensations to officers, and other expenses incidental to the collection of the duty. This is to be understood as supplemental to the present custom-house expenses. It is unnecessary to urge to the House of Representatives, how essential it must be to the execution of the law, in a manner effectual to the purposes of the Government and satisfactory to the community, to secure, by competent though moderate rewards, the diligent services of respectable and trustworthy characters.

All which is humbly submitted.
ALEXANDER HAMILTON,
Secretary of the Treasury.
TREASURY DEPARTMENT, March 5, 1792.

REPORT ON THE SINKING FUND.

IN SENATE, NOVEMBER 7, 1791.
The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America—

That, pursuant to the act entitled "An act making provision for the reduction of the Public Debt," and in conformity to two resolutions agreed upon by them, one on the 15th day of January, and another on the 15th of August last, and severally approved by the President of the United States they have caused purchases of the said Debt to be made, through the agency, respectively, of Samuel Meredith, Treasurer of the United States; William Seton, Cashier of the Bank of New York; Benjamin Lincoln, Collector of the District of Boston and Charlestown; and William Heth, Collector of the District of Bermuda Hundred, to the amount of \$352,677 46, for which there have been paid \$540,924 14, in specie, as will more particularly appear by the several documents (Nos. 1 to 6) herewith submitted as part of this report, and which specify the places where, the times when, the prices at which, and the persons of whom the said purchases have been made.

That, though the statements of William Seton and Benjamin Lincoln have not yet passed through the forms of settlement, it appears, by the document No. 8, being a certified transcript from the books of the Treasury, that the amount of the stock by them respectively reported to have been purchased has been duly transferred to the said books.

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Statement of the purchases of Stock by the Agents to the Trustees named in the Act for the Reduction of the Public Debt.

By whom purchased.	Amount of six per cent. stock.	Amount of three per cent. stock.	Amount of deferred stock.	Total amount of stock purchased.	Amount of specie paid for the purchases.
Samuel Meredith, from passing of the act to December 8, 1790	\$156,308 50	\$61,306 33	\$61,072 47	\$278,687 30	\$150,239 24
Do December 7, 1790, to January 11, 1791	37,781 68	15,402 51	26,477 13	79,661 32	51,449 32
Do January 12, 1790, to February 1, 1791	42,198 91	14,798 63	11,779 18	68,776 72	48,550 68
Do August 17, 1790, to Sept. 19, 1791	5,627 94	84,487 67	139,605 87	239,721 48	148,984 71
William Seton, August 19, 1790, to August 27, 1791	-	13,291 08	173,708 89	186,999 96	116,542 69
Do August 31, 1790, to Sept. 5, 1791	-	12,482 21	41,648 80	54,031 01	33,457 31
Do Sept. 10, 1790, to Sept. 12, 1791	-	41,686 47	40,000 00	81,686 47	50,000 00
William Heth, February 24, 1090, to April 2, 1791	32,192 07	27,466 46	14,714 77	74,373 30	49,934 09
Benjamin Lincoln, February 22, 1790, to March 3, 1791	37,014 34	28,720 00	2,712 66	68,447 00	50,005 34
Totals -	\$311,123 44	\$309,621 56	\$510,619 76	\$1,131,364 76	\$699,163 39

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 4, 1791.

JOSEPH NOURSE, Register.

[Here follow several other statements, comprising the details, which, being voluminous, are omitted.]

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ADDITIONAL SUPPLIES FOR 1793.

THE SECRETARY OF THE TREASURY, March 16, 1793.
In obedience to the resolution of the House of Representatives of the 8th instant directing the said Secretary to report to the House his opinion of the best mode of raising the additional supplies requisite for the ensuing year, respectfully submits the following Report:

The sum which is estimated to be necessary for carrying into effect the purposes of the act for making further and more effectual provision for the protection of the frontiers of the United States, beyond the provision made by the act making appropriations for the support of Government for the year 1792, is \$675,950 08. The returns which have been received at the Treasury subsequent to the Secretary's Report of the 23d of January last, (among which are those of some principal ports,) afford satisfactory ground of assurance that the quarter ending the last of December was considerably more productive than it was supposed likely to prove; authorizing a reliance that the revenues to the end of the year 1791 will yield a surplus of \$150,000, which may be applied in part of the sum of \$675,950 08, above stated to be necessary. Provision remains to be made for the residue of this sum, viz: \$525,950 08. Three expedients occur to the option of the Government for providing this sum: one, to dispose of the interest to which the United States are entitled in the Bank of the United States. This, at the present market price of Bank stock, would yield a clear gain to the Government much more than adequate to the sum required. Another, to borrow the money, upon an establishment of funds, either merely commensurate with the interest to be paid; or affording a surplus which will discharge the principal by instalments within a short term. The third is, to raise the amount by taxes. The first of these three expedients appears to the Secretary altogether inadvisable. First, it is his present opinion that it will be found, in various respects, permanently the interest of the United States to retain the interest to which they are entitled in the Bank; but, secondly, if this opinion should not be well founded, it would be improvident to dispose of it at the present juncture, since, upon a comprehensive view of the subject, it can hardly admit of a doubt that its future value, at a period not very distant, will be considerably greater than its present, while the Government will enjoy the benefit of whatever dividends shall be declared in the interval; and, thirdly, whether it shall be deemed proper to retain or dispose of this interest as a fund for extinguishing the Public Debt. A necessity of applying it to any different object, if it should be found to exist, would be matter of serious regret. The second expedient would, in the judgment of the Secretary, be preferable to the first; for this, the following reason, if there were no other, is presumed to be conclusive, viz: that the probable increase of the value of the stock may itself be estimated as a considerable, if

not a sufficient fund, for the repayment of the sum which might be borrowed. If the measure of a Loan should be thought eligible, it is submitted as most advisable to accompany it with a provision sufficient not only to pay the interest, but to discharge the principal within a short period. This will at least mitigate the inconvenience of making an addition to the Public Debt. But the result of mature reflection is, in the mind of the Secretary, a strong conviction that the last of the three expedients which have been mentioned is to be preferred to either of the other two. Nothing can more interest the national credit and prosperity than a constant and systematic attention to husbanding all the means previously possessed for extinguishing the present Debt, and to avoid, as much as possible, the incurring of any new debt. Necessity alone, therefore, can justify the application of any of the public property, other than the annual revenues, to the current service, to the temporary and casual exigencies of the country, or the contracting of an additional debt, by loans, to provide for those exigencies. Great emergencies, indeed, might exist in which loans would be indispensable. But the occasions which will justify them must be truly of that description. The present is not of such a nature; the sum to be provided is not of magnitude enough to furnish the plea of necessity. Taxes are never welcome to a community; they seldom fail to excite uneasy sensations, more or less extensive. Hence a too strong propensity in the Governments of nations to anticipate and mortgage the resources of posterity, rather than encounter the inconveniences of a present increase of taxes. But this policy, when not dictated by very peculiar circumstances, is of the worst kind. Its obvious tendency is, by enhancing the permanent burdens of the people, to produce lasting distress, and its natural issue is in national bankruptcy. It will be happy if the councils of this country, sanctioned by the voice of an enlightened community, shall be able to pursue a different course. Yielding to this impression, the Secretary proceeds to state, for the consideration of the House, the objects which have occurred to him as most proper to be resorted to for raising the requisite sum by taxes. From the most careful view which he is able to take of all the circumstances that, at the present juncture, naturally enter into consideration, he is led to conclude that the most eligible mode in which the necessary provision can at this time be made is by some additional duties on imported articles. This conclusion is made with reluctance, for reasons which were noticed upon a former occasion, and from the reflection that frequent and unexpected alterations in the rates of duties, on the objects of trade, by inducing uncertainty in mercantile speculations and calculations, are really injurious to commerce and hurtful to the interests of those who carry it on. The stability of the duties to be paid by the merchants is in fact of more consequence to them than their quantum, if within reasonable bounds. It were therefore, much to be wished that so early a resort to new demands on that class of citizens could have been

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avoided, and especially that they could have been deferred until a general tariff could have been maturely digested upon principles which might with propriety render it essentially stationary. But while there are these motives to regret, there are others of a consoling tendency, some of which indicate that an augmentation of duties, at the present juncture, may have the effect of lessening some public evils and producing some public benefits. It is a pleasing fact, if the information of the Secretary be not very erroneous, that the improved state of the credit of this country enables our merchants to procure the supplies which they import from abroad upon much more cheap and advantageous terms than heretofore—a circumstance which must alleviate to them the pressure of somewhat higher rates of duty, and must contribute, at the same time, to reconcile them to burdens which, being connected with an efficacious discharge of the duty of Government, are of a nature to give solidity and permanency to the advantages they enjoy under it. It is certain, also, that a spirit of manufacturing prevails at this time in a greater degree than it has done at any antecedent period; and, as far as an increase of duties shall tend to second and aid this spirit, they will serve to promote essentially the industry, the wealth, the strength, the independence, and the substantial prosperity of the country. The returns for one year ending with the 30th of September last, (an abstract of which is in preparation, to be communicated to the Legislature,) evince a much increased importation during that year, greater, far, than can be referred to a naturally increasing demand from the progress of population, and announce a probability of a more than proportional increase of consumption, there being no appearance of an extraordinary abundance of goods in the market. If, happily, an extension of the duties shall operate as a restraint upon excessive consumption, it will be a salutary mean of preserving the community from future embarrassment, public and private. But if this should not be the case, it is at least prudent in the Government to extract from it the resources necessary for current exigencies, rather than postpone the burden to a period when that very circumstance may cause it to be more grievously felt. These different considerations unite, with others which will suggest themselves, to induce, in the present state of things, a preference of taxes on imported articles, to any other mode of raising the sum required. It is therefore respectfully submitted that the existing duties on the articles hereafter enumerated be repealed, and that, in place of them, the following be laid, viz:

WINES.	
Madeira, quality of London Par.	per gall. \$0 56
Madeira, London market	do 49
Other Madeira wine	do 40
Sherry	do 33
St. Lucar	do 30
Lisbon	do 25
Oporto	do 25
Teneriffe and Fayal	do 20
All other wines 40 per cent. ad valorem.	

SPIRITS.	
Those distilled wholly or chiefly from grain.	
Of the first class of proof	per gall. \$0 38
Of the second class of proof	do 29
Of the third class of proof	do 31
Of the fourth class of proof	do 34
Of the fifth class of proof	do 40
Of the sixth class of proof	do 50

OTHER DISTILLED SPIRITS.	
Of the 3d class proof and under	per gall. \$0 24
Of the 3d class proof and under	do 27
Of the 4th class proof and under	do 31
Of the 5th class proof and under	do 37
Of the 6th class proof and under	do 45
Beer, ale, and porter	per gall. 8
Steel	per cwt. 1 00
Nails	per lb. 2
Cocoa	do 3
Chocolate	do 25
Playing cards	per pack 20
Shoes and slippers of silk	
Shoes and slippers of stained or colored leather, other than black, for men and women	10
Shoes and slippers of stained or colored leather, other than black, for children	7
All other shoes and slippers for men and women, clogs and goshaws	10
All other shoes and slippers for children	7

ARTICLES AD VALOREM.

China wares; looking-glass, window, and other glass, and all manufactures of glass, black quart bottles excepted; muskets; pistols; swords; cutlasses; hangers, and other fire and side arms; starch; hair powder; wafers; and glue—15 per cent. ad valorem.
Cast, slit, and rolled iron, and generally all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated; cabinet wares; leather, tanned and raw, and all manufactures of leather, or of which leather is the article of chief value, not being otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets, of every sort; gloves and mittens; stockings; millinery, ready made; artificial flower-stocks; feathers, and other ornaments for women's head dresses; fans; dolls, dressed and undressed; toys; buttons of every kind; carpets and carpeting; mats, and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition, commonly called sweet-scents, odors, perfumes, or cosmetics; all dentifrice, powders, tinctures, preparations, or compositions whatsoever, for the teeth or gums; printed books, except those specially imported for a college, academy, or other public or incorporated seminary of learning or institution, which shall be wholly exempted from duty—10 per cent. ad valorem.
The foregoing duties to be permanently established, and to be appropriated, in the first place

Additional Supplies.

to the payment of the interest of the Public Debt; in the second, to such other grants and appropriations as have been heretofore made: and, in the third, to the purposes of the act for making further and more effectual provision for the protection of the frontiers of the United States. An addition of two and a half per cent. ad valorem to be made to the duty on all goods heretofore rated at five per cent. ad valorem. This addition to be temporary, and accordingly to be so established as that it shall not continue longer than till the present Indian war shall terminate, and the expenses of carrying it on shall have been defrayed, which will of course include the reimbursement of any sums that may have been borrowed by way of anticipation of the product of the duties. It is represented that the present duty on salt operates unequally, from the considerable difference in weight, in proportion to quantity of different kinds of salt, a bushel weighing from about fifty-six to upward of eighty weight. It would have an equalizing effect, if the bushel were defined by weight; and, if fifty-six pounds were taken as the standard, a valuable accession to the revenue would result. This regulation is, therefore, submitted as a resource upon the present occasion, the rate of duty to remain as it is. It will be a part of this arrangement, to extend the credit for the duty on salt to a longer term. It is an article which, from the circumstances of its importation, frequently lies on hand for a considerable time; and, in relation to the fisheries, is usually sold upon a credit of several months.

Some remarks may be proper in regard to the proposed duties. Those on spirits and wines may appear high; they are doubtless considerable; but there are precedents elsewhere of much higher duties on the same articles. And it is certainly in every view justifiable to make a free use of them for the purpose of revenue. Wines, generally speaking, are the luxury of classes of the community who can afford to pay a considerable duty upon them. It has appeared advisable to adhere to the idea of a specific duty, per quantity, on all the species of wines in most common consumption in the country, and those most susceptible of precise designation, as affording greatest certainty to the revenue, and to adopt a general ad valorem rate for other kinds proportioned to the specific duties; this rate is forty per cent. The distinction has proceeded from the difficulty of a precise enumeration of all the other kinds of wine which are and may be imported, and of such an adjustment of specific rates as will bear some reasonable proportion to the value of the article. The present lowest rate of duty on wines amounts to two hundred and three hundred per cent. on the value of certain kinds, which may be considered as equivalent to a prohibition. While, therefore, ideas of proportion will be better conformed to than heretofore, by the proposed arrangement, it is probable that the revenue will be benefited, rather than injured, by a reduction of the duties on low-priced wines. The considerations which render ardent spirits a proper object of high

duties have been repeatedly dwelt upon. It may be added, that it is a familiar and a just remark that the peculiarly low price of ardent spirits in this country is a great source of intemperance. To bring the price of the article more nearly to a level with the price of it in other markets, by an increase of duty, while it will contribute to the advancement of the revenue, cannot but prove, in other respects, a public benefit. The rates proposed will be still moderate, compared with examples in other countries; and the article is of a nature to enable the importer, without difficulty, to transfer the duty to the consumer. A discrimination is suggested in respect to duties on spirits distilled from grain. To this there have been two inducements: one, that the difference in the duty is conformable to the difference between the cost of the grain spirits usually imported and that of West India rum; another, that it is, in a particular manner, the interest of the United States to favor the distillation of its own grain in competition with foreign spirits from the same material. In the second division of spirits, the first class of proof is dropped, because none of it comes from the West Indies, and because any other spirits usually imported, which may be of so low a proof, are higher priced even than some of the higher proofs of West India spirits. The dropping of that class of proof, therefore, in this case is favorable to the revenue and favorable to equality. Several of the other specific duties which are proposed, besides the inducements to them as items of revenue, are strongly recommended by considerations which have been stated in the Report of the Secretary on the subject of manufactures. The same report states inducements to a fifteen per cent. duty on some of the articles which are mentioned as proper to be comprised under that rate. With regard to china and glass, there are two weighty reasons for a comparatively high duty upon them. The use of them is very limited, except by the wealthier classes; and both their bulk and liability to damage in transportation are great securities against evasions of the revenue. It will, however, merit consideration whether, for the accommodation of importers, a longer term of credit ought not to be allowed on these articles. A duty of two cents per pound on cocoa is less, in proportion to the value, than the present duty on coffee; as an extensive article of consumption, it is a productive one of revenue. The duty on playing cards can give rise to no question except as to practicability of a safe collection. In order to this, it will be proper to superadd certain precautions, which will readily occur in regulating the details of a bill for the purpose. A similar attention will be requisite in regard to the duties on wines. The employment of marks and certificates may advantageously be extended to this article. The rate of ten per cent. ad valorem, it is hoped will not be deemed immoderate in relation to the articles to which it is proposed to apply it. It is difficult to assign rules for what ought to be considered as a just standard. But, after the best consideration which the Secretary has been able to bestow upon it, he cannot discover that any

Defeat of General St. Clair.

real inconvenience is likely permanently to result from the extension of that rate to the cases proposed. The addition of two and a half per cent. to the duty on the mass of articles now rated at five will constitute an important, though not an excessive augmentation. Nevertheless, it is proposed that it shall be only temporary; and there is reasonable ground of expectation that the cause for having recourse to it will not be of very long continuance. It will not have escaped the observation of the House that the duties which were suggested in the Secretary's report on that subject, as encouragements to manufactures, are for the most part included among the objects of this report. It may tend to avoid future embarrassment if such abolitions and drawbacks as shall be deemed expedient, with a view to promoting manufactures, shall accompany the establishment and appropriation of whatever further duties may be laid for the object in contemplation. And it may be found convenient to qualify the appropriation of the surplus which is to be applied to that object, so as to let in such other appropriations during the session as occurrences may suggest. An estimate of the additional revenue which may be expected from the proposed duties is subjoined. It will occur to the House that the credit allowed for the duties will require an anticipation of their product by a temporary loan, for which provision in the law will be requisite. All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Estimate of probable additional revenue from the proposed duties.

Madeira wine, 300,000 gallons, average increase 12 cents per gallon	\$36,000
Other wines, 700,000 gallons, average increase 3 cents per gallon	21,000
Distilled spirits, 3,600,000 gallons, average increase, allowing for proposed deduction from the duties on domestic spirits, 2 cents	72,000
Salt, from the equalizing regulation proposed, will probably yield one-sixth more, or 2 cts. per bushel, on 2,000,000 bushels	40,000
Malt liquors, 200,000 gallons, at 2 1-2 cts.	5,000
Nails and spikes, 1,800,000 lbs., at 1 cent	18,000
Cocoa, 800,000 lbs., at 1 cent	8,000
Playing cards, 20,000, at 15 cents	3,000
Other enumerated articles ad valorem, at 15 per cent.	10,000
Increased duty on articles rated permanently at 10 per cent. ad valorem, computed at \$2,000,000 in value, at 3 per cent.	60,000
Temporary addition of 2 1-2 per cent. on the articles now rated at 5, computed on \$10,000,000	250,000
	523,000

DEFEAT OF GENERAL ST. CLAIR.

Mr. Fitzsimmons, from the committee appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair, reported that the committee had proceeded to examine all the papers furnished by the Executive Department relative thereto, sundry papers and accounts furnished by the Treasury and War Departments, with explanations of the same by the Heads of those Departments in person, to bear the testimony of witnesses upon oath, and written remarks by General St. Clair, upon the facts established by the whole evidence; and that, as the result of their inquiries, the committee had agreed to the following Report:

The contract for the supplies of the Army on the route from Fort Pitt, was made by Theodosius Fowler, with the Secretary of the Treasury, and bears date the 28th day of October, 1790; that, at the same time, a bond, in the penalty of one hundred thousand dollars, with Walter Livingston and John Cochran securities thereto, was entered into for the due execution of the contract; that on the 3d day of January, 1791, the contract was wholly transferred from the said Fowler to William Duer, a copy of which transfer was lodged in the office of the Secretary of the Treasury; that, by Letter from the Secretary of War, bearing date the 25th of February, 1791, addressed to William Duer, it appears that he was considered as the contractor; that no correspondence appears to have taken place subsequently to that time between Theodosius Fowler and either the Treasury or War Departments; that on the 6th day of March, 1791, a contract was entered into by William Duer with the Secretary of War for supplying the troops with provisions until their arrival at Fort Pitt; and at Fort Pitt a bond was at the same time entered into by the said William Duer for the due execution of the said contract, in the penalty of four thousand dollars, without any security whatsoever; that the act making provision for the defence of the frontiers received the signature of the President of the United States the 3d of March, 1791; that General St. Clair was appointed Commander-in-Chief of the Army destined for the expedition on the 4th day of the same month, and on the 28th left Philadelphia, for Fort Pitt, at which place he arrived the 16th day of April, and from thence proceeded to Lexington, and from thence to Fort Washington, where he arrived on the 15th day of May. At the time of the arrival of the General at Fort Washington, the garrison there consisted of 75 non-commissioned officers and privates fit for duty; the garrison at Fort Harmer, of 45; at Fort Steuben, of 61; at Fort Knox, of 83; and on the 15th day of July, the whole of the first United States regiment, amounting to 299 non-commissioned officers and privates, arrived at Fort Washington, under orders from the Commander-in-Chief. General Butler was appointed the second in command in the month of March, and immedi-

ately proceeded to make the necessary arrangements for the recruiting service; that he arrived in Baltimore, in the State of Maryland, the 20th of April, and continued there till the 30th of the same month; that he arrived at Carlisle, in the State of Pennsylvania, on the 9th of May; and at Fort Pitt on the 22d of the same month. It appears that no moneys for purchasing supplies were furnished at Carlisle, which was the place of rendezvous for the enlisted soldiery, on the 9th of May; and that Mr. Smith, agent for the contractor, was actively engaged in furnishing supplies for the troops, on credit.

It appears, by letters from John Kean, another of the contractor's agents, that no moneys had been received by him on the 8th of May; and it appears that on the 23d of March, there was advanced to William Duer, upon the last-mentioned contract, from the Treasury, the sum of fifteen thousand dollars; that there was advanced upon the first-mentioned contract, the sum of seventy thousand dollars, in the following sums, and at the following dates, to wit: March 22, ten thousand dollars; April 7, fifteen thousand dollars; April 25, fifteen thousand dollars; May 7, twenty thousand dollars; July 20, ten thousand dollars.

It appears from the correspondence of General Butler to the Secretary of War, from the 9th of May to the 9th of June, repeated complaints were made of fatal mismanagements and neglects in the Quartermaster's and Military Stores Department, particularly as to tents, knapsacks, camp-kettles, cartridge boxes, pack-saddles, &c., all of which articles were deficient in quantity, and bad in quality; the pack-saddles, particularly, were made in Philadelphia, which, with the transportation, amounted to more than double the price at which they might have been procured at Fort Pitt, and were found, upon examination, to be unfit for use; the arms sent forward appear not to have been duly examined, and arrived at Fort Pitt extremely out of order, and many totally unfit for use: which circumstances rendered repairs absolutely necessary, and added to the delay of the troops at Fort Pitt.

It appears that a great proportion of the powder supplied for the use of the Army, was not of good quality, though an experiment was made by Major Ferguson, at Fort Pitt, with a howitz, who reported in favor of the quality of the powder. On the 9th of June, General Neville, another of the contractor's agents, informed General Butler that he had not at that time received any moneys from the contractors for the purchase of provisions, &c. for the troops, and was obliged to supply them on credit; that the country furnished provisions in abundance at a cheap rate when money was had for the purchase; that shortly after this information was communicated to General Butler, at his request four hundred dollars were advanced to General Neville by the Quartermaster, for the purchase of provisions for the troops. The troops arrived at Fort Pitt in the following order, to wit: May 16, Captain Slough, 69 men; May 18, Captain Powers, 78 men; May 19, Captain Cribbs, 40 men; same day, Captain Guth-

rie, 23 men; May 25, Captain Armstrong, 76 men; same day, Captain Kirkwood, 67 men; May 28, Captain Snowden, 101 men; June 2, Captain Sparks, 83 men; June 3, Captain Butler, 61 men; same day, Captain Brock, 82 men; same day, Captain Van Swearingen, 88 men; June 5, Captain Pike, 73 men; total, including officers and privates, 842 men; and left that place in the following order: Major Ferguson, with Captain Armstrong's company, about the 1st of June; Captain Snowden, with the troops under his command, on the — day of —; Major Gaither, with about 500 men, 12th of July; and on the 22d of August, the last of the troops, under the command of Captain Phelon, and General Butler, with the Quartermaster General, on the 26th of August.

It appears that General Butler had orders from the Department of War to protect the frontiers with the troops under his command; and that the delays in sending forward the troops from Fort Pitt, arose partly from that circumstance, and partly from the temporary want of supplies of provisions and other necessaries, and from the want of the necessary boats for their transportation, which were not in readiness as soon as the troops were. It appears that General Butler acted with ability, activity, and zeal, in his command at Fort Pitt, and that the delays of the troops there cannot be imputed to his want of judgment or his want of exertion. The troops met with considerable difficulties and delays in going down the river, from the low state of the water, and arrived at Fort Washington in the following order: Captain Munford, from North Carolina, with about 50 men, on the — day of —; Major Ferguson, with Captain Armstrong's company, on the — day of —; Major Gaither, with the troops under his command, on the — day of —; Colonel Darke, with the troops under his command, on the — day of —; and the Kentucky militia, on the — day of —.

The Army, consisting of about 2,000 non-commissioned officers and privates, moved from Fort Washington, by orders from the Commander-in-Chief, to a place about five or six miles from thence, called Ludlow's Station, where they continued till the 17th day of September; at which time, the whole Army amounted to about 2,300 non-commissioned officers and privates fit for duty; that the price of rations at Fort Washington, agreeably to contract, was 63-90ths of a dollar per ration; the price of rations at Ludlow's Station was 154-90ths of a dollar per ration; that the inducements of the Commander-in-Chief to this movement appear to have been, to furnish green forage for the horses and beef cattle for the Army, to instruct the soldiery in field exercise and other necessary discipline, and to deprive them of the means of intoxication, which were very plentifully supplied at Fort Washington, and used to an excessive degree by the soldiery, to correct the excessive use of which the most rigid attention to discipline was found incompetent.

Mr. Hodgdon was appointed Quartermaster General in the month of March, and continued at Philadelphia until the 4th of June; he then pro-

ceeded to Fort Pitt, where he arrived the 10th of the same month. No sufficient causes have appeared to the committee to justify this delay, and his presence with the Army appears to have been essentially necessary previously to that time; the duties of the Commander-in-Chief were much increased in consequence of the absence of the Quartermaster General, and after a continued expectation of his arrival at Fort Washington, for more than six weeks, the Commander-in-Chief gave him express orders, by letter, to repair to camp without delay. The receipt of the letter is acknowledged, but the orders contained therein were neither answered nor obeyed, and his arrival at camp was not until the tenth of September. The Commander-in-Chief, until that time, in addition to the duties of his office, discharged those of the Quartermaster General; and the military stores furnished by that Department were so deficient, from mismanagement and neglect, that many things essential to the movements of the Army, were either wholly made or repaired at Fort Washington, and even the tools for the artificers to work with, the Quartermaster particularly informed the Commander-in-Chief, that two complete traveling forges were sent forward, and upon examination, both of them were found to be without an anvil. Many other things, equally necessary, were either wholly omitted, or unfit for their intended use.

There were six hundred and seventy-five stand of arms at Fort Washington, the first of June, and most of them totally out of repair. The Commander-in-Chief appears to have been correct and attentive in all his communications with the Secretary of War, and to have discharged the various duties which devolved upon him with ability, activity, and zeal.

The Army moved from Ludlow's Station, on the seventeenth day of September, and arrived at the place where Fort Hamilton is now erected on the — day of —; they employed about fifteen days building that fort, and then proceeded on their march to the place where Fort Jefferson is now erected, forty-four miles distant from Fort Hamilton, where they arrived on the — day of October, and commenced their march from that place on the twenty-fourth of the same month; that the Army at this time consisted of — non-commissioned officers and privates fit for duty. At this time the Army had not more than three days supply of flour, and were sometimes at one-fourth, and sometimes at one-half allowance of that article, the deficiencies of which allowance were made up by increasing the quantity of beef, with which they were plentifully supplied. The Army was delayed five or six days on the march from Fort Jefferson for the want of provisions, and the season was so far advanced that sufficient green forage for the horses, could not be procured, from which circumstance many of the horses were totally lost, and others rendered unfit for service.

The orders to the Commander-in-Chief to proceed with the expedition, were express, and unequivocal, so much so, as in the opinion of the Committee, to preclude the Commander-in-Chief from exercising any discretion relatively to that object

On the 31st of October, about sixty of the Kentucky militia deserted in a body, the first regiment consisting of about three hundred effective men, was detached with a view to cover a convoy of provisions which was expected, and which it was supposed was in danger from the deserted militia and to prevent further desertions. On the 3d of November, after detaching the first regiment, the Army consisted of about fourteen hundred effective men, and on the morning of the 4th, about half an hour after sunrise, a general attack was commenced and in a few minutes thereafter nearly the whole Army was surrounded by the enemy; the action continued about four hours during which several charges were made by part of the Army, which caused the enemy to give way, but produced no good effect; the attack was unexpected, the troops having been just dismissed from the morning parade; it commenced upon the militia who were in advance of the main Army, and who fled through the main Army, without firing a gun; this circumstance threw the troops into some disorder, which, it appears, they never completely recovered during the action; the fire of the Army was constant, but not well directed; and it appears that a part of the troops behaved as well as could be expected from their state of discipline, and the manner and suddenness of the attack. The Commander-in-Chief appears to have been cool and deliberate in the whole of the action, and the officers in general active and intrepid. The whole order of march, as far as the Committee are capable of expressing an opinion, appears to have been judicious, and the ground for action well chosen. The retreat was disorderly in the extreme; after it commenced, no orders were obeyed, if any were given, the men having lost all regard to discipline, or control; all the precaution appears to have been taken for the safety and comfort of the wounded, which the circumstances of the case would admit of.

The Committee have had no competent evidence before them to ascertain the number of the enemy in action; there were various conjectures as to the number, from different persons, from five hundred the lowest to one thousand or twelve hundred the highest.

Mr. Barton, a witness examined by the Committee, conversed with a chief at Niagara who was in the action, and was by him informed that the number of the enemy in action was one thousand and forty, and that six hundred more had convened, but were engaged in hunting, at the time of the action. He was also informed that the enemy had not collected in any considerable numbers until a few days before the action; this information appears to be corroborated by some other circumstances sufficient to induce a belief of the fact in the Committee.

The contractor for supplies, agreeably to the terms of contract, was to furnish horses, &c., for the transportation of the supplies; in this condition of the contract there was a total failure, which compelled the Commander-in-Chief to direct between six and seven hundred horses to be purchased by Israel Ludlow, one of the contractor's

Debit of General St. Clair.

agents; to draw bills on Mr. Duier, the acting contractor, for payment, which bills endorsed by the Commander-in-Chief, to the amount of about seventeen thousand dollars, were protested by the contractor and paid at the Treasury. The persons employed by the agents of the contractor to drive the horses, appear to have been totally unacquainted with that business, and from the want of bells, hoppers, and other necessities of that kind, as well as from other gross mismanagement, many of the horses were lost, and others rendered unfit for service; from which causes there were not pack-horses sufficient to transport the necessary quantity of flour from Fort Washington, for the use of the Army on their march; this circumstance retarded the execution of the expedition.

The officers, agreeably to the terms of contract, had an election of drawing the whole of the rations to which their rank entitled them, or of receiving the contract price of them in cash; the contractor's agents not being furnished with money for this purpose, gave rise to a general order by which the officers were directed to receive a certificate from the contractor's agent, called a due bill, of one of which bills the following is a copy:

"Due Major H. Gaither one hundred and seventy-three complete rations, on the route to Miami village, as appears from Mr. Wilson's certificate."

"FORT WASHINGTON, November 27, 1790."
MATT. EARNEST,
for WIL. DUER.

This due bill issued upon the officer's signing some acknowledgments of satisfaction for his whole retained rations, which acknowledgment of satisfaction forms a voucher for settlement to the contractor, with the Treasury Department; and the officer is refused payment for these due-bills at the Pay Office. All casualties, by which these evidences of debt become lost or destroyed, are the gain of the contractor and the loss of the officer.

It is suggested by the Secretary of the Treasury, though not with positive certainty that a sufficient sum will be found due from the Treasury to the contractors upon a final settlement, to cover all these debts to the officers; the general order, which had the operation before stated, continued in force about five or six weeks, and was abolished about the 19th of October. The privates of the levies received but three dollars pay each, from the time of their respective enlistments to the time of their respective discharges, and were actually discharged without further pay or settlement; notes of discharge were given them, specifying the time of their service and bearing endorsements that some advancements had been made to them in account, without stating the amount, the object of which is suggested to have been to prevent transfers; the intended effect was not produced by the measure; the notes were sold for trifling considerations; the real sums due on the notes were various, from ten to twenty-five dollars, and they were frequently sold for five dollars, or one gallon of whiskey; the moneys for the pay of the levies, did not leave Philadelphia till 4th December, nor arrive at Fort Washington till 3d of January, 1792. Some time after the last enlisted levies were known to be en-

titled to their discharges; two reasons were assigned by the Secretary of War for this delay of payment, the one because there was no regular Paymaster in the Army and the difficulties of transmitting moneys to the Army at so great a distance, in consequence of the want of such an officer; the other because it was supposed the Army would be at that time at the Miami village, so far advanced in the wilderness as not to admit of the practicability of discharging the levies, the total defeat of the Army not having been previously counted upon.

The clothing for the levies appears to have been of a very inferior quality, particularly coats, hats, and shoes, the last of which, in many cases, lasted not more than four days, and better clothing was furnished upon their enlisting into the regular service, which was for a time countenanced by the Commander-in-Chief.

Various modes appear to have been pursued by the officers in enlisting the levies, which occasion great uneasiness and some confusion; a considerable part of the Virginia battalion was so enlisted that the terms of their enlistments appear to have expired the first of November; the orders to the recruiting officers appear not to have been sufficiently explicit upon this point, whether the terms of enlistment were to commence at the time of enlistment, or at the arrival at a place of rendezvous. The militia were principally substitutes, and totally ungovernable, and regardless of military duty or subordination. It appears that the Commander-in-Chief had it in contemplation to commence the expedition at least one month earlier than it was commenced, with the few he then had, which was not very different from the real force in action; but was prevented for the want of the Quartermaster and contractor, and in consequence of the extreme deficiencies and derangement of the business of their Departments, the person sent forward by the Quartermaster being totally incompetent to the business; and the contractor's agents not being sufficiently supplied with money to enable them to execute their duties.

It appears to the Committee that in the wilderness where vegetables are not to be had, and the duties of the soldier uncommonly hard, the rations allowed by law, if completely supplied, are insufficient. This circumstance, with others, produced discontent and desertion among the soldiers.

It appears to the Committee that there were appropriated for the use of the War Department, for the year 1791, the sum of \$652,761 61, and that there have been advanced by the Treasury to the War Department, upon that appropriation, \$575,906 57, to wit:

February, 1791, advanced	-	\$15,000 00
March, do do	-	- 46,002 20
April, do do	-	- 100,105 20
May, do do	-	- 80,109 80
June, do do	-	- 55,387 44
July, do do	-	- 14,105 39
August, do do	-	- 14,554 59
September, do do	-	- 14,796 53
October, do do	-	- 184 81
November, do do	-	- 107 28

Court of Inquiry on General Harmor.

January, 1792,	do	-	33,753 00
February, do	do	-	43,582 61
March, do	do	-	1,741 16

Amounting to - - - - - 419,311 10
To which add moneys borrowed from the Bank of North America, on loan, without interest, - - - - - 156,595 56
575,906 57

And that the Treasury has always been in readiness to make the requisite advances, upon the request of the Secretary of War. It does not appear to the Committee in what manner and to what amount these advancements have been disbursed, the accounts not having been yet settled at the Treasury; nor was it possible, from the nature of the case, that they could at this time have received any conclusive or satisfactory information on that point.

From the foregoing state of facts, the Committee suggest the following as the principal causes, in their opinion, of the failure of the late expedition under Major General St. Clair.

The delay in furnishing the materials for, and in passing the act for the protection of the frontiers, the time after the passing of which was hardly sufficient to complete and discipline an Army for such an expedition, during the summer months of the same year.

The delays consequent upon the gross and various mismanagements and neglects in the Quartermaster's and Contractor's Departments, the lateness of the season at which the expedition was undertaken, the green forage having been previously destroyed by the frost, so that a sufficiency of subsistence for the horses necessary for the Army could not be procured.

The want of discipline and experience in the troops.

The Committee conceive it but justice to the Commander-in-Chief, to say, that in their opinion, the failure of the late expedition can in no respect be imputed to his conduct, either at any time before or during the action; but that as his conduct in all the preparatory arrangements, was marked with peculiar ability and zeal, so his conduct during the action furnished strong testimonies of his coolness and intrepidity.

The Committee suggest, as reasons for leaving the numbers of the troops at particular periods, and the dates of some facts, blank, the want of sufficient time to complete the Report with minuteness, and in some instances the want of the necessary evidence.

The said Report being read,
Resolved, That this House will, early in the next session, proceed to take the same into consideration.

COURT OF INQUIRY ON GEN. HARMAR.

Proceedings of a Court of Inquiry, held at the special request of Brigadier General Josiah HARMAR, to investigate his conduct as Commanding Officer of the

Expedition against the Miami Indians, 1790, the same having been transmitted by Major General St. CLAIR to the Secretary of the United States for the Department of War.

FORT WASHINGTON, September 24, 1791.
SIR: I have the honor to enclose to your Excellency the Proceedings of the Court of Inquiry which sat, agreeably to the General Order of the 14th instant, "to inquire into the personal conduct of Brigadier General HARMAR, Commanding Officer on the late expedition against the Miami Indians."

The Court have taken the utmost pains to investigate the subjects committed to them, and have expected that some persons would have attended from Kentucky on the occasion; as mentioned in your Excellency's Letter of the 15th. Finding no personal evidence come forward from that quarter, this day closed their proceedings, and present to your Excellency their opinion, as specially directed.

There are some depositions handed in, but as they are not authenticated under the seal of any Court of Record, or by the Prothonotary of any county, the Court conceive they can only subjoin them to the proceedings for information to your Excellency, as they have been to the Court. They are numbered 1, 2, 3, and 4.

I have the honor to be, with great respect, your Excellency's most obedient servant.

RICHARD BUTLER,

Major General, President.
His Excellency Maj. Gen. ARTHUR ST. CLAIR.

Proceedings of a Court of Inquiry held at Fort Washington, September 15, 1791, agreeably to the Order of the 14th instant, of which the following is a copy:

"A Court of Inquiry, of which Major General BUTLER is appointed President, and Lieutenant Colonels GIBSON and DARKE members, will sit to-morrow at 12 o'clock, at the southeast block-house, Fort Washington."

Major General RICHARD BUTLER, President.
Lieutenant Colonels GEORGE GIBSON, and WILLIAM DARKE, Members.

After Orders.

HEADQUARTERS, September 14.

Lieutenant WARREN, of the Second United States Regiment, is appointed to record the proceedings of the Court of Inquiry directed to sit at Fort Washington by the orders of this day.

W. SARGENT, Adjutant General.

The Court met, agreeably to the above order, and were duly sworn according to law.

The following Letter was read from his Excellency Major General St. Clair, directed to Major General Butler, President of the Court of Inquiry:

FORT WASHINGTON, September 15, 1791.

SIR: The Court of which you are appointed President is ordered for the purpose of inquiring

Question first by the Court. What were your reasons for thinking punishment for neglect of duty out of the question?

Answer. The state of the Army being such that it obliged the General not to do anything that would tend to irritate the militia.

Question by the Court. Is it your opinion that the organization of the Army was a judicious one; such, alone, as was well calculated for the security of the troops?

Answer. It is my opinion that it was the most judicious organization that could be made, and calculated for the interest of the United States.

Question by the Court. Is it your opinion that the order of encampment was a judicious one, and that the extreme parts were so disposed as were calculated to give security to the Army and its appendages?

Answer. I think no better disposition could have been made.

Question by the Court. Do you think the order of battle calculated so as to have been easy of execution and easily formed?

Answer. I think it was the best that could have been formed, and well calculated for covering the appendages of the Army.

Question by the Court. Do you know the General's motives for making the detachments of the 14th, 19th, and 21st October?

Answer. I do not know the General's motives for making the detachment of the 14th, but I suppose it was for the purpose of surprising the Maumee village, as we had taken an Indian the day before, who gave us information that the Indians were in great confusion there, and that they were not in force, and very much divided in their councils. We expected to surprise them before they separated.

Question by the Court. What were the movements of the Army after that detachment was made?

Answer. We continued our march next day until an express arrived to inform us that the Indians had evacuated the village, when we halted.

Question by the Court. What was the distance between the main body and the detachment?

Answer. About four miles.

Question by the Court. Do you think that the Army was within supporting distance when the detachment was made?

Answer. On the first day we were.

Question by the Court. Do you know what induced the General to make the detachment of the 19th?

Answer. The day preceding that on which the detachment was made, Indian dogs, and cattle came into our camp, which led us to believe the Indians were near us, more especially as they had left their village in such haste. I suppose it was for the purpose of examining the country around the camp. A detachment of three hundred men, under the command of Colonel Trotter, with three days' provision, was made on the 18th, with orders to continue out three days, but which, nevertheless, returned into camp the same evening. The General appeared displeased at their disobedience

of orders. Colonel Hardin, wishing to retrieve the character of the militia, asked the General's permission to take out the same detachment on the 19th, which was granted.

Question by the Court. What motives led Colonel Hardin at such a distance as fifteen miles from camp?

Answer. I understood that he got on the trails of the Indians, and that he had discovered an Indian on horseback about one mile from where he fell in with their main body.

Question by the Court. Upon hearing of the defeat of that detachment, did you understand that the General ordered any support?

Answer. I don't know that he did; the first intelligence of the defeat was brought us by those who were defeated, late in the evening.

Question by the Court. Do you know the motives for the detachment of the 21st, either from the General himself, or any of his confidential officers?

Answer. I do not know from the General; but it was my opinion, as well as that of other officers, that the defeat of the 19th had so panic-struck the Army, that had the Indians attacked on the retreat it might have been lost, which induced the General to send the detachment in the rear.

Question by the Court. Had the General ordered another detachment upon the ground where the defeat of the 19th happened, do you think the militia would have gone, or would they have continued?

Answer. I am rather inclined to think they would not have gone.

Question by the Court. With respect to the general conduct of General Harmar, in the course of the campaign, is it your opinion that it was judicious, and in every respect commendable?

Answer. I do think it was perfectly so; I have the greatest confidence in, and good opinion of, his military abilities.

Captain Strong being sworn, deposed: That he knew of no circumstance during the whole campaign that could in his opinion affect the military character of the General; that the organization of the Army appeared to his judgment extremely judicious, and such he believed was the general opinion of the officers; that the order of the march seemed to him no less judicious and military in all parts; that the order of encampment and battle met, if he mistook not, with the approbation of every officer able to judge of it; that the motives which influenced the detachments of the 14th, 19th, and 21st October, appeared to him to be a question that could only be answered by the General, or perhaps by his confidential officers, or those more immediately attached to his person; that he had reason to believe that those detachments were not properly supported, but it was his opinion, at the same time, that the fault lay not with the General, who had given orders in each case that was not complied with, at least until it was too late.

Question by the Court. So far as you are a judge of the organization of the Army, do you think it was proper and judicious?

Answer. So far as I could judge, I think it was extremely judicious.

Question by the Court. Had you any conversation with the officers of the Army on the subject of the organization of the Army?

Answer. I had; and with those who I think were judges, who thought it to be very good.

Question by the Court. Did the arrangement of march appear to be so connected as to be able to support each other in case of attack?

Answer. With respect to support in the action of the 21st, was there any support ordered that you know of?

Answer. I was present when the order was given to Major Ray to move with his battalion to support Major Wyllys.

Question by the Court. Do you know what distance they marched for that purpose, or how long they were gone from the Army?

Answer. I do not recollect perfectly how long, but I think it was not long.

Question by General Harmar. Is it your opinion that the making the detachment under Major Wyllys was attended with good consequences to the Army, or not?

Answer. I think it was attended with useful consequences to the Army.

The Court then adjourned to 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Court met agreeably to adjournment. Lieutenant Hartshorn was sworn, and deposed:

That he knew of no circumstance during the whole campaign that could, in his opinion, affect the military conduct of the General; that the organization of the Army appeared to his judgment extremely judicious, and such he believed, was the general opinion of the officers; that the order of march seemed to him no less judicious and military in all its parts; that the order of encampment and battle met, if he mistook not, with the approbation of every officer able to judge of it; that the motives which influenced the detachments of the 14th, 19th, and 21st of October, appeared to him to be a question that could only be answered by the General, and perhaps by his confidential officers, or those more immediately attached to his person; that, as to the question of support, he had reason to believe the detachment was not properly supported, but it was his opinion, at the same time, that the fault lay not with the General, who had given orders in each case that was not complied with, at least until it was too late.

Question by the Court. Do you know, sir, in the course of the campaign, from the time the Army left Fort Washington until its return to that place, any circumstance that could militate against the military character of the General?

Answer. I know of none.

Question by the Court. Do you know of any unnecessary delays?

Answer. None at all; far from it; every thing was done to get forward the Army.

Question by the Court. Does any instance of ineptitude in the General come within your knowledge, during the course of the campaign?

Answer. I know of none.

Question by the Court. So far as you are a judge of the organization of the Army, do you think it was proper and judicious?

Answer. So far as I could judge, I think it was extremely judicious.

Question by the Court. Had you any conversation with the officers of the Army on the subject of the organization of the Army?

Answer. I had; and with those who I think were judges, who thought it to be very good.

Question by the Court. Did the arrangement of march appear to be so connected as to be able to support each other in case of attack?

Answer. With respect to support in the action of the 21st, was there any support ordered that you know of?

Answer. I think it did, and seemed no less judicious and military in all parts; that the order of encampment and battle met, if he mistook not, with the approbation of every officer able to judge of it; that the motives which influenced the detachments of the 14th, 19th, and 21st October, appeared to him to be a question that could only be answered by the General, or perhaps by his confidential officers, or those more immediately attached to his person; that he had reason to believe that those detachments were not properly supported, but it was his opinion, at the same time, that the fault lay not with the General, who had given orders in each case that were not complied with, at least until it was too late.

Question by the Court. With respect to support in the action of the 21st, was there any support ordered that you know of?

Answer. I think it did, and seemed no less judicious and military in all its parts.

Question by the Court. Did the extreme parts of the encampment appear to be so formed as to be competent to cover the main body of the Army in case of attack by the enemy?

Answer. Perfectly so.

Question by the Court. Was you in the first engagement of the Army?

Answer. I was in the action of the 19th of October.

Question by the Court. Was you in the detachment of the 14th?

Answer. I was not.

Question by the Court. Did the order of battle, on the 19th, appear to you to be a judicious one?

Answer. I think it was not a judicious one.

Question by the Court. Who was the officer who commanded the troops in that action?

Answer. Colonel Hardin.

Question by the Court. In what manner did you attack the enemy; was it in columns, or did you display in any regular order?

Answer. We were attacked in front of columns.

Question by the Court. When you were attacked, were you ordered to display, or form in any regular order?

Answer. No.

Question by the Court. In what manner did you oppose the enemy when you were attacked?

Answer. By endeavoring to form the line to charge them.

Question by the Court. What troops came within your notice that attempted to form when charged?

Answer. Not more than thirty Federal troops and ten militia.

Question by the Court. How many militia had you?

Answer. I don't know.

Question by the Court. What became of the rest of the militia?

Answer. They gave way and ran.

Question. Do you think that if the militia in that action had been properly formed, and in time, that they would have been sufficient to have beat the enemy?

Answer. They were.

Question by the Court. Do you know the motives for making the detachment on the 14th?

Answer. It was supposed for the purpose of gaining the Maumee village before the Indians left it, as we were informed they were preparing to leave it.

Question by the Court. Is that your own opinion?

Answer. It is, and was the general opinion in camp.

Question by the Court. What was the result of the action of the 19th; were the Continental troops and the ten militia defeated?

Answer. They were cut to pieces, except six or seven.

Question by the Court. Do you know from headquarters, or from any principal officers of the Army, what were the motives for making the detachment of the 19th?

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Answer. It was for the purpose of overtaking a party of Indians, whose trails had been discovered. Question by the Court. Was there any attempt made to support that detachment from the main body?

Answer. Not that I know of. Question by the Court. What was the distance between the main body of the Army and the detachment attacked?

Answer. Fourteen or fifteen miles. Question by the Court. From the conduct of the militia, do you think that the General had a right to expect any great support from them, if he had been attacked?

Answer. I don't think he had. Question by the Court. Was you in the action of the 21st?

Answer. I was not. Question by the Court. Do you know the motives for making the detachment of the 21st?

Answer. It was for the purpose of seeing if any Indians were in the village.

Question by General Harmar. Did you not think that the detachment sent back under Major Wylls competent to engage any body of the enemy?

Answer. It was sufficient for any body of Indians in that country.

Question by General Harmar. To what cause was it owing that the detachment did not succeed so perfectly as I could have wished for?

Answer. Because they did not obey your orders, they did not march at the time they were directed.

Question by General Harmar. Upon the first intelligence, do you recollect any support I ordered?

Answer. I recollect you ordered a battalion, I think under Major Ray.

Ensign Morgan being sworn, deposed as follows: That, as he did not join the Army under the command of General Harmar until the 13th October, he was unacquainted with its progress until that time, when the Army appeared in good order; as he was an Ensign, and carried the standard every fourth or fifth day after his joining the Army, he was frequently near the General, and always observed, as far as he could judge, the greatest propriety of conduct; as to the organization of the Army, the order of march, encampment, and battle, they are perfectly explained in the general orders; as to the motives which influenced the General in sending out the different detachments of the 14th, 19th, and 21st, he was unacquainted; the opinion he took up concerning the one of the 14th, was, that the General finding the Army discovered, resolved to make a push for the towns before they were abandoned, and, as he could not do it with his whole Army, formed the detachment on the 14th under Colonel Hardin; the motive for the detachment of the 19th, he was utterly unacquainted with; that of the 21st, as he supposed, was to pick up any straggling Indians who might have come to the towns, to see what they had been about, but without an idea of the Indians being in force.

Question by the Court. Do you think that the

party of militia that were attached to Major Wylls' detachment was sufficient to have defeated the Indians if they had done their duty? Answer. If they had been together, I think they were.

Question by the Court. What time did you return to the Army from the action of the 21st? Answer. About 5 o'clock, P. M.; the action commenced soon after day-light.

Question by the Court. Did you see anything of the detachment under Major Ray on your return?

Answer. I saw only a party three miles from the camp, under Captain Craig, that were going to our support.

Question by the Court. What was the disposition of the militia after they returned to the Army; were they well affected to the service and orderly?

Answer. I think they were very disorderly, and very inattentive to their duty, and some appearances of mutiny among them, with both officers and men, and turned out upon one occasion, particularly, to oppose a punishment that had been ordered by the General.

Question by the Court. Do you remember any thing of General Harmar's ordering his cannon to fire upon them?

Answer. I remember that General Harmar once said, that if the militia behaved again in so scandalous a manner, that he would order his cannon to fire on them.

Ensign Britt being sworn, deposed: That, with respect to the personal conduct of General Harmar, he knew that he was indefatigable in making arrangements for the execution of the plans which had been formed for the expedition; and he also knew that the difficulties were great which the General had to encounter in organizing the militia, and in endeavoring to establish that harmony which was wanting in their commanding officers, Colonels Hardin and Trotter, which he accomplished apparently to their satisfaction; that he was at all times diligent in attending to the conduct of the officers in the different departments of the Army, and that he was always ready to attend to such occurrences as were consequent to the same, and the necessary exertions to have his orders carried into execution were not wanting; but that there were great deficiencies on the part of the militia, either owing to the want of authority in some of their officers, or from their ignorance or inattention; that the generality of them scarcely deserved the name of anything like soldiers; that they were mostly substitutes for others, who had nothing to stimulate them to do their duty; that, as to the dispositions for the order of march, form of encampment, and order of battle, they were matters which he, being a young officer, could say little about; he presumed they would answer for themselves; that the General's motives for detaching Colonel Hardin on the 14th October, when they were told they were but ten leagues from the Indian towns, he supposed to be, from information they received by a prisoner who was taken on the 13th; that the Indians at the

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Maumee village were in great consternation and confusion, and the prospects were, they might be easily defeated if found in that situation; that, in order to support this detachment, the horses of the Army were ordered to be tied up at night, so that the whole Army might be ready to march early in the morning, which was done accordingly; and that, when Colonel Hardin reached the village, the main body was not more than five or six miles in his rear; that the detachment under Colonel Trotter was ordered to reconnoitre for three days the neighborhood, to endeavor to find out the savages, who had fled from their towns; that this party returned the evening of the same day they started, and next morning Colonel Hardin marched with the same party and fell in with the Indians; that an engagement ensued, in which he was routed, owing to the cowardly behaviour of the militia under his command; that the motives which he conceived led to detaching the party under Major Wylls, on the 21st, were, that the Indians, having avoided engaging the whole Army, would collect at their towns, and harass the rear and flanks as much as possible on its return, and a stroke at them before they could assemble in large bodies, would prevent their doing it with much effect; that the party accordingly met with the Indians, and a battle followed, in which numbers were killed on both sides; that the moment the news of this arrived in camp, Major Ray, with his battalion of Kentucky militia, was ordered to march to the support of Major Wylls, but that he did not proceed far before he returned.

Question by the Court. Did you, at any time in the course of the campaign, perceive that General Harmar was intoxicated?

Answer. I did not; I lived in the General's family, and should have known it, had anything of that kind happened.

Doctor Allison being sworn, deposed: That the organization of the Army, the orders of march, encampment, and battle, were questions which would be more amply answered by a reference to the *Orderly Book*, than they could be from the mere relation of an individual, or from any other official information; that, as to the motives which influenced the detachments of the 14th, 19th, and 21st October, those were questions which, if answered at all, must be merely speculative opinions, which it was not always prudent to divulge, nor would they, in his judgment, be admitted as evidence, or even perused by any tribunal, and therefore were nugatory; as he had not the honor of being in the Cabinet, it was utterly out of his power to give any other; that, as soon as the news arrived of the misfortune of the third detachment, a reinforcement was immediately ordered by the General, but whether it actually set out, or what induced it to return, he could not say, or whether sufficiently strong, he did not conceive himself a judge; his situation as surgeon prevented a minute attention to every, or indeed any of the arrangements of the Army; yet, as far as they came within his view or knowledge, they were judicious and uniform; that every attention was paid to the Army, by the General, in every

situation; that every step was taken by him that prudence and military knowledge could suggest, the circumstances of the Army would permit, or that necessity required.

Lieutenant Denny being sworn, deposed: That General Harmar began his preparations for the campaign soon after the 15th July, and that every day was employed in the most industrious manner; that the calculations for provisions, horses, and stores were immediately made out, and orders given accordingly; that great exertions were used by Captain Ferguson to get in readiness the artillery and military stores; and, indeed, every officer was busily engaged, under the eye of the General, in fitting out necessary matter for the expedition, but particularly the Quartermaster—not a moment's time appeared to be lost; 15th and 16th September, the Kentucky militia arrived, but instead of seeing active riflemen, such as is supposed to inhabit the frontiers, they saw a parcel of men, young in the country, and totally inexperienced in the business they came upon, so much so that many of them did not even know how to keep their arms in firing order; indeed, their whole object seemed to be nothing more than to see the country, without rendering any service whatever. A great many of their guns wanted repairs; and, as they could not put them in order, our artificers were obliged to be employed; a considerable number came without any guns at all; Kentucky seemed as if she wished to comply with the requisitions of Government as ineffectually as possible, for it was evident that about two-thirds of the men served only to swell their numbers—19th September, a small detachment of Pennsylvania militia arrived, and the 25th of September Major Doughty, with two companies of Federal troops, joined them from Muskingum. Governor St. Clair had arrived from New York the 22d, and the remains of the Pennsylvania militia came on the 25th. The militia last mentioned were similar to the other—too many substitutes. The General lost no time in organizing them, though he met with many difficulties—the Colonels were disputing for the command, and the one most popular was least entitled to it. The General's design was to reconcile all parties, which he accomplished after much trouble. The Kentuckians composed three battalions, under Majors Hall, McMullen, and Ray, with Lieutenant Colonel Commandant Trotter at their head. The Pennsylvanians were formed into one battalion under Lieutenant Colonel Trubey and Major Paul, the whole to be commanded by Colonel John Hardin, subject to the orders of General Harmar. That, on the 26th of September, the militia marched on the route towards the Indian towns; the 30th, the General having got forward all the supplies that he expected, he moved out with the Federal troops, formed into two small battalions under the immediate command of Major Wylls and Major Doughty, together with Captain Ferguson's company of artillery, and three pieces of ordnance. On the 3d of October, General Harmar joined the advanced troops early in the morning; the remaining part of the day was spent in forming the line

of march, the order of encampment and battle, and explaining the same to the militia field officers. General Harmar's orders will show the several formations. On the 4th, the Army took up the order of march, as is described in the orders. On the 5th, a reinforcement of horsemen and mounted infantry joined from Kentucky. The dragoons were formed into two troops; the mounted riflemen made a company, and this small battalion of light troops were put under the command of Major Fontaine. The whole of General Harmar's command, then, may be stated thus:

3 battalions of Kentucky militia	1,133
1 do Pennsylvania militia	320
1 do light troops, mounted militia	-
2 do Federal troops	-
Total	1,453

The line of march was certainly one of the best that could be adopted, and great attention was paid to keep the officers with their commands in proper order, and the pack-horses, &c., as compact as possible. The order of encampment appeared well calculated both for defence and to preserve the horses and cattle from being lost; however, notwithstanding every precaution taken, and repeated orders given to the horse-masters to huddle well their horses, and directions to officers and men not to suffer any to pass through the lines, many of them, owing to the carelessness of the militia, and the scarcity of food, (though great attention was paid in the choice of ground,) broke loose and strayed through the lines after night, and even passed the chain of sentries which encircled the camp, and were lost. Patrols of horsemen were ordered out every morning by day-light to scour the neighboring woods, and to bring in any horses that might have broke through the lines, and a standing order directed the pickets to turn out small parties and drive in every horse. This was done, he believed, to expedite the movement of the Army. There was no less attention paid to securing the cattle; every evening when the Army halted, the guard, which was composed of a commissioned officer and thirty or thirty-five men, built a yard always within the chain of sentries, and sometimes in the square of encampment, and placed a sufficient number of sentries round the enclosure, which effectually preserved them; there was not more than two or three head lost during the whole of the campaign.

On the 13th of October, early in the morning, a patrol of horsemen captured a Shawnee Indian. On the 14th of October, Colonel Hardin was detached with six hundred light troops to push for the Miami village; he believed that this detachment was sent forward in consequence of the intelligence gained of the Shawnee prisoner, which was that the Indians were clearing out as fast as possible, and that if they did not make more haste, the towns would be evacuated before their arrival. As it was impossible for the main body of the Army, with all their train, to hasten their march much, the General thought proper to send on Colonel Hardin, in hopes of taking a few before they would all get off. This night the horses were all

ordered to be tied up, that the Army might start by day-light, on purpose to keep as near Colonel Hardin as possible; the distance to the Indian towns, when the detachment marched ahead, was about thirty-five miles. On the 15th, every exertion was used to get forward the main body this day; they found that the advanced party had gained but very few miles. On the 16th, in the evening, met an express from Colonel Hardin, who had got into the village, informing the General that the enemy had abandoned every place. On the 17th, about noon, the Army arrived at the Omec towns. On the 18th Colonel Trotter was ordered out with three hundred men, militia and regulars, to reconnoitre the country, and to endeavor to make some discoveries of the enemy; he marched but a few miles, when his advanced horsemen came upon two Indians, and killed them; the Colonel was contented with this victory, and returned to camp. Colonel Hardin was displeased because Colonel Trotter did not execute his orders, and requested the General to give him the command of the party; it was granted, and accordingly Hardin marched next morning; but he believed he had not two-thirds of his number when two miles from camp; for to his certain knowledge, many of the militia left him on the march, and returned to their companies; whether he knew it or not he could not tell, but that he proceeded on, with a determination to trace some fresh signs of the enemy; he believed the plan was merely to gain some knowledge of the savages. He at length came upon a party, not exceeding one hundred, but was worsted; owing entirely, as he was informed, to the scandalous behaviour of the militia, many of whom never fired a shot, but ran off at the first noise of the Indians, and left the few regulars to be sacrificed; some of them never halted until they crossed the Ohio. The Army, in the mean time, was employed burning and destroying the houses and corn, shifting their position from one town to another; that, on the 21st of October, the Army having burned five villages, besides the capital town, and consumed or destroyed near twenty thousand bushels of corn in ears, took up the line of march on the route back to Fort Washington, and encamped about eight miles from the ruins; that, about 9 o'clock, P. M., the General ordered out four hundred choice men, militia and regulars, under the command of Major Wyllis, to return to the towns, intending to surprise any parties that might be assembled there, supposing that the Indians would collect to see how things were left. The General had felt the enemy, knew their strength, and calculated much upon the success of this enterprise; that it was the general opinion the force of the savages was nothing equal to this detachment, and unless by some such means, there was no possibility of getting any advantage of them; however, the best laid plan was in some measure defeated by the disobedience of the militia, who ran in pursuit of small parties, and left Major Wyllis unsupported; the consequence was, that the Major with most part of the regulars were killed, and our loss was equal if not greater than the savages; that the in-

tention of this detachment was evident to all the Army, and would have answered the fullest expectations, provided a due obedience had been observed on the part of the militia; to provide against disobedience of orders was what he believed no one would think of; and, had it not been the case, the Major in his opinion might have returned crowned with laurels; that the main body waited for the return of this detachment; but, to their mortification, about 11 o'clock A. M. of the 22d, a fellow who ran back from the field, gave them information of Major Wyllis' misfortune; General Harmar immediately despatched Major Ray with his battalion to the assistance of the parties, but the Major did not get the length, before he met Colonel Hardin returning to camp with his wounded. He was led to believe that about this time the General lost the confidence he had in the militia; those of them among the dead were of the best men; that the effective strength was very much reduced by sickness and otherwise; the regular troops did not furnish more than two hundred; they were in his opinion very insufficient; and he was also clearly of opinion, that had the enemy made an attack upon their camp that evening, or the morning following, the militia were so panic-struck that very few of them would have stood; the consequences that would have happened startled every person with horror; the sick and wounded, and all the stores, artillery, &c., would have fallen a prey to the savages; that this was also the opinion of several of the principal officers, who advised General Harmar of the danger of attempting to return to the town, from the time it would take up, and the probability that the delay would give the savages time to collect from distant quarters. He observed that the 22d of October was employed in fixing biers for the wounded, and in making repairs. He also observed, that the frost had destroyed the food early on their march out, and that the horses of the Army were now become very much reduced; so much so, that it was utterly impossible for the main body to perform any thing rapidly, and to get back upon the road, which they had so lately passed, was attended with difficulty; he said that the greatest attention was paid, the little Army was kept compact, and vigilance was the word from all who had any reputation to lose; that the militia on their return began to be refractory, showing great signs of a revolt, discharging their pieces in open defiance of the General's orders; some of them, however, were detected and punished, which gave umbrage, and was afterwards the cause of many ill-natured reports, spread without any foundation, to injure the General's reputation. He further observed, that the Army returned by slow marches back to Fort Washington; that General Harmar's conduct during the campaign was observed to be sober, steady, and attentive to the service; and, as his duty required him to be frequently near the General, should certainly have discovered it had he been at any time intoxicated, as has been reported. Every evening, as duty as the Army halted, the General made his remarks for that day, and issued orders

for the movement and arrangements for the next, and every morning he was found among the first prepared for the field. The Court adjourned until to-morrow morning, 9 o'clock.

SEPTEMBER 18, 9 o'clock, A. M.

The Court met agreeably to adjournment, and again adjourned to September 19, at three o'clock, P. M.

September 19, three o'clock, P. M.—The Court having met again, adjourned to to-morrow morning, 9 o'clock.

SEPTEMBER 20th.—The Court having met, according to adjournment:

Major Ziegler being sworn, deposed: That some time had elapsed before the different corps and battalions could be organized, on account of rank; the militia officers disputing for the command; and after a good deal of exertion by General Harmar, they commenced their march on the 30th September, 1790—the militia under Colonel Hardin, having been sent on a few days before; and on the 3d October they joined the militia, and took up their line of march, and encamped as mentioned in the General's orders. He observed that the orders of march and encampment, motions, &c., were such as would have done honor to the first officers either in America or Europe. All necessary precautions were observed to gain the point General Harmar set out for. On the 14th of October he was ordered to advance, with Colonel Hardin, commanding fifty rank and file of the Federal troops, being part of six hundred men. At 10 o'clock they took up their march, and before they left the ground the rest of the Army was ordered to parade and follow them; he remembered to have seen the Army from an eminence, as he inclined towards the left, with the column to which he was attached. The 15th, at about 3 o'clock, P. M., they arrived at the Miami villages, and at the same time Colonel Hardin sent an express to General Harmar, to inform him that the villages were evacuated. It was his opinion that the motive for this manœuvre was in consequence of a Shawanese, whom they took a few days before, and who acquainted the General that the Indians were ready to move away. The Army arrived the 17th, in the forenoon; and that day, as well as the rest, they were all busy in destroying the Indian corn, &c. He further observed, that on the 18th, Colonel Trotter was detached, with three hundred men of the militia, including thirty Federal troops, but that the Colonel returned the same day, without bringing any information; and that on the morning following, Colonel Hardin took the command of the same party, and advanced to procure some knowledge of the enemy; and on his discovering the enemy, those which were in the rear would not come up and support those engaged in front, and very few of those in front stopped, but ran, and the militia fled in a shameful manner, and the few Federal troops not supported, fell a sacrifice. The Major said, that a sergeant of militia behaving very improperly at

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that time, could not be brought to trial, on account of a brother of his being a Captain, and who made parties that would have been attended with bad consequences, should he be punished, as his brother declared he would raise some men and bid defiance. That on the 21st October, 1790, after they had destroyed a great quantity of corn and five or six villages, they took up their line of march towards Fort Washington; and at night, Major Wylls was detached with four hundred choice men, in hopes to surprise a body that might be at the ruins: this party was supposed to be sufficiently strong for any number of the enemy embodied. Major Wylls marched in three columns, with intention to join with the right and left columns at the Miami village, but that the column under the command of Major M'Mullen fell in with a small party of Indians; they followed them, and disobeyed the orders of Major Wylls in pursuing them and leaving the others unsupported, and so was the left wing; which would not have been if they had joined them, as he supposed it to be sufficiently strong for that party.

He also remembered very well being on picket, or commanding one of the wings as Captain *an Carr*, when the first men arrived with the intelligence that their party had gained ground, and at that very instant General Harmar ordered Major Ray with his battalion to the assistance of those engaged, lest that information should not prove true, but he went but two miles or two and a half, then meeting the scattered detachment returned, to the great surprise of General Harmar; that the success of the detachment was defeated, in a great measure, by the militia running ahead, and leaving Major Wylls unsupported. The Army remained this day in dressing and fixing the wounded. The militia behaving so bad in several instances, destroyed every confidence the General had in them, otherwise, he would have returned with the Army, but, as things were situated, it would have been running too great a hazard. The Army returned back to Fort Washington. Nothing appeared wanting on the part of the General. Every attention was paid to the Army to guard against surprise. The Major observed that there had been very injurious reports spread about General Harmar, but, if he was to be credited, he knew of nothing that could be alleged against him, or that could possibly injure his reputation in any respect. The good of the service appeared to be his constant study.

Question by the Court. I think, sir, you said that on the 15th, at three o'clock P. M. you arrived at the Miami village, what did you do after your arrival there? were the militia in good order?

Answer. When we arrived we were very much fatigued, having marched twenty-eight miles that day, I directed that my own men should not go thirty yards from camp. The militia like a rabble strolled into the neighboring villages, in parties of thirty or forty after plunder, such was the situation that one hundred and fifty warriors might have beat us off the ground.

Question by the Court. Did you see any desire in the militia to return to the ground where Major

Wylls was defeated, or do you suppose they would have gone had they been ordered to go?

Answer. I suppose they would not have gone; they appeared to be panic-struck.

Question by the Court. Are you of opinion that the personal conduct of the General was regular, steady, and tended to the good of the service?

Answer. Undoubtedly so, and very much to the credit of the General.

Question by the Court. From your long knowledge of service do you think that from the complexion of the troops General Harmar had to organize, that the formation of the Army was judicious?

Answer. I think it was.

Question. Do you think that the order of march and encampment, were calculated to secure every part of the Army and its appendages?

Answer. Yes, very much so.

Question by the Court. From your experience, do you think that the order of battle directed by General Harmar, was judicious?

Answer. Yes, perfectly so.

Captain Doyle being sworn, deposed: That previous to the campaign going out last Fall, every day was employed in the most industrious manner; on the arrival of the Kentucky militia they were all much disappointed; that instead of seeing complete riflemen, many were armed with old muskets, much out of repair; the General immediately ordered them repaired with all expedition. He referred the Court as to the line of march, to the General's Orderly Book, and informed the Court, that the personal conduct of the General through the campaign was uniform and steady, and that had the General's orders been strictly obeyed, he was confident he must come home with honor. As to what influenced the General to make detachments he could not say; he was in the detachment of the 14th October, and that the behaviour of the militia in that detachment, was very disgraceful; they ran from town to town in pursuit of plunder, contrary to orders, and on the arrival of General Harmar at the town, two-thirds of them dispersed in the same manner; the General ordered cannon to be fired, merely to collect them, and he at the same time harangued the officers, informing them of the ill consequences of such conduct. That the General's not returning to the village after the ill success of the last detachment, he believed was owing to his not having confidence in his Army. At that time there was a great rumor in camp, the general voice was for returning, their horses were much worn down, and the militia showed great signs of revolt. The reports that the militia circulated after their return home, and which was much to the prejudice of General Harmar, was, he believed, owing to the General's having a few of them punished for disobedience of orders; he thought it certain, that they had no grounds for their ill-natured reports, and that General Harmar would have been justifiable in arresting one or two of the most popular field-officers, and sending them home with disgrace; but a thing of that kind, he observed, would have broken up the Army. He knew of no part of the

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General's conduct, during the whole of the campaign, that could be censured, without it was showing too much lenity to the militia, and thanking them for their conduct, when they merited punishment.

Question by the Court. Do you think that the sending the detachment under Major Wylls, tended eventually to the preservation of the Army?

Answer. I think the Indians would have harassed us very much on our return if that detachment had not been made.

Question by General Harmar. Did the enemy annoy the Army at all after that detachment was made?

Answer. No, they did not.

Question by General Harmar. Did we see any Indians afterward?

Answer. We did not.

Lieutenant Sedam being sworn, deposed: That he had the honor of serving under General Harmar last Fall, on a campaign against the Indians of the Maumee village, and that he saw nothing in his conduct, but what he thought was very proper; that relative to the organization of the Army he was but little acquainted, and therefore referred the Court to the General's Orderly Book; that he was entirely unacquainted with General Harmar's motives for sending out the different detachments, and if those detachments were not properly supported, it did not appear to him to be the fault of the General, for the militia were a poor set, and behaved very ill upon all occasions; that, after the first action, he heard Major Paul, of the Pennsylvania militia, say: he hoped General Harmar would not put any confidence in them, for he was sure they would not fight.

Question by General Harmar. When I was upon the return at Chillicothe, I ordered one of the militia to be whipped, I was informed that Colonel Trotter and Major M'Mullen said I had no right to punish them. Did you hear me reprimand them for that conduct?

Answer. After the man was punished, I heard you say to Colonel Trotter and Major M'Mullen, that you would send them both home with disgrace for their bad conduct.

Ensign Armstrong being sworn, deposed as follows: That the militia being ordered into battalions and organized, in which he knew the General met with great difficulty; that the order of march and encampment could be better ascertained by a reference to the Orderly Book, than any thing he could add on the subject; that the conduct of the militia in every instance seemed calculated to obstruct every measure adopted by General Harmar; that the conduct of the General in every particular, was perfectly consistent and uniform, and every step taken by him appeared to be the dictate of prudence and sobriety; that what induced the General to send out the detachments, was wholly unknown to him, and therefore unspeakable by him.

Captain Armstrong being sworn, deposed: That on report being made to General Harmar, by Major M'Mullen and others, that the tracks of women and children had been seen on the route

leading towards the Kickapoo town, a Northwest course, and supposing the enemy had left their families and baggage not far distant from camp, General Harmar, on the morning of October 18th, detached Colonel Trotter, Colonel Hall, Major Ray, and Major M'Mullen, with thirty Federal troops, the mounted infantry, part of the cavalry, and a detachment of militia, amounting in the whole to 300 men. After they had proceeded about one mile, the cavalry gave chase to an Indian who was mounted; him they overtook and killed; before they returned to the column, a second one appeared, on which the four field officers left their commands, and pursued, leaving the troops near half an hour without any directions whatever. The cavalry came across the second Indian, and after wounding one of their party killed him also. When the infantry came up to this place, they immediately fell into confusion, and he gained permission to leave them some distance on the road, where he formed an ambuscade. After he had been some time at his station, a fellow on horseback came to him, who had lost the party in pursuit of the first Indian; he was much frightened, and said he had been pursued by fifty mounted Indians. That on his telling this story to Colonel Trotter, notwithstanding his observations to him, he changed his route, marched in various directions until night, when he returned to camp. That, on their arrival in camp, General Harmar sent for him; and after answering him many questions ordered one subaltern and twenty militia to join his command. With those he crossed the river St. Joseph about ten at night, and with a guide proceeded to an Indian town, about two miles distant, where he continued with his party until the morning of the 19th. His party fired upon an Indian and retook from him two horses. About nine o'clock he joined the remainder of the detachment under Colonel Harmar. They marched on the route Colonel Trotter had pursued the day before, and after passing a morass about five miles distant, they came to where the enemy had encamped the day before. Here they made a short halt, and the commanding officer disposed of the parties at a distance from each other; after a halt of half an hour, they were ordered to move on, and Captain Faulkner's company was left on the ground, the Colonel having neglected giving him orders to move on. After they had proceeded about three miles, they fell in with two Indians on foot who threw off their packs, and the brush being thick, made their escape. He then asked Colonel Harmar where Captain Faulkner was? He said, he was lost, and then sent Major Fontaine with part of the cavalry in search of him, and moved on with the remainder of the troops. That, some time after, he informed Colonel Harmar a gun had been fired in their front, which might be considered as an alarm gun, and that he saw where a horse had come down the road, and returned again; but the Colonel still moved on, giving no orders, nor making any arrangements for an attack. That, some time after, he discovered the enemy's fires at a distance, and informed the Colonel, who replied, that they would not fight, and rode in front of the advance, until fired on

from behind the fires; when he the Colonel retreated, and with him all the militia except nine, who continued with him, and were instantly killed, with twenty-four of the Federal troops; and seeing his last man fall and being surrounded by the savages, he threw himself into a thicket and remained there three hours in daylight; during that time he had an opportunity of seeing the enemy pass and repass, and conceived their numbers did not amount to one hundred men; that some were mounted, others armed with rifles, and the advance with tomahawks only. He was of opinion that had Colonel Trotter proceeded on the 18th, agreeably to his orders, having killed the enemy's sentinels, they would have surprised their camp and with ease defeated them, or had Colonel Hardin arranged his troops, or made any military disposition on the 19th, that they would have gained a victory; their defeat he therefore ascribed to two causes, the unofficer-like conduct of Colonel Hardin (who he believed was a brave man) and the cowardly behaviour of the militia; many of them threw down their arms loaded, and he believed that none, except the party under his command, fired a gun. What he saw of the conduct of the militia on that day, and what he felt by being under the command of a man who wanted military talents, had caused him to determine, that he would not willingly fight with the one, or be commanded by the other. That he referred the Court to the Orderly Book which pointed out the line of march, encampment and battle.

Question by the Court. Are you clearly of opinion that if the militia had done their duty, they were fully competent to have defeated the Indians?

Answer. I think they were fully so.

Question by the Court. According to your ideas, as an officer of experience, was the formation and arrangement of the different corps of the Army by General Harmar at the commencement of the expedition judicious?

Answer. I think they were.

Question by the Court. Did the line of march appear to you to be a judicious one, calculated for the protection of the Army in all its parts?

Answer. I think so.

Question by the Court. Do you think the mode of encampment was calculated both for defence and protection?

Answer. As much so as any one that could possibly be adopted?

Question by the Court. What was your opinion of the General's order of battle?

Answer. I think it was a judicious one.

Question by the Court. Do you think that the making the detachment of the 21st, was in its consequences useful to the return of the Army?

Answer. I can judge from circumstances only; that we were not harassed by the enemy afterwards.

Question by the Court. Do you know if any detachment was made for the purpose of supporting Major Wyllis?

Answer. As soon as information of the Major's misfortune arrived in camp, the General ordered

all the troops under arms, but whether any detachment was made from them or not, I do not know.

Question by the Court. Do you suppose that if General Harmar had ordered the Army back, the militia would have gone?

Answer. I am of opinion that if a serious attack had been made, in fifteen minutes the militia would have deserted us and left the Federal troops and artillery to be sacrificed.

Question by General Harmar. Do you recollect the proceedings of the militia at Chillicothe on our return?

Answer. I recollect your saying to Colonel Trotter and Major M'Mullen, that you would post them in their country for their unsoldier-like conduct and that they ought to be hanged.

Ensign Shamburgh being sworn, deposed: That the organization of the Army under General Harmar was, as far as he was capable of judging in military affairs, exceedingly well; that the march, encampment, and order of battle were also, in his opinion, very well planned; that he was not capable of judging of the motives which influenced the detachments of the 14th, 19th, and 21st October; but it was his opinion, at that time, that the General was apprehensive, that as the savages had been successful in the preceding engagements, they would harass his Army on his return; in consequence thereof, he ordered the party commanded by Major Wyllis in order to check them, which he believed had its effect; he recollected that the different detachments sent out were numerous, and, he believed, sufficient to fight such number of Indians as were then together, if the commanding officers thereof had taken more precaution; he had been told at the time that Major Ray was ordered to support Major Wyllis, but he could not determine whether that officer had obeyed his orders. He observed, that the loss of so many pack-horses was owing to the neglect of horsemasters, notwithstanding the repeated orders of the General on that head; it appeared to him as if they were parties concerned, and glad to lose their horses, because they had a very great praise for the same. He observed that he did duty in the Ordnance Department at that time, and had fifty pack-horses under his direction, which gave him an opportunity to know the negligence and incapacity of both horsemasters and drivers.

Question by General Harmar. Do you think after the last detachment was made under Major Wyllis, and the remains of his party returned to camp, that the militia would have gone back if they had been ordered?

Answer. I think not.

Question by the Court. Was the appearance of the militia, after the action of the 21st, orderly or disorderly?

Answer. Very disorderly.

Question by the Court. Was there any particular cause ascribed, that you heard of, for their disorderly conduct?

Answer. Not that I know of, the militia, both officers and men, seemed determined to go home,

and said frequently that ten Federal regiments should not keep them.

Question by the Court. Did you observe whether the militia were as well treated as the Federal troops?

Answer. Perfectly the same.

Ensign Gaines, who was Captain of horse in General Harmar's expedition, being sworn, deposed: That on the expedition he was almost every evening at General Harmar's tent until the 24th October, when he was detached forward to Fort Washington, and that during the whole time he did not see General Harmar in the least intoxicated with liquor, but that on the contrary the General conducted the Army in a manner which, in his estimation, did him great honor. He further observed, that he had served on a number of expeditions against the savages, undertaken by the militia of Kentucky, and that he never saw in any of them, the like good order and military arrangement, which accompanied General Harmar's expedition; he also observed, that the people in Kentucky never alleged any charge against General Harmar, until Colonel John Hardin had acquitted himself before a Board of Inquiry of several charges exhibited against him, respecting his conduct on that expedition; that the populace finding nothing they could say to the prejudice of the Colonel would be believed, levelled their malice at General Harmar. He did not conceive that any thing would have been said against the General in that country, if a Baptist preacher's son, who resided there, had not been whipped in the Army for disobedience of orders.

Question by the Court. I think you say you have been in several expeditions against the Indians; did the militia who were with General Harmar conduct better or worse than those in other expeditions?

Answer. Much better, sir.

Question by the Court. Was you in the action of the 19th?

Answer. I was.

Question by the Court. Is it your opinion, that if the militia had been properly arranged in that action, and would have fought, that they would have been sufficient to have defeated the Indians?

Answer. Yes; for it appeared to me that the Indians were surprised; that if Colonel Trotter on the preceding day had not returned, he most certainly must have been in their camp, and completely defeated them; for I had taken two of their spies the day before, which appeared to be the only two they had out.

Question by the Court. Do you think that, if General Harmar had ordered the Army back, after the action of the 21st, that the militia would have gone?

Answer. They would not have gone willingly. I think in that case there would have been danger of mutiny. When the militia of Major Wyllis' detachment were ordered to march, they appeared unwilling to go, and some were so much so as to cry.

Question by the Court. Is it your opinion that the movement of the detachment under Major

Wyllis had a good effect in securing the Army from being attacked and harassed on its return?

Answer. I think it had a very good effect.

Question by the Court. Did the Indians ever attack you afterwards?

Answer. Not while I continued with the Army.

Captain Asheton, being sworn, deposed: That the organization of General Harmar's Army was a source of trouble and difficulty, arising from disputes among the militia officers for precedence; but, when effected, was in all its parts systematical; that the organization of the Army, the order of march, encampment, and battle, when duly considered, cannot fail to raise the General in the estimation of every military man. That it had been basely reported that the General was in a state of intoxication nearly the whole of the campaign; and this he asserted to be a malicious falsehood; and he averred that his personal conduct during that time will ever do him honor. He said the motives which influenced the detachments of the 14th, 19th, and 21st of October, could only be accounted for by the General himself; but he supposed that the detachment under Colonel Hardin was sent in consequence of information gained from a prisoner taken on the morning of the 13th, and from a Frenchman employed as a guide, who reported that it was something more than half a day's ride from a place called the French Store (at which place the Army encamped the night of the 13th) to the Maumee villages. This detachment was supported by the whole Army, and moved off the ground at the same time with as much rapidity as possible, and arrived at the villages on the 17th where the Army encamped. On the morning of the 18th I mounted guard in front of the encampment. In the course of that day I was informed that a detachment of three hundred men were ordered out under Colonel Trotter, with three days' provisions, with orders to scour the country; but they returned the same evening to camp, without effecting anything. Colonel Hardin, disgusted at the conduct of Colonel Trotter, and anxious to retrieve the lost honor of his countrymen, solicited the same command, which was granted. He marched on the morning of the 19th, while he was yet on guard, and was defeated the same day by the Indians. He could not say what influenced the General to send out a detachment on the 21st, but he observed that the Indians were flushed with success in the action of the 19th. That it had become necessary to give them a sudden check, in order to prevent the Army from being harassed on its return; and that, if this was the General's intention, he was fully persuaded it had its desired effect. On the 21st the Army marched eight miles from the Maumee villages, on its return. Late that night a corps of three hundred and forty militia and sixty of the Federal troops, under the command of Major Wyllis, were detached, that they might gain the vicinity of the Maumee villages before the morning, and surprise any Indians who might be found there. The detachment marched in three columns, the Federal troops in the centre, at the head of which he was posted, with Major Wyllis and Colonel Hardin

in his front; the militia formed the columns to the right and left. From several delays, occasioned by the militia's halting, they did not reach the banks of the Onnee till some time after sunrise. The spies then discovered the enemy, and reported to Major Wylls, who halted the Federal troops, and moved the militia on some distance in front, where he gave his orders and plan of attack to the several commanding officers of corps; those orders were not communicated to him; that Major Wylls reserved the command of the Federal troops to himself. Major Hall, with his battalion, was directed to take a circuitous route round the head of the Onnee river, cross the Pickaway Fort, (or St. Mary's,) which brought him directly in the rear of the enemy, and there wait until the attack should commence with Major McMullen's battalion, Major Fontaine's cavalry, and Major Wylls with the Federal troops, who all crossed the Onnee at and near the common fording place. After the attack commenced the troops were by no means to separate, but were to embody, or the battalions to support each other as circumstances required. From this disposition it appeared evident that it was the intention of Major Wylls to surround the enemy; and that if Colonel Hall, who had gained his ground undiscovered, had not wantonly disobeyed his orders, by firing on a single Indian, the surprise must have been complete. The Indians then fled with precipitation, the battalions of militia pursuing in different directions. Major Fontaine made a charge upon a small party of savages; he fell the first fire, and his troops dispersed. The Federal troops, who were then left unsupported, became an easy sacrifice to much the largest party of Indians that had been seen that day. It was his opinion that the misfortunes of that day were owing to the separation of troops and disobedience of orders. After the Federal troops were defeated, and the firing in all quarters nearly ceased, Colonel Hall and Major McMullen, with their battalions, met in the town, and, after discharging, cleaning, and fresh loading their arms, which took up about half an hour, proceeded to join the Army unmolested. He was convinced that the detachment, if it had been kept embodied, was sufficient to have answered the fullest expectations of the General, and needed no support; but he was informed that a battalion under Major Ray was ordered out for that purpose.

Question by the Court. Is it your opinion that, if the General had ordered the Army back, the militia would have gone?

Answer. I do not think they would.

Lieutenant Kersey, being sworn, deposed: That when the militia arrived at Fort Washington, they were formed into battalions and properly organized. He knew that General Harmar had a great deal of difficulty to get them arranged; their arms and accoutrements were in very bad order. He wished to refer the Court to the General's Orderly Book for information relative to the order of march. In his opinion General Harmar's conduct was uniform, steady, and sober, during the whole expedition. He was also of

opinion that the detachment of the 14th was in consequence of information received from a prisoner, taken the morning before, which was, that the enemy were running away; and the detachment of the 19th was to gain some knowledge of them, and the detachment of the 21st was to surprise and take advantage of them; which, in his opinion, would have happened had the militia attended to the directions and plan laid down for that enterprise. He observed that the reduced state of the pack-horses, notwithstanding every attention was paid to secure and keep them in good condition, rendered it impossible for the Army to take any advantage of the enemy. The militia had proved that they were not to be depended upon; their dastardly behaviour, in three instances, destroyed every confidence the General had in them. He therefore determined to return, and not to hazard another engagement, unless the enemy came in reach of the main body. That the Army took up the march to return to Fort Washington, and it was with great difficulty that the General kept them together until they arrived there.

Question by the Court. From your knowledge of service, is it your opinion that the organization of the Army was judicious?

Answer. I think it was. Question by the Court. Do you think that all the movements of the Army were so connected as to be able to sustain each other in case of attack by the enemy?

Answer. I think they were.

Question by the Court. Do you think that through the course of the campaign the General's conduct was open and decisive throughout?

Answer. I think it was.

Question by the Court. Was the conduct of the militia tolerably regular on their advance towards the Maumee towns?

Answer. It was more regular than it was on the return; but it was very irregular.

Question by the Court. Do you suppose it was necessary to make the detachment of the 21st, in order to prevent the Indians harassing the Army on its return?

Answer. I think it was, and for that purpose.

Question by the Court. If the General had ordered the Army to return to the towns, after Major Wylls' misfortune, would the militia have gone?

Answer. I think they would not; they would have mutinied.

Question by the Court. Was the Army harassed by the Indians after the 21st, on its return?

Answer. Not to my knowledge; I believe there was not one seen.

The Court adjourned to meet at 9 o'clock, tomorrow morning.

SEPTEMBER 21.

The Court met according to adjournment. Major Harmar was sworn, and deposed: That General Harmar's conduct on his expedition in October, 1790, was at all times steady, calm, and deliberate, and was always attentive to the ar-

rangements and applications made to him, and to the information given, as far as came under his observation; that he was often at his quarters and marched in front of the right column, which was generally within fifty yards of him. That the organization of the Army being published in the daily orders, would speak for itself; he, however, never heard an individual find fault with it during the campaign, or point out any defects, except in the commissary and pack-horse departments, and in those the execution, and not the arrangements were found fault with; that the order of march was in three columns, covered with front, rear, and flank guards, which order was generally preserved, and as well executed as could be expected with a body composed mostly of militia, and embarrassed with pack-horses; that the encampment was in a square with the baggage, horses, cattle, and stores in centre; guards were posted in such manner as to form a line of sentries round the whole, field officers appointed to dispose those guards, and to see duty well done, and they were so disposed as to prevent surprise, and had the horse department followed orders, would have secured the horses; as they had not occasion to form the line of battle, he could not determine how it would have been executed, but it was simple, easy to be understood, and universally approved. With respect to making the detachments, he had never been in council, and could only assign such motives as offered themselves at the time from a concurrence of circumstances.

The detachment of the 14th, he presumed, at that time, was made in consequence of information obtained from a prisoner, that the Indians were confused and distracted in their councils, and was designed to surprise them, prevent their concerting measures to unite, and attack them, and not give them time to secure their provisions and property, and that the desired effect was answered, so far as to prevent their securing so much as they would otherwise have done. The whole Army was put in motion the moment the detachment moved off, and followed with as much rapidity as artillery and stores would admit of, to support the detachment; that the detachment of the 19th was made in consequence of repeated information of having discovered a trail of men, women, and children, and on the fullest assurance, as he was then informed, that the detachment was adequate for attacking the party they were in quest of. A *corps de reserve* was ordered, but never came up; it was dark before information was brought to the General that the party were defeated, and a support could not be sent that night; a detachment was ordered to march next morning, but for what purpose he could not say. The detachment of the 21st, he had every reason to believe, was made on the general system, viz: to find the enemy, and give them a check, to prevent their attacking and harassing the Army on the retreat, and on that principle the detaching was inevitable; he did not know that any support was ordered; he was on the left, but he knew that the greater part of the detachment came in very soon after the intelligence of the defeat was brought, and it was too

late for giving any assistance. He did not expect that the General would make a detachment to support them, after the repeated proofs that the militia would not stand, and he presumed the situation of the horses would not admit of returning with the Army. He supposed the detachment calculated to cover itself, and doubtless would have happily succeeded, had the right and left columns obeyed the orders which it is said Major Wylls had given. He knew of no one circumstance in the General's conduct during the expedition, which ought to injure his reputation; and, though the misfortunes of the 21st were to be lamented, yet he believed the salvation of the remainder of the Army, the baggage, and stores, were due only to the making that detachment.

Question by the Court. On the arrival of the troops in camp, who were defeated on the 21st, do you think, from the state of mind the militia were in, that, if the General had ordered the Army back, the militia would have gone?

Answer. I do not know whether they would or not; but, if they had gone, and not having any place to retreat to, I am of opinion they would have fled as soon as they were attacked, and have left the Federal troops to be sacrificed.

The Court then adjourned to to-morrow morning, at 9 o'clock.

SEPTEMBER 22.

The Court having met according to adjournment, directed the Recorder to write the following letter to his Excellency General St. Clair:

FORT WASHINGTON, September 22, 1791.

Sir: I am directed by the Court of Inquiry now sitting in this place, to inform your Excellency that the Court have gone through the examination of all the witnesses that have been adduced, and that those from Kentucky, who were referred to in your Excellency's letter to the President of the Court, have not appeared. The Court are now ready to close their proceedings, unless your Excellency has information of any further evidence being ready, of which the Court beg to be informed.

I have the honor to be, with the most perfect respect, your Excellency's most obedient servant, WINSLOW WARREN.

Recorder to the Court.

To His Excellency General St. Clair.

To which letter, his Excellency General St. Clair sent the following answer:

FORT WASHINGTON, September 22, 1791.

Sir: You will please to inform the Court that I know of no evidences here, other than those that have been before them, and that it is not probable those from Kentucky will come forward. I therefore see no reason why the proceedings should not be closed.

I am, sir, your very humble servant,

ARTHUR ST. CLAIR.

Mr. WARREN,

Recorder to the Court of Inquiry.

Court of Inquiry on General Harmar.

Soon after, the following letter was received:

SEPTEMBER 22, 1791.
SIR: Since I wrote to you a moment ago, I have been informed that it is probable more testimony will be offered to the Court in the course of this day. If the Court, then, have not already closed their proceedings, I wish they would be pleased to defer it until to-morrow morning, which please to inform them.

I am, sir, your humble servant,
A. ST. CLAIR.

Mr. WARREN.

To which the following answer was returned:

FORT WASHINGTON, September 22, 1791.

SIR: I am directed by the President of the Court of Inquiry to inform your Excellency that, in consequence of the last letter with which you were pleased to honor them, they have adjourned to meet to-morrow, at 9 o'clock, a. m.

I have the honor to be, your Excellency's most obedient servant,
WINSLOW WARREN.

His Excellency General St. CLAIR.

The Court then adjourned to September 23d, 9 o'clock, a. m.

SEPTEMBER 23.

The Court met according to adjournment; and, no further evidences appearing, came to a resolution to close their proceedings.

The Court, having deliberately considered the evidence before them separately and aggregately, are unanimous in the following opinion:

1st. That the personal conduct of the said Brigadier General Harmar was irreproachable.

2d. That the organization of the Army was calculated to support harmony, and give mutual confidence to the several parts.

3d. That the order of march (a copy of which is annexed to these proceedings) was perfectly adapted to the country through which the Army had to pass.

4th. That the order of encampment and battle (plans of which are also subjoined) were judicious, and well calculated to give security to the camp, energy to the troops in case of attack, and simple in its execution.

5th. That there were just reasons for the detachments of the 14th and 19th of October; that the detachment of the 21st was made on good principles, and had the designed effect of securing the return of the Army, and preventing the enemy from harassing their rear; that the General had ordered support for the said detachment in time, but that his orders were not properly executed; and that the conduct of the said Brigadier General Josiah Harmar merits high approbation.

RICHARD BUTLER,

Major General, President.

Attest: WINSLOW WARREN,
Lieut. and Adj't to the 2d U. S. reg't,
Recorder to the Court.

[Here follow Diagrams of the order of battle.]

The depositions Nos. 1, 2, 3, and 4, have been handed in, and read to the Court. They have thought proper to subjoin them to their proceedings, for your Excellency's information.

No. 1.

Territory of the United States Northwest of the River Ohio.

Caleb Worley, of the county of Fayette, in the District of Kentucky, Lieutenant in Colonel Paterson's Battalion of Kentucky Militia, maketh oath, and saith: That this deponent served as Lieutenant in a Battalion of Kentucky Militia, commanded by Major McMullen, on the late expedition undertaken against the savages of the Omeo towns; and that he, this deponent, had very frequent opportunities of seeing and conversing with Brigadier General Harmar, who commanded the whole forces so employed. And this deponent saith, that he never did, to the best of his knowledge, see the said General Harmar in a state of intoxication, nor wanting in that duty and attention which he owed to the safety and order of the troops under his command. And further saith not.

C. WORLEY.

Sworn the 5th day of May, 1791, at Cincinnati, in the county of Hamilton, before me, George Turner, one of the Judges in and over the Territory aforesaid.

G. TURNER.

No. 2.

Territory of the United States Northwest of the River Ohio.

John Thorp, Superintendent of Artificers in the Army of the United States now serving at Fort Washington, in the county of Hamilton, maketh oath and saith: That he, this deponent, commanded the Corps of Pioneers on the late expedition against the Omeo towns, under the command of Brigadier General Josiah Harmar; that, during the whole march of the forces so under the said General Harmar's command, both advancing and returning, it appeared to him, this deponent, that the said General conducted himself in a regular and truly military manner; that the General's deportment was on all occasions no less regular, becoming, and military, while in camp, than on the march, to the best of this deponent's knowledge and belief; and that, although it was a part of this deponent's duty to attend personally on the General early every morning, and also at the encampment every night, yet he, this deponent, does not remember that he ever perceived the said General Harmar in a state of intoxication during the whole expedition, but, on the contrary, verily believes that the said General Harmar's conduct throughout the expedition, was marked with great sobriety and eminent vigilance.

JOHN THORP.

Sworn at Fort Washington aforesaid, the 27th day of April, in the year of our Lord 1791, before me, one of the Judges in and over the Territory aforesaid.

G. TURNER.

Court of Inquiry on General Harmar.

No. 3.

Territory of the United States Northwest of the River Ohio, ss:

William Wells, Esq., of the North Bend, in the county of Hamilton, one of the Judges of the Common Pleas held in and for the said county, and superintendent of commissary's stores during the late expedition against the Omeo savages, being duly sworn, maketh oath, and saith as follows, that is to say: First, this deponent saith that the duties of his late appointment as superintendent, aforesaid, required him to be about the person of the General commanding the troops on that expedition every morning and night, and that the said Commanding General (Josiah Harmar, Esq.,) uniformly appeared to him (this deponent) in a state of sobriety, competent to the transaction of any business pertaining to his station. And further this deponent saith not.

WILLIAM WELLS.

Sworn at Cincinnati, in the county of Hamilton, and Territory aforesaid, this 19th day of May, 1791, before me, George Turner, Esq., one of the Judges in and over the said Territory.

No. 4.

The affidavit of Colonel John Hardin, taken in consequence of a Court of Inquiry, to be held at Fort Washington, respecting the conduct of Brigadier General Harmar on the expedition against the Maumee towns, in October, 1790.

This deponent, being first sworn, deposeseth and saith: That, on his arrival with the Kentucky militia at the mouth of Licking, he commenced an acquaintance with General Harmar; found, from his conversation, that he had the good of his country and the expedition very much at heart; business was carried on regularly, and with as much expedition as the nature of the case would admit. About the 1st of October we proceeded on our march; after the line of march was formed the General issued his orders regularly, and observed very strictly that they were executed; on our march there was an Indian prisoner taken, who gave information that the Indians and French were repairing the Old Fort at the Maumee town, and that the Indians were not likely to get any of the neighboring tribes to join them; this prisoner also informed us they did not know that General Harmar had any artillery. After receiving this information the General and this deponent consulted upon the matter, and it was agreed to detach six hundred men, leaving all their heavy baggage, and march rapidly to the towns, hoping that the enemy would fly to their fort, provided the artillery was not discovered, and that six hundred, rank and file, would be sufficient to keep them in their fort until General Harmar arrived with the artillery and balance of the Army. Accordingly, when the General was informed by the guides that they were within thirty or thirty-five miles of the towns, there was a detachment ordered to make ready with all possible expedition; those orders were so pleasing to the officers that they disputed who should go, and some cast lots in

order to settle the dispute; this deponent, being honored with the command, left the General with his detachment, and saw him no more until he arrived at the Maumee village, which he thinks was about three or four days after he left him, during which time he heard no complaints of General Harmar. After the General's arrival at the Maumee village, and the Indians all fled, he expressed a very great desire to make his route by the Wea town, on the Wabash; for this purpose there was a council ordered to be held; but, before the council met, finding the Indians had stolen, the night before, a number of pack-horses and some of the light-horsemen's horses, there was a stop put to the business, and the thoughts of the route by the Wea towns laid aside. There was an old French captive that was taken informed us the Indians were scattered in the woods, and were not able by any means to fight us, and that they had not got any assistance from other tribes; this induced this deponent to solicit the General for a command of about three or four hundred men, to range the woods for ten or twelve miles, which he granted, and ordered the three hundred men to be furnished with three days' provisions; these orders were as pleasing to the officers and soldiers as the former; Colonel Trotter insisted he had been promised a command; and, as it appeared this would be productive of something very clever, he wished to be indulged with the command of the detachment then ordered out, which was granted by the General, this deponent consenting thereto. Colonel Trotter marched on the morning of the 18th October, equipped for a tour of two or three days, in order to hunt up Indian camps; he returned on the evening of the same day, at the time the General and the deponent were about firing the guards, in order to capture any of the enemy that might come to steal horses. The General appeared much displeased with the conduct of Colonel Trotter, and ordered the same party out again that evening, and for this deponent to go next morning and take charge of them. This deponent, agreeably to the orders given, collected what he could of the party next morning; and, after proceeding about ten miles, fell in with a party of Indians, who began a very brisk fire on the detachment, who retired without making but very little resistance, notwithstanding all exertions to prevent them. This deponent, when he returned to camp, informed the General what had happened; that it was owing to the cowardly behaviour of the militia, and insisted on another party being sent to the battle-ground. The General informed this deponent he would let him know in the morning. Accordingly he told him that he had not completed the object that he was ordered to do, and that if anything should happen to prevent him, he should be reflected on, as he had been in the possession of the towns so long, and had not destroyed them, that he would first give orders for that purpose, and then he would be better able to judge what was best to be done. On the morning of the 20th orders were given for destroying the towns, which was executed accordingly. At this time the men appeared more timid than be-

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fore; the General told this deponent he thought it would not answer a good purpose to go to the battle-ground, as the spirits of the men appeared to be very low at hearing of so many men being killed, and that the sight of the mangled bodies would make them much more so; and the Indians, if not able to fight us, would be gone; and that he should give orders to take up the line of march to Fort Washington. Accordingly, on the morning of the 21st, we left the towns and began our march for the mouth of Licking, in about eight or nine miles encamped. The night being very clear, and the moon giving light, this deponent informed the General that he thought it would be a good opportunity to steal a march on the Indians, as he had reason to believe they returned to the towns as soon as they knew the Army had left it. The General did not appear fond of sending a party back, but this deponent urged the matter, informing the General that, as he had been unfortunate the other day, he wished to have it in his power to pick the militia and try it again; and at the same time endeavored to account for the men's not fighting, and desired an opportunity to retrieve the credit of the militia; the General appeared not to be of opinion the enemy would return so soon, but told this deponent he might take about one hundred men and go back; this deponent replied he did not wish to go back with less than five or six hundred men; the General answered that the troops were very much fatigued, and that it would not answer any valuable purpose to send so many men; this deponent then left the General; in about half an hour he was sent for, when the General informed him that he intended to send Major Wyllys back with all the Federal troops that could be spared, saying, at the same time, they were the men that would stand to the work, and that he wanted about one hundred of our best militia. After some conversation between the General and this deponent, the latter went to Major Wyllys and told him he did not like his going back with so few men; the Major, also thinking the number too few, wished this deponent to speak to the General on the subject, which was done. Major McMullen and Major Hall were then sent for, and the design made known to them; they both appeared well pleased with the affair; it was then proposed what number of men would be sufficient, this deponent recommending from four to six hundred; they both concluded that four hundred men were fully sufficient. The General seemed perfectly satisfied that any number of troops that were thought adequate to the purpose should be ordered; accordingly, four hundred men, consisting of sixty regulars, three hundred foot militia, and forty horsemen, rank and file, properly officered, were ordered to be ready to march at midnight; this deponent was honored with the command of the militia.

The troops marched agreeably to orders about two o'clock, and after proceeding to the towns they fell in with a party of Indians, (a battle ensued, the result of which is generally known;) as they returned, about one and a half miles before we got

to camp. This deponent sent a horseman forward to inform the General what was done, and very shortly after he had despatched this horseman, met Major Ray, with about thirty men, who informed him there had come a horseman into camp, and had acquainted the General that the party was nearly all cut off, that the General had sent him with what men he could get out of the militia to meet what had escaped of the detachment, that those with him were all that would turn out; this deponent informed the Major otherwise, and requested him to wait until Major McMullen, Major Hall, and Major Ormsby should come up, that they were but a small distance behind, and he would go forward to the General. When this deponent arrived at camp and informed the General what was done, he appeared to be well satisfied; he also asked the General if he would not send back another party to keep possession of the battle ground? he replied, he would not divide his Army any more, when this deponent insisted on the whole Army's marching back, no person being present, except the General, Major Doughty, and this deponent; the General answered, You see the situation of the Army, we are now scarcely able to move our baggage, it will take up three days to go and return to this place, we have no more forage for our horses, and if the Indians intend to collect, which he apprehended they would, from their success on the 19th, it would give them a great opportunity; that they had got a very good scouring, and he would keep the Army in perfect readiness to receive them, should they think proper to follow; and finally concluded that under the present circumstances, it was best to move forward to Fort Washington, and if the Indians did follow, he would make every exertion in his power to defeat their intentions; Major Doughty appeared perfectly to agree with the General in opinion. The bounds of the camp were made less; the Army continued at the same camp until next morning, orders were given to march at the usual hour, which was eight o'clock; during this time this deponent never heard any person express a desire to go back to the towns, except two soldiers of Major Ray's party, by the names of Miller and Hammond. Next morning, at the hour appointed to march, the General moved with the front of the Army, and halted at a very small distance, litters not being ready for all the wounded. This deponent, with the rear guard, and many others, did not leave the camp until ten o'clock, when they moved on and joined the Army; the whole then proceeded on towards Fort Washington, with as much regularity as was observed in going out, until we came to the old Chillicothe on little Miami, when a number of militia, contrary to orders, fired off their guns. This deponent endeavored to put a stop to such disorderly behaviour; and commanded that those offenders that could be taken should be punished agreeably to general orders, and having caught a soldier himself in the very act of firing his gun, ordered a file of men to take him immediately and carry him to the six-pounder, and for the drummer to tie him up and give him six lashes. This deponent was shortly after

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met by Colonel Trotter and Major McMullen, and a number of militia soldiers, who in an abrupt manner asked him by what authority he ordered that soldier whipped? he replied, in support of general orders; on which a very warm dispute ensued between Colonel Trotter, Major McMullen, and this deponent. The General, being informed of what had happened came forward and gave Colonel Trotter and Major McMullen a very severe reprimand, ordered the Federal troops to parade, and the drummer to do his duty, swearing he would risk his life in support of his orders. The man received the number of lashes ordered, and several that were confined were set at liberty; numbers of the militia seemed much pleased with soon quashed, the Army intended mutiny being soon quashed, the Army proceeded in good order to Fort Washington. When the Army arrived at the mouth of Licking, the General informed this deponent he had determined to arrest some of the militia officers for their bad conduct, and send them home with disgrace; but this deponent opposed his intention, alleging that it would be a disgrace to the whole militia, that he would perhaps stand in need of their assistance on some future occasion, and it would sour their minds and cause them to turn out with reluctance, and that his discharging them generally with honor, perhaps would answer a better purpose; the General readily indulged the request of this deponent. This deponent further observes, that during the expedition he never heard officer nor soldier find fault, or give the most distant hint of being displeased with the General's conduct in any respect, nor charge him with cowardice or drunkenness, and expected the General had given general satisfaction; and what more confirmed his opinion, was after their arrival at Fort Washington, the General invited all the field and some other officers to dine with him, amongst whom was Colonel Trotter, Major Doughty, Major Hall, and Major McMullen. Dinner being over, wine was introduced; the General stepping out on some occasion, Major Hall proposed drinking his health, it was unanimously agreed to, and with as much cheerfulness as any other health that was proposed. This deponent continued at Fort Washington a few days after, and never heard any person speak a disrespectful word of General Harmar, or find fault in the least with his conduct whilst on the expedition. When this deponent returned home in Kentucky, hearing such reports respecting the expedition, was much amazed, but concluded it arose from a want of knowledge and proper information, or from prejudice. This deponent further saith, that he looked on General Harmar to be a very brave and experienced officer. And further saith not.

JOHN HARDIN.

NELSON, *ss.*

This day came Colonel John Hardin before me, a Justice of the Peace for said county, and made oath, that the above affidavit was just and true to the best of his knowledge, and subscribed his name in my presence. Given under my hand, this fourteenth day of September, 1791.

JOHN CALDWELL.

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I have read the above affidavit, and what comes within my knowledge of it, I know to be true, and the rest I believe to be true. Given under my hand, this fifteenth of September, 1791.

STEPHEN ORMSBY.
Sworn to before me, a Justice of the Peace for Nelson county.
BENJAMIN FRYE.

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COMMERCE WITH GREAT BRITAIN.

Message from the President of the United States, communicating the correspondence between the British Minister Plenipotentiary and the Secretary of State, in relation to the Commerce of the two countries.

Gentlemen of the Senate
and House of Representatives:

I have thought it proper to lay before you a communication of the 11th instant, from the Minister Plenipotentiary of Great Britain to the Secretary of State, relative to the Commerce of the two countries; together with their explanatory correspondence, and the Secretary of State's Letter to me on the subject.

GEO. WASHINGTON.

APRIL 13, 1792.

PHILADELPHIA, April 13, 1792.

SIR: I have the honor to lay before you a communication from Mr. Hammond, Minister Plenipotentiary of his Britannic Majesty, covering a clause of a statute of that country relative to its Commerce with this, and notifying a determination to carry it into execution henceforward. Conceiving that the determination announced could not be really meant as extensively as the words import, I asked and received an explanation from the Minister, as expressed in the Letter and answer herein enclosed; and, on consideration of all circumstances, I cannot but confide in the opinion expressed by him, that its sole object is to exclude foreign vessels from the islands of Jersey and Guernsey.

The want of proportion between the motives expressed and the measure, its magnitude and consequences, total silence as to the proclamation on which the intercourse between the two countries has hitherto hung, and of which, in this broad sense, it would be a revocation, and the recent manifestations of the disposition of that Government to concur with this in mutual offices of friendship and good will, support his construction. The Minister, moreover, assured me verbally that he would immediately write to his Court for an explanation, and in the mean time is of opinion that the usual intercourse of Commerce between the two countries (Jersey and Guernsey excepted) need not be suspended.

I have the honor to be, with sentiments of the most profound respect and attachment, sir, your most obedient and most humble servant,

TH. JEFFERSON.

The President of the U. S.

Petition of Catharine Greene.

PHILADELPHIA, August 11, 1792.

SIR: I have received, by a circular despatch from my Court, directions to inform this Government that, considerable inconveniences having arisen from the importation of tobacco in foreign vessels into the ports of his Majesty's dominions, contrary to the act of the 12th Charles II, chapter 18, section 3, (commonly called the Navigation act,) it has been determined, in future, strictly to enforce this clause, of which I take the liberty of enclosing to you a copy.

And I have the honor to be, with perfect esteem and respect, sir, your most obedient humble servant.

Mr. JEFFERSON.

Act 12 Car. 2, Chap. 18, Sec. 3.

And it is further enacted by the authority aforesaid, That no goods or commodities whatsoever, of the growth, production, or manufacture of Africa, Asia, or America, or of any part thereof, which are described or laid down in the usual maps or charts of those places, be imported into England, Ireland, or Wales, islands of Guernsey and Jersey, or town of Berwick-upon-Tweed, in any other ship or ships, vessel or vessels whatsoever, but in such as do truly and without fraud, belong only to the people of England or Ireland, Dominion of Wales, or town of Berwick-upon-Tweed, or of the lands, islands, plantations, or territories in Asia, Africa, or America, to his Majesty belonging, as the proprietors and right owners thereof, and whereof the master and three-fourths at least of the mariners are English, under the penalty of the forfeiture of all such goods and commodities, and of the ship or vessel in which they were imported, with all her guns, tackle, furniture, ammunition, and apparel—one moiety to his Majesty, his heirs and successors, and the other moiety to him or them who shall seize, inform, or sue for the same, in any Court of Record, by bill, information, plaint, or other action, wherein no essoin, protection, or wager of law, shall be allowed.

PHILADELPHIA, April 12, 1792.

SIR: I am this moment favored with the Letter you did me the honor of writing yesterday, covering the extract of a British statute forbidding the admission of foreign vessels into any ports of the British dominions, with goods or commodities of the growth, production, or manufacture of America. The effect of this appears to me so extensive, as to induce a doubt whether I understand rightly the determination to enforce it, which you notify, and to oblige me to ask of you whether we are to consider it as so far a revocation of the proclamation of your Government, regulating the Commerce between the two countries, and that henceforth no articles of the growth, production, or manufacture of the United States are to be received in the ports of Great Britain or Ireland, in vessels belonging to the citizens of the United States?

I have the honor to be, with sentiments of the most perfect esteem and respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

The MINISTER Plenipotentiary
of Great Britain.

PHILADELPHIA, April 12, 1792.

SIR: In answer to your Letter of this day, I have the honor of observing, that I have no other instructions upon the subject of my communication than such as are contained in the circular despatch, of which I stated the purport in my Letter dated yesterday. I have, however, no difficulty in assuring you that the result of my personal conviction is, that the determination of his Majesty's Government to enforce the clause of the Act of Navigation, (a copy of which I transmitted to you,) with respect to the importation of commodities in foreign vessels, has originated in consequence of the many frauds that have taken place in the importation of tobacco into his Majesty's dominions, in foreign vessels, and is not intended to militate against the proclamation, or order of the King in Council, regulating the commercial intercourse between Great Britain and the United States, which I have every reason to believe still exists in full force, as I have not had the most distant information of its being revoked.

I have the honor to be, with the most perfect esteem and consideration, sir, your most obedient humble servant,

Mr. JEFFERSON.

GEO. HAMMOND.

PETITION OF CATHARINE GREENE.

The SECRETARY OF THE TREASURY, to whom was referred a petition of Catharine Greene, of the 4th of March, 1790, respectfully submits the following Report thereupon:

The said petition seeks to obtain an indemnification from the United States against the effects of certain engagements which were entered into by the now deceased husband of the petitioner, the late Major General Nathaniel Greene, while commanding officer in the Southern Department; and, for the circumstances on which it is founded, refers to a representation, of the 22d of August, 1785, which was made by the said Gen. Greene to the United States in Congress assembled; a copy of which representation, marked A, is herewith submitted.

The following are the principal facts which appear in relation to this application:

1. The Department of War, in the Fall of the year 1782, authorized the said Major General Greene to obtain supplies of clothing for the troops under his command.

2. In consequence of this authority, in November or December of the same year, he entered into a contract for the supply of clothing to the Army with John Banks, a partner in the house of Hunt,

Petition of Catharine Greene.

er, Banks, & Co., who contracted on behalf of the company; and upon account of the contract advanced him eleven hundred guineas in money, and drew bills upon the Superintendent of Finance for the residue. This transaction was duly notified to the Department of War, and received the approbation of that department.

3. The goods for completing this contract were purchased on credit by the contractors from certain British merchants then in Charleston.

4. About the same period, the Superintendent of Finance empowered General Greene to contract for the supply of all such provisions as might be wanted for the use of the Army, in the States of North and South Carolina and Georgia, with permission, if more convenient to him, to commit the execution of the business to Edward Carrington, Esq.; to whom it was accordingly committed.

5. An engagement which had been taken by the State of South Carolina, for the supply of the Army, was to expire at the end of the year 1782. It became urgent to complete a contract for the supply after that period. Advertisements for receiving proposals were published; and particular applications were made by General Greene to sundry characters of property and influence, who had been formerly men of business, to endeavor to engage them to enter into a competition for the contract. But these efforts did not produce the desired effect, owing partly to the distressed and deranged situation of the country, and partly to the then state of public credit. No offer was made, except by the same John Banks, who was the contractor for supplying the troops with clothing, acting on behalf of the same copartnership of Hunt, Banks, & Co. The terms proposed by him, being thought too disadvantageous, were not accepted in the first instance. The State of South Carolina having consented to extend its measures for supplying the Army to the 20th of February following, advantage was taken of the extension, to endeavor to procure better terms. A conclusion was delayed to give a further opportunity for other offers, and negotiations were carried on with Mr. Banks to induce him to moderate his terms. He fell somewhat in his demands; but as they still continued to be thought too high, Gen. Greene would not suffer a contract to be concluded till every possible effort to obtain more favorable terms had failed. As a last expedient for this purpose, a letter was written by the said Edward Carrington to the Speaker of the House of Representatives of South Carolina, stating the then situation of the business, and asking through him the opinion of the House, whether there was a probability of obtaining from any part of the country more advantageous terms; and whether it would be advisable, in the expectation of such an event, to keep open the contract for any longer period. It appears to have been an object of this letter, through the medium of that body, to excite, if possible, some further competition. But the end was not answered. The Speaker, in his reply, states that no competition had been excited in consequence of it, and that, though the terms proposed by Banks were thought too high, yet as no

other proposals had been made, and as the pressing necessities of the Army called for immediate relief, it was deemed needless to keep open the contract any longer, under an idea that more advantageous propositions might be made. Under these circumstances, on the 18th of the same month of February, a contract with Hunt, Banks, & Co., was concluded, and was immediately after notified to the Superintendent of Finance.

6. It is stated by General Greene, in his representation to Congress, that the company's funds were inadequate to the execution of what they had undertaken; that bills sold greatly under par, and few could be sold at any rate; that the funds of which the company were possessed were tied up by prior engagements; that the creditors insisted on further security, before they would consent to an application of those funds for the support of the Army. That he was reduced to a choice of difficulties, either to turn the Army loose upon the country, or take upon himself the risk of supporting the contractors; that he chose the latter, as the least evil, and became bound for them to their creditors for a sum of upwards of thirty thousand pounds sterling; that to render the hazard as small as possible, he made the company give an order on their agent in Philadelphia, Mr. Pettit, for all the contract money and sums due upon the clothing department, to be paid into the hands of the persons whose debts he had guaranteed, and that one of the creditors was sent forward to receive them; but that these funds were diverted into other channels.

And it appears, in proof, that public bills were, as alleged, of very difficult sale, being subject to a discount of 15 per cent. for prompt payment, (as much as 25 being sometimes demanded;) that the Army, at the time when this engagement was entered into by General Greene, was in a very critical situation; that discontents, from various causes had produced several instances of actual mutiny; that if the contractors had failed, there was no ground to count on any other resource as a substitute, and if a want of provisions had been added to other causes of dissatisfaction, there was reason to apprehend a disbanding or dissolution of the Army. That General Greene, on or about the 8th of April, 1783, did become surety for the contractors, to different persons, in very considerable sums; and it is to be inferred, as well from the fact itself, as from the evidence, that the doing of it was necessary, by quieting their creditors, to enable them to proceed in the supply of the Army.

It further appears, in proof, that Mr. Burnet, one of the company, had informed Mr. Pettit, their agent, that they had purchased a quantity of goods from British merchants in Charleston; that these goods had enabled them to undertake for the supply of the Army in clothing and provisions; and that they had stipulated with those merchants, "that the moneys arising from the contract should be appropriated to the payment of the debt contracted by that purchase." That repeated instructions, by letter, in the name of the company—sometimes in the handwriting of Banks, and sometimes of Burnet—"uniformly held up to him (Mr.

Pettit) the idea of paying the produce of the contract to the same merchants, in proportion to their respective claims, of which they sent a list amounting to upwards of £32,000, due to three houses. That two payments, one for \$32,875, and the other for \$4,222, were made by him to the British merchants; that a Mr. Warrington, one of them, had come forward to Philadelphia to receive the money, both on his own account, and as an agent for others; but that, in consequence of subsequent arrangements and instructions, the residue of the contract money was diverted to other purposes.

7. Precautions were taken by General Greene, when he became apprised of his danger, to obtain counter security. This was actually effected to a considerable extent; but it seems now reduced to a certainty, that a loss of not less than eight thousand pounds sterling will be sustained by his estate, in consequence of the transaction, unless indemnified by the Government; and that the probable result will be the entire ruin of the estate.

8. No document appears, showing that the notice of his having become surety for the company, was ever given by General Greene to Congress, or any of the Public Departments, prior to his representations of the 22d August, 1785, claiming an indemnity in case of such eventual loss. The omission of such notice, is indeed to be inferred, from the silence of that representation on the point. The evidence of that foregoing fact is to be found in the documents herewith submitted, marked from A to Z inclusively.

Under this state of facts, it remains to be considered whether it be incumbent upon the Government of the United States to grant the indemnification to the estate of Major General Greene, which is sought by the petition.

Objections to such an indemnification might arise from three sources.

I. Want of authority from the Government to enter into the suretyship in question.

But this, it is conceived, would not be a valid objection. There certainly are numerous cases in which the commanding officer of an Army is justifiable in doing more than he has a regular authority to do, from the exigency of particular conjunctures. And where it appears that the unauthorized procedure was prudent and necessary in itself, and was warranted by motives sufficiently important and emergent, it is just and proper in the Government to ratify what has been done, and to indemnify the officer from injury on account of it. That an emergency of this kind did exist, to justify the measure which was adopted by General Greene, appears to be satisfactorily established. The keeping of the Army from disbanding, may be presumed, upon strong grounds of evidence, to have materially depended upon it. And there does not seem to have been a deficiency of precaution in guarding, as far as was practicable, against eventual loss.

II. A personal or private interest in doing what was foreign to the duties and relations of a commanding officer.

This, if it should exist, would be a decisive objection. The existence of it having been alleged,

it remains to examine what probability there is of the allegation being well founded. Its source is traced to a letter of John Banks, containing a suggestion, or conjecture, that General Greene was, or probably would be, concerned in the co-partnership of Hunter, Banks, & Co.

But this circumstance loses all force from the following considerations:

1. From a letter, which General Greene wrote to John Banks, dated the 25th of December, 1782, in which the General makes his acknowledgments to Mr. Banks, for the services he had rendered to the Army, in respect to clothing, and invites him to become a competitor for supplying it with provisions. The scope and language of this letter strongly indicate that General Greene had then no interested connexion with Mr. Banks, in relation to any of the matters which are the subjects of it. As this conclusion results rather from the general tenor of the letter than from particular expressions, its justness will best appear by an insertion of the entire letter. It is in these words:

"HEADQUARTERS, Dec. 25, 1782.

"DEAR SIR: The comfortable condition in which you have put the Army, from the large supply of blankets and clothing furnished it, claims my particular acknowledgments; for although I expect the public will make you a reasonable compensation, yet as you were the only person who had the will and the means to serve us, our obligation is equally great. I am happy to find, also, that most if not all our officers are likely to get supplies of clothing through your agency. Col. Carrington, who is appointed to make the contracts for the subsistence of the Southern Army, also informs me your house have it in contemplation to engage in this business. Great as all our other obligations are, if you contract for the supplies of the Army, this will be greater than all the rest; for the present mode, in which we are supplied, is truly distressing, both to the people and to the Army. The manner of collecting, by military parties, renders it distressing to the citizens, and from the uncertain collections, the Army is often without anything to eat. This is hard upon troops who have bled so freely for an oppressed people. I must beg you to hasten your proposals; and I flatter myself you will, from your attachment to the cause, as well as a regard for the Army, serve the public on the lowest terms.

"I am, dear sir, your most obedient servant,

"NATH. GREENE.

"MR. JOHN BANKS."

2. From the pains taken by that officer to induce competition from other quarters; the delays which, with his participation and direction, attended an acceptance of the proposals made by Hunter, Banks, & Co., after the time for receiving proposals had expired, in order to afford a still further opportunity for other proposals, and to bring that company to more moderate terms; the reference which, in the last resort, was had to the Assembly of South Carolina, as the only remaining expedient for exciting a competition, which had in vain been sought by other means; and respecting which Colonel Carrington, in his affidavit, (document R.) expresses himself in these strong terms: "General Greene would not suffer a contract to be closed, without making every pos-

sible effort to excite a competition, and as a last resort, a letter was written to the Assembly of South Carolina, &c.; circumstances which satisfactorily prove that General Greene had, in the first instance, no common interest with Hunter, Banks, & Co., in the contract for supplying the Army with provisions.

3. From a letter of Mr. Forsyth, one of the partners, to General Greene, December 29th, 1782, (document F.) in which he thanks General Greene for a letter of approbation of his public conduct, and expresses a hope of that countenance and aid from the General, in private life, which he had enjoyed while serving under his command; and then proceeds to mention the case of a brig, belonging to the company, which had been seized at Savannah, and asks, as a favor, a letter from the General to the Judge before whom the cause of the vessel was expected to be tried, to remove a prejudice against Mr. Banks, (as being a person inimical to the American cause,) which, it was feared, might occasion her condemnation. The style of this letter is the reverse of that of one part-ner writing to another, on a subject of mutual interest. It is that of a person who had received favors from a patron, asking a further favor.

4. From the counter-securities which General Greene took, in consequence of his having become surety for the company, to their creditors; one being a bond, from Banks, Patton, and Hunter, three of the partners, bearing date the 7th of May, 1783, (document M.) in which it is acknowledged, as is usual in such cases, that General Greene had no concern in the debts for which he had become bound; and the parties accordingly engage to exonerate him from those debts, or any damages which might arise from his becoming security for them: another being an assignment from Robert Forsyth, another of the partners, to General Greene, bearing date the 2d of September, 1784, (document N.) of debts due to the partnership, as a counter-security to him; in which it is stated, that General Greene, at the special instance and request of the company, had become their security to certain persons, to whom they were indebted. The latter, however, being a considerable time after the transaction, is far less conclusive than the former.

5. From the affidavits of John Banks and James Hunter, two of the partners, one dated the 3d of January, 1783, (document O.) the other 26th of September, 1785, (document P.); the first, denying explicitly all connexion of General Greene in the affairs of the company; the last, declaring that the deponent never considered General Greene as directly or indirectly interested in the purchase of the goods upon which the debts for which he had become bound, appear to have been founded: that this purchase was on the proper account of John Banks, Robert Forsyth, Ichabod Burnet, John Ferrie, Robert Patton, and the deponent; and that he never heard nor understood, from either of the other partners, that General Greene was any way concerned or interested in that purchase. There is also a certificate from Robert Forsyth, of the 3d of March, 1785, (document Q.) declaring that

the General was not interested, either in that purchase, or in the contract for the Army.

6. From a suit in Chancery, which was brought by General Greene, and after his death prosecuted by his executors to a recovery, against John Ferrie, one of the partners of the house of Hunter, Banks, & Co.; which suit, it appears, might have been defeated by proof of interest in the partnership, on the part of General Greene; but not only no such proof was made, but it is asserted on oath, by Charles C. Pinckney, (document Y.) who was solicitor and counsel for Ferrie, and who professes to have obtained, in a professional capacity, considerable knowledge of their affairs, that Ferrie had assisted Banks in the purchase of the goods in question, had been instrumental in his obtaining credit, had kept the books of the company, and appeared to have known all the concerns of the company most intimately and minutely; that if General Greene had been concerned in the speculation, he (Ferrie) must have known it, and that, knowing it, he would have made it known. That he was under no obligation to conceal it, having been put at defiance by the suit, and could he have proved the fact, he would have been successful in his defence; but he neither produced one tittle of evidence, nor deduced a single circumstance to show, that the General had, in any manner, been concerned in the purchase. The consequence of which was, that the bill was sustained, the lands were decreed to be sold, and after defraying the expenses of the suit, and discharging the money due on a mortgage which had been given by a prior owner, the balance of the sale was directed to be paid over into the hands of the complainant, towards an indemnification of the General. This statement has peculiar force, especially as the General, by commencing the suit, exposed himself to the hazard, if any connexion of the interest had subsisted, either of being defeated, by a discovery of that connexion, on oath, upon a cross bill, or of perjury, in the concealment and denial of it.

7. From a certificate (document X.) of the two Chancellors of South Carolina, which, after stating the insinuations that had been made of General Greene's connexion with Hunter, Banks, & Co., proceeds thus:

"We think ourselves authorized to say, that we are as competent to his vindication, from any aspersion of that nature, as any two persons in the State of South Carolina, as we were both in the Executive Department at the time of the evacuation of this capital—the one, Governor, and the other Lieutenant Governor—and a suit in Chancery has since been brought to issue before us as Chancellors, in the prosecution of which, the several grounds, principles, and obligations of the various connexions or copartnerships, by whom the respective speculations alluded to were entered into, were very fully, ably, and minutely discussed, by some of the most eminent solicitors in the Court. And we have no hesitation, in the most unequivocal, unreserved, and unequivocal manner, to declare, that we never had, from our own observation, or from the strictest and most scrutinizing investigation on the Chancery bench, the most distant reason to conceive, that the Honorable General Greene was ever, either directly or indirectly, engaged in any of the aforesaid speculations, any further

Petition of Catharine Greene.

than as surety for Mr. Banks. We think ourselves warranted also in asserting, that the contract with Mr. Banks, for the supply of the Army, was the most advantageous he could obtain, at a time when the want of provisions threatened a mutiny.

"JOHN MATHEWS,
"RICHARD HUTSON.

"CHARLESTON, October 30, 1790."

8. From the concurrent opinions of other respectable characters, who had the best opportunities of judging of circumstances, that General Greene was totally unconnected in interest with that company. On this point, the documents S, T, U, V, W, Z, are interesting; that marked V, states several particulars as argumentative of the opinion expressed, which merit particular attention.

From the foregoing circumstances combined, there is conceived to be conclusive evidence in that General Greene was not interested, either in the purchase of the goods, which had created the debts afterwards guaranteed by him, nor in either of the contracts for clothing or provisions; was not a partner in the house of Hunter, Banks, & Co., nor had any concern whatever in the affairs of that company further than as surety.

There is nothing to oppose these conclusions, but the suggestion in Banks's letter, and the fact of the suretyship. The former is obviated by the contradiction, on oath, of the party himself; and the circumstances of this contradiction, as represented by General Wayne and Colonel Carrington, in their affidavits, (documents T and S,) give it every possible appearance of genuineness. A question naturally arises, What could have been the inducement to the suggestion made by Banks? This is answered by Colonel Carrington, who represents him as a man of "excessive vanity, much disposed to make a show of connexions with high characters." It is also possible that he may have expected to derive advantage from the reputation of such a connexion. The observation, moreover, is of great force, that if General Greene had been a secret partner, unknown to the partners in general, Banks's character precludes the supposition that he would have been the selected depository of the secret.

The fact of the suretyship is accounted for, by the necessity of the measure, as it related to the situation of the Army; and relying on the appropriation of the funds, which should arise out of the contracts with the public, to the payment of the persons to whom he had become bound, it was natural that he should have considered the risk as not very great.

This full statement of the circumstances, which are conceived to exculpate General Greene from the imputation of being concerned in the transaction, has appeared not only essential to placing the merits of the subject properly before the House, but a debt due to the memory of an officer who had rendered essential service to his country; and of a man who, by a life of probity, had secured to himself the strongest of all titles to a candid construction of his conduct.

It remains to advert to the third source of objection which had been intimated, as capable of

bringing into question the propriety of an indemnification—namely, the omission of notice to the Government, at or about the time of the transaction, that the suretyship in question had been entered into.

Here, in the judgment of the Secretary, lies the only difficulty which attends the question of indemnification.

It appears to have been incumbent upon General Greene, if he meant to look to the Government for indemnification, in case of eventual loss, to have given early notice of the step he had taken. In proportion as that step was unauthorized or unusual, the necessity for the communication was increased. It seems to be a matter of obvious propriety, that a public officer, who expects the sanction of the Government to an unauthorized proceeding—especially an indemnification against pecuniary loss, on account of it—ought to embrace the first convenient opportunity to make known the object for which such sanction and indemnification are desired. And the motives on the part of the Government to require a due observance of that precaution, are of great force in regard to the security of the public. It is necessary, to enable the Government to investigate the circumstances, at the time, when the truth can best be discovered, and unfounded pretensions best be detected. And where an indemnification against pecuniary loss is expected, a prompt disclosure is necessary to put the Government in a condition to take care of its own interests, in the manner which shall appear to itself most efficacious.

It is, indeed, to be observed, that General Greene was naturally led to imagine that all hazard in the affair was obviated by the measures which had been taken to secure, as he supposed, an application of the moneys to be received from the public, on account of the contract, to the payment of the debts for which he had become surety, and therefore omitted a communication to the Government, as not necessary to his safety.

But whether this, which appears to be a satisfactory explanation of the motive for the omission, which did take place, be also a sufficient ground for dispensing with the observance of a precaution which, as a general rule, would be proper to be made a condition of indemnification; or how far the peculiar merit of the officer, or the peculiar hardship and misfortune of the case, may render advisable a deviation from that rule, are points which the Secretary begs leave to submit, without observation, to the contemplation of Legislative discretion.

If a direct indemnification should be conceived inadmissible, as a public precedent, a question would still present itself, whether, under all the circumstances of the case, the family of Gen. Greene ought to be left to the ruinous consequences of an act, which was dictated by a well-advised zeal for the public service, because he omitted a precaution which the rules of public policy may require to have been observed.

The Secretary is not certain, whether an opinion on this point be within the province assigned him by the reference, which is the subject of this Re-

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port, and he therefore forbears an explicit sentiment. He hopes, however, to be thought justified by the occasion, when he permits himself to observe, that strong and extraordinary motives of national gratitude for the very signal and very important services rendered by General Greene to his country, must serve to give a keener sting to the regret which ought ever to attend the necessity of a strict adherence to maxims of public policy, in opposition to claims founded on useful acts of zeal for the public service, if no means of protecting from indigence and penury the family of that most meritorious officer shall, upon examination, be found admissible.

ALEXANDER HAMILTON,
Secretary of the Treasury.

To the Honorable the Senate and the Honorable the House of Representatives of the United States, in Congress assembled; the petition of Catharine Greene, relict of the late General Greene, humbly sheweth:

That the object on which her petition is founded is generally stated in the representation hereto annexed, made by her late husband to the United States in Congress assembled, on the 22d day of August, 1785.

That it will appear, by the said representation, that it was the intention of her late husband to have ascertained the loss on the transaction therein stated, previously to his making application to the United States for indemnification; and in pursuit of this intention, he instituted suits for the recovery of the bonds and mortgages by him received from Messrs. Banks and Company, as collateral securities; but his designs in this and all other earthly respects were frustrated by his untimely death.

That the suits for the recovery of the said bonds and other collateral securities have been protracted by the death of the debtors, and various other circumstances entirely without the control of your petitioner.

That while the recovery of the said bonds and other collateral securities are placed at a future distant period, and their amount uncertain, not only the estates conferred on her late husband, by the munificent gratitude of the States of South Carolina and Georgia, but his paternal estate, will be legally wrested from your petitioner and her children, in order to satisfy those obligations which her late husband was constrained to enter into for the public service; whereby your petitioner, and her helpless children, will be exposed to all the bitter effects of poverty.

That your petitioner thus brings forward her situation, and that of her children, with the firmest hope and expectation that the United States will, after a full examination into the transaction stated in her late husband's representation, grant her effectual relief, by assuming the payment of the said obligations entered into for the benefit of the United States; or in such other manner, save her and her children's estate from impending ruin.

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as in the judgment of Congress shall appear meet and proper.

And your petitioner, as in duty bound, shall continue to pray.

CATHARINE GREENE.

NEW YORK, March 4, 1790.

[The documents, referred to in the Report, are omitted.]

THE PUBLIC DEBT.

[Communicated to the House of Representatives, December 3, 1792.]

TREASURY DEPARTMENT,

November 30, 1792.

SIR: I have the honor to transmit herewith a Report, pursuant to two resolutions of the House of Representatives, one of the 21st instant, respecting the redemption of the Public Debt; the other of the 22d instant, respecting the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; and to be, with the most perfect respect, sir, your most obedient, and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Honorable the SPEAKER,
of the House of Representatives.

In obedience to two resolutions of the House of Representatives, one of the 21st instant, directing the SECRETARY OF THE TREASURY to Report a plan for the redemption of so much of the Public Debt, as by the act, entitled "An act making provision for the Debt of the United States," the United States have reserved the right to redeem; the other, of the 22d instant, directing him to Report the plan of a provision for the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled "An act to incorporate the subscribers to the Bank of the United States:"—the said SECRETARY respectfully submits the following Report:

The expediency of taking measures for the regular redemption of the Public Debt, according to the right which has been reserved to the Government, being wisely predetermined, by the resolution of the House of Representatives referring the subject to the Secretary, nothing remains for him, but to endeavor to select and submit the most eligible means of providing for the execution of that important object.

With this view, the first inquiry which naturally presents itself, is, whether the existing revenues are, or are not, adequate to the purpose?

The estimates which accompany the Report of the Secretary of the 14th instant,* will show that, during the continuance of the present Indian war, the appropriations for interest and the demands for the current service are likely to exhaust the

*This Report will be found in subsequent pages.

product of the existing revenues; though they afford a valuable surplus beyond the permanent objects of expenditure, which it is hoped, may ere long be advantageously applied to accelerate the extinguishment of the Debt.

In the mean time, however, and until the restoration of peace, the employment of that resource, in this way, must of necessity be suspended; and either the business of redemption must be deferred, or recourse must be had to other expedients.

But did no such temporary necessity, for resorting to other expedients, exist, the doing of it would still be recommended by weighty considerations. It would appear, in the abstract, advisable, to leave the surplus of the present revenues free, to be applied to such casual exigencies as may from time to time occur, to occasional purchases of the Debt when not exhausted by such exigencies, to the payment of interest on any balances, which may be found due to particular States, upon the general settlement of accounts, and finally to the payment of interest on the deferred part of the Debt, when the period for such payment arrives. There is a reasonable prospect, that if not diverted it will be found adequate to the two last important purposes.

Relinquishing then the idea of an immediate application of the present revenues to the object in view, it remains to examine what other modes are in the option of the Legislature.

Loans, from time to time, equal to the sums annually redeemable, and borrowed on the same interest upon those sums, offer themselves as one expedient, which may be employed with a degree of advantage. As there is a probability of borrowing at a lower rate of interest, a material saving would result; and even this resource, if none better could be devised, ought not to be neglected.

But it is obvious, that to rely upon this resource alone would be to do little towards the final extinction of the nation. To stop at that point would consequently be neither provident nor satisfactory. The interests as well as the expectations of the Union require something more effectual.

The establishment of additional revenues is the remaining resource. This, if the business is to be undertaken in earnest, is unavoidable. And a full confidence may reasonably be entertained, that the community will see with satisfaction the employment of those means, which alone can be effectual, for accomplishing an end, in itself so important, and so much an object of general desire. It cannot fail to be universally felt that if the end is to be attained, the necessary means must be employed.

It can only be expected that care be taken to choose such as are liable to fewest objections, and that in the modifications of the business in other respects, due regard be had to the present and progressive circumstances of the country.

Assuming it as the basis of a plan of redemption, that additional revenues are to be provided, the further inquiry divides itself into the following branches:

I. Shall a revenue be immediately constituted,

equal to the full sum which may at present be redeemed, according to the terms of the contract?

II. Shall a revenue be constituted from year to year, equal only to the interest of the sum to be redeemed in each year, coupling with this operation an annual Loan, commensurate with such sum? or,

III. Shall a revenue be constituted each year so much exceeding the interest of the sum to be redeemed, as to be sufficient, within a short definite term of time, to discharge the principal itself; coupling with this operation also, an annual Loan, equal to the sum to be annually redeemed, and appropriating the revenue created to its discharge, within the term which shall have been predetermined?

The first plan, besides being completely effectual, would be eventually most economical; but considering to what a magnitude the revenues of the United States have grown in a short period, it is not easy to pronounce how far the faculty of paying might not be strained by any sudden considerable augmentation, wheresoever immediately placed; while the rapid progress of the country in population and resource seems to afford a moral certainty, that the necessary augmentation may be made with convenience, by successive steps, within a moderate term of time; and invites to temporary and partial suspensions, as capable of conciliating the reasonable accommodation of the community with the vigorous prosecution of the main design. For these and for other reasons which will readily occur, the course of providing immediately the entire sum to be redeemed, is conceived not to be the most eligible.

The second plan, though much more efficacious than that of annual Loans borrowed on the revenues now appropriated for the payment of interest on the sums to be redeemed, does not appear to be sufficiently efficacious. The schedule A will show the effect of it to the 1st of January, 1802, when the Deferred Debt will become redeemable in the proportions stipulated. Supposing the investment of the interest which is each year liberated, together with that which has been, and will be released by purchases, pursuant to provisions heretofore made, in the purchase of six per cent. stock; a sum of principal equal to \$2,043,837 07 would be sunk, and a clear annuity, equal to \$459,212 82 would be created, toward further redemptions; but the fund then necessary for the future progressive redemption of the Debt, according to the right reserved, would be \$1,126,616 44, exceeding by \$667,403 62, the amount of the redeeming fund. Something more effectual than this is certainly desirable, and appears to be practicable.

The last of the three plans best accords with the most accurate view, which the Secretary has been able to take of the public interest.

In its application, it is of material consequence to endeavor to accomplish these two points:

1st. The complete discharge of the sums annually redeemable, within the period prefixed, and the reimbursement, within the same period, of all auxiliary Loans, which may have been made for that purpose.

2d. The constituting, by the expiration of that period, a clear annual fund competent to the future redemption of the Debt, to the extent of the right reserved.

The period, to which it is conceived the plan ought to refer, that is, January 1st, 1802; because then the first payment, on account of the principal of the Deferred Debt, may rightfully be made.

In conformity to these ideas, the following plan is most respectfully submitted; premising, that the sum redeemable for the first year of the six per cent. stock, bearing a present interest, is computed at \$550,000.

Let an annual fund be constituted during the present session, equal to \$103,199 06, and to begin to accrue from the 1st of January, 1793. Let the sum of \$550,000 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1799. The sum borrowed to be applied, on 1st of January, 1794, to the first payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed with interest, by the 1st of January, 1799, and will thenceforth, be free for any further application.

The sum redeemable the second year, that is, January 1, 1795, is computed at \$583,000.

Let an annual fund be constituted, during the second session after the present, equal to \$109,391 60, to begin to accrue from the 1st of January, 1794. Let the sum of \$583,000 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1800. The sum borrowed to be applied, on the 1st of January, 1795, to the second payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1800, and will be thenceforth free for any further application.

The sum redeemable the third year, that is, January 1, 1796, is computed at \$617,980.

Let an annual fund be constituted, during the third session after the present, equal to \$115,955 17, to begin to accrue from the 1st of January, 1795. Let the sum of \$617,980 be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1801. The sum borrowed to be applied, on the 1st of January, 1796, to the third payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802. The sum redeemable the fourth year, that is, January 1st, 1797, is computed at \$655,038 80.

Let an annual fund be constituted, during the fourth session after the present, equal to \$122,912 48, to begin to accrue from the 1st of January, 1796. Let the sum of \$655,038 80, be borrowed upon the credit of this annuity, reimbursable within five years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1797, to the fourth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the fifth year, that is, January 1st, 1798, is computed at \$694,362 33.

Let an annual fund be constituted, during the fifth session after the present, equal to \$159,743 12, to begin to accrue from the 1st of January, 1797. Let the sum of \$694,362 33, be borrowed upon the credit of this annuity, reimbursable within four years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1798, to the fifth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802.

The sum redeemable the sixth year, that is, January 1st, 1799, is computed at \$736,024 07.

Let an annual fund be constituted, during the sixth session after the present, equal to \$197,680 20, to begin to accrue from the 1st of January, 1798. Let the sum of \$736,024 07, be borrowed upon the credit of this annuity, reimbursable within three years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1799, to the sixth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802. The sum redeemable the seventh year, that is, January 1st, 1800, is computed at \$780,185 52.

Let an annual fund be constituted, during the seventh session after the present, equal to \$272,848 38, to begin to accrue from the 1st of January, 1799. Let the sum of \$780,185 52, be borrowed upon the credit of this annuity, reimbursable within two years, that is, by the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1800, to the seventh payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, by the 1st of January, 1802. The sum redeemable the eighth year, that is, on the 1st of January, 1801, is computed at \$826,996 65.

Let an annual fund be constituted, during the eighth session after the present, equal to \$423,583 64, to begin to accrue from the 1st of January, 1800. Let the sum of \$826,996 65, be borrowed upon the credit of this annuity, reimbursable within one year, that is, on the 1st of January, 1802. The sum borrowed to be applied, on the 1st of January, 1801, to the eighth payment on account of the principal of the Debt.

The proposed annuity will reimburse the sum borrowed, with interest, on the 1st of January, 1802. The sum redeemable the ninth year, that is, on the 1st of January, 1802, is computed at \$1,126,616 44.

The then existing means for the discharge of this sum, arising from the operation of the plan, will be—

1st. The amount of the annuity constituted the third year, which will have been liberated by reimbursement of the third Loan.

2d. The arrears of interest not previously appropriated, and which are computed at \$200,000.

There will consequently be a deficiency this year of \$810,661 27, which will require to be supplied.

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plied by a temporary Loan, to be reimbursed out of the surplus of the fund which, on the 1st of January, 1802, will exist for future redemptions, and which surplus will be sufficient to reimburse this temporary Loan in about thirteen years and a half.

It may be proper to remark, that this deficiency upon one year is suffered to exist, to avoid an unnecessary augmentation of revenue, materially beyond the sum permanently requisite. No inconvenience ensues, because this temporary deficiency is made up by the surplus of the permanent fund, within the period mentioned. And that fund, from the 1st of January, 1802, is adequate to all future redemptions, in the full proportion permitted by the contract.

The table in the schedule B, herewith submitted, will show in one view, the principles and operation of this plan.

The schedule C, will exhibit the means of constituting the several annuities proposed to be established. From it, will be seen, that the proposed annuities are to be composed partly of taxes to be successively laid, at the respective periods of creating them, partly of the surplus dividend to be expected on the stock belonging to the Government, in the Bank of the United States, beyond the interest to be paid on account of it, and partly of the funds heretofore pledged for the payment of interest, which will have been liberated upon so much of the Debt as will have been extinguished.

The respective amounts of the taxes to be severally laid, will be—

In the 1st year,	\$ 43,199 06
In the 2d year,	109,391 60
In the 3d year,	115,955 17
In the 4th year,	102,912 48
In the 5th year,	102,743 12
In the 6th year,	107,680 20
In the 7th year,	109,649 32
Making together,	\$691,530 95

The sum which will have been redeemed prior to the 1st day of January, 1802, will be \$5,443,607 37. The sum redeemable on the 1st of January, 1802, will be \$1,126,616 44; and the fund, which will thenceforth exist for the purpose of future redemption, as is particularly shown by the schedule D, will be \$1,210,744 34; exceeding the sum strictly necessary by \$84,127 90; a fund, which including the interest from year to year liberated, will, as already intimated, be completely adequate to the final redemption of the whole amount of six per cent. stock, as well the deferred as that bearing a present interest, according to the right which has been reserved for that purpose.

In the meantime, a further impression will be made upon the Debt by the investment of the residue of the funds, heretofore established, in the purchase of it; and it is hoped that the restoration of peace with the Indians will enable the application of the surplus of the existing revenues, together with the proceeds of the ceded lands in our Western Territory, to the same object. These, whenever they can be brought into action, will be

important aids, materially accelerating the ultimate redemption of the entire Debt. The employment of these resources, when it can be done, by increasing the interest fund, will proportionably lessen the necessity of using the resource of taxation for creating the proposed annuities, if the Government shall judge it advisable to avail itself of the substitute which may accrue from that circumstance.

Having now given a general view of the plan, which has appeared upon the whole the most eligible, it is necessary in the next place to present to the consideration of the House the requisite funds for commencing the execution of it. These will embrace a provision for the first annuity only; that alone requiring, by the plan, immediate provision. With regard to a provision for the subsequent annuities, which is proposed to be successive, the Secretary will content himself with this general observation, that he discerns no intrinsic difficulty in making provision for them, as fast as shall be necessary, with due convenience to the people, and consistently with the idea of abstaining from taxing lands and buildings, (with the stock and implements of farms,) reserving them as a resource for those great emergencies, which call for a full exertion of all the contributive faculties of a country.

The following means for constituting the first annuity, are respectfully submitted, viz: Annual surplus of the dividend on the stock of Government in the Bank of the United States, beyond the interest to be paid out of the said dividend, estimated at \$60,000.

Tax on horses, kept or used for the purpose of riding, or of drawing any coach, chariot, phaeton, chaise, chair, sulkey, or other carriage, for conveyance of persons; excepting and exempting all horses which are usually and chiefly employed for the purposes of husbandry, or in drawing wagons, wains, drays, carts, or other carriages, for the transportation of produce, goods, merchandise, and commodities, or in carrying burdens, in the course of the trade or occupation of the persons to whom they respectively belong, and the horses of persons in the military service of the United States, viz: For every horse, not above excepted and exempted, at the rate of one dollar per annum, where only one is used or kept by the same person; with an addition of fifty cents per annum per horse, where more than one and not more than two horses are kept or used by the same person; with an addition of one dollar per annum per horse where more than two, and not more than four are kept or used by the same person; and with an addition of one dollar and a half per horse, per annum, where more than four are kept or used by the same person: *Provided*, That this addition shall not be made in respect to horses usually employed in public stages, for the conveyance of passengers.

This progressive increase of rates on the higher numbers, has reference to the presumption of greater wealth, which arises from the possession of such higher numbers.

The product of this tax will probably be about

The Public Debt.

equal to the residue of the proposed annuity, which is \$43,199 06. How near the truth this estimate may prove, experiment alone can, in so untried a case, decide. An aid to this fund may be derived from the surplus dividend on the Bank stock, for the half year ending the last of December next, which it is presumed will be not less than twenty thousand dollars. Should a deficiency appear upon trial, it can be supplied by a future provision.

Proper regulations for the collection of this tax will, it is believed, be found not difficult, if the tax itself shall be deemed eligible. Its simplicity has been a considerable recommendation of it. Qualified as it is, it is not likely to fall on any but such who can afford to pay it. The exemption from the tax, in regard to horses which are appropriated to the purposes of husbandry, or of any trade or occupation, or to the transportation of commodities, seems to obviate all reasonable objection.

If, however, there should appear to the Legislature, reasons for preferring a tax on carriages for pleasure—which, it may be observed, will operate on nearly the same description of persons—the sum required may, it is believed, be produced from the following arrangement of rates, viz: Upon every coach, the annual sum of four dollars; upon every chaise, the annual sum of three dollars; upon every other carriage for the conveyance of persons, having four wheels, the annual sum of two dollars; and upon every chair, sulkey, or other carriage, for the conveyance of persons, having less than four wheels, the annual sum of one dollar.

The collection of this tax will be as simple and easy, and perhaps more certain, than that which has been primarily submitted.

With regard to the second object referred to the Secretary, namely, the plan of a provision for the reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh

section of the act by which it is incorporated, the following is respectfully submitted, to wit: That power be given by law to borrow the sum due, to be applied to that reimbursement: and that so much of the dividend on the stock of the Government in the Bank as may be necessary, be appropriated for paying the interest of the sum to be borrowed.

From this operation, it is obvious that a saving to the Government will result, equal to the difference between the interest which will be payable on the new Loan and that which is payable on the sum now due to the Bank. If the proposed Loan can be effected at the rate of those last made in Holland, the nett saving to the Government may be computed at the annual sum of \$35,000; which saving, whatever it may be, is contemplated as part of the means for constituting the proposed annuities.

The benefit of this arrangement will be accelerated, if provision be made for the application of the proceeds of any Loans heretofore obtained, to the payment suggested, on the condition of replacing the sums which may be so applied out of the proceeds of the Loan or Loans which shall be made pursuant to the power above proposed to be given.

It will also conduce to the general end in view, if the Legislature shall think proper, to authorize the investment of the funds destined for the purchase of the Debt, in purchases of six per cent. stock, at the market price, though above par. The comparative prices of the several kinds of stock have been, and frequently may be, such as to render it more profitable to make investments in the six per cents. than in any other species of stock.

All which is humbly submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.
TREASURY DEPARTMENT, Nov. 30, 1792.

A.

Table showing the effect of a sum annually created, equal to the interest of the sum to be redeemed within each year, for a period of nine years, commencing from the 1st of January, 1793, on the supposition that the interest on the sum annually redeemed be invested as it is liberated in the purchase of six per cent. stock, at the price of twenty-two shillings on the pound.

	Periods of redemption.	Sums annually redeemable.	Interest annually liberated.	Sums annually purchased.
January 1, 1794	-	\$550,000 00	\$33,000 00	\$291,172 04
Do 1795	-	583,000 00	34,980 00	262,523 05
Do 1796	-	617,980 00	37,078 80	231,916 56
Do 1797	-	655,058 80	39,303 52	199,233 86
Do 1798	-	694,362 33	41,661 73	164,349 20
Do 1799	-	736,024 07	44,161 44	127,129 15
Do 1800	-	780,185 52	46,811 13	87,432 33
Do 1801	-	826,996 65	49,619 79	45,108 90
Do 1802	-	1,126,616 44	67,596 41	61,451 28
Interest on Debt paid in and purchased	-	-	65,000 00	572,520 70
			\$459,212 82	\$2,043,837 07

The Public Debt.

B.

Table exhibiting a view of the proposed plan of redemption.

Periods of redemption or payment.	Sums redeemable.	Temporary loans.		Amount of sums borrowed, with compound interest to the respective periods of reimbursement.	Years when annuities begin to accrue.	Years' annuities.	Annuities.
		Times of reimbursement.	Years duration.				
January 1, 1794	\$550,000 00	Jan. 1, 1799	5	\$701,954 00	1793	6	\$103,199 06
Do 1795	583,000 00	Do 1800	5	744,071 24	1794	6	109,391 60
Do 1796	617,980 00	Do 1801	5	788,715 51	1795	6	115,955 17
Do 1797	645,058 80	Do 1802	5	836,038 44	1796	6	122,912 48
Do 1798	694,362 33	Do 1802	4	843,997 41	1797	5	152,743 12
Do 1799	726,024 07	Do 1802	3	882,021 46	1798	4	197,680 20
Do 1800	740,185 52	Do 1802	2	860,154 53	1799	3	272,848 38
Do 1801	826,996 65	Do 1802	1	868,346 48	1800	2	423,583 64
Do 1802	1,126,616 44						
Total sum redeemed by 1st January, 1802	\$6,570,223 81						

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

N. B. All the calculations in this table proceed upon a rate of five per cent. interest.

C.

Mode of constituting the proposed annuities.

1793. Surplus dividend of Bank stock beyond the interest which will be payable estimated at	-	-	-	\$60,000 00			
Tax	-	-	-	43,199 06			
1794. Tax	-	-	-	-			\$103,199 06
1795. Tax	-	-	-	-			109,391 60
1796. Part of annual interest converted into annuity	-	-	-	-			115,955 17
Tax	-	-	-	-			
1797. Part of annual interest converted into annuity	-	-	-	-			122,912 48
Tax	-	-	-	-			
1798. Part of annual interest converted into annuity	-	-	-	-			152,743 12
Tax	-	-	-	-			
1799. Part of annual interest converted into annuity	-	-	-	-			197,680 20
Loan	-	-	-	-			
1800. Part of annual interest converted into annuity	-	-	-	-			272,848 38
Loan	-	-	-	-			
Part of arrears of interest to be applied for balance of annuity of this year	-	-	-	-			423,583 64

Loans.

But a supplementary provision will be to be made for the second year, equal to the sum of \$94,192 04, as the fund in that particular is not annual. This may also arise from the arrears of interest.

The payment to be made on the 1st of January, 1802, may proceed from the following funds:

Amount of annuity of third year liberated by reimbursement of third Loan	115,955 17
Unappropriated arrears of interest	200,000 00
Temporary Loan	810,661 27
	1,126,616 44

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

D.

View of redeeming fund to and upon the 1st January, 1802.

Interest which will have been liberated by purchases and payments into the Treasury, exclusive of redemptions according to the proposed plan	-	-	-	\$65,000 00
January 1, 1794, by redemption of \$550,000 00, rate six per cent.	-	-	-	33,000 00
Do 1795	-	-	-	34,980 00
Do 1796	-	-	-	37,078 80
Do 1797	-	-	-	39,303 52
Do 1798	-	-	-	41,661 73
Do 1799	-	-	-	44,161 44
Do 1800	-	-	-	46,811 13
Do 1801	-	-	-	49,619 79
Do 1802	-	-	-	67,596 98
Total	-	-	-	\$459,213 39

Taxes which will have been laid—

1793	-	-	-	\$43,199 06
1794	-	-	-	109,391 60
1795	-	-	-	115,955 17
1796	-	-	-	102,912 48
1797	-	-	-	107,680 20
1798	-	-	-	109,649 32
1799	-	-	-	691,530 95
	-	-	-	60,000 00
	-	-	-	\$1,210,744 34

Surplus dividend of Bank stock beyond the interest which will be payable out of it

Total	-	-	-	\$1,210,744 34
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AMOUNT OF INTEREST CONVERTED INTO ANNUITIES.

1796	-	-	-	\$20,000 00
1797	-	-	-	50,000 00
1798	-	-	-	90,000 00
1800	-	-	-	220,000 00
Annual sum at the end of 1800	-	-	-	\$380,000 00

TREASURY DEPARTMENT, November 30, 1792.

ALEXANDER HAMILTON.

[Communicated to the House of Representatives, January 4, 1793.]

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Monday, December 24, 1792.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account of the application of the moneys borrowed in Antwerp and Amsterdam for the United States within the present year.

Thursday, December 27.

Resolved, That the President of the United States be requested to cause this House to be furnished with a particular account of the several sums borrowed under his authority by the United

Loans.

No. II.

Statement showing the particular periods when the bonds were distributed, and the moneys received upon the different Loans.

ON THE FIRST LOAN, DATED FEBRUARY 1, 1790.

	Received by the Commissioners	Florins.
1790. February,	do	1,167,000
March,	do	515,000
April,	do	232,000
May,	do	230,000
June,	do	191,000
July,	do	191,000
August,	do	32,000
September,	do	39,000
October,	do	39,000
November,	do	39,000
December,	do	170,000
1791. January,	do	155,000
		3,000,000

ON THE SECOND LOAN, DATED MARCH 1, 1791.

	Received by the Commissioners	Florins.
1791. February,	do	669,000
March,	do	1,058,000
April,	do	317,000
May,	do	456,000
		2,500,000

ON THE THIRD LOAN, DATED SEPTEMBER 1, 1791.

	Received by the Commissioners	Florins.
1791. August 31,	do	1,905,000
September 30,	do	1,816,000
October 31,	do	1,379,000
November 30,	do	870,000
December 31,	do	30,000
		6,000,000

ON THE FOURTH LOAN, MADE AT ANTWERP, DATED DECEMBER 1, 1791.

The details of this Loan are deficient. Paid, as received, to France

ON THE FIFTH LOAN, DATED JANUARY 1, 1792.

	Received by the Commissioners	Florins.
1791. December 31,	do	509,000
1792. January 31,	do	701,000
February,	do	524,000
March,	do	439,000
April,	do	378,000
May,	do	285,000
June,	do	164,000
July,	do	112,000
		52,000
		3,000,000

ON THE SIXTH LOAN, DATED JUNE 1, 1792.

	Received by the Commissioners	Florins.
1792. June 1,	do	705,000
Do	do	761,000
July,	do	468,000
August,	do	222,000
September,	do	*281,000
October,	do	*281,000
November,	do	*282,000
		3,000,000

TREASURY DEPARTMENT, January 3, 1793.

ALEXANDER HAMILTON, Secretary of the Treasury.

* These three sums are stated upon conjecture, the accounts received not coming lower down than the 6th of September.

Loans.

No. III.

A statement of the bills which have been drawn by the Treasurer of the United States upon the Commissioners in Amsterdam, showing the application of the moneys arising from the sales of those bills, and the balance which remains unapplied.

	The amount of bills sold by the Banks of North America and New York, as settled at the Treasury, is	Florins stg. p.	Dolla. cts.
Amount of interest which has arisen on the credit allowed to the purchasers	-	2,468,673 12 8	997,443 53
Amount of bills furnished the Secretary of State	-	-	8,082 83
Do	-	99,947 10	78,766 67
		194,947 10 0	78,766 67
		2,663,621 2 8	1,084,293 03

Amount of bills disposed of by the Bank of the United States.

	Florins.	Dolla. cts.
1792. April 17	500,000 favor J. Kean, at 36 4-11 cts.	202,020 20
June 30	T. Jefferson, do	50,000 00
Fm. July 12 to Oct. 15	J. Kean, 40 7-10 cts.	447,700 00
Nov. 30	T. Willink, 36 4-11 cts.	500,000 00
Dec. 28	J. Kean, do	10,000 00
		2,986,000 0 0
Interest which will accrue on the sales, computed according to the terms prescribed	-	10,755 90
		5,649,621 2 8
		2,304,769 13

Payments made on account of the French Debt, principally for the supply of the French Colony of St Domingo.

	February 21, to the Minister Plenipotentiary of France	Florins.	Dolla. cts.
1792. December 15,	do	\$8,325 00	-
February 21, the Consul General of France	do	5,445 00	-
March 12,	do	22,000 00	-
May 31,	do	100,000 00	-
September 17,	do	100,000 00	-
October 28,	do	26,088 00	-
November 1,	do	17,936 00	-
December 15,	do	24,660 00	-
16,	do	19,961 00	-
22,	do	2,358 00	-
30,	do	8,997 00	-
December 15,	do	64,935 01	-
31,	do	34,558 82	-
		10,000 00	-
		*\$445,263 83	-
		†191,316 90	-
		636,580 73	-

Payment of the Debt due to certain foreign officers, made and to be made

TREASURY DEPARTMENT, January 3, 1793.
ALEXANDER HAMILTON, Secretary of the Treasury.

* The continuing necessities of the Colony of St. Domingo will call for further supplies. A decree of the National Assembly of France, of the 26th of June, 1792, contemplates a supply from the United States of 4,000,000 livres, or \$726,000.

† Provision has been made for the payment of the principal part of the interest of this Debt, at Paris, according to stipulation. Interest upon the whole ceased on the 1st of January, 1793.
The residue of the sum drawn for is applicable to the purchase of the Public Debt. These remains to be received, according to the terms of sale, \$632,132 02.

Loans.

No. IV.

A particular statement of the bills drawn by the Treasurer of the United States, showing the different periods when drawn and paid in Amsterdam, and the balance remaining unpaid on the 6th of September, 1792.

Date of the Secretary's direction.	Amount of bills directed to be drawn.	When drawn.	In whose favor.	Amount of bills drawn by the Treasurer.	When paid in Amsterdam.	Amount of bills paid in Amsterdam.
1790. Dec. 15	Florins st. p. 25,000 0 0	1790. Dec. 17	T. Francis	Florins st. p. 25,000 0 0	1791— from 21 to 28 Feb.	Florins st. p. 276,978 12 0
15	25,000 0 0	17	Wm. Seton	25,000 0 0	14 to 22 Mar.	154,608 10 0
20	3,052 10 0	20	T. Francis	3,052 10 0	4 to 30 April	339,786 10 8
22	7,000 0 0	23	Do	7,000 0 0	16 to 26 May	95,000 0 0
30	8,340 0 0	30	Do	8,340 0 0	31 May	99,000 0 0
31	25,000 0 0	31	Do	25,000 0 0	6 to 27 July	323,340 18 0
1791. Jan. 1	110,000 0 0		Do		1 to 24 Aug.	186,002 11 0
6	100,000 0 0		W. Seton		12 to 26 Sept.	40,956 11 0
13	100,000 0 0	1791 Jan.	T. Francis	710,000 0 0	6 to 31 Oct.	45,000 0 0
27	100,000 0 0		Do		6 to 28 Dec.	39,540 0 0
29	200,000 0 0		W. Seton		1792—3 to 31 Jan.	792,415 5 0
Mar. 18	99,000 0 0	Mar. 19	T. Francis	99,000 0 0	11 to 20 Feb.	32,544 15 0
May 3	200,000 0 0		T. Jefferson		6 to 30 Mar.	138,500 0 0
21	100,000 0 0	Do	W. Seton	600,000 0 0	10 April	95,947 10 0
21	100,000 0 0		Do		2 May	4,000 0 0
Verbal direction Oct. 31	65,281 2 8	June	Do	65,281 2 8		
31	500,000 0 0	Oct. & Nov. 1792.	Do	1,000,000 0 0		
1792. Jan. 27	95,947 10 0	Jan. 27	T. Jefferson	95,947 10 0	1792— from 2 to 25 July	2,663,621 2 8
	2,663,621 2 8			2,663,621 2 8	3 to 27 Aug.	376,946 19 0
April 17	500,000 0 0	April	John Keane	500,000 0 0	Balance remaining	246,803 1 0
June 29	123,750 0 0	June 30	T. Jefferson	123,750 0 0	to be paid on the	
July 12	500,000 0 0	July	John Keane	500,000 0 0	6th Sept., 1792 -	
Aug. 30	200,000 0 0	August	Do	200,000 0 0		
Oct. 8	300,000 0 0	October	Do	300,000 0 0		
15	100,000 0 0	Do	Do	100,000 0 0		2,362,250 0 0
Nov. 30	1,237,500 0 0	Dec.	T. Willing	1,237,500 0 0		
Dec. 28	24,750 0 0	Do	John Keane	24,750 0 0		
	2,986,000 0 0			2,986,000 0 0		2,986,000 0 0

REMARKS.

The bills drawn from the 15th December, 1790, to June, 1791, inclusively, have been sold at 36 4-11 ninetieths of a dollar per guilder, payable in sixty days, or in ninety, with interest for thirty days. Those drawn in October and November, 1791, have been sold at the same rate of exchange for cash, or on a credit not exceeding ninety days, the purchaser paying interest for the whole term of the credit. The terms upon which the bills in April, 1792, have been disposed of were a credit of six months; the first two months without interest, and the last four months with an allowance of six per cent. by the purchaser, the rate of exchange as before. In July, August, and October, 1792, the rate of exchange was forty cents and seven mills per guilder, one moiety to be paid in two, and the other moiety in four months, with interest from the time of each sale. In November and December, 1792, the exchange was 36 4-11 ninetieths of a dollar.

TREASURY DEPARTMENT, January 3, 1793.
ALEXANDER HAMILTON, Secretary of the Treasury.

Loans.

[Communicated to the House of Representatives, January 11, 1793.]

TREASURY DEPARTMENT, January 10, 1793.

Sir: The resolution of the House of Representatives of the 27th of December last having been considered as contemplating Foreign Loans only, the statements rendered to the House on the 3d instant, were confined merely to those objects.

But, lest a greater latitude should have been intended by that resolution, I have the honor to transmit, herewith, a supplementary statement, No. V., which contains the several sums that have been borrowed in the United States, under the authority of the President; and to be, with perfect respect, sir, your most obedient servant,

ALEXANDER HAMILTON, Secretary of the Treasury.
The Hon. SPEAKER of the House of Representatives of the United States.

No. V.

A statement of the moneys which have been borrowed in the United States, by the Government, and applied pursuant to several acts of Congress.

Under the act, entitled "An act making appropriations for the support of Government for the year 1790," the following sums were borrowed from the Bank of New York, and applied as specified in the said act, viz:

1790, March 31, \$30,000
April 8, 25,000

55,000, at the rate of 6 per cent. per annum, from the respective dates mentioned, to the 14th May, 1790, when the Loan was reimbursed.

Pursuant to the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," a Loan has been obtained from the Bank of the United States, agreeably to a contract with the said Bank, dated the 25th of May, 1792, of \$523,000* at the rate of 5 per cent. per annum, reimbursable at the pleasure of the United States; upon which Loan there has been received in the Treasury, in the following instalments, and applied to the purpose for which it was appropriated—

\$100,000 on the 1st of June, 1792.
100,000 1st of July, 1792.
100,000 1st of August, 1792.
100,000 1st of September, 1792.†

The interest accruing on the said instalments to the 1st of January, 1793, was made payable on that day, and thenceforth, until the reimbursement of the principal, the interest on the whole is to be paid half-yearly, namely, on the 1st of July and on the 1st of January, in each year.

The surplus of the duties laid by the act before mentioned, to be applied, as the same shall accrue, to the reimbursement of the principal and interest.

Pursuant to the act, entitled "An act to incorporate the subscribers to the Bank of the United States," a Loan has been made, by the said Bank to the United States, of \$2,000,000, at the rate of 6 per cent. per annum, reimbursable in ten years, by equal annual instalments, or at any time sooner, or in any greater proportions that the Government may think fit.

This Loan has been applied as directed by the act under which it was borrowed.

The time when the interest commenced on \$1,000,000 of the said Loan, is coincident with the time when the dividend upon the stock of the Bank began to accrue, namely: the 20th of December, 1791. Upon the remaining \$1,000,000, interest commenced on the 1st of July, 1792.

TREASURY DEPARTMENT, January 10, 1793.
ALEXANDER HAMILTON, Secretary of the Treasury.

[Communicated to the Senate, January 18, 1793.]

The Senate passed the following order, January 15, 1793:

Ordered, That the Secretary of the Treasury lay before the Senate the account of the United States with the Bank of the United States, specifying the precise sums, with the dates of the debits and credits, from the institution of the Bank to the day the return is made.

That the Secretary of the Treasury also lay before the Senate, an account of the surplus of revenue appropriated to the purchase of the Public Debt to the same period, specifying the sums and dates. That he lay before the Senate, a statement of the money borrowed by virtue of the law passed August the 4th, 1790, with the appropriation of the amount, and the precise dates.

That he lay before the Senate the amount and application of the money borrowed by virtue of the law of August the 12th, 1790.

* Errata.—The true sum, agreeably to contract, was \$523,500.

† This sum was not received till the 28th of September.

Loans and Finances.

And that he also lay before the Senate, an account exhibiting the probable surplus, and unappropriated revenue of the year 1792, stating, as far as possible, the dates and the sums.

TREASURY DEPARTMENT, January 16, 1793.

Sir: I have the honor to transmit, herewith, pursuant to the order of the Senate of yesterday, the following documents, viz:

Books Nos. 1 and 2,* containing the current cash account between the United States and the Bank of the United States, from the commencement of the operations of that institution until this day.

Files A, B, C, D.*

A. Containing a series of accounts beginning the 16th of June, 1792, and ending the 5th of January, 1793, showing the cash account of the United States with the Office of Discount and Deposit of the Bank of the United States at Boston.

B. Containing a series of accounts, beginning the 23d of May, 1792, and ending the 5th of January, 1793, showing the cash account of the United States with the Office of Discount and Deposit of the Bank of the United States at New York.

C. Containing a series of accounts, beginning the 9th of August, 1792, and ending the 5th of January, 1793, showing similar accounts with the Office of Discount and Deposit at Baltimore.

D. Containing a series of accounts, beginning the 9th of June, and ending the 22d of December, 1792, showing similar cash accounts with the Office of Discount and Deposit at Charleston.

Statement E, being an abstract of the balances remaining in the several Offices of Discount and Deposit, at the respective periods of the last returns.

Statements AB and Nos. 1, 2, 3, being accounts of the sales of bills on Amsterdam, by the Bank of the United States, and the several offices of Discount and Deposit.

These documents fulfill the first object of the order above mentioned.

Statement F, showing the surplus of revenue appropriated to the purchase of the Public Debt. This surplus arose at the end of the year 1790, and was appropriated by an act of the 12th of August, 1790.

This fulfils the second object of the order, as I understand its meaning.

Statements (printed) Nos. 1, 2, 3, 4.†

These have been heretofore presented to the House of Representatives, and show, with as much detail and accuracy as is now in the power of the Treasury, the different Loans which have been made pursuant to the acts of the 4th and 12th of August, 1790, and their application, as far as it has gone.

These Loans having been contracted in virtue of the powers communicated by both acts, without particular reference to either, a specification of the Loans made upon each is, of course, not practicable. This mode of proceeding was indicated first, by an intimation from our bankers in Holland that a distinction might prove an embarrassment, (being a novelty, the reason of which would not be obvious to the money-lenders.) Secondly, by the consideration that, if the Loans were made upon both acts indiscriminately, their application could be regulated as circumstances, from time to time, should render advisable.

These documents fulfil, as far as is practicable, the third and fourth objects of the order.

Statement G, showing the probable unappropriated surplus of the public revenue during the year 1792. This fulfils, as far as can now be done, the last of the objects comprised in the order of the Senate. But, by way of explanation, I beg leave to refer to the printed statement D, which accompanied the estimate for the service of the present year, reported to the House of Representatives on the 14th of November last, and which is herewith transmitted.

The books Nos. 1 and 2, the papers contained in the files A, B, C, and D, and those marked AB, Nos. 1, 2, 3, are originals. They are sent, rather than transcripts, to avoid delay, as it is understood that the statements called for have reference to the deliberations of the Senate on the bill making appropriations for the service of the current year.

I suppose it would be most agreeable to the Senate to be enabled, as soon as possible, by the receipt of the information they have required, to proceed to a decision on that important subject; and, exposed as I am to very perplexing dilemmas, for the want of the requisite appropriations, in consequence of arrangements which it was my duty to enter into, to be able to keep pace with the exigencies of the public service, I could not but feel a solicitude to hasten the communication.

As the originals which have been mentioned are necessary documents of office, I request that the Senate will be pleased to cause them to be returned as soon as they shall have answered the purpose for which they have been required. With the most perfect respect, I have the honor to be, &c.

ALEXANDER HAMILTON, Secretary of the Treasury.
The Vice President of the United States and President of the Senate.

* "Books Nos. 1 and 2," and "files A, B, C, D," were returned, and are not now to be found.

† For these statements, see preceding tables.

Loans and Finances.

No. 1.

Sales of Government bills on Amsterdam, at the Office of Discount and Deposit in New York, viz: 225,000 guilders, at 36 4-11 ninetieths of a dollar per guilder, on a credit of six months, with interest for the last four months.

When sold.	To whom sold.	Amount in guilders.	Amount in dollars.	When paid.	Amount of interest.	Sums paid.
1792.						
April 25	Rowlett & Corp -	162,000	65,454 54	Oct. 15	1,201 36	66,655 90
26	Norman Butler -	8,960	3,232 32	Aug. 6	21 54	3,253 86
May 4	William Edgar -	1,000	404 04	July 4	-	404 04
10	Samuel Ward & Brothers	26,000	10,505 05	Nov. 13	215 35	10,720 40
13	George Scriba -	28,000	11,313 13	21	231 92	11,545 05
		225,000	90,909 08		1,670 17	92,579 25

Errors excepted.
OFFICE OF DISCOUNT AND DEPOSIT, New York, January 12, 1793. JONATHAN BURRALL, Cashier.

N. B. The Secretary of the Treasury gave permission to receive payment of the notes that were on interest at any time before they became due.

No. 2.

Sales of Government bills on Amsterdam, at the Office of Discount and Deposit in New York, viz: 250,000 guilders, at 40 cents 7 mills per guilder, payable the one-half in two months, and the other half in four months, with interest.

When sold.	To whom sold.	Am't in guilders.	Amount in dollars.	When paid.	Amount of interest.	Sums paid.
1793.						
July 27	Saml. Ward & Brothers	25,000	5,087 50	Sept. 29	53 37	5,140 87
	Do -	-	5,087 50	Nov. 28	104 29	5,191 79
	Obadiah Bowen -	25,000	5,087 50	Sept. 29	53 37	5,140 89
	Do -	-	5,087 50	Nov. 28	104 29	5,191 79
Aug. 7	Nicholas Cook & Co.	25,000	5,087 50	Oct. 9	53 37	5,140 89
	Do -	-	5,087 50	Dec. 8	104 29	5,191 79
	Josiah Adams & Co.	25,000	5,087 50	Oct. 9	53 37	5,140 87
	Do -	-	5,087 50	Dec. 8	104 29	5,191 79
21	Jacob & Philip Mark	25,000	5,087 50	Oct. 23	53 41	5,140 91
	Do -	-	5,087 50	Dec. 22	104 29	5,191 79
27	John Murray	15,000	3,055 00	Oct. 29	32 07	3,087 07
	Do -	-	3,050 00	Dec. 27	62 53	3,112 53
Sept. 3	Daniel Badcock -	25,000	5,087 50	Nov. 4	53 42	5,140 92
	Do -	-	5,087 50	1793, Jan. 5	104 30	5,191 80
4	Matthew Clarkson	10,000	2,035 00	1792, Nov. 5	20 35	2,055 35
	Do -	-	2,035 00	1793, Jan. 5	40 70	2,075 70
	Le Roy & Bayard	25,000	5,087 50	1792, Nov. 5	50 87	5,138 37
	Do -	-	5,087 50	1793, Jan. 7	101 74	5,189 24
5	Van Horne & Clarkson	25,000	5,087 50	1792, Nov. 7	53 41	5,140 91
	Do -	-	5,087 50	1793, Jan. 6	104 29	5,191 79
7	Nicholas Hoffman	3,000	610 50	1792, Nov. 9	6 40	616 90
	Do -	-	610 50	1793, Jan. 8	12 51	623 01
10	John P. Mumford & Co.	22,000	4,477 00	1792, Nov. 12	47 01	4,524 01
	Do -	-	4,477 00	1793, Jan. 12	91 77	4,568 77
		250,000	101,750 00		1,569 71	103,319 71

Errors excepted.
OFFICE OF DISCOUNT AND DEPOSIT, New York, January 12, 1793. JONATHAN BURRALL, Cashier.

Loans and Finances.

AB.

Account of Treasury bills on Amsterdam, sold by the Bank of the United States and Offices of Discount and Deposit.

Date of sale.	Guilders and stivers.	Purchasers' names.	Moneys received.		Notes remaining unpaid.	
			Amount of note.	Interest on note.	Amount.	When payable.
1792.						
April 25	88,053 1	Matthew McConnell	35,577 0	931 4		
27	156,543 15	Jonathan Williams	63,250 0	1,326 30		
	5,403 4	Anthony Butler	2,183 16	43 66		
28	225,000 0	Office at New York.				
	25,000 0	Thomas Fitzsimons				
July 2	24,000 0	Pragers & Co.	10,101 2	314 91		
21	50,000 0	Office of New York.	9,758 0	156 52		
	25,000 0	Office of Baltimore.				
31	612 0	Samuel Meredith	249 9	6 91		
	25,000 0	Joseph Anthony & Son	10,175 0	152 62		
	25,000 0	Ward & Brothers	10,175 0	152 62		
	15,000 0	Anthony Butler	*105 0	93 0		
			6,000 0	146 52		
	24,000 0	William Bell	9,768 0			
August 1	50,000 0	Office of New York.				
2	25,000 0	Office of Baltimore.				
9	1,386 0	William McPherson	564 2	8 78		
10	8,332 10	Henry Hill	3,391 33	52 11		
14	50,000 0	Office of New York.				
15	3,000 0	Bake & Co.	1,221 0	18 33		
16	50,000 0	Office of New York.				
21	2,000 0	Leonard Jacoby	814 0	12 24		
	12,658 10	Fred. W. Stannan	5,152 0	79 85		
	2,000 0	Cash	4,884 0			
22	12,000 0	Do	4,070 0	59 5		
24	10,000 0	Bohlen				
31	50,000 0	Office at New York.	8,140 0	126 16		
Sept. 5	20,000 0	Thomas Kelland	4,884 0	75 70		
14	25,000 0	George Meade	10,175 0	157 71		
15	25,000 0	George Sweetman	10,175 0	157 71		
	25,000 0	Nixon & Foeter	10,175 0	157 71		
29	25,000 0	George Ord	10,175 0	157 71		
	25,000 0	Thomas M. Willing	10,175 0	157 71		
	6,000 0	Leonard Jacoby	1,221 0	13 0		
	15,000 0	George Harrison	3,052 50	32 4		
October 2	6,800 0	F. W. Stannan	1,383 80	14 52		
3	25,000 0	Willing, Morris, & Stanwick	5,087 50	53 40		
4	10,000 0	Joseph Anthony & Son	2,035 0	21 36		
6	13,000 0	T. Dalton	2,645 50	27 77		
	15,000 0	George Bickham	3,052 50	32 4		
	12,211 0	John Donaldson	2,484 94	26 7		
10	7,116 0	Conyngham, Nesbitt, & Co.	1,448 11	15 20		
	25,000 0	Pragers & Co.	5,087 50	53 41		
	25,000 0	F. & J. West	5,087 50	53 41		
	25,000 0	James & W. Miller	5,087 50	53 41		
11	3,000 0	John Donaldson	610 50	6 40		
13	15,289 0	Berthier & Co.	3,111 32	32 67		
	20,000 0	Robert Morris	4,070 0	42 72		
	15,000 0	Lewis Deblouis	3,434 59	†146 67		
	120,000 0	Cash	48,940 0			

* Paid \$105 at the time of purchase.

† \$146 67 is the amount of the whole interest on the two periods of 60 and 120 days, for bills sold L. Deblouis.

Loans—Statement AB, continued.

Date of sale.	Guilders and stivers.	Purchasers' names.	Moneys received.		Notes remaining unpaid.	
			Amount of note.	Interest on note.	Amount.	When payable.
1792.						
15	5,000 0	John Nixon	1,017 50	10 68	1,017 50	Feb. 14
	15,000 0	Anthony Butler	3,256 0	34 18	3,256 0	14
	8,595 0	Cash	3,498 17			
17	1,000 0	Do	407 0			
18	35,000 0	Do	14,245 0			
19	34,000 0	Do	13,836 0			
20	10,000 0	Do	4,070 0			
24	10,000 0	Do	4,070 0			
26	15,000 0	Do	6,105 0			
	1,600,000 0		384,292 27	5,056 11	51,408 4	

Total amount of guilders sold at the office at New York is 475,000
 Total amount of guilders sold at the office at Baltimore 50,000
 Amount of moneys received at the Bank of the United States for Amsterdam bills, to the 15th January, 1793, as above 384,292 27
 Interest received on ditto, as above 5,056 11
 389,348 38

Amount of moneys received at the Office of Discount and Deposit at New York, per account No. 1 - 92,579 25
 Do do do per account No. 2 103,319 71
 195,898 96

Amount of moneys received at the Office of Discount and Deposit at Baltimore, per account No. 3 - 20,635 74
 20,635 74

Total amount of moneys received by the Bank and Offices for Amsterdam bills 605,883 08

There still remain due on account of Amsterdam bills, notes payable at Bank, as above 51,408 04

N. B.—As these notes are not always paid the day they fall due, the interest is not carried out.
 BANK OF THE U. S., January 15, 1793.
 DAVID S. FRANKS, Assistant Cashier.

No. 3.

Account Sales of 50,000 guilders, Government bills, on Amsterdam, at the Baltimore Office of Discount and Deposit.

Date.	No.	Purchasers.	Amount guilders.	Price per guilders.	Time of credit.	Principal.	Interest.	Total.
1792.				cts. m.	Days.			
July 26	653	Ghequire & Holmes	4,000	at 40 07	60	\$1,628	\$16 28	\$1,644 28
26	654	Do	4,000	do	120	1,628	32 56	1,660 56
	631	George Grundy	8,000	do	60 & 120	3,256	29 34	*3,285 34
	641	William Van Wyck	3,000	do	60 & 120	1,221	18 31	1,239 31
Aug. 6	685	Ratien & Konecke	4,000	do	60 & 120	2,442	36 63	2,478 63
	660	Henry Schroeder	4,000	do	60 & 120	1,628	24 42	1,652 42
	664	William Taylor	5,000	do	60 & 120	2,035	30 52	2,065 52
	696	Adrian Valek	7,000	do	60 & 120	2,849	42 74	2,891 74
	713	Nicholas Slubey & Co.	9,000	do	60 & 120	3,663	54 94	3,717 94
			50,000			20,350	285 74	†20,635 74

* Of which \$1,300 were paid at the time of sale, which is the reason for the interest on this appearing less than on the same sum, immediately above.

† Total, and paid agreeably to the credit given.

BALTIMORE OFFICE OF DIS. AND DEP., Jan. 12, 1793.

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DAVID HARRIS, Cashier.

Loans.

E.—Statement of Balances in the several Offices of Discount and Deposit.

Dates of return.	Offices of Discount and Deposit.	Balances.
1793.		
January 5	Boston	\$156,028 67
	Amount of drafts not yet paid	70,375 00
5	New York	224,734 51
	Received for bills sold on Amsterdam	190,700 78
		415,435 29
	Drafts unpaid	\$80,000 00
	Invested in the Public Debt	50,000 00
		110,000 00
5	Baltimore	55,058 64
	Amount of drafts not yet paid	10,000 00
		45,058 64
1792.		
Decemb'r 22	Charleston	93,015 85
	Amount of drafts not yet paid	63,350 00
		29,665 85
		465,813 45

TREASURY DEPARTMENT, January 6, 1792. ALEXANDER HAMILTON.

F.—A statement showing the surplus of the revenue appropriated to the purchase of the Public Debt, by the act of Congress of the 12th of August, 1790.

1789.	Nett amount of duties arising from imports and tonnage, from the first day of August, 1789, to the last day of December, 1790, inclusively	\$3,131,667 94
August 20	Amount of moneys received from Nathaniel Gilman, late receiver of Continental taxes	3,225 70
Sept. 29		3,134,893 64
1790.		
March 26	APPROPRIATIONS, VIZ:	
July 1	An act providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of Commissioners for managing the same	\$20,000 00
1	An act making appropriations for the present year	639,000 00
22	An act making appropriations for the support of Government for the year 1790	\$754,658 99
August 4	An act providing the means of intercourse between the United States and foreign nations	80,000 00
10	An act to satisfy the claims of John McCord against the United States	1,309 71
11	An act providing for holding a treaty or treaties to establish peace with the Indian tribes	20,000 00
12	An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise	10,000 00
	An act authorizing the Secretary of the Treasury to finish the light-house on Portland head, in the District of Maine	1,500 00
	An act for the relief of disabled soldiers and seamen lately in the service of the United States, and of certain other persons	548 57
	An act making certain appropriations therein mentioned	233,219 97
	Surplus of the revenue on the last day of December, 1790	1,760,237 24
		1,374,656 40

* The amount of the expenses arising from, and incident to, the sessions of Congress, which happened in the year 1790, being \$203,167 23, is included in this sum.

Loans.

A statement of the sums which have been applied to the purchase of the Public Debt.

The amount heretofore reported to Congress by the Commissioners for purchasing the Public Debt, down to the 17th of November, 1792, is, in specie	\$967,821 65
Since that date, there has been applied to the same purpose, through the agency of Samuel Meredith, the sum of	15,098 11
And through Jonathan Burrall, in New York	50,000 00
Total amount in specie	1,032,919 76

TREASURY DEPARTMENT, January 16, 1793.

G.

A statement showing the probable surplus of the revenue of the United States, for the year 1792.

Nett product of duties on imports and tonnage, from the 1st of January to the 31st of December, 1792, as estimated (a)	\$3,900,000 00
Nett products of duties on home-made spirits, as estimated	400,000 00
	4,300,000 00
APPROPRIATIONS.	
Interest on the Public Debt for the year 1792	\$2,849,194 73
For the support of Government for the same year, appropriated by the act of the 23d of December, 1791	600,000 00
Towards carrying into execution the act, entitled "An act making further and more effectual provision for the protection of the frontiers," appropriated by the act of the 2d of May, 1792	523,500 00
To defray any expense incurred in relation to the intercourse between the United States and foreign nations, appropriated by the act of the 8th of May, 1792	50,000 00
Surplus	4,022,694 73
	277,305 27

(a) This sum is estimated by adding to the ascertained product of the year 1791, an ascertained excess of product of the first two quarters of the year 1792, beyond the product of the first two quarters of the year 1791, being \$252,319 11, and the estimated product for a half year, of the additional duties on imports, laid during the last session of Congress, and commencing on the 1st of July last, being \$261,750. According to the information hitherto received at the Treasury, there is every probability that the amount of the duties for the last half year of 1792, will fully equal this calculation of their product, if in the ratio of the first half year, will exceed it.

TREASURY DEPARTMENT, January 16, 1793.

ALEXANDER HAMILTON.

LOANS.

[Communicated to the House of Representatives, February 4, 1793.]

IN THE HOUSE OF REPRESENTATIVES U. S.

Wednesday, January 23, 1793.

Resolved, That the President of the United States be requested to cause to be laid before this House copies of the authorities under which Loans have been negotiated, pursuant to the acts of the 4th and 12th of August, 1790, together with copies of the authorities directing the application of the moneys borrowed.

Resolved, That the President of the United States be requested to cause this House to be furnished with the names of the persons by whom and to whom the respective payments of the French Debt have been made

in France, pursuant to the act for that purpose; specifying the dates of the respective drafts upon the Commissioners in Holland, and the dates of the respective payments of the Debt: A similar statement is requested respecting the Debts to Spain and Holland.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account, exhibiting, half-monthly, the balances between the United States and the Bank of the United States, including the several Branch Banks, from the commencement of those institutions to the end of the year 1792.

Resolved, That the Secretary of the Treasury be directed to lay before this House an account of all moneys which may have come into the Sinking Fund, from the commencement of that institution to the present

Loans.

time; specifying the particular fund from which they have accrued, and exhibiting, half-yearly, the sums uninvested, and where deposited.

Resolved, That the Secretary of the Treasury be directed to report to this House the balance of all unapplied revenues at the end of the year 1792; specifying whether in money or bonds, and noting where the money is deposited: That he also make report of all unapplied moneys which may have been obtained by the several Loans authorized by law, and where such moneys are now deposited.

Report of the SECRETARY OF THE TREASURY, in pursuance of the foregoing resolutions:

TREASURY DEPARTMENT, Feb. 4, 1793.

SIR: I have lost no time in preparing, as far as has been practicable, consistently with the course of facts, the several statements required by the resolutions of the House of Representatives of the 23d of last month; and I have concluded to add to them such further statements as appeared to me necessary to convey fully the information which is understood to be the object of those resolutions. It was my first intention to submit these statements collectively, with such explanatory remarks as the occasion might demand; but finding on experiment, from the extent and variety of the matter involved in the resolutions, that more time will be requisite for a full development of it than I had anticipated, considerations of weight in my mind have determined me to present the different parts of the subject successively. Among other advantages incident to this course of proceeding, will be that of having it in my power to give a more accurate and mature view of the entire subject, without too great a dereliction of the current business of the Department. In executing the task I propose to myself, I shall rely on the indulgence of the House to a latitude of observation, corresponding with the peculiar circumstances of the case.

The resolutions to which I am to answer, were not moved without a pretty copious display of the reasons on which they were founded. These reasons are before the public, through the channel of the press. They are of a nature to excite attention, to beget alarm, to inspire doubts. Deductions of a very extraordinary complexion may, without forcing the sense, be drawn from them. I feel it incumbent upon me to meet the suggestions which have been thrown out with decision and explicitness. And while I hope I shall let fall nothing inconsistent with that cordial and unqualified respect which I feel for the House of Representatives, while I acquiesce in the sufficiency of the motives that induced on their part the giving a prompt and free course to the investigation proposed, I cannot but resolve to treat the subject with a freedom which is due to truth and to the consciousness of a pure zeal for the public interest.

I begin with the last of the four resolutions, because it is that which seeks information relating to the most delicate and important of the suggestions that have been hazarded.

Here, however, I have to regret the utter impossibility of a strict compliance with the terms of the resolution. The practicability of such a compliance would suppose nothing less than that, since the last day of December, 1792, all the accounts of all the Collectors of the Customs, and other officers of the revenue throughout the whole extent of the United States, could be digested, made up, and forwarded to the Treasury—could be examined there, settled, and carried into the public books under their proper heads. In a word, that all the accounts of the revenues, receipts, and expenditures of this extensive country, could have passed through a complete exhibition, examination, and adjustment within the short period of twenty-three days.

It was made (as I presume from the result) satisfactorily to appear to a Committee of the House of Representatives, who were charged during the last session with framing a direction to the Treasury for bringing forward an annual account of Receipts and Expenditures, that the course of public business would not admit of the rendering of such an account in less than nine months after the expiration of each year; in conformity to which idea, their report was formed and an order of the House established.

I need do nothing more, to evince the impracticability of an exact compliance with the resolution in question, than to observe, that it is even more comprehensive (though with less detail) than the order of the House to which I have alluded. To evince, nevertheless, my readiness to do all in my power towards fulfilling the views of the House, and throwing light upon the transactions of the Department, I shall now offer to their inspection sundry statements, marked A, B, C, D, E, F, which contain, as far as is at this time possible, the information desired, and with sufficient certainty and accuracy to afford satisfaction on the points of inquiry involved in the resolution.

The statement A shows in abstract the whole of the receipts into, and expenditures from, the Treasury, commencing with the first of January, and ending with the last of December, 1792, corresponding with the accounts of the Treasurer. These accounts have been regularly settled up to the end of September, and copies have been laid before the two Houses of Congress. The account for the quarter terminating with the year has not yet passed through the forms of settlement, but is under examination, and will, no doubt, be settled as it stands—the manner of conducting the business, and the usual care and accuracy of the officer concerned, leaving very little room to apprehend misstatement or error. A copy of this account is herewith submitted in the schedule marked C.

This statement takes up the balance of the general account of Receipts and Expenditures to the end of the year 1791, as reported to the House of Representatives within the first week of the present session, and continuing it down to the end of 1792, shows a balance then in the Treasury of \$783,444 51.

* For this statement, see *ante* page 1191.

Loans.

The statement B is a more comprehensive document. It is a general account of Income and Expenditure. It shows not merely the actual receipts of money into the Treasury, but the whole amount of the national revenues from the commencement of the present Government to the conclusion of the year 1792, as well outstanding as collected—the proceeds of Domestic Loans—the whole amount of the sums which have been drawn into the United States on account of the Foreign Loans—and all other moneys, from whatever source, which have accrued within the period embraced by the statement.

These items form the debit side of the account, amounting to \$17,879,825 33.

The credit side consists of two items. First, the whole amount of the actual expenditures to the end of the year 1791, as stated in the general account of Receipts and Expenditures before referred to. Second, the whole amount of the actual expenditures during the year 1792, as specified generally in the statement A, and particularly in the several quarterly accounts of the Treasurer, amounting to \$12,765,128 83.

The balance of this account of Income and Expenditure is, consequently, \$5,114,696 50; which corresponds with the excess of the public income (including the proceeds of Loans foreign and domestic) beyond the actual expenditure, or, more properly speaking, disbursement to the end of the year 1792. This of course is exclusive of those parts of the proceeds of Foreign Loans which have been left in Europe to be applied there; the amount, application, and balance of which are exhibited, as far as they are known at the Treasury, in the statement No. 1 of my late Report on Foreign Loans.

This balance, as noted in the statement B, is composed of the following particulars:

I. Cash in the Treasury, per statement A	\$783,444 51
II. Cash in the Bank of the United States, and the offices of Discount and Deposit of New York and Baltimore, not yet passed to the account of the Treasurer, per statement A B	605,983 08
III. Proceeds of Amsterdam bills remaining in deposit in the Bank of North America, including the sum of \$156,595 56 cents advanced by the Bank without interest, which is credited in the general account of Receipts and Expenditures, statement A	177,998 80
IV. Proceeds of Amsterdam bills sold but not yet received	614,593 02
V. Cash in hands of Collectors of Customs, per abstract D	151,851 25
VI. Bonds unpaid at the end of the year 1792, on account of the duties on imports, and falling due between that time and May, 1794, per abstract E	2,442,069 15

VII. Uncollected residue of duties on spirits distilled within the United States, per abstract F,

341,057 19
Total
\$5,116,897 00

This aggregate somewhat exceeds the balance of the account; but, in a case where estimates must necessarily supply the deficiency of ascertained results, differences of this nature are of course. It is, at the same time, satisfactory to observe that the estimates which have been heretofore communicated are proved, by the official documents already received, to have been essentially correct. It will no doubt readily occur to the House that a very small part of the excess, which has been stated, is a real surplus of income. There remain to be satisfied numerous objects of expenditure charged upon the fund by the appropriations which have been made, that cannot fall ultimately to exhaust it, probably within four or five hundred thousand dollars; which will be embraced in the appropriations for the service of the year 1793. A further explanation on this point is reserved for future communication.

A due comprehension of the statements now presented, must obviate every idea of a balance unaccounted for, in whatever sense the allegation may have been intended to be made. If there was before any obscurity on the subject, it was certainly not the fault of this Department. Till the last resolutions, no call has been made upon it which rendered it proper to exhibit a general view of the public moneys and funds, or to show the amount and situation of such as were unapplied. Particular calls for particular objects were made, which as I conceive were complied with; but they were not comprehensive enough to embrace a disclosure of that nature. It could not, therefore, with propriety have been alleged that there was a balance unaccounted for. To infer it from documents, which contained only a part of the necessary information, was not justifiable, nor could it otherwise happen than that conclusions wholly erroneous would be the consequences of taking such imperfect data for guides. It may be of use, by way of elucidation, to point out some of the most palpable features of the error which has been entertained.

The following items are stated as the basis of the supposed deficiency:

Residue of the proceeds of the Foreign bills supposed to be unapplied, (after deducting the sums furnished for St. Domingo, and the amount of the Debt to Foreign officers) - \$1,668,190

Surplus of Sinking Fund, meaning, I presume, that part of the surplus of the revenue to the end of the year 1790, which had not been applied in purchases - 400,000

Surplus of revenue of the year 1792, as reported - 277,385

Total - \$2,345,575

Loans.

Deduct in Bank, meaning I presume the balance of the Treasurer's cash account - - - - - 790,642

Balance unaccounted for - \$1,554,933

It appears in the first place to have been overlooked, that in statement No. 3, of my late Report concerning Foreign Loans, mention is made that, on the 3d of January, there remained to be received of the proceeds of the Foreign bills \$632,132 02; consequently that sum could not be considered as in the Treasury, and ought to be deducted from the supposed deficiency.

Among the official papers which it is intimated were consulted, was an original account, rendered by the Bank of the United States, of the sales of Amsterdam bills, showing a sum of \$605,883 08, as having been received by the Bank and two of its offices of Discount and Deposit, for the proceeds of those bills. Had the document been understood, it would have been known that this sum was in Bank, over and above the balance of the Treasurer's cash account; and this, also, would have served to account for a large part of the supposed deficiency, namely, \$605,883 08. The course of this transaction will be hereafter explained.

But among the misconceptions which have obtained, what relates to the surplus of revenue of the year 1792 is not the least striking. The laws inform (and consequently no information on that point from this Department could have been necessary) that credits are allowed upon the duties on imports of four, six, nine, twelve months, and in some cases of two years. Reason dictates, that a surplus in such case must be considered as postponed in the collection or receipt till all the appropriations upon the fund have been first satisfied. The account of Receipts and Expenditures to the end of 1791, in possession of the House, shows that at that time no less a sum than \$1,828,289 28 of the antecedent duties were outstanding in bonds. How, then, could it have happened that the surplus of 1792 was sought for in the Treasury at the very instant of the expiration of the year? I forbear to attempt to trace the source of a mistake so extraordinary.

Let me, however, add that of the surplus in question, \$172,584 82, are not payable till April and May, 1794, as will be seen by the abstract E. Thus have I not only furnished a just and affirmative view of the real situation of the public account, but have likewise shown, I trust in a conspicuous manner, fallacies enough in the statement, from which the inference of an unaccounted for balance is drawn, to evince that it is one tissue of error. In this I might have gone still further, there being scarcely a step of the whole process which is not liable to the imputation of misapprehension. But I wish not unnecessarily to weary the patience of the House.

Another circumstance to which importance has been given, and which was noticed in connexion with the suggestion last discussed, is a disagreement between a memorandum in the Treasurer's Bank Book and the statement reported by me, of

the amount of bills drawn at the Treasury upon the Foreign Fund. A disagreement no doubt exists, and to the extent of 5,760,138 florins or guilders.

But the following circumstances contain the solution of this disquieting appearance.

There will be found in the statement A two several credits, each for \$2,000,000, as for moneys received into the Treasury, with corresponding debits of equal sums as for moneys paid out of the Treasury. But neither the one nor the other did in reality take place. The whole is a mere operation to accomplish the purposes of the eleventh section of the "Act to incorporate the subscribers to the Bank of the United States," without an inconvenient and unnecessary displacement of funds.

That section authorizes a subscription to the stock of the Bank, on account of the Government, not exceeding in amount \$2,000,000, and provides for the payment of it out of the moneys which should be borrowed by virtue of either of the acts of the 4th and 12th of August, 1790—the first making provision for the Public Debt, the last for reducing it; enjoining, at the same time, that a Loan should be made of the Bank to an equal amount, to replace the moneys which were to be applied to the payment of the subscription.

It is evident that nothing could have been more useless (at the same time that it would have been attended with obvious disadvantages to the Government) than actually to draw from Europe, out of the moneys borrowed there, the sum necessary for the payment of the subscription to the Bank, and again to remit out of the Loan which was to be obtained of the Bank a sufficient sum to replace such moneys, or such part of them as may have been destined for the Foreign object. Loss upon exchange in consequence of overstocking of the market with bills—loss in interest by the delays incident to the operation, and which would necessarily have suspended the useful employment of the funds for a considerable time—these are some of the disadvantages to the Government. To the Bank alone could any benefit have accrued, which would have been in proportion to the delay in restoring or applying the fund to its primitive destination. Such an operation, therefore, could only have been justified by an indisposition on the part of the Bank to facilitate the principal object, without the intervention of actual payment. But no such disposition existed. On this, as on every other occasion, a temper liberal towards the Government has characterized the conduct of the directors of that institution.

It was accordingly proposed by me, and agreed to by them, that the object to be accomplished should be carried into effect by a merely formal arrangement. In this, however, it was necessary to consult the injunctions of law, and the principles of the constitution of the Treasury Department.

These points, then, were to be effected—a payment of the subscription money, to vest the Government with the property of the stock; possession of the means of paying it, which were to be derived from the Foreign Fund, and of course

Loans.

were first to be in the Treasury before payment could be made; the replacing what should be taken from that fund by a Loan of the Bank.

The following plan for these purposes was devised and executed by previous concert:

The Treasurer drew bills upon our Commissioners in Amsterdam for the sums requisite to complete the payment on account of the subscription. These bills were purchased by the Bank, and warrants in favor of the Treasurer upon the Bank served to place the proceeds in the Treasury.

Warrants afterwards issued upon the Treasurer, in favor of the Bank, for the amount of the subscription money, which was received for on the part of the Bank as paid. Other warrants then issued in favor of the Treasurer upon the Bank, for equal sums, as upon account of a Loan to the Government; which warrants were satisfied by a re-delivery to the Treasurer of the bills that had been drawn upon the Commissioners. In the last place, warrants were drawn upon the Treasurer to replace the moneys, supposed by the arrangement to be drawn from the Foreign fund, which which has been given, it will be seen that in fact no moneys were either withdrawn from or returned to that fund. The bills were cancelled, annexed to the warrants, and are lodged in the Treasury as vouchers of the transaction.

These bills were for two separate sums, each 2,475,000 guilders, equal to \$1,000,000; the payment having been divided into two parts, upon certain equitable considerations, relative to the dividend of the first half year.

This transaction explains 4,950,000 guilders, of the sum which forms the disagreement between the memorandum in the Treasurer's Bank Book and the statement reported by me.

The residue is thus explained. The sum of 1,237,500 guilders, directed to be drawn for on the 30th of November, was directed to be comprised in one or more bills, as the Bank should desire. It was at first placed in one bill; but this bill was

afterward returned, with a request that it might be converted into smaller sums. The bill returned was cancelled, and in lieu of it there had been furnished, prior to the first of January of the present year, 934,500 guilders—the balance, 303,000, then remaining to be furnished. The sum of 934,500 guilders consequently appears twice in the memorandum.

These two sums of 4,950,000 and 934,500 guilders, exceed the difference in question by 124,362 guilders.

The Treasurer informs me that there are two bills not included in the memorandum; one for 123,750, and the other for 612 guilders, which make up the above mentioned excess. The former of these two bills was furnished to the Secretary of State for the purpose contemplated by the 3d section of the act of the last session, entitled "An act making certain appropriations therein specified."

Is it not truly matter of regret, that so formal an explanation on such a point should have been made requisite? Could no personal inquiry of either of the officers concerned have superseded the necessity of publicly calling the attention of the House of Representatives to an appearance, in truth, so little significant? Was it seriously supposable that there could be any real difficulty in explaining that appearance, when the very disclosure of it proceeded from a voluntary act of the Head of this Department?

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,

Secretary of the Treasury.
The Hon. the SPEAKER
of the House of Representatives.

[P. S. Another statement of Income and Expenditure having been made, which presents the subject under another aspect, but agreeing in the result with the statement B, is also herewith submitted, marked Ba.]

General account of Receipts and Expenditures of Public Money, commencing the 1st of January, 1792, and ending the 31st of December, 1792.

A.		Dr.	
1792.	30	September	To the amount of expenditures from the 1st of January to the 30th of September, 1792, agreeably to the Treasurer's accounts, settled at the Treasury, copies of which have been by him transmitted to the House of Representatives, viz:
			In the quarter ending the 31st of March, 1792 - - - \$1,191,909 38
			* In the quarter ending the 30th of June, 1792 - - - 3,552,430 25
			* In the quarter ending the 30th of September, 1792 - - - 2,972,759 81
	31	December	To the amount of expenditures from the 1st of October to the 31st of December, 1792, agreeably to the Treasurer's accounts rendered for settlement - - - 1,250,592 61
			Balance remaining in the hands of the Treasurer - - - 783,444 51
			<u>\$9,751,136 56</u>

Loans.—Statement A, continued.

		Cr.
1792.		
January	1	
December	31	
By balance in the Treasury, agreeably to the general statement of Receipts and Expenditures, to the end of the year 1791 -		\$973,905 75
By amount of moneys received into the Treasury from the first day of January, 1792, to this date, viz:		
For balances due by sundry persons on moneys advanced to them under the present Government -		5,629 88
For balances due by sundry persons on accounts which originated under the late Government -		4,702 82
For arms and accoutrements sold to the State of South Carolina, out of the public stores, by direction of the President -		4,240 00
For amount received for fines, penalties, and forfeitures -		118 00
For amount received on account of a Loan of \$323,500, made by the Bank of the United States, in pursuance of an act passed on the 2d of May, 1792 -		400,000 00
For amount of a Loan made by the Bank of North America, without interest, for the use of the Department of War -		156,595 56
For amount received on account of proceeds of bills of exchange, drawn by the Treasurer, on the Commissioners in Amsterdam -		545,902 89
For the value of bills of exchange drawn by the Treasurer, on the Commissioners in Amsterdam, for the purpose of effecting a subscription to the capital stock of the Bank of the United States, agreeably to an act passed February 25, 1791 -		2,000,000 00
For amount of a Loan obtained from the Bank of the United States, agreeably to the last mentioned act -		2,000,000 00
For the excess of the first half yearly dividend on the capital stock of the Bank of the United States, held by the United States, beyond the interest payable to the Bank -		8,028 00
For amount received from sundry supervisors, on account of duties on distilled spirits -		208,942 81
For amount received from the Collectors of the Customs, on account of duties on imports and tonnage -		3,443,070 85
		<u>\$9,751,136 56</u>

JOSEPH NOURSE, Register.

TREASURY DEPARTMENT, Register's Office, January 28, 1793.

* In the expenditures for the quarter ending June 30, and September 30, 1792, are included warrants to the amount of four millions of dollars, which are drawn for the purpose of effecting the subscription of five thousand shares to the capital stock of the Bank of the United States, and to cover the Loan obtained in consequence thereof; two millions of dollars being drawn to effect the subscription, and two millions for the amount of the Loan; the bills of exchange drawn by the Treasurer, on which these transactions were predicated, have been cancelled at the Treasury.

B.—General account of Income and Expenditure.

		Dr.
To nett amount of duties on imports and tonnage, and of fines, penalties, and forfeitures, as per account of Receipts and Expenditures, to the end of the year 1791, reported to the House of Representatives the 10th November, 1792 -		\$6,534,263 84
To amount of moneys which came into the Treasury to the same end of the year 1791, from other sources than the general revenues, as per the same account of Receipts and Expenditures, viz:		
Total of receipts -		\$4,771,342 43
Deduct this sum, received for duties on imports and tonnage, being included in the nett amount above charged -		<u>4,399,472 99</u>
		371,869 44

Loans.—Statement B, continued.

		Dr.—Continued.
To product of duties on spirits distilled within the United States for a half year, ending the 31st December, 1791 -		150,000 00
To product of duties on imports and tonnage, for the year 1792, as estimated -		3,900,000 00
To product of duties on spirits distilled within the United States, for the same period, as estimated -		400,000 00
To amount of moneys which came into the Treasury during the year 1792, from other sources than the general revenues, as per general account of Receipts and Expenditures, herewith transmitted, marked A, viz:		
Total receipts, (including the balance in cash at the end of 1791,) as credited in said account -		\$9,751,136 56
Deduct this sum, which was the balance in the Treasury at the end of 1791, the same being included in the above totals of revenues and receipts for the same period -		<u>\$973,905 75</u>
This sum, received of supervisors of the revenue, on account of duties on distilled spirits, being included in the total products above charged -		208,942 81
Deduct this sum, received from Collectors of the Customs, on account of duties on imports and tonnage, being also included in the total above charged -		<u>3,443,070 85</u>
		4,625,919 41
To proceeds of bills drawn and disposed of upon our Commissioners in Holland, on account of Foreign Loans, as per statement No. 3, reported to the House of Representatives the 3d instant, viz:		
To which add, for an error in stating the amount of interest which arose on the credit allowed to purchasers of bills, by the Banks of North America and New York -		1,000 00
		<u>2,304,769 13</u>
Deduct this sum, included in the receipts into the Treasury to the end of the year 1791, as per account of Receipts and Expenditures, reported to the House of Representatives the 10th November, 1792 -		2,305,769 13
Deduct also this sum, included in the receipts during the year 1792, per general account of Receipts and Expenditures herewith transmitted, marked A -		<u>545,902 89</u>
		907,294 23
		<u>1,398,474 00</u>
		<u>\$17,879,825 33</u>

Cr.

By amount of expenditures to the end of the year 1791, as per account of Receipts and Expenditures to the end of that year, reported to the House of Representatives the 10th of November, 1792 -		\$3,797,436 78
By amount of expenditures during the year 1792, as per general account of Receipts and Expenditures herewith transmitted, marked A, viz:		
Total debit side of said account -		\$9,751,136 56
Deduct cash on hand -		<u>783,444 51</u>
Balance, being the excess of income beyond the expenditure, to the end of the year 1792 -		8,967,692 05
		<u>5,114,686 50</u>
		<u>\$17,879,825 33</u>

Loans.

The foregoing balance is composed as follows:

1. Of cash in the Treasury, as per general account of Receipts and Expenditures, marked A -	\$783,444 51
2. Of cash in the Bank of the United States, and the Office of Discount and Deposit of New York and Baltimore, per account rendered by the Bank herewith, marked A B -	605,883 08
3. Of the proceeds of bills on Amsterdam, remaining in deposit in the Bank of North America, including the sum of \$156,595 56, loaned without interest, which Loan is credited in the general account of Receipts and Expenditures -	177,998 80
4. Of the proceeds of bills on Amsterdam, not yet received -	614,593 02
5. Uncollected residue of duties on spirits distilled within the United States, viz: Total, as estimated -	\$550,000 00
Deduct sums received into the Treasury, and credited in account of Receipts and Expenditures, marked A -	208,942 81
6. Cash in hands of Collectors of Customs, per abstract of weekly returns -	341,057 19
7. Bonds unpaid at the end of the year 1792, on account of duties on imports and tonnage, and falling due between that time and May, 1794 -	151,851 25
	2,442,069 15
	\$5,116,897 00

NOTES.

Places of deposit of the above mentioned cash, Nos. 1 and 2.

1. Cash, being balance of Treasurer's account:					
Bank of United States, Philadelphia -	-	-	-	-	\$109,169 45
Bank of North America, do -	-	-	-	-	61,601 30
Bank of New York, New York -	-	-	-	-	69,019 08
Bank of Providence, Providence -	-	-	-	-	28,157 87
Office of Discount and Deposit, Boston -	-	-	-	-	154,860 67
Do do do, New York -	-	-	-	-	224,734 51
Do do do, Baltimore -	-	-	-	-	73,653 64
Do do do, Charleston -	-	-	-	-	62,015 85
In hands of Treasurer -	-	-	-	-	232 14
2. Cash on account of Foreign bills:					
Bank of United States, Philadelphia -	-	-	-	-	389,348 38
Office of Discount and Deposit, New York -	-	-	-	-	195,898 96
Office of Discount and Deposit, Baltimore -	-	-	-	-	20,635 74
					783,444 51
					605,883 08
					\$1,389,327 59

3. Of this sum, \$156,595 56 are considered as in deposit, by way of counterbalance to an advance made by the Bank for the use of the Department of War, for the purposes of the act passed the 3d of March, 1791, for raising and adding another regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontiers. It has remained without final adjustment, from a doubt whether the funds, upon which the appropriations which comprehend the surplus of duties to the end of 1791 are bottomed, are fully sufficient. A sum of about \$50,000 must depend on the existence of certain surpluses upon antecedent appropriations, which it is believed will not require the full sums appropriated; but the purposes of those appropriations not being yet finally satisfied, the real state of the business is not yet completely ascertained. An example of this exists in the case of a sum of \$40,000, appropriated for paying off certain specie claims on the Quartermaster's Department, incurred during the late war. It is known that further claims exist, but not to what extent. There are several other cases attended with similar uncertainty. A recent examination leaves some doubt whether warrants can yet safely issue to wind up the transaction.

5. Whether the sum here stated as outstanding be correct, must in a degree depend on the accuracy of the estimated product of the duties. It will be observed that the product, as carried into the statement, was originally fixed by estimation; and even now the materials in possession of the Treasury, respecting a branch of revenue, for known reasons not yet reduced to perfect order, are unavoidably imperfect, and liable to some error. The estimate may exceed or fall short of the reality, and proportionally affect the outstanding balance. But, however this may turn out, it cannot affect the merits of the statement. The excess or deficiency of one side of the account would correspond with a like excess or deficiency on the other. The auxiliary statement, however, marked F, serves to show that there can be no material error in the estimate.

6 and 7. These two items are also liable to some degree of uncertainty. The cash returns of the Collectors not being all received up to the end of the year, and some disbursements which were to be made to that time not having been completed, the amount which was then in their hands cannot be pronounced with precision. The difference, however, which may appear upon a settlement of their accounts, cannot be material. In like manner, as monthly abstracts of bonds up to the end of the year have not yet been received from some ports, and it has been found necessary to supply the deficiency by a comparative estimate, the result may vary somewhat from the fact. But enough is ascertained to pronounce that the difference must be inconsiderable; and, in reference both to the cash and bonds in the hands of the Collectors, whatever difference may hereafter appear, is liable to the same remark as to the merits of the statement, which has been made in regard to the duties on distilled spirits. The differences in both cases must resolve themselves into the circumstance of the estimated amounts of the duties proving greater or less than the real amounts.

A. HAMILTON,

Secretary of the Treasury.

NOTE.—Two or three accompanying Tables, not deemed necessary, have been omitted.

Loans.

LOANS.

[Communicated to the Senate February 6, 1793.]

TREASURY DEPARTMENT,
February 5, 1793.

SIR: In pursuance of the first part of the order of the Senate of the 23d of January past, I have the honor to send herewith, sundry statements, marked A, AB, B, B a, D, E, F, and I beg the permission of the Senate to add the copy of a letter dated yesterday, which served to transmit duplicates of the same documents to the House of Representatives, and which contains some explanations of them, a repetition of which here will be thereby rendered unnecessary. The document C, referred to in that letter, was also sent to the House of Representatives, but being of considerable length, a duplicate is not yet ready; and I did not think it advisable to detain the other papers till it was ready.

The documents now transmitted will answer the whole of the inquiry contained in the first part of the order above referred to, except what regards a distribution of the expenditures under each head of appropriation, which is in preparation, and will be forwarded as soon as it can be ready.

The situation in which I am placed renders further delay absolutely necessary to the fulfilment of the second part of the order.

There is a point in my Letter of the 16th of January to the Senate, concerning which some explanation is requisite. I stated, as one motive to the joint negotiation of the Loans, under both acts, "an intimation from our bankers in Holland that a distinction might prove an embarrassment, being a novelty, the reason of which would not be obvious to the money-lenders." This was done from memory, without recurrence to documents, and in a degree of hurry occasioned by my anxiety for the speedy passing of the Appropriation bill, and upon a revision, proves to be not accurate. The mistake arose in the following manner: My original idea was, to maintain a separation between the two acts. This will appear from my Letter of the 28th of August, 1790, to our bankers, in which I express a desire that they would endeavor to place part of the first Loan upon one act, and another part upon the other act. But they did not carry this idea into execution, for the reason assigned in their answer, now before the Senate, which is, that the subdivision proposed would, under the circumstances of the case, tend to excite speculations and doubts among the money-lenders.

But, prior to the receipt of their answer, I had made further inquiry, and had reflected more on the subject. The result of my inquiry was, that the money-lenders, having been accustomed to lend on the general credit of the Government borrowing, with a sort of general pledge of its revenues and resources, the attempt to bottom a Loan upon any particular law, might, as a novelty, occasion some hesitation and embarrassment among them, especially as they are known to be a description of men much influenced by habit and

precedent; and the conclusions, from more full reflection, were, that the distinguishing of the Loans with reference to each act, might not only embarrass the business, in the first stages of negotiation, but might interfere with an application of the proceeds of the Loans in the most convenient and beneficial manner, according to circumstances. On these considerations, I abandoned my original intention, and, in my first instruction to Mr. Short, was silent on the point.

These different positions of the subject in the mind, at different times, and what actually took place with regard to the first Loan, produced some confusion in the recollection of facts, and led me to assign as a cause what had been only a collateral circumstance, and to ascribe to the bankers intimations, or rather information, which I had received from other quarters.

I submit this explanation of the matter to the candor of the Senate, and have the honor to be, with perfect respect, sir, your most obedient servant,

ALEXANDER HAMILTON.

The Vice President of the
United States and President of the Senate.

TREASURY DEPARTMENT,

February 5, 1793.

SIR: By order of the President of the United States, I have the honor to transmit, herewith—

1. Copies of a power given by him to the Secretary of the Treasury for the time being, dated the 28th of August, 1790, for the negotiation of the Loans authorized by the laws of the 4th and 12th of August, 1790, and of certain instructions relative thereto, dated on the same day.

2. Copies of an authority founded upon the power of the President from me to William Short, Esq., dated the 1st of September, 1790, and of sundry letters from me to the said William Short, of dates from the 29th of May, 1790, to the 31st of December, 1792, inclusively, relating to the negotiation and application of the above-mentioned Loans.

3. Originals of sundry letters from William Short to me, under dates from the 2d of December, 1790, to the 2d of November, 1792, inclusively, relating to the same subject.

4. Copy of an authority from me to Messrs. Willhem and John Willinks, Nicholas and J. Van Slaphorst, and Hubbard, bankers of the United States at Amsterdam, dated the 28th of August, 1790, relating to the first of the Loans made under the above-mentioned acts, and copies of sundry letters to the said bankers, of dates from the 28th of August, 1790, to the 31st of December, 1792, inclusively.

5. Originals of sundry letters from the said bankers to me, of dates from the 25th of January, 1790, to the 5th of November, 1792.

6. Copies of sundry letters, of dates from the 18th of June to the 24th of September, 1792, inclusively, between G. Morris and W. Short, Esq., having relation to the above subjects.

The general power from the President to the

Loans.

Secretary of the Treasury, of the 28th of August, 1790, and the communications from William Short, Esq., who has been the only Commissioner, would, it is presumed, have fulfilled the terms of the resolution of the Senate of the 23d of last month, and are transmitted, pursuant to the request contained in that resolution.

But the President has been pleased to direct the transmission of the other documents also, in the supposition that they will serve to throw light upon the general subject of that resolution.

With perfect respect, I have the honor to be, sir, yours, &c.,

ALEXANDER HAMILTON.

Secretary of the Treasury.

The Vice President of the United States and President of the Senate.

[NOTE.—Of the papers referred to in this Report, none are now to be found, except those published with the Secretary's second Report, of the 13th February, 1793.]

LOANS.

TREASURY DEPARTMENT, February 13, 1793.

SIR: The next most important article of inquiry involved in the resolutions of the House of Representatives of the twenty-third of January last, and in the observations which have been made respecting the conduct of this Department, relates to the Loans negotiated under the acts of the 4th and 12th of August, 1790.

The papers which have been transmitted to the House by order of the President, disclose the following particulars—

I. That the immediate superintendence of the business of the Loans was confided to the Department of the Treasury, being naturally connected with it. This trust, besides the original instructions for regulating the execution of it, which have been communicated, was of course subject to such directions from time to time as the President should think fit to give, or as occasion should require. A considerable latitude of discretion, nevertheless, from the very nature of the case, attended it; so as justly to leave on the head of this Department a complete responsibility in all instances, where special exceptions do not appear.

II. That the first Loan which was obtained, was undertaken and completed by the agency of Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, who, both under the former and present Government, have been and are the bankers of the United States at Amsterdam.

III. That with the single exception of the first Loan, William Short, Esq., then Chargé des Affaires at the Court of France, now resident Minister at the Hague, was constituted the sole agent of this Department, for carrying into effect the powers confided to it; with this qualification only, that if any negotiation with a Prince or State, to whom any part of the Debt to be discharged by the Loans, was due, should be requisite, the same

was to be carried on through the person who in capacity of Minister, Chargé des Affaires, or otherwise, then was, or thereafter might be charged with transacting the affairs of the United States, with such Prince or State.

IV. That all payments, which have been made out of the proceeds of the Loans, have been made by the immediate and special order of Mr. Short, except those, upon the bills of the Treasurer for the moneys drawn to this country, and those to the money-lenders in Holland; which were made in course by our bankers, at the periods they respectively became due. This consequently embraces all the payments to France; the very last of which, though agreed for by Mr. Morris, in consequence of his having been employed for a special purpose by Mr. Short, was not, and could not, be completed, but by the same immediate and special direction of Mr. Short.

It moreover appears, from the same papers, and more fully from the correspondence at large, now before the Senate, that except in the particular instance which has been just stated, with regard to Mr. Morris, there has been no other agency in the whole business, than that of Mr. Short, and of the bankers at Amsterdam and Antwerp, whom he necessarily employed as instruments in the negotiations with the money-lenders, and in the receipt and disbursement of the moneys borrowed. These, as already mentioned, were, at Amsterdam, the two houses of Wilhem and Jan Willink, and of Nicholas and Jacob Van Staphorst and Hubbard; at Antwerp, a Mr. G. De Wolf was the banker.

It may not be without its uses to add, that the moneys proceeding from the Loans, have constantly remained in the hands of the respective bankers, till they have been paid over to the creditors; namely, the French treasury, or their bankers, the money-lenders or their representatives, the holders of the bills drawn from this country by the Treasurer. Neither Mr. Short nor Mr. Morris has ever had possession of a single guilder. The latter, indeed, has never even had power over one, excepting merely a sum of 105,000 guilders, by letters of mine, dated the 13th September last, placed at his disposal for paying at Paris, according to stipulation, the interest on the Debt due to foreign officers. The fact is, and it is so demonstrated by the correspondence already referred to, that I never wrote a line to Mr. Morris on the subject of the Loans or their proceeds, but in reference to the case just mentioned of the interest payable to foreign officers, in respect to which, local situation governed.

One more circumstance only is necessary to be noticed in this place, with a view to the elucidation intended. It is this: that the last payment, though originating prior to the change in the political position of France of the 10th of August last, not having been consummated until the 6th of September following, fell of course under the disposition of those then in possession of the power of the nation.

It could not but have been unexpected to me, that exception should be taken to the Report lately

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made by me on the subject of Foreign Loans, for the omission of details which I did not at that time, and do not yet, conceive, to have been called for, by the terms of the resolutions upon which it was founded. The request addressed to the President, by those resolutions, was, that he would cause to be laid before the House a particular account of the sums borrowed under his authority by the United States, the terms on which each Loan was obtained, the applications which had been made of the moneys, agreeably to appropriations, the balances, if any, which remained unapplied, specifying also, at what times interest commenced on the several sums obtained, and at what times it was stopped by the several payments made. It was not natural to imagine that these expressions were designed to comprehend a specification of the precise authorities, under which the Loans were negotiated, of the names of the persons by whom they were negotiated, of the particular place or places, where the balance unexpended of the sums that had been drawn for to the United States, were deposited. Still less natural was it for me to anticipate surmises, which could give to such particulars the shadow of importance. But as animadversions have attended the omission of those details, I ought to regard it as an admonition to me, to be more full and precise in my present communication; a motive which co-operates with my desire, to throw all possible light upon the subject.

The first general circumstance, which requires to be noticed and explained, after the particulars that have been communicated, is this: that all the Loans which have been hitherto obtained, have been made under the authority of both acts, without particular reference to either.

The idea originally entertained, was to conduct them on a different plan, founding each Loan upon one or the other of the acts, as will be seen by my letter of the 28th of August, 1790, to our bankers at Amsterdam; at the same time, that it will appear, from the same letter, that the separation did not appear to me a matter of consequence, and that I anticipated the possibility of a difficulty in adhering to it in the particular case. That difficulty, proved in the opinion of the bankers, to be of sufficient moment to render the arrangement contemplated, under the circumstances of the case, unadvisable, as they inform me in their answer to the abovementioned letter.

But prior to the receipt of that answer, further inquiry and reflection had determined me to abandon my original idea, as likely to produce embarrassment and inconvenience, both in the negotiation of the Loans, and in the application of their proceeds. It was accordingly concluded to let the Loans proceed indiscriminately, upon both acts.

These Loans were to have reference to two purposes; first, the reimbursement of the Foreign Debt; second, the purchase of the Domestic Debt at its market price.

There were weighty reasons for carrying on both these operations concurrently. The arrears to France had been a considerable time accumulat-

ing. It was in every sense proper that a reimbursement of them should begin without delay, and desirable for obvious reasons, that it should go on without any very considerable chasms or intermissions. This manner of proceeding could not but have the fairest chance of being the most satisfactory and convenient to France; unless, indeed, the business were to have proceeded upon the principle of an entire postponement of the domestic object, to that of the reimbursement.

But very cogent reasons rendered this course not the most eligible. The early commencement of purchases of the Debt was a matter of real and great importance.

It was important in two relations; as it regarded the advantages to the Government, from redeeming a portion of the Debt at low prices; and still more, as it regarded the savings to the country from raising the price of stock on foreign purchasers; the beneficial influence upon the credit of the nation abroad and at home, to be expected from a quick appreciation of the public obligations; the benefit to the public creditors in general, and to the most meritorious classes of them in particular, which would result from the same cause; all which objects were suggested from the Treasury, as motives to the provision respecting purchases, and are evidently contemplated in the preamble of the act which makes that provision.

Exclusive of the other advantages which have been cited, and which are of a nature truly precious and important, that of preventing foreigners from acquiring the property of our citizens at a great under-value, is too obvious not to be estimated, as it ought to be, at first sight. It cannot require argument to show how great an evil it was, that foreigners should be able to acquire with nine or ten, that for which the country would ultimately have to pay them twenty, with full interest in the interval; nor how much it merited the attention of the Government to prevent or lessen so serious an evil.

But the influence which the purchases by the Government may have had upon this event may not be equally obvious. It is, however, not difficult to be traced. Price naturally keeps pace with competition and demand; whatever increases the latter, necessarily tends to an augmentation of the former. Merely then as another purchaser, by adding to the competition and demand, the purchases of the Government were calculated to influence a rise of price. But they had an effect more than proportioned to their extent. Imagination has much to do in all such questions, and in scarcely anything so much as in what relates to public funds. Experience proves, that it is here exerted with uncommon effort. The appearance of the Government as a purchaser has not failed to excite the expectation of a greater demand than was real, because the extent of the resources to be employed might be very great, and was unknown; which, by stimulating the zeal of those who wanted to buy, lest the price should rise suddenly and considerably upon them, and by encouraging those who wanted to sell, under the hope of a better price, to hold back the commodity, has in both ways gene-

ally contributed to give a spring to the market. Prices once raised, when founded on intrinsic value, tend to maintain themselves; because those who have given them, are for the most part interested in keeping them up. And every new impulse, which they receive, serves to carry them rapidly to their just level.

Those who have been most attentive to the operation of the public purchases, will have the least doubt that they had a material agency in accelerating the appreciation of the public stock.

An inquiry naturally arises here. Were the moneys which were drawn from Europe on account of the Foreign Loans, the instrument of the purchases, to which these beneficial effects are ascribed?

I answer, that these purchases are to be attributed to the instrumentality of that fund; that had it not been for this resource they could not have been made at the early periods when most of them were made. The course of the transaction will be fully, and with more propriety, explained in another place.

An attention to both objects—to the reimbursements to France, and to the purchases of the Debt, rendered expedient a subdivision, even of the first Loan. Considerations of the moment seconded those of a general nature, to induce an immediate payment to that country. The Loan had been undertaken without previous authority from hence, with a view to such payment. This was known, and a correspondent expectation excited. The immediate situation of the French finances rendered a payment at the particular juncture more than ordinarily interesting. In such a state of things, there could be no hesitation about applying a large part of the Loan to that object. Another part of it was, of necessity, applied to the payment of the sums that were falling due on the Dutch Loans. And it is presumed that the reasons which have been assigned, will appear to have been sufficiently powerful to have dictated the drawing of a part of it to the United States.

Accordingly, a million and a half of the three millions borrowed, were appropriated to France, something more than eight hundred thousand guilders were drawn for here, and the remainder of the Loan was left to be disbursed in Holland.

It shall not be concealed, though I am aware that the acknowledgment may be a subject of criticism, that the conduct which was pursued, both with regard to this and to the succeeding Loan, was in some degree influenced by a collateral consideration. The Government had but just adopted a plan for the restoration of public credit. The periodical payment of interest was to commence on the 1st of April, 1791. A considerable part of the revenue, out of which the moneys were to arise, was only to begin to accrue on the first of January preceding. This revenue was liable to credits of four, six, and twelve months.

How far its eventual product would answer expectation—how far the punctuality of payments could be relied upon—were points unascertained, and which required to their ascertainment much more experience than had been obtained. In such

a situation, it was not only natural but necessary for an Administrator of the Finances to doubt; and doubting, it was his duty to call to the aid of the Public Credit every auxiliary which it was in his power to command. He was bound to reflect, that a failure in any stipulated payment would be fatal to the dawning credit of the country—to the reputation of the Government—just beginning to rise. That a wound inflicted upon either, at so early a stage, under all the circumstances of opposition to the Constitution, which had existed in the community, would have been deeply felt, and might either not have admitted of a cure at all, or not till after a length of time, and a series of mischiefs; that it could not but be an important service rendered to the country to ward off so great a misfortune by the temporary use of any extraordinary resource, which might be at hand, till time was given for more effectual provision.

If, in the course of such reflections, a doubt had occurred about the strict regularity of what was contemplated as a possible resort, a mind sufficiently alive to the public interest, and sufficiently firm in the pursuit of it, would have dismissed that doubt as an obstacle, suggested by a pusillanimous caution, to the exercise of those higher motives, which ought ever to govern a man invested with a great public trust. It would have occurred that there was reasonable ground to rely that the necessity of the case, and the magnitude of the occasion, would insure a justification; and that, if the contrary should happen, there remained still the consolation of having sacrificed personal interest and tranquillity, no matter to what extent, to an important public interest; and of having avoided the humiliation which would have been justly due to an opposite and to a feeble conduct.

The disposition which was resolved upon, with regard to the first Loan, involved, necessarily, a decision of the point, that the Loans might be placed on the joint foundation of both acts. That Loan having been undertaken, as already mentioned, without previous authority, and consequently without a particular eye to either act, it was probable that it would be found too late to make an apportionment of one part of the sum borrowed to one act, of another part to the other act. In that case, the distributive application of the fund to the different objects was to be relinquished, or the possibility was to be admitted, of the Loan being left to stand upon the authority of both acts. The same disposition of the first Loan will also illustrate the convenience and expediency of the plan which was finally adopted; that is, of placing the Loans on the basis of both acts.

The idea of a concurrent execution of both the objects to which the Loans were destined, could not conveniently have been pursued upon the plan of a separation of the Loans; which, to be effectual, would include the strict application of the proceeds of each to the purposes of the particular act upon which it was founded.

Amsterdam was naturally looked to, as the great scene of the intended Loans. There, as every where else, there is but a certain quantity of money floating in the market, from time to time, beyond the

necessary demands of trade and industry, seeking for employment in Loans. This quantity, of course, varies at different periods, from a variety of causes. Of the quantity at any time afloat, but a certain proportion can be commanded by any one-borrowing Power, owing to the competition of other borrowers, who have each their connexions, through their bankers, with different sets of undertakers. Nor is it always that considerable Loans can be had at any rate. There are certain seasons only when they are practicable.

To have brought two Loans upon the market at one time, as an opportunity of borrowing offered, which must have been the case, in order to make concurrent provision for both the objects in question, if the principle of a separation of the Loans had been adopted, would have been to exhibit to the money-lenders a very unusual appearance. With men known to be much influenced by precedent and habit, such an appearance could not have failed to prove a source of speculation and conjecture; and might have led to a confused idea that the wants of the United States were extensive; a supposition by no means calculated to promote their credit. It would, moreover, have been a departure from that simplicity of procedure which, where numbers are concerned, is always of moment to a right conception of the business to be accomplished, and ought not to be abandoned, but for reasons of real utility and weight.

To have instituted the Loans successively, founding each upon one or the other of the acts, would have had a tendency to occasion longer intervals between the payments to France than was desirable. The intervention of a Loan for the purpose of purchases would have created, of course, a very considerable chasm. It may be objected, that such chasms did happen on the plan which was pursued. This is true in two instances, but the most material of the two proceeded from casualties foreign to the plan itself, which are detailed in the correspondence more than once alluded to.

It is possible, too, that a separation of the Loans might have rendered it less easy to take advantage of a state of the market, favorable to their extension at a particular juncture. The Loan to be brought on the market might relate to the purchase of the Debt. The moment might be favorable to a more considerable Loan than was within the limits prescribed for that object, and the opportunity might slip before a second could be instituted. In this business moments are often of importance, and are to be embraced with promptitude and dexterity.

Thus it appears that, in different ways, the negotiation of the Loans might have been embarrassed by their separation.

But the most obvious, if not the most serious of the inconveniences which would have attended it, respects the application of the sums borrowed. This could not then have been moulded, as the interest or policy of the Government might dictate. A Loan for the purchase of the Debt might have been made under prospects promising a ready and beneficial investment of it; but, before the investment was made, a change of the market

might render it ineligible—involving the alternative, either of a disadvantageous investment, or of leaving, perhaps, a large sum of money a long time unemployed. Such a state of things might have produced to the banks an advantage, and to the Government a loss of magnitude, sufficient to give color to a surmise, that the public interest had been sacrificed to the profit of those institutions. The contrary course has essentially avoided that evil; which, in this and in other instances, would have been incident, in a far greater degree, to the modes of proceeding, contrasted with those that have been pursued, than has in reality attended them.

Or political considerations might have rendered it advisable to transfer the application of the fund from one object to the other.

Of this, the case of St. Domingo presents an example. It might have happened on the plan of separate Loans, that there was no fund in hand but for the purchase of the Debt. Then, on the principle of that plan, there would have been no fund in the disposition of the Executive, applicable to the other object, which would have embarrassed the performance of a duty towards a friendly Power, and in a way which included the positive advantage to the country of paying directly a part of its Foreign Debt, in its own productions.

Such were the embarrassments avoided, and such the conveniences secured, by the plan of making the Loans indiscriminately, upon the authority of both acts.

In the opposite plan, I can discern no counterbalancing advantage nor convenience.

Consequently, if both are equally legal, there can be no doubt which of them ought to have been preferred.

If there be any want of legality in the plan which has been pursued, I was not at the time, and am not yet, sensible of it.

I know of no rule which renders it illegal in an agent, having from the same principal two authorities to borrow money, whether for one or different purposes, to unite the Loans he may make upon the foundation of both authorities, provided the terms of them be consistent with both or either of his commissions. If the purposes are different, it will be incumbent upon him to take care that the application of the moneys borrowed makes the proper separation, and, doing this, he will have fulfilled his trust. To test this position, it seems only necessary to ask, whether the principal, in such case, would not be fully bound to the lenders?

In reflecting originally upon the regularity of the proceeding meditated, there was but one source of hesitation—the difference in the funds upon which the Loans were to rest. But the following reasoning satisfied the scruple: The pledging of particular funds is for the security of the lenders. If they are willing to waive the special security by lending on the general credit of the Government, or to dispense with the preference of one fund to another, where two are pledged, by lending indiscriminately on the credit of both, the one or the other circumstance must be alike indifferent to the Government. The authority will have been well

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executed, to the extent necessary for public purposes, and if any thing remains unexecuted, it will be in enlargement, not in abridgment of the public rights. It is, however, presumed that the practical construction in the present case will be, that the two funds pledged will constitute an aggregate for the joint security of the moneys borrowed upon both acts.

The second general circumstance respecting the Foreign Loans negotiated under the acts of the 4th and 13th of August, which requires attention, relates to the terms on which they have been obtained. These, it appears, have been represented as neither honorable nor advantageous.

The following facts, witnessed by the correspondence before the Senate, more than once referred to, and well known to all who have had opportunities of information, demonstrate that the terms of those Loans have been both honorable and advantageous:

1. There is not one of them, which originated under the acts, that was not effected upon conditions equally favorable with those attending the Loans of the cotemporary borrowing Powers of the most tried resources and best-established credit, and more favorable than were obtained by some Powers of great respectability.

2. The United States took a lead in the market in regard to the subsequent reductions of interest, having had either earlier or more complete success than any other borrowing Power.

3. From a rate of five per cent. interest and four-and-a-half per cent. charges, which marked the level of the market when they began their Loans, they, in the course of a single year, brought down the terms to four per cent. interest and five per cent. charges; that is, from an interest on the net sum received (including an indemnification for charges) of 5.5012, something more than five-and-a-half per cent., to an interest on the like sum of 4.4951, something less than four-and-a-half per cent.

When this state of things is applied to a Government only in the third year of its existence, and to a country which had so recently emerged from a total derangement of its finances, it would seem impossible to deny that the issue is not only honorable but flattering; unless, indeed, it can be denied that a sound and vigorous state of credit is honorable to a nation.

I forbear a comparison between the Loans of the present and of the former Government of this country, because an immense disparity of circumstances would render it an improper one, further than to take notice of a very great error which has been upon some occasions advanced. It has been alleged, to disparage the management under the present, that the Loans of the former Government, in a situation comparatively very disadvantageous, have been effected upon equal terms; and in proof of this an appeal has been made to the Loan of 2,000,000 of guilders, at four per cent., which is that of the 9th March, 1784.

Nothing can manifest more clearly than this the very precipitate and superficial views with which suggestions on important public subjects

are sometimes made. The last four per cent. Loan obtained under the existing laws, including charges, is a real four-and-a-half per cent. Loan, or, more exactly, a 4.4951 per cent. Loan. The four per cent. Loan of March, 1784, is a real 6.4468 per cent. Loan. The difference, which exceeds two per cent., arises principally from extra premiums and gratifications which were allowed upon this Loan, and which are unknown to the other.

Much praise is no doubt due to the exertions which effected the Loans under the former Government. A superiority of merit shall readily be conceded to them, from the circumstances under which they were made, and their signal utility in the Revolution. But it is not necessary to their eulogium to affirm that they were made upon equal terms with those of the Loans lately obtained, or to deny the goodness of the terms of the latter. Truth will not justify the one or the other.

The facts which have been stated prove that the terms of the Loans are advantageous as well as honorable. They are comparatively advantageous, because they are as moderate as other Powers in the best credit have allowed; and they are absolutely advantageous, because the highest real not nominal rate of interest which has been given does not exceed 5.5012, a fraction more than five-and-a-half per cent., while the lowest real rate is 4.4951, a fraction less than four-and-a-half per cent.

If the question whether advantageous or not be tested by the purposes for which the Loans have been made, the conclusion is equally in their favor. The payments on account of the Foreign Debt were an indispensable obligation. Unless it can be shown that they might have been derived from another and more advantageous source, it will follow that it was the interest of the Government to avail itself of the resource which has been employed, because it was its duty to discharge its obligations.

It is sometimes urged that Foreign Loans, for whatever purpose, are pernicious, because they serve to drain the country of its specie for the payment of interest, and for the final reimbursement of principal; that it would be preferable, for that reason, to procure Loans at home, even at a higher rate of interest.

To this, several answers may be given, some of a special, others of a general nature.

In reference to the reimbursement of the Foreign Debt, it may be observed, that, as a Debt had already been incurred abroad, upon which interest was payable, the contracting of new Loans there for the reimbursement of that Debt would leave us, as to the demand for the exportation of our specie, just where we originally stood. Moreover, if the money could have been borrowed at home for that reimbursement, the remittance of it would have been ruinous to the country. The mere necessity of remitting could not alone have increased the foreign demand for our commodities, so as to deduce from an extra exportation of them the requisite means of payment; and if our specie was to perform the office, the country would speedily

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have been exhausted to a degree inconsistent with the support of its commerce and industry. The quantity of coin in the United States has never been considerable enough for such an operation.

But this very state of things would have rendered the procuring of the money from domestic resources impracticable. These, it may be safely affirmed, are too limited for extensive Loans of any considerable degree of permanency.

In the last place, the expedient of Domestic Loans would not prevent the evil which is desired to be prevented. Foreigners would either in the first instance bring their moneys to subscribe them to the Loans, or they would afterwards purchase the stock arising from them, and, in either case, they would equally draw away the money of the country on account of their interest and principal. The only consequence of giving a disproportionate rate of interest for Domestic Loans would be that our specie would be carried away so much the faster.

Experience having shown that nations sometimes pay more regard to their external than to their internal credit—this consideration co-operates with reasons of convenience to induce moneyed men abroad to be content with a lower rate of interest, stipulated to be paid in their own country, than if the place of payment be in another country; making even a greater difference than is an equivalent for the expense and risk of obtaining remittances. The clear inference from these observations is, that, with regard to the reimbursement of the Foreign Debt, no other expedient than that of Foreign Loans was practicable or eligible.

The utility of that part of the Loans which has been explained in certain views. So far as their agency has been hitherto concerned in that operation, it is a sufficient demonstration of the advantage of the measure to state that the sum invested in purchases up to the period of the last Report to Congress has redeemed what is equal to an annuity of 6.15 per cent., including also the advantage of sinking a capital more than fifty per cent. greater than the sum expended.

A valuable profit will arise from the investment of the sums on hand, either in a payment to the Bank or in the purchase of stock. The liberation of an annuity of six per cent. can be secured, while, upon a great part of the fund which is to effect it, no more than four-and-a-half per cent. is payable, and less than five-and-a-half upon the other part. The mean of these rates being five per cent., an annual saving of one per cent. may be effected, which, upon \$2,000,000, interest at five per cent., is equal to a capital or gross sum of \$400,000—an item certainly of no inconsiderable consequence.

Against the advantages which are claimed in favor of the Loan, it is natural to place the loss of interest incident to the delays which have attended their application to the purposes for which they were obtained. This leads to an examination of the cases of delay, their causes, the circumstances, if any, which counterbalance them.

There are three instances of material delay—

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one respecting the first Loan, another the second Loan, and a third a part of the two last Loans.

The first Loan, it will be seen, was not applied till a considerable time after its commencement. It has been already intimated that it was undertaken without previous authority from this country. The motives to the measure are detailed in a letter from our bankers of the 25th of January, 1790, a copy of which accompanies the communications herewith made by order of the President. A regard to those motives led to an acceptance of the Loan. Nor could it have been deemed an unfortunate circumstance that such an auxiliary to the operations of the Treasury had been previously prepared.

The laws authorizing the Loans passed the 4th and 12th of August. As early as the 28th of that month, the acceptance above mentioned was communicated, and the application of 1,500,000 florins, in a payment to France, directed. So far, no time was lost, more than could not have been avoided.

But the bills for the sum to be brought here were not drawn till some months after. This proceeded from an unwillingness to risk the public funds, by drawing before there was a certainty of that the great delay which had attended the passing of the law for borrowing might have led the bankers to come to some arrangement with the money-lenders for surrendering the moneys paid in and terminating the Loan. Independent of this source of apprehension, they had expressed themselves, in their letter communicating the step they had taken, to this effect: "To spare the United States all possible advance of interest, while the money shall remain unappropriated, we shall issue the receipts at the option of the buyers to take them so late as they please, on the expectation that the three millions would be placed in a few months." This, though it announced an expectation that the moneys would be paid in in a few months, did not render the event certain. And as the bankers appeared, from that precaution, to have adverted to the idea of saving the United States an advance of interest, it was supposable that they might have found means still further to procrastinate the payments, or a considerable part of them, till they had received a confirmation of the Loan. This policy would have been the more natural, as they risked the loss of interest themselves, if the transaction should not have been finally ratified.

Under such circumstances, I thought it most prudent to defer the drafts until advice was received of the actual progress of the Loans. There was no room to hesitate between the loss of a small sum in interest and the danger of committing the public credit by a premature operation.

The second case of delay relates to the second Loan. It was occasioned by a determination to suspend the orders for its application till information was received of its having been contracted for. One motive to this determination has been already intimated, namely, the yet untried and immature state of our fiscal arrangements. The

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general reasoning on this head was strengthened by an occurrence altogether unlooked for, which disclosed itself on the 23d of August, 1790, eleven days after the rising of Congress—an occurrence which they had not contemplated in their pecuniary dispositions. I allude to the commencement of an Indian war, which was announced in a Letter from Governor St. Clair, dated on the above-mentioned day, the progressive extent and consequences of which could, of course, not be foreseen. Under such circumstances, I judged it for the public interest and safety to hold the resource which the prospect of a Loan presented under the power of the Treasury till advice should be received of the actual institution of the Loan, with intention then to dispose of it as should appear advisable, under a better matured view of our pecuniary situation and prospects.

Hence the delay which attended the application of the second Loan; the first in fact that originated subsequent to the laws for borrowing. But after advice had been received of its having been set on foot, no time was lost in converting it with due despatch to its proper uses. There was only, not an anticipation of its application. As early as May 24th, 1791, I wrote a letter to Mr. Short (a copy of which is in possession of the House) empowering him to apply the proceeds of all future Loans, as they should accrue, in payments to France; except as to such sums as therein were, or afterwards should be previously and specially reserved. This arrangement was calculated to obviate the inconvenience of leaving the proceeds of the Loans, for any considerable time, unemployed. At the period of making it, and not sooner, the public prospects appeared to me sufficiently unfolded, to render a general and permanent disposition free from hazard. This instruction preceded in due season all the Loans subsequent to that of March, 1791.

Whatever delay, therefore, may have attended succeeding investments for paying the French Debt, is not attributable to this Department. And I think it will not appear, that any has been incurred, in respect to the sums which were destined for the public service here. In judging of this point it will be proper to observe, that a latitude of six months, for making their payments, has been reserved to the money-lenders, though with liberty for the Treasury to regulate its bills according to the possible delay, lest they should not meet adequate funds. The general policy adopted was to let them fall upon the rear of each Loan; this giving a freer course for early payments to France, and best conciliating a certainty of funds for answering the bills, with as little double interest as possible.

It will appear, that notwithstanding the arrangement which was made, a considerable time intervened between the two last payments to France, while there were funds in hand waiting for employment. It may be expected, that the causes of this procrastination, though as I have said not imputable to this Department, should be unfolded to the House. Particular circumstances, however, induce me to confine myself to stating generally,

that the delay proceeded, in the first place, from expectation given to Mr. Short, and kept up from time to time by the French Minister of Marine, that a plan would be adopted, to which a decree of the National Assembly was requisite, for converting a large sum into supplies for St. Domingo, which Mr. Short concluded justly must come out of the Foreign Fund, and consequently suspended its application in Europe. In the second place, from a desire to settle, previously to further payments, a definitive rule, by which the moneys paid, should be liquidated and credited to the United States.

Both the one and the other appears to have been procrastinated from period to period, by the disorderly state of French affairs, and to have finally issued contrary to expectation. It would be an unnecessary commitment of my opinion to declare, how far the delay appears to me to have been justified by the causes. But, being led by the occasion to take notice of it, I think it improper to send it abroad, liable, perhaps, to misconstruction, without observing that the inducements appear to me, to have been weighty; that the delays naturally grew out of the circumstances, and that I am entirely persuaded of the goodness of the motives which governed. The correspondence before the Senate contains the particulars of the transaction. Having pointed out the instances of material delay which happened, and the causes of them, it remains to state what circumstances there are to counterbalance the loss on that account.

These circumstances are of two kinds.
1. Gain by exchange in the sale of the bills drawn by the Treasury and upon the higher rate of interest on the credits which were given for those bills, than was payable on the fund upon which they were drawn.

2. Gain by exchange on the payments to France. According to my calculation, founded on the best information extant, the real par of the metals between the United States and Amsterdam, makes a current guilder equal to 35 89-100 ninetieths of a dollar. The lowest rate which has been obtained for the bills has been 36 4-11 ninetieths, with an allowance of sixty days credit without interest. Making a deduction for the interest the bills were still sold above the true par. In some instances they have been sold as high as forty cents and seven mills per guilder, with interest for the whole term of the credit given.

The rate of interest for the credits allowed upon the bills was six per cent., the mean interest paid upon the fund five per cent, producing consequently a gain of one per cent.

With regard to the payments to France, if the current rate of exchange between Paris and Amsterdam at the moment of each remittance or payment were to govern, a large profit would result to the United States. But certain equitable considerations will produce deductions, which will greatly lessen this advantage; yet, making a liberal allowance for them, there is ground to calculate that a saving may be made in this particular, more than sufficient to indemnify for the loss of interest. Hence, any positive advantage which will have

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been otherwise gained, will probably be undiminished by that circumstance.

I proceed, in the next place, to state the views which prevailed respecting the sums that have been from time to time drawn for; the purposes they have hitherto answered, and the further advantages to be expected from the measure.

The direct object of all the sums drawn for prior to July, 1792, was the purchase of the Debt. A collateral consideration, which operated in the first stages of drawing, has also been mentioned. It has likewise been stated, that the early purchases of the Debt are to be ascribed to the instrumentality of the fund derived from the Loans. This idea shall now be explained.

Two mistakes appear to have influenced the impressions which have been entertained in relation, directly or indirectly, to this subject.

1st. It seems to have been all along forgotten, that a considerable part of the duties is always outstanding, on account of the credits which are given; whence the assertion, that the Sinking Fund has continually overflowed from domestic resources.

2d. It seems to have been taken for granted that the proceeds of the Loans have remained apart, distinct from the mass of the money in the Treasury; while in truth the course of the business has been to turn them over to the Treasurer by warrants as they have been received, so as to form a part of the aggregate, from time to time appearing in his hand and in his accounts. The Banks have been the agents employed for selling the bills, sometimes warrants on account have issued upon them, from the sums accruing from the sales, at other times the warrants have been deferred till the whole proceeds of any parcel have been received, and the accounts of the Bank settled at the Treasury, as the state of the Treasury has happened to render the one or the other most convenient.

The Banks of North America and New York were the agents for the sale of all the bills, which were sold prior to April, 1792, amounting to \$1,006,526 36. Of this sum \$361,391 34 were passed over to the Treasurer in 1791; \$327,136 22 in March, 1792, and \$140,000 in June following; the residue having remained as heretofore stated, in deposit with the Bank of North America, upon a special consideration. This is exclusive of certain bills furnished for the use of the Department of State, amounting to \$78,766 67.

The remainder of the bills which have been sold, beginning in April, 1792, were sold by the Bank of the United States and its branches at New York and Baltimore. The accounts of the sales had just been made out for settlement, when the present inquiry began, but warrants had not yet issued for placing the proceeds in the Treasury. It will be remarked that, from the terms of credit allowed, they only began to be receivable in October last; the 26th day of which month the first return made by the Bank shows a sum of \$127,225 53 received; and that the collection had not been completed when the accounts of the sales were rendered.

There are different views of the subject, which

will enable the House to perceive that the possession of the fund in question was necessary to enable the Treasury to furnish the means of making all the purchases which were made prior to July, 1792.

It is true, that there was a surplus of revenue to the end of the year 1790, equal to \$1,374,656 40, which was appropriated to purchases of the Debt; and from the credits then given upon the duties, this surplus would naturally come into the Treasury in the course of the year 1791.

But the Legislature, foreseeing that the revenue of 1791, from the same cause, could not actually be in the Treasury, within that year, to face the appropriation upon it, (which it is to be observed were nearly commensurate with the fund,) inserted a clause in the law, appropriating the surplus of 1790, to the purchase of the Debt, which authorized a reservation of so much of that surplus as might be necessary to make the payments of interest during 1791, in case of a deficiency in the receipts into the Treasury, on account of the current revenue of the year.

It will appear to the House, upon a recurrence to the Treasurer's quarterly account, ending the 30th of September, 1791, that the balance of cash then on hand was \$662,233 99.

At that time there had been paid into the Treasury, upon warrants, from the proceeds of the bills drawn upon the Foreign Fund \$361,391 34. Consequently, the balance of cash, had it not been for that auxiliary, would have been only \$300,842 65, considering the whole balance in the Treasury as representing an equal sum of the proceeds of the bills.

Even in a time of complete peace, in a country where a small extent of moneyed capital forbids a reliance upon large pecuniary aids to be suddenly obtained, a prudent administrator of the finances could not feel entirely at ease, with a less sum at all times in the certain command of the Treasury, than \$500,000, for meeting current demands and extra exigencies, which, in the affairs of a nation, are every moment to be expected. But with a war actually on hand, and a possibility of its extension to a more serious length, he would be inexcusable, in leaving himself with a less sum at command; unless from an impracticability of doing otherwise. It would be always his duty to combine two considerations—the chance of extra calls for money, and a possibility of some failure in the receipts which were expected. Derangements of various kinds may happen in the commercial circle, capable of interrupting for a time the punctual course of payments to the Treasury. It is necessary to a certain extent to be prepared for such casualties.

But during the year 1791, there was a circumstance which operated as an additional reason for keeping a respectable sum always on hand. The Loans of the Domestic Debt were going on till the last of September of that year, while at the same time, the interest was in a course of payment. It was, therefore, always uncertain what sum would be payable at the end of a quarter; this depending on the eagerness or backwardness of the public

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creditors in bringing forward their subscriptions, or their claims as non-subscribers. The omissions, at the end of a preceding quarter, might be expected to fall on a subsequent one, and it was necessary to be prepared for that possibility; of course to keep in hand a larger sum for contingent demands. This necessity extended to the termination of the period for receiving subscriptions, because the Treasury was to be prepared on the supposition that the whole of the Domestic Debt would then be in a state to receive interest either, as subscribed or unsubscribed. But this did not in fact happen. A part of the sums which were presented were crowded into the last days of the quarter, and were too late for a dividend. A considerable sum remained ultimately in a form which, according to the terms of the provision, did not entitle it to interest, either as subscribed or as unsubscribed Debt.

Hence the cash in the Treasury on the 1st of October, 1791, was by a considerable sum greater than was to have been counted upon or than might have happened.

The conclusion which results from the foregoing observations is this, that the purchases which preceded the 1st of October, 1791, and which amounted to \$699,964 23 in specie, could not have been hazarded, but for the aid of the sums which had actually accrued from the proceeds of the bills and the expectation of those which were to accrue from the yet uncollected proceeds of others.

Had it not been for this aid, the Treasury would have been left more bare than was consistent with the security of public credit and the certain execution of the public service.

There is, however, a later period in the state of the Treasury, which will more completely illustrate the idea intended to be established. This is the 2d of July, 1792.

On that day, the balance of cash in the Treasury, comprehending the deposits in all the Banks, and including a sum of \$200,000, retrieved on Loan of the Bank of the United States, together with a sum of \$220,900 in bills drawn upon Domestic Funds, the proceeds of which had not been received, was \$623,133 61.

Prior to this period a further sum of \$545,902 89 arising from the sales of Foreign bills had been placed in the Treasury, by warrants, making with the former sums placed there from the same source, \$907,294 23.

Had it not been for this auxiliary, and that of the Loan from the Bank, the Treasury would then have been in arrear \$484,160 62. It, therefore, necessarily follows, that for the purchases to that period, which amounted in specie to \$942,672 54, at least \$484,160 62 must have come from the Foreign Fund.

But when it is considered, for the reasons which have been stated, and which will hereafter be fortified by others, tending, as I conceive, to give them conclusive force, that the sum in the Treasury at the period in question was barely what ought to have been there for safety, and for a due supply of current demands; it will follow that the whole or nearly the whole of the purchases which

were made previous to July, 1792, were made by the means or instrumentality of the Foreign Fund. A similar view, extended to the subsequent quarter, will exhibit this point in a still clearer light. The balance then in the Treasury, including a further Loan from the Bank of \$100,000, was only \$420,914 51.

What, then, it may be asked, became of the surplus of revenue to the end of 1790? What was the office performed by that fund during the period in question?

The answer is, that it served exactly the purpose which was anticipated by the Legislature. It came in aid of the current receipts for satisfying the current expenditures of 1791, with particular reference to the interest of the Debt. This will easily be comprehended when it is recollected that the appropriations made during 1791, upon the revenues of that year, and some small surpluses of antecedent appropriations, amounted to three million six hundred and thirty-seven thousand and fifty-eight dollars and thirty-four cents; that the revenues themselves amounted to no more than \$3,553,195 18; and that at the end of 1791, there were outstanding in bonds for the duties on imports, besides the chief part of the proceeds of the duties on spirits distilled within the United States, then also uncollected, \$1,528,269 28.

On this point likewise, of the surplus of revenue to the end of 1790, it is presumable a misapprehension has been entertained. It seems to have been supposed, that that surplus, as well as the proceeds of the Foreign Fund, have been kept separate and distinct from the common mass of the moneys appearing from time to time to be in the Treasury. It has been already observed, that this was not the case with regard to the Foreign Fund. It is now proper to add, that it has not been the case, either, with regard to the surplus in question. That surplus, as received by the Collectors of the Customs, has regularly passed into the Treasury, and appears in the quarterly accounts of the Treasurer for the periods to which they relate.

It is the course of the Treasury, for all moneys from whatever source to be brought into it, to constitute an aggregate, subject to the dispositions prescribed by law. The moneys to be employed in the Sinking Fund have consequently only been separated, as they have been called for, for actual investment. The only exception to this, relates to that part of the Sinking Fund which is created by the interest of the Debt purchased. This has been included in the quarterly dividends, and covered by the warrants, in favor of the cashiers of the Banks for paying those dividends, after which, they have passed into a distinct account, in the books of the Bank opened with Samuel Meredith, as agent to the Commissioners of the Sinking Fund.

To the foregoing representation, it may seem an objection that the purchases to the end of 1791, appear to have been carried to the account of the surplus at the end of 1790.

The ultimate form which it has been judged convenient to give to the transaction in the accounts

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of the Treasury, cannot change what was truly the course of facts. The proceeds of the above mentioned surplus and of the Foreign Loans formed together the fund for purchases. In the accounts of the Treasury, the thing was susceptible of various modifications at pleasure. The two parts of the fund might have been united in one account, or divided into distinct accounts. Being separated, moneys issued for purchases might have been legally carried to either of them.

It was judged most advisable, in the forms of the Treasury, to place the purchases to the end of 1791, to the account of the Domestic Fund, because it was calculated to give greater latitude and energy to the Sinking Fund. Had not this course been pursued, the business would have taken the following shape: the Foreign Fund to the extent of the purchases, would have been exhausted—the whole, or the greater part of the surplus of 1790, would have continued wrapt up in the expenditure of 1791, not liable to be liberated, till the receipts into the Treasury should yield a correspondent surplus beyond the actual disbursements—which could not have been the case, while the war with the Indians continues to call for extraordinary expenditures.

From the form into which the thing has been thrown, the Foreign Fund has been set free to be applied to further purchases; and a necessity produced of anticipating the outstanding duties, by temporary Loans for the current service.

I trust there can be no doubt, that the course pursued was regular, and within the discretion of the Department. I hope, also, that it will appear to the House to have been the most eligible. The expediency of giving the earliest and greatest possible extent and activity to whatever concerns the Sinking Fund, will, it is presumed, unite all opinions.

What has been said hitherto respecting the employment of the Foreign Fund is applicable only to that part of it which was drawn for prior to April, 1792; the residue standing in a different situation, and requiring a separate examination.

From the statement which has been given, it may be perceived that the fund in question has neither been idle nor useless. A confirmation of this will be found in the following details.

The whole sum successively received on account of Amsterdam bills, up to the 17th of August, 1791, was \$361,391 34. The amount of the moneys invested in purchases, prior to that day, was \$356,000, chiefly by anticipation of those receipts.

The whole sum successively received on account of Amsterdam bills, from August 17, 1791, to March 1, 1792, was \$408,722 69. The amount of the moneys invested in purchases between those periods, was \$349,984 23; chiefly in the month of September, and by anticipation of those receipts.

The whole sum successively received on account of Amsterdam bills, subsequent to the 1st of March, and prior to July, 1792, was \$235,412 33. The amount of the moneys invested in purchases between those periods, was \$242,688 31.

It was stated in my first letter, that \$177,988 80, of the proceeds of the Foreign bills were left in deposit with the Bank of North America; and in a note upon statement B, accompanying that letter, the occasion of it was shown to be an advance without interest, made by that Bank, for the use of the Department of War; which could not yet be covered, in consequence of a doubt still remaining whether the fund appropriated for satisfying that object was adequate to it; the sufficiency of that fund depending in part on certain unexpended residues of antecedent appropriations, which it was expected would not be finally necessary for satisfying the purposes of those appropriations.

It is to be remarked, that the delay of the employment of this part of the proceeds of the Foreign Fund, has been compensated by a saving of interest on the sum advanced by the Bank, which otherwise must have been procured upon a Loan, with an allowance of interest, probably, at the time of the advance, at a rate of six per cent.; so that even in this particular, the fund, though temporarily suspended from its destination, has not been idle or unproductive. I reserve for another place some additional observations and statements, which will be calculated to show that opportunities of investing the moneys at any time on hand, applicable to purchases of the Debt, were not suffered to pass unimproved; and that as much in this respect was done, as the state of the Treasury and the state of the market would permit.

It has been said, that a distinct examination would be proper with regard to the bills which have been drawn upon the Foreign Fund, subsequent to March, 1792. I proceed now to this examination.

The expediency of what has been in this respect done, seems to have been called in question, under a suggestion that an application of the fund to purchases had ceased to be advantageous.

The drawing of these bills has been, at different periods, influenced by various considerations. A leading motive was always the purchase of the Debt; and a correct view of the subject will, I doubt not, satisfy the House, that the measure was recommended by an adequate prospect of advantage.

It is to be observed that all these drafts were predicated upon the two four per cent. Loans; being, as already stated, real four-and-a-half per cent. Loans.

There was good ground to presume that opportunities would be found of investing the moneys drawn for in purchases which would yield at least five per cent., with a possibility of doing still better. The difference of half per cent. was alone an object of importance; but it would be coupled with the further benefit of reducing a principal sum materially exceeding the sum invested. When the three per cents. are purchased at twelve shillings in the pound, there is not only a redemption of an annuity of five per cent., but a sinking of a capital of twenty shillings for twelve. And though this might not be material if the market rate of interest should never fall below five, because in that case the three per cents. might always be

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purchased at the same rate; yet if it should at any time happen that interest fell below five, it would be a gain to the Government to have purchased at five, in exact proportion to the difference between five and the then market rate. Add to this, that the three per cents have generally a value in the market more than proportioned to the income they produce, which arises from the capacity of the capital to appreciate even to par.

These observations are, also, for the most part, applicable to the deferred, with this circumstance in addition, that when interest begins to be payable on that species of stock, the money invested and which in the mean time would have produced five, would then begin to produce to the Government six per cent, with the advantage of having anticipated the redemption of a species of stock of right only gradually redeemable. Combining these considerations, it appears to be clearly and even eminently for the interest of the Government to purchase within the limits suggested, with a fund which does not cost more than four-and-a-half per cent.

That this was the view of the subject which governed, is deducible, not only from the circumstances of the fact, but from my letter of the 2d of April, 1792, to Mr. Short, announcing my intention to draw, in which I assign, as the ground of that intention, "that I considered it for the interest of the United States to prosecute purchases of the Public Debt, with moneys borrowed on the terms of the last Loan," meaning the Loan of the 1st of January, 1792, at four per cent.

If the event be taken as a criterion, the anticipation will be more than justified; the present juncture offering an opportunity for purchases peculiarly advantageous.

But, without insisting on a state of things occasioned by extraordinary circumstances, it was morally certain that the common course of events would render the operation a beneficial one. And it would not argue peculiar foresight if a calculation was even made on the effect which the situation and probable progress of affairs in Europe might produce upon our market. A pretty general war there, by extending the demand for money, would naturally divert from our stocks a portion of what might otherwise be employed upon them, and affect injuriously their prices. It is also a familiar fact, that during the winter, in this country, there is always a scarcity of money in the towns; a circumstance calculated to damp the prices of stock.

A consideration which collaterally influenced the drawing of the latter bills, was the situation of the French Colony of St. Domingo.

This not only produced an early application for a considerable advance, which was promised, but it was to be foreseen that still further aids would be indispensable.

Indeed, sundry letters from Mr. Short—the first dated at Paris, the 28th of December, 1791—announced the daily probability of an arrangement, requiring an advance here of \$800,000, for the use of that Colony. A sum of four millions of livres has in fact been successively stipulated for that

object, the greatest part of which has been actually furnished.

It is known that these supplies could proceed from no other source than the Foreign Fund.

The payment to the foreign officers of near two hundred thousand dollars, by which an interest of six per cent. would be released, was another object for which provision was to be made out of the same fund.

These several purposes conspired, with the object of purchasing the Debt, to induce the latitude of drawing which took place.

But there was still a further inducement, which came in aid of the others. The time for reimbursing the first instalment of the two millions of dollars due to the Bank, was approaching, when, by positive stipulation, the Government would have to pay two hundred thousand dollars for which there was no Domestic Fund that could be spared from the current exigencies. I thought it incumbent upon this Department to have an eye to placing within the reach of the Legislature the means of fulfilling this engagement; the object of which bore a strict analogy to that for which the two millions, authorized by the act making provision for the reduction of the Public Debt, were to be borrowed.

I did not even scruple to take into the calculation, that if, from the extent of the drafts upon the Foreign Fund, there should happen to be found on hand a larger sum than was necessary for, or could be advantageously employed towards, the several purposes which were the immediate and direct objects of the operation, the surplus would facilitate to the Government a measure manifestly and unequivocally beneficial—an additional payment to the Bank, on account of a Debt, upon which an annual interest of six per cent. was payable; a measure by which a certain saving of one per cent. to the extent of the payment that might be made would be accomplished.

The possibility of this application of the fund, afforded a perfect assurance that the public interest could in no event fail to be promoted.

I felt myself more at liberty to do it, because it did not interfere with a complete fulfilment of the public engagements in regard to the Foreign Debt. It could be done consistently with a full reimbursement of all arrears and instalments which had accrued on account of that Debt.

The detail which has been given comprehends a full exposition of the views and motives that have regulated the conduct of this Department in relation to those parts of the proceeds of the Foreign Loans which have been transferred to the United States, except as to the last sum of one million two hundred and thirty-seven thousand five hundred florins, directed to be drawn for on the 30th of November last; in regard to which, circumstances of a special nature co-operated, as is explained in a note upon the copy of my letter of the 26th of that month, to Mr. Short, forming a part of the communication herewith made by order of the President of the United States.

The House will perceive that the variety of matter comprised in this letter, has not been col-

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lected and digested into its present form without much labor, and unavoidable expense of time. I trust they will be sensible that no delay has been unnecessarily incurred. It is certain that I have made every exertion in my power, at the hazard of my health, to comply with the requisitions of the House as early as possible; and it has even been done with more expedition than was desirable to secure the perfect accuracy of the communication.

Yet I have still to regret that some part of the subject must remain to be presented in a subsequent letter. To lessen, however, the inconvenience of this further delay, I shall transmit, with the present letter, the statements required by the first and second of the resolutions of the 23d of

January, which will be found in the schedules herewith marked No. I to V; those required by the last of the resolutions having been already forwarded.

There remain, however, some particulars to complete the information contemplated by those resolutions, that must be reserved for another communication. This I may venture to assure the House will not be deferred beyond the present, or at least the first day of the ensuing week.

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,

Secretary of the Treasury.

The Hon. the SPEAKER,

of the House of Representatives.

No. I.—A Statement of the Appropriation for reducing the Public Debt, constituted by the act of Congress, passed on the 12th day of August, 1790.

To the surplus of the products of duties on imports and tonnage, to the last day of December, 1790, after reserving a sufficient sum from said products to satisfy the appropriations made during the first and second sessions of Congress, as ascertained at the Treasury

Dec. 15. By warrant No. 776, on the Treasurer, in his favor, to be applied in purchases of the Public Debt

1791.	Jan. 26.	By warrant No. 856,	do.	do.	200,000 00
	Feb. 5.	By do. 869, on the Treasurer, in favor of B. Lincoln,	do.	do.	50,000 00
		By do. 870, in favor of Wm. Heth,	do.	do.	50,000 00
	Sept. 30.	By do. 1265, in his favor,	do.	do.	149,984 23
		By do. 1266, in favor of Wm. Seton,	do.	do.	200,000 00
1792.	Mar. 31.	By do. 1605, in his favor,	do.	do.	28,915 52
	June 30.	By do. 1864, in his favor,	do.	do.	62,673 90
		By do. 1867, in favor of Wm. Seton,	do.	do.	151,098 89
	Dec. 29.	By do. 2328, in his favor,	do.	do.	15,098 11
					957,770 65
		Balance, being the difference between the surplus of duties appropriated and the sum drawn therefrom			406,885 75
					\$1,374,656 40

A. HAMILTON, Secretary of the Treasury.

TREASURY DEPARTMENT, February 13, 1793.

No. II.—A Statement of the application of the funds drawn on the appropriation of the surplus of duties to the end of the year 1790, for the reduction of the Public Debt.

To appropriations for reducing the Public Debt, constituted by the act of Congress, passed on the 12th day of August, 1790, for the amount drawn from said appropriation by warrants on the Treasurer, from December 15th, 1790, to December 29th, 1792, viz:

1790.	Dec. 15.	No. 776, in favor of Samuel Meredith, to be applied in purchases of the Public Debt	200,000 00
1791.	Jan. 26.	No. 856, in favor of Samuel Meredith, ditto	50,000 00
	Feb. 5.	No. 869, in favor of Benjamin Lincoln, ditto	50,000 00
		870, in favor of Wm. Heth, ditto	50,000 00
	Sept. 30.	No. 1265, in favor of S. Meredith, ditto	149,984 23
		1266, in favor of Wm. Seton, ditto	200,000 00
1792.	Mar. 31.	No. 1605, in favor of S. Meredith, ditto	28,915 52
	June 30.	No. 1864, in favor of S. Meredith, ditto	62,673 90
		1867, in favor of Wm. Seton, ditto	151,098 89

Loans.—Statement No. II, continued.

1792. Dec. 29, No. 2328, in favor of S. Meredith, to be applied in purchases of the Public Debt	15,098 11
To this sum, invested in purchases by Benjamin Lincoln, being in part of a sum of interest received by him on stock purchased	957,770 65
	5 51
	<u>\$957,776 16</u>
By Samuel Meredith's account of purchases to the 7th day of December, 1790, as reported to Congress by the Commissioners for reducing the Public Debt, on the 21st day of December, 1790	150,239 24
By sundry purchases reported by said Commissioners to Congress, on the 7th day of November, 1791, viz : By Samuel Meredith, from the 7th Dec. 1790, to 19th Sept. 1791 - 248,984 71 By William Seton, from the 19th August, 1791, to 12th Sept. 1791 - 200,000 00 By William Heth, from the 24th Feb. 1791, to 2d April, 1791 - 49,934 09 By Benjamin Lincoln, from the 22d Feb. 1791, to 3d March, 1791 - 50,005 51	548,924 31
By interest from January 1st, to July 1st, 1791, on stock purchased by Samuel Meredith, in August and September, 1791	760 28
By sundry expenses attending purchases of Public Debt, charged by William Heth, and admitted to his credit	4 15
By sundry purchases reported by said Commissioners to Congress, on the 17th day of November, 1792, viz : By Samuel Meredith, from the 21st March to 25th April, 1792 - 91,589 42 By William Seton, from 2d to the 17th April, 1792 - 151,098 89	242,688 31
By purchases by Samuel Meredith, from the 15th to the 22d December, 1792, as per account settled at the Treasury	15,098 11
By balance, being money remaining in the hands of William Heth, of the sum advanced to him for making purchases, and for which he is accountable	61 76
	<u>\$957,776 16</u>

A. HAMILTON, Secretary of the Treasury.
TREASURY DEPARTMENT, February 13, 1793.

No. III.—Statement of the application of the Fund, constituted by the act of Congress, passed on the 8th of May, 1792, for reducing the Public Debt, arising from the interest on the sums of said Debt purchased redeemed and paid into the Treasury of the United States.

1791. April 1,	To interest due this day, on the stock purchased	-	4,230 63
July 1,	To do.	-	5,013 02
			<hr/>
			9,243 65
	To balance	-	<hr/>
October 1.	To interest due this day on the stock purchased,	-	9,243 65
1792. January 1.	To do.	-	8,635 18
		-	6,989 01
			<hr/>
			24,867 84
	To balance	-	<hr/>
April 1.	To interest due this day on the stock purchased	-	24,867 84
	To interest due this day on part of the stock paid into the Treasury by the State of Pennsylvania, for land on Lake Erie, purchased from the United States	-	6,989 01
			<hr/>
			48 63
July 1.	To do.	-	9,388 76
	To do.	-	<hr/>
	To do.	-	48 63
	To do.	-	127 30
	To do.	-	<hr/>
	To do.	-	41,470 17
	of the commutation of Willis Wilson	-	

Loans.

1792.	July October 1.	To balance	- - - - -	41,470 17
		To interest due this day on the stock purchased	- - - - -	9,366 24
		To interest due this day on the stock paid as above, for land on Lake Erie	- - - - -	48 63
		To interest due this day on the stock paid as above, on account of the commutation of Willis Wilson.	- - - - -	21 21
		To do. do. on the stock purchased	- - - - -	9,420 42
		To do. do. on the stock paid as above, for land on Lake Erie	- - - - -	48 63
		To do. do. on the stock paid as above, on account of the commutation of Willis Wilson	- - - - -	21 21
		To do. do. on the stock paid into the Treasury by John Hopkins, for a balance due from him in indents of interest	- - - - -	159 44
	1793.	January 1.		<u>\$60,555 95</u>

1791. July	1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited, as follows:	
		In the Bank of North America	8,711 97
		In the hands of the Commissioner of Loans for the State of Massachusetts	531 68
			<hr/> \$9,243 65

1792, January 1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited as follows:	
	In the Bank of North America	23,830 37
	In the hands of the Commissioner of Loans for the State of Massachusetts	531 68
	In the hands of the Commissioner of Loans for the State of New York	505 79
		<hr/> 24,867 84

1792. July	1.	By balance to the credit of the Commissioners for reducing the Public Debt, deposited as follows:		
		In the Bank of North America	-	23,830 30
		In the Bank of the United States	-	17,639 80
				<hr/> 41,470 17

NOTE.—Interest stated per contra, remained in the Bank of the United States, until expended.

REMARKS.

In addition to the sums received as within stated, there remain to be received from the following persons, balances found to be due from them on the settlement of their accounts at the Treasury, viz :	\$658 83
From William Heth, for interest received on stock purchased by him	- - -
From Benjamin Lincoln, for interest received on stock purchased by him	154 49
From Benjamin Lincoln, for interest struck on stock purchased by him, stated in his name in dividend accounts of the Commissioner of Loans for the State of Massachusetts, now transferred to the books of the Treasury among unclaimed dividends	- - - 368 56

The fund is likewise liable to receive additions of interest on the following sums paid into the Treasury, upon which no dividend has yet been struck, viz:

Loans.

On 85,032 08 unfunded stock, received from the State of Pennsylvania for land on Lake Erie.
On 1,356 87 received from Jonathan Burrall, which had been paid to him on a balance due in the Commissary Department.

These sums at present, stand on the books of the Treasury in the name of Samuel Meredith, Treasurer of the United States, in trust for the United States.

Also, for the interest on the Debt due to foreign officers, now in a course of redemption.

ALEXANDER HAMILTON, Secretary of the Treasury.

TREASURY DEPARTMENT, February 13, 1793.

No. IV.—Quarterly statement of Cash in the hands of the Treasurer of the United States for the year 1791.

Balance of cash in my hands the 30th June, 1791, see below	428,200 17	\$533,638 24
Balance of cash in the Bank of North America	92,680 77	
do. New York	2,266 76	
do. Massachusetts	490 54	
Cash paid on account of contingent expenses	10,000 00	
Theodosius Fowler and Co.'s note		

From the 1st of January to the 30th of June, two quarters.

Balance of cash in my hands the 30th September, 1791, see below	136,830 38	622,233 99
cash in the Bank of North America	465,926 94	
do. New York	31,391 78	
do. Maryland	28,084 89	
do. Massachusetts		

Balance of cash in my hands the 31st December, 1791, see below	133,000 00	953,862 75
cash in the Bank of the United States	471,972 28	
do. North America	224,677 35	
do. New York	65,578 22	
do. Massachusetts	50,665 29	
do. Maryland	7,969 61	
do. Providence		

The previous sickness, and afterwards the death of Mr. Eveleigh, the late Comptroller, which happened on the 15th of April, 1791, occasioned an accommodation between the Secretary of the Treasury and the Bank of North America, with respect to a number of warrants which were not countersigned, the Bank agreeing to pay them and retain them in its possession till the appointment of a Comptroller, when they could be regularly countersigned and charged to my account. This caused an agreement with the Comptroller, that the two first quarters of the year 1791 might be included in one account, in order that the different offices in the Treasury Department should correspond in their balances.

SAMUEL MEREDITH, Treasurer of the United States.

TREASURY OF THE UNITED STATES.

Loans.

Total specie

at certain periods, as related by Bk. U.S.

Sums in bills

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\$783,444 51

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142 14

783,212 37

Total amount of quarter ending 31st December, 1792, brought down

Amount of contingencies paid, for which there is no appropriation

Ditto, paid Samuel Brook, a clerk in the office, for which there is no appropriation

783,212 37

155,200 00

628,012 37

783,212 37

962,767 39

940,735 60

735,440 11

96,600 00

882,435 60

68,300 00

633,262 64

404,426 02

99,000 00

308,426 02

420,914 51

31,100 00

389,614 51

754,963 89

28,200 00

726,763 89

790,467 18

118,700 00

671,767 18

174,450 00

846,217 18

779,732 21

593,762 93

620,112 93

608,660 04

449,010 04

623,133 61

220,900 00

403,233 61

817,752 18

316,900 00

600,852 18

754,191 33

157,508 33

696,683 00

795,789 94

777,385 99

660,027 36

751,377 34

1,035,572 66

831,754 16

877,257 44

865,271 84

878,225 83

953,862 75

7,969 61

60,665 29

7,969 61

62,198 68

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155,200 00

628,012 37

783,212 37

962,767 39

940,735 60

735,440 11

96,600 00

882,435 60

68,300 00

633,262 64

404,426 02

99,000 00

308,426 02

420,914 51

31,100 00

389,614 51

754,963 89

28,200 00

726,763 89

790,467 18

118,700 00

671,767 18

174,450 00

846,217 18

779,732 21

593,762 93

620,112 93

608,660 04

449,010 04

623,133 61

220,900 00

403,233 61

817,752 18

316,900 00

600,852 18

754,191 33

157,508 33

696,683 00

795,789 94

777,385 99

660,027 36

751,377 34

1,035,572 66

831,754 16

877,257 44

865,271 84

878,225 83

953,862 75

7,969 61

60,665 29

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155,200 00

628,012 3

Loans.

ations in the said several acts contained: And whereas, Messrs. Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, have, by letter, bearing date the 25th day of January, 1790, communicated to me, that they have entered into a certain provisional agreement or arrangement, for a Loan of three millions of florins, for the use of the United States of America, bearing an interest of five per centum per annum, and reimbursable by yearly instalments, of six hundred thousand florins, commencing in the year one thousand eight hundred and one, and ending in the year one thousand eight hundred and five: And whereas, it appears to me for the interest of the said United States to accept the said Loan:

Now, therefore, be it known: That I, Alexander Hamilton, Secretary of the Treasury of the United States for the time being, by virtue of the power and authority in me vested, by the said President of the United States, and in his name, and on behalf of the United States of America, and to their use, do, by these presents, accept, agree to, ratify, and confirm, the Loan aforesaid, provisionally undertaken by the said Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard. And I do hereby authorize and empower the said Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, or, in case of the death of any of them, the survivors, to borrow, on behalf of the United States, either by way of confirmation of the said provisional agreement, or otherwise, as need may be, a sum or sums, not exceeding, in the whole, three millions of florins, subject to the restrictions and limitations in the said several acts contained and above recited; and for that purpose, in the name of the said President, on behalf of the United States of America, to execute such contracts, obligations, and instruments, as shall be necessary, and comfortable to use, in the like cases, and the faith of the United States to pledge for the performance of the terms thereof; and if the same shall be deemed requisite, to stipulate for the ratification thereof by the President of the United States; hereby giving and granting to the said Wilhem and Jan Willink, and Nicholas and Jacob Van Staphorst, and Hubbard, and the survivors of them, all my power and authority, in the premises, and ratifying, allowing, and confirming, whatsoever they shall lawfully do therein.

In testimony whereof, I have caused the seal of the Treasury to be affixed to these presents, and have hereunto subscribed my hand, the twenty-eighth day of August, in the year of our Lord one thousand seven hundred and ninety.

ALEXANDER HAMILTON, Secretary of the Treasury.

No. 4.

To all to whom these presents shall come:

Whereas, by an act passed the fourth day of August, in this present year, entitled "An act making provision for the Debt of the United States," it is, among other things, enacted, that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole twelve millions of dollars, and that so much of that sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying off the whole of the said Foreign Debt, be appropriated solely to those purposes; and that the President be, moreover, further authorized to cause to be made such other contracts respecting the said Debt, as shall be found for the interest of the said States: *Provided, nevertheless*, That no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, within fifteen years after the same shall have been lent or advanced:

And whereas, by another act, passed the 12th day of August, in the present year, entitled "An act making provision for the reduction of the Public Debt," it is, also, among other things, enacted, that the President of the United States be authorized to cause to be borrowed, on behalf of the United States, a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent:

And whereas, by virtue of the said several acts, the President of the United States of America hath been pleased, by a certain commission or warrant, under his hand, to authorize and empower the Secretary of the Treasury for the time being, by himself, or any other person or persons, to borrow, on behalf of the United States, within the said States, or elsewhere, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or contracts as shall be necessary, and for the interest of the said States, subject to the restrictions and limitations in the said several acts contained:

Now, therefore, know ye: That I, Alexander Hamilton, Secretary of the Treasury of the United States for the time being, by virtue of the said commission, power, or warrant, of the President of the United States of America, have authorized and empowered, and, by these presents, do authorize and empower William Short, Chargé des Affaires of the United States at the Court of France, to borrow, on behalf of the United States, in any part of Europe, a sum or sums, not exceeding, in the whole, fourteen millions of dollars, and to make, or cause to be made, for that purpose, such contract or con-

Loans and Finances.

tracts as shall be necessary, and for the interest of the said States; subject to the restrictions and limitations in the said several acts contained; and for so doing, this shall be his sufficient warrant.

In testimony whereof, I have caused the seal of the Treasury to be affixed to these presents, and have hereunto subscribed my hand, the first day of September, in the year of our Lord one thousand seven hundred and ninety.

ALEXANDER HAMILTON, Secretary of the Treasury.

A.—Statement showing the dates and sums of the respective payments which have been made on account of the Debt due to France, out of the Dutch and Antwerp Loans; and by whom, and to whom, the moneys were remitted or paid.

		Livres tournois. s. d.	Florins. st.
1790.			
December 3	Remitted by Wm. and J. Willink, N. and Jacob Van Staphorst, and Hubbard, of Amsterdam, to Mr. du Fresno	3,811,950 0 0	1,500,014 9
June 10	Director of the Royal Treasury of France, by order of William Short, Esq.		
August 11		2,686,829 4 0	1,005,000 0
Sept. 12		941,176 9 0	352,187 10
Sept. 15		842,896 9 9	338,233 6
Sept. 22		1,080,874 12 6	400,531 12
Sept. 29		1,457,734 15 4	538,414 10
October 3	Remitted by the same to the Commissioners of the National Treasury at Paris, by order of William Short, Esq.	907,280 15 2	335,726 14
October 6		616,212 14 7	229,500 15
October 13		220,680 10 0	81,957 10
October 20		808,420 3 3	300,951 9
October 24		1,139,053 14 1	429,550 16
Nov. 10	Remitted by the same, to Mr. Garat, cashier of the National Treasury at Paris, by order of William Short, Esq.	811,154 2 8	302,291 4
		487,692 2 8	180,608 13
		1,540,909 2 0	567,825 0
Dec. 15	Remitted from Antwerp, by Mr. De Wolf, to the National Treasury at Paris, by order of William Short.		
Dec. 22		270,500	
Dec. 31		338,990 0 9	
1792.		101,700	
January 10		312,004 6 6	
January 16		308,441 6 0	
From Jan. to March	Payments made by M. De Wolf, to J. Broeta, at Antwerp, by order of the Commissioners of the National Treasury of France	4,581,413 15 1	
From Ap. 1, to June 4	Do do	843,925 10 6	
Sept. 6	Ditto made by Wm. and J. Willink, N. and Jacob Van Staphorst, and Hubbard, of Amsterdam, to Messrs. Hogguen, Grand, & Co. Bankers for the Commissioners of the National Treasury of France, by order of William Short, Esq.	6,756,974 18 10*	1,968,000 0
		6,000,000 0 0	1,641,250 0
		29,717,639 13 10	10,073,043 8

TREASURY DEPARTMENT, February 13, 1793.
ALEXANDER HAMILTON, Secretary of the Treasury.

* The amount of livres here stated exceeds somewhat that which was stated in No. 1, of my last Report. It will be observed, that it was then mentioned, that the details of this transaction were wanting. They have since been received, and correspond with the present statement. The difference arises from the real rates of exchange at the times of the respective payments having been different from what was assumed by analogy as a rule of computation.

Loans.

B.—Statement showing the respective payments which have been made by William and John Willink, Nicholas and Jacob Van Staphorst, and Hubbard, in Amsterdam, to individuals, upon the several Loans made in Holland, on account of the United States.

1791.	1792.	1793.	Florins. st. d.
February 1			90,000 0 0
			80,000 0 0
June 1			119,783 6 0
			350,000 0 0
February 1			80,000 0 0
			150,000 0 0
March 1			119,879 4 0
			350,000 0 0
June 1			294,566 13 0
September 1			92,250 0 0
December 1			106,709 19 8
January 1			1,833,189 2 8

REMARKS.

(a) These Loans were negotiated under the late Government.
(b) The interest payable upon each of these Loans, at the expiration of the first year, was not due upon the entire capital borrowed, but in the proportion to the time in which the Loans were completed.

The sum of 1,833,189 florins, 2 stivers and 8 deniers, here stated, is the same as reported to the House by the Secretary on the 8d instant, in the statement No. 1.

ALEXANDER HAMILTON, Secretary of the Treasury.

TREASURY DEPARTMENT, February 13, 1793.

PUBLIC FUNDS.

TREASURY DEPARTMENT, February 14, 1793.

SIR: I have the honor to transmit, herewith, in further pursuance of the order of the Senate, of the 23d of January past, three several statements, marked A, B, C.

A, being a general account of revenue and appropriations: exhibiting, on one side, all the income of the United States, except from the proceeds of Loans foreign and domestic, to the end of the year 1792; on the other, the respective amounts of all the appropriations which have been made by law, to the same period.

B, being a general account of appropriations and expenditures to the same end of the year 1792. This statement takes up the excess of the appropriations beyond the expenditure, to the end of the year 1791, as contained in the account of Receipts and Expenditures, reported to the House of Representatives during the present session; and, including all the subsequent appropriations and expenditures to the end of 1792, shows the balance unsatisfied of each head of appropriation.

C, being an explanatory statement, for the purpose of showing a conformity between the aggregate of the balances of appropriations unsatisfied, and the balance of the public income beyond the public expenditure, to the end of the year 1792, as represented in the statement B, heretofore reported.

It will be observed, that the most considerable item among the balances of appropriations, is for interest on the Public Debt—amounting to one million three hundred and ninety-five thousand eight hundred and twenty-four dollars and sixty-five cents. This happens in three ways. 1st. The interest on the foreign part of the Debt has been paid in Europe, out of the proceeds of the Loans; the sum paid will consequently require to be replaced out of the domestic funds, and will operate as if an

The Public Funds.

equal sum had been transferred here by drafts. 2d. The payment of interest to certain States, upon the difference between their quotas of the assumed Debt, and the sums subscribed upon the first Loan, has been suspended, in consequence of the opening of the second Loan, to avoid a double payment of interest, first to the States, and next to the subscribers, which might otherwise happen. 3d. There is a part of the Public Debt which has continued in a form that has not entitled the holders, under the existing laws, to receive interest, either as subscribers or non-subscribers.

There are certain arrears of interest, on the part of the Debt entitled to interest, which did not come into the accounts of the year 1792.

This balance of interest, however, will be a real future expenditure, as, indeed, will be the case with regard to most of the other balances of appropriations. There will be surpluses, but these surpluses cannot exceed, if they equal, the sum mentioned in my letter of the 4th instant, to the House of Representatives.

With perfect respect, I have the honor to be, sir, Your obedient servant,
ALEXANDER HAMILTON, Secretary of the Treasury.

The Vice President of the United States and President of the Senate.

A.
Statement of the revenue of the United States, and appropriations charged thereon, to the end of the year 1792.

Dr.	REVENUE.	
To amount of duties on imports and tonnage, and of fines, penalties, and forfeitures, from the commencement of the present Government to the 31st of December, 1791	\$6,534,263 84	
To product of duties on spirits distilled within the United States, for a half year, ending the 31st of December, 1791, as estimated	150,000 00	
To product of duties on imports and tonnage, &c., for the year 1792, heretofore estimated at	3,900,000 00	
To product of duties on spirits distilled within the United States for the same period, as estimated	400,000 00	
To cash received into the Treasury, from fines, forfeitures, and for balances, to the end of the year 1791	11,335 93	
To cash received for arms and accoutrements sold, fines, and penalties, balances of accounts settled in the year 1792, and on account of the first dividend declared by the Bank of the United States	21,860 87	
	\$11,017,460 64	

CR.—APPROPRIATIONS.

1789.	By appropriation for Indian treaties	
Act Aug. 20	Do. for sundry objects	\$20,000 00
Sept. 1790.		639,000 00
March 26	Do. for the support of Government	754,658 99
July 1	Do. intercourse with foreign nations, 1790 and 1791	80,000 00
	Do. do. for 1792	40,000 00
	Do. for the claim of John M'Cord	1,309 71
July 22	Do. Indian treaties	20,000 00
August 4	Do. interest on Debt, Foreign and Domestic, for 1791	2,060,861 40
	Do. do. for 1792	2,849,194 73
August 10	Do. for the Cutter establishment	10,000 00
	Do. for Portland light-house	1,500 00
August 12	Do. for disabled seamen	548 57
	Do. for sundry objects	233,219 97
	Do. for the reduction of the Public Debt, being surplus of revenue for 1790	1,374,656 40
1791.		
February 11	Do. for sundry objects	740,232 60
March 3	Do. recognition of the treaty with Morocco	20,000 00
	Do. the protection of the frontiers	312,686 20
	Do. officers of the Judicial Courts	4,055 33
December 23	Do. the support of Government for 1792	1,059,222 81

2d Con.—41

APPENDIX.

The Public Friends.

Ct.—APPROPRIATIONS—Continued.		
1792.		
Act April 2	By appropriation for a light-house on Baldhead	\$4,000 00
	Do. Mint establishment	7,000 00
April 13	Do. Wilmington grammar school	2,553 64
May 2	Do. for protection of the frontiers	673,500 00
May 8	Do. for sundry objects	84,497 90
	Do. for compensation to Colonel Gibson	1,000 00
	Do. the claim of John Brown Cutting	2,000 00
		10,985,698 25
	Surplus of revenue above the appropriations, to the end of the year 1792	21,762 39
		\$11,017,460 64

ALEXANDER HAMILTON, *Secretary of the Treasury.*
TREASURY DEPARTMENT, February 14, 1793.

APPENDIX.

The Public Funds.

Item	Amount	Balance remaining unexpended on the 31st of December, 1792	Amount of payments during the year 1793	Balance unexpended on the 31st December, 1792
For discharging the war-rates issued by the late Board of Treasury.	32,218 06	159,706 55	314,352 93	104,629 44
For the support of the Civil List under the late and present Government.				
For the support of the Army of the United States.				
For paying the pensions due to invalids.				
For defraying the expenses of negotiations or treaties of peace with the Indian tribes.				
For paying interest due on temporary loans obtained by the Secretary of the Treasury.				
For the support of the Ministers, &c., of the U. States at foreign courts, and maintaining intercourse with foreign nations.				
For effecting a recognition of the treaty of the U. States with the new Emperor of Morocco.				
For the building, equipment, and support, of revenue cutters.				
Towards discharging certain debts contracted by Abraham Skinner, late commissary of prisoners.				
Towards discharging certain debts contracted by Colonel Timothy Pickens.				
For paying the interest due on the Domestic Debt of the United States.				

B.—A general statement of the appropriations made by law, and of the expenditures of the United States in relation thereto, from the first day of January to the last day of December, 1792.

* This is erroneously expressed; it should be said to include the interest on the entire Debt of the United States, as well foreign as domestic.

The Public Funds.

Date and titles of the acts of appropriations.	1790, July 1. An act providing the means of intercourse between the United States and foreign nations.	1791, March 3. An act to incorporate the subscribers to the Bank of the United States.	1792, April 2. An act for amending the light-house on Baldhead, at the mouth of Cape Fear river, in the State of North Carolina.	An act establishing the Mint, and regulating the coins of the United States.	An act to compensate the Corporation of Trustees of the Public Grammar School and Academy, for the occupation of, and damages done to, the said school, during the late war.	May 2. An act for raising a further sum of money for the protection of the frontier, and for other purposes therein mentioned.	May 8. An act supplementary to the act making provision for the Debt of the U. States therein specified.	An act to compensate the services of the late Colonel George Gibson.	An act concerning the claim of John Brown Cutting against the U. States.	Amount of appropriations.	Amount of payments during the year 1792.	Balance unexpended on the 31st December, 1792.
For paying bills of exchange drawn on late Commissioners at Paris, for interest due on Loan Office certificates.	152 38	43,089 15	674,672 17	1,259 29	13,570 38	1,259 29	56,132 97	231,617 39	191,316 90	726,000 00	4,000,000 00	12,116,578 37
For the support and repairs of light houses, beacons, buoys, and public piers.												2,000 00
For defraying the expenses of the Examination of the inhabitants of the U. States.												1,000 00
For the reduction of the Public Debt.												34,497 90
For defraying the expenses of the Examination of the inhabitants of the U. States.												191,316 90
For satisfying miscellaneous claims.												673,600 00
For balances due to the French Government, to Oliver Fallock, &c.												2,553 84
For paying the Debt due to foreign officers.												7,000 00
For payments on account of the French Debt.												4,000 00
For effecting a subscription, in behalf of the United States, to the Bank of the U. States.												1,069,222 81
Total amount.	1,784,061 13	40,000 00	4,266,426 99	4,000,000 00	1,069,222 81	7,000 00	2,553 84	673,600 00	191,316 90	34,497 90	2,000 00	12,116,578 37

GENERAL STATEMENT—Continued.

The Public Funds.

The balance of the appropriations brought down is	-	-	-	\$3,147,886 32
From which deduct the following sums, being payable out of the foreign funds, viz:				
Balance payable to foreign officers	-	-	-	\$172,962 11
Balance due on account of the sum requested for St. Domingo	-	-	-	290,736 17
				463,698 28

Remainder, being the unsatisfied appropriations charged upon the revenue

2,664,188 04

(a.) The difference between the actual dividends declared on the Public Debt to the end of the year 1791, as contained in the printed statement, and the entire interest for that year, as estimated, including the Foreign Debt.

(b.) The interest on the Debt for the year 1792, as estimated.

(c.) The sum requested by the National Assembly of France, by their decree of June 26, 1792, for the Colony of St. Domingo, four million livres.

(d.) The sum actually advanced for the Mint establishment during the year 1792.

(e.) The Debt payable to foreign officers, contemplated in the fifth section of the act supplementary to the act making provision for the Debt of the United States.

(f.) In this balance is included two years' interest on the Foreign Debt, which has been paid out of the Foreign Loans, the accounts of which remain unsettled; also, the interest on that part of the Domestic Debt which has not been funded or registered at the Treasury, so as to be entitled to a dividend; and, also, the interest due to States on the unsubscribed balances of the assumed Debt, the payment of which is at present suspended.

(g.) Warrants for \$445,263 83 had been drawn on the 31st of December, 1792, towards the Debt due to France, as stated in the Report of the Secretary of the Treasury of the 31st of January, 1793, \$10,000 of which, however, had not been paid by the Treasurer at that time, and, consequently, not charged in his accounts.

ALEXANDER HAMILTON, Secretary of the Treasury.

TREASURY DEPARTMENT, February 14, 1793.

C.—Statement exhibiting the debts charged upon the unexpended and uncollected income of the United States, on the last day of the year 1792.

To the following sums, which rested as charges upon the excess of income stated per contra on the 31st December, 1792, viz:	By the excess of income beyond the actual disbursements of the Treasury, to the end of the year 1792, including all sums remaining uncollected at that time, as also \$2,305,769 13, the proceeds of bills of exchange drawn on the foreign funds, as stated in the account marked B, rendered to the House of Representatives on the 4th of February, 1793.
Balances of unsatisfied appropriations, as specified in the schedule herewith, marked B	\$2,684,188 04
Balance reserved to complete the sum requested for St. Domingo	290,736 17
Balance reserved to complete the payment of debts due to foreign officers	172,962 11
Debt due to the Bank of North America, for a Loan, without interest	156,595 56
Debt due to the Bank of the United States, for a Loan for the War Department	400,000 00
Balance of foreign fund not specially applied, and subject to disposition	3,704,481 88
Surplus of revenue above the appropriations to end of 1792, agreeably to statement marked A, herewith	1,388,452 23
	21,765 39
	5,114,696 50
	5,114,696 50

The balance of the foreign fund, as herein stated, is thus deduced, viz:

The total amount of bills drawn was	-	-	-	\$2,305,769 13
Deduct—				
Paid for the Colony of St. Domingo, as per statement marked B	-	-	-	\$435,263 83
Paid to foreign officers, as per ditto	-	-	-	18,354 79
Reserved to complete the payment for St. Domingo	-	-	-	290,736 17
Reserved to complete the payment to foreign officers	-	-	-	172,962 11
				917,316 90

Balance, as before stated -

1,388,452 23

ALEXANDER HAMILTON, Secretary of the Treasury.

TREASURY DEPARTMENT, February 14, 1793.

Loans.

LOANS.

TREASURY DEPARTMENT,
February 19, 1793.

Sir: The last Letter which I had the honor to address to the House of Representatives contained a pretty full exposition of the conduct and views of this Department in regard to the Foreign Loans. There remain, however, some incidental topics which it may not be expedient to pass over in silence.

In order to carry the attention of the House immediately to a just application of the remarks which will be submitted, it is necessary to premise, that it is known to have been suggested that the proceeds of the Foreign bills drawn for to this country had no object of public utility, answered none, and were calculated merely to indulge a spirit of favoritism towards the Bank of the United States.

It has already been shown, clearly, I trust, that, but for the instrumentality of the parts of the Loan drawn for prior to April, 1792, amounting nearly to one-half of the whole sum, the purchases of the Debt which were made to that time could not have been made; and that these purchases, besides being the object designated by law for the application of the fund, were productive of positive and important advantages.

How far the operation could have been influenced by motives of favor to the Bank of the United States, the following facts will still more completely decide.

That Bank did not begin its operations till the 12th of December, 1791.

The Banks of North America and New York were the agents of the Treasury for the sale of the bills in question. They sold them, collected, and, with the exception which will be presently stated, disbursed the proceeds.

The receipts on account of those bills began in March, 1791, and concluded in March, 1792.

On the 31st of December, 1791, as the Treasurer's account before the House will show, the public cash was deposited as follows:

In the Bank of the United States	- \$133,000 00
In the Bank of North America	- 471,972 28
In the Bank of New York	- 224,677 35
In the Bank of Massachusetts	- 65,578 22
In the Bank of Maryland	- 50,665 29
In the Bank of Providence	- 7,969 61

Making, together

- \$953,862 75

There was then also some moneys in the Banks of North America and New York in a course of receipt which had not been passed over to the Treasurer; but all the public moneys, of whatever kind, in the Bank of the United States, are included in the above sum of \$133,000, which had arisen from the duties on imports and tonnage.

It appears, then, that, on the 31st of December, 1791, no transfer for the benefit of the Bank of the United States had been made; and that the deposits of the Government there (exclusive of the

proceeds of the bills remaining in the two Banks of North America and New York) amounted to little more than one-fourth of the deposits in the Bank of North America, and little more than one-half of those in the Bank of New York.

As late as the 1st of February, the State Banks continued to share with the Bank of the United States a large proportion of the public deposits. The state of the Treasury then was as follows, viz:

In the Bank of the United States	- \$456,278 80
In the Bank of North America	- 151,516 32
In the Bank of New York	- 128,708 21
In the Bank of Massachusetts	- 71,215 55
In the Bank of Maryland	- 49,583 25
In the Bank of Providence	- 7,969 61

Making, together

- \$865,271 84

A concentration of the public deposits in the Bank of the United States was a measure which grew out of the relation between that establishment and the Government; yet, instead of hastening it through favor, it was resolved to let it have a gradual course, so as to consult, in a due degree, the convenience of the other banks, and to effect it rather by letting the public disbursements fall upon the moneys in those banks than by direct transfer.

But a state of things took place in the month of February, between the Banks of the United States and North America, which rendered a more expeditious transfer than was meditated, for the mutual convenience of the two institutions.

The effect of this was, that the state of the Treasury, on the 1st of March, stood as follows:

In the Bank of the United States	- \$692,959 06
In the Bank of Massachusetts	- 31,769 05
In the Bank of New York	- 32,352 52
In the Bank of North America	- 31,515 74
In the Bank of Providence	- 8,404 94
In the Bank of Maryland	- 34,752 85

Making, together

- \$831,754 16

But at this time there was in the Bank of New York, from the proceeds of the Foreign bills, \$121,984 71, not transferred to the account of the Treasurer.

This accumulation, however, in the Bank of the United States was of very short duration.

On the 1st of April ensuing, the state of the public cash was as follows:

In the Bank of the United States	- \$359,643 64
In the Bank of New York	- 254,930 41
In the Bank of North America	- 31,515 74
In the Bank of Massachusetts	- 37,712 58
In the Bank of Providence	- 7,156 65
In the Bank of Maryland	- 60,418 32

Making, together

- \$751,377 34

A similar state of things lasted to the 1st of June, comparatively more disadvantageous to the Bank of the United States. The receipts of public revenue continued to go into the Bank of New

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York till the 1st of April, 1792, when a branch of the Bank of the United States began to operate in that city, which is the reason of the sum in the Bank of New York bearing so near a proportion to that of the Bank of the United States, and so far exceeding the Bank of North America. By this time, also, the balance of the proceeds of Foreign bills had been passed to the account of the Treasurer, yet still remaining in deposit in the Bank of New York.

These views of the state of the public cash are conformable to the Treasurer's statement of half-monthly balances, accompanying my Letter of the 13th instant.

The same statement will show that a proportion of the public deposits has continued, since the 1st of April, 1792, in the State Banks—in those of North America and New York down to the end of the period which that statement embraces. From these details, the following inferences are deducible:

That, as far as any advantages may have accrued from the deposits, on account of the Foreign bills drawn prior to April, 1792, they accrued substantially to the Banks of North America and New York, not to the Bank of the United States, or to its branches. That, in transferring the pecuniary concerns of the Government from the pre-existing banks to that of the United States and its dependencies, a cautious regard has been paid to the convenience of the former institutions, and the reverse of a policy unduly solicitous for the accommodation of the Bank of the United States has prevailed. Indeed, so much has this been the case, that it might be proved, if it were proper to enter into the proof, that a criticism has been brought upon the conduct of the Department, as consulting less the accommodation of the last-mentioned institution than was due to its relation to the Government and to the services expected from it.

But further examination will demonstrate another point, which is, that none of the establishments in question have received any accommodations which were not in perfect coincidence with the public interest, and in the due and proper course of events.

This examination will be directed towards two objects—one, the state of the Treasury at the commencement of each quarter, during the years 1791 and 1792; the other, the state of the market in regard to the prices of stock during the same years.

These periods are selected because they afford the truest criterion of the state of the Treasury, from time to time, being those at which the principal public payments are made, and for which it is necessary to be prepared by intermediate accumulations.

The state of the Treasury at the periods in question was as follows:

In the year 1791—	
January 1	- \$569,886 55
March 1	- 373,434 53
June 1	- 533,638 24
October 1	- 662,233 99

In the year 1792—
January 1 - 953,862 75
April 1 - 751,377 34
July 1 - 623,133 61
October 1 - 490,914 51
In the year 1793—
January 1 - 783,212 37
This appears from the statements Nos. 4 and 5, forwarded with my last Letter.
The state of the stock market during the several quarters of the same years was as follows:

FIRST QUARTER OF 1791.
Six per cents, from 16s. 9d. to 17s. 6d.
Three per cents, from 8s. 6d. to 9s. 4d.
Deferred, from 8s. 6d. to 9s. 4d.

SECOND QUARTER OF 1791.
Six per cents, from 17s. 0d. to 17s. 9d.
Three per cents, from 9s. 0d. to 10s. 0d.
Deferred, from 8s. 11d. to 9s. 4d.

THIRD QUARTER OF 1791.
Six per cents, from 17s. 10d. to 21s. 3d.
Three per cents, from 9s. 9d. to 12s. 5d.
Deferred, from 9s. 9d. to 12s. 10d.
As early as the 6th of August, the six per cents had a temporary rise to 21s., but, by the 18th, they had fallen to 20s., on the 20th, they had risen to 20s. 6d., and were sometimes above that rate, but never lower during the rest of the quarter.

As early as the 23d of July, the three per cents had reached 12s., and were sometimes higher, but never lower during the rest of the quarter.

On the 23d of July the deferred also reached 12s., and afterwards rose to 12s. 6d.

FOURTH QUARTER OF 1791.
Six per cents, from 20s. 4d. to 22s. 4d.
Three per cents, from 12s. 2d. to 13s. 8d.
Deferred, from 11s. 8d. to 13s. 6d.

The prices were lowest in the early, and highest in the latter part of the quarter.

During the whole of the month of December, the deferred was at 12s. 8d. and upwards, the greatest part of the time at 13s.

FIRST QUARTER OF 1792.

Six per cents, from 21s. 0d. to 25s. 0d.
Three per cents, from 12s. 6d. to 15s. 0d.
Deferred, from 12s. 0d. to 15s. 0d.

The low prices were, in the last ten days of March.

SECOND QUARTER OF 1792.

Six per cents, from 20s. 0d. to 22s. 6d.
Three per cents, from 12s. 0d. to 13s. 9d.
Deferred, from 11s. 6d. to 13s. 4d.

THIRD QUARTER OF 1792.

Six per cents, from 21s. 0d. to 22s. 3d.
Three per cents, from 12s. 4d. to 13s. 6d.
Deferred, from 12s. 3d. to 13s. 7d.

FOURTH QUARTER OF 1792.

Six per cents, from 20s. 2d. to 21s. 9d.
Three per cents, from 12s. 3d. to 13s. 6d.
Deferred, from 11s. 10d. to 13s. 6d.

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In October, the deferred was at the highest. The lowest prices were in the month of December.

This view of the subject is derived from a statement of prices, pursuant to actual purchases and sales, furnished by a dealer of this city, respectable for his intelligence and probity, combined with the accounts from time to time published in the Gazette of the United States. The papers marked (A x) and (B y) are transmitted for the more particular information of the House on this head.

The market prices of stock no doubt varied at other places; at some may have been higher, at others lower. At Philadelphia, too, it is believed that small sums were obtainable at particular periods, from necessitous individuals, below the prices in the statement.

But there is good ground of reliance that it is substantially a just representation of the state of the stock market during the periods to which it refers.

The state of the Treasury from the first of January to the first of October, 1791, may be said to have been at its proper level, exhibiting none, or an inconsiderable excess beyond the sum which has been mentioned as necessary to be there, and concerning which a further explanation has been promised, and will be given in the course of this Letter. The public purchases in August and September, 1791, amounted to \$348,744 99.

In the last quarter of the year 1791, beginning with the month of November, and the first quarter of the year 1792, there appears to have been an excess of some magnitude in the Treasury, being from about \$250,000 to about \$450,000. Taking the first quarter of 1792 as the truest criterion, (which it certainly was, because, at the expiration of that quarter, the payment of interest on the assumed debt began, and was to be provided for,) the real excess ought to be considered as \$250,000, with the addition of about \$80,000 then in the Bank of North America, from the proceeds of Amsterdam bills, beyond the advances of the Bank for the public service, which had not been passed into the Treasurer's account. It is proper to remark that the course of importations occasions large receipts in the latter part of each year, which circumstance contributed to the accumulation in question.

From the last of November to about the 21st of March, an investment of the excess on hand in purchases was impracticable.

To enable the House to understand what is meant by saying that purchases were impracticable during that period, it is necessary to add, that the prices of stock exceeded the limits which the Commissioners of the Sinking Fund had prescribed to themselves. Indeed, a large proportion of the time those prices were manifestly artificial, and such as predicted a great fall not far distant. The delay incurred was accordingly well compensated by the prices at which investments were afterwards made.

From the 21st of March to the 25th of April, purchases were effected to the extent of \$242,688 31 in specie; within \$80,000 or \$90,000 of what could have been spared, consistently with the rule

which has been mentioned, as proper to regulate the arrangements of the Treasury.

But two circumstances operated against a further investment—a sudden rise of prices, and a state of temporary disorder in the two principal mercantile scenes of the country, (occasioned by the excessive speculations that had preceded,) which admonished the Treasury to be cautious in its disbursements.

It results from the foregoing view of the subject, that, as far as any extraordinary sum may appear to have remained unemployed in the banks a longer term than was desirable, it proceeded essentially from a state of things which did not permit its employment, and is in no degree attributable to that spirit of favoritism towards those establishments, or any of them, which has been imagined, as the solution of appearances not rightly understood and much overrated.

The only question, then, of which the matter is susceptible is this: Was not the state of things that did take place to have been foreseen, so as to have influenced the drawing for a proportionably less sum?

This question may safely be answered in the negative.

The bills, the proceeds of which contributed to constitute the excess, which remained unemployed during the two quarters, were drawn in May, 1791. In that month, the highest prices of stock were 17s. 2d. for six per cents., 9s. 2d. for three per cents., and 9s. 3d. for deferred.

No reasonable anticipation, at this juncture, of the progressive rise of stock could have carried it in so short a time to the height which it attained, or beyond the limits within which purchases were deemed advantageous. The rapid and extraordinary rise which did ensue was, in fact, artificial and violent, such as no discreet calculation of probabilities could have pre-supposed. It, therefore, cannot impeach the prudence or expediency of having made provision, on a different supposition, for an extension of purchases.

The proceeds of the bills which were drawn subsequent to May, only began to be collected about the beginning of February, and continued in collection until the 29th of March. On the 2d of February, the sum received amounted to no more than \$13,431 33.

These last bills were drawn when the rapid rise of stock commenced, and were sold upon a credit of three months. It was a natural conjecture that a rise so sudden and violent could not be of long duration, and that a declension would shortly succeed, which would afford an opportunity of purchasing with advantage, and render the intervention of public purchases advantageous, in more than one respect. The event fully corresponded with the anticipation.

With regard to the bills drawn in April last, it has been stated that they were directed to be sold upon a credit of six months; that those drawn in July, August, and October, were made payable, one moiety in two, the other moiety in four months. Hence, with a moderate allowance for delay in the sales, the period contemplated by the arrange-

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ment for the commencement of receipts was the month of October, that for their consummation the month of February.

The inducements to the drawing of these bills have been stated. The present examination has relation merely to the question whether the Bank of the United States, by premeditation of this Department, or subsequent omissions, had enjoyed any undue advantage from the deposits of the proceeds of the bills at the end of the year 1792, the point of time to which this inquiry has reference.

The statement which has been made as to the time the moneys received to that period had remained in deposit might alone be relied upon as a sufficient answer. If delinquency can be attached to the non-employment of one or two hundred thousand dollars for a few weeks, in the money operations of a nation, it implies a minuteness of responsibility which could never be encountered with prudence, and never will be fulfilled in practice. The distractions of attention incident to a great and complicated scene of business, would alone disappoint the expectation.

But I have more than this to offer upon the present occasion. The opportunity for investing the moneys on hand, during the period in question, was not favorable. This was experienced by the Treasurer, in his endeavors to invest the fund arising from the interest on the purchased Debt. There was no part but the deferred which could be had at all within the limits prescribed. Several indications of an approaching season more advantageous for purchases were discernible, and a better employment of the money than at the then prices presented itself to the option of the Legislature. This mode of employing it formed, in my mind, part of a general plan for the regular redemption of the Public Debt, according to the right reserved to the Government. The one per cent. which might be saved was regarded as one means of constituting the proposed annuities.

Accordingly, on the 30th of November last, pursuant to a reference of the 22d of that month, and connected with the plan of redemption contemplated, I submitted to the House of Representatives a proposition for applying the moneys in question towards discharging the Debt which the Government owes to the Bank, and upon which an interest of six per cent. is payable. This was manifestly, at the time of the proposition, the most profitable use that could be made of the fund. It has been already stated that it would produce a saving, if extended to the whole two millions, worth to the Government an annual sum of twenty thousand dollars—equal to a capital of four hundred thousand dollars.

This proposition tended to accelerate the employment of the moneys on hand, in a way the most beneficial to the Government, and, consequently, to shorten the duration of the advantage to the banks of holding them by way of deposit. I submit it to the candor of the House, whether it be not full evidence that there was no disposition on my part to prolong to those institutions a benefit at the expense of the Government.

The proposition itself has not yet received the decision of the House.

Another ground upon which the suggestion of mismanagement and undue concession to the interest of the banks has been founded, respects the Domestic Loans which have been obtained. Those of them which have been made of the Bank of the United States are represented as unnecessary, tending to afford an emolument to that institution, for which the United States had no equivalent advantage.

It will conduce to a correct judgment of this matter to resume a point already touched upon, and to add here the further illustrations of it which have been promised, to wit: that it ought to be a general principle to have constantly in the command of the Treasury, at its different places of deposit, a sum of about \$500,000—a principle, too, which must be understood with reference to the beginnings of the quarters of a year, when the chief public payments are made and making.

The following observations will apply generally to the balances which appear at the commencement of each quarter. The greatest part of the interest for the preceding quarter will have been then deducted, but a part is always in a different situation.

The payment of interest upon a Public Debt, at thirteen different places, is an operation as difficult and complicated as it is new. In carrying it into execution, it is of necessity to lodge, for some time previous to the expiration of each quarter, at several of the Loan Offices, drafts of the Treasurer for the sums estimated to be necessary at those offices, with blanks for the direction, and with liberty to the respective officers to dispose of them upon different places, as a demand accrues. This arrangement has an eye to two purposes—to avoid large previous accumulations at particular points; to facilitate the placing of the requisites where they are wanted, without the transportation of specie. The allowing of the drafts to be disposed of on several places gives larger scope to a demand for them, and renders them more easily saleable. But it is a consequence of this, that a part of the drafts are often not placed and brought into the accounts of the Treasurer until some time after the expiration of the quarter. The fund for them of course appears on hand until the transaction is completed.

Connected with the circumstance of paying the interest upon the Public Debt at different places is this further consequence: the transfers continually going on from one office to another render it impossible to know at any moment when provision for the payment of interest is to be made, what sum is requisite at each place. Estimate must supply the want of knowledge; and, to avoid dis-appointment anywhere, the estimate must always be large, and a correspondent sum placed in the power of the Commissioners. This circumstance alone requires an extra sum at the different places of payment, which ought not to be computed at less than \$50,000.

Again: the sums payable on account of the Civil List, at the end of each quarter, which amount to

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about fifty thousand dollars, exclusive of what relates to the two Houses of Congress, are always in a course of payment for some time within the succeeding quarter. The fund for them, consequently, appears in the moneys on hand at the beginning of such quarter.

Again: there are constantly considerable arrears of existing appropriations, for which demands on the Treasury are at every moment possible; the times when they will be presented, and to what extent, at any given time, being in a great degree contingent. The arrears for the different objects of the War Department can seldom be estimated at less than \$150,000.

It is presumed to be a clear principle that the Treasury ought to be always ready to face such arrears as may be claimed at every instant or within any short period. An hour's distress or embarrassment, to make good a public payment, already due, would be baneful to public credit. It has been a uniform maxim of the present administration of the Treasury never to risk such distress or embarrassment.

Independently, therefore, of the weighty consideration of being prepared (especially, with a war on hand, liable every moment to greater extension) for future casualties, the mere satisfaction of arrears ought to cause the constant reservation of a sum that would be moderately stated at half the sum which it has been alleged ought always to be in the Treasury. It is to be observed, that it does not often happen that the current receipts to be expected in any immediately succeeding quarter are likely to exceed the probable expenditure of the quarter. The reverse is as often the case. Hence the greater necessity of maintaining a constant surplus. There are still other considerations of weight, in a just estimate of the point in question.

The sum stated as necessary to be always in the command of the Treasury is never in fact at the Seat of the Government, where far the greatest part of the public disbursements are to be made. The depositories of it are the several banks from Charleston to Boston. The whole sum, therefore, can never be brought into immediate action for answering the claims upon the Treasury. No part can be properly viewed as in this situation beyond New York on the one side, and Baltimore on the other. Whatever part is more remote than those points ought not to be regarded as capable of being commanded in less time, upon an average, than sixty days, making allowance for the usual delays in the sale of bills, and the usual terms of credit, which experience has shown to be convenient.

In estimating the effective sum at any time on hand in the Bank of the United States, it is necessary to be known that a practice for the simplification of the Treasurer's bank account begun with the Bank of North America, has been continued with the Bank of the United States, of this nature: the bills drawn by the Treasurer upon distant places, and deposited with the Bank for sale, are immediately passed to his credit as cash, though they are allowed to be sold at credits from thirty to sixty days, and it is understood that the proceeds are not demandable of the Bank till they

are collected. Hence, the apparent sum in the Bank of the United States is always greater than the real, sometimes to a large amount.

The deductions to be made for this circumstance are shown in the Treasurer's half-monthly statement of balances, No. 5, beginning with the 1st of June, 1792, and ending with the 1st of January, 1793. The period begun with is that when the first instalment of the Loan from the Bank was payable, and has been selected for this reason.

The propriety of these deductions appears to have been objected to, by anticipation, on two grounds—one, that the bills deposited answer all the purposes of cash, and ought to be credited as such, on the receipt of them; the other, that "there is a regular and constant influx of moneys into the Bank, by the operation of these bills, and that it is not very material whether a bill lodged in the Bank to-day should be paid to-day, provided something like the same sum should be paid in consequence of a bill lodged in Bank one or two months ago, and the bill of to-day should be paid one or two months hence."

Neither the one nor the other of these two positions is correct.

In no sense are the notes of the purchasers of the bills, which are taken payable in thirty, forty-five, and sixty days, the same thing to a bank as cash. It is evident it could not pay its own bills with those notes. In this primary particular, therefore, the comparison fails. Neither could it make discounts upon the basis of those notes as cash; because every discount gives a right to a borrower to call and receive in coin, if he pleases, the amount of the sum discounted. Notes are not coin, nor do they confer an equal power to pay. It is true, that a bank will, in its discounts, make some calculation on expected receipts; but it can never consider them as equivalent to cash in hand, nor operate upon them in any degree to the same extent as upon equal sums in cash. If notes payable at future periods were equivalent to cash, then every discount made by a bank would confer a facility to make another for an equal sum; for there is always a note deposited for the sum discounted, and the power of discounting might, by the mere exercise of it, become infinite. An hypothesis of this kind will never be acted upon by any prudent directors of a bank, and could not be long acted upon without ruin to the institution. It is to be observed, that the great profitable business of a bank consists in discounting.

There is but one light in which the position under examination is in any degree founded. It is this, that, were it not for the instrumentality of the bills, the specie of the Bank would be sometimes remitted for purposes which are answered by the bills. As often as this happens, they are a substitute to the Bank for cash, because they prevent equivalent sums from being carried away. But this only sometimes happens. In numerous instances, the enterprises to which the bills are subservient, would not be undertaken at all, were it not for the power of anticipation which the credits upon them afford. In many other instances, the bills of the Bank itself would be re-

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mitted instead of specie; in others, private bills would be substituted; in others, mutual credits between the merchants, to be liquidated in the course of mutual dealings, would supply the call. Hence it is only true that Treasury bills sometimes answer the purpose of cash to the Bank, whence it does not follow that they ought always to be considered and credited definitively as cash. It is also true, though in a less degree, that notes deposited with the Bank by individuals for collection, sometimes answer to it the purposes of cash; but it will be readily perceived that it would be inadmissible, as a general rule, to receive and credit them as such. The effect in both cases would be, that the Bank would make an advance of a present sum without interest, for a sum to be received in future.

An arrangement, indeed, has been for some time depending between the Bank of the United States and the Treasury, for securing to the Government the advantage of an immediate absolute credit for the bills deposited, as so much cash, to be coupled with some collateral accommodations to the Bank. But it has not yet been carried into effect. The fact heretofore has been as stated, and the reasoning, to be just, must proceed on that basis. The last of the two positions which have been cited, has still less foundation than the first.

A sum received to-day, for a bill deposited two months past, can in no view be deemed a substitute for the amount of a bill deposited to-day, to be received two months hence. It is to be remembered, that the amount of the first bill was itself credited at the time of the deposit; and that the sum received to-day on that account, can only realize the antecedent credit. It cannot represent, or be an equivalent for the future receipt upon a different bill. To affirm that it could, is to make one sum the representative of two. The consequence of the reasoning would be, that the Government ought to receive the money paid in to-day as a satisfaction, as well for the bill deposited to-day, as for that which was deposited two months past.

Making the proper deductions on account of the bills, the amount of the effective cash in the banks at Philadelphia, New York, and Baltimore, was, on the 1st of June, \$587,091 11; in other banks, there was then also the further sum of \$9,591 89, making, together, \$596,683. The amount of the effective cash on the 2d of July, in the banks at Philadelphia, New York, and Baltimore, was \$217,234 76; there were then also in the other banks, \$184,998 85; making, together, \$402,233 61. The amount of the effective cash on the 1st of October, in the banks at Philadelphia, New York, and Baltimore, was \$244,394 27; there were then also in the other banks, \$145,420 24; making, together, \$389,814 51.

The deductions for bills at the several periods were, June 1st, \$157,508 33; July 2d, \$220,900; October 1st, \$31,100; so that, including the bills at that epoch, the whole sum in the banks at Philadelphia, New York, and Baltimore, amounted to no more than \$275,494 27; the sums in the other banks, to \$145,420 24.

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On the 1st of June, there were paid on account of the Debt to France, \$100,000; the day following, the first instalment of \$100,000 on account of the Loan from the Bank, was received. On the 30th of June, the second instalment of \$100,000 was received. These two instalments, amounting to \$200,000, are included in the sum of \$217,234 76, which, on the 2d of July, constituted the cash in all the banks at Philadelphia, New York, and Baltimore.

About the beginning of August, another instalment on account of the Loan of the Bank was received, and on the 29th of September, another, making, with the preceding ones, \$400,000. This sum was involved in the balance in the Treasury on the 1st of October, which, it has been seen, did not exceed in the banks at and near the Seat of the Government, including even unsold and unpaid bills, \$275,494 27; and comprehending the sums in all the other banks, amounted to no more than \$420,914 51.

From the foregoing detail, it appears that, excluding the \$200,000 received on Loan of the Bank of the United States in the month of June, there would have been, on the 2d of July, 1792, in the command of the Treasury at those places, from which immediate supplies may be derived, no greater sum than \$17,234 76; that, excluding the \$400,000 before that time received on Loan of the same Bank, there would have been on the 1st of October, 1792, an absolute deficiency within the scene described, of \$124,505 73; that the whole balance then in the Treasury, whosoever deposited, amounted only to \$420,914 51, and, excluding the Loan of the Bank, would not have been more than \$20,914 51.

There must be some very radical error in my conceptions of the proper condition of the Treasury, if it was not in a sufficiently low state during the whole period under consideration; and if it be not demonstrated that the moneys taken of the Bank on Loan were necessary for the public service, and were obtained with a due regard to economy.

There are circumstances which still further manifest the attention which has been paid to this point. The powers given to make Loans for domestic purposes at different times, up to the 8th of May, 1792, comprehend an aggregate of \$1,053,355 74; the sums which have been actually obtained upon interest, amount to no more than \$455,000.

The contract upon which the \$400,000 were obtained, was made the 25th of May, 1792, extending to \$523,500, and contemplating the payment of \$400,000 of that sum by the Bank, in equal monthly instalments, beginning on the 1st of June, and ending the 1st of September; the residue on the 1st of January, 1793.

Previous to the making of that contract, there had been stipulated to be paid, on account of the French Debt, for the supplies to St. Domingo, \$400,000, of which one-fourth was paid in March, another fourth was payable on the 1st of June, another fourth on the 1st of September, another fourth on the 1st of December.

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Particular causes rendered it an accommodation to the agents of France, to postpone and subdivide the September instalment. A similar postponement took place with regard to the instalment payable by the Bank on the 1st of September, which was not demanded till the latter end of the month, and the remainder of the sum contracted for has not yet been demanded. The spirit of the precaution which secured to the public the privilege of making or forbearing its calls, according to circumstances, needs no comment.

There remain to be noticed two circumstances, which will serve to throw additional light upon the conduct which has been observed with regard to the sums from time to time kept on hand. A comparison of the sums in the Treasury, during the years 1791 and 1792, will contradict the idea of any disposition to suffer the public moneys to accumulate for the benefit of the Bank of the United States and its subdivisions, and will at the same time indicate the general rule which has governed. In this comparison, it is necessary to recollect that larger operations were to be performed in 1792.

It may be objected, that the rule laid down has been on several occasions exceeded. How this has happened at certain periods, has been explained. But there is a view of the subject which will throw further light upon it.

The sums which appear on hand at the end of any quarter, are always larger on a retrospective, than on a previous view. This proceeds from the following cause:

The judgment to be formed beforehand of the sums which will be received within any future period, must of necessity be regulated by the returns in the possession of the Treasury, at the time the examination is made. As these come forward with more or less punctuality, that judgment will be more or less accurate; but the appearance on the returns will always be short of the fact, because a certain number of returns, at any period of examination, will necessarily be deficient. What does not appear, must of course be essentially excluded from the calculation of the receipts to be expected within any near period; because the extent of the sums which may have accrued beyond those shown by the returns in hand, is unknown, and it is still more uncertain in what months the payments of them may fall; and the combinations of the Treasury, as to the means of fulfilling the demands upon it, ought to proceed as little as possible upon conjectures and uncertainties. Monthly abstracts of the bonds taken at each port, are the documents which serve to inform the Treasury of the progress of the receipts upon the duties of imports. From these a general abstract is made up once a month at the Treasury, for the information of the Head of the Department, showing the amount payable in each month. But very considerable differences appear from one month to another. The statement CZ will serve as an illustration. It contains a comparison of the sums shown by two successive abstracts, one of the 7th of November, the other of the 7th of December last, for a term of ten months,

distributed into monthly subdivisions. The aggregate difference upon the whole term between the two abstracts, is \$495,308 73; upon two months, beginning with November, and ending with December, it is \$151,789 40; upon a quarter, beginning with January, and ending with March, it is \$174,471 66; upon a subsequent quarter, it is \$81,055 81; upon a still subsequent quarter, it is \$87,991 86. Hence it is evident that an arrangement founded upon the abstract of the 7th of November, would suppose a receipt during any part of the time embraced by it, even the most proximate, considerably less than would appear by the abstract only one month later; and it must always happen, from this circumstance, that the actual receipts, while punctuality is preserved, will exceed the anticipations of them, and that greater balances will be found to exist at any given period, than could have been beforehand safely calculated or acted upon. This circumstance, duly considered, will be a further and powerful justification of the conduct pursued generally, in relation to the moneys from time to time kept on hand, and particularly with regard to the Loans of the Bank. Low as the state of the Treasury appears to have been on a retrospective view, when the moneys upon those Loans were called for, the prospect, at each time, must have presented the appearance of a less competent supply, or a greater deficiency, than was afterwards realized.

I am not sure but that I owe an apology to the House for taking up so much of its time in obviating the imputation of partiality or favoritism towards the banks. The aspect under which I view it, admonishes me that I may have annexed to it greater importance than was intended to be given to it by its authors.

That a disposition friendly to the accommodation of those institutions, as far as might be consistent with official duty and the public interest, has characterized the conduct of the Department, will not be denied. No man, placed in the office of the Secretary of the Treasury, whatever theoretic doubts he may have brought into it, would be a single month without surrendering those doubts to a full conviction, that banks are essential to the pecuniary operations of the Government. No man, having a practical knowledge of the probable resources of the country in the article of specie, (which he would with caution rate beyond the actual revenues of the Government,) would rely upon the annual collection of \$4,500,000, without the instrumentality of institutions that give a continual impulse to circulation, and prevent the stagnation to be otherwise expected from locking up from time to time large sums for periodical disbursements, to say nothing of the accommodations which facilitate to the merchant the payment of the considerable demands made upon him by the Treasury. No man, practically acquainted with the pecuniary ability of individuals in this country, would count upon finding the means of those anticipations of the current revenue for the current service, which have been, and will be necessary, from any other source than that of the

Loans.

banks. No prudent administrator of the finances of the country, therefore, but would yield to the disposition which has been acknowledged as alike essential to the interest of the Government, and to the satisfactory discharge of his trust—a disposition which would naturally lead to good offices, within the proper and justifiable bounds.

After the explanation which has been offered, to manifest the necessity and propriety of the Loans made of the Bank, it can scarcely be requisite to enter into a refutation of the process by which it has been endeavored to establish that the Government pays 17 per cent. upon those Loans. The state of the Treasury rendered it expedient to borrow the sums which were borrowed; they have been duly received, and the rate of interest stipulated upon them is 5 per cent. The Government, then, pays upon them 5 per cent., and no more.

The history which was given in my last Letter, proves that the supposition from which the inference, of paying 17 per cent. upon the Domestic Loan, has been drawn, is erroneous. The balances on hand at the respective periods in question, are the residues of the moneys which had been received from every source, including the Loans, foreign and domestic.

But, if the supposition which appears to have been made had been true, it was still impossible that 17 per cent. could have been paid. By no construction can the rate be extended beyond 10. The mean interest of the money borrowed abroad, including charges, is 5 per cent.; the interest stipulated to be paid on the Loan from the Bank is also 5; the sum of the two is 10. It is immaterial for what purpose the Foreign fund was obtained, whether to pay to France or to purchase the Debt; the worst consequence that can result is double, not treble interest. The interest payable to France is payable for moneys borrowed and spent during the war. It can never be truly said, that that interest is now payable on any existing fund, whether borrowed in Holland or borrowed in the United States, or borrowed there and re-borrowed here. It can never serve to make an addition to the cost or charges of any such fund. It is payable upon one long since procured and used.

But it is not obvious how the supposition came to be entertained, that all the moneys drawn here from the Foreign fund, had been borrowed for the payment of the Debt to France. The presumption would seem to have been more natural, that they had been principally, if not wholly, introduced with a view to purchases of the Debt, and consequently had a more special reference to the act authorizing a Loan for that purpose. And the fact is, that this was the destination of far the greatest proportion of the sums drawn for. It has been stated that a part had an eye to the supplies to St. Domingo, and that another part was introduced with a view to the payment of the foreign officers.

The additional observations to which I shall request the attention of the House will apply to the course and state of the Sinking Fund, concerning which I transmitted with my last communication three statements, numbered I, II, and III.

To give a more collected view of this part of the subject, it may be of use to include here a recapitulation of some ideas which have been stated in other places.

It is the course and practice of the Department, for all public moneys, from whatever source proceeding, to pass into the Treasury, and there form a common mass, subject, under the responsibility of the officers of the Department, to the dispositions which have been prescribed by law.

The surplus at the end of the year 1790, appropriated to the Sinking Fund, amounting to \$1,374,656 40, went, as it was received, into the Treasury.

All the proceeds of the bills drawn upon the Foreign fund, prior to April 1792, except the sum of \$177,998 80, left in deposit with the Bank of North America, for reasons which have been explained, passed from time to time into the Treasury. The whole amount of the sums paid in is \$907,294 23.

The proceeds of the bills drawn for, in, and subsequent to, April, 1792, have not yet passed into the Treasury, for reasons which have been likewise assigned. It would have been done before this time, as far as the receipts had gone, but for the present inquiry, which temporarily suspended it. I thought it best to make no alteration in the state of things as they stood when it began, at least till all the information desired had been given. Measures will now be taken for a settlement of the accounts, and for a transfer of the proceeds. The whole amount of those bills, paid and unpaid, including an estimated sum of interest, will be, as heretofore stated, \$1,220,476 10. The whole amount of the bills drawn is \$2,305,769 13.

Out of the Sinking Fund composed of the surplus of the revenue, to the end of 1790, and the proceeds of the Foreign bills, there were issued from the Treasury, and expended in purchases, to the end of 1792, \$957,770 65.

For reasons which have been stated, it was finally deemed advisable to place those purchases wholly to the account of the surplus of 1790.

Consequently, there remained on the 1st of January, of the present year, \$416,885 75, of the above mentioned surplus, unapplied to purchases; and the whole of the Foreign Fund, except the sum of \$726,000, paid, and reserved to be paid, for the use of the Colony of St. Domingo, and the sum of \$191,316 90 paid, and reserved to be paid, to the foreign officers, became free for future application. The balance of the proceeds of the bills, after deducting for those reservations, is \$1,388,452 22.

Since the 1st of January, 1793, there have been issued, on account of the Foreign Fund, for purchases, \$284,901 89.

The practice has uniformly been, not to separate any of the moneys belonging to the Sinking Fund, from the common mass of the moneys in the Treasury, but in proportion to the occasions of investing them in purchases.

Hence the sum of \$957,770 65, issued previous to the present year, and the sum of \$284,901 89 included the present year, making, together, \$1,242,-

Loans.

672 54, are all the moneys which have been ever separated from the common mass of the Treasury, for the purpose of the Sinking Fund; the whole of which, except \$49,282 74, have been actually expended in purchases.

The unapplied sum remains deposited in the Bank of the United States, except a small balance of \$61 76 in the hands of William Heth.

From the above rule, the part of the Sinking Fund arising from interest on the Debt extinguished by purchases or otherwise, is to be excepted. The practice hitherto, has been to include this interest in the general dividend of each quarter, and the warrant issued to the cashier of the Bank for paying it. The statement No. 3, accompanying my last letter, shows the application of this fund hitherto.

The law directs that this fund shall be invested within thirty days after each quarter. This provision began to take effect on the 1st of July last. But the investments were not made within the respective times prescribed. This proceeded partly from the state of the market, and partly from the regulations adopted by the Commissioners, who were the Secretary of State, the Attorney General, and the Secretary of the Treasury.

Their regulations, applying to the two first quarters, limited the prices to certain rates, and prescribed the mode of sealed proposals. The Treasurer was appointed agent for the Commissioners. The proposals, with regard to the first quarter, were receivable till 28th of July inclusively; none were offered, as the Treasurer reported to me, and nothing was done.

The experiment of sealed proposals was again tried the second quarter, with somewhat more, though with but little success. The restriction to this mode of proceeding was rescinded, on the last day of the thirty allowed for purchasing, and some further purchases were made, but the whole sum invested was only \$25,969 96.

The residue of this fund, except some small sums noted at foot of statement No. 3, was in January past.

The unapplied part of the surplus of 1790 having been expended in aid of the receipts of 1791, according to the provision which was made for that purpose, will remain suspended until the future receipts shall so far exceed the current disbursements as to produce a surplus for replacing it. In computing the amount of the unapplied Foreign Fund, it is necessary to take into the account the payments made from it during the years 1791 and 1792, on account of the interest of the Foreign Debt.

Provision having been made for paying this interest out of the Domestic revenues, the sums which have been paid on that account, from the Foreign Fund, are to be considered in the same light as if they had been transferred here by drafts. The amount paid at Amsterdam is one million six hundred thirty-three thousand one hundred and eighty-nine guilders and two shillings, equal at 3 64-11 ninetieths per guilder, to \$653,874 34.

There will be additions to be made, which are not at present ascertained.

Adding this sum to the proceeds of the bills, and

deducting the sums paid and to be paid for St. Domingo, and the foreign officers, and those applied to purchases during the present year, there will remain a sum of \$1,763,424 68, subject to a future application.

Of this sum, \$1,715,098 11 will be properly applicable to the purchase of the Debt. But circumstances may render it eligible to appropriate a part of it towards the discharge of the Foreign Debt.

From the plan which has been pursued, it is also liable to this application.

I have the honor to annex to the statements heretofore transmitted, those in the printed schedules marked A, B, and C.

A, exhibits the relative state of revenue and appropriations, to the end of 1792. B, the relative state of appropriations and expenditures to the same period; showing the balance unsatisfied of each head of appropriation. C, applies these statements to an explanation of the demands or charges upon the excess of income, beyond the disbursements, to the end of 1792.

In addition to these are two statements, marked D and E.

D, showing what proportion of the balances unsatisfied of the several appropriations are likely to be real expenditures, and what part are not likely to be so. In this, however, in several instances, probability must guide, the nature of the thing not admitting of certainty.

E, showing the cash on and upon the first of January last, and likely to be received from that day to the first of April next, and the sums paid and payable during that period.

The result, founded upon facts, contradicts very essentially that statement, which aims at showing the ability of the Treasury, besides defraying the current expenses of the quarter, to pay off two millions to the Bank; still leaving a balance in favor of the Treasury of \$664,263 54.

It shows that, after satisfying the demands for which the Treasury is bound to be prepared, including a payment to the Bank of only one-tenth part of the \$2,000,000, of which the statement alluded to supposes the complete payment, there would remain a balance in favor of the Treasury of no more than \$664,180 89.*

It could answer no valuable purpose to delay the House with a particular examination of the various misapprehensions which have led to a result so different from the true one. It will be sufficient, as an example, to state a single instance. It is assumed as an item in the calculation, that a sum of a million of dollars will come into the Treasury by the first of April, on account of the revenue of the current year; while the probability is, that the sum received may not exceed ten thousand dollars; this presumption of a million is evidently founded upon two mistakes.

1st. It proceeds on the basis of an annual revenue of four millions of dollars, and supposes this sum equally distributed between the different quarters of the year, a million to each quarter; when,

* The sum here mentioned was omitted, through hurry, to be inserted in the original, the blank is here filled conformably to the statement E.

Loans.

in fact, there are two seasons of the year incomparably more productive than the other parts of it, viz: Those portions of the Spring and Fall which are embraced by the second and third quarters; the first and fourth being far less productive.

2d. It supposes all the duties which accrue are immediately paid; whereas the cases of prompt payment are confined to those in which the duties on particular articles imported in one vessel, by one person or co-partnership, do not exceed fifty dollars; in all other instances, a credit not less than four months is allowed, which carries the payment on the importations, upon the very first day of the quarter, a month beyond the expiration of it.

If the whole amount of the duties, which accrue during the first quarter of 1792, in cash and bonds, was no more than \$307,163 84, adding one seventh for the additional duties, it ought, by analogy, to be the first quarter of the present year, \$322,472 94; less, in totality, than the sum which it has been computed would be actually in money in the Treasury, by \$677,527 06; and less, by the whole million, nearly, than will probably be in money in the Treasury on that account.

With perfect respect, I have the honor to be, sir, your most obedient and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Hon. the SPEAKER
of the House of Representatives.

ESTIMATE OF APPROPRIATIONS.

Estimate of the expenditures for the Civil List of the United States, together with the incidental and contingent expenses of the several Departments and Offices, for the year 1793.

[Published by the order of the House of Representatives, and referred to in the Secretary's Report of November 20, ante page 1162.]

The Secretary of the Treasury respectfully reports to the House of Representatives the estimates herewith sent, marked A, B, and C.

The first, relating to the Civil List, or the expenditure for the support of Government during the year 1793, including the incidental and contingent expenses of the several Departments and Offices, amounting to \$352,466 33

The second, relating to certain deficiencies in former appropriations for the support of Government, to a provision in aid of the fund heretofore established for the payment of certain officers of the Courts, jurors, witnesses, &c., to the support of the light-houses, beacons, buoys, and public piers, and to certain other purposes specified therein 92,599 66

The third, relating to the War Department, showing the probable expenditure of that Department for the year 1793, including a sum of \$92,245 32 for pensions to invalids 1,171,719 05

Amounting, together, to 1,616,785 10

The funds out of which appropriations may be made for the foregoing purposes, are: 1st. The sum of \$600,000 reserved annually for the support of Government out of the duties on imports and tonnage, by the act making provision for the Debt of the United States. 2d. The surplus which may remain unexpended, of the sums appropriated to the use of the War Department for the year 1792. 3d. The unappropriated surplus of the existing revenues to the end of the year 1793; which funds, it is believed, will prove adequate to the object, as is illustrated in the schedule herewith transmitted, marked D. But as some deficiency may possibly happen, and as partial anticipations of the revenue will probably be requisite to face the demands for the public service, as they accrue, it appears to be essential that a power to borrow should accompany the grant.

The Secretary begs leave also to present, for the information of the House of Representatives, two statements (marked E and F) of the expenditure of two several sums: one of \$50,000, and the other of \$3,000, heretofore appropriated "towards discharging such demands on the United States, not otherwise provided for, as should have been ascertained and admitted in due course of settlement at the Treasury, and which should be of a nature according to the course thereof, to require payment in specie."

All which is humbly submitted.

ALEXANDER HAMILTON, Secretary of the Treasury.
TREASURY DEPARTMENT, November 14, 1792.

ESTIMATE.

For compensation to the President of the United States - \$25,000 00
That of the Vice President - 5,000 00
Compensation to the Chief Justice - 4,000 00
Compensation of five Associate Judges, at \$3,500 per annum each - 17,500 00

Estimate of Appropriations.

Compensation of the Judges of the following Districts, viz:

Maine	-	-	\$1,000 00
New Hampshire	-	-	1,000 00
Vermont	-	-	800 00
Massachusetts	-	-	1,200 00
Rhode Island	-	-	800 00
Connecticut	-	-	1,000 00
New York	-	-	1,500 00
New Jersey	-	-	1,000 00
Pennsylvania	-	-	1,600 00
Delaware	-	-	800 00
Maryland	-	-	1,500 00
Virginia	-	-	1,800 00
Kentucky	-	-	1,000 00
North Carolina	-	-	1,800 00
South Carolina	-	-	1,800 00
Georgia	-	-	1,500 00
Compensation to the Attorney General	-	-	1,900 00

MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND THEIR OFFICERS.

To the Speaker of the House of Representatives, for his compensation to the 3d of March, 1793—119 days, at \$12 per day - \$1,428 00
Also, for compensation to the Speaker of the 3d Congress, for the residuary time, so as to estimate for six months' attendance in one year, at \$12 per day - 762 00

To 98 members to 3d of March, 1793—119 days, at \$6 per day - 69,972 00
For compensation to 134 members of the 3d Congress for the residuary time, so as to estimate for six months' attendance in one year, at \$6 per day each - 42,744 00

Travelling expenses to and from the Seat of Government
To the Secretary of the Senate, one year's salary - 1,500 00
Additional allowance, estimated for six months, at \$2 per day - 365 00

Principal clerk to the Secretary of the Senate for the same time, at \$3 per day - 112,716 00
Engrossing clerk to the Secretary of the Senate, estimated for the same time, at \$2 per day - 20,000 00
Chaplain to the Senate, estimated for the same time, at \$500 per annum - 1,865 00
Doorkeeper to the Senate, one year's salary - 547 50
Assistant Doorkeeper to the Senate, one year's salary - 365 00
Clerk of the House of Representatives, for one year's salary - 250 00
Additional allowance, estimated for six months, at \$2 per day - 500 00
Principal clerk in the Office of the Clerk of the House of Representatives, estimated for six months, at \$3 per day - 450 00
Engrossing clerk, estimated for same time, at \$2 per day - 547 50
Chaplain to the House of Representatives, estimated for six months, at \$500 p-r annum - 365 00
Sergeant-at-Arms for same time, at \$4 per day - 250 00
Doorkeeper of the House of Representatives, estimated at one year's salary - 730 00
Assistant Doorkeeper to the House of Representatives, estimated at one year's salary - 500 00

143,591 00

TREASURY DEPARTMENT.

Secretary of the Treasury - 3,500 00
Two principal clerks, at \$800 each - 1,600 00
Six clerks, at \$500 - 3,000 00
Messenger and office keeper - 250 00

8,350 00

Estimate of Appropriations.

TREASURY DEPARTMENT—Continued.

Comptroller of the Treasury - \$2,400 00
Principal clerk - 800 00
Twelve clerks, at \$500 each - 6,000 00
Messenger and office-keeper - 250 00

\$9,450 00

Treasurer - 2,400 00
Principal clerk - 600 00
Two clerks, at \$500 each - 1,000 00
Messenger and office-keeper - 100 00

4,100 00

Commissioner of the Revenue - 1,900 00
Three clerks on the business of the revenue, &c. - 1,500 00

One clerk on the business of the light-houses, beacons, buoys, public piers, and stakeage - 500 00

200 00

4,100 00

1,900 00

800 00

7,500 00

250 00

10,450 00

1,750 00

1,500 00

1,000 00

1,000 00

1,000 00

500 00

1,500 00

2,000 00

3,500 00

2,000 00

1,000 00

1,000 00

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Accountant to the War Department

2d Con.—42

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WAR DEPARTMENT.—Continued.

Six clerks, (one on the principal books, two on the accounts of the late Army, two on the accounts of the present Army, and one on the principal books of the late Paymaster General and Commissioner of Army accounts,) at \$500 each - - - \$3,000 00

\$4,200 00

\$11,250 00

BOARD OF COMMISSIONERS FOR THE SETTLEMENT OF THE ACCOUNTS BETWEEN THE UNITED STATES AND THE INDIVIDUAL STATES.

Three Commissioners, at \$2,250 each - - - 6,750 00

One chief clerk, at \$800 - - - 800 00

Eleven clerks, at \$500 each - - - 5,500 00

Messenger and office-keeper - - - 250 00

12,300 00

LOAN OFFICERS.

For New Hampshire - - - 650 00

For Massachusetts - - - 1,500 00

For Rhode Island - - - 600 00

For Connecticut - - - 1,000 00

For New York - - - 1,500 00

For New Jersey - - - 700 00

For Pennsylvania - - - 1,500 00

For Delaware - - - 600 00

For Maryland - - - 1,000 00

For Virginia - - - 1,500 00

For North Carolina - - - 1,000 00

For South Carolina - - - 1,000 00

For Georgia - - - 700 00

13,250 00

GOVERNMENT OF THE WESTERN TERRITORY.

District northwest of the river Ohio, Governor for his salary as such, and for discharging the duties of Superintendent of Indian Affairs, Northern department - - - 2,000 00

The Secretary of said district - - - 750 00

For stationery, office rent, and printing patents for land, &c - - - 350 00

The three Judges at \$800 each - - - 2,400 00

District southwest of the river Ohio, Governor for his salary as such, and for discharging the duties of Superintendent of Indian Affairs, Southern department - - - 2,000 00

Secretary of said district - - - 750 00

Stationery, office rent, &c. - - - 350 00

Three Judges, at \$800 - - - 2,400 00

11,000 00

PENSIONS GRANTED BY THE LATE GOVERNMENT.

Isaac Van Voert, } A pension of \$200 per annum, pursuant to an act of Congress of 3d November, 1780 - - - 600 00

John Paulding, } act of Congress of 3d November, 1780 - - - 120 00

David Williams, } act of Congress of 3d November, 1780 - - - 120 00

Dominique L'Eglise, per act of Congress of 8th August, 1782 - - - 400 00

Joseph Traversie, per act of Congress of 8th August, 1782 - - - 450 00

Youngest son of General Mercer, per act 8th April, 1782 - - - 120 00

Youngest children of the late Major General Warren, per act 1st July, 1780 - - - 120 00

James McKensie, } Per act of 10th September, 1783, entitled to a pension of \$40 each per annum. - - - 53 33

Joseph Brussels, } pension of \$40 each per annum. - - - 100 00

John Jordan, } pension of \$40 each per annum. - - - 444 40

Elizabeth Bergen, per act of 21st August, 1781 - - - 360 00

Joseph De Beaulieu, per act of 5th August, 1782 - - - 2,767 73

Richard Gridley, per acts of 17th November, 1775, and 26th February, 1781 - - - 2,500 00

Lieutenant Colonel Tousard, per act of 27th October, 1788 - - - 2,500 00

Grant to Baron Steuben—his annual allowance by act of Congress - - - 2,500 00

Estimate of Appropriations.

FOR INCIDENTAL AND CONTINGENT EXPENSES RELATIVE TO THE CIVIL LIST ESTABLISHMENT.

Under this head are comprehended firewood, stationery, together with printing work, and all other contingent expenses of the two Houses of Congress, rent, and office expenses of the three several Departments, viz: Treasury, State, and War, and of the General Board of Commissioners.

Secretary of the Senate, his estimate - - - \$3,000 00

Clerk of the House of Representatives, his estimate to 3d of March, 1793 - - - \$4,152 00

Provisionary for the 3d Congress - - - 2,400 00

\$9,552 00

TREASURY DEPARTMENT.

Secretary of the Treasury, per estimate - - - 500 00

Comptroller of the Treasury, per estimate - - - 600 00

Treasurer, per estimate - - - 450 00

Commissioner of the Revenue, per estimate - - - 300 00

Auditor of the Treasury, per estimate - - - 600 00

Register of the Treasury, (including books for the public stocks,) per estimate - - - 2,000 00

Rent of the Treasury - - - 650 00

Rent of a house taken for a part of the office of the Register - - - 200 00

Rent of a house for the office of the Commissioner of the Revenue, and for part of the office of the Comptroller, and part of the office of the Register - - - 266 66

Rent of a house for the office of the Auditor, and a small store for public papers - - - 373 33

Wood for the Department, (Treasurer's excepted,) candles, &c. - - - 1,200 00

7,139 93

DEPARTMENT OF STATE.

Including the expense attending the collection of the laws of the several States, for publishing the laws of the second session of the second Congress of the United States, and printing an edition of the same, to be distributed agreeably to law, for the collection of newspapers from the different States, and gazettes from abroad - - - 1,851 67

DEPARTMENT OF WAR.

Secretary of War, per estimate - - - 600 00

Accountant to the War Department - - - 300 00

General Board of Commissioners, per estimate - - - 900 00

Total - - - 352,466 39

352,466 39

JOSEPH NOURSE, Register.

TREASURY DEPARTMENT, Register's Office, November 8, 1792.

An additional estimate for making good deficiencies for the support of the Civil List Establishment; for aiding the Fund appropriated for the payment of certain officers of the Courts, jurors, and witnesses; for the support of light-houses; and for the establishment of ten callers, and for other purposes.

FOR THE SALARIES OF CERTAIN OFFICERS, BY AN ACT MAKING ALTERATIONS IN THE TREASURY AND WAR DEPARTMENTS.

Salary of the Commissioner of the Revenue from the 8th of May, 1792, to the 31st of December following, at nineteen hundred dollars per annum - \$1,238 93

Salary of three clerks, on the business of the revenue, same time, at five hundred dollars per annum, each - - - 978 09

Salary of one clerk on the business of the light-houses, beacons, buoys, public piers, and stakeage, at five hundred dollars per annum, for same time - - - 326 03

Estimate of Appropriations.

SALARIES, &c.—Continued.

Salary of messenger, at two hundred dollars per annum, for same time - \$130 41
 Contingent expenses for procuring desks and other furniture, stationery, &c. - 200 00
 Salary of the Accountant to the War Department, from the 8th of May to the 31st December following, at twelve hundred dollars per annum - 782 46
 Salary of his clerk, from the 23d of July to the 31st of December following, at five hundred dollars per annum - 220 10
 Contingent expenses for his office - 163 33
 Salary of each of the two principal clerks to the Secretary of the Treasury, at eight hundred dollars per annum each, for the same period - 1,043 28
 Salary of a clerk to the Treasurer, from the 18th of June to the 31st of December, 1792, at five hundred dollars per annum - 269 86
 For the increased salary of the Comptroller of the Treasury, from the 8th of May, 1792, to the 31st of December following, at four hundred dollars per annum - 260 82
 For the increased salary of the Auditor of the Treasury, from the 8th of May, 1792, to the 31st of December following, at four hundred dollars per annum - 260 82
 Do. of the Treasurer for same time, at four hundred dollars per annum - 260 82
 Do. of the Register for same time, at five hundred dollars per annum - 326 03
 Do. of the Attorney General for same time, at four hundred dollars per annum - 260 82
 Do. of the chief clerk in the War Department, same time, at two hundred dollars per annum - 103 41

\$6,852 21

To make good deficiencies for the support of the Civil List, viz:
 To the Clerk of the House of Representatives for amount of his estimate - \$302 00
 And for the pay of Bernard Webb, his principal clerk, from 1st of July to the 1st October, 1792—ninety-two days, at three dollars per day - 276 00

For so much short estimated for the contingent expenses of the office of the Secretary of State - 93 34
 Do. for the contingent expenses of the Treasury Department, the payments whereof, to the 30th of September, 1792, having exceeded the said appropriations by the sum of - 1,500 00
 Estimated amount of expenses to the 31st of December, 1792 - 900 00
 For so much short appropriated for the office of the Register of the Treasury, the estimate for 1792 having been for only one office-keeper; whereas, from the increased number of offices, and their being kept in separate houses, two office-keepers were required, and have been employed at one hundred and seventy-five dollars each - 350 00
 Deduct appropriation for one - 250 00

For the salaries of the Doorkeepers and Assistant Doorkeepers to the Senate and House of Representatives, under the act for their compensation, passed the 12th of April, 1792: - 100 00
 For the salary of the Doorkeeper of the Senate, from the 9th of May, 1792, to the 31st of December following, at five hundred dollars per annum - 324 65
 For the salary, for the same time, for the Doorkeeper of the House of Representatives, at five hundred dollars per annum - 324 65
 For the salary to the Assistant Doorkeeper to the Senate, for the same time, at four hundred and fifty dollars per annum - 292 19
 For the salary to the Assistant Doorkeeper to the House of Representatives, for the same time, at four hundred and fifty dollars per annum - 292 19

3,171 34

Commissioners of Loans in the several States, for the salaries of their clerks, and for stationery, under the act passed the 8th May, 1792: - 1,650 00
 By their accounts, rendered to the 31st of December, 1791, an additional appropriation is requisite, of -

1,233 68

Estimate of Appropriations.

SALARIES, &c.—Continued.

From their accounts, already rendered for the present year, the following sums are estimated for each office to the 31st of December, 1792, the aggregate whereof is calculated sufficient to cover all demands to that period, viz:

William Gardner, New Hampshire - \$650 00
 Nathaniel Appleton, Massachusetts - 4,781 52
 Jabez Bowen, Rhode Island - 1,073 24
 William Inlay, Connecticut - 1,984 00
 John Cochran, New York - 5,777 68
 James Ewing, New Jersey - 500 00
 Thomas Smith, Pennsylvania - 2,209 34
 James Tilton, Delaware - 200 00
 Thomas Harwood, Maryland - 1,013 70
 John Hopkins, Virginia - 3,714 56
 William Skinner, North Carolina - 844 44
 John Neufville, South Carolina - 1,500 00
 Richard Wyllie, Georgia - 364 60
 To extend their allowance for said expenses to the 31st of March, 1793, in conformity with said act - 7,000 00

\$35,063 28

Clerks of Courts, jurors, witnesses, &c., the fund arising from fines, forfeitures, and penalties, having last year proved insufficient for the discharge of the accounts of clerks of Courts, &c., to which they were appointed; a sum for the present year is estimated, in order to provide against a similar contingency, of - 12,000 00

For the maintenance and support of light-houses, beacons, buoys, public piers, and stakeage of channels, bars, and shoals, and for occasional improvements in the construction of the lanterns and of the lamps and materials used therein - 2,000 00

For the establishment of ten cutters, deficiency in the appropriation heretofore made for building and equipping ten cutters - 3,000 00
 For the purchase of hydrometers, for the use of the officers of the Customs and Inspectors of the Revenue, for the year 1793 - \$1,500 00
 And to make good so much short estimated for 1792 - 610 10

For the expenses towards the safe keeping and prosecution of persons committed for offences against the United States - 2,110 10
 For the payment of Robert Fenner, late Agent for the North Carolina line, his commission to one per cent. on \$16,905 38 cents, paid to the officers of the said line, for their pay and subsistence for the years 1782 and 1783 - 4,000 00
 For the discharge of such demands against the United States not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie - 169 05

For the usage thereof, to require payment in specie - 5,000 00

92,599 66

TREASURY DEPARTMENT, REGISTER'S OFFICE, November 8, 1792.

JOSEPH NOURSE, Register.

Estimate of the expenses of the War Department for the year 1793.—The Legion of the United States.—Pay.

GENERAL STAFF.

1 Major General - at 166 dollars per month - \$1,992 00
 4 Brigadier Generals - 104 do - 4,992 00
 1 Major Commandant of Artillery - 55 do - 660 00
 1 Major of Dragoons - 55 do - 660 00
 1 Quartermaster General - 100 do - 1,200 00
 1 Paymaster at headquarters - 60 do - 720 00
 1 Adjutant General, to do the duty as inspector - 75 do - 900 00
 1 Chaplain - 50 do - 600 00

Estimate of Appropriations.

GENERAL STAFF—Continued.			
1 Surgeon of the Staff	-	- at 70 dollars per month	\$840 00
1 Deputy Quartermaster	-	- do	600 00
2 Aids-de-camp to the Major General, in addition to their pay in the line	-	- 24 do	576 00
4 Aids-de-camp, one for each of the Brigadiers, in addition to their pay in the line	-	- 24 do	1,152 00
4 Brigade Majors, to act as deputy inspectors, in addition to their pay in the line	-	- 24 do	1,152 00
6 Surgeons' Mates for the hospitals, for the Western and Southern frontiers	-	- 30 do	2,160 00
1 Principal Artificer	-	- 40 do	480 00
1 Second Artificer	-	- 26 do	312 00
3 Majors, at 50 dollars per month	-	-	1,500 00
FIELD.—The first sub-Legion—			
STAFF.			
1 Sub-Legionary Paymaster	-	- at 10 dollars per month	\$120 00
1 Sub-Legionary Quartermaster	-	- 8 do	96 00
3 Battalion Quartermasters	-	- 8 do	288 00
3 Adjutants	-	- 10 do	360 00
1 Sub-Legionary Surgeon	-	- 45 do	540 00
3 Battalion Surgeons' Mates	-	- 30 do	1,080 00
3 Sergeant Majors	-	- 7 do	252 00
3 Quartermaster Sergeants	-	- 7 do	252 00
One Company of Artillery—			
1 Captain	-	- 40 do	480 00
2 Lieutenants	-	- 26 do	624 00
4 Sergeants	-	- 6 do	288 00
4 Corporals	-	- 5 do	240 00
10 Artificers	-	- 8 do	960 00
40 Privates	-	- 3 do	1,440 00
2 Musicians	-	- 4 do	96 00
One Troop of Horse—			
1 Captain	-	- 40 do	480 00
1 Lieutenant	-	- 26 do	312 00
1 Cornet	-	- 20 do	240 00
6 Sergeants	-	- 6 do	432 00
6 Corporals	-	- 5 do	360 00
1 Farrier	-	- 8 do	96 00
1 Saddler	-	- 8 do	96 00
1 Trumpeter	-	- 4 do	48 00
65 Dragoons	-	- 3 do	2,340 00
Eight Companies of Infantry—			
8 Captains	-	- 40 do	3,840 00
8 Lieutenants	-	- 26 do	2,496 00
8 Ensigns	-	- 20 do	1,920 00
48 Sergeants	-	- 6 do	3,456 00
48 Corporals	-	- 5 do	2,880 00
1 Senior Musician	-	- 4 do	72 00
15 Musicians	-	- 4 do	720 00
648 Privates	-	- 3 do	23,328 00
Four Companies of Riflemen—			
4 Captains	-	- 40 do	1,920 00
4 Lieutenants	-	- 26 do	1,248 00
4 Ensigns	-	- 20 do	960 00
24 Sergeants	-	- 6 do	1,728 00
24 Corporals	-	- 5 do	1,440 00
4 Buglers	-	- 4 do	192 00
328 Privates	-	- 3 do	11,808 00
			19,296 00
			<u>71,328 00</u>

Estimate of Appropriations.

STAFF—Continued.			
Amount of Pay of the Legion of the United States—			
General Staff	-	-	\$18,996 00
The first sub-Legion	-	-	- 71,328 00
The second sub-Legion, to the same amount	-	-	- 71,328 00
The third sub-Legion, do	-	-	- 71,328 00
The fourth sub-Legion, do	-	-	- 71,328 00
SUBSISTENCE.			
1 Major General	-	- at 15 rations per day	- 5,475 rations.
4 Brigadier Generals	-	- 12 do	- 17,520
14 Majors	-	- 4 do	- 20,440
1 Adjutant	-	- 6 do	- 2,160
1 Paymaster, at headquarters	-	- 4 do	- 1,460
1 Quartermaster	-	- 6 do	- 2,190
1 Deputy Quartermaster	-	- 3 do	- 1,095
1 Surgeon to the Staff	-	- 3 do	- 2,190
4 Surgeons	-	- 3 do	- 4,380
12 Surgeons' Mates	-	- 2 do	- 8,760
6 Surgeons' Mates, for garrisons	-	- 2 do	- 4,380
1 Principal Artificer	-	- 3 do	- 1,095
1 Second Artificer	-	- 2 do	- 730
56 Captains	-	- 3 do	- 61,320
60 Lieutenants	-	- 2 do	- 43,800
48 Ensigns	-	- 2 do	- 35,040
4 Cornets	-	- 2 do	- 2,920
or money in lieu thereof, at the option of the officers, at the contract price, at the posts respectively where the rations shall become due.			
240 Non-commissioned and privates, Artillery.			
320 Non-commissioned and privates, Cavalry.			
4,560 Non-commissioned and privates, Infantry.			
5,120 men, at one ration per day	-	-	1,868,800
			<u>2,083,785</u>
			<u>\$312,567 75</u>
FORAGE.			
1 Major General,	-	- at \$20 per month	\$240 00
4 Brigadier Generals,	-	- 16 do	768 00
13 Majors	-	- 10 do	1,560 00
1 Paymaster at headquarters,	-	- 10 do	120 00
1 Adjutant General,	-	- 12 do	144 00
1 Quartermaster General	-	- 12 do	144 00
1 Deputy Quartermaster General,	-	- 10 do	120 00
6 Aids-de-camp,	-	- 10 do	720 00
4 Brigade Majors,	-	- 6 do	288 00
4 Adjutants,	-	- 6 do	288 00
1 Surgeon to the Staff,	-	- 12 do	144 00
4 Surgeons,	-	- 6 do	480 00
12 Surgeons' Mates,	-	- 6 do	864 00
6 Surgeons' Mates for the garrisons,	-	- 6 do	432 00
4 Paymasters,	-	- 6 do	288 00
12 Quartermasters,	-	- 6 do	864 00
			<u>7,464 00</u>
CAVALRY, (unprovided for in the year 1792.)			
1 Major,	-	- at \$10 per month	\$120 00
4 Captains,	-	- 10 do	480 00
4 Lieutenants,	-	- 6 do	288 00
4 Cornets,	-	- 8 do	288 00
			<u>1,176 00</u>

214,985 rations,

Estimate of Appropriations.

STAFF.—Continued.

For the year 1793—

1 Major,	at \$10 per month	\$120 00
4 Captains,	10 do	480 00
4 Lieutenants,	6 do	288 00
4 Cornets,	6 do	288 00
320 Non-commissioned officers and privates,	6 do	25,040 00
		<u>\$26,216 00</u>

240 Non-commissioned officers and privates,	CLOTHING.	
320 do	artillery.	
4,560 do	cavalry.	
	infantry.	

5,120		
480 contingencies.		
		<u>\$26,216 00</u>

5,600 suits, at \$20 per suit		<u>112,000 00</u>
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EQUIPMENTS FOR CAVALRY.

Boots, horsemen's caps, and such articles as may be lost or worn—conjectural		5,000 00
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HORSES FOR CAVALRY.

To replace the horses which may die or become unfit for service—conjectural		5,000 00
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BOUNTY.

To complete the number in lieu of discharged soldiers, those rendered unfit for duty, and deserters, conjectural, 500 soldiers, including premium, at \$10 each		5,000 00
Additional bounty, for which no provision was made, but allowed by the act passed March 5, 1792:		

952 non-commissioned officers and privates in service at \$2		1,904 00
4,168 do do to be raised, being estimated in former estimate at \$8, including premium. The act of the 5th March, 1792, allowing \$10 is for the difference, \$2		8,336 00
		<u>15,240 00</u>

Total bounty

DEFENSIVE PROTECTION OF THE FRONTIERS.

Pay, &c., of the militia and scouts, estimated at		50,000 00
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HOSPITAL DEPARTMENT.

For medicines, instruments, furniture, and stores for the hospital, for the garrisons and posts on the Western and Southern Frontiers; also the pay and subsistence of a purveyor, assistants, and nurses, in the hospitals—conjectural		25,000 00
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QUARTERMASTER'S DEPARTMENT.

Pack-horses and forage, tents, boats, &c.; also, the transportation of the recruits, ordnance and military stores, and all the articles of the Quartermaster's Department, the purchase of axes, camp-kettles, pack-saddles, iron, fuel, boards, nails, paint, company books, stationery, &c.; also the pay and subsistence of artificers employed in the said Department—conjectural		100,000 00
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INDIAN DEPARTMENT.

The expenses in this Department amount, in the year 1792, as per accounts rendered, to		44,207 98
Accounts allowed, which will be shortly stated—estimated		5,500 00

Provided for in the year 1792

		49,707 98
		25,000 00
		<u>24,707 98</u>

Total

The surplus has been paid from the general contingencies of the War Department.		
The expenses for the year 1793 may probably amount to		50,000 00

Estimate of Appropriations.

N. B. It is impossible to foresee the events which may occasion expenses in this Department, so as to reduce them to particulars. The sums of the present year, in the accounts settled at the Treasury, may serve to form some idea of the expenses for the year 1793.

ORDNANCE DEPARTMENT.

For the salaries of the Storekeepers at the several Arsenals, viz:

Springfield,	Massachusetts	\$480 00
Fort Rensselaer and its dependencies,	New York	172 00
West Point,	New York	480 00
Philadelphia,	Pennsylvania	500 00
Carlisle,	Pennsylvania	60 00
Fort Pitt,	Pennsylvania	360 00
New London,	Virginia	430 00
Manchester,	Virginia	50 00
Charleston,	South Carolina	100 00
One assistant at Springfield		240 00
Two assistants at West Point		480 00
One clerk of military stores, Philadelphia		480 00
		<u>3,832 00</u>

RENTS.

Philadelphia	\$666 66
New London	350 00
Manchester	66 66
	<u>1,083 32</u>

Laborers at the arsenals	400 00
Coopers, armors, and carpenters, employed occasionally	600 00
10 armors, at \$10 per month	1,200 00
2 conductors of military stores, at \$30 per month	720 00
	<u>2,920 00</u>

500 rifles, purchased in 1792, and not included in former estimates		6,000 00
Repairing of arms, equipments of cannon, cartridge-boxes, swords, and every other article in this department—conjectural		10,000 00
Total		<u>23,835 32</u>

INVALIDS.

For the annual allowance to the invalids of the United States, from the 5th day of March, 1793, to the 4th day of March, 1794, viz:

New Hampshire	\$3,810 68
By the Circuit Court	409 12
	<u>\$4,219 80</u>
Massachusetts	11,941 75
By the Circuit Court	1,336 45
	<u>13,278 20</u>
Rhode Island	2,899 00
By the Circuit Court	196 00
	<u>3,095 00</u>
Connecticut	7,682 03
By the Circuit Court	795 80
	<u>8,477 83</u>
Vermont	
By the Circuit Court	510 64
	<u>510 64</u>
New York	
New Jersey	4,094 26
By the Circuit Court	76 00
	<u>4,170 26</u>
Pennsylvania	16,642 64
Delaware	1,884 00
Maryland	4,328 56
Virginia	7,761 33
North Carolina	886 00
Georgia	1,018 40
Total	<u>82,245 32</u>

Estimate of Appropriations.

LEASE OF THE BUILDINGS OCCUPIED FOR THE USE OF THE WAR OFFICE AND THE OFFICE OF THE ACCOUNTANT OF THE WAR DEPARTMENT.

The amount of the lease for the term of four years, as per indenture thereof with James Simmons - - - - - \$1,666 66

CONTINGENCIES OF THE WAR DEPARTMENT.

For maps, hiring expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, &c.—conjectural - - - - - 50,000 00

N. B. It is to be observed, upon this article, as well as every other of this estimate, that for every cent expended in pursuance thereof, vouchers must be produced at the Treasury, excepting, perhaps, the sums which may be expended for secret intelligence, where the names might be important to be concealed; but for the propriety of the small sums which might be so expended, the reputation of the commanding officer is pledged to the public.

RECAPITULATION.

Pay of the Legion of the United States - - - - -	\$304,308 00
Subsistence - - - - -	312,567 75
Forage - - - - -	34,856 00
Clothing - - - - -	112,000 00
Equipments for cavalry - - - - -	5,000 00
Horses for cavalry - - - - -	5,000 00
Bounty - - - - -	15,240 00
Defensive protection of the frontiers by militia - - - - -	50,000 00
Hospital department - - - - -	25,000 00
Quartermaster's department - - - - -	100,000 00
Indian department - - - - -	50,000 00
Ordnance department - - - - -	23,835 32
Invalids - - - - -	82,245 32
Lease of the buildings occupied for the War Office, &c. - - - - -	1,666 66
Contingencies of the War Department - - - - -	50,000 00
Total - - - - -	1,171,719 05

WAR OFFICE, October 26, 1792.

H. KNOX, Secretary of War.

TREASURY DEPARTMENT, Register's Office, November 8, 1792.

I certify that the foregoing is a true copy of the original, filed in this office.

JOSEPH NOURSE, Register.

The above - - - - -	\$1,171,719 05
Deduct for invalids - - - - -	82,245 32
Leaves - - - - -	1,089,473 73

D.

Comparative statement of expenditure and revenue to the end of the year 1793.

EXPENDITURE.

Amount from the commencement of the year 1791 to the end of the year 1792, as stated in a report to the House of Representatives of the 23d January last - - - - -	\$7,082,197 74
Additional appropriation for the War Department, per act of the 2d of May, 1792, for raising a further sum of money for the protection of the frontiers, &c. - - - - -	673,500 00
Appropriations by an act of the 8th of May, 1792, entitled "An act making certain appropriations, therein specified" - - - - -	84,497 90
Moneys requisite by estimate for the current service of 1793 - - - - -	1,616,785 10
Interest on the Public Debt for the same year - - - - -	2,849,194 73
Total expenditure - - - - -	12,306,175 47

Defeat of General St. Clair.

WAYS AND MEANS.

Nett product of duties on imports and tonnage for the year 1791, as ascertained - - - - -	\$3,403,195 18
Do do do for the year 1792, as estimated (a) - - - - -	3,900,000 00
Do do do for the year 1793 (b) - - - - -	4,000,000 00
Do of duties on home made spirits for one half-year of 1791 (c) - - - - -	150,000 00
Do do do for 1792 (c) - - - - -	400,000 00
Do do do for 1793 (c) - - - - -	400,000 00
Surplus which will probably remain unexpended of the sums appropriated for the War Department for 1792 (d) - - - - -	140,000 00
Total ways and means - - - - -	12,393,195 18

NOTES.

(a) This sum is estimated by adding to the ascertained product of the year 1791 an ascertained excess of the product of the first two quarters of the year 1792, beyond the product of the first two quarters of the year 1791, being \$252,319 11, and the estimated product for a half year of the additional duties on imports laid during the last session of Congress, and commencing on the 1st of July last, being \$261,750. According to the information hitherto received at the Treasury, there is every probability that the amount of the duties for the last half-year of 1792 will fully equal this calculation of their product, if the ratio of the first half-year will exceed it.

(b) This estimate proceeds on the basis of the product of 1792, making a compromise of two considerations—one, an increase which may be expected equal to the difference between a whole and a half-year's product of the additional duties above mentioned; the other, a decrease which may arise from a defalcation of the duties on foreign spirits, in consequence of the increase of domestic distillation. There is good ground to conclude that the sum stated will rather fall short of than exceed the actual product.

(c) This branch of the revenue is not yet in complete order, but enough is ascertained, by actual returns, to afford a moral certainty that the product cannot be materially less than is here stated.

(d) This surplus is thus deduced:
The total appropriation for the War Department for the year 1792 is - - - - - \$1,081,146 68
The total expenditure to the 27th of October was - - - - - \$690,796 00
The sum at that time estimated by the Secretary of War to be further necessary - - - - - 218,950 00
to the end of the year, exclusive of provision supplies, is - - - - - 30,000 00
For provisions and contingencies may be stated a further sum of - - - - - 939,746 00

Balance which will probably remain unexpended - - - - - 141,400 68

Some inconsiderable appropriations for particular purposes are unnoticed, because certain casual funds will probably nearly, if not altogether, balance them.

TREASURY DEPARTMENT, November 14, 1792.

ALEXANDER HAMILTON.

[Statements E and F, "showing the application, in detail, of the sums of \$50,000 and of \$5,000, respectively, granted by an act making certain appropriations therein mentioned, passed the 12th August, 1790, for the purpose of discharging such demands on the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie," not being deemed important, are here omitted.]

GENERAL ST. CLAIR'S DEFEAT.

HOUSE OF REPRESENTATIVES, February 15, 1793.

Mr. GILES, from the committee, to whom was recommended the Report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, together with the documents relating thereto, including the Letter from the Secretary of War and the memorial of Samuel Hodgdon, have proceeded to re-examine the documents formerly before them, as far as seemed necessary; to hear and examine other testimony, produced to them; to hear and consider the written communications, made by the Secretary of War, Samuel

Hodgdon, and the Commander-in-chief of the expedition; and, as the result of their further inquiries make the following supplementary Report:

The original report commences in the following words:

"The contract for the supplies of the Army on the route from Fort Pitt was made by Theodosius Fowler with the Secretary of the Treasury, and bears date the twenty-eighth day of October, one thousand seven hundred and ninety; that at the same time a bond in the penalty of one hundred thousand dollars, with Walter Livingston and John Cochran, securities thereto, was entered into for the due execution of the contract; that, on the third day of January, one thousand seven

hundred and ninety-one, the contract was wholly transferred from the said Fowler to William Duer, a copy of which transfer was lodged in the office of the Secretary of War; that by letter from the Secretary of War, bearing date the twenty-fifth day of February, one thousand seven hundred and ninety-one, addressed to William Duer, it appears that he was considered as contractor; that no correspondence appears to have taken place subsequently to that time between Theodosius Fowler and either the Treasury or War Departments."

From documents received by the Committee, since their last appointment, it appears that the copy of the before mentioned transfer was not lodged in the office of the Secretary of the Treasury until the seventh of April, one thousand seven hundred and ninety-one; at which time it was received by the Secretary of the Treasury, under cover of a letter from William Duer, informing him of the circumstance of the said transfer, and making requisitions for certain advances of money. That the Secretary of the Treasury, by letter in reply of the same date, agrees to make the advances required to William Duer, as the agent of Theodosius Fowler.

It appears that all the warrants issued from the Treasury, for the purposes of this contract, were issued to William Duer, as the agent of Theodosius Fowler.

The Secretary of the Treasury has furnished the Committee with the written opinions of the Attorney General of the United States, and several other lawyers of eminence, all of whom concur in opinion, that the securities to the bond, originally given by Theodosius Fowler, for the execution of this contract, are now responsible for all damages, consequent upon any breach of that contract.

The Secretary of War, who alone appears to have been the agent on the part of the United States, in all things relating to the execution of the contract, has always corresponded with William Duer, as the contractor, and his correspondence commences at a date prior to that of the copy of the contract lodged at the Treasury.

The original report proceeds—

"That, on the sixth of March, one thousand seven hundred and ninety-one, a contract was entered into by William Duer with the Secretary of War, for supplying the troops with provisions, until their arrival at Fort Pitt, and at Fort Pitt. A bond was, at the same time, entered into, by the said William Duer, for the due execution of the said contract, in the penalty of four thousand dollars, without any security whatever."

It appears, by a re-examination of the documents formerly before the Committee, that the date and terms of the last mentioned contract were misrepresented; the date being the twenty-sixth, instead of the sixth of April, and the terms of the contract being to furnish provisions for the troops until their arrival at Fort Pitt, but not during their continuance at that place. The first of these mistakes appears to have been merely casual; the second appears to have arisen from paying greater attention to the manner in which the contract was

really executed, than to the terms of the contract itself; it having been conceived by the Committee that Colonel Neville, the agent for supplying the troops during their continuance at Fort Pitt, acted "under the last mentioned contract." This circumstance is rendered the less material, from the consideration, that according to the plan of campaign, no delay of the troops at Fort Pitt was counted upon. The statement is otherwise correct.

The Secretary of War, in his communication, states that it was not the custom of the office to require other security than that of the contractor, for the due execution of contracts of small amount; and it appears by a letter of the Secretary of the Treasury, written since the former report, that the Secretary of War consulted with him upon the occasion alluded to, and that he agreed in opinion, that further security was not necessary. It is stated in the original report, after speaking of one of the contractor's agents, that—

"It appears by letters from John Kean, another of the contractor's agents, that no moneys had been received by him on the eighth of May, and it appears that on the twenty-third of March, there was advanced to William Duer, on the last mentioned contract, the sum of fifteen thousand dollars."

Upon re-examining the letters of John Kean, it appears that he had received the sum of four hundred and fifty dollars, and no more, before the aforesaid eighth day of May, which was before overlooked by the Committee. And it appears from documents received by the Committee since their report, that the sum of fifty thousand dollars was not advanced to William Duer on account of the last mentioned contract, on the twenty-third of March. The Committee were led into this mistake by a document received from the Treasurer, representing the fact as stated in the original report; which document is still before the Committee. The true state of this transaction as recently stated, appears to be as follows:

A warrant issued in favor of Joseph Howell, on the twenty-third of March, for the sum of fifteen thousand dollars, for the use of the War Department generally, and not for William Duer, as stated in the account rendered by the Treasurer; of which sum, were advanced to William Duer, on the twenty-sixth of March, four thousand dollars; on the eighth day of May following, were paid to James Smith, contracting agent for William Duer, one thousand dollars; and between the twenty-first of May and the twenty-third of July, were paid to John Kean, another agent for William Duer, four hundred and thirty-seven dollars and ninety-one cents—making the whole sum advanced on the last mentioned contract, five thousand four hundred and thirty-seven dollars and ninety-one cents. The residue of the fifteen thousand dollars is suggested to have been applied to the use of the War Department generally.

The original report states that—

"It appears from the correspondence of General Butler, from the ninth of May to the ninth of June, repeated complaints were made of fatal mismanagements and

neglects in the Quartermaster's and Military Stores departments, particularly as to tents, knapsacks, camp kettles, cartridge boxes, pack-saddles, &c., all of which articles were deficient in quantity and bad in quality. The pack-saddles, particularly, were made in Philadelphia, which, with the transportation, amounted to more than double the price at which they might have been procured at Fort Pitt, and were found, upon examination, to be unfit for use."

Mr. Hodgdon has produced to the Committee a number of *ex-parte* affidavits and certificates to prove that these several articles were furnished in sufficient quantities, and of good quality. Most of these affidavits, however, were made by the manufacturers of the respective articles, or persons in the employment of Mr. Hodgdon, and generally written in a different handwriting from that of the subscribing deponents, and most of the certificates by persons unknown to the Committee. But the testimony formerly taken by the Committee, and the corroboration of it by the evidence of respectable and disinterested persons, lately taken by the Committee, in presence of Mr. Hodgdon, appears abundantly sufficient to justify the statement of facts contained in the original report. With respect to the pack-saddles, however, it is necessary to remark, that some qualification of the expression used in the original report would be proper. They appear to have been made of different sizes; those of the largest size are proved to have been wholly unfit for use, the horses used for pack-horses being generally small. Some of the smaller pack-saddles, however, appear to have been used in the campaign, and to have answered the intended purpose better than was at first expected.

It is stated in the original report that—

"The arms sent forward appear not to have been duly examined, and arrived at Fort Pitt extremely out of order, and many totally unfit for use, which circumstance rendered repairs absolutely necessary, and added to the delay of the troops at Fort Pitt."

The Committee are led to conclude, from authentic information recently received, that the complaint of the arms intended for the regular troops and levies, is unfounded; some of the arms appear to have been damaged, after they were put into the hands of the troops, from their inexperience or carelessness, though delivered to them in good order.

The Committee were induced to make the unqualified statement contained in the original report, from the unqualified manner in which this subject is spoken of by some of the witnesses, formerly examined by the Committee; they not having stated with sufficient precision the causes of the arms being out of repair, nor specifying the probable number requiring repairs.

The original report proceeds with the following expression:

"It appears that a great proportion of the powder, supplied for the use of the Army, was not of good quality, though an experiment was made by Major Ferguson, at Fort Pitt, with a howitzer, who reported in favor of the quality of the powder."

The Committee are satisfied from experiments made since the original report by Captain Ford, at Fort Washington, upon request of the Secretary of War, and by samples of the powder from thence, actually furnished the Committee, that the powder was originally of good quality; but that a certain quantity of it was damaged by exposure to the air and moisture after being issued to the troops. And it appears to have been powder of this description, upon which experiments were made by some of the officers in the expedition, which produced unfavorable impressions as to the quality of the powder in general; for it is certain, a belief was currently entertained amongst the officers, that the powder in general was not of good quality. The insufficiency of the powder, after the Army took the field, is accounted for from the bad quality of the tents. It is in testimony to the Committee, that great quantities of the fixed ammunition were actually rendered useless from that cause.

It is stated in the original report that—

"Mr. Hodgdon was appointed Quartermaster General in the month of March, and continued at Philadelphia until the fourth of June, he then proceeded to Fort Pitt, where he arrived on the tenth of the same month; no sufficient causes have appeared to the Committee to justify this delay, and his presence with the Army appeared to have been essentially necessary previously to that time."

In this statement, the duration of Mr. Hodgdon's stay at Fort Pitt was casually omitted, which appears to have been from the tenth of June, till the twenty-sixth of August. The insertion of this fact will sufficiently explain the sense of the Committee in the inference respecting the time in which the presence of the Quartermaster General was necessary at the Army.

It is stated in the original report that—

"There were six hundred and seventy-five stand of arms at Fort Washington, on the first of June, and most of those totally out of repair."

These arms, the precise number of which appears not to be accurately ascertained, are admitted by the Secretary of War to have been at Fort Washington in the situation described, but he suggests that they were old and useless arms, which had been collected at that place, and were not counted upon as any part of the supply of arms for the expedition. It appears that the regular troops and levies were completely supplied with arms, without recurrence to this stock; but a number of them was repaired, by orders of the Commander-in-chief of the expedition, with a view, as he suggests, to arm the militia from Kentucky, who, it was expected, would arrive, either insufficiently armed, or not armed at all; and he did not conceive the arrangements, made by the War Department, competent to arming the militia, together with the other troops.

The original report states that—

"The privates of the levies received but three dollars pay each, from the time of their respective enlistments to the time of their respective discharges, and were actually discharged without farther pay or settle-

ment; notes of discharge were given them, specifying the time of their service, and bearing endorsements, that some advances had been made to them on account, without stating the amount, the object of which is suggested to have been to prevent transfers; the intended effect was not produced by the measure; the notes were sold for trifling considerations; the real sums due on the notes were various—from ten to twenty-five dollars, and they were frequently sold for one dollar, or one gallon of whiskey. The moneys for the pay of the levies did not leave Philadelphia till the fourth of December, one thousand seven hundred and ninety-one, nor arrive at Fort Washington, till the third of January, one thousand seven hundred and ninety-two, some time after the last enlisted levies are known to have been entitled to their discharges."

In addition to the reasons contained in the original report, respecting the discharging of the levies, without their stipulated pay, which are admitted by the Secretary of War to have been justly stated, he has, in his late communication, suggested to the Committee, that, at the time of the discharge of the levies there was actually, in the hands of the Quartermaster General, the sum of sixteen thousand two hundred and ninety-two dollars and seventy cents, which were subject to be applied to any object, agreeably to the discretion of the Commander-in-chief of the expedition, and might have been applied, if he thought proper, to the payment of the discharged levies, and would have been sufficient for two months pay to the officers, and four months pay to the privates. This sum is admitted by the Quartermaster General to have been in his hands at the time of the discharge of the levies, and would have been applied to their pay if orders had been given by the Commander-in-chief of the expedition for that purpose; but that no such orders ever were received by him. The Secretary of War infers, from these circumstances, that to censure should be imputed to the War Department for not having paid implicit attention to this subject.

The circumstances respecting this transaction have been attentively examined by the Committee, and appear to them to be the following: The Quartermaster General, upon his leaving Philadelphia, was furnished with the sum of twenty thousand dollars for the use of that Department. He was afterwards furnished with two other sums, to wit: the sum of seventeen thousand eight hundred and forty-four dollars and fifty cents, on the twenty-third of July; and the sum of two thousand two hundred and twenty-four dollars and sixty cents, on the seventh day of July—making, together, the sum of twenty thousand and sixty-nine dollars and ten cents. It appears by letter from the Secretary of War to the Commander-in-chief of the expedition, that five thousand dollars of this sum were to be applied to the pay of the regular troops, if the Commander-in-chief should deem that a proper application of the money; which, however, was not done. The remaining part of this money was intended to form a kind of military chest, to answer contingent expenses, subject, however, to the control of the Commander-in-chief. It appears that the

there was no Paymaster to the Army, nor any person authorized to settle the accounts of the soldiers, and ascertain the real balances due to them, until the arrival of Mr. Swann, on the third day of January, one thousand seven hundred and ninety-two, and infers that he had no authority to direct a settlement and order pay to the soldiers, until he was informed of the arrangements made at the War Office relatively to that object. This suggestion is strongly confirmed by a letter from the Secretary of War, addressed to the Commander-in-chief, and forwarded by Mr. Swann, which designates Mr. Swann as Paymaster, and contains instructions relatively to the terms of settling the accounts of the soldiery. The same letter serves to show that the twenty thousand and sixty-nine dollars and ten cents, put into the possession of the Quartermaster General, were not conclusively destined for the pay of the levies, nor so considered by the Secretary of War. Because it is asserted in the letter, that Mr. Swann is furnished with a sum of money sufficient for the whole pay of the levies, without making any deduction in consequence of the moneys furnished the Quartermaster General.

It is asserted by the Secretary of War in his communication to the Committee, that the time of the service of the levies did not expire until after the arrival of Mr. Swann at Fort Washington, particularly Gaither's and Rhea's battalions, the term of their enlistments having been to serve six months after their arrival at Fort Washington, which was deemed the place of rendezvous. The time which has elapsed from the period of enlistment to their arrival at Fort Washington, or the evident impropriety of annexing such a condition to the enlistments, caused the condition itself to be dispensed with; and those levies were actually discharged shortly after the twelfth of November, one thousand seven hundred and ninety-one, in consequence of having served six months, which is the extent of the service authorized by law, and actually received certificates at that time of having performed six months service.

Upon a re-examination of the residue of the original report, and the evidence now before the Committee, they are satisfied with the same, and find no material alterations or corrections necessary.

A regard for candor has induced the Committee to adopt this mode of reporting; because the original report is thereby preserved, mistakes existing in the same, and which are now corrected, and the causes of those mistakes rendered obvious, and the whole subject presented to view, upon the fairest terms, in the opinion of the Committee, to all persons in any degree concerned therein.

RE-ORGANIZATION OF SUPREME COURT.

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a copy of a Letter and representation from the Chief Justice and Associate

Judges of the Supreme Court of the United States, stating the difficulties and inconveniences which attend the discharge of their duties, according to the present Judiciary system.

A copy of a Letter from the Judges attending the Circuit Court of the United States for the North Carolina district, in June last, containing their observations on an act passed during the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions." GEO. WASHINGTON.

UNITED STATES, Nov. 7, 1792.

PHILADELPHIA, Aug. 9, 1792.

SIR: Your official connexion with the Legislature, and the consideration that applications from us to them cannot be made in any manner so respectful to Government as through the President, induce us to request your attention to the enclosed representation, and that you will be pleased to lay it before the Congress.

We really, sir, find the burdens laid upon us so excessive that we cannot forbear representing them in strong and explicit terms.

On extraordinary occasions we shall always be ready, as good citizens, to make extraordinary exertions; but while our country enjoys prosperity, and nothing occurs to require or justify such exertions, we cannot reconcile ourselves to the idea of existing in exile from our families, and of being subjected to a kind of life on which we cannot reflect without experiencing sensations and emotions more easy to conceive than proper for us to express.

With the most perfect respect, esteem, and attachment, we have the honor to be, sir, your most obedient and most humble servants,

JOHN JAY,
WILLIAM CUSHING,
JAMES WILSON,
JOHN BLAIR,
JAMES IREDELL,
THOMAS JOHNSON.

THE PRESIDENT OF THE UNITED STATES.

The Chief Justice and the Associate Judges of the Supreme Court respectfully represent to the Congress of the United States:

That when the present judicial arrangements took place, it appeared to be a general and well-founded opinion, that the act then passed was to be considered rather as introducing a temporary expedient than a permanent system, and that it would be revised as soon as a period of greater leisure should arrive. The subject was new, and was rendered intricate and embarrassing by local as well as other difficulties; and there was reason to presume that others, not at that time apparent, would be discovered by experience. The ensuing sessions of Congress were so occupied by other affairs of great and pressing importance, that the Judges thought it improper to interrupt the attention of Congress by any application on the

Re-Organization of Supreme Court.

subject. That, as it would not become them to suggest what alterations or system ought in their opinion to be formed and adopted, they omit making any remarks on that head; but they feel most sensibly the necessity which presses them to re-present—

That the task of holding twenty-seven Circuit Courts a year, in the different States, from New Hampshire to Georgia, besides two sessions of the Supreme Court at Philadelphia, in the two most severe seasons of the year, is a task which, considering the extent of the United States, and the small number of Judges, is too burdensome. That to require of the Judges to pass the greater part of their days on the road, and at inns, and a distance from their families, is a requisition which, in their opinion, should not be made unless in cases of necessity. That some of the present Judges do not enjoy health and strength of body sufficient to enable them to undergo the toilsome journeys through different climates and seasons, which they are called upon to undertake; nor is it probable that any set of Judges, however robust, would be able to support, and punctually execute, such severe duties for any length of time. That the distinction made between the Supreme Court and its Judges, and appointing the same men finally to correct in one capacity the errors which they themselves may have committed in another, is a distinction unfriendly to impartial justice, and to that confidence in the Supreme Court which it is so essential to the public interest should be reposed in it. The Judges decline minute details, and purposely omit many considerations, which they are persuaded will occur whenever the subject is attentively discussed and considered. They most earnestly request that it may meet with early attention, and that the system may be so modified as that they may be relieved from their present painful and improper situation.

JOHN JAY,
WILLIAM CUSHING,
JAMES WILSON,
JOHN BLAIR,
JAMES IREDELL,
THOMAS JOHNSON.

NEWBURN, NORTH CAROLINA, June 8, 1792.

SIR: We, the Judges now attending at the Circuit Court of the United States for the district of North Carolina, conceive it our duty to lay before you some important observations which have occurred to us in the consideration of an act of Congress lately passed, entitled "An act to provide for the settlement of claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions."

We beg leave to premise, that it is as much an inclination as it is our duty to receive with all possible respect every act of the Legislature, and that we never can find ourselves in a more painful situation than to be obliged to object to the execution of any, more especially to the execution of one founded on the purest principles of humanity and justice, which the act in question undoubtedly is.

But, however lamentable a difference in opinion really may be, or with whatever difficulty we may have formed an opinion, we are under the indispensable necessity of acting according to the best dictates of our own judgment, after duly weighing every consideration that can occur to us, which we have done on the present occasion. The extreme importance of the case, and our desire of being explicit beyond the danger of being misunderstood, will, we hope, justify us in stating our observations in a systematic manner. We, therefore, sir, submit to you the following:

1. That the Legislative, Executive, and Judicial Departments are each formed in a separate and independent manner, and that the ultimate basis of each is the Constitution only, within the limits of which each Department can alone justify any act of authority.

2. That the Legislature, among other important powers, unquestionably possess that of establishing Courts in such a manner as to their wisdom shall appear best, limited by the terms of the Constitution only; and to whatever extent that power may be exercised, or however severe the duty they may think proper to require, the Judges, when appointed in virtue of any such establishment, owe implicit and unreserved obedience to it.

3. That, at the same time, such Courts cannot be warranted, as we conceive, by virtue of that part of the Constitution delegating Judicial power for the exercise of which any act of the Legislature is provided, in exercising (even under the authority of another act) any power not in its nature Judicial, or, if Judicial, not provided for upon the terms the Constitution requires.

4. That whatever doubt may be suggested, whether the power in question is properly of a Judicial nature, yet inasmuch as the decision of the Court is not made final, but may be at least suspended in its operation by the Secretary of War, if he shall have cause to suspect imposition or mistake, this subjects the decision of the Court to a mode of revision which we consider to be unwarranted by the Constitution; for, though Congress may certainly establish, in instances not yet provided for, Courts of appellate jurisdiction, yet such Courts must consist of Judges appointed in the manner the Constitution requires, and holding their offices by no other tenure than that of their good behaviour, by which tenure the office of Secretary of War is not held; and we beg leave to add, with all due deference, that no decision of any Court of the United States can, under any circumstances, in our opinion, agreeably to the Constitution, be liable to a reversion, or even suspension, by the Legislature itself, in whom no Judicial power of any kind appears to be vested but the important one relative to impeachments.

These, sir, are our reasons for being of opinion, as we are at present, that this Circuit Court cannot be justified in the execution of that part of the act which requires it to examine, and report an opinion on the unfortunate cases of officers and soldiers disabled in the service of the United States. The part of the act requiring the Court to sit five days for the purpose of receiving appli-

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cations from such persons, we shall deem it our duty to comply with; for, whether in our opinion such purpose can or cannot be answered, it is, as we conceive, our indispensable duty to keep open any Court of which we have the honor to be Judges, as long as Congress shall direct.

The high respect we entertain for the Legislature, our feelings as men for persons whose situation requires the earliest as well as the most effectual relief, and our sincere desire to promote, whether officially or otherwise, the just and benevolent views of Congress so conspicuous on the present as well as on many other occasions, have induced us to reflect whether we could be justified in acting under this act personally in the character of Commissioners during the session of a Court; and could we be satisfied that we had authority to do so, we would cheerfully devote such part of our time as might be necessary for the performance of the service. But we confess we have great doubts on this head. The power appears to be given to the Court only, and not to the Judges of it; and as the Secretary of War has not a discretion in all instances, but only in those where he has cause to suspect imposition or mistake, to withhold a person recommended by the Court from being named on the pension list, it would be necessary for us to be well persuaded we possessed such an authority before we exercised a power which might be a means of drawing money out of the public Treasury, as effectually as an express appropriation by law. We do not mean, however, to preclude ourselves from a very deliberate consideration whether we can be warranted in executing the purposes of the act in that manner, in case an application should be made.

No application has yet been made to the Court, or to ourselves individually, and, therefore, we have had some doubts as to the propriety of giving an opinion in a case which has not yet come regularly and judicially before us. None can be more sensible than we are of the necessity of Judges being, in general, extremely cautious in not intimating an opinion in any case extra-judicially, because we well know how liable the best minds are, notwithstanding their utmost care, to a bias which may arise from a preconceived opinion, even unguardedly, much more deliberately given. But in the present instance, as many unfortunate and meritorious individuals, whom Congress have justly thought proper objects of immediate relief, may suffer very great distress even by a short delay, and may be utterly ruined by a long one, we determined at all events to make our sentiments known as early as possible, considering this as a case which must be deemed an exception to the general rule upon every principle of humanity and justice; resolving, however, that so far as we are concerned individually, in case an application should be made, we will most attentively hear it; and if we can be convinced this opinion is a wrong one, we shall not hesitate to act accordingly, being as far from the weakness of supposing that there is any reproach in having committed an error, to which the greatest and best men are sometimes liable, as we should be from so low a sense of duty as to

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think it would not be the highest and most deserved reproach that could be bestowed on any man (much more on Judges) that they were capable, from any motive, of persevering against conviction in apparently maintaining an opinion which they really thought to be erroneous.

We take the liberty to request, sir, that you will be pleased to lay this Letter before the Legislature of the United States at their next session, and have the honor to be, with the highest respect, sir, your most obedient and most faithful servants,

JAMES IREDELL,
*One of the Associate Justices of the
Supreme Court of the United States.*
JNO. SITGREAVES,
*Judge of the United States
for the North Carolina District.*
THE PRESIDENT OF THE UNITED STATES.

REPORT ON NEWSPAPER POSTAGE.

[Made to the House of Representatives, second session Second Congress.]

The Committee to whom was referred that part of the President's Speech which relates to the transportation of Newspapers, Report:

That after a communication with the Postmaster General, on the subject under consideration, they beg leave to recommend the following provisions:

1. That the Postmaster General be authorized to direct his deputies to receive subscriptions for newspapers.

2. That every subscriber, at the time of subscribing, pay to the postmaster the amount of a half year's postage on the paper which he engages to take, and half of the annual price of the paper.

3. That of the postage thus advanced, he retain one-fourth of a cent for each paper he will have to receive or deliver, during the first half year; and of the price of the paper, twenty-five per cent.; and remit the residue of the postage to the General Post Office, and the residue of the price of the papers to the printers thereof, with lists of the subscribers.

4. That the postmasters, and not the subscribers, shall be responsible to the printers; they receiving the twenty-five per cent., before mentioned, as compensation for the above intended agency in the business.

They suggest the propriety of securing the printers' money, by the same bonds, of the postmasters, by which postages are secured. That duplicate lists of the subscribers should be sent by the postmasters to the General Post Office; and that, upon the complaint of a printer, against a postmaster, payment may be enforced, under the same bond that secures arrears of postage to the office.

That where the mail shall be carried by private contract, agreeably to the power given to the Postmaster General, by the second section of the law "establishing Post Offices and Post Roads," it may be lawful for the Postmaster General to allow to such contractors, in a settlement with the General Post Office, for the postage on newspapers,

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a proportion, according to the distance by them carried, and the distance by the public post, so as to make a just dividend, according to the distances carried by each.

That the privilege of franking letters or packets, not exceeding the weight of one ounce, be allowed to postmasters, under restrictions similar to those of the law of last session.

That the postmasters be allowed to charge — per centum on all franked letters, their own excepted, considering them as single letters.

That the Postmaster General be empowered, in the settlement of the account of the deputy postmaster of Philadelphia, to allow him, for office rent and a chief clerk, at the rate of not more than — dollars; and one other clerk, at the rate of not more than — dollars per annum.

That when letters or packets, to go beyond sea, are received by a postmaster, it shall be his duty to make them up into mails; and for each letter or packet be permitted to receive one cent.

That any letter sent among newspapers be subjected to double postage; and where a memorandum or writing, other than the address, be on the newspaper, such newspaper be subjected to double letter postage.

That magazines and pamphlets be transported in the mail, at the following rates:

One cent per sheet for their conveyance not over fifty miles; one and a half cent over fifty and not exceeding one hundred miles; and two cents per sheet for any greater distance.

That members of Congress be allowed to frank letters or packets not exceeding four ounces in weight.

That it be made the duty of the masters or commanders of ships or vessels, sailing from one port of the United States to another, whether by sea

or otherwise, as well as of the masters or commanders of all ships or vessels arriving in any port of the United States, from a foreign port or place, to deliver all letters by them brought, to the post office of the port or place, where they may arrive, in — hours after such arrival.

The Committee recommend the following roads as necessary, viz:

A road to connect Sharpsburg, in Maryland, with Shepherdstown, in Virginia.

An alteration of the route from Philadelphia to Reading, so that the road to be established may be from Philadelphia, through Norristown and Pottsgrove, to Reading.

To connect Norwich and New London, in Connecticut, by a road.

That the Postmaster General be authorized to send a mail, by the route of Newport, to Taunton.

That there be established a road from Hampton Falls to Exeter, in New Hampshire.

One from Yorktown, Pennsylvania, to Fredericktown, in Maryland.

One from Richmond, by Powhatan Courthouse, Cumberland Courthouse, Meredith's Store, New London, and Liberty, to Botetourt Courthouse in Virginia; and from New London to Lynnhburg; and from Meredith's Store, by Prince Edward Courthouse, to Charlotte Courthouse.

One from Tarborough, by Greenville, to Washington; and from Fayetteville to Hillsborough, by Chatham Courthouse; and to return by Wake Courthouse to Fayetteville, once a week; in North Carolina: and

One from Danville to Lexington, in Kentucky.

The Committee recommend that the road from Halifax, by Bluntsville, Williamstown, and Daley's, to Plymouth, in North Carolina, be stricken out.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE SECOND CONGRESS, BEGUN AND HELD AT PHILADELPHIA, ON THE TWENTY-FOURTH OF OCTOBER, 1791.

An Act granting further time for making return of the Enumeration of the Inhabitants in the District of South Carolina.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be lawful for the Marshal of the District of South Carolina to complete and make return of the enumeration of the inhabitants of the said district to the President of the United States, in the form and manner prescribed by the act, entitled "An act providing for the enumeration of the inhabitants of the United States," at any time on or before the first day of March next, anything in the said act to the contrary notwithstanding.

JONATHAN TRUMBULL,

Speaker of the House of Representatives.

JOHN ADAMS,

Vice President of the United States,

and President of the Senate.

Approved, November 8, 1791.

GEORGE WASHINGTON,

President of the United States.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-two.

Be it enacted, &c., That for the service of the year 1792, and the support of the Civil List of the United States, including the incidental and contingent expenses of the several Departments and offices thereof, there shall be appropriated a sum of money, not exceeding three hundred and twenty-nine thousand six hundred and fifty-three dollars and fifty-six cents, that is to say:

For the compensation granted by law to the President of the United States, the Vice President, Chief Justice, Associate Judges, and Attorney General, fifty-three thousand dollars.

For the like compensation to the District Judges, nineteen thousand eight hundred dollars.

For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two Houses, estimated on a session of six months continuance, and including the traveling expenses of the members, one hundred and twenty-nine thousand seven hundred and thirty dollars.

For the like compensations to the Secretary and officers of the several Departments of the Treasury of the United States, including clerks and attendants, and the salaries of the respective Loan officers, sixty thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of State, six thousand three hundred dollars.

For the like compensations to the Secretary and officers of the Department of War, nine thousand six hundred dollars.

For the like compensations to the members of the Board of Commissioners for the settlement of the accounts between the United States and the individual States, including the clerks and attendants, thirteen thousand one hundred dollars.

For the like compensations to the Governors, Judges, and other officers of the Western Territory of the United States, including contingencies, eleven thousand dollars.

For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents.

For defraying all other incidental and contingent expenses of the Civil List establishments, including firewood, stationery, together with the printing work, and all other contingent expenses of the two Houses of Congress, rent and office expenses of the three several Departments, namely Treasury, State, War, and of the General Board of Commissioners, twenty-one thousand five hundred and fifty-five dollars, and eighty-three cents.

Sec. 2. And be it further enacted, That the compensation to the Doorkeepers of the two Houses, for services which have been heretofore rendered, or may be rendered in the recess of Congress for the year 1792, and certified by the President of the Senate or the Speaker of the House of Representatives, in manner required by law for like services during sessions, shall be discharged out of the money herein before appropriated for the contingent expenses of the two Houses of Congress.

Sec. 3. And be it further enacted, That for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations, for the support of the Civil List esta-

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ishment, and for aiding the fund appropriated for the payment of certain officers of the Courts, jurors, and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand one hundred and nineteen dollars and forty-nine cents, that is to say:

For discharging a balance due on a liquidated claim of his Most Christian Majesty, against the United States, for supplies during the late war, nine thousand and twenty dollars and sixty-eight cents.

For payment of the principal and interest on a liquidated claim of Oliver Pollock, late Commercial Agent of the United States at New Orleans, during the late war, one hundred and eight thousand six hundred and five dollars and two cents: *Provided*, That the said moneys be not paid to the said Oliver Pollock without the consent of the agents of the Court of Spain.

For making good deficiencies in the last appropriations, for the compensation to sundry officers of the Civil List establishments, five thousand and four hundred and seventy-one dollars.

For defraying sundry authorized expenses to the Commissioners of Loans in the several States, twenty-one thousand dollars.

For defraying a balance of certain liquidated and contingent expenses in the Treasury Department, two thousand eight hundred dollars.

For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars and seventy-nine cents.

For making good a deficiency in former appropriations, to discharge the expenses to clerks, jurors, and witnesses, in the Courts of the United States, five thousand dollars.

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoy, sixteen thousand dollars.

For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

For the purchase of hydrometers for the use of the officers in the execution of the laws of revenue, one thousand dollars.

For the further expense of building and equipping ten cutters, two thousand dollars.

Sec. 4. And be it further enacted, That for the support of the Military Establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the Military Establishment,

passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety, and for which no appropriations have been made, there shall be appropriated a sum of money not exceeding five hundred and thirty-two thousand four hundred and forty-nine dollars seventy-six cents and two thirds of a cent, that is to say:

For the pay of troops, - - - \$102,686 00
For subsistence, - - - 119,688 97
For clothing, - - - 48,000 00
For forage, - - - 4,152 00
For the Hospital department, - - - 6,000 00
For the Quartermaster's department, - - - 50,000 00
For the Ordnance department, - - - 7,204 64
For the contingent expenses of the War Department, including maps, hire of express, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising, and apprehending deserters, - - - 20,000 00

For the discharge of certain sums due for pay and subsistence of sundry officers of the late Army, and for pay of the late Maryland line, for which no appropriations have been made, - - - 10,490 36

For the payment of the annual allowances to invalid pensioners, - - - 87,463 60
For defraying all expenses incidental to the Indian department, authorized by law, - - - 39,424 71

For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, - - - 37,339 48

Sec. 5. And be it further enacted, That the several appropriations hereinbefore made, shall be paid and discharged out of the funds following, to wit: First, out of the sum of six hundred thousand dollars, which, by the act, entitled "An act making provision for the Debt of the United States," is reserved yearly for the support of the Government of the United States and their common defence; and secondly, out of such surplus as shall have accrued to the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the Public Debt during the same year, and for satisfying other prior appropriations.

Approved, December 23, 1791.

An Act for carrying into effect a Contract between the United States and the State of Pennsylvania.

For duly conveying to the State of Pennsylvania a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State by a resolution of Congress of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold by virtue of a previous resolution of Congress of the sixth day of June in the said year:

Be it enacted, &c., That the President of the

Acts of Congress.

United States be authorized, in fulfilment of the terms stipulated on the part of the State of Pennsylvania, to issue letters patent, in the name and under the seal of the United States, granting and conveying to the said State forever, the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress of the sixth day of June, one thousand seven hundred and eighty-eight.

Approved, January 3, 1792.

An Act to extend the time limited for settling the Accounts of the United States with the individual States.

Be it enacted, &c., That the powers of the Board of Commissioners, which, by an act passed in the second session of the first Congress, was established to settle the accounts between the United States and individual States, shall continue until the first day of July, 1793, unless the business shall be sooner accomplished.

Sec. 2. And be it further enacted, That the aforesaid act shall extend to the settlement of the accounts between the United States and the State of Vermont; and that until the first day of December next, shall be allowed for the said State to exhibit its claims.

Sec. 3. And be it further enacted, That, from and after the passing of this act, the pay of the principal clerk of the said Board shall be the same as the pay of the principal clerk in the Auditor's office.

Approved, January 23, 1792.

An Act concerning certain Fisheries of the United States, and for the regulation and government of the Fishermen employed therein.

Be it enacted, &c., That the allowance now made upon the exportation of dried fish, of the fisheries of the United States, in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the tenth day of June next; and as a compensation and equivalent therefor, there shall be afterwards paid, on the last day of December annually, to the owner of every vessel, or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the Bank and other cod fisheries, and that shall actually have been employed therein, at sea, for the term of four months at the least of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement as licensed or enrolled—if of twenty tons, and not exceeding thirty tons, one and a half dollar; and if above thirty tons, two and a half dollars; of which allowance aforesaid, three-eighths parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been

employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*, That the allowance aforesaid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

Sec. 2. And be it further enacted, That on the last day of December, annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of one dollar upon every ton admeasurement of such boat or vessel, which allowance shall be accounted for as part of the proceeds of the fare of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided, however*, That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod fishery, for the term of four months at the least, of the preceding season: *And provided, also*, That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish not less than twelve quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth, and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within one year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners, having practised such fraud or deceit, shall forfeit and pay one hundred dollars; to be sued for, recovered, and appropriated, in like manner as forfeitures and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels."

Sec. 3. And be it further enacted, That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agent or lawful representative, shall, previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, and

also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares she may have made, in the preceding fishing season; to the truth of which they shall swear or affirm, before the collector aforesaid.

SEC. 4. *And be it further enacted*, That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement, in writing or in print, with every fisherman employed therein, excepting only an apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, and shall also express that the fish, or the proceeds of such fishing voyage or voyages, which may appertain to the fishermen, shall be divided among them, in proportion to the quantities or number of said fish they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel or his agent: And if any fisherman, having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter, and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of the fish or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, besides being answerable for such damages arising thereby, shall forfeit, to the use of the owner of such vessel, his share of the allowance which shall be paid upon such voyage, as is herein granted.

SEC. 5. *And be it further enacted*, That where an agreement or contract shall be so made and signed, for a fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable and may be proceeded against, for the wages of seamen or mariners in the merchant service. And

upon such process, for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish, according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded: But, in all cases, the owner of such vessel or his agent, appearing to answer to such process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof, in answer to the demands respectively, and judgment shall be rendered upon such process, for the respective balances which, upon such an inquiry, shall appear: *Provided, always*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

SEC. 6. *And be it further enacted*, That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be, and the same is hereby repealed.

SEC. 7. *And be it further enacted*, That the moneys which shall remain, in consequence of the abolition of the allowance on the exportation of the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are hereby, appropriated to the payment of the allowances granted by this act; and in case the moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which from time to time shall be in the Treasury in like manner, and not otherwise appropriated.

SEC. 8. *And be it further enacted*, That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any Court of the United States having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing or affirming, by the act before mentioned, and to be in like manner sued for, recovered, and appropriated.

SEC. 9. *And be it further enacted*, That this act shall continue and be in force for the term of seven years, and from thence to the end of the next session of Congress, and no longer.

Approved, February 16, 1792.

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted, &c., That from and after the first day of June next, the following roads be established as Post Roads, namely: From Wiscasset, in the district of Maine, to Savannah, in Georgia, by the following route, to wit: Portland, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabethtown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Elkton, Charleston, Havre de Grace, Hartford, Baltimore, Bladensburg, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling Green, Hanover Court House, Richmond, Petersburg, Halifax, Tarrboro', Smithfield, Fayetteville, Newbridge over Drowning Creek, Cheraw Court House, Camden, Statesburg, Columbia, Cambridge, and Augusta; and from thence to Savannah, and from Augusta, by Washington, in Wilkes county, to Greenboro', and from thence by the Great Falls of Ogechee and Georgetown, to Augusta; and from Statesburg to Charleston, and from Charleston to Georgetown, and from Charleston to Savannah, and from Savannah by Newport Bridge to Sunbury; and also, from Portsmouth by Exeter and Concord, to Hanover, in New Hampshire; and from Salem to Marblehead, and from Salem to Gloucester; and from Boston, by Providence, Newport, and New London, to New Bedford; and from Boston, through Taunton, to New Bedford; and from Taunton, through Warren and Bristol to Newburyport; and from Boston, by Plymouth, to Barnstable; and from Springfield, in the State of Massachusetts, to Kinderhook, in the State of New York, and from Springfield, by Northampton, Brattleboro' and Charlestown, by Windsor, in Vermont, to Hanover, and from Hartford, by Middletown, to New London; also, from Hartford to Norwich and Providence; and from Providence to Worcester; and from Philadelphia, by Lancaster, Yorktown, Carlisle, Shippensburg, Chambersburg, Bedford, and Greensburg, to Pittsburg; and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle; and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown; and from Wilmington, by Warwick, Georgetown, Cross Roads, Chestertown, Chester Mills, and Easton, to Vienna; and from Vienna, by Salisbury, to Snow Hill; also, from Wilmington, by Newcastle, Cantwell's Bridge and Duck Creek, to Dover; and from thence by Milford, Dagsborough, Snow Hill and Northampton Court House, to Norfolk, in Virginia; and from Baltimore to Annapolis, Upper Marlborough, Piscatawa, Port Tobacco, Allen's Fresh, Newport, and Choptico, to Leonardtown; and from Richmond, by Williamsburg, Yorktown and Hampton, to Norfolk; and from Fredericksburg, by Port Royal and Tappahannock, to Urbanna; and from thence, crossing Rappahannock, and proceeding by Northumberland Court House, to Kinsale, on the river Yeocomico; thence by Westmoreland

Court House, through Leedstown, to Fredericksburg; and from Petersburg, by Cabin Point, Smithfield and Suffolk, to Portsmouth, and from Suffolk to Edenton, and by Plymouth to Washington; and from Washington to Newbern, and thence to Wilmington; and from Fayetteville, by Elizabethtown, Hillsborough, Salem, to Salisbury; from Halifax, by Bluntsville, Williamston, Dalley's, to Plymouth; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indian Town, in Currituck county; and from New York, by Albany, Bennington, Manchester and Rutland, to Burlington, on Lake Champlain; and from Albany, by Schenectady, to Canajoharie; from New York, to Hartford, through White Plains, North Castle, Salem, Poundridge, Ridgefield, Danbury, Newtown, New Milford, Litchfield, Harington, and Farmington; from Newark, or Elizabethtown, by Morristown, to Sussex Court House; from Woodbridge, to Amboy; from Alexandria, by Salisbury, Leesburg, Sheperdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton; and from Richmond, by Columbia, Charlottesville, Staunton, Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, and the river Ohio, to Danville, in Kentucky; and from Baltimore, by Fredericktown and Sharpsburg, to Hagerstown; and from thence to Chambersburg; *Provided*, That the route, by which the mails are at present conveyed, shall in no case be altered, without the consent of the contractors, till the contracts made by the Postmaster General shall be determined.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the person or persons, so contracting, to receive, during the continuance of such contract, according to the rates by this act established, all the postage which shall arise on letters, newspapers and packets, conveyed by any such post; and the roads, therein designated, shall, during the continuance of such contract, be deemed and considered as Post Roads, within the terms and provisions of this act: *Provided*, That no such contract shall be made, to the diminution of the revenue of the General Post Office, and that a duplicate of every such contract, under hand and seal, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

SEC. 3. *And be it further enacted*, That there shall be established, at the Seat of the Government of the United States, a General Post Office. And there shall be one Postmaster General, who shall have authority to appoint an Assistant, and Deputy Postmasters, at all the places where such shall be found necessary. And he shall provide for carrying the mail of the United States, by stage-carriages or horses, as he may judge most expedient; and as often as he, having regard to the promptness thereof, as well as other circumstances

shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the Post Office. He shall also have power to prescribe such regulations to the Deputy Postmasters, and others employed under him, as may be found necessary, and to superintend the business of the Department, in all the duties that are, or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the Post Road.

Sec. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies, the accounts and vouchers of their receipts and expenditures, and the balances due thereon, and render to the Secretary of the Treasury, a quarterly account of all the receipts and expenditures in the said Department, to be adjusted and settled, as other public accounts, and shall pay, quarterly, into the Treasury of the United States, the balance in his hands. And the Postmaster General, and his Assistant, the Deputy Postmasters, and such as they may employ in their offices, shall, respectively, before they enter upon the duties, or be entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, to whom the mail shall be intrusted, before they commence the execution, of said trust, shall respectively, take and subscribe before some Justice of the Peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General: "I do swear (or affirm as the case may be) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the law in relation to the establishment of Post Offices and Post Roads within the United States."

Sec. 5. *And be it further enacted*, That if any person shall obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction for every such offence, pay a fine not exceeding one hundred dollars. And if any ferryman shall, by wilful negligence, or refusal to transport the mail across any ferry, delay the same, he shall forfeit, and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General, to give public notice in one or more of the newspapers published at the Seat of Government of the United States, and in one or more of the newspapers published in the State or States where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail that such contract is to be intended to be made, and the day on which it shall be concluded; describing the places, from and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour, at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations. He shall, moreover, within thirty days after the making of any contract, lodge the same, together with the propo-

sals which he shall have received respecting the same, in the office of the Comptroller of the Treasury of the United States.

Sec. 7. *And be it further enacted*, That every Deputy Postmaster shall keep an office in which one or more persons shall attend at such hours as the Postmaster General shall direct, for the purpose of performing the duties thereof. And all letters brought to any Post Office, half an hour before the time of making up the mail at such office, shall be forwarded therein.

Sec. 8. *And be it further enacted*, That, from and after the passing of this act, the Postmaster General shall be allowed, for his services, at the rate of two thousand dollars per annum, his Assistant at the rate of one thousand per annum, to be paid, quarterly, out of the revenues of the Post Office. And no fees or perquisites shall be received by either them, on account of the duties to be performed in virtue of their appointments.

Sec. 9. *And be it further enacted*, That, from and after the 1st day of June next, the Deputy Postmaster and persons authorized by the Postmaster General, shall demand and receive, for the postage and conveyance of letters and packets, except such as are hereinafter excepted, according to the several rates and sums following: For the postage of every single letter, to or from any place by land not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty miles, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a-half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and to or from any place by land, more than four hundred and fifty miles, twenty-five cents; and every double letter shall pay double the said rates; every triple letter, triple; every packet weighing one ounce avoirdupois, to pay, at the rate of four single letters for each ounce, and in that proportion, for any greater weight.

Sec. 10. *And be it further enacted*, That all letters and packets, passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, shall be rated and charged, as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter or packet, twenty-four cents; for every letter or packet brought into the United States, or carried from one port therein to another by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of the like postage, as other letters are made subject to the payment of by this act.

Sec. 11. *And be it further enacted*, That, if any Deputy Postmaster, or other person authorized by the Postmaster General, to receive the postages of letters, shall fraudulently demand or receive any

rate of postage, or any gratuity or reward, other than is provided by this act for the postage of letters or packets, on conviction thereof, he shall forfeit for every such offence, one hundred dollars, and shall be rendered incapable of holding any office under the United States.

Sec. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a Post Office is established, shall be permitted to report, make entry or break bulk, till the master or commander shall have delivered to the Postmaster, all letters directed to any person or persons within the United States, which, under his care or within his power, shall be brought in such ship or vessel, other than such as are directed to the owner or consignee; but when a vessel shall be bound to another port, than that at which she may enter, the letters belonging to, or to be delivered at the said port of delivery, shall not be delivered to the Postmaster at the port of entry. And it shall be the duty of the Collector or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Sec. 13. *And be it further enacted*, That the Postmasters to whom such letters may be delivered, shall pay to the master, commander, or other person delivering the same, except the commanders of foreign packets, two cents for every such letter or packet; and shall obtain from the person delivering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be with his half-yearly accounts, transmitted to the Postmaster General, who shall credit the amount thereof to the Postmaster forwarding the same.

Sec. 14. *And be it further enacted*, That, if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall take up, receive, order, despatch, convey, carry or deliver any letter or letters, packet or packets, other than newspapers, for hire or reward, or shall be concerned in setting up any foot or horse post, wagon or other carriage, by or in which any letter or packet shall be carried for hire, on any established Post Road, or any packet, or other vessel or boat, or any conveyance whatever, whereby the revenue of the General Post Office may be injured, every person, so offending, shall forfeit, for every such offence, the sum of two hundred dollars: *Provided*, That it shall and may be lawful for every person to send letters or packets by special messenger.

Sec. 15. *And be it further enacted*, That the Deputy Postmasters or agents of the Postmaster General, shall duly account and answer to him, for all by or way letters, and shall specify the number and rates in the Post Bill. And if any Deputy Postmaster or agent shall neglect so to account, he or they so offending, shall on conviction thereof, forfeit, for every such offence, a sum not exceeding one hundred dollars.

Sec. 16. *And be it further enacted*, That, if any person, employed in any of the Departments of the General Post Office, shall unlawfully detain, delay, or open any letter, packet, bag or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle or destroy any letter or packet, intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined not exceeding three hundred dollars, or imprisoned not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to the payment of money, or other bond or warrant, draft, bill, or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction, for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next Post Office, every such person, so offending, shall forfeit and pay a sum, not exceeding five hundred dollars, for every such offence. And if any person, concerned in carrying the mail of the United States, shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

Sec. 17. *And be it further enacted*, That, if any person or persons shall rob any carrier of the mail of the United States, of such mail, or if any person shall rob the mail, in which letters are sent to be conveyed by post, of any letter or packet, or shall steal such mail, or shall steal and take from or out of the same, or from or out of any Post Office, any letter or packet, such offender or offenders shall, on conviction thereof, suffer death.

Sec. 18. *And be it further enacted*, That the Deputy Postmasters shall, respectively, publish at the expiration of every three months, in one of the newspapers published at, or nearest the place of his residence, for three successive weeks, a list of all the letters then remaining in their respective offices; and at the expiration of the next three months, shall send such of the said letters as then remain on hand, as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers or matter of

consequence, shall be found therein, it shall be the duty of the Postmaster General, to cause a descriptive list thereof to be inserted in one of the newspapers, published at the place most convenient to where the owner may be supposed to reside, if within the United States, and such letter and the contents shall be preserved, to be delivered to the person, to whom the same shall be addressed, upon payment of the postage, and the expense of publication.

Sec. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say, all letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session. All letters to and from the Secretary of the Treasury, and his Assistant, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary of War, the Commissioners for settling the accounts between the United States and individual States, the Postmaster General and his Assistant: *Provided*, That no person shall frank or enclose any letter or packet, other than his own; but any public letter or packet from the Department of the Treasury may be franked by the Secretary of the Treasury, or the Assistant Secretary, or by the Comptroller, Register, Auditor or Treasurer. And that each person before named shall deliver to the Post Office every letter or packet enclosed to him, which may be directed to any other person, noting the place, from whence it came by post, and the usual postage shall be charged thereon.

Sec. 20. *And be it further enacted*, That, if any person shall counterfeit the handwriting of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

Sec. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

Sec. 22. *And be it further enacted*, That all newspapers conveyed in the mail shall be under a cover open at one end, carried in separate bags from the letters, and charged with the payment of one cent for any distance not more than one hundred miles, and one cent and a half for any greater distance. And it shall be the duty of the Postmaster General and his Deputy to keep a separate account for the newspapers, and the Deputy Postmasters shall receive fifty per cent. on the postage of all newspapers; and if any other matter or thing be enclosed in such papers, the whole packet shall be charged, agreeably to the rates established by this act, for letters or packets,

And if any of the persons employed in any department of the Post Office shall unlawfully detain, delay, embezzle, or destroy any newspaper with which he shall be intrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made to carry newspapers other than those conveyed in the mail.

Sec. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the Deputy Postmasters, respectively, such commission on the moneys arising from the postage of letters and packets as he shall think adequate to their respective services: *Provided*, That the said commission shall not exceed forty per cent. to any Deputy whose compensation thereby shall not exceed fifty dollars, nor thirty per cent. to any Deputy whose compensation thereby shall not exceed one hundred dollars, nor twenty per cent. to any other Deputy, except the Postmaster at the port where the European packets do or shall steadily arrive, to whom such further allowance, in addition to the emoluments of his office, shall be made as the Postmaster General shall deem a reasonable compensation for his extra services in the receipt and despatch of letters originally received into his office from on board such packets, and by him forwarded to other offices: *And provided, also*, That the commissions aforesaid shall not exceed eighteen hundred dollars per annum to any one Postmaster for all services by him rendered.

Sec. 24. *And be it further enacted*, That, if any Deputy Postmaster or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts and pay over to the Postmaster General the balance by him due, at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within three months from the end of every such three months, the balances due from every such delinquent shall be charged to, and recoverable from, the Postmaster General.

Sec. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act shall be, one-half for the use of the person or persons informing and prosecuting for the same, the other half to the use of the United States.

Sec. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port of the United States to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the Postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received there shall be paid, at the time of its reception, a postage of one cent; and the Postmaster General may make arrangements with the

Postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the Post Offices.

Sec. 27. *And be it further enacted*, That the Deputy Postmasters, and the persons employed in the transportation of the mail, shall be exempt from militia duties, or any fine or penalty for neglect thereof.

Sec. 28. *And be it further enacted*, That all the surplus revenue of the General Post Office which shall have accrued previous to the first day of June next, not heretofore appropriated, be, and the same is hereby, appropriated towards defraying any deficiency which may arise in the revenue of the said Department for the year next ensuing.

Sec. 29. *And be it further enacted*, That the act passed at the last session of Congress entitled "An act to continue in force, for a limited time, an act entitled 'An act for the temporary establishment of the Post Office,' be, and the same is hereby, continued in full force until the first day of June next, and no longer.

Sec. 30. *And be it further enacted*, That this act shall be in force for the term of two years, from the said first day of June next, and no longer. Approved, February 20, 1792.

An Act relative to the election of a President and Vice President of the United States, and declaring the officer who shall act as President in case of vacancies in the offices both of President and Vice President.

Be it enacted, &c., That, except in case of an election of a President and Vice President of the United States, prior to the ordinary period, as hereinafter specified, Electors shall be appointed in each State for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, one thousand seven hundred and ninety-two, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election, every Elector shall be equal to the number of Senators and Representatives, to which the several States may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided, always*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of choosing Electors, then the number of Electors shall be according to the existing apportionment of Senators and Representatives.

Sec. 2. *And be it further enacted*, That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the Legislature thereof; and the Electors in each State shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President and Vice President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President

of the Senate, at the Seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates; and the said Electors shall forthwith forward, by the Post Office, to the President of the Senate, at the Seat of Government, one other of the said certificates; and shall forthwith cause the other of the said certificates to be delivered to the Judge of that District in which the said Electors shall assemble.

Sec. 3. *And be it further enacted*, That the Executive authority of each State shall cause three lists of the names of the Electors of such State to be made and certified and to be delivered to the Electors on or before the said first Wednesday in December; and the said Electors shall annex one of the said lists to each of the lists of their votes.

Sec. 4. *And be it further enacted*, That if a list of votes from any State shall not have been received at the Seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the District Judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the Seat of Government.

Sec. 5. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, one thousand seven hundred and ninety-three, and on the second Wednesday in February succeeding every meeting of the Electors, and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the Constitution.

Sec. 6. *And be it further enacted*, That, in case there shall be no President of the Senate at the Seat of Government on the arrival of the persons intrusted with the lists of the votes of the Electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

Sec. 7. *And be it further enacted*, That the persons appointed by the Electors to deliver the lists of votes to the President of the Senate, shall be allowed, on the delivery of the said lists, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the Electors to the Seat of the Government of the United States.

Sec. 8. *And be it further enacted*, That, if any person appointed to deliver the votes of the Electors to the President of the Senate, shall, after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

Sec. 9. *And be it further enacted*, That, in case of removal, death, resignation, or inability both of the President and Vice President of the United States, the President of the Senate *pro tempore*, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States until the disability be removed or a President shall be elected.

Sec. 10. *And be it further enacted*, That, whenever

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the offices of President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the Executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State, specifying that the Electors of the President of the United States shall be appointed or chosen in the several States within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided*, There shall be the space of two months between the date of such notification and the said first Wednesday in December; but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification that the Electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing, within which time the Electors shall accordingly be appointed or chosen; and the Electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said Electors and others shall be pursuant to the directions prescribed in this act.

Sec. 11. *And be it further enacted*, That the only evidence of a refusal to accept, or of a resignation of the office of President or Vice President shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept, or resigning, as the case may be, and delivered into the office of the Secretary of State.

Sec. 12. *And be it further enacted*, That the term of four years, for which a President and Vice President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the Electors shall have been given.

Approved, March 1, 1792.

An Act for making further and more effectual provision for the protection of the Frontiers of the United States.

Be it enacted, &c., That the battalion of artillery now in service be completed according to the establishment, and that the two regiments of infantry now in service be completed to the number of nine hundred and sixty non-commissioned officers, privates, and musicians, each.

Sec. 2. *And be it further enacted*, That there shall be raised for a term not exceeding three years, three additional regiments, each of which exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates, and musicians; and that one of the said regiments be organized in the following manner: that is to say—two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and one squadron of light dragoons, which, ex-

clusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto: That the organization of the said squadron of light dragoons shall be as follows, to wit: One major, one adjutant, one quartermaster, one surgeon's mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops as he shall think proper. *Provided always, and be it further enacted*, That it shall be lawful for the President of the United States to organize the said five regiments of infantry and the said corps of horse and artillery as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper; so that the whole number of officers and men shall not exceed the limits above prescribed: *Provided*, That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.

Sec. 3. *And be it further enacted*, That the non-commissioned officers, privates, and musicians of the said three regiments shall be enlisted for the term of three years, unless previously discharged.

Sec. 4. *And be it further enacted*, That every recruit, who shall be enlisted by virtue of this act, shall receive eight dollars bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians now in service, who have enlisted for three years, since the passing of the act entitled "An act for regulating the military establishment of the United States."

Sec. 5. *And be it further enacted*, That the commissioned officers, who shall be employed to recruit for the military establishment, shall be entitled to receive, for every recruit, duly enlisted and mustered, two dollars.

Sec. 6. *And be it further enacted*, That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, on the military establishment of the United States, and of the three regiments authorized by this act, shall be, in future, as follows, free of all deductions, to wit:

GENERAL STAFF.—A major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; quartermaster, one hundred dollars; adjutant, to do also the duty of inspector, seventy-five dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quartermaster, fifty dollars; aid-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, to act also as deputy inspector, in addition to his pay in the line, twenty-four dollars; principal artificer, forty dollars; second artificer, twenty-six dollars.

REGIMENTAL.—Lieutenant colonel commandant, seventy-five dollars; major commandant of artillery and major of dragoons, fifty-five dollars; paymaster, in addition to his pay in the line, ten dol-

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lars; quartermaster, in addition to his pay in the line, eight dollars; adjutant, in addition to his pay in the line, ten dollars; majors of infantry, fifty dollars; captains, forty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; mates, thirty dollars; sergeant major and quartermaster sergeants, seven dollars; senior musicians, six dollars; corporals, five dollars; privates three dollars; musicians, four dollars; artificers allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars; matrons and nurses in the hospital, eight dollars.

Sec. 7. *And be it further enacted*, That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled, "An act for regulating the military establishment of the United States," and in the act passed in the third session of the first Congress, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers."

Sec. 8. *And be it further enacted*, That the forage to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

Sec. 9. *And be it further enacted*, That the allowance of clothing for non-commissioned officers and privates of the infantry of the said three regiments, shall be the same as is by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed to the infantry and artillery.

Sec. 10. *And be it further enacted*, That all the commissioned and non-commissioned officers, privates, and musicians, of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations, as are described in the before mentioned act, entitled "An act for regulating the military establishment of the United States."

Sec. 11. *And be it further enacted*, That it shall be lawful for the President of the United States to forbear to raise, or to discharge after they shall be raised, the whole or any part of the said three additional regiments, in case events shall, in his judgment, render his so doing consistent with the public safety.

Sec. 12. *And be it further enacted*, That the President be, and he hereby is authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*, That non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day; each person finding his horse, arms, and accoutrements, and at his own risk; and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith.

Sec. 13. *And be it further enacted*, That the President alone be, and he hereby is, authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed, in number and rank, the proportions assigned to the said three regiments, and whose pay and other allowances shall not, exclusively of fifty cents per day for the use and risk of their horses, exceed those of officers of corresponding rank in the said regiments.

Sec. 14. *And be it further enacted*, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indiana, and for such compensations, as he may think proper: *Provided*, The said compensations do not, in the whole, exceed twenty thousand dollars.

Approved, March 5, 1792.

An Act declaring the consent of Congress to a certain act of the State of Maryland, and to continue for a longer time an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the States of Georgia and Rhode Island and Providence Plantations.

Be it enacted, &c., That the consent of Congress be, and is hereby, granted and declared to the operation of an act of the General Assembly of Maryland, made and passed at a session begun and held at the city of Annapolis, on the first Monday in November last, entitled "An act empowering the wardens of the port of Baltimore to levy and collect the duty therein mentioned."

Sec. 2. *And be it further enacted*, That the act entitled "An act declaring the assent of Congress to certain acts of the States of Maryland, Georgia, and Rhode Island and Providence Plantations," shall be continued, and is hereby declared to be in full force, so far as the same respects the States of Georgia, and Rhode Island and Providence Plantations.

Sec. 3. *And be it further enacted*, That this act shall be and continue in force for the term of three years, and from thence to the end of the next session of Congress, and no longer.

Approved, March 19, 1792.

An Act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions.

Be it enacted, &c., That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar, the claims of the widow or orphans of any officer of the late Army, to the seven years half-pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

Sec. 2. *And be it further enacted*, That any commissioned officer, not having received the

commutation of half-pay, and any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States during life or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the Circuit Court of the district in which they respectively reside may think just: *Provided*, That in every such case the rules and regulations following shall be complied with; that is to say, first, every applicant shall attend the Court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the Circuit Court the following proofs, to wit: a certificate from the commanding officer of the ship, regiment, corps, or company in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to same effect; the affidavits of three reputable freeholders of the city, town, or county in which he resides, ascertaining of their own knowledge the mode of life, employment, labor, or means of support of such applicant, for the last twelve months. Secondly, the Circuit Court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their inquiry, in case in their opinion the applicant should be put on the pension list, to the Secretary of War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

SEC. 3. *And be it further enacted*, That the clerk of the District Court, in each district, shall publish this act in such manner as the Judge of the District Court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the Circuit Courts in such district. And in districts wherein a Circuit Court is not directed by law to be holden, the Judge of the District Court shall be, and he hereby is, authorized to exercise all the powers given by this act to the respective Circuit Courts. And it shall be the duty of the Judges of the Circuit Courts, respectively, during the term of two years from the passing of this act, to remain at the places where the said Courts shall be holden five days at the least, from the time of opening the sessions thereof, that persons disabled as aforesaid may have full opportunity to make their application for the relief proposed by this act.

SEC. 4. *And be it further enacted*, That the Secretary of War, upon receipt of the proofs, certificate, and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the

United States, in conformity thereto: *Provided*, always, That, in any case where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

SEC. 5. *And be it further enacted*, That all non-commissioned officers, soldiers, and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list until after the time limited by the act of Congress for that purpose was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

SEC. 6. *And be it further enacted*, That, from and after the passing of this act, no sale, transfer, or mortgage of the whole, or any part of the pension or arrears of pension, payable to any non-commissioned officer, soldier, or seaman, before the same shall become due, shall be valid. And every person claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some Justice of the Peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

Approved, March 23, 1792.

An Act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established.

Be it enacted, &c., That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar, the claims of any officer, soldier, artificer, sailor, or marine, of the late Army or Navy of the United States, for personal services rendered to the United States, in the Military or Naval Department, shall, from and after the passing of this act, be suspended for and during the term of two years. And that every such claim for services rendered to the United States in the Military or Naval Departments, who shall exhibit the same for liquidation at the Treasury of the United States, at any time during the said term of two years, shall be entitled to an adjustment and allowance thereof on the same principles, as if the same had been exhibited within the term prescribed by the aforesaid resolutions of

Congress: *Provided*, That nothing herein shall be construed to extend to claims for rations or subsistence money.

SEC. 2. *And be it further enacted*, That no balances hereafter to be certified as due from the United States, shall be registered in any other name than that of the original claimant, or of his heirs, executors, or administrators; and such balances shall be transferable only at the Treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules as have been, or shall be prescribed for that purpose.

Approved, March 27, 1792.

An Act for the relief of certain widows, orphans, invalids, and other persons.

Be it enacted, &c., That the Comptroller of the Treasury adjust the claims of the widows and orphans, respectively, as the case may be, of the late Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Elliott, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Bush, and Major Charles Motte, deceased, all of whom were killed or died in the service of the United States, for the seven years' half-pay stipulated by the resolve of Congress of the twenty-fourth day of August, one thousand seven hundred and eighty; and that the Register of the Treasury do issue his certificates accordingly.

SEC. 2. *And be it further enacted*, That the Secretary of the Department of War be, and he hereby is, required to place on the Invalid List, Timothy Mix, disabled in the late war, by the loss of his right hand, while in the service of the United States, at the rate of five dollars per month, to commence on the fourth day of February, one thousand seven hundred and eighty-three; that the said Secretary place on the Invalid List, Abel Turney, mariner, disabled while in the service of the United States, at the rate of one dollar per month, to commence on the first day of January, one thousand seven hundred and eighty-one.

SEC. 3. *And be it further enacted*, That the arrears of the said pensions be paid as the laws direct in similar cases.

SEC. 4. *And be it further enacted*, That the Comptroller of the Treasury be, and he hereby is, required to adjust the accounts of Joseph Pannil, a Lieutenant Colonel in the service of the United States, as a deranged officer upon the principles of the act of the late Congress of the third of October, one thousand seven hundred and eighty, and to allow him the usual commutation of the half-pay for life of a Lieutenant Colonel; and that the Register of the Treasury be, and he hereby is, required to grant a certificate for the amount of the balance due to him; that the Comptroller adjust the account of the late Brigadier General De Haas, admitting to the credit of the said account such sums as, by evidence, shall appear to have been advanced for the public service, and which have been charged by the United States to the officers who have received the same for the public ser-

vise; and that the said Register do grant a certificate for the balance due on such settlement; that the said Comptroller adjust the account of Thomas McIntire, a Captain in the service of the United States during the late war, and allow him the usual commutation of the half-pay for life of a Captain, and that the said Register grant a certificate for the amount thereof accordingly.

SEC. 5. *And be it further enacted*, That the Comptroller of the Treasury be, and he hereby is, required to adjust the account of Francis Suzor Debevere, a surgeon's mate in the service of the United States during the late war, and who remained in captivity to the end thereof, and that the Register of the Treasury be, and hereby is, required to grant a certificate for the amount which shall be found due for the services of the said Francis Suzor Debevere; that the said Comptroller adjust the account of Robert King, as a Lieutenant, deranged upon the principles of the act of the late Congress, passed the twenty-fourth day of November, one thousand seven hundred and seventy-eight, and that the said Register grant a certificate accordingly; that the Comptroller adjust the account of Lemuel Sherman, as a sailing-master of a galley on Lake Champlain, and as such taken prisoner; and that the said Register grant a certificate accordingly.

SEC. 6. *And be it further enacted*, That there be granted to Nicholas Ferdinand Westfall, who left the British service, and joined the Army of the United States during the late war, one hundred acres of unappropriated land in the Western Territory of the United States, free of all charges, and also the sum of three hundred and thirty-six dollars, out of any money appropriated to the contingent charges of Government.

Approved, March 27, 1792.

An Act supplemental to the Act for making further and more effectual provision for the protection of the frontiers of the United States.

Be it enacted, &c., That it shall be lawful for the President of the United States, by and with the advice and consent of the Senate, to appoint such number of Brigadier Generals as may be conducive to the good of the public service: *Provided*, The whole number appointed, or to be appointed, shall not exceed four.

Approved, March 28, 1792.

An Act for finishing the Light-house on Bald Head, at the mouth of Cape Fear river, in the State of North Carolina.

Be it enacted, &c., That the Secretary of the Treasury, under the direction of the President of the United States, be authorized, as soon as may be, to cause to be finished, in such manner as shall appear advisable, the light-house heretofore begun under the authority of the State of North Carolina, on Bald Head, at the mouth of Cape Fear river, in the said State; and that a sum, not exceeding four thousand dollars, be appropriated for the same, out of any moneys here-

tofore appropriated, which may remain unexpended, after satisfying the purposes for which they were appropriated, or out of any other moneys which may be in the Treasury, not subject to any prior appropriation.
Approved, April 2, 1792.

An Act establishing a Mint, and regulating the Coins of the United States.

Be it enacted, &c., That a Mint, for the purpose of national coinage, be, and the same is established, to be situate and carried on at the Seat of the Government of the United States for the time being; and that for the well conducting of the business of the said Mint, there shall be the following officers and persons, namely: a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer.

Sec. 2. And be it further enacted, That the Director of the Mint shall employ as many clerks, workmen, and servants as he shall from time to time find necessary, subject to the approbation of the President of the United States.

Sec. 3. And be it further enacted, That the respective functions and duties of the officers above mentioned shall be as follows: The Director of the Mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The Assayer shall receive and give receipts for all metals which may lawfully be brought to the Mint to be coined; and shall assay all such of them as may require it, and shall deliver them to the Chief Coiner, to be coined. The Chief Coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The Engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions; but it shall be lawful for the functions and duties of Chief Coiner and Engraver to be performed by one person. The Treasurer shall receive from the Chief Coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered; he shall, moreover, receive and safely keep all moneys which shall be for the use, maintenance, and support of the Mint, and shall disburse the same upon warrants signed by the Director.

Sec. 4. And be it further enacted, That every officer and clerk of the said Mint shall, before he enters upon the execution of his office, take an oath or affirmation, before some Judge of the United States, faithfully and diligently to perform the duties thereof.

Sec. 5. And be it further enacted, That the said Assayer, Chief Coiner, and Treasurer, previously to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of ten thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

Sec. 6. And be it further enacted, That there:

shall be allowed and paid, as compensations for their respective services: To the said Director, a yearly salary of two thousand dollars; to the said Assayer, a yearly salary of one thousand five hundred dollars; to the said Chief Coiner, a yearly salary of one thousand five hundred dollars; to the said Engraver, a yearly salary of one thousand two hundred dollars; to the said Treasurer, a yearly salary of one thousand two hundred dollars; and to each clerk who may be employed, a yearly salary not exceeding five hundred dollars; and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations.

Sec. 7. And be it further enacted, That the accounts of the officers and persons employed in and about the said Mint, and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the Treasury Department of the United States; and a quarter-yearly account of the receipts and disbursements of the said Mint, shall be rendered at the said Treasury for settlement, according to such forms and regulations as shall have been prescribed by that Department; and that once in each year a report of the transactions of the said Mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury, shall be laid before Congress for their information.

Sec. 8. And be it further enacted, That in addition to the authority vested in the President of the United States, by a resolution of the last session, touching the engaging of artists and the procuring of apparatus for the said Mint, the President be authorized, and he is hereby authorized, to cause to be provided and put in proper condition such buildings, and in such manner, as shall appear to him requisite for the purpose of carrying on the business of the said Mint; and that as well the expenses which shall have been incurred pursuant to the said resolution, as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said Mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage hereinafter mentioned, shall be defrayed from the Treasury of the United States, out of any moneys which from time to time shall be therein, not otherwise appropriated.

Sec. 9. And be it further enacted, That there shall be from time to time struck and coined, at the said Mint, coins of gold, silver, and copper, of the following denominations, values, and descriptions, viz: Eagles, each to be of the value of ten dollars or units, and to contain two hundred and forty-seven grains and four eighths of a grain of pure, or two hundred and seventy grains of standard gold; Half Eagles, each to be of the value of five dollars, and to contain one hundred and twenty-three grains and six eighths of a grain of pure, or one hundred and thirty-five grains of standard

gold; Quarter Eagles, each to be of the value of two dollars and a half dollar, and to contain sixty-one grains and seven eighths of a grain of pure, or sixty-seven grains and four eighths of a grain of standard gold; Dollars or Units, each to be of the value of a Spanish milled dollar, as the same is now current, and to contain three hundred and seventy-one grains and four sixteenth parts of a grain of pure, or four hundred and sixteen grains of standard silver; Half Dollars, each to be of half the value of the dollar or unit, and to contain one hundred and eighty-five grains and ten sixteenth parts of a grain of pure, or two hundred and eight grains of standard silver; Quarter Dollars, each to be of one fourth the value of the dollar or unit, and to contain ninety-two grains and thirteen sixteenth parts of a grain of pure, or one hundred and four grains of standard silver; Dimes, each to be of the value of one tenth of a dollar or unit, and to contain thirty-seven grains and two sixteenth parts of a grain of pure, or forty-one grains and three fifth parts of a grain of standard silver; Half Dimes, each to be of the value of one twentieth of a dollar, and to contain eighteen grains and nine sixteenth parts of a grain of pure, or twenty grains and four fifth parts of a grain of standard silver; Cents, each to be of the value of the one hundredth part of a dollar, and to contain eleven pennyweights of copper; Half Cents, each to be of the value of half a cent, and to contain five pennyweights and half a pennyweight of copper.

Sec. 10. And be it further enacted, That upon the said coins respectively there shall be the following devices and legends, namely: Upon one side of each of the said coins there shall be an impression emblematic of Liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "United States of America;" and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require.

Sec. 11. And be it further enacted, That the proportional value of gold to silver, in all coins which shall by law be current as money within the United States, shall be as fifteen to one, according to quantity in weight, of pure gold or pure silver; that is to say, every fifteen pounds weight of pure silver shall be of equal value in all payments with one pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

Sec. 12. And be it further enacted, That the standard for all gold coins of the United States, shall be eleven parts fine, to one part alloy; and, accordingly, that eleven parts in twelve of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions, not exceeding one half silver, as shall be found convenient, to be regulated by the Director of the Mint for the time being, with the approbation of the President

of the United States, until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the Director of the Mint, at the expiration of a year, after commencing the operations of the said Mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins, the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy.

Sec. 13. And be it further enacted, That the standard for all silver coins of the United States, shall be one thousand four hundred and eighty-five parts fine, to one hundred and seventy-nine parts alloy; and accordingly, that one thousand four hundred and eighty-five parts in one thousand six hundred and sixty-four parts of the entire weight of each of the said coins, shall consist of pure silver, and the remaining one hundred and seventy-nine parts of alloy, which alloy shall be wholly of copper.

Sec. 14. And be it further enacted, That it shall be lawful for any person or persons to bring to the said Mint gold and silver bullion, in order to their being coined; and that the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and that free of expense to the person or persons by whom the said bullion have been brought. And as soon as the persons by whom the same shall have been delivered shall, upon demand, receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided, nevertheless*, That it shall be at the mutual option of the party or parties bringing such bullion, and of the Director of the said Mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent. from the weight of the pure gold or pure silver contained in the said bullion, as an indemnification to the Mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said Mint from time to time, whenever the state of the Treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be, out of the coins which shall have been made of the bullion for which the moneys so furnished shall have been exchanged; and the said deduction of one half per cent. shall constitute a fund towards defraying the expenses of the said Mint.

Sec. 15. And be it further enacted, That the bullion which shall be brought as aforesaid to the Mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference

Acts of Congress.

to any person or persons; and if any preference shall be given, contrary to the direction aforesaid, the officer by whom such undue preference shall be given shall in each case forfeit and pay one thousand dollars, to be recovered with costs of suit. And to the end that it may be known if such preference shall at any time be given, the Assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same, a memorandum in writing, under his hand, denoting the weight, fineness, and value thereof, together with the day and order of its delivery into the Mint.

Sec. 16. *And be it further enacted*, That all the gold and silver coins which shall have been struck at, and issued from the said Mint, shall be a lawful tender in all payments whatsoever; those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights.

Sec. 17. *And be it further enacted*, That it shall be the duty of the respective officers of the said Mint, carefully and faithfully to use their best endeavors that all the gold and silver coins which shall be struck at the said Mint shall be, as nearly as may be, conformable to the several standards and weights aforesaid, and that the copper whereof the cents and half cents aforesaid may be composed, shall be of good quality.

Sec. 18. And the better to secure a due conformity of the said gold and silver coins to their respective standards, *Be it further enacted*, That from every separate mass of standard gold or silver, which shall be made into coins at the said Mint, there shall be taken, set apart by the Treasurer, and reserved in his custody, a certain number of pieces, not less than three; and that once in every year the pieces so set apart and reserved shall be assayed, under the inspection of the Chief Justice of the United States, the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, and the Attorney General of the United States, (who are hereby required to attend for that purpose at the said Mint, on the last Monday in July in each year,) or under the inspection of any three of them, in such manner as they or a majority of them shall direct, and in the presence of the Director, Assayer, and Chief Coiner of the said Mint; and if it shall be found that the gold and silver so assayed shall not be inferior to their respective standards herein before declared more than one part in one hundred and forty-four parts, the officer or officers of the said Mint whom it may concern shall be held excusable, but if any greater inferiority shall appear, it shall be certified to the President of the United States, and the said officer or officers shall be deemed disqualified to hold their respective offices.

Sec. 19. *And be it further enacted*, That if any of the gold or silver coins which shall be struck or coined at the said Mint, shall be debased or made worse, as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to the directions of this act, through the default or with the connivance of any of the officers

or persons who shall be employed at the said Mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said Mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death.

Sec. 20. *And be it further enacted*, That the money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents or hundredths, and mills or thousandths; a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and that all accounts in the public offices, and all proceedings in the Courts of the United States shall be kept and had in conformity to this regulation.

Approved, April 2, 1792.

An Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stakeage of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-three, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to or vested in the United States by the State or States respectively in which the same may be, and that the said time be further allowed to the States respectively to make such session.

Sec. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys as may be necessary for the security of navigation, at and near the entrance of the harbor of Charleston, in the State of South Carolina; and also, to have affixed three floating beacons in the Bay of Chesapeake—one at the north end of Willoughby's Spit, another at the tail of the Horse Shoe, and the third on the shoal-est place of the Middle Ground.

Approved, April 12, 1792.

An Act to erect a light-house on Montauk Point, in the State of New York.

Be it enacted, &c., That, as soon as the jurisdiction of such land on Montauk Point, in the State of New York, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light-house, shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the

Acts of Congress.

President of the United States, for building a light-house thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and the President is hereby authorized to make the said appointments; that the number and disposition of the lights in said light-house shall be such as may tend to distinguish it from others, and, as far as is practicable, prevent mistakes.

Approved, April 12, 1792.

An Act for ascertaining the bounds of a tract of land purchased by John Cleves Symmes.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized, at the request of John Cleves Symmes, or his agent or agents, to alter the contract made between the late Board of Treasury and the said John Cleves Symmes for the sale of a tract of land of one million of acres, in such manner that the said tract may extend from the mouth of the Great Miami to the mouth of the Little Miami, and be bounded by the river Ohio on the south, by the Great Miami on the west, by the Little Miami on the east, and by a parallel of latitude on the north, extending from the Great Miami to the Little Miami, so as to comprehend the proposed quantity of one million of acres: *Provided*, That the northern limits of the said tract shall not interfere with the boundary-line established by the treaty of Fort Harmar, between the United States and the Indian nations: *And provided, also*, That the President reserve to the United States such lands at and near Fort Washington as he may think necessary for the accommodation of a garrison at that fort.

Approved, April 12, 1792.

An Act for fixing the compensations of the Doorkeepers of the Senate and House of Representatives in Congress.

Be it enacted, &c., That, from and after the termination of the present session of Congress, the Doorkeepers of the Senate and House of Representatives shall each be allowed a salary of five hundred dollars per annum, in full compensation for their services in the said offices; and that the Assistant Doorkeeper to each House shall be allowed, in full compensation for all his services, the sum of four hundred and fifty dollars per annum; and it shall be the duty of the said Doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and, in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, to take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session; and the said compensation shall be certified and paid in like manner as is provided by law for the other officers of the Senate and House of Representatives.

Approved, April 12, 1792.

An Act for altering the times for holding the Circuit Courts, in certain districts of the United States, and for other purposes.

Be it enacted, &c., That, from and after the passing of this act, the Circuit Courts in the districts of North Carolina and Georgia shall be held as follows, to wit: In the district of North Carolina, on the first day of June and the thirtieth day of November, at Newbern, in the present and each succeeding year; and all writs and recognizances returnable, and suits and other proceedings that were continued to the Circuit Court for the district of North Carolina on the eighteenth day of June next, shall now be returned and held continued to the same Court on the first day of June next. In the district of Georgia, on the twenty-fifth day of April, at Savannah, and on the eighth day of November, at Augusta, in the present and each succeeding year, except when any of those days shall happen on Sunday, in which case, the Court shall be held on the Monday following.

Sec. 2. *And be it further enacted*, That the sessions of the Circuit Courts in the Eastern Circuit shall, in the present and every succeeding year, commence at the times following, that is to say: In New York district on the fifth day of April and the fifth day of September; in Connecticut district, on the twenty-fifth day of April and the twenty-fifth day of September; in Massachusetts district, on the twelfth day of May and twelfth day of October; in New Hampshire district, on the twenty-fourth day of May and the twenty-fourth day of October; and in Rhode Island district, on the seventh day of June and the seventh day of November, except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the Circuit Court shall be held in the district of Virginia, at the city of Richmond only; in New Hampshire district, at Portsmouth; and Exeter alternately, beginning at the first; in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence alternately, beginning at the first; in Connecticut district, at Hartford and New Haven alternately, beginning at the last; and in New York district, at the city of New York only.

Sec. 3. *And be it further enacted*, That, at each session of the Supreme Court of the United States, or as soon after as may be, the Judges of the Supreme Court attending at such session shall, in writing, subscribed with their names, (which writing shall be lodged with the Clerk of the Supreme Court, and safely kept in his office,) assign to the said Judges, respectively, the circuits which they are to attend at the ensuing sessions of the Circuit Courts; which assignment shall be made in such manner that no Judge, unless by his own consent, shall have assigned to him any circuit which he has already attended, until the same has been afterwards attended by every other of the said Judges: *Provided, always*, That if the public service or the convenience of the Judges shall at any time, in their opinion, require a different arrangement, the same may take place, with the consent of any four of the Judges of the Supreme Court.

Sec. 4. *And be it further enacted*, That the District Court for the district of Maine, which, by the act entitled "An act to establish the Judicial Courts of the United States," is holden on the first Tuesday of June, annually, at Portland, shall, from and after the passing of this act, be holden on the third Tuesday of June, annually, anything in the act aforesaid to the contrary notwithstanding; and all writs and recognizances returnable, and suits and other proceedings that were continued to the District Court for the district of Maine on the first Tuesday of June next, shall now be returnable and held continued to the same Court on the third Tuesday of June next.

Sec. 5. *And be it further enacted*, That the stated District Courts for the district of North Carolina shall, in future, be held at the towns of Newbern, Wilmington, and Edenton, in rotation, beginning at Newbern, as the said Court now stands adjourned.

Approved, April 13, 1792.

An Act to compensate the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the occupation of, and damages done to, the said school during the late war.

Be it enacted, &c., That, as an indemnification to the Corporation of Trustees of the Public Grammar School and Academy of Wilmington, in the State of Delaware, for the use and occupation of the said school, and the damages done to the same by the troops of the United States, during the late war, there be granted to the said Corporation of Trustees a reasonable compensation, payable out of any unappropriated money in the Treasury of the United States, which compensation shall be ascertained by the accounting officers of the Treasury.

Approved, April 13, 1792.

An Act for apportioning Representatives among the several States according to the First Enumeration.

Be it enacted, &c., That, from and after the third day of March, one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution, that is to say: Within the State of New Hampshire, four; within the State of Massachusetts, fourteen; within the State of Vermont, two; within the State of Rhode Island, two; within the State of Connecticut, seven; within the State of New York, ten; within the State of New Jersey, five; within the State of Pennsylvania, thirteen; within the State of Delaware, one; within the State of Maryland, eight; within the State of Virginia, nineteen; within the State of Kentucky, two; within the State of North Carolina, ten; within the State of South Carolina, six; and within the State of Georgia, two members.

Approved, April 14, 1792.

the country permit, to take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any ship or vessel, who shall die within their Consulate, leaving there no legal representative, partner in trade, or trustee by him appointed to take care of his effects; they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others, at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, shall transmit to the Treasury of the United States, to be holden in trust for the legal claimants; but, if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings. For the information of the representative of the deceased, it shall be the duty of the Consul or Vice Consul authorized to proceed, as aforesaid, in the settlement of his estate, immediately to notify his death in one of the gazettes published in the Consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

Sec. 3. *And be it further enacted*, That the said Consuls and Vice Consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their Consulates, respectively, shall, as far as the laws of the country will permit, take proper measures as well for the purpose of saving the said ships or vessels, their cargoes, and appurtenances, as for storing and securing the effects and merchandise saved, and for taking an inventory or inventories thereof; and the merchandise and effects saved, with the inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided*, That no Consul or Vice Consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

Sec. 4. *And be it further enacted*, That it shall and may be lawful for every Consul and Vice Consul of the United States to take and receive the following fees of office for the services which he shall have performed: For authenticating under the Consular seal every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars; for the taking into possession, inventorying, selling, and finally settling and paying, or transmitting,

ting as aforesaid, the balance due on the personal estate left by any citizen of the United States who shall die within the limits of his Consulate, five per centum on the gross amount of such estate; for taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two-and-a-half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue. And it shall be the duty of the Consuls and Vice Consuls of the United States to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.

Sec. 5. *And be it further enacted*, That, in case it be found necessary for the interest of the United States that a Consul or Consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one Consul for any one of the States on the said coast.

Sec. 6. *And be it further enacted*, That every Consul and Vice Consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act; and the said bond shall be lodged in the office of the Secretary of the Treasury.

Sec. 7. *And be it further enacted*, That, to prevent the mariners and seamen employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the Consuls and Vice Consuls, respectively, from time to time, to provide for them in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of twelve cents to a man per diem. And all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said Consuls or Vice Consuls, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of costs or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, That no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons burden of the said ship or vessel, on any one voy-

age; and if any such captain or master shall refuse the same, on the request or order of the Consul or Vice Consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused, to be recovered for the benefit of the United States by the said Consul or Vice Consul, in his own name, in any Court of competent jurisdiction.

Sec. 8. *And be it further enacted*, That, where a ship or vessel, belonging to citizens of the United States, is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent to be discharged there, shall send them back to the State where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the Consul or Vice Consul of the United States having jurisdiction of the port or place; and, in case of the master's refusal, the said Consul or Vice Consul may (if the laws of the land permit it) cause his ship, goods, and person, to be arrested and held until he shall comply with his duty herein.

Sec. 9. *And be it further enacted*, That the specification of certain powers and duties, in this act, to be exercised or performed by the Consuls and Vice Consuls of the United States, shall not be construed to the exclusion of others resulting from the nature of their appointments, or any Treaty or Convention under which they may act.

Approved, April 14, 1792.

An Act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates.

Be it enacted, &c., That a certain contract expressed in an indenture executed on the twenty-seventh day of October, in the year one thousand seven hundred and eighty-seven, between the then Board of Treasury for the United States of America, of the one part, and Manasseh Cutler and Winthrop Sargent, as agents for the Directors of the Ohio Company of Associates, of the other part, so far as the same respects the following described tract of land, that is to say: Beginning at a station where the western boundary line of the seventh range of townships (laid out by the authority of the United States in Congress assembled) intersects the river Ohio; thence extending along that river southwesterly to a place where the western boundary line of the fifteenth range of townships (when laid out agreeably to the land ordinance passed the twentieth day of May, one thousand seven hundred and eighty-five) would touch the said river; thence running northerly on the said western bounds of the said fifteenth range of townships, till a line drawn due east to the western boundary line of the said seventh range of townships, will comprehend, with the other lines of this tract, seven hundred and fifty thousand acres of land, besides the several lots and parcels of land in the said contract reserved or appropriated to particular purposes; thence running east to the western boundary line of the said seventh range of townships; and thence along the said line to the place of beginning, be, and the same is hereby confirmed; and that the President of the United

States be, and he hereby is, authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, the said described tract of land, with the reservations in the said indenture expressed, in trust for the persons composing the said Ohio Company of Associates, according to their several rights and interests, and for their heirs and assigns, as tenants in common.

Sec. 2. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in trust, for the uses above expressed, one other tract of two hundred and fourteen thousand two hundred and eighty-five acres of land: *Provided*, That the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, or either of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for Army bounty rights, sufficient for that purpose, according to the provision of a resolve of Congress of the twenty-third day of July, one thousand seven hundred and eighty-seven.

Sec. 3. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Green, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land: *Provided, always, nevertheless*, That the said grant of one hundred thousand acres shall be made on the express condition of becoming void for such part thereof as the said Company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person not less than eighteen years of age, being an actual settler at the time of such conveyance.

Sec. 4. *And be it further enacted*, That the said quantities of two hundred and fourteen thousand two hundred and eighty-five acres, and of one hundred thousand acres, shall be located within the limits of the tract of one million five hundred thousand acres of land, described in the indenture aforesaid, and adjoining to the tract of land described in the first section of this act, and in such form as the President, in the letters patent, shall prescribe for that purpose.

Approved, April 21, 1792.

An Act for raising a further Sum of Money for the Protection of the Frontiers, and for other purposes therein mentioned.

Be it enacted, &c., That, from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, and that in lieu thereof, there shall be thenceforth laid, levied, and collected upon

the said articles, at their said importation, the several and respective rates or duties following, viz:

Wines, namely: Madeira, of the quality of London particular, per gallon, fifty-six cents; Madeira, of the quality of London market, per gallon, forty-nine cents; other Madeira wine, per gallon, forty cents; Sherry, per gallon, thirty-three cents; Saint Lucar, per gallon, thirty cents; Lisbon, per gallon, twenty-five cents; Oporto, per gallon, twenty-five cents; Tenerife and Fayal, per gallon, twenty cents. All other wines, forty per centum ad valorem, provided that the amount of the duty thereupon shall, in no case, exceed thirty cents per gallon.

Spirits, distilled wholly or chiefly from grain: Of the first class of proof, per gallon, twenty-eight cents; of the second class of proof, per gallon, twenty-nine cents; of the third class of proof, per gallon, thirty-one cents; of the fourth class of proof, per gallon, thirty-four cents; of the fifth class of proof, per gallon, forty cents; of the sixth class of proof, per gallon, forty cents; of the sixth class of proof, per gallon, fifty cents.

All other distilled spirits: Of the second class of proof and under, per gallon, twenty-five cents; of the third class of proof and under, per gallon, twenty-eight cents; of the fourth class of proof and under, per gallon, thirty-two cents; of the fifth class of proof and under, per gallon, thirty-eight cents; of the sixth class of proof and under, per gallon, forty-four cents. Which several classes or denominations of proof shall be deemed and taken to correspond with those mentioned in the "act repealing," after the last day of June next, the duties hereinafter laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States and for appropriating the same."

Beer, ale, and porter, per gallon, eight cents; steel, per hundred weight, one hundred cents; nails, per pound, two cents; cocoa, per pound, two cents; chocolate, per pound, three cents; playing cards, per pack, twenty-five cents; shoes and slippers of silk, twenty cents; all other shoes and slippers for men and women, clogs and golo-shoes, ten cents; all other shoes and slippers for children, seven cents; on hemp, for every one hundred and twelve pounds, one hundred cents; on cables, for every one hundred and twelve pounds, one hundred and eighty cents; on tarred cordage, for every one hundred and twelve pounds, one hundred and eighty cents; on untarred cordage and yarn, for every one hundred and twelve pounds, two hundred and twenty-five cents; on twine and packthread, for every one hundred and twelve pounds, four hundred cents; on coal, per bushel, four and a half cents; on salts, called Glauber salts, for every one hundred and twelve pounds, two hundred cents.

Articles ad valorem: China wares, looking glass, window and other glass, and all manufactures of glass, black quart bottles excepted; muskets, pistols, and other fire-arms; swords, cutlasses, hangers and other side arms; starch; hair powder; wafers; glue; laces, lines, fringes, tassels, and trimmings commonly used by upholsterers, coach-makers and saddlers, and paper-hangings; painters'

colors, whether dry or ground in oil—fifteen per centum ad valorem—cast, slit, and rolled iron, and, generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dyeing; hats, caps, and bonnets of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for women's head-dresses; fans; dolls, dressed and undressed; toys; buttons of every kind; carpets and carpeting, mats and floor cloths; sail cloth; sheathing and cartridge paper; all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents, odors, perfumes, or cosmetics; all dentifrice-powders, tinctures, preparations, or compositions whatsoever, for the teeth or gums—ten per centum ad valorem.

Sec. 2. *Provided always, and be it further enacted*, That all articles which are excepted and exempted from duty by the "act making further provision for the payment of the Debts of the United States," shall continue to be so excepted and exempted; and that, to the articles heretofore made free from duty, the following shall be added, namely: copper in pigs and bars, lapis calaminaris, unmanufactured wool, wood, and sulphur.

Sec. 3. *And be it further enacted*, That, from and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of fifty-six pounds avoirdupois; and as often as the actual salt shall be charged in the proportion of the present rate of duty per bushel for every fifty-six pounds of its actual weight.

Sec. 4. *And be it further enacted*, That, after the said last day of June next, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and a half per centum ad valorem, upon all goods, wares, and merchandise, not above enumerated or described, which, if imported in ships or vessels of the United States, are now chargeable with a duty of five per centum ad valorem.

Sec. 5. *And be it further enacted*, That the addition of ten per centum made by the second section of the "act making further provision for the Debts of the United States," to the rates of duties on goods, wares and merchandise, imported in ships or vessels not of the United States, shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described.

Sec. 6. *And be it further enacted*, That all drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act;

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and that, in addition thereto, there shall be allowed and paid upon provisions salted within the United States, except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit: On pickled fish, at the rate of eight cents per barrel, and on other provisions at the rate of five cents per barrel; and from and after the first day of January next, there shall be an addition of twenty per centum to the allowances, respectively granted to ships or vessels employed in the Bank or other cod-fisheries, and in the terms provided by an act, entitled "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein," and during the continuance of the said act.

Sec. 7. *And be it further enacted*, That all duties, drawbacks, and allowances, which, by virtue of this act, shall be payable or allowable on any specific quantity of goods, wares, and merchandise, shall be deemed to apply, in proportion, to any quantity more or less than such specific quantity.

Sec. 8. *And be it further enacted*, That the term of credit for the payment of duties on salt shall be nine months, and on all articles, the produce of the West Indies, salt excepted, where the amount of the duty to be paid by one person or co-partnership shall exceed fifty dollars, shall be four months, and that the duties on all other articles, except wines and teas, which shall be imported after the last day of June next, shall be payable, one half in six, one quarter in nine, and the other quarter in twelve calendar months, from the time of each respective importation.

Sec. 9. *And be it further enacted*, That the act, entitled, "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," and as touching the duties on distilled spirits only, the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained, had been herein inserted and re-enacted.

Sec. 10. *And be it further enacted*, That all wines which, after the said last day of June next, shall be imported into the United States, shall be landed under the care of the inspector of the port where the same shall be landed, and for that purpose, every permit for landing any wines, which shall be granted by a collector, shall, prior to such landing, be produced to the said inspector who, by endorsement thereupon under his hand, shall signify the production thereof to him, and the time when, after which, and not otherwise, on pain of forfeiture, it shall be lawful to land the said wines. And the said inspector shall make an entry of all

such permits, and of the contents thereof, and each pipe, butt, hoghead, cask, case, box, or package whatsoever, containing such wines, shall be marked by the officer under whose immediate inspection the same shall be landed, in legible and durable characters, with progressive numbers, the name of the said officer, and the quality or kind of wine, as herein before enumerated and distinguished. And the said officer shall grant a certificate for each such pipe, butt, hoghead, cask, case, box, or package, specifying therein the name or names of the importer or importers, the ship or vessel in which the same shall have been imported, and the number thereof, to accompany the same wheresoever it shall be sent. And if any pipe, butt, hoghead, cask, case, box, or package, containing wine, shall be found without such marks and certificates, the same shall be liable to be seized, and the want of such marks and certificates shall be presumptive evidence that such wine was unlawfully imported and landed.

Sec. 11. *And be it further enacted*, That every person who shall have in his or her possession wines which are intended for sale, in quantity exceeding one hundred and fifty gallons, shall, prior to the said last day of June next, make entry thereof, in writing, at some office of inspection in the city, town, or county where he or she shall reside, specifying and describing the casks, cases, boxes, and other packages containing the same; and the kinds, qualities, and quantities thereof; and where and in whose possession they are; and the officer of inspection, at whose office such entry may be made, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, the wines so reported; and shall mark, or cause to be marked, the casks, cases, boxes, and packages, containing the same, with progressive numbers, with the name of the person to whom the same may belong, the kind or kinds thereof, and the words "Old Stock," and shall grant a certificate for each cask, case, box, or package, containing such wine, describing therein the said cask, case, box, or package, and the wines therein contained, which certificate shall accompany the same, wherever it may be sent. And if any person who may have wines in his or her possession for sale, shall not, prior to the said last day of June next, make entry thereof, as above directed, he or she, for such omission or neglect, shall forfeit and pay the value of the wine omitted to be entered, to be recovered with costs of suit, for the benefit of any person who shall give information thereof; and the wines, so omitted to be entered, shall be forfeited.

Sec. 12. *And be it further enacted*, That, from and after the last day of December next, no beer, ale, or porter, shall be brought into the United States, from any foreign port or place, except in casks or vessels, the capacity whereof shall not be less than forty gallons, or in packages containing not less than six dozen of bottles, on pain of forfeiture of the said beer, ale, or porter, and of the ship or vessel, in which the same shall be brought.

Sec. 13. *And be it further enacted*, That the several and respective duties, aforesaid, except

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that mentioned in the fourth section of this act, shall continue to be levied, collected, and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and that so much thereof, as may be necessary, shall be, and are hereby pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next; and that so much of the residue thereof, as may be necessary, shall be, and are hereby appropriated for making good deficiencies in any funds which may have been designated for satisfying grants and appropriations heretofore made.

Sec. 14. *And be it further enacted*, That the additional duty of two-and-a-half per centum ad valorem, specified in the fourth section of this act, shall continue for the term of two years, from the commencement thereof, and no longer.

Sec. 15. *And be it further enacted*, That the sum of one hundred and fifty thousand dollars, out of the surplus of the duties, which accrued to the end of the year one thousand seven hundred and ninety-one, and a further sum of five hundred and twenty-three thousand five hundred dollars, out of the surplus of the duties hereby established as the same shall accrue, making, together, the sum of six hundred and seventy-three thousand five hundred dollars, shall be, and are hereby appropriated and applied, in addition to any former appropriation for the Military Establishment of the United States, towards carrying into execution the act, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States."

Sec. 16. *And be it further enacted*, That the President of the United States be empowered to take on loan, on account of the United States, from the President, Directors, and Company of the Bank of the United States, who are hereby authorized and empowered to lend the same, or from any other body politic or corporate within the United States, or from any other person or persons, the whole or any part of the aforesaid sum of five hundred and twenty-three thousand five hundred dollars, to be applied to the purpose, to and for which the same is above appropriated, and to be reimbursed out of the aforesaid surplus of the duties by this act imposed, which surplus is, accordingly, appropriated to the said reimbursement: *Provided*, That the rate of interest of such loans shall not exceed five per centum per annum, and that the principal thereof may be reimbursed at pleasure of the United States.

Sec. 17. *And be it further enacted*, That so much of the act, entitled, "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as hath rated the livre tournois of France at eighteen-and-a-half cents, be, and the same is hereby, repealed.

Sec. 18. *And be it enacted and declared*, That if the principal, in any bond which shall be given to

the United States, for duties on goods, wares, and merchandise imported, shall be insolvent; or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors, or administrators, shall be insufficient for the payment of his or her debts; and if in either of the said cases any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the moneys thereupon due, such surety, his or her executors or administrators shall have and enjoy the like advantage, priority, and preference, for the recovery and receipt of the said moneys out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States, by the forty-fourth section of the act, entitled "An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her, or their own name or names, for the recovery of the moneys which shall have been paid thereupon. *And it is further declared*, That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed, or absent debtor, shall have been attached by process of law, as to cases in which an act of legal bankruptcy shall have been committed.

Sec. 19. *And be it further enacted*, That the President of the United States be, and hereby is, authorized to appoint such place within the district of Vermont to be the port of entry and delivery within the said district, as he may deem expedient, anything in the act, entitled "An act giving effect to the laws of the United States within the State of Vermont," to the contrary notwithstanding.

Approved, May 2, 1792.

An Act to provide for calling forth the Militia to execute the Laws of the Union, to suppress insurrections, and repel invasions.

Be it enacted, &c., That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper; and in case of an insurrection in any State against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, or as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, the same being notified to the President of the United States by an Associate Justice or the District Judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed; and if the militia of a State where such combinations may happen shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States be not in session, to call forth and employ such numbers of the militia of any other State or States most convenient thereto as may be necessary; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session.

SEC. 3. *And be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time.

SEC. 4. *And be it further enacted*, That the militia employed in the service of the United States shall receive the same pay and allowances as the troops of the United States who may be in service at the same time, or who were last in service, and shall be subject to the same rules and articles of war; and that no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than three months in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

SEC. 5. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay and not less than one month's pay; and such officer shall, moreover, be liable to be cashiered by sentence of a court-martial; and such non-commissioned officers and privates shall be liable to be imprisoned by a like sentence on failure of payment of the fines adjudged against them, for the space of one calendar month for every five dollars of such fine.

SEC. 6. *And be it further enacted*, That courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 7. *And be it further enacted*, That all fines, to be assessed as aforesaid, shall be certified by the presiding officer of the court-martial before whom the same shall be assessed to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record

the said certificate in a book to be kept for that purpose; the said marshal or his deputy shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent, which costs, and the manner of proceeding with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same shall be in other cases of distress; and where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the said fines, the marshal of the district or his deputy may commit such delinquent to jail during the term for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

SEC. 8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom five per centum as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information in any Court of the United States, of the district in which such fines shall be levied having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

SEC. 9. *And be it further enacted*, That the marshals of the several districts and their deputies shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have by law, in executing the laws of their respective States.

SEC. 10. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress thereafter, and no longer.

Approved, May 2, 1792.

An Act for the relief of persons imprisoned for Debt.

Be it enacted, &c., That persons imprisoned on executions issuing from any Court of the United States for satisfaction of judgments in any civil actions, shall be entitled to like privileges of the yards or limits of the respective jails, as persons confined in such jails for debt on judgments rendered in the Courts of the several States are entitled to, and under the like regulations and restrictions.

SEC. 2. *And be it further enacted*, That any person imprisoned as aforesaid may have the oath or affirmation hereinafter expressed administered to him by any Judge of the United States, or of the General or Supreme Court of Law of the State in which the debtor is imprisoned, the creditor, his agent, or attorney, if either live within one hundred miles of the place of imprisonment, or within the district in which the judgment was rendered, having at least thirty days' previous notice, by a citation served on him, issued by any

such Judge, to appear at the time therein mentioned at the said jail, if he see fit, to show cause why the said oath or affirmation should not be so administered; at which time and place, if no sufficient cause, in the opinion of the Judge, be shown, or doth from examination appear to the contrary, he may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz: "You, ———, solemnly swear (or affirm) that you have not estate, real or personal, nor is any to your knowledge, holden in trust for you to the amount or value of twenty dollars, nor sufficient to pay the debt for which you are imprisoned." Which oath or affirmation being administered, the Judge shall certify the same, under his hand, to the prison-keeper, and shall fix a reasonable allowance for the debtor's support, not exceeding one dollar per week; and, if the creditor shall thereafter, any week fail to furnish the debtor with such weekly support, by paying or advancing the money to him, or to the prison-keeper, for his use, the debtor shall be discharged from his imprisonment, on such judgment, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor.

SEC. 3. *And be it further enacted*, That if any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and suffer the pains and penalties in that case provided.

SEC. 4. *And be it further enacted*, That this act shall continue and be in force for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

Approved, May 5, 1792.

An Act authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to issue letters patent in the name and under the seal of the United States, thereby granting and conveying to John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, such number of acres of land as the payments already made by the said John Cleves Symmes, his agents, or associates, under their contract of the fifteenth day of October, one thousand seven hundred and eighty-eight, will pay for, estimating the lands at two-thirds of a dollar per acre, and making the reservations specified in the said contract.

SEC. 2. *And be it further enacted*, That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said John Cleves Symmes and his associates, and to their heirs and assigns, in fee simple, one other tract of one hundred and six thousand eight hundred and fifty-seven acres, with the reservations as aforesaid: *Provided*, That the said John Cleves Symmes, or his agents or asso-

ciates, or any of them, shall deliver to the Secretary of the Treasury, within six months, warrants which issued for Army bounty rights sufficient for that purpose, according to the provision of the resolves of Congress of the twenty-third of July and second of October, one thousand seven hundred and eighty-seven; but, in case so many warrants should not be delivered, then the letters patent last aforesaid to be given for such number of acres as shall be in proportion to the warrants so delivered.

SEC. 3. *And be it further enacted*, That the President be, and he is hereby, authorized and empowered, by letters patent as aforesaid, to grant and convey unto the said John Cleves Symmes and his associates, their heirs, and assigns, in trust for the purpose of establishing an Academy and other Public Schools and Seminaries of Learning, one complete township, conformably to an order of Congress of the second of October, one thousand seven hundred and eighty-seven, made in consequence of the application of the said John Cleves Symmes, for the purchase of the tract aforesaid.

SEC. 4. *And be it further enacted*, That the several quantities of land to be granted and conveyed as aforesaid, shall be included and located within such limits and lines of boundary as the President may judge expedient, agreeably to an act passed the twelfth day of April, one thousand seven hundred and ninety-two, "for ascertaining the bounds of a tract of land purchased by John Cleves Symmes."

Approved, May 5, 1792.

An Act to alter the time for the next annual meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next annual meeting of Congress shall be on the first Monday in November next.

Approved, May 5, 1792.

An Act concerning the Duties on Spirits distilled within the United States.

Be it enacted, &c., That, from and after the last day of June next, the present duties upon spirits distilled within the United States, and on stills, shall cease, and that, in lieu thereof, upon all spirits which, after the said day, shall be distilled within the United States wholly or in part from molasses, sugar, or other foreign materials, there shall be paid the duties following: that is to say—

For every gallon of those spirits of the first class of proof, ten cents; for every gallon of those spirits of the second class of proof, eleven cents; for every gallon of those spirits of the third class of proof, twelve cents; for every gallon of those spirits of the fourth class of proof, fourteen cents; for every gallon of those spirits of the fifth class of proof, eighteen cents; for every gallon of those spirits of the sixth class of proof, twenty-five cents. And upon all spirits which after the said day shall be distilled within the United States from materials of the growth or produce of the United States, in any city, town, or village, at

any distillery at which there shall be one or more stills which singly or together shall be of the capacity of four hundred gallons or upwards, there shall be paid the duties following: that is to say—For every gallon of those spirits of the first class of proof, seven cents; for every gallon of those spirits of the second class of proof, eight cents; for every gallon of those spirits of the third class of proof, nine cents; for every gallon of those spirits of the fourth class of proof, eleven cents; for every gallon of those spirits of the fifth class of proof, thirteen cents; for every gallon of those spirits of the sixth class of proof, eighteen cents. And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village at which there shall be one or more stills, which singly, if only one, or together, if more than one, shall be of less capacity than four hundred gallons, there shall be paid the yearly duty of fifty-four cents for every gallon English wine measure of the capacity or content of each and every such still, including the head thereof: *Provided*, That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay seven cents for every gallon of spirits by him or her distilled, or to pay at the rate of ten cents per gallon of the capacity for each and every month of the employment of any such still; and in case the said proprietor or possessor shall elect to pay either the said rate of seven cents per gallon, or the said rate of ten cents, according to the capacity of his or her still or stills, he or she at the time of making entry of his or her still or stills in manner herein-after directed, shall by writing under his or her hand, left at the office of inspection where such entry shall be made, notify the said election, and if the same shall be to pay the said monthly rate of ten cents, shall demand a license for the term of time, specifying the day of commencing and the day of ending, during which he or she shall intend to work his or her still or stills, which license shall, without delay or expense to the said proprietor or possessor, be granted, and shall be countersigned by the officer at whose office application for the same shall have been made. And in the case of an election, to pay the said monthly rate of ten cents, it shall not be lawful for any person by whom the same shall have been made, to work his or her still or stills at any time, within the year from the date of his or her entry thereof, other than that for which a license shall have been granted, unless he or she shall have previously obtained another license for such further time, which upon like application shall and may be granted in like manner; and if any such person shall work his or her still or stills contrary to the direction or provision aforesaid, he or she shall forfeit and pay for every such offence two hundred dollars. And in every case in which any proprietor or possessor of a still or stills subject to the

payment of duty according to the capacity of such still or stills, shall not make election to pay according to one or the other of the alternatives aforesaid, or shall not duly comply therewith, he or she shall be liable to pay, and shall pay, the said yearly rate of fifty-four cents for every gallon of the capacity or capacities of his or her still or stills. *SEC. 2. And be it further enacted*, That there be in each county comprehended within any district at least one office of inspection, at which every person having or keeping a still or stills within such county shall, between the last day of May and the first day of July in each year, make entry of such still or stills, and at which every person, who, being a resident within the county, shall procure a still or stills, or who, removing within a county, shall bring therein a still or stills, shall, within thirty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and, in the case of removal, shall specify the place from which every such still shall have been brought.

SEC. 3. And be it further enacted, That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon; and that every owner of land upon which any still shall be worked shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear that the possessor of, or person by whom, such still shall have been worked, was, during the whole time of working the same, a trespasser or intruder on his land.

SEC. 4. And be it further enacted, That every officer of inspection within whose survey any distillery of Geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding two hours in each day such part of the said distillery as he may be required by the proprietor, possessor, or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor, or manager to give notice, in writing, to the said officer, describing therein particularly the part of such distillery which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired.

SEC. 5. And be it further enacted, That it shall be in the discretion of the Secretary of the Treasury to regulate as well the marks to be set upon the casks, vessels, and packages, containing distilled spirits, as the forms of the certificates which are to accompany the same; and that when any cask or vessel in which distilled spirits have been contained shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of, an officer of in-

spection; and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew.

SEC. 6. And be it further enacted, That, instead of a notice of twenty-four hours, heretofore required to be given, of the intent to export distilled spirits, in order to the benefit of the drawback of the duties thereupon, six hours shall be sufficient.

SEC. 7. And be it further enacted, That there be an abatement for leakage at the rate of two per cent., in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

SEC. 8. And be it further enacted, That the officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still, shall identify, by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

SEC. 9. And be it further enacted, That every distiller of, and dealer in, spirits who may have in his or her possession distilled spirits not made or certified, pursuant to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States," shall, prior to the last day of September next, report the spirits in his or her possession, in writing, at some office of inspection, to the end that such spirits may be marked and certified as Old Stock. And that, from and after the last day of September next, casks and vessels of the capacity of twenty gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture; and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels, and packages containing distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same: *Provided*, That it shall not be incumbent upon any such officer to mark or certify any cask, vessel, or package which ought to have been before marked or certified according to any law of the United States.

SEC. 10. And be it further enacted, That, from and after the last day of April, one thousand seven hundred and ninety-three, no distilled spirits, except arrack and sweet cordials, shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of ninety gallons and upwards. *SEC. 11. And be it further enacted*, That no drawback of the duty on distilled spirits which shall be exported after the last day of June next,

shall be allowed upon any quantity less than one hundred gallons.

SEC. 12. And be it further enacted, That, after the last day of June next, no distilled spirits shall be brought into the United States from any foreign port or place in any cask or vessel which shall have been marked pursuant to any law of the United States concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

SEC. 13. And be it further enacted, That if the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the second section of this act, such owner or possessor shall forfeit and pay the sum of two hundred and fifty dollars; and if any distilled spirits, except arrack and sweet cordials, shall, after the last day of April next, be brought into the United States in casks or vessels of less capacity than ninety gallons, all such spirits, and the casks and vessels containing the same, shall be subject to seizure and forfeiture, and every such penalty or forfeiture shall be one-half to the use of the United States, and the other half to the use of the person who shall first discover and make known the matter or thing whereby the same shall have been incurred.

SEC. 14. And be it further enacted and declared, That the duties hereby laid shall continue in force for the same time, and are hereby pledged and appropriated to and for the same purposes as those in lieu of which they are laid, and pursuant to the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same."

SEC. 15. And be it further enacted, That to make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the United States, and on stills, so much of the product of the duties laid by the act entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary shall be, and is hereby, pledged and appropriated to the same purposes, to and for which the duties hereby reduced were pledged and appropriated.

SEC. 16. And be it further enacted, That the President of the United States be authorized to make such allowances for their respective services to the supervisors, inspectors, and other officers of inspection as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States shall not exceed seven-and-a-half per centum of the total product of the duties on distilled spirits for the period to which the said allowances shall relate, computing from the time the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States,"

and for appropriating the same," took effect: And, provided, also, That such allowance shall not exceed the annual amount of seventy thousand dollars, until the same shall be further ascertained by law.

Sec. 17. *And be it further enacted*, That the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," shall extend to, and be in full force for, the collection of the several duties herein before mentioned, and for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing therein contained were inserted in, and re-enacted by, this present act, subject only to the alterations hereby made.

Approved, May 8, 1792.

An Act relative to the compensations to certain officers employed in the collection of the duties of Import and Tonnage.

Be it enacted, &c., That, from and after the last day of June next, in addition to the fees and emoluments which may accrue to the officers employed in the collection of the duties of import and tonnage, by the provisions already made, they shall severally have, and be entitled to the respective allowances following, to wit: The surveyors of Newburyport, Salem, Saint Mary's, and Wilmington, in North Carolina, the yearly sum of one hundred dollars, each; the surveyors of Beverley, North Kingston, East Greenwich, Warren, Bristol, Pawcatuck River, Providence, Patuxet, New Haven, Lewellensburg, Alexandria, Beaufort, Hertford, Winton, Bennet's Creek, Plymouth, Windsor, Skewarkey, Murfreesborough, Nixon-ton, Indian Town, Currituck Inlet, Pasquotank River Bridge and Newbiggen Creek, the yearly sum of eighty dollars each; the surveyor of Portsmouth, the yearly sum of sixty dollars; the surveyor of Ipswich, Portland, Newport, Stonington, Middletown, Bermuda Hundred, Petersburg, Richmond, and Savannah, the yearly sum of fifty dollars, each; the surveyors of Gloucester, New London, and Swansborough, the yearly sum of thirty dollars, each; the surveyors of Hudson, Little Egg Harbor, Suffolk, Smithfield, Urbana, and Fredericksburg, the yearly sum of twenty dollars, each; the collector of the district of Wilmington, in North Carolina, the yearly sum of one hundred and fifty dollars; the collectors of the districts of Portsmouth, Gloucester, Albany, Annapolis, Vienna, Nottingham, Yorktown, Dumfries and Louisville, the yearly sum of one hundred dollars, each; the collector of the district of Fairfield, the yearly sum of eighty dollars; the collectors of the districts of Marblehead, Plymouth, Barnstable, Nantucket, New Bedford, Dighton, York, Biddeford and Penobscot, Bath, Wiscasset, Machias, Newport, New Haven, Perth Amboy, Great Egg Harbor, Wilmington, in Delaware, Chester, Cedarpoint,

Georgetown, Hampton, South Quay, Washington, Plank-bridge and Georgetown, in South Carolina, the yearly sum of fifty dollars, each; the naval officer of the district of Portsmouth, the yearly sum of one hundred dollars; the naval officers of the districts of Newburyport, Newport, Providence, Wilmington, in North Carolina, and Savannah, the yearly sum of fifty dollars, each; the collector of the district of Salem and Beverly, one fourth of one per centum on the amount of all moneys by him received on account of the said duties; and to the collectors of the districts of Portsmouth, Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford and Penobscot, Portland, Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Newport, Providence, New Haven, Fairfield, Perth Amboy, Burlington, Great Egg Harbor, Wilmington, in Delaware, Oxford, Vienna, Snow Hill, Annapolis, Nottingham, Cedarpoint, Georgetown, in Maryland, Hampton, Yorktown, Yeocomico, Dumfries, Foley Landing, Cherrystone, South Quay, Wilmington, in North Carolina, Newbern, Washington, Edenton, Plank-bridge, Georgetown, in South Carolina, Beaufort, and Savannah, each, one-half of one per centum on the amount of all moneys by them respectively received on account of the duties aforesaid.

Sec. 2. *And be it further enacted*, That, from and after the last day of June next, the allowance of three-fourths of one per centum to the collectors of the districts of Pennsylvania and the city of New York, on the amount of all moneys by them respectively received, on account of the duties of import and tonnage, shall cease, and instead thereof, they shall, after that time, be entitled to one-half of one per centum on all such moneys by them respectively received.

Sec. 3. *And be it further enacted*, That, from and after the last day of June next, the expense of fuel, office rent, and necessary stationery, for the collectors of the districts of Salem and Beverley, Boston and Charlestown, the cities of New York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, shall be paid, three-fourths by the said collectors, and the other fourth by the respective naval officers in those districts.

Sec. 4. *And be it further enacted*, That, whenever a collector shall die, the commissions, to which he would have been entitled on the receipt of all duties bonded by him, shall be equally divided between the legal representatives of such deceased collector and his successor in office, whose duty it shall be collect the same; and for this purpose the said representatives shall deliver over to such successor all the public or official books, papers, and accounts of the said deceased.

Approved, May 8, 1792.

An Act to continue in force the act, entitled "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases," and to make further provision for the payment of Penalties to Invalids.

Be it enacted, &c., That the act, entitled "An

act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," shall be, and hereby is continued in full force for the term of three years, from the passing of this act, and no longer. *Provided*, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States.

Sec. 2. *And be it further enacted*, That the yearly pensions which have been or may be, allowed by, or in pursuance of, any act or law of the United States, to persons who were wounded and disabled in the public service, shall, for the space of one year from the fourth day of March last, be paid out of the Treasury of the United States, under such regulations as the President of the United States may direct.

Approved, May 8, 1792.

An Act supplementary to the Act for making provision for the Debt of the United States.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States, which hath not been subscribed pursuant to the terms proposed in the act entitled "An act making provision for the Debt of the United States," shall be, and it is hereby extended on the same terms as in and by the said act is provided, to the first day of March next; and books, for receiving such further subscriptions shall be opened at the Treasury of the United States, and by the Commissioners of Loans in each of the said States, on the first day of June next, which shall continue open until the said first day of March next, inclusively; for which purpose, the said Commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

Sec. 2. *And be it further enacted*, That such of the creditors of the United States as have not subscribed, and shall not subscribe to the said Loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the first day of March shall be registered conformably to the directions of the said act, as shall be equal to the interest payable at the same times and places, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed.

Sec. 3. *And be it further enacted*, That the term for receiving upon Loan that part of the Debts of the respective States which hath not been subscribed pursuant to the terms proposed in the act aforesaid, shall be, and it is hereby, enlarged on the same terms as in and by the said act is provided, until the first day of March, one thousand seven hundred and ninety-three, inclusively; for which purpose, books shall be opened at the Treasury of the United States, and by the Commissioners of Loans in each of the said States, on the first day of June next, which shall continue open until the first day of March, one thousand seven

hundred and ninety-three inclusively; for which purposes, the said Commissioners are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed.

Sec. 4. *And be it further enacted*, That the Commissioner of Loans for North Carolina shall not be allowed to receive any certificate issued by Patrick Travers, Commissioner of Cumberland county, or by the Commissioners of Army accounts at Warrenton.

Sec. 5. *And*, whereas the United States are indebted to certain foreign officers, on account of pay and services during the late war, the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the United States in Congress assembled, is payable at the house of ——— grand banker, at Paris, and it is expedient to discharge the same: *Be it therefore enacted*, That the President of the United States be, and he hereby is, authorized to cause to be discharged the principal and interest of the said Debt, out of any of the moneys which have been, or shall be obtained on Loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said moneys are, in and by the said act, authorized to be borrowed.

Sec. 6. *And be it further enacted*, That the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be Commissioners who, or any three of whom, are hereby authorized, with the approbation of the President of the United States, to purchase the Debt of the United States, at its market price, if not exceeding the par or true value thereof; for which purchase, the interest on so much of the Public Debt as has already been, or may hereafter be, purchased for the United States, or as shall be paid into the Treasury, and so much of the moneys appropriated for the payment of the interest on the Foreign and Domestic Debt as shall exceed what may be sufficient for the payment of such interest to the creditors of the United States, shall be, and are hereby appropriated. And it shall be the duty of the said Commissioners to render to the Legislature, within two months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made and Public Debt redeemed in pursuance of this act.

Sec. 7. *And*, whereas it is expedient to establish a fund for the gradual reduction of the Public Debt: *Be it further enacted*, That the interest on so much of the Debt of the United States as has been or shall be purchased or redeemed for by the United States, or as shall be paid into the Treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said Debt, which shall remain after paying such interest, shall be, and hereby are, appropriated and pledged firmly and inviolably for and to the purchase and redemption of the said Debt, to be applied under the direction of the President of the

Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, or any three of them, with the approbation of the President of the United States, for the time being, in manner following, that is to say: First, to the purchase of the several species of stock constituting the Debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the said funds, together with any other provisions which may be made by law, shall be equal to two per centum of the whole amount of the outstanding funded stock, bearing a present interest of six per centum; thenceforth, secondly, to the redemption of the said last-mentioned stock, according to the right for that purpose reserved to the United States, until the whole amount thereof shall have been redeemed; and lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the Debt of the United States, which may then remain unredeemed; and such purchase, as far as the fund shall at any time extend, shall be made within thirty days next after each day on which a quarterly payment of interest on the Debt of the United States shall become due, and shall be made by a known agent, to be named by the said Commissioners.

SEC. 8. *And be it further enacted*, That all future purchases of Public Debt on account of the United States, shall be made at the lowest price at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the Commissioners, or persons authorized by them to make purchases, and the persons making such proposals.

SEC. 9. *And be it further enacted*, That quarterly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said Debt, which shall have been from time to time purchased or redeemed; and full and exact report of the proceedings of the said Commissioners, including a statement of the disbursements which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress within the first fourteen days of each session which may ensue the present, during the execution of the said trust.

Approved, May 8, 1782.

An Act making alterations in the Treasury and War Departments.

Be it enacted, &c., That there be an accountant to the Department of War, who shall be charged with the settlement of all accounts relative to the pay of the Army, the subsistence of officers, bounties to soldiers, the expenses of the recruiting service, the incidental and contingent expenses of the Department; and who shall report, from time to time, all such settlements as shall have been made by him, for the inspection and revision of the ac-

counting officers of the Treasury; and the said accountant shall also be charged with the settlement of all claims for personal service authorized by the act of this Congress, of the 27th of March last, and of all military claims lodged in the late office of the Paymaster General and Commissioner of Army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report, from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. The compensation of the said accountant shall be a yearly salary of one thousand two hundred dollars.

SEC. 2. *And be it further enacted*, That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the Department of War, by warrants from the Treasury; which disbursements shall be made pursuant to warrants from the Secretary of War, countersigned by the accountant.

SEC. 3. *And be it further enacted*, That there be a Paymaster to reside near the headquarters of the troops of the United States. That it shall be the duty of the said Paymaster to receive from the Treasurer all the moneys which shall be intrusted to him for the purpose of paying the pay, the arrears of pay, subsistence, or forage due to the troops of the United States. That he shall receive the pay abstracts of the Paymasters of the several regiments or corps, and compare the same with the returns or muster-rolls, which shall accompany the said pay abstracts. That he shall certify accurately, to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant on the said Deputy Paymaster for the payment accordingly. That copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the War Department, in order to be there examined and finally adjusted at the Treasury. That the said Paymaster shall give bond in the sum of twenty thousand dollars, with two sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. That the compensation to the said Paymaster shall be sixty dollars monthly, with the same rations and forage as a Major.

SEC. 4. *And be it further enacted*, That no assignment of pay, made after the first day of June next, by a non-commissioned officer or private, shall be valid.

SEC. 5. *And be it further enacted*, That all purchases and contracts for supplying the Army with provisions, clothing, supplies in the Quartermaster's department, military stores, Indian goods, and all other supplies or articles for the use of the Department of War, be made by or under the direction of the Treasury Department.

SEC. 6. *And be it further enacted*, That the Secretary of the Treasury shall direct the superintendence of the collection of the duties on import and tonnage as he shall judge best. That the present office of assistant to the Secretary of

the Treasury be abolished, and that instead thereof there be an officer in the Department of the Treasury, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the Head of the Department, the collection of the other revenues of the United States, and shall execute such other services, being conformable to the constitution of the Department, as shall be directed by the Secretary of the Treasury. That the compensation of the said Commissioner shall be a salary of one thousand nine hundred dollars per annum.

SEC. 7. *And be it further enacted*, That in every case of an account or claim not finally adjusted, upon which the present Comptroller of the Treasury, as Auditor, may have decided, it shall be the duty of the Commissioner of the Revenue, and of the Auditor of the Treasury, finally to adjust the same; and in case of disagreement between the said Commissioner and Auditor, the decision of the Attorney General shall be final.

SEC. 8. *And be it further enacted*, That, in case of the death, absence from the Seat of Government, or sickness of the Secretary of State, Secretary of the Treasury, or of the Secretary of the War Department, or of any officer of either of the said Departments whose appointment is not in the head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices until a successor be appointed, or until such absence or inability by sickness shall cease.

SEC. 9. *And be it further enacted*, That the forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the Department of the Treasury.

SEC. 10. *And be it further enacted*, That, in addition to the compensations allowed to the Comptroller, Auditor, Treasurer, and Register of the Treasury, by the "Act for establishing the salaries of the Executive officers of Government, their assistants and clerks," and to the Attorney General, by the "Act for allowing certain compensations to the Judges of the Supreme and other Courts, and to the Attorney General of the United States," the said officers respectively shall be allowed the following yearly sums, viz: the Comptroller four hundred dollars; the Auditor four hundred dollars; the Treasurer four hundred dollars; the Register five hundred dollars; the Attorney General four hundred dollars.

SEC. 11. *And be it further enacted*, That the Secretary of the Treasury be authorized to have two principal clerks, each of whom to have a salary of eight hundred dollars per annum; and that the salary of the chief clerk of the Department of War be at the rate of eight hundred dollars per year.

SEC. 12. *And be it further enacted*, That the restriction on the clerks of the Department of the Treasury, so far as respects the carrying on of any trade or business, other than in the funds or debts of the United States, or of any State, or any kind

of public property, be abolished, and that such restriction, so far as respects the funds or debts of the United States, or of any State, or any public property of either, be extended to the Commissioner of the Revenue, to the several Commissioners of Loans, and to all persons employed in their respective offices, and to all officers of the United States concerned in the collection or disbursement prescribed in the eighth section of the act, entitled "An act to establish the Treasury Department," and the provisions relative to the officers in the Treasury Department, contained in the "Act to establish the Post Office and Post Roads," shall be, and hereby are, extended and applied to the Commissioner of the Revenue.

Approved, May 8, 1792.

An Act making certain appropriations therein specified.

Be it enacted, &c., That there be granted and appropriated the following sums for the following purposes, to wit: For the discharge of a balance to the Commissioners appointed under the act of Congress of the fifteenth of March, one thousand seven hundred and eighty-five, two thousand seven hundred and eighty-seven dollars and eighty-eight cents; for additional salary to the first clerk of the Commissioners for settling accounts between the United States and individual States, one hundred and eighty-seven dollars and ninety-one cents; for defraying the expense of stating and printing certain public accounts, pursuant to the order of the House of Representatives of the thirtieth of December, one thousand seven hundred and ninety-one, eight hundred dollars; for discharging the accounts of officers of the Courts of the United States, jurors, and witnesses, in aid of the fund heretofore appropriated, seventeen thousand dollars; for making good deficiencies in former appropriations, for defraying the expense of the enumeration of the inhabitants of the United States, four thousand six hundred and ninety-five dollars and fifty-nine cents; for discharging certain accounts against the Treasury Department, to the end of the year one thousand seven hundred and ninety-one, including a sum of six hundred dollars for furnishing the supervisors of the revenue with screw presses, seals, and other articles, one thousand nine hundred and fifty-five dollars and sixty-one cents; for a balance due to Lieutenant John Freeman, of the late Maryland line, on account of subsistence for the years one thousand seven hundred and eighty-two, and one thousand seven hundred and eighty-three, forty-one dollars and seventy-five cents; for compensation to the clerks of the acting Commissioners of Army accounts, and contingencies of his office, one thousand three hundred and twenty-nine dollars and sixteen cents; for additional compensation to the Doorkeepers of the House of Representatives, pursuant to a resolution of the House of the twenty-fourth of March last, seven hundred dollars; for the discharge of such demands against the United States, not otherwise provided for, as shall have been ascertained and admitted in due course of settlement at

the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, five thousand dollars. All which said sums, amounting together to thirty-four thousand four hundred and ninety-seven dollars and ninety cents, shall and may be paid out of the funds following, any or all of them, namely: the surpluses which may remain of appropriations heretofore made, after satisfying the purposes of such appropriations; moneys which have been paid into the Treasury in consequence of balances which have been found due from individuals, relating to transactions prior to the present Government of the United States; the surplus, not heretofore appropriated, of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one.

Sec. 2. *And be it further enacted*, That so much of the aforesaid surplus of the duties on imports and tonnage, which accrued to the end of the year one thousand seven hundred and ninety-one, as may be necessary, shall be and is hereby appropriated, in addition to the provision heretofore made, towards defraying the expenses which shall have been incurred in the execution of the act for raising and adding another regiment to the Military Establishment of the United States, and for making farther provision for the protection of the frontiers, within the limits of the sum of three hundred and twelve thousand six hundred and eighty-six dollars and twenty cents thereby authorized; and towards reimbursing any sums which may have been borrowed, or advances of money which may have been obtained for that purpose.

Sec. 3. *And be it further enacted*, That a sum of fifty thousand dollars, in addition to the provision heretofore made, be appropriated to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is authorized to borrow on the credit of the United States the said sum of fifty thousand dollars; an account of the expenditure whereof, as soon as may be, shall be laid before Congress.

Approved, May 8, 1792.

An Act to provide for a Copper coinage.

Be it enacted, &c. That the Director of the Mint, with the approbation of the President of the United States, be authorized to contract for and purchase a quantity of copper, not exceeding one hundred and fifty tons; and that the said Director, as soon as the needful preparations shall be made, cause the copper by him purchased to be coined at the Mint into cents and half cents, pursuant to the "Act establishing a Mint and regulating the Coins of the United States;" and that the said cents and half cents, as they shall be coined, be paid into the Treasury of the United States, thence to issue into circulation.

Sec. 2. *And be it further enacted*, That, after

the expiration of six calendar months from the time when there shall have been paid into the Treasury by the said Director, in cents and half cents, a sum not less than fifty thousand dollars, which time shall forthwith be announced by the Treasurer-in at least two gazettes or newspapers, published at the Seat of the Government of the United States for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid, or received in payment for any debt, demand, claim, matter, or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or received in payment contrary to the prohibition aforesaid, shall be forfeited; and every person by whom any of them shall have been so paid, or offered to be paid, or received in payment, shall also forfeit the sum of ten dollars; and the said forfeiture and penalty shall and may be recovered, with costs of suit, for the benefit of any person or persons by whom information of the incurring thereof shall have been given.

Approved, May 8, 1792.

An Act for regulating processes in the Courts of the United States, and providing compensation for the officers of the said Courts, and for jurors and witnesses.

Be it enacted, &c. That all writs and processes issuing from the Supreme or a Circuit Court, shall bear teste of the Chief Justice of the Supreme Court (or if that office shall be vacant) of the Associate Justice next in precedence, and all writs and processes issuing from a District Court shall bear teste of the Judge of such Court (or if that office shall be vacant) of the clerk thereof, which said writs and processes shall be under the seal of the Court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expense of the United States.

Sec. 2. *And be it further enacted*, That the form of writs, executions, and other process, except their style and the forms and modes of proceeding in suits, in those of Common Law, shall be the same as are now used in the said Courts respectively, in pursuance of the act, entitled "An act to regulate processes in the Courts of the United States;" in those of Equity and in those of Admiralty and Maritime jurisdiction, according to the principles, rules, and usages, which belong to Courts of Equity and to Courts of Admiralty respectively, as contra-distinguished from Courts of Common Law; except so far as may have been provided for by the act to establish the Judicial Courts of the United States, subject, however, to such alterations and additions as the said Courts respectively shall, in their discretion, deem expedient, or to such regulations as the Supreme Court of the United States shall think proper from time to time by rule to prescribe to any Circuit or District Court concerning the same: *Provided*, That, on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias* ad satisfaciendum being one, the plaintiff shall

have his election to take out a *capias* ad satisfaciendum in the first instance.

Sec. 3. *And be it further enacted*, That, from and after the passing of this act, the fees and compensations to the several officers and other persons hereinafter mentioned, shall be as follows; that is to say: To the Marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process, in Chancery, on each person named in the same, two dollars; for his travel out in serving each writ, warrant, attachment, or process, aforesaid, five cents per mile, to be computed from the place of service to the Court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the Court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel, where there is one person named in such writ, warrant, attachment, or process, shall in no case exceed seven dollars; and when there are more than one the fee for extra travel shall not exceed one dollar above seven dollars for each person. For each bail-bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, where he does it, each, thirty cents; for summoning a grand or petit jury, each, three dollars: *Provided*, That in those States where jurors, by the laws of the State, are drawn by constables or other officers of corporate towns or places by lot, the Marshals shall receive for the use of such constables or officers the fees allowed for summoning jurors; for attending the Supreme, Circuit, or District Courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said Courts; for levying an execution, and for all other services, not herein enumerated, such fees or compensation as are allowed in the Supreme Court of the State where the services shall be rendered. To the clerk of the Supreme Court of the United States, ten dollars per day for his attendance in Court, and for his other services in discharging the duties of his office, double the fees of the clerk of the Supreme Court of that State in which the Supreme Court of the United States shall be holden. To the clerk of the District and Circuit Courts such fees in each State respectively as are allowed in the Supreme Courts of the same; and five dollars per day for his attendance on any Circuit or District Court, and at the rate of ten cents per mile for his expenses and time in traveling from the place of his abode to either of the said Courts. And in case any clerk of a Court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the Courts of the State, and for which the laws of the State make no allowance, the Court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror, fifty cents per day for attending in Court, and for traveling at the rate of five cents per every mile from

their respective places of abode to the place where the Court is held, and the like allowance for returning. To witnesses summoned in any of the Courts of the United States the same compensations in each State respectively as are allowed in the Supreme Courts of the same. To the Attorney of the United States for the District, such fees in each State respectively as are allowed in the Supreme Courts of the same, and also the like compensation for traveling as is above allowed to the clerk of the District and Circuit Courts.

Sec. 4. *And be it further enacted*, That the Marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the Court may judge reasonable. And there shall be paid to the Marshal the amount of the expense for fuel, candles, and other reasonable contingencies, that may accrue in holding the Courts within his District, and providing the books necessary to record the proceedings thereof; and such amount, as also the compensations aforesaid, to the grand and petit jurors, to the witnesses summoned on the part of the United States, to the clerk of the Supreme Court for his attendance; to the clerks of the District and Circuit Courts for their traveling and attendance; to the Attorney of the District for traveling to Court; to the Marshal for his attendance at Court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in jail for any criminal offence, and for the commitment or discharge of such prisoner, and also the legal fees of the Clerk, Attorney, and Marshal, in criminal prosecutions, shall be included in the account of the Marshal; and the same having been examined and certified by the Court, or one of the Judges of it, in which the service shall have been rendered, shall be paid out of the Treasury of the United States, to the Marshal, and by him shall be paid over to the persons entitled to the same, and the Marshal shall be allowed two and a-half per cent. on the amount by him so paid over, to be charged in his future account.

Sec. 5. *And be it further enacted*, That, in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant he shall be subject to the payment of costs; and on every conviction for any other offence, not capital, the Court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any former or plaintiff, on a penal statute, to whose benefit the penalty, or any part thereof, if recovered is directed by law to accrue, shall discontinue his suit or prosecution, or shall be non-suit in the same, or if, upon trial, a verdict shall pass for the defendant, the Court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States, specially authorized to commence such prosecution, and the Court before whom the action or information shall be tried, shall, at the trial in open Court, certify, upon record, that there was reasonable cause for commencing the

same, in which case no costs shall be adjudged to the defendant.

Sec. 6. *And be it further enacted*, That the fees and compensations to the several officers and persons herein before mentioned, other than those which are above directed to be paid out of the Treasury of the United States, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered.

Sec. 7. *And be it further enacted*, That, if any officer herein before mentioned, or his deputy, shall, by reason or color of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any Court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the Court before whom the conviction shall be.

Sec. 8. *And be it further enacted*, That the act passed at the last session of Congress, entitled "An act to continue in force for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the Courts of the United States,'" and also another act passed at the last session of Congress, entitled "An act providing compensations for the officers of the Judicial Courts of the United States and for jurors and witnesses and for other purposes," be and the same are hereby repealed.

Sec. 9. *And be it further enacted*, That it shall be the duty of the clerk of the Supreme Court of the United States forthwith to transmit to the clerks of the several Circuit Courts the form of a writ of error, to be approved by any two of the Judges of the Supreme Court, and it shall be lawful for the clerks of the said Circuit Courts to issue writs of error agreeably to such forms as nearly as the case may admit, under the seal of the said Circuit Courts, returnable to the Supreme Court, in the same manner as the clerk of the Supreme Court may issue such writs, in pursuance of the act, entitled "An act to establish the Judicial Courts of the United States."

Sec. 10. *And be it further enacted*, That it shall and may be lawful for the clerks of the District and Circuit Courts, in the absence, or in case of the disability, of the Judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said Courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in Admiralty causes.

Sec. 11. *And be it further enacted*, That, in all suits and actions in any District Court of the United States, in which it shall appear that the Judge of such Court is, any ways, concerned in interest, or has been of counsel, for either party, it shall be the duty of such Judge, on application on the minutes party, to cause the fact to be entered on the minutes of the Court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next Circuit Court of the District, which Circuit Court shall, thereupon, take cognizance thereof, in the

like manner, as if it had been originally commenced in that Court, and shall proceed to hear and determine the same accordingly.

Sec. 12. *And be it further enacted*, That all the records and proceedings of the Court of Appeals heretofore appointed, previous to the adoption in the present Constitution, shall be deposited in the office of the Clerk of the Supreme Court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings, to any person requiring and paying for the same, in like manner as copies of the records and other proceedings of the said Court are by law directed to be given: which copies shall have like faith and credit as all other proceedings of the said Court.

Approved, May 8, 1792.

An act more effectually to provide for the National Defence, by establishing an uniform Militia throughout the United States.

Be it enacted, &c. That each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years, (except as hereinafter excepted) shall severally, and respectively, be enrolled in the Militia by the Captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such Captain or commanding officer of a company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years (except as before excepted) shall come to reside within his bounds: and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen, so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred, and provided, when called out to exercise or into service, except that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger, and espartoon; and that, from and after five years from the passing of this act, all muskets for arming the Militia as is herein required, shall be of bores sufficient for balls of the eighteenth part of a pound; and every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements, required as aforesaid, shall hold the same exempted from all suits, dis-

tresses, executions, or sales for debt, or for the payment of taxes.

Sec. 2. *And be it further enacted*, That the Vice President of the United States; the officers, Judicial and Executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the Post Office of the United States; all ferry-men employed at any ports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from Militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Sec. 3. *And be it further enacted*, That, within one year after the passing of this act, the Militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the Legislature of each State shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the Adjutant General's office in the State; and when in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said Militia shall be officered by the respective States, as follows: To each division, one Major General and two Aides-de-Camp, with the rank of Major; to each brigade, one Brigadier General with one Brigade Inspector, to serve also as Brigade Major, with the rank of a Major; to each regiment, one Lieutenant-Colonel Commandant; and to each battalion, one Major; to each company, one Captain, one Lieutenant, one Ensign, four Sergeants, four Corporals, one Drummer, and one Fifer or Bugler. That there shall be a regimental staff, to consist of one Adjutant, and one Quartermaster, to rank as Lieutenants; one Paymaster; one Surgeon, and one Surgeon's-Mate; one Sergeant-Major; one Drum-Major, and one Fife-Major.

Sec. 4. *And be it further enacted*, That out of the Militia enrolled, as is herein directed, there shall be formed for each battalion, at least one company of grenadiers, light infantry, or riflemen; and that to each division there shall be, at least, one company of artillery, and one troop of horse. There shall be to each company of artillery, one Captain, two Lieutenants, four Sergeants, four Corporals, six Gunners, six Bombardiers, one Drummer, and one Fifer. The officers to be armed with a sword or hanger, a fusée, bayonet and belt, with a cartridge box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until

proper ordnance and field artillery is provided. There shall be to each troop of horse, one Captain, two Lieutenants, one Cornet, four Sergeants, four Corporals, one Sadler, one Farrier, and one Trumpeter. The commissioned officers to furnish themselves with good horses of, at least fourteen hands and an half high, and to be armed with a sword and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion, and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and cartridge box to contain twelve cartridges for pistols. That each company of volunteers from the brigade, at the discretion of the Commander-in-Chief of the State, not exceeding one company each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the Brigadier commanding the brigade to which they belong.

Sec. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle horn, by the commissioned officers of the company, in such manner as the Legislature of the company, or the States shall direct.

Sec. 6. *And be it further enacted*, That there shall be an Adjutant General appointed in each State, whose duty it shall be to distribute all orders from the Commander-in-Chief of the State to the several corps; to attend all public reviews, when the Commander-in-Chief of the State shall review the Militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank-forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the Militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquencies, and every other thing which relates to the general advancement of good order and discipline. All which, the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said Adjutant General may be duly furnished therewith. From all which returns he shall make proper abstracts, and lay the same annually before the Commander-in-Chief of the State.

Sec. 7. *And be it further enacted*, That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth of March, 1779, shall be the rules of discipline to be observed by the Militia throughout the United States, except such deviations from the said rules, as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding

officer at every muster, whether by battalion, regiment, or single company, to cause the Militia to be exercised and and trained agreeably to the said rules of discipline.

Sec. 8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Sec. 9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the Militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Brigade Inspector to attend the regimental and battalion meetings of the Militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeably to law, and such orders as they shall, from time to time, receive from the Commander-in-Chief of the State; to make returns to the Adjutant General of the State, at least once in every year, of the Militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the Adjutant General shall make a return of all the Militia of the State, to the Commander-in-Chief of the said State, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which, by the laws, customs, or usages thereof, have not been incorporated with or subject to the general regulations of the Militia—

Sec. 11. *Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act, in like manner with the other Militia.

Approved, May 8, 1792.

An Act respecting the Government of the Territories of the United States Northwest and South of the River Ohio.

Be it enacted, &c., That the laws of the Territory Northwest of the river Ohio that have been or hereafter may be enacted by the Governor and Judges thereof, shall be printed under the direction

of the Secretary of State, and two hundred copies thereof, together with ten sets of the laws of the United States, shall be delivered to the said Governor and Judges, to be distributed among the inhabitants, for their information; and that a like number of the laws of the United States shall be delivered to the Governor and Judges of the Territory Southwest of the river Ohio.

Sec. 2. *And be it further enacted*, That the Governor and Judges of the Territory Northwest of the river Ohio shall be, and hereby are, authorized to repeal their laws by them made, whensoever the same may be found to be improper.

Sec. 3. *And be it further enacted*, That the official duties of the Secretaries of the said Territories shall be under the control of such laws, as are or may be in force in the said Territories.

Sec. 4. *And be it further enacted*, That any one of the Supreme or Superior Judges of the said Territories, in the absence of the other Judges, shall be and hereby is authorized to hold a Court.

Sec. 5. *And be it further enacted*, That the Secretary of State provide proper seals for the several and respective public offices in the said Territories.

Sec. 6. *And be it further enacted*, That the limitation act, passed by the Governor and Judges of the said Territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, be and hereby is disapproved.

Sec. 7. *And be it further enacted*, That the expenses incurred by John Cleves Symmes and George Turner, two of the Judges of the said Territory, in sending an express, and in purchasing a boat to go the Circuit, in the year one thousand seven hundred and ninety, shall be liquidated by the officers of the Treasury, and paid out of the Treasury of the United States.

Approved, May 8, 1792.

Resolved, &c., That the Secretary of the Treasury cause to be provided, for the use of the several collectors in the United States, printed clearances, on the back whereof shall be a printed account of the methods which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the United States, or to communicate it for publication to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements, or new ideas, which may occur to them in practice.

Approved, May 8, 1792.

PUBLIC ACTS OF THE SECOND SESSION OF THE SECOND CONGRESS.

An Act concerning the Registering and Recording of Ships or Vessels.

Be it enacted, &c., That ships or vessels which shall have been registered by virtue of the act, entitled "An act for registering and clearing vessels, regulating the coasting-trade, and for other purposes," and those which, after the last day of March next, shall be registered pursuant to this act, and no other, (except such as shall be duly qualified according to law for carrying on the coasting-trade and fisheries, or one of them,) shall be denominated and deemed ships or vessels of the United States, entitled to the benefits and privileges appertaining to such ships or vessels: *Provided*, That they shall not continue to enjoy the same longer than they shall continue to be wholly owned and to be commanded by a citizen or citizens of the said States.

Sec. 2. *And be it further enacted*, That ships or vessels built within the United States, whether before or after the fourth of July, one thousand seven hundred and seventy-six, and belonging wholly to a citizen or citizens thereof, or not built within the said States, but on the sixteenth day of May, in the year one thousand seven hundred and eighty-nine, belonging, and thenceforth continuing to belong, to a citizen or citizens thereof, and ships or vessels which may hereafter be captured in war by such citizen or citizens, and lawfully condemned as prize, or which have been or may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by a citizen or citizens thereof, and no other, may be registered as hereinafter directed: *Provided*, That no such ship or vessel shall be entitled to be so registered, or, if registered, to the benefits thereof, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a Consul of the United States, or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said States, actually carrying on trade within the said States: *And provided, further*, That no ship or vessel built within the United States prior to the said sixteenth day of May, which was not then owned wholly or in part by a citizen or citizens of the United States, shall be capable of being registered, by virtue of any transfer to a citizen or citizens which may hereafter be made, unless by way of prize or forfeiture: *Provided, nevertheless*, That this shall not be construed to prevent the registering anew of any ship or vessel which was before registered pursuant to the act before mentioned.

Sec. 3. *And be it further enacted*, That every ship or vessel hereafter to be registered, (except as is hereinafter provided,) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel

shall belong at the time of her registry, which port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such ship or vessel usually resides; and the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length; and if any ship or vessel of the United States shall be found without having her name and the name of the port to which she belongs painted in manner aforesaid, the owner or owners shall forfeit fifty dollars, one-half to the person giving the information thereof, the other half to the use of the United States.

Sec. 4. *And be it further enacted*, That, in order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built, and, if built within the United States before the said sixteenth day of May, one thousand seven hundred and eighty-nine, that she was then owned, wholly or in part, by a citizen or citizens of the United States; and, if not built within the said States, that she was, on the said sixteenth day of May, and ever since hath continued to be, the entire property of a citizen or citizens of the United States; or that she was, at some time posterior to the time when this act shall take effect, [specifying the said time,] captured in war by a citizen or citizens of the said States, and lawfully condemned as prize, [producing a copy of the sentence of condemnation, authenticated in the usual forms,] or that she has been adjudged to be forfeited for a breach of the laws of the United States, [producing a like copy of the sentence whereby she shall have been so adjudged,] and declaring his or her name and place of abode, and, if he or she be the sole owner of the said ship or vessel, that such is the case; or, if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the United States; and, where an owner resides in a foreign country, in the capacity of a Consul of the United States, or as an agent for, and a partner in, a house or co-partnership, consisting of citizens of the United States, and actually carrying on trade within the United States, that such is the case, and that there is no subject or citizen of any foreign Prince or

State, directly or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits or issues thereof, and that the master or commander thereof is a citizen, naming the said master or commander, and stating the means whereby, or manner in which he is so a citizen; and, in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always*, That if the master or person having the charge or command of such ship or vessel shall be within the district aforesaid when application shall be made for registering the same, he shall himself make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master or person having the said charge or command shall so swear or affirm shall not be true, the forfeiture aforesaid shall not be incurred, but he shall himself forfeit and pay, by reason thereof, the sum of one thousand dollars: *And provided further*, That, in the case of a ship or vessel, built within the United States prior to the sixteenth day of May aforesaid, which was not then owned by a citizen or citizens of the United States, but which, by virtue of a transfer to such citizen or citizens, shall have been registered pursuant to the act before mentioned, the oath or affirmation hereby required shall and may be varied, according to the truth of the case, as often as it shall be requisite to grant a new register for such ship or vessel.

Sec. 5. *And be it further enacted*, That it shall be the duty of every owner, resident within the United States, of any ship or vessel to which a certificate of registry may be granted (in case there be more than one such owner) to transmit to the collector who may have granted the same a like oath or affirmation with that hereinbefore directed to be taken and subscribed by the owner, on whose application such certificate shall have been granted, and within ninety days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed, either before the said collector, or before the collector of some other district, or a Judge of the Supreme or a District Court of the United States, or of a Superior Court of original jurisdiction of some one of the States; and if such oath or affirmation shall not be taken, subscribed, and transmitted, as is herein required, the certificate of registry granted to such ship or vessel shall be forfeit and void.

Sec. 6. *And be it further enacted*, That, before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and, if there be none, by such person as the collector of the dis-

trict within which she may be shall appoint, according to the rule prescribed by the forty-third section of the act entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the officer or person by whom such admeasurement shall be made shall, for the information of, and as a voucher to, the officer by whom the registry is to be made, grant a certificate, specifying the build of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name and the place to which she belongs are painted on her stern, in manner required by the third section of this act; which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the said certificate shall not be valid; but, in all cases where a ship or vessel has before been registered as a ship or vessel of the United States, it shall not be necessary to measure her anew for the purpose of obtaining another register, except such ship or vessel shall have undergone some alteration, as to her burden, subsequent to the time of her former registry.

Sec. 7. *And be it further enacted*, That, previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district, whose duty it is to make such registry, shall become bound to the United States, if such ship or vessel shall be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars; with condition, in each case, that the certificate of such registry shall be solely used for the ship or vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever; and that in case such ship or vessel shall be lost, or taken by an enemy, burnt, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up within eight days after the arrival of the master or person having the charge or command of such ship or vessel, within any district of the United States, to the collector of such district: and that if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise become entitled to, the whole, or any part or share of, or interest in, such ship or vessel, the same being within a dis-

trict of the United States, the said certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and that if any such purchase, change, or transfer of property, shall happen when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the said certificate to the collector of such district; and every such certificate, so delivered up, shall be forthwith transmitted to the Register of the Treasury, to be cancelled, who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of the said district.

Sec. 8. *And be it further enacted*, That, in order to the registry of any ship or vessel which, after the last day of March next, shall be built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master-carpenter, by whom or under whose direction the said ship or vessel shall have been built, testifying that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district, in the same or an adjoining State, where the owner or owners actually reside, provided it be with ballast only.

Sec. 9. *And be it further enacted*, That the several matters herein before required having been complied with, in order to the registering of any ship or vessel, the collector of the district comprehending the port to which she shall belong, shall make and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following:

"In pursuance of an act of the Congress of the United States of America, entitled 'An act concerning the registering and recording of ships or vessels,' [inserting here the name, occupation, and place of abode of the person by whom the oath or affirmation aforesaid shall have been made,] having taken or subscribed the oath (or affirmation) required by the said act, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here the name and office, if any, of

the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here the number of decks] and [inserting here the number of masts] and that her length is [inserting here the number of feet] her breadth [inserting here the number of feet] her depth [inserting here the number of feet] and that she measures [inserting here her number of tons] that she is [describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned as aforesaid] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year in words at length:] *Provided*, That if the master or person having the charge or command of such ship or vessel shall, himself, have made oath or affirmation touching his being a citizen, the wording of the said certificate shall be varied so as to be conformable to the truth of the case: *And provided*, That where a new certificate of registry is granted, in consequence of any transfer of a ship or vessel, the words shall be so varied as to refer to the former certificate of registry, for her admeasurement.

Sec. 10. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause to be prepared and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the said certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also the said certificates shall be signed and sealed before they shall be issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him; and a copy of each shall be transmitted to the said Register, who shall cause a record to be kept of the same.

Sec. 11. *And be it further enacted*, That where any citizen or citizens of the United States shall purchase, or become owner or owners of any ship or vessel entitled to be registered by virtue of this act, such ship or vessel, being within any district other than the one in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district where such ship or vessel may be at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken may, at the option of such own-

er or owners, be taken either before the collector of the district comprehending the port to which such ship or vessel may belong, or before the collector of the district within which such ship or vessel may be, either of whom is hereby empowered to administer the same: *Provided, nevertheless,* That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act in order to the registry of ships or vessels being complied with, shall grant a new one in lieu of the first; and the certificate so delivered up shall forthwith be returned by the collector who shall have granted it; and if the said first mentioned certificate of registry shall not be delivered up as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered with costs of suit; and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always,* That if the master or person having the charge or command of such ship or vessel, shall be within the district aforesaid when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master or person having the said charge or command shall so swear or affirm shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Sec. 12. *And be it further enacted,* That when any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the United States, such ship or vessel, being in a district of the United States more than fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney first complying, on behalf, and in the stead of, the owner or owners thereof, with the requisites pre-

scribed by this act in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm that he is agent or attorney for the owner or owners thereof, and that he hath bona fide purchased the said ship or vessel for the person or persons whom he shall name and describe as the owner or owners thereof: *Provided, nevertheless,* That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of one hundred dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact in the said oath or affirmation alleged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture, and apparel, in respect to which the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided, always,* That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall himself make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of one thousand dollars.

Sec. 13. *And be it further enacted,* That if the certificate of the registry of any ship or vessel shall be lost or destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be after such loss, destruction, or mislaid, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I [inserting here the name of the person swearing or affirming] being master [or having the charge or command] of the ship [or vessel, called the [inserting the name of the vessel]] do swear (or affirm) that the said ship or

vessel hath been, as I verily believe, registered, according to law, by the name of [inserting again the name of the vessel] and that a certificate thereof was granted by the collector of the district of [naming the district where registered] which certificate has been lost [or destroyed, or unintentionally and by mere accident mislaid, as the case may be] and [except where the certificate is alleged to have been destroyed] that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Which oath or affirmation shall be subscribed by the party making the same: and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued in the room of the one lost or destroyed. But in all cases where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district to which the ship or vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon, grant a new register, in lieu thereof. And in case the master or commander shall neglect to deliver up such register, within the time aforesaid, he shall forfeit one hundred dollars; and the former register shall become null and void.

Sec. 14. *And be it further enacted,* That when any ship or vessel, which shall have been registered pursuant to this act, or the act hereby in part repealed, shall, in whole or in part, be sold or transferred to a citizen or citizens of the United States, or shall be altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the United States,) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time that the same shall be made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case in which a ship or vessel is hereby required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the United States; and further, if her said former certificate of registry shall not be delivered up as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made as aforesaid, the owner or owners of such ship or vessel shall for-

feit and pay the sum of five hundred dollars, to be recovered with costs of suit.

Sec. 15. *And be it further enacted,* That when the master or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed, the owner or one of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, showing that such new master is a citizen of the United States, and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person having the charge or command of her, shall forfeit and pay the sum of one hundred dollars.

Sec. 16. *And be it further enacted,* That if any ship or vessel, heretofore registered, or which shall hereafter be registered as a ship or vessel of the United States, shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign Prince or State, and such sale or transfer shall not be made known in manner hereinbefore directed, such ship or vessel, together with her tackle, apparel, and furniture, shall be forfeited: *Provided,* That if such ship or vessel shall be owned in part only, and it shall be made appear to the jury before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture; and the residue only shall be so forfeited.

Sec. 17. *And be it further enacted,* That, upon the entry of every ship or vessel of the United States, from any foreign port or place, if the same shall be at the port or place at which the owner, or any of the part-owners reside, such owner or part-owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred since the

granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part-owner, shall not reside at the port or place at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation to the like effect. And if the owner, or part-owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the United States.

Sec. 18. *And be it further enacted*, That in all cases where the master, commander, or owner of a ship or vessel, shall deliver up the registers of such ship or vessel, agreeably to the provisions of this act, if to the collector of the district where the same shall have been granted, the said collector shall, thereupon, cancel the bond which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgment, that such register has been delivered up to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Sec. 19. *And be it further enacted*, That the collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the certificates which shall have been granted by him, including the number of each.

Sec. 20. *And be it further enacted*, That every ship or vessel built in the United States after the fifteenth day of August, one thousand seven hundred and eighty-nine, and belonging wholly or in part to the subjects of foreign Powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such ship or vessel was built, in manner following, that is to say: The builder of every such ship or vessel shall make oath or affirmation before the collector of such district, who is hereby authorized to administer the same, in manner following: "I, [inserting here the name of such builder,] of [inserting here the place of his residence] shipwright, do swear (or affirm) that [describing here the kind of vessel, as, whether ship, brig, snow, schooner, sloop, or whatever else,] named [inserting here the name of the ship or vessel] having [inserting here the number of decks] and being in length [inserting here the number of feet,] in breadth, [inserting here the number of feet,] in depth, [inserting here the number of feet,] and measuring [inserting here the number of tons,] having [specifying whether any or no] gallery, and [also specifying whether any or no] head, was built by me or un-

Under my direction, at [naming the place, county, and State] in the United States, in the year [inserting here the number of the year.] Which oath or affirmation shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the said collector for that purpose.

Sec. 21. And be it further enacted, That the said collector shall cause the said ship or vessel to be surveyed or admeasured, according to the rule prescribed by the forty-third section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and the person by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; in which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained.

Sec. 22. *And be it further enacted*, That a certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, entitled 'An act concerning the recording of ships or vessels,' 1, [inserting here the name of the collector of the district,] of, [inserting here the name of the district,] in the United States, do hereby certify, that [inserting here the name of the builder of, [inserting here the place of his residence, county, and State,] having sworn (or affirmed) that the [describing the ship or vessel, as in the certificate of record,] named [inserting here her name] whereof [inserting here the name of the master] is at present master, was built at [inserting here the name of the place, county, and State.

where built] by him, or under his direction, in the year, [inserting here the number of the year,] and [inserting here the name of the surveyor or other person by whom the same admeasurement shall have been made,] having certified that the said ship or vessel has [inserting here her number of decks,] is in length, [inserting here the number of feet,] in breadth, [inserting here the number of feet,] in depth, [inserting here the number of feet,] and measures [inserting here the number of tons,] and the said builder and [naming and describing the owner or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned] having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of [inserting here the name of the district where recorded,] in the United States. Witness my hand and seal this [inserting here the day of the month,] day of [inserting here the name of the month,] in the year [inserting here the number of the year,] Which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the Register of the Treasury of the United States, to be recorded in his office.

Sec. 23. *And be it further enacted*, That if the master, or the name, of any ship or vessel so recorded shall be changed, the owner, part-owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the Book of Records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted, (if not the same person,) who shall enter the same in his Book of Records, and forward a duplicate of such entry, to the Register of the Treasury of the United States; and in such case, until the said owner, part-owner, or consignee, shall cause the said memorandum to be made by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act.

Sec. 2A. And be it further enacted, That the master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall, on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: **Provided always,** and **be it further enacted,** That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed; but such recording shall be of the like force and effect, as if made in pursuance to this act.

Sec. 25. *And be it further enacted*, That the fees and allowances for the several services to be performed pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of one hundred tons and under, one cent per ton; for the admeasurement of every ship or vessel above one hundred, and not exceeding two hundred tons, one hundred and fifty cents; for the admeasurement of every ship or vessel, above two hundred tons, two hundred cents; for every certificate of registry or record, two hundred cents; for every endorsement upon a certificate of registry or record, one hundred cents; and for taking every bond required by this act, twenty-five cents. The whole amount of which fees shall be received, and accounted for by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two-thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed: *Provided, always*, That, in all cases, where the tonnage of any ship or vessel shall

ties and forfeitures which may be incurred for offenses against the act, entitled "An act to provide more effectually for the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," may legally be sued for, prosecuted, recovered, and disposed of: *Provided, always*, That, if any officer entitled to a part or share of any such penalty or forfeiture, shall be necessary, as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial, but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture; and the part or share, to which he would otherwise have been entitled, shall accrue to the United States.

Sec. 30. And be it further enacted, That, from and after the last day of March next, this act shall be in full force and effect; and so much of the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," as comes within the purview of this act, shall, after the said last day of March, be repealed.

Approved, December 31, 1792.

An act to amend an act, entitled "An act establishing a Mint, and regulating the Coins of the United States," so far as respects the Coinage of Copper.

Be it enacted, &c., That every cent shall contain two hundred and eight grains of copper, and every half-cent shall contain one hundred and four grains of copper; and that so much of the act, entitled "An act establishing a Mint, and regulating the Coins of the United States," as respects the weight of cents and half-cents, shall be, and the same is hereby repealed.

Approved, January 14, 1793.

An Act to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress, of the twenty-eighth of September, one thousand seven hundred and eighty-five, as an indemnity to the persons therein named.

Be it enacted, &c., That lawful interest, from the sixteenth day of May, in the year one thousand seven hundred and seventy-six, shall be allowed on the sum of two hundred dollars, ordered to be paid to Return Jonathan Meigs, and the legal representative of Christopher Greene, deceased, by a resolve of the United States in Congress assembled, of the twenty-eighth day of September, in the year one thousand seven hundred and eighty-five.

Approved, January 14, 1793.

An Act to continue in force, for a limited time, and to amend the act, entitled "An act providing the Means of Intercourse between the United States and Foreign Nations."

Be it enacted, &c., That the act, entitled "An act providing the means of intercourse between the United States and foreign nations," which would expire at the end of the present session of Congress, be, and the same hereby is, together

with this act, continued in force for the space of one year, from the passing of this act; and from thence, until the end of the session of Congress then, or next thereafter holden, and no longer.

Sec. 2. And be it further enacted, That, in all cases, where any sum or sums of money have issued, or shall hereafter issue, from the Treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be, and he hereby is, authorized to cause the same to be duly settled annually with the accounting officers of the Treasury, in manner following, that is to say: by causing the same to be accounted for, specifically, in all instances, wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures, as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended.

Approved, February 9, 1793.

An Act regulating Foreign Coins, and for other purposes.

Be it enacted, &c., That, from and after the first day of July next, foreign gold and silver coins shall pass current as money within the United States, and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz: The gold coins of Great Britain and Portugal, of their present standard, at the rate of one hundred cents for every twenty-seven grains of the actual weight thereof; the gold coins of France, Spain, and the dominions of Spain, of their present standard, at the rate of one hundred cents for every twenty-seven grains and two-fifths of a grain of the actual weight thereof. Spanish milled dollars, at the rate of one hundred cents for each dollar, the actual weight whereof shall not be less than seventeen penny weights and seven grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of one hundred and ten cents, for each crown, the actual weight whereof shall not be less than eighteen pennyweights and seventeen grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the first day of January, one thousand seven hundred and ninety-two, shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at the Mint of the United States, to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the United States.

Sec. 2. Provided always, and be it further enacted, That at the expiration of three years next ensuing the time when the coinage of gold and silver, agreeably to the act, entitled, "An act establishing a Mint, and regulating the coins of the United States," shall commence at the Mint of the United States, (which time shall be announced by the proclamation of the President of the

United States) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

Sec. 3. And be it further enacted, That all foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars) which shall be received in payment for moneys due to the United States, after the said time, when the coinage of gold and silver coins shall begin at the Mint of the United States, shall, previously to their being issued in circulation, be coined anew, in conformity to the act, entitled "An act establishing a Mint and regulating the coins of the United States."

Sec. 4. And be it further enacted, That, from and after the first day of July next, the fifty-fifth section of the act, entitled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States," which ascertains the rates at which foreign gold and silver coins shall be received for the duties and fees to be collected in virtue of the said act, be, and the same is hereby repealed.

Sec. 5. And be it further enacted, That the assay provided to be made by the act, entitled "An act establishing a Mint, and regulating the coins of the United States," shall commence in the manner as by the said act is prescribed, on the second Monday of February annually, anything in the said act to the contrary notwithstanding.

Approved, February 9, 1793.

An Act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted.

Be it enacted, &c., That all claims upon the United States for services or supplies, or for other cause, matter, or thing, furnished or done previous to the fourth day of March, one thousand seven hundred and eighty-nine, whether founded upon certificates or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the Treasury before the first day of May, one thousand seven hundred and ninety-four, shall forever after be barred and precluded from settlement or allowance: *Provided*, That nothing herein contained shall be construed to affect Loan Office certificates, certificates of final settlement, indents of interest, balances entered in the books of the Register of the Treasury, certificates issued by the Register of the Treasury, commonly called registered certificates, Loans of money obtained in foreign countries, or certificates issued pursuant to the act entitled "An act making provision for the Debt of the United States: *And provided, further*, That nothing herein contained shall be construed to prohibit the proper officers of the Treasury from demanding an account or accounts to be rendered for any moneys heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced.

Sec. 2. And be it further enacted, That it shall be the duty of the Auditor of the Treasury to receive all such claims aforesaid, as have not been heretofore barred by any act of limitation, as shall be presented before the time aforesaid, with the certificates or other documents in support thereof, and to cause a record to be made of the names of the persons, and of the time when the said claims are presented; which record shall be made in the presence of the person or persons presenting the same, and shall be the only evidence that the said claims were presented, during the time limited by this act.

Sec. 3. And be it further enacted, That it shall be the duty of the accounting officers of the Treasury, to make report to Congress upon all such of the said claims as shall not be allowed to be valid, according to the usual forms of the Treasury.

Approved, February 12, 1793.

An Act respecting fugitives from justice, and persons escaping from the service of their masters.

Be it enacted, &c., That, whenever the Executive authority of any State in the Union, or of either of the Territories Northwest or South of the river Ohio, shall demand any person as a fugitive from justice, of the Executive authority of any such State or Territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any State or Territory as aforesaid, charging the person so demanded with having committed treason, felony, or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the person so charged fled, it shall be the duty of the executive authority of the State or Territory to which such person shall have fled, and notice of the arrest to be given to the Executive authority making such demand, or to the agent of such authority, appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear; but, if no such agent shall appear within six months from the time of the arrest, the prisoner may be discharged: and all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

Sec. 2. And be it further enacted, That any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the State or Territory from which he or she shall have fled. And if any person or persons shall, by force, set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding five hundred dollars, and be imprisoned not exceeding one year.

Sec. 3. And be it also enacted, That when a person held to labor in any of the United States, or in either of the Territories on the Northwest or South of the river Ohio, under the laws thereof,

shall escape into any other of the said States or Territory, the person to whom such labor or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labor, and to take him or her before any Judge of the Circuit or District Courts of the United States, residing or being within the State, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such Judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such State or Territory, that the person so seized or arrested, doth, under the laws of the State or Territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such Judge or magistrate to give a certificate thereof to such claimant, his agent, or attorney, which shall be sufficient warrant for removing the said fugitive from labor to the State or Territory from which he or she fled.

Sec. 4. *And be it further enacted*, That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so doing, or who shall knowingly and willingly aid, abet, or assist in such obstruction, or who shall rescue or arrest such fugitive from labor, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested pursuant to the authority herein given or declared; or shall harbor or conceal such person after notice that he or she was so arrested from labor, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any Court proper to try the same, saving moreover to the person claiming such labor or service his right of action for or on account of the said injuries, or either of them.

Approved, February 12, 1793.

An Act for enrolling and licensing ships or vessels to be employed in the Coasting Trade and Fisheries, and for regulating the same.

Be it enacted, &c., That ships or vessels, enrolled by virtue of "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those of twenty tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act, and having a license in force, or if less than twenty tons, not being enrolled, shall have a license in force, as is hereinafter required, and no others, shall be deemed ships or vessels of the United States, entitled to the privileges of ships or vessels employed in the coasting trade or fisheries.

Sec. 2. *And be it further enacted*, That, from and after the last day of May next, in order for the enrollment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, entitled "An act concerning the registering and recording of ships or vessels," and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrollments, and the same proceedings shall

be had, in similar cases, touching such enrollments; and the ships or vessels so enrolled, with the master, or owner, or owners thereof, shall be subject to the same requisites, as are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrollment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: "Enrollment in conformity to an act of the Congress of the United States of America," entitled "An act for enrolling and licensing ships or vessels," to be employed in the coasting trade and fisheries, and for regulating the same," [inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath, (or affirmation) required by this act, and having sworn (or affirmed) that he, or (she, and if more than one owner, adding the words "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port, to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here, the name and office, if any, of the person, by whom she shall have been surveyed or admeasured] having certified, that the said ship or vessel has [inserting here, the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled, at the port of [naming the port where enrolled.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]"

Sec. 3. *And be it further enacted*, That it shall and may be lawful for the collectors of the several districts, to enroll and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel, that may be enrolled, upon such enrollment and license being given up. And when any ship or vessel shall be in any other district, than the one, to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that accord-

ing to his best knowledge and belief, the property remains, as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrollment and license, may be given up, shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such ship or vessel within the district, to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrollment and license, within the time aforesaid, he shall forfeit one hundred dollars.

Sec. 4. *And be it further enacted*, That, in order to the licensing of any ship or vessel, for carrying on the Coasting Trade or Fisheries, the husband, or managing owner, together with the master thereof, with one more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such ship or vessel be of the burden of five tons, and less than twenty tons, the sum of one hundred dollars; and if twenty tons, and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons, and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such ship or vessel has been employed in any trade, whereby the revenue of the United States has been defrauded during the time the license granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the United States, and that such license shall not be used for any other vessel, or any other employment, than that for which it is specially granted, or in any trade or business, whereby the revenue of the United States may be defrauded; and if such ship or vessel be less than twenty tons burden, the husband or managing owner, shall swear or affirm, that she is wholly the property of a citizen or citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of six cents per ton being first paid,) to grant a license, in the form following: "License for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be.]"

In pursuance of an act of the Congress of the United States of America, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," [inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode,] having given bond, that the [insert here, the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,] called the [insert here, the vessel's name] whereof the said [naming the master] is master, burden [insert

here, the number of tons, in words] tons, as appears by her enrollment, dated at [naming the district, day, month, and year, in words at length, but if she be less than twenty tons, insert instead thereof] [proof being had of her admeasurement] shall not be employed in any trade, while this license shall continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said [inserting here, the description of the vessel] called the [inserting here, the vessel's name] to be employed in carrying on the [inserting here, coasting trade, whale fishery, or cod fishery, as the case may be] for one year from the date hereof, and no longer. Given under my hand and seal, at [naming the said district] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]"

Sec. 5. *And be it further enacted*, That no license, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment, than that for which she is specially licensed, and if any ship or vessel be found with a forged or altered license, or making use of a license granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited.

Sec. 6. *And be it further enacted*, That, after the last day of May next, every ship or vessel of twenty tons or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licensed, or if less than twenty tons, and not less than five tons, without a license, in manner as is provided by this act, such ship or vessel, if laden with goods, the growth or manufacture of the United States only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the United States, at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the United States, and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: *Provided, however*, if such ship or vessel be at sea, at the expiration of the time, for which the license was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within forty-eight hours after his arrival deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid.

Sec. 7. *And be it further enacted*, That the collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a re-

cord thereof in a book, to be by him kept for that purpose, and shall, once in three months, transmit to the Register of the Treasury, copies of the licenses, which shall have been so granted by him; and also of such licenses, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licensed, or enrolled anew, or being licensed or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licensed, she shall, in every such case, be enrolled, licensed or registered by her former name.

Sec. 8. *And be it further enacted*, That, if any ship or vessel, enrolled or licensed, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrollment and license, to the collector of the district comprehending the port, from which she is about to proceed on such foreign voyage, and being duly registered by such collector, every such ship or vessel, together with her tackle, apparel, and furniture, and the goods, wares, and merchandise, so imported therein, shall be liable to seizure and forfeiture: *Provided, always*, If the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrollment and license of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrollment and license.

Sec. 9. *And be it further enacted*, That the license, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same, within three days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within three days from her first arrival within the district afterwards, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district taking his certificate therefor; and if the master thereof shall neglect, or refuse to deliver up the license, as aforesaid, he shall forfeit fifty dollars; but if such license shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the aforesaid penalty shall not be incurred. And if such license shall be lost, destroyed, or unintentionally mislaid, as aforesaid, before the expiration of the time, for which it was granted, upon the like oath or affirmation being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to license such ship or vessel anew.

Sec. 10. *And be it further enacted*, That it shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such license to the collector who granted the same, at any time within the year, for which it was granted, who shall thereupon, cancel the same, and shall license such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former license was granted, shall not be expired, an abatement of the tonnage of six cents per ton shall be made, in the proportion of the time so unexpired.

Sec. 11. *And be it further enacted*, That every licensed ship or vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner as is provided for registered ships or vessels, and if any licensed ship or vessel be found, without such painting, the owner or owners thereof shall pay twenty dollars.

Sec. 12. *And be it further enacted*, That, when the master of any licensed ship or vessel, ferry boats excepted, shall be changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the United States, and that such ship or vessel shall not, while such license continues in force, be employed in any manner, whereof the revenue of the United States may be defrauded, shall endorse such change on the license, with the name of the new master; and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage, as a vessel of the United States, having a register, and the said new master shall forfeit and pay the sum of ten dollars.

Sec. 13. *And be it further enacted*, That it shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrollment or license of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay one hundred dollars.

Sec. 14. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, determined from a district in one State, to a district in the same, or an adjoining State on the sea coast, or on a navigable river, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea coast, or on a navigable river, shall, previous to the unloading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed, (if there be

four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such ship or vessel, from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within five miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid or secured, or if spirits distilled within the United States, that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifest, one of which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay one hundred dollars.

Sec. 15. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, having on board, either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, tea in chests or boxes exceeding five hundred pounds, coffee in casks or bags exceeding one thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea coast, or on a navigable river, shall, previous to the unloading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed, (if there be

such manifest,) otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port, from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm: Whereupon, the said collector or surveyor shall grant a permit for unlading a part, or the whole of such cargo, as the said master or commander may request. And if there be no collector or surveyor, residing at, or within five miles of the said port of her arrival, the master or commander of such ship or vessel, may proceed to discharge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within twenty-four hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods, therein mentioned, have been unladed, to the truth of which, before the said last mentioned collector or surveyor, he shall swear or affirm; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner, herein directed, he shall pay one hundred dollars.

Sec. 16. *And be it further enacted*, That the master or commander of every ship or vessel licensed for carrying on the coasting trade, and being destined from any district of the United States to a district other than a district in the same, or an adjoining State, on the seacoast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel; or, if there be no cargo on board, he shall so certify; and, if there be any distilled spirits, or goods, wares, and merchandise, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea stores, he shall specify, in such manifests, the marks and numbers of every cask, bag, box, chest, or package, containing the same, with the name and place of residence of every shipper and consignee of such distilled spirits or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which he shall swear or affirm, and shall also swear or affirm, before the said collector or surveyor, that such goods, wares or merchandise, of foreign growth or manufacture, were, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United

States, that the duties thereupon have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination: and if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, without the several things herein required being complied with, the master thereof shall forfeit one hundred dollars; or, if the lading be of goods the growth or manufacture of the United States only, or if such ship or vessel have no cargo, and she depart without the several things herein required being complied with, the said master shall forfeit and pay fifty dollars.

Sec. 17. *And be it further enacted*, That the master or commander of every ship or vessel licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the seacoast, or on a navigable river, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival; and, previous to the unlading any of the goods brought in such ship or vessel, the manifest of the cargo, (if there be any,) certified by the collector or surveyor of the district from whence she last sailed, and shall make oath or affirmation before the said collector or surveyor that there was not when he sailed from the district where his manifest was certified, or has been since, or then is, any more or other goods, wares, or merchandise, of foreign growth or manufacture, or distilled spirits, (if there be any) other than sea-stores on board such vessel, than is therein mentioned; and, if there be no such goods, he shall so swear or affirm; and, if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed, as aforesaid, that such is the case; whereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo (if there be any) within his district, as the master may request; and, where a part only of the goods, wares, and merchandise, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed, and shall return such manifest to the master, endorsing also thereon his permission for such ship or vessel to proceed to the place of her destination; and, if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or, if she has no cargo, the certificate,) within the time herein directed, he shall forfeit one hundred dol-

lars, and the goods, wares, and merchandise, of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited; and, if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

Sec. 18. *And be it further enacted*, That nothing in this act contained shall be so construed as to oblige the master or commander of any ship or vessel licensed for carrying on the coasting trade, bound from a district in one State to a district in the same, or an adjoining State on the seacoast, or on a navigable river, having on board goods, wares, or merchandise, of the growth, product, or manufactures of the United States only, (except distilled spirits,) or distilled spirits, not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar, in casks or boxes, not more than three thousand pounds, tea, in chests or boxes, not more than five hundred pounds, coffee, in casks or bags, not more than one thousand pounds, or foreign merchandise, in packages, as imported, of not more value than four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such ship or vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package, containing the same, with the name of the shipper and consignee of each, which manifest shall be by him exhibited for the inspection of any officer of the revenue, when by such officer thereunto required, and shall also inform such officer from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated; and if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods the produce or manufacture of the United States, (distilled spirits excepted,) he shall forfeit twenty dollars; or, if there be distilled spirits, or goods, wares, or merchandise, of foreign growth or manufacture, on board, excepting what may be sufficient for sea stores, he shall forfeit forty dollars; or, if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit the sum of one hundred dollars; and if any of the goods laden on board such ship or vessel shall be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be

found on board such ship or vessel, and which shall not be included in the manifest exhibited by such master, shall be forfeited.

Sec. 19. *And be it further enacted*, That it shall and may be lawful for the collector of the district of Pennsylvania to grant permits for the transportation of goods, wares, or merchandise, of foreign growth or manufacture, across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and for the collector of the district of New York to grant like permits for the transportation across the State of New Jersey, and for the collector of any district of Maryland or Virginia to grant like permits for the transportation across the State of Delaware to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner or person to whom such goods shall be consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner or person sending such goods shall swear or affirm that they were legally imported, and the duties thereupon paid or secured: *And provided, also*, That the owner or consignee of all such goods, wares, and merchandise, shall, within twenty-four hours after the arrival thereof at the place to which they were permitted to be transported, report the same to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same; and, if the owner or consignee shall neglect or refuse to make due entry of such goods within the time and in the manner herein directed, all such goods, wares, and merchandise, shall be subject to forfeiture; and, if the permit granted shall not be given up within the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit fifty dollars for every twenty-four hours it shall be withheld afterwards: *Provided*, That where the goods, wares, and merchandise, to be transported in manner aforesaid, shall be of less value than eight hundred dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares, and merchandise, shall arrive.

Sec. 20. *And be it further enacted*, That, when any ship or vessel of the United States, registered according to law, shall be employed in going from any one district in the United States to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties, and forfeitures; and the like duties are imposed on like officers as is provided by the sixteenth and seventeenth sections of this act for ships or vessels licensed for carrying on the coasting trade: *Provided, however*, That nothing

herein contained shall be construed to extend to registered ships or vessels of the United States, having on board goods, wares, and merchandise of foreign growth or manufacture, brought into the United States in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law.

Sec. 21. *And be it further enacted*, That, when any ship or vessel, licensed for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel shall deliver like manifests and make like entries, both of the ship or vessel and of the goods, wares, or merchandise on board, within the same time, and under the same penalty as, by the laws of the United States, are provided for ships or vessels of the United States arriving from a foreign port. And if any ship or vessel licensed for carrying on the fisheries shall be found within three leagues of the coast with goods, wares, or merchandise of foreign growth or manufacture exceeding the value of five hundred dollars, without having such permit as is herein directed, such ship or vessel, together with the goods, wares, or merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

Sec. 22. *And be it further enacted*, That the master or commander of every ship or vessel employed in the transportation of goods from district to district that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit twenty dollars.

Sec. 23. *And be it further enacted*, That if the master or commander of any ship or vessel, employed in the transportation of goods from district to district, having on board goods, wares, or merchandise of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive shall take bond for the payment of the duties on such goods, wares, and merchandise of foreign growth or manufacture, or distilled spirits, within six months, in the same manner as though they were imported from a foreign country: *Provided, however*, Such bond shall be cancelled, if the said master shall deliver, or cause to be delivered, to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district from whence he sailed that such goods were legally exported in such ship or vessel from such district.

person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the United States herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending shall, for every such offence, for which no other penalty is particularly provided, forfeit five hundred dollars.

Sec. 32. *And be it further enacted*, That if any licensed ship or vessel shall be transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or if any such ship or vessel shall be employed in any other trade than that for which she is licensed, or shall be found with a forged or altered license, or one granted for any other ship or vessel, every such ship or vessel, with her tackle, apparel, and furniture, and the cargo found on board her, shall be forfeited.

Sec. 33. *Provided, nevertheless, and be it further enacted*, That in all cases where the whole, or any part, of the lading or cargo on board any ship or vessel shall belong *bona fide* to any person or persons other than the master, owner, or managers of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act, anything therein contained to the contrary notwithstanding.

Sec. 34. *And be it further enacted*, That the fees and allowances for the several duties and services to be performed in virtue of this act shall be as follow, that is to say:

For admeasuring every ship or vessel, in order to the enrolment or licensing and recording the same, if of the burden of five tons, and less than twenty tons, fifty cents; if of twenty tons, and not exceeding seventy tons, seventy-five cents; if above seventy tons, and not exceeding one hundred tons, one hundred cents; if above one hundred tons, one hundred and fifty cents.

For every certificate of enrolment, fifty cents.

For every endorsement on a certificate of enrolment, twenty cents.

For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty, and not more than one hundred tons, fifty cents; and if more than one hundred tons, one hundred cents.

For every endorsement on a license, twenty cents.

For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

For receiving a certified manifest, and granting a permit on the arrival of such vessel, twenty-five cents, if less than fifty tons; and if above fifty tons, fifty cents.

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one hundred and fifty cents.

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, one hundred and fifty cents.

For granting a permit for a vessel, not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two hundred cents.

For receiving a manifest, and granting a permit to unload, for such last mentioned vessel, on her arrival in one district from another district, two hundred cents.

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, twenty-five cents; and for the report and entry of any foreign goods imported in such vessel, twenty-five cents. And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest, and grant a permit, the fees arising therefrom shall be received by him solely for his use. And all other fees arising by virtue of this act shall be received and accounted for by the collector, or, at his option, by the naval officer, where there is one; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers; and where there is no naval officer, two-thirds to the collector, and the other third to the surveyor; and where there is only a collector, he shall receive the whole amount thereof; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees as shall arise in the port for which he is appointed: *Provided, always*, That, in all cases where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof as aforesaid; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept in some conspicuous place of his office, a fair table of the rates of fees demandable by this act.

Sec. 35. *And be it further enacted*, That all penalties and forfeitures which shall be incurred by virtue and force of this act, shall and may be sued for, prosecuted, and recovered in like manner as penalties and forfeitures incurred by virtue of the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," may be sued for, prosecuted, and recovered, and shall be appropriated in like manner: *Provided, always*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have been entitled, shall accrue to the United States.

Sec. 36. *And be it further enacted*, That this act shall commence and take effect from and after the last day of May next, and thenceforth the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also the act, entitled "An act to

Sec. 24. *And be it further enacted*, That the master or commander of every foreign ship or vessel, bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or, if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unloading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship, or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and also, that such manifest contains an account of all the goods, wares, and merchandise which were on board such ship or vessel, at the time, or have been, since her departure from the place, from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel, shall neglect or refuse complying with any of the requirements herein made, he shall forfeit one hundred dollars: *Provided, always*, That nothing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the United States.

Sec. 25. *And be it further enacted*, That in every case, where the collector is, by this act, directed to grant any enrolment, license, certificate, permit, or other document, the naval officer residing at the port (if there be one) shall sign the same, and every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside.

Sec. 26. *And be it further enacted*, That, before any ship or vessel, of the burden of five tons and less than twenty tons, shall be licensed, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases where such ship or vessel, or any other licensed ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or license, except such ship or vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license.

Sec. 27. *And be it further enacted*, That it shall be lawful for any officer of the revenue to go on board of any ship or vessel, whether she shall be within or without his district, and the same to inspect, search, and examine, and if it shall appear that any breach of the laws of the United States has been committed, whereby such ship or vessel, or the goods, wares, and merchandise on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same.

Sec. 28. *And be it further enacted*, That, in every case where a forfeiture of any ship or vessel, or of any goods, wares, or merchandise shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or vessel, or of such goods, wares, or merchandise, to insert in the same advertisement the name or names and the place or places of residence of the person or persons to whom any such ship or vessel, goods, wares, and merchandise belonged or were consigned, at the time of such seizure, if the same shall be known to him.

Sec. 29. *And be it further enacted*, That every collector who shall knowingly make any record of enrolment or license of any ship or vessel, and every other officer or person, appointed by, or under them, who shall make any record, or grant any certificate or other document whatever, contrary to the true intent and meaning of this act, or shall take any other or greater fees than are by this act allowed, or shall receive, for any service performed pursuant to this act, any reward or gratuity, and every surveyor or vessels, who shall wilfully deceive or to any collector or naval officer a false description of any ship or vessel, to be enrolled or licensed, in pursuance of this act, shall upon conviction of any such neglect or offence, forfeit to the United States five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States. And if any person authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay the sum of five hundred dollars for the first offence, and a like sum for the second offence, and shall from thenceforward be rendered incapable of holding any office of trust or profit under the United States.

Sec. 30. *And be it further enacted*, That, if any person or persons shall swear or affirm to any of the matters herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury. And if any person or persons shall forge, counterfeit, erase, alter, or falsify any enrolment, license, certificate, permit, or other document, mentioned or required in this act to be granted by any officer of the revenue, such person or persons so offending shall forfeit five hundred dollars.

Sec. 31. *And be it further enacted*, That if any

explain and amend an act, entitled 'An act for registering and clearing vessels, regulating the coasting trade, and for other purposes,' shall be repealed and cease to operate, except as to the validity of the registers, records, enrolments, and licenses, with the certificates and documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect as if the said acts were not repealed; and except, also, as to the prosecution, recovery, and distribution of, and for fines, penalties, and forfeitures, which may have been incurred prior to the first day of June next, for which purpose, likewise, the said acts shall continue in force.

SEC. 37. *And be it further enacted*, That nothing in this act shall be construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city.

Approved, February 18, 1793.

An Act providing compensation to the President and Vice President of the United States.

Be it enacted, &c., That, from and after the third day of March, in the present year, the compensation of the President of the United States shall be at the rate of twenty-five thousand dollars per annum, with the use of the furniture and other effects belonging to the United States, and now in possession of the President; and that of the Vice President, at the rate of five thousand dollars per annum, in full for their respective services, to be paid quarter-yearly at the Treasury.

Approved, February 18, 1793.

An Act to repeal part of a Resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, respecting the inhabitants of Post Saint Vincent.

Be it enacted, &c., That so much of the resolution of Congress of the twenty-ninth of August, one thousand seven hundred and eighty-eight, as requires the French and Canadian inhabitants, and other settlers at Post Saint Vincents, to pay for the survey of the several tracts which they rightfully claimed, and which had been allotted to them, according to the laws and usages of the Government, under which they had settled, be, and hereby is, repealed: and that such surveys thereof, as may have been made, be paid for by the United States, not exceeding the rates hitherto established by Congress for making surveys.

Approved, February 21, 1793.

An Act to promote the progress of Useful Arts, and to repeal the Act heretofore made for that purpose.

Be it enacted, &c., That when any person or persons, being a citizen or citizens of the United States, shall allege that he or they have invented any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before

the application, and shall present a petition to the Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State to cause letters patent to be made out in the name of the United States, bearing teste by the President of the United States, reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accordingly at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed; and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order.

SEC. 2. *Provided always, and be it further enacted*, That any person who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use, or vend the original discovery, nor shall the first inventor be at liberty to use the improvement. And it is hereby enacted and declared, that simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

SEC. 3. *And be it further enacted*, That every inventor, before he can receive a patent, shall swear or affirm that he does verily believe that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear, and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for

the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself, and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all Courts, where any matter or thing, touching such patent right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided the Secretary shall deem such model to be necessary.

SEC. 4. *And be it further enacted*, That it shall be lawful for any inventor, his executor, or administrator, to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assignees, to any degree.

SEC. 5. *And be it further enacted*, That if any person shall make, devise, and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators, or assigns, first obtained in writing, every person so offending shall forfeit and pay, to the patentee, a sum that shall be at least equal to three times the price for which the patentee has usually sold or licensed to other persons the use of the said invention; which may be recovered in an action on the case, founded on this act, in the Circuit Court of the United States, or any other Court having competent jurisdiction.

SEC. 6. *Provided always, and be it further enacted*, That the defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove that the specification filed by the plaintiff does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work, anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person; in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void.

SEC. 7. *And be it further enacted*, That where any State, before its adoption of the present form of Government, shall have granted an exclusive right to any invention, the party claiming that right shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular State, and of such relinquishment, his obtaining an exclusive right under this act shall be sufficient evidence.

SEC. 8. *And be it further enacted*, That the persons whose applications for patents were, at the time of passing this act, depending before the Se-

cretary of State, Secretary at War, and Attorney General, according to the act, passed the second session of the first Congress, entitled "An act to promote the progress of Useful Arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

SEC. 9. *And be it further enacted*, That in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision or award of such arbitrators, delivered to the Secretary of State, in writing, and subscribed by them, or any two of them, shall be final, as far as respects the granting of the patent; and if either of the applicants shall refuse or fail to choose an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

SEC. 10. *And be it further enacted*, That, upon oath or affirmation being made, before the Judge of the District Court, where the patentee, his executors, administrators, or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said Court, within three years after issuing the said patent, or not afterwards, it shall and may be lawful for the Judge of the said District Court, if the matter alleged shall appear to him to be sufficient to grant a rule, that the patentee, or his executor, administrator, or assign, show cause why process should not issue against him to repeal such patent. And if sufficient cause shall not be shown to the contrary, the rule shall be made absolute, and thereupon the said Judge shall order process to be issued against such patentee, or his executors, administrators, or assigns, with costs of suit. And in case no sufficient cause shall be shown to the contrary, or if it shall appear that the patentee was not the true inventor or discoverer, judgment shall be rendered by such Court for the repeal of such patent; and if the party, at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs as the defendant shall be put to, in defending the suit, to be taxed by the Court, and recovered in due course of law.

SEC. 11. *And be it further enacted*, That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the Treasury thirty dollars, for which he shall take duplicate receipts: one of which receipts he shall deliver to the Secretary of State when he presents his petition; and the money thus paid shall be in full for the sundry services to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk-hire in that office: *Provided, nevertheless*, That for every copy, which may be required at the said office, of any paper respecting any patent that has been

granted, the person obtaining such copy, shall pay at the rate of twenty cents for every copy-sheet of one hundred words, and for every copy of a drawing, the party obtaining the same shall pay two dollars; of which payments, an account shall be rendered annually to the Treasury of the United States, and they shall also pass to the account of clerk-hire in the office of the Secretary of State.

Sec. 12. *And be it further enacted*, That the act passed the tenth day of April, in the year one thousand seven hundred and ninety, entitled "An act to promote the progress of Useful Arts," be, and the same is hereby, repealed: *Provided, always*, That nothing contained in this act shall be construed to invalidate any patent that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators, and assigns shall be considered within the purview of this act, in respect to the violation of their rights: *Provided*, Such violations shall be committed after the passing of this act.

Approved, February 21, 1793.

An Act making Provision for the Persons therein mentioned.

Whereas, Colonel John Harding, and Major Alexander Trueman, while employed in carrying messages of peace to the hostile Indians, were killed by the said Indians:

Be it enacted, &c., That four hundred and fifty dollars per annum, for seven years, be allowed to the widow and orphan children of the said Colonel John Harding; and the sum of three hundred dollars per annum, for the same term of seven years, to the orphan children of the said Major Alexander Trueman, to commence on the first day of July, one thousand seven hundred and ninety-two, and to be paid half-yearly, at the Treasury, to the said widow, and to the guardians of the said orphan children, or to their legal attorneys.

Approved, February 27, 1793.

An Act for repealing the several Import Laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed.

Be it enacted, &c., That the several laws of the United States, imposing duties on goods, wares, and merchandise, imported into the United States, so far as they may be deemed to impose a duty on horses, cattle, sheep, swine, or other useful beasts imported into the United States for breed, shall be repealed.

Approved, February 27, 1793.

An Act in addition to, and alteration of the act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual States."

Be it enacted, &c., That the second section of the act, entitled "An act to extend the time limited for settling the accounts of the United States with

the individual States," which extended the powers of the Board of Commissioners to the settlement of the accounts between the United States and the State of Vermont, be, and hereby is, repealed.

Sec. 2. *And be it further enacted*, That the Board of Commissioners established to settle the accounts between the United States and the individual States, in apportioning the aggregate of all the balances due to each State between the States, agreeably to the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual States," shall have no regard to the State of Vermont.

Sec. 3. *And be it further enacted*, That in the apportioning of the balances aforesaid, the State of Kentucky shall be deemed to be included in the State of Virginia, the admission of the said State of Kentucky as a member of the Union notwithstanding.

Approved, February 27, 1793.

An Act to regulate the claims to Invalid Pensions.

Whereas, the act passed at the last session of Congress, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions," is found by experience inadequate to prevent the admission of improper claims to Invalid Pensions, and not to contain a sufficient facility for the allowance of such as may be well founded. Therefore,

Be it enacted, &c., That the second, third, and fourth sections of the said act be repealed, and that in future, all claims to such pensions shall be regulated in the manner following, to wit: First. All evidence relative to invalids shall be taken upon oath or affirmation, before the Judge of the district in which such invalids reside, or before any three persons specially authorized by commission from the said Judge. Secondly. The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds received while in the actual line of his duty, in the service of the United States during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound. Thirdly. Every claimant shall be examined upon oath or affirmation, by two physicians or surgeons, to be authorized by commission from the said Judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and in what degree it prevents the claimant from obtaining his livelihood by labor. Fourthly. Every claimant shall produce evidence of the time of his leaving the service of the United States. He must also produce evidence of three reputable freeholders of the city, town, or county, in which he usually resided for the two years im-

mediately after he left the service, as aforesaid, of the existence of his disability during that period; and ascertaining, of their own knowledge, the mode of life, employment, labor, or means of support of the claimant. Fifthly. And the said claimant must produce the evidence of two credible witnesses, of the continuance of his disability from the expiration of the said two years to the time of his application. Sixthly. Each claimant must show a good and sufficient cause why he did not apply for a pension, to the person or persons authorized to examine his claim, on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature. Seventhly. No evidence of any claimant shall be admitted, whose claim has been examined and rejected on or before the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

Sec. 2. *And be it further enacted*, That the Judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the Department of War, in order that the same may be compared with the muster-rolls and other documents in his office; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks as may be necessary in order to enable them to take such order thereon as they may judge proper.

Sec. 3. *And be it further enacted*, That no person not on the Pension List before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed; saving, however, to all persons, all and singular their rights founded upon legal adjudications under the act entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to Invalid Pensions," but it shall be the duty of the Secretary of War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves Commissioners.

Sec. 4. *And be it further enacted*, That no claim to a pension shall be allowed under this act, which shall not be presented within two years from the passing the same.

Approved, February 28, 1793.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-three.

Be it enacted, &c., That, for the service of the year 1793, there be appropriated a sum of money not exceeding one million five hundred and eighty-nine thousand and forty-four dollars and seventy-two cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States, the increased salary of the Register of the Treas-

thirty thousand dollars: For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and forty-three thousand five hundred and ninety-one dollars: For the salaries of the Doorkeepers and Assistant Doorkeepers of the Senate and House of Representatives, under the act for their compensation passed the twelfth of April, one thousand seven hundred and ninety-two, one thousand two hundred and thirty-three dollars and sixty-eight cents: For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred and fifty-two dollars: For making good a deficiency in the appropriation in the year one thousand seven hundred and ninety-two, for contingent expenses in the office of the Clerk of the House of Representatives, five hundred and seventy-eight dollars: For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and the Attorney General, forty-three thousand two hundred dollars: For the additional salary of the Attorney General, by the act of the eighth of May, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For defraying the expense of clerks of Courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties, twelve thousand dollars: For defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars: For compensation to the Secretary of the Treasury, clerks and persons employed in his office, eight thousand three hundred and fifty dollars: For salary of the two principal clerks to the Secretary of the Treasury, from the eighth of May to the thirty-first of December, one thousand and nine hundred and ninety-two, one thousand and forty-three dollars and twenty-eight cents: For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars: For compensation to the Comptroller of the Treasury, clerks and persons employed in his office, nine thousand four hundred and fifty dollars: For the increased salary of the Auditor, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, six hundred dollars: For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, ten thousand four hundred and fifty dollars: For the increased salary of the Auditor, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, two hundred and sixty dollars and eighty-two cents: For expense of stationery, printing, and other contingent expenses in the Auditor's office, six hundred dollars: For compensation to the Register of the Treasury, clerks, and persons employed in his office, eighteen thousand six hundred dollars: For the increased salary of the Register of the Treas-

surv, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, three hundred and twenty-six dollars and three cents; and for making good the deficiency in the appropriation of one thousand seven hundred and ninety-two, one hundred dollars; making, in the whole, four hundred and twenty-six dollars and three cents: For expenses of stationery, printing, and other contingent expenses, in the Register's office, two thousand dollars: For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars: For the increased salary of the Treasurer, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, and for making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for clerks in that office, five hundred and thirty dollars and sixty-eight cents: For expense of firewood, stationery, printing, and other contingencies in the Treasurer's office, four hundred and fifty dollars: For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, four thousand one hundred dollars: For the salary of the Commissioner of the Revenue, clerks, and persons employed in that office, from the establishment thereof to the thirty-first of December, one thousand seven hundred and ninety-two, including also contingent expenses to the same time, two thousand eight hundred and seventy-three dollars and forty-six cents: For the expense of stationery, printing, and other contingent expenses in the office of the Commissioner, three hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the contingent expenses of the Treasury Department, two thousand four hundred dollars: For the payment of rent for the several houses employed in the Treasury Department, one thousand four hundred and eighty-nine dollars and ninety-nine cents: For wood and candles in the several offices in the Treasury Department, (except the Treasurer's office,) one thousand two hundred dollars: For compensations to the several Loan officers, thirteen thousand two hundred and fifty dollars: For defraying the expenses of stationery, and for hire of clerks in the offices of the several Commissioners of Loans, to the first of March, one thousand seven hundred and ninety-three, authorized by the act of the eighth of May, one thousand seven hundred and ninety-two, thirty-two thousand seven hundred and twenty-nine dollars and ninety-five cents: To make good deficiencies in former appropriations, for similar expenses, one thousand six hundred and fifty dollars: For compensation to the Secretary of State, clerks, and other persons employed in his office, six thousand three hundred dollars: For defraying the expense of collecting the laws of the several States, publishing and distributing the laws of Congress, and all other expenses in the office of the Secretary of State, one thousand eight hundred and fifty-one dollars and sixty-seven cents: To make good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the

contingent expenses in this office, ninety-three dollars and thirty-four cents: For compensation to the Commissioners for settlement of the accounts between the United States and the individual States, clerks, and persons employed in their office, six thousand six hundred and fifty dollars: For defraying the contingent expenses of the Board of Commissioners, four hundred and seven dollars: For compensation to the Governors, Secretaries, and Judges of the Territory Northwest and the Territory South of the river Ohio, ten thousand three hundred dollars: For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said Territories, seven hundred dollars: For the payment of the pensions granted to invalids, eighty-two thousand two hundred and forty-five dollars and thirty-two cents: For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars: For payment of sundry pensions granted by the late Government, two thousand seven hundred and sixty-seven dollars and seventy-three cents: For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, twenty thousand dollars: For the farther expense of building and equipping ten cutters, three thousand dollars: For the purchase of hydrometers, for the use of the officers of the customs and inspectors of the revenue, one thousand five hundred dollars: To make good the deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the purchase of hydrometers, six hundred and ten dollars and ten cents: For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the Treasury, five thousand one hundred and sixty-nine dollars: For compensation to the Secretary of War, clerks, and persons employed in his office, seven thousand and fifty dollars: For the increased salary of the chief clerk in the War Department, from the eighth of May to the thirty-first of December, one thousand seven hundred and ninety-two, one hundred and thirty dollars and forty-one cents: For expenses of firewood, stationery, printing and other contingent expenses in the office of the Secretary of War, six hundred dollars: For compensation to the accountant to the War Department, and clerks in his office, four thousand two hundred dollars: For salary to the accountant, clerks, and for contingent expenses in that office from the establishment thereof to the thirty-first of December, one thousand seven hundred and ninety-two, one thousand and one hundred and sixty-five dollars and eighty-nine cents: For contingent expenses in the office of the accountant to the War Department, three hundred dollars: For payment of four years' rent for the buildings occupied for offices of the Secretary of War and accountant, one thousand six hundred and sixty-six dollars and sixty-six cents: For salaries of the storekeepers at the several arsenals, rents for the buildings occupied as magazines, for payment of the laborers, coopers, armorerers, and other persons employed in taking care of the ordnance, arms, and military stores, seven thousand eight hundred and thirty-five dollars and

thirty-two cents: For five hundred rifles, purchased in the year one thousand seven hundred and ninety-two, six thousand dollars: For expense of repairing arms, equipments of cannon, cartridge boxes, swords, and every other article in the Ordnance Department, ten thousand dollars: For defraying the expenses of the Indian Department, fifty thousand dollars: For the pay of the troops authorized by law, three hundred and four thousand three hundred and eight dollars: For subsistence, three hundred and twelve thousand five hundred and sixty-seven dollars and seventy-five cents: For forage, thirty-four thousand eight hundred and fifty-six dollars: For clothing, one hundred and twelve thousand dollars: For equipments for cavalry, five thousand dollars: For horses for cavalry, five thousand dollars: For Hospital Department, twenty-five thousand dollars: For Quartermaster's Department, one hundred thousand dollars: For maps, hiring expresses, allowance to officers for extra expenses, printing, loss of stores, advertising, apprehending deserters, and every other contingent expense in the War Department, thirty thousand dollars: For the defensive protection of the frontiers, fifty thousand dollars: For the payment of bounties, fifteen thousand and two hundred and forty dollars.

Sec. 2. *And be it further enacted*, That the several appropriations herein before made shall be paid and discharged out of the funds following, to wit:

First: The sum of six hundred thousand dollars reserved by the act making provision for the Debt of the United States. Secondly, the surplus, which may remain unexpended, of the moneys appropriated for the use of the War Department, in the year one thousand seven hundred and ninety-two: And, thirdly, The surplus of the existing revenues of the United States, to the end of the year one thousand seven hundred and ninety-three, except what may be otherwise appropriated, during the present session of Congress.

Sec. 3. *And be it further enacted*, That the President of the United States be authorized to borrow, on account of the said States, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imports and tonnage, to the end of the present year, one thousand seven hundred and ninety-three: And that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the Loan, made of the Bank of the United States, pursuant to the eleventh section of the act, by which it is incorporated, to be paid off, in sums not less than fifty thousand dollars, as, in his opinion, the state of the Treasury may, from time to time, admit, out of any moneys, which may be in the Treasury, having due regard to the exigencies of Government, and the appropriations made and to be made by law.

Approved, February 28, 1793.

An Act to regulate Trade and Intercourse with the Indian Tribes.

Be it enacted &c., That no person shall be permitted to carry on any trade or intercourse with the Indian tribes without a license under the hand and seal of the Superintendent of the Department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose; which Superintendent, or person so authorized, shall, on application, issue such license, for a term not exceeding two years, to any proper person, who shall enter into bond, with one or more sureties, approved of by the Superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the United States, conditioned for the true and faithful observance of such rules, regulations, and restrictions, as are or shall be made, for the government of trade and intercourse with the Indian tribes. The said Superintendent, and persons licensed, as aforesaid, shall be governed, in all things touching the said trade and intercourse, by such rules and regulations as the President of the United States shall prescribe.

Sec. 2. *And be it further enacted*, That the Superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

Sec. 3. *And be it further enacted*, That every person who shall attempt to trade with the Indian tribes, or shall be found in the Indian country, with such merchandise in his possession as are usually vended to the Indians, without lawful license, shall forfeit all the merchandise offered for sale to the Indians, or found in his possession in the Indian country, and shall, moreover, be liable to a fine, not exceeding one hundred dollars, and to imprisonment, not exceeding thirty days, at the discretion of the Court in which the trial shall be: *Provided*, That any citizen of the United States, merely traveling through any Indian town or territory, shall be at liberty to purchase, by exchange or otherwise, such articles as may be necessary for his subsistence, without incurring any penalty.

Sec. 4. *And be it further enacted*, That, if any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen thereof, would be punishable by the laws of such State or district, such offender shall be subject to the same punishment, as if the offence had been committed within the State or district to which he or she may belong, against a citizen thereof.

Acts of Congress.

Sec. 5. *And be it further enacted*, That, if any such citizen or inhabitant shall make a settlement on lands belonging to any Indian tribe, or shall survey such lands, or designate their boundaries, by making trees, or otherwise, for the purpose of settlement, he shall forfeit a sum, not exceeding one thousand dollars nor less than one hundred dollars, and suffer imprisonment, not exceeding twelve months, in the discretion of the Court before whom the trial shall be: and it shall, moreover, be lawful for the President of the United States to take such measures as he may judge necessary, to remove from lands belonging to any Indian tribe, any citizens or inhabitants of the United States, who have made, or shall hereafter make, or attempt to make, a settlement thereon.

Sec. 6. *And be it further enacted*, That no person shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license the Superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions, and restrictions, as other licenses are to be granted under this act: *Provided, also*, That every person who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they shall have been brought out of the Indian country, shall make a particular return to the Superintendent, or other person from whom he obtained his license, of every horse by him purchased, as aforesaid, describing such horses by their color, height, and other natural or artificial marks, under the penalties contained in their respective bonds. And every person purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the United States, forfeit, for every horse thus purchased, or brought from the Indian country, a sum not more than one hundred dollars, nor less than thirty dollars, to be recovered in any Court of Record having competent jurisdiction. And every person who shall purchase a horse, knowing him to be brought out of the Indian territory by any person or persons not licensed, as above, to purchase the same, shall forfeit the value of such horse; one-half for the benefit of the informant, the other half for the use of the United States, to be recovered as aforesaid.

Sec. 7. *And be it further enacted*, That no agent, superintendent, or other person, authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses, to or from any Indian; and that any person offending herein, shall forfeit one thousand dollars, and be imprisoned, at the discretion of the Court, before which the conviction shall be had, not exceeding twelve months.

Sec. 8. *And be it further enacted*, That no purchase or grant of lands, or of any title or claim thereto, from any Indians, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by a treaty or convention en-

tered into pursuant to the Constitution: and it shall be a misdemeanor in any person, not employed under the authority of the United States in negotiating such treaty or convention, punishable by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, directly or indirectly to treat with any such Indians, nation, or tribe of Indians, for the title or purchase of any lands by them held or claimed: *Provided, nevertheless*, That it shall be lawful for the agent or agents of any State, who may be present at any treaty held with Indians, under the authority of the United States, in the presence, and with the approbation of the Commissioner or Commissioners of the United States appointed to hold the same, to propose to, and adjust with, the Indians, the compensation to be made for their claims to lands within such State, which shall be extinguished by the treaty.

Sec. 9. *And be it further enacted*, That, in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall and may be lawful for the President of the United States to cause them to be furnished with useful domestic animals and implements of husbandry, and also to furnish them with goods or money, in such proportions as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think proper: *Provided*, That the whole amount of such presents, and allowance to such agents, shall not exceed twenty thousand dollars per annum.

Sec. 10. *And be it further enacted*, That the Superior Courts of each of the said Territorial districts, and the Circuit Courts, and other Courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, into which any offender against this act shall be first brought, or in which he shall be apprehended, shall have, and are hereby invested with, full power and authority, to hear and determine all crimes, offences, and misdemeanors, against this act; such Courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: and in all cases where the punishment shall not be death, the County Courts of Quarter Sessions in the said Territorial districts, and the District Courts of the United States in their respective districts, shall have, and are hereby invested with, like power to hear and determine the same.

Sec. 11. *And be it further enacted*, That it shall and may be lawful for the President of the United States, and for the Governors of such Territorial districts, respectively, on proof to them made, that any citizen or citizens of the United States, or of the said districts, or either of them, have been guilty of any of the said crimes, offences, or misdemeanors, within any town, settlement, or territory, belonging to any nation or tribe of Indians, to cause such person or persons to be apprehended, and brought into either of the United States, or of the said districts, and to be proceeded against in due course of law. And in all cases where the

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punishment shall be death, it shall be lawful for the Governor of the district into which the offender may be first brought, or in which he may be apprehended, to issue a commission of Oyer and Terminer to the Superior Judges of the district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the Superior Courts of such districts have, in their ordinary sessions. And when the offender shall be brought into, or shall be apprehended in, any of the United States, except Kentucky, it shall be lawful for the President of the United States to issue a like commission to any two Judges of the Supreme Court of the United States, and the Judge of the district, in which the offender may have been apprehended or first brought; which Judges, or any two of them, shall have the same jurisdiction, in such capital cases, as the Circuit Court of such district, and shall proceed to trial and judgment, in the same manner as such Circuit Court might or could do.

Sec. 12. *And be it further enacted*, That all fines and forfeitures, which shall accrue under this act, shall be, one-half to the use of the informant, and the other half to the use of the United States, except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Sec. 13. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the jurisdiction of any of the individual States.

Sec. 14. *And be it further enacted*, That all and every other act and acts, coming within the purview of this act, shall be, and are hereby, repealed.

Sec. 15. *And be it further enacted*, That this act shall be in force for the term of two years, and from thence to the end of the then next session of Congress, and no longer.

Approved, March 1, 1793.

An Act to ascertain the Fees in Admiralty proceedings in the District Courts of the United States, and for other purposes.

Be it enacted, &c., That, from and after the first day of May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for or in respect of any service to be done or performed in any of the District Courts of the United States, in cases of Admiralty or maritime jurisdiction, than such as is hereinafter specified, that is to say:

Fees of the Counsellor or Attorney in the District Court, in Admiralty and maritime proceedings:

The stated fee for drawing and exhibiting libel, claim, or answer in each cause, three dollars;

And all other services in any one cause, three dollars.

Sec. 2. Fees of the Clerk of the District Court, in Admiralty and maritime causes:

For drawing every stipulation, process, motion,

or subpoena, for each sheet, containing ninety words, fifteen cents;

And for engrossing each sheet, ten cents;

Entering the return of process, fifteen cents;

Filing every libel, claim, pleading, or other paper, six cents;

Copies of the pleadings, interrogatories, depositions, and exhibits, when required, for each sheet of ninety words, ten cents;

Entering each proclamation, fifteen cents;

Entering every rule of Court, fifteen cents;

Examining each witness, and drawing his deposition, for each sheet containing ninety words, fifteen cents;

Certifying each exhibit or writing shown to a witness, at his examination, twenty-five cents;

Drawing every decree, or decretal order, for each sheet containing ninety words, fifteen cents;

And for entering the same in the minutes, for each sheet, as aforesaid, ten cents;

For drawing a record, or making a copy of the proceedings, for each sheet containing ninety words, fifteen cents;

But no pleading, deposition, exhibit, or other writing, to be inserted therein *verbatim*, or in *hæc verba*, shall be computed as any part of such draft.

Entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of ninety words, including all the pleadings, depositions, exhibits, and writings inserted therein, ten cents;

Every certificate, twenty cents;

Entering return of appraisement or sales, for each sheet of ninety words, ten cents;

Affixing the seal to any paper, when required, twenty-five cents;

Drawing commission to examine witnesses, for each sheet containing ninety words, fifteen cents.

And for engrossing the same, if on parchment, including the parchment, twenty cents;

And if on paper, for each sheet of ninety words, ten cents;

Swearing each witness in Court, ten cents;

For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services herein mentioned.

All money deposited in Court, one and a quarter per cent.

Sec. 3. Fees of the Marshal in the District Court, in Admiralty and maritime causes:

For summoning every witness or appraiser, fifteen cents;

Making each proclamation, fifteen cents;

Serving every capias, attachment, or summons, one dollar and fifty cents;

Traveling each mile, going only, either to serve process, or subpoena witnesses, ten cents;

Custody fees of a vessel, for each day, one dollar and fifty cents;

Sales, for any sum under five hundred dollars, two and a half per cent.; and for any larger sum, one and a quarter per cent. upon the excess.

Sec. 4. *And be it further enacted*, That there be allowed and taxed, in the Supreme, Circuit, and District Courts of the United States, in favor

of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys and counsellors' fees, except in the District Courts in cases of Admiralty and maritime jurisdiction, as are allowed in the Supreme or Superior Courts of the respective States.

Sec. 5. *And be it further enacted*, That this act shall continue and be in force for the term of one year, and from thence until the end of the next session of Congress thereafter, and no longer.

Approved, March 1, 1793.

An Act making an appropriation to defray the expense of a Treaty with the Indians Northwest of the Ohio.

Be it enacted, &c., That a sum, not exceeding one hundred thousand dollars, arising from the surplus of former appropriations, unexpended, shall be, and the same is hereby, appropriated to defraying the expense of negotiating and treating with the hostile Indian tribes Northwest of the river Ohio.

Sec. 2. *And be it further enacted*, That each of the Commissioners who may be appointed for managing such negotiations and treaties, shall be entitled to an allowance, exclusive of his necessary expenses, of eight dollars per day, during his actual service, to be paid out of the moneys so appropriated.

Approved, March 2, 1793.

An Act in addition to the Act, entitled "An act to establish the Judicial Courts of the United States."

Be it enacted, &c., That the attendance of only one of the Justices of the Supreme Court, at the several Circuit Courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said Justices notwithstanding: *Provided*, That it shall be lawful for the Supreme Court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said Justices to attend the Circuit Court of Appeals, and it shall be the duty of the Justices so assigned, to attend accordingly: *And provided also*, That when only one Judge of the Supreme Court shall attend any Circuit Court, and the District Judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause then pending, such Circuit Court may consist of the said Judge of the Supreme Court alone.

Sec. 2. *And be it further enacted*, That, if at any time only one Judge of the Supreme Court, and the Judge of the district, shall sit in a Circuit Court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the Court, they shall be divided in opinion, it shall be continued to the succeeding Court; and if upon the second hearing, when a different Judge of the Supreme Court shall be present, a like division shall take place, the District Judge adhering to his former opinion, judgment shall be rendered in conformity to the opinion of the presiding Judge.

Sec. 3. *And be it further enacted*, That the Supreme Court, or, when the Supreme Court shall not be sitting, any one of the Justices thereof, to-

gether with the Judge of the district within which a special session, as hereafter authorized, shall be holden, may direct special sessions of the Circuit Courts to be holden, for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed than the place or places appointed by law for the ordinary sessions: That the clerk of such Circuit Court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same to be notified, for at least three weeks successively, in one or more of the newspapers published nearest to the place where the session is to be holden: That all process, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: That any special session may be adjourned to any time or times previous to the next stated meeting of the Circuit Court: That all business depending for trial at any special Court, shall, at the close thereof, be considered as of course removed to the next stated term of the Circuit Court: And that the District Courts of Maine and Kentucky shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given or is hereby given to the Circuit Courts, subject to the like regulations and restrictions.

Sec. 4. *And be it further enacted*, That bail for appearance in any Court of the United States, in any criminal cause in which bail by law is allowed, may be taken by any Judge of the United States, any Chancellor, Judge of a Supreme or Superior Court, or chief or first Judge of a Court of Common Pleas of any State, or Mayor of a city in either of them, and by any person having authority from a Circuit Court, or the District Courts of Maine or Kentucky, to take bail; which authority, revocable at the discretion of such Court, any Circuit Court, or either of the District Courts of Maine or Kentucky, may give to one or more discreet persons, learned in the law, in any district for which such Court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before named officers, such provision shall, in the opinion of the Court, be necessary: *Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States to any description of persons to take bail.

Sec. 5. *And be it further enacted*, That writs of *ne exeat* and of injunction may be granted by any Judge of the Supreme Court, in cases where they might be granted by the Supreme or a Circuit Court; but no writ of *ne exeat* shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the Court or Judge granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay pro-

ceedings in any Court of a State; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same.

Sec. 6. *And be it further enacted*, That subpoenas for witnesses, who may be required to attend a Court of the United States, in any district thereof, may run into any other district: *Provided*, That in civil causes, the witnesses living out of the district in which the Court is holden, do not live at a greater distance than one hundred miles from the place of holding the same.

Sec. 7. *And be it further enacted*, That it shall be lawful for the several Courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective Courts, directing the returning of writs and processes, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation, and otherwise, in a manner not repugnant to the laws of the United States, to regulate the practice of the said Courts, respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

Sec. 8. *And be it further enacted*, That where it is now required by the laws of any State that goods taken in execution on a writ of *fi fieri facias* shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the State to appraise goods taken in execution, on a *fi fieri facias* issued out of any Court of the United States, in the same manner as if such writ had issued out of a Court held under the authority of the State; and it shall be the duty of the marshal in whose custody such goods may be to summon the appraisers, in like manner as the sheriff is, by the laws of the State, required to summon them; and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the State; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisement.

Approved, March 2, 1793.

An Act to alter the times and places of holding the Circuit Courts in the Eastern District, and in North Carolina, and for other purposes.

Be it enacted, &c., That the Spring Circuit Courts of the Eastern District, instead of being held at the times and places now established by law for holding the same, shall, from henceforth, be held at the times and places following, respectively, namely: for the district of New York, at New York, on the fifth day of April; for the district of Connecticut, at New Haven, on the twenty-fifth day of April; for the district of Vermont at Windsor and Bennington alternately, beginning at the first, on the twelfth day of May; for the district of New Hampshire, at Portsmouth, on the twenty-seventh day of May; for the district of

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Massachusetts, at Boston, on the seventh day of June; and for the district of Rhode Island, at Newport, on the nineteenth day of June; and if any of the said days shall happen on a Sunday, the Courts, respectively, shall commence and be holden on the day following. And all causes now pending in the said Courts, and all appeals, processes, and recognizances, returned or returnable to the same, and all officers, jurors, parties, and witnesses, shall be conformable to this act.

Sec. 2. *And be it further enacted*, That, from and after the expiration of the session of the Circuit Court of the State of North Carolina, which is to commence on the first day of June next, (which session shall be held, anything in this act notwithstanding, at Newbern,) the stated sessions of the said Court shall be held at Wake Courthouse, either in the Court-house belonging to the said county, or in some convenient building contiguous thereto, until there shall be convenient accommodations for the said purpose in the city of Raleigh, in the said State; after which, and upon its being made so to appear to the said Court, the said Court is hereby authorized and directed, at the close of the session then depending, to adjourn the said Court, to meet at its next stated session in the city of Raleigh, which said city of Raleigh shall thereafter be the place at which the stated sessions of the said Court shall be constantly held.

Sec. 3. *And be it further enacted*, Inasmuch as there was not a sufficient quorum of Judges to hold the Circuit Court for the district of North Carolina, for the purpose of doing business, at November term, one thousand seven hundred and ninety-two, that it shall and may be lawful for the District Judge of the State of North Carolina, to direct the clerk of the said Court to issue such process for the purpose of having juries summoned to attend the said Court, at the term to commence on the first day of June next, as he had before issued for the like purpose, returnable to November term above mentioned; that the jury-men ordered by the said process to be summoned shall be ordered to be summoned in the same proportion, and from the same counties, as those jury-men who were ordered to be summoned by the process returnable at November term above mentioned; and the marshal is to execute the said process, and the jury-men legally summoned in consequence thereof are to attend the said Court, under the like penalties for disobedience, as if the said process had been ordered to be issued as usual by the said Court; and the marshal and the jury-men who attend at the said Court shall be entitled to the like allowance for their services respectively. And it is hereby declared that all suits and proceedings, of what nature or kind soever, which have been commenced in the said Court and not finished, shall be proceeded on at the ensuing term, in the same manner and to the same effect, as if the said Circuit Court had been regularly held at November term, as aforesaid, and continuances had been regularly held of all such suits and proceedings from the said last mentioned term to the ensuing term.

Approved, March 2, 1793.

An Act supplementary to the act entitled "An act to provide more effectually for the Collection of the Duties imposed by law on Goods, Wares, and Merchandise, imported into the United States, and on the Tonnage of Ships or Vessels."

Be it enacted, &c., That there shall be in the State of Georgia a district, to be called the district of Hardwick, to comprehend all the waters, shores, bays, harbors, creeks, and rivers, between the South point of Ossabow island and the South point of Warsaw island; that in the said district of the town of Hardwick shall be the only port of entry; and a collector for said district shall be appointed to reside at Hardwick; and the said collector shall be entitled to receive the like fees and the same yearly allowance which is paid to the collector of the district of St. Mary's, in the said State.

Sec. 2. And be it further enacted, That so much of Lake Champlain, with the shores, bays, and rivers, connected therewith as lieth within the State of New York, shall be one entire district, to be called the district of Champlain; and the President of the United States be, and hereby is, authorized to appoint such place, within said district, to be the port of entry and delivery within the same as he may deem expedient; and a collector for the said district shall be appointed, to reside at such place within said district as the President of the United States shall direct, who shall be allowed the same fees as are allowed to the collector in the district of Vermont: *Provided, nevertheless*, That the exception contained in the sixty-ninth section of the act above mentioned, relative to the district of Louisville, shall be, and hereby is, extended to the district of Champlain.

Sec. 3. And be it further enacted, That, from and after the last day of June next, the collectors in the districts of Vermont and Champlain, in addition to the fees and emoluments which may accrue to them in the collection of the duties of impost and tonnage by the provisions already made, shall severally have, and be entitled to receive, the yearly sum of one hundred dollars each.

Sec. 4. And be it further enacted, That, from and after the last day of June next, the allowance of one-half per centum to the collectors of the districts of Pennsylvania and of the city of New York, and the allowance of one per centum to the collectors of the districts of Boston and Charleston and of Baltimore on the amount of all the moneys by them respectively received on account of the duties of impost and tonnage shall cease, and, instead thereof, from and after the said last day of June next, the collectors of the districts of Pennsylvania and of the city of New York shall be entitled to three-eighths of one per centum, and the collectors of the districts of Boston and Charleston and of Baltimore shall be entitled to three-fourths of one per centum on all such moneys by them respectively received.

Sec. 5. And be it further enacted, That, from and after the first day of January next, no officer of the customs, or other person employed under the authority of the United States, in the collection of the duties imposed by law on goods, wares,

and merchandise, imported into the United States, and on the tonnage of ships or vessels, shall own, in whole or in part, any ship or vessel, or act as agent, attorney, or consignee, for the owner or owners of any ship or vessel, or of any cargo or lading on board the same; nor shall any officer of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned, directly or indirectly, in the importation of any goods, wares, or merchandise, into the United States, on penalty that every person so offending, and being thereof convicted, shall forfeit the sum of five hundred dollars.

Sec. 6. And be it further enacted, That so much of the twelfth section of an act entitled "An act making alterations in the Treasury and War Departments," as restricted all officers of the United States employed in the collection of the duties imposed by law on goods, wares, and merchandise into the United States, and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the United States, or of any State, or of any public property of either, be and the same is hereby repealed, so far as the same prohibits them from disposing of their interest in the funds or debts of the United States, or of any of the said States.

Sec. 7. And be it further enacted, That the President of the United States may, if he shall judge it conducive to the public interest, increase the complement of mariners to the several revenue-cutters, so that the number do not exceed seven mariners to each cutter; and that, from and after the first day of April next, there be allowed, in lieu of the compensations now established, to the master of each revenue-cutter, forty dollars per month and the subsistence of a Captain in the Army of the United States; to a first mate, twenty-six dollars per month; to a second mate, twenty dollars per month; to a third mate, eighteen dollars per month; to every mate, the subsistence of a Lieutenant of the said Army; and to each mariner, not exceeding ten dollars per month, to be paid by the collectors of the revenue who shall be designated for that purpose. And that the Secretary of the Treasury be, and he is hereby, authorized to contract for the supply of rations for the officers and men of the said cutters, on such terms as shall, from time to time, appear reasonable.

Approved, March 2, 1793.

An Act providing for the payment of the first instalment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to apply two hundred thousand dollars of the moneys which may have been borrowed in pursuance of the fourth section of the act entitled "An act making provision for the reduction of the Public Debt," in payment of the first instalment due to the Bank of the United States upon a loan made of the said Bank, in pursuance of the eleventh section of the act for incorporating the subscribers to the said Bank.

Approved, March 2, 1793.

An Act for extending the time for Receiving on Loan that part of the Domestic Debt of the United States, which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States, which shall not have been subscribed in pursuance of the act, entitled, "An act supplementary to the act making provision for the Debt of the United States," be extended, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of June, one thousand seven hundred and ninety-four, inclusively, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States." *Provided*, That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

Sec. 2. And be it further enacted, That such of the creditors of the United States as have not subscribed, and shall not subscribe to the said Loan, shall, nevertheless, receive, during the year one thousand seven hundred and ninety-three, a rate per centum on the amount of such of their demands as shall have been registered, conformable to the directions contained in the said act, on or before the last day of June, one thousand seven hundred and ninety-four, equal to the interest which would be payable to them as subscribing creditors.

Approved, March 2, 1793.

An Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers.

Be it enacted, &c., That all expenses which shall accrue, from the first day of July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stake-ages of channels on the sea-coast, and public piers, shall continue to be defrayed by the United States, until the first day of July, in the year one thousand seven hundred and ninety-four, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not, in the meantime, be ceded to or vested in the United States by the State or States, respectively, in which the same may be; and that the said time be further allowed to the States respectively to make such cession.

Sec. 2. And be it further enacted, That the Secretary of the Treasury be authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's Point shoal, in the Chesapeake Bay, and a beacon or floating buoy at the Southwest Straddle, on the Royal Shoal, near Ocracoke Inlet, in North Carolina.

Approved, March 2, 1793.

An Act providing an annual allowance for the education of Hugh Mercer.

Be it enacted, &c., That an annual allowance to be made for the education of Hugh Mercer, son

of the late General Mercer, pursuant to the resolution of the former Congress of the date of the eighth of April, one thousand seven hundred and seventy-seven, shall be four hundred dollars from the time for which he has been last paid until his education shall be finished, or he shall arrive at the age of twenty-one years. And, that the Comptroller of the Treasury be authorized to revise and settle the account of the said Hugh Mercer, for his pension to the present time; the balance of which, as also the annual allowances aforesaid, as they shall become due, shall be paid to his guardian at the Treasury.

Approved, March 2, 1793.

An Act making certain Appropriations therein mentioned.

Be it enacted, &c., That there be appropriated to the purposes hereinafter mentioned, to be paid out of any moneys, which shall come into the Treasury of the United States, to the end of the present year, (not proceeding from the duties on imports and tonnage) and not heretofore appropriated, and out of the surplus of any of the duties of impost and tonnage, which may accrue, during the present year, the sum of fifty-nine thousand one hundred and seven dollars, and forty-one cents:

For purchasing two lots of ground, with the buildings thereon, and for erecting other buildings, and purchasing sundry materials and necessities for the use of the Mint, twelve thousand and seventy-nine dollars, and seventy-eight cents: for the salaries of the officers of the Mint, from the first day of July to the thirty-first day of December, one thousand seven hundred and ninety-two, two thousand six hundred and ninety-four dollars, and eighty-eight cents: for the salary of the following officers of the Mint, for the year one thousand seven hundred and ninety-three: Director, two thousand dollars; the Assayer, fifteen hundred dollars; the Chief Coiner, fifteen hundred dollars; the Engraver, twelve hundred dollars; the Treasurer, twelve hundred dollars; three clerks, five hundred dollars each, fifteen hundred dollars: for defraying the expenses of workmen, for the year one thousand seven hundred and ninety-three, a sum not exceeding two thousand six hundred dollars: for defraying the expenses of bringing to the Seat of Government, the votes of the Electors in the several States, for President and Vice President, a sum not exceeding one thousand four hundred and ninety-nine dollars: for discharging the claim of Return Jonathan Meigs, and the legal representatives of Christopher Greene, the sum of four hundred dollars: for the pay, subsistence, and forage, due to Winthrop Sargent, as Adjutant General to the troops late under the command of General St. Clair, five hundred and sixty-nine dollars and forty-five cents: for paying Dunlap and Claypoole, for printing performed under the direction of a committee of the Convention of the United States, four hundred and twenty dollars: for defraying certain extra expenses of the Doorkeeper of the House of Representatives, and for clerk-hire, and allowance to witnesses attending the late commit-

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tee appointed to inquire into the failure of the expedition under General St. Clair, four hundred dollars: for paying the principal clerk to the Secretary of the Senate, for his services, from the first of July to the fourth of November, one thousand seven hundred and ninety-two, one hundred and seventy-seven days, at three dollars per day, three hundred and eighty-one dollars: for paying the same clerk for his services, for six months, over and above his former allowance, five hundred and forty-seven dollars and fifty cents: for six months additional pay to the engrossing clerk, three hundred and sixty-five dollars: for extra services of the Doorkeeper, during the present session, ninety-one dollars and fifty cents: for defraying the expense attending the stating and printing the public accounts, in pursuance of the order of the House of Representatives, of the thirtieth of December, one thousand seven hundred and ninety-one, a sum not exceeding eight hundred dollars: for paying the account of the Trustees of Wilmington Public Grammar School and Academy, two thousand five hundred and fifty-three dollars and sixty-four cents: to make good so much deficient in the appropriation of the year one thousand seven hundred and ninety-one, for defraying the expenses of light-houses, beacons, buoys, and public piers, a sum not exceeding nine hundred and fifty-five dollars and sixty-six cents: for building

a light-house on Montauk point, a sum not exceeding twenty thousand dollars: for completing the light-house on Baldhead, at the mouth of Cape Fear river, two thousand dollars: for the salaries of clerks, not exceeding three, to be employed in the office of the Commissioner of the Revenue, at the rate of five hundred dollars per annum, fifteen hundred dollars: for defraying the expense of books and printing, incident to the acts for recording the registering of ships or vessels, and enrolling and licensing vessels employed in the coasting trade, three hundred and fifty dollars.
Approved, March 2, 1793.

An Act making addition to the compensation of certain Public Officers.

Be it enacted, &c., That there be allowed to the Auditor of the Treasury, the sum of five hundred dollars; to the Commissioner of the Revenue, the sum of five hundred dollars; to the Comptroller of the Treasury, the sum of two hundred and fifty dollars, and to the Register of the Treasury, the sum of two hundred and fifty dollars, per annum, in addition to the compensation already allowed to them respectively, to commence on the first day of April next, payable in like manner as the present compensations are payable.

Approved, March 2, 1793.

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ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

THIRD CONGRESS.

THE

DEBATES AND PROCEEDINGS

IN THE

CONGRESS OF THE UNITED STATES;

WITH

AN APPENDIX,

CONTAINING

IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,

AND ALL

THE LAWS OF A PUBLIC NATURE;

WITH A COPIOUS INDEX.

THIRD CONGRESS:

COMPRISING THE PERIOD FROM DECEMBER 2, 1793, TO MARCH 3, 1795,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:

PRINTED AND PUBLISHED BY GALES AND SEATON.

.....
1855.

PROCEEDINGS

OF

THE SENATE OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AT THE CITY OF
PHILADELPHIA, DECEMBER 2, 1793.

NOTE TO THE READER.

To account for the absence of any Report of *Debates* in the Senate in the Third Congress, it is proper here to repeat that the Senate sat with closed doors during its Legislative as well as its Executive sittings, from the beginning of the first Congress up to the 20th day of February, 1794, when a proposition succeeded, which had frequently before failed, in that body, that the Legislative sittings of the Senate should thenceforth, after the end of that session of Congress, be conducted with open doors and galleries.

MONDAY, December 2, 1793.

This being the day fixed by the Constitution for the annual meeting of Congress, the following members of the Senate appeared, produced their credentials, and took their seats:

JOHN ADAMS, Vice President of the United States and President of the Senate;

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire;

GEORGE CABOT, from Massachusetts;

OLIVER ELLSWORTH, from Connecticut;

MOSES ROBINSON, from Vermont;

AARON BURR, from New York;

JOHN RUTHERFORD, from New Jersey;

ROBERT MORRIS and ALBERT GALLATIN, from Pennsylvania;

JAMES MONROE, from Virginia;

JOHN EDWARDS, from Kentucky;

BENJAMIN HAWKINS, from North Carolina;

RALPH IZARD, from South Carolina.

Mr. LANGDON, the President of the Senate *pro tempore*, administered the oath required by law to the Vice President of the UNITED STATES.

The Secretary read the credentials of the following Senators appointed for the terms respectively mentioned therein:

PIERCE BUTLER, from South Carolina;

ALEXANDER MARTIN, from North Carolina;

JOHN VINING, from Delaware.

The Vice President administered the oath required by law to Mr. BUTLER, Mr. GALLATIN, and Mr. MARTIN, respectively, and they took their seats.

STEPHEN MIX MITCHELL, appointed by the State of Connecticut a Senator for two years, in the place of ROGER SHERMAN, deceased, produced his credentials, which being read, the Vice President administered to him the oath required by law, and he took his seat.

The Vice President laid before the Senate the petition of Conrad Laub and others, relative to the appointment of Mr. GALLATIN, a Senator of the

United States; which was read, and ordered to lie on the table.

The Vice President also communicated a letter from George Reim, of Delaware, resigning his seat in the Senate; which was read, and ordered to lie on the table.

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled and ready to proceed to business.

Ordered, That Messrs. IZARD and LANGDON be a joint committee on the part of the Senate, together with such committee as the House of Representatives may appoint, on their part, to wait on the President of the UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications that he may be pleased to make to them.

A message from the House of Representatives informed the Senate that the House had elected FREDERICK A. MUEHLBERG their Speaker, and that they have concurred with the Senate in appointing a joint committee to wait on the President of the UNITED STATES.

Mr. IZARD, from the joint committee who had waited on the President, reported that the President would meet the two Houses to-morrow, at 13 o'clock, in the Senate Chamber.

TUESDAY, December 3.

The two Houses being assembled in the Senate Chamber, the President of the UNITED STATES entered, and addressed the two Houses of Congress as follows:

Fellow-citizens of the Senate, and of the House of Representatives:

Since the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances

SENATE.]

Proceedings.

[DECEMBER, 1793.]

of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the Executive power, and I humbly implore that Being on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those Powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade, and of hostile acts to any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the Proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules, which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the Courts of the United States to many cases which, though dependent on principles already recognized, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the Powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States; or usurp and exercise judicial authority within the United States; or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate—these offences cannot receive too early and close an attention, and require prompt and decisive remedies.

Whatever those remedies may be, they will be well administered by the Judiciary, who possess a long-established course of investigation, effectual process, and officers in the habit of executing it.

In like manner, as several of the Courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color of being hostile property, and have denied their power to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points; but, if the Executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorized by law to have facts ascertained by the Courts, when, for his own information, he shall request it.

I cannot recommend to your notice measures for the fulfilment of our duties to the rest of the world, without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exerting from them the fulfilment of their duties towards us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies cannot with prudence be neglected, as it would leave nothing to the uncertainty of procuring of warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of Republican Government. They are incapable of abuse in the hands of the Militia, who ought to possess a pride in being the depository of the force of the Republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which cannot be too solemnly pursued, whether the act "more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several States has not detected some imperfections in the scheme; and whether a material feature, in an improvement of it, ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone!

The connexion of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the Commissioners evince a moderation and equity proceeding from a sincere love of peace and a liberality having no restriction but the essential interest and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them, during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of Militia, or additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the Executive for peace with the Greeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints

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of the latter, prosecutions have been instituted for the violence committed upon them. But the papers which will be delivered to you, disclose the critical footing on which we stand in regard to both those tribes, and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquility with the savages permanent, by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations in behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies, and a stated market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it cannot be accomplished by any means yet in the hands of the Executive.

Gentlemen of the House of Representatives:

The Commissioners charged with the settlement of accounts between the United States and individual States concluded their important functions within the time limited by law, and the balances struck in their Report (which will be laid before Congress) have been placed on the books of the Treasury.

On the first day of June last, an instalment of one million of florins became payable on the Loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in nature of a new Loan, at an interest of five per cent., for the term of ten years, and the expenses of this operation were a commission of three per cent.

The first instalment of the Loan of two millions of dollars from the Bank of the United States has been paid, as was directed by law. For the second it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the Public Debt; on none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto has continued to equal the anticipations which were formed of it, but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who cannot but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I cannot forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the Government of the United States as the affections of the people guided by an enlightened policy; and to this primary good nothing can conduce more than a faithful representation of public proceedings, diffused without restraint, throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of the purchase of arms and military stores, made during the recess, will be presented to Congress.

Gentlemen of the Senate, and of the House of Representatives:

The several subjects to which I have now referred open a wide range to your deliberations, and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the Government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But as the Legislative proceedings of the United States, will never, I trust, be reproached for the want of candor or of candor, so shall not the public happiness languish from the want of my strenuous and warmest co-operation.

G. WASHINGTON.

PHILADELPHIA, December 2, 1793.

The PRESIDENT having retired, the two Houses separated.

A message from the House of Representatives informed the Senate that they have resolved that two Chaplains of different denominations, be appointed for the present session, one by each House, who shall interchange weekly; to which they desire the concurrence of the Senate.

The Senate concurred with the above proposition, and appointed the Right Reverend Bishop WHITE to be Chaplain on the part of the Senate.

A Message was received from the PRESIDENT OF THE UNITED STATES, communicating his Proclamation of the 22d of April, 1793, together with the Rules established by the PRESIDENT for the government of the Executive Officers, in cases of vessels equipping in the ports of the United States.

The Proclamation and Rules were read, and ordered to lie on the table.

On motion, a committee of five was appointed to report the draft of an Address to the PRESIDENT, in answer to his Speech to both Houses.

MESSRS. ELLSWORTH, BUTLER, IZARD, LANGDON, and RUTHERFORD, were named.

WEDNESDAY, December 4.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of War, with sundry papers therein referred to; which Letter and papers were, in part, read, and the Senate then adjourned.

THURSDAY, December 5.

FREDERICK FREELINGHUYSEN, from New Jersey, appeared, produced his credentials, and the usual oath being administered to him, took his seat.

The reading of the papers yesterday received from the Secretary of War was resumed; and, after progress, postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate and of the House of Representatives:

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things between them and us matter of interesting inquiry to the Legislature, and may indeed give

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rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative and Executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making every goods lawful prize in the vessel of a friend, contrary to our Treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our Minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their Minister Plenipotentiary here have breathed nothing of the friendly spirit of the nation which sent him; their tendency, on the contrary, has been to involve us in war abroad and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, or the effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from sentiments of regard to his nation, from a sense of their friendship towards us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and, I will add, from a reliance on the firmness of my fellow-citizens in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further: rather than employ force for the restitution of certain vessels, which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliation undertaken to have been committed on our vessels and commerce by the cruizers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the descriptions of citizens supposed to have suffered were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports, and those of their friends, the instructions now communicated were immediately forwarded to our Minister at that Court. In the mean time some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special in-

structions in time to make it known to the Legislature during their present session.

Very early after the arrival of a British Minister here mutual explanations on the inexecution of the Treaty of Peace were entered into with that Minister. These are now laid before you for your information.

On the subjects of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature in confidence only, they shall be the subject of a separate and subsequent communication.

G. WASHINGTON.
UNITED STATES, December 5, 1793.

The Message and papers therein referred to were, in part, read, and the further reading postponed.

The following: Report of the Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States, report:

The Commissioners appointed to execute the several acts of Congress to provide more effectually for the settlement of the Accounts between the United States and the individual States, report:

That they have maturely considered the claims of the several States against the United States, and the charges of the United States against the individual States.

That they have gone through the process prescribed in the fifth section of the act of Congress passed the 5th day of August, 1790, (the particulars whereof will be found in book A, lodged with the papers of this office, in the Treasury Department,) and find that there is due, including interest, to the 31st day of December, 1789, to the State of—

New Hampshire, seventy-five thousand and fifty-five dollars;

Massachusetts, one million two hundred and forty-eight thousand eight hundred and one dollars;

Rhode Island, two hundred and ninety-nine thousand six hundred and eleven dollars;

Connecticut, six hundred and nineteen thousand one hundred and twenty-one dollars;

New Jersey, forty-nine thousand and thirty dollars;

South Carolina, one million two hundred and five thousand nine hundred and seventy-eight dollars;

Georgia, nineteen thousand nine hundred and eighty-eight dollars.

And that there is due, including interest, to the 31st day of December, 1789, from the State of—

New York, two million and seventy-four thousand eight hundred and forty-six dollars;

Pennsylvania, seventy-six thousand seven hundred and nine dollars;

Delaware, six hundred and twelve thousand four hundred and twenty-eight dollars;

Maryland, one hundred and fifty-one thousand six hundred and forty dollars;

Virginia, one hundred thousand eight hundred and seventy-nine dollars;

North Carolina, five hundred and one thousand and eighty-two dollars.

Which several sums they, by virtue of the authority

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to them delegated, declare to be the final and conclusive balances due to and from the several States.

WILLIAM IRVINE,
JOHN KEAN,
WOODBURY LANGDON.
OFFICE OF THE COMMISSIONERS OF ACCOUNTS,
Philadelphia, June 29, 1793.

FRIDAY, December 6.

A message from the House of Representatives informed the Senate that they had elected the Rev. ASHBEL GREEN as Chaplain to Congress, on their part.

Mr. ELLSWORTH, from the committee appointed to report the draft of an address to the President of the UNITED STATES, made a report; which was read, and ordered for consideration on Monday next.

The Senate resumed the reading of the communications referred to in the Message of the PRESIDENT of the 5th instant; and, after progress, adjourned to Monday.

MONDAY, December 9.

Messrs. STEPHEN R. BRADLEY, from Vermont, THEODORE FOSTER, from Rhode Island, and Rufus KING, from New York, appeared and took their seats.

The VICE PRESIDENT laid before the Senate a Letter of the 7th instant, from Samuel Meredith, Treasurer of the United States, with his quarterly accounts, made up to the 31st of March last, together with his accounts respecting the Department of War, made up to the 30th of June last.

The Letter was read.

Ordered, That the Letter and papers therein referred to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the draft of an Address reported by the committee in answer to the Speech of the PRESIDENT of the UNITED STATES to Congress at the opening of the session; which, being amended, and the several paragraphs of the report agreed to, it was adopted, as follows:

"To the President of the United States:

"Accept, sir, the thanks of the Senate for your Speech delivered to both Houses of Congress at the opening of the session. Your re-election to the Chief Magistracy of the United States gives us sincere pleasure. We consider it as an event every way propitious to the happiness of our country; and your compliance with the call, as a fresh instance of the patriotism which has so repeatedly led you to sacrifice private inclination to the public good. In the unanimity which a second time marks this important national act, we trace, with particular satisfaction, besides the distinguished tribute paid to the virtues and abilities which it recognises, another proof of that just discernment and constancy of sentiments and views which have hitherto characterized the citizens of the United States.

"As the European Powers with whom the United States have the most extensive relations were involved in war, in which we had taken no part, it seemed necessary that the disposition of the nation for peace should be promulgated to the world, as well for the purpose of admonishing our citizens of the consequences

of a contraband trade and of acts hostile to any of the belligerent parties, as to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities of our situation; we, therefore, contemplate with pleasure the proclamation by you issued, and give it our hearty approbation. We deem it a measure well-timed and wise, manifesting a watchful solicitude for the welfare of the nation, and calculated to promote it.

"The several important matters presented to our consideration will, in the course of the session, engage all the attention to which they are respectively entitled; and, as the public happiness will be the sole guide of our deliberations, we are perfectly assured of receiving your strenuous and most zealous co-operation.

JOHN ADAMS,
"Vice President of the United States,"
and President of the Senate."

Ordered, That Messrs. ELLSWORTH and BOTTLER wait on the PRESIDENT of the UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that the foregoing address should be presented.

TUESDAY, December 10.

JOHN BROWN, from the State of Kentucky, attended to-day.

Mr. ELLSWORTH reported, from the committee appointed yesterday to wait on the PRESIDENT of the UNITED STATES, that the PRESIDENT proposed to receive the Address of the Senate this day, at 12 o'clock, at his own house. Whereupon, the Senate waited on the PRESIDENT of the UNITED STATES, and the VICE PRESIDENT, in their name, presented the address agreed to on the 9th instant. To this Address the PRESIDENT of the UNITED STATES was pleased to make the following Reply:

"GENTLEMEN: The pleasure expressed by the Senate on my re-election to the station which I fill, commands my sincere and warmest acknowledgments. If this be an event which promises the smallest addition to the happiness of our country, as it is my duty, so shall it be my study, to realize the expectation.

"The decided approbation which the Proclamation now receives from your House, by completing the proofs that this measure is considered as manifesting a vigilant attention to the welfare of the United States, brings with it a peculiar gratification to my mind.

"The other important subjects which have been communicated to you will, I am confident, receive a due discussion; and the result will, I trust, prove fortunate to the United States.

"G. WASHINGTON."

The Senate then returned to their Chamber, and resumed the reading of the papers communicated in the Message of the PRESIDENT of the UNITED STATES of the 5th instant, but adjourned before they were got through.

WEDNESDAY, December 11.

CARLEB STRONG, from Massachusetts, attended to-day.

The credentials of Mr. BROWN and Mr. STRONG

were read, the usual oath administered to them, and they took their seats.

The Vice President laid before the Senate a Letter from the Treasurer of the United States, with his specie account, made up to the 30th of June last; which was read, and ordered to lie on the table.

Ordered, That Messrs. RUTHERFORD, CABOT, ELLSWORTH, LIVERMORE, and MITCHELL, be a committee to take into consideration the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, and report thereon to the Senate.

The Senate resumed the reading of the papers referred to in the Message of the President of the UNITED STATES of the 5th instant; and, after progress, adjourned.

FRIDAY, December 13.

WILLIAM BEADFORD, from Rhode Island, and JOHN TAYLOR, from Virginia, attended, produced their credentials, and took the usual oath and their seats.

The Senate resumed the reading of the papers communicated with the Message of the President on the 5th instant; and the Message and papers therein referred to were ordered to lie for consideration.

MONDAY, December 16.

JAMES JACKSON, from Georgia, attended, produced his credentials, and, the oath required by law being administered to him, he took his seat in the Senate.

The Communications from the Secretary of the Department of War, of the 4th instant, were read, and ordered to lie for consideration.

The Vice President laid before the Senate a Letter from the Secretary of the Department of War, with a return of the ordinance, arms, and military stores, in possession of the United States, together with a variety of papers, giving a view of the Creek Indians and the State of Georgia, and the Southwestern territory of the United States and the Cherokee; which Letter was read.

Ordered, That the Letter and papers therein referred to lie on the table.

The following Messages were received from the President of the UNITED STATES, and read:

Gentlemen of the Senate, and of the House of Representatives:

The situation of affairs in Europe, in the course of the year 1790, having rendered it possible that a moment might arrive favorable for the arrangement of our unsettled matters with Spain, it was thought proper to prepare our Representative at that Court to avail us of it. A confidential person was therefore despatched to be the bearer of instructions to him, and to supply, by verbal communications, any additional information of which he might find himself in need. The Government of France was, at the same time, applied to for its aid and influence in this negotiation. Events, how-

ever, took a turn which did not present the occasion hoped for.

About the close of the ensuing year I was informed, through the Representatives of Spain here, that their Government would be willing to renew at Madrid the former conferences on these subjects. Though the transfer of scene was not what would have been desired, yet I did not think it important enough to reject the proposition; and, therefore, with the advice and consent of the Senate, I appointed Commissioners Plenipotentiary for negotiating and concluding a Treaty with that country, on the several subjects of boundary, navigation, and commerce, and gave them the instructions now communicated. Before these negotiations, however, could be got into train, the new troubles which had arisen in Europe had produced new combinations among the Powers there, the effects of which are but too visible in the proceedings now laid before you. In the meantime some other points of discussion had arisen with that country, to wit: the restitution of property escaping into the territories of each other, the mutual exchange of fugitives from justice, and, above all, the mutual interferences with the Indians lying between us. I had the best reason to believe that the hostilities threatened and exercised by the Southern Indians on our border were excited by the agents of that Government. Representations were thereon directed to be made by our Commissioners to the Spanish Government, and a proposal to cultivate, with good faith, the peace of each other with those people. In the mean time corresponding suspicions were entertained, or pretended to be entertained on their part, of like hostile excitement by our agents to disturb their peace with the same nations. These were brought forward by the Representatives of Spain here, in a style which could not fail to produce attention. A claim of patronage and protection of those Indians was asserted; a mediation between them and us by that Sovereign assumed; their boundaries with us made a subject of his interference; and, at length, at the very moment when these savages were committing daily incursions upon our frontier, we were informed by them that "the continuation of the peace, good harmony, and perfect friendship of the two nations was very problematical for the future, unless the United States should take more convenient measures, and of greater energy, than those adopted for a long time past."

If their previous correspondence had worn the appearance of a desire to urge on a disagreement, this last declaration left no room to evade it, since it could not be conceived we would submit to the scalping knife and tomahawk of the savage without any resistance. I thought it time, therefore, to know if these were the views of their Sovereign, and despatched a special messenger with instructions to our Commissioners, which are among the papers now communicated. Their last letter gives us reason to expect very shortly to know the result. I must add that the Spanish Representatives here, perceiving that their last communication had made considerable impression, endeavored to abate this by some subsequent professions, which, being also among the communications to the Legislature, they will be able to form their own conclusions.

UNITED STATES, December 16, 1793.

GEO. WASHINGTON.

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a Report of the Secretary of State on the measures which have been taken on behalf of

the United States for the purpose of obtaining a recognition of our treaty with Morocco, and for the ransom of our citizens, and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last letters, sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret. So a knowledge of the sums meant to have been given for peace and ransom might have a disadvantageous influence on future proceedings for the same objects.

GEO. WASHINGTON.

UNITED STATES, December 16, 1793.

These Messages were ordered to lie for consideration.

The Vice President laid before the Senate the following Report, to wit:

"The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress, as follows:

"That, pursuant to the act entitled 'An act making further provision for the reduction of the Public Debt,' and in conformity to resolutions agreed upon by them, and in conformity approved by the President of the United States, they have, since their report of the 17th of November, 1792, caused purchases of the said Debt to be made, through the agency of Samuel Meredith and Jonathan Burrall, respectively, to the amount of \$523,735 21 in stock, for which there have been paid, in specie, \$426,842 75. That, pursuant to the act entitled 'An act supplementary to the act making provision for the Debt of the United States,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said Debt to be made subsequent to their said report of the 17th of November, 1792, to the amount of \$122,838 14 in stock, for which there have been paid \$75,660 87, in specie. That the several documents accompanying this report marked Aa, Ba, and Nos. 1 to 7, with their enclosures, show the aforesaid purchases, generally and in detail, including the places where, the time when, the prices at which, and the persons to whom, they have been made. That the purchases now and heretofore reported amount, together, to \$2,019,193 10 in stock, for which there have been paid \$1,394,664 40, in specie, as will be more particularly seen by the document aforesaid marked Aa. On behalf of the Board:

"JOHN ADAMS.

"PHILADELPHIA, December 16, 1793."

The Report was read, and, together with the papers therein referred to, ordered to lie on the table.

TUESDAY, December 17.

JOHN VINING, from Delaware, appeared, and, the oath required by law being, by the Vice President, administered to him, he took his seat in the Senate.

The Communications received from the President of the UNITED STATES on the 16th instant

relative to the negotiations with the Court of Spain, were in part read; and, after progress, the Senate adjourned.

WEDNESDAY, December 18.

The Communications received from the President of the UNITED STATES on the 16th instant, relative to the negotiations with the Court of Spain, were read, and ordered to lie for consideration.

The Vice President laid before the Senate a Letter from the Secretary of the Department of War, of this date, communicating further information relative to the Southwestern frontiers; which Letter and papers were read, and ordered to lie on the table.

The Vice President laid before the Senate a Letter from the Secretary of the Department of State, of the 16th instant, with a report on the privileges and restrictions on the commerce of the United States in foreign countries; which were read, and ordered to lie for consideration.

THURSDAY, December 19.

The Communications received from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers, were in part read; and, after progress, the Senate adjourned.

FRIDAY, December 20.

The Senate resumed the reading of the Communications from the Secretary of the Department of War on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

MONDAY, December 23.

Mr. BRADLEY notified the Senate that, on Wednesday next, he should move for leave to bring in a bill for altering the Flag of the United States.

The Senate resumed the reading of the Communications from the Secretary of the Department of War, on the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

TUESDAY, December 24.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

"Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information."

G. WASHINGTON.

UNITED STATES, December 23, 1793.

The Message and papers referred to were read, and ordered to lie for consideration.

Mr. BUTLER notified the Senate that he should, on some day the next week, request leave to bring in a bill in addition to the act, entitled "An act to incorporate the subscribers to the Bank of the United States."

The following motion was made and seconded, to wit: That the Constitution be amended by adding, at the end of the ninth section of the first article, the following clause:

"Nor shall any person holding any office or stock in any institution in the nature of a Bank for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be herein implied."

And it was agreed that this motion should lie for consideration.

Ordered, That Messrs. STRONG, ELLSWORTH, and KING, be a committee to take into consideration that part of the President's Speech which recommends a further provision against offences.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned to Thursday next.

THURSDAY, December 26.

Agreeably to notice given on the 23d instant, Mr. BRADLEY obtained leave to bring in a bill making an alteration in the Flag of the United States; and the bill was read the first time, and ordered to a second reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers; and, after progress, the Senate adjourned.

FRIDAY, December 27.

The Senate proceeded to the second reading of the bill making an alteration in the Flag of the United States; and, having amended the same, the bill was ordered to a third reading.

The Senate resumed the reading of the communications from the Secretary of the Department of War of the 16th instant, relative to further information respecting the Southwestern frontiers.

Ordered, That the communications lie for consideration.

MONDAY, December 30.

The bill making an alteration in the Flag of the United States, was read the third time, and passed.

The petition of James and William Smith, of the State of Georgia, for themselves, and in behalf of the heirs of James Smith, was presented and read, praying for remedy and assistance in respect to certain losses sustained by the Creek Indians.

Ordered, That this petition, together with the communications, from the Secretary of the Department of War, respecting Indian Affairs, be referred to Messrs. JACKSON, STRONG, BURR, BUTLER, and LANGDON, to consider and report thereon.

TUESDAY, December 31.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you, for your consideration, a Letter from the Secretary of State, informing me of certain impediments which have arisen to the coinage of the precious metals at the Mint.

As also a Letter from the same officer, relative to certain advances of money which have been made on public account. Should you think proper to sanction what has been done, or be of opinion that any thing more shall be done in the same way, you will judge whether there are not circumstances which would render secrecy expedient.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

Gentlemen of the Senate, and

of the House of Representatives:

I communicate to you the translation of a Letter received from the Representatives of Spain here, in reply to that of the Secretary of State to them, of the 21st instant, which had before been communicated to you.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The Messages and papers therein referred to were severally read, and ordered to lie for consideration.

Mr. RUTHERFORD reported, from the committee to whom was referred the petition of Conrad Laub and others, stating that the Hon. ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution; which report was read, and ordered to lie for consideration.

WEDNESDAY, January 1, 1794.

The Senate proceeded to the consideration of the report of the committee to whom was referred the petition of Conrad Laub and others.

On motion to postpone the consideration of the report until to-morrow, it was agreed to amend this motion, by striking out the words "to-morrow," and to insert, in lieu thereof, "Thursday, the 9th instant."

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I now lay before you a Letter from the Secretary of State, with his account of the expenditure of the moneys appropriated for our intercourse with foreign nations from the 1st of July, 1792, to the 1st of July, 1793, and other papers relating thereto.

G. WASHINGTON.

UNITED STATES, December 31, 1793.

The Message and papers therein referred to were severally read, and ordered to lie for consideration.

THURSDAY, January 2.

A motion was made that it be—

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

On which a motion was made as follows:

"Resolved, That the consideration of this motion be postponed, and that the Senate will, on the 10th instant, take into consideration the subject of amendments to the Constitution."

Whereupon it was agreed to divide the motion for amendment, and the first clause was adopted, to wit:

"That the consideration of the original motion be postponed."

And, the latter clause of the motion for postponement being amended, it was

Resolved, That the Senate will, on the 13th instant, take into consideration the subject of amendments to the Constitution.

FRIDAY, January 3.

A motion was made and seconded, that the Secretary of the Treasury lay before the Senate the following returns, to wit:

A statement of the goods, wares, and merchandise, exported from the several States from the 1st of July, 1792, to the 1st of July, 1793, specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

A statement of the goods, wares, and merchandise, imported into the several States for the same period, specifying the quantities and the prime cost, and dutied value of each kind, and the several countries from which the same have respectively been imported.

A statement of the tonnage of foreign vessels entered into the several States during the same period, specifying the several countries to which the said vessels respectively belong.

A statement of the tonnage of the United States' vessels entered into the several States during the same period, distinguishing those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in said trade came.

Ordered, That this motion lie for consideration.

MONDAY, January 6.

The Senate met to-day, but done no business.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

Experience has shown that it would be useful to have an officer particularly charged, under the direction of the Department of War, with the duties of receiving, safe-keeping, and distributing the public supplies, in all cases in which the laws and the course of service do not devolve them upon other officers; and, also, with that of superintending, in all cases, the issues, in detail, of supplies, with power, for that purpose, to bring to account all persons intrusted to make such issues, in relation thereto.

An establishment of this nature, by securing a regular and punctual accountability for the issues of public supplies, would be a great guard against abuse, would tend to insure their due application, and to give public satisfaction on that point.

I therefore recommend to the consideration of Congress the expediency of an establishment of this nature, under such regulations as shall appear to them advisable.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you an official statement of the expenditure to the end of the year 1793, from the sum of ten thousand dollars, granted to defray the contingent expenses of Government, by an act passed on the 26th of March, 1790.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The Messages and paper referred to in the last-recited Message, were severally read, and ordered to lie for consideration.

WEDNESDAY, January 8.

Ordered, That the Message of the PRESIDENT OF THE UNITED STATES, of the 7th instant, respecting the usefulness of an officer particularly charged with the duties of receiving, safe-keeping, and distributing the public supplies in certain cases, be referred to Messrs. ELLSWORTH, TAYLOR, and BRADLEY, to consider and report thereon to the Senate.

The following motion was made and seconded:

Ordered, That the Secretary of the Treasury do lay before this House the following statements, to wit:

First. A statement of the Domestic Debt of the United States, as due on the 1st day of January, 1794, specifying under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and deferred stock, and in each kind of stock, stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded or registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, (if there be any such,) being the excess of the sum respectively by law assumed, for such States, above the sums actually subscribed in the Debts of the said States.

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5th. The Domestic Loans for cash, contracted since the commencement of the present Government, stating the respective times when borrowed, and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government to the first day of January, 1794, distinguishing the different species of Debt, and specifying the mode of redemption, and when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States, as due on the first day of January, 1794, stating separately the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that time; and specifying, in each Debt for Loan, the original amount, the time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans contracted since the commencement of the present Government, to the first day of January, 1794, stating the amount of the moneys drawn over to America, and of those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures, from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying, separately, such balances as were on that day in the Treasury, and such as were uncollected, or in hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, 1792, and 1793, respectively, specifying separately in each statement under each branch of the revenue, the moneys received on account of the revenue of that year, and those received on account of the revenue of each preceding year; and stating, so far as the same is now practicable, the amount of all moneys, bonds, or securities, on hand on the first day of January, 1794, with the times of payment of such bonds or securities.

Ordered, That this motion lie for consideration. A message from the House of Representatives informed the Senate, that the House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act making an alteration in the Flag of the United States."

THURSDAY, January 9.

Agreeably to the order of the day, the Senate took into consideration the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN to be a Senator of the United States.

On motion,

Ordered, That the further consideration of the report be postponed until to-morrow.

A motion was made, that the following amendment be recommended to the Legislatures of the respective States as part of the Constitution of the United States, two-thirds of both Houses agreeing thereto:

"The powers of the Government of the United States shall not extend to curtail or abridge the limits of the United States, as defined in the Treaty of Peace between Great Britain and the said States, dated at Paris, the third day of September, 1783, nor shall the State-rights of pre-emption to Indian hunting grounds, within the respective limits, after a fair treaty and sale, be questioned."

Ordered, That this motion lie on the table.

FRIDAY, January 10.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of ALBERT GALLATIN a Senator of the United States; which report is as follows:

The committee, to whom was referred the petition of Conrad Laub and others, stating that ALBERT GALLATIN, at the time he was elected a Senator of the United States, had not been nine years a citizen of the said United States, as is required by the Constitution, report:

"That the committee have conferred with Mr. Michael Schmyser, agent for the petitioners, and with Mr. GALLATIN; that Mr. Schmyser has declared that the petitioners are ready to adduce proofs in support of the petition at such time as the Senate may think proper to appoint; that Mr. GALLATIN states no objection to the trial's commencing at an early day. The committee therefore recommend that the Senate agree to the following resolution:

"Resolved, That — be assigned for hearing the petition of Conrad Laub and others, respecting Mr. GALLATIN's right to a seat in the Senate, and that Messrs. GALLATIN and Schmyser be furnished with a copy of this resolution."

On motion, it was agreed to postpone the report of the committee, and to take into consideration the following resolution:

"Resolved, That a Committee of Elections, to consist of seven, be appointed to report rules for receiving petitions and conducting inquiries relative to the qualifications of a Senator; and that the petition of Conrad Laub and others be referred to the same committee, to state the facts, and that they be authorized to send for persons and papers."

On which a motion was made and seconded to postpone this motion and to take up the following:

"That — be a committee to ascertain and state to the Senate the facts relative to the time when ALBERT GALLATIN became a citizen of the United States, and that the said committee have power to send for persons and papers."

Whereupon, a motion was made and seconded to postpone the preceding, and to take into consideration the following motion:

"Resolved, That a Committee of Elections be appointed, and that the petition of Conrad Laub and

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others be referred to it, to report their opinion on the merits of the said petition."

And, after debate, the Senate adjourned.

MONDAY, January 13.

The Senate resumed the consideration of the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States.

On motion,

Ordered, That a Committee of Elections, to consist of seven, be appointed, and that the petition of Conrad Laub and others be referred, without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition, to the same committee, to state the facts, and that they be authorized to send for persons and papers; also, that Messrs. BRADLEY, ELLSWORTH, MITCHELL, RUTHERFORD, BROWN, LIVERMORE, and TAYLOR, be this committee.

Agreeably to the order of the day, the Senate took into consideration the subject of amendments to the Constitution of the United States; and it was agreed to consider at this time the following motion:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

And, after debate, the further consideration thereof was postponed until to-morrow.

Ordered, That the further consideration of the motions of the 24th of December last, and the 9th of January instant, on the subject of amendments to the Constitution of the United States, be postponed until to-morrow, and that the several motions on this subject be printed for the use of the Senate.

The Senate resumed the consideration of the motions made the third instant, respecting certain statements from the Secretary of the Treasury; and, having agreed to sundry amendments thereon, it was adopted, as follows:

Ordered, That the Secretary of the Treasury lay before the Senate a statement of the goods, wares, and merchandise, exported from the several States from the first day of July, 1792, to the 30th day of June, 1793; specifying the quantities and value of each kind, and the several countries to which the same have respectively been exported.

Statements of the goods, wares, and merchandise imported into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period sepa-

ately, the quantities and the prime cost and dutied values of each kind, and the several countries from which the same have respectively been imported.

Statements of the tonnage of foreign vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; specifying, for each period separately, the several countries to which the said vessels respectively belong.

Statements of the tonnage of the United States' vessels, entered into the several States, from the 1st day of July, 1791, to the 30th day of June, 1792, and from the 1st day of July, 1792, to the 30th day of June, 1793; distinguishing, for each period separately, those employed in fisheries, in the coasting and in the foreign trade, and specifying the several countries from which the said vessels employed in the foreign trade came.

TUESDAY, January 14.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday for an amendment to the Constitution of the United States, respecting the Judicial power thereof.

On motion by Mr. GALLATIN, that the motion be amended to read as follows:

"The Judicial power of the United States, except in cases arising under treaties made under the authority of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the negative.

On motion, that the motion be amended to read as follows:

"The Judicial power of the United States extends to all cases in law and equity in which one of the United States is a party; but no suit shall be prosecuted against one of the United States by citizens of another State, or by citizens or subjects of a foreign State, where the cause of action shall have arisen before the ratification of this amendment."

It passed in the negative.

And on the question to agree to the resolution as follows:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State."

It passed in the affirmative—yeas 23, nays 2, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen,

sen, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, Strong, Taylor, and Vining.

NAYS.—Messrs. Gallatin and Rutherford.
Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

The Senate proceeded to the consideration of the following motion, viz:

"That the Constitution be amended by adding, at the end of the 9th section of the 1st article, the following clause:

"Nor shall any person, holding any office or stock in any institution in the nature of a bank, for issuing or discounting bills or notes payable to bearer or order, under the authority of the United States, be a member of either House whilst he holds such office or stock; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied."

And, after debate, the further consideration of this motion was postponed until to-morrow.

WEDNESDAY, January 15.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State and the Minister Plenipotentiary of the French Republic, the copy of a Letter from that Minister of the 25th of December, 1792, and a copy of the proceedings of the Legislature of the State of South Carolina.

UNITED STATES, January 15, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the consideration of the motion made yesterday for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

On motion to amend the motion, to be read as follows:

"Nor shall any person holding any office in any institution in the nature of a bank, under the authority of the United States, be a member of either House whilst he holds such office; but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied."

And, after debate, the further consideration thereof was postponed until to-morrow.

THURSDAY, January 16.

The Senate resumed the consideration of the motion made yesterday, to amend the motion under consideration the 14th instant, for an amendment to the Constitution of the United States, inhibiting the holders of any office or stock in the Bank of the United States from a seat in either House of Congress.

1st. *Be it therefore enacted by the Senate and House of Representatives in Congress assembled, and by the authority of the same*, That the 11th and 16th articles of the 7th section, and the 9th section, of the act, entitled "An act to incorporate the subscribers to the Bank of the United States," be, and the same are hereby, repealed.

2d. *Be it further enacted*, That the President of the United States be, and he is hereby, authorized to dispose of, by sale, in such manner as he shall deem most conducive to the public interest, and as soon as may be after the passing of this act, all the interest or stock which the public were possessed of, or entitled to, in the said Bank, by virtue of their subscription to the same, in conformity to the 11th section of said act, the proceeds of which sales shall be disposed of as hereafter directed. And whereas it is desirable that the Debt due by the United States to the said Bank, by virtue of the subscription aforesaid, should be discharged at as early a period as may be, as well that the parties interested in the institution may become possessed of the funds, by which it is designed to be constituted, as the public completely exonerated from all claims or demands on that account.

3d. *Be it further enacted*, That the President of the United States be, and he is hereby, authorized to cause to be adjusted, if practicable, with the Directors of said Bank, upon such terms as shall be deemed just and reasonable, the balance which may be due by the United States to said Bank by virtue of said subscription, and the amount to be paid off, at such time or times as shall be agreed on, out of the proceeds of the sales of said stock: *Provided, nevertheless*, That nothing herein contained shall be construed to imply any obligation on the said Directors to accept of any adjustment, or payments, other than contained in, and specified by, the act aforesaid.

4th. *And be it further enacted*, That, if any surplus or balance shall remain from the sales aforesaid, after such adjustment with, or payment to, the Directors aforesaid, such balance shall be, and is hereby, applied to.

It passed in the negative, yeas 12, nays 13—as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, King, Langdon, Livermore, Mitchell, Morris, Strong, and Vining.

On motion, by Mr. MARTIN, that the Senate adopt the following resolutions:

"*Resolved*, That, in all representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information that a discrimination and just estimate be made thereof.

"*Resolved*, That the Senate of the United States, being the Representatives of the sovereignties of the individual States, whose basis is the people, owe equal responsibility to the Powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates arising thereupon in their Legislative and Judiciary capacity ought to be public.

"*Resolved*, That the mode adopted by the Senate of publishing their Journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from pub-

lic view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature; abuse of power, mal-administration of office, more easily detected and corrected; jealousy, arising in the public mind from secret Legislation, prevented, and greater confidences placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected.

"*Resolved, therefore*, That it be a standing rule, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may require secrecy; and that this rule commence on — day of —."

Ordered, That this motion lie for consideration, and that, in the mean time, the proposed resolutions be printed for the use of the Senate.

FRIDAY, January 17.

The Senate resumed the consideration of the subject of amendments to the Constitution of the United States; and, after debate, on motion, it was agreed that the further consideration thereof be postponed.

Agreeably to the order of the day, the Senate proceeded to the consideration of the motion made yesterday, that the doors of the Senate Chamber remain open under certain restrictions; and, on motion, it was agreed that the further consideration thereof be postponed until Wednesday next.

On motion, that the Senate adopt the following order:

"That the Secretary of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of Secretary of State."

Ordered, That this motion lie until Monday next.

The Senate resumed the consideration of the motion of the 8th of January, instant, that the Secretary of the Treasury lay before the Senate certain statements of the Public Debt; and, on motion, that the further consideration thereof be postponed until Monday next.

MONDAY, January 20.

The petition of Thomas Person and others, a committee on behalf of themselves and the other purchasers of lands in the ceded Territory South of the Ohio, referring to a petition presented to the Legislature of the State of North Carolina, praying for redress of certain matters therein contained, was presented and read.

Ordered, That this petition lie on the table. On motion, it was agreed that the motion made on the 17th instant, that the Secretary for the Department of State be directed to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, should be further postponed.

The consideration of the motion made on the

8th instant, that the Secretary for the Department of the Treasury be requested to lay before the Senate certain statements of the Public Debt, was resumed; and being amended, was adopted, as follows:

Ordered, That the Secretary of the Treasury do lay before this House the following statements, to wit:

First. A statement of the Domestic Debt of the United States as due on the 1st day of January, 1794, specifying, under distinct heads—

1st. The Funded Debt, distinguishing the six per cents, three per cents, and Deferred Stock, and in each kind of stock stating, separately, the amount created by the assumption of the State Debts.

2d. The Registered Debt.

3d. The Debt subscribable to the Loan of the United States, but which, not being funded on registered at the Treasury, is not entitled to a dividend.

4th. The balances due to creditor States and already funded, if there be any such, being the excess of the sums respectively by law assumed for such States, above the sums actually subscribed in the Debts of the said States.

5th. The Domestic Loans for cash contracted since the commencement of the present Government, stating the respective times when borrowed and when becoming due, together with the rate of interest.

6th. All other kinds of Domestic Debts not specially included under the five preceding heads, for the payment of which, no appropriations have been made.

Second. A statement of the Domestic Debt redeemed since the commencement of the present Government, to the first day of January, 1794; distinguishing the different species of Debt, and specifying the mode of redemption, and when redeemed for money, the amount of moneys expended in purchasing the same.

Third. A general statement of the Foreign Debt of the United States as due on the 1st day of January, 1794; stating, separately, the French Debt, the other Debts contracted before the commencement of the present Government, and the Loans contracted since that amount; and specifying, in each Debt or Loan, the original time from which the interest commenced, the payments already made, with the dates of the same, and the places where paid, the amount yet due, and the respective times when the same shall become due.

Fourth. A specific account of the application of the moneys obtained upon Foreign Loans, contracted since the commencement of the present Government, to the 1st day of January, 1794; stating the amount of the moneys drawn over to America, and those applied in Europe, together with the dates of such applications or drafts.

Fifth. A summary statement of the actual receipts and expenditures from the commencement of the present Government to the last day of December, 1790, including all moneys received on account of the United States, such parts of the Foreign Loans as have not been drawn over to America only excepted; distinguishing the moneys received under each branch of the revenue, and the moneys expended under each appropriation, and stating the balances of each branch of the revenue remaining unexpended on the 31st day of December, 1790; specifying separately such balances as were on that day in the Treasury, and such as were uncollected or in the hands of any banks, officers, or other persons.

Sixth. Similar and separate statements for the years 1791, and 1792, respectively, and so far as the same is now practicable, for the year 1793; specifying, separately,

ately, in each statement, under each branch of the revenue, the moneys received on account of the revenue of that year and those received on account of the revenue of each preceding year, and stating, so far as the same is now practicable, the amount of all moneys, bonds or securities, on hand, on the first day of January, 1794, with the times of payment of such bonds or securities.

TUESDAY, January 21.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

Having already laid before you a Letter of the 16th of August, 1793, from the Secretary of State to our Minister at Paris, stating the conduct and urging the recal of the Minister Plenipotentiary of the Republic of France, I now communicate to you, that his conduct has been unequivocally disapproved; and that the strongest assurances have been given, that his recal should be expedited without delay.

G. WASHINGTON.

UNITED STATES, January 20, 1794.

The Message was read, and ordered to lie on file.

The memorial of the people called Quakers, from the yearly meeting held at Rhode Island for New England, in the year 1793, was presented and read, praying Congress to exercise the authority vested in them by the Constitution for the suppression of the slave trade.

Ordered, That this petition lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

It is with satisfaction I announce to you that the alterations which have been made by law in the original plan for raising a duty on spirits distilled within the United States, and on stills, co-operating with better information, have had a considerable influence in obviating the difficulties, which have embarrassed that branch of the public revenue. But the obstacles which have been experienced, though lessened, are not yet entirely surmounted; and it would seem that some further Legislative provisions may usefully be superadded; which leads me to recal the attention of Congress to the subject. Among the matters which may demand regulation, is the effect, in point of organization, produced by the separation of Kentucky from the State of Virginia; and the situation, with regard to the law, of the Territories Northwest and Southwest of the Ohio.

The laws respecting light house establishments, require, as a condition of their permanent maintenance, at the expense of the United States, a complete cession of soil and jurisdiction. The cessions of different States having been qualified within the ceded jurisdiction, are serving legal process within the ceded jurisdiction, are understood to be inconclusive, as annexing a qualification not consonant, with the terms of the law. I present this circumstance to the view of Congress, that they may judge whether any alteration ought to be made.

As it appears to be conformable with the intention of the Ordinance for the Government of the Territory of the United States Northwest of the river Ohio, although it is not expressly directed, that the laws of that Terri-

tory should be laid before Congress, I now transmit to you a copy of such as have been passed, from July to December, 1792, inclusive; being the last which have been received by the Secretary of State.

G. WASHINGTON.

UNITED STATES, January 21, 1794.

The Message and copy of laws referred to were read, and ordered to lie for consideration.

Ordered, That Messrs. BRADLEY, LIVERMORE, and BROWN, be a committee to take into consideration the laws passed in the Territory of the United States Northwest of the river Ohio, from July to December, 1792, inclusive, and report thereon to the Senate.

WEDNESDAY, January 22.

The VICE PRESIDENT laid before the Senate sundry Communications from the Secretary for the Department of War, respecting a Treaty of Peace lately concluded by James Seagrove, agent for Indian affairs on behalf of the United States, with the chiefs and warriors on behalf of the Creek Indians.

The papers communicated were read, and ordered to lie on the table.

Agreeably to the order of the day, the Senate took into consideration the motion made the 16th instant, that the doors of the Senate Chamber "should remain open while the Senate shall be sitting in a Legislative and Judiciary capacity."

On motion, it was agreed to postpone the consideration of this subject to this day fortnight.

THURSDAY, January 23.

On motion, by Mr. CABOT, "that a committee be appointed to consider of the expediency of allowing the drawback on the re-exportation of goods, wares, and merchandise, from ports other than those into which they were first imported, and to report a bill for that purpose, if they shall think it proper."

Ordered, That this motion lie for consideration.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I forward to you extracts from the last advices from our Minister in London, as being connected with communications already made.

G. WASHINGTON.

UNITED STATES, January 22, 1794.

The Message and extracts were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for completing and better supporting the Military Establishment of the United States," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

The motion made on the 17th instant, that the Secretary of State be directed to lay before the Senate the correspondences which have been had

between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State, was resumed; and

A motion was made to amend the motion, to be read as follows:

"That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State."

And, after debate, the Senate adjourned.

FRIDAY, January 24.

The Senate resumed the consideration of the motion made on the 17th instant, together with the amendment proposed on the 23d, respecting the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic.

And on motion, to agree to the resolution, amended as follows:

"Resolved, That the President of the United States be requested to lay before the Senate the correspondences which have been had between the Minister of the United States at the Republic of France and said Republic, and between said Minister and the office of the Secretary of State."

It passed in the affirmative—yeas 13, nays 11, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gallatin, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Livermore, Mitchell, Morris, Strong, and Vining.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

The bill sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," was read the second time.

Ordered, That the further consideration of this bill be postponed until Monday next.

MONDAY, January 27.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and

Ordered, That it be referred to Messrs. ELLSWORTH, LIVERMORE, STRONG, IZARD, and LANGDON, to consider and report thereon to the Senate.

TUESDAY, January 28.

The memorial of Joseph Bloomfield, President of, and in behalf of the Convention of Delegates from the Abolition Societies within the United States, was presented and read, praying Congress to pass a law prohibiting the traffic carried on by the citizens of the United States for the supply of

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slaves to foreign nations, and preventing foreigners from fitting out vessels for the slave trade in the ports of the United States.

The VICE PRESIDENT laid before the Senate a translation of the French Act of Navigation.

WEDNESDAY, January 29.

Mr. ELLSWORTH, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States," reported amendments, which were agreed to.

Ordered, That the further consideration of this bill be postponed.

THURSDAY, January 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

Communications have been made to Congress during the present session, with the intention of affording a full view of the posture of affairs on the Southwestern frontier. By the information which has lately been laid before Congress, it appeared that the difficulties with the Creeks had been amicably and happily terminated. But it will be perceived with regret, by the papers herewith transmitted, that the tranquility has unfortunately been of short duration, owing to the murder of several friendly Indians, by some lawless white men.

The condition of things in that quarter, requires the serious and immediate consideration of Congress, and the adoption of such wise and vigorous laws as will be competent to the preservation of the national character, and of the peace made under the authority of the United States with the several Indian tribes. Experience demonstrates that the existing legal provisions are entirely inadequate to those great objects.

G. WASHINGTON.

UNITED STATES, January 30, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration. The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate, the further consideration thereof was postponed.

FRIDAY, January 31.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for completing and better supporting the Military Establishment of the United States;" and, after debate,

Resolved, That this bill do not pass.

Ordered, That the Secretary notify the House of Representatives that the Senate do not concur in this bill.

MONDAY, February 3.

The Senate took into consideration the Message of the PRESIDENT OF THE UNITED STATES, of the

30th of December last, respecting certain impediments in the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

Ordered, That Messrs. CABOT, IZARD, and ELLSWORTH, be a committee to take into consideration and report on that part of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December last, which respects certain impediments to the coinage of the precious metals, together with the Report of the Secretary for the Department of State thereon.

The Senate proceeded to the consideration of the last paragraph of the said Message, and the papers to which it refers; and

Ordered, That they be committed to the committee last mentioned, to consider and report thereon to the Senate.

TUESDAY, February 4.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

WEDNESDAY, February 5.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support," was read the second time; and, after debate, the further consideration thereof was postponed until to-morrow.

Mr. CABOT reported, from the committee appointed to take into consideration the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December, which report was read; and, after debate,

Ordered, That it lie on the table.

The Senate resumed the consideration of the motion made the 16th January last, that the doors of the Senate remain open while the Senate shall be sitting in a Legislative and Judiciary capacity. Ordered, That the consideration thereof be postponed to this day fortnight.

THURSDAY, February 6.

Mr. POTTS, from Maryland, attended. The petition of Jonathan Holton, late a Lieutenant in the Militia of New Hampshire, was presented and read, stating that he was wounded in the battle of Bennington, and disabled from labor, and praying to be reinstated in the list of invalid pensioners.

Ordered, That this petition be referred to the Secretary for the Department of War to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill, sent from the House of Representatives for

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concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

On motion that it be recommitted, for the purpose of further inquiry, it passed in the negative. And, after agreeing to an amendment, the bill was ordered to a third reading.

The Senate proceeded to the consideration of the report of the committee on the last clause of the Message of the PRESIDENT OF THE UNITED STATES, of the 30th of December.

On motion to recommit the report, and that the committee be instructed to bring in a bill for the purposes therein mentioned, it passed in the negative. It was then agreed that the report of the committee be adopted.

Whereupon, it was

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment notified by the President of the United States, in his Message of the 30th of December last, to have been made, be approved; and that the President be authorized to make further advances on the same account, as he may judge expedient, not exceeding in the whole the amount which might be claimed of the United States, on the principles stated in the Message.

Ordered, That the Secretary desire the concurrence of the House of Representatives in this resolution.

FRIDAY, February 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you an Act and three Ordinances passed by the Government of the Territory of the United States South of the river Ohio, on the 13th and 21st of March, and the 7th of May, 1793; and also certain Letters from the Minister Plenipotentiary of the French Republic, to the Secretary of State, enclosing despatches from the General and Extraordinary Commission of Gaudaloupe.

G. WASHINGTON.

UNITED STATES, February 7, 1794.

The Message and papers therein referred to were read.

Ordered, That the Act and three Ordinances, mentioned in the Message, be referred to the committee appointed the 21st of January last, to whom were referred the laws passed in the Territory Northwest of the Ohio, to consider and report thereon to the Senate.

Ordered, That the other papers referred to in the Message lie for consideration.

The Senate proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support." Whereupon,

Resolved, That this bill pass as amended.

Resolved, That the resolution passed yesterday, on the report of the committee appointed to consi-

der the last paragraph of the Message from the President of the UNITED STATES, of the 30th of December last, be reconsidered.

Ordered, That Messrs. BARR, ELLSWORTH, and KING, be a committee to take into consideration the Message from the PRESIDENT OF THE UNITED STATES, of the 30th of December, and that the committee be directed to report a bill to carry the same into execution.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, together with his War Department account; which were read.

Ordered, That they lie on the table.

MONDAY, February 10.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of the Treasury, in reference to the orders of Senate of the 20th January last for a return of sundry statements from that Department; which Letter was read.

Mr. BRADLEY reported from the committee to whom was referred the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States; and the report was read.

Ordered, That Wednesday next be assigned to take this report into consideration, and that, in the mean time, it be printed for the use of the Senate.

On motion, that the Senate adopt the following resolution:

Resolved, That the doors of the Senate be opened, and continue open, during the discussion upon the contested election of ALBERT GALLATIN.

Ordered, That this motion lie on the table until to-morrow.

A message from the House of Representatives informed the Senate, that the House concur in the amendment of the Senate to the bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

TUESDAY, February 11.

Mr. STRONG, from the committee appointed the 24th of December last, to consider that part of the Speech of the PRESIDENT OF THE UNITED STATES, which recommends further provision against offences, reported a bill; which was read the first time, and ordered to a second reading.

A motion was made,

"That the petition of Conrad Laub and others, citizens of Pennsylvania, stating that ALBERT GALLATIN had not been more than eight years a citizen of the United States at the time of his election as a Senator, is sufficient, as well in respect to the competency of the petitioner, as in respect to the matter alleged in the petition, to authorize the Senate to inquire and decide whether the said ALBERT GALLATIN had been a citizen of the United States the term of years required by the Constitution as a qualification to be a Senator of the United States."

Ordered, That this motion lie until to-morrow.

On motion it was
Ordered, That the Letter of the Secretary of the Department of the Treasury, communicated yesterday, be referred to Messrs. GALLATIN, ELLSWORTH, and TAYLOR, to consider and report thereon to the Senate.

Agreeably to the order of the day, the Senate took into consideration the motion made yesterday that the doors of the Senate be opened during the discussion of the contested election of Mr. GALLATIN. Whereupon,

Resolved, That the doors of the Senate be opened, and continue open during the discussion upon the contested election of ALBERT GALLATIN.

Mr. BRADLEY reported from the committee to whom was referred the Act and three Ordinances mentioned in the Message from the PRESIDENT of the UNITED STATES of the 7th instant, enacted and ordained by the Governor and Judges of the Territory South of the river Ohio, "that Congress do not disapprove the same," and the report was agreed to.

WEDNESDAY, February 12.

On motion, that the consideration of the report of the committee on the petition of Conrad Laub and others, respecting the appointment of Mr. GALLATIN to be a Senator of the United States, be postponed until Monday next; it was passed in the affirmative.

A message from the House of Representatives, informed the Senate, that the House have passed a bill entitled "An act for the relief of Thomas Jenkins and Sons," in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read a first time, and ordered to a second reading.

The bill in addition to "The act for the punishment of certain crimes against the United States," was read the second time; and, after debate, the further consideration of the bill was postponed.

THURSDAY, February 13.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the second time.

Ordered, That this bill pass to a third reading. The Senate resumed the second reading of the bill, in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the further consideration thereof was postponed.

Mr. BURN, from the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES, of the 30th of December last, reported a bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE; which was read the first time, and ordered to a second reading.

FRIDAY, February 14.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Thomas Jenkins and Sons," was read the third time and passed.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the second time, and, after debate, it was ordered to lie for consideration and inquiry.

The Senate resumed the second reading of the bill in addition to "The act for the punishment of certain crimes against the United States;" and, after debate, the bill was ordered to be committed.

Mr. CABOT, from the committee appointed the third instant, reported a bill in alteration of the act establishing a Mint and regulating the coins of the United States, which was read the first time and ordered to a second reading.

MONDAY, February 17.

The petition of Michael Schmyser, agent for Conrad Laub and others, petitioners against the election of ALBERT GALLATIN, to be a Senator of the United States, was presented and read, praying to be heard by counsel.

Ordered, That the prayer of the petition be granted.

The consideration of the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States, was resumed, and, after progress, it was ordered that the consideration thereof be postponed until Wednesday next.

The bill in alteration of "The act establishing a Mint and regulating the coins of the United States," was read the second time and ordered to a third reading.

TUESDAY, February 18.

Mr. STRONG, from the committee to whom was recommended the bill in addition to the act for the punishment of certain crimes against the United States, reported amendments.

Ordered, That the bill be printed as the committee have reported it amended.

The bill in alteration of the act establishing a Mint and regulating the coins of the United States was read the third time and passed.

The Vice President laid before the Senate a Letter from the Secretary of the Department of the Treasury, together with fourteen statements of tonnage, for a year ending the 30th of September, 1792, according to the entries of vessels in the United States during that period; which were read and ordered to lie for consideration.

WEDNESDAY, February 19.

JAMES GUNN, from Georgia took his seat in the Senate.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub and

others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

Ordered, That the consideration thereof be further postponed until to-morrow.

The following Message was received from the PRESIDENT of the UNITED STATES:

Gentlemen of the Senate and of the House of Representatives:

I lay before you the copy of a Letter which I have received from the Chief Justice and Associate Justices of the Supreme Court of the United States; and, at their desire, the representation, mentioned in the said Letter, pointing out certain defects in the Judiciary system. G. WASHINGTON.

UNITED STATES, February 19, 1794.

The Message and representation therein referred to were read.

Ordered, That they be referred to Messrs. ELLSWORTH, STRONG, TAYLOR, LIVERMORE, and POTTS, to consider and report thereon to the Senate.

Conformably to the order of the day, the Senate resumed the consideration of the motion, made on the 16th of January last, that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity.

On motion, by Mr. MARTIN, that the question be now taken on the propositions generally, A motion was made for the previous question, to wit: Shall the question be now put on the following preliminary resolutions?

Resolved, That, in all Representative Governments, the Representatives are responsible for their conduct to their constituents, who are entitled to such information, that a discrimination and just estimate be made thereof.

Resolved, That the Senate of the United States, being the Representatives of the Sovereignities of the individual States, whose basis is the people, owe equal responsibility to the powers by which they are appointed, as if that body were derived immediately from the people, and that all questions and debates arising thereupon in their Legislative and Judiciary capacity, ought to be public.

Resolved, That the mode adopted by the Senate of publishing their journals, and extracts from them, in newspapers, is not adequate to the purpose of circulating satisfactory information. While the principles and designs of the individual members are withheld from public view, responsibility is destroyed, which, on the publicity of their deliberations, would be restored; the Constitutional powers of the Senate become more important, in being more influential over the other branch of the Legislature; abuse of power, mal-administration, of office, more easily detected and corrected; jealousies, rising in the public mind from secret legislation, prevented; and greater confidence placed by our fellow-citizens in the National Government, by which their lives, liberties, and properties, are to be secured and protected.

It passed in the negative.

On motion to postpone the main question to the next session of Congress, to wit:

"*Resolved*, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as in their judgment may re-

quire secrecy; and that this rule commence on — day of —."

It passed in the affirmative—yeas 14, nays 13, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Langdon, Livermore, Mitchell, Morris, Rutherford, Strong, and Vining.

NAYS.—Messrs. Brown, Burr, Butler, Edwards, Gallatin, Gunn, Hawkins, Jackson, King, Martin, Monroe, Potts, and Taylor.

The Senate resumed the second reading of the bill, authorizing and directing the settlement of the accounts of Major General LAFAYETTE; and having amended the same, the bill was ordered to a third reading.

On motion to reconsider the following motion, to wit:

"*Resolved*, That it be a standing rule that the doors of the Senate Chamber remain open while the Senate shall be sitting in a Legislative and Judiciary capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule commence on — day of —."

It passed in the affirmative—yeas 17, nays 10, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, Strong, and Vining.

A motion was made to amend the motion last reconsidered, as follows:

"*Resolved*, That, after the end of the present session of Congress, and, so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may in the opinion of the Senate require secrecy, after which the said galleries shall be closed."

And, after debate, the Senate adjourned.

THURSDAY, February 20.

The Senate resumed the consideration of the motion made yesterday, to amend the motion then reconsidered, respecting the opening the doors of the Senate Chamber whilst sitting in a Legislative capacity.

On motion to commit the motion for amendment, it passed in the negative.

On motion, that the amendment be agreed to, it passed in the affirmative—yeas 18, nays 9, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potts, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Gallatin, Izard, Mitchell, Morris, Rutherford, and Strong.

On motion to adopt the resolution, amended as follows:

"Resolved, That, after the end of the present session of Congress, and so soon as suitable galleries shall be provided for the Senate Chamber, the said galleries shall be permitted to be opened every morning, so long as the Senate shall be engaged in their Legislative capacity, unless in such cases as may, in the opinion of the Senate, require secrecy, after which the said galleries shall be closed."

It passed in the affirmative—yeas 19, nays 8, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Ellsworth, Foster, Gallatin, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Monroe, Potes, Taylor, and Vining.

NAYS.—Messrs. Bradford, Cabot, Frelinghuysen, Izard, Mitchell, Morris, Rutherford, and Strong.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Resolved, That, on a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of a member, require secrecy, the President shall direct the gallery to be cleared; and that, during the discussion of such motion, the doors shall remain shut.

Ordered, That the second reading of the bill in addition to the act for the punishment of certain crimes against the United States, as reported to be amended by the committee, be the order of the day for Tuesday next.

CONTESTED ELECTION.

Agreeably to the order of the day, the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. Gallatin to be a Senator of the United States.

The Report of the Committee states the evidence, and concludes with an opinion, that to controvert the allegations set forth in the petition against Mr. G., it lays with him to prove his citizenship.

Accordingly, Mr. G. presented a written statement of facts, which the PRESIDENT of the Senate read. It contained a narrative of several transactions from the time of Mr. G.'s arrival in the Province of Maine, or Massachusetts, about thirteen years ago. Of his having contributed by money and his own services as a volunteer, in the cause of the Revolution. Of his having taken oaths of allegiance and purchased lands in that State, and also in the State of Virginia. In the last parts of the last mentioned State, he had formed an interesting settlement, and had been extremely useful in bringing settlers from Europe. The dates of those transactions and times of his arrival in Pennsylvania, and of being sent to the State Convention,

1783, and before the Confederation. He quoted the laws previous thereto respecting aliens, and also the British statutes, and he maintained that they were all done away by the Revolution. He conceived himself a citizen in common with the other citizens of the United States, from the time of his first qualifying after his arrival and attachment to the country. He concluded by saying, he would reserve the remainder of his defence until after he should hear the counsel on behalf of the petitioners.

Mr. Lewis commenced his speech by observing, that he appeared there on behalf of Conrad Laub, and other respectable men, who complained of the unconstitutionality of admitting Mr. GALLATIN to a seat in the Senate. He was glad to find, by the gentleman's expressions, that the ground of debate had been narrowed into so small a compass, and he would therefore take him up from the argument where he had left off speaking, that of his being a citizen in common of the United States, from the time of his qualifying in Massachusetts or Virginia. But in Virginia two oaths are required, and they must be taken in a Court, not before a Magistrate, to entitle a man to citizenship. He must also be possessed of a certain quantity of property and be a resident for two years. It appears Mr. G. did not remain in Virginia more than two months. [Here Mr. Lewis read the law of Virginia of the 20th October, 1783.] On this law Mr. L. argued that Mr. G. had not gone through the necessary qualifications to entitle him to citizenship there; and he observed, that he admired the gentleman's candor in not insisting on it here. In this State he had certainly not qualified himself agreeably to the law. Under these circumstances, Mr. L. for his part could never admit of the gentleman's right to citizenship so far back as to entitle him to the suffrage of a vote for a seat in the Senate, &c.

The mischievous consequences of permitting such innovations he represented in strong terms; and he called to the recollection of the Senate the conduct of ancient and modern Governments on this question. One of the ancient Republics made it death for an alien to intermeddle in their politics. The sentiments of antiquity, and those of men in modern days, proved the justice of these conclusions.

With regard to the arguments of the gentleman respecting his being entitled to be a citizen of the Union, or of any individual State of it, because he had qualified himself to be a citizen of one of them, Mr. L. said, was a mere bubble, for surely the gentleman was not one of the mass of citizens at the accomplishment of Independence.

The doctrine of the old law, which the gentleman says was done away by the Revolution, in respect to aliens, may have been so with regard to the British king; it was still, however, virtually in force against the gentleman. But supposing it to be done away, how do the Constitutions of the different States stand on this head? Is it not implied by all of them, that certain oaths, residence, and property, make the requisites to form citizenship? In Massachusetts, a foreigner is not a citizen without he complies with those terms. [Here

he quoted p. 70 of the small volume of the Laws of Massachusetts. He also cited the act in favor of John Jarvis and others; also, p. 104 of the same book, and p. 191 and 192.] From these he maintained, that no such wild idea was ever contemplated by either the law of Massachusetts or Virginia, as to admit foreigners or persons from other States to citizenship, immediately on their entrance within their limits.

The situation of the sitting member, with respect to the Constitution and laws of Pennsylvania, he had little doubt was similar to what he had mentioned in regard to the other States, although he would not assert it as a fact. [He read the 42d section, and also in p. 43 of the Law of Pennsylvania, 13th of March, 1789, a proviso which contains some precautions requiring records to be kept by the Master of the Rolls of the persons admitted to citizenship.] The same principle pervades all the States as well as it does the Constitution of the United States. The absurdity of applying it in any other sense, was severely pictured by Mr. L., and to admit the idea advanced by the sitting member, was as inadmissible as it was novel. In support of what he wished to impress on the minds of the Senate, Mr. L. quoted the 1st vol. of the Journals of Congress in 1774 and 1775, p. 28 and 29. He then resorted to *Blackstone*, vol. 1. p. 63, 64, and 69; also 73 and 79.

It was not his intention to quote the Parliamentary Laws of England in support of any thing, but such parts of their Common Law as could be got over. That Common Law of England which was imported by our ancestors, and handed down to them by the People, not the Parliament. The People had made the Common Law, from time to time. The Saxons, Normans, &c., were all concerned in making and improving it, until it had finally reached that degree of perfection in which it was given to us by our ancestors, and it was founded in wisdom and justice.

Mr. L. next quoted, first *Blackstone*, 402, which was one of the British laws that had never been admitted in this country, and which, he hoped, never would, viz: that wherein the distinction is drawn between the Commoner and the Peer, an oath being required of the Commoner, upon all occasions, and no more than "upon my honor," from a Peer, except in giving evidence in civil or criminal trials.

Mr. L. concluded by saying that the difficulties which stood between Mr. GALLATIN and his seat, were insurmountable and could not be removed without showing a law of Massachusetts, Virginia, &c., repealing those laws in regard to the qualification of citizens, which he had mentioned, but which repeal he was certain did not exist. He therefore stated, that to insist upon the gentleman's right to a seat, was both novel and absurd. These were his opinions, which he had given in a perfectly extempore way, not having been allowed time, nor expecting to meet the subject on the new ground which it had this day taken in the Senate.

Mr. GALLATIN said, he would pledge himself to the Senate, to prove that the grounds of his argu-

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ments and his construction of the Confederation and laws of the States, was rather novel nor absurd, except in Mr. L.'s construction of them, but had been admitted in many instances. However, as the Common Law of England was now introduced by Mr. L., which was new ground to him, and as the hour of adjournment was nearly approaching, he would beg leave to make his reply to-morrow.

On motion, the further consideration of this subject was postponed until to-morrow.

FRIDAY, February 21.

The bill sent from the House of Representatives for concurrence, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States;" was read the second time and referred to Messrs. CABOT, BURK, and LANGDOX, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of War, stating certain defects in the act passed at the last session of Congress, entitled "An act to regulate the claims to Invalid Pensions;" which was read and ordered to lie for consideration.

CONTENDED ELECTION.

Agreeably to the order of the day the Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

Mr. GALLATIN commenced his defence by laying down the principles on which he intended to argue. His was a very serious situation, for a person to be placed in, who had been so long in America, and who had mingled with the inhabitants in the common cause, that he should afterwards be called before so solemn a tribunal, with an intention to wrest from him his right of citizenship. He confessed, that on this occasion his feelings were deeply interested, particularly as the manner of the counsel for the prosecutors was so personal, and went not only to deny him a seat in the Senate of the United States, but even to contest his citizenship, and denounce him as being yet an alien.

This was a matter of consequence to many thousands as well as himself, who have long considered themselves in possession of all the privilege of denizens, and yet may be deprived of their rights, if the doctrines of the counsel for the prosecutors should obtain any sanction from the body who were now to judge of its merits.

Mr. G. entered into a series of observations on the various points of law, &c., which had been adduced by Mr. Lewis, and he particularly remarked, that the Common Law of England was entirely inapplicable to the subject under consideration. He read the laws of Virginia respecting naturalization, &c., from which he insisted that he had long since become a citizen of the United

States. He also quoted 1st Blackstone, p. 374, and *Viner's Abridgment*, vol. ii. p. 266, respecting the different acceptations of denizen and citizen, and he went back so far as the British statutes in 1740, to show the intention of the old Government was to naturalize all persons who would go and reside in the Colonies. He next mentioned the act of Pennsylvania, of 31st of August, 1778, and commented on the principles generally entertained by most writers on the subjects of allegiance and citizenship. Blackstone, 266, &c.

An alien is a man born out of the allegiance of the King. But allegiance in England is not an allegiance to the country or to society, as it is understood in this country.

In order to explain the principle of reciprocity, he observed, that when the two crowns of England and Scotland were united under James, the inhabitants of Scotland became naturalized in England, as if they had been natural-born subjects of that country. The allegiance in Britain was personal to the King, and it has there this remarkable quality, that by the British laws allegiance can never be shaken off.

This country, before the Revolution, owed allegiance to the King, but that was destroyed by the Declaration of Independence, and then the inhabitants of the States became mutually citizens of every State reciprocally; and they continued so until such time as the States made laws of their own afterwards respecting naturalization.

As soon as separate Governments existed, allegiance was due to each, and here the allegiance was a reality, it was to the Government and to society, whereas in Britain it is merely fictitious, being only to one man.

Every man who took an active part in the American Revolution, was a citizen according to the great laws of reason and of nature, and when afterwards positive laws were made, they were retrospective in regard to persons under this predicament, nor did those posterior laws invalidate the rights which they enjoy under the Confederation.

Mr. G. here mentioned his having been an inhabitant of Massachusetts, before October, 1780, and he also observed, that the law passed in that State was decisive against the Common Law of England.

In quoting the laws of Massachusetts, which were passed in 1785, and afterwards, for naturalizing John Gardner, and James Martin, he remarked that they clearly implied that even a natural born subject, who had not acted in the Revolution, and an absentee, was not entitled to citizenship. He likewise took notice of the case of Mr. WILLIAM SMITH, of South Carolina, against whose election as a Representative in Congress, a petition was presented by Doctor Ramsey, although the decision of South Carolina on that subject was exactly the reverse of Massachusetts.

In speaking of the difficulties that occurred in explaining the terms citizen and alien, he ran over a number of cases, and asked whether if a person had arrived in the United States during the war, from Nova-Scotia, or elsewhere, and had taken an

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active part against the enemy, would he not be better entitled to the right of a citizen, than even those who afterwards subscribed to the acts? The counsel for the prosecutors had admitted that a person who had been one of the mass of the people, on the Declaration of Independence, was a citizen. On the same principle, until a law passes to disprove that a man who was active in the Revolution previous to the Treaty of Peace, was a citizen, he must be one *ipso facto*.

Mr. G. next read a quotation from the 1st. vol. of *Woodson*, p. 382, an English writer, who acknowledged that all persons were aliens at the recognition of Independence, and that is a more liberal construction than the counsel for the petitioners would admit of, for by his construction, our sailors, &c., ought to be naturalized, lest they be alarmed by the British.

The new Constitution of the United States requires certain qualifications for members of Congress, &c., but it does not deprive persons of their rights who were actually citizens before this Constitution was ratified that made the States the United States. They were United by consent before, and consequently he was one of the people before the United States existed.

He went on to read from the Constitution of Massachusetts, and several other States, sundry clauses in support of his reasoning, and recapitulated the several heads of Mr. L.'s arguments, to each of which he replied.

Mr. G. said, that Mr. Lewis was unfortunate in producing the law of Pennsylvania, for, by proving too much, he had proved nothing, for the 42d sec. of the Constitution is retrospective, and by acknowledging the Articles of Confederation to be the supreme law of the land, persons who were reciprocally citizens before, are still left in full possession of the right.

So far from any dangerous consequences arising on my construction of citizenship, said he, I think it must be evident, that there is more danger and absurdity in the counsel's own constructions. For, in remarking on the policy of nations, we find even slaves have been enfranchised by the great Republics in times of common danger. The policy of America should be to make citizenship as easy as possible, for the purpose of encouraging population; even during the British dominion that was a principle laid down, and afterwards it was attempted to be varied; it is made one of the principal subjects of complaint in the Declaration of Independence, where it is expressly said, that the King endeavored to prevent the population of these States, by having laws made to obstruct the naturalization of foreigners.

If there was any dangerous consequences to be apprehended from the former regulations on this subject, they are all remedied by the new Constitution.

Therefore, no ill consequence or absurdity can follow. The author of the Federalist supports this principle in vol. ii. p. 54, for he says, that it is a construction scarcely avoidable, that citizens of each of the States are mutually so in all of them.

The first words in the Constitution, "We, the

People," furnished another argument in support of Mr. G.'s principles, which he turned to great advantage, still drawing an inference to show that Mr. L.'s construction of the subject was most liable to difficulties and to mischievous consequences.

He concluded by observing, that if there was any disfranchising clauses in the Constitution of the United States, tending to deprive citizens of antecedent rights, all such clauses must be construed favorably, and were evidently on his side. With regard to a sentence that had been added, by the advice of counsel, to the affidavit of Pelatiah Webster, he made some remarks which tended to establish his own personal character, which he trusted would be found, when traced back to a seat in the Senate would also stand upon an equally just foundation.

Mr. Lewis denied ever having seen the affidavit of Mr. Webster, until it was shown him at the time the examination before the Committee was going forward.

Mr. GALLATIN rectriminated, that the clause of which he took notice, was not in the affidavit when Mr. Webster brought it to the Committee, and that he had permitted it to be added with great reluctance. It was only the recital of a few words which passed between Mr. G. and Mr. W. in jest, some years since, wherein Mr. G. had ironically said his name was Sidney, probably alluding to some essays that had appeared in the newspapers under that signature, which have been generally attributed to the pen of another gentleman in this State.

Mr. JACKSON, in order to bring the merits of the subject directly before the Senate, said he would move a resolution, that would have that effect; but upon Mr. Lewis's observing, that he had not yet closed his arguments, and at the instance of Mr. BUTLER, from South Carolina, who said he would second Mr. JACKSON's motion hereafter, it was withdrawn for the present.

Ordered, That the further consideration thereof be postponed until to-morrow.

SATURDAY, February 22.

The VICE PRESIDENT laid before the Senate a Report from the Secretary for the Department of Treasury, on the expediency of erecting a light house on Cape Hatteras, in the State of North Carolina, together with sundry papers therein referred to; which were read.

Ordered, That this report, and the papers therein referred to, be committed to Messrs. MARTIN, LANGDOX, and KING, to consider and report thereon to the Senate.

CONTENDED ELECTION.

The Senate resumed the consideration of the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

The greater part of the day was taken up by Mr. Lewis's pleadings, wherein he entered into a very

The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

FRIDAY, February 28.

The Senate resumed the consideration of the 22d instant, on the report of the committee on the petition of Conrad Laub and others, respecting the election of Mr. GALLATIN to be a Senator of the United States.

And, on the question to agree to the motion, as follows:

Resolved, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States:

It passed in the negative—years 12, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion, that it be

Resolved, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States the term of years required as a qualification to be a Senator of the United States:

A motion was made to divide the question at the word "void;" and,

On motion to agree to the first paragraph of the motion so divided, it passed in the affirmative—years 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

On motion to adopt the resolution as follows:

Resolved, That the election of ALBERT GALLATIN to be a Senator of the United States was void, he not having been a citizen of the United States, the term of years required as a qualification to be a Senator of the United States:

It passed in the affirmative—years 14, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

Resolved, That an attested copy of the resolution of the Senate, declaring the election of AL-

The Message and papers therein referred to were read, and ordered to lie for consideration.

TUESDAY, February 25.

The bill, sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the first time and ordered to a second reading.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

On motion it was agreed that the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States, assigned as the order of this day, be further postponed.

WEDNESDAY, February 26.

The Senate resumed the consideration of the motion, made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES, and read:

Gentlemen of the Senate:

I have caused the correspondence, which is the subject of your resolution of the 24th day of January last, to be laid before me. After an examination of it, I directed copies and translations to be made; except in those particulars which, in my judgment, for public considerations, ought not to be communicated.

These copies and translations are now transmitted to the Senate; but the nature of them manifest the propriety of their being received as confidential.

G. WASHINGTON.

UNITED STATES, February 26, 1794.

Ordered, That the Message and papers therein referred to lie for consideration.

The bill, sent from the House of Representatives, for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," was read the second time, and the further consideration of the bill was postponed.

THURSDAY, February 27.

Ordered, That the bill from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," be referred to Messrs. CABOT, FRELINGHUYSEN, and LANGDON, to consider and report thereon to the Senate.

extensive field of reasoning, and quoted a great number of authorities, in support of the principles on which he had set out last Thursday, and to prove that in the true sense of the Constitution of the United States, as well as of that of the State of Pennsylvania, Mr. GALLATIN was not duly qualified for the office of a Senator, and therefore, he trusted that the honorable Senate, upon mature reflection, would vacate his seat.

Mr. GALLATIN closed his defence in a short speech, wherein he quoted *Fattel*, p. 167, and explained the 42d section of the Constitution of Pennsylvania, the liberal construction of which, he said, was in his favor, and the construction contended for by the counsel, absurd. He finished by reading a passage from *Lord Bacon's* works, to show that where there is any doubt in the laws, it should operate in favor of the defendant, and he accordingly made no doubt but that the Senate would validate his election.

Ordered, That the further consideration of the subject be postponed until Monday next.

A motion was made as follows:

Resolved, That ALBERT GALLATIN, returned to this House as a member for the State of Pennsylvania, is duly qualified for, and elected to, a seat in the Senate of the United States:

Ordered, That the consideration of this motion be postponed until Monday next, and that a number of copies of the fourth article of the First Constitution of the United States be printed for the use of the Senate.

MONDAY, February 24.

The Senate resumed the consideration of the motion made the twenty-second instant, on the report of the committee on the petition of Conrad Laub, and others, respecting the election of Mr. GALLATIN to be a Senator of the United States; and, after progress,

Ordered, That the further consideration thereof be postponed until to-morrow.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making Appropriations for the support of Government for the year one thousand seven hundred and ninety-four," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

The extracts which I now lay before you, from a Letter of our Minister at London, are supplementary to some of my past communications, and it will appear to be of a confidential nature.

I also transmit to you copies of a Letter from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, and of the answer thereto, upon the subject of the Treaty between the United States and Great Britain; together with the copy of a Letter from Messrs. Carmichael and Short, relative to our affairs with Spain, which Letter is connected with a former confidential Message.

G. WASHINGTON.

UNITED STATES, February 24, 1794.

ALBERT GALLATIN to be void, be transmitted by the President of the Senate to the Executive of the Commonwealth of Pennsylvania.

The report of the committee on the petition of Conrad Laub and others, above referred to, and made on the 10th instant, is as follows:

"The Committee of Elections, to whom was referred the petition of Conrad Laub and others, against the election of the Honorable ALBERT GALLATIN as a Senator of the United States for the State of Pennsylvania, report:

"That they have had the same under consideration, and, having given due notice, as well the petitioners by their agent, Michael Schmyzer, as the said Mr. GALLATIN appeared before them, and, on the part of the petitioners, the following evidence was produced, to wit:

"Robert Morris, Esq., being duly sworn, deposed: That, during the war, two of his sons went to Geneva for their education, and at that place they became acquainted with some of the friends of Mr. Albert Gallatin, who had gone for America, and they being solicitous to hear of his safety, desired Mr. Morris's sons to write to their father, to make inquiry and give the information he should obtain. That, frequently afterwards, he received letters for Mr. Gallatin from Europe, which he always supposed to come from the friends of Mr. Gallatin, in Geneva. He supplied Mr. Gallatin with money for a bill upon London, and there supposed the funds to pay the same were remitted from Geneva.

Mr. Morris paid Mr. Gallatin about one thousand guineas, by order of Messrs. ——— & Co., bankers in Paris, believing always that they were reimbursed from Geneva. Mr. Morris does not recollect dates, not having for a long while seen any of the letters that passed on the subject; he does not know the place of Mr. Gallatin's nativity, but, from the general course of the circumstances which came under his observation, he always did suppose he was born in Geneva."

"Sworn to, and subscribed, January 22, 1794."

"Nathaniel Cabot Higginson, Esq., being duly sworn, deposed: That he does not know directly anything of Mr. Gallatin's being a foreigner or native; that he recollects knowing him by reputation and sight at Boston, in one of the years 1781, 1782, or 1783, and that he was generally reputed to be a foreigner. This deponent believes that Mr. Gallatin then taught the French language, and did not speak the English with facility; and further recollects that Mr. Gallatin was resident there or thereabouts a considerable time. This deponent further says, that he never had any conversation with Mr. Gallatin, but founds his belief, with respect to Mr. Gallatin's not speaking the English with facility, on the information received from others."

"Sworn to, and subscribed, January 22, 1794."

"Mr. John Breakbill, being duly sworn, testifies: That, last Winter, being a member of the Legislature of Pennsylvania, previous to the election of Senator for the State of Pennsylvania, I heard Mr. Gallatin say his citizenship would not admit his being a Senator; what were his reasons for making the declaration I cannot say; I took it, he did not wish to be elected. This declaration by Mr. Gallatin was made at a meeting of a number of members of the Pennsylvania Legislature, held for the purpose of agreeing who should be set up as a candidate. The deponent further says, he does not recollect Mr. Gallatin's assigning any other reason for his backwardness to serve as a Senator, than the want of citizenship."

"Sworn to, and subscribed, January 22, 1794."

"Henry Kammerer, Esq., being duly sworn, testifies:

That last Winter, being a member of the Legislature of Pennsylvania, and previous to the election of Senator for the said State, at a meeting of a number of the members of the State Legislature, to agree upon a candidate to fill said office, I heard Mr. Gallatin say, when his name was proposed, "As for my name, it is out of the question: I have not been a citizen long enough to entitle me to serve in that station." That, at a second meeting for the same purpose, Mr. Gallatin was again proposed as a proper person for a candidate, and then the deponent understood (not from Mr. Gallatin, but from some of the members of Assembly then present,) that the doubt about his citizenship was then put to rest; and then it was almost unanimously agreed to put up Mr. Gallatin's name. That, on the morning succeeding Mr. Gallatin's election, the deponent heard it observed, that, notwithstanding Mr. Gallatin's election, he could not take his seat, in consequence of his declaration that he had not been long enough a citizen. That he, the same day, mentioned this to Mr. Gallatin, who said that he had made this declaration under a mistaken idea that it was necessary for him to have been nine years a citizen of Pennsylvania, but that, upon examining the Constitution, he had found that to have been nine years a citizen of the United States was sufficient, and that he had been above nine years a citizen of the United States, or words to that effect.

"Sworn to, and subscribed, January 22, 1794."

"Pelatiah Webster, being duly qualified, testifies: That, eleven years ago last Summer, I let my house in Philadelphia to Mary Linn, who proposed to take lodgings; I reserved apartments for myself, and boarded with her. Soon after, Mr. Savery and Mr. Gallatin took lodgings of her, and continued a number of months there. Mr. Savery spoke no English; Mr. Gallatin spoke good English, and served as interpreter for him. They appeared to be well bred gentlemen, and their conduct was agreeable and conciliating; and they soon gained the esteem and respect of the family. I do not know that they ever declared their country, but we all supposed they were French, and of course, the people, customs, and country of France often made the topic of fireside chat. In one of these transient conversations, Mr. Gallatin took occasion to say that his knowledge of French affairs was not very perfect, for he was not a native of France, nor had ever resided long in that country, but was from Geneva. No one interesting circumstance made any further inquiry necessary, nor do I recollect that he made any more explication of the subject.

"N. B. Mr. Gallatin once said that his original name was not Gallatin, but I think he said it was Sidney, but this conversation was in drudgery, and not in earnest, as I conceived at the time of speaking from the manner and air of his speaking, &c."

"Sworn to, and subscribed, January 28, 1794."

"Mr. John Smilie, member of the House of Representatives of the United States, being sworn, saith, that at a meeting of sundry members of the Legislature of Pennsylvania, previous to Mr. Gallatin's election as a Senator of the United States, that gentleman was mentioned as a proper person to fill the said office; at which time Mr. Gallatin started some doubt respecting his being qualified, but in what words the deponent does not recollect.

That the deponent did not understand upon what the doubt was founded, though he thinks, from something said by Mr. Gallatin, that it related to Mr. Gallatin's citizenship, for, as the deponent conceived the conversation proceeded from that kind of modesty which

gentlemen usually feel upon having their names proposed upon such occasions, he did not pay much attention to it; and that his reason for forming this opinion was, his having frequently observed gentlemen to make excuses in similar situations, and from his knowledge of Mr. Gallatin's modesty of disposition. When being asked, whether he ever heard Mr. Gallatin say that he had not been a citizen of the United States nine years previous to his election, the deponent replies, he never did. Upon being asked by Mr. Lewis, counsel for the petitioners, what he had ever heard Mr. Gallatin say touching his citizenship, the deponent replies, that a considerable time subsequent to Mr. Gallatin's election, Mr. Gallatin, in conversations with the deponent, expressed an opinion, that he was qualified with respect to citizenship. What else did you ever hear Mr. Gallatin say with respect to his citizenship? The deponent answers, that he recollects having heard him say something with respect to the laws of Massachusetts not requiring an oath of allegiance, at the time of his giving his opinion as aforesaid. Did you ever hear Mr. Gallatin say he was born in Europe? The deponent replies, that he does not recollect Mr. Gallatin's saying that he was born in Europe, but that he has heard Mr. Gallatin speak of himself as a Genevan, mention his family in Geneva, and in conversations with him bath always understood him to be of Geneva. Did you ever hear Mr. Gallatin mention the time of his coming into America? He replies, that he thinks Mr. Gallatin, about a year past, mentioned that he had been thirteen years in this country, and that he was nineteen years old when he came. Did you ever hear Mr. Gallatin say when or where he took the oath of allegiance? He replies, he heard Mr. Gallatin say that he took the oath of allegiance in Virginia, but, as to the time, the deponent cannot be precise, but he thinks, if he can recollect, that Mr. Gallatin did mention to him, though he cannot be certain; but it was not nine years before he was elected. That the deponent thinks Mr. Gallatin's doubts respecting his citizenship were founded on this ground, the witness referring in this part of his testimony to the meeting before mentioned, when these doubts were expressed; but he cannot specify the time of Mr. Gallatin's having mentioned to him the circumstance of his having taken the oath of allegiance.

"Sworn to, and subscribed, January 28, 1794."

"Mr. Thomas Stokely, being sworn, deposeseth and saith, that, some few days before a Senator was chosen for the State of Pennsylvania, a meeting was had to fix on a proper person to represent the State in that office; sundry persons were started as candidates, among whom was Mr. Gallatin, who, upon his being named, observed that there were many other persons more proper to fill that office; and also observed, that there might be doubts as to his citizenship, though the deponent, from the length of time, and not expecting to have been called upon, retains too slight an impression of what then passed, to be able to recollect the words with precision. That, at a subsequent meeting for the same purpose, Mr. Gallatin was finally agreed to be nominated, and the deponent heard no objection stated thereto, either by Mr. Gallatin (who was present) or any other person.

"Sworn to, and subscribed, February 1, 1794."

"The before-recited evidence being introduced and closed on the part of the petitioners, Mr. Gallatin was asked whether he had any testimony to produce on his part, to which he gave the following answer, in writing, to wit:

"The committee to whom the petition of Conrad

Laub, &c., was referred, having informed me that the petitioners had closed their evidence, and asked me whether I had any testimony to produce on my side. I answer, that it appears to me that there is not sufficient matter charged in the petition, and proved by the testimony, to vacate my seat; that, by the resolution appointing the committee, the petition is referred to them to state the facts, without prejudice as to any questions which may, upon the hearing, be raised by the sitting member, as to the sufficiency of the parties and the matter charged in the petition; that, upon the hearing, and in the present stage of the same, the question as to the sufficiency of matter, as above stated, is raised by me; that I conceive, from the evident construction of the resolution, I have a right to have that question decided by the Senate; that, until the same shall have been decided, I do not wish to be at the trouble and expense of collecting evidence at a great distance; and, therefore, that at present, I do not mean to produce any testimony, reserving, however, to myself the right which I conceive I have to produce any testimony in my favor, after the said question shall have been decided by the Senate, in case it is decided against me.

"ALBERT GALLATIN."

"Which being duly read and considered, the Committee came to the following resolution, to wit:

"Whereas the evidence on the part of the petitioners having been closed, and it appearing that Mr. Gallatin was an alien in the year 1780; and his answer, in writing, assigning reasons why he should not adduce evidence on his part in the present stage of the inquiry, not being, in the opinion of the Committee, sufficient, it is now incumbent on Mr. Gallatin to show that he has become a citizen of the United States, and when informed the Committee he should rely on the answer he had before given.

"All which is respectfully submitted to the honorable Senate by the Committee."

And subjoined is the statement of facts exhibited by Mr. Gallatin, and agreed to between him and the counsel for the petitioners, as mentioned the 20th instant:

"Albert Gallatin was born at Geneva, on the 29th day of January, 1761. He left that place for the United States in April or May, 1780, arrived in Boston (Massachusetts) on the 14th or 15th July of the same year, and has ever since resided within the United States. In October, 1780, he removed from Boston to Machias in the Province of Maine, in which place and its neighborhood, he resided one year, and commenced a settlement on a tract of vacant land. During that time, he furnished, out of his own funds, supplies (amounting in value to more than sixty pounds Massachusetts currency) to Colonel John Allen, who was the commanding officer stationed there, and also Superintendent of Indian Affairs for the Eastern Department, for the use of the American troops, and on several occasions acted as a volunteer under the same officer's command. For the said supplies, he received, one year after, a warrant on the Treasury of the State of Massachusetts, which he sold at a considerable depreciation. In October, 1781, he returned to Boston; and, in the spring of 1782, was, by a vote of the Corporation of the University of Cambridge, (otherwise called Harvard College,) chosen instructor of the French language of the said University.

By the same vote he was allowed a room in the College, the privilege of the Commons at the Tutor's table, the use of the Library, and also the right of having his pay (which depended on the voluntary subscription and attendance of the students) collected by the steward of the institution, together with the other charges against the students for board and education. Those terms he accepted, and remained in that station for the term of one year: In July, 1783, he removed to Pennsylvania, and in November of the same year proceeded to Virginia, in which State he had purchased more than one thousand acres of land, (and amounting to more than one hundred pounds Virginia currency in value,) some time between July and November, 1783. Between this last mentioned period and the month of October, 1785, he purchased other lands in the said State to a very large amount, and in the said last mentioned month he took an oath of allegiance to the said State. In December, 1785, he purchased the plantation in Fayette county in Pennsylvania, on which he has lived ever since. In October, 1789, he was elected member of the Convention to amend the Constitution of Pennsylvania, and in October, 1790, 1791, and 1792, he was elected member of the Legislature of the same State. On the 28th of February, 1793, he was chosen Senator to represent the said State in the Senate of the United States, and took his seat in December following."

MONDAY, March 3.

The Communications referred to in the Message of the PRESIDENT of the UNITED STATES of the 26th of February, were in part read.

Ordered, That the further reading of them at this time be postponed.

The following Message was received from the PRESIDENT of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I transmit to you an extract from a letter of Mr. Short, relative to our affairs with Spain; and copies of two Letters from our Minister at Lisbon, with their enclosures, containing intelligence from Algiers. The whole of these communications are made in confidence, except the passage in Mr. Short's Letter which respects the Spanish convoy.

G. WASHINGTON.

UNITED STATES, March 3, 1794.

The Message and papers therein referred to were read.

Ordered, That they lie for consideration. The petition of Peter Trezevant, of the State of South Carolina, was read, praying compensation for certain goods bought of Robert Farquhar, and stated to be for the use of the United States, though purchased by order and appropriated to the more immediate use of the State of Georgia.

Ordered, That this petition lie on the table. Mr. Cabot reported, from the Committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States," that this bill pass the Senate; and the bill was read the second time; and, on motion, was read the third time and passed.

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TUESDAY, March 4.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February; and, after progress, the further reading thereof was postponed.

Mr. MARTIN, from the committee appointed on the 22d of February, to consider the Report of the Secretary for the Department of Treasury respecting a light-house on Cape Hatteras, reported a bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina; which was read the first time, and ordered to a second reading.

WEDNESDAY, March 5.

A Message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act authorizing a Loan of one million of dollars," in which they desire the concurrence of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The Secretary of State having reported to me upon the several complaints which have been lodged in his Office, against the vexatious and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

UNITED STATES, March 5, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The Senate resumed the reading of the Communications referred to in the Message of the PRESIDENT OF THE UNITED STATES of the 26th of February last.

Ordered, That they lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the first time, and ordered to a second reading.

The bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina, was read the second time.

Ordered, That Monday next be assigned for the further consideration of this bill.

THURSDAY, March 6.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," reported amendments, which were read and adopted.

Ordered, That this bill pass to the third reading. The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the second time and referred to Messrs. BUTLER, CA-

BOT, and HAWKINS, to consider and report thereon to the Senate.

FRIDAY, March 7.

The bill sent from the House of Representatives for concurrence, entitled "An act making Appropriations for the support of Government, for the year 1794," was read the third time.

Resolved, That this bill pass as amended.

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

Resolved, That Messrs. KING, LANGDON, and STRONG, be a committee to join with such committee as the House of Representatives may appoint on their part, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session; that the proceedings may be so regulated as to close this session by the first Monday in April next.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country;" also, a bill, entitled, "An act limiting the time for presenting claims for destroyed certificates of certain descriptions;" in which bills, severally, they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States, together with the amendments reported by the committee; and, after progress, the further consideration thereof was postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for presenting claims for destroyed certificates of certain descriptions," was read the first time, and ordered to a second reading.

MONDAY, March 10.

The VICE PRESIDENT laid before the Senate a Letter from his Excellency Josiah Bartlett, Governor of the State of New Hampshire, enclosing the remonstrance of the Legislature of that State against the determination of the Circuit Court for the district of New Hampshire, held at Exeter on the 24th day of October, 1793; which Letter and papers referred to were read.

Ordered, That they be committed to Messrs. LIVERMORE, KING, and LANGDON, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the second time.

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Ordered, That the further consideration thereof be the order of the day for Wednesday next.

Agreeably to the order of the day, the bill to erect a light-house on the head-land and Cape of Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina, was read the second time, and amended.

Ordered, That this bill pass to the third reading.

A message from the House of Representatives informed the Senate, that the House of Representatives concur in the amendments of the Senate to the bill, entitled "An act making Appropriations for the support of Government, for the year 1794." They also concur in the resolution of the Senate of the 7th instant, appointing a joint committee, and have appointed a committee on their part.

The Senate resumed the second reading of the bill "In addition to the act for the punishment of certain crimes against the United States."

On motion that the Secretary of the Senate be directed to procure, from the Secretary for the Department of State, the secret instructions given to the Commissioners for concluding a Treaty between the United States and the King of Sweden it passed in the negative.

After progress in the consideration of the bill last mentioned, the further consideration thereof at this time was postponed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide a Naval Armament;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Ordered, That the Secretary purchase Blackstone's Commentaries, and Vattel's Law of Nature and Nations, for the use of the Senate.

TUESDAY, March 11.

The bill to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina, was read the third time, and passed.

Ordered, That the Attorney General for the United States be directed to report upon the petition of the inhabitants of Gallipolis, lodged in his Office by reference at the last session of Congress.

The Senate resumed the second reading of the bill in addition to the act for the punishment of certain crimes against the United States; and, after progress,

Ordered, That the further consideration thereof be postponed.

WEDNESDAY, March 12.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to transmit, to the Executives of the several States, copies of the amendment proposed by Congress to be added to the Constitution of the United States, respecting the Judicial power.

Ordered, That the Secretary desire the con-

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currence of the House of Representatives in this resolution.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to provide for the defence of certain ports and harbors in the United States;" in which they desire the concurrence of the Senate.

The Senate resumed the second reading of the bill, in addition to the act for the punishment of certain crimes against the United States.

On motion to strike out the 7th section of the bill, as follows:

"And be it further enacted, That it shall not be lawful to sell within the United States, any vessel or goods captured from a Prince or State, or from the subjects or citizens of a Prince or State, with which the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State, unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong, but such vessels and goods shall be carried out of the United States by those who shall have brought them in. And the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

It passed in the negative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

On motion to adopt this 7th section, it passed in the affirmative—yeas 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

On motion to adopt the following as an additional section to the bill, to wit:

"And be it further enacted, That this act shall continue and be in force for and during the term of six months, and from thence to the end of the next session of Congress, and no longer."

It passed in the negative—yeas 11, nays 13, as follows:

YEAS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Langdon, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

On motion to adopt the following as an additional section to the bill, to wit:

"And be it further enacted, That this act shall continue and be in force for and during the term of two

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years, and from thence to the end of the next session of Congress, and no longer."

It passed in the affirmative—years 17, nays 7, as follows:

YEAS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, Hawkins, Jackson, Izard, King, Livermore, Martin, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Butler, Edwards, Langdon, Monroe, Robinson, and Taylor.

On motion that this bill pass to the third reading, it passed in the affirmative—years 12, nays 12, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Izard, King, Livermore, Mitchell, Morris, Potts, Strong, and Vining.

NAYS.—Messrs. Bradley, Brown, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

The VICE PRESIDENT determined the question in the affirmative.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you the translation of two Letters from the Commissioners of his Catholic Majesty to the Secretary of State, and of their enclosures.

G. WASHINGTON.

UNITED STATES, March 12, 1794

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the first time, and ordered to a second reading.

THURSDAY, March 13.

The VICE PRESIDENT laid before the Senate the Reports of the Secretary for the Department of War, on the several petitions of Asa Day, William Perkins, and Jonathan Holton.

Ordered, That they lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the second time.

Ordered, That this bill be referred to Messrs. KING, GUNN, IZARD, LANGDON, MORRIS, ELLSWORTH, and POTTS, to consider and report thereon to the Senate.

Mr. BUTLER reported, from the committee appointed to consider the bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," that the bill pass; and, the report being adopted, Ordered, That this bill pass to the third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time.

On motion, it was agreed that the further consideration of this bill be the order of the day for Monday next.

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four;" and a bill entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations;'" in which several bills they desire the concurrence of the Senate.

The bills last mentioned were severally read the first time, and ordered to a second reading.

Ordered, That the documents referred to in the President's Message of the 5th instant, relative to the vexatious and spoliations on the commerce of the United States, be returned to the office of the Secretary of State.

Ordered, That the Secretary of State, as soon as may be, furnish the Senate with an abstract of the vexatious and spoliations lately committed upon our commerce, and upon whom, particularly noting the condemnations, as far as the documents in his office will enable him.

The bill sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the second time.

Ordered, That this bill be referred to Messrs. CABOT, TAYLOR, ELLSWORTH, GUNN, and KING, to consider and report thereon to the Senate.

The bill authorizing and directing the settlement of the accounts of Major General LAFAYETTE was read the third time.

Resolved, That this bill pass, that it be engrossed, and that the title thereof be "An act allowing to Major General LAFAYETTE his pay and emoluments while in the service of the United States."

FRIDAY, March 14.

The VICE PRESIDENT laid before the Senate the Report from the Secretary for the War Department on the petition of Robert Connelly; which was read, and ordered to lie on the table.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," reported amendments; which, being adopted,

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of one million of dollars," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act entitled 'An act providing the means of intercourse between the United States and foreign nations,'" was read the second time.

Ordered, That this bill be referred to Messrs. KING, MORRIS, and STRONG, to consider and report thereon to the Senate.

Mr. KING, from the committee appointed on

this bill, reported an amendment, which being adopted,

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four," was read the second time.

Ordered, That this bill be referred to Messrs. KING, Vining, and GUNN, to consider and report thereon to the Senate.

MONDAY, March 17.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of War on the petitions of Theodore Chartier and others; which was read, and ordered to lie on the table.

Mr. BRADLEY reported, from the committee appointed to consider the petition of Jabez Rogers, jr., that the prayer of the petition be granted.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the defence of certain ports and harbors in the United States," was read the third time.

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read the second time, and referred to Messrs. LANGDON, MORRIS, BUTLER, TAYLOR, and CABOT, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations;'" was read the third time.

Resolved, That this bill pass with an amendment.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

On motion to postpone the bill to the next session of Congress, it passed in the negative.

Ordered, That the further consideration of this bill be postponed.

TUESDAY, March 18.

Mr. KING, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four," reported the bill without amendment.

Ordered, That this bill pass to a third reading.

A motion was made and seconded, that it be "Resolved, That a committee be appointed to examine into and report on the practicability of obtaining state-

ments of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement."

Ordered, That this motion lie for consideration. Mr. LANE, from the committee appointed to consider the bill, sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," reported amendments; which were in part adopted.

Ordered, That this bill pass to a third reading. A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to provide for the erecting and repairing arsenals and magazines, and for other purposes;" and "A resolution, that the President of the UNITED STATES, be authorized to employ, as despatch boats, such of the revenue cutters of the United States as the public exigencies may require;" in which bill and resolution, severally, they desire the concurrence of the Senate.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:
The Minister Plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.
G. WASHINGTON.

UNITED STATES, March 18, 1794.

The Message and papers were read, and ordered to lie for consideration.

The resolution sent from the House of Representatives for concurrence, "authorizing the President of the UNITED STATES to employ as despatch boats, such of the revenue cutters as the public exigencies may require," was read.

Resolved, That the Senate concur therein.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the first time, and ordered to a second reading.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave-trade from the United States to any foreign place or country."

Ordered, That this bill pass to a third reading.

WEDNESDAY, March 19.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide a Naval Armament," was read a third time and passed.

Resolved, That the bill pass with amendments.

The report of the committee to whom was referred the petition of Jabez Rogers, Jr., was read and adopted, and the committee were instructed to bring in a bill for the purposes therein expressed.

Mr. BRADLEY, from the committee last mentioned, reported a bill for the remission of the duties on certain distilled spirits destroyed by fire, which was read the first time and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to prohibit the carrying on the slave trade from the United States to any foreign place or country," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four," was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the second time.

Ordered, That this bill be referred to Messrs. GUNN, KING, and BRADLEY, to consider and report thereon to the Senate.

Ordered, That leave be given to bring in a bill to authorize the President of the UNITED STATES, in certain cases, to alter the place for holding a session of Congress.

The bill was accordingly laid on the table, and read the first time.

Ordered, That this bill pass to the second reading.

THURSDAY, March 20.

The bill to authorize the President of the UNITED STATES, in certain cases, to alter the place for holding a session of Congress, was read the second time.

Ordered, That this bill be referred to Messrs. LIVERMORE, GUNN, and ELLSWORTH, to consider and report thereon to the Senate.

The bill for the remission of the duties on certain distilled spirits, destroyed by fire, was read the second time; and, the rule being dispensed with, the bill was read a third time and passed.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," reported amendments.

Ordered, That they be printed for the use of the Senate.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," reported amendments, which were adopted.

Ordered, That this bill pass to the third reading.

FRIDAY, March 21.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," was read the third time.

Resolved, That this bill pass with amendments.

Mr. LIVERMORE, from the committee to whom was referred the bill to authorize the President of the UNITED STATES, in certain cases, to alter

the place for holding a session of Congress, reported amendments.

Ordered, That the amendments be printed for the use of the Senate.

The report of the committee to whom was referred the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read, and the consideration thereof postponed until Monday next.

The Senate resumed the consideration of the motion, made on the 18th instant, that it be

"*Resolved*, That a committee be appointed to examine into and report on the practicability of obtaining statements of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement."

And, on motion to adopt this resolution, it passed in the negative—yeas 6, nays 16, as follows:

YEAS.—Messrs. EDWARDS, HAWKINS, Martin, Monroe, Potts and Taylor.

NAYS.—Messrs. BRADLEY, Bradley, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Jackson, Izard, Langdon, Livermore, Mitchell, Morris, Robinson, and Strong.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the relief of Stephen Paraque;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time and ordered to a second reading.

A motion was made,

"That a committee be appointed to consider and report in what manner the duties of the office of a District Judge shall be discharged, during the inability of the Judge of a District."

Ordered, That the motion be referred to Messrs. ELLSWORTH, STROCK, and LANESBORO, to consider and report thereon to the Senate.

MONDAY, March 24.

KESSEY JOHNS appeared and produced his credentials of an appointment by the Governor of the State of Delaware as a Senator of the United States, which were read.

Whereupon it was moved that they be referred to the consideration of the Committee of Elections before the said KESSEY JOHNS should be permitted to qualify, who are directed to report thereon; and it passed in the affirmative—yeas 13, nays 12, as follows:

YEAS.—Messrs. BRADLEY, Brown, Burr, Edwards, Gunn, Hawkins, Jackson, Langdon, Livermore, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. BRADLEY, Cabot, Ellsworth, Foster, Frelinghuysen, Izard, Mitchell, Morris, Potts, Rutherford, Strong, and Vining.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river, in which they desire the concurrence of the Senate."

The memorial of a number of citizens of the State of South Carolina was presented and read, complaining of the system continued and pursued in the capture, detention, and condemnation, in British ports, of a number of vessels with their cargoes, the property of the citizens of the United States.

Ordered, That this memorial lie for consideration.

The Vice President laid before the Senate the report of the Attorney General, on the memorial of the French inhabitants of Gallipolis, and it was read.

Ordered, That this report, and the papers referred to, be committed to Messrs. BURR, TAYLOR, and ELLSWORTH, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to authorize the President of the UNITED STATES, in certain cases, to alter the place for holding a session of Congress.

Ordered, That this bill pass to the third reading. Mr. JACKSON, gave notice that he should, tomorrow, move for leave to bring in a bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paraque," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, and MORRIS, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river," was read the first time and ordered to a second reading.

TUESDAY, March 25.

The bill to authorize the President of the UNITED STATES, in certain cases, to alter the place for holding a session of Congress, was read the third time; and, being amended,

Resolved, That this bill pass, that it be engrossed, and that the title thereof be, "An act to authorize the President of the UNITED STATES, in certain cases, to alter the place of holding a session of Congress."

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river," was read the second time.

Ordered, That this bill be referred to Messrs. JACKSON, LANESBORO, and FOSTER, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House disagree to the first amendment of the Senate to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," ask a conference on the subject-matter of all the amendments to the said bill, and have

appointed managers at the said conference on their part.

The Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the first amendment of the Senate to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines and for other purposes, and asking a conference on all the amendments. Whereupon,

Resolved, That the Senate agree to the proposed conference, and that Messrs. GUNN, BRADLEY, and ELLSWORTH be managers at the same on the part of the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The two Letters which I now forward to Congress were written by a Consul of the United States, and contain information which will, probably, be thought to require some pecuniary provision.

G. WASHINGTON.

UNITED STATES, March 25, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The consideration of the report of the committee on the bill sent from the House of Representatives for concurrence entitled "An act limiting the time for presenting claims for destroyed certificates of amendment," was resumed, adopted with amendment, and it was agreed that the bill be amended accordingly.

Ordered, That this bill pass to a third reading. A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the attorney of the said district;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

Conformably to notice given, Mr. JACKSON obtained leave to bring in a bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States; which was read the first time, and ordered to a second reading.

Resolved, That Thursday next be assigned to take into consideration the state of the Nation.

WEDNESDAY, March 26.

The bill, sent from the House of Representatives for concurrence, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," was read the third time.

Resolved, That this bill pass, with amendments. A message from the House of Representatives informed the Senate, that the House have passed "A resolution laying an embargo on the vessels in the ports of the United States;" in which they desire the concurrence of the Senate.

The Senate took into consideration the last mentioned resolution, "laying an embargo on the vessels in the ports of the United States," and

Resolved, That they do concur therein with the following amendment:

After the word "States," insert "whether cleared out or not."

Ordered, That the Secretary desire the concurrence of the House of Representatives in the amendment.

Mr. BRADLEY reported from the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware a Senator of the United States, in the place of George Reid, resigned.

Ordered, That the report lie for consideration.

The bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States, was read the second time, and referred to Messrs. ELLSWORTH, LANGDON, and SROONG, to consider and report thereon.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paraque," reported the bill without amendment.

Ordered, That this bill pass to the third reading.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," reported amendments which were read, and ordered to lie for consideration.

Ordered, That the Senate be at present under an injunction of secrecy in respect to the amendment to the resolution laying an embargo on the vessels in the ports of the United States.

THURSDAY, March 27.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Stephen Paraque," was read the third time and passed.

The Senate proceeded to the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware to be a Senator of the United States.

On motion, that the report be recommitted, it passed in the negative; and, after progress, it was ordered that the further consideration of this report be postponed until to-morrow.

Mr. GUNN reported from the managers appointed to confer with those of the House of Representatives, on the amendments proposed by the Senate to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," that they have agreed that it would be proper, instead of the amendments proposed to the first section, to amend the same, by striking out, from the word "stores," to the word "provided," and insert:

"There shall be established, under the direction of the President of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States; either or both of the arsenals heretofore used at Springfield and Carlisle to be continued as part of the said number, at his discretion. And that it would be proper for the House of Representatives to agree to the other amendments proposed, except the last, and for the Senate to recede from that."

And it was agreed to adopt the report.

A message from the House of Representatives informed the Senate, that the House adhere to their disagreement to some, and recede from their disagreement to other amendments to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes."

The Senate took into consideration the bill last mentioned; whereupon,

Resolved, That they recede from their amendments to the first section, and adopt the amendment reported by the managers at the conference thereon.

Resolved, That they recede from their amendment to the sixth section, and that they insist on their amendment to the third section of the said bill.

FRIDAY, March 28.

The Senate resumed the consideration of the report of the Committee of Elections, to whom was referred the credentials of Kensey Johns, appointed by the Executive of the State of Delaware to be a Senator of the United States; which report is as follows:

"The Committee of Elections, to whom were referred the credentials of an appointment by the Governor of the State of Delaware, of Kensey Johns, as a Senator of the United States, having had the same under consideration, report—

"That George Read, a Senator for the State of Delaware, resigned his seat upon the 18th day of December, 1793, and during the recess of the Legislature of said State.

"That the Legislature of the said State met in January, and adjourned in February, 1794.

"That, upon the 19th day of March, and subsequent to the adjournment of the said Legislature, Kensey Johns was appointed, by the Governor of said State, to fill the vacancy occasioned by the resignation aforesaid. Whereupon, the Committee submit the following resolution:

"*Resolved*, That Kensey Johns, appointed by the Governor of the State of Delaware, as a Senator of the United States, for said State, is not entitled to a seat in the Senate of the United States; a session of the Legislature of the said State having intervened, between the resignation of the said George Read and the appointment of the said Kensey Johns."

On the question to agree to this report, it passed in the affirmative—yeas 20, nays 7, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Frelinghuysen, Gunn, Hawkins, Jackson, King, Langdon, Livermore, Martin, Mitchell, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Foster, Iard, Morris, Potts, Rubenfeld, Strong, and Vining.

Resolved, That an attested copy of the resolution of the Senate, on the appointment of Kensey Johns to be a Senator of the United States, be transmitted, by the PRESIDENT of the Senate, to the Executive of the State of Delaware.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

In the execution of the resolution of Congress, bearing date the 25th of March, 1794, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their militia, if it should be necessary, for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress, how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the collectors have been instructed to refuse to receive the surrender of coasting licenses for the purpose of taking out registers, and to require bond from registered vessels, bound from one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels, although their occupations lie generally in parts beyond the United States. But, without further restrictions, there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

UNITED STATES, March 28, 1794.

Ordered, That the Message from the PRESIDENT OF THE UNITED STATES, of this day, be referred to Messrs. BURR, MORRIS, and LANGDON, to consider and report thereon to the Senate.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river;" and having adopted the same, and agreed that the bill be amended accordingly.

Ordered, That the bill pass to the third reading. The bill, sent from the House of Representatives for concurrence, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences, from the District to the Circuit Court of New Hampshire, and assigning certain duties, in respect to invalid pensioners, to the attorney of the said district," was read the second time.

Ordered, That this bill pass to the third reading. On Monday next, move for leave to bring in a bill to alter the times of holding the Circuit Courts of the United States in the district of Delaware.

Mr. ELLSWORTH, from the committee to whom was referred the bill to make provision for the widow and orphan children of Robert Forsyth,

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who was killed in the service of the United States, reported an amendment, which was adopted, and it was agreed that the bill should be amended accordingly.

Ordered, That this bill pass to the third reading. The Senate resumed the motion made the 25th instant, to take into consideration the state of the Nation; and, after debate,

Ordered, That the consideration thereof be postponed.

MONDAY, March 31.

The bill sent from the House of Representatives for concurrence, entitled "An act transferring for a limited time, the jurisdiction of suits and offences, from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the attorney of the said district," was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," was read the third time, and passed.

Mr. BURR, from the committee to whom was referred the Message from the President of the UNITED STATES, of the 28th instant, reported a resolution to carry into more complete effect the resolution directing an embargo; which was read.

Resolved, That this resolution pass.

A message from the House of Representatives informed the Senate, that the House of Representatives do not concur in the resolution sent from the Senate to carry into more complete effect the resolution directing an embargo; and that they have passed "a resolution to carry into more complete effect the resolution directing an embargo;" in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the last mentioned resolution, sent from the House of Representatives for concurrence.

Resolved, That they do concur therein.

The bill to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States, was read the third time.

On motion, it was agreed to amend the bill, by inserting "two thousand," in lieu of "one thousand dollars."

On the question, Shall this bill pass? it passed in the affirmative—yeas 13, nays 8, as follows:

YEAS.—Messrs. Bradford, Burr, Butler, Cabot, Gunn, Hawkins, Jackson, Izard, King, Martin, Monroe, Morris, and Taylor.

NAYS.—Messrs. Bradley, Brown, Ellsworth, Frelinghuysen, Langdon, Livermore, Robinson, and Strong.

So it was *Resolved*, That this bill pass; that it be engrossed; and that the title thereof be, "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States."

TUESDAY, April 1.

The petition of Elkanah Prentice, praying compensation for military services, and that he be placed on the list of invalid pensioners, was presented and read.

Ordered, That this petition be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

WEDNESDAY, April 2.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of the Treasury, enclosing "a Memoir of Mr. La Roche, on the Politics of the United States, respecting their Public Debt and Agriculture."

The VICE PRESIDENT laid before the Senate a letter from the Hon. Anthony Morris, Speaker of the Senate of the Commonwealth of Pennsylvania, enclosing a certificate of the election of the Hon. James Ross to be a Senator, to represent said Commonwealth in the Senate of the United States; which were read.

Ordered, That they lie on file.

THURSDAY, April 3.

The VICE PRESIDENT laid before the Senate a Report of the Secretary for the Department of War, on the petition of Elkanah Prentice, which was read and ordered to lie on the table.

FRIDAY, April 4.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate and

I lay before you three Letters from our Minister in London; advice concerning the Algerine mission from our minister at Lisbon and others; and a Letter from the Minister Plenipotentiary of the French Republic to the Secretary of State, with his answer.

G. WASHINGTON.

UNITED STATES, April 4, 1794.

The Message and papers therein referred to were read.

Ordered, That the Letters from the American Minister in London, and the Letter of the 27th of March last, from the Minister Plenipotentiary of the French Republic to the Secretary for the Department of State, together with his answer, referred to in the Message of the President of the UNITED STATES of this day, be printed for the use of the Senate.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to encourage the recruiting service;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

A motion was made as follows:

Ordered, That the Secretary of War do lay before the Senate, a statement of the period to which the troops of the United States have been paid.

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Ordered, That this motion lie on the table.

Mr. KING reported, from the joint committee appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next; and the report was read.

Ordered, That it lie for consideration.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act to establish the Post Office and Post Roads within the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

MONDAY, April 7.

The bill sent from the House of Representatives for concurrence, entitled "An act to encourage the recruiting service," was read the second time, and referred to Messrs. ELLSWORTH, BROWN, and GUNN, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," was read the second time, and referred to Messrs. BROWN, BUTLER, ELLSWORTH, FOSTER, GUNN, HAWKINS, KING, LIVERMORE, MONROE, MORRIS, PORTS, ROBINSON, RUTHERFORD, STRONG, and VINING, to consider and report thereon to the Senate.

TUESDAY, April 8.

The Senate assembled, but adjourned without transacting any business.

WEDNESDAY, April 9.

JOHN HENRY, from Maryland, attended.

A message from the House of Representatives informed the Senate, that the House have passed the following bills, to which, severally, they desire the concurrence of the Senate: a bill, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life;" a bill, entitled "An act for the relief of Leffert Lefferts and others;" a bill, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army;" and a bill, entitled "An act for erecting a light-house on the island of Seguin, in the district of Maine."

The bill sent from the House of Representatives for concurrence, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the re-

lief of Leffert Lefferts and others," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize Ephraim Kimberly, to locate the land warrant issued to him for services in the late American army," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for erecting a light-house on the island of Seguin, in the district of Maine," was read the first time, and ordered to a second reading.

THURSDAY, April 10.

A message from the House of Representatives informed the Senate, that the House of Representatives agree to the amendments of the Senate to the bill entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions."

The bill sent from the House of Representatives for concurrence, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life," was read the second time, and referred to Messrs. TAYLOR, BRADLEY, and ELLSWORTH, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Leffert Lefferts and others," was read the second time.

Ordered, That this bill pass to a third reading. The bill sent from the House of Representatives for concurrence, entitled "An act for erecting a light-house on the island of Seguin, in the district of Maine," was read the second time.

On motion to add the following clause as an amendment to the bill, to wit:

"And, also, to provide by contract for building a light-house on the island of Cumberland, at the entrance of the river St. Mary's in the State of Georgia."

Ordered, That this bill, together with the amendment proposed thereto, be referred to Messrs. CABOT, JACKSON, and RUTHERFORD, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," was read the second time, and referred to Messrs. MITCHELL, BROWN, and MONROE, to consider and report thereon to the Senate.

FRIDAY, April 11.

The Senate assembled; but the several committees not having perfected their reports, they adjourned.

MONDAY, April 14.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary for the Department of Treasury, with a general statement of exports from

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the United States for one year, ending on the 30th day of September, 1792; which were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Leffert Lefferts and others," was read the third time, and passed.

TUESDAY, April 15.

Mr. MITCHELL, from the committee to whom was referred the bill, entitled "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," reported, that the bill passes without amendment; and, the report being adopted.

Ordered, That this bill pass to a third reading. The following message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a Letter from the Minister Plenipotentiary of his Britannic Majesty to the Secretary of State; a Letter from the Secretary of the Territory South of the river Ohio, enclosing an Ordinance and Proclamation of the Governor thereof; the translation of so much of a petition of the inhabitants of Post Vincennes, addressed to the President, as relates to Congress; and certain despatches lately received from our Commissioners at Madrid. These despatches from Madrid being a part of the business which has been hitherto deemed confidential, they are forwarded under that view.

UNITED STATES, April 15, 1794.

The message and papers therein referred to were read, and ordered to lie for consideration.

WEDNESDAY, April 16.

The bill sent from the House of Representatives for concurrence, entitled, "An act to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army," was read the third time, and passed.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to establish the Post Office and Post Roads within the United States," reported amendments, which were read and adopted; and, the bill being amended accordingly.

Ordered, That this bill pass to a third reading.

THURSDAY, April 17.

The Senate was, to-day, principally engaged in Executive business.

FRIDAY, April 18.

The petition of Ebenezer Parsons and others, was presented and read, praying that certain vessels mentioned in the petition, on account of the perishable nature of their cargoes, may be exempted from the embargo.

Ordered, That this petition lie on the table.

Two memorials, from Spencer Man and Frantz Jacob Foltz, were presented and severally read,

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MONDAY, April 21.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish the Post Office and Post Roads within the United States," was read the third time, and further amendments being agreed to,

Resolved, That this bill pass as amended.

On motion to reconsider the resolution that this bill pass, for the purpose of further amendment, it passed in the negative.

The petition of Messrs. Stewart and Plunket was presented and read, praying reimbursement of the duties on a quantity of coffee, said to be destroyed by fire. Referred to Messrs. PORTS, CABOT, and EDWARDS, to consider and report thereon.

The petition of Henry Merchant, District Judge for Rhode Island, praying an augmentation of his salary, was presented and read.

Ordered, That this petition lie on the table.

A motion was made as follows:

"That the Journals of the Senate, and reports from the Heads of Departments, printed by order of the Senate, shall be in octavo:

"That, if the House of Representatives concur, three hundred copies of the Journals of both Houses since the commencement of the present Government, be printed for the use of Congress."

Ordered, That this motion lie for consideration.

TUESDAY, April 22.

The VICE PRESIDENT laid before the Senate a Letter from Monsr. Olive, with a plan of a forty gun ship; which were ordered to lie on the table.

Mr. TAYLOR, from the committee to whom was referred the bill, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life," reported an amendment.

Ordered, That this report lie, until to-morrow, for consideration.

The petition of Stephen Parsons, in behalf of William Parsons, was presented and read, praying compensation for military services to the said William, who has been hitherto prevented from applying by his absence from the country.

Ordered, That this petition lie on the table.

The Senate resumed the consideration of the motion made yesterday, relative to the mode of printing the journals, bills, and reports, from the Heads of Departments; and, having amended the same,

Resolved, That, after the present session, the bills, the journals, and all reports, from the Heads of Departments, and all official communications which may be directed to be printed by order of the Senate, shall be in octavo.

WEDNESDAY, April 23.

The Senate resumed the consideration of the report of the committee on the bill, entitled "An act allowing Lieutenant Colonel Tonsard an equivalent for his pension for life," and, having adopted the same, and amended the bill accordingly,

The rule was dispensed with, and the bill read the third time, and passed.

The petition of James Shaw was presented and read, praying compensation for military services and supplies.

On motion, that the petition be referred to a special committee, it passed in the negative.

Ordered, That the petitioner have leave to withdraw his petition.

A message from the House of Representatives informed the Senate, that the House of Representatives disagree to some and agree to other amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States," and that the House of Representatives have passed the bill entitled "An act directing a detachment from the Militia of the United States," and the bill entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers," in which several bills they desire the concurrence of the Senate.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, enclosing the translation of a Letter from the members of the Committee of Public Safety in France, the original of which was addressed to Congress.

On motion that it be referred to a committee to take the same into consideration, and to report the draft of an answer, it was agreed that the consideration thereof be postponed until to-morrow.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States."

Resolved, That they insist on their tenth amendment to the first section, and to their amendment for adding a new section, to follow the twenty-seventh section, and that a conference with the House of Representatives be requested on the subject of disagreement; and that Messrs. KING, BURR, and JACKSON, be managers at the same on the part of the Senate.

On the question that the Senate recede from their amendment for striking out the twenty-first section, as follows:

Sec. 21. And be it further enacted, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States free of postage, under such regulations as the Postmaster General shall provide."

It passed in the affirmative—yeas 17, nays 9, as follows:

YEAS.—Messrs. Bradford, Bradley, Brown, Burr, Butler, Edwards, Foster, Frelinghuysen, Gunn, Henry, Jackson, Langdon, Livermore, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Cabot, Ellsworth, Hawkins, Izard, King, Morris, Potts, Rutherford, and Strong.

The bill sent from the House of Representatives for concurrence entitled "An act directing a detachment from the Militia of the United States" was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence entitled "An act providing for

raising and organizing a Corps of Artillerists and Engineers" was read the first time, and ordered to a second reading.

THURSDAY, April 24.

JAMES ROSS, from Pennsylvania, attended, and took his seat in the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers" was read the second time, and referred to Messrs. GUNN, TAYLOR, BRADLEY, KING, and LANGDON, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the Militia of the United States" was read the second time, and referred to the committee last named, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House agree to the proposed conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill entitled "An act to establish the Post Office and Post Roads within the United States," and have appointed managers at the said conference on their part.

The Senate resumed the consideration of the Letter yesterday laid before the Senate from the Committee of Public Safety of the French Republic. A motion was made that it be

"Ordered, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, on behalf of the United States, in such manner as shall manifest their sincere friendship and good will for the French Republic."

On which it was moved that this motion be referred to a committee, to consider and report thereon; and it passed in the negative—years 13, 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, Potts, Ross, Rutherford, Strong, and Vining.

A motion was made by Mr. MARTIN to postpone the consideration of the motion before the Senate, for the purpose of considering the following motion:

"Resolved by the Senate and House of Representatives in Congress assembled, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, in behalf of the United States, in such manner as shall manifest their sincere friendship and good will for the French nation, with their sincere wishes for the prosperity of that Republic."

And it passed in the negative.

On motion it was agreed to amend the original

motion by inserting the words "Senate of the" before the word "United."

On motion to amend the motion by adding, after the word "States," the words "congratulating them upon the late brilliant successes of the arms of the Republic, and the establishment of liberty and order and the progress of industry," it passed in the negative.

On the question to agree to the motion amended as follows:

"Ordered, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the President, and that he be requested to cause the same to be answered, on behalf of the Senate of the United States, in such manner as shall manifest their sincere friendship and good will for the French Republic."

It passed in the affirmative—years 28, as follows:

Messrs. Bradford, Bradley, Brown, Burr, Butler, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Jackson, Izard, King, Langdon, Livermore, Martin, Monroe, Morris, Potts, Robinson, Ross, Rutherford, Strong, Taylor and Vining.

Ordered, That the Secretary lay a copy of this vote of the Senate before the PRESIDENT OF THE UNITED STATES.

Mr. ELLSWORTH, from the committee to whom was referred the bill entitled "An act to encourage the Recruiting Service," reported amendments.

Ordered, That the amendments be printed for the use of the Senate.

FRIDAY, April 25.

The VICE PRESIDENT laid before the Senate a Report from the Secretary of the Department of War respecting invalid pensioners; which was read, and referred to Messrs. TAYLOR, ELLSWORTH, BROWN, JACKSON, and LIVERMORE, to consider and report thereon to the Senate.

The amendments reported by the committee to the bill entitled "An act to encourage the Recruiting Service" were considered, adopted, and the bill amended accordingly; and, the rule being dispensed with, the bill was read the third time and passed.

A message from the House of Representatives informed the Senate that the House agree to the amendment of the Senate to the bill entitled "An act allowing Lieutenant Colonel Tossard an equivalent for his pension for life;" they have passed a bill entitled "An act to suspend the importation of certain Goods, Wares, and Merchandise," in which they desire the concurrence of the Senate.

The bill last mentioned was read the first time, and ordered to a second reading.

MONDAY, April 28.

Mr. KING reported, from the managers at the conference on the part of the Senate on the disagreeing votes of the two Houses respecting the bill entitled "An act to establish the Post Office and Post Roads within the United States," and the report was adopted. Whereupon,

Resolved, That, in lieu of the tenth amendment

proposed by the Senate, the following be substituted: make the two paragraphs one, thus: after "Canajoharie," strike out "to," and insert "and;" and, after "Whitestown," strike out all that follows, to "Montgomery," inclusive, and insert "to Canandorque, and from some convenient point in that line," so that the paragraph be read thus:

"From Albany, by Schenectady, Canajoharie, and Whitestown, to Canandorque, and from some convenient point in that line through Cherry Valley to the Court-house, in Cooperstown, in the county of Otsego."

In the new section proposed by the Senate to follow the 27th section, after the words "two cents," insert, "Provided, That no letter shall be delivered to such letter-carrier for distribution addressed to any person who shall have lodged at the post office a written request that his letters shall be detained in the office."

Ordered, That the Secretary desire the concurrence of the House of Representatives in these amendments.

The bill sent from the House of Representatives for concurrence entitled "An act to suspend the importation of certain Goods, Wares, and Merchandise" was read the second time.

A motion was made to refer this bill to a committee of five; and, after debate, was withdrawn; and, a second motion for a commitment being made, it passed in the negative.

On the question to agree to the first section of the bill, as follows:

"Whereas the injuries which have been suffered, and may be suffered, by the United States from violations committed by Great Britain on their neutral rights and commercial interests, as well as from her failure to execute the seventh article of the Treaty of Peace, render it expedient for the interests of the United States, that the commercial intercourse between the two countries should not, during the continuance of these embarrassments, be carried on in the extent at present allowed: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the 1st day of November next, it shall be unlawful to import into the United States any goods, wares, or merchandise, whatever, of the growth, produce, or manufacture of Great Britain or Ireland; and, if any such shall be imported, the same shall be forfeited, and may be seized by any of the officers of the customs; and, where the value thereof, according to the highest market price, shall amount to four hundred dollars, the vessel importing the same, with her tackle, apparel, and furniture, shall be subject to like seizure and forfeiture: Provided, That this prohibition and forfeiture shall not extend to any such articles as are now exempted from duty."

It passed in the negative—years 11, 14, as follows:

YEAS.—Messrs. Brown, Burr, Butler, Edwards, Gunn, Hawkins, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Morris, Potts, Ross, Rutherford, Strong, and Vining.

And the question being severally put on the subsequent sections of the bill, it passed in the negative.

On motion that this bill pass to the third reading, it passed in the negative—years 13, 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Morris, Potts, Rutherford, Strong, and Vining.

The VICE PRESIDENT determined the question in the negative.

Ordered, That the Secretary acquaint the House of Representatives, that the Senate do not concur in this bill.

A message from the House of Representatives informed the Senate that the House disagree to the first and agree to the second amendment of the Senate to the bill entitled "An act to encourage the Recruiting Service."

Mr. GUNN, from the committee to whom was referred the bill entitled "An act providing for raising and organizing a Corps of Artillerists and Engineers," reported the bill without amendment; and, the report being adopted, it was ordered that this bill pass to the third reading.

The Senate took into consideration the resolution of the House of Representatives disagreeing to the amendment of the Senate to the first section of the bill, entitled "An act to encourage the Recruiting Service;" and,

Resolved, That the Senate adhere to their amendment to the first section of the said bill.

TUESDAY, April 29.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for raising and organizing a corps of Artillerists and Engineers," was read the third time.

On motion that this bill be recommitted, it passed in the negative.

Resolved, That this bill pass.

Mr. BURR, from the committee to whom was referred the Report of the Attorney General on the memorial of the French inhabitants of Gallipolis, reported a bill for their relief; which was read the first time, and ordered to a second reading.

A message from the House of Representatives informed the Senate, that the House ask a conference on the amendment adhered to by the Senate to the bill entitled "An act to encourage the Recruiting Service," and have appointed managers at the same on their part.

The Senate took into consideration the resolution of the House of Representatives asking a conference on the amendment adhered to by the Senate on the last-mentioned bill; and resolved that they do agree to the proposed conference, and that Messrs. STRONG, ELLSWORTH, and GUNN, be managers thereof on the part of the Senate.

WEDNESDAY, April 30.

The bill for the relief of the French inhabitants of Gallipolis was read the second time, and referred

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red to Messrs. BROWN, BURR, TAYLOR, KING, and PORTS, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a Letter from the Secretary of the Department of State, respecting a statement of the spoliation committed on the commerce of the United States; which was read, and laid on the table.

The petition of James Mathers, Doorkeeper to the Senate, praying for an augmentation of his salary, was considered and referred to Messrs. TAYLOR, MORRIS, and CABOT.

Ordered, That the petition of George Taylor and others, Principal Clerks in the several Departments of State, of War, and of Treasury, praying for an augmentation of their salaries, respectively, be referred to the same committee, to consider and report thereon to the Senate.

THURSDAY, May 1.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

Mr. PORTS, from the committee to whom was referred the petition of Messrs. Stewart and Plunkett, reported a bill for the remission of the duties on eleven hog-heads of coffee, which have been destroyed by fire; and the bill was read the first time, and ordered to a second reading.

FRIDAY, May 2.

The bill for the remission of the duties on eleven hog-heads of coffee, which have been destroyed by fire, was read the second time.

Ordered, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" was read the second time, and the further consideration of the bill was postponed until Monday next.

Mr. GUNN, from the committee to whom was referred the bill entitled "An act directing a detachment from the Militia of the United States," reported an amendment, as follows:

"Sec. 5. And be it further enacted, That this act shall continue in force for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer."

Which report being adopted, and the bill further amended, it was ordered to the third reading.

Mr. TAYLOR, from the committee to whom was referred the petition of James Mathers, Doorkeeper to the Senate, for further compensation, reported a resolution on the subject; and on the petition of George Taylor and others, clerks in the several Departments, reported, from the same committee, that their petition lie on the table, the subject

thereof being under the consideration of the House of Representatives; and the reports were severally agreed to. Whereupon,

Resolved, That the said James Mathers, for extraordinary services as Doorkeeper to the Senate, be allowed the sum of one hundred and twenty dollars, to be paid by the Secretary of the Senate, out of the money appropriated by law to defray the contingent expenses of the two Houses of Congress.

The petition of George Southerland, a soldier of the militia of the State of Kentucky, wounded by the Indians in the year 1790, was presented and read, praying the aid of Government, under disability thereby from labor.

Ordered, That this petition be referred to the Secretary for the Department of War, to consider and report thereon to the Senate.

On motion,

"That a committee be appointed to consider the expediency, and, if they think proper, to report a bill for authorizing the President of the United States to provide timber of suitable qualities and dimensions, and in sufficient quantities, for the framing and building twenty ships of forty-four guns, and to cause the same to be cured in a manner that may render it the most durable."

Ordered, That this motion lie for consideration until Monday next.

MONDAY, May 5.

The bill for the remission of the duties on eleven hog-heads of coffee, which have been destroyed by fire, was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act directing a detachment from the Militia of the United States," was read the third time, and, being further amended,

Resolved, That this bill pass with amendments. The motion made on the 2d instant, that a quantity of timber be provided for the building twenty ships, of forty-four guns each, was considered.

Mr. LIVERMORE, from the committee to whom was referred the remonstrance of the Legislature of New Hampshire respecting a decree of the Circuit Court of the United States, in a cause there pending between David Stoddard Greenough, and others, libellants, and John Penhallow, and others, respondents, reported—

"That the State of New Hampshire being a free, sovereign, and independent State, long before the Confederation of the United States, made a law for the purpose of privateering against the common enemy, and to establish Courts for the legal trial and condemnation of prizes; that, in pursuance of said law, the said brig Lusanna, mentioned in said remonstrance, was captured, tried, and condemned, according to law, and distributed by order of Court among the captors and owners of the privateer. The committee further report, that the said brig and her cargo were insured in London against all risk and dangers of the sea, and all American privateers; and that, after the capture and condemnation aforesaid, the owners of said brig Lusanna and cargo were paid for the loss by the underwriters. And, fur-

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ther, that the said State of New Hampshire never gave an appellate jurisdiction in this cause to any Foreign Court or Power whatsoever; and that all interference therein by any other than the Courts of New Hampshire, is, in the opinion of the committee, a violation of the freedom, sovereignty, and independence of said State. All which is humbly submitted."

Ordered, That this report lie on the table.

Mr. MONROE notified the Senate that he should to-morrow move for leave to bring in a bill to suspend the execution of the fourth article of the Treaty between the United States and Great Britain until the United States shall be assured of a satisfactory compliance with the articles stipulated in the said Treaty to be performed on the part of Great Britain.

On motion, it was agreed that the rule be dispensed with at this time, and that Mr. KING have leave to introduce a bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same; and the bill was read the first time accordingly, and ordered to a second reading.

TUESDAY, May 6.

The bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, was read the second time, and referred to Messrs. HAWKINS, KING, and LIVERMORE, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that they have passed a "Resolution to authorize the PRESIDENT to grant clearances in the cases of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope," in which they desire the concurrence of the Senate.

The Senate proceeded to the consideration of the resolution last mentioned.

Resolved, That this resolution pass, with an amendment. Mr. STRONG reported, from the managers at the conference on the disagreeing votes of the two Houses on the bill, entitled "An act to encourage the Recruiting Service," that the House of Representatives should recede from their disagreement to the amendments of the Senate, and that the following section be inserted in the bill:

"And be it further enacted, That each non-commissioned officer and soldier now in the service of the United States, whose term of enlistment shall not expire before the first day of January next, shall be allowed and paid the sum of four dollars."

And the report was agreed to.

A message from the House of Representatives informed the Senate that the House have rejected the report of the managers at the conference on the bill entitled "An act to encourage the recruiting service," and adhere to their disagreement to the amendment of the Senate to the first section of the said bill. The bill was accordingly lost.

On motion,

"That a committee be appointed to report to the Senate what part of the trade of the United States may

be released from the effect of the present embargo, without interfering with the principle that induced the laying of the same."

Ordered, That this motion lie until to-morrow for consideration.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States.'"

Ordered, That this bill pass to the third reading. The motion made on the 2d instant, that a quantity of timber be provided for building twenty ships, of forty-four guns each, was further considered.

Ordered, That this motion be referred to Messrs. HAWKINS, MORRIS, LANGDON, BUTLER, and CABOT, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House disagree to the amendment of the Senate to the "Resolution to authorize the PRESIDENT OF THE UNITED STATES to grant clearances in the cases of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope."

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to the amendment of the Senate to the resolution last mentioned.

Resolved, That they recede therefrom.

Agreeably to the notice of yesterday, Mr. MONROE requested leave to introduce a bill providing, under certain limitations, for the suspension of the fourth article of the Treaty of Peace between the United States and Great Britain; and, on motion for the previous question, to wit: Shall the main question be now put? it passed in the affirmative—yeas 12, nays 7, as follows:

YEAS.—Messrs. Cabot, Ellsworth, Frelinghuysen, Henry, Izard, King, Monroe, Morris, Potts, Ross, Strong, and Taylor.

NAYS.—Messrs. Bradford, Foster, Hawkins, Jackson, Langdon, Livermore, and Martin.

And on the main question, to wit: Shall leave be given to bring in the said bill—it passed in the negative—yeas 2, nays 14, as follows:

YEAS.—Messrs. Monroe, and Taylor.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Langdon, Livermore, Morris, Potts, Ross, and Strong.

WEDNESDAY, May 7.

On motion by the Senators of that State,

Ordered, That the papers accompanying the remonstrance of the Legislature of the State of New Hampshire, against the determination of the Circuit Court for the district of New Hampshire, held at Exeter on the 24th day of October, 1793, be withdrawn.

Mr. HAWKINS, from the committee to whom was referred the bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, reported amendments, which were read, adopted, and the bill amended accordingly.

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Ordered, That this bill be engrossed for a third reading.

The motion made yesterday "that a committee be appointed to report to the Senate what part of the trade of the United States may be released from the effect of the present embargo, without interfering with the principle that induced the laying of the same," was resumed.

Ordered, That this motion be referred to Messrs. BUTLER, ELLSWORTH, and BRADFORD, to consider and report thereon to the Senate.

The petition of Oliver and Thompson, and others, merchants of Baltimore, was presented and read, praying that further time may be allowed for the payment of certain import duties, about to fall due, for reasons stated in the petition.

Ordered, That this petition be referred to the committee last named.

The petition of Oliver and Thompson, merchants of Baltimore, was presented and read, praying that part of the import duties on a quantity of Irish linens and Madeira wine, said to be overrated by mistake, may be refunded. Referred to the Secretary for the Department of the Treasury, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States,'" was read the third time; and, being amended,

Resolved, That this bill pass, with an amendment.

THURSDAY, May 8.

A message from the House of Representatives informed the Senate, that the House have passed the bill sent from the Senate for concurrence, entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina," with amendments, in which they desire the concurrence of the Senate.

Mr. BUTLER reported, from the committee appointed yesterday, on the motion for freeing a part of the trade of the United States from the operation of the present embargo:

"That, in their opinion, it is not advisable to grant any partial enlargements or permissions for the departure of vessels now embargoed."

Ordered, That this report lie on the table.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracock Island, in the State of North Carolina."

Resolved, That the Senate concur in the amendments to the said bill.

The engrossed bill prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same, was read the third time.

Resolved, That this bill pass, that the title thereof be "An act prohibiting, for a limited time, the

exportation of arms and ammunition, and encouraging the importation of the same."

On motion by Mr. LIVERMORE, the rule was dispensed with, and permission given to introduce a bill in addition to "The act for making further and more effectual provision for the protection of the frontiers of the United States;" which was read the first time and ordered to a second reading.

Ordered, That Messrs. LIVERMORE, JACKSON, and MONROE, be a committee to bring in a bill to alter the time for the next meeting of Congress.

Mr. LIVERMORE, from the committee appointed for the purpose, reported a bill to alter the time for the next meeting of Congress; which was read the first time, and the rule being dispensed with, the bill was read the second time.

Ordered, That the bill be engrossed for the third reading.

The Vice President laid before the Senate a Letter from Samuel Meredith, Treasurer of the United States, with his account for the two quarters closing the 31st of December, 1793, as also his War Department account, ending the 31st of March last.

The Letter was read, and ordered, with the papers, to lie on the table.

FRIDAY, May 9.

The bill in addition to the act making further and more effectual provision for the protection of the frontiers of the United States, was read the second time.

On motion to add the following as an additional section to the bill, to wit:

"And be it further enacted, That there shall be allowed and paid, from and after the first day of June next, to each private soldier now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the term of their respective enlistment."

It passed in the negative—yeas 7, nays 16, as follows:

YEAS.—Messrs. Edwards, Henry, Jackson, Livermore, Morris, Potts, and Ross.

NAYS.—Messrs. Bradford, Brown, Burr, Butler, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Izard, King, Langdon, Martin, Monroe, Strong, and Taylor.

On motion to strike out the following words from the third section of the bill, to wit:

"And under such special circumstances as in the opinion of the President of the United States may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding

It passed in the negative—yeas 9, nays 11, as follows:

YEAS.—Messrs. Burr, Cabot, Edwards, Hawkins, Jackson, Martin, Monroe, Potts, and Ross.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Gunn, Izard, King, Langdon, Livermore, Morris, and Strong.

Ordered, That this bill be engrossed for a third reading.

The engrossed bill to alter the time for the next meeting of Congress was read the third time.

On motion to strike out the words "first Mon-

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day in November next," and insert "second Monday in November next," it passed in the negative.

On motion that this bill pass as engrossed, it passed in the negative.

Mr. BROWN, from the committee to whom was referred the bill for the relief of the French inhabitants of Gallipolis, reported the following Order:

"That Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, do appear before the Senate on the — day of December next, to show cause, if any they have, why so much of a grant and deed of conveyance for seven hundred and fifty thousand acres of land, bordering on the Ohio river, executed by the President of the United States, to the said Putnam, &c., in trust for the Ohio Company of Associates, pursuant to an act, entitled 'An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates,' shall not be declared void, as may be sufficient to satisfy the claims of the French settlers at Gallipolis.

"Ordered, That the delivery of a copy of the above order to Rufus Putnam, Manassah Cutler, Robert Oliver, or Griffin Green, and the publication of the same one week in one of the gazettes printed in this city, shall be deemed sufficient notice thereof."

Ordered, That this report lie for consideration.

MONDAY, May 12.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read twice, and referred to Messrs. ELLSWORTH, FRELINGHUYSEN, and ROSS, to consider and report thereon to the Senate.

Ordered, That the rule be dispensed with, and that Mr. ELLSWORTH have permission to bring in a bill to authorize District Judges to adjourn Circuit Courts; which was read twice, and referred to Messrs. ELLSWORTH, FRELINGHUYSEN, and ROSS, to consider and report thereon to the Senate.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

As the Letter which I forwarded to Congress on the 15th day of April last, from the Minister Plenipotentiary of his Britannic Majesty to the Secretary of State, in answer to a memorial of our Minister in London, related to a very interesting subject, I thought it proper not to delay its communication. But, since that time, the memorial itself has been received, in a Letter from our Minister, and a reply has been made to that answer by the Secretary of State. Copies of them are, therefore, now transmitted.

I also send the copy of a Letter from the Governor of Rhode Island, enclosing an Act of the Legislature of that State, empowering the United States to hold lands within the same for the purpose of erecting fortifications; and certain papers concerning patents for the donation lands to the ancient settlers of Vincennes upon the Wabash.

G. WASHINGTON.

UNITED STATES, May 12, 1794.

3d Cox.—4

The Message and papers therein referred to were read, and ordered to lie for consideration.

The engrossed bill in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States," was read the third time, and passed.

The Vice President laid before the Senate a Letter signed Jacob Morgan, chairman, addressed to the Speaker of the Senate of Congress, enclosing "Resolutions of a meeting of a number of the manufacturers of the city of Philadelphia, respecting a further revenue by an excise upon certain domestic manufactures, as contemplated by the House of Representatives of Congress."

On motion that these resolutions be read, it passed in the affirmative—yeas 14, nays 10, as follows:

YEAS.—Messrs. Brown, Burr, Edwards, Foster, Gunn, Hawkins, Henry, Jackson, Langdon, Martin, Monroe, Potts, Robinson, and Ross.

NAYS.—Messrs. Bradford, Butler, Cabot, Ellsworth, Frelinghuysen, Izard, King, Livermore, Morris, and Rutherford.

The resolution being read, a motion was made as follows:

"A paper signed Jacob Morgan, chairman, having been read, and the same appearing to be disrespectful to the Senate, ordered that the same be dismissed."

On which the previous question was moved for, to wit:

Shall the main question be now put? and it passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Brown, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Izard, King, Livermore, Morris, Potts, and Rutherford.

NAYS.—Messrs. Burr, Edwards, Hawkins, Jackson, Langdon, Martin, Monroe, Robinson, and Ross.

On motion to agree to the main question, it passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Izard, King, Livermore, Morris, Potts, and Rutherford.

NAYS.—Messrs. Brown, Burr, Edwards, Jackson, Langdon, Martin, Monroe, Robinson, and Ross.

So it was ordered, that a paper signed Jacob Morgan, chairman, having been read, and the same appearing disrespectful to the Senate, that the same be dismissed.

On motion that the memorial of Mr. Pinckney, the answer of Mr. Hammond, and the letter of the Secretary of State of the 1st of May, to Mr. Hammond, relative to the British instructions of the 8th June last, be printed for the use of the members of the Senate.

TUESDAY, May 13.

The Senate proceeded to consider the report of the committee to whom was referred the bill for the relief of the French inhabitants of Gallipolis; and the report being amended, was agreed to, and it was accordingly

Ordered, That Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, do, upon the

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third Monday of December next, show cause to the Senate why so much of the grants of land to them, the said Rufus Putnam, Manassah Cutler, Robert Oliver, and Griffin Green, pursuant to an act, entitled "An act authorizing the grant and conveyance of certain lands to the Ohio Company of Associates," shall not be declared void, as may interfere with, and be sufficient to satisfy the claims of the French settlers of Gallipolis.

Ordered, That the delivery of a copy of the above order to Rufus Putnam, Manassah Cutler, Robert Oliver, or Griffin Green, and the publication of the same one month in one of the gazettes printed in this city, shall be deemed sufficient notice thereof.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act for the relief of Reuben Smith and Nathan Strong," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read the first time, and ordered to a second reading. The petition of Dennis McReady, and others, in behalf of the manufacturers of tobacco and snuff, against an additional tax on those articles, was presented and read.

Ordered, That this petition lie on the table. Mr. ELLSWORTH, from the committee to whom was referred the bill to authorize District Judges to adjourn Circuit Courts, reported the bill amended; and the report being agreed to, and the bill amended accordingly, the rule was dispensed with, and the bill was read the third time, and passed.

WEDNESDAY, May 14.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account," reported amendments, which were adopted; and the bill was amended accordingly. The rule being dispensed with, the bill was then read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Reuben Smith and Nathan Strong," was read the second time, and ordered to a third reading.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act for erecting a light-house on the Island of Seguin in the district of Maine," reported amendments, which were adopted, and the bill was amended accordingly, and the rule being dispensed with, the bill was read the third time.

Resolved, That this bill pass with amendments. A motion was made that the next session of Congress be held at Boston.

Ordered, That this motion lie for consideration.

THURSDAY, May 15.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Reuben Smith and Nathan Strong," was read the third time, and passed.

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certain foreign goods intended for exportation, for reasons stated in the petition.

Ordered, That this petition, together with the petition of Oliver & Thompson, and others, merchants of the State of Maryland, on a similar subject, be referred to Messrs. CABOT, ELLSWORTH, and HAWKINS, to consider and report thereon to the Senate.

MONDAY, May 19.

The VICE PRESIDENT laid before the Senate a Letter from P. Legaux, praying their patronage of his vineyard, established at a place called Spring-mill, in the State of Pennsylvania; which was read and laid on the table.

A message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels;" in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon the final settlement of the accounts between the United States and the individual States," was read the second time, and referred to Messrs. CABOT, JACKSON, MORRIS, POTTS, and ELLSWORTH, to consider and report thereon to the Senate.

Mr. JACKSON gave notice that he should to-morrow move for leave to introduce a bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States.

TUESDAY, May 20.

A message from the House of Representatives informed the Senate, that the House have passed a resolution for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury department by the Commissioners who settled the accounts between the individual States and the United States, in which they desire the concurrence of the Senate, was read and ordered to lie on the table.

Mr. KING reported, from the joint committee to whom was referred the consideration of what business is necessary to be done before the close of the session, and when it will be proper to end the present session; and the report was read.

Ordered, that this report lie on the table. The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States and on the tonnage of ships or vessels," was read the second time, and referred to Messrs. GUNN, ELLSWORTH, KING, LIVERMORE, and MORRIS, to consider and report thereon to the Senate.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

In the communications which I have made to Congress during the present session relative to foreign nations, I have omitted no opportunity of testifying my anxiety to preserve the United States in peace. It is peculiarly, therefore, my duty, at this time to lay before you the present state of certain hostile threats against the territories of Spain in our neighborhood.

The documents which accompany this message develop the measures which I have taken to suppress them, and the intelligence which has lately been received.

It will be seen from thence that the subject has not been neglected; that every power vested in the Executive on such occasions has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished.

But it appears to have been revived upon principles which set public order at defiance, and place the peace of the United States in the discretion of unauthorized individuals. The means already deposited in the different departments of Government are shown, by experience, not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws as they now stand.

G. WASHINGTON.
UNITED STATES, May 20, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States," reported an additional section; and the report was read.

Ordered, That it lie for consideration.

Agreeably to notice, Mr. JACKSON obtained permission to introduce a bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States; and the bill was accordingly read the first time, and ordered to a second reading.

WEDNESDAY, May 21.

The VICE PRESIDENT laid before the Senate a Letter from Secretary of the Department of State, with an abstract of the vexations and spoliations on the commerce of the United States. The Letter was read.

Ordered, That the Letter and abstract therein referred to lie for consideration.

Mr. CABOT, from the committee to whom was referred, on the 16th instant, the petition of Moses Brown and others, reported a bill for extending

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the benefit of a drawback and terms of credit in certain cases and for other purposes; which was read the first time, and ordered to a second reading.

The Senate proceeded to consider the resolution sent from the House of Representatives for concurrence, for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States; and

On motion to refer the resolution to a committee to consider and report thereon, it passed in the negative—years 9, says 11, as follows:

YEAS.—Messrs. Brown, Foster, Hawkins, Martin, Monroe, Potts, Robinson, Ross, and Vining.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Jackson, Izard, Livermore, Morris, and Rutherford.

On motion, it was agreed to postpone the further consideration of this resolution.

The bill to authorize the President of the UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be built or purchased a number of vessels, to be equipped as galleys in the service of the United States, was read the second time and referred to Messrs. JACKSON, RUTHERFORD, and CABOT, to consider and report thereon to the Senate.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States, and on the tonnage of ships or vessels," reported amendments; which were read.

Ordered, That the consideration thereof be postponed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you, in confidence, sundry papers by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing; and also certain information, whereby it would appear that some encroachment was about to be made on our territory by an officer and party of British troops. Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British Minister, a copy of which accompanied this Message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

G. WASHINGTON.

UNITED STATES, May 21, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

A Message from the House of Representatives informed the Senate, that they have passed the following bills and resolve, in which they desire the concurrence of the Senate; the bill, entitled "An act to compensate Arthur St. Clair," the bill,

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entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States;" the bill, entitled "An act to alter the time for the next annual meeting of Congress;" and a resolve that Congress adjourn on the third day of June next.

The bill sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the first time, and ordered to a second reading.

The resolve, sent from the House of Representatives for concurrence, that Congress adjourn on the third day of June next, was read, and ordered to lie on the table.

THURSDAY, May 22.

Ordered, That Messrs. ELLSWORTH, LIVERMORE, and MONROE, be a committee to report a bill to authorize a settlement of the accounts of Loan officers, for clerk hire and stationery.

Ordered, That the same committee be instructed to bring in a bill to provide for mitigating or remitting fines, penalties, and forfeitures, incurred under the revenue laws, in cases not now provided for.

That the same committee be instructed to bring in a bill further to extend the time for receiving on loan the Domestic Debt of the United States; and

That the same committee be also instructed to bring in a bill to continue in force the "Act for the relief of persons imprisoned for debt;" a bill

Ordered, that the committee on the Message of the PRESIDENT OF THE UNITED STATES, of the 19th of February last, respecting the judiciary, be enjoined to report.

The bill, sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the second time, and referred to Messrs. BROWN, GUNN, and VINING, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," was read the second time, and referred to the committee last appointed, to consider and report thereon to the Senate.

The Senate proceeded to consider the amendments reported by the committee to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;"

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which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to the third reading. The Vice President laid before the Senate a Report of the Secretary for the Department of War, on twenty-three additional claims for compensation to invalid pensioners; which were read, and ordered to lie for consideration.

The bill for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes, was read a second time; and, being amended,

Ordered, That this bill be engrossed for a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the second time.

Ordered, That this bill pass to the third reading. The Senate resumed the consideration of the resolve sent from the House of Representatives for concurrence, that Congress adjourn on the 3d day of June next; and

Resolved, That they do concur therein.

The Senate resumed the consideration of the resolve sent from the House of Representatives for concurrence, "for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States."

On motion, it was agreed to amend the resolve, by inserting "at their own expense," after the words "several States."

On motion to concur in the resolution as amended, it passed in the negative—years 5, says 15, as follows:

YEAS.—Messrs. HAWKINS, MARTIN, MONROE, ROSS, and Vining.

NAYS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, Izard, Livermore, Morris, Potts, Robinson, and Rutherford.

FRIDAY, May 23.

Mr. ELLSWORTH, from the committee appointed yesterday for the purpose, reported the three following bills: A bill to continue in force the act for the relief of persons imprisoned for debt; a bill further extending the time for receiving on loan the Domestic Debt of the United States; and a bill authorizing a settlement of certain expenses of the Commissioners of Loans; which bills were severally read the first time, and ordered to a second reading.

The engrossed bill for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes, was read the third time, and ordered to lie for further consideration.

Mr. JACKSON, from the committee to whom was referred the bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, if he shall think the same necessary, to cause to be built or purchased a number of vessels, to be equipped as galleys in the service of the

United States, reported amendments, which were read.

The bill sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next annual meeting of Congress," was read the third time, and passed.

The amendments reported on the bill to authorize the PRESIDENT OF THE UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States, were resumed.

On motion to adopt the first section, amended as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels to be built or purchased, and to be fitted out, manned, armed, and equipped, as galleys in the service of the United States; the officers and men to be on the same pay, and to receive the same subsistence, as officers of the same rank and men are entitled to in the Navy of the United States."

It passed in the affirmative—years 10, says 9, as follows:

YEAS.—Messrs. Cabot, Frelinghuysen, Gunn, Henry, Jackson, Izard, Monroe, Morris, Potts, and Rutherford.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Hawkins, Livermore, Martin, Robinson, and Ross.

On motion, to adopt the following additional clause to the bill:

"And be it further enacted, That there be appropriated, for the purpose aforesaid, the sum of one hundred and fifty thousand dollars, to be paid out of the proceeds of any revenues of the United States which now are, or hereafter, during the present session, shall be, provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of one hundred and fifty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated as aforesaid, according to such contract or contracts which shall be made concerning the same."

It passed in the affirmative—years 11, says 8, as follows:

YEAS.—Messrs. Cabot, Frelinghuysen, Gunn, Henry, Jackson, Izard, Monroe, Morris, Potts, Robinson, and Rutherford.

NAYS.—Messrs. Bradford, Brown, Ellsworth, Foster, Hawkins, Livermore, Martin, and Ross.

And, after agreeing to further amendments, the bill was ordered to be engrossed for a third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and
of the House of Representatives:

I lay before you the copy of a Letter from the Minister Plenipotentiary of his Britannic Majesty, in answer to a Letter from the Secretary of State, communicated to Congress yesterday; and also the copy of a Letter

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from the Secretary, which is referred to in the above mentioned Letter of the Minister.

G. WASHINGTON.

UNITED STATES, May 23, 1794.

The Message and papers were read.

Ordered, That the Message and papers therein referred to, together with the communications referred to in the Message of the President of the UNITED STATES, of the 21st instant, be printed for the use of the Senate.

The Vice President laid before the Senate a Letter, signed Arthur St. Clair, respecting the loss of certain horses in the public service.

Ordered, That this Letter be referred to the committee to whom was yesterday referred the bill, entitled "An act to compensate Arthur St. Clair."

On request, Ordered, That the Vice President be excused from attendance in Senate, after Friday next.

The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time.

A motion was made to restore the fourth section, amended as follows:

"And be it further enacted, That, upon all ships or vessels of the United States, there shall be levied and paid, after the last day of June next, a duty of six cents per ton, in addition to the duty now chargeable by law; and upon all ships or vessels, belonging wholly or in part to the subjects or citizens of any foreign Power, which, after the said last day of June next, shall be entered in the United States, from any foreign port or place, there shall be levied and paid a duty of 25 cents per ton, in addition to the duty now chargeable by law."

And, on motion, it was agreed, that the further consideration of this bill, at this time, be postponed.

SATURDAY, May 24.

The bill further extending the time for receiving on loan the Domestic Debt of the United States, was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill read the third time and passed.

The bill authorizing a settlement of certain expenses of the Commissioners of Loans, was read the second time, and ordered to be engrossed for a third reading.

The bill to continue in force "The act for the relief of persons imprisoned for debt," was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill entitled "An act for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina," and a bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," in which several bills they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the first time, and ordered to a second reading.

The engrossed bill authorizing a settlement of certain expenses of the Commissioners of Loans, was read the third time.

Resolved, That this bill pass, and that the title thereof be "An act authorizing a settlement of certain expenses of the Commissioners of Loans."

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The bill allowing an additional compensation to the principal clerks in the Department of State, and the Treasury and War Departments, for the year 1794, was read the second time, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

Mr. PORTER, from the committee appointed for the purpose, reported a bill to increase the military force of the United States, and to encourage the recruiting service; which was read, and ordered to a second reading.

The Senate resumed the consideration of the amendment reported by the committee to whom was referred the bill, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States."

On motion that the amendment be adopted, it passed in the negative—yeas 9, nays 11, as follows:

YEAS.—Messrs. Brown, Gunn, Jackson, Monroe, Morris, Potts, Robinson, Rosa, and Rutherford.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, Henry, Izard, King, Livermore, Martin, and Vining.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The Commissioners of his Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.

UNITED STATES, May 26, 1794.

TUESDAY, May 27.

Mr. ELLSWORTH, from the committee to whom was referred the Message of the President of the UNITED STATES, of the 19th of February last, with a representation from the Justices of the Supreme Court, reported that the further consideration thereof be postponed to the next session of Congress; and the report was adopted.

The Message yesterday received from the President of the UNITED STATES, transmitting the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, together with the form of the certificate therein referred to, were read, and ordered to lie for consideration.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States."

On motion to recommit the bill, with instructions to the committee to report an amendment for carrying into effect an assumption of the Domestic Debts of the creditor States, to the amount of the balances reported to be due to them, it passed in the negative—yeas 5, nays 13, as follows:

YEAS.—Messrs. Jackson, Potts, Robinson, Rosa, and Rutherford.

NAYS.—Messrs. Bradford, Brown, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Henry, Izard, King, Livermore, Martin, and Morris.

On motion to strike out the first section of the bill, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That interest upon the balances reported to be due to certain States, by the Commissioners for settling accounts between the United States and individual States, be allowed from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum; and that the amount of such interest be placed to the credit of the State to which the same shall be found due upon the books of the Treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four."

It passed in the negative, yeas 9, nays 11—as follows:

YEAS.—Messrs. Brown, Gunn, Hawkins, Jackson, Martin, Potts, Robinson, Rosa, and Rutherford.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, and Vining.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read the second time, and referred to Messrs. GUNN, ELLSWORTH, PORTER, CABOT, and KING, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto,'" in which they desire the concurrence of the Senate.

The bill was read, and ordered to a second reading.

The Vice President laid before the Senate a memorial signed Thomas Leiper and Gavin Hamilton, "manufacturers of snuff in the city of Philadelphia, on behalf of themselves and their brethren throughout the Union," remonstrating against the imposition of an excise upon the said article; which was read.

Ordered, That this memorial lie on the table.

The bill to increase the military force of the United States, and to encourage the recruiting service, was read the second time, and considered.

Ordered, That the further consideration thereof be postponed until to-morrow.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to compensate Arthur St. Clair," reported amendments, which

were read, and in part agreed to; and the bill was amended accordingly.

Ordered, That this bill pass to the third reading.

WEDNESDAY, May 28.

The bill sent from the House of Representatives for concurrence, entitled "An act to compensate Arthur St. Clair," was read the third time.

On motion, it was agreed to reconsider the amendments made to this bill in the second reading.

Resolved, That this bill pass without amendment. The bill from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" was read the second time, and referred to Messrs. JACKSON, RUTHERFORD, and BROWN, to consider and report thereon to the Senate.

The Senate resumed the second reading of the bill to increase the military force of the United States, and to encourage the recruiting service.

On motion to expunge the first section of the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall be, and he is hereby, authorized, during the next recess of Congress, to raise and equip such additional military force as circumstances shall, in his judgment, render necessary, not exceeding ten thousand non-commissioned officers, musicians, and privates, to serve for three years, unless sooner discharged, together with a proper proportion of commissioned officers, of all the grades, respectively, according to the present Military Establishment of the United States."

It passed in the negative—yeas 8, nays 12, as follows:

YEAS.—Messrs. Brown, Foster, Hawkins, Jackson, Livermore, Martin, Robinson, and Rosa.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Izard, King, Morris, Potts, Rutherford, and Vining.

Ordered, That this bill be engrossed for a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the payment of the interest on the balances due to certain States upon a final settlement of the accounts between the United States and the individual States," was read the third time.

On motion to postpone the further consideration thereof to the next session of Congress, it passed in the negative—yeas 8, nays 12, as follows:

YEAS.—Messrs. Brown, Gunn, Hawkins, Jackson, Martin, Potts, Robinson, and Rosa.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Henry, Izard, King, Livermore, Morris, Rutherford, and Vining.

On motion to strike out the first section of the bill, it passed in the negative.

On motion to adopt the following as an additional section to the bill, to wit:

"And be it further enacted, That, when the Legislature of any creditor State shall have passed an act declaring that the creditors of such State, or so many of them as may apply, shall be allowed a proportion of the debt due to such State, in lieu of their respective demands, then the Commissioner of Loans of such State shall be authorized to receive such of the notes or certificates of the said State as may be designated by an act of the Legislature thereof, and on the terms therein prescribed, and to give certificates therefor in the manner directed in such act; and the said certificates shall be transferrable, and the interest which shall become due shall be payable quarter yearly, in the same manner as on the other certificates of the United States: *Provided*, That the Commissioners of Loans shall not issue certificates to a greater amount than the sums due to the States in which they respectively act, nor for a greater amount of interest than shall be the proportion of such State, and that no interest shall be paid before the last day of March, one thousand seven hundred and ninety-five."

It passed in the negative.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the second time, and referred to Messrs. ELLSWORTH, CABOT, and IZARD, to consider and report thereon to the Senate.

THURSDAY, May 29.

Mr. GUNN, from the committee to whom was referred the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," reported amendments, which were adopted, and the bill was amended accordingly.

Ordered, That this bill pass to a third reading.

The VICE PRESIDENT laid before the Senate the Report of the Secretary for the Department of War, on four additional claims for compensation to invalid pensioners, which was read.

Ordered, That the report be for consideration.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act laying duties upon ear-rings for the conveyance of persons;" a bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers;" and a bill, entitled "An act providing for the payment of the second instalment, due on a Loan made of the Bank of the United States;" in which several bills they desire the concurrence of the Senate.

The three last bills brought from the House of Representatives for concurrence were severally read, and ordered to a second reading.

The engrossed bill to increase the military force of the United States, and to encourage the recruiting service, was read the third time.

On motion to add the following, as an additional section to the bill:

"And be it further enacted, That, in case a war shall break out between the United States and any European Power, at any time within two years, all non-commissioned officers, musicians, and privates, then in service under this act, or any act for raising troops heretofore passed, who shall be willing to re-enlist to serve in the

troops of the United States to the end of such war, shall be permitted to re-enlist, and such re-enlistment shall thereafter entitle them to receive an addition to their pay of one dollar and fifty cents per month."

It passed in the negative.

On motion to restore the third section of the bill, stricken out in the second reading, to wit:

"And be it further enacted, That, from and after the first day of July next, there shall be allowed to each non-commissioned officer, musician, and private, who shall then or afterwards be in service, on the present Military Establishment, or under this act, the additional pay of one dollar per month."

It passed in the negative—yeas 7, nays 13, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Henry, Izard, Potts, and Vining.

NAYS.—Messrs. Brown, Foster, Frelinghuysen, Gunn, Hawkins, Jackson, King, Livermore, Martin, Morris, Robinson, Rosa, and Rutherford.

On motion, that this bill pass, it passed in the affirmative—yeas 12, nays 8, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Gunn, Henry, Izard, King, Morris, Potts, Rutherford, and Vining.

NAYS.—Messrs. Brown, Foster, Hawkins, Jackson, Livermore, Martin, Robinson, and Rosa.

So it was *Resolved*, That this bill pass, and that the title thereof be, "An act to increase the military force of the United States, and to encourage the recruiting service."

FRIDAY, May 30.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," was read the third time, and further amended, by striking out the words from the end of the 12th section, "in case of sickness, absence, or for other sufficient causes," and inserting in lieu thereof, these words: "in cases of occasional and necessary absence, or of sickness, and not otherwise."

Resolved, That this bill pass with amendments.

A message from the House, informed the Senate, that they have passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of the second instalment due on a Loan made of the Bank of the United States," was read the second time; and the rule being dispensed with, the bill was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual protection of the Southwestern frontier settlers," was read the second time.

On motion, it was agreed to amend the bill, so

as that the number of the militia to be called out shall not exceed five thousand.

Ordered, That this bill be referred to Messrs. KING, JACKSON, RUTHERFORD, POTTS, and ELLSWORTH, to consider and report thereon to the Senate.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill sent from the House of Representatives for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," be now read the second time; and,

On motion, to agree to the first section of the bill, as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, authorized and empowered, whenever, in his opinion, the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same whenever he shall think proper. And the President is hereby fully authorized to give all such orders to the officers of the United States, as may be necessary to carry the same into full effect: *Provided*, The authority aforesaid shall not be exercised while the Congress of the United States shall be in session. And any embargo which may be laid by the President as aforesaid shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same."

It passed in the affirmative—yeas 14, nays 5, as follows:

YEAS.—Messrs. Bradford, Brown, Foster, Frelinghuysen, Hawkins, Henry, Jackson, Izard, King, Martin, Potts, Rutherford, and Vining.

NAYS.—Messrs. Cabot, Ellsworth, Livermore, Morris, and Rosa.

Ordered, That this bill pass to a third reading. The bill sent from the House of Representatives for concurrence, entitled "An act laying duties upon carriages for the conveyance of persons," was read the second time.

Ordered, That this bill be referred to the committee to whom is referred the bill, entitled "An act laying certain duties upon snuff and refined sugar," to consider and report thereon to the Senate.

SATURDAY, May 31.

The VICE PRESIDENT being absent, the Senate proceeded to the election of a President *pro tempore*, as the Constitution provides, and RALPH IZARD was duly elected.

Mr. KING, from the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported, that the bill do not pass; and, after debate, the further consideration of the report was postponed until Monday next.

A message from the House of Representatives informed the Senate that the House have passed the following bills: a bill, entitled, "An act laying

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duties on property sold at auction; a bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic;" a bill, entitled "An act laying duties on licenses for selling wines, and foreign distilled spirituous liquors, by retail;" and a bill, entitled "An act for the relief of John Robbe," in which several bills they desire the concurrence of the Senate.

The four bills last brought from the House of Representatives for concurrence, were severally read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes," was read the third time, and passed.

Mr. BROWN, from the committee to whom was referred the bill, entitled "An act to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States," reported that the bill pass without amendment, and the report was adopted.

On motion, it was agreed, by unanimous consent, that the rule be dispensed with, and that this bill be now read the third time, and passed.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act laying certain duties upon snuff and refined sugar," reported amendments.

Ordered, That the amendments be printed for the use of the Senate, and that the further consideration of the bill be postponed until Monday next.

A message from the House of Representatives informed the Senate, that the House agree to some, and disagree to other amendments of the Senate, to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," ask a conference on the disagreeing votes thereon, and have appointed managers at the same on their part.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry amendments to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," and asking a conference on the disagreeing votes thereon.

Resolved, That the Senate insist on their amendments to the said bill, agree to the proposed conference, and that Messrs. ELLSWORTH, KING, and CABOT, be the managers at the same on the part of the Senate.

MONDAY, June 2.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to extend the term of credit for teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the Snow Frelove," in which they desire the concurrence of the Senate.

With this message came also a vote of the House of Representatives, dated June the 2d, 1794, as follows:

[JUNE, 1794.]

"The SPEAKER laid before the House a Letter from Francis Joachim Van Aken, styling himself Assistant Judge, addressed to the Congress of the United States, and dated Orebro, in Sweden, the 1st of January, 1794, stating the particulars of his discovery of an Art, described in the Swedish language, for extinguishing fires and preventing conflagrations, whether in war or peace, on board vessels, or in houses on fire; which was read, and ordered to be sent to the Senate for their information."

The bill last mentioned to have been brought from the House of Representatives for concurrence, was read, and ordered to a second reading.

The vote of the House of Representatives last recited was read.

Ordered, That the vote and letter therein referred to lie on the table.

A motion was made that it be

"Resolved, The House of Representatives concurring herewith, that the resolution of the two Houses, passed the 23d day of May, authorizing the President of the Senate and Speaker of the House of Representatives to adjourn their respective Houses on Tuesday, the 3d day of June, be, and the same is hereby, repealed; and that the President of the Senate and the Speaker of the House of Representatives be, and they are hereby, authorized to adjourn their respective Houses on — day of June instant."

Ordered, That the consideration of this motion be postponed until to-morrow.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, entitled "An act laying certain duties upon snuff and refined sugar."

On motion, to expunge the two first sections of the bill, as follows:

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the thirtieth day of September next, there be levied, collected, and paid upon snuff, which after that day shall be manufactured for sale within the United States, at any manufactory, for every pound of snuff, eight cents."

"Sec. 2. And be it further enacted, That, from and after the said thirtieth day of September next, there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound."

It passed in the negative—yeas 7, nays 13, as follows:

YEAS.—Messrs. Brown, Burr, Jackson, Livermore, Morris, Robinson, and Rosa.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, King, Martin, Potts, Rutherford, and Vining.

The amendments reported by the committee were severally adopted, and the bill was further amended.

A motion was made

"That the consideration of this bill be postponed, and a committee appointed to bring in a bill laying certain duties upon the utensils, engines, and machines used in the manufactories of snuff and the refinement of sugar, as a substitute for this bill."

And it passed in the negative.

Ordered, That this bill pass to the third reading.

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Mr. ELLSWORTH, from the managers at the conference on the disagreeing votes of the two Houses, on the amendments of the Senate to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," reported—

"That the Senate recede from their amendment to the 12th section;

"That the House of Representatives agree to the amendment proposed by the Senate to the 6th section;

"That the House of Representatives agree to the amendment proposed by the Senate to the 13th section, with an amendment, by striking out 'supervisors,' and that the Senate agree to such amendment of their amendment;

"That the Senate recede from their amendment to strike out the 16th section, and that both Houses agree to amend the said section, by striking out 'weekly,' and inserting 'for any term of time less than one year, and not less than one month';

"That the House of Representatives agree to the amendment proposed by the Senate to the 17th section, with an amendment, by inserting after 'left at his dwelling,' by the collector, and that the Senate agree to such amendment of their amendment;

"That the House of Representatives agree to the amendment proposed by the Senate to insert, after the 17th section of the bill, two additional sections;

"And that both Houses agree to alter the 9th section, by inserting after 'States,' and of the Territory of the United States Northwest of the river Ohio, and of the Territory of the United States South of the river Ohio."

And the report was adopted.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

I send you certain communications, recently received from Georgia, which materially change the prospect of affairs in that quarter, and seem to render a war with the Creek nations more probable than it has been at any antecedent period. While the attention of Congress will be directed to the consideration of measures suited to the exigency, it cannot escape their observation that this intelligence brings a fresh proof of the insufficiency of the existing provisions of the laws, towards the effectual cultivation and preservation of peace with our Indian neighbors.

G. WASHINGTON.

UNITED STATES, June 2, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. ELLSWORTH, from the committee to whom was referred the bill, entitled "An act laying duties upon carriages for the conveyance of persons," reported that the bill pass without amendment.

Ordered, That the report lie for consideration.

TUESDAY, June 3.

A message from the House of Representatives informed the Senate, that the House have passed the bill, sent from the Senate for concurrence, entitled "An act in addition to the act for the punishment of certain crimes against the United

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States," with amendments, in which they desire the concurrence of the Senate.

With the message came the following resolution of the House of Representatives for concurrence:

"Resolved, That the resolution of the 21st ultimo, authorizing the President of the Senate and Speaker of the House of Representatives to close the present session, by adjourning their respective Houses on this day, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the 6th instant, to meet on the day by law appointed."

The resolution being read, on motion to strike out "Thursday the 6th," and insert "Friday the 6th," it passed in the negative.

Resolved, That the Senate concur in this resolution.

The bill sent from the House of Representatives for concurrence, entitled "An act laying certain duties upon snuff and refined sugar," was read the third time.

On motion to substitute six in lieu of eight cents, it passed in the negative.

On motion to add the following to the 14th section of the bill:

"Provided this restriction shall not extend to prohibit the importation of sugar from the provinces of Canada in vessels of less burden; anything to the contrary notwithstanding."

It passed in the negative.

On motion, it was agreed to amend the bill, by annexing the following proviso to the 14th section:

"Provided, That no drawback shall be allowed on the exportation of either of the said articles in any instance where the same shall amount to less than twelve dollars."

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate, that the House agree to all the modifications of the amendments to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," as proposed by the committee of conference, except the amendment to the twelfth section, which the House of Representatives have agreed to in their first proceeding on the amendments of the Senate.

The report of the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontiers," was considered.

Ordered, That this bill be recommitted, and that the Message of the PRESIDENT OF THE UNITED STATES of the 2d instant be also referred to the same committee, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time.

On motion, to insert the following in the first section of the bill, to wit: after "coffee per pound," "on salt per bushel, three cents," it passed in the negative.

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On motion, it was agreed to strike out the following words, after "shoes and slippers for children," "on coal per bushel, one and a half cents." On motion, it was agreed to amend the bill, by inserting, after "coffee per pound," these words: "on clayed or lump sugar, one cent per pound." On motion to restore the fourth section of the bill, amended as follows:

And be it further enacted, That, upon all ships or vessels of the United States, there shall be levied and paid, after the last day of June next, a duty of six cents per ton, in addition to the duty now chargeable by law; and upon all ships or vessels belonging wholly or in part to the subjects or citizens of any foreign Power, which after the said last day of June next shall be entered in the United States from any foreign port or place, there shall be levied and paid a duty of twenty-five cents per ton, in addition to the duty now chargeable by law."

It passed in the negative.

On motion, it was agreed to expunge these words from the first section, "except window glass."

Resolved, That this bill pass with amendments. The report of the committee to whom was referred the bill, entitled "An act laying duties upon carriages for the conveyance of persons," was considered and adopted.

Ordered, That this bill pass to the third reading. The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors, by retail," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, and KING, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on property sold at auction," was read the second time, and referred to the committee last named, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of John Robbe," was read the second time, and referred to Messrs. LIVERMORE, BROWN, and HAWKINS, to consider and report thereon to the Senate.

Mr. LIVERMORE, from the said committee, reported that the bill last mentioned pass without amendment; and on motion, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of a certain sum of money due to the French Republic," was read the second time, and referred to Messrs. KING, GUNN, and ELLSWORTH, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act to extend the term of credit for teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the Snow Freeborn," was read the second time; and, by unanimous consent, the

rule was dispensed with, and the bill was read the third time and passed.

The Senate proceeded to consider the amendments of the House of Representatives to the bill, entitled "An act in addition to the act for the punishment of certain crimes against the United States."

Resolved, That they concur in the amendments to this bill.

WEDNESDAY, June 4.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties upon carriages for the conveyance of persons" was read the third time.

On motion to strike out, from the first section, all that follows the word "coaches," and, in lieu thereof, insert "and other four-wheeled carriages which hang or rest upon steel or iron springs, six dollars," it passed in the negative.

On motion to postpone the further consideration of the bill until the next session of Congress, it passed in the negative.

On the question: Shall this bill pass? it passed in the affirmative—Yeas 12, nays 8, as follows:

YEA—Messrs. Bradford, Cabot, Ellsworth, Foster, Gunn, Hawkins, King, Livermore, Martin, Morris, Ross, and Vining.

NAY—Messrs. Brown, Burr, Frelinghuysen, Henry, Jackson, Potts, Robinson, and Rutherford.

A message from the House of Representatives informed the Senate, that the House have passed a bill entitled "An act supplementary to the act entitled 'An act to promote the progress of Useful Arts,'" a bill entitled "An act concerning Invalids," a bill entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia," and a bill entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place for holding the Judicial Courts, and altering the time and place of holding certain Courts," in which several bills they desire the concurrence of the Senate. The House agree to some and disagree to other amendments of the Senate to the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Mr. CABOT, from the committee to whom was referred the bill entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," reported amendments, which were adopted; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

A message from the House of Representatives informed the Senate, that the House have passed "a resolution that a joint committee of both Houses be appointed to wait on the President of the UNITED STATES and request that he would recommend to the people of the United States a day of public humiliation and prayer, to be observed, by supplicating Almighty God for the safety, peace, and welfare of these States," they

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have appointed a committee on the part of the House, and desire the concurrence of the Senate, and the appointment of a committee on their part. Mr. CABOT, from the committee to whom was referred the bill entitled "An act laying duties on property sold at auction," reported amendments, which were adopted.

Ordered, That this bill pass to a third reading. The bill sent from the House of Representatives for concurrence, entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia," was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. Vining, Jackson, and KING, to consider and report thereon to the Senate.

Mr. Vining, from the committee on the bill last named, reported amendments, which were read and adopted; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The Senate proceeded to consider the resolution of the House of Representatives disagreeing to sundry of their amendments to the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

On motion that the Senate recede from their amendments disagreed to, it passed in the negative. *Resolved,* That the Senate insist on their said amendments, and ask a conference on the disagreeing votes of the two Houses thereon; and that Messrs. GUNN, KING, and ELLSWORTH, be managers at the same on the part of the Senate.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses on the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," and have appointed managers at the same on their part.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to promote the progress of Useful Arts,'" was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. Potts, Burr, and CABOT, to consider and report thereon to the Senate.

Mr. Potts, from the committee on the bill last mentioned, reported amendments, which were read and adopted, and the bill ordered to a third reading. The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before Congress the copy of a Letter, with its enclosures, from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, it being an answer to a Letter from the Minister to him, bearing date the 22d ultimo, and already communicated.

G. WASHINGTON.

UNITED STATES, June 4, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts," was read; and, by unanimous consent, the rule was dispensed with, and the bill was read the second time.

Ordered, That this bill be referred to Messrs. Vining, Martin, and BROWN, to consider and report thereon to the Senate.

Mr. KING, from the committee to whom was referred the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported amendments, which were read.

Ordered, That the amendments be printed for the use of the Senate.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to authorize the President of the UNITED STATES, during the recess of the present Congress, to cause to be built a number of vessels, to be equipped as galleys, in the service of the United States," with amendments, in which they desire the concurrence of the Senate.

Mr. JACKSON, from the committee to whom was referred the bill, entitled "An act to amend the act entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" reported amendments, which were read, and ordered to lie for consideration.

Ordered, That the Secretary of the Department of War do lay before the Senate a statement of the number of non-commissioned officers and privates now actually in the service of the United States upon the Military Establishment.

The bill sent from the House of Representatives for concurrence, entitled "An act concerning Invalids," was read, and ordered to a second reading.

THURSDAY, June 5.

The President laid before the Senate a Letter from the Secretary of the Department of War, accompanying a statement of the troops of the United States, according to the last returns; which was read, and ordered to lie on the table.

Mr. MARTIN, from the committee to whom was referred the bill entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place for holding certain Courts," reported amendments, which were adopted.

Ordered, That this bill pass to a third reading. A message from the House of Representatives informed the Senate, that the House have passed the bill sent from the Senate for concurrence, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States," with an amendment, in which they desire the concur-

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rence of the Senate; and that they have passed a bill, entitled "An act for the relief of Nicholas Reib," in which they desire the concurrence of the Senate.

The report of the committee on the bill entitled "An act to amend the act entitled 'An act to enable the officers and soldiers of the Virginia line on Continental Establishment to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miami and Scioto,'" was considered and adopted.

Ordered, That the bill be printed as it is reported to be amended.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States."

Resolved, That the Senate concur in the said amendment.

A message from the House of Representatives informed the Senate, that they have passed "a resolution directing the Secretary of War to make out and return to the District Judges certain lists in the cases of Invalid Pensioners," in which they desire the concurrence of the Senate.

Resolved, That the resolution of the 3d instant, authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on this day, be rescinded; and that, instead thereof, they be authorized to adjourn their respective Houses on Monday, the 9th instant, to meet at the day by law appointed.

The President laid before the Senate a Letter from the Secretary for the Department of War, submitting further information relative to the recent events upon the Southwestern frontiers.

The Letter and communication therein referred to were read and ordered to lie for consideration.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill entitled "An act for the more effectual protection of the Southwestern frontier settlers."

On motion to adopt the report of the committee, so far as that the three first sections of the bill, as it came from the House of Representatives, be struck out, to wit:

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to call out, from time to time, as occasion may require, any number of militia belonging to the State of Georgia, South Carolina, North Carolina, Virginia, or the Territory South of the river Ohio, not exceeding in the whole ten thousand, as may at any time be, by him, thought necessary to carry on offensive operations against the Creek and Cherokee Nations or Tribes of Indians: *Provided*, That the militia to be called out to be not continued in service for a longer term than six months at any one time."

"Sec. 2. And be it further enacted, That the President of the United States be authorized to establish such military posts as he may deem necessary for the

permanent security of the Southwestern frontier settlers; and that the posts so to be established shall be guarded by troops from the line of the present Military Establishment, or by militia from the States and Territory aforesaid, as the President may judge most expedient; and between every two of the said posts there shall be kept up a constant patrol of mounted rangers.

"Sec. 3. And be it further enacted, That the militia to be employed by virtue of this act shall, while in service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to."

It passed in the affirmative—yeas 16, nays 8, as follows:

YEAS.—Messrs. Bradford, Brown, Burr, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Henry, King, Livermore, Morris, Potts, Rosa, Rutherford, and Vining. NAYS.—Messrs. Gunn, Jackson, and Martin.

On motion that the first section of the bill pass as reported by the committee, and agreed to be amended in Senate, to wit:

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he hereby is, authorized to raise, for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, the Territory South of the Ohio, and Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers and privates, and solely to appoint the commissioned officers thereto, and organize the same according to the present establishment: *Provided*, That if the President of the United States shall be of opinion that any part of the legion now in service, whether officers or privates, can, without detriment to the public service, be transferred and constitute a part of the regiment herein provided, he be authorized to make such transfer."

It passed in the affirmative—yeas 13, nays 4, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Livermore, Morris, Potts, and Rutherford. NAYS.—Messrs. Brown, Burr, Martin, and Rosa.

On motion, the blank in the second section reported by the committee was filled with "twenty," and the section adopted as follows:

"Sec. 2. And be it further enacted, That the non-commissioned officers, privates, and musicians of the said regiment shall receive as a bounty after their enlistment the sum of twenty dollars, and that they, together with the commissioned officers, shall receive the same pay and allowances, in all respects, and be governed by the same Rules and Articles of War, as the other troops of the United States."

On motion to agree to the report of the committee, of a section as follows:

"Sec. 3. And be it further enacted, That the President of the United States be, and he is hereby, authorized to establish such military posts without the jurisdiction of any individual State or the Territory aforesaid as he may deem necessary for the permanent security of the Southwestern frontiers, and that the said posts shall be guarded by troops on the establishment or by the militia."

It passed in the negative.

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On motion, the Senate agreed to adopt the report of the committee of a fourth and fifth section to the bill, as follows:

"Sec. 4. And be it further enacted, That, whenever the United States shall be invaded, or in imminent danger of invasion from any Nation or Tribe of Indians, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper."

"Sec. 5. And be it further enacted, That the militia to be employed by virtue of this act shall, while in service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to."

On motion to expunge the 6th section reported by the committee, as follows:

"Sec. 6. And be it further enacted, That all persons who shall be assembled or embodied in arms upon any land belonging to Indians out of the ordinary jurisdiction of any State or the Territory aforesaid, for the purpose or with the intent of warring against the Indians, or of committing depredations on any Indian town, or person, or property, shall thereby become subject to the Rules and Articles of War, which are, or shall be established for the government of the troops of the United States."

It passed in the negative—yeas 7, nays 10, as follows:

YEAS.—Messrs. Burr, Frelinghuysen, Gunn, Henry, Jackson, Martin, and Rosa. NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Livermore, Morris, Potts, and Vining.

On motion to agree to a 7th section, reported by the committee, as follows:

"Sec. 7. And be it further enacted, That if the President of the United States shall deem the same conducive to the good of the public service, he be, and hereby is, authorized to appoint a Major General to command the troops authorized by this act, who shall receive the same pay and allowances as are granted to a Major General by the act, entitled 'An act for making further and more effectual provision for the protection of the frontiers of the United States.'"

It passed in the negative.

Ordered, That this bill pass to a third reading.

A message from the House of Representatives informed the Senate, that they have passed a bill, entitled "An act to continue in force, for a limited time, the act supplementary to 'The act for the establishment and support of light-houses, beacons, buoys, and public piers,'" and a bill, entitled "An act to continue in force, for a limited time, the act, entitled 'An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States and for other purposes,'" in which several bills they desire the concurrence of the Senate. They insist on one and recede from other amendments disagreed to by the Senate on the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

Mr. GUNN reported, from the managers at the conference on the disagreeing votes of the two Houses, on the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels." Whereupon,

Resolved, That the Senate so far recede from their amendment to the first section, as that the duty on coal stand at one half cent per bushel. They also recede from their last amendment to the first section, which was to strike out the words "except window glass."

Ordered, That the Secretary acquaint the House of Representatives therewith.

The bill sent from the House of Representatives for concurrence, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts," was read a third time.

FRIDAY, June 6.

The bill sent from the House of Representatives for concurrence, entitled "An act for the more effectual protection of the Southwestern frontier settlers," was read the third time.

On motion it was agreed, by unanimous consent, to strike out these words from the second section reported by the committee, to wit: "after their enlistment."

On motion, it was agreed further to amend the second section reported by the committee, by inserting these words after "dollars": "one-half to be paid immediately after enlistment, the other half at the end of three months thereafter."

On motion, it was agreed further to amend the bill by striking out the fourth section reported by the committee.

Resolved, That this bill pass with amendments.

A message from the House of Representatives informed the Senate, that the House have resolved, that the Committee of Enrolments be authorized to amend the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," by striking out the word "next," in the first section, and, in lieu thereof, inserting the word "instant;" also, by making a corresponding alteration throughout the bill, and by striking out, in the title thereof, the words "and on the tonnage of ship or vessels;" and that the engrossed bill be amended conformably thereto; and that the concurrence of the Senate be requested, by message, in this resolution.

The Senate proceeded to consider the resolution last mentioned, and,

Resolved, That they do concur therein.

Mr. RUTHERFORD, from the committee to whom was referred the bill, entitled "An act for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina," reported that the bill do not pass, and the report was adopted. Whereupon,

Resolved, That the Senate do not concur in this bill.

Ordered, That the Secretary acquaint the House of Representatives therewith.

The bill sent from the House of Representatives for concurrence, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts," was read a third time.

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On motion, it was agreed to strike out the word "Delaware" from the second section, also the following words in the same section, "and in Delaware on the third Monday in June."

Also to add, at the end of the section, "And that the Circuit Court of the District of Delaware hereafter commence on the second Monday in June, instead of the 27th day of April; any law to the contrary notwithstanding."

Also, to amend the 3d and 4th sections of the bill.

Resolved, That this bill pass with amendments. The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Nicholas Reib," was read; and, by unanimous consent, the rule was dispensed with, and the bill was read a second and third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, the act entitled 'An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes,'" was read.

On the question, Shall this bill be read a second time? it passed in the negative.

Ordered, That the Secretary acquaint the House of Representatives that the Senate do not concur in this bill.

The bill, sent from the House of Representatives for concurrence, entitled "An act to continue in force for a limited time, 'The act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers,'" was read; and, by unanimous consent, the rule was dispensed with, and it was agreed that the bill have at this time a second and third reading.

Resolved, That this bill pass. The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to promote the progress of Useful Arts,'" was read the third time.

Resolved, That this bill pass with amendments. The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Sciota,'" was read the third time.

Resolved, That this bill pass with amendments. Mr. KING, from the committee, to whom was referred the bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic," reported that the bill do not pass, and that in the mean time it be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act concerning Invalids," was read the second time; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass.

The resolution sent from the House of Representatives for concurrence, "directing the Secretary at War to make out and return to the Dis-

trict Judges certain lists in the cases of Invalid Pensioners," was read.

Resolved, That this resolution pass with amendments.

A message from the House of Representatives informed the Senate, that the House have passed the bill, entitled "An act to authorize the settlement of the claims of Griffith Jones, Samuel Prieoleau, and John R. Livingston, against the United States," and a bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a health officer;" in which several bills they desire the concurrence of the Senate.

The bill last mentioned was read, and the rule was, by unanimous consent, dispensed with, and the bill was read the second time, and referred to Messrs. PORTS, MORRIS, and GUNN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the settlement of the claims of Griffith Jones, Samuel Prieoleau, and John R. Livingston, against the United States," was read.

Resolved, That the further consideration of this bill be postponed until the next session of Congress. The petition of George Nixon and others, clerks in the Auditor's office, praying an increase of compensation, was read, and referred to Messrs. ELLSWORTH, LIVERMORE, and MORRIS, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on property sold at auction," was read the third time.

Resolved, That this bill pass with amendments.

SATURDAY, June 7.

A message from the House of Representatives informed the Senate, that the House have passed a bill, entitled "An act making appropriations for certain purposes therein expressed;" in which they desire the concurrence of the Senate.

Mr. PORTS, from the committee to whom was referred the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health officer," reported amendments, which were read and adopted; and it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass, with amendments. A message from the House of Representatives informed the Senate, that the House disagree to the amendments of the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers."

The Senate proceeded to consider the resolution of the House of Representatives on the amendments to the said bill, and

Resolved, That they insist on their amendments

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to said bill, and that a conference be desired on the disagreeing votes of the two Houses, and that Messrs. KING, ELLSWORTH, and PORTS, be managers at the same on the part of the Senate.

A message from the House of Representatives informed the Senate, that the House agree to the proposed conference, on the disagreeing votes of the two Houses, on the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," and have appointed managers at the same on their part.

The bill, sent from the House of Representatives for concurrence, entitled "An act making appropriations for certain purposes therein expressed," was read; and it was agreed to dispense with the rule, and that this bill be now read the second time.

Ordered, That this bill be referred to Messrs. CANOT, ROSS, and ELLSWORTH, to consider and report thereon to the Senate.

The report of the committee to whom was referred the bill, entitled "An act providing for the payment of a certain sum of money due to the French Republic," was read, as follows:

"It appears, by a statement of the account between the United States and France, reported to the House of Representatives, that, according to the view which is entertained at the Treasury of that account, the United States, on the first day of January, 1794, were in advance to France the sum of two millions one hundred eleven thousand and eighty-six livres tournois and five deniers (being \$383,162 11) beyond the instalments of principal and all interest which had accrued to that period.

"It further appears, upon inquiry at the Treasury, that, since that period, there has been advanced on account of our Debt to France the further sum of seventy-one thousand two hundred and forty-two dollars and eighty-one cents.

"And it appears, likewise, from the papers referred to the committee, that the President has promised further payment upon the same account of 1,600,000 livres on the third of September next, and of 1,000,000 of livres on the 5th of November next, making together 453,750 dollars, which payments, it is understood, may be anticipated at the Bank of the United States, in the proportions and at the epochs which are desired by the Minister of the French Republic.

"These sums embrace all the parts of principal which, by contract, would become payable to France during the year 1794; beyond which, were there no anticipations, nothing would be demandable during the present year but the interest on the balance of the entire Debt, which balance, on the first day of January, 1794, is computed at the Treasury at \$2,611,587 88; whence it results that the payments which have been made, and engaged to be made, exceed those which by the terms of contract could be demanded.

"This being the case, and the Loan in question having been in its origin specifically appropriated to the purpose of the Sinking Fund;

"It is the opinion of the committee, that it is not advisable to divert it from its destination, as is proposed by the bill referred to them; and consequently, that the bill should not pass."

On motion, it was agreed to adopt the report of the committee.

On motion, that the bill last reported on be con-

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sidered in paragraphs, it passed in the negative—yeas 7, nays 12, as follows:

YEAS.—Messrs. Brown, Burr, Hawkins, Henry, Jackson, Martin, and Ross.
NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Livermore, Morris, Potts, Rutherford, and Vining.

And so the bill was rejected.

A message from the House of Representatives informed the Senate, that the House have passed a "resolve directing the respective Clerks of the District Courts of the United States to return copies of the tables of fees payable in the Supreme or Superior Court of the State in which he resides, to the Attorney General;" in which they desire the concurrence of the Senate.

The resolve last brought from the House of Representatives for concurrence was read.

Resolved, That the Senate concur therein.

A message from the House of Representatives informed the Senate, that the House of Representatives have passed a bill, entitled "An act making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks." They have appointed a committee to join such committee as shall be appointed on the part of the Senate, to wait on the President of the UNITED STATES, and notify him of the proposed recess of Congress.

The Senate proceeded to the consideration of the resolution last mentioned; and,

Resolved, That they do concur therein, and that Messrs. VIXING and KING be the committee on the part of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks," was read; and it was agreed, by unanimous consent, to dispense with the rule, and that the bill be now read the second time.

Ordered, That this bill be referred to Messrs. ROSS, BRADFORD, and MORRIS, to consider and report thereon to the Senate.

Mr. ROSS, from the committee last mentioned, reported that the consideration of this bill be postponed until the next session of Congress; and the report was adopted. Whereupon,

Resolved, That this bill do not pass.

Mr. ELLSWORTH, from the committee to whom was referred the petition of George Nixon and others, clerks in the Auditor's office, reported a bill, which was read, and the rule was dispensed with by unanimous consent, and the bill was read the second time.

On motion to amend the bill it passed in the negative, and the bill being read by paragraphs, it was ordered to a third reading.

A message from the House of Representatives informed the Senate that the House of Representatives agree to some amendments, and disagree to other amendments, of the Senate on the bill, entitled "An act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts."

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The Senate proceeded to consider the resolution of the House of Representatives on the bill last mentioned; and

Resolved, That they agree to the amendments of the House of Representatives to their amendments, and recede from their own amendments to the fourth section of the said bill.

Mr. Vining reported, from the joint committee, that they had waited on the President of the United States, and acquainted him with the intended recess of Congress on the 9th instant.

Mr. King, from the managers at the conference on the disagreeing votes of the two Houses on the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," reported that they could come to no agreement with the managers on the part of the House of Representatives.

A message from the House of Representatives informed the Senate, that the House adhere to their disagreement to the amendments of the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers."

Resolved, That the Senate adhere to their amendments to the bill last mentioned.

So the bill was lost.

Mr. Casor, from the committee to whom was referred the bill, entitled "An act making appropriations for certain purposes therein expressed," reported that the bill pass without amendment; which report was adopted; and, the bill being read in paragraphs, it was ordered to a third reading.

MONDAY, June 9.

On motion, the rule was, by unanimous consent, dispensed with, and Mr. King obtained permission to introduce a bill for the more effectual protection of the Southwestern frontiers; and the bill had its first and second reading.

On the question to agree to the first section of the bill, which is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, unless it shall be the opinion of the President of the United States, that a regiment of the troops heretofore authorized to be raised, may, consistently with the good of the public service, be employed for the protection of the Southwestern frontier, he be, and hereby is, authorized to cause to be raised for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, the Territory South of the Ohio, and the State of Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers, musicians and privates, and solely to appoint the commissioned officers thereof, and to organize the same according to the present Military Establishment."

It passed in the affirmative—yeas 15, nays 4, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Hawkins, Henry, Jackson, King, Lavermore, Morris, Potts, Rutherford, and Vining.

NAIS.—Messrs. Brown, Burr, Martin, and Ross.

On motion by Mr. Jackson, to postpone the last section of the bill, which is as follows:

"And be it further enacted, That all persons who shall be assembled or embodied in arms upon any land belonging to Indians, out of the ordinary jurisdiction of any State, or of the said Territory South of the Ohio, for the purpose of warring against the Indians, or of committing depredations upon any Indian town, or persons or property, shall thereby become liable and subject to the Rules and Articles of War which are, or shall be established for the government of the troops of the United States."

For the purpose of substituting the following:

"And be it further enacted, That any militia officer of the United States, or either of the States, conducting, authorizing, or attending, any expedition over the present boundary line between the respective States and any Indian tribe or nation, except in the pursuit of persons or property of the citizens of the United States, for the purpose of attacking their Indian towns, or destroying their persons, or to commit other depredations on their rights, shall, in addition to the pains or penalties the law of the United States now subjects him to, be liable to a trial by a General Court-martial, to be ordered by the Executive of the State or Territory to which such officer shall belong, and whose duty it is hereby declared to be, to order such Court-martial, and shall, if found guilty thereof, be cashiered, and be forever thereafter disqualified from holding any commission in the militia of the United States, or of either of the States."

It passed in the negative—yeas 8, nays 11, as follows:

YEAS.—Messrs. Brown, Burr, Frelinghuysen, Gunn, Henry, Jackson, Martin, and Ross.

NAIS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Lavermore, Morris, Potts, Rutherford, and Vining.

On motion that this bill be now read a third time by unanimous consent, it was not agreed to.

The bill for the further compensation of clerks in the Auditor's office, was read the third time, and passed.

The bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for certain purposes therein expressed," was read the third time, and passed.

On motion to rescind the resolution of both Houses, that Congress adjourn on this day, and to agree to adjourn on Wednesday next, it passed in the negative.

The President laid before the Senate a Letter from the Treasurer of the United States, with his specie account for the quarter ending the 31st of March last; which were read and ordered to lie for consideration.

A message from the House of Representatives informed the Senate, that the House, having finished the business of the session, are about to adjourn.

Ordered, That the Secretary notify the House of Representatives, that the Senate likewise, having finished the business of the session, are about to adjourn; and he, having reported that he had delivered the message, the President of the Senate, conformably to the resolution of the 5th instant, adjourned the Senate to the day appointed by law for the next meeting of Congress.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT THE CITY OF PHILADELPHIA, DECEMBER 2, 1793.

MONDAY, December 2, 1793.

This being the day appointed by the Constitution for the meeting of the present Congress, the following members appeared and took their seats:

From *New Hampshire*.—NICHOLAS GILMAN, JOHN S. SHEERBURN, JEREMIAH SMITH, and PAINE WINGATE.

From *Massachusetts*.—SHEARJASHUB BOURNE, DAVID COBB, HENRY DEARBORN, BENJAMIN GOODHUE, SAMUEL HOLTES, WILLIAM LYMAN, THEODORE SEDGWICK, GEORGE THATCHER, and ARTEMAS WARD.

From *Connecticut*.—AMASA LEARNED, UZIAH TRACY, JONATHAN THUMBULL, and JEREMIAH WADSWORTH.

From *Vermont*.—ISRAEL SMITH.

From *New York*.—THEODORUS BAILEY, EZEKIEL GILBERT, HENRY GLENN, JAMES GORDON, SILAS TALBOT, JOHN E. VAN ALLEN, PHILIP VANCORTLANDT, PETER VAN GAASBECK, and JOHN WATTS.

From *New Jersey*.—JOHN BEATTY, ELIAS BOUTWORT, LAMBERT CADWALADER, ABRAHAM CLARK, and JONATHAN DAYTON.

From *Pennsylvania*.—JAMES ARMSTRONG, WILLIAM FINDLEY, THOMAS FITZSIMONS, ANDREW GREGG, THOMAS HARTLEY, WILLIAM IRVINE, JOHN WILKES KITTERA, FREDERICK AUGUSTUS MUILENBERG, PETER MUILENBERG, THOMAS SCOTT, and JOHN SMITH.

From *Maryland*.—GEORGE DENT, and SAMUEL SMITH.

From *Virginia*.—WILLIAM B. GILES, CARTER B. HARRISON, JOHN HEATH, RICHARD BLAND LEE, JAMES MADISON, ANDREW MOORE, ANTHONY NEW, JOHN NICHOLAS, FRANCIS PRESTON, ROBERT RUTHERFORD, ABRAHAM VENABLE, and FRANCIS WALKER.

From *Kentucky*.—CHRISTOPHER GREENUP.

From *North Carolina*.—THOMAS BLOUNT, WILLIAM JOHNSON DAWSON, MATTHEW LOCKE, NATHANIEL MACON, and ALEXANDER MEDANE.

From *South Carolina*.—WILLIAM SMITH.

From *Georgia*.—ABRAHAM BALDWIN and THOMAS P. CAENES.

A quorum of the members being present, the House proceeded to ballot for a Speaker, when it appeared that FREDERICK A. MUILENBERG, one of the members from Pennsylvania, was elected;

whereupon he was conducted to the Chair, and made his acknowledgments to the House.

The House then proceeded, in the same manner, to the appointment of a Clerk, when JOHN BECKLEY was appointed.

The usual oath was then administered to the members.

Messages were interchanged between the two Houses, announcing their formation and readiness to proceed to business.

Joseph Wheaton was appointed Sergeant-at-Arms, Gifford Dally as Doorkeeper, and Thomas Claxton as Assistant Doorkeeper.

A joint committee was appointed by the two Houses to wait on the President of the United States, to inform him that a quorum of the two Houses is assembled, and ready to receive any communication that he may think proper to make to them.

Resolved, That two Chaplains, of different denominations, be appointed, one by each House, to interchange weekly.

Resolved, That a standing Committee of Elections be appointed; also a committee to report rules and orders of proceeding.

TUESDAY, December 3.

JOSEPH McDOWELL and BENJAMIN WILLIAMS, from North Carolina, appeared and took their seats.

A message from the Senate announced their readiness to receive the communication from the President of the United States. The SPEAKER and members withdrew to the Senate Chamber, where the President attended and delivered his Speech to the two Houses, which will be found in the proceedings of the Senate, page 10.

On the return of the members, the Speech was committed to a Committee of the Whole.

A message was received from the President, with a copy of his Proclamation and of the Rules prescribed by him for the government of the Executive Officers in executing the Treaties between the United States and Foreign Powers, referred to in the President's Speech. [For copies of these papers, see the Appendix.]

The Senate informed the House that they had appointed the Right Reverend Bishop WHITE Chaplain.

And the House proceeded to elect their Chap-

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lain. The Reverend ASHBEL GREEN was their choice.

WEDNESDAY, December 4.

PELEG COFFIN, JR., from Massachusetts; WILLIAM MONTGOMERY, from Pennsylvania; and WILLIAM VANS MURRAY, from Maryland, appeared, produced their credentials, and took their seats in the House; the oath to support the Constitution of the United States being first administered to them by the SPEAKER, according to law.

The House resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Speech under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it is the opinion of this Committee that a respectful Address ought to be presented by the House of Representatives to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress, at the commencement of this session, containing assurances that this House will take into consideration the various and important matters recommended to their attention.

Ordered, That Messrs. MADISON, SEDGWICK, WATTS, HARTLEY, and SAMUEL SMITH, be appointed a committee to prepare an Address pursuant to the said resolution.

Resolved, That this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said Speech.

A petition of Henry Latimer, of the State of Delaware, was presented to the House and read, complaining of an undue election and return of JOHN PATTON, to serve as a member of this House for the said State.

Ordered, That the said petition do lie on the table.

TREATY WITH THE INDIANS.

A communication was received from the War Department, consisting of a copy of the instructions given to the Commissioners for treating with the Indians North of the Ohio; the Journal of those Commissioners, and a list of the officers in the service of the United States.

Some objection was at first made to reading the two first communications, but was afterwards waived.

The instructions were then read. They premise, that it appears a great majority of the people of the United States are averse to the Indian war, and wish for peace with the savages if it can be obtained on just and honorable terms. They contemplate the treaty at Fort Harmar as valid, and the sales made there, good. They propose offering the hostile Indians, if they should come to terms of accommodation, the guarantee of the United States against any impositions of her citizens. The Commissioners were empowered to promise \$50,000 worth of goods and an annual

present of \$10,000, if the hostile tribes should agree to terms. They were instructed to prevent, if possible, a confederacy of the Indians; to secure and explain the nature of our right of pre-emption to their lands, and to admit no British agents to the treaty as mediators; they might, however, attend the treaty as spectators, as the United States, wishing to deal fairly with the Indian tribes, and secure an honorable peace, did not care who witnessed the transaction.

Some objections were started to reading the Journal with open galleries until the nature of it was known. After a short conversation upon the propriety of reading it privately, a motion to adjourn was made and carried.

THURSDAY, December 5.

FISHER AMES and DWIGHT FOSTER, from Massachusetts; and NATHANIEL NILES, from Vermont, appeared, produced their credentials, and took their seats.

The House resumed the reading of the papers communicated by the Secretary of War, yesterday, and went through the same.

Ordered, That the said papers be committed to the Committee of the Whole House on the state of the Union.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

As the present situation of the several Nations of Europe, and especially of those with which the United States have important relations, cannot but render the state of things, between them and us, matter of interesting inquiry to the Legislature, and may, indeed, give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The Representative and Executive bodies of France have manifested, generally, a friendly attachment to this country; have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground; a decree, however, of the National Assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize, in the vessel of a friend, contrary to our treaty, though revoked at one time, as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our Minister there, and the result shall be communicated to the Legislature.

It is with extreme concern I have to inform you, that the proceedings of the person whom they have unfortunately appointed their Minister Plenipotentiary here, have breathed nothing of the friendly spirit of the Nation which sent him; their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts, or those of his agents, have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been counteracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with, from senti-

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Address to the President.

ments of regard to his Nation; from a sense of their friendship towards us; from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions; and I will add, from a reliance on the firmness of my fellow-citizens, in their principles of peace and order. In the mean time, I have respected and pursued the stipulations of our treaties according to what I judged their true sense; and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further. Rather than employ force for the restitution of certain vessels which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties, by avowing it to be my opinion, that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprise you of these transactions.

The vexations and spoliations understood to have been committed on our vessels and commerce, by the cruisers and officers of some of the belligerent Powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered, were notified that, on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British Government having undertaken, by orders of the Commanders of their armed vessels, to restrain, generally, our commerce, in corn and other provisions, to their own ports and those of their friends, the instructions now communicated were immediately forwarded to our Minister at that Court. In the mean time, some discussions on the subject took place between him and them; these are also laid before you; and I may expect to learn the result of his special instructions, in time to make it known to the Legislature during their present session.

Very early after the arrival of a British Minister here, mutual explanations on the execution of the Treaty of Peace were entered into with that Minister; these are now laid before you for your information.

On the subjects of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the Legislature, in confidence only, they shall be the subject of a separate and subsequent communication.

G. WASHINGTON.

UNITED STATES, December 5, 1793.

The PRESIDENT sent, also, a copy of the report of the late Commissioners for settling accounts between the United States and individual States, stating the balances due to and from the respective States.

The Message and Communications from the PRESIDENT were partly read, and ordered to be printed.

Mr. MADISON, from the committee appointed, presented an address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

FRIDAY, December 6.

JAMES HILLHOUSE, from Connecticut, and JOSIAH PARKER, from Virginia, appeared and took their seats.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, reported that the Committee had, in part, examined the certificates and other credentials of the members returned to serve in this House, and had agreed upon a report; which was read, and is as follows:

"It appears to your Committee, that the credentials of the following members are sufficient to entitle them to take their seats, in the House, to wit:

[After enumerating the names of the members whose credentials were examined, the report concludes:]

"Your Committee further report that, in the case of JOHN PATTON, returned as a member for the State of Delaware, the Executive of the said State have, together with the return, transmitted a protest, made to them by Henry Latimer, of the said State, against the return of the said JOHN PATTON."

Ordered, That the said report do lie on the table.

The House resolved itself into a Committee of the Whole House on the Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Address under consideration, and made no amendment thereto.

Resolved, unanimously, That this House doth agree to the said Address, in the words following:

Sir: The Representatives of the people of the United States, in meeting you for the first time since you have been again called, by an unanimous suffrage, to your present station, find an occasion, which they embrace with no less sincerity than promptitude, for expressing to you their congratulations on so distinguished a testimony of public approbation, and their entire confidence in the purity and patriotism of the motives which have produced this obedience to the voice of your country. It is to virtues which have commanded long and universal reverence, and services from which have flowed great and lasting benefits, that the tribute of praise may be paid without the reproach of flattery; and it is from the same sources that the fairest anticipations may be derived in favor of the public happiness.

The United States having taken no part in the war which had embraced in Europe the Powers with whom they have the most extensive relations, the maintenance of peace was justly to be regarded as one of the most important duties of the Magistrate charged with the faithful execution of the laws. We accordingly witness, with approbation and pleasure, the vigilance with which you have guarded against an interruption of that blessing, by your Proclamation, admonishing our citizens of the consequences of illicit or hostile acts towards the belligerent parties; and promoting, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation.

The connexion of the United States with Europe has evidently become extremely interesting. The communications which remain to be exhibited to us will, no

doubt, assist in giving us a fuller view of the subject, and in guiding our deliberations to such results as may comport with the rights and true interests of our country. We learn, with deep regret, that the measures, dictated by a love of peace, for obtaining an amicable termination of the afflicting war on our frontiers, have been frustrated, and that a resort to offensive measures should have again become necessary. As the latter, however, must be rendered more satisfactory, in proportion to the solicitude for peace, manifested by the former, it is to be hoped they will be pursued under the better auspices, on that account, and be finally crowned with more happy success.

In relation to the particular tribe of Indians against whom offensive measures have been prohibited, as well as on all the other important subjects which you have presented to our view, we shall bestow the attention which they claim. We cannot, however, refrain, at this time, from particularly expressing our concurrence in your anxiety for the regular discharge of the Public Debt, as fast as circumstances and events will permit, and in the policy of removing any impediments that may be found in the way of a faithful representation of public proceedings throughout the United States, being persuaded, with you, that on no subject more than the former can delay be more injurious, or an economy of time more valuable; and that, with respect to the latter, no resource is so firm for the Government of the United States as the affections of the people, guided by an enlightened policy.

Throughout our deliberations we shall endeavor to cherish every sentiment which may contribute to render them conducive to the dignity as well as to the welfare of the United States. And we join with you in imploring that Being on whose will the fate of nations depends, to crown with success our mutual endeavors.

Resolved, That Mr. SPEAKER, attended by the House, do present the said Address, and that Mr. MADISON, Mr. SEDGWICK, and Mr. HARTLEY, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

A petition of Henry K. Van Rensselaer, of the State of New York, was presented to the House and read, complaining of an undup election and return of John E. Van Allen, to serve as a member of this House for the said State.

Ordered, That the said petition be referred to the Committee of Elections.

The House resumed the reading of the Message and communications received yesterday from the PRESIDENT OF THE UNITED STATES, and made a further progress therein.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the PRESIDENT, who signified to them that it would be convenient to him to receive the said Address at 12 o'clock, to-morrow, at his own house.

SATURDAY, December 7.

PELEG WADSWORTH, from Massachusetts, and JOSEPH NEVILLE, from Virginia, appeared, produced their credentials, and took their seats.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his speech to both Houses of Congress; to which the PRESIDENT made the following Reply:

GENTLEMEN: I shall not affect to conceal the cordial satisfaction which I derive from the Address of the House of Representatives. Whatsoever those services may be which you have sanctioned by your favor, it is a sufficient reward that they have been accepted as they were meant. For the fulfilment of your anticipations of the future, I can give no other assurance than that the motives which you approve shall continue unchanged. It is truly gratifying to me to learn that the Proclamation has been considered as a seasonable guard against the interruption of the public peace. Nor can I doubt that the subjects which I have recommended to your attention as depending on Legislative provisions, will receive a discussion suited to their importance. With every reason, then, it may be expected that your deliberations, under the Divine blessing, will be matured to the honor and happiness of the United States.

G. WASHINGTON.

The House resumed the reading of the communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his accounts of the receipts and expenditures of public moneys, from the 1st of January to the 31st of March, 1793, inclusive; also, of his payments and receipts on account of the War Department, from the 1st of January to the 30th of June, 1793, inclusive; which were read, and ordered to lie on the table.

MONDAY, December 9.

GABRIEL CHRISTIE, from Maryland, THOMAS CLAIBORNE and GEORGE HANCOCK, from Virginia, JOSEPH WINSTON, from North Carolina, JOHN HUNTER and ANDREW PICKENS, from South Carolina, appeared, produced their credentials, and took their seats in the House.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undup election and return of John E. Van Allen, to serve as a member of this House for the said State, made a report; which was read, and ordered to lie on the table.

TUESDAY, December 10.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and made a further progress therein.

Ordered, That the petition of Henry Latimer, of the State of Delaware, complaining of an undue

election and return of John Patton, to serve as a member of this House for the said State, which lay on the table, be referred to the Committee of Elections, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

WEDNESDAY, December 11.

BENJAMIN BOURNE and FRANCIS MALBONE, from Rhode Island, appeared, produced their credentials, and took their seats in the House.

The House resumed the reading of the Communications received from the PRESIDENT OF THE UNITED STATES on Thursday last, and went through the same.

Ordered, That the said Communications be committed to the Committee of the Whole House on the state of the Union.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had again had the said Speech under consideration, and come to several resolutions thereupon; which were severally twice read and agreed to by the House, as follow:

1st. *Resolved*, That a committee be appointed to prepare and bring in a bill for completing and better supporting the Military Establishment of the United States.

2d. *Resolved*, That a committee be appointed to report whether any, and what, amendments are, in their opinion, necessary to the act for establishing an uniform militia throughout the United States.

3d. *Resolved*, That a committee be appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act to establish the Post Office and Post Roads of the United States.

Ordered, That Mr. JEREMIAH WADSWORTH, Mr. GILMAN, Mr. BOUNDINOT, Mr. PETER MUEHLBERG, Mr. PARKER, Mr. CARNES, and Mr. BLOUNT, be a committee pursuant to the first resolution.

Ordered, That Mr. COBB, Mr. SHERBURN, Mr. BENJAMIN BOURNE, Mr. VAN CORTLANDT, Mr. MONTGOMERY, Mr. HARRISON, and Mr. PICKENS, be a committee pursuant to the second resolution.

Ordered, That Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZSIMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, and Mr. HUNTER, be a committee pursuant to the third resolution.

Resolved, That this House will, on Friday next, again resolve itself into a Committee of the Whole House on the said Speech.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures of public moneys, from the 1st of April to the 30th of June, 1793, inclusive; which were read, and ordered to lie on the table.

Mr. BOUNDINOT, from the committee appointed to examine the Journal of the last session, and to report therefrom all such matters of business as

were then depending and undetermined, made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to examine the laws of the United States, and report to the House such as have expired, or will expire, before the next session; and that Mr. BOUNDINOT, Mr. GOODHUE, and Mr. KIRKENDALL, be the said committee.

FRIDAY, December 13.

THOMAS TREDEWELL, from New York, and JOHN PATTON, from Delaware, appeared, produced their credentials, and took their seats.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had again had the said Speech under consideration, and made a further progress therein.

Resolved, That this House will, on Monday next, again resolve itself into a Committee of the Whole House on the said Speech.

Ordered, That a committee be appointed to prepare and bring in a bill to establish an uniform system of bankruptcy throughout the United States; and that Mr. GILES, Mr. WILLIAM SMITH, Mr. AMES, Mr. HARTLEY, Mr. HILLHOUSE, Mr. FITZSIMONS, and Mr. BOUNDINOT, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill to make provision for the renewal of destroyed certificates of Debt of the United States; and that Mr. LEE, Mr. COBBIN, and Mr. BEATTY, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill for the relief of sick and disabled seamen; and that Mr. GOODHUE, Mr. WATTS, Mr. NICHOLAS, Mr. WINSTON, and Mr. MALBONE, be the said committee.

MONDAY, December 16.

SAMUEL DEXTER, Junior, from Massachusetts, JOSHUA COIR and ZEPHANIAH SWIFT, from Connecticut, and RICHARD WINN, from South Carolina, appeared, produced their credentials, and took their seats.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, requesting that a new inquiry into his official conduct may be instituted, in some mode most effectual for an accurate and thorough investigation; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a return of the ordnance, arms, and military stores, in possession of the United States; also, a variety of papers, from A to L, inclusive, giving a view of the Southwestern frontiers, as connected with the Creeks and the State of Georgia and the Southwestern Territory of the United States. The said Letter and Communications were partly read.

Ordered, That a committee be appointed to take into consideration the act "To establish the

H. or R.]

Proceedings.

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Judicial Courts of the United States," and report some provisions in the case, where any Judge of the Courts of the United States is, or may, by sickness or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to the said act as they may judge necessary and Constitutional; and that Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE, be the said committee.

A message was received from the PRESIDENT OF THE UNITED STATES, communicating certain confidential communications respecting the transactions of the Government of the United States with Spain.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a report of the Secretary of State on the measures which have been taken, on behalf of the United States, for the purpose of obtaining a recognition of our Treaty with Morocco, and for the ransom of our citizens and establishment of peace with Algiers.

While it is proper our citizens should know that subjects which so much concern their interests and their feelings have duly engaged the attention of their Legislature and Executive, it would still be improper that some particulars of this communication should be made known. The confidential conversation stated in one of the last Letters, sent herewith, is one of these. Both justice and policy require that the source of that information should remain secret, as a knowledge of the same might have been given for peace and ransom proceedings for the same objects.

G. WASHINGTON.

TUESDAY, December 17.

The SPEAKER laid before the House a Letter and Report from the Commissioners for purchasing the Public Debt, stating the amount of purchase and other proceedings since their last report; which were read, and ordered to lie on the table.

Mr. JEREMIAH WADSWORTH, from the committee appointed, presented a bill for completing and better supporting the Military Establishment of the United States; which was read twice and committed.

The House proceeded to the reading of the confidential communications received yesterday from the PRESIDENT OF THE UNITED STATES, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines, and went through the same.

The House then proceeded to the reading of the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, and made some progress therein.

WEDNESDAY, December 18.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House for the said State, made a further report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

Ordered, That the confidential communications received from the PRESIDENT OF THE UNITED STATES on Monday last, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines, be committed to a Committee of the Whole House tomorrow.

The House resumed the reading of the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, and made a further progress therein.

THURSDAY, December 19.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting an account of receipts and expenditures of the United States for the year one thousand seven hundred and ninety-two, and accompanied with an explanatory Letter to him from the Comptroller of the Treasury; which were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying further communications respecting the Southwestern frontiers, as connected with the Creeks, and the State of Georgia, and the Southwestern Territory of the United States.

Ordered, That the said Letter and Communications do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of State, accompanying a report on the privileges and restrictions on the commerce of the United States in foreign countries, made pursuant to a resolution of the House of the twenty-third of February, one thousand seven hundred and ninety-one; which was read, and ordered to be committed to the Committee of the Whole House to whom are committed the confidential communications from the PRESIDENT respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines.

Ordered, That a committee be appointed to inquire into and report a state of facts respecting sundry French vessels which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon; and that Mr. VENABLE, Mr. TALBOT, and Mr. LYMAN, be the said committee.

The House resumed the reading of the confi-

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Contested Election.

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dential communications from the PRESIDENT respecting the transactions of the Government of the United States with Spain, and went through the same.

Ordered, That the said communications be committed to the Committee of the Whole House to whom are committed the confidential communications respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners and establishment of peace with the Algerines.

FRIDAY, December 20.

WILLIAM HINDMAN, from Maryland, and SAMUEL GRIFFIN, from Virginia, appeared, produced their credentials, and took their seats.

CONTESTED ELECTION

The House went into Committee of the Whole on the report of the Committee of Elections respecting the election of Mr. J. E. Van Allen. The petition of Mr. Henry Van Rensselaer, the two reports of the Committee of Elections, and the election law of the State of New York, were read by the Clerk.

Mr. LEE stated a number of facts as connected with this subject, and added the following questions, viz.:

1. Whether irregularities not deemed by the law of New York sufficient to nullify the votes given shall be regarded by the House of Representatives as having that effect? None of the irregularities (observed Mr. LEE) were regarded by the law of New York as sufficient to vitiate the returns of votes made by the inspectors, who are sworn officers, and subject to pains and penalties for failure of duty. If the law of New York is to be observed as a sovereign rule on this occasion, the allegations do not state any facts so material as to require the interference of the House of Representatives.

2. Whether, setting aside this first principle, mere irregularities not alleged to have proceeded from corruption, shall nullify the return of sworn officers; and whether the House of Representatives ought to countenance and inquire into the mere implications of such serious crimes as perjury and corruption, or should require such charges to be expressly and specifically made?

3. Whether it is not an indispensable requisite to the existence of a Representative Government that at every election a choice should be made?

4. Whether, to insure such choice, it be not necessary that this principle should be established: that a majority of legal votes, legally given, should decide the issue of an election?

5. Whether, therefore, partial corruption should be deemed sufficient to nullify an election, or only sufficient to vitiate the votes given under such corruption, leaving the election to be decided by the sound votes, however few?

6. Whether, if partial corruption should be deemed sufficient to nullify an election, such corruption should not extend to the major part of the

votes given, and if the major part of the votes be deemed sound, the fate of the election should not depend on the plurality of votes in such major part?

Mr. LEE observed, that this last was the opinion of the committee, and they have stated facts according to this opinion, and finding a major part of the votes duly given and canvassed, and that J. E. Van Allen had a plurality of such major part, they have determined that he was duly returned to serve in the present Congress.

A variety of objections were offered to the report of the Committee of Elections; that it did not contain so full a statement of facts as would warrant the Committee of the Whole in deciding on the merits on the election. Sundry allegations of the petition devolved inquiries on the part of the Committee which not only affected the purity of elections, but the privileges of the House, and their right to judge of the qualifications of its members. These inquiries might enable the Committee to determine the number of votes actually given, and the validity of those votes. That the act of the State of New York should be suffered to operate in this case so as to exclude from the House a knowledge of the full amount of the number of votes given, appeared very extraordinary. The respective Houses of Congress possess exclusively the right to judge of the qualifications of their own members. This right includes evidently full power to ascertain with precision the actual state of the polls. If the votes of the citizens freely and fairly given can, under any pretext whatever, be suppressed, the essential rights of suffrage are at an end. It was observed, that corruption in elections was the door at which corruption would creep into the House; that it appeared to be admitted there had been irregularities in some of the towns in the district in question; but it had been made a question—not whether corruption generally should vitiate an election—but what quantum should be sufficient for that purpose; so that corruption was considered, in relation to an election, by weight or measure. The allegations of the petition were urged in support of these objections. These stated sundry irregularities in relation to the returns not corresponding with the numbers of votes given in several towns; the boxes not being properly secured which conveyed the votes to the canvassing committee—one of which had been deposited in the house of the sitting member for a number of hours, &c.

In support of the Committee of Election's report, it was observed, that the allegations in the petition showed that the principal support it rested on was, that the returning officers of some of the towns in the district from which the sitting member came, had rejected a number of votes given in for the petitioner. It was shown, from the provisions of the election law of New York that these votes might have been legally rejected. The petition stated that numbers of persons had sworn that they had voted for the petitioner, whose votes, by the returns, it does not appear were counted. On this, it was observed, that the Committee did not consider this allegation of a

nature proper to engage their attention. It was presumed that the House of Representatives would never institute an inquiry into such a species of evidence. It was extremely difficult for a man to swear that he had positively voted by ballot for a particular candidate, since it is well known that persons had, on such occasions, frequently put in a ballot for the person he had not intended to vote for. In the hurry and confusion which often take place, the ballots get shifted, and one is put in in lieu of another. To the objection to the law of the State of New York, drawn from the Constitution of the United States, it was replied, that the regulating the "time, place and manner" of holding elections is expressly vested in the State Legislatures. These necessarily include a great variety of incidental circumstances, which must also be left to their discretion. Congress cannot enter into a consideration of the minutiae of the elections. The different customs of the several States will not admit of one uniform system. With respect to the box which contained part of the votes having been deposited in the house of the sitting member, it was observed that no imputation was conveyed against him in the petition on that account. It did not appear that the number of votes it contained had been either increased or diminished: nor was there any charge against him of being accessory to any unfair practices in the election. The Committee had taken cognizance of every fact that had come into their possession, and the result was before the Committee of the Whole.

It was further stated by one of the Committee of Elections, that the only question to be determined was, whether the irregularity of the votes in two towns, in a district consisting of ten towns, in case the votes of those two towns do not amount to a majority of the whole number of votes in the district, such irregularity shall vitiate the election of such district?

Some observations were made by several gentlemen on the different modes of voting by ballot and *en masse*.

Mr. WATTS explained the process under the election law of New York, and stated the principles on which votes particularly circumstanced were rejected, and the accidents by which they were sometimes omitted in the general canvass.

The Committee, on the whole, did not appear to be ripe for a decision. They, therefore, rose and reported progress, and, after rejecting a motion that the Committee of Elections should be instructed to report a state of facts in their possession, (which several of the committee said they had already done,) the House adjourned, without coming to a vote on the report.

MONDAY, December 23.

ALEXANDER D. ORR, from Kentucky, appeared, produced his credentials, and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appro-

printed for the service of the year one thousand seven hundred and ninety-four; which were read and ordered to lie on the table.

The House resumed the reading of the communications from the Secretary of War, respecting the Southwestern frontiers, as connected with the Creeks and the State of Georgia, and the Southwestern Territory of the United States, and made a further progress therein.

TUESDAY, December 24.

The House resumed the consideration of the report from the Standing Committee of Elections, to whom was referred the petition of Henry K. Van Rensselaer, of the State of New York, complaining of an undue election and return of John E. Van Allen, to serve as a member of this House, for the said State. Whereupon,

The motion made on Friday last, to recommit the said report to the same committee, being revived, and the question put thereupon, it passed in the negative.

And then the said report being again read, as follows:

"That your committee have received from Lewis A. Scott, Secretary of the State of New York, a list of the number of votes given in each town in the counties of Rensselaer and Clinton, for John E. Van Allen and Henry K. Van Rensselaer, which list has been admitted by the said sitting member and petitioner to be a true and correct state of the ballots, estimated and canvassed at the said election.

"It appears to your committee, that the allegations in regard to Stephentown, viz.: That the petitioner had a greater number in the said town than was returned to be estimated and canvassed, even if proved, would not, consistently with the law of the State of New York, be sufficient to set aside the votes given at the election in the said town.

"That even should the irregularities complained of, with respect to the elections of the towns of Hoosack and Rensselaerwyck, be sufficient to set aside the votes given in the said towns, still it appears that the said John E. Van Allen has a majority of the remaining votes of the district, composed of the counties of Rensselaer and Clinton."

Resolved, That this House doth disagree to the said report.

Resolved, That the allegations of the petition do not state corruption, nor irregularities of sufficient magnitude, under the law of New York, to invalidate the election and return of John E. Van Allen to serve as a member in this House, and that, therefore, the said John E. Van Allen is duly elected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

Since the communications which were made to you on the affairs of the United States with Spain, and on the truce between Portugal and Algiers, some other papers have been received, which, making a part of the same subjects, are now communicated for your information.

G. WASHINGTON.

UNITED STATES, December 23, 1793.

The said Message and papers were read, and ordered to be committed to the Committee of the Whole House, to whom are committed the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines.

The House resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose and asked leave to sit again.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before this House the substance of all such laws, decrees, or ordinances, respecting commerce, in any of the Kingdoms or Countries with which the United States have commercial intercourse, and which have been received by the Secretary of State, and not already stated to this House, in his report of the sixteenth instant.

Ordered, That Mr. WINGATE, Mr. NEW, and Mr. ARMSTRONG, be a committee to wait on the PRESIDENT, with the foregoing resolution.

THURSDAY, December 26.

A petition of Abram Trigg, of the State of Virginia, was presented to the House and read, complaining of an undue election and return of Francis Preston, to serve as a member of this House for the said State.

Ordered, That the said petition be referred to the Committee of Elections; that they do examine the matter thereof, and report the same, with their opinion thereon, to the House.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines; and, after some time spent therein, the Committee rose and had leave to sit again.

FRIDAY, December 27.

DANIEL HEISTER, from Pennsylvania, appeared, produced his credentials, and took his seat in the House.

Mr. LEE, from the committee appointed, presented a bill providing for destroyed certificates of certain descriptions; which was read the first time.

TREATY WITH MOROCCO.

A motion being made for going into a Committee of the Whole on the subject which was under consideration yesterday—

Mr. NICHOLAS observed, that he hoped the busi-

ness would be kept up without shutting the galleries; for the turn which the discussion took yesterday, he said, it must appear to every member, that excluding the citizens from the gallery was unnecessary.

Mr. BOURDINOT was of opinion, that the public business on the present occasion might be essentially injured by a public discussion.

The rule of the House relative to the discussion of confidential communications was called for, and read. This rule provides that the House shall be cleared of all persons but the members and clerk on such occasions.

Several members spoke in terms of great disapprobation of this rule.

Mr. BOURDINOT observed, that the rule had been adopted after mature consideration, and he did not doubt that, when the reasons on which it was founded were fully known, it would appear to be a wise regulation.

The question recurring for going into a Committee,

Mr. MADISON said if the House voted to go into Committee of the Whole, he supposed it would be moved in the first place, to rescind the above rule. He then stated sundry objections to it; he differed from Mr. BOURDINOT, as to its origin; he said it was passed on a particular occasion, and stated sundry circumstances of that occasion; he concluded by moving for a reconsideration of the rule.

The debate was continued on the subject of the rule; in the course of which it was said, that secrecy in a Republican Government wounds the majesty of the sovereign people; that this Government is in the hands of the people; and that they have a right to know all the transactions relative to their own affairs; this right ought not to be infringed incautiously, for such secrecy tends to injure the confidence of the people in their own Government.

In reply to these remarks, it was said, that because this Government is Republican, it will not be pretended that it can have no secrets. The PRESIDENT OF THE UNITED STATES is the depository of secret transactions; his duty may lead him to delegate those secrets to the members of the House, and the success, safety, and energy of the Government may depend on keeping those secrets governed; they have interests as well as rights; and it is the duty of the Legislature to take every inviolably. The people have a right to be well informed; they have interests as well as rights; and it is the duty of the Legislature to take every possible measure to promote those interests. To discuss the secret transactions of the Government publicly, was the ready way to sacrifice the public interest, and to deprive the government of all foreign information, &c.

The motion for going into a Committee of the Whole on the Algerine business being put, was carried; and the galleries were thereupon cleared.

MONDAY, December 30.

Mr. NICHOLAS moved for a reconsideration of the rule of the House, which provides for closing

the galleries during the discussion of confidential communications from the PRESIDENT OF THE UNITED STATES.

Some debate ensued on this motion. It was urged, in its support, that the rule bore oppressively on the House; that it left no option with them to determine whether it was proper to close the doors on a particular occasion, or not. Every communication denominated "confidential" imposed a necessity on the House for closing the doors. It had been said that the Committee on the Rules might report an alteration in this particular rule. In answer to this, it was urged that the committee might not be ready to report for some time; in the interim, that no necessity existed for the House having their deliberations hampered by this rule, which might be rescinded by a vote of the House. With respect to foreign connections, it was observed, these are of a commercial nature, and, therefore, communications relative thereto ought to be made as public as possible, for the people at large are generally and immediately concerned. Against the motion, it was said, no inconvenience had resulted from the operation of the rule; that, until the House experienced such an inconvenience, to repeal a rule on the spur of a particular occasion, which, in the nature of things, it is evidently founded on propriety, betrays a versatility in the public councils that may be productive of pernicious consequences. The utility of the rule was expatiated on, in a reference to various objects of a secret and confidential nature. It was observed, that so far as respects the United States, independent of all connexion with other countries, the rule was nugatory; but when it is considered that the United States are one of the nations of the earth, and have very important interests to consult in relation to their connexion with foreign countries, it follows, of course, that very important secrets may exist, and the Government may be deprived of the most essential information from their foreign agents, should all security be removed for the safe-keeping of confidential communications. It was observed, that the connexion of this country with foreign nations, involved other considerations than those of a commercial nature. The motion, after some further remarks, was varied so as to amount to an amendment only of the rule. The purport of this amendment is, that the rule should leave the House at liberty to discuss confidential communications publicly, if they see proper, after they have been privately read. The amendment was agreed to, in the following words:

"Resolved, That it be a standing order of this House, that, whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon; and that when the Speaker, or any other member, shall inform the House that he has communications to make which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether, when confidential communications are received from the President of the United States, the House shall be cleared of all persons except the members and the Clerk, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon; and that when the Speaker, or any other member, shall inform the House that he has communications to make which he conceives ought to be kept secret, the House shall, in like manner, be cleared, till the communication be made; the House shall then determine whether,

ther the matter communicated requires secrecy, or not, and take order accordingly."

Ordered, That the Committee of the Whole House to whom were referred the confidential communications from the PRESIDENT, respecting the transactions of the Government of the United States with Spain, be discharged from further proceeding on the same.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and, after some time spent therein, the Committee rose, and had leave to sit again.

TUESDAY, December 31.

A petition of the Chief Clerks in several of the Executive Departments of the Government of the United States, was presented to the House and read, stating the insufficiency of the salaries allowed them by law, and praying that the same may be increased, and rendered more adequate to their services. Laid on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making an alteration in the Flag of the United States;" to which they desire the concurrence of the House.

The said bill was read twice and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the House of Representatives:

I now transmit you a Report, by the Secretary of State, of such laws, decrees, and ordinances, or their substance, respecting commerce in the countries with which the United States have commercial intercourse, as he has received, and had not stated in his Report of the 16th instant.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The said Message and Report were read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House, on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and, after some time spent therein, the Committee rose, and had leave to sit again.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you, for your consideration, a Letter from the Secretary of State, informing me of certain impediments which have arisen to the coining of the precious metals at the Mint.

As also, a Letter from the same officer, relative to certain advances of money, which have been made on

public account. Should you think proper to sanction what has been done, or be of opinion that anything more shall be done in the same way, you will judge whether there are not circumstances which would render secrecy expedient.

G. WASHINGTON.

UNITED STATES, December 30, 1793.

The said Message and Letters being read,

Ordered, That so much thereof as relates to the impediments which have arisen to the coining of the precious metals at the Mint be referred to Mr. WILLIAM SMITH, Mr. AMES, and Mr. NILES; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That such other parts of the said Message and Letters, as relate to certain advances of money, which have been made on public account, be committed to a Committee of the Whole House on the state of the Union.

WEDNESDAY, January 1, 1794.

URIAH FORREST and THOMAS SPENCE, from Maryland, appeared, produced their credentials, and took their seats in the House.

Ordered, That the Message received yesterday from the PRESIDENT OF THE UNITED STATES, accompanying a Report from the Secretary of State, of the substance of such laws, decrees, and ordinances, respecting commerce in the countries with which the United States have commercial intercourse, as he has received since his Report of the 16th instant, be committed to the Committee of the Whole House, to whom are committed the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines.

A memorial of William Patterson, Samuel Sterrit, and Gustavus Scott, the committee appointed by the Legislature of Maryland to draw for, and distribute the moneys granted by that State for the relief of the French emigrants from the island of St. Domingo, was presented to the House and read, stating that their funds are nearly exhausted, and praying the relief and aid of Congress in the premises.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. RUTHERFORD, and Mr. SMITH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House again resolved itself into a Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and the establishment of peace with the Algerines; and, after some time spent therein, the Committee rose, and had leave to sit again.

THURSDAY, January 2.

ISAAC COLES, from Virginia, and WILLIAM BARRY GROVE, from North Carolina, appeared, produced their credentials, and took their seats in the House.

duced their credentials, and took their seats in the House.

The House proceeded to consider the resolutions reported yesterday from the Committee of the Whole House on the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, and establishment of peace with the Algerines. Whereupon, the first and second of the said resolutions being severally twice read, were, on the question put thereupon, agreed to by the House, as follow:

Resolved, That a sum not exceeding — dollars be appropriated, in addition to the provision heretofore made, to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations.

Resolved, That a naval force, adequate to the protection of the commerce of the United States against the Algerine corsairs, ought to be provided.

The third resolution being read in the words following:

Resolved, That a committee be appointed to report to this House the naval force necessary for the purposes aforesaid, together with an estimate of the expense—

A motion was made and seconded to amend the same, by adding to the end thereof, the words "and the ways and means for defraying the same."

And the question being put thereupon, it was resolved in the affirmative—yeas 46, nays 44, as follows:

YEAS.—Theodoras Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, William B. Grove, Carter B. Harrison, John Heath, Daniel Heister, William Irvine, Richard Bland Lee, Matthew Locke, Nathaniel Macen, James Madison, Joseph McDowell, Alexander Mcbane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Richard Winn.

NAYS.—Fisher Ames, James Armstrong, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Samuel Griffin, Thomas Hartley, James Hillhouse, Samuel Holten, John Wilkes Kittier, Amasa Learned, William Lyman, Francis Malbone, Peter Muhlenberg, William Vans Murray, Nathaniel Niles, Thomas Scott, Jeremiah Smith, William Smith, Thomas Spriggs, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

And then the main question being put, that the

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Commerce of the United States.

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House do agree to the said resolution, amended to read as follows:

"Resolved, That a committee be appointed to report to this House the naval force necessary for the purposes aforesaid, together with an estimate of the expense, and the ways and means for defraying the same."

It was resolved in the affirmative.

Ordered, That Mr. FITZSIMONS, Mr. GOODRUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BOUNDNOT, Mr. PARKER, Mr. MACON, and Mr. WINN, be appointed a committee pursuant to the last resolution.

FRIDAY, JANUARY 3.

COMMERCE OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. MADISON, after some general observations on the Report, entered into a more particular consideration of the subject. He remarked, that the commerce of the United States is not, at this day, on that respectable footing to which, from its nature and importance, it is entitled. He recurred to its situation previous to the adoption of the Constitution, when conflicting systems prevailed in the different States. The then existing state of things gave rise to that Convention of Delegates from the different parts of the Union, who met to deliberate on some general principles for the regulation of commerce, which might be conducive, in their operation to the general welfare, and that such measures would be adopted as would conciliate the friendship and good faith of those countries who were disposed to enter into the nearest commercial connexions with us. But what has been the result of the system which has been pursued ever since? What is the present situation of our commerce? From the situation in which we find ourselves after four years' experiment, he observed, that it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects for which the Government was in a great degree instituted. Measures of moderation, firmness, and decision, he was persuaded, were now necessary to be adopted, in order to narrow the sphere of our commerce with those nations who see proper not to meet us on terms of reciprocity.

Mr. M. then read the following Resolutions:

"Resolved, as the opinion of this committee, That the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations employed in the commerce of the United States, than those now imposed.

"1. Resolved, as the opinion of this committee, That an additional duty ought to be laid on the following articles, manufactured by European nations having no commercial treaty with the United States: On all articles of which leather is the material of chief value, an additional duty of — per centum *ad valorem*; on all manufactured iron, steel, tin, pewter, copper, brass, or articles of which either of these metals is the mate-

should also obtain an equitable share in carrying our own produce; we should enter into the field of competition on equal terms, and enjoy the actual benefit of advantages which nature and the spirit of our people entitle us to.

He adverted to the advantageous situation this country is entitled to stand in, considering the nature of our exports and returns. Our exports are bulky, and therefore must employ much shipping, which might be nearly all our own: our exports are chiefly necessities of life, or raw materials, the food for the manufacturers of other nations. On the contrary, the chief of what we receive from other countries, we can either do without, or produce substitutes.

It is in the power of the United States, he conceived, by exerting her natural rights, without violating the rights, or even the equitable pretensions of other nations—by doing no more than most nations do for the protection of their interests, and much less than some, to make her interests respected; for, what we receive from other nations are but luxuries to us, which, if we choose to throw aside, we could deprive part of the manufacturers of those luxuries, of even bread, if we are forced, to the contest of self-denial. This being the case, our country may make her enemies feel the extent of her power. We stand, with respect to the nation exporting those luxuries, in the relation of an opulent individual to the laborer, in producing the superfluities for his accommodation; the former can do without those luxuries, the consumption of which gives bread to the latter.

He did not propose or wish that the United States should, at present, go so far in the line which his resolutions point to, as they might go. The extent to which the principles involved in those resolutions should be carried, will depend upon filling up the blanks. To go to the very extent of the principle immediately, might be inconvenient. He wished, only, that the Legislature should mark out the ground on which we think we can stand; perhaps it may produce the effect wished for, without unnecessary irritation; we need not at first go every length.

Another consideration would induce him, he said, to be moderate in filling up the blanks—not to wound public credit. He did not wish to risk any sensible diminution of the public revenue. He believed that if the blanks were filled with judgment, the diminution of the revenue, from a diminution in the quantity of imports, would be counterbalanced by the increase in the duties.

The last resolution he had proposed, he said, is, in a manner distinct from the rest. The nation is bound by the most sacred obligation, he conceived, to protect the rights of its citizens against a violation of them from any quarter; or, if they cannot protect, they are bound to repay the damage.

It is a fact authenticated to this House by communications from the Executive, that there are regulations established by some European nations, contrary to the Law of Nations, by which our property is seized and disposed of in such a way that damages have accrued. We are bound either to obtain reparation for the injustice, or compensate the

damage. It is only in the first instance, no doubt, that the burden is to be thrown upon the United States. The proper Department of Government will, no doubt, take proper steps to obtain redress. The justice of foreign nations will certainly not permit them to deny reparation when the breach of the Law of Nations appear evidently; at any rate, it is just that the individual should not suffer. He believed the amount of the damages that would come within the meaning of this resolution would not be very considerable.

Mr. M.'s resolutions being seconded, were presented and read by the Clerk.

Mr. W. SMITH rose to make some remarks on the observations of Mr. MADISON, when a motion was made by Mr. FITZSIMONS, that the Committee should rise, and report progress, and that the House should give order for printing the resolutions.

After some further remarks by two or three members, Mr. MADISON said he had no wish to precipitate the discussion; he was content that the Committee should now rise, and that a future early day should be assigned.

The motion for the Committee's rising being put, was agreed to. The Committee rose accordingly, and reported progress.

A question then occurred as to the day on which the business should be taken into consideration. Next Monday was mentioned.

Mr. AWES proposed next Monday week. He observed that the resolutions involved the greatest interests of this country; that, for himself, he could not possibly be prepared to discuss the subject by Monday next. The Report of the Secretary was incomplete; a supplementary Report had been received from that officer, which had not yet been printed, and he believed that the members were not possessed of a knowledge of its contents; he could speak for himself at least. He further remarked, that the subject required the most mature deliberation of the House. Sudden and hasty decisions might be followed with the most serious effects; they might involve the sacrifice of the essential interests, or the honor of the United States.

Mr. MADISON said, he saw no necessity for a very distant day; the subject was not a new one; it existed previously to the present Government; it had been repeatedly before the Legislature of the United States; it had been amply dilated on in reports and public dissertations; he did not conceive there was a single proposition contained in the resolutions which had not been repeatedly revolved in the minds of every member of the House. He supposed an early discussion would be the most eligible, as the members would, as it proceeded, naturally throw light upon it.

Mr. W. SMITH was in favor of Monday week. He supposed that many documents would be wanted by the members which were not now in the possession of the House. Besides, he observed that, as soon as the present question was got rid of, he should lay before the House sundry resolutions respecting foreign tonnage, which would naturally connect themselves with the re-

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solutions brought forward by the member from Virginia.

Mr. NICHOLAS was in favor of Wednesday. He wished for an early discussion. He thought the subject would receive more light from the public deliberations of the members themselves, than it would derive from their studies in their chambers; the discussion will be interesting; it cannot be hurried, and no sudden decision need be anticipated from as early a day as Wednesday.

Mr. MURRAY was in favor of Monday week. He differed from the gentleman last up, that a public collision on this or any other subject, was the most probable way to strike out the truth. The calm and dispassionate consideration of propositions at leisure, appeared to him more likely to be succeeded by a just and sound decision. He wished for more time than some gentlemen appeared willing to allow.

Mr. S. SMITH was in favor of Monday week. He enumerated a number of documents which he thought would be found necessary to enable the members to judge with precision. He considered the subject as highly important to his constituents, on which too much deliberation could scarcely be bestowed. It refers to taxes and new impositions on trade, the expediency of which ought to be maturely considered. The object of the propositions are evidently a commercial warfare; this is commonly introductory of another species of contest—a very serious consideration. The gentleman who brought forward the resolutions, had probably matured his ideas on the subject. For his part, he had not; he required more time.

The motion for Monday week being put, was carried by a large majority.

Ordered, That the Secretary of the Treasury report to this House a comparative view of the tonnage employed in the trade between the United States and foreign countries, for the years 1790, 1791, and 1792; also that he report the actual tonnage of vessels of the United States, employed in one year, between the United States and foreign countries.

The House resolved itself into a Committee of the Whole House on the bill providing for destroyed certificates of certain descriptions; and, after some time spent therein, the Committee rose, and had leave to sit again.

MONDAY January 6.

JAMES GILLESPIE, from North Carolina, appeared, produced his credentials, and took his seat in the House.

PAY OF SOLDIERS.

The House resolved itself into a Committee of the Whole House on the bill for completing and better supporting the Military Establishment of the United States. The bill being read,

On the clause of the bill for augmenting the pay of the soldiers from three to four dollars per month, Mr. IRVINE proposed an addition of a fifth dollar,

and children of such soldiers as should happen to lose their lives in the service.

Mr. BOURNOR said, that he should be very sorry to recommend the augmentation, if he thought that it would induce farmers, and sober, industrious people to quit their families and professions, in exchange for a military life. This, he thought, would indeed be a very alarming consequence, and, did he apprehend it, he should undoubtedly oppose the intended increase. He had no apprehensions of that kind. America would be in a very bad situation, indeed, if an additional pay of twelve dollars a year could bribe a farmer or manufacturer to enlist. He should look very strange at any of his neighbors who should tell him that they had embraced such an offer. Instead of augmenting the pay, perhaps it was better to add something to the rations; those, for example, of salt and flour. He thought it safest to agree to the four dollars, because if they voted for five, the bill would probably be thrown out of the other House; and thus, by grasping at too much, the move of the amendment would lose the bill altogether. Originally, troops had been raised for less than two dollars per month. The pay had since been augmented to three, and was now on the way of being raised to four. He wished to make its advances gradual. If we looked at the situations of other countries, and contemplated the state of their finances, we should be convinced that America paid her troops as well in proportion to her ability as any other people in the world, and that her soldiers had no right to complain.

Mr. MONTGOMERY spoke a few words in favor of an advance to five dollars.

Mr. SCOTT said, that Pennsylvania had some time ago raised a few companies of soldiers for her frontier service, and given them two pounds ten shillings currency per month, which was equal to six dollars and two-thirds. In consequence of this, the companies had been filled with some of the most respectable kind of people in the country. They were quite of a different class from the recruits raised for the Western Army. He wished to try the five dollars. This superior pay was reported to have hurt the Continental recruiting service. He thought it very possible that such had been the case. If Government give the proposed five dollars, the Continental Army might, perhaps, get all the levies which it wanted from these very companies.

Mr. HUNTER would have voted for six dollars. Mr. BEATTY said, that he was for giving five dollars, from a conviction that it was requisite for the service.

Mr. SMITH was decidedly for the additional augmentation. The recruits, he said, who had been raised in this city were sad fellows, and not fit to be trusted. Better pay would bring forward better men.

Mr. SMITH said that, as to the rate of labor, good men were hired to work in Vermont for eighteen pounds a year, which is equal to four dollars per month, and out of that they find their own clothes. He thought it a very dangerous plan to raise the wages of soldiers at this time,

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when every article was above its natural price; because, when things return to their old level, it would be impossible to reduce their wages. The people of Europe had, by their wars, increased the demand for the produce of our farms, and this had raised the wages of labor. The members of Congress had six dollars per day, and it would be no easy matter to alter that, which he seemed to hint might not be quite improper. He thought that high pay would only serve to make the soldiers get drunk. It would be much better to give them some substantial gratification at the end of the service.

Mr. WADSWORTH said that the Army, in getting four dollars, got plenty, and he despaired of seeing five dollars pass through that House; but, were they to vote twenty dollars, they never would be able to enlist that class of men whom it was expected five dollars would collect. A member had mentioned, as a proof of the possibility of enlisting the sons of farmers, the instance of a party in one of the New England States, who had formed themselves into a military body, and had gone westward in quest of a settlement, but were cut to pieces by the Indians. He knew this, and he had likewise heard of others who had since gone from the same quarter, and upon the same errand. He had inquired about their characters, and had found, just as he had expected, that they were very honest, good sort of people, but somewhat of a rambling disposition, and not remarkably industrious. As to the notion of enlisting men, and attaching them to their country, by five dollars a month, it would not do. The old Continental Army were very good soldiers, but certainly some of them did not fight for the sake of their country, since they deserted by scores. They were, however, brought back, and fought very well. Their reasons for deserting, he did not pretend to know; but this he knew, that they were very idle and very worthless fellows, which did not hinder them from doing their duty. Mr. W. added, that it was a mistake to propose giving five dollars a month for fear that we should not be able to get recruits. In a short time our communication by sea would be cut off. We would likewise be prevented from emigrations into the back country. Recruits would then be had in the greatest abundance for four dollars a month, as great numbers of people would then be thrown out of employment, and enlist for want of it.

The amendment to the bill, of adding two dollars instead of one, was rejected.

Mr. CLARK then moved, as an amendment of the bill, that there should be an addition of four ounces of bread or flour, and four ounces of meat to each ration.

Mr. HARTLEY was for augmenting the rations. He knew that they were too small. In cultivated countries they might do, but not in the back woods, where vegetables were not to be had.

Mr. WADSWORTH was convinced that the rations were sufficient, unless on a march. He spoke, he said, from experience.

Mr. GILES had been frequently informed by officers in the Army, that the rations were all de-

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fective. In the back woods, the soldiers had been often reduced to such distress for want of vegetables, as to go in search of acorns to supply their place.

Mr. FITZSIMONS said, that he had been informed that the principal objection to the rations was the inferior quality of the meat, and that this arose from the leanness of the cattle, as being exhausted by hard driving. Instead, therefore, of a regular increase, it might perhaps be better to provide for accidental contingencies.

Mr. MURRAY moved, and his motion was seconded, to amend the amendment by striking out the words, and "four ounces of meat."

Mr. SMITH said, that an aide-de-camp, who was his relation, and now serving in the Army, had wrote him that they were just now well fed, well clothed, in good health, and as good spirits as an Army had ever enjoyed. The reason of the common rations of provisions failing in a march, was owing to the waste in cooking. The amendment of Mr. CLARK, and the additional amendment of Mr. MURRAY, were both withdrawn.

The Committee now rose and reported the amendment, and the bill and amendment were ordered to lie on the table.

Resolved, That a committee be appointed to report whether any, and what alteration ought to be made in the ration now allowed to the troops of the United States; and that Mr. IRVINE, Mr. DEARBORN, and Mr. HEISTER, be the said committee.

TUESDAY, January 7.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you an official statement of the expenditure to the end of the year one thousand seven hundred and ninety-three, from the sum of ten thousand dollars, granted to defray the contingent expenses of Government, by an act passed on the twenty-sixth of March, one thousand seven hundred and ninety.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The said Message and statement were read, and ordered to lie on the table.

Another Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate

and of the House of Representatives:

Experience has shown that it would be useful to have an officer particularly charged under the direction of the Department of War, with the duties of receiving, safe-keeping, and distributing the public supplies, in all cases in which the laws and the course of service do not devolve them upon other officers; and also, with that of superintending, in all cases, the issues in detail of supplies, with power for that purpose to bring to account all persons intrusted to make such issues in relation thereto. An establishment of this nature, by securing a regular and punctual accountability for the issues of public supplies, would be a great guard against abuse, would tend to insure their due application, and to give public satisfaction on that point.

I therefore recommend to the consideration of Congress the expediency of an establishment of this nature, under such regulations as shall appear to them advisable.

G. WASHINGTON.

UNITED STATES, January 7, 1794.

The said Message was read, and ordered to lie on the table.

Resolved, That it be an instruction to the committee appointed on Thursday last, on the subject of the Algerine communications, that they prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence.

Ordered, That the Report of the Secretary of the Treasury, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four, which was made on the twenty-third ultimo, be committed to a Committee of the Whole House on Thursday next.

Mr. TRUMBULL, from the committee appointed to prepare and report such Standing Rules and Orders of proceeding as are proper to be observed in this House, made a report; which was read, and ordered to lie on the table.

FLAG OF THE UNITED STATES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act making an alteration in the Flag of the United States."

Mr. GOODHUE thought it a trifling business, which ought not to engross the attention of the House, when it was their duty to discuss matters of infinitely greater consequence. If we are to alter the Flag from thirteen to fifteen stripes, with two additional stars, because Vermont and Kentucky have been added, we may go on adding and altering at this rate for one hundred years to come. It is very likely, before fifteen years elapse, we shall consist of twenty States. The Flag ought to be permanent.

Mr. LYMAN was of a different opinion. He thought it of the greatest consequence not to offend the new States.

Mr. THATCHER ridiculed the idea of being at so much trouble, as a consummate specimen of frivolity. At this rate, every State should alter its public seal when an additional county or township was formed. He was sorry to see the House take up their time with such trifles.

Mr. GREENUP considered it of very great consequence to inform the rest of the world that we had now two additional States.

Mr. NILES was very sorry that such a matter should even for a moment have hindered the House from going into more important affairs. He did not think the alteration either worth the trouble of adopting or rejecting; but he supposed that the shortest way to get rid of it was to agree to it, and for that reason, and no other, he advised to pass it as soon as possible.

The Committee agreed to it, and the Chairman reported the bill. The House then took it up.

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Mr. BONDINOT thought it of consequence to keep the citizens of Vermont and Kentucky in good humor. They might be affronted at our rejecting the bill.

Mr. GOODHUE said, he felt for the honor of the House, when spending their time on such sort of business. But, since it must be passed, he had only to beg this favor, that it might not appear upon the journals, and go into the world as the first of the bills passed this session.

Mr. MADISON was for the bill passing.

Mr. GILES thought it very proper that the idea should be preserved of the number of our States, and the number of stripes corresponding. The expense was but trifling, compared with that of forming the Government of a new State.

Mr. SMITH said, that this alteration would cost him five hundred dollars, and every vessel in the Union sixty. He could not conceive what the Senate meant by sending them such bills. He supposed that it must be for want of something better to do. He should indulge them, but let us have no more alterations of this sort. Let the Flag be permanent.

It was ordered that the bill be read a third time to-morrow.

A motion was then made for publishing the resolutions of the House concerning the Algerine business.

Mr. WADSWORTH recommended publicity. He said that their talking so much about secrecy made the world believe they really had a secret, when in fact they had none. It reminded him of a story in the last war. They intended a secret expedition into Canada; but unluckily they let a clergyman into the story, and he next Sunday offered up his prayers from the pulpit for its success, which put an end to it. The House agreed to the publication of the resolutions.

Resolved, That the injunction of secrecy imposed by the House, so far as relates to the resolutions agreed to on Thursday last, on the subject of the confidential communications from the PRESIDENT, respecting the measures which have been pursued for obtaining a recognition of the Treaty between the United States and Morocco, and for the ransom of prisoners, be removed, and that the said resolutions be published.

Ordered, That a committee be appointed to select such parts of the PRESIDENT'S Communications, respecting the Regency of Algiers, as his Letter, accompanying said Communications, suggests it would be proper to keep secret, and that they report the same to the House.

Ordered, That a committee be appointed to prepare and bring in a bill for regulating Pilots in the bay and river Delaware, and for the establishment and support of light-houses, beacons, buoys, and public piers; and that Mr. WILLIAM SMITH, Mr. FITZSIMONS, and Mr. HILLHOUSE, be the said committee.

WEDNESDAY, January 8.

The bill sent from the Senate, entitled "An act

making an alteration in the Flag of the United States," was read the third time.

Mr. B. BONDINOT moved that it should be referred to a select committee.

Mr. WATTS seconded the motion. He said his object was, to have a clause added to establish the Flag of the United States, so that in case of new accessions to the Union, future applications for alterations may be precluded; he added, that he supposed the title of the bill should be amended, he proposed take place, ought to be a bill to *establish the Flag of the United States*.

The motion for a reference to a select committee being put, was negatived—49 to 89.

Mr. W. then moved that the bill should be re-committed to the Committee of the Whole, for the purpose of introducing a clause to fix, for ever, the Flag of the United States. This motion was lost.

And, on the question that the bill do pass, it was resolved in the affirmative—yeas 50, nays 42, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, William B. Giles, Christopher Greenup, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, Daniel Heister, John Hunter, William Irvine, William Lyman, Nathaniel Mason, James Madison, Joseph McDowell, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, John Beatty, Elias Bondinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Hillhouse, Samuel Holten, Amasa Learned, Richard Bland Lee, Mathew Locke, Francis Malbone, Alexander Mebane, Joseph Neville, John S. Sherburne, Jeremiah Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Mr. IRVINE, from the committee appointed to report whether any, and what, alteration ought to be made in the ration now allowed to the troops of the United States, made a report; which was read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the bill providing for destroyed certificates of certain descriptions; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

H. or R.]

Military Establishment—Estimates of Appropriations.

[JANUARY, 1794.]

THURSDAY, January 9.

MILITARY ESTABLISHMENT.

It was then moved, that the House proceed to consider the bill for the better support of the Military Establishment of the United States. Agreed to.

The Clerk then read an amendment agreed to by the Committee of the Whole House, as to granting ——— years of half-pay to the widows and orphans of such soldiers as die in the service of the United States.

Mr. BEATTY then moved a second amendment, which was, in substance, that an addition to the pay at present given to the non-commissioned officers and soldiers, that, for those hereafter enlisted, a certain sum per month shall be allowed, and reserved, and be given to him at the time of his discharge; and if he dies, before the end of his service, the money shall be paid to his representatives. Mr. B. also wished this gratuity to be unalienable, that a non-commissioned officer or soldier might not be tempted to dispose of it beforehand, for less than its value, and thereby disappoint the benevolent design of the House.

Mr. WADSWORTH proposed to add, as an amendment, the word *officers*, before the words “non-commissioned officers and soldiers.” He said, that the officers were more depressed than the soldiers, which was known to the whole country.

Mr. SMITH could not consent to this amendment, without better information than any which he yet had.

Mr. SCOTT said, that he could not believe that the officers of the Army were in a state of depression. He, at this time, could mention forty applications for military commissions. There were great numbers of country gentlemen who would be glad to get them. It was the private men who wanted encouragement.

Mr. SMITH thought that the amendment of Mr. WADSWORTH, upon the amendment of Mr. BEATTY, came in awkwardly in this place. He was friendly to the general idea, but disliked the mode.

Mr. BOUNDNOT moved to strike out the words *hereafter enlisted*, and to apply the bounty to every non-commissioned officer and soldier, in the service. There was no good reason for such a material distinction between the old soldiers and the new levies. The amendment would then meet his wishes.

Mr. WADSWORTH withdrew his amendment upon the amendment, and the original amendment of Mr. WATTS, with the bill, was referred to a select committee.

Ordered, That the said bill, with the amendment, be re-committed to Messrs. BEATTY, IRVINE, JEREMIAH WADSWORTH, DEARBORN, and VAN GAASEBECK.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House, to the bill providing for destroyed certificates of certain descriptions: whereupon,

Ordered, That the said bill, with the amendments,

be re-committed to Messrs. GILES, DEXTER, SHEAR-JAHUB BOURNE, LEE, and CLARK.

The House resolved itself into a Committee of the Whole House on the report of the Secretary, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was read, and ordered to lie on the table.

Resolved, That this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said report.

FRIDAY, January 10.

ESTIMATES OF APPROPRIATIONS.

The House then went into a Committee of the Whole, on the statements and estimates of appropriations for the current year, 1794.

Mr. GILES suggested several reasons for separating the items and the estimate of appropriations for the Civil List, and for discharging the current expenses of Government, from the articles designated for other purposes. He moved the House to take up the resolution agreed to by the Whole House yesterday, and make it the subject of a separate bill.

Mr. MADISON said, that members had been reduced to the most serious difficulties by the delays in the payment of their salaries. The Civil List ought always to have a fund provided for it in the first place, because it was a mere matter of form to put it to a vote. It was otherwise with the Military Establishment. He trusted that would never be reduced to a mere form.

Mr. NICHOLAS supported the motion of Mr. GILES. He thought that the House should immediately pass a bill for establishing a provision for the expenses of the members of Congress. It was not fair to suppose that every gentleman in that House came to town with as much money in his pocket as would clear his expenses. Why put any person to pecuniary inconvenience when at a distance from his resources? The accounts ought to be kept distinct.

Mr. FITZSIMONS and Mr. BOURNE remarked, that the next article in the estimates was so blended with the preceding that they must be comprehended in one.

On this, Mr. NICHOLAS withdrew his second to the motion, and the House went into a Committee of the whole, Mr. TOWNSEND in the Chair.

Mr. BOUNDNOT moved a resolution covering the next article in the estimate. The item providing for the clerks in the Loan Office, being objected to, was passed over for the present.

Mr. GILES then moved, that the Committee do now rise. The motion was seconded by Mr. NICHOLAS, and supported by Mr. MADISON.

The resolution moved by Mr. BOUNDNOT, that \$107,693 43, be appropriated for sundry purposes, was agreed to. The Committee then rose, and the House, after some consideration, adopted the resolutions.

JANUARY, 1794.]

French Emigrants from St. Domingo.

[H. or R.]

Mr. GILES then moved, that a committee should be appointed, to prepare and bring in a bill for that purpose. This was agreed to, and a committee named.

Resolved, That, for the expenditure of the Civil List of the United States, for the year one thousand seven hundred and ninety-four, together with the incidental and contingent expenses of the several Departments, and offices thereof, there be appropriated the several sums of money following, to wit:

[Here follows an enumeration of the different items.]

The House then again resolved itself into a Committee of the Whole House, on the said report; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and come to a resolution thereupon, which he delivered in at the Clerk's table, where the same was twice read, and agreed to by the House, as follows:

Resolved, That, for making good deficiencies for the support of the Civil List Establishment; for aiding the Fund appropriated for certain officers of the Court, jurors, and witnesses; for the support of light-houses, and for other purposes, there be appropriated the several sums of money following, to wit:

[Here the items are enumerated.]

Ordered, That a bill or bills be brought in pursuant to the said resolution, and the resolution for the expenditure of the Civil List; and that Mr. BOUNDNOT, Mr. TOWNSEND, and Mr. GILES, do prepare and bring in the same.

Mr. NICHOLAS, from the committee appointed to select such parts of the President's Communications, respecting the Regency of Algiers, as his Letter, accompanying the said Communications, suggests it would be proper to keep secret, made a report; which was read, and ordered to lie on the table.

Ordered, That the Message from the President of the UNITED STATES, of the 7th instant, respecting the appointment of an officer for receiving, safe-keeping, and distributing, the public supplies, under the direction of the War Department, which lay on the table, be referred to Mr. HARTLEY, Mr. BEATTY, and Mr. SWIFT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

FRENCH EMIGRANTS FROM ST. DOMINGO.

Mr. SAMUEL SMITH, from the committee to whom was referred the petition of William Patterson, Samuel Sterrett, and Gustavus Scott, the committee appointed by the Legislature of Maryland to draw and distribute the moneys granted by that State for the relief of the French emigrants from the Island of St. Domingo, made a report:

Mr. S. SMITH said, that there never was a more noble and prompt display of the most exalted feelings, than had been exhibited on this occasion. He believed that such a scene of distress had never before been seen in America. Three thousand fugitives had been at once landed, without

the least previous expectation of their arrival. The whole inhabitants instantly assembled, and deputed a committee, of which he was one, to go on board the vessels, and examine their situation. Thirteen thousand dollars were instantly sub-quite helpless; three hundred and fifty of them were old men, or women without their husbands, or children without their parents. Some had credit, and some had not. Five hundred of them had been sent to France by the Minister, at the expense of the Republic; the rest remain in this country.

[It was then moved, that the report of the Relief Committee be read a second time; which being done, it was moved that this report be taken up by a Committee of the Whole House.]

Mr. S. SMITH was for proceeding instantly to decide on the subject.

Mr. NICHOLAS hoped that the motion would be deferred to another day. He felt a difficulty in this matter, because it was entirely new to him; he had not yet formed his mind upon it. He suspected that, to bestow the money of their constituents on an act of charity, though it would be extremely laudable, was yet beyond their authority. They had been sent to this House with limited powers, and for special purposes. He would be extremely happy to vote for the relief of the fugitives of Cape Francois, if, upon reflection, he found it Constitutional. He therefore wished to delay a determination, until he had leisure to form a deliberate opinion on the subject.

Mr. CLARK never had entertained a moment's hesitation that relief should be given.

Mr. S. SMITH, to prove that there was no illegality in bestowing the assistance wanted, read a passage in the despatches that had been printed, addressed by our Executive Government to the American Minister at Paris, stating that they had thought themselves authorized to advance money, for the immediate support of the fugitives. From this proceeding, he inferred, that Congress might lawfully do the same. He mentioned the obligations that this country lay under to France, which he hoped would never be forgotten. He enlarged considerably on the generosity of the citizens of Baltimore. He imagined that, in this affair, the American nation had exerted a degree of generosity unparalleled in the history of any other people.

Mr. MADISON wished to relieve the sufferers, but was afraid of establishing a dangerous precedent, which might hereafter be perverted to the countenance of purposes very different from those of charity. He acknowledged, for his own part, that he could not undertake to lay his finger on that article in the Federal Constitution which granted a right to Congress of expending, on objects of benevolence, the money of their constituents. And if once they broke the line laid down before them, for the direction of their conduct, it was impossible to say to what lengths they might go, or to what extremities this practice might be carried. He did not agree with the member who spoke last, that nothing like the generosity of

America had ever been heard of before. As one example in contradiction to this assertion, he mentioned, that when the city of Lisbon had, in 1755, been overwhelmed by an earthquake, the Parliament of England instantly voted one hundred thousand pounds for the support of the sufferers. In doing this, they had, he believed, acted in unison with the feelings of the British nation, and such feelings did that nation the utmost honor. He likewise imagined, that the Parliament had acted agreeably to the British Constitution, which allowed them an indefinite and absolute right in disposing of the money of their constituents. But as to the American Congress, the case was widely different. He was satisfied that the citizens of the United States possessed an equal degree of magnanimity, generosity, and benevolence, with the people of Britain, but this House certainly did not possess an undefined authority corresponding with that of a British Parliament. He wished that some other mode could be devised for assisting the French sufferers than by an act of Congress. He was in hopes that some other mode, equally effectual, and less exceptionable, might be devised. As to what our executive Government had already done, as quoted from the official despatches by the gentleman who spoke last, the inference did not apply; for in that emergency, a delay would have been equivalent to a total denial. It had been said, that we owed the French every sentiment of gratitude. It was true; but it was likewise true that we owed them something else than sentiments, for we were indebted to them a very large sum of money. One of the instalments of that debt would be due in a short time, and perhaps it might be safest for Congress to advance the sums now wanted for the French refugees, in part of that debt, and leave it to the decision of the French Ministry whether they would accept of such a payment or not. He did not wish to press this expedient upon the House, but he begged leave to submit it to their consideration; and as he had not yet been able to resolve in his own mind what line of conduct the House ought to pursue, he requested that the discussion of the question might for a short time be deferred.

Mr. CLARK wished that the gentleman who spoke last would be careful of preserving consistency. It was only a few days ago that he had laid before the House a resolution, by which Congress were to indemnify all such citizens of the United States as had suffered losses by the British pirates. He supposed that for this, there would be found as little authority in the articles of the Constitution, as for relieving the fugitives from Cape Francois.

Mr. MADISON, in explanation, replied, that the two cases were widely different. The vessels of America sailed under our flag, and were under our protection, by the law of Nations, which the French sufferers unquestionably were not. As to the resolution he had proposed, it was not then before the House, and hence he could not speak to it with propriety. It was very possible that the House might find it wrong, and reject it. He wished not to be misunderstood, for he was sure

that every member in that House felt the warmest sympathy with the situation of the sufferers. He would be very glad to find a proper way for their relief.

Mr. NICHOLAS said, that he had not been able to discover upon what authority the House were to grant the proposed donation. If the question should that day come to a vote, which he trusted it would not, he had resolved to give his voice in favor of the sufferers; but, when he returned to his constituents, he would honestly tell them that he considered himself as having exceeded his powers, and so cast himself on their mercy. He felt many obstacles to voting away this money without further deliberation.

Mr. BOUNDINOT declared, that he had never been able to discover any difficulty in the matter. By the law of Nature, by the law of Nations—in a word, by every moral obligation that could influence mankind, we were bound to relieve the citizens of a Republic who were at present our allies, and who had formerly been our benefactors. He could not for a moment endure the idea of a hesitation on such a question. When a number of our fellow-creatures had been cast upon our sympathy, in a situation of such unexampled wretchedness, was it possible that gentlemen could make a doubt whether it was our duty to relieve them? It had been said that the House was not, by the Constitution, authorized to give away money for such purposes. He was satisfied, that to refuse the assistance requested, would be to act in direct opposition both to the theory and practice of the Constitution. In the first place, as to the practice, it had been said that nothing of this kind had ever occurred before under the Federal Constitution. He was astonished at such an affirmation. Did not the Indians frequently come down to this city, on embassies respecting the regulating of trade, and other business—and did not the Executive, without consulting Congress at all, pay their lodgings for weeks, nay for whole months together? and was not this merely because the Indians were unable to pay for themselves? Nobody ever questioned the propriety of that act of charity. Again; when prisoners of war were taken, there was no clause in the Constitution authorizing Congress to provide for their subsistence: yet it was well known that they would not be suffered to starve. Provision was instantly made for them, before we could tell whether the nation to whom they belonged would pay such expenses, or would not pay them. It was very true that an instalment would soon be due to France, nor did he object to reimbursement in that way, if it could be so obtained. But, in the mean time, relief must be given, for he was convinced that we had still stronger obligations to support the citizens of our allies than either Indians or prisoners of war. In the second place, as to the theory of the Constitution, he referred gentlemen to the first clause of the eighth section of it. By that clause Congress were warranted to provide for exigencies regarding the *general welfare*, and he was sure this case came under that description.

Mr. FITZSIMMONS thought that it would be ex-

pedient to lose as little time as possible in going into the Committee. It was hard on the State of Maryland to support of itself such an immense number of people. Besides, the period for which that State had engaged to furnish them with subsistence was expiring; so that it was absolutely necessary to come to an early decision whether the House would assist them or not. Mr. GENET had made a discrimination among the sufferers: some of them he had promised to assist, and others, as *aristocrats*, he had disowned altogether.

Mr. DEXTER read the clause referred to by Mr. BOUNDINOT, but could not draw from it any such inference. He was very unwilling to vote against the proposition, and therefore solicited a delay, that he might have leisure to find proper reasons for voting in its favor.

Mr. GILES was averse to precipitation in an affair of such magnitude. The report had been read for a first time to-day; it had then been read for a second time to-day. As if all this had not been sufficient, the House must likewise go into a Committee this day. Like the gentleman who had just sat down, he felt many doubts as to the legality of such an act of bounty; and he wished, before he gave a vote on either side of the question, to free himself from these doubts. He considered his duty to his constituents as a very solemn trust. Some personal insinuations had been cast out, as if gentlemen who professed Constitutional scruples had wished to embarrass the subject. Reflections of this kind could answer no good purpose. Gentlemen (said Mr. G.) appeal to our humanity. The appeal is out of place. That is not the question; but whether, organized as we are, under the Constitution, we have a right to make such a grant? He did not understand why an application was made to Congress in particular. It would have been made with greater propriety to the Provincial Assemblies, as their power over the purses of their constituents was more extensive than that of this House over the revenues of the United States.

[The motion for the House resolving itself into a Committee immediately was then withdrawn, and the report was committed to a Committee of the Whole on the State of the Union.]

MONDAY, January 13.

PETITION OF THOMAS MANNING.

Mr. SHEERBURN called up the petition of Thomas Manning, presented last week. He observed that the facts set forth in the petition were established by documents which accompanied it. That the petition originated in a contract made by the petitioner with an agent of the French Government in Martinique; that, although that Government had recognised the powers of their agent, and the performance of the services which were the ground of the contract, they had refused to fulfil it, but by a payment of assignats, instead of specie, which had been particularly specified. He observed, had the contract been made with an individual, a pro-

cess in a Judicial Court would have procured an indemnity, but it was with a nation, over which Judicial Courts had no control; the petitioner, therefore, could derive no redress but from the justice of his country, which was bound to protect the rights of its citizens in all cases, and when it could not prevent an injury, it ought to repair the damage. That this, in the present case, might be done with a moral assurance of a reimbursement, as it would be a just article of charge in the account of the United States against France, to which justice must cheerfully give its sanction, and which in happier times, that Government will undoubtedly allow. That, as the justice of the demand was confessed, indemnifying the petitioner would be advancing a payment for France, for which her credit and honor were pledged, but not at present allow her to make; but, Mr. S. observed, that as the case was of the first impression, and he wished there might be a thorough investigation of principles as well as facts, he moved that the petition, with the documents accompanying it, might be referred to the Secretary of State. This motion was agreed to.

The SPEAKER laid before the House a Report of the Secretary of the Treasury, of a statement of the actual tonnage of American vessels employed in the commerce between the United States and foreign countries, for one year, ending the thirtieth of September, one thousand seven hundred and ninety-two, pursuant to the order of this House, of the third instant; which was read, and ordered to lie on the table.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States, in foreign countries. When

Mr. SMITH, of South Carolina, rose and addressed the Chair as follows:

Mr. Chairman:—Among the various duties which are assigned by the Constitution to the Legislature of the United States, there is, perhaps, none of a more important nature than the regulation of commerce, none more generally interesting to our fellow-citizens, none which more seriously claims our diligent and accurate investigation.

It so essentially involves our navigating, agricultural, commercial, and manufacturing interest, that an apology for the prolixity of the observations which I am about to submit to the Committee, will scarcely be requisite.

In the view which I shall take of the question, disengaging the inquiry from all topics of a political nature, I shall strictly confine myself to those which are commercial, and which alone are, in my judgment, properly connected with the subject.

Called upon to decide on propositions, merely commercial, and springing from a report, in its nature limited to commercial regulations, it would be as ill-timed, as it would be irregular, to mingle with the discussion considerations of a political

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nature. I shall, accordingly, reject from the inquiry every idea which has reference to the Indians, the Algerines, or the Western posts. Whenever those subjects require our deliberations, I shall not yield to any member in readiness to vindicate the honor of our country, and to concur in such measures as our best interests may demand.

This line of procedure will, I trust, be deemed by those gentlemen who follow me, the only proper one, and that the debate will be altogether confined to commercial views; these will of themselves open a field of discussion sufficiently spacious, without the intervention of arguments derived from other sources. It would indeed argue a weakness of ground in the friends of the proposition, and imply a distrust of the merits of their cause, were they compelled to bolster it up with such auxiliaries and to resort for support to arguments, not resulting from the nature of the subject, but from irrelative and extraneous considerations.

The propositions, as well as the report, being predicated upon facts and principles having relation to our commerce and navigation with foreign countries, by those facts and principles, and those alone, ought the propositions stand or fall.

It will not be denied that this country is at present in a very delicate crisis, and one requiring dispassionate reflection, cool and mature deliberation. It will be much to be regretted then, if passion should usurp the place of reason, if superficial, narrow, and prejudiced views should mislead the public councils from the true path of national interest.

The report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries is now before the Committee. The tendency of that report (whatever may have been the design of the reporter) appears to be to induce a false estimate of the comparative condition of our commerce with certain foreign nations, and to urge the Legislature to adopt a scheme of retaliating regulations, restrictions, and exclusions.

The most striking contrast which the performance evidently aims at, is between Great Britain and France. For this reason, and as these are the two Powers with whom we have the most extensive relations in trade, I shall, by a particular investigation of the subject, endeavor to lay before the Committee an accurate and an impartial comparison of the commercial systems of the two countries in reference to the United States, as a test of the solidity of the inferences which are attempted to be established by the report. A fair comparison can only be made with an eye to what may be deemed the permanent system of the countries in question. The proper epoch for it, therefore, will precede the commencement of the pending French Revolution.

The commercial regulations of France during the period of the Revolution have been too fluctuating, too much influenced by momentary impulses, and, as far as they have looked towards this country with a favorable eye, too much manifesting an object of the moment, which cannot be

mistaken to consider them as a part of a system. But though the comparison will be made with principal reference to the condition of our trade with France and Great Britain, antecedent to the existing revolution, the regulations of the subsequent period will perhaps not be passed over altogether unnoticed.

The table,* which I have before me, comprises the principal features of the subject within a short compass. It is the work of a gentleman of considerable commercial knowledge, and I believe may be relied on for its correctness. An attentive reference to it will, with some supplementary remarks, convey a just conception of the object, a view to conciseness and simplicity has excluded from it all articles (the production and manufactures of the United States) which are not of considerable importance.

Accustomed as our ears have been to a constant panegyric on the generous policy of France towards this country in commercial relations, and to us as constant a philippic on the unfriendly, illiberal, and persecuting policy of Great Britain towards us in the same relations, we naturally expect to find in a table which exhibits their respective systems, numerous discriminations in that of France in our favor, and many valuable privileges granted to us, which are refused to other foreign countries, in that of Great Britain frequent discriminations to our prejudice, and a variety of privileges refused to us which are granted to other foreign nations. But an inspection of the table will satisfy every candid mind, that the reverse of what has been supposed is truly the case—that neither in France nor the French West Indies, is there more than one solitary and important distinction in our favor, (I mean the article of fish oil,) either with regard to our exports thither, our imports from thence, or our shipping; that both in Great Britain and the British West Indies, there are several material distinctions in our favor, with regard both to our exports thither and to our imports from thence, and, as it respects Great Britain, with regard also to our shipping; that in the market of Great Britain, a preference is secured to six of our most valuable staples, by considerable higher duties on the rival articles of other foreign countries; that our navigation thither is favored by our ships, when carrying our own productions, being put upon as good a footing as their own ships, and by the exemption of several of our productions, when carried in our ships, from duties which are paid on the like articles of other foreign countries carried in the ships of those countries; and that several of our productions may be carried from the United States to the British West Indies, while the like productions cannot be carried thither from any other foreign country; and that several of the productions of those countries may be brought from thence to the United States, which cannot be carried from thence to any other foreign country.

These important differences in the systems of the two countries will appear more fully, by passing—

* Vide table annexed.

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ing in review each article, and presenting, at the same time, the remarks which it will suggest.

EXPORTS.

1. *Flour.*—This article, on its importation into France, was subject to a duty of one-eighth per cent ad valorem. Since the commencement of the Revolution it has been, with all other foreign flour, made free. Here is no distinction for or against us.

In Great Britain, it was, and is, like other foreign flour, subject to a duty so high as in ordinary times to be prohibitory; this duty is 24s. 3d. per quarter, until the price of British flour rises as high as fifty shillings, when a duty of sixpence only is payable.

It enjoys the right of deposit, with the privilege of exporting, duty free, and with the option of waiting till the market prices give effect to the low duties. There is no distinction for or against us. The same system applies generally to grain.

The ordinary state of things renders the result of both systems the same to us. In neither country is our flour saleable with advantage but in times of particular scarcity; in Great Britain, because the duty prevents an advantageous competition, except in such times; in France, because the capacity of that country to supply herself is such, that we cannot, in common cases, afford to sell our flour in her market. The average price of flour in France, in times of tranquility and common plenty, may be stated at five dollars and two-thirds of a dollar per barrel of Pennsylvania. This, computing the price at which flour has been for a number of years past in Pennsylvania, would not pay freight and charges, taking the average here, at four dollars and two-thirds (the charges, including freight and insurance, being about one dollar and two-thirds) the price, to pay freight, ought not to be less than six dollars and a third.

The conclusion is, that neither France nor Great Britain is to be considered as a valuable market for the flour of the United States.

If an authority, respectable on that point, I mean the report of a committee of the British Privy Council, may be trusted (which declares an increasing incompetency for self supply on the part of Great Britain) the chance even is, that Great Britain may prove the better customer of the two for this article, notwithstanding her high duties. That nation discourages the competition of foreign flour with her own in her own market, because she has reason to fear that such competition may supplant her own and injure her agriculture. France does not discourage the competition, because experience has shown her that it cannot turn to her disadvantage; so the United States lay but a trifling duty on the same article, because we know that it cannot come into competition with our own.

In the French West Indies, the introduction of flour from the United States and other foreign countries was prohibited by a standing law. There was no distinction for or against us. The Colonial Government, it is true, had power to make

occasional suspensions with a view to seasons of scarcity, and they have from time to time exercised that power. But the Secretary of State is mistaken, when he says that the general prohibition has been latterly suspended without interruption; unless he refers to a period later than that which he mentions as the point of time to which his report is limited, (namely, the Summer of 1792,) a period in which all systems have been suspended.

There was indeed an arrêt of the Colonial Government of St. Domingo, of May 9th, 1789, which established a partial suspension till August, 1794; but this suspension was confined to a particular and small part of the island, on very special reasons, with cautious guards to intercept its effect with other parts of the island; and it is supposed that even this arrêt was revoked in France.

The real system of France then in regard to this article, and with respect to its West India Colonies, was completely prohibitory.

In the British West Indies, on the contrary, flour from the United States was, and is a free article, and with this distinction in our favor, that the flour of any other foreign country cannot be carried thither from such country even in British bottoms.

The comparison therefore between the systems of France and Great Britain, in relation to this article, concludes clearly in favor of Great Britain. In Europe, their systems, though different, from difference of circumstances, terminate nearly in the same point. In the West Indies, the steady, certain, and therefore, the truly important market for us, the system of France aims at the total exclusion of our principal staple; that of Great Britain gives it a free admission, and even a preference.

Authentic statements of the exports of flour from Philadelphia in the years 1786 and 1788 (which I accidentally possess) serve to illustrate the natural operation of the two systems, being applicable to years in which no extraordinary causes changed the common course of the trade.

By these statements it appears that in 1786, the exports were—

	Barrels.
To France	21
To the French West Indies	1,808
Total	1,829
To Great Britain	0
To the British West Indies	45,118
Total	45,118
In 1788, the exports were—	
To France	2,375
To the French West Indies	285
Total	2,660

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To Great Britain -	-	828
To British West Indies -	-	59,938
Total	-	60,766

In these years the shipments from the same port to other British ports amounted to 6,358 barrels. The last three or four years present, indeed, a different state of things, as will be shown hereafter. But these having been years of revolution and convulsion, are not such good criteria as those which have been just noticed.

2. *Tobacco.*—This article was under no duty in France; but it was subject to a monopoly of the Farmers General, a circumstance which was a serious impediment to our trade with France in this article, obstructing the enterprise and competition of our own merchants in the markets of that country. There is no distinction for or against the United States.

In Great Britain it was and is subject to a duty of 1s. 3d. per pound on importation, other foreign tobacco paying 3s. 6d. per pound.*

The Secretary of State has omitted to notice this difference. Our tobacco then stood, and it may be added, still stands upon a better footing in Great Britain than in France.

Here I request the attention of the committee to a principle of importance, which appears to have been overlooked by the Secretary of State, who indiscriminately presents, as a discouragement of our produce, all the internal duties which are laid upon it by foreign nations.

The principle I allude to is this, that it is wholly immaterial to us, what internal duty is laid upon any commodity of ours by a foreign nation, when that nation does not itself raise or make the article, or some other which is a substitute for it, provided the duty be not so high as to render the article too dear for consumption, and an equal duty be laid on the article from other foreign countries. The reason of it is this, that the consumer in such case, who is the subject of the foreign country, pays the duty. Thus the duty we lay on China wares is immaterial to any foreign nation which manufactures it, because we do not ourselves manufacture it, or a substitute for it, and because it extends equally to the same manufacture of all countries.

This remark will not a little abridge the catalogue of grievances which has been exhibited by the Secretary of State. Indeed, if it were not so, what abundant room for recrimination would our revenue code give to all other countries.

Tobacco is an article, in reference either to France or to Great Britain, to which the observation is peculiarly applicable. Neither of those countries raise it themselves. It is one of those objects of fancy and caprice in respect to which a duty most certainly falls on the consumer. The duties, therefore, upon it in Great Britain can be no concern of ours.

* On re-exportation, there is a drawback of the whole duty on our tobacco, but 3d. per pound retained on re-exportation of foreign tobacco.

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[H. or R.]

mer may tend to prevent its being consumed in such cases in place of the latter.

In the West Indies, the subject wears a different aspect. Rice there makes a part of the common food. A duty upon it tends to prevent its being such, by letting in cheaper substitutes. This reflection operates in favor of the British against the French system, in respect to the West Indies, there being a duty-upon it in the French, none in the British West Indies. But that duty is so light that, from this cause, and its extending to other articles, it ought scarcely to be counted. The prohibition of other foreign rice, however, is a circumstance of some value, assuring to this article from the United States a monopoly of the British West India market.

4. *Wood.*—This article (the fourth in importance as an export) stood and stands on a decidedly better footing in the British than in the French system. In Great Britain it was and is free from duty, while other foreign rival woods are subject not to some small, as the Secretary of State informs us, but to considerable, and, in several instances, high duties. The observations with regard to this difference, as applied to tobacco, apply to this article in full force, with this additional circumstance, that some of the Northern nations could afford to undersell us, were it not for the protection derived from the high duties on their woods.

In the French West Indies, our wood is subject to a duty of one per cent. ad valorem, with no distinction for or against us. In the British West Indies it is free, with a distinction in our favor, by the prohibition of other foreign wood. The duty, so of the prohibition in the British West Indies of all foreign wood, but from the United States.

5. *Fisheries.*—Here the comparison is in favor of France, our salted fish being prohibited both in Great Britain and the British West Indies, while it is permitted in France with a duty of 8 livres per quintal, and in the French West Indies with a duty of 5 livres per quintal. Our fish oil being subject in Great Britain, in common with other foreign oil, to a duty of 18s. 5d. sterling per ton of 252 gallons; in France to a duty of 7 livres 4 sous per barrel of 520 pounds, while other foreign oil is prohibited. This last article is prohibited in the West Indies of both countries. While there is no distinction in the system of Great Britain for or against us, that of France, in respect to fish oil, makes a distinction in our favor. But these differences between the two systems appear greater on a superficial than upon a more accurate view. The principle upon which each proceeds is the monopoly of her own market to the productions of her own fisheries, and the exclusion, as far as possible, of all foreign countries, the United States not excepted. But, in pursuing this principle, a difference of situation creates a difference of measures. Great Britain, able to supply herself, prohibits absolutely all foreign salted fish. France, unable to supply herself, but aiming at it with all her strength, lays high duties upon that article, when produced from foreign fisheries, and bestows

high premiums upon it when produced from her own fisheries. The duties on foreign and the bounties and premiums on her own fish, would amount to a complete prohibition of ours, if her own fisheries had been able to produce a complete supply; but their incapacity to do this has let ours into the French market, in spite of the discouragements upon it. It merits particular attention, that, in reference to this article, the French system conferred upon us no particular privilege or favor. Other foreign salted fish, in foreign bottoms, stood upon the same footing with our fish, in our bottoms.

Great Britain, less able to supply herself with fish oil than with fish, makes a difference in her system. She does not prohibit the article, but lays a prohibitory duty upon it; but her incapacity to supply herself (as in the case of salted fish with France) lets us into her market with our fine oils, in spite of the discouragement upon ours.

So France, to a considerable duty on our article, adds enormous bounties in favor of the same article the produce of her fisheries. The Secretary of State, in his report on the fisheries, has noticed the measures taken by France to erect her own whale fishery on the ruins of that of the United States. Tempting our fishermen to abandon us and settle at Dunkirk, she allows, for every ton of shipping employed, between nine and ten dollars, with some other advantages. If, in the conduct of Great Britain towards us, in this particular, we discern the spirit of a selfish rival, in that of France, in the same particular, we cannot but see the machinations of an insidious friend. The distinction in favor of our fish oil, as compared with other foreigners, is no counterpoise to the general tendency of the French system, which aimed at excluding us finally from the competition in her markets, though it was deemed preferable, till it could have its full effect, that the United States should enjoy the benefit of the competition, in exclusion of an ancient and formidable rival.

To elucidate still more clearly the spirit of the French system, in this particular, the following facts are submitted to the consideration of the Committee:

1. In August, 1784, the *arrêt* giving admission to foreign fish in the West India markets was passed. In September, 1785, another *arrêt* passed, granting a premium of 10 livres per quintal on French fish. Seven days after, so great was their jealousy on this subject, another *arrêt* passed, raising the duty on foreign fish, including that of the United States, from 3 to 5 livres.

2. An *arrêt* of the 29th of December, 1787, grants a right of deposit or storing for six months, in France, to all the productions of the United States, in order to re-exportation, paying only a duty of one per cent. In February following, less than two months after, another *arrêt* passed, excepting from this right all the products of our fisheries, evidently from a jealousy of our interference with the French fisheries.

3. A further explanation of the spirit of the system on this point is to be found in a passage of a

report to the National Assembly, in the year 1789, from the Committees of Agriculture and Commerce. After stating a diminution of the product of the French cod fishery, during the year 1789, the report proceeds thus: "This diminution ought to be attributed to the collusion of the English, and Free Americans, who contrived to dispossess the French fisheries by finding means to supply us with their fish, while they eluded the payment of the duty which was imposed on importation, in order to establish a preference in favor of the cod of the French fishery."

6. *Pot and Pearl Ashes*.—The system of Great Britain is evidently more favorable to this production (sixth in importance of the exports of the United States) than the system of France—the former giving a preference to our article by making it free, while the same article from other foreign countries is subject to a duty of 2s. 3d. per cwt.; the latter placing our article on the same footing with that of other foreign countries. The observations I have made with regard to tobacco apply to this article in full force. In the West India possessions of the two countries it is equally prohibited.

7. *Salted Meat*.—The regulations of France with regard to this article (seventh in consequence of our exports) are clearly more favorable than those of Great Britain. France admits both beef and pork into her home market, with a duty of 5 livres per quintal; in her West India markets, she admits beef with a duty of one per cent. ad valorem, and 3 livres per quintal, but prohibits pork. Great Britain prohibits both beef and pork in her home and West India markets. Neither country makes any distinction in this particular for or against the United States.

8. *Indigo*.—This article (eighth in value of our exports) stands upon a decidedly better footing in the system of Great Britain than in that of France. France is herself our competitor in the supply of her own market, and she aims at securing to herself the monopoly of it by adding to the advantage of a superior quality of her own indigo, as asserted by the Secretary of State, the discouragement to ours of double the duty paid on her own. Great Britain admits the article into her home market free of duty. Both countries exclude it from their West India market. Neither make any distinction for or against us.

9. *Live Animals*.—The regulations both of France and Great Britain may be considered as substantially the same in regard to this article; the small duty of one per cent. ad valorem laid by France in the West Indies, while it is free in the British West Indies, being really of no great consequence. Neither country makes any distinction for or against us.

10. *Flaxseed*.—The same may be said of this as of the preceding article. If free in Great Britain, it was subject only to a duty of one-eighth per cent. ad valorem in France. It is prohibited in the West Indies of both countries. There is no distinction in the system of either nation for or against us.

11. *Naval Stores*, viz.: Pitch, Tar, Turpen-

line, and Rosin.—These articles were more favored by the system of Great Britain than of France. In the latter, they were subject to a duty of two-and-a-half per cent. ad valorem, with no distinction in our favor. In the former, our tar and pitch are subject to a duty of 11s. per last, while tar and pitch of other countries pay 12s. 4d. per last; our turpentine is subject to a duty of 2s. 3d. per cwt., while that of other countries pays 12s. 9d.; our rosin only 1s. 6d. per cwt., that of other countries 2s. 4d. These duties fall under a like consideration as those on tobacco. The duty on our commodity produced in the British Dominions is no detriment to us. The higher duties on the same commodity from other foreign countries are boundties on ours, in common with the same commodity produced in the British possessions. In the French West Indies, these articles were received upon a duty of one per cent. ad valorem equally with the like articles of other foreign countries. In the British West Indies, besides being free, they enjoy the advantage of a prohibition of the foreign articles.

12. *Iron, Bar and Pig*.—In respect to this article, likewise, the system of Great Britain is more favorable than that of France. While in France there is no distinction for or against us, in Great Britain, our iron is free, and that of other countries is subject, bar iron, to a duty of from 5s. 2d. to 67s. 2d. per ton; pig iron, to a duty of 5s. 6d. per ton. It is remarkable that Irish iron pays in Great Britain a duty of 30s. 10d. per ton. Both in the French and British West Indies, the article is prohibited. The Secretary of State, to show the insignificance of the discrimination in our favor, observes, that we do not make enough for our own consumption; but this was not foreseen by Great Britain when the discrimination began, having arisen from the late rapid increase of manufactures of iron. This is evinced by the fact that, in a year, ending 30th September, 1790, our export of iron to Great Britain amounted to \$81,612.

The foregoing remarks establish clearly that the principal productions of this country, generally speaking, are more favored by the British than by the French commercial system. Here it may be proper to show the amount of the several articles which have been the subject of inquiry exported to the respective dominions of those countries for the period of one year, ending 30th September, 1790:

To the Dominions of France.		
Articles.	France.	West Indies.
Flour	\$392,341	\$1,090,854
Grain	202,873	77,920
Tobacco	384,643	43,104
Rice	166,461	166,465
Wood	110,864	363,175
Salted fish	1,106	609,106
Fish oil	91,298	14,714
Pot and pearl ashes	20,720	304,345
Salt meats	14,109	1,752
Indigo	10,897	355,795
Live stock	-	-

To the Dominions of France—Continued.		
Articles.	France.	West Indies.
Flaxseed	3,290	4,197
Naval stores	3,169	623
Iron	1,525	-
Total	1,393,286	3,031,050
To French Dominions	3,031,050	-
To the Dominions of Great Britain.	4,424,386	-

To the Dominions of Great Britain.		
Articles.	Great Britain.	West Indies.
Flour	\$676,274	\$588,006
Grain	411,566	273,505
Tobacco	2,754,493	22,816
Rice	773,852	180,087
Wood	240,174	382,481
Salted fish	10	7,189
Fish oil	81,048	124
Pot and pearl ashes	747,078	6,659
Salt meats	838	5,700
Indigo	473,830	62,415
Live stock	219,924	6,162
Flaxseed	190,670	600
Naval stores	81,612	-
Iron	-	-
Total	6,651,425	1,805,744
To British Dominions	8,457,173	-

The total amount of exports to the British and French Dominions, for three years successively, is as follows:

To the Dominions of Great Britain	\$9,246,606 00
To the Dominions of France	4,668,902 00
Excess of exportation to the Dominions of Great Britain	4,577,704 00

For a year ending 30th September, 1791.

To the Dominions of Great Britain	\$7,953,418 21
To those of France	4,298,762 26
Excess of exports to the Dominions of Great Britain	3,654,655 95

For a year ending 30th September, 1792.

To the Dominions of Great Britain	\$8,269,465 00
To those of France	5,243,543 00
Excess to Great Britain	3,025,922 00

Thus it appears that our exportations to the British Dominions, upon an average of three years, have exceeded those to the French Dominions, in the very considerable sum of \$3,752,760 annually. To judge from the fact of our exportations, whether viewed in the detail, according to the table of particular articles, or by the aggregate, for three successive years, established by official documents,

there would be no hesitation to pronounce that Great Britain is a more important customer to us than France, not much short, indeed, of the ratio of two to one. But the Secretary of State informs us, "that the greatest part of what she receives from us is re-exported to other countries, under the useless charges of an intermediate deposit and double voyage." The accuracy of this assertion may justly be questioned. It is probably, in a great measure, founded on the statements of Lord Sheffield, without a proper allowance for the change of circumstances. Admitting those statements to be correct, they are no standard for the present state of things. It is known, that, at the period to which they relate, Great Britain had a monopoly of our trade; that we could not, generally speaking, carry our commodities to other countries. Of course, she became an intermediary between us and them, and her re-exportations of our commodities must have been very considerable. But, having had, since the establishment of our independence, free access to other countries, Great Britain has ceased to be an intermediary between them and us, except in those cases in which the direct relations of commerce between us and certain countries render it less convenient to carry our commodities ourselves directly to them, than to use Great Britain as an entrepôt. This, however, is a case of limited extent. For the most part, we carry on a direct commerce with the different countries of Europe. Any rule, drawn, then, from the state of things prior to our Revolution, would be entirely false, in reference to the actual state of things. We may, therefore, venture boldly to question the accuracy of the Secretary of State's assertion, as he does not furnish us with the data on which it is grounded, as from the nature of the thing, it is not probable that any satisfactory ones were possessed by him; and it is improbable, on a general view, that so large a proportion as he supposes is re-exported. But we may satisfy ourselves further, by a more particular view, of the error of his conjecture. The same authority from which, I presume, his suggestions are derived, "that, before the war, one-third of our indigo and three-fourths of our tobacco and rice, carried to Great Britain, were re-exported," informs us that "most, if not all our other articles were consumed there." A document,† before referred to, informs us, in addition, that the average of imports into Great Britain, for six years, ending in 1774, from the United States, was, annually £1,752,142. That the average of six years, ending in 1789, was 908,636 constituting an annual decrease of £834,056 nearly half of the whole amount of former exports. The same document accounts for this difference by stating that the decrease of imports of rice and tobacco from the United States since the war, was—

* Lord Sheffield's Observations on the Commerce of the American States, p. 228.
† Report of the Lords of the Privy Council, Ap. 91.

Tobacco -	-	-	-	£582,987	6	0
Rice -	-	-	-	196,526	15	4
Making together -	-	-	-	£779,514	1	4

Our own documents prove, in respect to the article of tobacco, that more than one-half of our export is directly from the United States to countries other than Great Britain. The decrease in the articles of tobacco and rice is a convincing proof that we now carry, ourselves, to other foreign markets, the principal part of that proportion of these articles which used formerly to be carried to Great Britain and re-exported from thence. When we consider this fact, and the small proportion which indigo bears to our whole export, the probability of that article re-exported, and that these three articles are the only considerable ones of re-exportation, we must conclude that there is great exaggeration in the supposition that the greatest part of our commodities now carried to Great Britain is re-exported from thence. There appears to be a strong probability that the allowance of one-third of our whole exports to Great Britain for re-exportation would be ample. Let us, then, take this proportion as a rule of calculation. With regard to the British Dominions other than Great Britain herself, the idea of re-exportation is not more applicable to them than to the dominions of France. Let us, according to these data, compute the probable consumption of Great Britain for the years before mentioned. The computation will stand thus:

For the year ending 30th September, 1790.						
Two-thirds the export to Great Britain herself -	-	-	-	£4,592,682		
Whole of exports to her other Dominions -	-	-	-	2,357,583		
Actual consumption of British Dominions -	-	-	-	6,950,265		
Total exports to French Dominions in that year -	-	-	-	4,668,902		
Excess of actual consumption of British Dominions beyond total of exportation of French Dominions -	-	-	-	2,281,363		

For the year ending 30th September, 1791.						
Two-thirds of export to Great Britain herself -	-	-	-	£3,295,032		
Whole exports to her other Dominions -	-	-	-	3,010,868		
Actual consumption of British Dominions -	-	-	-	6,305,900		
Total exports to French Dominions -	-	-	-	4,298,762		
Excess of actual consumption of British Dominions beyond total of exportation to French Dominions -	-	-	-	2,007,138		

For the year ending 30th September, 1792.						
Two-thirds of export to Great Britain herself -	-	-	-	£3,170,832		
Whole exportation to her other Dominions -	-	-	-	3,513,217		
Actual consumption of British Dominions -	-	-	-	6,684,049		
Total exports to French Dominions -	-	-	-	5,243,543		
Excess -	-	-	-	1,440,506		

From this view, it may rationally be inferred that Great Britain and her dominions actually consumed, annually, of our commodities, two millions of dollars more in value than France and her dominions. The comparison upon these years is particularly favorable to France. In the markets of Great Britain and her dominions things have gone on during the whole time in their natural course, while, in those of France and her dominions, from the relaxations incident to a state of revolution and convulsion, and from the additional wants created by the same causes our commodities have found a much greater latitude in their markets than they would enjoy in settled times.

We have seen that, in the years 1786 and 1788, a very small quantity of flour was exported to France and her dominions. (for Philadelphia is, in this case, a good standard for the whole,) while, in the years upon which the computation has been just made, this article has been the principal item in the supplies to the French Dominions. The just inference is, that, in settled times, Great Britain, with her dominions, has been, and would be, a much better customer to the United States, as a consumer, than France with her dominions.

But the stress which is laid upon the re-exportations from Great Britain, as diminishing her value as a customer, is founded on false principles. Since we have access to the countries to which she re-exports some of our commodities, we shall carry them there ourselves, in every case in which it is our interest to do so. In order, however, to its being our interest to do so, it is necessary not only that the countries in question should stand in need of our commodities, but that they should have commodities, which it would be convenient for us to receive in exchange. Otherwise, especially where distant voyages are to be performed, our vessels would find sufficient employment to render voyages profitable, nor would the capital employed be always turned to due advantage. Again, the nature of the trade may be such as to require greater capital for carrying it on with advantage than our merchants may possess, and the capital of our merchants, left free by the interposition of foreign capitals, may flow in a course of more beneficial employment.

In such a state of things, if there were no nation whose relations with the countries in question made it convenient to be an intermediary between us and them, our commodities would not find their way thither in equal quantities to what they now do, if at all. The intervention of Great Britain,

therefore, may, in most cases, be considered as a mean of extending instead of abridging our commerce, and that intervention may be no less beneficial to us, than if she were herself the consumer of the commodities.

The fact of Great Britain being an intermediary, as far as it is true, being then the result of the natural course of trade, left to itself, is a proof that it is the interest of the United States that she should stand, in the cases supposed, in the relation in which she does stand, between us and other foreign countries. There is, therefore, nothing of weight in the observation, that the quantities of our commodities which Great Britain receives, and re-exports, are greater than "reason or national interest would dictate."

IMPORTS.

I shall proceed, in the next place, to a view of our import trade with the dominions of France and Britain.

These, in the year taken by Mr. JEFFERSON, were—

From Great Britain and her dominions -	-	-	-	\$15,285,428
From France and her dominions -	-	-	-	2,068,348

From the Secretary's statement, it appears, that about three-fourths of our imports come from Great Britain and her dominions, of which a considerable part is from the West Indies. This, too, seems to be considered by some persons as a grievance. But it is among the circumstances which demonstrate to an unbiassed mind, the great importance and utility of our trade with Great Britain; nor can an alteration be made, but by means violent and contrary to our interests; except in a way which is not the object of the Report, namely, an efficacious system of encouragement to home manufactures. Every effort to turn the tide of trade from Great Britain to other countries, will amount to a premium upon the manufactures and productions of those countries, at the expense of the people of the United States.

How does it happen that the imports from Great Britain are so considerable? Evidently from two causes:

1st. Because Great Britain, aggregately considered, is unquestionably the first manufacturing country in the world, and can supply us with the greatest number of articles we want, on the best terms.

2d. Because her merchants have large capitals, and can afford to give us extensive credit. Our merchants, in general, have small capitals, and want credit.

Both the one and the other circumstance make it the interest of this country to deal with that to the extent we do.

It is manifestly our interest to be supplied with the manufactures we want, of the best quality, and on the best terms, and to take them from that country which is most able to furnish them. Deficient in capital ourselves, it has been very useful to us to find a country which could supply that deficiency; no circumstance has tended more to the interests of this country to those of others.

nourish the industry, the agriculture, and the commerce of this country, and to advance its growth; and, though in a far less degree, it continues still to have the same effect. In proportion as we have less need of our own capital, to purchase the foreign commodities we want, is our ability to use it, in the exportation of our own, in ship building and navigation, in manufactures, and other internal improvements, and in the payment of the national revenue.

There is no country in the world in a situation to benefit so much by the aid of foreign capital, as the United States. This arises not only from the inadequateness, compared with the objects of employment of our own capital, but from the condition in which we are, with numerous resources unexplored and undeveloped.

But, it has been said, that France can supply us with many articles better than Great Britain. This expression, better, ought to include credit, as well as price and quality; for, if we stand in need of credit, that country which cannot give it to us, cannot supply us on as good terms as the country which can. Now, it is known that the merchants of France are unable or unwilling to give competent credit to our merchants. Moreover, though it may be true that France can supply us with some articles of as good, or better quality than Great Britain, the number and extent of them is small, compared with the number and extent of the articles with which Great Britain and Ireland can furnish us, of better quality, and, quality considered, cheaper than France. The great bulk of the articles we import from Europe, consists of hard-wares, earthen ware, manufactures of cotton and wool, and linens; all of which, for general use, can be had better from Britain and Ireland than from other countries. The present extremely deranged state of the manufactures of France, is not here noticed, as the argument is deemed sufficiently strong without it. Every man of business knows that it is of moment to a merchant, to find a various and well assorted cargo, and that it is, generally speaking, his interest to go to that place where he can obtain the greatest variety of the articles of his trade, though some of them may not be upon equally good terms, rather than go to another, where he cannot have the same variety and assortment of good articles, though he might be able to obtain there a few of better quality and lower price. Hence, Great Britain is, in every view, the best supplier of this country. As trade has been hitherto left to find its own channels, the presumption is, that it has flowed into those where its natural relations and its best interests have led.

I shall not deny that it would be desirable, in order to diminish our dependence for supply on one nation, that others could attract a portion of the trade we have with Great Britain, by being able to supply us equally well with what we want, and in a manner which would make it the interest of our merchants to turn their attention towards them. But it will not follow that such change ought to be brought about by artificial methods. Indeed, this cannot be done, without sacrificing the interests of this country to those of others.

To lessen the importation of the commodities of Great Britain, as far as it may be practicable, we must have recourse to prohibitions or to duties much higher than those paid by other countries on the like articles, as to counterbalance the disadvantages they labor under, in the competition for our market. Either method will operate as a bounty upon the commodities of certain foreign nations, to the prejudice of others, which bounty will be paid at the expense of our citizens. A prohibition, by lessening the competition of foreign nations, and of course the quantity of goods brought to market, would increase the price of the goods of those nations to whom the monopoly was given; our citizens would consequently pay dearer for their supply, and would sustain a positive expense to support, not their own industry and manufactures, but those of other countries. The same effect would happen in the case of additional duties; they would either exclude the articles of the countries upon which they were laid, and operate as a prohibition, or, if they did not, they would tend to raise the prices of all articles of the same kind, from whatever country brought; those who import the highly dutied articles would endeavor to incorporate the duty with the price, because they could not afford to do otherwise. The importers from the other countries would take advantage of this circumstance to increase their profit, and would add proportionally to the price of their commodities. But the very necessity of laying high duties to favor the competition of other countries, supposes that they cannot afford to sell their commodities of equal quality as cheap as the country on whose commodities the duties are laid, and aims, by rendering these dearer, to bring them at least to the level of those which were before undersold. It results, that the people of the United States will have to pay higher prices than formerly, and this, as already observed, not for their own advantage, but for that of foreigners.

Among the contrivances used to depreciate the value of our commercial connexion with Great Britain is this, that the credit which she gives us is pernicious by inducing us to run in debt. As well might it be said, that the credit which a settler of new land obtains, upon the land which he has purchased, or that which a tailor gets upon the cloth which he works up, in the course of his trade, is prejudicial. The truth is, that credit, though liable to abuse, is the substitute for capital in all trades, and that it serves to foster them and increase the mass of industry, though the slothful and extravagant suffer by it. In a young country, like ours, it is an essential nutriment.

If we turn to the West Indies, there, too, the comparison as to our supply is in favor of Great Britain. While, from the French West Indies, the permanent system of France allows us to have nothing but molasses and rum, that of Great Britain allows us not only to have those articles, but, in addition to them, sugar, coffee, cocoa, ginger, pimento, and salt, and that directly from the islands; while the general rule is, that they cannot be carried directly to any other foreign country. It ought to be deemed no inconsiderable ad-

vantage to have a direct supply from the islands of necessities and comforts so important to us, and to be relieved from the inconvenience and expense of getting them by the circuitous route of Europe; an advantage to which we were left by the system of France, as far as it could be executed. Its having been in a great degree frustrated by Colonial relaxations and contraband practices, does not alter the complexion of that system.

It follows, from what has been said, that Great Britain is our best furnisher, as well as our best customer.

NAVIGATION.

In all the points upon which the comparison of our commerce with Great Britain and France has hitherto turned, the advantage is on the side of that which we carry on with Great Britain. The only point of further comparison respects our navigation.

In the trade immediately between the United States and Great Britain, as far as respects our own commodities, our ships are upon the same footing with those of Great Britain, (with the exception, only, of 1s. 9d. sterling per ton, for light and Trinity dues, paid more on ours than on British vessels, in all the ports of England, but London,) and on a better footing than those of other foreign Powers; for, while they pay upon the carriage of several of their own commodities, additional duties, called alien duties, our ships are exempt from them. This is a discrimination of some consequence in our favor, beneficial not only to our navigation, but to our agriculture. It is, to a certain extent, a departure, in our favor, from the principle of her Navigation Act.

In the trade between the United States and France, our ships are upon the same footing with the most favored nations, not better. So far, therefore, the comparison is in favor of the system of Great Britain. But France allows us to carry thither foreign commodities in our bottoms, which Great Britain does not permit. This is an advantage, but it is one which we enjoy in common with other nations, and its importance, in fact, has hitherto not been very great, though it has been rendered greater than it would naturally be, by the disordered state of her West India affairs.

The point truly interesting to us is the carriage of our own commodities. From the British West Indies our vessels are entirely excluded, (except in the instance of salt from Turk's Island,) while France admits into her islands our vessels of sixty tons and upwards, in common with the like vessels of other foreign countries. The comparison, therefore, in respect to the West Indies, is entirely in favor of France. It may not be improper to remark, incidentally, that it is far more important to us to have our navigation upon a good footing with the European dominions of Great Britain than with her West India possessions. This is evinced by considering that our exports to her West Indies are, upon an average, less than a third of our exports to her European dominions. But, upon the whole, the system of France may be considered as more favorable to our navigation

than that of Great Britain. Yet the effect, as to the quantity of our tonnage employed in our trade with those countries, is very different from that which is suggested in the Report of the Secretary of State, who has, in this respect, pursued a very erroneous guide. He states the tonnage employed between the United States and the dominions of France at 116,410 tons; the dominions of Great Britain, 43,380 tons. But this statement is taken, not according to the number of ships employed, but according to the number of inward entries made by each. Of course a vessel of one hundred tons, making two voyages in a year to and from Great Britain, (as much as can usually be made,) would appear, by the duties, only as two hundred tons; whereas the same, or another vessel of equal burden, making four voyages in a year to the French West Indies, (which can without difficulty be done,) would appear, by the same entries, as four hundred tons; so that our navigation with the British dominions, being entirely with those of Europe, where the voyages in a year are few, and with the French dominions, being chiefly with the West Indies, where the voyages in a year are frequent, it might happen that the returns which have been followed by the Secretary of State would show, nominally, double the quantity of tonnage employed between the United States and the dominions of France than between the United States and the dominions of Great Britain, while, in fact, we might have more actual tonnage employed in the latter than in the former case. An inaccuracy of this nature demonstrates the incorrect manner in which the Report has been framed. According to a return lately made to this House, the real proportion of actual tonnage of the United States employed in our trade with the dominions of France and Great Britain, in the year ending 30th September, 1792, is as follows: with those of France, 82,510 tons; with those of Great Britain, 66,582 tons. We find, then, upon a comprehensive and particular investigation of the system of Great Britain, that, instead of its wearing an aspect particularly unfriendly to us, it has, in fact, a contrary aspect; that, compared with other foreign nations, it makes numerous and substantial discriminations in our favor; that it secures, by means which operate as bounties upon our commodities, a preference in her markets to the greatest number of our principal productions, and thereby materially promotes our agriculture and commerce; that, in the system of France, there is but a single and not very important instance of a similar kind; that, if France allows us some advantage of navigation in her islands, she allows the same advantages to all other foreign nations, while Great Britain allows advantages to our navigation with herself directly which she does not allow to other foreign nations; that, if France admits our salted fish into her West India islands, she does it under such duties upon ours, and such premiums upon her own, as would exclude us from them, if she had capacity to supply herself, while she formally prohibits our flour; that, if Great Britain excludes our fish from her islands, she freely admits our flour; that

while France, as far as we are permitted to trade with her islands, lets in other foreign nations to a competition with us on equal terms, Great Britain excludes from a competition with most of the articles of the United States, which she admits into the islands, the like articles of other foreign countries; that, while France permits us to be supplied directly from her islands with nothing more than she permits to other nations, and with only the two articles of molasses and rum, Great Britain allows us to be supplied directly from her islands with a considerable number of essential articles, and refuses a direct supply of those articles to other foreign countries; that, if the system of France is somewhat more favorable to our navigation, that of Great Britain is far more favorable to our agriculture, our commerce, and to the due and comfortable supply of our wants; that Great Britain is a better furnisher than France of the articles we want from other foreign countries, and a better customer for what we have to sell; and that the actual relations of commerce between the United States and Great Britain are more extensive and important than between the United States and France, and it may be added, or any other country in the world, for our trade with France is no doubt second in importance. Where, then, is the ground for extolling the liberal policy of France, the superior importance of our commercial connexion with her, and for exclaiming against the illiberal and oppressive policy of Great Britain, and for representing our intercourse with her as secondary in consequence and utility? There is none. It is altogether a deception, which has been long successfully practised upon the people of the United States, and which it is high time we should unmask. If we pass from the fact of the footing of our commerce with France and Great Britain to the principles and motives of their respective systems, we shall find as little room for eulogium on the one as censure on the other. Candor will assign to both the same station in our good or bad opinion. Both, like other nations, have aimed at securing the greatest possible portion of benefit to themselves, with no greater concession to our interests than was supposed to coincide with their own. The Colonial systems of France is the great theme of the plaudits of her partisans. The detail already entered into respecting it will now be further elucidated by a concise view of its general principles and progress. An ordinance of the year 1757, like the British Navigation Act, had given to the mother country a monopoly of the trade of the Colonies, and had entirely excluded foreigners from it. Experience having shown, as we learn from an ordinance of August 30, 1784, that it was necessary to moderate the rigor of that system, small relaxations from time to time accordingly took place; and, by the ordinance just mentioned, more important alterations were made. That ordinance establishes several free ports in the French islands: one at St. Lucia, one at Martinique, one at Guadaloupe, one at Tobago, and three at St. Domingo, and grants permission, "till the King should please otherwise to ordain," to foreign vessels of at least

sixty tons burden, to carry to wood of all kinds, pit coal, live beef, but not pork, salted cod fish, corn, vegetables, green hides in the peltry, turpentine, and tar, and to take from the same ports molasses, rum, and merchandises, which have been imported from France, charging the articles which are permitted to be imported with the duties stated in the table. The steps with the duties that ordinance, calculated to narrow its operation in regard to the articles of fish, have been already noted so particularly as to render a recapitulation unnecessary. It is sufficient to repeat that they manifested on this point a decided disposition to exclude, as far as possible, foreign from a competition with their own fish. It appears, then, that the general principle of the Colony system of France, like that of Great Britain, was a system of monopoly, and that some temporary deviations from it were from time to time made, from necessity or the force of circumstances. In like manner the Navigation Act of Great Britain gives the mother country a monopoly of the trade of her Colonies, not only as to navigation, but as to supply; but the force of circumstances has led to some deviations. The deviations of France have extended partially to navigation, as well as to supply. Those of Great Britain have extended further than those of France, as to supply, but have been narrower as to navigation. Neither, however, has deviated further than particular situation dictated. Great Britain has been less relaxed on the article of navigation than France, because the means of navigation possessed by the former were more adequate than those possessed by the latter. France has been more restrictive on the article of exports than Great Britain, because her home market was more adequate to the consumption of the productions of her islands than that of Great Britain to those of her islands, and because the latter found advantages in allowing a free export to the United States as an article of exchange. France permitted the introduction of salted beef and fish into her islands, because she could not sufficiently furnish those articles herself; she prohibited flour and pork, because she thought herself competent to the supply of them. Great Britain prohibited fish, because she knew herself able to furnish it, and, like France, was jealous of an interference with her fisheries, as a main support of her navigation. She permitted flour, because she knew herself unable to supply it. As far as the measures of France may have had a conciliatory aspect towards this country, she was influenced by the desire of sharing more largely in our trade, and diverting it more from her ancient rival. As far as the measures of Great Britain may have made any concession to us, they have proceeded from a sense of our importance to her as a customer, from the utility of our supplies to her, from a conviction that it was necessary to facilitate to us the means of re-exchange; that it was better to take our commodities which were paid for in commodities, than those of other countries which she might have to pay for in specie; that it was good policy to give us some douceur, as well to

hinder our commerce from running into another channel, as to prevent collisions which might be mutually injurious. These are the true features of the systems of both countries, as to motives. If we are unprejudiced we shall see in neither of them either enmity or particular friendship; but we shall see in both a predominant principle of self-interest, the universal rule of national conduct.

Having completed my comparison of the two systems of France and Great Britain towards this country, I shall now extend it to those of other countries, in order to mark the principal differences.

[Here Mr. Smith described the situation of our commercial relations with the United Netherlands, Sweden, Spain, Portugal, and Denmark, and drew the conclusion that the system of Great Britain, not only as compared with that of France, was entitled to our preference, but that it was also greatly to be preferred to that of all the before-mentioned nations, except, perhaps, the United Netherlands.] He then continued his speech as follows:

From the view which has been taken, this general reflection results, that the system of every country is selfish according to its circumstances, and contains all those restrictions and exclusions which it deems useful to its own interest. Besides this, a desire to secure to the mother country a monopoly of the trade of its Colonies, is a predominant feature in the system of almost every country in Europe. Nor is it without foundation in reason. Colonies, especially small islands, are usually maintained and defended at the expense of the mother country, and it seems a natural recompense for that service, that the mother country should enjoy, exclusively of other nations, the benefit of trade with its Colonies. This was thought reasonable by the United States, while Colonies, even after their disputes on the point of taxation had begun; and however the question may stand between the mother country and its Colonies, between the former and foreign nations, it is not easy to see how the equity of the exclusion can be contested. At any rate, its being the most prevailing system of nations having Colonies, there is no room for acrimony against a particular one that pursues it. This ought not to dissuade the United States from availing itself of every just and proper influence to gain admission into the Colony trade of the nations concerned; but this object ought to be pursued with moderation, not under the instigation of a sense of injury, but on the ground of temperate negotiation and reasonable equivalent.

These observations ought to produce two effects, to moderate our resentments against particular nations and our partialities for others, and to evince the impracticability and Quixotism of an attempt by violence, on the part of this young country, to break through the fetters which the universal policy of nations imposes on their intercourse with each other.

Our moderation in this respect ought to be excited by another reflection—does not our own system present a number of exclusions and restrictions

similar to those of which we complain? Let us look into our impost and tonnage acts; do they not exhibit a number of instances of duties prohibitory in their principle and extent? Do they not, by additional duties on foreign vessels and on goods brought in foreign vessels, secure a decided superiority to our ships in the navigation between this country and all those to which they are permitted to go? If duties on goods of one country, imported into another, are oppressions and grievances, (as the Secretary of State seems frequently to suppose,) how few are the foreign articles brought into the United States, on which considerable duties are not laid.

The Secretary of State, after pointing out the exclusions, restrictions, and burdens, which prevent our enjoying all the advantages which we could desire in the trade with foreign countries, proceeds to indicate the remedies; these are counter-exclusions, restrictions, and burdens.

The reason of the thing and the general observations of the Secretary of State, would extend the regulations to be adopted to all the nations with whom we have connections in trade; but his conclusion would seem to confine them to Great Britain, on the suggestion that she alone has declined friendly arrangements by treaty, and that there is no reason to conclude, that friendly arrangements would be declined by other nations.

The suggestion with regard to Great Britain, appears not to be well founded, if we are to judge from the correspondence of the British Minister, Mr. Hammond, communicated by the President to the House. Mr. Jefferson asks him if he is empowered to treat on the subject of commerce; he replies, that he is fully authorized to enter into a negotiation for that purpose, though not as yet empowered to conclude. Upon further difficulty and objection on the part of Mr. Jefferson, Mr. Hammond renews his assurance of his competency to enter on a negotiation, which he rests on his commissions, as Minister Plenipotentiary, and his instructions; Mr. Jefferson requires a communication of his full powers for that purpose, and declines the negotiation. This was by no construction a declining on the part of the British Minister. Forms were the obstacle with the Secretary of State, whose zeal, at best, was not greater than Mr. Hammond's.

But with regard to Spain, these observations occur. A secret article with France, stipulated for Spain a right to become a party to our commercial treaty with France, on the same terms. She has never availed herself of the right. Do we not know, that measures have been since pursued towards forming a treaty of commerce with her? Do we not know that none has been formed? Have we not reason to suspect, that such a treaty, on eligible terms, could not be obtained but at a price which we should be unwilling to pay for it? Have no measures been pursued towards effecting a commercial treaty with a power so interesting to us as Portugal? What was the object of sending a Minister there? How happens it, that there is no return? Is not there reason to conclude, from the long delay, that there are serious obstacles to

the forming a proper treaty of commerce with that nation?

Why, then, is Great Britain selected, but that it is most in unison with our passions to enter into collisions with her?

If retaliations for restrictions, exclusions, and burdens, are to take place, they ought to be dealt out, with a proportional hand, to all those from whom they are experienced. This, justice and an inoffensive conduct, require. If, suffering equal impediments to our trade from one Power as another, we retaliate on one and not on another, we manifest that we are governed by a spirit of hostility towards the Power against whom our retaliation is directed, and we ought to count upon a reciprocation of that spirit. If, suffering fewer from one than from another, we retaliate only on that party from whom we suffer least, the spirit of enmity, by which we were actuated, becomes more unequivocal. If, receiving a positively better treatment from one than another, we deal most harshly towards that Power which treats us best, will it be an evidence either of justice or moderation? Will it not be a proof either of caprice, or of a hatred and aversion, of a nature to overrule the considerations both of equity and prudence?

Whatever questions may be raised about the preference due to the British commercial system, as compared with that of France, there can be none, comparing it either with that of Spain or Portugal.

Where, then, is the justification of the attempt to produce a war of commercial regulations with Great Britain, passing over greater objections to the policy observed towards us by other nations?

Commercial regulations ought to be bottomed on commercial motives; but, if political grievances are to be implicated, is there no Power proposed to be exempted, of whom we have cause to complain?

The propositions, (which may be considered as a commentary on the report,) do every thing but name Great Britain. Professedly confined to the Powers with whom we have no treaties of commerce, the articles selected, as the objects of regulation, have scarcely any application but to Great Britain. This is but a flimsy cover; the design will be mistaken by no one, and there would have been much more dignity in naming the party with whom it was meant to contend.

The idea of an apportionment of retaliation to grievance is rendered impossible by our treaties. These contain precise stipulations of mutual privileges, and in each case the general principle of the party being on the footing of the most favored nation.

But at least it might be done with regard to the Powers with whom we have no treaties, and the not proposing it will be considered as a clear proof that the ostensible object is one thing, the real object another.

Will it be believed out of doors that all this proceeds from a pure zeal for the advancement of commerce and navigation? Have the views of our public councils been uniform on this point?

Have they never contributed to those favorable opportunities for making such a treaty, by recalling powers for that purpose once given, by defeating efforts made to send them when they might have been useful?

Whatever may be the motive, the operation may clearly be pronounced to be a phenomenon in political history—a Government attempting to aid commerce by throwing it into confusion; by obstructing the most precious channels in which it flows; under the pretence of making it flow more freely; by damming up the best outlet for the surplus commodities of the country, and the best inlet for the supplies of which it stands in need; by disturbing, without temptation, a beneficial course of things, in an experiment precarious, if not desperate; by arresting the current of a prosperous and progressive navigation, to transfer it to other countries, and by making all this wild work in the blameable, but feeble attempt to build up the manufactures and trade of another country at the expense of the United States.

Let us take a closer view of the project. It has been proved that it does not rest on a basis of distributive justice, and observations have been made to evince its impolicy. But this demands a more critical examination.

Let it be premised, that it is a project calculated to disturb the existing course of three-fourths of our import trade, two-fifths of our export trade, and the means on which depend two-thirds, at least, of our revenues.

To be politic, therefore, it ought to unite these different ingredients:

First. An object of adequate utility to the country.

Second. A moral certainty, at least, of success.

Third. An assurance that the advantage likely to be obtained is not overbalanced by the inconveniences likely to be incurred, and as an equivalent for the jeopardy to which advantages in our possession are exposed.

1st. The direct object professed to be aimed at, is a freer trade with Great Britain, and access to her West India Islands, in our own ships. A collateral one, the success of which seems most relied on, is to transfer a part of our too great trade with Great Britain to other nations, particularly France.

The first is no doubt an object of real magnitude, worthy of every reasonable and promising exertion. The second, in the single light of obviating a too great dependence for supply on one nation, is not unworthy of attention, but, as before observed, it ought only to be aimed at by expedients neither embarrassing nor expensive; it is a very insufficient object to be pursued either at hazard or expense to the people of the United States. It has been already shown, that to pursue it, either by prohibitions or partial increase of duties, would be a costly undertaking to this country.

2d. The second ingredient is "a moral certainty of success." The argument used to prove the probability, nay, the certainty of success, is this: the United States are a most important customer

to Great Britain; they now take off near three millions in her manufactures, and by the progress of their population, which is likely to exceed that of their manufactures, the probability is, that their importance as a customer will increase, every year; their importance to Great Britain, as a source of supply, is not less than as a customer for her manufactures; the articles with which they furnish her, are those of prime necessity, consisting of the means of subsistence, and the materials for shipbuilding and manufactures, while the articles we derive from her, are mostly those of convenience and luxury; her supplies to us are therefore less useful than ours to her; that it would be contrary to all good policy in Great Britain, to hazard the turning of a commerce so beneficial, into other channels; besides all this, Great Britain is immersed in debt, and in a state of decrepitude; derangement of our commerce with her, would endanger a shock to the whole fabric of her credit, and by affecting injuriously the interests of a great portion of her mercantile body, and by throwing out of employ a large number of her manufacturers, would raise a clamor against the Ministry too loud and too extensive to be resisted; and that they would consequently be compelled, by the weight of these considerations, to yield to our wishes.

It is as great an error in the Councils of a country to over-rate as to under-rate its importance. The foregoing argument does this, and it does it in defiance of experience. Similar arguments were formerly used in favor of a non-importation scheme; the same consequences now foretold, were then predicted in the most sanguine manner; but the prediction was not fulfilled. This it would seem, ought to be a caution to us now, and ought to warn us against relying upon the like effects, promised from a measure of much less force, namely, an increase of duties.

If our calculations are made on the ordinary course of the human passions, or on a just estimate of relative advantages for the contest proposed, we shall not be sanguine in expecting that the victory will be readily yielded to us, or that it will be easily obtained.

The Navigation Act of Great Britain, the principles of which exclude us from the advantages we wish to enjoy, is deemed by English politicians, as the palladium of her riches, greatness, and security.

After having cherished it for such a long succession of years, after having repeatedly hazarded much for the maintenance of it, with so strong a conviction of its immense importance, is it at all probable that she would surrender it to us without a struggle—that she would permit us to extort the abandonment of it from her without a serious trial of strength?

Prejudices riveted by time and habit, opinions fixed by long experience of advantages, a sense of interest, irritated pride, a spirit of resentment at the attempt, all these strong circumstances would undoubtedly prompt to resistance. It would be felt, that if a concession were made to us upon the strength of endeavors to extort it, the whole system must be renounced; it would be perceived

that the way having been once successfully pointed out to other nations, would not fail to be followed, and that a surrender to one would be a surrender to all.

Resistance, therefore, would certainly follow in one or other mode, a war of arms, or of commercial regulations.

If the first should be determined upon, it would not be difficult for Great Britain to persuade the other Powers with whom she is united, that they ought to make common cause with her. She would represent that our regulations were in fact only a covert method of taking part in the war by embarrassing her, and that it was the interest of the cause in which they were combined, to frustrate our attempts.

If war could be foreseen as the certain consequence of the experiment proposed to be made, no arguments would be necessary to dissuade from it. Every body would be sensible that more was to be lost than gained, and that so great a hazard ought not to be run.

But we are assured that there is no danger of this consequence, that no nation would have a right to take umbrage at any regulations we should adopt with regard to our own trade, and that Great Britain would take care how she put to risk so much as she would hazard by a quarrel with us.

All this is far more plausible than solid. Experience has proved to us that the Councils of that country are influenced by passion as well as our own. If we should seize the present moment to attack her in a point where she is peculiarly susceptible, she would be apt to regard it as a mark of determined hostility. This would naturally tend to kindle those sparks of enmity which are alleged to exist on her side. War is as often the result of resentment as of calculation. A direct and immediate war between us would not be surprising; but if this should not take place, mutual ill offices and irritations, which naturally grow out of such a state of things, would be apt quickly to lead to it. Insults and aggressions might become so multiplied and open as not to permit forbearance on either side.

It would be a calculation with Great Britain whether she could best oppose us by retaliating regulations, or by arms. As circumstances at the moment of deliberation should point, according to the then view of probabilities, would be the result. The decision may be in favor of war, under the idea that its distresses might induce us to enter into a commercial treaty upon her own terms; who can pronounce that this would not be the result, when it is considered that she is likely to be aided by so many other maritime powers now in her connexion? Let us, however, take it for granted, that she would prefer the other course, that of retaliating regulations; how will the contest stand? The proportion of the whole exports of Great Britain, which comes to the United States, is about one-fifth; the proportion of our exports, which goes to Great Britain, is about one-eighth of the whole amount of her imports. Taking the mean of these

proportions of imports and exports, the proportion which our trade with Great Britain bears to the totality of her trade is about one-sixth.

The proportion of imports from the dominions of Great Britain into the United States, may be stated at three-fourths of our whole importation; the proportion which our exports to the same dominions bears to our total exportation may be stated at two-fifths; taking the mean of those two, the proportion which our trade with Great Britain bears to our whole trade is something more than one-half.

It follows, then, that while a commercial warfare with Great Britain would disturb the course of about one-sixth of her trade, it would disturb the course of more than one-half of ours.

This much greater proportional derangement of our trade than of hers by a contest, is a mathematical demonstration that the contest would be unequal on our part; that we should put more to hazard than Great Britain would do; should be likely to suffer greater inconvenience than her, and consequently, (the resolution and perseverance of the two parties being supposed equal,) would be soonest induced to abandon the contest.

The inequality of the contest is evinced by these further considerations. The capital of Great Britain is greater in proportion to numbers than ours. A manufacturing, as well as an agricultural nation, the objects of her industry and the materials of her trade are as much diversified as can be well conceived, while ours are few and simple. The habits of her people admit of her bringing into action every source of revenue which she possesses, while those of ours embarrass the Government at every step, and would render substitutes for the existing ones extremely difficult. The Government of Great Britain has all the energy which can be derived either from the nature of a Government, or from long habits of obedience in the people, while ours is in its infancy—neither confirmed by age nor habit, and with many circumstances to lessen its force. No one can but be sensible, that in proportion to the capital of a merchant or a nation, is the faculty to endure partial derangements to the trade carried on by the one or the other; that in proportion to the diversity of objects which a merchant or a nation can bring to market, is the faculty to find new resources of trade, and to bear the temporary suspension of existing ones; that in proportion to the habitude of a nation to endure taxation, is the facility of a Government to find substitutes for revenues lost; that in proportion to the energy of a Government and the habits of obedience of a people, is the chance of perseverance on the part of such Government, in measures producing inconveniences to the community.

Great Britain then would have less to resist and more means of resistance than the United States; the United States more to resist and less means of resistance than Great Britain. Which party are the chances against in such a contest? Can any one say that the United States ought, in such a comparative situation, to count on success in an experiment like that proposed, with sufficient as-

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insurance to be justified in hazarding upon it so great a derangement of its affairs, as may result from the measure?

The main argument for the chance of success, is, that our supplies to Great Britain are more necessary to her than hers to us. But this is a position which our self-love gives more credit to than facts will altogether authorize. Well-informed men in other countries, (whose opportunities of information are at least as good as ours,) affirm, that Great Britain can obtain a supply of most of the articles she obtains from us, as cheap and of as good a quality elsewhere, with only two exceptions, namely, tobacco and grain, and the latter is only occasionally wanted; a considerable substitute for our tobacco, though not of equal quality, may be had elsewhere; and even admitting this position to be too strongly stated, yet there is no good reason to doubt that it is in a great degree true. The Colonies of the different European Powers on this Continent, some countries of the Mediterranean, and the Northern countries of Europe, are in situations adapted to becoming our competitors.

On the other hand, the manufactured articles which we do not make ourselves, (the greatest part of which are, in civilized countries, necessities,) are as important to us as our materials for manufacture (the only articles for which her demand is constant,) are to Great Britain. The position is as true, that no other nation can supply us as well as that country, with several essential articles which we want, as that no nation can supply her equally well with certain articles which she takes from us; and as to other articles of subsistence, it is certain that our demand for manufactured supplies is more constantly urgent than her demand for those articles. Where, indeed, shall we find a substitute for the vast supply of manufactures which we get from that country? No gentleman will say that we can suddenly replace them by our own manufacture, or that this, if practicable, could be done without a violent distortion of the natural course of our industry. A substitute of our own being out of the question, where else shall we find one?

France was the Power which could best have filled any chasm that might have been created. But this is no longer the case. It is undeniable that the money capitals of that country have been essentially destroyed; that manufacturing establishments, except those for war, have been essentially deranged. The destruction to which Lyons appears to be doomed, is a severe blow to the manufactures of France; that city, second in importance, in all respects, was perhaps the first in manufacturing importance. It is more than probable that France, for years to come, will herself want a foreign supply of manufactured articles. At a moment, then, when the manufactures of Great Britain have become more necessary than ever to us, can we expect to succeed in a contest which supposes that we can dispense with them? It may be said that the resolutions proposed do not suppose this; but they do suppose it, for they ought to proceed upon the possibility, nay, proba-

bility, that a system of commercial retaliation will be adopted by Great Britain, in which case we must inevitably sustain a defeat, if we cannot dispense both with her supplies and with her market for our supplies.

Will it be answered that her manufactures will find their way to us circuitously, and our supplies to her in like manner? If so, what are our regulations to produce but distress and loss to us? The manufactures of Great Britain will still be consumed, and our materials will still nourish those manufactures.

The manufactures we take from her being less bulky than the supplies we send her, the charges of a circuitous transportation would be less than those of a like transportation of our commodities. In all the cases, therefore, in which those charges fall upon her, they would be lighter than in the cases in which the latter charges fell upon us. Moreover, as the articles of Great Britain would meet less competition in our markets than ours in hers, the increased charges on her manufactures would much oftener fall upon us than those upon our materials would fall upon her. So that both ways we should sustain loss.

But, if may be asked, what are the regulations Great Britain could adopt to counteract ours? I answer, she could, (among other conceivable things,) prohibit or lay prohibitory duties on her commodities to this country, and on ours to her, in our bottoms; and she might, in addition, temporarily grant the same privileges to Dutch or other friendly bottoms which are now granted to those of the United States in the trade between us and herself; or she might go no further in this particular than to permit the importation of our commodities in some of those bottoms. This, it is true, would be a departure from the system of her Navigation Act; but when the question was, whether she should surrender it permanently to us by extension, or temporarily to a Power more friendly to her, till the issue of the experiment could be decided, who can doubt what would be the course which interest and resentment would dictate?

But there are numerous other regulations which could be adopted, and which, equally with the foregoing, would have the effect of transferring the trade between the two countries to the management of some third party; for, after all, it is not improbable this will be the result of the contest, that, instead of the United States and Great Britain carrying on jointly as they now do the trade between the two countries, it will be carried on either directly or circuitously by some third Power, more to our detriment than to that of Great Britain.

The manufactures of that country will get to us nearly in the same quantities they now do, with the disadvantage of additional charges. Such of our commodities as she cannot have of equal quality elsewhere, will get to her also. The rest will be supplanted by the like commodities of other nations, and we shall lose the best market we have for them. Those who advocate the system of contention, should tell us where a substitute will be found. The merchants, who know that it is now difficult

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[H. or R.]

enough to find markets for our surplus commodities—that France, in ordinary times, affords a very contracted one, and that the French West Indies are not likely, in settled times, to be as good customers as they have been for some time past, cannot desire to see the sphere abridged, and our landholders will quickly reprobate the plan.

Thus, it appears, that the contest would be likely to issue against us, and to end in defeat and disgrace.

What would be our situation if we should make an attempt of the kind and fail in it? Our trade would then truly be in the power and at the disposal of Great Britain.

3d. The third ingredient stated, as necessary to justify the proposed attempt, is this: that the prospect of advantages should be at least an equivalent for those in possession, which would be put in jeopardy by the experiment.

It has been shown, that in fact there is no real prospect of advantage, but a considerable one of inconvenience and loss. This puts an end to comparison. But it may be added, that our situation is precisely such an one as to forbid experiments. It is so, from the stage at which we are, as a people, too little advanced, too little matured for hazardous experiments of any sort.

This is not all; our general situation at this time is an eligible one; we are making as rapid a progress in most of the great branches of political prosperity as we can reasonably desire, and it would be imprudent to hazard such a situation, upon precarious speculations of greater advantage. The prosperity of a nation is not a plant to thrive in a hot-bed; moderation in this respect is the truest wisdom; it is so plain a path, that it requires a peculiar sublimation of ideas to deviate from it.

It is agreed on all hands, that all our great national interests, our population, agriculture, manufactures, commerce, and our navigation, are in a thriving and progressive state, advancing faster than was to have been expected, and as fast as can reasonably be desired.

Our navigation, in the short space of three years, ending the 31st of December, 1792, has increased in the ratio of nearly one fifth.

The proportions of our tonnage have been as follows: In 1790, 479,091 tons; in 1791, 501,790 tons; in 1792, 568,283 tons; showing an increase of 89,192 tons.

The proportion of foreign tonnage during the same years, has been: in 1790, 258,919 tons; in 1791, 240,799 tons; in 1792, 244,263 tons; showing a decrease of 14,656 tons. This proves that our present system is highly favorable to the increase of our navigation, and that we are gradually supplanting foreigners.

The truth is, that the difference in the tonnage duty, and the addition of one-tenth upon the duties on goods imported in foreign bottoms, is a powerful encouragement to our shipping, and as it has not been of a magnitude to excite retaliation, it is much more likely to promote the interests of our navigation, than violent measures, which would compel to retaliation; prudence admonishes us to stop where we are, for the present,

rather than risk the advantages we possess, in trials of strength, that never fail to injure more or less both parties.

If we turn from our shipping to our agriculture, we shall find no reason to be dissatisfied.

The amount of our exports for the year ending the 30th of September, 1792, as appears by the last return of exports to this House, exceeded the two preceding years by \$589,601 16. It exceeded the mean of the two preceding years, by \$1,597,983 86. Our revenues are unquestionably more productive than was looked for. Those from imports have exceeded, in a year, \$4,600,000. Of the increase of our manufactures, we have no precise standard, but those who attend most to the subject entertain no doubt that they are progressive.

This certainly is not a state of things that invites to hazardous experiments. These are perhaps never justifiable, but when the affairs of a nation are in an unprosperous train.

We experience, indeed, some embarrassments from the effects of the European war, but these are temporary, and will cease with that war, which of itself offers us some indemnifications, I mean a freer trade to the West Indies.

I am greatly mistaken if the considerations, which have been suggested, do not conclusively prove the impolicy of the plan which is now recommended for our adoption. So strong and decided is my own conviction, that I cannot but persuade myself, that of the Committee will lead to its rejection. A few miscellaneous observations will conclude what I have to offer on this very interesting subject.

First. It has been made an objection to the present footing on which our trade is with Great Britain, that it is regulated by annual proclamation of the Executive, instead of a permanent law. This was at first laid down by the Secretary of State in terms so general as to include the West Indies; but he has since corrected the error, and told us that our trade with the British West Indies is regulated by a standing law. The fact itself, nevertheless, is of no real importance. The actual footing, on which we are placed, is of little consequential point; the mode of doing it is of little consequence. The annual proclamation of the British Executive is equivalent to the decree, revocable at pleasure, of any single Legislator, of the Monarch of Spain or Portugal, and it may be added, of the French Convention, which, though a numerous body, yet forming only one Assembly, without checks, is as liable to fluctuation as a single Legislator; and, in fact, its resolutions have been found as fickle and variable, as it was possible for the resolutions of any single person to be. To prove this, if proof were required, it would be only necessary to refer to the frequent changes in the regulations they have made with regard to the trade of this country—to-day one thing, to-morrow another. Instability is more applicable to no political institution than to a Legislature, consisting of a single popular Assembly.

Second. The additional duties proposed, are objectionable, because the existing duties are already,

generally speaking, high enough for the state of our mercantile capital and the safety of collection. They are near twenty per centum on an average, upon the value of the objects on which they are laid; higher than the duties of several countries, and high enough for our present condition. To augment the rates materially will be in the abstract to oppress trade; for we must have for our consumption the manufactures of the country on which they are proposed to be laid.

Third. To serve as a contrast to the conduct of Great Britain, we are told of the liberal overtures for a commercial treaty lately made by France.

It has been already remarked that the conduct of France towards us since the commencement of the Revolution, is no basis of reasoning; it has undergone as many revolutions as their political systems; their measures at one period, with respect to our tobacco, were of a complexion peculiarly hostile to us. The duty of twenty-five livres per quintal on that article, carried in our bottoms to France, and of only eighteen livres fifteen sous on the same article, carried in French bottoms, amounted to a complete prohibition to carry our tobacco in our own bottoms.

The duty of twenty-five livres per quintal on foreign fish is another important instance of severity of regulations, a duty admitted by the Secretary of State to be prohibitory.

If there have been regulations and propositions of a more favorable nature, they are to be ascribed to causes of the moment. During the continuance of the Revolution, it is of necessity that we have *carte blanche* in the French West Indies. We know that we are getting admission into the British and Spanish Islands also.

And as the overtures for a permanent system, Mr. Genet's instructions, published by him, explain the object. Privileges of trade in the West India islands are to be the price of our becoming a party in the war. The declarations against the libertine maxims of the ancient Government, and in favor of free principles of commerce, resolve themselves into this. This is a bargain which I trust a majority of this House will not be willing to make. I am sure our constituents would not thank us for it.

But it may be asked, are we to sit with folded arms and tamely submit to all oppressions, restrictions, and exclusions to which our trade is subject; if not, what are we to do? I answer, nothing certainly at the present juncture. If the foundation of the question were more solid than I believe it to be, candidly and dispassionately considered, this is of all moments the most unfavorable for an experiment. Any movement of the kind would, as before observed, be construed into a political manœuvre and an attempt to embarrass one of the belligerent Powers, and would interest the feelings of all those united with her, producing consequently either war or additional trammels in every quarter upon our trade; besides the weighty argument, that the great source of subsidiary supply to which we might have heretofore looked has been obstructed.

But I answer further, that we ought with great caution to attempt any thing at a future day, till we have acquired a maturity which will enable us to act with greater effect, and to brave the consequences, even if they should amount to war, and till we have secured more adequate means of internal supply; to which point we should bend our efforts, as the only rational and safe expedient, in our present circumstances, for counteracting the effects of the spirit of monopoly, which more or less tinctures not the system of Great Britain merely, but that of all Europe. But this it seems is not the favorite course, it is not high seasoned enough for our political palate; we not only turn aside from it with neglect, but we object away the plainest provisions of the Constitution to disable ourselves from pursuing it.

Every year, for years to come, will make us a more important customer to Great Britain, and a more important furnisher of what she wants. If this does not lead to such a treaty of commerce as we desire, the period is not very distant when we may insist with much better effect on what we desire, without any thing like the same degree of hazard. This last observation is not meant to be confined to Great Britain, but to extend to any other Power, as far as the stipulations of treaty may permit.

Wisdom admonishes us to be patient, "to make haste slowly." Our progress is and will be rapid enough, if we do not throw away our advantages. Why should we be more susceptible than all the world? Why should this young country throw down the gauntlet in favor of free trade against the world? There may be spirit in it, but there will certainly not be prudence.

But again it may be asked, shall we put nations, disposed to a more liberal system, upon the same footing with those differently disposed? Will not this tend to produce an unfriendly treatment from all?

I answer, first, that I think it has been proved, the nation against which we have been invited principally to aim our artillery, treats us with at least as much liberality as other nations, I mean in a commercial sense.

I answer, secondly, that if there be nations, who are seriously disposed to establish with us more free and beneficial principles of trade, the path is plain; let treaties be formed, fixing upon a solid basis the privileges which we are to enjoy, and the equivalent. I have no objection to granting greater privileges to one Power than to another, if it can be put on a stable foundation of contract, ascertaining the boon and the equivalent. But I think it folly to be granting voluntary boons at the expense of the United States without equivalent. The mode of treaty secures the ground; it is inoffensive to any third Power. Our reply to objections would in that case be, "here is the price to us clearly defined and fixed by treaty, for which we grant the greater advantages of which you complain: give us the price, and the like advantages are yours." But capriciously to grant greater privileges by law to one nation than to another, when, upon a fair comparison, we are not better

treated by one than by another, is neither equitable, politic, nor safe.

Let us then leave changes for the present to the course of national treaties, and continue to proceed in the path in which we have hitherto found prosperity and safety.

When Mr. Sumn had concluded, the Committee rose, and had leave to sit again.

TUESDAY, JANUARY 14.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; when Mr. Madison rose in reply to Mr. Sumn, of South Carolina.

Mr. M. began by observing that he had expected, from what was intimated yesterday, the sequel of what was then said against the resolutions before the Committee; but, as there was a silence in that quarter, and no other member has risen on either side of the question, he himself would request the attention of the Committee.

It had been much pressed that, in the discussion of this subject, it should be viewed in its commercial relations only. He was perfectly willing to meet every objection that could be urged on that ground; but, as he conceived it impossible to do full justice to the interests of the United States without taking some collateral considerations into view, he should be obliged, in the course of his remarks, to point at the political disposition and conduct of some of the nations of Europe towards this country.

The propositions immediately before the Committee turned on the question, whether any thing ought to be done at this time, in the way of commercial regulations, towards vindicating and advancing our national interests. Perhaps it might be made a question with some, whether, in any case, Legislative regulations of commerce were consistent with its nature and prosperity.

He professed himself to be a friend to the theory which gives to industry a free course, under the impulse of individual interest and the guidance of individual sagacity. He was persuaded that it would be happy for all nations, if the barriers erected by prejudice, by avarice, and by despotism, were broken down, and a free intercourse established among them. Yet to this, as to all other general rules, there might be exceptions; and the rule itself required what did not exist—that it should be general.

To illustrate this observation, he referred to the Navigation Act of Great Britain, which, not being counterbalanced by any similar acts on the part of rival nations, had secured to Great Britain no less than eleven-twelfths of the shipping and seamen employed in her trade. It is stated that, in 1660, when the British act passed, the foreign tonnage was to the British, as one to four; in 1700, less than one to six; in 1725, as one to nineteen; in 1750, as one to twelve; in 1774, nearly the same. At the commencement of the period, the

tonnage was but 95,266 tons; at the end of it, 1,136,162.

As another illustration, he mentioned the case where two countries happened to be in such a relation to each other, that the one, by discouraging the manufactures of the other, might not only invigorate its own, but transplant the manufacturers themselves. Here the gain would be a clear one, and the effect evidently consistent with the principle of the theory.

To allow trade to regulate itself is not, therefore, to be admitted as a maxim universally sound. Our own experience has taught us that, in certain cases, it is the same thing with allowing one nation to regulate it for another. Were the United States, in fact, in commercial intercourse with one nation only, and to oppose no restrictions whatever to a system of foreign restrictions, they would, of necessity, be deprived of all share in the carriage, although their vessels might be able to do it cheapest, as well as of the only resources for defence on that side where they must always be most exposed to attack. A small burden only in foreign ports on American vessels, and a perfect equality of foreign vessels, with our own in our own ports, would gradually banish the latter altogether.

The subject, as had been remarked on a former occasion, was not an ovel one; it was coeval with our political birth, and has at all times exercised the thoughts of reflecting citizens. As early as the year succeeding the peace, the effect of the foreign policy, which began to be felt in our trade and navigation, excited universal attention and inquietude. The first effort thought of was an application of Congress to the States for a grant of power for a limited time, to regulate our foreign commerce, with a view to control the influence of unfavorable regulations in some cases, and to conciliate an extension of favorable ones in others. From some circumstances then incident to our situation, and particularly from a radical vice in the then political system of the United States, the experiment did not take effect.

The States next endeavored to effect their purpose by separate but concurrent regulations. Massachusetts opened a correspondence with Virginia and other States, in order to bring about the plan. Here, again, the effort was abortive.

Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests and the vindication of our commercial rights.

As these were the first objects of the people in the steps taken for establishing the present Government, they were universally expected to be among the first fruits of its operation. In this expectation, the public were disappointed. An attempt was made in different forms, and received the repeated sanction of this branch of the Legislature, but they expired in the Senate—not, indeed, as was alleged, from a dislike to the attempt altogether, but the modifications given to it. It has not appeared, however, that it was ever renewed in a different form in that House, and for some time it has been allowed to sleep in both.

If the reasons which originally prevailed against measures such as those now proposed had weight in them, they can no longer furnish a pretext for opposition.

When the subject was discussed in the first Congress, at New York, it was said that we ought to try the effect of a generous policy towards Great Britain; that we ought to give time for negotiating a treaty of commerce; that we ought to await the close of negotiations for explaining and executing the Treaty of Peace. We have now waited a term of more than four years. The Treaty of Peace remains unexecuted on her part, though all pretext for delay has been removed by the steps taken on ours; no treaty of commerce is either in train or in prospect; instead of relaxations in former articles complained of, we suffer new and aggravated violations of our rights.

In the view which he took of the subject, he called the attention of the Committee particularly to the subject of navigation, of manufactures, and of the discrimination proposed in the motion between some nations and others.

On the subject of navigation, he observed that we were prohibited by the British laws from carrying to Great Britain the produce of other countries from their ports, or our own produce from the ports of other countries, or the produce of other countries from our own ports, or to send our own produce from our own or other ports in the vessels of other countries. This last restriction was, he observed, felt by the United States at the present moment. It was, indeed, the practice of Great Britain, sometimes to relax her Navigation Act so far, in time of war, as to permit to neutral vessels a circuitous carriage; but, as yet, the act was in full force against the use of them for transporting the produce of the United States.

On the other hand, the laws of the United States allowed Great Britain to bring into their ports anything she might please, from her own or from other ports, and in her own or in other vessels.

In the trade between the United States and the British West Indies, the vessels of the former were under an absolute prohibition, whilst British vessels in that trade enjoyed all the privileges granted to other, even the most favored nations, in their trade with us. The inequality in this case was the more striking, as it was evident that the West Indies were dependent on the United States for the supplies essential to them, and that the circumstances which secured to the United States this advantage, enabled their vessels to transport the supplies on far better terms than could be done by British vessels.

To illustrate the policy requisite in our commercial intercourse with other nations, he presented a comparative view of the American and foreign tonnage employed in the respective branches of it, from which it appeared that the foreign stood to the American as follows: Spain, 1 to 5; Portugal, 1 to 6; the United Netherlands, 1 to 15; Denmark, 1 to 12; Russia, — to —; France, 1 to 5; Great Britain, 5 to 1.

It results from these facts, that, in proportion as

the trade might be diminished with Great Britain and increased with other nations, would be the probable increase of the American tonnage. It appeared, for example, that, as the trade might pass from British channels into those of France, it would augment our tonnage at the rate of 10 to 1.

The above calculation, he said, had been made out on the documents of 1790, and on the amount of the tonnage entered in the several ports. A document stating the amounts of the actual tonnage in the American trade had just been reported to that House. If this, which was liable to some remarks that might hereafter be made, was to be substituted, it afforded another calculation, diminishing the excess in favor of Great Britain, but augmenting it in favor of the United States in most of the other instances.

According to this calculation, the foreign to the American tonnage might be stated as follows: Spain, 1 to 16; Portugal, 1 to 17; United Netherlands, 1 to 26; Denmark, 1 to 15; Russia, 1 to 14; France, 1 to between 4 and 5; Great Britain, nearly as 3 to 1.

Such a disproportion, taking even the reduced one, in the navigation with Great Britain, was the more mortifying, when the nature and amount of our exports are considered. Our exports are not only, for the most part, either immediately necessities of life, or ultimately as necessities to manufacturers, and must thence command a sure market wherever they are received at all, but the peculiar bulkiness of them furnishes an advantage over the exports of every other country, and particularly over those of Great Britain. If such an advantage belonged to that nation, the policy which governs her navigation laws would probably have given the exclusive carriage to her own bottoms. It is equally in our power, if so selfish a principle should be forced upon us, to secure to our bottoms the same monopoly, leaving to other nations with which we trade the like exclusive carriage of their exports. The regulation would, to be sure, be mutually inconvenient; and, by forcing the vessels of each party to return empty from foreign markets, be so far a tax on the intercourse. This effect, however, did not disprove the power us over the carriage of them, nor lessen the argument drawn from it. Examine it in relation to Great Britain. The bulk of her exports to us, compared with that of ours to her, is as nothing. An inconsiderable quantity of shipping would suffice for her, whilst ours can load about 222,000 tons. Including the articles she exports from the West Indies to this country, they bear no proportion to ours. Yet, in the entire trade between the United States and the British Dominions, her tonnage is to that of the United States as 156,000, employing 9,360 seamen, to 66,000, employing 3,690 seamen. Were a rigid exertion of our right to take place, it would extend our tonnage to 222,000, and leave to Great Britain employment for much less than the actual share now enjoyed by the United States. It could not be wished to push matters to this extremity. It showed, how-

ever, the very unequal and unfavorable footing on which the carrying trade, the great resource of our safety and respectability, was placed by foreign regulations, and the reasonableness of peaceable attempts to meliorate it. We might, at least, in availing ourselves of the merit of our exports, contend for such regulations as would reverse the proportion, and give the United States the 156,000 tonnage and 9,360 seamen, instead of the 66,000 tonnage and 3,690 seamen.

He here adverted to the discount of ten per cent. on the duties paid by goods imported in American bottoms, remarking that it was not founded on the true policy of encouraging our shipping. It was not the imports, but the exports, that regulated the quantity of tonnage. What was imported in American vessels, which would otherwise return empty, was, no doubt, a benefit to the American merchant, but could slightly only, if at all, increase the mass of our tonnage. The way to effect this was to secure exportations to American bottoms.

Proceeding to the subject of manufactures, he observed that it presented no compensations for the inequalities in the principles and effects of the navigation system.

We consume British manufactures to double the amount of what Britain takes from us, and quadruple the amount of what she actually consumes.

We take everything after it has undergone all the profitable labor that can be bestowed on it. She receives, in return, raw materials, the food of her industry. We send necessities to her. She sends superfluities to us. We admit everything she pleases to send us, whether of her own or alien production. She refuses not only our manufactures, but the articles we wish most to send her—our wheat and flour, our fish, and our salted provisions. These constitute our best staples for exportation, as her manufactures constitute hers. It appeared, by an authentic document he had examined, that of the manufactured articles imported in 1790, amounting to \$15,295,638 97, we received from and through Great Britain \$13,965,464 95. During the same year the manufactures imported from France, the next great commercial country, and consuming more of our produce than Great Britain, amounted to no more than \$155,136 63. To give a fuller view of our foreign commerce, he stated the balances with the several nations of Europe and their dominions, as follow: Spain, \$1,670,797 in favor of the United States; Portugal, \$1,687,699 in favor of the United States; United Netherlands, \$791,118 in favor of the United States; Sweden, \$32,965 in favor of the United States; Denmark, \$126,949 against the United States; France, \$2,630,987 in favor of the United States; Great Britain, \$5,922,012 against the United States. This enormous balance to Great Britain is on the exports to her. On her consumption the balance is still greater, amounting to nine or ten millions; to which again is to be added her profits on the re-exports in a manufactured and raw state. It might be said that an unfavorable balance was no proof of an unfavora-

ble trade; that the only important balance was the ultimate one on our aggregate commerce. That there was much truth in this general doctrine was admitted; at the same time it was equally certain that there were exceptions to it, some of which were conceived to be applicable to the situation of the United States. But whether the doctrine were just or not, as applied to the United States, it was well known that the reasoning and practice of other countries were governed by a contrary doctrine. In all of them an unfavorable balance, to be paid in specie, was considered as an evil. Great Britain, in particular, had always studied to prevent it as much as she could. What, then, may be the effect on the policy of a nation with which we have the most friendly and beneficial relations, when it sees the balance of trade with us not only so much against her, but all the specie that pays it flowing immediately into the lap of her greatest rival, if not her most inveterate enemy. As to the discrimination proposed between nations having and not having commercial treaties with us, the principle was embraced by the laws of most, if not all the States, while the regulation of trade was in their hands. It had the repeated sanction of votes in the House of Representatives, during the session of the present Government at New York. It has been practised by other nations, and in a late instance against the United States. It tends to procure beneficial treaties from those who refuse them, by making them the price of enjoying an equality with other nations in our commerce. It tends, as a conciliatory preference, to procure better treaties from those who have not refused them. It was a prudent consideration, in dispensing commercial advantages, to favor rather those whose friendship and support may be expected in case of necessity, than those whose disposition wore a contrary aspect. He did not wish to enter at present, nor at all, if unnecessary, into a display of the unfriendly features which marked the policy of Great Britain towards the United States. He should be content to lay aside, at least for the present, the subject of the Indians, the Algerines, the spoliations, &c.; but he could not forbear remarking generally, that if that, or any other nation were known to bear us a settled ill will, nothing could be more impolitic than to foster resources which would be more likely to be turned against us than exerted in our favor. It had been admitted, by the gentleman who spoke yesterday, [Mr. Smith, of South Carolina,] to be a misfortune that our trade should be so far engrossed by any one nation as it is in the hands of Great Britain. But the gentleman added nothing to alleviate the misfortune, when he advised us to make no efforts for putting an end to it. The evils resulting from such a state of things were as serious as they were numerous. To say nothing of sudden derangements, from the caprice with which Sovereigns might be seized, there were casualties which might not be avoidable. A general bankruptcy, which was a possible event in a nation with which we were so connected, would reverberate upon us with a most dreadful shock. A partial

bankruptcy had actually and lately taken place, and was severely felt in our commerce. War is a common event, particularly to Great Britain, and involves us in the embarrassments it brings on our commerce, whilst ours is so disproportionate to our interwoven with it. Add the influence that may be conveyed into the public councils by a nation directing the course of our trade by her capital, and holding so great a share in our pecuniary institutions, and the effect that may finally ensue on our taste, our manners, and our form of Government itself. If the question be asked, What might be the consequence of counter efforts, and whether this attempt to vindicate our public interests would not produce them? his answer was, that he did not in the least apprehend such a consequence, as well because the measure afforded no pretext, being short of what was already done by Great Britain in her commercial system, as because she would be the greatest sufferer from a stagnation of the trade between the two countries if we should force on such a crisis. Her merchants would feel it. Her navigation would feel it. Her manufactures would feel it. Her West Indies would be ruined by it. Her revenue would deeply feel it. And her Government would feel it through every nerve of its operations. We, too, should suffer in some respects, but in a less degree; and, if the virtue and temper of our fellow-citizens were not mistaken, the experiment would flad in them a far greater readiness to bear it. It was clear to him, therefore, that if Great Britain should contrary to all the rules of probability, stop the commerce between the two countries, the issue would be a complete triumph to the United States. He dwelt particularly on the dependence of British manufactures on the market of the United States. He referred to a paper in Anderson's History of Commerce, which states the amount of British manufactures at £51,310,000 sterling, and the number of souls employed in, and supported by them, at 5,250,000. Supposing the United States to consume two and a half millions of British manufactures, which is a moderate estimate, the loss of their market would deprive of subsistence 250,000 souls. Add 50,000, who depend for employment on our raw materials: here are 300,000 souls who live by our custom. Let them be driven to poverty and despair by acts of their own Government, and what would be the consequence? Most probably an acquisition of so many useful citizens to the United States, which form the natural asylum against the distresses of Europe. But whether they should remain in discontent and wretchedness in their own country, or seek their fortunes in another, the evil would be felt by the British Government as equally great, and be avoided with equal caution.

It might be regarded (he observed) as a general rule, that, where one nation consumed the necessities of life produced by another, the consuming nation was dependent on the producing one. On the other hand, where the consumption consisted of superfluities, the producing nation was dependent on the consuming one. The United States were in the fortunate situation of enjoying both

these advantages over Great Britain. They supply a part of her dominions with the necessities of life; they consume superfluities which give bread to her people in another part. Great Britain, therefore, is under a double dependence on the commerce of the United States. She depends on them for what she herself consumes; she depends on them for what they consume. In proportion as a nation manufactures luxuries must be its disadvantage in contests of every sort with its customers. The reason is obvious. What is a luxury to the consumer is a necessary to the manufacturer. By changing a fashion or appointing a fancy only, bread may be taken from the mouths of thousands whose industry is devoted to the gratification of artificial wants. He mentioned the case of a petition from a great body of buckle makers, presented a few years ago to the Prince of Wales, complaining of the use of strings instead of buckles in the shoes, and supplicating his Royal Highness, as giving the law to fashions, to save them from want and misery by discontinuing the new one. It was not (he observed) the Prince who petitioned the manufacturers to continue to make the buckles, but the manufacturers who petitioned their customer to buy them. The relation was similar between the American customers and the British manufacturers; and if a law were to pass for putting a stop to the use of their superfluities, or a stop were otherwise to be put to it, it would quickly be seen from which the distress and supplications would flow. Suppose that Great Britain received from us alone the whole of the necessities she consumes, and that our market alone took off the luxuries with which she paid for them: here the dependence would be complete, and we might impose whatever terms we please on the exchange. This, to be sure, is not absolutely the case; but, in proportion as it is the case, her dependence is on us. The West Indies, however, are an example of complete dependence. They cannot subsist without our food. They cannot flourish without our lumber and our use of their rum. On the other hand, we depend on them for not a single necessary, and can supply ourselves with their luxuries from other sources. Sugar is the only article about which there was ever a question; and he was authorized to say that there was not, at the most, one-sixth of our consumption supplied from the British islands. In time of war or famine the dependence of the West Indies is felt in all its energy. It is sometimes such as to appeal to our humanity as well as our interest for relief. At this moment the Governor of Jamaica is making proclamation of their distresses. If ever, therefore, there was a case where one country could dictate to another the regulation of trade between them, it is the case of the United States and the British West Indies. And yet the gentleman from South Carolina [Mr. Smith] had considered it as a favor that we were allowed to send our provisions in British bottoms, and in these only, to the West Indies. The favor, reduced to plain language, in the mouth of their planters, would run thus: We will agree to buy your provisions rather than

starve, and let you have our rum, which we can sell nowhere else; but we reserve out of this indulgence a monopoly of the carriage to British vessels. With regard to revenue, the British resources were extremely exhausted, in comparison with those of the United States. The people of Great Britain were taxed at the rate of 40 shillings a head, the people of the United States at not more than 6 shillings a head—less than one-sixth of the British tax. As the price of labor, which pays the tax, is double in the United States to what it is in Great Britain, the burden on Americans citizens is less than one-twelfth of the burden on British subjects. It is true, indeed, that Britain alone does not bear the whole burden. She levies indirect taxes on her West Indies and on her East Indies, and derives, from an acquiescence in her monopolizing regulations, an imperceptible tribute from the whole commercial world. Still, however, the difference of burden in the two countries is immense. Britain has, moreover, great arrears of unfunded debts. She is threatened with defects in her revenue, even at this time. She is engaged in an expensive war, and she raises the supplies for it on the most expensive terms. Add to the whole, that her population is stationary, if not diminishing, whilst that of the United States is in a course of increase beyond example. Should it still be asked whether the impost might not be affected, and how a deficiency might be supplied, he thought sufficient answers might be given. He took for granted that the articles subjected to the additional duties would continue to come according to the demand for them; and believed, if the duties were prudently adjusted, the increase of importation would balance the decrease of importation. Our country is able to import, and probably will import, in proportion to our exports. Our exports amount, say, to twenty millions of dollars. If we import less from one country, we shall import more from another. If we import less of some things, we shall import more of other things; and according to our imports will be our revenue. Suppose Great Britain to make the rash and improbable experiment of prohibiting all commerce with the United States. She does not consume more than one-fourth of our exports, and we derive, perhaps, nearly half of our revenue from the productions of other countries. In this point of view, we should, at the worst, have three-fourths of our exports to pay for our reduced imports, and consequently a balance of about five millions of specie flowing into our country. The faculty which this would give to operations of revenue together with the consideration that the labor employed on one-fourth of our ordinary exports would be employed for internal purposes, might assure us that a judicious Government would easily be able to provide the means of supplying the deficiency of impost.

But it was superfluous to enter into calculations of this sort. He recurrd to the utter improbability that such a contingency should happen. He was fully persuaded that the resolutions, if agreed to, would not impair the revenue.

It is objected, that Spain and Portugal, who are

good customers to us, and the latter particularly friendly, having no commercial treaty with us, will come within the operation of the resolutions.

Several answers may be given to this objection.

1. They do not manufacture the articles in question, so as to be sensibly affected.

2. They employ but little tonnage in our trade: Spain, 2,689 tons only; Portugal, 2,340 tons only. They are supposed to be little anxious to increase the foreign branches of their carrying trade, being content with the internal trade carried on with their own dominions. As they have no Navigation Act within the purview of the resolutions, they would not be exposed to the retaliating clauses on that subject.

3. If friendly, they can be admitted to treaty on equitable conditions whenever they please.

4. They can easily be excepted, if thought expedient, either by a general proviso that the resolutions shall not extend to nations having no Navigation Act such as is therein described, or by providing that they shall not extend to countries south of Cape Finisterre, a distinction familiar to the British Statute Book.

It is said that Great Britain treats the United States as well as she treats other nations, and, therefore, they ought to be satisfied.

If other nations were willing to bear unequal regulations, or unable to vindicate their rights, it was no example for us.

But is it true that the same degree of reciprocity subsists between the United States and Great Britain, as between Great Britain and other countries? He did not admit this to be the case. Where treaties existed, they stipulated, in many instances, mutual and equal conditions of intercourse. He gave an example in the treaty of Methuen, in which the admission of British woollens by Portugal was balanced by the admission of Portuguese wine by Great Britain. The treaty with France, of late date, was another example, where a variety of reciprocal privileges and countervailing duties existed, or where they were silent, there were often legal regulations reciprocating the regulations of Great Britain. He referred to the laws of Sweden and Denmark, on the subject of manufactures, as instances.

It is said Great Britain treats us as well as other nations treat us. What nation, he asked, had such a Navigation Act? What nation besides excludes us from a circuitous trade? What nation excludes us from carrying our own commodities in our own bottoms, where the carriage is allowed to her bottoms?

It is said, that at least Great Britain treats us as well as we are treated by France, who will be favored by the resolutions. This point was particularly labored yesterday by the gentleman from South Carolina, [Mr. Smith,] who made a comparison of those two countries the principal basis of the discussion. As they were, in fact, the two countries which stood in the most important relations to the United States, the subject required a pretty accurate view of their respective dispositions, regulations, and intercourse, with this country.

H. OF R.]

Commerce of the United States.

[JANUARY, 1794.]

should rely on the patience of the Committee in reading the observations and calculations to which he alluded. He here read the following note at the end of that report:

"That the encouragement of our carrying business is interesting, not only to the carrying States, but in a high degree also to the others, will result from the following facts:

The whole exports of the United States may be stated at - - - \$25,000,000

Great Britain carries two-fifths of these in value, that is to say - - - 10,000,000

Freight and insurance on this, in times of peace, are about twenty-two and one-half per cent. - - - 2,250,000

The same charges in war are very various, according to the circumstances of the war; we may say, however, fifty-five per cent. - - - 5,500,000

The difference between peace and war freight and insurance, then, is annually - - - 3,250,000

Taxed on our agriculture by British wars, during their continuance, and our dependence on British bottoms.

Of the last one hundred years, Great Britain has had forty-two years of war and fifty-eight of peace, which is three of war to every four of peace, nearly, as shown in the following table:

PEACE		PERIODS OF TIME		WAR	
Years.	Months.	Years.	Months.	Years.	Months.
4	8	1759, May - 1767, September	8	4	
6	4	1767, May - 1772, August	10	3	
5	8	1772, August - 1781, June	9	6	
12	4	1781, June - 1793, May	12	2	
7	0	1793, May - 1795, June	2	7	
15	7	1795, June - 1802, November	7	5	
6	2	1802, November - 1809, March	6	9	
57	9	1809, March - 1815, May	6	0	

In every term of seven years, then, we pay three times three million two hundred and fifty thousand dollars, or nine million seven hundred and fifty thousand dollars, which, averaged on the years of peace and war, are annually and constantly one million three hundred and ninety-two thousand eight hundred and fifty-seven more than we should, if we could raise our own shipping, to be competent to the carriage of all our productions. Besides this, many of our bulky articles, not bearing a war freight, cannot be exported if exposed to that; so that their total loss is to be added to that before estimated."

This was a demonstration of the interest the United States had, particularly the Southern States, in obtaining an independent transportation for their commodities; and the effect of the present war, to which Britain is a party, in depriving

them of the ordinary foreign resource, is bringing the evidence home to their feelings at the present moment.

It had been asked, what ground there was for concluding that Great Britain would be led, by the measures proposed, to change her policy towards the United States. He thought we had the best ground for relying on such an effect.

It is well known that, when she apprehended such measures would be taken, she manifested a readiness to admit a greater reciprocity into the commerce between the two countries. A bill for the purpose was brought into the House of Commons by the present Minister, Mr. Pitt, and would probably have passed into a law, if hopes had not sprung up that they should be able to maintain their exclusive system. Knox, an under Secretary, appears, from a collection of papers published by him, to have been the chief adviser in the Cabinet, as Lord Sheffield was the great champion before the public of this experiment. It was founded, according to both these witnesses, on a belief, 1st, that Nova Scotia and Canada would soon be able to feed the West Indies, and thereby make them independent of supplies from the United States. 2d, That the General Government was so feeble that it could not execute a plan of retarding restriction; and, 3d, That local interests and prejudices predominated so much among the States, that they would never even agree in making an attempt.

It is now thoroughly understood and admitted by the most biassed judges, that the British Continental Colonies cannot supply the Islands; that, as well as the Islands, they depend frequently for essential supplies on the United States. This calculation, therefore, has failed Great Britain.

The next has been completely destroyed by the change of our former frail Confederacy into a Government which is found to be adequate to all its national objects. This hope has, therefore, in like manner failed.

The only remaining hope that can induce Great Britain to persevere in the plan of conduct she has adopted towards the United States lies in the supposed difficulty of reconciling their different interests and local prejudices. The present occasion will decide whether this hope, also, shall be withdrawn from her; or whether she is to be inspired with fresh confidence in pursuing her own interests, without a due respect either for our interests or for our rights.

He could not but view the present as, perhaps, the final chance of combining the opinions and interests of the several quarters of the Union in some proper and adequate plan. If, at a moment when so many occurrences conspire to unite the public councils, when the public mind is so well disposed to second all equitable and peaceable means of doing justice to our country, and when our commerce is so critically important to the vital resources of Great Britain, it should be found that nothing can be done, he could foresee no circumstances under which success was to be expected. To reject the propositions, therefore, whilst nothing better was substituted, must con-

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vey the most unfavorable impressions of our national character, and rivet the fetters on our commerce, as well as prolong other causes which had produced such injurious consequences to our country. He would not permit himself to apprehend that such would be the event of the deliberations of the Committee.

When Mr. MADISON had concluded, the Committee rose, and had leave to sit again.

WEDNESDAY, January 15.

A petition of Lieutenant Colonel Tousard was presented to the House and read, praying that such a sum of money may be paid him, in lieu of the pension during life, granted by a resolution of the late Congress, as may be deemed equitable and proper.

Ordered, That the said petition be referred to Mr. SAMUEL SMITH, Mr. THATCHER, and Mr. LEARNED; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Philip Audebert and others, clerks in the War Office, was presented to the House and read, stating the insufficiency of the salaries allowed them by law, and praying that the same may be augmented and rendered more adequate to their services.

Ordered, That the said petition be referred to Mr. MADISON, Mr. FOSTER, and Mr. GRIFFIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the Senate have passed a resolution proposing to the several States the following article of amendment to the Constitution of the United States, to wit: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State," to which resolution they desire the concurrence of this House, in the mode prescribed by the Constitution of the United States.

The said resolution was read the first time.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you, as being connected with the correspondence already in your possession, between the Secretary of State and the Minister Plenipotentiary of the French Republic, the copy of a letter from that Minister, of the 25th of December, 1793; and a copy of the proceedings of the Legislature of the State of South Carolina.

G. WASHINGTON.
UNITED STATES, January 15, 1794.

The said Message and papers were read, and ordered to lie on the table.

Mr. BOUNDIN, from the committee appointed to examine the Laws of the United States, and report to the House such as have expired, or will

expire before the next session, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee on the petition of Ephraim Kimberly, which was made on the 18th of February last; and, the same being read,

Ordered, That the said report be referred to Mr. HILLHOUSE, Mr. ORR, and Mr. SMITH, with instructions to prepare and bring in a bill or bills pursuant thereto.

COMMERCE OF THE UNITED STATES.

A proposition being made to go into a Committee of the Whole on Mr. MADISON's resolutions—

Mr. AMES wanted to have the printed state of the negotiation between Great Britain and the Federal Government respecting a Treaty of Commerce; and likewise a paper from the Secretary of State, which the House had ordered to be got ready and printed some days ago. He wished gentlemen not to be in a hurry in deciding on a subject of such prodigious consequence as these propositions. He wished to defer going into a Committee until the papers could be had.

Mr. MADISON said, that it was somewhat singular that an objection should be made to the going into a Committee for the want of these papers. This want ought to have been stated on Monday. As to the idea of a friendly disposition on the part of Britain for entering into a Treaty of Commerce, he was convinced that Britain had no disposition that way. This he inferred from some passages in the Speech of the PRESIDENT, which were, at his desire, read by the Clerk. He trusted that the House would not hesitate in resolving itself into a Committee of the Whole immediately in order to discuss the propositions.

Mr. AMES thought it requisite to have the papers laid before the Committee which had been directed to be printed. He said there never had been an instance of any subject of the kind being pushed forward as the present. Such was the vastness and complexity of the evidence, and some parts of it were so obscure, that it was impossible for the House to have yet found leisure for embracing a well-founded opinion. The gentleman who spoke last had said that the papers called for could be of no consequence in discussing the resolutions. This assertion was in itself a very proper reason for printing the papers, that the gentleman, by having an opportunity of reading them, might be convinced of their importance. Mr. A. said that he believed there was an amicable disposition on the part of Britain. He grounded his assertion on an acknowledgment that had been made some time ago by one of the British Ministers, in Parliament, who said, that he expected soon to lay before that House a Commercial Treaty between England and America. The gentleman had said that we should found our measures on the dispositions of the several Powers of Europe toward us. That was right. But it was requisite to be informed of those dispositions before forming these resolutions.

The House then went into Committee.

Mr. FORREST, after a long pause, observed, that

as no other person appeared disposed to rise on the occasion, although he felt himself unequal to doing that justice to the subject which many others were, yet he considered it his duty to offer a few remarks which had occurred to him in the course of the debate.

In all our discussions of commercial affairs, the principal point to be kept in view was the promotion of the essential and permanent interests of our country, keeping in mind this maxim (as true in respect to nations as individuals,) that there is no friendship in trade. He then entered into a consideration of our commercial connexion with Great Britain, and observed, that we should avoid letting our former prejudices, or those arising from recent transactions, influence our judgments. We should not regard the favoring of the French or British nation, but study to do that which would tend to the promotion of our own commerce and the interest of our own navigation. In this pursuit, we must keep in view our relative situation with European nations, particularly those of France and Great Britain, and more particularly the latter, with whom the proposed resolutions contemplate a change. Of all possible times, (said he,) I believe this the most improper to try the experiment.

If the British Government have been instrumental in letting the Algerines loose upon us; if their privateers commit acts of piracy upon our neutral flag, let it at least, in the first instance, be made matter of negotiation. Neutral nations must suffer some inconvenience; and it will be much better policy to come forward at once and say we are at war. We will not submit to vexatious insults, when they are too much to suffer, rather than make this commercial warfare, by which it is impossible, in the course of human events, but that we must be much the greatest sufferers; and how humiliating would it be, after trial, even to propose to make it a drawn battle!

Let us examine the subject. Of the whole fair trade of Great Britain, taking their imports and exports into view, their trade with the United States will be found to be one-sixth, or thereabouts. Take the imports and exports of the United States, and you will find that full one-half the value of our whole trade is with Great Britain and her dependencies. Who will suffer most? She, by the interruption of one-sixth, with the means of getting most of the articles we supply, on as good terms, from other nations, with great internal sources of revenue, and a people used to bear any taxes asked of them; or we, with an interruption of one-half our trade and commerce, not so well off with respect to internal resources, and the complaints of our citizens, not accustomed to heavy taxation? Let those who rely upon the effect it will have on the English manufacturers and artisans, look back to 1773 and 1774, and recollect the effect it then had.

But there is one circumstance that should have weight with every mind. It will be found that three-fourths of all the import revenue of this country is derived from our commerce with the British. Shall we hazard an entire loss of this

opinion that the first resolution was by far too indefinite. The substance of the whole arguments advanced on both sides tended only to establish a fact, which was already perfectly well known, that the Governments of Europe act, in regard to the commerce of the United States, just as they think proper. The lesson was a very good one, and he trusted that, with a proper attention to temporary circumstances, this country would improve by it.

Mr. MADISON regarded the objection of the gentleman as entirely of a new kind. He had refused his consent to the first of the resolutions, because it was indefinite. But the propositions laid before the House a few days ago with respect to the Algerines were fully as indefinite, and yet the gentleman who spoke last had recommended them. The order of proceedings in the present question is perfectly candid and regular, consonant to the practice of the House and the practice of the gentleman himself.

Mr. S. SMITH, after a few introductory observations, said, the object of the resolution is, to lay an extra duty on goods from Powers not in treaty with the United States. These duties will operate as a bounty, say, for calculation, of five per cent., in favor of those Powers with whom we have a treaty of commerce; for experience has shown that those nations cannot supply us on terms so favorable as that with whom no treaty exists. It is a subject, then, of fair inquiry, what advantages we enjoy from those nations we are in treaty with, to induce us to grant them such bounty; and what are the disadvantages which result from those treaties?

The United States have a commercial treaty with France, Holland, Prussia, and Sweden. What are the commercial advantages? The advantages in the treaties most useful to us are, that free ships make free goods; and this is to be reciprocal. We have seen that this stipulation has been violated whenever the necessity of the case, in their opinion, made it useful to France. The disadvantages of those treaties are, their prizes coming into our ports, and their armed vessels cruising on our coasts. It appears, then, that we have no advantages given us by those treaties sufficient to induce us to lay a tax of five per cent. on \$17,000,000 of importations, from Powers not in treaty with us, say \$850,000 per annum, to act as a bounty on the manufactures of the nations in treaty.

It then becomes a subject of inquiry, what injuries have we received from the Powers with whom we have no commercial treaty, that should induce us to tax ourselves \$850,000 per annum to retaliate on them? These Powers are Spain, Portugal, Denmark, Russia, Hamburg, Bremen, and the other Hanse Towns, and Great Britain.

Spain has laid a heavy duty on our flour, to encourage her own; but not more than on that of other nations. She has also undertaken, in alliance with Great Britain, to prevent our taking our produce to France, contrary to the custom in former wars. It is true, the same two Powers attempted the same thing on a former occasion.

Spain has, by a late edict, granted to nations in treaty of commerce, license to trade in Louisiana, Florida, &c., &c., which immediately excludes us, and this may be of serious consequence. The English will introduce a good market for tobacco there; perhaps they may think it their interest to reduce the duty on that article, now 3s. 6d. per pound, to the same with ours, which is 1s. 3d.; or, if we pass these resolutions, make ours 3s. 6d., and theirs 1s. 3d. But Spain takes almost all their flour, a great quantity of wheat, corn, and lumber, beef, pork, fish, rice, &c., &c., from us, and is our very best customer. She supplies us with dollars, brandy, wine, fruits, salt, and silk goods, on fair terms. Some of these are articles which cannot be procured from the Powers in treaty, and ought we to offend her, to gratify our resentment against England?

Portugal refuses, since our Revolution, to take our flour. In every other respect she is among our best friends. She receives our wheat, corn, lumber, and many other articles; her late conduct calls for our sincerest gratitude. She supplies us with wine, salt, some East India goods, lemons, &c., &c. Why should we declare commercial war against such a friend?

The immediate relations with Denmark are increasing daily, and on fair terms. In her islands, we have the fairest intercourse. Our flour, meal, corn, lumber, beef, beef, pork, and fish, are received there in our own bottoms, and we bring from thence all their produce. Their children are educated among us, form friendships, and matrimonial connexions. Why should we declare a commercial war against a Power so friendly?

Russia affords us iron, hemp, sail-duck, sheet-ings; and some other articles; admits us into her ports on fair terms, and leaves to us the whole carrying trade between the two countries. What cause have we to tax her commodities? She has done nothing to offend us, seems well disposed, and many of her articles can be had nowhere else; and it ought to be considered, she can support the armed neutrality.

Hamburg and Bremen receive our vessels with every possible mark of friendship; they take great quantities of tobacco, rice, deerskins, furs, and a surplus of our imports from the West India; they supply us with glass, German osnaburges, and other German linens, on much better terms than any other country. What injury have those Republics done us, that we should throw their trade into the lap of Holland, where we generally pay five to ten per cent. more than we pay in those ports?

I come now (said Mr. S.) to the great stumbling block, Great Britain, against whom these resolutions point, and whose political conduct has been the fruitful topic of so much declamation. He concurred in opinion with those who had severely reprobated the conduct of their piratical privateers towards our navigation; but are these good reasons, said he, why we should commence a commercial war with more than one half the European nations, or even with her, unless we shall find it greatly to our interest? Alterations of commercial systems require time and much

delicacy in effecting. We do not at present know what will be the result of proper remonstrances against the injuries we have suffered. Has Great Britain laid any restrictions on our commerce which are not similar to those she lays on other foreign nations? I believe not. Have we any advantages in her ports over other foreigners? I believe we have. Our citizens go there, commence and pursue trade, without being subject to the alien duty, paid by other foreigners. Our tobacco pays 1s. 3d. per lb. duty, when all other pays 3s. 6d. per lb. Our pot and pearl ashes are free: others pay 2s. per cwt., which is equal to the freight. Our naval stores pay less duty than others pay, which, acting as a bounty to us, enables us to send these bulky articles to such a distance. Some of our wood is in the same situation. The exportation of our lumber on these advantageous terms, is particularly beneficial to, and promotive of our shipping. A cargo of lumber, which costs not more than 400 or 500 pounds, would sell for 12 or 1400. Mr. S. observed, that he presumed no one would tax him with being prejudiced in favor of Great Britain; he had suffered by them severely; he had fought against their usurpations; and, should his duty call him, he trusted he should not hesitate to do so again. It is not what Britain may suffer by the system proposed, but the disadvantage which will be the consequence to the United States, that ought to be taken into consideration. Our duty is not to injure others, but to protect our own interest.

Mr. S. then inquired, what have we done to benefit our own commerce? In the first Congress, a duty of fifty cents on foreign tonnage, and six cents on our own, gave an advantage of forty-four cents in our favor; and put us more than on a footing with the extra light-money, of 1s. 9d. sterling, a ton, on our vessels, charged in all their ports, except London. We also laid a duty of one-tenth extra on goods by foreign vessels. What has been its consequence? A gentleman from Virginia stated that in 1680, Great Britain passed their Navigation Act, when the foreign trade was one-fourth of the whole; in 1770, it was lessened to one-sixth. What is the consequence of our law? The foreign tonnage in 1770, was nearly one-third of the whole. In 1792, the foreign tonnage was reduced nearly to one-fourth, or as 244 to 568. This being the case, we have, by our existing laws and industry, decreased the proportion of the foreign tonnage one-sixth. Thus has our existing laws done nearly as much in two years for us, as the navigation laws of Great Britain did for them in forty years. Under the existing state of things, regulations to accelerate a progress already without example. The same gentleman said, that the manufactures of Great Britain amount to fifty-one millions, and that the proportion to America is two millions—say four per cent. of the exports of that country. Will she give up her Navigation Act for the profits of four per cent. on her exports? Can it be expected that she will deviate from a system which more than one hundred years experience has confirmed the utility of?

With respect to France, Mr. Smith acknowledged, in warm terms, the obligations this country was under to that, for the services rendered during the war. France, said he, will be a Republic, and as republicans, they will treat with us on fair, liberal, and reciprocal terms. Mr. S. concluded by reading the following comparative statement:

ENGLAND.

1st. American ships pay no more duty of tonnage in her ports, 44 cents duty of her ports than her own pay; tonnage more than her own but they pay 1s. 9d. sterling, ships pay.

except in the port of London, where all pay alike.

2d. The ships of America carry freely to Great Britain the produce of the United States, (where her own ships are permitted,) when imported in her own and pay the same duty ships; which amount altogether that is paid by the most to the whole freight on an as-sorted cargo of British manufactures.

3d. All trade in American ships to the British West Indies, is prohibited, except in times (such as the present) of war and particular scarcity.

4th. The trade to the British East Indies is free for Americans; they enter and still freely there, as well their cargoes as ships, when even British ships are prohibited.

5th. American shipping can carry no foreign article to Great Britain, nor any thing except her own produce: they cannot carry any of her manufactures, except pot and pearl ashes, pig and bar iron: which articles are free from duty.

6th. Great Britain admits from America, free of duty, plank, pot and pearl ashes, bar and pig iron, when she charges a duty on the same articles from other nations, equal in some instances, to a full freight; which enables America to transport such bulky articles on equal terms: she charges 1s. 3d. per lb. on American tobacco, and 3s. 6d. on all other.

7th. America admits no gross articles, pay no duty. 8th. America admits nothing free of duty from Great Britain, that is not equally free from all other countries.

Mr. FINDLEY next rose. He suggested a difference in rising on the subject, as it required a knowledge of circumstances and facts which seldom came under his consideration; but, having

examined the case with sufficient attention to determine his vote, as no member claimed the floor, he would offer some of those reasons which were convincing to himself.

He took notice of the member last up, who asserted that the additional duties proposed were not intended for protecting manufactures, nor as additional revenues, but as bounties to the nations with which we have commercial treaties; that no other nation could furnish us with sufficiency of goods; and who then asked in what manner we will raise our revenues? To which he answered, that the political intention of the resolution was to secure our independence as a commercial nation, and to make it the interest of certain European nations to enter into commercial treaties with us; they have refused to treat, because they enjoy more advantages without treaties than they could expect any treaties could secure to them. He alleged it was not properly a commercial war, or a principle of revenge or retaliation, that was intended by the resolutions. Revenge for supposed insults offered to the Crown, may be the principle of the duelling wars undertaken by European despots, but such principles are inadmissible in Republican politics. The design of the proposed measure is to secure a reciprocity of advantages in commerce without war; it is calculated to procure justice, to secure the practical enjoyment of that independence, which, though we have established, after an arduous contest, we have not reaped the advantages which ought to have resulted from it, nor put ourselves in a capacity to protect it. The first attempt to revise the Confederation was expressly within the design of vesting Congress with sufficient powers for rendering our commerce more independent. When the revision of the Government did take place, this was a principal object, both in the enlargement of the powers and regulating the forms of the Government. The gentleman from Virginia [Mr. Madison] has explained the reasons why such measures were not more early adopted, and has properly suggested that those reasons no longer exist.

The proposed restrictions are necessary to raise a competition in European markets, and gave an option to our merchants in different nations. Though the assortment for some time might not be so general in other countries as Britain, yet certainly much of the necessary supplies, such as linens and woollens, have been got on as good terms in France as in England, and have been in quantity more than equal to the demand. But, depending on one nation for our whole supplies, subjects us too much to the caprice and the fate of that nation. Supposing that nation to be at war with ourselves or our allies, we must be much embarrassed in our supplies, and will find it difficult to find goods from nations who had not provided for our demands. Supposing a state of bankruptcy or insurrection to take place in the nation on which we depend for supplies, we will share in their distresses. The gentleman from South Carolina [Mr. Sumner] and others considered the credit to which our merchants are admitted in

Britain as more than equivalent to the restrictions we are subjected to by that nation. It is urged that the extensive use we are admitted to make of British capital ought to have great weight in our estimates of the comparative advantage of our commerce with Britain. Mr. F. begged leave totally to differ with those gentlemen in opinion; he considered the extensive use made by our merchants of British credit as a very great political evil; it promoted an unfavorable balance of trade, and enables our merchants to import goods in greater abundance than we need; consequently, our industry, especially in domestic manufactures, is discouraged, and luxury is promoted. It is an old observation, that the borrower is a servant to the lender. The consequence of the British credit so much boasted of is, that our merchants are many millions in debt to the manufacturers or merchants of Britain; our storekeepers are in proportion indebted to the merchant, and country people are in debt to the storekeepers for such manufactures as they could have lived well without, and which many of them were not able to pay for. Thus credit, while it enriches a few individuals, occasions a ruinous system of debts and bankruptcies to pervade our country, from the cities to the most remote boundaries. But a greater evil presents itself to our consideration. This credit promotes a system of British influence dangerous to our political security. The merchant who depends upon British credit is necessarily under the influence of the hand that feeds him; the storekeeper is in debt to the merchant and subject to his influence. And such storekeepers, abounding not only in all the small towns, but in every place of public resort, consequently this extensive British credit is a source of British influence spread through the whole United States. He said that, since Congress met, he had been industrious to procure information on this subject. He knew that before the country people expected such regulations with anxiety, and he now knew that the merchants who were able to carry on business without the aid of the British credit, were very generally in favor of commercial restrictions; and that those who were not in that situation were generally against them; these different principles naturally arose from their respective situations.

He expressed some surprise that the gentleman from Maryland [Mr. S.] spoke of the French Treaty with so little candor. Why did he not mention the guarantee of the West Indies as a part of the commercial treaty, as well as the admitting the French privateers and prizes into our ports? The truth is, neither the one nor the other were of the commercial parts of the treaty. The gentleman knew that the exertions of that nation in our behalf, by their arms and their money, were the parts of the treaty relative to the opening our ports to their privateers, prizes, &c. He said the British restrictions to which we were subjected, the encouragements given to the hostile Indians, was no longer a secret. The letting loose the Algerines on our commerce, (a fact which he trusted no member would now deny), the refusing to fulfil the definitive treaty, or to enter into a

commercial one—all tended to prove that this was the proper time to assert our own commercial rights, not for revenge, but for self-defence. The present embarrassed state of Europe rendered such a measure necessary, and encouraged the prospect of its being effectual.

Mr. Ames wished, that gentlemen, instead of indefinite declamation, would lay their finger on each particular wrong that Britain had done to us. He did not know of any particular advantage, that we had derived in our commerce with France. He wished to discountenance a spirit of revenge, and to ascertain on what side the benefits of our commerce lay, and wherein they consisted. He did not like unfair comparisons.

Mr. Nicholas said, that he would not, at this time of day, attempt to detain the House any further than by just observing that the practice of comparisons had originated among the gentlemen who opposed the resolutions.

At this stage, the Committee rose, and had leave to sit again.

THURSDAY, January 16.

The resolution sent from the Senate, "proposing to the several States an article of amendment to the Constitution of the United States respecting the Judicial power," was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I transmit, for your information, certain intelligence lately received from Europe, as it relates to the subject of my past communications.

G. WASHINGTON.

UNITED STATES, January 16, 1794.

The said Message and papers were read and ordered to lie on the table.

Mr. Boudinot, from the committee appointed, presented a bill making appropriations for the support of Government for the year 1794; which was read twice and committed.

The Speaker laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the expenses of the Commissioners of Loans, on which the estimate of \$40,000 is founded, made pursuant to the order of the 10th instant; which were read and ordered to be committed to the Committee of the Whole House to whom is committed the bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-four.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries. When

Mr. Nicholas rose and spoke as follows:

Mr. Chairman: I feel a great embarrassment in speaking on this subject, from a distrust of my ability to treat properly its acknowledged importance, and from the apparent expectation of the audience. I feel too, as the member from Maryland who spoke yesterday did, from the imputation of motives, well knowing that the Representatives of my country are industriously reported to be enemies of the Government and promoters of anarchy, and that the present measure is imputed to these principles. It is somewhat remarkable that farther North, we are charged with selfishness and want of attachment to the general welfare, for a supposed opposition to measures of the import of the present. I mention this contradictory inference, to show that the shameful designs charged upon us, are not proved by the fact, and to place the guilt where it only exists, in the malignity of the accuser.

It is a commonly received opinion, that trade should be intrusted to the direction of those immediately interested in it, and that the actual course of it, is the best which it could take; this principle is by no means a safe one, and, as applied to the trade of America, is extremely fallacious. It can never be just where the beginning and growth of commerce have not been free from all possible constraint, as to its direction; as that can never be called a business of election which has been created under foreign influence. The manner in which America was first peopled, and the nurture she received from Great Britain, afford the most striking contrast to the requisite before mentioned. The first inhabitants of America were educated in Great Britain, and brought with them all the wants of their own country, to be gratified chiefly by the productions of that country. Aided by British capital, in the settlement of the wilderness, and depending on the same means for the conveyance of its produce to a place of consumption, it was inevitable, that the demand for British commodities should keep pace with the improvement of the country. In the commencement of American population, and its early stages, there does not appear to have been a chance of comparing the advantages of commercial connexion, with different countries, and it will be found that in its progress, it was still more restrained. In the last years of the dependence of America on Great Britain, the principal part of America was occupied by large trading companies, composed of people in Great Britain, and conducted by factors, who sunk large sums in the hands of the farmers, to attach them to their respective stores, by which means, competition was precluded, and a dependence on the supplies of those stores completely established. Since the Revolution, the business has been conducted by persons in the habit of dependence on Great Britain, and who had no other capital, than the manufactures of that country furnished on credit. The business is still almost wholly conducted by the same means. In no stage of its growth, then, does there appear to have been a power in the consumer to have compared the productions of Great Britain with those of any other

country, as to their quality or price, and therefore there is no propriety in calling the course of trade, the course of its choice.

The subject before the Committee naturally divides itself into navigation and manufactures, in speaking of which, I shall offer some other considerations, to show that the same effects are by no means to be expected from the greatest commercial wisdom in individuals, which are in the power of the general concert of the community; the one having in view profit on each separate transaction, the other, promoting an advantageous result to the whole commerce of the country.

In considering the importance of navigation to all countries, but especially to such as have so extensive a production of bulky articles as America, I think I shall show that the last observation is accurately right, and that the interest of the whole community, not those only who are the carriers, but those also who furnish the object of carriage, positively demands a domestic marine, equal to its whole business; and that, even if it is to exist under rates higher than those of foreign navigation, it is to be preferred. In circumstances of tolerable equality, that can never however entirely be the case; for, in the carriage of the produce of one country, by the shipping of another, to any other place, there is considerably more labor shipping belongs, than would have been by domestic shipping, as the return to their own country is to be included. On this ground, it may be confidently asserted, that where the materials of navigation are equally attainable, they will always be more advantageously employed by the country for whose use they are intended; and that if, under such circumstances, another country is employed as the other cause than interest, as it respects that particular business. A dependence on the shipping of another country tends to establish a place of deposit in that country, of those exports which are for the use of others, if it is at a convenient distance from them. The superintendence of property makes short voyages desirable for the owner, and the connexion that soon takes place between the money capital of a country and its shipping interests, greatly strengthens the vortex. The attainment of wealth beyond the demands of navigation, leads to an interest in the cargo itself, and then the agency in selling to the consumer becomes important. It is apparent that, as the final sale depends on the wants of the purchaser, all intermediate expenses of care and agency must be taken from the price to which the maker would be entitled. Our own commerce has involved this loss, in a remarkable degree, and it has gone to an enormous extent, from a necessity of submitting to the peridy of agents, arising from a dependence established by means of the so much boasted credit.

That there is this tendency in the employment of foreign shipping, is not only proved by the commercial importance of Holland, which became thus from her naval resources the store-house of Europe, without furnishing anything from her own productions, but also from the varied experience of America. Before the Revolution, every thing for European consumption was carried to Great Britain, but, since America has possessed shipping of her own, and in the Northern States, there has been an accession of capital, the export to England is reduced one-half. It is true, indeed, that there is still nearly one-half of what she receives, that is re-exported, but it will be found that she still retains a proportioned share of those influences which formerly carried the whole. Great Britain, under all the discouragements of our laws, which we are told by the mercantile members of the committee, amount to a prohibition where they have any rivals, did, until the European war, possess one-third of the foreign tonnage employed in America. This has been supported by the dependence into which the Southern States were placed by credit, and here, as in every other step of the connexion, this engine extorts advantages from us, beyond the compensation which is always secured in the first advance. If there wanted other proof of the British interest in the American navigation being supported in direct opposition to our interests, it may be found in the comparative state of the tonnage employed, where it appears that, after the protecting duties once had their effect, the additional tonnage, to a considerable amount, has been entirely American, and that the British tonnage has remained very nearly stationary, and in proportion to their undue influence.

In time of war, in addition to the inconveniences before stated, which are enhanced by throwing the trade from its accustomed channel, there are great and important losses brought on a country by this kind of dependence. If your carriers are parties to the war, you are subjected to the war freight and war insurance on your cargo, and you are cut off from all the markets to which they are hostile; and, indeed, from our experience in the present war, I may say you are cut off from the market of your carriers themselves, as it would have been impossible for British vessels to have escaped in our seas last summer. To what extent this loss goes may be seen from a calculation in the Secretary of State's Report on the fisheries, making the proportion of war to that of peace in the one hundred years, as forty-two to one hundred; and on that calculation there can be no hesitation in determining that the interest of the farmers requires that this foreign dependence should end here.

But the European war, by making a temporary exclusion of British shipping, has already brought on us the greatest mischief of such a regulation; and, by the encouragement it has afforded to our shipping, almost completed the remedy: so that we have reason to consider this as a fortunate period. But, it is not merely the advancement of our marine that is contemplated by the present resolutions, the security of that which we have is also dependent on them. The danger from the Algerines has been estimated in this House at five per cent. on the vessel and cargo, but the whole encouragement to our own shipping in our existing laws consists in the one-tenth additional duty

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on goods imported in foreign vessels. Whenever there shall be an European peace, which cannot be far distant, the whole difference between the two sums will be a direct encouragement on British ships, and will probably be equal to two freights. Do gentlemen rely on the precarious prospect of building frigates, and the more precarious service to be rendered by them when built, so much as to neglect any other regulations for the safety of our shipping when they are so much in their power?

Having shown that the actual state of our commerce is by no means the most beneficial, as far as navigation is concerned, I will proceed to consider the benefits derived from the consumption of those European manufactures which form the principal part of the stores of America. And here it may safely be said, that national policy by no means justifies the almost exclusive preference given to those of Great Britain. It is not always true that the commodity which is bought for least money is the best bargain, for the means of payment form an important consideration in all traffic, and accommodations in it may more than counterbalance an inequality of price. If one man will receive an article in exchange which you can sell to no other, it will certainly be a saving to deal with him at a high advance on his property. If there are countries which would become great consumers of American produce, on the terms of reciprocal consumption, and we find a difficulty, as is often the case, in vending that produce, is it not of great national importance to excite those acts which are to become the foundation of the connexion, even if, in the first instance, it is to be attended with inconvenience and loss? France may be made a connexion of this sort. She is at this time almost, if not quite, on a footing with Great Britain in the consumption of American products, and every hand which shall receive employment from us will add to her wants. We are told that it is of no less importance to us to find a country which can supply us advantageously than one which will consume our productions; and that, as commerce is no longer carried on by barter, it is no less beneficial to sell in one country and buy in another than if we could complete the exchange in the same country. This might be true, if your production was limited, and the demand for it certain; but, with a greatly improving agriculture, and some risk in our markets, the object is important. Great Britain being the most dependent on the agricultural interest, and the national wealth being probably at the greatest height, there is no expectation that her consumption will increase. On the other hand, as labor is now to receive its direction in France to the manufacturing arts, so far as concerns America, you will take from the agricultural strength a large class of people, and by that means create a dependence on you, at least to the amount of their own consumption, and the wealth you will diffuse will give ability to thousands who are now too poor to bid for your commodities. Nor is it probable that you will purchase this important benefit on very disadvantageous terms: for it is agreed

on all hands that many important arts are well understood there, and that labor, which forms the principal part of the cost of most articles, is considerably cheaper in France than in England.

Another very important operation of a discrimination in favor of France will be that, by encouraging liberal industry, you may put an end to some practices which, in the existing state of consumption, greatly depreciate our commodities. I mean the public provision made in granaries, and the supply from them in times of scarcity, which destroys the competition that raises every thing to its just value. Different consequences have been foretold as likely to result from those measures, to which I shall give a short examination. We are told that the preference long since given by our laws has been equal to a prohibition of British vessels, and that, to the extent to which it has gone, the best effects have been produced. To secure this operation from a recent attack, and at the same time to extend it to some branches of trade, to which its principles would equally extend, is the object of the marine resolutions. We have no reason to apprehend bad consequences from an action which has hitherto had good consequences. As to the increased duties on manufactures, I think the prospect in no way threatening; for, if there should be found no country to supply our wants on better terms, the diminution of consumption will be only in proportion to the duty. This can be by no means alarming, considered as the worst consequence of the measure to men with whom the impost is the favorite mode of collecting the revenue, at a time when the public wants are equal to any possible produce. If there shall be found a competitor with Great Britain for our consumption, the great object will be attained, as it must be accompanied by a corresponding consumption of American productions. But we are told that there will be a conflict of commercial regulations between this country and Great Britain, and that the consequence will be, the loss of the market she affords us. The probable consequences of such a conflict will best determine whether it is to be expected, as it will commence on her part as well as ours, with a view to consequences. The danger which she can alone apprehend is the loss of the market for her manufactures; and to obviate this, it would be absurd to widen the breach between us, as that would tend, in a direct proportion, to the establishment of unfriendly habits and manufactures, either here or in other countries, which would rival her own. If, however, the ultimate advantage would justify such measures, the immediate distress of her people would forbid it. The American trade must be the means of distributing bread to several hundred thousand persons, whose occupations would be wholly ended with the trade, and the Government is by no means in a situation to bear their discontent. Their navigation and manufactures draw many important ingredients from America which would be lost to them. The creditors of the people of America, to an immense amount, would be deprived of the remittances which depend on a friendly intercourse. On the

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whole, it would add to the disorders of the Government among those who, perhaps, have heretofore contributed to its support, without gratifying anything but an arrogant resentment. But we are told that our own citizens would be equal sufferers, and are more to be injured by being stopped in a career of rapid improvement. It will be hard to anticipate any real misfortune to America in such a contest, unless the temporary loss of indulgences, which are by no means necessary, can be so called. The consumption of Great Britain is, according to the most friendly calculation, not more than one-third of our purchases from her, and, therefore, the national wealth, independent of the gratification of our appetites, will receive an immense addition, and a vast fund will be procured to make lasting and valuable improvements, which would be degraded by comparison with the gewgaws of a day. It is to be remarked that the diminution of our exports would be divided among large classes of people, and in all cases forms a deduction from the annual income, rather than a total loss. This will result from the various objects of American industry and the division of the markets of its produce. This forms an important difference between America and Great Britain, in an estimate of the effects of a rupture between the two countries. In my opinion, the habits of the Southern States are such as to require the control which is said to be the consequence of these measures. Under the facility offered by the modes of trade before spoken of, and the credit which is said to be so beneficial, they have not only involved themselves in debt, but have contracted habits which, with the power of gratification, must always keep them so. We did hope that the administration of justice would have corrected the evil, but we now find that it cannot be corrected but by entire changes. It is founded in the policy of the merchant himself, and this circumstance is enough to present to the minds of the Committee a long train of dependent mischiefs. It is a fact, supported by the best evidence, that our merchants who get their goods from the manufacturer pay as much for them as the shopkeeper who buys at Baltimore or Philadelphia. This is one of the consequences of the want of credit which always will follow a reliance on collection from farmers; and there can be no doubt that the merchant is indemnified for his disgrace as well as his advance. The result of the whole train of indulgence is, that our goods are bought at an advance from a half to one-fourth of what they could be afforded for in cash sales. Nor does the mischief stop here. It brings a subjection which materially affects the sale of our produce. I do believe, myself, that the war with Great Britain did not bring half the mischief on us that their credit has; and I very much suspect a credit for consumption will always be found equally mischievous. It by no means resembles money loans, as is insinuated by the gentleman from South Carolina, by freeing a man's own resources for any other use. It is certain that there is no other safe regulation of a farmer's expenses than his income; and experience every day proves that, when so regu-

lated, they always fall short of the income, and that, when they depend on credit, they always exceed it, and thereby subject future revenue. Lessening the importation of foreign manufactures will increase our household fabrics, which experience has proved to be highly profitable, as the labor is done by a part of the community of little power in any other application. Regular efforts in this way have been, in my country, certainly productive of independence.

It is acknowledged that we may derive great advantages from France in our commerce, but it is said they should be secured by treaty, and we should not pay beforehand for them. If advantages are to be drawn by treaty from foreign nations, to enable the Executive to procure them, we must advance the impost beyond the revenue standard, or they will have nothing to give in exchange. Will gentlemen agree to involve France in this measure indiscriminately, when we have already a commercial treaty with her, which was concomitant with that treaty which gave us independence? Will they, under such proofs of friendliness, and while they are laboring under a revolution that must strengthen our connexion, show distrust of their justice, when the distinction now proposed may give them a knowledge of those advantages they may derive from our trade, and thereby make them more eager for a permanent contract? It will be always in our power, when we find ourselves deceived, to restore the equality with Great Britain. We are asked what will become of our revenue under such an establishment? The answer is obvious, from my former observations: if the consumption is reduced only by means of revenue, the revenue will increase; if it is lessened by competition, it will not be diminished, for the present rates will continue on all foreign goods, and we shall be better able to pay from the improvement of our foreign markets. But if there should be a diminution without lessening the power of the people to pay, what mischiefs will there be? Every body understands that the people pay the revenue, although it is collected by custom-house officers, and there is reason to believe that the expense of collection is greater in that way than any other, as there is not only the apparent expense, but a secret compensation to the merchants for advancing it.

But we are told that we are including countries in the general description which are our best customers—Spain, Portugal, the Hanse Towns, and Denmark. It will be found that they are little within the reach of the propositions, not being carriers, and very little manufacturers of the articles to be taxed. It will be in the power of the Legislature to save them, in filling up the blanks; but this is not intended to shut out any nation which chooses to trade with us on liberal terms; and, if we are satisfied with our footing in their trade, there is no doubt but we can secure it by treaty. They will not complain of our taking away benefits which they may resume at any time. We are told that this business is merely commercial, and that we should not think of our political relations to Great Britain; but, in my

opinion, most of our grievances have commercial objects, and therefore are to be remedied by commercial resistance. If you take away what is contended for, contest must end. The Indian war and the Algerine attacks have both commercial views, or Great Britain must stand without excuse for instigating the most horrid cruelties. I consider, however, the propositions before you as the strongest weapon America possesses, and the most likely to restore her to all her rights, political and commercial; and I trust I have shown that the means will have a beneficial effect, if they should fail as a remedy with respect to Great Britain.

Mr. GOODHUE: Mr. Chairman, the propositions now before us having been considered by several gentlemen, who have already spoken, and who have given such a particular detail of calculations, I shall confine myself to some general observations on the subject.

The gentleman from Maryland has made an observation which struck me very forcibly as applied to the subject before us, because it is a maxim to which all mankind have assented, and upon which there is no friendship in trade;—it was this: "there is no necessary consequence, there ought to be no hatred in trade." By following a path founded upon so obvious a maxim as the foregoing, we may be sure of a right guide, but if we deviate from it, we are in danger of being led into unforeseen error and mischief. It is unquestionably our duty to attend to the navigation and commerce of our country, and give it every proper encouragement which time and circumstances admit; this has ever been my wish and my conduct.

This object, so important and desirable, must be effected by fixed principles and regulations, such as giving our vessels a decided preference in our own ports above the ships of every other nation whatever, by paying less tonnage and other duties; by suffering no foreign ships to bring into the United States the productions of any other country than the one to which they belong; and by prohibiting foreign ships from coming to the United States from those places where our own ships are prohibited.

These are the fixed principles and regulations by one or all of which our navigation and commerce can only be promoted, and must never be deviated from, when adopted in favor of any one nation whatever—unless it be in return for some special advantage granted to us by any particular nation as an equivalent. Hitherto, our Government has proceeded to distinguish foreign ships, only by making them pay greater tonnage and duties than our own. If circumstances required it, and the time is judged a seasonable one, I shall be willing to proceed further.

Let us examine what advantages we enjoy in consequence of any commercial treaties we have already formed, for the propositions before us are proposed to affect only those nations with whom we have no treaties. We have commercial treaties with Prussia, Sweden, France, and Holland,

and in the dominions of neither of those Powers have our ships or the produce of this country (except in the single article of our oil in France) been admitted on any more favorable terms than the ships or produce of any other nation; and for this obvious reason, because our treaties only insure the advantages they may grant to the most favored nation; and, being circumstanced in such a manner as not judging it for their interests to distinguish any one by its favors, we are left only in the enjoyment of a trade with them on the terms common to all other nations. This being the case, I would not give one farthing to have like treaties formed with every other nation, for they have not been, and never can be, of any service to us; if we expect to derive any advantage from commercial treaties, we must stipulate for some certain good, for some other good which we may grant them in return.

But it is said, Mr. Chairman, we are particularly injured by the commercial restrictions of Great Britain. The fact is, we enjoy in our trade with that country all the advantages of commerce, and in some instances greater than they grant to any other nation. Our pot ash, and several other articles, pay a less duty in Great Britain than the like articles do from any other country, and in no instance do I believe they pay greater. Our ships are allowed generally to carry to Great Britain and Ireland the productions of this country on the same terms their own ships do. We have also free admission into their extensive territories in India, where they prohibit the ships of their own country, unless they belong to their India Company.

It is true our commerce is cramped by a refusal of our ships into their Colonies of Nova Scotia, Canada, Newfoundland, and their West India Islands, which is the only evil of a commercial kind we have to complain of in their regulations. But this is not an evil in consequence of distinguishing us from any other nation; they deny that privilege to all others, and it has taken effect as it relates to us in consequence of our becoming an independent nation. The evil of being prohibited their Colonies arises from the existing circumstances of things. Their contiguity to the United States compels them to carry on a considerable trade with us for supplies, and in which it is but just we should be partakers; and, if we mean to redress this evil, we should point out measures to that object, and say no foreign ships shall come to the United States from any place where our ships are prohibited; or, if they do come, they should come under some peculiar disadvantages. This would be meeting the evil direct.

If we raise the duties on their manufactures imported into this country, as is proposed by the resolutions now under consideration, with a view of compelling them to be more liberal in their commercial arrangements with us, we shall surely miss our aim, for it is certain France in her present situation is by no means able to supply us, whatever she may do hereafter. No other country, at present, but Great Britain, can supply us; it therefore follows, undeniably, if such be the fact,

that if we import their goods and lay an additional duty on them, the blow aimed at them will fall on us, by raising the price to the consumers in this country equal to the proposed additional duty.

It is said the chief of the foreign tonnage that comes to this country is British, and this is an evil; if our object is to promote our own navigation, I should suppose the evil consisted in having our trade so much carried on in foreign bottoms, and not as belonging to one or another foreign nation; and, if we meant further to encourage our navigation, we ought to raise the tonnage duty on all foreign shipping; this would be coming to the object. But how comes it we have so many more British ships than others? Have we granted them a monopoly, or may not the ships of every other nation come here on the same terms they do? The reason, then, why there are so many more British than other foreign ships which come here, is not because we have encouraged it by any regulations we have adopted, but because they are a more enterprising, commercial people than their neighbors, and from other causes which will ever influence and direct commerce.

It is also mentioned that a considerable part of the products of this country shipped to Great Britain, is not consumed there, but re-shipped to other countries, and that we ought to make such regulations as that such excess should pass directly to the country where they are consumed, without their first going through Great Britain.

I should think it strange if any one was to refuse selling an article because he understood the person who wanted to purchase it would not be the consumer, but he would afterwards sell it to another; this would not certainly influence, and ought not. Let us examine and see whether our navigation has received any encouragement by the regulations already adopted by this Government. In 1790, our navigation was but little more than one-half of all the tonnage entered in the United States; in 1791, it was three-fifths; and in 1792 it was nearly two-thirds. Foreign tonnage has actually decreased since that period 14,000 tons, while ours has increased 171,000 tons. If the increase is not sufficient, then we must increase the tonnage duty on foreign shipping, and take such other measures as I have hinted at to promote the object; though I confess such is our delicate situation at this time, I am inclined to believe experiments are hazardous; and I should be strongly apprehensive, if we pass any restrictive laws at this time, that shall affect Great Britain only, as such is her close alliance with most of the European nations, and especially with Spain, that she will be fully able to influence some of them at least, and Spain in particular, (who is not very friendly,) to be associated with her in any counter-regulations she may think proper to pursue by way of retaliation.

Mr. CLARK differed from many members who had spoken before him, in the view they took of the subject; he conceived it ought to be considered in a political light. We had many wrongs to complain of, and we should endeavor to obtain re-

dress. The English have violated our Treaty, just after it was ratified, by taking away our negroes, and since by holding our posts; they have also let the savages on our backs, and have not they let loose the Algerines upon us? Shall we sit still and bear it? How can we help it, it is asked? They will retaliate, we are told. How retaliate? Will they refuse to sell us their manufactures? He remembered that, even in old times, a non-importation agreement made them repeal their stamp act. We have surely as well now as we had then a right not to buy their goods; we don't want to cram our provisions down their throats, or to force them to buy our lumber. During the non-importation agreement, we did not perish with cold; we found, even then, that among ourselves we could make wherewith to clothe ourselves; we are surely as able to do it now. We then gained our point; we should now be much more powerful with the same weapon; many of her manufacturers are already starving for want of employment. We should add greatly to their distress, and soon bring the Government to their senses, and they will be glad to enter into a commercial treaty with us.

The balance of trade with Great Britain is much against us; and by carrying to Portugal and Spain what we send to them, we should receive cash in return. France will not always be in a storm, and a supply of the manufactured articles we want may soon be received from that quarter.

He did not see to what purpose calculations three hours long had been brought forward. It was very well for merchants to calculate in their counting-houses; but he conceived the Legislature should determine the question upon political considerations. He concluded by remarking, that he believed by this time the Committee must pretty clearly see that he was in favor of the resolutions.

Mr. PARKER considered the resolutions on the table as indefinite and unintelligible. If revenue is the object, we should remember the remark of *Dr. Swift*, that in the arithmetic of taxation, two and two do not always make four, but sometimes only one. He thought there was a jarring in the third resolution, which contradicted the first. The leading clause of the first resolution, which has occasioned so long a debate, is in these words: "That the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations employed in the commerce of the United States, than those now imposed." The third resolution which Mr. P. referred to, is in these words: "That the duty on vessels belonging to the nations having commercial treaties with the United States, ought to be reduced to — per ton." The resolutions meant either too much, or nothing. He would move to amend the first resolution, but that he hoped it would be altogether cast aside.

Mr. S. SMITH, of Maryland, rose and apologized to the Committee for presuming to intrude upon them a second time by the delivery of his sentiments. He said that a personal attack had been

made yesterday upon him in that House. It had met him out of doors, and had gone into the world. After he had done speaking yesterday, a member had risen, and held forth as a fundamental observation, that "gentlemen possessing capitals of their own were in favor of the propositions; but that dealers upon credit were against them." When this remark was made, as he had but just sat down from delivering his negative to the resolutions, he could not help thinking himself aimed at as one of those dealers upon credit. [Here the member referred to rose, and solemnly declared that a personal allusion to Mr. SMITH had never entered his mind.] Mr. S. went on to observe, that the whole assertion was erroneous. The merchants of America are men of liberal sentiments—more so, he believed, than merchants of any other part of the world. They are not to be biassed by the petty motives of interest, in prejudice to the public interest of their country. The gentleman whom he referred to had spoke of an alarming British influence in some of the commercial cities of America. He had alleged that merchants, by their connexion with Britain, would be under its influence; but there was no such thing. In this country, merchants studied the Constitution, and were attached to it. In other countries, they minded only profit. As a reflection had been thrown on merchants who dealt upon credit, he should take leave to observe that credit was a very good thing. As to himself, he had, before the war began, acquired, by his industry, as much property as placed him beyond the necessity of credit. By the war, he was reduced to nothing. After the peace, he again began as he set out at first. By the same industry and the same talents, he had once more acquired independence. By the British buccaneers, he had lost as much, since the present war began, as the gentleman to whom he rose in reply, would think a tolerable fortune for dividing among his sons; yet he could still spare time from his business for the service of his country. He said, that at first hearing the resolutions, he had been rather prejudiced in their favor. One of them was indeed a very enticing resolution, and at first view pleased him very much. [The resolution to which Mr. S. referred is the seventh, and runs in these words:

"Resolved, as the opinion of this Committee, That provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States, from the operation of particular regulations of any country, contravening the Law of Nations, and that such losses be reimbursed in the first instance, out of the additional duties on the manufactures, productions, and vessels of the nations establishing such unlawful regulations."]

He since opposed them, from a conviction that they were injudicious. This gentleman and others had spoken with complacency of destroying commercial credit. He would again repeat his affirmation that credit was a good thing. To destroy it would establish an aristocracy in commerce, which was as bad as an aristocracy in Government. He explained this expression, by adjoining, that the dissolution of credit would confine trade to mer-

chants possessing large capitals and an old and established correspondence in the manufacturing countries. An apprentice of the best connexions, and most promising abilities, would find it impossible, at the expiration of his indentures, to begin business for himself upon such oppressive terms of competition. It would be requisite to send ready money to Europe at the time of commissioning the goods; that is, to pay for them six months before they were received. This operation would raise the price of them fifteen per cent., which would be a real tax. He was astonished to hear gentlemen speak with indifference as to the advantages of mercantile credit. The State of Georgia was rising into prosperity with a prodigious progress. And by what means was this effected? By credit, certainly; for it never could have been accomplished in any other way. He said that we should renounce all national animosities, and consider all mankind as one great family. Let us always go where we can sell best. Mr. S. closed a speech of uncommon animation, by saying that the resolutions reminded him of the story of the goose which laid golden eggs. Let us cut her up, said the boy, and we shall get them all at once. The ten per cent. of tonnage upon foreign vessels had been of great service; but the present plan was too abrupt.

The Committee now rose, reported progress, and asked leave to sit again.

FRIDAY, January 17.

A memorial of Andrew G. Fraunces, of the city of New York, was presented to the House and read, praying to be furnished with an official copy of the proceedings on the subject of his memorial, presented the 19th ultimo, and that the House will speedily determine on the legality of his claim for the payment of certain warrants issued by the late Board of Treasury.

Ordered, That the said memorial do lie on the table.

Mr. BEATTY, from the committee to whom was recommended the bill for completing and better supporting the Military Establishment of the United States, reported an amendatory bill; which was read twice and committed.

APPROPRIATION BILL.

The House went into a Committee of the Whole on the Appropriation Bill, (Mr. TRENWELL in the Chair.) The Committee proceeded in the discussion, during which, Mr. BALDWIN rose repeatedly, for the purpose of inquiring into the expenses of various sums appropriated, for contingencies and other purposes, above the sums heretofore appropriated. His object was, that a committee should be appointed to make particular inquiry into the reasons of these excesses, and to report. A motion was at length made and carried, for the rising of the Committee. In the House, Mr. BALDWIN made a motion for the appointment of a special committee, to inquire into the cause of, and report on the expediency of, these excesses. This motion was agreed to, and a committee of five appointed.

PETITION OF DANIEL PARKER.

The House took into consideration the Report of the Secretary of the Treasury on the memorial of Daniel Parker. The substance of the Report is, that it may be for the interest of the United States to compound the debt due from the memorialist, and suggests the expediency of vesting a power somewhere to make the composition. It was moved that a committee should be appointed to prepare and report a bill pursuant to the report of the Secretary of the Treasury. Some debate ensued on this motion. It was opposed on the score of precedent, and that it might be better for the United States to lose the debt than to establish a precedent which might open a door to every delinquent debtor of the United States. If the memorialist is an honest man, and has any property, he will throw himself on the justice and humanity of his country. The conduct of the petitioner, in withdrawing from his country, and his consequent deportment, were reprobated. In support of the motion, it was said that the only question was, whether the United States would insist on receiving the whole of their demand, and receive nothing, or compromise their demand, and receive something. This, it was said, was not establishing a precedent; it was simply following the custom established in all similar cases by individuals. It was true that public bodies adopt generally a more rigid line of conduct, and perhaps with propriety in most cases; but, in the present instance, the memorialist is out of the country, out of the reach of the laws; he is able to pay something, but is not willing to be divested of all his property, and is still bound to discharge a balance he never can pay.

Mr. NICHOLAS proposed the following motion, as a substitute for the first motion, that a committee be appointed to inquire whether D. Parker & Co. have any equitable or other claims to a reduction of the balances which appear against them on the books of the Treasury of the United States, and report specially thereon to the House. This motion, after some further debate, was agreed to, and a committee of three appointed.

MONDAY, January 20.

QUAKERS' MEMORIAL.

A memorial was read from the people called Quakers. The substance of this memorial is, to request that Congress would pass a law to prohibit the citizens of the United States from transporting slaves from the coast of Africa to the West India Islands. The petition was read by the SPEAKER.

Mr. GILES wished that it might be referred to a select committee.

Mr. BOWNE wished that it should lie on the table for a day or two. He did not, by this, mean to oppose the principle of the memorial; but he understood that another, of the same tenor, was to be presented to the Senate. He therefore wished that it might be deferred till the House could see whether the Senate should take it up. If they did

not, he should then move that it should be referred to a select committee. The petition was ordered to lie on the table.

ALGERINE AFFAIRS.

The Committee of Ways and Means, appointed pursuant to the resolutions of the House on the communications from the PRESIDENT OF THE UNITED STATES relative to Algiers, brought in a report, which was twice read, and referred to the Committee of the Whole House on the state of the Union.

Ordered, That it be printed for the use of the members.

The report states that the Naval force for the protection of the trade of the United States, shall consist of four ships of forty-four guns each, 18 and 9 pounders, and two of 20 guns each. The aggregate sum wanted for this purpose is estimated at six hundred thousand dollars; to raise which, one per cent. additional duty is proposed to be laid on imported goods now paying seven and one-half per cent.; five per cent. additional on stone, marble, &c.; and on all stone and earthen ware, three cents additional; on salt, per bushel, six cents additional, per ton, on all vessels of the United States employed in foreign trade; and twenty-five cents additional, per ton, on all other vessels.

On motion of Mr. FIRZMOSSE, an addition was made to the Committee of Ways and Means; so that it now consists of a member from every State, who are to make another report respecting the fortifying the ports and harbors of the United States.

Ordered, That Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. PATTON, Mr. BALDWIN, and Mr. ISRAEL SMITH, be added to the committee appointed to report to this House the Naval force adequate to the protection of the commerce of the United States against the Algerine corsairs, together with an estimate of the expense, and the ways and means for defraying the same.

CORRESPONDENCE WITH GREAT BRITAIN.

Mr. W. SMITH remarked, that in the discussion of the resolutions respecting commercial affairs, much stress had been laid on the suggestion, that Great Britain had not discovered any disposition to enter into a commercial treaty with the United States, informed the House that in the correspondence between the Executive of the United States and the Minister of Great Britain, as printed by order of the House, it appears, that there is a chasm occasioned by the omission of a letter from the Secretary of State to that Minister, which letter is referred to in a subsequent letter.

Mr. GILES said, that it was very possible the letter to which Mr. SMITH referred, never had existed. It was said to have been written on the 5th of December, 1791. It was likely enough that Mr. Hammond might have mistaken a date.

Mr. DEXTER said, that there was an evident chasm. A letter must have been suppressed.

Mr. MADISON thought that there was a chasm, which should be filled up, but it might do as well to defer the matter for a day or two, till inquiry

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should be made of the Secretary of State, why it had been withheld? Upon informing the President, he would either give it up, or mention the reasons why he should not.

Mr. BOURNE said, that a motion concerning papers to be obtained from the Secretary of State, had been lying on the table since the beginning of last week. He wished it to be read.

Mr. GILES and Mr. NICHOLAS thought there could be no use for this letter, but they would not oppose an inquiry for its production.

The House then agreed to a resolution proposed by Mr. W. SMITH, the purport of which is, that the PRESIDENT OF THE UNITED STATES be applied to for information on the subject, and requested to lay before the House the omitted letter, or such parts as he may think proper. It was then moved and seconded, that the PRESIDENT be made acquainted with the resolution now adopted, which was agreed to. It was then proposed, that a committee of three members should be appointed to wait on him for that purpose. The motion was negatived. It was then moved and agreed, that the committee should consist of two members.

A Message was received from the President of the UNITED STATES, on the subject of the recall of the Minister of the French Republic. This Message states, that the conduct of the Minister had been with decided disapprobation, and the Government of France promises, that his recall shall be expedited without delay.

Mr. BALDWIN, from the committee appointed to examine the articles in which the present estimate exceeds the appropriations and actual settlements of preceding years, and report the causes, with their opinion of the expediency of such excess, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the copy of a Letter to him from the Commissioner of the Revenue, stating the causes which have delayed the report on the revenue arising from spirits distilled within the United States, and from stills, required by the order of this House of the second of March last; which were read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

It was then moved, that the House go into a Committee on the bill for completing and better supporting the Military Establishment of the United States.

The bill was discussed by paragraphs. The second section proposes, in substance, that those who continue in service to the expiration of their enlistment, shall receive thirty dollars in addition to their pay, to be paid to them personally, in proportion to the time they had been in service. This section, after some debate, was struck out.

A motion was made to strike out the last section which provides that the widows and orphans of officers who die, or are killed in the service, shall be entitled to three years' half pay. This motion after considerable debate, was carried.

A section was then proposed which provides for a donation of two hundred acres of land to every non-commissioned officer, musician, and private of the army, at the end of the service, provided they settle on the same. This motion, after several amendments, was agreed to.

[In discussing the clauses of the bill on the Military establishment, Mr. WADSWORTH said, that the American army was dwindling to nothing, for the want of proper officers. There was no suitable encouragement in the service, to compensate for the toils and dangers of a military life. Many officers would resign their commissions, if they could only get Government to accept of them. It would be necessary to make an augmentation of their pay, or do something else to encourage them. There was no incitement in this war, upon the principles of honor, because we had been told that the war itself was infamous. Some provision ought to be made for the widows and children of officers. Many of the widows of officers had been reduced to work with their own hands for bread, while their children had been sent to school by a subscription among their neighbors.]

Mr. CLARK, in reply, said, that there were many soldiers who would gladly resign. If an officer had twenty-seven dollars per month, and a soldier but three or four, is it not proper that the Government should provide as well for the widows and children of soldiers, as of officers? He was confident that the army could find plenty of officers.

Mr. CLAIBORNE was of opinion that the widows and children of soldiers were as much flesh and blood as those of officers; and that the State was as much obliged to the soldiers as to the officers. The latter were better paid than the former, and so were more likely to leave something behind them for the support of their families. He said that we lived under a Republican Government, where all ranks of men were equally entitled to the protection of the State.

Mr. SMITH considered it as highly unjust that there should be so great a difference between the pay of an officer and that of a soldier. It was proper to support rank, but the principle was carried too far. He would only ask what sort of officers were, and what soldiers were? He knew of no distinction. Why, then, should we provide for the widows and the children of the officers, and not for those of the soldiers, when the latter had but four dollars per month?

The fact is, said Mr. SMITH, of Maryland, that your best officers have either left the army, or are daily leaving it. The General finds it necessary to force them to stay. The gentleman from Virginia, [Mr. CLAIBORNE,] had seen service, and was, Mr. S. believed, as good a Republican as any in that House. He surely must know that the services of men of education could not, in any part of the world, be obtained at the same rate as those of the inferior classes. Gentlemen might speak of equality, but in practice the thing was impossible. As to women it was well enough known what sort of ladies commonly followed the camp. It would be absurd to place them on a level with the widows of officers, or to suppose that they de-

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served equally the protection of the States. The time would perhaps come when we should repent of having intrusted the army in other hands than those which at present kept it together.

Mr. CLAIBORNE said, that some of the officers who retired from the army were men of pleasure. He repeated his remarks upon equality.

Mr. WADSWORTH said, that we might talk of Republican armies, and Republican principles, as long as we pleased. By the former he understood nothing more than an army raised by a Republic. If good officers were not kept, it was certain the army must go to nothing, for it was as impossible to march an army into the field without officers, as it was for that House to do business without a Speaker or a Chairman. He knew of many young men who were fond of going into the army as officers. But time and reflection convinced them, for which he was very sorry, that it was not worth while for any gentleman to spend his life in the service. The consequence was, that the American army was losing, as fast as possible, its best officers.]

The Committee then rose, and reported the bill with amendments.

TUESDAY, JANUARY 21.

A Message was received from the President of the UNITED STATES communicating statements respecting the duties on distilled spirits; also sundry laws which have been passed by the Government Northwest of the Ohio.

A petition of several of the late officers and privates of the first Pennsylvania regiment was presented to the House and read, praying compensation for military services rendered, and losses and injuries sustained in the Army of the United States during the late war.

Ordered, That the said petition, together with the petition of Catharine Myler, which lay on the table, be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

Ordered, That the memorial of the people called Quakers, at their yearly meeting held in Rhode Island, in the year 1793, which lay on the table, be referred to Mr. TRUMBULL, Mr. WARD, Mr. GILES, Mr. TALBOT, and Mr. GROVE; that they do examine the matter thereof and report the same, with their opinion thereupon, to the House.

Mr. VENABLE, from the committee appointed to inquire into and report a state of facts respecting sundry French vessels which have taken refuge in the ports of the United States, and their opinion on the propriety of remitting the foreign tonnage thereon, made a report; which was read, and ordered to lie on the table.

MILITARY ESTABLISHMENT.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill for completing and better supporting the Military Establishment of the United States. The first amendment, to strike out

the second section, was, on the question put thereupon, agreed to by the House. The second amendment, to strike out the last section in the words following to wit:

"And be it further enacted, That—year's half pay shall be allowed to all commissioned officers who shall serve for a term not less than three years, and until the Army shall be discharged."

Mr. SMITH said that he hoped this clause would not be stricken out. He had little to say, but what he had already remarked. The officers were leaving the service very fast; and if something was not done for the Army, we shall soon see an end of it. No respect whatever was shown by other citizens to the American uniform.

Mr. CLARK said that certain members of the House, on every question, were fond of pomposity. Officers who could not live upon their pay, could live nowhere. The back woods were not the place to spend much money. It was well known that there was another cause of complaint which distressed the officers.

Mr. FORRESTER thought it necessary to keep in the clause. He had been informed by several officers that want of adequate pay was a very great objection to staying in the Army.

Mr. WADSWORTH said that he was glad to hear gentlemen speak out, and acknowledge that there were other causes of dissatisfaction. None of his correspondents in the Army had told him so; but he believed that there were such other causes. As to spending money, it would be spent in the back woods as well as in the cities, as the officers frequently had to pay four times the common price for articles there. He did not believe that we should long have three effective companies in the Army. He had nearly given up his hopes of that Army, and the rejection of this clause would just finish it.

The question on striking out this clause was taken by yeas and nays, and stood—yeas 64, nays 24, as follows:

YEAS.—Theodoros Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Gabriel Christie, Abraham Clark, Peleg Coffin, Joshua Colt, William J. Dawson, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, William B. Giles, James Gillespie, Nicholas Gilman, Benjamin Goodhue, James Gordon, William B. Grove, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, John Wilkes Kittera, Amasa Learned, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mcbane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Josiah Parker, Andrew Pickens, Francis Preston, John Smilie, Jeremiah Smith, Israel Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Thomas Tredwell, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Francis Walker, Artemas Ward, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Lambert Cadwalader, David Cobb, Henry Dearborn, Uriah Forrest, Ezekiel Gilbert, Henry Glenn, Thomas

Hartley, William Hindman, William Irvine, Richard Bland Lee, Peter Muhlenberg, Thomas Scott, John S. Sherburne, Samuel Smith, William Smith, Thomas Spriggs, Uriah Tracy, Jonathan Trumbull, Peter Van Gasbeck, Jeremiah Wadsworth, and John Watts.

The other amendment, reported by the Committee of the Whole House was further amended, and, on the question put thereupon, agreed to by the House.

The House then proceeded further to amend the said bill, and, on a motion made and seconded to add to the end thereof the following section, by way of amendment, to wit:

"And be it further enacted, That, if any officer shall die, by reason of wounds or otherwise, while in the service of the United States, and shall leave a widow, or, if no widow, shall leave a child or children under age, such widow, or, if no widow, such child or children, shall be entitled to and receive the half of the monthly pay to which the deceased was entitled, at the time of his death, for and during the term of — years; and, before the expiration of the said term of — years, the half-pay, for the remainder of the term, shall go to the support of the child or children of such deceased officer, while under the age of sixteen years; and in like manner the allowance to the child or children of such deceased officer, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow, or to the child or children of any officer, than the half-pay of a Lieutenant Colonel."

It was resolved in the affirmative—yeas 54, nays 32, as follows:

- YEAS.—Fisher Ames, James Armstrong, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Joshua Coit, Isaac Coles, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Uriah Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, Samuel Griffin, Carter B. Harrison, Thomas Hartley, John Heath, William Hindman, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, William Montgomery, Peter Muhlenberg, William Vans Murray, Joseph Neville, John Nicholas, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, Samuel Smith, William Smith, Thomas Spriggs, Zephaniah Swift, Silas Talbot, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Jeremiah Wadsworth, John Watts, Richard Winn, and Joseph Winston.

- NAYS.—Theodorius Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Barnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Peleg Coffin, Dwight Foster, Andrew Gregg, Daniel Heister, James Hillhouse, Samuel Holten, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Nathaniel Niles, Alexander D. Orr, Josiah Parker, John Smilie, Israel Smith, Thomas Treadwell, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Francis Walker, Artemas Ward, Benjamin Williams, and Paine Wingate.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

and explained by, the resolutions that follow it? In either sense, however, he declared he found objections against it. As a distinct proposition, it appeared to him highly exceptionable, because it did not possess those qualities which were indispensable to one of that nature; it was indefinite, inconclusive, and therefore, of itself, unintelligible. Could any expression, he asked, be more vague than the words "in certain cases"? They might embrace the vast world of commerce, or be confined to two of its smallest articles. Neither those words, nor any other part of it, enabled the mind to determine what particular interests were to be promoted, or what objects were to be attained by the restrictions and duties proposed. Was the increase of the revenue designed by them, or the encouragement and protection of our own manufactures, or merely a discrimination between those nations which had, and those which had not commercial treaties with the United States? These, Mr. D. remarked, were three distinct principles, each of them important, and deserving separate consideration, for they led to a very different course of inquiries, and would produce very different results. If the increase of the revenue was meant, the inquiry would principally be, whether any and what articles of traffic or commerce would bear new burdens, with a confidence that they would give the increase contemplated; for it had been said, and frequently repeated, that two and two do not always make four. If gentlemen were disposed to encourage our own manufactures, the question then would be, on what articles of foreign manufacture we might venture to lay prohibitory duties, and on what others it would be proper to impose only protecting duties? Prohibitory, in cases where the quantities manufactured among ourselves equalled, or might soon be made to equal, our home consumption; and protecting as to such others as could not, for a considerable length of time, be manufactured in this country in sufficient quantities for its supply. But if the plan of discrimination was the sole object, they were then, Mr. D. said, to take a very different view of the subject, and to aim their regulations not so much at the *articles*, as the *agents* of commerce, against nations, rather than merchandise. They would, in this case, find it necessary to weigh and determine whether the line of discrimination should be drawn between those nations in treaty and those not in treaty, or between the countries (whether in treaty or not) which had manifested a friendly, and those which had manifested a contrary disposition.

If, then, this proposition, viewed as an abstract one, established no certain principle, or if it involved and confounded a number so variant in their nature and tendency as he had stated them, there could no longer exist a doubt of the imprudence of agreeing to it. But, on the other hand, should it be considered as connected with, and explained by, the resolutions which follow, there were the strongest reasons for passing it by, and proceeding to the second. What member, Mr. D. asked, would be willing to vote for a proposition which admitted of such various meanings and dif-

ferent explanations, and depended as to its sense upon certain explanatory resolutions, each of which was to be separately discussed, and might be amended, altered, and even stricken out. Surely, he said, the gentlemen who were about to vote for it were not aware of the embarrassment into which such a step might lead them. In the probable event of an alteration of any of the other resolutions, this fundamental one might receive a construction, and be directed to objects, which members, who assented to it, had not foreseen, or would have opposed if they had foreseen. But this, Mr. D. said, was not all; there was another reason against adopting it as a fundamental proposition. The articles which were intended to explain it, were, in reality, false expositions of this text. The third article was in direct opposition to its letter and spirit, as it went to establish a diminution of restrictions and duties in certain cases, whereas the other contemplated "further restrictions and higher duties," as the true means of promoting the interests of the United States. Having declared his grounds of objection, Mr. D. said he should have offered an amendment, or proposed a substitute; were it not that he hoped the Committee would agree to pass over the first proposition.

Mr. Lee spoke as follows: The importance of the resolutions under consideration, is fully manifested both by the length and solemnity of the present discussion, and the universal solicitude which pervades our fellow-citizens. I have been deeply impressed with the awfulness of the present crisis; I have felt the magnitude of the subject before us; I have listened with attention to everything which has been offered to our consideration; I have been informed, I have been instructed, I have been delighted. My mind, which hesitated, has been enabled to form its decision. And, though, sir, it may be unnecessary, after this declaration, to take up any of the time of the Committee, I hope I shall meet with their pardon and indulgence, for soliciting a small portion of their attention. In the present jealous and censorious times, when it seems to have become fashionable, not more to inquire into the principles of measures, than into the motives of public agents, the task of explaining the reasons of his conduct, is necessarily imposed on every public servant, who does not wish to have his motives misinterpreted. But, sir, notwithstanding I feel the necessity of explaining myself on the present occasion, both from the consideration I have mentioned, and to exhibit to my constituents, (whose virtue, industry, and value in society, claim every attention, from me, to their interests,) the reasons of my conduct; I should not ask the present indulgence, if the subject had been altogether placed in those lights, in which it most forcibly strikes my mind. And, under this impression, sir, I should be unworthy of the seat I hold here, and of the confidence of my fellow-citizens, if I withheld aught, which appeared to me conducive to their interests, and the general welfare. Before I proceed to a detail of the particular considerations, which I mean to bring into the view of the Committee, I hope I shall be pardoned, while I attempt to establish

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some general abstract principles, which appear to me important to guide us in the present discussion. And, though at first view, they may seem remote from the subject, I hope the Committee will patiently attend me through the process of my reasonings, to those conclusions which will naturally result.

I consider, Mr. Chairman, human life as a system of expedients, whether viewed individually or collectively. Man, as an individual, is ever in the pursuit of happiness, and is particularly occupied in applying those expedients which, under existing circumstances, are most likely to produce it. These he varies according to the changes in his own mind, and the obstacles which continually occur against his plans. Every day presents some new evil to be avoided, or some new good to be obtained. He avoids the one and pursues the other, by the best means which the state of things will afford. To do this, he will vary his means, suspend or accelerate the execution of his plans, as circumstances dictate. At all times he must be the best judge of them, and of what, in any existing state of things, is necessary to his happiness. Man, also, is a various animal. Hence, the diversity of human character and human pursuits. Each individual takes a different route to happiness; and, being the best judge in his own case, has a right to do so.

Societies being the aggregates of individuals, are animated by the same principles. And, in the great Family of Nations, as among individuals in a state of Nature, each nation is the best judge of, and has a right to pursue, according to existing circumstances, those measures which it thinks necessary to its happiness. Every nation, therefore, has the capacity and the right, to form such a Government, and enact such laws, at every period of its existence, as the exigencies of its situation require. Of these it is the best judge, and no other nation has a right to interfere in the case. According to this principle, we have acted in the various changes that have taken place in our political institutions. Other nations, in all former ages, have exercised, and, in all future ages, will continue to exercise the same right.

As the circumstances of individuals are various, a mode of life which will produce one man's happiness, may produce another man's misery. The circumstances and dispositions of nations, are as various as the circumstances and dispositions of individuals; and, as among individuals, one mode of life, and one system of pursuits, will not produce every man's happiness; so, neither amongst nations, will one form of Government and one system of laws, suit every society. Hence, the diversity of Governments, which have existed in all countries, and in all ages. And hence, the revolutions and changes, which have been continually made in Governments and laws, as the exigencies of things required them.

From these principles, I deduce the following conclusions: 1st. That every nation has the capacity and the right, at every period of its existence, to provide for its happiness, according to its own knowledge of its situations and interests. 2d.

That, therefore, the probability is, that every nation, under the existing state of things, has that Government and those laws, which are best adapted to its manners, and most consonant with its circumstances.

I will exemplify these characters. We know that the Government of Turkey would not suit us—we do not know that our Government would suit the Turks. Leaving the Turks to judge for themselves, as we judge for ourselves, the presumption is, that they have a Government best suited to their manners and circumstances. We know we have a Government best suited to our circumstances and our manners.

I will not attempt to detail those circumstances, which have given rise to the variety of Governments, which now exist, and have existed in all the former ages of the world. On this subject, volumes have been written, and volumes might be written. I only mean to establish, that every nation, in every period of its existence, is the best judge of what is necessary to its happiness, and has those political institutions most adapted to its situation. This is a true Republican doctrine. It is founded on the capacity of the people to judge for themselves. We know that we have the capacity to judge for ourselves. We shall be proud and vain, indeed, if we deny to other nations the capacity to judge for themselves. We have the Government best suited to us; the presumption is, that other nations have Governments best suited to them.

Therefore, in discussing our relations to other nations, I do not see the propriety of introducing the nature and principles of their political institutions. On a question like the present, the only proper inquiry is, whether our intercourse with any nation, has a tendency to add to the comfort, the wealth, and the strength of the society; and not whether it has a tendency to alter and improve our social institutions; of these, the society in every period of its existence will always be the most competent judge. Viewing the principles I have stated, as irrefragable, being founded on the nature of man, the universal usage of nations, and our own practice, I will now turn my attention to some of the arguments which have been urged during the discussion. In the course of my observations, I may occasionally apply the principles which I have established. I shall not go into a detail of commercial facts. This has been fully done by persons more competent to the task. The Committee must be fully possessed of them. I shall only consider such observations as involve important principles.

My colleague, [Mr. Madison,] who introduced the resolutions, and he has been followed in the idea by every other gentleman who has spoken in support of them, said that the present Government originated from the incapacity of the Confederation, and of the individual States to regulate our commerce with foreign countries, and seemed to intimate that, to counteract the restrictions of Great Britain with regard to our trade was the principal inducement to its adoption. Though I disapprove of applying to any source but itself for the interpretation of an instrument which was in-

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tended, at all times, to be its own expositor, I will go back with my colleague to those scenes which preceded, and induced the establishment of the present Constitution. I shall go back with pleasure, because, being then in the infancy of my political life, I was witness to those first essays to regulate our commerce, which his patriotism induced him to make; and which finally terminated in the establishment of our present happy Government. I say, sir, I was witness to his exertions—not I only, Mr. Chairman, but all America, has been witness to his exertions. We all know the share he had in forming the present Constitution, and promoting its adoption. I know that the Convention at Annapolis, to regulate our trade, principally originated from him; I know that the grand Convention which formed our Constitution was the consequence of this, and originated from him. And, here, I cannot hesitate, as a member of a happy community, to pay that tribute of gratitude and thanks, which my heart has always felt to the man, whose counsels and exertions have been so instrumental to our happiness.

Mr. Chairman, while I agree with my colleague, that the first essays from which our Constitution arose had relation only to our trade; he will, I am sure, acknowledge that this was not the only object for which the grand Convention met, he will acknowledge that this is not the principal object contemplated by the Constitution. The power of regulating commerce is an inferior power vested with much more important powers in the Congress of the United States. But, sir, I need not make a comparison between the various powers of Congress. What does this sovereign act of the people declare to be their intention; I need only repeat their words:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

In these words, we see the sovereignty of the people exercised on one of those occasions which I have before stated in forming a Government, and we hear the purposes for which they formed it. It does not say that it was formed to regulate our commerce. The people had more important objects in view. I do not think, therefore, that so much stress ought to be laid on this idea, as gentlemen have been inclined to bestow on it.

But, having been induced to go back to the period which gave birth to our Constitution, I shall be excused, if, before I return to the present subject, I take a review of the then existing circumstances of the United States. We had then a Government condemned abroad, and despised at home, incapable of commanding the respect of foreign nations or the obedience of our own citizens. Its credit was sunk abroad and at home. Debts were accumulating in Europe and in America. Our commerce was almost annihilated, our agriculture languished, paper tenders existed in some States,

the ties of confidence between man and man, and, consequently, the ties of morality were broken asunder; nay, animosities between the States began to prevail, instead of fraternal concord. Such was the situation of the United States, and to remedy these evils was the Constitution made. Has it not produced the intended effects? That it has, I need only appeal to the feelings of every fellow-citizen who hears me. I should, therefore, unnecessarily take up the time of the Committee in enumerating the various blessings which it has showered on our country. I will only mention the stimulus which our agriculture has received. In traveling through the various parts of the United States, I find fields, a few years ago, waste and uncultivated, filled with inhabitants, and covered with harvests; new habitations reared, contentment in every face, plenty on every board, confidence is restored, and every man is safe under his own vine and his own fig tree, and there is none to make him afraid. To produce this effect, was the intention of the Constitution, and not solely to regulate our trade, and it has succeeded. But I feel myself wandering from the subject.

The Committee will readily perceive that I have been led into my last observations, because, gentlemen have assigned, as an important reason in support of the resolutions, that the Constitution had been principally framed with a view to this object. I think I have shown that too much importance has been given to this idea.

I think my colleague also observed, that if the measures he had now proposed were not adopted at this time, after a new election, and a full representation of our fellow-citizens, he would despair of ever seeing them succeed; and I think he assigned this reason, and it gave me pain when he uttered it, that the subjects of Britain, in consequence of the interest they had in our trade and in our pecuniary institutions, would acquire a predominant influence over our public councils. This idea was more fully dilated upon by a gentleman from Pennsylvania [Mr. FIDLEY.] The danger of this influence seemed to be the principal reason why he wished to lessen our commercial intercourse with Britain. The gentleman, perhaps, did not perceive the full extent of this observation. It wounds deeply, in my opinion, the Republican principle; and I am sure neither of them intended to do this. It goes to deny the competency of the people to govern themselves. It goes to assert that we are better judges of the future exigencies of the society than those who will live after us. The people, on former occasions have been found possessed of virtue and knowledge equal to the preservation of their liberties and interests. What right have we to say that, hereafter, they will be less wise and less virtuous? Let me again recur to former experience. At the commencement of our struggle with Britain, they certainly had all the commercial influence over us which the monopoly of our trade could give. What did it amount to? It neither damped our courage, nor checked our unanimity; and why suppose less virtue in our citizens now that we have become free, and enjoy the fruits of order and good Govern-

ment, than when we existed in the Colonial dependence?

The same gentleman from Pennsylvania, and another of my colleagues, [Mr. Nicholas,] expatiated largely on the mischiefs of credit. My colleague, however, very justly and frankly acknowledged, that it was questionable how far Government had a right to interfere in the pecuniary concerns of individuals. But, whatever may be the mischiefs of credit, I do not think they will be prevented by sumptuary laws, or laws which may be calculated to operate that way; and I doubt the consistency of such laws with civil liberty. There is only one remedy which occurs to me—it is a proper administration of justice between man and man. Establish this; compel every individual to pay his debts: when this is done, the society will have no reason to limit his expenses, or to apprehend evil from his example. But this important part of social police belongs peculiarly to the State Governments; they have the only effectual means of preventing the mischiefs of credit and preserving the purity of morals. Congress have not the power of changing the municipal regulations or the judicial establishments of the respective States.

It has not been asserted, that our treaties of commerce have produced us any advantages as yet. Our principal and most beneficial intercourse, it has been proved, is with those nations with which we have no treaties. Our treaty with France has, in the course of the last year, operated to our injury in a two-fold degree. The asylum given to French privateers in our ports, has covered our coasts with them, and has therefore prevented the ships belonging to nations which are most accustomed to trade with us, and buying our surplus produce, notwithstanding the prodigious demand for part of it in Europe. I believe that, in the State of Virginia, this, perhaps combined with other causes, has produced an astonishing depression of the price of our tobacco and grain. In Europe, the only advantage which we had in return for these injuries, we have been deprived of; the treaty has there been violated by France, but every American will readily acknowledge, very properly violated, when he considers the necessity and imperious circumstances of the case.

Gentlemen have said, we ought to pass these resolutions to express our gratitude for services formerly rendered to us by the French nation. As to the virtues of generosity and gratitude, they are godlike attributes; they belong, I believe, more to heaven than to earth; they are rarely seen among individual men, and more rarely felt by nations; and it has been acknowledged, I think, in the National Convention itself, that the assistance we received was rendered, not so much for our sakes, as to weaken a dangerous and powerful rival. But, gentlemen have said, though we may not have derived any peculiar commercial advantages as yet from our intercourse with France, that we have every reason to expect the greatest advantages hereafter, from the fraternal regard expressed by their present Government to us, and the similarity of its principles to ours. If the French nation feels this friendly disposition towards us—and I

verily believe they do, because they say they do—our Constitution has provided the means, by vesting adequate powers in the President and Senate, of meeting them on the ground of a new treaty, and I rely with full confidence on this subject, on the wisdom and patriotism of the Constitutional authority. But, sir, I do not think the gentlemen spoke accurately, when they mentioned the similarity of the principles of the present French Constitution to ours. But, supposing the resemblance existed—which, I shall presently show, does not—have we any reason to conclude, from the past history of nations, that such a resemblance necessarily begets friendship and cordiality? History exhibits the fact differently. Witness the wars between Carthage and Rome: the jealousies and wars between the different Republics of Greece: witness our own experience, the animosities which began to arise between the States, previous to the adoption of the present Government, and the difficulty of producing that adoption. The truth is, nations, in their intercourse with one another, regard nothing but their interest; hence the alliance so frequent between Commonwealths and Monarchies, more frequent than between Commonwealths themselves.

But, as peculiar emphasis is laid on the similarity of the principles of the French Government to the principles of ours, I will take the liberty of applying the principal traits of their Government to our situation. Their Republic is one and indivisible; our Republic consists of sovereign States, having extensive and important local jurisdictions, and a diversity of laws and interests. Does our Republic, then, resemble that of France, in this leading feature? Consolidation these States have ever deemed fatal to their liberties and happiness, and he would be deemed a traitor to his country who should propose to render our Republic one and indivisible. So jealous are the States on this head, that they have generally demanded an alteration in that part of the Constitution which subjects them to suits in the Courts of the United States, and the Senate has already sent, for our consideration, an amendment to that effect. The French Executive is plural; their Legislature is single. This idea is counter to the practice of almost all the States, and to the division of powers in our Constitution. Will any gentleman say that such a form of Government is suited to our ideas and our circumstances? Is every part of the United States in a situation to extend the idea of equality as far as it has been carried in France? I believe no gentleman will say it is. The conflagrations, the desolations, and the bloody scenes of St. Domingo, might also then be exhibited on our peaceful and happy plains.

Mr. Chairman, let not any gentleman misunderstand me; let not any gentleman suppose, when I show that there is no similarity between our Government and the French Constitution, that I mean to derogate from the wisdom of the latter. I only mean to prove that their Government is not like ours, and would not suit us. The French are a brave, a generous, and enlightened nation. They have performed the most brilliant achieve-

ments on the records of man; they have broken the chains of despotism; they have obliterated hierarchical and feudal tyranny; they have exercised that power which belongs to all nations, of establishing a Government suited to their own circumstances; they deserve to be happy under it, and I pray that they may be so. But, sir, as it has been so fashionable to bring into our view comparisons between different nations, I hope I shall be indulged when I compare the Governments of the States in America, to the British Government. If any similitude exists between the American Governments and foreign Governments, the resemblance most strongly relates to the British Government. Their Executive is single, their Legislature is divided into two Houses. Such are generally the outlines of our Governments; we have only improved on the British model, by rendering our public functionaries more responsible to the people. We have abolished feudal rights, we have abolished perpetuities; and there is no remnant of the ancient system of things among us, except that, in some States, lands are unjustly exempted from the payment of debts. To be sure, every part of a man's property should answer his obligations; the law of reason and the law of morality require it: and soon, I hope, that this stain on American principles will be forever removed.

When I state these facts—and I think they cannot be denied—I do not mean to justify the conduct of the Cabinet of Britain. I feel resentment as strong as any other gentleman for the retention of the Western posts. I suspect them of unfriendly offices, both with regard to our Indian war, and with regard to the depredations committed on our trade by the Algerine corsairs. But I am not sent here to indulge, at all hazards, my resentments; but to provide for the welfare of my country, in the best manner that circumstances will permit. I shall be ready to join gentlemen in any measures to bring Great Britain to an explanation of all the injuries which we may suppose we have received from her. If she refuses to do us justice, we may then, and it will then be time enough to determine on the measures proper to be pursued. We have always ample means of redress within our power, without resorting to the proposed measures.

But, sir, dismissing our resentment against the Cabinet of Britain—separating the people from the Court, the community from the Administration—let us dispassionately look back on their history. Caesar and Tacitus, in the ages in which they lived, tell us that this people had a high sense and were ever jealous of their liberties. Coming down to periods more within our knowledge, we find them struggling with, and gradually shaking off the ecclesiastic and feudal tyranny, which had overwhelmed the rest of Europe. Little more than a century ago, we see them bringing one tyrant to the scaffold, and banishing another. In this little corner of the globe alone, in the dark ages of the world, when ignorance, superstition, and oppression, had enveloped Asia, Africa, and Europe, the flame of liberty was kept alive. To

them we are indebted for our knowledge of civil rights and civil liberty, and the institutions most favorable to them. From them we derive the foundations of our laws; from them both we and the French have derived the inestimable trial by jury. The forefathers of New England, (who have established in that country the wisest institutions, for the perpetuation of human liberty, and human happiness, which the world has ever seen,) driven away by the then existing tyranny of England, brought with them that flame which has animated and illuminated the gloomy forests of America, and spread from thence a beam of light to France. Every generous American will excuse me, I am sure, when I do not permit my sentiments to the Cabinet of Britain to destroy altogether my respect for a people who were the champions of liberty, when no other champions existed, and who, I hope, will never consent to be slaves.

I have taken up much time of the Committee; much remains to be said; I will, however, add but little. It would be a copious subject to inquire into the capacity of different countries to supply themselves with those articles which the United States are most capable of furnishing. Also, what new sources of supply might be opened to Great Britain, if we stopped our intercourse with her; and, in that case, what other countries will be in a capacity to buy what we can spare, or furnish us with what we may want. We do not know what new countries may be improved, nor how far the old may be inclined to turn their attention to agriculture. This subject involves the whole economy of nations; perhaps it surpasses the knowledge of any gentleman to develop it. I confess that I am wholly incompetent to the task. May it not, therefore, be the wisest policy of the nation, which is in its infancy, in strength, in arts, and manufactures, to leave things in that course in which the existing circumstances of the world have placed them, and which continually adds to its prosperity? It is certain that, within four years past, our manufactures and navigation have increased prodigiously, under the existing system of commerce. Our coasting trade, being secured to our citizens, is operating rapidly to increase American seamen and American tonnage. If the present state of union and prosperity continues, this will be a continually increasing and powerful nursery of shipping and of seamen. I believe that it is a fact, that the intercourse of the different parts of Great Britain with each other, is regarded in that country as a more important nursery of seamen than all their foreign commerce. This certainly depends very much on their coal trade; and when coal becomes a common fuel among us, we have the same means of increasing our shipping and seamen.

It is certainly worthy of inquiry, whether it be wise to divert the attention of our citizens from agriculture to other pursuits? Whether agriculture be not the employment most favorable to the virtue and morality; and, consequently, to the happiness and stability of society? And whether agriculture, in the present state of the world, be

not the most profitable as well as the most happy pursuit for American citizens? It is worthy of inquiry, whether the protection of Great Britain from invasion and subjugation, depending on her maritime force, it can be expected that she will relax her Navigation Act, which alone supports and cherishes the means of her safety, and whether it ought to be expected? It is worthy of inquiry, in case she should counteract the proposed regulations, whether war may not be the consequence, our revenue be destroyed, and with these our public credit and our agriculture; nay, our Government itself? On these subjects, though important and copious in the extreme, I will not enlarge.

At least, before we enter into measures which may endanger our peace and our revenue, we ought to provide the means of defence, and to insure to every person, by the provision of ample funds, the property which the laws have guaranteed to him. Until gentlemen shall propose some effectual measure of this sort, it will be highly improper to hazard the safety and credit of our Government on the contingencies of experiments. One truth I know: that, in the present course of things, we may enjoy a greater share of prosperity than ever fell to the lot of any other people. I know, also, that strong as nature has made us on the defensive—humble and painful as the idea may be to some—compared with the nations of Europe, we are but an atom in point of strength, in European politics. I see, too, Europe convulsed to its foundations, and furnishing no certain clue to guide our conduct. I see America, at the same time, rapidly increasing in wealth and strength. Under such circumstances and such impressions, it is my duty to oppose the resolutions under consideration. Permit me to add a word concerning myself: I am a farmer; I derive only a competence from the tillage of the earth; I can, therefore, have no interest distinct from that of the society.

Mr. SWANSE rose to take some notice of a few observations which had fallen from the gentleman last up, [Mr. LEZ.] That gentleman (he said) had laid down a set of principles on which he founded his argument. He had said that every society had a right to form the Government which they conceived best suited to their circumstances. Granted; and, also, that every Government that exists is the best for the people governed by it; this he could not agree to.

[Here Mr. LEZ interrupted Mr. SWANSE to explain. He stated that his assertion was, that, as we claim a right to choose our own Government, we ought not to deny to other nations the same right, and ought to presume that every nation has that best suited to its particular situation, of which each is the best judge.]

Mr. SWANSE continued, by inquiring how it is possible for nations groaning under all the fetters of despotism, awed by standing armies, and wasted by taxation, to choose the Government which they might believe best suited to them. The gentleman did not fear the influence of a nation holding considerable interest in our funds; the generally approved maxim, that the borrower is a ser-

vant to the lender, however, is a strong ground for that fear. He was surprised, he owned, that the gentleman should attempt a comparison between our Government and that of Great Britain, and assert that there is a strong resemblance.

Great Britain has no Constitution but the will of the Legislature; in this respect a radical difference exists. He confessed he was surprised to hear the eulogium on the British nation that had just fallen from that gentleman. Caesar and Tacitus had been quoted to prove that they were lovers of liberty. The Germans, at the time alluded to, also had some notions of liberty; and now, he believed, they could not be called patterns for freedom. The execution of Charles I. was also mentioned to show their passion for liberty; but has not the 30th of January obtained a place in their calendar? There was a time when England could boast a band of patriots, but they were crushed by tyranny; our forefathers fled from that tyranny, from that country, now extolled as the fairest seat of that heavenly goddess, Liberty. There was a time, he repeated, when that country could boast a spark of the flame; but then they selfishly wished to keep it to themselves. Were they lovers of liberty when they insisted upon legislating for this Continent? Have they shown themselves lovers of liberty and justice by breaking our treaty, by withholding our posts, seizing our ships, attempting to starve France, by infringing the Law of Nations, in preventing our vessels from carrying thither provisions, exciting the Indians to murder us, letting loose the Algerines upon us? These are their deeds, and this is the nation we are called upon to love.

Mr. LEZ rose to set the gentleman right. He did not say that our Governments are like that of Great Britain, but only that they are more like it, in form, than like that of France. He said expressly, that we had improved on the British model, by abolishing feudal tenures and perpetuities, and by rendering the public functionaries more responsible to the people. He did not hold Great Britain up as a pattern; yet who can say that they were not the freest nation in Europe before the French revolution? He advocated the principle of letting every nation judge for itself, and not attempt Quixotically to liberate the world. If a nation has not energy to become free, they deserve to be slaves. When ripe for freedom, they will soon burst their chains asunder. France, from the depths of despotism, had sprung into freedom, without extraneous assistance, and so will the Turks when ripe for its enjoyment.

Mr. MOORE next arose, and expressed himself as follows:

If an apology is necessary from any member of this House, it is from me. I am sure none have less knowledge of commerce. My principal object in rising is to answer some of the arguments used by my colleague. He has set out with stating that every nation has a right to make such regulations as will promote their own interest. It is true, but does it follow that we are to adopt such only as will suit us, were we wholly unconnected with Great Britain? If their regulations

operate against us, shall we not counteract them? And shall we continue to suffer the injury, under the idea that, as a nation they have the right to pursue their interest? He has stated an observation made by a gentleman from Virginia, that the credit obtained in Great Britain might influence our councils. This, he says, is supposing they will have less integrity than ourselves. Sir, our importing merchant obtaining a credit, his selling on credit to the merchants in the country, they retailing to the citizens on credit, may form such a connexion of dependency as may be injurious. Whatever may be the natural integrity of men, they are imperceptibly led to favor their own interest. Under such circumstances, I should not willingly trust myself; I am not disposed to trust others. But the argument was only intended to show that the credit our merchants obtained in Britain was not to our advantage. He has drawn comparisons between the French and British and our Constitutions. It is enough for us, that the French Constitution has liberty for its basis. From such a source we have a right to expect justice and reciprocity in our commerce. They have already manifested a disposition to enter into regulations founded on those principles. The reasonings on this question I do not well understand. They no doubt have their force. I am obliged, in making up my mind, to take more familiar reasonings for my guide, not understanding the comprehensive view gentlemen have taken of the subject. I do not think that the comparison drawn between our and the French Constitution, or the comparison drawn between the restrictions and advantages between France and Great Britain, will warrant any conclusion for or against the proposition. If we have made a commercial treaty with France that is unfavorable and operates to our disadvantage, it is no reason. It lays us under no obligation to submit to regulations adopted by any other nation which are injurious. Having made a Commercial Treaty with France, we are bound to observe it.

If the reasoning founded on Britain's granting us equal privileges and advantages with France should prevent us asking more of Britain, it would prove too much. It would prove that we should never demand an advantageous or favorable Treaty of Commerce, having once made an unfavorable one; that making an unfortunate Treaty gives a claim to all other nations.

I have formed my opinion on this present question, not by comparing the advantages and disadvantages of our trade, as they are regulated by different nations, but by inquiring what is the state of our commerce with particular nations; and whether, from our commercial relation, we have not a right to expect more favorable regulations? Whether we have not a right to expect the removal of restrictions to which we are subject, and to obtain advantages we do not now receive? We have been informed that Britain is dependent on us for many of the necessities of life. They are dependent on us for those raw materials by which numbers of their citizens receive employment, and which cannot be obtained from any other quar-

ter. If this is a true state of the case, and it has not been controverted, and the truth of it, I think, is evident, from a view of exports to that country, have we not a right to expect, a right to claim, a removal of those unfavorable restrictions? If this is a true state of our commerce, would not Britain, were all the regulations on the footing of reciprocity, have the advantage? Their trade with us is of necessity; theirs to us may be, and can be, dispensed with. Numbers of them depend on us for their very subsistence. Independent of their manufactures, we can go on and, I believe, prosper. I do not believe that agriculture or manufactures would sustain even a check. It would, no doubt, be some degree of inconvenience to the mercantile interest; and I cannot help observing, that gentlemen have been loud on the disadvantages of the merchants from the adoption of the principle now under discussion. I must regard the merchant only as an intermediate negotiator between the planter and manufacturer and the foreign merchant. I do not conceive the loss is sustained by the merchant. It is sustained by every citizen in proportion to his consumption. If the interest of agriculture is promoted, the mercantile interest must participate. I consider the agricultural interest as the source, and cannot agree that the mercantile should either be the first or only object of our attention. And suppose a temporary inconvenience to arise from the adoption of the resolutions, I think they ought to be adopted when intended, and I think it is evident to any person who will contemplate the degree in which Great Britain is dependent on the United States for her exports, that they will be productive of lasting advantages. Is there a probability of our being relieved otherwise than by our own exertions? Or can gentlemen fix the boundary beyond which they will not go, in their restrictions, should we continue to acquiesce? I confess I expect nothing short of the entire profits of all our labor will satisfy them. If we are to judge of the future by the past, and I do not think we have a right to suppose a change in her motives or principles, we are to expect regulations which will throw into the pockets of her citizens all the profits of the labor of the United States.

Gentlemen confess her Navigation Act operates against us. But it is said she treats us as she does all other nations, which, to me, I confess, is no reason we should suffer injustice. Yet not contented with the restrictions on our trade, we have it in proof she had a principal and unsolicited agency in the late truce, whereby our vessels are subjected to depredations and to being captured. I will not say what was their principal motive, but it is another means of throwing into their hands an additional portion of our carrying trade. They condemn as prize goods carrying to the ports of France. Our vessels are seized, searched, and detained unnecessarily. This conduct has constrained the French, in their own defence, to adopt similar regulations. All of which is confessedly against the Law of Nations. Their forcing or enticing our seamen on board their vessels, is calculated to increase their shipping by excluding

ours. And this done, whilst we were leaving trade to regulate itself, whilst we were tamely submitting to their restrictions.

Under these circumstances, we have no reason to hope for a favorable change. I think the most distant hope cannot be entertained. No alternative remains but an entire acquiescence, or availing ourselves of the peculiarly favorable circumstances of our commercial relations, to enforce justice. This may be deemed unjust or unequal amongst nations; I am sure it would not amongst individuals. He who, in merchandizing, is exchanging a necessary of life to the person who needs, and could not be supplied from any other quarter, for property of inferior demand, would not submit to have the terms of exchange dictated to him. He would avail himself of circumstances to enforce justice or refuse the exchange. Why we should not, as a nation, assume a similar conduct, I know not.

Counter regulations are apprehended. I wish the gentleman had pointed out what regulations they can adopt which will not operate more against them than us. I believe it cannot be done. War is also apprehended. It has not before been suggested. I believe it is not seriously apprehended. As an independent nation, can our doing what Great Britain has done before us—can our doing what we have a right to do as an independent nation, give offence? If this should be made the cause of war, we may rest assured it was pre-determined, and that nothing we could do would prevent it. I believe the only way to cause a war is by tame submission, and to prevent it, is to use our rights, uninfluenced by a fear either of counter-regulations or war.

It was then moved to adjourn the Committee. Mr. W. SMITH wished to speak to the resolutions. But Mr. CLARK observed, that the time of the Committee was pretty far spent, and he believed the gentleman would go into the subject at considerable length. He would therefore submit whether it was not better to defer the observations, and let the Committee rise. The Committee then rose, the Chairman reported progress, and obtained leave to sit again.

Mr. BEARRY, from the committee to whom was recommended the bill for completing and better supporting the Military Establishment of the United States, reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time.

FRENCH VESSELS.

It was then moved that the House should take into consideration the report on the case of certain French vessels which have come into the harbors of the United States from St. Domingo, and had requested an exemption from the common tonnage duties.

Mr. S. SMITH said that we had no right to take such duties. They amounted to fifteen thousand dollars; but, if it was an hundred thousand, he would give it all back again.

Mr. FITZSIMONS was of opinion that we had as good a right to the tonnage of these vessels as of any others. He would grant the desire of the petitioners, not as a matter of justice, but of expediency and humanity. Many of these vessels had brought with them valuable cargoes, which were sold in this country. Several of the ships themselves had since been rotting in our ports, to the great loss of the owners. They could not take away any of the produce of this country. The House now adjourned.

THURSDAY, January 23.

An engrossed bill for completing and better supporting the Military Establishment of the United States, was read the third time, and passed.

COMMERCE OF THE UNITED STATES.

The House resolved itself again into a Committee of the Whole House, on the Resolutions proposed by Mr. MADISON.

Mr. DEXTER opened the debate. He said, that it was somewhat singular to observe, that the members from the Eastern States were generally opposed to the resolutions, though it was commonly understood that these States would reap some advantages from the adoption of them: and, on the other hand, that the members from the Southern States were, for the most part, in favor of the resolutions, though it was expected that their constituents were to suffer by them. There could not be a more striking evidence, that the opposition of the Eastern members originated in the purest and most honorable motives, than their thus rejecting the prospect of benefit. It was needless, he thought, to introduce other nations into this discussion besides Britain and America, since the question in fact regarded them only. Retaliation for the injuries committed by Britain had been recommended. But, if she did not treat us worse than she treated other nations, why should we retaliate on her, when there was no particular discrimination against America? If, by embracing these resolutions, there was a prospect of improving the manufactures and navigation of the United States, he should be happy to support them. But if, upon discussion, it were to appear that they would answer no such end, it certainly could not be regarded as a mark of the want of patriotism to oppose them. He could not see what advantage America was to reap by restricting the navigation and manufactures of one foreign nation, merely to favor those of another. If we buy British manufactures because they are cheapest, to make resolutions which would force us to buy manufactures that are dearer, is in reality a tax. The resolutions tended that way. He could not discover, upon inquiry, those unjust regulations which Britain was said to have established against the commerce and shipping of America. If other nations have not seen it proper to retaliate, why should we? If attempts of this nature have been made without success in Europe, can we hope to succeed? Where is the commercial distinction made against America by Britain, in favor of the other commercial nations of the earth? There is

none. Before we try to punish another country for laying restrictions upon our trade, we ought to look into our own conduct, and see whether such a country might not, with equal reason, blame us? Justice, like charity, should begin at home. There was a resemblance between the natural and political body. As the former frequently suffered from bold experiments to cure it of a disorder, so the latter had been often injured by precipitate endeavors to remove its evils. He doubted whether the present situation of America required an energetic or violent interference of the Legislature to secure its welfare. We cannot forestall the growth of nature, or, by forcing our political body to take too much food, bring on manhood before its proper time. The period of maturity will arrive; but let us in the mean time be contented. We are as happy as perhaps we ever shall be. If the balance of trade be against us, it does not follow that we are losers by it. The balance against us is a Foreign Loan, expended for the improvement of agriculture, and by which we are gaining, perhaps, an hundred per cent. It is said that Britain lays taxes upon American trade and shipping. But this is only for the purpose of raising a revenue, and not for the professed design to injure the United States. As to the carrying trade, we shall never grow rich by that; but it deserves to be cultivated, for the sake of improving our maritime strength. It was worth while for poor nations to court it, but it could never be an object with a country like America. We are able to do much better; and we have no business to stretch out in that way. No man could read the resolutions, and say, that they are intended for that purpose. They are plainly levelled against Britain. It had been stated, that the total manufactures of Britain extended to fifty-one or fifty-two millions sterling. Of this, America took off two millions. Four per cent. was but a trifle, in the manufactures of Britain, and could not be supposed to influence her conduct. A member [Mr. CLARK] had said the other day, that in consequence of the alarm spread by our non-importation agreement, the stamp-act had formerly been repealed by Britain. The gentleman certainly knew, that there were much more weighty causes for rescinding that act. It was vain to think that we should be able to prevent the importation of British manufactures into this country. They would be sent to us through France. It was not easy to starve the British nation. It had been said, that they depended upon America for the raw materials of some of their manufactures. But in case we quarrelled with them, it was possible that they would be able to find means for raising raw materials at home, and this might be productive of many bad consequences to America. Retaliation was greatly to be apprehended. It had yesterday been asked, with great confidence, by a gentleman, in what way Britain could hurt America? It might be done in many ways: she might do it by tonnage duty, and by discriminating duties. That Britain had it in her power to retaliate, nobody could doubt. The people of that country are as angry

at us as we are at them, in regard to commercial restrictions. When the bond of interest is once broken, it is easy to get into a war. As to piracies committed on our ships, Mr. D. said, that he felt for the prostrate honor of his country, but this is not the proper season to retaliate. It had been said, that the proposed resolutions would force Britain to enter into a Commercial Treaty with us. He had great doubts about the benefits derived from such transactions. Though he must oppose the resolutions, he had no predilection for Britain; and he felt most sensibly her injuries to America.

Mr. CLARK conceived himself alluded to, as having said that we might force Britain into a Commercial Treaty. No, sir, (said Mr. C.) before we make a new treaty, let them execute the last that they made with us, by giving up the Western posts.

Mr. DEXTER replied, that he never had meant to refer to the member as having said so. He made a general answer to such observations as he had heard from any part of the House. He had only referred to Mr. CLARK in regard to the stamp-act.

Mr. MADISON next rose in reply to some remarks made by Mr. DEXTER. He said, that he wondered how gentlemen could suppose that to be *war on the table*. Did they suppose Britain so unwise or so unjust as to declare a war? Every consideration of interest must prevent it. He hoped that we did not now deliberate as a Colony, but as an independent people, whose measures were not to be dictated by any other Powers. What could Britain gain by a contest? Would war employ her starving manufacturers? Would war furnish provisions to her West India Islands, which in that case must also starve? Would war give employment to the vessels that had formerly imported luxuries to America? Were Britain to declare war, he could give no name equal to her folly. She would plunge herself ten times deeper in the difficulties that she wanted to avoid. Every counter-regulation would be a stroke against herself.

Mr. ARES spoke a few words on the impropriety of making an accusation against Britain, without advancing specific facts and specific evidence to support them.

Mr. GILES commenced his remarks by observing that, if an apology had been deemed necessary from the nature of the subject, and the vote he proposed to give upon it, it was rendered more so from the eloquence displayed by the gentleman who had just preceded him, [Mr. DEXTER, of Massachusetts.] The gentleman has done ample justice to one side of the subject, and he was sensible the opposite side, in his hands, would suffer by the comparison. He proposed under his present impressions to vote for the general proposition, and such of the resolutions in detail as would carry the general principle into full effect.

These measures contemplate considerable innovations in the existing state of the commerce of the United States. He had anticipated the gentleman last up, in the reflection that extensive in-

novations into existing systems ought to be adopted with caution. Calculations upon which they are founded, should be adjusted to the magnitude of the expected object, and the probable efficacy of the means proposed to be used for its attainment.

Hence he readily admitted, that strong reasons in favor of the proposed measures ought to be expected before their adoption; and any possible hazard of their results ought to be amply compensated, for the importance of the end to be attained.

He observed, there was another circumstance which justified an apology. The mercantile interest of the United States will be the most immediately affected in their occupations by the proposed measures, and the gentlemen of this House, from this scene of business, seem most to doubt their expediency.

We have been told, with emphasis, of the intelligence and patriotism of the merchants of America, and it is admitted that the truth has not been exceeded. The merchants deserve great credit for their conduct since the existence of the present Government; and their opinions upon this subject ought to produce additional caution.

It should be remarked, however, that merchants, like all other descriptions of men, are influenced in some degree by existing connexions, formed habits, and consequent prejudices; they recoil from any possible interruption in the usual course of their business.

They magnify every hazard arising from a change in the direction of their employment, into certain and positive loss. Although, therefore, their opinions ought to have weight and produce caution, yet they ought not to command a decision from others, unattended with conviction. For if those of the Committee, not of this description, be compelled to decide upon the present question from extraneous mercantile indications, without requiring convictions from their reasonings, there are indications of the mercantile scene on the other side the Atlantic, operating in commendation of the propositions with as much force as those on this side the Atlantic, in opposition to them. It is remarkable that this whole description of men are actively opposed to the passage of the proposed measures. Their sensations upon this subject have been evidenced by their anxious attendance upon the progress of the matter. If the propositions should eventuate in a national commercial conflict, the inference in general might be made, that what it is their interest to prevent it is our interest to enact. The British Court are equally sensitive upon this subject. They have at several periods manifested their alarms. It may be concluded that these sensations have arisen from the opinion that the effects of the propositions will be such as are calculated upon by the favorers of them. He was unwilling, however, to hazard a vote upon any extraneous circumstances, and should look into the merits of the question.

He felt that some apology was due to the State and district whose immediate representative he was. Virginia is an exporting State, without vessels, and without a mercantile capital, equal to

the employment afforded to capital. The town of Petersburg exports much in value and much in bulk; the surrounding country grows these articles; vessels and capital are wanting for the exportation of this produce. Hence the proposed measures will be particularly felt for some time by this part of the United States.

He relied, however, with confidence on the virtue and patriotism of the people, and should act from a belief that they would even rejoice in a temporary inconvenience with a view to permanent good; and that their joy would not be diminished by the recollection that the temporary ill which they may sustain would produce a temporary advantage to their Eastern brethren, without excluding them from a full participation in the permanent good to be expected.

He remarked, that he felt the more diffidence upon this subject, since he frankly acknowledged that he did not possess an accurate knowledge of the details of commerce, and did not propose to make any material addition to the stock of mercantile information now before the Committee. He proposed to use the facts furnished by other gentlemen, and acknowledged an obligation for the information they contain. He proposed to consider the subject, in the various shapes it had assumed since the commencement of the discussion, and to state the results which had been formed in his own mind. In making the attempt, general principles will be resorted to, and minute arithmetical calculations as much as possible avoided.

The gentleman who first favored the Committee with his remarks, [Mr. SMITH, of South Carolina,] admonished them of the propriety of separating political from commercial considerations in the course of discussion. If this rule had been rigidly enforced, he remarked that perhaps three-fourths of the impressions made upon his mind favorable to the propositions, would have been lopped off without consideration. He could not conceive for what cause the political should be separated from the commercial part of the subject. The propositions may eventuate in a change in the direction of the business of one whole occupation in society; a change of the disposition of the nation, in so important a point, must have a very interesting political aspect, as it relates to the Government internally. The present subject exhibits an important political feature, as it relates to the external connexions of the Government with foreign nations. If, therefore, it should be observed as a rule to pass upon this subject, by excluding from view all the political considerations connected with it, the rule would include an essential omission of duty. The gentleman himself, however, in the next sentence, furnished an example of the violation of the precept he had just prescribed, by calling the attention of the Committee to the political situation of the United States, at this delicate crisis, and urging this circumstance as one reason against the adoption of the propositions. The gentleman then proceeded to present the subject in two points of view. The one, the relative conduct of France and Great

Britain towards the United States; the other, the conduct of Great Britain towards the United States, comparatively with other foreign nations. To present the subject in the first point of view, the gentleman furnished an anonymous table, calculated to a date anterior to the commencement of the late revolution in France. As the only history of this table, with which the Committee have been favored, was that it was the compilation of a gentleman of considerable mercantile information, it is presumed the gentleman will not be surprised if it should be deemed to be of doubtful authority; the rather as it was the ground of a severe and unmerited censure of the gentleman whose report is now under consideration, and who it is believed would not suffer in a comparison, in point of intelligence, accuracy, or patriotism, either with the laborious compiler of the table, or with the gentleman who has been judiciously selected for its interpreter.

He remarked, that the table bore upon the face of it evident marks of partiality, and instead of having them effaced, they were aggravated by the commentator.

One irresistible evidence of the partiality of the table, consists in asserting that American flour is free to the British West Indies, and excluding from view the absolute monopoly of the carriage, and the monopoly of contracts for returns.

It is presumed that the gentleman, at least, cannot except to this criticism on the table, because one of his chief censures against the gentleman whose report is before the Committee, which was even carried so far as to infer improper motives, arose from a suggested omission in the report, which will be found upon examination to be wholly immaterial. An evident partiality is observable in the interpreter of the table, in an earnest attempt to establish this principle: that prohibitory duties on flour in Great Britain afforded an equal encouragement of the article by commercial regulations, with a free importation into France, or at least with a duty admitted by the gentleman to be too trifling to be counted. The commercial arrangements of France in this particular, leave this article upon the true ground of competition in the growth of the article; this ground of competition is destroyed in Great Britain by commercial restrictions. In the one case, competition in the market is all that could be reasonably expected, and that is granted; in the other case, competition would be alike desirable, and there it is provisionarily excluded.

Another evidence of the partiality of the interpreter of the table consists in the zealous attempt to establish it as a principle, that 1s. 8d. sterling duty upon tobacco per lb. is no discouragement to the growth of that article; this idea was grounded upon the suggestion, that the consumption is not thereby lessened, no substitute being afforded for it in Great Britain. Tobacco does not average to the exporter two pence sterling per pound. The duty is at least seven times as great as the prime cost of the article. The great consumption of this article is by the poorer order of the people. The state of society is such in Britain at present, that

hard labor during a whole year will hardly afford a scanty subsistence to the laborer; hence necessity compels this description of persons to economize in the use of the article, or to avoid the use of it altogether; of course, the consumption is materially lessened, and the growth of the article is discouraged from the operation of the duty. The gentleman founded his fierce attack against the gentleman whose report is now under consideration, for omitting to insert in his report that there was a higher duty imposed by Great Britain upon all other foreign tobacco than that of the United States, and hence inferred a friendly disposition from Great Britain to the United States. The insertion of the fact would have added to the bulk of the report, but could convey no additional useful information.

It is known that the high duties imposed upon all foreign tobaccos, took its rise during the Colonial existence of these States; it is known that it has not been altered since their independence; it is known that the tobaccos of the United States are furnished at so much cheaper rates than those of any other country, that there would be no danger of competition if the duties in Britain were the same on each. It is likewise known that the United States furnished a sufficient, a redundant supply for the consumption of all Europe; hence Great Britain has not thought proper since the Revolution to destroy this relic of Colonial regulations, not because she wished to favor us, but because she would not thereby have benefited herself; hence, too, the omission of this information could not be material, and the insertion of it would only have served to contradict the inference endeavored to be established, of the favorable disposition of Great Britain towards the United States.

There is one manifest impropriety in confining our inquiries to the date prescribed by the gentleman for this table; it would involve the absurd consequence of adjusting our laws to a retrospective, instead of a progressive state of things. It would be as ridiculous as an attempt by law to prescribe rules for the proper deportment of the ghosts of our forefathers. It is to be hoped that the date could not have been fixed upon from a wish that the United States should indirectly furnish a countenance for the restoration of despotism; and it was matter of regret that the gentleman should openly avow a distrust of the permanency of the French Revolution as one motive for the conduct.

Mr. G. remarked, that he hoped the permanency of the Revolution of France was as much greater than the permanency of the ancient despotism of France, as the great fabric of nature, to the petty plastic productions of art.

Here Mr. SMITH rose to explain: He said he had pursued a principle adopted by Mr. JEFFERSON in his Report. He read a passage from the Report, from which it appeared that the Report had been calculated to the Summer of 1792.

Mr. GILES replied, that the principle was just reversed; the one had reference to a state of things posterior to the Revolution; the other, an-

terior to the commencement of it, during the existence of the ancient despotism.

If the table were to have any influence, it must arise from stating the real relative dispositions of France and Great Britain towards the United States; but, if the epoch to which it relates is to govern, it will exclude some of the strongest testimonies of the inimical temper of Great Britain, and of the friendly temper of France.

Are these considerations to have less weight, or to be wholly excluded from the view, because they are more recent? Is it because we are now laboring under these aggressions, and from some late despatches, likely to continue, so that a remedy is to be withheld? He thought not; and therefore should proceed to state some of the evidences of the dispositions of the two nations, displayed since the epoch alluded to.

Great Britain has subjected our vessels, upon the high sea, to seizure and search, and exempted those of Sweden and Denmark. He wished to press this fact upon the gentleman who preceded him, because he had denied that Great Britain had made any discriminations amongst foreign nations injurious to the United States.

Great Britain has invaded our vessels on the high seas, and refused them the protection of French property. This is an acknowledged violation of the laws of nations; at least of the last Convention of Nations upon the subject.

Great Britain has prevented our vessels from conveying to our friend and ally goods not contraband, and compelled them to make sales to herself or some of her allies.

Great Britain has compelled our vessels to deviate their courses, and, to their great hazard and loss, detained them for trial upon frivolous pretences.

Our vessels have been subjected, in her Courts, to the danger of subornation to precarious and uncertain testimony.

Great Britain has been the instrument of letting loose the pirates of the Barbary States upon our commerce. This fact, however doubted upon the first report, is placed beyond doubt by the late conduct of Portugal towards our vessels in her ports.

Are these facts denied? If not, do they not operate directly and specifically upon our commerce? Is it not astonishing, after all these facts are known, and often repeated, that gentlemen should be heard to inquire, what injuries have we received from Great Britain, and to infer that the United States are equally favored with other nations? In addition to these things, Great Britain has observed the most rigid silence upon the subject of friendly commercial arrangements. The gentleman who preceded him, doubted her indisposition for a treaty; silence is a refusal to act; a refusal to act is a denial. The late despatches do not furnish the most distant hope of a change of disposition in this respect.

France, on the other hand, has offered a renewal of the existing commercial treaty upon the most liberal policy.

It has been asked, in the tone of sarcastic triumph, and from so many quarters of the Commit-

tee, as to give it the air of previous concert, What advantages have the United States received from the French treaty? The question is answered by recurrence to the date of its existence, it is dated in February, 1778! It acknowledged our right to trade as a nation! It was the first act of our national sovereignty, acknowledged by a great and powerful nation.

Americans at that day deemed it no inconsiderable boon, and this is the first time *Americans* have ever questioned it. If a prophet, in 1778, had foretold that, in 1794, this question should have been triumphantly put in an American Congress, would he not have been deemed a visionary, and would he not have been deemed an imputation upon the American character? Yet, so strange a prophecy would have been realized! But, let it be supposed that the treaty be a disadvantageous one to the United States; how would the admission affect the present question? France seems to have admitted that the treaty does not embrace all the advantages arising from the mutual intercourse of the two nations, and has proposed to liberalize the terms. The disadvantages of the treaty have been suggested.

It should be recollected that the circumstance of inconvenience alluded to, depended upon a contingency—it first happened to France. It might, however, first have happened to the United States; and if the United States had been engaged in a war, and France neutral, the inconvenience complained of would have been reversed.

The incompatibility of the mercantile interest with the success of the French cause, in the present state of commerce, is a circumstance to be regretted, since it has, perhaps, produced more disaffection in the American mind than any other cause. In this part of the subject, a tart old adage has been quoted and repeated as a proper rule of conduct: "No friendship in trade." It is presumed that this maxim can never be extended to mean, that it is better to trade with an enemy than a friend. It would be deemed an act of folly in an individual to prefer an enemy for a customer, to a friend; particularly if he knew that the enemy would cut his throat, or rob him of his purse the first opportunity which might occur, and thus deprive him totally of the means of trade—the remark applies more strongly to nations; because they are not subject to municipal restraints; their power and their will are only to be consulted. The friendship of a nation, particularly a great nation, is intrinsically a matter of value. It becomes an important item of calculation when it is founded upon interest. This is the case between the United States and France at this moment. It is the interest of France, that the United States should continue a Republican form of Government. It is the interest, it is, perhaps, the salvation of the United States, that France should establish and preserve a Republican form of Government. He was, therefore, of opinion, that the favorable disposition of France, towards the United States, grounded upon interest, is a thing of material value, and ought to be taken into calculation, even under the rigid maxim prescribed.

A gentleman from Virginia, [Mr. LEE.] to avoid the force of these considerations, had remarked that there was a greater similarity in the Government of the United States, to that of Great Britain, than to that of France. He remarked, that the French Republic was one and indivisible; that the Government of the United States was a confederated Republic. This constitutes no essential difference in the fundamental principle of the two Governments; the foundation of both is, the consent of the people; the pursuit of both is, the equality of rights. The British Government, he remarked, was composed of three branches, as was that of the United States. It should be remarked, that they differed essentially in the component materials; coercion and not the consent of the people, is the foundation of the British Government. Its pursuit, a monopoly, and not an equality of rights. He would dismiss this part of the subject, by concluding that, so far as the relative dispositions of France and Britain may affect the subject, every fair consideration deducible therefrom, operates, conclusively, in favor of the propositions.

The second point in view, in which this subject has been presented to the Committee, is, the conduct of Great Britain, towards the United States, comparatively with foreign nations. He did not think this at all interesting to the United States; and was surprised, that the gentleman who just preceded him, should have renewed and relied so much upon it. It cannot be material to us, that Great Britain should impose the same terms, upon all other nations, which she imposes upon the United States; provided they be alike injurious and dishonorable to all. It is a poor consolation, that, whilst the United States are in a state of commercial bondage, all other nations, except one, should be equally so. In the commercial world, Great Britain has assumed the position of the dominant nation; but she is indebted to the acquiescence of other nations, more than to her own energy, for the enjoyment of it.

The United States ought not to wait for an example from other nations. They ought to convince the world of nations, that they understand their own rights, as a nation; and possess spirit and ability to assert and enforce them.

He would, therefore, dismiss this part of the subject, without further comment, and proceed to consider it in a more interesting feature; as it respects the commercial intercourse directly between the United States and Great Britain.

The true grounds upon which the subject ought to be considered, are the following:

Whether, in the existing state of things, the United States do reciprocate with Great Britain the commercial advantages arising from their mutual intercourse, calculated upon the relative need of each country, for the supplies of the other? and, if not, whether the relative situation of the two countries, and the nature of their respective supplies do not enable the United States to demand and enforce a reciprocity? And, whether political considerations do not combine in recommending the measure at the present moment? It is expected that the propositions, if carried into effect,

would eventuate either in a commercial treaty between the United States and Great Britain upon terms of reciprocity; or in a commercial conflict between the two nations.

It is to be observed, that doubts have been suggested respecting the advantages of commercial treaties, upon abstract grounds. Commercial treaties are admitted to be the creatures of the selfish and jealous policy of nations.

It would be a desirable thing for mankind, if there existed but one commercial treaty, common to all nations; and that this treaty should be founded upon the principle of a mere interchange of citizenship, for commercial purposes. This arrangement would facilitate the interchange of the various products of the earth, according to the evident will of the Great Author of Nature. In the execution of such interchange, good faith, enterprise, and industry, would find their true reward. This benefit to mankind can never be expected, so long as the rights (as they are called) of despots shall be more respected and practiced upon than the Rights of Man. It is the knowledge, in despots, of their own usurpations, and their fears of detection, which interdict this great benefit to man. Hence, commercial treaties have become necessary, to reciprocate the advantages of the interchange of the products of the contracting nations, by relaxing the principle of restrictions. To test the advantages of commercial treaties, in the existing state of things, it would be proper to inquire what would be the effect of a single nation which should acquiesce under restrictions, whilst all other nations imposed them?

One evident effect would be a complete monopoly of the carrying trade. Another effect would be, a change in the internal direction of labor. This effect would be produced by unequal duties upon different species of products.

If the trade of the acquiescing nation should be monopolized by any one imposing nation, an irresistible influence would be gained upon the internal administration of the Government of the acquiescing nation. It is not ascertained how far this may be the relative situation of the United States and Great Britain at this moment. It is admitted she has monopolized one-half of our trade; she has a mercantile capital, operating from the extremes of New Hampshire to the extremes of Georgia; and agents engaged in the management of it. Intimate connections are formed between them and our citizens. Hence, he was inclined to think, that an insensible foreign influence was operating, at this moment, upon our councils.

In this state of things, necessity and self-preservation dictate the measure of restrictions to counteract opposing restrictions, or a commercial treaty, calculated to remedy their ill effects.

To test the first inquiry, whether, in the present state of things, the United States do reciprocate with Great Britain in the commercial advantages arising from their mutual intercourse, calculated upon the relative need of each country, for the supplies of the other, he presented a statement which had been relied upon by the gentleman who introduced the propositions, showing, in round

numbers, the total tonnage, and seamen employed in the intercourse between the United States and Great Britain, with the proportion thereof employed by each nation. This statement had reference to the year 1792, and if it were not critically correct, it was at least as favorable to the United States, as truth would warrant.

The whole amount of tonnage, 222,000; the whole amount of seamen, 13,320. Of these totals, the British employed 156,000; the United States, 66,000 tons. The British employed 9,360 seamen; the United States employed 3,960 seamen. This is a most striking view of the subject, and if there be not some peculiar quality in the articles of which this intercourse is composed, to justify this state of things, he should conclude, that there is not an equal participation in the advantages of mutual intercourse; and, instead of finding anything from the nature of the articles constituting the trade to justify the inequality, every consideration from that source serves to aggravate the inequality.

The whole trade of the United States to the British West India Dominions, is a complete monopoly in favor of Britain; of course, an equal participation in that part of the trade was not contended. If, then, the United States do not participate equally in the advantages of their intercourse with Great Britain, it is proper to inquire whether the nature of their supplies, and their present political situation, do not enable them to demand and enforce a reciprocity? The supplies of the United States to Britain, consist either of articles for re-exportation, or rude fabrics for manufactures.

The articles of supply from Great Britain, to the United States, are for their own consumption; and the great proportion, at least in point of value, consists of luxuries.

Great Britain is incompetent to her own supply of subsistence, and is every day becoming more incompetent. The gentleman from South Carolina proved this fact to the Committee by an official undeniable document. He relied upon the fact, to prove that Great Britain will hereafter become a better customer to the United States. He seemed unaware that it established a more important point; that she is becoming a more dependent customer. This is one of the most important considerations afforded by the whole subject; it is the principal one which would give the turn to his vote. He made two very interesting reflections from it; the one, that continual increase of debt, and paper machinery, will not produce a correspondent increase of ability in the nation to feed itself. That an infinity of paper will not produce an infinity of food. The other, that proportioned to the inability of Great Britain to feed herself, will be her dependence upon a nation who can feed her. The United States furnish an abundant supply of subsistence for herself, and will shortly be able to feed the increasing wants of Great Britain.

In Great Britain, every species of occupation and employment is not only filled, but overcharged. Her subjects, as was emphatically remarked by

the gentleman who preceded him, were compelled to plough the ocean for subsistence. Hence, the difficulty of changing the direction of labor.

In the United States, agriculture, the primary occupation of man, is not yet filled; hence, the facility of changing the direction of labor.

One-sixth of the whole exported manufactures of Great Britain finds a market and consumption in the United States; at least 50,000 hands are employed in making this supply: stop the consumption, and examine the effect. The gentleman who preceded him is of opinion, that no great effect can be expected from so trivial a cause. If he would reflect that the nation is incompetent to her own supply of subsistence; is growing still more so, and that every occupation is overcharged, depriving 50,000 persons of the means of subsistence would not be a trivial cause. In such a state of things it would be a great cause, which might produce great effects.

Great Britain, tottering under the weight of a King, a Court, a nobility, a priesthood, armies, navies, debts, and all the complicated machinery of oppression, which serves to increase the number of unproductive, and lessen the number of productive hands, (the true source of the inability of the nation to feed herself,) at this moment engaged in a foreign war; taxation, already carried to the ultimatum of financial device; the ability of the people already displayed in the payment of taxes, constituting a political phenomenon; all prove the debility of the system, and the decrepitude of old age. On the other hand, the United States, in the flower of youth, increasing in hands, increasing in wealth; and, although an imitative policy has unfortunately prevailed in the erection of a funded debt, in the establishment of an army, anticipating a navy, and all the paper machinery for increasing the number of unproductive hands; yet, the operations of natural causes have, as yet, in some degree, counterbalanced their influence, and still furnish a great superiority, in comparison with Great Britain.

There is another interesting fact, which ought to be considered; the expensive machinery of the British Government has produced a necessity for revenue, which exceeds the ability of her whole internal resources; her Navigation Act taxes all nations for a portion of her revenue; she is indebted to the acquiescence of other nations for its products, rather than to her own ability to enforce it.

It has been said and repeated, that the Navigation Act of Great Britain is irresistible. He believed no serious experiment had ever been made upon it, and no reason has been assigned for the assertion. He could see no peculiar quality attached to that act, to distinguish it from any other act, or to render it more irresistible; nor should he believe it possessed such a peculiar quality, without it could be pointed out, and made visible. But, if such be the quality of a Navigation Act, why would not a Navigation Act, passed by the United States, be equally irresistible? It would certainly counteract the force of the British Navigation Act.

gation Act, so far as it taxes the United States; and this example to other nations might be attended with serious effects to Great Britain in the present forced state of things in that Government.

It has been said by a gentleman from Maryland, [Mr. FORREST,] that only one-sixth of the trade of Great Britain is carried on with the United States; and that one-half of the trade of the United States is carried on with Great Britain; and from those facts, he inferred that, in a state of a commercial conflict between the two nations, the United States would be the sufferer in the same proportion. This is an interesting view of the subject, and it ought to be examined. From a mere theoretic proposition, the inference would be just; but it is completely reversed by the existing practical state of things; in the existing state of things, the one-sixth of the trade of Great Britain to the United States, is extremely profitable to her. It consists of articles, in some degree, essential to her other trade. Pot and pearl ash, for her linen; indigo, for her cloth; tobacco, for manufactures and re-exportation, and, of course, making a part of the other five-sixths of her trade; lumber, for her Navy and her West India Dominions. Where, as, one-half of the trade of the United States to Great Britain may be a losing trade, a great portion of it consists of luxuries for consumption, after having received the last polish from the artisan; and so far cannot be essential. He thought this consideration had not made the impression upon the Committee which it merited. If the United States be competent to their own supply of useful and necessary articles, or can furnish themselves from other markets, he did not believe that any ill would arise from making articles of mere luxury, less accessible to the citizens of the United States than they now are; on the contrary, he believed it would add to the morals, the wealth, and the independence of the United States. Most of the preceding remarks apply to the trade carried on directly between the United States and Great Britain. Her West India Dominions are more at our mercy; and it is there the dominant nation imposes the most injurious and dishonorable conditions upon our trade. To present to the Committee a general view of this part of the subject, he requested to be indulged with reading a few concise passages from Mr. T. Cox's reply to Lord Sheffield, upon Commerce. This performance, he remarked, had great merit for its intelligence, accuracy, and candor:

GREAT BRITAIN
Prohibits American vessels from entering into the ports of several parts of her dominions, viz.: the West Indies, Canada, Nova Scotia, New Brunswick, Newfoundland, Cape Breton, Hudson's Bay, Honduras Bay, and her East India spice market.

THE UNITED STATES
Admit British vessels into all their ports, subject to a tonnage duty of forty-four cents, or twenty-four sterling pence, more than American vessels; and an addition of one tenth, to the amount of the impost accruing to their cargoes.

GREAT BRITAIN
The United States do not impose double light money on not impose extra light money.

THE UNITED STATES
The United States do not prohibit the importation of any British article whatever.

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American vessels in most of her ports.

Great Britain prohibits the employment of American-built ships by her own citizens in many branches of trade, upon any terms.

Great Britain prohibits the importation of goods into Great Britain by American vessels, from any other country than the United States.

Great Britain prohibits the importation into Great Britain of any goods from Great Britain by British vessels, of any goods not produced by Great Britain.

The United States prohibit the importation of some American articles in American ships, or any but British ships, into her European Dominions.

Great Britain does not permit an American citizen to import goods into some of her Dominions, and to sell them there, even in British vessels. In other parts of her Dominions, she lays an extra tax on him or his sales.

Great Britain prohibits the consumption of some American articles, of which she permits the importation.

Great Britain prohibits the importation of American articles from foreign countries into British Dominions, even in her own ships.

From the view of the subject here exhibited, it would be naturally inferred, that the United States must be dependent upon the West Indies for their very existence; but it is known, that truth consists in the reverse of this fact; hence, the true order in the nature of things is reversed from artificial arrangements; and, as believed, that nothing but exertion was necessary to restate the just and natural order of things. Let the article of rum be taken as a further illustration of this part of the subject.

Itum affords the whole calculated profits of the subject.

West Indies, the whole of the other products are supposed to be only equivalent to the charges for the support of the Islands. Rum is duties in Great Britain almost equal to a prohibition. The United States furnish its chief, its only, competent market. They afford lumber for the vessels enclosing it. The article itself is a ruinous luxury. Under these circumstances, take a view of the terms upon which this article is supplied to the United States. The carriage is completely monopolized. The carriage of the articles given in exchange, Islands, completely monopolized. The contracts for the interchange completely monopolized. If the United States were to withhold their supplies from the West Indies, either they would become unprofitable to Great Britain, or she must relax the existing conditions imposed on our intercourse with them.

Nothing can be more degrading and insulting to the United States than the temporary suspensions of the prohibitory restrictions. Behold a hungry Colonial Prefect, at least a Prefect anticipating hunger, declaring by proclamation to the citizens of the United States, that if they will furnish him with food within a certain given limited time he will vouchsafe to eat it; and behold the citizens of the United States eagerly catching at this singular act of condescension!

Although it has been contended that our commerce with Great Britain is upon a footing not to be complained of, it has been conceded that our navigation labors under undue restrictions. A gentleman from Massachusetts, [Mr. GOODRICH], who is remarkable for the perspicuity and definiteness of his ideas, seems to have had rather loose conceptions upon this subject. That gentleman remarked, and it has been repeated, that he was in favor of an increase of tonnage upon all foreign vessels, without discrimination. His motive was the protection of our own shipping. His objection to the discrimination was the competition of France. The gentleman remarked, at the same time, that in case high duties should be imposed upon British manufactures, France, in the present state of things, was disqualified from supplying us. If the gentleman really has the protection of our shipping; as well as the manufactures at heart, by extending his reflections a little further he would have found a consolation in this truth—that the same cause which at present disqualifies France from supplying us with manufactures, would disqualify her from any dangerous competition with our shipping; but can it be deemed a serious and valid objection to the propositions, that France may ultimately participate in the advantages? Is this a proper ground for refusing to our shipping and manufactures a present as well as a permanent encouragement? The same gentleman remarked, that the increased duties would operate as a tax upon our constituents; if this should be one effect, it ought not to afford an objection. If they be productive, it will increase the ability of the Treasury, and it is known that an increase of revenue is anticipated. This objection does not,

however, comport with another, which has been indefinitely mentioned by several gentlemen, but has been reduced to more definiteness by a gentleman from Maryland, [Mr. FORREST.] He asserted that three-fourths of our revenue will be affected by the propositions on the table.

This is an important consideration, and merits examination. He declared that no gentleman was more disposed than himself to vote for that portion of revenue which should be deemed essential to the proper and necessary energy of the Government; he thought this part of the subject had been superficially examined; he admitted the revenue may ultimately be lessened, but it will not be lost. There is no certainty that it will be lessened. From his view of the propositions, and the manner in which the blanks will probably be filled, he was of opinion that the revenue would for some time be augmented by carrying the propositions into effect.

This would continue to be the case until the increase of duties should so far diminish importations as to counterbalance the difference between the existing duties and those propositions should diminish the importation of luxuries, so far he thought it would increase the ability of the United States to pay revenue; and he did not conceive the particular mode of drawing revenue was at all important to the United States. But if this argument of revenue be conclusive, at what time will it cease to operate with the same force that it now does? If gentlemen have anticipated the glorious period, divulge the pleasing secret, when the nation may make an exertion for the restoration of violated rights without alarms to revenue!

It has been emphatically remarked by a gentleman from New Jersey, [Mr. CLARK,] who has had great experience in American affairs, that this was not the language of America at the time of the non-importation associations. This was not the language of America at the time of the Declaration of Independence. Whence, then, this change of American sentiment? Has America less ability than she then had? Is she less prepared for a national trial than she then was? This cannot be pretended. There has been, it is true, one great change in her political situation. America has now a funded debt; she had no funded debt at those glorious epochs. May not this change of sentiment, therefore, be looked for in her change of situation in this respect? May it not be looked for in the imitative sympathetic organization of our funds with the British funds? May it not be looked for in the indiscriminate participations of citizens and foreigners in the emoluments of the funds? May it not be looked for in the wishes of some to assimilate the Government of the United States to that of Great Britain, or at least in wishes for a more intimate connexion?

If these causes exist, it is not difficult to find the source of the national debility. It is not difficult to see that the interests of the few who receive and disburse the public contributions, are more respected than the interests of the great majority of the society who furnish the contributions. It is

not difficult to see that the Government, instead of legislating for a few millions, is legislating for a few thousands, and that the sacredness of their rights is the great obstacle to a great national exertion.

Mr. G. remarked, that political considerations, in his opinion, combined in recommending the propositions at the present moment. The European war, the delicate crisis of the war, afforded in his mind strong inducements to the measure. These considerations had been urged with a view to an opposite effect; but he would ask, what time would be chosen by a wise nation, comparatively weak, to address herself to an unjust nation, comparatively strong, for a restoration of violated rights? Would it not be when the strong nation should be so engaged as to be incapable of exerting her whole undivided force in the resistance? This is the case with Great Britain, at present; for, whatever may be the ultimate result of the present European contest, the subjugation of France will require at least another campaign. Here he thought the tart adage quoted by some gentleman, fitted the subject much better than that part of it to which it had been applied. No friendship in trade. The United States only demanded a restoration of violated rights. Great Britain has committed the violation. It was unnecessary to recapitulate the aggressions of Great Britain upon the national rights of the United States. He could not help repeating one circumstance—her subjecting American vessels to seizure and search, and exempting those of Sweden and Denmark. This evidenced a peculiar enmity levelled at the United States. He mentioned this circumstance for another reason. It should be recollected that some unauthorized attempts were made upon the vessels of Sweden and Denmark, and that firm and manly answers produced concessions. As the only neutral nations except the United States, they have set an example which ought to be imitated; notwithstanding the trivial weight of the United States in the scale of European affairs, as has been suggested, he believed that Great Britain would prefer a war with both those nations to a war with the United States.

The recent example of Sweden and Denmark, proves that the British Cabinet are as sensible of the advantages of concession, in some cases, as they were insensible in other cases, of the dishonor of committing depredations on the rights of other nations. Mr. G. thought another consideration of the moment extremely important. The injuries and insults of Great Britain, repeated and continued, have excited such an impulse in the public mind, that the whole people would feelingly second any decisive measures which the Government might adopt for restoring the honor of the nation; and, if a national trial should be the result of the propositions, it would from that cause be commenced under the most pleasing and promising auspices. Several gentlemen opposed to the resolutions have declared themselves for energetic measures to restore the honor of the nation. He wished the gentle-

3d Cox.—10

men would specify their propositions, and bring them before the Committee; he thought it would be a much better evidence of their dispositions than objecting to the present propositions without offering a substitute. He declared that he was not so much wedded to the present propositions, as not to be willing to consider any others which might be better calculated to produce the intended effect. A gentleman from Virginia, [Mr. LEE,] who informed the Committee that he was not sent here to indulge his resentments, professed at the same time the most violent resentment against the Cabinet of Great Britain, while he pronounced an eulogy upon the British people. If the people would adopt the gentleman's idea, and separate themselves from the Cabinet, he might be justified in his distinction. The proposition, in that case, would be levelled against the Cabinet, and not against the people. In that event, both his resentment and attachments might be indulged. But, if the gentleman would recollect that the disposition of the people towards the United States is communicated only through the Cabinet, that they support the Cabinet, that the Cabinet is the organ of their will, he will find that his distinction is wholly without foundation.

We have been admonished of the propriety of banishing feeling and resorting to judgment. A nation being composed of the aggregate of individuals, he believed possessed the same feelings; and he doubted the truth of the philosophy which advised us to banish an essential ingredient of human nature. Feeling and judgment ought to perform their respective offices; feeling should stimulate our actions; judgment should direct the wisest means for its gratification; patience is an admirable beast of burden, but not of enterprise; it bears misfortunes well, but was never calculated to resist oppressions. The United States have been injured and insulted. Instead, therefore, of patience and forbearance—wisdom, caution herself, would prescribe boldness, enterprise, energy, firmness. America has therefore pursued this conduct, and experience has proved that it is not unwise. He believed that Great Britain calculated upon her own influence, and a want of concert in our councils; now was the time to convince the world that injury from abroad produced concert at home. This conduct had therefore characterized America; he hoped it would always continue to characterize America.

The Committee now rose, reported progress, and asked leave to sit again.

FRIDAY, January 24.

Ordered. That the Letter from the Governor of Kentucky, enclosing a representation from the Legislature of the said State, respecting an adjustment of a claim of that State against the United States, for the expense of certain expeditions against the Indians, which were laid before the House on the twenty-third day of January, one thousand seven hundred and ninety-three, be referred to the Secretary of the Treasury, with in-

struction to examine the same, and report his opinion thereupon to the House.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. HARTLEY:—I have paid attention to the debates, and have considered them myself at my chamber; but, as many of my ideas and reasons have been already expressed in superior language, it would not be generous in me to detain the Committee for any length of time. Indeed, as our deliberation is divided, it becomes me to make a few observations, in order to satisfy my constituents upon what grounds I act.

From the turn the debates have taken, politics are complicated with the present question; and I must observe, that the conduct of Great Britain has not been friendly to the country. She has not delivered up the posts agreeably to treaty, and thereby involving us in an expensive war. The American world is convinced that she has supported the Indians in their war against us. Ammunition and arms they certainly obtained from British agents or factors; and the large body of Indians which was together in the year 1791, part of which defeated General St. Clair's army, and the savages who collected in arms during the last year, must have been subsisted in provisions by the British. No policy of the Indians, in former experience, seems alone to have been adequate to such circumstances. The seizing of the vessels of America, which were bound to France, upon the seas, and taking them into British ports, without regarding whether the places to which they were bound were besieged or not—this is contrary to the law of nations—the wanton cruelty and insolence of some of their privateers, upon the vessels and citizens of this country—besides, there cannot be a doubt respecting the Algerines. They were admitted into the Atlantic by the consent or connivance of Great Britain, and many unsuspecting Americans have been seized on the ocean, and carried into captivity. These are serious injuries, by which the American character is much wounded; and this country calls loudly, from every quarter, for redress.

The resolutions on the table, their advocates contend, if adopted, would operate against Great Britain so forcibly, as to oblige her to change her policy, and do us justice, and lay the foundation for good offices between America and France. Could we be certain that those views would be realized, or those ends attained, by adopting the resolutions, they should have my hearty assent. When those plausible prospects were held forth, my wishes were with part of the resolutions; for several days I have strove to bring my judgment to concur, but I find I cannot. The arguments and reasons offered do not convince me that the resolutions will produce the desired effect of their advocates; and I have many difficulties which, I fear, cannot be obviated. If the duties are laid very high, they

will amount to a prohibition. These States are now in a flourishing condition, yet many articles necessary to the improvement, settlement, and comforts of America, are now only to be procured in Great Britain. We cannot expect them, for a time, from any other country, because no other nation is in the habit of manufacturing them; this will produce a great depression in our commerce and manufactures. If Great Britain were to stand the shock, no good would be derived from the system, and we risk our national importance and prosperity. If the duties should be increased ten per cent., or any large sum under a prohibitory duty, the goods, if necessary, would still be imported, and the tax fall upon the consumers.

My great difficulty is, that the resolutions will tend to increase the price of labor in husbandry. The protecting duties already laid have increased the manufactures of this country; I believe, in most cases, they have had great effects. Perhaps some alterations might be made; but the subject of manufactures is so important, that it should be taken up separately. The protecting duties have been, as I said, favorable to the manufacturers; but, it must be acknowledged, they have enhanced the price of labor very considerably, and this has extended to husbandry. If you increase the protecting duties, the manufacturer will just add the difference to his price. Of course, the farmers must bid higher for labor, in order to prevent the countryman or adventurer from going into a manufactory or work-shop. I have always been, and still am, a friend to the manufactures of this country; I wish them every proper encouragement; but I am sure, we might go too fast. I believe—according to my experience—the manufacturers seem well satisfied with what has been done. The cultivation and improvement of our country are primary considerations, and we should adopt no policy which disturbs them. Wheat and flour are the great staple commodities of the Middle States; we should do nothing to check their increase. After agriculture, press on the arts; they ought all to be protected. These resolutions will either operate as a prohibition or a tax; the inconveniences of both have been stated.

There is still a serious difficulty: three-fourths of our revenue, it has been said, depended upon the duty arising on articles imported from Great Britain and her Dominions. If these resolutions will amount to a prohibition, (which the gentleman from New Jersey contends they should,) how is the deficiency to be supplied? This question has been repeatedly asked, but not answered.

In the late war, a great part of the personal property in Pennsylvania was changed into paper; goods were sold, or taken for the supplies of the Army; individuals paid debts to individuals in paper; moneys were loaned to the United States; so that the public was really and truly indebted to many meritorious and *bona fide* creditors. I am no friend to those speculators who obtained certificates by ungenerous means; they can only come forward under the term of strict right. The public creditors of Pennsylvania, (among whom I knew many meritorious ones,) at the first session of

Congress held at New York under the present Government of the United States, petitioned the Legislature, and the House of Representatives resolved as follows:

"Resolved, That this House consider an adequate provision for the support of the public credit, as a matter of high importance to the national honor and prosperity.

"Resolved, That the Secretary of the Treasury be directed to prepare a plan for that purpose, and to report the same to this House at the next meeting."

Congress passed an act, the 4th of August, 1793, entitled "An act making provision for the Debt of the United States." By this act, a loan was directed to be opened and provision made for the payment of the interest to such creditors as should subscribe thereto, with power of redemption at certain times. Adequate funds were established, and the Legislature, by the same law, solemnly engaged that those funds should be applied accordingly. The Legislature was not to invade or alter those funds without regular and adequate substitutes. By the resolutions offered, the funds will most assuredly (in my mind) be endangered. We are going upon speculations, the consequences of which we know not; and which may shake the fundamental principles of public credit, which has been so solemnly guaranteed. We ought not to act like mere Colonies, in proposing or entering into non-importation agreements. We are a Nation; we ought to conduct ourselves in such a manner as not to endanger the faith, credit, and reputation of America. In contracts between individuals, they are morally and legally bound to comply with them. Nations ought to be equally bound by their solemn engagements.

We are, in this business, not barely waging a commercial war against Britain, for many citizens of this country have their all depending upon public faith. The Dutch, and other Europeans, have largely subscribed, and invested their property with us, under equal confidence. Shall we, or dare we, destroy or divert any of the funds so pledged, without giving a substitute? I consider these resolutions inefficient to the purposes intended. I hold that Great Britain has acted in such a manner as to render it necessary to press for full and satisfactory explanation; and that, in case this satisfaction is not granted, that at some day before the rising of Congress, the subjects of war and peace be taken up. If the former should be decided upon, I hope our Eastern brethren will join us, and that we may be unanimous in our measures. The extent of this first resolution is so great, I will most assuredly vote against it; as to the others, I shall hold myself at liberty to declare myself upon them as they come forward.

Mr. TRACY spoke as follows: It is observable that many gentlemen, when they rise upon this subject, apologise for the want of a clear comprehension of it; and the indefinite situation of the proposition now before the Committee, and indefinite reasoning upon it, have, I acknowledge, afforded one strong ground of argument, in my mind, against the resolution. I think the maxim defensible, that no resolution, until its principles are clearly defined, and

its consequences well understood, should be adopted by a Legislative body, especially on a commercial subject, since it is a given point, that commerce has generally bid defiance to Legislative interference, and in the event triumphed over Legislative restrictions.

The discussion of this subject has assumed an appearance which must be surprising to a stranger, and painful in the extreme to ourselves.

The supreme Legislature of the United States is seriously deliberating, not upon the welfare of our citizens, but upon the relative circumstances of two European nations; and this deliberation has not for its object the relative benefits of their markets to us, but which form of Government is best, and most like our own; which people feel the greatest affection for us; and what measures we can adopt which will best humble one and exalt the other.

The primary motive of these resolutions, as acknowledged by the defenders of them, was not the increase of our agriculture, manufactures, or navigation, but to humble Great Britain, and to build up France; and, although it is said, our manufactures and navigation may receive advantage, it is only mentioned as a substitute in case of failure as to the great object of humbling Great Britain.

The discussion in favor of these resolutions has breathed nothing but hostility and revenge against the English; and yet they put on the mild appearance of commercial regulations. Legislatures, always cautious of attempting to force trade from its own channels and habits, should certainly be peculiarly cautious, when they do undertake such business, to set about it with temperance and coolness; but, in this debate, we are told of the execution of a former treaty withholding Western posts, insult, and dominations of a haughty people; that, through the agency of Great Britain, the savages are upon us on one side, and the Algerines on the other. The mind is roused by such a group of evils, and then called upon to consider a statement of duties on goods imported from foreign nations. If the subject is commercial, why not treat it upon the basis of a commercial subject, and with coolness attend to it? If it is a question of political hostility or war, a firmer tone might be adopted. When a nation is oppressed on all sides by injuries which call loudly to be avenged, there is an imperiousness in their circumstances which often precludes deliberation; and sometimes, at least, denies its propriety. Promptitude of action, in the first form that presents itself, is frequently a virtue; but, when all this national pressure is to obtain redress from laying a duty on a few articles of commerce, one would hardly think the violent introduction, much less, an impassioned mode of debate, could strike any man with propriety. I think this mode of treating the subject tends to confuse, and contains in it no aptitude to develop either principles or consequences. After making these observations, permit me, sir, to consider the question before the Committee merely as a commercial one, and, for a moment, lay aside Indians, Algerines, and all such irritating objects.

I engage it shall be for a moment; they certainly shall have a full consideration in a future part of my argument. To perform this task with propriety, the state of our commerce naturally presents itself as the first object of inquiry. In this I am anticipated by the gentleman from Massachusetts, [Mr. DEXTER,] and by a number of incontestible facts contained in the official document before the Committee. Our commerce is flourishing, and our navigation rapidly increasing.

I, sir, was bred a farmer. I live among farmers, much further removed from a view of commerce than any of my colleagues, and when these resolutions were brought forward, I expected the painful detail that our commerce was languishing and our tonnage decreasing, and that our mercantile interest was earnestly calling for the aid and protection of Government. But in this expectation I am agreeably disappointed. No merchant is complaining, nor any fact existing to justify such complaints. It is worthy of remark, and must induce serious inquiry, if our trade is deranged and shackled to the degree pretended, why the merchants in this House should be totally ignorant of it, and why, to a man, they should be opposed to these regulations which put on the specious appearance of affording direct relief to them? This circumstance alone would go far, in my mind, towards negating the propositions; much farther than the closest speculations of a philosopher in their favor, which, nine times out of ten, cannot be reduced to practice.

And here, sir, I feel a confidence in repeating that, upon a subject of forcing trade from one nation to another, which is of necessity so complicated in principle, so various and invisible in consequences, the Committee will never act but with the utmost caution, and will constantly keep in view that trade will seek its own markets, find its own level, and regulate itself much better than we can do; and, although we may embarrass it, and injure our own citizens, and even other nations, for a while, it will eventually rise above all the regulations we can make.

The gentleman who introduced these resolves, aware of our flourishing state of commerce, has acknowledged that, by their adoption, certain evils will be incurred. What are these evils? If we allow full operation to his positions, without an immediate overture in Great Britain, there will be a stagnation of trade, a damp to agriculture, its laborers thrown out of employment, the present surplus of produce must perish on the hands of the farmers, &c. But these evils, he says, ought to be cheerfully borne to obtain, in event, a much greater good. This position is a sound one, to bear present small evils to effect future great benefits. But to make the reasoning complete, should not the gentleman show that the promised good is not only great enough to justify a trial of the present evil, but that it is certain?

Are the benefits promised by these regulations in any measure certain, or even probable? The great benefits promised are a Treaty with Great Britain, a repeal of her Navigation Act as it respects the United States, and, in fact, a universal

freedom of trade; and if these fail, an increase of our manufactures, and a course of trade with France free as they please to give us. I know Indians, &c., are talked of; but I mean these are the promised benefits of a commercial kind. Are those events so probable that we shall be justified in trying an experiment at the certain expense of our present tranquility and happiness? It is said our citizens are virtuous: this I have the pleasure to believe. But, to convince the whole mass of the people that a system of self-denial of any great extent in its operation, is to be borne by them for a future benefit, you must hold up that benefit in a more striking and certain point of view than can be presented in this case. They will be slow in understanding that trade is to be made free by imposing more and greater shackles upon it. But, if our commerce is flourishing, say the gentlemen, why should it not be more so? If Great Britain imposes pointed restraints upon our trade, and is expressing her jealousy and hatred to us on every practicable occasion, why not free ourselves? What has Great Britain done, sir? Has she made a single law restricting the commerce of Independent America? All her restrictions that now affect us were in existence while we were her Colonies, and are part of her Colonial establishment. Her Navigation Act is as old as 1660; and, upon strict examination, the United States are more favored in her European, East and West India ports, than any other nation. It is said our trade was at first forced there; but this rests merely on assertion; it is not in proof before the Committee. The markets of Great Britain being the best, our articles of commerce and hers being reciprocally useful, and a similarity of language and religion, with many other natural causes, have carried our trade to her ports, and will keep it there, until better markets offer, or it is forced away.

It is said the credit given by British merchants is an evil, and that the people of Virginia owe an immense sum in Great Britain. When a complaint is made in direct terms of restrictions on our trade, one would not readily imagine that another complaint would be couched with it, that the trade was so free as to become an injury. Besides, credit given to an industrious, provident man, never can be an injury. Will it place us in a situation of fear. If we may argue from a great State, Virginia, to the Union, this is not true; for although that State owes immense debts, her Representatives come forward with great spirit to bring Great Britain to her feet. This circumstance of giving credit is entirely a municipal regulation, wholly out of reach of Congress. The people at the Eastward do not owe the English merchants, and are very generally opposed to these regulations. These facts must convince us, that the credits given us by the trade of Great Britain do not operate a fear and a dependence which can be alarming to Government.

If the municipal regulations of Virginia, or any other State, will place the whole of each man's property within the reach of his creditor, and allow the creditor legal coercion for payment of

debts, when voluntary payment is denied, there will be no danger from foreign or domestic credit. The slothful and idle, as well as the spendthrift and wicked, will readily attribute to faults of omission and commission in Government, those evils necessarily connected with their own imprudence.

It is said by a gentleman from Pennsylvania, [Mr. FINDLEY,] that the merchants in this city who possess capitals of their own, are for these restrictions on British trade, and that the poorer sort, who are in want of credit, and must do business by obtaining it, are opposed to them. If this be a fact, which is yet to be ascertained, it affords another argument against the resolutions. If capitalists, nabobs in trade, would wish to shut out of competition men who have not capitals, whose industry and knowledge of business if they can at first obtain credit, would promise them a living and usefulness to community, whence is this wish derived? From nothing but a desire to effect a monopoly of trade to themselves, the consequence of which would be, a profit of 25 or 50 per cent.; and those men who have not capitals must serve them as clerks or quit the country. Liberty and equality is not the foremost feature in this desire of our rich merchants, if the desire exists; and such a doctrine savors more of Aristocracy, and less of Republicanism, than I expected to hear from that honorable member.

It is said the British Government has broken the Laws of Nations, by interruption of our trade to France. The fact is, Great Britain has said France is in siege, or is blockaded—France has said the same. Upon this statement, what is the Law of Nations? That neutral vessels shall not have intercourse with such blockaded or besieged place. The facts are, the English have taken the cargoes of our vessels, under these circumstances, and in every instance paid the value of her cargo, at the port of destination; the French have taken all our cargoes bound to any port of their enemies, and have directed that a committee of appraisal shall be appointed to appraise and pay for them.

And in all instances of wanton treatment, spoliation, or making our vessels prizes, the British Government have made the most ample promises of redress, contained in our Minister's official information. This is a situation which I acknowledge is an evil; but ought not a neutral nation to expect some evils of the kind, especially when we connect with it, the almost unavoidable imprudences, and, I may add, crimes of our own people, in violating the strict line of duty, which must be, and always is marked out, for neutral nations? State it in its worst point of light, and negotiation and remonstrance should precede any decisive Governmental act.

If our trade is flourishing, and under no restrictions by the English, more than she imposes on other nations, where is the ground of revenge against Great Britain? And more especially, when the fact is incontestible, that we have more favor in our trade with her, than is extended to any nation.

But, suffer me to ask, why treaty is made the

basis of discrimination? I can hitherto find no man, merchant, or other, can state any benefits which we should gain by a treaty. In all treaties the strongest nation will always make its own construction, and the weakest nation may have the benefit of right, but wanting strength to enforce that right, its voice is not heard in explanation of treaty. Our commercial situation presents itself to us in so much infancy, the events of a month may produce such surprising advances, as has been stated by a gentleman from Massachusetts, [Mr. DEXTER,] that a treaty of good appearances now, may speedily be an evil. Besides, a treaty connects us with European policy, and I feel a strong desire to abstract the United States from all participation with the labyrinth of European policy. What has been the advantage of our treaties already formed? That with France I conclude will be cited as the best.

Regenerated France has told us, that their Government, when this treaty was made, had no good intentions to the United States, or, at least, no views of reciprocating benefits fairly. I suppose the meaning of this is, that, in making the treaty, the Government of France consulted her own interest, and paid not much attention to ours, yet this treaty was at first highly applauded; but let it be tested by the benefits actually received. In considering it in point of actual benefits, I should be glad to find them and dwell upon them, without bringing into view the harm it has done us; but no benefits exist. Does the treaty protect our property in seeking its markets, where neutral nations have undoubted rights, any more than the Law of Nations? England has violated the latter, and France the former. I lay out of the question the group of evils which seemed to result from this treaty the last Summer, the evident danger of a war, prevented only by the conduct of an unparalleled Executive, and many other disadvantages of this treaty, because the unexampled situation of France may have produced many consequences, which will not form general ground of argument, and because those subjects have been very fairly stated by a gentleman from Virginia, [Mr. LEE.]

One trait, and that which was considered as the best in this treaty, was this; all property was to follow the bottom in which it was found. Friendly bottoms made friendly cargo, and an enemy's bottom made prize of the cargo. The Law of Nations is, to discriminate always, so as to make prize of enemy's property, find it where you may. Regenerated France has been in the constant act, under sanction of this treaty, of making prize of all property belonging to citizens of the United States, found in English, Spanish, Portuguese, Austrian, Dutch, and Prussian vessels, I mean since those nations have been at war with her; and what do we gain? It cannot operate in our favor any further than to save French property to them, if found in our vessels, if we had treaties of a similar kind with the world. So that this kind of treaty is uncommonly circumstanced; indeed, we can gain nothing but a protection for our friend's property, but lose directly our own; and we never can be in a situation to gain unless we pre-

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suppose war, which I hope we may avoid; certainly we are not as liable to war as the nations in Europe, who are generally in war three or four years in every seven: of course this trait in treaties is no very inviting one to us. If treaties are formed in the common style, that is, place the nation treating on the basis of the most favored nations, every one can discern it amounts to little, if anything, more than complimentary language of course.

One great object of these resolves is, to effect a treaty with Great Britain, and we are told in the same breath that Great Britain is in the habit of breaking, not only the Law of Nations, but solemn treaty.

But we are told a free trade, or rather a trade on principles of more reciprocity, is to be obtained by these regulations; and that France gives us that reciprocity, and, of course, we ought to withdraw our trade from the English, and give it to France. If the markets of France, and the benefits of trade in her ports, exceed those of any other nation, our trade will go there of itself; if not, why force it? In this part of the argument, I request the liberty of treating both France and England merely as commercial nations, for, if commercial benefits are not found in the trade of two nations, I very much doubt the continuation of the trade, from principles of friendship.

What favors do we receive from France, which will justify such an exertion to put down her rival and build her up? Our trade is at present under no very auspicious circumstances with France; even in the best of times a merchant having established his correspondence there on the most favored footing, when he sent his cargo could draw bills for one-third of the amount, and they would be honored; the remaining two-thirds, when sold, the American merchant would be advised he might draw for, but no interest allowed for the time the French merchant held the property; but if the amount of bills drawn at first exceeded the third part of sales, interest was charged. The English merchant would honor his American correspondent's bills when accompanied by his bill of lading only, for the whole amount, and cargoes have often been purchased and the insurance, wages, and the finding of the ship, have been paid out of the avails of her cargo, thus anticipated by bills before the voyage. This course of trade, as practiced by the two nations, needs no comment. Are the fabrics of the French better than the English? Is this a proper time to depend upon France for her centre by a war? And can any man suppose the Column established in Lyons, sacred to Liberty, is any more favorable to her manufactures than if no such Column had been there, and her manufactures were increasing instead of diminishing? Does the Government of France admit us into her West Indies, with any favor peculiar to us? The act opening her West Indies was no more for us than the British act is against us; the fact is, neither of them cared for us, they each did what they thought would best promote their own interest.

If these regulations are to unshackle our trade, why not leave it unshackled? The fetters are

only changed from one side to the other, and France stamped upon them instead of England. The circumstance of heavily taxing our trade to Great Britain, for the sake of driving it to France, is a proof that it enjoys more freedom where it is. If it be true, that we injure ourselves in the first instance, by these restrictions, although Great Britain deserves punishment, I have said we should be cautious how we sacrifice ourselves to a principle of revenge. But it may be worth inquiry how much it is probable we can injure Great Britain?

It is said, Great Britain depends upon the United States for the bread of her manufacturers and the raw materials which employ them. It ought to be remarked here, that a principal complaint against Great Britain is, that she prohibits our bread-stuff and this is a fact, except in times of scarcity. One would think, to hear the declarations in this House, that all men were fed at the openings of our hand, and if we shut that hand, the nations starve, and if we but shake the fist after it is shut, they die. This language, to say no more of it, will prove our origin to be British and that not long ago, for the same gentlemen say, the British nation is proud in the extreme. It is well known that the Dutch are in treaty with us, and of course are to be favored by the third resolution, which places all nations in treaty with us, on a footing of lower tonnage. It is likewise known that the English have as much ascendancy over the Dutch as propriety would dictate. What would these restrictions do then, at best, but shape the course of our trade through Holland? Our trade might, perhaps, come more from the Texel than the Thames, but the names would constitute the chief difference.

Spain and Portugal, in Europe, and their other Dominions, if once called upon by necessity, can raise bread-stuff to an unlimited amount. And if we refuse our provisions to the West Indies, would not Great Britain thank us for the bounty we should give, in that very act of denial to the Canadian country, which she is so rapidly filling, even with our own citizens? The provisions of every kind which may be raised there, no man can limit with any kind of certainty. But cannot Great Britain retaliate, and distress us in a commercial war? I will not enlarge upon this, it has already been shown that Great Britain can retaliate with tenfold advantages. It is said, although she can injure us in part, she will suffer in the greatest degree, and that our sufferings will be spread nearly over the whole community, each will bear a part, but Great Britain will suffer in one entire class of citizens, her manufacturers. It will be but a poor consolation to our farmers at large, when they find themselves suffering, to inform them, that a very innocent set of men, the manufacturers of Great Britain, are suffering much more than they do; and if they should clamor against Government, it would be an unsatisfactory answer to them that there was a greater clamor, and even mob, in England.

If the proposed duties are low, Great Britain certainly will not suffer. If they are high, what will be the consequences? It does not admit of

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argument, that the people of this country must import many articles, from some foreign country; we certainly cannot at once manufacture a sufficient quantity for our own consumption. It is equally certain, that, at present, no country on earth can supply us but Great Britain: the consequence will be, that British goods will get here, and the duties being high, will produce smuggling. Our merchants are now proverbial for a combination not to defraud the revenue; but, let your duties be high, and the practice of all other countries will be adopted—there will be associations to cheat your revenue; and this country, by its numerous and safe harbors, affords an unlimited opportunity to defraud the revenue with impunity. A tribute of praise is due to our merchants, for their exertions in the establishment and support of this Government; and, among their virtues, the punctual payment of duties is not the least. But I feel the policy of straining them too hard; an alienation from the Government, and hostility to the revenue, will be the probable consequence.

Our shipping, it is said, will be increased: this can happen only by a failure of reducing Great Britain to terms. This is worthy of notice. Great Britain has gained in quantity of shipping by her Navigation Act; and, of course, say the gentlemen, it is proper for the United States to have a Navigation Act. Great Britain is an island filled with inhabitants, and, if not decreasing, has certainly not increased in numbers for many years. The United States have a great extent of fertile territory, wholly unoccupied, and an increasing hardy yeomanry to cultivate it to the best advantage. Our shipping has rapidly increased, and has gained that point of equality and proportion with our agriculture which a just equilibrium of things demands; this is proved by the advanced price of our seamen's wages. And, besides, there is no more capital to spare for navigation. Our farmers feel the benefit of a competition in the carrying-trade, and it is at least questionable whether it is yet politic to force foreigners out of this competition. We have already, by our discrimination of tonnage in favor of our own vessels, and by the addition of ten per cent. on the cargoes of foreign vessels, nearly destroyed the competition, except to ports where it is difficult, if not impossible, for our vessels to go. With this view of the subject, I confess it is very doubtful in my mind whether an attempt to force an increase either of our shipping or manufactures, would be politic.

At present, sir, I see no ground for revenging on Great Britain; and if there were, I can discern no probability of injuring her as much as ourselves, by the attempt; and a treaty has no flattering appearance to me. One thing had escaped my attention; our treaties are, by the Constitution, the supreme law of the land. This ties us unequally, in case of treaty, as no nation is under equal obligation to fulfill a treaty.

But, the gentlemen say, the Indian war exists, the Algerines are abroad on the sea, committing piracy on our trade, &c. I promised to consider these matters, as, in my mind, they are very serious subjects; and one gentleman [Mr. Giles] has

said, if these were removed out of sight, three-quarters of his argument must be lost. Is the Treaty of Peace, as it respects the Western posts, unexecuted? Is the Indian war instigated and supplied by the British nation, and are the Algerines, through the agency of the same nation, destroying our trade and enslaving our citizens? These are serious charges; if true, they deserve the attention of all men, and particularly of this Committee. For the purposes of the present argument, I will suppose that all those charges are specifically and directly proved; and by proof, here, will be understood, that the facts are so far within our knowledge that candor cannot hesitate in a conclusion. If I thought the resolutions under consideration were certain in the production of evil to ourselves, and very uncertain as it respected either our own future benefits or injury to Great Britain, what can I think of them as a remedy applicable to so much injury? When considering the question in this point of view, I am led to ask the gentlemen if they can be serious, in supposing these resolutions are a proper, consistent, and adequate remedy, for evils of the nature and magnitude just recited? I acknowledge my own feelings are very different. If those statements are founded in fact, I cannot justify myself to my constituents, or my conscience, in saying the adoption of the regulations of commerce, a Navigation Act, or the whole parade of shutting ports, and freeing trade of its shackles, is in any degree calculated to meet or remedy the evil.

Although I deprecate war as the worst of calamities for my country, yet I would inquire, seriously, whether we had fulfilled the Treaty on our part with Great Britain? Do complete justice to them first. I would negotiate as long and as far as patience ought to go; and if I found an obstinate denial of justice, I would then lay the hand of force upon the Western posts, and teach the world that the United States were no less prompt in commanding justice to be done them, than they had been patient and industrious in attempting to obtain it by fair and peaceable means. In this view of the subject, I should be led to say—Away with your milk-and-water regulations; they are too trifling to effect objects of such importance. Are the Algerines to be frightened with paper resolves, or the Indians to be subdued, or the Western posts taken, by commercial regulations? When we consider the subject merely as a commercial one, it goes too far, and attempts too much; but when considered as a war establishment, it falls infinitely short of the mark, and does too little.

Mr. Boudinot lamented the want of practical commercial knowledge, when called upon to give an opinion on subjects of so great magnitude and essential importance to this country. But it was with pleasure he took an opportunity of acknowledging the obligation he was under to the gentlemen who had gone before him, for their collection of facts, their calculations and strong reasoning, on the subject, by which his misfortune was greatly alleviated. The calm and dispassionate discussion of so great and interesting a question,

must be productive of great public advantage, as well as do great honor to this Committee. It was with the greatest attention that he had heard the various reasonings throughout this long debate. He had examined the facts, he had compared and applied the calculations, he had weighed every argument, and had endeavored to draw some final conclusions to direct his judgment. That which had made the most forcible impression on his mind, and was equally deducible from the arguments used by either side of the House, was, "that every wise nation, under the consideration of all circumstances, endeavored to make their own individual interest the pole-star by which to direct their conduct, whether of a political or commercial nature." He observed, that it appeared to him as clear as any mathematical proposition, that in all the commercial regulations of the nations of Europe, this one object influenced every action. This was plainly seen in all the favorable circumstances attending the *arrêts* of France in our favor. This, and this alone, had penned every commercial restriction against us by Great Britain. From the whole, then, of the debate, without going into comparison of one nation and her conduct towards us with another, which sometimes led into invidious distinctions, Mr. B. said he had drawn this obvious and determinate conclusion—from the acknowledged attention of old and wise nations to their own particular interests, and which he should make the rule of his conduct on this great question—"to go and do likewise."

But, before he proceeded to the resolutions on the table, he thought proper to premise the propriety of laying out of the debate the charge of the enmity of Great Britain and the friendship of France, as far as either respected the former Government. Politicians and legislators should not indulge passion; the circumstances of the present Government were those that demanded their attention, and by going so far back, they would be exposed to greater mistakes. He said he had already found it very easy to mistake or misapprehend facts of an important nature, when relative subjects that engage the passions as well as the judgment.

Mr. B. said he was not desirous of becoming the panegyrist of Great Britain; he had known too much, he had felt too much, to execute such an office with propriety. He should not overvalue the friendship of France in the aid we had received from her, because he knew that it was not from the Nation, but the Monarch, that the whole of it was brought about. He knew that his sole motive was the best interests of his Crown, and that when he fought with us side by side he had fought his own battles in our country, instead of his own. It was interest that led America to ask, it was interest that led him to comply. But, notwithstanding circumstances of this nature, he was desirous that the whole truth should prevail. He did not approve of half truths, he wished the whole to be known. Great Britain had been repeatedly charged with originating the Indian war. She had been (it was said) always averse to entering

into a commercial treaty with us. These facts Mr. B. disputed; nay, he did not believe them. Gentlemen had founded many strong arguments upon them, but it would have been best first to have produced the evidence, to prove their existence. As to the originating the Indian war; so far from its being originated by Great Britain, he knew that it had originated in the false policy of Congress, in 1783. This was no new idea; he had then foreseen it; he had then foretold it, with its consequences. He did not deny that the officers and agents of Great Britain had since encouraged and increased it; that they had not done what they ought to have done, to prevent it. They had claimed the right of aiding the Indians by presents; we, also, as a nation, had claimed the right of aiding the French Republic, in every way consistent with our neutrality. As to her being always averse to a commercial treaty, this also should be taken with some restriction. The facts should be truly stated. In September, 1779, Congress thought it prudent to authorize and instruct their Commissioners to enter into a Commercial Treaty with Great Britain, in case of a Peace. In July, 1781, when a negotiation for Peace was likely to take place, Congress, on the principle that our true commercial advantages were not well understood, thought it best to avoid all unnecessary European connections; and, therefore, in the month of July, 1781, repealed the Commissioners' authority to enter into a Commercial Treaty, and withdrew their instructions. At this critical moment, when Great Britain had acceded to our Independence, and was impressed with the danger of losing our commerce, she came forward, and (if his information was right) proposed a Commercial Treaty, on rational and generous terms, which, for want of authority, was refused by our Commissioners. To this source was the Proclamation of the King of Great Britain owing, by which we were cut off from the West India trade. Before this mistake could be rectified, our disunion as to commercial regulations, and weakness as to national objects, were fully known to Great Britain; since which, he believed, she had wholly omitted to enter into further treaty with us.

He said he had carefully examined the Journals of Congress as to the granting and repeal of the power of the Commissioners; but as to the offering and refusing the Commercial Treaty, he depended on a Confidential Letter he had received in 1783, and which was read in Congress the 1st of October of that year; and as he would not vouch for the authenticity of those facts, but chose that the Committee should have all the evidence he had, he would trouble them with reading the substance of it. Mr. B. then read some parts of a letter dated September 28, 1783, which in substance was—

"I left Paris the 15th of June; the day before which Mr. Hartley had communicated to the American Plenipotentiary and to me a despatch which he had received from Mr. Secretary Fox, authorizing Mr. Hartley to agree to a Treaty of Commerce, allowing a free trade to the West India to the vessels and citizens of the

United States, under the single restriction of not carrying the produce of those islands to Great Britain; that Congress would best know the reasons that induced the Commissioners to object to that restriction, and which had eventually frustrated the expectation of a Commercial Treaty with Great Britain. And you will undoubtedly have seen the Proclamation, which, in consequence thereof, had been issued by His Britannic Majesty, whereby the vessels of the United States are, in effect, precluded from all access to the British West Indies. But as the ultimate intentions of the British Minister on that subject appeared doubtful, and as it seemed highly important that they should be known to Congress as soon as possible, and as I had occasion on Friday, the eighth of August, to see my Lord North respecting a matter of private property, I availed myself of that opportunity of conversing thereon with his Lordship, who, with great apparent candor, told me, that the Proclamation and the principles of it would undoubtedly be adhered to during the continuance of the act of Parliament; that Parliament must then determine respecting future measures; that the Navigation Act had been the source and support of the British naval power, and must not be infringed without urgent necessity; that he was desirous of promoting a good understanding with the United States by all means compatible with the interest of Great Britain, but that the Americans, after making themselves independent, were unreasonable—desiring privileges which never had been granted to any independent people, especially as they appeared to have neither the inclination nor the ability to give any adequate advantages to Great Britain in return. I intimated the probability that the United States would retaliate, and prevent their produce being carried to the West Indies in British vessels. To which his Lordship replied, that the United States had doubled the right to adopt such a measure, but in so doing they would necessarily deprive themselves of the best, and indeed the only sufficient market for their produce; obstruct the growth, agriculture, and prosperity of their own country, and injure themselves much more than they could possibly injure Great Britain. That in war, Great Britain was exposed to much expense and difficulty in defending her West India Colonies, and at all times giving them exclusively the benefit of her market, depriving herself in their favor of the advantage of purchasing the sugars, &c. of other countries, and thereby enabling British West India planters to obtain higher prices for their produce than the planters of any other nation; and that unless Great Britain, in return for these favors, could exclusively enjoy the benefits of their navigation, it would, in his private opinion, be much better to let them become independent, like the United States. His Lordship did not request, and I presume he did not expect I would keep this conversation a secret, and you are at liberty to communicate it to Congress: though as I do not wish to be cited on political subjects, I beg it may be confined to that honorable body. I indeed thought it expedient, before I left London, to write an account of it to the American Plenipotentiary in Paris," &c.

Mr. B. then proceeded, and said, that these facts had convinced him that the charge was too general, especially as by the late communications we are informed that a negotiation was now again in train on the same subject. That in his opinion Great Britain had enough to answer for that was justly chargeable to her account, without relying on bare suggestions without proof. Her breach

of the Treaty by carrying away our negroes, contrary to the express words, and withholding the posts, without the shadow of excuse, are sufficient evidence of her want of public faith; but let us not found our acts on those facts, which, if introduced into, we cannot support. Mr. B. observed, that he had made these observations to remind gentlemen that though this nation had at times done us wrong, yet that we had not been without fault: therefore, he added, let us dispassionately consider the resolution on the table, on the principle of our present situation among the nations, or as it has been, since our present Government. It cannot be denied that our trade has been in a flourishing condition ever since the year 1790. Let any gentleman who doubts this cast his eye on the Reports from the Treasury Office for several years past: it is fast pressing to perfection.

Mr. B. was of opinion with the gentleman who had gone before him, that it was possible to carry our navigation too far, when considered in proportion to our agricultural interest; but that point was yet to come. He acknowledged that since the late war in Europe, we had been the sufferers; that our ships had been piratically despoiled (if he might be allowed the expression) by the privateers of England, Spain, and France; that our citizens justly looked up to their Government for protection and recompense. The usual established mode among civilized nations was, in the first instance, remonstrance and negotiation; this was not the duty of the Representatives of the people, but belonged to another department: we were officially informed that this was done, a negotiation was on foot, and our Executive officer had fixed the 1st day of December last, when our Minister at the Court of London was to give a positive and decided account of the state of the negotiation. Would it then be prudent for the Committee, until the issue of that negotiation is known, to interfere, or perhaps run counter to our Executive? The departments of Government should be kept separate, and not one counteract the other.

He at length adverted to the resolution before the Committee, and said it consisted of two parts: one relative to higher duties on the manufactures of foreign nations not having any treaty with us, the other to further restrictions on the shipping of those nations. To these, then, Mr. B. said he would confine himself, and thereby greatly narrow the debate. The first inquiry that obviously presented itself, in order to determine the effect, is, On whom will these higher duties fall? The general principle agreed on all hands is, that the consumer pays the duty. The citizens of the United States are the consumers; the citizens of the United States must, therefore, pay the higher duties. This reasoning proceeds on the fact that our citizens purchase the manufactures. The articles mentioned are either necessities or superfluities: if necessities, our citizens must have them; if superfluities, as freemen they will have them, if they choose them; they will lay out their money as they please, unless restricted by laws founded on the true interests of the nation. But it may

be said that they may be supplied from home manufactures, or from nations in alliance with us. The first cannot be true, as will be evident from the present state of our manufactures. The supply equal, or bearing any reasonable proportion to the demand, is impossible for many, many years to come. As to other nations, it may fairly be said, with regard to the supply, that France and Holland are the only nations that can be contemplated. It would be cruel in the extreme to put France to the test, under her present critical and distressing situation. She has called all her citizens into the field; if any can be spared, it must be for the purpose of her agriculture, or the manufacture of arms alone. It would expose her to the charge of inability, without giving her the chance of a fair experiment. Every gentleman on the floor knows that Holland, independently considered, has no possible way of yielding us a supply. If she does it, it must be as a medium between Great Britain and us; so that directly or indirectly, we should receive the supply from Great Britain, which would evade the intended effect of the measure. The next inquiry is, How will increasing the duties on our own citizens affect the Government of Great Britain, so as to accomplish the desired end? If their manufacturers obtain their price—if their merchants receive their commissions, how will it affect them, that our citizens pay high duties on the articles here before they are consumed? It may be answered, by lessening the consumption; by increasing our own manufactures; by encouraging other nations to cease a competition in our markets. If we judge from past experience, our habits of economy are not such as will produce this effect to any considerable purpose. Our citizens seldom refuse gratifying themselves on account of a difference of six pence or a shilling in the yard; if they earn their money hardly, they will spend it at their pleasure. During the late war we know the prices were increased one hundred per cent; yet neither the obligation of law, the love of their country, or even, in some cases, the risk of life, will deter from gratifying themselves in the enjoyment of foreign manufactures. The increase of our home manufactures is a most desirable object; and there was no gentleman of the Committee more desirous of promoting them than he was. But this could only be accomplished by time. It was a progressive work, and was now hastening to perfection as fast as was compatible with a due attention to agriculture; but no gentleman would pretend to say that even the hope of a competent supply was rational for many years to come; nay, he verily believed that, if all the wool of the fifteen States was brought together, it would not afford a supply of woollens for one State. But it was proper to look to the encouragement already given to our manufactures. The importations of the United States amounted to twenty millions of dollars; the duties already laid amount to four millions; this, on an average, was twenty per cent. This was a very serious duty, indeed; and, though principally designed to raise a revenue, yet it also acted as bounties to our manufactures; and, when

added to the freight, insurance, commissions, and interest, paid by the importer of foreign manufactures, every gentleman must conclude that our citizens would not patiently submit to greater burdens without the most obvious necessity. He added, that, if the specific articles referred to in the resolutions were individually considered, the duties would amount to about fifteen per cent. when imported in foreign bottoms, which would be found very heavy on those articles, and sufficient to encourage our home manufactures consistently with the ease of the citizens. If not these duties already bear a sufficient proportion to the capitals of our merchants? Some gentlemen have objected to the easy credit afforded our merchants in Great Britain, and yet, in the same breath, are for demanding the small capitals of their own, in duties, and refuse them the advantage of foreign capitals, where they can be obtained. He confessed he was not convinced of the dangers arising from public credit which were so warmly urged by the gentleman from Virginia. When he looked at that gentleman, and attended to the zeal he discovered, in what he thought so essential to the welfare of his country, it afforded an answer to every objection so ably supported by him. The gentleman had acknowledged and lamented the prevalence of credit, and that from Great Britain. In the State he came from, he said it universally prevailed, and had its effect on the importing merchant; from him to the country shop-keeper, and thence to the farmer: so that the dependence on the merchant in Great Britain was to be feared through every part of the community, and the most dangerous influence of English politics was to be dreaded. But was there a State in the Union where the policy of Great Britain was reprobated more than in the State of Virginia? Was not the conduct of that gentleman, in the present debate, as well as that of his colleagues, full proof that the credit he complained of did not produce the fatal effects he feared? Was not Virginia the largest, and, if we might judge from her visible capital, (slaves,) the richest State in the Union? And yet she had always been in the habit of unbounded credit in Great Britain.

Mr. B. then reminded the Committee of the nature of the trade with Great Britain. Did the British merchant bring his manufactures and offer them for sale in this country? No; the American merchant employed the merchant in England to purchase of the manufacturers, on a commission of five or ten per cent. The goods were exported at the risk of the American merchant; and whether the consumer paid a high or low duty on them, on their arrival in this country, was a matter of but secondary consideration to the British merchant. Mr. B. then, observing on the patriotic conduct of our merchants with regard to their obedience to the revenue laws, which he thought did them greater honor than could be claimed by those of any other country, warned the Committee against carrying the matter too far; he warned them not to make it the best trade on fair calculation, that one merchant could pursue, to defraud

the Government of the duties. When once smuggling became a business which the merchants generally thought themselves justified in, it would be like powerful assailants getting possession of a strong fortress: it would not be easy to dislodge them. It was out of the power of laws to prevent smuggling, if the merchants once determined to adopt it. He said he had carefully avoided saying anything about the Algerines, because, although in his private opinion he thought circumstances bore hard against Great Britain, yet, as a legislator, he could not lay his finger on the evidence, and say this or that proves the fact; and, as he believed some facts had been mistaken, he was afraid of acting without adequate proof. Besides, although he was at first affected by the suggestion, yet, on carefully investigating the process of the business, he thought he could see reasons which might render it possible that Great Britain had a good excuse for her conduct, independent of American considerations. Every gentleman knows that Holland had a considerable trade with Portugal, which she was obliged to carry on with a convoy of men-of-war, on account of the Algerines. Portugal had three or four ships continually cruising on the same account. Great Britain (with these States) was engaged in a war with France, whose fleet, notwithstanding all her difficulties, was rather superior to that of Great Britain. It became then a considerable object with Great Britain to emancipate these ships of her allies from other services, so as to operate with her in the common cause. Again, it was possible that Great Britain, by promoting this trade with Holland and Portugal, might find it easier to persuade the Algerines to declare war against France, the common enemy; this, we are told, has been accomplished; and, if so, must have been a considerable object with Great Britain. If, then, these reasons might have operated with Great Britain without respect to America, we ought at least to wait till we are better acquainted with facts, and this we may soon reasonably expect from our foreign Ministers, especially when we are officially told that the British agent who accomplished this trade had not heard from his Court for eighteen months.

On the whole, Mr. B. observed that, while the duties already laid on the farmer, mechanic, laborer, and other citizens of the United States, were sufficiently high for the support of Government and the protection and encouragement of our home manufactures, while higher duties must in the end fall on those who are already oppressed with those duties that are necessary; while our citizens cannot avoid the duties by a supply from home manufactures, or those of foreign nations in alliance with us; while he was of opinion that nations not in alliance cannot be affected by duties paid by our citizens, he did not think this the time to increase the duties on articles which must be consumed in the United States, for purposes which it cannot clearly and indubitably be proved will answer very essential and important ends to our Government and its citizens. As to the second object of the resolution, he had been always of

opinion that it is the true way of accomplishing the ends proposed. He had ever joined the gentleman who brought this forward, in considering the regulating of foreign shipping a principle of great importance to the interest of the United States; and, whenever an answer shall be obtained from our Minister abroad, by which the state of the present negotiation shall appear to be unfavorable to the United States, he would be ready to enter fully into the measure, and hoped then there would be a perfect unanimity in that Committee, which would greatly insure the efficacy of the measure. But as there was reason to expect the issue of the negotiation in a short time, he should be unwilling to agree to any measure of this nature having a principle of retaliation for its object, till the real grievance could be known, and of course the Committee better capable of judging of the adequate remedy. He was averse from forcing any nation into a commercial treaty with us. It ought to be a voluntary act; and he was for allowing the same freedom of action to other nations we claimed for ourselves. But when we could not obtain a reciprocity of benefits, he thought we had the undoubted right of conferring a reciprocity of restrictions. His idea was, when we did proceed on this principle, we should make old and wise nations our example, and copy their acts. This could give no reasonable offence; but, if offence was taken, the answer would be obvious and convincing. Great Britain, by her commercial regulations, had risen to power and opulence; this gave us a right to copy her example; and, whenever the Executive gave us information that negotiation was ineffectual, he was ready to pursue this remedy, as the only salutary and effectual one; but, as this period had not yet arrived, he should wait with some degree of patience for the issue, which, as a friend to both countries, he hoped would be a favorable one, and should accordingly vote, for the present, against the resolution now before the Committee.

After Mr. Boudinot had spoken, Mr. Ames rose, and remarked that it had been repeatedly asserted, in a vague manner, that our commerce is unfavorably situated; he wished the specific grievances stated, and the facts on which they are said to be founded vouched for. One fact is worth a dozen theories.

Mr. Nicholas was astonished that the gentleman possessed so little American feeling as so often to repeat the inquiry he had just made, or that he should attempt to divert the attention of the Committee by a frivolous distinction between commercial and political considerations. The friends of the resolutions had supposed it unnecessary to enumerate; they conceived that every American must feel the wrongs we suffer, and they offered the resolution as a counter-terror. It appeared, however, that they were mistaken, and must be under the necessity of enumerating grievances; it is necessary to tell the gentleman of the hostilities of the savages on our frontiers, of the murder of our citizens, and plunder of our settlements; he must be told of the commercial advantages wrested from our hands by that mean policy

which lets loose the Algerines upon our defenceless merchantmen. He hoped it would be allowed that this is a commercial as well as political injury. He enumerated the other injurious restrictions imposed on our trade by Great Britain, contrary to the Law of Nations and every color of right, and then said, that since we suffer in blood and treasure, it becomes proper to inquire whether we can best resist with arms, or by making regulations in the spirit of those proposed, the effects of which will be felt by them in the distresses of their subjects. The Committee had been told by gentlemen who opposed the resolutions, how incapable we are of supporting any but a defensive war; our only alternative, they, is something like the resolutions—that is, to withdraw from them at least the sustenance they receive from us.

Some gentlemen had, to be sure, reduced this question to very narrow grounds, when they chose to throw on one side as inapplicable the injuries we suffer from Indians and Algerines, and the injuries our commerce endures from pointed commercial regulations; and, when all these are put out of the question, they triumphantly ask, where are your grievances? They go further, and attempt to show that America is as favored, in a commercial point of view, as she has a right to expect. The regulations against us in the West Indies are not grievances, because they are of an ancient date, that they are part of a uniform system, and that there is nothing in them particularly pointed at Americans. This, he believed, is a mistake; there is an express law, since the year 1780, excluding all articles from the West Indies, unless carried there under particular circumstances and in British vessels. This is an injury strictly commercial. In answer to a remark that British credit in Virginia does not appear to have generated British influence, he observed, that the natural jealousy of, and aversion to foreigners, who do almost all the commercial business in that State, naturally counteracts the influence of that credit; but, where no such counteracting cause exists—where mercantile transactions are carried on by natives, assisted by foreign credit—there, he believed, the natural dependence of borrower on lender gave deep root to that influence. But the measures proposed do not go to the destruction of credit, but only tend to prevent its abuse. It has been said that Spain and Portugal could supply Great Britain and her dependencies with grain and flour. He wondered at the argument being brought forward, as it is notorious that those countries are among our best markets for those commodities.

A commercial treaty with Great Britain, it is said, is not desirable, because that we have with France is not beneficial. Gentlemen should recollect the date of that treaty, that, when it was made, we had not much to give, and therefore not a right to expect much. The Committee had been told that France had cheated us when they made the treaty with us, because it imposes some hardships now she is at war. This is owing to a contingency unforeseen at the time of making the treaty; and, if we had been involved in war first,

it, with as much propriety, might have been said that we had cheated them. Much had been said on the propriety of permitting trade to regulate itself. He approved of the position; but when restrictions are laid on one side, to restore the equilibrium contrary restrictions must be laid. We have no reasonable hope of a repeal of those injurious restrictions, or a redress of grievances from Great Britain. At a time when these were a subject of negotiation, she has let loose the Algerines upon us. What, then, are we to expect as the issue of those negotiations? Would an individual in similar circumstances expect an amicable settlement? In the existing state and nature of the grievances we complain of, it is extravagance in the extreme to expect they can be settled by negotiation. When matters are doubtful, recourse is had to amicable settlement; but if a man stabs my wife or child, will I call on him to explain himself? No, I will have recourse to my power over him, and procure satisfaction. The extent and nature of the injuries we experience put all negotiation out of the question. He dwelt on the propriety of the regulations, as the best weapons in our power to obtain satisfaction. He then took notice of the allusion Mr. Dexter had made to the body politic, comparing it with the natural body, and contended that our body politic, cramped by British trammels, will not acquiesce the strength it is calculated to acquire as speedily as if they were removed. He adverted to the unnatural state of our commerce with the British West Indies, which, though dependent on us for necessities, give us laws, and say we shall not carry those necessities in our own bottoms, except when they are in fear of famine. He then went into a comparative view of the ability of the United States to support a commercial conflict with Great Britain, and being her to reasonable terms, and showed how sensibly a diminution in our consumption of their manufactures would affect her, and excite a rivalry here and in France, to afford a sufficient supply. The distress we should occasion, it had been said, would induce Great Britain to go to war with us. The mischief would spring from them, from their obstinate adherence to the measures she had adopted to our injury. Some members of the Committee had insisted that the resolutions are a dishonorable mode of resisting, and a mean mode of making an attack, that is, that we are to give out of our own hands the weapons with which we can fight, and take up those which we cannot wield. He concluded with some observations on Great Britain's present backwardness to make a treaty of commerce with us; indeed, he wondered how we could expect a treaty from a nation that trampled on our prostrate rights, and how we could wish one, with a nation which persisted in not executing some of the most important points in the last.

Mr. DAVYX remarked, that the injuries we have received from Great Britain had been painted in very strong colors; and when a remedy is proposed, it turns out to be only a set of regulations on paper; the insolence of Britain is contrasted with American weakness. If we really labor

under wrongs, something more effectual than the measures proposed should be contemplated; but first it is our duty to endeavor to obtain redress by pacific means, and before irritating measures are adopted, we should be well assured that redress has been refused.

Mr. MADISON saw no ground to hope for redress from negotiation; we must be satisfied that that resource has failed. He could not see, admitting we are injured, that we are bound, by honor or prudence, to resent the injury by the last appeal to arms. It is best, he conceived, to try whether a more pacific weapon may not prove even more effectual. We can make use of none against Great Britain more effectual than commercial weapons; in that part (their commerce) that country is most vulnerable. He thought this the most eligible time for the exercise of those means most clearly in our power.

Mr. SMITH read a passage as to the negotiation now pending between the Government of America and that of England, from the volume of papers relative to Britain lately printed by order of Congress. It is contained in a Letter dated 7th of September last, from Mr. Jefferson to Mr. Pinckney, American Minister in London, and is in these words:

"The President, therefore, desires that you will immediately enter into explanations on this subject with the British Government. Lay before them, in friendly and temperate terms, all the demonstrations of the injury done us by this act, and endeavor to obtain a revocation of it, and full indemnification to any citizens of these States who may have suffered by it in the mean time. Accompany your representations with every assurance of our earnest desire to live on terms of the best friendship and harmony with them, and to found our expectations of justice on their part on a strict observance of it on our side."

"It is with concern, however, I am obliged to observe, that, so marked has been the inattention of the British Court to every application which has been made to them on any subject by this Government, (not a single answer, I believe, having ever been given to one of them, except in the act of exchanging a Minister,) that it may become unavoidable, in certain cases, where an answer of some sort is necessary, to consider their silence as an answer. Perhaps this is their intention; still, however, desirous of furnishing no color of offence, we do not wish you to name any term for giving an answer. Urge one as much as you can without commitment, and, on the first day of December, be so good as to give us information of the state in which this matter is, that it may be received during the session of Congress."

Mr. S. inferred that very little was to be hoped for of that nature.

The Committee now rose, and had leave to sit again.

SATURDAY, JANUARY 25.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions

on the commerce of the United States, in foreign countries—

Mr. CLARK said, the time of the Committee had been taken up for seven days in debating this question, and yet there appeared to be as little prospect of bringing it to a decision as there was at the beginning. He believed there could hardly be mentioned an instance of any public body protracting a discussion for so long a time, for what purpose he could not understand, unless it was the passion of members to see their speeches published in the newspapers. For his part, he seldom made long speeches, nor did he take the trouble to write them for the newspapers. He did not see any very material advantage that the business of the public received from this waste of time, and he therefore had hoped to see the Committee come to an issue on the question. His hopes, however, he feared, were in vain; for, on looking around, he could perceive that several members were getting themselves in readiness to deliver more fine speeches; and, since it would be impossible to prevent them, he would not at present waste any more of their time by making a speech for the printers; indeed, they generally publish his opinions very erroneously when they made a speech for him. Before he sat down, however, he remarked that most of the members had made up their minds how to vote at the commencement of the debate; and, therefore, he thought the waste of time was the more inexcusable, as he was nearly certain that no proselytes would be made either on the one side or the other. Under these impressions, he would sit down patiently, and, since he could not mend the matter, he would join in helping to pass away the time by listening to some of those gentlemen who seemed so impatient and felt so big with their speeches that they would burst, he feared, should he stand up any longer to prevent their delivery.

Mr. HILLHOUSE, in replying to Mr. CLARK, said, that it was the right of every gentleman to assign the reasons for his public conduct, if he saw proper. For his part, he did not wish to consume much of the time of the Committee. He was not in the habit of making long speeches, and, though he could not charge the member last up with exhausting the patience of the House, yet he never failed of exercising a right which he now appeared to wish to deprive others of; but, notwithstanding the remarks of the gentleman, Mr. H. said he thought it his duty not to give a silent vote on a subject of such magnitude. He had heard with pleasure, and had been much instructed by the observations that had been made, and wished to hear what further might be said on a subject that might affect the most important interests of his country. For some time past he had, from his own observation, from the high price which our produce had borne, and the great demand there had been for it in the markets, from the pressing demand for seamen, and from the concurrent testimony of merchants and people of every occupation, been led to believe that the commerce of the United States was in a most prosperous train. He had no reason to suspect his opinion till those

resolutions were brought forward. They surprised him the more as coming from a quarter of the country from which he least expected anything of the kind, and from which, only two sessions since, opposition was made to measures which had the same object in view, so far as respects the encouragement of navigation and manufactures; because it was said that such encouragement, though it operated to the advantage of the Eastern, was a direct tax on the Southern States. This made him less solicitous, at that time, to urge measures that might have an unequal operation on the different parts of the Union. What great event has turned up since to work this extraordinary change? He supposed the gentleman must have discovered some great impositions and embarrassments on our trade, which had escaped his attention. He had therefore listened with great attention to hear them pointed out. As to *theories*, he thought they ought not to be attempted, but in extreme cases, unless the object was important and its attainment certain. He had inquired into the restrictions laid by Great Britain on the commerce of the United States, and, from that inquiry, as well as from the report of the Secretary of State, he found that the same restrictions are laid on other nations; that there is no marked distinction against us; but that the United States enjoyed many and great advantages over other nations. He thought it unnecessary to go into a particular detail of those advantages, as the other gentleman had already done it. He therefore was of opinion that, to adopt the measure now under consideration, would be hazardous those advantages for the uncertain chance of obtaining something which was only in prospect.

A gentleman from Virginia [Mr. Giles] had mentioned the discriminating favoritism of Britain to other neutral Powers, viz: Denmark and Sweden, which was the only instance that even the ingenuity of that gentleman, so sagacious in finding out difficulties, could point out in the navigation laws or commercial regulations of Great Britain, in which any discrimination was made to the disadvantage of the United States; and even that is not one of which we can complain. It was a regulation adopted in consequence of her present situation, as being in a state of war, and not for commercial purposes. The article complained of is in these words:

"That it shall be lawful for the commanders of his Majesty's ships of war and privateers that have or may have letters of marque against France, to seize all ships, whatever be their cargoes, that shall be found attempting to enter any blockaded port, and to send the same for condemnation, together with their cargoes, except the ships of Denmark and Sweden, which shall only be prevented from entering on the first attempt, but, on the second, shall be sent in for condemnation likewise."

This article needs no other comment or justification than to read the remark of the Secretary of State, in his Letter to the British Minister on this subject:

"We had conjectured, but did not before certainly know, that the distinction which the instructions make

between Denmark and Sweden, on the one hand, and the United States on the other, in the cases of vessels bound to ports blockaded, was, on the principle explained by you, that it was yielded to those countries by treaty, it is not unfriendly to refuse to us, because *not yielded to us by treaty*. I shall not contest the right of the principle, as a right to its reciprocity necessarily results to us."

And it is upon this ground that our conduct in admitting French privateers and prizes into our ports, and excluding those of Great Britain, is justifiable. If, then, the advocates for the resolutions cannot find out any instance in which Great Britain has made discriminations to our advantage, and many instances are shown in which we enjoy advantages beyond the most favored nations, can we complain?

The United States have not a sufficient number of ships to become the carriers of her own produce, and he much doubted whether the time was come when it would be for the advantage of the United States to extend their navigation so far as to answer that purpose; and, should an imprudent adoption of these resolutions deprive us of British vessels, our produce would perish on our hands. Since we have not shipping equal to the carriage of our whole exports, we can surely find sufficient employment for those we have, independent of the trade to the British West India Islands, and though it would be a desirable thing to be admitted into that trade, yet is that an object of so much importance that we could be justified in hazarding the most important interests of our country to obtain it? If the advancement of our navigation and manufactures is the *real* object, why adopt the discriminating quality? Is it not putting us in the power of other nations, and giving them great advantages, without an equivalent?

Since it is admitted that we do not enjoy any special advantage from any commercial regulations now have, it is my opinion that, if any regulations are adopted, they ought to be general. If any nation wishes for an exemption, and will give us an equivalent, we can secure it to them by treaty. If we secure to them the exemption by law, they will be under no inducement to grant it as an equivalent. France, whose interest is intended to be advanced, has never come forward and requested such a discrimination. Why, then, should we do it unsolicited? Ought we to return the late generous and friendly conduct of Portugal by extending the discrimination to that nation? The gentleman who brought forward the resolutions seemed to be sensible of the impropriety of such a measure, and therefore proposed to draw a line which should exclude that Kingdom. This would point the resolutions so directly against Great Britain that it would be much better to come out in an open and manly way, and call her by name, than to do it in this indirect mode.

He closed his remarks on this part of his argument by saying that it was a question that admitted of some doubt whether the commerce of the United States was not at present in as prosperous a situation as was for the interest of the country; and whether it would be for the general welfare

to give it a greater stimulus than it now had, so as to divert the young men and farmers' sons from other occupations, and especially that of agriculture, and by that means, under the pretence of encouraging navigation, to do a real injury to America! He said he would now bestow a few observations on the political considerations which are urged to induce the adoption of these resolutions; and a gentleman from Virginia [Mr. Giles] has told us that three-quarters of his arguments and inducements for adopting them are derived from that quarter. Say the gentlemen, the Treaty of Peace has never been complied with on the part of Great Britain. They excited a savage war on our frontiers and Algerine depredations on our commerce.

These are serious evils, that readily address themselves to our passions, and any attempts to palliate or lessen their influence could not, he was sensible, meet with a very favorable reception. When we are, however, called upon to deliberate upon great national concerns, which involve both the honor and most important interests of our country, we ought to examine with the cool, deliberate eye of a judge, and not under the influence of passion. That Great Britain has violated the treaty, does not admit a doubt, and that she was also the first to violate; but, if we look at home, shall we not have the candor to own that we have also violated that treaty? Do not some of the public officers admit that we have? There are mutual complaints, and the Executive has put them in a train of negotiation; and, as the various acts of the State Legislatures, by the adoption of this Government, has opened the Federal Courts in an honorable manner to the claims of British subjects, the principal ground of complaint against the United States has been removed. And the able and masterly manner in which the Secretary of State has arranged and brought up the matter, he flattered himself, would satisfy the Court of Great Britain, and induce a full compliance with the treaty on their part, he thought the matter was reduced to such a situation that she could not withhold her compliance. A letter has been sent to the British Court, through her Minister, on the subject, to which no answer has yet been received; and one gentleman has gone so far as to call the delay a fresh insult. He thought that candor required that we should admit that the reason they had given for this delay had some weight. Have we not ourselves considered Great Britain as being in a very critical situation? Has not that, in fact, been the case? Have they not considered the Government itself as being in danger? If a man's house was on fire, was it to be supposed that his attention could be engaged in regulating the mere unimportant concerns of his family? Surely no candid man will say that the Government of Great Britain is very criminal for having delayed an answer to those representations which have been forwarded from this country. It could not be expected that they would instantly lay aside all their great national concerns to decide upon them. It does not seem to have been expected by the Executive.

He noticed in the President's instructions to Mr. Pinckney, he was directed not to commit himself by ill-timed or too ardent demands. He was to urge an answer as much as possible, without commitment, and, on the first day of December, to give information of the state in which the matter was. The time in which we might expect an answer has not yet arrived. We ought to wait a reasonable time. If the answer should be unfavorable, and all hopes of success from negotiation should fail, and there should be no prospect of a compliance with the Treaty on the part of Great Britain, it will then be time enough to bring the subject under consideration. He wished to have it fairly brought up, unconnected with any other matter, and such measures adopted as should be judged best, upon mature deliberation, and after deeply weighing every circumstance. At present, the subject appeared to him to be prematurely brought forward.

The Indian war is also charged upon Great Britain, and that is urged as a reason for adopting these resolutions. Has any member produced any evidence? are we possessed of any proof to support this charge? It is an important principle of a free Government that no man shall be condemned unheard. If we admit this principle in regard to an individual, why not allow it to a nation? Have we ever charged Great Britain as being the instigator of those injuries we have experienced from the depredations committed on the inhabitants of our Western frontiers by the savages? It has been supposed by some that a part at least was chargeable upon our own inhabitants on the frontiers. Shall we, without having remonstrated, wage war with Great Britain? Surely we ought to demand satisfaction before we attempt to retaliate or make reprisals.

The Algerine war (he said) was another ground of complaint against Great Britain. It is said to have been brought about by her artifices. He was aware (he said) it would be unpopular to divert the resentment that had been excited on this account; but his situation made it his duty to examine the subject, which he had done, and could discover nothing in the conduct of Great Britain in this business which was inconsistent with the Law of Nations; and, although the United States may feel a present smart, yet we ought not to let our momentary feelings lead us to a decision which may be attended with serious consequences. Great Britain is, and for a long time has been, in close alliance and friendship with Portugal and Holland. They are in some measure dependent on her. They are now combined in one common cause against France. Great Britain, therefore, in making a truce with the Algerines, for Portugal and Holland, has done no more than to set her allies free from the depredations of pirates, in order that the whole force of those nations might be in a better situation to be called into action, if necessary, against their common enemy. Were either of these nations under any obligation to block up the Algerines for us? It is true, we suffer by it, but have we any right to complain? There is no evidence that Great Britain was in-

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fluenced by motives hostile to us; other reasons can be assigned for her conduct; and shall we, without pretty strong evidence, adopt measures by way of retaliation, and that, too, before we have called on Great Britain for an explanation of her conduct? When the Representatives of the People of the United States are called upon to decide a question of such importance to the peace and happiness of this country, they ought to divest themselves of all resentful feelings; and, even supposing Great Britain has violated the treaty, and done us all the injuries complained of, ought we not to exercise moderation, and begin by remonstrating? Then, if she would not do us justice, and redress our wrongs, he would be as ready as any member to vindicate the honor of his country, but was not for precipitating measures in such a manner as would be condemned by the impartial world.

Another complaint has been stated, respecting the depredations committed on our commerce by British privateers. It is doubtless true that those excesses had been carried to great lengths. It was also in evidence that some of the British Courts of law had offered redress, and given ample damages. Perhaps other instances may be attended with like success; but, on this head, as well as the former items of complaint, there had been no proper demand made by the Executive of the United States, and there had not yet been time for us reasonably to expect either an answer or satisfaction. Privateering (he said) was a sort of piracy, and he wished it was abolished in all wars among civilized nations; but, as long as it is permitted, neutral Powers must expect to suffer more or less inconvenience and injury. There have been depredations committed by the subjects of every nation, on particular occasions, that could not be justified, and which it was not in their power to restrain. France, as well as Great Britain, may be charged with like injuries; and the United States would not be exempted from such a charge. Our privateers frequently did the same thing when we were in a state of war. Indeed, we have found it difficult, in all instances, to restrain, even our frontier inhabitants from committing depredations upon the Indians; and yet we have not been disposed to have those excesses charged upon the United States.

Our flour trade to France is also interrupted. This (he said) he believed to be in violation of the Law of Nations. But what can we do when so many of the Powers of Europe are combined in this measure? If we should judge it prudent to seek redress, ought we not to follow the example set us more than a century ago by Denmark and Sweden, quoted for our imitation by the gentleman from Virginia, [Mr. Giles,] which was, as will be found in the first article of their Convention, to send a spirited remonstrance, and, if that did not answer the purpose, then it would be time enough to take other measures to do ourselves justice. He expressed it as his decided opinion, that better measures might be adopted for obtaining redress than were contained in the resolutions on the table.

We will now consider what is to be the operation of these proposed measures, and if there is not a great degree of probability, and, indeed, almost a certainty that they will produce the effect that is intended, they ought not to be adopted? It is supposed they will operate in three ways upon Great Britain—first, by lessening our imports from Great Britain, and, by that means, throwing her manufacturers out of employ; secondly, by withholding our exports, and thereby starving her into compliance; and, thirdly, by injuring her navigation.

As to the first, this, above all others, was the most improper time for attempting a thing of the kind. Properly timing public measures was of great importance towards insuring success. It was not from the manufacturers, but the merchants, that we received our supplies in the first instance. It was a thing of no importance to the manufacturer whether the manufactures were imported into this country, or whether they were buried in the ocean, or whether they were sent to other nations.

As to our obtaining supplies from France, there was no probability of that. They have prohibited the exportation of their woollen cloths, to enable them to supply their domestic wants during the present war. All we could expect from them is silks, ribands, &c., which are by no means necessary to the United States. It is, therefore, altogether likely the British manufactures would still find their way into this country by a circuitous route; but, should this not be the case, would not the British merchants be able to find other markets at this time equal to our consumption?

The present convulsed state of France, and war in Europe, has taken off a multitude of hands from every occupation, and has destroyed many flourishing manufactories, which will, for the present, open a door for the manufactures of Great Britain. And even France will not hesitate to use such as she wants, if she cannot otherwise get a supply, as the people of the United States did during their Revolution, who went so far, in some instances, as to smuggle them in, in violation of the law; and there were some instances in which they were obtained for the use of the Army from within the British lines at New York under the sanction of the Government.

Germany, Spain, Holland, and other powers at war, will also afford a market for British goods; so that they will not be at a loss for a market, nor will their manufacturers be either starved or materially injured, and would have no other effect than to turn their trade into another channel. If the resolutions are to have their intended effect in this way, they must much lessen, if not wholly prevent, the importation of British manufactures. It would, therefore, be much preferable at once to adopt a non-importation agreement. Here he asked if it was in the power of the Government to carry such measures into execution?

The experience of 1774 ought to prevent our hastily adopting measures that might for a time stagnate, if not wholly interrupt, our trade. When our grain could not be exported, the consequence

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would be, it would bear a very low price, and the farmers would be left a prey to domestic speculation of those who might expect such measures could not last long. If we were to commence the conflict which the adoption of these resolutions would most probably bring on, he was apprehensive we should fall in the conflict, and it would end to our disadvantage.

It is said our exports are the necessities of life, and our imports are the superfluities, and, therefore, we can dictate our own terms, and Great Britain will be forced into a compliance. One gentleman from Virginia [Mr. Moore] grounded his whole argument on this supposition, which he finds to be fallacious. The opinion Mr. H. has of the candor of that gentleman induced him to hope he would give a different vote. With regard to our exports, being so necessary to the existence of Great Britain, (he observed,) that she exported flour, salted provisions, and almost every other article of food that we did; and it will not be pretended that tobacco was a necessary of life. He had never found it so, never having made any use of it. He viewed it as a luxury.

Our timber and naval stores are carried to Great Britain under protecting duties. These articles could be supplied from Sweden and Russia. Our rice was used as a luxury; our pot and pearl ashes would also be had from other markets. In short, there did not appear to be one article of our exports that appeared to be so much of a necessary of life to them as their manufactures, especially their coarser woollens, were to us in our cold climate. To the Northward they were absolutely a necessary of life. We were in as much danger of perishing with cold as with hunger; and we can do as well without food as without raiment. We manufactured all our wool, but that fell very short of affording a supply.

He would not admit that the West India possessions of Great Britain were wholly dependent on us for a supply of flour. If we withheld that article, they will get a supply from some other quarter. They did get a supply during our war; and, if our flour should become necessary for their existence, it would find its way there by a circuitous route. We should be obliged to sell to some other nation, to whom they could go for it, and it would not be in our power to prevent it.

It is said we can injure the navigation of Great Britain. Is it not more effectually in her power to injure ours? Suppose she was to do no more than we already have—that is, to put a greater tonnage on our vessels entering her ports than she does upon her own—should we not be the sufferers? Our exports being vastly more bulky than our imports, consequently much more shipping is necessary to carry them to market. The fact is, we derive mutual advantages from the intercourse, and it would be impolitic to do anything that should cut off or suddenly make any great change in the course of trade between the two countries. Great changes in our laws or commercial systems ought not to be adopted but in cases of apparent and very urgent necessity.

The friendly disposition which the French na-

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tion have manifested towards the United States and their offer to enter into a more intimate and close connexion, and to put our trade upon a more beneficial footing, has been urged as a reason why we should adopt resolutions that will favor the commerce and trade of France. On this account, he felt himself impelled, however painful might be the task, to take some notice of the political situation and proceedings of that nation. They admired the fervor of the French nation. He had Liberty—a cause to which he became an early votary; a cause in which he had risked his life, and would most cheerfully do it again, if necessary. He most sincerely wished France might succeed in establishing a free and happy Government; but he could not approve of some of the measures they were pursuing to obtain this end. Justice, humanity, forbid that we should approve of their leading to the block, in some instances, and, in others, disgracing, some of their best men, who stood foremost in the most perilous times—not for taking up arms against their country—not for a breach of duty, or betraying the cause in which they had embarked—but merely for differing in opinion from others as to the means of accomplishing the same object; an opinion which their duty to their country and constituents required them to advance and support. Are we to justify that conduct, which has brought to an ignominious death those patriots who have drawn their swords in defence of Liberty, and have upon the high places of the field successfully fought her battles? Surely not. Many other exceptionable measures might be pointed out, but he would proceed no further. He equally disapproved (he said) of the Combined Powers interfering in the internal affairs of France. Is it a proper time when things are in such an unnatural convulsed state to think of sitting down and forming commercial treaties or regulations with this nation? He disapproved of the idea of forming a closer alliance than already existed with a people who had so far transgressed the bounds of humanity, and more especially with those who had the power and took the lead in those measures. This, of all others, is not the time in which we ought to wish to alter either our commercial or political connexion with France, or indeed with any of the European nations. For this reason, it was equally imprudent and impolitic to embark in a commercial conflict with Great Britain. Our situation being detached from the European nations, we ought to avoid as much as possible all connexion with their politics or wars. Our own country ought to be the peculiar object of our attention, and his opposition to the resolutions on the table was grounded entirely on the regard which he had for what he supposed and believed to be the true interest of his country.

Mr. CLARK felt himself under the necessity of expressing a few words at this stage of the subject. He mentioned something of the influence that had been dreaded on our funds. But he was clear as to the evidence that Great Britain had kept our Western posts, that she had taken our vessels at sea, and that she was the cause of setting

lose the Algerines, &c. The expectation of any favorable issue, from negotiating with Britain, he believed, was fallacious; and the adoption of Mr. Madison's resolutions would be severely felt by them, although they would be harmless to us. Some further duties ought to be laid on such articles as they can be added on; and this may be done without either injuring our funds or diminishing the revenue.

Three years ago, we were told of a commercial treaty, but just as Congress were rising, we were informed in a Report from the Secretary of State, that it was all at an end. The change of sentiments in the gentlemen from the Eastward was, to him, curious. Formerly they had declared that if the Southern members would agree, we would get our commerce under proper regulations; but now, when Southern gentlemen are willing, the opinions of the others are quite the reverse.

It has been argued that Britain had only acted towards the Algerines, as a nation in support of its own interest. Granted. So have we a right to take measures that will secure our trade; neither do we run any risk by it, and it is more a political than a commercial question, after all that has been said about it. The idea of remonstrating or negotiating with Britain, he viewed as the most likely to produce a war about the recovery of the Western posts; which he did not think worth redeeming with the blood of our citizens. He believed that it was the duty of members to agree to the resolutions proposed, and to increase the duties on several imports, especially as it might easily be done, without impairing the revenue.

Mr. GILBERT, from New York, rose with diffidence, he said, to discharge the duty owed to his constituents, by expressing his sentiments on this important question, although he would not profess to deliver anything new. He had heard all the arguments for and against the resolutions. He had listened to philippics, and encomiums, in regard to England and France, in which both passion and revenge were too conspicuous, and in his opinion quite incompatible with that degree of cool deliberation which the merits of the subject demanded.

If he understood them rightly, those resolutions were intended to produce a great alteration in the affairs of this country: such a transition he feared would not produce any advantages. In some cases any change may produce a better condition, and if this change was likely to produce the same effect, he would not refuse it his support. But, will the alteration now proposed better the commercial condition of the United States? He feared it would have a contrary effect; and at this time of general prosperity, he asked, whence arises the necessity for such a transition? Such a proposition, therefore, as is contained in the resolutions ought to be considered again and again before it be adopted, under the prosperous situation of the United States.

We had much faith in the maxim of leaving commerce and agriculture to regulate themselves. It was a maxim admitted in all ages, and even by the gentleman who introduced the resolutions.

There may possibly be exceptions to this maxim, which would establish another maxim equally good, and if the proposed system was founded on such exceptions, he would agree to it. But he believed that the discrimination intended, was not founded on the exceptions to those maxims. When it becomes necessary to discriminate, let it be done in favor of ourselves.

We are told that the great object of this Government is, to regulate our commerce by a proper system of discrimination. But the turn of European affairs may terminate in favor of that nation, against which this discrimination is directed. We are likewise told of the balance of trade being against us with Britain. He doubted, however, the rules on which the calculation had been made, and believed, that some of those rules ought to be exploded; for, in order to calculate the balance of our trade, we ought to take all the world into the account, Spain, Holland, &c. For his part, from all that he could collect, his judgment led him to resist the proposed system.

But, in the course of the debates, another complexion had been put upon commerce, than he had expected. She had been represented as a wolf and a lion; war and revenge were her attendants, and you must fight. You go to battle, to conquest, to fight and retire. Again, under this shape, the resolutions are contrary to his opinion. It would be better to enter into a formal declaration of war against Britain and the Algerines, &c., wherein we might charge Britain with having conducted herself towards us with the greatest enmity. Yet, are the facts to prove this unequivocal? No satisfactory evidence has been offered to prove, that the truce between Algiers and Portugal was effected by the British Cabinet; but they wanted to have the whole force of Portugal thrown into the scale of the combined Powers, and therefore they made a six months or some other term of a truce, for Portugal, in order to prevent their navy from being diverted from the main object of operating against France.

But, can this be taken as a declaration of war against America? He concluded, by declaring his opinion, that Mr. Madison's propositions were inadequate to the intentions of the mover; and, if adopted, he feared, would prove ruinous to the United States.

Mr. FINLEY said, that the new matter which had been introduced, and the change of aspect, under which the subject now appeared, induced him to rise once more. He was pleased to find that the resolutions were taken up on new principles. The opposition now comes from a quarter where navigation was formerly a favorite object, and when the fishery bill was to be the foundation of our commercial prosperity, by being a nursery for seamen, &c. But at this day we are told not to meddle with navigation, lest by giving too much encouragement to it, we may divert the labor of our young men from agriculture? I confess, said he, that I don't know on what ground this great change has been effected; because, if the encouragement of our navigation and commerce was a desirable object then, it must be evident, that it is

more necessary now, when our commerce is suffering.

He said it was a national question, and all local interests ought to give place to it. He could not separate a commercial from a political question in the present case, for they seemed as much connected as light and heat, and were as essential to each other. Everything that concerns the national welfare, is a political question, nor could he take up the subject in any other view. It is alleged that a commercial treaty is improper, because we are a growing people; and having to deal with a people who already have commercial treaties. But some measures must be adopted. He was opposed to fleets and armies, yet, if we were amongst, and connected with the countries of Europe, we would be obliged to have both.

A gentleman from New Jersey had intimated that the United States had refused to comply with the treaty on their part. He wished the circumstance might not be hid, if it is so, let it be spoken out. He could not, however, subscribe to this assertion, for we have vindicated our honor by the proceedings in our Courts of Law, so that we cannot be charged with any open breach of the treaty unless by implication.

In reply to Mr. HILLHOUSE, Mr. F. made several observations in regard to Britain consulting her own interest, and he did not wish our discriminations to go any farther than our own interest would permit. He next adverted to what had already been often mentioned in the course of the debate of the evidences respecting the Western posts, the savages, and the Algerines. A gentleman from New Jersey had assured him two years ago that a treaty was then negotiating and would soon be finished, but it was not yet done.

Mr. DAYTON demanded to know to whom Mr. F. alluded. He replied that he meant Mr. BOUTWORT. This gentleman denied having given such information as Mr. F. mentioned, at least in that unqualified sense.

Mr. F. proceeded. He took notice of the severe observations that Mr. HILLHOUSE had made in regard to France. The decisions of that gentleman on this occasion, reminded him of the charges made against the white inhabitants of the Western frontiers, when the Indians were murdering them and their wives and children. It was asserted that the citizens of the West were the aggressors, and he had been obliged to vindicate their character. Several other remarks were made by Mr. F. His intentions in supporting the resolutions were similar to those of Mr. CLARK, viz.: not to wage war, but to prevent it. It is the interest of nations to promote the advantages of each other, but when we meet an unequivocal enemy in trade we are called on to do justice to ourselves. The means of supplying our citizens with domestic manufactures is within our power, although it cannot be done all at once.

The opposition to the resolutions, he observed, had taken a wider extent than was at first expected. He would have been better pleased, if a gentleman who spoke yesterday, [Mr. TRACY,] had used more candor, instead of ridicule, in his argu-

ments. It had been denied that Britain depended so much on this country for supplies; yet, he would assert, that the industrious laborers in Manchester, were already in a state of the greatest distress by the war, and in Paisley, in Scotland, they were almost starving. So it was in many parts of Ireland. The consequence was, that the British army was increased, although the men entered into the service with reluctance.

He next took a view of the trade of Britain with this country. In 1775, America and the West Indies consumed one-third of their manufactures, and the consumption has been greater since that time. From these reasons, it was evident, that they would be the sufferers, were we to refuse their manufactures; and it is entirely in our power to do so, at least in such a degree as to regulate our own commerce.

A gentleman who was up yesterday from the Eastward, [Mr. DEXTER,] told us much of the peace and prosperity of the United States. If this be true, whence, then, do we hear the noise of war on all sides of us? The widow and the orphan murdered in the West, and our citizens carried into slavery from our vessels on the ocean?

One of the arguments he heard urged against our attempting to offend Britain, by any innovation in commercial regulations, was, that she was so strongly allied, it would be dangerous. She is so, but it is not probable that such alliances will be lasting.

The Governor of the Universe will not suffer the combined forces of Europe to crush Liberty; and it will not be long before those allied despots must break loose from their unnatural bonds, and all their national jealousies will return. From every consideration, he was of opinion, that the resolutions ought to be adopted, and that this country, although it could not do it in a day, yet, it ought to be preparing gradually, by giving encouragement to domestic manufactures, such as would eventually render us more independent in commercial transactions.

Gentlemen had spoken largely of the comparative trade of Britain and France, and we had heard a flourish about philippics and eulogiums, scenes of agitation and horror. But did the gentleman, who undertook to accuse Frenchmen, take into consideration their provocations? Have we ever read, or heard of any nation that was so much depressed and abused by its Government? No nation was ever so much abused—no nation ever had such a combination of power to contend with. No nation was ever so treacherously used by men in whom they had placed confidence—no nation ever suffered so much in the cause of liberty.

Again, he returned to consider the conduct of the United States in relation to Britain. We have been mild and patient. We have avoided to irritate them. Nor have we even fortified our posts on Lake Erie, or in Pennsylvania, and we looked for some faith in return. Yet what effect has there been produced? We know it to be a fact, that they have provoked the Indians against us, and that they have supplied them both with arms and rations. If they will pursue such measures as they

pleases, for their own interest, ought we not to pursue measures for ours? He had no prejudice or objections against Englishmen, but to the tyrannical conduct of their Government, which has committed so many faults, first, in regard to the slave-trade, the navigation of the ocean, &c., &c., and lastly, in the injury done to the United States in depriving us of the benefits of the fur trade.

Appeals to their justice, and negotiations, have been proposed; but even on this ground what have we to expect from negotiation or remonstrance? Here he quoted several instances where this mode of treatment generally failed. Let us, therefore, appeal to their interest. It is allowed that the balance of trade is against us with Great Britain, whilst it is in our favor with every other nation.

In reply to some expressions of Mr. S. SMITH, Mr. F. said, that if he might be allowed to compare small with great things, although he would not himself be a great loser by the expense of entering the flag of his ships on the seas, yet he had his share of losses in the Revolution and was as much attached to the independence of his country as the most wealthy citizen in it; neither did he covet any of the gentleman's wealth to divide amongst his sons, being already in possession of such a comfortable portion of property as enabled him to live pretty nearly on an equality with his constituents.

With regard to the public funds, he could not see how the adoption of the resolutions would injure them. He believed that it would not; and although he had not from the first approved of the system of finance, yet he would be amongst those who would endeavor to pay off the Public Debt, even faster than the Funding System allowed, if it could be done. He did not, however, like to hear the Funding System always conjured up like a ghost in rivalry against every salutary measure, that could be suggested for the nation. It was a dangerous doctrine to set up the funds, and the interests of the country, as enemies to each other.

He took further notice of some forced arguments of a gentleman from the Eastward, [Mr. TRACY,] and he observed, that although merchants of the largest capitals might be supposed to have the least occasion for credit, yet experience shows that they avail themselves of credit as much as others. After a few additional remarks, Mr. F. concluded by declaring himself in favor of the resolutions, and that it was more necessary to adopt them now than two years ago; he hoped, therefore, that gentlemen would agree to consider that as the best time for doing it.

Mr. SMITH closed this day's debate by a short speech, principally intended to throw the arguments of Mr. F. FINDLEY and the resolutions of Mr. MADISON into ridicule. He went over the old ground of asserting that none of the products of the United States were necessities of life in Great Britain.

After he sat down, the Committee rose, reported progress, and asked leave to sit again.

understand a more profitable one. Profit is a plain word, that cannot be misunderstood. We have, to speak in round numbers, \$20,000,000 of exports annually. To have the trade of exports on a good footing, means nothing more than to sell them dear; and, consequently, the trade of import on a good footing, is to buy cheap. To put them both on a better footing, is to sell dearer and to buy cheaper than we do at present. If the effect of the resolutions will be to cause our exports to be sold cheaper and our imports to be bought dearer, our trade will suffer an injury.

It is hard to compute how great the injury would prove; for the first loss of value in the buying dear and selling cheap, is only the symptom and beginning of the evil, but by no means the measure of it. It will withdraw a great part of the nourishment that now supplies the wonderful growth of our industry and opulence. The difference may not amount to a great proportion of the price of the articles, but it may reach the greater part of the profit of the producer. It may have effects in this way, which will be of the worst kind, by discouraging the products of our land and industry. It is to this test I propose to bring the resolutions on the table. And if it shall clearly appear that they tend to cause our exports to be sold cheaper, and our imports to be bought dearer, they cannot escape condemnation. Whatever specious show of advantage may be given them, they deserve to be called aggravations of any real or supposed evils in our commercial system, and not remedies.

I have framed this statement of the question so as to comprehend the whole subject of debate, and at the same time I confess it was my design to exclude from consideration a number of topics which appear to me totally irrelevant to it.

The best answer to many assertions we have heard, is to admit them without proof. We are exhorted to assert our natural rights, to put trade on a respectable footing, to dictate terms of trade to other nations, to engage in a contest of self-de-mol, and by that, and by shifting our commerce from one country to another, to make our enemies feel the extent of our power. This language, as it respects the proper subject of discussion, means nothing, or what is worse. If our trade is already on a profitable footing, it is on a respectable one. Unless war be our object, it is useless to inquire, what are the dispositions of any Government with whose subjects our merchants deal to the best advantage. While they will smoke our tobacco, and eat our provisions, it is very immaterial, both to the consumer and the producer, what are the politics of the two countries, excepting so far as their quarrels may disturb the benefits of their mutual intercourse.

So far, therefore, as commerce is concerned, the inquiry is, have we a good market? The good or bad state of our actual market is the question. The actual market is everywhere more or less restricted one, and the natural order of things is displaced by the artificial. Most nations, for reasons of which they alone are the rightful judges, have regulated and restricted their intercourse ac-

cording to their views of safety and profit. We claim for ourselves the same right, as the acts in our statute book and the resolutions on the table evince, without holding ourselves accountable to any other nation whatever. The right which we properly claim, and which we properly exercise when we do it prudently and usefully for our nation, is as well established, and has been longer in use in the countries of which we complain, than in our own. If their right is as good as that of Congress to regulate and restrict, why do we talk of a strenuous exertion of our force, and by dictating terms to nations who are fancied to be physically dependent on America, to change the policy of nations? It may be very true, that their policy is very wise and good for themselves, but not as favorable for us as we would make it, if we could legislate for both sides of the Atlantic.

The extravagant despotism of this language accords very ill with our power to give it effect, or with the affectation of zeal for an unlimited freedom of commerce. Such a state of absolute freedom of commerce never did exist, and it is very much to be doubted whether it ever will. Were I invested with the trust to legislate for mankind, it is very probable the first act of my authority would be to throw all the restrictive and prohibitory laws of trade into the fire; the resolutions on the table would not be spared. But if I were to do so, it is probable I should have a quarrel on my hands, with every civilized nation. The Dutch would claim the monopoly of the spice trade, for which their ancestors passed their whole lives in warfare. The Spanish and Portuguese would be no less obstinate. If we calculate what Colony monopolies have cost in wealth, in suffering, and in crimes, we should say they were dearly purchased. The English would plead for their Navigation Act, not as a source of gain, but as an essential mean of securing their independence. So many interests would be disturbed, and so many lost, by a violent change from the existing, to an unknown order of things, and the mutual relations of nations, in respect to their power and wealth, would suffer such a shock, that the idea must be allowed to be perfectly Utopian and wild. But for this country to form the project of changing the policy of nations, and to begin the abolition of restrictions by restrictions of its own, is equally ridiculous and inconsistent.

Let every nation that is really disposed to extend the liberty of commerce, beware of rash and hasty schemes of prohibition. In the affairs of trade, as in most others, we make too many laws. We follow experience too little, and the visions of theorists a great deal too much. Instead of listening to discourses on what the market ought to be, and what the schemes, which always promise much on paper, pretend to make it, let us see what is the actual market for our exports and imports. This will bring vague assertions and sanguine opinions to the test of experience. That rage for theory and system, which would entangle even practical truth in the web of the brain, is the poison of public discussion. One fact is better than two systems.

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The terms on which our exports are received in the British market, have been accurately examined by a gentleman from South Carolina, (Mr. WILLIAM SMITH.) Before his statement of facts was made to the committee, it was urged, and with no little warmth, that the system of England indicated her inveteracy towards this country, while that of France, springing from disinterested affection, constituted a claim for gratitude and self-denying measures of retribution.

Since that statement, however, that romantic style, which is so ill adapted to the subject, has been changed. We hear it insinuated, that the comparison of the footing of our exports in the markets of France and England, is of no importance; that it is chiefly our object to see how we may assist and extend our commerce. This evasion of the force of the statement, or rather this indirect admission of its authority, establishes it. It will not be pretended that it has been shaken during the debate.

It has been made to appear, beyond contradiction, that the British market for our exports, taken in the aggregate, is a good one—that it is better than the French, and better than any we have, and, for many of our products, the only one.

The whole amount of our exports to the British Dominions in the year ending the 30th of September, 1790, was \$9,246,660. But it will be more simple and satisfactory to confine the inquiry to the articles following: bread-stuff, tobacco, rice, wood, the produce of the fisheries, fish oil, pot and pearl ashes, salted meats, indigo, live animals, flaxseed, naval stores, and iron.

The amount of the before-mentioned articles exported in that same year to the British Dominions, was \$3,457,173.

Mr. A. went into a consideration of the footing on which they are received. He then said, we have heard so much of restriction, of iniquity and jealous prohibitions to cramp our trade, it is natural to scrutinize the British system, with the expectation of finding little besides the effects of her selfish and angry policy.

Yet, of the great sum of nearly eight millions and a half, the amount of the products before mentioned sold in her markets, two articles only are duties by way of restriction. Bread stuff is dutied so high in the market of Great Britain, as in times of plenty to exclude it, and this is done from the desire to favor her own farmers. The mover of the resolutions justified the exclusion of our bread stuff from the French West Indies by their permanent regulations, because he said they were bound to prefer their own products to those even of the United States. It would seem that the same apology would do for England, in her home market. But what will do for the vindication of one nation becomes invective against another. The criminal nation, however, receives our bread-stuff in the West Indies free, and excludes other foreign, so as to give our producers the monopoly of the supply. This is no merit, in the judgment of the mover of the resolutions, because it is a fragment of her old Colony system. Notwithstanding the nature of the duties on breadstuffs in Great Bri-

tain, it has been clearly shown that she is a better customer for that article in Europe, than her neighbor, France. The latter, in ordinary times, is a poor customer for breadstuffs, for the same reason that our own country is, because she produces it herself, and therefore France permits it to be imported, and the United States do the like. Great Britain often wants the article, and then she receives it; no country can be expected to buy what it does not want. The breadstuffs sold in the European Dominions of Great Britain in the year 1790, amounted to \$1,087,840.

Wheat oil pays the heavy duty of eighteen pounds three shillings sterling per ton; yet spermacei oil found a market there to the value of \$81,048. Thus it appears that, of eight millions and a half sold to Great Britain and her Dominions, only the value of one million one hundred and sixty-eight thousand dollars was under duty of a restrictive nature. The breadstuffs is hardly to be considered as within the description, yet to give the argument its full force, what is it? about one-eighth part is restricted. To proceed with the residue:

Indigo, to the amount of	\$473,830
Live animals to the West Indies	62,415
Flax seed to Great Britain	219,924
Total	756,169

These articles are received duty free, which is a good foot to the trade. Yet, we find, good as it is, the bulk of our exports is received on even better terms.

Flour to the British West Indies	\$858,098
Grain	273,805
Free, while other foreign flour and grain is prohibited.	
Tobacco to Great Britain	2,754,493
Tobacco to the West Indies	22,816
1s. 3d. sterling, duty—3s. 6d. on other foreign Tobacco.	
In the West Indies other foreign tobacco is prohibited.	
Rice to Great Britain	773,852
7s. 4d. per cwt. duty—8s. 10d. on other foreign rice.	
To the West Indies	
Other foreign rice prohibited.	
Wood, to Great Britain	180,077
Free—higher duties on other foreign.	
To the West Indies	240,174
Free—other foreign prohibited.	
Pot and pearl ashes	382,481
Free—2s. 3d. on other foreign, equal to \$10 per ton.	
Naval stores, to Great Britain	747,078
Higher duties on other foreign.	
To the West Indies	190,670
Free—other foreign prohibited.	
Iron, to Great Britain	6,162
Free—duties on other foreign.	
	81,612
Total	6,510,926

Thus it appears, that nearly seven-eighths of the exports to the British Dominions are received on terms of positive favor. Foreigners, our rivals

JANUARY, 1794.]

Commerce of the United States.

[H. or R.]

in the sale of these articles, are either absolutely shut out of their market by prohibitions, or discouraged in their competition with us by higher duties. There is some restriction, it is admitted, but there is, to balance it, a large amount received duty free. The above surplus of six millions and a half goes to the account of privilege and favor. This is better than she treats any other foreign nation; it is better, indeed, than she treats her own subjects; because they are, by this means, deprived of a free and open market; it is better than our footing with any nation with whom we have treaties. It has been demonstrated that it is better than the footing on which France receives either the like articles, or the aggregate of our products. The best proof in the world is, that they are not sent to France; the merchants will find out the best market sooner than we shall.

The footing of our exports under the British system, is better than that of their exports to the United States, under our system. Nay, it is better than the freedom of commerce, which is one of the visions for which our solid prosperity is to be hazarded; for, suppose we could batter down her system of prohibitions and restrictions, it would be gaining a loss: one-eighth is restricted, and more than six-eighths has restrictions in its favor. It is as plain as figures can make it, that if a state of freedom for our exports is at par, the present system raises them, in point of privilege, above par. To suppose that we can terrify them by these resolutions to abolish their restrictions, and at the same time to maintain in our favor their duties, to exclude other foreigners from their market, is too absurd to be refuted.

We have heard that the market of France is the great centre of our interests; we are to look to her, and not to England, for advantages. Being, as the style of theory is, our best customer and best friend, showing to our trade particular favor and privilege, while England manifests in her system such narrow and selfish views, it is strange to remark such a pointed refutation of assertions and opinions by facts. The amount sent to France herself is very trivial; either our merchants are ignorant of the best markets, or those which they prefer are the best; and, if the English markets, in spite of the alleged ill usage, are still preferred to the French, it is a proof of the superior advantages of the former over the latter. The arguments I have adverted to, oblige those who urge them to make a greater difference in favor of the English, than the true state of facts will warrant. Indeed, if they persist in their arguments, they are bound to deny their own conclusions. They are bound to admit this position: if France receives little of such of our products as Great Britain takes on terms of privilege and favor, because of that favor it allows the value of that favored footing. If France takes little of our articles, because she does not want them, it shows the absurdity of looking to her as the best customer.

It may be said, and truly, that Great Britain regards only her own interest in these arguments.

So much the better. If it is her interest to afford to our commerce more encouragement than France gives, if she does this when she is inveterate against us, as it is alleged, and when we are indulging an avowed hatred towards her, and partiality towards France, it shows that we have very solid grounds to rely on. Her interest is, according to this statement, stronger than our passions, stronger than her own, and is the more to be depended on, as it cannot be put to any more trying experiment in future. The good will and friendship of nations are hollow foundations to build our systems upon. Mutual interest is a bottom of rock. The fervor of transient sentiments is not better than straw or stubble. Some gentlemen have lamented this distrust of any relation between nations except an interested one. But the substitution of any other principle could produce little else than the hypocrisy of sentiment, and an instability of affairs. It would be relying on what is not stable, instead of what is; it would introduce into politics the jargon of romance. It is in this sense, and this only, that the word favor is used: a state of things so arranged as to produce our profit and advantage, though intended by Great Britain merely for her own. The disposition of a nation is immaterial; the fact that we profit by their system cannot be so to this discussion.

The next point is, to consider whether our imports are on a good footing, or, in other words, whether we are in a situation to buy what we have occasion for at a cheap rate. In this view, the systems of the commercial nations are not to be complained of, as all are desirous of selling the products of their labor. Great Britain is not censured in this respect. The objection is rather of the opposite kind, that we buy too cheap, and therefore consume too much, and that we take not only as much as we can pay for, but to the extent of our credit also. There is less freedom of importation, however, from the West Indies. In this respect, France is more restrictive than England; for the former allows the exportation to us of only rum and molasses, while England admits that of sugar, coffee, and other principal West India products. Yet, even here, when the preference seems to be decidedly due to the British system, occasion is taken to extol that of the French. We are told that they sell us the chief part of the molasses which is consumed or manufactured into rum, and that a great and truly important branch, the distillery, is kept up by their liberality in furnishing the raw material. There is at every step matter to confirm the remark, that nations have framed their regulations to suit their own interests, not ours. France is a great brandy manufacturer. She will not admit rum, therefore, even from her own islands, because it would supplant the consumption of brandy. The molasses was for that reason some years ago of no value in her islands, and was not even saved in casks. But the demand from America soon raised its value. The policy of England has been equally selfish. The molasses is distilled in her islands, because she has no manufacture of brandy to suffer by its sale.

A question remains respecting the state of our navigation. If we pay no regard to the regulations of foreign nations, and ask whether this valuable branch of our industry and capital is in a distressed and sickly state, we shall find that it is in a strong and flourishing condition. If the quantity of shipping was declining, if it was unemployed, even at low freight, I should say it must be sustained and encouraged. No such thing is asserted. Seamen's wages are high, freights are high, and American bottoms in full employment. But the complaint is, our vessels are not permitted to go to the British West Indies. It is even affirmed, that to civilized countries treat us so ill in that respect. Spain and Portugal prohibit the traffic to their possessions, not only in our vessels, but in their own, which, according to the style of the resolutions, is worse treatment than we meet with from the British. It is also asserted, and on as bad ground, that our vessels are excluded from most of the British markets. This is not true, in any sense. We are admitted into the greater number of her ports, in our own vessels; and by far the greater value of our exports is sold in British ports, into which our vessels are received, not only on a good footing, compared with other foreigners, but on terms of positive favor—on better terms than British vessels are admitted into our own ports. We are not subject to the alien duties; and the light money, &c., of 1s. 9d. sterling, per ton, is less than our foreign tonnage duty, not to mention the ten per cent. on the duties on the goods in foreign bottoms. But in the port of London, our vessels are received free. It is for the unprejudiced mind to compare these facts with the assertions we have heard so confidently and so feelingly made by the mover of the resolutions, that we are excluded from most of their ports, and that no civilized nation treats our vessels so ill as the British.

The tonnage of the vessels employed between Great Britain and her dependencies and the United States, is called two hundred and twenty thousand, and the whole of this is represented as our just right. The same gentleman speaks of our natural right to the carriage of our own articles, and that we may and ought to insist upon our equitable share. Yet, soon after, he uses the language of monopoly, and represents the whole carriage of imports and exports as the proper object of our efforts, and all that others carry as a clear loss to us. If an equitable share of the carriage means half, we have it already, and more, and our proportion is rapidly increasing. If anything is meant by the natural right of carriage, one would imagine that it belongs to him, whoever he may be, who having bought our produce, and made himself the owner, thinks proper to take it with him to his own country. It is neither our policy nor our design to check the sale of our produce; we invite every description of purchasers, because we expect to sell dearest when the number and competition of the buyers is the greatest. For this reason, the total exclusion of foreigners and their vessels from the purchase and carriage of our exports is an advantage, in respect to navigation.

gation, which has a disadvantage to balance it, in respect to the price of produce. It is with this reserve we ought to receive the remark, that the carriage of our exports should be our object rather than that of our imports. By going with our vessels into foreign ports, we buy our imports in the best market. By giving a steady and moderate encouragement to our own shipping, without pretending violently to interrupt the course of business, experience will soon establish that order of things which is most beneficial to the exporter, the importer, and the ship owner. The best interest of agriculture is the true interest of trade.

In a trade mutually beneficial, it is strangely absurd to consider the gain of others as our loss. Admitting it, however, for argument sake, yet it should be noticed that the loss of two hundred and twenty thousand tons of shipping is computed according to the apparent tonnage. Our vessels not being allowed to go to the British West Indies, and their vessels making frequent voyages, appear in the entries over and over again. In the trade to the European Dominions of Great Britain, the distance being greater, our vessels are not so often entered. Both these circumstances give a false show to the amount of British tonnage, compared with the American. It is, however, very pleasing to the mind, to see that our tonnage exceeds the British in the European trade. For various reasons, some of which will be mentioned hereafter, the tonnage in the West India trade is not the proper subject of calculation. In the European comparison, we have more tonnage in the British than in the French commerce; it is, indeed, more than four to one. The great quantity of British tonnage, employed in our trade, is also, in a great measure, owing to the large capitals of the merchants employed in the buying and exporting our productions. If we would banish the ships, we must strike at the root, and banish the capital; and this, before we have capital of our own grown up to replace it, would be an operation of no little violence and injury, to our Southern brethren especially. Independently of this circumstance, Great Britain is an active and intelligent rival in the navigation line. Her ships are dearer, and the provisioning of her seamen is perhaps rather dearer than ours; on the other hand, the rate of interest is lower in England, and so are seamen's wages. It would be improper, therefore, to consider the amount of British tonnage in our trade as a proof of a bad state of things, arising either from the restrictions of that Government, or the negligence or timidity of this. We are to charge it to causes which are more connected with the natural competition of capital and industry; causes which, in fact, retarded the growth of our shipping more when we were Colonies and our ships were free, than since the adoption of the present Government.

It has been said, with emphasis, that the Constitution grew out of the complaints of the nation respecting commerce, especially that with the British Dominions. What was then lamented by our patriots? Feebleness of the public Councils, the shadow of union, and scarce the shadow of public

credit—every where despondency—the pressure of evils not only great, but portentous of civil dissensions. These were the grievances; and what more was then desired than their remedies? Is it possible to survey this prosperous country, and to assert that they have been delayed? Trade flourishes on our wharves, although it droops in speeches. Manufactures have risen, under the shade of protecting duties, from almost nothing, to such a state that we are even told it is safe to depend on the domestic supply, if the foreign should cease. The fisheries, which we found in decline, are in the most vigorous growth. The whale fishery, which our allies would have transferred to Dunkirk, now traverses the whole ocean: to that hardy race of men, the sea is but a park for hunting its monsters; such is their activity, the deepest abysses scarcely afford to their prey a hiding place. Look around, and see how the frontier circle widens, how the interior improves, and let it be repeated, that the hopes of the people, when they formed this Constitution, have been frustrated!

But if it should happen that our prejudices prove stronger than our senses; if it should be believed that our farmers and merchants see their products and ships and wharves going to decay together, and they are ignorant or silent on their own ruin, still the public documents would not disclose so alarming a state of our affairs. Our imports are obtained so plentifully and cheaply, that one of the avowed objects of the resolution is, to make them scarcer and dearer. Our exports, so far from languishing, have increased two millions of dollars in a year. Our navigation is found to be augmented beyond the most sanguine expectation. We hear of the vast advantage the English derive from the Navigation Act, and we are asked, in a tone of accusation, Shall we sit still, and do nothing? Who is bold enough to say, Congress has done nothing for the encouragement of American navigation? To counteract the Navigation Act, we have laid on British a higher tonnage than our own vessels pay in their ports; and, what is much more effectual, we have imposed ten per cent. on the duties, when the duties articles are borne in foreign bottoms. We have also made the coasting trade a monopoly to our own vessels. Let those who have asserted that this is nothing, compare facts with the regulations which produced them:

Tonnage.	Tons.	Excess of Am. Tonnage.
American, 1789	-	297,468
Foreign, "	-	265,116
American, 1790	-	347,663
Foreign, "	-	258,916
American, 1791	-	363,810
Foreign, "	-	240,799
American, 1792	-	415,380
Foreign, "	-	244,263
	-	171,067

Is not this increase of American shipping rapid enough? Many persons say it is too rapid, and

attracts too much capital for the circumstances of the country. I cannot readily persuade myself to think so valuable a branch of employment thrives too fast. But a steady and sure encouragement is more to be relied on than violent methods of forcing its growth. It is not clear that the quantity of our navigation, including our coasting and fishing vessels, is less, in proportion to those of that nation. In that computation, we shall probably find that we are already more a navigating people than the English. As this is a growing country, we have the most stable ground of dependence on the corresponding growth of our navigation; and that the increasing demand for shipping will rather fall to the share of Americans than foreigners, is not to be denied. We did expect this, from the nature of our own laws; we have been confirmed in it by experience; and we know that an American bottom is actually preferred to a foreign one. In cases where one partner is an American and another a foreigner, the ship is made an American bottom. A fact of this kind overthrows a whole theory of reasoning on the necessity of further restrictions. It shows that the work of restriction is already done.

If we take the aggregate view of our commercial interests, we shall find much more occasion for satisfaction, and even exultation, than complaint, and none for despondency. It would be too bold to say that our condition is so eligible there is nothing to be wished. Neither the order of nature nor the allotments of Providence afford perfect content, and it would be absurd to expect in our politics what is denied in the laws of our being. The nations with whom we have intercourse have, without exception, more or less restricted their commerce. They have framed their regulations to suit their real or fancied interests. The code of France is as full of restrictions as that of England. We have regulations of our own, and they are unlike those of any other country. Inasmuch as the interests and circumstances of nations vary so essentially, the project of an exact reciprocity on our part is a vision. What we desire is, to have, not an exact reciprocity, but an intercourse of mutual benefit and convenience. It has scarcely been so much as insinuated that the change contemplated will be a profitable one—that it will enable us to sell dearer and to buy cheaper; on the contrary, we are invited to submit to the hazards and losses of a conflict with our customers—to engage in a contest of self-denial. For what? To obtain better markets? No such thing; but to shut up, forever, if possible, the best market we have for our exports, and to confine ourselves to the dearest and scarcest markets for our imports; and this is to be done for the benefit of trade, or, as it is sometimes more correctly said, for the benefit of France. This language is not a little inconsistent and strange from those who recommend a non-importation agreement, and who think we should even renounce the sea, and devote ourselves to agriculture. Thus, to make our trade more free, it is to be embarrassed and violently shifted from one country to another; not according to the interest of the merchants, but the visionary theories and

capricious rashness of the legislators. To make trade better, it is to be made nothing.

So far as commerce and navigation are regarded, the pretences for this contest are confined to two. We are not allowed to carry manufactured articles to Great Britain, nor any products, except of our own growth, and we are not permitted to go, with our own vessels, to the West Indies. The former, which is a provision of the Navigation Act, is of little importance to our interests, as our trade is chiefly a direct one; our shipping not being equal to the carrying for other nations; and our manufactured articles are not furnished in quantities for exportation, and if they were, Great Britain would not be a customer. So far, therefore, the restriction is rather nominal than real. The exclusion of our vessels from the West Indies is of more importance. When we propose to make an effort to force a privilege from Great Britain, which she is loth to yield to us, it is necessary to compare the value of the object with the effort, and, above all, to calculate very warily the probability of success. A trivial thing deserves not a great exertion; much less ought we to stake a very great good in possession for a slight chance of a less good. The carriage of one half the exports and imports to and from the British West Indies, is the object to be contended for. Our whole exports to Great Britain are to be hazarded. We sell on terms of privilege and positive favor, as it has been abundantly shown, near seven millions to the Dominions of Great Britain. We are to risk the privilege in this great amount—for what? For the freight only of one half the British West India trade with the United States. It belongs to commercial men to calculate the entire value of the freight alluded to; but it cannot bear much proportion to the amount of seven millions. Besides, if we are denied the privilege of carrying our articles in our vessels to the islands, we are on a footing of privilege in the sale of them. We have one privilege, if not two. It is readily admitted that it is a desirable thing to have our vessels allowed to go to the English islands, but the value of the object has its limits; and we go unquestionably beyond them, when we throw our whole exports into confusion, and run the risk of losing our best markets, for the sake of forcing a permission to carry our own products to one of those markets; in which, too, it should be noticed, we sell much less than we do to Great Britain herself. If to this we add, that the success of the contest is grounded on the sanguine and passionate hypothesis of our being able to starve the islanders, which, on trial, may prove false, and which our being involved in the war would overthrow at once, we may conclude, without going further into the discussion, that prudence forbids our engaging in the hazards of a commercial war; that great things should not be stated against such as are of much less value; that what we possess should not be risked for what we desire, without great odds in our favor; still less, if the chance is infinitely against us.

If these considerations should fail of their effect, it will be necessary to go into an examination of

the tendency of the system of discrimination to redress and avenge all our wrongs, and to realize all our hopes.

It has been avowed that we are to look to France, not to England, for advantages in trade; we are to show our spirit, and to manifest towards those who are called enemies the spirit of enmity, and towards those we call friends something more than passive good will; we are to take active measures to force trade out of its accustomed channels, and to shift it by such means from England to France. The care of the concerns of the French manufacturers may be left, perhaps, as well in the hands of the Convention, as to be usurped into our own. However our zeal might engage us to interpose, our duty to our own immediate constituents demands all our attention. To volunteer it, in order to excite competition in one foreign nation to supplant another, is a very strange business; and to do it, as it has been irresistibly proved it will happen, at the charge and cost of our own citizens, is a thing equally beyond all justification and all example. What is it but to tax our own people for a time, perhaps for a long time, in order that the French may at last sell as cheap as the English?—cheaper they cannot, nor is it so much as pretended. The tax will be a loss to us, and the fancied tendency of it not a gain to this country, in the event, but to France. We shall pay more for a time, and in the end pay no less; for no object but that one nation may receive our money instead of the other. If this is generous towards France, it is not just to America; it is sacrificing what we owe to our constituents, to what we pretend to feel towards strangers. We have indeed heard a very ardent profession of gratitude to that nation, and infinite reliance seems to be placed on her readiness to sacrifice her interest to ours. The story of this generous strife should be left to ornament fiction. This is not the form nor the occasion to discharge our obligations of any sort to any foreign nation; it concerns not our feelings but our interests, yet the debate has often soared high above the smoke of business into the epic region. The market for tobacco, tar, turpentine and pitch, has become matter of sentiment, and given occasion alternately to rouse our courage and our gratitude.

If, instead of hexameters, we prefer discussing our relation to foreign nations in the common language, we shall not find that we are bound by treaty to establish a preference in favor of the French. The treaty is founded on a professed reciprocity—favor for favor. Why is the principle of treaty or no treaty made so essential, when the favor we are going to give is an act of supererogation? It is not expected by one of the nations in treaty; for Holland has declared, in her treaty with us, that such preferences are the fruitful source of animosity, embarrassment, and war. The French have set no such example. They discriminate, in their late Navigation Act, not as we are exhorted to do, between nations in treaty and not in treaty, but between nations at war and not at war with them; so that, when peace takes place, England will stand by that act on the same ground with ourselves

Mr. AMES proceeded to show, that if we expect by giving favor to get favor in return, it is improper to make a law. The business belongs to the Executive, in whose hands the Constitution has placed the power of dealing with foreign nations. He noticed its singularity to negotiate legislatively—to make by a law half a bargain, expecting a French law would make the other. He remarked that the footing, of treaty or no treaty, was different from the ground taken by the mover himself in supporting his system. Nations not said favor for favor was principle. Nations not in treaty grant favors—those in treaty restrict our trade. Yet the principle of discriminating in favor of nations in treaty, was not only inconsistent with the declared doctrine of the mover and with facts, but it is inconsistent with itself. Nations not in treaty are so very unequally operated upon by the resolutions, it is absurd to refer them to one principle. Spain and Portugal have no treaties with us, and are not disposed to have. Spain would not accede to the treaty of commerce between us and France, though she was invited; Portugal would not sign a treaty after it had been discussed and signed on our part. They have few ships or manufactures, and do not feed their Colonies from us; of course there is little for the discrimination to operate upon. The operation on nations in treaty is equally a satire on the principle of discrimination. Sweden, with whom we have a treaty, duties rise higher, if borne in our bottoms, than in her own. France does the like, in respect to tobacco, two and a half lives the quintal, which in effect prohibits our vessels to freight tobacco, as the duty is more than the freight. He then remarked on the French Navigation Act, the information of which had been given to the House since the debate began. He said the mover had, somewhat unluckily, proposed to except from this system nations having no Navigation Acts, in which case France would become the subject of unfriendly discrimination as well as Great Britain.

He remarked on the disposition of England to settle a commercial treaty, and adverted to the known desire of the Marquis of Lansdowne, (then Prime Minister,) in 1783, to form such an one on the most liberal principles. The history of that business, and the causes which prevented its conclusion, ought to be made known to the public. The powers given to our Ministers were revoked, and yet we hear that no such disposition on the part of Great Britain has existed. The declaration of Mr. Pitt in Parliament, in June, 1792, as well as the correspondence with Mr. Hammond, show a desire to enter upon a negotiation. The statement of the report on the privileges and restrictions of our commerce, that Great Britain has shown no inclination to meddle with the subject, seems to be incorrect. After tracing the operation of the resolution on different nations, he examined the supposed tendency to dispose Great Britain to settle an equitable treaty with this country. He asked whether those who held such language towards that nation as he heard, could be supposed to desire a treaty and friendly connexion? It

seemed to be thought a merit to express hatred. It is common and natural to desire to annoy and to crush those whom we hate, but it is somewhat singular to pretend that the design of our anger is to embrace them. The tendency of angry measures to friendly dispositions and arrangements is not obvious. We affect to believe that we shall quarrel ourselves into their good will—that we shall beat a new path to peace and friendship with Great Britain, one that is grown up with thorns, and lined with men-traps and spring-guns. It should be called the war-path.

To do justice to the subject, its promised advantages should be examined. Exciting the competition of the French is to prove an advantage to this country, by opening a new market with that nation. This is scarcely intelligible. If it means anything, it is an admission that their market is not a good one, or that they have not taken measures to favor our traffic with them. In either case our system is absurd. The balance of trade is against us, and in favor of England. But the resolutions can only aggravate the evil, for, by compelling us to buy dearer and sell cheaper, the balance will be turned still more against our country. Neither is the supply from France less the aliment of luxury than that from England. Their excess of credit is an evil which we pretend to cure: by checking the natural growth of our own capital, which is the undoubted tendency of restraining trade, the progress of the remedy is thus delayed. If we will trade, there must be capital. It is best to have it of our own; if we have it not, we must depend on credit. Wealth springs from the profits of employment, and the best writers on the subject establish it, that employment is in proportion to the capital that is to excite and reward it.

To strike off credit, which is the substitute for capital, if it were possible to do it, would so far stop employment. Fortunately, it is not possible; the activity of individual industry eludes the misjudging power of Governments. The resolutions would, in effect, increase the demand for credit, as our products being bought dearer, there would be less money and more need of it. Necessity would produce credit. Where the laws are strict, it will soon find its proper level; the uses of credit will remain, and the evil will disappear.

But the whole theory of balances of trade, of helping it by restraint, and protecting it by systems of prohibition and restriction against foreign nations, as well as the remedy for credit, are among the exploded dogmas which are equally refuted by the maxims of science and the authority of time. Many such topics have been advanced which were known to exist as prejudices, but were not expected as arguments. It seems to be believed that the liberty of commerce is of some value. Although there are restrictions on one side, there will be some liberty left; counter restrictions, by diminishing that liberty, are in their nature aggravations, and not remedies. We complain of the British restrictions as of a millstone; our own system will be another, so that our trade

may hope to be situated between the upper and the nether millstone.

On the whole, the resolutions contain two great principles. To control trade by law, instead of leaving it to the better management of the merchants; and the principle of a sumptuary law. To play the tyrant in the counting-house, and in directing the private expenses of our citizens, are employments equally unworthy of discussion.

Besides the advantages of the system, we have been called to another view of it, and which seems to have less connexion with the merits of the discussion. The acts of States and the votes of public bodies, before the Constitution was adopted, and the votes of the House since, have been stated as grounds for our assent to this measure at this time. To help our own trade, to repel any real or supposed attack upon it, cannot fail to prepossess the mind; accordingly, the first feelings of every man yield to this proposition. But the sober judgment on the tendency and reasonableness of the interference of Government; often does, and probably ought still oftener, to change our impressions. On a second view of the question, the man who voted formerly for restrictions may say, much has been done under the new Constitution, and the good effects are yet making progress. The necessity of measures of counter restriction will appear to him much less urgent, and their efficacy in the present turbulent state of Europe infinitely less to be relied on. Far from being inconsistent in his conduct, consistency will forbid his pressing the experiment of his principle under circumstances which baffle the hopes of its success. But if so much stress is laid on former opinions in favor of this measure, how happens it that there is so little on that which now appears against it. Not one merchant has spoken in favor of it in this body; not one navigating or commercial State has patronized it.

Mr. Aves then entered pretty fully into the consideration of the absolute dependence of the British West India islands on our supplies. He admitted that they cannot draw them so well and so cheap from any other quarter; but this is not the point. Are they physically dependent? Can we starve them? And may we reasonably expect thus to dictate to Great Britain a free admission of our vessels into her islands? He went into details to prove the negative. Beef and pork sent from the new United States to the British West Indies, 1773, 14,993 barrels. In the war time, 1780, ditto from England, 17,795. At the end of the war, 1783, 16,526. Ireland exported, on an average of seven years, prior to 1777, 250,000 barrels. Salted fish the English take in abundance, and prohibit it from us. Butter and cheese from England and Ireland are but lately banished even from our markets. Exports from the new United States, 1773: horses, 2,768; cattle, 1,203; sheep and hogs, 5,320. Twenty-two years prior to 1791, were exported from England to all parts, 29,131 horses. Ireland, on an average of seven years, to 1779, exported 4,040 live stock, exclusive of hogs. The coast of Barbary, the Cape de Verdes, &c., supply sheep and cattle. The islands, since the

war, have increased their domestic supplies to a great degree. The new United States exported about 130,000 barrels of flour in 1773 to the West Indies; Ireland, by grazing less, could supply wheat; England also usually exports it, she also imports from Archangel. Sicily and the Barbary States furnish wheat in abundance.

We are deceived when we fancy we can starve foreign countries. France is reckoned to consume grain at the rate of seven bushels to each soul: twenty-six millions of souls, the quantity 182 millions of bushels. We export, to speak in round numbers, five or six millions of bushels to all the different countries which we supply; a trifle, this, to their wants. Frugality is a greater resource. Instead of seven bushels, perhaps two could be saved by stinting the consumption of the food of cattle, or by the use of other food. Two bushels saved to each soul, is fifty-two millions of bushels, a quantity which, the whole trading world perhaps could not furnish. Rice is said to be prohibited by Spain and Portugal to favor their own. Brazil could supply their rice instead of ours. Lumber—he has stated the danger of despising Canada and Nova Scotia too much as rivals in the West India supply, especially the former. The dependence the English had placed on them some years ago had failed, partly because we entered into competition with them on very superior terms, and partly because they were then in an infant state. They are now supposed to have considerably more than doubled their numbers since the peace; and if, instead of having us for competitors for the supply, as before, we should shut ourselves out by refusing our supplies or being refused entry for them, those two Colonies would rise from the ground: at least we should do more to bring it about than the English Ministry had been able to do. In 1772, 679 vessels, the actual tonnage of which was one hundred and twenty-eight thousand, were employed in the West India trade from Great Britain. They were supposed, on good ground, to be but half freighted to the islands; they might carry lumber, and the freight supposed to be deficient would be, at 40s. sterling the ton, £128,000. This sum would diminish the extra charge of carrying lumber to the islands. But is lumber to be had? Yes, in Germany, and from the Baltic. It is even cheaper in Europe than our own. Besides which, the hard woods used in mills are abundant in the islands. We are told they can sell their rum only to the United States: this concerns not their subsistence, but their profit. Examine it, however. In 1773, the new United States took near three millions gallons rum. The remaining British Colonies, Newfoundland, and the African Coast, have considerable demand for this article. The demand of Ireland is very much on the increase. It was, in 1773, 530,000 gallons; 1770, 1,558,000 gallons; 1778, 1,729,000 gallons.

Thus we see a total stoppage of the West India trade could not starve the islanders. It would affect us deeply; we should lose the sale of our products and of course not gain the carriage in our own vessels. The object of the contest would be no nearer our reach than before. Instead, however,

of a total stoppage of the intercourse, it might happen that each nation prohibiting the vessels of the other, some third nation would carry on the traffic in its own bottoms. While this measure would disarm our system, it would make it recoil upon ourselves. It would in effect operate chiefly to obstruct the sale of our products. If they should remain unsold, it would be so much dead loss; or if the effect should be to raise the price on the consumers, it would either lessen the consumption or raise up rivals in the supply. The contest as it respects the West India trade is in every respect against us. To embarrass the supply from the United States, supposing the worst as it regards the planters, can do no more than enhance the price of sugar and coffee, and other products. The French islands are now in ruins, and the English planters have an increased price and double demand in consequence. While Great Britain confined the Colony trade to herself, she gave to the Colonists in return a monopoly in her consumption of West India articles. The extra expense arising from the severest operation of our system, is already provided against two-fold. Like other charges on the products of labor and capital, the burden will fall on the consumer. The luxurious and opulent consumer in Europe will not regard and perhaps will not know the increase of price nor the cause of it. The new settler who clears his land and sells the lumber, will feel any convulsion in the market more sensibly without being able to sustain it at all. It is a contest of wealth against want; of self-denial, between luxury and daily subsistence, that we provoke with so much confidence of success. A man of experience in the West India trade will see this contrast more strongly than it is possible to represent it.

One of the excellencies for which the measure is recommended is, that it will affect our imports. What is offered as an argument is really an objection. Who will supply our wants? Our own manufactures are growing, and it is a subject of great satisfaction that they are. But it would be wrong to overrate their capacity to clothe us. The same number of inhabitants require more and more, because wealth increases. Add to this the rapid growth of our numbers, and perhaps it will be correct to estimate the progress of manufactures as only keeping pace with that of our increasing consumption and population. It follows that we shall continue to demand in future to the amount of our present importation. It is not intended by the resolutions that we shall import from England. Holland and the North of Europe do not furnish a sufficient variety or sufficient quantity for our consumption. It is in vain to look to Spain, Portugal, and the Italian States. We are expected to depend principally upon France; it is impossible to examine the ground of this dependence without admitting that the present situation of that country, verting to the subject upon which I practise no disguise, but I do not think it proper to introduce the politics of France into this discussion. If others can find in the scenes that pass there, or in the principles and agents that direct them, proper subjects for amiable names and sources of joy and hope in

the prospect, I have nothing to say to it. It is an amusement which it is not my intention either to disturb or to partake of. I turn from these horrors to examine the condition of France in respect to manufacturing capital and industry. In this point of view, whatever political improvements may be hoped for, it cannot escape observation, that it presents only a wide field of waste and desolation. Capital, which used to be food for manufacturing industry, now lights the fires of civil war, and quickens the progress of destruction. France is like a ship, with a fine cargo, burning to the water's edge, she may be built upon anew, and freighted with another cargo, and it will be time enough when that shall be, to depend on a part of it for our supply; at present, and for many years, she will be not so much a furnisher as a consumer. It is therefore obvious, that we shall import our supplies either directly or indirectly from Great Britain. Any obstruction to the importation will raise the price which we who consume must bear.

That part of the argument which rests on the supposed distress of the British manufacturers in consequence of the loss of our market, is in every view unfounded. They would not lose the market in fact, and if they did, should we prodigiously exaggerate the importance of our consumption to the British workmen? Important it doubtless is, but a little attention will expose the extreme folly of the opinion, that they would be brought to our feet by a trial of our self-denying spirit. England now supplies France in the important Levant trade, in the supply of manufactured goods to the East and in a great measure to the West Indies, to Spain, Portugal, and their dependencies. Her trade with Russia has of late vastly increased; and she is treating for a trade with China; so that the new demands of English manufactures, consequent upon the depression of France as a rival, has amounted to much more than the whole American importation, which is not three millions.

British manufactures exported	£3,417,000
in 1773, amounted to	- 10,556,000
1774	- 10,072,000
1775	- 13,779,000
1789	- 14,921,000
1790	- 16,810,000
1791	- 18,310,000
1793	-

The ill effect of a system of restriction and prohibition in the West Indies has been noticed already. The privileges allowed to our exports to England may be withdrawn, and prohibitory or high duties imposed. Mr. A. observed that not one of our articles is a monopoly, and noticed the effect of counter regulations on our products. He adverted particularly to pot and pearl ashes, and observed on the value of the extensive sale of that article, as it advances the clearing and settlement of our new lands; he said, the best encouragement for agriculture is a good market.

The system before us is a mischief that goes to the root of our prosperity. The merchants will suffer by the schemes and projects of a new theory. Great numbers were ruined by the convulsions

of 1775. They are an order of citizens deserving better of Government than to be involved in new confusions. It is wrong to make our trade wage war for our politics. It is now scarcely said that it is a thing to be sought for but a weapon to fight with. To gain our approbation to the system, we are told it is to be gradually established; in that case, it will be unavailing. It should be begun with in all its strength, if we think of starving the islands. Drive them suddenly and by surprise to extremity, if you would dictate terms, but they will prepare against a long-expected failure of our supplies.

Our nation will be tired of suffering loss and embarrassment for the French. The rice growers and tobacco planters of the South will be, and ought to be, soon weary of a contest which they are told is to benefit ship owners of the East. The struggle, so painful to ourselves, so ineffectual against England, will be renounced, and we shall sit down with shame and loss, with disappointed passions and aggravated complaints. War, which would then suit our feelings, would not suit our weakness. We might perhaps find some European Power willing to make war on England, and we might be permitted by a strict alliance to participate the misery and the dependence of being a subaltern in the quarrel. The happiness of this situation seems to be in view when the system before us is avowed to be the instrument of avenging our political resentments. Those who affect to dread foreign influence will do well to avoid a partnership in European jealousies and rivalships. Courting the friendship of the one, and provoking the hatred of the other, is dangerous to our real independence; for it would compel America to throw herself into the arms of the one for protection against the other. Then foreign influence, pernicious as it is, would be sought for, and though it should be shunned, it could not be resisted. The connexions of trade form ties between individuals and produce little control over Government. They are the ties of peace, and are neither corrupt nor corrupting.

In the course of his speech, Mr. A. adverted to the danger of cutting off a part of the public revenue by the operation of the proposed regulations. He remarked upon the hostile tendency of the resolutions; we have happily escaped from a state of the most imminent danger to our peace. A false step would lose all the security for its continuance which we owe at this moment to the conduct of the PRESIDENT. What is to save us from war: not our own power which inspires terror; not the gentle and forbearing spirit of the Powers of Europe at this crisis; not the weakness of England; nor her affection for this country; if we believe the assurance of gentlemen on the other side. What is it then? It is the interest of Great Britain to have America for a customer, rather than an enemy. And it is precisely that interest which gentlemen are so eager to take away, and to transfer to France. And what is stranger still, they say they rely on that operation as a means of producing peace with the Indians and Algerines. The wounds inflicted on Great Britain by our enmity,

are expected to excite her to supplicate our friendship and to appease us by soothing the animosity of our enemies.

What is to produce effects so mystical, so opposite to the nature, so much exceeding the efficacy of their pretended causes? This wonder-working paper on the table, is the weapon of terror and destruction—like the writing on Belshazzar's wall, it is to strike parliaments and nations with dismay. It is to be stronger than fleets against pirates, or than armies against Indians. After the examination it has undergone, credulity itself will laugh at these pretensions.

We pretend to expect not by the force of our restrictions, but by the mere show of our spirit, to level all the fences that have guarded for ages the monopoly of the Colony trade.

The repeal of the Navigation Act of England, which is cherished as the palladium of her safety, which time has rendered venerable and prosperity endeared to her people, is to be extorted from her fears of a weaker nation. It is not to be yielded freely, but violently torn from her; and yet the idea of a struggle to prevent indignity and loss, is considered as a chimera too ridiculous for sober refutation. She will not dare, say they, to resent it, and gentlemen have pledged themselves for the certain success of the attempt; what is treated as a phantom is vouched by fact. Her Navigation Act is known to have caused an immediate contest with the Dutch, and four desperate sea-fights ensued, in consequence, the very year of its passage. How far it is an act of aggression for a neutral nation to assist the supplies of one neighbor, and to annoy and distress another, at the crisis of a contest between the two, which strains their strength to the utmost, is a question which we might not agree in deciding. But the tendency of such unreasonable partiality, to exasperate the spirit of hostility against the intruder, cannot be doubted. The language of the French Government would not soothe this spirit.

It proposes, on the sole condition of a political connexion, to extend to us a part of their West India commerce. The coincidence of our measures with their invitations, however singular, needs no comment. Of all men, those are least consistent, who believe in the efficacy of the regulations, and yet affect to ridicule their hostile tendency. In the commercial conflict say they, we shall surely prevail, and effectually humble Great Britain. In open war we are the weaker, and shall be brought into danger, if not to ruin. It depends, therefore, according to their own reasoning, on Great Britain herself, whether she will persist in a struggle which will disgrace and weaken her, or turn it into a war which will throw the shame and ruin upon her antagonist. The topics which furnish argument to show the danger to our peace from the resolutions, are too fruitful to be exhausted. But without pursuing them further, the experience of mankind has shown that commercial rivalships, which spring from mutual efforts for monopoly, have kindled more wars and wasted the earth more than the spirit of conquest.

He hoped we should show by our vote, that we

deem it better policy to feed nations than to starve them, and that we should never be so unwise as to put our good customers into a situation to be forced to make every exertion to do without us. By cherishing the arts of peace, we shall acquire, and we are actually acquiring the strength and resources for a war. Instead of seeking treaties, we ought to shun them, for the later they shall be formed, the better will be the terms—we shall have more to give and more to withhold. We have not yet taken our proper rank, nor acquired that consideration, which will not be refused us if we persist in prudent and pacific counsels, if we give time for our strength to mature itself. Though America is rising with a giant's strength, its bones are yet but cartilages. By delaying the beginning of a conflict, we insure the victory.

By voting out the resolutions, we shall show to our own citizens, and foreign nations, that our prudence has prevailed over our prejudices, that we prefer our interests to our resentments. Let us assert a genuine independence of spirit; we shall be false to our duty and feelings as Americans, if we basely descend to a servile dependence on France or Great Britain.

When Mr. Ames had concluded, the Committee rose, and had leave to sit again.

TUESDAY, JANUARY 28.

A memorial of the Delegates from the several States, for promoting the abolition of slavery, in Convention assembled, at Philadelphia, on the first instant, was presented to the House and read, praying that Congress may adopt such measures as may be the most effectual and expedient for the abolition of the slave trade. Also a memorial of the Providence Society for abolishing the slave trade, to the same effect.

Ordered, That the said memorials be referred to Mr. TOWNSEND, Mr. WARD, Mr. GILES, Mr. TAYLOR, and Mr. GROVE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Philip Peckham, of Providence, in the State of Rhode Island, was presented to the House and read, praying compensation for his services in superintending the building and repairs of boats, employed by order of Major General Sullivan, for the use of the American Army, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instruction to examine the same, and report his opinion thereupon to the House.

FRENCH REFUGEES.

A petition of Peter Gauvain and Louis Dubourg, in behalf of the French refugees of Cape François, now at Baltimore, was presented to the House and read, praying that Congress will speedily decide on the memorial of the committee appointed by the Legislature of Maryland, to draw for, and distribute, the moneys granted by that

State for the relief of the French emigrants from the Island of St. Domingo.

Mr. MURRAY moved that it should be referred to the Committee of the Whole on the state of the Union, along with the report of the select committee upon it. He thought it would be an act of humanity to relieve the persons mentioned in the petition. And if that was improper, he thought that the next greatest act of humanity which could be done, was to relieve them from suspense.

Mr. CLARK was of opinion that the matter should be instantly taken up, as the fund for their relief expired on the 2d of February next.

Mr. HUSTON, from South Carolina, mentioned a remarkable exertion of benevolence respecting persons of this kind, which had taken place in that State. The motion was agreed to, and the House directly resolved itself into a Committee on the question.

It was then moved and seconded, that the President be authorized to pay \$10,000 of the public money for the use of the refugees, and to negotiate the payment of it, with the Ministry of France.

Mr. BOURNOR was convinced, that, by the Constitution, the House had a right to give it in the first instance. He considered the Committee as too confined, and thought that it should have comprehended all the people of this sort in North America. Many of these people, since Winter set in, must have perished of cold and want in the streets of Philadelphia, but for the benevolence of some well-disposed people. He urged the Committee, in the most pathetic language, to extend immediate and effectual relief.

Mr. S. SMITH was confident that Congress would be repaid with thanks by the Republic of France. He said that a supply of powder and ball had been sent from one of the Southern States to St. Domingo, and that the price had been punctually and thankfully repaid. Santhonnax and Pulverel had been recalled, who were the authors of all the mischief that had happened. The refugees expected to return to their settlements before the 1st of May, and they would then be very able and very willing to repay the money themselves.

Mr. SMITH recommended the entering into a negotiation with the French Ambassador, for securing payment of what sum should be voted.

Mr. CLARK hoped that the motion would instantly pass. In a case of this kind, we were not to be tied up by the Constitution. Were Algerines cast upon the mercy of America, in such a situation, he would pay them the same tribute of humanity. The French Ambassador had restricted his services to a particular class of people. It was not the business of the House, whether the refugees at Baltimore were democrats or aristocrats. They were men; and, as such, were entitled to compassion and to relief.

Mr. S. SMITH, in reply to Mr. SMITH, said, that Mr. Genet, when solicited on behalf of these people, made answer, that he was not authorized on the part of the Republic to give them any thing, but sent them \$2,000 from himself.

Mr. SMITH replied that Mr. SMITH had mis-

taken him; he did not wish to seek money from Mr. Genet. But he thought it would be singular to give away so large a sum, without endeavoring to secure the approbation of the French Minister, as a step towards repayment.

Mr. DEXTER had formerly entertained scruples, but he now approved the motion.

Mr. NICHOLAS did not approve the motion in its original shape, nor did he like it better by its being now altered into a motion for authorizing the President to pay the money. Mr. N. expressed, in the strongest and most unequivocal language, his compassion for the sufferers; but, as he had not seen a way pointed out of relieving them, agreeably to the Constitution, he recommended a shorter one. Out of the liberal compensation which the members of that House received from the country, he thought that the sum wanted might easily be subscribed. He did not know whether the Republic would thank us for helping them; perhaps they might be accounted rebels.

Mr. FRIZZMOORE proposed a second amendment of the original motion.

Mr. NICHOLAS replied: If this thing goes down at all, it should be as an act of charity, and marked in giving, that it is going beyond our power, but that, from a knowledge of the universal obligations to France, we have granted the money.

Mr. SCOTT pressed for the relief in reference to the citizens of Baltimore. If they were invaded by an army, we certainly would assist them; and where is the difference, (added Mr. S.) whether they be an army of fighters, or an army of eaters. We must relieve them, to be sure.

Mr. S. SMITH said that these distressed people were all women and children, except three old men. The boys who were old enough, had been bound apprentices. The men had been enlisted by the advice of Mr. Genet, who said the Republic wanted recruits. He had likewise obtained two ships for five hundred of the refugees who wanted to go to France. Genet was able to do nothing more for them, as the \$2,000 that he gave, were out of his own pocket. It had been alleged, that there was no precedent for relieving these people. He mentioned two. The Americans in captivity at Algiers had been assisted by the British Consul. Some years ago, the crew of an American vessel had been shipwrecked on the coast of Portugal. They were assisted with the utmost generosity by a private gentleman. In both cases, Congress thankfully repaid the money advanced.

The gentleman from Virginia [Mr. NICHOLAS] had offered his salary, but the idea had not been supported, so that it went for nothing. And are we, (said Mr. S.) to stand up here, and tell the world that we dare not perform an act of benevolence? Is this to be the style of an American Congress? The gentleman from Virginia had said that perhaps these people would be considered as traitors by the Republic. Were women and fatherless children to be regarded as traitors? Mr. S. was extremely affected, and apologized more than once to the House for the warmth with

which he spoke. He said that himself and others who had witnessed the scene of distress, were surprised; the gentleman did not feel as they did.

Mr. MADISON possessed Constitutional scruples. He thought that the gentleman from Maryland (Mr. S. SMITH) would not have injured his cause by a greater moderation of language, nor his credit for benevolence by not saying that his sympathy arose chiefly from being an eye witness.

At last, the SPEAKER proposed to the Committee an amendment, which met the ideas of the members, and the resolution passed as follows:

Resolved, That a sum not exceeding — dollars be appropriated for the support of such of the inhabitants of St. Domingo, resident within the United States, as shall be found in want of such support.

That a regular account of the moneys so expended be kept; and that the PRESIDENT OF THE UNITED STATES be requested to obtain a credit therefor, in the accounts between the French Republic and the United States.

Ordered, That a committee be appointed to bring in a bill in conformity with the foregoing resolution, and providing for the due application of the moneys aforesaid; and that Mr. AMES, Mr. TRACY, and Mr. DENT, be the said committee.

COMMERCE WITH THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. RUTHERFORD said: Perhaps too much stress has been laid on the interest of the moment, and on the temper of nations. Be that as it may, the resolutions in question are truly patriotic, as they contemplate, with other objects, placing our manufactures in an easy train of progression, and retrenching a little some branches of our present commerce, and therefore this important business seems to resolve itself into two great questions, which I shall only keep in view on this occasion.

First. Is there an excess in any branch of our commerce? Secondly. Have these States arrived at the proper period for commencing manufactures? In observing, on this great subject, I shall not proceed to minute deductions or abstruse reasonings. Much debate has already prevailed, and no doubt, from motives the most pure and patriotic, and I trust the same purity of intention will actuate me at this time.

I have, through life, been governed by a few plain maxims, and perhaps some of these may apply in the present case.

The husbandman who attends with unremitting care to his fruit trees or vines, when he discovers a branch or shoot drawing too much nourishment, he crops the luxuriant growth. And if the farmer discovers a disposition in his neighbor to divert the attention of his family from the common interest, and to pocket the fruits of their toil, he narrows the ground of future intercourse as far as possible with such neighbor.

I pay the greatest respect to the opinions of

gentlemen. In short, I reverse their sentiments while I differ with them.

The United States are happily independent, and, as other nations, are to act a part on the great theatre of this world. And I am aware of the malignity, envy, jealousy, and all the other fell passions, so predominant with nations in general. I am also well aware that the commerce of this people is a subject which embraces present and remote consequences of the greatest importance; and I hope that I shall not incur the imputation of vanity, in saying that I am second to very few, in a tender and paternal regard for the well-being of this our common country.

All temporal things are subject to excess, and the people, by their representatives, have a right to judge when the tide, even of commerce, is verging to a dangerous and destructive channel. And shall not this great and growing country exert a timely and cautious prudence against the selfish policy of any nation? Surely, the American people may pursue such measures as appear to be for the advantage of their free citizens without incurring the resentment of any. But if, in despite of the purest intentions, and of justice and moderation, a malignant and hostile temper in any, should be the result, it is the duty of a great and generous people to meet the event with firmness, an indignant contempt, and to prepare for the worst.

I confess that I consider the genius of commerce almost as a divinity, yet I cannot expand my faith with those who contend that it may rush against and overturn all the fences of reason, and in the end regulate itself. A position to me as incongruous, as that the atoms innumerable, which float in our atmosphere, shall at last adhere, and form an intelligent being.

If circumstances in the course of our commerce are, in some measure against us, and which few deny, the longer this subtle evil prevails, the more arduous the task in removing it; habits of long standing are very obstinate. We shall be told from time to time, that the period is not yet, when American manufactures may be introduced. It is natural for man to entertain a pleasing desire to remain on his native spot, and this will be the case while the many thousands we support beyond the Atlantic can be supplied by us with materials, and fed at home. It is, in my opinion, high time to form the basis of our real independence. Some of our present commercial connexions are so far on excess, as to endanger the propagation of a spirit and opinions repugnant to the freedom and real interest of the greatness of the people, by inducing them to believe that they ought implicitly to concur with those who advocate commerce, though in excess, be their motives what they may. It is visionary to hope that all the agricultural productions of this extensive Continent can always find a market at the islands in the Atlantic, and those sterile tracts of Europe which now receive them. It would afford me much real pleasure if such were the case—fond as I am of agriculture, and anxiously engaged for the prosperity of all who are prosecuting that very necessary and life-sustaining occupation.

3d Com.—12

Lack of bread, or other articles which compose our supplies, will at all times bring forward purchasers. No ship navigates the ocean to serve United America. It is interest that stimulates the mariner.

The Eastern States are competent to several branches of manufacture, and to the production of wool, flax, &c. Their habits of economy, patience, and industry, are entitled to great praise. I consider them as very respectable branches of the Union, while I admire that spirit of enterprise conspicuous in their brave citizens. But if their scene of action should be a little circumscribed, they can be usefully employed at their peaceful homes, in the enjoyment of every domestic comfort.

The Middle States are productive of iron and other things necessary, and are prosecuting some manufactures with effect. They have from the first been engaged in manufactures. Pennsylvania, I well remember, has long attended to manufactures, and to the comfort of her artificers, which has conducted to the present opulence and real independence of her citizens. My recollection takes in the first mainly growth of this State: look to it now. Behold what the majesty of the people is acting and doing for the common weal! Then why hesitate, and thus timidly look to others for what is here attainable?

The Southern States produce cotton and other necessary articles, and are susceptible of great improvement in manufactures, as great numbers of a certain description that are for the most part idle, may be usefully and advantageously employed.

One State on the Southwestern frontier can supply all nations with hemp, and it might perhaps be of public utility to encourage the growth of this valuable article, as well as some particular branch of manufacture.

Why should the American citizens, possessed of the most fertile and extensive Continent, wish to act like those confined within very narrow limits? Let us cast our eyes to one of those great commercial nations. View their preposterous naval armaments. Are not their subjects oppressed and bowed down with taxes? But can this oppressive burden secure them against an enormous and fast increasing public debt? No: nor against perpetual conflicts, and the most violent discord with other nations.

Shall the great body of American citizens place all their hopes on the turbulent seas?—bid adieu to every endearing connexion, explore every sea and dangerous coast on the globe—for what? I know to such intrepidity—such a spirit of enterprise. But what says reason? Stay at home, my sons, and comfort those with whom you are endearingly connected.

The great art of Government is, to support in comfort the greatest numbers; and therefore, the Government of China is considered by many as a very good one, their numbers being exceedingly great. These people are zealously attached to the soil of their widely extended country. The natives of China are not seen in every part of the habitable earth, nor on the remotest seas. Upon

the whole, it is with me conclusive, that there may be dangerous excess even in some commercial transactions; and that to cherish manufactures, as far as reason and the state of things dictate, is politically and absolutely necessary.

Mr. FORREST rose merely to solicit that the question might be put, as enough had been said on both sides of it.

Mr. MURRAY said, he should feel himself admonished, by the lateness of this period of the debate, and call of the question from his colleague, to shorten the remarks which he intended to offer against the resolutions, nor would he now presume on the indulgence of the Committee, after so much had been said, did he not hold it to be the duty of a Representative to use every exertion, either to obtain a good, or to avert an evil. He would endeavor to avoid tiring the Committee with a repetition of what had been so ably stated by those with whom he thought, and would leave the clear and comprehensive statement of the relative situation of our trade towards Great Britain, France, and other Powers, to that good sense in the Committee, which would find ample consolation in the comparison. As his own prejudices, which he confessed were heretofore fostered by a defect of commercial knowledge, had yielded to the lights which his own examination, and that of others, had thrown on this question, he entertained a hope that others, similarly situated, would candidly and impartially view a subject, which demanded a dismission of prejudices and passion, and which ought to be tried upon a commercial principle, which was a competing and a comparing one.

He had early, and for a long time, taken up ideas without much examination, that the American commerce suffered from illiberal restrictions, and declared that, when the gentleman from Virginia first suggested his intentions, the outlines, which he so ably drew, met his strongest prepossessions. If anything from that gentleman, then, gave an inauspicious air to the measure he proposed, it was the eagerness with which he urged for an early and hasty discussion of these resolutions, which no member could look at, after all that had been said, without perceiving that they related to the best and largest interests of this country: interests which required diligence and much reflection to comprehend, and which all the passions and all the feelings could by no means do justice to in the estimate. They were interests that required great coolness to discern, and to measure properly. They had resulted from practice and the nature of our situation, and they ought to be treated with respect, and innovated on with caution. The restrictions contemplated a great change of commercial arrangements, bottomed both on presumed commercial injuries, sustained under its present regulations, and on political views, which long standing, and recent evils, had brought into notice.

He could not agree, that the commercial arrangements, at present existing, were the best that could possibly exist; nor was he insensible to the political evils we had endured, but he doubted how

far these resolutions were formed to remedy the first, or to remove the last.

He believed the commercial situation of this country, relatively considered, towards the Powers of Europe, was now pretty well understood to be indebted more to interest than to partiality in any of the Powers.

That it was flourishing, when considered independently of the present war, from which nothing certain could be concluded, he had no doubt.

With respect to the comparative estimate of the restrictions and privileges imposed or granted by those Powers, or by the United States, he should trust the efficacy of the information on that part of the question, to the recollection of the Committee, and would confine himself to a few points which he believed had been but lightly touched on by others. He would endeavor to offer some remarks that he thought palliated some of the evils complained of as grounds of change; and confine his views to a few heads of complaint. It was said our commerce was shackled by the British, and by the influence of habit; that our tonnage was unequal to our exports; that arrangements might be made with other nations, who would give us a greater latitude and more liberal terms. He denied that the commerce of the United States was shackled or confined, or that it was restricted unnaturally by old Colonial habits. The report of the actual tonnage of the United States showed us a foreign commerce, employing 289,294 tons. Any man who was acquainted with the real state of this subject would naturally have concluded, from the declarations of gentlemen, that, so inventatively were our old Colonial habits formed, and so miserably was our commerce confined, this large amount of tonnage must have been concentrated in the ports of Britain or her Colonies.

The reverse was the truth, and, in support of this idea, he would refer to the report. This report shows that our ships visit every part of the world; that there is no place to which American enterprises does not convey our various products. It is a chart of our maritime genius, extremely exhilarating to our pride, and affords the strongest argument against the assertion. It goes beyond controversy; it is a contradiction which can be understood by any man who can read. There is no resisting its force, when adduced to prove, that so far is our commerce from being confined, that the most distant ports and oceans in Russia and China, and the Pacific, are its only boundaries. It completely illustrates the practical, as well as theoretical, independence of American commerce; for, of the whole amount of the tonnage employed abroad, but sixty-two thousand some odd hundreds, go to Britain and its dependencies; there are two hundred and twenty-seven thousand tons of this total employed among other nations; and Britain, which formerly monopolized, indeed, our commerce, has now a little more than one-fifth of the navigation of the United States in her ports. It is true that three-fourths of the imports are from thence, and that our export to her is not equal to this import; but that deficiency is paid circuitously and to advantage,

by bills; for, as the trade is free to leave her, as the merchants, actuated by interest, would buy as cheap as possible, we are fairly to conclude, that they sell some of our raw materials and products to more advantage in other ports than hers, but yet purchase in her's cheaper; so, the commerce must be a beneficial one, or they would naturally forsake it. That our exports are greater to Portugal, Spain, and the United Provinces, than our imports from thence, is a proof that they give good prices for our products; but from want of assortment, or from their manufactures not being as saleable here, or as cheap as those from Britain, our merchants make up by bills from those places on London, to supply the deficiency of the export to that port. With respect to predilection for Britain, introduced as a ground of consumption, he did not believe it existed; certain he was, he felt it not himself. He could see nothing in the mere exercise of taste, in the consumption of manufactures, or preference of what was well manufactured and cheap, that was connected with the theory of political sentiment. In this country, no such predilection for that nation existed; on the contrary, he believed the most substantial interests of commerce were now at hazard, from the very prejudices which were used by gentlemen sometimes to prove the very reverse. As to the perfect freedom of trade, and that *universal treaty*, of which the gentleman from Virginia [Mr. GILES] gave us a hint, but no outline, the other day, he questioned much if the accidental variance among nations, on which substantial differences had been moulded by habits, rendered the thing possible, and were it possible, whether all young countries that were not on even terms of manufacture, and ready for a competition of ingenuity, would not suffer extremely by the institution; he was sure this would. The idea was a benevolent one, but it was not one that could bear practice. On all questions in which great and complicated interests were under speculation, when habit and modes of life and taste, and an immemorial course of things were to be considered, he always wished to see much respect paid to the past as well as the existing order of such things, as long as the result of the whole seemed to be a great and certain share of national prosperity. It was, Mr. MURRAY observed, a difficult and hazardous thing to attempt to define with precision the particular cause of prosperity; it led to political quackery. We know, however, with certainty, that never did a country so rapidly move forward to perfection as do the United States—that our navigation has increased since the adoption of this Government, in proportion to other branches of trade, and that our commerce is both useful and ornamental, and the instrument of a revenue essential to the payment of a debt that we must discharge.

He said the complaint of gentlemen who supported the resolutions, that *our tonnage was inadequate to our exports*, was in his mind an inconsiderate and fallacious species of regret. It might be a desirable thing were our tonnage equal to our exports, but even this would be a good or an evil, as it might be connected, or not, with ob-

jects over which we had no certain control. He would remark, that such a state of navigation, at present, assumed two things as its basis—a great and manifest disproportion between all the branches of industry dependent on ship-building and navigation, and the other trade; and our power of becoming carriers for other nations, which would not be the case if maritime powers acted with their accustomed vigilance. Unless the last employment were provided for by the regulations of foreign Powers in favor of our ships, the first would be a serious evil. He thought it a safe proposition to which nothing but wild and crude speculation could be opposed, to say, that, as long as our right to be the carriers of other nations was not submitted to by them, the power to export all the raw materials of this country and its products would be an evil. This regret of gentlemen, he believed, to be founded on a comparison of this branch of trade here and in other maritime countries, as Holland, England, and some others. A little reflection would, he believed, afford consolation, by showing that their comparative superiority in the carrying business resulted from a solid difference in the situation of these countries, and of the United States; nay, that this very superiority is the result of necessity more than choice; a necessity which the free and happy citizens of this rich and abundant country did not feel, and which they would not feel for ages. The carrying trade of this country will never be equal to its exports, till the population of America bears a nearer proportion to the lands and the raw materials; till each branch of industry is proportionably supplied with labor; or the foreign Powers admit our carrying trade to a fair competition with their own. It is true, that we abound in articles of immense importance to the European artist, but they are so extremely bulky and heavy, that it is clear our exports require more than double the quantity of tonnage that the imports demand. The exports are, tobacco, rice, grain of all sorts, lumber, pot and pearl ash, and such heavy and bulky products; whereas, the imports are manufactures, small in bulk, high finished, light, portable, and of great value, for the space and tonnage they require in transportation. The proportion between them both is of value, and not of size. The first and great tendency of all things here, is towards agriculture and the rougher arts, as lumber-getting, which belongs to agriculture; the other arts and pursuits are but auxiliary to this main body of the national calling. This predilection and tendency will be for ever keeping up the ability to furnish the raw and bulky article of export, while it irresistibly diminishes the shipyard and its dependent arts of that industry which would be necessary to complete the power of affording domestic tonnage equal to the export; that is, we can afford more labor in the procuring of the export, than we can spare to the arts of ship-building and navigation. These pursuits that belong to agriculture and a settled life, are more congenial with our country, where freedom and plenty invite to marriage, the rearing of families, and the acquisition of lands. At present, he believed

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the seamen engaged in the foreign American tonnage, to say nothing of the coasting trade and fisheries, which doubled the amount, were more than in proportion to the citizens employed in the mechanic and manufacturing trade, making the relative proportions between them and England, the standard to judge by.

The tonnage rapidly increased every year; and he took it for granted, would observe a due proportion under its present great encouragement, which amounted just to an easy protection to stimulate industry, and secure cheap imports, without giving a rash monopoly to that branch of business—and here, he would remark, that under the existing regulation, the very best consequence flowed in on the consumer. By the additional duty of ten per cent. on goods imported in foreign bottoms, and the addition of forty-four cents per ton, we secured the importation of foreign goods to American tonnage, and by this means bought cheap; and, by leaving your ports free to foreign vessels, under an easy tonnage duty, there is a competition kept up in the domestic market for those exports, for which the foreign tonnage comes into your harbor. Thus, already, we buy cheap and sell dear at home. The competition that arises in our markets, in consequence of foreign ships becoming carriers of the surplus over that to which our own tonnage is equal, certainly raised the price of all things exportable; and a sudden and violent check in this order of things would vitally affect the agricultural, the lumber, the tobacco, and all the more bulky objects of exportation.

It appeared, then, to him, that the anticipation of effects from the resolutions, on the point of disproportion between our exports and tonnage, was calculated on a growth of navigation forced, unnatural, and pernicious; a growth that would call off from other employments the labor which is better bestowed as it now is, in increasing our ability to furnish, by enlarging the powers of agriculture.

A sudden alteration which would, for a considerable time check that competition between the foreign carrier and our own, for our products, would surely do mischief; nor could he see into what line of employment, except the mere carrying of our exports, would so immense an addition to our navigation be led; for, unless foreign Powers permit its participation in that branch of trade which, from local considerations, has ever been deemed so precious to them, the tonnage that covers the exports, over and above that quantity of it necessary to the imports, must return in ballast; that is, if the export requires six hundred thousand tons, and the imports but three hundred thousand, there will be the half of our tonnage employed abroad, either in voyages that will but little benefit our country, which wants internal labor more than foreign enterprise, at least of so useless a kind, or it will return in ballast.

But, even admitting its policy, he had no evidence of the only thing, which, combined with the idea of a navy, could render the object attainable, he meant the relaxation of the great navigation systems in Europe, which secured to their own

ships, advantages, in which participation was contemplated. In the two great scenes, France and Great Britain, to which American habits and course of business would most probably lead, and from whence the manufactures were to be imported, the American carrier would find himself, after unlading his export, under restrictions which would force him to seek distant and circuitous trading voyages, or return home in ballast. In both these countries, he would find his enterprise checked by their respective Navigation Acts—for Monsieur Barrere has reported a Navigation Act; it has been adopted by the Convention; and, as far as it respects the carrying trade, precludes us, except merely for our own productions. The artificial progress of things in France in manufactures, her political rivalries, and her Colonial relations, one would have supposed, would long since have pointed out such an imitation of the English act. The English act seemed dictated by necessity arising from causes, which, somewhat resembling those of France, find little analogy in the present circumstances of this country.

When imitation is pointed out to us as a piece of policy, it is a duty to view our actual situation to discover similitude of principle and causes; and to estimate the importance of differences between national qualities here and in countries of whose practice and systems an imitation is proposed. If the situations, times, and causes are similar, there will be plausible ground. If other causes of national prosperity, more eligible than those of other countries, present themselves to our view, we ought to be cautious, certain, and slow to decide. Very remarkable differences are palpable here from the circumstances that seemed to him to have forced the carrying powers of Europe to be such. It was important to view them, for political contentment would result from a comparison in which we found our difference.

In no country, that Mr. MURRAY recollected, did the history of the carrying trade show us a people overflowing with raw materials and natural wealth, inhabiting a new, extensive, fertile soil, who became great carriers.

If we examine the causes that made Venice and Genoa, and other free States of Italy, the carriers for the West of Europe, through the Straits of Gibraltar, to all the States that were rich enough to purchase, or refined enough to enjoy the luxuries of Asia and the Mediterranean, we find them small, with no extent of fertility or soil; and with a population overflowing, and disproportioned to the land, labor, or its produce. The Hanse-Towns, the Dutch and the English, with a few shades of difference, were similarly situated when they became the successors to these Republics in the carrying trade.

Had all of them abounded in those bulky raw materials which arise from a soil like ours, with sparse population, with a greater disparity between labor and its objects, they never would have been the great carrying nations they were. We should have seen something like that equipoise of employment which the genius of our own country leads to; and agriculture at least disputing the

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pre-eminence with navigation, which in our country is but her handmaid.

We have, indeed, seen similar habits and systems. The insular position of Great Britain, her neighborhood and hostile rivalry with the Dutch, who preceded her in arts and in navigation, pointed out the Navigation Act to the Parliament, in 1651, as an instrument of resentment—and it seemed naturally to arise from her national qualities.

But it is observable and important, in considering the cause which rendered that act advisable, that, notwithstanding her insular situation and her fullness of inhabitants, there was wanting for half a century that co-operation of causes which occurred to give it all the efficacy it has been attended with since.

The proportion of British and foreign shipping was but little in favor of England till eleven years after the peace of Ryswick; at which period, in 1697, the British tonnage was 144,000, and the foreign tonnage 100,000. The causes that then began forcibly to operate in favor of the British, eleven years after, when the British tonnage was 240,000, and foreign but 45,000, were as irresistible as to that effect as they are remote, and fortanately so, from this country. A union with Scotland had taken place, and increased her exports; the manufactures of the country had received great comparative improvements; the American fisheries began to improve; Jamaica, which is immensely important to her, and a Kingdom in itself, became a considerable object; but, above all, these independent States, who were then very growing Colonies, became felt in the scale of national interest, and poured their bulky materials into her lap. Without a Colonial system, she would not have felt the benefit of her Navigation Act.

With a Colonial system, she, and other countries possessed of Colonies, have inducements and employment for a disproportion of navigation that this country is without, and needs not in her present progressive state of all things. And yet the gentleman's system looks to a Navigation Act, at a time when all is convulsion without, and where none, or very few of the causes that have led to such a scheme in other countries, are visible in our internal affairs. For, if we look into our local situation, we find a most extensive and fertile country, sparingly inhabited, and abounding in natural wealth. If we look at the English, we find contracted territory, redundancy of population, few or no raw materials, and scarcity of the necessities of life, with large capitals, and the greatest exertion of ingenuity in manufactures.

Importation of manufactures has been our practice, and seems, under the present degree, protection given to those which are adapted to our immediate attempts to be our interest. We import no raw materials scarcely, nor grain, nor necessities. They, on the contrary, import almost every thing, and manufacture every thing. In short, our situation is completely a contrast to theirs, and it is a contrast infinitely to our credit and comfort. It had led his mind to a full conviction

that all our powers would gradually ameliorate together; and if left, as they have hitherto been, more to the exertions of an enterprising spirit and freedom, than rigidly directed by speculation and theory, they would, in the fulness and seasonableness of time, accomplish the extent and grandeur of design which nature seems to have destined as the social and political character of this country.

He was willing, therefore, to trust as much as possible to the operation of those causes which, whatever they were, had hitherto, under a fortunate neglect, produced effects and a prosperous train of things, which perhaps human contrivance and speculative wisdom had never attained for us. Had they meddled more than they have, they might, from the pernicious force of imitation applied to a scene which had not its like upon the globe, have thwarted that course of things which nature pointed out, and which has been successfully pursued. He could not, therefore, feel the force of a system that certainly meant to tamper with a condition in which, a very few things excepted, he felt satisfied and grateful. He had dwelt the longest on the fitness of a Navigation Act to the present circumstances of this country, as most of the arguments of those from whom he differed in opinion were drawn from the propriety of adopting something extremely like one.

But even taking it for granted, which cannot be admitted, that these resolutions afford, on general principles, a well-founded hope of relief from commercial and navigation restraints, he had no hesitation in saying that the present is the very worst time to try the solidity of the policy. It was bad, as it related to the chance of a war; and there was reason to fear that no nation would at this moment hold out great commercial temptations, except as a condition of joining in the war. It was bad, as it related to a commercial contest with other commercial nations; for where was the nation on whom we could rely under such a derangement of our trade as this system designs?

An alteration so great, in navigation, habits, employment of capital, and all sorts of commercial views, had been more reasonable and more practicable, if a clear necessity for such sacrifices could be shown; or if, in yielding to the force of a justly excited resentment against the British for insults offered to our flag, the gentleman had given us reason to believe that the sources of negotiation had been first exhausted; but there still remains a hope that negotiation and reflection might remedy evils which neither had been able to prevent.

At all events, the meditated change involved interests to our industry not to be hazarded on mere commercial theory, unsupported by the very last necessity. It was to be expected that any man who should make an attempt so serious as the present, would have come forward, with a statement of advantages to be derived from the change, so great and so certain as to warrant some hazard in the experiment. That, where he meant to change the stream of commerce and industry from its present bed, and exclude supplies of manufactures from one country, he would have pointed out another channel for its current, and have told

us precisely the very nation from whose ports the new supplies of manufactures were to be substituted, and on what terms.

The gentleman who meditated this thorough change, ought to have had at least the outline of fresh treaties in his hand, for the old were worth nothing; he might thus have shown us the only ground of expectation that a nation ought to calculate on—a view of the interests of such nation with which an accommodation of our own might be moulded into treaty. But no such thing was practicable at the present time, and his measures ought to have waited for a proper time, had they been in other respects adapted to our policy and interests.

But even allowing times, and the settled state of things abroad, to have been at this moment such as to permit this measurement of the sober interests of all, it would not be useless to inquire shortly into the probable ground of treating, supposing a treaty for instance with France to be undertaken in the spirit of those resolutions. He would not indulge any of those romantic expectations which some seem to place in the affection of that, or any other nation on earth. He would look steadily at her interests, in order to form an opinion of what she would do, and he would measure her interests by her own scale—the opinions she had ever entertained since she became a great maritime Power. Ever since the days of Colbert, France has looked on her West Indies as the support of her maritime greatness. A jealousy, equal to that of any other country, had always appeared in her Colonial system; and a spirit of monopoly, which her interests as a maritime Power, to use the term, seemed to inspire.

The Republic, by their Navigation Act, seem determined to adhere to the Colonial system; or, if they at all relax, it is but a temporary yielding to transient necessity, rather than a principle of change, introduced by either a revolution of Government, or real and lasting alterations of their interests. Their interests would be the same now as heretofore, and that they meant to have a powerful marine was evident from their Navigation Act.

He did not believe they would let us into their West India trade freely, except under circumstances like the present, which operated on all alike. They never did permit a free export from their Islands but to the Mother Country, and thence circuitously to others; by these means, they were secure both of the carriage and a cheap supply. Were a treaty now offered, giving a free trade to those Islands, we would think it hazardous to discriminate in their favor on that account. We should be suspicious of an offer that stood on a sacrifice of their own interests, and would not calculate on the permanency of provisions, which the necessities of war and disorder produced, but which never would long survive those necessities, which peace would remove. But there was no such offer; nor was now the time to digest such a business as a treaty, if this were an offer really made.

He would not, then, fancifully indulge himself or his constituents in hopes which a view of the interests of France showed him to be fallacious, and he would not in so serious a question suppose that they, more than we, would act steadily on any other principle than interest; it was the only immortal principle in the intercourse of nations; it may vary its shape and modification, but never its nature; and it is the most useful, as it contains a perpetual stimulus to honest emulation.

Had a detail been entered into by gentlemen on the other side, of those provisions which we should rightfully expect of any Power, in whose favor discrimination was intended, our judgments would have had some employment on fixed and certain objects; we might, from a correct view of the benefits and temptation presented, have estimated with some precision, though not with perfect accuracy, the value of that gain which such a commutation promised, but at present we were in the dark, and foresaw nothing with certainty; commerce was to be let loose to be blown to any quarter of the world, but its certain direction was not to be counted upon, and could not be foreseen.

It was impossible, he observed, to calculate the extent of the good and the evil; but we were certain that there was not a nation in the world ready and prepared at present either to receive our advances, or to supply us with manufactures, if those resolutions succeeded. The only country to which we could look as a substitute to the British market, is at present in a state so convulsed, and in such a paroxysm of affairs, that from thence we had nothing to expect, nor did he think that a treaty, of which he had heard some intimation, with that country of justice and reciprocity would suit the United States. Mr. MURRAY much questioned whether any treaty with the Powers of Europe on perfect reciprocity, for instance with mutual duties of say five per cent. on imports, would suit our situation. Such a one would suit those nations only in which manufactures had obtained considerable perfection, but would be the ruin of our infant manufactures, which we must and ought occasionally to protect, by duties varied according to their progression, and the probability of the supply from them proving adequate to our demands.

The effects of these resolutions on our internal affairs immediately, would prove that they were pernicious and a real tax without a well-founded reason. They would immediately be perceived in a diminution of our revenue, in their operation on the value and price of goods, and in the reduction of the value of our produce and raw materials. The last would be affected from the discouragement of foreign shipping. The first, from the inability to bring in foreign manufactures, from which a duty could be raised, because the line of trade and correspondence being altered, it was impossible to say when or where the importing merchant would be able to form new connexions abroad, which were not things of a day or a year, but required much time and mutual confidence to mature.

The value of goods would immediately rise, and

the merchant, every where actuated by the same principle, interest, which ought to guide us here, would benefit by the monopoly of goods to the injury of the farmer.

The moment these resolutions pass, said Mr. MURRAY, there is not a shop or a store in Philadelphia in which every imported article will not rise in price fifteen per cent., while our own produce will probably fall. But a gentleman from Virginia [Mr. NICHOLS] wishes to see retrenchment; he confessed he saw no reason for violent self-denial. There was no society, he believed, in the world that could so well afford to live well, and taste of every rational and refined enjoyment, as the citizens of this free and happy country. The universal prosperity which this very commerce, which is designed to be destroyed, diffuses throughout America, justifies enjoyment. Very natural would it be for the farmer to inquire the causes of this sudden rise in the price against him. He would be told that the British had insulted our flag, and therefore our system of self-denial. Could it be answered that we had exhausted all the gentle means of negotiation? or could any man lay his finger on any country, in a map, and say we have a certainty that from this country we shall not only have supplies of goods, but sure and high prices for our country produce? This could not be said. Were there such a country now prepared and ready to substitute for our present connexions, he said he would feel more justified in voting for this change, for he, like every other American, had severely felt the indignities offered to our flag and posts by the British.

But, said Mr. MURRAY, it has been more than intimated, even in this House, that our country had pursued a pusillanimous conduct and stood in a humiliating point of view. He denied it. No country on earth stood, he believed, in a more exalted station among the nations, nor better supported the character of a spirited people. Could any nation be charged with pusillanimity that had declared such a neutrality as this country did last Spring? At a time when all the great and formidable Powers in Europe, combining every engine of immense force and despotism against the French, were hovering round her borders, and seemed determined to crush her; at a time when she had not one ally on earth, and no nation received her Ministers, the United States dared to maintain a treaty, that looked the proudest nations in the face? They dared to be just, and such times, and on so hazardous stipulations, that not only rescued them from every charge of humiliation, but, in his opinion, added to the glory of the country. No, this country was not humbled. Like a young man of virtuous mind, and of fortitude, just setting out into life and business, she comports herself among the nations with dignified reserve, with amiable and innocent manners; she complies with her engagements though imminent danger overhang the performance, and bravely trusts the consequences to Providence.

Mr. M. concluded with observing, that the state of the debate presented no temptation to discuss-

sion, as all the points of relative privileges and restrictions, and the items of trade, had been ably and often stated. He had concluded, that as our trade does not at present (putting the disturbances of war out of the question) suffer from many restrictions which, when unacquainted with the subject, he thought did exist; as some of the existing restrictions against us belonged to systems over which we had no certain control, and which it did not suit us to imitate strictly; as the resolutions contemplated a change without affording a substitute in any degree, much less to more advantage; and as negotiation was not yet at an end, from which he hoped for some redress; as peace was his very first object, and, he believed, that of his constituents, and as those resolutions might go to disturb it, and did not appear to him supported by a certainty of advantage, though followed by great present and certain mischiefs, he should vote against them.

Mr. M. having concluded his speech, the Committee rose, and had leave to sit again.

WEDNESDAY, JANUARY 29.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Committee rose and reported progress.

COMMERCE OF THE UNITED STATES.

The House then resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States:

Mr. MADISON said, that most of the objections against the proposed resolutions had been made by those who meant to combat them, and that a question would soon be called for; it might, perhaps, be expected that he should review those objections, and assign the reasons which induced him to continue in the opinion he at first entertained. He wished it not to be understood that he meant to examine every particular argument which, in the course of so extensive a discussion, had been opposed to the measure. The Committee must have perceived that some of them had been of a nature not to merit an answer, and that others had sufficiently answered themselves. He should extend his observations to such topics only as might be thought to need explanation, and to have an influence on the question.

Previous, however, to this general survey of the ground which had been traveled over, he should so far presume on the patience of the Committee as to recur to the original opposition made by the member from South Carolina, [Mr. SUMTER,] and to take notice of some particulars, in what had been urged by him, which were left unanswered at the time.

The gentleman had thought proper to introduce his discourse with a very unmerited attack on the late Secretary of State, and to mingle with it a variety of criticisms on the facts and opinions stated in his report on the subject under consider-

ation. The spirit and manner in which the attack had been made, and which could not have escaped the attention of the Committee, would be left in that silence which may best express the sentiment they must have inspired. He should, indeed, have thought it less necessary to take further notice than he had already done of the matter of the gentleman's remarks, if attempts had not been made, particularly by a friend of the gentleman, [Mr. Aves,] to give a weight to his statements and inferences which it would be shown they did not merit; and if the task did not afford an opportunity of elucidating some particular points relied on by the opponents of the resolution.

It was made a charge against the Secretary of State, that he takes no notice of the higher duty imposed by Great Britain on other foreign tobacco than is imposed on American, (the former being 3s. 6d. sterling a pound, the latter 1s. 3d.) whilst he takes care to mention the high duty imposed on the American; although the discrimination is in favor of the United States, and is against Portugal, a country in particular connexion with Great Britain; and although the high duty of 1s. 3d. is immaterial to the United States, being paid by the consumer of the tobacco in Great Britain.

It was unfortunate for the gentleman, that this charge is fallacious, in every member of it:

1. The discrimination is not in favor of the United States, either in its intention or in its operation; not in its intention, because it was made in reference to this country when it was a part of the British Empire, and not in reference to us as independent States; not in its operation, because, if the discrimination were abolished, it would bring no rival of our tobacco into the British market. This is proved by the fact that in other markets, as that of France, where no such discrimination exists, the American tobacco is without a rival. It was well known that this and the other apparent favors to this country were a remnant of the old Colonial Code, which, having become a dead letter on the Statute Book, had not yet been struck out of it.

2. If the discrimination had no effect in favor of the United States, it could not, for the same reason, be a prejudice to Portugal. If it were necessary and proper to go into the inquiry, more direct proofs could be given on this point.

3. High duties do affect the United States, which produce the article, though paid by the British consumers. They have a double effect; they lessen the quantity, called for; and by lessening the competition, they lessen also the price. This was a truth that could need no comment.

It was to be remarked, however, that the zeal of the gentleman on this subject was such, that it had led him to extend the fallacy of his reasoning to rice, the staple article of his own State. This article pays a duty of 7s. 4d. sterling per hundred weight; but, like the duty on tobacco, being paid by the consumer, was said to be of little concern to us.

Call the price of rice 10s. sterling, the duty is 7s. 4d. The whole class of people, then, in Great Britain, between the class who cannot afford to

eat rice at the price of 10s., and the class who are willing to eat it at 17s. 4d., are prohibited the consumption by the duty. Was this a circumstance of no concern to the rice planters? The gentleman should have been reminded of his error by his own arguments.

As an apology for the duty imposed in Great Britain, he tells us it was meant to prevent the use of rice as a substitute for the bread-stuffs produced by Great Britain herself. Without the preventing duty, then, rice would have been substituted in place of wheat, in the opinion of the British Parliament, and the demand for it in the British market so far increased.

As a merit in the British West India regulations over those of France, it was stated by the gentleman that rice in the West Indies is a common food; that, in the British, the importation of it is free; in the French, subject to a duty, though an inconsiderable one. In Britain, then, where there is a high duty, rice is not an article of common food; in the Islands, where there is no duty, it is a common food; and the advantage of the British West India market to us over the French is, that the duty in the latter favors cheaper substitutes.

Another proof of the disposition of Great Britain to favor the United States in the West India market, is the prohibition of all foreign rice but the American. The same remark may be repeated here, which was applied to the discrimination in favor of our tobacco. It is an old Colony regulation that has no effect whatever. What other foreign rice could be brought to the West Indies? Is it the East India rice? That is prohibited by its distance. Is it the rice of Portugal? That is prohibited by the laws of Portugal, and probably also by the lower price of the Carolina rice.

The inference which the gentleman had drawn from the comparative regulations of Great Britain and France, on the subject of rice, was so curious that it was worth a moment's attention.

The facts, Mr. MADISON observed, stood thus: In France, the duty is 4 per cent. In Great Britain, 7s. 4d. sterling a hundred. In the French islands, the duty is 1 per cent. In the British, free, with a prohibition of other foreign rice.

As the duty of 1 per cent. is scarcely sensible, and the prohibition, as shown, is merely nominal, the inequality in the islands may be regarded as too immaterial to affect the comparison.

Passing to the two parent States, the duty in France is 4 per cent.; the duty in Great Britain, 60 or 60 per cent.

Here, then, is nearly an equality in one part, and a difference of 50 or 60 per cent. in the other part, of the two Dominions; and yet the gentleman could say it was not easy to pronounce whether the article of rice stands on a better footing in the system of the one than in the system of the other.

Another charge against the Secretary of State is, that his Report calls the discriminating duties in Great Britain in favor of American wood small, whereas they are considerable, and in several instances high.

Mr. MADISON said, he had not found leisure to trace this branch of our exports into all the details necessary to decide in what degree the duties were small or considerable, and in what proportion the several dutiable articles went to Great Britain. He observed, in general, that the greater part of our woods were exported to the West Indies, not to Great Britain; that in the ship-woods, at least, the Baltic nations were not rivals to the United States. It was known that Sweden and Denmark were so deficient in oak that their public navies were supplied from Germany, and that the ship timbers of Russia were transported a thousand or twelve hundred miles from her interior Dominions. The fir, of which the Swedish and Danish merchant ships were built, does not last more than seven or eight years, and could not, therefore, be a rival to the durable woods of the United States.

He observed, also, that lumber, and particularly the ship-woods of the country, were so precious, and so sure of being in demand, that they never could fear a rival or need a foreign bounty. This was an article very different from such as were an annual product of the earth, and as could be raised wherever the climate and soil permitted, according to the occasional demand. The forests that were to supply the ship yards were the growth of centuries; and where once destroyed, as they generally are in Europe, are rarely replaced at all, and never can become the rival to America, which enjoys them as the spontaneous gift of nature.

To enhance the merit of the British regulations, the gentleman had told us that wood was subject to a duty of 1 per cent. in the French Islands, and in the British free, with a prohibition of other foreign wood. This was of little consequence. The duty was a trifle, and, falling on a necessary article, to be got no where else, probably was paid by the French Islanders. And the prohibition was ideal, the American wood being the only resource for the British market.

The article of fish was admitted by the gentleman himself to be more favored by the French than the British system, though he admits it with reluctance, and diminishes the difference as much as possible. The case, however, is so clear, and the facts so palpable, that they speak for themselves. Under the French regulations, this important article of our commerce is subject to duties only in Europe and the West Indies. Under the British, it is under prohibition in both. The amount of the whole export is 382,237 quintals of dry, and 57,424 barrels of pickled fish. Of this, the French consumption is 232,171 quintals, and 45,164 barrels; that is, nearly two-thirds of the dry and four-fifths of the pickled fish.

Here Mr. MADISON, proceeding to the subject of whale oil, called the attention of the Committee particularly to the representation and language of Mr. SMITH as to the conduct of France, in inviting the fishermen of Nantucket to remove and settle at Dunkirk. Mr. SMITH, he said, had not only undervalued the monopoly of the French market to the United States, but had, by a mutilated quotation of a Report of the Secretary of State on the fisheries, changed the true aspect of

the attempt to draw away the Nantucket fishermen. The fact was, that although the conduct of France was very different from what was to have been wished, as well as from what was contemplated by the Marquis LAFAYETTE, who had patronized the interest of the fishermen, yet that the project of tempting them to emigrate had originated in Great Britain, and was a counter project on the part of France. How the gentleman happened to omit the antecedent attempt of Great Britain, and thereby exaggerate that of France, Mr. MADISON did not undertake to explain; but it was the more extraordinary, as the whole account of the transaction was contained in the same page of the Report, nay, in the same paragraph, from which the gentleman had extracted his information.

Here he read the passage in that Report, and produced the British statute, inviting the whale fishermen, by an offer of certain privileges, to emigrate to Great Britain.

A further charge against the Secretary of State is, that in his statement of the tonnage of the United States employed in the trade with the French and British Dominions, he founds it, not on the actual number of ships, but on the actual number of entries. This charge was as singular as it was uncandid.

The Report stated the fact that the American tonnage entering our ports from the several nations with which the United States traded, was so and so; and in this statement it pursued the official returns made on the subject. What more was to be required?

In giving the fact, the Secretary imposed on no one, because he stated the tonnage to be entry tonnage, as it really was.

He followed the best guide that existed—an official return from the proper offices.

No return of the actual tonnage, as distinguished from the entry tonnage, had at the time ever been made from any office or called for by any act of Congress.

The first return ever made in the latter form, was called for since the resolutions on the table were proposed.

These considerations might have restrained the gentleman from this unwarranted attack on the accuracy of the Report.

But he ought at least to have been sure that, whilst he was charging the Secretary with following an erroneous guide, he was himself following one that was not erroneous. The examination of this point involved facts which merited the particular attention of the Committee.

The statement of the entry tonnage of the United States in foreign trade for 1792, lately called for and reported, is 415,331 tons. The statement of the actual tonnage for the same year, is 239,394 tons.

On comparing these two quantities, it was evident that both could not be right. If the entry tonnage was no more than was stated, it was inconceivable that the actual tonnage could be as much as was stated. It would allow the vessels in the European and West India trades, together, but

somewhat more than one voyage and a third a year. It could never be supposed that this consistency in the fact. How, then, was the inconsistency in the two statements to be explained? Mr. Madison said, as he did not know by what rule the actual tonnage was made up, he would form no conjecture on the subject. He hoped and wished that some gentleman more conversant with it would solve the phenomenon. He did not call on the gentleman from South Carolina, because he, most of all, must be puzzled to account for it; having stated that our vessels in the trade to Europe make two voyages, and in the West India trade four voyages, a year.

Besides the evidence contained in this comparison of the aggregate tonnage in the two different forms in which it had been reported, the existence of error somewhere, and probably in the account of the actual tonnage, resulted from a comparative view of our exports to the British Dominions, for the two years of 1790 and 1792, and of the whole tonnage, American and British, employed in conveying them.

In the former year the exports were \$9,363,416. In the latter, \$8,269,495; the excess for 1790, \$1,093,921.

The entry tonnage, British and American, for 1790, was 273,580 tons.

The British entry tonnage, for 1792, was 206,334 tons. The actual American tonnage for 1792, was, according to the official statement, 66,552 tons; which, turned into entry tonnage, according to the proportion of the whole actual to the whole entry tonnage for that year, makes the American entry tonnage, in the trade to Great Britain, about 95,000 tons. Adding this to the British entry tonnage of 206,334 tons, the British and American, together, for 1792, amounts to 301,334 tons; which exceeds the tonnage of 1790 no less than 27,804 tons.

According to this calculation which embraces the actual tonnage as stated to the House, there would be 27,804 tons more employed in transporting \$1,093,921 less; making our tonnage to increase in that proportion as the employment of it decreased.

There was a possibility, Mr. Madison observed, that the course of trade in the two years might be such, that more of the vessels employed in the exportations to Great Britain might be entered in 1790 as coming from some other country than in 1792; but as there was no known circumstance which authorized this solution, and as it seemed demonstrable, in general, that error existed somewhere in the statements, and most probably in those of the actual tonnage, he concluded that it ought to be referred to that source; and, consequently, that the guide followed by the Secretary of State (to wit: the entry tonnage, the only one he had to follow) was not more inaccurate than the actual tonnage would have been, which guided the member from South Carolina.

Another position of the Secretary of State on which a charge is founded is, "that the greater part of what Great Britain receives from the United States is re-exported." This position, Mr.

Madison reminded the Committee, related to Great Britain, without comprehending the West India Islands, which formed a distinct branch in the Secretary's Report. How far it was liable to the exceptions taken against it, would appear from an examination of facts.

To obviate criticisms, Mr. Madison said he would take for the basis of his calculations the statement, given in detail by the gentleman himself, of the exports for 1790 to the French and British Dominions; which, though not extended to every item, approached so near to a full view of the trade as to be adequate to the purpose.

In the statement, the exports to Great Britain stand at \$6,651,429; from which must be subtracted, for the comparison, the amount of the several re-exportations, as far as they can be liquidated.

Tobacco.—It appears from an official document, that the tobacco exported to Great Britain in 1791 was 67,286 hogsheds. A return for another year states the quantity to be 52,505 hogsheds. It appeared from the revenue returns of Great Britain, that the consumption of this article amounted to 9,600 hogsheds. The proportion re-exported might then be reasonably set down at four-fifths of the quantity imported.

Rice.—To obtain the proportion of rice re-exported, we may take the medium quantity imported for three years immediately preceding the Revolution, which, according to a table in Anderson's History of Commerce, was 486,543 cwt. By another table for the same period, the medium quantity exported was 349,653 cwt. The difference marks the consumption, and is 136,890 cwt. The quantity exported to Great Britain from the United States in 1792 was 58,978 barrels—equal to 294,890 cwt. Comparing the quantity consumed with this quantity, it appears that more than half, though less than two-thirds, is re-exported—call the re-exportation one-half only of the present importation.

Indigo.—According to a statement in Anderson, the medium importations into Great Britain, for three years immediately preceding the Revolution, were about thrice the medium quantity exported. Call the proportion re-exported now, however, one-fifth only, which is probably below the fact.

From these proportions, and the data furnished by the gentleman's own statement, result the following justification of the Report of the Secretary on the point:

Exports to Great Britain	-	\$6,651,429
Tobacco	-	\$2,754,493
Consumed, one-fifth	-	550,898
Re-exported	-	\$2,203,595
Rice	-	773,852
Consumed, one-half	-	386,926
Re-exported	-	386,926
Indigo	-	473,830
Consumed, four-fifths	-	379,064
Re-exported	-	94,766

Wheat and flour,

perhaps the whole re-exported; and more was carried to Great Britain in the two succeeding years, though the aggregate exports thither were less than in the year here taken: say, however, that one-fourth was consumed, and let the amount stand according to the gentleman's statement, at 1,087,840

Consumed, one-fourth

Re-exported

815,880

3,501,067

Here, then, it appears that their exportations of the four articles alone, of tobacco, rice, indigo, and wheat, are greater than the whole consumption in Great Britain of the articles imported from the United States, although the most unfavorable year has been taken for the inquiry; and, consequently, that the position of the Secretary of State was well founded.

If it were necessary to investigate the full amount of re-exportations, several articles might have been added to the list, such as whale oil, ginseng, flaxseed, &c.

Nor would it be unfair, perhaps, to include the primitive value of the articles re-exported in the new forms given to them by art. A great proportion of what is sent from the United States to Great Britain, in a rude state, is worked into articles of merchandise, and exported in the course of trade. Take, for example, the two articles of pot and pearl ashes and indigo.

The amount of the export of the former to Great Britain is stated at \$747,078; of which, if no part is re-exported in its unaltered state, the whole enters into British manufactures. Supposing one-third of these particular manufactures to be exported, which appears to be nearly the general proportion, the value of pot and pearl ashes re-exported is \$249,026. The indigo used in Great Britain has appeared to be \$379,064, one-third of which re-exported as an ingredient in manufactures, is \$126,354. These two items alone amount to \$375,280; and, with many others, might be added to the mass of re-exportations. But they are stated rather to throw light on the general character of our trade with Great Britain than to be relied on in the present case, which has been sufficiently elucidated by more direct and simple views of it.

Mr. Madison proceeded to apply the calculations he had made to the question discussed by Mr. Sumner, in relation to the comparative importance of the French and British markets to the productions of the United States.

By deducting the \$3,501,067 re-exported, from the \$6,651,429 imported into Great Britain, he reduced her actual consumption to \$3,150,362; to which, adding the \$1,805,744 exported to the West India market, the whole British consumption stands at no more than \$4,956,106. On comparing this with the exports to the French Dominions, (which re-export none of any consequence,) to wit: \$4,424,336, the subject took a very different aspect from that which had been given to it.

But there was, Mr. Madison observed, a circumstance of the utmost importance to a fair view of this question, which had been wholly overlooked by the gentleman from South Carolina, and which cut up his calculations by the roots. The re-exportations from Great Britain were not only to be subtracted from the consumption of Great Britain, but, in a great degree being made to France, were to be added to the value of her market to the agriculture and commerce of the United States.

The re-exportation from Great Britain to France could not be accurately fixed by any documents to be had here. In general, they were known to be great. He would, he said, confine himself to the two articles of tobacco and flour, of which he estimated the amount as follows:

The tobacco exported from the United States appears to be about 100,000 hogsheds. It is valued in the return of our exports at \$4,349,567. It is known that France consumes about one-fourth of the whole quantity exported; that is, \$1,087,392. It appears, by the return of our exports, that the direct exports of this article to France stand at \$384,642. The indirect supplies, then, to France, not appearing in the returns of our exports, and to be added to them, are \$702,750.

Of the flour and grain sent to Great Britain, allowing, as above stated, one-fourth to have been there consumed, which is probably beyond the truth, the re-exportation amounted to \$815,880. It is well understood that France was the market where these articles were finally consumed. The account may now be stated:

To the French market, directly exported for consumption	-	\$4,424,336
Tobacco indirectly exported for consumption	-	702,705
Wheat and flour indirectly exported for consumption	-	815,880
Total of French consumption	-	5,942,921
Total of British consumption	-	4,956,106
Excess of French consumption	-	986,815

Thus it appears, without taking into the account the other articles re-exported to France, that the market of that country for our exports was worth to the United States nearly a million more than the market of Great Britain; and yet the gentleman from South Carolina had represented the British markets as exceeding the French in the annual amount of between three and four millions; and had pronounced, without hesitation, that Great Britain, in reference to our productions,

was a more important customer than France, almost in the ratio of two to one.

Mr. Madison, returning to the Secretary's Report, said he hoped, after what had been shown, it would be needless to trouble the Committee with further remarks on the subject. In dismissing it, however, he could not do justice to his own impressions, without declaring his entire confidence that the Report would be regarded by all discerning and unprejudiced judges as one of the many monuments which its author had left behind him, of the zeal, the talents, and the patriotism with which he had discharged the duties of his station; and that he had carried with him into retirement a purity, both in his public and private name, which nothing that could be said within or without the walls of Congress could tarnish.

Having gone through the particular observations into which he had been led by the attack made on the Report of the Secretary of State before the Committee, he should proceed to a more general view of what had been urged by the opponents of the resolutions he had introduced.

Among other things, it had been alleged, in the latter stages of the debate, that the friends of the resolutions had involved themselves in inconsistency, by shifting the ground of argument from commercial to political considerations. In answer to this charge, he remarked, that if in any instance of his public life he was free from the charge of inconsistency, it was on the subject of vindicating our national interest against the policy of Great Britain towards us; that in all the public stations with which he had been honored since the peace, and on every occasion which had occurred, his conduct had been marked by an adherence to this principle; that the resolutions he had last proposed were founded on this principle; that if, in the first arguments supporting them, he had dwelt chiefly on commercial topics, it would be recollected that he kept the door open for political ones, if the turn of the discussion should require them. That he had foreborne to enlarge on the political sides of the question, because he thought it defensible on commercial grounds, and was willing to meet it on those grounds, because he did not wish to mingle, unnecessarily, irritating ideas in the discussion, and because he had supposed that every thing relating to the Treaty of Peace, the Indians, Algerines, the spoliations, &c., were sufficiently imprinted on every mind, and would have all the effects they ought to have, without being particularly enforced.

Whilst he could thus repel the charge of inconsistency brought against himself, it must be evident, he thought, how much room there was for retorting the charge. In the early stages of the discussion, there seemed but one sentiment as to the conduct of Great Britain, at least in a political view. The difference turned on the question, whether we could or ought to counteract her conduct. In the latter stages of the discussion, palliations if not justifications had been multiplied and labored, not only with respect to her commercial policy, but with respect to the detention of the posts, the Indians, the Algerines, and even the

spoliations of our neutral commerce; on the unlawfulness of which, our Executive had grounded the remonstrance and demand of indemnification lying on the table.

In addition to this, he stated the inconsistency between those who maintained and those who rejected the theory of leaving commerce perfectly free; the inconsistency of rejecting this theory, and yet refusing to meet restrictions on one side with restrictions on the other; the inconsistency of condemning a commercial discrimination between nations, as contrary to the wise example of Great Britain, and claiming for Great Britain the credit of making such discriminations in favor of the United States. The inconsistency of predicting that the measure would destroy the revenue, and insisting that the duties articles would continue to be imported from the same source, through more extensive channels. The inconsistency of explaining against topics and remarks which may awaken passions, and endeavoring themselves to alarm our fears; of exhorting the Committee to consult its judgment alone, and substituting for argument continued addresses to the imagination.

Particular pains, he remarked, had been taken to exhibit a picture of our national prosperity which might flatter our wishes and forbid experiments. It was readily admitted, he said, that there were many features in the face of our affairs which were proper themes of mutual congratulation, whether compared with the situation of other countries or with our own under other circumstances. And it gave him much pleasure to add, that the degree of prosperity we enjoyed, though not to be exclusively credited to the change of our Federal Government, or to particular measures under it, according to the exaggerations of some, was yet so far and so evidently the fruit of that change as to do honor to the people of America in adopting it. He mentioned two innovations, making part of the Constitution, which must alone have had a powerful effect in meliorating the condition of this country, to wit: the prohibition of paper money, or other violations of contracts, and the abolition of incoherent and rival regulations of trade among the several States. But notwithstanding the flourishing state of our affairs, when viewed under certain aspects, it was equally certain that there were others which suggested very different reflections.

He then went into a review of the actual state of our commerce, particularly in relation to Great Britain, and of the several injuries of another sort which that nation had superadded to her commercial restrictions.

He repeated, what he had formerly maintained, that there was more of reciprocity in the footing of commerce between Great Britain and other countries, and between other countries and the United States, than between Great Britain and the United States. To prove the first point, he remarked that in some instances Great Britain had treaties with other countries which defined and stipulated reciprocal privileges; in other instances, her restrictions were counterbalanced by laws imposing restrictions on her. To prove the second

point, he remarked, that no other nation with which the United States carried on commerce had a Navigation Act similar to that of Great Britain.

With respect to the intercourse between the United States and Great Britain, there was, he insisted, a want of reciprocity throughout, that must strike the most superficial observer.

In the article of navigation this had been sufficiently pointed out, and, being admitted on all sides, need not be repeated.

In the trade between the two countries, our best staples, wheat and flour, fish and oil, salted provisions, which amount to considerably more than one-third of our exports, were shut out of her markets; whilst all her best staples, her woollens, her cottons, her manufactures of the metals, of leather, and of silk, were admitted on moderate duties, and enjoyed in a manner a monopoly of our market.

In the articles of superfluity mutually admitted, there was nothing to compensate the inequality in other cases. Our tobacco paid a tax of four or five hundred per cent., our rice fifty or sixty per cent., and our manufactures of every sort would not be admitted, if we were ever so able to send them. On the other hand, her superfluities were received under duties which in general did not exceed from seven and a half to fifteen per cent.

In the West India trade, besides the exclusion of our vessels, whilst her own were left free, there were a number of our productions which were not admitted into the market there, whilst our laws refused nothing that was brought into the market here.

He next turned his attention to the injuries and losses we suffered in other respects.

As he had not possessed himself of the evidence, he should, he said, leave it to those who had to show how far the Indians were or were not spurred on to war against us by the agents or partisans of Great Britain. It was a sufficient ground of complaint that the posts were wrongfully detained; that the detention had a baneful influence on the sentiments and conduct of the Indians; and that the supplies for their warfare were derived from a trade authorized by the British Government, and protected by the posts which of right were ours, and ought to be used for our defence. He combined this proceeding of Great Britain with the lawless seizure of our vessels under her instructions of the 8th of June last, observing, that whilst on one side she violated the laws of nations by carrying on a trade in contraband articles with those at war with us, she was on another side violating the laws of nations by intercepting our trade with those at war with her, in articles not contraband.

The Indian war, he observed, cost us annually a sum, exceeding by one million the sum that would probably be sufficient for the defence of our frontiers if the posts were in our hands. The fur trade depending on the posts might, he thought, be fairly valued at two hundred thousand dollars more.

The Algerine depredations appeared to have proceeded from the steps taken in pursuance of the views of the British Government. If they were

not immediately pointed against us, it must have been known that our trade would be the victim. The evil, therefore, may at least be charged to an unfriendly disregard of our interests, if not to a positive hostility to them. The pecuniary amount of this evil cannot be rated at less than the expense of the armament proposed as a remedy. This is stated at six hundred thousand dollars for the outfit, and he did not expect that the annual expense would average much less; to which may be added, at a very low computation, for insurance, remaining after the armament, two hundred thousand dollars.

The spoliations committed on our neutral commerce by Great Britain must be of considerable, though very uncertain amount; and the consequential detriment to our trade in general, from these interruptions and dangers, of a very great, though equally uncertain amount. In order to bring both within a safe estimate, he said he would state the former at the limited sum of one hundred and fifty thousand dollars, and the latter at no more than four hundred thousand dollars.

In addition to the foregoing estimates, he said there was another item which, though of a different character, fell under a comprehensive view of our situation; and, being reducible to an amount tolerably definite, ought to find a place here. He referred to the statement before quoted, from a Report of the Secretary of State, which showed that the loss to the United States, from a dependence on British bottoms for the carriage of their produce, was no less, annually, in time of war, than three millions two hundred and fifty thousand dollars; and, in war and peace, averaged no less than one million three hundred and ninety-two thousand eight hundred and fifty-seven dollars. Allowing about one-third of this carriage for the reasonable share of Great Britain, (and, for reasons formerly derived from the character of our exports, this was a full share,) the annual loss from the dependence might be called about one million of dollars. These calculations he recapitulated thus:

Indian war	-	-	-	1,000,000
Fur trade	-	-	-	200,000
Algerine depredation	-	-	-	600,000
Insurance not reduced by naval armament	-	-	-	200,000
British spoliations	-	-	-	150,000
Consequential detriment to our trade	-	-	-	400,000
Dependence on British bottoms	-	-	-	1,000,000
				<hr/>
				\$3,550,000

From this view of things, it was impossible to deny that, however prosperous the United States might be in some respects, they were in others laboring under violations of their rights and interests which demanded the serious attention of the Legislature. Besides the unreciprocal footing of their commerce, and the indignities offered them, it was seen that they were burdened with an enormous extra expense, and involved in unjust losses, amounting to more than three and a half millions of dollars a year; a tax nearly equal to the heavy one they had been obliged to impose on themselves. Having taken this view of our situation, he pro-

ceeded to consider how far a remedy was com-
prised in the resolutions before the Committee, by
tracing the probable operation of them, if passed
into a law. [In this stage of his observations, the
hour of adjournment being nearly arrived, he sat
down, with an intimation that the subject would be
renewed.]

On the next day, Mr. M. resumed the train of his
observations, and proceeded to explain the remedial
operations of his propositions:

First. They will make the British nation
sensible that we can, by just and pacific means,
inflict consequences which will make it her in-
terest to pay a just regard to our rights and in-
terests.

To enforce this tendency, he enlarged on the
ideas he had formerly expressed in relation to the
dependence of Great Britain on the commerce of
the United States, and the obvious and essential
dependence of the British West Indies on the sup-
plies of the United States.

On the latter subject, he entered into a particu-
lar reply to the member from Massachusetts, [Mr.
AMES,] who had argued that the British regulation
of the trade between the United States and the
West Indies was conformable to the principles of
the Colony system, as established by the commercial
nations of Europe, and could not therefore be rea-
sonably complained of. 2d. That the West Indies
could obtain supplies from other quarters, and
did not therefore depend on the United States; and
nay, that there was danger, by forcing these sup-
plies into other channels, of our losing that branch
of trade altogether. 3. That the trade would
hardly employ more than a dozen brigs, and was
therefore not worth contending for.

In answer to the first argument [of Mr. Ames]
Mr. MADISON undertook to show that Great Bri-
tain had not pursued but violated the principles of
the Colony system. The true spirit of this system,
he said, was to confine the trade between the pi-
nent country and the Colony to their own vessels,
and to allow as little trade as possible between the
Colony and foreign countries; but when a trade
with a foreign country became necessary to the Co-
lony, to allow the foreign vessel the same carrying
privileges allowed to their own. Colonies, he said,
were to be considered as parts of a common em-
pire. The trade between one part and another, as
between London and Kingston in Jamaica, was to
be considered equally an internal trade with the
coasting trade between London and Liverpool, or
the trade between different parts of the United
States; and might, if deemed expedient, be equal-
ly restrained to domestic bottoms. But when
a trade was opened between a Colony and a
foreign country, the case was changed: the foreign
country became a party, and had a reciprocal
claim to the use of its bottoms, as much in the
trade with the Colony as with any other part of
the empire to which the Colony belonged. In sup-
port of this doctrine, Mr. M. referred to the ex-
ample of every nation in Europe, except that of
Great Britain which had American Colonies.
Denmark, Sweden, the United Netherlands,
France, Spain, and Portugal, had their Colonies,

as well as Great Britain; and some of them were
rigorously attached to the principles of the Colo-
ny system; yet not a single one of these nations
had refused, whenever a trade was permitted at
all between the Colonies and another country, to
make the carriage common to the vessels of both
the parties. Great Britain alone had attempted a
monopoly in such cases for her own vessels. Her
example, therefore, was an innovation on the Colo-
ny system, as well as an infraction of the rights
of reciprocity.

In answer to the second position of Mr. Ames,
he denied that permanent supplies of provisions
and lumber could be derived from any other part
of the world than the United States; not from the
Northern parts of Europe, which either did not
produce or were too remote to send them; not
from the Southern parts of Europe, which depend-
ed themselves on the Northern parts and on Ame-
rica; not from Great Britain, which imported
bread for her own use, amounting, one year with
another, according to the report of the committee
of the Privy Council, to the sum of near three
hundred thousand pounds sterling, and was cer-
tainly not an exporter of lumber; not from Ireland,
which could not pretend to rival the United States
in any article but that of salt provisions; and this
was so much dearer that a prohibition alone of
ours could gain a market for hers. The gentleman
had relied on the capacity of Ireland to extend her
cultivation of wheat, so as to spare supplies of this
article also. Such a revolution in her interior
state was not very probable. But he ought at least
to have remembered that, as the pasture lands of
Ireland should be turned into wheat fields, her ex-
ports of beef would decrease in proportion as she
might be enabled to export bread.

It was a waste of time, Mr. M. said, to disprove,
by minute inquiries, the possibility of supplying
the British West Indies from the old Continent
on terms that would not be worse than abandon-
ing them altogether. The truth was, that the gen-
tleman [Mr. Ames] had, in this particular, gone
beyond the most sanguine advocates of the British
policy, Mr. Knox and Lord Sheffield themselves,
who limited their ultimate hopes of supporting the
West Indies, without the aid of the United States,
to the remaining possessions of Great Britain on
this Continent. He would proceed, he said, to
show what foundation there was for the opinion
of these gentlemen, and the gentleman from Mas-
sachusetts, in favor of this resource. And he was
able to give the most full and decisive evidence in
the case, by recurring to an authentic document
of our own, from which it appeared that the
Continental Colonies of Great Britain, instead
of being able to furnish the West India Colo-
nies, were themselves dependent, for the very ar-
ticles wanted there, on the supplies of the United
States.

In the official statement of our exports for the
year as late as 1791, most of the articles sent to
the British Continental Colonies were of a sort
and an amount so directly to the point that he
hoped the Committee would excuse him for repeat-
ing them in detail. He stated them as follows:

BREAD-STUFFS AND ROOTS.		
Wheat, bushels	-	315
Rye, do.	-	2,201
Barley, do.	-	82
Indian corn, do.	-	80,734
Oats, do.	-	814
Buckwheat do.	-	26
Peas and Beans, bushels	-	1,418
Rice, tierces	-	84
Flour, barrels	-	27,197
Ship-stuffs, do.	-	2,515
Rye meal, do.	-	1,774
Indian meal, do.	-	2,396
Buckwheat meal, barrels	-	853
Bread, do.	-	29,200
Crackers, kegs	-	364
Potatoes, bushels	-	20
Onions, do.	-	525
MEATS, &c.		
Beef, barrels	-	284
Pork, do.	-	351
Bacon, pounds	-	881
Fresh pork, do.	-	29,334
Fresh beef, do.	-	92,269
Mutton, carcasses	-	561
Tongues, barrels	-	33
Butter, firkins	-	80
Lard, pounds	-	5,720
Cheese, do.	-	1,826
LIVE STOCK.		
Horned cattle	-	312
Horses	-	39
Sheep	-	1,517
Hogs	-	178
Poultry, dozen	-	361
WOOD.		
Shingles	-	43,000
Staves and heading	-	128,000
Handspikes	-	2
Hoops	-	3,000
Laths	-	3,000
Blocks	-	100
Or-rafters	-	857
Tunnels	-	1,500
Oak planks and boards	-	14,267
Pine, do.	-	27,000
Maple and beach, do.	-	7,500

The total of the exports, including a few articles
under other heads, amounted to \$270,259.

Here, then, it is seen, that not only in the bread-
stuffs and meats of every sort, but in the articles
of lumber and live stock, for which, by universal
acknowledgment, the West Indies must depend
either on the United States or the British Conti-
nental Colonies, the latter are so far from being a
rival to us, or a resource to the West Indies, that
they continue at this day to supply their own de-
ficiencies from our market.

Mr. M. said that he should not have employed
so much of the time of the Committee on this
head, if the gentleman [Mr. Ames] had not at-
tempted to revive the arguments with respect to
Canada and Nova Scotia, which had misled Great

Britain in her political calculations and her pre-
sented views. He had heard the language of the
gentleman on this subject with astonishment.
That Mr. Knox and Lord Sheffield, British sub-
jects, viewing the prospect with British eyes, at
the distance of three thousand miles, in the year
1783, when little inquiry and no experiment could
assist them, should have run into the error, was
perhaps not so marvellous. But that an enlightened
citizen of America, seeing with American eyes,
living in the neighborhood, as it were, of the scene,
in a State whose wharves afford proofs of the daily
dependence of the British Continental Colonies for
the necessities of life on the market of the United
States, should, in the year 1794, adopt the opinion
that those Colonies could supply the islands,
after a trial of nine years had probably forced
the authors of the opinion, Knox and Sheffield
themselves, to abandon it, would be heard with-
out some surprise, and must be considered at least
as the fullest proof that the gentleman had not
given sufficient attention to the present subject to
claim that weight which was in general due to his
observations.

Mr. M. said he was not less surprised at the
second position of the gentleman from Massachu-
setts, viz: that the West India trade could be car-
ried on by a dozen brigs, and, consequently, was
not an object worth our pursuit. The plain an-
swer to this argument was, to state the fact that
the shipping entered in one year from the British
West Indies was not a dozen brigs, but 107,759
tons.

Besides the immediate importance of this aux-
iliary resource for our navigation, he remarked,
that there were two considerations which en-
hanced the value of the object: one, that as the
West India articles could be brought cheaper in
American vessels, they would come cheaper to
American consumers; the other, that as our sup-
plies would at the same time be carried cheaper
to the West Indies, the people there could afford
to consume the more of them.

It had been urged, that the proposed restrictions
on the trade with Great Britain would produce
clamors here as well as there, and that Congress
might be obliged to recede, before the British Go-
vernment would be under the necessity of doing
so. To this Mr. M. replied, that he was under no
such apprehension. He thought more favorably
of the good sense as well as virtue of his fellow-
citizens. On the side of Great Britain it had been
shown there would be the greatest distress, and
the least ability to bear it. The people there
were not accustomed, like the people of the United
States, to self-denying regulations. They would
not have the same confidence in the justice of
their cause. And it was particularly worthy of
remark, that the people of Great Britain would
be disheartened, and the Government alarmed, by
reflecting, that their losses from the shifting of
commerce into other channels, and not only of
their manufactures, but manufacturers, to other
places, would be permanent and irretrievable;
whereas, on our side they would be temporary
sacrifices for durable and valuable acquisitions.

Secondly. The resolutions would have the effect of increasing our marine, and thereby at once cheapening and securing the carriage of our productions, and providing for our safety. These advantages, having been already sufficiently explained, need not, he said, be again developed.

It had been remarked by a member from Massachusetts, [Mr. Ames.] that if, as stated by a Report of Mr. Jefferson, Great Britain was so often at war, her wars, by depriving us of her shipping, would soon have the wished effect of replacing it with American shipping. This reasoning, Mr. M. said, supposed what was contrary to prudence and probability. What merchants would build ships which a peace, always more or less in prospect, would throw out of employment, unless it were for special purposes, where the momentary gain might outweigh the eventual sacrifice?

It had been said that our tonnage was proved, by the official returns, to be increasing with an unexampled rapidity. To this Mr. M. answered, that the increase ought not to be compared with other examples, but with our own natural faculties and reasonable expectations; that the increase of our population required an annual increase of at least five per cent.; that an assumption, by foreigners, of American names, had probably increased the apparent quantity of our shipping; that the war, or preparations for it, by withdrawing foreign shipping, had probably also had some little temporary effect; that the principal cause of the increase was the extension of our trade with the French Dominions, which some members seemed so little inclined to secure and foster, by measures which appeared to him best fitted for the purpose.

He reminded the Committee of an argument which had on former occasions been much pressed by several mercantile members, for encouraging our own navigation, to wit: that American vessels, from a spirit of enterprise and a union between private and public interests, would explore new fields of commerce and new markets for our produce, which foreign carriers would leave unattempted. The trade to China, opened by American vessels, had been often ascribed to this cause. Mr. M. said the argument seemed to be countenanced also by the present state of our Mediterranean trade, which had, since our Independence, been confined by the Barbary corsairs to foreign bottoms. Previous to the Revolution, when American vessels could be the carriers, the trade was very considerable. Since the exclusion of our vessels, though the carriage of our produce is safe in British and several other foreign vessels, yet this branch of trade had withered as much as most others have grown. In 1790, the exports cleared for the Mediterranean were but \$11,726; and in the year following, the imports no more than \$11,522.

Thirdly. Another effect incident to the proposed measure would be an additional encouragement to domestic manufactures.

A gentleman from Massachusetts [Mr. Dexter] had said he could read no such tendency in the propositions. Mr. Madison thought it impossible to read the propositions with attention, and not

perceive that they must have the like tendency with the other means by which manufactures had been promoted. If the duties already laid were calculated to produce this effect, an increase of those duties, in any instance, must have a tendency to increase the effect. In answer to the objection that a change in the policy of Great Britain might put an end to the additional duties, and enslave those who should proceed under the influence of them, he remarked: 1st. That the same might be said, in some degree, of the regulations now in force. A treaty with Great Britain might stipulate changes which would affect our manufacturers. But, as there was a just confidence that the interests of this class of citizens would in this case be attended to by the Government, it might be expected that equal attention would be paid to them in any other case. 2d. The progress of things in this country, and the probable accession of foreign manufacturers, might be relied on to support whatever undertaking shall have once got a footing.

Fourthly. The proposed resolutions would favor an advantageous competition and distribution of our trade among the manufacturing nations of Europe. At present, it may be said to be monopolized by one, so great is the disproportion of its manufactures which come to our market. That this is an evil has been admitted, and cannot be doubted. It exposes us to the greatest and most sudden embarrassments, from the caprice, the passions, the mistaken calculations of interest, the bankruptcies, and the wars, of a single foreign country. Many of these embarrassments are felt at the present moment. If it were possible to liquidate them into a pecuniary statement, it would be found that, in a permanent view of our interest, there would be economy in making very considerable temporary sacrifices, for the purpose of dividing our custom among a number of competitors. It was not true that Great Britain alone can supply the manufactures we want. France, the United Netherlands, and several other nations, are capable of supplying us with a variety of articles, as well as the nations from which they now come; and, if invited to our markets, by prudent encouragements in the first instance, will soon learn to fashion their manufactures to the wants and tastes of this country. The policy of favoring particular branches of trade, even at some expense, in order to guard against the evil of depending on a single one, was exemplified by the conduct of Great Britain herself. Although he viewed her discriminations generally, respecting us, in the light he had explained, yet he thought it possible that, in the instance of naval stores and ship timbers, it might be her intention to foster a rivalry in a more distant quarter, in order to provide against a casual privation of the supplies of a nearer quarter. These articles are as essential to the marine of Great Britain, as her marine is essential to her greatness. Were she to have no resource but in the Baltic, a war with the Baltic Powers might be fatal to her. It may be wise in her, therefore, to keep open the American resource, even at the price of a tax on herself. In this case, she must

quarrel with both the Baltic Powers and the United States at the same time, before the supplies will be cut off.

A member from Massachusetts [Mr. Dexter] had not, Mr. Madison said, been very consistent in his reasoning on the subject. He had contended against all attempts to excite a beneficial competition, on the idea that no competition could be beneficial which would not spring up of itself; and yet he had warned us against the danger that Great Britain, by exciting a competition against the United States in those parts of Europe which most resemble the infant situation of our country, might establish new sources, from which supplies would afterwards spontaneously flow to her, without being ever again wanted from the United States. The same remark was applicable to the reasoning of the other gentlemen who had represented the danger of exciting a permanent rivalry for the West India market, in favor of Canada and Nova Scotia.

Fifthly. The plan of the resolutions tended to conciliate nations in treaty, or disposed to be in treaty with us, into arrangements still more favorable to our commerce. This argument had peculiar weight in relation to France. It had been said that Great Britain was our best customer. The fact, he said, was, that we were her best customer; but that France was our best customer. We consume more of British manufactures than any other nation in the world consumes. France consumes more of our productions than any other nation consumes. He referred to the statement he had before offered for proof of this. Her consumption was also of the most valuable kind; and, under favorable regulations, would be a very growing one. It consisted of wheat and flour, salt provisions, and fish; articles which were not admitted by Great Britain; and which, without the market of France, would glut every other. Of our fish, she consumed five-eighths of the whole exportation. Her use of our live animals was another important consideration. It amounted, in the list of our exports, to \$32,795, for the year 1791. In the same year, the British demand amounted to no more than \$32,415.

The superior proportion of navigation we enjoyed in the French channels of intercourse had already been shown. In examining the policy of cultivating and securing the French market, he said it ought not to be forgotten that the profits and revenue arising from the rum distilleries depended on an article obtained almost, if not altogether, from the French Dominions alone, and which was the only raw material of any consequence imported into the United States. It was paid for, also, as had been much urged on other occasions, by members on the opposite side, in the worst fish, which could find a vent in no other part of the world. The molasses imported into the United States, in one year, amounted to upwards of seven millions of gallons, more than one-half of which went into the State of Massachusetts. He took notice, also, of the article of sugar, as rendered of great importance by our habits and our finances, and of which more than one-half was

supplied by the French West Indies. Out of 17,142,723 pounds imported, 9,321,829 pounds were received from that source. The residue came in the following proportions, to wit: Danish, 2,833,016 lbs.; Dutch, 2,707,231 lbs.; British, 2,280,647 lbs. That statement was taken from the imports of 1790, the only year he had been able to examine on this point.

It had been said, why grant privileges before a mutual grant should be secured by positive stipulation? Why throw away, by a legal regulation, what ought to be the price of treaty? He answered, that the legal regulation threw nothing away, as it was always revocable; that, in the present instance, it was only meeting the legal regulations of which France had set the example; that, instead of being a bar to treaty, such a course of proceeding, more than any other, would smooth the way to it, by explaining the objects and establishing a confidence on both sides; that it would be happy if, in all cases where treaties are in view, this open and conciliatory process could take the place of that reserve and mysterious negotiation with which the parties approach each other. Were Great Britain desirous of forming amicable arrangements by treaty, he asked, what reader or more prudent step could she have taken for the purpose, than to have followed the example set her, by holding out in her laws the spirit in which she was willing to meet us in negotiation?

Having gone through these explanations, Mr. Madison entered into a view of the principal objections to the resolutions proposed.

1. It was said they would diminish the revenue and endanger the funds.

With respect to the Public Debt, his general ideas had been expressed by several who had spoken before him. He acknowledged that he had disliked and opposed the modification given to it; but, after it had received the sanction of the law, he had entertained no other wish on the subject than that the Debt might be honorably discharged as fast as the circumstances of the country would permit. This, he was well satisfied, was the prevailing sentiment of the great body of the people. He did not believe that there was a single State in the Union, or any considerable part of a single State, that did not acquiesce (where they did not approve) in the provisions which had been made in behalf of the public creditors. At the same time, he was equally sure that it never was either meant by Congress, or understood by the public, that, in mortgaging the impost for their security, it was to be a hostage to foreign countries for our unqualified acquiescence in their unequal laws, and to be worn, as long as the Debt should continue, as a badge of national humiliation. The nature of the obligation could certainly import no more in favor of the creditors, than that the fund appropriated should be applied, as far as requisite, to their use, unless equivalent funds should be substituted; nor more against the public, than that all deficiencies in the funds should be made up, whether arising without or in consequence of a change in the

laws. If it should happen, then, that in consequence of any measure, dictated by the general good, the impost should become inadequate to its object, all that could be exacted by the public creditors would be some other provision, that would supply the defalcation; and it ought not to be doubted that the people at large, whose good was pursued, would readily support whatever other provision might become indispensable. He had made these remarks, however, with reference to an event which he did not, by any means, admit to be probable. The more he had revolved the subject, the more clearly it appeared to him that a very operative addition might be made to the duties on the enumerated articles, without endangering the aggregate product of the importations. And he entirely concurred in opinion with those who had observed, that the greatest injury which could be done to the class of citizens holding the public paper was, to represent their interests as more to be regarded than any national considerations whatever; and to oppose to the latter even the most imaginary contingencies to the former.

2. It was objected, that the operation of the resolutions would be more favorable, in some instances, to nations in treaty than was merited; and more unfavorable, in others, to nations not in treaty, than was politic.

In answer to this objection, he observed, that Sweden and Prussia, two of the nations in commercial treaty, had but little intercourse with us; would be, in any respect, but little affected; and, besides, the treaties with them were limited to a short term, the greatest part of which had elapsed.

France and the United Netherlands, the two other nations to be favored, could not reasonably be grudging the advantages they might derive from treaties, for which we had long ago received a valuable consideration, in their assistance towards the establishment of our independence.

As to the nations not in treaty—Denmark would not be affected. She had no Navigation Act within the description of the resolutions, and could not feel the duties on manufactures. The whole of the imports from Denmark amounted, in the year 1791, to \$9,957 only. Her islands, also, with which the trade is carried on in our vessels, depend for their subsistence on our market.

Russia has little or no shipping in our trade, and it would not be affected if she had, as she had no such Navigation Act. Her unwrought iron may come as before. Duck and sheeting are the only two manufactures on which the resolutions would sensibly operate; and, with respect to these, as will presently be observed, it would be easy to make special exceptions.

The Hanse Towns, having no Navigation Act, would not be affected in that respect. Linens are the only articles falling within the proposed enumeration; and might, if thought requisite, be easily excepted.

Spain has little shipping in our trade; has no Navigation Act, such as is to be reciprocated, and would not be sensibly touched by the duties on

manufactures. She also needs our exports, and will be influenced by that consideration. It had been asked, why Spain, against whom we had complaints as well as against Great Britain, ought not to be equally an object of our regulations? He said that such a question could be best answered when the communications from the President relating to Spain should be taken up.

Portugal, like Spain, will not be affected in her navigation, nor sensibly, if at all, in the article of manufactures; and is, more than Spain, supplied with necessities from our market. According to Zimmerman, Portugal does not raise within herself more bread than will feed her three months in the year. It is certain that she depends much on external resources, and that occasions are frequent when she can find them nowhere else than in the United States.

Mr. MADISON said, he considered these explanations as a sufficient answer to the objection. He would add, however, that there were other answers, some of which had been before hinted, that would afford an option of modes for the exemption of nations not in treaty. Besides the opportunity which such nations have of removing all difficulties, by meeting us in liberal treaties, they may be provided for, either by limiting every part of the measure to nations having a Navigation Act; or by limiting it to nations within a geographical description—a practice familiar to the British code; or, by naming the nations to be excepted—a practice also familiar to Great Britain; or, by naming the particular articles to be excepted—a practice no less familiar to that nation. By some or other of these modifications, the Committee could be at no loss to accommodate the plan to their own sense of propriety and the public good.

Here Mr. MADISON took occasion to remark, that much of the argument against the resolutions had proceeded from an inattention to their import, and would be answered by a simple explanation of them.

The first resolution, which was immediately the subject of debate, decided nothing with respect to a discrimination between different nations. It declared only, in general, that the situation of the United States required something to be done in the way of commercial restrictions and duties; and yet it had been combated by many members, as if a vote in favor of it would involve all the embarrassing preferences which their fancies could suggest.

The succeeding resolutions, on the subject of additional duties on manufactures, and of a variation of the tonnage duties, were founded on a discrimination between nations in treaty and nations not in treaty, but admitted, as he had observed, of whatever modifications or exceptions might be judged equitable or politic. The proposed reduction of the tonnage of vessels in treaty had been suggested by the complaint made by France of the existing tonnage on her vessels, as exceeding the burden imposed by her on ours, as well as an unkind return for the commercial benefits of which the United States were partaking under her laws. At present, the tonnage imposed by us

on all foreign vessels was the same. This would not seem to be right on any principle, unless the tonnage imposed on our vessels by all foreign nations was the same, which was not to be presumed. Whether the change he had proposed would be an amendment of the existing law was a point to be examined. It was certainly a part of the plan which he did not regard as the most essential.

With respect to the resolutions reciprocating navigation laws, it was evident, he said, that these had no reference to the question, whether a nation was in a treaty or not. They would operate equally, wherever there might be the same departure from the principle of reciprocity. If they should bear on one nation particularly, it would be because they ought to do so.

8. It had been much insisted, that trade ought to be free to find its proper channels, under the conduct of merchants; that the mercantile opinion was the best guide in the case now depending; and that that opinion was against the resolutions.

In answer to this objection, he said it was obvious to remark, that in the very terms of the proposition, trade ought to be free, before it could find its proper channel. It was not free at present; it could not, therefore, find the channels in which it would most advantageously flow. The dykes must be broken down before the waters could pursue their natural course. Who would pretend that the trade with the British West Indies, or even with Great Britain herself, was carried on, under the present restrictions, as it would go on of itself if unfettered from restrictions on her part as it is on ours? Who would pretend that the supplies to the West Indies, for example, would not flow thither in American bottoms, if they flowed freely? Who would pretend that our wheat, our flour, our fish, &c., would not find their way to the British market, if the channels to it were open for them?

It seemed to have been forgotten, that the principle of this objection struck at every regulation in favor of manufactures, as much or even more, than at regulations on the subject of commerce. It required that every species of business ought to be left to the sagacity and interest of those carrying it on, without any interference whatever of the public authority. He was himself, in general, a friend to this theory, but there were a variety of exceptions to it, arising out of particular situations, as must be admitted by all who would mingle practical with theoretic views, and as has been already decided by a number of our laws.

With respect to the mercantile opinion, he was disposed to pay all due attention to it. The mercantile class of citizens was certainly an enlightened and a respectable one. Their information ought always to be received with respect and their interest protected with care. But it did not follow that their opinions, even on questions of trade, ought to be consulted as an oracle by those who were equally bound to watch over the interests of every class of citizens, and over the joint concerns of the whole. There were considerations of dif-

ferent kinds which suggested caution on this subject.

However intelligent and constant the merchant might be in directing his operations for commercial purposes, he might not be equally in the habit of combining with these the various other rational objects which the Legislature might be bound to consult.

The interest of the mercantile class may happen to differ from that of another class, and possibly both may differ from that of the whole community. For example: it is, generally speaking, the interest of the merchant to import and export every thing; the interest of manufacturers to lessen imports, in order to raise the price of domestic fabrics, and to check exports, where they might enhance the price of raw materials. In this case it would be as improper to allow the one to judge for the other, as to allow either to judge for the whole.

It may be the interest of the merchant, under particular circumstances, to confine the trade to its established channels, when the national interest would require those channels to be changed or enlarged. The best writers on political economy have observed, that the regulations most unfriendly to the national wealth of Great Britain have owed their birth to mercantile counsels. It is well known, that in France the greatest opposition to that liberal policy, which was as favorable to the true interest of that country as of this, proceeded from the interest which merchants had in keeping the trade in its former course.

If in any country the mercantile opinion ought not to be implicitly followed, there were the strongest reasons why it ought not in this. The body of merchants who carry on the American commerce is well known to be composed of so great a proportion of individuals who are either British subjects, or trading on British capital, or enjoying the profits of British consignments, that the mercantile opinion here might not be an American opinion; nay, it might be the opinion of the very country of which, in the present instance at least, we ought not to take counsel. What the genuine American mercantile opinion would be, if it could be collected apart from the general one, Mr. M. said, he did not undertake positively to decide. His belief was, that it would be in favor of the resolutions.

It could scarcely be necessary, he said, to add, that his remarks were not meant to be, as they were not in fact, the least reflection on any part of the mercantile order among us. They only supposed what, in political reasonings, ought always to be supposed, that the prejudices of birth and personal interests will be a bias on the judgment.

4. It had been an objection to the resolutions, that they might deprive us of the aid of British capital and credit, which were necessary to the prosecution of our commerce.

Mr. M. did not admit either that the effect would happen, or that it would be ruinous to our commerce.

Unless Great Britain should, of her own choice, put a stop to the commercial intercourse with us,

which, for reasons before given, would be so much more hurtful to herself than to this country that it never could be presumed, the resolutions would operate only by abridging some of our importations, and by varying the channels of others. Her capital, as far as requisite here, might continue to be employed here.

On the general question concerning our dependence on British capital and credit, he observed, that it could not be denied that more use was made of them at present than was either necessary or beneficial. Credit, when extended to consumers, as was the case throughout the Southern States, was extremely injurious, as had been well explained by a member of Virginia. [Mr. Nicholas.] and as he himself had equally witnessed; when confined to merchants, it might, within certain limits, be an advantage. But it was not only his own opinion, but that of better judges, that the credit given to our merchants was at present excessive and injurious.

In order to form a very precise judgment on this subject, it would be necessary, he said, to calculate the amount of our own capital, and its proportion to the amount of our trade. This was a thing, he supposed, which could not well be done. If he had concurred in the doctrine of which so much had been heard both within and without doors, that a funded debt and banks of discount were equivalent to active capital, he should have a ready answer to the difficulty. The paper of the two kinds in the United States cannot amount to less than one hundred millions of dollars, whilst the amount of our exports or our imports does not exceed one-fourth of that capital.

It is true, a part of both the public and the bank stocks is in foreign hands; but, with the most ample deductions on that account, the residue, if operating in any considerable degree as active capital, would be a competent resource.

As he did not, however, view the doctrine in the particular light in which it had been painted, it would be more to his purpose to observe, that there was certainly in this country a real mercantile capital to a very respectable amount; that this was fast increasing with our increasing population and wealth; that if the foreign capital of one country should be withdrawn, the vacancy would probably, by degrees, be occupied by that of other foreign nations; that, if it should happen otherwise, there was reason to believe that a restriction of our use of foreign credit would be rather salutary than disadvantageous; that in fine, as long as we had twenty millions of dollars worth of produce, wanted by other nations, and were willing to take for it twenty millions worth of what they wished to part with, he was under no apprehension that the means of effectuating an exchange would not be found. Both merchants and capital would quickly be generated by such a state of things, if they did not previously exist.

5. It had been observed by several members, in allusion to the alleged proportion of British manufactures, consumed by us to the entire mass of her manufactures, that Great Britain would never part with her Navigation Act, in order to avoid a

loss of four per cent. in the demand for her manufactures.

To this objection he answered that the comparison ought to be of our consumption, not with the entire mass of her manufactures, but with the part entering into her foreign trade; and then the loss would not be four per cent., but at least twenty per cent. That this would not be the only loss she would sustain, if she should be unwise enough to stop the intercourse between the United States and her Dominions; that it had been already shown, that when she apprehended a restrictive system on our part, she was willing to prevent it, by relaxing her restrictive system; that in times of war, when an adherence to that system would distress her, she frequently suspends her Navigation Act; that at this moment it is suspended in relation to the West Indies; that there could be little doubt, if the temporary necessity were likely to be made permanent by firm and judicious measures on our part, that the remedy for it would be made permanent also.

6. It was objected that the present was an improper time for such resolutions.

The principal reason given for this was, that the negotiation between the Secretary of State and the British Minister here was still depending. To show that this reason was unsound, Mr. Madison went into an historical view of what had passed in reference to commercial arrangements. He read the Message of the President to the House of Representatives on the 14th of February, 1791, acquainting them that steps had been taken to ascertain the dispositions of the British Court on the subject, and that there was no ground for favorable expectations. He stated that, in consequence of this communication, a committee was appointed, who reported that foreign vessels ought not to be allowed to bring into the United States any articles not of the produce or manufacture of the country to which they belong, and that an additional duty of 12½ cents ought to be laid on all distilled spirits, the production of any country or place from which vessels of the United States were not permitted to bring them; that, it being very near the end of the session when this report was made, it was referred to the Secretary of State, with an instruction to report at the next session an account of the foreign commercial regulations affecting the United States, with his opinion, &c.; that at the next session a letter was received from that officer, intimating that, in the actual state of circumstances, the report would not be given in, unless called for by the House; that, at the present session, the report now before the Committee was given in without being called for, and was, therefore, a proof that the circumstances which had caused the delay had vanished, and that at present there was nothing in train, according to the opinion of the Secretary of State, which ought to restrain the Legislature from proceeding in the business.

In answer to suggestions, that the British Minister had, in the correspondence with the Secretary of State, lately communicated by the President, manifested a favorable disposition, which has not

been improved, Mr. M. referred to the passages which related to this point. He read from the first letter of Mr. Jefferson to Mr. Hammond, dated November twenty-nine, one thousand seven hundred and ninety-one, a paragraph requesting Mr. Hammond "to say whether he was authorized to conclude or to negotiate arrangements with us, which may fix the commerce between the two countries on principles of reciprocal advantage?" To this request, Mr. Hammond, on the thirtieth November, one thousand seven hundred and ninety-one, answered, "That the King was sincerely disposed to promote and facilitate the commercial intercourse between the two countries, and that he was authorized to communicate to this Government His Majesty's readiness to enter into a negotiation for establishing that intercourse upon principles of reciprocal benefit." On December 6th he wrote to Mr. Jefferson, in order to prevent misapprehension, that, although he was not yet empowered to conclude any definitive arrangement with respect to the commercial intercourse, he still meant it to be understood that he was fully authorized to enter into a negotiation for that purpose, &c. The reply of Mr. Jefferson, on the 13th of December, informed Mr. Hammond that he had laid his letters before the President, and was ready to receive a communication of his full powers for entering into the negotiation, &c. This was followed, on the next day by a letter from Mr. Hammond, stating that he had no special commission to conclude any definitive arrangement upon the subject of commercial intercourse, but that he conceived himself fully competent to enter into negotiation, and the discussion of principles that might be the basis of such definitive arrangement; and that this opinion of his competency was founded on the instructions which were to regulate his personal conduct and the general plenipotentiary character in which he had been sent and received.

This letter, Mr. Madison observed, closed the correspondence on the subject of commercial arrangements, being justly considered by the Executive as a final proof that the powers of Mr. Hammond were incompetent and irrelevant to the object, and that it would be improper to open a formal negotiation with him under them. His instructions might be a rule and a warrant to himself, but, not being even exhibited, could be no evidence of his authority to the Executive; and his plenipotentiary commission, in the ordinary form, could never be understood as relating to the special objects he proposed to discuss. According to the usages of nations, a special commission is, in such cases, always furnished and required. Mr. Madison was persuaded that no sovereign in Europe would listen for a moment to such a claim as that of Mr. Hammond, and that the British Court would have been offended at such an one from an American Minister. He thought, therefore, that the Executive had equally consulted dignity and prudence in silently dropping the subject in the manner it did, until Mr. Hammond should receive and produce adequate powers in the accustomed form; as might reasonably be expected, if his Court was duly disposed to meet the United States

in an amicable arrangement of commerce by treaty.

That the construction put by Mr. Hammond on his powers was inadmissible, appeared to Mr. Madison to result from the construction itself. Either the general plenipotentiary commission was to be taken in the technical and limited sense in which it is applied to the ordinary diplomatic objects of a stationary public Minister, or in a literal sense, without regard to such limitation. In the former sense, it clearly does not extend to negotiations for a treaty. In the latter sense, it would extend to the conclusion of a treaty, and not merely to negotiation, as Mr. Hammond explains and limits it.

Mr. Madison adverted next to the state of the correspondence relating to the Treaty of Peace. It appeared, he observed, that as long ago as the 30th of May, 1792, the Secretary of State had addressed to Mr. Hammond a full explanation of our rights and demands under that treaty; that, on the 2d of June, Mr. Hammond informed the Secretary that he should transmit it without delay for the consideration of his Court, and, accordingly did forward it in the course of a few days; that on the 13th of November, 1793, previous to the present meeting of Congress, Mr. Hammond was desired by the Secretary, in pursuance of a charge from the President, to let him know whether an answer could yet be given to the letter of May 29, 1792. Mr. Hammond replied that it could not, but he was confident the delay was to be ascribed to the continuance of the cause alluded to in a former answer to a similar request.

The cause alluded to was the interesting posture of things in Europe, which, it was said, had diverted the attention of the British Government to objects of a more pressing nature; and this consideration had been urged by several members as an apology for the silence observed towards the United States. Mr. Madison thought very differently. The interval between the receipt of the letter written by the Secretary in May, 1792, and the accession of Great Britain to the war against France, had been sufficient for the purpose of preparing and sending the proper instructions to Mr. Hammond. Mr. Madison added, that the prospect of being engaged in new controversies of a more serious kind, instead of justifying an inattention to an existing one, ought to have quickened the efforts for a previous settlement of the latter. This is the course dictated by prudence to nations as well as to individuals, and, where a right disposition concurs, it is the natural course.

It had been mentioned, as a further reason against the commercial propositions at this time, that they might draw upon us the resentments of the combined Powers. Mr. Madison could see no ground for such an apprehension. The combined Powers were pretty fully occupied with France. They could have no pretext for concerning themselves with us, in a case where we did not concern ourselves with them; and there was the less room for imagining that the combination could misconstrue the measure into an offence against them, as two of the parties, Prussia and the United Nether-

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lands, were in treaty with the United States, and are favored by the propositions. 7. It was finally contended that, admitting our situation to be such as had been described, the mode proposed was an objectionable one.

Mr. Madison said he had no predilections for the mode, that could prevent his giving a ready preference to a better, if a better should be offered. And unless it should be said that the Legislature ought to adjourn without doing anything for the public relief, he thought it incumbent on those who objected to one proposition to substitute another that would be less objectionable. By this he meant a proposition not merely better in itself, but one that would probably be thought so, both within and without doors, and be more likely to coincide with the sentiments of every part of the Union, as well as to conciliate a majority of voices in the public councils.

The first question, he said, was whether anything ought to be done. If this he decided in the affirmative, as he presumed to be the sense of a majority of the Committee, and if war was not in contemplation, as, of course, was taken for granted, the next question could only lie between negotiation and commercial regulations. Negotiation, it had been shown, was in no train for prospect that could justify reliance on it. Commercial regulations alone remained. They would be pacific in their operation. They were the means best suited to the temper of our constituents; and he sincerely believed that, if judiciously framed, they would be more likely to answer the reasonable purposes of the community than any others that could be proposed.

Mr. S. Smith, of Maryland, addressed the Chair as follows:

Mr. Chairman: I shall make no apology for again taking up the time of the Committee in the discussion of a subject in which the best interest of America is involved—a discussion which has greatly instructed my mind, and which will tend to remove prejudices from others as well as it has from myself; for I will confess that, until the present subject had been discussed, I had conceived that the trade of America had struggled with many difficulties arising from the permanent commercial system of Great Britain; the inquiry has reduced the disadvantage on our commerce to one solitary object—that is, we are not permitted to carry our produce to the West India Islands. Nor shall I make any apology for following immediately after a gentleman of such powerful abilities; I shall not enter with him into a calculation of what value of our indigo imported into Great Britain is again exported when it composes the blue dye of their cloths, nor what value of our pot ash is exported from Great Britain after it has enhanced the value of their bleached linens. It is sufficient for my country that those articles have there found the best markets. It matters not the seller what the buyer does with the article, provided he pays for it. My habits in private life have led me to submit every proposition of gain to calculation; I use the same rule in public life. I asked what commercial advantage arose

from the treaties? I see none but reciprocal protection and security. I asked what permanent disadvantage to our commerce from Great Britain, (the Power aimed at?) I am answered, the carrying trade to the West Indies; on which subject I will now address the Committee.

It is worthy of inquiry to know the advantages given by the different nations having Colonies in the West Indies, and the disadvantages arising to us from their restrictions. In the general term of West Indies I shall include the sugar Colonies on the Continent; and, first, Portugal permits no kind of intercourse with her Colonies of Brazil; she supplies them with flour from her own mills. Holland permits our provisions to Surinam and Demaram, but prohibits us from carrying from thence anything but molasses and rum. The consumption of provisions is but trifling. Spain excludes us from her Colonies, except in time of war, like the present, when she permits (by particular permission) the flour of this country, and allows our returns to be made in all the produce of the island. She supplies her colonies from Cadiz with our flour, and wheat she imports from France. Denmark permits our ships and cargoes of flour, meat, lumber, corn, &c.; and allows our returns to be made in any of the produce of her islands. From them we are supplied with a great part of the sugar we require.

[Here Mr. Madison said that, by the return of the year 1791, the Danish Islands only supplied two millions of pounds of sugar.]

Mr. Smith. I admit what the gentleman has said; for two years the crop at St. Croix had failed; but I still assert that, in common years, our great and certain supply of the best sugars is from the Danish Island—I mean in times of peace and tranquility. I will here observe, that Denmark, from whom we receive such marked favor, is implicated in the punishment these resolutions intend to inflict. France permits us, in times of peace, to carry in our ships to her West Indies fish, beef, live stock, and lumber, and to take our returns only in taffia and molasses; she prohibits our pork and flour, except in times of war and scarcity, when she permits us to carry both, and did permit us to make our returns in any of the Island produce, until the decree of the National Convention of March last, which limits our returns of sugar to one-tenth, and of coffee to one-fiftieth of our tonnage.

And here, Mr. Chairman, let me observe, that Republicans know their own interest better than Monarchs, and I quote their own decree to show it. France, regenerated France, will never admit you freely into her West Indies; if she would, I would give her the restriction proposed. But, sir, France can supply her own Islands with flour; it is her interest to encourage her own farmers. So far from expecting to supply France with flour, you must expect to meet her as a rival in that article in the markets of Europe. In that of Spain she has always been your only competitor, with a decided preference in favor of her flour. Then why calculate on France as a market for your flour? France gave orders for flour in 1772 from

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this country, but required no assistance from that period until 1787. As a proof that France will not give up her Colonial system, I will read you a part of two paragraphs from the report of the Navigation Act, by Mr. Barrero:

"The navigation of the Colonies, which entwines our seaports, and gives motion to all the works of industry, was participated in by foreigners, and we were calm spectators."

Again:

"To carry on ourselves the navigation of the Colonies is to profit by the abolition of our custom-houses," &c. Here Mr. S. was requested to read the third article of the Navigation Act, which he did, but was still of opinion that it did not, and would not, alter the Colonial system. It only went to the prevention of foreigners carrying anything but their own produce or manufactures, but gave no security to the admission of our trade freely to her Colonies. The introduction and explanation preceding the act showed clearly that they meant skill to have the monopoly of the Colonies. Great Britain draws from us in her own ships (only) all the flour, livestock, lumber, Indian corn, rice, &c., that she wants for her West Indies, and gives you sugar and rum in return. The flour, we are informed, amounts to from 45,000 to 60,000 barrels per annum, which might be carried by 12 to 15 brigs of 1,000 barrels, making each four voyages per annum. Shall we, then, quarrel with her because she will not employ our vessels to carry, when she takes from us so large a quantity of the produce of our lands? Can this be the interest of the farmers or millers of this country? If merchants supported this measure, they might with truth be said to be interested. She, in time of war or scarcity, permits our ships to carry to her Islands. It is said that Great Britain can obtain supplies of flour, &c., from no other country. It is true she now depends on the United States for supplies; nor do I wish to relieve her from a dependence that assists to secure to us her peaceable conduct; I doubt that policy which would induce us to push nations to the necessity of exercising their industry to supply themselves elsewhere with provisions. I have already stated that Portugal, during our Revolution, was compelled by necessity to erect mills, and has ever after refused to admit your flour. I will give another instance: Ireland, being cut off by our war from her usual supplies, turned her attention to farming; what has been the consequences? Why, she has become an exporter of wheat, and actually exports this year more than would supply the whole English West Indies. Suppose those resolutions should pass—may not England reject your flour (as France, Spain, and others do) and thus encourage the Irish to erect mills? At present, it is no object—for their flour would meet ours in competition. But remove ours, and what the consequence would be, must appear obvious.

The gentleman has said, that Canada can give no supply of wheat or flour. He quotes Lord Sheffield's book, written in 1784, for the government of our opinion in 1794; and he tells us that

Canada is compelled to take her flour from the United States, and quotes the year 1791, when, from the wetness of their seed time, (in Spring) they had not been able to sow—one solitary year! As well might I say, that Philadelphia and New York took their supplies from Quebec, because a few years past, they actually bought large parcels of wheat there.

Sir, I well recollect in the year 1773, to have met wheat from Quebec in every port of the Mediterranean. In Barcelona, there were 50,000 barrels for thence for sale at one time. In future, Lower Canada will have no cause to fear, even if her Spring should be unseasonable; for Upper Canada sows the fall wheat, and last year actually (as I am informed by an American gentleman from Montreal) sent for exportation 300,000 bushels of wheat. The ordinary export from Lower Canada is 3 to 500,000 bushels. The same gentleman informs me, that the English companies, whose capitals are immense, have begun to erect mills. I ask if England, with those and other means in her power, may not be able to supply her West Indies? Sir, I say there is great cause to fear she will make the attempt.

The result of these observations is, that the general Colonial system of Europe is to monopolize to the Mother Country all the supplies she is capable of making, and particularly the carrying trade. France and Spain excludes your flour from their Colonies, and, of course, your carrying it. England takes all the flour her West Indies require, but reserves the carrying for her own vessels. I ask, then, which Colonial system, that of France and Spain, or that of Great Britain, promises most advantage to the farming and milling interests of this country? I ask, would any prudent nation risk the certainty of supplying 60,000 barrels of flour per annum, for the uncertainty of forcing Great Britain to permit us to carry it? The gentleman has stated that the favors to our trade in Great Britain, are only the same we enjoyed when Colonies. The continuing those favors to us when independent, certainly does not show any enmity towards the United States.

Mr. S. said, that he had already stated that the American tonnage had increased as rapidly as the capitals of our merchants and the number of our seamen would permit. But to be more particular, he would submit a statement of its progress, since the first year, of the advantages proposed by the existing laws, took effect; taken from the documents now before the Committee:

Account of all the tonnage entered in the United States, in the years 1790, 1791, 1792.

	Tons.
1790, American vessels,	479,091
1791, do do	501,790
1792, do do	568,283
1790, Foreign vessels,	258,919
1791, do do	240,799
1792, do do	244,263
1790, Increase of American,	22,699
1791, do do	66,493
1792, do do	—
1790, Decrease of Foreign,	—

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1791, Decrease of Foreign,	17,128
1792, Increase of Foreign,	3,464
Total increase of American entries in two years,	89,192
Total decrease of Foreign, in the same time,	14,656

By this statement every member will see how rapidly our tonnage increased in 1792. Our merchants then had felt the advantages deriving from the existing laws to their shipping, and had completely risen from the languor occasioned by the insecurity under the former Government. The ship-builders, and the various useful mechanics necessary for the promotion of commerce, had again collected to the seaports, and met with full employment.

It appears that in the year 1792, there was a small increase of foreign tonnage; but did this arise from an increase of British tonnage? No, sir, on the contrary, it will appear by examining the document for 1791 and 1792, that the British tonnage decreased 5,619 tons, and that the increase arose from the French, who in 1791 supplied but 8,941 tons; in 1792, their tonnage amounted to 24,017 tons. Whence, Mr. Chairman, arose this sudden increase of French tonnage? Why, regenerated France made a stroke at our carrying trade, that proved a complete monopoly to herself of the carriage of all our tobacco wanted in France in her own ships; this she effected by laying a duty of twenty-five livres per cwt. on tobacco imported into France in American bottoms, when that imported in French ships paid but eighteen livres, making a difference of about 46s. 9d. sterling per hhd., when the usual freight of a hhd. of tobacco was but 32s. 6d. sterling to France in times of peace.

Mr. S. then asked, Has Great Britain laid any such discriminating duty? If she has, he would readily give his consent to retaliate. It will be conceived that 206,000 tons of British shipping entered in our ports, was still too great a proportion out of a total of 812,546 tons; but did this arise from the trade to her European Dominions from America? No, sir. It arose principally from her vessels employed to her West Indies, whose entries were three to four times per annum, and to her ships employed to the Mediterranean, for account of her own merchants. American ships cannot go there for fear of the Algerines; you, therefore, ought to be pleased at the competition that arises from their purchasing for the Mediterranean markets. A demand is created thereby to the great advantage of our farmers.

From experience, he would venture to say that nearly the one-half of all the American produce actually landed in Great Britain, is carried in American ships, and nearly the whole that is imported from thence. Is it not, therefore, unreasonable, Mr. Chairman, to repine because we have not the whole? It now becomes a subject of inquiry, to know how our own ships are employed. It appears by the document that there were employed from the 30th September, 1791, to the 30th September, 1792, to the ports of the Powers in treaty with us, actual tonnage, 145,295; to those not in treaty, actual tonnage, 143,089. Nearly an

equal number of tons to each description. It ought to be observed that in that year there were 67,130 tons employed to the French West Indies. Only a small part of which ought to be counted on in times of peace. But for argument's sake let us adopt the statement as it stands; and what will be the consequence if the proposed discrimination should be adopted? Your third resolve proposes lessening the duty of tonnage on the ships of Powers in treaty; your fourth proposes raising the duty of tonnage on the shipping of Powers not in treaty. What advantages are to derive to the American shipping from those two resolutions? He could see none; but, on the contrary, he thought it fair to suppose, that the Powers aggrieved would retaliate, and what then would be the consequence? Why, 143,000 tons of our shipping would be subjected to pay twenty-five cents per ton, say, \$35,750 per annum, by the resolutions, without any possible advantage promised by the system to our own shipping.

Mr. S. begged leave to submit one other observation, which ought to have weight. The document already referred to shows that 61,889 tons of American shipping were employed to England and her European dependencies alone—when to the European ports of all the Powers in treaty there were employed the same year but 26,790 tons. Why, then, would you risk a ground so dangerous, so delicate, as that of discrimination? It has been said that Spain and Portugal are not their own carriers, and therefore will not feel themselves offended. It is true they do not carry all they want from us, but they employ enough of their shipping to our ports to feel the affront. In 1791, they entered 9,098 tons. France the same year entered but 8,982 tons in our ports. Denmark, who is to feel the effect of those resolves, when Sweden, who entered 1,619 tons of their shipping, when Sweden, who is to be relieved, entered but 561 tons.

The result, then, sir, of this inquiry is, that no possible good can accrue to your navigation from those resolutions, and that much probable injury may take place from the retaliation of the Powers who cannot but think themselves aggrieved.

Mr. Scott said, that the subject might be reduced to a few simple questions; first, are we in such a situation as we have a right to expect? If this be answered in the negative, the second question is, can we better our condition? And third, are these resolutions the proper remedy? One leading feature in the Opposition is, that we ought to separate commerce from politics. This was impossible. It was curious to observe the opposite ground upon which these resolutions had been opposed. One set of gentlemen said, that they were so comprehensive and so formidable, that they would at once plunge us into a war with Britain. Another said, that they were such a milk-and-water piece of stuff, that Britain would look on them with a smile of contemptuous pity. He believed that Britain would submit to many restrictions and disadvantages, rather than give up our trade. Some gentlemen had said, that we did not consume to the value of more than two millions sterling; but, say that it was ten millions of

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dollars. The United States contain four millions and a half of people. Upon an average, their bedding and clothing was at least ten dollars each per annum. All the manufactures we had from Britain, supposing that they consisted of nothing else but clothing, were only ten millions, and the other thirty-five millions were manufactured in the country. But as in fact not more than one half of the very utmost of the importations from Britain, were of clothing of any kind, so, not more than five millions out of the forty-five, or one ninth part of the whole, was furnished from Britain. This demonstrated that, as to cloth manufactures, we were not in that humiliating state of dependence in which some people were so fond of representing us to be.

Mr. Sumn, of South Carolina, said, before he entered into a consideration of the arguments of the gentleman from Virginia, he should avail himself of the opportunity of correcting some misstatements of his own arguments, which had been made by that gentleman.

He had been represented as having stated it as a favor to this country, that Great Britain admitted our productions into her West Indies. Mr. S. said, he had only stated, that the exclusion of the productions of all other countries, was a preference given to ours, which was not given by the commercial system of France. He was also represented by the gentleman, as having argued, "that the United States ought not to complain of the usage of Great Britain, if she used them as well as other nations;" whereas, Mr. S. said, his reasoning went to show, that her commercial system placed us on a better footing than it did other nations. Again, he was made to say, by the gentleman, "that if Great Britain used us ill, she likewise used every other nation ill, and we therefore ought to bear it patiently." Mr. S. declared, he had said no such thing; he had argued only that the exclusion of our vessels from an indirect commerce with her, and from the entry into her Islands, was a part of her Navigation Act and Colony system, and extended to all other nations as well as the United States.

The gentleman, in advertising to his having taken for the epoch of his comparative view, the period antecedent to the pending French Revolution, as the settled order of things, had attempted, by an uncandid distortion of his argument, to wrest his reasoning from a commercial to a political subject, for the purpose of representing him as deeming the Monarchy of France the only settled order of things. It was true, he had confined his view of the two commercial systems to that epoch; in this he had only pursued the ideas and spirit of Mr. JEFFERSON himself, who, speaking in his report of the recent alterations in the condition of our commerce, says, "to have described all these, would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, the Summer of 1792." Mr. S. observed, that France was at the time a

Monarchy, and he had been governed by the same idea as the Secretary of State, in stopping at that period, when a state of Revolution gave birth to changes in her permanent system, and induced deviations from what would be the ordinary course of things.

The propriety of limiting the view to that epoch was obvious, from the concession of the member himself, who, having stated that American vessels were permitted to be naturalized in France, and being informed by Mr. S., that the first National Assembly took away that privilege (as mentioned in the report) had been compelled to acknowledge the existence of fluctuations in her system since the Revolution. This view of the subject, Mr. S. said, was more favorable to France than one which should embrace the present period, her ancient commercial system being on the whole more favorable to this country than it is at this time. He had been also represented by the same gentleman, as "having admitted that it was a hardship to have our trade monopolized by one nation, and having at the same time advised to make no efforts for putting an end to it." This was directly the reverse of his sentiments, which was, "that it was advisable not to depend on any one nation for our necessary supplies, but that the proper remedy was by a mode, not the objects of the resolutions, nor contemplated by the report, namely, an efficacious system of encouragement to our own manufactures, and not subjecting our citizens to the expense of premiums for the encouragement of those of other countries."

Mr. S. then proceeded to take notice of Mr. MADISON's arguments. The gentleman had said that wheat and flour were admitted by a standing law duty free into the French West Indies. The report states the contrary to be the fact. "France," says the report, "by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and maize, and prohibits our other bread stuff."

The gentleman had been much displeased at his having commented on the omission of the Secretary of State to mention, that, while the tobacco of the United States paid in Great Britain a duty of 1s. 3d., all other foreign tobacco paid 3s. 6d. As an apology for that omission, (which Mr. S. could not but deem material, especially as the Secretary laid great stress on other duties,) the gentleman had alleged, that the circumstance was perfectly immaterial, inasmuch as the duty of 1s. 3d. was itself so high as to diminish the consumption, and inasmuch as there was no other country which could be our competitor in that article. To this he answered, first, that tobacco being an article not of necessity but of caprice, and being consumed in small quantity by each individual, a high duty could not be felt; secondly, that tobacco was obtainable from other countries. It appeared, from documents of authority, that in the years 1744, 5, 6, the imports of tobacco into Great Britain had been annually about 62,000 hogsheads, of which only 44,000 were from the American Colonies, the residue, 18,000, being from other countries.

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From the same documents it further appears, that in 1774, Great Britain imported from the American Colonies 96,000 hogsheads, which was nearly the whole of the tobacco she imported that year. The inference resulting from this circumstance is, that the difference of duty in favor of American tobacco had then destroyed a competition which did before exist. He admitted that this discrimination of duties in our favor was a relic of her Colonial system, but its object was to encourage the growth of tobacco in this country by giving to it a monopoly of the British market, and it appeared that this object was obtained; and it was to be inferred, that a continuance of the effect was procured by a continuance of the system. If we have not much competition now, it does not follow that it might not arise. What is there to hinder its being raised on equally good terms in any quantity in any of the Southern parts of this Continent in possession of the different Powers of Europe, Spain, Portugal, and Holland?

Portugal, it had been said, could not be our competitor, for she received our tobacco. The report says that it is prohibited. He understood some small quantity had been smuggled to that country; it was certain that only 62 hogsheads had been exported thither the year before last, and only five the last year. In comparing the footing on which our commerce stood with France and Great Britain, the gentleman had dwelt on particular circumstances. This was not a fair mode of comparison. The question ought to be an aggregate one; are we as well, upon the whole, with this or that country? If we are, we ought not to deal out a worse measure to one than to another. The indirect commerce which Great Britain denies us, and which France till lately granted us, is not at present very material to us, as we could not multiply our navigation enough to derive great benefit from it, without injury. To divert our capital from more profitable branches to the mere carrying trade would be unwise; it is desirable only to a country like Holland, of little production and great capital; but even France now excludes us from the indirect commerce with her by her late Navigation Act. The systems of the two countries, then, in respect to navigation in Europe, stand precisely on the same footing; and in respect to their West Indies, the war has let our vessels into the British, as well as the French Islands, and there can be little doubt that our right to send our vessels to the French islands will terminate with the war.

To depreciate the discrimination in our favor in the British islands, by the exclusion of the produce of other nations, the gentleman had said the exclusion was only a matter of form and a remnant of the old Colony system.

Mr. S. said, this was no answer to say it was a remnant of the Colony system. That system aimed at peculiar privileges to the national dominions; as for as we, being foreigners, still partake of those privileges, it is to our advantage. Suppose under that old system we had continued to enjoy the right of navigating to the islands, would it have been a disparagement of the right

that it was only a remnant of the old Colony system? Neither was it true that it was only matter of form, and of no consequence. Though we can in general supply the islands better than other nations, it does not follow that others could not supply at all. The French Colonies could not get flour on as good terms as we can furnish them; yet that article was prohibited, and in general they were supplied from France. So, though in general the British Colonies could not be supplied equally as well as from us, yet in years of scarcity in this country, and of plenty elsewhere, a competition might injure us. Why could not rice, in particular, be supplied from the Portuguese Dominions in competition with ours?

Much reliance had been placed by the gentleman on the disproportion of American and British tonnage employed in the commerce between the two countries. He had stated that in 1790, the British tonnage was 211,000, the American only 43,000. But Mr. S. observed, the comparison was not accurate; the rule pursued by the gentleman was entry, not real tonnage; and as we have no direct tonnage with the British West Indies, from which entries are frequent, the British tonnage is swelled by that frequency of entries, as happened in the case of the American tonnage employed between the British and the French Dominions. The House having no materials before them, it was impossible to pronounce how far this circumstance varied the true proportion, but it was easy to see that it must do it greatly.

Arguments had been likewise drawn from the greater proportion of our tonnage employed in our trade with Spain, Portugal, &c.

Mr. S. thought the principle of comparison was a proof of nothing, except that Britain was a more navigating power than the nations in general with whom we have commerce. It was no test of the system of either. This was evident when we compared the proportion of our tonnage with Britain, and with Spain and Portugal; for, as the latter, equally with Britain, excluded us from their Colonies, their systems were essentially the same. But Britain has extensive means of navigation, Spain and Portugal slender means, so that while our bottoms were the principal carriers between those countries and us, Britain maintained a competition with us in the trade between her Dominions and us. But could it be proved that this was either avoidable in the present circumstances of the country, or that we ought to attempt to avoid it by violent or forced expedients? The navigating States in the European trade between the British Dominions and the United States preponderate greatly in the article of tonnage. Great Britain may have the advantage in the non-navigating States; this arises in a great degree from a cause which navigation laws cannot cure—the superiority of capital. The merchants of Britain can supply on long credits, what those of our navigating States cannot; they have more means to purchase and export the commodities of the South; from both causes they carry on a considerable part of the Southern trade, and they make their own shipping the instrument of it. No means calcu-

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lated to multiply our vessels can, under existing circumstances, obviate this course of things. But the remedy of violent and forced expedients would be pernicious, if it could be successful. It would divert our capital in too great a degree from the better to the worse business; from agriculture, commerce, and manufactures, to mere navigation. The true course, he thought, was to foster our navigation by gradual and moderate encouragements, and to expect, from time and the increase of resources, the advantages of which we were solicitous. In the mean time, and till our resources could be better matured, it would be difficult to demonstrate that it was not a convenience to us to have the aid of foreign means. Mr. S., to strengthen his argument on this point, quoted a passage from Mr. JEFFERSON's letter to Mr. MORRIS, the Minister in France, in the printed correspondence, page 63, in these words:

"Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer; our coasts would swarm with them; foreign vessels must cease to come, our commerce must be suppressed, our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away, our ploughs must be laid aside, and agriculture suspended. This is a sacrifice not treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term privateer."

He begged the Committee to remark, that this related to a British ship, and that they were the principal foreign carriers of our produce; yet the tendency of the gentleman's propositions went to exclude them from our ports. We receive from Britain, said the gentleman, whatever she pleased to send us, while she refused our principal staple. Mr. S. denied both these positions; they were not founded in any sense. 1. The staple alluded to was flour and grain. This the regulations of Britain excluded from her home markets, except in cases of extraordinary demand; but in her West India markets the staple was free, so that the assertion was much too general. Our flour and grain were admitted in those of her markets where perhaps it most interested us that they should be, where the demand was constant; they were subject to impediments in those of her markets where the demand would, from the nature of things, be only occasional; while France, on the contrary, by her permanent system, received this article only in her home markets, where there could be no demand for it in ordinary times, and excluded it from her West India markets, where there would be a constant demand. 2. It was not true that we received indiscriminately the manufactures of Britain. We endeavor to exclude, in the same sense that she excludes our flour and grain, (viz: by prohibitory duties,) all of them that we think ourselves able to supply ourselves with, for instance, candles, cheese, soaps, nails and spikes, steel, cables and cordage, boots and shoes, and, indeed, the manufactures of leather generally, beer and porter, and many other articles. The gentleman was astonished at the vast prevalence of Bri-

tish manufactures in the United States. But there was no ground for astonishment to those who attended to facts. The true and natural reason is, because Britain furnishes better, as to quality and price, than any other country, most of the more solid and useful kinds of manufacture, and those of the most extensive consumption; generally speaking, she was rivalled elsewhere only in luxuries and fripperies. Mr. S. said, if the gentleman had been astonished, he had been no less so at the idea of excluding British luxuries for French manufactures; from the best information he had obtained, the most solid and useful articles came from Britain, the frivolous, luxurious, and unnecessary ones, from France. He had procured from a merchant trading with France a copy of an order for a French cargo, such as is usually sent, and it supported him in his assertion. Mr. S. read the order, which consisted of fans, cambrics, lawns, lute-strings, modes and satins, silk stockings, shoes, shoe-patterns and slippers, walking-canes, watches, feathers and flowers, gloves, laces and edgings, ribands, tiffany, crape, hair powder, human hair for braids, combs, essences, perfumery, sweetmeats, mirrors, made-up millinery, gold and silver thread and spangles, gold and silver cord, ornamented fancy time-pieces, silk velvet, umbrellas, &c. These were the substitutes for the manufactures of iron, steel, wool, cotton, and leather, which the gentleman wished to exclude by the duties contemplated in his propositions.

The balance of trade was said to be against us in our trade with Britain, and in our favor with other nations. Mr. S. said, the ideas advanced as to this point were of the last century, and were now exploded by all enlightened politicians. The only sense in which the question could be interesting to us, respected the balance of our whole trade with all the world, not with a particular country. It was immaterial whether it was against us in this country, or in our favor with that; the inquiry should be, how it stood upon the whole? And, for it to stand well upon the whole, the best expedient, as it regarded our internal commerce, was, to get what we want where it could be obtained cheapest and best, and to have as great a choice of markets as possible for what we have to sell, by which means we secure the best price. Measures tending to change this course of things were the best that could be devised to render the aggregate balance disadvantageous to this country. Mr. S. illustrated his position by the following statement: Suppose the whole amount of our imports to be as 200, Britain furnishing 150, France 50; suppose our exports also equal to 200, Britain taking 75, France 60; here the balance of our whole trade, according to the rule adopted, would be equal. Suppose Britain furnished her manufactures ten per cent. cheaper than France, and that regulations were adopted which should have the effect of equalizing our exports and imports to and from both countries; Britain, in this case, would furnish only one-half of our imports, which would cost us the same as before; but France would have to furnish us with an addi-

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tional quantity equal to what cost in Britain formerly 50; but, as commodities with her, by the supposition, are ten per cent. dearer, the same supply would now cost 55. Our account of imports and exports would then stand thus:

IMPORTS.	
From Britain	100
From France, former supply	50
Additional supply of 50, transported from Britain, costing ten per cent. more	55
205	
EXPORTS.	
To Britain	100
To France	100
200	

Here it is evident the excess of imports to exports, on the same scale of supply, would be as five, so that what is called the balance of trade, before equal, would now be turned against us in the proportion of five. Thus the notable plan for giving us a more favorable balance of trade would end in rendering it less favorable, by diverting us from those sources where we can get supplied on the best terms, to others where we should be supplied on worse terms. Great Britain, the gentleman had assured the Committee, would not dare to contend with us, because we could, by our regulations, turn 250,000 of her manufacturers out of employ. But would not those regulations, and the counter-regulations which might be adopted, operate injuriously on a much larger number of persons in the United States? Would not all the owners and cultivators of land suffer materially by the loss of the best market for half of our whole exports? The evil to Britain would be partial, to us general, depreciating the whole landed property of the country. If there were expected a clamor in Britain which was to drive her Government into a repeal of her Navigation Act, we ought to anticipate a clamor from our farmers and landholders, when they found their produce rotting in warehouses, and were compelled to pay twenty-five per cent. more for their necessary supplies. When the gentleman stated the causes of failure of the attempt, in 1784, by separate States, to regulate our foreign commerce, he had imputed them entirely to the want of a Federal Government. But Mr. S. was of opinion that they were principally ascribable to the diversity of local interests and habits in the States. Did that diversity less exist at this time? Would it not produce similar effects? And would not regulations which might be pleasing to some parts of the Union prove so intolerable to others that they would not cease to complain till they could effect a repeal of the grievance? As far as the fact, then, with regard to past experiments, could guide, it was against the proposition. Former regulations produced inconvenience, and were abandoned. So jealous were the Southern States of this power in the hands of Congress to regulate trade,

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our navigation ten-fold. But would a vote of the House make that transfer? Would it create a demand for our exports in France which did not exist? Why had she not taken a greater proportion, hitherto? Was it not because she had not a demand for them? Great Britain, said the gentleman, could not obtain elsewhere the articles with which we supply her. Mr. S. examined this part of the argument under the different heads. *Wood*, viz: masts, spars, timber, boards, staves. It was less than thirty years since Britain derived her supply of those articles almost wholly from other countries, namely, Russia, Sweden, Norway, and Germany. The latter, through Holland, supplied the greatest part of Europe with oak timber, pipe, hogthead, and barrel staves, in which we have less to fear from competition than in respect to other articles; indeed, without some extra advantages, we could not well maintain a competition with the countries on the Baltic, in the European trade of wood, owing principally to our greater distance, which makes the freight much higher from this country than from the Baltic; hence, probably, it is, that we ship so little to France.

Tar and pitch. Britain used formerly to derive her supply of these articles also from the Baltic, principally from Sweden, and the same might be the case hereafter.

Indigo. This can be had from the East Indies, from all parts of the West Indies, including the Colonies of the Spaniards, Portuguese, and Dutch, on this Continent; great quantities of it, and of good quality, are produced in St. Domingo and Guatemala.

Tobacco. This article is raised in the Ukraine and other Southern parts of Europe, in the Florida, parts of South America, and in the West India Islands. It was true, the tobacco of this country was fitter for certain purposes than that of other countries. These particular kinds might find their way to a market otherwise sufficiently supplied, or even having a surplus.

Rice was formerly carried to Great Britain in great quantities from the Levant and the East Indies; some is raised in Spain and Italy. All the Spanish and Portuguese Colonies are fitted for it; a considerable quantity is raised in the Brazils.

Pot and pearl ash. Less than thirty years ago Great Britain was supplied with this article from other countries, viz: Russia, Germany, Sweden, Denmark, and Spain. The barilla of Spain is said to be a substitute for it.

The gentleman, as well as others, had mentioned the baneful effects of the credit given by British merchants. Credit, like other good things, is liable to abuse. Dr. Franklin, who well knew the circumstances of this country, bequeathed a part of his estate to be loaned out to young tradesmen and mechanics. He thought well of credit, and his testimony of its utility ought to remove some of the prejudices against it. If credit had produced pernicious effects in Virginia, as a member from that State had represented, it was certain that it had produced wholesome effects in

other States. Why the same cause should produce such different effects in different parts, he should not inquire. As to its supposed influence on the borrowers, in creating an undue dependence, that remark had been well answered already. In truth, the borrower is, under certain circumstances, more apt to become the enemy than the dependent of the lender. An apprehension had been entertained by the gentleman that the existing commercial connexion with Britain would promote Monarchical principles in this country; and yet the professed object of the resolutions is to compel Great Britain to enter into a commercial treaty with us, and thereby strengthen and extend the commercial ties which already existed. The resolutions are, moreover, designed to induce the emigration to this country of thousands of British manufacturers, who will naturally bring their Monarchical principles along with them. But if a commercial intercourse with the Dominions of a Monarch are pregnant with such evils, we ought to abandon our trade with Spain, Portugal, and Russia, as well as Britain, and confine it to the Swiss Cantons and other Republics. Such apprehensions, however, he could not but consider as a poor compliment to the dispositions and character of the American people. They are too much attached to Republican Government and to their liberties to be exposed to the danger of losing either the one or the other by their intercourse with any foreign nation whatever. After some further remarks, Mr. S. concluded with saying, much apology is due to the Committee for having so greatly abused their patience; but when I consider that the proposed measures, unlike common Legislative acts, which can be repealed at pleasure when found injurious, must be deemed the corner-stone of a new Commercial Constitution, which, being once laid, we must, at all hazards, build upon or be disgraced, I am prompted by the strongest injunctions of duty to suggest every consideration which may induce the Committee to ponder seriously before they adopt them. My opposition is stimulated by a further consideration. Representing a district which includes an important commercial city, and a territory producing a staple valuable and bulky, many of whose proprietors have not yet emerged from the debts incurred by a ravaging war, and whose welfare depends on a ready vent for their productions, as well as a cheap supply of the indispensable articles of foreign manufactures, I feel a weighty responsibility on my mind on this occasion, and a peculiar solicitude to protect them against those embarrassments and distresses which appear, to my judgment, inseparable from the propositions, and which will operate against my constituents like a two-edged sword, by obstructing the export of their produce, and rendering more unattainable their necessary supplies.

When Mr. SMITH had concluded, the Committee rose and had leave to sit again.

THURSDAY, January 30.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the House of Representatives:

I lay before you the copy of a Letter from the Governor of the State of North Carolina, together with two petitions, to which it refers, and which I am requested, by the Legislature of that State, and himself, to transmit to Congress.

G. WASHINGTON.

The said Message and papers were read, and ordered to lie on the table.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

Communications have been made to Congress, during the present session, with the intention of affording a full view of the posture of affairs on the Southwestern frontiers. By the information which has lately been laid before Congress, it appeared that the difficulties with the Creeks had been amicably and happily terminated. But it will be perceived, with regret, by the papers herewith transmitted, that the tranquility has, unfortunately, been of short duration, owing to the murder of several friendly Indians by some lawless white men.

The condition of things, in that quarter, requires the serious and immediate consideration of Congress, and the adoption of such wise and vigorous laws, as will be competent to the preservation of the national character, and of the peace made under the authority of the United States, with the several Indian tribes. Experience demonstrates that the existing legal provisions are entirely inadequate to those great objects.

G. WASHINGTON.

The said Message and papers were read, and ordered to be referred to Mr. FORTNEY, Mr. PICKENS, Mr. MERRICK, Mr. SCOTT, and Mr. CLARK; and that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. AYES, from the committee appointed, presented a bill providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States as may be found in want of support; which was read twice and committed.

APPROPRIATION BILL.

The House then went into a Committee of the Whole on the appropriation bill; the discussion of the several sections being finished, a motion was made by Mr. FIRZIMONS, to add another clause to authorize the President to make a loan, under certain restrictions, to provide for these appropriations.

Mr. MADISON objected to connecting the two subjects. This, said he, involves a consideration of ways and means, and ought to be kept distinct from that of appropriations.

Mr. FIRZIMONS conceived, on the contrary, the objects inseparable. There is no use in making appropriations without money to pay them. The surplus revenue amounts to nearly two millions, but the Treasury does not at present contain more than \$500,000, and a loan will, therefore, be necessary to anticipate the revenue.

Mr. CLARK observed that there was no necessity for a loan to pay the appropriation of the present bill, which provides only for the civil list.

Mr. MADISON concurred in the idea mentioned by the gentleman last up, and observed that the objects of appropriations, and ways and means, are so distinct, that it has been thought proper, essentially to separate them in the Constitution.

Mr. GILES conceived that a loan should not be entered into at least until the state of the Treasury is before the House. He was for deferring the proposition on the principles already mentioned.

Mr. FIRZIMONS drew a distinction between the subject of ways and means, and the object contemplated by the present motion, which he considered merely an anticipation of the revenue.

Mr. MADISON asked whether this money by loan is not to be procured by the payment of an interest of five per cent., and whether a tax will not be necessary to pay that interest?

Mr. CLARK assured the mover that he would side with him in his opinion, if he could satisfy his mind that this was not a subject of ways and means, and that the paper on the table would bring into the Treasury a sum of money without ways and means.

Mr. HILLHOUSE thought it dangerous to hazard the Treasury's being empty, and approved of the anticipation proposed.

Mr. GOODRICH considered the subject in this light. The resources of the Government are about sufficient to defray its expenses, but as it gives credit to the importing merchants, an anticipation of the revenue is necessary by loan.

Mr. SMITH, of Maryland, exemplified the same idea by reference to private life, and moved to postpone the present question for the purpose of obtaining necessary information from the Treasury. It was then

Resolved, That the Secretary of the Treasury lay before this House an account of the moneys now in the Treasury, with an estimate of such further sums as may probably come into the Treasury before the first day of April next, and of the demands that will probably be made on the Treasury to that time; with a statement of the Domestic Loans.

After some further observations on the subject, the Committee rose and asked leave to sit again.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; and after spending some time therein the Committee rose, and the House adjourned.

FRIDAY, January 31.

A petition of Thomas Pearson and others, proprietors of lands in the Territory of the United States, South of the river Ohio, was presented to the House and read, praying the attention of Congress to the subject-matter of a representation to, and certain proceedings of, the Legislature of North

Carolina, respecting a claim of the petitioners to certain lands in the said Territory.

Ordered, That the said petition do lie on the table.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. FOSTER said: Upon the first statement of the propositions which have been so long under the consideration of the Committee, I was one of the individuals who had to examine the subject in the various lights under which it ought to be viewed, in order to form an opinion upon the necessity, the expediency, and the probable consequences of the adoption of the system which the resolutions contemplate. I have listened with unremitting attention to the debates, and have endeavored to a single observation of importance should not escape unnoticed. The resolutions, at first view, appeared important. On a critical and attentive examination, they do not appear less so. They confessedly involve a great variety of interests—interests of the highest magnitude—and, if adopted, will essentially alter the circumstances, the views, the commercial prospects, and the civil policy of the National Government.

The candor and ingenuity with which the subject has been discussed have given me great satisfaction. The arguments against and in support of the resolutions have been displayed in a manner highly gratifying to an inquiring mind. The variety of views in which the subject has been examined; its relative connexion with our agriculture, our manufactures, and the whole civil polity of the United States; the influence which the system would have upon our intercourse with foreign nations, and the probable effects resulting to them, more especially to France and Great Britain—have afforded much information; and I am happy in acknowledging my obligations to the gentlemen who have, with so much ability and precision, favored us with their sentiments. Much time, Mr. Chairman, has been already spent in the discussion. The subject is momentous and requires it. The affirmative and the negative of the question have been ably advocated and ably supported. A general review of the arguments may not, perhaps, be without its use.

In support of the resolutions it has been urged—that the measures of the tendency hereby contemplated have been long expected by the citizens of the United States. That the regulation of our commerce was the principle which first induced the formation and establishment of our present Constitution. That the adoption of the resolutions will probably excite a competition in foreign countries, as well as among our own citizens, operating to produce supplies of such articles as we may wish from other nations than those who now furnish us, and as an encouragement to the domestic manufacture of the same articles.

That they will tend to the increase of our navigation, enable us to obtain our proper share of the carrying trade, and enjoy those benefits and advantages to which, from our relative situation and existing circumstances, we are entitled.

That, by a pursuit of this system, we may injure the individuals, particularly the manufacturers, and, consequently, the Governments of other countries, and make our enemies feel the extent of our power, our abilities to injure them, and thence induce a proper respect for our rights and interests and our Government.

That the probable diminution of our revenues, from the possible diminution of our imports, would, in some degree, be counterbalanced by the increase of the duties contemplated by the resolutions.

That we are bound to obtain reparation for the injustice done to individuals of our own country by regulations contravening the Laws of Nations, made by some of the belligerent Powers; or, in default of obtaining such reparation, we are bound to compensate the damages which such individuals have sustained.

That provision is hereby proposed to be made for raising moneys to compensate, in the first instance, the individuals thus injured.

That leaving our trade to regulate itself is, in fact, leaving it to be regulated by foreign nations. That jealousy and ill-will have always marked the line of conduct of Great Britain toward America. She has never executed the Treaty of Peace; she carried away our negroes; she detained our Western posts; she excited and encourages the Indian war; she has let loose the Algerines; she has violated our neutrality, and committed spoliations on our ships at sea.

That the balance of our trade with Great Britain is now much against us. This has produced, on her part, an extensive credit, operating as a grievance, creating a foreign influence, which pervades the mercantile and trading part of the community, may extend into our public councils, and have an undue effect on our Government.

That we have all the necessities of life produced in our own country, and, consequently, have greater advantages in establishing such regulations, beyond what are enjoyed by a populous and manufacturing nation.

That, should the proposed system be adopted, and carried into effect, there is no probability of retaliation on the part of Great Britain. Should she be disposed, she cannot effect it. If the issue require self-denial, we can endure the evil with the greater advantage, and may safely calculate upon a complete triumph.

That Britain is now at war with Republican principles, and our commerce enables her to prosecute that war.

That the balance of our trade with France has always been in our favor. That friendship and disinterested benevolence have ever marked her conduct towards the United States.

That gratitude to the French nation requires us to turn the current of our trade from Britain to them.

That the system contemplated by these resolu-

tions will induce France to confer on us additional favors. And, finally, that, by withholding our commerce from Great Britain, we shall aid the cause of the French, who are at war against despotism, struggling for liberty and the rights of freemen.

In opposition to the resolutions, it is said—That, though measures similar to those now contemplated, may have been heretofore expected, a necessity for their adoption does not now exist.

That regulations have already been made which have had a happy influence in increasing our commerce, our manufactures, and our navigation.

That our commercial advantages, our fisheries, our seamen, and our ships, have been progressively increasing since the adoptions of our present happy Constitution; that their numbers and growth are still increasing, and under the influence of the existing system, will continue to do so as rapidly as will be beneficial to the community.

That, although additional duties on foreign tonnage might encourage our navigation, yet the increase ought to be made with caution. A very great or undue proportion of American capital being vested in navigation would be hazardous, and, in case of a war, the loss would distress us extremely.

That an increase of our shipping beyond what is necessary for our importations, would be injurious. The surplus necessarily deducts from a capital which is wanted for other purposes, and may be more beneficially improved in the increase of our manufactures and agriculture. An excess of zeal to promote our commerce and navigation is more dangerous than a deficiency.

That it is the interest of the landholder that our trade should be free, and that foreign, as well as domestic vessels, should be admitted to our wharves, and permitted to receive our produce for exportation without restraint.

That, should additional duties be imposed, discrimination would be impolitic and unjust. The commerce of one nation ought not to be encouraged to the detriment of another. If there is no friendship in trade, it does not follow there must be enmity.

That, in establishing a commercial system, and forming a decision on the subject now under the consideration of the Committee, we should direct ourselves of political views. We ought not to suffer our resentments to influence us. The feelings excited by the consideration of the Indian war, the depredations of the Algerines, or the execution of the Treaty of Peace, have nothing to do with a subject which respects the regulation of our commerce only. To obtain redress for any political injuries we may have sustained, recourse, in the first instance, should be had to peaceable negotiations which would probably prove effectual.

That the object of the present resolutions appears to be a commercial warfare, which, in all probability, would be productive of one far more serious.

That the expediency of forming any commercial treaties may well be questioned. They necessarily connect us in the politics of Europe—a

connexion which can never be salutary for America. But, if commercial treaties are formed, mutual interest should be considered as the fundamental principle.

That the resolutions before us contain only an affectation of aiding our navigation, commerce, and manufactures. They will, in fact, prove detrimental to each of them, by producing a temporary stagnation, at least, of the one, and unavoidable embarrassments upon the other.

That high duties, by augmenting the prices of such goods as might be imported, would only operate as taxes and burdens against our own citizens, who are the consumers; at the same time answering no valuable purposes to us with the Government of Great Britain, against which they are professedly pointed, nor offering any particular encouragement to our own manufactures.

That the goodness of a market is to be determined by the relative proportion of the dearthness or cheapness of the articles sold or purchased; and that, on a comparative view, the commercial system of Great Britain is more favorable to us than that of any other foreign nation. With respect to our exports, she is, and ever has been, a better customer than France, in the ratio of two to one.

That the restrictions complained of were in existence previous to our becoming an independent nation. They are, in fact, a part of her Colonial establishment, and still operate only as they respect her Colonial dependencies.

That the industry of our citizens has been, and is nourished, by the aid of a foreign capital, for which credit is an excellent substitute. So far from being injurious, it is highly beneficial, and, in the present situation of our country, has a happy effect in the promotion of ship-building, manufactures, and agriculture. Admitting it was an evil, it is merely a municipal regulation, and altogether beyond the control of Congress.

That Great Britain is able to supply us with such articles as we want, in great abundance, and on better terms than any other nation. She has it in her power, and is willing to give us credit. The French cannot or will not do it.

That the influence of British credit on our public councils is chimerical. The falsity of the idea is apparent by the part taken and so ably supported by the respectable gentlemen who represent a part of the United States which has received the most extensive credit.

That, should we be deprived of this advantage, merchants of great capitals only could trade. A monopoly by the wealthy would increase the prices of the articles consumed, and the enterprise and industry of young men, who have need of credit, would be checked and discouraged.

That the faith of the United States has been heretofore pledged, appropriating the moneys raised by certain existing duties to the discharge of public debt. A system, like the one proposed, tending to the diminution of the amount of those duties, would be a breach of faith, disgraceful as well as unjustifiable.

That the conduct of France, as respects our commerce, our navigation, and our fisheries, has

uniformly evidenced a selfish policy; and that we have no privileges to boast of in consequence of our present existing commercial treaty with that nation.

This, Mr. Chairman, is a summary view of the principal arguments which have been adduced on the one side and on the other of the important question before the Committee. Many ingenious calculations, observations, comparisons, and documents, fraught with information, and tending to elucidate the subject, have been offered. I have listened with attention to the whole of them, and on a careful review, it appears to me that this is not the proper time for us to introduce very essential alterations in our commercial system; that, be our wishes what they may respecting the issue of the present war in Europe, neither duty nor good policy will permit us to become parties—the strict principles of neutrality ought to influence our conduct; that the measures proposed would have a very bad tendency; that they would produce great inconvenience to our revenues; a temporary stagnation to our commerce; a future augmentation of the shackles under which it now labors; deprive our fellow-citizens of enjoyments which they have a right to possess; turn industry from its natural channel; induce a necessity of land taxes for the exigencies and support of Government; prove injurious to public credit; be ruinous to our agriculture, and, in the present crisis, might precipitate us into a war—evils which justice, humanity, true principles of patriotism, the duties of morality and the best interests of our country, require us to deprecate, and, if possible, avoid.

I have endeavored to examine and consider the subject with candor. I have formed my opinion upon serious deliberation, and feel an impression of duty, when the question shall be taken, to vote against the propositions.

The Committee now rose, and had leave to sit again.

Mr. GRIZZARD was of opinion, that, from motives of delicacy, the Committee should grant a short delay. He, therefore, moved that the question should be deferred.

Mr. FORREST considered that it would be unfair and uncandid to take the question in the absence of the gentleman who proposed the resolutions. He, himself, if he stood in the place of that gentleman, must feel extremely hurt at such a thing being done to him; and he would not use any gentleman so, because he would not wish to be used so himself.

Mr. SMITH, in all the public assemblies where he had ever been, had never been witness to any attempt like the present of taking the advantage of the absence of a gentleman to carry a question against him.

Mr. DAYTON replied, that he disdained any idea of this sort, and he did not care whether the gentlemen on the opposite side were to defer the question for a day, a week, or a month. He was willing to postpone it as long as they pleased. But he thought it a bad precedent, that any member, by choosing to absent himself, should stop the business of the House.

Mr. FITZSIMONS wished that the question might never be taken at all.

Mr. DEXTER spoke a few words to the same purpose. He did not think that the resolution had any meaning, at least he could not discover it; and, therefore, he did not think it worth while to take any question upon the matter.

Mr. CLARK said, that this was the thirteenth day which this question had been debated. The gentleman who was up last had, upon one of these days, engrossed the time of the House for more than an hour, and after having opposed the meaning of the resolution at such great length, he at last

ter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the bill providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support; and,

Ordered, That the said bill be engrossed, and read the third time to-morrow.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries: When

Mr. SWIFT moved, that the first of the resolutions, which was then before the Committee, should be struck out.

Mr. NICHOLAS said, that the gentleman who had moved the resolution, and several other members, were not present; and he hoped for a delay, were it only of ten or fifteen minutes.

Mr. DAYTON said, that it was the business of members to attend in their places, and if they did not choose to do so, the House were not to wait for them.

Mr. GRIZZARD was of opinion, that, from motives of delicacy, the Committee should grant a short delay. He, therefore, moved that the question should be deferred.

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made this wonderful discovery, that it meant nothing! Mr. Boudinot wished the Committee to rise. Mr. W. SMITH regarded the precedent as a dangerous one. The absence might be intentional. Perhaps the gentleman now absent would likewise be absent to-morrow, although the question should be deferred.

Mr. SMITH expressed himself much hurt, that the member [Mr. MADISON] should be so treated in his absence. It was a sort of usage that could not be forgiven. He reproached the insinuation of the gentleman having fled the question.

Mr. WADSWORTH was sorry that the gentleman who spoke last should have been angry at the hint of members flying the question. It was certainly true that such things had frequently happened; and, therefore, it could be no harm to say so. There had been members on that floor who had fled the question. More than one, two, or three members had done so. There will be such characters in all ages and in all countries. A majority of the Assembly of Pennsylvania had once run away from a question. There were members who never could be brought to give a vote on a question of war. Congress had been sometimes forced to stop business for want of a quorum, on account of members flying a question. For himself, he looked upon it as a very bad precedent for the House to defer business on account of the absence of any member. He understood that he was this day to give his vote in a minority. He was against the resolutions for many reasons, with which he was acquainted before this debate began; and he was likewise against them for many reasons which he never heard till after the debate began. I know a member, said Mr. W. smiling, who is to give his vote against the resolutions, and who goes into the country this night. If the question is deferred this day, for the absence of one member, I shall try to get it put off to-morrow for the absence of this other member; and so I shall always be for putting it off till I can turn my minority into a majority.

Mr. FIDLEY rose in reply to what had dropped from Mr. W. about the majority of the Assembly of Pennsylvania running away from the question. [It was objected, that he was not in order, as he was not speaking to the question before the House.] Mr. F. replied that he was in order, as he was about to explain the nature of some facts which the gentleman had asserted. That if that gentleman was permitted to assert those things, he had a right to explain them, and appealed to the Chairman, who, as well as many of the members, acknowledged his right, and bid him go on.

Mr. F. said, that he doubted if the members had all as high a sense of honor, as standing their ground upon a question, as his colleague [Mr. SMITH] had suggested, though he acknowledged they ought to have it. He alleged, that members thus absenting themselves, was not peculiar to Pennsylvania. That in the Assembly of that and other States, and even in Congress, members had sometimes withdrawn from questions respecting war, upon the account of religious scruples, and

had not, on that account, been censured. If it was wrong, it arose from the religion they professed. He expressed his surprise at the gentleman's assertion, that the majority of the Assembly of Pennsylvania had once run away from a question. That it must have been a very foolish majority, indeed, to run away from a question, which, by staying, they could have carried as they pleased. He supposed, however, that the gentleman was mistaken about the majority, and rather intended a circumstance peculiar to the late Constitution of Pennsylvania. By that Constitution, the Legislature, consisting of but one branch, two-thirds of the members were necessary to make a quorum. This, and the obligation to publish business of a public nature, from one session to another, were designed as checks to prevent party resolutions. In the early period of that Legislature, so many of the members as reduced the House below a quorum, frequently withdrew, to prevent hasty measures. On one occasion they withdrew to prevent a law from passing, without being constitutionally published for consideration. The doors being attempted to be forcibly shut, occasioned the affair to make some noise. Perhaps it was to this the gentleman alluded, but it was not a majority that withdrew. He said, that he admitted that in most cases the absence of members was a bad argument for delaying business, nor was it acknowledged by the rules of the House, but he thought that a regard to decency and propriety was always a rule. The present question had been debated for twelve or thirteen days in the space of about three weeks.

The question had often been called for, but when any gentleman suggested that there was anything further to be offered, the question was delayed without opposition. That before the House adjourned on Friday last, the question appeared ripe for decision, but a member who had been much engaged in the debates, suggested that another member wished to be heard, and the question was delayed. That on Saturday it was expected that many members would go out of town who would not be returned so early this morning. Though he acknowledged the right of the House to take the question at any time, yet he wished for a decent exercise of that right. Though he thought the member had a right to change his mind and decline speaking if he thought proper, yet he could not approve of first delaying the question at the request that the members might be heard, and declining to speak in order to favor a surprise. Though the House might decide any time, it ought not to prefer the most improper time that offered during the whole discussion. He said the Assembly of Pennsylvania, to which such free allusions had been made, thought it indecent to take an important question on Monday morning, knowing that several members having left town on Saturday night, had not returned. To punish absent members in this way was a poor argument. It was not the members that were punished, but the constituents. He said he did not know which side of the House had most members absent; he only wished a fair and full decision.

Mr. CLARK observed, in answer to the gentle-

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man, that if they sat much longer on this question, he should have no feeling at all; for he believed they would all be petrified. He was for putting the vote immediately, that they might not be entangled in another debate of six days, to prove that the resolution meant nothing.

Mr. GILES rose and withdrew his motion.

Mr. MADISON had now come in. In answer to what had been objected against the generality of his resolution, he said that there were numerous precedents of that sort upon the Journals.

Mr. AMES replied to Mr. MADISON.

Mr. FITZSIMONS said, that he would vote against the first resolution; but some of the subsequent ones he approved. They had lost three weeks in debating upon the metaphysics of commerce. Let the resolutions be taken one by one. He hoped that the House would do something for the manufactures of the country. He was convinced that something might be done.

Mr. GILES said, that he would vote for the first resolution, but for some of those which went after it he would not vote.

Mr. MADISON spoke as follows: I owe many apologies to this House for rising so often, but since I rise only for explanation, I hope I shall be forgiven. I intentionally made the first resolution as vague as it is, and not more so. I regarded this generality of expression as necessary.

Mr. HEATH wanted the question taken, the gentlemen against the resolution were going off the question in a ludicrous manner.

Mr. DAYTON was against the resolution. The evasion was on the opposite side. The gentlemen for the resolutions were like some kinds of amphibious animals. If you attack them on the land they fly into the water; if you attack them by water they fly to land. As to the resolutions, he expected nothing but mischief from them. The people of the United States would set up manufactures. The restrictions would presently be taken off. British manufactures would pour in again. And those who had set up American manufactures would be reduced to beggary. The House would act in this case as the British House of Commons once did. They voted, "that the influence of the Crown had increased, was increasing, and ought to be diminished." But they had never acted up to this resolution, or done anything upon it. In the same way the gentlemen who vote for the present resolution will disagree to those that come after it. The business would end in nothing, and thus the House, by having adopted the first resolution, would make themselves ridiculous.

Mr. AMES said, the resolution was matter of moonshine, including everything, and concluding nothing. Now we are told by the mover that the first resolution pledged us to nothing. Therefore, we shall have nothing to do with it.

Mr. HEATH observed, that if he had entertained any doubts as to the propriety of the resolutions, those doubts would be now removed by the style of subterfuge adopted in the present debate by the members against them.

Here Mr. DAYTON, Mr. AMES, and Mr. W.

SMITH, rose together. Mr. SMITH was heard. He said that they had not been debating at all about the first resolution, but about the second resolution, ever since the discussion began. Mr. S. moved an amendment to the first resolution, which was that instead of the words "certain cases," be read "the following cases." He said that this amendment was necessary to make the resolution intelligible.

Mr. VENABLE said, it was in vain to deny, there was a subterfuge and a spirit of quibbling unworthy of Congress in these proceedings. A gentleman, [Mr. SMITH] had just now told us that the first resolution was unintelligible, and yet this very member had taken up two days on this very resolution, and now he rose to tell us that it had no meaning, and that he did not understand it. Mr. V. had listened with great attention to all that had been said, and thought it evident that a spirit of quibbling and of subterfuge had got into the opinion of the resolutions.

This charge was retorted from the gentlemen on the other side of the House. For which Mr. NICOLAS said there was no ground. As to blending political and commercial speculations, for which the friends of the resolution had been blamed, there was nothing unfair. In the very beginning of the debate, it had been stated, that they were a substitute for military preparations.

Mr. FITZSIMONS hoped the amendment would be withdrawn. It would sound strangely to the world, and place them all together in a singular light, if, when they had debated so long on a resolution, they should at this time be amending it, in a way as if they had not understood the meaning of it. Mr. SMITH withdrew his motion accordingly.

Mr. GILES did not wish to delay a vote. He had been both amused and astonished with the tone of distinction adopted by the gentlemen opposed to the resolutions. Political questions were the genus, of which commercial questions were a species. There was nothing unfair in connecting what it was impossible to separate. A spirit of quibbling had this day got into the House. The debate had taken a new turn, and a turn in which he was very unwilling to appear.

The question being loudly called for, it was put and carried, 51 votes to 46. The Committee then rose, and had leave to sit again.

TUESDAY, February 4.

An engrossed bill, providing for the relief of such of the inhabitants of St. Domingo, resident within the United States, as may be found in want of support, was read the third time and passed.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House, on the Report of the Secretary of State, on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. NICOLAS desired to exclude by name all Powers except Britain, from the effect of the first resolution.

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[Some gentlemen said it would apply to name Britain at once.] Mr. NICHOLAS said, that he had no objection to naming Britain.

Mr. MADISON observed, that he had at first avoided the particular mention of Britain, because he had been solicitous to conduct the business in as civil a way as possible. It was no concern to him whether Britain was specially mentioned or not. Her Statute Book had afforded many examples of that kind of style.

Mr. S. SMITH was at a loss to know what recent injury Britain had committed, which could justify this proceeding. In point of justice, Spain ought to be put on the same footing. She had laid restrictions on American shipping, that she did not impose on those of any other nation.

Mr. NICHOLAS answered, that the case did not apply to Spain; we enjoy a trade with her that is highly beneficial to the United States; nor have we any means of compelling her to alter her conduct.

Mr. BOURNEMORE strongly recommended that Spain, and the Imperial ports, should be comprehended in the restrictions. He had been against the original resolution; but since the measure was going forward, he wished that it might be conducted with propriety, and on principles as reasonable and equitable as could be adopted.

Mr. MADISON observed, that Britain had issued a Proclamation respecting the stoppage of the vessels of neutral nations; of these there were but three—Denmark, Sweden, and the United States. The two former had been expressly excepted from the consequences of these restrictions. The Proclamation was, in itself, a breach of the law of nations.

Mr. AMES was of opinion that it would be wiser to accept of excuses for injuries, than fight battles to avenge them. He likewise insisted that a train of negotiation had been entered into respecting the grievances of America, and that it would be proper to wait the conclusion of it.

Mr. MADISON considered the conduct of Britain as extremely atrocious. He read some extracts from the correspondence between Mr. Pinckney and the American Government. In these, the behaviour of Britain was represented as very arbitrary and tyrannical; and it was strongly stated, that there was not the least chance of obtaining redress from the Court of London, for the violence committed on the American flag.

Mr. DAYTON read some other passages from the same correspondence, and from these he drew inferences of an opposite tendency.

Mr. GILES read a passage from one of the letters of Mr. Pinckney, wherein that gentleman recommended *commercial restrictions* as the safest way of obtaining satisfaction from Britain for all the wrongs of America, *since there was not the smallest probability of obtaining redress in any other way*. Mr. P. expressed his extreme aversion to war, and therefore he suggested this method of retaliation, as a sure mode of distressing Britain, without the expense and danger of actual hostilities. Mr. G. asked, how in the name of common

sense, gentlemen, after perusing such letters from Mr. Pinckney, could stand up, and pretend to say, that they had the *smallest expectation of obtaining justice from Britain*? He had been astonished at the language that he had heard in that House. Members had not scrupled to say, that the mere exercise of our political rights, as an independent Government, was equivalent to a Declaration of War against Britain. Why do we pretend to call ourselves a free or independent People? It would be much better, honestly and at once, to declare ourselves *Colonies subject to Britain*! The language held upon this topic was an insult upon the common sense of every American. We were entitled to exercise our own rights in our own way. He would rather hazard a war, than give up that right.

Mr. WADSWORTH was convinced, that Spain and Portugal deserved to be comprehended under the commercial restrictions as much as Britain, since they behaved as badly. Portugal, in particular, had acted with superlative baseness, for she did not, as in good faith she was bound, warn us beforehand of the approach of the Algerine Peace. It was true that the newspapers had teemed with preposterous praise of her generosity, but this was altogether a farce; because the *papers before the House, which could not be printed, proved the contrary*. It was strangely said, that Britain had made the Peace for Portugal without the knowledge of the Court of Lisbon—a circumstance quite incredible. Mr. W. asserted the conduct of Spain to be as mischievous as it possibly could be. The same remark applied to France, where the Captains of American vessels had been fined for attempting to obtain redress in a Court of Justice, against the captors of their ships. Nor did it proceed from any want of provisions, that they had seized cargoes of that kind. They had openly locked them up in warehouses for many months, and at the same time refusing to give the captains of the vessels any satisfaction. I really do not know (said Mr. W.) anybody, within whose reach we come, that does not despoil us. As to the Law of Nations, I leave that to gentlemen of the law—they may manage it; but he found it to be very uncertain. He was sure that all the world did us all the harm that was in their power; and he was not certain but what an open rupture with us will be acceptable to some of the nations of Europe. With regard to Spain, such a hostile disposition cannot be surprising, since every American newspaper that we can look into is full of projects for driving them out of the American Continent. He said that immense property depended on the decision of this day; he believed there never was a greater at stake, in any question which had ever come before an American Congress. He referred to the lawsuits at present depending before the British Courts of Admiralty for the recovery of the American property seized by the British pirates. He was convinced that, if the present amendment passed, the merchants of this country never would recover a farthing before the British Judges, of the immense sums for which they had lodged claims, which would be their ruin. There was

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one effect which the resolutions would produce, and that was, to drive a great part of our shipping out of employment. This he did not consider as a misfortune, for there was a much greater proportion of the mercantile capital of America engaged in that business than could be for the advantage of the country.

Mr. NICHOLAS, in reply to an argument constantly urged by the gentlemen on the other side of the question, said, that it was quite needless to speak of waiting for the result of an application to Britain. A thing has happened that puts all negotiation out of the question. A man owes you a dollar, you ask payment, and he robs you of an hundred. The affair of the Algerines puts an end to negotiation. The case was so bad, that after it no man could hope for amicable redress from Britain, or that after such baseness she would ever give us justice. With regard to Spain, there were two good reasons why we should not wish to offend her. In the first place, the United States gained largely by her trade; and, in the next, she was entirely out of our power. As to Britain, she was within our reach; and he was solicitous to except Spain and every other country from the restrictions, that their impression might be the more strongly felt in Britain.

Mr. W. SMITH again spoke at considerable length.

Mr. CLARK replied, that the gentleman from South Carolina had said that Britain was the most friendly to the United States of any nation in Europe; and that if a stranger came into that House, he would think the resolution under discussion was a manifesto of war against Britain. But, said Mr. C., (looking at Mr. SMITH,) if a stranger were to come into this House, he would think that Britain had an agent here.

[Here the gentleman was called to order.]

Mr. C. rose again, and repeated what he had said, appealing to the judgment of the House. He said that he had not named the gentleman as being a British agent; he had only said, that a stranger might think there was a British agent in the Committee. The gentleman [Mr. SMITH] had objected to the prolixity of the proposed amendment, in naming and excepting so many nations from the restrictions, and had recommended it as much better to declare, at once, that they were levelled at Britain only; it was putting twenty-five words where one would answer the purpose. Sir, (said Mr. C.) in cases of this kind there are often different opinions. He had heard the gentleman himself employ five hundred words, which, in his judgment, did not comprehend the meaning of one. As to the war, we had heard much painting, as if arms and legs were flying about our ears. For his own part, he was not afraid of hostilities: the reason perhaps was, that being much more advanced in life than some other members, he had less to lose by death. As to the present amendment, he regarded it as containing the essence of all which they have been debating about for thirteen days; and he hoped that the same gentlemen would vote for it to-day, who yesterday had voted for the resolution itself.

Mr. W. SMITH rose immediately after Mr. CLARK, and observed, that the member might have spared himself the trouble of mentioning his advanced age, as his garrulity was a pretty strong symptom of it. Whether he (Mr. S.) had, in the course of his remarks, employed more words than were necessary, the Committee would judge. They would also judge whether the incessant loquacity of that member was, in general, much to the purpose. With respect to any illiberal insinuations, they only excited his contempt. He had no doubt they were reprobated by the Committee, for they were intended to check the freedom of debate. But he declared, he would never suffer such attacks to deter him from that which he conceived a proper discharge of his duty. Mr. S. said it was astonishing that, after he had, from the commencement of the debate, so guardedly excluded all political topics, and confined his remarks expressly to commercial grounds, (considering the subject merely as a commercial one,) that there should be found any one so uncandid as to wrest his arguments from commercial and apply them to political facts. He had stated commercial facts, and had drawn inferences from them. If the facts were unfounded in truth, let gentlemen deny them. If his inferences were inconclusive, let gentlemen refute them. It was with much satisfaction he had, however, found, that all the commercial members who had followed him on the same side had, by their opinions and votes, borne testimony to the accuracy of his statements. Were those members, on that account, liable to the charge of undue partiality for Britain, and would they not, if such charge were made, be justified in recriminating? Would there not be as much reason to accuse the one side of being agents of France as the other of being agents for Britain? But he hoped all such remarks would, in future, be spared. The members on both sides were Americans, and had the same object in view—the public good—but they differed about the means. To substitute indecent personalities for argument was unworthy of any member; was an avowal of a want of argument, and merited the animadversion of the House.

Mr. SMITH was sorry to hear so much personal reflection cast out as the Committee had just now heard. He was convinced that the gentleman from South Carolina would despise it, as he was satisfied that every other gentleman in the Committee would do.

Mr. SMITH saw no difference between returning to the situation of a Colony dependent upon Britain, and that of submitting to be shackled as to commercial restrictions.

Mr. AMES said, that there was no commercial State in the Union which favored the resolutions: four-fifths of the citizens of the United States were against them. It had been urged, that they contained nothing new; nothing but what had long been intended to be carried into execution. An opinion against the resolutions was travelling with rapidity from this centre, on every side, to the circumference of the circle. The people had too much good sense to approve them.

Mr. MURRAY was surprised at the new turn which the debate had taken. Some days ago, the Committee had been amused and delighted with a splendid detail of the advantages to be secured to America, by the resolutions; but, since that time, the style had been reversed, and it was now frankly acknowledged that their sale end was, a system of hostility against Britain, and that it was the noble and patriotic passion of resentment which had produced them? But he was most of all surprised to see gentlemen going into a scheme which must blow up three-fourths of the revenues of the country. He could not imagine from what motives they were to cast themselves on their constituents in this way, or by what means they expected to be able to discharge the interest of the Public Debt. He was of opinion that no sinister motives of speculation in the Public Funds could influence that House. He was satisfied that it contained no speculators in paper, as had been asserted by the pen of calumny. He gave his hearty negative to the resolutions, in every shape. All the extensive information possessed by the gentleman who introduced them, all his abilities, and all the resources of his mind, had not been able to discover any method for discharging the interest of this Debt.

Mr. S. SMITH, Mr. DEXTER, Mr. HULLHOUSE, Mr. FRIZZMONS, and other members, spoke on the subject.

The Committee now rose, and reported progress, without taking a question on the amendment.

WEDNESDAY, February 5.

Mr. GILBERT, from the committee appointed, presented a bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons; which was read twice, and committed.

Mr. GOODHUE, from the committee appointed, presented a bill for the remission of certain duties; which was twice read, and committed.

Ordered, That the Message from the President of the United States, of the thirtieth ultimo, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as, also, the petitions of Thomas Person, and others, proprietors of lands in the Territory South of the river Ohio, and of the Trustees of the University of North Carolina, be referred to Mr. WILLIAM SMITH, Mr. BLOUNT, Mr. CARNEY, Mr. ORR, and Mr. PIERCE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. TRACY, from the committee appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States," made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the moneys now in the Treas-

ury, with an estimate of such further sums as may probably come into the Treasury, before the first of April next; and the demands that will probably be made on the Treasury to that time; with a state of the domestic loans, made pursuant to the order of the thirtieth of last month; which were read, and ordered to be committed to the Committee of the Whole House to whom is committed the bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness or other disqualifying cause, be rendered incapable of discharging the duties of his office. Also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to the said act, as they may judge necessary and Constitutional; and, after some time spent therein, the Committee rose and reported progress.

COMMERCE OF THE UNITED STATES.

A motion was made, that the House do now, according to the order of the day, resolve itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. LYMAN wished that a delay might be granted, till advices should be received from England. It lay as a weight on his mind, that the House should proceed with so much rapidity. He had no design in wishing for a delay, but merely that the House might act with greater certainty; because, after they had taken some decisive step, intelligence of an accommodating nature might arrive from Britain, and cause them to regret the precipitation of their measures. He referred to the directions of the Executive to Mr. PICKNEY, to send a final answer to this country by the first of December.

Mr. BALDWIN recommended a delay during this whole session. He would not have sat silent during this discussion, as he had hitherto done, but from hopes that the subject would end in that way. It was his opinion, that this was one of those questions which had better be suffered to lie undisturbed for some time, as it would, by delay, be meliorated. Two years ago, when the question was agitated, he and some other gentlemen had persuaded those members, who were then extremely anxious for a measure of this nature, to postpone it. He had assured them, that they need not feel no alarm for their commerce and shipping, as they would unquestionably rise fast into prosperity. At the desire of these gentlemen, the report had been made. But, last session, it was considered as too early to produce it, satisfactory information upon some points not having been obtained. At the sitting down of this Congress, the report had been laid on the table. It would have

betrayed an improper disrespect for the last Congress; for the Secretary who gave in the report, and for the gentleman, whose solicitations had brought it into existence, not to have paid it notice. But the predictions of Mr. B. had been fully realized. The alarm had subsided. The very members who had been anxious for reports and restrictions, were convinced, from experience, that their trade and shipping were in no danger. In spite of their severe losses by sea, they were all content to put up with them for the sake of cultivating the advantages of peace. Time had satisfied them with their situation; and if the subject should be suffered to sleep till another session, time would, in the same way, convince the other gentlemen, at present for the resolutions, that they were superfluous; he, therefore, advised to defer the consideration of the question. The parties had shifted sides, and would all, in the course of time, be of one mind.

Mr. SHERBURNE said, that he was one of only two members from New England, who had voted for the resolutions. He did so, because he believed them to correspond both with the inclinations and the interests of his constituents. If their opinion had been different from his, he would have resigned it, in deference to that of those who sent him into the House. Since he had given his vote, he had heard so many assertions, that four-fifths of the people of America were against the resolutions, that he was disposed to wish for a delay, till he had learned the real state of public sentiment.

Mr. CLARK thought it reasonable to grant a delay, if the member who asked for it [Mr. LYMAN] did not mean this, as an expedient, to put off the resolutions. It was proper that every gentleman should be, as much as possible, satisfied; and, besides, to postpone proceedings till advice came from Britain, was cutting off the right arm of arguments of the gentlemen in opposition.

Mr. TRACY begged that the resolutions might be deferred for this day, at least, because he had a report to lay before the House respecting the Post Office and Post Roads, which could not be delayed.

Mr. LYMAN declared that, in asking a delay, he had no motive but what he had openly stated. He did not wish to postpone the discussion for any other reason.

Mr. GOODHUE differed from the member from New Jersey, as to the refusal of redress by England cutting off the right arm of the arguments against the resolutions. He had not the least idea of redress in that quarter, as to the stopping of vessels with provisions for France. He had opposed the resolutions, but not from any idea of an alteration in that point.

Mr. LYMAN then moved, that the farther consideration of the resolutions be deferred till the first Monday in March next.

Mr. SHERBURNE seconded the motion.

Mr. FRIZZMONS said, that it was not in his mind, of the smallest consequence whether the motion was carried or lost; nor did he in the least care on which side his voice went. With respect to Britain, he had suffered by her severely. His

property had been seized and carried into her ports, in contradiction to reason and to justice. He had not yet had time to collect the proofs of this, such as to enable him to make a regular application to the Government of this country; and he supposed that many other merchants were in the same situation as to this point. The prohibition of commerce between America and France by the combined Powers, was more injurious in idea, than in reality; and, that he might not be misunderstood, he should beg leave to explain himself. In fact, no merchant of this country would think of sending his property to France; for the Convention, many months before the proclamation of the combined Powers, had effectually prohibited the importation of the productions of America into France, by suffering no French products or manufactures to be sent out of France; nor, indeed, anything but *assignats*, which were of no service in the United States.

Mr. FORREST thought it extremely improper to defer or delay a decision; an alarm had been spread. It was proper to relieve the minds of the people. He wished to go into a Committee immediately; and, if that should be refused, he would have the yeas and nays taken on the question.

Mr. MADISON had no objection to delay. As to the resolutions, in answer to Mr. DAYTON, who had spoke of the versatility of the ideas of the mover, he said, that he had always reconciled himself to giving up some parts, and making partial sacrifices, provided the great principle was preserved.

Mr. FINDLEY, in a speech of some length, said, that, previous to the discussion on the resolutions, retailers had agreed to raise the price of goods for other and well known reasons, but that he had not discovered that the wholesale merchants had raised the prices.

Mr. FRIZZMONS contradicted Mr. FINDLEY, both as to this assertion, and another which he had made, that the merchants of Philadelphia were satisfied with the resolutions, which was contrary to the fact. He was authorized to say it was otherwise.

Mr. FINDLEY acknowledged, that he had said, that at least four-fifths of the merchants, whom he had an opportunity of conversing with, were in favor of the resolutions. That he was safe in saying so, and that he had been informed of so many more having the same sentiments as to justify him, in his opinion, that the merchants were not generally against the resolutions. That he had introduced this assertion in opposition to the frequent appeals that had been made to the opinions of the mercantile members of the House. He had always thought appeals to the opinions of those on the same side of the question, an improper argument. He did not admit, however strongly it had been asserted, that all the members engaged in commerce, were against the resolutions. And when he reflected upon the great influence arising from the mercantile accommodation of credit and assertions, so much urged by the member who took the lead in opposing the resolutions, and found so many merchants out of doors in fa-

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vor of them, he was convinced of the truth of the observation of a member from Maryland, [Mr. SMITH,] that the merchants of the United States were more patriotic, and understood the Constitution and interests of their country better than those of other countries. For, when it was considered that the object of commercial pursuits was gain, and that merchants, as such, had attachments to every country, in proportion to the advantages they derived from it in trade; and that though they were, perhaps, more fully possessed of a general philanthropy, or of that kind of patriotism which embraces all mankind, yet, that they had not so much of that exclusive attachment to a particular country as other classes of citizens. He said that, when it was evident that such a vast proportion of mercantile gain and accommodation was enjoyed in the commerce with Britain, he was not surprised that so great a proportion of merchants were against resolutions calculated to narrow that commerce, or that some who were once in favor of them, had been persuaded to change their mind.

While he had not the least doubt that the merchants, with whom his colleague conversed, were against the measure, yet, he adhered to the truth of his former assertion. He said, it was not decent nor orderly to prove his assertion by mentioning names on the floor; but, if his colleague chose a private explanation, he would be convinced that the merchants who had declared themselves in favor of the resolutions were pretty numerous, and not inferior in respectability, nor in the extent of their commercial dealings, to those who were against them.

In reply to the assertion, that the price of goods had been raised in consequence of the resolutions. He said that there was a greater number of country storekeepers in town than usual at this season. That he had frequently accompanied them to the wholesale merchants. That they purchased the Manchester goods as cheap, and, in some instances, cheaper, than ever he had seen them. That, though woollens were a little dearer than he had sometimes found them, yet they were not sold dearer at the wholesale stores, since the discussion on the resolutions began, than they were when Congress met. That, therefore, his assertion, as far as it went, was founded on incontrovertible facts, and the testimony of respectable merchants. That it was well known that those who kept retail stores had entered into an agreement to raise the price of cloths previous to the introduction of the resolutions.

Mr. BOURNE, Mr. DAYTON, Mr. WADSWORTH, Mr. SHERBURNE, Mr. AMES, Mr. CLARK, and Mr. BOUDINOT, also spoke.

The question was then taken to postpone the subject to the first Monday in March next; and it was resolved in the affirmative—yeas 51, nays 47, as follows:

YEAS.—Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Barnes, Gabriel Christie, Abraham Clark, Isaac Coles, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg,

William B. Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heiter, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, John Patton, Andrew Pickens, Francis Preston, Robert Ruth-erford, Thomas Scott, John S. Sherburne, John Smith, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

NAVS.—Fisher Ames, James Armstrong, John Bant-ly, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Calwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kitter, Silas Talbot, George Bland Lee, Francis Mallone, Joseph McDowell, William Vans Murray, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, Silas Trumbull, John E. Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Paine Wingate, and Richard Winn.

The House then adjourned.

THURSDAY, February 6.

A petition of Thomas Perkins and Company, of the city of Philadelphia, was presented to the House and read, praying that an additional duty may be laid on the importation of nails, or such encouragement given to the manufacture of the said article within the United States as, to the wisdom of Congress, shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion, thereupon, to the House.

DIFFICULTY WITH ALGIERS.

After the reading of some private petitions, it was moved that the House go into a Committee on the state of the Union.

The draft of a resolution was handed to the SPEAKER, which had been drawn up by the committee appointed to examine the papers on the Algerine business. The substance of the resolution was, that certain parts had been marked by the committee as improper for publication; and, therefore, that, in the course of the discussion, they should not be referred to, or the reading of them called for, by any of the members.

A motion to this purpose was then made and seconded.

Mr. HUNTER said he would treat the committee as he would wish them to treat him. He had no design of condemning the committee; but he could not think of attempting to discuss a question where he was not at liberty to call for and examine the very materials requisite for deciding his opinion.

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Difficulty with Algiers.

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On motion, the House went into a Committee of the Whole on the state of the Union.

The resolution being read for building four ships of 44 guns and two ships of 20 guns—

Mr. MADISON rose to inquire whether there was, in the public stores of the United States, a sufficient quantity of cedar and live oak for building the proposed six vessels? He was answered that there was not. Mr. M. then observed, that it was evident this fleet could not be ready for effective service in the course of the present year. He imagined that there was another resolution, precedent as to the time of voting it, which ought to be before the Committee. The resolution to which he alluded, was that assigning a sum of money to buy a cessation of hostilities from the Regency of Algiers. He was of opinion that the project of fitting out an armed squadron was liable to many solid objections. There were two points of light in which this subject might be surveyed. The first of these was, whether the Algerines acted from their own impulse in this matter? In that case, they were known to be in the habit of selling a peace; and, if they are willing to do so, he fancied that it might be purchased for less money than the armament would cost. On the other hand, if they do not act from their own impulse, but upon the instigation of Britain, we may depend upon it that they cannot be bought. Britain will keep them hostile. There is infinitely more danger of a British war from the fitting out of ships than from the resolutions on the report of the Secretary of State. The distance which the ships would have to sail is not less than three thousand miles, and their number is too small for a decisive advantage. The Combined Powers would embrace the equipment of these ships as an excellent opportunity to pick a quarrel with the United States. Mr. M. expressed his doubts with regard to the propriety of this measure, because the expense would be immense, and there was no certainty of reaping any benefit from it.

Mr. CLARK was anxious to state his doubts on this subject, that gentlemen, who, by their habit of life, had met with opportunities of better information than he possessed, might correct him where he was wrong. In the first place, the ships would be too small in point of number to be of any kind of importance, amidst the numerous navies of Europe. The distance from any friendly port, where, in case of accidents, they might repair, was likewise very great. It was to be expected that, when they fell in with British ships of war, that the latter would endeavor to search them for prohibited cargoes, and for seamen, because they were in the practice of impressing their own countrymen wherever they could find them. This would produce a quarrel. There was a scheme which occurred to him, and which he judged would be less expensive and more effectual. This was, to hire the Portuguese to cruise against the Algerines. He understood that the Court of Lisbon desired to keep her ships of war in actual service. The British have been in the habit of building frigates for the service of the Algerines, and, as he was informed, mariners at

a distance upon sea, could distinguish in what country vessels were built by their construction. Hence it would be difficult for the captain of an American frigate to ascertain at sea a British ship of war from an Algerine. He had an objection to the establishment of a fleet, because, when once it had been commenced, there would be no end of it. We must then have a Secretary of the Navy, and a swarm of other people in office, at a monstrous expense. If we build six ships this year, we should next year find it necessary to build six more, and so on. The Combined Powers would find a much better pretence for a war by this armament than from the resolutions on the Report of the Secretary. Mr. C. closed his speech, which was heard with great attention, by observing, that he rose principally to submit his opinions on this question as hints for those who were better qualified to form a judgment on the subject than himself.

Mr. BALDWIN expressed his doubts as to every part of this subject. He had not been able to gain any information that was satisfactory. To block up the Mediterranean was, he believed, impracticable. Bribery alone could purchase security from the Algerines. Spain and Britain had always found this method the cheapest. He had much confidence in the gentleman who had been employed to go as an Envoy to Algiers from this country. He was a thorough man. Mr. B. had yet formed no decided opinion, and could wish to suspend his judgment till he learned the issue of the present application to the Dey. If bribery would not do, he should certainly vote for equipping a fleet.

Mr. NICOLAS feared that we were not a match for the Algerines. A small number of sailors were sufficient to navigate one of their ships, and they had a militia to man them who were innumerable. He had not been able to form an exact opinion, but he was afraid that we were not a match for them by sea.

Mr. S. SMITH rose chiefly to answer the interrogatories proposed by Mr. CLARK, as to what harbors in Europe American ships could retire to for shelter? In an early part of his life, Mr. S. said that he had been in that part of the world, and could assure the House that there was no want of proper harbors to refit or obtain provisions in. The first he mentioned was Toulon; Marseilles, likewise, had a most excellent harbor, and there was no doubt that our vessels would be received there in the most friendly way, as the Algerines had lately declared war against the Republic of France. Spain had, likewise, several excellent ports—Malaga, Cadiz, Barcelona, and Ferrol. In all these the American squadron would be heartily welcome, and meet with all kinds of naval stores in the greatest abundance. Lisbon, also, was a fine harbor, and Oporto would be proper for the same purpose. So that, in case of accident, the armament had nothing to fear from wanting a place of retreat. He had no doubt that our vessels and our sailors would both be much superior to those of the Algerines. Their ships were old and crazy, and were presents made

them by the Powers with whom they were not at war. The American bottoms must be better; and our fleet will most likely have its station between Oran and Malaga, and, stretching across between those two ports, block up the mouth of the Straits. He adverted to the mistake of Mr. BALDWIN, who had said that Spain never attempted to block up the Straits; the proper answer to which was, that Spain had an extensive coast, not less than four or five hundred miles, within the Mediterranean; so that she was quite differently situated, with regard to them, from America. Mr. S. mentioned, as a consolatory circumstance, that our profit was twice as great at present, in commerce, as it was before the war, in spite of all the spoiliations committed by Britain and by Spain; and, if the war continues, the profits will continue to multiply twice as fast as they would otherwise do. As an evidence of this fact, he mentioned the high price of wheat at present in this market, and asked whether any gentleman had heard of a price so high at this season of the year before? A gentleman [Mr. NICHOLAS] had spoken of an Algerine militia. Why, sir, (said Mr. S.) I shall set down against them the American militia, and so that account is settled. He estimated that the whole American exports and imports, in round numbers, was twenty millions of dollars each; and that the extra insurance on account of the Algerines, from one end of the year to the other, would not be less than five per cent. on the whole, which was, altogether, two millions of dollars. From this Mr. S. inferred that it must be the very worst kind of economy to hazard an expense of two millions of dollars of insurance, for the sake of saving the charges of this armament. He did not see it improbable that the Algerines might very soon be on our coast, under the command of British or American renegades. It was nothing uncommon, among seamen, for two captains to be in the greatest friendship to-day, and plundering each other's vessels to-morrow. As an example of what Americans, in particular, are capable of doing, he repeated the history of a Mr. COOPER, of Virginia, who, some years ago, fitted out a ship for the express purpose of cruising against American vessels bound from or to the East Indies. He sent a person into the harbor of Algiers to solicit a commission from the Dey, and this Envoy had very near been taken prisoner, as the Dey wanted to have made a slave of him. Mr. S. said that Mr. COOPER was known to be a man of courage, of perseverance, and as possessing that species of intellectual resources which qualify an adventurer for bold undertakings. He inferred, from this anecdote, that, if Mr. COOPER, a man of respectable birth and connexions, could form such a scheme, what was not to be feared from the common set of seamen? He could not tell where the danger might end; nor did he know whether Philadelphia itself would be in safety. They might speak of their forts as much as they pleased; he knew their force, and did not much value it. The British had gone past them, and what was to hinder the Algerines, or such a man as Mr. COOPER, from getting past them? Were we on the coast

of an enemy, he should have the least scruple of engaging to run a ship by such forts, when there was in view so great a prospect as the plunder of Philadelphia. He strongly pressed the necessity of sending out the proposed fleet as quickly as possible.

Mr. AMES attacked the mover of the resolutions on the Report of the Secretary [Mr. MADISON] for not displaying in the affair of the Algerines some part of the spirit which he had exerted on the other occasion. He thought it shameful to buy a peace, and that there could be no security, if we did. He recommended an armament. Portugal had shown herself friendly; and, referring to what Mr. CLARK had stated, he was of opinion she would give our ships shelter in her ports. He thought that six stout frigates at the mouth of the Straits would do the business. He went at considerable length into Mr. MADISON's resolutions, and condemned, upon various grounds, the arguments and conduct of the gentlemen who supported them. Yesterday, we were told that Britain durst not quarrel with America, and to-day, she is represented as ready to do it. Our commerce is on the point of being annihilated, and, unless an armament is fitted out, we may very soon expect the Algerines on the coast of America.

Mr. GILES, in reply, said that Mr. AMES drew inconsistent pictures. One day he represented the American commerce at the summit of prosperity; the next, it was reduced to nothing. In defence of the commercial regulations, he reminded the House that Britain, and not Algiers, was the real object of alarm, and the real source of hostility. It was, therefore, proper to provide remedies against both of these illustrious confederates. Algiers was but the instrument, Britain upon this cause. The reliance of Britain upon this instrument plainly showed that she was not equal to a war and a commercial contest. She had, therefore, turned loose the Algerines upon us—a fact which is pretty generally acknowledged on both sides of the House. It is, therefore, in the power of Britain to prevent the progress of these pirates. The commercial restrictions will reduce Britain to difficulty, and she will then, for the sake of friendship with America, be glad to put a stop to the Algerine ravages. Until some measure of this kind has been adopted, Britain, as she has raised up Algiers, will keep her up. The cheapest mode of getting peace will certainly be by embracing the commercial regulations. Mr. G. was averse to the proposal of a fleet. He agreed very much with the gentleman from New Jersey, [Mr. CLARK,] that it would be a better expedient to hire the fleet of Portugal. He considered the establishment of a maritime force as having a direct tendency to war; whereas, the commercial restrictions had the same tendency to peace. The sending of American armed ships into the midst of the fleets of Europe would certainly produce a quarrel. It had been well remarked, [by Mr. CLARK,] that, if an attempt was made to search our ships of war, like our merchantmen, it would infallibly produce a public affront, and consequent hostilities.

Mr. MADISON, in reply to some remarks which had fallen from Mr. SMITH, respecting the present high price of wheat in the American market, said, that he had been informed of a place where wheat sold for four shillings and sixpence per bushel only, where the dollar passes for six shillings. Mr. M. supposed that Britain could render very essential service to the Algerines, without embarking in a war. She has not embarked in a war to the northwest of the Ohio, but she has done the same thing, in substance, by supplying the Indians with arms, ammunition, and, perhaps, with subsistence. He did not assert that Britain directed the plan of the Indian expeditions, for he had no explicit evidence that they actually did so. In the same way that they gave underhand assistance to the Indians, they would give it to the Algerines, rather than hazard an open war.

The Committee now rose, without coming to the question.

FRIDAY, February 7.

JOHN PAGE, from Virginia, appeared, produced his credentials, and took his seat in the House.

Resolved, That a committee be appointed to report whether any, and what, alterations, are necessary in the act, entitled "An act concerning the registering and recording of ships or vessels." Also, in the act, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same." Also, in the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels." And also, if any, and what, further legislative provision may be necessary for the securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas.

Ordered, That Mr. GOODRICH, Mr. SAMUEL SMITH, Mr. FRIZZMONS, Mr. PARKER, and Mr. BENJAMIN BOCKWOLD, be a committee, pursuant to the said resolution.

Mr. SAMUEL SMITH, from the committee, to whom was referred the petition of Lieutenant Colonel Tonsard, made a report; which was read and ordered to lie on the table.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you an Act and three Ordinances, passed by the Government of the Territory of the United States South of the river Ohio, on the 13th and 21st of March, and the 7th of May, 1793; and also certain Letters from the Minister Plenipotentiary of the French Republic, to the Secretary of State, enclosing despatches from the General and Extraordinary Commission of Guadaloupe.

G. WASHINGTON.

UNITED STATES, February 7, 1794.

Ordered, That the said Message and papers do lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act providing for the relief of such of the inhabit-

ants of Saint Domingo, resident within the United States, as may be found to be in want of support," with an amendment; to which they desire the concurrence of this House.

THE NAVAL FORCE.

The House resolved itself into a Committee of the Whole House on the state of the Union. The Chairman read the resolution before the House for equipping a Naval force.

Mr. MADISON thought this expedient unlikely to answer the purpose, and liable to many objections. Before the American squadron can be equipped, the truce between Algiers and Portugal must expire. When that expiration shall take place, she either will not renew the truce at all, or she will stipulate that the United States shall be comprehended in it. He would save the money intended for the fleet, and hire the Portuguese ships of war with it, as soon as the truce ends. He wished that the Committee might reject the present resolution, and when they did so, he would move a resolution, a copy of which he read to the Committee. It was in substance:

"That the sum of ——— dollars be provided to be employed in such a manner as should be found most effectual for obtaining a peace with the Regency of Algiers; and failing of this, that the sum should be applied to the end of obtaining protection from some of the European Powers."

Mr. M. considered the armament at present proposed, as quite too small to answer any efficient purpose.

A member here observed, that it would be hazardous to rely on Portugal; because though the truce might expire in about six months, it would possibly be renewed at the end of that time, or converted into a peace.

Mr. FRIZZMONS wished that gentlemen would pay some attention to attested facts, before they so abruptly declare that the six ships proposed by the Committee to be built and put into commission, were incompetent to the end for which they were designed. The Committee had bestowed considerable time in deliberating upon the best information which could be obtained, before they specified the force requisite to be employed, and they had been satisfied, that what was now proposed would be equal to the end. Here Mr. F. read a different statement of the ships of war in the service of the Regency of Algiers, at different times. One of these shows that in the year 1789, there were nine xebecs, from thirty-six to ten guns, and one ship of forty guns upon the stocks; but, that several of the xebecs were laid up or unfit for service. A second estimate of the Algerine maritime force had been transmitted by Mr. HUMPHRIES. He specified four frigates, two xebecs, and one brig. By advices still more recent, the fleet consisted of one vessel of forty-four guns, one of thirty-six, one of twenty-eight, three xebecs, and a brig. Mr. F. observed, that gentlemen had objected to the sending out an American fleet; that they could not always keep together. He reminded them, that from November to March or April, the corsairs of Barbary never go out to sea.

There were two months during that time, when they were restrained by their religion from piratical excursions. The Committee had been told, that the Portuguese are ready to assist us. There is ground to expect this assistance, but not to depend upon it. Two American frigates, along with the Portuguese vessels, would be fully equal to the task of curbing the Algerines. As to militia, he could not see of what consequence they could be in a naval contest. With regard to expense, he stated a very important fact. The United States import, annually, two millions of bushels of salt from these countries, which the Algerines will cut off from our commerce. The rise on that article must then be at least one dollar per bushel; which is a tax of two millions of dollars at once, or three times the expense of the armament. Probably, however, the loss may extend to four millions of dollars on this single article of salt, in one year only; a sum which would keep up the fleet a long time. We have been trying to buy a peace, but without success; and if we are not able to enforce it, the price of buying it must be so much the higher. As soon as Portugal is left to herself, she will certainly protect us, because it is much for her interest to do so. At present, she cannot, perhaps from the influence of the combined Powers. Mr. F. therefore recommended an armament in the mean time.

Mr. SMITH objected to this measure, because it was unequal to the task. Britain would assist the Algerines underhandedly, as she did an enemy in another quarter, and would continue to do so. He did not think she was shameless enough to own it, but she would do it. He spoke at some length.

Mr. NICHOLAS went on the same ground. He said that Britain had not been content with striking up a truce for Portugal, that the Algerines might be let loose on American commerce, but her Minister at the court of Lisbon had endeavored to prevent our vessels from obtaining a Portuguese convoy. Not content with insuring a loss to America, she had striven to make that loss immediate. As to the duration of the truce, it could not last long, for the Queen of Portugal had, in fact, broken it already. She had declared that the trade to that country should pass unmolested; to which condition it was not likely that the Algerines would consent. The Portuguese nobility had clamored at the acceptance of a truce. So that, on the whole, it could hardly last long. A naval force was a very expensive affair. The greater part of the immense debt of England had been lavished on her navy. He was against building a navy.

Mr. SWIFT had always been sensible that the situation of this country was not fit for war. We have a very heavy debt; but still it is better to bear debts than depredations. A gentleman of extensive information [Mr. S. SMITH, in yesterday's debate] had stated the rise of insurance as much less than the armament would cost. Britain had always more dependence on her navy than on the immense sums that she pays to these Barbarians. Mr. S. had no doubt that the proposed fleet would have its intended effect. He despaired

of either buying a truce or buying an ally. As to the militia of Algiers, they could not be brought into action against frigates. He considered the charge of hiring the Algerines, as an unfounded accusation on the honor of Britain. He could not bring himself to believe that she was capable of a conduct so exceedingly disgraceful. He had no direct evidence to convince. It might be objected to this argument, that it would augment the National Debt and throw too much influence into the hands of the Executive Government. But the same objection might be started against every armament whatever.

Mr. MURRAY said, the gentleman from Virginia, [Mr. MADISON,] yesterday observed that he was not a little surprised, that those who a few days since had appeared so alarmed at the phantom of war, should on this question appear so willing to meet it. He would remark that those gentlemen were alarmed at a shadow which appeared followed by the substance of war, and were unwilling to do anything that might lead to a war that did not yet exist. But we were now at war with Algiers, and had no choice. They had been at war with the United States ever since the end of the Revolutionary war. The Spaniards and Portuguese kept them within the Mediterranean. Gentlemen who are averse to the report, hold up two substitutes measures: one, which was suggested, and has been argued by the gentleman from Virginia, [Mr. MADISON,] is, that we ought to grant a sum to Portugal for her protection of our trade. The other is, that commercial regulations will accomplish our protection. He liked neither. The last, if permanent, will withdraw all temptation from Great Britain to interpose her good offices. The first is worse; it is subsidizing Portugal at the expense of our own people, and that too without security. Gentlemen would make it the interest of Portugal to make such breaches of truce as would occasionally withdraw protection, and oblige us to subsidize her higher. It would create a disgraceful dependence on a foreign Power, and weaken the spirit of our marine; whereas, if you fit out frigates, you employ your money in nourishing the roots of your own industry; you encourage your own ship-building, lumber, and victualing business. He believed, that however true might be the suspicion of British interference in Indian affairs, and he feared it was too true, he did not believe the evidence as to Algerine interference strong enough to induce an argument against the report, under a supposition that as Great Britain had effected the truce, so she would aid Algiers against us. He thought so, because it was not now as much her interest as it was in times of peace. In times of peace, had she let loose the Algerines, her own navigation would have been enabled to carry for us, but now it would be molested by the French. He did not believe nations, more than persons, would do wrong purely out of evil designs devoid of interest; the greatest villain would not. At present, their ships are liable to attack from the French, and he had it from good authority, that so far were the British from having advantaged themselves if they had been so base,

that scarcely a British ship had appeared since in our ports. The ship frigates would be able to blockade the Gut of Gibraltar; the Algerines did not sail in fleets; they wanted plunder, not glory; when they discovered they had to get the first by hard fighting, they would listen to peace, accompanied by money. Spain, it was true, had purchased a peace, but there was a hereditary inveteracy against Spain, and a facility of attacking her shores which we need not fear, so it was her interest to buy a peace when war could bring her nothing but a glory that almost disgraced her armies; as to jealousy of power in the Executive, he hoped to see a proper equipoise in the powers of this Government; but, when proper occasions occurred, he hoped Congress would never refuse the adequate means to enable the Executive to discharge its Constitutional duties.

Mr. GOODHUE observed, that the Committee had carefully looked over the statement of the marine force of Algiers for several years back, and had no reason to doubt that the six vessels would be equal to the purpose intended. There was no ground to suppose Algiers would have more force at present than she had during her war with Portugal. He had no doubt that the Algerines were let loose on the American commerce to prevent supplies going to France, and while the war lasts, we shall not be able to buy a peace. It is said, that the truce was but for a year, and in six months it will expire. He did not wish to depend on that when the evil is so great. And why depend on Portugal? She is more under the influence of Britain than any other nation in Europe. When Britain has been at the trouble of stipulating a peace for Portugal, will she suffer that nation to assist us? Certainly not. Or is it wise to stand by and depend upon such a resource?

Mr. MADISON said, that gentlemen thought so differently on this subject, and advanced arguments against his side of the question of such a different nature, that it was difficult or impossible to give them an answer. He then proceeded to quote the speech of Mr. GOODHUE; when that gentleman rose to explain. Mr. M. then proceeded to notice the speeches of Mr. FITZSIMONS and Mr. S. SMITH. Both of these gentlemen were up more than once to explain, as having been misquoted. In a speech of considerable length, he was not suffered long to proceed without interruptions of explanation. This produced a scene of altercation. One circumstance, however, was mentioned by Mr. FITZSIMONS that deserves particular notice. From April to December next, he said, the insurance on American ships from England and the rest of Europe, will not be less than twenty-five per cent. of their value on account of the Algerines.

The House now adjourned, without taking any question.

MONDAY, February 10.

A memorial of Samuel Swann, of the city of Richmond, in behalf of himself and others, was presented to the House and read, praying that an additional duty may be imposed on the importa-

tion of foreign coals, or such encouragement given to the opening of coal mines within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to Mr. WATTS, Mr. COIT, and Mr. HINDMAN; that they do examine the matter thereof, and report the same, with their opinion thereupon.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act providing for the relief of such of the inhabitants of Saint Domingo, resident within the United States, as may be found in want of support."

Resolved, That this House doth agree to the said amendment.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and expenditures for the War Department, from the 1st of July to the 31st of December, 1793, inclusive; which were read, and ordered to lie on the table.

DELAWARE CONTESTED ELECTION.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Henry Latimer, of the State of Delaware, complaining of an undue election and return of John Patton, to serve as a member of this House, for the said State, made the following report:

"That the said Henry Latimer complains of the illegality of the said election on the following grounds, to wit: that the Legislature of the State of Delaware, in pursuance of the Constitution of the United States, passed an act on the 26th of October, 1790, directing the election of a Representative for the said State in the Congress of the United States, by which it is enacted that every person coming to vote for a Representative, agreeably to the directions of the said act, shall deliver, in writing, on one ticket, or piece of paper, the names of two persons, inhabitants of the State, one of whom, at least, shall not be an inhabitant of the same county with himself, to be voted for as Representative."

"That, at the said election in Newcastle county, a number of votes or tickets, containing the names of the said Henry Latimer and Solomon Maxwell, both inhabitants of the same county, were by the Judges of the said election, deemed illegal, and rejected."

"That, at the said election in Kent county, four votes or tickets, containing the names of the said Henry Latimer and George Truit, both inhabitants of Newcastle county, were, by the Judges of the election, rejected as illegal."

"That, at the election in Sussex county, a number of votes or tickets, not less than fifty, containing the name of John Patton only, as the Representative of the said State, were received by the Judges of the election, polled, counted, and included in the return of the said election; that, in consequence of the rejection of the said votes in Kent county, and the rejection of the votes before mentioned in Sussex county, the said John Patton was returned as exceeding the said Henry Latimer thirty, in number of votes."

"The committee find that the law of the State of Delaware, for regulating the election of a member to this House, contains the regulation stated in the petition, and that the said John Patton was returned to the

President of the State of Delaware as having 2,273 votes, and the said Henry Latimer as having 2,243 votes. On examining the evidence taken in this case, the committee find the following facts in relation to the election in Newcastle county, to wit:

"That a considerable number of votes or tickets containing the names of Henry Latimer and Solomon Maxwell were rejected as illegal, as being both inhabitants of Newcastle county; the precise number of said votes is not ascertained. One witness, Robert Hamilton, who acted as an Inspector or Judge of the election, declaring that he kept a list of such rejected votes till he was fatigued; that when he discontinued, they amounted to upwards of seventy. Another witness, James Eves, who likewise acted as an Inspector at the said election, declaring that he first began to keep such a list of rejected votes, and counted upwards of thirty, when he changed seats with Hamilton, who continued to keep the said list, as above mentioned, and that he was informed by Hamilton, some hours before the reading of the votes was concluded, that the number of the said rejected votes then amounted to upwards of fifty. It appears, by a reference to official documents, that the amount of votes counted and polled at the election in the said county for Governor of the State, was 1,202, and the number polled and counted for a member of this House was only 1,138, constituting a difference of sixty-four votes. The committee find the following facts in relation to Kent county: That four votes or tickets having the names of Henry Latimer and George Truit, both inhabitants of Newcastle county, were, on that account, rejected as illegal; and that twenty-two votes or tickets, containing the names of John Patton and some other inhabitants of Kent county, were likewise rejected as illegal.

"The following facts appear in relation to Sussex county: that, at the commencement of the election in the said county, a question arose as to the legality of votes or tickets containing only one name, and, after some contest, it was resolved by the managers of the election to receive all such votes, and to leave the determination of their legality to the House of Representatives of the United States. It further appears by the evidence, that, on a late examination of the votes or tickets which had been polled or counted at the said election, there were sixty-eight single votes received and counted for John Patton, and nine single votes for Henry Latimer.

"From the above statement of facts, the following conclusions appear to the committee to result:

"That John Patton was returned as duly elected, by a majority of thirty votes.

"That, agreeably to the Election Law of Delaware, the four votes in Kent county, containing the names of Henry Latimer and George Truit, which were rejected, ought to have been received and counted for Henry Latimer; and the sixty-eight single votes in Sussex county, which were received and counted for the said John Patton, ought to have been rejected; that, if the aforesaid four votes in Kent county had been received, and the aforesaid sixty-eight votes in Sussex county had been rejected, as was required by law, the said Henry Latimer would have had, after deducting the nine single votes, received and counted for him in Sussex county, a majority of thirty-three votes. The committee are, therefore, of opinion that John Patton is not entitled to a seat in this House; they are also of opinion that Henry Latimer is entitled to a seat in this House as the Representative of the State of Delaware."

to convoy the American merchantmen was not a proper foundation to say, that she had already broken the truce with Algiers, as had been alleged, [by Mr. Nicholson.] It was the established custom, in cases of this kind, to protect the ships that were trading to any particular country which happened to make a peace with any of the States of Barbary. Spain often did the same thing, nor was it complained of by the Algerines themselves. There was a great risk in depending upon so precarious a resource as the Navy of Portugal. He should be glad, besides adopting the resolution on the table, that the Executive might be authorized to engage the assistance of Portugal, if it was practicable. Mr. B. professed that he had met with no satisfactory evidence that Britain had excited the Algerines to the present war. He recommended the armament.

Mr. LYMAN was of opinion that the Algerines acted by the instigation of Britain. He would as soon question the existence of the resolution before them, as question that. The proposed armament must bring on a very certain expense, for a very uncertain advantage. He apprehended no danger from the Algerines, on the coasts of America. Though Britain might not venture openly to support the Corsairs, yet she could do it clandestinely, as she supported the Indians. He disapproved of the intended armament for many reasons—one of which was that though \$600,000 had been stated by the Committee as the expense of it, that sum would not half discharge the expenses. He recommended that private individuals should be encouraged to fit out vessels for attacking the Algerines.

Mr. HULLHOUSE had heard of no expedient suitable to the end in view, except that of sending out a fleet. He ridiculed the project of attempting to encourage individuals to attack the Algerines. He asked if a Legislature in the possession of their senses, could fancy that private persons were to be induced to squander away their property in such a way, without compensation? Was there any body so lost to all common sense, as to embark in such an undertaking? As to the interference of Great Britain, he was willing to take that for granted. But could the members return to their constituents, and tell them that Congress could do nothing in this matter, because Britain had been the occasion of it? He observed that a more humiliating situation could not be conceived, than that of America becoming tributary to Portugal, and going there to tell her that Americans could not protect themselves. Such an application must wound the honor of the United States in a most sensible manner. Gentlemen had said, the other day, that Britain would submit to any hardship sooner than declare war against this country. It was now said by members on the same side of the question, that she will assist Algiers by sending her military supplies. These assertions are inconsistent. If Britain sends ships of war to Algiers, she must come to an open rupture with America, for he understood that, by the Law of Nations, it must be the consequence.

Mr. DEXTER found many difficulties in this matter; but he was willing to adopt the measure proposed, because he saw nothing better. Mr. HUNTER said that the damage sustained by trade, from the Algerines, is not so great an object as to deserve such an expense: especially since Portugal offers to protect that part of our shipping which is bound to and from her Dominions. It has been said by several gentlemen, that the only motive which induced Britain to make a truce with the Algerines was, to get the Portuguese fleet to join her in attacking their common enemy, the Republic of France. It had been said by one gentleman, that Britain had more interest to set the Algerines loose upon American commerce before the war than since. This was a very mistaken idea. Before the war, our trade with Britain, in regard to insurance, was upon equal terms. But as soon as Britain engaged in the war with France, the insurance on her own vessels rose very high. Her own insurance companies would not insure the freight of British vessels, and the property of her own subjects, on the same low terms that they would insure on American vessels and American property. This preference was extremely provoking to the pride of Britain, particularly as the nation thus preferred had been, but a few years before, her own subjects. Her seamen were likewise quitting her service for that of America. Thus, her carrying trade must have been cut up by the roots. It was no more dishonorable for America to get a peace made with Algiers by means of Portugal, than it had been for Portugal to get a peace in the same quarter by means of Britain. He did not think that Britain would ever suffer America to get a peace if she could help it, as long as the war lasted; for then America would take off the carrying trade. She could supply the Algerines with ships, under the pretence of being their allies; and then, when they were employed against America, say that she could not help it. Mr. H. was averse to the armament.

Mr. MURRAY could not believe that Britain had been guilty of any design of exciting the Algerines against the United States. It was opposite to her interest, and he could not believe any nation capable of such a crime only for its own sake.

Mr. GILES said that Britain was at length acknowledged to be the cause of the Algerine piracies. It was now said to be for the sake of reducing France. The baseness of the end corresponded with the atrocity of the measures employed to produce it; for he should always consider it as one of the greatest of crimes for one nation to attempt the subjection of another. As to the state of insurance, the gentleman from South Carolina [Mr. HUNTER] had spoke rightly. Mr. G. said that with respect to what he had formerly observed, about Algerine militia, he had been mistaken. He did not intend to say that the four American frigates were to go to land, and give battle to a hundred thousand Africans; but if a nation could, by an effort, assemble so numerous a militia, they can surely produce a maritime force more than equal to four frigates. He could not think gentlemen serious in proposing to send

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them against Algiers. He adverted to the numerous dangers to which they were exposed by sea, at such an immense distance from their own country. It had been said by a gentleman [Mr. DEXTER] who, whenever he happened to be in the wrong, had a very happy talent at making himself appear to be in the right, that the inconvenience of seas and tempests would be no greater to the Americans than to the Algerines. But the member had overlooked this great difference: that the latter, if any accident befell them when he required a friendly port, were not far from home; whereas, the former had to sail 3,000 miles. A gentleman [Mr. S. SMITH] had mentioned several harbors of France, Spain, and Portugal, to which the American frigates might retire, if they wanted repairs. He was not sure that they would be welcome at present in the ports of either Spain or Portugal. As to France, from the measures that we seem lately to pursue, it is very uncertain whether she would much longer give the American flag a friendly reception. Gibraltar had likewise been held out as a place where the intended fleet might be sure of a hospitable retreat. But this, likewise, he thought very doubtful. He considered navies altogether as very foolish things. An immense quantity of property was spread on the water for no purpose whatever, which might have been employed by land to the best purpose. The old Government of France had been ruined in a great measure by the expenses of its navy. England groaned under a great part of her immense load of taxes from the same cause. He was persuaded that four frigates would not even form an additional motive to make the Regency of Algiers conclude a peace. He was afraid the Algerines would laugh at them.

Mr. S. SMITH said it was a singular example of integrity in the present age, and would be the wonder of posterity, that Captain O'Brien and Captain Stephens never had accepted of any offers from the Algerines. We have now been told that eleven ships are taken. Some of these are not commanded by natives of America, and it cannot be surprising if renegades are found among them. Portugal, with only three ships, had blocked up the corsairs: what, then, was to hinder America from accomplishing the same end with six ships? Where Portugal has one ship on the ocean, America has ten. She is, therefore, ten times as able as Portugal to beat the Algerines; and yet we are told that she cannot do it. He had one objection to the fleet: he wished that the two 20-gun ships had been made to carry 36 guns, as he fancied, from the shortness of their keels, that they would not be able to keep up with the 44-gun vessels. He said that the Algerines had no place of shelter till they got home, as they were not admitted into the harbors of any other nation. He asked, who would join this country, when we declared that we could do nothing? It was disgraceful to Republicans to be in such a situation. He was sure that this defenceless state was contrary to the maxims of the Republics of all former ages. He was sorry, when he heard gentlemen who called themselves Republicans,

vindicate such pusillanimous measures. He suspected that they were at bottom friends to Monarchy, and wished to bring it back again. He then proceeded to demonstrate that America would lose infinitely more by the rise of insuranc, than she would save by setting aside this armament. He closed by once more asking, whether the United States could not perform that with six ships which the Queen of Portugal had performed with three?

The Committee now rose without coming to any decision.

TUESDAY, February 11.

The House resolved itself into a Committee of the Whole House, on the bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill with the amendment, be engrossed, and read the third time to-morrow.

Mr. VENABLE, from the committee appointed, presented a bill for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States; which was read twice and committed.

Mr. TRUMBULL, from the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year 1793; of the delegates from the several Societies for promoting the Abolition of Slavery, in convention assembled at Philadelphia, on the first day of January last; and of the Providence Society for abolishing the Slave Trade, made a report; which was read and ordered to be committed to a Committee of the Whole House on Monday next.

FORTIFICATIONS.

A report was read from the committee appointed to inquire into the state of the fortifications of the ports and harbors of the United States.

It was moved and agreed to read the report a second time. The committee had not been able to complete their investigation; but, in the meantime, they recommended that the sum of ——— dollars should be assigned for the security of the harbor of Norfolk.

Mr. DAYTON objected to the adopting this motion without due consideration.

Mr. TRACY moved that the subject should be referred to a Committee of the Whole House; which was agreed to, and the House again resolved itself into a Committee of the Whole House on the state of the Union.

Mr. TRACY had wished for more information. He supposed that the Committee would report nothing but authentic facts; yet gentlemen had objected to the report as not well grounded. He thought the committee right in the measure which they pointed out. If we are not able to defend

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ourselves, we must give up the trade; and if the interposition of Britain was a proper reason for not pushing the Algerine business, the same argument was sufficient for giving up the Western frontiers, because the Indians were said to be assisted by the British. In the same way are we to give up the sea, because Britain may possibly assist the Algerines, as well as the Indians? Are we not to defend ourselves? Are we not to guard against the one as well as the other? Are we to recel our militia from the frontiers? It is said that there is no danger on the sea-coast from the Algerines, and therefore we have no occasion for ships of war. But if we lay down our muskets, are we in no danger from the Indians? A member has just now stated, that an English ship of war had behaved at Norfolk with the greatest insolence. This shows how improper it is to be exposed. If we cannot defend our commerce, give it up. Why should people try to walk who cannot stand? The objectors against the argument are penny-wise and pound-foolish. He thought it a sorry compliment to the good sense of the United States, of the Congress, and the Legislature, to say, that if we build six ships this year, we must never stop till we build one or two hundred.

Mr. T. complained of the perpetual allusions, in the business of the House, to the banking and funding systems. Gentlemen should have his very humble thanks, if they would argue the question on its own grounds. He had for some time doubted whether it might not be for the advantage of Government to tell people, at once, to defend themselves, as they could expect no protection from this country. Upon the whole, Mr. T. was of opinion, that this country was so circumstanced as to require the people to arm themselves; unless gentlemen would propose some other or better remedy for repelling the injuries we sustain.

Mr. FITZSIMONS defended the report of the committee. They had gone upon good ground in proposing a naval armament, and he mentioned facts to prove that they had not gone by their own opinions. He observed that the force of Algiers was not increased since the independence of the United States, and that therefore their present operations could not be viewed as more particularly aimed at America than formerly. They do not want our provisions or our ships; plunder alone is their object; general plunder.

Mr. MADISON said, attempts had been made to reduce the present question to a pecuniary criterion. This might be thought conclusive, if it could be done with due accuracy. The calculations which had been made could never be satisfactory. To make them so, there ought to be a full statement of the amount the armament would cost, and the expense it would save in its effect on insurance. These statements must necessarily be made up so much of conjecture, that they could not lead to a very definite result. It might be of some use, however, in preventing error, to understand the true principles and grounds on which they ought to be formed, and which were conceived to be the following:

To the expense of the fleet, as estimated by the

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committee, add at least the ordinary excess in the execution, in the proportion which experience in such cases suggests. Add, also, the insurance on the fleet itself, which is a fair and very important item in the expense.

On the other side of the account, separate the West India trade, which is out of the Algerine risk, from the rest of the trade; and the trade to Spain, Portugal, and the more Southern parts, which is subject to a greater, from the trade to the Northern parts of Europe, which is subject to a much less, if to any risk.

The return of exports for 1791, is—
To the West Indies - - - 6,566,489
To Spain and Portugal, &c. - - 2,454,897
To North of Europe - - - 8,550,665
\$17,571,551

No return of imports being at hand for the same year, take the preceding year, for which the amount of some branches is known, and call it - - - \$20,000,000

From the West Indies - - - 4,000,000
From Spain and Portugal - - - 980,878
From more Southern places - - - 1,000,000
From North of Europe - - - 15,000,000
Exports and imports to and from the West Indies - - - 10,566,489

On this, the extra insurance, on account of the Algerine risk, if there be any, ought to be calculated, as also on the value of the tonnage employed.

Exports to and from Spain and Portugal - - - \$3,454,397
Deduct what will continue to go in neutral vessels. - - -
Deduct from balance the proportion of winter freights when Algerines are not out. - - -

Calculate on the final balance only the extra insurance.

Exports and imports to and from North of Europe - - - \$23,545,703

Deduct the large proportion that will continue to go in neutral vessels.

Deduct from the balance the proportion of winter freights.

Calculate on the final balance only the extra insurance.

Tonnage to and from Spain and Portugal - - - 48,698 tons.

Deduct for winter voyages.

Calculate on the balance only the extra insurance on the value of the vessels.

Tonnage to and from North of Europe - - - 97,820 tons.

Deduct for winter voyages.

Calculate on the balance only the extra insurance.

From the sum of these extra insurances, deduct the proportion that will remain, notwithstanding the equipment of the fleet, and which will consequently not be saved by the expense of it.

Mr. M. replied to several of the arguments of the gentlemen who were in favor of the resolu-

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tions. He went into some minute details respecting trade and commerce; and, particularly, remarked, that there was not any security for Portugal's renewing the truce with Algiers after the present term should expire.

Mr. GOODHUE.—The gentlemen (Mr. MANISOS) last up, from Virginia, as well as most others on his side of the question, have rested their chief argument against the equipment proposed in the resolution before us, on the probability that Spain and Portugal will, after the present war in Europe is over, find themselves under the necessity of restraining the depredations of the Algerine corsairs on our trade, from the want they will always be in for the productions of this country for their subsistence. That they will be in want of the productions of this country, and that they cannot well do without them, is granted; but can we doubt it would be good policy in Great Britain to continue the Algerines in peace with Spain and Portugal, and in hostility with us, in order that their ships, instead of ours, might be the carriers of those of our articles to Spain and Portugal which are so much wanted? This would be increasing the British carrying trade at our expense indeed. Spain and Portugal would not care what ships brought these articles, so that they had a supply. It is in vain, Mr. Chairman, that we pretend to be friends to the trade and navigation of this country, while we refuse to protect it. The merchants know it is within our ability to protect it against the Algerine corsairs, and unless we attempt it, they will justly think themselves neglected. And what will their language be?—that you have spent more than a million of dollars annually, for several years, in the protection of our frontiers, and now, when commerce, the source of all our revenue, is attacked, you deny it any kind of protection. Surely this is so unjust and impolitic, that it cannot be expected they will put up with it.

Mr. HARRISON was against the report; and Mr. MURRAY protracted the debate some minutes longer, by speaking against Mr. MANISOS. At length the question was called for, when there arose in favor of the report 47, against it 45.

Mr. NEW brought in a report from the committee on the situation of the people from St. Domingo. The House then adjourned.

WEDNESDAY, February 12.

An engrossed bill for extending the time for transmitting the oaths of absent owners of vessels, and for the relief of Thomas Jenkins and Sons, was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the duties arising on the tonnage of sundry French vessels, which have taken refuge in the ports of the United States; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amend-

ment, be recommitted to Mr. VENABLE, Mr. TALLNOT, and Mr. LYMAN.

The House again resolved itself into a committee of the Whole House on the report of the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States;" and, after some time spent therein, the Committee rose and reported progress.

THURSDAY, February 13.

A petition of Thomas Walley, William Tudor, William Payne, and John M'Lean, of Boston, in the State of Massachusetts, was presented to the House, and read, praying that an additional duty may be imposed on the importation of window glass, or such encouragement given to the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. CORR, and Mr. HINDMAN, to whom were referred the several memorials and petitions of the manufacturers of paint, in the towns of Baltimore and Alexandria; of the dealers in oil and painters' colors; of Thomas Pearsall, and Elijah Pell; of Thomas Perkins and Company; and of Samuel Swann; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House; and that Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE, be added to the said committee.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads within the United States;" and, after some time spent therein, the Committee rose and reported progress.

Mr. HEATH, from the committee to whom was referred the report of the Secretary of the Treasury on the memorial of Winthrop Sargent, made a report; which was read, and ordered to lie on the table.

The order of the day for the House to resolve itself into a Committee of the Whole House on the report of the Standing Committee of Elections, in the case of the petition of Henry Latimer, complaining of an undue election and return of JOHN PATTON, the member returned to serve in this House for the State of Delaware, being called for, Resolved, That the Committee of the Whole House be discharged from proceeding thereon, and that the hearing on the trial of the said contested election be now proceeded on in the House.

Ordered, That the petitioner, on his prayer, be admitted to the bar of the House, to be heard in support of the allegations of his petition. The House then proceeded to the hearing on the trial of the said contested election; and the depositions and other exhibits being partly read, as also, the observations in writing of the sitting member thereupon, an adjournment was called for; whereupon,

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Contested Election.

[H. OF R.]

Ordered, That all further proceedings on the said hearing be adjourned until to-morrow.

FRIDAY, February 14.

A petition of M'Cullen, MacGregor, and Company, of Albany, in the State of New York, was presented to the House and read, praying that an additional duty may be imposed on the importation of glass, or such encouragement given to the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. CORR, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

DELAWARE CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election in the case of the petition of HENRY LATIMER, complaining of an undue election and return of JOHN PATTON, the member returned to serve in this House for the State of Delaware; and the depositions and other exhibits in the said case being fully read, the parties retired from the bar.

The House then proceeded to a decision on the said contested election; and, after debate thereon, A motion was made and seconded that the House do agree to the following resolution:

Resolved, That JOHN PATTON is not entitled to a seat in this House.

which was resolved in the affirmative.

Another motion being then made and seconded, that the House do agree to the following resolution:

Resolved, That HENRY LATIMER is entitled to a seat in this House, as the Representative of the State of Delaware.

Mr. PAGE said:—I confess I doubt whether the sixty-eight freemen of Sussex ought to be deprived of the votes which they gave, merely because they did not vote for two persons instead of one; for I think the law, which must have been intended to secure their rights as electors, could not deprive them of their suffrage. The Constitution of the United States, it is true, gives the State Legislatures a right to regulate the time, place, and manner of holding elections; but I cannot prevail on myself to think that the words, "the manner of holding elections," ought to be construed to extend to the words of the election law of the State of Delaware, so as to render the conduct of the sixty-eight freemen of Sussex a violation of that law; or, if it be a violation thereof, that the violation is of such a nature as to deprive them of a right which no law can abrogate; a right which should be held as sacred, and which it cannot become this House to diminish in the smallest degree. Thinking thus, sir, I doubted of the propriety of the vote which the House has given on the first question before it, viz: "that the sitting member is not entitled to a seat in this House." Enter-

taining this doubt, I can have none respecting the question now before us, viz: "Is the petitioner entitled to a seat?"—for I cannot construe the Constitution of the United States, or the law of Delaware, so rigidly, as to think that we should call illegal the sixty-eight votes given in Sussex County; by which construction alone the House has declared Mr. PATTON not entitled to a seat—which alone the petitioner, Mr. LATIMER, can found his claim. Had there been any violation of the law, of such a nature as tended to introduce corrupt elections, or to diminish the right of free suffrages, I should, with pleasure, give my voice to disgrace and render null any such conduct in future. But here is merely an act of freemen, perfectly compatible with their immutable, inalienable privileges; not inconsistent with the law of their State, but merely falling short of a provision in a law, calculated, it is said, to secure to them the full benefit of that inestimable privilege. I cannot, therefore, think, sir, that on such slight grounds, we ought to reject a member, elected by the freemen of Delaware, and duly returned; but should go on, and admit to a seat in this House a person not returned, and if returned, not having a majority of votes. In the case of the Georgia election, I voted for the reception of the petitioner, because he incontestably proved (to my satisfaction at least) that he had a majority of legal votes, and that the sitting member had been returned by means of corruption, which the State endeavored to chastize and stigmatize. The Executive of that State showed an anxiety to support the claim of the petitioner. In the present case, there is no corruption proved or insinuated; no interference of the State; and a legal return, which, I suppose, was founded on such construction as I have put on the Constitution of the United States and the law of Delaware. The House, in the case of the Georgia election, differed from my opinion, and established (as some gentlemen called it) a precedent, which would keep the House clear from suspicions of partiality, and which I wish now to be observed. I acknowledge, excluding a member may be attended with inconvenience, but a double inconvenience may arise by depriving the citizens of a Representative—the man of their choice—and, at the same time, forcing on them one for whom a majority did not vote. For these reasons I shall vote against the resolutions.

The question was then resolved in the affirmative—yeas 57, nays 31, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Cole, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Nathaniel Macon, James Madison, Francis Malbone, William Vans Murray, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith,

Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaaubeck, Peleg Wadsworth, Richard Winn, and Joseph Winston.

NAMES—Theodorius Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Caines, Gabriel Christie, William J. Dawson, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Carter B. Harrison, John Heath, James Hillhouse, Matthew Locke, William Lyman, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, John Smith, Abraham Venable, Francis Walker, Artemas Ward, Benjamin Williams, and Paine Wingate.

Whereupon, the said HENRY LATIMER took his seat in the House, as the member for the State of Delaware; the oath to support the Constitution of the United States being first administered to him by Mr. SPEAKER, according to law.

MONDAY, February 17.

The House resolved itself into a Committee of the Whole House on the Report of the committee to whom were referred the memorials of the people called Quakers, at their yearly meeting, held in Rhode Island, in the year, 1793; of the delegates from the several Societies for promoting the Abolition of Slavery, in convention assembled at Philadelphia, on the first day of January last; and of the Providence Society for abolishing the Slave Trade; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to prepare and bring in a bill or bills to prohibit the fitting out of any ship or vessel in any port of the United States, either by citizens of the United States or foreigners, for the purpose of procuring from any kingdom or country the inhabitants of such kingdom or country, to be transported to any foreign parts or places of the world, to be sold or disposed of as slaves.

Ordered, That Mr. TRUMBULL, Mr. WARD, Mr. GILES, Mr. TALBOT, and Mr. GROV, be a committee pursuant to the said resolution.

Ordered, That the report of the committee to whom was referred the memorial of Arthur St. Clair, which was made on the first day of March last, be committed to a Committee of the Whole House on Thursday next.

POST OFFICE BILL.

The Post Office business was then taken up, in Committee of the Whole. A vast number of new post roads were ordered, without opposition. The Committee then came to the consideration of that part of the report which relates to newspapers, and it was moved, that the postage of them should be reduced to half a cent to distances not exceeding one hundred miles, and one cent for any greater distance. This was advocated on the ground, that newspapers from the Seat of Government, and the

Mr. PICKENS, from the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES, of the 13th ult., transmitting the copy of a Letter from Constant Freeman, Agent for the War Department in Georgia, to the Secretary of War, dated the first of January, one thousand seven hundred and ninety-four, with sundry enclosures relative to the Creek Indians, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The following Message was received from the PRESIDENT of the UNITED STATES:

Gentlemen of the Senate and of the House of Representatives:

I lay before you the copy of a Letter which I have received from the Chief Justice and Associate Justices of the Supreme Court of the United States, and, at their desire, the representation mentioned in the said Letter, pointing out certain defects in the Judiciary system.

G. WASHINGTON.

UNITED STATES, February 19, 1794.

The said Message and papers were read, and ordered to lie.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to report whether any, and what, alterations and amendments are, in their opinion, necessary to the act "to establish the Post Office and Post Roads of the United States;" and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto, which were severally read twice, and agreed to by the House.

Ordered, That a bill or bills be brought in pursuant to the said report, and that Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZGERMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, Mr. HUNTER, and Mr. DEARBORN, do prepare and bring in the same.

Mr. WILLIAM SMITH, from the committee to whom was referred the Message from the PRESIDENT of the UNITED STATES of the 30th ultimo, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness, or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and costs, in the Courts of the United States; and, generally, to report such amendments to said act as they may judge necessary and Con-

stitutional; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto; which were read, and ordered to lie on the table.

stitutional; and, after some time spent therein, the Chairman reported that the Committee had again had the said report under consideration, and made several amendments thereto; which were read, and ordered to lie on the table.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That so much of the act "to establish the Judicial Courts of the United States," as is, or may be, construed to require the attendance of the Marshal of each State, at each of the sessions of the Supreme Court, shall be repealed; and that, in future, the said Court shall be attended during session by the Marshal of the district in which they sit, unless by special order the Court shall require the same.

Ordered, That the said motion be committed to Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE.

The House resumed the consideration of the report of the committee to whom was referred the memorial of Andrew G. Fraunces: Whereupon, *Resolved*, That the reasons assigned by the Secretary of the Treasury for refusing payment of the warrants referred to in the memorial, are fully sufficient to justify his conduct; and that, in the whole course of this transaction, the Secretary and other officers of the Treasury have acted a meritorious part towards the public.

Resolved, That the charge exhibited in the memorial against the Secretary of the Treasury, relative to the purchase of the pension of Baron de Glaubeck, is wholly illiberal and groundless.

THURSDAY, February 20.

The House, according to the standing order of the day, resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, and come to several resolutions thereupon; which he delivered in at the Clerk's table.

Ordered, That the said resolutions do lie on the table.

FRIDAY, February 21.

A petition of Josiah G. Pierson, of the City of New York, was presented to the House and read, praying that such further and additional restrictions may be laid on the importation of nails from foreign countries as may be deemed expedient to encourage the manufacture of the said article within the United States.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEITER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Report from the Secretary of War, communicating an adjudication of the Supreme Court of the United

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States, declaring the claims of certain invalid pensioners under the act, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitation, heretofore established, and to regulate the claims to invalid pensions," not to be valid; which was read, and ordered to lie on the table.

NAVAL ARMAMENT.

The House proceeded to consider the resolutions reported yesterday by the Committee of the Whole House on the state of the Union. Whereupon, The question being taken on the first resolution, in the words following to wit:

"Resolved, That a Naval force, to consist of four ships of forty four, and two ships of twenty guns each, be provided for the protection of the commerce of the United States against the Algerine cruizers."

It was resolved in the affirmative—yeas 43, nays 41, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Cost, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Richard Bland Lee, Francis Malbone, William Vans Murray, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Artemas Ward, John Watts, and Richard Winn.

NAYS.—Theodorus Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William Barry Grove, Carter B. Harrison, John Heath, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Melbaue, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, Nathaniel Niles, John Page, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John Smilie, Thomas Tredwell, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

The second resolution being taken up, in the words following:

"Resolved, That, for the purpose of defraying the cost of a Naval armament, and the annual expense thereof, after the — day of —, there shall be levied, collected, and paid, upon all goods, wares, and merchandise, imported into the United States, and on which a duty of seven and a half per cent. is now payable an additional duty of one per cent."

Mr. DAYTON said, that, as on a former day, he had pledged himself to the House, to offer an amendment to the above resolution, he was now prepared to do it, and should take up very little of the time of the Committee in general prefatory remarks.

No member present, he said, could be ignorant that the articles falling under the description of those subjected to a duty of seven and a half per

cent, were for the most part purchased and used by the poorer classes of the people, who were less able to bear additional burdens than any other. That indeed very many of those articles, and some of the most important of them were real necessities, and could not be furnished in this country, but must be brought from abroad, for a long time at least to come; among which he particularly mentioned coarse woollens, &c.

That, under this impression, he took the liberty to move, that instead of laying one per cent. additional duty, as the Select Committee had reported, on those articles, it might be reduced to one half per cent. only.

Mr. D. said, he was aware that the reduction of one half, as proposed by him, would occasion a diminution in the sum to be raised of about 75,000 dollars, under that head of revenue, but that the Committee of the Whole might see and understand his whole plan and object, before they decided upon a part, he would in his place, read to remedy that deficiency.

Here Mr. D. read a variety of specific articles, which, he said, were either luxuries of life, and consequently consumed or used by those who were most able to pay the duties, or articles which our own artists or manufacturers could supply in sufficient quantity, especially if this small additional protection could be held out to them.

The principal of them were as follows, viz:

On boots, an additional duty of twenty-five cents per pair.

On shoes and slippers for men and women, and on clogs and golo-shoes, five cents per pair.

On shoes and slippers for children, three cents per pair.

On millinery ready made, and artificial flowers, feathers, and other ornaments, for women's head dresses, dolls, dressed and undressed, toys, five per cent. ad valorem.

On cast, slit, and rolled iron, and generally all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated (brass and iron wire, locks, hinges, hoes, anvils, and vices excepted,) cabinet wares, carpets, and carpeting; two per cent. ad valorem.

On leather tanned and tawed, and generally all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; two per cent. ad valorem.

On medicinal drugs, except those commonly used in dyeing, mats and floor cloths, hats, caps, and bonnets of every sort for women, gloves, mittens, stockings, fans, buttons of every kind, buckles, shoe and knee, sheathing and cartridge paper, all powders, pastes, balls, balms, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions, commonly called sweet scents, odours, perfumes, or cosmetics, and all dentifrices, powders or preparations for the teeth or gums; two per cent. ad valorem.

On gold, silver, and plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the following groceries, viz: cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, figs, plums, prunes, raisins, sugar candy, oranges, lemons, limes, and

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generally all fruits, and comfits, olives, capers, pickles of every sort, oil, and mustard in flour; two per cent. ad valorem.

On all manufactures of cotton, of which cotton is the chief material, printed, stained, or colored; one and a half per cent. ad valorem.

On all marble, alate, and other stone, on bricks, tiles, tables, mortars, and other utensils of marble, or stone, and generally upon all stone and earthenware, an additional duty of five per cent.

On ships or vessels of the United States employed in foreign trade, six cents per ton; on all other ships and vessels, twenty-five cents per ton.

The additional duties which he had proposed on the articles he had thus particularly enumerated, would amount to about 75,000 dollars, which would be the diminution occasioned by the reduction of a half per cent. agreeably to this motion.

Mr. D. said, that he hoped every member, whether he favored or opposed a Naval armament to protect our commerce and our coast and harbors, would aid him and his endeavors to render the ways and means for raising the moneys as little burdensome and as unexceptionable as possible.

If the resolution for building and equipping the five frigates should ultimately be negatived, it by no means followed that the time spent in the discussion and amendment of the resolution immediately under consideration, would be uselessly spent. In any future call for money, the ways and means which should be on this occasion preferred, would probably be resorted to, and it was therefore of importance, that all should unite their exertions to make the measure as unobjectionable as possible.

So far as the encouragement of our own manufactures could be made to consist with the increase of revenue, it was certainly desirable to effect it; and it was with a view to both those important objects, that he had selected the articles which he enumerated. It was to be remembered, Mr. D. added, that it was not now a question whether they should raise more money, (this had already been determined,) but whether the increase of duties should fall upon articles of luxury, and such other articles as the United States were capable of supplying within themselves, independently of foreign countries.

After considerable discussion, which turned principally upon the propriety of affording the protection and encouragement which was contemplated in the amendment in favor of the iron and of the iron manufactures of the United States, it was moved and carried, that locks, hinges, and two or three other articles (which it was said, could not be manufactured in this country,) should be excepted.

The propositions of Mr. DAYTON were then agreed to, and were adopted as part of the report of the Committee.

The remaining resolutions were then adopted, as follows:

"Resolved, That the like drawbacks and allowances be made of the said additional duties as are now made of other duties upon goods exported from the United States.

"Resolved, That a separate account of the said duties be kept.

"Resolved, That the President of the United States be authorized to receive on loan, a sum not exceeding — dollars, to be applied towards the building and equipping of the said Naval armament, at an interest not exceeding — per cent. per annum; and that the said loan be open to any individual or body politic or corporate within the United States.

"Resolved, That the revenues herein before recited be pledged for the payment of the interest on the loan aforesaid, for the annual expense of the said armament; and that the surplus of such revenue be applied to the repayment of the principal, and to no other purpose whatever."

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FRIZZMORS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FOSTER, Mr. MALBONE, Mr. BOUDINOT, Mr. PARKER, Mr. MACON, Mr. WINN, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

Resolved, That a committee be appointed to report whether any, and what, sum may be necessary to be loaned for the purpose of carrying on the public service for the year one thousand seven hundred and ninety-four.

And a committee was appointed, of Mr. SEDGWICK, Mr. GILES, and Mr. DEANBORN.

The House again resolved itself into a Committee of the Whole House on the bill making appropriations for support of Government, for the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, February 24.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four, was read the third time and passed.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The extracts which I now lay before you, from a Letter of our Minister at London, are supplementary to some of my past communications, and will appear to be of a confidential nature.

I also transmit to you copies of a Letter from the Secretary of State to the Minister Plenipotentiary of His Britannic Majesty, and the answers thereto, upon the subject of the treaty between the United States and Great Britain; together with the copy of a Letter from Messieurs Carmichael and Short, relative to our affairs with Spain; which Letter is connected with a former confidential Message.

G. WASHINGTON.

UNITED STATES, February 24, 1794.

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Treasury Department.

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The said Message and papers were read, and ordered to lie on the table.

TREASURY DEPARTMENT.

Mr. GILES called up his resolution, laid on the table in the early part of the session, which resolution is in the following words:

"Resolved, That a committee be appointed to examine the state of the Treasury Department, and that they be instructed to report to the House, generally, thereon; and, among other things, more particularly: "1st. Whether the form of keeping the accounts be calculated to effectuate the disposition of the public moneys, as prescribed by law.

"2d. Whether the cash receipts, from the domestic resources, have exceeded, or fallen short of the Government to the first day of January, one thousand seven hundred and ninety-four; remarking the dates and amount of any excess, or deficiency, quarterly.

"3d. Whether the Sinking Fund, at the time of its establishment, consisted of cash or bonds; specifying, in the latter case, as nearly as may be, the several dates at which any sum or sums of such bonds became payable.

"4th. What proceedings have been made under the laws of the fourth and twelfth of August, one thousand seven hundred and ninety, authorizing loans of money, and what authorities were given for those proceedings. That they also state, in dollars and cents, the gross principal of debt in Holland, produced to the United States by the said loans, and the precise amount of the principal of the foreign debt, which has been discharged thereby: what portion of such loans has been drawn to the United States, at what dates, and by what authority; in what manner such drafts have been applied; under what forms and checks those drafts were made; and whether the moneys raised thereby were immediately deposited in the Treasury; if not, in what places, and to what amount, were such moneys deposited; how much time elapsed after such loans, before the said moneys came into the Treasury; whether a complete fulfilment of our engagements to France was, in any degree, obviated by such drafts; whether any portion of the French debt remained unpaid, at the end of one thousand seven hundred and ninety-two; and whether any balance of the said debt is yet unpaid. And that the Committee do also report the date of the first information to this House, communicating the said drafts; and whether any call of the House was made upon the Treasury Department, which embraced the idea of a previous disclosure thereof.

"5th. That the committee be also instructed to report the whole amount of the existing debt of the United States, discriminating the domestic from the foreign debt, and specifying the amount of domestic debt bearing a present interest of six per centum; the amount bearing a present interest of three per centum, and the amount deferred. That they also report the increase or decrease of the whole debt of the United States, and the operation of the Sinking Fund, to the end of the year one thousand seven hundred and ninety-three."

Mr. GILES observed, that very shortly after the meeting of Congress, he had laid this resolution on the table, under a conviction of the propriety of the measure, and the hope of a speedy decision upon it. An occurrence took place a few days afterwards, which produced a temporary delay. An individual presented a memorial to Congress,

containing some suggestions against the official conduct of the gentleman at the head of the Department; and to have pressed the inquiry into the general state of the Treasury, during the pendency of those suggestions, might have been deemed a violation of delicacy and propriety. Very soon after the imputations from that source were done away by report of a committee, he had called up the resolution, but the House, acting under the impressions produced by the delicate crisis of our external affairs, refused to enter into the consideration of the subject at that time.

Mr. G. remarked, that while on the one hand he was desirous of looking into a subject which he deemed important to the public welfare, as well as to gratify an officer in a request which he conceived had been impelled by the delicacy of his situation, he was not unwilling, on the other hand, to yield to the opinion of the House, which induced an immediate attention to our affairs with foreign nations. The subjects of commercial regulations, and the naval armament, being now out of the view of the House, at least for some days, he hoped the chasm would be filled by the consideration of the resolution he had proposed. He could not help remarking, that at an early period of the session this resolution had been termed the torch of discord. He thought if it could be viewed with impartiality, and according to its own design, it would not be found to possess that character. The primary object of the resolution is, to ascertain the boundaries of discretion and authority between the Legislature and the Treasury Department. To effect this object, it becomes necessary to have a knowledge of the state of the Treasury Department. This appeared to him an obvious duty of the House of Representatives, operating equally upon every individual of whom it is composed; it therefore seemed strange to him, that an attempt to discharge an essential duty should be construed into a design to interrupt the harmony of deliberation.

If to require a full and comprehensive view of the public finances, and the modes in which they are contributed and distributed, be construed into an effort at discord, it must arise either from the opinion that Congress already possess this view, or from the principle that they ought not to possess it, but that the whole knowledge of this subject should be left to the Treasury officers. If this doctrine be contended for, he thought it ought to stimulate the exertions of those who believed it to be subversive of the primary principle of the Constitution. He requested the House to accompany him in making a few reflections upon this subject.

The Debt of the United States forms an important item of legislation. Its system is intricate, its extent unknown; it embraces the interests of a very sagacious and powerful class of citizens. It is made, by the Constitution, the peculiar province of the Representatives, immediately chosen by the people, to superintend the contributions and the distributions of all public moneys. This may be deemed the highest duty of the Representatives. It may be asked—How

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Treasury Department.

[H. or R.]

this most important of duties can be understandingly performed, but by a knowledge of the whole machinery of the Treasury Department? There can be no prospect of acting wisely, where there are no means of judging rightly. The omission to discharge this important Legislative function, by the Representatives, will necessarily cause it to be performed by the Head of the Department. A species of laws will grow out of an inattention to, and a consequent ignorance of, this subject, which may be called the rules of office, the forms of the Treasury, the practical constructions of laws contravening the legal constructions. In all conflicts between this species of laws and the laws pronounced by the Constitutional tribunal, the advantage would be in favor of the Treasury system: because this would be the practical, that the theoretic system of legislation. An inattention to this subject, which is an intricate and complicated one, and a consequent ignorance of it might, in a course of time, leave to the Legislature the mere right of registering Treasury edicts. It may be said, that this is not the case at present. It is not proposed to give any opinion on this point. The remarks have been intended to show the probable tendency of intrusting this important branch of legislation to the Treasury Department; which would be the infallible consequence of the ignorance of the Legislature of the Treasury proceedings. The propriety of placing confidence in the Executive officers, is an argument very familiar to this House. To a certain extent, it is in every respect proper. It is proper, so long as the officer confines himself to his legal designated functions. If in any case he should exceed these, it becomes the duty of the Legislature to notice the proceeding. It is also the duty of the Legislature to ascertain his functions by law, and to limit his discretion. This argument of confidence in the Executive officers may easily be carried to a dangerous excess. The people have confidence in their Representatives; they bestow on them certain trusts, and impose on them certain duties. The Representatives have confidence in the Executive officers; they transfer to them these trusts and these duties. What would be the result? A complete and radical change in the most essential character of the Government. Instead of the Legislature prescribing rules of conduct to the people, the Executive officers would prescribe them; and the Legislature would be of no other use than to legalize Executive proceedings. This would be a desertion of the trust reposed in the Representatives. The consideration of individual case, would always operate in favor of this idea. The argument of individual interest might possibly aid it in some instances, and the argument of policy in others; for there may be some individuals who might possibly prefer that to the Constitutional state of things. These remarks had been made to show, in very general terms, the impressions which the subject had made on his mind; to exhibit its general object; to prove that it was not unimportant; and that, if such should be the opinion of the House, the stage of the session required that it should receive immediate attention.

Mr. PAGE said, that he looked upon those resolutions as the only proper objects of the proposed committee; as being those on which the chief view of the author of them was fixed; and which, too, came up exactly to the ideas of the Secretary himself, as expressed in his Letter, calling on the House for an inquiry into his conduct. He was surprised to hear gentlemen talk of exciting suspicions, by setting on foot such an inquiry: for his part, were he the Secretary, he should never rest till his requisition of an inquiry had been fully complied with. That an inquiry into the conduct of the Treasurer ought to be made, (as it was annually in the State from which he came, where a committee of both Houses not only examined the Treasurer's accounts, but corrected and weighed his money,) notwithstanding his honesty and virtue; and that this examination had been found useful and necessary, for deficiencies had been discovered; and in one instance by the Treasurer himself, (although it had escaped the Committee,) who honestly informed the Assembly of it, and only asked time to replace the deficient money, which he did. As to the impriety of revising the proceedings of the House of Representatives in their last session, he thought nothing of it—not as much as he should of repealing one of its laws; and surely as it could not be denied that this House had a right to examine any proceedings of the last, which had received the sanction of the Senate and President too, it must be very extraordinary to doubt its right to revise the proceedings of the House of Representatives alone, and more so when that revision has been requested, even by the Secretary of the Treasury, the person who was the particular object of those proceedings.

Ordered, That Mr. BALDWIN, Mr. HUNTER, Mr. McDOWELL, Mr. GILES, Mr. GREENUP, Mr. DENT, Mr. LATIMER, Mr. IRVINE, Mr. BEATTY, Mr. VAN CORTLANDT, Mr. NILES, Mr. SWIFT, Mr. MALBONE, Mr. COFFIN, and Mr. WINGATE, be a committee pursuant to the said resolution.

TUESDAY, February 25.

Mr. GILES, from the committee to whom was recommended the bill providing for destroyed certificates of certain descriptions, reported an amendatory bill; which was read twice and committed.

The House resolved itself into a Committee of the Whole on the bill sent from the Senate, entitled "An act in alteration of the act for establishing a Mint, and regulating the coins of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Arthur St. Clair; and, after some time spent therein, the Committee rose and reported progress.

WEDNESDAY, February 26.

A petition and representation of the pilots of Ocracoke bar, in the State of North Carolina, masters of vessels, and merchants, owners of vessels, trading in and out at the same, was presented to the House and read, suggesting various reasons against the erection of a light-house on Ocracoke Island, and praying that the same may be erected on Shell-Castle Island, in the harbor of Ocracoke.

Ordered, That the said petition and representation be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

Resolved, That the committee appointed to inquire into the state of the Treasury Department, have power to send for persons, papers, and records.

Ordered, That a committee be appointed to consider and report on the propriety of remitting the duty on imported bar iron, in certain cases; and Mr. SAMUEL SMITH, Mr. FITZSIMONS, and Mr. SEDGWICK, be the said committee.

Resolved, That so much of the Speech of the PRESIDENT OF THE UNITED STATES, as respects arms and military stores, magazines, and arsenals, together with the return of arms and military stores, reported by the Secretary for the Department of War, be referred to a special committee, and that they report whether any, or what, addition ought to be made to any or all of these objects; with an estimate of the expense of any augmentation they may recommend.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MASON, Mr. BODINOR, Mr. PANDER, Mr. MACON, Mr. WINK, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, be a committee pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Lucy Clark; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

On a motion made and seconded, that the said bill be recommitted to a select committee, it passed in the negative.

Resolved, That the injunction of secrecy, imposed by the House in the case of the Letter from the Secretary of State to the British Minister, and the answer thereto, communicated by Message from the President on Monday last, be removed, and that the said letters be considered as public.

THURSDAY, February 27.

Mr. SEDGWICK, from the committee appointed to report whether any, and what, sum may be necessary to be loaned for the purpose of carrying on the public service for the year one thousand seven hundred and ninety-four, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of War, on the petition of William M'Hutton;

and after some time spent therein, the Chairman reported that the Committee had had the said Report under consideration, but came to no resolution thereupon.

Ordered, That the Committee of the Whole House be discharged from the farther consideration of the said Report; and that Mr. BODINOR, Mr. GREENUP, and Mr. BAILEY, be a committee to report whether any, and what, alterations or amendments are in their opinion necessary to the act "to regulate the claims to Invalid Pensions."

On a motion made and seconded, that the House do come to the following resolutions:

"*Resolved*, That provision ought to be made by law for the payment of the interest on the balances credited certain States, in the books of the Treasury, upon the final settlement of the accounts between the United States and the individual States."

"*Resolved*, That the balances due from sundry of the States, on the final settlement of the accounts between the individual States and the United States, ought to be paid in — years, by annual instalments."

Ordered, That the said motion be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the bill for the remission of certain duties; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be engrossed, and read the third time, it passed in the negative. And so the said bill was rejected.

Mr. WILLIAM SMITH, from the committee to whom was referred the motion of the 19th instant, "for the repeal of so much of the act 'to establish the Judicial Courts of the United States,' as is or may be construed to require the attendance of the Marshal of each State, at each of the sessions of the Supreme Court, and providing that, in future, the said Court shall be attended during session by the Marshal of the District in which they sit, unless by special order the Court shall require the same," made a report. Whereupon,

Resolved, That it will be proper to pass a law repealing so much of the act 'to establish the Judicial Courts of the United States,' as is or may be construed to require the attendance of the Marshals of all the Districts at the Supreme Court, and enacting that the said Court shall be attended, during its session, by the Marshal of the District only in which the Court shall sit, unless the attendance of the Marshals of other Districts shall be required by special order of the Court.

The House then proceeded to consider the amendments reported by the Committee of the Whole House, on the nineteenth instant, to the report of the committee appointed to take into consideration the act "to establish the Judicial Courts of the United States," and report some provision in the case where any Judge of the Courts of the United States is, or may, by sickness, or other disqualifying cause, be rendered incapable of discharging the duties of his office; also, some further provision concerning bail, process, and

costs, in the Courts of the United States; and, generally, to report such amendments to the said act as they may judge necessary and Constitutional; and the said amendments being severally twice read, were, on the question put thereupon, agreed to by the House.

Ordered, That a bill or bills be brought in, pursuant to the said report as amended, and to the preceding resolution, and that Mr. WILLIAM SMITH, Mr. JEREMIAH SMITH, Mr. MOORE, Mr. MURRAY, Mr. THATCHER, Mr. SCOTT, and Mr. CHRISTIE, do prepare and bring in the same.

Ordered, That there be a call of the House to-morrow, at twelve o'clock.

The House proceeded to consider the report of the committee to whom was referred the petition of Henry Hill. Whereupon,

Ordered, That the said report be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said committee; and, after some time spent therein, the Committee rose and reported progress.

The House proceeded to consider the report of the committee to whom was referred the petition of Lieutenant Colonel Tonsard. Whereupon,

Resolved, That there be allowed to the said Lieutenant Colonel Tonsard an equivalent for his pension for life, agreeably to the rule of commutation, as adopted by the United States, in lieu of the half pay to the officers of the late Army.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. SAMUEL SMITH, Mr. THATCHER, and Mr. LEARNED, do prepare and bring in the same.

FRIDAY, February 28.

Mr. TRUMBULL, from the committee appointed, presented a bill to prohibit the carrying on the slave trade from the United States to any foreign place or country; which was read twice, and committed.

Mr. FITZSIMONS, from the committee appointed to prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report such standing Rules and Orders of proceeding as may be proper to be observed in this House; and, after some time spent therein, the Committee rose and reported progress.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of the Treasury, of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Committee rose and reported progress.

ON THE STATE OF THE TREASURY.

Mr. SEDGWICK called up a report of a select committee to whom it had been referred, to report

whether any, and what, sum was necessary to be borrowed for the service of the current year. The report states it to be expedient that the President should be authorized to borrow \$1,000,000, if in his opinion the same shall be necessary. The report was referred to a Committee of the Whole, and the House resolved itself into a Committee accordingly.

The report being read, Mr. SEDGWICK said it was the duty of the select committee to state the several steps which had been taken in the progress of their inquiry, and the facts which had come to their knowledge during the investigation, that the result which was expressed in their report might have its merits decided on by the Committee of the Whole.

He stated that, however inadequate the actual receipts of the revenue might be to discharge all the demands made on the Government, there was in fact no deficiency in the funds appropriated to the discharge of those demands. The deficit was owing merely to the credit which, for the convenience and benefit of trade, was allowed to the merchants; and that, in fact, the bonded duties were more than equal to meet all the demands on the Treasury. This credit, it would be remembered, extended from four months to two years.

He next stated that, by the report now in the possession of the Committee, that the deficiency at the end of the present quarter would amount to \$621,294 18. The select committee were not fully acquainted with the Bank transactions in relation to the Treasury, and were uncertain whether money deposited in Banks by Collectors of revenue was considered as in the Treasury from the time of the deposit. He observed, that this doubt arose from considering the law constituting the Treasury Department, by which it appeared that the Secretary's warrant was as well required for paying money in, as for issuing it from the Treasury. It might therefore happen, if the deposit money was not considered as in the Treasury, that the apparent deficit reported, of \$621,294 18, might exist, while, in fact, there might be at the disposal of Government a sufficient sum completely to answer every demand.

Mr. S. said that, contemplating the subject in this view, the select committee had thought it their duty to submit certain questions to the Secretary, which they had accordingly done; the import of which was, "whether money collected on account of the United States, in Banks, was from the time of deposit considered as in the Treasury? Or, are any, and if any what, means necessary to subject money so deposited to the control of the Treasurer? And in the latter case who is, from the time of such deposit until it passes into the Treasury, responsible to the United States? Is any money now so deposited capable of being drawn into the Treasury? And, if any, is the probable amount such as to render a present provision for a loan inexpedient or unnecessary?"

Mr. S. then read the following Letter, addressed to him as Chairman of the select committee, from the Secretary of the Treasury:

THE TREASURY DEPARTMENT, February 25, 1794.

SIR: The following are answers to the questions stated in your Letter of the 22d instant, viz.:

Answer to question the first.

"All moneys collected on account of the United States, and deposited in the Bank to the credit of the Treasurer, are considered as in the Treasury from the time of the deposit. The steady course with regard to the standing revenue is, that the money deposited in the Bank passes immediately to the credit of the Treasurer. But it is necessary, to discharge the payers, that receipts of the Treasurer should be endorsed upon warrants signed by the Secretary, countersigned by the Comptroller, and registered by the Register, which is the course regularly observed.

Answer to question the second.

"After moneys are deposited in Banks to the credit of the Treasurer, they are in his control, though they may not legally be disbursed but upon warrants of the above description. If deposited without passing in the first instance to the credit of the Treasurer, the means used for placing them in his custody and disposal are warrants of the like kind.

Answer to question the third.

"In respect to any moneys of the United States, deposited in Banks, but not passed to the credit of the Treasurer, the Banks are considered as directly responsible to the United States; in the case of deposits to the credit of the Treasurer, they are responsible, in the first instance to him, ultimately to the United States.

Answer to question the fourth.

"Only two cases are recollected, in which moneys of the United States may be considered as having been deposited in Bank without passing, in the first instance, into the account of the Treasurer. These relate, first, to the proceeds of foreign bills sold for the Government and received by the Bank, (all accounts of which are now finally closed;) second, to the sum of \$200,000, being the only sum now so deposited, which arises from the last loan had of the Bank. It is left (subject to the eventual decision of the Legislature) as an offset against the second instalment of the two million loan from the Bank.

"The effect of the operation will be this: An interest of six per cent, payable to the Bank upon the instalment, will be extinguished from the 31st December last, by an interest of five per cent, payable to the Bank upon the sum borrowed of itself and left in deposit. And it has been endeavored thereby, to preserve consistency and regularity in the arrangements of the Treasury. The first instalment, by leaving in deposit an equal sum of the proceeds of foreign bills, was considered as effected on the 31st December, 1792, though there was not power to consummate the payment till some months after. Hence, it becomes regular, that each succeeding instalment should be paid on the last of December of each year. The provisional measure, thus adopted, was the only expedient in the power of the Treasury to reconcile, as far as practicable, considerations relative to the public interest and credit, with legality of procedure. Neither the sum in deposit, on the one hand, nor the instalment payable to the Bank, on the other, is brought into the probable state of cash lately presented to the House of Representatives; because they balance each other and leave the result the same.

"There are no existing sources from which moneys can come into the Bank on account of the United States,

except from the proceeds of the revenue, which, as far as known, are comprised in the statement before the House of Representatives. So that there is no resource but a loan which can supply the deficit of receipt in the course of the present and succeeding quarters, compared with the expenditure; without one, a failure in the public payments is inevitable.

"If what has been said should not give the Committee the light they desire, it is imagined that personal explanations would lead more fully to their object than the course of written interrogatories and answers, which can only partially embrace the subject, and may procrastinate a right understanding of it.

"I am, sir, with esteem and regard, &c.

"ALEX. HAMILTON.

"THEODORE SEDGWICK, Esq.,

"Chairman of the Committee."

After reading this Letter, Mr. S. observed, that the business as transacted, in the manner stated in the Secretary's Letter, was the most beneficial possible for the United States, because it prevented any money, at any time collected for the public, lying beyond the reach of the Government and useless. He further observed, that gentlemen would remember that it was necessary, not only to provide for a deficiency which might exist at the end of the current quarter, but also for that next succeeding. That, to enable the select committee to discharge the duty which they owed to the House in this respect, it had been thought expedient to call on the Secretary. This they had accordingly done; and had extended their inquiry to that period to fulfil the object of their commission. That the estimate resulting in their report was formed of the best materials they could collect. He said that, in several particulars, it was probable that the estimate might not be justified by events. It ought, however, to be remembered, that it was the duty of the Legislature to put the preservation of the public credit almost beyond the reach of the possibility of being injured.

The first article, he mentioned, was the deficit which would exist on the first of April, amounting, as clearly reported to the House, to \$621,294 18—1,000,000 florins were to be paid in Holland by the first of July. The committee had agreed to estimate this at \$400,000, though, according to the present rate of exchange, it would amount to about \$40,000 more. Gentlemen would undoubtedly perceive that it was for the public interest that this object should be provided for as early as possible, that advantage might be taken of the occurring circumstances, so as to conduct the business most profitably for the United States. One quarter of the interest of the Public Debt was \$700,000; one quarter of the Civil List was estimated at \$50,000. This he said would amount to somewhat more, owing to the increase of the number of the members of the Legislature. The remaining item mentioned by him was the Army expenditures, estimated at \$375,000. This item, he observed, might vary more from the estimate than any of the preceding. It might rise considerably above it, it might fall considerably below. The conjecture would, however, be found probably not far from the truth. The aggregate of these

several items amounted to \$2,146,294 18. To satisfy this sum, it appeared, by returns in the Secretary's office, that there would fall due of duties on imports and tonnage, in the months of April, May, and June, and of course in season to meet the demands which may be made on the first of July, \$448,802 22. There will also be received, in the same period, one quarter of the annual duties on distilled spirits, amounting by estimate to \$100,000; which, added to the returned amount of the duties as before stated, of \$448,802 22, makes an aggregate of \$548,802 22. This sum, deducted from the aggregate of the estimated demands which may become necessary to be discharged, being as before stated \$2,146,294 18, would leave a balance to be provided for by loan of \$1,597,491 96.

He observed, however, that there were two considerations which would considerably lessen this balance. These were, first, that there was a deficiency of returns of bonded duties; and, second, the revenue of the present year, arising from imports and tonnage, which would be in fact received previous to the first day of July. These two articles the Secretary had estimated at \$600,000; this he had founded on his experience on this subject. The committee had thought their report might result in round numbers, departing somewhat from the Secretary's estimate, by reducing the \$600,000 to \$597,491 96, leaving, according to their report, a balance of \$1,000,000 to be provided for by loan.

Mr. S. said, it was true that all the demands on the Treasury might not be made at the precise moment they became due. It was, indeed, probable that the money due to foreign officers in particular might not; but he repeated that it was the duty of the Legislature to put the public credit beyond the reach of injury; and that, by the report of the select committee, the authority to borrow was only to exist in the case of necessity.

Mr. Gules said, the Chairman of the select committee had made a fair and comprehensive statement of the conduct of the committee, as far as he had gone; there were, however, some facts which he had omitted, that he thought should be communicated. He said that in the course of the committee's investigation, it had appeared that the contract contemplated by the act for incorporating the Bank, had been dated either in June or July. It had, however, been agreed that it should have a retrospective effect, so as to interest the United States in the Bank from the commencement of its operations. He thought it also his duty to state to the committee, though not in opposition to the report, that it had been made a question whether the payment of the instalments due to the Bank from the United States should be considered as falling due at the time of the commencement of its operations, or at the time of executing the contract. That this question had been referred to the Attorney General, who had given an opinion in favor of the latter period. That the Secretary, notwithstanding, had, in opposition to this opinion, made the first payment in December, very near the time when the Bank commenced its operations, instead of June or July when the contract

was executed. Mr. G. said he merely stated these facts, believing the committee should be acquainted with them.

Mr. SEDGWICK said, the facts mentioned by the gentleman from Virginia [Mr. GULES] had appeared during the investigation of the committee, and were truly stated. That he himself should have any influence in determining the question under consideration. That, when this question was decided, he would bring forward a motion by which the House should be officially possessed of a knowledge of those facts. At present, he would only observe to the committee, that it was true the contract between the Secretary and the Bank, in pursuance of the legal provision, was executed in June or July; that it was, by the contract, agreed that it should have a retrospective operation to the time of the commencement of the negotiations of the Bank. It ought, however, to be noticed, that by this means the United States were obliged to pay an interest of six per cent. on the amount of their subscription for the time preceding the date of the contract, but they were for the same time interested in the profits of the Bank, which, amounting to considerably more than six per cent, the difference was a clear balance in favor of the public. It was also to be observed that, by paying the instalments in December, instead of June or July, a debt due from the Government, bearing an interest of six per cent., was exchanged for one bearing an interest of five per cent., so that in both the instances mentioned by the gentleman, there was a clear and manifest saving to the United States.

The report of the select committee was agreed to and adopted by the House, and Mr. SEDGWICK, Mr. GULES, and Mr. DEARBORN, were directed to report a bill conformably thereto.

Mr. SEDGWICK then moved that the Secretary of the Treasury be directed to furnish the House with a copy of the contract made in pursuance of the eleventh section of the act for incorporating the subscribers to the Bank of the United States; also, a copy of any opinion which may have been given by the Attorney General, relative to a construction of the contract; and that he inform the House of any provisional measures which may have been taken to discharge the second instalment, due on the said loan. This motion was agreed to.

He next moved that a committee be appointed to prepare and report a bill providing for the second instalment, due on a loan made of the Bank of the United States. This motion was also agreed to, and a committee, consisting of Mr. SEDGWICK, Mr. W. SMITH, and Mr. CADWALADER, accordingly appointed.

MONDAY, March 3.

A petition of the merchants, manufacturers of iron, and ship-builders, in the city of Philadelphia and its vicinity, whose names are thereunto subscribed, was presented to the House and read, praying that so much of the impost laws of the

H. OF R.]

Amendment to the Constitution.

[MARCH, 1794.]

United States as imposes a duty on the importation of bar iron, may be repealed.
Ordered, That the said petition be referred to Mr. SAMUEL SMITH, Mr. FITZSIMMONS, and Mr. SEDGWICK, that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. SEDGWICK, from the committee, presented a bill authorizing a loan of one million of dollars; which was twice read, and committed.
Ordered, That the report of the committee to whom was referred the Message from the President of the UNITED STATES, of the 7th day of January last, respecting the appointment of an officer for the receiving, safe-keeping, and distributing of public supplies, under the direction of the War Department, be committed to a Committee of the Whole House on Thursday next.

Mr. TRACY, from the committee appointed, presented a bill to establish the Post Office and Post Roads within the United States; which was twice read and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you an extract from a Letter of Mr. Short, relative to our affairs with Spain, and copies of two Letters from our Minister at Lisbon, with their enclosures, containing intelligence from Algiers; the whole of these communications are made in confidence, except the passage in Mr. Short's Letter which respects the Spanish convoy.

UNITED STATES, March 3, 1794.

The said Message and papers were read, and ordered to lie on the table.

A Report was read from the Secretary of the Treasury, on sundry petitions which had been referred to him. The letter enclosing this report suggests to the House, whether it would not be expedient to place the business of reporting on petitions in some other channel, as the pressure of his official duties, in addition to the extra business of the inquiry into the Treasury Department, will not permit him to pay that seasonable and prompt attention to these petitions which the parties expect, and have just claim to.

Mr. SEDGWICK, from the committee appointed, presented a bill providing for the payment of the second instalment due on a loan made of the Bank of the United States; which was read twice and committed.

Ordered, That the resolution agreed to by this House on the second of January last, "for appropriating a sum of money, in addition to the provision heretofore made to defray any expense which may be incurred in relation to the intercourse between the United States and foreign nations," be committed to Mr. WILLIAM SMITH, Mr. AMES, and Mr. NEW, with instruction to prepare and bring in a bill or bills pursuant thereto.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause to be laid before this House a statement of the gross sum of money which has been advanced by the United States, in making

presents to the Creek and Cherokee Indians, since the treaty made at New York; also, all expenses incurred, and sums of money expended, in making the said treaty.

Ordered, That Mr. CARNES and Mr. MACON be a committee to wait on the President, with the foregoing resolution.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the President of the UNITED STATES, of the 30th ultimo, enclosing a copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina; and, after some time spent therein, the committee rose and reported progress.

TUESDAY, March 4.

The House resolved itself into a Committee of the Whole House on the bill authorizing a loan of one million of dollars; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report to the House an estimate of the expense that will be requisite to place the principal seaports and harbors of the United States in a state of defence; and after some time spent therein, the Committee rose, and reported progress.

AMENDMENT TO THE CONSTITUTION.

The House resolved itself into a Committee of the Whole House on the resolution sent from the Senate, "proposing an article of amendment to the Constitution of the United States, respecting the Judicial power;" and, after some time spent therein, the Chairman reported, that the Committee had had the said resolution under consideration, and made no amendment thereto.

A motion was then made, and seconded, to amend the said proposed article of amendment, at the Clerk's table, by adding to the end thereof, the words following, to wit: "Where such State shall have previously made provision in their own Courts, whereby such suit may be prosecuted to effect;" and, on the question thereupon, it passed in the negative—yeas 8, nays 77, as follows:

YEAS.—John Beatty, Elias Boudinot, Daniel Heister, William Hindman, Henry Latimer, Andrew Pickens, Thomas Scott, and Silas Talbot.

NAYS.—Fisher Ames, Theodorius Bailey, Abraham Baldwin, Thomas Blount, Shearjashub Bourne, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, George Hancock, William Hindman, Andrew Pickens, Silas Talbot, and Thomas Scott.

MARCH, 1794.]

Estimate of Appropriations.

[H. OF R.]

mons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, James Hillhouse, Samuel Holten, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, Francis Mallonee, Joseph M'Dowell, Alexander Mcbane, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Francis Preston, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasbeck, Abraham Venable, Peleg Wadsworth, Francis Walker, John Watts, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

The resolution of the Senate, containing the said proposed article of amendment, was then read the third time, as follows:

"*Resolved*, by the Senate and House of Representatives assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, viz: "The Judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against any of the United States by citizens of another State, or by citizens or subjects of any foreign State."

And on the question that this House doth concur with the Senate in the said proposed article of amendment to the Constitution of the United States, it was resolved in the affirmative—yeas 81, nays 9, as follows:

YEAS.—Fisher Ames, Theodorius Bailey, Abraham Baldwin, Thomas Blount, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Francis Mallonee, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenburg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Francis Preston, Robert Rutherford, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasbeck, Abraham Venable, Peleg Wadsworth, Francis Walker, John Watts, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—John Beatty, Elias Boudinot, Thomas Fitzsimons, George Hancock, William Hindman, Andrew Pickens, Thomas Scott, Silas Talbot, and Artemas Ward.

ESTIMATE OF APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury of the sums necessary to be appropriated for the service of the year one thousand seven hundred and ninety-four; and, after some time spent therein, the Chairman reported that the committee had again had the said report under consideration, and come to a resolution thereupon; which he delivered in at the clerk's table, where the same was twice read, and agreed to by the House, as follows:

Resolved, That, for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four, there be appropriated a sum of money, not exceeding one million four hundred and fifty seven thousand nine hundred and thirty-six dollars and one cent; that is to say:

For the pay of the Legion of the United States	\$303,684 00
For subsistence	312,567 75
For clothing	81,682 00
For forage	112,000 00
For equipments for the cavalry	7,314 05
For horses for the cavalry	16,000 00
For bounty	5,000 00
For the Hospital Department	20,000 00
For the Ordnance Department	6,715 82
For repairs and articles directed to be made and purchased by the PRESIDENT OF THE UNITED STATES	202,783 84
For defensive protection of the frontiers	180,000 00
For the Indian Department	50,000 00
For the Quartermaster's Department	150,000 00
For contingencies of the War Department	30,000 00
And for Invalid Pensions	80,289 55
	\$1,457,936 01

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. Boudinot, Mr. TRUMBULL, and Mr. GILLESPIE, do prepare and bring in the same.

WEDNESDAY, March 5.

An engrossed bill authorizing a loan of one million of dollars was read the third time.

Resolved, That the said bill do pass, and that the title be, "An act authorizing a loan of one million of dollars."

A petition of the manufacturers of hats, in the towns of Fredericksburg, and Falmouth in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying that an additional duty may be imposed upon the importation of hats from foreign coun-

tries; and that such duties may be laid on the exportation of beaver and other furs from the United States, as shall be sufficient to encourage and protect domestic manufactures. Also, the several petitions of the manufacturers of hats in the States of New York, Pennsylvania, and Delaware, to the same effect.

Ordered, That the said petitions be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report thereon, with their opinion thereupon, to the House.

Mr. DEARBORN, from the committee appointed to report on the expediency of establishing a light-house on the island of Seguin, at the mouth of the river Kennebeck, in the District of Maine, made a report; which was read: Whereupon,

Resolved, That it is expedient for the United States to establish a light-house on the island of Seguin, near the entrance of the river Kennebeck, in the District of Maine.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEARBORN, Mr. BENJAMIN BOURNE, and Mr. TRACY, do prepare and bring in the same.

Mr. FITZSIMONS, from the committee appointed, presented a bill to provide a naval armament; which was read twice and committed.

FORTIFICATIONS.

The House went into a Committee of the Whole on the report relative to placing the ports and harbors of the United States in a posture of defence—Mr. BORDINOR in the Chair.

The report was read. It states that the following ports and harbors ought to be put in a state of defence, to wit: Portland, in Maine; Portsmouth, in New Hampshire; Cape Ann, Salem, Marblehead, Boston, in Massachusetts; Newport, Rhode Island, New London, Connecticut; New York; Philadelphia; Baltimore; Norfolk; Wilmington, North Carolina; Ocracoke Inlet, Charleston, South Carolina; Savannah, Georgia. The fortifications to be of a nature to defend the several ports and harbors against surprise by naval armaments; that the several places to be fortified be garrisoned by troops in the pay of the United States.

From the estimates it appears that the sums necessary to erect the fortifications amount to

\$76,053 25
That two hundred cannon will be necessary, which, with their carriages, &c., amount to
96,645 00
\$172,698 25

The annual expenses of the troops necessary to garrison the several fortifications, including pay, subsistence, &c., \$90,349 25.

The committee state that, in their opinion, the security of the United States renders it necessary to provide the cannon, whether the fortifications should be erected or not. The report goes on to

state the expense which would probably be incurred at the several places mentioned; the aggregate of which is as above stated.

Mr. FITZSIMONS, who was on the select committee, observed that it must appear to the Committee of the Whole, that the report was substantially a recommendatory measure, the carrying of which into execution must eventually depend on various circumstances; all that Congress can do, he added, was to vote a sum of money; and leave the execution of the plan to the discretion of the President of the UNITED STATES, to be completed in such manner as he may find expedient. The Committee went through the report; some alterations were made by increasing the number of places to be fortified, and diminishing the number of cannon in others, so that the aggregate of the expense remains the same.

Mr. FITZSIMONS then moved sundry resolutions for carrying the report into effect; these were severally put and agreed to; as follows:

Resolved, That the President of the United States be authorized to cause such of the ports and harbors of the United States to be put into a state of defence, as he may judge necessary, and that a sum, not exceeding — dollars, be provided for that purpose.

Resolved, That provision ought to be made for procuring one hundred cannon of thirty-six pounders, and one hundred of twenty-four pounders, with carriages and implements for the same.

That carriages and implements for one hundred and fifty cannon, with five hundred and sixty tons of cannon shot, ought to be procured, and that a sum not exceeding — be provided for the purpose aforesaid.

Resolved, That the President of the United States be authorized to employ such part of the troops, on the Military Establishment of the United States, as he may judge necessary, in any of the fortifications which may be erected for the defence of any of the ports or harbors of the United States.

The Committee then rose, and the Chairman reported the amendments and resolutions to the House.

The amendments were to insert Penobscot, Machias, Newburyport, Annapolis, and Georgetown, South Carolina, as places to be fortified; the several amendments and resolutions were adopted by the House. And it was

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. GOODRICH, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BORDINOR, Mr. PARKER, Mr. MACON, Mr. WINS, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

The following Message was received from the President of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

The Secretary of State having reported to me upon the several complaints which have been lodged in his

office against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

G. WASHINGTON.

UNITED STATES, March 5, 1794.

The said Message and papers were read, and ordered to be referred to Mr. SAMUEL SMITH, Mr. NICHOLAS, Mr. SEDGWICK, Mr. BENJAMIN BOURNE, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. FITZSIMONS, from the committee to whom was referred so much of the Speech of the President of the UNITED STATES as respects arms and military stores, magazines and arsenals, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making further provision for the expenses attending the intercourse of the United States with foreign nations; which was read twice and committed.

Mr. SWIFT, from the committee to whom was referred the petition of Josiah Witter, made a report; which was read: Whereupon,

Resolved, That the Secretary of War be directed to make a report of the pension list of the United States, who have obtained certificates from the Circuit Courts, signed as Commissioners, or from the District Judge of the Court of Maine, for the purpose that Congress may place on the pension list those claimants whose cases come clearly within the description of law.

Mr. HILLHOUSE, from the committee appointed, presented a bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American army; which was read twice and committed.

THURSDAY, March 6.

A petition of John Jordan and Thomas Knight, of the city of Philadelphia, was presented to the House and read, praying that they may receive the proportion of prize money due to them as marines on board the Continental ship Bon Homme Richard, under the command of Captain John Paul Jones, during the late war.

Ordered, That the said petition be referred to the Secretary of War, with instructions to examine the same, and report his opinion thereupon to the House.

A memorial of sundry merchants of the town of Baltimore, in the State of Maryland, whose names are thereunto subscribed was presented to the House and read, praying that a Naval force may be provided adequate to the protection of the commerce of the United States against the Algerine corsairs.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the bill to provide a Naval armament.

A petition of Bradley and Mix, of New Haven, 3d Cox.—16

in the State of Connecticut, was presented to the House and read, praying that an additional duty may be laid on the importation of metal buttons from foreign countries, or such encouragement given to the manufacture of the said article within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said petition be referred to Mr. WATTS, Mr. COIT, Mr. HINDMAN, Mr. DEXTER, Mr. GILES, Mr. DAYTON, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BORDINOR, from the committee appointed, presented a bill making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to Invalid Pensions, to the Attorney of the said District; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill providing for destroying certificates of certain descriptions, and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. SAMUEL SMITH, from the committee appointed, presented a bill allowing Lieutenant Colonel Towsard an equivalent for his pension for life; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill making further provision for the expenses attending the intercourse of the United States with foreign nations; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which he delivered in at the Clerk's table.

Ordered, That the said bill, with the amendment, do lie on the table.

Mr. WATTS, from the committee to whom was referred the petition of Stephen Paraque, made a report; which was read: Whereupon,

Resolved, That the said Stephen Paraque be permitted to unlade his cargo in the port of New York, on giving bond and security for the duties thereof to the Collector of the said port of New York, on the usual credit of six, nine, and twelve months, to be computed from the time of unloading.

Ordered, That a bill be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. HEATH, and Mr. CARRIS, do prepare and bring in the same.

The House again resolved itself into a Committee of the Whole House on the report of the

H. or R.]

Slave Trade—Naval Armament.

[MARCH, 1794.]

committee appointed to prepare and report such Standing Rules and Orders of proceeding as may be proper to be observed in this House; and, after some time spent therein, the Committee rose and reported progress.

SLAVE TRADE.

The House went into Committee of the Whole on the bill to prohibit the carrying on the slave trade from the ports of the United States—Mr. BOURNOR in the Chair.

The two first sections of the bill were agreed to, with one alteration moved by Mr. TRUMBULL, which was to give the District Court as well as the Circuit Courts cognizance of the offence.

The third section, which relates to the penalty, &c., it was moved should be struck out. This motion was negatived. It was then moved to insert the word *foreign* before "ship or vessel," which was agreed to.

The Committee proceeded through the bill, which was reported to the House with sundry amendments; these were agreed to by the House, and the bill ordered to be engrossed for a third reading.

FRIDAY, March 7.

An engrossed bill to prohibit the carrying on the slave trade from the United States to any foreign place or country, was read the third time, and passed.

An engrossed bill providing for destroyed certificates of certain descriptions, was read the third time, and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making appropriations for the support of Government for the year 1794," with several amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House, that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next.

NAVAL ARMAMENT.

The House then went into Committee of the Whole, on the bill to provide a Naval armament—Mr. BOURNOR in the Chair.

In the first section Mr. S. SMITH moved to strike out 20 guns, and to insert 36; which makes the force proposed, four ships of 44 guns, and two of 36 guns each. The Committee proceeded through the several sections of the bill, and made sundry amendments in respect to officers, ratings, &c.

Mr. B. BOURNOR observed, that the force contemplated would afford no protection to the com-

merce of the United States, for the present season as it would require several months to build and equip the ships. He therefore moved to add another section, the object of which was to authorize the PRESIDENT OF THE UNITED STATES to provide a temporary protection, until the ships proposed by the bill shall be ready.

Mr. FITZSIMONS said, the bill did not restrict the PRESIDENT to ships to be built; he may use his discretion in procuring the requisite force.

The motion, after some debate, was negatived. Ordered, That the said bill, with the amendments, be engrossed, and read the third time on Monday next.

MONDAY, March 10.

The memorials of sundry merchants, mariners, tradesmen, and other citizens of the county of Norfolk, and the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, were presented to the House and read, respectively praying that a law may pass imposing further restrictions and higher duties on the importation of articles of the growth or manufacture of such foreign Kingdoms or countries as have not entered into a Commercial Treaty with the United States.

Ordered, That the said memorials be referred to the Committee of the Whole House, on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying a statement of the gross sum of money which was expended in the year 1790, in making the Treaty with the Creek Indians at New York; and, also, of the amount of presents made to the Creek and Cherokee Nations, since the said Treaty, pursuant to the resolution of this House of the 3d instant; which were read, and ordered to lie on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1794;" and the same being read, were agreed to.

Mr. FITZSIMONS, from the committee appointed, presented a bill to provide for the defence of certain ports and harbors in the United States; which was read twice, and committed.

The House proceeded to consider the resolution of the Senate of the 7th instant, for the appointment of a Joint Committee of the two Houses to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, that the proceedings may be so regulated as to close this session by the first Monday in April next. Whereupon,

Resolved, That this House doth agree to the said resolution, and that Mr. MADISON, Mr. MURRELL, and Mr. KIRTEA, be appointed a committee on the part of this House.

MARCH, 1794.]

National Defence—Naval Armament.

[H. or R.]

NATIONAL DEFENCE.

Mr. SEDGWICK this day gave notice, that on Wednesday next he should submit to the consideration of the Legislature certain resolutions, the object of which would be the means of defence required by our present situation, and the funds which might be required to defray the expense. This notice was introduced by Mr. S. with the following previous observations:

He said he had heretofore done himself the honor to declare to the House, that, in his opinion, it was the duty of the Legislature, as the guardians of the public safety, at a time when Europe was convulsed, and this country suffering many injuries, to provide for its defence, and, as events might happen, to avenge its injuries. That the preservation of peace, an object so necessary to our political and individual happiness, might materially depend on the wisdom and firmness of the Legislature in this respect. That he had hoped and expected some plan for these important purposes would, before this time, have been presented to Congress; that, in his opinion, it would be unpardonable to leave our country in this naked and exposed situation, during the approaching recess; that it ought no longer to remain uncertain whether the property and best interests of our citizens were to remain in a situation to be insulted and injured with impunity. He said he should forbear to give even the outlines of the system which his own mind had embraced, because he should always be willing to prefer any other more competent to the end. His only object at present was, to call the reflections of gentlemen to this important subject.

NAVAL ARMAMENT.

The engrossed bill providing a naval armament for the protection of the commerce of the United States, was read a third time. A motion was made to recommit it to a Committee of the Whole House. This motion was principally supported on the ground of the Select Committee having deviated from the report of the Committee of the Whole; which report connected the ways and means of defraying the expense of the armament with the details of the armament, whereas the bill contains no such estimate. It was further observed, that no injury could result from a short delay, equal to what would be the consequence of sanctioning such a flagrant deviation on the part of the Select Committee from the established rules of the House: that it was quite a new thing to hurry a business of such magnitude through the House.

The motion to recommit the bill was negatived. In opposition to the motion, it was ironically observed, that as the carrying trade and the trade to the Mediterranean were of so trifling importance, it was really surprising that the business of providing a protection for the commerce of this country, exposed at this moment to the depredations of the Algerines, should be hurried with so much impetuosity through the House! Three months have already elapsed, the greater part of which this subject has been under consideration; to steer clear, therefore, of impetuosity in con-

ducting the business, three months more ought to be suffered to pass before anything is done. With respect to the conduct of the Select Committee, it was said that, in the first discussion of the subject, the report was objected to on account of the ways and means being connected with it; to remove this objection, the bill was reported in the form before the House.

The motion being put for recommitting, it passed in the negative, 48 to 41. The House then proceeded to fill up the blanks. In the course of filling up the blanks, the opposition to the bill was revived on old and new grounds. The first were on account of its incompetency to the object, considering the resources of the Algerines and the superior policy of having recourse to negotiation, and purchase of a peace; the new ground was derived from recent confidential communications, from which it was inferred, that the eligibility of the mode of procuring a peace by purchase was greatly strengthened. From this view of the subject a transition was made to the subject of navies generally, in which the bad consequences connected with their establishment were depicted in animated terms.

The blanks were all filled; and on the question Shall the bill pass? Mr. GILES observed, that, from the sense of the House several times manifested upon this subject, there remained no doubt but that the bill would pass. In that event, he most earnestly hoped that the success of the measure would, at least, equal the expectations of its advocates. Indeed, he hoped that their expectations would be disappointed and exceeded; for it did not seem to him that even they were very positive as to its full competency to the end proposed. He even wished that every ship could be furnished with the cap of Fortunatus and the shield of Hercules; for he was persuaded that, in the present state of things, some magical influences would be found essential to enable them to effect their undertaking. He observed, that, at present, the wisdom or folly of the proposed measure was mere matter of opinion; but the passage of the bill will furnish futurity with a complete experiment of its true character.

He intended to offer his reasons against the passage of the bill, not with a hope of making proselytes, but as a testimony of the real motives which influenced his opposition. With this view, he should only mention some of the general impressions produced on his mind by this subject, without fatiguing the House with minute explanations of them. The subject had presented itself to him in two points of view—1st, as affording a protection to our commerce against the Algerine depredations; 2d, as the foundation of a permanent naval establishment. He could not help premising that, in the course of discussion, the advocates of the bill had censured its opponents with a want of disposition for the protection of commerce, whilst they claimed a monopoly of all good intention towards this object. He did not mean to derogate from the good

intention of the favorers of the bill, but he believed its opponents possessed as pure a zeal for the protection and due encouragement of commerce as its advocates. It is not a question whether commerce is, or is not, to be protected; but whether the plan proposed be the most effectual and the least expedient that can be devised for that purpose! The difference of opinion does not consist in the end to be produced, but in the means proposed to effect the end.

The first objection he should make to the bill would be, the obvious inadequacy of the means contemplated to effect the end proposed by them. The object proposed is an effectual resistance, not only to the whole present naval force of Algiers, but to their whole naval ability. The bill contains, in itself, essentially a declaration of war. Our calculations, therefore, should be extended to the utmost limit of the naval ability of the hostile nation. The means to be employed consist of four frigates of forty-four guns each and two ships of thirty-six guns each. To decide with propriety upon the objection, this force should be compared with the naval ability of Algiers. He did not mean to go into a minute history of Algiers. He should only observe, in general, that it was a populous country; that it had furnished at one time one hundred thousand fighting men; that its power at this day was as great as at any preceding period; that they were a warlike people, accustomed to naval enterprises and desperate in naval engagements; that, for some time past, they had been subsidized for peace by almost every European nation. He could not help concluding, from these circumstances, that the naval ability of the nation either was or might, without any uncommon exertions, be rendered superior to four forty-four gun frigates and two thirty-six gun ships, the force contemplated by the bill, and, if the conclusions were just, the bill is unwise.

In the course of the debate, it has been replied to the argument of the ability of the nation, deduced from the number of men it has brought into the field, that the naval armament was not intended to attack the invincible militia of Algiers. This is true, but it is no refutation of the argument. The fact exhibits the ability of the nation upon land, and the inference from it has been, that, if Algiers can exert such an ability upon land, by changing the direction of her ability, she would certainly furnish a force at sea greatly superior to the armament proposed. The history of her former naval exertions would also justify this conclusion. Providing this armament would naturally turn the attention of Algiers to the increase of her naval strength; and he doubted the policy of measures which would produce that effect, without the United States were determined to enter into a competition for naval power with the nations of Europe. Naval exertions have been carried to such excess that there is scarcely any thing which furnishes more scope for comparison. Several nations, possessing a much greater naval strength than is contemplated by this bill, he believed, were at war with Algiers at this moment, yet her corsairs swim in the ocean,

regardless of their enemy, and hardly recollecting that they are in a state of war. He thought it unsafe to calculate upon any peculiar invincibility in the armament now proposed, and, without such a quality, although he hoped their efficacy, yet he feared their inefficacy.

He should fear the result, if the contest, in other respects, were to be upon equal terms. But that will not be the case. The armament will meet with peculiar embarrassment from the expected scene of action. They are to act three thousand miles from home, without the guarantee or even the prospect of a friendly port; they are to continue the whole year upon their station, and to be subject to attack whenever the enemy may think proper; they will also be continually exposed to a tempestuous ocean. Under these circumstances they must act upon the most disadvantageous terms, which will lessen extremely their prospect of success. The advocates of the 'bill have admitted the necessity of finding some friendly ports in the Mediterranean seas, and several have been mentioned—Cathagen, Gibraltar, &c.—but their hopes appeared to him to be wholly chimerical.

He did not know how far it might be proper to have reference to confidential communications to present this part of the subject in its true light. He thought, however, he might be permitted to mention, in general, that it has been officially communicated to the House that the truce with Algiers, which has produced the injury to our commerce, against which the present remedy is directed, is part of the system of the combination against France. The mildest apology from Great Britain for her interposition has been to enable Portugal to act more efficaciously in the common cause of despots. Other effects, equally important to that end, will result, and no doubt were taken into the estimate. They all may resolve themselves into the embarrassments produced to our commerce. This information cannot be questioned. If, then, the Algerine truce be part of the system of the combination against France, is it probable that the Combined Powers will afford their ports for the protection of an armament intended to interrupt and destroy that part of the system? May it not rather be inferred that they will send their aid to their allies, the Algerines, to destroy the force sent against them? Have we hopes against this natural and obvious consequence from the good dispositions of the Combined Powers towards us? Have we any hopes from their inability to effect the object? For his part, he thought it was in vain to hope for a contrary result. From these reflections, occurs another obvious objection to the measure—its direct tendency to war. Upon another occasion, it has been said, that Great Britain particularly is irritable towards us, and all measures ought to be avoided which might tend to increase the irritability. It really has become a question for this House, for all America, to determine, and particularly the lovers of peace, whether a naval armament calculated to resist part of the system of the combination against France, and destined to act in the very scene of war, or imposing high-

er duties upon some articles of imports, and making an act for the regulation of our own navigation, possess the greatest tendency to war?

For his part, if the proposed armament should be provided, he had but one consolation against this palpable effect of it. But that consolation furnished the strongest argument against the measure. The trees are now growing out of which the frigates are to be built. A considerable time must, of course, elapse before these trees can be put into the shape of frigates. From the present agitation and fluctuation of European affairs, great changes before that time may be effected, and the necessary delay in equipping the armament will be the only chance of avoiding a war by means of the measures. If the frigates were now afloat, and engaged in the expedition against Algiers, he should view the United States in a state of actual hostility against the whole combined Powers. But the necessary delay, which may furnish the only security against war, as a result of the measure, proves the folly of an expensive armament, which, before it can be provided, the fluctuation of European affairs may render wholly unnecessary.

Another objection to the measure consists of the certainty and enormity of the expense, with a total uncertainty of its efficacy; whereas, the plan of purchasing a peace regards economy, if its efficacy should be doubted. In this case, if the object be not effected, the money will not be expended. It is but a bad character of a measure, to say it is neither certain in its object, nor economical in its arrangement; yet these are the most striking traits in the present bill. When this measure was first brought into view, it was thought necessary that an estimate should accompany it. This estimate, he knew not for what reason, was kept out of view. It was, nevertheless, an estimate, and must again make its appearance in the House. He expected, too, that it would appear in a more formidable shape than when it was first introduced. The pay of the seamen, the most important item in the estimate, had varied its shape materially. It is now calculated at double the estimate first made, and he apprehended that the same fate would attend other parts of the estimate. He admitted that the sum mentioned in the bill did not positively fix the wages of the seamen, but was intended as a limit to the Parliament's discretion. He was inclined to think, however, from the nature of the service, that the whole sum would be found necessary; for all the other perquisites which the seamen will expect must consist of toil and danger.

He observed, that the intelligence lately received, in his opinion, served to confirm all those objections, although he supposed it had affected the minds of other gentlemen very differently ; because he had observed more votes in favor of the bill since the receipt of the intelligence than before that period. The intelligence being communicated in confidence, he supposed it would be improper to particularize those parts of it which affected his opinion. He should, therefore, only remark, in general, that the intelligence had led his mind to these two conclusions :

1st. That the force to be provided is absolutely inadequate to the object.

2d. That, by proper management, a due attention to time and opportunity, a peace may be effected by money.

In either case, the naval armament would be rendered unnecessary, and the expense ought not to be incurred.

Mr. G. proceeded to consider the bill as the foundation of a permanent naval establishment. He said there was a clause in the bill authorizing the President to suspend all proceedings in the equipment of the armament, in case of a peace with Algiers, which gave him some consolation ; but it did not altogether relieve his apprehensions from this operation of the measure, because he knew that a permanent naval establishment was a favorite policy with some gentlemen, and because the argument had been urged in favor of the present bill.

He observed that a permanent naval establishment could be recommended to the United States but from one or both of the following considerations: Either upon the principle of entering into a competition for naval power with the Powers of Europe; or as affording security to the collection of our own revenue.

He thought the question of a permanent naval establishment was one of the most important which could be presented to the consideration of the House, and that the most serious consequences were necessarily connected with it. In the first place, he viewed the establishment of a navy as a complete dereliction of the policy of discharging the principal of the public debt. History does not afford an instance of a nation which continued to increase their navy and decreased their debt at the same time. It is an operation exceeding the ability of any nation. The naval competition of the Powers in Europe has produced oppression to their subjects and ruin to themselves. The ruin of the French Monarchy, he believed, might be ascribed very much to that cause. A navy is the most expensive of all means of defence, and the tyranny of Governments consists in the expensiveness of their machinery. The expensiveness of the French Monarchy is the true cause of its destruction. The navy of France furnished the principal item of that expense. The navy produced expense, the expense exceeded the revenue, new contributions became necessary, the people saw the tyranny, and destroyed the tyrant. The same effect, by the same policy, will probably be produced in great Great Britain. The Government is not yet destroyed, but the people are oppressed, liberty is banished. The extensiveness of the Government is the true ground of the oppression of the people. The King, the Nobility, the Priesthood, the Army, and, above all, the Navy.

All this machinery lessens the number of the productive and increases the number of unproductive hands of the nation in Great Britain. The operation has been extended so far that the poor rates alone probably afforded a greater tax per *capita* than the whole taxes paid in the United

States. He was astonished, with ample before our eyes, that these gentlemen who would wish to enter into this fashionable system of politics. He said the United States had already progressed full far enough into this system; for, exclusively of the ordinary expense of the Civil List, a debt had been funded upon principles of duration. An Army had been raised, at an immense expense, and now there was a proposition for a Navy. He observed that, for several years past, the appropriations for the support of the Military Establishment had exceeded a million of dollars per annum—from one million to one million and a half annually. He believed that, if the expense had been foreseen, there would have been more active efforts to have avoided it. It was a policy, at this day, very generally condemned; yet we are now to exhibit a counterpart of this policy upon the ocean, with this aggravation: that it will commence with greater certain expense, and with a more uncertain object. The system of governing by debts he conceived the most refined system of tyranny. It seems to have been a contrivance devised by politicians to succeed the old system of feudal tenures. Both systems were tyrannical, but the objects of their tyranny were different. The system of feuds operated upon the person of the individual—the system of debts operates upon the pockets of the individual. In the feudal system, the tenant often received some indulgence and lenity from the martial generosity which generally characterized the Lord. The Lord was gratified with the acknowledgment of the tenant that he was a slave, and the rendition of a pepper-corn as an evidence of it. The product of the tenant's labor was left for his own support. The system of debts affords no such indulgences. Its true policy is to devise objects of expense, and to draw the greatest possible sum from the people in the least visible mode. It boasts not of economizing in calls upon the people for contributions. It boasts not of economizing in the objects of expenditure. It consults the obedience, and not the happiness of the people. There is no device which facilitates the system of expense and debts so much as a Navy. And he declared, from that consideration, he should value his liberty at a lower price than he now did, if the policy of a permanent Naval Establishment should obtain in the United States.

He saw another strong objection to the establishment of a Navy. He deemed it a hostage to its full value for our good behaviour to the great naval Powers, until it should be able to contend with them for the ocean. It will increase rather than lessen our dependence upon them.

With respect to the other considerations, their utility in affording an additional security for the collection of the revenue, he should make but one observation. When revenue is laid, the expense of the machinery employed in the collection is the primary consideration. These vessels may, therefore, be considered as *aquatic sheriffs*, but of the most expensive order. They will be an additional cost of at least twenty per centum upon the whole revenue collected. The expense in-

carried, therefore, will exceed the security afforded, and of course ought not to be incurred. Upon the whole, if these considerations were not sufficient to induce the House to negative the bill, he conceived the impressions produced upon his own mind by them would furnish a justification for his opposition. He said, if the bill should pass, he should, however, find a consolation in a consciousness of his own fallibility, and a respect for the opinions of the majority, who advocated it; but, impressed as he was with the subject, he felt it a duty, as far as he could, to give a veto to the measure.

Mr. W. SMITH remarked, that though it was not probable any proselytes were to be expected at this late period of the business, and after so ample a discussion as the question had received in its different stages, yet he considered it necessary to make a reply to some of the various objections which had just been made to the passing of the bill. Many of those objections appeared to him totally inapplicable to the subject, which he should pass over in silence. If it were the design of the House to incur a vast expense in the establishment of a Navy, merely for the idle purposes of vain parade, there would be force in some of the objections; but, as this was not the case, and as the measure was a measure not of choice, but of necessity, extorted by the pressure of unavoidable events, he did not feel their force in any respect. The question was, simply whether our commerce required protection against the Algerine corsairs, and whether this was the best mode of protection. The first part of the question was admitted on all sides. For himself, he had always considered the second equally clear. But in the course of the discussion, various difficulties had been started against the mode of protection, and various substitutes had been proposed, as offering a remedy more prompt, more effectual, and less expensive. He would first consider the proposed substitutes for a naval armament, and then answer the objections to it. The substitutes were: 1st. To purchase a peace of the Algerines. 2d. To depend on Portugal breaking her truce with Algiers, and shutting up their cruisers within the Straits. 3d. To pass commercial regulations against Great Britain. 4th. To subsidize other nations to protect our commerce.

To these several substitutes, he might, in a few words, object that the first was impracticable, the second precarious, the third inoperative, and the fourth dishonorable. But he would, more in detail, evince their futility by a few observations:

1st. With respect to the purchase of a peace. The late communications must satisfy every one who had attended to them, that all hope on that score must be abandoned, unless there was a manifestation of some force on the part of this country, which might give effect to pacific negotiations. As long as our vessels were so easy and so tempting a prey to the cupidity of those rovers, it would be vain to expect that they would sell a peace for any thing like the price which the Government would be willing to give, or that a peace, even if effected, would be of any duration. If the

Executive formerly experienced such difficulties when the Algerines had captured only one or two of our vessels, and their cruisers were confined to the Mediterranean by the Portuguese squadron, how much less prospect was there of success after they had captured a considerable number of our ships, were likely to capture many more, and were at liberty to cruise in the Atlantic, even to our very coasts! And that little prospect of success would be diminished, when the Dey of Algiers should understand that we took no measures to protect our trade, and were afraid of the expense of a small armament. Even should a peace be purchased, the temptation to break it would be so great, that we ought not to expect it would be long observed. But if the Dey knew that we had some naval strength, and were resolved to protect our trade, he would find his account not only in making peace with us, but in maintaining it.

2d. To rely on the chance of Portugal breaking her truce, was putting our commerce and the liberty of our seamen on a very precarious footing indeed. It was impossible to say how long Portugal might continue at peace with Algiers; and it had been remarked, that the truce had been accomplished by the intervention of the British and Spanish Courts, without the knowledge or assent of Portugal; but Mr. S. was persuaded the latter part of this allegation was without foundation. Portugal must have consented to it, and it was therefore probable she would maintain peace with Algiers as long as the policy of the British Court, with whom she was clearly connected, should dictate.

3d. It was proposed to put a stop to the depredations of the Algerines by certain commercial restrictions aimed at Great Britain. Admitting, for a moment, the ultimate efficacy of these restrictions, which, like a panacea, were to cure all our ills, the remedy must be very remote. These regulations could not pass into a law till the close of the session, allowing a moderate time for their discussion in both Houses. A distant period must then be assigned for their operation, in order not to create too sudden and violent a disturbance to the course of trade, and to allow a reasonable time to merchants to make their arrangements. A certain time must, then, elapse before their effect would be felt by Great Britain, and a still further time before it could be felt, by a kind of re-action, by Algiers. In the interim, the Algerines would seize our vessels, and carry hundreds of our fellow-citizens into captivity.

4th. The last substitute was, to subsidize other nations. Besides the national dishonor of depending upon others for that protection which was in our own power, Mr. S. said there were several objections to this project. Either the nations in contemplation were at Peace with the Regency of Algiers, or they were not: if the former, it was not to be expected that they would relinquish that peace for any indemnification the United States could make them. If they were at war, they had sufficient inducement to check the depredations of their enemies without our subsidies. In addition to these objections, such a protection

would be hazardous, as it would be at any time in the power of the nation we should employ, when engaged thereto by any Power envious of our prosperity, to conclude a truce with Algiers, and leave us at the mercy of her corsairs.

Having a navy of our own we might co-operate to advantage with any of the Powers at present at war with the Algerines, but it would be risking too much to depend altogether on any of them.

Mr. S. next reviewed the principal objections to the bill. These were, he said, 1st. That the force contemplated was incompetent. 2d. That sending an armed force on the ocean would be the means of involving us in a war with some of the maritime Powers. 3d. That we had no friendly ports in Europe, which our frigates could resort to for supplies or refitment. 4th. That the expense would exceed the object to be protected. 5th. That our trade would be deprived of the sea-men required to man the frigates. 6th. That it was now so late in the season we could not protect our vessels the ensuing Summer, and that some favorable events might occur before the frigates could be equipped, which would render them unnecessary. 7th. That this was the beginning of a Naval Establishment, which would hereafter involve this country in immense debts and maritime wars.

1st. To the first objection, Mr. S. replied that he was surprised those gentlemen who deemed the number of frigates inadequate to the object, had never proposed to increase the quantum of force; though this objection had been re-echoed by several gentlemen, none of them had thought proper to move an augmentation of the strength. The only motion of that nature had proceeded from a quarter which had been always friendly to the measure. From the documents on the table, and from the diligent inquiries of a large committee, the force contemplated by the bill did, however, appear inadequate. The number and strength of the Algerine corsairs had been pretty nearly ascertained; it had been stated, from good authority, that these vessels were slight, and that they did not cruise in fleets, but scattered, for the purpose of plunder. It also appeared that a smaller force than ours had been successfully employed by Portugal in blocking up the Straits.

2d. The second objection arose from the danger of being involved in a war. It had been said that some of the maritime Powers, whose interest it was that our commerce should suffer from these piratical depredations, would see with displeasure our armed vessels on the ocean, and would insult them; and that our officers would resent such insults, and thus draw us into a war. If there were any nation so anxious to go to war with us, as this objection supposes, they would be at no loss for pretexts without this. If, while we were exercising so just, lawful, and necessary a right as that of using the only means in our power of protecting our commerce from ruin, and our fellow-citizens from a most dreadful captivity, any nation should wickedly and wantonly interfere, and molest our frigates, it would show such a disposition to quarrel with us, and be such an act of hostility,

as would justify war on our part. Whatever nation it might be, he should view such an aggression as the effect of a predetermined hostility, and should not hesitate a moment to consider them as much our enemies as the Algerines themselves. But this armament would furnish so little pretence for any danger of this kind, that he viewed all such terrors as chimerical. Indeed, it was somewhat strange, that these apprehensions should have been suggested by gentlemen who considered commercial restrictions particularly directed at Great Britain as of a most pacific tendency. If irritating measures, pointedly directed at Great Britain, were not likely to excite a hostile spirit in her, much less was it to be expected that measures of unavoidable necessity against the Algerine pirates, would excite that spirit.

3d. It had been clearly shown that there were many convenient friendly ports to which our vessels of war should have access. Spain, Portugal, and France, have been mentioned. It was not probable we should be at war with all those Powers at the same time. Being at peace with them all, we had a right to expect a friendly admission into their ports. A state of war would undoubtedly present many difficulties, but even in that event, the proposed measure did not appear less indispensable.

4th. The expense had been strongly urged as a weighty objection. Mr. S. observed, that the saving in insurance, the value of our ships and cargoes, the ransom of our captive seamen, was more than an offset against this item. But was not the slavery of our fellow-citizens, the national disgrace resulting from it, to be taken into the account? These were, in his mind, considerations beyond all calculation. Who could, after reading the affecting narratives of Captain Penrose and the other unfortunates, sit down contented with cold calculations and dry syllogisms? These narratives ought to excite every possible exertion, not only to procure the release of the captured, but to prevent an increase of the number of these unhappy victims. This could only be effected by the proposed measure; it was the only practicable mode of obtaining a peace, which would insure the release of the captives, and of preventing the capture of others. Were the expense, therefore, doubtless the sum proposed, he, for one, would not hesitate to vote for it.

5th. It had been alleged that depriving our merchant vessels of the seamen requisite to man the frigates, would be a serious injury to our trade. No further answer was necessary to this objection, than barely to remark, that the injury was not to be put in competition with the loss of seamen by slavery in Algiers, or by desertion from merchant ships, so unprotected and exposed.

6th. The lateness of the season had furnished another objection. Mr. S. asked whose fault it was, that this measure had not been adopted sooner? The members whose opinions coincided with his, and himself had urged the necessity of it near three months ago, but the persevering opposition it had encountered, and the intervention and discussion of the commercial regulations had pro-

tracted it to the present period. Late as it is, however, it is still necessary, and the best expedient which has been suggested. The very circumstance of preparation for naval defence, would facilitate our negotiation for peace, and would encourage our seamen to remain in our service. He wished it always to be understood, that he did not rely solely on the efficacy of this armament. He still looked forward to a negotiation, and was ready to provide the most ample means for that purpose; but he was at the same time satisfied that the first measure must accompany the latter, as the one would be nugatory without the other.

7th. The dangers resulting from a large Navy Establishment, and the immense debts they have created in other countries, had been depicted, and the House had been warned against such evils. How a bill providing six frigates, which were to exist only during the war with Algiers, could excite an apprehension of a large and permanent navy, and an enormous debt, Mr. S. said he was at a loss to discover. The clause which authorized the President, in the event of a peace with the Regency of Algiers, to discontinue the armament, was a complete answer to all the reasoning which had been indulged on the subject of navies and debts. Admitting there had been no such clause, he did not feel the weight or applicability of the reasoning.

This country is peculiarly fitted for a navy: abounding in all kinds of naval resources, we have within ourselves those means which other maritime nations were obliged to obtain from abroad. The nature of our situation, and the navigating disposition of a considerable proportion of our citizens, evince still more the propriety of some Naval Establishment. Perhaps the country is not yet mature for such an establishment, to any great extent; but he believed the period was not far distant, when it would. Sweden, with a population not greater than that of the United States, and with more slender resources, maintained a large navy. He saw no reason why the United States, with an increasing population, much individual wealth, and considerable national resources, might not, without ruin, do as much, or why the equipment of a squadron, inferior to that of any of the petty nations of Italy, should involve us in an insupportable expense.

Having replied to the principal objections against the bill, Mr. S. said, though he did not suppose that any arguments of that day would change a single vote, yet, as a formal and lengthy opposition had been made, he wished to show that he did not rely upon a majority, and that he would never give his assent to a measure which did not, in his opinion, rest on the basis of good policy and propriety. He viewed this measure as resting on that basis; he trusted it would produce the good effects which its friends anticipated, and that, as he was confident it would be supported by a majority of that House, he had little doubt that it would be sanctioned by the approbation of their constituents; but that, even were he persuaded it would be attended with some of the mischiefs which its opponents had predicted, he should still

deem himself warranted in supporting it as a thing irresistible and loudly called for by the urgency of existing circumstances.

Mr. GRASS, in reply to Mr. W. SMITH, remarked, that, having just presented the outlines of his opinion upon this subject to the House, he intended not to have troubled the House with any further observations; but the gentleman last up had thrown an imputation upon the humanity of the opposers of the bill, which required an answer. The gentleman has triumphantly asked, "Who can read the representations of the unfortunate captives at Algiers, without giving their assent to the bill?" This question is answered by another: Who can read the representations of the unfortunate captives at Algiers, and give an assent to the bill? The bill contains essentially a declaration of war. The means it provides, are for resistance, not for conquest. The gentleman calls upon our humanity to ameliorate the condition of the captives, by a declaration of war against a barbarian, without furnishing any means which could operate upon his personal fears; or, perhaps, the gentleman conceives that, after the frigates shall have performed wonders upon the water, they would leave the element, boldly march upon the land, and break the chains of the prisoners. This is assigning a new office to the frigates, and if Mr. G. thought they possessed the ability to execute it, he would give his hearty assent to the bill.

But might it not, with more reason and probability, be concluded, that a declaration of war, under such circumstances, would irritate the barbarians and furnish additional misery to the unfortunate prisoners? In the expedient of purchasing a peace, which is the substitute he relied upon, the redemption of the captives will almost necessarily constitute a part of the negotiation. Mr. G. said, the gentleman, on this subject, appeared to have forgotten the whole connexion between cause and effect, and to have disdained all comparison of the means to the end. He believed, if ever there was a measure involving great political consequences, which owed its existence to passion, without one effort of calculation, as far, at least, as it related to its ostensible object, it was the measure contemplated by the bill now before the House.

The question was then taken on the passage of the bill, and it was resolved in the affirmative—yeas 50, nays 39, as follows:

YEAS.—Messrs. Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, George Hancock, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kitters, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malbone, Peter Muhlenberg, William Vans Murray, Josiah Parker, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gausbeck, Peleg

Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

NAYS.—Messrs. Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Caines, Gabriel Christie, Thomas Claiborne, Isaac Coles, William Findley, William B. Giles, James Gillespie, Christopher Greenup, William Barry Grove, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, William Irvine, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomerie, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Francis Preston, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Joseph Winston.

Resolved, That the title of the said bill be, "An act to provide a naval armament."

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making certain alterations in the act for establishing the Judicial Courts, and altering the time of holding certain Courts; which was read twice, and committed.

Mr. WARREN, from the committee appointed, presented a bill for the relief of Stephen Paraque; which was read twice, and committed.

TUESDAY, March 11.

A memorial of Leighton Wood, junior, Joseph Stretch, and Joshua Dawson, in behalf of themselves and other clerks in the Treasury Department, was presented to the House and read, praying that they may receive such compensation, in addition to the salaries allowed them by law, as may be deemed equitable and proper, to reimburse the extraordinary expenses they incurred in the discharge of their official duties during the late calamity in the city of Philadelphia, where they remained at the great personal hazard of themselves and families.

Ordered, That the said memorial be referred to Mr. TRACY, Mr. MONTGOMERY, and Mr. WILKINS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. DEARBORN, from the committee appointed, presented a bill for erecting a light-house on the Island of Seguin, in the District of Maine; which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina;" to which they desire the concurrence of this House. The said bill was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to provide for the defence of certain ports and harbors in the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

H. or R.]

National Defence.

[MARCH, 1794.]

Mr. MADISON, from the committee to whom were referred the petitions of the clerks in several of the Executive Departments of Government, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendment reported by the Committee of the Whole House on Thursday last, to the bill making further provision for the expenses attending the intercourse of the United States with foreign nations; and, the same being twice read, was, on the question put thereupon, agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

WEDNESDAY, March 12.

An engrossed bill to provide for the defence of certain ports and harbors in the United States, was read the third time, and passed.

An engrossed bill making further provision for the expenses attending the intercourse of the United States with foreign nations, was read the third time and passed.

A message from the Senate informed the House, that the Senate have come to a resolution, "That the PRESIDENT OF THE UNITED STATES be requested to transmit to the Executives of the several States, copies of the article of amendment proposed by Congress to be added to the Constitution of the United States, respecting the Judicial power;" to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House, on the bill making appropriations for the support of the Military Establishment of the United States, for the year 1794; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

Mr. SAMUEL SMITH, from the committee appointed to consider and report on the propriety of remitting the duty on imported bar iron, in certain cases, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the report of the committee to whom was referred so much of the Speech of the PRESIDENT OF THE UNITED STATES as respects arms and military stores, magazines, and arsenals; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, amended, and agreed to by the House, as follow:

Resolved, That the President of the United States be authorized to direct two arsenals and magazines, with the necessary buildings, to be erected in proper

situations, to accommodate the Southern States; and that the arsenals and magazines at Springfield, Massachusetts, and Carlisle, in Pennsylvania, be repaired; and that a sum not exceeding fifty-nine thousand dollars be provided for that purpose.

Resolved, That a national armory be erected, and that a superintendent, and two master armors, be appointed by the President of the United States, to superintend the same. That so many persons may, from time to time, be employed therein, as the Secretary for the Department of War may judge necessary; and that a sum not exceeding twenty-two thousand eight hundred and sixty five dollars be provided for defraying the expense thereof.

Resolved, That a sum not exceeding one hundred and forty-three thousand six hundred and forty dollars, be provided, for the purpose of purchasing an additional quantity of arms and ammunition.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FRIZZINGS, Mr. GOODRUE, Mr. JEREMIAH WADSWORTH, Mr. FORREST, Mr. MALBONE, Mr. BORDINOT, Mr. PARKER, Mr. MACOX, Mr. WINN, Mr. GILMAN, Mr. WATTS, Mr. ORR, Mr. BALDWIN, Mr. ISRAEL SMITH, Mr. LATIMER, and Mr. DAYTON, do prepare and bring in the same.

A Message was received from the PRESIDENT OF THE UNITED STATES, with translations of two Letters from the Commissioners of His Catholic Majesty to the Secretary of State and of their enclosures.

The Message and papers were read, and ordered to lie on the table.

NATIONAL DEFENCE.

Mr. SEDGWICK, after some prefatory remarks, offered the following resolutions:

Resolved, That there be raised, armed, and equipped, fifteen regiments of auxiliary troops, to consist of one thousand men, rank and file, each, with the proper officers.

Resolved, That the commissioned officers thereof be appointed as other officers of the United States, and that the non-commissioned officers and privates be enlisted for the term of two years; and, with this condition, that if war should break out within that time between the United States and any foreign European Power, they shall be bound to serve for the term of three years, after the commencement of the war, if the same shall so long continue.

Resolved, That, in case of such war, the officers of the said regiments shall be entitled to the like pay and subsistence, and to equal rank and command, with the officers of the present Military Establishment of the United States; but, except in such case, shall be entitled to pay only for the time they shall actually attend on the days of training and exercise, hereafter mentioned.

Resolved, That each non-commissioned officer and private shall, by virtue of his enlistment, be entitled to a bounty, consisting of a suit of clothes per annum, of the value of twelve dollars, and shall also be entitled to a compensation of half a dollar per day, for each day he shall assemble for the purpose of training or exercising; which, except in case of war with some foreign European Power, shall not exceed twenty-four days in one year; and, in that case, each non-commissioned officer and private shall be entitled to the same pay and

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National Defence.

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rations, and shall be subject to the same rules and regulations as the other troops of the United States.

Resolved, That the said regiments shall be furnished with arms and accoutrements at the expense of the United States, to be returned at the expiration of their term of service.

Resolved, That revenues by taxes or duties, competent to the purpose of defraying the expense of raising and paying the said troops, be provided.

Resolved, That, within two years and six months after the time which shall be prescribed by law for beginning to enlist the said troops, if no war shall in the mean time break out with any foreign European Power, the regiments aforesaid shall be abolished and cease.

Resolved, That the President of the United States be authorized, if in his judgment the safety or welfare of the United States shall require it, to lay an embargo, generally or particularly, upon ships in the ports or harbors of the United States, for a term not exceeding, at any one time, forty days; and also to prohibit, for a like term, generally or particularly, the exportation of commodities from the United States; and such embargo or prohibition to continue, from time to time, until the expiration of fourteen days after the commencement of the session of Congress next ensuing the present.

Mr. SEDGWICK remarked, that his object was the preservation of peace; but as peace may not always be in our power, it may be necessary to prepare for the contrary event, war; and, in this event, something like the measure he proposed would, he believed, be found necessary. His resolutions contemplate giving a bounty of twelve dollars per annum, in a suit of clothes, to each private and non-commissioned officer. This, he believed, would be found sufficient encouragement to enlist, and half a dollar to each on the days of muster he thought also sufficient. This might, indeed, at first view, be thought high pay, but not so if it is considered that the mustering would be an inconvenient interruption in the ordinary labor of the men, which should be compensated for. There might, at first sight, be thought to be an inconsistency in his resolutions, which he would, to prevent misapprehension, explain. In one part of them the men are said to be enlisted for two years, and then again it is expressed, that two years and six months after their enlistment the regiments are to be disbanded; the six months are considered as necessary for collecting the force, and two years their term of service; which is not too long, considering the situation of Europe. This force, organized in the manner proposed, will always be prepared to present a firm countenance in any point of our territory on which an attack may be made. He believed, however, that the experience of Great Britain, during the late war, would prevent them from making any attempts on our territory; he believed it not in the power of any nation to conquer America, or to dismember it, and possess themselves of any section of it.

There is another object, besides defence, to which the force contemplated would be equal. The European Power to which the resolutions point, now entertains hopes of conquest in the West Indies, as an indemnification for the expenses of the war in which they are engaged. At all times, their Colonial possessions in this country,

now the Independent United States, were dear to them, and would be doubly dear as the means of supporting their profitable Dominions in the West Indies. He hoped that the thirst for conquest would never direct the Councils of America; but, if we are unfortunately to be driven to the carnage of war, it will be necessary to wound our enemy where he is most vulnerable. The resolutions would, he hoped, undergo a temperate discussion. When possessed of the force contemplated, the adjacent rich Dominions of the nation, whose policy injures us, can easily be struck, and the wound will certainly be severely felt. This impending blow will render that Power cautious; they will reflect on the danger of rousing the resentment of a country so capable of retaliating with vigor. These were the objects he had in view by his resolutions. Objections to them would arise: the jealousy which Republicans bear to standing armies might be mentioned with some weight; a militia would be pointed at as the surest defence. They certainly are so, to a certain extent; the opinion of their efficacy operated to so great a length before our Revolution, that it perhaps in a degree injured us: but experience is the surest guide. A militia must be abandoned as a means of retaliation. The terms of embodying militia are so short, that by the time they have become a competent and effective force they must be disbanded, and then nothing but force can detain them in the field, and the country is left naked and unprotected. Besides, their wages, of necessity, are greater in time of war than those of regular troops, and the want of discipline occasions them to commit a great waste on the property of their fellow-citizens, besides a waste of public property. As long as we depend on a militia alone for repelling foreign injury short of a direct attack on our territory, European nations will not consider us as able to retaliate, and assert our rights. But the scheme proposed will make us more formidable. And as, unless necessity compels, these troops may remain in the bosom of society, and scattered throughout the country, it is impossible that they should be formidable to the liberties of the people; it is impossible that they should have feelings different from those of the community.

One more observation he would make. When he considered the subject in his own mind, two desiderata appeared to him necessary to be united; the organization of an active force with as much speed as possible, and affording protection with the least possible expense. It might not be improper to state, as far as he was able, the probable amount of the expense of the proposed establishment: he had made a little calculation. The regiment is to consist of 1,000 privates: this number is purposely large, that the expense of officers might be less; one sergeant-major, and fifty sergeants, to each regiment, would make the whole number of non-commissioned officers and privates 1,054 men. These, at twelve dollars for the suit of clothes per annum, would make the expense in this article \$12,612; and the twenty-four muster days, at half a dollar a day, an equal sum, in all \$25,224; which,

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multipled by 15, the number of regiments, gives a total of \$378,440. He had not accurately ascertained the amount of the officers' pay, but believed it would be \$14,920; making in the whole \$393,260 per annum; the whole expense of the proposed auxiliary or provisional troops. He called them auxiliary, in reference to the 5,000 regulars which now belong to the Military Establishment of the United States, with which we should be able to bring 20,000 men into the field, a number competent to any purpose for which they would be wanted.

The resolutions contemplate, as a probable contingency, the propriety of laying an embargo on American vessels, and prohibiting the exportation of the produce of the United States. If such an embargo shall be necessary, the operation can be better performed by the President than by the Legislature. In a body as numerous as the Legislature, it is impossible to keep a secret for any length of time, and the delays which the necessary forms require, would be such, that the effect of the measure would be lost before finally adopted; for every ship, and all the produce which possibly could, would immediately be put out of the reach of Government.

The reasons on which this idea of an embargo are founded, are, that Great Britain cannot supply her West Indies except from the United States. If this is in any degree true in peaceable times, how much more powerfully must it operate now, when we have a considerable military force there to feed! In truth, without supplies from this country, they must inevitably abandon a project—with them a favorite one—the conquest of the French West Indies. In this situation of affairs, he believed it would be found proper to put into the hands of the President a power to lay this embargo, and in a moment to prevent all supplies going to the West Indies. On great occasions, confidence must be reposed in the present head of that Department, would prevent all fears of its being abused in his hands. When we are once in the situation contemplated by the resolutions offered, and if we are then obliged to exert the means in our power for our defence, (but he hoped we should not be impelled to this disagreeable necessity,) we can speak a manly language to any one who may attempt to injure or insult us. He was persuaded, that if a country does not respect itself, it will not be respected by other nations; that if a nation is not vigilant in guarding their rights; they soon will have no rights to guard; if they receive insults and injuries with impunity, they will suffer injuries and insults without end. This is not the time for feeble measures. A manly conduct ought to be pursued—a conduct worthy of our brave and honorable constituents; they have strength bravely to assert, and resources to vindicate their rights. He did not wish the Government to hold any language to intimidate: we should tell the belligerent Powers that we can make reasonable allowances for a state of war, but are not to be imposed on. Such firm language, backed by our means of forcing respect, by with-

holding supplies necessary to them in the prosecution of a darling object, and by an active force ready to strike in a vulnerable quarter, must be heard, and have its due weight.

He next turned his attention to the source from which funds may be drawn for the execution of the plan proposed, and expressed a firm reliance on the patriotism of the people of America, who, he believed, would cheerfully submit and contribute in any manner which Congress might judge proper, in support of their rights, and to vindicate their national honor. He adverted to some observations which fell a few days since from Mr. LEE, which he said did honor to that gentleman; but he could not agree with him in thinking that a land tax was immediately necessary. He believed it as yet unnecessary to touch that great resource; and, if it is unnecessary, it is not expedient. If it must be resorted to, however, he believed the people had virtue and patriotism enough to submit without murmuring.

He concluded by observing, that the nation of whose treatment we have a right to complain, viewing our resources, will reflect seriously on the consequence of imposing any further injuries, and for their own interest's sake, will pursue a different line of conduct, which will permit us to continue in a state of tranquility and friendly intercourse with them.

Ordered, That the said motion be committed to a Committee of the Whole House on the state of the Union.

THURSDAY, March 13.

An engrossed bill making appropriations for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four, was read the third time and passed.

Ordered, That a committee be appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and Providence river, in the State of Rhode Island; and that Mr. CORRIE, BENJAMIN BOWEN, and Mr. COBB, be the said committee.

The House again resolved itself into a Committee of the Whole House on the Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act in addition to the act for the punishment of certain crimes against the United States," to which they desire the concurrence of the House.

Mr. FIRTH, from the committee appointed, presented a bill to provide for the erecting and repairing of arsenals and magazines, and for other purposes; which was read twice and committed.

FRIDAY, March 14.

The bill, sent from the Senate, entitled "An act in addition to the act for the punishment of certain

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crimes against the United States," was read twice and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act allowing to Major General Lafayette his pay and emoluments while in the service of the United States;" to which they desire the concurrence of this House.

COMMERCE OF THE UNITED STATES.

The House again resolved itself into a Committee of the Whole House on the report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

Mr. HARTLEY said: I am exceedingly sorry that this resolution has been pressed upon us at this time, as I hold it would be improper now to adopt it. If we have a war, which is highly probable, the trade will be cut off between these States and Great Britain, and no regulations will be necessary. I am sure no one will say that this resolution, in case of a war, would be an useful or necessary ingredient for our defence. The aggressions have been, so far, totally on the part of Great Britain. As a nation, we may have a right to pass the resolution; but as its consequences are uncertain, and as this may be considered as an act tending to meet Great Britain in hostility, I am not for passing it at present. The enormities of the British lately, upon the high seas, in seizing the vessels and citizens of America, amount to piracy and robbery, and are against the law of nations. They would justify an immediate declaration of war. Prudence may, however, forbid it for the moment. We should go on with our preparations for war, and fall upon effectual measures for our protection. These ought to draw our attention. There is still a possibility of preserving peace. We should adhere to a neutrality until war is inevitable. Let the causes of the war arise from Great Britain. Let us do no act which will throw an imputation upon us. If the aggressions on the part of Great Britain should be continued, or satisfaction not be made for the pass, we may be necessarily involved in war, and we ought to be thinking on the most effectual means to carry it on.

The French Republic expresses herself friendly to the United States. We should not be backward in making return for any of her good offices towards us, provided our acts do not infringe the principles of neutrality. I believe it to be the desire of this country to preserve the neutrality; and, so far as I can learn, even the French Republic do not wish us to be involved in war. We have been insulted and injured by Great Britain in almost every part of the globe. Generous minds would be willing to forget former injuries, but the late conduct of that nation will force us to hate her. I still would wish to avoid a war; but if we are forced into one, and should be unanimous, Great Britain may find us in a better situation than she at present imagines. To the Eastward there is an armed militia of 170,000 men; and, in general, throughout the States, men will be found to act against a common enemy.

May, if we are unanimous, from our situation, we have little to fear from European combinations.

This resolution, if passed by a small majority, would show a division in this country; whereas, in measures at this time, we ought to be as unanimous as possible. There is no necessity for the resolution. My vote, by some, may be considered as unpopular; but I shall do my duty, and am well convinced that my immediate constituents will approve of my conduct.

Mr. SMITH, of S. C., next arose. He had felt as keenly the injuries which Great Britain had inflicted on us, as any one on the floor of Congress, but had hitherto been silent, as the public mind, both in and out of doors, was sufficiently inflamed, and required rather to be allayed than further irritated. When the Committee were last on the subject of these resolutions, the country was in a very different situation from what it is now; the commercial relation of the two nations did not call for them; he then and still held the opinion, that commercial and political grievances should not be confounded. On that occasion, therefore, he had avoided advert to the political conduct of the British; he considered only their conduct in a commercial point of view, and, in this light, judged the propositions by no means advisable. As operative on our commercial intercourse with that country in time of peace, they will only be an injury to ourselves, and will affect materially those States where manufactures have not made any great progress, and who have the more bulky articles for exports. This was their opinion of their tendency when they were first brought forward, and it had not changed since. Viewing the subject in a political point of light, the resolutions are by no means sufficiently energetic; both as a peace measure or a war measure, they are equally improper.

When the resolutions were first before the Committee, he had entertained hopes that negotiations with Great Britain, or the events of the European war, would have worked some change in the political conduct of that country, which would enable us to preserve a strict neutrality and avert the horrors of war from our peaceful shores. War is a great evil. The people, from one end of the Continent to the other, show that they prize neutrality, and the unanimous approbation of the pacific measures adopted by the PRESIDENT, show that peace is the wish of the Representatives of the nation. As long, therefore, as a gleam of hope existed of our being able, by means of negotiation, to keep up a good understanding with Great Britain, so long he was opposed to every measure which might tend to interrupt the tranquility. But he was sorry to find, that far from receiving the expected satisfaction, aggressions have been heaped on us with tenfold aggravation. We should, then, reflect on measures proper to guard us against them. The resolutions before the Committee are not calculated, he conceived, to produce this effect; other much more efficient means can certainly be devised. The Legislature should turn their attention to measures of greater energy; they should attend to the immediate defence of the seacoast,

the organization of troops, and the means of procuring a revenue to nerve the sinews of war. At present, our commerce yields almost all the revenue that flows into our public coffers. If that commerce is interrupted by a war, we should devise a substitute. A land tax or stamps must be resorted to—a revenue from some source other than commerce must be secured. It was his wish to forbear entering into any measures that had a hostile appearance until the country is placed in a state of defence, and the means of revenue are so organized as to put us out of danger.

When the subject of the resolutions were first before the House, he forbore making any mention of the detention of our posts, the depredations on our commerce in the European seas, and the piracies of the Algerines, because negotiations were then pending of which he hoped a favorable issue, but he owned he was disappointed in his expectations. With respect, however, to the Algerines, though the annoyance we suffer from that quarter is an effect of the unfriendly disposition of the British towards us, yet their conduct in that cannot be construed into direct hostility; and we should, therefore, content ourselves with protecting our commerce against those pirates by a naval armament, or purchase a peace. The resolutions before the Committee, considering the critical state of affairs, are not only too inefficient, but too tardy in their operation. They cannot be intended to operate on this Spring's importation, nor, indeed, upon the importations of the Fall; for, before this time, orders are given, and they cannot be meant to operate so early, because they would have an *ex post facto* tendency. They are, then, to operate upon the importations this time twelve-month. So feeble and remote an operation cannot answer any good purpose. Why proceed in regulating our commerce, when the commerce is to be saved from annihilation? He was sorry the House did not think proper to go first into the question of an embargo. No doubt this was a question of primary importance; but he believed it would not produce that shock to the commercial interest that some gentlemen feared; as the question was not to lay an embargo, but to empower the President to adopt such a measure when he thought the exigency of affairs required it.

Mr. S. took a view of the operation of the resolutions as manufactures are concerned, and endeavored to show that either we—especially the Southern States—must do without many articles of necessity, that we are accustomed to receive from Great Britain, or pay an exorbitantly increased price for them. He wished to know what rate of increase on the present duties was contemplated by the friends of the resolutions; and whether it was intended to increase the duties laid the other day, when on the subject of ways and means, on certain articles, still higher? The mover of these propositions, he observed, when he first brought them forward, openly declared that he did not wish the duties very high at first, but to raise them gradually. He was desirous of knowing whether the gentleman was of the same mind still, or whether he now contemplated prohibitory duties?

Some gentlemen thought they had discovered an inconsistency in the arguments of those opposed to the resolutions, because they maintained that they might accelerate war, and at the same time are not sufficiently energetic. The observations he believed just. The resolutions will have an irritating, and therefore hostile tendency, and yet they are perfectly impotent in effect in case of hostility. We have reason to contemplate a state of war; we should therefore exert all our means to prepare for such a state. We should fortify our harbors, raise a revenue, organize troops, and put ourselves in complete readiness, yet at the same time we should not hold irritating language. Let us hold out that we wish peace as long as peace can be preserved, and when war is unavoidable, we must meet the event unprepared. He hoped the resolution would be negatived, as a measure inefficient in the present critical situation of affairs, and only tending to irritate unnecessarily.

Mr. GILES conceived that gentlemen built their opinions on an idea, that if we adopt this resolution it is to prevent other measures from being taken. These resolutions he considered as powerful auxiliaries to any other measure which it might be thought prudent to pursue. He proceeded to point out that the resolutions contemplated must have a useful tendency in the event of a war. If a war takes place, a termination to it must be expected; then this system will form the best ground of negotiation. Great Britain, in a negotiation for peace, would certainly be willing to give an equivalent for any relaxation of the regulations meant to be established by the resolutions. In this single point of view, they undoubtedly are a very important engine. The Executive is, by the Constitution, empowered to make treaties; but the Legislature should put the nation in the best possible state to negotiate them on advantageous terms. If we are to have war, the resolutions can, at any rate, do no harm, and at its termination, must produce a great good. If we remain in a state of peace, he believed the first operation of the resolutions would be to increase the revenue; by degrees, only, the importation would be discouraged, and then a spur would be given to our manufactures. He enlarged on this idea, and dwelt further upon the peace operation of the resolutions. He believed there is as yet no deficiency in the revenue of the United States. If a deficiency shall take place, he would be ready to make it up. If our importations, and consequently our impost revenue, should decrease, our ability to pay taxes in another shape will increase in the same proportion. He next animadverted on observations which fell some days since from Mr. LEE, who, he said, had asserted generally that there appeared, within the walls of Congress, a disposition in some to violate the rights of a certain kind of property. He wished the gentleman more explicit as to the persons he referred to, and the expressions that warranted the belief he had expressed. [Mr. G. was interrupted and declared to be out of order.]

Mr. DEXTER said: The less love or hatred we have to foreign nations, the less fear of them will actuate our Councils. We should legislate

only for our own country. He made this observation to introduce his principal objections to the resolutions, viz.: that they discriminate between foreign countries, because we hate the one and love the other, and tax our citizens to gratify those passions. This was his principal objection to the resolutions; an objection that no alteration of circumstances could do away; an objection which rests on the immutable interest of this country to be detached from foreign politics as much as possible. It is true, that though these resolutions were adopted, we should be able to adopt any other energetic measure; but he objected to wasting time on this, when more serious concerns call for our attention. If we were attacked by an assassin, should we spend our time in fixing our sword-knot or feather; should we not rather think only of defending ourselves? Should we now spend time in discussing commercial theories? The gentleman last up said, these resolutions would be important at the termination of a war. Surely, then, there is time enough to consider the ground we wish our commerce to stand on at the end of a war which is not yet declared. If we are engaged in a war, our commerce will not require to be regulated, and the passing these resolutions will be an obstacle to peace, rather than tend to secure to us advantages for their relaxation. Another consideration had weight on his mind. Why should we discriminate? Because one nation is hostile and the other friendly? Strong as our partiality may be, where is that European nation that confers acts of kindness on us at the present time? He saw none that merited a return of good offices.

If we are involved in a war with Great Britain, we shall not remain at peace with Spain; and as it is the drift of the resolutions to encourage the commerce of foreign nations, and Spain among others, at the expense of that of Great Britain, then, at the close of the war, the weight which a relaxation of those regulations may have, as far as Great Britain is concerned, will have a contrary and proportional effect so far as Spain is interested, for every diminution of the encouragement granted by law to the Spanish. Nature intended that we should be out of the reach of the politics of Europe. Our interest is loud against the connexion.

If the resolutions are passed, a basis will be laid for a permanent system of commerce with them—a link he never wished to see established. If we meddle with European politics, we may catch the contagion which so unfortunately desolates one fine country, but which is perhaps there a necessary, or at least, unavoidable evil. He feared the effect of dissensions among us; a reign of anarchy would lead to despotism. This he dreaded more than the effects of external aggressions. He wished all thoughts were at present turned to self-defence, to devising and organizing the means.

It was said, that the resolutions had not a tendency to provoke war. If it is the intention of the nation against which they are meant to operate, to make war, it is immaterial in this respect whether they do or do not pass. But to spend time on

them, is trifling, at this critical juncture. They may have an injurious tendency. We had been told that the manufacturers and merchants of Great Britain would not suffer the Government to go to war with us. By passing the resolutions, the friends of which say are to operate against those very classes of people, we shall destroy that check, and render a war with us a popular measure. We have much shipping in the ports of our actual, though not yet declared enemies; will any irritating measures tend to the security of that property? Will they not diminish the chance of their being released? By passing the resolutions, we should show our temper without retaliating, and we should unjustly oppress the mercantile interest. It is sufficient to show that the resolutions are inefficient, to prove that they ought not to pass. He believed, if the resolutions had not been brought forward before this day, no member would have thought this a time fit to introduce them; then why now insist upon a decision on them? They are robbed of the object on which they were intended to repel aggressions; they are only a show of resentment, without operation. This is not the time for such feeble measures; our commerce, our very existence as an independent nation, is threatened. The present war is a war of political principles; we must secure ourselves against attack, and avoid all connexion, as much as possible, with European politics. Let the ocean be a gulf of partition between us and the Eastern hemisphere, at least till the present convulsions are at an end.

Mr. NICHOLAS said, he should not attempt to follow the gentleman last up, through his eloquent address, or undertake to go into an answer of the variety of general charges brought forward against the resolutions. He wished only to take notice of one of two points in the debate. It was said, that the existence of the resolutions would rather be a bar to the termination of war, than an inducement with our enemies to make a peace. Is it to be imagined, he asked, if Great Britain intends to drag us into a war, that she has not an object to obtain by it? If she has, she will not abandon it without being compelled. When forced to the necessity of wishing for peace, will she not be disposed to put us in as favorable a situation as before hostilities? But are we prepared to say, that after being dragged into a war, we shall be willing to make peace without obtaining some security that we shall not be molested in future? If he understood what a conduct truly dignified, on such an occasion, ought to be, we should insist not only on a reparation of the injury and insult, but show to the world, that, after obtaining complete satisfaction, we were determined to obtain security against future aggressions. The present measures did not, as has been asserted, originate in favoritism; they are not intended to repay a debt of gratitude; they are drawn forth by the injuries inflicted by one nation, and are meant to benefit the country for which we are sent to legislate. If, however, in their operation, they should benefit France, this was surely no argument against them; on the contrary, it ought to be an additional argument in favor

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of them, as we owe that nation a debt of gratitude.

Mr. KIRKPATRICK called the attention of the Committee to the immense waste of time which the discussion of these resolutions had occasioned. Two months had been in a great measure spent in discussing them. It was like consulting on the improvements to be made to an edifice threatened by a conflagration. He hoped the question would be taken.

Mr. PAGE, in the present exigency, conceived that nothing would have a better effect than attending to these commercial regulations, which would show our love of peace, and fulfil the great end for which the Federal Government was instituted.

Mr. MURRAY said: When war is staring us in the face, he wondered gentlemen did not feel that the resolutions are not proper. They are bad as a permanent system; bad in the present emergency. He was surprised that the friends of the resolutions, when they were the subject of discussion before, should appear to feel so much from the injuries inflicted by Great Britain, and now that they are increased ten-fold, should not have risen in those feelings. He was surprised to see their minds stationary, though the danger is growing, and to find every measure of energetic defence which had been proposed, opposed by the gentlemen. The present critical juncture called certainly for vigorous proceedings, and under this impression the opposers of the resolutions had been bold to call them trifling. In a commercial point of view, they are ill calculated, and were hazardous when peace was yet within our reach, but when a change of circumstances has given us a prospect of war, they are too trifling. He put a case. Would a farmer differ with his wife and daughters about the pedlar they should give a preference to, in purchasing their gaw-gaws; whether they would employ the English, Scotch, or Irish pedlar, when one of them was stealing the sheep, and wantonly sporting with the property on the farm? No, certainly, they would unite, and drive the thief off. It is just as ridiculous in the Legislature to be now spending their time about commercial regulations. More energetic measures are necessary. How is an additional ten per cent. on importations capable of opposing the torrent of British injustice? Let all intercourse with Great Britain be stopped, until they give us satisfaction for the injuries they have done us. This would be exhibiting a temporary enmity for a temporary evil; but the adoption of the resolutions would evince an eternal enmity, and at the same time want the energy which the urgency of the case would require.

Mr. PARKER rose to set the gentleman last up right as to one assertion. He said that the friends of the resolutions were opposed to every energetic measure which had been proposed. This was not the case; indeed, unless himself and several other members, friends to the resolutions, had voted for some of those more energetic measures, they would have failed.

Mr. MURRAY thought he confined his observations to a majority of the friends of the resolutions.

tions to a majority of the friends of the resolutions.

Mr. PARKER believed the resolutions would be beneficial to his country, and tend to encourage our manufactures. Under this impression, he was in favor of them. He wished all party distinctions dropped at the present critical juncture. He did not like to hear of these gentlemen and those gentlemen; let us unite as one. A member from Massachusetts conceived the resolutions bore the stamp of French on the very face of them. He wished, for his part, that every body and every thing could be plainly read by some such device, we should then see what and who is French, and who is English. He should not, he hoped, let prejudice get the better of his reason, but thought that he never could forget that, probably, without France the Legislature would not be now deliberating within these walls.

Mr. SEDEWICK said, that although he had been absent during the discussion of this important subject, yet he could not consent to give a silent vote, though he had not the vanity to suppose he could give new light; yet, having on a question of magnitude accustomed himself to speak as well as vote his sentiments, he would not now omit it; he felt the propriety of apologizing on this occasion. It was said that the measure was popular, and that the opposition was reprobated by the people; if so, it would be mean and base in him to shrink from a participation with the gentlemen, with whom he had so long acted, with perfect satisfaction to his own mind.

The question was now presented, as doubtless it ought to be, directed only to Great Britain, and proposing a discrimination against her. The object was to compel that country to relax the severity of her commercial regulations, and to put her intercourse with this country, on a more favorable footing to us. That all this was to be effected by lessening our trade with Great Britain, and diverting it to other channels.

When to all this it was replied, that the present conduct of Great Britain put such regulations at defiance; that so far from showing a dread of such a system, she was pursuing measures, which as far as in her power, threatened our commerce with annihilation; that at such a time to attempt by the proposed measures, to bend her views to our wishes was absurd. That at this time, if there was a ray of hope to avoid the calamities of war, every measure which was at the same time irritating and ineffectual should be avoided. To these objections it was answered, was war inevitable, the proposition ought now to be adopted, as a commercial system to come into operation at the conclusion of the war. Gentlemen who made this answer, did not seem to remember that to render it just, we must possess a certain knowledge of the events of the war. That the relative circumstances of the two countries might be mutually altered by those events, and that which might be proper now, would be wholly improper then.

As this question was merely of a commercial nature, he had regretted to see political considerations intermingled in the debate. The antipathy

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that was manifested to one country, and the friendly regard to another ought not to influence the decision. Passion should be banished, and just and cool calculations, on the foundation of national interest alone direct our determination.

It was not now a question, whether Great Britain had inflicted political injuries on this country, whether she aided the savages of the wilderness in the murder of our citizens, whether she had let loose upon us the more barbarous savages of Africa, or whether she had committed piratical depredations on our commerce; if these facts were so, and justice could not be obtained by negotiation, though he should deprecate war as an evil of great magnitude, yet should justice be denied us, he should then seek redress with as much firmness he hoped as most men. In such a warfare, he should hope for victory; there was he believed no foundation for such hope in the warfare contemplated by the propositions before the Committee.

He laid it down as a maxim that the Government of every country in all its deliberations should be influenced only by considerations of public good. To do justice to all the world, religiously to perform its contracts, these were to be scrupulously observed, for they were always for the public good. A private man might indeed, practise disinterested benevolence to any extent his humanity and generosity might dictate; a public man had no such authority. Did America, he asked, owe a debt of gratitude to France, whence she derived the authority to discharge it? Is such debt due, who shall calculate the amount? How much of the blood, of the treasure, of the prosperity of our country, will ease us of this load of obligation?

He said he did not wish to depreciate the merit of France; her efforts were glorious to herself, and beneficial to this country. That he might, however, be permitted to recal the remembrance of the Committee to her conduct, he then exhibited a view of that conduct, from which he concluded that every thing which was done, had its foundation in a cool and temperate calculation of national benefit. That this, indeed, was the only legitimate motive to national measures. That other countries could always calculate their measures upon national interest, and he sincerely hoped the Government of this country would do the same. To do otherwise, said he, is Quixotism—it is crusading for the salvation of others, and not ourselves. He hoped therefore that no part of our assent to the proposition immediately under consideration, would be expected either from gratitude on the one hand or resentment on the other.

He said, he should proceed to consider whether it was for the interest of America that this proposition should be adopted. The objects are to lessen credit, to control commerce by diverting it from its ancient channels, to encourage navigation and manufactures; and the motive was, that Great Britain possessed a greater portion of our trade than she was entitled to from her disposition and conduct towards us.

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He could not help premising that the features of the system were strongly marked with a disposition to control men in the economy of private life and in the management of their fortunes; why else not permit them to extend their credit when in their opinion it may be useful to them? Such measures, for such purposes, could only be justified on a pretence that our countrymen were deficient either in wisdom or in prudence. A pretence which, if not insolent, always had, and always would be found mischievous, because the great bulk of every community were more competent to the management of their own private concerns than the Government could pretend to be.

The whole system is directed towards Great Britain, and the object is declaredly coercion. The consequences must be either, first, that Great Britain would submit; second, that she would withdraw her capital and relinquish a commercial connexion with us; or third, that she would counteract our regulations by Legislative provisions.

Suppose Great Britain should be compelled to submission, it would not be imagined she would do it immediately; and, in the meantime, we must suffer much distress. It was true, he said, we had many other commercial connexions, but in these we did almost the whole of the carrying: none of the nations to whom we are thus allied having any considerable shipping to spare for our purposes; nor was there any probability that they would immediately, if at all, furnish us with any considerable supply. We must, therefore, depend on ourselves. In a country circumstanced as this was, it was to be expected there would always be a deficiency of commercial capital, because there were so many objects to which capital could be profitably applied. The object of the resolutions under consideration, was to divert capital from branches in which it was at present gainfully employed, to others. The branch was at present overstocked, yet a diversity must take place, for ships must be built or our produce could not go to market, but must perish on our hands. Manufactures, too, must be established, or our citizens could not be supplied with the necessaries and conveniences for which they now depended on other countries; and they must do without them until our navigation is sufficiently increased. What effects, he asked, were to be produced by a diversion, and that immediately, of one half of our commerce from its ancient and natural channels? Was there nothing to be feared for the preservation of the public credit which this commerce was to support? Nothing for the prosperity and happiness of our country? But what, he said, appeared almost farcical to him was, it was not intended to be permanent. Gentlemen said, Great Britain would not stand the shock; she must submit; the very scheme, then, supposed its continuance was to depend on the pleasure of the country against whom we were to declare commercial war. When our ships were built and our manufactures established, Great Britain would give over the contest. Then our ships might be laid up at our docks, and our manufacturing capitals replaced in those branches from which it was now to be instantly withdrawn; for,

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unless that country would be convinced that she should participate in our commerce, which would not be the case if we supplied ourselves, she would certainly never bumble herself before us.

Strange and absurd suppositions were made to lay the foundation on which to build this system. It was supposed that without any considerable distress of our citizens; without a shock to public credit; without shipping to export or import; and with a deficiency of commercial capital, we could divert, and that immediately, half of our commerce from its natural channels, while Great Britain must be ruined, or at least compelled to submission, by a diversion of a small portion of hers, although she had shipping to transport through the world, and more commercial capital than any nation on earth. Take care, sir, said he, I beseech you, that led astray by resentment, gratitude, or refined theory, the curse of modern times, you do not dissipate your goodly inheritance. Gentlemen had said, our constituents are improvident, that the extension of credit afforded the means of dissipation; let us destroy those means. Strange doctrine, said he, and unfounded as strange! We have no right to assume the character of their guardians in this respect. There are not, as has been justly stated by a gentleman from Virginia, [Mr. Lee,] any means by which this can be justly done, but by giving stability to your Government, and enforcing a prompt and impartial execution of your laws, which indeed would rather extend than limit credit.

Was Great Britain to relinquish her commercial connexion with us, though to her it would be a misfortune, yet to us it would be a very unhappy event. Ever since he could remember, it had been the fashionable cant to exclaim against credit; yet under a system of credit, America had enjoyed unparalleled prosperity. That, in his opinion, experience was the only unerring director in political investigations.

The commercial intercourse between Great Britain and America would continue, should this system be adopted, or it would cease. In either case or in a mean between the two, the burdens created by it would fall principally if not wholly on our citizens. Should it continue, it would be a charge on our imports and exports to be satisfied by the labor and industry of our people. On our exports, because in all foreign markets the products of our country have to sustain a competition with the same species of the products of other countries. A hog'shead of tobacco, for instance, has its price determined by the demand for it compared with the capacity of supplying that demand by this and other countries; an indemnification for the additional expense cannot be obtained in the sales; it must therefore be an expense in the labor and industry which produces the article. On our imports, the same will be the case, for a merchant will not continue to supply a market which will not indemnify him for all his expenses and besides afford him his usual profits. In this case also, there would be no other source of indemnification but the labor and industry of the country. Under the pressure of these burdens the reduced price of ex-

ports and the enhanced price of imports, how altered, from its present happy state, would be the condition of our planters and farmers! If the inter-course should not continue, then should we destroy our best markets, deprive our people of the most valuable source of supply, and destroy, too, the best means of supporting the public credit.

It remained, Mr. S. said, to be considered what effects would probably result from Great Britain meeting our regulations with countervailing restrictions. But, previous to an immediate consideration of this question, it would be proper to inquire whether the commercial conduct of that country towards this would justify this measure as a mean of retaliation?

He said, that he believed the conduct of Great Britain had, on this subject of commerce, been too limited and narrow. That this was particularly true as respected a commercial intercourse between America and Great Britain and her Dominions in the West Indies. But it should be remembered that she was an independent nation, and as such had a right to consult and pursue her own interest. That until she should be convinced that a more liberal and enlightened policy was for her benefit, it could not be expected that she would sacrifice her own interest to our benefit. That she would be at the expense of maintaining and supporting her Colonies, that we might participate in the profit. That all we could in reason demand of her was, that she should not discriminate against us, but that her conduct should be as favorable to us as to other independent nations. Was her conduct influenced by the considerations which have produced the resolution before us? Did she single out America as the only object of her resentment, the ardor with which this measure was pursued would have sufficient foundation for its justification.

Mr. S. then proceeded to state the regulations of Great Britain which directed her intercourse with this country. He said that respecting the West Indies, the same severe, rigid, and gloomy exclusion extended equally with us to all nations; with this only difference of partial and temporary relaxations in our favor, as, in her opinion, her occasions required. That, respecting an immediate intercourse with Great Britain, her regulations were as favorable to us as to any country, except only where favors are the effect of direct stipulation; nay, they are more so as respects the important articles of pot and pearl-ash, pitch, tar, timber, and an exemption from the payment of alien duties.

If, then, Great Britain did not discriminate against us—if her discriminations were favorable to us, where was our right for complaint? Should, however, unprovoked resentment (for gentlemen would remember to put political considerations out of the question) stimulate the adoption of the proposed measures, the disposition of that country to retaliate would be certain; her capacity for retaliation was therefore to be considered. This subject, he said, had been under the consideration of the British Government. Should she subject American ships to alien duties; should she impose

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duties on our rice and tobacco and such other articles as she can procure from other countries, and on her own products exported in our bottoms; and should she at the same time counteract our duties by bounties; their bounties may be so given as completely to balance our duties, and their duties, of course, a direct charge upon us—a charge on our exports, for the reasons he had already mentioned, depreciating their value—a charge on our imports to be satisfied by the labor and industry of the country. These would be the salutary effects of this blessed system, so far as the trade should continue under the load of these oppressive burdens. If the commercial intercourse between America and Great Britain should be destroyed by this system of expensive irritation, the evils were obvious, both as they would affect the ease and prosperity of our people, and the preservation of the public credit. He had called the present channels of commerce, the natural ones—there would, he said, be found sufficient reason for the appellation, without entering into an extensive investigation of the subject, in this one observation; that the present state of our trade is produced by counting-house calculations having interest alone for their object.

It had been said, that a great part of our imports consisted of the mere articles of luxury. This was undoubtedly true, but luxurious enjoyments could not be prevented, unless we would introduce the manners of Sparta, and continue them by the institutions and laws of Lycurgus. The passion for distinction could not be controlled nor would it be eligible, if it could. If, then, said he, we will use Madeira wine and green tea—if we will wear silks, cambrics, muslins, and other succedanea of the fig-leaf, why should we not be permitted to obtain them when they can best be had, of the best quality and on the best terms; or do gentlemen suppose our constituents will acknowledge obligation for being compelled to procure them of inferior quality and on worse terms?

Gentlemen had given countenance to this project under an idea that it would encourage manufactures and the carrying trade; this to his mind was preposterous. He had always supposed that to establish manufactures, our active capital must be increased; and to encourage navigation, our trade must be extended. How this measure which would lessen our active capital by the embarrassment it would create, could afford the means of establishing manufactures and building ships, to his mind was perfectly unaccountable. He asked if it had not been demonstrated that the measure would tend to enhance the price of the commodities which we wanted to purchase, and decrease the price of the products of our country. It had, indeed, been conceded, that these effects were unavoidable, and yet these were the means whereby we were to extend our manufactures and navigation. Should, however, these effects result, he asked if we could feel ourselves justified in sacrificing to the encouragement of a few ship-carpenters and other mechanics, the ease and comfort of that most useful and respectable description of men, the farmer and planter? One more observation he said he would make on this head, that any

measure which might oppress the community, would be felt first and most severely by the poorer class of people.

Before the subject was dismissed it ought to be viewed in a light in which it was shown in the most baneful colors; its tendency to war and all its dreadful consequences. As the guardians of the public happiness, we ought to avoid any measure which tended to this, if it could be done consistent with the interest of our country. He laid it down as a principle that every action had its character determined by the motives which gave it birth. What motives then originated this measure? Were they of a commercial, or political nature? Had Great Britain inflicted any commercial injuries on this country? Had she not calculated her regulations on the same principle of all other nations—her own interest? Had she discriminated against us? Did not the details clearly show that her regulations were as favorable to this as to other countries? And did not an infinitely more stubborn fact, the existing state of our trade, undeniably prove here to be our best markets?

If, then, these measures are not justified on commercial considerations, will the nation towards whom they are directed, be at a loss to determine our true motives? If doubts could otherwise exist, recourse to the printed debates would remove it. There we find our negroes carried off; the Western posts, the savages, Algerines, and instructions to the commanders of ships, the constant theme of animated declamation. We know too well the correctness of gentlemen's understandings not to be assured that these subjects would not be so frequently repeated, if they were not designed to have effect. These were not commercial, but political considerations. If, then, the measure could not be—if it was not justified on commercial, but political ground—if it was not designed to retaliate for commercial, but for political injuries; if it followed irresistibly, that the measure assumed the complexion of hostility. He did not mean to suggest an idea but that the injuries complained of might justify hostile retaliation; but he would affirm, if this measure was designed as such, it was infinitely too feeble, and would certainly prove ineffectual. If war was really the intention, it was our duty boldly to declare it, and like men, prepare for the event and not involve our country in blood under the disguised pretence of our commercial regulations. If we found motives for our conduct in antipathy to one nation, and in gratitude and affection to another, and that this was the case, he appealed to the printed debates and to the faithful monitors of gentlemen—would it be supposed that Great Britain would not understand, resent, and endeavor to revenge it? Great Britain, he said, was involved in a war, whether just or not, the Government of this country had no right to determine—just or not, we had reason to believe it was popular. While she was pursuing this war, we complaining of injuries, and stimulated by a sense of them, adopt measures of retaliation, declaredly intended to produce embarrassments of such a nature as to induce her to

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change a course of conduct she has pursued for ages, and to which, in her opinion, she is principally indebted for her progressive prosperity. If serious embarrassments are not to be expected, then ought the measure to be abandoned, because it would not produce the intended effect, and because it would confessedly be injurious to us.

Should it produce the embarrassments foretold, it will materially affect those resources on which she depends for the prosecution of a favorite war. Should she feel those measures as intended, would it not kindle resentment? Would she not discover the cause? And would she not feel perfect self-justification in using all the means in her power to revenge our partiality?

The evil, he said, would not end here. Great Britain was an important ally, and on her resources the Combined Powers materially depended for the prosecution of the war. A war waged with as much enmity as had provoked hostility at any period of the existence of civilized Europe. Should we strike at those resources, and from motives they will doubtless comprehend, would they tamely submit to such conduct? would they not resent and endeavor to revenge it? I will repeat, said he, that if your measures do not materially embarrass Great Britain, and in a considerable degree destroy her resources, then will your expectations be disappointed, and the end you propose defeated, and you only accumulate distress on your own citizens. If the embarrassments you intend shall result from your measures, then do you, in fact, take part in the war; you will, therefore, provoke the vengeance of the nation against whom your measures are directed, and of her allies.

To show the natural effects of commercial regulations pointed against nations to produce hostility, he mentioned the war which took place between Great Britain and Holland, in 1652, occasioned by the Navigation Act of the former; and that of 1672, between the French and Dutch, in consequence of the duties imposed by the former on linen, and by the latter on wine. There was, he said, peculiar reason for expecting such an event in the present instance, for, by the treaty between Great Britain and Spain, it was expressly stipulated: "if either shall be attacked, molested, or inquieted, in any of their States, rights, possessions, or interests," it is then to be made common cause.

This, he said, was not all, our real views would be known to our constituents. They are, said he, a wise and penetrating people, and will never consent to be dragged to the carnage of war, under a pretence of commercial regulations. Their honest candor will abhor and detest all covert and crooked politics. He did not mean to charge gentlemen with unworthy motives. He could not, however, avoid declaring the comment which in his opinion would be made, on experience of the fatal events which would result from the adoption of the proposed system—a system incapable of benefit to the community and pregnant with enormous evils.

He said, before he dismissed this part of the

nations by those of our own; to repel their fabrics and manufactures from our country, and to replace them with our own. We have both the right and the power to do it. These are truths that have been always acknowledged in this country. Conviction of their importance was one among the causes which produced the present Constitution. We have hitherto forborne the exercise of this right. I do not pretend to arraign the motives, I believe they were good; because, sir, I recollect that our commerce and navigation for past years hath been prosperous, although owing, perhaps, less to permanent than adventitious causes; to the same causes, possibly, which now conspire to oppress and despoil it, and threaten its total dissolution. Was this not the case, I could have been content, nay, I would have preferred still further forbearance; but the evils are alarming; something is unavoidably necessary to be done; and, as no gentleman proposes any substitute for the present system contemplated, I find myself compelled to endeavor to make the best of this, with a firm reliance and persuasion that it will promote the peace and prosperity of our country; for I do not think anything we shall do will have a tendency to make Great Britain less hostile or more friendly. She has already convinced us that we cannot expect anything from her moderation and justice; and I hope we shall have nothing further to fear from her force. I hope and believe this measure will attach and increase the number of our friends, and diminish and confound our enemies; for I can by no means subscribe to the doctrine, that a national character is wholly abstracted from all sensation of benevolence, gratitude, humanity—virtues that so highly adorn individual character. These, sir, are my impressions—the result of a cautious and even anxious investigation, in which I have endeavored not to be transported by either passion or prejudice, but to obey the calm dictates of my understanding, with that independence and steadiness which is indispensable.

Mr. AMES began with remarking that the additional duties were intended, he believed, to operate generally, and that their operation would fall on the middling classes of the people. But the resolution would also affect our exports, and, in this view, injure our cutters of timber, makers of potash, and farmers in general would feel their operation deeply—all this for the advantage of our ship-owners. If the resolutions cannot now be termed trifling, then, indeed, he had mistaken their true character. In a moment of danger, when our commerce is nearly annihilated, it is trifling to talk of regulating it, when we should attend to our defence only. When brought forward they had an alarming appearance—negotiations were pending. We should always say peace to the last extremity; and, if war threatens, strain every sinew to prepare for it. The resolutions say nothing—they say worse than nothing; they are built on partiality for one nation—they have French stamped on the very face of them. If we feel that the English have injured us, let us put the country in a state of defence; the resolutions

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can do nothing towards this. It is folly to think of regulating a commerce that calls first for protection, and to encourage the increase of navigation when what shipping we have is in jeopardy. At this stage, the Committee rose and had leave to sit again.

CLEARING THE GALLERIES.

Resolved, That it be a Standing Rule and Order of this House, in case of any disturbance or disorderly conduct in the Gallery or Lobby, that the SPEAKER, (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

MONDAY, March 17.

The memorial of Benjamin Bankson, a clerk in the Department of State, and Philip Audubert, a clerk in the Department of War, was presented to the House and read, praying that they may receive such compensation, in addition to the salaries allowed them by law, as may be deemed equitable and proper to reimburse them for extraordinary expenses incurred while they continued at the hazard of their lives, in the discharge of their official duties, during the late calamity in the city of Philadelphia. Also the petition of Joseph Parker and Benjamin Betterton, clerks in the office of the Accountant to the War Department, to the same effect. Also, a petition of James Bingham and others, gaugers for the district of New York, stating the insufficiency of the fees and other emoluments allowed them by law, and praying that the same may be increased, and rendered more adequate to their services.

Ordered, That the said petitions be referred to Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Michael Trappal, of Newark, in the State of New Jersey, was presented to the House and read, praying that an additional duty may be imposed on the importation of hosiery from foreign countries, or such other encouragement given to the establishment of stocking manufactories within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying his reports on sundry petitions; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to provide for the defence of certain ports and harbors in the United States," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being read, were agreed to.

The bill sent from the Senate, entitled "An act allowing to Major General Lafayette his pay and

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emoluments while in the service of the United States," was read twice and committed.

The SPEAKER laid before the House a report from the Secretary of the Treasury on the petition of Richard Wade and others, pilots of Ocracoke bar, in the State of North Carolina; which was read, and ordered to lie on the table.

Mr. COIT, from the committee appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and in Providence river, in the State of Rhode Island, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to provide for the erecting and repairing of magazines and arsenals, and for other purposes; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

Mr. WATTS, from the committee to whom were referred the memorials and petitions of the manufacturers of paint, in the towns of Baltimore and Alexandria; of the dealers in oil and painters' colors; of Thomas Pearsall and Elijah Pell; of Thomas Perkins & Co.; of Samuel Swann; of Thomas F. Walley and others; of McClellan, McGregor & Co.; of John Amelung and others; of Josiah G. Pierson; of the manufacturers of hats in the States of New York, Pennsylvania, Delaware, and Virginia; and of Bradley & Mix, made a report, which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations, and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,' with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment; and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but came to no resolution thereupon.

TUESDAY, March 18.

An engrossed bill to provide for the erecting and repairing of arsenals and magazines, and for other purposes, was read the third time and passed.

A memorial of Levi Hollingsworth and others, proprietors of iron works in the State of Pennsylvania, was presented to the House and read, praying that the present duty imposed by law on the importation of bar and cast iron, from foreign

countries, may be continued, or such encouragement given to the erecting and improving furnaces and forges for manufacturing the said article within the United States as to the wisdom of Congress shall seem meet. *Ordered* to lie.

On motion, it was *Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT OF THE UNITED STATES be authorized to employ, as dispatch boats, such of the revenue cutters of the United States as the public exigencies may require.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The Minister Plenipotentiary of the French Republic having requested an advance of money, I transmit to Congress certain documents relative to that subject.

G. WASHINGTON.

UNITED STATES, March 18, 1794.

The said Message and papers were read, and ordered to be committed to Mr. WILLIAM SMITH, Mr. AMES, Mr. HILLHOUSE, Mr. VENABLE, and Mr. SHERBURNE.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but came to no resolution thereupon.

WEDNESDAY, March 19.

Ordered, That a committee be appointed to inquire whether any, and what, alterations are necessary to be made in the act entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto;" and that Mr. HEATH, Mr. NEVILLE, and Mr. ORR, be the said committee.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to provide a Naval Armament," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and, the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but came to no resolution thereupon.

THURSDAY, March 20.

A memorial of Lewis Garanger, in behalf of himself and his brother, Charles Garanger, was

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presented to the House and read, praying the aid and patronage of Congress in the completion of certain experiments of the memorialists, for the establishment of military manufactories, for improvements in the arms already used, and for the adoption of such others as may be necessary for the service of the United States.

Ordered, That the said memorial be referred to Mr. HARTLEY, Mr. DAYTON, and Mr. SAMUEL SMITH; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the report of the committee to whom were referred the petitions of the clerks in several of the Executive Departments of Government, which lay on the table; Whereupon, the latter part of the said report being read, in the words following, to wit:

"That the prayer of the petition of George Taylor is reasonable, and that, as a further compensation for the duties of his office, he ought to be allowed — dollars for each patent for Useful Arts, &c., issuing from the Department of State, out of the fees paid for such patent: *Provided*, That the whole of such allowance shall not exceed — dollars annually."

"That the prayer of the petition of Andrew Graydon is reasonable, and that his salary ought to be made the same with that allowed to other chief clerks."

was, on the question put thereupon, agreed to by the House.

Ordered, That such other parts of the said report as relate to the petitions of the other clerks in the Treasury and War Departments and in the Loan Office of the State of New York, be recommended to Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE.

The House proceeded to consider the report of the committee appointed to inquire into the expediency of fixing buoys on certain rocks lying off the harbor of New London, in the State of Connecticut, and in Providence river, in the State of Rhode Island; Whereupon,

Resolved, That the Secretary of the Treasury be authorized and directed to cause to be fixed on the rocks called Blackledge, or Southwest Ledge, Goshen Reef, Bartlett's Reef, and Race Rock, off the harbor of New London, in the State of Connecticut, four buoys, at an expense not to exceed twelve hundred dollars; and to fix buoys in Providence river, not exceeding ten in number, in such places as he may judge most expedient, and at an expense not to exceed the sum of five hundred dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. COIT, Mr. BENJAMIN BOURNE, and Mr. COGH, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Stephen Partridge; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to

prepare and bring in a bill or bills to encourage the recruiting service; and that Mr. LIVING, Mr. COGH, and Mr. SAMUEL SMITH, be the said committee.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act for the remission of the duties on certain distilled spirits destroyed by fire," to which they desire the concurrence of this House.

FRIDAY, March 21.

An engrossed bill for the relief of Stephen Partridge was read the third time and passed.

A petition of Jonathan Jenkins, of the county of Nantucket, in the State of Massachusetts, was presented to the House and read, praying a repeal of certain letters patent granted to Benjamin Folger, of the city of Hudson, in the State of New York, as the original discoverer of the art of separating the gross matter contained in common whale oil, and afterwards rendering such gross matter fit for candles; which letters patent have been obtained by the said Benjamin Folger surreptitiously, and from false suggestions.

Ordered, That the said petition be referred to Mr. COVVIS, Mr. HOLTEN, and Mr. MURRAY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The bill sent from the Senate, entitled "An act for the remission of the duties on certain distilled spirits destroyed by fire," was read twice and committed.

Mr. COIT, from the committee appointed, presented a bill to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river; which was read twice and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the relief of Robert King; and that Mr. HARTLEY, Mr. THATCHER, and Mr. CADWALADER, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act allowing to Major General LA-FAYETTE his pay and emoluments while in the service of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

A message from the Senate informed the House that the Senate have passed the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments: Whereupon, the first amendment being read, in the words following, to wit: Section 1, strike out the words "States South of the

river Potomac," and insert "Middle and Southern States."

Resolved, That this House doth disagree to the said amendment.

Resolved, That a conference be desired with the Senate on the subject-matter of all the amendments proposed to the said bill; and that Mr. HARTLEY, Mr. JAYNE, and Mr. DEARBORN, be appointed managers at the said conference on the part of this House.

Mr. BOURNOR, from the committee appointed to report whether any, and what alterations or amendments are, in their opinion, necessary to the act entitled "An act to regulate the claims to Invalid Pensions," made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, but come to no resolution thereupon.

Ordered, That the Committee of the Whole House, to whom was committed the bill to establish the Post Office and Post Roads within the United States, be discharged from the further consideration of the same; and that the said bill be recommitted to Mr. SEDGWICK, Mr. TRACY, Mr. GLENN, Mr. CLARK, Mr. FITZSIMONS, Mr. DENT, Mr. WALKER, Mr. McDOWELL, Mr. HUNTER, and Mr. DEARBORN.

MONDAY, March 24.

JOHN FRANCIS MERCER, from Maryland, appeared, produced his credentials, and took his seat.

An engrossed bill to provide for placing buoys on certain rocks off the Harbor of New London, and in Providence river, was read the third time and passed.

A memorial of sundry inhabitants of the town of Salem, in the State of Massachusetts, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed the most expedient and effectual to obtain redress for the vexations and spoliations committed on the commerce of the United States by the subjects of Great Britain, under the authority of that Government, as well by the subjects and citizens of other foreign countries. Also, a memorial of sundry citizens of the State of South Carolina, to the same effect.

Ordered, That the said memorials be referred to the Committee of the Whole House on the state of the Union.

Mr. CONA, from the committee appointed to report whether any, and what alterations are, in their opinion, necessary to the act entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States," made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the state of the Union; and, after some time spent therein, the Chairman re-

ported that the Committee had had the state of the Union under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That measures ought to be immediately taken to render the force of the United States more efficient.

Ordered, That the said resolution be committed to Mr. SEDGWICK, Mr. DEARBORN, Mr. JEREMIAH WADSWORTH, Mr. DAVIES, Mr. JAYNE, Mr. MERCER, Mr. PARKER, Mr. LOCKE, and Mr. PICKENS.

A motion being made and seconded that the House do come to the following resolutions:

"*Resolved*, That a select corps of militia be enrolled in the United States; that all freemen capable of bearing arms, from the age of — to —, compose a select militia; and that they be armed and accoutred at the general expense.

"*Resolved*, That the several States shall officer the militia now commissioned, or such other persons as they may think proper.

"*Resolved*, That the said select militia be called together as often as may be directed by the Legislatures of the several States, not exceeding — days in one year; and, for the time they are so called out, they shall receive the same pay and rations as the troops of the United States.

"*Resolved*, That, in case of invasion or insurrection, the President of the United States shall have the power to call into actual service such portion or portions of the select militia as may be deemed necessary for the common defence.

"*Resolved*, That no select militia man shall be called into actual service for more than one year."

Ordered, That the said motion be committed to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensions to the Attorney of the said District; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. JAYNE, from the committee appointed, presented a bill to encourage the recruiting service; which was twice read, and committed.

TUESDAY, March 25.

An engrossed bill transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensions, to the Attorney of the said District, was read the third time, and passed.

A memorial of sundry merchants in the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying an extension of the term of credit allowed by law for

the payment of the duties imposed on articles the growth or manufacture of the West India Islands, imported into the United States.

Ordered, That the said memorial be referred to the committee appointed to report whether any, and what, alterations or amendments are, in their opinion, necessary to the act, entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the petitions of Thomas Garney and others, fishermen, employed in the fishing trade in the town of Marblehead, in the State of Massachusetts; and of William Knight and others, owners of fishing vessels, employed in the said town of Marblehead, which lay on the table, be referred to Mr. LYMAN, Mr. WINGATE, and Mr. HOLLIS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

The two Letters which I now forward to Congress, were written by a Consul of the United States, and contain information which will probably be thought to require some pecuniary provision.

G. WASHINGTON.
UNITED STATES, March 25, 1794.

The said Message and papers were read, and ordered to be referred to Mr. LEE, Mr. KIRKPA, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House, that the Senate have agreed to the conference desired by this House, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes;" and have appointed managers at the said conference on their part. The Senate have also passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place for holding a session of Congress."

On a motion made and seconded, that the House do come to the following resolution:

"*Resolved*, That provision be made by law to prohibit, for a term not exceeding — days, all trade from the United States to the American Territories, or dependencies of any European nation.

"To prohibit, for a like term, the exportation of all articles, the growth or product of the West Indies, out of the United States; and to provide that no ship or vessel be cleared out from any port or district within the United States, till bonds, with sufficient surety, be given to the proper officer of the Customs, in a sum equal to the whole value of the cargo on board such ship or vessel, conditioned that the same shall not be landed at any of the places prohibited by law; and that certifi-

cates of the landing at some other place be produced in a given time.

"That the President of the United States be authorized to take off the said prohibitions, if the Legislature shall not be in session; and that he be further authorized, at any time during their next recess, to lay an embargo on the ships or vessels of the United States, or on any foreign ships or vessels in the ports or harbors of the United States, or both; and to prohibit the exportation of any of the products of the United States, or of any other goods, wares, or merchandise, to such Kingdom or Country as he may judge necessary: *Provided*, That such embargo shall not continue for a longer term than — at any one time."

Ordered, That the said resolution be committed to a Committee of the Whole House immediately.

The House, accordingly, resolved itself into a Committee of the Whole House on the said resolution; and, after some time spent therein, the Chairman reported that the Committee had had the said resolution under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

And then the said resolution, being further amended at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

"*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, That an embargo be laid on all ships and vessels in the ports of the United States bound to any foreign port or place, for the term of thirty days, and that no clearances be furnished during that time to any ship or vessel bound to such foreign port or place, except ships or vessels under the immediate directions of the President of the United States; and that the President of the United States be authorized to give such instructions to the Revenue Officers of the United States, as shall appear best adapted for carrying the said resolution into full effect."

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

Resolved, That a committee be appointed to examine and report a state of facts, with their opinion thereupon, relative to a settlement made by the State of North Carolina, for certain claims against the United States, and paid by her to individuals of that State, which it is suggested would have been allowed under the act of the twenty-seventh of March, one thousand seven hundred and ninety-one, entitled "An act providing for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established," if they had been presented by the individuals themselves.

Ordered, That Mr. HILLHOUSE, Mr. BLOUNT, and Mr. IRVING, be a committee, pursuant to the said resolution.

WEDNESDAY, March 26.

The bill sent from the Senate, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES, in certain cases, to alter the place of holding a session of Congress," was read twice, and

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Public Credit.

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committed to a committee of the Whole House immediately.

The House resolved itself into the said Committee; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time and passed.

Mr. TACOT, from the committee to whom was recommended the bill to establish the Post Office and Post Roads within the United States, reported an amendatory bill; which was twice read, and committed.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House for laying an embargo on all ships or vessels in the ports of the United States, bound to any foreign port or place, for the term of thirty days, with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions," with several amendments; to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Committee rose and reported progress.

Mr. LEE, from the committee to whom was referred the Message from the President of the United States, of the twenty-fifth instant, enclosing two Letters from Fulwar Skipwith, Consul of the United States at Martinique, made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to bring in a bill for continuing and regulating embargoes in the United States, and that Mr. DEXTER, Mr. MURRAY, and Mr. GOODRICH, be the said committee.

Mr. HEATH, from the committee appointed to inquire whether any, and what amendments are, in their opinion, necessary to the act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto," made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

PUBLIC CREDIT.

Resolved, That a committee, consisting of fifteen members, be appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and if further revenues are necessary, to report the ways and means:

And a committee was appointed, of Mr. WIL-

advantages which could be derived from any of his Reports to this House, as to systems of finance, or of Ways and Means; indeed, those of the former which we have adopted, were unnecessarily complicated, and by no means adapted to the genius and interest of our infant Republic; and, perhaps, some of the latter were as exceptionable. When applied to, at the last session, for the means of raising about forty thousand dollars, the Secretary reported, that it was necessary to lay a tax of one dollar on every wheel of certain carriages, and the same tax on certain horses; and extraordinary as this proposition was, but for a circumstance which interrupted the subject, it was in a fair way of being pressed upon the House, instead of recommending an additional tonnage, or a sale of lands belonging to the United States—a sure and adequate resource—the most obvious means of raising, not only that sum, but almost any sum we can want. The Secretary resorted, to the astonishment of many of our constituents, to the strange means just mentioned. Sir, I think that, without the Secretary's assistance, the committee may, in a single day, devise the necessary ways and means. But, if that all-wise, only skillful financier, must be resorted to, let us call for his aid, let us receive his report here, and not say, that it is from a spirit of accommodation, now proposed, that our committee shall call for one, and lay it before this House—for this mode of introducing a report, of such a nature, surely cannot be called accommodating it to the wishes of those who object to such reports, when unaided by the influence and weight of a committee.]

THURSDAY, March 27.

A memorial of sundry merchants, mariners, and others, citizens of the towns of Norfolk and Portsmouth, of the county of Norfolk, in the State of Virginia, was presented to the House and read, praying that Congress will adopt such measures as, in their wisdom, may be deemed most expedient and effectual to obtain redress for the vexations and spoiliations committed on the commerce of the United States, by the subjects of Great Britain, under the authority of that Government, and by the citizens and subjects of other foreign countries.

Ordered, That the said memorial be committed to a Committee of the Whole House on the State of the Union.

Mr. HARTLEY, from the managers appointed on the part of this House to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes," made a report. Whereupon,

Resolved, That, instead of the amendments proposed by the Senate to the first section of the said bill, the said first section be amended, by striking out from the word "stores," in the second line, to the word "Provided," in the eighth line, and inserting, in lieu thereof, the words following, to

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National Defence.

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wit: "There shall be established, under the direction of the President of the United States, three or four arsenals, with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States; either or both of the arsenals heretofore used at Springfield and Carlisle to be continued as part of the said number, at his discretion."

Resolved, That this House doth disagree to the amendments to the third and sixth sections of the said bill.

Resolved, That this House doth agree to all the other amendments to the said bill.

NATIONAL DEFENCE.

Mr. SENWICK, from the committee to whom it was referred to report the means of rendering the force of the United States more efficient, made a report; which was read, and ordered to be committed to a Committee of the Whole on the State of the Union.

The report is as follows:

The Committee to whom it was referred to report the means of rendering the force of the United States more efficient, after mature and deliberate consideration, have unanimously agreed to report to the House the following resolutions as proper to be adopted:

1. Resolved, That effectual measures ought to be adopted to complete the present Military Establishment of the United States, and that provision ought to be made that the same may be kept full.

2. Resolved, That an additional corps of artillery, not to exceed eight hundred men, officers included, and also including one Chief and four Assistant Engineers, ought to be raised, for garrisoning the fortifications which are, or may be, erected for the defence of the sea coast.

3. Resolved, That the President be authorized and empowered to call on the Executives of the several States to take effectual measures, as soon as may be, to organize and hold in readiness to march, at a moment's warning, eighty thousand effective Militia, (officers included,) to be apportioned to the States, respectively, in proportion to the whole number of white inhabitants, that is to say—

Georgia	1,333
South Carolina	2,550
North Carolina	7,331
Kentucky	1,532
Virginia	11,377
Maryland	5,418
Delaware	1,266
Pennsylvania	10,768
New Jersey	4,318
New York	7,971
Vermont	2,129
Connecticut	6,881
Rhode Island	1,697
Massachusetts	11,885
New Hampshire	3,544
Total	80,000

Which detachment of Militia shall be officered out of the present Militia officers, or others, at the option and discretion of the Constitutional authority of the States, respectively.

4. Resolved, That any independent corps of cavalry,

artillery, or infantry, may be accepted as part of the said detachment of militia, provided they shall voluntarily engage, and provided the same shall be deemed eligible by the President.

5. *Resolved*, That the President be desired to request the Executives of the several States to take effectual care that the men detached as aforesaid be armed and equipped according to law.

6. *Resolved*, That provision ought to be made, by law, for organizing and raising a military force, under the authority of the Government of the United States, to consist of — rank and file, with the proper officers, to serve for the term of — years, or during a war which may break out between the United States and any foreign European Power; and that the President be authorized to take the measures necessary for raising the same: *Provided*, That no such measures be taken by the Executive until war shall be actually commenced between the United States and some foreign European Power.

SEQUESTRATION OF BRITISH DEBTS.

Mr. DARROW submitted the following resolutions:

"*Resolved*, That provision ought to be made, by law, for the sequestration of all the debts due from the citizens of the United States to the subjects of the King of Great Britain.

"*Resolved*, That provision ought, in like manner, to be made for securing the payment of all such debts into the Treasury of the United States, there to be held as a pledge for the indemnification of such of the citizens of the said States as shall have suffered from the ships of war, privateers, or from any person, or description of persons, acting under the commission or authority of the British King, in contravention of the Law of Nations, and in violation of the rights of neutrality.

Ordered, That the said resolutions be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into said Committee.

Mr. DARROW then rose in support of his propositions. When he brought them forward he did not accompany them, (he said,) with many observations, because he was then laboring under indisposition. The same cause would render him very concise now.

The injuries and insults we have suffered from Great Britain, he conceived, need not be dwelt upon. They are well known, and it is universally acknowledged that we ought to adopt such measures as would screen us from a repetition of them, and secure to us reparation. The resolutions he had brought forward he intended as part of that system of defence and preservation, other portions of which had already received the sanction of the House. These resolutions, he conceived, would not be the least efficient part of that system.

He believed that, when the conduct of Great Britain is reviewed, it would be found that it is treating their subjects with great lenity to speak of sequestration only; we should be warranted in confiscating, for they have subjected our property to condemnation, without an appearance of an intention to indemnify.

As to restitution of the property of which we

have been plundered on the high seas, it is impossible. It is condemned, sold, and scattered, and no hope can be entertained that they intend to indemnify our suffering citizens. If it had been their intention to indemnify, their Court, in explanation of the instruction of the 6th of November, would not have given orders to condemn vessels detained in suspense in the West Indies until that elucidation was received.

Since, then, restitution is impossible, and not a shadow of hope exists that indemnification will be granted: we have only to determine whether we shall give up the property of which we have been plundered, or claim it with effect—claim it, and enforce the claim, by showing that we have the means of retaliation within our power.

After the proceedings of the British towards us, he believed, we should have been warranted in confiscating the property now proposed to be sequestered, without negotiation. This would have been meeting to them as they meted to us. If sequestration is hostility, as he had heard it called, what, he asked, is condemnation? Besides, they have impressed American citizens into their service. We have reason to believe, (he concluded by remarking,) from the negotiation of our Minister with Lord Grenville, from private information on the tables of Congress, and from the conduct of some of their officers high in command, that to make war on us is part of their system.

Mr. S. SMITH said he always had wished for peace, as the first desideratum. With this view, agreeably to the wise recommendation of the President, he agreed to those measures calculated to put the country in a posture of defence. This was the best mode of securing peace. With the same view, he proposed an embargo to be laid, which would have drawn to our ports the remainder of our maritime possessions, and have left them no longer within the grasp of a nation whose only rule of right is the measure of her power. He still wished, as long as a shadow of hope exists, to secure the blessings of peace. With the resolutions now offered, he was of opinion that we might yet have peace; but, without them, we shall certainly have war. They will arrest twenty millions of dollars in our hands, as a fund to reimburse the three or four millions which we have been stripped of by that piratical nation, Great Britain, according to the instructions of that King of Sea Robbers—that Leviathan, which aims at swallowing all that floats on the ocean—that monster, whose only law is power, and who neither respects the rights of nations nor the property of individuals! This character the nation he had mentioned had long deserved. Many proofs might be cited in support of the assertion. He would only refer to their conduct at St. Eustatius, when they robbed their allies, the Dutch, and their Generals and Admirals turned vendue-masters, and conducted the plundering, to collect rewards for their exploits. Is it from such a nation (he asked) that we are to hope for justice? They know not what justice is. It is said that they showed their love of justice when they so liberally compensated the Tories after their war with us. Though they de-

spise traitors, yet self-interest will lead them to reward the treachery, to encourage a principle which may again be useful to them. Self-interest, then, and not justice, actuated them on that as on every other occasion.

Let us pass the resolutions, then send an Envoy to Great Britain, and we shall have peace. We shall then be able to speak to them of their interest. But if war should be the inevitable issue, Americans, he was sure, would meet it like men, rather than submit to insult and suffer the honor of the country to be prostrated.

If we were able, while in infancy as a nation, to assert our rights, will it be said, that now we have arrived at a state of manhood, we shall fear them? No! Our young men burn for an opportunity to defend the liberty, rights, and property of their country. They will step out as one, and meet the event like men.

He read a quotation from *Vattel*, to show that a nation has a right to pay her citizens for losses inflicted by another nation, contrary to right, by confiscating the property belonging to the citizens of that nation. The tie of interest, he concluded by remarking, is the strongest tie we have upon Great Britain. Let us pass the resolutions, and that nation will never again give us cause to pass similar ones. The people out of doors will say that we have done right. The nations of Europe will rejoice to see this Power, which is committing depredations on all nations humbled. The resolutions, he observed, do not regard the property in the funds. To touch this is not one of the means of retaliation warranted by the Law of Nations. Public contracts should be sacred.

Mr. BOWDISH said, he had not intended to take part in the debate at this early stage of it; but what had fallen from the member last up, convinced him that the House should not go into a consideration of the subject at this time. It should be considered with coolness, and all passions put out of the question.

No doubt we have a right to make reprisals, as the Legislature has a right to declare war; but he doubted whether the United States, in their present situation, would find it their interest to go into such measures. The authority read from *Vattel* by the member last up, he observed, made against that member's opinion. *Vattel* expressly says that reprisals should not be made on property intrusted to public faith. The debts of British subjects here are in that predicament. He had heard that gentleman, not long since, with pleasure, expatiate with warmth on the advantages of credit, especially to this country. Should that credit be destroyed, (he asked,) by destroying the confidence of foreigners in our faith? But, even if this retaliation is lawful, will it be the interest of the citizens, or rather of the Government, to take such a step at the present time? We have no doubt been cruelly treated; but have we made proper application for redress, and received an answer? We should first send a special Envoy and insist on an immediate answer. This would be the mode of securing peace; at least, it offers the best chance of securing it.

The aggressions on our commerce made by Great Britain are no doubt enough to rouse any American's feelings; but the Legislature ought not to be swayed by passions; they should discuss the subject calmly and deliberately. He hoped the Committee would rise and allow time, at least, to take the necessary measures of defence; for, could the Legislature justify to their constituents this step of retaliation, should immediate hostilities, warlike hostilities, be the consequence? To justify a measure of this kind time should be given for the defensive system adopted to be carried into operation.

Mr. MAZEAU next spoke. He owned the measures proposed appeared to him great and momentous, and, had he any powers of declamation, he should think it improper to give loose to them on a question of this kind. We should weigh well our interest, examine carefully the situation in which we stand, and determine calmly where we shall place our next step. The proposition is to arrest, not to confiscate, the debts due to British subjects. From his recollection of the positions established by the best jurisprudence writers, no doubt remained in his mind that we have a clear right to secure to ourselves reparation in that way, and, in our predicament, confiscation even would be warranted, and by a point as firmly established as any principle which has the general practice of nations for a basis.

One of the latest writers on National Law, (*Binkerschoek*) is of opinion that debts are property, as well as anything else, and sees no reason why they should not, as well as other kinds of property, be seized to secure indemnity for injuries. This is the opinion of *Wolffius*, of *Vattel*, *Grotius*, and of his commentators. He could go on with a long list of authorities, and refer to actual treaties to show that it has been the practice of nations. Having established the right, he proceeded to consider the expediency of the proposition. Gentlemen, he hoped, did not wish that we should make a solemn declaration of war before we acted. This is no longer the custom among nations. It would be a pompous display of candor which no longer exists. Has any nation in the present European war, premised their operations by a declaration? No; their first step was to do all the injury in their power to their enemies. Then, we having taken what steps will best tend to our security, and give us the best hold of our enemy, let us not, however, lose sight of a settlement by negotiation. Let us show mankind that peace is our first wish. When we are thus prepared, let us step forward to an amicable negotiation. Let us call on the Executive to send forth some proper person to the Court of Great Britain, to assure them that we have a high sense of the injury done us; that we have it in our power to resent it, but wish to see the difference settled by receiving an indemnification. We shall thus make it their interest as well as duty to allow it. This he conceived to be the line of conduct we should adopt, if we wished to preserve the Western Hemisphere from the scourges that desolate the Old World. By some such measure

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Sequestration of British Debts.

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as that proposed, we should make their motives for peace more weighty, and we should give assurances of our amicable disposition, by showing that all we wish is a just compensation.

In a matter of this kind, he was sensible of the danger of precipitation. The best mode of arresting the property proposed should be calmly weighed. He believed that something like the proposition made by Mr. Smith, of South Carolina, before the House resolved itself into a Committee—a stop to all transfers of British property—would be proper as a preliminary step.

He concluded with some observations on the respect which nations, however weak, will command from their superiors in strength, by showing that they will not suffer imposition, by joining heart and hand in defence of their rights. This spirit, he was sure, animates Americans, and now their power is better able to keep pace with that spirit than when we humbled that nation. At that time we were in our infancy—an infancy by no means thriving under the trammels of the mother country—and, when they turned us adrift, and began their hostile spoiliations, they carried with them all our means of defence; but now, thank Providence, we have spirit and power to defend ourselves. If the gentleman from South Carolina [Mr. Smith] would modify his proposition, and make the term thirty days, it should have his assent in preference to that now before the Committee.

Mr. Smith, of South Carolina, said, that the proposition he had read before the House went into Committee was in the nature of an embargo on debts, securing them from transfer until the necessities of sequestering them more plainly appeared. The proposition did not then appear to meet the wishes of the House. When the Committee should rise he would again bring it forward. The question now before the Committee is whether they will agree to a sequestration of British debts. He wished this object had not been coupled with the indemnification to our own citizens, because it is fairer to decide each question upon its own merits. That part of the resolutions which contemplates an indemnification may give a weight to the first part which it might not intrinsically deserve.

He made some observations on the propriety of cool deliberation on the present important subject. The passions should be banished, and calm reason more than ever courted. It requires all the wisdom of the Legislative body now to combine our national honour with our national safety. He had doubts on the propriety of the resolutions proposed, but acknowledged that the arguments used in their favor had great weight in his mind. If the situation of this country be compared with that of other commercial nations, the propriety of something like the present resolutions would appear more evident. When other commercial nations wish to quarrel with us, their navies enable them to seize our vessels, and we cannot retaliate in the same way. Then we must fly to such means of retaliation as are in our power. If they take our property of one description, and we cannot lay our

hands upon the same kind, we must take any of theirs within our reach. This reasoning has, no doubt, great force; but the sacredness with which the modern usages of nations has shielded debts, is a great bar to our proceeding in the present case. Contracts between individuals are now considered as out of the reach of Governments, and it is the modern usage not to meddle with them. In the beginning of our late war, debts were not confiscated. The State of South Carolina, though certainly not wanting provocation, while confiscating all other property, left debts untouched, under the idea that private contracts are sacred. But this, in a case of war, and urgent necessity, might be overlooked; but if we are not in a state of war, perhaps meddling with private contracts might provoke it. Credit is certainly important to this country. We should consider how far the operation of the resolutions proposed would give a shock to it. Besides, they might have a tendency to involve us in future wars. We shall yet long be under the necessity of receiving certain supplies from Europe, and shall have debtors among us for those supplies. These debtors may at any time, when the burden weighs heavy, think of easing it by fomenting dissensions with the foreign creditor nation, in expectation that a confiscation of the debts may be an effect. It is true that, in such a case, they will not be exonerated. But it cannot be supposed that the Government to whom the debts would be transferred could prosecute the recovery of them with as much ardor as an individual.

The gentleman last up had relied on the authority of ancient and modern jurists. Some among this class of writers warrant putting prisoners to death—a principle which modern custom has put a stop to. They also, it is true, warrant the confiscation of debts; but *Bartolamæus* says this is not the practice of modern nations. None, or very few trifling examples can be cited, he believed, of a departure from this principle, in modern times, among nations where commerce is cherished. This country depends on commerce, and credit is one of the means by which it flourishes; we should, then, not endeavor to weaken it. If we are once over the barrier, by trifling extensions of the principle, we may be carried to immoderate lengths indeed. Some persons who are in favor of sequestering private debts, speak with horror of touching the public funds. For his part, he did not see much difference between confiscating private and public debts. The object is the injury of an enemy, and to retaliate for injuries. Again: if we go to war with Great Britain, it is probable we shall be involved with her allies, then will it be said, that we shall confiscate what the Dutch lent us at a time of distress or since the peace. The Dutch have bought largely in our funds. The same principle will lead us to lay our hands upon that property. It will be difficult to draw a line, if we admit the principle.

Under these impressions, if called upon to give his vote, he should now feel much embarrassment. It had been said that the adoption of the present resolutions would be a means of obliging Great

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Britain to do us justice; that it would strike a terror among the subjects of that country, and make them clamorous for peace. It might, he feared, have a very different effect, exasperate them, and unite the people with the Government against us. Some further forbearance on our part may separate them. It will convince the people of Great Britain that we really wish for peace, and then, if war is the issue, the impression will be severely felt by that Government. We shall render the Administration very unpopular, and hasten its dissolution for one more friendly to this country. He was of opinion this crisis was fast approaching.

He concluded by again adverting to his propositions for preventing the transfer of British debts, which he hoped would be considered as a sufficient provision in the present exigency, and would give time to deliberate on further measures, and to watch the course of events in Europe, which, he believed, would have great influence upon the conduct of Great Britain towards us, and probably bring forward the change in the Administration of Great Britain.

The Committee now rose and reported progress.

FRIDAY, March 28.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions."

Whereupon,
Ordered, That the said amendments be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House, that the Senate have agreed to the amendment proposed by this House in lieu of the amendments of the Senate to the first section of the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes." An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes. The Senate recede from their amendment, disagreed to by this House, to the sixth section, and insist on their amendment, disagreed to by this House, to the third section of the said bill.

The House proceeded to reconsider the amendment of the Senate, disagreed to by this House, and insisted on by the Senate, to the third section of the bill, entitled "An act to provide for the erecting and repairing of arsenals and magazines, and for other purposes." Whereupon,

Resolved, That this House doth recede from their disagreement to the said amendment.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

In the execution of the resolution of Congress, bearing date the twenty-sixth day of March, one thousand seven hundred and ninety-four, and imposing an embargo, I have requested the Governors of the several States to call forth the force of their Militia, if it should be necessary, for the detention of vessels. This power is conceived to be incidental to an embargo.

It also deserves the attention of Congress how far the clearances from one district to another, under the law as it now stands, may give rise to evasions of the embargo. As one security, the Collectors have been instructed to refuse to receive the surrender of coasting licenses, for the purpose of taking out registers, and to require bond from registered vessels, bound from one district to another, for the delivery of the cargo within the United States.

It is not understood that the resolution applies to fishing vessels, although their occupations lie, generally, in parts beyond the United States. But, without further restrictions, there is an opportunity of their privileges being used as means of eluding the embargo.

All armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are considered as not liable to the embargo.

These circumstances are transmitted to Congress for their consideration.

G. WASHINGTON.

UNITED STATES, March 28, 1794.

The said Message and papers were read, and committed to Mr. DEXTER, Mr. MURRAY, and Mr. GOODHUE.

SEQUESTRATION OF BRITISH DEBTS.

The House resolved itself into a Committee of the Whole on the state of the Union, and took up Mr. DAYTON's resolutions for the sequestration of debts due to British subjects.

Mr. GILES commenced his remarks by observing that he had intended to have given a silent vote upon this question before the Committee, and probably should not have altered that intention, if it had not been from the solicitous requests expressed yesterday by several gentlemen in the opposition that the favorers of the proposed measure should furnish the Committee with the reasons upon which it was founded. Although it appeared to him to be rather unreasonable that some gentlemen should be expected, not only to possess reasons for their own opinions, but to furnish reasons for others; and, although he did not conceive that the favorers of the measure were under any obligation to disclose the reasons inducing it, provided they thought proper to hazard its fate upon a silent vote, yet he was willing to indulge the gentlemen with presenting to them the general course of reflection which the subject had produced in his mind, and which had strongly suggested its propriety. He had, however, a more powerful inducement to disclosing his opinion, since the subject has become matter of discussion and its propriety doubted.

The measure is deemed a bold one, and pregnant with the most serious consequences; in all such cases, he was desirous that his responsibility to the United States in general, and to his immediate constituents in particular, would at all times be tested by the real motives which should influence his conduct.

Several gentlemen in the opposition had earnestly admonished the Committee against the indulgence of their passions upon this subject, and recommended the exercise of cool and deliberate reasoning. He should not pretend to say how far such an admonition was necessary, or justified by

the temper of the Committee, but he believed it applied as strongly to the gentlemen who suggested the caution, as to those to whom it was addressed; and he hoped in the course of the future discussion, the gentlemen would show an example in themselves of the precepts they had prescribed to others.

As to himself, Mr. G. declared that, impressed with the awfulness of the present crisis, he had never reflected upon a subject with more coolness; and, if he understood his own situation, his mind was never in a state more susceptible of conviction.

The proposed measure is expected to eventuate in a final explanation of the relative state of things between the United States and Great Britain. It will probably result, therefore, in an open hostility, with the usual appeal to arms, or in a peace, with all the rights of neutrality attached to it. For this purpose the resolution proposes a sequestration of the debts due to the subjects of Great Britain, to be held as a pledge for the indemnification of the losses sustained by American citizens under the orders of the British King, in contravention of the Laws of Nations, and in violation of every rule of morality and justice. In the course of debate, this subject seems to have resolved itself into two questions. First, as it respects the right of one nation to sequester the property of the individuals of another in any possible case. Second, the policy of exercising this right at this time, under the existing circumstances of the United States.

He presumed that a state of things might exist between two nations in which reprisal would not only become the right but the duty to the nation sustaining the wrong. This happens where one nation, without cause, forcibly seizes upon the effects of another, or of its citizens, and withholds them without restitution or compensation, and when the nation, whose effects shall be so seized and detained, shall possess no other means of indemnification. The right of reprisal in the injured nation, in such a case, grows out of the injury sustained, and its inability to redress itself in any other way.

The duty of the injured nation to make reprisals, is founded upon self-preservation; and in case of the losses of its citizens, upon the promise of the protection of property secretly made by the nation to its individual members.

This he believed to be the doctrine of the laws of morality and reason, and he knew it to be the doctrine of the Laws of Nations, which were, in fact, nothing more than the laws of morality and reason systematized and reduced to writing.

Believing this principle to be a just one, he would apply to the existing state of things between the United States and Great Britain. Almost as soon as Great Britain had taken part in the iniquitous war against France, the Executive of the United States manifested their regard for peace, by proclaiming their existing state of neutrality, and recommending to their citizens, not only the observance of neutrality, but of impartial neutrality—although the partiality of the American people for the cause of France was well known—although, at that moment, their affections

for the French nation were addressed by the most honorable and powerful considerations that ever existed between two nations. The peculiar similarity between the existing French cause, and that which had just given birth to American liberty and independence; the material agency which the French nation had exerted in bringing about that event; and the existing principles of Government here, the product of the Revolution, which are the great object of attack by the Combination against France.

A pure and laudable regard for peace, and a detestation of war, however, had overcome all these sensations, and produced a neutrality, which he believed, on the part of the United States, had been rigidly observed; at least, he was sure, that such was the intention of Government. In this state of things, Great Britain commenced an attack upon this state of neutrality, which it was certainly her interest to preserve, and which she ought to have deemed a favor to obtain. Great Britain continued to keep possession of posts upon the acknowledged Territory of the United States, to carry on a contraband trade with our savage enemy. She, shortly after our proclaimed neutrality, proceeded to interrupt our lawful trade with our allies. She seized, condemned, and sanctioned, the complete transfer of the property of American citizens to her own subjects; and, as if there could be no limits to her iniquity and resentment, she has contrived to open upon our Eastern frontiers a barbarous enemy to aid in making depredations upon our commerce.

These acts constitute injuries which amount to war, and they are infinitely aggravated, both by the perfidy which attended the execution of some of them, and the total want of provocation for the commission of any of them.

If, then, Great Britain shall have committed acts towards the United States which furnish just cause of war, the United States possess the right, consistently with the Laws of Nations, to exercise any act towards Great Britain which would be justifiable in a state of war. The United States having received the injuries, are authorized to select such measures and means as they may deem the most expedient for self-preservation and indemnification. Reprisal is within their power. All other means of redress are without their power. In such a state of things, reprisal is a right—reprisal is a duty. An objection, more plausible than solid, has been made to this course of reasoning, that the individuals who will be the immediate objects of the reprisal, have not been the immediate agents of the aggression. The Laws of Nations state, that the property of individuals is as much a subject of reprisal as the property of the aggressing nation; but, as the nation is the immediate agent in the wrong, the individual who sustains an injury thereby, becomes entitled to recompense from his nation. The nation which commits the wrong, by this process, will ultimately sustain the loss. Hence, in the present case, the innocent and unsuspecting victims of the United States, have received losses from the lawless aggressions of Great Britain, and the question is,

whether they shall finally sustain those losses, without any clear claim of indemnification upon the Government of the United States? Or, whether the losses shall be transferred to British subjects, who will thereby possess the clearest claim for recompense, from the British Government? He thought the laws of God, the laws of morality, the laws of reason, the Laws of Nations, would all pronounce that the British Government, which had done the wrong, should afford the recompense.

Mr. G. said, that, if the losses were to be ultimately borne by the individual subjects of Great Britain, the remedy would seem to be a harsh one; but, even in that case, the only alternatives left to the United States would be to say, whether their own citizens, to whom they have promised protection, should finally sustain the losses, or the British subjects, to whom they have promised no protection. But the situation of the individuals, who may be the subjects of reprisal, is greatly meliorated, by the consideration of their just claim to recompense from their own Government; which he had no doubt but they would ultimately obtain, if they were put into a situation to demand it; but if they should ultimately be denied justice, it would be a consolation to reflect, that it was the injustice of their own Government, not of the United States.

He observed, that a reprisal, in the way proposed, stood upon the same ground as the invasion of the property, in every other case did, and was justified upon the same principle, to wit: Self-preservation. He presumed, if there existed an acknowledged state of war, letters of marque and reprisal, commissions to privateers, &c., would be deemed justifiable and expedient, and that no discrimination would be made between the property of individuals and the property of the nation; yet, the invasion of the rights of property in that case, would be as palpable, as in the case of the reprisal proposed, with this aggravation; that, in that case, the individual sustaining the loss would not be entitled to ultimate recompense from the Government—in the case proposed he would be entitled to recompense. He observed, that the British nation had not discovered this delicate discrimination between national and individual property, in their late instructions given to their privateers and ships of war, although they had sustained no wrong; and he thought their conduct an example in point for the United States, who had received the injury, and committed none.

A gentleman [Mr. SMITH, of South Carolina] yesterday, attempted to make a distinction between vessels at sea, and other property; although he acknowledged that, at the first blush, he could discern no distinction in principle.

Mr. G. said, that every species of property stood on the same principle—the promise made by the Government to afford protection to all property—the same rights are attached to every species of property, and the Government is bound to afford an equal security to all. A sentence read yesterday, by a gentleman, [Mr. S. SMITH,] from a writer upon the Laws of Nations, clearly shows the

right of a nation to make reprisals upon all the effects of individuals of an aggressing nation indiscriminately, except stock in the public funds; which has been exempted, under the idea of its being a pledge in the hands of Government; the withholding of which would be a breach of public faith. He believed that the practice and policy of some nations might have given rise to this distinction, but he doubted whether the practice had been uniform and universal, and he was clear that there was no rational distinction in principle. The idea that the public funds are a pledge in the hands of Government, and ought not, therefore, to be touched, is equally applicable to every other species of property. In the case of contracts between individuals, the Government guarantees the performance upon the refusal of one party to pay or comply. In the case of lands or personal chattels, the Government guarantees the exclusive enjoyment to the proprietor; it would be equally a violation of faith for the Government to deny its obligation in the one case, as in the other, and nothing could justify an invasion of the rights of property, in any case, but self-preservation—the first of all rights, and the highest of all duties.

He positively denied that any pre-eminence was due to one species of property over another. He said, however, that this discussion was not immediately necessary, as the resolution under consideration did not embrace the stock in the funds of the United States.

Mr. G. observed, that it had been said, and repeated in the Committee, that the proposed measure was war. He denied that the measure in itself was war, or that it furnished a just cause of war. He believed, however, that it was problematical whether it would eventuate in peace or war; indeed, he remarked, that the crisis of affairs is already such, that, whether the measure be adopted or not, he viewed war as a probable event, peace as a possible event; but the point he contended for was, that if the aggressions towards the United States be sufficient to justify reprisal, the exercise of the right does not furnish a just cause of war. The exercise of a right by one nation can never involve the absurd consequences of giving another nation the right to exercise a wrong. He said, that gentlemen on one side of this question seemed to act upon an imaginary, instead of the real state of things. He was not, therefore, astonished at hearing the committee cautioned against the violation of neutrality. He did not conceive that the present state of things between the United States and Great Britain would justify the use of the term neutrality. Neutrality is a term used to signify the relation in which two nations stand towards each other. Neutrality therefore requires parties—either party may destroy the relation between the parties. It therefore appeared absurd to him to say that Great Britain was in a state of depredation and war towards the United States, and the United States in a state of neutrality towards Great Britain. It has been said, that the United States have not abandoned their neutrality; this is true, but it is no evidence

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that neutrality exists. Great Britain has abandoned it for them.

He said, however, that this was disregarding the substance and entering into a mere cavil about names. It was not material in his opinion, what name ought to be given to the existing relation of things between the United States and Great Britain. Whether it was called a state of peace, a state of war, a state of neutrality, a state of reprisal, a state of retortion, or a state of very uncivil conduct on the part of Great Britain. Nor did he conceive it material to ascertain whether there were any intermediate stages between a state of peace and a state of war, or in which state the depredations of Great Britain should technically be classed; but one thing was certain and material—that the United States had sustained substantial wrongs, which required a substantial remedy. Gentlemen who have regarded names and disregarded substances, have also been extremely alarmed at the idea of a discrimination of conduct by the United States towards foreign nations. A gentleman [Mr. Boudinot] observed yesterday, that the United States had sustained injuries from France and Spain as well as Great Britain, and asked why there should be any discrimination in their favor? Mr. G. said he was extremely hurt that the conduct of France should be so unnecessarily and unopportunistically arraigned in that House. He submitted it to the gentlemen to say, if the United States should be compelled to enter into the war, which was at this moment not an improbable event, why then it would be wise to irritate the only nation in the world who could afford them any substantial assistance? He said that this conduct was the less justifiable, from the recollection that the conduct of France was the result of necessity, and that there was every reason to conclude that the conduct of that nation would be explained in a satisfactory manner. But a consideration mentioned by a gentleman [Mr. Smith, of Maryland,] yesterday, was a conclusive answer—the United States owe to France a pecuniary obligation, as well as one of a more sacred nature. This is at all times sufficient for their indemnification. With respect to Spain, if the gentleman would show the injury sustained, and point out a fund for indemnification, Mr. G. declared he would not hesitate a moment to apply it to that object.

But will the gentleman conclude, that because one nation has injured us, in a degree against which we have no redress, that therefore we shall not indemnify ourselves from a nation which has injured us in the extreme, and against which we have the most ample redress?

He believed the gentleman's coolness, his wisdom, and his deliberation, could not possibly lead him to such a result. With respect to discrimination in the conduct of the United States towards foreign nations, it necessarily grew out of the character of the conduct of other nations towards the United States. Some gentlemen appeared to him to have carried their ideas upon this subject to the most fanciful absurdities. To keep France out of the comparison, let this indiscriminate con-

duct, so much applauded, be applied to Great Britain and Holland. Great Britain destroys our trade, plunders our property, and, to her injuries, adds insult and contempt. Holland, engaged in the same cause, fosters our trade, and respects us as a nation. Under these circumstances, do gentlemen contend that an indiscriminate conduct is due to Great Britain and to Holland? Or do they mean to carry this delicate indiscriminate conduct so far as to refuse to themselves all redress from one nation, because they would wish to deal out the same conduct to all others, whether they had offended or not? He said, that discrimination was stamped in the front of the conduct of foreign nations towards us, and to make an indiscriminate return would be the worst and most unjust of all discriminations. He hoped gentlemen would pardon him, but he could not help thinking that they had carried their ideas upon this subject to the most fanciful absurdities. A gentleman [Mr. Smith, of South Carolina,] yesterday remarked, that of late the condition of war had been much ameliorated as it regards the rights of property, and he thought the amelioration ought to be extended rather than abridged. Mr. G. declared, that he heartily joined him in his wishes that the condition of war would ere long be ameliorated, both as it regards property and persons. He hoped that mankind would soon learn more wisdom than to butcher each other for the amusement or security of the privileged orders of the world. From that source he believed all wars arose, and until the cause was banished from the earth, he feared the fatal effects resulting from it would continue to exist. He declared, that he should view the banishment of the privileged orders from the world as the surest harbinger of the approach of the Millennium. But this is not the happy period of the world; for, although the United States are free from this pest of the human species in their internal organization, yet the evils they at this moment experience arise from their external intercourse with that part of the world which is less fortunate. The attack made on the United States at this moment, is an attack upon property. If there should be a war between the United States and Great Britain, it will be a war of property. Unless there should be a species of madness in the nation not to be calculated upon, they cannot think of invasion and subjugation. It is known that the United States cannot make an attack upon Great Britain, and territory and conquest with them are no objects. Hence the war will be confined to depredations upon property. This is the most dishonorable species of warfare, and therefore the more to be regretted. There is this obvious distinction, however, between the United States and Great Britain. With Great Britain, at least with the privileged orders, it is matter of choice; with the United States, it is matter of compulsion. The United States despise this mode of warfare; they covet not the property of any nation upon earth, but self-preservation demands it. They are under the strong hand of a powerful nation, despising their rights, and regardless of justice. In this state of things, there is but little hope of strengthening

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the sacred ties of property; for, in the example of Great Britain, her late conduct can furnish no consolation for these theoretic speculations; and however the United States might be inclined to practise upon them, yet the British depredations will forbid them—for submission will be an invitation to new acts of aggression. He most ardently wished the state of things were otherwise; but, exposed to these inconveniences, the most effectual means ought to be adopted for their relief.

Mr. G. proceeded to observe, that having shown the right of reprisal to be conformable to the Laws of Nations, and clearly justified by the existing relation of things between the United States and Great Britain, he would now submit a few remarks upon the policy of exercising the right at this time. Under the existing circumstances of the United States, he thought the policy of the measure was recommended by the clearest and most obvious principles. The relation of things between the United States and Great Britain is such as to demand a final and unequivocal explanation, whether the proposed measure be adopted or not. In all parts of this Committee, in all parts of the United States, a definite explanation is called for. The present state of things between the two nations cannot long exist.

It is to be hoped that the tone of language to be used by the United States will be adjusted to the nature of the injuries they have sustained. Acquiescence and submission are no longer recommended. Hence, matters are already reduced to extremities, and all the irritations already existing which can grow out of an extreme state of things. The proposed measure can add nothing to these irritations. The question therefore appears to be reduced to this—whether, in demanding an explanation and attempting negotiation, we shall use all the means in our power to compel a favorable issue? Or whether we shall tamely supplicate for justice, and suffer the most effectual means of compulsion to elude our grasp? He did not mean here to recapitulate the conduct of Great Britain towards us; he hoped it was sufficiently impressed upon the mind of every gentleman in the Committee; but, after the recent experience of her conduct, it would be madness, it would be folly, to address our complaints to her justice or moderation. He thought it would be wise to lay hold of everything in our power, and hold it as a pledge for her good behaviour. This measure would put us in the best possible situation for negotiation. It would authorize an appeal to her interest, which she could not resist. He begged the Committee to reflect upon the argument which had been used here to prevent a late measure which had been adopted, and which had been renewed upon the present resolution, that a great value in property, belonging to the citizens of the United States was in the power of the British, and that any counteracting measures would place it in extreme hazard. This seemed to him to have been the most prevailing argument which had been urged, and for some time was irresistible. If, then, the argument shall have been applied with so much force here,

with how much more force will it be applied in Great Britain, when they find that the property of the individuals of that nation is placed in jeopardy here, and that it greatly exceeds in value the whole of the property which they have infamously detained and condemned? Besides, if, in the event of a war, it should be a war of property, as is every where contemplated, Great Britain will find that the war will be commenced upon very unequal terms. Viewing this measure, therefore, as to its probable tendency to peace or war, he thought the probability greatly in favor of its producing peace. When Great Britain shall find that she is entering into a contest upon unequal terms, when she shall find that it may terminate in a permanent loss of the advantages of her commerce with the United States, when she shall see before her a precipice, into which if she should once enter she never can return, she would pause before she acted, she would take time to count the probable loss and gain, and peace would be the infallible consequence of such deliberate calculations. This measure will convince Great Britain that the United States possess a knowledge of their rights, a confidence in their ability, and a determination in their disposition to assert and support them.

A gentleman [Mr. Smith, of South Carolina,] observed yesterday, that a pacific system would probably attach the people of Great Britain to the United States, and detach them from their own Government. The gentleman ought to recollect, that a pusillanimous conduct will not. It is with nations as it is with individuals—to be respected by others, they should respect themselves. The same gentleman remarked, that a change of Ministry might be expected, and advised waiting for the event. The idea is as undignified as it is chimerical.

Mr. G. said, he knew nothing of the change of the Ministry—the principle was unknown here. The people here were their own Governors. It was immaterial to them who the Minister was. Even in the country where the people were less fortunate, where Ministers govern, a change of Ministers never produced any solid advantage to the nation. It was merely an expedient of the moment, to smother a popular clamor. But, even proceeding upon the gentleman's hypothesis, which Mr. G. thought wholly inadmissible, he submitted to the gentleman to determine, whether a positive submission by foreigners to the avaricious regulations of a Minister, be the most likely mean to render him unpopular at home? On the other hand, whether it was not the most effectual mean of preserving his popularity, and of keeping him in office? He presumed the people at home would never complain of injuries abroad, if those who sustained them refused to complain. It is but by resistance, and throwing the burden upon the people of England, that they can be brought to complain. But in cases of such extremities as the present, all appeals to the people of England are futile and degrading. Our only resource should be in our own exertions. They would be abundantly sufficient, if we could be brought to believe it.

Mr. G. remarked, that the people of Ireland had lately afforded an instructing lesson upon this point. They had arms in their hands for the purpose of asserting their rights; under the idea of acquiescence and submission they had surrendered them to the Government; perhaps, under the expectation of a change of Ministry. Did this act of submission render them more respectable in the eyes of the people of England? Did it encourage the hopes of those who wished the establishment of Government upon the principle of equal rights? Did it not rivet the chains upon the people of England? Did it render the people of Ireland more respectable in the eyes of the people of the United States? To these questions it was unnecessary to give an answer. The people of Ireland resented the usual merits of submission—imposition and insult.

There was another consideration strongly in favor of the policy of the proposed measure. Applications have been already made from different parts of the United States by the immediate sufferers from the British depredations, for an indemnification of their losses. These applications will, probably, be increased, and continued; the agricultural and other interests of the United States will, probably, never consent to equalize this burden. The claims of the sufferers upon the Government will gain additional weight, unless this fund should be offered to them for their indemnification. This is the obvious, the natural and the rightful fund for their indemnification; and he thought it was, at least, the duty of the Government to hold it as a pledge for their security. If this measure should not now be adopted, the refusal will lay a foundation for further parties in the United States, which may ultimately have a serious effect upon the Government.

An objection, of a very delicate and influential nature, has been made to the proposed measure, which required some consideration. That it would affect the character and credit of the Government. He had viewed this objection with the most deliberate attention, and felt the whole force of its imposing delicacy; but was at length perfectly satisfied that it was unfounded. This objection relates rather to the right than the policy of the United States to adopt the measure. If the United States possesses the right of reprisal upon an honest and sound interpretation of the Laws of Nations; if the conduct of Great Britain towards the United States be sufficient to justify the exercise of the right, he believed the policy of exercising the right could never tarnish the American character, nor lessen the credit of American citizens hereafter. The World of Nations, as well as individuals, will easily see, that it was a measure of compulsion, not of choice; that, although the United States believed, they regretted the necessity; that they were not the authors of the original wrongs; that they had borne them with patience, had used their endeavors to prevent the commission of them; and that, when these wrongs were committed and repeated, the United States possessed no other means of redress.

Under these circumstances, in the exercise of a

substantial right, he did not believe there could flow any consequential wrong.

The motive would be looked at, and it would furnish a complete exoneration from blame, whilst the original aggressors would become justly responsible for all the consequences.

Mr. G. said, he could not sit down without making some remarks upon the fruits of the conduct heretofore observed by the United States. The most pacific system has heretofore marked the character of the Government. All America looked upon the late proclamation of neutrality as a competent guarantee for peace. He had no doubt but that it was dictated by the purest regard for peace. But what have been the fruits of it? He did not mean to condemn the conduct of the Executive. Perhaps it was suggested by the then existing state of things. He only intended to show, that it had not met with the return it merited, and which was reasonably expected from it.

It has not produced peace. A regard for peace has been construed into a fear of war. A resistance of the feelings of the people for the cause of France has been a palatable food for British arrogance and presumption. Submission to aggression has invited new aggressions; appeals for justice have been deemed testimonies of debility, till at length the United States, after having been stripped of their citizens and property, are upon the eve of a war, because they have not exerted their rights at an earlier period. If this conduct should have been heretofore wise and pacific, experience has taught us that it is no longer so; nothing can be expected from the justice, the honor, or the moderation of a Court, which has proved itself equally a stranger to them all; but, before such a tribunal, acquiescence will beget injuries, injuries will beget insults, and insults will beget contempt and degradation, and war.

Mr. Swift remarked that, on the first view of the subject, he had been inclined to favor the proposition, not having attended minutely to the distinction made by the Laws of Nations respecting the property of an enemy liable to reprisal; but on a full investigation of the subject, and mature deliberation, he was convinced that the proposition under consideration would be a direct and manifest violation of the Laws of Nations; he was, therefore, clearly and decidedly opposed to its adoption. Gentlemen have said much respecting the insults and the injuries which we have received from the British nation; but Mr. S. conceived it to be unnecessary that gentlemen should describe their insults and injuries in the highest colors to inflame our passions, and to animate our resentment. He believed that every gentleman in the Committee deeply felt the indignity which had been offered to their country, and was convinced that Great Britain had been guilty of a violation of the Laws of Nations; but, under such circumstances, it was our duty to conduct with coolness, candor, and moderation. He thought that the heat and passion which had been manifested in the course of the debate were inconsistent with that dignity and propriety which ought to mark the deliberations of the Legislature.

Mr. S. observed, that the conduct of the British Court in regard to their concealing in such a singular manner the order of the 6th of November, and the equivocal terms in which it was expressed, was greatly to their dishonor. But he thought that the words, *legal adjudication*, would fairly admit of a construction that no American vessel that should be taken pursuant to that order, could be liable to be condemned, unless warranted by the Laws of Nations. There was reason to apprehend that such was the intention of the British Cabinet; and that the Courts of Admiralty in the West Indies, in their condemnations, had exceeded their jurisdiction, and contradicted the design of the Court of London. Recent intelligence confirmed the idea. No information of these illegal transactions had yet been communicated to them. It was possible that when that Court were made acquainted with the injuries we had sustained that they would award restitution or compensation. Mr. S. remarked that, by the Laws of Nations, no nation had a right to make reprisal for any injury till all other means of obtaining justice had failed; that it was our duty in the first place to represent to the Court of Great Britain, the spoliations that had been made on our commerce by the illegal condemnation of our vessels; that, till we had done this, the Laws of Nations would not warrant us to make reprisals on the goods and effects of the British nation. That there was a possibility of obtaining a satisfactory explanation of their conduct and reparation for the injuries we had suffered. It was, therefore, a proper subject of negotiation. But, he said, if that nation will not do us justice, then we are authorized to make reprisals.

Mr. S. then observed that, when we had taken such steps as would authorize reprisal, we should be precluded by the Laws of Nations from adopting the proposition under consideration. He said that a gentleman from Maryland [Mr. Mercer] had yesterday asserted that *Burlamaqui* was the only authority among the writers on the Laws of Nations against the measure; and that the opinion of *Vattel* was in favor of it. Another gentleman from Maryland, [Mr. Smith] had read a passage from *Vattel*, which he considered as an authority in point, to justify the seizing of private debts; but not debts due from the public. But if these gentlemen had thoroughly examined *Vattel*, they would have found, instead of his being an authority in their favor, he had in the most direct terms maintained a contrary opinion. He then read a passage from *Vattel*, that showed that the effects of an enemy in a country at the time of a declaration of war cannot be seized, but that the owner is entitled to a reasonable time to remove them; and another passage, which expressly declared that, by the usage and custom of modern nations, public and private debts are not the subject of reprisal. Mr. S. conceived that these rules were founded in the highest wisdom; that all debts were contracted under a sanction of public faith, and an understanding that a war should not render them liable to seizure or confiscation; that a moral obligation existed between the contract-

ing parties for the payment of the debts; and that no Government could ever have a right to violate a moral obligation. That, therefore, by the Law of Nations in all instances where property comes into the possession of a nation by a confidence reposed in their honor and faith, as in case of public or private debts, such property can never be the subject of reprisal, because this would be to authorize a breach of public faith; but reprisals are always to be made on property in possession of the nation who has done the injury, and which may be taken without any violation of those principles, which ought to be held sacred in time of war.

Mr. S. remarked, that it had been suggested that the British nation had been guilty of a violation of the Laws of Nations in their treatment of us; and that, therefore, we were not bound to govern ourselves by that law in our conduct towards them. This argument, however plausible, he said, would not bear the test of examination; that all reprisals were justified only on the principle that the nation on whom reprisal is made has been guilty of a previous violation of the Laws of Nations. When a nation disregards that general law by which the conduct of all independent communities towards each other is to be regulated, the same law points out the mode of redress. If there has been no violation of that law, there can be no reprisal. If there has been a violation, then the reprisal must be pursuant to the law, for it is the highest absurdity to say, that because there has been an infraction of a law which authorizes a certain mode of redress, that we may pursue a different mode of redress in violation of the law which gives us the right. This would be at once to renounce the whole system of the Laws of Nations, and throw mankind back into a state of savage barbarity and ferocity.

Mr. S. then adverted to the policy of the measure. He said, upon a fair calculation, it would be found that the adoption of the proposition would be productive of far greater injury to this country than the amount of the losses sustained by our citizens in consequence of the spoliations committed upon our commerce. It is evident that this country, even admitting that a war should take place, would wish to renew their commercial connexion with Great Britain. But if, in contempt of the Law of Nations, we seize on private debts, we shall forever forfeit all credit; no trust can be reposed in our citizens, and no faith in our Government. No foreign merchants will ever deal on credit with our citizens, from a well guarded apprehension that, in case of a war between the countries, the sacred nature of private contracts will not protect them against the hand of a Government which has exhibited the example of a deliberate violation of the Laws of Nations. When we consider the immense advantages that can be derived from private credit and national honor, it will be easy to imagine the infinite mischief that must result from a disregard of those principles.

Mr. S. objected to the measure on the ground that he considered it to be a declaration of war;

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and he did not think that the circumstances required or justified our taking that step. He said that notwithstanding the unwarrantable proceedings of the British nation; yet, no act had been done by the British Court that clearly indicated an intention to make war directly upon us, or that could be considered as direct and intentional war, though we might consider many of their acts as just causes of making war on our part.

The revocation of the order of the 6th of November, the new instructions of the 8th of January, and the explanation given to the merchants of London, clearly evidenced that a war might be avoided with that nation. While there was the remotest possibility of preserving our peace we ought not to do an act which might endanger a war. While then the conduct of the British Cabinet would admit of an explanation, while there was a prospect that we might obtain by negotiation restitution of the property of our citizens or compensation for the losses they had sustained, we ought to pursue that mode; but if we proceeded to make reprisals by adopting an illegal measure, it must certainly be deemed a declaration of war.

The omission of the regular means of obtaining satisfaction by negotiation and an unwarrantable mode of reprisal would certainly be just causes of war. If we must be driven into a war it would be of the highest advantage to us to conduct it in such a manner as to convince the people of Great Britain that we sincerely wished to avoid it, and that the unjust and illegal proceedings of their own Court have been the sole cause of the war. In such case we have reason to think, that so great is the interest of that nation in preserving our commercial connexion, that a powerful party will be formed in our favor to oppose the injustice of the Government. The sentiments of the people will be against the war, and the Court will find it extremely difficult to maintain it under such circumstances.

But if, without demanding an explanation, we proceed to adopt rash, violent and unwarrantable measures, the spirit of the nation will rise against us, and the people will join the Court in prosecuting a war which will be then deemed just and necessary.

Mr. S. then observed that we ought to take into consideration the present situation of Europe; that the late successes of the French nation had materially changed the political prospect. It was possible that these successes had been the cause which had produced an alteration in the views of the British Court. If events had happened which had rendered the disposition of that nation less unfriendly and hostile, we ought to take advantage of that circumstance, and not to do anything to check the progress of that favorable disposition. He most sincerely hoped that these successes would convince the combined Powers of the impossibility to conquer France, and produce a general pacification.

While such were the prospects, he ardently wished that a measure repugnant to the principles of common honesty and common justice might

be rejected; and he hoped that no gentleman in the Committee would vote in favor of a proposition which would fix an indelible stigma on our national character.

The Committee now rose, and had leave to sit again.

Monday, March 31.

Mr. DEXTER, from the committee to whom was referred the Message of the President of the United States, of the twenty-eighth instant, relative to the execution of the resolve laying an embargo, made a report; which was read: Whereupon,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the continuance of the present embargo no registered vessel, having on board goods, wares, or merchandise, shall be allowed to depart from one port of the United States, to any other port within the same, unless the master, owner, consignee, or factor, shall first give bond, with one or more sureties, to the Collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise, shall be re-landed in some port of the United States; which bond, and also a certificate from the Collector of the district where the same may be re-landed, shall, by the Collectors, respectively, be transmitted to the Secretary of the Treasury. That the several Collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo, and all armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are to be considered as not liable to the embargo.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

A message from the Senate informed the House, that the Senate have passed the bill, entitled, "An act to provide for placing buoys on certain rocks off the harbor of New London, and in Providence river," with several amendments; to which they desire the concurrence of this House.

A message from the Senate informed the House, that the Senate have agreed to a resolution to carry into more complete effect the resolution directing an embargo; to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, was disagreed to. A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House, on the state of the Union; and after some time spent therein, the Chairman reported that the Committee had had the state of the Union under consideration, and come to seve-

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ral resolutions thereupon; which he delivered in at the Clerk's table.

The House proceeded to consider the said resolutions.

And the first, second, third, and fourth resolutions, being severally twice read at the Clerk's table, were, on the question put thereupon, agreed to by the House, as follows:

1. *Resolved,* That effectual measures ought to be adopted to complete the present Military Establishment of the United States, and that provision ought to be made that the same may be kept full.

2. *Resolved,* That an additional corps of artillery, not to exceed eight hundred men, officers included, and also including one chief, and four assistant engineers, ought to be raised for garrisoning the fortifications, which are, or may be erected, for the defence of the seacoasts.

3. *Resolved,* That the President be authorized and empowered to call on the Executives of the several States, to take effectual measures, as soon as may be, to organize, and hold in readiness to march at a moment's warning, eighty thousand effective militia, officers included, to be apportioned to the States respectively, in proportion to the whole number of white inhabitants; that is to say:

Georgia,	-	-	-	1,338
South Carolina,	-	-	-	3,550
North Carolina,	-	-	-	7,331
Kentucky,	-	-	-	1,532
Virginia,	-	-	-	11,877
Maryland,	-	-	-	5,418
Delaware,	-	-	-	1,256
Pennsylvania,	-	-	-	10,768
New Jersey,	-	-	-	4,318
New York,	-	-	-	7,971
Vermont,	-	-	-	2,139
Connecticut,	-	-	-	5,881
Rhode Island,	-	-	-	1,697
Massachusetts,	-	-	-	11,885
New Hampshire	-	-	-	3,544

Which detachment of militia shall be officered out of the present militia officers, or others, at the option and discretion of the Constitutional authority of the States, respectively.

4. *Resolved,* That any independent corps of cavalry, artillery, or infantry, may be accepted, as part of the said detachment of militia, provided they shall voluntarily engage; and provided the same shall be deemed eligible by the President.

The fifth resolution was twice read at the Clerk's table, amended, and agreed to by the House, as follows:

Resolved, That the President be desired to request the Executives of the several States to take effectual care that the whole of the militia, as well as the men detached as aforesaid, be armed and equipped according to law.

The sixth resolution was twice read at the Clerk's table, and debate arising thereupon, an adjournment was called for: Whereupon, the several orders of the day were further postponed until to-morrow.

Tuesday, April 1.

A petition of sundry inhabitants of the county of Washington, in the State of Maryland, whose names are thereunto subscribed, was presented to the House and read; praying a revision and amendment of the act, entitled "An act concerning the duties on spirits distilled within the United States." Also, the petitions of sundry inhabitants of the counties of Chester and Lancaster, in the State of Pennsylvania, to the same effect.

Ordered, That the said petitions be referred to Mr. MOORE, Mr. SMITH, Mr. M'DOWELL, Mr. BEATTY, and Mr. SPRUCE, with instruction to examine the same, and report to the House the general operation and effect of the excise in the United States, and the net amount of revenue arising therefrom.

The bill sent from the Senate, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States," was read the first time.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to provide for placing buoys on certain rocks off the harbor of New London and in Providence river;" and the same being read, were agreed to.

The House resumed the consideration of the sixth resolution, reported yesterday from the Committee of the Whole House on the state of the Union; and the same being amended at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That provision ought to be made, by law, for organizing and raising a military force, under the authority of the Government of the United States, to consist of twenty-five thousand men, rank and file, with the proper officers, to serve for the term of — years, or during a war which may break out between the United States and any foreign European Power.

Ordered, That a bill or bills be brought in pursuant to the foregoing resolution, and to the resolutions agreed to yesterday, and that Mr. SEDGWICK, Mr. DEARBORN, Mr. JEREMIAH WADSWORTH, Mr. DAYTON, Mr. IRVING, Mr. MEEGER, Mr. PARKER, Mr. LOCKE, and Mr. PICKENS, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill to establish the Post Office and Post Roads within the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which he delivered in at the Clerk's table.

Ordered, That the said bill, with the amendments, do lie on the table.

Wednesday, April 2.

The bill sent from the Senate, entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States," was read the second

time, and ordered to be committed to a Committee of the Whole.

On a motion made and seconded, that the House do come to the following resolution:

Resolved, That the President of the United States be authorized to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers, Tripoli, and Tunis.

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

The House proceeded to consider the amendments, reported yesterday from the Committee of the Whole House, to the bill to establish the Post Office and Post Roads of the United States; and the said amendments being severally twice read and agreed to by the House, the said bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Arthur St. Clair; and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said report, and that it be recommitted to Mr. FITZSIMONS, Mr. THATCHER, and Mr. HINDMAN.

THURSDAY, April 3.

A petition of Augustine Skaton, of the State of Virginia, praying compensation for the value of two wagons and teams, the property of the petitioner, which were taken for the use of Colonel Grayson's regiment of the late American Army; also, that he be reimbursed a certain sum of money, which he advanced for supplies of clothing to the said regiment, in the year 1777.

Ordered, That the said petitions do lie on the table.

Ordered, That the committee appointed on the 7th of February last, to report whether any, and what, alterations or amendments are, in their opinion, necessary in the act, entitled "An act concerning the registering and recording of ships or vessels," also, in the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" also, in the act entitled "An act to regulate the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and, also, if any, and what, further Legislative provision may be necessary for the securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, be instructed to report by way of bill or bills.

The House resolved itself into a Committee of the Whole House on the bill to encourage the recruiting service; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were

severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the motion of the 27th of February last, providing for the payment of the interest on the balances credited certain States, in the books of the Treasury; and also for the payment, by annual instalments, of the balances due from sundry of the States, on a final settlement of the accounts between the United States and individual States; and, after some time spent therein, the Committee rose and reported progress.

FRIDAY, April 4.

An engrossed bill, to encourage the recruiting service, was read the third time, and passed.

An engrossed bill, to establish the Post Office and Post Roads within the United States, was read the third time, and passed.

A memorial of the Representatives of the people of the territory of the United States South of the river Ohio, was presented to the House and read, praying that such measures may be adopted as may be deemed most expedient and effectual for the protection and preservation of the inhabitants of the said territory from the hostile incursions of the Indians; also, for the release from slavery of such of the citizens of the United States as are now in captivity at Algiers.

Ordered, That the said memorial be referred to Mr. CARNES, Mr. BLOUNT, Mr. MEBANE, Mr. PICKENS, and Mr. PRESTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODRUE, from the committee appointed, presented a bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; which was read twice, and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you three Letters from our Minister in London; advices concerning the Algerine Mission, from our Minister at Lisbon, and others; and a Letter from the Minister Plenipotentiary of the French Republic to the Secretary of State, with his answer.

G. WASHINGTON.

UNITED STATES, April 4, 1794.

The said Message and papers were read, and ordered to lie on the table.

Mr. MADISON, from the joint committee of the two Houses, appointed to consider and report what business is necessary to be done by Congress in the present session, and what part of the business now depending may be, without great inconvenience, postponed until the next session, made a report; which was read, and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the amendments proposed by the Senate, to the bill entitled "An

act limiting the time for presenting claims for destroyed certificates of certain descriptions;" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the committee appointed on the 21st day of February last, to prepare and bring in a bill or bills on the resolutions providing ways and means for defraying the cost of a Naval Armament, and the annual expense thereof, be discharged from further proceeding in the same, and that the said resolutions be referred to the Committee of Ways and Means.

MONDAY, April 7.

A petition of sundry inhabitants of the towns of Salem, Beverly, and Danvers, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying a revision and amendment of the existing laws of Congress, granting bounties to vessels employed in the fisheries of the United States, so that the Collectors of the Customs may be authorized and directed to pay, both for the last year and in future, upon all vessels above thirty tons burden, and not exceeding sixty-eight tons, the addition of twenty per centum to the allowances of two dollars and a half for each and every ton of such vessel's admeasurement.

Ordered, That the said petition be referred to Mr. LYMAN, Mr. WINGATE, and Mr. HOLTEN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. SEDGWICK, from the committee appointed, presented a bill to augment the military force of the United States; which was read twice and committed.

Mr. CLARK submitted the following resolution: "Resolved, That, until the Government of Great Britain shall cause restitution to be made for all losses and damages sustained by the citizens of the United States from armed vessels, or from any person or persons acting under commission or authority of the British King, contrary to the Laws of Nations, and in violation of the rights of neutrality; and, also, until all the posts now held and detained by the King of Great Britain, within the territories of the United States, shall be surrendered and given up, all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited: *Provided*, Such prohibition shall not extend to vessels or their cargoes, arriving in any of the ports of the United States, before the day of — next."

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

Mr. SEDGWICK, from the committee appointed, presented a bill directing a detachment from the militia of the United States; which was read twice, and committed.

Mr. SEDGWICK, from the committee appointed, presented a bill for raising and organizing a corps of artificers and engineers; which was read twice, and committed.

The House resolved itself into a Committee of

the Whole House on the motion of the 2d instant, authorizing the PRESIDENT OF THE UNITED STATES to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers, Tripoli, and Tunis; and, after some time spent therein, the Chairman reported that the Committee had had the said motion under consideration, and come to a resolution thereupon; which was twice read and agreed to by the House, as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be authorized to grant to the citizens of the United States commissions of marque and reprisals against the Regencies of Algiers and Tunis.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SAMUEL SMITH, Mr. HARTLEY, and Mr. PARKER, do prepare and bring in the same.

The House again resolved itself into a Committee of the Whole House on the motion of the 27th of February last, providing for the payment of the interest on the balances credited certain States in the books of the Treasury; also, for the payment, by annual instalments, of the balances due from sundry of the States, on the final settlement of the accounts between the United States and the individual States; and, after some time spent therein, the Chairman reported that the Committee had again had the said motion under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That provision ought to be made by law for payment of the interest on the balances credited certain States in the books of the Treasury, upon the final settlement of the accounts between the United States and the individual States.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. HARTLEY, Mr. MURRAY, and Mr. THATCHER, do prepare and bring in the same.

Mr. SAMUEL SMITH, from the committee appointed, presented a bill authorizing the PRESIDENT OF THE UNITED STATES to grant letters of marque and reprisal against the Regencies of Algiers and Tunis; which was read twice and committed.

TUESDAY, April 8.

A petition of Joze Roiz Silva, of the city of New York, merchant, was presented and read, praying that he may be permitted to send the ship called the King David, with her cargo, from the port of New York to Oporto, in Portugal, she being actually cleared out for the place of her destination previous to the arrival of any account of an embargo being laid by the United States on all vessels bound to foreign ports.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Report from the Secretary of the Treasury, on the representation from the Legislature of the State of

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Kentucky, respecting the adjustment of a claim of that State against the United States, for the expense of sundry expeditions against the Indians; which was read and ordered to lie on the table.

Ordered, That a committee be appointed to bring in a bill to fortify the city of Annapolis; and that Mr. MURRAY, Mr. JEREMIAH SMITH, and Mr. WILLIAMS, be the said committee.

On a motion made and seconded that the House do come to the following resolution:

Resolved, That a committee be appointed to examine into, and report on, the practicability of obtaining a statement of the principles on which the accounts of the individual States with the United States have been settled, and a statement of the several credits allowed in the said settlement.

It passed in the negative—yeas 39, nays 56, as follows:

YEA.—Theodoras Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, William Irvine, Henry Latimer, Matthew Locke, Nathaniel Macoun, James Madison, Joseph McDowell, Alexander McBane, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, John Page, Josiah Parker, Robert Rutherford, Thomas Scott, John Smilie, Thomas Sprigg, Thomas Tredwell, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeek, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

NAY.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Shearjohab Bourne, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Isaac Coles, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, William B. Giles, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, Daniel Heister, James Hillhouse, Samuel Holten, John Hunter, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malone, William Montgomery, Peter Muhlenberg, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, Samuel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, Paine Wingate, and Richard Winn.

The House resolved itself into a Committee of the Whole House on the bill for erecting a light-house on the Island of Seguin, in the district of Maine; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill allowing Lieutenant Colonel Tonsard an equivalent for his pension for life; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to select and report such parts of the confidential communications made by the President of the UNITED STATES on the 24th of February last, as are proper to be made public; and that Mr. LYNAM, Mr. HARTLEY, and Mr. BENJAMIN BOURNE, be the said committee.

Mr. GILBERT, from the committee appointed, presented a bill for the relief of Leffert Lefferts and others; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the memorial of Nicholas Rieb; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the Accountant to the War Department be directed to adjust and settle the account of Peter Rieb, late an artificer in Colonel Benjamin Flower's regiment of artillery, in the service of the United States, from the 1st of May, 1780, being the time of his enlistment, until the 22d of August, 1781, on the same principle on which the accounts of those who served in the same corps were adjusted and settled.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FINDLEY, Mr. GREGG, and Mr. GILBERT, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, and what, alterations are necessary to be made in the act entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto;" and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

Resolved, That the second and sixth sections of the said act be repealed; and that, in lieu thereof, the PRESIDENT OF THE UNITED STATES be authorized to issue patents to any grantee or grantees, their heirs or assigns, upon application of such grantee or grantees, their heirs or assigns, provided that the plat or plats, duly authenticated, of the location and surveys of such lands, be first returned to the office of the Secretary of State.

Resolved, That provision be made by law, that all locations and surveys heretofore duly made upon the said lands, agreeably to the present laws and regulations of the State of Virginia, by, or on account of, the said troops, be ratified and confirmed.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HEATH, Mr. NEVILLE, and Mr. ORR, do prepare and bring in the same.

APRIL, 1794.]

Non-Intercourse with Great Britain.

[H. or R.]

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to consider and report on the propriety of remitting the duty on imported bar iron in certain cases; and, after some time spent therein, the Committee rose and reported progress.

The House resolved itself into a Committee of the Whole House on the bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. CARRER, from the committee to whom was referred the memorial of the representatives of the people south of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

WEDNESDAY, April 9.

An engrossed bill for erecting a light-house on the Island of Seguin, in the District of Maine, was read the third time and passed.

An engrossed bill for the relief of Leffert Lefferts and others was read the third time and passed.

An engrossed bill to authorize Ephraim Kimberly to locate the land warrant issued to him for services in the late American Army, was read the third time and passed.

An engrossed bill allowing Lieutenant Colonel Tonsard an equivalent for his pension for life was read the third time and passed.

A petition of John Gibbon, Treasurer of the State of Georgia, was presented to the House and read, praying that separate certificates may be issued for the pay of the officers of the late Georgia line, agreeably to a general certificate of the list of balances due to them, signed by the late Commissioner of Army Accounts, and lodged in the Treasury of the said State.

Ordered, That the said petition be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

The House resolved itself into a Committee of the Whole House, on the motion of the 7th inst., to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and, after some time spent therein, the Committee rose and reported progress.

Mr. HEATH presented a bill to amend the act entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the little Miami and Scioto;" which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the amendments of the Se-

nate to the bill entitled "An act limiting the time for presenting claims for destroyed certificates of certain descriptions;" and, after some time spent therein, the Chairman reported that the Committee had had the said amendments under consideration, and made no amendment thereto. And, on the question that the House do agree to the said amendments, it was resolved in the affirmative.

Ordered, That the Committee of the Whole House, to whom was committed the bill sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina," be discharged from the consideration of the same; and that the said bill, together with the representation of Richard Wade, and others, and the report of the Secretary of the Treasury thereon, be committed to Mr. BLOUNT, Mr. TALBOT, and Mr. DEARBORN.

THURSDAY, April 10.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Committee of the Whole House, on the motion of the 7th inst., to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. SEDGWICK said he was sorry to rise, unprepared as he was, as he had yesterday occupied a great portion of the time of the Committee as perhaps he was entitled to. He had hoped some other gentleman would have risen, who, having better arranged his ideas than himself, had a preferable claim to the attention of the Committee. Unprepared as he was, he could not permit a question so important as that under consideration to pass, without entering against it his solemn protest: a question involving the dearest interests of our country, and threatening to exchange the unexampled prosperity it had for some years enjoyed, for all the horrors of war. He said he the more regretted the part he was obliged to take on this occasion, because he feared he should, in his vote, divide from many gentlemen whom he much respected; but as his opinion had been formed on mature deliberation, neither his honor, his conscience, nor the duty he owed to his country, would permit him to be silent. If the evils he foresaw should result from the measure under consideration, he wished it might be known that no part of them could with justice be imputed to him as their author. If, therefore, he should be so unfortunate as to stand single and alone, he would not fail to oppose, as far as he could, the measure before the Committee.

That injuries unprovoked and inexcusable had been inflicted by Great Britain on this country, was acknowledged by all. No man felt stronger indignation than himself at the insults which had been offered to our country, and the wrongs which had been done to our citizens; no man was less disposed tamely to bear the haughty and unprovoked aggressions of any foreign nation; no man

would go further to procure redress for our wounded honor, and indemnification for our injured citizens. If, after seeking reparation in the way dictated by prudence and humanity, happily prescribed by the modern usages of civilized nations and commanded by the principle of religion; if fair negotiation should be tried, and justice not obtained, he would then seek redress by the means which God and nature had given us. He remembered well the miseries and vices of war, a war in which he had taken a part. It was a war of honor and interest: he well remembered its circumstances and effects. He had lived to see the wastes of that war repaired; to see a state of order and security; to see his country progressing in all the means of happiness. No man who loved his country and rejoiced in its prosperity, would consent, but from inevitable necessity, to see it again plunged in the horrors of war.

Although all combined in opinion that our injuries were great, that they must be redressed, yet no one had suggested that war should precede negotiation. Respecting this, there was happily but one opinion. On every side of the House, it was acknowledged a duty indispensable in our present situation, to state our complaints of injuries to the authors of them, and to demand redress. We were only divided as to the manner of our application, and the circumstances under which our demand should be made. He had already, on another occasion, taken the liberty to declare his opinion of the line of conduct which was dictated by our present situation: that we should manifest that we were averse to war; but, should it become inevitable, we should encounter it with that undaunted spirit which became freemen, insulted in their honor and injured in their rights. He had the most perfect confidence in the bravery of our citizens. At the same time that he knew they would never surrender their rights, he was sensible that they would avoid, if possible, an unnecessary and wanton effusion of blood.

Gentlemen had disclaimed any intention to adopt any measures tending to war; they had said this measure had no tendency to such an event. This assertion he could not believe, because this measure contained a threat of inconvenience; and every threat of inconvenience was a cause of irritation, and every irritation between nations who had already differences to decide, undoubtedly tended to widen the breach, and of course to produce war. If gentlemen were sincere in their declarations, that all differences between America and Great Britain should be terminated by peaceable negotiation, (and he would not call their sincerity in question); if Great Britain was proud, haughty, and insolent, as she had been repeatedly denominated; was it probable, he asked, that she would be more inclined to do us justice, by enlisting her pride and insolence against us?

Mr. S. said, that the late violences by which the property of our citizens had been plundered, was the immediate and avowed cause of the present measure; that as yet no representation of these injuries—no demand for compensation had

been made; that such representation and demand should precede hostility was conceded by all. It only then remained to be considered, in what terms and manner such claim should be exhibited. In terms, he said, doubtless firm and decided; but if it was intended to produce the desired effect of peace, and to prevent hostility, the language should be decent and conciliatory. He called on gentlemen to show an instance, in modern times, where a nation complaining of injuries, but desirous of peace, had accompanied their demands of justice with threats of inconvenience? The opposite practice was universally established, and on the known principles of human nature. He appealed to the feelings of every honorable man in the Committee, whether demands for justice and reparation for injuries were enforced by threats? Whether repugnance to a compliance with such demands was not created by such means? If every man felt the operation of this principle, how much more powerful would it be on the minds of the Governors of a nation styled proud and insolent? He said he would charge no man with an intention to involve this country in all the horrors and desolating scenes of war. He could not, however, help declaring, that war or amicable negotiation evidently must decide the controversies between America and Great Britain, and that were his mind determined on the former, he should recommend those measures which gentlemen had brought forward to the consideration of the House, as the most operative means of rendering the event certain, and of banishing every prospect of accommodation. To seize on British property, to confiscate or sequester British debts, to annihilate as far as in our power her commerce, to starve her manufacturers, and to humble her pride; these were infallible means of defeating negotiation, and of uniting, as one man, that nation against us, in all the views of her administration.

It had been said, that a principal benefit to be expected from the institution of Republican Government was, that cool and temperate reflection would direct the conduct of nations. How far our conduct on this occasion had verified such an expectation, he wished gentlemen to reflect. He had himself fondly hoped, in the Government of this country, to have seen these principles exemplified, and all intemperance of expression, and all the heat of passion, banished. It had been said, that a statesman should be all intellect: never, surely, was a time or a country, which more required than the present time, and by this country, the exercise of cool temper, to the exclusion of passion, to conduct with safety the political machine through surrounding dangers. He well remembered a former non-importation agreement; he remembered, too, its effects; they were such as might have been expected; they were such as to convince every cool and considerate man, that the measure itself was impolitic and unwise. It immediately raised the price of all articles of importation to an exorbitant and extravagant height. Hence it was immediately beneficial to importers and shopkeepers, and hence it may be easy to understand why this measure was said to be so popu-

lar in Philadelphia and other great towns. But, as the Representatives of the whole People of America, the Legislature ought to reflect, that in proportion as this measure would operate beneficially to the dealers in imported commodities, it would become burdensome and oppressive to those who are best entitled to our regard—the substantial yeomanry of the country—on whom we must principally depend for support, in the arduous conflict which we had too much reason to apprehend. If we must eventually support our claims by arms, the more property we could import before the commencement of war, the more beneficial would it be. In that case, the most wise and prudent policy would be, that which would give the greatest extent to our credit; and, on the contrary, the most unwise and wretched, that which would tend to deprive our people of the ordinary means of supplies.

If this system should prevail, were we to receive British productions through other countries? This would be injuring ourselves, without affecting Great Britain. Was there any other country which could give us the same supplies we wanted? There certainly was none. Were we to depend on ourselves alone, the inconvenience would be great, if not intolerable. What, he further asked, would become of our produce, in the event contemplated? Without entering into a minute detail, he said, he would venture to pronounce that a great part of it would perish on our hands.

It was, he said, doubtful, how far at any time the proposed system might go to distress Great Britain; but, at this time, it would afford facility to her in recruiting her fleets and armies. Were manufacturers and laborers thrown out of employment, and thereby deprived of bread, they would be alike stimulated by want and despair to fight the battles of their country, against those who had reduced them to necessity. In short, he saw nothing which should stimulate the Legislature to adopt this measure, but passion without, and resentment within, these walls. He saw nothing in the system itself, as it respected Great Britain, but vain and ineffectual irritation; nothing in relation to our own country, but defeat, wretchedness, and want.

He said he had taken the liberty to suggest to the Committee certain Constitutional considerations. The answers which had been given had by no means been satisfactory. It was incumbent on gentlemen who had so frequently warned us of the danger of usurping power—who had so frequently, and in language so animated, charged us to avoid grasping power, by implication and construction; it was incumbent on those gentlemen, would they preserve consistency of character, clearly to demonstrate the authority which they assumed, that it might not be supposed that their construction of the Constitution was a convenient accommodation to the existing circumstances. It was not now a question whether the people had made a wise or prudent distribution of the powers of their Government: they had declared their will, and that will we were bound by every consideration of honor and duty to execute.

In the instrument under which we acted, they had declared that the President, under certain modifications, should be their organ, to treat exclusively with foreign Powers. This authority, thus exclusively delegated, includes all the terms on which a treaty could be formed. What was the present measure? Prescribing the terms of treaty, and restraining the Constitutional power from treating on any other terms. If the Legislature could prescribe those terms, in this instance, it may then prescribe all the terms, in every instance; and of course control, in all things, the exercise of that power.

To this reasoning two answers have been given; the one by a gentleman from Pennsylvania, [Mr. SMITH,] that the Legislature might make such a law, because the Executive could repeal it. He really could not comprehend the force of the reasoning; he was glad, however, he could, with perfect confidence, contradict the assertion, which he was sure would be a very disgusting one to the people of America. There was, in fact, in no instance, an authority given to the Executive to repeal a Constitutional act of the Legislature. The other answer was that given by a gentleman from Virginia, [Mr. NICHOLAS,] that there could be no objection to the exercise of this power, if it should be assented to by the President and Senate. This was still a more extraordinary and unsatisfactory answer than the other. It implied that the President and Senate could make grants of power to this House not contained in the Constitution. To this he would answer, that all the powers which the House could legally exercise, were expressed in the instrument under which we acted; that those powers could be neither enlarged nor abridged, by any man or body of men on earth, but in the way pointed out by the instrument itself.

Mr. S. said, these considerations he had expressed without any previous preparation, as they occurred to his mind. Should gentlemen who viewed the subject in the light he did remain silent, he would, in the further progress of this measure, he pledged himself, with more orderly arrangement, and he hoped with more perspicuity and force, address himself to the consideration of this Committee, or of the House. It would avail little to tell him that his opposition would be unpopular; no man more than himself wished the good opinion of his countrymen, but no personal inconvenience, no loss of fame or popular affection, should ever induce him to see his country threatened with evils incalculable in number and duration, without warning her of her danger; a country which he loved, and which he might, on this occasion, be permitted to say, he had long served with honest fidelity, and without a single instance of sinister or mere personal regard.

The Committee now rose, and had leave to sit again.

FRIDAY, April 11.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Committee.

tee of the Whole House on the motion of the 7th instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. BOURNARD first rose this day, and said: Mr. Chairman, in a question of so much national importance, there needed no apology from any member of the Committee for claiming their attention, while he gave the reasons for his vote. The impatience shown by his colleague, [Mr. CLARK] or any other gentleman, for the question, ought not to influence any member of the Committee. When the fate of a nation of as much consequence as the United States, appeared to be suspended on a vote, the least to be expected from gentlemen was, to act with freedom, deliberation, and independence. He supposed he should be among those who, at the taking of the question, would probably be found in the minority. That this would be his vote, if he was convinced that he should be single and alone. He felt himself deeply and seriously affected with a view of the precipice on which, in his apprehension, his country seemed to stand, and he wished, for his own part, to take a full and deliberate view of it, before he joined in precipitating a leap, that might not add to her safety or happiness. Reasoning and not declamation should be expected from gentlemen in favor of the measure under consideration.

He said, he would address himself to the judgments, and not to the passions of the Committee. He acknowledged it might fall to his lot to mistake the true and essential interests of his country; but, if this should be the case, he had the satisfaction of knowing that it would arise from the most honest and upright intentions. It was, therefore, on these principles, that he should proceed in giving his opinion on the important resolution on the table.

But, before he went further, he could not forget the respectful compliment paid yesterday by his honorable friend from Maryland, [Mr. SMITH] to his moderation and grey hairs; indeed, he should not have taken it to himself, as he had the honor of having white, instead of grey hairs, had not Mr. S.'s attention been immediately fixed on him. If either age or moderation would command his worthy friend's close consideration of this subject, he besought him, as well as the other gentlemen of the committee, to join in attending to it calmly and seriously for a few moments, before the die was cast. He said, he owed much, on behalf of his country, to that gentleman for his services in the field during the late war, when both his zeal and his passions were rendered so eminently useful, that he could with pleasure apologize at all times for his warmth and animation on any subject when their common country was not to be affected. But would he permit him, earnestly, to request that, with other members, he would call to mind, that they were now the Representatives of four millions of people? That perhaps the lives of thousands of their fellow-citizens were depending on a single vote. That the welfare of a country, dearer

to them than life, was at stake. Gentlemen must, therefore, agree, that the question was a serious one, and deserved to be treated with the most serious and deliberate consideration. Judgment, and not resentment, should direct the final determination, let it be what it may, and give a sanction to all their measures.

He observed, that gentlemen against the question had been accused of want of propriety, in looking calmly, and without the exercise of their passions, on the sufferings of the unhappy prisoners at Algiers, and the practical spoliation of our fellow-citizens in the West Indies. Yes, sir, said he, when he knew that it was neither passion nor declamation that could afford effective relief to these suffering members of the political body, he should continue to persist in that steady, serious, and deliberate line of conduct, that, in his estimation, was only calculated to produce that permanent and efficient aid and relief, which their extreme distress so loudly called for; but, in his turn, he asked gentlemen to give up their warmth on this occasion, that they might also reflect, even without passion, on the number of their fellow-citizens that must fall a sacrifice in the most successful war. Will not gentlemen weigh well that vote, that may possibly increase the number of mourning widows and helpless orphans?

These considerations had led him to consider the measure now proposed, as of great moment and importance, and to wish it might be reasoned on and considered in a manner becoming Legislators and Representatives of United America, who have been sent here as her counsellors and trustees, and to whom she has committed her best and most sacred interests. He said, for argument's sake, and to simplify the debate, lest he should be drawn into unnecessary dispute, he should concede for the present: The constitutionality of the resolution proposed; the right of the Committee to originate and determine on the measure; the unprovoked aggressions of Great Britain to warrant and justify the prohibition.

These arguments had been repeated and urged with great apparent force, by gentlemen in favor of the affirmative side of the question, but, were the principles arising from these facts sufficient to justify a determination in favor of so harsh and unprecedented a proceeding, without previously demanding an explanation and full indemnification, agreeably to the customs and usages of other nations?

Would arguments of this kind satisfy our constituents, if they should find themselves suddenly plunged into an expensive and ruinous war? Would it not very naturally be asked, why were not the true interests of the United States under these existing circumstances carefully inquired into, and made the principal and leading object of attentive consideration? In his opinion, this should peculiarly be the sum of their present inquiry—was it not the duty of the Committee critically to examine into the preparation they were in for a step, that in the imagination of some gentlemen of character and reputation, at the last, might precipitate our country into an immediate war? Were our

ports and harbors in any tolerable state of defence? Were our magazines and arsenals properly supplied? Were our citizens in a state of organization as a militia? In short, did not the measure threaten a sudden transition from a state of profound peace and happiness, unequalled by any nation, into a state of war and bloodshed, without taking those previous and prudent measures that might probably lead to an avoidance of this national evil, or at all events enable us to meet it with decision and effect?

Gentlemen had referred the Committee to the conduct of America, in 1776, and the success of the late war has been urged for our encouragement. The non-importation agreement has been resorted to as a precedent in point. He said, he was well acquainted with most of the events of the late Revolution. The first motions towards it, found him engaged in the common cause, and his best endeavors to complete and secure it, had never since been wanting. He well remembered the consequences of the non-importation agreement, and the sufferings of our brave fellow-citizens from that imprudent measure. He had tracked them over the frozen ground by their blood, from the want of shoes, and was sensible, that many had perished by the inclemency of the season, for want of tents and clothing; that agreement was universally reprobated, as a measure imprudently entered into on the principle of expecting to be involved in a war, which had it been then contemplated, nothing could have justified. Mr. R. appealed to the knowledge of many men who heard him, that this agreement had often been urged to Great Britain, as a conclusive evidence, that at the time of its adoption, America had not the least intention of independence, or a separation from the Mother country; otherwise, she could never have been guilty of so impolitic a resolution. He asked, then, if the Committee would now repeat the mistake with their eyes open, and expose our country to the same misfortunes, and our fellow-citizens to a repetition of sufferings, by a measure that promised not one important advantage to the Union that he had heard of? In the late war, America had all the ports and harbors of the other European nations open to her, but now circumstances would be altered; in case of a war, the very reverse would be our position, excepting as to those of France.

Mr. R. confessed, that his arguments were founded on his conviction that the resolution was a measure that would necessarily produce war, immediate, inevitable war.

His reasons were drawn from the present state of Great Britain, being in alliance with the principal Powers of Europe, and under treaties to make all wars, arising from the united opposition to France, a common cause.

The necessity she would have of employing her supernumerary hands, if not in manufactures, in her armies and navies, to prevent trouble at home, added to her old grudge against us on account of principles, that promise much trouble to all the Monarchs of Europe. Her late conduct with regard to our trade, founded on the instructions of

the 8th June, and 6th November last. Her withholding the posts, contrary to every principle of justice and good faith, and against the most positive assurances. And lastly, from the anxiety to regain the Territory between the Lakes and the Mississippi. He agreed that neither of these singly, nor even the whole together, could justify her in her own opinion, in making an open attack upon us, but might tempt her to construe the measure before the Committee into an act of hostility on our part, as contrary to our professed neutrality. He said, it was a point conceded in the Laws of Nations, that granting to one of the belligerent Powers advantages in your ports, which were refused to another, was a breach of neutrality.

The object with Great Britain would be, to convince her allies, that the aggression arose on account of the war with France, to prevail on them to make it a common cause; and in this they would not want plausible evidence. It was not sufficient, he alleged, that we knew ourselves innocent of the charge. We should be prudently careful not unnecessarily to give reason to justify the construction. If the previous steps of negotiation, used by all civilized nations, were neglected, they would have the advantage of the argument and we should injure ourselves. He asked if any gentleman would say that a prohibition of commerce at the eve of a war, or even the apprehension of it, was wisely calculated to clothe an army, replenish our magazines, supply our arsenals or provide a revenue by which to support a war?

He wished every member had taken the trouble he had done, of looking into their stores, inquiring what was on hand, calculating what would be absolutely necessary, and reflecting seriously and dispassionately on the sources of supply. If they had, he doubted not but that they would find something more than passion and resentment necessary, to meet the probable consequences of so premature a determination.

It was no uncommon thing for gentlemen to differ on important measures; and he would not even insinuate, that he might not be found wrong in these ideas, and wholly mistaken in his conjectures on this occasion, but he begged members to consider the different ground on which the two sides of the House stood. If the minority, of whom he expected to be one, should in the end be found to have been alarmed with consequences altogether unfounded, and that the issue proved successful to the peace of our common country, they would have the happiness of rejoicing with the majority in their superior wisdom and foresight; and though even they should suffer in character, yet their country would be saved. But if the minority should be deluged in a destructive war, and her best interests be endangered by the discovery of the misresolution, would seriously regret, that they had not at least used more caution.

He said, as at present advised, he should give his vote against the resolution. It would be from a thorough conviction, on the most careful exam-

ination, that the resolution was against the interest and welfare of the United States, all circumstances considered. And this he should do, wholly regardless of the malevolent insinuations that Britain had an influence in that House. He felt a conscious dignity of mind, a virtuous pride of heart, in believing that it was not all the wealth of that opulent nation could purchase his influence to a single measure injurious to his country; and under that conviction, he could not believe there was a member of the Committee in a different predicament.

He again repeated, that he should most sincerely rejoice, if this measure should be adopted, to find, in the end, that his mind had viewed it, as productive of consequences that were wholly unfounded; and, although under his present view of the subject, considering it as inimical to his country, he was bound in conscience to vote against it, yet the Councils of America were directed by superior wisdom, and that this country had reaped the rich harvest of peace and happiness. But it might now be asked, if it was meant passively to submit to the injuries acknowledged on all hands to have been sustained by the impetuous and overbearing conduct of Great Britain? He answered no, by no means.

He would follow the examples and pursue the measures of other nations in like circumstances—examples and measures founded in policy and sound understanding. He would, by a special Envoy, make known to that Court, our sense of her unwarrantable aggressions; he would demand immediate indemnification for the present, and security against future sufferings of the like nature—insist on a categorical answer, after applying to her justice and best interests; and if at last a war must be only means of obtaining justice, he would then (being previously prepared) meet it, as became a free and independent nation, trusting to the righteousness of her cause.

By this means the other nations of Europe would be made acquainted with our complaints—become witnesses to our love of peace, and bear testimony to the justice of our appeal to arms. He said, he had fully considered the question—he had viewed it in every point of light—he had endeavored to consider the consequences which most probably would arise from it, and he could not convince his mind, that the measure would be productive of any good to the United States, while it offered many reasons to conclude, that it might be fraught with the greatest evil. In case of the most successful war, America had nothing to gain, while her loss of blood and treasure was sure and certain. He had once flattered himself that this was the only country on the globe, whose interest it was to be at peace with all the world, and at the same time the interest of all the world to be at peace with us. But he feared we had been so much actuated by a resentment of injuries received, as to lose sight of our true interests under existing circumstances, and, therefore, should be hurried into measures we might hereafter have reason seriously to lament.

The Committee now rose.

MONDAY, April 14.

A petition of Philip Allen and Zachariah Allen, of Providence, in the State of Rhode Island, merchants, was presented to the House and read, praying that they may be exonerated from the payment of the duty imposed on foreign vessels, to which they will be subjected in the case of the ship Marie Indienne, which was purchased by the petitioners in the Isle of France, to bring home the cargo of the brigantine Abigail, an American bottom, which was rendered unfit for the voyage, and incapable of being repaired; also, that a special act may be passed, authorizing the Collector of the district of Providence to register the said ship as a vessel of the United States.

Ordered, That the said petition be referred to Mr. BENJAMIN BOURNE, Mr. FOSTER, and Mr. S. BOURNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. MURRAY, from the committee appointed, presented a bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States;" which was read twice and committed.

A memorial of sundry citizens of the City of Annapolis, in the State of Maryland, was presented to the House and read, praying that Congress may adopt such measures as in their wisdom shall be deemed most expedient and effectual for placing the said City of Annapolis in a state of defence.

Ordered, That the said memorial be referred to the committee last appointed.

On a motion made and seconded that the House do come to the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the present embargo be continued, and every regulation concerning the same shall be in full force until the — day of —.

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House again resolved itself into a Committee of the Whole House, on the motion of the 7th instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland.

Mr. SWIFT commenced his observations by remarking that it was extremely painful to consume the time of the Committee in discussing a measure, when it was apparent that there was a decided majority against the opinion which he entertained. But the resolution on the table deeply affected the interest of his country, and would probably be productive of the greatest injury; he therefore deemed it proper for him to offer his sentiments on the subject. He said, if we turned our attention to a period not very remote, we should find our country flourishing in the highest prosperity and felicity; but the prospect had lately been changed. We have been attacked on all sides, and our commerce nearly destroyed. In

the West Indies, we have not only suffered spoliation on our trade, but our citizens have been exposed to the most aggravated insults and abuse. All wished to obtain redress for these injuries: the difference of opinion respected mode. It was, therefore, extremely unfair to charge the gentlemen who opposed this measure with tameness under the insults and injuries offered to their country, because they deemed this mode to be inefficient, when they declared their readiness to pursue those measures which they conceived were most effectual to obtain satisfaction for the injuries we have sustained.

The gentlemen who advocate the resolution on the table, contend, that it is calculated to prevent a war, to preserve peace, obtain satisfaction for our injuries, and bring Great Britain to her senses. If such would be the effect of the measure, no person would oppose it. But what reason have we to believe that such will be the effect it will produce? The only principle by which the measure can operate, is, that so important and interesting to Great Britain is our commercial connexion, that rather than sacrifice it, they will comply with our terms. But can it be said, that our commerce is so important to them, that to deprive them of it will necessarily produce this effect? The contrary was demonstrated in the late war, which terminated in our Revolution. The British nation were able to exist not only without our commerce, but, at the same time, to carry on a war against us and against France, Holland, and Spain, in which they obtained victories over the fleets of those nations. All this they were enabled to do without our commerce, and they cannot now be said to be so dependent on us that they cannot live without us. It cannot, therefore, be said that this measure must necessarily produce the effects which are contemplated.

Mr. S. observed, that there were conclusive reasons to believe that the resolution would not produce such effects. It must certainly be considered as containing a menace—a threat, and as dictating terms to Great Britain. All acknowledged that nation to be haughty, insolent, and imperious, in the highest degree. Will not their pride and importance be wounded at an attempt to impose upon them the conditions by which our commercial connexion is to be continued? Will they not consider the national dignity to be insulted? Will it not excite a resentment and indignation that will preclude all possibility of reconciliation? The sentiments of the British nation in these respects are by no means to be justified, but if we intend a negotiation, we ought to pursue it in such a manner as will probably produce success, and not address a proud nation in that menacing tone which will defeat the object we wish to obtain. It happens that some gentlemen have made singular calculations upon the success of this measure. They suppose that if Congress pass an act prescribing the terms of accommodation, and transmit it to our Minister resident at London, that Great Britain will be alarmed and frightened at the prospect of the loss of our commerce; that they will immediately comply with our terms, and make us

the reparation we demand. An act of Congress is to govern one of the most proud, insolent, and powerful nations on the globe. If we are not proud and insolent, we at least have a claim to a liberal share of vanity and self-confidence. This would be an excellent instrument to govern the British nation; but we have reason to think that they will laugh at the idea, instead of being frightened.

Mr. S. then remarked, that we ought to pursue a different mode; that, by the Laws of Nations, negotiation, unaccompanied by any menacing measures, was the proper step, and there was the fairest prospect of success. He considered the controversy and dispute subsisting between Great Britain and the United States to be in a situation peculiarly proper for negotiation, and that there was the fairest basis for explanations and accommodations. He said that no complaint had been made on our part to the Court of Great Britain, stating our injuries, and demanding satisfaction; and that when Mr. Pinckney, our Minister at London, demanded an explanation of the intention of the British Court, by the order of the 6th of November, they declared that no condemnations were to take place in virtue of it, which would not have been legal if the order had not been issued. A construction was put upon that order by the Ministry, which denies the principles on which the condemnation in the West Indies had been founded, and which of course disavows the transactions of which we complain. We may, therefore, fairly suppose that the Court of Admiralty in the West Indies have contradicted the orders and intentions of the British Ministry. We have not heard what effect these condemnations of our vessels have had on the British Court. If we should state to them the injuries we have sustained—which we ought to do, as they have been committed in a remote part of their dominions, apparently contrary to the design of the Court—there is the strongest reason to believe that we shall obtain redress; because, by their own construction of the order of the 6th of November, they have disapproved of the principle by which the injuries have been committed, and of course they are bound, by their own construction, to make us that satisfaction which we demand.

Mr. S. said, if we conducted a negotiation without giving offence, it was probable we should obtain the influence of the British subjects in our favor. If, when the American merchants in London, discovered the order of the 6th of November, they were alarmed, and immediately demanded an explanation of the Court, this shows that there is a powerful interest in that country in favor of a commercial connexion with this. If we do nothing to wound their pride, this influence will be exerted to preserve the connexion. The mutual interest and welfare of both countries may be fairly taken into consideration, in adjusting the dispute. But if we adopt a menacing measure, offensive to the nation, we shall lose the influence of our friends in accomplishing an accommodation. While such is the state of our affairs, we ought to try a fair negotiation, on equal and liberal

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terms, unembarrassed by any menace or insult, and there can be no doubt but that the measure will be attended with success. But if Great Britain will not negotiate and do justice to this country, Mr. S. pledged himself to support the most energetic measures to assert our rights, and maintain our national dignity. When war had become unavoidable—and that time might happen—he would meet it with firmness and fortitude; but while it was possible to preserve peace, he conceived it to be a duty he owed to his country to do all in his power to preserve it.

Mr. S. observed, that while he considered negotiation to be attended to by all nations, he had particular reasons to wish that it might be adopted by the United States. He wished that this Republic might establish and act upon a principle which was calculated to bring national disputes to an amicable accommodation and prevent the calamities of war.

Mr. S. then remarked upon some particular objections to the resolution. He said that the surrender of the Western posts and payment for negroes carried away contrary to the Treaty of Peace was a subject of controversy that had no connexion with and ought not to be connected with the spoliation committed on our commerce; and was calculated not only to prevent the obtaining of that compensation to which our merchants were entitled, but to cut off forever all commercial intercourse with Great Britain. It is a well known fact, that Great Britain has charged the United States with being guilty of the first infraction of the treaty, and that the United States have retorted the charge. While they seriously believed, that we were the first violators of the treaty, what would they say to an act of the Legislature which renounced all connexion with them, unless they would fulfil the terms of a treaty which they considered themselves to be discharged from by our first violation? Could it be expected, that they would comply with terms so haughty and insolent? Could any person suppose that the proud nation of Great Britain would humble themselves before us in this manner? Would they not consider their national honor to be affected, and abandon all connexion with us before they would submit to terms so humiliating and degrading?

Mr. S. remarked, that he did not mean to say, that the United States first infringed the treaty; for the purpose of his argument, it was sufficient to say, that Great Britain thought so, and such being her impression the same consequences would follow as if such was the fact. And the dispute respecting the Western posts, which could be of but little importance to this country, might forever interrupt a commerce which was of the greatest importance. He did not think that the Western posts were worth so great a sacrifice.

If this resolution be adopted, we cannot recede in honor unless there be a compliance with every article. It may then happen that a dispute respecting some trifling subjects may prevent a restoration of that commerce which will be of great and important value. But if we do not in the first instance give them our ultimatum we may

discover the terms on which they will negotiate, and then it will be in our power without any embarrassment from an antecedent law to consider what is best to be done, and make any concession that our interest requires and which is compatible with honor.

If Great Britain should be disposed to negotiate and comply with the conditions we offer, such is the nature, variety and extent of our disputes, that the discussion and adjustment of them would require so great a length of time, that the loss arising from the interruption of our commerce during that period would be of greater consequence than the objects of dispute. For, if this measure be adopted, we must expect a total interruption of all commerce with all parts of the British dominions, as relative to exports as well as imports, for though the resolution only contemplated the prohibition of manufactures from Great Britain and Ireland; yet, we might be satisfied that Great Britain would not give us a trade that was profitable only to ourselves.

Mr. S. observed that we ought to consider that if this proposition should be adopted what great alterations would take place in the value of property; foreign articles would rise, and domestic fall. An immense profit would accrue to the owners on the Spring goods which might arrive before it was intended that the act should commence its operation. There could be no doubt but that in a short time a variation in the value of property contrary to the interest of this country would take place to a far greater amount than all the spoiliations which had been committed on our commerce. Merchants who had large quantities of goods on hand, would profit by the measure, and the agricultural part of the community would be obliged to sustain the loss.

It had been suggested that the people were anxious for the measure. It was probable that some, who had a particular interest to serve, by the interruption of trade, were in favor of it; but the most considerate part of the community were by no means of that sentiment. But let the popular opinion be what it would, too much had been said about it. We are not to be influenced by such considerations, but are only to regard the public welfare. That we ought to guard against all popular influence as being of the most dangerous tendency. That there was no danger to be apprehended from the Government; that it had not the power, and had never shown any disposition to encroach upon or oppress the people; that the only danger that exists is from the encroachment of the people on the Government, and if the Government ever does fall, it will be owing to the too great prevalence of a local popular influence, which does not speak the general sense of all the community.

But if this resolution should be rejected and a negotiation pursued, it will be accompanied with an implied declaration that if it fails, the United States will take proper steps to obtain redress, which will have all the influence to enforce and facilitate a negotiation that can be derived from this measure, unembarrassed with any of the in-

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conveniences. If the negotiation should fail, we can have recourse to this measure with the same efficacy then, as now, and it will produce the effects; for our commerce must be as important to Great Britain at the end of six months as now.

It had been suggested that the opposers of the resolution were under British influence and interest. Mr. S. did not intimate that any gentleman of the Committee had thrown out that idea, but he said it was a popular opinion, and very prevalent. He remarked that the charge was unjust, cruel, and unfounded; that for himself, he felt no influence; he stood on American ground, and was influenced only by American feelings. He did not advocate any commercial connexion with Great Britain from any regard to that nation, but merely from a regard to his own country, whose interest he conceived to be promoted by that connexion. He remarked that some, who were considered as British agents, had boasted of their influence in the Legislature. He declared that no such influence existed; and that he most heartily despised those persons, who had the effrontery to pretend that it did exist.

Mr. S. remarked that a popular opinion in some parts of the Union had been prevailing, that many of the Representatives in Congress were under such an influence arising from the funding system, that they dared not adopt measures necessary for the public defence, for fear the interest of the national debt should remain unpaid. He said that a most unreasonable and unfounded jealousy respecting the funding system existed among the people; that he was satisfied, during the time he had held his present office, that no measure had been influenced by an exclusive regard to the public debt; that he had never owned a farthing in the public funds; but he considered that, let whatever events take place, the national debt must be paid; that if it were necessary he would vote for a land tax for that purpose, for he considered the faith of the Government pledged for the payment of that debt, and he would never violate the national faith; such being the security of the debt, none of the holders had any reason to apprehend a failure of payment, and therefore none of the Committee could be influenced by an apprehension of the failure of payment.

Mr. S. said that we ought to consider the tendency of this measure to a war. Many of the friends of it had denied this, and declared that they considered it to be a peaceful measure; but will all say this?

A gentleman from New Jersey [Mr. DAYTON] has said that he is in favor of it; because he considers it to be a stepping stone to the threshold of sequestration. Mr. S. said that he respected the virtues and the talents of that gentleman; he believed his integrity to be unimpeachable, and that he acted from the purest motives; that he did not wish to wound his feelings, but that he was bound in duty to express his sentiments respecting any proposition he should make; he considered the proposition of sequestration as connected with this measure by what the gentleman himself had said, and from thence he derived an argument against

it. He had said that this resolution was the stepping stone of sequestration; if that be true, Mr. S. said he should step on this stone with horror and indignation; he should consider it to be the step stone to the temple of infamy, wretchedness, and ruin; he considered that it would not only involve his country in disgrace, but in all the calamities of a war.

He said that gentlemen ought to unfold the whole system of their measures with their object and design, and not deceive people into measures which they would reprobate if they knew the consequences; that he believed while there were gentlemen who had nothing but peace in view, that there were many who intended to defeat a negotiation, to dissolve our commercial connexion with Great Britain forever, and who were willing to plunge us into a war with that nation. If gentlemen had not that design, let them come forward and declare it; but while there was reason to suspect such a design, the gentlemen who were in favor of the resolution under consideration, but intended nothing more, ought to be cautious how they adopted a measure that would lead to the most mischievous consequences.

On a full consideration of the subject, Mr. S. said that he was convinced that this measure would lead to a war; but if a fair negotiation should be attempted, he had no doubt but that all controversies might be settled, ample satisfaction obtained, commerce restored, and that our country would continue to flourish and prosper.

Mr. SMITH (of S. C.) was opposed to the measure, because it was inconsistent with that spirit of negotiation which was contemplated not only by the Executive, but by Congress; for, although some members seemed adverse to any further attempt at negotiation, yet it was evidently the wish of a considerable majority to give it another trial.

The measure carried with it a menace: it held out this language: that, unless Great Britain would consent to certain measures, the United States would punish her by certain other measures. This language had a direct tendency to defeat all negotiation; for no nation would ever treat on such terms. Even were Great Britain disposed to make complete satisfaction for every injury, her pride would restrain her from making concessions which might appear the result of threats and apprehensions.

This has been compared to the case of an individual, and it had been shown that, in common life, no man of spirit would make atonement for an injury when demanded with a threat of punishment, if withheld. Mr. S. applied the case to ourselves. He brought it home to the feelings of the members themselves, and he asked if they, under similar circumstances, either as private or public characters, would not, from a spirit of national pride, spurn at the idea of having redress extorted by menaces?

Great Britain would be disposed to make or withhold reparation according to events in Europe, and according to her view of the advantages or disadvantages resulting from a war with the United States. By that view would her an-

swer be governed. Should the nation hesitate with respect to peace or war, a measure like this would undoubtedly decide them against peace. Their language would naturally be, "we were disposed to accommodate all differences on the most amicable terms; but such a disposition, under the present circumstances, would appear to be the result of fear excited by your threats, and commit our reputation in the eyes of all the world. You must, therefore, pursue your measures, and we shall pursue ours." Mr. S. asked whether this would not be the language of every nation in a like situation? He was persuaded it would be ours. There was nothing pusillanimous in asking reparation in decent terms, unaccompanied with threats. It was the common practice of all nations. Genoa had recently, though her neutrality had been violated, and her port blocked up, sent an Envoy Extraordinary to Great Britain to demand satisfaction. Her demand was couched in mild and civil language; yet Genoa was universally applauded for her firmness and the dignity of her conduct as a neutral Power. It was not enough to say that we had been grossly insulted; this was admitted in its fullest extent. But every nation, when it required redress, was previously insulted. The very demand of satisfaction implied antecedent injury. Nations, however, negotiated without threats. Why, then, did gentlemen so frequently cry out, what! shall we negotiate with a nation which has violated our rights? He would ask those gentlemen, when negotiation was necessary, but in the case of violated rights? He would further ask them, whether they were not the first to urge negotiation with the Dey of Algiers, who had captured our vessels, and degraded our miserable fellow-citizens to the level of beasts of burden? Whether they did not oppose the Naval Armament, lest it should irritate the Algerines, and prevent the success of negotiation? Was it not the constant policy of this country to negotiate with the Indians when practicable, rather than to make war with them? Why, then, raise objections to a negotiation with England? Or why, after having admitted that negotiation shall be attempted, defeat it by these projects? If a majority of the House are ripe for war, let us say so, and act consistently; but let us not hold one language at one time, and contradict it at another; let us not say we are for peace, and immediately adopt a war measure.

Mr. S. inferred from these observations, that negotiation being determined on, he was bound to resist any and every act which tended to frustrate that negotiation. But, while he was thus for the *swartler in modo*, he was, at the same time, for the *fortiter in re*, and he called upon the advocates of this scheme to join him in those measures, which, at the same that they were free from the foregoing objections, would, in his opinion, rather give effect to the negotiation, or prepare us for the event of its failure.

A gentleman had said, we have fortified our harbors, we have filled our arsenals, we have increased the Military Establishment: now we

must do something more. But the gentleman, in the warmth of his imagination, had mistaken things to be done for things actually done. The fact was, that the gentleman was entirely unfounded in all these assertions. We have not fortified our harbors, we have not applied our arsenals, we have not augmented our military strength. It is true we have it all on paper, but the very revenues necessary for the existence of all those essential points, are not yet reported by the Committee of Ways and Means; and, until those revenues exist, the laws we have passed will be of little avail.

It was proposed by the law, that the non-impertation should not take effect till November next, and that distant period was fixed for its operation, to afford time for the result of the negotiation, and that Congress might previously be in session, in order to repeal the law if the negotiation should succeed. Thus, while the very law itself admitted the propriety of a negotiation, it carried with it the very death-wound of all negotiation, by expressly purporting to be in *terrorem*. If it was not intended as a threat, why not wait till November, and then adopt the measure, if expedient. Suppose this House should in November deem the measure inexpedient, they cannot repeal it without the concurrence of the Senate and PRESIDENT. Thus they forestal the judgment of the House, and deprive themselves of that independence which they ought to possess, to act in the next session according to their then view of things.

Some members had proposed the 1st of November, in order to admit the Fall goods; but, if that was the design, the period would be an improper one, for it would be extremely unequal in its operations. In some of the States, the Fall vessels might generally be arrived by that time; but, in some of the Southern States, they would be generally excluded, and those States deprived of their expected supplies.

He further objected to the measure, on the grounds of its dictating the terms of negotiation, which was not within the province of the Executive, and so far a departure from the spirit of the Constitution; but this ground having been fully discussed by other members, he should not dwell on it.

One member had expressed an affection for this measure, because it was, as he had termed it, a stepping-stone to sequestration. Mr. S. thought it would be more properly called a stumbling block to negotiation. He disapproved of it in both shapes. He objected to it, both as to the mode in which it appeared, and as to the time; as to the mode, because it specified particular grievances, and thus, while it embarrassed our Executive, it menaced the Executive of the nation with whom we were to treat, and made the redress of those specific grievances the *sine qua non* of all future intercourse; as to the time, because as it was not to take effect till the next session of Congress; there could be no other view in passing it now, but that it might operate as a

threat; and, as this intention could not be mistaken, it would undoubtedly defeat all accommodation. Such being his view of the subject, he could not reconcile it to his duty to vote for it. He thought Congress owed it to their constituents to avoid a war, if possible. The ground of negotiation being taken, they were bound to reject every measure which might have a tendency to defeat it, and to do every thing which might give it a fair chance of success. But while he said this, (as a neutral nation could not justly give umbrage by taking measures to support her neutrality and assert her just rights,) he pledged himself to concur in every act which might place us in a condition to make ourselves respectable, to vindicate our national honor, and to obtain ample retribution for any wrongs which the course of events might leave undressed.

Mr. DEXTER introduced his observations by remarking that he had never risen with so great reluctance on any former occasion. At so late an hour when patience seemed exhausted, when reasoning had given place to invective, when to oppose the resolution was but soliciting reproaches, when the friends of it, confident of a majority, were from all sides of the House impatiently calling for the question, when the mover of it heard arguments against it only that he might treat them with contempt, and their authors with insult, he said it was in vain to ask for an attentive hearing. He should not have risen but for a remark just fallen from a gentleman from New Jersey, [Mr. DAYTON] which had forbidden him to be silent. That gentleman, said Mr. D., has told us that the present measure is a stepping-stone to sequestration of British debts. Viewing it therefore as the beginning of a system of hostility, which is to be so peace, but our national honor, the duty to resist it becomes indispensable. Whatever may be thought of making laws to annihilate the ties of honor and personal confidence, and to dissolve the moral obligation of contracts; whatever may be thought of the modern usage of nations, which probably from general consent has become a law, which cannot now be violated without perfidy; whatever might be thought of the odium it might bring on our national character, and the complete destruction of our credit at a moment when we shall need the utmost extent of it; we have not taken those previous steps for pacific accommodation, which the custom of nations and all writers of authority hold to be the first in order and indispensable. We have not made that demand for a recompense, which ought to precede every species of reprisal. After the observations, sir, which I made in the beginning of the debate, it will not be thought strange that I suffer on the present occasion an unusual conflict of reasoning and of feeling. I then stated, with the frankness which I felt, and with the zeal which the hazardous crisis of our country inspired, the reasons and passions which kept my mind in a state of vibration. Struggling with indignation at the injustice and folly of Britain, I said we have suffered until confidence is folly—until patience is a crime. Believing that

the resolution involved a principle, which might be useful both for obtaining justice and preserving peace, but that its present shape rendered it not only useless but injurious; believing, too, that it is improper for this branch of our Government to begin a negotiation with a foreign nation, and promptly dictate the terms of it, I proposed an amendment, which left the principle in all its force, and avoided some of the objections. We have heretofore heard much about a spirit of accommodation; but the friends of this resolution have not discovered it. After wearying themselves in hunting for a reason against the amendment, it was negatived without any. They will agree with us, but it must be precisely on their own terms. This is the language of accommodation: Hear and believe whatever we teach; stoop down and bear whatever we impose. Victory is in our own power; a triumph is better than peace. If, sir, it be connected with discord and public calamity, the laurel is too withered to excite my envy. If, amid the fire which rages, we have not forgotten the cause which produced it, we must remember that the condemnations of our vessels in the West Indies, in consequence of the orders of the British Government of the sixth of November, are the great and immediate cause of complaint. Have we, sir, demanded a recompense for this injury, and waited a reasonable time for an answer? So far is this from fact, that we have not taken one step towards this, nor have we even heard from Britain since it was known there that any condemnations have taken place.

Our last despatches from our Minister at London tell us, that Lord Grenville declared that he presumed no condemnations would take place in consequence of those orders. The words themselves certainly do not justify any.

Have we any right to say that a demand of recompense would be fruitless, when the injuries we complain of are thus expressly disavowed by the Minister? Did we know that a demand would be fruitless, still we ought to make it, in conformity to the usage of nations, from a decent respect to their opinion, and to convince them, in case of a war, that our enemies are altogether the aggressors, and that we have been just and circumspect. We are judging in our own cause, and we ought not to trust ourselves to deviate from established principles, lest prejudice should mislead us. But it is said that we have negotiated in vain, respecting the breaches of the Treaty of Peace, and that the delays here are sufficient to justify immediate war. Do we not know, sir, that there are two sides to that negotiation? Have they not made demands on us for breaches of the same treaty? The negotiation is still pending in the ordinary train. We have never given them our ultimatum on the subjects of it. It is now under the direction of the Executive, which is the Constitutional authority. It is not proper for us to assume to put an end to it by an act of legislation. Who, sir, that calls himself an American, would dare to pursue a measure which may tarnish our national honor? If any one would take even a doubtful step, "shame ought to burn his cheek to cinder." To

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prevent being misunderstood or misrepresented, perhaps I ought to say here, that I by no means deny our right to regulate or prohibit American commerce, I only mean that if the present controversy should end in war, we cannot justify engaging in it without first demanding justice, and if we make this demand with circumstances which forbid success, we do not comply with the spirit of this rule, but evade it. Taking the measure now proposed, would forbid Britain to treat with us on the subject. We know that we should refuse in similar circumstances. Are we more proud than Britain? Did any nation ever begin negotiation with threats? The external forms of regard on such occasions are so excessive, that nothing but custom prevents this appearing ridiculous. Humanity, as well as usage, requires that every peaceful method should be tried, and that too in the form best calculated to be successful. Faithfulness to our constituents requires this. Their interest and their wishes are against courting war.

But, sir, we are told that negotiation is pusillanimous. Passion is called American feeling. We hear much about energy, and some seem to think that the occasion calls for insult. Sir, noise and declamation are very distinct from fortitude and patriotism. The bravest men do not bluster and threaten. Why should it be thought too tame a measure to state the injury, and with manly firmness demand a recompense? The pride, the petulance of Kings, has always submitted to this, but the moderation of a republic forbids it. More proud than Kings—more insolent than tyrants—we despise this law of humanity, this compact of mankind. Where is the despot, the ermined monster, who dares to spread desolation and havoc, without demanding first his right? And where, sir, is the difference between not demanding at all, and demanding in such a way as to insure a refusal? How much justice there is in the charge of pusillanimity, which has been so often and liberally made, I will not undertake to determine. Perhaps he who pursues with decent firmness the steps which propriety, humanity, and general consent have provided, and while he feels the strongest indignation, is too proud to throw dirt or threaten, but places himself in the best posture of defence, lest war should follow unsuccessful negotiation, is as truly magnanimous as he who talks loudly of revenge, avows passion as his principle, call hard names to produce conciliation, and gives blows to keep peace, who at the same time does every thing to provoke war, and opposes every measure to prepare for it. Lest the difficulties of the present crisis, and the attack on the pride of Britain, by prefacing our demand with a threat, should not be sufficient to prevent a recompense and provoke to war, old causes of controversy are added. The breaches of the Treaty of Peace, by detaining the posts and negroes, are old subjects of complaint.

Why they are brought forward now, and made an indispensable preliminary of treaty, when Britain is aided by a powerful confederacy, and the world is like tinder, is difficult to conceive, unless

we wish to kindle here the flame of war. Further, sir, this throws such an unequal burden on our merchants, as amounts to oppression. They have already suffered extremely from British and other depredations. They bear the principal burdens in raising our revenue. Is it right to add to all this, and forbid many of them to exercise that business, by which they get their bread, until Britain shall not only make compensation for their recent injuries, but also settle the old matters of difference precisely on our own terms? We are connecting matters which our interest requires should be separate. Britain, following our own example here, will say that by the treaty all British debts were to be paid; but the State laws and the Courts of Virginia have prevented this. They offer to set off these against the injuries suffered by our merchants, and perhaps the balance will be against us. Will this be protection to the sufferers? Yet, if we connect these claims together we cannot object to their doing the same. It is throwing on the merchants all the political evils and burdens of America. Yet we who oppose this measure have been charged with wanting feeling for their suffering. Provoking an unnecessary war will sacrifice all their property now abroad, and deprive them of all hope of recompense, for that which has been already condemned. Going to war is surely no way to induce Britain to make compensation; and it is as certain, that this country will be under no obligation to do so, if war shall be the issue. This country is bound to indemnify them only when we refuse to obtain satisfaction from Britain, or to avenge their wrongs. What inconvenience should we experience from the delay occasioned by the usual forms of seeking redress? Can Britain run away like a private malefactor, so that we cannot catch her to punish her? We should at least be better prepared for war. If the reasons for it are strong, they will not suffer by our taking time to examine them. Are we afraid that passion will cool, which we here avow as the principle which governs, and ought to govern our counsels? Or are we apprehensive that passion on this occasion is popular? I suspect this last idea has no small influence. We ought to judge that nothing will be popular which is not right. I have more respect for my constituents than to believe that they will run mad, and then become so myself to please them. That I should continue in this seat is of very small importance to me, and of none to the public. But it is of infinite moment to preserve our peace and national honor. The path of rectitude is the way to honor. The man who walks in it without deviating, will generally meet the public approbation. But if he should fail in this, his own feelings will reward him.

I respect the manly Republicanism of America too much to believe that the popular water-gruel, the milk for sucklings, with which some men strive to gain his favor, can either please his appetite or invigorate his system. There are discontented men in all countries; perhaps our own has fewer than any other. They halloo loud and often, and we are therefore led to think they are

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numerous. A tumultuous minority thus often imposes measures on a peaceful majority against the first principle of Republicanism. The voice of the people is not for war, unless necessary for our safety and honor. Many in this city may wish for it, but the majority through the Union are desirous of peace. Though they will encounter war bravely, if it shall overtake them, they are against running to meet it. I will not detain the subject ourselves to, the difficulty of obtaining supplies from other countries during the convulsions of Europe, the loss of our articles of export, perishing on our hands from a retaliatory prohibition by Britain, the impossibility of executing such a law, or the encouraging of frauds, to the ruin of the merchant of honor. These have already been the subjects of observation. The strong objection which arises from our Constitution I cannot omit. In the distribution of power to the several departments of Government, the right of making treaties is given to the Executive. Of course the preparatory negotiation must belong to them as an incident of the authority. But we are now commencing a negotiation ourselves, and prescribing terms of a treaty. It is urged that this cannot bind the Executive. They may make a different treaty, but our prohibition will still be in force. Do we intend to say, then, that we will forbid our citizens from commerce with Britain, even after the Executive, the only Constitutional power, shall have settled all matters of difference, unless they will suffer us to dictate the mode in which they shall exercise their authority? This looks to me very much like usurpation, by whatever name we may choose to call it. It has been said, by a zealous friend of the measure, that a treaty would be the supreme law of the land, by virtue of the Constitution, and therefore would repeal this law. Perhaps it may in future be thought convenient to retract that doctrine. If it be true, it is idle to make the law. But, sir, I doubt the truth of it. It appears strange to say, that an act in its nature Legislative, (and such we are told this is,) can be abrogated by an Executive act. I know of nothing but the Legislature which can repeal a law. It belongs either to Legislative or Executive power. If the former, the Legislature only can abrogate it; if the latter, we ought not to meddle with it. We may as well carry through the negotiation, as begin it, and prescribe the terms of it. If the Constitution had given us the power, we could not exercise it, from our numbers and mode of doing business. It will not be denied that the Executive has a right to appoint and instruct a negotiator as to the terms of settlement. Have we the same right, or even can we instruct him when they shall appoint? Suppose him thus doubly instructed by the Executive, having Constitutional authority, and by power, and the instructions contradict each other: whom is the negotiator to obey? None will say that the power of the Executive is not paramount to all others, as to treaties and all foreign negotiations. Are we to make a law, then, which may

be violated with impunity—nay, more, with propriety? I wish, sir, that gentlemen who so often tremble for the sanctuary of Republicanism, and deprecate usurpation of power, would apply these excellent feelings to this subject. We have been often told that something must be done, and that, if we object to this measure, we ought to show a better as a substitute. I have never thought this a difficult task. I will now state the outlines of what ought to be done. By a peculiarity in our Constitution, negotiation with foreign nations is altogether an Executive duty; but to declare war is with the Legislature. In Governments where the powers of negotiation and of war are in the same hands, the same officer can demand a recompense for an injury, propose his ultimatum, and declare war if it be rejected; but our Executive may be embarrassed in pursuing a demand of compensation to the last extremity, lest he should pledge the honor of the nation to war against the will of the Legislature, who alone can make war. We ought, therefore, to pass a resolution requesting the President to pursue with energy a demand for recompense, according to the custom of nations, and pledging ourselves to support him, if the event should prove unsuccessful; and, in the mean time, we ought to prepare for war. I can see nothing further which is Legislative in its nature, or committed to our care by the Constitution, until it shall appear that the negotiation has failed of success. Then, sir, it will be time enough to prohibit commercial intercourse, or declare war, or take any other measures to avenge our wrongs and vindicate the honor of our country. If we are to engage in war, sir, I presume we must have some money to carry it on, unless in this instance, also, we are an exception from general rules. The measure now contemplated must almost annihilate our imports, and we have not looked round for a substitute. We have heard of a land tax, but there are many objections to it. On the eve of war public credit is doubly important. Having lost our former resources, we must provide new funds for the punctual payment of the interest of the Public Debt, the expenses of Government, and the innumerable expenses of war. We must not only suffer heavy taxes and burdens, but also an enormous increase of our Debt. As I am not guilty of being a creditor of the Union, perhaps I may be heard patiently on this subject. It has been often said here that the Public Debt has enslaved our country; yet now we are urged to increase it beyond all calculation, without taking the usual measures for pacific accommodation.

Though I have labored in vain to understand how the Public Debt is an engine of slavery, and have sincerely thought our country a perfect model of civil freedom, yet I hope this argument will have some weight with those who see that we are slaves, and that the Public Debt has riveted our fetters. Here give me leave to answer an argument which has been repeatedly pressed, and with apparent success. It is not denied that the first regular step is to demand a recompense for an injury; but it is said that Britain regards no laws of nations in her conduct to us, and therefore we

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are not bound to observe them towards her. I presume by this it is not meant that we ought to do wrong because Britain has done wrong; but that it becomes right for us to disregard those laws which she violates. Let us examine this. The laws and usages of nations have prescribed certain modes of demanding redress of a nation for an injury; those of necessity can only be applicable to an injured nation, for no other can need redress. Can it, then, be true that the moment a nation is injured, and thereby is placed in the situation for which, and for which alone, the rule was made, the rule ceases to be obligatory? A nation cannot be injured unless the Laws of Nations, with respect to her, have been violated. According to this argument, a very solemn rule of conduct has been established, which is never to be complied with—not by a nation which has not received an injury, because there is nothing to redress, and not by a nation which has been injured, because, with respect to her, the Laws of Nations have been violated by the aggressing nation, and this dispenses with the rule. This answer to an argument so much relied on is, to my mind, perfectly satisfactory. I call on the gentlemen to show it to be a fallacy. Our situation, sir, is not new, though our conduct may be so. We have seen Holland, when neutral in former wars, suffering similar injuries; they did not pursue such measures as we contemplate, though better prepared for war. Neither their interest nor their honor suffered by their moderation. The present neutral Powers of Europe are fellow-sufferers with us; yet we do not bear of similar impetuosity of resentment. In all wars neutral nations are abused in proportion as the Powers at war are strong and the neutrality weak. A stronger combination than the present, perhaps, never existed in Europe; and a neutrality can seldom be weaker. The principles of the present war are also peculiar; it is a struggle for existence. The unusual circumstances of it have compelled the French, with whom we are in friendship, not only to disregard our rights as a neutral nation, but to violate their treaty with us, though we have proceeded so far in friendship to them as to hazard our peace. Our merchants suffer severely from that nation; yet we are told that imperious necessity from peculiar circumstances, is an excuse. I say not these things to criminate that nation; they have been civil enough to apologise and promise recompense; but we have not received even good manners from their enemies. The public mind appears to have suffered little irritation from this cause, and it is far from my wish to excite any. My motive is only to show that this acquiescence in their apology proves our opinion that the present war is peculiar in its nature. Though we owe nothing but indignation to Britain, yet we owe prudence to our country and respect to ourselves. The present moment is infinitely valuable, and ought not to be trifled with. The present situation and disposition of Britain almost insure us honorable peace, unless we provoke war. We have strong evidence that war with this country is against both their interest and their wishes. Though the measure under

consideration is not in itself hostility, and violates no law of nations, were we to stop here, yet a little reflection must convince us that it tends to war. It is placing our negotiation for recompense from Britain on so new, and to them so humiliating a footing, that their pride must revolt; thus national honor must forbid a compliance. They will say to our negotiator, no nation ever addressed another in this way. Suppose we have injured you: it is not possible for us to treat with you respecting retribution on these terms; it is not an offer of peaceful accommodation, but an affront, a challenge. This refusal to treat, which the mode of making the demand renders certain, will then be urged as a refusal to make us a recompense, and war becomes inevitable. Why, sir, should we be thus ingenious to avoid peace, and rush hastily into the tragedy of Europe? At such a moment we ought to pause and inquire what we can gain by war. We now possess every blessing for which other nations contend; we may lose, but cannot gain by confusion. The price of our present political happiness was not small; we are now eating the fruit of that tree which was watered with the blood of our fathers; yet we suffer the canker-worm of jealousy to feed on its foliage—the whirlwind of discord threatens to root it up forever. What attractions do we find in the desolation, the misery, the crimes of Europe? Their very virtues are shaded with horror; their rulers are the scourges of mankind; their business is oppression; their sport is violation; they trade in blood; the priests of Moloch offer daily hecatombs of innocent victims; they fatten on human sacrifices; our former friends are insane, or rather their patriotism borders on phrenzy; Europe is at war with all the feelings of nature; they blaspheme her rights; they laugh at her agonies. Can it be necessary, sir, to describe the happiness of our own country to show the contrast? We are so familiar with public blessings that we have almost forgotten their value. The voice of oppression is not heard. Our habits are the dwellings of virtue and domestic happiness; the laws of morality and of our country are revered; we profane not the altars of religion; we have realized the golden age of fable; we have practised Republican visions; in this moment of danger our minds should swell to the magnitude of the occasion; we ought to brave every danger to defend these inestimable advantages; but if we want prudence, we shall appear to want every virtue. I have now done with the question. The measure appears to me to threaten great mischief to our country. If this shall be realized, though I shall share in the common calamity, a review of my conduct will not upbraid me. We may look back, sir, across a deluge of misery which may overwhelm the country, to the happy shore of peace, which, perhaps, we now imprudently abandon. We may recall this moment as that in which we hoisted the floodgate of destruction. On such a retrospect our countrymen may say, you were the authors of these calamities, and you are responsible.

Mr. J. Wadsworth said the path to be pursued

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by this country, Mr. Chairman, is, in my opinion, a plain one, if reason and not passion be our guide. We have suffered injuries; our rights have been violated. It is our duty to seek reparation for the former, and to vindicate the latter. But war is a calamity of the extremest kind; it ought then only to be encountered in the last extremity; every thing possible should be attempted to avoid it; every thing should be avoided that will tend to increase the chance of its existence.

The plainest facts demonstrate that our case is not out of the reach of a remedy, by negotiation. A revocation of the instructions of the 6th of November, and the explanations which have been given concerning them, afford an assurance that whatever may have been the disposition of the British Government at one time, war with this country did not continue to be its purpose.

What is the inference from such a state of things? why plainly this; that we ought to make effectual preparations for the worst that may happen; that we ought to go to work in earnest, and with vigor, to put the country in a state of defence; in a posture for serious war; and in this position, we ought to make one more appeal to the justice, the good sense of Great Britain; but if the gentlemen will not allow me these expressions as applied to Great Britain, I will withdraw them, and say their interest. And if that fails, then, and not before, we ought to meet with decision and firmness the only alternative—war.

In the meantime, sir, we ought to do nothing that can prove an obstacle to the success of negotiation; we should not by any rash or intemperate measure make accommodation on the part of Great Britain impossible, without dishonor; we should not so act as to force her pride, to take side against her reason and her interest. If a war is to happen, unanimity among ourselves will be of infinite importance; if our course be such as to render it manifest to all our citizens that we have done every thing in our power to avoid the evil; that we have availed ourselves of all the chances of preserving peace, that we have done nothing that could destroy a single one of them, then we shall secure unanimity; then may we rely that every nerve of the country will be strained, every resource called forth to defend ourselves, and annoy the enemy; and here I trust I shall not be behind any man in exertion and perseverance. But if our course be such as to leave a doubt, whether the war might not have been with greater prudence avoided; a suspicion that it may have been precipitated by violent and premature measures, adieu to unanimity.

The arrival of the calamity awakening men's minds to its magnitude, and substituting the operations of reason for those of passion, will substitute censure for applause; condemnation for approbation; the Government will lose the confidence of the people as having been rash and inconsiderate.

Our efforts will be languid and feeble, our councils distracted and disjointed, and the least evil that can happen, will be an inglorious and disadvantageous peace; what worse may be in the womb of time, God only knows.

I call on those who hear me to shun this course. I know the temper of the people I represent. I have every day communications that show me their extreme disapprobation of any measure that can lessen the chance for peace. I therefore, with the greatest confidence, predict what will be their conduct on one, or on the other plan of procedure. I believe the temper of the citizens of the neighboring States is not materially different from that of the citizens of the State to which I belong. I presume it will not be understood that the citizens of the State I came from are willing tamely to submit to be ruined by the ravages of Great Britain. No, sir, they love peace, and will court it with warmth; but if war be unavoidable, they will not be behind their neighbors; they feel, and feel keenly their wrongs and injuries, and their resentments are strong.

I ask the warmest advocates for the proposed measure to form in their own minds a just estimate of the substantial value of unanimity, of the comparative faculties of the different parts of our country, for military exertions; they will not do ill to review the example of the last war.

For my part I am resolved, whatever may be the current of the moment, to bear my testimony against all measures of a tendency to destroy the prospect of peace. I consider the one under consideration as such a measure, and mean to make my opposition to it.

Let those who are bold enough to court danger to the country, stand distinguished to their fellow citizens, from those who, though resolved to be prepared for war, and to meet it with fortitude when it is inevitable, at the same time are resolved not to precipitate so great an evil. I cheerfully concede to the former all the glory; they will have all the responsibility of their enterprise.

I have thus expressed my real sentiments, not attempting to torture any man's arguments, or wound their feelings; and were I to indulge myself in railing at the British for their unjustifiable depredations on our trade, I think, sir, I could be as eloquent as other gentlemen who have gone before me; I believe it would be useless, and I forbear.

The Committee now rose, and reported the resolution to the House; which was ordered to lie on the table, and the House adjourned.

Tuesday, April 15.

Several remonstrances from citizens of the United States West of the Alleghany Mountains, whose names are thereunto subscribed, were presented to the House and read, stating their right to a free enjoyment of the navigation of the river Mississippi, and praying that the General Government will adopt such measures as shall be most expedient and effectual to secure the same from encroachments by the citizens or subjects of foreign countries.

Ordered, That the said remonstrances be referred to Mr. Lee, Mr. Orr, Mr. Pickens, Mr. Rutherford, and Mr. Montgomery; that they

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do examine the matter thereof, and report the same, with their opinion thereupon, to the House. Mr. BLOUNT, from the committee to whom was re-committed the bill, sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina," made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

Mr. HULLHOUSE, from the committee appointed, presented a bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the individual States and the United States; which was read twice, and committed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you a Letter from the Minister Plenipotentiary of His Britannic Majesty to the Secretary of State; a Letter from the Secretary of the Territory South of the river Ohio, enclosing an Ordinance and Proclamation of the Governor thereof; the translation of so much of a petition of the inhabitants at Port Vincent, addressed to the President, as relates to Congress; and certain despatches lately received from our Commissioners at Madrid. These despatches from Madrid, being a part of a business which has been hitherto deemed confidential, they are forwarded under that view.

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The papers referred to in the said Message were partly read.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House proceeded to consider the resolution reported yesterday by the Committee of the Whole House, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and the same being twice read, in the words following, to wit:

"Resolved, That, until the Government of Great Britain shall cause compensation for all losses and damages sustained by the citizens of the United States, from armed vessels, or from any person or persons acting under commission or authority of the British King, contrary to the laws of nations, and in violation of the rights of neutrality; and also, until all the posts, now held and detained by the King of Great Britain, within the Territories of the United States, shall be surrendered and given up; and until compensation be made for the negroes carried away, contrary to the Treaty of Peace,—all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited: *Provided*, such prohibition shall not extend to vessels, or their cargoes, arriving in any of the ports of the United States, before the — day of — next."

Mr. SMITH, of South Carolina, presented his modification of the original motion. It was de-

clared to be a substitute by the Chair, and therefore out of order.

Mr. GILES moved to strike out of the resolution the *sine qua non* condition, of restitution for negroes carried off.

Mr. SMITH, of S. C., objected to the motion. He feared it would appear like an abandonment of the claim.

After some further debate on this amendment, Mr. FITZSIMONS suggested a substitute for the resolution to avoid the embarrassment of a specification.

Mr. GILES withdrew his amendment.

Mr. SMITH, of S. C., moved to strike out a specification, and insert a clause more general.

After further conversation, Mr. TRACY expressed a wish for the previous question, under the impression that this is not a proper time for a final decision of the subject.

Mr. SMITH, of S. C., consented to withdraw his amendment until the previous question be put. After some debate,

The previous question was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?"

And on the previous question, "Shall the said main question be now put?" it was resolved in the affirmative—yeas 53, nays 44, as follows:

YEA.—James Armstrong, Theodorius Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, George Dent, William Findley, William B. Giles, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, Carter B. Harrison, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyndon, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Sam'l Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAY.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Mallbone, William Vans Murray, Nathaniel Niles, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaaabeek, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

WEDNESDAY, April 16.

Ordered, That the petition of the inhabitants of Post Saint Vincennes, referred to in the President's Message of yesterday, be referred to Mr. CLARK, Mr. ARMSTRONG, Mr. SCOTT, Mr. WALK-

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Mr. BLOUNT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resumed the reading of the communications referred to in the Message of yesterday, from the PRESIDENT OF THE UNITED STATES, and went through the same.

Ordered, That the said communications do lie on the table.

THURSDAY, April 17.

Mr. WILLIAM SMITH, from the committee appointed to inquire whether any, or what further or other revenues are necessary for the support of the public credit; and, if further revenues are necessary, to report the ways and means, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE EMBARGO.

The resolution proposed some days since, for the continuation of an embargo, was taken up in Committee of the Whole, Mr. SHERBURNE in the Chair.

Mr. LEE made a motion for excepting foreign bottoms from the operation of the Embargo. This motion was supported chiefly upon the grounds that the agricultural interest suffers by a general Embargo; that the chief intention of the Embargo is, to keep American navigation from the grasp of rapacity; and this end will be as fully answered under the operation of the amendment.

Against it, it was argued, that the distinction will excite a jealousy in the breast of our citizens; will tend to deprive us of our seamen, who will engage for want of domestic employment, on board of foreign vessels, and also strip us of some portion of our vessels, by rendering foreign bottoms much more valuable than American. It was also said, that one object of the Embargo will be frustrated by the amendment—the fasting of the British islands. Such a discrimination will render an Embargo, instead of an act calculated to repel an aggression, and prevent aggression in future, an encouragement to insult, by encouraging foreign trade in preference to American. The amendment was lost.

Another amendment was proposed, to enable merchants, under certain restrictions, to send dispatch boats to the West Indies, in order to comply with the forms requisite to lodge, within the limited time, appeals from the Admiralty Courts of the British islands. Several attempts were made to guard the provision, so that it should not be a means of evading the Embargo. This appeared, finally, not to have been done to the satisfaction of a majority; and, upon its being suggested that the renewal of the general Embargo resolution was a measure that did not admit of delay, and that the provision proposed might be considered at another time separately, the question was taken, and the amendment lost.

The original resolution was agreed to by a very large majority, and reported to the House, where it was immediately taken up.

It was suggested that Sweden, by treaty, is positively exempted from the operation of Embargoes, and that, if this be the case, France, Holland, &c., who have, by treaty, the privileges of the most favored nations, are also exempt, and they should be positively exempted in the resolution.

It was answered, that treaties are the supreme law of the land, and cannot clash with a resolution of Congress. However, it was conceived that the provision in the Swedish treaty is not altogether clear, and at any rate can only entitle them to carry away their vessels, but not to export our produce against our will; for, in that case, our every attempt to lay an Embargo might be baffled by those foreign nations. A proviso, however, was adopted, expressly excepting from the operation of the Embargo, nations exempted by treaty. Another proviso was then adopted, to enable merchants to send dispatch-boats to any of the West India islands, for the purpose stated above. The resolution was then agreed to, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the present embargo be continued, and every regulation concerning the same shall be in full force, until the twenty-fifth day of May next: *Provided*, That nothing in this resolution be construed as intended to contravene any rights or privileges arising out of treaty or treaties between any foreign nation and the United States: *And provided, also*, That the PRESIDENT OF THE UNITED STATES be authorized to permit the sailing of any vessel, for the sole purpose of lodging in the Courts of Vice Admiralty, in any of the West India islands, appeals from sentences or decrees of the said Courts, whereby vessels or cargoes claimed by an American citizen or citizens, have been condemned: *Provided*, That bond, with sufficient security, be previously given, that such vessel shall not, directly or indirectly, carry on any commerce whatsoever, during the voyage.

CONTESTED ELECTION.

Mr. WILLIAM SMITH, from the Standing Committee of Elections, to whom was referred the petition of Abram Trigg, complaining of an undue election and return of FRANCIS PIERSON, to serve as a member of this House, for the State of Virginia, made a report; which was read, as follows:

"That, upon examining the evidence in this case, it appears that, in the county of Lee, in the said State, the poll was closed, after due proclamation by the sheriff, at or about three o'clock, p. m.; that application was afterwards made to the sheriff to open the poll for several voters who appeared, which the sheriff refused. On recurring to the election law of Virginia, the sheriff appears to be vested with discretionary power to close the poll at any time of the day after three proclamations made, and no voters appearing. The committee are, therefore, of opinion that the election was conducted according to law in the said county."

"It appears that the sheriff of Washington county, in consequence of rain, adjourned the poll to the second day; and that, from the latitude of discretion vested in him by law, he was fully authorized so to do."

"No evidence having been produced in support o

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the charge that persons were polled in Washington county, who live in the territory South of the Ohio, and in Kentucky, the petitioner has abandoned that charge.

"The evidence, with regard to Montgomery county, being very voluminous, and in some respects contradictory, the committee have found some difficulty in forming an opinion in relation to that county. The following facts, however, appear to be well established, viz:—

"That Captain William Preston, brother, and agent at the election, of the sitting member, was quartered near Montgomery court-house, with about 60 or 70 Federal troops, of which he had the command; that, on the day of election, the said troops were marched in a body twice or three times round the court house, and paraded in front of, and close to the door thereof; that, towards the close of the election, the said troops were polled, generally in favor of the sitting member, but their votes were put down on a separate paper, and, after the election, at the comparison of the polls of the respective counties, were rejected by the returning officers; that some of them threatened to beat any person who should vote in favor of the petitioner; that one of the soldiers struck and knocked down a magistrate who was attending at the said election; that three soldiers stood at the door of the court-house, and refused to admit a voter because he declared he would vote for the petitioner; that many of the country people were dissatisfied with the conduct of the soldiers, which produced altercations at the election between the soldiers and the country people, the former being generally for the sitting member, and the latter for the petitioner, and terminated in a violent affray between them after the poll was closed; that some of the soldiers being afterwards interrogated why they said they would beat any man who voted for Trigg, replied, 'they who are bound must obey.' That, though it is doubtful whether any of the soldiers were armed at the court-house, yet it appears that, at the time of the affray, after the election, Captain Preston had a sword and dagger; and that, when the soldiers being overpowered by the country people, retreated to their barracks, some guns were fired by the soldiers towards the country people.

"The committee, on full consideration of all the evidence in relation to Montgomery county, from which the foregoing facts result, are of opinion that, notwithstanding the soldiers were not disfranchised of the right of voting, merely as such, yet their conduct, as well as that of their commander, was inconsistent with that freedom and fairness which ought to prevail at elections; and that, although it does not appear, from any other than hearsay testimony, that any voter was actually prevented from voting, yet there is every reasonable ground to believe that some were, and that the election was unduly and unfairly biased by the turbulent and menacing conduct of the military; and that the petitioner, who only lost his election by a majority of ten votes, has not had that fair opportunity of obtaining the suffrages of the people of that district, to which every candidate is entitled. The committee therefore, viewing the precedent as a dangerous one, and considering the inestimable privilege of free suffrage ought never to be violated by any military interposition; that the sitting member may have obtained a majority by improper influence, and that the petitioner ought to have a chance of obtaining a seat on equal terms, are of opinion that Francis Preston is not duly elected a member of this House."

In support of the reasoning and conclusion of this report, the petitioner submitted a paper, containing, at great length, his observations on the

depositions and other exhibits connected with this case.

Ordered, That the hearing on the trial of the said contested election be proceeded on in the House on Tuesday next.

Mr. WILLIAM SMITH, from the committee to whom was referred the Message from the President of the UNITED STATES, of the 18th of March last, relative to an advance of money, requested by the Minister of the French Republic, made a report; which was read, and ordered to lie on the table.

FRIDAY, April 18.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, to continue the present embargo on ships or vessels in the ports of the United States, bound to any foreign port or place, with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

NON-INTERCOURSE WITH GREAT BRITAIN.

The report of the Committee of the Whole on Mr. CLARK's resolution for a non-importation of British goods, was called up.

The consideration of it at the present time was opposed chiefly on the ground that an Envoy had been nominated by the Executive to negotiate with Great Britain; that the adoption of this resolution, at the present time, would be a bar to those negotiations, an infringement on the right of the Executive to negotiate, and an indelicacy towards that department; and that, since it leads to war, other measures should precede its adoption.

It was answered, that the Legislature have solely a right to regulate commerce; that this measure is strictly within the Constitutional duty of the Legislature; that, if there is any indelicacy in the clashing of the proceedings of the Legislature and Executive, the indelicacy is with the Executive, as the resolution—the object of debate—had been several days pending in the House before the nomination of an Envoy Extraordinary was made; that the resolution cannot lead to war, as we have a right, as an independent nation, to regulate our commerce, and will, on the contrary, be the best means of bringing negotiation to a happy issue.

After much debate, the question on taking the report up was put, and the yeas and nays being called for, were taken, and stood—yeas 57, nays 43, as follows:

YEAS.—James Armstrong, Theodorius Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, John Hunter, William

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Non-Intercourse with Great Britain.

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Irvine, Matthew Locke, William Lyman, Nathaniel Macdon, James Madison, Joseph McDowell, Alexander Mcbane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony Now, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEAS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Daniel Heister, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Malbone, Amasa Learned, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gausbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Wata, and Paine Wingate.

Mr. BEATTY then proposed an amendment to the resolution as reported, which modifies it so as to provide that the intercourse shall be restored when the treaty is fulfilled, and reparation for the injuries suffered by our navigation is made to the satisfaction of the Executive. This, after some debate, was withdrawn to give way to an amendment from Mr. MANISON, which will make the proposition read, in substance, as follows:

"Whereas, the injuries suffered, and likely to be suffered by the United States, from a violation of our neutral rights and commercial interests on the part of Great Britain, and also from a failure in the execution of the seventh article of the Treaty of Peace, make it expedient that our commercial intercourse with that nation should not remain as extensive as it now is: Therefore,

"Resolved, That, from the — day of — next our commercial intercourse with that nation be suspended. The chief difference, it will be observed, between this proposition and the original resolution, is, that in this, it is not specified on what conditions the intercourse shall be restored; leaving therefore, to a future Legislature, when they are satisfied with the reparation which negotiation may procure from Great Britain to renew our commercial relations with that country. The opposers of the original resolution asked for time to consider the amendment, and it was ordered to be printed.

MONDAY, April 21.

Ordered, That the copy of the Laws of the Territory Northwest of the River Ohio, which accompanied the Message from the President of the UNITED STATES of the twenty-first of January last, be referred to Mr. FINDLEY, Mr. GREENUP, Mr. HUNTER, Mr. McDOWELL, and Mr. COIT.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act to establish the Post Office and Post Roads with-

in the United States," with several amendments; to which they desire the concurrence of this House.

NON-INTERCOURSE WITH GREAT BRITAIN.

The House resumed the consideration of the resolution reported by the Committee of the Whole House on the fifteenth instant, to prohibit all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland; and the amendment and modification thereof, which was proposed on Friday last, being further considered and debated, the said resolution was amended to read as follows:

"Whereas, the injuries which have been suffered, and may be suffered, by the United States, from violations committed by Great Britain on their neutral rights and commercial interests, as well as from her failure to execute the seventh article of the Treaty of Peace, render it expedient for the interest of the United States, that the commercial intercourse between the two countries should not continue to be carried on in the extent at present allowed:

"Resolved, That, from and after the first day of November next, all commercial intercourse between the citizens of the United States and the subjects of the King of Great Britain, or the citizens or subjects of any other nation, so far as the same respects articles of the growth or manufacture of Great Britain or Ireland, shall be prohibited."

And then the main question being put, that this House doth agree to the said resolution as amended, it was resolved in the affirmative—yeas 58, nays 88, as follows:

YEAS.—James Armstrong, Theodorius Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macdon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, William Vans Murray, Joseph Neville, Anthony Now, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEAS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Daniel Heister, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gausbeck, Peleg

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Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CLARK, Mr. MADISON, Mr. LEVY, Mr. CARNE, and Mr. GROVE, do prepare and bring in the same.

TUESDAY, April 24.

Mr. FITZSIMONS, from the committee to whom was recommended the report of the committee on the memorial of Arthur St. Clair, made an amendatory report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill directing a detachment from the Militia of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill providing for raising and organizing a corps of Artillerists and Engineers; and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to establish the Post Office and Post Roads within the United States; and the same being read, some were agreed to, and others disagreed to.

WEDNESDAY, April 25.

An engrossed bill directing a detachment from the Militia of the United States was read the third time and passed.

An engrossed bill, providing for raising and organizing a corps of Artillerists and Engineers, was read the third time and passed.

Mr. LEZ, from the committee to whom were referred several remonstrances from the citizens of the United States west of the Alleghany Mountains, respecting the navigation of the river Mississippi, made a report; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter and Report from the Secretary of State, on the petition of Stephen Sayre; which were read, and ordered to be referred to Mr. PARKER, Mr. SMITH, and Mr. BAILEY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. CLARK, from the committee appointed, presented a bill to suspend the importation of certain goods, wares, and merchandise; which was read twice and committed.

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ham Baldwin, John Beatty, Thomas Blount, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, John Hunter, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murfreesboro, D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, Shearjashub Bourne, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, James Gordon, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittara, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit, and if further revenues are necessary, to report the ways and means; and, after some time spent therein, the Committee rose, and reported progress.

FRIDAY, April 25.

An engrossed bill to suspend the importation of certain goods, wares, and merchandise, was read the third time; and on the question, that the said bill do pass, it was resolved in the affirmative—yeas 58, nays 34, as follows:

YEAS.—James Armstrong, Theodoras Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, Thomas Hartley, John Heath, William Irvine, Henry Latimer, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murfreesboro, D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Sprigg, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, David Cobb, Peleg Coffin,

Joshua Coit, Samuel Dexter, Uriah Forrest, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, John Wilkes Kittara, Richard Bland Lee, Francis Malbone, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying a statement of the cases of all claimants to be placed on the pension list of the United States, who obtained certificates from the Judges of the Circuit Courts signed as Commissioners, and also from the Judge of the District of Maine; which was read, and ordered to be referred to Mr. TRACY, Mr. TREDWELL, Mr. BEATTY, Mr. IRVINE, and Mr. THATCHER; that they do examine the matter thereupon, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act allowing Lieutenant Colonel Tossard an equivalent for his pension for life," and, the same being read, was agreed to.

A memorial of the merchants and others, inhabitants of the town of Norwich, in the State of Connecticut, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress, to obtain restitution for the depredations committed on the property of the citizens of the United States by the subjects of Great Britain, under the authority of that Government.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the motion of the twenty-seventh ultimo, for the sequestration of all the debts due from the citizens of the United States to the subjects of the King of Great Britain.

Mr. FINDLEY, from the committee appointed, presented, a bill for the relief of Nicholas Riebel; which was twice read, and committed.

Resolved, unanimously, That the Letter of the Committee of Public Safety of the French Republic, addressed to Congress, be transmitted to the PRESIDENT OF THE UNITED STATES, and that he be requested to cause the same to be answered on behalf of this House, in terms expressive of their sensibility for the friendly and affectionate manner in which they have addressed the Congress of the United States, with an unequivocal assurance that the Representatives of the people of the United States have much interest in the happiness and prosperity of the French Republic.

Ordered, That Mr. WILLIAM SMITH and Mr. PARKER, be a committee to wait on the PRESIDENT, with the foregoing resolution.

Ordered, That the amendatory report of the committee to whom was recommended the report on the memorial of Arthur St. Clair, which lay on the table, be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House,

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that the Senate have passed the bill, entitled "An act to encourage the recruiting service," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; whereupon,

Resolved, That this House doth disagree to the amendment proposed to the first section, and doth agree to the amendment to the fourth section of the said bill.

The SPEAKER laid before the House a Letter and report from the Secretary of the Treasury, enclosing the copy of a contract made with the Bank of the United States, transmitted pursuant to the resolution of this House of the twenty-eighth of February last; which were read, and ordered to be referred to the Committee of the Whole House to whom is committed the bill providing for the payment of the second instalment due on a loan made of the Bank of the United States.

SATURDAY, April 26.

The House proceeded to the hearing on the trial of the contested election in the case of the petition of ABRAM TRIGG, complaining of an undue election and return of FRANCIS PRESTON, to serve as a member of this House for the State of Virginia; whereupon,

Ordered, That the petitioner, on his prayer, be admitted to the bar of the House, to be heard in the support of the allegations of his petition.

The depositions and other exhibits, as well on behalf of the petitioner, as of the sitting member, being partly read, an adjournment was called for, and carried.

MONDAY, April 28.

ALEXANDER GILLON, from South Carolina, appeared, produced his credentials, and took his seat. A message from the Senate informed the House that the Senate have disagreed to the bill, entitled "An act to suspend the importation of certain goods, wares, and merchandise."

A message from the Senate informed the House that the Senate recede from their amendments disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to establish the Post Office and Post Roads within the United States," and do agree to the said amendments, with an amendment and modification of the same, agreeably to the report of the Joint Committee of Conference.

The House proceeded to consider the said amendment and modification; and, the same being read, were agreed to.

A message from the Senate informed the House that the Senate adhere to their amendment disagreed to by this House, to the first section of the bill, entitled "An act to encourage the recruiting service."

The House proceeded to consider the said message. Whereupon,

Resolved, That a conference be desired with the Senate, on the subject-matter of the amendment

ing backwards and forwards, to the extent altogether of nine hundred miles, before he can be sure of obtaining a decision. It was admitted that considerable grievances of this kind existed, but to point out an effectual remedy seemed very difficult.

Mr. FRIZZMONS was of opinion that the House should endeavor to expedite this affair, if possible, as they had many other subjects on hand; and if they did not quicken their progress, he foresaw that, at the end of the session, a great part of the public business would remain undone. He therefore recommended despatch.

The Committee then rose, reported progress, and had leave to sit again.

TUESDAY, April 29.

A message from the Senate informed the House that the Senate agree to the conference desired by this House, on the subject-matter of the amendment disagreed to by this House, and adhered to by the Senate, to the first section of the bill, entitled "An act to encourage the recruiting service," and have appointed managers at the said conference on their behalf.

CONTESTED ELECTION.

The House resumed the hearing on the trial of the contested election in the case of the petition of ABRAM TRIGG, complaining of an undue election and return of FRANCIS PRESTON, to serve as a member of this House for the State of Virginia; and the observations, in writing, of the petitioner, on the depositions and other exhibits in the said case, being read, and the sitting member fully heard in his defence, the parties retired from the bar.

The House then proceeded to a decision on the said contested election; and—

Mr. TRIGG and Mr. PRESTON spoke, each of them, for some time, to the merits of the case. Mr. SCOTT then rose.—He declared that, of all the questions which had ever come before that House, the present was to him the most wonderful. To tell us that an election had been overruled by a party of soldiers, was indeed extraordinary. Upon such an outrage, it was most astonishing that the whole country did not rise, as one man, to resent and punish it. But, for his own part, he saw the matter in an opposite point of view. He could not, for his soul, discover the smallest pretence to set aside the election of Mr. PRESTON, nor could he comprehend or conceive upon what ground so strange a notion had been started. As for Captain Preston, brother to the sitting member, whose conduct had been so loudly excepted against, Mr. S. said, that his behaviour at the election was that of a sage: instead of the fire of youth, he had discovered all the moderation that could have been expected from the character of a philosopher. As to the introduction of soldiers at the election, he saw no harm in it. They had a right to be there, for they were equally entitled with other American citizens to give their votes in the choice of a Representative. The quarrel that succeeded was accidental, and did

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not affect the question before the House. Mr. S. was ready, and had long been so, to give his voice for dismissing the petition of Mr. Trigg. He had not the smallest shadow of doubt upon the matter. Mr. MACON was of the same opinion. It had been asserted that in this case the laws of Virginia had been violated. He would be glad to learn what law.

Mr. W. SMITH considered it as a very clear point that the election was not a fair one, because it was evident that the petitioner had not enjoyed an equally fair chance with the sitting member. It was true, that some facts in the petition had not been completely substantiated, but many had. The House had been told that hearsay testimony was unworthy of attention: but he wished to remind them that they were not, like a Court of Law, restricted to proceed upon regular proof, and not to go beyond the letter of it. They were entitled to hear and weigh everything advanced, and to form their opinion from the general conviction arising upon the whole circumstances. Some facts of the most unwarrantable kind had come out. Three of Captain Preston's soldiers guarded the door of the Court-house where the election was held. When a person, since examined as an evidence, wanted to go in, they stopped him with this question—"Are you to vote for Trigg?" Upon answering yes, they replied, "By Jesus, then, you shall not;" and though he was fifty-eight years of age, two of them laid hold upon him and cast him to the ground; when he got up again, he went off. Mr. S. said that there was a clear collusion between Captain Preston and the soldiery.

[Here Mr. PRESTON interrupted Mr. SMITH, by declaring that there was no such thing in the evidence.]

Mr. S. affirmed that there was. [The Clerk was then directed to read part of the examination of the witnesses, when the particulars above stated appeared in the proof.] and Mr. S. insisted that they contained a demonstration of collusive measures between the sitting member, his brother Captain Preston and the military. It was objected to Mr. S., on the part of the soldiers, that they had only said they could, not that they would knock down Mr. Trigg's voter. But Mr. S. considered this critical distinction as minute and trifling from the lips of a soldier in liquor. He did not understand its accuracy, and he imagined that his own nerves must have been as much affected by the could as by the would. Many of the country people had expressed much dissatisfaction with the soldiers. It was proved that when the fray began, Captain Preston had wished to have twenty of his soldiers there; and this hint was no sooner given than a person ran off, and immediately returned with a party of them.

Mr. SHERBURNE was for supporting the sitting member. He wished that the time of the House might not be squandered in an useless display of eloquence; it was, to be sure, very agreeable to the speaker himself, but at the same time very superfluous in regard to his audience.

[The Clerk was again ordered to read some

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passages in the proof, as far as the behaviour of Captain Preston.]

Mr. W. SMITH then rose a second time. As a member of the Committee that had been chosen upon this subject, he was entitled to vindicate their report, of which he read some extracts very unfavorable to the behaviour of the soldiers. Mr. S. observed that Mr. PRESTON, in his defence, had been extremely profuse of his censure on the Committee, for doing what they considered to be their duty. Mr. S., referring to the observations of Mr. SHERBURNE, said that he was perfectly in order for defending the report of the Committee, because it was justified by the facts. Though the quarrel between the soldiers and the country people did not happen till after the poll, yet still it arose from bad blood before the poll began, and therefore a reference to it was strictly in order. Mr. SMITH said, that it was no part of his intention to injure the character of Captain Preston, who, when the tumult began, took off his sword and gave it to some person to hold. For this moderation Captain Preston deserved credit. But still Mr. S. considered himself as justified in opposing the election, since it was not conducted with that fairness, that regularity, and that equality of chances, requisite upon Republican principles. He read a quotation from *Blackstone*, as to elections: "What is it, but to cut Government up by the roots, and poison the foundation of public security?" He dwelt at some length on this idea, and on the peculiar impropriety of military interposition. He said Mr. PRESTON had only a majority of ten votes; and when the circumstance of sixty or seventy soldiers driving off the voters of Mr. Trigg was opposed to such a narrow majority, could any body call this transaction legal?

[At the words "ten votes," Mr. S. was twice interrupted; first by Mr. MACCLES, and next by Mr. S. SMITH, of Maryland; but he persisted in his assertion.]

He had stated facts: the premises were obvious. Shall the House suffer an officer, the brother of a candidate, to seize the door of a Court-house, and turn away the voters against his brother? It had been said that it was customary to collect his friends, and block up doors; but surely it was a very improper custom. The sitting member had said, that if his brother made any wrong step he should have been prosecuted in a Court of Law. Mr. S. did not mean to say that Captain Preston had committed any offence worthy of that. He did not perhaps imagine that he was doing any wrong at all. It had been asked—Was it possible that sixty or seventy unarmed soldiers could overawe two or three hundred people? He thought it possible.

Mr. S. SMITH, of Maryland, defended Mr. PRESTON. He said, that in forming an impartial judgment upon this question, various circumstances must be taken into consideration, besides the facts in evidence before the House. In elections in the Eastern States, the citizens met in small bodies, and they conducted the business with that order and decency which became the true Republican

character. But it was the misfortune of the Southern States, that their citizens assembled in large bodies; the Electors of a county meet all together, before the Sheriff, and give their votes at the same time. Hence it appears, that an election in the Southern States is nothing but a nursery of superlative mischief. He said that he was somewhat surprised at hearing another member [Mr. W. SMITH] express so much resentment at an election riot. The gentleman had access to the history of a certain election, where the very Chancellor of a Court of Justice bred a riot in his own Much had been said about the enormity of knocking down a Justice of the Peace; and in the report of the affair, it was stated as if the Magistrate had been at the Court-house in his official capacity. Now, sir, said Mr. S., in this part of it the report is not fair. The Justice of the Peace was not there in his official capacity. He was there drunk, sir; and he gave the first blow, sir, to the man who knocked him down. Mr. S. had, by the first accounts of this election, been very much prejudiced against the election of the sitting member; but when he came to examine closely into the subject, he declared that he had never known an election in the Southern States where there was so little mischief. He was sorry, for the honor of his part of the country, to give this account of it to the Eastern members, but in point of common justice to Mr. PRESTON, they ought to be informed that a Southern election is quite a different sort of transaction from one of theirs.

In the evidence before the House, it had been stated that one person was seen at the Court-house with a club under his coat. But, sir, said Mr. S., I suppose that five hundred of my constituents had clubs under their coats; so that if this be sufficient for putting an end to an election, the Committee may begin by dissolving mine. If the Committee are to break up every election where persons were seen drunk, they will have a great deal of work upon hand, sir. In what way were elections for Southern members carried on? A man of influence came to the place of election at the head of two or three hundred of his friends; and to be sure they would not, if they could help it, suffer anybody on the other side to give a vote, as long as they were there. It was certainly a very bad custom, and must very much surprise an Eastern member; but it was the custom, and perfectly known to be so; and therefore it was very injurious to hold up the conduct of Captain Preston as a pretence for dissolving the election. The behaviour of that young gentleman, when insulted, had been exemplary. In the midst of a riotous mob he gave away his sword, that he might do no mischief in that way. This was a great instance of moderation and presence of mind. The aspersions cast upon the character of this officer Mr. S. regarded as highly unjust, and they might, if not properly taken notice of, be extremely injurious to his hopes of advancing in the service. Captain Preston had gone to the Court-house as a private citizen, and he had a right to

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be there. As to the menace of the soldiers, that they could knock down one of Colonel Trigg's voters, this was very different from asserting that they would do it. Were a man to have come up to Mr. S., in the street, and say, "I will knock you down, sir," Mr. S. would be for striking that man; but were he only to say, "I can knock you down, sir," the expression would be quite different. But, as to the affray that fell out after the election was over, Mr. S. asserted that, if the soldiers had killed all the country people, or the country people had killed all the soldiers, this had nothing to do with the merits of the election itself. And as to this quarrel, few young men had the temper of this young officer, [Captain Preston,] in ordering off his soldiers; so that instead of the censure of that House, he deserved their praise. At his age, Mr. S. would not have ordered his men off; and as to the censure on the military, inserted in the report, he did not agree with it. It would be a very fine reason, to be sure, to vacate a seat in that House, because one of the Electors had been seen with a club under his coat! Mr. S. was sorry to give such a description to the Eastern members, of the manners of his country; but he did so, that he might hinder them from being hurt at the facts brought forward in the evidence. He concluded, by reminding these members that it would be ridiculous to measure one thing by another, which was perfectly opposite, or to judge of a Southern by the customs of an Eastern election.

Mr. CLARK said, that three days had now been spent upon this business. Long speeches did not alter the way in which members were to give their votes, and they were therefore nothing but a loss of time; he wished for the question.

Mr. MACCLES said that there was no law to hinder the militia from attending elections. Mr. GILLON spoke for a few minutes. He saw no reason why another member [Mr. W. SMITH, of S. C.] should be so much hurt by the circumstance of an election riot. Referring to the speech of Mr. S. SMITH, he observed, that there was a riot at the gentleman's own election, and in his own favor; and still worse, this riot was in a Church: the riot was raised by a Magistrate, who, with his own hand, dragged one of the opposite party out of the Church. And if you want evidence of all this, said Mr. GILLON, I myself was present, and can be a witness. Mr. G. saw, therefore, no reason why there should be such a noise about this election in particular, when others were just as bad, or a great deal worse. The member [Mr. PRESTON] was duly qualified to hold his seat, and Mr. G. hoped that he would hold it.

Mr. SEDGWICK, Mr. NICHOLAS, Mr. LYMAN, Mr. LEE, and some other members also spoke; but it is not necessary to go into further detail. The question was at last called for. Mr. AWEES proposed that the yeas and nays should be taken, but this was not done.

The petition of Mr. Trigg, and the report of the Committee upon it, were rejected, without a division.

And the House adjourned.

WEDNESDAY, April 30.

Mr. CLARK, from the committee to whom was referred the petition of the inhabitants of Post St. Vincennes, communicated by a written Message from the PRESIDENT OF THE UNITED STATES, of the fifteenth instant, made a report, which was read and ordered to lie on the table.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further revenues are necessary, to report the ways and means; and, after some time spent therein, the Committee rose and reported progress.

INDEMNITY FOR SPOILIATIONS.

Mr. GOODRUE laid on the table the following resolution:

"Whereas, it is a primary object in the establishment of Civil Government, to protect the persons and property of its citizens from the violence of nations as well as individuals; and whereas many of the citizens of the United States have suffered great losses, by spoliation made on their commerce, under the authority of Great Britain, in violation of the Law of Nations and the rights of neutrality;

"Resolved, by the Senate and House of Representatives of the United States in Congress assembled, That the United States will guarantee an indemnification to all such citizens of the United States, whose property may have been captured and confiscated under the authority of Great Britain, in violation of the Law of Nations and the rights of neutrality."

At the same time, Mr. GOODRUE observed, that as the session was drawing towards a close, it behoved Congress to take the subject of the spoliation made on our commerce into consideration, and to quiet the mercantile interest of this country, by assurances that indemnification should be made for the immense losses they had sustained by British spoliation, to which, upon every principle of justice as well as policy, they were entitled. He had specified no fund from which the indemnification should be made, as he conceived we should be better prepared to do that when the result of the intended negotiation was known, than we were at present. He then moved that this resolution be referred to a Committee of the Whole House.

Mr. SEDGWICK wished that the subject might be treated in the abstract, without any reference to collateral questions. He had not formed his mind on the subject.

Mr. NICHOLAS thought that the motion should be referred, not to a Committee of the Whole House, but to the committee that had already a motion of this kind before them, and likewise petitions on the same subject from various parts of the Union. He did not wish to go into the subject, till he knew the sentiments of the gentleman [Mr. SEDGWICK] on the mode of refunding to Government, which was not to undertake so great a task without a view to retribution. [Mr. N. seemed here to refer to the scheme of forcing Britain to refund.] If we engaged to pay these losses, referred to in the resolution upon the table, it was proper at the same time to secure a fund for the discharge of them. It was, no doubt, a very hon-

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orable idea to refund to the citizens of America the losses sustained in trading under her protection; but the principle laid down in the preamble to the resolution, extended very far. By the same doctrine, we should be bound to repay the damage committed by the Algerines, and by the Indians on the Western frontiers. Was the gentleman [Mr. Sedgwick] prepared to vote for making up the losses of the farmers in the back settlements, for all the murders committed on their settlements for a series of years past? That gentleman had been always opposed to retaliation, and Mr. N. could not consent to discuss the one resolution, unless he was assured that he was to be supported by the other.

Mr. SEDGWICK said, as to the present resolution, he had never heard of it till this morning, and so he could not speak to it. He was perfectly convinced of the propriety of discussing the resolution for indemnification, independently of any other question.

Mr. SMITH insisted that the resolution just now laid upon the table should be connected with a second, for securing indemnification to the American Government. By this he referred to the scheme of retaliating on Britain.

Some other members spoke a few words; and Mr. MADISON had then risen on this motion, viz: for a Committee of the Whole House on the resolution of Mr. GOODRICH, but he was informed, by the SPEAKER, that it had been just then withdrawn.

FORTIFICATIONS.

The House resolved itself into a Committee of the Whole House on the bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States."

The CLERK read a memorial from Annapolis, and

Mr. BOURNE moved that the Committee rise and report the bill.

Mr. HILLHOUSE objected to this motion.

Mr. FITZSIMONS thought it proper to fortify Annapolis; the expense was but a mere trifle. As to the Senate having formerly rejected this proposal, that rejection had not any weight with him.

Mr. MURRAY said, that the gentleman [Mr. Hillhouse] could not have heard the memorial from Annapolis, or he believed that he would not have opposed the bill. The memorial stated a number of facts, which arose from the peculiar circumstances of Annapolis. Whoever would attend to the situation of that city, would see that there were reasons existing for its defence which particularly applied. It was situated near the mouth of the Severn, and about the centre of the State—near the bay, and quite exposed to an enemy. That it would be easily fortified, was proved by the experience of the last war, when a fortification not only defended the city, but gave confidence to the navigation of the Chesapeake. At that time, the only fortified place in Maryland was the town of Baltimore, which, as being situated near the extreme parts of the bay, could not have furnished

a place of refuge for bay-craft when pursued. The bay was often infested with privateers and gun-boats; and had it not been for the fortification of Annapolis, which was convenient to the navigation, many vessels would not have ventured out of harbor. All the experience of the last war showed the propriety of again fortifying that harbor. If that were done, the city would not only be secure, but a confidence would be given to the navigation of the Chesapeake; and this bay is really a Mediterranean on a smaller scale. Mr. M. said, that he believed he did not over-calculate the navigation of that bay by saying that one side of it—the Eastern Shore—had as many water-faring men employed, in proportion to the whole number of the inhabitants, as any part of the Union. Annapolis, besides giving occasional protection to vessels, was the capital of the State. As such, it was the depository of the Treasury of Maryland, of the records, in which the rights and titles to land of a great portion of its inhabitants were deeply involved, and it was the Seat of Government. To leave it defenceless, was to commit the peace, rights, and interests of the State to accident, and eventually to the confusion which would ensue from an attack on those objects of public care and attention. These considerations did not, he thought, apply to any other of the ports which had been struck out in the Senate, among which Annapolis fell, with others of small commercial character. He believed that the wishes of his constituents, and of the citizens of Maryland in general, were very much excited in favor of this measure; and he trusted that those who saw the peculiar situation and character of the city, would immediately perceive that there were a number of striking considerations that applied in favor of its defence, which did not so forcibly apply to the other small ports which had been omitted.

Mr. HEATH did not rise to controvert the remarks of Mr. MURRAY, but he wanted other towns to be comprehended in the bill. He proposed an amendment.

The Committee agreed to this bill by a large majority, and without amendment. The Committee then rose, and the Chairman reported progress.

Mr. W. SMITH next moved, as an amendment, that the PRESIDENT should be authorized to add any other places that he thought proper, to the number of ports and harbors to be fortified.

Mr. S. SMITH considered the amendment as unnecessary; and, after a short conversation, it was withdrawn.

The bill was then ordered to be engrossed for a third reading.

THURSDAY, May 1.

An engrossed bill supplementary to "An act to provide for the defence of certain ports and harbors in the United States," was read the third time, and passed.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the

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committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and, if further revenues are necessary, to report the ways and means.

Two resolutions were read: the first was, that five cents per hundred dollars be laid on every transference of stocks in the public funds; and the second, that five cents per hundred dollars be laid on the transference of stock in any of the other Banks of the United States.

Mr. S. SMITH said, that if this tax seemed too light, it was to be remembered that transferences were frequent.

Mr. HUNTER, of South Carolina, had a resolution of the same kind in his hand, but when hearing the others read, he preferred them to his own.

Mr. AMES, in a speech of some length, enlarged on the state of Public Credit, and the propriety and necessity of its being supported by Government, since it had once been adopted. This tax on the transference of the Public Funds tended to injure it, by sinking their value. When we next want to borrow, and shall go to market, the lenders will rise proportionably in their demands, and refuse a loan on the terms which they before accepted. Hence we shall lose, instead of gaining by it. Let gentlemen reflect on the consequences of unsettling all ideas of property, which must be the result of this proceeding. He was not one of those who despised the Funding System because it was unpopular, for it was the property of a Republic to set right above power. The Funding System had of late become a favorite topic of newspaper eloquence. As parties were inseparable from the nature of a popular Government, so this subject had been employed as an engine to render that of America an object of contempt and abhorrence. It had been loudly said, that the Representatives in Congress from one of the New England States had immense property in the Public Funds, when, in fact, their whole income from that source was not sufficient for buying oats for their horses. To say, therefore, that they were under influence in their political conduct from such motives, was the merest bagatelle that can be conceived; and the groundless jealousy that it has excited may be considered as a very strong counter-balance to the interest of those members who were the objects of suspicion. People dream that Congress are voting money into their own pockets. The propagation of this idea promotes the dirty purposes of slander, abuse, and falsehood. By such unworthy means, the blossoms of public confidence in Government are withered and blasted. This is more especially the case in the Southern States; and this dissatisfaction offers an apology for taking notice, in this House, of the abuse of newspapers. In the United States, taxation of the Public Funds is nothing more or less than the debtor taxing the creditor; and so questionable an expedient will recoil with tenfold force on the credit of Government itself. The progress of this measure would degrade the Public Debt into a paper rag. It had been complained of in this country, that foreigners had too great a share in the Funds, and Mr. A. was of opinion that it

would be better if the money were all owing to American citizens. But, while things are in their present state, this tax would enable such foreigners to buy more debt out of the country and send less money into it in place of the debt. Public Debt is a ground which cannot be trod with impunity. We may soon, on such a precedent, go still greater lengths; a few events may force us to apply to the moneyed men, and then will be seen and felt the miserable termination of this policy.

Mr. CLARK said, that the gentleman [Mr. Ames] had made a long speech with respect to newspapers. What was his meaning, or what he referred to, Mr. C. could not tell; but he supposed that the gentleman had an intention of publishing his speech in answer to these newspapers. It was to be hoped that he would make it so that it could be understood. If it contained arguments, they were above his reach, and there he should leave it. He closed with speaking a few words on a proposal for taxing bonds.

Mr. LYMAN observed that, notwithstanding there were many objections against this part of the stamp duty, he was willing, if the whole report of the select committee was embraced, and the doctrine of stamps introduced, that the item now before the Committee should be blended with the others; but he had many doubts in his mind against the expediency of resorting to that source of revenue at this time, and hoped that other more convenient sources might be found.

Mr. BOURNE had no doubt of the right of Government to lay the proposed tax of five cents per hundred dollars on the transference of public funds. He saw no reason why that kind of property should be exempted from the right exercised of taxing other property. So far as the moral principle went, he was satisfied; and he had yesterday, on first hearing of this scheme, resolved to support it. But, in imposing taxes, we must consult not only morality but expediency; and here he had numerous objections to the resolution in its present shape. He wished to make it a stamp on every transference, without regarding the sum, because when it came to be a considerable sum, such as a thousand dollars, the duty would not be paid. The duty of five cents amounts, on a thousand dollars, only to half a dollar. He wished to make no distinction by specifying the transferences of Public Funds, but just to make it, at once, upon all transferences of money. By this reserve in expressing the intention of the clauses, the House would avoid giving any alarm to public creditors, and the matter would pass with little or no notice. But if the clause stood alone, in this marked way, the report might reach Europe that American funds were to be taxed, and the very sound of such a measure might do us more mischief than the object was worth. Mr. B. stated an error adopted in the old Governments of Europe as to taxing public funds. They had been taxed specifically under that title, which sunk their value. But a tax should have been contrived for property in general, that would have comprehended them without pointing them out in particular, which always sunk their value. Returning to the ques-

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tion before the House, he foretold with confidence that, if the tax were imposed without any reference to the sum transferred, there would be fifteen or twenty bonds, if the duty was moderate, for one upon the present plan, by which twenty shifts would be made before a bond would be employed. At the same time, he was satisfied that the right of Congress was equal to the taxation of public funds, as well as of any thing else.

Mr. TRACY objected to the imposition of a tax upon this kind of property. On this question he was at freedom to speak with perfect impartiality, for he had never once seen public paper till he came to Philadelphia, and he most certainly never owned a single farthing of it since he had an existence. The clamors, therefore, with regard to a paper interest, could not be applied to him. But, by giving this explanation, he did not mean to say that if he had been a stockholder he would have suppressed his sentiments. Gentlemen in that situation were just as much entitled to attention and confidence on this question as any other members. After this introduction, Mr. T. went on to state, that it was an act of injustice to tax the transference of public debts, for this reason, that a freedom of transference was part of the bargain between Government and its creditors. He had no verbose arguments on the subject. His objections were simple, and came at once to the point. A breach of bargain was a breach of honesty, and as such could never meet with approbation from him. We gave paper, said Mr. T.; transferability formed a part of it. Now, we come forward and say to the creditor, you shall not transfer unless you give up a part of your debt. He would have been very glad to vote for this tax, if he could have voted consistently with justice; but, feeling as he did, he could not give his consent.

Mr. NICHOLAS was of an opposite opinion from Mr. TRACY, as to the justice of the tax. He was convinced of that, as well as of its expediency. It had been urged that we should pay three or four times more in the next loan, in proportion, than the tax was worth, because, when the system of laying a duty on the funds was once begun, there was nobody could say where it was to end, and therefore every body would scruple to give us credit. To this his answer was, that the funds already borrowed could not be affected by this bill, because they were already in our hands; and, as to the future loans, in these the creditors had it in their power to make an express stipulation for no tax on their funds. This would answer the purpose completely, without recurring to those alarming presages of the loss of credit.

Mr. AMES, in reply to Mr. CLARK, said, that the gentleman had complained of his being unintelligible. With regard to the defence that he had made of the character of members, reported to be creditors in the funds, the style of newspapers, of pamphlets, and of debates in that House, altogether justified the propriety of an explicit vindication. He appealed to every member who heard him that, excepting only the debate on the adjournment of Congress, there had not been a single discussion of any length, for a considerable time

past, where there had not been some pointed allusion to this paper bugbear. This Government, said Mr. A., has been painted as an object of suspicion and abhorrence. The gentleman [Mr. CLARK] complains that I am beyond his reach. He has made himself sufficiently intelligible, and has perhaps had his share in drawing such pictures. Recurring to the question before the Committee, he said that, when the Funding Act passed, no man will affirm that there was any notion of such a tax understood. No civilized nation can keep its credit while it taxes its public funds. Property is in general, to be sure, a fair object of taxation, but this tax cannot be levied with perfect equality; for it is beyond the knowledge of any Government; and, were it even within the knowledge of a legislator, still it is beyond his power. There was no way to get at an exact acquaintance with the universal state of property, but by cutting off people's heads and searching their repositories.

Mr. WINN wished to know who were the creditors in the public funds. Are they the original holders, the poor soldiers, who gave birth to this country? Or are they a set of men who have purchased the claims of these poor soldiers for a trifle, perhaps for half a crown in the pound? Surely, if this be the case, no creditor would grumble in paying the proposed tax on the transference; and if he should complain, was it tolerable to hear such a property held up as an unfit object for taxation?

On dividing the Committee, on the motion for a tax of five cents per hundred dollars upon the transfer of public debts, fifty-three members were in favor of it—the nays in the question were not counted.

The motion for a tax to the same extent, on every transference of Bank stock, passed unanimously.

A resolution for a tax on manufactured snuff and tobacco was next read. Mr. SCOTT rose and observed, that it was a home manufacture, and he did not wish to meddle with it, for that was a bad precedent. He should therefore move to strike it out.

Mr. MURRAY hoped, that the motion for striking out the tax on snuff and tobacco would not succeed. At a moment when we are looking about for proper sources of revenue, he thought that these objects came very aptly into view. They are articles that will bear a moderate tax, in particular the first. It is true, that a tax on snuff will not operate upon all men, but those who will be affected by it are well able to bear it. It will be paid by the wealthy, and it will be paid with the less reluctance, because its use is in a habit, which a man does not easily give up, and which, from its nature, can never be expensive. The quantity consumed by an individual is small, and the article itself is here extremely cheap. Formerly a pound of snuff was sold at the lowest at three-fourths of a dollar per pound. Snuff was now manufactured in this country as good as that imported, and is sold at a quarter of a dollar per pound. As to the objection that it was a tax on home manufacture, the precedent had already ob-

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tained in the duty on-distilled spirits. Mr. M. approved the principle of taxation that connected the payment with an enjoyment of luxury. The mind lost its repugnance in the pleasure derived from the article taxed, if the discharge of the tax preceded the gratification.

Mr. MACON observed, that the tax came to about four dollars per hundred weight, whereas the raw material itself cost about three dollars. This was, he believed, the first instance in the history of taxation where a raw material was taxed to more than its value. He was entirely against the resolution.

Mr. FINDLEY entertained an opinion that the resolution was in its principle enjoining, and could never be reduced to practice. People would raise it for themselves, as in fact a great number do at present. In the country, boys were suffered to raise a revenue on such resources? It never could be made productive, but it would ruin the manufacture.

Mr. S. SMITH, of Maryland, said that he believed his colleague [Mr. MURRAY] felt some delicacy upon this subject, and, making use of tobacco himself, did not choose to oppose the tax, from a desire of appearing disinterested. After some other remarks of an amusing nature, he stated that this tax went directly to the destruction of the staple commodity of three or four States in the Union. It was likewise, in another point of view, a dangerous precedent; for we should next go round all our manufactures, and every thing would be taxed; he was against the resolution.

Mr. FITZSIMONS considered the present as one of the best resolutions in the list. He did not know what he would have been more ready to propose.

Mr. SEDGWICK was of the same opinion. Mr. W. SMITH could not discover why tobacco might not be taxed, just as well as salt and other articles. We cannot step into a coach without paying a tax—why then scruple to tax other articles of luxury?

Mr. MURRAY, in reply to Mr. S. SMITH, said, that if he thought the tax would injure one of the staples of Maryland, it would be with great caution that he should support it. But he denied any such consequence. The price of snuff is a price annexed to the labor and ingenuity of the manufacturer, and not an effect of the value of the tobacco, which was very low. He did not believe that the price of tobacco was perceptibly affected by the home demand for manufacture, but altogether by foreign markets. Farmers use unmanufactured tobacco, and very little snuff. He still thought the principle sound, and that it was a capital object to render taxation light and easy to the feelings of mankind. To do this, if you incorporate the tax with some luxury to be enjoyed, you render it more pleasant by a natural association. There was, he thought, a similitude between this tax and that on distilled spirits. Each was a tax on a home manufacture; each was a tax on consumption. The duty in the present case did by no means bring down the sale of the

home made article to a competition with the foreign article. Notwithstanding this tax, American snuff would forever undersell that imported, from its being twice, if not thrice, as cheap. For, even after the eight cents proposed on snuff was paid, the price would be extremely low. As to any opposition to the collection of the excise, a possibility which had been adverted to by some former speaker, he thought that no argument could be derived from that, which at once held up the folly of those who constituted the example. He did not fear that any class of citizens would be so riotous, so ignorant, so savage, as to resist the measures of Government. The enlightened freemen of this country would not tumultuously oppose a law made by legislators whom they had themselves chosen. He thought the tax easy, as falling on the more wealthy, and one which would by no means affect the staple of the country.

Mr. CLARK was against the resolution. Mr. S. SMITH agreed perfectly with the judgment of the member from Pennsylvania, [Mr. FINDLEY], that the tax would destroy the manufacture, and raise nothing. Every body would use a kind of unmanufactured tobacco, that has a well known name, as there was no mention of that article in the bill.

Mr. AMES approved the tax, as one of the best which he knew.

Mr. MADISON had always opposed every tax of this nature, and he should upon all occasions persist in opposing them. If we look into the state of those nations who are harnessed in taxes, we shall universally find that, in a moral, political, and commercial point of view, excise is the most destructive of all resources. He did not say this, because excise had been a frequent topic of popular declamation. He was not guided by that, but he knew, and was sensible, that it produced almost in every case the most disagreeable consequences. Yet he admitted that the excise upon ardent spirits was a very natural expedient in the American Government, who saw such immense quantities of foreign spirits imported. Much of the collection of this tax on tobacco would depend on the oath of the manufacturer, and this was but another term for the multiplication of perjuries. The tax would therefore injure the morals of the people. He liked much better some other taxes in the list before the House, and recourse might be had to them. He should oppose this tobacco duty with every vote that he gave on the question.

Mr. AMES replied to Mr. MADISON, who spoke a few words in explanation.

Several members then requested that the clause might be deferred till to-morrow; accordingly, the Committee rose without coming to a division. The Chairman reported progress, and at three o'clock the House adjourned.

FRIDAY, May 2.

A memorial was read by the Clerk, subscribed by certain manufacturers of tobacco, in the city of Philadelphia, against a resolution at present before the House. [This resolution is for imposing

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a duty of four cents per pound upon all tobacco, and eight cents per pound upon all snuff, manufactured in the United States.]

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It was then moved that the House do resolve itself into a Committee of the Whole, to consider on the report of the Select Committee on Ways and Means.

Mr. GILES wished that a private petition might first be discussed, as it would take up only a short time, and then the House might proceed with the ways and means.

Mr. TRACY said, if we cannot proceed with dispatching business in a regular way, it will be much better to rise at once, and go home.

Mr. S. SMITH wished to delay the private petition because he intended, this day, to move, that the House shall meet to-morrow morning (Saturday) for private business, and then the petition could be discussed, without interrupting anything else.

Mr. W. SMITH said, that there was much business on hand, and if the House were to indulge every gentleman in requisitions of this nature, they never would get forward.

The motion for a Committee of the Whole House, on the Ways and Means, was carried—Mr. SHERBURNE in the Chair.

Mr. TRACY. If there ever was a luxury, snuff is one. If we are to excise at all, this subject is one of the best. It had been said, (referring to an observation made yesterday by Mr. SMILLIE) that taxes, which were paid *imperceptibly*, were more dangerous than others, because, by these invisible or imperceptible kinds of taxes, the people were seduced from thinking to what purposes their money went. Mr. T. could not believe that the member was serious in advancing such a doctrine; for the sum of it is, that, when taxes are to be raised, Government is in duty bound to give the people who pay these taxes, as much *trouble as possible*. There was nothing but this alternative—a tax on tobacco, or a land tax—which was equivalent to a tax upon necessities. Many of his constituents raise no more grain than was necessary to maintain themselves; so that, with respect to them, a land tax was a tax upon necessities. Mr. T. adverted to the weakness of complaining, because Government was attended with expense. People might as well complain as to the expense of fencing a wheat-field. Liberty, without Government, was worth nothing; it was a mere sound—and there never has been, and never will be, a Government that does not require expense. One circumstance recommended this tax—it was to be collected without any addition to the number of revenue officers. If it is true, as has been stated, that snuff has, in some of the Southern States, become a necessary of life, he would not wish to burden it. He next adverted to an assertion made yesterday, by Mr. SMITH, viz.: that this duty on tobacco, went directly to the destruction of the staple commodity of three or four States of the Union. He could not see that there was any danger of this kind. [Here Mr. S. SMITH rose, and said, that

the assertion had been made, not by him, but by a member from North Carolina.]

The gentleman from Maryland had also expressed his apprehensions, that the tax might be augmented, till the culture of tobacco was exterminated. He [Mr. T.] could foresee no chance of any such consequence. If he did so, he should be sorry to support the resolution. He had no desire to crush an infant manufacture. Perhaps it would be found advisable to reduce the proposed duty; and, for this reason, he recommended to the Committee, that the number of cents per pound, in the resolution, should be left blank.

Mr. FINDLEY:—Ruin and depravity have always attended excise. It has been one of the principal sources of the corruption of Britain. The same effects must follow in America. He objected to the mode of taxation; and, besides, the tax is partial. It falls on the poor in cities. In the country, nobody will pay it.

Mr. SEDGWICK would vote against the tax, if he thought that it was contagious for public morality. But human nature has always been very corrupted, without the aid of excise laws. The State which he represents has been excited for two generations, and yet no bad consequence has arisen to the morals of the people. As to the corruption of Britain, described by the member who spoke last, he admitted that the account was just, but this was not to be traced to excise laws. They had been the subject of much clamor, but what in fact, was their history? A prodigal opposition rail at all the measures of a Minister whether they be good or bad, and an excise act is often one of them. In the course of political changes, these men get into place. But they do not attempt to take off the taxes against which they declaimed. In the mean time, the new ex-Minister harangues against the very taxes of which he was the author. As to this law being a source of perjury, oaths are necessary in impostu of all sorts. Why, then, object to them in this particular instance? Is an excise oath worse than a custom-house oath? There is often no other method of getting at truth. If we desert this way of raising revenue, what are we to do? Taxes cannot be imposed on personal income, with any sort of justice, because the actual degree of a person's wealth does not depend on the nominal amount of his income. One man has a thousand dollars a year; but such may be his situation, that the taxing him in so small a sum as ten dollars, may be distressing. Others, again, with only five hundred dollars per annum are, perhaps, in much more easy circumstances, than the former, upon whom the tax of personal revenue would press with superior weight. Direct taxes, Mr. S. regarded as of an improper nature. But, with regard to snuff and tobacco, nobody can ever feel the burden of a trifling tax upon them. If we are obliged to tax salt, why shall we scruple at taxing tobacco?

Mr. SMILLIE considered this measure as pregnant with serious consequences. He was opposed to every system of excise, because such systems had always produced mischief. If this were a despotic country, he could see a good reason for an excise

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system of revenue, because it was proper, in that case, to debase, by every possible expedient, the minds of the people, that their feelings might sink to a level with the meanness of their condition. But in a Republic, taxes should be of a different nature, and operate with a different tendency. As to what had been said by Mr. TRACY, he was quite serious in his conviction, that taxes ought to be raised in such a way, that the public might not only pay them, but at the same time, *feel* them. This would teach them to think a little better in what way their money goes; and then, and not till then, there will be an abridgment of the expenses of the Federal Government. How do gentlemen come to speak, as if there were no abuses in the present American Administration? Are there none? If the present tax on tobacco had been proposed by a Minister, Mr. S. would have been surprised at it. But he was somewhat amazed that this measure should be suggested by the Representatives of a free people.

Mr. AMES had a better opinion of Government than the gentleman who spoke last. He did not think excise a mark of despotism. He did not think the people stocks and stones; or their rulers knaves and fools. The member had spoke of the citizens of this country, as if to rouse their attention it was requisite to keep a flapper, like that of Gulliver, at their ears. In some States, perhaps, the public were stupid enough to require a flapper. In the part of the country which Mr. A. represented, there was no need of artificial provocation to keep alive the sensibility of the people to their rights. The gentleman had said that a Minister of State had no other object in view but to fleece the public.

[Here Mr. SMITH explained.]

Mr. AMES replied, that, whatever were his words, that was his exact meaning. It was perfectly understood, and was exceedingly unjust. As to the resolution upon the table, is there any comparison between a snuff tax and a land tax? Land is the great *substratum* of American prosperity. Difficulties had been started, as to the collection of excise; an oppressive law was a bad thing, but resistance was worse. Can any man think that a land tax does not open a much greater door to imposition than a tax on tobacco? In what way is a land tax to be laid, that can avoid inequality and injustice? Are we to tax the public funds, that last, and most desperate resource of national distress, and then to be told, that we dare not impose a duty on snuff and tobacco?

Mr. S. SMITH considered the observations of the member who had just sat down as amusing and ingenious, but they were not satisfactory. To him, it seemed a very odd scheme to crush American manufactures in the bud. Men of capital and enterprise advanced large sums of money in erecting snuff mills. After long exertions, they began to reap the reward of their expenses and their labor. At that critical moment, the Government souses down upon them with an excise, which ends not in revenue, but extirpation. In his opinion, the resolutions before the Committee comprehend very great injustice to the manufacturers of tobacco.

co. He understood that a snuff mill required a capital of five thousand pounds to begin with. We are going to impose eight cents per pound on snuff, which is *double* the price of the raw material. Here Mr. S. inferred, that it would be necessary for the snuff-maker to possess an addition of *double* his present capital; so that, instead of five thousand pounds, he must possess fifteen thousand, before he can begin, or support business. After paying so vast a duty, house-rent, the wages of journeymen, and a multiplicity of other disbursements, he is to give credit to his customers for six, nine, or twelve months. This was another hardship. He must keep accounts of his sale.

The words of the report, referred to by Mr. S., are as follows:

"He shall enter into bond, with sufficient security, to render a faithful account, every three months, of the quantity of tobacco or snuff sold or sent out, within that period. Previous to taking any tobacco, for the purpose of being manufactured, he shall notify the same to the Office of Inspection, and shall keep a book, in which shall be entered daily the quantity of tobacco or snuff sold or sent out in each day."

This regulation may often prove a very great hardship. It will require an extra clerk, at an expense of three, four, or five hundred dollars per annum. For the manufacturers of snuff, this might be practicable; but, at least in his part of the country, tobacco spinners are poor, ignorant creatures; many of whom cannot so much as read. How are they to keep accounts, or how are they to escape perjury, when you bid them do what they cannot possibly do? Besides, tobacco is frequently sold, not by weight, but by the yard. It had been said, that this tax was not more exceptionable than the excise upon spirits. This comparison did not hold.

By the tax on distilleries, the agriculture of the United States was greatly promoted. Land that would not bear wheat was, in consequence of that excise, and the encouragement at the same time given to this manufacture, covered with crops of rye. Hence, there was no just resemblance in the two cases. But if we are to excise every thing, Mr. S. said, that the Committee might excise, as properly as tobacco, those strings of onions, that were sent from Connecticut all over the Union. They were the staple of that State, just as tobacco was of Virginia, and were equally fit to pro-

* In the English act of Parliament, on this branch of revenue, there is a clause of the same nature, which has been converted into a dreadful engine of authority. The following circumstance respecting it is mentioned by the writer of the Political Progress of Britain. "An old woman in Edinburgh had been in the practice of supplying her neighbors with half-penny-worths of snuff. She was ordered, under a penalty of fifty pounds, to pay five shillings for a license, and she did so. Had she been able to buy from the manufacturer four pounds of snuff at a time, the matter might have rested there; but, as this was beyond her power, it was required by the terms of taxation, that she should make oath, once a year, to the quantity she sold. Her memory failed, and she is now, (1792,) with a crowd of other victims, in an Excise Court, which will, very possibly, bring her to beggary. This is like a drop in the ocean of excise. The very sound of the word, announces utter destruction: for it is derived from a Latin verb, which signifies, to cut up by the roots." The advantages of an independent press were fully proved in the course of this procedure. A true history was regularly published of the proceedings of the Excise Court; a sense of shame drove several of the judges from the bench; and this nuisance has since been greatly corrected.

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duce a revenue. He fancied that we should next hear of an excise upon *natils*. Prohibitory duties had been laid for the encouragement of this manufacture in America. Progress had consequently been made in the business; and now there was nothing wanting but a smart excise duty to knock it on the head, under the pretence of exacting a revenue. Calico was another article that we should, no doubt, saddle with a stamp duty, as had been the case in Britain, where it produced a great revenue. In the case of the present tax, it would be said that the manufacturer must lay it on his customers. Yes; but will his customers advance him a capital double to what he had before? Besides the tax, he must have visits of excise-men, which are, in themselves, extremely troublesome.

Mr. NICHOLAS. We are going on exactly in the steps of Britain, of which this excise is one instance. That country once had a revolutionary spirit. How sunk are they now! Not one-tenth part of them dare to say that they are against the war with France, which is sweeping them with velocity over the precipice of ruin. At least, it is the common opinion in the United States, that their French war is the road to ruin. What has degraded and annihilated the spirit of Britain? Public debts, taxes, and officers of Excise. One-half of the nation has been loaded with the plunder of the rest. It is too much the American character to bear as right, what does not immediately hurt. It is a duty to keep the citizens alive to the operations of Government. It is somewhat strange to blame this attempt, when there is such an alarm, will put an end to the consumption of manufactured tobacco. Planters will make it ready for themselves. They can do so with very great ease by a method in the process of curing it. Mr. N. was therefore against the resolution.

Mr. DEXTER observed, that very few of the objections were confined to the question. Some were arguments against all excises; some against all public contributions; some against the nature and administration of our Government; and some against all Government. The statement of the gentleman from Maryland, [Mr. SMITH.] that the duty would make three times the capital necessary, he said, could not be accurate. He had reckoned the cost of the raw material as the only capital employed. If this be true, as he states, tobacco at four cents per pound, and snuff is worth thirty cents per pound, it follows that the manufacturer makes 750 per cent. net profit. This cannot be true; the principal capital must be employed in preparatory works and labor of manufacturing. He added, that our having formerly protected the manufacture, is no reason against now taxing it; it would rather be a reason for calling on it to contribute to the public burdens. He said, the same gentleman asked, why there is no excise on beer manufactured in New England, as well as on Southern whiskey? I answer, beer is not manufactured there in any considerable quantity; if it were, it ought not to be taxed. New England rum is taxed enormously. The duty on this and whiskey are protecting duties to good morals. The

use of snuff and tobacco is certainly a mere luxury, or rather folly; and all who use, and, of course, pay the duty, are volunteers. A land-tax, which is named as a substitute for this and every thing else, is a tax very unequal, and laid on all the necessities of life, and oppressive to the laboring poor.

It looks like Governmental rapacity, which is so deprecated by the gentleman from Pennsylvania, [Mr. SMITH.] He has more than once told us that insensible taxation is dangerous; and that we should make the people feel the taxes they pay; the way to make them feel taxes, is to lay those which will be most inconvenient. The argument, then, is, that the most inconvenient tax is the best. The very fact stated to reason from, is the strongest reason in favor of indirect taxation, viz: the burden is so small that the people do not feel it. What the gentleman's meaning is, unless it be that measures ought to be taken which may make the people dissatisfied with the Government, is difficult to say. The same gentleman has said, that all excises are against the spirit of a Republican Government like ours. It is strange, said Mr. D., that the spirit and letter of our Government should be so contradictory; for, by the Constitution, excises are expressly provided. The man who buys his food and clothing in small quantities, as he can obtain the means, does it much more easily than he could purchase a stock for a year at one time; and he who buys duties articles, and regulates his consumption by the price, pays his tax in small portions, with ease, when he would be distressed by being called on to pay the whole sum in gross annually. Mr. D. proceeded to say, that as to the fears of the gentleman above mentioned from Pennsylvania, and also of the gentleman from Virginia, [Mr. NICHOLAS,] he had heard them too often to be alarmed at them. They seemed like a sale coat, made for any subject. He said, that a fact satisfied his mind on the subject. Massachusetts is a land of equality beyond any on earth. Scarce a man among them is rich enough to keep a coach, and scarcely one so poor as not to keep a horse; learning is more equally diffused there than in any part of America; their morals are so pure that crimes hardly have names; yet this happy race of equal Republicans never, since the institution of our Government, have sent one member here to whine or thunder about the aristocracy of our Constitution. He said, he would not compare this State with others in the Union; one man was not there disposed of at the will of another. As to the fear of the gentleman from Virginia, that excises would destroy American liberty, Mr. D. said, there was no danger of it. The character of individuals form the character of the Government. A people are never enslaved until they need a master. The American habits exclude all danger. That excises and slavery exist together in some parts of Europe is true; but it remains to be proved that one is the cause of the other. If we have the benefits of Government, we must pay for them. There was a time, said Mr. D., when laboring under the debility of disunion and the distresses of

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anarchy, we rejoiced that the people had instituted this Government. It is now represented, not as the guardian of liberty and innocence, but as the assassin of both. What has happened to change our opinion? Under its auspices we have increased in strength and riches; we are now free and happy, when the world is in confusion. The gentleman from Virginia seems to despise our present happiness, unless it can be eternal. Why, sir, should we expect this? Nations, like men, come to maturity; they grow old and perish. The sun must go out in darkness; the earth must be burnt up; nature must expire in agonies. What right have we to claim to be an exception from general rules? All nature is in perpetual revolution; we are a part, and must revolve with the whole. The system suffers, and probably requires constant re-novation. Succession appears to be a law of nature as universal as her works, and as immutable as her Author.

Mr. CLARK said, that the gentleman, who had just sat down, had put an end to all further necessity for discussion on this question. His panegyric on the character of his constituents, (the people of Massachusetts,) ascertained that they were undoubtedly the first people, and most enlightened republicans in the Union; and, as they would, no doubt, send the best informed persons among them to Congress, it followed that he [Mr. DEXTER] and his colleagues were the most respectable characters in the Committee, and that, therefore, the rest of the Representatives had nothing further to do, but at once give their votes as these gentlemen thought proper. Mr. C. sat down, with hinting at the waste of time, by speaking entirely foreign to the subject before the Committee.

Mr. NICHOLAS rose again. Because gentlemen did not adopt every measure of Government, it was said that they were enemies to all Government. The Federal Government never would have existed, if the people could have foreseen what sort of schemes it was to put into execution. In four years, there had been a complete revolution in the opinion of the rulers of that Government. He thanked God there was still as much principle in the people as would bring these gentlemen back to the point from which they set out. Mr. N. was highly offended at the style of the panegyric pronounced by Mr. DEXTER on his constituents, as if they possessed something about them superior to the citizens of Virginia. He understood that the member knew nothing about Virginia, unless by what he had seen of it upon that floor; and he trusted that he found nothing here that could authorize so derogatory a tone.

Mr. DEXTER rose a second time, and Mr. NICHOLAS made a reply.

Mr. SMITH. The people of Pennsylvania are as well educated, as intelligent, and as sound Republicans as any of their neighbors. As to the State of Massachusetts, we can only judge of it by the members whom it sends to this House. Mr. S. declared that he had not been able to trace, in their conduct, any superlative marks either of ability or of virtue. There had been funded, not only

a debt which the United States, owed, but another debt, which they never owed. Had not these members supported this system? Was this an act that demanded the confidence and gratitude of the public?

Here Mr. CLARK requested to be heard. "I thought," said he, "that the question before us had been something about tobacco."

Mr. MADISON professed an aversion to all comparisons; but, if they must be made, it was proper to draw them with the strictest regard to truth. He agreed with the gentleman from Massachusetts lately up, that the citizens of that State were good Republicans, but so were the citizens of other States. Laws were fast equalizing the manners of Americans all over the Continent; and no where with more rapidity than in Virginia. The people there are not less truly Republican than others. There had not been a single insurrection in that State, since the first Declaration of Independence; nor any resistance to the laws. Excise had, indeed, been very unpopular in the Southern States, compared with what it was in the Eastern; but for this there was a very good reason. The tax was not only one to which they had not been accustomed, but it fell much more heavy upon the Southern than upon the Eastern States, where it was likewise familiar. The people of Virginia had never been discontented, even when paying heavy taxes, before the institution of the Federal Government, at the amount of taxes themselves. Their dissatisfaction arose from the knowledge that, at that time, but a small part of these taxes went into the Public Treasury. The Collectors, in raising the revenue, speculated upon a bad paper medium, and by certain manoeuvres, (which the member did not explain, but which are notoriously known) they turned the greater part of what they received into their own pockets. This was the only reason why the Virginians had formerly discovered discontent. As to the subject before the House, it was proper to choose taxes the least unequal. Tobacco excise was a burden upon the poor, upon the poor, upon the sailors, day-laborers, and other people of these classes, while the rich will often escape it. Much had been said about the taxing of luxury. The pleasures of life consisted in a series of innocent gratifications, and he felt no satisfaction in the prospect of their being squeezed. Sumptuary laws had never, he believed, answered any good purpose. Something had been said about the difference between direct personal taxes, and those raised by indirect means, such as excise and customs. He quoted an author of respectable character, in England, who estimated the expense of uplifting direct taxes in that country, such as the land tax, at three per cent, and that of uplifting indirect taxes, such as those of excise and customs, upon the whole, at thirty per cent.* This last was, perhaps, an exaggeration, and must be,

* Some years ago, the expense of collecting the revenues of Britain was about two millions and two or three hundred thousand pounds of Pennsylvania currency. The expense has since increased. Some taxes do not, in many parts of the country, defray more than half the charge of collecting them.

in part, a conjecture. But such a conjecture proved that the proportion upon *indirect* taxes was at least very considerable. Excise had at first been resorted to upon a few manufactures. The dealers indemnify themselves at the expense of their customers. At the same time, they endeavored to evade the duties, and thus there commences a struggle, which has many bad effects, both upon industry and public morals. In Europe, when tobacco is excised, the Government forbids it from being planted. [Some years ago, the British farmers were obliged, by an act of Parliament, to pull up and burn their tobacco, before it was full grown.] No such measure, he hoped, would be adopted here, but it was hard to say where the subject might, one day, end. Statesmen, in general, do not study the liberty, the virtue, or the comforts of the people, but merely to collect as much revenue, as they can. Taxes are not, for the most part, the work of patriotism. An excise established in America would discourage the emigrations from Europe, that might, at this time, be so much expected. He was determined to vote against the resolution.

Mr. BALDWIN considered that we had only a *choice of evils*. Upon that principle he preferred a snuff tax to a land tax.

Mr. FITZSIMONS knew a time when the land tax of Pennsylvania cost thirty per cent. in collecting it; and, at the same time, the officers employed were more numerous than all the revenue officers of the Federal Government at this day, put together. Mr. F. stated the former to have been about two thousand.

Mr. GILLOX, adverting to some former speeches, did not rise to compliment that part of the country which had sent him to Congress. His constituents were men, and this single word implied that they had, like the rest of mankind, the common virtues and vices of human nature. As he had only been a few days in that House, he did not pretend to understand the present question of finance, so well as gentlemen who had devoted weeks or months to the subject. He was against both excise and a land tax. As to the clause of additional duty on the *importation* of manufactured tobacco, he feared that this was but a bit of gilding to cover a bad pill.

The clause referred to by Mr. GILLOX, is in these words:

"Resolved, That there be an additional duty of four cents per pound upon all tobacco, and eight cents per pound, on all snuff imported into the United States."

Is this the return to gentlemen who establish manufactures, that the moment the wheel is set agoing, it must be clogged with a tax? He warned the Committee to proceed in this matter with caution, lest they should excite a spirit of discontent in the country.

The Committee then divided on the question.

For the tax on manufactured snuff and tobacco 55, against the tax 34.

The Committee then rose. The Chairman reported progress; and the House adjourned till Monday next.

Monday, May 5.

A memorial of the sugar bakers of the city of Philadelphia, was presented to the House and read, praying that sugar refined within the United States may not be subjected to the excise duty proposed to be laid by the report of the Committee of Ways and Means now depending before the House.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of the public credit, and, if further revenues are necessary, to report the ways and means.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the remission of the duties on eleven hogsheads of coffee, which have been destroyed by fire," to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act directing a detachment from the militia of the United States," with several amendments; to which they desire the concurrence of this House.

Mr. DEXTER, from the committee appointed, presented a bill authorizing the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes; which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the petition of Samuel Franklin, William T. Robinson, and Abraham Franklin: Whereupon,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT OF THE UNITED STATES be authorized to direct clearances to be granted to any ships or vessels belonging to citizens of the United States, which are now landed, bound from any port in the United States for any port beyond the Cape of Good Hope, anything in the resolution for laying the embargo to the contrary notwithstanding: *Provided*, That, before the Collector of either of the districts of the United States shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security, to the satisfaction of such Collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

THE PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, and what, further or other revenues are necessary for the support of Public Credit, and, if further revenues are necessary, to report the ways and means.

Mr. TRACY moved that the number of cents per pound to be laid on tobacco, and snuff shall be left blank.

Mr. W. SMITH saw no reason for leaving out the specification. The duty was not too high. This amendment was in reality undoing all that the Committee had been about.

Mr. TRACY stated his reasons. He understood,

that the duty on tobacco was too high, and that upon snuff too low.

Mr. GILKS said, that the price of the raw material was two cents, or two and an half per pound, and that so large a duty would altogether knock up the manufacture. He repeated this opinion, and moved that tobacco should be struck out of the bill, and snuff stand at eight cents. The reason of this distinction was, that the planters could with ease manufacture tobacco, so as to serve their own consumption, but they could not, so easily, make snuff.

Mr. FITZSIMONS apprehended, that it was proper the duty should be reduced; especially on tobacco. He, therefore approved the motion for leaving the duties blank.

Mr. SMITH considered the motion of Mr. TRACY as irregular. It had already been determined that the resolution should stand.

Mr. FITZSIMONS explained to him that the question decided upon Friday was, whether the resolution ought to be struck out entirely? It had been determined that the resolution should remain. But still, as to the *quantum* of duty, the discussion remained open to the Committee.

The motion of Mr. TRACY was agreed to.

The resolution was next read, for a duty of two cents per pound upon all sugar refined within the United States.

Mr. S. SMITH moved that the duty on sugar should also be left blank. Mr. W. SMITH considered this practice of leaving every duty blank, as reversing in substance what the Committee had been doing. The motion passed.

Mr. S. SMITH moved again that the whole sugar clause should be struck out. He was concerned in the manufacture of refined sugar; but he saw no good reason for giving a silent vote merely on that account. The land-tax will, in due time, come to be discussed; and there are very few members in the Committee, who are not landholders. But this will not prevent them from giving their opinions. He should, therefore, proceed to explain his sentiments on the present resolution. On sugar-baking he had for several years been sinking money. It was not till within the last year, that he made any profit by the adventure. The profits on this business were very precarious; and he had felt the full force of this disadvantage. The smallest inattention on the part of the person appointed to superintend the manufacture, was sufficient to render a whole baking totally useless; though it was frequently worth five hundred pounds; and he had twice met with an accident of this nature. He referred to the objection of Mr. DEXTER, where he stated that he (Mr. S.) had advanced as a fact that £5,000 of capital were necessary to prosecute the manufacture of snuff. In that five thousand pounds, he did not, as Mr. DEXTER had supposed, comprehend house rent, or the wages of journeymen, or the purchase of machinery. He meant to say, that five thousand pounds were essential for the purchase and the support of a proper stock of the materials of the manufacture. He would have given this explanation on Friday; but as the Committee had been much fatigued by

the length of the discussion, he did not wish to controvert the position of the gentleman at an unreasonable time of day, when members were impatient for the question. He now declared his meaning, and he did this more particularly, that he might prevent any mistaken notion of a second assertion, which he was likewise going to make. This was, that in order to carry on the sugar-baking manufacture with advantage, there was required an active capital of fifty thousand dollars. This was exclusive of the expense of pots and pans, and the apparatus of instruments wanted for the actual operation.

These would demand sixteen thousand dollars additional. Even the fifty thousand dollars of active capital would not be sufficient, but a man who commanded fifty thousand dollars had likewise the command of an extensive credit in the banks of the United States. He assured the Committee, that in consequence of the two per cent. duty, the sugar-baking would require a double amount of capital, to what it formerly did. This assertion he illustrated by a variety of arithmetical calculations.

Thus, said Mr. S., when a man of property has adventured his capital, in establishing an American manufacture, you come down upon him with an excise. You tell him, in the style of the gentleman from Massachusetts, whom I do not now see in his place—[he referred to a part of the speech of Mr. DEXTER on Friday last] we have protected you for some time past, and we are therefore entitled to treat you in time coming, as we please.

Mr. S. argued, that this was no encouragement to a merchant to hazard his capital. Gentlemen would say, that snuff is no luxury; we shall not tax them. He considered this report on excise as the opening wedge. When once taxes on manufactures have begun, where are they to stop? He saw not, in the report, any notice of a drawback on the exportation of sugar manufactured in America. He had already fully explained his idea relative to an excise; and he should not therefore trouble the House any farther. One of the chief reasons for which he had risen at all was, that he had been misunderstood by the member from Massachusetts, as to the amount of capital requisite for the erection of a snuff manufactory. He was satisfied that this duty would end in the ruin of sugar-baking establishments.

Mr. FITZSIMONS.—Since ever he had been in a Legislative body, he had been a friend to the manufacturers of this country. The gentleman who spoke last had not convinced him, that the two cents of duty would make a double capital necessary, or that the duty would demolish the manufacture. He was of opinion that the duty might be so modified, as not to injure the interest of the sugar-bakers. There would be adopted a proper mode of protecting the manufacture by non-importation duties; and it had been designed by the select committee to give a suitable drawback on exportation. He said, that raw sugars were at present but fifteen shillings per hundred weight. He did not reckon sugar a luxury. It was an ar-

title of universal consumption. He pledged himself to the Committee that unless the excise could be placed on such a footing as not to injure the feelings and interest of the manufacturer, he would vote against it.

Mr. MURKINBERG (the Speaker) observed, that he was also engaged in the business of refining sugar, and therefore could, in some measure, speak from experience. The Committee, in laying these duties, had, as it appeared to him, contemplated a war; if that should take place, this fund would prove fallacious, because, during the war, a sufficient quantity of the raw material could not be brought into the country to support the manufacture. This had been the case in the last war, and whatever reliance gentlemen might have on the importation of sugar during a war, on the supplies furnished by successful privateers, that was insufficient and too uncertain to enable the manufacturers of sugar to proceed with such regularity as their business required. In short, it would, in a great measure, stop the business, and induce the owners to turn their capital, at least for a time, into other channels. He was also of opinion that refined sugar already bore too high a price, owing to the high price of raw sugar, which was much beyond what his colleague [Mr. FIZSQUON] stated, fifteen dollars per cwt., and that had already lessened the demand and consumption, which every one now concerned in the business could testify. If, therefore, two cents were added to the present price, it would lessen the consumption still more, and thereby materially injure the manufacture. He further observed, that owing to the probable capture of the French islands, sugars in England must be very low, and as that country paid but 8s. 6d. per cwt. on raw sugar and a drawback of 23s. was allowed on every cwt. of refined sugar exported, that operated as a bounty and enabled merchants to import it considerably cheaper than it could be manufactured here. This had been the case last year in the Southern States, and probably would be so again, unless a much higher duty was laid on imported sugars than the Committee at first contemplated. He then called for the reading of the memorial from the sugar refiners which was this day read in the House.

The memorial was read, and stated, among other particulars, that there were only seventeen sugar-bakeries in the United States. The tax was estimated to produce fifty thousand dollars; and this sum the profits of the business would not discharge.

Mr. FINDLEY said that seventeen houses were too small a number to protect themselves from the arm of the Legislature. He was afraid they would be crushed by their duty. The member went into some farther remarks on the bad consequences of this mode of exacting revenue.

Mr. SEDGWICK.—There has been much repetition in discussing this question. The member from Pennsylvania [Mr. FINDLEY] had said that seventeen sugar houses were too small a number to rouse a general sentiment in their favor. This was no argument at all. Everybody made use of sugar, and every one, therefore, was interested in

having it as cheap as possible. As to the propriety of laying an excise upon manufactures, a large majority of the House have already declared themselves in favor of the principle in general. If there was only one sugar house in the United States, and only one inspection required for collecting the whole fifty thousand dollars expected from the tax, Mr. S. would like it so much the better. The drawback granted in Britain upon the exportation of refined sugar is, in reality, a bounty on the manufacture of the article. We must take care to add a large enough duty on the importation of it into this country, to counteract the effects of the British bounty; and this precaution will be still more necessary, as our American refined sugar will come higher on account of this excise. Much has been said, in the course of this debate, about oppression. What do gentlemen propose to make of this trite word? If they will reiterate their arguments on this question over and over again, what can be said to hinder them? If, in contempt of all experience, gentlemen persist in saying that an excise duty is paid, not by the customer, but by the manufacturer himself; and if, because the Legislature has authority to lay, when they please, any amount per pound on sugar, members argue against all taxes whatever, it is impossible to give them any satisfactory answer. We know that everything may be abused. We know that the Legislature have it in their power to lay a large amount of duty on every pound of sugar; we know, at the same time, that they never will do any such thing.

Mr. S. SMITH explained. He did not mean to say that the tax would be augmented to an unlimited excess upon any single article; but that taxes would be multiplied on all manufactures.

Mr. SMITH said, that things of this sort came on by degrees. Excise was at first light in England, and only on a few manufactures. It was then by degrees augmented, and extended over soap, candles, leather, starch, and an endless multitude of other articles. The cider tax continued as unpopular in England at this day, as it was when first imposed. He had no doubt of such an excise being introduced here; and if the people of England, so long familiar with heavy taxes, bore this excise on cider with such reluctance, the citizens of the United States would still less submit to it, and their discontent might be attended with dangerous consequences. Will not this set of resolutions for an excise, at present before the Committee, lay the foundation for an universal American excise? He deprecated the system in general. He did not lay the fault of its effects upon this or that Government. They were ingrafted in the nature of the thing itself. An excise, in its very outset, is a violation of the rights of freemen, independent of the extent to which it might or might not be carried, and whether it oppressed the manufacturer, or did not oppress him, by making his house liable to be searched at all hours, it violated the natural sanctuary of domestic life. It creates a number of artificial crimes; an additional code of laws must be invented in order to punish them; and this punishment cannot be inflicted without the ruin of American citizens, or neglected, with-

out the ruin of American excise revenues. What mischiefs have not excise laws produced in England? It has been found necessary to form a new set of laws in which the British subjects have lost the protection of a trial by jury. Here Mr. S. read a passage on this subject from *Blackstone*, which is in these words:

"All trials of offences and frauds, contrary to the laws of the excise, and other branches of the revenues, are to be inquired into, and determined by the Commissioners of the respective departments, or by Justices of the Peace in the country; officers, who are all of them appointed and removable at the discretion of the Crown. And though such convictions are absolutely necessary for the due collection of the public money, and are a species of mercy to the delinquents, who would be ruined by the expense and delay of frequent prosecutions by action or indictment; and though such have usually been the conduct of the Commissioners, as seldom, if ever, to afford just grounds to complain of oppression, yet, when we again consider the various and almost innumerable branches of this revenue, which may be in their turns the subjects of fraud, or at least complaints of fraud, and of course, the objects of this summary and arbitrary jurisdiction; we shall find that the power of these officers of the Crown over the property of the people, is increased to a very formidable height. Mr. S. said, that he was not fond of troubling the House with long quotations, but the present came exactly to the point. A system of excise was contrary to the spirit of the Constitution of a free country, and in opposition to the Constitution of the United States.

Mr. DAVENPORT declared, that he could not sit in silence to hear this sort of reasoning. Did the gentleman imagine that the present excise was to be imposed wantonly? Are we not in great necessity for money? There were but three objects of taxation, commerce, manufactures, and agriculture. The first had been pretty well burdened already. The luxuries of the second were now to be taxed; or, in other words, every man was to tax himself. He confided in the wisdom of the House, that this measure would pass. If this resolution were to be struck out, what shall we do next? Let us see another tax, and we shall choose between them. But no gentleman can show any expedient preferable to that before the Committee.

Mr. S. SMITH.—Raise that seven and an half per cent.; that will do. But people who object to a bad tax are not, therefore, obliged to find a better in its place. Any abuse whatever may be defended in this way. A gentleman from Massachusetts [Mr. SEDGWICK] had said, that as there were only seventeen sugar houses in the United States, it was so much the better. So by this rule, it was no matter what degree of hardship was imposed on the manufacturer, provided that a revenue could be got by it. To show the Committee that he was not disposed to give wanton opposition to taxes, Mr. S. informed them, that the excise on spirits had put an end to a distillery which he had formerly set up. The building was now lying waste; and his whole expenses were cast away. But of this he had not complained at the time, and he did not complain now; because he

was convinced that the excise on spirits was, upon the whole, of advantage to this country. For this reason, Mr. S. had submitted without reluctance to the ruin of his distillery, as from local causes, the excise had been ruinous to the distilleries of the Southern States. It was, taken all together, an advantageous measure, and he cheerfully submitted to his loss; but now he found they were to come back again upon him, and destroy his sugar house, which he thought somewhat hard. Mr. S. here adverted to a mistake that he had made in a former part of the debate. He had said, that it required about three pounds of unrefined sugar to make one pound of refined sugar. This was a mistake; the proportion of unrefined sugar was, he believed, less than two pounds; though concerned in the sugar baking, he knew nothing of it as a profession. He never had set his foot twice within his own house since he built it.

[Several members had adverted in the course of preceding speeches to this misstatement by Mr. S. SMITH.]

Mr. GOODHUE did not think that two cents per pound would destroy the sugar business.

Mr. NICHOLAS, having so lately trespassed on the patience of the Committee, had not intended to trouble them again. But the gentlemen who favored the excise system wanted to make it pass through the Committee with an *éclat* which it did not deserve. He expressed his aversion to excise in general, because it was, at best, from its essence, inseparably connected with vexation, the multiplication of oaths, of false informations for smuggling, and acquittances at an heavy expense from such accusations. The moment we begin an excise, that moment the mischief begins. The smallest modicum of this sort cannot be raised without oppression. Mr. N. adverted to the idea of making people not only pay taxes, but *feel* them. It was firmly his opinion, that direct taxes were the best, both as being the least expensive in the collection, and as tending more than any others, to keep the attention of the people strictly fixed on the way in which their money shall be expended.

Mr. FINDLEY spoke for a short time. Gentlemen might find a difficulty in answering arguments, and so call them repetitions, and declare them not worthy an answer. But it was impossible to deny, that excise was inconsistent with personal liberty, and the spirit of the American Constitution. Mr. FINDLEY went over several remarks that have already occurred in the course of this discussion.

Mr. W. SMITH observed that the general question of excise had been canvassed a few days ago, and therefore gentlemen employed their ingenuity to very little purpose, in attacking what had been so lately decided upon. If objections were to be made to every tax, and every sum of duty was to be left blank, what was the occasion for appointing a select Committee of Ways and Means? One gentleman insisted upon striking out of this resolution, another on the striking out of that resolution, till in short they would leave nothing at all. This proceeding reminded Mr. S. of a story in the fables of Phœdrus. A man, whose head was

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covered with black and grey hairs, had two female friends. One of them, who desired that he should have a youthful appearance, carefully pulled out some of his grey hairs, as often as he paid her a visit. The other lady, who wanted him to look like an old man, was industrious in pulling out the black hairs. Between their joint endeavors, he became bald. This, said Mr. S., by the time that every gentleman has done with plucking, we shall have nothing of the report left. It was needless to make reports, if they were to be thus destroyed. All the ways and means that had been yet presented, if we lay the land tax out of them, are little enough to serve for the appropriations already made. It is very easy to make plausible and ingenious objections to every thing. But plausible objections produced no money, which must be had, and had immediately, by some way or other. A gentleman [Mr. S. Smith] had said, that the seven and an half per cent of impost should be raised to ten per cent, and that this would be a proper compensation for laying aside the excise system. That was indeed but a sandy foundation to build such an assertion upon. He adduced a variety of other arguments to show the impropriety of this scheme of objecting to every thing. He pressed the Committee, in the most forcible and interesting manner, to consider what they were about, and what was to become of public credit, and national defence, if they refused to vote for the requisite supplies to maintain the one and the other.

On dividing the Committee upon the foregoing motion of Mr. S. Smith, for striking out the whole resolution, there were for the striking out 25—against the motion 35.

Mr. LYMAN voted for keeping in the resolution, but on this condition, that the sum should be left blank. He made a motion to this purpose.

Mr. SPOWICK.—If the sum of duty be struck out, it is impossible to determine what is to be the duty imposed on refined sugar imported from England. If the duty on importation be too high, then by driving foreign sugars out of the market, we give the American sugar baker a monopoly against his customers at home. On the other hand, if we lay too little duty on the importation of foreign sugars, the foreign manufacture will undersell that of America.

The motion was withdrawn.

The next resolution in the report was read, and is as follows:

“Resolved, That after the day of — every person selling distilled spirits or wine, for consumption out of their own dwellings; distilled spirits in less quantity than twenty gallons; wines in less quantity than thirty gallons, except in the original cask or package in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually, for a license to sell all foreign distilled spirits, five dollars; for a license to sell all wines, five dollars.”

The resolution passed the Committee.

Mr. CLARK then informed the Committee, that when they had got through the report, he had a motion in his hand which he intended to lay before the House. He read this motion. The substance of it was, that, over and above all duties im-

posed on the importation of foreign commodities into this country, an addition of ten per cent of extra duty shall be laid on all articles the growth or manufacture of Great Britain.

The next resolution is in these words:

“Resolved, That the sum of seven hundred and fifty thousand dollars be raised by direct tax, for the year one thousand seven hundred and ninety-four, to be apportioned among the States, agreeably to the rule prescribed by the Constitution.”

A motion was then made by Mr. LYMAN for striking out this resolution. He observed, that this resolution was supposed to contemplate a land tax, as, in the abstract of the report, it was called direct taxes on land. This being the case, he should be obliged, from not only a regard to his constituents, particularly, but in a general regard to the whole Union, to make a motion to strike out the resolution. He said, that he had a different opinion on this subject from those gentlemen for whom he had the highest respect, and whose opinions had, on many occasions, fully coincided with his own. He should not now take up the time of the Committee in reconciling this seeming inconsistency, otherwise than by observing, that he supposed it must be owing to the variation of the tenure of lands in the different States; that whilst in some States the lands were pretty well distributed, and held in small parcels by those who cultivated them, in other States they were held in larger quantities and cultivated in a different way. A tax on them therefore, which in the one case might be considered unacceptable, would probably be less so in the other. However, speculative opinions in questions of this sort were but a feeble opposition to fact and experiment. To these he would pray the attention of the Committee. In this country, some of the States at least have made the experiment. It had proved oppressive, excited discontents, and even convulsed the Government. The experience of other countries did not furnish much more favorable arguments, if his recollection and information were correct, as he thought they were. In the Republic of Rome they never had a land tax. It had its odious origin under the tyranny of the Emperors. In France, they have no land tax. This, in that country, he was sensible, was complained of, but it must have been because the lands were held by the nobility, to whom it provided an exemption from the burdens of society, and from that cause the exemption was disagreeable to the people; but had the lands been of a different tenure there would have been no such complaint. How stood the case in England, a country where every species of taxation was carried to its utmost stretch? Their land tax was a mere trifle compared with their other impositions; and, trifling as it was, they embraced every occasion, when not pressed by particular exigencies, requiring the utmost exertions, to lessen it, from an apprehension of exciting uneasiness and tumult. Indeed he did not know but it might there be deemed a modified relic of their former slavish tenures. Under these impressions, and the consideration of the expense of collecting a tax of this sort, he hoped it would not now be resorted to. He supposed the Select

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Committee had made the report under apprehensions of more danger from abroad, than was said now to threaten us. We are now told that affairs abroad wear a more friendly aspect. He hoped it was the case; no one could wish more sincerely than he did, that it would prove so; but if it should not, neither he nor any American would, he trusted, be averse to any species of taxation necessary to our defence and protection, and to give the fullest operation to our whole force. He did not forget, that, in discussing the business of ways and means, it had been said, that all taxation was objectionable, and that a motion for striking out any part of the sum necessary, ought to be accompanied with a succedaneum. He would therefore suggest increasing the impost duties, foreign tonnage, or even the excise duties. The impost on many articles was not nearly so high as it might well be made; the collection could be made with little additional expense, and with great certainty. There need be no new officers. Interest, policy, every motive conspired to abandon this tax on land, and embrace one more easy and convenient. He said, as little as he wished to see the public debt increased, and nobody had a less desire of such an event, yet he would sooner prefer a small loan for the possible deficiencies of the current year.

Mr. SCOTT rose. Mr. CLARK was up at the same time. The latter gentleman, observed, that he had been up some time before, but he was so small, that gentleman could not see him. He did not object to a land tax, considered as such, but he had a temporary objection. Did gentlemen consider in what time of the session they were? The Union consists of fifteen States all different in their laws, and in their local circumstances. The land tax was a matter of infinite difficulty, and would of itself require at least a month to discuss it. He therefore wished that it might lie over.

Mr. HEARN did not take up much of the time of the House in general. But he rose to say, that there were many expedients more palatable than a land tax. Why not lay a tax upon all kinds of shopkeepers? This project had formerly been very popular in Virginia. Why was the selling of wine, &c., taxed at so small a rate as five dollars?

Mr. SCOTT then rose. He said that he was surprised at their calling this resolution a land-tax. He saw no such thing about it. It might be a poll-tax. He was informed, that it was mentioned in the preamble as a land-tax, but he was to look to the resolution itself, where he certainly saw no such thing. A land-tax must be very unequal. One man would pay as much for ten acres, as another for a thousand. He recommended, in preference, a general tax on property; no matter whether by land or water. The resolution spoke of the Constitution. He knew no notice taken in the Constitution of any such matter. He considered it as impracticable, without destroying the Constitution, and how it could be levied was beyond his comprehension. He did not concur with some gentlemen for whom he had a great respect (referring perhaps to Mr. SMITH and Mr. NICHOLAS)

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LAS) that invisible taxes were dangerous. He could see nothing of that, in order to make people happy, it was necessary to have a good in their sides. He could not imagine that American liberties must be in danger, unless American citizens are harassed by direct taxes. That the accounts published from the Public Treasury very fully showed the people in what way their money was expended, and the people had sagacity enough to know that whatever money came from the Treasury must be theirs. If they do not like the way in which they see it laid out, they will send to this place other men, who will do their business more to their satisfaction. He again adverted to there being no notice whatever of a word in printing the report.] Mr. SCOTT recommended a tax on the funds. All the countenance ever given to funding systems, in all the countries of the world, all the books that ever had been written about them, never could convince him that such a tax was unjust. He was firmly persuaded, that in the exigencies of a nation, all sorts of property should be taxed, because all sorts of property required to be defended. He was quite satisfied that all property should defend itself; that is, should pay for its own defence. He would cheerfully submit his own property to a general tax, were it even to half its value, if such an impost were necessary for the Independence of America.

Mr. NICHOLAS, Mr. CLARK, and Mr. SPOWICK, spoke a few words.

The Committee rose without a division on the resolution. The Chairman reported progress, and the House adjourned.

TUESDAY, May 6.

The bill sent from the Senate, entitled “An act for the remission of the duties on eleven hogheads of coffee, which have been destroyed by fire,” was read twice, and committed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled “An act directing a detachment from the Militia of the United States,” and the same being read, were agreed to.

Mr. CORBIN, from the committee appointed, presented a bill supplementary to the act, entitled “An act to promote the progress of Useful Arts;” which was read twice, and committed.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, “To authorise the President to grant clearances in the case of ships or vessels now loaded, and bound to any port beyond the Cape of Good Hope,” with an amendment; to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and, the same being read, was disagreed to. Mr. JEREMIAH WADSWORTH, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendment depending between the two Houses to the bill, entitled “An act to encourage

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the recruiting service," made a report; and, the same being read, was, on the question put thereupon, disagreed to by the House.

Resolved, That this House doth adhere to their disagreement to the said amendment.

CLEARANCES TO CERTAIN VESSELS.

A message from the Senate informed the House, that the Senate recede from their amendment, disagree to by this House, to the resolution "To authorize the President to grant clearances in the case of ships or vessels now loaded and bound to any port beyond the Cape of Good Hope."

The message was read to the House, containing an amendment to the bill authorizing the President to grant clearances to any vessels belonging to citizens of the United States, and bound to any port beyond the Cape of Good Hope. The amendment consisted in striking out the words in italics; which made the bill extend to all foreign ships.

Mr. S. SMITH said he hoped the House would not agree to that amendment.

Mr. FRIZZMONS, Mr. GOODRUE, Mr. CLARK, Mr. SWILKE, and Mr. BOURNOR, spoke each a few words.

Mr. MADISON was very indifferent as to the whole matter. The amendment made it worse than it was before. He would rather lose the measure than concur.

Mr. NICHOLAS thought that the amendment would open a door to all sorts of imposture.

Mr. S. SMITH said it was very easy to make amendments; but gentlemen should consider what they were about. American owners would be cautious what they did; but, as to foreign vessels detained in the harbors of the United States, the consequence was easily foreseen. They would be driven by stress of weather into any port in the West Indies. They will next, for half a joke, or a joke, at most, get a certificate declaring the ship unfit for proceeding to sea, and the cargo is then sold.

On a division—for agreeing to the amendment of the Senate yeas 33, nays 40.

PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the Committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of public credit; and, if further revenues are necessary, to report the ways and means.

The motion of Mr. LYMAN to strike out the clause relative to the land tax being under consideration—

Mr. SEDGWICK, and, after him, Mr. NICHOLAS, made various observations on the nature of direct taxes, as distinguished from those of a different description. The former gentleman observed, that Massachusetts and Connecticut resembled each other more closely than any other two States in the Union; yet the method of levying taxes differed very materially in the two States. From this, he inferred the difficulty of fixing a general system of land tax.

After having considered the definition of "direct taxes," as given by a gentleman from Virginia, [Mr. NICHOLAS,] and after commenting on the opinion of certain political economists, who held that all taxes ultimately fell upon land, and, therefore, that those which were imposed on it were direct, and all those imposed on any other subject indirect, Mr. S. proceeded to state his own opinion.

He said that, in forming a Constitution for a National Government, to which was intrusted the preservation of that Government and the existence of the society itself, it was reasonable to suppose that every means necessary to those important ends should be granted. This was, in fact, the case in the Constitution of the United States. To Congress it was expressly granted to impose taxes, duties, imposts, and excises. It had been universally concluded, and never, to his knowledge, denied, but that the Legislature, by those comprehensive words, had authority to impose taxes on every subject of revenue. If this position be just, a construction which limited their operation of this power (in its nature and by the Constitution illimitable) could not be the just construction.

He observed, that, to obviate certain mischiefs, the Constitution had provided that capitation and other direct taxes should be apportioned according to the ratio prescribed in it. If, then, the Legislature be authorized to impose a tax on every subject of revenue, (and surely pleasure carriages, as objects of luxury, and, in general, owned by those to whom contributions would not be inconvenient, were fair and proper subjects of taxation,) and a tax on them could not be apportioned by the Constitutional ratio, it would follow irresistibly that such a tax, in this sense of the Constitution, is not "direct." On this idea he enlarged his reasoning, and showed that such a tax was incapable of apportionment.

He said that, so far as he had been able to form an opinion, there had been a general concurrence in a belief that the ultimate sources of public contributions were labor and the subjects and effects of labor. That taxes being permanent, had a tendency to equalize and to diffuse themselves through a community. According to these opinions, a capitation tax and taxes on land and on property and income generally, were direct charges, as well in the immediate as ultimate sources of contribution. He had considered those, and those only, as direct taxes in their operation and effects. On the other hand, a tax imposed on a specific article of personal property, and particularly if objects of luxury, as in the case under consideration, he had never supposed had been considered a direct tax, within the meaning of the Constitution. The action was indeed directly of the owner, but, by the equalizing operation, of which all taxes more or less partook, it created an indirect charge on others besides the owners.

He said it would astonish the people of America to be informed that they had made a Constitution by which pleasure carriages and other objects of luxury were excepted from contributing

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to the public exigencies, which was undoubtedly the case if the reasoning of gentlemen who opposed the resolution was well founded. If the imposition of a duty on pleasure carriages was a direct tax, it must then be apportioned; but as several of the States had few or no carriages, no such apportionment could be made, and the duty of course could not be imposed. Such a construction was inadmissible, because it would exempt, in times of the greatest distress, the fairest objects of contribution from the imposition of any burden. If there was doubt, we certainly ought not to incline to that side, which at the same time it might compel the Legislature to impose grievous burdens on the poorest and most laborious part of the community, shall exempt the affluent from contributing for their objects of distinguishing enjoyment. This seemed not to carry into effect that doctrine of equality of which gentlemen said so much.

Mr. CLARK complained that members spent their time upon definitions, when business demanded an immediate decision. He objected to a proposal from Mr. SEDGWICK that the land tax should be agreed to, but should not take place until there was a prospect of war. He hinted want of time to discuss the question, and would have it laid aside for the present.

Mr. HILLHOUSE observed, that, laying a direct tax would doubtless be attended with many difficulties, but was not, in his opinion, altogether impracticable. It being, however, one of the most oppressive and unequal taxes, ought not to be resorted to but in the last extremity; that great caution ought to be observed in the first commencement of the business; and the system that may be finally adopted ought to have the most mature and deliberate consideration which the present stage of the session would admit of. As it was proposed that the tax should not take effect but upon the contingency of a war, it was unnecessary to lay it at this time, as Congress must convene before war could be declared; and the members of the House would be able, from the course of events during the recess, to judge of the probability of a war, and, if appearances should be threatening, would doubtless revolve the subjects in their minds, and gain all the information in their power, and come together much better prepared to digest a system than they can be at this time. The people, he believed, were fully sensible that, in case of a war, almost all the resources from which the present revenue is drawn would be cut off, and that there could be no other resort but to direct taxes. If the present was contemplated as a war tax, the sum of \$750,000 would be wholly inadequate, and the cost of collecting that sum would be nearly the same as to collect \$3,000,000; if we had no war, he was of opinion there were other sources of revenue sufficient to supply the present exigency, and that we ought not to resort to a direct tax. He hoped, therefore, the resolution would be stricken out.

Mr. DEXTER concurred with the two gentlemen who spoke last as to striking out the clause. He thought it an unnecessary incumbrance upon the

other taxes agreed to, if it was intended to be postponed in its operation. He said a land tax was a tax on the laborious poor. If every acre is to pay the same tax, it must prove very unequal, as poor men generally live on the poorest lands, and must pay oppressive taxes. If the lands are to be valued, the delay and expense must be enormous. Lands increase in value very unequally in different places, and the proportion will be forever altering. He had been told that two thousand persons had once been concerned in apportioning and collecting the land tax of Pennsylvania. He said a question had arisen as to the meaning of the words "direct taxes" in the Constitution. Before a determination be had for or against them, it ought to be known what is the true meaning of this phrase. He said his colleague [Mr. SEDGWICK] had stated the meaning of direct taxes to be a capitation tax, or a general tax on all the taxable property of the citizens; and that a gentleman from Virginia [Mr. NICHOLAS] thought the meaning was, that all taxes are direct which are paid by the citizen without being recompensed by the consumer; but that, where the tax was only advanced and repaid by the consumer, the tax was indirect. He thought that both opinions were just, and not inconsistent, though the gentlemen had differed about them. He thought that a general tax on all taxable property was a direct tax, because it was paid without being recompensed by the consumer. Suppose one mechanic art to be heavily taxed, and others not taxed at all. This, at first, will be oppressive; but the art being necessary in society, other arts must contribute to support it under the increased burden. The tax will, like any other expense necessarily incurred in the manufacture, be added to the price of the article; and this contribution to reimburse the manufacturer who advances it will make it an indirect tax, according to the idea of the gentleman from Virginia. If, on the other hand, all mechanic arts and all natural subjects of taxation are taxed by the Legislature in due proportion, this is a direct tax; because no such invisible contribution is necessary, as each has originally borne its proportionate burden. Mr. D. thought, that, if any mode of taxation be permanent, it will soon be equal. The most unequal imposition will, like a fluid, soon diffuse itself equally through all the proper and natural subjects of taxation. Mr. D. thought, also, that direct taxation ought not to be pursued by the General Government, except in time of war, because it is the only source of revenue for the support of State Governments and payment of State debts.

Mr. S. SMITH did not think that the sums in the report would be pressingly wanted, for, in the first place, he had no fear now of a war, and, in the second place, the revenues of 1794 would exceed those of 1793, from which the estimate of the Committee of Ways and Means had been taken. There would be a greater importation in the next Fall than in the last; because England was overstocked with commodities for export, and would be very glad to trust America. He said that English manufactures had been sold to

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America forty per cent. cheaper during this Spring than in last Fall. Twenty-five per cent. discount had been given for ready money, and fifteen per cent. for a good bill on London, at six months. These facts he knew. He rejoiced to think that the product of the excise now before the House would go to the destruction of the National Debt. He wished for a committee to report what had been done already in the matter of ways and means. He said that England would be glad to give credit to America, as she was at war with France, and her commerce had thence become so uncertain.

Mr. FITZSIMONS said that, if the revenue of 1794 were equal to that of 1792, it would alter his ideas of the land tax.

Mr. MURRAY thought it best to strike out the resolution. The resolution did not specifically hold out the idea of a land tax; but it was well understood that a land tax was its object. Any gentleman might hereafter bring forward this object, which was both novel and complicated. It was of importance enough to deserve a separate bill, and a distinct discussion. His general impression was at present against a land tax, and his difficulties arose from, perhaps, the crudeness of the plans which he had yet heard. Certain it was, that, when we reflected on the various value of land, in different parts of the Union, the perpetual fluctuation arising from progressive improvement in this great object of industry, and clashing of landed interests from these considerations, we shall find that there will be great difficulty in organizing this tax. By voting to strike out the resolution at present, we do not ultimately abandon a view of this object—the taxes already agreed to may be immediately formed into shape by a bill—we shall accelerate the public business, and not necessarily give up this tax. At present, he was against the tax on land, but would not say how he should be, if a system could be suggested that would remove the difficulties he at present foresaw.

Mr. W. SMITH differed from Mr. S. SMITH. There would be a deficiency of at least two hundred thousand dollars. Revenue would diminish for imports. It would diminish for exports. The expenses of individuals also would diminish. It had been recommended that we should not go into the land tax at present, on account of the difficulty of ascertaining it. He thought this a proper reason for going into it, that gentlemen might have an opening view of the subject, and be preparing their minds for its final discussion at some future period.

On dividing the Committee, on the motion for striking out this clause for a land tax, seventy gentlemen rose. The yeas were not counted. So the motion was carried.

Mr. GILES moved to strike out the following resolution in the report of the Committee of Ways and Means:

“Resolved, That, after the — day of —, every person keeping a carriage for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay

annually, for a coach, ten dollars; for a chariot, eight; for any other four-wheeled carriage, six; for a chaise or other two-wheeled carriage, two. With an addition of one-fourth, where two carriages shall be kept by one person; of one-third, where three carriages shall be kept by one person; and of one-half, where more than three carriages are kept by the same person.”

On dividing the Committee, there were for the motion 33, against it 44.

Mr. W. SMITH next moved that the last paragraph of this resolution, charging an additional duty where two carriages are kept, should be struck out.

Mr. NICHOLAS, Mr. LYMAN, and Mr. SMITH, were for letting the clause stand.

Mr. S. SMITH was for striking out the clause. He disliked the tax. In some States, there were no carriages at all. It had been noticed, on a former day, that there were none in Vermont or Kentucky. The members of these States were, therefore, voting for a tax on their sister States, which they were not to pay a share of themselves. This was one objection to the matter. Besides, this was a tax on population. A young man (said Mr. S.) gets a wife and a carriage to drive her to church in. You tax him. In due time, he has a number of children, and must have a second carriage for giving them an airing. You tax him. Thus, sir, you tax a person for doing you the greatest service that can be done you—for peopling your country.

Mr. AYES said it had been proved by the information from some gentleman that, in the Southern States, a carriage was not always a mark of wealth, but that it was a necessary article. He was for striking out the clause.

Mr. W. SMITH ridiculed the paragraph altogether, in very pointed terms. If we are to tax a second carriage, we may as well tax a second glass of whiskey, a second bottle of Madeira, a second hundred acres of land that any man possessed, a second looking-glass in his house, a second pinch of snuff, or a second quid of tobacco.

His motion for striking out the clause was carried—ayes 40, noes 33.

Mr. MACOR laid on the table a resolution for an excise upon porter, beer, and cider. He had no long arguments to advance on this head. He should state, as it arose in his mind, a clear principle of justice that dictated this resolution. In the Southern States, cider, during a great part of the year, would not keep. It was therefore distilled into brandy, and paid a duty. But it was not equitable that some parts of the Union should have cider and malt liquors, all round the year, duty free, while others paid a duty for almost all the liquor which they made use of. He would likewise move to repeal the tax on brandy made from cider, that, when the cider itself had paid a duty, it might not be overloaded by a second excise. His idea was very plain. If it could be accomplished without much opposition, he was satisfied. If otherwise, he should, on this, as on all former occasions, submit, with respectful silence, to the sentiments of the majority.

The Committee rose, and the House adjourned.

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WEDNESDAY, May 7.

The bill sent from the Senate, entitled “An act for the remission of the duties on eleven hogsheads of coffee, which had been destroyed by fire,” was read the third time and passed.

The House, according to the order of the day, resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled “An act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina;” and, after some time spent therein, Mr. SPEAKER resumed the Chair, and Mr. PARKER reported that the Committee had had the said bill under consideration, and made several amendments thereto; which he delivered in at the Clerk’s table, where the same were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled “An act supplementary to ‘An act to provide for the defence of certain ports and harbors in the United States,’ with an amendment; to which they desire the concurrence of this House.

THE PUBLIC CREDIT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to inquire whether any, or what, further or other revenues are necessary for the support of the public credit; and, if further revenues are necessary, to report the ways and means.

The Committee then took into consideration the resolutions of Mr. MACOR.

The first of which was that a duty of — be laid upon every gallon of malt beer and porter made in the United States.

It was negatived by a majority of 44 against 28. Mr. CLARK said, that if this resolution had passed, he would have laid some new ones on the table, for the taxing of negroes and twenty other things.

The second resolution was, that a duty of — be laid upon every gallon of beer or porter imported into the United States.

Mr. SEDGWICK said that there was already a duty upon it amounting to a prohibition; and little or none, unless when smuggled, came into the country.

Mr. S. SMITH was persuaded that the gentleman was mistaken. Vast quantities of London porter were sold in America.

Mr. MACOR said that, as the first resolution for excising malt liquors was rejected, he considered the second as falling of course.

The third resolution was for laying a duty of — per gallon upon all cider manufactured in the United States, and the fourth, which was connected with and dependent upon it, was, for withdrawing, if the third resolution passed, all excise duties now paid on distilling cider into brandy.

Mr. MADISON was against all proposals of this kind.

Mr. NICHOLAS approved of the resolution. To obviate the charge of inconsistency, he thought it better to bring a general excise on the people at once, and try whether they would submit to it, or not, than to endeavor to bring it on them by imperceptible degrees.

Mr. KITTERA. The present tax was evidently impracticable. We had been told [by Mr. NICHOLAS] that Massachusetts made rum for all the rest of the States. Another State manufactures peach brandy; so the one may serve as a balance against the other. A gentleman from Pennsylvania [Mr. SMITH] had repeatedly told the House, that the tax on spirits was unpopular. It was not so in that part of the country (the district of Lancaster) which he had the honor of representing; nor did he believe that it was unpopular in general. The excise on cider never can be carried into execution. We have been told that every family in Virginia make their own. It is vain to hope that any man will be brought to levy the excise upon himself; in what way then are we to collect this tax, in case it were possible that the resolution should pass the House? We must import collectors, and we shall need almost as many as we have of landholders; as there is commonly a distillery in every apple orchard of Virginia. Viewing the whole resolution as one that must end in nothing, he wished to get rid of it as quickly as possible.

Mr. SMITH declared that the tax was unpopular in the country.

Mr. FIDLEY entered into the general consequences of an excise, which were, he was convinced, of a most destructive nature.

Mr. KITTERA replied, that this excise was not unpopular in the Lancaster district, a fact of which he must be permitted to say, that he had the best opportunities of judging. He believed that the excise was chiefly disliked on the Western frontier of the country, where the people were many of them emigrants, and who never had been accustomed before to a tax of this sort; but it was far from being disapproved in other parts of the State.

Mr. CLARK asked what the motion before the Committee was?

It was read by the Chairman, and proposed that a duty of — per gallon be laid on the cider manufactured in the United States.

Mr. CLARK then observed, that it was impossible to have conjectured, from the speeches of gentlemen, of what the motion before the Committee consisted. One [Mr. NICHOLAS] argues against all excise as oppressive; and that, the only way to make it universal was to bring it on by degrees. On this account, he votes for an excise upon cider. This is his logic. The gentleman behind me, said Mr. C., (referring to Mr. FIDLEY) is another enemy to excise; and he would also vote for this cider duty; only that he says his conscience won’t let him. Mr. C. closed his speech by declaring that such sort of arguments were entirely beyond his comprehension.

Mr. SEDGWICK. After what has appeared this day, no man ought to be astonished at any political inconsistencies. Gentlemen in this very Com-

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mittee, but a few days since, had voted against a tax on loaf sugar, to be collected from the proprietors of seventeen sugar-houses, and this because it would be oppressive to those on whom it was immediately to operate; and yet, those very gentlemen who had then felt and expressed such strong sensibility, were now rising for the extension of the same species of oppression to almost every citizen of the United States. What, he asked, was the pretence for this apparent inconsistency? This very extraordinary reason was given for it. It would equalize the burden of excise in the different States. How is the fact? Massachusetts will perhaps contribute as much in excise on cider, as any State, certainly incomparably more than any to the South of this. What was her present proportion of contribution to the duties of excise? It was nearly two-fifths of the whole contribution of all the States. It was considerably more than double what was paid by the State of Virginia, although the population of that State was almost double to that of Massachusetts.

Mr. S. SMITH would have thought that this debate would have been proper enough had we been on the question of the repeal of excise laws. But as we are upon laying a tax on cider, he certainly thought this conversation should have been restricted more closely to that subject.

Mr. AMES observed, that there was not a single distillery of the kind referred to in Massachusetts, till after the excise law had been passed. They are at present numerous. It is strange that a manufacture should thrive so extremely under oppression, and that the more it was oppressed, the more it flourished. This statement, as to the distilleries of Massachusetts, demonstrated that the whole arguments about the bad effects of an excise were a mere delusion. The manufacturer is richer than he was before the excise was laid. Numerous objections had been advanced against it, from its ruinous consequences in another country, arising out of the privileges of excisemen, and their right of entering the dwelling houses of all people, at the most unreasonable hours. Every precaution had been adopted by the American Legislature, that they could devise, to prevent inconvenience to the citizens of the United States; and it was not fair to argue from the abuses in another country, which did not exist in our own.

The question was called for, and the resolution for an excise upon cider was rejected by a great majority.

A resolution was then laid on the table, for a duty of — per ounce on all articles of silver, plated ware manufactured in the United States. The question on this resolution was taken immediately and lost.

On a motion by Mr. SEDGWICK, the Committee then rose, and the Chairman reported progress.

After the report had been read by the Clerk, it was moved that the House consider the report of the Committee, and agreed to.

On the resolution being put, as to a duty of three

cents per bushel upon sails, the House divided, and it was declared to be negatived by a majority of one vote. Several members insisted that there was a mistake in the numbering of the members, as one gentleman had come into the House after the SPEAKER had counted the votes in that part of the House where he sat. Several members, who had been in the majority, requested that the question might be taken over again, to avoid any thing like an advantage. At last, after a long conversation, it was agreed to take the vote of the House over again, when there appeared for the resolution of three cents per bushel on salt 41, against it 46.

The resolution for taxing carriages was then read. It was moved to strike out the tax.

Mr. S. SMITH opposed the tax. If it was to exist at all, it should be a tax on the making of carriages, but this he did not approve either.

Mr. MURRAY said, that he was sorry to differ in opinion from his colleague; but he thought the tax on pleasure carriages a good one, in our present necessities. His colleague thought it would have been more analogous to the other articles brought forward by the Committee, if the tax were designed to operate on carriages to be made in future; but he would remark, that the tax long since passed on all stills in the United States operated as this was intended to do. He confessed that the terms in the Constitution, direct and indirect taxes, had never conveyed very distinct or definite ideas to his mind; yet it appeared, as if we were now called on to act under a clear perception of both modes. It was absolutely necessary to get a very clear understanding of these terms. After all he had heard he still saw much confusion in the definitions. The idea which the Convention entertained in requiring the use of the term direct tax to be apportioned agreeably to representation, must have been definite. They must have annexed to these terms a mode of operation, sensible, just, and equal. The only species of direct tax, agreeably to the rule in the Constitution, must be a tax on all taxable property in the Union. When a deficiency of revenue occurred, and a direct tax was thought of by Congress, he presumed the sum being ascertained, an apportionment would be made agreeably to the Constitutional rule, and each State, or the property of each State, taxed up to its apportionment. As to a complete modification of this principle, he confessed he had not yet heard one suggested, and there would be a difficulty, he believed, in the attempt, that would long keep off direct taxation; at least, until public exigencies rose to a higher degree of necessity than at present existed. The motion to strike out this tax on carriages, is supported by the position that it is a direct tax; and being so, must, if it be carried, be modified agreeably to the rule in the Constitution. Either this position must be unfounded, or the Constitution must be construed to mean a mode of taxation unjust, unequal, and in its operation absurd. If this be a direct tax, you must apportion it. Consequence would have nearly as much tax on her as the State of Maryland, since she has but one less in representation. He was informed that in

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the whole State of Connecticut there were but two coaches; thus, then, the owner or owners of these two coaches would pay as large a sum as all the owners of coaches in Maryland would pay. The extreme inequality would show the injustice of such a tax, and of course the Constitution could not be construed to carry such a meaning; but he could not exactly see the difference between this principle of a tax on a coach and that of a tax on a still, as far as a difference of the principles of taxation was drawn from the Constitution. The still and the coach are things of use; the argument that the tax on stills was an indirect one, would equally prove the tax on coaches such. It was a matter of choice with the holder of both, to own them and to use them so as to draw back the tax, by making the use pay the tax in both cases. The spirit, if not consumed by the distiller, is paid by the consumer; and the coach, if hired, levies the tax on those who hire it. Where the division of labor and ingenuity is made, it is true that distilling is a distinct profession; but in many parts of the country the farmer, who has an orchard, distills his own fruit, and if a man of extensive hospitality consumes the whole of what he makes, his still and his coach are in the same situation as far as either is an object of Constitutional taxation. The extreme hardship and injustice that would attend the construction of the Constitution contended for, was convincing with him, that this tax could not be considered as a direct one. He believed the minds of gentlemen, who undertook to construe those indefinite terms, direct and indirect taxes as referrible to coaches and stills, were confused by the substantial difference that there appeared to be in the mode in which each was an instrument of ability; but the difference in the mode in which each was instrumental to profit or convenience, created no distinction as to the class of taxes under which each or either of them was to be referred by the Constitution. Besides, coaches and all those splendid vehicles, were evidences of a certain degree of property, as the gentleman from Massachusetts, [Mr. AMES] had justly remarked; and, in a moment like this, when we are hunting through all the recesses of revenue which, at any time we had been accustomed to think of, it would be impolitic to tax the humble line of enjoyment and leave the more elevated one free.

Mr. S. SMITH said, that there was a difference, and a very great one, between a tax on stills and one on coaches. He himself had stills; but he had made no use of them for some years, and of consequence, they cost him nothing. But he must pay for his coach, whether it stood in the yard all the year round or not.

After a long debate on the nature of these taxes, the Committee rose, and reported the following resolutions to the House:

"1st. Resolved, That, from and after the — day of — next, there be levied, collected, and paid, upon the following articles imported into the United States, in ships or vessels of the United States, with an addition of one-tenth per cent. on like articles imported in any other ships or vessels, the several duties hereinafter

mentioned, over and above the duties now paid, to be levied, collected, and paid, in the same manner, by the same officers, subject to the same penalties, and entitled to drawbacks, as the same articles are now subject and entitled to, viz.:

On boots, per pair, 25 cents.

On shoes and slippers for men and women, and on clogs and goshaws, per pair, 5 cents.

On shoes and slippers for children, per pair, 3 cents.

On millinery ready made, artificial flowers, feathers, and other ornaments for women's head dresses, and on dolls dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and, generally, on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.

On leather tanned or tawed, and generally, all manufactures of leather, or of which leather is the article of chief value, not particularly otherwise enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dying; on mats and floor-cloths; on hats, caps, and bonnets, of every sort for women; on gloves, mittens, stockings, fans, buttons of every kind, buckles (shoe and knee) 5 per cent. ad valorem.

On sheathing and cartridge paper, 5 per cent. ad valorem.

On all powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions commonly called sweet scents or odours, perfumes or cosmetics, and on all dentifrices, powders, or preparations for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated ware, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, prunes, raisins, sugar candy, oranges, lemons, limes, and, generally, all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent. ad valorem.

On all marble, slate, or other stone; on bricks, tiles, tables, mortars, and other stone, and, generally, all stone and earthenware, 5 per cent. ad valorem.

On cabinet ware, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

On carriages, and parts of carriages, 4½ per cent.

On all manufactures of cotton or linen, or of muslin; of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, 2½ per cent.

On all goods, wares, and merchandise, which now pay a duty of 7½ per cent. an addition of ¼ per cent.

On coffee, per pound, 1 cent.

On cocoa, per pound, 2 cents.

On cheese, per pound, 3 cents.

On the tonnage of ships or vessels of the United States, employed in foreign trade, 6 cents per ton.

On all foreign ships or vessels, 25 cents per ton.

"2d. Resolved, That after the — day of — every person keeping a carriage, for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay, annually:

For a coach, \$10.

For a chariot, \$8.

For any other four wheeled carriage, \$6.
For a chaise, or other two wheeled carriage, \$2.
"3d. *Resolved*, That after the — day of — there be paid the following stamp duties:
Letters patent, issued under the authority of the United States, \$2.
Exemplification thereof, \$1.
Licenses, or certificates of admission of solicitors, attorneys, advocates, and proctors, in the Courts of the United States, \$5.
Exemplification under the seals of the Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents.
Deeds, except those otherwise particularly rated, 25 cents.
Charter parties, \$1.
Bottomry and respondentia bonds, \$1.
Apprentices' indentures, 15 cents.
Certificates of debentures for drawbacks, 20 cents.
Bills of lading, coastwise, except for vessels going from one district to another, within the same State, 10 cents.

Ditto, foreign, 20 cents.
Inventories of the effects of deceased persons, or for other purpose prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.
Bonds for the security of money, when the sum is above fifty, and not exceeding one hundred dollars, 20 cents.
Above 100, and not exceeding \$50, 25 cents.
Above 500, and not exceeding 1,000, 30 cents.
Above 1,000, 40 cents.

Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above 50, and not exceeding \$100, 25 cents.
More than 100, and not exceeding 500, 50 cents.
For every further sum above \$500, \$1.
Not to extend to wives, children, or grandchildren.
Notarial acts, 25 cents.
On every transfer of the stock of the United States, at the rate of 5 cents for every \$100.
On every transfer of bank stock, as well of the United States, as those established under the authority of the individual States, at the rate of 5 cents for every \$100.
Letters of attorney, 25 cents.
Policies of insurance—
From one district to another, in the United States, 20 cents.
To and from the United States to any foreign country, for any sum exceeding \$500, 25 cents.
For every further sum, more than 500, 25 cents.
For every sum of 2,000, or upwards, \$1.
Probates of wills, and letters of administration, 50 cents.

"4th. *Resolved*, That, after the — day of — there shall be paid, on all sales at auction, (except in the cases of property sold upon execution, or by virtue of distress for rent or tax, or in consequence of bankruptcies, and legal insolvencies, or where there have been general assignments for the benefit of creditors, or in cases where ships and goods have been stranded or wrecked, or in cases of sales by executors or administrators, or of produce sold upon the land where it is produced) at the rate of one per cent.

"5th. *Resolved*, That, after the — day of — there shall be paid, upon all tobacco manufactured in the United States, — cents per pound. On all snuff, — cents per pound.
"That every manufacturer of tobacco or snuff, shall, on or before the — day of — make entry, with the officer of inspection of the district in which he resides, of the house or building, in which the manufacture is carried on; and shall enter into bond, with sufficient surety, to render a faithful account, every three months, of the quantity of tobacco or snuff sold or sent out, within that period.

"That, previous to taking in any tobacco, for the purpose of being manufactured, he shall notify the same to the office of inspection, and shall keep a book, in which shall be entered daily, the quantity of tobacco or snuff sold or sent out in each day.
"6th. *Resolved*, That there be laid an additional duty of — cents per pound upon all tobacco, — cents per pound on all snuff, and — cents per pound on all refined sugar, imported into the United States, after the — day of —.

"7th. *Resolved*, That, after the — day of — there be paid, on all sugars refined within the United States, two cents per pound.
"8th. *Resolved*, That, after the — day of — every person, selling distilled spirits or wines, for consumption, out of their own dwellings; distilled spirits, in less quantity than twenty gallons; wines, in less quantity than thirty gallons, except in the original cask or package, in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually:
For a license to sell all foreign distilled spirits, \$5.
For a license to sell all wines, \$3.

In the House a motion was made to amend the report of the Committee, by striking out the second resolution, in the words following, to wit:
"Resolved, That, after the — day of — every person keeping a carriage, for the conveying of persons for their own use, shall notify the same at some office, which may be designated for the purpose, and shall pay, annually:
"For a coach, \$10.
"For a chariot \$8.
"For any other four wheeled carriage, \$6.
"For a chaise, or other two wheeled carriage, \$2."
And on the question thereupon, it passed in the negative—yeas 34, nays 54, as follows:

YEAS.—Messrs. Theodoras Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Alexander Gillon, Andrew Gregg, Carter B. Harrison, John Heath, Daniel Heister, William Hindman, Nathaniel Macon, James Madison, Joseph McDowell, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Andrew Pickens, Francis Preston, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Abraham Venable, and Francis Walker.
NAYS.—Messrs. Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coot, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Christopher Greenup,

William Barry Grove, James Hillhouse, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Francis Malbone, Alexander Melane, William Montgomery, William Vans Murray, Nathaniel Niles, Thomas Scott, Theodore Sedgwick, John S. Sherbourne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gassbeck, Peleg Wadsworth, John Watia, Benjamin Williams, Richard Winn, and Joseph Winston.
An adjournment was then called for, and carried.

THURSDAY, May 8.

The bill sent from the Senate, entitled "An act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Ocracoke Island, in the State of North Carolina," with the amendments agreed to yesterday, was read the third time and passed.

Mr. S. SMITH presented a memorial from certain citizens of Baltimore. They recited the hardships which they had suffered from the British ships of war in the West Indies. They declared that the amended instructions from the Court of London, of the 8th of January, had been found by experience injurious and delusive. They trusted that Congress would secure the indemnification of their losses. They recommended a prolongation of the Embargo. Ordered to lie.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act supplementary to 'An act to provide for the defence of certain ports and harbors in the United States;'" and, the same being read, was agreed to. A message from the Senate informed the House that the Senate have passed a bill, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," to which they desire the concurrence of this House.

THE EMBARGO.

The resolution proposed by Mr. SWIFT, for declaring the Embargo to be at an end upon the — day of —, was then read. It was next moved to take it up for a second reading.

Mr. GILES said that if there had been any reason for putting on the Embargo, he could see none that had since occurred for its being taken off. He recommended that the resolution might lie for a few days, till we should gain some further information.

Mr. SENDWICK stated the great inconvenience to which the United States had been put, in consequence of this measure, and the propriety of an early discussion of the subject.

Mr. S. SMITH was for a continuation of the Embargo. Excepting at Antigua, the ships of this country are seized as fast as ever; they were condemned at Jamaica on the 1st of April. Sixty American vessels were making their escape from Port au Prince, and were seized all together by the British. Jervis continues in the same style of conduct as the others did. It is better to keep our

vessels at home than to let them go abroad and be taken. The ravages of the British had not been relaxed; and the Embargo should be kept on till the ships could navigate with safety; other nations have armaments at sea to protect them, but we have none; so the only resource is to keep our ships at home.

Mr. W. SMITH said that it would be improper to take off the Embargo, as to vessels for the West India. But, in regard to others, he thought that they might be suffered to go.

Mr. GILES said that, from what he had heard, (referring, perhaps, to what had fallen from Mr. S. SMITH,) he was more than ever convinced of the impropriety of discontinuing the Embargo. We had sent an agent to the West India. It would be wrong to take off the Embargo till we had at least some intelligence from him.

Mr. FRIZZMOS recommended a delay of a few days, till we should hear from some quarter further on the matter.

Mr. LYMAN was sorry that the resolution had been laid on the table. It would lead to an idea that the Embargo was to be taken off, and of this he had no conception.

Mr. HEISTER was of opinion that the Embargo subject should be taken up at a very early day. He saw no reason why it should be delayed at all. The question should be decided in sufficient time to let intelligence be conveyed to the extremities of the Union, by the common way, without the expense of sending expresses. It required thirteen days to send notice to Georgia; and if people did not receive positive notice that it was to continue, they would consider it as laid aside.

Mr. HILLHOUSE, Mr. BOURNE, and Mr. KITTERA, spoke each a few words. Mr. TRACY ended the conversation, by observing that the whole day would be spent in talking whether or not this subject should be taken up. This was mere trifling; put it to a vote at once.

The question was put, and the resolution was deferred.

PUBLIC CREDIT.

The House resumed the consideration of the resolutions reported yesterday from the Committee of the Whole House, to whom was referred the report of the Committee of Ways and Means: Whereupon, a motion being made and seconded to amend the report of the committee, by striking out the third resolution, in the words following, to wit:

Resolved, That after the — day of —, there be paid the following stamp duties:
Letters patent, issued under the authority of the United States, \$2.
Exemplification thereof, \$1.

Licenses, or certificates of admission, of solicitors, attorneys, advocates, and proctors, in the Courts of the United States, \$5.
Exemplification, under the seals of the Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents.

Deeds, except those otherwise particularly rated, 25 cents.
Charter parties, \$1.
Bottomry and respondentia bonds, \$1.
Apprentices' indentures, 15 cents.
Certificates of debentures for drawbacks, 20 cents.
Bills of lading, coastwise, except for vessels going from one district to another, within the same State, 10 cents.
Ditto, foreign, 20 cents.
Inventories of the effects of deceased persons, or for any other purposes prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.
Bonds for the security of money, when the sum is above \$50, and not exceeding \$100, 20 cents.
Above \$100, and not exceeding \$500, 25 cents.
Above \$500, and not exceeding \$1,000, 30 cents.
Above \$1,000, 40 cents.
Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above \$50, and not exceeding \$100, 25 cents.
More than \$100, and not exceeding \$500, 50 cents.
For every sum above \$500, \$1.
Not to extend to wives, children, or grandchildren: Notarial acts, 25 cents.
On every transfer of the stock of the United States, at the rate of 5 cents for every \$100.
On every transfer of Bank stock as well of the United States as those established under the authority of the individual States, at the rate of 5 cents for every \$100.
Letters of attorney, 25 cents.
Policies of insurance:
From one district to another, in the United States, 20 cents.
To and from the United States to any foreign country, for any sum exceeding \$500, 25 cents.
For every further sum more than \$500, 25 cents.
For every sum of \$2,000 or upwards, \$1.
Probates of wills and letters of administration, 50 cents.

Mr. SMITH, of South Carolina, observed that, in the present situation of our affairs, very considerable additional revenues were necessary for the support of Government, and to defray the expenses which had been, or were likely to be, incurred this session. He stated that the actual probable appropriations for the current year would amount to the sum of \$7,694,217, while the revenues to meet them would not exceed the sum of \$5,318,584—leaving a deficit of \$2,375,633. But, as one of the items in the expenditures—viz: the million for foreign intercourse—would probably not be wanted, or, if wanted, might perhaps be borrowed, the committee had only stated the interest on that sum, namely, \$60,000, which therefore left to be provided this session the sum of \$1,435,633; and he was clearly of opinion that Congress ought not to rise until they had provided that sum. He was within bounds when he stated that sum as sufficient; for, if the million above alluded to (and which was destined for an object which the philanthropy of every member would urge the employment of, if practicable) should be wanted, and there should be any difficulty in borrowing it, (an event not impossible,) the House would regret the neglect of so interesting an object. The committee, however, calculating on

helped to enable us to face the increased expenditures of the country, it taught us to cherish that state of things which was productive of such national blessings. But we could not flatter ourselves that the revenues of this year would be as productive as those of the preceding year; many circumstances would contribute to diminish them considerably, even if peace should not be interrupted; the very prospect of a war would cause a diminution of exports from Great Britain to the United States, and at the same time a diminution of consumption among ourselves. Prudent men, apprehensive of war, would retrench their expenses, in order to meet the diminution of their incomes, and to be better able to contribute their quotas to the public Treasury. The measures which have been discussed in Congress relative to a sequestration of British debts, and a suspension of all commercial intercourse, would, by destroying that confidence which has heretofore existed, unquestionably diminish our importations from that country, which principally furnishes them. To these circumstances might be added the derangements occasioned to the commerce of this port by the unfortunate epidemic of last Summer, to that of all the ports by the present Embargo, by the extensive spoliations committed on our vessels by the belligerent Powers, and the interruption occasioned by the Algerines to our commerce with the South of Europe. The Committee, taking all these considerations into view, had calculated on a defalcation in the revenue, arising from impost and tonnage for this year, of \$1,300,000, and had estimated it at only \$3,800,000; whereas that of 1793 produced \$4,600,000. It had been proposed that, in lieu of these stamp duties, the duties of impost should be increased on all articles which now pay a duty of seven and a half per cent ad valorem to ten per cent, besides the increased rates of duties on the enumerated articles. It was not a little surprising (he observed) that gentlemen who, a few days ago, predicted an approaching war, whereby our existing revenue arising from impost would be almost annihilated, should now not only count upon the continuance of that revenue, but should expect further aid from that source; or that those who are urging a suspension of commercial intercourse should rely upon commerce altogether for revenue. He was decidedly of opinion that commerce was already sufficiently burdened, and that it would be as unjust as impolitic to add to the burden. We ought not to rely upon the proposed duties on the enumerated articles which, with the proposed increase of tonnage, constituted an item of near \$400,000. This he considered, under present circumstances, a very precarious resource. With respect to the other new sources of revenue, being untried, they were uncertain; the House possessed no data by which any accurate estimate could be made of their product. Under all these circumstances, while, on the one hand the existing revenues would fall short of those of former years, and the new revenues were either precarious or uncertain as to their amount, and, on the other hand, our expenses were necessarily much increased, and

were likely to be still further increased, he was confident the House would be sensible of the propriety of negating the motion. He was ready to admit that there would be some difficulty in carrying the tax into execution; but these difficulties were inseparable from the very nature of taxation. It required little ingenuity to discover them, and to apply to them all the common-place topics which were resorted to on these occasions. But he thought that, if the gentlemen would employ their ingenuity and inventive faculties in discovering such revenues as would enable the Government to face the present exigencies, they would render more service to their country than by embarrassing with objections, which were equally applicable to almost every species of imposition.

Mr. GILSON said: When this matter was under debate last, I offered a few remarks, with the more view to obtain the information that seemed to be wanted. How far we have been gratified by the gentleman who dwelt much on this mode of taxation, the House must know; for, instead of producing the calculations required, observations were made that were as little convincing as they were pleasing. I do not think that my few remarks merited the replies which they met with, from three gentlemen in particular; but, as they have condescended to pay some attention to them, I was about to follow up their mode of politeness, and not leave their remarks unnoticed, when my colleague moved for an adjournment. I will try to recollect them, and shall first repeat what I then proposed, that the gentlemen who had been very attentive to the report of the Committee of Ways and Means differed so much in their calculations and observations, that I was not altogether able to form an opinion. Some observed that the report provided sufficient funds for a peace and a defensive establishment; others asserted that it did not. Some were for establishing funds by taxes for a war; others were not. It was urged, that, if there was sufficient for the present demand, why press for unnecessary and odious taxes? Let us rather confine ourselves to peace taxes, than be making experiments on land taxes, direct taxes, or an excise. It has, on all sides, been agreed, that we had not leisure to qualify either of these three kinds of taxes; that we had better adhere to what was absolutely needful; go home and tell our constituents what we had done; but that, if a war ensued, they must prepare themselves for taxes that were now looked up to as the proper funds for the expenses of a war. By this means, we should not only obtain their consent, but their aid, in qualifying them. And it was well known that war cannot be declared but by the consent of the Legislature; that the President, ever attentive to the interest of his country, would, if he foresaw that war was approaching, soon convene us; and that, whilst we declared war, we were at hand to devise the means of pursuing it.

I could not agree with the gentleman who observed, what harm would it do to have a little surplus in our Treasury? It might be employed

in paying off the principal of the Funded Debt. I then remarked, that our citizens did not expect to be taxed for that yet. Because it was well known that many of the holders of these securities had, as it were, already received a great part of the principal, by having bought the indents, at from two shillings to ten shillings in the pound. Thus, all, which they had paid less for than twenty shillings in the pound was, as it were, so much received of the principal.

Now, in these few remarks, what was there to cause the replies that I shall allude to? The last observation could not be meant to any gentleman on this floor; for, it could not be possible that I should suppose that any member of Congress had been engaged with the speculators out of doors, who could not hire expresses nor pilot boats quick enough to conduct their plans. Far be such an idea from me. The past and the present members value their integrity too much to avail themselves of aught that is interesting to themselves here. No, sir; I would rather suppose that every member entering these doors left his pecuniary interest behind him. Impressed with that opinion, how could I think to offend any gentleman on this floor, unless they mean to convince me that I am mistaken in that favorable opinion? If so, so be it.

Sir, I am not apt to be wedded to opinions, but, if I were not fixed before, I am now riveted in my opinion, that this tax is not only unnecessary, but is thereby also more odious. The gentleman before me, from Massachusetts, has, so far from answering my request on the Peace Establishment, entirely dwelt on the necessity and the propriety of a war tax. His volubility thereon proves to me that he is one of those who verily believe that there are already sufficient funds provided for all their engagements, else why not come forward with calculations and with proofs? Until he does that, sir, the censure he meant as to conjecture applies as fully to himself as to me, and his similes are far from being applicable. For, has he come forward with any of the calculations, or has any one else done it? No. Surely, then, my application is proper, and his censure of conjecture is improper. The simile, shall a farmer wait to sow his wheat and his rye until he is hungry, or shall we wait to lay on taxes until there is a war, have no affinity but in the highly cultivated mind that begot them, and merit not attention even to expose them.

Sir, you have done much. You have directed your harbors to be fortified, your army to be augmented, frigates to be built, arms and ammunition to be had, and you have already provided the means for completing these objects. You have done more. You have made provision for the payment of a million of dollars, to be borrowed, and to sink part of the principal; which loan is to be applied for the purposes of military preparation. You have sent a Minister Extraordinary to England, to negotiate in the matters that might cause an interruption of peace.

Then, sir, with all this, had we but continued the Embargo, with such exceptions as that our allies

would not have been injured by it, I will be bold to say that we should have had no war, and our suffering merchants would have had restitution. Should a war ensue, our moderation and our forbearance will make us strong, because we shall be unanimous. That being the case, our resources will keep pace.

Thus, sir, this gentleman, with all his conjectures and smiles, has not flashed conviction to my mind that this tax is necessary. He has dwelt much on the majority binding the minority, and on his exercising his own judgment. He calls himself a representative for the majority. Can he be otherwise, whilst he represents all, which certainly includes both minority and majority? Sir, I always did, and ever will, aver, that we are the servants, and the people are our masters, who have employed us to guard their rights, and that submission to their will, properly expressed, is our duty.

A very respectable number of citizens have advanced their opinion on this excise, and many are averse to all excise taxes. We ask for proofs that any additional taxes are necessary. We obtain them not. Therefore, I say, that it is the wish of all our constituents to lay no taxes but what are immediately necessary.

Another gentleman of the same State, made some reply to my remarks that the taxes on cards, coals, &c., introduced as additional aids to the other taxes, fell short, and were no object. But as that gentleman made no calculations thereon, nor on any of the duties and taxes, I know not at what he aims, as he continued much on the strain of the gentleman before me. I therefore shall now approach my colleague, who is for every tax that has been proposed, except the one on a transfer of the public funds, and the additional duties on American tonnage. He to be sure, has made some calculations about defending towns, about duties on cards, and on coals, &c.

My colleague presses forward the present snuff and refined sugar taxes, and says that the one upon cards, to which I alluded, was trifling, an application that I should not have bestowed upon it, for it was that gentleman who proposed it. It was he who first spoke of it to me, and surely he did not mean me to support what was trifling. We all agreed that it would be productive. But, sir, I think I can prove that a duty on cards is not trifling, that it is equal, and that it is productive. Is it a trifling thing to encourage American manufactures, to amuse ourselves with the raw materials of America, to give our youths the opportunity of learning to shuffle and cut, and play tricks with American materials? Will it be a trifling duty, when we know that most are fond of them? I know not how it may be in some States, but I well know how it is in ours. The games produced by cards are amusements for rich and poor, high and low. Both sexes amuse themselves with these games. Thus they are an equal tax. Most people are fond of cards. The tax is not only an equal one, but none, I believe, will venture to say that it is not productive. If we knew what a tax on cards has produced, if we

knew the quantity of coals imported, then, and then only, can we know their probable amount in taxation. A gentleman from Virginia is the only member who brought forward some calculations, and he required information from the Chairman: but, sir, I wish to trouble him a little more. He says, sir, that, if this excise tax on tobacco, snuff, and sugar is struck out, there will be a deficiency of \$210,000. I have often heard of that gentleman's abilities, his assiduity in calculations. But, sir, it is to be lamented that we have not before us the exact amount of each duty, each impost, each tax, and tonnage, for 1793, the idea of what each addition will now produce, and the amount of the Civil List, descriptive. Then we can collect the amount of 1794. Until that is produced, and the documents and information which I have demanded are laid before the House, I retain my opinion, and therefore will now lay on the table my calculations, founded on the report of the Committee of Ways and Means, and asserting that, if their printed statement is right, I cannot be wrong; but I hope my original view in this matter will be accomplished by my requests and calls on gentlemen to come forward with the exact state of our finances. This is what I have in view, and then I shall invite gentlemen to explanations on the lumping statement.

To general support for 1794 - \$7,044,217
Deduct the sum to be loaned for Foreign Intercourse - 1,000,000
Balance as surplus for 1794 - 6,044,217

Total - 9,079,668

By estimation of the revenues to the end of the year 1794 - \$6,618,584
By additional duties and tonnage - \$992,500
Deduct tobacco and snuff - \$100,000
Loaf and lump sugar 50,000 150,000

By supplies of revenue for 1793 - 842,500
By probable surplus of appropriation out of the revenues of 1793 - 500,000
Total - 9,079,668

By balance of surplus - 3,035,451

Exclusive of any surpluses similar to those of 1793, and on the new additional duties—The supplies supposed to be wanted are, if the \$1,000,000 be borrowed, the interest thereon, at six per cent. is \$60,000
If the addition to the military Establishment, provisional force, and expense of the Militia is required, is 650,000
The supposed deduction on account of the imposts by interruption in commerce, is 1,300,000
Total - 2,010,000

Balance - 3,035,451
Supposed supplies and deficiencies - 2,010,000
Leaves still a balance of - 1,025,451

That is, if the sums which I have taken from the printed report of the Committee of Ways and Means in my hand be rightly calculated by them; if there are errors, I call on the Committee again to explain them, and, in particular, to explain that lumping sum of \$6,618,584.

The question was then taken, and decided in the negative—yeas 28, nays 58, as follows:

YEAS.—Theodoras Bailey, Abraham Baldwin, Thomas Blount, Thomas Claiborne, Isaac Coles, William Dawson, George Dent, William Findley, William B. Giles, Christopher Greenup, Andrew Gregg, Carter B. Harrison, John Heath, Daniel Heister, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mcbane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Francis Preston, Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, Abraham Venable, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, John Beatty, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Colt, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, George Hancock, James Hillhouse, William Hindman, John Hunter, William Irvine, John Wilkes Kittredge, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Mather, William Montgomery, William Vans Murray, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaaabeek, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, and Richard Winn.

And then the question being put, that the House do agree to the amendment reported by the Committee of the Whole House to the third clause of the said resolution, adding to the proposed duty of "five dollars on licenses or certificates of admission of solicitors, attorneys, advocates, and proctors," the words "in the Courts of the United States," it was resolved in the affirmative—yeas 64, nays 23, as follows:

YEAS.—Theodoras Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Gabriel Christie, Thomas Claiborne, David Cobb, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Benjamin Goodhue, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, James Hillhouse, William Hindman, John Hunter, William Irvine, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mcbane, Andrew Moore, Peter

H. or R.]

Public Credit.

[MAY, 1794.]

cia Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Lambert Cadwalader, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, William J. Dawson, Jonathan Dayton, George Dent, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, James Hillhouse, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Alexander Macdonald, Nathaniel Macon, Francis Malbone, Joseph M'Dowell, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

An adjournment was then called for, and carried.

SATURDAY, May 10.

The SPEAKER laid before the House a Letter from the Chairman of a meeting of the manufacturers of the City of Philadelphia, covering certain resolutions of the said meeting, expressive of their sense of the proposition now depending before the House, for imposing an excise on certain domestic manufactures; which were read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 25th of March last, enclosing copies of two letters from Fulwar Skipwith, Consul of the United States at Martinique. Whereupon,

Resolved, That the PRESIDENT OF THE UNITED STATES be authorized and requested to direct the payment of all just expenses incurred by Fulwar Skipwith, in relieving the wants and facilitating the return of the seamen belonging to the vessels of the said States, lately taken and condemned in the British West India Islands, under orders from the British King; and that the said payment be made out of the fund provided for the intercourse with foreign nations.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. LEE, Mr. KITTERA, and Mr. PAGE, do prepare and bring in the same.

PUBLIC CREDIT.

The House resumed the consideration of the resolutions reported on Wednesday last, from the Committee of the Whole House on the report of the Committee of Ways and Means. Whereupon, the first resolution being still under consideration, a motion was made and seconded, further to amend the same, by inserting, in the last clause, imposing a duty on the tonnage of foreign ships or vessels, the words "British excepted; and on British ships or vessels, fifty cents per ton."

And on the question thereupon, it passed in the negative—yeas 24, nays 55, as follows:

YEAS.—Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, William Findley, William B. Giles, Alexander Gillon, Christopher Greenup, Carter B. Harrison, William Lyman, James Madison, Joseph McDowell, Andrew Moore, Anthony New, John Page, Josiah Parker, Francis Preston, Robert Rutledge, John Smilie, Israel Smith, Abraham Venable, Francis Walker, Benjamin Williams, and Richard Winn.

NAYS.—Theodorius Bailey, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, George Hancock, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Francis Malbone, Alexander Mebane, William Montgomery, Joseph Neville, John Nicholas, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasbeck, Jeremiah Wadsworth, Artemas Ward, John Watts, and Joseph Winston.

And then the main question being put, that the House do agree to the said first resolution as amended, it was resolved in the affirmative.

The second resolution, as amended, was again read, and on the question put thereupon, agreed to by the House.

The third resolution being under consideration, a motion was made and seconded, to amend the same, by striking out the sixth clause in the words following, to wit: "Deeds, except those otherwise particularly rated, twenty-five cents."

And on the question thereupon, it passed in the negative—yeas 30, nays 44, as follows:

YEAS.—Theodorius Bailey, Thomas Blount, Thomas Claiborne, Isaac Coles, George Dent, William Findley, William B. Giles, James Gillespie, Carter B. Harrison, Daniel Heister, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Francis Preston, Thomas Scott, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Henry Dearborn, Samuel Dexter, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, George Hancock, James Hillhouse, William Hindman, John Hunter, William Irvine, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, William Vans Murray, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, and John Watts.

MAY, 1794.]

States' Accounts.

[H. or R.]

And then the main question being put, that the House do agree to the said third resolution as amended, it was resolved in the affirmative.

The fourth, fifth, sixth, seventh, and eighth resolutions were again read, and on the question severally put thereupon, agreed to by the House.

A motion was then made and seconded, to amend the said report by adding to the end thereof the following resolution, to wit:

"Resolved, That, after the — day of —, there be allowed on exportation, a drawback of — per pound on all tobacco; — per pound on all snuff; and — per pound on all sugars manufactured in the United States; and that no drawback shall, from the said day of —, be allowed on the exportation of any tobacco, snuff, or loaf sugar, imported into the United States."

And on the question thereupon, it was resolved in the affirmative.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. WILLIAM SMITH, Mr. BENJAMIN BOURNE, Mr. GROVE, Mr. ORR, Mr. MADISON, Mr. BALDWIN, Mr. CHRISTIE, Mr. FITZSIMONS, Mr. BOUNDINOT, Mr. WATTS, Mr. TRACY, Mr. ISRAEL SMITH, Mr. AMES, Mr. GILMAN, and Mr. LATIMER, do prepare and bring in the same.

Mr. LEE, from the committee appointed, presented, according to order, a bill providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account: which was read twice, and committed.

Mr. JEREMIAH WADSWORTH, from the committee to whom was referred the petition of Reuben Smith, for himself and Nathan Strong, made a report; which was read. Whereupon,

Resolved, That the Collector for the District of New York be authorized to remit to Reuben Smith and Nathan Strong, owners of the ship James, of New York, the duties and imposts of tonnage, which may be incurred in consequence of the incompetent or invalid register of the said ship: *Provided*, That they shall obtain, within one hundred and twenty days, a new register for the said ship, in the manner prescribed by law.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. JEREMIAH WADSWORTH, Mr. GILBERT, and Mr. FOSTER, do prepare and bring in the same.

MONDAY, May 12.

An engrossed bill, providing for the payment of certain expenses incurred by Fulwar Skipwith, on public account, was read the third time, and passed.

Mr. JEREMIAH WADSWORTH, from the committee appointed, presented a bill for the relief of Reuben Smith and Nathan Strong; which was read twice, and committed.

On a motion made and seconded, that the House do come to the following resolution:

"Resolved, That the cession made by the State of New York, of a piece of land at Montauk Point, upon the east end of Long Island, for the site of a light-house, is, and shall be deemed a good and sufficient

cession of the jurisdiction thereof to the United States for the purpose for which it was designed; and that it be, and is hereby, accepted as such, anything in any law to the contrary thereof, in anywise notwithstanding."

Ordered, That said motion, together with the copy of an exemplification of an act of the Legislature of New York, ceding to the United States the jurisdiction of certain lands on Montauk Point, communicated by a written Message from the PRESIDENT OF THE UNITED STATES, of the 27th of February, 1793, be committed to Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. TREDWELL.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

As the Letter which I forwarded to Congress on the 15th day of April last, from the Minister Plenipotentiary of his Britannic Majesty, to the Secretary of State, in answer to a memorial of our Minister in London, related to a very interesting subject, I thought it proper not to delay its communication. But, since that time, the memorial itself has been received, in a Letter from our Minister, and a reply has been made to that answer by the Secretary of State. Copies of them are, therefore, now transmitted.

I also send the copy of a Letter from the Governor of Rhode Island, enclosing an Act of the Legislature of that State, empowering the United States to hold lands within the same for the purpose of erecting fortifications; and certain papers concerning patents for the donation lands to the ancient settlers of Vincennes, upon the Wabash.

G. WASHINGTON.

UNITED STATES, May 12, 1794.

The said Message and papers were read, and ordered to lie on the table.

A Message from the Senate informed the House, that the Senate have passed a bill entitled "An act in addition to the act for making further and more effectual provision for the protection of the frontiers of the United States;" to which they desire the concurrence of this House.

STATES' ACCOUNTS.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That the Secretary of the Treasury furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States."

Ordered, That the said motion be committed to Mr. MACOS, Mr. GILBERT, and Mr. HILLHOUSE.

Mr. MACOS then moved that a copy of a book in the Secretary of the Treasury's office, marked E, should be transmitted to each of the States.

Mr. SENECA said, that if it was proper to raise discord and jealousy in the United States, and to feed them, then the motion was right; but if it was proper to keep the States in mutual harmony, the motion was wrong. A gentleman had said that the contents of the book were so short, that he could make three copies of it in a day. Why, then, if he wanted copies, let him send his

clerk to the office of the Secretary of State, and get a dozen copies made at once. There was nothing to hinder him from doing so. But why, to use the words of a great man, should the House belittle themselves by interposing in such a matter? Mr. VENABLE said, that of all which he had ever heard, this sort of arguing was the most extraordinary. The book contained an account of the settlement of the debts due between the United States. By this statement, North Carolina was largely debtor, and Massachusetts largely the creditor. Yet the members from the latter State refuse to let the former look into the matter. You, the debtors, have nothing to do with the mode of settling the account. We, the creditors, are satisfied that it is right. This appeared to be the substance of some of Mr. V.'s reasonings.

Mr. DAYTON said that, in New Jersey, they wanted no such copy. The question was referred to a select committee, who are to make a report on the propriety of transmitting official copies of the book marked E to each of the fifteen United States.

Mr. CLARK complained that members did not attend punctually at ten in the morning, which made it necessary for the House to sit till three.

THE EMBARGO.

On a motion made and seconded, that the House do come to the following resolution: "Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the present embargo be continued, and every regulation therein shall be in full force until the twentieth day of June next."

Mr. PARKER observed, that, although he was much in favor of the Embargo when it was first enacted, yet, at the present time, he thought it would be improper to continue it.

At that time, a system was formed by a majority of the House, for carrying into effect measures that might counteract the nefarious practices of the British Government in our commerce; that the first object which presented itself to him was to lay an Embargo in order that the large fleets and armies of the British in the West Indies, who were there on a design to conquer the islands of our friends, and had committed robberies on neutral property, that would disgrace a banditti of pirates; and, in order that they should be deprived of the supplies which they might require, as well as to prevent the further capture of our vessels, and treating the American flag and citizens with insult and cruelty, I thought that would be the stepping-stone to other measures which were concerted to oppose the insults of our enemies, and doing justice to our citizens, whose property had been robbed and persons abused by British armed vessels; that this was to be followed by a bill which had passed the House of Representatives by a great majority for breaking off all commerce with Great Britain after November next, and this was to be followed by an arrestation of British property, to reimburse our citizens for the losses we had sustained; that, as the se-

last had produced no alteration for the better, in the conduct of her privateers. We had yet heard nothing from the agents despatched to the West Indies; and we ought not to revoke the Embargo till some change of system, on the part of Britain, should warrant the measure; we knew nothing about the actual state of matters in the West Indies. The newspapers were filled with stories of releasing American vessels in one island, and of capturing them in another. One captain had come to this port, and told a story to the editor of a newspaper. He then went to another publisher of a paper, and told a story quite opposite! The House could make nothing of such a farrago—such a jumble of contradictory reports. The public sentiment was against taking off the Embargo.

Mr. WADSWORTH was against the motion. It had been said that American ships did not arrive from the West Indies. They did arrive in great numbers, and as quickly as could be expected. From this he inferred that the ravages of British privateers had, in a great measure, ceased. Insurance at present is not higher than ten per cent. A million of bushels of salt will be wanted this season in the American States; and they will be a million of dollars dearer, if the Embargo is kept on, than if it is taken off. Mr. W. said, that he had got home all his importations for this year. He had nothing, therefore, to apprehend on his own account, from the continuance of the Embargo. It was his firm opinion, and he could declare it upon his honor to be so, that, if the Embargo continued, the value of his own imports would rise one hundred per cent. He believed that salt would rise to three dollars a bushel.

Mr. NICHOLAS had approved of the Embargo, when imposed; and he now hoped that it would be repealed by as great a majority as that which voted for laying it on.

Mr. GILES recommended a discontinuance of the Embargo. The gentleman from South Carolina had urged the public sentiment as a reason for keeping it on. He was glad to hear that the public sentiment was an argument in that House for the adoption of measures; and he was particularly highly pleased that this respect for the public sentiment had now come from the quarter from which it was at present announced. He hinted that the gentleman [Mr. W. SWARTH] had not always paid an equal deference to public sentiment. He was for the Embargo being taken off, because he understood that France would suffer considerably by its continuance; because it would materially affect the American farmers; and because, as the danger was now more fully known, merchants would beware of the danger, and provide more or less for their individual security. Farmers in the United States had entered into contracts of various kinds. For the discharge of these, they depended on the sale of their crops. He was originally for the measure, which had answered many good purposes, by preventing American vessels from falling into the hands of British privateers. He was likewise for it, as connected with a system of other measures. [Mr. G. alluded to the sequestration of British property,

&c.] These measures had been laid aside; and therefore, he would now likewise be for laying this aside.

Mr. DAYTON said, that he had been in favor of laying the Embargo, both in the first month and in the second month of its continuance; but he should now be opposed to the proposition on the table, and against extending the Embargo beyond the 25th of this month, when the present one would expire. He would not be understood to found any part of his conduct upon a belief that there was a returning sense of justice in the Government of Great Britain, or that there had been any material change in the predatory system. He lamented that any of those who were on the same side should have entertained such a belief, and especially that they should have mentioned it as an argument against the motion. Where, he asked, was the proof that the instructions of the 8th of January had effected a change favorable to this country in the conduct of that nation? If there was such a change, as some gentlemen asserted, where were the two or three hundred American vessels that have been captured and carried into the British West India Islands? If we look for them in our ports, they are not to be found. It is true, that now and then a solitary vessel enters into our harbors, escaped from British depredation; but you would hear the seamen who arrived felicitating one another almost as much as if they had escaped from the clutches of pirates. He said that those instructions might make them more complacent highwaymen, but still they would be highwaymen. They might practise a little more of the solemn mockery of judicial process; they might be a little more observant of forms; but they had since continued, and would probably continue to rob us. He mentioned those things to show that there were other considerations which influenced him. These were, that an Embargo would operate hereafter most unfavorably for ourselves, particularly our farmers, and for our allies, the French. Produce, he said, would certainly fall much lower, if we continued the Embargo longer than the 25th. Our farmers and planters depend upon the sale of that produce to pay their debts, or to purchase necessities for their families; and the resolution on the table would operate doubly hard for them, not only in lowering the value of the product of their farms, but by increasing the price of every foreign article which they would need to purchase from the merchants. The injury which its further continuance would occasion to our allies, the French, had great weight with him in opposing it. It could not be denied, that France was much more dependent upon this country for supplies of provisions, in her present arduous struggle, than any other nation, or than all others; and he inferred from thence, that there could not be a disposition in that House to extend a prohibition which should add to the sufferings of those who are fighting in the cause of liberty against the most powerful combination that was ever formed to crush it.

Mr. DAYTON was likewise for taking off the Embargo. It was become pretty evident that the

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United States are not in immediate danger of hostilities. It was difficult to continue the Embargo till we could hear from Mr. Jay, which might require six months. Farmers suffer as much by the present restraint upon commerce as they would suffer by war.

Mr. CLARK was for letting the Embargo die of itself. He did not think it quite fair for gentlemen all to speak upon one side of a question. There was another Embargo that Mr. C. wished to see taken off as soon as it could be done with propriety. We have been embargoed in this House, said he, for six months, and if we persist in this habit of making fine speeches upon every occasion, it will be a long time before this second Embargo can be taken off.

Mr. GILSON desired that the matter might have a full discussion. He and his colleague from Charleston supported the motion by order of their constituents.

Mr. HURRY then laid on the table a letter subscribed by forty-eight of the merchants and other citizens of Charleston, who had suffered by the piracies of Britain, with a list of the ships thus taken, and an estimate of their value. The letter was read by the Clerk.

Mr. GILSON then proceeded to make a variety of remarks in support of the motion before the House. He apologised, if any part of what he had to say, should seem a digression, as the subject was of so great an extent. Mr. G. said, that he remembered, in that Assembly, in 1777, they had used to flatter themselves, that the Eastern States would build ships, and the Southern would supply them with cargoes; and they would mutually support the interest of each other. He regretted that this cordiality was not, on the present occasion, so ardent as could have been wished. As to Britain relaxing her outrages in the West Indies, the sole object of that nation is gain, no matter by what means it could be obtained. Mr. G., to show the infamy of Britain in its proper light, quoted some passages from the letter of a captain in the West Indies, who had received the most unprovoked and the most horrible treatment from these miscreants.

Mr. G. hoped that the Embargo would continue for a longer period than to the 25th of June, the term specified in the resolution. He recommended that the House should adjourn but for a short time, and continue the restriction till they sat again. It had been said, that this step would injure our allies; that the price of imports would rise, while that of exports would fall. He would be one of the last men willing to distress our allies. He hoped that the Embargo might be restricted, so as to let the French import from this country whatever they wanted in American bottoms. This would promote our commerce, if gentlemen acquainted with that business considered the measure as practicable. Referring to the remarks of Mr. WADSWORTH, Mr. G. observed, that salt is at present only three shillings and six pence, or four shillings a bushel in Charleston. The price has fallen there, and it has not even risen at Philadelphia. He did not see much

danger of a rise in the price of foreign articles here; merchant ships came at present frequently to this country. They encourage one another, as sure of a high market; and, as to the Embargo, they say that it cannot hold long. If the British depredations have ceased, it certainly is not owing to any change of principle in them. But our ships are kept safe at home in our harbors; their British system changes with the course of events in Europe. No nation is more insolent in prosperity; none more humiliated in adversity. Mr. G. concluded by expressing a hope that some way might be contributed for keeping on an Embargo, without injury to the farmers. If this could not be done, it must be taken off.

Mr. MURRAY hoped that the resolution would not succeed. Indeed he thought, that a total refusal of its terms would consist of our true policy. He said, he was among those who supported the first unsuccessful vote for an Embargo, and had in each following vote been for it. There were two reasons that had led him to think the Embargo a good measure, when it was laid, and continued: the risk the American trade and seamen were exposed to from that infamous course of depredation which followed the Orders of the 6th of November, and the evidence that flowed from that Order of an intention to involve this country in war. The depredations on our trade had been immense; and the Embargo was not only defensible as a good cautionary measure, to secure the seamen and vessels of this country from violence, but by shutting out our vessels from the opportunity of being longer exposed to British depredation, the occasions would be diminished that would bring up the irksome question, how far Government is bound to indemnify citizens for losses sustained under a violation of the laws of nations? The same act under which the depredations had been committed, manifested a spirit of hostility that betrayed the probability of war. He had believed, when he voted for the Embargo, that there was something of system in the November 6th Order. He thought that Order was the first movement of a system of hostile operations, which some intermediate events had set aside: of this, the Order of the 8th January, and the subsequent dismissal of the captured vessels, was evidenced. If the depredations have ceased, and the vessels captured have been released, and if the probability of war be diminished, the leading motives that justified so strong a measure had ceased to operate. There can be no doubt that vessels that have been taken have been released: the daily arrivals in various parts of the Union prove this. Had the chance of war continued in full force, the continuance of the Embargo, as is designed by this resolution, though it stood on a prodigious sacrifice of present interest, would have been not only defensible, but perhaps essential. It would not only prove negatively a benefit in the preservation of our shipping and seamen, but would operate, in the most sensible manner, as a withdrawal of supplies from the Power with whom hostilities might be expected. This great sacrifice to policy he could not now believe to be necessary longer

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than the term assigned by law—the 25th of this month.

The reason why he had voted for the continuance of the Embargo, though we had received intelligence of the revocation of the obnoxious and shameful Order of 6th November, was, because he had lost all confidence in the justice or wisdom of those who issued it; as he thought the first unjust by premeditation, he had suspected the last as insidious: however, this we know, that they have released our vessels. So very extensive was the influence of embargoes in this country, that nothing but dire necessity could justify them; a country with small capital and yet of immense export, and the great part of that export of a quality that could not endure the Summer's heat. In such a moment as the present, where evidence of the opinions of the public was so contradictory, he would endeavor to do what appeared to be the broad and general interest. There was, he believed, a field open to speculation by the doubt entertained of this day's decision: a variety of opposite interests of course were thus created, and opinions and wishes might be expected out of doors from the different views of self-interest. Those who had to purchase grain, for instance, calculating on the almost certain termination of the Embargo some time this Summer, and foreseeing great prices in foreign markets, might, if they were actuated by selfish principles, wish to see this resolution succeed. As the aspect of affairs had certainly considerably altered, and the reasons that led to the Embargo had so diminished as no longer to warrant either a dread of the capture of our vessels or the apprehension of war, (at least speedily,) he hoped the resolution would fail of success.

Mr. BOURDINOT asked what assurance we have, that Britain will not play the same game over again that she has done already? Does not that new Order prohibit, as much as ever, American vessels from carrying provisions to her West India Islands? As to the Republic of France, he could make great allowances for their situation, but, after all, what apology could there be made for the starving of American sailors in French harbors? Is this proper? These men, as Mr. B. had been well informed, were at this moment actually starving, and in want of the common necessities of life. If the Embargo is taken off, this must be done upon the principle that it ought never to have been laid on. We must expect, that if our ships go back again to the West Indies, they will be taken as formerly. He could wish to stand by the measure, since it had once been adopted, and let the West Indies see that we can starve them out; let them see that we can make them feel the effects of our measures. He did not wish to continue the Embargo one moment longer than public necessity requires; but to have made the merchants and farmers suffer as they have done in nothing, was rather vexatious.

Mr. W. SMITH defended his resolution. It had been alleged that emigrants wanting to get back to the West Indies, were prevented by this Em-

bargo. Government had provided for that. The point, it is said, has been determined, that the West Indies depend on America for subsistence. He asserted, on the contrary, that this point was not determined; and this revocation will prove to the world, that we are as eager to sell, as they are to buy. He hoped that there was a spirit in this country to stand the consequences of the measures. He next replied to the ironical applause bestowed upon him in a former part of this debate, by Mr. GILES, for his recently assumed respect to the public sentiment. He said that it is often very difficult to say what public sentiment is. The member himself had often opposed the public sentiment: he had opposed the arming of frigates, and yet that was surely a popular measure. At the same time, he hoped that no member would vote for a measure that his judgment condemns, because it is said to be a popular one; as this would reduce him to a mere puppet—a machine. It had been said, that this Embargo should be taken off on account of France; but our vessels, if that obstacle is removed, will not go to France: they will go to the West Indies, where they can get thirty dollars a barrel for their flour, which they cannot get in France.

Mr. S. next adverted to the other Embargo, upon the members of the House, referred to by Mr. CLARK. He hoped that public business would not be treated with levity, and that they would rise, when they found it convenient; but if the gentleman was so very impatient to get home, he could be very well spared by the House.

Mr. CLARK rose, and said a few words in reply.

Mr. GILES approved of the idea of Mr. GILSON, as to the limiting the Embargo to the sailing of vessels for the West Indies: and a resolution to this effect was laid by the member on the table. Mr. G. thought this a proper discrimination, and if it could be effected, the true ground that the House ought to take. As to what the farmers of America had suffered by the Embargo, Mr. G. believed that there was not a single planter in the district which he represented, who would not rather burn his wheat, and dance round the bonfire, than sell it to the West Indies to feed the British army. He would have brought forward a motion of this nature sooner, but he had not thought that it would succeed, nor did he think yet that it would. It would however show his sentiments, and he hoped the gentleman from South Carolina, [Mr. W. SMITH,] if he was anxious to support his reputation for consistency, would give his vote for the resolution.

The question being put, to amend the resolution, by inserting after the word "continued," the words "upon all vessels bound to the West Indies, Bermuda, or Nova Scotia;" it passed in the negative—yeas 34, nays 52, as follows:

YEAS.—John Beatty, Abraham Clark, Isaac Cole, Jonathan Dayton, George Dent, William Findley, William B. Giles, Alexander Gillon, Nicholas Gilman, Christopher Greenup, George Hancock, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Andrew Moore, Peter Muhlenberg, Joseph Neville, Alexander D. Orr,

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Andrew Pickens, Francis Preston, John S. Sherburne, John Smilie, Israel Smith, William Smith, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

YEA.—Fisher Ames, Theodorius Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Benjamin Bourne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Daniel Heister, Amasa Learned, Richard Bland Lee, Joseph Locke, Nathaniel Niles, James Hillhouse, William Lyman, James Madison, Peter Muhlenberg, Alexander McDowell, Alexander Mebane, Andrew Moore, John Nicholas, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Samuel Smith, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

And then the main question being taken, that the House do agree to the said resolution, it passed in the negative—yeas 13, nays 73, as follows:

YEA.—John Beatty, Elias Boudinot, Lambert Cadwalader, George Dent, Alexander Gillon, Benjamin Goodhue, John Hunter, Francis Malbone, Joseph Neville, John Page, William Smith, Artemas Ward, and Richard Winn.

NAY.—Fisher Ames, Theodorius Bailey, Abraham Baldwin, Thomas Blount, Benjamin Bourne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Daniel Heister, Amasa Learned, Richard Bland Lee, Joseph Locke, Nathaniel Niles, James Hillhouse, William Lyman, James Madison, Peter Muhlenberg, Alexander McDowell, Alexander Mebane, Andrew Moore, John Nicholas, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Samuel Smith, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

TUESDAY, May 13.

An engrossed bill for the relief of Reuben Smith and Nathan Strong, was read the third time, and passed.

The bill sent from the Senate, entitled "An act in addition to the Act for making further and more effectual provision for the protection of the frontiers of the United States," was read twice, and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying additional duties

on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels; which was read twice, and committed.

Mr. WALKER, from the committee appointed, presented a bill for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina; which was read twice, and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act further to authorize the adjournment of Circuit Courts," to which they desire the concurrence of this House.

Mr. GORNOX, from the committee appointed, presented a bill granting relief to James Bell; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the United States and the individual States.

Ordered. That the said bill, with the amendments, do lie on the table.

WEDNESDAY, May 14.

The bill sent from the Senate, entitled "An act further to authorize the adjournment of Circuit Courts," was read three times, and passed.

Mr. AXES, from the committee to whom was referred the Report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

On a motion made and seconded, that the House do come to the following resolution:

Resolved. That the Secretary of the Treasury cause to be delivered to the Senators and Representatives of the State of South Carolina all the vouchers which were, by the agent of the said State, lodged with the Commissioners for settling the accounts between the United States and the several States, and since deposited in the Treasury, and which have been required by the Legislature of South Carolina."

Ordered. That the said motion be committed to Mr. CLARK, Mr. BENJAMIN BOURNE, and Mr. HUNTER.

Mr. LYMAS, from the committee appointed to select such parts of the confidential communications received from the President of the UNITED STATES on the twenty-fourth of February last, as are proper to be made public, made a report; which was read, and ordered to lie on the table.

BALANCES DUE CERTAIN STATES.

The House proceeded to consider the amendments, reported yesterday by the Committee of the Whole House, to the bill making provision for the payment of the interest on the balances due to certain States, upon the final settlement of the accounts between the United States and the individual States, which lay on the table; and the said amendments being twice read at the Clerk's

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table, were, on the question severally put thereupon, agreed to by the House.

A motion was made and seconded further to amend the said bill, by adding to the end thereof the following section, to wit:

"And be it further enacted, That the balances reported by the said Commissioners, and carried to the debit of certain States, be, and the same are hereby, relinquished."

And on the question thereupon, it passed in the negative—yeas 23, nays 58, as follows:

YEA.—Theodorius Bailey, Thomas Blount, William J. Dawson, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, William Smith, Silas Talbot, George Thatcher, John E. Van Allen, Peter Van Gasebeck, John Watts, Benjamin Williams, and Joseph Winston.

NAY.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Lambert Cadwalader, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, William Findley, Thomas Fitzsimons, Dwight Foster, William B. Giles, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffin, John Heath, Daniel Heister, James Hillhouse, William Hindman, Amasa Learned, William Lyman, James Madison, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, Israel Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Francis Walker, Artemas Ward, and Richard Winn.

Another motion was then made, and the question being put further to amend the said bill, by adding to the end thereof the following section, to wit:

"And be it further enacted, That the payment of interest on the aforesaid balances, out of the said fund, shall cease and determine after the year one thousand seven hundred and ninety-eight; and that, thereafter, the balances reported to be due by the said Commissioners from certain States, be appropriated for the payment of the interest and principal of the balances due to the said States."

It passed in the negative—yeas 27, nays 60, as follows:

YEA.—Abraham Baldwin, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, William B. Giles, James Gillespie, Andrew Gregg, George Hancock, John Heath, Daniel Heister, James Madison, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Robert Rutherford, Thomas Scott, John Smilie, Abraham Venable, and Francis Walker.

NAY.—Fisher Ames, Theodorius Bailey, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, John Hunter, Francis Malbone, Joseph Neville, John Page, William Smith, Artemas Ward, and Richard Winn.

hose, James Gordon, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Alexander Mebane, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

And on the question that the said bill, with the amendments agreed to, be engrossed, and read the third time, the previous question, was called for by five members, to wit:

"Shall the main question, that the said bill with the amendments be engrossed, and read the third time," be now put?

And on the previous question, "Shall the main question be now put?"

It was resolved in the affirmative—yeas 52, nays 37, as follows:

YEA.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Malbone, William Montgomery, William Vans Murray, Joseph Neville, Nathaniel Niles, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and Richard Winn.

NAY.—Theodorius Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William Barry Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, Robert Rutherford, John Smilie, Israel Smith, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasebeck, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

And on the main question, that the said bill with the amendments be engrossed, and read the third time, it was resolved in the affirmative—yeas 51, nays 36, as follows:

YEA.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Nicholas Gilman, Benjamin Goodhue, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter,

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NAY.—Theodoras Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Gleason, James Gordon, Andrew Gregg, William Barry Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Page, Robert Rutherford, Thomas Scott, John Smilie, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, Benjamin Williams, and Joseph Winston.

A motion was then made, and the question being put, that the said bill with the amendments be read the third time on the first Monday of October next, it passed in the negative—yeas 33, nays 63, as follows:

YEAS.—Theodoras Bailey, Thomas Blount, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, William R. Grove, George Hancock, Daniel Heister, Henry Latimer, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, John Nicholas, Alexander D. Orr, John Page, Robert Rutherford, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Francis Walker, Benjamin Williams, and Joseph Winston.

NAY.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourke, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzmaurice, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, William Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Amasa Learned, Richard Bland Lee, William Lyman, James Madison, Francis Mallbone, William Montgomery, William Vans Murray, Nathaniel Niles, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

Ordered, That the said bill, with the amendments, be read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act for erecting a light-house on the Island of Seaguin, in the District of Maine," with several amendments, to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act providing for the payment of certain public expenses incurred by Fulwar Skipwith on his desire the concurrence of this House.

The House proceeded to consider the amendments proposed to the said bills; and, the same being severally read, were agreed to.

The House resolved itself into a Committee of the Whole House on the amendatory report of the committee to whom was recommended the report on the memorial of Arthur St. Clair; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

Resolved, That there be allowed to Arthur St. Clair, at the rate of — dollars per day, for the time he was employed in going from New York, to Pittsburgh, and till his return to New York, between November, one thousand seven hundred and eighty-seven, and February, one thousand seven hundred and eighty-eight.

Resolved, That he be allowed at the rate of — dollars per day for the time he was employed in holding a treaty with the Indians, commenced in June, one thousand seven hundred and eighty-eight; and that the time be computed from his commencing that business till the treaties were delivered to the President of the UNITED STATES.

Resolved, That there be allowed, in the settlement of his account, two hundred dollars for a negro killed in the public service; also, the sum of two hundred and fifty dollars, advanced to Major Hamtramck; and that interest be allowed on his account.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. FITZSIMONS, Mr. THATCHER, and Mr. HINDMAN, do prepare and bring in the same.

THURSDAY, May 15.

The House proceeded to consider the report of the committee to whom was referred the petition of Lewis Dubois; whereupon,

Resolved, That a committee be appointed to bring in a bill to authorize the Comptroller of the Treasury to settle the accounts of Lewis Dubois, for his services in the line of the Army of the United States, similar to others of his rank, who were deranged in the service.

Ordered, That Mr. TALBOT, Mr. PARKER, and Mr. GROVE, be a committee pursuant to the said resolution.

Resolved, That a select committee be appointed on the part of this House, to be joined by such committee as the Senate shall appoint, to consider and report what further business is necessary to be done during the present session; and at what time it will be proper to adjourn the same.

Ordered, That Mr. LYMAN, Mr. CLARK, and Mr. VENABLE, be appointed the committee on the part of the House.

Mr. CLARK, from the committee to whom was referred the motion of the 14th instant, for the delivery of certain documents deposited with the late Board of Commissioners for settling the accounts between the United States and the indi-

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Indemnity for Spoliations.

[H. or R.]

vidual States to the Senators and Representatives of the State of South Carolina, made a report: which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to enable the officers and soldiers of the Virginia Line, on Continental Establishment, to obtain titles to certain lands lying North-west of the river Ohio, between the Little Miami and Scioto;" and, after some time spent therein, the Committee rose, and were discharged from the further consideration of the bill; and it was recommended to Mr. HEATH, Mr. NEVILLE, and Mr. ORR.

Mr. MAON, from the committee to whom was referred the motion of the twelfth instant, directing the Secretary of the Treasury to furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department, by the Commissioners for settling the accounts between the United States and the individual States; made a report, which was read, and ordered to lie on the table.

Mr. FITZSIMONS, from the committee appointed, presented a bill to compensate Arthur St. Clair, which was twice read and committed.

INDEMNITY FOR SPOILIATIONS.

Mr. GOODHUE moved the following resolution:

"Whereas it is a primary object in the establishment of Civil Government, to protect the persons and property of its citizens, from the violence of nations as well as individuals; and whereas many of the citizens of the United States have suffered great losses, by spoliation made on their commerce, under the authority of Great Britain, in violation of the law of nations, and the rights of neutrality,

"Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States will guarantee an indemnification to all such citizens of the United States, whose property may have been captured and confiscated, under the authority of Great Britain, in violation of the Law of Nations, and the rights of neutrality."

Mr. GOODHUE moved that the resolution might be referred to a Committee of the Whole House, which was seconded by Mr. DEXTER. It was then moved, by way of amendment to the motion, by Mr. DAYTON, to add these words, "to whom was referred the resolution for the sequestration of British debts;" to which Mr. GOODHUE objected, because, he said the subjects were distinct and separate in their nature, and ought not to be combined. His resolution went only to establish the principle of indemnification, by guaranteeing it to the sufferers, leaving the fund from which it should be made (in case Great Britain should refuse to do us justice,) to a future consideration. That whether British debts were sequestered or not, he said, the United States were bound to see that indemnity was made to the merchants whose property had been kidnapped in a secret, clandestine manner, while pursuing a lawful trade, under the authority of this Government and the Law of Nations, or to give them an opportunity of indemnifying themselves, by making reprisals. That it was well

known there was great opposition to the sequestration of British debts; and it was very doubtful whether such a measure would ever be adopted; and if this resolution was to be referred to the same committee, and become connected with that, he should very much despair of ever getting any indemnification. That British debts were a very precarious and uncertain fund; and the idea of ever getting indemnification from that source, would operate as a delusion. That if sequestration, under any circumstances, could be proper, it was highly improper at this time, when an Envoy Extraordinary had just been despatched to Great Britain; and more so, as we had discontinued the Embargo, which would put all our remaining vessels in the power of that nation. He should, therefore, consider an agreement to the amendment as amounting to a determination not to consider the subject, at least for the present session.

In support of the amendment, it was argued, that the two subjects had an intimate connexion with each other, and never ought to be separated: that British debts and British property were the natural and only funds for paying British depredations, and if indemnity was not given this way, it ought not to be given at all; that, as it was probable the resolution for sequestration would lay dormant for some time, it was best to refer this to the same committee, that they might sleep together. The amendment was supported by Messrs. LYMAN, NICHOLAS, SMILIE, DEARBORN, and MADISON.

Mr. DAYTON made a number of pointed remarks, on what he considered as the total futility of such a resolution. He looked on it as nothing better than an awkward attempt to gain popularity. He complained bitterly of the injustice of bringing up this motion alone; because when he voted against it, it might be surmised that he was unfavorable to the redress of the injuries of a certain class of citizens. He was for redressing their wrongs, and he had marked out to the House the only effectual way in which those wrongs should ever be redressed, viz.: the sequestration of British property. He adverted to an expression made use of, some days ago, by Mr. SEDGWICK, who had called this a mad project. Mr. D. was of opinion that the mad-cup might with propriety be transferred to a different situation, which he specified to the House. He said, that we were frequently told of the justice due to the British subjects. Be it so. But was there not justice also due to the people of the United States? And what justice could there be in attempting to make the American citizens pay for depredations committed by British privateers, when we had in our hands British property? Were we not bound to take as much care of our own interest, as of that of other people? It had been said, that as a negotiation was to commence under an Ambassador Extraordinary, that this measure would impede its success. He was, on the contrary, convinced, that this was the only step that could be likely to insure the success of Mr. Jay's mission. It would teach Britain to give up her infamous conduct. It would convert, in the literal sense of the word, every English manufacturing

House, that had debts due to it in this country, into an American negotiator; and they would, for their own sakes, compel their Government to do justice to the American merchants.

Mr. D. scouted the idea of taxing America, to pay for the depredations committed in the West Indies. Supposing, what every gentleman in the House knew to be impossible, that if Congress actually were to pass such an act, the people would not submit to pay their money for any such purpose.

Mr. SEDGWICK said, it certainly had not been his wish that this question should be brought forward at the present time. As it was, however, before the House, as he approved the motives of his colleague, who made the motion, and as he perfectly concurred with him in opinion on the subject, he would make a few concise observations. He believed, that in a Government such as that of this country, it was the peculiar duty of those to whom the administration has been committed, to extend security and protection to all the interests, and redress for all the injuries of the citizens. That inexcusable and unexampled injuries had been perpetrated, and an immense value in property unjustly spoiled, and that the honor of our country had been insulted, without provocation, were facts admitted by all. Those whose property had been the sport of wanton violation, which, in many instances, had reduced the sufferers from ease and affluence to want and misery, came forward and demanded redress and indemnification. That they were entitled to such indemnification, from the nature of our social compact, he understood to be agreed by every gentleman.

[Here Mr. S. was interrupted by several members; and Mr. NICHOLAS and Mr. SMITH declared that, in their opinion, there was no obligation to indemnify the sufferers, except it were done out of a fund to be formed by the sequestration of British property.]

Mr. S. said he was obliged to the gentlemen for setting him right; till now he had believed that the right of the sufferers to indemnification was denied by none. If this, however, was really a question yet to be decided, it was due to the sufferers, it was due to our own honor, to decide it without delay. It was asked, by what means is the Government to administer redress? They were first to apply to the Governments which had inflicted the injuries, to state their nature and extent, and to demand, in unequivocal terms, redress. This business, notwithstanding all the opposition which had been made, was happily in a proper train. He hoped and believed that the application would be effectual. It might, however, fail; and in that case, he was free to declare, that we owed it to our honor and to our injured citizens, to attempt redress by means of the last resort. In that unhappy event, the interests of the sufferers must be involved with the general interests of the nation, and must abide the ultimate result of war. But if satisfaction should not be obtained by negotiation, and should the Government, from any political considerations, not seek redress by force, in such events the sufferers would have a just claim on their country for indemnification.

The question now immediately before the House was, to refer the motion for indemnification to the Committee of the Whole on the subject of sequestration. This was not fair, as it respected that part of the House who approved an engagement to indemnify, and who would never consent to sequestration. It was not fair as respected the sufferers, because he believed there was not a gentleman in the House who supposed that the measure of sequestration would prevail. He was astonished that any should believe that it ought to be adopted. He, himself, without hesitation, approved of engaging to indemnify the sufferers; but at the same time, with all his heart, he abhorred sequestration and confiscation of debts, as the measures which all civilized nations had for more than a century abandoned as immoral and unjust. He would not now enter into a discussion of the question of sequestration. Whenever it came directly under consideration, he pledged himself to undertake to prove that it was against the Law of Nations, that it was immoral, unjust, and impolitic. He had been sorry to perceive that the feelings of the mover of that proposition [Mr. DAYTON] were wounded, by the terms in which gentlemen had spoken of his motion. He himself, in his conscience, believed it to be immoral and unjust; and, as such, he felt himself bound as a man of honor to give it his strenuous opposition. The gentleman surely could not reasonably expect that independent men would sacrifice opinion to politeness or to friendship. All he could do, and that he did with pleasure, was to declare that he believed the gentleman's motives were pure and upright, and that he had a perfect confidence in the correctness of his moral sentiments. Viewing the subject in the light he had expressed he appealed to the candor and fairness of gentlemen, to what tended the combining of those irritating questions of indemnification and sequestration, but to wound the feelings and evade the just application of the sufferers? Gentlemen had charged his colleague, and those who had supported his motion, with attempting, by these means, meanly to court popularity. To refute this charge would, in his opinion, be unnecessary, because no well-informed man in America would believe it. He did not know that the opinions which were held by his friends and himself on this subject, were popular; it was sufficient that they were believed to be just. Was he, however, disposed to recriminate, by disclosing motives which were not avowed, but concealed, he could tell a tale, which, he believed, could be heard with effect.

Mr. GOODHUE spoke a few words in direct opposition to what had been advanced by Mr. DAYTON. The two propositions ought to be discussed separately. We had sent a negotiator to Britain, and a sequestration would put an end to his business. The citizens of the United States ought to be taxed, in the meantime, to pay these losses; and it was possible that a sequestration might, hereafter, be thought advisable. He very strongly pressed the idea of a tax to this end. It would be a proceeding of the most superlative impropriety, to lay on such a sequestration at this particular juncture,

when we had just agreed to take off the Embargo, because our ships would go to England, and be all seized, by way of reprisal.

Mr. CLARK recommended that both propositions should be laid aside for the present, and be suffered to take a sweet nap together, till a more convenient time. He spoke with much contempt of the notion of taxing the people of this country to pay for the ravages of Britain. The Court of London would say to the world: "You see that we acted right: you see the United States think so likewise; for they themselves pay their merchants."

Mr. GILES agreed with Mr. CLARK; but as there is a necessary sameness in the arguments on this question, and as they have already been detailed in so many different forms, it seems needless to repeat them over again so frequently. He said that when this tax came to be levied, every farmer would say, every man in America would say, "We shall have nothing to do with this business. Why don't you indemnify British depredations out of the British property that is within your grasp?" He had heard that Congress ought to decide an abstract proposition, viz: that this Government was, in any event, bound to pay the recent losses of its merchants by sea; and then proceed to assign funds for the payment. He thought that before Congress undertook any such engagement, they ought at least to be possessed of the money requisite to discharge it. He hoped that the House would never proceed to a vote in support of any abstract axiom, especially where taxes and public money were concerned, till they had carefully digested the collateral circumstances.

Mr. DEXTER spoke against the amendment. He said, that very strong reasons existed both for taking into consideration a proposition for indemnity to the sufferers, and also against connecting it with sequestration or any other subject. Each ought to stand or fall on its own merits. The sufferers were numerous, and deserving citizens; they had waited a long time, and had a right to know, before the close of the session, what protection they were to expect from the Government of their own country. Sequestration, without a change of political circumstances, would never pass both Houses of the Legislature; to connect them, then, would be to deny relief, without even examining the principles on which they claim it. He said, British debts had been called the only proper and natural funds: in his opinion, they would be no fund at all, even if sequestration could be adopted.

The debts would never be collected; and not only so, but sequestration would be the beginning of hostilities, and war must ensue; this, at the same moment, would prevent all hope of obtaining justice from Britain, and also discharge our own Government from every obligation to indemnify. Mr. D. said he would state what, in his opinion, was the proper and natural fund—the money to be demanded of Britain by our Envoy Extraordinary. Should this fail, the Government of America would either pay the sufferers, or grant them letters of marque and reprisal. This, he said, is the constant course of nations, and this the sufferers have a right to demand, as a counterpart of

their allegiance. Mr. D. said, it had been objected that the British Government would be encouraged by it to refuse a recompense. This, if true, would be a serious objection, for he had always viewed negotiation as affording the only probable chance for indemnity to the sufferers. If a recompense be refused by Britain, war will be the consequence. The objection, however, he thought, would be entirely removed, by attending to the resolution itself. It is not, he said, a provision for taking the debt on ourselves, but merely to *guarantee* a recompense to the sufferers. The very word itself implies that the Government of America is not the principal debtor, but is to compel another to make indemnity, or become the debtor. Mr. D. closed with saying that he had attended only to the reasoning of the gentlemen, and not to their personalities. It was not his practice to leave the question to impute to others motives either corrupt or paltry: if they chose to glean imaginary laurels on this ground, he was not anxious to share them; they could best judge whether, in this way, they were likely to increase their reputation or benefit the public.

Messrs. AMES, MURRAY, SMITH, of South Carolina, and HULLHOUSE, also spoke against the amendment, and said the merits of neither proposition were now before the House, but only the mode in which the subject should be considered; that they were in themselves separate and independent, and ought to have a separate and independent consideration; they were questions of very great national concern, and that blending them together would give an undue bias, and neither would be fairly and impartially decided. It was doubtful whether the resolution for sequestration ever ought to be adopted, and that to connect the two subjects, would be to hang a mill-stone about the necks of the sufferers; that, as they were a numerous and very meritorious class of citizens, their claim merited a candid and full examination, unembarrassed with any other matter.

A warm dispute arose about the form in which the question on this resolution should be taken. The point actually contested seemed to be, whether the resolution was to be referred to the Committee on Mr. DAYTON's motion for the sequestration of British property, or to a separate committee, which was insisted on by the mover, Mr. GOODHUE.

A division took place upon the question of agreeing to Mr. DAYTON's amendment, to add, after the words "be referred to a Committee of the Whole," the following words, viz: "to whom were referred the resolutions for sequestering the British debts;" and the yeas and nays being called for, were taken—yeas 57, nays 31, as follows:

YEAS.—Theodore Bailey, Abraham Baldwin, John Bently, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Cotes, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William B. Grove, George Hancock, John Heath, Daniel Heister, William Hindman, John Hunter, Matthew

Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Silas Talbot, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, Henry Latimer, Amasa Learned, Richard Bland Lee, William Van Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, and John Watts.

And then the main question being put, that the House do agree to the said motion for commitment, as amended, it was resolved in the affirmative.

FEDAY, May 16.

A memorial of sundry merchants, and other inhabitants, of Boston, Charlestown, Salem, Marblehead, Beverly, Newburyport, Manchester, Gloucester, Ipswich, and Danvers, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress to obtain restitution for the depredations committed on their property, which, under color of decrees of Admiralty Courts, has been condemned, and adjudged forfeited, by the subjects of the King of Great Britain, and the citizens and subjects of other foreign countries. Also, a memorial of sundry merchants of the city of New York, whose names are thereunto subscribed, to the same effect.

Ordered, that the said memorial be referred to the Committee of the Whole House to whom are committed certain propositions for the acquiescence of the debts due from citizens of the United States, to the subjects of the King of Great Britain.

A petition of Gurdon Backus and David Meade Randolph, was presented to the House and read, praying relief against a judgment obtained in the District Court of the United States, for the State of Virginia, for the recovery of a bond, given by the petitioners, for the return of the certificate of registry of the sloop Rambler, late belonging to the petitioner Backus, which sloop was sold on the coast of Africa, to a foreigner; and the said certificate, with a trunk and other papers stolen from him, by one of his seamen, and never recovered.

Ordered, That the said petition be referred to Mr. SWIFT, Mr. JEREMIAH SMITH, and Mr. GILES; that they do examine the matter thereof, and report the same with their opinion thereupon, to the House.

An engrossed bill making provision for the payment of the interest on the balances due to certain

States, upon the final settlement of the accounts between the United States and the individual States, was read the third time.

And on the question that the said bill do pass, it was resolved in the affirmative—yeas 53, nays 34—as follows:

YEAS.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Elias Boudinot, Benj. Bourne, Lambert Cadwalader, Thomas P. Carnes, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Alexander Gillon, Nicholas Gilman, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, William Lyman, Francis Malbone, Joseph McDowell, William Montgomery, William Vans Murray, Nathaniel Niles, Josiah Parker, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn.

NAYS.—Theodore Bailey, Thomas Claiborne, Isaac Coles, William J. Dawson, William Findley, Ezekiel Gilbert, William B. Giles, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, George Hancock, Daniel Heister, Matthew Locke, Peter Muhlenberg, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Francis Preston, Thomas Scott, John Smilie, Silas Talbot, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Francis Walker, and Joseph Winston.

A message from the Senate informed the House that the Senate have agreed to the resolution of this House for the appointment of a joint committee to consider and report what further business is necessary to be done, during the present session, and at what time it will be proper to adjourn the same; and have appointed a committee on their part.

CHEROKEE INDIANS.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of January last, transmitting the copy of a Letter from Constant Freeman, agent for the War Department, in Georgia, relative to the Creek Indians; and on the report of the committee to whom was referred a memorial of the Representatives of the people of the Territory of the United States South of the river Ohio.

The Chairman, Mr. PARKER, read to the House one of these papers, viz: a memorial from the House of Representatives of the Territory South-west of the Ohio. They stated the hardships that the people of that country had suffered from the Cherokee. The murder of two hundred people of all descriptions, and the loss of two thousand horses, worth on an average, fifty dollars each, formed a part of the catalogue of their misfortunes. They expressed their satisfaction in hearing that the Congress had taken measures for protecting

American commerce from the ravages of the Al-gerines, and hoped that while their countrymen in the Atlantic cities lived in safety and in luxury, this distant portion of the Federal Government would not be forgotten, or neglected. They solicited the adoption of a more effectual system of defence.

A report was read from the committee, who had been appointed to take this memorial into consideration.

Mr. MASON objected to some part of the report. It had been stated by the committee, that the Governor of that country should be authorized in case of any irruption by the Indians, to attack them with an armed force, and compel them to an observance of the treaties made with the United States. Mr. M. considered this language as irregular, because by the laws, and universal sense of nations, when hostilities are once commenced between two different States, existing treaties are at an end; and, therefore, an armed force cannot compel the observance of old treaties, but the formation of new ones. He stated several objections to the method pointed out in the report of the select committee for giving military aid to the back settlers.

This discussion called up Mr. FITZSIMONS, Mr. DAYTON, and several other members. At last the committee agreed to several amendments. They rose, and the Chairman reported. The House then proceeded to the consideration of the report of the Committee of the Whole House, on this subject.

The resolutions were read and agreed to as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be authorized to call out such number of the militia of the Government of the Territory South of the River Ohio, or of the States most conveniently situated, as may be requisite to carry on offensive operations against any nation or tribe of Indians, that may continue hostile.

Resolved, That the PRESIDENT be authorized to cause to be established and guarded, such military posts as, in his judgment, will be necessary for the permanent security of the frontier settlers, and to employ one or more troops of horse, as patrols or rangers between the said posts.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CARNES, Mr. BLOUNT, Mr. MEBANE, Mr. PICKENS, and Mr. PATSTON, do prepare and bring in the same.

REVENUE BILL.

The House resolved itself into a Committee of the Whole House on the bill laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.

The three cents per bushel of additional duty on salt was objected to by Mr. FINDLEY, as oppressive to his constituents.

Mr. AINS was convinced, that this was much better than a land-tax. It was beyond all comparison, more cheap, more certain, and more equal in the collection than a land-tax. He would rather

tax salt, at even half a dollar per bushel, than agree to a land-tax.

Mr. CLARK would be very glad to hear the gentleman from Pennsylvania [Mr. FINDLEY] specify upon what subject he was willing to pay a tax. It was beyond the comprehension of Mr. C., for what sort of a tax the gentleman was prepared to vote, or, indeed, what sort of taxes the Western settlers of Pennsylvania pay. We lay a duty on sugar. They make sugar for themselves. We lay a tax on tobacco. They are to manufacture for themselves. We lay an excise on distilleries. They refuse to pay this tax, and, in fact, they do not pay it. We tax wines; but we are told that these people are poor. They cannot, therefore, afford to drink wine, on which the duty is very heavy, for that duty is paid only by the rich. We tax the importation of foreign fineries, such as silk, but silk also is not the dress of poor people, so that here again the constituents of the gentleman get off. We are going to tax the importation of foreign coals, but they have plenty of their own, and so far from paying a tax on them, are cutting a canal to bring them down to Philadelphia; which will drive out the importation of foreign coals, and so destroy the tax altogether. Under these circumstances, Mr. C. was solicitous to learn what taxes the back settlers paid, for, as far as he could understand, they paid none; and their Representative would do well to inform the House on what they were willing to pay a tax. Was Government to be burdened with them, and derive no compensation? Was it a sufficient reason for exempting a district from public burdens to say that the people are poor? Are taxes to be paid exclusively by the rich?

Mr. RUTHERFORD objected to this duty on salt. It was often to be carried from one to three hundred and fifty miles inland, and in fact, it frequently costs twenty shillings per bushel. No tax could be so universally unpopular as this would be.

Mr. FINDLEY replied to Mr. CLARK. As to sugar, though some of his neighbors made theirs, Mr. F. bought his own in Philadelphia. As to silks and other female fineries, his constituents did just like other people. They spent, in that way, as much as they could possibly afford, and had among them ladies very well dressed. As to other matters, his constituents purchased their manufactures in Philadelphia, and paid for them, as other people did. Salt, he said, was known to be necessary for cattle in the back country. He was strongly against the tax.

Mr. GILLON likewise opposed the tax on salt. It had been proposed in the State which he represented, but never could be carried through.

On a division, it was rejected; yeas 32, noes 47.

A motion was made for striking out twenty-five cents per ton of additional tonnage, on foreign vessels, in order to insert fifty.

It was passed in the negative; yeas 39, noes 41.

After going through the bill, the Committee rose, and the House went into consideration of the amendments made in Committee of the Whole.

On the subject of an additional duty on coal transported, Mr. GILES said, that the rise was very mo-

H. or R.]

Tobacco and Sugar Duties.

[MAY, 1794.]

derate from four and an half to six cents per ton. A Boston company was about, as he understood, to embark in this business, but waited to see the steps taken by Congress. There was as much coal in Virginia as would serve all America, and Europe besides.

Mr. WADSWORTH would have the additional duty restricted to all coal imported in foreign vessels.

Mr. HEISTER wanted to know whether the price of coal had not been already doubled within these few years. He was informed that coal imported had of late risen from six dollars per ton, to twelve dollars and a half.

Mr. FITZSIMONS said, that a few years would put an end to importation altogether. He defended the tax. He saw no danger to any of the manufactures in America, that make use of foreign coal arising from this tax. Nothing but a capital was wanting to make America supply herself.

Mr. SHERBURNE recommended the amendment of Mr. WADSWORTH, as to the restriction of this duty to foreign bottoms.

Mr. MANISON worded this amendment "on all vessels not belonging to citizens of the United States;" because foreign bottoms might belong to people of this country. He was not solicitous about the fate of the motion. The amendment was lost; but the original motion was carried.

Another amendment was, "after the fourth section to add six cents additional per ton on American tonnage."

Mr. GOODRICH considered that nothing could be so sore upon our merchants, as this burden at this time, when half our shipping are in the hands of the Algerines or the British.

It passed in the negative—yeas 39, nays 45—as follows:

- YEAS.—Theodore Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Barnes, Thomas Claiborne, Jonathan Dayton, George Dent, William Findley, William B. Giles, James Gillespie, James Gordon, Samuel Griffin, William Barry Grove, George Hancock, Thomas Hartley, Daniel Heister, John Hunter, Richard Bland Lee, Matthew Locke, Nathaniel Macon, Joseph M'Dowell, Alexander Mebane, Peter Muhlenberg, Joseph Neville, Anthony New, Nathaniel Niles, Alexander D. Orr, Andrew Pickens, Francis Preston, Israel Smith, William Smith, Silas Talbot, Uriah Tracy, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Francis Walker and Joseph Winston.
- NAYS.—Fisher Ames, Elias Boudinot, Benjamin Bourne, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, Isaac Coles, Henry Dearborn, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Alexander Gilson, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Christopher Greenup, John Heath, James Hillhouse, Amasa Learned, William Lyman, James Madison, Francis Malbone, William Montgomery, Andrew Moore, William Vans Murray, John Nicholas, John P. Page, Josiah Parker, Robert Rutherford, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smith, Jeremiah Smith, Zephaniah Swift, George Thatcher, Jonathan Trumbull, Abraham Venable, Jeremiah Wadsworth, John Watts, Benjamin Williams, and Richard Winn.

Ordered, That the said bill with the amend-

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others in the country, not excepting the gentleman himself; and men who are as well liked by their neighbors.

Mr. W. SMITH. The rejection of the bill at this time will not decide the principle of excise; if rejected, it will not be owing to the arguments against it, but to the absence of a great many members, who never dreamed that the question would have been brought on to-day, and who do not even know that the bill has been so much as reported. The practice is uncanon, and unprecedented, to endeavor to reject a bill at this stage, before it has been printed, and the members know its contents. Was it fair and consistent, in a thin House, to reject the bill without any further consideration than one reading, for the sake of form, a reading to which *nobody had listened*? How was this to settle the principle of excise? Was it not already settled in the Constitution and by existing laws? But a new argument had been this day resorted to; there was a surplus of revenue in the Treasury, without new taxes, and this had been discovered, since this tax had been agreed to. If this argument was founded in fact, it would put an end to all debates on all the new taxes; but what was this notable discovery? an additional two-and-a-half per cent. on impost. This was no discovery which could change the question, for it was agreed to, before the duty on manufactured tobacco and sugar; and the latter had been there fore established by the House, with a knowledge that the former was laid. He asked, if, in the present situation of the country, all dependence was to be placed on commerce? How could certain members reconcile this proceeding with their former votes and language? But the other day we were to prohibit all commercial intercourse, to sequester debts, and to prepare for war. Now, we are to derive the whole of the revenues from trade; the same gentlemen who urged these measures were now defeating every kind of revenue, which might be productive. There was something so extraordinary in this, that he could not account for it. It was said, that the Committee of Ways and Means ought not to have reckoned on a default, in the impost of \$1,300,000, but the gentlemen assign no reasons for their assertion, where as the committee founded their report on the best information. Admit, however, that it is doubtful; was it safe, in the present critical state of the country, to place all dependence on *external* resources, which were every moment in danger of being cut off? Did not duty require a provision for the defence and safety of the United States, by *internal* resources? This was certain, that the extra appropriations of this year exceeded those of any former year by two millions and a half of dollars. Where was the money to come from? The members in opposition to this tax, voted out land and salt; they endeavored to vote out stamps and carriages. They will agree to nothing but impost. Are the merchants to be saddled with the whole burden, because, like friends to order and tranquility, they have not *called town meetings*, or *published inflammatory resolves*? It is said, war is no longer expected; this country is

willing to submit to every thing. Was this insinuation pointed at Congress or the Executive? It was unfounded in either case; because negotiation was tried, it did not follow that either the one or the other branch of the Government were disposed tamely to submit to injury; for himself, he was ready to aver that, if proper reparation were not obtained, he should be for war. The balance now being trembling on its beam; and no one could say whether it would settle for peace or war, he was for preparing seriously for the latter, while we strove to preserve the former. Pecuniary exertions were indispensable; it might be a pleasant thing to oppose taxes, and the advocates of new taxes might be obnoxious, but this would not draw him from his duty. The increase of excise officers had been mentioned; the bill did not propose a single one; the bad character of the excise officers had been mentioned; the supervisors were among the most respectable men in the United States, and the inspectors were as virtuous as the officers of oaths, &c., were not more applicable to manufacturers than to merchants and captains, who could not enter, or unlade, or clear out, without difficulties, embarrassments, and oaths; but this was disregarded, as if they had less feeling than other people. As to the injury to morals, the necessary oaths required by all revenue laws were not injurious to the morals of the honest, and those who swore to the truth; and, as to those who were disposed to commit frauds and perjuries, no injury could be done to the morals of these who had none. Mr. S. wished that less had been said in the way of general reflection on the Collectors of the revenue. Some years ago, a member of that House, when they were at New York, attacked the tide-waiters. There happened to be a tide-waiter in the gallery, who wrote, next day, a pretty smart letter to the member, who had spoken so freely of his profession.

Mr. NILES hoped that no gentleman would say, that he wished to see the Treasury empty. He would, for his own part, be glad to know whether there was a deficiency or not, clearly stated. He did not see so much as some others did, in the objections to an excise. It was *called* an excise, it was true, but we do not know yet the way in which it is to be levied; so, we cannot tell whether there will be any hardship in it or not. He went over some of the statements of different gentlemen, but on the whole, there was so much contradiction in the assertions of different members, that Mr. N. knew not what to make of them.

Mr. BOUNDINOR moved that the House adjourn, which they did immediately, at three o'clock.

MONDAY, May 19.

A memorial of the inhabitants of the town of Salem, in the State of Massachusetts, was presented to the House and read, praying a further continuation of the Embargo laid on ships or vessels in the ports of the United States, bound to any foreign port or place. Laid on the table.

IMPRESSMENT OF AMERICAN SEAMEN.

Mr. MURRAY moved, that a committee be appointed to report a bill to provide such regulations as may enable American seamen to obtain and carry evidence of citizenship, for the purpose of protecting them from impressment into foreign service. He said, that it was a reasonable expectation that the subject of this resolution should be seriously attended to, at any time; but there were the most urgent reasons for its attention to the situation of our fellow-citizens of this description at the present period. That the evil of impressment into foreign service existed, no gentleman could doubt, and it was equally doubtless, that it was the duty of Congress, as far as they could, to provide a remedy for the evil. A few years since, when Britain armed her navy against Spain, on the Nootka-Sound question, it had been the fate of several hundreds of the American seamen to be impressed into a service which they abhorred. For a proof of this fact, he would read the remembrance of the House, to the claim made by Mr. Cutting for repayment of money actually expended by him, in the liberation of seamen in this humiliating situation. Congress repaid Mr. Cutting two thousand dollars. That they had thus attended to this claim was proof that the fact complained of existed. The evil arose, not more from the extreme insolence of disposition of the press-gangs, than from a real difficulty of discriminating American citizens from British subjects. The difficulty was, in similarity of language, dress, and manners; and from the deficiency of evidence of citizenship, which, in a foreign port, could not always be obtained. For, though the Lords of the Admiralty of England had laid down certain rules, in the case that he had mentioned, the rules laid down had exacted so rigid and pointed an oath, from personal knowledge, that they scarcely could, in any case, be complied with. A captain might, in many instances, believe his sailor to be an American, and yet not think himself warranted in making oath to this fact. The object of his resolution was, that seamen, who are American citizens, might all pursue a uniform line of evidence in proof of citizenship, and that, by an entry of such evidence solemnly obtained in the clearances or other authentic papers of the ship, the same weight and authority should be given to their part of a ship's papers as were, in all cases, given to all sea letters and other papers. He believed that, if the subject went to a select committee, a particular regulation on this subject might be digested, which would, in many cases, if not in all, afford such good evidence of citizenship, as would save American seamen from the injustice and cruelty that many, he believed, now actually suffered under; for he had heard that a number of them had been impressed in the West Indies on board of the British fleet. He was not so sanguine as to imagine, that any law could give full protection to our seamen; for he was convinced that, in order to give complete protection, certain rules of evidence must first be recognised, by Convention between this country and Britain, stipulating the extent of certain political principles re-

lative to alienage and allegiance. Till, however, that is done, he thought it the duty of Congress, and particularly, at this disturbed period, to afford every aid in its power to this class of citizens. To bring the subject before the House, he had moved the resolution, which he gave notice, that he would call up to-morrow.

TOBACCO AND SUGAR DUTIES.

The House then resumed the consideration of the bill for laying a duty on manufactured tobacco and refined sugar, which had been debated and postponed on Saturday.

Mr. GOODRICH wished for a delay. He had seen a gentleman from Pennsylvania, last night, whom he did not now see in his place in the House, and who was making out an estimate, whether the money proposed to be raised by these taxes would be wanted or not. If they could really do without the money, it would be better to reject the bill.

Mr. SHERBURNE thought that the question might be delayed, till it was seen, whether the sums, to be produced by this bill, would be actually required, or not.

Mr. DAYTON believed that the money was wanted. He would therefore vote for the bill. It was incumbent on gentlemen who objected to the bill, to show that the money would not be wanted.

Mr. SMULIE and Mr. LEE rose at the same time. The SPEAKER observed, that Mr. SMULIE had risen first.

Mr. LEE said, that the gentleman from Pennsylvania had already spoke twice on this subject; and he *intended for order*. [Mr. L. referred to the proceedings of Saturday, for Mr. SMULIE had not spoke any before, this day.] Our time, said Mr. L., is too precious to be wasted in talking, when every gentleman is competent to give his vote already. I call for the question. His opinion was, that the money was not yet wanted; and that it was being too provident to vote for taxes, before they were required by necessity.

Mr. W. SMITH contended, that there would be a very considerable deficiency. He asked, who would lend us money, if there was such a difficulty in establishing funds to pay the interest of it?

Mr. WADSWORTH hoped that the bill would not be altogether thrown aside. There was part of it that he approved, and part of it that he did not perfectly approve. In discussing this question, much stress has been laid upon the two-and-a-half per cent. of additional impost on importations, as if *that* would be a fund for the increase of revenue, and supersede the necessity for some other taxes. Mr. W. assigned his reasons for believing that this supposition was perfectly chimerical. Within the last six months, American vessels and property had been captured by the British privateers in the West Indies, to the extent of *one million of dollars*. This will make the importations less, by at least five hundred thousand dollars, and, of consequence, destroy a great part both of the old and new impost. Property to the extent of one-fourth of a million of dollars, perhaps, had likewise been seized by the Spaniards, and other

nations had most likely taken as much more. The total loss to American commerce could not, therefore, be less than *fifteen hundred thousand dollars*. The imposts on importations must, therefore, be very much reduced; as from Britain, for example, there would not, in his judgment, be one-fourth part of the imports, from this time to the first of December, that had been formerly. And no man could imagine that, at the most, they would exceed one-half of their former amount. The British merchants would be afraid, on account of the matters that had been laying embargoes, and speaking of sequestration and indemnification. We must be cautious. Mr. W. added, that it was possible enough, that America might, in the Fall, be at war with Britain; and then impost and importation will fall together. These were his motives for believing that the two-and-a-half per cent. would be of no great consequence. It had been said, that the ten per cent. would produce a large augmentation. He did not, from the diminished quantity of imports, believe that it would be so much, by twenty or thirty per cent, as the old revenue-and-a-half duty had produced. Mr. W. next reverted to the bill before the House. One part of it (the duty on snuff) he could not agree to. The other part, refined sugars, would fall on those who could afford to pay it, and after all that had been said against this bill, he was firmly convinced, that, so far from injuring the manufacture, it would thrive the better for this tax. He, on this account, hoped, that the bill would pass, in spite of his objection to some things that might, perhaps, be corrected. He then replied to the complaints of some gentlemen, who, as an excuse for repeating over and over again, their former arguments and opinions, observed, that they had not received an answer. It was very likely that they might think so, and he, for his part, did not think that he had been answered. This kind of reasoning had no end. Perhaps it was impossible for him, or gentlemen of his sentiments, to answer the opposite side of the question. And, again, perhaps the gentlemen of the opposite opinion could not answer them. The matter must rest there, and the question come to a vote.

Mr. FITZSIMONS was convinced that there was a deficiency, and a great one. But he was not fully prepared to speak upon the subject; though he was sure of the fact. He did not wish to hurry the subject. The bill might be printed. Mr. NICHOLAS was sorry to have learned that he had, on Saturday, made a general reflection on a profession of men. With some gentlemen, in the line referred to, he had as strict a friendship as with any persons on earth. He said, that ten lines of figures, which he had in his hand, would satisfy the House, that the taxes in the present bill are not wanted. He then began a detail of considerable length, to which Mr. FITZSIMONS replied.

Mr. TRACY. One gentleman says that we have a surplus of three millions; another, that we have a surplus of one million. It is very strange for gentlemen to be coming forward in this stage of the

debate, and to say that money is not wanted, after the want of money has been so frequently advanced, and admitted, in the House. It is unaccountable, that there should be a contradiction on a point of this nature. He next went into a long series of calculations.

He objected to the estimate of the impost of 1793, that was reckoned upon for the current expenses of 1794. A great part of this impost was still due, by bonds. The persons who had given these bonds were, many of them, broke by the British depredations in the West Indies; and, in fact, a large proportion of that impost never would be paid in to the Collectors of the revenue.

He was displeased with the way in which some gentlemen had spoken of the national debt. He had no share, for his own part, as a creditor; but a part of his property must go to the discharge of it, and he should cheerfully pay it. He did not agree with those gentlemen who, in the event of a peace, would not wish to replenish the Treasury. It was curious, that the House had now been assembled for nearly six months; and that their chief object had been to discover ways and means for raising public money. A bill for that purpose had been brought in; and just when it was on the point of being passed, we make a sudden and wonderful discovery, that no money is wanted; but that we have an overplus of three millions of dollars. The thing cannot be. The calculations are not founded on truth. He did not believe that members understood the bill. He could demonstrate, that there was occasion for a supply of money.

Mr. MANISOX thought, that the arguments on each side of this question might be reduced to a narrow compass. If peace continues, he supposed it likely that the revenue would not fall so far short, as the Committee had apprehended. But if there was a war, the expense would much exceed anything yet thought of. He was for laying aside the subject at present, and if a rupture with England should ensue, he would then recommend, at once, a direct tax, and that these excise acts should be entirely thrown aside. If there was no war, he believed that no new taxes were required, let the matter, therefore die, as to the present. He disapproved the principle of the tax, and should, on that account, think himself justified in voting against it.

Mr. GILLOX rose, and replied to several gentlemen, who were for the excise on tobacco, snuff, and loaf and lump sugar; and observed, that he had partly obtained his object, by drawing gentlemen forward, with the calculations which had been kept back. But as the gentlemen, after having, by their own account, been three months on this subject, avowed that his request of detailing those large sums came rather unexpected, and that they wished to have more time to make their calculations, he had not much objection to let this bill have a second reading; but he hoped they would be accurate, in proportion to the time taken to preface them. As to the idea of our general taxes not taking place until the first of next March, that had no weight with him; because he knew

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the Civil List for the year was not all then due, nor would all the sum for military and naval preparations be to be paid down, the day the ore was dug for the guns, nor on the day that the first tree was cut to begin the frigates.

He agreed that the deficiency might arise on the supplies now due, for the terms which the gentlemen had assigned by the plunder of our merchants' property. He was happy to find that gentlemen had not lost sight of the serious applications they had received from that respectable and utile body (the merchants) for redress; and he should take care to remind gentlemen of their own observations, when the requests of the merchants were brought forward, as it was clear something must be done, either by restitution on the debts to be sequestered, a loan for them under the guarantee of the Union, or by prolonging the time to a remote period, of paying the duties that they owed. He was accused of making *wonderful discoveries*, of making calculations not founded in truth. The latter he denied, for, if there is any untruth in them, it cannot be on his side, but must have arisen from the Committee; therefore, to them be the untruth applicable, as he did not make use of a figure but what they placed in their report.

He still retained his opinion, that surplus revenue was dangerous in the hands of any Government. What did they want to do with it? He hoped nothing else but to buy up the national funded debt as cheap as they could, which act was pardonable, only by the intent, he presumed, they must feel of at last doing justice to our late armies. His meaning was, that the profits arising from this speculation should be kept as a sacred deposit, out at interest, and that interest due on employed towards paying off the interest due on the principal losses which our brave officers and soldiers had met with, by being obliged to part with their shares of pay at a very inferior value. This you may better pay to patriotism and misfortune, than pay to speculators.

Mr. TRACY. If I have said what is alleged, the language is too indecorous to be used by me, to any gentleman on this floor. If anything of that kind has escaped from me, I am ready to ask the gentleman's pardon. I have the highest respect for his character.

And the question was then put, Shall this bill be rejected? It passed in the negative—yeas 31, nays 66, as follows:

YEAS.—Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Isaac Coles, William Findley, William B. Giles, Alexander Gillon, Andrew Gregg, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Thomas Tredwell, Abraham Venable, Francis Walker, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Theodorius Bailey, Abraham Baldwin, John Beatty, Elias Boudinot, Benjamin Bourne, Lambert Calwaler, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson,

Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William Barry Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Matthew Locke, Francis Malone, Alexander Mebane, William Vans Murray, Alexander D. Orr, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Benjamin Williams.

The said bill was then read the second time, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The Whole House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

The said bill was then read the third time, and passed.

Ordered, That the report of the Secretary of the Treasury on the representation of the Legislature of the State of Kentucky, concerning the expenses of certain expeditions carried on against the Indians since the year one thousand and seven hundred and eighty-five, which lay on the table, be referred to Mr. GREENUP, Mr. HULLHOUSE, and Mr. VENABLE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. TALBOT, from the committee appointed, presented a bill to authorize the settlement of the account of Lewis Deloiois, for his services in the late Army of the United States; which was twice read, and committed.

Mr. LYMAN, from the Joint Committee appointed to consider and report what further business is necessary to be done during the present session, and at what time it will be proper to adjourn the same, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the motion of the 12th instant, directing the Secretary of the Treasury to furnish the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the individual States and the United States, which lay on the table: Whereupon,

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the PRESIDENT OF THE UNITED STATES be requested to cause such of the Executives of the several States as may apply for the same, to be furnished with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts

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between the United States and the individual States.

AUGMENTATION OF THE ARMY.

The House resolved itself into a Committee of the Whole House on the bill to augment the military force of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made amendment thereto; which was read, as follows:

Strike out the first section of the bill, in the words following, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be raised, for the term of — years, or during a war which may break out between the United States and any European Power, or additional military force, consisting of twenty-five thousand non-commissioned officers, privates, and musicians, together with a proper proportion of commissioned officers of all grades, respectively, according to the present Military Establishment of the United States."

And on the question that the House do agree with the Committee of the Whole House in the said amendment, it was resolved in the affirmative.

A motion was then made and seconded to amend the said bill, by inserting, in lieu of the section stricken out, the following section, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be raised, upon the terms and conditions hereafter mentioned, an additional provisional military force, to consist of — non-commissioned officers, privates, and musicians, together with a proper portion of commissioned officers."

It passed in the negative—yeas 30, nays 50, as follows:

YEAS.—Fisher Ames, John Beatty, Benjamin Bourne, David Cobb, Peleg Coffin, Jonathan Dayton, George Dent, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, Amasa Learned, Richard Bland Lee, Francis Malbone, William Vans Murray, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Jeremiah Wadsworth, and John Watts.

NAYS.—James Armstrong, Theodorius Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Henry Glenn, Christopher Greenup, Andrew Gregg, William Barry Grove, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, Benjamin Williams, and Joseph Winston.

And then the question being put that the said bill, as amended, be engrossed and read the third

time, it passed in the negative. And so the said bill was rejected.

TUESDAY, May 20.

Mr. CARNES, from the committee appointed, presented a bill for the more effectual protection of the Southwestern frontier settlers; which was read twice and committed.

Ordered, That a committee be appointed to report a bill to regulate the mode in which American seamen may be furnished with evidence of citizenship, for the purpose of protecting them against impressment in foreign service; and that Mr. MURRAY, Mr. TRACY, and Mr. GILLOX, be the said committee.

The House resolved itself into a Committee of the Whole House on the bill granting relief to James Bell; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. And, on the question that the said bill be engrossed and read the third time, it passed in the negative. And so the said bill was rejected.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

In the communications which I have made to Congress during the present session relative to foreign nations, I have omitted no opportunity of testifying my anxiety to preserve the United States in peace. It is peculiarly, therefore, my duty, at this time, to lay before you the present state of certain hostile threats against the territories of Spain in our neighborhood.

The documents which accompany this Message develop the measures which I have taken to suppress them, and the intelligence which has been lately received.

It will be seen from thence that the subject has not been neglected; that every power vested in the Executive on such occasions has been exerted; and that there was reason to believe that the enterprise projected against the Spanish dominions was relinquished.

But it appears to have been revived upon principles which set public order at defiance, and place the peace of the United States in the discretion of unauthorized individuals. The means already deposited in the different departments of Government are shown, by experience, not to be adequate to these high exigencies, although such of them as are lodged in the hands of the Executive shall continue to be used with promptness, energy, and decision, proportioned to the case. But I am impelled, by the position of our public affairs, to recommend that provision be made for a stronger and more vigorous opposition than can be given to such hostile movements under the laws, as they now stand.

G. WASHINGTON.

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The Message and papers were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to compensate Arthur St. Clair; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

It was then moved and seconded to amend the said bill at the Clerk's table, by striking out the second clause, in the words following, to wit:

"That he be further allowed at the rate of — dollars per day, from the tenth day of June, one thousand seven hundred and eighty-eight, to the — day of May, one thousand seven hundred and eighty-nine, being the time he was employed in the business of Indian treaties, and till the delivery of the said treaties to the President of the United States."

And on the question thereupon, it passed in the negative—yeas 25, nays 55, as follows:

YEAS.—Abraham Baldwin, Thomas Blount, Thomas P. Caines, Thomas Claiborne, Joshua Coit, Jonathan Dayton, George Dent, James Gordon, George Hancock, James Hillhouse, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Israel Smith, Zephaniah Swift, Uriah Tracy, Thomas Tredwell, John E. Van Allen, Francis Walker, Benjamin Williams, and Joseph Winston—27.

THE HOUSE resolved itself into a Committee of the Whole House on the bill to authorize the settlement of the account of Lewis Dubois, for his services in and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

Mr. CLARK, from the committee appointed, presented a bill to alter the time for the next annual meeting of Congress; which was read twice, and ordered to be engrossed and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be read the third time, it passed in the negative—yeas 37, nays 40, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Benjamin Bourne, Lambert Cadwalader, Thomas P. Caines, David Cobb, Peleg Coffin, William J. Dawson, Henry Dearborn, William Findley, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Peter Muhlenberg, William Van Murray, Josiah Parker, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gassbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Richard Winn.

Another motion was then made and seconded to amend the said bill, by striking out, in the third clause, the words "for a negro killed in defence of the public stores, the sum of two hundred dollars." And on the question thereupon, it was resolved in the affirmative.

Ordered, That the said bill, as amended, be engrossed and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose and reported progress.

WEDNESDAY, May 21.

An engrossed bill to compensate Arthur St. Clair was read the third time and passed, by the following vote:

YEAS.—Fisher Ames, James Armstrong, Theodore Bailey, Abraham Baldwin, John Beatty, Benjamin Bourne, Lambert Cadwalader, Thomas P. Caines, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, William Findley, Thomas Fitzsimons, Ezekiel Gilbert, William B. Giles, James Gillespie, Alexander Gillon, Andrew Gregg, Samuel Griffin, William Barry

Grove, Thomas Hartley, Daniel Heister, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, Peter Muhlenberg, William Van Murray, Joseph Neville, Alexander D. Orr, Josiah Parker, Thomas Scott, Theodore Sedgwick, John S. Sherburne, John Smilie, William Smith, Silas Talbot, George Thatcher, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Richard Winn—50.

NAYS.—Thomas Blount, Thomas Claiborne, Joshua Coit, William J. Dawson, Jonathan Dayton, George Dent, James Gordon, George Hancock, James Hillhouse, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Mebane, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Israel Smith, Zephaniah Swift, Uriah Tracy, Thomas Tredwell, John E. Van Allen, Francis Walker, Benjamin Williams, and Joseph Winston—27.

The House resolved itself into a Committee of the Whole House on the bill to authorize the settlement of the account of Lewis Dubois, for his services in and after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

Mr. CLARK, from the committee appointed, presented a bill to alter the time for the next annual meeting of Congress; which was read twice, and ordered to be engrossed and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act to make provision for the widow and orphan children of Robert Forsyth, who was killed in the service of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be read the third time, it passed in the negative—yeas 37, nays 40, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, Benjamin Bourne, Lambert Cadwalader, Thomas P. Caines, David Cobb, Peleg Coffin, William J. Dawson, Henry Dearborn, William Findley, Ezekiel Gilbert, Alexander Gillon, Nicholas Gilman, Henry Glenn, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, Peter Muhlenberg, William Van Murray, Josiah Parker, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gassbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Richard Winn.

NAYS.—James Armstrong, Theodore Bailey, John Beatty, Thomas Blount, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, George Dent, William B. Giles, James Gillespie, Benjamin Goodhue, Christopher Greenup, George Hancock, James Hillhouse, John Wilkes Kittera, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Mebane, William Montgomery, Joseph Ne-

ville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Francis Preston, John S. Sherburne, Jeremiah Smith, Israel Smith, Zephaniah Swift, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Artemas Ward, Benjamin Williams, and Joseph Winston.

Resolved, That the said bill be rejected.

An engrossed bill to authorize the settlement of the account of Lewis Dubois, for his services in the late Army of the United States, was read the third time and passed.

An engrossed bill to alter the time for the next annual meeting of Congress was read the third time and passed.

Resolved, That the President of the Senate and the SPEAKER of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on the third day of June next.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House again resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Committee rose and reported progress.

The following Message was received from the PRESIDENT of the UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

I lay before you, in confidence, sundry papers, by which you will perceive the state of affairs between us and the Six Nations, and the probable cause to which it is owing; and, also, certain information, whereby it would appear that some encroachment was about to be made on our territory by an officer and party of British troops. Proceeding upon a supposition of the authenticity of this information, although of a private nature, I have caused the representation to be made to the British Minister, a copy of which accompanies this Message.

It cannot be necessary to comment upon the very serious nature of such an encroachment, nor to urge that this new state of things suggests the propriety of placing the United States in a posture of effectual preparation for an event which, notwithstanding the endeavors making to avert it, may, by circumstances beyond our control, be forced upon us.

UNITED STATES, May 21, 1794.

The said Message and papers were read, and ordered to be committed to the Committee of the Whole House on the state of the Union.

THURSDAY, May 22.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on stamped vellum, parchment, and paper; which was read twice and committed.

Mr. BALDWIN, from the committee appointed to examine into the state of the Treasury Department, and to report generally and specially thereupon, made a report; which was read and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

A message from the Senate informed the House, that the Senate have disagreed to the resolution of this House for furnishing the Executives of the several States with a copy of the book marked A, deposited in the Treasury Department by the Commissioners who settled the accounts between the United States and the individual States. The Senate have agreed to the resolution of this House, authorizing the President of the Senate and SPEAKER of the House of Representatives to close the present session by adjourning their respective Houses on the third day of June next.

The SPEAKER laid before the House a Letter from the Attorney-General accompanying a table of costs and fees for the Courts of the United States, made in pursuance of the resolution of this House, of the eleventh of January, one thousand seven hundred and ninety-three; which were read, and ordered to be referred to Mr. BOUNDNOT, Mr. WILLIAM SMITH, and Mr. KITTERA.

FRIDAY, May 23.

Mr. LYMAN, from the committee to whom was referred the petition of sundry inhabitants of Salem, Beverly, and Danvers, in the State of Massachusetts, made a report. Whereupon,

Resolved, That the bounty allowed by law to vessels employed in the bank or cod fisheries of the United States, in lieu of a drawback of the duty on salt, be extended to, and include all vessels of more than thirty, and not exceeding seventy tons admeasurement.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. LYMAN, Mr. WINDFORD, and Mr. HOLLEN, do prepare and bring in the same.

Mr. NEVILLE, from the committee to whom was recommended the bill to amend the act, entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto," reported an amendatory bill; which was read twice and referred.

Mr. FITZSIMONS, from the committee to whom was referred the motion of the twelfth instant, for the acceptance of a cession by the State of New York, of a piece of land at Montauk Point; also, the exemplification of an act of the Legislature of the said State, transmitted by a written Message from the PRESIDENT of the UNITED STATES of the twenty-seventh of February, one thousand seven hundred and ninety-three, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the amendments reported yesterday, by the Committee of the Whole House, to the bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, and the same being twice read, were, on the question severally put thereupon, agreed to by the House.

The said bill was then further amended, and together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The following Message was received from the President of the United States:

Gentlemen of the Senate and of the House of Representatives:

I lay before you the copy of a Letter from the Minister Plenipotentiary of his Britannic Majesty, in answer to a Letter from the Secretary of State, communicated to Congress yesterday; and also, the copy of a Letter from the Secretary, which is referred to in the above mentioned Letter of the Minister.

G. WASHINGTON.

UNITED STATES, May 23, 1794.

The said Message and papers were read, and ordered to lie on the table.

Ordered, That a Committee be appointed to prepare and bring in a bill or bills allowing further compensation for the services of Robert Forsyth, late Marshal of the District of Georgia; and that Mr. BALDWIN, Mr. CLAIBORNE, and Mr. CADWALLADER, do prepare and bring in the same.

NON-INTERCOURSE WITH GREAT BRITAIN.

On a motion made and seconded that the House do come to the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That, until the Government of Great Britain shall make or give satisfactory assurances to the President of the United States of their intention to make full and ample compensation for all injuries done by the ships of war and privateers of that nation, to the citizens of the United States, since the eighth day of June last, all commercial intercourse between the United States and the islands and colonies of the British King in the West Indies, and on the Continent of America, shall be prohibited; and during the continuance of such prohibition, no ship or vessel, owned wholly or in part, by any subject of the King of Great Britain, shall be allowed to load in, or sail from, any port in the United States, with any article or articles of provision:

The previous question was called for by five members, to wit: "Shall the main question to agree to the said resolution be now put?" And, on the previous question, "Shall the said main

question be now put?" it passed in the negative—yeas 24, nays 46, as follows:

YEAS.—Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Barnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, James Gillespie, Alexander Gillon, Christopher Greenup, John Hunter, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Joseph Neville, Anthony New, Andrew Pickens, John Smilie, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Benjamin Bourne, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Andrew Gregg, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Malbone, William Montgomery, Peter Muhlenberg, John Nicholas, Nathaniel Niles, Josiah Parker, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peter Van Gassbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

TOBACCO AND SUGAR DUTIES.

The House went into a Committee, Mr. TRUMBULL in the Chair, on the bill for an excise on tobacco, snuff, and refined sugar.

In the first section it was agreed to strike out the words, "tobacco and." This proposed that the word tobacco be struck out in every subsequent part of the bill, so that the duty be confined to the manufacture of snuff.

Mr. MURLEBERG (the SPEAKER) moved to strike out the second section, viz: "that from and after the — day of — there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound."

He would not trouble the Committee with any comments on the excise, enough having already been said on that subject; although he could not forbear mentioning, that in England, where almost every thing was subject to an excise, and where the Minister is ever on the watch to discover new articles for that purpose, that loaf sugar had never yet been taxed, the Committee on Ways and Means had all the credit of the seasonable discovery. The reason for not attempting an excise on this article was obvious, because the manufacture employed a greater quantity of shipping than any other, they therefore rather wished to encourage than to depress it; the former of which they effectually do, by allowing a generous drawback on exportation of refined sugar, for which the different ports of the Continent afford them a constant and ready market. The case was widely different here. The manufacture is yet in its infant state—it has to contend with the old established ones in Europe, who have larger capitals and can afford longer credits, whereas we have not only no market to export it to, but even now already, can annually make a quantity more than

sufficient for the consumption of the United States. It is true, it appears from the last returns, that upwards of 200,000 lbs. of refined sugars, were imported last year, which is about the same quantity which two houses might furnish in one year, but it is to be observed, that owing to the high price of raw sugars, some establishments were not worked at all, whilst others did not work above eight or nine months in the year, and I will here, said Mr. M., venture to assert, that if this duty of two cents actually takes place, some of those who are now engaged in this difficult and expensive business will abandon it and turn their capitals into other channels. I do not stand alone in this opinion, others, of more experience join me, and it is founded on the following incontrovertible facts. Raw sugars have for several years past been so high, that refined sugars naturally bore an equally high price. This has already lessened the consumption, to a considerable degree in the United States, and from the present prospect before us, when the French islands are in the hands of the British, the probability is, that they will rather be higher than lower; and if the two cents be added to the present high price of refined sugars, the consumption will still be lessened in the same proportion as the price of the article increases. This observation is founded on facts, which every person concerned in the business has felt, and daily experiences; nay, it can be proved, however strange it may appear, that a less quantity of refined sugar is consumed at present in the United States, than a year or two before the Revolution. Again, owing to the high price of refined sugars, and which must still be higher when this duty takes place, many even of our opulent families, have, in a great degree, abandoned the use of it, and substituted the white Havana, or the white East India sugar. I well remember a remarkable instance of this kind which took place not many months ago in this city. A gentleman having imported a considerable quantity of white East Indies sugar, sold it to the refiners of this place. Before the sale was concluded, he reserved a quantity for himself and an opulent friend of his. The consequence was that neither himself nor his friend used the year before.

Permit me to add another circumstance. Sugars are higher at present, and from a variety of circumstances must continue to be higher here than in England, and although an additional duty on imported loaf and lump sugar may take place, unless it exceeds what I have yet heard mentioned they will be able to undersell the manufacturers here, and this from the single circumstance of their being allowed a drawback of 26s. sterling per cwt., for if even a drawback of the same sum was allowed us here, which is not to be expected, it cannot operate, because we have no market for this article. In the West Indies, it is well known to be contraband, and to transport it to Europe, would be carrying water into the ocean, and even then it could not be accomplished on as low terms as the Europeans can afford to do it.

One fact more, equally incontrovertible, suffer me to add. By the additional duty on coal, which I am far from disapproving, because I wish to encourage the consumption of our home productions, you have, in fact, laid an additional tax on sugar. Every work of this kind consumes annually from 2,000 to 4,000 bushels. This article was heretofore at the rate of eleven pence or one shilling per bushel; owing to the duty on imported coal, it has now risen to 2s. to 2s. 3d. This naturally enhances the price of the article made in this manufacture, which is already burdened to a considerable degree with taxes or duties. Thus, there is a duty on the raw material, a duty on the paper they use, a duty on the twine, a duty on the coal, and, to crown all, a duty is intended on the article produced in this devoted manufacture. If it is thus, my friend from Connecticut means to do us good, or if this is the decided encouragement and protection my colleague means to yield us, it is such a one as I am sure the manufacturer will not thank him for.

Sir, I could add that this bill partakes strongly of the nature of a sumptuary law; that in case of a war it will not produce you any revenue, because the supplies of the raw material are too irregular, and no other but imported sugar is refined, which already pays a duty—and that by this duty you not only lessen the consumption, but also increase the number of those who cannot pay for it; but I forbear to trespass any longer on the patience of the Committee on this subject.

But, Mr. Chairman, we want money to build our frigates and arsenals, to fortify our ports and harbors, and to release our unfortunate brethren in captivity. We want revenues. If this really be the intention of the Committee, and not merely to establish the principle of excise on home manufactures, no one will join more cheerfully in such measures as shall appear most prudent and most likely to obtain the object, and which, in my opinion, will neither injure the commerce of this country, nor in an equal degree the manufactures, nor indeed the poorer sort of the community who consume the article of sugar.

By the last returns which I could lay my hands on, it appears that there are annually imported into the United States upwards of twenty-five millions of pounds of sugar, and from the same returns it appears that about four or four and a half millions are exported, which are allowed a drawback of the duty on exportation; thus then there are upwards of twenty millions of pounds annually consumed in the United States.

You have, in the late impost bill, imposed an additional duty of one cent per pound on coffee; half that sum additional duty on raw sugar will yield you upwards of 100,000 dollars. This then will at once yield you the sum which the Committee expected from an excise both on sugar and manufactured tobacco, and will neither injure the merchant, nor in an equal degree the manufacturer, nor indeed the poor; the latter, and in my opinion none but the idle can be so, as well as many others, have long since substituted molasses for all the purposes for which they heretofore used sugar; besides which the American sugar is daily getting

more into use, and bids fair to become general, at least at and near the frontiers.

When, therefore, it is considered that this manufacture is yet in its infancy in the United States, that it has to contend with the old established ones in Europe, that there is no excise on this article in England, that this manufacture employs a great quantity of tonnage; that raw sugars are high here, and comparatively low in Europe, that there is a drawback in England, which operates as a bounty, and which from local situations cannot operate if even granted, with the same advantage here; when it is reduced to a certainty that the duty will operate injuriously on the manufactures here; and when it appears that double the sum can be raised by a trifling additional duty on raw sugar, without any additional expense or inconvenience, and which will effectually remove the evils complained of, I flatter myself the motion will prevail.

Mr. FRIZZMONS objected to the proposal of the SPEAKER, for a tax of half a cent per pound on common sugar imported. The unrefined sugar formed a considerable portion of the subsistence of the poor. Formerly, the price of it was not more than six pence (currency,) but it is now twelve pence, per pound. The coffee duty was another, to which Mr. F. had felt reluctance, because coffee is an article of universal consumption, and the tax upon it falls where taxes ought not to fall, that is upon the poor; but there is no help for it. He would, if possible, have avoided this tax, for coffee, formerly eleven pence or a shilling per pound, has risen to one shilling and ten pence. Mr. F. said, that we are able to lay a heavy enough tax on imported sugar, effectually to protect our own sugar refiners. It had been said that the two cents per pound of duty would make it requisite for the refiners to augment their capitals. This he could not believe, because the Executive gives credit to the manufacturers for the payment of the duty. Mr. F. said, that the time was perhaps not distant, when we shall be obliged to seek sugar in the East Indies. Britain has acquired the West Indies, which will increase the difficulties of this country in obtaining it from that part of the world.

Mr. M'DOWELL hoped that the section would be struck out. He objected to the principle of the bill. He considered it as highly impolitic to tax the infant manufactures of America. He would rather, if the Public Treasury could afford it, give a premium for the encouragement of our manufactures upon Europe. This dependence of ours has repeatedly been urged as a reason why the House ought not to adopt certain commercial regulations and restrictions. Some gentlemen had undertaken to prove that the manufacturers would be benefited by such laws, an assertion which he considered as very extraordinary. The manufacturers themselves understood their business best, and thought quite otherwise. This tax will not only alarm those already engaged, but will prevent other men of enterprise and capital from engaging in manufactures, when they find that the mo-

ment their business becomes profitable, they are to be taxed.

He could not help remarking upon some observations that fell from his friend, [Mr. BALDWIN, from Georgia,] when this subject was before the Committee some days ago. It had been objected that the bill was not well founded, as it established a new principle; and the member [Mr. BALDWIN,] replied, that it was not new, as there was already an excise fixed on ardent spirits. He had opposed that law, but since it was passed, he could not object to the present bill. Had the gentleman reflected, he would have seen that there was equal reason for resisting this bill, because it fixed that obnoxious principle more strongly, by giving a further sanction to an American excise. Mr. M'D. also considered the tax to be unnecessary. The tax was contemplated on the prospect of a war which has now become less likely, the British having since the Orders of the 8th of January, relaxed their depredations. Further, the tax was unnecessary, because, it was asserted by several very well informed merchants, that the amount of the impost this year would exceed that of the last.

On dividing, the motion for striking out the clause was rejected—Ayes 31, nays 45.

Mr. M'ULLENBERG then stated a variety of inaccuracies in the wording of the bill. The word boiler was applied, as if it meant a pot for boiling the sugar. The word meant the superintendent of the operation, and Mr. M. presumed that the House did not intend to treat him, as specified in the bill. He wrote over the whole clause anew, and his alterations were agreed to.

The Committee rose, and the Chairman reported the amendments to the House, which were agreed to.

Ordered, That the said bill, with amendments, be engrossed, and read the third time to-morrow.

SATURDAY, May 24.

An engrossed bill for determining the Northern boundary of the territory ceded to the United States by the State of North Carolina, was read the third time and passed.

An engrossed bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas, was read the third time and passed.

An engrossed bill, laying certain duties upon manufactured tobacco and refined sugar, was read the third time and passed.

The SPEAKER laid before the House a Letter from Arthur St. Clair, Governor of the territory of the United States Northwest of the river Ohio, enclosing a letter from him to the Secretary of War, and the answer thereto, respecting a claim for three horses killed in the action with the Indians, on the fourth of November, one thousand seven hundred and ninety-one; which were read, and ordered to lie on the table.

Mr. BALDWIN, from the committee appointed, presented a bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia; which was read twice and referred.

Ordered, That the report of the committee to whom was referred the Message from the President of the UNITED STATES, of the eighteenth of March last, relative to an advance of money requested by the Minister of the French Republic, which lay on the table, be committed to a Committee of the Whole House on Monday next.

Mr. FIDLER, from the committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred ninety-two, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to continue in force the act for the relief of persons imprisoned for debt." The Senate have also passed a bill, entitled "An act further extending the time for receiving on loan the Domestic Debt of the United States;" to which they desire the concurrence of this House.

The said bills were severally read twice, and ordered to be read the third time on Monday next.

An engrossed bill, laying certain duties upon manufactured tobacco and refined sugar, was read the third time and passed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to authorize the President of the UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States." The Senate have also passed a bill, entitled "An act for extending the benefit of a drawback and terms of credit in certain cases, and for other purposes;" to which bills they desire the concurrence of this House.

The said bills were severally read twice and referred.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties upon carriages for the conveyance of persons; which was read twice, and committed.

Mr. MADISON moved, that a late Message from the President, which had been referred to a select committee, be referred to a Committee of the Whole House. The Message was relative to an advance of money to the Ambassador of the Republic of France. Some time ago, it had been found that there was no money in the Treasury, but what had been appropriated. There is now money unappropriated. This Message was made the order of the day for Monday next.

Mr. M'DOWELL laid on the table a resolution, instructing the Secretary of the Treasury to lay before the House, on the second Monday after the meeting of the next session of Congress, a statement of the balances remaining due from individuals to the United States, distinguishing between those due under the late, and the present Government, and whether any, and what steps, have been taken to recover the same; and also a statement of the sums of public money intrusted to the hands of individuals under the late Government, which have not been accounted for.

SNUFF AND SUGAR DUTIES.

The House then took up the bill for laying a duty on snuff and refined sugar. Several clauses were discussed. It was moved that the bill be referred to a Committee of the Whole House. Agreed. The House went into a Committee immediately—Mr. PARKER in the Chair. After some conversation, the Chairman reported the bill to the House, without amendment.

THE EMBARGO.

Mr. GILLON rose and adverted to the correspondence that had been read yesterday, between Mr. RANDOLPH and Mr. HAMMOND. He had been called on by five shipmasters with a petition to Congress, which was read by the Clerk, and ordered to lie on the table.

Mr. G. then made a motion for the renewal of the Embargo. For this, he assigned several reasons.

Mr. GOODHUE wished for an immediate discussion of this question. A resolution of the same nature had some time ago received the consideration of the House. He supposed that it had been considered thus early, in order that it might reach the distant parts of the Union. He was then in the small minority for continuing it, but a great majority of the House were of a different opinion. In consequence of that decision, he took it for granted that the merchants had made their arrangements, and it appeared to him, to be somewhat trifling with them, under such circumstances, to make this proposal, and especially as the present Embargo expires to-morrow. It will be impossible for us now to renew it so as to prevent the vessels of the Union from going out, unless it be from the port of Philadelphia.

Mr. CLARK was for deferring the discussion till Monday. The captains of the vessels can, in the meantime, if they please, embargo themselves.

Mr. BORDINOR was against it at present. It would have been much better to have continued it. It would be unequal to lay it on here to-day, while vessels at the same time would be sailing from New York.

Mr. PARKER felt it impossible to form a judgment on this question so suddenly. It was perhaps as important a one as had ever come before that House. He wished to have time to think of it. At present, he could not venture to give an opinion.

Upon this, Mr. GILLON, with leave of the House, withdrew his motion, with the intention of renewing it on Monday.

MONDAY, May 26.

The bill sent from the Senate, entitled "An act to continue in force the act for the relief of persons imprisoned for debt," was read the third time, and passed.

The bill sent from the Senate, entitled "An act further extending the time for receiving on loan the Domestic Debt of the United States," was read the third time and passed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message from the Pres-

SIDENT OF THE UNITED STATES of the eighteenth March last, relative to an advance of money requested by the Minister of the French Republic; and, after some time spent therein, the Committee rose and reported progress.

Resolved, That the Secretary of the Treasury lay before this House such information, respecting any loans negotiated in Europe for the United States, as he may be possessed of, and which has not already been laid before the Legislature, and the purposes to which they stand appropriated.

STAMP DUTIES.

The House resolved itself into a Committee of the Whole House on the bill laying duties on stamped vellum, parchment, and paper; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House. And, on the question that the said bill be engrossed, and read the third time, it was resolved in the affirmative—yeas 44, nays 35, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Henry Dearborn, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, John Hunter, John Wilkes Kitter, Henry Latimer, Amasa Learned, William Montgomery, William Vass Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Richard Winn.

NAYS.—Theodore Bailey, Abraham Baldwin, Thomas Claiborne, Isaac Coles, Gabriel Christie, William B. Giles, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Daniel Heister, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Alexander Melrose, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Josiah Parker, Robert Rutherford, John Smith, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act authorizing a settlement of certain expenses of the Commissioners of Loans." The Senate have also passed a bill, entitled "An act allowing an additional compensation to the principal Clerks in the Department of State, and in the Treasury and War Departments, for the year one thousand seven hundred and ninety-four," to which bills they desire the concurrence of this House.

The said bills were severally read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill to amend the act,

entitled "An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-morrow.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

The Commissioners of his Catholic Majesty having communicated to the Secretary of State the form of a certificate, without which the vessels of the United States cannot be admitted into the ports of Spain, I think it proper to lay it before Congress.

G. WASHINGTON.
UNITED STATES, May 26, 1794.

The said Message and certificate were read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill providing for the payment of the second instalment due on a loan made of the Bank of the United States; and, after some time spent therein, the Committee rose and were discharged from the further consideration of the bill, and it was recommitted to Mr. SEDGWICK, Mr. GILES, and Mr. MONTGOMERY.

TUESDAY, May 27.

SOLDIERS' LAND TITLES.

The bill respecting the settlement of the officers and soldiers of the Virginia line on the Territory Northwest of the Ohio, being read the third time,

Mr. BALDWIN objected to the passage of this bill, as a total departure from the former principles of the old Congress on this question. He had many reasons for opposing it. He was sorry that he had not done so yesterday, when it was before a Committee of the Whole. He recommended, in place of this bill, that there should rather be provisions correcting the former proceedings on the subject.

Mr. NICHOLAS replied, that gentlemen divide their efforts so strangely, that business cannot be got through. The member had not examined the bill, or he must have seen that his objections never would apply. By it, the public never could be defrauded of an acre of land. As far as the officers and soldiers cannot be provided for on the Southwest side of the Ohio, they must have settlements on the Northwest. There is not room for them on the former side, and therefore they must be settled on the other. There was no reason to doubt the propriety of this measure. He enlarged on the necessity for this allocation, and on the security which the public had of their not being defrauded.

Mr. BALDWIN repeated his reasons for disapproving of the bill, and attempted to demonstrate that there was no satisfactory evidence of necessity for granting this second allocation of lands. He was convinced that there had been a total departure from the old principles. If there was not a great hurry about the bill, he could wish it to be deferred.

Mr. CLARK did not think the checks in the bill sufficient. He specified certain descriptions of persons, who might get lands to which they were not entitled.

Mr. NICHOLAS read a part of the bill to show that there could be no imposition. Here is a plain law, which no man's understanding can depart from. There was not the shadow of a pretence to object to this bill. The old Congress did acknowledge the necessity for such a location as was now proposed, because, without it, there was not a sufficiency of land. A passage from the proceedings of the old Congress, which Mr. N. read, stated the absolute necessity for it.

Mr. VENABLE said, that many of these settlers had already spent more time and money in prosecuting these claims, than the lands themselves, if they should at this moment receive them, were worth. He was for the bill.

Mr. RUTHERFORD was on the same side of the question. He said that three hundred of the persons in question had settled themselves on the Northwest of the Ohio, and wanted the rights to their respective lands.

Mr. FITZSIMONS also recommended the passing of the bill.

Mr. GILES.—Much had been said about the survey of these lands, as if it had not been accurate. He knew the gentlemen who had made it, and they were of the most respectable character. There was not in America, he believed, a better man than the gentleman who was at the head of it; so that it was entirely out of place to be coming forward now, and saying that the survey was wrong. An idea had gone abroad, that the North Carolina line was not completed, but the member affirmed that it has been so. Many will not be at the expense requisite for accepting of these lands and taking out of patents. The old law quoted by his colleague [Mr. NICHOLAS] had acknowledged the survey to be right. Mr. G. himself once had a claim for some of these lands. But he would rather give it up than be at so much expense and trouble about it. This was a very hard case on many persons. They had sold their property on the old settled lands, went to the new allocation, in confidence on public faith, and now cannot get their rights. He hoped, therefore, that the bill would pass, or, that the gentlemen on the opposite side would show some other remedy for this grievance.

On putting the question, fifty-five gentlemen arose in favor of the bill. It accordingly passed.

STAMP DUTIES.

An engrossed bill, laying duties on stamped vellum, parchment, and paper, was read the third time, and on the question that the said bill do

pass, it passed in the negative—yeas 32, nays 50, as follows:

YEAS.—James Armstrong, John Beatty, Lambert Cadwalader, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Benjamin Goodhue, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, John Wilkes Kitter, Henry Latimer, William Montgomery, William Vass Murray, Andrew Pickens, Theodore Sedgwick, Zephaniah Swift, George Thatcher, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, and Richard Winn.

NAYS.—Fisher Ames, Theodorus Bailey, Abraham Baldwin, Thomas Blount, Elias Boudinot, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, Henry Dearborn, William Findley, William B. Giles, Nicholas Gilman, Henry Glenn, George Hancock, Daniel Heister, Amasa Learned, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Melrose, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, William Smith, Thomas Sprigg, Uriah Tracy, Thomas Tredwell, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Jeremiah Wadsworth, Francis Walker, John Watts, Benjamin Williams, and Joseph Winston.

And so the said bill was rejected.

The SPEAKER laid before the House a Letter and Report from the Secretary of the Treasury, pursuant to the resolution of yesterday; which were read, and ordered to be referred to the Committee of the Whole House, to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the 18th of March last, relative to an advance of money requested by the Minister Plenipotentiary of the French Republic.

Mr. SEDGWICK, from the committee to whom was recommitted the bill providing for the payment of the second instalment due on a Loan made to the Bank of the United States, made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill laying duties upon carriages for the conveyance of persons; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

WEDNESDAY, May 28.

The House proceeded to consider the amendments reported yesterday, by the Committee of the Whole House, to the bill laying duties upon carriages for the conveyance of persons; and, the same being read, some were agreed to, and others disagreed to.

The said bill was then further amended, and,

together with the amendments, ordered to be engrossed, and read the third time to-morrow.

Mr. MURRAY, from the committee appointed, presented a bill for the registration and protection of American seamen; which was read twice, and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on licenses for selling wines and distilled spirituous liquors by retail; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill for the more effectual protection of the Southwestern frontier settlers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and on the question put thereupon, disagreed to by the House.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. SEDGWICK then moved that the House should take up the subject of the Bank instalments, as it would require but a few minutes.

Mr. GILES, the Message of the PRESIDENT, as to the application of the French Ambassador for money; and

Mr. McDOWELL the bill for the more effectual protection of the Southwestern Territory.

The three members rose all at the same time, and were each of them equally anxious for preference, in the priority of discussion. A preference was given to Mr. McDOWELL's motion. This bill had been frequently postponed, while the people for whose safety it is intended had been, during many years, liable to incessant alarm from the savages, and if anything was to be done at all, it was proper that it should be done now. The House resolved itself into a Committee on the bill, (Mr. PARKER in the Chair.) After some time spent therein, the Committee rose and reported an amendment to the bill, which was negatived in the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. SEDGWICK then moved that the House go into a Committee on the bill providing for the payment of the second instalment due on the Loan from the Bank of the United States. Agreed to, (Mr. PARKER in the Chair.) After making some amendments, the Committee rose, and reported the same to the House.

ADVANCE OF MONEY TO FRANCE.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Message of the PRESIDENT OF THE UNITED STATES, of the 18th of March last, relative to an advance of money requested by the Minister of the French Republic.

Mr. GILES offered the following motion:

"Resolved, That the President of the United States be authorized and requested to apply the proceeds of the Loan of three millions of florins, lately obtained in Holland, towards the discharge of the debt remaining due to France; or to the protection and defence of the United States, if, in his opinion, the same should be

found necessary for that purpose, any appropriation to the contrary notwithstanding."

Mr. HILLHOUSE was of opinion, that, before any payments in advance should be made to the French Minister, it was proper to secure the indemnification of our own citizens, who had sustained such immense losses by the detention of their vessels in the ports of the Republic, both in Europe and the West Indies. Mr. H. here made a distinction, that if the term stipulated for payment of an instalment to France had actually arrived, he would have made that payment, though they had burnt our ships, and have sought redress in the ordinary way. But when they come forward before the money is due, and make such a requisition, he thought it a fair opportunity to secure the claims of American citizens.

Mr. NICHOLAS was in favor of the motion. He felt, as an American, that the cause of this country, and of France were inseparably connected; and that giving the money to the Republic was equivalent to expending it in the service of the United States. He reminded the House of the indelible obligations of America to France. That the Republic is now reduced to distress, as this country was when supported by the French arms. Every principle of humanity, of honor, of gratitude, and of justice, calls upon us to give that nature the most effectual support in our power.

Mr. FITZSIMONS.—The Americans have applied to M. Fauchet, for payment in this country. He has assured them that he cannot give it, but that he will inform the French Government of their application. They are satisfied to wait for the reply to the Minister, which is expected from Europe.

Mr. AMES remarked, that, as the three millions of florins had been loaned in Holland for the defence of this country, it would be something worse than imprudence to give it away for any other purpose. The cause of France does not depend on her receiving a million of dollars. She is in a much better situation to give us that sum, than we are to advance it for her. He did not think that, to keep our money to ourselves, and to bestow it upon France, were the same thing, nor did he believe that it would be so considered by the citizens of the United States. He could not approve the motion.

Mr. GILLON thought that, as to the claims of American citizens, a complete answer had been given by the member from Pennsylvania. If the merchants themselves are willing to wait for an answer from France, nobody else has any concern with the matter. He rejected the idea of not paying the money to the French until it was due, unless with a restriction in favor of the American claimants. The money due to France had been advanced by her in the time of our utmost distress. It was at present wanted for her own defence. To indulge us, indeed, she had formerly granted a longer time than she was obliged to grant for the repayment. But if necessity compelled her to solicit an abridgment of that indulgence, is it consistent with the feelings of honor and generosity, to refuse her such a request?

Mr. WADSWORTH was too ill-informed upon this question, to know upon what side he ought to vote. Much had been said about the gratitude due from this country to France. We had been grateful, indeed, since we had suffered them for a long time past to plunder our vessels without making a complaint. He stated that the American property seized in the ports of France amounted to one million of dollars, and that taken by her in the West India Colonies, to four millions of dollars. Much of this property had been paid for in such a way, that the owners did not realize more than twenty-five per cent. of its value. The present application had been made a long time ago, and Mr. W. did not suppose that the French Minister could, at present, be in any want of the money. Since the time when he first sought for it, something had happened which altered the case. The greatest portion of specie in America is now at the command of M. Fauchet. There can be, therefore, no pretence for giving away this million of dollars on the plea of necessity. The Republic herself possesses, if we are to believe common fame, more cash than all the Kings in Europe; and though the story may be very greatly exaggerated, yet make allowance for exaggeration, and still her treasures are very great. No part of her misfortunes can be ascribed to the want of money. Matters so standing, he thought that it was our duty to make a halt, and begin to take some care of the interest of our fellow-citizens. As for gratitude towards the Republic, he felt as much of that sentiment as those who talked more about it than he did. But he had not learned any good reason why this money should be disposed of in this way; and he could not agree to vote so great a sum where he could not see the need.

Mr. BOYDRE said, that the purposes for which it had been first asked, had been long since accomplished without it. The transportation of the emigrants of St. Domingo to France had been given as a reason for this request, but they were all gone already.

Mr. SEDGWICK and Mr. GOODHUE also spoke. The resolution was carried in the Committee, and reported to the House, where it was likewise carried; and it was

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. MADISON, Mr. BEATTY, and Mr. HEISTER, do prepare and bring in the same.

THURSDAY, May 29.

TAX ON CARRIAGES.

An engrossed bill, laying duties upon carriages for the conveyance of persons, was read the third time, and

Ordered, That the first section thereof be committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into a Committee of the Whole House, on the said section; and, after some time spent therein, the Chairman reported that the Committee had had the section committed to them under consideration, and

made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said section, as amended, be presently engrossed; and, the said section being accordingly brought in engrossed,

Mr. MADISON objected to this tax on carriages as an unconstitutional tax; and, as an unconstitutional measure, he would vote against it.

Mr. AMES said, that it was not to be wondered at if he, coming from so different a part of the country, should have a different idea of this tax from the gentleman who spoke last. In Massachusetts, this tax had been long known; and there it was called an excise. It was difficult to define whether a tax is direct or not. The duty falls not himself that this was not so. The duty falls not on the possession, but the use; and it is very easy to insert a clause to that purpose, which will satisfy the gentleman himself. Mr. MADISON had said that the introduction of this tax would break down one of the safeguards of the Constitution. Mr. A. really saw very little danger to the Constitution from it.

Mr. MADISON explained.

The said bill was then read the third time; and, on the question that the same do pass, it was resolved in the affirmative—yeas 49, nays 22, as follows:

YEAS.—Fisher Ames, James Armstrong, Theodorius Bailey, Abraham Baldwin, John Beatty, Benjamin Bourne, Thomas P. Caines, David Cobb, Peleg Coffin, Joshua Colt, Jonathan Dayton, George Deut, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Thomas Hartley, James Hillhouse, John Hunter, John Wilkes Kittere, Henry Latimer, Amasa Learned, Francis Malbone, Alexander Mebane, William Vans Murray, Nathaniel Niles, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gassbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, Benjamin Williams, and Joseph Winston.

NAYS.—Thomas Blount, Gabriel Christie, Thomas Claiborne, William J. Dawson, William Findley, William B. Giles, Alexander Gillon, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Andrew Moore, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, John Smilie, Thomas Sprigg, Abraham Venable, Francis Walker, and Richard Wain.

SUNDAY BILLS.

An engrossed bill for the more effectual protection of the Southwestern Frontier settlers was read the third time, and passed.

An engrossed bill providing for the report of the second instalment due on a Loan made of the Bank of the United States, was read the third time, and passed.

The House proceeded to consider the report of the committee to whom was referred the motion of the twelfth instant for the acceptance of a cession by the State of New York of a piece of land at Montauk Point. Whereupon,

Resolved, That the PRESIDENT OF THE UNITED

H. or R.]

Non-Intercourse with Great Britain.

[MAY, 1794.]

STATES be authorized to receive cessions of land from any State to the United States, for the purpose of erecting light-houses or beacons, notwithstanding the jurisdiction of the State may be reserved, except so far as respects the real or personal property of the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. BENJAMIN BOURNE, and Mr. TREDWELL, do prepare and bring in the same.

Mr. MADISON, from the committee appointed, presented a bill providing for the payment of a certain sum of money to the French Republic; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill laying duties on property sold at auction; which was read twice and committed.

NON-INTERCOURSE WITH GREAT BRITAIN.

Mr. GOODHUE moved, that the House resolve itself into a Committee of the Whole House, to take into consideration a bill empowering the PRESIDENT to lay on an Embargo, in the recess of Congress, if in his judgment the public exigencies should render it necessary.

The House accordingly went into a Committee, Mr. PARKER in the Chair. Some amendments were made, and reported, and the House took them up.

Mr. GILLOX observed, that this bill afforded him an opportunity of expressing his acquiescence in the propriety of an Embargo, to be laid by the PRESIDENT, as exigencies should require. He was attached to the principle of the bill, and thought that every addition, which could be useful, ought to be ingrafted on it; he therefore embraced the present opportunity of bringing forward the resolution that he had laid upon the table on Saturday last, for a renewal of the Embargo. The motion was, in substance, that from and after the 10th day of June next, the Embargo shall be renewed. He thought that this motion was a matter that required a discussion, and an immediate decision, as many minds were afloat respecting it. It might be expected, that many remarks would be made in support of this clause being added to the bill; but, when gentlemen recollect that the principles of this measure must have been fully investigated when the question of an Embargo was first contemplated, and that in its renewal similar observations were made, he conceived that a repetition of these principles was unnecessary, as the session was closing. Yet, as some new matters had arisen, he would make some observations on them, in a very brief manner.

He had always held the doctrine, that, in many cases, the voice of their constituents ought to be the guide of the House. This case embraced that idea. He presumed that their constituents were as able to make observations, and to obtain information, as they were; therefore, when our constituents form an opinion, are not we, asked Mr. G., bound to listen to it? Ought we not to re-examine the case? Surely we ought; especially when our constituents publicly assemble together

on the subject, hold solemn debates, form resolves, publish them, and transmit them not only to their own Representatives, but having fully as much confidence in the Representatives of other States, transmit authenticated copies to them also—ought not the House to deem such actions very nearly verging to instructions? Possessed with this idea, Mr. G. said, that it became his duty to press forward a renewal of the Embargo, because the purpose for which it was first laid on had not been obtained, and because new informations are received of the condemnation of a large property, that we were in hopes would have been released by the Orders of the 8th of January, from the Court of London.

The House had been applied to by various meetings of their constituents, from one end of the Continent to the other, to continue the Embargo, and all approving of the former conduct of the Legislature in laying it on; and they had not been applied to by any persons, except some under this roof, to discontinue it. He called on gentlemen to come forward, as he should, with the information that they had all received from their constituents, either for or against the measure. This would bring forward the sense of the constituents, as well as of their Representatives; and having made this call, Mr. G. said, that he should now explain the sense of his own constituents wherein they were expressed in the documents which he had produced to the House from a very respectable number of merchants in Charleston; they are further stated to you by the resolves of the meeting in Pinckney district, a very large district on the coast of South Carolina, which contains upwards of twenty-eight thousand white persons. How many were present Mr. G. knew not, but their resolves breathe an approbation of the Embargo and of its continuance, with an assurance of their determination to support our merchants in their just demand of restitution. Therefore, he should vote for the Embargo to be renewed on the 10th of June next, as supported by a member from New Jersey.

But other reasons occurred, when the subject was under discussion last week. It was observed, that a continuation of the Embargo might work an injury to our allies. He declared himself one of the last men who would hazard any step to injure the interest of our worthy allies, whose acts of friendship to us during the last war had perhaps proved the best props to our seats under this roof. But exceptions might be introduced, to qualify this clause in such a way as not to affect them, by permitting produce to be exported in American bottoms for the French Government, and, if necessary, under convoy. He observed, also, that as many of the French islands were lately captured by the British, no plea could be introduced for supplying them, unless we meant to hold out to the world that we were determined to do good for evil; that is, to furnish the conquerors with all which they needed, to enable them to recommence their depredations against our commerce; for, without our supplies, they could not keep their privateers out. The crops in

MAY, 1794.]

Invalid Pensions—Sundry Bills.

[H. or R.]

France were advancing; by which, with the late supplies gone and going from hence, he thought that our allies would not be in want. For these reasons, he did not see how the Embargo could operate as an injury to our allies. But, sir, said Mr. G., let us examine the situation of our merchants. They have applied to you for redress. They have no other appeal to make but to you, where cognizance can be taken of their case. What have you done? There is on your table a resolve to guarantee a general indemnification to them, and another to sequester the British debts; but, as a member [Mr. CLARK] formerly said, they are taking a nap: I rather think that it will be the sleep of death.

If merchants cannot insure their property, they may think of doing as is done in other countries; that is, arm their vessels to defend their property. Have they not a right, sir, to do it? Can you prevent it? No. Well, then, they meet with British privateers; of course they defend themselves, and are likely captured; the treatment which they receive compels you to send to demand your citizens, as was the case in Captain Barney's late capture. The British refuse. Why, sir, the very necessity of a just armistice, which you can form no law to prevent, brings you into what every prudent American would wish to avoid—a war—with any Power.

There is another reason. If the Embargo is not renewed, how are your suffering merchants to be reinstated in their losses? America will not pay them out of her Treasury. You will not make a Loan for them, as I proposed the other day. You will not even extend the time of their paying their dues to your Treasury, as I also proposed. But you let slip through your hands, by the Embargo being off, the only certain fund of restitution, viz. the British property, public and private, now in America; and when that is once gone, to what are the merchants to have recourse? Behold the late correspondence between your Secretary of State and the British Minister here! The instant that you apply for explanations on their troops advancing on your Territories, under Colonel Simcoe, the Minister replies, with a string of retorts on you, just as his Court will do to your Ambassador, Mr. Jay. And here I aver it, as a matter of fact, that when he demands restitution, they will come forward with their demands. The first will be, payment of the prizes sold in America, that were brought in by French cruisers. In what way are you to comply? Surely our citizens are not to be taxed for it. Of course, they refuse you any restitution. Therefore, we are brought under the favorite two words of the official correspondence alluded to—*statu quo*. Yes, a truly *statu quo*; things to remain in the same state as they are at present. The British have plundered you of your property; they keep it in *statu quo*. Well, you have got hold of their property here; keep that also in *statu quo*, by renewing the Embargo, till you have proofs from your Minister Extraordinary that your merchants will receive the damages that they are entitled to for their property captured from them, whilst they were trading under

the protection of your laws, and the laws of nations.

The amendment offered by Mr. GILLOX was negatived, without a division or any further debate; and the bill was ordered to be engrossed for a third reading.

INVALID PENSIONS.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred two reports of the Secretary for the Department of War, respecting the return of invalids; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the Secretary of War be directed to place upon the list of invalid pensioners of the United States all such persons returned by the District Judges of the several districts, under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, as shall appear, by the evidence accompanying such returns, and such documents as may be in the Office of the War Department, to come clearly within the act aforesaid, and are reported by the Secretary of War as having evidence competent; and in case of commissioned officers, contained in the said returns, who may, under this resolve, be placed upon the pension list at a sum less than full pensions, that the same rule respecting a return of commutation be adopted with them as is provided by an act of Congress in favor of Captain David Cook, of December sixteenth, one thousand seven hundred and ninety-one; and that all persons contained in the said returns, whose evidence is not complete, be returned by the Secretary of War to the District Judges, respectively, who reported them, by name, stating the particular reasons why their evidence is not complete, and, in each case, name the person whose evidence of leave-service is not lodged in his office; and the District Judges, respectively, shall forthwith notify, in every part of their districts, the persons named, and the reasons why their evidence is not complete, that they may have an opportunity to complete the same.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. TEACY, Mr. TREDWELL, Mr. BEATTY, and Mr. THATCHER, do prepare and bring in the same.

SUNDEY BILLS.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the President of the UNITED STATES to receive cessions of land for the site of light-houses and beacons, under certain limitations; which was read twice and committed.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act to increase the Military Force of the United States, and to encourage the recruiting service," to which they desire the concurrence of the House.

H. or R.]

Military Establishment.

[MAY, 1794.]

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for extending the benefit of a drawback, and terms of credit, in certain cases, and for other purposes," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered. That the said bill do lie on the table. House be discharged from proceeding on so much of the report of the committee to whom was referred a Report of the Secretary of War on sixty petitions as relates to the petition of John Robbe. *Resolved.* That the said John Robbe be placed on the list of pensioners, pursuant to the Report of the Secretary of War; and that Mr. JESSEMAN SMITH, Mr. CORT, and Mr. MALBOSSE, do prepare and bring in a bill for that purpose.

FRIDAY, MAY 30.

An engrossed bill, authorizing the PRESIDENT OF THE UNITED STATES to lay, regulate, and revoke embargoes, was read the third time, and passed.

MILITARY ESTABLISHMENT.

The bill sent from the Senate, entitled "An act to increase the Military Force of the United States, and to encourage the recruiting service," was read the first time.

Mr. SMILIE objected that there must be some other purpose for these troops than any that had been acknowledged; for he could see none. The principle of the bill was wrong.

Mr. GILES said, that the bill ought to be named "A bill authorizing the PRESIDENT to pass a law for raising ten thousand men." In point of principle, it was infinitely worse than the former one which the House had already rejected, (the one supported by Mr. SEDGWICK.) He hoped that they would not suffer it to go to a second reading. We had made estimates of the expenses of this year, and have been told that the ways and means are not sufficient. Yet, in the face of this, to come upon us all at once with the expense of a standing army of ten thousand men was too hard. He trusted that gentlemen who would vote for a second reading would explain the reasons that could induce them to such a measure. The time spent upon such a bill would be perfectly cast away. He was at a loss to discover against whom these ten thousand men were to be employed.

Mr. HILLHOUSE could not, at this moment, decide whether he ought to vote for this bill or not. He would recommend a Committee of the Whole to examine its merits. He should think it ungenerous for any gentleman in that House to call for his vote till it had been fully discussed.

Mr. FIRSTWORM.—If we were to debate for a week upon it, I am sure that there cannot be one new idea started. The whole argument lies in so narrow a compass that every member may decide on a first hearing. The question is, whether, on account of the particular state of the country at this time, it is proper to intrust the PRESIDENT

with a discretionary power of raising an Army of ten thousand men? For my own part, I am as ready to decide just now as I ever can be.

Mr. AYES.—If we are to go to war, will it not be a prodigious saving of expense to have all matters ready beforehand? By being prepared two months before the war breaks out, the advantages in economy would be immense, as the price of enlisting men would rise four-fold when it was once known that war was certain. He knew many weak parts in the Union that might be attacked and in danger before a body of militia could be ready for effectual service. He was not qualified for details of this sort; but he knew that Rhode Island, for example, might be taken, and, in a short time, so strongly fortified, that it would be difficult or impossible to retake it. Why were we afraid to intrust the PRESIDENT with the power of raising ten thousand men? Can any body of men to be raised in this country tread down the substantial yeomanry? This is quite an Utopian dream. It is infinitely cheaper to raise and employ an Army at leisure, when the storm is seen to be approaching, than all at once, when twenty things must be done at the same time. There is, besides, a material distinction between this bill and the former. The force may be discontinued whenever the Legislature thinks proper; nor is it to be raised at all unless the PRESIDENT sees or thinks it necessary. The principle of the bill is, therefore, much less exceptionable than that of the other. To reject a bill on the first reading is a bad practice. Mr. A. hoped that the House would guard against it, unless where any thing was grossly improper, and depended on a single principle. But he trusted that the House would, in every common case, set their faces against it.

Mr. SMILIE contorted every thing said by Mr. AYES. He thought that the measure would involve this country in a very useless expense. Did we intend to rival the Military Establishments in Europe? The British might be expected to increase their forces in Canada in proportion to those of the United States.

Mr. DAYTON followed Mr. SMILIE, and said, that the arguments of the member who spoke last although intended to make a different impression, had convinced him of the impropriety of rejecting this bill upon its first reading. That gentleman had thought proper to enter into the intrinsic merits at this stage of it, when those who favored its principles could have no opportunity of defending or amending the particular parts of it. He had heard the objects of it grossly misrepresented. It had been asserted that the bill contemplated the increase of our Military Peace Establishment to sixteen thousand men.

(Mr. SMILIE interrupted Mr. DAYTON by declaring that he had never said or meant any such thing. But the defence of the Western Territory was to require six thousand men; and these, with the ten thousand to be raised by this bill, would amount, in the whole, to sixteen thousand men.)

No such thing (said Mr. D.) was to be found in it, and he called upon gentlemen to show upon what

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such an assertion was founded. He, for one, was of opinion that the interests and safety of the United States might be materially promoted by our vesting the PRESIDENT with the power to raise these men, if war should break out in the recess of Congress. Who did not believe that such an event was not only possible, but in some degree probable? Who would say, that if war should be forced upon us, this would not be considered as a most valuable provision, because we might have this respectable body of troops engaged, equipped, and prepared to act the moment that hostilities should be declared by the constituted authority? He would address himself to the feelings and interests of the member who spoke last, and those similarly circumstanced. They resided in the interior parts of the country, and hence it was that they did not seem to experience such lively sensations at the approach of danger on the Eastern frontiers—the sea. What (he asked) was their situation, and what had they to fear in case of an open rupture with Great Britain? It was easy to foresee that they would be vigorously pressed, not only by those Indians which are at present hostile, and by the regular troops in that quarter, but by all the neighboring nations of savages over whom British threats or bribes could have influence. A part of the Six Nations, too, would probably join the confederacy, and the frontier settlers of Virginia, Pennsylvania, and New York, would certainly be driven in. With such a corps as the one proposed, an early check might be given to their interruptions, and the war be carried to their towns.

On the other hand, what would be the consequence, if, after the PRESIDENT perceives a war inevitable, he is not permitted to make the smallest preparation until he can convene Congress? Two months must be lost in convening them, owing to the extreme distances of their residence, all which time would be employed by our enemies in increasing their forces, in strengthening their posts, and establishing new ones, and in invading our country. Let this discretionary power be given to the PRESIDENT, (with whom much greater had repeatedly been lodged, and had never in any instance been improperly exercised,) and the men might be engaged while the members were collecting, and a small army in readiness to act as Congress should by law direct and authorize. No danger could arise from it, because the enlistments of those who might be engaged would be void unless the Legislature immediately upon their meeting, should confirm them. It had been said, that our reliance should be upon the militia. He had, Mr. D. said, as high an opinion of militia as any member in that House, for he had witnessed their exertions and importance in the late war, but could it be said that it would be very convenient or agreeable to them, to be drawn a distance from their own homes, to be employed in taking and garrisoning posts, if it should be deemed advisable to direct operations of that kind? He concluded with wishing that the bill might be allowed to have a second reading, as constructions had been imputed to it which it certainly would not bear.

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Mr. MADISON did not accede to the principle of the bill. He did not see any such immediate prospect of a war, as could induce the House to violate the Constitution. He thought that it was a wise principle in the Constitution, to make one branch of Government raise an army, and another conduct it. If the Legislature had the power to conduct an army, they might embody it for that end. On the other hand, if the PRESIDENT was empowered to raise an army, as he is to direct its motions when raised, he might wish to assemble it for the sake of the influence to be acquired by the command. The Constitution had wisely guarded against that danger on either side. He could not, in the present case, consent to the breaking down of this barrier of public safety. He saw no necessity for it; nor any violent probability, that this country will be speedily invaded by any force, to which the present Military Establishment cannot make an adequate resistance. Let us hear from the Minister whom we have just sent to Britain, before we take such abrupt and expensive measures. We shall certainly hear from him, at least, before we are invaded. Now, if we enter into a calculation of the time requisite for his arrival in Britain, for commencing his business, and for sending back an account of what kind of reception he has met with, we shall find that by this period, Congress will have met again; or at least the interval will be so small as to make it not worth while to embrace any measure of this kind. Upon the whole, he could not venture to give his consent for violating so salutary a principle of the Constitution, as that upon which this bill encroached.

Mr. SEDGWICK differed from Mr. MADISON. He did not think that, in certain contingencies, war was so distant a prospect. Since is going to erect a fort in our Territories, and the PRESIDENT has declared that he will repel the attempt. We all know the waste of time and property in the last war, at its commencement, by trying to do the business with militia. The proposal met his approbation, as did the resolution of the PRESIDENT, to repel force by force.

Mr. FINDLEY spoke against the bill. The question was then stated, to wit: "Shall the said bill be rejected?" and, after debate thereon, the question being taken, it was resolved in the affirmative—yeas 50, nays 32, as follows:

YEAS.—James Armstrong, Theodorus Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Samuel Griffin, William Barry Grove, Daniel Heister, John Hunter, John Wilkes Kitters, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

H. or R.]

Advance of Money to France—Sundry Bills.

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NAVA.—Fisher Ames, Benjamin Bourne, David Cobb, Peleg Coffin, Jonathan Dayton, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, Thomas Hartley, James Hillhouse, William Hindman, Henry Latimer, Amasa Learned, Francis Malbone, Peter Muhlenberg, William Van Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, and John Watts.

It was then moved that the Whole House go into a committee on the bill for licenses on selling wine, and distilled spirits. Mr. Goodhue was for, and Mr. Giles against the motion. On a division, forty-four gentlemen rose in favor of it. The House accordingly went into a Committee, Mr. PARKER in the Chair.

The Committee, after some discussion, rose, and reported the bill with amendments. The House went into the consideration of the report. After some time, the question was put, "Shall this bill be engrossed for a third reading?" Ayes 41, noes 38.

ADVANCE OF MONEY TO FRANCE.

Mr. PARKER then moved that the House take into consideration the bill for payment of a certain sum of money to the French Republic.

The House resolved itself into a Committee on this bill—Mr. PARKER in the Chair.

Several amendments were proposed, and several members spoke.

Mr. GILES knew that Mr. Fauchet was anxious for this money, and spoke of it as necessary for his operations. He did not know whether to-day, to-morrow, or at what time in particular; but in fact the money was needed. He had another remark to make. This loan of three millions of florins had come upon all parts of the House alike, unexpectedly. Before it was known, we heard of no particular complaints from the Treasury, for want of money to raise the fortifications. But now, when the loan was come, the tone was altered, and there was a loud cry of emptiness in the Treasury.

Mr. GILLOX said, that gentlemen talked of giving this money, as if we were doing a favor to France. Is this so? We are sending a new Ambassador to that country. A very pretty introduction he would have at Paris, with our credentials in one hand, and a refusal to pay the debts due to the Republic in the other. We have been in need of her assistance before, and we may want it again.

The Committee made some amendments. The Chairman reported them, and the bill finally passed the House.

SUNDY BILLS.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," with several amendments; to which they desire the concurrence of this House.

Ordered, That a committee be appointed to bring in a bill to impose a duty of one cent per ton on all

vessels from a foreign voyage into the port of Baltimore; and that Mr. MURRAY, Mr. ARMSTRONG, and Mr. HUNTER, be the said committee.

The House next went into a Committee, Mr. PARKER in the Chair, on the bill for laying a duty on property sold at auction. The whole bill was strongly opposed by Mr. RUTHERFORD.

The Committee reported some amendments, which were agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. JEREMIAH SMITH, from the committee appointed, presented a bill for the relief of John Robbe; which was read twice and ordered to be engrossed and read the third time to-morrow.

Mr. W. SMITH laid on the table a motion that a committee be appointed to inquire and report whether the sums appropriated for the fortifications of the ports and harbors of the United States be competent for that effect.

The resolution was immediately taken up, and negatived; and the House adjourned.

SATURDAY, May 31.

Mr. FITZSIMONS, from the committee appointed, presented a bill to extend the credit for duties on teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the snow *Freeborn*; which was read twice and committed.

The House again resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Committee rose and reported progress.

An engrossed bill, laying duties on licenses for selling wines and distilled spirituous liquors, by retail, was read the third time; and on the question that the said bill do pass, it was resolved in the affirmative—yeas 53, noes 23, as follows:

YEAS.—Fisher Ames, John Beatty, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Abraham Clark, David Cobb, Peleg Coffin, William J. Dawson, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, William Barry Grove, George Hancock, James Hillhouse, John Hunter, John Wilkes Kittera, Matthew Locke, James Madison, Alexander Mebane, William Montgomery, Peter Muhlenberg, William Van Murray, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Benjamin Williams, and Joseph Winston.

NAVES.—Theodoros Bailey, Benjamin Bourne, Gabriel Christie, Joshua Coit, George Dent, William Findley, Alexander Gillon, Daniel Heister, William Hindman, William Lyman, Nathaniel Macon, Francis Malbone, Joseph McDowell, Anthony New, Nathaniel Niles, John Smilie, Israel Smith, Thomas Sprigg, Thomas

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Sundry Bills.

[H. or R.]

Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Richard Winn.

An engrossed bill providing for the payment of a certain sum of money due to the French Republic, was read the third time; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 53, noes 23, as follows:

YEAS.—Theodoros Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Abraham Clark, William J. Dawson, Henry Dearborn, George Dent, William Findley, Thomas Fitzsimons, William B. Giles, James Gillespie, Alexander Gillon, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Daniel Heister, William Hindman, John Hunter, John Wilkes Kittera, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Peter Muhlenberg, William Van Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, George Thatcher, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

NAVES.—Fisher Ames, David Cobb, Peleg Coffin, Joshua Coit, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, and John Watts.

An engrossed bill laying duties on property sold at auction was read the third time; and, on the question that the said bill do pass, it was resolved in the affirmative—yeas 55, noes 27, as follows:

YEAS.—Fisher Ames, Theodoros Bailey, Abraham Baldwin, John Beatty, Benjamin Bourne, Thomas P. Carnes, Gabriel Christie, Abraham Clark, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, William B. Giles, James Gillespie, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, George Hancock, James Hillhouse, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Montgomery, Peter Muhlenberg, William Van Murray, Joseph Neville, Alexander D. Orr, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Benjamin Williams.

NAVES.—Thomas Blount, Thomas Claiborne, Isaac Coles, George Dent, William Findley, Alexander Gillon, William Barry Grove, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Francis Preston, Robert Rutherford, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, and Joseph Winston.

A message from the Senate informed the House,

that the Vice President being absent, the Senate have proceeded to the choice of the President *pro tempore*, and RALPH LEARD has been duly elected.

The House proceeded to consider the amendments proposed by the Senate to the bill entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas;" and, the same being read, some were agreed to and others disagreed to.

Resolved, That a conference be desired with the Senate on the subject-matter of the amendments disagreed to; and that Mr. MURRAY, Mr. PARKER, and Mr. SEDGWICK, be appointed managers at the said conference on the part of this House.

Mr. MURRAY, from the committee appointed, presented a bill to provide for a health officer for the town of Baltimore; which was read twice and committed.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of James Vanuxem, made a report: Whereupon,

Resolved, That the Collector of the District of Pennsylvania, be authorized to receive from James Vanuxem, consignee of the cargo of the ship Argonaut, bonds, with sufficient surety, for the amount of the duties on the teas imported in the said ship, payable on the — day of May, one thousand seven hundred and ninety-five, or to receive such of the said teas as may be now on hand, to secure the payment aforesaid, at the option of the said James Vanuxem.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FITZSIMONS, Mr. GOODHUE, and Mr. FOSTER, do prepare and bring in the same.

Mr. TRACY, from the committee appointed, presented a bill concerning invalids; which was read twice and committed.

Mr. TRACY, from the same committee, also reported a resolution in the form of a concurrent resolution of the two Houses, concerning invalids; which was read, and ordered to be committed to the committee last appointed.

The House proceeded to consider the report of the committee to whom was referred the petition of James and Shoemaker: Whereupon,

Resolved, That a committee be appointed to prepare and bring in a bill to entitle the said James and Shoemaker to draw back the duties paid on the goods mentioned in the said petition, in case of their exportation.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, and Mr. FOSTER, be a committee pursuant to the said resolution.

The SPEAKER laid before the House a Letter from the Governor of Maryland, enclosing a return of the election of GABRIEL DUVALL, to serve as one of the members of this House for the said State, in the room of John Francis Mercer, who has resigned his seat; which was read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate insist on their amendments dis-

greed to by this House to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas;" and agree to the conference desired by this House on the subject-matter of the said amendments, to which conference the Senate have appointed managers on their part.

PUNISHMENT OF CRIMES.

Mr. FITZSIMONS moved that the House resolve itself into a Committee on the bill for additions to an act for the punishment of certain crimes in the United States. He spoke a few words in explanation and support of the bill.

Mr. NICHOLAS, Mr. GILES, and Mr. MADISON, spoke against it. Mr. SEDGWICK and Mr. MURRAY defended the bill. The former gentleman recommended a delay of the bill, as it was too late in the session to discuss a subject of such magnitude.

Mr. AMES rose after Mr. MADISON. He said that to postpone the bill was to reject it. It was saying we shall do nothing till next December to provide against events that will happen in the course of next Summer. He thought that the rejection of this bill might be attended with dangerous consequences. Had we forgotten the disastrous annals of the last year, and those decisions the black records of our dishonor? Juries would be afraid to give verdicts in these cases, when there seemed to be a doubt in the Legislature, which might be inferred from the rejection of this bill. Juries, such as we find them in America, (and Mr. A. said that he believed no other country had them half as good) are not equal to the task of determining points in the Law of Nations. Every question of this kind was of itself much more intricate than another in the municipal law. Nor will juries find, or think themselves safe in such cases to determine. There was another difficulty: the general authority of the United States was so limited, that it might be, perhaps, no easy matter to put a sentence in execution. We had been told from the first authority—that of the President—an authority which in no Government but ours would be called in question—that such additional powers were necessary. But if, after this notice, we reject the bill, this must damp the exertions of the Executive; and what if we shall be driven into a war by the licentious behaviour of some individuals? We are going to throw out this bill, though a great part of it is confessedly good. Mr. A. likewise adverted to the scheme of casting out bills at the first reading. This gave them a great and unfair disadvantage. The theory was bad, and the practice was a commentary, that made it appear still worse.

Mr. BALDWIN saw no harm in letting the bill lie by till next session. It had been laid aside for six months past; and why might it not be so for six months hence? There was no more danger in time to come than there had been already. There was not now time to do justice to a bill of such magnitude and importance. It ought not to be crowded into the tail of a session.

Robert Rutherford, John Smilie, Israel Smith, Thomas Tredwell, and Francis Walker.

The House accordingly resolved itself into the said Committee; and, after some time spent therein, the Committee rose and reported progress.

Monday, June 2.

An engrossed bill to extend the credit for teas imported in the ship Argonaut, and to permit the export of goods saved out of the wreck of the snow Frelove, was read the third time and passed.

The bill, sent from the Senate, entitled "An act for extending the benefit of a drawback and term of credit in certain cases, and for other purposes," was read the third time and passed.

The SPEAKER laid before the House a Letter from Francis Joachim Van Aken, styling himself Assistant Judge, addressed to the Congress of the United States, and dated Orebro, in Sweden, the first of January, one thousand seven hundred and ninety-four, stating the particulars of his discovery of an art, described in the Swedish language, for extinguishing fires, and preventing conflagrations, whether in war or peace, on board of vessels, or in houses on fire; which was read, and ordered to be sent to the Senate for information.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and

of the House of Representatives:

I send you certain communications, recently received from Georgia, which materially change the prospect of affairs in that quarter, and seem to render a war with the Creek Nations more probable than it has been at any antecedent period. While the attention of Congress will be directed to the consideration of measures suited to the exigency, it cannot escape their observation that this intelligence brings a fresh proof of the insufficiency of the existing provisions of the laws towards the effectual cultivation and preservation of peace with our Indian neighbors.

G. WASHINGTON.

UNITED STATES, June 2, 1794.

The said Message was read, and, together with the communications therein referred to, ordered to lie on the table.

PUNISHMENT OF CRIMES.

Mr. GOODRUE then moved that the House resolve itself into a Committee of the Whole on the bill for additions to an act for the punishment of certain crimes against the United States; which was agreed to.

The first section was then read, and Mr. NICHOLAS moved that it should be struck out. The words are as follows:

"If any person shall, within the territories or jurisdiction of the United States, except or take a commission to serve a Foreign Prince or State, in war, by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not less than ——— dollars, nor more than ———; and shall be imprisoned not exceeding ——— nor less than ———."

The motion was carried by a majority of one; yeas 89, nays 38.

Mr. NICHOLAS then moved to strike out a part

of the second section, which punishes a man for enlisting in a foreign service, or for going out of the limits of the United States to enlist in foreign service; and he proposed an amendment instead of it. His interpretation of the section, as it stood, was contested by Mr. KITTERA, who thought that the seduction of citizens to enlist, was the only thing meant.

Mr. SEDGWICK was of opinion that the amendment of Mr. NICHOLAS would authorize officers to raise armies in the United States for foreign service. He did not think that any man in that House would wish to do so. He was extremely disappointed at hearing the gentleman speak thus.

Mr. BORDWICK thought that members should endeavor to make an amendment in which they could be unanimous. He mentioned several reasons for thinking that this might be done.

Mr. NICHOLAS hoped that the gentleman from Massachusetts [Mr. SEDGWICK] would always be disappointed in his [Mr. N.'s] sentiments; as they were almost always contradictory to those of the gentleman himself. He denied the inference.

Mr. HILLHOUSE imagined that it would be the highest disgrace to the United States, to suffer any man to enlist people here for foreign service. It might bring this country into a war. There were turbulent people in every country, who want a war; and we may be involved in it, undesignedly.

Mr. BOURNE thought that there was an inconsistency in the proposal before the House. If it was innocent for a person to enlist in foreign service, it was likewise innocent to persuade men to do it.

Mr. MURRAY had never heard any arguments like some of those which this day fell from Mr. NICHOLAS. Mr. M. was clear for putting a stop to all recruiting parties for foreign service. Wars to people only meeting to form the very first elements of a civil compact, they would have a right to say to each member of their society, that he should not enlist in any foreign service, to invade a nation perhaps friendly to them, without their consent. To countenance recruiting for foreign service, was admitting into the heart of the country an engagement against the sovereignty of the country. You invite every species of corruption. You invite foreign sovereigns to corrupt your citizens, and to subvert, if they desire it, the independence and the liberties of America. You put it in the power of an ambitious Prince or State in Europe to erect a body of men in the country for the purpose of overturning the Constitution. Something had been said about the principles of the Law of Nations; our own experience of last Summer and of last Autumn, showed that our Courts of Justice were incapable of enforcing them. He was against the resolution.

Mr. CLARK said that he was also against the motion of the gentleman from Virginia. Let officers go abroad, and learn the art of war; but let no foreign officers come here to enlist common soldiers.

The amendment of Mr. NICHOLAS was rejected without a division.

A motion was next made for striking out the fourth section; but this was negatived. It was next moved to strike out the sixth section, which stood as follows:

"And be it further enacted, That it shall not be lawful to sell, within the United States, any vessel or goods captured from a Prince or State with whom the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State; or by the subjects or citizens of such Prince or State; unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the captors belong, out such vessel and goods shall be carried out of the United States by those who shall have brought them in; and the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

Mr. Sumner, of South Carolina, said this question ought to be considered under two points of view: first, as to the right of France derived from the treaty; second, as to the expediency of admitting the practice, independently of any existing right. As to the right. This must result either from the clear words of the treaty, or from such strong implication as cannot be resisted. It is evident that the right of France to sell prizes in our ports is not given by the terms of the treaty. The only articles from which it can be pretended to be derived are the 17th and 23d. The 17th article is in these words:

"It shall be lawful for the ships of war of either party, and privateers, freely to carry wheresoever they please, the ships and goods taken from their enemies, &c., they may hoist sail at any time, and depart and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show," &c.

The true construction of this article is the very reverse of the right contended for; it is a permission to conduct, wheresoever they please, the ships and goods taken from the enemy, without paying any duty. It is evident that it does not contemplate a freedom to sell their prizes in our ports, but, on the contrary, a departure to some other place, always to be expressed in their commission, where their validity is to be finally adjudged. And this construction is given to the article by Mr. Jefferson, the Secretary of State, in his correspondence with Mr. Morris, our Minister in France; with Mr. Genet, pages 68, 67, where he says, "the article does not give the right to sell at all," and again, "the admission to sell here the prizes made by France on her enemies is unstipulated in our treaties and unfounded in her own practice, or in that of other nations, as we believe." No right can be deduced from the 23d article but by construction and implication: the terms of that are:

"It shall not be lawful for any foreign privateers, &c. to fit their ships, &c., to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandise, or any other loading," &c.

From this negative stipulation as to the enemies of France, an affirmative right is attempted to be inferred in favor of France herself; but the inference is a false one. Here I again recur to the

authority of the former Secretary of State, whose reasoning with respect to the right of fitting out privateers, applies to this case, the right to sell prizes under this article standing precisely on the same footing as the right to fit out privateers. In page 60 of the printed Correspondence, Mr. Jefferson says, after quoting the words of the article, "translate this from the general terms in which it here stands into the special case produced by the present war," privateers not belonging to France or the United States, and having commissions from the enemies of one of them, "are, in the present state of things, British, Dutch, and Spanish privateers;" substituting these then for the equivalent term, it will stand thus, "it shall not be lawful for British, Dutch or Spanish privateers to fit their ships in the ports of the United States." Is this an express permission to France to do it? Does the negative to the enemies of France and silence as to France herself, imply an affirmative to France? Certainly not; it leaves the question, as to France, open and free to be decided according to circumstances, and if the parties had meant an affirmative stipulation, they would have provided for it expressly; they would never have left so important a point to be inferred from mere silence or implication. Suppose they had desired to stipulate a refusal to their enemies, but nothing to themselves, what form of expression would they have used? Certainly the one they have used, an express stipulation as to their enemies, and silence as to themselves. And such an intention corresponds not only with the words, but the circumstances of the times. It was of value to each party to exclude its enemies from arming in the ports of the other, and could in no case embarrass them. They, therefore, stipulated so far mutually; but each might be embarrassed by permitting the other to arm in its ports; they therefore would not stipulate to permit that. This reasoning proves so conclusively the non-existence of the right to fit out privateers in our ports, that the French Government withdrew their claim, and instructed their new Minister to express their approbation of the steps pursued by our Executive, and ordered him to recall all the commissions of privateers illegally fitted out. Now there is not an argument against the right to fit out privateers which does not apply with equal force against that of selling prizes; the same words are used in the article for both cases, and no inference can be drawn in favor of one which may not equally be drawn in favor of the other. The right to fit out privateers having been altogether abandoned by France, it would be not a little surprising that the right to sell prizes should now find advocates in our Councils.

Admitting that, by a forced construction of either of the two above mentioned articles of the treaty, an implication might arise favorable to the right, yet if the stepping beyond the line of strict obligation in favor of one belligerent Power, be deemed a departure from the line of neutrality, it may well be asked, shall we hazard the blessings of peace, and subject ourselves to the calamities of war, by inference, implication, or construction?

But let it be conceded, that either or both the articles import in the clearest manner the right contended for, I am ready to prove that the treaty *quoad* that grant, would be void and of no effect.

The treaty between France and the United States was founded on principles of perfect reciprocity; we are not bound by stipulation, which was intended to be mutual, if France was not equally bound by it; but France, at the time of entering into this treaty, was restrained by antecedent and existing treaties from granting to the United States the right of selling their prizes in the ports of France; the United States would therefore be absolved from the stipulation, supposing it to exist.

These several points can be clearly established. The preamble to the treaty in question has these strong expressions:

"His Most Christian Majesty and the United States have judged that the said end could not be better obtained than by taking for the basis of their agreement, the most perfect equality and reciprocity, and by carefully avoiding all these burdensome preferences which are usually sources of debate, embarrassment, and discontent, by leaving also each party to make, respecting commerce and navigation, those interior regulations which it shall find most convenient to itself, and by founding the advantages of commerce solely upon reciprocal utility."

It is laid down by *Vattel*, page 302, that—

"A Sovereign already bound by a treaty cannot make others contrary to the first; the things about which he has entered into engagements are no longer at his disposal; if it happens that a posterior treaty is found, in some point, to contradict one that is more ancient, the new treaty is null with respect to that point, as disposing of a thing that is no longer in the power of him who appears to dispose of it."

The treaty of Utrecht, between France and England, in the year 1713, stipulated in the 15th article, that—

"It shall not be lawful for any privateers, &c., who have commissions from any Prince or State, in enmity with either nation, to fit their ships in the ports of one or the other of the aforesaid parties, to sell what they had taken," &c.

In the event then of a war between the United States and Great Britain, France being neutral, we should have been restrained, by the treaty of Utrecht, from selling our prizes in the ports of France: the reciprocity, which is the basis of the treaty, is done away, and we are now called upon for a performance on our part of a mutual stipulation from which the other contracting Power is by treaty and the Law of Nations absolved.

If it be said that the treaty of Utrecht was, on account of intervening wars, not in force at the time our treaty with France was entered into, I will remark in reply, that the treaty of Utrecht was recognized by France, and revived by the treaty of Paris in 1763, and that it is an acknowledged maxim of the Law of Nations that the revival at a peace of a treaty which had been suspended by a state of war, restores the contracting parties to the same rights as if the treaty had

never been suspended. Moreover, in the treaty of Paris of 1763, it is said—

"That the treaty of Utrecht shall serve as a basis to that treaty, and is renewed and confirmed in the best form, as if it were there inserted word for word, so that it is to be exactly observed in future, &c., and the said parties declare that they will not suffer any privilege, favor, or indulgence, to subsist, contrary to the above treaty," &c.

But what is still more conclusive, the very treaty between France and the United States refers to the treaty of Utrecht as being in full force at that time; in the 10th article, the United States are restrained from disturbing the right of fishery, belonging to France, "on that part of the coast of Newfoundland which is designated by the treaty of Utrecht, as the rights relative to all and each of the isles which belong to His Most Christian Majesty, the whole conformable to the true sense of the treaties of Utrecht and Paris." France was at peace with England in February, 1778, when our treaty was made; the treaty of Utrecht was consequently at that time in full force. But France was likewise restrained from granting us this right by the terms of the family compact with Spain, which was unquestionably in full force at the time of our treaty.

The remarks of Mr. Jefferson on the subject of fitting out privateers, are so applicable and pointed that I shall again quote him: page 60, he says—

"Let us go back to the state of things in France when this treaty was made, and we shall find several cases, wherein France could not have permitted us to arm in her ports, (he might have added, or sell our prizes.) Suppose a war between these States and Spain. We know that by the treaties between France and Spain, the former could not permit the enemies of the latter to arm in her ports. It was honest in her, therefore, not to deceive us by such a stipulation. Suppose a war between these States and Great Britain. By the treaties between France and Great Britain, in force at the signature of ours, we could not have been permitted to arm in the ports of France. She could not then have meant in this article to give us such a right. She has manifested the same sense of it again, in her subsequent treaty with England, made eight years after the date of ours, stipulating in the 16th article of it as in our 22d, that foreign privateers, not being subjects of either Crown, should not arm against either in the ports of the other. If this had amounted to an affirmative stipulation, that the subjects of the other Crown might arm in her ports against us, it would have been in direct contradiction to her twenty-second article with us. So that, to give to these negative stipulations an affirmative effect, is to render them inconsistent with each other, and with good faith; to give them only their negative and natural effect is to reconcile them to one another, and to good faith, and is clearly to adopt the sense in which France herself has expounded them. We may justly conclude, then, that the article only obliges us to refuse this right in the present case, to Great Britain and the other enemies of France; it does not go on to give it to France, either expressly, or by implication; we may then refuse it."

The treaty of Paris, in 1763, and the Treaty of Commerce, in 1786, both of which confirmed the Treaty of Utrecht, stipulated that the enemies of

the two Powers, viz: France and Great Britain, should not be allowed to sell their prizes in the ports of either party. Were there any doubt remaining on this head, the practice of France herself would remove it. Her edicts, forbidding the sale of prizes in her ports, while in a state of neutrality, by any belligerent Power, and directing her vessels of war to carry their prizes into the ports of France, where they were fitted out, would sufficiently evince her construction of these Treaties. (See *Vattel's* Commentaries on the Marine Ordinances of France, pages 272, 277.)

An argument has been attempted, in another place, to be deduced from the Convention with the Dutch relative to the sale of prizes, and from the second article of our Treaty with France, which secures to her the privileges of the most favored nation. To this, several answers may be given—

1st. The Convention with the Dutch was a special Convention, relating to a special case, viz: to the then existing war in which both Holland and the United States were engaged as co-parties. None of the provisions of that Convention can relate to a case where the United States are at peace. The circumstance of that Convention being a separate instrument from the Treaty of Commerce, though dated on the same day, explains that it was intended for a special and temporary object, and not, like the Treaty of Commerce, meant to be a permanent compact. The preamble recites that it is intended to establish some uniform principles with relation to prizes made by vessels of war upon their common enemies.

2d. The fifth article of that Convention stipulates that the prizes of either party may be sold in their respective ports, as far as may be consistent with the twenty-second article of the Treaty of Commerce; which article, however, provides, that the Treaty with Holland shall not in any manner derogate from the twenty-second article of the Treaty with France. Now, by that article in the French Treaty, the Dutch are expressly prohibited from selling their prizes in our ports. If Holland, then, does not now possess the right, how can France derive it through Holland?

3d. The second article of our Treaty with France only stipulates that each party shall enjoy all the privileges of the most favored nation, on allowing the same compensation, if the concession was conditional; but France, as has been shown, cannot, consistently with good faith and an adherence to her Treaties, grant us the same compensation in similar circumstances. She would, therefore, not be entitled to this privilege granted to Holland on terms of reciprocity, supposing the privilege still to exist.

It remains to consider this important question on the ground of expediency. Abandoning the idea of right, is it expedient and politic to permit the sale of French prizes in the United States?

In contemplating this point, the determination ought not to be influenced by any prepossessions in favor of one or antipathies against another nation. The true ground of national policy should be taken, and the result should be that which is

most consistent with our national interest. That the permission to France to sell her prizes in our ports would be advantageous to that nation, and inconvenient to her enemies, will not be denied. But it is the very circumstance of its thus being advantageous to one and inconvenient to others of the belligerent Powers which makes it inexpedient.

Were we prepared and resolved to become a party in the war, prompted either by gratitude for one, or resentment against another, of the Powers at war, it would be proper that we should at once take our side and pursue hostile steps; but, if the policy of the country still points to peace, and invites to neutrality, it follows, indispensably, that we must strictly adhere to the line of neutrality. There is no intermediate station between peace and war. Whatever may have been our sensibility in respect to injuries received, policy has for the present dictated to the Government of the United States a pacific system, and, as long as that system shall be the prevailing one, consistency requires an adherence to the principles it inculcates. The question, then, resolves itself into this: Is the voluntary permission to one of the belligerent Powers to sell her prizes in the ports of a neutral Power, while the same privilege is withheld from others, even our allies, a breach of neutrality? A recurrence to writers of authority, as well as the reason of the thing, will compel us to answer in the affirmative. *Vattel*, page 498, says:

"As long as a neutral nation wishes to enjoy this situation with certainty, it ought to show in every thing an exact impartiality between those who are at war; for, if it favors the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of the enemy. Its neutrality would be a fraudulent one, of which no one would be the dupe."

Mr. *Jefferson*, in the printed Correspondence, page 60, speaking of the fitting out of privateers, says: "Since we are bound by Treaty to refuse to the one party, and are free to refuse to the other, we are bound by the laws of neutrality to refuse it to that other."

In page 67, he says, that the permission to sell prizes in neutral ports is unfounded in the practice of France, and, he believes, of all other nations. It is certain that France has passed severe laws against it, and that, were we now at war with any European Power, and France neutral, we should not enjoy that privilege in her ports. The question is not confined to Great Britain and France, and it is not enough to say, "We have received injuries from the former and benefits from the latter, and, therefore, we should grant a special indulgence to one to the detriment of the other." Other nations are seriously affected by the decision. Spain, Holland, and Prussia, are co-parties in the war against France. (There is, indeed, an appearance of a withdrawing of the latter, though not yet ascertained.) We have no idea of going to war with the first. With the two last we have treaties of amity and commerce. It is not improbable, should the war continue, that Sweden may be implicated as one of the Com-

bin'd Powers. With her we have also a Treaty of Amity and Commerce. A permission to France to sell her prizes will be a special privilege for her benefit, to the injury of Spain and Holland certainly, and probably Sweden. Should we feel no peculiar partiality for Spain, yet it ought not to be forgotten that she lent us money during our war with England, and combined with France to aid us. Gratitude should suggest a recollection of the services rendered us by Holland, and should forbid a departure from neutrality, which would essentially affect her interests. In our Treaty with Holland it is expressed, "that there shall be a firm, inviolable, and universal peace and sincere friendship between the two countries." Would it be a sincere friendship on our part to facilitate to their enemies the capture of their vessels by permitting the sale of them in our ports?

In regard to Great Britain, a negotiation is now depending for a redress of our wrongs. Whether or not there was sufficient cause of immediate war against that nation, or whether it was wise in the Government to prefer the path of negotiation to that of hostility, are questions not now to be discussed. The path of negotiation has been entered, and ought not to be deviated from till it has been fairly explored. Would a departure from the line of neutrality, as it relates to that nation, be, under the present circumstances, consistent with sound policy? Undoubtedly not. I would not furnish her with even this pretext for a refusal to do us justice. I would afford every aid, every chance for a successful negotiation. I would avoid throwing any impediments whatever in its way, and, having acted thus, should my expectations be disappointed, I shall feel myself justified in exposing my country to all the calamities of war, to endeavor to extort by force that which justice and moderation shall have failed to obtain.

There are other considerations arising out of the question of expediency which claim some notice. The sale of prizes in our ports will have an immediate tendency to increase the number of privateers on our coasts, to embarrass and distress our commerce, and to foster that spirit of privateering among our own citizens which, at the same time that it is a direct violation of neutrality, leads to the introduction of immoral habits. And here I cannot forbear once more quoting the former Secretary of State, who, in page 63 of the printed Correspondence, says:

"Were the merchant vessels coming for our produce forbidden to have any arms for their defence, every adventurer who has a boat, or money enough to buy one, would make her a privateer. Our coasts would swarm with them: foreign vessels must cease to come; our commerce must be suppressed; our produce remain on our hands, or at least that great portion of it which we have not vessels to carry away; our ploughs must be laid aside, and agriculture suspended. This is a sacrifice no Treaty could ever contemplate, and which we are not disposed to make out of mere complaisance to a false definition of the term privateer."

The pernicious consequences above described would equally flow from the allowance to sell prizes. From a view, therefore, of the whole sub-

ject, it clearly results that the sale of prizes is not stipulated by the Treaty; that, if it were, it would be null, as being repugnant to prior Treaties, and not reciprocal; that it is unfounded in the practice of France herself; and that it is inexpedient, as directly contravening the laws of neutrality, and as prejudicial to our commercial interests and the morals of our citizens.

Mr. MADISON said, he should not follow Mr. SMITH in the long argument which he had extracted chiefly from the Correspondence of Mr. *Jefferson*; because, were it admitted to be well-founded, it did not reach the true point to be decided. It was not merely a question, whether we were bound by treaty to permit the sale of French prizes. There was another question, whether we were bound, by the Law of Nations, and of neutrality, to refuse that permission? It had not been shown that we were bound to such refusal. A neutral nation might treat belligerent nations unequally, where it was in consequence of a stipulation prior to the war, and having no particular reference to it. It was laid down expressly, by all the best writers, that, to furnish a military force to one of the parties, in pursuance of such a stipulation, without a like aid to the other, was no breach of neutrality; and it amounted to the same thing whether the equilibrium were destroyed by putting an advantage in one scale, or taking a privilege from the other. The Executive had expounded the Law of Nations, and our treaties, in this sense, by leaving the sale of French prizes free, and forbidding the sale of British prizes. For the Legislature to decide that we were bound by the laws of neutrality to forbid the sale of French prizes also, would be to make themselves the expositors of the Law of Nations—to condemn the exposition of the Executive—to arm Britain with a charge against the United States, of having violated their neutrality; and, what ought particularly to be avoided, to arm her with claims of indemnification for injuries done her by the sale of prizes. Such a proceeding would be the more impolitic and extraordinary, as it could not fail to give extreme disgust to the French Republic, by withdrawing a privilege which it had been determined could be rightfully allowed her; and, as the British Minister, Lord Grenville, had admitted, in his conversation with Mr. Pinckney, that Britain had reason to be satisfied, on the whole, with the conduct of the United States as a neutral nation.

Mr. SMITH, of South Carolina, observed, in answer to Mr. MADISON, that as the gentleman had given up the point of right, the ground was greatly narrowed, and rested altogether on expediency. The gentleman had contended that he (Mr. S.) had not shown that we were bound by the Law of Nations and of neutrality, to refuse the permission. Mr. S. said he was surprised at such an assertion, after he had quoted from *Vattel* and the late Secretary of State, the following passages, which he should again quote, as they had been so soon forgotten. *Vattel*, p. 489 says:

"As long as a neutral nation wishes to enjoy this situation with certainty, it ought to show in every thing an exact impartiality between those who are at war;

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for if it favors the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of the enemy; its neutrality would be a fraudulent one, of which no one would be the dupe."

Mr. Jefferson, page 60, speaking of the fitting out of privateers, which stands on the same footing as the selling of prizes, says:

"Since we are bound by treaty to refuse it to the one party, and are free to refuse it to the other, we are bound by the laws of neutrality to refuse it to that other."

The permission to sell prizes, certainly favors the one party to the prejudice of the other; it is only with that view that it is required; were it a matter of indifference, it would not be asked. *Fattel*, then, shows that it is contrary to the Law of Nations for a neutral nation to grant it; and Mr. Jefferson shows that it is contrary to the laws of neutrality.

But how does the gentleman prove that it is not contrary to the laws of neutrality? By proving that a neutral nation might treat belligerent nations unequally, where it was in consequence of a stipulation prior to the war, and having no particular reference to it. Mr. S. said, he subscribed to the truth of that doctrine, but it was the very reverse of the present case. How could a case of succor, stipulated prior to the war, and having no reference to it, apply to a case where it was admitted there was no stipulation prior to the war, and where the permission to sell would have reference to the existing war? The gentleman had mentioned the acquiescence of the Executive in the sale of prizes; but that proved nothing. At the commencement of the war between France and England, the agents of the former exercised the right of fitting out privateers, and of holding prize courts; as well might it be said, because a stop was not immediately put to this practice, that the Executive had acquiesced in it. The fact was, that these subjects being new and difficult, much time was required to regulate them. The President had applied to Congress for aid to enforce the laws of neutrality; the subject being properly before them, it was competent to them to prohibit every thing which, not being granted by treaty, it was contrary to the laws of neutrality to permit: this was, therefore, precisely the case where the Legislature ought to interpose to preserve the peace of the country. Instead of arming Britain with claims of indemnification for injuries done her by the sale of prizes already made, the sanctioning of the practice by striking out the clause, would furnish her with a pretext for indemnification for all prizes hereafter sold. France could not reasonably be dissatisfied, as the question had never been determined by the Executive; she had not been dissatisfied with the refusal to fit out privateers and hold courts; and yet she had as much right to complain in both those cases as in the present. The British Minister had specified the sale of prizes among the causes of complaint, as a deviation from neutrality; but had it been otherwise, it would not alter the propriety of the thing, for there were other parties interested besides Eng-

land, and it was well known that Spain and Holland were dissatisfied.

Mr. HILLHOUSE spoke in favor of the clause. Mr. GOODHUE observed, that the subject lay within a very narrow compass. If, by our treaty with France, they had a right to sell their prizes in our ports, there was nothing more to be said. If they had no such right by treaty, then it was to be considered how far giving them this right would be a violation of our present neutrality. As to the treaty, Mr. Jefferson, our late Secretary of State, in his correspondence, communicated to us the present session, had explicitly said, that no such claims could be made by France, by virtue of our treaty with them, to such a measure. And, indeed, if we look into the treaty which France made with Great Britain in 1786, several years after the one they had formed with us, we shall have all doubts removed on the true construction which ought to be had upon the article mutually existing between us, by virtue of which such a right is pretended; for, in the treaty they made with Great Britain, they expressly stipulated that in case either party should be at war with any other nation, no prizes of the one being so at war shall be sold in the ports of the other; consequently, had it happened that we had been at war with Great Britain, and France had remained in peace, we could not, by the article in our treaty with them, have had such an indulgence. Indeed, the gentleman from Virginia [Mr. MADISON] seems to give up the right, and takes it up on the ground of expediency, and not having a tendency to violate our neutrality. Mr. Jefferson has also, in his correspondence, laid down this principle, that if a neutral nation granted a favor to one belligerent Power, which she withheld from the other, it was so far a violation of neutrality: this principle was incontrovertible. Mr. MADISON had said, we had not heard that the British Government had complained on this score to our Minister at London; but, though that was true, it was nevertheless true that their Minister here had made complaint of it to us; and Mr. G. was of opinion, that, in settling our accounts with Great Britain for the spoils they have committed on our commerce, they would bring as a charge against us, the prizes made of their vessels, which we had permitted the sale of in our ports. He therefore hoped the clause would not be stricken out, agreeably to the motion for that purpose. Mr. G. further observed, that it had given him much pain to see so many amendments proposed in the progress of this bill, to deprive the Executive and Judicial powers of this Government from being vested with that authority so essentially necessary to restrain the licentious from committing such acts as unquestionably hazarded the tranquility of our country.

Mr. NICHOLAS and Mr. TRACY also spoke, and Mr. MADISON rose in explanation.

For striking out the clause 46—against it 37.

After some further discussion, the Committee rose, and the Chairman reported the bill, with amendments.

The House proceeded to consider the said amendments; whereupon amendments to the first, third,

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and fourth sections of the said bill being twice read, were, on the question severally put thereupon, agreed to by the House.

The amendment to the sixth section of the said bill being twice read, to strike out the whole of the said section, in the words following:

"And be it further enacted, That it shall not be lawful to sell, within the United States, any vessel or goods captured from a Prince or State, or from the subjects or citizens of a Prince or State with which the United States are at peace, which vessel or goods shall have been captured by any other foreign Prince or State, or by the subjects or citizens of such Prince or State, unless such vessel and goods shall have been first carried into a port or place within the territory of the Prince or State to which the capture belong; but such vessel and goods shall be carried out of the United States by those who shall have brought them in. And the sale of any vessel or goods, prohibited as aforesaid, shall be utterly void."

On the question that the House do agree with the Committee of the Whole House in the said amendment, it was resolved in the affirmative—yeas 48, nays 38, as follows:

Y E A S.—Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Barnes, Thomas Claiborne, Abraham Clark, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, William Findley, William B. Giles, Alexander Gillen, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Thomas Hartley, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Israel Smith, Thomas Sprigg, Thomas Treadwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Richard Winn.

N A Y S.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Cott, Jonathan Dayton, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, Benjamin Goodhue, James Gordon, James Hillhouse, William Hindman, John Wilkes Kitters, Henry Latimer, Amasa Learned, Francis Mallonee, William Van Murray, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeek, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, and Joseph Winston.

The said bill, with the amendments, was then read the third time and passed.

TUESDAY, June 6.

The SPEAKER laid before the House a Letter from Arthur St. Clair, Governor of the Territory of the United States Northwest of the river Ohio, requesting a speedy decision on the report of the committee appointed to inquire into the causes of the failure of the expedition carried on against the Western Indians, in the year one thousand seven hundred and ninety-one; which was read, and ordered to lie on the table.

Mr. SCOTT moved that certain papers should be printed. On them had been founded the report of the committee, as to the failure of St. Clair's expedition.

Mr. CLARK thought that it would be better to send the whole papers up with the box that contained them to Washington county, which the member [Mr. SCOTT] came from, and if one or two persons there wanted to read them, they might do it in the manuscript.

Mr. DAYTON took the box which held the papers, and emptied it on the floor. They made up a number of large bundles.

Mr. SCOTT thought that it would be very easy to print them. It was observed, that before papers were ordered to be printed, it was a rule of the House to have them read. The reading would take at least a week, though the House were to do nothing else. The motion was negatived.

Resolved, That the resolution of the twenty-first ultimo, authorizing the President of the Senate and SPEAKER of the House of Representatives to close the present session, by adjourning their respective Houses on this day, be repealed; and that, instead thereof, they be authorized to adjourn their respective Houses on Thursday, the fifth instant, to meet on that day by law appointed.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

A message from the Senate informed the House, that the Senate recede from their amendments disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas," and do agree to the said amendments, with certain modifications of the same, agreeably to the report of the committee of conference. The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to all the modifications of the said amendments, as proposed by the committee of conference, except the amendment to the twelfth section; and that the Senate be informed that this House have, in their first proceeding on the amendments of the Senate, agreed to the amendment to the said twelfth section, as originally proposed by the Senate.

The House resolved itself into a Committee of the Whole House, on the bill concerning invalids; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read; and, on the question put thereupon, disagreed to by the House.

Ordered, That the said bill be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to report a state of facts, with their opinion thereon, relative to a settlement made by the State of North Carolina, for certain claims against the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consider-

tion, and made some progress therein. And on the question that the Committee of the Whole House have leave to sit again on the said report, it passed in the negative.

The House resolved itself into a Committee of the Whole House on the bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

Ordered, That the said bill be engrossed, and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the bill supplementary to the act, entitled "An act to promote the progress of Useful Arts; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time to-day. It was so read and passed.

Ordered, That a committee be appointed to bring in a bill appropriating any moneys not already appropriated, and that Mr. FITZSIMONS, Mr. SEDGWICK, and Mr. HILLHOUSE, be the said committee.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a general abstract of the exports of the United States for one year, ending on the thirtieth of September; one thousand seven hundred and ninety-three; also, two summary statements, for the same period, exhibiting the value of the exports from each State, and a view of the exportation to all the foreign Dominions with whom the United States maintain a commercial intercourse; which were read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate have passed the bill, entitled, "An act laying certain duties upon snuff and refined sugars," with several amendments; to which they desire the concurrence of this House. The House then proceeded to consider the said amendments, and, the same being read, were agreed to.

The House again resolved itself into a Committee of the Whole House on the bill making certain alterations in the act for establishing the Judicial Courts of the United States, and altering the time and place of holding certain Courts; and, after some time spent therein, the Chairman reported that the Committee had again had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

An engrossed bill to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia, was read the third time, and on the question that the said bill do pass, it was resolved in the affirmative—yeas 46, nays 26, as follows:

YEAS.—Fisher Ames, James Armstrong, Abraham Baldwin, John Beatty, Benjamin Bourne, Thomas P. Cames, David Cobb, Peleg Coffin, William J. Dawson, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Malone, Peter Muhlenberg, William Vane Murray, Josiah Parker, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, John Smilie, Israel Smith, William Smith, Thomas Sprigg, Silas Talbot, George Thatcher, Uriah Tracy, John E. Van Allen, Peter Van Gausebeck, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

NAYS.—Thomas Blount, Elias Boudinot, Thomas Claiborne, Abraham Clark, Joshua Coit, Isaac Coles, William B. Giles, James Gillespie, James Gordon, George Hancock, James Hillhouse, Matthew Locke, Nathaniel Macon, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Nathaniel Niles, Francis Preton, Jeremiah Smith, Thomas Tredwell, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

An engrossed bill concerning invalids was read the third time and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the resolution of the twenty-first ultimo, for the adjournment of the two Houses on this day, and authorizing the President of the Senate and the SPEAKER of the House of Representatives to close the present session, by adjourning their respective Houses on Thursday, the 5th instant.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and, the same being read, some were agreed to, and others disagreed to.

The SPEAKER laid before the House a Report from the Secretary of the Treasury, accompanying an estimate of the sums which require to be appropriated, in addition to those provided for during the present session; also, a statement of the appropriation of ten thousand dollars for the purpose of defraying the contingent charges of Government; which were read, and ordered to be referred to the committee appointed to bring in a bill, appropriating any moneys not already appropriated.

PURCHASE OF GALLEYS.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to authorize the PRESIDENT of the UNITED STATES, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys in the service of the United States."

Mr. PARKER moved that the Committee of the Whole House be discharged from the farther consideration of the bill.

Mr. MURRAY objected to the motion. They would, in case of a war, be very useful.

Mr. LYMAN wondered that certain gentlemen, who had objected to every measure for avenging the injuries of America, were so forward in every measure that would lead this country into expense. He contended that there was no danger of a war. He had just received a letter from New York, stating that a vessel had just arrived from England, which brought intelligence down to the 17th of April. The combined armies were making off; and the country from which we have most reason to fear hostilities is internally in a state so alarming, that she is likely to have more need of galleys for her own protection than we have for ours.

Mr. HILLHOUSE observed, that he was one of those who came under the lash, as averse to avenging the injuries of America. He was, however, as independent as any member of that House; and was answerable only to his own conscience for his conduct. He wished that gentlemen would spare such reflections. In the present instance, the remark was unfortunate, because the bill did not meet with his approbation. He had no idea that there would be occasion for galleys or anything of the kind.

Mr. BALDWIN approved of the proposal for the galleys.

The House went into a Committee on this subject.—Mr. TRUMBULL in the Chair; the motion for discharging the Committee having been negatived—yeas 35, noes 37.

Mr. CLARK rose and moved that the first section of the bill should be struck out.

Mr. PARKER seconded the motion. He never knew of any good that galleys had done. They could not be made to stand an attack, even when, as at Mud fort, under the shelter of fortifications. As to himself, he would think his house more secure with no galleys at all, than if half a dozen were lying in the front of it. Instead of a defence, they often did mischief to the coast. Privateers, or ships of war, attacked them; and in the pursuit, landed and burnt the houses in the neighborhood. This was the sort of defence which they afforded. He would be glad to hear, what he had never yet been able to hear, viz. of any service of any kind that they had performed.

Mr. BALDWIN. The gentleman has got his frigates and fortifications. He should indulge other people with modes of defence that they are anxious for. If they are of no use in James' river, do not seek them. They will not be given to those who do not want them. There is no fear that the PRESIDENT will be too lavish of them. The Georgians were vastly the better for them in the time of the war.

Mr. FITZSIMONS affirmed, that they had been of very great service in the war. They were of much use in the Delaware. They stopped for some time the progress of the British army. He was informed of this by gentlemen whom he could

trust as much as he could do any body in that House.

Mr. MADISON knew not what opinion to form between such opposite assertions. Personally, he was no judge. Only the bill could not pass in its present form, if it passed at all; because the number of galleys must be limited by the act.

Mr. SEDGWICK was against the galleys. He, like Mr. HILLHOUSE, was one of those gentlemen who came under the lash of Mr. LYMAN. He had voted against the measures referred to by that gentleman, but he was also against the present. Further, the gentleman was entirely mistaken as to the quarter from whence the bill came. It had been supported in the Senate by a description of persons whom the gentleman would, to-morrow, be calling his bosom friends. He reproached all reflections of this nature, and concluded by remarking, that "the gentleman's reputation should be unblemished, who calls that of other people in question."

Mr. WADSWORTH had been for twenty years at sea; so he should know something of the matter. He was for the galleys. If they went off at Mud fort, that was not any fault in them, but an impeachment of the conduct of those who conducted them. In some places they were very useful. A vessel of this kind might be constructed that would fight all the privateers of Bermuda. He thought that the inhabitants of North Carolina and Georgia should be indulged in their wishes. He named an officer in the later State, who, during the war, did more mischief to the British by galleys, than was done by all the battles fought by land in the country. At New London, where he lived, they were not worth a rush; but in many situations they might be very useful.

Mr. MURRAY likewise replied to the remarks of Mr. LYMAN. He came under the same description with the member from Massachusetts, [Mr. SEDGWICK.] He was for the galleys. He gave a description of the construction of the galleys and their immense conveniences in certain situations. On motion, the Committee rose, reported progress, and asked leave to sit again.

WEDNESDAY, June 4.

An engrossed bill making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts, was read the third time, and passed.

The House resolved itself into a Committee of the Whole House on the bill to authorize the PRESIDENT of the UNITED STATES to receive cessions of land for the sites of light-houses and beacons, under certain limitations; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be engrossed, and read the third time, it passed in the negative. And so the bill was rejected.

Resolved, That a joint committee of both Houses be appointed to wait on the PRESIDENT of the UNITED STATES, and request that he would re-

H. or R.]

Purchase of Gallies.

[June, 1794.]

commend to the People of the United States a day of public humiliation and prayer, to be observed by supplicating Almighty God for the safety, peace, and welfare of these States; and that Mr. BORDINOR, Mr. NILES, and Mr. GORDON, be of the said committee, on the part of this House.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Nicholas Rieb; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto; and read the third time to-day.

Mr. FITZSIMONS, from the committee appointed, presented a bill making appropriations for certain purposes therein expressed; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act authorizing a settlement of certain expenses of the Commissioners of Loans;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail;" with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before Congress the copy of a Letter, with its enclosure, from the Secretary of State to the Minister Plenipotentiary of his Britannic Majesty, it being an answer to a Letter from the Minister to him, bearing date the 22d ultimo, and already communicated.

G. WASHINGTON.

UNITED STATES, June 4, 1794.

The said Message and papers were read, and ordered to lie on the table.

A message from the Senate informed the House, that the Senate insist on their amendments, disagreed to by this House, to the bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the foregoing message. Whereupon,

Resolved, That this House doth agree to the conference desired by the Senate; and that Mr. GILES, Mr. LYMAN, and Mr. DAYTON, be appointed managers at the same on the part of this House.

[June, 1794.]

Invalid Pensioners.

[H. or R.]

leys had been taken by an American packet-boat, which was commanded by a gentleman who since had a seat in that House. He was for striking out the section. Gallies had been of no use to the British, and of none to America.

Mr. GILES said, that he had nothing to do with them. As to personal reflections, he had nothing to do with them. They did not suit him.

Mr. PARKER said, that he had made the original motion for striking out the clause, and he adhered to his opinion. Ten or twelve gallies, during the war, had cost Virginia seven, eight, or ten hundred thousand dollars for no purpose. It was true, that gallies were not to be attacked; for they commonly got into such situations as to be out of the reach of any enemy except the mosquitoes. Brave men would fight as well in a galley as any where else; but no man of spirit would place himself in them. (Of this, there was melancholy experience in Virginia during the war. He considered the bill as nothing but a useless attack upon the Treasury. He was ready to vote for the building of twenty-gun ships. But he believed that the danger was over, and that the nation which had insulted us already would insult us no more.

Mr. GILLES wished to limit the number of the gallies. He had been very unwell, which had hindered him from attending to the bill. He hoped that the explanations of some gentlemen would be like what the lawyers call a *bar dinner* at the end of the term. They would promote a good understanding.

Mr. BALDWIN was in favor of the gallies.

Mr. MADISON wished to refer the clause to a special committee.

On a division as to the clause, there were for striking out—ayes 33, noes 40.

Mr. GILES moved an amendment, that the number of gallies should not exceed ten; which was agreed to.

After some further conversation, the Committee rose, and the Chairman reported the amendments. The House took them up, and ordered the bill to be engrossed for a third reading.

The said bill, with the amendments, was read the third time; and, on the question that the same do pass, it was resolved in the affirmative—ayes 42, noes 32, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Thomas P. Cane, David Cobb, Peleg Coffin, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Alexander Gillon, Benjamin Goodhue, James Gordon, Andrew Gregg, William Barry Grove, Thomas Hartley, William Hindman, John Hunter, John Wilkes Kittredge, Henry Latimer, Amasa Learned, Francis Malbone, Peter Muhlenberg, William Van Murray, John Nicholas, Andrew Pickens, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Quasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Benjamin Williams, and Richard Winn.

NAYS.—Theodoras Bailey, Thomas Blount, Benjamin Bourne, Gabriel Christie, Thomas Claiborne, Joshua Cott, Isaac Coker, William J. Dawson, Henry

Dearborn, George Dent, William B. Giles, Nicholas Gilman, Daniel Heister, William Lyman, Nathaniel Macon, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, Anthony New, Nathaniel Niles, Alexander D. Orr, Francis Preaton, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, Thomas Sprigg, Abraham Venable, Francis Walker, and Joseph Winston.

THURSDAY, June 5.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to make further compensation for the services of the late Robert Forsyth, Marshal of Georgia," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

An engrossed bill for the relief of Nicholas Rieb was read the third time, and passed.

INVALID PENSIONERS.

The House resolved itself into a Committee of the Whole House on the resolution reported by the committee to whom were referred two Reports of the Secretary of War, accompanying statements in the cases of claimants for invalid pensions; and, after some time spent therein, the Chairman reported that the Committee had had the said resolution under consideration, and made an amendment thereto; which was twice read, and agreed to by the House.

The said resolution, as amended, was again read, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary for the Department of War be, and he is hereby, directed to make out an exact list of the names of each person returned to him as invalid pensioners by the Judges of the Circuit Courts of the United States signing themselves as Commissioners, under the act of Congress passed the twenty-third of March, one thousand seven hundred and ninety-two, entitled "An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions;" and to return to the Judge of each district one copy of such list, stating particularly the district from which each person was returned, and that all are, by Congress, directed not to be entered on the pension list. And the said Secretary is further directed to return to each District Judge a list of the names of all such persons as have been returned as invalid pensioners by the District Judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate claims to invalid pensions," distinguishing those who have been placed on the pension list and those who have not been placed on the same, by reason of their testimony being incomplete, stating particularly the legal requisite or requisites wanting in the evidence of each,

and naming such of them whose evidence of leaving the service is not lodged in his office. And the Judges of the several District Courts, upon receipt of the above-described lists and statements from the Secretary for the Department of War, are hereby directed forthwith to publish the same in every part of their respective districts, adding to such publication the time when the act regulating the claims to invalid pensions expires.

The House then resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for the remission of the duties on certain distilled spirits which have been destroyed by fire;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was then read the third time, and passed.

COMPENSATION TO CERTAIN CLERKS.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act allowing an additional compensation to the Principal Clerks in the Department of State, and in the Treasury and War Departments, for the year one thousand seven hundred and ninety-four;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto.

And on the question that the said bill be now read the third time, it was resolved in the affirmative—yeas 43, nays 32, as follows:

YEAS.—Fisher Ames, Theodorus Bailey, Benjamin Bowne, Gabriel Christie, David Cobb, Peleg Coffin, William J. Dawson, Jonathan Dayton, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, James Gordon, Samuel Griffin, Thomas Hartley, Daniel Heister, William Hindman, Henry Latimer, Amasa Learned, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Andrew Pickens, Francis Preston, Robert Rutherford, Theodore Sedgwick, William Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Abraham Venable, Peleg Wadsworth, Jeremiah Wadsworth, Artemas Ward, John Watts, Benjamin Williams, and Richard Winn.

NAVA.—John Beatty, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Thomas Claiborne, Joshua Cott, Isaac Coles, George Dent, William B. Giles, James Gillespie, Andrew Gregg, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph M'Dowell, William Montgomery, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Thomas Scott, John Smilie, Jeremiah Smith, Israel Smith, Thomas Spriggs, Silas Talbot, George Thatcher, Thomas Tredwell, Francis Walker, and Joseph Winston.

The said bill was accordingly read the third time, and passed.

SUNDY BILLS.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue in force the "Act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers;" and that Mr. Boudinot,

Mr. WILLIAM SMITH, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

Mr. GILES, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act laying additional duties on goods, wares, and on the tonnage of ships or vessels," made a report. Whereupon,

Resolved, That this House doth recede, in part, from their disagreement to the second amendment of the first section, and doth agree to the same, with an amendment, by striking out the words "one cent and a half," and inserting, in lieu thereof, "one-half a cent."

Resolved, That this House doth insist on their disagreement to the last amendment to the first section.

Resolved, That this House doth recede from their disagreement to the amendment for striking out the fourth section of the said bill.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to continue in force the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" and that Mr. Boudinot, Mr. WILLIAM SMITH, and Mr. BENJAMIN BOURNE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for certain purposes therein expressed; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. BODINOT, from the committee appointed, presented a bill to continue in force, for a limited time, the "Act supplementary to the act for the establishment and support of light houses, beacons, buoys, and public piers;" which was read twice, and ordered to be engrossed, and read the third time to-day. The bill was subsequently read the third time, and passed.

Mr. BODINOT, from the committee appointed, presented a bill to continue in force, for a limited time, the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes;" which was read twice, and ordered to be engrossed, and read the third time to-day. The bill was subsequently read the third time, and passed.

A message from the Senate informed the House, that the Senate have agreed to a resolution that the resolution of the third instant for the adjournment of the two Houses on this day be rescinded; and that the PRESIDENT of the Senate and SPEAKER of the House of Representatives be authorized to close the present session, by adjourning their respective Houses on Monday, the ninth instant, to meet again on the day by law appointed; to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, was agreed to.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the remonstrance of the people west of the Alleghany Mountains, relative to the navigation of the river Mississippi; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That, as it appears from the communications of the Executive, that the right of the United States to the free navigation of the Mississippi is now the subject of negotiation with the Court of Spain; and, as it is the interest of the United States, and every part thereof, to come to an amicable adjustment of the right in that mode, rather than resort to any means Constitutionally belonging to the Legislature, no further proceedings should be had on the said remonstrance, during the present session of Congress.

The SPEAKER laid before the House a Letter from the Secretary of War, communicating further information relative to recent events on the South-western frontiers of the United States; which was read, and ordered to lie on the table.

The House proceeded to consider the report of the committee to whom was referred the Letter from the Attorney General, of the twenty-first ultimo, accompanying a table of costs and fees for the Courts of the United States. Whereupon,

Resolved, That the table of fees reported by the Attorney General be referred back to him, with directions that he do report to this House, during the next session of Congress, such tables of fees, and regulations relative to the same, as, on a comparative view of the fees taxable in the several States, shall, in his opinion, be proper to be established for the Courts of the United States.

On motion.

Resolved, That the Secretary of the Treasury lay before the House of Representatives, at each annual session, within ten days after the commencement of the same, a distinct account of the revenues arising under the several duties and taxes, and of the expense attending the collection of each particular duty or tax, as far as such expense can be discriminated; and also of the number of officers employed in collecting the public revenue, and the allowances made to them, respectively.

FRIDAY, June 6.

It being suggested that a mistake had occurred in the enrolment of the bill entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" on motion,

Resolved, That the Committee of Enrolment be authorized to amend the enrolled bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," by striking

out the word "next," in the second line of the first section, and by inserting, instead thereof, the word "instant;" also, by making a corresponding alteration throughout the bill, and by striking out, in the title thereof, the words "and on the tonnage of ships or vessels;" that the engrossed bill be amended conformably thereto; and that the concurrence of the Senate be requested, by message, in this resolution.

A message from the Senate informed the House, that the Senate have agreed to the resolution of this House, authorizing the Committee of Enrolment to amend the enrolled bill, entitled "An act laying additional duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

The present Doorkeeper of the House having omitted to perform the duties of his office for some time past,

Resolved, That the House will now proceed to choose another Doorkeeper in his room, to commence his services from and after Monday next.

The House accordingly proceeded, by ballot, to the choice of a Doorkeeper; and, upon examining the ballots, a majority of the votes of the Whole House was found in favor of Thomas Claxton.

The House resolved itself into a Committee of the Whole House on the bill to provide for a Health Officer for the town of Baltimore; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-day.

The House proceeded to consider the amendments reported yesterday by the Committee of the Whole House to the bill making appropriations for certain purposes therein expressed; and the same, being amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Griffith Jones; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to bring in a bill authorizing the proper officers of the Treasury to settle the account of Griffith Jones, as not barred by the act of limitation.

Ordered, That Mr. FINDLEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALLADER, and Mr. CHRISTIE, be a committee pursuant to the said resolution.

An engrossed bill to provide for a Health Officer for the town of Baltimore, was read the third time, and passed.

The House proceeded to consider the report of

the Secretary of the Treasury on the petition of Samuel Prioleau, which lay on the table : whereupon,
Resolved, That the accounting officers of the Treasury be authorized to settle the accounts of Samuel Prioleau, as not barred by the statute of limitation.

Ordered, That a bill or bills be brought in, pursuant to the said resolution ; and that Mr. FISKELEY, Mr. SWIFT, Mr. VAN ALLEN, Mr. CADWALADER, and Mr. CHRISTIE, do prepare and bring in the same.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act concerning invalids;" also, the bill entitled "An act laying duties on property sold at auction," with several amendments; to which they desire the concurrence of this House: the Senate have also passed the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," with several amendments; to which they desire the concurrence of this House.

Mr. FISKELEY, from the committee appointed, presented a bill to authorize the settlement of the claims of Griffith Jones and Samuel Prioleau; which was twice read, and ordered to be engrossed and read the third time to-day.

The House resolved itself into a Committee of the Whole House on the reports of the committee to whom was referred the memorials of the Clerks in several of the Public Offices; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That Leighton Wood, Clement C. Brown, Joshua Dawson, Joseph Stretch, Charles Tomkins, William Shepherd, John Little, John Hindman, John Matthews, George Mitchell, John Thompson, Miles F. Clossey, Benjamin Bankson, Philip Audebert, Benjamin Betterton, and Joseph Parker, Clerks in the Public Offices, and the families of George Walker, Jacob S. Howell, Charles Wilson, Thomas O'Hara, and Matthew Walker, also Clerks in the Public Offices, and of James Davison, a Clerk in the Post Office, be allowed out of the Treasury of the United States, the sum of — dollars.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. TRACY, Mr. MONTGOMERY, and Mr. WILLIAMS, do prepare and bring in the same.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act laying duties on property sold at auction;" and, the same being read, were agreed to.

An engrossed bill to authorize the settlement of the claims of Griffith Jones and Samuel Prioleau, against the United States, was read the third time and passed.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act to promote the progress of Useful Arts,'" and, the same being read, were agreed to.

REGISTRATION OF SEAMEN.

The House resolved itself into a Committee of the Whole House on the bill for registration and protection of American seamen.

Mr. FITZSIMONS was against the bill. It would be extremely unfavorable to the American navigation; because every man on board of our vessels, who has not a certificate, will, in future, if the law takes place, be considered as not an American. There are not one-tenth part of the sailors of the port of Philadelphia natives of the country. They are the fragments of all nations; but they do their business for the most part very well. He thought that the bill had much better be laid aside for the present. There was one difference between this country and Britain, that had never yet been settled. Britain insists upon considering as her own lawful subjects all persons born in that country, or its dependencies, who had not been in the American service at the time when the Declaration of Independence was made. This difficulty it had never yet been found practicable to remove.

Mr. MURRAY defended the bill. It was not his intention, when he moved the consideration of this subject, to promise a complete system in this desirable point—his wish was rather to secure the advantages which certainly were within our reach, than Quixotically to encounter or to dispute the claims of foreign nations on the point which the gentleman had alluded to—Britain rested her claims to allegiance on a feudal principle, that no subject could, by any act of his own, by any change of time, place, or of oath, free himself from his allegiance to his liege lord, as that natural allegiance is indissoluble. He contests this principle, so inconvenient to mankind, at present. As the extent of this operation is a point which cannot be settled by an act of this body, it must be determined by negotiation, and a convention stipulating the precincts of right on this important question. As to the argument, that those who shall not obtain these protections will, though really Americans, be liable to impressment, it would apply with equal force to any other period at which this subject should be taken up. The very nature of the subject precludes the uniform operation of a law of this sort. As to time and place, seamen are never all of them on shore—half are generally aboard, half on shore—it is not so with laws operating on land men, who are stationary, and can be uniformly acted on, at the same moment. Besides, this bill does not render it the duty of seamen to obtain evidence. If it did, the argument would apply, as it would then be concluded, that those who had not protections were not entitled to them. The bill only enjoins it as a duty on Collectors to do certain things on application. This objection is then not to the bill, but to the nature of the subject of it. Mr. M. stated the circumstances that took place during the Nootka Sound impressment, where so many Americans were ignominiously impressed. He hoped in a few years to see a strong line drawn between our seamen and those of all other nations, and he could not believe but that if our own seamen car-

ried out such evidence of birth and of citizenship as the bill demanded, even the British, whose insolence had been so recently manifested, would pay as much respect to such evidence, when entered in the ships' papers, as they will to clearances or other papers certified under the authorities of the United States.

The general object of the bill was to protect seamen from foreign impressment, but some collateral benefits naturally were attendant on the main object. By beginning a registration of seamen, the country will in time derive the advantage of knowing the number of seafaring citizens, on whom she may rely in time of war—and the municipal rights of citizens will be rendered more secure in case of intestacy occurring among a body who are fond of change, whose names, births, and place of general residence, being identified before they leave the country, their heirs will have additional security. On this part of the bill, he would remark that nothing more than an outline of a larger system than could be completely organized was intended. In time, when practice shall have pointed the attention of seamen to this subject, a very good provision may be ingrafted to great advantage under the principle of registers, the obliging of captains to return a list of the seamen who may come home, with the cause of absence of such as may not return, all of whose names will have been previously registered. This was a few years since the practice in France, and was an attention to the seamen and their interest, which was worthy of imitation, as it secured their effects and wages to their legal representatives. This, however, could not be done till usage had familiarized both captains and sailors to a practice of registering, from motives of immediate personal protection, as is intended by this bill. The Collector of the district who gives clearances to vessels is obliged by the bill to keep this book, in which he is to enter the names, ages, places of birth, and of general residence, of all American seamen who may apply with well attested proof of the fact and circumstance of birth or of citizenship. After he has entered these things in his book, he is to make a short memorandum of this in each case in the clearance of the vessels, certifying that the memorandum is from authenticated evidence. He is then to give the seamen a certificate called a protection, which will likewise be a short memorandum from the evidence stated, attested by himself, and under seal, and then return to the seaman all his original papers. The original papers are to be returned that a seaman who has once obtained them may be enabled to have similar protection granted him at any port in the United States subsequently, if he should happen to embark at a distance from the place where he could most easily obtain evidence of the highest degree, that of parents or neighbors in early life. Thus, a seaman obtaining evidence in Baltimore, might, at Boston, on another voyage, be assisted, and receive a protection. He will, of course, feel a pride, as well as interest, in the safe-keeping of these papers. They will prove frequently the means of protection and

aid to him in foreign countries, and operate by a ready association of interest and affection in his mind, as a badge of national glory, and an incentive to patriotism. We must, at least, trust to practice for protection in all provisions of this sort. We must suppose a wisdom in Government never fails to suggest. He well knew there were many difficulties in the way, yet he did not despair of partial success, though complete security were unattainable, as long as the rights of citizenship, adverse to the obligations of natural allegiance, as it is called in England, remained unsettled, or at least not recognized between this country and Great Britain by convention. If we do not now begin the system, it must be done some other time, and the objections he had heard would apply to any other period, so it was good policy to begin now if at all.

Mr. W. SWIFT objected to the bill, as at present impracticable. He moved that this Committee do now rise.

Mr. DAYTON seconded the motion. He was of opinion that we were, in this case, like a dwarf taking the standard height of a full grown man to measure himself by. All seamen of the United States, who wanted this certificate, would, in future, be seized, and it was certain that many would neglect to get it.

The Committee now rose, and the question being taken that the Committee of the Whole House have leave to sit again on the said bill. It passed in the negative.

Ordered, That the Committee to whom was committed the report of the Secretary of War on the memorial of Peter Peritt, be discharged from the further consideration of the same, and that the said memorial be again referred to the Secretary of War, with instruction further to examine the same, and make report thereon at the next session.

SOUTHWESTERN FRONTIER.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers:" whereupon,

The first amendment, to strike out the first three sections of the said bill, being read at the Clerk's table, in the words following, viz :

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized to call out, from time to time, as occasion may require, any number of militia, belonging to the States of Georgia, South Carolina, North Carolina, Virginia, or the Territory South of the river Ohio, not exceeding, in the whole, ten thousand, as may at any time be by him thought necessary to carry on offensive operations against the Creek and Cherokee nations or tribes of Indians: *Provided*, That the militia to be called out be not continued in service for a longer term than six months, at any one time.

"Sec. 2. And be it further enacted, That the President of the United States be authorized to establish such military posts as he may deem necessary for the perma-

ment security of the Southwestern frontier settlers; and that the posts, so to be established, shall be guarded by troops from the line of the present Military establishment, or by the militia from the States and Territory aforesaid, as the President may judge most expedient; and between every two of the said posts there shall be kept up a constant patrol of mounted rangers.

"Sec. 3. And be it further enacted, That, the militia to be employed by virtue of this act shall, while in the service, be entitled to receive the same rations, pay, and clothing, or money in lieu thereof, as the troops now in the service of the United States are entitled to."

And, in lieu thereof, insert:

"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States shall be, and he hereby is, authorized to raise, for three years, unless sooner discharged, within the States of Georgia, South Carolina, North Carolina, and the Territory South of the Ohio, and Virginia, an additional regiment of infantry, consisting of one thousand one hundred and forty non-commissioned officers and privates, and solely to appoint the commissioned officers thereto, and organize the same, according to the present Establishment: *Provided*, That, if the President of the United States shall be of opinion that any part of the legion now in service, whether officers or privates, can, without detriment to the public service, be transferred, and constitute a part of the regiment herein provided, he be authorized to make such transfer.

"Sec. 2. And be it further enacted, That the non-commissioned officers, privates, and musicians, of the said regiment shall receive, as a bounty, the sum of twenty dollars, one half to be paid immediately after enlistment, the other half at the end of three months thereafter; and that they together with the commissioned officers, shall receive the same pay and allowances, in all respects, and be governed by the same rules and articles of war, as the other troops of the United States."

Mr. GILES expressed the utmost surprise at such a proposal. First, it had been projected to raise a standing army of fifteen thousand men, then twenty-five thousand, then ten thousand; and now, when all these schemes had been put to an end, this regiment of eleven hundred and forty men has appeared. Proteus never assumed a greater number of shapes than this attempt has done. His jealousy was highly excited by such a steady adherence to an idea so extremely offensive. The people of the United States did not wish to be trodden down by a Continental army. How this amendment might sit on the stomachs of some people, he could not say; but, if he were one of the gentlemen who represented the people, from whom the requisition for defence had come, the amendment of the Senate would sit very badly indeed upon his stomach.

Mr. NICHOLAS said, that a bill had been wanted to protect the frontiers, but, by this amendment, the bill would scourg them. He wondered at the pertinacity of some people, in adhering to the idea of a standing army. Mr. N. enlarged considerably on the question before the House.

Mr. McDOWELL had lived long on the frontiers, and he believed that he understood, from personal experience, what was the proper mode of defending them, as well as perhaps any gentleman on

that floor. He was against the amendment, because he knew from repeated experiments, that regular troops were, in this kind of service, altogether useless. The militia of the frontiers, who knew the country, and whose habits of life made them perfectly acquainted with the character of the enemy whom they had to encounter, were the only proper forces to oppose the Indians, with success. But why Government should burden itself with an useless expense, or the people with a kind of defence which they disliked, Mr. McD. did not know. Perhaps there was no part of the Union that had behaved so prudently and so patriotically as the citizens on the Southwestern frontiers. Yet Indian treaties were constantly broken by the savages themselves. Gentlemen who had never been witnesses to the scene, did not feel it, with adequate comprehension or sensibility. A man went to his corn-field, along with his son, who was shot dead by his side. He came home, and found his wife and the rest of his family murdered. Circumstances of this kind, and of which Mr. McD. drew an affecting picture, were too dreadful for human patience to support.

Mr. BOURNOR thought that the militia could not be kept together for six months, and that it was better to have regular troops.

Mr. ANAS replied to Mr. GILES. It was wrong to say that this was part of a system, and that the twenty-five thousand men had been part of it. He saw no such thing. We have one Indian war already, which is enough at a time. Those whom we are now to quarrel with, are three times more numerous than those to the Northwest. The Creeks, Cherokees, Choctaws, and Chickasaws, were, as Mr. A. had been informed, fifteen thousand fighting men. He did not think that there were too many Indians on the frontier, any more than too many wild beasts. The one might, by skillful management, be rendered as harmless as the other. Even the success of an Indian war, by extending our frontier, augments the number of our enemies; so that the task is hopeless, and has no end. Distance from the Seat of Government would increase, and with it the charges of defence. He was not one of those who wished to exterminate these poor creatures. He recommended a system of restraint on both sides. He could wish for something as strong as the Chinese wall to separate them. When an exasperated militia went out, what were we to expect, but that the first man with a red skin whom they met would be shot? Presently you discover that you have been shooting an Indian of the wrong nation, while, in the mean time, this whole nation rises and attacks you. The Continental troops, as being less exasperated, were less apt to fall into mistakes of this kind. He did not wish the militia to be called out in such numbers, as were proposed, by the bill when sent up to the Senate. He wished, if possible, for a restraint on both parties. He was for the amendment.

Mr. MURRAY was of the same opinion. It was not once in ten times that, when an Indian was killed by a white man, the murderer could be convicted. As to the standing army being an

object of alarm, he ridiculed that idea. But, at any rate, it was possible to limit the operations of this regiment of eleven hundred and forty men to the Southwestern frontier, if gentlemen were afraid of their being marched up and down the country.

Mr. GILLOX said, that there was something in this question, just like that some days since, about the galleys. If you do not want them, they shall not be forced upon you. He could not see their use in South Carolina. It was a body of militia that was wanted. There are no tumults in South Carolina to be repressed by a standing army. The expedition against Spain is knocked up. What occasion, then, can there be for them? He feared that this corps was only a part of the old leaven, the gilding of a bad pill. He liked this proposal better than the others of the same sort, only because, as the numbers are inferior, the evils are less. Mr. G. had no idea of hiring other people to do for us what we can do for ourselves. He had voted against the twenty-five thousand men, and the ten thousand, and he should also vote against the present number.

Mr. MADISON said, that he would not enter at large into this subject, but there was one circumstance in the business which struck him as very strange. It was proposed to raise a new corps, at a bounty of twenty dollars. The present army wanted more than the whole number of this corps to fill up its deficiencies, and yet the proposal for completing them had been rejected. Thus are we to be at the expense of supporting the skeleton of an army. Was it not better to fill up the old corps, than to put ourselves to the inconvenience of raising a new one?

Mr. McDOWELL rose to correct what had fallen from Mr. ANAS, as to the strength of the Indian nations on the Southwestern frontier. The Choc-taws and Chickasaws were, and always have been, friends to the white people, and ready to fight for them. The Creeks and Cherokees do not, at the most, extend to more than seven or eight thousand men.

Mr. CARVER.—The only use that Continental troops can be of is, to defend posts; and it has been found, by the experience of several years, that posts do more mischief than service. They are established at a distance of fifteen or twenty miles from each other. The Indian parties slip in between them; and the frontier settlers, depending on the protection of the regulars, are not, as they otherwise would be, upon their guard against the savages. The consequence is, that they are frequently murdered; while the only service performed by the Continentals is, that when the militia pursue the Indians, they are prevented by the former from crossing what is called the line. That is the whole service which they have performed in Georgia. In short, against the Creeks, they are good for nothing. Mr. C. wished that gentlemen would frankly say, once for all, that the Georgians did not deserve protection, and then the State would know what was to be done. He insisted on it, that, in Georgia, there were improvements leanings in favor of the Indians. He referred

to some persons in office, whom he specified. He believed sincerely that the Senate imagined themselves to be acting for the best; but they could not be such competent judges as persons on the spot. Within the last seven years, there has not been a single instance of an Indian killed, by a white man, unless when the Indians themselves began the quarrel. During the last ten or twelve years, there had been stolen from Georgia, horses to the amount of an hundred thousand dollars. These were often the chief property of poor people, who had nothing else to depend on for supporting their families. Gentlemen say that we have one Indian war already. But if you have two hands, both in the fire at once, will you pull out one before the other? The Creeks are a savage and faithless tribe. Some years ago, a treaty was made with them at New York; and this treaty cost, in presents, sixty-one thousand dollars. Well, before the chiefs got home, a fresh set of murders were committed. A set of Commissioners were next sent, and this embassy cost perhaps an hundred and fifty thousand dollars more. Gentlemen might talk as they thought fit about Indians; for his own part, he would not give the life of one white man for those of fifty Indians. The militia had been always successful against them, and the regulars had always been beaten; this showed the futility of the present amendment from the Senate. Of the successes of the militia, he gave some striking instances, where they had defeated three or four times their own number. As an evidence of the improper leaning on behalf of the Indians, Mr. C. adverted to what had just happened in Georgia. A gang of savages stole some horses. Lieutenant Hay, with a party of dragoons, pursued them, and fell into an ambushade, where Mr. Hay and two men were killed. This was the way that the Creeks kept a peace. Soon after, an Indian, being found in the State, was wounded; and in the correspondence read the other day, to the House, it was so stated, as if the white people were to blame. It made every drop of blood in his heart boil, to hear what he heard in this city as to the character and conduct of his constituents. As a Representative of Georgia, he demanded effectual aid for that State. If the House did not choose to grant it, he warned them that the Georgians would take measures for themselves. It was needless to speak of economy, after squandering such vast sums as he had mentioned, in the purchase of treaties that were never kept. He was against the amendment of the Senate.

Mr. DAYTON rose to contradict one assertion, which had fallen from the gentleman, viz: that the regulars were always beaten by the Indians. If gentlemen exercised their memories, or attended to historical facts, they would see the contrary. General Sullivan had entered the country of the Six Nations, had defeated them, and destroyed their towns, and since that time they had been looked upon as a subdued people. Mr. D. was himself in the army on that expedition, and a witness to the success of the regulars. He was for the amendment.

The question was put that the House do concur

with the Senate in the said amendment, and passed in the negative—yeas 26, nays 42—as follows:

YEA.—Fisher Ames, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, James Gordon, William Hindman, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Theodore Sedgwick, William Smith, Zephaniah Swift, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts.

NAY.—Theodorius Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, William Findley, William B. Giles, James Gillespie, Alexander Gilman, Nicholas Gilman, Andrew Gregg, Samuel Griffin, William Barry Grove, Daniel Heister, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Joseph Neville, John Nicholas, Alexander D. Orr, Josiah Parker, Francis Preston, Robert Rutherford, Thomas Scott, John Smilie, Jeremiah Smith, Thomas Spragg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Richard Winn, and Joseph Winston.

Ordered, That the further consideration of the said amendments be put off till to-morrow.

SATURDAY, June 7.

An engrossed bill making appropriations for certain purposes therein expressed, was read the third time and passed.

Mr. TRACY, from the committee appointed, presented a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks; which was read twice and ordered to be engrossed, and read the third time to-day.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making certain alterations in the act establishing the Judicial Courts, and altering the time and place of holding certain Courts," with several amendments; to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the River Ohio, between the Little Miami and Scioto,' with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the resolution directing the Secretary of War to make out, and return to the District Judges, certain lists, in the cases of invalid pensioners," with several amendments; to which they desire the concurrence of this House.

Resolved, That the sum of one hundred and twenty-five dollars be allowed to the clerk employed by the committee appointed to examine into the state of the Treasury Department, to be paid by the Clerk of this House, and charged to the account of Contingent expenses.

The House proceeded to consider the report of the Committee to whom was referred the petition

of Robert Lyell, which lay on the table: Whereupon a motion was made, and the question being put, that the House do come to the following resolution thereupon:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized, and he is hereby directed to place Robert Lyell, a captain in the late Continental Army of the South Carolina line, upon the invalid pension list, with the annual allowance of an invalid captain of the said line, to commence at the time of his discharge, after the fall of Charleston, where he was captured by the British army.

It passed in the negative.

Resolved, That Mr. TRUMBULL, Mr. HINDMAN, and Mr. GILMAN, be appointed a committee jointly, with such committee as shall be appointed on the part of the Senate, to wait on the PRESIDENT of the UNITED STATES, and to notify him of the proposed recess of Congress.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

An engrossed bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the third time and passed.

The House resumed the consideration of the amendments proposed by the Senate to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers." Whereupon,

Resolved, That this House doth disagree to all the amendments to the said bill.

A petition of Thomas Dunn was presented to the House and read, praying to be appointed Assistant Doorkeeper. Laid on the table.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to amend the act, entitled 'An act to enable the officers and soldiers of the Virginia line, on Continental Establishment, to obtain titles to certain lands lying Northwest of the river Ohio, between the Little Miami and Scioto,' and the same being read, were agreed to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the respective clerks in the several District Courts of the United States to return true copies of the tables of fees payable in the Supreme or Superior Courts of the State in which such clerks reside, to the Attorney General of the United States, on or before the first day of December next.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

The House proceeded to consider the amendment proposed by the Senate to the resolution directing the Secretary of War to make out and return to the District Judges, certain lists in the cases of invalid pensioners, and the same being read, was agreed to.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making certain alterations in the act for

establishing the Judicial Courts, and altering the time and place of holding certain Courts," and the same being read at the Clerk's table, some were agreed to, others amended and agreed to, and others disagreed to.

The House proceeded by ballot to the choice of an Assistant Doorkeeper, to commence his services on the first day of the next session; and upon examining the ballots, a majority of the votes of the whole House was found in favor of Thomas Dunn.

Ordered, That the report of the committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two, be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer," and the same being read, were agreed to.

A message from the Senate informed the House, that the Senate insist on their amendments, disagreed to by this House, to the bill, entitled "An act for the more effectual protection of the Southwestern frontier settlers," and desire a conference with this House on the subject-matter of the said amendments; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to the conference desired by the Senate; and that Mr. NICHOLAS, Mr. CARNES, and Mr. McDOWELL, be appointed managers at the same, on the part of this House.

Mr. NICHOLAS, from the managers appointed on the part of this House, to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill for the more effectual protection of the Southwestern frontier settlers, made a report: Whereupon,

Resolved, That this House doth adhere to their disagreement to the said amendments.

The yeas and nays being demanded by one-fifth of the members present, those who voted in the affirmative, are:

Theodorius Bailey, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, William J. Dawson, William Findley, James Gillespie, Alexander Gilman, Nicholas Gilman, William Barry Grove, Daniel Heister, Nathaniel Macon, James Madison, Joseph McDowell, William Montgomerie, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, Francis Preston, Thomas Scott, Jeremiah Smith, Thomas

Spragg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston—30.

Those who voted in the negative, are:

Fisher Ames, Abraham Baldwin, David Cobb, Peleg Coffin, Joshua Coit, George Dent, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, William Hindman, John Hunter, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Andrew Pickens, Theodore Sedgwick, William Smith, Zephaniah Swift, Silas Talbot, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peleg Wadsworth, Jeremiah Wadsworth, and John Watts—28.

Mr. TRUMBULL, from the joint committee of the two Houses appointed to wait on the President of the UNITED STATES, and notify him of the proposed recess of Congress, reported that the committee had performed that service.

Mr. TREDWELL read a resolution for reducing the salaries paid to the officers of the United States. That of the PRESIDENT was to be reduced, after the present term of appointment, to twelve thousand dollars, that of a member of Congress to four dollars per day, with various others of the same kind.

A motion to print it was rejected. It was then moved to proceed with it immediately.

Mr. WADSWORTH considered it as a good engineering project. It would, he doubted not, be very popular; and as there were only fifty or sixty members in the House just now, they had better take it up, and try to get all the credit of it to themselves. It was, after some conversation, withdrawn by the mover.

Mr. THATCHER moved that such members as had received their pay up to Monday next, and then absented themselves, should be ordered next session to return as much as they had received for the days when absent. The motion was ordered to lie on the table.

Mr. W. SMITH laid on the table a resolution for granting a delay to persons who had suffered by spoiliations in the West Indies, of the payment of duties to Government.

Ordered, That there be a call of the House on Monday morning at nine o'clock.

MONDAY, June 9.

LEWEL BENTON, from South Carolina, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States being first administered to him by Mr. SPEAKER, according to law.

On motion,

Resolved, That the Clerk of this House, with the approbation of the SPEAKER, be authorized to employ a third engrossing clerk in his office, for such time, during the next recess, as shall be found necessary, and to pay him for his services, on the SPEAKER's certificate, at the same rate as to the other engrossing clerks, out of the contingent money of the House.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act for the further compensation of clerks in the

Auditor's Office;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act for the further compensation of clerks in the Auditor's Office," was read twice, and on the question that the said bill be read the third time, it passed in the negative. And so the said bill was rejected.

Mr. BENTON, from South Carolina, informed the SPEAKER, that he had been prevented by indisposition in his family, and a long voyage, from attending his duty sooner in that House. This was the day of adjournment, and he wished to inform the House, that he should decline receiving pay for his travelling expenses, or attendance. He was not willing to qualify himself this day, unless it could be noted on the journals that he had refused any compensation. He took the oath.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the receipts and payments of public moneys, from the first of January to the thirty-first of March, 1794, inclusive; which were read, and ordered to lie on the table.

Ordered, That a message be sent to the Senate, to inform them that this House, having completed the business before them, are about to adjourn; and that the Clerk of this House do go with the said message.

A message from the Senate informed the House that the Senate having completed the Legislative business before them, are now about to adjourn until the first Monday in November next: Whereupon Mr. SPEAKER adjourned the House until the first Monday in November next.

PROCEEDINGS

or

THE SENATE OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRD CONGRESS, HELD IN THE CITY OF PHILADELPHIA, NOVEMBER 3, 1794.

MONDAY, November 3, 1794.

The following Senators appeared and took their seats:

RALPH IZARD, President *pro tem.*, from South Carolina.

JOHN LANGDON and SAMUEL LIVERMORE, from New Hampshire.

GEORGE CABOT, from Massachusetts.

OLIVER ELLSWORTH, from Connecticut.

THEODORE FOSTER, from Rhode Island.

MOSES ROBINSON, from Vermont.

RUFUS KING, from New York.

ROBERT MORRIS, from Pennsylvania.

JOHN BROWN, from Kentucky.

BENJAMIN HAWKINS, from North Carolina.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 4.

The Senate assembled: present as yesterday; JOHN VINING, from the State of Delaware, attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, November 5.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, November 6.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, November 7.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock on Monday morning.

MONDAY, November 10.

The Senate assembled: present as on the 7th; and

JOHN ADAMS, Vice President of the United States and President of the Senate, attended.

ALEXANDER MARTIN, from the State of North Carolina, and JAMES JACKSON, from the State of Georgia, severally attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 11.

The Senate assembled: present as yesterday; and WILLIAM BRADFORD, from the State of Rhode Island, attended.

The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, November 12.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, November 13.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, November 14.

The Senate assembled: present as yesterday. The number assembled not being sufficient to constitute a quorum to do business, the Senate adjourned to 11 o'clock on Monday morning.

MONDAY, November 17.

The Senate assembled: present as on Friday. The number assembled not being sufficient to form a quorum, the Vice President was requested, by the Senators present, to write a letter to each of the absent Senators, stating that a fortnight has already elapsed without the formation

of a Senate, and urging their immediate attendance as necessary to enable Congress to commence the business of the session.

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, November 18.

AARON BURN, from New York, appeared to-day, which formed a quorum, and enabled the Senate to proceed to business.

Messages were accordingly exchanged between the two Houses, and a joint committee was appointed to wait on the President of the United States, to inform him that a quorum of the two Houses is assembled, and are ready to receive any communications that he may be pleased to make to them.

Mr. IZARD, from the joint committee appointed for the purpose, reported that the President would meet the two Houses in the Representatives Chamber at 12 o'clock to-morrow.

The Vice President laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his account of expenditures of the War Department for the quarter ending the 30th of June last; which was read, and ordered to lie on the table.

The Senate having received a Message from the House on the subject of electing a Chaplain for each House, to interchange weekly, proceeded to the choice of one, on the part of the Senate, and appointed the Right Reverend Bishop WHITE.

WEDNESDAY, November 19.

JOHN EDWARDS, from Kentucky, this day attended.

The Senate, agreeably to appointment, attended in the House of Representatives, in order to receive the President's Communications; and, on their return, the President's Speech was read, as follows:

Fellow-citizens of the Senate, and of the House of Representatives:

When we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our Country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our Government and to its stability, which cannot be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the Legislative power, granted by the Constitution of the United States, "to lay and collect excises." In a majority of the States, scarcely an objection was heard to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the attitude of men, who labored for an ascendancy over the will of others, by the guidance of their passions, pro-

duced symptoms of riot and violence. It is well known, that Congress did not hesitate to examine the complaints which were presented; and to relieve them, as far as justice dictated, or general convenience would permit. But, the impression which this moderation made on the discontented, did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecutions was misinterpreted into a fear of urging the execution of the laws; and associations of men began to denounce threats against the officers employed. From a belief, that, by a more formal concert, their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now perceived, that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the Government. Legal process was therefore delivered to the Marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at his person, and the person and property of the Inspector of the Revenue. They fired upon the Marshal, arrested him, and detained him, for some time, as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process, on the west side of the Alleghany mountain; and a deputation was afterwards sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the Inspector, seized his papers of office, and finally destroyed by fire his buildings and whatever they contained. Both of these officers, from a just regard to their safety, fled to the Seat of Government; it being avowed, that the motives to such outrages were to compel the resignation of the Inspector; to withstand by force of arms the authority of the United States; and thereby to extort a repeal of the laws of excise, and an alteration in the conduct of Government.

Upon the testimony of these facts, an Associate Justice of the Supreme Court of the United States notified to me that "in the counties of Washington and Alleghany, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations, too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the Judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes, which reached the very existence of social order, were perpetrated without control: the friends of Government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States would be to violate the fundamental principle of our Constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense, and other embarrasments, of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning the militia immediately into the field; but, I required them to be held in readiness, that, if my anxious endeavors to reclaim the deluded, and to convince the malignant of their danger, should be fruit-

less, military force might be prepared to act, before the season should be too far advanced.

My Proclamation of the 7th of August last was accordingly issued, and accompanied by the appointment of Commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the Executive, and his earnest wish to avoid a resort to coercion; to represent, however, that without submission, coercion must be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of Executive power. Pardon, too, was tendered to them by the Government of the United States, and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the Commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement; and the indications of a peacable temper were neither sufficiently general nor conclusive to recommend or warrant the further suspension of the march of the militia.

Thus, the painful alternative could not be discarded. I ordered the militia to march—after once more admonishing the insurgents, in my Proclamation of the 25th of September last.

It was a task too difficult to ascertain with precision the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the States of New Jersey, Pennsylvania, Maryland, and Virginia; the Governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other States.

As Commander-in-Chief of the Militia, when called into the actual service of the United States, I have visited the places of general rendezvous to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion, that the laws were secure from obstruction; that the civil Magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But, succeeding intelligence has tended to manifest the necessity of what has been done; it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malfeasance was not pointed merely to a particular law, but that a spirit inimical to all order, has actuated many of the offenders. If the state of things had af-

forded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the Seat of Government, leaving the chief command with the Governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania, will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others, who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress cannot be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation, that not only the Inspector of the Revenue, but other officers of the United States in Pennsylvania have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the lies of office, may have suffered damage by their generous exertions for upholding the Constitution and the laws. The amount, even if all the injured were included, would not be great; and, on future emergencies, the Government would be amply repaid by the influence of an example, that he who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name, or interrupted the tranquility, of any part of our community, or should have diverted, to a new application, any portion of the public resources, there are not wanting in real and substantial consolations for the misfortune. It has demonstrated, that our prosperity rests on solid foundations; by furnishing an additional proof that my fellow-citizens understand the true principles of Government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle displaying to the highest advantage the value of Republican government, to behold the most and the least wealthy of our citizens standing in the same ranks, as private soldiers, pre-eminently distinguished by being the army of the Constitution; undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operation which I have experienced from the Chief Magistrates of the States to which my requisitions have been addressed.

To every description of citizens, indeed, let praise be given. But, let them persevere in their affectionate vigilance over that precious depository of American happiness, the Constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall

have retraced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse cannot always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations, of the whole Government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend, the Constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary expense and waste which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia would be a genuine source of Legislative honor, and a perfect title to public gratitude. I, therefore, entertain the hope, that the present session will not pass, without carrying, to its full energy, the power of organizing, arming, and disciplining the militia; and thus providing, in the language of the Constitution, for calling them forth to execute the laws of the Union, suppress insurrection, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications, which have been already licensed by law, be commensurate with our exigencies.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians, North of the Ohio. From the advice which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And yet, even at this late hour, when our power to punish them cannot be questioned, we shall not be unwilling to cement a lasting peace, upon terms of candor, equity, and good neighborhood.

Towards none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the General Government, and that of Georgia. From a desire, also, to remove the discontents of the Six Nations, a settlement meditated at Presqu Shore, on Lake Erie, has been suspended; and an agent is now endeavoring to rectify any misconception into which they may have fallen. But I cannot refrain from again pressing upon your deliberations the plan which I recommended at the last session, for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of trading houses upon the principles then expressed.

Gentlemen of the House of Representatives:

The time which has elapsed since the commencement of our fiscal measures has developed our pecuniary resources, so as to open the way for a definitive plan for the redemption of the Public Debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and more gratefully be more grateful to our constituents.

Indeed, whatsoever is unfinished of our system of public credit, cannot be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which cannot be disturbed, and to prevent that progressive accumulation of debt, which must ultimately endanger all Government.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate, and

of the House of Representatives:

The Mint of the United States has entered upon the coinage of the precious metals; and considerable sums of defective coins and bullion have been lodged with the Director, by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unreasonable to announce that my policy, in our foreign transactions, has been to cultivate peace with all the world; to observe every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and, having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of Nations to spread his Holy protection over these United States; to turn the machinations of the wicked to the confirming of our Constitution; to enable us, at all times, to root out internal sedition, and put invasion to flight; to perpetuate to our country that prosperity which His goodness has already conferred, and to verify the anticipations of this Government being a safeguard to human rights.

G. WASHINGTON.
UNITED STATES, November 19, 1794.

Ordered, That Messrs. KING, ELLSWORTH, and IZARD, be a committee to report the draft of an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech this day, to both Houses of Congress.

The VICE PRESIDENT laid before the Senate the Report of the Commissioners of the Sinking Fund, which was read, as follows:

"The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to Congress as follows: "That, pursuant to the act, entitled 'An act making provision for the reduction of the Public Debt,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have, since their report dated the 16th of December, 1793, caused purchases of the said debt to be made, through the agency of Samuel Meredith, to the amount of one hundred and thirty-nine thousand and seventy-seven dollars and eighty-eight cents, for which there have been paid in specie one hundred thousand and sixty-one dollars and seventy-six cents.

"That, pursuant to the act, entitled 'An act supplementary to the act making provision for the Debt of the United States,' and in conformity to resolutions agreed upon by them, and severally approved by the President of the United States, they have also caused purchases of the said debt to be made, subsequent to their said report

of the sixteenth day of December, 1793, to the amount of one hundred and six thousand seven hundred and fifty dollars and thirty-seven cents, for which there have been paid eighty-five thousand eight hundred and thirty-two dollars and ninety-one cents in specie.

"That the documents accompanying this report, marked B, C, D, and E, show the aforesaid purchases generally and in detail, including the places where, the times when, the prices at which, and the persons of whom, the purchases were made.

"That the documents marked A show the proceedings of the accounting officers of the Treasury in respect to the settlement of an account for the expenditure of fifty thousand dollars in purchases which were stated in our former report, at the date of which the said settlement had not been completed.

"That the purchases now and heretofore reported, amount together to two millions two hundred and sixty-five thousand and twenty-two dollars and fifty-seven cents in stock, for which there have been paid in specie, one million five hundred and eighty-one thousand three hundred and twenty-three dollars and sixty-seven cents, as will be more particularly seen by the document marked F.

"On behalf of the Board,

"JOHN ADAMS.

"PHILADELPHIA, November 18, 1794."

Ordered, That this report lie on the table.

THURSDAY, November 20.

A Message was received from the PRESIDENT OF THE UNITED STATES, with the following communications, to wit:

- No. 1. Judge Wilson's certificate.
2. The Instructions to the Commissioners.
3. The Report of the Commissioners.
4. The second Proclamation of 25th September.
5. The correspondence between the Governor of Pennsylvania and the Secretary for the Department of State.
6. The Report from the Secretary of the Treasury to the President of the United States.
7. General Wayne's Letters.
8. Papers respecting the Creek Indians and the State of Georgia.
9. Letters with respect to Presqu Shore.
10. A Letter from the Director of the Mint.

These papers were in part read.

Ordered, That the further reading thereof be postponed until to-morrow.

Mr. KING, from the committee, reported an Address to the PRESIDENT OF THE UNITED STATES, in reply to his Speech of the 19th, to both Houses of Congress, which was read.

Ordered, That to-morrow be assigned to take this report into consideration.

FRIDAY, November 21.

The Senate took into consideration the report of the committee, in reply to the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress at the opening of the session; and it

was agreed to consider the report in paragraph. On motion by Mr. BURR, seconded by Mr. JACKSON, to expunge these words:

"Our anxiety, arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and, which, by inspiring delusive hopes of support, have been influential in misleading our fellow-citizens in the scene of insurrection."

It passed in the negative.

On motion to amend the paragraph respecting the Army, under the command of General Wayne, to be read as follows:

"The pleasure with which we learn the success of the Western Army under the command of General Wayne, is enhanced by the hope, that their victories will lay the foundation of a just and durable peace with the Indian tribes."

It passed in the negative.

On motion to strike out of the paragraph respecting the Western Army, the words: "General and," it passed in the negative.

And the several paragraphs reported by the committee being agreed to, the report was adopted, as follows:

Sir: We receive with pleasure your Speech to the two Houses of Congress. In it we perceive renewed proofs of that vigilant and paternal concern for the prosperity, honor, and happiness of our country, which has uniformly distinguished your past administration.

Our anxiety, arising from the licentious and open resistance to the laws in the Western counties of Pennsylvania, has been increased by the proceedings of certain self-created societies, relative to the laws and administration of the Government; proceedings, in our apprehension, founded in political error, calculated, if not intended, to disorganize our Government, and which, by inspiring delusive hopes of support, have been influential in misleading our fellow citizens in the scene of insurrection.

In a situation so delicate and important, the lenient and persuasive measures which you adopted, merit and receive our affectionate approbation. These failing to procure their proper effect, and coercion having become inevitable, we have derived the highest satisfaction from the enlightened patriotism and animating zeal with which the citizens of New Jersey, Pennsylvania, Maryland, and Virginia, have rallied around the standard of Government, in opposition to anarchy and insurrection.

Our warm and cordial acknowledgments are due to you, sir, for the wisdom and decision with which you arrayed the militia, to execute the public will; and to them, for the disinterestedness and alacrity with which they obeyed your summons.

The example is precious to the theory of our Government, and confers the brightest honor upon the patriots who have given it.

We shall readily concur in such further provisions for the security of internal peace and a due obedience to the laws, as the occasion manifestly requires.

The effectual organization of the militia, and a prudent attention to the fortifications of our ports and harbors, are subjects of great national importance, and, to-

gether with the other measures you have been pleased to recommend, will receive our deliberate consideration. The success of the troops under the command of General Wayne cannot fail to produce essential advantages. The pleasure with which we acknowledge the merits of that gallant General and Army, is enhanced by the hope that their victories will lay the foundation of a just and durable peace with the Indian tribes. At a period so momentous in the affairs of nations, the temperate, just, and firm policy that you have pursued, in respect to foreign Powers, has been eminently calculated to promote the great and essential interest of our country, and has created the fairest title to the public gratitude and thanks.

JOHN ADAMS,
Vice President of the United States
and President of the Senate.

Ordered, That the Committee who prepared the Address wait on the PRESIDENT OF THE UNITED STATES, and desire him to acquaint the Senate at what time and place it will be most convenient for him that it should be presented.

Mr. KING reported, from the committee, that they had waited on the PRESIDENT OF THE UNITED STATES, and that he would receive the Address of the Senate to-morrow at 12 o'clock at his own house.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:
I lay before Congress copies of a Letter from the Governor of the State of New York, and of the exemplification of an Act of the Legislature thereof, ratifying the amendment of the Constitution of the United States, proposed by the Senate and House of Representatives, at their last session, respecting the Judicial power.

G. WASHINGTON.
UNITED STATES, November 21, 1794.

Ordered, That the Message and papers referred to lie on file.

The VICE PRESIDENT laid before the Senate a certificate of notice given to Rufus Putnam and others, agreeably to the order of Senate of 13th of May last, to show cause respecting the claims of the people of Gallipolis; which was read and ordered to lie on the table.

Ordered, That Messrs. LANGDON, IZARD, and BURR, be a Committee to report such Rules as may be necessary to compel the attendance of the members of the Senate.

SATURDAY, November 22.

The Senate waited on the PRESIDENT OF THE UNITED STATES, and the VICE PRESIDENT, in their name, presented the Address agreed to on the 21st instant.

To which the PRESIDENT OF THE UNITED STATES was pleased to make the following Reply:

Gentlemen:
Among the occasions which have been afforded for expressing my sense of the zealous and steadfast co-operation of the Senate, in the maintenance of Government, none has yet occurred more forcibly demanding my unqualified acknowledgments than the present.

a bill, entitled "An act extending the privilege of franking to JAMES WHITE, the delegate from the Territory of the United States South of the river Ohio; and making provision for his compensation;" in which they desire the concurrence of the Senate. Also, that the House of Representatives have, on their part, elected the Rev. ASHBEL GREEN, a Chaplain to Congress, for the present session.

The bill last mentioned was read, and ordered to a second reading.

The papers communicated from the PRESIDENT OF THE UNITED STATES, the 20th instant, were read, and ordered to lie for consideration.

THURSDAY, November 27.

The bill, entitled "An act extending the privilege of franking to JAMES WHITE, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation," was read the second time, and ordered to a third reading.

A message from the House of Representatives, informed the Senate that the House have passed a bill, entitled "An act to authorize the PRESIDENT to call out and station a corps of militia in the four Western counties of Pennsylvania for a limited time;" in which they desire the concurrence of the Senate.

This bill was read the first time, and ordered to a second reading.

FRIDAY, November 28.

STEPHEN R. BRADLEY, from Vermont, and CALEB STRONG, from Massachusetts, severally attended.

The bill, entitled "An act extending the privilege of franking to JAMES WHITE, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation," was read the third time and passed.

The bill, entitled "An act to authorize the PRESIDENT to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time," was read the second and third time, and passed.

The VICE PRESIDENT laid before the Senate a Letter from the Treasurer of the United States, with his specie account for the quarter ending 30th June, together with his War Department account, ending 30th September last. The Letter and accounts were ordered to lie on the table.

MONDAY, December 1.

No business of importance came before the Senate to-day.

TUESDAY, December 2.

Ordered, That Messrs. MORRIS, ELLSWORTH, and CAROL, be a committee to examine the demands of Griffith Jones, Samuel Prioleau, and John R. Livingston, respectively, against the United States, and, if they think proper, to report a bill for their payment.

WEDNESDAY, December 3.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:
I transmit to you an official statement of the expenditure, to the 30th of September last, from the sums heretofore granted to defray the contingent expenses of Government, by acts passed the 26th day of March, 1790, and the 9th of June, 1794.

G. WASHINGTON.

UNITED STATES, December 3, 1794.

The Message and statement were read, and ordered to lie for consideration.

On motion,

"That a committee be appointed to bring in a bill to amend and explain the last clause of the twenty-second section of the act, entitled 'An act to establish the Judicial Courts of the United States,' which respects the security to be given on obtaining a writ of error."

Ordered, That the consideration of this motion be postponed until to-morrow.

THURSDAY, December 4.

The motion made yesterday, for a committee to bring in a bill to amend and explain the last clause of the twenty-second section of the act, entitled "An act to establish the Judicial Courts of the United States," which respects the security to be given on obtaining a writ of error, was considered and agreed to; and Messrs. LIVERMORE, ELLSWORTH, and BURR, were appointed on the committee.

FRIDAY, December 5.

Mr. LIVERMORE, from the committee appointed for the purpose, reported a bill to amend and explain the twenty-second section of the "Act establishing the Judicial Courts of the United States;" which was read the first time, and ordered to a second reading.

A motion was made, that a committee be appointed, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session.

Ordered, That this motion lie for consideration.

MONDAY, December 8.

The bill to amend and explain the twenty-second section of the "Act establishing the Judicial Courts of the United States," was read the second and third times, and passed.

The motion made the 5th instant, that a committee be appointed, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session, was considered.

On motion to amend this motion, to be read as follows:

"That a committee be appointed to consider and report what business it will be proper for the Senate to take up."

[SENATE.]

Proceedings.

[DECEMBER, 1794.]

It passed in the negative. And the original motion being agreed to, it was *Resolved*, That Messrs. BURR, ELLSWORTH, and STRONG, be a committee, to confer with such committee as the House of Representatives may for that purpose appoint, to inquire what business is necessary to be done during the present session.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act for the relief of Peter Covenhoven," in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

TUESDAY, December 9.

RICHARD POTTS, from Maryland, attended today.

The bill, entitled "An act for the relief of Peter Covenhoven," was read the second time and referred to Messrs. JACKSON, RUTHERFORD, and BURR, to consider and report thereon to the Senate.

Mr. BURR notified to the Senate that he should, to-morrow, move for permission to introduce a bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States."

WEDNESDAY, December 10.

Agreeably to notice given yesterday, Mr. BURR had leave to bring in a bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States," which was read the first time, and ordered to a second reading.

A motion was made that a committee be appointed to consider the expediency of passing an act of outlawry, declaring in what cases persons may be outlawed, what shall be the process of outlawry, and what its effects; and to report a bill, if they shall think proper.

Ordered, That this motion lie for consideration until to-morrow.

Ordered, That Messrs. ELLSWORTH, BURR, and BRADLEY, be a committee to revise the provisions for the employment and compensation of clerks in the public offices; and, if they find alterations to be necessary, to report a bill for that purpose.

A message from the House of Representatives informed the Senate that the House have passed the bill, entitled "An act making appropriations for the support of Government for the year 1795;" also, the bill, entitled "An act authorizing a Loan of two millions of dollars;" in which several bills they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

THURSDAY, December 11.

FREDERICK FREELINGHUYSEN, from New Jersey, attended.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you, for consideration, a representation

made to me by the Secretary of the Treasury, on the subject of constituting an officer, to be specially charged with the business of procuring certain public supplies. G. WASHINGTON.

UNITED STATES, December 11, 1794.

The Message and report therein mentioned were read, and referred to Messrs. STRONG, FREELINGHUYSEN, and CABOT, to consider and report thereon to the Senate.

The motion made yesterday, for a committee to consider the expediency of passing an act of outlawry, declaring in what cases persons may be outlawed, what shall be the process of outlawry, and what its effects, was considered and agreed to; and Messrs. ELLSWORTH, STRONG, and ROSS, were appointed a committee to report thereon to the Senate.

The bill to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States," was read the second time, and referred to Messrs. BURR, LIVERMORE, and POSTER, to consider and report thereon to the Senate.

The bill, entitled "An act authorizing a Loan of two millions of dollars," was read the second time, and referred to Messrs. ELLSWORTH, CABOT, and BRADLEY, to consider and report thereon to the Senate.

The bill, entitled "An act making appropriations for the support of Government for the year 1795," was read the second time, and referred to Messrs. RUTHERFORD, BRADFORD, and CABOT, to consider and report thereon to the Senate.

FRIDAY, December 12.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased;" also, a bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes;" to which bills they desire the concurrence of the Senate.

The bills last sent from the House of Representatives for concurrence were severally read, and ordered to a second reading.

MONDAY, December 15.

STEPHEN MIX MITCHELL, from Connecticut, attended today.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of two millions of dollars, reported that the bill pass without amendment.

Ordered, That this bill pass to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased," was read the second time, and referred to Messrs. STRONG, BRADLEY, and EDWARDS, to consider and report thereon to the Senate.

[SENATE.]

Proceedings.

[DECEMBER, 1794.]

Gentlemen of the Senate, and of the House of Representatives:

I lay before Congress copies of the Journal of the proceedings in the Executive Department of the Government of the United States South of the river Ohio, to the first of September, 1794.

G. WASHINGTON.

UNITED STATES, December 17, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

Mr. HAWKINS, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," reported that the bill pass without amendment.

Ordered, That this report lie for consideration.

The VICE PRESIDENT laid before the Senate a confidential communication from the Secretary for the Department of War, made by order of the PRESIDENT OF THE UNITED STATES, which was read, and ordered to lie for consideration.

THURSDAY, December 18.

The Senate resumed the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes."

On motion to expunge the fourth section of the bill as follows:

"And be it further enacted, That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates, of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowances respectively provided in the first section of this act: *Provided, nevertheless*, That the compensations made by any State, to the militia called forth from such State, shall be deemed to be included in the additional allowance authorized by this act; and such State shall be entitled to receive from the Treasury of the United States such sums as they shall have paid or allowed to the non-commissioned officers, musicians, and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act."

It passed in the negative—yeas 9, nays 14, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Edwards, Jackson, Langdon, Livermore, Martin, and Robinson.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Freelinghuyesen, Hawkins, Izard, King, Mitchell, Morris, Potts, Ross, Rutherford, and Strong.

Ordered, That this bill pass to a third reading.

FRIDAY, December 19.

Mr. STRONG, from the committee to whom was recommended the bill to establish the office of Pur-

The bill sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the second time, and referred to Messrs. HAWKINS, BURR, and ELLSWORTH, to consider and report thereon to the Senate.

Mr. STRONG, from the committee to whom was referred the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 11th of December, with a representation from the Secretary for the Department of the Treasury, on the expediency of constituting an officer, to be specially charged with the business of procuring certain public supplies, reported a bill for that purpose; which was read the first time, and ordered to a second reading.

TUESDAY, December 16.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to Congress the copy of a Letter from the Secretary of State, with his account, as adjusted with the Treasury Department, of the expenditure of moneys appropriated for our intercourse with foreign nations, up to the 1st of July, 1794.

G. WASHINGTON.

UNITED STATES, December 16, 1794.

The Message and papers therein referred to were read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing a Loan of two millions of dollars," was read the third time, and passed.

The bill to establish the office of Purveyor of Supplies was read the second time, and recommended, for the purpose of more explicitly inserting the clauses prohibiting the officer named from commercial negotiations.

Mr. BURR, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" reported an amendment, which was adopted, and the bill being further amended, was ordered to be read the third time on the first Monday in January next.

Mr. STRONG, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the officers of the Treasury to audit and pass the account of Edward Blanchard, deceased," reported that the bill pass without amendment; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

WEDNESDAY, December 17.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

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veyor of Supplies, reported amendments, which were read and adopted.

Ordered, That this bill pass to a third reading. The bill, sent from the House of Representatives for concurrence, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the third time.

On motion to expunge these words, section first, "and sixty-six cents," it passed in the negative. On motion to add these words, section fourth, after the word "State," "upon the late or upon any former occasion," it passed in the negative—yeas 4, nays 17, as follows:

YEAS.—Messrs. Brown, Edwards, Martin, and Robinson.
NAYS.—Messrs. Bradford, Bradley, Cabot, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Langdon, Livermore, Mitchell, Morris, Potts, Ross, Rutherford, and Strong.

On motion the following amendments were agreed to: Section 4th, after the word "first," insert "and second," and make the word "section" plural. To the end of the bill add:

"And to each recruit, who shall be enlisted after the said first day of January, in addition to the bounty authorized by law, a bounty of eight dollars."

On the question, Shall this bill pass as amended? it passed in the affirmative—yeas 15, nays 6, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Hawkins, Izard, King, Mitchell, Morris, Potts, Ross, and Strong.

NAYS.—Messrs. Brown, Langdon, Livermore, Martin, Robinson, and Rutherford.

So it was resolved that this bill pass as amended. A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making appropriations for the support of the Military Establishment for the year one thousand seven hundred and ninety-five, and for the expenses of the militia called into the service of the United States," in which they desire the concurrence of the Senate.

The bill last mentioned was read, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and referred to Messrs. LANGDON, KING, and CABOT, to consider and report thereon to the Senate.

Mr. RUTHERFORD, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act making appropriations for the support of Government for the year one thousand seven hundred and ninety-five," reported amendments, which were read and agreed to.

Ordered, That this bill pass to a third reading.

MONDAY, December 22.

Mr. LANGDON, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Peter Covenhoven," reported that the bill pass without amendment; and the report was agreed to.

Ordered, That this bill pass to a third reading.

Friday, December 26.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Peter Covenhoven," was read the third time, and passed.

Mr. ELLSWORTH reported, from the committee to whom was referred the amendment proposed by the House of Representatives to an amendment of the Senate, to the bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," and the report was adopted. Whereupon,

Resolved, That the Senate disagree to the amendment to their last amendment, and insist on their said amendment, and ask a conference on the disagreeing votes of the two Houses; and that Messrs. KING, ELLSWORTH, and HAWKINS, be managers at the same on the part of the Senate.

Mr. BRADFORD reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," that the bill pass without amendment; and the report was adopted. *Ordered*, That this bill pass to a third reading.

Monday, December 29.

HENRY TAZEWELL, appointed a Senator by the State of Virginia, in the place of JOHN TAYLOR, resigned, produced his credentials, which were read, and the Vice President administered to him the oath required by law, and he took his seat in the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," was read the third time and passed.

A message from the House of Representatives informed the Senate that the House agree to the proposed conference on the disagreeing votes of the two Houses on the bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," and have appointed managers at the same on their part.

Ordered, That the petition of Elkanah Prentice, together with the report of the Secretary for the Department of War thereon, be referred to Messrs. BRADLEY, LIVERMORE, and BRADFORD, to consider and report thereon to the Senate.

A motion was made,

"That a committee be appointed to examine and amend the provisions of the Judiciary laws, so far as

they respect the powers of the Judges to appoint special sessions of the Circuit Courts."

Ordered, That this motion lie for consideration until to-morrow.

Mr. BRADLEY, from the committee last mentioned, reported, that the prayer of the petitioner cannot be granted; and the report was adopted.

Mr. KING laid before the Senate a report which was read, as follows:

"The Committees on the part of the Senate, and on the part of the House of Representatives, appointed to confer on the different votes of the two Houses, on the bill, entitled, 'An act to regulate the pay of the non-commissioned officers, musicians, and privates of the militia of the United States, when called into actual service, and for other purposes,' have conferred and agreed, that it will be proper for the Senate to agree to the amendment of the House of Representatives to the amendment proposed by the Senate, and disagreed to by the House of Representatives, with the following amendments, viz:

Strike out "four," and insert "eight," strike out "twelve," and insert "sixteen," strike out "two," and insert "six," strike out "ten," and insert "fourteen," strike out from "dollars" to the end of the section, and insert "but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve."

"And be it further enacted, That, to those in the military service of the United States, who are, or shall be, employed on the Western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour, or bread, and two ounces of beef, or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations."

"And that it will be proper for the House of Representatives to agree to such amendments of their amendment to the amendment proposed by the Senate."

Whereupon,

Resolved, That the Senate so far recede from their amendment disagreed to by the House of Representatives, as to adopt the report of the committee, and that the bill be amended accordingly.

Ordered, That the Secretary acquaint the House of Representatives therewith.

Tuesday, December 30.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a loan made of the Bank of the United States;" in which they desire the concurrence of the Senate.

The bill last mentioned was read, and ordered to a second reading.

The consideration of the motion made yesterday, that a committee be appointed to examine and amend the provisions of the Judiciary, was resumed, and being amended, was adopted. Whereupon,

Ordered, That Messrs. Ross, ELLSWORTH, and SNOOD, be a committee to consider the expediency of bringing in a bill to amend the provisions

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of the Judiciary laws, so far as they respect the powers of the Judges to appoint special sessions of the Circuit Courts.

Mr. Ross, from the committee to whom was referred the motion made yesterday, that a committee be appointed to examine and amend the provisions of the Judiciary, reported a bill for the purpose, which was read, and ordered to a second reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a Report made to me by the Secretary of War, respecting the frontiers of the United States. The disorders and the great expenses which incessantly arise upon the frontiers, are of a nature and magnitude to excite the most serious considerations. I feel a confidence that Congress will devise such Constitutional and efficient measures as shall be equal to the great objects of preserving our treaties with the Indian tribes, and of affording an adequate protection to our frontiers.

UNITED STATES, December 30, 1794.

The Message and papers therein referred to were read, and ordered to be printed for the use of the Senate.

WEDNESDAY, December 31.

The bill to authorize the holding of special Courts in certain cases, was read the second time, and the further consideration thereof postponed.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of certain instalments of foreign Debts, and of the third instalment due on a loan made of the Bank of the United States," was read the second time, and ordered to a third reading.

The Vice President laid before the Senate a report from the Secretary for the Department of War, respecting invalid pensioners, in pursuance of the act, entitled "An act to regulate claims to invalid pensions," which was read, and ordered to lie for consideration.

Ordered, That Messrs. STROTH, BRADFORD, and ELLSWORTH, be a committee to consider the expediency of further extending the time for receiving on Loan the Domestic Debt of the United States, and, if they think proper, to report a bill for the purpose.

THURSDAY, January 1, 1795.

Mr. STROTH, from the committee appointed to consider the expediency of further extending the time for receiving on Loan the Domestic Debt of the United States, reported a bill for the purpose, which was read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a loan made of the Bank of the United States," was read the third time, and passed.

The second reading of the bill to authorize the

holding of special Courts in certain cases, was resumed, and the further consideration of the bill was postponed until the 11th of February next.

FRIDAY, January 2.

The bill further extending the time for receiving on Loan the Domestic Debt of the United States, was read the second time, and ordered to be engrossed for the third reading.

MONDAY, January 5.

The bill further extending the time for receiving on Loan the Domestic Debt of the United States, was read the third time, and passed.

TUESDAY, January 6.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers;" and the bill, entitled "An act making further provision in cases of drawbacks," in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

WEDNESDAY, January 7.

Mr. CABOT, from the committee to whom was referred, on the 2d December last, the examination of the demands of Griffith Jones, Samuel Prioleau, and John R. Livingston, against the United States, reported a bill to authorize the settlement of the claim of Samuel Prioleau, which was read, and ordered to a second reading.

The bill to authorize the settlement of the claim of Samuel Prioleau, was read the second time, and ordered to be engrossed for the third reading.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate and of the House of Representatives:

I lay before Congress copies of Acts passed by the Legislatures of the States of Vermont, Massachusetts, and New York, ratifying the amendment proposed by the Senate and House of Representatives at their last session, to the Constitution of the United States, respecting the Judicial power thereof.

The Minister of the French Republic having communicated to the Secretary of State certain proceedings of the Committee of Public Safety, respecting Weights and Measures, I lay these also before Congress.

The Letter from the Governor of the Western Territory, copies of which are now transmitted, refers to a defect in the Judicial system of that Territory deserving the attention of Congress.

The necessary absence of the Judge of the District of Pennsylvania, upon business connected with the late insurrection, is stated by him, in a Letter, of which I forward copies, to have produced certain interruptions in the Judicial proceedings of that District, which cannot be removed without the interposition of Congress.

UNITED STATES, January 8, 1795.

The Message and papers therein referred to were read and ordered to lie for consideration.

FRIDAY, January 9.

The bill to authorize the settlement of the claim of Samuel Prioleau was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and a bill, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

Ordered, That three hundred copies of the communications from the Minister of the French Republic, of a decree of the Committee of Public Safety of the National Convention, on the subject of Weights and Measures, and referred to in the Message of the President of the United States of the 8th instant, be printed for the use of the Senate.

MONDAY, January 12.

Mr. PORTS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," reported

the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was read the second time, and ordered to lie for consideration.

THURSDAY, January 8.

The second reading of the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was resumed, and referred to Messrs. CABOT, ELLSWORTH, and STROTH, to consider and report thereon to the Senate.

FRIDAY, January 9.

The bill to authorize the settlement of the claim of Samuel Prioleau was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and a bill, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

Ordered, That three hundred copies of the communications from the Minister of the French Republic, of a decree of the Committee of Public Safety of the National Convention, on the subject of Weights and Measures, and referred to in the Message of the President of the United States of the 8th instant, be printed for the use of the Senate.

MONDAY, January 12.

Mr. PORTS, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," reported

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Proceedings.

[JANUARY, 1795.]

Ordered, That Messrs. Ross, Bradford, and Langdon, be a committee to bring in a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks.

Ordered, That the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," be postponed.

WEDNESDAY, January 14.

The bill in addition to the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes," was read the second time; and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

The Senate resumed the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject."

Ordered, That this bill pass to a third reading.

THURSDAY, January 15.

The bill sent from the House of Representatives for concurrence, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," was read the third time.

A motion was made to insert the following words, in the first section of the bill, after the word "assembled:"

"That no alien shall hereafter become a citizen of the United States, or any of them, except in the manner prescribed by this act; and"

And, after debate, the further consideration of this motion was postponed until to-morrow.

The consideration of the amendments reported to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was resumed, and the further consideration thereof postponed.

FRIDAY, January 16.

The Senate resumed the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," together with the amendment under debate yesterday.

On motion that the bill, together with the proposed amendment, be committed, it passed in the negative.

On motion, permission was given to withdraw the motion for amendment.

On motion, it was agreed to insert the words "any of," after the words "citizen of," that the clause be read as follows:

"That any alien, being a free white person, may be admitted to become a citizen of any of the United States, on the following conditions:

On motion, to add these words, "and not otherwise," after the word "conditions," so that the clause be read as follows:

"That any alien, being a free white person, may be admitted to become a citizen of any of the United States, on the following conditions, and not otherwise." It passed in the affirmative—yeas 13, nays 11.

YEAS.—Messrs. Bradford Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Izard, King, Livermore, Mitchell, Ross, and Strong.

NAYS.—Messrs. Bradley, Brown, Burr, Frelinghuysen, Jackson, Langdon, Martin, Potts, Robinson, Ruthenford, and Tazewell.

On motion, to add to the bill this clause:

"Those aliens who now dwell or may hereafter settle, in the Territory Southwest of the River Ohio, and in that Northwest of the River Ohio, shall be naturalized in their Courts, upon the same terms of residence in the Territories respectively, and subject to the restrictions provided in this act."

Ordered, That the bill together with this motion, be referred to Messrs. KING, TAZEWELL, and BROWN, to consider and report thereon to the Senate.

The VICE PRESIDENT laid before the Senate a communication from the Secretary for the Department of Treasury, stating that, conformably to law, "he had digested and prepared a plan, on the basis of the actual revenues, for the further support of public credit, which is ready for communication to the Senate."

The communication was read, and ordered to lie for consideration.

MONDAY, January 19.

The Senate took into consideration the communication from the Secretary for the Department of Treasury, of the 16th instant; and,

Ordered, That he be notified that the Senate are ready to receive the plan for the further support of public credit therein mentioned.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the relief of Epaphras Jones, and others," in which they desire the concurrence of the Senate. The said bill was read the first time, and ordered to a second reading.

The Senate resumed the consideration of the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks."

On motion, to strike out these words, in section 1, "any district therein, and," and insert "the ports into which they were imported, or from either of the following ports, to wit: Portsmouth, Boston, Providence, New London, New York, Perth Amboy, Pennsylvania, Delaware, Baltimore, Norfolk, Wilmington, Charleston, or Savannah, and shall be;" and, after debate, it was ordered that the further consideration thereof be postponed.

[JANUARY, 1795.]

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[SENATE.]

TUESDAY, January 20.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Epaphras Jones, and others," was read the second time, and referred to Messrs. CABOT, FOSTER, and RUTHERFORD, to consider and report thereon to the Senate.

The Senate resumed the consideration of the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," together with the motion made yesterday thereon; and, having adopted the report of the committee; and further amended the bill, it was ordered to a third reading.

The petition of Chandler Dinwiddie Fowke, in behalf of the heir and legatee of Jane Stobo, deceased, was presented and read, praying payment of a certificate signed by Timothy Pickering, Quartermaster General, dated 3d December, 1783, for seven hundred and sixty dollars and forty-five cents, bearing interest at six per cent.

Ordered, That this petition lie on the table.

The VICE PRESIDENT communicated a Letter from the Honorable Mr. BURLEIGH, stating that he cannot attend at present in Senate, on account of the state of his health, and the inclemency of the season.

WEDNESDAY, January 21.

The VICE PRESIDENT laid before the Senate a Report from the Secretary for the Department of Treasury, of the plan for the support of public credit; which was read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," with an amendment, in which they desire the concurrence of the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision in cases of drawbacks," was read the third time.

A motion was made to expunge the third section of the bill, as follows:

"And be it further enacted, That, after the last day of March next, it shall be lawful for the importer or exporter of any liquors in casks, coffee in casks, or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the original importation, or into new casks or packages in case the original cask or package shall be so injured as to be rendered unfit for exportation, and under the inspection of the Inspector of the port from which such liquors, coffee, or unrefined sugars, are intended to be exported."

It passed in the negative—yeas 10, nays 13, as follows:

YEAS.—Messrs. Hawkins, Henry, Jackson, Martin, Morris, Potts, Robinson, Ross, Rutherford, and Tazewell.

NAYS.—Messrs. Bradford, Bradley, Brown, Cabot, Edwards, Ellsworth, Foster, Izard, King, Langdon, Livermore, Mitchell, and Strong.

On motion to expunge these words, section 8, "any liquors in casks," it passed in the negative.

On motion to amend the amendment agreed to yesterday, by expunging these words, "the ports in which they were imported, or from either," it passed in the affirmative.

On motion, it was agreed to add the following proviso at the end of the fifth section:

"And provided always, That in no case of an exportation by the original importer shall a drawback be paid, until the duties on the importation thereof shall have been first received."

Resolved, That this bill pass with amendments. The Senate proceeded to the consideration of the amendment of the House of Representatives to the bill sent from the Senate for concurrence, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, concurred therein.

Mr. BURLEIGH, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," reported amendments, which were read, and ordered to lie for consideration.

THURSDAY, January 22.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania," in which they desire the concurrence of the Senate.

The bill was read the first time, and ordered to a second reading.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" and, after debate, it was ordered that the further consideration thereof be postponed.

Mr. CABOT, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Epaphras Jones, and others," reported an amendment, which was read, and adopted, and the bill was ordered to the third reading.

Mr. KING, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," together with a motion made thereon, reported the following amendments, to wit: Strike out the first paragraph of the first section, and insert—

"For carrying into complete effect the power given by the Constitution to establish a uniform rule of naturalization throughout the United States: Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any alien, being a free white person, may be admitted

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to become a citizen of the United States, or any of them, on the following conditions, and not otherwise: "Section 2, after the word 'citizen,' strike out 'thereof.'"

On motion, it was agreed to divide the paragraph reported as the first amendment, and adopt it as far as the word "conditions" inclusive; and, on motion, it was agreed to adopt these words, "and not otherwise," containing the other division of the paragraph.

A motion was made to add to the end of the bill the following clause:

"Be it further enacted, That the provisions contained in this act shall extend to the Northwestern and Southwestern Territories respectively."

And, after debate, the further consideration thereof was postponed until to-morrow.

FRIDAY, January 23.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Ephraim Jones, and others," was read the third time, and passed, with an amendment.

The bill sent from the House of Representatives for concurrence, entitled "An act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania," was read the second time, and ordered to a third reading.

The Senate resumed the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States;" and, having in part adopted the same, the bill was ordered to a third reading.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same,'" and a bill entitled "An act for the remission of the tonnage duties on certain French vessels;" in which several bills they desire the concurrence of the Senate.

These bills were read the first time, and ordered to a second reading.

The Vice President laid before the Senate the Report of the Secretary for the Department of Treasury, on the memorial of a number of the inhabitants of the States of Connecticut and Rhode Island, praying that a light-house may be erected, at the expense of the United States, on Watch Hill, in the State of Rhode Island; which was read, and ordered to lie for consideration.

The Senate resumed the consideration of the amendment proposed yesterday, to add the following clause to the bill, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject, to wit:

"Be it further enacted, That the provisions contained in this act shall extend to the Northwestern and Southwestern Territories respectively."

On motion, it was agreed to amend this motion, by inserting, in the first section of the bill, these words, after the word "State," "or of the Territories;" and, in the same section, after the word "States," these words, "or of the Territories;" and by inserting, in section 2, after the word "State," "or Territory."

Ordered, That the further consideration of this motion be postponed.

MONDAY, January 26.

The Senate proceeded to the consideration of the motion, as it was agreed to be amended on Friday, to the bill, sent from the House of Representatives for concurrence, entitled "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject;" and it being further amended, was adopted, as follows:

Line 5th, after the words "the States," insert "or of the Territories Northwest or South of the river Ohio."

Line 11th, after the word "State," insert "or Territory."

On motion to add the following clause to the bill:

"Every person naturalized under this act, shall, at the time of his naturalization, specify the names of all his children under the age of twenty-one years, resident within the United States; and the clerk of the Court shall send a certificate of every naturalization, and a list of the names of such children as shall be thus specified, to the Secretary of State, who shall keep a record of the same."

And a motion was made to add to this motion as follows:

"For all which services, directed by this act to be performed by the clerks of the Courts aforesaid, the said clerks shall be entitled to receive from each person naturalized (whether having a family or not) the sum of —."

And, on the question to agree to the motion thus amended, it passed in the negative.

Resolved, That this bill pass with the amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," was read the third time, and the bill was further amended, as follows:

Line 7th, after the words "white clayed," insert "clayed," insert "or powdered."

Resolved, That this bill pass with amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same,'" was read the second time, and referred to Messrs. JACKSON, IZARD, and LIVERMORE, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act for reviving

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certain suits and process which have been discontinued in the District Court of Pennsylvania," was read the third time and passed.

The Senate proceeded to the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for the remission of the tonnage duties on certain French vessels;" and, by unanimous consent, the bill was read the third time and passed.

TUESDAY, January 27.

The Vice President laid before the Senate the accounts of Samuel Meredith, Treasurer, of the expenditures for the quarter ending the 30th of September last, which, being read, were ordered to lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers," was read the third time and passed.

The petition of Zachariah Allen, of the State of Rhode Island, was presented and read, praying that the proper officers may be empowered and directed to furnish a certain vessel therein named, and the property of a citizen of the United States, although not built therein, with the necessary papers, for the reasons mentioned in the said petition. Ordered, That this petition be referred to Messrs. FOSTER, STRONG, and ELLSWORTH, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House of Representatives have passed a bill, entitled "An act supplementary to the act concerning invalids;" and a bill, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" in which several bills they desire the concurrence of the Senate.

The two bills last mentioned were read and ordered to a second reading.

WEDNESDAY, January 28.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," was read the second time and referred to Messrs. BRADLEY, ELLSWORTH, and HAWKINS, to consider and report thereon to the Senate.

Mr. Ross, from the committee appointed to bring in a bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, reported a bill for that purpose, which was read, and ordered to a second reading.

THURSDAY, January 29.

A message from the House of Representatives informed the Senate that the House have passed

a bill, entitled "An act to repeal a part, and to continue in force another part, of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" in which they desire the concurrence of the Senate.

The bill was read the first time and ordered to a second reading.

The bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the second time, and ordered to a third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" was read the second time.

Ordered, That this bill be referred to the committee appointed the 26th instant on the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same,'" to consider and report thereon to the Senate.

FRIDAY, January 30.

The bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, was read the third time, and recommitted for further inquiry.

The bill sent from the House of Representatives for concurrence, entitled "An act to repeal a part, and to continue in force another part, of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" was read the second time, and referred to Messrs. RUTHERFORD, HAWKINS, and JACKSON, to consider and report thereon to the Senate.

The Vice President laid before the Senate a confidential communication from the Secretary of the Department of War, which was read, and ordered to lie for consideration.

MONDAY, February 2.

The Vice President laid before the Senate the Report of the Secretary of the Department of Treasury, on the petition of Oliver and Thompson, which was read, and ordered to lie for consideration.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same,'" reported amendments, which were read.

Ordered, That the report lie for consideration.

Mr. TAZEWELL notified the Senate, that he should to-morrow ask permission to introduce a bill declaring the consent of Congress to an act of

Ordered, That this motion lie for consideration. Mr. LANGDON, from the committee on the bill last referred, reported that it pass without amendment; and the report was adopted, and the bill ordered to a third reading.

Ordered, That Messrs. STROSG, BURR, and PORTS, be a committee to examine and report to the Senate what laws will expire before the next session of Congress.

FRIDAY, February 6.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*," was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," was read the second time, and referred to Messrs. CABOT, ELLSWORTH, BURR, LANGDON, and TAZEWELL, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

Mr. ELLSWORTH, from the committee appointed for the purpose, reported a bill to regulate proceedings in cases of outlawry, which was read the first time, and ordered to a second reading.

MONDAY, February 9.

Mr. STROSG reported from the committee to whom it was referred to examine and report what laws will expire before the next Congress. The report was read, and ordered lie for consideration.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," reported an amendment, which was read and agreed to, and the bill ordered to a third reading.

Ordered, That the further consideration of the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," be further postponed to Thursday next.

The third reading of the bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels employed in the coasting trade and fisheries, and for regulating the same,'" was resumed; and, being further amended,

Resolved, That this bill pass with the amendments.

the State of Virginia, passed the 25th of December, 1794, for the support of a Marine Hospital.

TUESDAY, February 3.

The Senate proceeded to the consideration of the report of the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" and the report was adopted; and the bill being further amended, was ordered to a third reading.

Agreeably to notice given yesterday, Mr. TAZEWELL obtained permission to introduce a bill declaring the consent of Congress to an act of the State of Virginia, passed the twenty-fifth of December, one thousand seven hundred and fifty-four, for the support of a Marine Hospital, and the bill was read the first time, and ordered to a second reading.

WEDNESDAY, February 4.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act to authorize the allowance of a drawback on part of the cargo of the ship *Enterprise*," in which they desire the concurrence of the Senate; the bill was read the first time, and ordered to a second reading.

The following Confidential Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:
I lay before Congress, for their consideration, a Letter from the Secretary of State, upon the subject of Loans, which is extremely interesting and urgent.
G. WASHINGTON.

UNITED STATES, February 4, 1795.

The Message was read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" was read the third time.

Ordered, That the further consideration thereof be postponed to Monday next.

Mr. BRADY, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," reported the following amendment:

Strike out the whole of the last section, after the word "enacted," in the first line, and insert in lieu thereof,

"That no commissioned officer who has received commutation of half pay shall be paid a pension as an invalid until he shall return his commutation into the Treasury of the United States, except where special provision has been made in particular cases for allowing pensions on the return only of certain portions of the commutation."

On the question to adopt the report, it passed in the affirmative—yeas 15, nays 8, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Jackson, Izard, Langdon, Martin, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Burr, Frelinghuysen, Livermore, Mitchell, Morris, Potts, Strong, and Tazewell.

On motion to amend the amendment, by expunging the words "his commutation," line third of the amendment, and further to amend it, to read as follows:

"That no commissioned officer who has received commutation of half pay shall be paid a pension as an invalid, until he shall return into the Treasury of the United States a proportion of the principal of the commutation received by him, equal to the proportion of pension to be allowed him, except where special provision has been made in particular cases, for allowing commutation."

It passed in the negative. And on the question to agree to the last section of the bill, as amended, it passed in the affirmative—yeas 15, nays 8, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, Henry, Jackson, Izard, Langdon, Martin, Robinson, Ross, and Rutherford.

NAYS.—Messrs. Burr, Frelinghuysen, Livermore, Mitchell, Morris, Potts, Strong, and Tazewell.

Ordered, That this bill pass to the third reading.

The bill declaring the consent of Congress to an act of the State of Virginia, passed the twenty-fifth of December, one thousand seven hundred and ninety-four, for the support of a Marine Hospital, was read the second time, and referred to Messrs. TAZEWELL, ELLSWORTH, and LANGDON, to consider and report thereon to the Senate.

THURSDAY, February 5.

The bill, sent from the House of Representatives for concurrence, entitled "An act to authorize the allowance of drawback on part of the cargo of the ship *Enterprise*," was read the second time, and referred to Messrs. LANGDON, HAWKINS, and PORTS, to consider and report thereon to the Senate.

Ordered, That the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," be postponed to Monday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

A motion was made, "That a committee be appointed to inquire into the expediency of authorizing the President of the United States to call such of the invalids on the pension list of the United States into service as are able to do garrison duty, and, if found expedient, to report a bill."

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," was read the second time, and referred to Messrs. LANGDON, JACKSON, and HAWKINS, to consider and report to the Senate.

The bill to regulate proceedings in cases of outlawry was read the second time, and ordered to lie for consideration.

A message from the House of Representatives, informed the Senate that the House have passed a bill, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" in which they desire the concurrence of the Senate. The bill was read the first time, and ordered to a second reading.

TUESDAY, February 10.

The petition of James Park and others, messengers in the public offices, was read, praying that their compensation, respectively, may be augmented.

Ordered, That this petition lie on the table.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate for concurrence, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" with amendments; in which they desire the concurrence of the Senate. The amendments were read, and referred to Messrs. ROSS, HAWKINS, and RUTHERFORD, to consider and report thereon to the Senate.

Mr. ELLSWORTH reported from the committee appointed to revise the provisions for the employment and compensation of clerks in the public offices, which was read.

Ordered, That it lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage," was read the third time and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" was read the second time, and ordered to a third reading.

Ordered, That the consideration of the bill to regulate proceedings in cases of outlawry, be further postponed.

WEDNESDAY, February 11.

Mr. LANGDON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor in the State of South Carolina," reported the bill without amendment.

Ordered, That this bill pass to the third reading. A message from the House of Representatives informed the Senate that the House have disagreed

to all the amendments of the Senate to the bill entitled 'An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;' and ask a conference on the disagreeing votes of the two Houses, and have appointed managers on their part.

Resolved, That the Senate agree to the proposed conference on the amendments to the last mentioned bill, and that Messrs. LIVERMORE and JACKSON be managers at the same on the part of the Senate.

Mr. JACKSON, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" reported amendments, which were read.

Ordered, That they be printed for the use of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act to amend the act, entitled 'An act making alterations in the Treasury and War Departments,'" was read the third time and passed.

Ordered, That the consideration of the bill to authorize the holding of special Courts, in certain cases, be postponed until the 23d instant.

Ordered, That the report of the committee appointed to examine and report to the Senate what laws will expire before the next Congress be re-committed, and that the committee be instructed to bring in a bill or bills to continue such of the said laws as in their opinion ought to be continued.

The petition of James Mathers, Doorkeeper to the Senate, was presented and read, stating the enhanced price of the necessities of life, and praying an addition to his compensation. Whereupon,

Ordered, That the Secretary of the Senate pay to the said James Mathers, out of the contingent money, one hundred and thirty dollars, to make his compensation, for the last year, two hundred and fifty dollars, in addition to his stated salary, that being the additional sum allowed to the Doorkeeper of the House of Representatives.

THURSDAY, February 12.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina," was read the third time, and passed.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the reimbursement of a Loan authorized by an act of the last session of Congress," in which they desire the concurrence of the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the reimbursement of a Loan authorized by an act of

the last session of Congress," was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. KING, BRADFORD, and ELLSWORTH, to consider and report thereon to the Senate.

Ordered, That the report of the committee, appointed the tenth of December last, to revise the provisions for the employment and compensation of certain clerks in the public offices, be the order of the day for to-morrow.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act concerning invalids," was read the third time.

On the question, Shall this bill pass, as amended? it was determined in the affirmative—yeas 11, nays 7, as follows:

YEAS.—Messrs. Bradford, Bradley, Cabot, Edwards, Ellsworth, Foster, Hawkins, King, Langdon, Robinson, and Rutherford.

NAYS.—Messrs. Barr, Jackson, Livermore, Martin, Mitchell, Potts, and Tazewell.

So it was resolved that this bill pass, with an amendment.

Mr. RUTHERFORD reported, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to repeal a part, and to continue in force another part, of the act entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" and the report was adopted. Whereupon,

Resolved, That this bill do not pass.

FRIDAY, February 13.

The Senate took into consideration the report of the committee, appointed the tenth of December last, to revise the provisions for the employment and compensation of certain clerks in the public offices, which was amended; and, after debate, the report was committed to Messrs. ROSS, PORTS, and KING, to consider and report thereon to the Senate.

MONDAY, February 16.

Mr. LIVERMORE reported, from the managers on the part of the Senate at the conference on the disagreeing votes of the two Houses on the bill entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" that the bill be postponed to the next Congress; and the report was adopted.

On motion, that the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" be postponed to the next Congress, it passed in the negative.

The Senate proceeded to consider the amendments reported by the committee to the said bill; and, having adopted them, the bill was ordered to a third reading.

On request of the VICE PRESIDENT, it was agreed that he be excused from attendance in the Senate, during the session, after Wednesday next.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States;" a bill, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on the subject;" and a "Resolution respecting certain laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two," in which bills and resolutions they desire the concurrence of the Senate.

The bills and resolution last brought to the Senate for concurrence were severally read, and ordered to a second reading.

Ordered, That the resolution of the House of Representatives last mentioned be referred to Messrs. LIVERMORE, RUTHERFORD, and BRADFORD, to consider and report thereon to the Senate.

Mr. KING, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the reimbursement of a Loan authorized by an act of the last session of Congress," reported that the bill pass, without amendment. Whereupon, it was agreed, by unanimous consent, that the bill be now read the third time.

Resolved, That this bill pass.

TUESDAY, February 17.

The bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" was read the third time; and, being further amended, the bill was recommitted.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to continue in force the 'Act for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes,'" and a bill, entitled "An act to repeal part of the act, entitled 'An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same,'" in which several bills they desire the concurrence of the Senate.

The bills were read the first time, and ordered to a second reading.

The Senate resumed the second reading of the bill to regulate proceedings in cases of outlawry.

On motion that this bill be postponed, it passed in the negative; and, after debate, the bill was ordered to lie for consideration.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to Congress copies of a Letter from the Governor of the State of New Hampshire, and of an Act of the Legislature thereof, ratifying the article proposed in amendment to the Constitution of the United States respecting the Judicial power.

I also lay before Congress copies of a Letter from the Governor of the State of North Carolina, and of an Act of the Legislature thereof, ceding "to the United States certain lands, upon the conditions therein mentioned."

G. WASHINGTON.

UNITED STATES, February 17, 1795.

Gentlemen of the Senate, and of the House of Representatives:

I have received copies of two Acts of the Legislature of Georgia—one passed on the 28th day of December, and the other on the 7th day of January last—for appropriating and selling the Indian lands within the territorial limits claimed by that State. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These Acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress.

In confidence, I also forward copies of several documents and papers received from the Governor of the Southwestern Territory. By these, it seems that hostilities with the Cherokees have ceased, and that there is a pleasing prospect of a permanent peace with that nation. But, from all the communications of the Governor, it appears that the Creeks, in small parties, continue their depredations, and it is uncertain to what they may finally lead.

The several papers now communicated deserve the immediate attention of Congress, who will consider how far the subjects of them may require their co-operation.

G. WASHINGTON.

UNITED STATES, February 17, 1795.

The Messages were severally read, and ordered to lie for consideration.

WEDNESDAY, February 18.

Mr. SIMON from the committee instructed for that purpose on the 11th instant, reported a bill to continue in force, for a limited time, the acts therein mentioned; which bill was read, and ordered to the second reading.

Mr. ROSS, from the committee to whom was referred the amendments proposed by the House of Representatives to the bill, entitled "An act to amend the act entitled 'An act to establish the Post Office and Post Roads within the United States,'" reported amendments to the said amendments.

On motion to recommit the report, it passed in the negative, and, the report being further amended, it was

Resolved, That the Senate concur in the amendments to this bill, with amendments thereto.

A message from the House of Representatives informed the Senate that the House have passed a

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bill, to wit: the words "and from Danville to Knoxville."

Mr. KING, from the committee to whom was referred the Message of the President of the United States, of the 18th instant, relative to certain laws passed by the State of Georgia, reported a bill to prevent depredations on the Indians South of the river Ohio; which bill was read, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man and Frantz Jacob Foltz," was read the first time, and ordered to a second reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was read the first time.

The petition of Amelie, Adelaide, Melanie, and Silvie de Grasse, daughters of the late Count de Grasse, stating their reduced and destitute situation, and praying the loan of two thousand dollars, was presented and read; and, by unanimous consent, the rule was dispensed with, and the bill last mentioned was read the second time.

Ordered, That this bill lie for consideration.

The bill to punish frauds committed on the Bank of the United States was read the second time.

Ordered, That this bill be printed for the use of the Senate.

The bill to continue in force for a limited time, the acts therein mentioned, was read the third time, and passed.

The bill for allowing an additional compensation to the Judge of the district of Rhode Island, was read the second time.

The memorial of Gunning Bedford, Judge of the district of Delaware, was presented and read, praying for an increase of compensation.

It was agreed to amend the bill last mentioned, by inserting these words: "To the Judges of the districts of Rhode Island and Delaware each," and to conform the title of the bill thereto.

On motion, by Mr. CABOT, to add after the word "dollars," "and to the Judge of the District Court of Massachusetts the sum of three hundred dollars."

It passed in the negative.

Ordered, That the further consideration of this bill be postponed until Monday next.

The President laid before the Senate statements from the Secretary of the Department of War, of such claims as have been received and examined, and of additional evidence further to support certain claims formerly stated; in pursuance of the act, entitled "An act to regulate the claims to invalid pensions."

Ordered, That five hundred copies of the papers hereafter enumerated, delivered with the Message of the President of the United States of the 19th of November, 1794, be printed, to wit:

1. Judge Wilson's certificate.
2. The proclamation of 7th August.
3. The Instructions of the Commissioners.
4. The Report of the Commissioners.
5. The Proclamation of the 15th of September.

6. The correspondence between the Governor of Pennsylvania and the Secretary of State.

7. The Report of the Secretary of the Treasury to the President of the United States.

8. Instructions to the Senate that he should, Mr. MARTIN notified the Senate that he should, on Monday next, move for permission to introduce a bill to amend the 2d section of the act, entitled "An act to erect a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina."

Mr. KING, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," reported amendments, which were amended and adopted.

Ordered, That this bill pass to a third reading.

MONDAY, February 23.

The bill, sent from the House of Representatives for concurrence, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," was read the third time, and, being further amended,

Resolved, That this bill pass with amendments.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Robert Barton and others," was read the second time, and referred to Messrs. CABOT, BRADFORD, and FEELINGHUYSEN, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man, and Frantz Jacob Foltz," was read the second time.

Ordered, That this bill be referred to the committee last mentioned.

The bill "for allowing an additional compensation to the Judge of the district of Rhode Island," was read the third time as amended.

Resolved, That this bill pass; that it be engrossed; and that the title thereof be, "An act allowing an additional compensation to the Judges of the districts of Rhode Island and Delaware."

Agreeably to notice given on the 21st instant, Mr. MARTIN obtained permission to bring in a bill to amend the second section of the act, entitled "An act to erect a light-house on the head land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina," which bill was read, and ordered to a second reading.

The bill to prevent depredations on the Indians South of the river Ohio was read the second time, and ordered to lie for consideration.

The Senate resumed the second reading of the bill to authorize the holding of special Courts in certain cases, and the further consideration thereof was postponed until the next Congress.

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A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," in which they desire the concurrence of the Senate.

The bill was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. ELLSWORTH, MORRIS, SPAKES, KING, and CABOT, to consider and report thereon to the Senate.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was considered.

Ordered, That this bill be referred to Messrs. BURR, KING, and MITCHELL, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that the House have passed the bill sent from the Senate for concurrence, entitled "An act for the relief of Agnus McLean," with an amendment, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill last mentioned, to wit: strike out "Agnus," and insert "Agnus."

Resolved, That they do concur therein.

Mr. BURR, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," reported an amendment, which was adopted.

On motion to insert "five hundred" in place of "one thousand," it passed in the negative.

On the question, Shall this bill pass to the third reading? it was determined in the affirmative—yeas 17, nays 5, as follows:

YEAS.—Messrs. Bradley, Burr, Cabot, Edwards, Foster, Hawkins, Jackson, Izard, King, Langdon, Livermore, Martin, Mitchell, Morris, Potts, Rutherford, and Vining.

NAYS.—Messrs. Bradford, Ellsworth, Feelinghuyesen, Ross, and Strong.

Ordered, That this bill pass to the third reading.

The bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was read the second time, and, after debate, the Senate adjourned.

TUESDAY, February 24.

Mr. CABOT, from the committee to whom was referred the bill, entitled "An act for the relief of Spencer Man and Frantz Jacob Foltz," and the bill entitled "An act for the relief of Robert Barton and others," reported, that they severally pass without amendment.

The Senate proceeded to consider the bill first

mentioned, and after being amended, the bill was ordered to a third reading.

Ordered, That the bill last reported on pass to the third reading.

Mr. ELLSWORTH, from the committee instructed to that purpose, reported a bill to regulate the compensation of clerks; which was read, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse," was read the third time.

On motion to expunge the amendment agreed to yesterday, to wit; line 1, insert a preamble, as follows:

"Whereas, the four daughters of the late Count de Grasse, now within the United States, have, by their memorial to Congress, represented that they are destitute of the means of support:"

It passed in the negative.

Resolved, That this bill pass with the amendment.

The memorial of a number of the manufacturers of the town of Baltimore was presented and read, stating the impolicy of excises on home manufactures, and praying a discontinuance thereof on the articles of sugar and snuff.

Ordered, That this memorial be referred to the committee to whom was referred the bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act for the relief of Jose Roiz Silva," and a bill, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed;" in which several bills they desire the concurrence of the Senate.

The consideration of the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was resumed; and, after debate, the further consideration of the bill was postponed.

Mr. FOSTER notified the Senate that he should to-morrow, ask permission to introduce a bill providing that coasting vessels going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, shall have the same privileges as are allowed to vessels, under the like circumstances, going from a district in one State to a district in the same, or any adjoining State.

The bill sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," was read the first time, and ordered to a second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of Jose Roiz Silva," was read the first time, and ordered to a second reading.

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and for other purposes therein mentioned, were read and agreed to.
Ordered, That this bill pass to the third reading. The bill to regulate the compensation of clerks was read the third time, and was amended, by restoring the first section, amended as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Department of State, and the Secretary of the Department of War, be authorized to vary, for the present year, the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall, in their judgment, require; so, however, that no principal clerk shall receive more than at the rate of one thousand dollars per annum, and that the aggregate of compensations for the clerks, in either of the said departments, shall not, for the said year, exceed the aggregate of the compensations allowed for clerks in the same departments for the year one thousand seven hundred and ninety-four; and that an additional compensation, not exceeding the rate of two hundred dollars per annum, be allowed for one clerk employed by the Director of the Mint, during the present year."

On motion, it was agreed to amend the second section, by inserting "three hundred dollars" in lieu of clerk hire.
Resolved, That this bill pass; that it be engrossed; and that the title thereof be "An act to regulate the compensation of clerks."

The PRESIDENT laid before the Senate a communication from the Secretary for the Department of the Treasury, with a return of the exports of the United States for the year ending September the thirtieth, one thousand seven hundred and ninety-four, which were read, and ordered to lie for consideration.

The bill to punish frauds committed on the Bank of the United States, was read the third time.
A motion was made by Mr. VINING to amend the bill, by striking out these words, "suffer death," and to insert, "shall be adjudged a felon, and fined and imprisoned at the discretion of the Court;" and, after debate, the bill was postponed until the next Congress.

The consideration of the resolution authorizing the exportation of arms, cannon, and military stores, in certain cases, was resumed, and being amended, by adding these words, "and for public purposes only," it was
Resolved, That this resolution pass.

The bill relative to the passing of coasting vessels between Long Island and Rhode Island, was read the second time, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time, and passed.

Mr. JACKSON laid before the Senate two Acts of the State of Georgia, to wit: "An act for appropriating a part of the unlocated territory of the State for the payment of the late State troops, and for other purposes therein mentioned;" and "An act supplementary to an act entitled 'An act for appropriating a part of the unlocated territory of the State for the payment of the late State troops,'

in which they desire the concurrence of the Senate. They have passed a bill, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government;" in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the bill, sent from the Senate for concurrence, entitled "An act to continue in force, for a limited time, the acts therein mentioned."

Resolved, That they do concur therein.
Mr. FREELINGHUYSEN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," reported amendments.

Mr. LIVERMORE, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessations of jurisdiction in places where light-houses, beacons, buoys, and public piers have been, or may hereafter be, erected and fixed;" reported amendments.

Mr. PORTS, from the committee to whom was referred the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, reported amendments.

The bill to regulate the compensation to clerks, was read the second time, and, after amending the first section, it was rejected.

Ordered, That this bill pass to a third reading. The Senate resumed the second reading of the bill to punish frauds committed on the Bank of the United States, and having agreed to an amendment, the bill was ordered to a third reading.

Mr. FOSTER, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the more effectual recovery of debts due from individuals to the United States," reported amendments.

FRIDAY, February 27.
The bill to prevent depredations on the Indians South of the river Ohio, was read the third time. On the question, Shall this bill pass? it was determined in the affirmative—yeas 12, nays 7, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, Izard, King, Martin, Potts, Rutherford, Strong, and Vining.
NAYS.—Messrs. Bradley, Brown, Burr, Jackson, Langdon, Livermore, and Robinson.

So it was resolved that this bill pass; that it be engrossed; and that the title thereof be "An act to prevent depredations on the Indians South of the river Ohio."

The amendments reported by the committee to whom was referred the bill to authorize a grant of lands to the French inhabitants of Gallipolis, of lands to the French inhabitants of Gallipolis,

Northwest bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy; thence, down the said river Ohio, along the courses thereof, eight miles, when reduced to a straight line; thence, at right angles from the said line, westerly, so as to include the quantity of twenty-four thousand acres, free from all reservations, to be equally divided (except as hereinafter excepted) by lot among all the French inhabitants and actual settlers of the said town or settlement of Gallipolis, being males above seventeen years of age, or widows, who are, or shall be, within the said town or settlement of Gallipolis, on the first day of November next, of whom a list shall be made by the Surveyor to be employed in pursuance of this act."

It passed in the negative—yeas 9, nays 15, as follows:
YEAS.—Messrs. Bradford, Cabot, Edwards, Ellsworth, Freelinghuysen, King, Mitchell, Rutherford, and Strong.
NAYS.—Messrs. Bradley, Brown, Burr, Foster, Hawkins, Jackson, Izard, Langdon, Livermore, Martin, Morris, Potts, Robinson, Rosa, and Vining.

Ordered, That this bill be referred to Messrs. PORTS, BURR, and KING, to consider and report thereon to the Senate.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Jose Roiz Silva," was read the second time, and referred to Messrs. PORTS, KING, and LANGDON, to consider and report thereon to the Senate.

Agreeably to notice given yesterday, Mr. FOSTER, obtained leave to bring in a bill relative to the coasting trade, as it respects vessels passing between Long Island, in the State of New York, and the State of Rhode Island. The bill was read, and ordered to a second reading.

The Senate resumed the second reading of the bill to prevent depredations on the Indians South of the river Ohio.

On motion to postpone the consideration of this bill, it passed in the negative.

On motion, it was agreed to amend the bill, And, on the passage of the bill to a third reading, with the following amendment to the end of the bill: "and shall be punished in the same manner that enlisted soldiers, committing such an act or acts, without or contrary to orders, may be punished;" it passed in the affirmative—yeas 11, nays 5, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Foster, Hawkins, King, Potts, Rosa, Rutherford, Strong, and Vining.
NAYS.—Messrs. Bradley, Burr, Jackson, Langdon, and Robinson.

THURSDAY, February 26.
Mr. KING laid before the Senate a resolution authorizing the exportation of arms, cannon, and military stores, in certain cases; which was read.

Ordered, That it lie until to-morrow for consideration.

A message from the House of Representatives informed the Senate that the House have passed the bill, sent from the Senate for concurrence, entitled "An act to continue in force, for a limited time, the acts therein mentioned," with an amendment;

Mr. LIVERMORE laid before the Senate the remonstrance of the State of New Hampshire, asserting and enforcing the sovereignty and independence of the said State, in respect to laws passed before the Confederation of the United States; which was read, and ordered to lie on the table.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives: I communicate to Congress copies of a Letter from the Governor of the State of Georgia, and of an Act of the Legislature thereof, "to ratify the resolution of the Congress explanatory of the Judicial power of the United States." G. WASHINGTON.

The Message and papers therein referred to, were read, and ordered to lie on file.

Mr. FREELINGHUYSEN, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of William Seymour," reported that it pass without amendment.

Ordered, That this bill pass to the third reading. The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Spencer Man and Franz Jacob Foltz," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act for the relief of Robert Barton and others," was read the third time, and passed.

The bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessations of jurisdiction in places where light-houses, beacons, buoys, and public piers have been, or may hereafter be, erected and fixed," was read the second time, and referred to Messrs. LIVERMORE, BURR, and MITCHELL, to consider and report thereon to the Senate.

Mr. ELLSWORTH, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," reported amendments, which were read.

Ordered, That they lie for consideration.

The Senate resumed the second reading of the bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned.

On motion, to strike out the first section of the bill, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States shall be, and he is hereby, authorized and empowered to issue letters patent, in the name, and under the seal, of the United States, thereby granting and conveying to John Gabriel Gervain, Alexander Sangrain, and John Michan, and their heirs, for the use of themselves and the other French inhabitants of Gallipolis, in the Territory Northwest of the Ohio, a tract of land situate on the

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and for other purposes therein mentioned, declared the right of the State to the unappropriated territory thereof for the protection and support of the frontiers of the State, and for other purposes." On which he submitted the following motion to the consideration of the Senate:

"Whereas, one of the Senators of the State of Georgia has officially laid before the Senate 'An act for appropriating a part of the unlocated territory of the State for payment of the late state troops, and for other purposes therein mentioned,' and in which the Senators and Representatives of the said State in Congress are required to apply, without loss of time, for a treaty to be held with such tribes or nations of Indians who may claim the right of sale to the territory therein pointed out for appropriation as aforesaid:

"Resolved, That the Senate will advise and consent to the holding any treaty or treaties which the President of the United States may think necessary with the Creek nation, for the purpose of extinguishment of the claims of the said Indians to the lands in the said act of the State of Georgia appropriated; the same being included in a line to be drawn from the head of the Oconee to the Oakmulgee river, and from Fort Komolua, on the Oakmulgee, to the head of St. Mary's river, and the old boundary line between the State of Georgia and the said Indians: *Provided*, That the whole expense of extinguishing the said claims, and the holding the said treaty or treaties, be defrayed and borne by the State of Georgia."

The bill sent from the House of Representatives for concurrence, entitled "An act for the relief of William Seymour," was read the third time and passed.

The Senate resumed the second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," and, having adopted the amendments reported by the committee, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass with the amendments.

The bill to amend the second section of "the act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina," was read the second time and amended.

Ordered, That this bill pass to a third reading. The memorial of Rd. Claiborne was presented and read, praying that "a law may pass, authorizing the importation of inventions, and allowing to original importers a certain privilege in proportion to that allowed by the patent law to inventors."

Ordered, That this memorial lie on the table. *Ordered*, That the bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," be recommended.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," was read the first time, and, by unanimous consent, the rule was dispensed with, and the bill was read the second time, and referred to Messrs. RUTHERFORD, JACKSON, and BRADFORD, to consider and report thereon to the Senate.

A message from the House of Representatives informed the Senate that they have passed a bill, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,'" and the bill, entitled "An act for extending the time relative to draw-backs on the exportation of certain military stores;" in which they desire the concurrence of the Senate.

The bills last brought from the House of Representatives for concurrence were severally read, and by unanimous consent, these bills were severally read the second time, and referred to Messrs. CABOT, KING, and MORRIS, to consider and report thereon to the Senate.

The Senate took into consideration the amendments reported by the committee to the bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt."

On motion to agree to the following amendment, reported by the committee, respecting the subscribers to a Loan, for which the second section provides, to wit:

"Section 2d, strike out, 'may be reimbursed at any time,' and insert, 'shall be reimbursed within twenty years, and may be reimbursed at any time after the expiration of twelve years:'"

It passed in the affirmative—yeas 15, nays 9, as follows:

YEAS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, Hawkins, Izard, King, Langdon, Livermore, Mitchell, Morris, Rose, Rutherford, Strong, and Vining. NAYS.—Messrs. Bradley, Brown, Burr, Edwards, Foster, Jackson, Martin, Potts, and Robinson.

And the other amendments reported by the committee being agreed to, the bill was ordered to the third reading.

The bill to amend the second section of an act to erect a light-house on the headland of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina, was considered, and, by unanimous consent, the rule was dispensed with, and the bill was read the third time and passed.

The PRESIDENT laid before the Senate a certificate signed George Latimer, chairman, purporting that WILLIAM BINGHAM was, on the 26th instant, elected a Senator of the United States for the Commonwealth of Pennsylvania, which was read, and ordered to lie on file.

SATURDAY, February 28.

HENRY LATIMER, from the State of Delaware, in place of GEORGE READ, resigned, attended, and

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produced his credentials, which were read; and the oath prescribed by law being administered, he took his seat in the Senate.

JAMES GUNN, from Georgia, attended. The bill to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned, was read the third time.

On motion, it was agreed to strike out these words, section 3d, "his heirs or assigns shall not, within three years from the date of the same patent, make, or cause to be made, actual settlement on the same tract of land, and the same continue for three years," and in lieu thereof insert, "or his heirs shall not personally, within three years, from the date of the same patent, settle on the same tract of land, and there continue settled, for three years next."

On motion, it was agreed to amend the last mentioned boundary, section 1st, to read, "thence at right angles from each extremity of the said line;" also, that the male inhabitants be numbered, from eighteen years and upwards, instead of seventeen.

On motion, to amend the bill, so that the survey be made at the expense of the grantees, it passed in the negative.

On the question, Shall this bill pass? it was determined in the affirmative—yeas 14, nays 8, as follows:

YEAS.—Messrs. Bradley, Brown, Burr, Edwards, Foster, Gunn, Hawkins, Izard, King, Langdon, Livermore, Martin, Robinson, and Vining.

NAYS.—Messrs. Bradford, Cabot, Ellsworth, Frelinghuysen, King, Mitchell, Rose, and Strong.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was, at that time, every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfil the expectation given, as far as the actual situation of things will in my judgment permit, I now, in confidence, lay before Congress the following general statement.

Our Minister near the French Republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the non-fulfilment of the contracts of the agents of the Republic with our citizens, and from the embargo at Bordeaux. He has also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two Republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted. So much of our relation to Great Britain may depend

upon the result of our late negotiations in London, that until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the Commissioner of His Catholic Majesty, near the United States, having declared to the Secretary of State, that if a particular accommodation should be made in the conducting of the business, no further delay would ensue, I thought proper, under all circumstances, to send to His Catholic Majesty an Envoy Extraordinary, specially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may therefore promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side, will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands, but little intercourse has taken place during the last year. It may be acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco, an agent was despatched to renew, with his successor, the treaty which the United States had made with him. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted, for the renewal of the treaty, have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact, towards the United States, and that the past miscarriage will be shortly remedied.

Congress are already acquainted with the failure of the Loan, attempted in Holland, for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Dey was disposed to treat for a peace and ransom, and that both would, in all probability, have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.

UNITED STATES, February 28, 1795.

The Message was read, and ordered to lie for consideration.

The bill, sent from the House of Representatives for concurrence, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," was read the third time.

On motion, by Mr. BURN, to strike out the amendment agreed to yesterday, to wit: section 2d, strike out "may be reimbursed at any time," and insert "shall be reimbursed within twenty

referred the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" reported amendments, which were read.

On motion, to postpone the further consideration of this bill until the next Congress, it passed in the negative; and the amendments reported by the committee being agreed to, the bill was ordered to a third reading.

The bill, sent from the House of Representatives for concurrence, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," was read the third time.

On motion, it was agreed to amend the 8th section, by adding after "rations," the following words: "or the value thereof, at the contract price, where the same shall become due, and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question."

Resolved, That this bill pass with the amendments.

The following Messages were received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

It appears, from information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one Consul should reside in Morocco, another in Algiers, and a third in Tunis or Tripoli. As no appointment for these offices will be accepted without some emolument annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two Consuls for that coast in addition to the one already existing.

G. WASHINGTON.

UNITED STATES, March 2, 1795.

Gentlemen of the Senate, and

of the House of Representatives:

I transmit to you copies of a Letter from the Governor of the State of Delaware, and of an Act enclosed, therein mentioned, to the Constitution of the United States.

G. WASHINGTON.

UNITED STATES, March 2, 1795.

The Messages and papers were read, and ordered to lie for consideration.

A message from the House of Representatives informed the Senate that the House have passed the resolution, sent from the Senate for concurrence, "authorizing the exportation of arms, cannon, and military stores, in certain cases," with amendments, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the resolution last mentioned; and disagreed thereto.

The President laid before the Senate a letter from Samuel Meredith, Treasurer of the United States, with his accounts to 31st December last; which was read.

Ordered, That the letter and accounts lie for consideration.

The President laid before the Senate a Return from the Secretary for the Department of War of claims for invalid pensions, made on the 28th of February last.

Ordered, That it lie for consideration.

The Senate proceeded to the consideration of the amendments reported by the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," which were adopted, and the bill amended accordingly.

Ordered, That this bill pass to a third reading.

Mr. RUTHERFORD, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," reported amendments.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act making provision for the purposes of treaty and of trade with the Indians," in which they desire the concurrence of the Senate; that the House of Representatives concur in the bill, sent from the Senate, entitled "An act to regulate the compensation of clerks," with an amendment, in which they desire the concurrence of the Senate; and that the House of Representatives have passed a bill, entitled "An act authorizing and directing the Secretary of War to place certain persons named therein on the pension list," in which they desire the concurrence of the Senate.

The bill last brought from the House of Representatives for concurrence was read and ordered to a second reading.

Mr. CABOT, from the committee to whom was referred the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act establishing a Mint and regulating the coins of the United States,'" reported amendments.

MONDAY EVENING, March 2.

The Senate proceeded to consider the amendment of the House of Representatives to the bill, entitled "An act to regulate the compensation of clerks," and

Resolved, That the Senate concur therein.

A message from the House of Representatives informed the Senate that the House adhere to their amendments to the resolution, authorizing the exportation of arms, cannon, and military stores, in certain cases; and they have passed a bill, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendments reported by the committee to whom was referred the bill, sent from the House of Repre-

sentatives for concurrence, entitled "An act making further appropriations for the Military and Naval Establishments, and for the support of Government," which were in part adopted. On motion, it was agreed, by unanimous consent, to dispense with the rule, and that this bill be now read the third time.

Resolved, That this bill pass with the amendments.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," was read the first time, and ordered to a second reading.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act to alter and amend the act, entitled 'An act laying certain duties upon snuff and refined sugar,'" be now read the third time.

Resolved, That this bill pass with the amendments.

On motion to agree, by unanimous consent, to dispense with the rule, and that the bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," be now read the second time, it passed in the negative—yeas 16, nays 6, as follows:

YEAS.—Messrs Bradford, Cabot, Edwards, Ellsworth, Foster, Frelinghuysen, Izard, King, Latimer, Martin, Mitchell, Morris, Potts, Rutherford, Strong, and Vining.

NAYS.—Messrs Bradley, Burr, Gunn, Jackson, Livermore, and Ross.

So the consent not being unanimous, the question was lost.

Ordered, That this bill pass to the second reading.

The Senate proceeded to the consideration of the amendments adhered to by the House of Representatives, to the resolution authorizing the exportation of arms, cannon, and military stores, in certain cases; which are as follows:

Line 1st, strike out "resolved," and insert, "be it enacted." Strike out the proviso. In the title, strike out, "resolution," and insert "an act." And on the question being put severally on the amendments,

Resolved, That the Senate recede therefrom.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act for the more general promulgation of the laws of the United States," be now read the third time.

Resolved, That this bill pass with amendments.

The following bill being read the first time, on motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act making provision for the purposes of treaty and of trade with the Indians," be now read the second time.

A motion was made, by Mr. JACKSON, and se-

conded by Mr. BRADLEY, to strike out, after the word "Ohio," to the end of the bill, and insert:

"To certain lands in the State of Georgia, lying between the Oconee and Ocmulgee rivers, included within a line to be drawn from the head of the former to the head of the latter river; as also to certain lands in the said State, included within a line to be drawn from a place named Fort Romulus, on the said river Ocmulgee, in a direct course, to the head of the river St. Mary's, the same being the lands formerly known as, and included within, the county of Talassee, in the said State, and which county was given up to the Creek nation by the treaty of New York."

It passed in the negative.

On motion, it was agreed to strike out, after the word "assembled," in the first section, to the word "enacted," inclusive, in the second section; also, to amend the title, by expunging the words "treaty and of" therefrom.

On the question, Shall this bill pass to the third reading, as amended? it was determined in the affirmative—yeas 18, nays 3, as follows:

YEAS.—Messrs Bradford, Bradley, Brown, Burr, Cabot, Ellsworth, Frelinghuysen, Gunn, Izard, King, Latimer, Strong, and Vining.

NAYS.—Messrs Hawkins, Langdon, and Martin.

Mr. JACKSON declined voting on the question.

Ordered, That this bill pass to the third reading, as amended.

A message from the House of Representatives informed the Senate that the House have passed a bill, entitled "An act to authorize the PRESIDENT OF THE UNITED STATES to obtain a cession of claim to certain territory," in which they desire the concurrence of the Senate.

The bill last brought up for concurrence was read, and ordered to a second reading.

On motion to dispense with the rule, and to agree, by unanimous consent, that this bill be now read the second time, it passed in the negative.

On motion, it was agreed, by unanimous consent, to dispense with the rule, and that the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the Coins of the United States,'" be now read the third time.

Resolved, That this bill pass with the amendments.

On motion, that the bill sent from the House of Representatives for concurrence, entitled "An act authorizing and directing the Secretary of War to place certain persons, named therein, on the pension list," be now read the second time, by unanimous consent, it was objected to, and the Senate adjourned.

TUESDAY, March 3.

Mr. CABOT reported, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act for extending the time relative to drawbacks on the exportation of certain military stores." Whereupon,

Resolved, That this bill do not pass.

The memorial of the merchants in the district of Providence, in the State of Rhode Island, was presented and read, praying for an explanatory amendment of the law, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," in regard to the vessels bound to Providence coming to anchor and remaining longer than twenty-four hours, in the harbor and district of Newport.

Ordered, That the memorial lie on the table.

The bill sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," was read the second time and amended, by striking out the 13th section of the bill, as follows:

"And be it further enacted, That it shall be lawful for the President of the United States, and he is hereby empowered to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole five per centum of the total amount of the said duties collected."

On motion, it was agreed to amend the 14th section of the bill, by inserting, in line 5th, after the word "notwithstanding," these words: "but the revenue to arise from the duty on carriages for the conveyance of persons shall remain charged with the same appropriations as if this act had not passed."

On motion to dispense with the rule, and that this bill be now read a third time by unanimous consent, it was not agreed to.

The Senate resumed the consideration of the resolution, reported yesterday, relative to the title to certain lands situate in the Southwestern parts of the United States.

On motion, by Mr. JACKSON, to strike out all the resolution after the words "Southwestern parts of the United States," in the 8th and 9th lines, it passed in the negative.

On motion, by Mr. BURR, to amend the resolution, by striking out all the words after the words "explanatory of," line 6th, and inserting "the extent and boundaries of the State of Georgia, and the title of the said State to the lands by them sold or claimed," it passed in the negative.

On motion, to agree to the resolution, it was determined in the affirmative—yeas 19, nays 2, as follows:

YEAS.—Messrs. Bradford, Brown, Burr, Cabot, Ellsworth, Gunn, Hawkins, Izard, King, Latimer, Livermore, Martin, Mitchell, Morris, Potts, Robinson, Rutherford, Strong, and Vining.

NAYS.—Messrs. Frelinghuysen and Jackson.

The bill sent from the House of Representatives for concurrence, entitled "An act making provision for the purposes of a treaty and of trade with the Indians," was read the third time.

Resolved, That this bill pass as amended.

The Senate proceeded to the second reading of

the bill sent from the House of Representatives for concurrence, entitled "An act authorizing and directing the Secretary of War to place certain persons named therein on the pension list."

Resolved, That the further consideration of this bill be postponed until the next Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to regulate trade and intercourse with the Indian tribes,'" was read the second time.

On motion to strike out the following words, section 1st, line 4th to 6th, "unless it shall be in continuation of a pursuit (not approaching nearer than five miles to any Indian town) of the particular Indians who shall have recently committed murder, or may be carrying off captives," it passed in the negative.

On motion to dispense with the rule by unanimous consent, and that the bill be now read the third time, it was objected to by Mr. JACKSON.

The bill authorizing the purchase of Indian goods having been read the third time, the further consideration thereof was postponed until the next Congress.

Resolved, That the bill making an extra allowance to certain clerks in the public offices, and to the widows and families of certain deceased clerks, be postponed to the next Congress.

The bill sent from the House of Representatives for concurrence, entitled "An act to authorize the President of the United States to obtain a pension of claim to certain territory," was read the second time.

On motion, by Mr. BURR, to amend the bill, to be read as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, authorized and empowered to obtain, by purchase or donation, a relinquishment and cession of the whole or any part of the lands claimed by or under the State of Georgia, and without the ordinary jurisdiction thereof."

It passed in the negative.

On motion, by Mr. HAWKINS, to reconsider the amendment last proposed, and to adopt the same, it was agreed to.

On motion to dispense with the rule by unanimous consent, and that this bill be now read the third time, as amended, it was objected to by Mr. JACKSON.

A message from the House of Representatives informed the Senate that the House concur in the resolution of the Senate relative to the title to certain land situate in the Southwestern parts of the United States, with an amendment to strike out "Senate," and insert "next Congress," in line 5th, in which they desire the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the last mentioned resolution; and concurred therein.

Ordered, That the Secretary of the Senate be authorized and directed to pay to James Mathers,

Doorkeeper to the Senate, out of any moneys appropriated to defray the contingent expenses of the Senate, one hundred and fifty dollars, for extra services.

On motion to dispense with the rule by unanimous consent, and that the bill, sent from the House of Representatives for concurrence, entitled "An act laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose," be now read the third time; it was not agreed to.

Mr. BURR laid before the Senate a motion, as follows:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring*, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of the said Legislatures, shall be valid as part of the said Constitution, to wit:

"That the term for which the members of the Senate and House of Representatives of the next Congress are or shall be chosen shall expire on the first day of June next following the third day of March, on which it would have expired if this amendment to the Constitution had not been adopted."

Ordered, That this motion lie for consideration.

TUESDAY EVENING, March 3.

A message from the House of Representatives informed the Senate that the House having finished the business of the session, are about to adjourn.

Ordered, That Messrs. Izard and Morris be a committee, jointly, with such committee as the House of Representatives may appoint on their part, to wait on the President of the United States, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make.

Ordered, That the Secretary acquaint the House of Representatives therewith, and desire the appointment of a committee on their part.

A message from the House of Representatives informed the Senate that the House have appointed a joint committee on their part to wait on the President of the United States, and inform him that Congress is ready to adjourn.

Mr. Izard reported, from the joint committee, that they had waited on the President of the United States, who informed them that he had no further communications to make to Congress during this session. Whereupon, it was

Resolved, That the Senate adjourn without day.

EXECUTIVE JOURNAL.

THE TENTH SESSION OF THE SENATE OF THE UNITED STATES, CONVENED ON MONDAY, JUNE 8, 1795.

MONDAY, June 8, 1795.

Pursuant to a call from the President of the United States, in a Circular addressed to the several Senators, informing each that "certain matters touching the public good required that the Senate should be convened on the above day, at the Senate Chamber, in Philadelphia, then and there to receive and deliberate on such communications as he shall then make to them," the Senate assembled accordingly.

PRESENT:

JOHN ADAMS, Vice President of the United States and President of the Senate.
From New Hampshire.—JOHN LANGDON and SAMUEL LIVERMORE.
From Massachusetts.—CALEB STRONG and GEORGE CABOT.
From Vermont.—MOSES ROBINSON.
From Connecticut.—OLIVER ELLSWORTH and JONATHAN TRUMBULL.
From Rhode Island.—THEODORE FOSTER and WILLIAM BRADFORD.
From New York.—BUTUS KING and AARON BURR.

From New Jersey.—JOHN RUTHERFORD.
From Pennsylvania.—JAMES ROSS and WILLIAM BINGHAM.
From Delaware.—HENRY LATIMER.
From Maryland.—RICHARD POTTS.
From Virginia.—HENRY TAZEWELL and STEPHENS THOMSON MASON.
From Kentucky.—JOHN BROWN and HUMPHREY MARSHALL.
From North Carolina.—ALEXANDER MARTIN and TIMOTHY BLOODWORTH.
From South Carolina.—JACOB READ.
From Georgia.—JAMES JACKSON.

Ordered, That Mr. STRONG and Mr. LANGDON be a committee to wait on the President of the United States, and notify him that a quorum of the Senate is assembled, and ready to receive any communications he may be pleased to make.

Mr. STRONG reported, from the committee, that they had waited on the President of the United States, and that he informed them he would make some communications to the Senate immediately.

The following message was received from the President of the United States:

Gentlemen of the Senate:

In pursuance of my nomination of John Jay as Envoy Extraordinary to His Britannic Majesty, on the 16th day of April, 1794, and of the advice and consent of the Senate thereto, on the 19th, a negotiation was opened in London. On the 7th of March, 1795, the Treaty resulting therefrom was delivered to the Secretary of State. I now transmit to the Senate that Treaty, and other documents connected with it. They will, therefore, in their wisdom, decide whether they will advise and consent that the said Treaty be made between the United States and His Britannic Majesty.

UNITED STATES, June 8, 1795.
G. WASHINGTON.

The Message, Treaty, and other documents referred to in the Message, were, in part, read, and the further reading thereof postponed.

Ordered, That the Senators be under an injunction of secrecy on the communications this day received from the President of the United States, until the further order of the Senate.

Ordered, That the Secretary procure, printed under an injunction of secrecy, thirty-one copies only of the Treaty referred to in the Message of the President of the United States, of this day, for the use of the Senate.

TUESDAY, June 9.

PIERCE BUTLER, from the State of South Carolina, and FREDERICK FRELINGHUYSEN, from the State of New Jersey, severally attended.

JAMES GUNN, from the State of Georgia, produced his credentials, and, the usual oath being administered, took his seat in the Senate.

Ordered, That there be printed two additional copies of the Treaty referred to in the Message of the President of the United States of the 8th instant.

The papers referred to in the said Message were read, and ordered to lie for consideration.

WEDNESDAY, June 10.

The Senate assembled—present as yesterday, and, after deliberation, adjourned to eleven o'clock to-morrow morning.

THURSDAY, June 11.

The Senate assembled—present as yesterday. The Treaty referred to in the Message of the 8th instant was read and considered.

Ordered, That the further consideration thereof be postponed until to-morrow.

FRIDAY, June 12.

JOHN HENRY, from the State of Maryland, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate resumed the consideration of the Treaty communicated from the President of the United States, in his Message of the 8th instant.

A motion was made that the said Treaty be published.

Gentlemen of the Senate:

On the twenty-ninth day of December, 1794, the following nominations for promotions were laid before the Senate:

G. WASHINGTON.

First Sub-Legion.

Bernard Gaines, Captain, 30th June, 1794, vice Kersey, promoted.
Bartholomew Shomburg, Captain, 30th June, 1794, vice Harthorne, killed.
John Wade, Captain, 1st July, 1794, vice Peters, promoted.
Rosa Bird, Captain, 6th July, 1794, vice Jeffers, resigned.
And on the 25th day of February, 1795, the following:

Ferdinand Leigh Claiborne, Lieutenant, 30th June, 1794, vice Gaines, promoted.
John Breck, Lieutenant, 30th June, 1794, vice Shomburg, promoted.
Edmund Taylor, Lieutenant, 1st July, 1794, vice Wade, promoted.
Elijah Strong, Lieutenant, 6th July, 1794, vice Bird, promoted.
Rezin Webster, Lieutenant, 11th July, 1794, vice Monford, resigned.

It has since appeared that the resignation of Captain Clay had escaped notice at the War Office, which, rendering the above arrangement incorrect, the issuing of commissions to those officers has been suspended.

To rectify that arrangement, and to fill some vacancies, I now make the following nominations of persons to offices in the Army of the United States:

First Sub-Legion.

Bernard Gaines, Captain, 1st April, 1794, vice Clay, resigned.
Bartholomew Shomburg, Captain, 30th June, 1794, vice Kersey, promoted.
John Wade, Captain, 30th June, 1794, vice Harthorne, killed.
Rosa Bird, Captain, 1st July, 1794, vice Peters, promoted.

Hastings Marks, Captain, 6th July, 1794, vice Jeffers, resigned.
Ferdinand Leigh Claiborne, Lieutenant, 1st April, 1794, vice Gaines, promoted.
John Breck, Lieutenant, 30th June, vice Shomburg, promoted.
Edmund Taylor, Lieutenant, 30th June, 1794, vice Wade, promoted.

Elijah Strong, Lieutenant, 1st July, 1794, vice Bird, promoted.
Rezin Webster, Lieutenant, 6th July, vice Marks, promoted.
Cavalry.
Paul McDermot, Cornet, vice Torrey, killed, to rank from 1st May, 1795.
James V. Ball, Cornet, vice Posey, promoted, to rank from 1st May, 1795.

Corps of Artillerists and Engineers.

Peter A. Drusay, Lieutenant, vice Hutchins, resigned, to rank from 10th April, 1795.

Second Sub-Legion.

William Marla, Captain, 20th April, 1795, vice Andrews, resigned.

Ensigns.

George Salmon, vice Butler, promoted, to rank from 1st May, 1795.
William Scott, vice Claiborne, promoted, to rank from 1st May, 1795.

John Callender, vice Breck, promoted, to rank from 1st May, 1795.
Merriwether Lewis, vice McLean, promoted, to rank from 1st May, 1795.

G. WASHINGTON.
UNITED STATES, June 12, 1795.

The Messages and papers were read, and ordered to lie for consideration.

SATURDAY, June 13.

ELIJAH PAINE, from the State of Vermont, produced his credentials, and the usual oath being administered, he took his seat in the Senate.

The Senate proceeded to consider the nomination of John Kelly and others, made by the President of the United States, in his Message of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeably to the respective nominations.

The Senate proceeded to consider the military nominations contained in the other Message of the President of the United States, of the 12th instant; and

Resolved, That they advise and consent to the appointments, agreeably to the respective nominations.

Ordered, That the Secretary lay these resolutions, respectively, before the President of the United States.

The Senate resumed the consideration of the Treaty communicated by the President of the United States, with his Message of the 8th instant, and the motion yesterday made thereon, to wit:

That so much of the resolution of the 8th instant as enjoins secrecy upon the Senators, with respect to the communications on that day received from the President, be rescinded.

And the question being taken, it passed in the negative—yeas 9, nays 20, as follows:

YEA—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Mason, Robinson, and Tazewell.
NAY—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Ross, Rutherford, Strong and Trumbull.

And, after progress in the consideration of the Treaty, the Senate adjourned.

MONDAY, June 15.

JOHN VINING, from the State of Delaware, attended.

The Senate resumed the consideration of the Treaty, communicated by the President of the United States, with his Message of the 8th instant; and, after progress, the Senate adjourned.

TUESDAY, June 16.

The Senate resumed the consideration of the Treaty communicated by the President of the United States, with his Message of the 8th instant; and,

On motion, it was agreed to refer the 13th article of the future discussion of the Senate; and, after progress in the consideration of the 13th article, the Senate adjourned.

WEDNESDAY, June 17.

The Senate resumed the consideration of the Treaty, communicated with the Message of the President of the United States, of the 8th instant, and after discussion on the remaining articles, a motion was made and seconded, that it be *Resolved* (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States, to ratify the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said Treaty an article whereby it shall be agreed to suspend the operation of so much of the 12th article as respects the trade which his said Majesty thereby consents may be carried on between the United States and his islands in the West Indies, in the manner, and on the terms and conditions therein specified.

"And the Senate recommended to the President, to proceed, without delay, to further friendly negotiations with His Majesty, on the subject of the said trade, and of the terms and conditions in question."

On motion, it was agreed, that this motion lie for consideration, until to-morrow.

THURSDAY, June 18.

The Senate assembled; and, on motion to adjourn until Monday next, it passed in the negative—yeas 10, nays 19, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Rutherford, Strong, Trumbull, and Vining.

Whereupon the discussion of the 12th article of the Treaty was renewed; and, after debate, the Senate adjourned.

FRIDAY, June 19.

On motion. *Resolved*, That the President of the United States be requested to cause to be laid before the Senate the reports of John Jay while in the Office of Foreign Affairs, the correspondence between the Commander-in-Chief of the American Army with Sir Guy Carleton, on the subject of the 7th article of the Treaty of Peace with Great Britain, and also Mitchell's map of North America.

Ordered, That the Secretary lay this resolution before the President of the United States.

SATURDAY, June 20.

The Senate resumed the consideration of the motion, made on the 17th, respecting the 12th article of the Treaty communicated with the Mes-

sage of the President of the United States, of the 8th instant.

The Vice President laid before the Senate a Letter from the Secretary of the Department of State, by order of the President of the United States, with the following documents requested yesterday:

Three volumes of the reports of Mr. Jay, while Secretary of Foreign Affairs.

A printed copy of the official papers laid before Congress by the Message of the 5th of December, 1793, and a translation of Mitchell's map of the United States.

MONDAY, June 22.

The Vice President laid before the Senate a Letter from the Secretary for the Department of State, with a "list of the negroes, to which the correspondence between the Commander-in-Chief of the American Army and Sir Guy Carleton relates;" which was read, and, with the document referred to, ordered to lie on the table.

The Senate resumed the consideration of the motion, made on the 17th instant, on the 12th article of the Treaty communicated with the Message of the President of the United States, of the 8th instant; and a motion was made by Mr. Burr to postpone this motion, and to agree to the following resolution:

"That the further consideration of the Treaty, concluded at London the 19th of November, 1794, be postponed, and that it be recommended to the President of the United States, to proceed, without delay, to further friendly negotiations with His Britannic Majesty, in order to effect alterations in the said Treaty, in the following particulars:

"That the 9th, 10th, and 24th articles, and so much of the 25th as relates to the shelter or refuge to be given to the armed vessels of States or Sovereigns at war with either party, be expunged.

"2d article. That no privilege or right be allowed to the settlers or traders mentioned in the 2d article, other than those which are secured to them by the Treaty of 1783, and existing laws.

"3d article. That the third article be expunged, or be so modified that the citizens of the United States may have the use of all rivers, ports, and places within the Territories of His Britannic Majesty in North America, in the same manner as his subjects may have of those of the United States.

"6th article. That the value of the negroes and other property carried away, contrary to the 7th article of the Treaty of 1783, and the loss and damage sustained by the United States by the detention of the posts, be paid for by the British Government; the amount to be ascertained by the Commissioners who may be appointed to liquidate the claims of the British creditors.

"12th article. That what relates to the West India trade, and the provisions and conditions thereof, in the 12th article, be expunged, or be rendered much more favorable to the United States, and without any restraint on the exportation, in vessels of the United States, of any articles not the growth, produce, or manufactures of the said islands of His Britannic Majesty.

"15th article. That no clause be admitted which may restrain the United States from reciprocating benefits by discriminating between foreign nations in their com-

mercial arrangements, or prevent them from increasing the tonnage or other duties on British vessels, on terms of reciprocity, or in a stipulated ratio.

"21st article. That the subjects or citizens of either party, be not restrained from accepting commissions in the Army or Navy of any foreign Power."

And, after debate, the Senate adjourned.

TUESDAY, June 23.

The Senate resumed the consideration of the motion made on the 22d, for the postponement of the motion of the 17th instant, on the 12th article of the Treaty communicated with the Message of the President of the United States, of the 8th instant.

And, after debate, the yeas and nays being required by one-fifth of the Senators present, it passed in the negative—yeas 10, nays 20, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

WEDNESDAY, June 24.

The Senate resumed the consideration of the motion made on the 17th instant, respecting the 13th article of the Treaty communicated with the Message of the President of the United States, of the 8th instant; and

A motion was made by Mr. Read, seconded by Mr. Butler, to amend the motion after the word "specified," as follows:

"And also for obtaining adequate compensation for the negroes, or other property of the American inhabitants, carried off from the United States, in violation of the definitive Treaty of Peace and Friendship, between his said Majesty and the United States, signed at Paris, the 2d day of September, 1783."

And, after deliberation, it was agreed that the honorable mover have leave to withdraw the motion, in order to introduce a motion drawn up with more consideration on the same subject. Whereupon the motion was renewed by Mr. Brown, seconded by Mr. Jackson; and, on the question to agree thereto, it passed in the negative—yeas 12, nays 15, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Read, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Livermore, Paine, Potts, Ross, Rutherford, Strong, and Trumbull.

A motion was made to postpone the motion before the Senate, for the purpose of taking into consideration the following motion, to wit:

"That the President of the United States be informed that the Senate will not consent to the ratification of the Treaty of Amity, Commerce, and Navigation, between the United States and His Britannic Majesty, concluded at London on the 19th November, 1794, for the reasons following:

"1st. Because so much of the Treaty as was intend-

ed to terminate the complaints flowing from the execution of the Treaty of 1783, contains stipulations that were not rightfully or justly requireable of the United States, and which are both impolitic and injurious to their interests; and because the Treaty hath not secured that satisfaction from the British Government, for the removal of negroes in violation of the Treaty of 1783, to which the citizens of the United States were justly entitled.

"2d. Because the rights of individual States, are, by the ninth article of the Treaty, unconstitutionally invaded.

"3d. Because, however impolitic or unjust it may generally be to exercise the power prohibited by the tenth article; yet it rests on Legislative discretion, and ought not to be prohibited by Treaty.

"4th. Because so much of the Treaty as relates to commercial arrangements between the parties, wants that reciprocity upon which alone such like arrangements ought to be founded, and will operate ruinously to the American commerce and navigation.

"5th. Because the Treaty prevents the United States from the exercise of that control over their commerce and navigation, as connected with other nations, which might better the condition of their intercourse with friendly nations.

"6th. Because the Treaty asserts a power in the President and Senate, to control, and even annihilate the Constitutional right of the Congress of the United States over their commercial intercourse with foreign nations.

"7th. Because, if the construction of this Treaty should not produce an infraction of the Treaties now subsisting between the United States and their allies, it is calculated to excite sensations which may not operate beneficially to the United States.

"Notwithstanding the Senate will not consent to the ratification of this Treaty, they advise the President of the United States to continue his endeavors, by friendly discussion with his Britannic Majesty, to adjust all the real causes of complaint between the two nations."

Whereupon, on motion, it was agreed to divide this last motion as follows, to wit: "That the motion of the 17th, now before the Senate, be postponed;" and it passed in the negative—yeas 10, nays 19, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Whereupon, a motion was made to divide the original motion, made on the 17th instant, and now before the Senate, so as to adopt the first paragraph thereof, ending with the word "specified;" and it passed in the affirmative—yeas 20, nays 10, as follows:

YEAS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

NAYS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, and Tazewell.

On motion to adopt the last paragraph of the

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said original motion, it passed in the affirmative—
as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Henry, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Tazewell, Trumbull, and Vining.

So this paragraph was unanimously agreed to; and it was

Resolved, (two-thirds of the Senate concurring therein,) That they do consent to, and advise the President of the United States to ratify the Treaty of Amity, Commerce, and Navigation, between His Britannic Majesty and the United States of America, concluded at London, the 19th day of November, 1794, on condition that there be added to the said Treaty an article, whereby it shall be agreed to suspend the operation of so much of the 13th article, as respects the trade which his said Majesty thereby consents may be carried on, between the United States and his Islands in the West Indies, in the manner, and on the terms and conditions therein specified.

And the Senate recommend to the President to proceed, without delay, to further friendly negotiations with His Majesty, on the subject of the said trade, and of the terms and conditions in question.

Ordered, That the Secretary lay the resolution before the PRESIDENT OF THE UNITED STATES.

A motion was made by Mr. GUNN, seconded by Mr. READ, as follows:

"Whereas it is alleged by divers American citizens, that negroes and other property, to a considerable amount, were carried away in contravention of the seventh article of the Treaty of Peace between the United States and His Britannic Majesty:

Resolved, That the Senate recommend to the President of the United States, to renew, by friendly negotiation with his said Majesty, the claims of the American citizens, to compensation for the negroes and other property so alleged to have been carried away; and in case the disagreement that has hitherto existed, relative to the construction in this behalf of the said article, cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed, in the manner directed by the sixth article of the Treaty of Amity, Commerce, and Navigation, lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said seventh article in this respect, as likewise the amount of the losses sustained by the alleged violation of the same.

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's Islands in the West Indies."

And, after debate, it was agreed that this motion lie until to-morrow for consideration.

THURSDAY, June 25.

The motion made by Mr. GUNN, as last recited, and yesterday referred to this day for consideration, was resumed.

On motion to divide this motion, and to agree to all that is contained from the word "whereas," to the word "same," at the end of the first paragraph of the resolution inclusive, it passed in the affirmative—YEAS 27, NAYS 1, as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Burr, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, Jackson, King, Langdon, Latimer, Livermore, Marshall, Martin, Paine, Potts, Read, Robinson, Ross, Rutherford, Strong, Trumbull, and Vining.

Mr. Tazewell voted in the negative.

A motion was made by Mr. JACKSON, to amend the last paragraph of the motion under the consideration of the Senate, to wit:

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's Islands in the West Indies," to be read as follows:

"And the Senate are of opinion that the negotiation on this subject be considered as part of the negotiation recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's Islands in the West Indies."

Whereupon an amendment, after division of a motion, was objected to as not being in order, and on appeal to the PRESIDENT, it was by him determined in the affirmative; and, on the question to agree to the amendment proposed, it passed in the negative—YEAS 11, NAYS 17, as follows:

YEAS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

On the question to agree to the last clause of the original motion, to wit:

"But the Senate are of opinion that the negotiation on this subject should be distinct from, and subsequent to that recommended by their act of the 24th instant, respecting the trade and intercourse between the United States and his said Majesty's Islands in the West Indies."

The yeas and nays were required by one-fifth of the Senators present—

Those who voted in the affirmative, are—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

YEAS 18, NAYS 11. So the question was lost, there not being two-thirds of the Senators present in the affirmative.

On motion by Mr. BUTLER, seconded by Mr. FRELINGHUYSEN, to reconsider this last question,

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The yeas and nays were required by one-fifth of the Senators present—

Those who voted in the affirmative are—Messrs. Bingham, Bradford, Butler, Cabot, Ellsworth, Foster, Frelinghuysen, Gunn, King, Latimer, Livermore, Paine, Potts, Read, Ross, Rutherford, Strong, Trumbull, and Vining.

Those who voted in the negative, are—Messrs. Bloodworth, Brown, Burr, Jackson, Langdon, Marshall, Martin, Mason, Robinson, and Tazewell.

YEAS 19, NAYS 10. So the question of reconsideration was lost, there not being two-thirds of the Senators present in the affirmative.

On motion, by Mr. RUTHERFORD, for the question on the resolution as amended, to wit:

"Whereas, it is alleged by divers American citizens, that negroes and other property, to a considerable amount, were carried away in contravention of the 7th article of the Treaty of Peace between the United States and His Britannic Majesty:

Resolved, That the Senate recommend to the President of the United States to renew, by friendly negotiation with his said Majesty, the claims of the American citizens to compensation for the negroes and other property so alleged to have been carried away; and in case the disagreement that has hitherto existed relative to the construction in this behalf of the said article, cannot be removed by candid and amicable discussions, that it be proposed, as a measure calculated to cherish and confirm the good understanding and friendship which it is desired may prevail between the two countries, that Commissioners be appointed, in the manner directed by the 6th article of the Treaty of Amity, Commerce, and Navigation lately concluded between the United States and his said Majesty, with authority to ascertain and decide, as well the interpretation of the said 7th article, in this respect, as likewise the amount of the losses sustained by the alleged violation of the same."

It passed in the negative—YEAS 14, NAYS 15, as follows:

YEAS.—Messrs. Bloodworth, Brown, Butler, Burr, Gunn, Jackson, Langdon, Marshall, Martin, Mason, Paine, Read, Robinson, and Tazewell.

NAYS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Frelinghuysen, King, Latimer, Livermore, Potts, Ross, Rutherford, Strong, Trumbull, and Vining.

The following Messages were received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate:

It has been represented by our Minister Plenipotentiary, near the French Republic, that such of our commercial relations with France as may require the support of the United States, in detail, cannot be well executed without a Consul General. Of this I am satisfied, when I consider the extent of the mercantile claims now depending before the French Government; the necessity of bringing into the hands of one agent the various applications to the several Committees of Administration residing at Paris; the attention which must be paid to the conduct of Consuls and Vice-Consuls; and the nature of the services which are the peculiar objects of a Minister's care, and leave no leisure for his intervention in business to which Consular functions are competent. I therefore nominate

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Fulwar Skipwith, to be Consul General of the United States, in France.

I also nominate John Kelly, of Maryland, to be Inspector of the Revenue for Survey No. 1, in the District of Maryland.

William Nichols, of Pennsylvania, to be Marshal of and for the Pennsylvania District, vice David Leuzor, resigned.

John Davis, of Plymouth, in Massachusetts, to be Comptroller of the Treasury of the United States, vice Jonathan Jackson, declined.

John Stockton, to be Commissioner of Loans for the State of Delaware, vice James Tilton, resigned.

Dudley Atkins Tyng, of Massachusetts, to be Collector for the District of Newburyport, vice Edward Wigglesworth, superseded; and

George Foster, to be Collector for the District of Sunbury, in the State of Georgia, vice James James, who was appointed by the name of John James, in February last, and who has declined.

G. WASHINGTON.

UNITED STATES, June 25, 1795.

Gentlemen of the Senate:

Just at the close of the last session of Congress, I received from one of the Senators and one of the Representatives of the State of Georgia, an application for a Treaty to be held with the tribes or nations of Indians claiming the right of soil to certain lands lying beyond the present temporary boundary line of that State, and which were described in an Act of the Legislature of Georgia, passed on the 28th of December last, which has already been laid before the Senate. This application, and the subsequent correspondence with the Governor of Georgia, are herewith transmitted. The subject being very important, I thought proper to postpone a decision upon that application. The views I have since taken of the matter, with the information received of a more pacific disposition on the part of the Creeks, have induced me now to accede to the request; but with this explicit declaration: That neither my assent, nor the Treaty which may be made, shall be considered as affecting any question which may arise upon the supplementary Act passed by the Legislature of the State of Georgia, on the 7th of January last, upon which inquiries have been instituted, in pursuance of a resolution of the Senate and House of Representatives; and that any cession or relinquishment of the Indian claims shall be made in the general terms of the Treaty of New York, which are contemplated as the form proper to be generally used on such occasions; and on the condition that one-half of the expense of the supplies of provisions for the Indians assembled at the Treaty, be borne by the State of Georgia.

Having concluded to hold the Treaty requested by that State, I was willing to embrace the opportunity it would present, of inquiring into the causes of the dissatisfaction of the Creeks which has been manifested, since the Treaty of New York, by their numerous and distressing depredations on our Southwestern frontiers. Their depredations on the Cumberland have been so frequent, and so peculiarly destructive, as to lead me to think they must originate in some claim to the lands upon that river. But whatever may have been the cause, it is important to trace it to its source; for, independent of the destruction of lives and property, it occasions a very serious annual expense to the United States. The Commissioners for holding the proposed Treaty, will, therefore, be instructed to inquire into the causes of the hostilities to which I have referred, and to

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enter into such reasonable stipulations as will remove them, and give permanent place to those parts of the United States.

I now nominate Benjamin Hawkins, of North Carolina, George Clymer, of Pennsylvania, and Andrew Pickens, of South Carolina, to be Commissioners to hold a Treaty with the Creek nation of Indians, for the purposes herein before expressed.

UNITED STATES, June 25, 1795.
G. WASHINGTON.

The Messages and papers therein referred to were severally read, and ordered to lie until tomorrow for consideration.

A motion was made by Mr. BURR, seconded by Mr. LIVERMORE,

"That the resolution of the 8th instant, enjoining secrecy upon the Senators, with regard to the communications on that day made by the President, be rescinded; but that it be nevertheless enjoined upon the Senators not to authorize or allow any publication in print, of the said communication, or any article thereof."

Whereupon a motion was made by Mr. ELLSWORTH, to postpone the motion before the Senate, in order to introduce the following motion:

"That, until the Treaty yesterday before the Senate shall be ratified, it should be left solely to the discretion of the President of the United States, what publication, if any, shall be made of the same."

And it passed in the negative.

A motion was made to amend the original motion, by striking out all that succeeds the word "rescinded;" and it passed in the negative.

And on the question to agree to the original motion, it passed in the affirmative.

On motion by Mr. KING, seconded by Mr. CABOT, to reconsider the motion last adopted, it passed in the affirmative. Whereupon,

Ordered, That the Secretary forthwith notify the absent Senators of the above vote of reconsideration.

FRIDAY, June 26.

The Senate proceeded to the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 25th instant, and the nominations therein contained, of Fulwar Skipwith and others.

Resolved, That the Senate advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

On motion by Mr. LIVERMORE, seconded by Mr. BUTLER, that it be

"Resolved, That the injunction of secrecy concerning the communications made by the President of the United States, on the 8th of June, instant, be rescinded."

A motion was made by Mr. READ, seconded by Mr. FOSTER, to postpone this motion; and it passed in the negative.

On motion by Mr. READ, to amend the original motion by adding these words:

"But that it be nevertheless enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof."

It passed in the affirmative—yeas 14, nays 12, as follows:

YEAS.—Messrs. Bingham, Bradford, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Marshall, Potts, Read, Ross, Strong, and Trumbull.

NAYS.—Messrs. Bloodworth, Brown, Burr, Butler, Jackson, Langdon, Livermore, Martin, Mason, Paine, Robinson, and Tazewell.

And on the question to agree to the motion as amended, it passed in the affirmative—yeas 18, nays 9, as follows:

YEAS.—Messrs. Bingham, Bloodworth, Bradford, Brown, Cabot, Ellsworth, Foster, Gunn, King, Latimer, Livermore, Marshall, Paine, Potts, Read, Ross, Strong, and Trumbull.

NAYS.—Messrs. Burr, Butler, Jackson, Langdon, Martin, Mason, Robinson, Rutherford, and Tazewell.

So it was Resolved, That the injunction of secrecy concerning the communications made by the PRESIDENT OF THE UNITED STATES, on the 8th of June, instant, be rescinded; but that it be, nevertheless, enjoined upon the Senators not to authorize or allow any copy of the said communication, or of any article thereof.

The Senate proceeded to the consideration of the Message of the PRESIDENT OF THE UNITED STATES, of the 25th instant, and the nominations therein contained, of Benjamin Hawkins, and others; and

Resolved unanimously, That the Senate do advise and consent to the appointments, agreeably to the nominations, respectively.

Ordered, That the Secretary lay this resolution before the PRESIDENT OF THE UNITED STATES.

On motion,

Ordered, That Mr. CABOT and Mr. BROWN wait on the PRESIDENT OF THE UNITED STATES, and acquaint him that the Senate have finished the business before them, and are ready to adjourn, unless he may have any further communications to make.

Mr. CABOT reported that the PRESIDENT OF THE UNITED STATES had no further communications to make to the Senate, than his hearty wishes that, in a speedy meeting with their friends, they may enjoy every felicity.

On motion,

Ordered, That there be paid by the Secretary of the Senate, out of the moneys appropriated for the contingent expenses of the Senate, to James Mathers, Doorkeeper, three dollars per day, and to Cornelius Maxwell, Assistant Doorkeeper, two dollars per day, as compensation for their respective attendance during this special session of the Senate, over and above their stated allowance.

On motion, the Senate adjourned without day.

Attest: SAM. A. OTIS, Secretary.

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,

AT THE SECOND SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT THE CITY OF PHILADELPHIA, NOVEMBER 3, 1794.

MONDAY, November 3, 1794.

The following members appeared and took their seats, to wit:

From New Hampshire.—NICHOLAS GILMAN, JEREMIAH SMITH, and PAINE WINGATE.

From Massachusetts.—FISHER AMES, DAVID COBB, HENRY DEARBORN, DWIGHT FOSTER, BENJAMIN GOODHUE, SAMUEL HOLTEN, GEORGE THATCHER, PELEG WADSWORTH, and ARTHUR WARD.

From Connecticut.—JOSHUA COIT, AMASA LEARNED, ZEPHANIAH SWIFT, URIAH TRACY, and JONATHAN TRUMBULL.

From Vermont.—ISAAC SMITH.

From New York.—THEODORUS BAILEY, PHILIP VAN CORTLANDT, and JOHN WATTS.

From New Jersey.—JOHN BEATTY, and ELIAS BOUDINOT.

From Pennsylvania.—THOMAS HARTLEY, JOHN WILKES KITTEK, FREDERICK A. MUHLBERG, (Speaker,) and PETER MUHLBERG.

From Maryland.—GABRIEL CHRISTIE and GEORGE DENT.

From Virginia.—ISAAC COLES, SAMUEL GRIFFIN, JOHN HEATH, JOSEPH NEVILLE, ANTHONY NEW, JOSIAH PARKER, and ROBERT RUTHERFORD.

From Kentucky.—CHRISTOPHER GREENUP.

From North Carolina.—THOMAS BLOUNT, WILLIAM JOHNSTON DAWSON, NATHANIEL MACON, and ALEXANDER MEBANE.

From South Carolina.—WILLIAM SMITH.

From Georgia.—ABRAHAM BALDWIN.

A quorum of the whole number not being present, the House adjourned until to-morrow.

TUESDAY, November 4.

Several other members, to wit: from Rhode Island, FRANCIS MALBONE; from New York, HENRY GLENN, JAMES GORDON, and JOHN E. VAN ALLEN; from New Jersey, JONATHAN DAYTON; from Pennsylvania, THOMAS FITZSIMONS; from Delaware, HENRY LATIMER; from Maryland, WILLIAM VANS MURRAY; from Virginia, GEORGE HAYCOCK, RICHARD BLAND LEE, JAMES MADISON, ANDREW MOORE, FRANCIS PRESTON, and FRANCIS WALKER; and from North Carolina, MAT-

THEW LOCKE—appeared, and took their seats in the House.

And a quorum, consisting of a majority of the whole number, being present, Ordered, That a message be sent to the Senate, to inform them that a quorum of this House is assembled, and ready to proceed to business; and that the Clerk of this House do go with said message.

WEDNESDAY, November 5.

Several other members, to wit: from New Hampshire, JOHN S. SHERBURNE; from Massachusetts, WILLIAM LYMAN; from Connecticut, JAMES HILLHOUSE; from Vermont, NATHANIEL NILES; from New York, EZEKIEL GILBERT; from Maryland, WILLIAM HINDMAN; from Virginia, THOMAS CLAIBORNE; and from Georgia, THOMAS B. CARNES—appeared, and took their seats in the House.

Notice was received that the Senate had not yet been able to form a quorum.

Upon this, Mr. DAYTON moved that a committee shall be appointed to examine the business left unfinished last session, and report to the House. He saw no reason for losing time by waiting for the Senate.

Mr. GOODHUE objected to the motion as improper.

Mr. DAYTON challenged the gentleman to point out wherein the impropriety consisted. For two or three weeks the House of Representatives would have full employment, while the Senate, in reality, had none. He was positive as to the legality and expediency of proceeding.

The SPEAKER put the question, and the yeas and noes were equal, each being twenty-five.

The SPEAKER then informed the House that, as a quorum of their number was not present, it would be requisite to adjourn.

The House rose immediately, after adjourning till to-morrow.

THURSDAY, November 6.

Two other members, to wit: From Massachusetts, PELEG CORFAN, and from Virginia, JOHN NICHOLAS, appeared, and took their seats in the House.

FRIDAY, November 7.

Several other members, to wit: From Pennsylvania, JAMES ARMSTRONG, and WILLIAM MONTGOMERY; from Virginia, WILLIAM B. GILES; from North Carolina, JOSEPH WILSON; and from South Carolina, JOHN HUNTER—appeared, and took their seats in the House.

On motion,

Resolved, That a Standing Committee of Elections be appointed, whose duty it shall be to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such matters as shall or may come in question, and be referred to them by the House, touching returns and elections, and to report their proceedings, with their opinion thereupon, to the House.

And a committee was appointed of Mr. DAYTON, Mr. HILLHOUSE, Mr. SHERBURNE, Mr. DEPT, Mr. LEE, Mr. MACON, and Mr. HUNTER.

Ordered, That the Letter from the Governor of Maryland, together with the return of the election of Gabriel Duval, to serve as one of the members of this House for the said State, in the room of JOHN FRANCIS MERCER, who has resigned his seat, which was laid before the House at the last session, be referred to the said Committee of Elections.

MONDAY, November 10.

Several other members, to wit: from New York, THOMAS TREDWELL; from New Jersey, LAMBERT CADWALADER; from Pennsylvania, JOHN SMITH; from North Carolina, WILLIAM BARRY GROVE; and JOSEPH McDOWELL; and from South Carolina, RICHARD WILSON—appeared, and took their seats in the House.

The SPEAKER informed the House that the Senate had not yet been able to make a quorum. Fifteen members only appeared. One more was necessary.

ORDER OF BUSINESS.

A motion was then made for the House to go into a Committee of the Whole to consider the Rules for choosing committees upon election business.

Mr. BEATTY, of New Jersey, asked why the House of Representatives should wait any longer for the Senate to make a quorum? It had been said that we cannot go on till the Senate are also ready, because we are forbidden by the Constitution. The Constitution says no such thing. This House has already waited a week for the Senate; and it is impossible to conjecture how long it may be obliged to wait, by this method of proceeding.

Mr. BOUNDNOT wanted to learn whether it was proper to have appointed a new Election Committee. He greatly doubted it.

The SPEAKER said that the new committee was formed upon this principle, that the business before the last committee should begin *de novo*. Perhaps this point had not been sufficiently adverted to, when the resolution passed last week for appointing a new one.

Mr. BOUNDNOT thought that there would arise a considerable inconvenience from all the business beginning over again. Persons who had objected to the return of a member of that House, for example, would have to present a new petition to the new committee, and so on.

Mr. NICHOLAS did not think that this inference, drawn by Mr. BOUNDNOT, followed from the appointment of a new committee.

Mr. DAYTON differed entirely from Mr. BOUNDNOT. Petitions were not addressed to A, B, C, D, E, as members of the Committee of Elections, but to such a committee in general. Therefore, the new one would take up the business as their predecessors had left it.

Mr. BOUNDNOT replied to explain.

Mr. LYMAN considered it as a most absurd idea, that there should be any such thing as a Standing Election Committee for the whole Congress. Was public business to stand still for the arrival of members, dispersed, perhaps, all over the Continent? When a session ended, what further concern had they with keeping of papers? It was their duty to give them back to the Clerk, with a report of what progress they had made, and the House, when it met again, could proceed, whether these members were present or not.

Mr. CARNES was for proceeding to discuss the question.

The SPEAKER, at the desire of Mr. LEE, gave his opinion as to the point of form. He said that it had been the practice of the House to name a Standing Committee of Elections, to last for the whole period of the duration of Congress. But he recommended, as the most regular method, to determine, in the first place, whether it was proper to proceed without the Senate. When once the House had decided on its own competency for doing business, it would then be soon enough to determine what business should be done.

Mr. GOODHUE moved to adjourn. For all the time that would now be additionally lost, it was not worth while to decide the question.

It was observed that there was no instance in the Constitution where one House proceeded to business without the other.

Mr. DAYTON, in reply, observed, that Mr. GOODHUE had made a daily, or near about a daily, motion for adjournment, ever since the House began to meet. He had at this time understood that the principle of the adjournment had been given up, and he must confess that he did not expect to hear any arguments for adjournment on the score of expediency.

The House divided on the motion of Mr. GOODHUE—for adjourning, ayes 33, noes 36.

Mr. DAYTON then moved for the appointment of a committee to examine and report the unfinished business of last session; which was adopted, and a committee was appointed of Mr. BOUNDNOT, Mr. TRACY, and Mr. KIRTEA.

A petition of Moses Myers, of the borough of Norfolk, in the State of Virginia, was presented to the House and read, praying to be exonerated from the payment of the duties accruing on certain goods which he imported, and which, after

entry thereof made, were sunk and damaged by the oversetting of the craft employed to bring them on shore.

Ordered, That the said petition be referred to Mr. PARKER, Mr. WATTS, and Mr. COFFIN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the report of the Secretary of War on the petition of Peter Covenhoven, which was made to this House on the twenty-first of February, one thousand seven hundred and ninety-three, be referred to a Committee of the Whole House to-morrow.

TUESDAY, November 11.

Two other members, to wit: from Massachusetts, SHEARJASHUB BOURNE, and from New York, PETER VAN GAASBECK, appeared, and took their seats in the House.

The SPEAKER informed the House that one Senator was yet wanting to the making of a quorum. [The Senate consists of thirty members, of whom only fifteen have yet (Tuesday) made their appearance; of consequence, a majority is wanting. The VICE PRESIDENT has, it is true, arrived, but he is not, strictly speaking, a Senator. He does not give a vote in questions that come before the Senate, unless the voices on a division are equal.]

The SPEAKER laid before the House a Letter from James White, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, in the Congress of the United States, according to the ordinance of Congress of the thirteenth of July, one thousand seven hundred and eighty-seven; which were read, and ordered to be referred to Mr. BALDWIN, Mr. GILBERT, Mr. WALKER, Mr. SWIFT, and Mr. JEREMIAH SMITH, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. BOUNDNOT, from the committee appointed to examine the Journal of the last session, and report therefrom all such matters of business as were then depending and undetermined; and also to examine and report such laws of the United States as have expired, or will expire before the next session, made a report, in part; which was read, and ordered to lie on the table.

MARYLAND REPRESENTATIVE.

Mr. MURRAY informed the House that Mr. Gabriel Duval, a member from Maryland, was now attending to take his seat. This gentleman has been elected in the room of Mr. MERCER.

Mr. NICHOLAS observed that he saw no reason for delaying the admission of the gentleman. He understood the Committee of Elections had the case of Mr. MERCER's resignation under their consideration, and would report immediately; and he understood that the report would be in favor of the gentleman. He did not see the use for so much more ceremony in this case than in that of

the former members. They had all been admitted first, and their credentials examined afterwards.

Some remarks fell from Mr. LEE respecting precedent. Mr. MERCER had formerly taken a seat in much the same way, in the room of Mr. PUNKEBY.

The proceedings on this case were read by the Clerk.

Mr. MACON said, that, if gentlemen would only have patience for ten minutes, they would have the report of the committee ready.

Mr. DAYTON immediately after presented this report. A question occurred whether or not it should be read.

Mr. MADISON was for the report being read. It would only delay the admission of the gentleman for a few minutes. It was, therefore, better to receive it, and then take him in. There was a question, if Mr. MERCER was now to appear before the House, could he take his seat? Mr. M. would not undertake to answer the question. It was a delicate one. He would have the report read. If it was favorable, act as concurring with it; if not so, lay it aside, and admit the member from Maryland to qualify, without taking any notice of it.

Mr. PARKER could see no reason why the member might not take his place directly. The House had yesterday full evidence laid before them, under the sanction of the Legislature of Maryland, that Mr. MERCER had vacated his seat. In his room here comes a gentleman with proper credentials. Why hesitate in accepting him? Mr. P. was sorry that any discussion had taken place on the subject.

Mr. MURRAY and Mr. BOUNDNOT spoke each a few words.

Mr. MADISON was still for reading the report of the committee. His object was to accelerate the reception of the gentleman, which would inevitably and properly take place. If the House were to admit him to qualify, without first reading the report, it might hereafter be asked, Why was a report made at all, when the House refuse to read it? It might, on a future occasion, be said, "Perhaps that report has been unfavorable, and the House have contradicted the report of their own committee."

Mr. MURRAY waived his objection to the reading of the report. It was read accordingly, as follows:

"That it appears, from a certificate signed by the Governor of the State of Maryland, in Council, and under the seal of the said State, that Gabriel Duval was duly elected to serve in the House of Representatives of the United States in the place of John Francis Mercer, who had resigned his seat; that the resignation of the said John Francis Mercer appears from his letter, dated the thirtieth of April, one thousand seven hundred and ninety-four, directed to the Governor of Maryland."

Resolved, That, in the opinion of the committee, Gabriel Duval is entitled to take a seat in the House, as one of the Representatives for the State of Maryland, in the stead of John Francis Mercer.

The said resolution was again read, and, on the question put thereupon, agreed to by the House. Mr. Duvall then appeared, and the oath to support the Constitution of the United States being administered to him by the SPEAKER, according to law, he took his seat in the House as one of the Representatives for the State of Maryland, in the room of John Francis Mercer.

STANDING RULES AND ORDERS.

Mr. TRACY then reminded the House of his proposal for immediately going into a Committee of the Whole on the Rules and Regulations.

Mr. MADISON objected to going into the business abruptly. For his own part, he had lost, or mislaid, his copy of the Regulations. He would certainly not object on his own account. If there was nobody else in the same situation, he should not mention that as any reason to stop their going on. But he was afraid some other gentlemen were in the same situation.

Mr. GOODHUE declared that he was in a similar predicament.

Mr. TRACY.—If we are like schoolboys, and have lost our books, I can have no objection to the procuring of new ones.

It was then agreed to print the Rules and Regulations over again, for the use of the members; and that the House go into a Committee of the Whole on this matter to-morrow.

WEDNESDAY, November 12.

Another member, to wit: CARTER B. HARRISON, from Virginia, appeared, and took his seat in the House.

A memorial of Andrew Taylor, of Ulster county, in the State of New York, was presented to the House and read, praying the liquidation and settlement of a claim for his services as a Deputy Quartermaster in the Army of the United States, during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A petition of Samuel Emery, of the city of Philadelphia, merchant, was presented to the House and read, praying that a new register may be granted in the case of the brig Lucy, an American bottom, which was sold in the year 1792 to a person not a citizen of the United States, it being omitted in the bill of sale of the said brig to insert a copy of the register, in consequence of which omission, the Collector of the port of Philadelphia conceives himself unauthorized to grant a new register.

Ordered, That the said petition do lie on the table.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report such Standing Rules and Orders of Proceeding as are proper to be observed in this House; and, after some time spent therein, the SPEAKER resumed the Chair, and Mr. TRUMBULL reported that the Committee

had had the said report under consideration, and made several amendments thereto.

Ordered, That the said report, with the amendments, do lie on the table.

THURSDAY, November 13.

Two other members, to wit: ANDREW GREGG and DANIEL HEISTER, from Pennsylvania, appeared and took their seats in the House.

The SPEAKER informed the House that there was not yet any appearance of a quorum in the Senate. No new member of that House had arrived, and one of those here had fallen sick.

NEWSPAPERS FOR MEMBERS.

A motion was made that each member be supplied with three daily newspapers. It was mentioned that some applications had been made by a few particular members for leave to have newspapers from the Southern or Eastern States as part of this number. This was objected to as putting the Executive to a needless additional expense. It was, therefore, subjoined, as an amendment to the motion, that they should be newspapers "of this city."

Mr. NICHOLS thought that economy was highly proper, on this, as well as other points. He therefore moved to strike out the word "three" from the motion, and substitute "two." He considered one morning and one evening paper as sufficient for the information of the members.

Mr. TRACY said that it was altogether but a small affair. Some gentlemen had, as he understood, already bespoken three papers, under the expectation that the same number would be granted during this session as during the last.

Mr. NICHOLS then observed, that he would not press his amendment on the House.

Ordered, That the Clerk of this House cause the members to be furnished, during the present session, with three newspapers, printed in this city, such as the members respectively shall choose, to be delivered at their lodgings.

A petition of George Campbell, of the State of Maryland, was presented to the House and read, praying compensation for his services as a Captain of Artificers, in the Army of the United States, during the late war.

Ordered, That the said petition do lie on the table.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures for the War Department, from the first day of April to the thirtieth day of June, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

STANDING RULES AND ORDERS.

The House proceeded to consider the amendments, reported yesterday from the Committee of the Whole House, to whom was referred the report of the committee appointed to prepare and report such Standing Rules and Orders of Proceedings as are proper to be observed in this House;

and the said amendments being twice read, were, on the question severally put thereupon, agreed to by the House.

The said report, as amended, being then again read, and further amended,

Resolved, That the same be established as the Standing Rules and Orders of this House, to wit: STANDING RULES AND ORDERS OF THE HOUSE OF REPRESENTATIVES.

First.—Touching the Duty of the Speaker.

He shall take the Chair every day at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

He shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the House by any two members.

He shall rise to put a question, but may state it sitting.

Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Ay;" and after the affirmative voice is expressed, "As many as are of a contrary opinion, say No."

If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the numbers in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise, and state the decision to the House.

All committees shall be appointed by the Speaker, unless otherwise specially directed by the House; in which case they shall be appointed by ballot; and if upon such ballot, the number required shall not be elected, by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete the committee, shall have an equal number of votes, the House shall proceed to a further ballot or ballots.

In all cases of ballot by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost.

All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, or subpoenas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

In case of any disturbance or disorderly conduct in the gallery or lobby, the Speaker, (or Chairman of the Committee of the Whole House,) shall have power to order the same to be cleared.

Secondly.—Of Decorum and Debate.

When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat, and respectfully address himself to the Speaker.

If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless per-

mitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the House.

When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

No member shall speak more than twice to the same question, without leave of the House; nor more than once, until every member choosing to speak shall have spoken.

Whilst the Speaker is putting any question, or addressing the House, none shall walk out of, or across the House; nor either in such case, or when a member is speaking, shall entertain private discourse; nor, whilst a member is speaking, shall pass between him and the Chair.

No member shall vote on any question in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

Upon a division and count of the House on any question, no member without the bar shall be counted.

Every member who shall be in the House when a question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the Speaker, or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

Every motion shall be reduced to writing, if the Speaker or any member desire it.

After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received, unless to amend it, to commit it, for the previous question, to postpone it to a day certain, or to adjourn.

A motion to adjourn shall be always in order, and shall be decided without debate.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by five members; and until it is decided, shall preclude all amendment and further debate of the main question.

On a previous question, no member shall speak more than once without leave.

Any member may call for the division of a question, where the sense will admit of it.

A motion for commitment, until it is decided, shall preclude all amendment of the main question.

Motions and reports may be committed at the pleasure of the House.

No new motion or proposition shall be admitted under color of amendment, as a substitute for the motion or proposition under debate.

When the reading of a paper is called for, which had before been read to the House, and the same is objected to by any member, it shall be determined by a vote of the House.

The unfinished business in which the House was engaged at the time of the last adjournment, shall have the preference in the Orders of the Day; and no motion on any other business shall be received, without special leave of the House, until the former is disposed of.

In all other cases of ballot that for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

In all cases when there are more members of the House than are eligible, there shall be a previous nomination. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken twice on the day preceding, shall be permitted again to speak without leave.

Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member in his place, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

Any fifteen members, (including the Speaker, if there is one,) shall be authorized to compel the attendance of absent members.

Upon call of the House, or in taking the yeas and nays on any question, the names of the members shall be called alphabetically.

Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of two other committees.

No member shall absent himself from the service of the House, unless he have leave, or be sick, and unable to attend.

Upon a call of the House, the names of the members shall be called over by the Clerk, and the absentees noted; after which, the names of the absentees shall be again called over, the doors shall then be shut, and those for whom no excuse, or insufficient excuses are made, may, by order of the House, be taken into custody, as they appear, or may be sent for and taken into custody, wherever they be found, by special messengers to be appointed for that purpose.

When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with, or without, paying fees; and in like manner, whether a delinquent member, taken into custody by a special messenger, shall, or shall not, be liable to defray the expense of such special messenger.

A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty shall be to attend the House during its sitting; to execute the commands of the House, from time to time, either by himself, or a special messenger, to be by him appointed for that purpose together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody and release, one dollar; and for traveling expenses of himself, or a special messenger, going and returning, one-tenth of a dollar per mile.

Two standing committees shall be appointed at the commencement of each session, to consist of seven members each, to wit:

A Committee of Elections, and

A Committee of Claims.

It shall be the duty of the said Committee of Elections to examine and report upon the certificates of

election, or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching election, and returns, as shall or may be presented, or come in question, and be referred to them by the House.

It shall be the duty of the said Committee of Claims to take into consideration all such petitions and matters or things touching claims or demands on the United States, as shall be presented, or shall or may come in question, and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein, as to them shall seem expedient.

No committee shall sit, during the sitting of the House, without special leave.

The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities; and shall be deemed to continue in office until another be appointed.

It shall be the duty of the Clerk of the House, at the end of each session, to send a printed copy of the Journal thereof to the Executive, and to each branch of the Legislature, of every State.

Whenever confidential communications are received from the President of the United States, the House shall be cleared of all persons, except the members and its officers, and so continue during the reading of such communications, and (unless otherwise directed by the House) during all debates and proceedings to be had thereon. And when the Speaker, or any other member, shall inform the House that he has communications to make, which he conceives ought to be kept secret, the House shall, in like manner, be cleared till the communication be made; the House shall then determine whether the matter communicated requires secrecy or not, and take order accordingly.

Thirdly.—Of Bills.

Every bill shall be introduced by motion for leave, or by an order of the House, on the report of a committee; and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice, at least, shall be given of the motion to bring in a bill; and every such motion may be committed.

Every bill shall receive three several readings in the House previous to its passage; and all bills shall be despatched in order as they were introduced, unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall the bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

Upon the second reading of a bill, the Speaker shall state it as ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select committee, or to a Committee of the Whole; if to a Committee of the Whole House, the House shall determine on what day. But if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read the third time. After commitment and report thereof to the House, a bill may be recommitted, or at any time before its passage.

All bills ordered to be engrossed shall be executed in a fair round hand.

When a bill shall pass, it shall be certified by the Clerk, noting the day of its passing at the foot thereof.

Fourthly.—Of Committees of the Whole House.

It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole House on the state of the Union.

In forming a Committee of the Whole House the Speaker shall leave his Chair, and a Chairman to preside in Committee shall be appointed by the Speaker.

Upon bills committed to a Committee of the Whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses before a question to engross it be taken.

All amendments made to an original motion in Committee, shall be incorporated with the motion, and so reported.

All amendments made to a report committed to a Committee of the Whole House, shall be noted and reported as in the case of bills.

All questions, whether in Committee or in the House, shall be propounded in the order they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

No motion or proposition for a tax or charge upon the People shall be discussed the day in which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.

No sum or quantum of tax or duty voted by a Committee of the Whole House, shall be increased in the House, until the motion or proposition for such increase shall be first discussed and voted in a Committee of the Whole House; and so in respect to the time of its continuance.

All proceedings touching appropriations of money, shall be first moved and discussed in a Committee of the Whole House.

The rules of proceeding in the House shall be observed in Committee, so far as they may be applicable, except that limiting the times of speaking.

No standing rule or order of the House shall be rescinded without one day's notice being given of the motion therefor.

Joint Rules and Orders of the two Houses.

In every case of an amendment of a bill agreed to in one House and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their Chairman, meet in the Conference Chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Senate.

Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House, respectively.

After a bill shall have passed both Houses, it shall be duly enrolled on parchment by the Clerk of the House of Representatives, or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States.

When bills are enrolled, they shall be examined by a Joint Committee of one from the Senate, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall carefully compare the enrolment with the engrossed bill as passed in the two Houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

After examination and report, each bill shall be signed in the respective House, first by the Speaker of the House of Representatives, and then by the President of the Senate.

After a bill shall have thus been signed in each House, it shall be presented by the said committee to the President of the United States for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated; which endorsement shall be signed by the Secretary or Clerk (as the case may be) of the House in which the same did originate, and shall be entered on the Journal of each House. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each House.

All orders, resolutions, and votes, which are to be presented to the President of the United States for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in case of bills.

When the Senate and House of Representatives shall judge it proper to make a joint Address to the President, it shall be presented to him in his Audience Chamber by the President of the Senate, in the presence of the Speaker and both Houses.

PETER COVENHOVEN.

The House then went into a Committee of the Whole on the Report of the Secretary of War on the petition of Peter Covenhoven. This unfortunate man had been a sergeant in the Militia of the United States during the late war. A short time after his being called out, he was wounded with a musket-ball in the knee, and was unable for a considerable time to walk even upon crutches.

At last, his wound became tolerably cured, and he was dismissed with a pension. But, some years ago, his wound broke out afresh, and, after a series of excruciating tortures, the affair ended with an amputation of his thigh. The bills of his physicians, and the extra expense of sick nurses, came, in whole, to two hundred and nine pounds.

After reading the report, Mr. Boudinot proposed two resolutions—one for granting the sum of — dollars to defray the expenses of amputation, and the other for augmenting his pension.

Mr. Swift opposed the resolution, as there was no law that authorized the granting of the money

and as the House had no title to perform acts of charity at the expense of their constituents. He imagined that this burden should fall on the particular State wherein he resided.

Mr. BOURNOR contended that there was a law for this measure. He said that it had always been customary for Congress to pay the expense of curing its wounded soldiers. Even when the soldiers had no hospital to which they could go, and advanced the money out of their own pockets, it had always been repaid by Government, upon application for that purpose. Now, the case of Peter Covenhoven came exactly within this description. He had been dismissed as cured, and with a lesser pension than he would have been entitled to, had the amputation taken place while he was in the military hospital. He had been considered as a person who could still support some part of his own expenses by personal labor. But the matter turns out quite otherwise. The wound is not cured; for it breaks out in a very distressing manner, and ends in the loss of a limb. It was clear that, in point of justice, the man had two claims—the first for the expense attending his cure; and the second for an augmentation of his pension, since he was now completely disabled. He had been for some years incapable of standing, even upon crutches. It was plain that the House were liable to pay the expenses of his wound; and as to the salary, it was only by an accident that he was entered on the list of pensioners before the wound broke out afresh, and that otherwise he had been put on the highest rate.

Mr. SWIFT replied. He was not convinced by any thing that had been advanced. As to the doctors' bills, he was not sure about their accuracy.

Mr. BEATTY said he could answer to the House for that. He had advised the amputation.

The first resolution, viz: for paying the bills, was agreed to by a majority of 37 against 20, and a committee was appointed to bring in a bill. The second resolution, for augmenting the salary of Mr. Covenhoven, was postponed.

FRIDAY, November 14.

Several other members, to wit: from Massachusetts, SAMUEL DEXTER; from Virginia, ABRAHAM VINABLE; and from Kentucky, ALEXANDER D. ORR, appeared, and took their seats in the House.

Mr. BALDWIN, from the committee to whom was referred the Letter from JAMES WHITE, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, made a report, which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Ordered, That a Committee of Claims be appointed, pursuant to the Standing Rules and Orders of the House:

And a committee was appointed of Mr. TRACY, Mr. FOSTER, Mr. MALBONE, Mr. MONTGOMERY, Mr. HEATH, Mr. CHRISTIE, and Mr. MEBANE.

MONDAY, November 17.

Two other members, to wit: from Rhode Island, BENJAMIN BOURNE; and from South Carolina, ANDREW PICKENS, appeared, and took their seats in the House.

A petition of Pierre Egerton was presented to the House and read, praying the patronage of Congress, and an exemption from postage, in aid of a literary work which he is now prosecuting.

Ordered, That the said petition do lie on the table.

A petition of Joab Stafford, of the county of Herkimer, in the State of New York, was presented to the House and read, praying to be allowed an arrearage of pension due to him as a Captain in the Army of the United States, during the late war, or such other compensation in lieu thereof, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition, together with the petition of George Campbell, which lay on the table, be referred to the Committee of Claims.

DELEGATE SOUTH OF THE OHIO.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Letter from JAMES WHITE, together with the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio.

Mr. VANS MURRAY moved that the Committee should rise, and that the discussion of this business should be deferred until the Senate had made a quorum.

Mr. NICHOLAS thought that the question had been misunderstood. He saw no difficulty in admitting Mr. WHITE to possession of a seat. He regarded it only as putting an actual law into execution. Neither the Senate nor the House of Representatives had it in their power to contravene this law.

Mr. SWIFT objected to complying with the report of the committee. He thought that it could not be carried into execution, because it involved inconsistencies. If the object of the law referred to, was to admit this person to debate, and not to vote, that was unconstitutional. He was, by that law, to be a member of Congress; but the House of Representatives are not Congress, and, therefore, this person may equally vote in the House of Representatives and in the Senate; while, at the same time, he may interrupt the President consenting to a bill, by giving his advice. The Constitution has made no provision for such a member as this person is intended to be. If we can admit a Delegate to Congress or a member of the House of Representatives, we may with equal propriety admit a stranger from any quarter of the world. We may as well admit the gallery, or a foreign Minister, as this person from the Territory South-west of the Ohio. At this rate we may very soon overturn the Constitution. If this person has any proper title to a seat, it must be in the Senate; it could not be in the House of Representatives, who were not Delegates. The Senate,

perhaps, might be called such. His election was nearer the mode of theirs, than that of this House.

Mr. SWIFT, of South Carolina, had no difficulty in declaring that the gentleman was fully qualified to take a seat in that House, by the terms of an express compact with the people. He was convinced that the Representatives have a right to admit those whom they regard as lawfully entitled to a seat in the House, for the purpose of debating. They may admit the Secretary of State, if they consider it as expedient. If this gentleman had applied to the Senate, that body also were authorized to admit him, if they thought it lawful. Under the old Constitution, he would have been a member *vis generis*. He does not claim a right of voting, but of speaking only; and when the affairs of the Southwestern Territory were agitated in the Senate, he had a right, in his (Mr. S.'s) judgment, to speak and debate in that House also. Mr. S. wished that there had been previously settled another part of this business, viz: by whom the Delegate was to be paid for his attendance. It may be a future question, also, whether he is to be dismissed when the galleries are cleared?

Mr. GILES was not prepared to speak on the subject. On the score of expediency, his present opinion was, that the Delegate from the Southwest of the Ohio should be admitted. He had no objection to the motion of the member from Maryland, [Mr. MURRAY], for the Committee rising, but he would never consent to it for the sake of consulting the Senate. He would agree to it, for the sake of further deliberation among themselves. If the House chose to consult the gallery—a resource for information that he should never wish to see adopted—they had a right to consult it, or to ask advice from any other quarter, notwithstanding the assertion of the gentleman from Connecticut.

Mr. DEXTER said, he thought the obstacle should be got over by a formal act of the Legislature. He was clear that the House had a right to consult, or admit to the privilege of debating, any individual whom they thought proper. They might, for instance, admit an advocate to plead, in a particular case; but that was entirely a different matter from allowing him to give a vote on the question before the House. Mr. D. declared that he would vote against the report, as it now stands, not because he thought the gentleman from the Southwestern Territory unentitled to a seat, but because he regarded an act of the whole Legislature as a requisite for his introduction.

It was now moved that the Committee should rise, and report the resolution of the select committee.

Mr. W. SMITH differed from Mr. DEXTER. He thought the House of Representatives was, in itself, perfectly competent to settle the point. He was determined that they ought not to consult the Senate upon the matter. It would be extremely improper to let the Senate interfere. He again adverted to his former position, that the House may, if it sees proper, introduce the Secretary of State to a privilege of being consulted, or any other

person who may be thought suitable. But he would never submit to yield the privileges of the House to the Executive. They ought to decide their elections on their own authority, and on no occasion send to inquire of the Senate if such an amendment ought to be admitted. Mr. S. considered the gentleman [Mr. WHITE] as expressly within the present Constitution. He trusted that the Committee would not rise, under any such idea as consulting the Senate; but, if they at present rise, that it would be merely for the sake of obtaining further information.

Mr. MURRAY.—If we could have foreseen this case, I am sure that we should have had a joint committee of privileges from both Houses, as judges. The situation of the gentleman refers to both, and therefore the Senate ought to be consulted on this head. Perhaps he is entitled to a seat in both Houses.

Mr. McDOWELL objected, that an act of the Legislature would never, practically, answer the purpose. The session would be next to ending, before such a law would be passed. In the mean time, the interest of the people Southwest of the Ohio is agitated in a question, and their Delegate is condemned to silence. The members generally admit, in substance, that he ought to be received into this House. He wished, therefore, that they would take a vote on the resolution of the select committee. He would object altogether to the proposal of the member from Maryland, for an act of the Legislature, or any consultation with the Senate. Mr. McD. was for admitting the member to his seat.

Mr. BOURNOR observed, that it was universally agreed that the old law for accepting such a member as a Delegate of Congress, cannot be executed in its full sense. The gentleman ought, in his opinion, to go where members elected by Legislatures went, that is to say, to the Senate. There was no pretence for his admission among the Representatives of the people. If he had any right, it must be in the other House. He thought this a very important question, and that it deserved more consideration than it had yet received. Mr. B. was not prepared to vote; but, if he was forced to give his voice at present, he should be for remitting the gentleman to the Senate. He thought that there should be an act of the whole Legislature. He should vote for the Committee rising.

Mr. DAYTON said, that he should vote against the motion of the Maryland member, for the rising of the Committee. He was against the object of this motion. He agreed entirely with the report of the select committee for receiving the Southwestern member immediately, as he had a right to a seat, founded on an original compact, which gave it to him. He objected to any concurrence of the Senate being asked. As to consulting persons out of doors, the House had a right to call Heads of Departments to give their opinions on any particular subject, if they thought proper. Mr. D. mentioned some cases of this nature, where such an expedient had been used.

Mr. GILES mentioned one reason against the

Committee rising, which was, that the House had no other business before it. He then read an amendment to the resolution of the select committee, as a middle course, that would embrace the ideas of all parties.

Mr. DEXTER repeated some of his former reasons for preferring an act of the Legislature.

The question was called for, and put by the Chairman, Shall the Committee now rise, and report progress? It was decided in the negative—yeas 38, nays 39.

The question was then put on the resolution, as given by the Committee. Mr. GILES again proposed his amendment. This was, that after the word "debating," in the resolution, there should be added, "upon any question touching the rights and interests of people in the Territory of the United States Southwest of the Ohio." The object was to narrow the power of the Delegate.

Mr. SMITH was for his being admitted to deliberate on every subject, or none at all.

Mr. GILES declared that he was very well pleased with the resolution, as it originally stood. He had only suggested this amendment, that he might get the resolution through the House. He therefore withdrew his motion.

Mr. BALDWIN did not see that the question was of much importance. When a member was permitted to speak, but forbidden to vote, his situation was, no doubt, infinitely higher than that of strangers in the gallery, that of an advocate allowed to plead at the bar of the House, or that of a printer who came only to take notes; but still it was extremely short of the situation of a member of Congress. This would be more especially the case, if his right of debating was restricted to the affairs of the Northwest and Southwest Territory. Mr. B. could see nothing in the new Constitution that made an exclusion of the Delegate from the Southwest of the Ohio. This privilege had been solemnly promised to those people, upon three different occasions. When they belonged to the State of South Carolina, they sent a Representative [Mr. SAVINIA] to Congress; and they separated into a new State, under the promise of this privilege. But now, we have made a discovery, that these laws cannot be put into execution. It is a great pity that we had not made this discovery sooner. Mr. B. rejected all ideas of referring this matter to the Senate. When the latter had any question of that kind, that concerned themselves, they would, no doubt, judge for themselves, and that just as properly as the House of Representatives. As to the pay of this gentleman, that might be an after question. He was clear that there at present existed no law which could make out that. The House may hereafter, if they see fit, pass a law respecting it. But, in the meantime, Mr. B. was satisfied that these people had a claim for a Delegate, which could not be got rid of by the House.

Mr. SWIFT thought that it would be better to erect these people into a new State, and then the privilege would be of some real use to them. He was still of opinion that the Constitution admits

of no such Delegate as this person is intended to be. He is a new kind of character, unknown to it. This person is *sui generis*. If the Constitution knows anything about him, then take him; if not, reject him. As to taking advice from the gallery, Mr. S. seemed to think he had been misunderstood. To admit a person within the bar for the purpose of consulting him, was a quite different thing from permitting the gallery, like this person, to come and take a permanent seat among the members, for the purpose of regularly debating. Mr. S. never meant to debar the House from taking information wherever they could find it.

Mr. MURRAY was concerned that he found himself obliged to vote against the resolution of the Committee. He still hoped that the gentleman would have a seat, but that the Senate would first be consulted.

Mr. WINGATE moved an amendment to take the resolution, by adopting these words, "to a seat in Congress as Delegate to Congress."

Mr. MADISON said, that the resolution, as passed by the select committee, was so properly expressed, that he did not believe it could admit of any amendment or alteration whatever.

The Committee of the Whole House then divided on the resolution, when there appeared a very large majority in favor of reporting it as it first stood, and consequently for admitting Mr. WHITE as a Delegate. The Committee then rose.

TUESDAY, November 18.

Another member, to wit: THEODORE SEDGWICK, from Massachusetts, appeared, and took his seat in the House.

A memorial of James Crawford, of the city of Philadelphia, merchant, was presented to the House and read, praying that a new register may be granted in the case of the brig *Betsy*, an American bottom, taken by the British at St. Pierre's, in the Island of Martinique, in the month of February last; the said brig being condemned, and her original register detained by the captors.

Ordered, That the said memorial, together with the petition of Samuel Emery, which lay on the table, be referred to Mr. FITZSIMONS, Mr. GOODRICH, and Mr. CADWALADER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

DELEGATE SOUTH OF THE OHIO.

The House proceeded to consider the report of the committee on the Letter from JAMES WHITE, enclosing the credentials of his appointment as a Representative of the Territory of the United States South of the river Ohio, to which the Committee of the Whole House reported no amendment. Whereupon, the said report being again read at the Clerk's table, was, on the question put thereupon, agreed to by the House, as follows:

"That, by the Ordinance for the government of the Territory of the United States Northwest of the river Ohio, section nine, it is provided, 'that, so soon as there shall be five thousand free male inhabitants of full age

in the District, upon giving proof thereof to the Governor, they shall receive authority to elect Representatives to represent them in a General Assembly; and by the 12th section of the Ordinance, 'as soon as a Legislature shall be formed in the District, the Council and House, assembled in one room, shall have authority, by joint ballot, to elect a Delegate to Congress, who shall have a seat in Congress, with a right of debating, but not of voting, during this temporary government.' Full effect is given to this Ordinance by act of Congress, August 7, 1799.

"That, by the Deed of Cession of the Territory South of the river Ohio, to the United States, in the fourth article, it is also provided 'that the inhabitants of the said Territory shall enjoy all the privileges, benefits, and advantages, set forth in the Ordinance of the late Congress for the government of the Western Territory; that is to say, Congress shall assume the government of the said Territory, which they shall execute in a manner similar to that which they support in the Territory West of the Ohio, and shall never bar or deprive them of any privilege which the People in the Territory West of the Ohio enjoy.'

"The cession, on these conditions, was accepted by act of Congress, on the 2d of April, 1790.

"By an act passed the 26th of May, 1790, for the government of the Territory of the United States South of the river Ohio, it is enacted, 'that the inhabitants shall enjoy all the privileges, benefits, and advantages, set forth in the Ordinance of the late Congress for the government of the Territory of the United States Northwest of the river Ohio. And the government of the said Territory South of the river Ohio, shall be similar to that which is now exercised in the Territory Northwest of the river Ohio; except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session, entitled 'An act to accept a cession of the claim of the State of North Carolina to a certain district of Western Territory.' The committee are of opinion that James White has been duly elected as Delegate from the Territory of the United States South of the Ohio, on the terms of the foregoing acts; they therefore submit the following resolution:

"Resolved, That James White be admitted to a seat in this House as a Delegate from the Territory of the United States South of the river Ohio, with a right of debating, but not of voting."

Mr. MADISON said, that in new cases, there often arose a difficulty by applying old names to new things. The proper definition of Mr. WHITE is to be found in the Laws and Rules of the Constitution. He is not a member of Congress, therefore, and so cannot be directed to take an oath, unless he chooses to do it voluntarily.

Mr. MURRAY moved that Mr. WHITE should be required to take the oath.

Mr. W. SMITH observed, that the Constitution only required members and the Clerk to take the oath. The gentleman was not a member. It does not even appear for what number of years he is elected. In fact, he is no more than an Envoy to Congress. Instead of being called Delegate to Congress, had he been plainly called an Envoy, the difficulty would have vanished. He is not a Representative from, but an officer deputed by the people of the Western Territory. It is very improper to call on this gentleman to take such an oath, any more than any civil officer in the State of Pennsylvania. Mr. S. did not consider him as

coming even within the Post Office law, (viz: for franking letters.) He is not entitled to pay, unless a law shall be passed for that end.

Mr. GILES agreed with the gentleman who spoke last, as to the impropriety of demanding an oath. Mr. LYMAN was for it.

Mr. DAYTON was against the oath. Call him what you will, a member, a Delegate, or, if you please, a *nondescript*. It would be wrong to accept his oath, even if he should offer it. He is not a member. He cannot vote, which is the essential part. It is said that he can argue, and by that means influence the votes of the House. But so also a printer may be said to argue and influence, when he comes to this House, take notes, and prints them in the newspapers.

Mr. BOUDINOT. As the House had set out on a wrong principle, it was natural that, in their subsequent progress, they should wander further and further from the point. But, as the House had now given their decision, he acquiesced in it. It was, however, a strange kind of thing to have a gentleman here arguing, who was not bound by an oath. He could never reconcile it.

Several other members spoke. The House divided on the question, "Shall the Delegate take an oath as a member?" Ayes 32, nays 42—majority against the motion, 10. A message from the Senate informed the House that a quorum of the Senate is assembled, and ready to proceed to business.

Ordered, That the petition of Pierre Egton, which lay on the table, be referred to Mr. WILLIAM SMITH, Mr. MURRAY, and Mr. MADISON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the PRESIDENT OF THE UNITED STATES, and inform him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make to them.

Ordered, That Mr. BOUDINOT, Mr. DEARBORN, and Mr. GILMAN, be appointed a committee on the part of this House for the purpose expressed in the message from the Senate.

Resolved, That two Chaplains, of different denominations, be appointed to Congress for the present session, one by each House, to interchange weekly.

Ordered, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

Mr. BOUDINOT, from the Joint Committee appointed to wait on the PRESIDENT OF THE UNITED STATES, and notify him that a quorum of the two Houses is assembled, and ready to receive any communications he may think proper to make to them, reported that the Committee had performed that service, and that the PRESIDENT signified to them that he would make a communication to both Houses of Congress, to-morrow at twelve o'clock, in the Representatives' Chamber.

H. or R.]

Militia Service.

[NOVEMBER, 1794.]

Ordered, That a committee be appointed to bring in a bill extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory; and making provision for his compensation; and that Mr. WILLIAM SMITH, Mr. THATCHER, and Mr. MACON, be the said committee.

WEDNESDAY, November 19.

Another member, to wit: THOMAS SCOTT, from Pennsylvania, appeared and took his seat in the House.

A memorial of Jose Roiz Silva, of the city of New York, merchant, was presented to the House and read, praying that the sum of two thousand five hundred and twenty-one dollars and sixty cents may be refunded to him, it being the difference in the amount of duties on a quantity of wines imported by the memorialist, and which, through mistake, was exacted from him by the Collector of the port of New York, beyond the legal duties.

Ordered, That the said memorial be referred to Mr. WATTS, Mr. COFFIN, and Mr. MALBONE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The SPEAKER laid before the House a Report of the Commissioners for purchasing the Public Debt, stating the amount of their purchases and other proceedings since their report of the sixteenth of December, one thousand seven hundred and ninety-three; which was read, and ordered to lie on the table.

Ordered, That a message be sent to the Senate to inform them that this House is now ready to attend them in receiving the communication from the PRESIDENT OF THE UNITED STATES, agreeably to his notification to both Houses yesterday; and that the Clerk of this House do go with the said message.

The Senate attended and took seats in the House; when, both Houses being assembled, the PRESIDENT OF THE UNITED STATES came into the Representatives' Chamber, and delivered his Address to them. (For which, see Proceedings of the Senate, ante page 784.)

The PRESIDENT OF THE UNITED STATES then withdrew, and the two Houses separated.

Ordered, That the Speech of the PRESIDENT OF THE UNITED STATES to both Houses be committed to a Committee of the Whole House tomorrow.

THURSDAY, November 20.

Another member, to wit: WILLIAM FINDLEY, from Pennsylvania, appeared and took his seat in the House.

The House then resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Chairman reported that the Committee had had the said Speech under consideration, and

come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it is the opinion of this Committee that a respectful Address ought to be presented by the House of Representatives to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress, at the commencement of this session, containing assurances that this House will take into consideration the various and important matters recommended to their attention.

Ordered, That Mr. MADISON, Mr. SEDGWICK, and Mr. SCOTT, be appointed a committee to prepare an Address, pursuant to the said resolution. A message from the Senate informed the House that the Senate have agreed to the resolution of this House for the appointment of two Chaplains to Congress for the present session, and have elected the Right Reverend Bishop WHITE on their part.

The House then proceeded by ballot to the appointment of a Chaplain to Congress, on the part of this House; and upon examining the ballots, a majority of the votes of the whole House was found in favor of the Reverend ASHBEL GREEN.

A message was received from the PRESIDENT OF THE UNITED STATES, with sundry documents referred to in the PRESIDENT'S Speech to both Houses, from No. 1 to No. 8, inclusive, relative to the insurrection in the counties of Washington and Alleghany, in the State of Pennsylvania; also, sundry communications from General Wayne; from the Governor of Georgia; from the Superintendent of Indian Affairs in the Creek nation; and respecting the establishment of a post by the State of Pennsylvania at Presqu'isle; together with a Letter from the Director of the Mint.

The said documents and communications were partly read, and ordered to lie on the table.

FRIDAY, November 21.

Ordered, That a committee be appointed to prepare and bring in a bill for the relief of John R. Livingston; and that Mr. COIT, Mr. GORDON, and Mr. NEVILLE, be the said committee.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation; which was read twice, and committed.

Mr. MADISON, from the committee appointed, presented an Address to the PRESIDENT OF THE UNITED STATES, in answer to his Speech to both Houses of Congress; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

MILITIA SERVICE.

Mr. SMITH, of South Carolina, moved a resolution to the following purport:

Resolved, as the opinion of this Committee, That provision ought to be made by law for continuing in the service a portion of the militia of the United States, to be stationed in the Western counties of Pennsylvania

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President's Speech.

[H. or R.]

for such period as shall be found necessary to secure the execution of the laws."

Mr. GILES said he should certainly not oppose the motion; but he hoped that when the Committee contemplated should report a bill, they would be able to give every information relative to the situation of the Western counties. He was sensible that despatch was necessary, as the provision was required to be completely enacted within thirty days; but he wished for information to determine what force would be required, and for how long a time they would probably be wanted.

Mr. DAYTON agreed that information would be wanted to determine the number of troops that would be required; but if there existed an opinion that no provision of the kind is necessary, the business should be opposed in its present stage. For his part he was fully convinced that something was necessary. As to information, he wished it to come officially to the House rather than through any committee.

Mr. SEDGWICK hoped the motion would be agreed to. He had information sufficient at the present time to convince him that it was necessary a force should be stationed; it would be a subject of future inquiry what force would be necessary.

Mr. NICHOLAS said that from information he had of persons from the Western counties, he believed that some force should be stationed there. There were a number of persons still lurking about who had not returned to their homes since the breaking out of the disturbances.

Mr. FITZSIMONS wished the motion agreed to. The House are in possession, he conceived, of sufficient information to pass the resolution. When the bill comes before them, the force required, and the time of service, would become objects of consideration. Some members have information on this subject which they no doubt will communicate. The business presses.

Mr. MURRAY made mention of a letter received from a General officer, dated the 13th of November, which states that 1,000 of the insurgents have gone down the Ohio unarmed, and that 300 armed had crossed the Ohio, and declared it as their intention to return as soon as the Army should retire.

The resolution was agreed to unanimously, reported and adopted by the House, and Messrs. MURRAY, HILLHOUSE, and GILES, appointed a committee to bring in a bill.

PRESIDENT'S SPEECH.

The House again resolved itself into a Committee of the Whole House on the Speech of the PRESIDENT OF THE UNITED STATES to both Houses of Congress; and, after some time spent therein, the Committee rose and reported the following resolutions, which were read as follows, viz:

1. *Resolved*, That it is the opinion of this Committee that provision ought to be made by law for raising a force, to be composed of the Militia of the United States, to be stationed within the Western counties of Pennsylvania, for such period as may be requisite to secure the execution of the laws.

2. *Resolved*, That it is the opinion of this Committee that further provision ought to be made by law for the redemption of the Public Debt.

3. *Resolved*, That it is the opinion of this Committee that a plan ought to be prepared for the better organizing, arming, and disciplining the Militia of the United States; and further to provide for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

4. *Resolved*, That it is the opinion of this Committee that inquiry ought to be made whether the fortifications, which have already been licensed by law, are commensurate with the public exigence.

5. *Resolved*, That it is the opinion of this Committee that so much of the President's Speech as relates to improving of harmony with the Indian nations within our limits, by fixing and conducting of trading houses, should be referred to a special committee to report thereon.

The first, second, third, and fifth resolutions, were severally read the second time, and, on the question put thereupon, agreed to by the House.

The fourth resolution was read a second time, amended at the Clerk's table, and agreed to by the House, as follows:

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to direct the proper officers to lay before this House a statement of the progress made in the fortifications licensed by law.

Ordered, That a bill or bills be brought in pursuant to the first resolution, and that Mr. MURRAY, Mr. HILLHOUSE, and Mr. GILES, do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and report a plan pursuant to the second resolution, and that Mr. WILLIAM SMITH, Mr. ANES, Mr. FITZSIMONS, Mr. DUVALL, and Mr. NICHOLAS, be the said committee.

Ordered, That Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, and Mr. VAN CORTLANDT, be appointed a committee, pursuant to the first part of the third resolution.

Ordered, That Mr. DAYTON, Mr. HARTLEY, Mr. BENJAMIN BOURNE, Mr. HARRISON, and Mr. McDOWELL, be appointed a committee, pursuant to the second part of the third resolution.

Ordered, That Mr. BAILEY and Mr. ARMSTRONG be appointed a committee to wait on the PRESIDENT OF THE UNITED STATES with the fourth resolution.

Ordered, That Mr. PARKER, Mr. BLOUNT, Mr. BOWDINOT, Mr. FINDLEY, and Mr. GREENUP, be appointed a committee, pursuant to the fifth resolution.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and
of the House of Representatives:

I lay before Congress copies of a Letter from the Governor of the State of New York, and of the explanation of an Act of the Legislature thereof, ratifying the amendment of the Constitution of the United States, proposed by the Senate and House of Representatives, at their last session, respecting the Judicial power.

G. WASHINGTON.

UNITED STATES, November 21, 1794.

H. or R.]

President's Speech.

[NOVEMBER, 1794.]

The said Message and papers were read, and ordered to lie on the table. The House resumed the reading of the papers, communicated yesterday, by Message, from the PRESIDENT OF THE UNITED STATES; and made a farther progress therein.

MONDAY, November 24.

THE PRESIDENT'S SPEECH.

The House then went into a Committee, Mr. COSS in the Chair, on the draft of the Address in answer to the President's Speech. The Address was read by the Clerk.

Mr. DAYTON rose to express his surprise that, in the Address, no notice whatever had been taken of that part of the Speech which related to the army under General Wayne, and of the readiness of the House to concur in the requisite measures for a proper organization of the militia. The success of the troops under General Wayne might contribute very materially to putting an end to the Indian war, and thus add to the power of discharging a part of the Public Debt. He then proposed the following motion:

"We are deeply impressed with the importance of an effectual organization of the militia. We rejoice at the intelligence of the advanced and success of the Army under the command of General Wayne; whether we regard it as a proof of the perseverance, prowess, and superiority of our troops, or as a happy prelude to our military operations against the hostile Indians, and a probable prelude to the establishment of a lasting peace upon terms of candor, equity, and good neighborhood—our pleasure derived from this source is the greater, as it increases the probability of sooner restoring a part of the public resources to the desirable object of reducing the Public Debt."

Mr. MADISON had no objection to this amendment. He read a second amendment containing an answer to the following part of the President's Speech:

"My policy in our foreign transactions has been to cultivate peace with all the world, to observe treaties with pure and absolute faith, to check every deviation from the line of impartiality, to explain what may have been misapprehended, and correct what may have been injurious to any nation; and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves."

Mr. MADISON moved that his additional amendment should be inserted immediately after that of Mr. DAYTON, to this effect:

"Solicitous also, as we are, for the preservation of peace with all nations, we cannot otherwise than warmly approve of a policy in our foreign transactions, which never loses sight of that blessing."

Mr. DAYTON was willing that the clause should be annexed to his original motion.

Mr. HILLHOUSE wished the word *your* substituted for the article *a* (marked in *italic* in the clause last quoted,) that the policy of the Executive might be more clearly pointed to.

Mr. SMITH, of New Hampshire, said he had drafted an amendment to the Address, that con-

tained the idea the gentleman last up wished to be expressed, and another. He read it in his place. It was to the following purport:

"Your policy in our foreign transactions, as it shows an ardent disposition for peace, has our hearty approbation, and we assure you we shall omit nothing on our part towards acquiring the ability, as well as right, of exacting from all nations the fulfilment of their duties towards us."

Mr. DAYTON, in the meantime, observed that there was no necessary connexion between his amendment and that of Mr. MADISON. He therefore hoped that his, with respect to General Wayne and the army on the Northwestern frontier, would pass in the meantime. This was agreed to.

Mr. SARGENT said that the House had been often obliged to the pen of the gentleman from Virginia, (Mr. MADISON.) Perhaps that gentleman himself would be disposed to think the amendment of the member from Connecticut, [Mr. HILLHOUSE,] better than his own.

Mr. NICHOLAS preferred the amendment of Mr. MADISON to any other that had been proposed. He imagined that the one offered by Mr. W. SMITH pledged the House to approve of the particular measures adopted by the President as to foreign Powers. In this Mr. N. referred specially to the mission of Mr. Jay to the Court of London. We are not acquainted with the individual powers or instructions granted to that Envoy. Our approbation has no *datum* on which it can proceed, and how are the Committee to pretend approbation for what they do not know? The President would laugh at such conduct. The amendment of Mr. MADISON is more guarded. It goes to approve general principles, but not individual measures.

Mr. HILLHOUSE thought that he had been misunderstood. His amendment did not go beyond general approbation of principles. He never intended indiscriminate applause.

Mr. W. SMITH said, that the House had got themselves into a labyrinth of amendments upon amendments. It was very difficult to word an Address in such a way as to be entirely free from exception. The matter had sunk into a mere verbal dispute. He therefore moved that the Committee of the Whole now rise, and the draft be referred back to the special committee.

Mr. DAYTON knew not why the Envoy [Mr. Jay] had been sent to Europe. He did not know what were his instructions, and he never would approve, or say that he approved, of what he did not know. He was, therefore, against the amendment offered by the gentleman from Connecticut. That of the gentleman from Virginia went quite far enough. Rather than vote for such a thing, he would reject the whole.

Mr. GILES objected to the motion for the rising of the Committee. The President has not, in his Speech, said that the House are informed as to the motives of his measures, or the extent of the instructions to his Envoy. Why, then, shall the House think themselves obliged to approve them? There has already intervened a delay of several days since the Speech was delivered. If an an-

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swer is to be given at all, it ought to be given immediately. To rise and refer the draft of the Address back again to the committee will not mend the matter.

The motion for rising was negatived. Mr. NICHOLAS then rose in defence of Mr. MADISON's amendment. He thought the House should not bow so much to the Executive as to approve of his proceedings without knowing what they are. Gentlemen say that they do not mean an implicit approbation. Why, then, hazard words that infer it? He would go as far in thanking the President as any person, with propriety, could go.

Mr. SARGENT insisted that the amendment of the member from Connecticut, [Mr. HILLHOUSE,] was preferable to the other. The President has said that his policy in regard to foreign nations is founded on justice. We approve of that. He recites his motives. They are also approved. Where, then, is the danger of expressing a general approbation? Would it be proper to give an approbation that cannot be appropriate, and that has no definite meaning? Mr. S. was far from designing to approve, explicitly or implicitly, what the House were not acquainted with. He only intended to convey a general sentiment of approbation; and he saw nothing more than this in the amendment of the gentleman from Connecticut.

Mr. HILLHOUSE never designed indiscriminate approbation; nor had he any secret meaning couched under the words of his amendment. When he had any thing to say to the House, he came honestly and told them in plain words what he would be at. He meant to express his applause of pacific and equitable measures. As to the question so often referred to, [the embassy of Mr. Jay,] he solemnly declared that it never was in his mind to express any thing about it. It would come before another body.

Mr. MADISON imagined that, in his motion as now worded, every person might see substantial approbation.

Mr. ARES.—Jealousy may become habitual as well as confidence. Nothing but a habit of jealousy could have found any thing of a secret in this verbal distinction of *your* policy instead of *a* policy. The distinction was trifling, but, if there must be one, he preferred the amendment of Mr. HILLHOUSE. His reasons for this preference were so minute that they, perhaps, had little more value than what his imagination chose to give them. In the mean time, nobody will suppose that we do not approve of the policy of the President in preferring pacific measures, because the system of peace is now preferred all over the Continent of America.

Mr. DAYTON rose to make a reply to "remarks so libelous."

Mr. ARES here rose again and said that the gentleman certainly could not mean him.

I mean that gentleman, Mr. SPEAKER, said Mr. DAYTON, pointing to Mr. ARES. He has accused me of "habits of jealousy." To this charge Mr. D. rejoined with some warmth. He again declared that he never would pledge himself to approve of the mission of Mr. Jay till he should learn

what were that gentleman's instructions. He meant to draw this line of distinction, to give approbation of general principles, but not of particular measures. The former he considered as implied in the amendment of Mr. MADISON, the latter in that of Mr. HILLHOUSE.

Mr. VANS MURRAY considered the dispute as resting on the words *a* policy and *your* policy. He would not give explicit approbation to particular measures, but he approved the general principles on which the President preferred a pacific system. Mr. GILES.—It is admitted on all sides of the House, that we approve the general principles, but will not pledge ourselves to approve the particular means. It is best, then, to adopt the least equivocal words. Mr. G. allowed that there was but little difference, yet he should vote for the amendment of Mr. MADISON as it stood.

Mr. DEXTER, in opposition to the sentiments of the gentleman who had last sat down, would vote for "your policy," instead of "a policy." The latter made the sentence an abstract proposition. The words "your policy," made it a personal application. The omission of the word *your* tended to an implication of censure. If an abstract proposition was the whole meaning intended to be expressed, that meaning might as well be put into any other place as into an Address to the President. He did not see the use of it. Praise, (said Mr. D.,) is the only reward which a person receives in a Republican Government; or at least it is the greatest reward; and if withheld where due, the effect must be pernicious. Here it would be of more particular impropriety to withhold praise, when all our constituents approve the pacific policy of the President. It would have been a matter of little consequence at first, whether "a policy" or "your policy" had been adopted, for every reader would have understood it is an approbation of the President. But now, after such a debate, if we scruple at the word *your*, all the world will conclude that we mean an implied censure.

Mr. BORDEN said that he adopted the word *your* as unequivocal. He had no meaning but what was open and candid. By adopting the amendment the House would make that language explicit, which was at present, at least, in some degree, ambiguous.

Mr. TRACY pronounced an elegant panegyric on the character and conduct of the President or the UNITED STATES, whom no man admired more sincerely than he did, though he could not speak thus from the honor of enjoying a personal acquaintance. He recommended to Mr. MADISON rather to withdraw his motion of amendment altogether than bring it forward at such an expense of the good temper of the House. The present session had commenced with good auspices, and much cordiality, and he would be extremely sorry to disturb its tranquility.

Mr. MADISON said that he felt sensibly the force of the remarks made by the gentleman who was last up. In consequence of these remarks, he should be happy to withdraw his amendment. This was accordingly done.

It was then proposed that the Committee of the Whole House should rise, and report the draft of the Address as originally given in by the special committee, with the additional amendment that had been proposed by Mr. DAVIES, and adopted.

Mr. FIRMAMORE then rose and said, that it would seem somewhat incongruous for the House to present an Address to the President which omitted all notice of so very important an article in his Speech as that referring to the self-created societies. Mr. F. then read an amendment, which gave rise to a very interesting debate. The amendment was in these words:

"As part of this subject, we cannot withhold our reprobation of the self-created societies, which have risen up in some parts of the Union, misrepresenting the conduct of the Government, and disturbing the operation of the laws, and which, by deceiving and inflaming the ignorant and the weak, may naturally be supposed to have stimulated and urged the insurrection."

These are "institutions, not strictly unlawful, yet not less fatal to good order and true liberty; and reprehensible in the degree that our system of government approaches to perfect political freedom."

Mr. GILES stated at large his sentiments as to this expression in the Speech of the President about self-created societies. The tone of that passage in the Speech had made a great deal of noise without doors, and it was likely to produce a considerable agitation within doors. [Here a motion was made for the rising of the Committee.] Mr. G. did not wish to press himself upon the attention of the Committee, but if they were disposed to hear him, he was prepared to proceed.

Mr. SNOWICK objected to the rising of the Committee. The House had been often entertained and informed by the ingenuity of that gentleman, who was now prepared to address them.

Mr. W. SMITH considered it as opposite to the practice of the House for a member to move that a Committee should rise, at the very time when gentlemen had declared themselves ready to deliver their sentiments.

[It was repeatedly inquired from the Chair, by whom this motion was made. No answer was given; and it seemed to be the unanimous wish of the House that Mr. GILES should proceed, which he did.] Mr. G. began by declaring that, when he saw, or thought he saw, the House of Representatives about to erect itself into an office of censorship, he could not sit silent. He did not rise with the hope of making proselytes, but he trusted that the fiat of no person in America should ever be taken for truth, implicitly, and without evidence.

Mr. GILES next entered into an encomium of some length on the public services and personal character of the President. He vindicated himself from any want of respect or esteem towards him. He then entered into an examination of the propriety of the expression employed by the President, with regard to self-created societies. Mr. G. said, that there was not an individual in America, who might not come under the charge of being

a member of some one or other self-created society. Associations of this kind, religious, political, and philosophical, were to be found in every quarter of the Continent. The Baptists and Methodists, for example, might be termed self-created societies. The people called the Friends, were of the same kind. Every pulpit in the United States might be included in this vote of censure, since, from every one of them, upon occasion, instructions had been delivered, not only for the eternal welfare, but likewise for the temporal happiness of the people. There had been other societies in Pennsylvania for several purposes. The venerable Franklin had been at the head of one, entitled a society for political information. They had criminated the conduct of the Governor of this State and of the Governors of other States, yet they were not prosecuted or disturbed. There was, if he mistook not, once a society in this State, for the purpose of opposing or subverting the existing Constitution. They also were unmolested. If the House are to censure the Democratic societies, they might do the same by the Cincinnati Society. It is out of the way of the Legislature to attempt checking or restraining public opinion. If the self-created societies act contrary to law, they are unprotected, and let the law pursue them. That a man is a member of one of these societies will not protect him from an accusation for treason, if the charge is well founded. If the charge is not well founded, if the societies, in their proceedings, keep within the verge of the law, Mr. G. would be glad to learn what was to be the sequel? If the House undertake to censure particular classes of men, who can tell where they will stop? Perhaps it may be advisable to commence moral philosophers, and compose a new system of ethics for the citizens of America. In that case, there would be many other subjects for censure, as well as the self-created societies. Land-jobbing, for example, has been in various instances brought to such a pass, that it might be defined swindling on a broad scale. Paper money, also, would be a subject of very tolerable fertility for the censure of a moralist. Mr. G. proceeded to enumerate other particulars on this head, and again insisted on the sufficiency of the existing laws for the punishment of every existing abuse. He observed, that gentlemen were sent to this House, not for the purpose of passing indiscriminate votes of censure, but to legislate only. By adopting the amendment of Mr. FIRMAMORE, the House would only produce recrimination on the part of the societies, and raise them into much more importance than they possibly could have acquired if they had not been distinguished by a vote of censure from that House. Gentlemen were interfering with a delicate right, and they would be much wiser to let the Democratic societies alone. Did the House imagine that their censure, like the wand of a magician, would lay a spell on these people? It would be quite the contrary, and the recrimination of the societies would develop the propriety of having meddled with them at all. One thing ought never to be forgotten, that if these people acted wrong, the law was open to punish them; and if they did

not, they would care very little for a vote of that House. Why all this particular deviation from the common line of business to pass random votes of censure? The American mind was too enlightened to bear the interposition of this House, to assist either in their contemplations or conclusions on this subject. Members are not sent here to deal out applause or censures in this way. Mr. G. rejected all aiming at a restraint on the opinions of private persons. As to the societies themselves, Mr. G. personally had nothing to do with them, nor was he acquainted with any of the persons concerned in their original organization.

Mr. LYMAN hoped that the member from Pennsylvania would, upon reflection, withdraw his amendment. Mr. L. considered it to be as improper to pass a vote of censure, as it would be to give printers an opportunity of publishing debates that had better be suppressed. Besides, where will this business of censorship end? It would be much better not to meddle with the Democratic societies at all. Some of them were perfectly sensible that they had gone too far. He should, therefore, move that this Committee do now rise, and that the Chairman report the Address as it now stands.

Mr. THATCHER hoped that his colleague would not insist on taking that question just now, before other gentlemen had an opportunity of delivering their sentiments.

Mr. LYMAN in reply, said that gentlemen were at liberty, in discussing his motion, to tell their minds as to the self-created societies.

Mr. SNOWICK requested that Mr. LYMAN would take the motion out of the way. Mr. L. withdrew it.

Mr. W. SMITH then rose and entered at large into the subject. He said, that if the Committee withheld an expression of their sentiments in regard to the societies pointed out by the President, their silence would be an avowed desertion of the Executive. He had no scruple to declare that the conduct of these people had tended to blow up the insurrection. Adverting to Mr. GILES, he thought the assertion of that gentleman too broad, when he spoke of not meddling with the opinions of other than political societies.

He considered the dissemination of improper sentiments as a suitable object for the public reprobation of that House. Suppose an agricultural society were to establish itself, and under that title to disseminate opinions subversive of good order; the difference of a name should not make Mr. S. think them exempted from becoming objects of justice. Would any man say that the sole object of self-created societies has been the publication of political doctrines? The whole of their proceedings has been a chain of censures on the conduct of Government. If we do not support the President, the silence of the House will be interpreted into an implied disapprobation of that part of his Speech. He will be left in a dilemma. It will be said that he has committed himself.

Mr. S. declared that he was a friend to the free-

dom of the press; but would any one compare a regular town meeting where deliberations were cool and untroubled, to these societies to the nocturnal meetings of individuals, after they have dined, where they shut their doors, pass votes in secret, and admit no members into their societies, but those of their own choosing? Mr. S., by way of illustration, observed, that this House had never done much business after dinner. In objection to this amendment it had been stated, that the self-created societies would acquire importance from a vote of censure passed on them. They were, for his part, welcome to the whole importance that such a vote could give them. He complained in strong terms, of the calumnies and slanders which they had propagated against Government. Every gentleman who thought that these clubs had done mischief, was by this amendment called upon to avow his opinion. This was the whole. Mr. S. begged the House to take notice, and he repeated his words once or twice, that he did not mean to go into the constitution of these societies, or to say that they were illegal. The question before the House was not whether these societies were illegal or not, but whether they have been mischievous in their consequences.

Mr. McDOWELL was of opinion that the term self-created societies, was too indefinite. He professed the highest respect for the character of the President; but he did not think that the proposed vote of censure would be any eligible proof of it. The House of Representatives were assembled not to volunteer in passing votes of reprobation on societies or individuals, but to legislate. He wished that gentlemen, instead of losing their time on such frivolous and inflammatory amendments, would proceed to the proper business of the House. The gentleman from South Carolina seemed to be very true that they had published resolutions reprobating the Assumption business, and the system of Funding; but the rest of the people, as well as Democratic societies, had very generally censured the Assumption and the Funding transactions. He thought that some laws had been passed which answered no good purpose, nor indeed any purpose, but that of irritating the public. The present amendment, he considered as destructive not only to the intercourse of domestic society, but that it involved a prospect of throwing restraint upon the conduct of gentlemen in the House of Representatives. With the gentleman from Virginia, [Mr. GILES] he was satisfied that the amendment, if adopted, would have no weight whatever with the citizens of the United States; as they were too enlightened to accept of opinions from their Representatives.

Mr. TRACY had imagined that no man would have the hardihood to come forward in that House and vindicate these societies. He quoted from the remarks of Mr. McDOWELL, the words, "your wanton laws, begotten in darkness, first raised insurrection," and likewise some other words about the enormous expense of millions for the Western expedition. Mr. T., after reading these expressions from a memorandum, which he held in his hand,

declared his surprise, that a gentleman, whom he knew to possess the candor and good sense of the member from North Carolina, could suffer such language to escape him. He was certain that the gentleman, if he had not been somewhat in a hurry, never would have permitted these words to pass from his lips.

Quitting this topic, Mr. T. said, that he would for his own part, be disposed to let these societies alone, and leave them to the chastisement of their own consciences. If they were to say, "Gentlemen, you, as tyrants, make laws, and slaves obey them," I would answer, said Mr. T., "It is very rash. Think again, before you say this again. We believe that, from inadvertency, some things have escaped from Democratic societies, which they had not well weighed, and which had a bad effect on weak and ignorant people in the Western counties of Pennsylvania. You have seen the bad effects of your temerity. Take care before you publish any such thing again." Mr. T. said, this is all the length which we mean to go, and can anybody object to this? The Democratic societies form but a very small portion of the people of America. Where is the harm in saying that one hundredth, or I believe I might say, not more than one thousandth part of the citizens of the United States have been mistaken, and that they have been imprudent in printing certain indiscreet resolutions? Mr. T. declared that if the President had not spoke of the matter, he should have been willing to let it alone, because whenever a subject of that kind was touched, there were certain gentlemen in that House who shook their backs, like a sore-backed horse, and cried out The Liberties of the People! Mr. T. wished only that the House, if their opinions of these societies corresponded with that of the President, should declare that they had such an opinion. This was quite different from attempting to legislate on the subject. Has not the Legislature done so before? Is there any impropriety in paying this mark of respect to a man, to whom all America owes such indelible obligations. He thought that this declaration from the House of Representatives would tend to discourage Democratic Societies, by uniting all men of sense against them. Mr. T. said, that perhaps the member who spoke last, might be connected with some of these societies, of which he entertained so favorable an impression.

Mr. McDowell said, that he wanted the House to avoid quarrels, and to mind their proper business of legislation. He declared that he was not a member of any such society. He did not know that he had ever been in the company of any person who was a member of any of them. He was even, he declared upon his honor, ignorant whether there were, or ever had been, any such societies there were, or ever had been, any such societies in North Carolina. He adverted to the simile of the sore-backed horse, and said, that he believed his back to have been rubbed harder in the last war, than that of the gentleman. He imagined that these societies had done both good and harm, and again declared, that he could not consent to a vote of indiscriminate reprobation.

them the very worst advocates for the cause which they espoused; but he had come two hundred miles to legislate, and not to reprobate private societies. He was not paid by his constituents for doing business of that sort. The President knew the business of the House better than to call for any such votes of censure. It was wrong to condemn societies for particular acts. That there never should be a Democratic society in America, said Mr. N., I would give my most hearty consent; but I cannot agree to persecution for the sake of opinions. With respect either to the propriety or the power of suppressing them, Mr. N. was in both cases equally of opinion that it was much better to let them alone. They must stand or fall by the general sentiments of the people of America. Is it possible that these societies can exist, for any length of time, when they are of no real use to the country? No. But this amendment will make the people at large imagine that they are of consequence.

Mr. Davron said, that these societies had produced the Western insurrection, and, therefore, the Committee were just as well entitled to institute an inquiry in this case, as formerly, regarding the failure of the expedition of General St. Clair. The Committee now rose, and reported progress, and had leave to sit again.

TUESDAY, November 25.

Another member, to wit: JAMES GILLESPIE, from North Carolina, appeared, and took his seat in the House. Mr. MURRAY, from the committee appointed, presented a bill to authorize the President to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation; and, after some time spent therein, the Committee rose, and reported an amendment, which was twice read, and agreed to by the House.

Ordered, That the said bill, with the amendment, be engrossed, and read the third time tomorrow.

Resolved, That the President of the UNITED STATES be requested to direct the proper officer to state to this House the difficulties and inconveniences which have occurred in the execution of the act entitled "An act more effectually to provide for the national defence, by establishing a uniform Militia throughout the United States."

Ordered, That Mr. MOORE and Mr. GORDON be appointed a committee to wait on the President with the foregoing resolution.

The following Message was received from the President of the UNITED STATES: Gentlemen of the Senate, and

I lay before you a statement of the troops in the service of the United States, which has been submitted to

me by the Secretary of War. It will rest with Congress to consider and determine whether further inducements shall be held out for entering into the military service of the United States, in order to complete the establishment authorized by law.

G. WASHINGTON.

UNITED STATES, November 25, 1794.

The said Message and statement were read, and ordered to lie on the table.

THE PRESIDENT'S SPEECH

The House went again into Committee of the Whole on the Address to the President and the amendment of Mr. Fitzsimons—Mr. CONN in the Chair.

Mr. MURRAY said, that he did not altogether like the wording of the amendment now before the House. He had hoped that some modification of it would have been prepared by some of its friends; but as none was offered, and there was a call for the question, he would vote for it rather than against it. He said, that he had not been personally attacked by any of the tribunals in question, and no further injured by their machinations than as he was a citizen of a free Republic, in whose prosperity he felt the closest possible union, and in whose calamities he of course felt great sympathy. Among the various sources of the late calamity, the President had traced and designated certain self-created societies, who had arrogated the management of public opinions and affairs, and whom he had declared to have been, in his opinion, instrumental in fomenting the late insurrection. Mr. M. confessed that he had feared, last winter, lest the disorganizing spirit which had gone abroad in the shape of resolutions from these societies, would have produced the effect ascribed to them by the President. The conduct of the Democratic clubs, or those of them with which he had most acquaintance, appeared to him to have been instrumental to an event which threatened destruction to legitimate Government. If we believe this to be the case, Mr. M. knew no motive, duty, or policy, which ought to restrain us at this period from saying that we will rather hold out a caution to the thoughtless, than inflict legal penalties upon their follies. It will present to our fellow-citizens a memorable example of one source of error and political misfortune, by showing them the danger, which has already cost above twelve hundred thousand dollars. He could not see any evil that was to result from an expression of the opinion of the House, by the proposed amendment. It had not the quality of law; for, if a law were proposed for the abolition of these societies, he would oppose it. This amendment to the Address would operate as an advice. It curtails not the right of a free press, which Mr. M. held to be the luminary of the public mind. It would tend to excite a judicious and salutary inquiry among many respecting the just and true limits within which a virtuous and enlightened well-wisher to our country would think it safe to exercise this right. Of the inutilty and danger of such societies in this country, he had

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little doubt. The scene of their birth-place was well adapted to the wholesome display of their powers. In France, where a Despotism, impregnable to public opinion, had reigned—where no channel opened a sympathy by Representation with the great body of the nation—those societies were admirably adapted to break down and subvert the old bulwark of habitual authority. But in America the case was widely different. Look at the immense body of public functionaries, who in this country are elected immediately by the people, or by their electors, in a Constitutional mode, and say whether they are not adequate as functionaries to the public purposes of the country. Including every description of Legislators, Councils, Governors, Courts, Jurors, and Sheriffs, there are above twelve thousand. Of these, more than eleven hundred are actual Legislators, besides the hundred in this House, and those above stairs. These all act in the States, counties, townships, and hundreds, in separate but relative circles, so as to preclude a partial attention to any one scene, to the exclusion of another. The whole country is full of well-constituted organs of the People's will. Many of these Legislatures are in session twice a year, and all of them annually. We might be confused by their immense number, were they not so admirably dispersed over the Continent, and did they not move under the guidance of the laws, with the harmony of the spheres. It would not be easy to organize the nation into a more multifarious shape.

The case maintained by Mr. DAYTON yesterday appeared to be strong. He said that we had inquired into the defeat of St. Clair's Army, and so we might into the causes of the insurrection. To point it out to a people so enlightened, will be to prevent it in future. If the House agree in opinion with the President, they will speak their opinion, and do their duty. This declaration goes to the constituent body, through the Executive; and, while it gratifies their inquiry in a point of so much solicitude, it erects a warning beacon. It shows to them the stormy breakers which lately threatened the public peace with shipwreck, and invites them to adhere to pilots of their own choosing, and to charts with which they are acquainted.

If the President had not thought some of the societies instrumental in producing the late calamity, they would not have attracted his notice, nor that of the House. It is because they are believed to have assisted and fomented the insurrection, that our constituents ought to be warned against them; and that another necessity for exerting their patriotism may be saved to those brave men who are at present encountering every difficulty in the West. These societies are not attended to, because, however offensive some of their proceedings and doctrines may have been, yet the rights of the press ought not to be freely handled.

Mr. FITZSIMONS had no violent predilection for any performance of his own. He had, therefore, to prevent so much disputing, prepared to withdraw his motion, provided the Committee be

willing that he should do so, and, in the room of this motion, he would read another, for which he was indebted to a gentleman at his right hand, [Mr. B. BOUTWELL.]

The Committee consented. The former motion was withdrawn, and the other was read. This was an echo of that part of the Speech of the President which mentions self-created societies.

Mr. CHRISTIE then rose. He was sorry to differ from his worthy colleague, [Mr. MURRAY,] on the question then before the Committee; and he was doubly sorry to hear that gentleman labor so strenuously to saddle a public odium on some of the best citizens of the State which he represented. Mr. C. should not have risen on the present occasion, although he thought it an important one, had it not been to endeavor to rescue from public censure a society of gentlemen, who were described in the present amendment before the Committee, as objects of public approbrium. Mr. C. alluded to the Republican Society of the town of Baltimore. If the present amendment took place, that society would be involved in general and undeserved censure. He would, therefore, inform the House of what description of men the Republican Society of Baltimore consisted; and then the Committee would be the best judges in which they ought to be rewarded in the manner in which the present amendment proposes. They are a society of gentlemen associated together for the purpose of diffusing political knowledge throughout the State of Maryland, and to instruct their Representatives in Congress, and the Legislature of the State, in any point that they think necessary, and not for the purpose of sowing dissension among the citizens of America, or of cultivating dislike to the Union, or to the laws. This society consists of men whose characters are superior to any censure that might be thrown against them, by the mover of the amendment. But when Congress are about to cast an odium on a particular society, the members of which have every respect for that body, and have always inculcated obedience to the laws of the United States, Mr. C. left it to the Committee to determine whether, if they were themselves in the place of the Baltimore Society, they would not feel their sensibility materially wounded? Was not this returning good for evil? He again reminded the Committee, that the Republican Society at Baltimore was composed of a band of patriots, not the fair-weather patriots of the present day, but the patriots of seventy-five, the men who were not afraid to rally around the American standard, when that station was almost concluded to be a forlorn hope. They were men who, with their persons and properties, had assisted to drive from the soil of America the present lawless disturbers of the world. Are those the men, asked Mr. C., who ought to have all this mass of Congressional odium cast upon them? I trust not, sir. I trust, that if particular gentlemen are illiberal enough to censure them, yet that this House will never agree to such iniquitous measures. What was the conduct of this society when the first news of the late insurrection reach-

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ed them? Did they not, in the most pointed manner, discountenance any such proceeding? Did they not refuse to correspond with any society that aided, or in any manner abetted, the insurrection? They did more. They offered their personal services to go and help to crush this commotion in the bud. Mr. C. subjoined that he would venture to say, and at the same time he spoke within bounds, that nine-tenths of this society actually took up their muskets and marched into the field, for the above laudable purpose, and that numbers of them still continue there, and are the friends of peace and order, and not the disorganizers that the present amendment would make them. Mr. C. appealed to the candor of the Committee to say, whether the Baltimore self-created Republican Society were the description of men whom the President, in his Speech, meant to describe. He was sure it was not. Therefore, why involve in this indiscriminate censure men who have deserved as well of their country? men who, instead of having odium cast upon them, merit every praise which the Federal Government can bestow. For these, and some other reasons, Mr. C. declared that he should vote against the amendment, and he trusted that he should vote in the majority.

Mr. MURRAY rose to explain. He did not mean this Society. It was the Philadelphia and Pittsburgh societies. Mr. M. was acquainted with this society, and had the greatest respect for them. As for the members of the other societies, he was for gibbering their principles only.

Mr. RUTHERFORD.—This alarm is owing to an overgrown moneyed system, with which the people are not entirely satisfied. But the money-holders need not be afraid. The people will pay the public debt. Then why disturb the tranquility of the people? The President, in his Speech, points only at combinations over the mountains. As to the character of the President himself, to praise him was like holding up a rush candle to let us see the sun. I have known that man, said Mr. R., for these forty years. I have had the honor of serving under him in the last war, and of frequently executing his wise and noble orders. The member declared that this amendment could answer no purpose but that of disturbing the public peace. He himself represented as respectable a district as any in Virginia, and he had as good opportunities as any gentleman in that House to know the temper of Americans. They were firmly attached to the present Government, and the holders of paper need not be so much afraid of Democratic societies, for the people, to preserve the tranquility, were determined to discharge the public debt, no matter how it was contracted, and, therefore, it would be much better not to harass the public mind with amendments like that on the table.

Mr. GILES said, that he had an amendment to propose that would, he hoped, meet with the approbation of a certain description of gentlemen in that Committee. His amendment was to strike out the words "self-created societies," from the amendment of Mr. FITZSIMONS, and insert "the

Democratic societies of Philadelphia, New York, and Pittsburgh." Gentlemen could then have some specific object at which they could say that their vote of censure was levelled; for the general expression of self-created, comprehended every society of any kind in the Union. For his own part, he was very far from wanting to censure any set of men for their political opinions.

Mr. PARKER seconded the motion for striking out, but he would not consent to the insertion proposed by Mr. GILES.

Mr. SEDGWICK thought that the amendment stands better as it is at present.

Mr. VENABLE said, that there was a paper on that table, (he referred to the letter from Mr. HAMILTON to the President,) which showed that the combinations in the western counties began their existence at the very same time with the Excise law itself. It was, therefore, entirely improper to ascribe them to Democratic societies. Should Government, said Mr. V., come forward and show their imbecility by censuring what we cannot punish? The people have a right to think and a right to speak. I am not afraid to speak my sentiments. I am not afraid of being called a disorganizer. I am, as much as any gentleman in this Committee, a friend to regular government.

Mr. DEXTER believed that such societies were, in themselves, wrong, but he was still not for making laws against them. He had, however, numerous objections to their conduct. One of these was, that they erected themselves into a model for the rest of their fellow-citizens to copy. The great principle of Republicanism was, that the minority should submit to the will of the majority. But these people have elevated themselves into tyrants. Such societies are proper in a country where Government is despotic, but it is improper that such societies should exist in a free country like the United States, and hence Mr. D. was a friend to the amendment proposed by Mr. FITZSIMONS. It had been said, that it was unusual to give opinions of this kind, but, in reality the House were in the practice of expressing their sentiments on matters of that sort, in such addresses as the one now before them. Mr. D. was decidedly against the amendment of the amendment proposed by Mr. GILES.

Mr. NICHOLAS.—Gentlemen have brought us into a discussion, and then say we must decide as they please, in deference to the President. This is the real ground and foundation of their arguments. But who started this question? If the gentlemen have brought themselves into a difficulty with regard to the President, by their participation in proposing votes of censure, which they cannot carry through, they have only to blame themselves. Is it expected, said Mr. N., that I am to abandon my independence for the sake of the President? He never intended that we should take any such notice of his reference to these societies; but if the popularity of the President has, in the present case, been committed, let those who have latched this thing, and who have brought it forward, answer for the consequences. This whole question turns upon a matter of fact, which

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ought to be proved; viz: Have the Democratic societies been one of the principal causes of the Western insurrection? This is a matter of fact, or otherwise, and it depends upon direct evidence. But, how do gentlemen handle this question? They digress into abstract propositions, a thing never heard of before, where a matter of fact was to be proved. I say, where direct proof is wanted, we see gentlemen standing on the floor for half an hour together, without attempting to advance a single fact in support of their assertions; yet this is the only admissible kind of evidence that the societies are from their nature unfriendly to the Federal Government.

Mr. N. then adverted to a remark which had been made, that libels were daily prosecuted in this country, from which it was inferred that censorious attacks on Government were the just objects of repression. Mr. N. said, that the comparison was not fair, because in a case of libel, the parties accused have a proper opportunity to defend themselves. Have these people here, (the Democratic societies) any such opportunity? It has been alleged, as a crime against them, that they have never once published any approbation of any measure of Government. Mr. N. argued that this arose from the very nature of their institution, which was to watch the errors of the Legislature and Executive, and point out to the public what they considered to be mistakes. Faults were the only kind of facts which they were in quest of. Here Mr. N. drew a material distinction. If these societies had censured every proceeding of Government, there would have been the greatest reason for taking some measures. But what was the case? As to an immense number of the proceedings of the Executive and Legislature, they had taken no notice whatever.

Mr. SENGWICK thought that the PRESIDENT would have been defective in his duty, had he omitted to mention what he religiously believed to be true, viz: that the Democratic societies had in a great measure originated the late disturbances. It was the indispensable duty of the PRESIDENT to speak as he had spoken. The present amendment, [of Mr. FITZSIMONS] would have a tendency to plunge these societies into contempt, and to sink them still further into abhorrence and detestation. He pronounced them to be ill-just combinations. One gentleman [Mr. NICHOLAS] tells you, that he despises them most heartily. Another [Mr. LYNAMAN] says that they begin to repent. Will the American people perversely propose to shoulder and bolster up these despised and repenting societies, which are now tumbling into dust and contempt? Their conduct differed as far from a fair and honorable investigation, as Christ and Belial. They were men prowling in the dark. God is my judge, said Mr. S. that I would not wish to check a fair discussion.

One gentleman [Mr. McDOWELL] had told the Committee, that the Assumption and Funding transactions were a cause of public discontent. It has been the trick of these people to make this assertion. They have said that the Funding System is a mass of favoritism, for the purpose of

erecting an oppressive aristocracy, and a paper nobility. There is not a man among them, who is able to write, and who does not know that these assertions are false. As to the assumption of the debts of individual States, it has been said that this measure was undertaken for the purpose of making up a large debt. There was no such thing. Before the adoption of the new Constitution, of which Mr. S. considered the Funding and Assumption Systems to be essential preliminaries, the credit and commerce of America were declining or gone. The States were disagreeing at home, and the American name was disgraced abroad. It was not to be supposed that every one of the measures of the new Government could please every body. Among the rest, excise was objected to in both Houses of Congress; but at last the good sense of the people acquiesced. At this crisis, a foreign agent (*Genet*) landed at Charleston. On his way to this city, he was attended by the hosannas of all the disaffected. He did the utmost mischief that was in his power; and in consequence of his efforts, Democratic societies sprung up. Mr. S. here gave a particular account of some proceedings of a society in Virginia, of more than usual boldness. He quoted some of their expressions relative to a very illustrious character, the PRESIDENT, and added that perhaps the individuals who composed this society were in themselves too despicable to deserve any notice in this place. He did not know whether they were or not. [Mr. S. was here interrupted by a member from Virginia, and an explanation ensued.]

He then returned to the subject of excise. He said that it was to be noticed, and he proclaimed it here, that antecedent to the Democratic societies making their appearance, the flame of discontent seemed smothered. But these men told the people that they would be slaves. Was not this wrong? They should have told what was well done as well as ill done. From Portland, in Maine, to the other end of the Continent, have they ever approved of one single act? They have scrutinized with eagle eyes into every fault. Whom are we to trust, them, or the man that, more than any other human man, ever did, possesses the affection of a whole people? The question is, shall we support the Constitution or not?

Mr. McDOWELL rose to make an apology for some words which had escaped him the day before. He did not expect to have been so smartly handled. He had been forcibly struck at the time, and had spoken from a momentary impulse. In substance, however, he adhered to all his former allegations. He still persisted in believing that the excise laws were shapen in darkness. He apologized for some part of his heat, from having seen and suffered so much by despotic Government during the last war in which this gentleman supported the character of a brave and able officer.

Mr. HILLHOUSE approved of the amendment as proposed by Mr. FITZSIMONS. Constituents made no scruple to tell Representatives of their faults, and he saw no reason why Representatives might not tell constituents of theirs? The resolutions of Democratic societies printed in newspapers, had

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spirited up the people in the Western counties to resistance. They had weakly fancied that the American nation would not stand by their Constitution and their PRESIDENT. But for the publication of these resolutions, there would have been no insurrection. This was a piece of information which the people of the United States had a right to know. It was the duty of that House to let them know it. The PRESIDENT had done his duty. Mr. H. did not consider the amendment of Mr. FITZSIMONS as an indiscriminate censure levelled at these societies; he thought it only a suitable answer to a part of the PRESIDENT'S Speech.

Mr. PARKER concluded this long debate by the following remarks. He did not think that Democratic societies were so far to blame as had been imagined. He suspected that the PRESIDENT himself, for whose character and services he felt as much respect and gratitude as any man in America, had been misinformed on this point. It would be absurd to say, that the Western disturbances originated from the publications of Democratic societies, if it could be proved to the satisfaction of the committee, that such disturbances had begun, long before any of the associations alluded to had a being. To prove this position, Mr. P. desired that the Clerk might read a passage from the letter on that affair, written by Mr. Hamilton, and which has already been published in all the newspapers. The Clerk accordingly read a part of the letter, from which Mr. P. inferred that his inference was incontestable, and he then stated the absurdity of making the Democratic publications the origin of a discontent which existed before them. He was satisfied that the PRESIDENT did not wish this thing echoed; and that he would entirely disprove of the proposed persecution. Mr. P. said, that he had the honor of being an honorary member of a Democratic society. Personally he knew nothing of the gentlemen, but he understood that they were respectable characters; and that they were friends to good order and the Federal Government, there could be no question, for when the Embargo was laid last spring, and some vessels had been attempting to get off, these vigilant citizens armed and embodied themselves and prevented the execution of the design. With all his respect for the PRESIDENT, he was not to give up his opinions for the sake of any man. He was convinced that all this violent declamation and irritation in the House would do a great deal of mischief, and would have an effect exactly the reverse of what was designed by the amendment as it first stood. A gentleman [Mr. DEXTER] had spoken of town meetings, as the proper vehicles for the communication of political ideas, and had drawn a comparison between these and Democratic societies. Mr. P. requested that it might be noticed, that in the Southern States there neither were nor could be such things as town meetings, because the population was too thin and too widely scattered. They were, therefore, to make the best of it which they could, and meet and deliberate, no matter where, whenever they found a convenient opportunity. Mr. P. expressed, in strong terms, the aversion that his constituents would

feel to this species of censorship. He concluded with these words: "They love your Government much, but they love their independence more." The question was then called for on striking out the word, "self-created" from the new amendment of Mr. FITZSIMONS. For the amendment of Mr. GILES, ayes 47, noes 46. This amendment was, therefore, adopted.

Mr. GILES then proposed an amendment, after the words, "combinations of men," by adding, "in the four Western counties of Pennsylvania." Mr. HARTLEY said, that the gentleman should have added, "and a county in Virginia." This amendment of Mr. GILES was rejected.

The Committee now rose and reported the amendments to the House.

WEDNESDAY, November 26.

An engrossed bill, extending the privilege of franking to JAMES WHITE, the Delegate from the Southwestern Territory, and making provision for his compensation, was read the third time, and passed.

The SPEAKER laid before the House a Letter, signed Oliver Wolcott, jr., on behalf of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1795; also statements of the application of certain sums of money granted by law; which were read, and ordered to be committed to a Committee of the Whole House.

A motion was made and seconded that the House do come to the following resolution:

"Resolved, That a committee be appointed to bring in a bill to increase the pay, and regulate the other allowances hereafter to be given to non-commissioned officers, musicians, and privates, of the troops on the Military Establishment of the United States, and of the Militia, when called into actual service, and to ascertain the time when the pay of the Militia shall, in future, commence; and to make further and more ample provision for the pay of the Militia on the present expedition to Fort Pitt."

Ordered, That the said motion be referred to the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining the militia of the United States.

The House resolved itself into a Committee of the Whole House on the bill to authorize the PRESIDENT to call out and station a corps of militia in the four western counties of Pennsylvania, for a limited time; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

THE PRESIDENT'S SPEECH.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to whom was referred the Address to the PRESIDENT of the UNITED STATES, in answer to his Speech to both Houses.

The SPEAKER read that amendment, in which the words *self-created societies* had been yesterday expunged, after a long debate, and upon the motion of Mr. GILES, from an amendment of Mr. FITZSIMONS.

A pause of a few minutes ensued. At last Mr. DARTON rose and said, that if nobody else would make the motion he should make it, for replacing the words *self-created societies* and in the amendment to the Address.

Mr. RUTHERFORD declared that he would oppose *these words* to the last. If the Democratic societies spoke nonsense, people would despise them. If they spoke otherwise, the people would esteem them, in defiance of any vote of censure of that House. The people do not look on them with a great deal of reverence, but still they wish to hear them. By the turn which the debate has now taken, if any man is in favor of these societies, the President is drawn across his face. All the jealousies with regard to the attachment of the people are mere nonsense. In the district which Mr. R. represents, there was not a single Democratic society. But these societies contain many valuable and excellent characters. It answers no purpose, then, to pass votes of this kind. Perhaps Democratic societies have sometimes done wrong, but this was not a proper foundation for condemning them in whole. Every Government under Heaven hath a tendency to degenerate into tyranny. Let the people then speak out. *Why not let them speak out?* What occasion is there for all this alarm among the stockholders? A man falls from his horse, and, while stunned by the blow, he says to his neighbor, is not the universe fallen? Just so the paper-holders have got a small alarm about their stock on account of this war, and in their fright imagine that the Continent is ready for an insurrection. He repeatedly observed, in the course of his remarks, that the country was in a state of the greatest prosperity and tranquility, if gentlemen would not rouse them with the present idle motion, from which he boded no good consequence. He repeatedly affirmed that all was well.

Mr. DARTON inquired whether all could be well, when it had been requisite to raise an army of fifteen thousand men to quell a rebellion? Was it a mark of that universal tranquility and satisfaction of which the gentleman spoke, that an hundred and fifty men were now prisoners, and about to be tried for high treason? Could all be well in a country from whence large bodies of men had lately fled in a state of rebellion? He understood that the Democratic societies had been given up by all the members, as at any rate contemptible and useless, if not pernicious.

Mr. GILES declared that he felt his situation extremely delicate. On one hand it was highly painful to differ from the gentlemen on the other side of the question. It was likewise extremely disagreeable to be engaged in saying anything that might seem to thwart the sentiments of the President, or imply any want of deference or politeness for so eminent a character. He had endeavored to show that the President really never

wanted or wished for any echo of this nature, and he was still convinced that such was the fact. He was desirous for conciliation, but he never could attempt to purchase it, by an abandonment of opinion, without conviction that he was wrong. He now saw evidently that conciliation could not be obtained. He had done everything in his power to obtain the best information. He had listened attentively to all sides, and if conviction had come home to his mind, he would have announced the alteration of his sentiments. There was one circumstance in particular which persuaded him that the arguments employed on the opposite side were erroneous, which was, that gentlemen, who on other topics had been clear and logical, could not, on this subject, bring themselves after hearing so many eloquent harangues for two days past, he could not suspect them for any want of natural ingenuity. One member, [Mr. MURRAY,] had inveighed against all societies, but when pushed hard, he excepted the Republican Society of Baltimore. A gentleman from Massachusetts had included them *all* in one general sweep of reprobation. [Here Mr. DARTON rose, and inquired if Mr. GILES meant him. Mr. SNOWICK was the gentleman referred to, and he explained that *all* the societies of this sort which he ever heard of had done mischief; and as to the Baltimore Republican Society, he learned yesterday for the first time, that such a body had an existence. Further about them he could not say.] After this interruption, Mr. GILES reverted to an examination of what had fallen from Mr. MURRAY. That gentleman had declared that he would *dress the press*. [Here Mr. MURRAY stopped Mr. GILES by denying that he ever said any such thing.] Mr. GILES declared that he was sorry if he had misquoted him. He should be happy to be interrupted by any member whom he might happen to misquote. He was glad to be set right. Mr. MURRAY then repeated the words which he had used, or rather part of them. Mr. M. said, that he was sorry for having expressed himself in such a way as to be liable to be misinterpreted, but sometimes it was difficult to avoid an ambiguity or incompleteness of expression. [In the notes of the reporter of the sketch of yesterday, the whole sentence as pronounced by Mr. MURRAY, stands as follows: "The rights of the press ought not to be freely handled. The probe that would reach the bottom of the sore, might give a spasm to the finest nerve in the organs of freedom. We may point out the sore to our constituents, and though it might be an empiricism to cut it out, we may give it an emollient dressing, and trust to the soundness of the National Constitution, and the regimen of reflection for the cure." We have here inserted this passage of Mr. MURRAY's speech of yesterday, in justice to that gentleman, because it seemed evident this day, that he himself could not distinctly recollect it; and on this passage it was that Mr. GILES founded his affirmation that Mr. MURRAY wanted to *dress the press*.]

Mr. GILES proceeded to draw a parallel between

what is now endeavored to be done in the House of Representatives, and what has lately been done in France. When once the business of denunciation begins, nobody can tell where it will end. Robespierre, its great progenitor, has been its victim, and who can tell what kind of retorts may be attempted in America. The idea is not new; and has always, in the end, led to the destruction of the parties who were its authors. Mr. G. then adverted to the style of eloquence that has lately been introduced into this place. We have had two days of declamation. Looking at Mr. SENEZ, he said, that one would think Demosthenes and Cicero had risen from the dust, and revisited this earth to inculcate their favorite maxim of *Actio! Actio!* He was sorry to say, what he feared was true, that there was at least as much personal irritation, as deliberate judgment, employed on this question, and more he doubted of the former than of the latter.

The House had proposed to denounce the Democratic societies. It was impossible to see where such a business might end; perhaps the Democrats, when they got upmost, would denounce the anti-Democrats. Mr. G. said that he employed this *last* term, because the term of Aristocrats would, he believed, be unacceptable to every party in the Union. The present amendment founded the innocent with the guilty. Many brave men had stepped forward from these societies on the present occasion. Indeed there were no proofs that any members of these societies had been guilty. The Baltimore Republican Society were among the very first who took up arms to suppress the insurrection, and, if Mr. G. was not misinformed, many of the Philadelphia Democrats had done the same. The impropriety, therefore, of this vote of censure, would strike all America. Mr. G. remarked, that he would be very glad to know what Congress would say to any gentleman, a member of a Democratic society, who had gone to suppress the Western insurrection. He wished for leave of the Committee to personify such a man. "I am," said he, "a member of a Democratic society. I am likewise a member of a Republican society. The moment that I heard of the Western insurrection, I took up my musket as a volunteer, and marched three hundred miles to suppress the insurrection." Mr. G. could give the address, but he was altogether at a loss for what sort of answer could be made to such a gentleman. It had been said, that when people censured the House, that the House were entitled to return the compliment by censuring them. This position Mr. G. denied. No, sir, said he, the public have a right to censure us, and we have *not* a right to censure them. We have a title, as individuals, but when we undertake this business in the shape of a Legislative body, we are as much a self-created society, as any Democratic club in the Union. We are neither authorized by the Constitution, nor paid by the citizens of the United States, for assuming the office of censorship. Look into the Constitution. We are authorized to legislate, but will gentlemen show me a clause authorizing us to pass votes of

censure, or, above all, to pass votes of censure and reprobation on our constituents? Sir, if such a clause had been inserted in the Constitution, it never would have gone through. The people never would have suffered it. Mr. G. here enlarged on the impropriety of wasting the time of the Committee and the treasure of the United States on three or four words of an Address. It was said, that this was a delicate subject. Why, then, meddle with it? We are leaving the majesty of the people behind us by this kind of trifling. Gentlemen express their attachment to the liberty of the press, and they affirm that by this vote of censure they will not encroach upon it. The distinction is extremely minute between the office of a censor and that of a legislator. It is likely that they may be very soon confounded together.

Mr. G. requested gentlemen to look at the obvious consequences of what they were doing. It had been said that this vote of censure would sink the societies—they were tumbling into dust and contempt. Why, in the newspapers of this very morning, a meeting was advertised for to-morrow night. This was the natural progress of things. Here Mr. G. explained the apparent prospect that the newspapers will presently be suffocated with columns of votes, resolutions, and epistolary lumber of all sorts. He then stated an important distinction. Many people who condemn the proceedings of the Democratic societies, yet will not choose to see them divested of the inalienable privilege of thinking, of speaking, of writing, and of printing. Persons may condemn the abuse in exercising a right, and yet feel the strongest sympathy with the right itself. Are not Muir and Palmer, and the other martyrs of Scotch despotism, toasted from one end of the Continent to the other? And why is it so? These men asserted the right of thinking, of speaking, of writing, and of printing. Yet even their treatment, shocking as it was, did not come quite up to that proposed in the Committee for the Democratic societies; for even these people had at least the semblance of a trial, but the Democratic societies have not even that. There is only one paper on the table that brings any evidence on the subject, and that paper expressly tells us that the seeds of the Western insurrection were planted by the very first introduction of the Excise law, that is to say, some years before the Democratic societies had a being. The Excise and the opposition to it began together. The Democratic societies, when they heard of the insurrection, concurred in a most explicit reprobation of it, and published their resolutions to that purpose. Mr. G. said that he himself could not be said to have an aversion to excise, for he had been a friend to the principle, and had only voted against the law itself, because it was not restricted to a limited time. Mr. G. said, that he had been an object of calumny, misrepresentation, and abuse; but this should not hinder him from proceeding in the direct line of conscious rectitude. He should always preserve that dignity of conduct, to treat abuse with silent contempt.

I have been, said Mr. G., and I still am dissatisfied with the Funding System. Its object, at first

was to divide the people of the United States into two classes, debtors and creditors. Let us have the privilege of honestly paying this debt. This is the sore, and it is no wonder if the patient sometimes winces under it. Pay off the Public Debt, and I assure you that my censures of Government shall be at an end. Mr. G. said that he had felt a pain in differing from the gentlemen on the other side of the question. He quoted that passage in the Speech which has already been cited, in a former sketch of this debate, by Mr. Nicholas, and where the President addresses himself to every description of citizens. Mr. G. inferred that the President did not wish Congress to intermeddle in the business. It was not them, but the people to whom he addressed himself, and whom he wished to become censors. He was, therefore, consistent with the President; but, even had he differed from so great an authority, he enjoyed the consolation of having come forward to oppose the very first step made in America to curb public opinion. It had yesterday been alleged, as the very worst trait in the character of Democratic societies, that they began their business after dinner, bolted their doors, and voted in the dark. This was a very alarming and detestable species of conduct! Whether the accusation were true, or not, Mr. G. could not tell from personal knowledge, for he knew nothing about these societies, but from report. But, Mr. Chairman, (pointing to the roof of the room,) is there no other place where people bolt their doors, and vote in the dark? Is there not a branch of our Legislature which transacts its business in this way? And, while things are so, does it become us to censure other people for voting in the dark? We have been drawn into this thing as a point of deference and politeness to the President; and, because nothing could give Mr. G. greater pain than even an appearance of differing from the PRESIDENT, he could wish that nothing of this kind should appear upon the Journals, but that an explicit vote might be avoided by the previous question. He had wished for an accommodation, and nothing less had got on the *pressing system*, but gentlemen than all which they wanted would content them. No accommodation was, in their eyes, admissible. Mr. G. concluded his speech by declaring, that if he had, upon the present occasion, overstepped the bounds of his habitual calmness, he was sorry for it, and wished to apologize to the Committee; but that his warmth arose from his profound astonishment at the imprudence of agitating the present amendment. Whatever might be the style of his delivery, he had not uttered a single idea which was not produced by deliberate reflection and by honest conviction.

Mr. Boudinot thought that speakers had wandered from their proper line of argument. If any bystander had come into the House, to hear the debates of this day, without a previous knowledge of the point in dispute, it would have been impossible for him even to conjecture what question was before the Committee. It had been said, that we ought not to censure where we cannot punish.

By the same rule, we ought not to approve where we cannot reward. It was urged, that, if Democratic societies are unlawful, we ought to punish them; but, if otherwise, we ought to let them alone. Mr. B. denied this axiom. Many things were extremely deserving of censure, which it was impossible to punish. He stated, as a point in law, that if a person were to call him a rascal and a villain, an action would not lie, unless he could specify an injury suffered by this assertion. He employed as an argument against the whole opposition to the original amendment, that no societies were included in this censure but such as were guilty. Self-created societies had done such and such a thing; but the President neither said, nor intended to say, nor was it possible to misinterpret his words into an intention of saying, that all self-created societies had been partners in exciting the Western insurrection. The amendment, therefore, included nothing like an indiscriminate censure, for it was levelled only at the guilty. The whole reasoning, therefore, of the gentleman, on the opposite side of the question, was entirely out of place. Gentlemen proceeded upon an utter misapplication. It was asked, what good would follow from this vote of censure? Mr. B. foresaw substantial advantages. It would operate as a warning, both to the societies themselves and to other citizens of the United States.

Mr. Scott and Mr. Ames were both up at the same time. The latter gentleman immediately sat down. Mr. S. began by observing, that he had lived for twenty-five years in the very midst of the place (Washington county) where the insurrection broke out. He knew that there were self-created societies in that part of the country, and he likewise knew that they had inflamed the insurrection; for some of the leaders of those societies had likewise been the leaders of the riots. The Speech of the PRESIDENT, and the Letter from the Secretary of the Treasury, were in every particular, strictly true. Mr. S. himself, who was in the very midst of the scene, could not have given a more candid and accurate account of it, than that of the President and Mr. HAMILTON. Whether other Democratic societies, besides those in the four Western counties had assisted in kindling the disturbances, Mr. S. could not say. Their publications we have all seen. Further, Mr. S. knew nothing, and thus far every member knew as much as himself. Before he sat down, there was one point which he anxiously pressed upon the House, and this was, that these deluded people were objects of real pity. They were, in the first place, grossly ignorant, and they had been persuaded, by an utmost diligence of situation, that the American Government was, even in theory, the very worst in the world; and next, that, in practice, it was executed much worse than any other government under the sun. Mr. S. observed, that when people had got this length in absurdity, it was not difficult to make them fight against such a Government.

Mr. Ames began with expressing his pleasure that he had sat down to give way to Mr. Scott to speak; but this every one must see was attend-

ed with a personal sacrifice: and it was manifestly a disadvantage to bring forward his observations immediately after those of that gentleman, because they were too remarkable for their pertinence, and strength to encourage the attempts of their opponents to invalidate, or his own to enforce them.

He requested Mr. GILES, and he urged it strongly on the House, to consider maturely how large a part of the argument he had to answer. Mr. GILES had been occupied in refuting what nobody had denied. It would appear to every person, at a glance, that, after so large a deduction should be made, the advocate of the amendment would be left almost without an adversary.

He observed, it would be amusing, and not without its uses, to turn a moment from the debate, to inquire what would be said of yesterday's decision. Fame already bears it on all her wings, and proclaims it with all her tongues, that Congress has been engaged in trying the Democratic clubs; and curiosity stands a tip-toe on all our Post Roads for the answer, which is already gone forth. Forty-seven members were for the clubs, and forty-five against them, so that the clubs gained the victory.

Is this true? I dare appeal, (said Mr. AMES,) to you, sir, and to every other patriotic bosom, that it is *not true*: a large majority, and I may even say, with pride and pleasure, almost *all* the members who hear me, despise and abominate the clubs as sincerely as the words of the PRESIDENT'S Speech, the answer of the Senate, his reply to them, or the amendment now before us can imply it.

How happens it, that the real sentiments of the House are so much misrepresented by the vote? I shall be pardoned if I undertake to explain this enigma. Two reasons have been suggested in private conversation, as well as in debate, which will account for the vote of yesterday, and which, on being stated and re-examined, will afford good cause for changing it to-day. The first is, that we have nothing to do with the clubs. We hold them in too much contempt to have anything to say to them, or about them. They are not worth notice. This contempt had the appearance yesterday of countenance and patronage.

The other motive suggested is, if the words self-created societies should be struck out, the amendment will still contain the substance of the proposition contended for; which is to reprobate the combinations of men against law. This description will include the clubs, as well as any other wicked combinations that have had any agency in the insurrection.

How far the one or the other of these motives ought to influence those who have entertained them to vote against the amendment for inserting the words "self-created societies and," will appear by a survey of the true posture of the question.

Here Mr. AMES stated, that it was the duty of the PRESIDENT, by the Constitution, to inform Congress of the state of the Union. That he had accordingly in his Speech stated the insurrection and the causes which (he thought) had brought it

on. Among them, he explicitly reckons the self-created societies and combinations of men to be one. The Senate as plainly charge that as one of the causes. The PRESIDENT, in his reply to the Senate, expresses his high satisfaction that they concur with him in opinion. Here Mr. A. read the passages in the Speech, Address, and Answer to the Address. He said further, that an amendment was now offered to the House, expressed, as nearly as may be, in the very words of the PRESIDENT; an objection is urged against this amendment that the proposition contained in it is not true in fact. It is also said, that although it were true, it would be dangerous to liberty to assent to it in our Answer to the Speech. It is moreover, say they, improper, unnecessary, and indecent, to mention the self-created societies. The amendment now urged upon the House has been put to vote in the Committee of the Whole House, and rejected. What will the world say, and that too from the evidence of our own records, if we reject it again in the House? Will it not be proclaimed that we reject the motion and give force and validity to the objections? Do we adopt such objections? Are the Committee consenting to the shame of having them charged upon the Committee as the principles by which they have guided our decision? We are not, Mr. A. was sure we are not; for with a very few exceptions—I wish there were none—both sides have united in reprobating the self-created societies. Surely, then, gentlemen will not hesitate to rescind a vote which is not less deceptive than it is pernicious? For, if we adopt the amendment, it will appear that all the branches of the Government are agreed in sentiment. If we reject it, what will it proclaim less than imbecility and discord? What will faction interpret it to import short of this? "The President and Senate have denounced the self-created societies alluded to in the Speech, and this House has stepped forward for their protection." Besides the unspeakable dishonor of this patronage, is it not rekindling the fire-brands of sedition? Is it not rekindling the demon of anarchy?

Few as the apologists of the clubs have been, the solemnity and perseverance of their appeal to principles, demand for it an examination.

The right to form political clubs has been urged, as if it had been denied. It is not, however, the right to meet, it is the abuse of the right after they have met, that is charged upon them. Town meetings are authorized by law, yet they may be called for seditious or treasonable purposes. The legal right of the voters in that case would be an aggravation, not an excuse, for the offence. But if persons meet in a club with an intent to obstruct the laws, their meeting is no longer innocent or legal; it is a crime.

The necessity for forming clubs has been alleged with some plausibility in favor of all the States, except New England, because town meetings are little known, and not practicable in a thinly settled country. But if people have grievances, are they to be brought to a knowledge of them only by clubs? Clubs may find out more complaints against the laws than the sufferers themselves had

dreamed of. The number of those which a man will learn from his own and his neighbor's experience will be quite sufficient for every salutary purpose of reform in the laws, or of relief to the citizens. He may petition Congress, his own Representative may not fail to advocate, or, at least, to present and explain his memorial. As a juror, he applies the law; as an elector, he effectively controls the legislators. A really aggrieved man will be sure of sympathy and assistance within this body, and with the public. The most zealous advocate of clubs may think them useful, but he will not insist on their being indispensable so.

The plea for their usefulness seems to rest on their advantage of meeting for political information. The absurdity of this pretence could be exposed in a variety of views. I shall decline (said Mr. A.) a detailed consideration of the topic. I would just ask, however, whether the most inflamed party men, who usually lead the clubs, are the best organs of authentic information? Whether they meet in darkness; whether they hide their names, their numbers, and their doings; whether they shut their doors to admit information?

A laudable zeal for inquiry need not shut those who could satisfy it; it need not blush in the daylight. With open doors and an unlimited freedom of debate, political knowledge might be introduced even among the intruders.

But, instead of exposing their affected pursuit of information, it will be enough to show hereafter what they actually spread among the people—whether it is information, or, in the words of PRESIDENT, "jealousies, suspicions, and accusations of the Government;" whether, disregarding the truth, they have not fomented the daring outrages against the social order and the authority of the laws. (*Vide the PRESIDENT'S Speech.*)

They have arrogantly pretended sometimes to be the people, and sometimes the guardians, the champions of the people. They affect to feel more zeal for a popular Government, and to enforce more respect for Republican principles, than the real Representatives are admitted to entertain. Let us see whether they are set up for the people, or in opposition to them, and their institutions.

Will any reflecting person suppose, for a moment, that this great people, so widely extended, so actively employed, could form a common will and make that will law in their individual capacity, and without representation? They could not. Will clubs avail them as a substitute for representation? A few hundred persons only are members of clubs, and if they should act for the others, it would be an usurpation, and the power of the few over the many, in every view infinitely worse than sedition itself, will represent this Government.

To avoid this difficulty, shall the whole people be classed into clubs? Shall every six miles square be formed into a club sovereignty? Thus we should guard against the abuse of trust, because we should delegate none, but every man might go and do his business in his own person. We might thus form ten or twenty thousand democracies, as pure and simple as the most disorganizing spi-

rit could sigh for; but what could keep this fair horizon unclouded? What could prevent the whirlwinds and fires of discord, intestine and foreign, from scattering and consuming these fritters and rags of the society, like the dry leaves in autumn? Without respectability, without safety, without tranquility, they would be like so many caves of Æolus, where the imprisoned storms were said to struggle for a vent. If we look at Greece, so famed for letters and more for misery, we shall see their ferocious liberty made their petty commonwealths wolves' dens—that liberty, which poetry represents as a goddess, history describes as a cannibal.

Representative Government, therefore, is so far from being a sacrifice of our rights, that it is their security; it is the only practicable mode for a great people to exercise or have any rights. It puts them into full possession of the utmost exercise of them. By clubs will they have something more than all? Will such institutions operate to augment, to secure, or to enforce their rights, or just the contrary?

Knowledge and truth will be friendly to such a Government, and that in return will be friendly to them. Is it possible for any to be so deluded as to suppose that the over-zeal for Government, on the part of the supporters of this amendment, would prompt them to desire or to attempt the obstruction of the liberty of speech, or the genuine freedom of the press? Impossible! That would be putting out the eyes of the Government which we are so jealous to maintain. The abuses of these privileges may embarrass and disturb our present system; but, if they were abolished, the Government must be changed. No friend, therefore, of the Constitution could harbor the wish to produce the consequences which it is insinuated are intended to ensue. Mr. A. resumed the remark that the Government rests on the enlightened patriotism of an orderly and moral body of citizens. Let the advocates of Monarchy boast that ignorance may be made to sleep in chains; that even corruption and vice may be enlisted as auxiliaries of the public order. It is, however, a subject of exultation and confidence that such citizens as we represent, so enlightened, so generally virtuous and uncorrupted, under the present mild Republican system, practically are safe, nay, more, it is evidently the only system that is adapted to the American state of society. But such a system combines within itself two indestructible elements of destruction, two enemies with whom it must conflict forever; whom it may disarm, but can never pacify—vice and ignorance. Those who do not understand their rights, will despise or confound them with wrongs, and those whose turbulence and licentiousness find restraints in equal laws, will seek gratification by evasions or combinations to overawe or resist them.

A Government that protects property, and cherishes virtue, will of course have vice and prodigality for its foes, because it will be compelled to abridge their liberty to prevent their invading the rights of other citizens. The virtuous and the enlightened will cling to a Republican Government,

because it is congenial no less with their feelings than their rights. The licentious and the profligate are ever ready for confusion, which might give them every thing, while laws and order deny them every thing. The ambitious and desperate, by combinations, acquire more power and influence than their fellow-citizens; the credulous, the ignorant, the rash, and violent, are drawn by artifice, or led by character, to join these confederacies. The more free the Government, the more certain they are to grow up, for where there is no liberty at all, this abuse of it will not be seen. Once formed into bodies they have an *esprit du corps*, and are propelled into errors and excesses, without shame or reflection. A spirit grows up in their progress, and every disappointment makes them more loose, as to the means, and every success more and more immoderate in the objects of their attempt. Calumny is one of those means. Those whom they cannot punish or control, they can vilify; they can make suspicion go where their force could not reach, and by rumors and falsehoods multiply enemies against their enemies. They become formidable, and they retaliate upon the magistrates those fears which the laws have inspired them with. The execution of the laws is not accomplished without effort, without hazard. Instead of mildness, of mutual confidence, instead of the laws almost executing themselves, more rigor is demanded in the framing, more force to secure the operation of the laws. The clubs and turbulent combinations exercising the resisting power, it is obvious that Government will need more force, and more will then be given to it.

Thus it appears, that instead of lightening the weight of authority, it will require a new momentum from clubs and combinations formed to resist it. Turbulent men, imbibed into hosts, will call for more energy to suppress them than if the discontented remained unimbodied. Disturbances, fomented from time to time, may unhappily change the mild principles of the system, and the little finger then may be found heavier than the whole hand of the present Government. For if the clubs and the Government should both subsist, tranquility would be out of the question. The continual contest of one organized body against another would produce the alternate extremes of anarchy and excessive rigor of Government. If the clubs prevail, they will be the Government, and the more secure for having become so by a victory over the existing authorities.

In every aspect of the discussion, the societies formed to control and vilify a Republican Government are hateful. They not only of necessity make it more rigorous, but they tend with a fatal energy to make it corrupt. By perverting the truth and spreading jealousy and intrigue through the land, they compel the rulers to depend on new supports. The usurping clubs offer to faction within these doors the means of carrying every point without. A corrupt understanding is produced between them. The power of the clubs will prevail even here, and that of the people will proportionally decline. The clubs echo the language of their protectors here; truth, virtue, and

patriotism, are no longer principles, but names for electioneering jugglers to deceive with. Calumny will assimilate to itself the objects it falls on. It will persecute the man who does his duty; it will take away the reward of virtue, and bestow praise only upon the tools of faction. By betraying his trust, a man may then expect the support of the powerful combinations opposed to the Government. By faithfully adhering to it, he encounters persecution. He finds neither refuge nor consolation with the public, who become at length so corrupted as to think virtue in a public station incredible, because it would be, in their opinion, folly. The indiscriminate jealousy which is diffused from the clubs tends no less to corrupt the suspicious than the suspected. It poisons confidence, which is no less the incitement than the recompense of public services. It lowers the standard of action.

These observations, which seem to be founded on theory, unfortunately bear the stamp of experience. History abounds with the proofs. Never was there a wise and free Republic, which was exempt from this inveterate malady. We can find a parallel for the brightest worthies of Greece, as well as for their calumniators. In that country, as well as in this, the assassins of character abounded. While slander is credited only by its inventors, it is easy for a man to maintain the severity of his contempt for both. But when it is adopted by the public, few are hardy enough to despise opinion; he that pretends to do so is a hypocrite, and if he really does so, he is a wretch. This precious property is one of the first objects of invasion, and the combinations alluded to are well adapted and actively employed to destroy it.

It is a plausible opinion, that if the Government is not grossly defective in its form, or corrupt in its administration, animosities against it will not exist. This corresponds neither with sound sense nor experience. Equal laws are the very grievances of these petty tyrants, who combine together to engross more than equal power and privileges. When power is conferred exclusively upon the worthy, the profligate and ambitious are driven to despair of success, by any methods that the worthy would adopt. The more pure and free the Government, the more certainly will the worst men it protects and restrains become its implacable enemies, and such men have ever been the foes of Republics. The outcasts from society, those who singly are shunned because infamy has smitten them with leprosy, men who are scorned with worse than plague sores, are the first to combine against it. And such men have the front to preach purity of principles and reformation. Such men will meet in darkness and perform incantations against liberty—there they will gather to meditate their poisons, to whet their daggers, to utter their blasphemies against liberty, and may proceed again to shout from that gallery, or may collect with cannon at this door, to perpetrate sacrilege here in her very sanctuary.

It will be asked what remedy for this evil? I answer no violent one. The gentle power of opinion, I flatter myself, will prove sufficient among

our citizens who have sense, morals, and property. The hypocrisy of the clubs will be unmasked, and the public scorn, without touching their persons or property, will from them into nothing.

Mr. A. next proceeded to advert more particularly to facts. He made mention of the Jesuits, who were banished for becoming a club against the European Governments. He mentioned the Jacobins also, who performed well in pulling down the old Government, but because they would continue pulling down the new one, as such clubs ever will, had their hall locked up by *Legendre*. Our committees in 1774 and 1775, were efficient instruments to pull down the British Government. Yet, although they were friendly to our own, the people laid them aside as soon as they wished to build up instead of pulling down. If our Government were to be demolished, clubs would be a powerful means of doing it, and the people may choose to countenance them at that time. But as they choose no such thing at present, they will discountenance them. The Cincinnati were personally worthy men, officers of the most deserving army that ever triumphed. Yet, although they were friendly to the Government, and possessed the confidence of the citizen, by the most brilliant titles, the nature of their institution raised a jealousy and ferment. The State Legislatures condemned it, as setting up a Government within the Government. What then are we to say of clubs? Facts have been rather imprudently called for, and let them be examined.

The Democratic Society of Vermont state, as one reason for their establishment, the unmerited abuse with which the public papers have so often teemed against the Minister of our only ally. This was long after *Genet's* whole correspondence had been published, and after France had unequivocally disapproved his conduct.

Agreeably to a previous notification, there met at Pittsburgh, on the 21st of August, a number of persons, styling themselves "A Meeting of sundry Inhabitants of the Western Counties of Pennsylvania."

This meeting entered into resolutions not less exceptionable than those of its predecessors. The preamble suggests that a tax on spirituous liquors is unjust in itself and oppressive upon the poor, that internal taxes upon consumption must in the end destroy the liberties of the country in which they are introduced; that the law in question, from certain local circumstances which are specified, would bring immediate distress and ruin upon the Western country; and concludes with the sentiment, that they think it their duty to persist in remonstrances to Congress; and in every other legal measure that may obstruct the operation of the law.

The resolutions then proceed, first, to appoint a committee to prepare and cause to be presented to Congress an Address, stating objections to the law, and praying for its repeal. Secondly, to appoint committees of correspondence for Washington, Fayette, and Alleghany, charged to correspond together, and with such committees as should be appointed for the same purpose in the county

of Westmoreland, or with any committees of a similar nature, that might be appointed in other parts of the United States; and, also, if found necessary, to call together either general meetings of the people, in their respective counties, or conferences of the several committees; and, lastly, to declare that they will in future consider those who hold offices for the collection of the duty, as unworthy of their friendship, that they will have no intercourse nor dealings with them, will withdraw from them every assistance, withhold all the comforts of life which depend upon those duties, that as men and fellow-citizens we owe to each other, and will upon all occasions treat them with contempt; earnestly recommending it to the people at large, to follow the same line of conduct towards them.

He mentioned the shameful transaction at Lexington, in Kentucky, where Mr. Jay was burned in effigy. It was painful, he said, thus to dwell on the dishonor of the country, but it was already published.

The club of Charleston, South Carolina, solicited an adoption of the Jacobin club at Paris. They also addressed Consul Margourit, who had actually granted commissions to privateers, in defiance of the President's Proclamation of Neutrality.

The club of Pinckney District in Carolina voted in favor of war and against paying taxes, because they were too far from the market.

A Virginia club had voted an alteration in the Constitution, in order that an amendment might prevent the President being again eligible. Is proof necessary to those who remember the state of this city last spring? Are the resolves of the clubs of this place and New York forgotten? Could outrage and audacity be expected to venture further? One denounced the excise as odious and tyrannical; the other, enforcing that sentiment, published its condemnation of Mr. Jay's mission of peace. Did not all of them arraign the whole Government, reprobate the whole system of laws, charge the breach of the Constitution on the President, and unspeakable turpitude on the Administration, as well as on this body? Surely Americans, feeling as they ought, for the honor and peace and safety of their country, cannot forget these excesses; they cannot remember them in any manner which my reprobation could enforce.

The following is an extract from the proceedings of a meeting of Delegates from the Election Districts of Alleghany county, held at Pittsburg, April 10, 1794, *Thomas Morton* in the Chair:

"At this juncture we have France to assist us, who should we now take a part, will not fail to stand by us until Canada is independent of Britain, and the instigators of Indian hostilities are removed; and should we lie by, while France is struggling for her liberties, it cannot be supposed that her Republic will embark in a war on our account after she shall have been victorious. It was for this reason, that though we approved of the conduct of the President and the Judiciary of the United States, in their endeavors to preserve peace and an impartial neutrality, until the sense of the nation had been taken

on the necessity of retaliation by actually declaring war, yet now that the Congress have been convened, and such just grounds exist, we are weary of their tardiness in coming forward to measures of reprisal.

"But we have observed with great pain, that our councils want the integrity or spirit of Republicans. This we attribute to the pernicious influence of stockholders or their subordinates; and our minds feel this with so much indignancy, that we are almost ready to wish for a state of revolution, and the guillotine of France, for a short space, in order to indict punishment on the microscopists that enervate and disgrace our Government."

If the black charges thus brought against Congress and the whole Government were true, the people ought to fly to arms. They ought to pull down this tower of iniquity so as not to leave one stone upon another. The deluded Western people believed them true, and acted accordingly. The great mass of the discontented, therefore, are to be pitied for the ignorance and credulity which made them the dupes of the clubs. They thought they were doing God and their country service by cleansing this Augean stable of its filth. It was not oppression that roused them to arms, as some would insinuate; for their country flourishes wonderfully. It was an insurrection raised by the wicked arts of faction.

A moment, however, is due to the peculiar falsity of two of the slanders on this body. The fears of simple citizens have been startled with the false tale, that there is a Monarchy party in this House and the other. Look around, sir, said Mr. A., if you please, and decide whether there is one man, who is not principled as a Republican, who does not think such a form adapted to our people, and our people to it; and who would not shed his blood and spend his last shilling against the introduction of Monarchy? I persuade myself, sir, there is not even one man here whom any other member even thinks in his heart is to be suspected on that head.

The other slander which has contributed to kindle a civil war, is the *paper nobility* in Congress; that the taxes are voted for the sake, and carried solely by the strength of those who put the proceeds in their pockets. Is there a word of truth in this? On the contrary, there are probably not ten members who have any interest in the funds, and that interest very inconsiderable. Citizens have thus been led by calumny and lies to despise their Government and its Ministers, to dread and to hate it, and all concerned in it, so that the insurrection is chiefly owing to the men and the societies, who have invented, or confirmed, and diffused these slanders.

The fact is too notorious for any man even to pretend ignorance, that the insurgents were encouraged to take arms by the delusive hope that the militia would not turn out against them. Had they believed that the citizens were as firm for Government, as to their immortal honor they have shown that they are, would the folly or desperation of the Western people have proceeded to arms? They would not.

But the self-made societies had published that

the rulers were tyrants, usurpers, and plunderers, abhorred by the people, who would soon hurl them down. Let us ask a moment's pause to reflect what would have been the fate of America, if these parricide clubs had really proceeded in poisoning the public mind, as completely as they attempted to do. The Western insurgents would have found armies not to suppress, but to assist them. This fair Edifice of Liberty, the palladium of our country, the world's hope, would have crumbled to powder.

Mr. A. then proceeded to notice some of the observations which had been urged against the motion. He asked whether, in a point that so nearly concerned truth and duty, the Committee could conciliate, that is, deny the truth and betray their duty. The proposition stated by the President was true, and had been proved to be so. Shall our silence suppress or contradict the dictates of this conviction?

It is urged that we have no right to pass this vote; a singular objection, since those who make it are consenting to the adoption of the clause, to which the words self-created societies are moved to be added. That clause is as improper, and as unconstitutional a declaration as the amendment. Is it possible that those are serious in this objection, who voted applause to General Wayne and his gallant army? Is this House a court-martial to try them if they had done ill instead of well? Had the State Legislatures no right to pass votes respecting the Cincinnati? Then we have no right to answer the Speech at all, as the Constitution is silent on that head. But are gentlemen who profess so much attachment to the people, and their rights, disposed to abolish one of the most signal, the character of this House as the grand inquest of the Nation, as those who are not only to impeach those who perpetrate offence, but to watch and give the alarm for the prevention of such attempts?

We are asked, with some pathos, will you punish clubs, with your censure, unheard, untried, confounding the innocent with the guilty? Censure is not punishment, unless it is merited, for we merely allude to certain self-created societies, which have disregarded the truth, and fomented the outrages against the laws. Those which have been innocent will remain uncensured. It is said, worthy men belong to those clubs. They may be as men not wanting in merit, but when they join societies which are employed to foment outrages against the laws, they are no longer innocent. They become bad citizens. If innocence happens to stray into such company, it is lost. The men really good will quit such connexions, and it is a fact, that the most respected of those who were said to belong to them, have long ago renounced them. Honest, credulous men may be drawn in to favor very bad designs, but so far as they do it, they deserve the reproach which this vote contains, that of being unworthy citizens.

If the worst men in society have led the most credulous and inconsiderate astray, the latter will undoubtedly come to reflection the sooner for an appeal to their sense of duty. This appeal is

made in terms which truth justifies, and which apply only to those who have been criminal.

It is said, that this vote will raise up the clubs into importance. One member has even solemnly warned us against the awakening of their resentments. It is not clear to my understanding, (said Mr. A.) how all the consequences which have been predicted from this vote will be accomplished. This is a breach of right, a crushing of those free societies by our censure. It is putting of them down, and yet we are warned that it is raising them up, and making them stronger than this Government. The friends of the motion are said not to agree in the principle of their defence of it, and therefore it is boldly affirmed that they have no principle. Is there any difficulty in retorting this invective? If this vote will call the attention of the people of America to this subject, so much the better.

The truth will no doubt be sought and found at last, and with such an enlightened public, I expect the result will be made with its usual good sense. That the self-created societies described in the clause, are calculated to destroy a free Government; that they will certainly destroy its tranquillity and harmony, and greatly corrupt the integrity of the rulers, and the morals of the people. In the course of his remarks, Mr. A. strongly insisted that the vote was not indefinite in its terms. Societies were not reprobated because they were self-made, nor because they were political societies. Every body as readily admitted that they might be innocent, as they have been generally imprudent. It is such societies as have been generally imprudent. It is such societies as have been regardless of the truth, and have fomented the outrages against the law, &c.

Nor is the intention of this amendment to flatter the President, as it has been intimated. He surely has little need of our praise on any personal account. This late signal act of duty is already with his grateful country, with faithful history: nor is it in our power, or in those of any offended self-created societies, to impair that tribute which will be offered to him. As little ground is there for saying that it is intended to stifle the freedom of speech and of the press. The question is, simply, will you support your Chief Magistrate? Our vote does not go merely to one man and to his feelings. It goes to the trust. When clubs are arrayed against your Government, and your Chief Magistrate decidedly arrays the militia to suppress their insurrection, will you countenance or discountenance the officer? Will you ever suffer this House, the country, or even one seditious man in it, to question for an instant, whether your approbation and co-operation will be less prompt and cordial than his efforts to support the laws? Is it safe, is it honorable, to make a precedent, and that no less solemn than humiliating, which will authorize, which will compel every future President to doubt whether you will approve him or the clubs? The President now in office would doubtless do his duty promptly and with decision in such a case. But, can you expect it of human nature? and if you could, would you put it at risk whether in future a President shall

balance between his duty and his fear of your censure. The danger is, that a Chief Magistrate, elective as ours is, will temporize, will delay, will put the laws into treaty with offenders, and will even insure a civil war, perhaps the loss of our free Government, by the want of proper energy to quench the first sparks. You ought, therefore, on every occasion, to show the most cordial support to the Executive in support of the laws.

This is the occasion. If it is dangerous to liberty, against right and justice, against truth and decency, to adopt the amendment, as it has been argued, then the President and Senate have done all this.

Mr. A. concluded with saying, that in a speech so long, containing such various matter, and so rapidly delivered, he might have dropped many observations in an incorrect state. He relied on the candor of the House, and of his opponents, for the interpretation of them.

The House now adjourned without taking any question.

THURSDAY, November 27.

An engrossed bill to authorize the President to call out and station a corps of militia in the four Western counties of Pennsylvania, for a limited time, was read the third time, and passed.

Mr. Corr, from the committee appointed, presented a bill for the relief of John R. Livingston; which was read the first time.

THE PRESIDENT'S SPEECH.

The House resumed the consideration of the amendments reported on Tuesday last, from the Committee of the Whole House, to whom was referred the Address to the President of the UNITED STATES, in answer to his Speech to both Houses of Congress. Whereupon,

The first amendment being under consideration, to insert as the second clause of the said Address, the words following, to wit:

"In tracing the origin and progress of the insurrection, we can entertain no doubt that certain combinations of men, careless of consequences and disregarding the truth, by disseminating suspicions, jealousy, and accusations of the Government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order and the authority of the laws."

A motion was made and seconded to amend the said clause, by inserting, after the word "certain," the words "self-created societies and."

Mr. RUTHERFORD, continued his opposition to the motion. He repeated the substance of his former remarks on the conduct of those who appeared so solicitous to throw an odium on the Democratic societies. He contended that too much importance was given to these institutions; they were harmless of themselves, and if let alone, would have no more weight in the community than their conduct should entitle them to. If they promulgated truth, the people would hear them, and follow their advice; if not, they would sink into contempt. But what is the import of the motion? It savors of jealousy; a mere suspicion—

of what? He saw nothing on which to found any such jealousy or suspicion. The people are satisfied with their own Government, they will support it. The people are happy and contented; why then raise doubts and difficulties? Why start at shadows? Why give consequence to trifles? "Trifles light as air, are to the jealous confirmations strong as proofs of Holy Writ." Let us dismiss this unmanly jealousy, and let us imitate the example set us by the State of Massachusetts. There was a man in that State by the name of Shays; he raised a bustle, and made a noise; but what did the Government do? Why, they despised him, and in a short time he sunk into insignificance.

Mr. BALDWIN said, he had, from the beginning, entertained doubts relative to the propriety of going into the business before the House in the minute manner proposed. Adverting to the usual process in conducting transactions of this nature, he observed, that the present appeared to be a deviation, if not an entire innovation, on the usual mode. During the recess, the President collected and arranged the information which he deemed proper to lay before the House; it cannot, therefore, be expected, that the House should at once, at the threshold of the session, enter into a minute answer to the communications of the President, containing facts and opinions the result of five or six months' experience and reflection, before they have had time to examine those opinions, and investigate those facts. This never was the practice of this House, and cannot be expected from them.

Mr. B. then adverted to the allegations which had been adduced against the Democratic societies; he questioned their authenticity. Excepting the statement in the possession of the House, (that of the Secretary of the Treasury,) he knew of no document affording any evidence of the facts alleged; and that assigned a different cause for the insurrection, for it appears by it that discontents had proceeded to a great height before the formation of these societies. It had been asserted that the House had a right to inquire into the causes of the insurrection. Let us proceed, then, as an inquest; let us call for the evidence, and sift the business to the bottom. At present, he insisted the House was not prepared to judge and decide. If the Speech must be echoed in every minute part, let us appoint a committee to digest and report a state of facts, as in the case of General St. Clair. In matters of notoriety—such as, that we were enjoying the blessings of peace, (when in truth that was the case,) or in respect to any other self-evident position that was in itself incontestable, he had no objection to an echo of the Address to the House; but on an occasion like the present, when there was such a contrariety of opinions, he could not see the propriety of it. He regretted the loss of time that the discussion had occasioned, and that it had not been employed in the more essential business of the session. As to Democratic societies, there were none, to his knowledge, in the State he represented, (Georgia); but if there were, he should not feel alarmed at

the circumstance. He doubted whether the President meant to include the societies in general, under that denomination; he rather supposed he had references only to those in the four Western counties of Pennsylvania. As a more general idea, Mr. B. said, he preferred the expression combinations of men, &c. He was fully of opinion, that, rather than spin out the debate to any further length, it would be much more eligible to leave the subject altogether, and take up the other business of the nation. He was sure that the President, for whom he professed the highest respect, could not be pleased with this mode of conducting that before them.

Mr. MADISON said he entirely agreed with those gentlemen who had observed that the House should not have advanced into this discussion, if it could have been avoided; but having proceeded thus far, it was indispensably necessary to finish it. Much delicacy had been thrown into the discussion, in consequence of the Chief Magistrate; he always regretted the circumstance, when this was the case. This, he observed, was not the first instance of difference in opinion between the President and this House. It may be recollected that the President dissented both from the Senate and this House on a particular law, (he referred to that apportioning the Representatives); on that occasion, he thought the President right; on the present question supposing the President really to entertain the opinion ascribed to him, it affords no conclusive reason for the House to sacrifice its own judgment. It appeared to him, as it did to the gentleman from Georgia, that there was an innovation in the mode of procedure adopted on this occasion. The House are on different ground from that usually taken. Members seem to think that in cases not cognizable by law, there is room for the interposition of the House. He conceived it to be a sound principle, that an action innocent in the eye of the law could not be the object of censure to a Legislative body. When the people have formed a Constitution, they retain those rights which they have not expressly delegated. It is a question whether what is thus retained can be legislated upon. Opinions are not the objects of legislation. You advert on the abuse of reserved rights: how far will this go? It may extend to the liberty of speech, and of the press. It is in vain to say that this indiscriminate censure is no punishment. If it falls on classes, or individuals, it will be a severe punishment. He wished it to be considered how extremely guarded the Constitution was in respect to cases not within its limits. Murder, or treason, cannot be noticed by the Legislature. Is not this proposition, if voted, a vote of attainder? To consider a principle, we must try its nature, and see how far it will go: in the present case, he considered the effects of the principle contended for would be pernicious. If we advert to the nature of Republican Government, we shall find that the censorial power is in the people over the Government, and not in the Government over the people. As he had confidence in the good sense and patriotism of the people, he did not anticipate any lasting evil to

result from the publications of these societies; they will stand or fall by the public opinion; no line can be drawn in this case. The law is the only rule of right: what is consistent with that, is not punishable; what is not consistent with that, is innocent, or at least not censurable by the Legislative body.

With respect to the body of the people, (whether the outrages have proceeded from weakness or wickedness,) what has been done, and will be done by the Legislature, will have a due effect. If the proceedings of the Government should not have an effect, will this declaration produce it? The people at large are possessed of proper sentiments on the subject of the insurrection; the whole Continent reprobates the conduct of the insurgents; it is not, therefore, necessary to take the extra step. The press, he believed, would not be able to shake the confidence of the people in the Government. In a Republic, light will prevail over darkness, truth over error: he had undoubted confidence in this principle. If it be admitted that the law cannot animadvert on a particular case, neither can we do it. Governments are administered by men: the same degree of purity does not always exist. Honesty of motives may at present prevail, but this affords no assurance that it will always be the case. At a future period, a Legislature may exist of a very different complexion from the present: in this view we ought not, by any vote of ours, to give support to measures which now we do not hesitate to reprobate.

The gentleman from Georgia had anticipated him in several remarks. No such inference can fairly be drawn as that we abandon the President, should we pass over the whole business. The vote passed this morning, for raising a force to complete the good work of peace, order, and tranquillity, begun by the Executive, speaks quite a different language from that which has been used to induce an adoption of the principle contended for. Mr. A. adverted to precedents; none parallel to the failure of the expedition under St. Clair was not in point. In that case, the House appointed a Committee of Inquiry into the conduct of an individual in the public service; the Democratic societies are not. He knew of nothing in the proceedings of the Legislature which warrants the House in saying, that institutions confessedly not illegal were subjects of Legislative censure.

Mr. DEXTER rose in reply to Mr. MADISON. He said that, if he viewed the subject as trivial as some gentlemen appeared to, he would not trouble the House with any further remarks, after having so long detained them while in Committee: if he viewed the amendment proposed as dangerous to the most perfect freedom of expressing political opinions, as the gentleman seemed to who was last up, he would be the last to support it. He said that the most certain way to destroy this freedom was, to encourage an unlimited abuse of it; and the way to render a free press useless, was to prostitute it to the base purposes of party and falsehood, until, wearied with

constant impositions, the public would reject all information from that source as uncertain and delusive. He said that the most successful weapon used by the enemies of civil freedom ever had been, to push the ideas of liberty to such wild extremes as to render it impracticable and ridiculous, and thus to compel the sober part of the community to submit to usurpation as a less evil than utter insecurity and anarchy: he added, if America loses her liberty, this will be the instrument of her destruction. We possess, he said, greater equality of property and information than any other nation; the means of subsistence are so easily obtained, that no man is necessarily dependent on the will of another; from these circumstances, our country is more fit than any other for a Republican form of Government: if we fail in maintaining it, we shall be fairly considered to have made an experiment not only for ourselves, but for the world, which will prove that the beautiful theory of civil freedom is not practicable by man; that ambition and envy, aided by ignorance, are naturally too strong for patriotism.

Mr. D. said, that the nature of civil freedom is more obscure than its real friends could wish; that it consists rather in what it forbids than in what it allows; that man was free before he became a member of society: that the great object of associating was not to obtain freedom, for that was possessed before; but to guard against the abuse of it, in violating the rights of others. My liberty, he said, is, that all other citizens are restrained from violating my rights, and the liberty of each one of them is, that I and all others are equally restrained from violating his rights. Restrained, then, is necessary to constitute civil liberty; and the uniformity of this restraint, as it operates equally on all classes of citizens, is equality. I know, sir, that a doctrine very different from this has been held by some false apostles of liberty, and that the aspiring, the vicious, the desperate, and the weak, have flocked to this standard: by them the power to violate the rights of others, and disturb the public peace with impunity, has been profanely called liberty, and the universality of this has been called equality. Can I be a freeman, sir, if the Government which is my only security for all my rights, may be invaded with impunity, and my reputation, the dearest of all possessions, and the best reward of virtue, blasted by the foul breath of slander and falsehood? When this shall be admitted as a principle in the American code, we shall call that freedom which will be our misery; we shall cease to deserve liberty; we shall need a master. Let men meet for deliberating on public matters; let them freely express their opinions in conversation or in print, but let them do this with a decent respect for the will of the majority, and for the Government and rulers which the people have appointed; let them not become a band of conspirators, to make and propagate falsehood and slander; let them not instigate to the highest crimes against society; and, sir, if any have so done, let not us encourage them in these outrages by calling them the exercise of the inviolable rights of freemen,

To suffer misrepresentations of Government to gain credit among the people, is giving a blow to the weakest part of our Government. It would be a most important political acquisition, if means could be devised to scatter through the Union true ideas of the measures of Government. The best intentions cannot now guard the citizens from being deceived, by the cunning and depraved: some improvement on this subject seems essentially necessary to perfect the system of political freedom. Scattered, as our countrymen are, over an immense country, and employed in useful industry, perhaps this is rather to be wished for than expected; but we can at least take measures to prevent the most fatal effects from misrepresentations and scandal.

Mr. D. said, he had made these remarks as being applicable to most of the reasoning against the proposed amendment, and particularly to that of the gentleman from Virginia, who last sat down, [Mr. MADISON.] He was no more inclined to infringe rights which the people had reserved than that gentleman; but he did not know any article or principle of the Constitution by which the people had reserved to themselves the precious right of vilifying and misrepresenting their own Government and laws, and exciting treason and rebellion, with impunity. However inestimable the right of free discussion of public matters, and of a free press, might be, (and no man valued them more highly than himself,) he thought that when they were so abused as to become hostile to liberty, and threaten her destruction, the abuses ought to be corrected; and he argued from the principle of self-preservation, that the Government of every country must have the right to do so. Unless those are more sacred than the very liberty they are designed to secure, this cannot be denied.

Mr. D. observed, that Mr. MADISON had stated as a principle from which to argue, and on which almost all his deductions were founded, a proposition so doubtful in itself, that it ought rather to be proved, than assumed as a first principle from which to reason, viz. that we cannot rightfully intermeddle in any way with a subject which we cannot regulate by law. Admitting it to be a true and self-evident proposition, however, he said, it concluded nothing against the amendment: for it would still remain to be proved, which it never could be, that the Legislature had no right to restrain such abuses by law. He did not think it necessary or expedient to make any law on the subject; he hoped it never would be; but he did not doubt the right to forbid such flagrant outrages on social order, and all arts tending to produce them. There can be no better proof, he said, that such laws may be made, than that they now exist. Mr. MADISON had mentioned religious societies as not to be prohibited by law: as such, Mr. D. said they clearly could not be; no more could harmless discussions of political subjects by individuals or associations. But would any man doubt, when under the pretence of the exercise of these rights the blackest crimes were instigated and perpetrated, that the law had a right to punish? The clubs have waged war not only with

the Government which the people have instituted and the rulers which they have appointed, but they have counteracted all the most essential principles of Republicanism. They, being a small minority, have attempted to control the majority; to usurp a power which the people never delegated to them; to act as censors, nay, controllers of the Government and laws; they are responsible to nobody for the exercise of it, and are to continue in office as long as they shall please. Such societies have all the properties, except the power, of absolute despotism; yet these tyrants prate about liberty, and profane the name of Republicanism.

Mr. D. adverted to Mr. MADISON's observation that the censure intended must be a punishment, and that the House had no Constitutional right to convict of or punish for crimes. If the proposed amendment be a punishment, he said, it is of a singular kind; it is punishment in the abstract, without an object punished. It says that *certain* self-created societies have trespassed. Can this be called a stigma on all such societies? The word *certain* forbids this construction. Which society is punished? None; unless conscience or public opinion shall designate the object.

The President, in another part of his Address, has lamented that certain citizens have shown themselves capable of an insurrection; and we have done the same in our Answer. Is this a stigma on all citizens? It had been repeatedly said, that the measure is unnecessary, because the danger has subsided; but, he asked, is it not necessary to inform the people from whence the evil arose, to guard against a repetition of it? Can we always presume on the same prompt patriotism of a future Executive, or the same public confidence in his measures and compliance with his requisitions? or, on the same good fortune in reclaiming or subjugating the disobedient? There was a time, when the insurrection was truly formidable; it rose like a water-spout, threatening to annihilate gravity, and throw the ocean to Heaven; and as that, by force of the general principle of attraction, returns again to its former level, and mixes with the surrounding waters, so this civil tumult has been overcome by the energy of the laws; but it is folly to incur future evils, presuming on similar good fortune. The heavy hand of despotism may forcibly hold down the scale which preponderates, and preserves public order; but in free establishments like ours, where the scales are nicely balanced, the smallest breath disturbs the equilibrium.

A gentleman from Virginia [Mr. GILES] has compared the amendment to the denunciations of France. Those were not uttered by the organs of the public will; they were denunciations of individuals, or self-created societies against individuals; whereas this is neither. This is only stating a fact for public information. The same gentleman, and many others, have said that we have not sufficient evidence of this fact. We know, sir, that resolutions of such societies, encouraging rebellion, were made and published; we know that their natural effect did take place.

Knowing, then, both the cause and effect, can we doubt of their connexion? If I see a firelock pointed at a man, hear the discharge, see the man fall, I, on inspection, find a ball lodged in his body—can I doubt as to the cause of the death of the man, because I could not see the ball pass from the muzzle to the man? Must we see things, in their nature invisible, before we believe? The President has been present at the scene of insurrection; we have his testimony on the subject, and other official communications are not wanting. We have the pointed testimony of the member from Pennsylvania, [Mr. Scott,] who was an eye-witness. He tells us that the club there directed the insurrection; that the same men were leaders in the club and in the field; and that they corresponded with other clubs. The gentleman from Virginia, last alluded to, has said that discontent and disturbance existed there prior to the establishment of clubs. But, does it follow from this that their measures, when established, did not increase the evil, and, by deceiving the malcontent, and the disposition of the people, encourage them to take arms? The clubs declared they spoke the opinion of the people, and the deluded insurgents believed them. The same gentleman has said that the President addresses the public, and not us, on this subject, and therefore does not expect an answer. Why, sir, shall not we join in the Address, if it be true and useful? The Senate have done it; if we do not, we seem to contradict it. If we do not, we create a dangerous disagreement between the different branches of Government, distract the public mind, and encourage disorders.

If the member from Pennsylvania is to be credited, (and no man will dispute his testimony,) the clubs are more criminal than the deluded insurgents; yet we have censured the latter without reserve. Why, sir, has the gentleman from Virginia [Mr. Giles] criminated so severely our zeal on this question? Why has he condemned the oratory it has excited, when he often gives us such handsome specimens of it? If liberty and our country are in danger, it is treason to be cold. From the gentleman's censures on the loose reasoning and warmth in favor of the amendment, we were led to expect from him the most dispassionate demonstration; yet the gentleman appeared in some of his reasoning, more ingenious than solid; it was too fine-spun to be strong. The strength of his understanding, like the intense heat of the sun, produced a vapor to obscure its own effulgence. One plain distinction is an answer to most of the reasoning of this gentleman and his colleagues. We do not contend for controlling, or even animadverting, on the rights of opinion, or of publishing opinions. We wish only to call the attention of the public to the abuses of those rights, and the crimes such abuses have produced, (which endanger the existence of those very rights, and liberty in general,) in order that the people, knowing the evil, may themselves correct it.

Mr. Nicolson, after a short apology for speak-

ing again, observed, the gentleman who amused the House yesterday, and the gentleman who just sat down, have so far fallen short of their object, that he should be pardoned in taking a review of the subject. The gentlemen have adopted this mode: they first propose a question, and from a comparison of the mischiefs arising on the different decisions, urge a right to decide, when no such right is contended to exist. What is the evidence on which we are to decide? the testimony of the gentleman from Pennsylvania? He refers to one society only. Adverting to the Address, Mr. N. expressed his surprise that so much aid had been drawn from that quarter. He respected the President—he believed his declarations; but this imposed no obligation to add his own. Noticing Mr. DEXTER's remarks on the abuse of the liberty of the press, he adverted to the publications of the Democratic societies; if they are so false as is pretended, they will defeat themselves. He noticed the concession which had been made, that societies for political information are legal, and may be useful: taking this for granted, he insisted that they had a right to censure as well as to inform; for, without this right, the concession amounts to nothing. He noticed the argument that the censure being general, does not amount to individual censure. If it is not general and the general proposition is of no use, and is nugatory. He noticed the assertion of Mr. DEXTER, that the House had a right to legislate in this case. Mr. N. remarked, that by this mode the House precluded the regular course of legislation, by a single vote, at the commencement of the session. We are called upon to support the President: but what are we to support—his actions or his opinions? The Constitution does not depend on the President; but the President has only stated an opinion to the people, and leaves it to them to reflect on it. He lamented that the President's weight and influence was brought so often into debate. He had heard it said it was part of a system: he wished it might not be injurious to him or to the Government.

Mr. MORTIMER was of opinion that Mr. DEXTER, and some members on that side of the question, had laid much stress upon a very insignificant sort of argument. You must vote this way or that way, because, if you do not, the citizens of the United States will imagine that the whole House of Representatives are in favor of Democratic societies. One gentleman [Mr. Ames] had told us that Fame, or Calumny, with one hundred, or one hundred thousand tongues, was flying over every Post Road on the Continent, and proclaiming that forty-five or forty-seven members of Congress were in favor of Democratic societies. It had likewise been alleged, that if the amendment could be carried, that if the amendment whole weight of the House of Representatives against the societies. Mr. M. considered this reasoning as entirely chimerical. The people knew, by this time, as well as the House itself did, that they were divided by a majority of one or two, and, which ever party gained the victory, the peo-

ple would pay as much respect to the votes of forty-five members on one side, as of forty-seven on the other. The trifling difference of two or three votes would make no impression whatever, in forming the sentiments of the public.

Did gentlemen imagine that the President, admitting that he was in any way interested in their decision, could feel any great satisfaction in a majority of forty-seven against forty-six? Or was the weight of the forty-six members to be destroyed, with the public, merely because they were outvoted by such a narrow majority? If the amendment was voted at all, it would be in this way; and he could not possibly see what advantage any party was to reap from having such a majority. The people at large know, as well as the House, the state of the votes on the amendment; and at any rate, they will judge for themselves. He wished the thing to fall asleep; and, as the most peaceable way to get rid of it, he should, if seconded, move the previous question.

Several gentlemen rose to second the motion. Mr. SENECA and Mr. DAYTON declared that it was out of order. It would bring the House into such a dilemma, that they could not get forward with the business either one way or another.

After some dispute, this point of form was referred to the SPEAKER. He declared that the motion for the previous question was in order, the question being on the amendment. This opinion was overruled by the House. The House was then going to divide, when—

Mr. CARNES rose.—He was entirely against the amendment. It denounced vengeance against all societies: this was extremely unjust. It would be better for the House to speak out like men, and name the culprits. Let a committee be appointed, if it must take notice of the affair, and let them inquire and report what was the real cause of the late insurrection. Mr. C. gave an instance of a Democratic society that turned out as volunteers against the rioters. Do we think, (said Mr. C.,) that the President interests himself in our Address? Sir, the President is not to be amused with trifles. He is not to be tickled with the turn of a paragraph. What! are we to answer a line and a half of a Speech, with a vote that strikes at the soul of all society? Are we to point the finger of execration indiscriminately? What will be the effect, sir, of this conduct? A gentleman [Mr. SENECA] told you the other day, that Democratic societies had produced the insurrections; but when, in the course of his observations, he became a little more animated, he told us that a foreign Envoy, *Genet*, had been the cause of all this mischief. If this be true, the Democratic societies are innocent. Sir, by this amendment you would prevent the freedom of speech, and lock the mouths of men. They are not to censure the measures of Government, and then bad men may do what they please with it. I hope, sir, that the day will never come, when the people of America shall not have leave to assemble, and speak their mind. It is acknowledged that this affair is not an object of Judicial cognizance. This overstraining always defeats its own pur-

pose. The trial of Muir, and others, on flimsy grounds, have done more service to the cause of their party than if they had received a reinforcement of five thousand fighting men.

As to the comparison between this matter and St. Clair's failure, there was no sort of similarity or correspondence between them. In that case, the House had employed servants, and was entitled to look into their conduct. The present amendment, on the contrary, holds up no determinate object, and has ill-nature and asperity on the very face of it. When the President in his Speech, mentioned the self-created societies, he did not address himself to the House of Representatives but to the people at large. But if it was to become the rule, in framing a reply, to make it an exact echo of the Speech itself—if there was no necessity for exercising our judgments, he considered the House as losing time. It would be much better to take the Speech at once, turn the other end uppermost, and send it back to the President as fast as possible. As to this all-powerful resolution, which was to go into those dark cells of which the House had been told, it would be much better to give the gentleman [Mr. W. SMITH] a blacking-brush, and send him into them to mark out the guilty. The House would then know how to proceed.

Mr. C. objected to Mr. DEXTER's comparison, of a man shot dead by a ball. He wanted the gentleman to show him the bullet; or, in plain terms, to show him a letter from the Democratic societies of New York or Philadelphia, addressed to the Western people, and exciting them to insurrection; but as the gentleman could show him no such thing, Mr. C. utterly denied the propriety of the parallel.

Mr. W. SMITH thought it somewhat strange that, at this time of day, members should be calling for facts, when these are so well known to all the House. He then read a set of resolutions, dated 8th of May last, adopted and published by the Democratic society of Philadelphia. These resolutions condemned, in the most unqualified terms, the appointment of John Jay as Minister from the United States to the Court of London, because they say he had formerly declared that the British were entitled to keep the Western posts, and because it was contrary to the Constitution to appoint a Judge to a diplomatic station. The strongest censure was likewise cast upon the Executive, for having made such an appointment. These resolutions were circular, and voted to be sent to all the Democratic societies in the United States.

Mr. S. next observed, that individual Legislatures in the Union had passed votes of censure on this House; and he did not see, by a parity of reasoning, why the House might not also pass votes of censure. Mr. S. said, that there had been a great change of sentiments of some members of that House. About two years ago, the House of Representatives had determined, by thirty-five votes against sixteen, to pass an opinion on the new Constitution of France; and the gentlemen who had then exercised the right, now denied that

the House had it. Mr. S. concluded by saying, that the President had denounced the Democratic societies, and they had denounced him.

Mr. GILES rose and said, that the charge of inconsistency rested with the member last up; who, in the case referred to, had asserted that the House had no right to pass a vote of opinion; yet, on the present question insisted that they had. Mr. G. was one of the thirty-five who voted for an exercise of opinion, but this was only for returning a civil answer to a civil letter from the Republic of France. The gentlemen who gave that vote for an answer, knew that they were not to give an opinion where they could not legislate. There was, therefore, no inconsistency on the part of these members, but with the gentleman from South Carolina. Mr. G. informed the House of his having this moment learned, that in the army, in the Western counties, there was nothing talked of but overturning Democratic societies. Nobody could tell where this matter might end.

Mr. W. SARIN, in reply to Mr. GILES cleared himself from any inconsistency in the case alluded to, by asserting that he had not denied the right of the House, but the propriety of the exercise of it. He had disapproved of the House giving an opinion of the merits or demerits of the French Constitution, which, as France was in a revolutionary state, was liable to frequent change; and the event had justified him, for the House had scarce passed the vote which extolled that Constitution as a model of wisdom and magnanimity, when the French themselves denounced it, as inconsistent with their rights and liberties. But the gentleman from Virginia was undoubtedly inconsistent, for he had, on that occasion, contended for the right of the House to give its opinion, and that in a case where the answer was to be given to the Sovereign of a foreign nation, respecting the affairs and policy of a foreign country. If the House were right on that occasion, a *fortiori*, ought they now, when called on by our Chief Magistrate, to give an opinion at an important crisis respecting the affairs of our own country?

The question was then put, Shall the words "self-created societies and" be replaced in the amendment of Mr. FITZSIMONS? This was carried by a majority of forty-seven against forty-five. The yeas and nays were taken on this question, and were as follow:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kitters, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Van Murray, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

NAYS.—Theodore Bailey, Abraham Baldwin, Tho-

mas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, Henry Dearborn, George Dent, Gabriel Duval, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, John Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

Another motion was then made by Mr. CHRISTIE, further to amend the said clause by inserting, after the words "combinations of men," the words "in the four Western counties of Pennsylvania, and parts adjacent."

And, on the question thereupon, it was resolved in the affirmative, the House being equally divided, to wit: yeas 46, nays 46.

The SPEAKER declaring himself with the yeas. The yeas and nays, as demanded by one-fifth of the members present, were as follow:

YEAS.—Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Gabriel Duval, William Findley, William B. Giles, James Gillespie, Christopher Greenup, Andrew Gregg, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, John Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Smith, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Samuel Griffin, William B. Grove, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kitters, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Van Murray, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

Another motion was then made, by Mr. SARIN, of South Carolina, further to amend the said clause, by inserting, after the word "adjacent," in the amendment last agreed to, the words "countenanced by self-created societies elsewhere."

And, on the question thereupon, it passed in the negative—yeas 42, nays 50, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Samuel Dexter,

Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kitters, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Van Murray, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gasbeck, Peleg Wadsworth, Artemas Ward, John Watts, and Paine Wingate.

NAYS.—Theodore Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, George Dent, Gabriel Duval, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, John Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, John S. Sherburne, John S. Smith, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, and Joseph Winston.

And then the main question being put, that the House do agree to the said clause, amended to read as followeth:

"In tracing the origin and progress of the insurrection, we can entertain no doubt that certain self-created societies and combinations of men in the four Western counties of Pennsylvania, and parts adjacent, careless of consequences, and disregarding the truth, by disseminating suspicious, jealous, and accusations of the Government, have had all the agency you ascribe to them, in fomenting this daring outrage against social order and the authority of the laws."

It passed in the negative, nineteen members only rising in the affirmative.

An adjournment was then called for, and carried.

FRIDAY, November 28.

A petition of a number of Germans, residing in the county of Augusta, in the State of Virginia, was presented to the House and read, stating the inconveniences to which they are subjected, from an entire ignorance of the English language, and praying that a certain portion of the laws of the United States may be printed in the German language. Laid on the table.

A bill for the relief of John R. Livingston was read the second time, and ordered to be committed to a Committee of the Whole House on Monday next.

ADDRESS TO THE PRESIDENT.

The House resumed the consideration of the amendments reported on Tuesday last, from the Committee of the Whole House to whom was referred the Address to the President of the United States, in answer to his Speech to both Houses of Congress; whereupon,

The second amendment reported by the Committee of the Whole House, being again read at

the Clerk's table, was, on the question put thereupon, agreed to by the House.

A motion was then made and seconded further to amend the said Address, by inserting, after the word "insurrection," in the first paragraph, the following clause:

"And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made, and so far credited, as to foment the flagrant outrage which has been committed on the laws."

Mr. TRACY said, that he should vote for this amendment, if the gentleman [Mr. NICHOLAS] would insert between the words "been" and "so far credited" the addition of *made and*. This would make the whole read better.

[The additional words were immediately inserted by Mr. NICHOLAS.]

Mr. McDOWELL said, that twenty-five days of the session were now elapsed, and he was at a loss to know what the House had been doing. This was a very serious matter, and must give real concern to every friend of the country.

Mr. HILLHOUSE proposed to refer the whole subject back to the committee, to draw up a new Address, such as would suit the sentiments of both parties in a middle course.

Mr. HEATH declared himself heartily tired of the discussion, which tended only to revive odious distinctions. He wished to adopt the motion for referring back again to the committee. He had felt extreme uneasiness during the whole time of these debates, at the nature of them.

Mr. BALDWIN felt a very mortifying impression at having been, this week, a witness to such trifling as had taken place in the House. We have spent four days in drawing up an Address, and are now just about where we set out. While the most extraordinary events which the world ever saw are passing, we cannot get at the papers on the table, to see how far we are concerned in these events, on account of so small a matter. He would agree to nothing but what would decide the point instantaneously.

Mr. McDOWELL thought that it would be very odd to be sending this matter back to a committee. In the interim, we proceed to dispatch the business recommended in the Speech, and about the end of the session we come forward with an Address, telling the President that we are going to take his Speech into consideration. The affair would have a very odd appearance on the Journal of the House.

Mr. NICHOLAS said that it was well known to be the practice to refer such a thing back to the former committee. These gentlemen, three in number, had all declared their sentiments. Two were for the vote of censure, and a third against it. They would, no doubt, continue in the same mind. The one member [Mr. MADISON] would be out-voted. The substance of the amendment, rejected after so long a struggle, would be put in again, and the whole be to commence anew. He had no other design in his amendment than to conciliate. He assured the members on the other

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side of the question, that he never would consent to a recommitment.

Mr. DAVENPORT said, that the member from Virginia had talked of conciliation. "Give me all my own way, and we shall have no debate." Who began the number of amendments this morning? Was it not that gentleman? And if he comes out with his amendments, are not other members to be at equal liberty of bringing up theirs? Mr. D. did not believe that there would have been a single motion of that kind this morning, if the gentleman himself had not begun it. "Come," says he, "let us conciliate. You shall all do just as I please, and we shall all agree." Mr. D. was for the recommitment to a committee.

Mr. AMES gave much credit to Mr. NICHOLAS for his amendment, which, he doubted not, was proposed with the best intentions. He was quite tired, if not ashamed, of the debate. Two divisions in the House, each consisting of forty-six, gave the world but a bad prospect of our conciliation and unanimity through the rest of the session.

Mr. RUTHERFORD was against the commitment. What would our common parent (the President) say, if he saw us thus drawn into the tenter-hooks of party?

The question was taken on recommitting the Address, and negatived—yeas 43, nays 48.

The motion of Mr. NICHOLAS was then put. Mr. MURRAY wanted the word "societies" inserted.

Mr. GOODHUE imagined that it was no matter whether or not, combinations of men are undoubtedly societies.

Mr. NICHOLAS would consider the adoption of the word "societies," as a signal of victory to the gentlemen on the other side of the question. He therefore would not consent to its admission.

Mr. TRACY had promised to vote for the motion as it stood. But he should declare to his learned friend from Maryland, and to the Whole House, that, by "combinations of men," (the words in the amendment of Mr. NICHOLAS,) he understood the Democratic societies.

The amendment of Mr. NICHOLAS was carried by a large majority.

The Address, as amended, was then read throughout at the Clerk's table, as follows:

SIR: The House of Representatives, calling to mind the blessings enjoyed by the people of the United States, and especially the happiness of living under constitutions and laws which rest on their authority alone, could not learn, with other emotions than those you have expressed, that any part of our fellow citizens should have shown themselves capable of an insurrection. And we learn, with the greatest concern, that any misrepresentations whatever, of the Government and its proceedings, either by individuals or combinations of men, should have been made, and so far credited as to foment the flagrant outrage which has been committed on the laws. We feel, with you, the deepest regret at so painful an occurrence in the annals of our country. As men regardless of the tender interests of humanity, we look with grief at scenes which might have stained our land with civil blood. As lovers of public order, we lament that it has suffered so flagrant a violation; as zealous friends of Republican Government, we deplore

Resolved, That Mr. SPEAKER, attended by the House, do present the said Address; and that Mr. MADISON, Mr. SEDGWICK, and Mr. SCOTT, be a committee to wait on the PRESIDENT, to know when and where it will be convenient for him to receive the same.

Mr. GILES, from the committee appointed, presented a bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the militia of the United States, when called into actual service, and for other purposes; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures of public moneys, from the 1st of April to the 30th of June, 1794; also, his account of payments and receipts for the War Department, from the 1st of July to the 30th of September, 1794, inclusive; which were read, and ordered to lie on the table.

Mr. MADISON, from the committee appointed to wait on the PRESIDENT OF THE UNITED STATES, to know when and where it will be convenient for him to receive the Address of this House, in answer to his Speech to both Houses of Congress, reported that the committee had waited on the President, who signified to them that it would be convenient to him to receive the said Address at twelve o'clock to-morrow, at his own house.

Ordered, That the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard, which was made to this House on the 14th of May last, be committed to a Committee of the Whole House on Monday next.

The House resumed the reading of the papers communicated by Message from the PRESIDENT OF THE UNITED STATES, on the 20th instant, and made a farther progress therein.

SATURDAY, November 29.

The SPEAKER laid before the House a letter from Arthur St. Clair, Major General and Commander-in-Chief of the expedition carried on against the Western Indians, in the year 1791, requesting a speedy decision on the report of the committee appointed to inquire into the causes of the failure of the said expedition; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to report whether any, and what, alterations are necessary in the act, entitled "An act concerning the registering and recording of ships or vessels." Also, in the act, entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same." Also, in the act, entitled "An act to regulate the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels."

And a committee was appointed, of Mr. Good-

Address to the President.

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HUZ, Mr. COTY, Mr. BENJAMIN BOWEN, Mr. FITZSIMMONS, and Mr. PARKER.

The SPEAKER, attended by the House, then withdrew to the house of the PRESIDENT OF THE UNITED STATES, and there presented to him the Address of this House, in answer to his Speech to both Houses of Congress; to which the PRESIDENT made the following reply:

Gentlemen: I anticipated, with confidence, the concurrence of the House of Representatives in the regret produced by the insurrection. Every effort ought to be used to discountenance what has contributed to foment it; and thus discourage a repetition of like attempts. For, notwithstanding the consolations which may be drawn from the issue of this event, it is far better that the arduous approaches to such a situation of things should be checked by the vigilant and duly admonished patriotism of our fellow-citizens, than that the evil should increase until it becomes necessary to crush it by the strength of their arms.

I am happy that the part which I have myself borne on this occasion receives the approbation of your House. For the discharge of a Constitutional duty, it is a sufficient reward to me to be assured that you will unite in consummating what remains to be done.

I feel, also, great satisfaction in learning that the other subjects which I have communicated or recommended, will meet with due attention; that you are deeply impressed with the importance of an effectual organization of the Militia; and that the advance and success of the army under the command of General Wayne is regarded by you, no less than myself, as a proof of the perseverance, prowess, and superiority of our troops.

The SPEAKER laid before the House a Report from the Secretary of War, respecting the fortifications of the United States, made pursuant to the resolution of this House of the 21st instant; which was read, and ordered to be referred to Mr. FITZSIMMONS, Mr. GOODHUE, Mr. BOWEN, Mr. MALBONE, and Mr. MACON, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

MONDAY, December 1.

The House resolved itself into a Committee of the Whole House on the bill for the relief of John R. Livingston; and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from farther proceeding in the said bill, and that it be committed to the Committee of Claims.

A petition of sundry inhabitants, living between the lines commonly called Walker's and Henderson's lines, whose names are thereunto subscribed, was presented to the House and read, praying that the line known by the name of Walker's line, may be established by Congress, as the boundary between the States of Virginia and North Carolina.

Ordered, That the said petition be referred to Mr. PIERSON, Mr. WILSON, and Mr. PICKENS; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

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Promulgation of the Laws.

[DECEMBER, 1794.]

Ordered, That the petition of a number of Germans, residing in the county of Augusta, in the State of Virginia, which lay on the table, be referred to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Moses Myers; and, after some time spent therein, the Committee rose and reported progress.

PROMULGATION OF THE LAWS.

Mr. MOORE made a motion that a committee should be appointed to report a method for the more regular and effectual promulgation of the laws of the United States.

Mr. BALDWIN rose and observed, that in a country so extensive as America, and where the people are so widely scattered, it was a work of immense difficulty to have a regular and accurate account of the measures of Government communicated through every part of the Union. The importance of this object was equal to its difficulty. At the present time Government is a subject of such general agitation in these parts of the world with which we are most acquainted, and connected, that the opinions and passions of men are there in a state of high fermentation. This country has a share of it, and, upon the common principles of human nature, that is unavoidable. Circumstances have, on this occasion, given to the American Government a kind of importance which, from a comparison of ourselves to the rest of the world, we should not have presumed to arrogate. Legislation is in its nature a practical subject, and all men of sense and observation, in their reasonings upon it, give great weight to experience.

One single fact is, in their view, more important than whole volumes of ingenious theory and declamation. As we regard the happiness of our country, and as we regard the success of this kind of Government, which has the rights and happiness of men for its object, we ought to do all in our power to guard against the dangers to which it is exposed, and to cultivate it to the highest possible perfection. Mr. B. considered this country as imminently exposed on two quarters. One of these was the love of power in overbearing individuals, which will for ever stimulate them to sacrifice the rights and happiness of others to their own raging passion. On the other hand, there may arise a jealous and groundless apprehension of this passion, where it does not exist, which goes to the destruction of all confidence in those who are in public trust, and which defeats all their efforts for the public good. It was not material to determine which of these was most likely to be the source of frequent and formidable danger. It is not improbable that the one or the other will be found by experience to predominate at different times, from the accidents which bring different men into place. Referring to the motion just now made, Mr. B. observed, that if the people are properly informed, and do their duty, it will be easy to guard against both these evils. That there will be ambitious men, even in this age, and in this country, there can be no doubt,

nor that ambition will here practice its old efforts. To pretend that this age or country will be exempted, is at best a mark of ignorance or folly. The love of power is one of the first and strongest passions in the human breast. The talents, which vindicate their way to the first place in Government, are most frequently accompanied with a proportionable share of ambition. This is equally the case in limited Governments as in others. Perhaps it will even be found to be more so. The greater the limitations, the more restive and uneasy will be the passion. The shorter the chain which limits their indulgence, the more will it be quarrelled with. Our Government is not founded on an idea that this disposition does not exist, but it guards against its ill effects. If proper attention is paid to preserve, as far as possible, the exact distribution of powers between the Federal and State Governments, and between the different departments and officers of Government; and if the conduct of public functionaries be surrounded with light, there is great reason to hope that they will keep each other in their proper places, and that, for a long time to come, the public happiness will be secured.

Mr. B. then spoke of the second description of persons before mentioned, and from whom he said much danger and trouble might be expected in all free Governments. They were always grumbling and finding fault with public men and public measures. Like the former, these people are also commonly actuated by ambition, and frequently by that of the most dangerous and blackest kind. No measures were so good, and no men so honest, as to escape their attack, yet they never applied any remedy. Follow them throughout their whole lives, and you find few instances of any good which they have done. A conscious inferiority of character prevents them from seeking openly places of the first confidence, till they have, by their poison in the dark, destroyed those whom their fellow-citizens had always considered as their superiors in wisdom and honesty. They do not hesitate to destroy the peace of society, and destroy the happiness of a whole community, to get into office themselves, and to indulge their ambition. It cannot be too much regretted, that such a shameful course should, from the fears and ignorance of society, become so much a high road to places of office and trust. People would not suffer such things were it not that they are so much in the dark. For that reason, these men are always most at work, and do most mischief in the darkest corners. Those whose eyes are weak, or who sit in bad light, are most easily made to see spectres and goblins, and in their most hideous forms.

The only cure against these mischiefs is to pour in light into every corner of the country. Let all the measures of the Government be accompanied by a blaze of day, and like the birds of night these animals are dislodged. They cannot bear the light. It can scarcely be conceived by those who have no calls to visit the interior and more retired parts of the country, how much the peace of our society is disturbed by the malicious propagation of poi-

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tical falsehood. The most wicked lies are kept in circulation, for months together, and before they can be effectually contradicted, the people have almost become frantic. For example, Mr. B. mentioned, that it had been asserted that a poll-tax of forty shillings per head had been laid on all the inhabitants, that the excise has been extended to wheat, to looms, and to the implements of husbandry, and that the late drafts of the eighty thousand militia are sold to France to carry on the war! It is probable that riots and insurrections are fomented by these rumors more than by all other causes. If a constant and regular publication of all that is done could be made to reach every part of the United States, it would be an effectual, and, perhaps, the only cure of these mischiefs. The people of this extensive country have, for these ten years, enjoyed all the essential benefits of society, on very easy terms. A man with five or six hundred acres of land is scarcely called upon for a dollar of taxes in a year. Perhaps no people on earth ever enjoyed so fully the benefits of society with so few burdens. Is it not a distressing consideration, that when we have so few real evils, we should create to ourselves imaginary ones, that give us so much useless uneasiness? Some wrong measures have taken place, and hereafter will take place, and nobody can expect that any kind of measures will give universal satisfaction. This would be to expect that the Government should be perfect and the people perfect. There is reason to hope that the Government will become more wise and cautious from experience, and that fewer of their measures will be obnoxious. But we need only to know our condition, and to be able to compare it to that of the rest of the world, to feel happy, and to do all in our power not to disgrace in the outset, the fair experiment in Government which this country has already so strongly recommended to the rest of the world. Mr. B. was persuaded that the more public measures were understood, the more this would be a common sentiment. He concluded by recommending some further and more extensive provision on the subject contemplated in the motion under consideration.

Ordered, That a committee be appointed to report what further provisions are necessary for the general promulgation of the Laws of the United States.

And a committee was appointed, of Mr. MOORE, Mr. BALDWIN, and Mr. HEISTER.

Mr. PARKER made a report from the select committee appointed to take into consideration that part of the PRESIDENT'S Speech which recommended opening a trade with the Indians.

The committee were of opinion that the plan suggested might be carried into execution for an expense of an hundred thousand dollars. The matter was referred to a Committee of the Whole House on Thursday next.

Mr. GILES then moved to go into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates of the militia, when called into the actual service of the United States.

The House accordingly went into a Committee of the Whole.

In the course of the discussion, Mr. HILLHOUSE having spoken for some time, Mr. DAYTON rose next. He began by remarking that it was not to be expected that he was to make any observations on what had been said by the member just sat down, as he did not hear ten words that the gentleman said. This was owing to noise in the House.

The Committee, after some time, rose, the Chairman reported progress, and the House adjourned.

TUESDAY, December 2.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating his intention of resigning his office on the last day of January next, and which he now communicates, in order that an opportunity may be given, previous to that event, to institute any further proceedings which may be contemplated, if any there be, in consequence of the inquiry during the last session, into the state of the Treasury Department; which was read, and ordered to lie on the table.

A memorial of the Legislative Council and House of Representatives of the Territory of the United States South of the river Ohio, was presented to the House and read, praying that such further measures may be adopted for the effectual protection and preservation of the people of the said Territory, against the hostile incursions of the Indian tribes, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be committed to a Committee of the Whole House on Friday next.

Mr. BOUDINOT, from the committee appointed to examine the Journal of the last session, and to report therefrom, all such matters of business as were then depending and undetermined; and, also, to examine and report such laws of the United States, as have expired, or will expire before the next session, made a further report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes; and, after some time spent therein, the Committee rose and reported progress.

The House resumed the reading of the papers communicated by the Message from the PRESIDENT, on the 20th ultimo, and went through the same.

WEDNESDAY, December 3.

On a motion made and seconded that the House do come to the following resolution:

"Resolved, That provision be made by law for compensating the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania."

Ordered, That the said motion be committed to a Committee of the Whole House to-morrow.

[H. or R.]

Thanks to General Wayne.

[DECEMBER, 1794.]

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you an official statement of the expenditure, to the thirtieth of September last, from the sums heretofore granted to defray the contingent expenses of Government, by acts passed the twenty-sixth day of March, one thousand seven hundred and ninety, and the ninth of June, one thousand seven hundred and ninety-four.

G. WASHINGTON.
UNITED STATES, December 3, 1794.

The said Message and statement were read and ordered to lie.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of the Treasury on the petition of George Blanchard, in behalf of Edward Blanchard; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the accounting officers of the Treasury be, and they are hereby, authorized to audit and pass the account of the late Edward Blanchard, deceased, according to the course of Treasury settlement.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. AMES, Mr. WINGATE, and Mr. GLAXN, do prepare and bring in the same.

The House proceeded to consider the report of the committee to whom were referred the reports of the Secretary of War, of the seventeenth of March last, on sixty petitions; whereupon,

Resolved, That Caleb Worley be placed on the list of pensioners, pursuant to the report of the Secretary of War.

Resolved, That Charles Fieger, from the peculiar circumstances attending his case, be also placed on the list of pensioners, and that he be allowed the half-pay of Captain.

Ordered, That the said resolutions be committed to the Committee of Claims, with instruction to prepare and bring in a bill or bills, pursuant thereto.

Ordered, That the reports of the Secretary of War on the several petitions of John Bennet, and Abraham Sutton, of John Lehman, and of Half-field White, which were made to this House, on the seventeenth of March last, be referred to the Committee of Claims.

Ordered, That the report of the committee on the memorial of Joseph Hull, which was made on the twenty-second of April last, be also referred to the Committee of Claims.

The House resolved itself into a Committee of the Whole House on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;

and, after some time spent therein, the Committee rose and reported progress.

THANKS TO GENERAL WAYNE.

Mr. SMITH, of South Carolina, moved three resolutions of thanks, one to General Wayne, a second to the officers and soldiers of the legion, and a third to General Scott and the volunteers under his command. Mr. S. observed that the House had not, on their Journals, any vote of this nature. The American Armies in the Westward had, since the establishment of the new Constitution, been, till lately, rather unsuccessful. He did not wish to make the thanks of the House too cheap; but, at the same time, he thought this a proper opportunity to bestow them. He made the present motion with the more readiness and pleasure, because he had once had occasion to make a motion that ended in General Wayne being obliged to quit his seat in that House.

The resolution was read by the Clerk. Mr. GILES was sensible of the high merit of the officer and his troops; but the House assemble to legislate, not to give opinions. He wished that this measure might be deliberately weighed, as it might tend to consequences not yet foreseen, to go into a practice of this kind. He wished the House to go into a Committee on the subject.

Mr. SMITH vindicated the propriety of the resolutions. He adverted to the vote of opinion in the case of the French Constitution, and also on the death of Dr. FRANKLIN, which last, Mr. S. said, was like offering a vote of thanks to the dead.

Mr. SHERBURNE thought, that by delaying to press the resolutions, at present, it was more likely that they would pass with unanimity.

Mr. DEARBORN was willing to vote in general, but he could not vote for any particular thanks to General Wayne, on account of his attention to the discipline of the troops, because the member did not know anything particular of it. He wished the thing to be done promptly, or it would lose much of its merit.

Mr. SMITH withdrew the resolutions, and gave notice that he should bring them forward again to-morrow.

Mr. MURRAY moved a vote of thanks to the militia who have been lately called out in support of the laws of the United States. This was laid on the table till to-morrow.

A resolution respecting compensation to the individuals who have been personal sufferers in the late insurrection was called up, and, being read, was referred to the Committee of the Whole House to-morrow.

THURSDAY, December 4.

Mr. BEATTY, from the committee appointed, presented a bill for the relief of Peter Covenhoven; which was read twice, and committed.

Ordered, That a committee be appointed to prepare and bring in a bill or bills for the relief of sick or disabled seamen; and that Mr. VENABLE, Mr. WINGATE, Mr. COBB, Mr. KITTERA, and Mr. CARNES, be the said committee.

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Thanks to General Wayne.

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Mr. FITZSIMONS, from the committee to whom was referred the Report of the Secretary of War, respecting the Fortifications of the United States, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The House again resolved itself into a Committee of the Whole House, on the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes; and, after some time spent therein the Committee rose and reported progress.

THANKS TO GENERAL WAYNE.

Mr. W. SMITH wished to make his promised motion, which he prefaced by observing that he had varied it at the request of several gentlemen. In the original motion, he had particularly noticed the diligence of the General in disciplining his army to the nature of the service in which they were engaged, and his fortitude and perseverance in encountering the difficulties which opposed his march through a wilderness.

Though he and many others were ready to acknowledge in the fullest manner the merits of the General in those important particulars, yet as they were not matters of general notoriety, and as unanimity on an occasion like the present was extremely desirable, he had now confined the motion to the brilliant action of the 20th August. Mr. SMITH was ready to admit that there was no precedent on their Journals for a vote of thanks to the army; but it was not to be thence inferred that the measure was improper: unfortunately, no success had occurred since the establishment of the present Government which called for this testimony of public gratitude.

There were indeed on the Journals votes of thanks to the Speakers of the House, and there was a vote, on the death of Dr. Franklin, expressive of his services, both of which cases might be considered as bearing some analogy to the present, though not precisely similar.

Under the former Government innumerable circumstances might be quoted. With respect to the practice in itself, he had no doubt of its propriety. He considered this kind of remuneration as a just and merited reward for past services, and an honorable excitement to future exertions. Those who performed them were, in his opinion, entitled to the gratitude of their fellow citizens, which could be no otherwise publicly expressed than through their Constitutional organ, the Representatives of the people. When they had this claim, to withhold that public expression was to be unjust. Satisfied then, as he was, that General Wayne and the army under his command had deserved well of their country, had performed signal and splendid services, from which he anticipated very important advantages, he could not suppress this tribute of applause.

He was aware it might be said the House had already in their answer to the President's Speech bore ample testimony to the good conduct of the army, and that it was unnecessary to go farther;

but that was only a communication between the House and the President, and was not addressed to the army: a vote of thanks would be formally transmitted to the army; would be considered as an expression of the sensibility of the House, and would, he was persuaded, be highly gratifying to the gallant General and his brave army. Mr. SMITH said he felt a peculiar pleasure in making this motion, as he had on a former occasion found it his duty to make the motion which declared the vacancy of General Wayne's seat in the House, a circumstance which had given him considerable pain at the time, but which had proved a fortunate event, as an opportunity was thereby afforded the General of serving his country in the field.

Mr. SMITH concluded with saying, that as he had no doubt the services of the army had made the same impression on the House as they had on him, he trusted the motion he was about to make would be honored with an unanimous vote. He then moved the three resolutions, as follow:

Resolved, That the thanks of this House be given to Major General Wayne for the good conduct and bravery displayed by him in the action of the 20th August last with the Indians.

Resolved, unanimously, That the thanks of this House be given to the brave officers and soldiers of the legion under the orders of Major General Wayne, for their patience, fortitude, and bravery.

Resolved, That the thanks of this House be given to Major General Scott, and to the gallant mounted volunteers from the State of Kentucky, who have served their country in the field during the late campaign, under the orders of Major General Wayne, for their zeal, bravery, and good conduct.

Mr. GILES foresaw many bad consequences that might ensue from the practice of giving opinions of men. One part of the House might be for a vote of thanks, and the other against it. He should vote for the proposition, but wished that some mode might be adopted for expressing the general opinion of the House against the practice.

Mr. KITTERA was for restoring the clause respecting the vigilance of General Wayne in attending to the discipline of his troops.

Mr. HULLHOUSE hoped that the resolutions would not be adopted. He should go farther than the gentleman from Virginia [Mr. GILES] and vote against them. The House, in their answer to the President, had expressed their approbation, and that was enough. It was not the business of that House, but of the Executive, to express such things. Mr. H. had voted most cordially for that part of the Address respecting the Western army. The answer to the Speech of the President would always afford a good opportunity of conveying these kind of matters. It would immediately become necessary to give thanks in every case; and not to give them will be regarded as an implied censure. He trusted that the gentleman would withdraw his motion, and that the House in this way would get rid of it. He had, and he repeated it again, a high sense of the merit of the officers and soldiers of

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the army under General Wayne, but he had said so already in the Address to the President. It had been urged, as a precedent for this measure, that it was usual to thank the Speaker. This was a mere ceremony. He wished that it had never come into practice, but since it had been so, he should always agree to the vote of thanks.

Mr. MURRAY thought that we might trust that the House would always have too much prudence to abuse their thanks, by giving them improperly. By way of precedent, Mr. M. read a vote of the State of Virginia, thanking Governor Lee for his conduct in the Western insurrection.

Mr. NICHOLAS approved highly of the conduct of the troops, but it was only an act of duty. If we send soldiers against the Indians, it is supposed that they will stand to their posts, otherwise the Government cannot be supported even for a month.

Mr. HULLHOUSE saw no business which the House had with the proceedings in the State of Virginia. It had been hinted that the army under General Wayne might feel disagreeably, if the resolution should be rejected. With that Mr. H. had no business. He acted on principles without regarding the feelings of individuals.

Mr. W. SMITH agreed with gentlemen that the principal object of the House was to legislate; but it did not follow that they were to be confined merely to legislation. Every Legislative body exercised the right of opinion in cases where no act was to follow. This House has frequently exercised it: the answers to the President's Speech; the answer to the King of the French on his acceptance of the Constitution of ninety-one; the opinion of the House on the merits of that Constitution; the vote respecting Benjamin Franklin; the vote of last session in reply to a letter from the Committee of Public Safety of France; the votes of thanks to the Speakers, were precedents on the Journals which refuted a contrary doctrine. It had been said that the latter case was a mere matter of form. Mr. S. thought differently, and if ever he was in that House when a vote of thanks should be proposed to a Speaker who had no claim to it, he should feel it his duty to oppose it. Gentlemen apprehended that this practice might lead to innumerable difficulties hereafter. But every House would exercise its judgment and discretion. Members would not be so rash as to propose the thanks of the House where serious opposition was expected, nor would the thanks be voted unless well merited. It was unwilling as any member to make the thanks of the House too cheap; but all must confess that if ever there was an occasion where they were properly called for, this was one. To deny the right or expediency of the practice was in fact to strip the House of one of its most agreeable functions, that of expressing its gratitude.

It had been advanced as an objection, that the two Houses might differ; one might vote thanks and the other censure, in the same case; but that might happen in other cases where the propriety of expressing an opinion was admitted; in answering the President's Speech in the State Le-

gislatures, where thanks were frequently voted, the two branches might differ: that was never deemed an objection to the practice; each House expressed its individual opinion.

Mr. SMITH said if the House had been sitting in September last when the account arrived of this victory, would the members have then felt as coldly as they now do? No; he was convinced that in the moment of joy and gratitude, they would have unanimously voted thanks to the army without the least hesitation; but they have since had time to cool, and the impression is worn away.

Gentlemen should consider the hard services of that army; how badly paid they were; the nature of the country they were in, and then determine whether the brilliant action of the 20th August is to go unrewarded? To appreciate truly the merits of that army in obtaining so signal a victory, let the House reflect on the consequences of a defeat: the army disbanded and broken up; the frontiers exposed to the ferocious savages; the combination of the tribes more cemented and formidable; an expensive, long, and bloody war. What is now our prospect? The frontiers protected; the combination of the tribes dissolved, and peace with them all a probable event.

Before, therefore, the motion which he had made could be got rid of, it was incumbent on the gentleman on the other side to show, either that it was improper in any case whatever to pass a vote of thanks, or that this was not a case entitled to them; to do the first they must establish, in the face of precedents innumerable, a doctrine destructive of one of the most amiable privileges of the House; to do the last, they must express a sentiment which would, he was persuaded, be repugnant to the sentiments of all their constituents, for throughout the United States there was but one opinion on this subject, and that was in unison with the motion. Having made the motion after due deliberation, he certainly should not withdraw it; but would submit it to the good sense of the House.

Mr. CORR moved the previous question. He thought the practice of dangerous consequence. It might produce much uncomfortable proceeding in that House. He was seconded by a number of members.

Mr. PARKER felt the highest esteem for the services of the Western army. He was intimate both with General Wayne and General Scott; but he disapproved of the practice upon principle. It was wrong in Mr. MURRAY to quote the proceedings in the Legislature of Virginia, where the Governor was in authority a mere cypher, because the two cases did not apply. The Federal Government was on a quite different footing, a mixture of monarchy, of aristocracy, and of democracy. The President represented the monarchical part. It was his business to give thanks, if requisite. If he himself was an officer in that army, Mr. P. said that he should be satisfied by the first thanks, those in the Answer to the President. He would be hurt by the second as uncon-

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stitutional. What if, in the mean time, General Wayne and his army may have committed some error that requires an inquiry, and the House are to go into it with this vote of thanks staring them in the face! It had been said by Mr. SMITH, that if we had been sitting in September, when this news arrived, a vote of thanks would have been passed immediately and unanimously. I believe no such thing (said Mr. P.) We should have recommended such a step to the President.

Mr. GILES said, that if there ever could have been any doubt as to the impropriety of the resolution, that was now removed, [alluding to the speech of Mr. PARKER.] He thought that the gentleman [Mr. CORR] who moved the previous question had acted from the best motives. Two gentlemen [Mr. GILES referred to Mr. SEDGWICK and Mr. AMES] had recommended an appeal to feeling. We are sent here to reason. A gentleman [Mr. SEDGWICK] says that he has feelings which he cannot express. Let him strive to express them. It is not expected that a member is to express all that he may feel on every subject.

Mr. MURRAY said he thought the present resolution proper, unexceptionable, and as the fate of this question would have an effect on the motion for thanks to the militia, which he brought forward yesterday, he hoped it would succeed, and that its mover [Mr. SMITH, of South Carolina] would not withdraw it. Gentlemen who are against the vote have talked of precedent. If an example would serve their feelings with a stimulus, he would take the liberty of calling their attention to a page he had in his hand, in which they would find that some of our constituents have got the start of us, for the House of Delegates of Virginia had very properly considered the conduct of their Governor [Mr. LEE] in a light which merited their thanks for his acceptance of the command of his fellow-citizens against the insurgents. Mr. M. read the vote from a newspaper, which was a unanimous one. He said he considered this circumstance as extremely auspicious to both votes.

He said he had no objection to consider the practice as founded in principles which would bear examination. He thought it more necessary in the administration of our Government—the great basis of which was public opinion—than in that of any other which he had read or heard of. Here our theories have made a bold appeal to the reason and feelings of our fellow-citizens. Neither titles, nor hereditary honors, nor crosses, nor ribands, nor stars, nor garters, are permitted or endurable. Neither would they be accepted here were they offered. We had but two ways, as far as his knowledge then served him, of rewarding or acknowledging great displays of public virtue. One way is by vote in money; the other by thanks expressed by vote, or presented and perpetuated in some memorial, as in a medal. The first is unequal, as the fortunes of men differ, so would such reward not be equally valuable to all its objects, and were it practicable to apportion this reward agreeably to the fortunes of men, there

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is a something ill-assorted in it with the idea of honorable ambition; nor did he think there was any good man who had a spark of what is called sentiment in his bosom, who would not say the reward was not only lame for want of uniformity, but defective in point of taste in its spectacle. He believed much in the sense of duty as a motive to good and reasonable services, and that an enlightened mind would feel the close alliance between interest and duty; but he held reward to be essential, politically considered, to the practice of great virtue, taking men as you find them. Not that money can be an adequate reward; it was therefore that he wished to see a style of acknowledgment derived both from the genius of the Government and congenial with the passions which work on the side of virtue—a mode as far removed from mere avarice as it was nearly associated to the movements of the most elevated minds. He readily yielded his belief that the gentlemen who were unwilling to adopt the practice fully admitted the merits to which they did not think it expedient to give a vote of thanks; but the precedent, founded expressly on the principle, that in no case of the greatest events are we to give thanks to the agents in them, will absolutely strip the Government of the only power its Constitution admits of conferring deserved distinction. He thought that public gratitude was a great fund, which if judiciously and delicately economized, might be rendered a source of great and good actions. It is an honor both to the nation that can feel and express it, and to those who receive it. He did not think it ought to be lightly drawn on, and hoped a line which it was more easy to conceive than draw, would be adopted by the House to save the Legislature from those perilous occasions which would lessen its value, and that no member would ever move a vote of thanks but upon the happening of some event so strikingly great and useful as to carry but one opinion. The two events designated at present (for he saw both votes were to have one fate) were great, highly interesting, and carried but one opinion. The army under General Wayne had gained a brilliant victory. It was, he believed, the first great victory that had attended the arms of the United States since the adoption of the Constitution. That army merited the thanks of their country, and we may say so. They had not only gained victory and fame, but had earned them in a solitude where the voice of fame could not be heard; in a profound wilderness, where neither the soothing of just ambition can reach them, nor the smiles of social and civilized life can comfort them after their severe labors.

The militia, both officers and men, in "quelling the insurrection," had displayed the wisdom and virtue which the Constitution had anticipated; had eminently deserved the most public testimony to their good conduct. Shall we, as we certainly feel this to be true, be deterred from expressing what we feel, because the folly of a future moment may possibly betray us into an undue multiplication of thanks, or because we

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may be harassed by a fatiguing succession of calls upon our gratitude? There could be little fear that great events would crowd too fast upon our feelings, and take up our time by applause, and he believed his constituents would readily admit the importance of two such events as some excuse for the time we consume in celebrating them.

In favor of the principle, we are supported by the example of the old Congress, by the practice of all nations, and by the known character of human nature in all cases and everywhere. The ancients and the moderns, by a variety of inventions and of policy, analogous to our object, endeavored to enlist all the passions in the public service. The old Congress understood the springs that work in great events, and though there was in the glorious Revolution which they guided, an ardor in the public mind that needed little aid, they did not disdain an appeal to the just pride and ambition of the individual; that the motives to public virtue might be multiplied, they in many instances took care that great events and services should be attended by some small but inestimable memorial.

Mr. ARKS.—The apprehensions of the House have been attempted to be alarmed, as if they were pushed to adopt hastily and unguardedly some dangerous new principle. The practice of all public bodies without exception, has been to express their approbation of distinguished public services. Instead of establishing a new principle, the attempt is now made to induce us to depart from an old one. Nay, the objection taken altogether is still more inconsistent and singular, for it is urged, the Answer of the House to the President's Speech has already expressed our approbation of the conduct of General Wayne and his army. It is, say they, superfluous to express it again. The argument opposed to the vote of thanks stands thus: It is a dangerous new principle, without a precedent, and without any just authority from the Constitution, to thank the army; for, the objectors add, we have in the Answer to the Speech expressed all that is contained in the motion. It is unusual to quote precedent, and our own recent conduct to prove a motion unprecedented, and to prove a measure new and dangerous because it has been adopted without question or apprehension heretofore.

The thanks of this body addressed directly to the army will be much more acceptable than an opinion concerning them in our Answer to the Speech, and which they may not happen ever to hear of.

It has been said, with an air of triumph, that we are to be guided by reasoning, not feeling, as if I had made an attempt by an appeal to the latter to lead the House astray. This observation appears to have made some impression, and it is proper therefore to notice it.

Reason is the test of what is true and what is useful. When our interests are depending on a vote, we cannot be too circumspect to avoid the intrusion of our feelings. During the last session the opposers of the measures which were then

urged upon the House, used all their endeavors to expose their injurious tendency. Some of those who would now pass for all reason, made a boast then of being all feeling. Then they reproached us with an unchangeable adherence to what we thought the interests of the country: on such questions, where error may be ruin, the passions turn traitors. On such occasions we had our feelings, but we thought ourselves bound by all that we owed to duty and our country to suppress them. It was then proper to be cool, considerate, and cautious.

But is the present question of such a nature? It has nothing to decide respecting the abstract truth of the proposition, for the assertion contained in the vote of the merit of the army is undeniable; it cannot be opposed by any plea of public duty, for it is not an act of authority, nor will it affect any one interest or right of society.

It is simply a question of mere propriety; and is it a novelty, is it anything to alarm the caution of the House, that such questions are always to be decided by feeling? What but the sense of propriety induces me to perform to others the nameless and arbitrary duties, and to receive from others the rights which the civilities and refinements of life have erected into laws? In cases of a more serious kind, is not sentiment the only prompt and enlightened guide of our conduct? If I receive a favor, what but the sentiment of gratitude ought to direct me in my acknowledgments? Shall I go to my benefactor and say, Sir, I act coolly and carefully; I will examine all the circumstances of this transaction; and if upon the whole I find some cause of gratitude, I will thank you. Is this gratitude or insult? The man who affects to hold his feelings, and his best feelings back for this cold-blooded process of reasoning, has none. He deceives himself, and attempts to deceive others, if he pretends to reason up or to reason down the impressions which actions worthy of gratitude and admiration make upon his heart. Was it necessary to wait for the joy and exultation which the news of the victory of General Wayne instantly inspired, till we could proceed with all due phlegm and caution to analyze it? The gentleman from Virginia [Mr. NICHOLAS] has not even yet received the impressions which are so natural and so nearly universal; for he has insisted that the army has only done its duty, and therefore it is improper to express our thanks. Indeed, it has done its duty, but in a manner the most splendid, the most worthy of admiration and thanks. That gentleman has also expressed his doubts of the very important nature of the victory, and one would suppose it was thought by many a very trivial advantage that is gained. It is such an one, however, as has humbled a victorious foe; as has avenged the slaughter of two armies; as gives us the reasonable prospect of a speedy peace. Can we desire anything more ardently than a termination of the Indian war?

The same gentleman, or some other opposing the vote of thanks, has said, if our armies have done well, they are paid for it, as if money was

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the measure and the recompense of merit. No, sir, our soldiers did not reason coldly (as we are now exhorted to do) in the day of battle. When the war-whoop would have shrunk hearts that had nothing more than reasoning on their wages and their services to animate them, did our brave soldiers think only of their ninetence a day? If they had, we should not have had this occasion to offer to them the thanks of the nation.

A soldier, of all men, looks to this kind of recompense for his services; and surely, to look to the approbation and applause of his country, is one means of keeping alive the sentiments of citizenship which ought not to be suffered to expire even in a camp. Shall we make it an excuse for refusing to pass this vote that we establish the principle of thanking nobody? Is not this, as a principle, as novel, as improper, as that which alarms our opponents? And shall we establish it as a principle against the known practice of other assemblies and of this, and against the intrinsic propriety of the case, merely because we think our discretion will not be firm enough in future to prevent the abuse of the practice? Scarcely any abuse could have a worse influence than the refusal to adopt this vote, because, should the negative prevail, what would the army believe? Would they not say, a vote of thanks has been rejected? It is said we have not done much, and what we have done is merely our duty, for which we receive wages?

The debate has taken such a turn, that I confess I could have wished the motion had not been made. For the most awkward and ridiculous thing in the world is to express our gratitude lothly. But at least it offers to those who fear that votes of thanks will be too frequent, some security against their apprehensions. Would any man risk the feelings and character of his friend by an attempt to force a vote of thanks by a bare majority through the House? No, an ingenious mind will shrink from this gross reward. If there is any force in the precedent it is feared we are now making, it will operate more to deter from than to invite the repetition.

Mr. DEARBORN was in favor of the original motion. In addition to some remarks relative to the Republicanism of the idea of the Representatives of the people thanking the armies of the people for their prowess and victories, he compared the argument against the resolutions on the score of abuse to a miser's excusing himself from the practice of charity, lest he should bestow it on unworthy objects.

Mr. RUTHERFORD was opposed to the previous question. He hoped the resolution of thanks would pass without a dissenting voice.

The previous question was now called for, by five members, viz: "Shall the main question to agree to the said resolution, be now put?" And

On the previous question, "Shall the said main question be now put?" it was resolved in the affirmative—yeas 52, nays 36, as follows:

YEA.—Fisher Ames, James Armstrong, Abraham Baldwin, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, William

J. Dawson, Henry Dearborn, Gabriel Duval, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gillespie, Henry Glenn, James Gordon, Christopher Greenup, Andrew Gregg, Samuel Griffin, William Barry Grove, George Hancock, Daniel Heister, Henry Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lynna, Francis Malbone, William Montgomery, Peter Mulenberg, William Vans Murray, Joseph Neville, Andrew Pickens, Robert Rutherford, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, William Smith, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gaasbeck, Peleg Wadsworth, John Watts, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—Theodorua Bailey, John Beatty, Thomas Blount, Elias Boudinot, Thomas Claiborne, Joshua Coit, Isaac Coles, George Dent, Samuel Dexter, William R. Giles, Nicholas Gilman, Carter B. Harrison, John Heath, James Hillhouse, John Hunter, Richard Bland Lee, Matthew Locke, Nathaniel Macop, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Francis Preston, John S. Sherburne, John Smilie, Israel Smith, Zephaniah Swift, Thomas Tredwell, Abraham Venable, Francis Walker, and Artemas Ward.

And then the main question being put, that the House do agree to the said resolution, it was

Resolved, unanimously, That the thanks of this House be given to the brave officers and soldiers of the legion under the orders of Major General Wayne, for their patience, fortitude, and bravery.

Resolved, unanimously, That the thanks of this House be given to Major General Scott, and to the gallant mounted volunteers from the State of Kentucky, who have served their country in the field, during the late campaign, under the orders of Major General Wayne, for their zeal, bravery, and good conduct.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to transmit the foregoing resolutions; and that Mr. WILLIAM SMITH and Mr. MURRAY be appointed a committee to wait on the PRESIDENT therewith.

On motion of Mr. MURRAY,

Resolved, unanimously, That the thanks of this House be given to the gallant officers and privates of the Militia of the States of New Jersey, Pennsylvania, Maryland, and Virginia, who, on the late call of the PRESIDENT, rallied round the standard of the laws, and, in the prompt and severe services which they encountered, bore the most illustrious testimony to the value of the Constitution, and the blessings of internal peace and order; and that the PRESIDENT be requested to communicate the above vote of thanks in such manner as he may judge most acceptable to the patriotic citizens who are its objects.

Ordered, That Mr. WILLIAM SMITH and Mr. MURRAY be appointed a committee to wait on the PRESIDENT with the foregoing resolution.

FRIDAY, December 5.

Ordered, That the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of

January, seventeen hundred and ninety-four, enclosing the copy of a Letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also the petitions of Thomas Person and others, proprietors in lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, which was made to this House on the 19th of February last, be committed to a Committee of the Whole House on Monday next.

The House resolved itself into a Committee of the Whole House, on the bill for the relief of Peter Covenhoven; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time on Monday next.

The House resolved itself into a Committee of the Whole House on the estimates of appropriation for the service of the year 1795; and, after some time spent therein, the Committee rose and reported the following resolution; which was twice read, and agreed to by the House, viz:

Resolved, That, for the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-five, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated the several sums of money following, to wit:

[Here follows a list of all the appropriations, amounting, in the whole, to \$3,352,250.]

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. FITZSIMMONS, Mr. SHARPSHUR BOURKE, and Mr. GRIFFIN, do prepare and bring in the same.

Ordered, That the Committee of the Whole House to whom was committed the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, and called into actual service, and for other purposes, be discharged from the further consideration thereof; and that the said bill be recommitted to Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, and Mr. VAN CORTLANDT.

The House resolved itself into a Committee of the Whole House on the motion of the third instant, "that provision be made by law, for compensating the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania," and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from further proceeding on the said motion, and that so much of the Speech of the PRESIDENT OF THE UNITED STATES as relates to the subject-matter thereof, be committed to Mr. HULLHOUSE, Mr. FINDLEY, Mr. LYMAN, Mr. WATTS, and Mr. WILLIAM SMITH.

The House resolved itself into a Committee of the Whole House on the report of the Committee to whom was referred that part of the Speech of the PRESIDENT, which relates to the improvement of harmony with the Indian nations, within the limits of the United States, by fixing and conducting of trading houses; and, after some time spent therein, the Committee rose and reported the fol-

lowing resolution, which was twice read, and agreed to by the House, viz:

Resolved, That ——— dollars be appropriated for the purpose of carrying on trade with the Indian nations.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. PARKER, Mr. BLOUNT, Mr. BOUNDNOT, Mr. FINDLEY, and Mr. GREENUP, do prepare and bring in the same.

MONDAY, December 8.

An engrossed bill for the relief of Peter Covenhoven, was read the third time and passed.

Ordered, That a committee be appointed to examine and report what proceedings have been had under the act of Congress, entitled "An act for making further and more effectual provision for the protection of the frontiers of the United States," passed the 5th of March, 1792; also, to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

And a committee was appointed of Mr. NICHOLAS, Mr. DEARBORN, and Mr. SMILE.

Ordered, That a committee be appointed to prepare and bring in a bill to amend the act, entitled "An act to establish a uniform rule of Naturalization," and that Mr. MADISON, Mr. DEXTER, and Mr. CARNES, be the said committee.

Mr. PRESTON, from the committee to whom was referred the petition of sundry inhabitants living between the lines commonly called Walker's and Henderson's lines, made a report, which was read: Whereupon,

Resolved, That a law should pass, establishing Walker's line as the Southern boundary between the State of Virginia and the Territory of the United States South of the river Ohio, reserving to the said inhabitants their claims to lands lying between the said lines, according to the laws of the State under which they claim.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. PRESTON, Mr. WINSTON, and Mr. PICKENS, do prepare and bring in the same.

Mr. FITZSIMMONS from the committee appointed, presented a bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-five; which was read twice and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the Report of the Secretary of War, respecting the fortifications of the United States.

The first resolution of the report was then read; and, after some further discussion, the Committee rose, and the Chairman reported progress.

Mr. PARKER then moved that the PRESIDENT should be requested to cause the proper officer to lay before the House a copy of instructions to the superintendents and engineers for the erection of the fortifications in the ports and harbors of the

United States. A committee was accordingly appointed to wait on the PRESIDENT.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to establish a uniform system of Bankruptcy throughout the United States; and that Mr. WILLIAM SMITH, Mr. SEDGWICK, and Mr. VENABLE, be the said committee.

Ordered, That a committee be appointed to prepare and bring in a bill or bills to authorize the PRESIDENT OF THE UNITED STATES to receive on loan a sum not exceeding two millions of dollars, at a rate of interest not exceeding five per cent., payable at the pleasure of the United States; and that Mr. FITZSIMMONS, Mr. HINDMAN, and Mr. COLES, be the said committee.

A message from the Senate informed the House that the Senate have appointed a committee on their part, jointly, with such committee as may be appointed on the part of this House, to examine and report what business is necessary to be done during the present session; the Senate have also passed a bill, entitled "An act to amend and explain the twenty-second section of the act 'Establishing the Judicial Courts of the United States,'" to which they desire the concurrence of this House.

Mr. W. SMITH immediately remarked that it would be necessary to appoint three prophets to confer with the committee of the Senate.

Mr. SEDGWICK moved that the House should agree to the motion of the Senate.

Mr. DAYTON said, that it was beyond the abilities of any committee to comply with such a requisition. He himself had several matters to propose, that he had never yet mentioned; and he could not be one of the committee, for he was on two committees already. But, besides that, other gentlemen are daily bringing up new business, which they think of importance. He mentioned, as an instance, the unexpected motion just now made by a gentleman from Virginia, [Mr. MADISON,] on the Naturalization Bill, which seemed to meet the universal concurrence of the House. Six weeks hence there may be a shadow of propriety in such a request from the Senate.

Mr. SEDGWICK defended his motion as a matter of civility.

Mr. W. SMITH said, that such a message had a very odd appearance from the Senate. It was but ten or fourteen days since they had formed a quorum, and now they are inquiring when are we to adjourn?

Mr. SEDGWICK said, they have not asked this question.

Mr. SMITH replied, that this was the intention of the message. He himself would, perhaps, have important business, two or three weeks hence, to bring forward from his constituents, but it was impossible for him to give an account of it just now.

The House had, two or three days ago, told the PRESIDENT that they were going to consider the subjects recommended in his Speech, and now they are called on to conclude the business.

Mr. SEDGWICK withdrew his motion.

The last-mentioned bill in the message was read twice, and committed.

Ordered, That a committee be appointed to consider and report on the expediency of making further provision in the laws of the United States, relative to the cession of the jurisdiction by particular States, in lands where are established, or may by law be directed to be built and established, light-houses, buoys, and public piers.

And a committee was appointed, of Mr. COIT, Mr. TREDEWELL, and Mr. LEE.

TUESDAY, December 9.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to establish a uniform system of Bankruptcy throughout the United States; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the support of Government for the year one thousand seven hundred and ninety-five; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed and read the third time to-morrow.

Mr. FITZSIMMONS, from the committee appointed, presented a bill authorizing a loan of two millions of dollars; which was twice read and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate entitled "An act to amend and explain the twenty-second section of the act 'establishing the Judicial Courts of the United States.'"

The bill was reported to the House without amendment, read the third time, and passed.

Mr. W. SMITH rose and said, that he had in his hand a letter from Magdeburgh, in Germany, addressed to the Congress. A number of families there wanted to emigrate into this country, but before they ventured on that step, they wished to have answers to several queries, which they proposed. One of these excited a general smile in the House. It was, whether there was in America a quick demand for Physicians and Divines? Some other queries went to ascertain whether money could be borrowed, if it should chance to be wanted, for carrying on manufactures, such as tan works. Mr. S. said, that having received this letter, addressed to Congress, he had thought it his duty to read a translation of it to the House.

The SPEAKER [Mr. Muhlenberg] informed the House that there was an incorporated German Society in Philadelphia, who had already sent to Germany a full answer to every query of this kind, which could be put; and this paper had been published. But he would take care that the letter should have a proper answer. [The SPEAKER himself is the President of this Society.]

The House resolved itself into a Committee of the Whole House on the report of the committee on the Message of the PRESIDENT OF THE UNITED STATES, of the thirtieth of January last, enclosing the copy of a letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as, also, the petitions of Thomas Person and others, proprietors of lands in the Ter-

ritory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina; and, after some time spent therein, the Committee rose and reported progress.

THE MINT.

The House then took up the motion of Mr. Corr, relative to the Mint. The letter of Mr. Rittenhouse, referred to yesterday, was again read.

Mr. Boudinot drew the attention of the House for some time, by a series of the most interesting observations. He went to the Bank of the United States to inquire for cents. He was told that there were none to be had, because the Bank could not get them from the Mint. He then went to the Mint, where he was informed that cents were not coined faster, because the officers of the Mint did not know where to get them vented. He said that this Mint cost twenty-four thousand dollars per annum, and every cent coined there cost the public several cents, though he could not exactly tell how many. In New Jersey far more cents had been coined in a few months than had ever been coined altogether at the Mint of the United States, and this had been done at one fortieth part of the expense which the Mint of the United States has cost.

Several other members adverted to the prodigious inconvenience which is felt all over the Union for want of copper coin; and it appeared to excite some curiosity, on what foundation the officers of the Mint said that they could not get their cents vented. It was remarked by Mr. W. Smith that, except as to Philadelphia, the Mint is of little or no use whatever. The cents given out never go farther than the city.

A committee of three members were appointed to examine and report on the state of the Mint, and what means may be used to render the institution more beneficial to the United States.

WEDNESDAY, December 10.

An engrossed bill making appropriations for the support of Government, for the year one thousand seven hundred and ninety-five, was read the third time, and passed.

An engrossed bill authorizing a Loan of two millions of dollars was read the third time, and passed.

A petition of William Rotch and Sons, of Nantucket, in the State of Massachusetts, was presented to the House and read, praying that they may be exonerated from the payment of the duties imposed on foreign vessels, to which they will be subjected, in the case of the ships Maria and Diana, the property of the petitioners, which, being absent from the United States, were not registered within the time prescribed by law. Also,

A petition of Epaphras Jones, of the city of New York, in behalf of himself, Stephen Gorham, Shubal Gorham, Charles Selden, of the said city, merchants, and owners of the brigantine called the Peru, of New York, praying that the Collector of the port of New York may be authorized to receive the oaths of the said Stephen Gor-

THURSDAY, December 11.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to you, for consideration, a representation made to me by the Secretary of the Treasury, on the subject of constituting an officer to be specially charged with the business of procuring certain public supplies.

G. WASHINGTON.

UNITED STATES, December 11, 1794.

The said Message and representation were read, and ordered to lie on the table.

Mr. GILLES, from the committee to whom was re-committed the bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes, reported an amendatory bill; which was twice read, and committed to a Committee of the Whole House immediately.

The House accordingly resolved itself into the said Committee; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a Letter and Report from the Secretary of War, respecting the difficulties and inconveniences which had occurred in the execution of the act, entitled "An act more effectually to provide for the national defence by establishing a uniform Militia throughout the United States," in pursuance of a resolution of this House, of the 25th ultimo; which were read, and ordered to be referred to the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining the Militia of the United States.

Mr. PUESOT, from the committee appointed, presented a bill for determining the Northern boundary of the Territory ceded to the United States by the State of North Carolina; which was twice read, and committed.

Mr. HULLHOUSE, from the committee to whom was referred that part of the Speech of the PRESIDENT OF THE UNITED STATES, which relates to the policy of indemnifying the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased; and, after some time spent therein, the Chairman reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

FRIDAY, December 12.

An engrossed bill to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes, was read the third time, and passed.

An engrossed bill to authorize the officers of the Treasury to audit and pass the account of the late Edward Blanchard, deceased, was read the third time and passed.

A petition of George Gibbs, of Newport, in the State of Rhode Island, merchant, was presented to the House and read, praying that he may be allowed the drawback of the duties on a quantity of wines exported to Calcutta, in the East Indies, in December, 1790, and of which, owing to unavoidable circumstances, he has not been able to produce the certificates required by law to cancel the bond given on the exportation of the same.

Ordered, That the said petition be referred to the Committee of Claims.

The House proceeded to consider the report of the committee on the memorial of Tobias Rudolph, representative of John Rudolph, deceased, which was made to this House on the 23d day of April last. Whereupon,

Ordered, That the accounting officers of the Treasury be authorized to accept the vouchers produced in support of the claim of John Rudolph, deceased, late a Major in Lieutenant Colonel Lee's legion of the Continental Army, and to pay the amount of the said claim to Tobias Rudolph, as the legal representative of the deceased.

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. CHASTAINE, Mr. SHERBURNE, and Mr. BAILEY, do prepare and bring in the same.

BALANCES DUE THE UNITED STATES.

Mr. HEATH next read the following resolution:

"Resolved, That the Secretary of the Treasury cause to be laid before the House a statement of the balances remaining unpaid, if any, which may have been due by individuals to the United States, previous to the 4th of March, 1789, and whether any, and what steps have been taken to recover the same. And also a statement of the sundry sums of public money, which may have been intrusted to individuals previous to the said 4th day of March, 1789, and have not been accounted for."

Mr. HEATH introduced this resolution, with some remarks on the impropriety of making new Loans, if anything could be had from the debts due to the United States.

It was agreed to take up the resolution.

Mr. SENEWICK moved to refer it to a select committee. He observed that a gentleman who was not at present here, [Mr. JEREMIAH WADSWORTH,] and who knew more of the public accounts of the United States than any gentleman in the House, had always opposed motions of this kind. He gave as a reason that people could not get their accounts settled with the Treasury after waiting months. This arose from the confusion and loss of documents; and it would be wrong to be hasty in publishing them as debtors.

Mr. FRIZMONS said that ever since the new Government had been established, ten or twelve clerks had constantly been employed in endeavoring to settle these accounts between the United States and individuals. He was not sure but these debts had cost more trouble to the United States than they are worth. Some people are stated in the books of the United States as debtors to the extent of millions, who call themselves creditors to the United States. He moved another resolution, which would answer all the purposes intended by Mr. HEATH; and this was, that a committee should be appointed to inquire what progress had been made in the settlement of public accounts, whether any further measures were wanted to expedite the business, and to get a state of balances due.

Mr. HEATH withdrew his motion, and a committee of five was appointed agreeably to the resolution proposed by Mr. FRIZMONS.

PAY OF MILITIA OFFICERS.

The House then took up the following resolution, laid on the table yesterday by Mr. BLOUNT, that a committee be appointed to bring in a bill for regulating the pay of commissioned officers of the Militia of the United States, viz.:

"Resolved, That a committee be appointed to bring in a bill to regulate the pay and allowances to the commissioned officers of the Militia of the United States."

Mr. BLOUNT said, that the low pay of the soldiers in the militia was not a cause of greater discontent than the high pay of the commissioned officers.

Mr. BLOUNT moved that the House should go into a Committee of the Whole on this subject. Mr. PARKER was in favor of the House going into a Committee.

Mr. FRIZMONS was for a select committee, in the first place, because he thought it improper to plunge into so wide a subject at once, without any rule or principle to direct them.

Mr. CLAIRBORNE argued for a select committee in the first place. He said that four thousand and fifty-seven dollars per annum were given to a Major-General, which would be sufficient for paying twenty-eight or twenty-nine men. This was an absurdity, and the Army were sick of it. He wanted a select committee first, that some kind of shape might be given to the resolution.

Mr. B. BOURNE had never heard any complaints against the pay of the militia officers as being too high. He had heard complaints on many other payments made by Government—such as the six dollars a day to members of that House. He would think it very improper to make any distinction between the pay of officers in the militia, and the other troops. We have been raising the pay of the privates in the militia somewhat above that of the regulars; and now it is proposed to reduce the pay of the militia officers below that of the regulars. He thought that all this had somewhat of an odd appearance.

The resolution was referred to a Committee of the Whole on Monday.

The House resolved itself into a Committee of the Whole House on the motion of the 10th instant, making provision for effecting the transfer of so much of the stock standing to the credit of any State, to creditors of such State, as may be necessary to satisfy their respective demands; and, after some time spent therein, the Chairman reported that the Committee had had the said motion under consideration, and made no amendment thereto.

The said motion was again read, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, That provision be made for effecting the transfer of so much of the stock standing to the credit of any State, pursuant to the report of the Commissioners for settling accounts between the United States and individual States, to creditors of such State, as may be necessary to satisfy their respective demands, with the consent of the said State, and its creditors.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. BENJAMIN BOURNE, Mr. SWIFT, and Mr. VAN GAASBECK, do prepare and bring in the same.

MONDAY, December 15.

Two other members, to wit: from Virginia, JOHN PAGE; and from North Carolina, BENJAMIN WILLIAMS, appeared, and took their seats in the House.

Mr. NICHOLAS, from the committee appointed, to examine and report what proceedings have been had under the act "For making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States, made a report which was read, and ordered to be committed to a Committee of the Whole House tomorrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of William Dewees; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to no resolution thereupon.

Resolved, That the petition of the said William Dewees be rejected.

Mr. CHASTINE, from the committee appointed, presented, according to order, a bill for the benefit of Tobias Rudolph, representative of Major John Rudolph, deceased, which was twice read, and committed.

PAY OF THE MILITIA OFFICERS.

The House resolved itself into a Committee of the Whole House on the motion of the 12th instant, "that a Committee be appointed to bring in a bill to regulate the pay and allowances to the commissioned officers of the Militia of the United States."

Mr. SEDGWICK never had been in the militia, and he was very sure that he never should be, but this did not hinder him from feeling when they were hardly treated. It would depress, discourage, and disgust militia officers, to see the regulars better paid than themselves.

On the suggestion of Mr. MÜHLENBERG, (the Speaker,) the original resolution was restricted to these words:

"Resolved, As the opinion of this Committee, that the pay of the militia officers ought to be reduced."

Mr. BLOUNT, Mr. FINDLEY, and Mr. ROTHERFORD, were for the reduction. The latter gentleman was adverse to the great distinction in the pay of officers and soldiers, as, from its extreme inequality, too much resembling Monarchy.

Mr. HEATH was opposed to the motion on the table. He thought that it would have an effect to damp that military ardor which the House had experienced in the recent example before them in their militia, who might be called on again to resume their tour of duty. A comparative reasoning cannot be drawn with justice and truth, from the pay fixed by Congress in 1775, for the regular army. That was a time, when the citizens of America embarked in the common cause of their country upon a revolutionary ground more than from pecuniary motives; but now, when the country has a permanent independent Government, there ought to be a better reason given for reducing the pay of the militia officers, than has been already adduced in the debate. If this resolution obtains it will have another pernicious effect. It would badly reward this great body of our militia, to be called from their homes, upon the spur of an occasion, under manifold difficulties and inconveniences; every one must, at the same time, confess that the militia are the great bulwark of our Republic. This resolution might, in the end, tend to make them inferior and subordinate to the present small Military Establishment of the United States. Most of the militia go into the army professionally to continue. This is not the case with the militia, whose time of service expires with the tour.

After some further remarks from different gentlemen, the Committee disagreed to the resolution. The Chairman reported that they had come to no resolution; and the question was then taken on the report of the committee, to which the House agreed.

The yeas and nays were taken, and were—yeas 50, nays 29, as follows:

YEAS.—Fisher Ames, Abraham Baldwin, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Gabriel Christie, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Samuel Dexter, Gabriel Duvall, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Andrew Gregg, Samuel Griffin, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, John Wilkes Kittera, Richard Bland Lee, Francis Malbone, Peter Muhlenberg, William Vans Murray, Joseph Neville, Alexander D. Orr, Andrew Pickens, Francis Preston, Thomas Scott, Theodore Sedgwick, John S. Sherburne,

Jeremiah Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaaubeck, Peleg Wadsworth, John Watts, and Richard Winn.

NAYS.—James Armstrong, Theodorius Bailey, Thomas Blount, Thomas Claiborne, William J. Dawson, William Findley, James Gillespie, Christopher Greenup, William Barry Grove, George Hancock, Carter B. Harrison, Matthew Locke, Joseph McDowell, Alexander Melane, William Montgomery, Andrew Moore, Anthony New, Nathaniel Niles, John Page, Josiah Parker, Robert Rutherford, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, and Joseph Winston.

The resolution for reducing the pay of the officers of the militia was therefore rejected.

CLAIM OF STEPHEN SAYRE.

It was next moved, that the House go into a Committee on the report of the Secretary of State on the petition of Stephen Sayre. The House resolved itself accordingly—Mr. COBB in the Chair.

Many objections were made to the claims of this gentleman.

Mr. BOURNOR said, that Mr. Sayre assumed the merit of the armed neutrality to himself, and this position was unfounded. The armed neutrality arose from a misunderstanding between two Russian Ministers, that produced some intrigues ending in this measure. He condemned the silence of Mr. Sayre, while Mr. ARTHUR LEE and Dr. FRANKLIN were alive; as they would have been the most effectual evidences in his favor.

Mr. PARKER explained that, during a long interval, Mr. Sayre was not in this country, and therefore had not an opportunity to make the use proposed of their testimony.

Mr. SWIFT disbelieved what Mr. Sayre, in one part of his memorial, alleged, viz: that he, by his own personal influence, had persuaded the King of Prussia to set on foot the armed neutrality. As he firmly believed that this part of the memorial was not true, Mr. S. thought himself entitled to doubt the correctness of other parts of it.

Mr. HILLHOUSE, Mr. CORR, and some other members, also spoke. It was observed that the Committee were, in some material particulars, uninformed, and that it would be better for the Committee to rise, and the Chairman to ask leave to sit again. The Committee rose accordingly.

Mr. MADISON, from the committee appointed, presented a bill to amend the act, entitled "An act to establish an uniform rule of Naturalization;" which was read twice, and committed.

The House again resolved itself into a Committee of the Whole House on the estimates of appropriation for the service of the year one thousand seven hundred and ninety-five; and, after some time spent therein, the Chairman reported that the Committee had again had the said estimates under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That there be appropriated for the

pay, subsistence, forage, and other expenses attending the militia in their late expedition to the western counties of Pennsylvania, a sum not exceeding — dollars.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. FIRZSIXONS, Mr. SHERRARD, BOURNE, and Mr. GRIFFIN, do prepare and bring in the same.

Ordered, That a committee be appointed to inquire if any, or what alterations ought to be made to the act, passed the 7th day of June, 1794, entitled "An act concerning invalids."

And a committee was appointed, of Mr. BOUNDARY, Mr. GREENUP, and Mr. GILLESPIE.

Ordered, That a committee be appointed to inquire how far the Post Office Law has been carried into execution, and to report thereon; and that Mr. BALDWIN, Mr. GROVE, and Mr. WINN, be the said committee.

Mr. WILLIAM SMITH, from the committee appointed to prepare and report a plan for the redemption of the Public Debt, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Thursday next.

TUESDAY, December 16.

A petition of sundry soldiers of the late Army of the United States, whose names are thereunto subscribed, was presented to the House and read, praying that the locations, which they have made of the respective proportions of lands due for their military services during the late war, in the second range of townships, on the river Ohio, together with the improvements thereon, may be confirmed to them, and grants issued for the same.

Ordered, That the said petition be referred to Mr. HARTLEY, Mr. PAGE, and Mr. WINSTON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Isaac Taylor and John Harvey, of the town of Newbern, in the State of North Carolina, merchants, was presented to the House and read, praying a remission of the duties accruing on a quantity of rum, sugar, and coffee, the property of the petitioners, which were consumed by fire, together with the storehouses in which they were deposited, in the months of October and November last.

Ordered, That the said petition be referred to Mr. PARKER, Mr. WILLIAMS, and Mr. OKR; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate and

of the House of Representatives:

I transmit to Congress the copy of a Letter from the Secretary of State, with his account, as adjusted with the Treasury Department, of the expenditure of moneys appropriated for our intercourse with foreign nations, up to the first of July, one thousand seven hundred and ninety four.

G. WASHINGTON.

UNITED STATES, December 16, 1794.

The said Message and papers were read, and ordered to lie on the table.

Resolved, That the PRESIDENT OF THE UNITED STATES be requested to cause a report to be laid before this House of the measures that have been adopted, pursuant to the act of the twenty-seventh of March last, for building ships; of the progress hitherto made; the compensation allowed to persons employed in the different branches of the business; together with an estimate of the expense for completing the same.

Ordered, That Mr. GILMAN and Mr. PRESTON be appointed a committee to wait on the PRESIDENT with the foregoing resolution.

Mr. FIRZSIXONS, from the committee appointed, presented a bill making appropriations for the expense of the Militia lately called into the service of the United States; which was twice read and committed.

MAJOR RUDOLPH'S CLAIM.

Mr. CHRISTIE moved that the House should go into a Committee, on the report from the select committee, for the relief of Tobias Rudolph, representative of the late Major John Rudolph, deceased. The House resolved itself into a Committee accordingly, Mr. COGG in the Chair.

The bill being read by the Clerk, Mr. MADISON proposed, as an amendment, to strike out the name of Tobias Rudolph, and leave it standing merely the representative of Major John Rudolph, because the House did not know whether this Tobias was the legal representative or not. This might hereafter become a legal question. The amendment was agreed to.

Mr. TRACY and Mr. SWIFT objected strongly to this bill, as breaking through an established rule. Mr. TRACY observed, that if the representative of Major Rudolph could not bring authentic evidence of his demand, that was no reason why he should obtain it without evidence. He was in that case an unfortunate person, but so were ten thousand others besides him.

Mr. DUVALL vindicated the justice of the demand. Major General Lee, and two other officers, attested that they had seen Major Rudolph pay the money out of his own pocket.

Mr. FIRZSIXONS recommended that there should be an alteration in wording the bill, and for this purpose to recommit it.

Mr. CARVES could not see the propriety of altering the bill. He thought that as much of it might be changed, if an alteration was at all necessary, without rising. The original documents had been carried off by the enemy; no better evidence could be got than what had now been offered. Mr. C. was for the bill as it stood.

Mr. SEDGWICK was against the bill, and Mr. NICHOLAS defended it.

Mr. TRACY inquired what right this person had to claim the debts due to a gentleman deceased? Was he administrator or executor? had he any more right than Mr. TRACY, or any body else, to seek this money.

Mr. CHRISTIE replied, that Mr. Tobias Rudolph was brother to the deceased, and legally authorized to claim debts due him.

Mr. VANS MURRAY was in favor of the bill, with a modification.

Mr. MONTGOMERY was entirely against the demand.

Mr. SEDGWICK thought that the people of this country never could be safe against claims, if those of the present kind were admitted. It might be hard on this representative of Major Rudolph, but it would be harder on the public at large, if this bill were to pass. A door will thus be opened to advance frauds on the Treasury faster than any Legislature can vote money to supply them. Is it proper to pay money on the evidence of a certificate from certain military officers, that fourteen years ago money was advanced by Major Rudolph? How could these gentlemen know that the Major had not previously been furnished with it? It was improper to urge the characters of the gentlemen here introduced as witnesses. They were no doubt highly respectable, but this instance might serve as a precedent for different characters. We must not yield to individual feelings, but adhere to general principles.

Mr. CHRISTIE had seen claims admitted which had not half the evidence that there is in this case. There could be no better evidence than was here produced. It had been alleged that there never was any case like this formerly before the House. The assertion was not true. It was not a fact that the case was unprecedented. He defied the member who spoke last, [Mr. SEDGWICK,] with all his ingenuity, to devise better evidence than that which had been here brought. He said there had been more time spent upon this question than the worth of the whole sum. He did not wish to detain the Committee. To put an end to the dispute, he should move at once for the Committee to rise and the Chairman to report progress. This was agreed to and done accordingly; but when leave was asked to sit again, the House refused, and the case was at last referred to the Committee of Claims.

CLAIM OF STEPHEN SAYRE.

It was then moved that the Committee of the Whole House be discharged from further consideration of the Report of the Secretary of State, on the memorial of Stephen Sayre. The resolution passed in the affirmative. It was next moved to refer it to the Committee of Claims, which was negatived—yeas 34, nays 46.

It was then moved and agreed to read the Report of the Secretary of State, on the claim of Mr. Sayre, which was done accordingly.

Mr. BOURNIXOR observed, that he was called upon to give his assent to a report of the special committee, for paying out of the Treasury a large sum of money, which he could not consistently do without examining into the facts, as they appeared from the vouchers on the table. Mr. Sayre's account amounted to upwards of £4,000 sterling—a sum which would certainly justify the attention of the Committee to the nature and circumstances of the demand. It is founded on an appointment (by our Commissioners in Europe) of Mr. Sayre in 1777, as Secretary to Mr. Arthur

Lee, then a Commissioner to the Court of Berlin. Mr. Sayre states that Mr. Lee staid at Berlin about five weeks, but that he himself remained five months. That in 1778, he went to other Courts in Europe at the request of the Commissioners, &c., for which he charges a salary at the rate of £1,000 sterling per annum. In May, 1777, he received 2,000 livres from Mr. Lee, which he credits in his account. It does not appear that any application was made for this balance to the Commissioners in Europe; but in April, 1785, the Secretary of Foreign Affairs reports to Congress on a petition presented by Mr. Sayre, claiming the balance of his account; and after stating the allegations of Mr. Sayre, declares his opinion that Mr. S. is entitled to a reasonable compensation for his services, but that a copy of the report should be sent to Dr. FRANKLIN and Mr. Lee, and that they should be requested to inform Congress in what manner and capacity, and on what terms, Mr. S. had been employed. Mr. Lee was a delegate in Congress, as appears from the Journals, from January 1783, till April, 1784, when he was appointed a Commissioner for Indian Affairs, to hold the treaty of Fort Stanwix; this Treaty is dated October, 1784. In August, 1785, Mr. Lee was chosen one of the Board of Treasury, (whose duty it became to report on all demands against the United States,) and continued in that office till 1789. Dr. FRANKLIN arrived in America some time about the year 1785 or 1786. In 1783, Mr. Sayre arrived in Philadelphia, and it was not till 1785 that he petitioned Congress, though Mr. Lee was a great part of that time one of that body. It does not appear that any application was made either to Mr. FRANKLIN or Mr. Lee, under the Report of the Secretary of Foreign Affairs, but in December, 1786, application was made by Mr. Sayre to Silas Deane, in England, who gave him a certificate of his appointment, a man whose emolument to the United States had placed him in a state of banishment from this country. Among other services also stated by Mr. Sayre, is his agency in bringing about the armed neutrality during the late war.

Mr. B. then reminded the Committee of the danger there was in determining on the state of facts of such long standing. That as to the armed neutrality, Mr. B. appealed to the historical knowledge of most of the gentlemen of the Committee, if this fact was possible? This extraordinary measure, it was well known, took its rise from the state of parties in the Court of Russia. One of the Secretaries of State, with the British Minister on one side, and the other Secretary on the other; and so secret was this transaction, that the first news the British Minister received of its existence, was from the announcing of it to his own Court. The next fact in which Mr. Sayre is mistaken, is the salary of the Secretary to a Commissioner. By the resolution of the former Congress, upon the Journals of 1780, (in his hands,) this salary is declared to be but £300 sterling per annum. Yesterday Mr. B. said he had suggested from his memory a slight remembrance of some charge of Mr. Lee in the settlement of his ac-

counts for the salary of his Secretary; and lest any one might be injured by his memory failing him, he had sent to the office for the copy of Mr. Lee's account, which he had before him, and stood thus: Compensation for services as Commissioner, from 1776 to 1778, at £500 sterling per annum, £1,638 17s. 9d. sterling. Secretary's salary from 25th March, 1778, to 25th March 1780, at £300 sterling per annum, is £600. By this account the salary of £300 is confirmed; and that he who was the principal had but £500, from whence the impropriety of his Secretary having £1000 must fully appear. It also appears, that he charged his Secretary's salary from March, 1778, which leads to the presumption that before this it had been settled. This presumption is strengthened by its appearing that Mr. S. had received 2,000 livres, which is about full pay for the three months and a half, at £300 per annum; and by the Committee's Report, it is not pretended that Mr. S. was more than four months on this mission. Mr. B. acknowledged that both the present Secretary of State and the select committee report the salary as having been at the rate of £1,000 sterling per annum. But they have been led to this mistake by taking up the salaries of the Secretary to the Minister Plenipotentiary at the Court of France. But it is extraordinary that the difference did not strike them. At the Court of France the Minister was acknowledged, and lived in the manner of other Ministers representing the sovereignty of their Nation, in which expenses their Secretary was in some measure involved; and accordingly the Minister was allowed £2,500 sterling per annum, and the Secretary £1,000. But in the present case the Commissioner, *tim incognita*, was not acknowledged, and received himself but £500, and his Secretary £300.

From this view of the matter, Mr. B. conceived the application stood precisely in the same terms it did when Mr. Jay reported on it to Congress in 1785, that is, as unsupported by sufficient proof. The certificate from Mr. Deane, adding no weight in the scale of evidence, and even if valid, goes no further than to the appointment, which no one doubts; but is silent as to the terms or what compensation had been made. For these reasons Mr. B. said he must give his negative to the resolution before the Committee, if supported only by the facts on the table.

The House then proceeded to consider the report of the Committee. Whereupon, The first resolution reported by the Committee, in the words following, to wit:

"Resolved, That the accounting officers of the Treasury be directed to audit and settle the account of Stephen Sayre, as Secretary to the Legation of the American Commission at Berlin; and that they allow him seven months' pay at the rate of one thousand pounds sterling per annum, with interest thereon till paid."

was, on the question put thereupon, disagreed to by the House.

The second resolution reported by the Committee, in the words following, to wit:

"Resolved, That Stephen Sayre, late Secretary to Ar-

thur Lee, one of the Commissioners from the United States at Berlin, be allowed the sum of ——— dollars, for extra services rendered the United States subsequent to the departure of Arthur Lee from the Court of Berlin."

was, on the question put thereupon, disagreed to by the House.

PENNSYLVANIA INSURGENTS.

It was then moved and seconded that the House should go into a Committee, on the report of the select committee, on that part of the President's Speech which recommended compensation to the sufferers by the insurgents in the Western counties. The House accordingly went into a Committee, Mr. Cobb in the Chair, and the report was read.

In the clause for making compensation to officers of Government, and other citizens, Mr. Nicholas was for striking out the three last words, and restricting indemnification to the officers of Government, as the additional words would make room for a set of claims which never could be satisfied or put to an end. It is now ascertained that the majority of the people of the four Western counties have always been in favor of Government; but, since it is so, they ought to have supported the insurrection, and saved the expense of sending an army into that country. But as they did not do so, Mr. N. did not see what claim they had for compensation any more than the sufferers in the war with Britain.

Mr. FIDLER thought that sound policy required an indemnification to the sufferers.

Mr. HULLHOUSE was in favor of the report of the Committee as it stood. The whole affair was but a trifle. He understood that the damages done by the rioters did not altogether exceed twenty thousand dollars; and that three-fourths of this sum was for losses sustained by officers of the revenue. The rest of the account was for persons who had fought in defence of the officers, or who had lodged and protected them. He observed that the whole of the select committee were of one mind upon the subject, and agreed in considering the other citizens as equally entitled to indemnification with the officers themselves.

Mr. NICHOLAS was still against the resolutions as originally worded. He did not see any proof of extraordinary attachment on the part of the claimants, nor any peculiar call on the justice of the House in this particular case.

Mr. W. SMITH said, that one man had his whole property burned for having, at the hazard of his life, assisted in attempting to defend the house of the Inspector General. A second received the same treatment for having lodged an excise officer; and a third, because he had antedecently been one himself, though he had quitted his employment before the riots began. Mr. S. urged that these were certainly peculiar and pressing cases, and that it would be highly impolitic not to protect such people.

Mr. GILBERT hoped that there would be no discrimination, but that all the sufferers would be alike reimbursed.

Mr. BOURDIXOR proposed a kind of compromise between the original resolution and the amendment by Mr. NICHOLAS. He proposed that the clause should read thus: "officers of the revenue, and other citizens aiding and assisting them." He was willing to indemnify persons who had actually suffered in defence of Government, but not other persons who might accidentally have been injured by the rioters.

Mr. DAYTON was of opinion that some restriction of this sort was necessary. Citizens were in duty bound to support Government, but the latter was not in all cases bound to indemnify their losses. Let any person go through any part of the country wherever British soldiers had marched, and he would find thousands and tens of thousands of people whose property had been utterly destroyed by the wanton barbarity of these troops. Go to another part of the country and you will find people who suffered very considerably by the American soldiers, when Government did not give them an ounce of bread for pounds that they should have had. It was not possible to make satisfaction to all these people.

Mr. SEBASTIAN said it was extremely disagreeable to attempt detaining the Committee with this subject, to which they discovered such general inattention, that he did not know if it had ever been equalled in any popular assembly before. He again adverted to an argument which he had used on a former day, viz: that when a private person, at the risk of his property and his life comes forward to support the execution of the laws, his service was much more meritorious, and demonstrated a much greater degree of patriotism than that of a revenue officer who was paid for his share of the business. He inferred that the sufferers by the Western rioters should all be equally indemnified.

Mr. HULLHOUSE repeated some of his former reasons for wishing to discharge the whole claims. He was therefore against the qualified amendment of Mr. BOURDIXOR.

Mr. SWIFT was against the amendment of Mr. BOURDIXOR, because he was against giving at present any thing at all. He would suffer the persons who have sustained injury from these rioters and trespassers to prosecute them at law. If they cannot get any retribution in that way, then, and not sooner, you may begin to consider upon the propriety of giving any compensation; but till the parties aggrieved have done their utmost in that way, he would have no steps whatever taken of the nature proposed. It had been alleged that the House might advance money in the meantime to the sufferers, and leave them to their actions against the rioters. But if you pay a man for his damages, what security is there that he will follow up his suit; or is it not evident that such previous compensation will greatly damp his ardor?

Mr. S. said, that if previous notice were given of Government being ready to pay the damages, in cases they could not be recovered before a court of law, there certainly never would be found a jury to bring in a verdict against a private person. For this reason Mr. S. was entirely against the resolution.

tion at this time. What he might do hereafter, he would not say. There was only one case wherein he could be induced to advance money. If any of these persons could prove that they had been reduced by the rioters to such poverty that they were unable to prosecute their claims in a court of law, it might then perhaps be expedient to advance for them the expenses of the suit. But the interposition of the House at this period would affect the claims very greatly, and thus confer on the rioters themselves a favor which Mr. S. was very unwilling to bestow, as he would wish them prosecuted to the utmost. Before the meeting of next Congress, it might be ascertained what could be made of these prosecutions, and then, and not till then, Mr. S. would think it proper to enter on the discussion suggested by the report of the select committee.

Mr. DEXTER drew a distinction between persons suffering by an open enemy, whose approaches they could not avoid, and those who suffer voluntarily. The claim for compensation was complete, and we should do the parties injustice if they did not receive full satisfaction.

Mr. BOURDIXOR withdrew his amendment, under the idea that the particular cases would hereafter come before the House. The question therefore reverted to its former shape, shall the words "and other citizens" be struck out.

Mr. DAYTON, in opposition to Mr. DEXTER, considered the Government of the United States as more justly bound to make reparation to the people who suffered by the robberies and conflagrations perpetrated by British soldiers than to compensate the sufferers in the four Western counties; for those whose houses were burned, and whose property was destroyed by the British, had no quarter to which they could look for relief except to their own Government. The people to the Westward, on the contrary, had it in their power to prosecute the rioters, who were well able to pay them. Mr. DEXTER had said that the losses of the persons ruined by the British were upon record. Perhaps, said Mr. DAYTON, they will always be on record; but nobody supposes that we shall ever indemnify these losses. He thought it prudent for the present to restrict relief to the officers of Government alone.

The question was about to be put, on the amendment proposed by Mr. NICHOLAS to the first resolution in the report of the select committee, when Mr. SCOTT rose. He said, that if there had been a proposal devised to weaken the hands of Government in the four Western counties, there was no one thing which could have effected that point so completely as the striking out of these three words, "and other citizens." If gentlemen would only reflect for a moment, he would ask them how they thought it possible that any civil officer, after the adoption of such an amendment, would ever be able to raise a posse in that part of the country? Who would hereafter venture to defend the life of an excise officer, when the world has been told, that individuals do it at their own hazard, and cannot look to Government for any compensation? Who will hereafter admit an excise offi-

cer into his house, if that house may, with impunity, be burned about his ears? As soon as this amendment has gone abroad, everybody, instead of assisting the officers of the revenue will strive to keep out of their way, and have nothing to do with them. If there never had been anything said about making a compensation to other citizens, perhaps there might have been little harm, or at least there would have been much less harm, by forbearing to give them relief. But when the subject has been fairly brought forward by the PRESIDENT in his Speech, and when it had been debated at full length in this House, when so much notice had been attracted, and so many hopes have been thrown out, to give, in the face of all this, a direct negative, would be the most impolitic step that could possibly be thought of.

The Committee then agreed to reject the amendment, and divided on the first resolution as it originally stood in the report of the select committee—yeas 46, nays 37.

The second resolution was then put for enabling the PRESIDENT to draw the sum of ——— dollars for the relief of the sufferers—yeas 41, nays 37.

Mr. SMITH then said, that seventeen thousand dollars had been mentioned in the Committee as sufficient to pay the whole damages. He proposed to fill up the blank with eight or ten thousand dollars, on account, till they should see what was to be the final amount of the claim.

Mr. HILLHOUSE and Mr. KIRKPA both objected to this proposal. The Committee rose. The Chairman reported that the Committee had agreed to the report of the select committee without any amendment. The House were about to take up the report, when Mr. SPOWICK said, that he was really concerned at thinking that there could have been any division at all about such a thing. He still hoped that a measure might be adopted which would produce unanimity on the subject, and would have a much better effect than such a division.

The bill appropriating one million one hundred and twenty-two thousand five hundred and sixty-nine dollars and one cent for the expenses of the militia in the Western expedition, was read a first and second time, and referred to a Committee of the Whole to-morrow.

WEDNESDAY, December 17.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before Congress copies of the Journal of the proceedings of the Executive Department of the Government of the United States South of the river Ohio, to the first of September, 1794.

G. WASHINGTON.

The said Message and papers were read and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain

despatches from Major General Wayne, dated the seventeenth of October and twelfth of November, one thousand seven hundred and ninety-four; which were read and ordered to lie on the table.

Mr. CORR from the committee appointed to consider and report on the expediency of making any further alterations in the laws of the United States relative to the cession of the jurisdiction, by particular States, in lands where are established, or may, by law, be directed to be built and established, light-houses, buoys, and public piers, made a report; which was read, and ordered to lie on the table.

TAYLOR AND HARVEY'S CLAIMS.

Mr. PARKER moved that the House should go into a Committee on the petition and report of the select committee in the case of Isaac Taylor and John Harvey. This was done accordingly, Mr. CORR in the Chair.

The substance of the petition was to remit the duties on certain goods which had been destroyed by fire.

Mr. GOODHUE objected to the principle on which the application went. There never would be an end of such things. A fire happened lately at Boston, which destroyed perhaps ten thousand or twenty thousand pounds worth of commodities that had paid duties. What kind of business would it be if all these persons were to come forward and make a demand of compensation for their duties paid on the articles thus consumed or lost, if a gallon of rum is worth, say, a dollar, and of this thirty cents is paid in duties? When the dealer has his cask of rum lodged in his store, that part of the price of the rum paid to the revenue is as much his property, he is as much richer by the possession of this rum as he would be by having an advance of money to the same amount. The inference of the member was that in case of an accident by fire or otherwise the Legislature had no call to interfere. It was, in fact, making the sufferer a present of so much money, and the House had no business to do any such thing. Claims of this kind never would have a conclusion.

Mr. FITZSIMONS considered it as an act of injustice to our constituents to waste time upon such trifling matters. The House would spend half a day in debating about an affair of two or three hundred dollars, and sometimes of only forty or fifty. Mr. F. declared that, for his own part, he would rather pay his share of the sum demanded than see the time of the House squandered on such trifles. They never would be got through. The more grants, the more petitions.

Mr. PARKER differed entirely from the member last up. He, for himself, had no interest in this case. The parties were no particular connexions of his; but he happened to be a member of the committee to whom their petition was referred, and he wished to see them have the same justice with other petitioners to that House. He differed from the member who had just sat down [Mr. FITZSIMONS] in this respect, that, whether the sum claimed in the petition was two hundred dollars or two thou-

sand, still the extent of the demand made no difference. If the ground was just, it was in both cases, alike their duty to give proper redress. The smallness of the demand was no solid reason for refusing or neglecting it.

Mr. W. SMITH objected, not to the giving relief in this particular case, but to the principle of affording it in any case of this nature. As soon as the present business should be disposed of, he would lay on the table a resolution for considering this practice.

To that Mr. PARKER said he had no objection: only let the present petition be in the mean time treated as others of the like nature had been.

The Committee then rose and reported progress, but leave to sit again was refused.

EXTRA CLERKS.

Mr. FITZSIMONS then observed that there had been frequent applications to the House for salaries and compensations to extra clerks, and he understood that they would have something of that kind during the present session from the Loan Office. To prevent their being harrassed in this way hereafter, he moved the following resolution, viz: That a committee be appointed to inquire into the establishment of clerks in the several Departments, and to report a plan for the number permanently to be employed in each, and their compensation.

A committee of five members was appointed accordingly, to wit: Mr. FITZSIMONS, Mr. LYMAN, Mr. SHERBURNE, Mr. WATTS, and Mr. NEW.

Mr. W. SMITH next laid on the table a resolution that a committee be appointed to consider and report on the policy of remitting the duties on goods, wares, and merchandise, where such goods, wares, and merchandise, have been destroyed by fire or other accidents.

There was then read a Message from the PRESIDENT, which had been delivered a little before, and a journal transmitted along with it, from William Blount, Governor of the Territory of the United States Southwest of the Ohio.

PENNSYLVANIA INSURGENTS.

The House resumed the consideration of the report of the select committee on that part of the PRESIDENT'S Speech respecting compensation to the sufferers by insurgents in the Western counties in Pennsylvania. When the first of the two resolutions in the report was read, Mr. SWIFT objected to the granting of immediate indemnification, on much the same ground as he adopted yesterday in the Committee of the Whole. He inquired how a person, with a compensation from that House in his pocket, could appear in a Court of Justice to prosecute a rioter for damages, when the Judge, the jurors, and every one in Court knew he had been indemnified? He enlarged, at some length, on the great pity that it would be to let those rioters and rebels escape so; and, after they had cost Government above a million of dollars, that they should not be obliged to pay these sixteen or twenty thousand.

Mr. LYMAN hoped that the House would give the money, and have done with the business.

Mr. NICHOLAS.—The more he considered this question, he was the more convinced that the House are involving themselves in embarrassment. Are you not told (said he, alluding to what had been urged by Mr. SWIFT) that, by paying these claims in the first instance, you are cutting the sinews of civil process? In any future commotion of this kind a person who has lodged an excise-man may have his house burnt from private spite against him, and not because he interfered in favor of a revenue officer. Then you are bound, by this precedent, to indemnify him; and how can you distinguish what was the real motive to that outrage? He believed it impossible ever to bring Government to such a state of perfection as that all losses suffered in defence of it should be indemnified at its charge. Where is the difference between this case and that of indemnifying the losses at sea by the British? Yet that proposal was rejected. Where is the gentleman who will say that he believes people will put themselves to the trouble of prosecuting, when they know that the money, if recovered, must go into your pockets again? Let us put the case, that a jury in the Western counties, where these points must be tried, shall find any of these people entitled to less than what you have bestowed upon them? Can you then recover the money back again? It is said that this resolution embraces but a few instances, and these of the most meritorious kind; but, in reality, it includes all citizens who have suffered. What will this comprehend, or, rather, what will it not comprehend? He supposed that the design was that the Commissioners appointed by the PRESIDENT for that effect should be sent into the Western counties to ascertain the damages. Mr. N. concluded by declaring that nothing which he had heard could induce him to go to the extent proposed; and, by giving money at present, the prosecutions would all come to nothing.

Mr. MURRAY hoped the first resolution would succeed. He really thought that the reasoning of the gentleman from Virginia [Mr. NICHOLAS] would extend to the exclusion of General Neville.

Mr. MADISON remarked, that great respect was due to this proposition, both on account of the interesting occasion that produced it, and of the quarter from whence it came. But the more he revolved the subject in his mind, the more he was convinced that great circumspection was requisite, and that the House, for many reasons, ought to take as much time in deliberating upon what they ought to do as the nature of the subject will admit. He recommended the proposal of some gentlemen to let the affair lie over to next session.

It is no doubt proper to encourage a spirit for suppressing insurrections, and this measure is certainly calculated to promote that spirit. But, in his judgment, Mr. M. feared that it would likewise encourage insurrections. A great body of people were commonly engaged in such disturbances who were not worth hanging, and to whom an established Government usually held out an amnesty. By this means great multitudes came in, and received pardon before the operations of

chastisement began. The mob, therefore, would in this case reason thus: As a crowd, we have a good chance to escape the gallows. Let us then plunder as fast as possible, because Government will disburse the loss, and we shall not be forced to disgorge our booty. Mr. M. thought that speculations of this kind might be entertained by future insurgents, if the House were instantly to vote a complete indemnification to the sufferers. Mr. M. held the highest respect for the arguments and feelings of gentlemen who espoused the other side of the question. What he himself had just now suggested, he did not regard as decisive considerations, but yet as considerations of weight. His own impression was to let the matter lie over till the next session, and then those who had done their best in prosecuting would come forward to that House to claim compensation under the most auspicious circumstances, and all which they shall have recovered will be saved to the State.

Mr. Boudinot differed in some degree from the gentleman who spoke last. He was for doing something at present, though not so much as was implied in the first resolution. He recapitulated the danger that would arise from slackening the efforts of people to prosecute the rioters. He entirely dissented from the principle laid down by some gentlemen, that Government was in all cases bound to indemnify the losses sustained by its citizens from foreign or domestic outrage. In the war with Britain there were great numbers of people who chose rather to fight it out to the last, and permit their houses to be burned by the British troops, than accept of terms which they might have obtained. Mr. B. again proposed the amendment which he laid yesterday before the Committee, viz: that after the words "and other citizens," there should be inserted, "personally aiding and assisting them." This he thought sufficient in the mean time.

Mr. Heath declared himself against the resolution as unsound policy. He feared that it may be an encouragement to future mischief. When an officer of the revenue finds that he is to be so easily paid—to be paid a double value for the burning of his house—will it not slacken his ardor in defence of it? Who has not heard of the rebellion of *Shays*, where a great deal of property was destroyed? People there began at the right end of the business. Law suits were commenced against the rebels, and damages were recovered. Pray, would it not be a proper bar to the recovery of damages in a Court of law to say Government has paid you? Will not these people who suffered by the Tories in the last war come next, with open mouths, and demand indemnity? We shall next have those citizens who lately suffered by the pirates of Britain hastening to demand compensation. Mr. H. considered this as the most important question which had come before Congress during the present session. He concluded by saying that he would bear his testimony against this resolution.

Mr. Carnes was of the same opinion. Mr. Murray had said that it would be impossible to find a jury in the Western counties who would give honest damages against the rioters, because

almost every body was on their side, and there would be no possibility of finding a jury who would pass an equitable verdict, unless recourse was had to the odious and execrable practice of packing juries. This remedy was worse than the disease; and from this Mr. Murray inferred the futility of compelling the sufferers to wait for the result of hopeless prosecutions, and the propriety of immediately paying the damages. Mr. Carnes asked the gentleman whether his knowledge as a lawyer did not inform him that an upright jury might be selected without having recourse to the infamous expedient of packing? When a jury were chosen, the prosecutors would be at liberty to except against them; and if they were either men of bad characters, or in any shape connected with the rioters, these exceptions would be admitted, and this process would go on till a respectable jury could be chosen. This was quite distinct from any thing like packing. He considered this explanation as a satisfactory answer to the arguments advanced by the member from Maryland; and he entertained a better opinion than that gentleman seemed to possess of the jurymen in the Western counties. Mr. C. foresaw many bad consequences that might possibly flow from this alacrity in discharging damages. What if there should be a collusive insurrection between two parties, and then, instead of twenty thousand dollars, we shall have to discharge a bill of perhaps an hundred thousand, or twice that sum? He considered it as good a plea in bar of prosecutions to say, Government has paid you. But if we are so fond of indemnifying people who suffer losses, the House may begin by satisfying the settlers in the back part of Georgia, where the Creeks within the last ten months only have done mischief to the extent of five or six hundred thousand dollars. He should be glad to hear the House disposed to indemnify these people, but it was what he did not expect. He could not see why these sufferers were not as much entitled to compensation as the others in the four Western counties. As to the Creeks, the State of Georgia was neither at war nor peace with them. Peace it was called, but in the mean time the savages were committing incessant murders. Reverting to the question before the House, Mr. C. said, that it would be most impolitic to proceed at present in the payment of these losses; and he was convinced that the President himself, when he made the reference in his Speech, did not intend that the thing should be acted on immediately. Mr. C. hoped that there would be a delay for the present session. The best way to ascertain the real extent of the damages was to leave the matter to the decision of a jury. When juries have determined this point, then, if the rebels cannot pay, give satisfaction to the sufferers in terms of the verdicts. The member from Maryland had said, that damages could not be accurately specified by a jury. Yes. If you pay nothing at present, but, if you pay at present, the action is barred. Mr. C. had not entirely formed his opinion on the question of compensation, but he was satisfied that it was better to make a delay.

Mr. Dexter, in reply to the supposition that this compensation would encourage future insurrections, gave it as his opinion that it would be the means of preventing them. An insurgent would say to himself, "I might escape from the States assist him, I cannot stand against both." Mr. D. conceived that the meaning of the resolution had been mistaken, and he placed the question in a light entirely new and unnoticed by any former speaker. Gentlemen had spoken as if the resolution went to the immediate and complete discharge of the whole damages, and upon this many arguments had been founded. This idea was an entire mistake, for the first resolution went only to ascertain the real extent of the damages, and did not pledge the House to pay the total amount of them. He considered this as a very material distinction, and which, in a great measure, obviated many arguments on the opposite side of the question. Mr. D. did not think, with the member from Georgia, that the same rule applied to the Southwestern settlers of that State and to parties in the present resolution. The people on the frontiers have "placed themselves in a place of danger knowingly." The Creeks were an open enemy, but the insurgents were an unexpected one. Mr. D. proceeded at great length to make a distinction between the two cases, and concluded by saying that the second resolution, which, as well as the first, he hoped would pass, went only to a temporary relief.

Mr. Hartley also placed a part of the question in quite a different light from any former gentleman. Since he had been a member of that House he had found occasion to read a good deal of law, and, from that knowledge of law, he had, yesterday, in the Committee, informed the House that neither General Neville nor any body else could obtain damages against the rioters in a civil action. All the arguments, therefore, which had been advanced as to whether equitable damages could be recovered before a jury, proceeded upon an error, because no civil process whatever would lie in the case. If the House were disposed to doubt his own opinion, Mr. H. could now give them that of the first law officer in Pennsylvania. Since yesterday Mr. H. had consulted that gentleman, who gave it as his express opinion that the greater crime absorbs the lesser; that a case of this kind is only a criminal action, and that no penal damages can be recovered. The crime is liable to a capital punishment; he did not mean to death; but to such a degree of punishment as the offence should be found to deserve. Mr. H. added, that if people had known that they were to be indemnified for their losses by the United States, a much greater number would have stood by the law than did so. It was not the fear of personal danger which prevented people from resisting the insurgents; it was apprehension of having their barns burned down in the night time.

Mr. Dexter interrupted Mr. Hartley to inquire whether, by the laws of this State, the property of an insurgent is forfeited for his crime? Mr. Hartley replied that it was not. Mr. Dex-

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ter then remarked, that it was very absurd to say to a man, "You are an insurgent; you have committed a great deal of mischief, but you are so very deep an offender that I cannot recover damages." Mr. Hartley rose again to give some further explanation, when the SPEAKER announced that he had something to communicate to the House. Mr. Hartley sat down, and the SPEAKER said, that he had received from the PRESIDENT some important and confidential communications, which it was requisite to read in the House this day. It did not appear that they would decide on the first resolution at present, and there was not now more time left before the common hour of rising than would be necessary for reading the communications from the PRESIDENT. The debate was instantly deferred, and the galleries cleared.

THURSDAY, December 18.

Mr. Goodhue, from the committee to whom was referred the petition of Ephraim Jones, in behalf of himself, Stephen Gorham, Shubal Gorham, and Charles Selden, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

PAY OF MILITIA.

The House resolved itself into a Committee of the Whole House on the bill making appropriations for the expense of the Militia lately called into the service of the United States.

Some objections were made to the bill. Mr. Fitzsimons said that they were the most extraordinary which were ever made in this House to an act of appropriation. Gentlemen had certainly never looked into the estimates, or they never could have made them. It was not pretended or supposed that, in the estimates in this act, the sums were exactly ascertained. So far from that, we have, in this bill, voted the pay at three dollars per month, whereas the House itself had since augmented that pay to six dollars and two thirds. Gentlemen need not be afraid that any money would be given out at the Treasury without a proper receipt.

One of the objections to the bill was understood to be, the fear lest more money might be voted than would be necessary, and that the United States would thus be losers. The gentleman who had made this remark admitted afterwards that the explanation was satisfactory.

The Committee rose, and the Chairman reported the bill without amendment. It was then ordered to be engrossed, and read a third time to-morrow.

FRIDAY, December 19.

WILLIAM IRVING, from Pennsylvania, appeared, and took his seat in the House.

An engrossed bill making appropriations for the expense of the Militia lately called into the service of the United States was read the third time, and passed.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying copies

of the instructions to the engineers for erecting fortifications for the defence of the seaports of the United States, together with their reports thereupon, made pursuant to the resolution of the 8th instant; which was read, and ordered to lie.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill. Whereupon,

Ordered, That the said amendments be committed to Mr. MADISON, Mr. DEARBORN, and Mr. DAYTON.

Mr. BENJAMIN BOURNE, from the committee appointed, presented a bill authorizing the transfer of the stock standing to the credit of certain States; which was read twice, and committed.

The SPEAKER laid before the House a Letter from the Secretary of War, accompanying certain communications from the Governor of the Territory of the United States South of the river Ohio; which were partly read.

PENNSYLVANIA INSURGENTS.

The House resumed the consideration of the resolutions reported on Wednesday last, from the Committee of the Whole House, on the report of the committee to whom was referred that part of the Speech of the PRESIDENT OF THE UNITED STATES which relates to the policy of indemnifying the sufferers by the depredations of the insurgents in the Western counties of Pennsylvania. Whereupon,

The first resolution being under consideration, in the following words, to wit:

"Resolved, That the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government and other citizens in their property, (in consequence of their exertions in support of the laws,) by the insurgents in the Western counties of Pennsylvania."

The amendment of Mr. BOUNDNOT, on which the House had been debating on Wednesday, was read. It was for the insertion, after the words "and other citizens," of the following addition: "personally aiding and assisting them."

Mr. HARTLEY then rose, and spoke as follows: I have no great encouragement to speak, when I find that my expressions and language have been totally mistaken, both by gentlemen in this House and by the person who frequently reports the debates. On Tuesday, I had ventured to say, that I thought no great reliance could be had upon the individuals injured obtaining satisfaction by personal actions against the insurgents; that I imagined the civil remedy was merged in the offence of arson against the State, or perhaps a higher offence; that from the state of things, we could not promise ourselves that the sufferers would be compensated by civil suits.

On Wednesday, I mentioned to the House, that, though there had been much discussion, yet, as I considered part of the House to labor under what I held to be a mistake with respect to the *lex loci*, or law of the State, which we were obliged to take into view, I held it my duty to observe, that, the day before, I had said that I thought the smaller offence, that is, the civil injury, had been merged in the greater against society; that the offence, so far as related to the State, would be arson, which had been a capital offence, punishable with death, that the punishment had been mitigated by the alteration of the penal code, but still it was a felony. I noticed that I had formerly read law a good deal with considerable attention, but since I had been in Congress, I had not been able to bestow much time upon it. I said that formerly certain principles or maxims had made impression upon my mind; that, among others, was the one under consideration, that, in arson, the injury to the individual was merged in that against society, or, at least, must give way to other; and public justice must be done in the first place. I mentioned that I had consulted one of the first law officers of the State, which is true, and he agreed with me in opinion. Indeed, he added, that no reliance should be had upon the personal remedy, but that compensation ought to be made to the sufferers.

I have no reason to change my former opinion. Really, when I consider the conduct of the Commissioners to those who made their submissions, I should imagine it was the intention of the parties that there was to be an oblivion as well of the civil as the criminal offences to those who submitted; and, as the Legislature has the power to construe the agreement, it becomes her rather to do it with magnanimity than otherwise.

Your officers, and those aiding and assisting them, ought to be protected and supported. I will now say, as I did the other day, that the fear of having their houses or barns burned, terrified many a man in the Western country from joining the standard of the law, and forced him to temporize with rebellion. When the officers know that they are to be protected in their persons and property—when the *posse comitatus* are informed that they are to be regarded in like manner—we may expect energy in the execution of the laws. The law of Pennsylvania is defective, or at least doubtful; and, if the present punishment for arson continues, the Legislature of that State will, I dare say, point out a decided remedy for the party injured against the offender. It becomes the honor and justice of the Legislature to protect and support the officers, and those aiding them. I shall, therefore, vote for the amendment.

Mr. VENABLE differed entirely from the gentleman who spoke last. He understood that pardons extended only to the offences against Government. It would, for that reason, be no hardship against the people who had received pardons to prosecute them for civil damages; and, by the statement of the member himself, actions would lie where no public prosecutions had been made.

Mr. SWIFT was of opinion that the member

from Pennsylvania [Mr. HARTLEY] was most certainly mistaken in point of law, when he imagined that the pardon granted by the Commissioners extended, or might be construed to a remission of civil offences. He did not believe it to be in the power of Government to pardon these rioters and trespassers to that length. He did not expect that the gentleman from Pennsylvania would have stood up in the House to recommend an unqualified pardon. When a million of dollars had been expended, were the House to give them fifteen or twenty thousand dollars more? He did not come there prepared to hear of a premium for insurrection. He rejected all idea of so much tenderness for rioters and rebels.

Mr. BOUNDNOT rejected all idea of the rioters being exempted from civil suits. There was but one exception, where they were executed for their crimes. He had no other view of the matter, but as a question of policy—whether it was expedient, or the contrary, to prosecute these people. He believed that, before the new Constitution, the law stood as the member from Pennsylvania represented it. But all this was much from the purpose. By far the greater number of the rioters have accepted the amnesty. Nobody imagines them exempted from prosecution. To prevent any misconception of this nature, the Commissioners, in the terms of pardon which they held out, expressly warned the people that they were to be liable to civil actions for the damages committed. It was needless, then, to embarrass the question with more difficulties than naturally belonged to it. He was satisfied that this was a mere question of policy, whether it was better to pay off these people at once, or let them first try the effects of civil actions.

Mr. DAYTON rose and asked, "Who shall decide, when doctors disagree?" Who shall declare what is the law, when the learned gentlemen of the bar are so directly opposed to each other? The House (Mr. D. observed) had, by some means, imperceptibly, and, he thought, unnecessarily, been drawn into the discussion of a common law question. Law had been aptly compared to a bottomless pit, and the sooner, therefore, that they extricated themselves from it the better. Very fortunately, (he said,) there existed no necessity for determining, in the present cases, upon any intricate point of law, as the proposals of amnesty, in their very terms, as well as in their nature, left each individual trespasser liable to suits at law on the part of the friends of good order, for the damages sustained by the one and done by the other. Mr. D. was for allowing those prosecutions to go forward, and was well informed, not only that there was far more than sufficient of the property of the insurgents to make compensation, but that it was probable they would agree together, and make up the whole among themselves, rather than be vexed by lawsuits. He could not agree with those gentlemen who expressed a wish to vote the whole amount of damages, immediately to be paid from the Treasury. He did not believe with them, that such a measure would promote the dignity, or manifest the justice, of the Government. This

would be to enter into an improper compromise with guilt. It would be to make peace with sedition, in a way that might tend to encourage rather than to discourage it in future. We were obligated, upon principle and precedent, to insure indemnity to those officers of Government, who, in consequence of a prompt and steady discharge of their duty, had suffered in their property from the resentment of the insurgents. But he wished not to do more, until the result of actions at law could be ascertained. Although the Government may offer a pardon for offences against the public, yet nothing was more clear than that the general amnesty did not, and could not, exempt the seditious offenders from answering to private persons for injuries done to them in their property.

Mr. HARTLEY rose to explain. The gentleman from Connecticut [Mr. SWIFT] had mistaken his meaning. He was going on, when

Mr. DAYTON rose, and declared that he had never put any such construction on the words of the gentleman, who certainly must have misapprehended him.

I did not mean you, sir, (said Mr. HARTLEY). I said the gentleman from Connecticut. You made a mistake of the same kind with me last session.

The amendment of Mr. BOUNDNOT was, on a division, lost—only twenty-six gentlemen rising when the question was called for.

The question on the first resolution was then called for; when it was moved to take the previous question, that is to say, "Shall the main question be now put?"

Mr. FIRZMONGER rose. He thought that this discussion comprehended a principle of the most important nature. He trusted that it would not be got rid of in this way. He was not of opinion with those gentlemen who were disposed to waive the question just now, under the notion that they should have an opportunity of voting for it at another time. He believed that the true design of moving the previous question was to lay it aside altogether. This expedient should not answer the end; for, if he had only one other gentleman in the House to second him, he would stand by the matter till he obtained an explicit answer.

Mr. McDOWELL vindicated the propriety of taking the previous question.

Mr. SEPOWICK said, that, when the British carried on a most unjust war against this country, the Ministry who began it were in time turned out. Their successors had always reprobated the war, but after the peace, they, notwithstanding, had expended several millions to support the loyalists. While the British had acted with so much liberality, did it become America to stick at the paltry sum of seventeen thousand dollars? The House had wrangled so long about this matter, that the very wages which they received for the time spent in this discussion would about have discharged the whole sum in dispute. When a wild, unprincipled, mad attempt had been made to destroy this noble Constitution, were the Representatives of this people to make it a doubt whether those who saved it from, perhaps, destruction, were to be indemnified? Mr. S. declared that he

felt more unpleasant sensations than he remembered ever to have experienced since he became a member of this House. Gentlemen might argue and argue about this drop in the bucket compared with the ocean. They might go into metaphysical deductions about whether the men who saved this Constitution were, some of them, to be reduced to beggary and misery, as the price of having done so. He would bring up the question again and again, until he had the sense of the House again. Mr. S. repeated the following argument, which he, on a former day, had pressed: He asked whether persons who, from the pure, conscious dignity of the republican character, stepped forward to support the Government, did not deserve better of it than excise officers, who were bound to and paid for their services? He was even of opinion that the conduct of the private soldiers in this case was more meritorious than that of the officers. He might be mistaken, but his opinion was so. From this language, it is not to be inferred that Mr. S. undervalued the exertions of the officers of the Army, or of the excise. He only meant that the less interest or emolument which an individual has at stake in the success of an affair, the greater is his merit in performing it. He asked what better time there was than the present for settling the amount of these claims?

Mr. HAZEN was for the previous question. He thought the resolution unseasonable at this time. However little the gentleman chose to think of seventeen thousand dollars, they might grow into a precedent for seventeen hundred thousand dollars.

Mr. BOUNDNOT thought that the seventeen thousand dollars were not the whole of the damages that might be claimed. When Commissioners were sent to the Westward, the demand might rise to seventy thousand. Numerous other requisitions might start up. He was for taking the previous question.

Mr. DEXTER regretted his necessity to differ from a gentleman [Mr. BOUNDNOT] for whose opinions he was in the habit of entertaining the highest respect. He was against the previous question, because he disliked obliquity. Whether he was against or for the first resolution in the report of the select committee, he would give the resolution itself a fair meeting. He then inquired what better time there could be for learning the number and extent of the losses than the present? He again explained, as on Wednesday, that the House appeared to mistake the extent of the redemption, which did not imply any complete indemnification, nor even assure any relief at all. The whole only amounted to the taking of measures for obtaining information. He would not have voted for it, if he had thought that it promised complete indemnification. He thought that no future time could be so proper as the present for deciding.

Mr. SWIFT, Mr. KITTERA, and Mr. GILBERT, also spoke.

Mr. HILLHOUSE went on the same ground with Mr. DEXTER. He was one of the committee who

drew up the resolutions. They never understood that the resolution implied an assurance of complete indemnity to the sufferers.

The previous question was called for by five members, to wit: "Shall the main question, to agree to the said resolution, be now put?"

And on the previous question, "Shall the said main question be now put?" in was resolved in the affirmative—yeas 52, nays 31, as follows:

YEAS.—Fisher Ames, James Armstrong, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Jonathan Dayton, Henry Dearborn, Samuel Dexter, Gabriel Duval, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Samuel Griffin, William Barry Grove, Thomas Hartley, Daniel Heister, James Hillhouse, William Hindman, Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, William Lyman, Francis Mabone, William Montgomery, Peter Muhlenberg, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Thomas Scott, Theodore Sedgwick, William Smith, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peter Van Gaaabeck, Peleg Wadsworth, John Watts, Benjamin Williams, and Richard Winn.

NAYS.—Theodorius Bailey, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Joshua Coit, George Dent, William B. Giles, James Gillette, George Hancock, Carter B. Harrison, John Heath, John Hunter, Richard and Bland Lee, Matthew Locke, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, Robert Rutherford, John S. Sharburne, Jeremiah Smith, Israel Smith, Zephaniah Swift, Thomas Tredwell, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

Mr. GILBERT then moved a resolution, the substance of which was understood to be to ascertain whether the losses in the Western counties were incurred in defence of Government, and how far the sufferers were capable of carrying on the law-suits themselves against the rioters.

Mr. Giles was against the amendment, the resolution itself, and the whole mode of conducting the business. He had listened to many long speeches, and been surprised that no gentleman had made the observation which he was now going to submit to the House.

[The noise had by this time become so intense, that the SPEAKER rose and reminded the members of a rule that there must be no private conversation while a member addresses the Chair.]

Mr. G. then proceeded to declare that he disliked the form rather than the substance of the resolution. If people in the Western counties had suffered injuries, why should not they, as well as every other class of citizens, come to the bar of that House and petition? An inquest was, he imagined, intended, which would unite all the back country in one common interest against the Treasury of the United States. The mode proposed by the report of the select committee was the most exceptionable of all that could have been devised. It was said that this was only an affair of seventeen thousand dollars. What evidence

have we that the demands will stop there? Sir, there is none. The mode is, besides, totally wrong. Let persons who have suffered come here in the usual manner. It is said that a gentleman has had his house burned. Let him come here and tell us so. Mr. G. entirely scouted the idea advanced by Mr. DEXTER, that we might inquire into the extent of the losses, without a design to discharge them. If you do not mean to indemnify, why inquire at all? He did not object to relieving the sufferers, but to erect a board of inquiry, under Presidential direction, was what he never would consent to. He again repeated, that he did not mean to dissent from the principle, but from this most exceptionable of all modes for putting it into practice. Let people lay memorials of their losses before the House, which would then see distinctly what it was doing, and examine the evidence on which the claim was founded. He wondered that none of all the speakers in the debate had adverted to this distinction.

Mr. HILLHOUSE differed in every particular from the gentleman who spoke last. If petitioners come from the Westward, they are referred to a select committee. They bring all the evidence which they can muster to swell their bill. The committee have no counter-evidence, as we in this House almost never hear more than one of the parties. It is much better to send persons to the spot who can examine the subject on both sides, which we cannot possibly do, and who will be responsible to this House for their conduct. The whole arguments and ideas of Mr. H. were in direct contradiction to every thing advanced by Mr. GILES. He (Mr. H.) was satisfied that, before we undertook to pay the losses of the Western people, it was better, in the first place, to know the extent of them. The resolution amounted to nothing more than the ascertaining of this loss, and Mr. H. could see many good reasons for deferring the payment of a bill until he knew the sum to which it amounted. He could also see reasons why the mode recommended in the resolution was much preferable to that of bringing people so far to the House. Commissioners going to the spot could make themselves perfectly masters of the subject; whereas, if the parties come here, the matter will be decided on *ex parte* evidence, as it always is.

Mr. BOUNDNOT considered the resolution as too loosely worded. A gentleman who had been on the expedition, and who had heard or read the report, observed to him [Mr. B.] that he himself came within the resolution, as he had suffered considerably in his business by his absence. Mr. HILLHOUSE explained, that the resolution extended only to actual destruction. The committee never meant to compensate people for the loss which they had suffered by being banished. He was ready, if the House liked it better, to insert in the first resolution the words "property actually destroyed." This would prevent the misapprehension of the gentleman mentioned by Mr. BOUNDNOT.

The House divided on the amendment of Mr. GILBERT—yeas 39, nays 33.

Mr. HILLHOUSE then moved to strike out the word "in" from the first resolution, and put into its place "by the actual destruction of" their property.

Mr. MADISON apprehended that this amendment left the resolution as bad as it was before, if not worse. A person in the Western counties had his horse stolen by the insurgents. But this did not imply the absolute destruction or annihilation of the horse. The amendment meant either too much or too little. It certainly could be no improvement on the resolution.

After some further discussion, the amendment was agreed to.

And the main question being put, that the House do agree to the said resolution, amended to read as follows:

"Resolved, That the President of the United States be requested to cause an ascertainment to be made of the losses sustained by the officers of Government, and other citizens, by the actual destruction of their property (in consequence of their exertions in support of the laws) by insurgents in the Western counties of Pennsylvania; together with a report of the particular condition of the respective sufferers, in relation to their ability to prosecute their several claims, and recover, at law, satisfaction from the insurgent aggressors."

It was resolved in the affirmative.

The second resolution on the subject of indemnification was then taken up in the House.

Mr. BOUNDNOT moved the following amendment:

"To aid such of the sufferers as, in his (the President's) opinion, stand in need of immediate assistance, to be accounted for by them in such manner as may hereafter be directed by law."

The amendment was carried, forty-four gentlemen rising.

The resolution, as amended, is as follows:

"Resolved, That the President be authorized to draw out of the Treasury of the United States the sum of — dollars, to be applied by him to aid such of the said sufferers as, in his opinion, stand in need of immediate assistance, to be accounted for by them in such manner as may hereafter be directed by law."

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HILLHOUSE, Mr. FINDLEY, Mr. LYMAN, Mr. WATTS, and Mr. WILLIAM SMITH, do prepare and bring in the same.

EXPENSES OF THE MILITIA.

The House next went into consideration of the amendments of the Senate on the bill as to the expenses of the Militia. The principal of these was for augmenting the bounty on enlisting.

This produced a variety of remarks from several members, who agreed in condemning the amendment of the Senate as, to the last degree, useless, and even pernicious.

Mr. BEATTY observed, that the increase of bounty always insured a greater number of recruits, but then they were of a much worse description than those who accepted a lesser bounty. In fact, the large bounty is not the means of filling the Army. Three-fourths of such recruits run off

without ever seeing the camp. Every recruiting officer will tell you, that, if he is suffered to offer a large enough bounty, he will soon fill his company. But then, though the lesser bounty gathers men more slowly, they are much more likely to stay. With a large bounty, there are always two desertions for one.

The amendments were referred to a select committee.

MONDAY, December 22.

The House resolved itself into a Committee of the Whole House on the bill authorizing the transfer of the stock standing to the credit of certain States; and, after some time spent therein, the Committee reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Resolved, That a committee be appointed to inquire and report the means of providing for the payment of the third instalments due on a Loan made of the Bank of the United States, and for the payment of any instalments which may fall due on foreign loans, in the year one thousand seven hundred and ninety-five.

Ordered, That Mr. SEDGWICK, Mr. GILES, and Mr. IRVINE, be appointed a committee pursuant to the said resolution.

Mr. MADISON, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes," made a report; which was read, and ordered to lie on the table.

Ordered, That a committee be appointed to consider and report on the policy of remitting the duties on goods, wares, and merchandise, in cases where such goods, wares, or merchandise, shall be destroyed by fire, or other accident.

And a committee was appointed, of Mr. VENABLE, Mr. SCOTT, and Mr. CLAIBORNE.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to establish the office of Purveyor of Public Supplies;" to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-five," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the said bill.

Whereupon, The first, second, and third amendments were, on the question severally put thereupon, agreed to by the House.

Ordered, That the other amendments proposed to the said bill, be committed to Mr. BLOUNT, Mr. FOSTER, and Mr. JEREMIAH SMITH.

The bill sent from the Senate, entitled "An act to establish the office of Purveyor of Public Supplies;" was read twice and committed.

NATURALIZATION BILL.

The House resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. DEXTER after some observations on the importance of the subject before the Committee; and expressing his disapprobation of the facility by which, under the existing law, aliens may acquire citizenship, moved that the term of two years in the bill referring to the previous residence should be struck out and a blank left, to be filled up after more mature consideration. This motion was agreed to. Another amendment was proposed by that gentleman, referring particularly to the mercantile foreigners who may wish to acquire citizenship.

Mr. PAGE said, that he approved the design of the mover, because he thought nothing more desirable than to see good order, public virtue, and true morality, constituting the character of citizens of the United States; for, without morality, and indeed a general sense of religion, a Republican Government cannot flourish, nay, cannot long exist; since, without these, disorders will arise, which the strong arm of powerful Government can alone correct or retrieve.

But he should vote against the amendment, because he thought, as his colleague [Mr. MADISON] did, that it would be attended with embarrassments to the admission to the rights of citizenship, which good men ought not to have thrown into their way; and which, too, for his part, he thought might prove insurmountable obstacles to such. Yet they would be no impediment to the views of bad men, or such as he wished to exclude from citizenship, for the best man in the United States might not procure the certificate required by the amendment, if he moved from State to State, staying no where long enough to enable two persons to swear that they had known him to be of such a character as we require, and to have supported it during the length of time which the amendment prescribes.

Yet bad men, associating chiefly with men like themselves, regardless of oaths, might procure the requisite certificate. He disliked the amendment on account of its requiring an oath at all. He trusted, that a Constitution much admired, and with such wholesome laws, will be an inducement to many good men to become citizens, and that, should bad men come amongst us, they will be discountenanced by the more virtuous class of citizens, and if necessary be punished by the laws. He hoped that good schools would soon be spread over all the States, and hence that good sense and virtue will be so generally diffused amongst us, that emigrants will be unable to corrupt our manners. Even at present, he relied so much on the virtue and discernment of his fellow citizens, the power of the law, and the energy of Government, as to apprehend no danger from emigration into the United States. Mr. P. said, that he knew instances of difficulties which some worthy men had met with in their endeavors to procure such certificates as the amendment proposed. He mentioned

ed one clergyman in Virginia. Even Dr. Griffith, after being nominated Bishop of that State, found it difficult to procure from the Convention the certificate required by the English bishops; because, though hundreds of other persons knew his worthy character, a sufficient number of the members of the Convention had not known it, during the term specified in the certificate required.

Mr. DEXTER's motion was now withdrawn.

Mr. GILES then proposed an amendment the object of which was to impede a return to citizenship of those who should expatriate themselves. He proposed that a special law of the State from which such persons should detach themselves, should be requisite in order to their being re-instated.

Mr. TRACY, after observing, that although he was not in favor of a perpetual allegiance as understood by the British Government, yet he was of opinion that the return of persons who should expatriate themselves ought to be clogged with greater impediments than simply a law of a particular State. If the amendment is a proper one, of which he confessed he had his doubts, he would suggest to the gentleman an addition, by making a law of the General Government also necessary in the case.

Mr. GILES observed that the object of his motion was not by any means to lessen the impediments in the way of a return to citizenship, but the reverse; he should therefore agree to the amendment of the gentleman from Connecticut. The motion was afterwards considered in several points of view, as blending State and Continental legislation, as interfering with the Legislative rights of the State by some, and as operating in the same manner in respect to the right reserved by the Constitution to the General Government, which is authorized to pass uniform laws of naturalization by others.

Mr. SEDGWICK having stated that his colleague had prepared a motion with regard to the kind of evidence that an applicant should exhibit of the goodness of his moral character and of his attachment to the Government, he requested Mr. GILES to withdraw his motion for the consideration of the other, which he did, and thereupon, Mr. DEXTER moved that no alien should be admitted to the rights of citizenship, but on the oath of two credible witnesses, that in their opinion he was of good moral character and attached to the welfare of this country, which motion was seconded by Mr. SEDGWICK, who added the following observations:

He said, that the subject under consideration was certainly of great importance, and opened an extensive field of discussion. The present motion, taken in conjunction with that already adopted, had for its object to embarrass the facility, with which aliens may be admitted to the rights of citizenship. He would submit to the consideration of the committee some of the leading ideas, which had occurred to his mind on this subject.

America, he said, if her political institutions should on experience be found to be wisely adjusted, and she shall improve her natural advan-

tages, had opened to her view a more rich and glorious prospect than ever was presented to man. She had chosen for herself a Government which left to the citizen as great a portion of freedom as was consistent with a social compact. All benefited the preservation of this Government, in its purity, indispensable to the continuance of our happiness. The foundation on which it rested was general intelligence and public virtue; in other words, wisdom to discern, and patriotism to pursue the general good. He had pride, and he gloried in it, in believing his countrymen more wise and virtuous than any other people on earth; hence he believed them better qualified to administer and support a Republican Government. This character of Americans was the result of early education, aided indeed by the discipline of the Revolution. In that part of the country with which he was best acquainted, the education, manners, habits, and institutions, religious and civil, were Republican. The community was divided into corporations, in many respects resembling independent republics, of which almost every man, the qualifications were so small, was a member. They had many important and interesting concerns to transact. They appointed their executive officers, enacted bye laws, raised money for many purposes of use and ornament. Here, then, the citizens early acquired the habits of temperate discussion, patient reasoning, and a capacity of enduring contradiction. Here the means of education and instruction are instituted and maintained; public libraries are purchased and read; these are (said he) the proper schools for the education of Republican citizens; thus are to be planted the seeds of Republicanism. If you will cultivate the plants which are to be reared from these seeds, you will gather an abundant harvest of long continued prosperity.

Much information (he said) might be obtained by the experience of others, if, in despite of it, we were not determined to be guided only by a visionary theory. The ancient Republics of Greece and Rome (said he) see with what jealousy they guarded the rights of citizenship against adulteration by foreign mixture. The Swiss nation, (he said,) in modern times, had not been less jealous on the same subject. Indeed, no example could be found, in the history of man, to authorize the experiment which had been made by the United States. It seemed to have been adopted by universal practice as a maxim, that the Republican character was no way to be formed but by early education. In some instances, to form this character, those propensities which are generally considered as almost irresistible, were opposed and subdued. And shall we (he asked) alone adopt the rash theory, that the subjects of all Governments, Despotic, Monarchical, and Aristocratical, are, as soon as they set foot on American ground, qualified to participate in administering the sovereignty of our country? Shall we hold the benefits of American citizenship so cheap as to invite, nay, almost bribe, the discontented, the ambitious, and the avaricious of every country to accept them?

We had (he said) on this subject not only example, but warning. Will gentlemen (said Mr. S.) recollect the rage of ages which existed in the country from which we came, between the Saxon, Danish, and Norman emigrants and the natives of the country? The cruelties, the oppressions, the assassinations, in a word, the miseries to which this gave birth? Perhaps it might be said that in this instance the emigrants were hostile invaders; but the same events took place in the decline of the Roman empire, between the emigrants who were invited to occupy the vacant frontiers and the ancient inhabitants; although the former ought to have been united to the latter by every principle of affection and gratitude. By these and almost an infinity of other instances, it would not be rash to conclude, that by the undeviating principles of human nature, whenever the inhabitants of one country should be permitted to settle in another, by national affections, an union would be formed, unfriendly not only to the ancient inhabitants, but also to social order. Our own experience was not, he believed, in opposition to the general observation. Although this reasoning was to his mind conclusive against a general and indiscriminate admission of aliens to the rights of citizenship, yet he did not wish it should go to a complete exclusion.

It was said, in support of what was termed our liberal policy, that our country wanted commercial capital; that we had an immense tract of vacant territory; and that we ought not with the avarice of a miser, to engross to ourselves the exclusive enjoyment of our political treasures.

Mr. SENECA said he had never been convinced, that we ought to make so great a sacrifice of principle for the rapid accumulation of commercial capital. He had never been convinced that by an improvement of our own resources, it would not accumulate as fast as might be for the public benefit. We heard much of equality. Property was in some sense power; and the possession of immense property generated during passions which scorned equality, and with impatience endured the restraints of equal laws. Property was undoubtedly to be protected, as the only sure encouragement of industry, without which we should degenerate into savages. But he had never been convinced that the anxiety with which we wished an accumulation of capital in the hands of individuals, was founded on correct Republican reflection. The ardent ambition inspired by the possession of great wealth, and the power of gratifying it, which it conferred, had in many instances disturbed the public peace, and in not a few destroyed liberty.

The vacant lands which some with so much avidity wished to see in the occupation of foreigners, he considered as the best capital stock of the future enjoyment of Americans; as an antidote against the poison of luxury; as the nursery of robust and manly virtue, and as a preventive of a numerous class of citizens becoming indigent and therefore dependent. Whenever the time should arrive, (and may that period be very distant,) when there should no longer be presented to

the poor a decent competence and independence, as the effect of industry and economy, (which would generally by the case when lands were no longer to be obtained, on their present easy and reasonable terms,) then that description of men, now perhaps the most happy and virtuous, would become miserable to themselves and a burden to the community. Now the man who entered on the stage of life, without property, had a reasonable assurance, that a few years of industry and economy, would give him independence, competence, and respectability. The prospect gave relish and effect to his labors. He planted himself on the frontiers, and cultivated in his posterity every useful and manly virtue. This was his treasure, and it was a glorious one.

Mr. S. said he considered America as in possession of a greater stock of enjoyment than any other people on earth. That it was our duty to husband it with care; yet he could not altogether exclude such virtuous individuals, as might fly here, as to an asylum against oppression. On the one hand, he would not dissipate our treasures with the thoughtless profusion of a prodigal; nor would he, on the other, board them, as in the unfeeling grasp of a miser. Our glorious fabric (said he) has been cemented by the richest blood of our country, and may it long continue to shelter us against the blasts of poverty, of anarchy, and of tyranny.

The present (Mr. S. said) he believed the most inauspicious time for the indiscriminate admission of aliens to the rights of citizenship. A war, the most cruel and dreadful which had been known for centuries, was now raging in all those countries from which emigrants were to be expected. The most fierce and unrelenting passions were engaged in a conflict, which shook to their foundations all the ancient political structures in Europe. This contest was supported on the one hand by men who believed personal political distinctions were necessary to the great purpose of security, and on the other by those who thought that society could be protected and individuals secured by a Government with departments, and without checks; neither embracing the principles established here, where, without privileged orders distinct portions of power were to be deposited in different hands, in such manner that it was almost impossible for the mind even to conceive that the different departments should form an union for any mischievous purpose; and altogether impossible to believe that without such concurrence either alone should be capable of executing any wicked design.

Could (he asked) any reasonable man believe, that men who, actuated by such passions, had fought on grounds so opposite, almost equally distant from the happy mean we had chosen, would here mingle in social affections with each other, or with us? That their passions and prejudices would subside as soon as they should set foot in America? or, that, possessing those passions and prejudices, they were qualified to make or to be made the governors of Americans?

He believed that the amendment now proposed by his colleague, in conjunction with that which had already succeeded, would on the one hand check the admission of foreigners in such numbers as might be dangerous to our political institutions; and, on the other, that it would not exclude such meritorious individuals as might be willing to serve the apprenticeship which might qualify them to assume the character and discharge the duties of American citizens.

He concluded by saying, that he had always been opposed to the policy of the Government on this subject; that his opposition had not been abated by reflection, but increased by the existing state of things in Europe.

The Committee now rose and reported progress.

TUESDAY, December 23.

An engrossed bill, authorizing the transfer of the stock standing to the credit of certain States, was read the third time and passed.

Mr. GREENUP, from the committee appointed to inquire if any, or what, alterations ought to be made to the act, passed the seventh day of June, one thousand seven hundred and ninety-four, entitled "An act concerning invalids," made a report; which was read, and ordered to a Committee of the Whole House to-morrow.

The House next went into a Committee of the Whole, Mr. CONN in the Chair, on the petition of Epaphras Jones, merchant, of New York. This petition respected a ship that had not been registered in due time, as an American bottom. The petition prayed for the remission of certain duties incurred in consequence of this neglect. After some discussion, wherein Mr. FITZSIMONS, Mr. GOODRICH, Mr. SWIFT, and Mr. GILBERT, spoke, the Committee rose; the Chairman reported progress, and asked leave to sit again. This was negatived, and the petition was referred back to the former committee.

A report was read, from the committee appointed, as to the distribution of the laws. It was ordered to be printed, and referred to a Committee of the Whole. The committee recommended that there should be printed three thousand copies, complete up to the end of the present session, of the laws; and an equal number in future. Part were to be printed in German. They were all to be distributed among the several States. Every printer of a newspaper in the United States, who can prove that he has printed the whole in his newspaper, is, at the end of each session, to receive the sum of — dollars of compensation. But this is not to be given to more than two printers in any one town.

The House proceeded to consider the report of the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;" whereupon,

Resolved, That this House doth agree to the amendments proposed to be added to the end of the said bill, with an amendment.

Mr. BALDWIN, from the committee appointed to inquire how far the Post Office law has been carried into effect, made a report; which was read, and ordered to lie on the table.

PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

Mr. SMITH, of South Carolina, began by observing, that, having brought in the report which was under consideration, it might be expected that he should enter into some details, explanatory of the views of the select committee in making it. The subject was one which, from its being necessarily connected with numerical statements and dry calculations, would be likely to fatigue, were it not at the same time rendered highly interesting, by its immediate connection with the case and comforts of our constituents, and the credit and prosperity of our country. He should, therefore, with confidence, anticipate the attention of the Committee, while he developed the principles of the report, and pointed out the beneficial consequences which, in his estimation, would result from the adoption of it.

A proper consideration of the plan reported would lead to the following inquiries: 1st. What is the actual amount of the Debt? 2d. What will be the actual state of our revenue? 3d. What will probably be the state of our revenues for a series of years to come, excluding the casualty of war? 4th. Whether all the existing revenues ought to be kept in existence for a period commensurate with the existence of the Debt, or, if short of that period, for what length of time? 5th. What disposition ought to be made of any annual surplus of revenue which may exist, after satisfying the annual appropriations for the current expenditures, the interest of the Debt and the sum annually redeemable? 6th. Whether the sale of the Western lands ought at this time to be resorted to, as an auxiliary resource for the reduction of the Debt?

1st. The actual amount of the Debt Mr. S. stated to be as follows:

Total of six per cent. stock, when the whole shall be subscribed	\$27,557,116
Six per cent. stock standing to the credit of certain States	2,345,056
Total of deferred stock	\$29,902,172
Total of three per cents, about	14,951,036
Total of Domestic Debt	20,000,000
Total of Domestic Debt	\$64,853,208

Of the above sum, it was necessary to remark, that about \$2,500,000 still remained in the shape of registered and unsubscribed Debt, the greatest part of which it was presumable would soon be subscribed; and that the sum of \$2,265,023 was

now the property of the Sinking Fund, subject, nevertheless, to redemption, on the same terms as the remainder of the Debt.

Such being the state of the Debt, and the Government having reserved, by the law which modified it, a right to redeem it by payments not exceeding in each year the sum of eight dollars on every hundred dollars of the six per cent stock, for principal and interest, it would be seen that, stating the six per cent. at \$24,902,172, the two per cent. on account of principal, which the Government has the right to pay, will be the sum of \$598,043; which sum, with the interest annually liberated thereby, will be sufficient to meet the annual instalments, according to the right reserved, until the year 1801, when the further sum of \$299,021, being the two per cent. on the deferred Debt, must be provided for the annual payment of that two per cent., besides the sum of \$897,062, as an annual provision for the interest, which will then become payable thereon. Some calculations would be hereafter exhibited to show the operation of these payments on account of the principal of the Debt, and the length of time requisite for the complete discharge of the whole of the six per cent., and deferred Debt.

2d. The second consideration was, the state of our resources.

After a survey of the state of our burdens—a picture which, however unavoidable, and the necessary price of our liberties, was still an unpleasant one—it must be highly gratifying to every patriotic eye, to survey the interesting picture which the present state of our revenues exhibited. The beauty of this picture was considerably heightened by contrasting it with the gloomy scenes displayed in the Old World, where the great and powerful nations of Europe were heaping burden upon burden on their distressed subjects, and exhausting their resources and their strength in a conflict the most bloody and obstinate that history had recorded, while this happy country, under the auspices of peace and the smiles of Providence, was increasing in its population, its commerce, and its strength, in a progression which outran all calculation.

At the close of the year 1793, there existed a surplus of revenue beyond the appropriations of \$2,487,181.

At the close of the present year, 1794, notwithstanding the extraordinary and heavy expenditures of this year, for the building of frigates, fortifications, purchase of military stores, and the expensive supplies for the Western Army under General Wayne, a surplus is stated of \$845,425.

At the close of the year 1795, the probable surplus is estimated at \$700,000; after discharging out of the revenues of that year the enormous sum of \$1,122,569, for the expense of the army employed to suppress the rebellion in Pennsylvania, in addition to a heavy expense for the regular Military and Naval Establishments, and a further sum for fortifications.

While we exult, said Mr. S., at this flourishing aspect of our affairs, ought we to withhold our gratitude from those to whose steady policy and

judicious arrangements our country is in no small degree indebted for such blessings? He was happy, for one, to avail himself of this opportunity, while he gloried, as an American, in the unparalleled prosperity of his country, to tender his small tribute of approbation to those who had contributed, by their firmness and wisdom, to preserve the peace of our country, and to fill the coffers of our Treasury, by an excellent system of administration. To the President, who had, at a most critical period, by his magnanimous conduct, stemmed a torrent which was hurrying us away to a destructive war, and to the Secretary of the Treasury, whose unremitting and assiduous labors had given energy and system to the complex machinery of an extensive and intricate Department, (and to whose fidelity and services a large committee of this House had borne testimony at the last session,) he felt that much was due, and thus feeling, he could not on this occasion suppress the sentiments he had expressed.

It is evident, said Mr. S., from the above view of our revenue, and the appropriations to which it is subject, that there will be a surplus adequate to the discharge of the instalment which the Government has the right to redeem in the year 1795.

3d. The next subject of inquiry is, whether the state of our revenues for a series of years will be likely to enable the Government to continue the regular and gradual discharge of the future instalments?

A view of this part of the subject must exclude altogether the idea of a foreign war, for all must agree that such a national calamity would at the same time dry up the sources of some of our best revenues, and divert others from those channels in which they would, in times of peace, flow for the beneficial purposes of reducing the Debt: a war, while it would necessarily interrupt the payment of the existing Debt, would as certainly create a new one, proportioned to the nature and duration of such war. Our calculations must therefore be predicated on a state of peace, and God forbid, said Mr. S., that we may ever have to make them on any other hypothesis?

The existing revenues arise from the following sources, and are estimated, in round numbers, at the following sums, viz:

Import and tonnage	\$5,500,000
Excise	400,000
Carriage tax	\$150,000
Snuff and sugar tax	90,000
Auction tax	40,000
Licenses for retailing wines, &c.	100,000
Surplus of dividend on Bank stock and Post Office	380,000
	70,000
	\$6,350,000

The charges which will probably exist for a series of years, may be estimated as follows, viz:

Civil List	\$500,000
Interest on Foreign and Domestic Debt	\$1,100,000
Military Establishment, including pensions	1,500,000

Naval Establishment, including pensions	400,000
Interest on temporary loans	100,000
Light-house establishments	24,000
	5,624,000
Surplus	726,000
	\$6,350,000

The result of the above comparative view of our permanent revenues and expenditures, which is obviously to a certain extent conjectural, exhibits a surplus of above seven hundred thousand dollars, which will furnish more than the requisite sum for the annual redemption, until the year 1801, when, as already shown, further sums will be wanted, to meet the deferred Debt.

With respect to the above statement of our revenues and expenses, the following observations occur: 1st. With respect to our revenues—The impost and tonnage are estimated to produce the sum of \$5,500,000; but this calculation, I understand, is bottomed on the imports of the present year, which, it has been suggested to me by persons of commercial knowledge, greatly exceeds the ordinary importations, and are attributable to the prodigious emigrations to this country, which are likely to be diminished when peace takes place, and therefore likely to cause a diminution hereafter of this branch of revenue. Should this suggestion be well founded, and the revenue from impost be reduced, the defalcation will be probably counteracted by a proportional increase of the product of the internal duties, some of which have hitherto yielded much less than they ought to have done, from obstructions which are every day lessening, and others are of too recent a date to furnish a guide to an accurate estimate of their ultimate product. We may reasonably hope that the latter as well as the former will ere long yield a much larger sum than that at which they are estimated. 2d. With respect to the expenditures: The only prospect of a favorable alteration in that estimate arises from the Military Establishment, a reduction of which, to any considerable extent, would be a handsome addition to the surplus. But this is more to be hoped than expected. The precarious situation of our extensive frontiers, will, for some time, preclude every rational expectation of any considerable diminution of the Army; and, even should it take place, it is not improbable that a part of the savings in that respect may be required for Indian presents, and trading houses, for the preservation of peace. So in regard to the annual Naval Establishment, which is estimated at four hundred thousand dollars; the savings which a reduction of that establishment would produce, would necessarily be diverted to the payment of an Algerine tribute. We ought not, therefore, to reckon on much more than the annual surplus above stated, for several years to come. Events will determine, in the year 1801, when the interest on the deferred Debt shall become payable, whether any further revenues will be then wanted for that purpose. The next subject of inquiry, is, 3d,

Whether all the present revenues ought to be kept in existence for a period commensurate with the Debt, or if short of that period, what ought to be the term of their duration? On this point we must anticipate a diversity of sentiment in the Committee. It will probably be said, that as the laws of last session, imposing duties on certain internal objects, were merely experimental, and therefore limited in their duration to the term of two years, it would be inexpedient at this time to forestall a judgment of their utility and operation, and to repeal the clauses of limitation before we had an opportunity of judging of their effects on our constituents; that there is a prospect of the revenues arising from impost and tonnage, and from distilled spirits, being hereafter adequate, by their future increase, and by a probable reduction of our permanent expenses, to a full provision for all necessary objects, without the aid of these new resources; and that, at any rate, it ought to be left to the Legislature which may exist at the epoch when those laws shall expire, to judge of the fitness of a continuance of them, or of a substitution of other taxes, should further taxes be necessary; that we should, at this session, content ourselves with furnishing the means for the instalment of the ensuing year, and leave it to our successors, of whose zeal we ought to entertain no doubts, to do their duty, as we shall have done ours.

To remove the weight of these objections, two points must be investigated; 1st. Whether the revenues arising from impost and tonnage, and from distilled spirits, will alone be competent to the permanent expenses of the Union, and the regular discharge of the Debt? 2d. Whether, admitting the necessity of further resources, those of last session, arising from internal objects, are not the most likely to meet the general approbation of the country?

1st. Some remarks already made apply to the first point, and elucidate the inadequacy of the duties arising from impost and tonnage, and from distilled spirits, to the payment of our annual expenses and the regular discharge of the Debt. This point will be more clearly ascertained by stating that the aggregate product of those revenues is estimated at \$5,900,000, whereas the permanent expenditures, and the sum annually redeemable of the Debt, amount to \$6,224,000, leaving a deficiency of \$324,000, which must be supplied by other taxes. It must be further observed, that this statement does not look beyond the end of the year 1800, for the year 1801 will call for much further revenues; an annual provision must then be made for the interest on the deferred Debt, and another provision for the redemption of the capital; the former, as before stated, will require the sum of \$897,062, and the latter the sum of \$299,021, making together \$1,196,083. Hence it is demonstrable that there will be, without the aid of the new internal taxes, an annual deficiency, until the end of the year 1800, of \$324,000, and an annual deficiency after the year 1800 of \$1,520,083.

To these authentic statements, it is no answer to say that the other revenues may be increased, and that the permanent expenditure may in future

years be diminished to such extent, as to obviate a recurrence to further aids. With an equal share of the prophetic gift, I have as much right to say that the former may be diminished, and the latter may be augmented to such extent as to increase the deficiency. But even admitting the hypothesis of an increment of revenue and a diminution of expense, is there no valuable object to which any occasional surplus may be applied? Would not the application of it to the Sinking Fund be attended with the most advantageous consequences? Would not the annual purchase of the Debt greatly accelerate the extinguishment of that curse, as it has been so emphatically called, that scourge of nations, that parent of excises, the horror of a free people, that rallying point of the factions, that vital nourishment of the clubs, the standard of the anarchist, and bug-bear of the ignorant? Shall we trifle with such a foe, when we have in our hands the means to subdue him? Shall we throw over this monster only a flimsy net-work which he will break through in a few years, when we have the power to chain him down forever? Shall we administer only tampering medicines for this great State malady, as it has been termed, when we can perform a radical cure? Shall we exhibit ourselves as State empirics playing mountebank tricks with this deep-rooted distemper, this cancer on the body politic, when we hold the proper remedy to extirpate it? Shall we be mere dabblers in a matter of so much lasting importance to the energy and prosperity of the nation? No, sir, let us seize with ardor on this occasion, let us with avidity embrace the opportunity which a kind Providence, and the wisdom of our public administrators, has afforded us, of striking at the root of this national evil; let us improve all the means which the virtuous acquiescence of our fellow-citizens has set before us, to liberate our country from a Debt, which, though honorable in its origin, wise in its modification, and just in its principles, cramps our natural energy, enfeebles our means of defence, and absorbs those resources which, with proper application, would render us at all times a valuable ally and a formidable enemy. Let us avail ourselves of the present era of peace and prosperity, to lay a solid foundation for our future grandeur. A few years more of such times, and we shall have so far cut down that Debt, which now exhausts one-half of our revenues, as to be enabled, with the existing taxes, to equip a considerable fleet, to be fortified against any invasion, and to have a military strength which will set at defiance any nation which may be so rash as to quarrel with us. It is therefore no less our interest than our duty to make at this time a serious and a great effort to diminish the Debt, and to establish a permanent system for that salutary object. There can be little doubt, that, in so doing, we shall anticipate the sanguine expectations and cordial wishes of our fellow-citizens throughout the Union. The President has expressed the same sentiment; the House indeed, seemed to be under a similar impression, when they unanimously acceded to the proposition which I had the honor to make at the beginning of the session,

and which was, that "Further provision ought to be made for the reduction of the Public Debt; and, that a committee be appointed to report a plan for that purpose." The House, in directing the Committee to report a plan, undoubtedly meant something, not temporary and annual, but systematic and permanent. A plan excludes the idea of an annual or biennial arrangement; it contemplates an arrangement unfluctuating and durable. Any modification therefore of the Debt which would be exposed to change and instability, would be as repugnant to the unanimous vote of the House, as already expressed, as to the wishes and feelings of our constituents.

No further argument being, it is presumed, necessary to evince the expediency of drawing into our coffers other revenues than those arising from commerce and from distilled spirits, I proceed to the second consideration. 2d. Whether the duties and taxes imposed at the last session on internal objects, be not preferable to any others?

Those duties and taxes are, on manufactured sugar and snuff, on carriages, on licenses for retailing wines and foreign spirituous liquors, and on sales at auction, the duration of which is limited to the end of the session of Congress, subsequent to the month of June, 1796. From the various objects of taxation which presented themselves, these were at the last session selected by a committee composed of a member from each State; they were, after a full discussion, agreed to by large majorities in both Houses; they have been in operation many months, and no complaint has yet reached our ears; Congress have been in session near two months, and no petition has appeared against them, no motion for the repeal of any of them. To these indirect evidences of their propriety, it may be added, that they carry with them direct testimony of their merits; they are paid by those classes of the community who can well afford it; they are simple, easy and cheap in their collection: there are no other taxes which can be recommended by so many considerations; they are as popular as taxes can be; were they less so than I believe they are, the application of them to so popular an object will undoubtedly make them as much so as we can desire; if there should be any sting in any of them, the consideration of the good they will do, will remove it.

To what other source shall we apply? The impost is at its *ne plus ultra*; this is universally agreed: Stretch the cord again, and I predict that it will snap. The excise on distilled spirits is not proposed to be raised; shall we lay a land tax? Unless we wish to excite a general clamor throughout this country, that subject ought not to be meddled with; let it remain as our grand resource in case of war, when dire necessity shall compel a resort to it, and when Americans will submit to it with cheerfulness.

Impressed with the solidity of these considerations, the Select Committee have recommended a continuance of these taxes to the year 1801. It would perhaps have been expedient to have proposed a permanent appropriation of them until the extinguishment of the Debt; a spirit of con-

ciliation induced a compromise which fixed on that epoch, when the Deferred Debt becomes payable, and when the Legislature will decide from the then state of things, whether those or other revenues shall be requisite. Anxious as I am, that no difficulties may hereafter interrupt the completion of this desirable work, my own opinion is, that these taxes should now be permanently appropriated to the redemption of the Debt, not liable to be repealed, unless others of equal value shall be substituted. The Committee will decide whether I am right in this opinion, or whether their duration ought to be limited to a period when they will probably be still more necessary than at present.

5th. As to the disposition of any annual surplus. The Select Committee have reported that the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, ought to be annually appropriated to the purchase of the Public Debt.

We may entertain a reasonable expectation, that, in times of public tranquility, and without the intervention of any unfortunate contingency, the existing revenues will in some years, perhaps in every year, yield an overplus after discharging the current demands and the redeemable part of the Debt; that overplus will be advantageously employed in buying up the Debt. This appropriation may be made in two modes, either by now declaring by law that such surplus, at the end of every year, shall be applied to the purchase of the Debt, unless the same shall be required for the public exigencies, and be specially appropriated thereto by act of Congress (of which kind of appropriation there is a precedent in our statute books,) or by recommending it by a resolution of this House to future Houses, to make such annual appropriations. The first mode appears the most efficacious and systematic.

With this auxiliary fund, a considerable impression on the Debt may be annually made by purchases; already the interest fund, arising from interest money liberated by antecedent purchases and payments into the Treasury, amounts to the annual sum of 77,164 dollars; this fund being applied, as fast as it passes into the hands of the Commissioners, to further purchases, is annually augmenting, with all the velocity of compound interest; the accretion of the annual surpluses will still add to its celerity; the operation therefore, of the Sinking Fund, will form a valuable aid to the redemption fund. Both these funds will be annually performing their operations; the redemption fund will annually discharge that part of the principal of the six per cents, redeemable by law, even when the Debt is above par; the Sinking Fund will buy it up on beneficial terms when under par, besides operating on the three per cents and deferred.

6th. The last point relates to the Western lands, for the sale of which the Committee have recommended a provision at the present session.

On that subject, it may not be amiss to remark, that much doubt is entertained by judicious men, whether this is the proper season for proceeding to the sale of those lands.

On the one hand, it is suggested that the present state of war in that country would either impede the sale or render it unprofitable; that Congress ought therefore, to take no steps in regard to that property, until a settled and lasting peace shall have been established. On the other hand, the prospect of an approaching peace and the present rage for land speculation seem to invite to the experiment. If adventurers are disposed to purchase, notwithstanding the war, on terms advantageous to the United States, there appeared no good reasons why the Government should not, as early as possible, avail itself of this auxiliary resource to reduce its Debt. The purchasers in this case run all risks, and take upon themselves all hazards; the Government has no other care than either to sell for ready money or to have the contracts well secured. Should it be thought however that any sales, prior to a peace, will be disadvantageous to the United States, it will in that case be proper to introduce in the bill a clause declaring that the sales shall not commence until the President shall by proclamation, have announced a peace with the Indian tribes. Mr. S. then said, having thus, Mr. Chairman, touched on the different points resulting from the report, and on the subjects incident to a due consideration of it, I shall conclude with a few miscellaneous observations, not immediately falling under any of the above heads. Though they will be more obvious and applicable when the details of the bill shall come under consideration, yet it may not be altogether useless to draw the attention of the Committee to them at this time.

1st. The first consideration which occurs as a matter of detail, is the doubt whether the payment of two per cent. on the principal of the Debt is to extend to that portion of six per cent. stock which has been purchased by the Commissioners of the Sinking Fund? It appears to me expedient that it should: in that case, the amount so paid must be appropriated to the Sinking Fund; and the interest liberated by each annual payment, must go to swell the payment of the ensuing year, for it will be observed that, according to the right reserved, each annual payment on account of principal, will be larger than the payment of the preceding year, by the addition of the interest liberated in that year: by the existing laws, the interest on the Debt purchased is appropriated to the Sinking Fund; a repeal of that appropriation will therefore be necessary.

2d. The next consideration which arises is, by whom shall these payments of redemption be made? The Commissioners of the Sinking Fund present themselves as the most proper persons. The moneys requisite for the purpose will be placed at their disposal, by the proper officers of the Treasury. They will keep two separate accounts, one relating to the redemption of the Debt by annual payments, the other relating to the purchase of the Debt.

3d. Some difficulties may be suggested on the score of the certificates.

Are new certificates to be issued at every annual payment? Or, are the payments to be en-

dorsed or noted on the certificates, or only entered on the books of the Treasury in each creditor's account?

How is a purchaser to know the value of a certificate, and what steps ought to be adopted in relation to certificates in Europe? It may be expedient to vest a discretionary power in the Treasury Department, subject to the control of the President, to regulate these details in the manner most convenient to the creditors, consistent, however, with a due regard to the Treasury arrangements.

4th. Another point, of no less doubt and of equal importance with the foregoing will arise, *i. e.* whether the two per cent. on account of principal shall be made quarterly yearly or annually; this doubt will require Legislative decision. The advantage of paying it quarterly will be, that it will prevent the collection of large sums at the end of the year in the Treasury; but, as no interest in that case will be stopped till the end of the year, expediency dictates that the payment of the two per cent. should be made at the end of each year. Mr. SMITH concluded, with observing, that, from the calculations which he held in his hand, it appeared that, from the mere operation of the Redemption Fund, the present six per cent. Debt would be paid off in less than 29 years, and the deferred in less than 29; there would then remain only the three per cent. and Foreign Debt; but the combined operation of the Sinking Fund would greatly accelerate the discharge of the whole, and should the Legislature think proper to increase our revenues by new taxes, we might soon expect to see a complete discharge of the Debt. At all events, said Mr. S., it will be a consolation to us all as we grow old, that the older we grow the nearer we approach that happy period, when our country, liberated from its burdens, shall rise with a vigor and elasticity which will protect our liberties from every external aggression, and preserve to us, and perpetuate to our posterity, every internal blessing.

Mr. NICHOLAS, Mr. DEXTER, Mr. HULLHOUSE, and Mr. FRIZZMONS, also spoke. The Committee then rose, and leave was granted for them to sit again.

WEDNESDAY, December 24.

The House resolved itself into a Committee of the Northern boundary of the Territory ceded to the United States by the State of North Carolina; and, after some time spent therein, the Committee rose and reported progress.

On the question, that the House will, on Friday next, again resolve itself into a Committee of the Whole House on the said bill, it passed in the negative.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill.

Mr. SEDGWICK, from the committee appointed to inquire and report the means of providing for the payment of the third instalment due on a Loan made of the Bank of the United States; and for

the payment of any instalments which may fall due on Foreign Loans in the year one thousand seven hundred and ninety-five, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Friday next.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose, and reported progress.

FRIDAY, December 26.

Two other members, to wit, JEREMIAH WADSWORTH, from Connecticut, and SAMUEL SMITH, from Maryland, appeared, and took their seats in the House.

A petition of William and Archibald McNeil, of Boston, in the State of Massachusetts, ropemakers, was presented to the House and read, praying a remission of the duties accruing on a quantity of hemp and yarns imported in the brig Betsey, in the month of November, 1793, which was consumed by fire, together with other property of the petitioners, on the 30th day of July last.

Ordered, That the said petition be referred to Mr. VENABLE, Mr. SCOTT, and Mr. CLAIBORNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. HULLHOUSE, from the committee appointed, presented a bill for the ascertainment of certain losses of the officers of Government and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House, on the report of the committee appointed to inquire and report the means of providing for the payment of the third instalment due on a Loan made of the Bank of the United States, and for the payment of any instalments which may fall due on Foreign Loans, in the year 1795; and, after some time spent therein, the Committee rose, and reported the following resolution, which was twice read, and agreed to by the House, *viz*:

Resolved, That provision be made, by law, for the payment of any instalments of Foreign Loans which may fall due in the year 1795; and for the payment of the third instalment due on a Loan made of the Bank of the United States, out of the proceeds of any Foreign Loans heretofore made.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. SEDGWICK, Mr. GILES, and Mr. IRVING, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have disagreed to the amendment of this House to the amendment proposed by the Senate to be added to the end of the bill, entitled "An act to regulate the pay of the non-commis-

sioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," and do insist on their amendment to the said bill. They desire a conference with this House on the subject-matter of the said amendment, and have appointed managers at the same on their part.

The House proceeded to consider so much of the said message as desires a conference with this House on the subject-matter of the amendments depending between the two Houses to the said bill. Whereupon,

Resolved, That this House doth agree to the said conference, and that Mr. MADISON, Mr. DEARBORN, and Mr. DAYTON, be appointed managers at the same on the part of this House.

Mr. SEDGWICK, from the committee appointed, presented a bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States; which was read twice, and committed.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish an uniform rule of naturalization."

Mr. GILES proposed to amend the intended test of a citizen, by adding, after "two witnesses giving evidence as to his moral character," these words: "attached to a Republican form of Government." He thought this test proper, to prevent those poisonous communications from Europe, of which gentlemen were so much afraid.

Mr. DEXTER preferred saying "attached to the Constitution of the United States."

To this amendment Mr. GILES had little or no objection.

Mr. BOUNDINOT did not see the use of either amendment. It was only giving unnecessary trouble. The oath which the person himself must take, was sufficient for expressing his fidelity to the Government of this country.

Mr. NICHOLAS considered both the amendment, and the clause to which it was annexed, as unnecessary; and even if in themselves proper, they were misplaced. He thought both equally superfluous. They should have been inserted in the oath of allegiance of the man himself.

Mr. DAYTON hoped that the whole clause would be rejected. He should be against it, unless the nature of the evidence was referred to a Court of Justice. He foresaw many difficulties arising to poor men in attempting to get two such witnesses. It might suit extremely well with merchants and men of large capital, who had, he supposed, been alluded to the other day, under the title of meritorious emigrants. He was not so anxious for them as for useful laboring people, who, as he thought, would be more likely to do good. This class, however, had never, it was likely, troubled their heads about forms of Government. He further objected to the amendment of the gentleman from Virginia, that the word Republican was entirely equivocal. This title was assumed by many Governments in

Europe, which were upon principles entirely different from ours. Some of them, such as Poland, had been Aristocracies of the most hideous form.

Mr. DEXTER hoped that the amendment of Mr. GILES would not pass, [Mr. GILES had, as before noticed, consented to withdraw it]; not so much for the sake of the principle, as of the language in which it was expressed. The word Republican implied so much, that nobody could tell where to limit it. Why use so hackneyed a word? Many call themselves Republican, who, by this word, mean, pulling down every establishment: they were mere Anarchists.

Mr. HULLHOUSE was equally against the clause and amendment. Mr. DEXTER and Mr. GILES previously declared themselves extremely doubtful whether they should even vote for the clause, when amended in their own way.

Mr. GILES felt himself extremely surprised to hear it asserted on the floor of Congress, that the words "Republican form of Government" meant anything or nothing. He read a passage from the Constitution, whereby a Republican form of Government is guaranteed to each of the United States composing the Union. He should, therefore, have imagined, that the words were well understood from one end of the Continent to the other. He did not expect such criticism. He was not sure if he should vote for the clause at all; but if he did so, he should wish the best to be made of it. He then altered his amendment to these words: "attached to the principles of the Government of the United States."

Mr. DAYTON.—With all the ambition of that gentleman [Mr. GILES] to be called a Democrat, both he and Mr. D. would more properly be called Republicans. He again vindicated his assertion as to the equivocal meaning of the word. A Venetian or Genoese might come to this country, and take the oath as proposed, and then excuse himself by saying, "it was the Republican form of my own country which I had in view." One of the best writers on the British Constitution had called that also a Republic.

Mr. MADISON was of opinion that the word was well enough understood to signify a free Representative Government, deriving its authority from the people, and calculated for their benefit; and thus far the amendment of his colleague was sufficiently proper. Mr. M. doubted whether he himself should, however, vote for the clause, thus amended. It would perhaps be very difficult for many citizens to find two reputable witnesses, who could swear to the purity of their principles for three years back. Many useful and virtuous members of the community may be thrown into the greatest difficulties, by such a procedure. In three years time a person may have shifted his residence from one end of the Continent to the other. How then was he to find evidence of his behaviour during such a length of time? But he objected to both amendments on a different ground. It was hard to make a man swear that he preferred the Constitution of the United States, or to give any general opinion, because he may, in his own private judgment, think Monarchy or Aristocracy

better, and yet be honestly determined to support this Government as he finds it.

Mr. HILLHOUSE then proposed as an amendment, to insert, that "evidence should be produced to the satisfaction of the Court."

Mr. DEXTER mentioned the abuses that have happened in the present form of admitting citizens. He did not comprehend the argument of Mr. DAYTON, that it would be more easy for a rich man for a poor man to get evidences to swear to his having resided in the country. If he had not, the fact was of a notorious nature. It would likewise be as easy for a poor man, as for a rich one, to get an attestation of his character. The point of residence was, in itself, but little. A man may have resided here for a long time, and defrauded the citizens, which would be no recommendation.

Several other gentlemen spoke. The resolution finally passed.

The second resolution produced a long conversation, in the course of which Mr. MURRAY declared, that he was quite indifferent if not fifty emigrants came into this Continent in a year's time. It would be unjust to hinder them, but impolitic to encourage them. He was afraid that, coming from a quarter of the world so full of disorder and corruption, they might contaminate the purity and simplicity of the American character.

The Committee now rose, and had leave to sit again.

MONDAY, December 29.

A petition of Nehemiah Somes, of the town of Boston, in the State of Massachusetts, was presented to the House and read, praying a remission of the duties accruing on a quantity of salt, which he imported in the ship *George*, from Lyndington, in the Kingdom of Great Britain, and was consumed, together with the store-houses in which it was deposited, by a late fire in the said town.

Ordered, That the said petition be referred to Mr. VENABLE, Mr. SCOTT, and Mr. CLAIRBORNE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of sundry manufacturers of tobacco, in the city of Philadelphia, whose names are thereunto subscribed, was presented to the House and read, praying a revision of the excise laws of the United States, and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on manufactured tobacco, may be repealed.

Ordered, That the said memorial be referred to the Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting an account of the Receipts and Expenditures of the United States for the year 1793, and accompanied with an explanatory letter to him from the Com-

troller of the Treasury; which were read, and ordered to lie on the table.

Mr. GOODRICH from the committee appointed, presented a bill making further provision in cases of drawbacks; which was read twice, and committed.

Mr. GILES, from the committee appointed to prepare and report a plan for the better organizing, arming, and disciplining, the Militia of the United States, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

Mr. MADISON, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate recede from their amendment, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes;" and do agree to the said amendment, with an amendment and modification of the same, agreeably to the report of the Joint Committee of Conference.

The SPEAKER laid before the House a Report from the Secretary of War, respecting the frigates authorized by the act "to provide a Naval armament," made pursuant to the order of the President of the UNITED STATES, conformably to the resolution of the 16th instant; which was read, and ordered to lie on the table.

Mr. GOODRICH, from the committee appointed, presented a bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States; which was read twice, and committed.

Mr. BLOUNT, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government, for the year 1795," made a report. Whereupon, *Resolved*, That this House doth agree to the said amendments.

THE PUBLIC DEBT.

The House resolved itself into a Committee of the Whole House, on the bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States.

[A report was read from a committee, respecting a demand made on account of the Bank of the United States. The particulars were briefly thus: Fifty thousand four hundred dollars belonging to the public were brought by sea from North Carolina to this city, and the Bank of the United States had been employed by the Secre-

tary of the Treasury to insure them. This was done as to the whole sum, excepting some hundreds of dollars, and reasons were assigned why the insurance could not be immediately completed. In a very short time news came that the ship was cast away, and the money thrown overboard. The question now was—Who should pay the small sum not covered by the insurance, and the premium of that greater part, which was insured? The whole demand was about fourteen hundred dollars. The officers of the Treasury considered the claim of the Bank as fair, and they accordingly examined and paid it; but, it was next necessary to come forward in the House, and get a particular act to indemnify themselves for having done so. These particulars are the substance of a statement made on this subject to the House, by Mr. GROVE.]

Mr. MADISON had no objection to the reasonableness of the claim; he only apprehended that a special appropriation was needless.

Mr. FITZSIMONS said, there was no doubt that the thing was not authorized by any act already made. The matter was nothing to the Bank, as the account had already been settled by the officers of the Treasury. He said that the insurance was not to be got on money at any time, as being liable to so many accidents. In the present case, for example, the underwriters did not believe that the money was really thrown into the sea. But the Captain had gone through the requisite formalities, and no more was to be got of him.

Mr. GROVE differed entirely both from Mr. MADISON and Mr. FITZSIMONS, in their opinion that no law existed by which the Treasurer of the United States was authorized to pay this money. Was he not authorized to bring this money from North Carolina? Did not this imply that he was warranted to be at the expense of insuring it? Did it not follow that he must pay for insurance, as other people did? And, as a natural consequence from these premises, it followed, that if by an accident not imputable to him a part of the sum was not covered by the underwriters, the loss must ultimately fall on the State. The Treasurer was surely warranted to act thus, and as surely entitled to reimbursement in the terms now demanded.

Mr. DAYTON had once employed a friend to insure property which was coming by sea to him. Had this friend omitted to do so, he asked whether he would have had a claim, either in law or justice, or in any other way, to make this friend responsible for the value of this property, if it had been shipwrecked and not insured? Certainly not. No more had the Government any right to retort upon the Bank, because a part, though indeed a very small one, of this money, was uncovered. Mr. D. understood very well the nature of the doubt started by Mr. MADISON, and, as he understood him, he was of that gentleman's opinion. If the fifty thousand dollars had been to come from Carolina by land, put the case, that the Secretary of the Treasury had hired wagons to bring it, and a guard to protect it: After the wagons and the guard had been paid for and dismissed, will it be said that the House was at liberty to re-

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fuse reimbursing what they cost? This he thought a parallel case.

Mr. BLOUNT, Mr. MADISON, and Mr. W. SMITH, spoke each a few words. The House agreed to the report of the Select Committee.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

The motion before the Committee, made by Mr. VENABLE, when they broke off the last discussion, had been to strike the word "moral" out of this amendment: "good moral character." These three words, altogether, were an addition of what was to be attested by the witnesses for a candidate to admission as a citizen.

Mr. DEXTER opened the debate on the amendment of Mr. VENABLE to the amendment, by saying that he wished to hear the reasons for it.

Mr. NICHOLAS said, that he did not make the motion; but his colleague, who had made it, thought that the insertion of the word "moral" gave too strict an air to the sentence. This word might be hereafter implied to mean something relative to religious opinions.

Mr. SEDGWICK remarked, that if no better reason than that advanced by Mr. NICHOLAS could be given for striking out the word "moral," he could not agree to it. Moral is opposed to immoral, but has no particular reference whatever to religion, or whether a man believes anything or nothing. It has no reference to religious opinions. We can everywhere tell, by the common voice of the World, whether a man is moral or not in his life, without difficulty. In some States of the Union adultery is not punishable by law, yet it is everywhere said to be an immoral action. It is too nice to make a distinction between a good character and a good moral character. The word good, itself, is very equivocal in its meaning. It signifies anything, everything, or nothing. A good companion is one thing; a good man, as applied to wealth, conveys a different sense; and so on.

Mr. B. BOWEN considered the amendment itself, and the motion of Mr. VENABLE to strike out the word "moral," as equally useless.

Mr. MURRAY hoped that the word would not be struck out. This would be the greatest slander ever cast upon the American character. It would excite the surprise of foreign nations.

Mr. VENABLE had thought the wording of the phrase too strict; but rather than have any further dispute, he withdrew his motion for striking out the word "moral."

The clause was then read, as amended. Mr. GILBERT thought that the term of residence, before admitting aliens, ought to be very much longer than mentioned in the bill. The Chairman informed him that the term in the bill was left blank.

Mr. SEDGWICK, agreed to the idea of Mr. GILBERT. He wished that a method could be found of permitting aliens to possess and transmit property, without, at the same time, giving them a

right to vote. He did not know if the Constitution authorized such a thing.

After some further conversation, the clause passed. The third resolution in the report was then read; which was, that if an American citizen chose to expatriate himself, he should not be allowed to enter into the list of citizens again without a special act of Congress, and of the State from which he had gone.

Mr. MADISON did not think that Congress, by the Constitution, had any authority to readmit American citizens at all. It was only granted to them to admit aliens.

Mr. SEDGWICK was very willing for his part, that citizens who had once expatriated themselves should never be readmitted again.

The Committee, on two successive motions to that effect, from Mr. MADISON and Mr. GILES, rose. The Chairman reported progress, and asked leave to sit again, which was granted.

TUESDAY, December 30.

An engrossed bill providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States, was read the third time, and passed.

A petition of Robert Crabb, of Amelia township, in the State of South Carolina, was presented and read, praying that he may be permitted to fund a certificate for a certain sum of money which he deposited in the Treasury of the State of Georgia, in the month of May, 1783, and which, from unavoidable circumstances, has not been funded within the time prescribed by law.

Ordered, That the said petition be referred to the Committee of Claims.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before you a Report made to me by the Secretary of War, respecting the frontiers of the United States. The disorders, and the great expenses which incessantly arise upon the frontiers, are of a nature and magnitude to excite the most serious considerations.

I feel a confidence that Congress will devise such Constitutional and efficient measures, as shall be equal to the great objects of preserving our Treaties with the Indian tribes, and of affording an adequate protection to our frontiers.

G. WASHINGTON.

UNITED STATES, December 30, 1794.

The said Message and report were read, and ordered to lie on the table.

The House proceeded to consider the amendment and modification proposed by the Senate to the amendment of this House, in lieu of their amendment, disagreed to by this House, and insisted on by the Senate, to the bill, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes." Whereupon,

Resolved, That this House doth agree to the said amendment and modification.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House, on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. HILLHOUSE moved as an amendment to the clause before the Committee, that if any citizen of the United States, at any time thereafter, should become a citizen or subject of any other State or country, he should not again be admitted an American citizen. This amendment gave rise to debate.

Mr. MURRAY hoped the amendment would succeed, and that any citizen of the United States who, when out of the United States, elected to be a subject of any foreign Power, should not again be permitted to the rights of complete citizenship; nor did he think it necessary to decide the question which had resulted from the ingenious arguments of his friend from Massachusetts, [Mr. DEXTER] whether a man can expatriate himself without the express consent of the community or nation of which he is a citizen or subject. It was enough for us to say, that any man who does expatriate himself from the United States, shall not again become a citizen. He could not agree with the gentleman from Massachusetts, in the position, that a man cannot expatriate without the consent of his country. The practice of this country is a direct confutation of this doctrine; and it must be admitted, either that this country has trampled on the most solemn of social and national rights, by its practice, or that a man may leave his country and take on him the obligations of a new allegiance in this country.

It seemed to him a position as conformable to sound morals as to political truth, that what a man has no right to offer, another man, or society, cannot rightfully accept. He would infer, that this country had a right to naturalize foreigners, because she has naturalized them; and that this country, by its laws, having accepted the allegiance of an alien, the alien had a right to offer that allegiance. The very proviso to naturalize an alien, without inquiry as to the consent of his own country having been previously obtained, seems to be predicated on the principle, for which he contended—that a man has the right to expatriate himself without leave obtained: if he has not, all our laws of this sort, by which we convert an alien into a citizen completely, must be acknowledged to be a violation of the rights of nations. How far a man, after having been naturalized at a period of life when his reason enabled him to choose, and to enter into a solemn obligation, and after he has expressly entered into it, has a right, without the consent of the society, to quit that society, might be another question. After a citizen throws off his allegiance to this country, by leaving it and entering into a new obligation to some other nation, though he may have a right so to do, he has no right to return to his allegiance here without the consent of this society; and it is not a question of right, but of policy,

how far we will readmit him to citizenship. When he said that the right of dissolving allegiance must be admitted both to give exercise to a right and to give consistency to our principles and practice, he did not mean that a citizen could throw off his allegiance in this country, but that he must complete the act of dissolution in some other country. Such a principle would belong to the theory of the dissolution, rather than the formation of a civil society; hence appeared to him the strange solecism of that law of Virginia which provides for the throwing off allegiance within the community. The consequences of such a principle are not only destructive to the very form and body of civil society, but are unnatural. They present a civilized being belonging to no civil society on earth; for, in the intermediate state in which he stands, between the allegiance and country he has just disowned, and the allegiance and country to which he may intend to pledge himself, he is in the imaginary state of nature, which is, in reality, an unnatural state, for a being whose every faculty and quality constitutes him a moral agent, surrounded by essential relations, and, of course, impel him to discharge duties of a social nature.

He wished this Government, while it expressly adopted the right of naturalizing aliens, to do and to say nothing that involved a contradiction between its principles and practice. If it accepts the allegiance of an alien, it presupposes that the alien has the right to tender his allegiance; and one clause of the bill expressly requires of the alien an abjuration of his former allegiance, which is certainly proper. In doing this, the bill admits, unequivocally, the right of subjects and citizens to expatriate. The British Government, by a want of conformity between their first principle, as laid down in their law books, and the practice of Parliament, have shown us a singular mixture of old principles which the nation have outgrown.

It is a maxim with them, that allegiance cannot be dissolved by any change of time or place, nor by the oath of a subject to any foreign Power; yet they naturalize by act of Parliament. They accept what they declare by their theory of civil law cannot be rightfully offered: nay, for one century the throne of England has presented Monarchs who were foreigners. William of Orange was a Prince, but he was a subject, too, of a foreign Power; and George the First was a member of the Germanic body. There is little danger that citizens, who are worthy of being so, will throw off their allegiance from the United States. The amendment which prohibits their readmission to a participation of all the rights of citizenship, will be a sufficient penalty, if any be necessary. Though they may have a right to expatriate themselves, there cannot be inferred a right of returning; for every body politic must have the right of saying upon what terms they will accept any addition of aliens to their numbers; and the expatriated man, no longer belonging to this society, and being an alien, the Government may choose whether he ever shall enjoy its privileges again.

Mr. BALDWIN expressed the strongest disappro-

bation at the idea of expatriating all those of our citizens who may have become subjects or citizens of another country. Many of them had been made citizens without any solicitation of their own, and merely as a mark of esteem from the Government under which they lived. They had no design whatever of renouncing their country. Yet the House, all at once, declares them incapable of returning to their former situation.

The amendment was negatived. The Committee rose, the Chairman reported progress, and the House adjourned.

WEDNESDAY, December 31.

LEMUEL BENTON, from South Carolina, appeared and took his seat in the House.

The SPEAKER laid before the House a Letter from the Secretary of War covering sundry petitions; which was read, and ordered to lie on the table.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying statements received since the twenty-ninth day of March last, in the cases of claimants to be placed on the pension list of the United States, who have obtained certificates from the Judges of the Circuit Courts, signed as Commissioners, and from the Judge of the District of Maine; which were read, and ordered to be referred to the Committee of Claims.

NATURALIZATION BILL.

The House again resolved itself into a Committee of the Whole House on the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Mr. W. SMITH made a motion for striking out the clause under consideration altogether, and leaving exactly as it now stands the law regarding citizens of America, who became citizens of other countries. This was rejected.

After some further discussion, Mr. GILES proposed a new clause, which was in substance, that all such aliens, who had borne any hereditary titles, or titles of nobility in other countries, should make a renunciation of such titles before they can enjoy any right of citizenship. This renunciation is to be made in the Court where they lay claim to a right of citizenship. Mr. G. said, if we did anything to prevent an improper mixture of foreigners with the Americans, this measure seemed to him one that might be useful.

Mr. W. SMITH was entirely opposed to the motion. An attempt of this kind had been made some years ago in the Legislature of one of the States, but dropped again as having been seen to be improper. The mind of the public is completely guarded against the introduction of titles, and they will never be current here. You cannot hinder a man from calling another a Viscount. You cannot declare this a crime.

Mr. S. doubted whether the House had, by the Constitution, any right of making such a law. They were directed not to grant any titles, but their authority did not extend to the taking away

of titles from persons who were not born in the country. The Marquis de LAFAYETTE has been distinguished all over the Continent by the title of Marquis. Mr. S. hoped that he would one day be again in America, and then he would very likely be called Marquis again. By this law it would be illegal. The member then went into a long detail on English nobility, and explained the difference between several kinds of titles.

Mr. GILES did not think his motion positively necessary, but it might be useful. It seemed to be a growing practice with some gentlemen in the House to treat the most serious subjects with ridicule. He, for his own part, considered this conduct as highly improper.

Mr. DEXTER was as averse to titles as any man in the House, but he did not like to make laws against them. An alien might as well be obliged to make a renunciation of his connexions with the Jacobin club. The one was fully as abhorrent to the Constitution as the other.

Mr. PACE highly recommended the motion of his colleague. He mentioned a particular occasion at New York, where the word *honorable* had been applied in Congress to a particular body. He had proposed to strike out this word honorable. He was ridiculed, but he stood to his point, and carried it by a great majority. If the Marquis LAFAYETTE was to return to America, he would behave with the frank manners which became a Republican. The case might be very different with a British Peer with his star and garter, and other baubles of that sort. If he were called My Lord Duke, or My Lord, or any other of these foolish names, it might tickle the ears of some people, and make them like the custom.

Mr. GILES, in reply to Mr. DEXTER, said, that if a thing be implied in the Constitution, where is the harm of expressing it? This is said to be implied in the Constitution, and therefore it is needless to express it. Now this was one of the very best arguments which could be thought of in favor of the motion. At the time when the Constitution was made, nobody could foresee the strange turn which affairs have taken, or that there might be a danger from an inundation of titled fugitives. Indeed, if no better reasoning could be adduced against his motion than that employed by the gentleman from South Carolina, he was not likely to think the worse of it. That gentleman had objected to the adoption of the motion because it agrees with the public mind. He says that the dispositions of the people will of themselves be sufficient to exclude the use of titles. It was certainly no reason against making a law in Congress, that it would exactly meet the wishes of the people. The motion might be useful. Mr. G. hoped that it would pass. Foreigners coming here with titles never will voluntarily renounce them. Mr. G. reminded the House that his proposal went only to the renunciation of titles, when the party concerned wanted to become a citizen.

Mr. W. SMITH said, that the fact was against the gentleman. Foreigners coming to this country had renounced their titles, and called them-

selves only by their plain names. Why might there not be an interdiction against persons connected with the Jacobin club? Why not forbid the wearing of certain badges of distinction used by Jacobins?

Mr. MADISON approved of the motion. He regarded it as exactly to the business in hand, to exclude all persons from citizenship who would not renounce forever their connexion with titles of nobility. The propriety of the thing would be illustrated by this reflection, that if any titled Orders had existed in America before the Revolution, they would infallibly have been abolished by it.

Mr. GILES said, that the debate had turned upon these people called Jacobins. Both these and the persons with titles were dangerous to the country. Some of the former part of the regulations in this proposed act had an eye to them. He would have more faith in an individual who came forward in an open Court and renounced his connexions with nobility. He was willing to withdraw for the present his motion.

The Committee went through the bill and rose, and the Chairman reported it with the amendments.

THURSDAY, January 1, 1795.

The SPEAKER laid before the House two letters, one from URIAH FORREST, one of the members for the State of Maryland, dated the twenty-fourth ultimo, stating the election of Benjamin Edwards, as a member of this House, in his stead, he having resigned to the Executive of the said State of Maryland; the other, from John Kilty, Clerk of the Council of the said State, dated the twenty-seventh ultimo, addressed to the said Benjamin Edwards, informing him that an attested certificate of his election as a Representative for the said State, in the room of the said Uriah Forrest, had, by order of the Council of the said State, been transmitted to the SPEAKER of the House of Representatives; which letters were read, and ordered to be referred to the Committee of Elections, with instruction to withdraw, and report presently thereon.

Mr. DARTON, from the Committee of Elections, to whom were referred the letters from Uriah Forrest and John Kilty, Clerk of the Council of the State of Maryland, made a report; which was read, and ordered to lie on the table.

GOVERNMENT SALARIES.

Mr. CLAIBORNE said, that he had long waited for some other gentleman to bring forward the very important proposition which at length devolved upon his hands. He was not unapprised that it would draw down upon him the contempt, and perhaps the calumny too, of many. But the consolation of having honestly done his duty, and what the interest of his country demanded, buoyed him above a sordid concern for the malicious reproaches of those whose private and personal interests alone were affected by his proposition, and from whom alone he might expect to be attacked. A thorough conviction of the propri-

ty of it would be a sufficient salvo for even a dis-appointment, and would enable him to meet, with composure and firmness, all the heavy artillery of oratory that might be levelled against him. This proposition was intended to redress the greatest and best founded complaints against the Government, viz.: exorbitant salaries to Congress, and the Executive officers of Government. He was more anxious about the success of this proposition than about any sentiments which might be entertained respecting the motives that had brought it forward, for it was reduced almost to a system to suspect gentlemen of sinister views, who advance propositions respecting pecuniary matters. Those who share the honors must be content to share the hardships of war. With these impressions, he begged leave to lay the following motion on the table. He had intended that it should be more comprehensive, but his hands were tied by the Constitution.

Resolved, That a committee ought to be appointed to bring in a bill, or bills, to amend the act entitled an act for establishing the salaries of the Executive officers of Government, and their assistants and clerks; and an act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses, and to reduce all such salaries, as, in the opinion of the said committee, will bear reducing."

The resolution was ordered to lie on the table.

NATURALIZATION BILL.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill to amend the act, entitled "An act to establish a uniform rule of naturalization."

Several gentlemen spoke on this subject. As to the granting of privileges to aliens, Mr. MADISON remarked, that there was no class of emigrants from whom so much was to be apprehended as those who should obtain property in shipping. Much greater mischief was to be feared from them than from any influence in votes at an election. If he were disposed to make any distinction of one class of emigrants more than another, as to the length of time before they should be admitted citizens, it would be as to the mercantile people—as these persons may, by possessing themselves of American shipping and seamen, be enabled clandestinely to favor such particular nations in the way of trade as they may think proper.

The House went through the report of the Committee, and agreed to the amendments.

Mr. GILES then rose to make his promised motion as to the exclusion of any foreign emigrant from citizenship who had borne a title of nobility in Europe till he had formally renounced it. He proceeded to observe that, agreeably to the spirit of the Constitution, we ought to have the strongest possible evidence that people of this description have renounced all pretence to a right of this nature, before we admit them into the bosom of society. Moderation had been recommended. He requested gentlemen to observe that he con-

ducted his motion on the strictest principles of moderation. He had, in a former part of this bill, voted for some clauses which were intended to guard the Government against any disturbance from the people called Jacobins, when their principles should run to a dangerous and seditious extreme. The same spirit of candor and moderation which had induced him to vote for a precaution against the attempts of the one party, now led him to propose a precaution against the prejudices of the aristocrats, which were, upon the whole, more hostile to the spirit of the American Constitution than those of their antagonists. He also requested gentlemen to observe that his present motion went not to the invasion of any positive right. It left the individual exactly where it found him, unless he aspired to be an American citizen. Otherwise, he might retain his titles undisturbed as long as he pleased. But if he wanted any promotion of a civil nature in this country, he must rise to it by conforming exactly to the rules laid down by the Constitution itself. That code had declared no titled character admissible to any civil rank. It was not to be supposed that people born and nurtured in the lap of aristocracy would heartily renounce their titles, and become all at once sincere Republicans. It was therefore highly improper that such people should be admitted. If we are allowed to anticipate probabilities, it seems highly probable that we shall soon have a great number of this kind of persons here. A revolution is now going onward, to which there is nothing similar in history. A large portion of Europe has already declared against titles, and where the innovations are to stop, no man can presume to guess. There is at present no law in the United States by which a foreigner can be hindered from voting at elections, or even from coming into this House; and if a great number of these fugitive nobility come over, they may soon acquire considerable influence. The tone of thinking may insensibly change in the course of a few years, and no person can say how far such a matter may spread. After these, and other prefatory remarks, Mr. G. read a resolution, which was in effect as follows:

"And in case any alien applying for admission to citizenship of the United States, shall have borne any title or order of nobility in any Kingdom or State from whence he may come, he must renounce all pretensions to his title before the Court in which such application shall be made; and this renunciation must be registered in said Court."

Mr. G. observed that previous to the late Revolution the French nobility were, by the lowest calculation, rated at twenty thousand; and as we may conclude on France being successful, a great proportion of these people may be finally expected here.

Mr. DEXTER declared that he was not very anxious against the resolution. He, however, opposed it. He imagined that, by the same mode of reasoning, we might hinder his Holiness the Pope from coming into this country. He entered at some length into the ridicule of certain tenets in the Roman Catholic religion, and said that

priestcraft had done more mischief than aristocracy.

Mr. MADISON said that the question was not perhaps so important as some gentlemen supposed; nor of so little consequence as others seem to think it. It is very probable that the spirit of Republicanism will pervade a great part of Europe. It is hard to guess what numbers of titled characters may, by such an event, be thrown out of that part of the world. What can be more reasonable than that when crowds of them come here, they should be forced to renounce everything contrary to the spirit of the Constitution. He did not approve the ridicule attempted to be thrown out on the Roman Catholics. In their religion there was nothing inconsistent with the purest Republicanism. In Switzerland about one-half of the Cantons were of the Roman Catholic persuasion. Some of the most Democratical Cantons were so; Cantons where every man gave his vote for a Representative. Americans had no right to ridicule Catholics. They had, many of them, proved good citizens during the Revolution. As to hereditary titles, they were proscribed by the Constitution. He would not wish to have a citizen who refused such an oath.

Mr. PAGE was for the motion of his colleague. It did not become that House to be afraid of introducing Democratical principles. Titles only give a particular class of men a right to be insolent, and another class a pretence to be mean and cringing. The principle will come in by degrees, and produce mischievous effects here as well as elsewhere. If such men do come here, nothing can be more grateful to a Republican than to see them renounce their titles. This does not amount to any demand of making them renounce their principles. If they do not aspire to be citizens, they may assume as many titles as they think fit. Equality is the basis of good order and society, whereas titles turn everything wrong. Mr. P. said that a scavenger was as necessary to the health of a city, as any one of its magistrates. It was proper, therefore, not to lose sight of equalities, and to prevent, as far as possible, any opportunities of being insolent. He did not want to see a Duke come here, and contest an election for Congress with a citizen.

Mr. SEDGWICK was really at a loss to see what end this motion could answer. He agreed with the arguments of Mr. GILES. But the point in view was explicitly provided for already. By taking an oath of citizenship the individual not only renounces, but solemnly abjures nobility. The title is destroyed when the allegiance is broken by his oath being taken to this Government. This abjuration has destroyed all connexion with the old Government. Why then provide for it a second time?

Mr. GILES said, that by admitting a thing to have been once done, it was admitted that it might be done again. If it had been right to do it once, there could be no harm in repeating it. The member then quoted Mr. DEXTER, who rose and declared that the gentleman had misunderstood

stood him. He spoke for some time, and when he sat down—

Mr. GILES declared himself incapable of comprehending whether Mr. DEXTER was for his motion or against it. He therefore proceeded to reply to Mr. SEDGWICK, whose chief argument had been that the thing was provided for already. He did not suppose that this gentleman would allege the matter to be explicitly provided for. It only could be so by implication; which was a very bad way of making a law, because it gave room for endless disputes. If the thing is in itself right, why refuse to vote directly for it? Why leave it only to be implied? He wished to let foreigners know expressly the ground upon which they stood. Why not tell them at once, and in plain English, you must renounce your titles before you can have the privileges of an American citizen? Mr. G. pressed home this idea more than once. He meant no act of inhospitality to these emigrants. He would deprive them of no right, nor do anything unkind to them. But he was entitled by the spirit of the Constitution to withhold this right from them till they renounced all hereditary titles. This was no incivility. He concluded, by declaring that he would, if supported, call for the yeas and nays on this question. A number of members rose to support this proposal.

Mr. NICHOLS had no objection to the motion, but that it did not go far enough. The emigrants ought to be obliged to swear not only that they abjured all titles hitherto received, but that they would never accept of any in future. He believed that this would hurt their feelings, and, sympathizing with them, he would not urge a proposal that might add to their distress, but should vote for the motion as it stood.

Mr. LEE was very sorry that the present subject had been so long agitated—he never viewed it as important—but a degree of importance had been now given to it by the calling of the yeas and nays.

Under these circumstances, it appeared to him very well calculated to impress on the public mind, that there was a real danger of the establishment of nobility or aristocratic orders in this country; and that those who voted against this motion were friendly to such a change in our political system; and that those who voted for it were the only true patriots. He trusted so much to the liberality of the mover as to rely that he neither meant unnecessarily to alarm the public mind, nor intended to inflict a stigma on those gentlemen who, entertaining an opinion of the frivolity and inefficacy of the motion, should vote against it. Mr. LEE would therefore impute the motion to the most laudable zeal to guard the public liberty. And on this ground it would be necessary to inquire what was the danger which existed that this provision was intended to protect us from. The gentleman must have felt great alarm, or he would not have introduced it. Mr. L. said, when he looked through the Constitution and Laws of the United States, and particularly when he considered the Constitutions and laws of

the respective States, that he could not see the shadow of a foundation to build an alarm upon. As to mere empty names, as to sounds, we must be very corrupt, we must be very ignorant, if we could be alarmed by them. And in this free country every man had a right to call himself by what name or title he pleased; and if the mover thought proper to change his name for any other name, sound, or title, it would neither add to, nor diminish his real worth and importance; it would not give qualities to his heart which he had not before, nor detract from those he had. What were the mischiefs experienced in Europe from privileged orders? they did not flow from the names by which those orders were distinguished; they arose from the exclusive preference and privileges which those orders possessed in political rights, and in property. Without these their titles would have been mere empty gewgaws, ridiculous in the extreme, and unworthy of the acceptance of any man of common sense. Titles then did not produce the mischiefs; but the privileges annexed to titles. Mr. L. had said, in this country every man had a right to call himself by what name or title he pleased; but here no mischiefs could result from it, because neither political rank nor property could be attached to titles.

Every citizen was equal to his fellow-citizen in political rights; and the laws of the respective States had wisely provided that property could not be accumulated in such a degree in the hands of individuals as to give them an improper influence in society. By the equal distribution of estates individuals are prevented from being so rich as to trample upon the necks of their equals. Great accumulations of property are more likely in fact to introduce the effects of aristocracy than the ridiculous names by which individuals may be distinguished. It was a slander upon the fundamental laws and political institutions of our country, to suppose that a few aliens, because they had possessed titles in foreign countries after having renounced their allegiance to those countries, even if they were disposed to do it, could as it were by magic, overturn the established habits of our people, and the liberty of the Government into which they had incorporated themselves. The body of our citizens were too enlightened, too virtuous, for Mr. L. to apprehend any danger from so trivial a cause. If worthy citizens were so corruptible, and so easily corrupted, we must relinquish the idea of ever being fit to maintain a free and Republican Government. But our citizens can distinguish between sound and reality. When we passed the excise law, it was said that the name was odious; but the Legislature, having a proper confidence in the understanding of the community, did not hesitate to pass it; because it was a just and necessary one. If nobility should ever unfortunately be introduced into this country (to which at present every circumstance is hostile, and which Mr. L. believed impossible, as long as we adhere to our present fundamental laws and virtuous habits) it would be from internal corruption, and not because a few foreigners, who once possessed titles in their

native countries, may become citizens of this. They in fact can have no privilege among us in consequence of any foreign title; but must exist in perfect equality in all social rights with the rest of our citizens.

But his colleague objected to the qualities of their hearts. To find out the heart of any man, would be a difficult task. We are liable to be deceived by every description of men. The professions of over-zealous patriots do not always secure us from their treason, or we should not so frequently in history read of Catinas and Cæsars, or lately have witnessed the tyranny of Robespierre. All these men were once flaming patriots. And if zealous patriots can turn traitors and tyrants, was it not as possible for the member of a foreign privileged order to become a good citizen? The truth is, professions and abjurations are no certain proofs of the virtue and apprehended patriotism of any man. We are secure from the danger, because every citizen here is equal. No privileged orders exist amongst us, nor can exist, unless the people shall choose to change their present Constitution and Laws, which is not to be expected. Mr. L. said, if he understood his colleague, his strongest reason why a foreign nobleman could not become a good citizen, was the education he had received; the superiority which he had been accustomed to exercise over his fellow men, and the servile court he had been accustomed to receive from them. It was, then, the corrupting relation of lord and vassal, which rendered him an unfit member of an equal Republican Government. Mr. L. feared that this reasoning applied to the existing relation of master and slave in the Southern country, (rather a more degrading one than even that of lord and vassal) would go to prove that the people of that country were not qualified to be members of our free Republican Government. But he knew that this was not the case. Though in that House the members from the State of Virginia held persons in bondage, he was sure that their hearts glowed with a zeal as warm for the equal rights and happiness of men, as gentlemen from other parts of the Union where such degrading distinctions did not exist. He rejoiced, that, notwithstanding the unfavorable circumstances of his country in this respect, the virtue of his fellow-citizens shone forth equal to that of any other part of the nation.

Mr. L. was afraid that the force of his colleague's reasoning might be extended to throw an improper imputation on the virtue of his countrymen, which he was sure could not be intended. But, Mr. L. did not think that the citizens in the South had any right to assume a superiority in political virtue, over their fellow-citizens to the East. He claimed to be equal, not to be behind them was sufficient glory. Mr. L. did not know but the proposition, if it had any effect, which he very much doubted, might collaterally affect the rights to property, which, in the course of time, might devolve to aliens in the countries from which they came, which, he believed, his colleague could not intend. In fine, Mr. L. said, until the yeas and nays were called he had received the proposition

as perfectly unimportant and frivolous. The calling of the yeas and nays had in his mind given it some importance. He believed that it was calculated, but he trusted that it was not intended, to spread an alarm—a false alarm—that Aristocracy was coming to swallow us up, and to hold up certain gentlemen who had opposed it as friends to such a system. Under such impressions, though he was personally very indifferent whether it was agreed to or not, he felt it his duty to vote against it; not being willing to countenance any measure by which groundless and unjust alarms, jealousy and suspicions, might be excited, and viewing it as gatory in the extreme.

Mr. SCOTT was sorry that so much time had been spent on the motion. We are not by the Constitution authorized to make titles; and he apprehended that if it was unlawful to manufacture a commodity at home, it was unlawful to import it from abroad. On this account he was for the resolution. If once we allow the thing to be manufactured at all, he had no doubt but titles would be as prevalent here as in Britain. He should think it very odd to see a man sitting opposite to him in that House, with a star and garter on his breast. The emigrant was as welcome to wear them as to wear his hat. Only let him wear them out of doors.

Mr. TRACY thought that more time had been spent upon the subject than it was worth. He mentioned the proceedings of the French Convention, who, sometime before they cut off the head of the Duke of Orleans, debated four days upon what name they should give him, and at last called him *Egalité*. He feared that calling for the yeas and nays thus early would look like party, as if intended to cast an odium on gentlemen who should vote against the motion.

Mr. DEXTER would vote for the resolution, if the gentleman would agree to an amendment; which was, that he renounced all possession of slaves.

Mr. THATCHER moved as a second amendment, "and that he never will possess them."

The words of Mr. DEXTER's amendment were nearly these: "And also, in case any such alien shall hold any person in slavery, he shall renounce it, and declare that he holds all men free and equal."

Mr. GILES said, that he should begin to think his motion of very peculiar importance, if such extraordinary resources were adopted to dispossess of in that House. He understood this to be intended as a hint against members from the Southern States. It had no proper connexion with the subject before the House. He had therefore no scruple in voting against it. It was calculated to injure the property of gentlemen. As to slavery, he lamented and detested it; but, from the existing state of the country, it was impossible at present to help it. He himself owned slaves. He regretted that he did so, and if any member could point out a way in which he could be properly freed from that situation, he should rejoice in it. The thing was reducing as fast as

could prudently be done. He believed that slavery was infinitely more deprecated in countries, where it actually existed, and consequently where its evils were known, than in other countries where it was only an object of conversation. Gentlemen had objected to calling for the yeas and nays. Have not the public a right to know the sentiments of the House on every question? Was it any unusual thing to call for the yeas and nays? Or was there any use for it but that the sentiments of every member might be known?

Mr. MADISON mentioned regulations adopted in Virginia for gradually reducing the number of slaves. None were allowed to be imported into the State. The operation of reducing the number of slaves was going on as quickly as possible. The mention of such a thing in the House had in the mean time a very bad effect on that species of property, otherwise he did not know but what he should have voted for the amendment of Mr. DEXTER. It had a dangerous tendency on the minds of these unfortunate people.

Mr. NICHOLAS said, that Mr. DEXTER had more than on one occasion hinted his opinion that possessors of slaves were unfit to hold any Legislative trust in a Republican Government. He was solicitous that before Mr. D. spoke on a subject, he would make himself in some degree acquainted with it. He ought to acquire some information as to the state of the country, otherwise his opinion would fall into contempt with those who knew it. Mr. N. said, that gentlemen who possessed a thousand slaves in Virginia had no more influence on their neighbor who had not one than that neighbor had on them.

Mr. DEXTER complained of the attempt to take the yeas and nays, as a design to hold up certain people to public odium. He would withdraw his amendment if the gentleman would withdraw his motion.

Mr. HEATH was unwilling to impute any uncandid motives to gentlemen, but he thought this introduction of slavery as at best highly improper. He read a clause of the Constitution prohibitory of proposing an abolition for many years to come. He then asked how gentlemen, in the face of an express article of the Constitution, could propose an amendment like that of Mr. DEXTER.

Mr. SEDGWICK rose in some warmth. He said that there was no design in calling for the yeas and nays but to fix a stigma upon gentlemen in that House as friends to a nobility, when they were no such thing, and to raise a popular odium against them. To propose an abolition of slavery in this country would be the height of madness. Here the slaves are, and here they must remain.

A question of adjournment was now carried by 43 against 29. So the motion of Mr. GILES stands over till to-morrow.

FRIDAY, January 2.

The SPEAKER laid before the House a Letter from the Governor of the State of Maryland, enclosing a return of the election of Benjamin

Edwards, to serve as one of the members of this House for the said State, in the room of Uriah Forrest, who has resigned his seat; as, also, a Letter from the said Uriah Forrest to the said Governor of Maryland, dated the eighth day of November last, stating his resignation; which were read, and ordered to be referred to the Committee of Elections.

Mr. DAYTON, from the committee of Elections, to whom was recommittees their report of yesterday on the letters from Uriah Forrest and John Kilty, Clerk of the Council of the State of Maryland, and to whom was, this day, referred the Letter from the Governor of Maryland, with its enclosures, made a report; which was read as follows:

"That it appears, from a certificate signed by the Governor of the State of Maryland, in Council, and under the seal of the said State, that Benjamin Edwards was duly elected to serve in the House of Representatives of the United States, in the place of Uriah Forrest, who had resigned his seat.

"That the resignation of Uriah Forrest satisfactorily appears from his Letter of the twenty-fourth of December, directed to the Speaker of the House of Representatives.

"Resolved, That, in the opinion of the committee, Benjamin Edwards is entitled to take a seat in the House, as one of the Representatives for the State of Maryland, in the room of Uriah Forrest."

The said resolution was again read, and, on the question put thereupon, agreed to by the House.

Mr. EDWARDS then appeared, and the oath to support the Constitution of the United States being administered to him by Mr. SPEAKER, he took his seat in the House as one of the Representatives for the State of Maryland, in the room of Uriah Forrest.

NATURALIZATION BILL.

The House resumed the consideration of the amendments reported on Wednesday last from the Committee of the Whole House to the bill to amend the act entitled "An act to establish a uniform rule of naturalization." Whereupon,

The amendment moved yesterday to the said bill being under consideration, in the words following, to wit:

"And in case any such alien applying for admission to become a citizen of the United States, shall have borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, in addition to the requisites of this, and the before recited act, he shall make an express renunciation of his title, or order of nobility, in the Court to which his application shall be made, before he shall be entitled to such admission; which renunciation shall be recorded in the said Court."

A motion was made and seconded to amend the said amendment, by adding to the end thereof the words following to wit:

"And, also, in case such alien shall, at the time of his application, hold any person in slavery, he shall in the same manner renounce all right and claim to hold such person in slavery."

On the question that the House do agree to the said amendment to the amendment, Mr. BOURNE said he was against both amendments. He saw no use either for the one or the other. He recapitulated the numerous checks which the Constitution had framed against nobility getting into it. He, therefore, with all these checks, could see no danger from it. So much for the expediency of the proposal. He next considered it in a different point of view. A foreigner comes, perhaps with a title, which he has derived from a long train of ancestors, and, with a very pardonable infirmity, he is fond, he is perhaps proud, of this badge of nobility. Is it polite, is it generous, to force him to renounce it? If it is an hereditary title, he can renounce only for himself. His children still inherit the right. Mr. B. wished both amendments withdrawn.

Mr. RUTHERFORD said, the people of America had an exceeding aversion to the bubble of nobility. He had so much confidence in the wisdom, good sense, and public spirit of the gentlemen in this House, that he was sure the amendment would be carried by a very great majority. He was equally certain that the amendment of the other gentleman [Mr. DEXTER] would be rejected. It went to wound the feelings and alienate the affections of six or eight States in the Union. He was against the yeas and nays. He wished for a silent vote.

Mr. McDOWELL.—When the gentleman from Massachusetts first brought forward the motion on the table, Mr. McD. could not think he was sincere, from the idea which he had formed of the candor and good sense of that gentleman. But, much to his surprise, Mr. D. persisted in supporting the propriety of his motion, which is not only an indirect attack on the State Governments, but even on the Constitution of the United States, and on the members of this House who represent the Southern States. This amendment not only tends to irritate the minds of members, but of thousands of the good citizens in the Southern States, as it affects the property which they have acquired by their industry. Thus it cools their affections towards the Government, as they will find that one part of the Government is about to operate on their property in an indirect way. The gentleman dare not come directly forward, and tell the House, that men who possess slaves are unfit for holding an office under a Republican Government. Mr. McD. recalled to the mind of the House the conduct of the people that compose the Southern States, during the late war, and their struggle for American Independence. He then bade the House review the behaviour of their Representatives, under the present Government, and say whether they do not partake more of the Republican spirit than the members from the Eastern States. The latter, also, no doubt had members who did honor to the States which they represented, and to the United States. He thought the amendment of Mr. DEXTER partook more of monarchical or despot principles than any thing which he had seen for some time. What right had the House to say to a particular class of people, you shall not

have that kind of property which other people have? This was the language of the motion, and he considered it as highly unjust. Mr. McD. wished the gentleman to consider what might be the consequence of his motion, at this time, when the West Indies are transformed into an immense scene of slaughter. When thousands of people had been massacred, and thousands had fled for refuge to this country, when the proprietors of slaves in this country could only keep them in peace with the utmost difficulty, was this a time for such inflammatory motions? He was amazed that a gentleman of whom he had so high an opinion, could, for a moment, embrace an idea, which was, in all points of view, so extremely improper and dangerous.

Mr. DEXTER chiefly excused his motion because the other gentlemen had been for taking the yeas and nays. The tenor of his argument seemed to be this: You want to hold us up to the public as aristocrats. I, as a retaliation, will hold you up to the same public as dealers in slaves. Mr. D., however, did not wish to irritate. He for that reason, withdrew his motion, under the hope that the yeas and nays would not be taken.

Mr. GILES said, that no person could be more anxious than himself to conciliate. But he could not submit to purchase conciliation by sacrificing his opinion, or betraying his duty. He should, on that account, stand by his amendment. It had been said that he called for the yeas and nays for the purpose of holding up to popular detestation a certain party in that House. Such an idea had never entered into his mind. He then commenced a vindication of the propriety of his amendment against the observations of Mr. BOURNE, who had, among other things, alleged that it had no proper relation to the spirit of the Naturalization Bill. After defending it, on this quarter, Mr. G. proceeded to answer something that had been alleged yesterday against his amendment. This was that it had been calculated to hold up an idea to the world, that there was a party in that House in favor of Aristocracy. If there is no such party, a general vote for the amendment will prove that this report is without foundation. In reality, there is no connexion between the amendment and any such scheme. The idea must have been in the head of the member himself. It is not the amendment, but the use which the gentleman makes of it, that can have any tendency that way. Mr. G. never could have thought of such a way of holding up a party. As to the amendment of Mr. DEXTER, he, Mr. G., held property sacred, and never could have consented to prohibit the emigrant nobility from having slaves any more than other people. But as for titles of nobility, they were quite a different thing. They were but a name, and people were not obliged even to give them up, unless they wanted to become American citizens. As the call of yeas and nays had given such uncommon uneasiness, he, for his own part, should give it up. He was careless how the vote was taken. The other gentlemen who supported his call might act for themselves.

Mr. LEE said, he hoped that to-day the question would have been taken without further debate; he had no disposition to say any thing more on it; and should have remained silent if his colleague [Mr. GILES] had not made some strictures on the observations which fell from him on the preceding day.

Mr. L. repeated, that he had not viewed the motion of any importance till the yeas and nays were called—that in itself it could do no good. He maintained, however, that, under its present aspect, it was well calculated to alarm the public mind about a danger that did not, and could not, exist, under the circumstances of our country; and that particularly to-day, it had more the appearance of an engine to exalt the patriotism of some gentlemen, and throw an unjust odium on others. He did not mean to say that this was the design of it. But it being nugatory in itself, and the danger against which it was said to guard us, being too ridiculous to excite a momentary apprehension in the minds of our enlightened fellow citizens, it wore too much such an appearance. Under this view, Mr. L. thought it looked too much like that spirit of denunciation, which his colleague so greatly lamented on a late occasion—self-created societies—a spirit that was calculated to engender the violent and rancorous passions of the human heart in this House, and scatter them through the community. A spirit which, if indulged, might arm in hostility and hatred to each other, the two ends of this Continent, and produce consequences fatal to the peace and prosperity of both.

Mr. L. always thought the Eastern and Southern States were well situated to unite on terms of the greatest reciprocal benefit. That, for the good of his own country, he valued such an union above all things. He knew, in particular, that it was highly important to the interest of the people whom he represented, to conciliate the cordial and affectionate esteem of their Eastern brethren. That this was not only important to his constituents, but to the whole State, and all the Southern country; as on it must materially depend the preservation of our Union, which Mr. L. feared was more necessary to our safety and prosperity than to theirs. Mr. L. said, he never saw any reason to suspect the Eastern people of anti-Republican principles; that there was no just ground to accuse them of such principles in any manner. Mr. L. had always thought that the Southern country had no right to claim a superiority over their Eastern brethren in Republican virtue. Mr. L. always lamented that his country was not, in some points, so fortunately situated as the Eastern States; but still, he rejoiced to find just ideas of liberty, and a proper respect to the rights of men, animating all the citizens of it; and in public virtue they had a right to rank with their brethren to the North and East of them. Mr. L. thought that his colleague's strongest argument was the corrupting relation which existed in Europe between noblemen and their dependants. Mr. L. feared that this argument might too readily be extended to the situation of his country,

and conclusions very disparaging to their Republican virtue drawn from it, from which he had felt it his duty to vindicate them.

Mr. L. believed that the people throughout America were all animated by an equal zeal for the liberty and happiness of their country. As a person, therefore, anxious to preserve our harmony and union, he always felt pain at any question, which was, in any degree calculated to excite suspicions of each other and produce enmity, when concord was so much the interest of all. This proposition had, to his mind, a very denouncing aspect; and, as such, he felt it his duty to discountenance it, and every thing of the same sort, without presuming to ascertain or question the motives or designs of the mover. Mr. L. could not help viewing the motion as capable of guarding us from no one danger, but as well fitted to produce unnecessary alarm and irritation.

Mr. L. was indifferent how the question was decided; but, being a friend to harmony and union, he could by no means countenance any his vote any thing that might be construed to denounce a most respectable and patriotic part of this House.

Mr. HILLHOUSE observed, that when the amendment was first introduced, he considered it as altogether harmless and unnecessary; but, being friendly to what appeared to be the object of the mover, that is, keeping out privileged orders from among us, he was inclined to vote for it. Yet, upon more mature reflection, he was of opinion that if the provision contained in the amendment had any effect at all, it would be a directly contrary one from what was intended, and would indirectly establish the principle that privileged orders might be introduced and exist among us, a principle which he wholly rejected and reprobated; and, as he did not doubt that the views of the gentleman who moved the amendment were similar to his own on that subject, he hoped that, upon further consideration, he [Mr. GILES] would withdraw it. It was his opinion that the ground upon which foreigners should be admitted to a share in the administration of our Government ought to be narrowed in every possible way, and if the gentleman would so modify the amendment as wholly to exclude that class of foreigners, or any other, from ever becoming citizens, so far as to elect or be elected to any office, he would most heartily join in giving his vote for it. In those nations where privileged orders are admitted, the benefits and advantages arising from it have been considered as merely local, so that, if a nobleman removes from one nation to another he is not considered as carrying with him the privileges of his order; as, for instance, if a nobleman from any other nation removes to England, where an hereditary nobility is established by law, and even becomes naturalized, he is not a peer of England; he is no more than a private subject, and can claim nothing on account of his former rank. The Convention who formed our Constitution undoubtedly viewed the subject in that light, or they would have been equally anxious to have provided against the importation as of the

creation of nobility; but, passing this amendment will, as far as the influence of a law and the opinion of Congress can go, be putting a different and wrong construction upon the Constitution, and will be admitting that there may be some other mode of introducing a privileged order or a nobility among us, than the one guarded against in the Constitution; for, if a law is passed requiring a person, before he shall be admitted to a certain privilege, to renounce some other privilege, it is clearly admitting that such person does or may possess such privilege, otherwise the law is futile, requiring a person to renounce what he does not, or cannot possess.

If we pass the present amendment, the construction must be, that an alien, after residing in this country, abjuring his allegiance to his own, offering to become a citizen of, and taking the oath of fidelity to, the United States, is in possession of the rights of a privileged order to which he may have belonged; and further, that their rights are hereditary, unless he shall, agreeably to the amendment, come forward and renounce them. But what will be the consequence of his not renouncing? Most clearly that he retains and possesses them. A nobleman, then, may come to the United States, marry, purchase lands, and enjoy every other right of a citizen, except that of electing and being elected to office. His children, being natural born citizens, will enjoy, by inheritance, his title, and all the rights of nobility and a privileged order which he possessed, an idea which ought not, either explicitly or impliedly, to be admitted.

As to the impression which may be made on the popular opinion, by voting on one side or the other of the present question, Mr. H. felt no anxiety. He had too good an opinion of the understanding and discernment of his constituents, and of the people of the United States, to suppose they would believe him a friend to privileged orders or a nobility, for voting against a proposition which, in his opinion, was at least altogether futile, if not of a tendency directly opposite to what is proposed. Was any gentleman to sacrifice his judgment to an apprehension of losing his popularity, he would most certainly not only merit but meet with their contempt. The people of the United States are not tickled with sounds; they regard the substance.

Mr. J. WADSWORTH rose next. He had been up four times before, but, other gentlemen always rising along with him, he had sat down again. Mr. W. said, that a rage against nobility and privileged orders now pervades the whole world. He really did not see the use of this amendment. It put him in mind of an old law which, within his memory, had been in use. When a man had shot himself, his neighbors were not contented with the certainty of his being dead in this world, and damned in the next, but, besides all this, they drove a stake through his body. Mr. W. regarded nobility as in a similar situation with such a man, for nobility appeared to him in the certain road to instant destruction; and this amendment of Mr. GILES, he thought, was like driving in the stake. The latter practice had been laid aside, and he

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thought that the amendment deserved the same fate. He reminded the House that the time had been when America was very much indebted to nobility, and very glad to see them fight her battles. We might now perhaps be taxed with ingratitude on that head, for some of those identical French noblemen, who, during the late war, had rendered us essential service, were now in this country in a state of beggary, subsisting on the charity of their friends. Others of the same noblemen were in dungeons, and some again had got their heads chopped off. He was warranted to say that many of these noblemen when here, during the war, and long before a French revolution had been talked of, were, in their hearts, as good Republicans as any Americans whatever. We had seen, some time ago, a party spirit rising in the United States. He had observed that the thing was dying away, but the present amendment would afford a new theme. The newspapers are extremely numerous, and he doubted not that the writers in them would embrace so notable an opportunity for exercising their talents. As to the notion that there was a danger of nobility being introduced into this country, the thing was held in such detestation in America, that he had no more apprehension of its obtaining a footing here than he had that there would arise a new race of men without heads, or with their heads placed below their shoulders, or any other unnatural production. In short, he did not know a thing so impossible as the establishment of an American nobility. Knowing this, he regarded the amendment as entirely useless. As to the call for the yeas and nays having an impression on his vote, that was out of the question. He knew his constituents, and they knew him; and they were both too well acquainted with each other for a trifle of this nature to have any influence. To him the call was a matter of the utmost indifference, and he took this opportunity to declare frankly that he should vote against the amendment, whether the yeas and nays were called or not.

Mr. NICHOLAS could not consent to abandon the proposition. It might be said that he did so in terror of the amendment of Mr. DEXTER, which he thoroughly despised.

Mr. BOURNOR had not designed to speak on this question, but there was one objection to the amendment, which occurred to him, and which had not been noticed by any gentleman. This was, that it would be an act of injustice to make a man do an act in this country which might affect his own interest and that of his family in another. This case might very possibly happen. A person, by renouncing nobility here, might be debarred from claiming its privileges in another place, when it would, perhaps, be for his advantage.

Mr. ARES observed, that too much attention had been given to the amendment as an abstract question. Nothing tended more to bewilder and confuse a debate than such a departure from the subject into abstractions and refinements; for, although by this means we found that plain principles were rendered obscure, and reasonable doctrines carried

to excess, yet we did not seem to reflect that nothing is more opposite to just principles than the extremes of those principles. For instance, it would not be safe or proper indiscriminately to admit aliens to become citizens, yet a scrutiny into their political orthodoxy might be carried to a very absurd extreme. The merit of the amendment depends on its adaptedness to the end proposed by the bill, and what is that? To make a rule of naturalization for the admission of aliens to become citizens, on such terms as may consist with our tranquility and safety. Now, said he, do we think of refusing this privilege to all heretics in respect to political doctrines? Even that strictness would not hasten the millennium. For our own citizens freely propagate a great variety of opinions hostile to each other, and therefore, many of them deviate widely from the intended standard of right thinking; good and bad, fools and wise men, the philosopher and the dupes of prejudice, we find could live very peaceably together, because there was a sufficient coincidence of common interest. If we depend on this strong tie, if we oblige foreigners to wait seven years till they have formed it, till their habits as well as interests become assimilated with our own, we may leave them to cherish or to renounce their imported prejudices and follies as they may choose. The danger of their diffusing them among our own citizens, is to be prevented by public opinion, if we may leave error and prejudice to stand or fall before truth and freedom of inquiry.

Can the advocates of the amendment even affect apprehensions that there is any intention to introduce a foreign nobility as a privileged order? If they can, such diseases of the brain were not bred by reasoning and cannot be cured by it. Still less should we give effect by law to chimerical whimsies. For what is the tendency of this counterfeited alarm? Is it to rouse again the sleeping apparitions which have disturbed the back country? Is it to show that the mock dangers which they have pretended to dread are real? Or, is it to mark a line of separation between those who have the merit of maintaining the extremes of political opinions, and those whom this vote would denounce as stopping at what they deem a wise moderation? If that is the case, it seems that the amendment is intended rather to publish a creed than to settle a rule of Naturalization. Yet it should be noticed that those who would go to extremes are less entitled to the praise of Republicanism than those who would not.

But the consequence of giving an artificial and unmerited importance to the amendment, is, in the first place, to spread an useless and even pernicious alarm, as well as to revive animosities, and, in the next place, by showing our dependence on a futile and ridiculous renunciation of nobility, to evince the want of any good remedy for the evil. If it is an important affair the amendment is far short of what the case requires. If it is, as we all believe, trifling and worthless, then let us spare ourselves the shame of legislating on these frivolities, those phantoms which the friends of the amendment have very

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slowly, and at last very faintly, pretended to have any substance.

Mr. A. further observed, that the securities which we have already against the introduction of nobility, are sufficient to secure us and our sons, and the sons of our sons, down to the twentieth generation, against a nobility. Is the meaning of this amendment to give a new text for sedition? It was below the dignity of the House to spend its time upon such trifles. The Convention of another nation had indelibly disgraced themselves by legislating upon trifles, while matters of importance stood by. What would be the sense of America upon our spending day after day in debating about such a frivolous thing? He was against the amendment of Mr. GILES.

Mr. SAMUEL SMITH was sorry for the turn which the debate had taken; though at first it bore a trifling appearance, it had since called up all the warmth of the House. The gentlemen from the Eastern States, who knew the Republican character of their constituents, and how independent every man there was, both in his temper and his circumstances, had alighted the amendment as unnecessary. Gentlemen from the Southern States, on the other hand, say that they have some reason to be apprehensive. Why, said Mr. S., will not the Eastern members indulge us in this trifle? It is owned by the one party, that it can have no bad tendency; and the other imagine that it must have a good one. Then why not, for the sake of conciliation, grant it?

Mr. MURRAY was sorry that the House had begun the new year with such a discussion. He had seen with much pleasure the appearances of conciliation and unanimity at the outset of the session. He should vote for the amendment, and he hoped that those members who were against it would come round and vote for it. They would thus put an end to this motion, so wasteful of time. Of nobility, however, the gentleman had no alarming apprehensions. There had been once in this House a baronet. He was there for two years before it was known, and it was then discovered that a baronet was a thing perfectly harmless. As for titles of nobility, he believed that all the wholesome and sensible part of the community looked upon the whole as stuff. When Mr. M. contemplated this subject, it reminded him of Holbein's Dance of Death.* He saw nothing in this country but the ghosts of nobility. In Europe, indeed, it was a matter of importance. It established the etiquette of precedence among the ladies in leading down a country dance. The amendment was not worth much either one way or the other. But he wished it to be granted for the reasons assigned by his colleague from Maryland, who had spoke just before him.

Mr. MADISON.—When the amendment was first suggested, he had considered it as highly proper, and naturally connected with the subject. No man can say how far the Republican revolution that is

now proceeding in Europe will go. If ~~the~~ ^{the} ~~his~~ ^{his} part be expected and believed would be the case, the perage of that country would be thronging to the United States. He should be ready to receive them with all that hospitality, tenderness, and respect, to which misfortune is entitled. He should sympathize with them, and be as ready to afford them whatever friendly offices lay in his power, as any man. But this was entirely distinct from admitting them as citizens of America before they were constitutionally qualified to become so. In reply to the remark of Mr. BOURNOR, that a renunciation of their titles might injure their families, Mr. M. observed, that if a British revolution took place, these fugitives would, as aliens, be incapacitated from holding real estates. In discussing this question, we had been reminded of the Marquis de Lafayette. He had the greatest respect for that character; but if he were to come to this country, this very gentleman would be the first to recommend and acquiesce in the amendment on the table. He had urged the necessity of utterly abolishing nobility in France, even at a time when he thought it necessary for the safety of the State that the King should possess a considerable portion of power; and Mr. M. believed, that if he were now at freedom, he was as completely stripped of every thing relative to nobility, as it was possible that he could be. It had been said, that it was needless to make emigrants renounce their rank, and that oaths were no security. He was ready to allow that oaths were, in any case, but a very poor security, but they had been adopted in other parts of the bill, and the same reason which recommended them on former occasions might recommend them now.

Mr. W. SMITH was convinced that the amendment was wholly incompetent to the end which it professed to have in view. You may force a man to renounce his title, but what does that signify, when you cannot hinder his neighbors from calling both him, his wife, and family, by the title? He replied to the argument of Mr. S. SMITH, as to the Eastern members giving up the point for the sake of conciliation with the Southern members.

He did not understand that his own constituents had any such panic about them, or that they would thank the Eastern members very ardently for such a concession. They were not afraid of aristocracy. You cannot abolish the practice; and even supposing a nobleman had made his renunciation, perhaps the very person who administered the oath, may, the next moment, say, "My Lord, I wish you a good morning!" and you cannot punish the individual who says so. As to not allowing of titles to wives and daughters, this renunciation will not prevent their being given. But in some parts of the country we have titles already. Mr. S. had often heard an old lady called "the Duchess." He could see no good consequence from the motion. There was indeed one obvious effect. The ignorant part of the American citizens—who, he hoped were but

* A celebrated painter who died in 1554. Speaking of this great artist, Henry the Eighth once said, "Out of seven ploughmen I can make seven Lords, but out of seven Lords I cannot make even one Holbein."

few—would imagine that those who voted for the amendment were against the introduction of nobility into America, and that those against the amendment were for that introduction. This frivolous kind of legislation had disgraced the proceedings of another nation. They had begun to change the names of their towns and harbors, such as Conde, Dunkirk, Toulon, Havre De Grace, and Lyons. One of these they had named *Harre de Murat*, and so on. But now they were coming back to their sober judgment and were repealing these edicts. Lyons was restored to its old name. The pillar erected to announce its rebellion and annihilation had been taken down. The Convention had formerly passed a law for demolishing houses inhabited by aristocrats, but now they began to think it was better to let the houses stand. Would anybody say that French liberty was better secured by naming a harbor *Harre de Murat*? Had this done any good to the cause? But if people who were so much afraid of the introduction of nobility would look around them, they might already find in this country alarming marks of attachment to royalty. When Mr. SMITH was lately at New Haven, in Connecticut, he had observed on the top of the State House the figure of a *Crown*, which had stood there undisturbed since long before the beginning of the Revolution. He went into the State House, and found the people as good Republicans as could be, notwithstanding this *Crown*. Again, at Middletown, in the same State, he went into a church, and on the top of the organ there was another *Crown*, which might also be interpreted as a proof of Monarchical principles. Referring to the subject of changing names, Mr. S. said, that the people in the State of New York had for a long time enjoyed as much liberty as the other States. At last, however, it was recollected that one of the streets of the city of New York was called King's street; but this was changed to *Liberty* street, which was, to be sure, a very momentous alteration. If Congress descend to legislate in such little-nesses, they may forbid the title of *Worshipful*. They may abolish the order of *Freemasons*, which he thought that they had just as much right to do as to make the foreign nobility renounce their titles before they should be accepted as American citizens. The Congress may, among other objects of legislation, forbid any member to come into that House with an aristocratical cloak—one with gold lace, for example. He asked more than once this question: What peculiar privileges has a foreign nobleman, coming into this country, which he possessed more than all other citizens? He considered the whole amendment as totally trifling. He was content that the yeas and nays should be taken. His sentiments were known already. His name should stand among the nays.

Mr. GILES said, that there had been an echo from one end to the other of the House that his amendment was trifling. Was it consistent for the gentleman, who had been up for half an hour, to spend so much time upon a question, and then conclude by telling the House that it was nothing;

that he had been talking for so long a time upon a subject that did not merit their attention? What kind of reasoning was this, or how did the gentleman propose to reconcile it? Was it consistent with the warmth which had been discovered, to say that all this discussion, all this length of time, had been consumed upon nothing? But this kind of language had something more serious in it, for this prohibition of nobility formed one of the pillars of the Constitution; so that to call a principle recognised and affirmed by the Constitution a trifle, or nothing, and so on, was a very unguarded proceeding. Another notable argument against agreeing to his amendment had been, that the people already detested nobility so thoroughly that it was not worth while to pass this amendment, as their hatred of it would put an end to it without a law. It was enough that the two principal reasons against his amendment were, first, that it was authorized by the Constitution, and secondly, that it would be agreeable to the people. It is strange that the will of the people, who send us here, is to have no influence in this House, but is to be turned into an argument against passing a law! Mr. G. would adhere to his amendment, because, as the law now stands, there is nothing to hinder a foreigner with a title to become an American citizen, and obtain a seat in this House, and hold both his office and his title. Mr. G. next answered a part of the argument of Mr. W. SMITH, that making people renounce their titles would only rivet their attachment to them, and make them, perhaps, think of these things, when otherwise they would have been forgotten. Mr. G. said, it was quite a new kind of argument, that to renounce a thing was the way to give it existence. If this rule were to hold, he believed that some members of the House would renounce things which they very much wanted. For example, he himself should possibly renounce a hundred thousand dollars. As to the call for yeas and nays, he had some time ago informed the House that he gave up this point. The thing could not affect him, either one way or another, because his sentiments were already known.

Mr. TRACY regretted that so much time should be lost on trifling subjects. We had seen the National Convention of France diminish their dignity, by spending three or four days on the business of giving a name to the late Duke of Orleans, and hardly had they finished, by giving him the name of *Egalité*, before in substance he became so bad that they cut his head off. What good did his renunciation of title do, excepting that it afforded him a short opportunity of deceiving his fellow-citizens? Mr. T. said he was fully convinced, and had been so from the beginning of the debate on the Naturalization bill, that a length of time was the only valuable probation of an alien, and the only successful mode of discerning his principles, and the justice and propriety of his claim to be naturalized. He thought the sentiments of the gentleman from Virginia [Mr. GILES] were highly commendable, when he said we ought to avoid extremes in politics, and adopt a sober medium of political reasoning, suited to the steady

and rational temper of Americans, equally removed, on the one hand, from tyranny, and on the other from anarchy. And he would ask, whether a solemn abjuration of all foreign allegiance, with proofs of a good moral character, and attachment to the principles of our Government, would not secure us, as to the principles of the heart, as thoroughly, without the faces of renouncing his title, as with it? He considered titles, in this country, as very empty, unmeaning things; and they would go into disuse of themselves, having no solid support, either in the habits or constitution of this country. But, by the Constitution of the United States, any citizen might receive and enjoy a title from a foreign Prince or Sovereignty, and Congress could not prevent it. The words of the Constitution are:

"No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them, shall, without the consent of Congress, accept any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State."

Mr. T. supposed it was clear that Congress had no power respecting this matter, but what was expressly delegated by the Constitution, and that had given them a check only on officers of their own appointment, leaving every other citizen, not an officer of Government, at liberty to retain a foreign title if he pleased. And an alien might, even if this amendment should pass, renounce his title, become naturalized, and in an hour accept of the same title, or another, from any foreign Prince, and Congress can make no laws to prevent it. If it be a fault that our citizens can receive and enjoy titles, it is a Constitutional one; Congress are not blameable for it, but they would be blameable were they to arrogate powers not given them, upon this or any other subject. Mr. T. repeated, that there could be no danger in this country from titles; they were universally considered as trifles, and it would be dignifying them too much to legislate about them. He asked the gentleman who brought forward this motion, whether it was not, in a measure, a departure from his former declaration, of sober, rational temper, in politics, to insist so much upon its importance as he did? He was sorry the yeas and nays were insisted upon with so much spirit; it looked like party, in a very unimportant matter: he did not mean to accuse any man, or men, and mentioned it with diffidence, but it really struck his mind in this way. Much had been said about adhering to the Constitution strictly, on former occasions; but, from many things said now, it seemed as though there was no safety for the people, unless the House of Representatives absorbed the whole Governmental power. Mr. T. said, if that House should become political cannibals, and attempt to devour both the other branches of the Legislature, he would oppose it, whether it was popular, or not; for he considered the Constitutional checks of the branches of this Government, upon one another, as containing the most complete security for liberty, that any people could enjoy. If his construction was a just one, Mr. T. thought the amendment

ment could do no good; it formed a test which might make hypocrites, but not proselytes; it stripped an alien for a moment of a trifle, which in the next he might resume and wear forever.

Mr. SEDGWICK.—Has it not been said that there was a party in the United States, not only for Aristocracy, but even for Monarchy? Is not the present a most favorable opportunity for holding up these people to popular resentment? He was convinced that the gentleman who moved this amendment had no design of doing any such thing, but that did not lessen the reality. He said that Mr. GILES had brought gentlemen into a dilemma, which he did not, or would not, see. They had at first opposed the motion, as trifling, and this they had a right to do. The member [Mr. GILES] then moved his call for the yeas and nays; and if gentlemen who had already spoken against the amendment, were now to draw back, and vote for it, they would betray a disgraceful poverty of spirit. Their constituents would say that their votes had been given in *terror* of the yeas and nays. The motives for pushing this call could be nothing else but to stigmatize members of that House, as wanting to introduce a nobility, whereas they opposed the amendment on no such account, but merely because it was not worth their taking up. As to himself, he did not care. He could not wish to stand better with his constituents than he actually did. He was well known to them. But, in other quarters of the Continent, it might be said that the Eastern States were represented by aristocrats. If this be a desirable object, said Mr. S., in God's name, let gentlemen persist in calling for the yeas and nays. It will be said, "there go the Eastern aristocrats! They want to import nobility here, when it can no longer exist in Europe!" Mr. S. said, that at first, he gave but little opposition to the amendment, thinking it frivolous. He repeatedly declared, upon his honor, that he firmly believed it to be so, and that he had no other reason for opposing it. If he had been, upon this occasion, warmer than usual, he was sorry for it; but the mischievous and unconciliating consequences of this call for the yeas and nays, had hurt him exceedingly.

Mr. MADISON denied the assertion of Mr. SEDGWICK, that the amendment was trifling; and the member himself seemed to betray, by his behaviour, a consciousness that he had not promoted conciliation. An abolition of titles was essential to a Republican revolution, and therefore such an abolition had been highly proper in France. The sons of the Cincinnati could not have inherited their honors, and yet the minds of the Americans were universally disgusted with the institution, and in particular, in South Carolina; yet a member from that State [Mr. W. SMITH] has told the House that his constituents were under no fears of aristocracy, and that they could hear titles without emotion. Even the Chief Magistrate of South Carolina had told the Cincinnati that these distinctions ought to be laid aside.

Mr. HILLHOUSE thought it quite frivolous to spend time upon the motion. That was all his objection. It had been said that, allying the

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amendment to be trifling, yet it was no harm to make an idle law, and that therefore it should be agreed to for the sake of conciliation. Supposing a man to make a will, bequeathing a hundred thousand guineas, when he was not worth a shilling, there would be one serious effect at least, for it would make the testator ridiculous. To legislate for the sake of expressing a sentiment, was very silly, and what he never should agree to. If Mr. GILES would make an amendment incapable of being taken all foreigners whatever from holding, upon any account, a civil office in America, Mr. H. would agree with him, because he did not want to see any of them in such offices, and conceived that Americans could legislate for themselves much better without any such assistance.

Mr. LYMAN said, that whenever a member of that House called for the yeas and nays, it was a rule with him to rise and second the motion, because the people had, upon all occasions, a right to know their votes; and even if only one member desires the yeas and nays to be taken, Mr. L. conceived that it ought to be done, as the thing was in itself so highly proper. Since he had the honor of a seat in that House, therefore, he had always seconded every call for yeas and nays, that the public might understand, as fully as possible, what they were about, and how their votes went. He said that it was extremely improper to ascribe wrong motives, when gentlemen supported a call for yeas and nays. It was sacrificing the dignity of the House to cast out such insinuations. When the call had once been made and agreed to, it would be very mean to retract it, to gratify any member. The public had always, and without any exception, a right to know what their Representatives were doing, and how they were voting, and he, for one, should adhere to the call.

Mr. W. SMITH said, that he had already put a question which nobody had answered, and on that account he should now rise and put it again. What are the emigrant nobility to renounce? When they come into this country, they possess not one privilege which is not possessed by everybody else. He had expected that the gentleman from Virginia, [Mr. GILES] when last up, would have explained this matter, but he had not done it. The great bugbear was, lest a *ci-devant* Lord may get a seat here, and that somebody may call him My Lord. But, even after you have got his renunciation of nobility, if other people choose to give him his titles, you can neither hinder nor punish them; so that the amendment is, to all practical intents and purposes, absolutely useless and nugatory. Some members of this House belong to the order of Cincinnati. If they come here with badges at their button-holes, can you forbid them? He wished that gentlemen would show what was to be renounced. There was nothing at all to renounce. The whole amendment is totally futile.

Mr. DEXTER then rose, but the House had become so impatient for the question, that he was heard with difficulty. He only wanted to ask whether the call for yeas and nays was withdrawn or not?

Mr. McDOWELL said that he had already informed the House that he should insist on the call.

Mr. AMES then asked, whether it was not competent to put the previous question, viz: Shall this call be now taken?

The SPEAKER, in reply, said, that according to his judgment, the previous question could have been regularly taken upon any topic whatever, which produced a debate; but the House, by a recent decision, had determined that the previous question could not be regularly taken upon an amendment.

He was then asked, whether the call of yesterday was valid to-day, or if it was necessary for the members to rise over again? Mr. SEDGWICK was clearly of this opinion; in which the SPEAKER, after some consideration, concurred, as some gentlemen had deserted the call, and he in reality, did not know whether a fifth part of the members would support a call or not.

It was then suggested, that there could not be a second call, if the first was disappointed; and some gentleman said, that he hoped no member would insist on a thing so extremely distressing to the feelings of many members. Several gentlemen had now attempted to speak at the same time, and the mischievous and unconciliating effects of the call were enumerated with much emphasis.

Mr. NEW at last came forward, and declared that he moved for a call. Mr. McDOWELL said the same.

Mr. SEDGWICK then rose again. He appealed to the House, that, since he had a seat in Congress, he had never troubled them with a call more than a very few times; and he affirmed, upon his honor, that he never had moved for the yeas and nays at all, unless he was uncertain how the votes of the House would go. But the gentlemen who now moved for the call had not this excuse. They knew very well that they would carry their point, and that by a large majority; so that the insisting for the yeas and nays could arise only from a design that gentlemen who voted against the amendment should be held out to the public as wanting to introduce a nobility. He owed little to Mr. GILES for having withdrawn his motion, when others were so ready to renew it.

Mr. NEW, on hearing these remarks, declared that he should withdraw his motion, since so much had been said about it.

Mr. BLOUNT then rose, and said that it was needless to waste time, for the yeas and nays must and should be taken.

Twenty-three members seconded his motion, and the SPEAKER declared that the point was now determined.

Mr. DEXTER next rose, and observed that he had withdrawn his amendment, under a hope of conciliation, and that the yeas and nays would not be taken. But since this request had been refused, he should move it again, and have the yeas and nays upon that likewise, and before the other. He went over the beaten ground of the

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bad consequences of holding members up to popular resentment.

Mr. VENABLE said, that if the gentleman were so disposed he should willingly try the question at once on this motion, without farther investigation about it.

On calling over the names, there were, on the amendment of Mr. DEXTER—yeas 28, nays 63, as follows:

YEAS.—Fisher Ames, James Armstrong, Shearjashub Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Cuit, Samuel Dexter, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Amasa Learned, William Lyman, Francis Malbone, William Vans Murray, Theodore Sedgwick, Jeremiah Smith, George Thatcher, Uriah Tracy, John E. Van Allen, Peter Van Gassbeck and Peleg Wadsworth.

NAYS.—Theodorus Bailey, Abraham Baldwin, Lemuel Benton, Thomas Blount, Elias Boudinot, Benjamin Bourne, Thomas P. Carnes, Thomas Claiborne, Isaac Cates, Jonathan Dayton, Henry Dearborn, George Dent, Benjamin Edwards, Thomas Fitzsimons, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William B. Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, John Hunter, William Irvine, John Wilkes Kittara, Richard Bland Lee, Matthew Locke, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Melhane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, William Smith, Zephaniah Swift, Thomas Tredwell, Jonathan Trumbull, Philip Van Cortlandt, Abraham Venable, Jeremiah Wadsworth, Francis Walker, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

The amendment of Mr. GILES was then taken up, and determined in the affirmative—yeas 59, nays 32, as follows:

YEAS.—Theodorus Bailey, Abraham Baldwin, Lemuel Benton, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Cates, Jonathan Dayton, Henry Dearborn, George Dent, Benjamin Edwards, William Findley, William B. Giles, James Gillespie, Nicholas Gilman, Christopher Greenup, Andrew Gregg, William Barry Grove, George Hancock, Carter B. Harrison, John Heath, Daniel Heister, Samuel Holten, John Hunter, William Irvine, Henry Latimer, William Lyman, Nathaniel Macon, James Madison, Francis Malbone, Joseph McDowell, Alexander Mebane, William Montgomery, Andrew Moore, Peter Muhlenberg, William Vans Murray, Joseph Neville, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Josiah Parker, Andrew Pickens, Francis Preston, Robert Rutherford, Thomas Scott, John S. Sherburne, John Smilie, Israel Smith, Samuel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, Paine Wingate, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Cuit, and Joseph Winston.

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Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Glenn, Benjamin Goodhue, James Gordon, Thomas Hartley, Amasa Learned, Richard Bland Lee, Matthew Locke, Theodore Sedgwick, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gassbeck, Peleg Wadsworth, and Jeremiah Wadsworth.

Ordered, That the said bill, with the amendments agreed to, be recommitted to Mr. MADISON, Mr. DEXTER, and Mr. CARNES.

MONDAY, January 5.

THOMAS SPRING, from Maryland, appeared, and took his seat in the House.

A memorial of Thomas Dannery, Consul of the French Republic, residing in the town of Boston, in the State of Massachusetts, in behalf of a number of French citizens, late inhabitants of Saint Pierre's and Miquelon, was presented to the House and read, praying a remission of the tonnage duties accruing on sundry shallops and small schooners, which were employed to convey the said French citizens to the said town of Boston, from Halifax and Shelburne, in the province of Nova Scotia, where they were sent as prisoners, by the British army, in the course of the late war.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. LYMAN, and Mr. VAN CORTLANDT; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That a committee be appointed to inquire and report whether any, and what, alterations ought to be made to the act imposing duties on snuff manufactured within the United States; and that Mr. WILLIAM SMITH, Mr. NICHOLAS, Mr. SAMUEL SMITH, Mr. LYMAN, and Mr. FINDLEY, be the said committee.

Ordered, That the Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt, to whom was committed the memorial of sundry manufacturers of tobacco in the city of Philadelphia, be discharged from the further consideration of the same, and that the said memorial be referred to the committee last appointed.

The House resolved itself into a Committee of the Whole House on the bill for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the bill making further provision in cases of drawbacks; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

A message from the Senate informed the House, that the Senate have passed a bill, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States;" to which they desire the concurrence of this House.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to consider and report on the expediency of making any further alterations in the Laws of the United States relative to the cession of the jurisdiction by particular States, in lands where are established, or may by law be directed to be built and established, light-houses, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which he delivered in at the Clerk's table.

Ordered, That the said resolution do lie on the table.

The bill sent from the Senate, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States," was twice read, and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying reports on sundry petitions; which letter was read, and ordered to lie on the table.

THE FORTIFICATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of War, respecting the Fortifications of the United States.

On this subject, Mr. MADISON objected to the making the Fortifications in the most expensive and durable style, because it may hereafter be found, that the situations which have been chosen are not the most proper.

Mr. S. SMITH said, that the objection of the gentleman struck him very forcibly. He then mentioned the absurd management at Baltimore, built, looked extremely well, and had only one fault, viz: that they were absolutely useless. An hundred men might at any time land from behind, take the battery in the rear, and turn it against the defenders. Vast labor had been bestowed on it by the people of Baltimore, and their labor and the public money had been equally cast away. Mr. S. had little confidence in Land Fortifications. He instanced Mud Island, of which he spoke as a military man, and from personal knowledge. The Fortifications could not have hindered British ships from coming up the river, but for the *cheateau de fizee*. They protected that, but could not, of themselves, have kept a ship from coming up; so, he reckoned that much money had been cast away on them, too. Floating batteries might be of service, but not land batteries.

The Committee rose, reported progress, and asked leave to sit again.

Mr. MADISON, from the select committee, reported a new bill of Naturalization, containing the amendments recommended, and also whatever was necessary from the Old Law, so that the latter should be entirely superseded. The report was read by the Clerk, and made the order of the day for to-morrow.

TUESDAY, January 6.

An engrossed bill for the ascertainment of certain losses of the officers of Government and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the sufferers, was read the third time, and passed.

An engrossed bill making further provision in cases of drawbacks was read the third time, and passed.

A memorial and remonstrance of the sugar refiners, in the city of Philadelphia, was presented to the House and read, praying a revision of the Excise Laws of the United States; and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on sugar refined within the United States, may be repealed.

Ordered, That the said memorial and remonstrance be referred to the committee appointed to inquire and report whether any, and what, alterations ought to be made in the act imposing duties on snuff manufactured within the United States; and that Mr. FITZSIMONS and Mr. MADISON be added to the said committee.

A memorial of the Transylvania Company, commonly called Richard Henderson & Company, was presented to the House and read, praying that such compensation may be made to the memorialists and their legal representatives, for a quantity of land which they purchased from the Cherokee Indians, in the year one thousand seven hundred and seventy-four, and has since been ceded to the United States, by the treaty of Holston, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial do lie on the table.

A petition of James Denniston, of Ohio county, in the State of Virginia, was presented to the House and read, praying that the location which he has made of the proportion of land, due for his services during the late war, in the second range of townships on the river Ohio, together with the improvements thereon, may be confirmed to him, and a grant issued for the same. Also, a petition of Elijah Woods, to the same effect.

Ordered, That the said petitions be referred to the Committee of the Whole House on the report of the committee to whom was referred the petition of sundry soldiers in the late Army of the United States.

The House resolved itself into a Committee of the Whole on the bill supplementary to the seve-

ral acts imposing duties on goods, wares, and merchandise, imported into the United States; and, after some time spent therein, the Committee rose, and reported the bill with amendments.

NATURALIZATION BILL.

The House then went into a committee on the bill to establish a uniform system of Naturalization, and to repeal the law formerly made on that head. One of the clauses in the new bill proposed to make aliens becoming citizens of the United States abjure their allegiance to all other States *forever*.

Mr. BOURNOR said, that a very respectable emigrant, who had brought a large fortune with him, and who would very likely be of much use to the country, had assured him that, rather than swallow such an oath, he would return to his own country. Mr. B. declared, that he always had considered oaths of allegiance as an imposition. They might keep away men who had scruples, because they had *principles*; others would swear, and break off, when it suited them. The word *forever* implied that these people were not at liberty to return home, and reassume the allegiance to their own country. What if the United States were to become a tyrannical Government? Were people not to have the liberty of leaving it? It had been replied by some gentlemen that the word *forever* did not imply that the emigrant would never be at liberty to return to his country, and resume his former allegiance. On that ground, they had urged to keep it in. Others had asserted that it did convey such a signification, and for that reason they would have it kept in. How is an alien in this case to act? One party say your oath means thus, and therefore you may take it. Another set of gentlemen give the oath an opposite meaning, and insist on its being taken. What kind of swearing is this, said Mr. B? To enact oaths which the very makers of the law could not agree about the meaning of, was to him very odd. He had done his duty in exposing the absurdity of the thing, and should move to strike out *forever*.

This motion was carried. And the Committee rose, and the Chairman reported progress.

WEDNESDAY, January 7.

A petition of James Caldwell, of the city of Albany, in the State of New York, was presented to the House and read, praying a remission of the duties imposed by law on a quantity of snuff manufactured by the petitioner, which, together with his manufactory, and other property, was consumed by fire, on the 12th day of July last.

Ordered, That the said petition be referred to the committee appointed to inquire and report whether any, and what, alterations ought to be made in the act imposing duties on snuff manufactured within the United States.

A memorial of John Field, Jesse and Robert Wain, and Hartsborne, Large, & Company, merchants, of the city of Philadelphia, was presented to the House and read, praying that the exportation of lead from the United States may per-

mitted in all vessels engaged in the India or China trade.

Ordered, That the said memorial be referred to Mr. FITZSIMONS, Mr. GOODHUE, and Mr. RUTHERFORD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States.

The bill was then further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Epaphras Jones, in behalf of himself, Stephen Gorham, Shubal Gorham, and Charles Selden; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That it shall and may be lawful for the Collector of the District of New York, to remit to Epaphras Jones, Stephen Gorham, Shubal Gorham, and Charles Selden, owners of the brigantine called the Peru, the duties of impost and tonnage which may be incurred, in consequence of the incompetent or invalid register of the said brigantine; provided they shall obtain, within one hundred and twenty days, a new register for the said brigantine, in the manner prescribed by law.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. GOODHUE, Mr. COFFIN, and Mr. GULMAN, do prepare and bring in the same.

The House went into a Committee of the Whole, on the report of the select committee, on the petition of Mary S. Jones.

There was a considerable degree of doubt whether this case did not fall within the statute of limitation lately passed.

Mr. MONTGOMERY was clearly of opinion that it did so. He thought it would be a degree of trifling in the House, to make a law in one session and in the next to declare that there was to be an exception to it.

Several other gentlemen spoke, and, as it appeared that there was no general opinion formed on the subject, the Committee rose, the Chairman reported progress, and asked leave to sit again, which was granted.

The House took up the Naturalization Bill. The word *forever* was struck out agreeably to the amendment in Committee of the Whole. The House went through the other amendments. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr. FITZSIMONS observed, that the saving in the Post Office had lately amounted to a considerable sum. He did not imagine that the money could be applied to a better use than for the making of Post Roads. He laid on the table a motion

for forming out of this fund Southern and Eastern States.

PROMULGATION OF THE LAWS.

There was then a motion for going into a Committee on the report of the select committee relative to the more general promulgation of the Laws of the United States. Gentlemen seemed considerably at a loss in what way this promulgation could be most effectually accomplished. Various schemes were proposed, of which not one appeared to meet the general sense of the members. Among other expedients, it was proposed to transmit them to the several States.

But, on this head, Mr. BALDWIN remarked—that, if these States were not more successful in circulating the Laws of Congress than they sometimes were in distributing their own, the printing of three thousand copies, as proposed, would answer but little purpose. He further observed, that the bill ought to provide some place in each State, or each county, where complete sets of the Laws might be lodged; otherwise, as it is proposed to publish the additional acts of every session at the end of it, there may happen to be a State or county to which all the Laws have been sent, and yet where in a complete set of them is not to be had.

The Committee rose, the Chairman reported progress, and the House adjourned.

THURSDAY, January 8.

An engrossed bill supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States, was read the third time, and passed.

A petition of Francis Peyrinhaut, of the town of Edenton, in the State of North Carolina, administrator of Pierre Decamps, deceased, was presented to the House and read, praying the renewal of certain loan-office certificates, the property of the deceased, which were destroyed by an armed banditti, some time in the month of December, one thousand seven hundred and eighty-two; the loss of which, owing to unavoidable circumstances, has not been advertised within the time, and in the manner prescribed by law.

Ordered, That the said petition be referred to Mr. DEXTER, Mr. LEE, and Mr. HARTLEY; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

I lay before Congress copies of Acts passed by the Legislatures of the States of Vermont, Massachusetts, and New York, ratifying the amendment proposed by the Senate and House of Representatives at their last session, to the Constitution of the United States, respecting the Judicial power thereof.

The Minister of the French Republic having communicated to the Secretary of State certain proceedings of the Committee of Public Safety, respecting Weights and Measures, I lay these also before Congress.

The Letter from the Governor of the Western Ter-

ritory, copies of which are now transmitted, refers to a defect in the Judicial system of that Territory deserving the attention of Congress.

The necessary absence of the Judge of the District of Pennsylvania, upon business connected with the late insurrection, is stated by him, in a Letter, of which I forward copies, to have produced certain interruptions in the Judicial proceedings of that District, which cannot be removed without the interposition of Congress.

G. WASHINGTON.

UNITED STATES, January 8, 1795.

Ordered, That so much of the said Message as relates to the Letters from the Judge of the District of Pennsylvania, and the Governor of the Territory of the United States Northwest of the river Ohio, be referred to Mr. DEXTER, Mr. HARTLEY, and Mr. HARRISON, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That such other parts of the said Message as relate to the ratification of the amendment proposed by Congress to the Constitution of the United States, by the Legislatures of the States of Massachusetts, Vermont, and New York, and the proceedings of the Committee of Public Safety of the French Republic, respecting Weights and Measures, do lie on the table.

Ordered, That a committee be appointed to inquire whether any, or what, alteration is necessary to be made in the laws respecting lost or destroyed certificates; and that Mr. LEE, Mr. DEXTER, and Mr. GREGG, be the said committee.

NATURALIZATION BILL.

The bill to establish a uniform system of naturalization, and to repeal the act heretofore passed on that subject, was then read a third time, and passed. The filling up of the blanks in this bill produced a dispute of some length, and from the intricacy in some parts of it, the abridging of it would be a work of difficulty. Several members spoke to the filling up of the blanks, and their arguments sometimes applied equally to all the three clauses before the House. To be intelligible, therefore, it appears necessary in the first place to insert the clauses themselves at length, as in the end filled up. We shall then repeat some of the remarks made on the subject by different gentlemen. The sections of the bill in question were as follows:

1. The alien shall have declared on oath or affirmation, before the Supreme, Superior, District, or Circuit Court of some one of the States, or a Circuit or District Court of the United States, three years at least before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce all allegiance and fidelity to any foreign Prince, Potentate, State, or Sovereignty whatever, and particularly by name the Prince, Potentate, State, or Sovereignty whereof such alien may, at the time, be a citizen or subject.

2. He shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the Courts aforesaid, that he has resided within the United States five years at least, and within the State where such Court is at the

time held, one year at least; that he will support the Constitution of the United States; and that he doth renounce and abjure all allegiance and fidelity to every foreign Prince, Potentate, State, or Sovereignty, whatever, and particularly by name the Prince, Potentate, State, or Sovereignty whereof he was before a citizen or subject; which proceedings shall be recorded by the Clerk of the Court.

3. The Court admitting such alien, shall be satisfied that he has resided within the limits, and under the jurisdiction of the United States five years; and it shall further appear to their satisfaction, that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Some gentlemen having spoke on the propriety of different terms for admission, Mr. MADISON said, that he feared the House would never see an end of the discussion, if they went on at this rate, for, by descending to discriminate all the qualifications of a citizen, they run the hazard of losing the bill altogether, from the mere waste of time. Ten years were named by Mr. MURRAY to fill up the first blank, and seven years by Mr. HARTLEY. These terms he thought by much too long. This would oblige the friends of the bill to vote against it.

Mr. BALDWIN objected that the law was inconsistent with itself, for a man is not to be admitted as a citizen to vote for ten years, while a residence of nine years may qualify him to be elected a Senator. This differed from the temper of the Constitution.

Mr. S. SMITH said, that the discussion on several parts of the bill in Committee had appeared to him unimportant, that the great object with him was the time of probation. He was for the longest term, that the prejudices which the aliens had imbibed under the Government from whence they came might be effaced, and that they might, by communication and observance of our laws and government, have just ideas of our Constitution and the excellence of its institution before they were admitted to the rights of a citizen. A gentleman from Virginia [Mr. NICHOLAS] had stated that holding a purse with money in it was sufficient to admit strangers to a vote in Maryland; the fact was not so; before an alien can be admitted to the right of suffrage, he must abjure all allegiance to the King of Great Britain, take the oaths to the State, and to support the Government of the United States, and have one year's residence. The gentleman says, that the bill can only embrace the officers of Government and the commercial interest, and fears that the Eastern States wish to exclude the competition that arises from the foreign merchant. He could not see how that jealousy could apply for it was as rare to see a foreign merchant in New England, as to see a native merchant in Virginia; that if the gentleman thought the place of foreign merchants would be filled from New England, he could foresee no injury, on the contrary a benefit. For, in case of

war, you might be assured that they would not act as spies; that there were many merchants from New England in Maryland—that they were good Republicans, good citizens, and always industrious.

Mr. FRIZZIMON thought that ten years were much too long a time for keeping an alien from being a citizen—it would make this class of people enemies to your Government. He was firmly of opinion that emigrants deserved to be encouraged; and to discourage them was an idea which till this day he had never heard either in or out of the House. Nature seems to have pointed out this country as an asylum for the people oppressed in other parts of the world. It would be wrong, therefore, to first admit them here, and then treat them for so long a time so hardly. As to the merchants from this country returning home with their wealth acquired here, it was not the case in Pennsylvania, whatever it might be in Virginia. They very seldom went home again, but married and settled in the country. He also thought the country obliged to them, as it was capable of employing the largest capital which could be brought into it. He knew of no such competition as the gentleman spoke about between the natives and the aliens.

Mr. BOWDINOT reminded the House of a late Proclamation by the President, wherein, among other things, it is said that this country is an asylum to the oppressed of all nations. He was for shortening the period of admission. He saw a great deal in the remark as to the bad policy of admitting people into the country and refusing them for so long a period the rights of citizens.

Several other gentlemen spoke. The bill finally passed.

FRIDAY, January 9.

A petition of Charles Heems, of the State of Georgia, was presented to the House and read, praying that a new register may be granted in the case of the brig *Siltaire*, an American bottom, which was captured by the British, and afterwards retaken by the French, and carried into Aux Cayes, in the year one thousand seven hundred and ninety-three; the said brig being condemned as British property, and the original register detained by the captors.

Ordered, That the said petition be referred to Mr. CARRIS, Mr. GILBERT, and Mr. HANCOCK; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of William Hill Serjeant and Nathaniel Richardson, merchants and partners, of the town of Petersburg, in the State of Virginia, was presented to the House and read, praying that they may be allowed the amount of the drawback on a quantity of wine exported from the port of Petersburg, and duly landed at Rotterdam, in the United Netherlands, in the year one thousand seven hundred and ninety-two; a judgment having been obtained in the District Court of the United States for the State of Virginia, on the bond

given for the duties accruing on the said wine, previous to receiving the evidence required by law for relating the same.

Ordered, That the said petition be referred to Mr. GILES, Mr. GILBERT, and Mr. LATIMER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of John Finley, late a Captain in the Pennsylvania line of the Continental Army, was presented to the House and read, praying that the location which he has made of the proportion of land due for his military services, during the late war, in one of the ranges of townships on the river Ohio, together with the improvements thereon, may be confirmed to him, and a grant issued for the same.

Ordered, That the said petition be referred to the Committee of the Whole House to whom is committed the report of the committee on the petition of sundry soldiers in the late Army.

Mr. GOODRICH, from the committee appointed, presented a bill for the relief of Ephraim Jones, and others; which was read twice and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," to which they desire the concurrence of this House.

Mr. FRIZZMOSS, from the committee to whom was referred the memorial of John Field, Jesse and Robert Wain, and Hartsborn, Large, and Company, merchants, of the city of Philadelphia, made a report; which was read, and ordered to lie on the table.

The bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," was read twice, and committed.

ORGANIZATION OF THE MILITIA.

The House took up the report of the select committee, relative to arming, organizing and disciplining the Militia of the United States. The report recommended to enforce the law by suitable penalties; and a long debate ensued whether Congress had a right to enact such penalties. The following clause in the Constitution gave rise to this debate:

"The Congress shall have power to provide for organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress."

A great number of gentlemen spoke on this point. Mr. SEDGWICK observed that to a Government to which was committed the charge of defending society, against internal violence and external invasion, means adequate to the attainment of those important objects, ought to be delegated. These means must be composed of efficient force, in the form of militia, or of that which was generally considered as beneficial to liberty, a standing army. A Constitution which was designed to perpetuate freedom would doubtless intend to render

the former as efficient, and the latter as unnecessary as possible. In legislating on this subject, if any uncertainty should occur, those principles should have their due influence in the construction to be given to the Constitution.

He laid it down as a principle, which he presumed would not be disputed by any one, that a complete and uncontrolled power over the militia was deposited in the National and State Governments. The only question was, which was to delegate the distribution of those powers? To the former it was expressly delegated to provide "for the organizing, arming, and disciplining, the militia." These words, when applied to the subject, were as full and comprehensive, perhaps, as any in our language. The question before the Committee was, could penalties be imposed, if they should become necessary, to carry into effect those powers? The maxim was undoubtedly true, that when a general power was granted, all the usual and known means necessary and proper to carry it into effect were granted also. If, then, the imposition of penalties were the usual and known means to effectuate "the organizing, arming and disciplining of the Militia," it would follow of irresistible consequence, that they might be employed for that purpose, if not prevented by the powers reserved to the States.

To the States it was reserved to appoint officers, and to train the militia, according to "the discipline prescribed by Congress." A reservation controlling a general grant should receive a strict construction. "Trainings," he believed a word more limited and less comprehensive than "disciplining," which he considered as comprehending all the means necessary to be employed to constitute the character of a soldier. "Training" comprehended only a part of those means. It would to his mind seem absurd, and almost contradictory, that when there was committed to this Government the protection and defence of each individual, and of the whole community, when this Government itself was founded on principles which cherished a militia to the exclusion of a standing force, wherever it could be done, when the Government, for those important purposes, was directed to provide for "organizing, arming, and disciplining the militia;" it would seem absurd and contradictory to say, penalties could not be imposed by law. It would be in the same sentence to grant and to deny; for he would run the hazard to affirm, that without penalties no effectual provision could be made for "organizing, arming and disciplining the militia."

It was not, he believed, difficult to conjecture by what means this distribution of powers between the National and State Governments had crept into the Constitution. It would have seemed incongruous to have denied to Congress a complete control over the militia. But having conceded this power in the words which had been so often repeated, a laudable jealousy would naturally have excited an apprehension, that, at some future time, the militia might be neglected to afford a pretence for standing armies. This jealousy could in no other way have been so well quieted as by

authorizing the States, who would discern, and guard against the intended encroachments, by "training," to keep alive the spirit of the militia. On this supposition, the Constitutional distribution of powers in this instance was consistent, and dictated by rational reflection.

To pursue further the subject, when the militia should be called into the actual service of the United States, Congress were by the Constitution to provide for their government. This was necessary to prevent a State, in case of disaffection, from defeating, under a pretence of "training," the exercise of the general powers granted to this Government.

Mr. SEDGWICK said, that it had always appeared to him anti-Republican to attempt to narrow the powers of this Government over the militia. An effective force of some kind must be at the disposal of the Government, which a militia could never be, unless adequate penalties were prescribed, and in every instance, be had to a standing army. There was no other alternative.

He was not in this case influenced by local considerations. The militia of the State to which he belonged was respectable and effective. He was sorry to add that in some of the States the reverse was confessedly and lamentably true. He had at all times been anxious to perceive, that the opposition to this measure had arisen from those districts for whose peculiar benefit it was designed.

Mr. MORRIS wished that some gentleman who was better acquainted with military matters than himself would explain the distinction between the two words, "training and disciplining," used in the above clauses of the Constitution.

Mr. S. SMITH rose to answer this query. Training implied chiefly teaching a man to handle his arms, to stand upright, to wheel to the right and left, and to march. But disciplining comprehended a great deal more. A disciplined soldier must understand the duties of a sentinel, the art of encamping, and a number of other things which a common militia man did not learn when only training. He said that the first duty of a soldier ought to be to take care of himself, and an acquaintance with this lesson had been severely felt by many in the late expedition to the Westward. Numbers of the militia did not know how to set up a tent. The Virginia militia who went out were neither disciplined nor trained. The Marylanders appear to have been much in the same situation, for when Mr. Smith drove part of them out and ordered them to load, he found that fifty had put down the ball before the charge of powder. Some of them did not even know how to lay a gun over their shoulder. He pressed the Committee to come to a decision immediately. Gentlemen said that they hoped that there would be no more insurrection. I hope so too, (said Mr. S.) but does that insure the thing? I believe not, sir. Nothing had been farther from the thoughts of the House last session than an insurrection.

Mr. FRIZZMOSS hoped that the house would come to some resolution on the subject. He was

authorized to say that the Legislature of Pennsylvania were waiting in suspense to see what would be done by Congress.

Mr. TRACY said, he was convinced of the necessity of amending the militia law; before Congress made any regulations of the kind, the militia, in the State he came from, was under very good discipline; but he really thought the present law of the United States had a tendency to injure, instead of assisting, the regularity and discipline which had been before established by the State in their militia law. It had been said, the Constitution did not give Congress power to enforce their act by penalties, because training the militia was reserved to the several States. He should be sorry to give a forced explanation to any part of the Constitution, and if there were any who wished it in that House, as had been hinted, he would oppose every such attempt; but he could not reverence the opinions of gentlemen who had uniformly opposed the Constitution, before and since its adoption, till lately, and now pretended to be its greatest friends, and under that mask wished to fritter it down to rags, and reduce it literally to the state of self-righteousness—the more we have of it the worse. He then read the clause of the Constitution, and said, it was clear that all the power respecting the militia, was, by the first part of the sentence, deposited in Congress; but a special reservation was afterwards made to the States to appoint officers—this was explicit; and what more was reserved to the States? To train the militia pursuant to the discipline prescribed by Congress. This, he said, could give them no power of training, but in exact obedience to the rules given them by Congress; that is, Congress will take every necessary step to organize, arm and discipline the militia, (except officering); they will get the men on the field, when they are there the State is to train them, is to be the Executive of the United States, and exactly pursuant to their rules train the militia. The training mentioned in the Constitution, he said, could mean no more; as disciplining, which was expressly in the hands of Congress, included training, but training did not include disciplining—a good definition of the difference between the two terms had been given by Mr. S. SMITH, who had spoken before him.

Mr. T. said, in ordinary cases, a certain specified portion of power was, by the Constitution, given to Congress, and all not specified was of course reserved by the States; but in this case the tables were turned—all the power was vested in Congress by the first part of the sentence, and a specified portion reserved to the States, which ought to be strictly construed, so as to give the several States no constructive power to defeat any thing Congress should do upon the subject; or, prevent uniform and general laws from operating by the interference of local and State regulations. He, therefore, was clearly of opinion the power of Congress, by the express words of the Constitution, extended to enforcing by penalties as contemplated by the resolution before the Committee.

Mr. GILES was not for straining the Constitution, but he was clear that Congress had such a power of enforcing the execution of the law.

The Committee went through the resolution, and reported it to the House, where it was twice read and agreed to, in the following words:

Resolved, That the act, entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States," ought to be amended; and that further provision ought to be made by law for arming the Militia of the United States, and for enforcing the execution of the Militia laws, by adequate and uniform penalties.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. GILES, Mr. SEDGWICK, Mr. HEISTER, Mr. LOCKE, Mr. VAN CORTLANDT, Mr. DAYTON, Mr. SAMUEL SMITH, Mr. IRVINE, Mr. PARKER, and Mr. JEREMIAH WADSWORTH, do prepare and bring in the same.

Monday, January 12.

A memorial of sundry merchants, and other citizens, of the towns of Norfolk and Portsmouth, in the State of Virginia, whose names are thereunto subscribed, was presented to the House and read, praying that the most speedy and effectual measures may be adopted by Congress to obtain restitution for the depredations committed on the property of the citizens of the United States, by the subjects of Great Britain, under the authority of that Government.

Ordered, That the said memorial do lie on the table.

Mr. GOODRICH, from the committee appointed, presented, according to order, a bill supplementary to the act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Attorney General, accompanying a report of such tables of fees and regulations as are proper to be established for the Courts of the United States, pursuant to a resolution of this House of the 5th of June last; which was read, and ordered to be referred to Mr. BODINOR, Mr. KIRKLAND, and Mr. SHREVE, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

On a motion made and seconded that the Message of the PRESIDENT OF THE UNITED STATES, of the 30th ultimo, and the report of the Secretary of War, referred to therein, be committed to the Committee of the Whole House, to whom is committed the memorial of the Legislative Council and House of Representatives of the Territory of the United States South of the river Ohio. It was resolved in the affirmative.

Mr. SAMUEL SMITH, from the committee to whom was referred the memorial of Thomas Dannery, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Wednesday next.

The House resolved itself into a Committee of the Whole House on the bill from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, after some time spent therein, the Committee rose and reported progress.

DEFENCE OF THE FRONTIERS.

A Message was received from the PRESIDENT OF THE UNITED STATES, laying before Congress, for their consideration, the copy of a Letter from the Secretary of War, accompanied by an extract from a memorandum of James Seagrove, Agent of Indian Affairs. The Message and papers were read:

Mr. MURRAY then moved that the Message should be referred to the same Committee of the Whole House, to which had been referred the memorial from the inhabitants of the Southwestern Territory.

Mr. NICHOLAS objected strongly to this motion, as showing too much deference to the Heads of the Departments. The paper in question ought not to have been sent to the House at all.

Mr. MURRAY defended his motion. He inquired how the gentleman proposed to get information? Was he to manufacture it himself, or in what way could he better obtain it than from the Heads of the Departments? He had not, for his own part, that species of jealousy of them which the gentleman last up had.

Mr. NICHOLAS repeated his arguments with some warmth. He said that the Letter from the late Secretary at War was not official, but officious. It had a particular aspect which should forbid its getting any such mark of attention. It was neither more nor less than a commentary on some of the proceedings of the last session of Congress. If this was received, we might expect the table to be teaped with such things.

Mr. SEDGWICK could really see no reason to reject the motion. The PRESIDENT had undoubtedly a right to send the communication. The subject was confessedly of the utmost importance. The member asked, if the House were to close their understandings, and refuse all information from that quarter? He repeated that he could see no ground of any sort for refusing consent to the motion.

Mr. GILES was equally dissatisfied with the matter of this letter, and with the manner in which it had been introduced into the House. They were both equally exceptionable. The letter had come without any call. It was an Executive comment on a Legislative proceeding. It was a defence of a measure adopted by the Senate, and it condemned by implication another of that House. To Mr. G. it was a very extraordinary paper. The PRESIDENT was not to be supposed, however, answerable for the propriety of its contents. He should be very unwilling to take any notice of this paper at all. It had been justly remarked that it was a comment on transactions of the last session. A section of a bill passed in the Senate last session, and rejected by the House of Representatives, was inserted in it, and recom-

mented. This paper might operate very materially on the deliberations of the House. This was a very bad precedent. The Executive had nothing to do with any question pending before the Legislature, and consequently had no occasion to send such a thing.

Mr. HOLTEN imagined that the gentleman from Maryland, [Mr. MURRAY] had extended his motion too far. It ought to have comprehended only the taking into consideration the Message of the PRESIDENT.

Mr. MURRAY complained of the asperity of expression employed by a gentleman from Virginia, [Mr. NICHOLAS]. Not official but officious, and the intelligence artificial, were phrases to which he objected. The gentleman might have higher sources of information than he had. Mr. M. was willing to take up with information wherever he could get it, and he could have it nowhere with more propriety than from the national servants. It was no good reason to reject information merely because we had not asked for it. Mr. GILES had given a piece of intelligence which Mr. M. said, was to him entirely new, viz. that when the House wanted information, it was one of their rules not to refer for it to the Heads of Departments. The topic was great and important, and the House, before they rise, must examine in general into the situation of the Southwestern frontier, and our terms with the Indians. Mr. M. said that the Delegate from the Southwestern Territory [Mr. WARRE] would certainly be glad to obtain the information conveyed in this paper. If any gentleman would point out any other way by which the House could, without absurdity, get from the PRESIDENT the information contained in this letter, Mr. M. should be willing to adopt it.

Mr. BODINOR was entirely satisfied both as to the propriety of the matter contained in the Letter of the Secretary, and as to the manner in which it had been introduced into that House. That the PRESIDENT had a right to consult the Heads of the Departments, there could be no kind of doubt. Mr. BODINOR then read the following passage from the Constitution: "The PRESIDENT shall be Commander-in-chief of the Army and Navy of the United States, and of the militia of the several States. He may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices." Mr. B. deinde the Message in all its circumstances, and in the most pointed terms. It was perfectly proper, and peculiarly so at this time. By the Constitution, and by the rules and practice of the House, the PRESIDENT had a right to offer his advice regarding Legislative acts.

Mr. W. SMITH had seen much needless jealousy in the House towards Heads of Departments; and the present he thought a refinement on that side. There had been two objections to the communication from the Secretary of War, the one as to the matter, and the other as to the manner in which it was introduced to the House; as to the latter, it was said to have been obtruded unasked. In this last objection Mr. S. saw nothing. He read a pre-

cedent from the Journals, which he insisted to be exactly similar, and where Mr. NICHOLAS himself had been one of a committee appointed to examine and report. As to the matter, we might as reasonably object to the Speeches of the PRESIDENT, recommending the House of business which had been before them, or recommending subjects to their notice. He considered the objections of both acts as entirely unfounded.

Mr. MADISON recommended the alteration suggested by Mr. HOLTEN, for restricting the motion of commitment to the Message of the PRESIDENT, and not to take any notice of the letter from the Secretary, which he considered as, in itself, extremely improper. It could not be meant as information, and the House had no occasion to take advice from the Secretary. The letter itself looked more like a forced thing, than any which he recollected to have seen since the establishment of the Constitution. The subject, however, was delicate. The PRESIDENT had an undoubted right to give advice or information in any way which he thought best. It was totally ill-judged in the Secretary to have conveyed his opinion in the very words of a clause in a bill that had passed through the Senate last session, and been rejected in that House. The communication translated into plain language amounted to this: "The Senate last session had more wisdom than this House, and it is proper for this House to reconsider its proceedings, and improve by the superior wisdom of the Senate." Due respect should, however be paid to the Message of the PRESIDENT. It ought to be taken into consideration, and Mr. M. was not willing to cast obstructions in its way, or to make needless objections.

Mr. DAYTON said, that he was for referring the Report of the Secretary at War, with the PRESIDENT'S Message to the Committee of the Whole, and that consequently he was against striking out the words which expressed that intention. If, by omitting to take any notice of the Report of the Secretary, it was meant to reject the information on account of the source from which it came, it argued such a degree of jealousy and distrust as appeared both unreasonable and unconstitutional. If, on the contrary, the object was not so much to reject it, as by the manner of referring the Message, to convey any reproach or disrespect towards the late Secretary of War, Mr. D. should be still more decidedly averse to the modification proposed. He lamented it as an unhappy circumstance for this country, that the gentleman who was lately the Head of the War Department had thought proper to resign. That gentleman had executed the complicated and important duties of his office with zeal, fidelity, and ability, and ought to be protected from any proposition or remark which glanced unfavorably at him, or might wound his feelings at the moment of his leaving us. Mr. D. then introduced the Report of the Secretary of War in 1790, to the PRESIDENT, on the subject of the Militia system, as a striking precedent. The Secretary there informed the PRESIDENT, that he had submitted to him a plan for the arrangement of the Militia. The PRESIDENT sent a Message with the plan to

the House of Representatives. What were the steps then taken in that parallel case? Was the Message then alone referred as it is now proposed by some gentlemen? The Journals, on the contrary, prove, that the Message and plan were referred to the Committee of the Whole. It was possible, Mr. D. added, that the present Congress might deem themselves wiser than their predecessors. It was possible that many might think it safest to shut their ears against all kinds of information from the Heads of Departments, or even from the President himself. There might be some who would be willing to free the House of Representatives from certain obligations, or shackles under which the Constitution placed them, by tearing out a leaf from that instrument, but he ventured to say that it was too soon yet to attempt it.

Mr. SMITH complained of the style of the memorial from the Secretary of War, and, as a specimen, he read the following passage:

"It is a melancholy reflection that our modes of population have been more destructive to the Indian natives than the conduct of the conquerors of Mexico and Peru. The evidences of this is the utter extirpation of nearly all the Indians in the most populous parts of the Union. A future historian may mark the causes of this destruction of the human race in sable colors. Although the present Government of the United States cannot with propriety be involved in the opprobrium, yet it seems necessary however, in order to render their attention upon this subject strongly characteristic of their justice, that some powerful attempts should be made to tranquilize the frontiers, particularly those South of the Ohio."

In reading the above extract, Mr. M. went no farther than to the words *sable colors*. Mr. S. SMITH desired that he should read on, that the House might hear that no insinuation was intended, as if the present Government of the United States had countenanced such ravages. Mr. SMITH said, that he knew what came after, but who would compare the first settlers of North America to the Spaniards, who destroyed in their mines thousands and millions of the Indians, and whose memory had been consigned to the execration of centuries?

Mr. AMES rose. Just when he had begun speaking, there came in a Message from the President by his Secretary. On this, Mr. A. observed, that perhaps, while gentlemen were now speaking there might have arisen a new subject of dispute. Perhaps by the new doctrine, we should reject all communications from that quarter. The Message having been delivered, Mr. A. went on to remark, that turning loose the American militia to guard the Southwestern frontier, was a system of slaughter, of desolation. It was to make a Potter's field of an hundred thousand miles in extent! It was a system to waste the blood of the white man, and to extirpate the Indians. The militia were not the people to prevent those kind of injuries against the Indians which were the cause of hostilities. But gentlemen who were now so delicate as to the style of memorials, would do well, if they extended that delicacy to other memorials which had been pre-

ferred to that House, and referred by the consent of those very members to select committees. Papers had been offered to that House, wherein its conduct had been criminated and reprobated in the most unqualified language of detestation. Yet gentlemen, on some of these occasions, showed no resentment. Mr. A. ridiculed the idea of the present motion as introducing a new and dangerous precedent. The opposition to it came exactly under that description, for it was a direct attack upon the principles of the Constitution.

Mr. FITZSIMMONS approved of the motion. It had been asked if the President was responsible for the contents of this Report from the Secretary of War? Mr. F. did not think so; but if he had not communicated it, the member would have thought him responsible for the omission. The President had a right to ask advice from the Heads of the Departments. Mr. F. never knew a Message from the President which required a reference, that had been refused it. As a matter of course, as a matter of right, it ought to be referred.

Mr. MURRAY rose and read that passage in the Report of the Secretary, which Mr. S. SMITH had desired Mr. SMITH to read, and which he had not read. [They are inserted both together at full length as above.]

Mr. NICHOLAS moved an amendment, and which was seconded for striking out the latter part of the resolution proposed by Mr. MURRAY. This made it merely a reference of the Message from the President to the Committee of the Whole, and omitted all notice whatever of the report from the Secretary of War.

Mr. SZODWICK really thought this a squamishness for which he saw no manner of foundation.

Mr. GILES arose.—He said that a gentleman from Massachusetts had a slated that some members considered the whole Constitution as entirely in this House. This imputation was a thing of so serious a nature, that Mr. G. wished the gentleman to point out the person to whom he alluded. If it respected Mr. G. himself the assertion was unfounded. It was not true. He had the highest respect for every branch of the Constitution. This was a charge frequently made by one side of the House. Gentlemen had called the contents of this paper information. He saw in it nothing but what the House knew without the assistance of the Secretary. He considered the report as an effort upon the opinion of this House, as an attack upon its independence, and that in a very indelicate way. He thought the report in all respects unworthy of the notice of the House. He hoped that this paper would not be committed, but that the Message of the President would be so.

[The passage in the report repeatedly referred to as having been borrowed from a bill passed in the Senate, last session, is in these words:

"That all persons who shall be assembled, or embarked in arms, on any land belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the Ohio, for the purpose of warring against the Indians, or committing depredations upon any Indian town, or persons, or property, shall thereby become

liable and subject to the rules and articles of war, which are or shall be established for the government of the troops of the United States."

This was a section of a bill which the Senate passed the last session, entitled "An act for the more effectual protection of the Southwestern frontiers," but it was disagreed to by the House.

Mr. KITTEA considered this as entirely a dispute about words, or plainly about nothing at all. Gentlemen from Virginia were more jealous of the Executive than even the Constitution itself. Mr. K. was satisfied that the President had a right to interfere in the Legislative proceedings with his opinion and advice. There was neither principle nor precedent for the amendment of Mr. NICHOLAS. The dispute was merely about words, because if the Message of the President was referred to a Committee of the Whole, the report in question would, in any case, be referred along with it.

Mr. AMES rose again to make some remarks on the danger of extending too far the privileges of the House of Representatives over the other House. The moment that this House is turned into a Convention, there is an end of liberty. As to impropriety and indelicacy of style, he could wish that the cognizance of members might extend to memorials addressed to the House, that we may not have addresses disrespectful to it. He entirely vindicated the conduct of the President as to this matter, and saw a peculiar propriety in his having made the communication at present on the table.

The question was loudly called for: but Mr. NICHOLAS rose in reply to Mr. AMES. Would any man call this a communication from the Executive? Mr. AMES spoke a few words in a low tone of voice. Mr. N. proceeded, "The gentleman in parentheses," "I prevaricate, sir," rejoined Mr. A. Mr. N. said, that at best he went off from the point. As to the precedent produced by Mr. W. SMITH, it was quite inapplicable. It bore no resemblance or connexion to the one before the House. The other alluded by Mr. DAYTON was, he admitted, in point. But that gentleman would admit that it occurred in the infancy of the Constitution, which was an excuse for it. He hoped that the amendment would go through.

Mr. TRACY quoted something which Mr. NICHOLAS had said. That gentlemen immediately answered, that he had been misquoted. I know, said Mr. TRACY, as well as that gentleman, what he said. Mr. NICHOLAS got up a second time, and repeated what he affirmed were the words which he had really spoken. He did not say so before. said Mr. TRACY, but I am content that he should say so now. I only beg that he may not interrupt me. As to the motion for striking out one-half of the resolution, Mr. TRACY looked upon it as out of all propriety. The President had sent a letter of two lines, enclosing a report from the Secretary of War. To refer the former without the latter, would be like referring to any person the superscription of a letter, but adding at the same time, you must not look at the inside of it. Mr. T. did not care from whom the report came.

If it contained useful information, that was all he wanted to know. And, supposing it had been sent from a Democratic society, that of itself would with Mr. T. be no reason to refuse it a reference. He then observed how much more delicate societies than was now paid by some gentlemen to the President. Much care had been taken that a vote of censure should not be passed on them. It looked as if gentlemen wanted to grasp all power within this body. The amendment was wrong in point both of principle and practice. To refer a mere superscription, (for the letter of the President was nothing more,) would look strange enough. The resolution, as amended, was in a state of hostility with common sense.

Mr. LYMAN was in favor of the amendment for striking out the words in the latter part of the motion. He thought it improper to refer to a Committee of the Whole House the report of the late Secretary of War, because it was of an amphibious nature. It was not a mere official statement of supposed facts, but the reasoning on those facts. He was sensible that precedents could be found on the Journals, which sanctioned a commitment of similar reports; but, for his part, he had ever thought the practice improper, and he must meet the question as it appeared to him. He said, that the Constitution authorized the President of the UNITED STATES, nay, it made it a duty incumbent on him, to give information, from time to time, of the state of the Union. He was also equally required to suggest, for the consideration of the House, whatever he thought expedient; but there was a most material difference between communicating information, and argument or inferences deduced from it. The official information would always, without doubt, be reports from the different Departments, and, therefore, would have the credit and weight which was due to it; but whenever plans or arguments were communicated, they should have the responsibility attached to the signature of the President. What was the case in the present instance? Had the Executive avowed the plan of the Secretary of War, or his reasoning? He was persuaded, from the communication itself, that the President did not at all espouse the report as his own wishes or opinion; for there was nothing in the Message implying that the report had been officially required, or that any one sentiment was from the high authority of the Executive. As to the Secretary of War, Mr. L. had a respect for him, and believed that he had discharged the duties of his office with ability and fidelity, but it implied no censure to decline hearing his arguments. All that the House wanted was facts and information. They were fully competent to the suitable deduction. As to the observation of his colleague, that the House were abridging the powers of the Executive, it was so far from being the case, they were only reclaiming what had been remitted and disused; and he had no fears that they would abuse it.

Mr. HILLHOUSE thought that gentlemen were

spending time in a very trifling way. It is the duty of the House to hear information from every quarter. He was against the amendment.

Mr. J. WADSWORTH said, that some gentlemen had been offended at the comparison in the report between the North American settlers and the Spaniards. Mr. W. remarked, that if gentlemen would look into two histories, the one of Virginia and the other of New England, they would see bad enough work. If the Spaniards, or any other nation in history, had acted worse, he was much at a loss to comprehend what their proceedings could have been. As to Pennsylvania, much had been said of the purchases from the Indians of their lands; but where was the difference between shooting an Indian and catching him in a trap? And, as to the conduct of the Pennsylvania men, when they drove the Indians back to Pittsburgh, that was sufficiently cruel. We have murdered them from the beginning, said Mr. W. As to the question on the amendment, he knew perfectly well that the President had acted exactly conformable both to the Constitution and the practice of the House. To refuse committing the report of the Secretary along with the Message, would be an affront, not to the Secretary, but to the President.

Mr. MADISON looked upon the expression, as to the Spaniards, as being extremely exceptionable. It had escaped, perhaps, inadvertently. The Secretary would not have used it in a report to the House, nor would the President have employed it, as from himself, in any Message to the House. Mr. M. was for the amendment. It was natural enough that the Secretary, when communicating his sentiments in a private manner, should make use of illustrations for enforcing his opinion that he would not have adopted in an official paper.

Mr. PAGE was persuaded that the Report from the Secretary of War contained nothing new, or, if new, nothing which may not as well be used when in the hands of members, as when in those of a Committee of the Whole. If the amendment had been to throw the Message under the table, more warmth could not have been shown, in charging the opposers of the motion for reference to a Committee of the Whole with indecency to the President, and with a design at usurpation of his power, &c. It is said, that a jealousy has been betrayed by some members of an encroachment on the privileges of this House. Surely, a most unnecessary and unreasonable suspicion has also been betrayed by others, of a design in the gentlemen who supported the motion of Mr. NICHOLAS, to encroach on the powers of the Executive. Expressions have been used not consistent with decency and order. Gentlemen have been charged with a factious spirit, favoring indecent remonstrances, and with slighting and treating contemptuously the Message from the President. Some members have, at another time, been charged with speaking, not to the House, but to their constituents, in order to gain their votes at an approaching election. Mr. H. said, that his respect for the Government, and for the President, was equal to that of any man in the House. He was

far from wishing to reflect on the late Secretary of War. Mr. P. had never, by any vote, censured his conduct, and he entertained no wish for his resignation. But he was at liberty to think the report given to the President wrong, the communication of it to the House as unnecessary, and even if necessary, as sufficiently acted upon when printed and put into the hands of the members. He might have no doubt respecting the Constitutionality of the Message from the President, or of the report of the Secretary to him. He might require no precedents from the Journals to prove that the motion for referring that Message was perfectly in order. But he might doubt whether the substance of the report was of such a nature as to require the consideration of the Committee of the Whole. He might also doubt whether the report was of sufficient importance to require the most mature consideration. There might be circumstances attending the manner of its introduction, as some members allege that there were, which render the report improper to be referred to a Committee of the Whole. It would be a precedent for referring every Message, and that would be attended with unnecessary delay. It will be paying a superfluous compliment. If the information came from the poorest citizen, and was sufficiently important, he would refer it, but though it came from the President or Senate, and contained nothing which, in his opinion, required a commitment, he should vote against it. Mr. P. was for the amendment of Mr. NICHOLAS.

Mr. S. SMITH remarked, that the principal objection made by the gentleman who spoke last, [Mr. PAGE] to the commitment of the report was, that it contains nothing new. The observation will apply with equal justice to a great part of what has been said on the subject before the House. He wished, therefore, that the question might be immediately taken.

The amendment was negatived without a division, but by a very great majority. The motion, as it originally stood, was then put and carried.

TUESDAY, JANUARY 13.

A memorial of Arthur St. Clair, late a Major General in the Army of the United States, in behalf of himself and his son, Daniel St. Clair, an officer in the same Army, was presented to the House and read, praying that the locations which they have made of the respective proportions of land due for their military services during the late war, in one of the ranges of townships on the river Ohio, may be confirmed to them, and grants issued for the same.

Also, the memorials and petitions of sundry officers and soldiers of the late Army of the United States, whose names are thereunto subscribed, of Samuel Brady, of Absalom Martin, and of Dudley Woodbridge, to the same effect.

Ordered, That the said memorials and petitions be referred to Mr. HARTLEY, Mr. GREENUP, and Mr. PELSO WADSWORTH: that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

PROMULGATION OF THE LAWS.

The House went into a Committee of the Whole on the means of promulgating the laws, Mr. Cobb in the Chair. A great variety of plans were proposed, but none that seemed to meet the general sense of the House. It was admitted that the same mode of distributing the laws which would answer extremely well for one part of the country would not at all suit for some others. To give the copies to be disposed of by the State Legislatures, was recommended by some members. Mr. BALDWIN observed, that this would not answer for Georgia. The books would be landed at the distance of two hundred miles from the town where the Assembly meets. They are carried across the country to that place, instead of being distributed in the counties through which they pass. When they arrive at the seat of Government the Assembly have risen, and probably will not sit again for six or nine months to come.

Mr. BALDWIN said, that rather than see the heart-burning which had existed among the people of Georgia for the last six years, from ignorance of the laws, he would pay a part of the expense of distributing them himself. Mr. B. knew one way by which the Secretary of State might distribute the copies of the laws very effectually in the State of Georgia. This was by intrusting them to the member himself. He was better acquainted than most people with the places in Georgia to which these books ought to be sent, and the persons to whom they ought to be given. He was ready to take the whole business on himself. Mr. HILLHOUSE, who rose sometime after, had no doubt that gentlemen might find it extremely convenient to have the edition of the laws entirely at their private disposal. He had no objections, however, to this scheme.

Mr. PAGE wished not only that the laws might have been printed, but that everything else which passed in that House, and every word which was spoken, might be accurately taken down by a short-hand writer employed for that purpose by the public, and the whole printed and distributed. The people would then be able to judge exactly of the conduct and character of those whom they chose to represent them.

After much miscellaneous conversation it was moved that the Committee should rise, the Chairman reported progress, and asked leave to sit again. The motion was negatived—ayes 41, noes 42. The same motion was again made, some time after, and agreed to. But the motion for leave to sit again was negatived.

It was then moved by Mr. W. SMITH that a committee consisting of a member from each State in the Union should confer on this subject. This was agreed to; and on the motion of Mr. VANS MURRAY, Mr. WHITZ, the member from the Southwestern Territory, was added to the number.

WEDNESDAY, JANUARY 14.

A memorial of Parker, Hopkins, and Meert, of the town of Savannah, in the State of Georgia

was presented to the House and read, praying the aid and patronage of Congress to enable them to complete a work which they have undertaken for the purpose of making an accurate survey of the sea-coast and inland navigation of the States of South Carolina and Georgia.

Ordered, That the said memorial do lie on the table.

A memorial of George Latimer and others, merchants, of the city of Philadelphia, was presented to the House and read, praying that they may be allowed the drawback of the duties on a quantity of sugar and coffee imported by the memorialists in the port of Newbern, North Carolina, and thence brought to the port of Philadelphia, from which they are desirous of exporting them to a foreign port.

Ordered, That the said memorial be referred to Mr. Fitzsimons, Mr. Goodhue, and Mr. Edwards; that they do examine the matter thereof, and report the same, with their opinion thereon, to the House.

The House resolved itself into a Committee of the Whole House on the memorial of Thomas Durnery; and, after some time spent therein, the Chairman reported that the Committee had had a bill report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That the prayer of the said memorial is reasonable, and that the tonnage duties on the vessels therein mentioned be remitted.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. Samuel Surin, Mr. Lyman, and Mr. Van Costlandt, do prepare and bring in the same.

On motion of Mr. Fitzsimons,

Ordered, That a committee be appointed to report a plan for perfecting a road between the Southern and Eastern States, the expenses whereof be defrayed out of the revenue of the Post Office; and that Mr. Fitzsimons, Mr. Giles, Mr. MURRAY, Mr. JEREMIAH WADSWORTH, Mr. BALDWIN, Mr. DEARBORN, and Mr. McDOWELL, be the said committee.

Mr. Fitzsimons, from the committee appointed, presented a bill to authorize the exportation of a quantity of lead, in the ship Pigou, to China; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes;" to which they desire the concurrence of this House.

Mr. Dexter, from the committee to whom was referred so much of the Message from the President of the UNITED STATES, of the 8th instant, as relates to the letter from the Judge of the District of Pennsylvania respecting certain interruptions in the judicial proceedings of that District, made a report; which was read, and ordered to lie on the table.

PURVEYOR OF PUBLIC SUPPLIES.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to establish the office of Purveyor of Public Supplies."

Mr. CARNES wished to have some evidence that there was occasion for a Purveyor of Public Supplies, with so large a salary; otherwise, he should think himself obliged to vote against the proposal.

Mr. SEDGWICK, when the bill was first brought in, had approved of it in his own mind, and on conversing with the Secretary of the Treasury, he learned, as the opinion of that gentleman, that it was an extremely economical and very necessary thing.

Mr. B. BOURNE said, that there had been a Message on this subject from the President, on the 11th of December last. This was accordingly read. It had enclosed a memorial from the Secretary of the Treasury, on this establishment, which was also read.

Mr. VENABLE moved to alter one part of the bill. Instead of saying "under the direction and supervision of the Secretary of the Treasury," he thought it better to say under the direction of the Secretary of War. The supplies were for that Department.

Mr. HEISTER seconded this motion.

Mr. FITZSIMONS thought the superintendence better as it stood.

Mr. PARKER moved to strike out the first clause of the bill. He had objections both to the bill itself and to the amendment suggested by the gentleman at his left hand. He thought that a Naval Agent should be appointed, and be responsible to the President only.

Mr. CARNES thought the House had as yet too little information to decide whether the establishment was necessary or not. He believed that he should be disposed to vote with Mr. PARKER, and then for a committee to inquire into the matter.

Mr. SEDGWICK wished that the gentleman would not then begin by destroying the bill.

Mr. CARNES had no such design. He moved, therefore, that the Committee should rise, report progress, and ask leave to sit again. This was accordingly done. But leave was not granted. The subject was referred to a select committee.

PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The report having been read by the Clerk, Mr. W. SWIN moved that certain duties therein named should be continued, not to 1801, as proposed in the report of the committee, but that this term should be struck out, and the duties continued till other taxes could be instituted for discharging the Public Debt.

Mr. NICHOLAS said, that since the report had been made, a committee had been appointed to take into consideration the complaints of the sugar and snuff manufacturers, and it was now proposed

to make an alteration in the mode of levying the excise on snuff and sugar. Mr. N. had been one of the committee. Evidence had been adduced that the manufacture of snuff was stopped altogether, from the impossibility of carrying it on under the present system of excise. There had been no rise in the price of refined sugar, yet it could not be sold. It laid on the hands of the manufacturers.

Mr. S. SMITH opposed the motion for striking out that part of the report which continued these duties to the year 1801. It had proved extremely injurious to the manufacture. This amendment would perpetuate the law, which was, he hoped, contrary to the design of the gentleman who moved it. The houses where manufactures had been carried on were shut up. We had not, indeed, obtained any information from the officers of the excise, as ought to have been done, in order to learn whether it was possible to collect the excise in this mode or not. Yet, in the face of the evidence of the manufacturers, and without any authority to contradict them, we are going to perpetuate the excise. As to the duty of two cents, it has been proved that this is paid by the manufacturer only, and that he cannot lay it on his customers. Will any gentlemen propose to perpetuate a law, which is to perpetuate the destruction of a manufacture? The sugar bakers of Philadelphia demonstrated to the satisfaction of the majority of the committee that this would be the case. People who now buy loaf sugar, would then buy brown sugar—which ends the affair.

Mr. McDOWELL would rather vote for the repeal altogether, than for the proposed amendment.

Mr. SEDGWICK said, that, during last session, when the excises in question were imposed, much had been said of the impropriety of laying such taxes on the manufactures of this country. In reply, it had been asserted, in the most positive style, that the impost duties would fall infinitely short, and there was even a kind of stigma attempted to be cast on gentlemen who objected to the laying on of these duties, or who doubted that the revenue would fall short. At present we have accounts from all quarters of the ruinous consequences of these excises. The impost, instead of falling short, has been higher than it ever was before. The alleged cause why the new taxes were laid, has proved to be without foundation. This, in itself, is an adequate reason why they ought to be repealed. But there is a second reason, viz: the destructive nature of the taxes themselves.

Mr. FITZSIMONS would not allow that any revenue law could have its effects fairly tried in one or two years. He could not admit that the sugar duty would fall on the manufacturer. He would ask any member of the committee, whether the effects of this tax could be fully understood in three or four months; for that, he believed, was the time during which they had been in effectual operation. As to the quantity of sugar on hand, it may be supposed that when a duty was to be laid on, large quantities would be bought up be-

forehand. It had also been reported—but he did not pretend to warrant the truth of the report—that there had been a suspension of buying, in expectation that the duty would be taken off. The sugar bakers had the market entirely in their own hands, and he did not believe that the people of America would want refined sugar for the difference of two cents in a pound. He was entirely against any sudden and unwisely repeal.

Mr. GOODHUE did not admit that the tax fell on the manufacturer alone. The merchant, who paid an impost on imported goods, might as well say that he paid the impost out of his own pocket. He could not affirm, but he thoroughly believed, that as much refined sugar was consumed in the country, at this hour, as when the duty was first laid. But the way to save the manufacturers was, to lay another duty upon sugar unrefined. The latter would then be raised equally with the former, and as very little refined sugar is imported, the American sugar bakers would have a complete monopoly. In reply to Mr. SEDGWICK, about the impost, he inquired whether we were afraid of having too much money? It was proper to pay off the Public Debt, and for this purpose it was necessary to collect as much money as could be had in a proper way. The manufacturers of whiskey had alleged that they were much injured by the excise, Mr. G. believed the fact to be otherwise.

Mr. FIDLEY confined himself to the propriety of extending the limitation of excises on snuff, sugar, &c. He said that they had been opposed last session on principle, as laying improper restrictions on the manufacturers, discouraging the fair trader, and extending a precedent that would eventually lead to levying excises on all manufactures; but when the limitation for two years was introduced, as an accommodation, the opposition was so far given up, as that the year and a half were not called; therefore, it was enacted as a law of experiment. He complained that now, before the experiment was made, the limitation was attempted to be extended. He said that the limitation was a pledge of the faith of Government to the public, that the law would not be extended till the experience of its utility and productiveness would justify the measure. He asked where was the report from the Treasury, informing us what was the product of these revenues? There was none. But they had made it appear to the committee, that the snuff excise, as it stood, was impracticable, except as to hand-mills, which never could be productive, and might be wrought in secret and elude the tax, and that the consumption of loaf sugar was greatly decreased. He expected that the snuff law would be rendered practicable. He did not urge that either of them should be repealed now; he only wished that the faith of Government, enacting the limitation, should be supported. He hoped that his disposition to discharge the Public Debt would not be tested by his refusing to extend the limitation. He would discover, on a proper occasion, that he was very willing to pay the Debt, by opening resources of a more general and productive kind. He was not for delaying that business, by

depending on small and uncertain excises upon manufactures, which for every forty or fifty thousand dollars they would produce, would raise a new and separate host of difficulties. It was time enough to extend the limitation, when it shall be known what amount is produced, and how it will affect the manufacturer.

Mr. DAYTON was in favor of continuing the sugar excise till the year 1801. He said that two arguments, inconsistent with each other, were offered against it. One was, that the sugar bakers would be forced to pay the excise themselves, which would end in destroying their trade. The other was, that the advanced price of sugar had driven their customers to the use of unrefined sugar. Both accounts could not be true. If the manufacturer paid the duty out of his former profits, the price was not advanced. If he advanced the price on his customer, he did not pay the price out of his own pocket. He would leave gentlemen to take whichever side of the question they pleased. But he did not think it proper that they should occupy a double ground. In one particular passage, he was not sure that he understood Mr. S. SMITH, who explained.

Mr. SPOONER said, he rose particularly to request that his friend [Mr. W. SMITH] would withdraw his motion, for continuing the taxes laid last session, beyond the year 1801; not because he himself should not prefer a longer continuance, but because he had understood that time had been agreed on by the select committee, as a matter of compromise. Mr. S. said, as he was now up, although he had no intention of speaking fully to the subject, he would submit a few cursory remarks. He had expected, when he recollected what gentlemen had formerly said on the subject of the Debt—when he called to mind the public opinion, which he believed no member of the Committee mistook, he had expected an unusual degree of unanimity in the attempt honestly to provide a Sinking Fund. As we progressed in our deliberations, he yet entertained a hope that his expectations would not be disappointed. If the Committee be determined in earnest, to adopt the means of reducing the Public Debt, taxes adequate not only to the proposed reduction, but to the necessary accruing expenses of Government, must be imposed. Without the latter, there could be no well-grounded confidence that the former would be continued. If other taxes could be substituted, less objectionable than those under consideration, they should certainly be accepted. The taxes contemplated were, on loaf sugar, snuff, licenses for retailing spirituous liquors, sales at auction, and carriages. He would not enter into a discussion of the merits of these taxes; he would, however, observe in general, that, in his opinion, the Legislature, in laying these taxes, had either wisely or accidentally hit on those subjects which were among the most eligible. In the continuance of the operation of any tax, probably inconveniences and embarrassment would be felt by those who were directly called upon. Certainly, plausible objections might be made. A change of subjects of taxation was itself a very great evil; and, whenever a change was proposed, the conveniences and inconveniences should be duly considered. To these taxes, generally, it was objected, that they had not the test of experience. The same was also true of any substitute which might be proposed, excepting direct taxes. He hoped, in the progress of this discussion, to find gentlemen sincere. Respecting direct taxes, it was not his intention to speak particularly; he could not, however, omit to declare, that, in his opinion, there was not one gentleman belonging to the Legislature who supposed there was even a possibility, that they could be received as a substitute for those immediately under consideration; for, although there might be individuals within the House, and districts of country, who approved, or affected to approve, direct taxes, as the means of reducing the Debt, yet, both here and there, they were such an inconsiderable minority as, in the opinion of all, rendered it impossible to attempt the expedient. If, then, direct taxes could not be resorted to, to offer them as the Sinking Fund, would certainly create doubts of sincerity. With regard to the taxes on snuff and loaf sugar—respecting which, hitherto, the only explicit objections had been made—they were objects of luxury, and, as such, properly sources of revenue. They were domestic manufactures, it was true, but by our regulations all foreign competition in the sale of these articles was excluded, and the consumer, therefore, would undoubtedly be compelled to pay the tax. Mr. S. concluded, by again requesting Mr. SMITH to withdraw his motion, for the reason before given.

Mr. W. SMITH.—The House having unanimously resolved to make provision for the reduction of the Debt, and the Committee being now engaged on that subject, gentlemen who oppose the resolution under consideration, must either show that the existing revenues are adequate to the object, or propose other revenues more suitable than those recommended by the report.

No gentleman has attempted to do either; their arguments have been only a repetition of censure of the taxes on snuff and sugar. If these taxes are so exceptionable, said Mr. S., strike them out of the report, but do not involve in their condemnation all the other internal revenues. With respect to the duties on snuff and sugar, Mr. S., who had been on the committee, and heard all the complaints of the manufacturers, had not been convinced that they were so oppressive as was represented; indeed, the committee had not advised the repeal of them, which they would have done, had they deemed them oppressive. The snuff manufacturers had stated, as a grievance, the mode of laying the duty, because it subjected them to unnecessary trouble, and was liable to fraud, at the expense of the fair dealer. This the committee had proposed to alter, and to lay the duty on the mortar; he believed that this commutation, with some other regulations which had been suggested by the manufacturers, would remove all their reasonable complaints. As to a duty on snuff being oppressive, he could not believe it. The manufacturers had acknowledged that there

were only about one thousand three hundred pounds imported, and there were nearly five hundred thousand pounds consumed in the United States; they might, therefore, be said to have nearly the monopoly of the article; the duty would consequently be paid by the consumer. Snuff was an article altogether of luxury; each individual consumed but a small quantity, and would not, for so trifling a tax, be induced to diminish his consumption. Were it not excised in the hands of the manufacturer, it would escape taxation altogether; if not manufactured here, it would be imported and pay the impost; did gentlemen seriously mean that an article altogether of luxury, and paid by the consumer, who could well afford it, should not contribute something to the revenue, when salt, so essential a necessary of life, and many other articles of necessity, contributed largely? For his part, he had not been able to discover what entitled it to so special an exemption. With respect to the duty on manufactured sugar, many of the foregoing observations would apply; it was an article of which the manufacturers had the monopoly, the duty would consequently be paid by the consumers, and who were of the wealthier class of citizens, and could well afford it; the smallness of it, two cents per pound, would not materially affect the consumption. The manufacturers had indeed complained to the committee that the consumption in this city had diminished since the imposition of the duty; but Mr. S. believed it was attributable to other causes, some of which were of a local and temporary nature; one, the committee had been told, was the quinquiness of some of the Quakers, who had discontinued the use of sugar; this was a local, and he fancied, would be only a temporary obstruction; other causes of the diminution of the sales had been stated by a gentleman, and were by no means ascribable to the duty. Of this tax, Mr. S. would remark, as he had of snuff, that, while salt and brown sugar, which were consumed in large quantities by the poor, contributed to the revenue, it would be as unjust as it would be unequal to exonerate it altogether from its share of contribution; indeed, he did not know two articles more proper for taxation than snuff and loaf sugar. Great stress, however, had been laid on the idea of their being domestic manufactures, and it had been contended, that all such ought to be exempt from taxation. To this doctrine, Mr. S. could not subscribe; for, although he concurred in sentiment that infant manufactures required encouragement and protection, (and they should ever receive it as far as his voice went,) yet, he conceived that the policy and welfare of this country required that full grown manufactures, like those of snuff and sugar, which had the monopoly of the supply, should be resorted to for their share of contribution. This he thought indispensably necessary to supply the deficiency occasioned by the stoppage of importation, and to reach the article in the hands of the consumer. Otherwise, in the event of domestic manufactures supplying us with many of the commodities which are now imported, the duties on which are appropriated to the interest of the Pub-

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lic Debt, there would be a considerable defalcation of the revenue, and a consequent breach of the public faith. He acknowledged that care should be taken not to oppress the manufacturer by severe regulations or by so high a duty as to lessen the consumption. But the mere objection of its being a domestic manufacture was not of itself a sufficient objection; it had not been so considered in the case of the excise on stills, and he trusted it would not on this occasion. So far from its being the prevailing sentiment at the last session, the two laws had passed both branches of the Legislature by a large majority, after hearing all that the manufacturers and the opponents of the tax could allege against it.

No gentleman had suggested any substitute; a land tax had been mentioned out of doors. He should not now enter into a consideration of that species of revenue; he would only observe on the extreme inequality of its operation; some States were still burdened with debt to pay, for which they depended on a State land tax; others were totally clear of debt and laid no land tax; a land tax by Congress would impose a very unequal burden and be very oppressive to some parts of the Union; but, admitting that such a tax should be resorted to, much time would elapse before it could go into full operation; in the mean time, let these revenues which now exist be continued, and whenever a direct tax, or any other, shall be laid, he was content that these should be repealed. The resolution meant no more; it does not go to the perpetual duration of these taxes, as has been frequently repeated; it only proposes that they shall be continued in force until the year 1801, or until some other revenues of equal value shall be substituted. Now, Mr. S. said, if gentlemen were serious in their intention to pay off the Debt, if they were sincerely disposed to put an end to that clamor which the durability of this Debt has excited, let them provide for its extinction by a systematic appropriation of revenues; it was in vain for some gentlemen to wish the Debt discharged, and for others to abuse it; neither their wishes nor their abuse would do any good; the providing the money will be the best evidence of their intentions, and doing that will be considered, by the public, who feel much anxiety on this subject, as the best test of our sincerity.

Mr. SMITH was against the continuance of the taxes for so long a time as that proposed by the amendment.

Mr. NICHOLAS, in reply to Mr. GOODHUE, observed, that if two cents per pound were added to the duty on unrefined sugar, this would not do any more in advance for the raw material. As to the double ground, objected to by Mr. DAYTON, he had a satisfactory answer to that. Mr. N. proceeded to state that the report from the select committee had not been drawn up as was intended by the members of that committee.

Mr. W. SMITH rose and contradicted this assertion. He had been lucky enough to keep the copy of the minutes of what passed in the select committee; and these minutes he read.

H. or R.]

Public Debt.

[JANUARY, 1795.]

Mr. NICHOLAS.—I told the gentleman that this was not agreeable to my ideas. Mr. SMITH could not help that. The thing had been put to the vote, and carried by a majority. Mr. NICHOLAS said, that it was contrary to the opinions of a majority of the committee, and he added some explanations how the report came to be suffered to appear in its present form.

Mr. FITZSIMONS rose to remind the gentleman that it would be both more correct and more decent to confine himself to a statement of his own opinions, than to give those of the select committee.

Mr. S. SMITH, of Maryland, said, that he had understood the meaning of the committee to be exactly as Mr. NICHOLAS had expressed it. The committee would have repealed the duties referred to altogether, if they had supposed themselves to possess full enough information on the subject. Mr. S., in reply to the remarks of Mr. W. SMITH, of people objecting to taxes, and yet affecting to wish for the reduction of the Public Debt, declared that he was one who wished for the payment of the Debt, and, at the same time, for the repeal of the taxes. He took the ground of Mr. SHERBURNE, and said that the continuation of the taxes was unfair. They had been proposed for two years, as an experiment. The experiment has been tried, and all the bad consequences which had been predicted by Mr. S. and others have been verified. Besides, the pretence for laying the taxes has ceased, for the impost has turned out more productive than ever it has been, yet now gentlemen insist on continuing these taxes. He said that this was a deception upon the public. But there was a deception upon deception in the management of this business. There was charged in the estimate for 1795—which he would call an estimate of deceptions—one million three hundred and ten thousand six hundred and nineteen dollars, for a Western insurrection, as if we were to calculate upon an annual expedition to the back countries. This was another deception. There was another deception, or, if the gentleman from Pennsylvania did not like that word, he should call it a mistake. Mr. S., however, had got into a habit of conveying his ideas by those words most apt and significant for expressing them. He proceeded to show, that though there was to be only six hundred thousand dollars demanded for paying the National Debt, yet, that after 1795, there would be an annual balance of one million eight hundred and twenty-two thousand dollars on hand to discharge it. From this he argued that there was no necessity for continuing such pernicious taxes.

Mr. S. had the honor to state last session, that the imposts of 1794 would not be less than those of 1792. The event had justified his assertion. He now, as a commercial man, affirmed that they would equal in 1795 what they had been in 1794. It was probable that they would be still greater. The new taxes might be continued for the two years mentioned in the act, but no longer. What! when manufacturers come, with tears in their eyes, entreating you not to reduce their families to beggary, and while, at the same time, you will

have near three times as much money in your hands as will pay the six hundred thousand dollars per annum for the sinking of the Debt, are you in such circumstances to continue the tax? Mr. S. insisted much on the respectable characters of the sugar refiners of Philadelphia, who had solemnly declared that the excise would inevitably extirpate the manufacture; and he adverted, at different times, to an apparent inconsistency, as he seemed to consider it, on the part of Mr. FITZSIMONS, who had admitted that the sugar-refiners of Philadelphia were of a most respectable character, and yet questioned the accuracy of their assertions, in a matter of which they were perfectly competent to judge with precision. He then took notice of some things which had dropped from a gentleman at his left hand. [Mr. GOODHUE,] who had spoken of the effect of excise on Massachusetts, as it was a favorite with the manufacturers. Now, if they can do so well to the Eastward, said Mr. S., with their excises, I would be glad to know what the gentleman sees in me, that he thinks I could not do as well as they. Whatever might be the case in New England, Mr. S. never could be the case under an excise. He had been a friend to the excise on distilleries, because he had thought it a good measure for the country in general, but as to his own distillery, he had never, since an excise was imposed, made five shillings by it. As to his sugar-bakery, it would have the very same termination.

The gentleman who conducted that manufacture for him, (for he must observe, that personally he knew nothing about the matter,) had wrote him that the existence of the manufacture was incompatible with that of the excise. Since the law passed, the refined sugar lay, like a dead letter, on the hands of the manufacturer. It had been said that as much refined sugar was now consumed as had ever been consumed in this country. That he denied. He entreated gentlemen to inquire in their own families, and they would soon be convinced that the consumption of refined sugar was greatly reduced. He expatiated on the injustice, tyranny, and absurdity of the system of sugar and snuff excise. The system was absurd, because the object of revenue would be destroyed. It was in the highest degree unjust and tyrannical. You lay an impost on foreign snuff and refined sugar; gentlemen of capital then set up the manufacture, encouraged by your acts. To set up a snuff manufactory required ten thousand dollars, and a sugar-bakery required ten thousand pounds. Well, you have got manufacturers engaged. Their capital is fixed; and then you come down upon them with an excise that destroys the whole. Mr. SMITH dwelt upon this idea. He did not speak in this way from any view to personal interests of his own, but from a conviction that, in a financial light, such taxes never could be of any service, and would be most destructive to individuals. He thought it sufficient that the House had by one act shut up his distillery; they were now shutting up his sugar-bakery. Some time before he had done speaking, Mr. W. SMITH observed, that as it was now past three o'clock, it would be better for the mem-

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ber to defer the delivery of the rest of his remarks till to-morrow. Mr. S. SMITH, in answer, said "that the gentleman had a very happy faculty at interrupting him."

The Committee rose, the Chairman reported progress, and the House adjourned.

THURSDAY, January 15.

An engrossed bill to authorize the exportation of a quantity of lead, in the ship Pigou to China, was read the third time, and ordered to be re-committed to Mr. FITZSIMONS, Mr. GOODHUE, and Mr. REARFOOT, with instructions to prepare and bring in a bill to repeal so much of the act, passed at the last session of Congress, entitled "An act prohibiting for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," as prohibits the exportation of lead from the United States.

The bill, sent from the Senate, entitled "An act in addition to the act, entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" was read twice and ordered to be read the third time to-morrow.

The House proceeded to consider the report of the committee to whom was referred so much of the Message from the President or the United States, of the 8th instant, as relates to the letter from the Judge of the District of Pennsylvania, respecting certain interruptions in the judicial proceeding of that District, which lay on the table; Whereupon,

Resolved, That provision be made by law for reviving all suits and processes which were commenced for the District Court of Pennsylvania, which by law ought to have been holden on the third Monday of November last, and all suits and processes which were pending in the said Court, and discontinued by the failure to hold the same; and also, all suits and processes which were pending in any special Court of the said district, the adjournment whereof had been lost by the same; and for giving day to all the suits and processes aforesaid, in the District Court next by law to be holden in the same district.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEXTER, Mr. HARTLEY, and Mr. HANCOCK, do prepare and bring in the same.

Mr. LEV, from the committee appointed to inquire whether any, or what, alteration is necessary to be made in the laws respecting lost or destroyed certificates, made a report; which was read, and ordered to lie on the table.

PUBLIC DEBT.

The House, according to the order of the day, again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

The second resolution in the report was under consideration of the Committee, and is as follows:

"Resolved, That the several clauses of limitation, in the acts for laying duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, of sales at auction, and on carriages, be repealed, that the several acts be continued in force until the year 1801, and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt, which is redeemable by law, subject, however, to a substitution of other duties or taxes of equal value to all or any of the said duties and taxes."

Mr. GOODHUE wished to know whether it was agreeable to the rules of the House, to take a vote on each of the articles in the resolution separately.

Mr. W. SMITH said, that as the second resolution stood, it seemed indivisible. It would be better to take a vote against any particulars that are exceptionable.

Mr. TRACY objected to the general looseness in wording of the resolution. Mr. W. SMITH informed him, that in a report, it was usual to pay less attention to the style, but when the bill itself came to be drawn out, this exception would be removed.

Mr. NICHOLAS moved to strike out the words "sugar and," from the resolution.

Mr. AWES was for continuing them in this resolution. He considered Public Credit as interested in the continuance of these taxes, for assisting to clear off the public burdens. These two gentlemen last up, entered into a kind of digressive discussion respecting what burdens were to be paid by these taxes, and what not.

Mr. VEXABLE.—The question before the House is, whether we should now interpose to continue a law after the end of the two years for which it was originally enacted? One would suppose, from hearing of the debate, that the motion went to the repeal of a law, when it is only to say, that after the expiration of the term for which the law has been enacted, it shall be no longer continued. A gentleman has been pleased to call the voting for or against this law a test of character. Sir, (said Mr. V.) it is a sham test. It is not a test, sir. The gentlemen bring forward means of discharging the Public Debt, which we do not like, and then call the voting for or against them a test of character. The gentleman who said this, will not be able to prove that it is a test of character. Mr. V. said, that the members of his opinion were ready to offer funds. The affair was as well understood without doors, as within doors. Is it now necessary to continue these laws? Is it at present requisite to prolong the term of their duration?

Mr. TRACY.—In New York the demand for refined sugar has been greater since the tax was laid, than it had been before it; unrefined sugars are cheaper by twenty per cent than when the tax was laid on. He did not say that the tax had caused the augmentation of demand, but the augmentation had not been prevented by the tax. He said this on the authority of a most respectable manufacturer in that State, a gentleman as respectable as any sugar baker in Philadelphia, and this comparison placed the latter in the most respectable point of view. In the little State where

Mr. TRACY lived, it had always been found, that shifting the kinds of taxes was hurtful. Mr. S. SWINN had said that the consumption of refined sugar was diminished. He believed this assertion to be groundless. [Mr. S. SWINN rose to explain. He had only stated that such was his information from the manufacturers.] Mr. TRACY had understood that the gentleman had said so. He proceeded to observe, that a great deal of the value of a tax consisted in its permanency. Is it not of the utmost consequence that the public should have an idea of its being permanent? Mr. SWINN had stated the hardship to a man of capital, who advanced ten thousand pounds upon a sugar bakery. This seemed to be a good argument, as being drawn from experience, but then other experience had been brought against it. The argument went to the opposition of all taxes, for a farmer might come from Europe, because his land had been taxed there. When he came here, he should perhaps find that one had been imposed in this country. He would then complain, perhaps, that a tax had been imposed, after he has expended his capital.

Mr. MADISON said, that the argument in favor of "permanency," advanced by the gentleman from Connecticut, had force as well as plausibility. But his reasoning would operate against all experimental taxation whatever. It had been said that voting for or against the tariff and sugar excise, would be a criterion of the disposition to pay off the Public Debt. That criterion will not be assumed by those who are to judge the point. The whole dispute is about a branch of the revenue, said to be worth eighty of ninety thousand dollars per annum, an object not of very much importance. The select committee, however, had doubted extremely whether the revenue would be efficient at all. He begged that it might be understood that the question is not, shall the tax be now repealed, but only is it proper that it should be continued beyond the time originally intended, before it has been tried? In answer to what the gentleman from Connecticut had said of "permanency," he thought it would argue greater stability for the Government not to prolong the tax any further, till the end of the period at first stipulated. Experience would, by that time, have assisted in forming a final opinion on the subject.

Mr. GOODRICH said, that a gentleman in New England, a sugar baker, and a particular friend of his, assured him that he looked upon the tax rather as a benefit than otherwise, for it secured a monopoly to the manufacturers, which was a greater advantage than the excise was a burden. He did firmly believe that the consumption would not be lessened by more than one hundredth part by this tax. Rich people only made use of this kind of sugar, and would any member say that they would want it for such a trifle? He challenged any member to show that the consumption had been lessened by the tax. He was amazed that gentlemen should make such a bugbear of two cents per pound. If Mr. G. believed that the matter would end in the ruin of the sugar baking

business, he would be the last man to vote for continuing it. But he could not imagine that this would be the case. Mr. S. SWINN had said, that distilleries in Maryland were stopped, but he had not told the reason. Molasses could not be got as formerly, by the manufacturers of Maryland from the French West Indies, and so the distilleries could not go on for that reason. He did not, however, mean to affirm that the excise might not also have tended to hurt them.

Mr. FINDLEY said, that by attending to the arguments only, the question before the Committee would certainly be misunderstood. The gentleman from Massachusetts [Mr. AMES] bends the force of his argument against a repeal of the excise on loaf sugar and snuff. The gentleman from Connecticut [Mr. TRACY] argues as if we were about originating a revenue law, though neither the one nor the other is the case. The law was enacted late in the last session, and did not come into operation till last Fall. A committee of seven members have been appointed to examine its operation. The result of that inquiry is, that the manufacturers have stated great inconveniences and loss, and that no information could be obtained of its having been productive, or even practicable. The committee, convinced that much of the hardship and loss to the manufacturers might have arisen from incidental causes which were perhaps temporary, and that this law had not been long enough in operation to enable the Treasury Department to report on the productiveness of these duties, reported that the limitation should not now be prolonged, but did not think it ought to be repealed till more competent knowledge was derived from experience. Agreeably to the report of that committee, the members opposed to the report before the present committee have argued, that they did not argue for a repeal because their information was imperfect, or chiefly on one side. The present limitation continues the revenue more than two years from this time, for it is to continue for two years and to the end of the next session of Congress. Before it expires, we shall have complete information of its productiveness and utility. Even against next session, the Treasury Department will be able to give information from experience. He said that the gentleman from Massachusetts [Mr. AMES] has with great confidence stated the decision of this question, as a test of the disposition of members to discharge the Public Debt. He did not know that that gentleman had any greater authority to decide on tests than himself; and if he had, he thought his test was ill chosen. To what did it amount? The revenue in question was estimated at ninety thousand dollars, but there was no proof that this estimate would be realized, but rather the reverse. Yet, admitting the revenue to be equal to the estimate, he thought it gave but a very questionable test of the gentleman himself, being zealous for a speedy discharge of the Debt. Extending the limitation five years longer on a revenue of ninety thousand dollars, would make but a very small reduction of the Debt. If the gentleman would be content at present to appropriate the sum proposed to begin

the discharge of the Debt with, the time would soon arrive when, having greater experience of the revenue in question, a more substantial test, he hoped, would be offered. He thought it was too late in the session to propose new revenues now. If, when a sufficient experiment was made, it appeared that the excises in question were productive and convenient, much more of the same kind may be had. Many other manufacturers in this country enjoy the benefits of monopoly created by the protecting duties; and if it was judged proper to raise all our internal revenues by excises on manufactures, justice requires that these excises should be more general, and policy requires that the Debt should be speedily discharged. Our commerce, agriculture, and manufactures, are now prosperous; but, as this prosperous state cannot be insured, we ought, in the day of prosperity, to prepare for adversity. But, supposing the system of existing manufactures to be relinquished, or not to be extended, abundant and more productive sources remained to be opened.

Here Mr. AMES inquired of Mr. FINDLEY what taxes he had in view.

Mr. FINDLEY answered, that he had alluded to taxes of several kinds; that at a proper time he would determine. He supposed that no member doubted of the resources of the United States being equal to the discharge of the Debt more rapidly than is now proposed. However, he said, that, for the satisfaction of the gentleman, he hoped that at the proper time, they would both be put to the test, upon a question for a general and efficient direct tax. This he expected they would feel sensibly. It would not be rolling the burden off their own shoulders, and it would more rapidly discharge the Debt. In the mean time, he did not contend to take any thing from, nor did the gentleman attempt to add to it. He only contended to make the limitation a means of deception, by which their constituents had been tantalized. Mr. F. was exceedingly surprised to observe gentlemen who had always found fault with members for discovering a Constitutional jealousy against transfers of power from the Legislature, discover themselves, on the present occasion, so extremely jealous of the next Congress with respect to the discharge of the Public Debt. He asked if the gentleman thought that this House possessed a monopoly of all the virtue of the United States, and that the next House would have no share of it? He hoped that this House would not unnecessarily put the Constitutional power of originating revenue laws, or of changing appropriations, out of the power of their successors.

Mr. McDOWELL found himself called upon to deliver his sentiments on the resolution before the Committee, to appropriate certain duties to the reduction of the interest of the Public Debt. He had already taken the liberty of remarking, on that floor, that he regarded the Public Debt as a public evil. He did not think the resolution before the House any proper test of character, but rather as tending to perpetuate the parties amongst us. At first, the tax in question had only been imposed

by way of experiment, and for temporary purposes. Before the operation or productiveness can be known, there is a proposal to make it perpetual. This appeared to Mr. McD. to be impolitic and absurd. He observed that the arguments of the gentleman from Massachusetts [Mr. AMES] went entirely against a repeal of the law. They did not, therefore, apply to the motion of amendment, which went only to prevent prolonging the law, for a repeal of it was not before the House. He wished gentlemen to come forward with some resolutions not only for making payment of the interest of the Debt, but also for payment of the principal, as speedily as the ability of the United States would permit. He was willing, for his own part, to effect so desirable an object by adopting a direct tax, that would operate equally on the citizens of the United States, and which will reach all property that is protected by Government. This is certainly just, since every person in the United States, except such as are concerned in the funds, is interested in the discharge of it. As far as Mr. McD. could learn, the citizens of the United States were willing to make the utmost exertions for effecting so desirable a purpose. Mr. McD. dissented entirely from the gentleman from South Carolina, [Mr. W. SWINN], who calculates on reducing the Debt in thirty years, which appears to him a reasonable time. Mr. McD. should be very sorry to think that it would not be paid in half the time. It had been said that those who were for the present motion, should bring forward something else instead of the duty on refined sugar. He would gratify the gentleman who made this demand; for, if the amendment went through, he should move a resolution. He proceeded to notice, that in the present infant state of the Government, it would be extremely improper to make taxes permanent before fair experiments had been made of their efficiency. Mr. McD. had hoped that the United States would be instructed by the experience of other nations. He flattered himself that they would have avoided such laws and principles, as had in their nature proved injurious to the rights and liberties of mankind. But to his surprise, when he turned to the history of the British nation, and compared it with that of the United States, he saw that the Public Debt and excises of the former seemed to bear much resemblance to those of the latter, and we are pursuing the like wrong measures as they have done.

Mr. HULLHOUSE readily admitted that all taxes were at first, in some degree, experimental. He had yesterday heard something from Mr. S. SWINN, which hurt him exceedingly. That gentleman had asserted that in drawing up the report from the select committee there had been a "take in." Now, he denied that there had been a "take in." The report was fairly drawn, agreeably to the sense of the majority of that committee. It had been said, that the report was a kind of compromise between the gentlemen in the committee, who were of opposite opinions. There could be no such thing as a compromise with the members who opposed these taxes. The opposition had been from the beginning too violent to admit of

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any compromise. In the last session, when the bill for these new taxes was first brought in, there had been a very peculiar vote upon it. It was at first proposed to refuse the bill a second reading. The same gentlemen had uniformly voted against it altogether, even after it had received amendments suggested by themselves. What was to be expected from such a committee as that? He wondered only that they did not advise a total repeal of the bill. The same gentlemen who had objected to it in the select committee, were in the number of those who had voted against the bill in all its shapes. This was not a random assertion, for Mr. H. had examined the Journals, and now produced them to prove what he said. With gentlemen so determined, it was impossible to expect any compromise. As to the sugar duty before the Committee, he thought that the merchants had much greater reason to complain of the two and-an-half per cent. of additional impost, than the sugar-bakers of the two cents per pound on their manufacture. That any body should imagine (said Mr. H.) that two cents per pound of advance would reduce the consumption of refined sugar is astonishing to me! Have we not seen refined sugar at sixteen, eighteen, and twenty-two pence per pound, and did any body ever use the less of it when it rose in price? The fact is, that they never thought about the price of it at all, but purchased exactly what they wanted. Mr. H. considered that all that had been said against the tax, as the most groundless clamor that could be conceived. He hoped that the House would take these taxes, and appropriate them as proposed in the report, and thus put it out of the power of any future Congress to repeal them, till they had put others in their place, unless such future Congress should make a breach of public faith, which Mr. H. did not see any reason to look for. It seems, that when once a tax has been appropriated by the Legislature to the discharge of any public burden, this tax cannot be taken off, even by the Legislature itself, without placing another to supply its room. Mr. H. was, therefore, totally against the amendment.

Mr. S. Smith did not know whether he would be in order, (of which he would be glad to be informed from the Chair,) but if it was regular he should like to move the striking out of the whole resolution at once. [Mr. Nicholas immediately rose and withdrew his motion to make room for this new one.] Mr. Smith then proceeded to make his amendment. He took the face of the law as it stood, and every body sees from the face of it, that it is but an experimental law. Why, then, wish to continue it before the experience which has been made, or when the little experience which has been had is directly against its continuation? A gentleman from Connecticut [Mr. Tracy] had said, that when a tax was known to be permanent, manufacturers would make a more permanent arrangement for supporting the payment of it. The argument was strong, but unfortunately it proved too much, for it went alike against the repeal of every tax, since it was only to say, the manufacturers would make a permanent arrangement.

The same gentleman [Mr. Tracy] alleges that nobody complains against the duty on refined sugar, except the sugar-bakers of Philadelphia. The gentleman is wrong. The manufacturers at Baltimore wanted to complain to Congress last session, but Mr. Smith had hindered them from doing so, by representing to them that the law was only temporary; but the present proposal, which, in fact, amounted to making the law perpetual, quite altered the case. As to the sugar-baker from New York, whose information had been advanced by Mr. Tracy, I breakfasted with that gentleman this morning, said Mr. S. He had been enabled to support the excise, by an accidentally cheap purchase of raw sugar, and by a new market for the commodity that had been found at Hamburg. But these advantages were temporary, and in due time, the sugar-bakers of New York would be reduced to a level with those of Philadelphia and Baltimore. In the last of these places, the manufacturers had this year sold their refined sugar at exactly the same price as they sold it last year, so that the two cents of excise were entirely out of their profits. It had been hinted that manufacturers should keep their stocks upon hand, till the market rose, but the sugar-bakers at Baltimore had not strength of capital to go on without selling off. He again adverted to the injustice of the proceedings of the Legislature. In the first place, large protecting duties had been imposed on the importation of refined sugar. In the confidence of this protection, men of capital embarked in the manufacture, which they never would have done but under the faith of this protection. As soon, however, as you have them fairly engaged in the trade, you impose an excise duty, which, in reality, differs nothing from a repeal of the protecting duty. Thus is the protection withdrawn, and thus is the public faith broken. As an apology for this kind of treatment, you stigmatize them with the name of *monopolists*, a name odious through the whole world. But the cause which Mr. S. was now pleading, did not concern the sugar-bakers only; because, by the same reasoning, saddlers and shoemakers, and every other sort of manufacturers, may expect, in their turn, to be excised. Mr. S. had no doubt but we should soon have an excise upon nails. The tax upon the importation of this article had called forth the genius of the people of America; and, by means of a machine, we can, in this country, make nails cheaper, faster, and better, than any other nation can make them. The natural progress of things, will be to tell the American nailors that they also are *monopolists*, a name universally detested, and then you go on to excise the genius that you have excited. The gentleman from Connecticut had supposed the case of a farmer coming from a foreign country to America, and that, after he had laid out his money on land, there should be imposed a land tax. But Mr. S. affirmed, that the comparison was not fair. Government had never pledged itself to such a man that no land tax would ever be imposed. The subject was open, entire and untouched; and the farmer, like other people, must take his chance of futurity. But the circumstance, of which Mr. S. complained,

was this: It had been understood in America, that a sugar-baker could not be supported, but by protecting duties against the importation of foreign refined sugar. Accordingly, such protecting duties had been imposed, and now, though they were not nominally repealed, the House were, in substance, doing exactly the same thing, they were laying on an excise that shut up the business altogether.

Mr. S. next proceeded to apologize for the warmth of some of his expressions yesterday. He certainly intended no disrespect to the select committee. He had not wished to insinuate that they practiced an intentional deception on the House, in framing the report. He was sorry that anything which he had said could admit of being construed into a reflection. When he spoke of the printed estimates given in to the House, he had as little design to cast a censure upon the accounting officers. He was of opinion that few countries were ever blessed with such officers. He felt the deepest regret that the head of that Department (Mr. Hamilton, present Secretary of the Treasury) was about to quit his situation. It would be long, he feared, before America could put another officer in his place equally fit for it. He then proceeded to review what he had said yesterday on the subject of public accounts. He said that, when a person spoke upon figures, those who heard him were sometimes apt to think that he was in the wrong when he was in the right. He was often apt to be misunderstood, and sometimes no doubt was himself mistaken. Mr. S. said, that yesterday, by an accident, of which he did not wish to mention the particulars, and for which he was not in fault, five hundred thousand dollars had been inserted among his figures more than he knew of. He then went into a detail on the same subject as yesterday. He said, that he still hoped to convince the House, that there would be plenty of money to pay the whole sum proposed, besides a large surplus after striking out the second resolution. He then proceeded to an arithmetical discussion. [He was interrupted once or twice as being erroneous, by Mr. H. in a house.] He remarked, that the subject was entirely new to him. He had never thought upon the estimate till yesterday, and he knew himself to be as liable to mistakes as any other man. He was perfectly open to correction and conviction; and as ready to be convinced as any gentleman on the other side of the question.

When Mr. S. sat down, Mr. Dexter rose, and made a variety of observations.

Mr. Sedgwick, also, and Mr. Nicholas, entered into a dispute concerning some of the calculations of Mr. S. Smith.

Mr. Page said, that he wished the motion had been to strike out the whole resolution, and that members who had spoken had been contented with showing, whilst they were up, why they could not agree to such a motion, and why they preferred the resolution to any other which could occur to them; and that, had such a motion been rejected, then such amendments had been proposed and considered as might occur to those who disapprove

of the original resolution; for then the resolution would have been open to a full and free examination in the first instance, and every amendment considered in its turn; but, as the debate has been conducted, the attention of members has been distracted, and called to such a variety of subjects that the debate has been confused and too much lengthened; and the amendment now proposed must confine members who regard order, from stating their opinions as fully as those who have spoken on the several preceding questions, and have not confined themselves to order. I shall, however, confine myself to the consideration of the question immediately before us, which is, in fact, whether manufactured sugar shall be excised till the year 1801, for the purpose of raising a fund to pay off that part of the Debt of the United States, which pays an interest of six per cent. instead of being excised only to the end of the session of 1795, and applied to certain temporary purposes. As I voted against the excise on sugar in the last session, when it was stated as absolutely necessary on account of a pressing emergency, an expected war, and a consequent defalcation of the revenue which had been drawn from impost and tonnage; and then stated my objections as founded on the impropriety of taxing an infant valuable branch of manufacture, not only as impolitic, but as partial and inconsistent with the practice of Congress, which had been to encourage every branch of the manufactures of the United States; and even if there had not been this impropriety in the measure then, I thought it unnecessary, because I saw no danger of being involved in a war; and if there had been such danger, I looked to less exceptionable objects of taxation;—I cannot but vote now against an absolutely unnecessary continuance of that excise. I am every day confirmed in my opinion, that it is impolitic, unjust, and contrary to Republican principles, to select particular objects for taxation, as it must breed discontent, and may be abused to the ruin of individuals who may be selected as persons on whom a burden of taxes shall fall; it is a temptation to a Legislature to an act of oppression; because, as in the case before us, the persons injured are but few, and therefore their complaints will be disregarded; and it may happen that some persons may not be affected by the duty on excise as others are, for persons with large capitals may be benefited, whilst the poorer manufacturers may be forced to abandon the manufacture. The taxes of a Republic ought to bear equally on all its members; that is, in exact proportion to their property. I am restrained by the question at present from saying anything respecting the excise on snuff, and the tax on licenses for retailing wines and spirituous liquor, on sales at auction, and on carriages, and therefore will only remark, that the duties and taxes enumerated in the resolution before us, are all highly exceptionable; and therefore, no attempt ought now to be made to continue them beyond the time to which they were limited; to strike out the whole resolution will be to continue them according to their appropriation; to agree to the resolution will be an alteration of our ap-

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Propriation, and to apply an uncertain fund which was relied on in an emergency for temporary purposes, to an important permanent purpose, which must require the best known and most productive funds. I shall therefore vote for striking out the word "sugar," and, indeed, the whole resolution.

By this time it had been repeatedly moved that the Committee should rise, and the Chairman reported progress, which was accordingly done, and the House immediately adjourned.

Friday, January 16.

The bill, sent from the Senate, entitled "An act in addition to the act entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" was read the third time, and ordered to be committed to Mr. KIRTELA, Mr. HEATH, and Mr. JAVINZ.

A petition of William Martin, of North Yarmouth, in the State of Massachusetts, was presented to the House and read, praying relief in the case of the schooner Fox, the property of an inhabitant of Nova Scotia, concerned in trade with the petitioner, which was seized by the Collector for the district of Portland, in the said State, as a foreign bottom, under thirty tons burden, importing articles from a foreign port, subject to the payment of import duties, contrary to the revenue laws of the United States. Also, a petition of John Montgomery and Thomas Smith, executors of the late Brigadier General Butler, deceased, who was killed in an engagement with the Indians, in November, 1791, praying that the allowance granted to the widows and orphan children of officers who were killed or died in the service of the United States, during the late war, may be extended to the widow and orphans of the deceased.

Ordered, That the said petitions be referred to the Committee of Claims.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Epaphras Jones and others; and, after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time on Monday next.

Mr. SAWZE SARRIN, from the committee appointed, presented a bill for the remission of the tonnage duties on certain French vessels; which was read twice and committed.

On motion,

Resolved, That the Secretary of the Treasury be requested to furnish this House with a statement of the amount of goods on which a duty of seven-and-a-half per cent. was paid, from the thirtieth day of June, one thousand seven hundred and ninety-three, to the first day of July one thousand seven hundred and ninety-four; the amount on which ten per cent. was paid, for that period; and the nett amount of duty on coal, and on coffee and cocoa, for the same time.

Mr. KIRTELA, from the committee to whom was committed the bill, sent from the Senate, entitled

"An act in addition to the act entitled 'An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes,'" reported that the committee had had the said bill under consideration, and made no amendment thereto.

On the question that the said bill do pass, it was resolved in the affirmative.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating "that pursuant to the second section of the act establishing the Treasury Department, which expressly makes it the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit, he has digested and prepared a plan, on the basis of the actual revenues, for the further support of public credit, which is ready for communication to the House of Representatives."

The Letter was read. Whereupon,

Resolved, That the Secretary of the Treasury be informed that this House is ready to receive the communication therein referred to.

PUBLIC DEBT.

The House again resolved itself into a Committee of the Whole House on the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

Mr. FITZSIMONS entered into a series of calculations, and endeavored to show that Mr. S. SARRIN had not fully digested his observations made yesterday on the subject of American finance. He also stated his reasons for preferring the present system of revenue to a direct tax. A person could with much more ease pay two cents per pound on his refined sugar imperceptibly, as he made use of it, than the whole sum of that and other taxes of the same kind together at the end of the year.

Mr. AYES.—It would seem to be a trite, common-place inquiry to ask whether Congress is sincerely and earnestly engaged in the work of reducing the Public Debt? Most persons present would consider the question as the insinuation of a doubt equally illiberal and unwarranted. Every one would say, this article makes a part of my private creed, and of my public duty. Yet, mere speculative opinions and empty wishes for the object will leave it unaccomplished. The path to every great public good is obstructed with great obstacles, and, to surmount them, demands some vigor of exertion, some firmness of self-denial. The Debt, we are told, is unpopular, and this country would differ from every other in the world, if the imposition of taxes is not so too. Yet, without efficient revenues every one will see that the Government cannot reduce the Debt, and, therefore, we have only to choose between evils, or rather between the great evil of an undiminished Public Debt and the inconvenience of those calamities which taxes never fail to raise, though, happily, no country, I believe, acquiesces more cheerfully in the revenue laws than our own.

Gentlemen ought not to be surprised or offend-

ed, if we think it at least possible that the difficulties in the way of a powerful operation on the Debt, may prove insurmountable. It is easy and natural to multiply doubts as to the plan of the reduction, as well as to inspire repugnance and apprehension of the taxes and other means of giving it effect. A plan for reducing the Public Debt certainly means a great deal more than paying off \$300,000, the redeemable part of the six per cent. stock for once only, and then to drop it till another laborious and contentious effort of the Legislature shall have provided for a second payment. Before we proceed to discuss points in which we disagree, I hope we may state this as one, and the groundwork of the whole, which, in theory, at least, unites all opinions, that we shall now settle a plan for applying year by year the whole strength of the revenues of the nation to paying off the Public Debt; that we shall sanction this plan by law, and give it energy by providing the funds for a sacred and unalterable application to the object. If the opposers of the report of the committee on the plan of reducing the Debt are not willing to go this length, then they must confess they fall short of those with whom I am now acting, and who have usually, on questions of revenue and finance, had my vote; and I confess, this is one of the few occasions in which I had hoped to see an emulation in this House for measures of efficiency and permanency. But that hope, however pleasing, is somewhat checked by the alarming recollection that public debts are in all States the objects of public concern and dread. In Europe, their vast amount has at last terrified those who hold the supreme power, as well as those who pay taxes. Yet, although they have long portended convulsion and ruin, have not nations and Governments nearly smothered their alarms, and, instead of rousing all their energies to subdue the evil, relapsed into a state of security and torpor? Nay, have they not, by madly rushing into war, as we might lately have done, augmented the danger and hastened the shock of that earthquake, which, for an age past, has threatened to throw Europe back again into chaos? The nations seem to have outgrown their fears, or to despair of the remedy, as the inhabitants of Italy whistle unconcerned on the sides of Mount Etna while it vomits fire, or plough the fields of Calabria while they shake under their feet.

These are remarkable facts, and show that, in spite of universal fears and wishes, there is some powerful obstacle in the nature of man, or in the structure of society, that baffles the attempts of a nation to break out of the circle of enchantment and ruin. What is it? Probably this: that wars which create public debts are almost always popular, and taxes that would speedily wipe them out, are no less obnoxious. I hope I shall be pardoned, if I say, and I would say it inoffensively, that the tone and sentiment of the opposition to the temporary taxes have not altogether convinced me that the United States are free from this common malady of nations.

It may be true, that we have less to dread from debt than some of the European nations. The amount is comparatively small, and the progress of wealth and people is every day lessening the share that falls to an individual to be answerable for. The taxes, it may be said also, powerfully stimulate manufacturing industry, as well as increase our shipping, by their operation as protecting duties. But, although the husbandry, arts, and trade of the country have prospered under both debts and taxes; although, while the interest is duly paid, the creditors have no claim to the principal, yet the motives for hastening the reduction of the public burdens are, notwithstanding, so cogent and powerful, they cannot be resisted. In a great measure, overpower the objections to the tax in question.

I am one of those who believe a nation ought to cherish public credit, for the same reason that it ought to have strength; for, in critical situations, credit is strength, and the want of it may happen to be not only weakness, but subjugation and ruin. And it is my belief, that, although it may answer for a time to pay the interest, and neglect the principal, yet, at last, and in the course of affairs, it will appear that a nation which neglects to pay its debts will have no credit. That would be the case with an individual. Besides, if we neglect the interval of peace and prosperity to pay off, lessen, and, if possible, to extinguish the Debt, we cannot expect, for any length of time, to avoid the occasion of adding to it. We have had eleven years of peace, one-half of which term, for want of a Government, our debt was augmenting, at least twelve or fifteen millions of dollars. It has been funded four years nearly, and less than three millions are yet paid off. Are we to hope for peace always? A blessing so great has been hitherto denied, perhaps in benevolence as well as wisdom, to the prayers of devotion and the tears of philanthropy, and, from all we know of the nature and history of man, we have reason to believe, if not to desire, that war will sometimes fall to the lot of a nation. Peace is the time to prepare for it, by extinguishing the burdens of present exultation, and a ground of future confidence and credit, the novel spectacle of a great nation which has freed itself from debt.

There is an auxiliary motive, which I stated in the beginning of the debate. The funding of the Debt has unhappily proved an occasion of division and jealousies in public assemblies. The Debt was not augmented, it was diminished by funding, and almost none of the first Congress declared themselves opposed to funding the Debt. They resisted the assumption and some of the clauses of the bill. The sin and odium, therefore, of the Funding System, as a measure abstracted from the irredeemable quality, and the State debts, ought to have been shared among all the offenders, the Southern as well as the Northern members. Yet it has answered party purposes to represent the Eastern members as the patrons of a system of paper influence, of Treasury corruption, of certificate nobility; that they have attempted

and succeeded to pervert and stretch the Constitution, to organize, and uphold systems of concealed aristocracy; that they deem the Debt, as it promotes these vile purposes, a blessing; that they made it to oblige one another, and will not part with it, lest the popular principles of our Government should prevail over the artificial and treacherous schemes and corrupt connexions which, as they derive their life from the Debt, must impart life to it. I forbear, indeed I am unequal to the recital of all the infamies which have been vented on this subject. The language of insinuation and invective has been exhausted. The dictionary and vulgar language can add nothing to the opprobrium which has been attempted to be thrown on the friends of the revenue and finance systems. Do not the ears of gentlemen still tingle with these disgusting recollections? Can they think, without mingled emotions of indignation and surprise, how the labor has been to represent the Eastern members as the authors, the champions, the advocates of a Funded Debt; while every vehicle by which the public could be misled has teemed with declamation that the members from another part of the Union were exclusively zealous to extinguish this devouring fire of Public Debt, that consumes the people and their liberties, that the same gentlemen were not consenting to the Funding System, and that all their efforts have been hitherto baffled by the interested arts of the friends of paper corruption?

I neither know, nor have the arrogance to pretend to know, the inclinations of men's hearts; but, when we are accused of keeping the Debt for influence and corruption; when our accusers affect to lament that they cannot be allowed to prosecute a most powerful and even violent operation for reducing the Debt, we have a right to say that we take the professions of these gentlemen as a ground for testing their consistency, if not their sincerity. When they proclaim their principles, we have possession of them, and have a right to indulge such comments, especially at the instant of bringing them to the touchstone, as I was induced to make on a former day's debate. I own it, sir, I rejoiced to see these professions brought to the test; for, if it should not criminate the sincerity of those who make them, it would at least exculpate those who have so long been the objects of the most licentious invectives. It will show, in the teeth of calumny, that the Eastern members are advocates, and zealous ones, for the reduction of the Debt.

It is true, the opposers of the resolution are not bound to adopt the plan, nor to continue these very duties, but they are bound by more than common sanctions to go even beyond the description of persons whom they have accused, in some plan, and to provide other taxes. No puny operation, no half-way measures will do. They stand pledged for some strong system, some efficient funds to bring into activity at least all the present revenue facilities of the country. It is, therefore, with the best reasons, and even on strong public considerations, that I repeat the observation which seemed to give offence on a former day. The present mo-

ment is the crisis of a political test. It gives an opportunity to one set of men, if they choose, to vindicate their consistency; and we, sir, on the other, actually use it, not by profession, but by our conduct, to confound the accusations which have been thrown upon us. I rejoice in this moment on public account. It cannot but undeceive the citizens who have nourished jealousies and prejudices. It cannot be unimportant to say, with one stroke, the slanders, which the gentlemen from the Southern States have assured us have sprung from this source. The confidence and affection of the citizens is the best defence of the Constitution; and we are told that this defence has been chiefly weakened by the misrepresentations which have been made of the intentions of Government to keep the Debt as an instrument of corrupt influence.

If the common object of both sides in this debate be really to reduce the Public Debt, what shall be the plan and the measure of the reduction? Is it to pay off the redeemable part of the six per cent. stock, and to stop there? If so, then we shall go far beyond them. For, why should not the unsubscribed debt be paid off, the registered debt, the foreign debt, the deferred and three per cent. and even the temporary loans or anticipation of the revenue, which, it is agreed, draw an interest of one hundred thousand dollars a year?

That bugbear, the irredeemable quality, so artificially conjured up to terrify the country, opposes no obstacle to the redemption of all this great amount—a mass of debt far exceeding the most extravagant conjectures of the product of the revenue for many years to come. And here let me observe, the argument almost solely opposed to the resolution is this: We have revenue enough, without the temporary taxes. Let it be allowed that we have, for argument's sake, what follows? That we have too much revenue with the temporary taxes. Will our money rust in the Treasury chest for want of debt to employ it upon? Shall we not make greater progress with all the present taxes than with only a part of them? Is it a time to refuse the aid of these temporary taxes when we are finding out a new way for employing the product? Shall we, with any color of wisdom, go on at the same instant to extend our expenses and to diminish the income of the taxes? The argument that these taxes are not wanted is utterly hostile to the professions we make of paying off the public burdens as fast as possible. If the statement to support this reasoning is true, it is not so much an objection as an encouragement to our progress in the plan, as it proves, by the documents adduced on one side, that the other has under-reckoned the calculations of success.

It might seem, therefore, a superfluous labor to show that the Treasury will probably stand in need of the temporary taxes for this operation, since it is all the better if it should not. But, by showing it, at least, it will prove the necessity of assenting to the resolution, if we would have the Public Debt reduced. It is infinitely to be regretted that the facts relating to the Income and Expenditure of the Unit-

ed States are so much in dispute. The law, and, because it is a law, it ought to be a rule of conduct for the House, requires it of the Secretary of the Treasury to digest and prepare plans for the improvement of the public revenue, and relating to the public credit; and, if such information had been called for, it would have thrown a strong light upon many points which have been contested, because they were in the dark. Indeed, at every step in business of revenue and finance, a deliberative assembly will find itself embarrassed; darkness will hide the path. I think as respectfully of this assembly as I ought, and perhaps as highly as any member of it, yet I hesitate not to say, that no assembly ought thus to reject the information which our own law makes it the duty of the Treasury Department to furnish. We often hear of the duty of a Republican to respect the law, and yet, in the teeth of this law, we are exhorted to stop our ears against all communications on these subjects from the Treasury. I am not ashamed to say, I have need of the information, and I see that others dispute on facts which show their want of it. It is strictly Executive business, which, according to the correct theory of our Constitution, ought not to be usurped by this House. Executive officers, on their responsibility, ought to furnish it. The details of a great nation's money affairs are too complex, too vast, too much a science, for any committee to embrace in a report, if they should have the good fortune to understand them. I will not, therefore, under the disadvantages which I believe are common to others as well as myself, pretend to make a systematic parade of figures.

If we reckon on the revenue in 1793 as a ground of calculation for future years, we shall have some guide for our conjectures. Those who choose to imagine a vast increase of income from taxes, in future, may be answered in a word. It is conjecture—1793 was a year of uncommon importation. French property was brought here in almost every vessel, on account of the war with England and the troubles of the French Islands. This swelled the nominal amounts of our imports, and, as much of this property has been re-exported, it again diminished the supposed product of the duties by the allowance for drawbacks; yet, on the whole, it was a productive year, and it could not be thought unfair to reckon our steady yearly income, according to that year, 1793.

Mr. A. then produced a statement of Income and Expenditure, viz:

INCOME.	
Duties on imports and tonnage, nett	- \$3,500,000
On internal objects	- 780,000
Net produce of the Post Office	- 20,000
Surplus of dividends on bank stock	- 50,000
	<hr/>
	\$6,350,000

EXPENDITURE.	
Interest on Public Debt, foreign and domestic	- \$3,100,000
On temporary Loans	- 100,000
Support of Government	- 500,000

Military Department, including military pensions - 1,500,000
Naval Department - 400,000
Light-House Establishment - 24,000
Excess of income beyond expenditure - 726,000

\$6,350,000

If (said Mr. A.) we apply six hundred thousand dollars to redeem the redeemable part of the six per cent. stock, we shall have only one hundred and twenty-six thousand dollars.

Will any one deny that this dependence is unsafe? that, at any rate, the operation is frittered down to a contemptible scale? If trade should fluctuate, as it may to a very considerable degree, as much as it never fails to do after a raging war, has terminated; if the reduced price of our exports, which, on the event of peace, is inevitable, should reduce our imports, and that is the most natural effect in the world? if new expenses, to which all affairs are liable, should arise, even this puny plan of reducing our Debt would be arrested in its progress.

The statement I have submitted, rejects fractions, and makes no pretensions to absolute correctness. In substance, however, it exhibits such a view of our Income and Expenditure, as I believe cannot be invalidated.

It has been insisted that the question is not on the repeal of the temporary taxes, and therefore the argument is misapplied. This is merely an evasion of the force of it; for is it not the very question before us, whether we will adopt a plan for the reduction of the Public Debt, and whether we will apply to the yearly operation of that plan till the year 1801 these very taxes? The end is, at least, in appearance, agreed on, and we are now looking for the means of effecting it. This is, therefore, precisely the moment to choose or reject these taxes as the means; and in order to induce us to reject them, have not those who say the repeal is not in debate, insisted the taxes alluded to are unfit means; that they are dangerous to liberty, because they are in the nature of excises, dangerous to manufactures, which should not be taxed in their infancy; oppressive, and ruinous? and yet they urge the repeal is not brought ever so remotely under consideration; nay, they tell us, after all this, they were passed on experiment, and they reserve to themselves to wait the result of that trial. Are they who so loudly condemn the temporary revenues, and on such serious grounds, affecting to waver, and to keep in balance till the end of the term for which they were appointed to operate? One advocate for experiment assured us, in the last session, when they passed, that now liberty was lost forever. Does he desire time to bring himself to a liking of these assassins of liberty?

I waive the idea of the known condensation which produced the limitation of these acts to two years. Let the full force of the plea so often urged that they were passed on trial, be essayed. For whom was the experiment intended, for the public or for the sugar-refiners and snuff-makers,

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and was it to prove that they like or do not like the tax? Did any one who saw their committee expect they would in two years prefer the tax to no tax? Or was the experiment intended for other reasons? If the money was not likely to be wanted at all, it would be one good cause for dropping the taxes; or if the mode of levying the tax was new and uncertain, it would be proper to limit the act in order to produce a revision and improvement of it in that respect. Was the limitation tacked to the bills to see whether they were proper objects of taxation? And was it really doubtful whether snuff and loaf sugar were proper to be taxed? What could be more proper? One is the most trivial of all luxuries, and the other (loaf sugar) is almost if not quite exclusively consumed by the class of citizens who have some pretensions to wealth. Yet when we press hard for a substitute, instead of the snuff and sugar revenue, we are with a face of solemnity advised to tax the land. May I trust my senses? Is it possible for persons to call the taxes on snuff and loaf sugar oppression, and the land-tax relief? Is it possible to think of taking the tax from the snuff-box and the tea-pot, to put it on the plough?

If, however, that is intended, as gentlemen assure us it is, there is no time to be lost. It will take two years to organize such a tax, and get it into the Treasury. If a land-tax is to be the substitute, the question therefore really is, shall we repeal the taxes in question. If there had been any doubt before, there can be none in the opinion of those who prefer the land-tax.

The interests of the manufacturer have been strenuously urged, and no one would listen with more attention to any suggestion of injury on their part. If there is any point on which I am more an enthusiast than another, it is on the policy and duty of encouraging manufactures, and on every occasion where their interests have appeared to be affected, my voice has been heard.

But how is the suggested injury to happen? Is the capital of the manufacturer drawn from them to pay the duties? The case of those who pay duties is the reverse. The credits allowed are such as to leave the public money in their hands. Their complaints on that head, if they have any, may be easily satisfied by extending the term of credit.

Another allegation is, that the consumption of the articles is diminished in consequence of the duty. One of the snuff-manufacturers assured me they were not so weak as to imagine the consumers of loaf sugar be terrified by the exorbitant duty of two cents to do violence to their habits and deny themselves loaf sugar? Will they treat their friends with brown sugar? Of all tyrants fashion is the most inexorable. I tell the gentlemen who dread the brown sugar reform, it is not possible. It is not creditable to substitute brown sugar in place of loaf, in consequence of the price, any more than for the same gentlemen to wear frocks and trousers and leath-

ern aprons on account of the impost on superfine cloth.

There is one other view of the interests of the manufacturer. Possibly the mode of levying the tax may be inconvenient and vexatious. If that be the case, who doubts the readiness of Congress to conciliate the interests and even the prejudices of the concerned? Surely not those who remember with what extreme solicitude Congress attempted to reconcile the country to the excise. Surely those who oppose the taxes will not expect the Eastern members, where manufactures are the most extensive and numerous, to be opposers of any plan of accommodation of the manufacturers. They are perfectly sure, and ever have been, of our concurrence in such amendments, and why would they wish to keep the laws hung up in uncertainty for two years?

Is it to secure the power of the next Congress, and why not of the next Congress after that which perhaps may be better still? And why on that ground should any law be passed to continue longer than an Almanac? Is this the idea to be inculcated of the reign of laws, that gentlemen tell us by passing an act for more than two years, we part with our power; and what is the import of this new-fashioned jargon of a power over the laws, instead of the power of the laws? The power to pass laws is not a personal prerogative, it is a public trust, and when the common good, when the attainment of a great advantage for our country, such as the progressive reduction of the Debt, requires a law for ten years, or even longer, is it an argument to say that thus we may lose our personal importance and prerogative?

Shifting, unsteady laws, are a public evil, and they are always felt as such by the dealers in the taxed articles. The first effect of a tax is a little to stagnate and derange the business of the dealers, but soon the current finds its way again, and the tax becomes a part of the price, a part of the settled order of things, which a hasty repeal would derange anew. This argument, it is said, requires that all resource laws should be permanent. Where there is a permanent occasion for taxes, and the proper objects of taxation are known to be selected, the fluctuation of the revenue laws would be an evil, and therefore it would be proper to make them permanent. But when the call for taxes is temporary, or the mode of collection untried, the limitation of the bill to a short period may be no less proper. This objection therefore deserves little attention.

One objection is scarcely intelligible. Why will you urge the permanency of taxes for temporary objects, such as war establishments, frigates, &c.? The answer is, the appropriation is intended for the Debt; for an object that will last, we fear, much longer than the year 1801, the term proposed for the taxes. The taxes are not to be made permanent, nor are the objects of their application temporary. The objectors are wrong in fact.

They are no less mistaken in principle. The temporary taxes were, during the last session,

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charged with an appropriation of twelve hundred thousand dollars, and one million of dollars also, for the foreign intercourse. These sums are to be satisfied out of the product of the temporary taxes, and the President is authorized by law to borrow on the credit of those funds. The public faith is solemnly pledged, and in express words, (see the appropriation act passed the ninth of June, 1794.) to provide for the principal and interest out of the proceeds of these very taxes, or to substitute other adequate funds in their stead. These taxes are charged in this manner by law, and if we refuse to renew the acts, we are sacredly bound to provide substituted revenues.

Every one knows that these taxes will not free themselves from the charge in the two years.

How then can gentlemen prevail upon their good sense to assert, that, by continuing the tax laws, the manufacturers are deluded and deceived, when the cause and necessity for such continuance appears on the face of the statute book? How, above all things, can they say, that it is a breach of the public faith to extend them to 1801, when, unfortunately for the sufferer, the public faith is in express words pledged to continue them, or to provide other funds? The assertion has been a subject of no little curiosity, under circumstances so singularly adapted to its confutation.

My own view of the importance of hastening the reduction of the Debt, has led me to suggest answers to as many of the objections as I can recollect. I notice them as they happen to occur to me. One appeal to our pity is made on the score that sugars have risen, and that it is cruel to choose this time for the tax. Why not choose it if the tax will fall, as others do, on the consumers? Do the same objectors desire a relinquishment of the duty on molasses because it is dear, and yet the manufacture of New England rum is unfortunately, from various causes, in a languishing state? Foreign goods are dear, and yet they are taxed. All articles are become dear, and the blind rule contended for would be doubly wrong, if adopted on account of its necessary partiality.

If we regard the experience of other nations, we shall not find cause to dread the destruction of manufactures in consequence of taxes. Is England exempted from them, and yet where do they flourish more? The truth is, in an increasing, thriving society, the taxes are absorbed and distributed over the whole mass of the community. No problem has been oftener debated than where the taxes ultimately fell, and yet experience has invariably refuted the gloomy anticipations of interested theory. The language that infant manufactures are not to be crushed, is more declamatory than correct. They are not to be crushed; nor will the manufactures of snuff and loaf sugar fall, if the operation of the tax should be like that of other taxes, or of similar taxes in other countries.

But is it really desired wholly to exempt the loaf sugar from tax, now the duty on the foreign article has secured an effectual monopoly to the home refiners? Shall the four cents remain on

the foreign loaf sugar, and nothing on the home made? If the price should in that event keep up, the consumers would still pay the tax, after its repeal, although the money would not go into the Treasury, but into the pockets of the refiners. I wish their prosperity, but they are too candid and patriotic to desire such an advantage.

A great object is before us, and if, after all, its attainment shall appear to be obstructed by much seeming and some real difficulty and embarrassment, still we owe it to our country, as well as to our own engagements, to proceed. Let us endeavor to overcome the prejudices of the over-apprehensive, and to conciliate the interests of the manufacturers with that of the public. In our other taxes we suppose it is done, and why should it be despaired of in this case? Greater difficulties than any that a calm and unprejudiced mind will discern in the plan before us ought to be expected, and readily acquiesced in, rather than to abandon the great object of freeing the nation from debt. It is worth some exertion and sacrifice. If we should effect it, any hopes of the destinies of our Government would brighten. There is nothing in the magnitude of the Debt to discourage us, and still less in the prosperous circumstances and good dispositions of our citizens. It depends on ourselves whether we realize their expectations by acting in conformity with our own professions.

Mr. S. SAITRA. Mr. Chairman, the resolution on your table reads thus:

"Resolved, That there be appropriated out of the revenues a sum not exceeding \$600,000, to be applied to the payment of two dollars on every one hundred dollars of the amount of that part of the Public Debt, which bears an interest of six per cent."

This resolution has passed the Committee unanimously. On what principle then does the gentleman (Mr. Ames) pretend to doubt our intention to provide funds to sink that proportion annually of the Public Debt? I conceive myself committed, and if I cannot prove that we have resources sufficient, without continuing the laws described in the second resolution, I will, however I dislike them, vote for the resolutions. The only subject before the Committee is to provide funds to sink annually the \$600,000. The question then resolves itself to this: Is the revenue of the United States sufficient to meet the \$600,000 per annum, in addition to the ordinary and known expenditures? Or, does it stand in need of the assistance of those excises now under consideration? The gentleman says it requires their assistance, and states an account when, after paying the \$600,000, he leaves a balance of only \$126,000. If the gentleman believes in his own statement, he must provide more funds, for surely he would not leave the Treasury with only \$126,000 to meet contingencies, and to pay off that variety of debt that he boasts a desire to discharge. The gentleman will do well to confine himself to the subject in question, that is to provide for the \$600,000. On this subject he has supplied us with useful information. He says that he has this morning received a statement from the Treasury, which

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makes the net amount of the duties in 1793, on imposts and tonnage, to be \$3,500,000, and that he will always prefer facts to estimates. There we agree. This fact gives \$500,000 in favor of my estimate. I had calculated on \$5,000,000 only. It was surprising that the gentleman did not make use of other facts, instead of suppositions, which he could have had without going to the Treasury, viz: In 1793, (his year,) the Civil List cost \$358,241. The gentleman has charged it at \$500,000. Another fact: In 1793, the Military Establishment, including pensions, cost \$1,212,631. The gentleman charges that item at \$1,500,000. But, sir, there is another item of very considerable importance, which the gentleman seems totally to have forgotten, that is, "An act laying additional duties on goods, wares, and merchandise," passed last session, commenced operation the 1st July, 1794, and which is estimated in the report before us to yield \$300,000, but which I have stated will produce \$750,000. Add error in Civil List, - 141,769 Sum in Military Establishment, - 287,469 Balance made by Mr. Ames, - 126,000

which makes a balance, after paying the \$600,000, of 1,805,238, from which deduct \$380,000 contemplated to be raised by the excises, and there will remain for contingencies and for purchases of the Debt, (by the gentleman's own system, and surely a good one, of taking fact instead of estimates for our guide,) the nett sum of \$925,238, being about \$440,000 more than I had stated. What reason then, at this time, for continuing these laws longer than their time, say until June, 1797, and the end of the next session thereafter, against which time they will more than pay off the sums for which they stand appropriated? For instance, all the revenues to be raised by laws passed last year, were appropriated to pay sundry sums amounting to \$1,392,137. Two years of the excises in question are estimated to nett \$760,000. One year of the additional duties passed last session, if it yields but \$333,000, will satisfy the whole appropriation on those laws. It has been said, that I have not provided for payment of the bank instalments of \$200,000, which must commence in 1796. I answer that the select committee had not reported on it. I took the documents they had furnished the House for my government. However, I now answer, that the estimate on your table shows a balance at the close of the year 1795, of \$510,000, with which they may pay two and a half years bank instalment if necessary, and, if our funds should not be found adequate in 1797, we must either continue those laws then expiring or supply some other fund; however, I believe that no man can think the funds will be inadequate. It is said, that I am willing to commit the Government for the sum wanted, and to depend on savings to pay. I say that I bring forward solid funds, but I will go farther, and establish the payment by appropriating the revenue arising from the imposts laid last session, which nobody will doubt being sufficient.

The gentleman from South Carolina (Mr. W.

Sir, I have said, and has been supported by a gentleman from Massachusetts, that Government having encouraged manufactures by protecting duties, have a fair and just right to lay excises on such manufactures, so as to pay for the revenue that Government might have gained, had the articles continued to be imported. This declaration is fair, is candid, and if the system levying excise on the manufactures of sugar and snuff should be continued until 1801, then those who commence any manufactures in future will not have a right to complain, the intention of Government being thus made public. But if this is the system we are to adopt, why not at once lay an excise on all manufactures where the protecting duty has enabled the manufacturer to exclude importation? Why not lay excises on the following, who have excluded the importing of similar articles, and who equally may be said to have obtained a monopoly of the supply of their respective goods? viz: Rope-makers, saddlers, boot-makers, shoe-makers, tanners, curriers, ship-builders, carvers, cabinet-makers, coach-makers, and a variety of others. Or, why not lay an excise on the following, who have in many States obtained the same kind of monopoly? viz: Sail duck-makers, paper-makers, nailors, cotton-manufacturers, glass-makers, hat-makers, watch and clock-makers, brush-makers, cheesemakers, twine-spinners, brewers, and a variety of others? My neighbor (Mr. Goodhue) whispers, because sugar and snuff are luxuries. Granted—yet are they considered necessary by those who use them; and I ask that gentleman whether sugar has not become more necessary to him than anything that can be furnished by either the carver, cabinet-maker, coach-maker, cheesemaker, or even the brewer? No, Mr. Chairman, I will tell you the true reason—because it would have been unpopular and alarming. Begin with two objects called luxuries, whose manufactures are not more than thirty-four in the Union—they are so few they will not be heard. But the precedent once obtained, we can proceed to levy an excise upon all or any other manufacture; for one precedent is worth one hundred fine-spun reasons. Sir, the cause of the sugar-bakers and snuff-makers is that of all and every other manufacturer, for all are attacked through them.

Mr. Madison did not think that the turn which the debate had taken was at all a proper one. The question before the House was only this: whether it was at present proper to prolong the taxes comprehended in the resolution? The House can, for this time, go on without deciding the point. The proper statement of the question hereafter would perhaps be, whether it was better to proceed with excising all those articles of manufacture mentioned by the gentleman from Maryland, or to lay one general and efficient tax on property. The present taxes consisted of two sorts, viz: permanent, as the impost, &c., and temporary, as the excises in question. The permanent taxes could therefore be applied to the permanent object of reducing the Public Debt; and the temporary taxes to the temporary object, as the Military Establishment, &c. Instead of

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the question asked whether the Public Debt could be discharged by taxes for two years, it would be as proper to ask whether a Military Establishment to which no appropriations could be Constitutionally made for more than two years, ought to be provided for by taxes of indefinite continuance? He did not deny that there might be a reversionary appropriation of such taxes to the Public Debt, after the temporary purpose should have expired. But the practicability of such an arrangement was not a sufficient answer to the objections against making permanent new taxes uncertain in their product, contested in their principles, and which had been adopted under other circumstances for other purposes.

The present subject, he said, in relation to the discharge of the Public Debt, had in every view been extremely magnified. Its importance lay, he thought, chiefly in its leading the attention of the Committee to a comparison of the two general remedies for paying off the Public Debt, namely, excises and taxes apportioned on the several States according to the Constitutional rule, and collected from individuals according to their property. If nothing more was intended than merely to pay the annual two per cent. which the funding law permitted Congress to pay, it was probable the impost alone might yield a competent surplus, without resorting either to excises, or apportioned taxes. But if, as was professed, and as, he hoped, was intended, a great and effective plan was to be sought after, for the purpose of freeing the public from the evil of the Debt with as much despatch as possible, we must then face the alternative of a system of excises, or of a general tax on property. Between these different modes of revenue, a choice was to be made. He pressed it on the attention of the Committee, that if excises were to be preferred, it was in vain to hope they could be limited to a few trifling subjects, such as manufactured snuff and sugar. They must be extended to all the manufactures mentioned by the gentleman from Maryland (Mr. S. SMITH.) The whole country would be covered in fact with excises. Every manufacture must be made to contribute, and even then it would not be possible to draw forth as much revenue as would be paid in the other mode. He was aware that objections and prejudices existed against a tax laid on property. He regretted that such a difference of opinion prevailed, not only in Congress, but in different parts of the Union, on this subject. He was persuaded, nevertheless, that a tax on property was not only a more economical, and in every respect a more eligible resource, than a general system of excises, yielding the same amount of revenue, but that, on the whole, a majority of the people of America would be found less averse to it. He could speak with confidence on this point, as far as his own communications extended. Much, he thought, of the dislike to a tax on property might be removed by taking different objects in different States, as might be most convenient or acceptable to them.

This was perfectly consistent with the Constitution, which did not require uniformity in this

instance. In some States a tax on land, in others a tax on other articles of property, or partly on land and partly on other articles, might be most satisfactory; and the tax laws of the States would always assist in digesting the regulations for the purpose. He supposed that if this course should be taken, a million, or even two millions, of dollars or more, could be raised in a year, and that the people would be willing to make such an exertion, rather than be saddled with a permanent Debt; whereas he did not believe that an excise system, if extended to every article manufactured in the country, could be made to produce any thing like such a sum. If, however, he was deceived in this point, and a general system of excises adequate to the purpose should be proposed, and it should be apparent that the general disposition was more favorable to such a system than to a tax apportioned in the manner prescribed in the Constitution, he was ready to give up his objections. Much as he disliked excises, he thought a perpetual Public Debt a still greater evil. But he should much prefer another system, and he repeated the caution, that the alternative was not between a tax on property, and the petty excises in question, which could not be felt in the work of sinking the Debt; but between such a tax and excises spread over a sufficient number of manufactures to produce an equal sum of revenue. He again also suggested to the attention of the Committee that the question was, not whether the laws should be repealed, but whether they should remain as they stood till their merit could be better known, and the whole subject be more fully taken up; and that all that was at this time aimed at with respect to the Debt, would be attained by allotting the temporary part of the revenue to temporary purposes.

Mr. W. SMITH and Mr. DAYTON also spoke each a few words. The Committee then rose, the Chairman reported progress, and the House adjourned.

MONDAY, January 19.

An engrossed bill for the relief of Epaphras Jones and others, was read the third time, and passed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the plan referred to in his Letter of the sixteenth instant, for the improvement and management of the public revenue, together with sundry statements, marked A, B, C, D, E, and F, relative thereto; which were read, and ordered to lie on the table.

Ordered, That a committee be appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina.

And a committee was appointed of Mr. WILLIAM SMITH, Mr. GROVE, and Mr. BARTON.

TUESDAY, January 20.

A petition of Tobias Lord, and others, of Kennebunk, in the State of Massachusetts, was pre-

sented to the House and read, praying to be reimbursed the expense of erecting a stone pier at the entrance of Kennebec river; and for that purpose, as well as to keep the same in repair, that they may be authorized to collect tonnage on shipping of a certain burden, which shall pass or re-pass the same.

Ordered, That the said petition be referred to Mr. GOODE, Mr. VAN ALLEN, and Mr. WARD; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of Francis Proctor, late Captain of a company of artillery raised by the State of South Carolina, praying that such allowance may be made him for recruiting a number of soldiers and injuries sustained while a prisoner taken by the enemy, when in the actual service of the United States, during the late war, as to the wisdom of Congress shall seem meet.

Ordered, That the said petition, together with the petition of William Seymour, presented the 13th of March last, and the report of a committee thereon, and the petition of Sarah Beacham, returned on the 31st ultimo, by the Secretary of War, be referred to the Committee of Claims.

Mr. FITZSIMONS, from the committee appointed, presented a bill to repeal part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" which was read twice, and committed.

Mr. TACY, from the Committee of Claims, to whom was committed the bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau," made a report which was read.

Ordered, That the said bill and report be committed to a Committee of the Whole House to-morrow.

Mr. GOODE, from the committee appointed, presented a bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels;" which was read twice, and committed.

The House resolved itself into a Committee of the Whole House, on the bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting-trade and fisheries, and for regulating the same;" and, after some time spent therein, the Committee rose, and reported several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. WILLIAM SMITH, from the committee appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House, on the report of the Committee of Claims, to whom was referred the petition

of Job Stafford; and, after some time spent therein, the Committee rose and reported a resolution, which was twice read and agreed to by the House, as follows:

Resolved, That all persons who have been, or shall be, placed on the pension list of the United States, by virtue of the law passed on the 28th of February, 1793, entitled "An act to regulate the claims to invalid pensions," shall be deemed to commence the receipt of their respective monthly allowances, at the date of their completing their testimony before the Commissioners who took the same; that no arrears, in any case, be allowed; and that the payment of such monthly allowance be continued during the continuance of such disability.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

PROTECTION OF THE FRONTIERS.

Mr. FITZSIMONS laid on the table the following motion:

"*Resolved*, That the President be requested to cause to be laid before the House a plan for the defence and protection of the frontier of the United States, and including the number of troops necessary for garrisoning the same."

Mr. MADISON hoped that the gentleman did not mean to press the consideration of his motion this day. It was of great novelty and magnitude. Mr. M. doubted if it was agreeable to the Constitution.

Mr. VENABLE thought that so many motions of this kind would abridge the business of the House. One day the Secretary of War sends us directions; the second day, the Secretary of the Treasury sends us directions; a third day, we are to have directions from another Department, and so on. He hoped that the House would do their own business themselves.

The question was then put, Shall the House now proceed to consider this motion?

Mr. PAGE did not think himself in want of the information referred to in this resolution. He was entirely averse to establishing of posts. If they are weak, the Indians will cut them off: if strong, they will pass through between them. Any money laid out on them he should consider as cast away.

Mr. DAYTON could not give his assent to the resolution offered by Mr. FITZSIMONS, because it encroached upon the Constitutional powers, rights, and duties of the President, and because it called for information which it would not be prudent or safe for him to give, nor practicable, even if it were safe. To call upon the President to digest and lay before the House a systematic plan which he must thereby in some measure pledge himself to adhere to, for the present year, for the defence of the frontiers; to request of him to inform the Representatives in what manner he intended to exercise the discretion which the Constitution had vested in him as the Executive, was highly improper, and ought never to be drawn into precedent. Mr. D. added, that the resolution was objectionable in every possible light in which it could be viewed. It would be very imprudent to

declare to the world the exact number of men which were to compose every garrison throughout our extensive frontiers and country. It would likewise be impossible for any man, even the President himself, to decide, at this time, where it might be necessary to erect forts and establish garrisons, in the interval of time between this and the next session of Congress. The reasons against the measure appeared to Mr. D. sufficiently strong, even without taking into consideration the yet unsettled state of our negotiations with Britain, and the continuance of Indian hostilities, which would give to them additional strength, and of themselves furnish irresistible objections, if no other existed.

Mr. PAKEN would be glad to get such information. He saw nothing presumptuous or unconstitutional in asking this opinion; and he also thought the present a fit time for doing so. If the President, who, like other men, was fallible, gave wrong advice, the House had only to act for themselves. Where we find him right, I hope (said Mr. P.) that we shall support him; where we find him wrong, we will be cautious of adopting his opinions. He thought it particularly requisite to fix this business of the frontier, as far as it can be done, before entering upon the subject of the Public Debt; that we may learn, as near as possible, the amount of the expense to be incurred.

Mr. BOURNOR did not object to the Constitutionality of the resolution, but he had much doubt of its propriety. He moved, as an amendment to strike out the first clause of the resolution, and instead of "the President," to read, "that a committee be appointed to report on the subject."

Mr. FITZSIMONS said, that a committee which went to the same thing had been appointed already. He withdrew his resolution.

WEDNESDAY, January 21.

Mr. DEXTER, from the committee appointed, presented a bill for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act further extending the time for receiving on Loan the Domestic Debt of the United States;" and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made no amendment thereto. The said bill was read the third time, and passed.

Ordered, That Mr. SHERBURNE, Mr. BENJAMIN BOURNE, Mr. WATTS, Mr. BOURNOR, Mr. LATIMER, Mr. WILLIAM SMITH, Mr. NILES, and Mr. GREENUP, be added to the committee appointed, on the 14th instant, to report a plan for perfecting a road between the Southern and Eastern States.

The House resolved itself into a Committee of the Whole House, on the bill sent from the Senate, entitled "An act to authorize the settlement of the claim of Samuel Prioleau;" and, after some time

spent therein, the Committee rose, and reported an amendment, which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time, and passed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act making further provision in cases of drawbacks," with several amendments; to which they desire the concurrence of this House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a statement of the amount of goods paying a duty of seven-and-a-half, and ten per cent, imported from the 1st day of January to the 31st day of December, 1793, inclusive. Also, the amount of the duties on coffee, cocoa, and coal, for the same time, pursuant to the resolution of this House of the 16th instant; which were read, and ordered to lie on the table.

PROTECTION OF THE FRONTIERS.

The House resolved itself into a Committee of the Whole House, on the report of the committee appointed to examine and report what proceedings have been had under the act "for making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, amendments are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

Mr. DEARBORN read a resolution, the substance of which was, that in considering this question the view should be limited to a defensive system only. This motion produced a very long conversation.

Mr. DAYTON declared that he would never consent to a defensive system only, while Britain was in possession of the Western posts. It would be a wrong policy to reduce the army of General Wayne.

Mr. HARTLEY spoke against the propriety of passing this preliminary resolution. Such resolutions have generally a tendency to embarrass. If, upon consideration, we think the number of troops too large, we may reduce them. But why tell our Southern friends, who are now bleeding, and call upon us to protect and assist them, and desire more offensive operations against their savage neighbors, that we will not comply with their wishes? Our Western army has been successful; and by giving it the proper aid and countenance, we may expect a peace with the Western Indians. But now, to say that we will no longer keep an army; that our troops are to be thrown into posts, and give the field to the Indians, would be highly impolitic. Will this not encourage them to risk another campaign? Will it be prudent to let your posts, far advanced in the Indian country, rely upon supplies to be brought under escorts of militia—militia horse, which costs double the expense of the same number of regular troops? Why should the latter solely depend upon the militia to convey them provisions, when they would be willing to run the risk themselves, if their number was kept up in a proper manner?

Mr. H. was sorry that objections are so fre-

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quently made against the legion which has been so useful. It has been said, that regulars were unfit to go against the Indians. Experience has shown us the contrary. The discipline has been fitted to the nature of the service, and has been successful. The regulars had the greatest share in the late engagement, but still we know there were near two thousand volunteers from Kentucky ready to support them. This support is withdrawn; still you wish to weaken this little army. You disorganize it, by leaving no provision for horse in the proposed resolution, which is to follow. It is well known how useful the horse have been in the legion. I think we ought to continue the legion until the next session of Congress. We have reason to believe that the recruiting service, as to part of General Wayne's army, is in a critical situation. We should do nothing to discourage the recruiting service. A late law was passed giving further encouragement to the recruiting service; officers are scattered throughout the Union; but, with this encouragement, and the greatest industry of the officers, we have no reason to believe that the legion will be completed before the next session. Nay, with the utmost countenance, I fear we shall not be able to do more than bring a sufficient number of men into the field against the season for action. I wish for peace; but, to obtain it, we should be prepared for war. I would be for proceeding according to the spirit of the last law, until next session. If we should have peace, or circumstances change, we may then safely reduce the number. I hold the preliminary resolution improper, and shall vote against it.

Mr. SEDGWICK moved that the Committee rise, for the purpose of his making a motion for applying to the President to get information on this point.

Mr. MURRAY could not agree with those who had preceded him, in arguing for the reduction of the army. He was against any reduction of force, as was intended by the resolution, by which the present establishment was to be reduced from 6,000 down to two regiments; it is an abandonment of every sound principle of self-defence known to any nation in a state of war. He considered the resolution in three or four points of view as very interesting. Peace with the Indians in the Northwestern country—British Posts—Southwestern territory—Defence, and generally Posts, or a chain of Forts, on the frontiers. As the reduction of force affected either of these points, he thought it injurious; as it affected the hoped-for peace with the Indians, it was very unsound policy surely to reduce your army at the moment you have gained a victory that entitles you to look for an honorable peace. The only way to reap the fruits of victory was to retain the power of repeating it, if the obstinacy of the enemy shall render repetition necessary. The surest way to lose the profits of your victory is to diminish your decided superiority of force. You would thus, by weakening yourselves, strengthen the enemy; and they would rejoice, if, in the moment when they were defeated, and ready to send the

belt, the calumet of peace, they discovered in their enemies a disposition to relax in the efforts by which they had reduced them to humility. The ardor of the distressed warrior will return, when he finds you are tired or unwilling; and we must expect, that if the tribes gain intelligence of this motion, that they will amuse you by signs of peace till they find you have reduced your force, and they will then burst upon your frontier. The feelings which you have excited by victory, though brilliant to you, are such as must have added to their rancor. You may best them into a submission to your terms, but you will never drub them into friendship. In fact, they will watch your moments of relaxation, and avail themselves of your errors. Peace is the object of war, but it is the price of continued exertion and vigilance. All wise nations keep the sword unsheathed until its object is completely attained; and perhaps there is hardly anything more fallacious than the hope which is inspired by victory, if caution and prudence does not complete the business before exertion is relaxed. The British posts present another object. It is unnecessary to say much of them; but when we recollect that they may possibly produce a war, it appears to be the height of impolicy to weaken our means before the end is obtained. The papers on the table show the state of the Southwestern Territory; a considerable force will be essential there. The Creeks either wage war, or threaten it: here is a vulnerable place, to which a memorial of that District has powerfully called the attention of Congress. But supposing a peace already established, and the British posts in possession, he apprehended that the number of posts necessary for the frontier would call for an establishment fully as large as the present. Some one part of the frontier will be always open to attack. Were the Indians a civilized people, reduced into a regular order of society, and under laws capable of promising something like good faith to their engagements, fewer troops would be necessary. We might calculate the less on the necessity of force to watch contingencies and sudden irruptions if compacts had more solemnity and obligation; but they are not to be relied on. They form not a whole nation, nor even a confederated body of nations, except for temporary objects. Each tribe is savage, unconnected, and insulated, so as to exclude the just expectation of permanency and uniformity in the objects or duration of their engagements. So it is, that they will forever think themselves injured, and will for years hold them weak part appears. Of course, you will be obliged, if you mean to defend your frontiers, to keep up posts contiguous to each other, that may repel their incursions.

Mr. SMITH said, that he should vote for the rising of the Committee, for the purpose of obtaining information.

Mr. WADSWORTH (in answer to Mr. MURRAY) said, that the Indians would always have a right to selves injured, and would always have a right to think so, because they always have been injured

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and always will be injured. The Six nations, it is said by some gentlemen, are now at peace with us. But, when were they at war with us? They have been so used to be robbed and murdered by us, that they submit tamely to it. There was nothing like war lately. The two different nations, whites and Indians, were living together in the same villages. It is true, they had been advised to object to the Establishment at Presqu'Isle: but, if an army had been sent into their country at that time, Mr. W. did not believe that they would have fired a shot. It never could be made out that so many as twenty of them were concerned in the war with the Miamis. He said, that since the day when the first white man landed, the Indians always have been injured. He thought it very proper to inquire for advice on this subject of the President. He is not only a President, but a soldier. He was born and bred on the frontier. He is well acquainted with the Indians, and, independent of his abilities, no man in this House has had more personal opportunities of being a judge respecting them. He was not for reducing the army, but he should very willingly vote for the resolution suggested by Mr. SEDGWICK. He wished the Committee to rise.

Mr. DEARBORN withdrew his motion. The Committee rose, and progress was reported. Mr. SEDGWICK then moved, that the President of the UNITED STATES be requested to direct the proper officer to lay before the House a statement of the number of troops that will be necessary to maintain such a line of military posts as it will be expedient to establish, effectually to protect the frontiers of the United States.

Mr. PAGE said, he saw no material difference between it and that which the good humor and candor of the member from Pennsylvania [Mr. FITZSIMONS] yesterday withdrew; that he hoped the same good disposition would lead the member from Massachusetts to withdraw his; that it was, till yesterday, without a precedent; that nothing but a certainty of unusual dangers from an enemy on our frontiers, it would be thought, could have given rise to such motions. If the President was not called on for the plan of defence, or for his opinion respecting the number of troops necessary for the defence of the frontiers last year, when war raged in that quarter, and we were every day told here that we should be plunged into a war with Britain—why, when the Indians have been chastised into a wish for peace, and no one has an idea of being engaged in a war with Britain, should he now be called on? As to information, it is in the hands of a committee, to whom was referred the President's Message and the Report of the Secretary of War.

After some further debate, the motion made by Mr. SEDGWICK was finally carried—yeas 40, nays 37.

Ordered, That Mr. SEDGWICK and Mr. HARTLEY be appointed a committee to wait on the President with the foregoing resolution.

THURSDAY, January 22.

An engrossed bill for reviving certain suits and process which have been discontinued in the Dis-

trict Court of Pennsylvania, was read the third time, and passed.

The House proceeded to consider the report of the committee appointed to inquire whether any, and what, alteration is necessary to be made in the laws respecting lost or destroyed certificates, which lay upon the table. Whereupon,

Resolved, That any alteration in the act "limiting the time for presenting claims for destroyed certificates of certain descriptions," would be improper; and that all claims for lost or destroyed certificates, not comprehended in the provisions of the said act, ought to be decided on by the Legislature according to their respective merits.

Mr. DAYTON, from the committee appointed to prepare and report a plan further to provide for calling forth the Militia of the United States to execute the laws of the Union, suppress insurrections, and repel invasions, made a report, which was read. Whereupon,

Resolved, That a committee be appointed to prepare and report a bill to provide for calling forth the Militia of the United States to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes.

Ordered, That Mr. DAYTON, Mr. HARTLEY, Mr. BENJAMIN BOURNE, Mr. HARRISON, and Mr. McDOWELL, be appointed a committee, pursuant to the said resolution.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act making further provisions in cases of drawbacks;" and the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill, and that it be recommitted to Mr. SHERBURN, Mr. HARTLEY, Mr. DEARBORN, Mr. McDOWELL, and Mr. GREENUP.

The House resolved itself into a Committee of the Whole House on the bill for the remission of the tonnage duties on certain French vessels. The Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Mr. TRACY, from the Committee of Claims, presented a bill supplementary to the act concerning invalids; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the petition of Charles Heems; and, after some time spent therein, the Committee rose and reported their disagreement to the same. The House then proceeded to consider the said report at the Clerk's table; whereupon, the question being taken, that the House do

H. or R.]

Exportation of Arms—Goods destroyed by Fire.

[JANUARY, 1795.]

agree with the Committee of the Whole House in their disagreement to the said report, it was resolved in the affirmative.

The House proceeded to consider the amendments, reported yesterday, from the Committee of the Whole House, to the bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" and, the said amendments being severally twice read, were agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time tomorrow.

Mr. PARKER, from the committee appointed, presented a bill for establishing trading-houses for the purpose of supplying the Indian nations within the United States; which was read twice, and committed.

The House proceeded to consider the resolution, reported on the fifth instant, from the Committee of the Whole House to whom was referred the report of the committee appointed to consider and report on the expediency of making any further alterations in the laws of the United States relative to the cession of the jurisdiction by particular States, in lands, where are established, or may, by law, be directed to be built and established, light-houses, buoys, and public piers; and the said resolution being twice read, was agreed to by the House, as follows:

Resolved, That a committee be appointed to bring in a bill declaring that cessions of jurisdiction made by any State in lands, where have been erected, or may, by law, be provided to be erected and placed, light-houses, beacons, buoys, and public piers, with a reservation of concurrent jurisdiction, so far as shall authorize the service of the process, civil and criminal, under the authority of such State, shall be deemed sufficient cessions of jurisdiction, in pursuance of the laws providing for the maintenance and erection of light-houses, beacons, buoys, and public piers; and that, where absolute cessions for such purposes have been made, the States who have made the same shall, notwithstanding, be entitled to exercise and retain a concurrent jurisdiction, so far as shall authorize the service of process, civil and criminal, under their authority, within the ceded Territory.

Ordered, That Mr. CORR, Mr. TREDWELL, and Mr. LEE, be appointed a committee pursuant to the said resolution.

Ordered, That a committee be appointed to inquire and report on the expediency of continuing in force, or repealing, the whole or part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same." And a committee was appointed of Mr. WILLIAM SMITH, Mr. DAYTON, and Mr. CARRIS.

EXPORTATION OF ARMS.

A bill was read from the Senate, for repealing part of the act for prohibiting the exportation of arms, and encouraging the importation of the same. The House resolved into a Committee, and went

through the bill. It was next read in the House, and a motion was made for referring it to a select committee. This was negatived. The bill was then ordered to be engrossed for a third reading. The object of this bill was to permit an exportation of lead. Mr. FITZSIMONS said that there was great plenty of lead in the public stores, so that the occasion for which this part of the bill had been passed was at an end.

GOODS DESTROYED BY FIRE.

The House next went into a Committee on the report of the select committee, to whom were referred the petitions of sundry persons, praying to be relieved from obligations for the payment of duties on goods which were afterwards destroyed by fire or other accidents, with instructions to consider and report on the policy of remitting duties on goods, wares, and merchandise, in cases where such goods, wares, and merchandise, shall be destroyed by fire or other accidents.

The Committee, in their report, recommended the following resolution, viz.:

"That provision ought to be made by law, authorizing the Collector of the District to remit the duties on goods, wares, and merchandise, imported into the United States, on its being proven to his satisfaction that they had been destroyed by fire, or other accident, before they were landed, or after they were landed, and before any removal from the places where they may have been landed, within the district for which they were reported to be destined by the entry of the vessel."

The Committee disagreed to this resolution. The Chairman reported progress, and the House adjourned.

FRIDAY, January 23.

An engrossed bill supplementary to the act "for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," was read the third time, and passed.

An engrossed bill for the remission of the tonnage duties on certain French vessels, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the relief of Epaphras Jones and others," with an amendment; to which they desire the concurrence of the House.

On a motion made and seconded that the House do come to the following resolution:

"*Resolved*, That a committee be appointed to bring in a bill or bills to amend the act, entitled 'An act for establishing the salaries of the Executive officers of Government, with their Assistants and Clerks;' and 'An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses;' and to reduce all such salaries as, in the opinion of the said Committee, after having made due inquiry, ought to be reduced."

Ordered, That the said motion be committed to a Committee of the Whole House on Monday next.

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Fortifications.

[H. or R.]

Mr. DAYTON, from the committee appointed, presented a bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; which was read twice, and committed.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said report; and that it be recommended to Mr. SAMUEL SMITH, Mr. DEARBORN, Mr. DAYTON, Mr. PARKER, and Mr. PICKENS.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act for the relief of Epaphras Jones and others;" and the same being read, was agreed to.

Mr. DEXTER, from the committee to whom was referred that part of the Message from the President of the UNITED STATES, of the eighth instant, which relates to the Letter from the Governor of the Territory Northwest of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

The bill for repealing part of the act for prohibiting the exportation of arms and ammunition, was read a third time. Mr. DAYTON objected, that if the bill was in itself proper, the whole of the old act ought on the same principles to be repealed. It was, therefore, ordered to lie on the table till Monday.

Mr. CLAIBORNE moved that his resolution, laid on the table some time ago, relative to reducing the salaries of certain officers under Government, should be referred to a Committee of the Whole, which was agreed to, and Monday next appointed for that purpose.

FORTIFICATIONS.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred the report of the Secretary of War respecting the fortifications of the United States.

The following is a copy of the report above referred to:

"That by the Report of the Secretary of War, it appears that, in pursuance of the act of the last session, the fortifications of the different ports and harbors are in considerable forwardness, excepting only the ports of Boston, and Wilmington in the State of Delaware, suspended for reasons assigned by the Secretary, in his report.

"That contracts have been entered into for the ordnance necessary, and measures taken for progressing in the fortifications as soon as the season will permit. "That, from the necessity of enlarging the plan of defence in some instances, and the enhanced price of labor and materials, since the first estimate was made, a sum not less than \$225,600 will be necessary to complete the plan of defence contemplated, admitting the fortifications to be constructed of timber and earth; and if executed with stone, to a much larger sum.

"The Committee, taking into view the circumstances connected with the subject, and having received the necessary information from the Secretary of War, submit the following resolutions:

Resolved, That the necessary works for fortifying

the ports and harbors of the United States ought to be continued, and constructed of the most durable materials, so as best to answer the purposes of defence and permanency.

"*Resolved*, That a sum not exceeding \$500,000 (over and above the sums already appropriated) be appropriated for the purpose aforesaid; and that a sum not exceeding \$100,000 per annum be provided for the services aforesaid.

"*Resolved*, That the President of the United States be authorized to give preference, in point of time, to the completion of such of the said fortifications as he may think advisable."

Mr. PARKER moved that the following words should be struck out of the first resolution: "and constructed of the most durable materials, so as best to answer the purposes of defence and permanency."

Mr. FITZSIMONS was in favor of permanent fortifications; for if they were only slight, in three or four years they would be destroyed.

Mr. HAZEN was for reducing the number of fortified places, and making the remainder more complete. He mentioned Alexandria, in Virginia, and Annapolis, in Maryland, as two of the places which he thought it unnecessary to fortify.

Mr. GILES was averse to going into much further expense. He hoped that the clause with the principle which it contained would be struck out. The clause was accordingly struck out.

Another amendment was then proposed, which likewise gave rise to a long conversation. The sum of the subject in dispute was, whether all the places at first proposed should be fortified, and in what way a durable fortification ought to be made?

Mr. GOODRICH at last moved that the Committee of the Whole rise, and the report be referred to a select committee.

Mr. FITZSIMONS imagined that this would be a mere loss of time. It would be doing, as is too often done, getting rid of the business for the meantime, and receiving it back again exactly as we gave it.

Mr. AWES, in making some remarks on the subject, adverted to the present state of Castle William, at Boston. It would, said Mr. A., be much safer to stand without such fortifications than without them.

Mr. SEDGWICK observed, that the account which his colleague had given was perfectly just. No gentleman in that House, perhaps, knew less than he did of these matters, but it required no skill in fortifications to see that those referred to were of very little value. A single ship of war could lay all our large trading towns under contribution. We are more prosperous than any other nation. Surely, then, America may, like other nations, afford to fortify her harbors. He spoke this on account of the public at large, for neither he nor his immediate constituents were in any danger from such a thing.

Mr. DEARBORN admitted that Castle William was capable of very little defence. In fact it was in a state of ruin.

Several other gentlemen also spoke. At length

Mr. S. SMITH insisted that the Committee should rise, as it was evident that they could not at present determine what was meant by a durable fortification. One gentleman understood one thing, another gentleman understood another thing, and so on. They were in fact not doing any business. The Chairman asked leave to sit again, but on the motion of Mr. NICHOLAS, the report was referred to a select committee. The House then adjourned till Monday.

MONDAY, January 26.

A memorial of sundry manufacturers of hemp, in the town of Boston, in the State of Massachusetts, whose names are thereunto subscribed, was presented to the House and read, praying that the drawback of the duty imposed by law on the importation of foreign hemp, may be allowed on the exportation of the same, when manufactured into cordage within the United States.

Ordered, That the said memorial be referred to Mr. GOODHUE, Mr. WARREN, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. CORN, from the committee appointed, presented a bill relative to cessions of jurisdiction in places where have been, or may hereafter be, erected and fixed, light-houses, beacons, buoys, and public piers; which was read twice and committed.

Mr. WILLIAM SMITH, from the committee appointed to consider and report on the expediency of continuing in force or repealing the whole or part of the act, entitled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same," made a report; which was read: Whereupon,

Resolved, That it would be expedient to repeal the first, second, third, and fourth sections of the said act, and to continue the fifth section in force for another year, so far as relates to the importation of brass cannon, muskets, and firelocks, with bayonets suited to the same, pistols, swords, cutlasses, musket ball, lead, and gunpowder; and for two years longer, so far as relates to the importation of sulphur and saltpetre.

Ordered, That a bill or bills be brought in, pursuant to the said resolution; and that Mr. WILLIAM SMITH, Mr. DAYTON, and Mr. CLARKES, do prepare and bring in the same.

A memorial of Brothers, Coster, and Company, of the City of New York, merchants, was presented to the House and read, praying that they may be permitted to export to the West Indies, or be allowed the drawback of the duty on a quantity of cutlasses which they imported before the passing of the act prohibiting the exportation of arms and ammunition.

Ordered, That the said memorial be referred to the committee last appointed, with instructions to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODHUE, from the committee appointed

presented a bill relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage; which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the memorial of George Latimer and others, which lay on the table: Whereupon,

Resolved, That a committee be appointed to bring in a bill authorizing the allowance of a drawback of the duties on such part of the cargo of the ship Enterprise, Herbert Jones, commander, as has been imported from Newbern, North Carolina, and shall be exported from Philadelphia.

Ordered, That Mr. FITZSIMONS, Mr. GOODHUE, and Mr. EDWARDS, be appointed a committee, pursuant to the said resolution.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the several acts imposing duties on goods, wares, and merchandise, imported into the United States," with several amendments; to which they desire the concurrence of this House.

"The House proceeded to consider the said amendments, and the same being read, were agreed to.

Mr. SHERBURNE, from the committee to whom was recommended the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read: Whereupon,

Ordered, That the said bill and report be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole on the bill supplementary to the act, entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels," and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

On a motion made and seconded that the House do come to the following resolution:

"*Resolved*, That the State of Georgia be reimbursed the amount of a suit of the executors of Robert Farquhar against the said State, for sundry goods sold to the said State, for the use of the troops of the United States, which suit was depending before the Supreme Court at the time of the settlement of the accounts between the United States and individual States, and has been since discharged by the said State giving its obligation for the principal sum of the said suit."

Ordered, That the said motion be committed to the Committee of Claims.

Mr. HEATH, from the committee appointed to inquire and report what progress has been made in the settlement of the accounts of the former Government; what are the unpaid balances on the

settled accounts, together with the measures taken for recovering payment of the same; whether any, and what steps have been taken to compel persons to whom public money was intrusted to settle their accounts; and whether any further measures are necessary on that subject; made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled, "An act to establish a uniform rule of naturalization, and to repeal the act heretofore passed on that subject," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" which was read twice and committed.

INVALID PENSIONS.

The House resolved itself into a Committee of the Whole House on the bill supplementary to the act concerning invalids.

Mr. TRACY proposed an amendment which was in substance that every commissioned officer who has received commutation, and who has been, or shall be placed on the pension list, shall not be entitled to receive his pension unless he shall first have returned the commutation which he has received, into the Treasury of the United States.

The amendment was agreed to by the Committee.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

THOMAS PERSON AND OTHERS.

Mr. McDOWELL observed that there was before the House a report of a committee on the petition of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio. This report was taken up some weeks ago, but was then postponed with an expectation of farther information coming to hand, and this information has now been received. Mr. McD. therefore notified the House, that he should call up that report to-morrow. It was, he said, a subject of considerable importance. He wished gentlemen to turn their attention to it, for a decision appeared necessary, as a great number of citizens in the State of North Carolina, and elsewhere, are waiting with anxiety for a determination.

NATHANIEL APPLETON.

The House went into a Committee of the Whole, on the report of the select committee on the petition of Nathaniel Appleton, a sufferer by fire. The substance of the report was,

"That the sum of ——— dollars be paid out of the Public Treasury to Nathaniel Appleton, to compensate him for his losses by fire during his exertions to save public property, while his own was consumed."

Mr. NICHOLAS wished to know what was the public property saved.

Mr. DEXTER replied that Mr. Appleton was a Commissioner of Loans, and he had saved books and papers relative to the Debts of the United States. What would or might otherwise have been saved, there was nobody who could tell.

Mr. BLOUNT objected to this proposal as a bad precedent.

Mr. TRACY doubted whether the House could properly grant a general kind of thing like this. If it had been possible to specify something worth ten, or a hundred, or a thousand pounds of the property of Mr. Appleton consumed by fire, while he was saving the public property, and which but for that, would have been saved, he might then agree to it, but such a proof was impossible.

Mr. SEDGWICK was for agreeing to the report.

Mr. BOURNOR was against it. The more the consequences of this grant were contemplated, the more dangerous they would appear. If it had been proved that in the case of fire, Mr. Appleton had not given his first attention to the public papers, the Legislature would, in the opinion of Mr. B., have tried some means to get him dismissed. Mr. Appleton had, in his memorial, stated, that his salary was too small, owing to the prodigious advance in the price of living. This was a quite distinct thing from the misfortune by fire. If the salary was too small, Mr. B. was willing to make it larger.

Mr. CHRISTIE wondered that the gentleman from Massachusetts, [Mr. SEDGWICK] could think of proposing such a payment. Not long ago, it was proved that an officer, (Major Rudolph,) had spent an hundred pounds in the service of the public, and had never got payment, and this gentleman refused to pay him. But now, because a man, when his house was burning had taken up an armful of books, and got away with them, you are to pay him. There was no consistency in such things. Mr. C. said that he feared the merit of the claim was affected in this case by the quarter from whence it came. There was no consistency in such opinions.

On a division thirteen members were in favor of the report, which was thus negatived.

The Committee rose, and the House adjourned.

TUESDAY, January 27.

An engrossed bill, supplementary to the act entitled "An act to provide more effectually for the collection of the duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," was read the third time, and passed.

An engrossed bill, supplementary to the act concerning invalids, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the ascertainment of certain losses of the officers of Government, and other citizens, by the insurgents in the Western counties of Pennsylvania, and providing some present relief to the

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sufferers," with several amendments; to which they desire the concurrence of this House. The House proceeded to consider the said amendments; and, the same being read, were ordered to be committed to a Committee of the Whole House to-morrow.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of the Receipts and Expenditures of public moneys, from the first day of July to the thirtieth day of September, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

Mr. FITZSIMONS, from the committee appointed, presented a bill to authorize the allowance of drawback on part of the cargo of the ship Enterprise; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act entitled 'An act to establish the Post Office and Post Roads within the United States;'" and, after some time spent therein, the Committee rose and reported progress.

Ordered, That the Committee of the Whole House be discharged from the further consideration of the said bill; and that it be again recommended to Mr. SHERBURN, Mr. HARTLEY, Mr. DEARBORN, Mr. McDOWELL, and Mr. GREENUP.

The SPEAKER laid before the House a Letter and report from the Secretary of War, made by order of the President of the United States, pursuant to the resolution of this House of the twenty-first instant; which were read, and ordered to be committed to the Committee of the Whole House, to whom is committed the report of the committee appointed to examine and report what proceedings have been had under the act "for making further and more effectual provision for the protection of the frontiers of the United States," and to report whether any, and what, alterations are necessary to the several laws respecting the Military Establishment, and the protection of the frontiers of the United States.

The House proceeded to consider the report of the committee appointed to inquire and report on the expediency of erecting a light-house near the entrance of the harbor of Georgetown, in the State of South Carolina, which lay on the table. Whereupon,

Resolved, That it will be proper that a light-house be erected near the entrance of the harbor of Georgetown, in the State of South Carolina.

Ordered That a bill or bills be brought in pursuant to the said resolution; and that Mr. WILLIAM SMITH, Mr. GROVE, and Mr. BENTON, do prepare and bring in the same.

REDUCTION OF SALARIES.

The House resolved itself into a Committee of the Whole House on the motion of the twenty-third instant, "that a committee be appointed to bring in a bill or bills to amend the act entitled 'An act for establishing the salaries of the Executive Officers of Government, with their assistants and clerks;'" and an act 'for allowing compensa-

tion to the Members of the Senate and House of Representatives of the United States, and to the officers of both Houses; and to reduce all such salaries as, in the opinion of the said committee after having made due inquiry, ought to be reduced."

Mr. CLAIRBORNE said: A worthy gentleman from Maryland, the other day, suggested an amendment to the proposition now before you, which I understood to contemplate the increase of some salaries; and, if that gentleman can reconcile it to himself and his constituents, let him move and carry it, if he can. For my part, I am pleased with the proposition as it is, and yet it may have great imperfections. It is very common for fond parents to be blind to the imperfections of their own offspring; and, as this is a production of my own, it is probable that I may be under the same delusive prejudices, but I hope that cheerful acquiescence which I have always shown to the majority, has sufficiently evinced that I am no bigot to my own opinions. I said, the other day, that I should be by assassination; but as, in this, a degree of guilt is implied, and might be attended with serious consequences to those concerned in it, I shall be satisfied to give it a fair trial, and, if it must die, that it may be by legal and fair adjudication, or, in other words, after full and fair discussion of its merits.

We now have fairly before us a proposition that contemplates a redress of these grievances, which, since the adoption of the present form of Government, have been a subject of grievous complaint and heartburning amongst the citizens of the United States. Many of them, and, I believe, a very great majority, conceive that the exorbitant salaries established to the Legislative, Executive, Judiciary, and their assistants, are not consistent with, or can possibly contribute to the existence or well-being of a Republican Government, which, in its nature, holds out the idea of equality and justice, but which, in the present mode of administration, cannot fail to have a direct opposite tendency, inasmuch as the very profuse salaries that all who have the good fortune to get places under the pay and influence of the present Administration, if they make a prudent use of them, must ultimately enrich and place them in a situation so far above the vast bulk of the citizens, whose industrious fingers are not permitted a single dip into those very coffers which have been swelled by filching a little from that hard-gotten pittance already far inadequate to the necessary but very ordinary subsistence of their families, as at last to endanger the very existence or shadow of this glorious and dear-bought Government, that has already raised the drooping and once-dejected heads of the poor American citizens, who now glory more in having thrown off that subordinate glory that was assumed and exercised over them under the late detestable Monarchical Government, by their rulers, or public officers, than even in their lives and fortunes. Men begin to know the inherent rights of human nature. They have dipped into and tasted a little of the sweets of po-

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litical regeneration, and, amongst all classes of your citizens, you may discover a zeal that amounts to enthusiasm, that lives and burns and grows almost to a prodigy. Instances are not wanting, sir, to evince that thousands of those who were not fond of this Government at its adoption, are now, on all occasions, ready to step forth in its support, and the laws that are passed consistent therewith. But this does, by no means, argue that they will submit for ever to repeated abuses of the Government, which may ultimately tend to its overthrow; and exorbitant salaries, with other profuse appropriations of the public money, at a time when the nation is groaning under an immense weight of foreign and domestic debt, which, (calculating upon the blessings of peace, and, of course, a very increasing revenue, not reasonably to be calculated on so long a time,) it is agreed on all hands will take a term not less than thirty-two years to extinguish. They conceive this to be one of those abuses, and, vested with the rights of freemen, closely interwoven with the obligations of good citizens and lovers of their country, have ventured by divers ways, to suggest their disapprobation thereof, in hope that its glaring impropriety would be taken up and removed, as far as the present situation of our finances and the public good will admit. It is true, they have not come forward in the Constitutional mode by petition, &c., but no member in this House, will, I presume, say that they have not heard the loud clamors and complaints of the people on this subject. But perhaps I shall be answered that I am not charged with their petitions to make the proposition, and if I was, that the people are not proper judges whether the salaries complained of are more than adequate, and to prove that some of them have not been so, I shall be told that the allowances to two of your most valuable officers have been so inadequate as to drive them out of your service. To this, I answer, that many other officers, with as large families, and a much less salary, have not abandoned your service—and why, sir? Permit me to answer, because they have probably proportioned their style of living to their quantum of salary, which prudence dictates, or custom has established, through all ranks of your citizens; also whence comes it that twenty-five thousand dollars per annum is not too much for the President of the UNITED STATES? Five thousand dollars is enough for the Vice President, two thousand one hundred and ninety for a member of Congress; and the salaries of many of your valuable officers, who have families, and devote their whole time to your service, are as low as five hundred dollars per annum. Here I shall again be told that the price of house-rent, and every other necessary of life, has increased, and may continue to increase, so as to drive all your officers out of your service. To this, I beg leave to answer, that if you continue such high salaries, or increase them, as in some instances it is asked, and because of the present enhanced price of the necessities of life, I think the evil will increase in proportion to the immense sum of money that you throw into cir-

culation, for a redundancy of that, or any thing else, will always diminish the value; and, if the present custom of disbursing the public money is persisted in, the whole wealth of the United States must shortly centre in and about Philadelphia! But, sir, by the adoption of public economy, we may shortly become able to obviate this great evil, and make our disbursements more diffusive, by paying out money to those who have demands upon your justice, distributed over the United States, if any but those who reside around the Seat of Government have any demand upon your justice or goodness. I am apprised that the proposition is a very unpopular one here, and that many will perhaps knit their brows at me; but, sir, when I entered into public life, it was without any cringing views. I meant not to court smiles, or frowns, and I had no doubt but I should meet my share of both. When I gain the former by proper conduct, I have pleasure in it; when the latter by improper conduct, I am sorry for it. But it will be much to be lamented, if ever we see the day when the people shall be suffered to complain from year to year of any grievance, and their Representatives shall be ashamed or afraid to make those grievances known, or ask redress, lest they be laughed out of countenance, or lose favor at Court. But so hardly am I, if you prefer that expression, that, while I have the honor of a seat in this House, none of those considerations shall ever deter me from stepping forth in their behalf; but be the result of this proposition what it may, I now warn you against evils that may come, as you have been heretofore warned of evils that have come, for the obligations of power and submission are reciprocal. It is as much your duty to pass wholesome laws, as it is the duty of the people to obey them. And now, having done my duty, I shall take my seat content to abide the result, but hope a committee will be appointed.

Mr. NICHOLAS declared that he would be very willing to vote for the appointment of such a committee, if he could see any good purpose to be derived from it, or if the gentleman who laid the resolution on the table could give him any information that tended to prove its expediency. For his own part, he had but a small family, and of that he had left one-half behind him in Virginia, yet he found that his allowance as a member of the Legislature was barely sufficient for supporting this half of his family, though he lived with as much economy as he ever had done in his life. He was certain that he should not take one shilling of public money home with him to Virginia. He requested gentlemen to remember that it was not the present Congress who had given six dollars per day to themselves, but that it had been fixed by their predecessors, and fixed at a time when living was fifty per cent cheaper than it is now.

Mr. BOURNOR observed, that he should not have troubled the Committee on this question, had it not been for several considerations particularly applicable to himself. He was as impartial on the present debate as any member on the floor. After the close of this session of Congress, he

never expected to receive a farthing of public money again, and therefore no interest of his own could sway his judgment improperly to object against the resolution on the table. He had been among the number of those members who originally were for fixing the compensation of members of Congress at a less sum than six dollars; not because he thought it beyond the amount of their expenses, but from an idea of the then degraded state of the finances, and that, if sacrifices were to be made, they should begin with this House. He appealed to his uniform conduct for six years past, to prove that he had always opposed an increase of salaries or other public expenses, when the interest of the Union did not require it. He did not doubt that the gentleman who brought forward this resolution, thought he was doing his duty in advocating it; and Mr. B. thought it was equally the duty of the Committee to be convinced that they were not wasting their time in unnecessarily proceeding in business, without having some foundation for rational inquiry. The gentleman had declared that he was led to bring forward the resolution, not from any conviction of his own, for he knew not the officer to whom he could point his finger and say, that he had a greater salary than he deserved, but it was from the voice of the people, who were discontented and clamorous on the subject of large salaries, and particularly the compensation to members of Congress. Mr. B. said, for his own part, he did not believe these objections arose from the voice of the people. Had the gentleman offered any evidence of this to the Committee? That he believed it himself, Mr. B. did not doubt; but this ought not to be sufficient evidence to the Committee. There was none on the table. Not a single petition had come forward to the House on this subject. There was nothing in the complexion of our Government that prevented the application of the people to their Representatives, if they were dissatisfied. They had frequently chosen the same members who voted for this compensation. From whence, then, arose the evidence of the public voice being clamorous against the compensation of the members of Congress?

Mr. B. did not doubt but there were uninformed individuals, who might object to six dollars per day; but he was confident that the well-informed among the citizens of the United States, and those who reflected on the subject, would think (at the present day at least) it was not more than would barely pay the reasonable expenses of gentlemen who attended to their duty here in a proper manner. Almost every article of consumption was from twenty to thirty per cent. higher now than it was at the commencement of the Government. The Constitution of the United States as the act of the people and the public voice contemplated a compensation to the members of Congress. Did not this mean something more than the bare discharge of their expenses? Yet Congress had not gone beyond it.

When Congress sat at New York, Mr. B. said that he was in a situation more favorable in point

of expense than any gentleman on the floor, who did not reside in that city. He boarded with a near relation, and was in a manner in his own family; and, although he paid the usual price of boarding as at other places, yet there were a thousand nameless small articles which saved him many advances. He was within sixteen miles of his own family, from whence he received many things that prevented his laying out money. During three sessions he kept an exact and faithful account of his expenditures; and, at the end of that time, the balance was but 43s. 4d.; but on which side of the question his memory did not allow him to say. At present, he was also under very peculiar advantages, yet he was confident that, at the end of the session, he should not have any balance in his favor, from his compensation as a member. Mr. B. appealed to every gentleman's own knowledge, and particularly to the gentleman who made the motion, if he thought that what he received would more than pay his expenses.

Gentlemen were often crying out against an Aristocracy in this country; yet measures of this kind tended to establish one, by reducing the compensation of members, so that no citizen but the rich and affluent could attend as a Representative in Congress. This certainly was the most effectual way of bringing about a dangerous Aristocracy in the United States. Should not men of abilities, though in the middle walks of life, be encouraged to come forward and yield their services to their country, without being dependent on any person or set of men whatever? Is it not sufficient that their time and talents are given to the public? Must they pay their expenses too?

Mr. B. was aware that the resolution proposed related to the officers of Government as well as members of Congress, but he had confined his remarks to the last, as the part of the subject he was best acquainted with. He begged gentlemen to look around and point out the public officer who received more than a reasonable reward for his services. Professional men of the first abilities, were absolutely necessary to carry on the public business; and could any one, fit for his office, be shown who could not do full as well, if not much better, in the exercise of his profession in private life, than he did in the public service, if pecuniary matters were his only object? In short, (Mr. B. said,) this House was placed between Scylla and Charybdis. The public officers were complaining, and even resigning, for want of sufficient compensation for their services; on the other hand, an attempt was now made to reduce their salaries still lower, on the supposed clamors of the people. Mr. B. did not believe they could be denominated those of the people; neither did he see any evidence of the fact. He did not consider the complaints of a few individuals as the public voice. Ought not the gentlemen to come forward with some kind of calculations or estimates to have shown that certain salaries were too high, or more than the services performed were entitled to? This had not been done; but the Committees were urged, at this important moment, to proceed to an inquiry, which every gentleman on the floor al-

ready knew as well as he could do by the most laborious investigation. He therefore concluded that, to agree to the resolution, would be a waste of the short time that yet remained of the session, and an unwise measure. Mr. B. would have contented himself with joining the Committee in a silent vote on this subject, but he thought the observations made in support of the measure ought to receive some answer, if not to convince the Committee, yet to satisfy their constituents that there could exist no necessity for a present inquiry of this nature.

Mr. CLAIBORNE begged leave to remind the House that he had never asserted the salaries were too high. His motion went only to appointing a committee for an inquiry whether the salaries were so or not.

Mr. W. SMITH said, that the resolution was, in its present shape, so extremely vague, that one did not know how to give it a definition or a vote. Different objects were lumped together. If, by an inquiry, the gentleman meant to examine into the wages of members of this House, it was quite needless to appoint a committee, because every member can at this moment speak for himself. But Mr. S. did not consider the present time as the most proper for beginning to reduce salaries, when, within the last twelve months, there had been three resignations, viz: the Secretary of State, the Secretary of War, and the Secretary of the Treasury, and all chiefly for one reason, the smallness of the salary. I have no doubt (said Mr. S.) of there being complaints, and, if the salary was reduced to three dollars per day, there would be still complaints, as we see in the case with the members of the Legislature of Pennsylvania. He only wished that the Committee would rise, and he should then vote in the House that they might not have leave to sit again. The mover of this resolution had mentioned the danger of meeting with reproaches from the people, who thought their salaries too high. Mr. S. saw very little in this matter, because the people who railed at the salary of six dollars per day, were only anxious to get in themselves, and embraced this topic as an expedient of ousting those members whom they wanted to succeed.

Mr. GOODHUE wished to ask Mr. CLAIBORNE one question, "Whether he found himself growing rich?"

Mr. SEDGWICK saw no occasion for rising because the Committee were perfectly competent at this moment to determine the question.

Mr. RUTHERFORD was for reducing the salaries by one dollar per day, and one dollar every twenty-five miles that the members had to travel. This would be a reduction of one hundred dollars per day, which would be much better bestowed upon the innocent widow of the veteran who had fallen in the service of his country.

Mr. PAGE said, that he did not think the resolution as it was worded, was a proper subject for discussion in that place; for the House, and not a committee, could properly resolve that committees should be appointed. However, as the resolution had been submitted by the House to the consider-

ation of the Committee of the Whole, it must be examined; but, as to the object of it, that he thought was more properly before the Committee, as proposed by the resolution; for, as I have remarked on other occasions, if, instead of discussing a question fully, and collecting the sense of all the members in a Committee of the Whole, it be referred to a committee of one member from each State, that committee might be unanimous in favor of a resolution, against which, eighteen members from Virginia, and a proportionate number from other States, might vote; or, by the weight of that committee, the resolution might be carried, which could not have passed had it been fully and freely discussed in the House. Here, then, my colleague's question should be examined, as I cannot say (as has been said by one of them) that I had no hand in fixing the salaries and pay of the officers of Government and members of Congress, having actually voted at New York for them as they now stand. I think I may with propriety, give my opinion respecting it. And I am clearly of opinion, sir, that the question arises from a misapprehension of the subject to which it is applied; for there cannot be a greater mistake than to suppose that parsimony in a Republic is necessary to its support. A certain degree of economy is so; but parsimony, applied to the salaries of public officers, and the Representatives in particular, may be ruinous to the interests of a Republic. Should the salaries be so low that men of small fortunes cannot afford to serve their country, it must be deprived of their assistance, and we must accept of the services of the rich, who, to have their wills, though low, will serve even without pay; or, the State will be served by artful demagogues, by ready, designing men, who may, in pursuit of profit as well as popularity, cut out places for themselves and friends, producing at length confusion and anarchy, or, at least, such a bungling system of legislation as will cost more time and money to rectify their blunders than the most extravagant salaries could amount to. What true Republican could wish to exclude from a seat in Congress a physician, lawyer, merchant, farmer, or any other person possessed of such well-known abilities and virtues as to attract the attention and respect of a district which might wish to intrust its interests to him as a Representative? Or, rather, who ought not to desire that, as all offices are open to all, that the son of the poorest citizen might be enabled, if qualified, to fill a seat here or elsewhere, to do it without sacrificing his private interest? Is it reasonable to expect that men should sacrifice domestic ease and the interests of their families to serve their country? It is not just to require it. Human nature, except on great and trying occasions, cannot obey such a requisition. My colleague says that he is not a man of fortune; but, has he not a profession by which he can make more than by his attendance on this House? If not, he has not a right to require such a sacrifice of any other person's time and talents. The Constitution, far from requiring any thing like it, demands that compensation shall be made for all services; and who will desire less for ser-

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vices than a mere subsistence for a person whilst actually employed in such service? I am sure that less than the present pay of members of Congress would not, in their present situation, be a subsistence. I recollect that, when the House of Representatives were debating, in the first session, at New York, whether their daily pay should be four, five, or six dollars, I affirmed that the expenses of the members where I boarded required that it should be six, that the State of Virginia having once allowed her Delegates to Congress eight dollars, and never less than six, when she bore the whole expense, could not object to her Representatives receiving that sum, when divided, as it was, amongst the States, and spread out over the various duties and taxes of the United States. I asked those, as I might ask my colleague now, who of our constituents could calculate what he would save by any proposed reduction of our pay? I have long suspected, sir, that Republics have lost more by parsimony than they were aware of, and that a misapprehension of some practices in ancient Republics has been artfully kept up, so as to favor Aristocracy and Monarchy. The British Parliament has now no pay; but have they been as independent as their countrymen wished them under the British Government?

The Upper House of the Legislature, which was also the Supreme Court and Privy Council, had a moderate salary, and would never consent to have it raised, that it might be no object to men of small fortunes. But we are told that there is discontent amongst some of our constituents respecting the high salaries of certain officers of Government, as well as of the members of Congress. I am sorry to hear it; but I hope that when they reconsider the subject of their complaint, they will find that it was founded on mistaken ideas of what is the real interest of a Government like this. I believe such a dissatisfaction is subsiding. I know that I was informed that some of my constituents had objected to my re-election on account of my votes at New York for high salaries; but I was re-elected by a great majority of votes in a district of ten counties, and have been again elected by a district composed of six other counties—that county in which I was born, and have always resided, being the only one which made a part of the former district of ten—and yet I have heard no complaints respecting our six dollars: on the contrary, I have been often told they were a moderate compensation. Had my constituents furnished me with instructions to vote for a reduction of it, I should have obeyed them. Had they sent by me remonstrances, such as my colleague says may be heaped upon your table, I should have laid them there; but I should never again ask them for a seat in the House. I should wish to retire.

In reply to the member who had objected to the pay of the SPEAKER, and the difference between the pay of members of the two Houses, Mr. P. said, that whoever would consider the duty of the SPEAKER; his long confinement to the Chair; his painful attention to every word spoken in the House, and his responsibility for the cor-

rectness of the Journals—an examination of which must take up much of his time—would surely not think his pay too great. As to the difference between the pay of a Senator and Representative, he had voted for it, from a belief that a Senator having more services to perform than a Representative, had a right to more pay. The Senate not only have to originate bills as this House has, and to revise and amend bills sent from hence, and often to correct the careless errors they contain, but to make themselves acquainted with the Law of Nations, and to be prepared to judge of Treaties; and also of offences brought before them by impeachments. When the Senators may have gone through the labors of a long session, and the Representatives are returning home, they may be called upon to consider certain nations to offices, or certain Treaties; and at another time to try certain impeachments. Besides all this, the age of a Senator must be such, by the Constitution, that it is probable that his family is larger, and his pursuits in life more fixed, and profitable than those of a Representative, who may be elected when only twenty-five, and therefore his services must require higher compensation. As to the President and Vice President's salaries, I voted for a larger sum than was allowed to either, and thought that the disproportion between them was too great. With respect to the judges, I still think their salaries too small, and so should every one think who will consider the vast importance of their office; the labor of both mind and body which it requires; the laborious course of study through which a man must have gone to be qualified for it, and the lucrative employment such an one must have given up to undertake it. In short, I do not repeat a salary which I think too high. And I must repeat it, that I do not think that large salaries in a Republic can injure it; but that small, inadequate salaries may overturn a Republic.

I am sorry that the question has been brought before us respecting our own pay this session, because the elections in Virginia are not over; it would become us much better another session, if re-elected, to reduce it, than to do so when we may be left out. Besides, if I vote for a reduction, I may be suspected of courting popularity; and, if against it, of despising the opinions of my constituents, if they have adopted those which some members tell us prevail amongst their constituents. I do not like to be in such a dilemma, nor to have my independence unnecessarily tried. I wish, as the question is before us, that it may be fully debated here, and even referred to the further consideration of a select committee; because I think the opinions even of a single member and his district should be treated with respect; and that when they have been fairly proved to be founded in error, there will be an end of complaints, and an acquiescence in the decision of this House.

Mr. GILLESPIE proposed an amendment, the scope of which was, that a committee should be appointed to examine and report whether any and what alterations were necessary in the act

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fixing salaries to the officers under Government. He suggested this amendment from no motive whatever but what was fair. There had been, and there still was, a degree of clamor upon the subject, and it was the duty of the House to pay attention to the voice of the public, whether right or wrong. If, upon investigation, it should appear that the salaries were not higher than they ought to be, then the report of the Committee would be the best method for stopping the public clamor.

Mr. CLAIRBORNE hoped that the Committee would not rise, but decide the point. He trusted that no gentleman would again point at him, and say that the motion came out of his brain. There was not one officer under Government whom he would point out and say, that such an officer had too high a salary. He had expectations that this discussion, by bringing forward the observations of several gentlemen, would in some degree satisfy the people, and that there would be no more pointing out with a finger and saying, "There goes a six dollars-a-day man."

Another member observed, that it was the duty of the House to attend to the voice of their constituents, and for this reason, he should vote for a Committee. He would mention what he had always considered as a most odious distinction, the additional dollar per day, which is to be paid to the Senate from and after the 4th of March next. [The reader will observe, that by the act, members of the Senate were to have seven dollars per day, but the additional dollar was not to commence till the lapse of six years, when all the Senators of the first Congress had gone out.] There was another thing for which he never could see any reason, and that was the giving of twelve dollars per day to the SPEAKER.

Mr. GILES was perfectly convinced that the allowance to the members is small enough already. The saving of a dollar per day suggested by Mr. RUTHERFORD, would be but little, and it was beginning at the worst of resources. The pay ought to be such as would bring persons of middling circumstances into the House; persons neither too high in life nor too low. If the pay was greatly reduced, none but very rich people could afford to give their attendance, and if too high, a seat in the House might be an object to persons of an opposite description. Formerly the State of Virginia allowed eight dollars per day to the members of its Legislature. This sum had since been reduced to six dollars. Mr. G. mentioned this to show that in the practice of individual States, there might be found a precedent for the allowance to members of Congress. He was for voting directly. Mr. G. said, that there was a country from which America had copied a great deal, and very often too much; a country which still had a very pernicious influence in the United States. The members of the British House of Commons received no wages, while the officers of State had immense salaries. It was, however, understood, that the British House of Commons were very well paid for the trouble of their attendance. Mr. G. did not wish to see scenes of that kind in this country.

Mr. HILLHOUSE hoped that the House would have done with this thing immediately, as it had now answered all the purposes expected from it, and he trusted that all motions of that sort which had an eye to certain operations out of the House, would meet with the same fate.

The motion was negatived by a very great majority.

[Before the adjournment, the SPEAKER suggested to the House a considerable inconvenience, occasioned by gentlemen being introduced, and occupying such parts of the House without the bar as were particularly allotted for the use of the House, and of which several members complained. There was often so great a crowd that members could scarce walk round when they had papers to present to the Chair. The passage was often obstructed when messages were to be delivered, and frequently there was no room left for the members when they wished to confer privately with each other. As he did not conceive himself authorized to give special directions without orders from the House, he would take the liberty to suggest to the members of the House, when introducing their friends, the propriety of placing them under the galleries to the left of the Chair, and reserving the space to the right of the Chair for the members of both branches of the Legislature, the diplomatic gentlemen, judges, and other officers of Government; which was generally acquiesced in.]

WEDNESDAY, January 28.

A petition of sundry iron masters, in the State of Pennsylvania, whose names are thereunto subscribed, was presented to the House and read, praying that an additional duty may be imposed on all iron imported from foreign countries; or that such other encouragement may be given to the manufacturing the said article within the United States, as to the wisdom of Congress shall seem meet. Laid on the table.

The House resolved itself into a Committee of the Whole House on the bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same;" and, after some time spent therein, the Committee rose, and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was referred that part of the Message from the PRESIDENT OF THE UNITED STATES, of the eighth instant, which relates to the Letter from the Governor of the Territory Northwest of the river Ohio; and, after some time spent therein, the Committee rose, and reported the following resolution, which was twice read, and agreed to, viz:

Resolved, That an appellate jurisdiction of all causes whereof one Judge of the Supreme Judicial Court of the Territory Northwest of the river

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Ohio, now has jurisdiction, ought to be given to the two Judges of the same Court, who may not have adjudicated on the first trial, and the Governor of the Territory; any two of whom to form a Court for that purpose: and also, that, in cases of greater amount than five hundred dollars, an appeal ought to be given to the Supreme Judicial Court of the United States.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DEXTER, Mr. HARTLEY, and Mr. HARRISON, do prepare and bring in the same.

Mr. SAMUEL SMITH, from the committee to whom was re-committed the report of the committee on the report of the Secretary of War, respecting the fortifications of the United States, made a report; which was read, and ordered to lie on the table.

THOMAS PERSON AND OTHERS.

The House resolved itself into a Committee of the Whole House on the report of the select committee on the Message of the President, with a Letter from the Governor of North Carolina, enclosing the memorial of Thomas Person, and others, proprietors of land Southwest of the Ohio.

This report produced a long debate. It was contended that the Government of the United States ought to indemnify the purchasers of certain lands in North Carolina, who had purchased them, under the sanction of the State, from the Indians. The Government had given up the land to the Indians.

Mr. McDOWELL said, that the right of the Government for what they had done, might justly be called in question. He called upon the Legislature, in behalf of the people, either to give them sure possession of their lands or to give them some equivalent. He asked this as a matter of right, and not as a favor. Mr. McD. never had been, nor was now, a willing interested in the concern, but knowing, as he did, that a very great number of citizens were injured by this act of Government, he thought that it was just and right to compensate them in some way, or at least each of them as are willing to relinquish their claims. There were many in easy circumstances, no doubt, who would not be willing to give up their claims; but, on the other hand, many by their situation would be obliged to do it.

Several other gentlemen spoke, at length.

Mr. GILLESPIE moved that the Committee should rise, and the Chairman ask leave to sit again.

Mr. SPODWINX was for the vote being taken immediately.

Mr. MACON said that he had not before seen such conduct. It was plainly saying that we make no answer to your arguments, but call for the question, and outvote you. It was not consulting the dignity of the House.

Mr. SPODWINX did not know which way the votes would go, as he had not spoken to any gentleman upon the subject. This question had been very fully discussed, and listened to with great patience by the members.

At last the Committee rose; the Chairman re-

ported progress, and leave was granted to sit again.

THURSDAY, January 29.

AARON KIRCHELL, returned to serve in this House, as a member for the State of New Jersey, in the room of Abraham Clark, deceased, appeared, produced his credentials, and took his seat in the House; the oath to support the Constitution of the United States being first administered to him, by Mr. SPEAKER, according to law.

An engrossed bill to repeal a part, and to continue in force another part, of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," was read the third time and passed.

A representation of the Legislature of South Carolina was laid before the House and read, suggesting the propriety of an amendment to the Militia laws of the United States, relative to the rank of officers in the cavalry and artillery, as well as of those in the lines of the different States generally.

Ordered, That the said representation be referred to the committee appointed to prepare and bring in a bill or bills respecting the organizing, arming, and disciplining the Militia of the United States.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina: which was read twice and committed.

The House proceeded to consider the report of the committee to whom was referred the memorial of Joze Roiz Silva, which lay upon the table: Whereupon,

Resolved, That the Collector of the District of New York be authorized to receive the invoice and other profits of Joze Roiz Silva, respecting the cargoes of wines mentioned in his memorial, and if he shall be satisfied that the same, or any part thereof, was subject to a less duty than that charged and paid, then to refund to the said Joze Roiz Silva such sum, if any, as shall appear to be overcharged on the said cargo.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. CORFAX, and Mr. MALBOSSE, do prepare and bring in the same.

Mr. BALDWIN, from the committee to whom was re-committed the report of the committee appointed to report what further provisions are necessary for the more general promulgation of the laws, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THOMAS PERSON AND OTHERS.

The House then resolved itself into a Committee of the Whole, Mr. COBB in the Chair, to resume the consideration of the claims of Thomas Person and others, to certain lands lying on the frontier of the State of North Carolina, and ceded

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[H. or R.]

by the Commissioners of the United States to the Indians.

Mr. GILLESPIE took up the subject in the same stage in which it stood before he spoke the preceding day. He said, let us examine the conduct of other States. Did not New York dispose of lands within her chartered limits, and from the sales become wealthy, as she has large sums in the funds? The State of Virginia took advantage of the purchase of Henderson and Company, for that part now called Kentucky, although they now exclaim that the purchase was unlawful; yet, unlawful as it was, it has extinguished the Indian title to those lands. Now, if the purchase of Henderson and Company had this effect on the Northeast side of Walker's line, which divides Kentucky from the Southwest Territory, is it not just that it should have the same effect on the Southwest side, when made by the same persons, on the self-same day? And surely the rights of North Carolina must be at least equal to that of Kentucky, in everything except that of power. But is Congress going to legislate by strength of arm? I hope not. It has been admitted, by some who have spoken on the subject, that the citizens of North Carolina have a right of redress by law, and by others, against her own Legislature. To the first of these, I ask, against whom is the suit to commence? Are our citizens, thus bereft of their property, to be compelled to litigate suits at law for property taken for public use, and for which they have a just claim against the United States; or have they not an equal right to compensation for that which the United States, by their agent, took from them, as other citizens are entitled to, for property piratically taken on the high seas, by the robbers of Britain? And do we, in the last case, say to these unfortunate sufferers, commence suits against those who have injured you? No. Government has taken the litigation in hand, at her own cost. Let her do so with the citizens of North Carolina. Or, will the Government of the United States support the claim of the injured against her own Executive? Will they do it against the State of North Carolina? They cannot; and from what has been said in this matter it is plain that, as the Government of the United States has converted the property of the citizens of North Carolina to the uses of her Government, compensation ought to be made out of the public purse, as the contrary would, on her part, destroy that bond of union between her as the sovereign power of the United States, and her citizens, and as not only bound to govern with justice, but also to protect them from all manner of injury, as well domestic as foreign. Mr. G. apologized, that he was without authority in the House, but would pledge his reputation that what he should advance, if not verbatim, should be in substance with the author quoted:

"It is admitted by many, that the sovereign authority possesses a power, under the laws of ancient domain, to alienate the property of the subject, for the benefit of the Commonwealth, by impending public necessity against private injury." But, without doubt, they "that have lost or sacrificed their property to the public safety

in such extremity, ought to have satisfaction made, as far as possible, by the Commonwealth. Anything short of this would destroy the reciprocity between the sovereign and subject."—*Puffendorf*, b. 8, c. 5, § 7.

But can public necessity be urged in the present case to justify this kind of political robbery? I answer, no. If the Indians are to be kept in peace by bribes, why not in this, as in other similar cases, by presents and pecuniary rewards? Is it not an indignity to the United States to purchase peace from an Indian nation, at the expense of a part of her citizens, whose resources at best were scanty, and are, by this and other speculations, almost annihilated? Surely it is. And let me add, is it not an invariable axiom with all authors on Government,

"That all sacrifices of property made by individuals for the public benefit or accommodation, should or ought to be paid out of the public revenue, and that one should not bear more of the burden than another."—*Burlemaqui*, b. 8, c. 5, § 27, 28.

Is it not, then, obvious to all, who will reflect on this subject, that compensation is due to these individuals, whose property has been wrested from them for Government purposes? The same author observes, in the 38th section of the same chapter:

"That as no subject can assume any part of the sovereign power without the consent of the whole, neither can any sovereign authority deprive the subject of his right and property, nor substitute another sovereign over him without his consent."

The public is in nothing more essentially interested than in the protection of every individual's private rights, as modelled by the municipal law in this and similar cases. The Legislature can and frequently does interpose, and compel the individual to acquiesce. But how does it interpose and compel? Not by stripping the individual of his property in an arbitrary manner. No. But by giving him full and ample indemnification for the injury sustained; for there must be an end of all social commerce between man and man, unless private possessions be secured from unjust invasions. Thus, the protection of a State, in every precedent to be found in books that treat of the fundamental laws of civil society, or in the resolutions and acts of the British Parliament, means restitution, indemnity, or compensation. *Grotius*, when treating of the right of the sovereign authority to give up or take the property of the subject, calls it a "restitution, satisfaction." *Burlemaqui*, "indemnity, and indemnifying the subject for the injury sustained;" and *Vattel*, "recompense out of the public money." It is further observed, that cases of this kind operate, like property thrown into the sea to save the ship, by making an estimate of the loss, and causing an equal average on the property saved, which each owner is bound to pay. So that, from the fullest conviction, I am of opinion the citizens of North Carolina are entitled to the relief reported by the select committee, and that strict justice requires we should comply with it; for, as I have said, in nothing is the Government of the United States more concerned in a superlative degree, than in doing strict justice

to her citizens, as of the last importance in preserving the affections of the people to the Government. Vacancies in our Departments, civil, judicial, or military, may be supplied as well, but to restore the confidence of a people borne down with oppression, exceeds comprehension. It is like attempting to return from the grave—is without precedent, and is vain labor indeed. At different epochs it has shook the foundations of monarchies, and caused tyrants to tremble and atone for their crimes with their lives; and, as I said at an early stage of the debate, if usurpers, tyrants, and despots, have been compelled to do justice, by this undeniable law of nature, shall the Government of the United States, founded on the pure principles of Democracy, be less just? Surely not. Have we received a power to exercise in wantonly oppressing those who gave it? God forbid! Therefore, let it ever be impressed on our minds, that justice exalts a nation. The House, I hope, will pardon my detaining them, at a time when every moment is precious. But the duty I owe to my injured constituents forbids silence, and will I hope be a sufficient apology. I shall therefore, submit to the judgment of the House, not doubting but justice will be done.

Mr. NICHOLAS was satisfied that the purchasers of the lands had a claim either against the United States or the State of North Carolina. Much had been said about the Indian right; but the Indians never had been fit to occupy these lands. It could never have been the design of nature that these people should be termed the possessors of land which they were incapable to enjoy. He was, upon the whole, on the side of the claimants, though he enumerated some of the difficulties that would attend an attempt to please all parties.

Mr. W. SMITH had found much difficulty in forming his opinion upon this question. He had at first been somewhat disposed against the claimants, but at last, after full deliberation, he was convinced of the justice of giving them redress. He requested the particular attention and candor of the House. The United States were, in this case, made a judge in their own cause, and therefore it became more their duty to examine every part of the subject with the more accuracy. Mr. S. then began a distinct detail of the circumstances in the present dispute. Previous to the year 1776, North Carolina was a British Colony, and the British Crown considered itself as entitled to bestow grants of territory. In that year, North Carolina became a sovereign State, and consequently she conceived herself as succeeding to the right of the British Crown, and as having a right to bestow grants in the same way as the Kings of Great Britain had done. This claim was asserted in her general Declaration of Rights, and it was incorporated into her Constitution. When North Carolina entered into the Union, all the Legislative rights of the State were preserved, and, by a necessary inference, her title to the lands comprehended in her original charter. In 1783, the State opened an office to sell the absolute right of such lands as had not been disposed of. In 1789, North Carolina ceded the right of juris-

diction to the United States, but she reserved her own Legislative rights, and consequently her right to sell the lands within her own territory; and in disposing of the lands in question, the State did not intend merely to sell the right of pre-emption from the Indians, but the absolute title to the lands. Mr. S. read a part of the Constitution of North Carolina, in order to explain what degree of legislation the State had conceded to the Federal Government, and what part she had reserved to herself; and he was clearly of opinion, that the disposal of the lands had been reserved. In 1783, the State offered these lands for sale. In 1786, the Commissioners of the United States assigned a great part of them to the Indians. In 1788, the Legislature of North Carolina declared that they would support the purchasers. The grand question now is, did the State, by according to the Confederation, give up her right of legislation? She gave up her right to make Indian treaties, but reserved that of legislation, because, as above observed, it formed a part of her Constitution, which was understood to continue unviolated. These lands were bought with certificates, which it was alleged, on the other side, would purchase nothing else. If the certificates would purchase nothing else, it was proper at least that they should have been restored to their first owners, who might have subscribed them to a part of the Public Debt of the United States. They were certainly entitled either to their land or their certificates. These certificates, which were paid into the Treasury of North Carolina, were those of the United States. If the owners had only a pre-emption right, Mr. S. insisted that the certificates should be returned.

Mr. SEDGWICK said, that this was quite a new fact to him, and if it was as stated, there was no necessity for Legislative interference at all. The State of North Carolina had only to come forward and subscribe them to the Treasury.

Mr. W. SMITH explained, that when delivered into the Treasury of North Carolina, they had been cancelled. After this they were again ordered to be made current by the subscriptions of the officers of the State, and in that shape they were offered to the Commissioners of Loans, who refused to accept them. The exact amount of the certificates could still be ascertained, as well as the names of the persons to whom they belonged. They had been cancelled, but not destroyed.

Mr. BOUNDINOT imagined that Mr. SMITH had furnished a new and forcible argument against his own cause. This claim of North Carolina to sell the lands was wrong, and this doctrine had been the cause of all the disputes in which the Federal Government has been engaged. The Crown of Britain had never pretended to any right of this kind, nor ever thought it had a title to any lands till they were first purchased from the Indians. The question before the Committee was, have the United States taken away any claim which the purchasers of these lands had? And the answer is, that the United States have not. The State of North Carolina only had a right to sell the privilege of pre-emption. This was the only right which the purchasers obtained, and this right they

still possess. As to the certificates, they were not those of the United States, but those of North Carolina. They were not Continental certificates, and for that reason Continental officers would not accept them; but North Carolina has since brought these certificates into her account against the General Government. The Commissioners, in 1786, had done a very great service to North Carolina, by settling a line of boundary, and putting an end to the Indian war. He thought that the best way would be for the claimants to apply to the Executive, and agree among themselves to extinguish, by an interference of that kind, the Indian right. This would be much better than for the House to involve itself in the purchase of an immense tract of land, at an expense of seven or eight hundred thousand dollars, (or how much more Mr. B. could not tell,) when there was so much occasion for the money to pay the National Debt. He again declared that he should think it the best way to obtain the good offices of the Executive in extinguishing the Indian right. The Six Nations possessed part of the territory of Pennsylvania. This State also may apply to the General Government for redress, if North Carolina were to get payment for these lands. The State of New York may do so, for the same reasons as North Carolina. This would be involving the Government in an endless labyrinth. He was as unwilling as any gentleman in the House to interfere with the rights of the Legislature of North Carolina. But he did not wish to see the House going blindfold into the business. The United States have too much land already.

Mr. KITTERA.—The certificates must have been given in by North Carolina to the United States. She denied the right of the Commissioners, in 1786, to make Indian treaties, but now that right is given up. He agreed with Mr. BOUNDINOT as to his observations on Pennsylvania. Georgia, also, he said, had about sixty millions of acres within her chartered limits. The business would never have ended, if the General Government was to interfere in all these cases.

Mr. SCOTT.—Has not this Government a right to restrain every wild-goose excursion into the woods? If it has not, the Union must fall prostrate at the feet of every wild speculator. Pennsylvania, at a great expense, made preparations for an establishment at Presque Isle. The ground had been bought at a great expense from the United States. Yet for the sake of general peace, the settlement had been stopped.

Mr. McDOWELL denied that the two cases corresponded, for the lands at Presque Isle had not been given to the Six Nations.

Mr. BOUNDINOT differed from the last speaker. He did not think that anything farther had been done against the interest of North Carolina than against that of Pennsylvania.

Mr. BOUNDINOT denied that the Indians ever occupied the lands in question, or were fit to occupy them in any proper sense of the word. To walk across a country, and to shoot in it, was different from an occupation. But, besides, the Creeks and Cherokees were not the only tribes who had hunted

there. It had been said yesterday that these lands gave rise to speculation. Mr. B. wished that it had done so, for in that case the certificates would all have been paid by this time. There was no difficulty in funding Southern certificates, when once they got into the hands of Northern speculators. Mr. B. thought himself entitled to receive back from the United States the money which he had paid into the Treasury of North Carolina for these lands.

Mr. MURRAY requested the favor of any gentleman to inform him, whether the lands in question were possessed and occupied, in the more civilized sense of the terms, by the white people? He believed they were not. Had they been in peaceable possession, living on, and cultivating the lands, that circumstance would form a very interesting motive in his mind in favor of the indemnity that was asked. But, in fact, they never were possessed of any right but that which North Carolina could give them—the pre-emption right; that right they now possessed as fully as they did at the time of the cession to the United States. [Mr. CARRES rose, and informed him, that many white people, who had begun farms, were driven off their lands, and reduced to great distress by the proceedings of the Commissioners.] Mr. M. said, an argument struck him of some weight—that if the claim be gratified, the claimants will be in a better situation now than they would have been if the cession had not been made; for North Carolina could not have given them absolute possession but by force of arms. This she would not have a right to do, under this Confederation, nor under the Constitution, as no one State can make war. But the claimants can ask nothing more of the United States than they could have had accomplished for them by the State of North Carolina. A new doctrine resulting from the Revolution, must be admitted as a ground of reasoning, when Indian, unconquered territory, is before us. The Provinces had power, as individual bodies—which States, as such, have not—the right of making war, and gaining possession of Indian territory by conquest. So it was, that a Province could, from its own separate resources, make war on Indians, and pay individually the expense. But when the great contest for Independence came on, all the States were, in fact, principal confederated bodies, long before they signed the paper of Confederation. The doctrine, which suited such a body of States, was, that whatever might be gained by the joint efforts and expense of all, should be the property of all, jointly; and he thought that every principle of sound justice warranted him in applying the doctrine, so far as to say, that whatever might be the chartered limits of each Province, while dependent, yet the moment of the joint contest was that in which the true limits of a State were, as far as property in land went, confined to that boundary which was really located, occupied, and peaceably holden within the limits. To say that the State had a right more positive than the pre-emptive one, to lands actually occupied and defended by hostile tribes of Indians within the chartered limits, admits a prin-

ciple, that, if put into action, tended necessarily to violate the great principle of the Confederation, and of the present Constitution, which divests the individual States of the right to make war; as the State, to make good any sales she might make within the hostile territory, would be obliged to make war on the tribes to dispossess them. The lands in question were in this situation. They were occupied by Indian tribes, and were never in possession of North Carolina. The gentleman from that State seems to doubt the occupancy of the tribes. Mr. M. believed we would violate principles of justice were we to borrow the principle of occupancy from books, and apply it to Indian society. The Indian tribes held certain tracts of land. As to the mode in which they thought it most rational to use the land, it was nothing against their right to say its exercise differed from our mode. He understood they made a hunting ground of the land in dispute. They had a right to use it as such, and their mode of use was no argument against their right. All that could be, or was proved to belong to North Carolina, was the Colonial right of qualified sovereignty, called the pre-emption right. This was all she could grant, and this was all that the claimants could take from her. They had that now; and as he could not see the propriety of making their situation better than if the cession had not been made, so he could not agree to the resolution for giving them indemnity. Perhaps his ideas on the subject might be fashioned by local circumstances, belonging as he did to a State which had no share in those rich funds which the large frontier States possessed, he thought, very unjustly, in immense tracts of back lands. He felt it a duty to narrow all claims like the present as much as possible. Connecticut, Rhode Island, Jersey, Delaware, Maryland, were all in the same situation. They had no back lands, and were divested of the share they were justly entitled to in the back lands, which now bring immense funds of wealth into the land offices of those States which possess them.

Mr. HENRICKS wished to have that part of the law read which relates to the species of certificates referred to in the debate; this was accordingly done. Mr. H. said that he had not enough of evidence before him to give a vote. He therefore wished that the Committee might rise.

Mr. MACON said, that, according to Mr. BOURNOR, it was the doctrine of North Carolina in 1783, that the State possessed a right to the unappropriated lands. If that was their doctrine then, nothing had since happened which could make it cease to be so now. The Crown of Britain had transferred the absolute property of lands without inquiring for permission from the Indians. This evidence went strongly to prove that North Carolina had the same title. The case of Presqu' Isle did not apply, for Pennsylvania was raising troops to make that settlement, and no State can, by the Constitution, raise troops of itself. He wished the Committee not to rise till they had determined the question.

Mr. CANAN had foreseen that the claim before

the Committee would be opposed upon various grounds; but he considered none of them as well founded. Grants were first made by North Carolina to individuals, of lands within her chartered boundary. The cession made to and accepted by the United States, conditioned to secure the interest of individuals. A treaty was thereafter ordered to be held by the United States with the Indians, and by that treaty, lands formerly granted, were relinquished to them. The Commissioners of North Carolina protested in form. The people turned out, had paid ten pounds the hundred acres, for their lands, and they were entitled to compensation from North Carolina, or from the United States. It had been said, that North Carolina had no right but that of pre-emption. This Mr. C. denied. North Carolina had a right to all the lands within her boundary; and there was an express agreement reserving those lands to individuals. Why did the United States contract with the State, if she had no right? The Indians never could have been considered an independent nation, else there would be compensation in *imperio*. He mentioned the case of the Tallissee Country containing four millions of acres. By a treaty made in 1785, between the State of Georgia and the Creeks, this land was ceded to Georgia. By a second treaty, at New York, this very country was relinquished to the Indians, and of course the *bona fide* right of the State wrested from them. If a decision could be had on this case before a judicial tribunal, it would not require a moment's hesitation to determine in favor of the State, and that the treaty was a nullity. It had been alleged that the right of pre-emption was the only right in possession of the States, that is, a title to purchase of the holders of the property, in exclusion of all other States, or individuals thereof or the particular State. Mr. C. contended that the fee-simple of all the soil within the chartered limits belonged to the State. As to the boundaries, the definitive Treaty of Peace settles them beyond contradiction. As to the proprietors of these lands being in no worse condition now than before the cession back to the Indians, the people were plowing the lands, when driven from them, and will any gentleman say that this is not injuring people? As to the State of North Carolina having no particular claim to the land now beyond the Indian line, he would put a case within the chapter of possibilities. Suppose that all the Indians were driven over the Mississippi to-morrow, to whom would the lands which they now possess belong? The particular States, to be sure, within whose range they lay. The gentlemen who advocate for humanity, and who talk of treating the Indians with humanity, are the very men who have uniformly countenanced the raising of troops, and augmenting the force on our Northwestern frontiers. How can they reconcile their conduct? The Indians to the South are to be treated with humanity, and those to the North are to be butchered, that the United States may enjoy their property.

Mr. BOURNOR said, that the charter from Britain extended to the South Sea, but such a stretch of territory was not really claimed by Britain

He read several of the old laws of North Carolina, to prove that the Indian right of soil had always been acknowledged.

Mr. BOURNOR had never thought of quoting this book, which he now did, to show that the British Government had authorized conquest. He did not know of one purchase made in Carolina. It was all conquest, and so were nine-tenths of all the lands held by the white people in America.

Mr. McDOWELL.—Those lands which are the subject of debate, and which a number of gentlemen have contended that North Carolina had not a right to grant to her citizens, have been proved to be within the chartered limits as granted by Charles II., and which limits, sovereignty and jurisdiction were guaranteed to the State by the Articles of Confederation.

After this, and within the year 1783, the Legislature passed a law for opening an office to receive entries of lands in the district of country now called the Territory South of the Ohio, for the redemption of special and other certificates; and after a number of the surveys were made, and the grants issued, the Government of the United States ordered a treaty to be held with the Cherokee Indians at Holston, in the year 1785, and the Commissioners agreed to give up a large quantity of lands before stated to the Indians; but, previous to articles being signed, Colonel Blount, who was the agent for North Carolina, entered his protest in behalf of the State, that some of the articles about to be entered into between the Commissioners, on the part of the United States, and the Cherokee Indians, would infringe on the Legislative rights of the State of North Carolina, and the Legislature of the State also protested against the proceedings.

I must here remark, that the then Government of the United States, agreeably to the Articles of Confederation, could not legally make use of the property of the State for any purpose without their consent.

This continued to be the situation of this business, till after Congress requested a cession of those lands, with the sovereignty thereof, which now form the Territory South of the Ohio, which was complied with, under certain reservations, to continue claims, and the situations of the claimants as good as though this cession had not been made, which was a complete acknowledgment of the right of North Carolina, on the part of the United States, but in my opinion placed them in the same situation that the State would have been in, had the cession not taken place.

Since the adoption of the present Government, another treaty was ordered to be held with the Indians, and the lands were given up to the Indians. Here the Executive right to make such treaty may be questioned, and I believe rightly too; for it would be an extraordinary power for them to make use of the property of individuals, without their consent, or making any compensation, and apply it to national purposes. Great difficulties would be involved, were a remedy to be attempted in a judicial way against the Government. I do therefore think either that policy or interest, on

the part of the United States, would point out a compliance, in part, with the report on the table, for it will not place the United States in any worse situation than they would have been in, had the lands not been entered. Had that been the case, those certificates would have been in the hands of individuals, a debt against the Government, but on their being subscribed now, to the amount actually paid on their relinquishing their claim, you would then have the land, which will be valuable at a period far distant.

Some gentlemen appear to be alarmed at the sum; but if the principle is a just or fair one, the sum ought not to be an objection. I will here state further, to remove the alarms of those gentlemen, that the sum will fall far short of the statement made by Mr. Jefferson, as a great deduction is to be taken from that; but I can further assert, that a great number of the claimants would not relinquish their claim to said lands to subscribe; it would generally be such as are in indigent circumstances. And here I cannot help making some reply to the objections stated by several members, who have alleged that North Carolina had acted wrong in selling these lands before they had extinguished the Indian claim, and that the claimants were in no worse situation than they would have been had the cession not have taken place. I am not a little surprised to find, that gentlemen cannot see the distinction, for had the cession and treaty at Holston taken place, they were at liberty to settle the lands, and North Carolina was bound to protect them; but since the treaty had been made, the land is not only given up as stated, but it is made criminal to cross the boundary. Mr. DEXTER has stated that North Carolina has acted unjustly and wrong in making sale of those lands before she had extinguished the Indian claims.

Here I shall repeat what I stated before in answer to what the gentleman has said. That the Indian claims to said lands were, in part, extinguished by Henderson's purchase, and part by conquest, and that a considerable part of the lands, that no nation of Indians could establish a claim to, had been claimed by different tribes as territory grounds, but had not been inhabited by any tribe within the memory, or any account that can be traced, and for as great a length of time the different tribes had been at war with each other about the right of hunting on said land. But so far as it relates to the right of North Carolina, I believe no member has a right to call it in question at this time. The gentleman's arguments would have been more applicable at the time the cession act was under consideration; and as to what the member said about the principle and precedent it would fix, I will only call the attention of that gentleman and the Committee, to the conduct of the Government of the United States. Have they not pushed conquests into the Indian country Northwest of the Ohio? Are they not continuing to do so, and is it not in contemplation to sell large quantities of lands in that country, that have never been purchased? If so, the precedent which the gentleman fears so much is already established. But here I beg leave to call the at-

tion of the Committee, in the most serious manner, to the number of citizens concerned, perhaps near twenty thousand. A great number of them are men who turned out in support of the American Independence, who fought, who bled, and furnished their property freely to the support of the cause. For this service they received certificates, which they wished to realize by entering said lands, and flattered themselves with sitting down on those lands, and in the latter part of life, making themselves and families happy. Their hopes were soon blasted. After the act of last session, the Treaty of Holston took place, which gave their property to a savage and cruel enemy, to quiet the minds of an enemy who not only were opposed to us through the war with Britain, but ever since have been imbruing their hands in the blood of innocent women and children. What will be the feelings of the claimants, who have acted as I have stated, when they find that their request, which to be sure is a modest one, and which is only to be reimbursed for sums actually paid, is refused. Should this be the decision, I leave you to draw the conclusion. Should they proceed to settle those lands in opposition to the treaty, I should not be much surprised. But the report on your table goes too far, as to damage and a future preference, which I am not in favor of; therefore the resolutions in the latter part of the report I hope will be stricken out.

On the same question, Mr. GILLESPIE made the subsequent remarks: he observed a disposition in the House to call the question; he then said that the situation in which he stood required that he should say something in support of the resolution under consideration, as it had been stated as a new and singular case, from which he took the liberty to dissent, as every writer on the law and usage of nations, held it as an invariable axiom, that all sacrifices of property made by individuals for public uses, ought to be paid out of the public purse. He stated the Treaty between England, France, and Spain, in 1763, and the case of the loyalists in 1783, and as the hour of adjournment had arrived, concluded with a motion for the Committee to rise, and report progress.

The question was then put. Shall the Committee now rise and report progress? This was negatived. The resolutions in the report were successively put, and lost.

The Committee then rose; the Chairman reported progress, and the House adjourned.

FRIDAY, January 30.

A memorial of sundry manufacturers of hemp, in the town of Newport, in the State of Rhode Island, whose names are thereunto subscribed, was presented to the House and read, praying that a drawback of the duty imposed by law on the importation of foreign hemp, may be allowed on the exportation of the same, when manufactured into cordage within the United States. Also, A memorial of sundry manufacturers of chocolate, in the State of Massachusetts, praying that so much of an act passed at the last session of

Congress, as imposes an additional duty of two cents per pound on cocoa imported from foreign countries, may be repealed; and that such measures may be adopted for encouraging the manufacture of the said article within the United States, as to the wisdom of Congress shall seem meet.

Ordered, That the said memorials be referred to Mr. GOODRICH, Mr. WARREN, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinions thereon, to the House.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, stating "that, pursuant to the duty enjoined by law upon the Head of that Department, he has prepared a report, containing some suggestions for the improvement and better management of the several branches of the actual revenues of the United States, which is ready to be communicated, as the House may be pleased to direct." The letter was read: Whereupon,

Resolved, That the Secretary of the Treasury be informed that the House is ready to receive the report therein referred to.

The House proceeded to consider the report of the committee to whom was referred the Message from the PRESIDENT OF THE UNITED STATES, of the thirtieth of January, one thousand seven hundred and ninety-four, enclosing the copy of a letter from the Governor of North Carolina, covering a resolution of the Legislature of that State; as also, the petitions of Thomas Person and others, proprietors of lands in the Territory of the United States South of the river Ohio, and of the Trustees of the University of North Carolina, to which the Committee of the Whole House had, yesterday, reported their disagreement: Whereupon,

The first resolution reported by the committee, being again read, in the words following, to wit:

"Resolved, That it shall be lawful for the Executive of the State of North Carolina to subscribe, by way of loan to the United States, the amount of all such certificates as have been deposited in payment for any lands (reserved by the act of cession aforesaid) in payment for any lands which may have been relinquished to the Indians by the treaty aforesaid, in trust for the persons by whom they were so deposited, according to their respective rights and interests."

The question was taken, that the House do agree with the Committee of the Whole House in their disagreement to the said first resolution, and it was resolved in the affirmative.

The second resolution reported by the committee, being again read, in the words following, to wit:

"Resolved, That the United States ought to reimburse the said persons the money which they have expended in having entries and surveys made, and in obtaining grants, and any other incidental charges which they have necessarily incurred, with interest; and that they should moreover make a reasonable allowance for the loss and damage which the petitioners have sustained, by having possession of the said land withheld from them."

The question was taken, that the House do

agree with the Committee of the Whole House in their disagreement to the said second resolution, and resolved in the affirmative.

The third resolution reported by the committee, being again read, in the words following, to wit:

"And whereas the grants to the aforesaid lands, made by virtue of an act of the Legislature of North Carolina are valid to all intents and purposes, as coming fully within the purview of a condition contained in the act of cession from the said State to the United States: Therefore,

Resolved, That, whenever the United States shall think proper to extinguish the Indian claim to the said lands, by purchase or otherwise, it will be just and reasonable that the several persons who have obtained grants, or made surveys or entries, should have such rights confirmed and established, and their titles perfected, in preference to any other persons, on repaying to the Treasury of the United States, the amount of what they may now receive, as a compensation for their disbursements and losses, in case such persons shall think proper to make such repayment within a certain time, to be limited by Congress for that purpose."

The question was taken, that the House do agree with the Committee of the Whole House, in their disagreement to the said third resolution, and resolved in the affirmative.

A motion was then made, and the question being put, that the House do agree to the following resolution:

"Resolved, That such persons as have entered lands agreeably to the laws of North Carolina, in the Territory ceded by that State to the United States, and on the Indian side of the line established by the Treaty of Holston, ought to be reimbursed by the United States the amount of the purchase-money actually paid for the same, and the necessary expense of locating and surveying; where the survey has been made; such persons first relinquishing their right thereto, to the United States."

It passed in the negative, yeas 14, nays 56—as follows:

YEA.—Theodoros Bailey, Thomas Blount, William B. Grove, George Hancock, Matthew Locke, Nathaniel Macoun, Joseph McDowell, Alexander Mebane, John Page, Robert Rutherford, William Smith, Benjamin Williams, Richard Winn, and Joseph Winston.

NAY.—Fisher Ames, John Beatty, Elias Boudinot, Shearjashub Bourne, Benjamin Bourne, Lambert Cadwalader, Thomas Claiborne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, Henry Dearborn, George Dent, Gabriel Duvall, Benjamin Edwards, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, Andrew Gregg, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, Aaron Kitchell, Amasa Learned, William Lyman, James Madison, William Montgomerie, Andrew Moore, Peter Muhlenberg, William Vans Murray, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, Josiah Parker, Andrew Pickens, Francis Preston, Thomas Scott, John S. Sherburne, Jeremiah Smith, Samuel Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gansbeck, Artemas Ward, and Paine Wingate.

Another motion was then made and seconded,

that the House do come to the following resolution:

"Resolved, that the President of the United States be requested to cause a treaty to be entered into with any Indian tribes who may claim, hold, possess, or be entitled to, any lands within the Territory ceded by the State of North Carolina to the United States; and to endeavor to obtain, by such treaty, an extinguishment of the Indian claims to all lands, the pre-emptive right to which has been sold by the said State, in pursuance of the act of one thousand seven hundred and eighty-three, opening an office for the sale of the said lands."

Ordered, That the said motion be committed to Mr. WILLIAM SMITH, Mr. DARTON, Mr. SWIFT, Mr. McDOWELL, and Mr. PAGE.

The House resolved itself into a Committee of the Whole House on the report of the Committee of Claims, to whom was referred the petition of Gilbert Dench; and, after some time spent therein, the Committee rose and reported that the prayer of the said petition ought not to be granted, and that the petitioner have leave to withdraw the same; which was agreed to by the House.

The SPEAKER laid before the House a Letter from the Secretary of War, enclosing certain confidential communications from Major General Wayne, dated the twenty-third of December last; which were read, and ordered to lie on the table.

MONDAY, February 2.

A memorial of sundry manufacturers of hemp in the town of Providence, in the State of Rhode Island, whose names are thereunto subscribed, was presented to the House and read, praying that a drawback of the duty imposed by law on the importation of foreign hemp may be allowed on the exportation of the same when manufactured into cordage within the United States.

Ordered, That the said memorial be referred to Mr. GOODRICH, Mr. WARREN, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. WILLIAM SMITH, from the committee to whom was committed the motion of the thirtieth ultimo, authorizing a treaty to be held for the extinguishment of Indian titles to lands within the Territory ceded to the United States by the State of North Carolina, made a report, which was read; whereupon,

Ordered, That Wednesday next be assigned to take the said report into consideration.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying the report referred to in his letter of the thirtieth ultimo, for the improvement and management of the public revenue; which were read, and ordered to lie on the table.

Mr. GRIZZARD, from the committee appointed, presented a bill to provide for organizing, arming, and disciplining the Militia of the United States; which was read twice and committed.

Resolved, That the Secretary of the Treasury be directed to report the nett amount of duties

arising on distilled spirits, and on country stills, (drawbacks deducted), during the year one thousand seven hundred and ninety-two, showing how much thereof was collected in each State; what proportion of the whole has arisen on spirits distilled from foreign, and what from domestic materials, and the total expense of collecting in each State. Also, the same for 1793, so far as returns have been made; and where they have not been made, that he be requested to furnish an estimate of their net product, calculated on the return of 1793.

MILITARY ESTABLISHMENT.

The House, on motion of Mr. DAYTON, next resolved itself into a Committee of the Whole, to take into consideration the report of the select committee relating to the Military Establishment. The Chairman having read the resolution recommended by the committee, in the following words, viz:

"Resolved, That two regiments, consisting of nine hundred and sixty men each, be formed out of the regiments now in the service of the United States, to compose, with the corps of artillery, the Military Establishment of the United States, and to continue in service until the first day of June, 1798, unless sooner discharged."

Mr. DAYTON said, that he disliked the report in general, and was more immediately opposed to the proposition on the table, which he should not agree to under any modification of which it was capable. It was his wish to have taken the sense of the Committee of the Whole upon his plan, by proposing to amend the one before them, but he found it could not be done consistently with the rules of the House, as it might with propriety be considered rather as a substitute than an amendment. If the one under consideration should be negatived, (and that such ought to be its fate, Mr. D. inferred, not merely from the insufficiency of the numbers proposed therein for the Military Establishment, but from the wording of it, which contemplated regiments—a term not at all applicable to the present system of organization, which was a legionary one)—then the way would be opened for him to offer to the House a proposition which he held in his hand for their information. Mr. D. then read it as follows, viz:

"Resolved, That the present Military Establishment of the United States be continued, and the corps composing the same completed by enlistments for a term not exceeding three years, with authority to the President to forbear to raise, or to discharge after they shall be raised, such part thereof as future events shall in his judgment render consistent with the public safety, convenience, and economy."

After reading it, Mr. DAYTON remarked, that he had been unfriendly to a reduction of the Establishment when the subject was some time since under discussion, and that he had heard nothing since to induce him to alter that opinion; on the contrary, two communications from different quarters had since that time been received, which very much strengthened it. He alluded to a letter from General Wayne, which was communicated under

confidential instruction, but which was doubtless fresh in the recollection of every member of the Committee; and to a Report of the Secretary of War, made in consequence of a late request of the House directed to the President. The object, which he had in view was the effectual protection of the frontier, in a manner the least inconvenient and harassing to the Militia, and the most economical to the United States. There needed no proof that calls for the services of the militia were always attended with great embarrassment to our fellow-citizens who composed it, and with a waste of money which the other system would not occasion. Mr. D. wished to ascertain whether, in the present unsettled state of affairs, whilst Britain possessed our posts, and the Indians remained hostile, it was the sense of a majority that the Military Establishment ought to be reduced.

This produced a discussion, in which Mr. NICHOLAS, Mr. DAYTON, Mr. AMES, and Mr. MADISON, spoke. The latter gentleman seemed rather favorable to reducing than augmenting the number of troops in the service of the United States. He alluded to the report of the treaty said to be entered into between this country and Britain, from which it might be inferred that the Indian hostilities on the Northwest of the Ohio would slacken.

Mr. AMES, in reply to what had fallen from Mr. NICHOLAS, thought it would be bad economy to reduce the number of troops, which might tend to prolong the war. The latter gentleman having referred to the solicitude of Mr. AMES for paying off the Public Debt, which he considered as not quite consistent with his present desire of expending so much money on a Standing Army, Mr. AMES replied, that he believed the gentleman would be very much mortified to think that he possessed as little property as he [Mr. A.] did; that a report had been industriously circulated, as if the possession of public funds had an influence in that House on the votes of members; and this foolish calumny had been disseminated with so much industry as to have had an injurious effect on the minds of the public in some parts of the Union, and had much influence in serving the ends of some people.

Mr. SEAWORTH said, that it would be improper to diminish the preparations for war on account of any report afloat of a treaty with Britain; for if there was such a treaty, (which was not yet certain,) nothing could be counted upon it till ratified by the Government here.

The Committee rose, after disagreeing to the report. The Chairman reported progress, and the question being put, the House also disagreed to the report of the Committee.

TUESDAY, February 3.

A memorial of sundry manufacturers of paper, whose names are thereunto subscribed, was presented to the House and read, praying that so

much of the Revenue Laws of the United States as imposes a duty on rags imported from foreign countries may be repealed; or that such other measures may be adopted for encouraging the manufacture of paper within the United States as to the wisdom of Congress shall seem meet.

Ordered, That the said memorial be referred to Mr. GOODHUE, Mr. WATTS, and Mr. HEISTER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the bill to authorize the allowance of drawback on part of the cargo of the ship Enterprise; and, after some time spent therein, the Committee rose, and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

Ordered, That the report of the committee whom was re-committed the report of a committee on the report of the Secretary of War, respecting the fortifications of the United States, be committed to a Committee of the Whole House on Friday next.

The House resolved itself into a Committee of the Whole House on so much of the report of the committee appointed to inquire and report whether any, and what alterations ought to be made to the act imposing duties on snuff manufactured within the United States, as relates to an immediate alteration of the mode of collecting the duties on snuff manufactured within the United States; and, after some time spent therein, the Chairman reported a resolution, which was twice read, and agreed to by the House, as follows:

Resolved, That a committee be appointed to prepare and bring in a bill to amend the act laying duties on manufactured snuff, and to alter the mode of imposing the said duties, by imposing the same on the mortar.

Ordered, That Mr. WILLIAM SMITH, Mr. NICHOLAS, Mr. SAMUEL SMITH, Mr. LYMAN, Mr. FINDLEY, Mr. FITZSIMONS, and Mr. MADISON, be appointed a committee, pursuant to the said resolution.

The House resolved itself into a Committee of the Whole House on the bill authorizing the erection of a light-house near the entrance of Georgetown harbor, in the State of South Carolina; and, after some time spent therein, the Chairman reported an amendment, which was twice read, and agreed to by the House.

Ordered, That the said bill with the amendment, be engrossed, and read a third time.

MILITARY ESTABLISHMENT.

The House went into a Committee of the Whole on the Military Establishment of the United States, Mr. COBB in the Chair.

The resolution proposed by Mr. DAYTON was taken up, and Mr. GILES proposed, as an amendment, to strike out the word "three" from the resolution, which would then read "— years." Mr. G. introduced his amendment with some remarks, delivered in rather a low tone of voice.

Mr. S. SMITH had often been surprised at the way in which the Constitution was introduced into every subject. He never felt that surprise more sensibly than he did now. The member who spoke last had discovered that the raising of any army for the term of three years was disagreeable to the Constitution. He could not comprehend what Mr. GILES would be at. He was against a Standing Army; he was against a Militia. Mr. S. could not conceive what kind of support he would give the Government. Was he to depend solely on the virtue of the people? There were vicious characters in America, as well as elsewhere. Mr. S. asked if we are never to learn wisdom in military matters? When General Howe, with thirty thousand men, landed at Long-Island, the Americans raised a body of flying-camp men, who were to serve only for six months. The consequence was, that a great number of valuable citizens were just long enough in the service to be disgusted with it, but not long enough to learn the military exercise or imbibe military feelings. This short enlistment had a very bad effect. The same practice had been continued since that time, and had always produced mischief. Can there be any bad consequence of enlisting these men for three years, when we can have them at the same expense of bounty as if they were only for two years? Whenever a gentleman is at a loss for an argument, the Constitution is brought forward. The result would be, that when it was really useful to do so, the reference will be laughed at. There had been six-months men in the Army of St. Clair whose time was out, and who had left him just before his defeat. Men had been enlisted on so short a date, that their time was expired before they could be marched to the camp.

Mr. GILES.—The remarks of the gentleman last up are of so extraordinary a nature as to demand a reply. Mr. G. had not pointed out any obligation on the House by the Constitution to reject the term of three years. He never had been against a militia. [Mr. S. SMITH here said that the gentleman had said he was against any military force.] Mr. GILES denied the accuracy of his several quotations. He was a friend to a militia; he cleaved to a militia. How it came to be imagined that he would be against it, he was at a loss to conceive. There was a privilege in that House which Mr. G. would never give up to any man, and that was the privilege of speaking his opinion. He thought two years a long enough term; he should vote for it. If the men were wanted after that for a longer term, they could then be continued.

Mr. HARTLEY was for the longest term. It was a hard thing to call out the militia from their work. The supporting of the Army would be the shortest way to finish the war. The amendment was negatived by the Committee.

The question on the resolution itself was next called for.

Mr. FINDLEY said, it was with some reluctance that he rose on this question. He knew that on former occasions his support to the measures for increasing and continuing the Western Army was

supposed to have been influenced by the situation of the Western counties of Pennsylvania. He hoped that when it was considered that the headquarters of the Army was near six hundred miles below Pittsburgh, and that this was the nearest post; and when it was also considered that the Indians of the Sanduskie, who harassed the frontiers of Pennsylvania and Virginia, had not been made an object of offensive operations, he hoped it would be believed that he was not influenced in his opinion on this question by his local situation. He went into a retrospect. The first offensive operation (General Harmar's expedition) was evidently undertaken without a competent knowledge of the strength and temper of the Indians, or of the influence by which they were supported; consequently it increased the war. The expedition of General St. Clair was also provided for on the same mistaken policy; it was likewise unfortunate, and the Indians became more formidable by greater combinations. These inadequate provisions for the Indian war cost much money, and protracted the war. These losses can be reimposed, but the abundant loss of human blood cannot be recovered or compensated; and these losses are justly chargeable to the want of competent force and short enlistments. When the present Army was directed to be organized, the number of troops as prescribed by the law and the time of service were competent, but the encouragement was inadequate. Mr. F. saw the consequences of this defect at the time, and endeavored to have the Army raised; but, though the House of Representatives had voted to increase the encouragement to the Army at different times, it failed in the Senate. The consequence was, that the number prescribed by law was never completed. But, though we had no more troops than the gentlemen have mentioned, that circumstance does not prove that the force was adequate. The reverse is rendered evident by undeniable facts. It is a fact, that the defence of the frontiers could not be combined with offensive operations, as was originally intended; nor was the Army fit to carry on the limited operations without a very expensive aid of the militia. This aid was not only necessary to assist in the most advanced and important operations, but even to guard the escorts of provisions. The attack made upon Major Adair with mounted volunteers, which was attended with the loss of lives, and of horses and stores, cannot be forgotten. The attack of the escort with wagons and stores on the road, and the loss of several brave officers and privates, and also the more formidable attack upon an advanced post, when, though the post was supported, the cattle and stores were taken to a great amount, and the lives of many of our valuable citizens lost, were all chargeable to the smallness of our force. But it is said that our future prospects have changed the situation of our affairs so much, as to render a smaller force competent to the object. What is this change? General Wayne has gained one victory, but is this a conquest? Or has it obtained a peace? No. It is far otherwise. The Indians do not sue for peace, not withstanding all our pacific endeavors to induce them to it; and emissaries, rendered active by their

personal prejudices against us, even if they had no superior inducement, are as active in irritating the Indians as ever. The prospect of a treaty seemed to be considered as an essential change of situation; but supposing the reports of this to be well founded, it certainly was not yet confirmed on our part. We did not even know the terms; but, from what appeared, the relinquishment of the posts was to be suspended for a considerable time, and for the accomplishment of this we had only a promise in the treaty, and we had this before. However, he hoped this desirable object would be accomplished, but he could not extend his hopes beyond his confidence; and he acknowledged that his confidence was not perfect, but did not choose to explain his reasons; he thought it was not necessary. Pretences we knew could easily be found to evade the fulfilment of a treaty. He said that many arguments might be adduced to prove the propriety of completing the Army which it was not convenient to explain. Certainly it will not be pretended that the Southwestern Territory, or even Georgia, do not stand in need of more efficient assistance, or that these States would not have been better protected if the Army had been completed. He apprehended that the conduct and temper of the Southern Indians did not justify us in lessening our force. He hoped that further offensive operations against the Western Indians might not be necessary, but he thought that depending on possessing a sufficient force either for the defence of the posts, or offensive operations, as occasion might require.

Mr. DAYTON said, that the gentleman had laid down wrong premises, and thence it was no wonder if he had made wrong conclusions. He had said there was a chain of garrisons from the Ohio to the Lakes. Now, (said Mr. D.) there is no such chain. He said that the present Army had done the business. Now, (said Mr. D.) the Army alone did not do the business. There were 1800 mounted volunteers from Kentucky, four or five hundred militia in Georgia, and several independent companies in Pennsylvania; so that altogether the militia were as numerous as the regular Army. The gentleman asks the object of members who advocate this resolution. It was expressed yesterday. The object is, an economical, effectual defence of the frontiers.

Mr. MADISON, after all that had been said, was still of opinion that there had been a change in our situation, and so there might be a possibility that a reduction was proper. By the arrangements made in this session, it might be practicable to reduce the numbers, nominally, and yet have a real augmentation, because the new regulations would actually bring more men into the field.

Mr. SCOTT said, that the way to finish the war was to make it continue offensive, and pursue the Indians from one place to another, and let them know they should have no rest till they sued for peace. To reduce the forces back to a defensive war would be to have an eternal war, and be the most ruinous thing imaginable. There could not be a more wretched policy, in his opinion. The rumor of an intended reduction would induce other

tribes to join those already at war with us. The British, who had blown the coal, who had done every thing in their power to excite the Indians to hostilities, would do so still. It should be remembered, that though the Indians had been defeated by General Wayne, the House were in possession of private information, that the British had attempted to rally them for another attack; and though British influence had failed for one time, there was no assurance that it would always fail. A great deal had been said about a change in circumstances: Mr. S. thought them changed for the worse. The ground only had been changed. He was for keeping up the Army at its full force. The mounted volunteers from Kentucky had cost as much to the public in four months as an equal number of regular troops did in twelve months. It would give Mr. S. the greatest pain if the resolution on the table miscarried.

Mr. FINDLEY explained the protection which he had said should be afforded to the frontiers, not to consist in scouting parties dispersed all over the frontier. He believed that the militia were fittest for this purpose. He only meant that the force should be such as to overawe the Indians where they were most formidable, and to carry out offensive operations when it was necessary. With respect to the amount of force necessary for the defence of the chain of posts and other necessary purposes, want of competent knowledge rendered a variety of opinions unavoidable. In cases where he was himself a competent judge, he was always against asking for or leaning on the opinion of the Executive. If the question was about the wages of the Army, he thought he was a competent judge; but with respect to the number of troops necessary for objects which actually existed, or probably might exist, he thought himself in a degree incompetent. He said, if he was a General to command an Army, he would not undertake it unless he judged the force competent; that the Executive, in the present instance, appeared to him in the same point of view, and would not be responsible for the consequences, if the force judged adequate was not granted. In point of expense or convenience, he thought little would be gained by the proposed reduction. It would not lessen the number of Generals, or of the Staff, nor of the stores and equipments of the Army, but only the pay of the number of officers and privates, which would be an inconsiderable saving compared with the danger of wanting a sufficient force. He knew the President was not hasty in filling the vacancies of officers where the privates were wanting; therefore, if privates could not be got, officers would not be unnecessarily appointed. He contemplated a day, not far hence, when, in making a Peace Establishment, a beneficial selection would be made of the best officers for that service; that if the Army was reduced now, and a selection of officers made for the remaining regiment, under the impression of another discrimination shortly to take place, it would probably produce fatal discontents in the Army. This, he thought, ought to be avoided, unless it became absolutely necessary.

Mr. RUTHERFORD said, that the American peo-

ple had an insuperable aversion to regular military service. He did not mean, that when there was occasion for it, they were unwilling to fight, but that they were averse to entering into regular service for a term of years. It was next to impossible to keep men who enlisted from deserting: they always ran away from their officers. He did not by this mean to cast any reflection on the Army; he had long been a military man himself, and that from a very early period, and had the highest respect for the profession. He was understood to be unfavorable to the resolution.

Mr. HULLHOUSE thought that it would be the most unfortunate thing imaginable, if any idea were to get abroad that there was to be a reduction of the force. Even though there should be none in reality, yet the appearance of a reduction might be mistaken, and produce a wrong construction. He had no scruple in leaving the affair of dismissing the troops, when no longer wanted, to the discretion of the Executive.

Mr. CARNES said, Georgia and the Southwestern Territory have a frontier of at least eight hundred miles in extent. The number of troops proposed in the resolution is entirely inadequate to the defence of this frontier in general. We have had regulars in Georgia for several years, without the State receiving any benefit whatever from them. There is an antipathy between them and the regulars. At Fort Mattocks, (this was either the name, or a sound very like it,) an officer was applied to for a family near that post, and whom the Indians were preparing to murder. He answered, that he had been directed by his superiors to defend the ground which he stood upon. He accordingly called in his men, and suffered the people to be murdered. For six or seven years we have been giving the Creeks presents, and this always makes them come back again, as soon as their presents are disposed of, in order to commit fresh murders; and this always will be the case. He urged a declaration of war against them as the only way to reduce them to reason. He appealed to gentlemen, if the neglect shown by Government to the safety of the Southwestern frontier did not amount almost to a disgrace upon Government. The people had published the account of their sufferings in the newspapers, in the hopes that they would reach Congress, and induce them to do something, but all in vain. The number of troops proposed, said Mr. C., is not by one-twentieth part equal to the defence of your frontier. It had been said on this floor, that the troops were sent to the frontier of Georgia to protect the Indians against the white people, and it was the constant theme that the latter were always wronging the Indians. There was no evidence of this at all; and as there could be none, Mr. C. hoped that gentlemen would become more cautious in making such assertions. They do not care what kind of parade you make on your own side of the line, even with an hundred thousand men, if you please. They have said so. They know that declarations have been made of the garrisons being sent to protect them against the whites, and as long as they think so, there will never be any peace. You may give

them presents, and make treaties with them, as long as you please. It is time to give a decided stroke instead of such trifling. Experience is the best tutor that we can apply to; and if we look back for six years, we shall find that the system of making presents has answered no good purpose. As to the charge of making encroachments on the Indians, Mr. C. knew only of two or three notorious characters at the most in Georgia, and these were mostly traders. People in general were perfectly disposed to peace. If fire and sword were once or twice carried into the Indian towns, and an assurance given that this would always be the case in future, when any murders were committed, they would soon learn to be quiet.

Mr. MURRAY would not believe this enormous story of an American officer permitting a family to be butchered before his eyes, unless Mr. C. would say, he had seen it himself. As to the militia of Georgia, six hundred of them had once been taken out in pursuit of a party of Indians, and, after coming on their trail, refused to go farther, and went home again. From this, Mr. M. inferred the necessity of having regular troops in the State to protect it.

Mr. CARNES rose again. He said that the story was true. He was not present, but he had it from an acquaintance in the militia, on whose veracity he could entirely depend. He could produce five or six affidavits on the affair. As to the men who returned from the Indian trail, the case was this. The Governor had entered into a correspondence with the Executive at Philadelphia, and it having been understood that the marching of the militia would be disagreeable to him, they were recalled on their way to the Indian country.

Mr. S. SMITH said the commanding officer in Georgia was a particular friend of his; and the observations of Mr. CARNES had struck deeply at the character of that officer. If any officer had really acted so, he ought to have been disgraced. Mr. S. gave a high character of the commander in Georgia, Major Geater, and read a letter from that gentleman, which tended to refute the assertions of Mr. CARNES, made the last session, relative to the defenceless state of the frontier. The Major said that the member from Georgia had certainly forgotten many things that he said in Congress, as well as many promises which he made when in Georgia. Mr. S. said that Mr. CARNES had certainly not foreseen the consequences of such a charge. The Major is liable to punishment. In his letter, he says, in contradiction to what Mr. CARNES asserts, that the Indians, for nine months past, have been remarkably peaceable, and not a horse has been stolen since the month of May. Mr. S. designed to have shown the letter to Mr. CARNES himself, and not to have made it public, but the precipitation with which the gentleman had advanced his charge, forced Mr. S. to produce it in defence of an absent and much respected friend.

Mr. CARNES had as high a respect for Major Geater as the gentleman himself, was well acquainted with him, and on amicable terms. He had also a very high opinion of the officers, and

never had designed to make an attack on their characters. He considered them as gentlemen who knew how to act with propriety on almost every occasion, perhaps upon all occasions. He inquired the date of the letter now produced. Mr. SMITH replied that it was dated the 1st of January last. Mr. C. said, that when he went to Georgia, at the rising of the last session, he found that Major Geater had, from misapprehending him, taken amiss something which he had said on that floor. He gave him an explanation, and the Major seemed satisfied. He had not the least idea of injuring the reputation of officers. He did not carry that kind of malevolence about him. But he had a right to state what he knew to be facts; and for one, that of the massacre of a family, though they were so near the fort, that he believed the garrison might have seen the smoke of their chimneys. He did not, however, say that the officer in the fort was to blame. He might have potent reasons for what he did, though Mr. C. did not know them, and had, on that account, been cautious of saying any thing more than merely stating the fact, and this he apprehended that he was entitled to do. It was not at the conduct of particular persons that Mr. C. levelled his observations, but at the feeble defensive system which they were enjoined to pursue. He concluded by declaring, that he had a high opinion of Major Geater, and his conduct must have been misrepresented to that gentleman since they were last together, or he would not have written the letter in question.

The question was now called for and taken, and the resolution was agreed to, as follows:

Resolved, That the present Military Establishment of the United States ought to be continued, and the corps composing the same completed by enlistments, for a term not exceeding three years, with authority to the President to forbear to raise, or to discharge after they shall be raised, such part thereof, as future events may, in his judgment, render consistent with public safety, convenience, and economy.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that Mr. DAYTON, Mr. SAMUEL SMITH, and Mr. JEREMIAH WADSWORTH, do prepare and bring in the same.

WEDNESDAY, February 4.

An engrossed bill to authorize the allowance of drawback on part of the cargo of the ship Enterprise was read the third time, and passed.

Mr. SHERBURNE, from the committee to whom was re-committed the report of the committee on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill relative to the compensation of certain officers employed in the collection of the duties of import and tonnage; and,

after some time spent therein, the Committee rose and reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed, and read the third time to-morrow.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:
I lay before Congress, for their consideration, a Letter from the Secretary of State, upon the subject of Loans, which is extremely interesting and urgent.
G. WASHINGTON.

UNITED STATES, February 4, 1795.

The said Message and Letter were read, and referred to Mr. SEDGWICK, Mr. MADISON, Mr. BALDWIN, Mr. WILLIAM SMITH, and Mr. GILES, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House, on motion of Mr. HEATH, went into a Committee of the Whole on the report of the select committee as to the progress made in settling the accounts of balances due to the old Government. This was accordingly done, Mr. Coss in the Chair. The report was read.

The first resolution in the report was, that further and more adequate provision ought to be made for recovering of debts due to the United States.

Mr. HEATH was in favor of the resolution. Mr. SEDGWICK thought any new regulations superfluous, as every precaution had been taken that could be taken.

Mr. WADSWORTH, in the discussion of this report, said, that he had got his own accounts with the United States settled, and to be sure it was much better that the thing was done, but he would not go through such a business again for twenty times the balance that he recovered. Many people had in despair given up the attempt. The resolutions were agreed to with amendments, and reported to the House. The galleries were then, at half past one o'clock, ordered to be cleared for reading of the communications from the President.

THURSDAY, February 5.

An engrossed bill relative to the compensations of certain officers employed in the collection of the duties of import and tonnage was read the third time, and passed.

A memorial of Oliver and Thompson, of the town of Baltimore, in the State of Maryland, mentioning that certain errors, made to the injury of the memorialists, in the payment of the duties on fifteen boxes of Irish linens and thirty pipes of Madeira wine, imported into the United States, in the years 1791 and 1792, may be rectified.

Ordered, That the said memorial be referred to Mr. SAMUEL SMITH, Mr. HULLHOUSE, and Mr. WINGATE; that they do examine the matter there-

of, and report the same, with their opinion thereupon, to the House.

Mr. TRACY, from the Committee of Claims, to whom was referred the petition of George Gibbs, made a report; which was read. Whereupon,

Resolved, That the Collector for the port of Newport, in the State of Rhode Island, be, and he hereby is, authorized to allow to George Gibbs the legal drawback on certain wines, by him exported, in the month of December, 1790, in the ship Warren, to Calcutta: *Provided*, that the said George Gibbs shall produce all the other testimony (excepting the oath of the mate) required respecting drawbacks, by an act passed the 4th of August, 1790.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and bring in a bill for continuing in force, for a limited time, an act passed the 3d of April, 1794, entitled "An act transferring, for a limited time, the jurisdiction of suits and offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to invalid pensioners, to the Attorney of the said District."

And a committee was appointed, of Mr. JEREMIAH SMITH, Mr. THATCHER, and Mr. PELLE WADSWORTH.

A memorial of the sugar refiners in the town of Baltimore, in the State of Maryland, was presented to the House and read, praying a revision of the excise laws of the United States, and that so much of the act passed at the last session of Congress, entitled "An act laying certain duties upon snuff and refined sugar," as imposes a duty on sugar refined within the United States, may be repealed.

Ordered, That the said memorial be referred to the Committee of the Whole House to whom is committed the report of the committee appointed to prepare and report a plan for the reduction of the Public Debt.

PUBLIC DEBT.

It was moved and seconded that the House should resolve itself into a Committee of the Whole, on the report of the committee on reducing the National Debt, which was done accordingly, Mr. Coss in the Chair. The resolution was then read.

Mr. S. SMITH said, that he had not recollected before the House resolved itself, that he had in his pocket an address and remonstrance from the sugar refiners of Baltimore to submit to them. The Committee, on this account, rose. The address was then presented and read by the Clerk. It stated, in pointed terms, the oppressive effects attending the excise on refined sugar. When the address had been read, the Committee was resumed.

When this second resolution was last before Committee, Mr. S. SMITH had moved to strike the resolution out of the report.

Mr. FITZSIMONS believed that there had only been two of the taxes contained in the resolution complained of, viz: those on snuff and refined sugar. The auctioneers complained not of the tax, but wanted some particulars altered. This might be done, and it would be more candid to confine the motion merely to those parts of the resolution which had caused complaint.

Mr. HEISTEN said, that, in Pennsylvania, the tax on auctioneers had never, as he understood, been carried into execution. He was for dividing immediately into execution. He was for dividing immediately on the motion as it stood.

Mr. HILLHOUSE was also for a division on the question.

Mr. S. SMITH was anxious that the nature and extent of his motion might be understood. He had moved for striking out these taxes for the present, not to prevent the execution, but to suspend for the present the prolongation of an act which would expire in the end of the session of 1797. The taxes were confessedly experimental, and another year would enable the next Congress to decide much better whether they ought to be continued, than could be done at present. He hoped, therefore, that gentlemen would not mistake this motion, as if it went to an absolute negative of these taxes, when it was only temporary and conditional.

Mr. PAGE was likewise for striking out the clause. If good, at the end of the former term it could be renewed. But let the experiment be made.

Mr. SENECA.—Mr. Chairman, the principal question involved in that before the Committee is, shall permanent provision be made for the reduction of the Public Debt? As subordinate to this, is it necessary that the taxes laid last session, on loaf sugar, snuff, carriages, licences for retailing spirituous liquors and sales at auction, should be continued? The great subject then, of providing the means of reducing the Debt, is necessarily involved in the discussion. If it shall appear to be the duty of the Legislature to establish an efficient system for this purpose, and if it shall be demonstrated that these taxes are indispensable for that end, it will follow, that the resolution for their continuance should not be struck out until an adequate substitute is proposed.

When we take a retrospective view of the various stages through which the mass of Debt had passed previous to the Funding System; the extreme difficulty there was in executing that business; the agitations which attended it; the jealousies, suspicions, and animosities, which have resulted from it; when we call to mind the disunion and party which have flowed from this source; and when we reflect on the magnitude of our Debt; and when we know how anxious our constituents are to have it put in a train of reduction, we must conclude, that we ought assiduously to seek the means of effecting it.

The history of Public Debt is a very curious and instructive one. The facility with which they are increased, and the difficulty of reducing them, should form an useful lesson for American legislators.

When we compare our own Debt with the

more enormous ones of some other countries, we are apt to console ourselves with its comparative smallness. I had intended to have given the history of the rise and progress of the British Debt, but when I reflect that it is a subject which is known to every gentleman, and must have been considered by them, I dare not trespass on the patience of the Committee. I will only take the liberty to observe, that, in the year 1697, when there were more anxious forebodings of ruin from that source than perhaps at any period since, the Debt of that country was comparatively less than ours is now. Had the Government then, in earnest, attempted a reduction, it might have been effectually done, with less annual revenue than is now required, in time of peace, for their ordinary expenditure.

Whenever a provision for the Public Credit shall be beyond the public faculties, confusion and ruin must be the consequence. That cause has destroyed the strongest Government in Europe. This we all hope will prove a blessing. The same event here would blast the best hopes of the lovers of mankind.

Among all the causes which have operated to prevent the reduction of Public Debts, none has been more influential than that of diverting revenues appropriated to that purpose to other objects. If our appropriations, of this kind, shall be violated, we may despair of our country being ever discharged of its load of Debts. To secure us against this evil, provision must be made, concomitantly with a Sinking Fund, for the other necessary expenses of Government, and also an allowance made for those unforeseen and contingent demands which cannot be computed, but which will always occur. Otherwise, we may be assured, unless America is to be exempted from the evils which have afflicted other countries, that our intention, however patriotic, will be defeated by a diversion of our permanent appropriations to temporary purposes. Our legislators may feel interested in the continuance of the Debt; they may want energy of character; they may be indolent; they may meanly dread a loss of popularity, from imposing necessary burdens, or all these may combine to form a precedent, which, when once established, we may bid adieu to hope.

This debate, if not productive of the effects originally designed, will certainly disclose to our constituents many things important, at least useful to be known. I most ardently hope that my wishes and expectations may not be disappointed, that no man observing on a contradiction of character and conduct, may justly use language such as this: Strange to behold! We see the men who have been represented as the friends of aristocracy, the men who had erected a Debt as the means, who rendered it irredeemable, that it might be perpetuated as the instrument of power and influence; these men we see striving, with all their might, and straining every nerve, for the adoption of an efficient system, for the gradual reduction and ultimate destruction of this monster of iniquity; while, on the other hand, not less unexpected, we perceive the friends of the people,

as they have called themselves, the men who had fairly discovered that every political evil was stalking in the background of the frightful picture, which they had made of the Funding System; these men we behold, formed in solid columns, to defend this hateful spectre against the assaults of the knights of the Funding System.

The man who, twelve months since, would have dared to prophesy that a trifling tax on loaf sugar, snuff, and carriages, would have been put in competition with a reduction of our debts, would, without hesitation, have been pronounced either contemptibly weak or detestably wicked.

I did not think, at the commencement of our deliberations, it could have been necessary to have urged reasons for the reduction of the Debt. But the debate has taken a turn so new and unexpected, that I will take the liberty of stating some of the reasons which have struck my mind with the greatest force, why we should honestly unite in the attempt. Some of those reasons are general, and apply to all Governments; some are more peculiarly applicable to the circumstances of this country.

1st. A Debt, as an embarrassment to the faculties of a country, is an evil. To this there are, at some times, and in some countries, causes which counteract this evil, perhaps, in some instances, overbalance it; but I am confident those causes do not here operate to an extent which should induce us, for a moment, to suspend our efforts to reduce the Debt.

2d. A very cogent reason, and one which will influence every true patriot is, that our Debt has been made a principal and ostensibly almost the only source of party. No man, then, who wishes a union of councils, a fraternity of sentiments, will seek for plausible reasons to defeat this important measure.

3d. The experience of other countries has demonstrated a general disinclination in Governments to liberate the pledged funds of the community. Every extraordinary demand accumulates, of course, the Debt, and in the end must prove ruinous. It will be vain for us to profess ourselves the friends of Republican Government, and admirers of our political institutions, if we are not, by the examples of others, warned against this evil.

4th. A great portion of our Debt is owned by foreigners, and from the value of capital here, compared with other countries, we have reason to fear the evil will increase. It must be unnecessary to dwell on the impoverishing effects of a continued drain of specie from the community.

5th. The proposed measure will, in my opinion, beyond any expedient which could be devised, tend to fix the market price of our six per cent stock at par. This would make that species of Debt less a subject, and more an instrument of commerce; and instead of acquiring it would supply the place of capital; and it would also enable the Government to employ beneficially our surplus of revenues in purchases in the market.

6th. There are considerations peculiarly weighty at the present moment, which should stimulate us

to the attempt to unshackle our faculties by a diminution of the Debt. Because, whatever our exigencies may be, we may be compelled to rely on our ordinary resources, without much aid from borrowing; for, from the smallness and value of capital here, we ought not to rely on domestic Loans; and the uncertain issue of the troubles in Europe, would prove it madness to depend on foreign aid.

7th. We ought to prepare to face the Deferred Debt; that we may not at once be compelled to impose too great an additional burden on our constituents. The Deferred Debt, when the whole shall be taken in, will probably amount to about 15,000,000 of dollars, and the annual interest to about 900,000. This is no trifling sum.

I suppose I shall be told that this reasoning is quite superfluous, that all will concur in an intention of creating an efficient Sinking Fund. We are indeed told, "be ye fed and be ye clothed," but I ask where are the food and raiment? We will appropriate, but where are the funds? A permanent provision by temporary or periodical grants is in itself a contradiction. For a Government to appropriate money without funds, is fallacious and absurd.

It is proposed by gentlemen with whom I have the honor to concur, to create a fund adequate to the payment of eight per cent. on the six per cent. Debts; to pay, as they accrue, the instalments of foreign Debt and of the Loan made of the Bank; to provide the means of speedily discharging the Loan of a million of dollars, authorized the last session for the purpose of foreign intercourse, and to aid the present Sinking Fund, if in our power, by applying annually all the surplus of revenues beyond our annual wants.

On the other hand, in all the calculations made by gentlemen opposed to continuing the taxes laid the last session, reference has been had only to the eight per cent. redeemable by the terms of the contract. The first observation which occurs here is, that if gentlemen do not wish to exert the public faculties beyond that point, there seems to exist no foundation for the complaint so loudly and so often repeated of the irredeemability of the Debt. For how can a prohibition to do a thing, which you have no inclination to perform, be considered as a grievance?

In these calculations, no allowance whatever is made for those unforeseen events to which all human affairs are liable. I will, at least for the present, waive this objection. I put out of the question the omission of the Foreign Debt, of that due to the Bank, and of the Loan which I have mentioned. I will, too, suppose the calculations to be just. We shall then be furnished with the means of paying \$600,000, commencing the first payment the beginning of the next year. We shall then have made five annual payments before we are to meet the demand accruing from the Deferred Debt. This will amount to \$3,000,000; and we shall, of course, have liberated an annuity equal to \$180,000. This will not, however, enable us to face that additional demand; for I have already shown, that the annual interest of that will amount

to about \$900,000. So far, then, at that time, from being in a capacity to continue the operation of the Sinking Fund, additional taxes will be indispensably necessary to enable you to fulfil the public engagements.

Will gentlemen permit me to request them to compare the benefit to be expected from a reduction of the Debt, with the inconvenience of continuing the proposed taxes? Respecting the first, I believe it to be the greatest benefit the Legislature can confer on their constituents. It is, of course, the first duty which they owe them, and the thing, by them, of all others most desired. It is not, however, I agree, to be effected by taxes unequal and oppressive. The subjects of the taxes are principally, all must allow, articles of luxury. The taxes are certain, cheap in the collection, and do not increase the number of officers. There will be no distress of individuals in enforcing the collection, nor are any of the means used made use of for that purpose hostile to liberty. These circumstances seem to recommend them to the favorable attention of the Legislature. Yet to these taxes objections are made, as there certainly would be to any other, where self-interest is immediately concerned.

There is a very obvious reason why the manufactures of sugar are better defended than those of snuff and the other taxes. It is said, "that the tax on loaf sugar has not as yet the test of experience." This is equally true of every other species of tax which may be substituted, except only direct taxes, of which I shall say a few words before I sit down. "It is an American manufacture," it is true; but it is also true that the manufacture is so protected that the manufacturer has a complete monopoly; and, of course, if there is any truth in political calculations, the consumer must pay the tax. It is also true that, if you continue the protecting duties, and do not continue the tax, you give to the manufacturer a bounty equal to those duties, which, to the same amount, is a charge on the community. If you do not continue the protecting duties there is, of course, a further defalcation of revenue. "The tax will prevent the use of the article." Is there a man in the least degree acquainted with the subject who can for a moment believe that two cents a pound on loaf sugar can, in a single instance, affect the consumption. But, to conclude: It is said, "that the tax has already injured the manufacturer." I am willing to admit that, at the commencement and termination of every tax on a manufacture, and, perhaps on any other specific article, some inconvenience and embarrassment will be experienced, which will, however, by its continuance, as certainly be overcome as that an unagitated fluid will find its level.

But let it be granted that neither sugar, snuff, nor carriages, may, on experience, appear to be proper subjects of taxation; it cannot be a conclusive objection against the measure, for, by the terms of the resolution, these taxes are subject to repeal by the substitution of others; and, whenever the meditated evils shall appear, the Legislature will apply the remedy.

It is said to be an illiberal and unfounded jealousy to suspect gentlemen of insincerity. I mean not to make the charge. Let facts, however, speak for themselves. Have the gentlemen in the Opposition, however clamorous against others, ever proposed a system of their own? Do they now offer any substitute? Till the session before the last we neither sufficiently knew the wants nor the resources of our country to make an experiment. The House was then necessarily diverted from the consideration of a plan before them by the intervention of a subject equally interesting to the quiet of the community and to the reputation of a very meritorious officer. All remember the interesting subjects which exclusively occupied the attention of the Legislature at the last session.

The subject is now introduced. There was every reason to expect a united exertion for the accomplishment of this desirable object. Honor and character, independent of patriotism, it was foreseen would give union and energy to the friends of the Funding System. It was hoped that other motives would not be less operative with those who were its enemies. It is now said, "this is not the proper time, the business may as well be done at the next session." I ask gentlemen why not as well at the present? If honor, the good wishes and blessings of the people, will attend the authors of the measure, I invite gentlemen to accept them. If toils are to await the execution, I beseech them to encounter the honorable task. Why leave the glory to our successors? May not they, for the same reason, leave it to theirs? This disposition for postponement and leaving till "to-morrow, and to-morrow, and to-morrow," things which might as well be done to-day, has been the cause why public debts have been ruinously entailed on other countries.

It is said that loaf sugar, snuff, carriages, &c., are not proper subjects? What, then, shall we substitute? It is said "direct taxes." Have they not already been tried and rejected? Have not these been approved for purposes not more important than those now proposed? Is there not an evidence of insincerity in proposing rejected taxes as a substitute for those which have been adopted? Does not every gentleman know that the proposed substitute is inadmissible? But, if gentlemen are in earnest, why bring they not forward their proposed scheme of direct taxes as the means of reducing the Debt? If the Debt is what they have constantly represented it, is it not a duty incumbent on them equally with their brethren to attempt its reduction?

A gentleman [Mr. FRANKLIN] has said, that, by the act imposing the temporary taxes, the faith of Government is pledged against their being continued. Why, then, continue the additional impost, to which he has assented, which was equally temporary in its creation? But can the gentleman be serious in this? Does the imposition of a land tax one year pledge the faith of the Government that it shall not be continued the next? I have understood this gentleman to say that such taxes as those under consideration were to be

made temporary by way of experiment. But the gentleman has discovered that the Government can derive no benefit from the experiment without a violation of its faith. This consequence then follows, that no article of manufacture, no specific article, can be rendered a source of permanent revenue. This at least is a new discovery.

One gentleman [Mr. McDOWELL] has proposed another substitute, taxing the Debt itself. [I will, in answer to this, only observe, that this would be indeed a Sinking Fund.

I cannot help observing what has been often repeated here, that the Government ought not to repose itself on imposts and tonnage alone, because it is a resource which war would annihilate, and because it is putting the patriotism of the merchant to too severe a trial.

The arrangement of our Treasury Departments, to my mind, evinces great wisdom and political discernment. It is thereby not only competent to the Secretary, but made his duty, from time to time, to report "plans" for the improvement of the revenue and the orderly administration of the finances. That officer, in the discharge of this important duty, has laid before the Legislature an able and comprehensive system, embracing the particular subject now before us.

The statement which he exhibits respecting the revenue, does not, as others with which we have been favored do, entirely omit the important articles of foreign debt, that due to the Bank of the United States, and the considerable loan, authorized by the act of the last session, of \$1,000,000, for purposes of foreign intercourse. To leave the two first items unprovided for would at once sacrifice the national interest and violate the public faith.

To leave the last without effectual means of speedy payment, would be, in time of peace and unexampled prosperity, to increase the National Debt. The palpable omissions and mistakes which have been made in all our calculations, should induce us to hesitate whether more respect is not due than has lately been paid to official information and responsibility.

I have very great confidence in the gentleman who was at the head of the Treasury Department. His talents are acknowledged by all; his integrity is, I believe, incorruptible, and his industry indefatigable. Hitherto, he has never deceived us, and he can now have no possible motive to do it. Added to these considerations, he is responsible, not only in this country, but abroad, by his reputation and well-earned fame, dearer than life, not to mislead; and, besides, he has the best means of accurate calculation; and, what I suppose will be allowed as an additional reason for confidence, is, that he is not now devising means of official or personal power and influence, being at the time he made his report, about to retire voluntarily and to mix with the mass of the people. If, on the one hand, however, it will not be expected of any to receive conclusively the statements and deductions of the Secretary, on the other, candor will compel those who reject, to disprove them. For myself, I shall assume it

as a fact that his statements are just, and afford the only means of accurate calculation.

To secure the important purposes of reducing our debts, preserving inviolably the public engagements, and providing the means of funding the Deferred Debt, without being compelled to extraordinary exertions at that time, it will, according to the Secretary's report, be necessary to continue all the existing taxes. The surplus beyond the known objects acknowledged as necessary to be provided for, amounts to no more (speaking in round numbers) than \$140,000—a sum certainly not too large to answer those contingent and unforeseen demands for which all Governments, in establishing permanent systems of this kind, ought to provide.

As the Secretary proposes the taxes of last session shall be appropriated to temporary purposes, it may be asked, why they should now be continued until the year 1801? To this I answer, 1st. Because we have now evidence that they will, according to the existing state of things, be necessary. 2d. Because that, unless temporary objects of necessary expense are provided for, there will be danger that the permanent appropriations will be violated. 3d. Because a conflict of interests, passions, and theories, renders it, as our experience has demonstrated, extremely laborious and difficult to impose any tax, and, from its prolonging the session of the Legislature, expensive to our constituents. And, 4th. Because, as upon another occasion, I have undertaken to show there are real embarrassments at the commencement and termination of all taxes on specific articles, which are overcome by their continuance. To this it may be added, that should it fortunately happen that we should not be able to lessen our expenses, we shall, in the same proportion, reduce our Debt. This, I hope, no man will consider as an evil.

Mr. LYMAN objected to the gentleman who was last up, speaking as if the report before the Committee was the peculiar property of himself and a part of the members. The report and estimates were made at the desire of the whole House. He stated a variety of objections which had been made to the taxes specified in the resolution, and to go to discontinue them now, before their effects were thoroughly known, would, in his opinion, be highly improper. Among other observations that had been used on this subject, he objected to the expression that voting or refusing to vote for the immediate continuance of these taxes, would be a test of character.

Mr. NICHOLAS said, that he would state what the question really is. For two years longer you have these taxes to do every thing with which the gentleman proposes. Where, then, is the necessity, where is the propriety, of continuing them just now? The gentleman from Virginia who is opposed to this clause, act from the most disinterested motives. No country depends more upon importation than theirs, and yet they never complained of imposts. They complain not of taxes the most burdensome to themselves. The reason why the refiners of sugar complain is because they say the tax oppresses them; and the sole

reason why gentlemen support this opposition is, because they are of opinion that the complaint of the manufacturers is well founded. It was a ridiculous inference to allege that the Virginians are averse to taxation. Mr. N. was informed that the British never had imposed any tax of this nature on the refining of sugar. Mr. N. had no concern with the taxes of snuff and sugar personally, for, of the one, he took very little, and of the other none at all. As to the auction tax, it never had been brought to operate in Virginia. No person qualified in consequence of the act of last session. A great part of the speech of Mr. N. consisted of calculations on the present state of the finances.

Mr. GILES observed, that a bystander would imagine that there was a proposal for repealing a tax. There is no such thing. It is merely against the present continuance of an old one, after the term for which it was voted, and of which two years are yet unexpired. With all this warmth and agitation, if we vote in the affirmative, we shall not add one cent to the existing revenue of the Union; and, if we vote in the negative, we shall not take one cent from that revenue. But if you once include the taxes before the Committee in a perpetual system of taxes, you give to the Senate exactly the same power which you now have of negating an appeal, and the President also has a second negative; so that each of these two branches of the Legislature receives equal power with yourselves, for both can negative a repeal. Mr. G. said, that to one of the taxes in the resolution he had an objection, though he believed it one of the least unpopular of the whole. This was the tax on carriages. He had always been against it. Gentlemen had spoken of calling into exertion the great revenue faculties of this country. He could not imagine that a few petty excises were to be called the great revenue faculties, nor did he ever think that such taxes would promote the reduction of the Public Debt. Some great and general effort must be made. He thought that the present question might have been contracted into a very narrow compass, and that there had been no occasion for so many diffusive remarks on it.

Mr. W. SMITH observed, that though the two principal objections to the report, when last under consideration, were quite opposite in their nature; yet, that it was less difficult to answer them both, than to reconcile them with each other. The gentleman from Maryland [Mr. SMITH] was opposed to the continuance of the new taxes, among other reasons, for the following: that there would be sufficient revenue to answer the purposes contemplated by the plan without those taxes; whereas, the gentleman from Virginia [Mr. MADISON] was opposed to them, because they would produce but a paltry sum, totally inadequate to the great object of the reduction of the Debt. Leaving it to the gentlemen to reconcile this variance, he would endeavor to satisfy the Committee that both the objections were groundless.

With respect to the first, a reference to the report would show the gentleman from Maryland,

that the plan therein submitted contemplated two objects, the redemption of the Debt by payment of six hundred thousand dollars annually, being the sum redeemable at present, and the purchase of the Debt when not above par—to effect this, the report suggested two propositions, one to appropriate permanently sufficient revenues for the annual redemption; the other, to appropriate the annual surpluses of revenue to occasional purchases. These points, Mr. S. said, he had fully noticed on a former occasion, when he had developed the views of the select committee and explained the principles of their report, and had, he thought, satisfactorily shown that, without the aid of the taxes in question, it would be impossible to attain even the first object, the redemption. As this point was now questioned, he would repeat that the existing impost and excise on distilled spirits did not yield a revenue adequate to the discharge of the current expenses, the interest of the Debt, and the redeemable part of the principle; this would appear from the following concise statement:

Current expenses, as per acts of appropriation	
Interest of Debt	\$2,594,000
Redeemable part	3,100,000
	800,000
	6,294,000
The impost was estimated at	
The excise on spirits,	5,500,000
	400,000
	\$5,900,000
Deficiency	394,000
	\$6,294,000

In the above, the Bank dividends are not included. They are computed at fifty thousand dollars per annum, and may be set off against contingencies; the avails of the Post Office will probably be absorbed in the expenses of that Department. Thus it is demonstrable, that, to secure certainty in the reduction of the Debt, as far as the right reserved, these new taxes, or some others, must be resorted to. But, admitting, for argument sake, the full force of the statements of the gentleman, it would still leave the second and very essential object of the plan unsatisfied, namely, the purchase of the Debt. From accurate calculation, it appears that, if we begin this year the redemption of the Debt, and confine ourselves merely to the payment of the two per cent. of the principal, it will require nearly thirty years, before the whole of the six per cent., including Deferred Debt, will be discharged, and we shall then still have nearly twenty millions of three per cent., and fourteen millions of Foreign Debt on our hands. We must, therefore, place our greatest dependence on the purchasing up the Debt, and for that valuable purpose, we must have large surpluses of revenue every year, besides a stable and unalienable fund for the gradual redemption. In this mode advantage will be taken of the fluctua-

tions in the funds, and the Debt will be diminished with rapidity and on cheap terms; a double operation will then be performed; two per cent. of the principal will then be regularly and annually discharged, even though the Debt should be above par, and beneficial purchases will be made whenever it is at or under par.

Mr. S. said, he saw more solidity in the reasoning of the gentleman from Virginia, [Mr. MADISON.] when he complained that the proposed taxes did not go far enough; but still the reasoning of the gentleman did not conclude against those taxes, it only proved that there ought to be others in aid of them; and so anxious was Mr. S. for the speedy reduction of the Debt, that, whenever the gentleman should think proper to propose others, in that way in which alone they could claim consideration, he would give them his assent, unless they were such as were liable to insuperable objection, and such he did not expect the gentleman would ever recommend. The same gentleman had objected to these taxes, as being very oppressive and little productive, and therefore advised a recurrence to a direct tax on property, which would bring one or two millions of dollars into our coffers. This mode of reasoning was similar to that which prevailed at the last session, when the urgency of our situation suggested the necessity of a naval armament; on that occasion it was objected that the force was incompetent to the object, and yet there was no attempt by those who made the objection to render it competent; it was objected that we ought to negotiate with the Algerines, and not irritate them by an armament; and yet it was then known that one negotiation had been tried ineffectually, and that a liberal provision was made for another to accompany the armament. So, on this occasion, it is objected, that the proposed taxes are inadequate, but there is no attempt either to increase them or substitute others: a direct tax is suggested, (but not proposed,) in lieu of these, though it is well known that, at the last session, these were preferred to a land tax by the Committee of Ways and Means, consisting of a member from each State, of which the gentleman from Virginia was one; and that, when it was proposed in the House, there were not ten members who voted for it, even with the prospect of war before our eyes; and though the proposition under debate is accompanied with this value shall be laid, these taxes shall cease. The opposition on this subject is in all respects parallel with that of the one alluded to in the last session; and, as on that occasion, the House thought the urgency of the case called for the adoption of the remedy proposed, though, perhaps, not the best; so, on the present occasion, Mr. S. trusted the House would agree to the proposed plan, unless a better was brought forward. When the House had, by an unanimous vote, resolved that further provision ought to be made for the reduction of the Debt, he little foresaw the opposition which the report had encountered; the Committee had, in the discharge of their duty, paid much attention to the subject, and, as the result of their

labors, had reported the plan on the table; it was now several weeks since it had been printed and undergone discussion, and yet, after all the objection to it, nothing had been digested by way of substitute, and when the session is drawing to a close, it is proposed to reject it altogether, and leave the subject where we found it. Would the public be satisfied with this? Would they be reconciled by being informed that so valuable an object as the reduction of the Debt—one which they have so much at heart—had been defeated by the means of half a dozen manufacturers of snuff and loaf sugar? Will our constituents approve of our throwing away valuable funds in hand, and which are applicable to this important object, and depending upon mere visionary speculations of taxes, which may never be laid, or which, if laid, will not be realized for years to come? Will not the public be induced to suspect that there is something of party in this matter; and that one side object, because another side propose; and, how-ever groundless the suspicion, would not designing men give it this complexion? For his part, so desirous was he of securing the object, that any other plan, from whatever quarter it came, which would be consistent with policy, should receive his assent; on this occasion, more than on any other, he would say, "*Tros Tyrannos miki nullo discrimine agitur*;" even now, though so much time had been bestowed on this report, he would consent to withdraw it, if gentlemen in the Opposition would show him another mode equally adequate to the object; but, until they did, he felt it his duty to support it.

If gentlemen are serious, said Mr. S., in their intention to propose a land tax, and have any hopes of its passing into a law, what possible objection can they have to the report? Does it not, in express terms, hold this language, that these objectionable taxes shall cease as soon as any others of equal value shall be substituted? If the language of the report is not sufficiently explicit, I am willing to make it more so, and to provide in another clause, which the gentlemen may word as they please, to this effect:

"That as soon as a direct tax on property to the amount of these taxes shall be laid, then they shall ipso facto cease."

Either they believe that a direct tax will pass, or that it will not: if they believe that it will, then they are certain that these taxes will cease; if they believe that it will not, then they must be sensible that, without these taxes are continued, the Debt cannot be paid. If it be said that it is hazardous to put it in the power of the Senate to prevent the passing of a land tax, and thus repealing these taxes, it may be answered that, if the Senate are indisposed to the reduction of the Debt, they will not apply these taxes to that purpose; if they are disposed to reduce it, they will adopt the most efficacious means, and, as the gentlemen say, a direct tax will be the most efficacious, of course the Senate would prefer it.

It has been said, that there is no necessity at this time to determine whether these taxes ought to

be continued or not, and that it ought to be left to the next Congress. It is somewhat strange to complain of the existence of the Debt, to express the utmost solicitude for its abolition; and yet, when it is proposed to take measures for that purpose, to ask why it could not as well be done next year? To postpone the plan for another year, will certainly evince less zeal for the reduction of the Debt than to adopt it now; when anything on this subject is done, it must be systematic and permanent. To resolve at this season to discharge the first redeemable instalment, and leave it to future Legislatures to pay the second or not, and so on from year to year, according to the changeable disposition of different Houses, would very much postpone the ultimate redemption, and throw the accounts into the utmost confusion and perplexity at the Treasury Department, embarrass the public creditors, and even put in jeopardy the public credit.

Mr. S. here produced a table, containing statements and calculations, showing the period of time in which the six per cents would be redeemed according to the right reserved, distinguishing the present and deferred Debt, the amount of principal and interest, applicable to each for each annual payment; the amount of each annually, after deducting the payment of the preceding year; and the value of the Debt every year, after the reduction commences, calculated on a certificate of one hundred dollars.

From this table, Mr. S. said, it must appear that when once the reduction was begun, it must be persevered in. New books and accounts must be opened at the Treasury; a table of reduction must be kept to be resorted to, as a standard by which to graduate the annual diminution of each certificate, and the consequent reduction of interest on it; if the system be permanent, there will be no great difficulty after the business is organized at the Treasury, but, if it be fluctuating, every year will require new books, new calculations, and the labors of innumerable clerks to adjust the accounts to the change; and this would not be the only difficulty, for, as new certificates will not be issued after every payment, and probably there will not be even an endorsement on the old certificate of the payment made, nothing but certainty of the annual payment can protect purchasers from endless frauds: the certificates in foreign parts would create the greatest perplexity, if the payment of the two per cent. were not as certain as that of the interest. Mr. S. said, he had consulted the principal officers of the Treasury on this point, and they were decidedly in sentiment with him that it would be better not to commence the reduction until we were certain we could persevere in it. He therefore pressed these considerations to convince gentlemen, that if we mean now to enter on the subject, we must not only make a systematic and durable arrangement, but we must pledge for the purpose certain and adequate funds, not liable to be withdrawn, but by the substitution of others of equal productiveness. It was further to be remarked, that, by suffering a year to elapse without availing ourselves of the right to redeem, we

lost a year effectually, for we could not carry the payment of that year to the credit of the next, the right reserved being only to pay two per cent. in each year. Mr. S. flattered himself that these explanations would be a satisfactory reply to those gentlemen who had asked what occasion there was for doing anything more this session, than simply appropriating six hundred thousand dollars for the first instalment. He had sought for every information on this subject, and he was convinced that the mere appropriation of that sum, without completing the system, would be attended with more injury than benefit.

The question which had been raised by the gentleman from Virginia, namely: whether we should enlarge the system of excises or apply to direct taxation, was unnecessarily raised on this occasion, and could have no other effect than to mislead the Committee from the true point.

The plan reported, and the statements from the Treasury, proved that the existing revenues were sufficient to discharge the redeemable part of the Debt, to pay all the current expenses, and to leave some surplus, which might be applicable to purchase of the Debt. If, after the system reported shall be adopted, it shall be thought that the surplus for purchases will be too small, then will be the proper time to propose new revenues in order to augment that resource, and then will the question of the gentleman from Virginia be regular; then let it be determined whether a complete system of excises or a land tax shall be the fund for farther purchases of the Debt. It must be obvious that, to lead the Committee into that inquiry at present would be only to bewilder them in a maze of inexhaustible debate; it would be pursuing an *ignis fatuus* which would seduce us from the subject before us, never to resume it this session; it would be losing the substance to grasp at a shadow.

The unproductiveness of these taxes has been assigned as a reason for their discontinuance, at the same time that they are complained of as burdensome. They were expected to yield near four hundred thousand dollars, which was as much as the excise on distilled spirits, and no contemptible sum; it would pay two-thirds of each instalment, and was a growing revenue: it was, however, obnoxious, that, though the motion struck at the whole of the taxes, all the artillery of Opposition was pointed only at the snuff and sugar taxes, and, indeed, latterly, the objections to the former had diminished, and the sugar-bakers seemed to be the principal favorites with the Committee; as to the persons affected by the others, they had not been even so much as mentioned in the debate. Was it right to destroy all these revenues, merely because the sugar tax was improper? Mr. S. had never expected that the snuff and sugar taxes would have been selected by the opponents of the report, for really they appeared to him the least exceptionable of the whole; he never could believe that the articles of snuff and sugar ought to be exempt from taxation, while coffee, bohen tea, and salt, were not. He never could consent to pay a bounty of ninety thousand dollars a year to the manufacturers of snuff and sugar. To prove

that the remission of these taxes operated as a bounty, Mr. S. stated that the protecting duties which had been laid by Congress on the foreign articles being so high as to amount to a prohibition, the articles, of course, were not imported; by continuing the protecting duties, the impost on those articles, which would amount to ninety thousand dollars, was thus lost to the United States, and would be a bounty to the manufacturers, if the revenue were not obtained by excise. Suppose Congress were to take off the protecting duties on loaf sugar, and leave the manufacturers to the foreign competition, could they justly complain? Might it not be said, the protecting duties have been laid long enough to encourage the manufacture, and to bring it to maturity? You have not only the monopoly of the home supply, but your sugar is become an article of exportation; since you are unwilling that the West Indies should derive a revenue from it through you, they must get it by an impost. Another objection has been made against the continuance of these taxes; they are said to be temporary, and ought, therefore, to be applied to temporary objects, such as the Military Establishment, and the permanent object of the reduction of the Debt. It was rather a strange objection to argue from a peculiar quality of the object under consideration, when the whole question and essence of the controversy, was, in fact, whether the object should possess that quality? Whether certain revenues should be temporary or permanent, depended on Legislative will, and when the proposition was to make certain temporary taxes permanent, it was no answer to say that they are now temporary. It should be shown that these taxes are temporary in their nature and quality. The duty on coffee, bohea tea, and salt, are permanent. Is there less permanence in the nature of a duty on refined sugar and snuff? The former are consumed by the poorer classes of society; the latter, by the wealthier. Is that a reason why the former should be permanent, and the latter temporary? But, if there did exist any difference in the nature of these revenues, the argument was the other way; for these duties being internal, were in general less liable to be affected by wars than the impost, and were, consequently, of a more permanent nature than the impost, and therefore more suitable for the purpose to which they are designed. Besides, the very substitute recommended for the additional impost of last session, is a temporary revenue.

There remained one further objection to answer. It was asked, why we did not extend excises to nails, shoes, paper, and many other articles manufactured in the United States, of which the manufacturers have as much the monopoly of supply, as of snuff and sugar? Several answers occurred to this objection. In the first place, the fact is not admitted that these have the monopoly of supply; again, it does not follow, that because one article is to be excised, all are. In laying taxes, many things are to be taken into consideration, the nature of the commodity, whether it can bear a tax, whether a necessary or a luxury, the mode of collection, its cheapness, and simplicity; whether

it will fall on the maker or on the consumer. The articles of snuff and sugar possess every essential of a good tax: to show that, because they can bear a tax, the other articles can also, the gentlemen should show that the other articles possess the same qualities.

Mr. S. said, he believed he had answered every objection to the snuff and sugar taxes, and consequently every objection to the principal part of the report; for it would be observed, that gentlemen in the Opposition had made the whole merit and existence of the report hinge upon those two articles. The question was, therefore, now on the very existence of the plan; for, if the present motion should obtain, he saw an end to all their labor for this session. However he might regret its failure, and the further postponement of so interesting a subject, he should endeavor to console himself with the reflection, that he had, early in the session, brought the subject forward; that he bestowed considerable attention on it, and had used all his endeavors to accomplish at this time a plan, which, if adopted, he was certain would effectuate the discharge of the National Debt in a very short period. If the conduct of members on this occasion is to be exhibited to the public as a criterion of their sincerity in wishing the speedy discharge of the Debt, he was desirous that the public should know the part he had acted, and he was confident that, when a comparison should be drawn between those on the one side, who had early and zealously brought forward and defended a plan for the reduction of the Debt, and at the same time shown a willingness to accede to any other equally efficient; and those on the other who had combated this plan with no small perseverance, merely on account of their dislike to one or two articles of taxation, without offering anything as a substitute, (except holding out the idea of a remote and almost impracticable expedient,) his conduct would safely undergo the strictest scrutiny.

Mr. GILBERT rose.—By this time several members were ready to go away, and the question having been repeatedly called for, the gentleman was going on, when

Mr. NICHOLAS observed, that he was entitled to be heard, as he had got up before a motion that was just made for adjournment.

Mr. B. BOURNE observed on the impossibility of the gentleman being heard, when the House were just going.

Mr. SPOWICK noticed that he should have the freedom of the floor to-morrow.

Mr. GILBERT said, that he did not wish to tire the Committee.

The Committee then rose, and the House immediately adjourned.

FRIDAY, February 6.

An engrossed bill for the erection of a lighthouse, near the entrance of Georgetown harbor, in the State of South Carolina, was read the third time and passed.

Mr. FRIZZMONS, from the committee appointed to inquire into the establishment of clerks in the

several Departments, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Mr. FITZSIMONS, from the committee to whom was referred the memorial of William Gardner, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

THE PUBLIC DEBT.

The House then went into a Committee on the unfinished business of yesterday; the amendment of Mr. S. SMITH was before them for striking out the second resolution in the report of the select committee on the means of reducing the National Debt; Mr. COMBS in the Chair.

Mr. TACOT said, that when he was up before on this question, he had stated that some of the sugar-bakers in New York were not, in their own opinions, oppressed by the excise on loaf sugar, and that the raw material had been cheaper there than usual; this had in part been contradicted by a gentleman from Maryland, [Mr. S. SMITH], who had said that the low price alluded to was by an accidental and single purchase. Mr. T. said, he was now furnished with ample documents to show that the raw material in New York had been at least ten per cent. cheaper for a number of months back than usual, which enabled the refiners to sell loaf sugar at the same price which they did before, and yet collect the excise from the consumer. He had asked, when up before, if the manufacturers complained anywhere but in Philadelphia. He now was ready to assert, that they did not complain, excepting in Philadelphia and Baltimore. The principal ground of complaint, contained in the petition now before the Committee, from the refiners in Baltimore, was, that they had not the advantage of speedy sale as those had who lived in larger towns. This Mr. T. said, could not apply to the manufacturers in Philadelphia. And as the chief complaint before the Committee was from the city of Philadelphia, which was quoted by those in favor of the motion for striking out the resolution, he wished to be indulged in a few remarks upon the weight, which, in his opinion, the complaints of the Philadelphia refiners ought to have. It was said by a gentleman from Virginia, [Mr. NICHOLS], that the manufacturers in this city declared they paid the excise themselves and could not collect it from the purchaser; and that we ought to believe them. To this he answered, that the respectability of the sugar-bakers in Philadelphia was unquestionable; yet, before their opinions and declarations ought to influence the Committee, he thought a fair examination of their opinions and conduct, and a comparison of them with the opinions and conduct of the sugar-bakers of New York, &c., ought to be had. Upon the first idea, in Congress, of laying an excise on loaf sugar, &c., the manufacturers in this city had been constantly opposing the motions of Government. This opposition had been kept up until the law had passed through all its stages; and, as if they meant to move Heaven and earth against it, when the Legislature of

Pennsylvania sat last Summer in that most critical period, they petitioned the Legislature to interfere officially, and, if possible, induce Congress to repeal the excise law. This was done in such terms, and by some persons at least, from whom we had a right to expect support to the laws, that it could not fail powerfully to attract the attention of every person who regarded the peace and happiness of his country. And yet a sense of the impropriety of this conduct seems not to have found its way to the minds of the manufacturers in this city, excepting Peter and Henry Mierken, who, Mr. T. said, formed a very honorable exception; but the exception was a solitary one. They publicly declared against the propriety of such a step. Now the manufacturers tell us that they must pay the whole excise themselves, and its operations are ruinous to them. And they add, loaf sugar is at the same price now that it was before the excise was laid, and that the excise prevents the consumption. It was a well known fact, Mr. T. said, that large purchases were made antecedent to the excise law taking place; perhaps the excise did it on purpose to avoid paying the excise. This might be one reason why the price was not increased; another was, the diminished price of raw sugars. It was the case when the excise was laid on spirits. An over-purchase kept the price where it had been for some time after the law took effect; but very soon the excise and a profit on it was added; so it would be in this case. Mr. T. said, that the consumption of loaf sugar was not lessened by the excise, he had authority to say, from all the information he had from the grocers in this city, in New York, and elsewhere; and if the manufacturers of this city were accurate, in saying that they paid the excise themselves, he asked how it could possibly lessen the consumption? And he said he believed he was stating with accuracy, when he said that one sugar-baker at least, in this city, actually did, or at least proposed to make out bills to his purchasers, in three columns, one containing the price of the sugar, the next the excise, and the third the whole amount, but this he did not know that he could prove. If this were true, he asked who paid the excise, and why should such a thing be done, but to stir up uneasiness in purchasers, that the burden was thrown on them? Now the cry is, the purchaser or consumer did not pay the duty; but it fell on the poor depressed manufacturer. Mr. T. agreed that it would be no more just, wantonly, to take money from a rich man than a poor one, but humanity called with more force in favor of the latter. How was it in this case? Were the manufacturers in this city poor and depressed? He said he remembered a petition of these very manufacturers, but lately read in Congress, in which they say that they will immediately pay their proportion of the Public Debt, if we will let them know the sum; yet they cannot pay a small excise without utter ruin! They deny their ability or will to pay, even in the first instance, a small excise, and yet wish to pay down their proportion of eighty or ninety millions of dollars, and from every appearance this proportion must be made

out on very ample fortunes; so that the sum which they offer to pay down must be large. We have been told in this House of a dangerous moneyed influence, of paper noblemen, and purse-proud aristocrats; but what is this conduct the result of? Not of poverty, to say no more of it. Mr. T. was not confident, but he was tolerably certain, that the dry goods merchants of this city remonstrated against the impost when it was first established; the manufacturers are now complaining of the excise. Is there any thing peculiar in Pennsylvania that the laws of this Government can never go down quietly with its inhabitants? He was willing to appreciate the State, and the manufacturers, and think very highly of them; but he was as willing to think well of the manufacturers in New York and elsewhere, and to give as much credit to their statements. He declared, if he were convinced the tax would eventually fall on the manufacturer and not on the consumer, he would vote for striking out the resolve; but he said it could not be determined yet, by experiment, which was the only proper test of a tax. He declared he thought that even the manufacturers themselves could not tell unless the taxes were kept in being for a longer time than two years. He believed to continue the excises laid last session of Congress until 1801, would give us the experimental test much better than to try it only for so short a time, and that he was opposed to the limitation when the taxes were first laid; but the limitation was moved by a gentleman who had opposed the excises in every step; and Mr. T. understood that an accommodation was to take place in consequence of the limitation, but after the limitation was added, not a man voted for the bills who had, before that addition, opposed them. He very much regretted, then, that the limitation was admitted at all; and should have opposed it, but from a misunderstanding of the word accommodation. He had taken it in its ordinary sense, but he found it was used in an appropriate and technical sense, that is, "if you will adopt my sentiments exactly, I will be so accommodated as never to adopt yours in return." It had been said that this attempt to collect revenue by excises was the first. The gentleman who said this must have forgotten the excise on spirits, which was of much more ancient date. A gentleman from Virginia [Mr. NICHOLS] had said that no opposition was made to impost. Mr. T. was confident the gentleman had not stated with his usual accuracy. There certainly were murmurs against the impost, and, possibly, at the first operation of all taxes, they more or less affect the people unequally; but if you will give them time enough to work their own level, they will become equal, and will systematize in such a manner that the consumer will forever pay. A gentleman from Virginia [Mr. GILES] had complained of some opinions which had been given in the Committee, that a vote on this subject would be a political test, and by each man's vote, his wishes, honestly to pay off the Public Debt, or not, would be discovered. The same gentleman had soon after declared, that all persons who voted to strike out the resolve, would

evince a confidence in the virtue of the next Congress, or future Congresses; and that all who voted against striking out, would evince a distrust of the virtue, &c. This declaration Mr. T. thought not so well founded, and not so candid, as the declarations of the gentleman generally were. He asked, if it was a greater evidence of distrust in the virtue of future Legislatures, to suppose they will not repeal a bad act, when found so by experiment, than any thing which can be derived from prolonging an act, for the purpose of giving it a fair chance to be tried by experience; and would it not carry an impeachment on the wisdom of this branch of the Legislature, to leave an act in a situation which will never give it a fair experiment? Mr. T. thought the arguments made use of by the gentleman from Massachusetts, [Mr. LYMAN], could not apply; he had argued entirely on the ground that our manufactures should not be taxed at all. If so, why not repeal the whole? The question now is, shall we prolong these taxes a sufficient length of time to discover, by experiment, whether the excise will injure the manufacturer, or shall we not? If, by fair experiment, the excise is found to injure the manufacturer, no man can wish a further continuance; but at least give time enough for that experiment. As to the argument, that all taxes ought to be annual or biennial, Mr. T. said, no man could soberly think that such uncertainty in the mode and duration of taxes could be eligible. Let the people know that a mode of taxation is to be permanent, or at least sufficiently so, to determine its merit by experiment, and they will know how to meet the exaction, and will systematize it; but keep your mode of taxation in uncertainty and fluctuation, and your taxes will be truly oppressive, which no man can wish, unless the new-fangled principle, that, to preserve the liberties of the people, you ought to make them feel most sensibly the inconvenience of paying taxes, should become general; which is in fact saying, it is best for the purpose of securing liberty, peace, and happiness to mankind, for the Legislature so to contrive their mode as to effectually prevent the contrary, and enforce an involuntary payment, and that at a time and in a manner the best calculated to destroy the peace and interrupt the happiness of the person paying. This he thought a fair result of the doctrine which had been mentioned in the Committee, "that direct taxes were preferable to indirect, for the purpose of preserving liberty." Mr. T. said, he should have no great objection to strike out the carriage tax; not that he disliked it; but many persons thought it unconstitutional. He had no doubt on that ground, and believed it would be determined by the Federal Court to be Constitutional; if so, it was agreed on all hands to be a good tax. The resolve must be amended, if it was not struck out; but he conceived, by the rules of the House, if the whole resolution was struck out, that not one of the taxes could be brought forward for a continuance, or, in other words, it would not be in order to move a repeal of the limitation. If he was right in this idea, he hoped no person would vote to strike out the reso-

[H. or R.]

Public Debt.

FEBRUARY, 1795.]

[FEBRUARY, 1795.]

lution, as he was confident it might be amended, so as to meet the minds of a majority.

Mr. MONTGOMERY.—I am so seriously disposed in favor of the reduction of the Debt, that I rise, at this time, more to give my reasons for the vote I intend to give, than that I believe my arguments will be so clear or convincing, as that I shall have much influence on the opinions of this Committee.

There has been, in the course of investigation, much said on the one hand to show the sufficiency of the existing revenues for the purpose expressed in the resolution; and as much on the other, proving that, without the continuation of the taxes or duties in question, it would be deceptive and very fallacious to attempt the object in view. Without going into the minutiae of calculation on the one side or the other—not, indeed, do I believe it is very important as to the determination of my mind which of the calculations are the most just—it is sufficient for me to observe that the resolution in question, taken in conjunction with a subsequent one, appropriates the whole of the taxes in question, together with the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, to the post-discharge in the first place of the redeemable Debt; and in the next place, to the increase of the Sinking Fund for the purpose of purchasing the residue. Now, it is impossible for me to doubt, but that the Legislature will, at every future period, upon having once established a plan for the reduction of the Debt, abide by the same, till the object is accomplished; and all the revenues, once solemnly pledged for this purpose, will be faithfully applied. If there is no reason to doubt of this, it is very unimportant whether there is a greater or lesser surplus yearly, provided only that there should not be so little as to derange the proposed plan; and that does not seem to be feared by either side; and the greater the yearly surplus, so much the more will the final redemption be accelerated. As to the idea that we may appropriate as much of the present revenues as may be necessary for the purpose of the redemption of the six per cent. stock, as is directed by law, and at the end of two years, if these taxes prove themselves good ones, the House will then, no doubt, continue them; and it is a kind of charge on the virtue of that House to suppose they will not. But, in answer to this, the reduction of the National Debt is a great object, and if ever it is accomplished, it must be the result of a plan. Now the argument for beginning this work without a plan contemplating a permanent revenue, would be just as strong two years hence that we should go on so, as it is now, that we should begin without it; and so on, from one period of two years to another, till the whole was completed. Would any man, or set of men, in their senses, undertake such a mighty task? If such could be found, they would, I believe, be certainly defeated, and the object would never be accomplished; therefore, as I am in earnest about the redemption, I am for a plan the best and most stable that the nature of the case will admit. And I cannot

hesitate in approving, for the present, of the one proposed, as it is provided in the resolution, that if other taxes are substituted, the present may at any time be abolished. This I think should satisfy gentlemen who wish to substitute other and direct taxes in the room of those. But I really believe the mode of collecting money from the people by impost duties and excises, provided they are well regulated, are preferable to any direct tax, and the people pay them with greater facility. To illustrate this fact, only suppose that the whole amount of our present revenue was laid on real property, or by direct tax, would it be possible that the people could long bear up under such an enormous burden? I really believe not. Whereas, they now pay it almost insensibly; and I really believe it in a great measure brings its own ability to pay, by stimulating every part of the community to industry and exertion. I would just observe, an idea not so well expressed, which I have touched on before, viz.: that, in the first place, positive provision is hereby proposed to be made for the redemption, yearly, of so much as the law admits, exclusive and previous to any other appropriations which may have any claim on this fund.

Again, as to the necessity of experience with respect to these taxes: If we mean seriously to undertake the redemption of the Debt, what experience do we wish to obtain? Two years will furnish little, and that not so fair an experiment as a longer trial on an established plan; and if we should not like this very well at the end of two years, what then? Try another. Would not that also need two years for an experiment? And so on, till our whole plan would tumble into ruin, and as a nation we should suffer disgrace. For the fact is, having begun, we must not look back; and this or some other tax must be continued till the whole Debt is extinguished; and I really believe, if we adhere to the present plan, the system will, in time, reconcile itself to the people, and our Debt will be paid in a manner by which none will be distressed, and within a time that many of us may reasonably hope to be the living witnesses of.

Thus have I given the reason which shall govern my votes on this occasion as concisely as it is in my power; and I believe I should not even now have trespassed so long on the patience of the Committee, only I am most sincerely and ardently disposed to promote, by every mite of mine, the object proposed; and the more especially so as I believe it will be the last Congress in which I shall ever have the opportunity of giving my sentiments on the question. I submit them to the Committee; they will give them the weight which they merit and no more.

Mr. S. SMITH.—I agree with the gentleman from South Carolina, [Mr. W. SMITH,] that the subject before you is of no great importance—no less than the continuing of a system by which you are to establish excises on the growing manufactures of the Union. It is not the two cents per pound on sugar, nor the eight cents on snuff, but the principle we combat. We are told those are luxuries. The same insidious policy was pursued by Great Britain. It was not the trifling duty on tea, (a

luxury,) but the principle of taxation that united America successfully to oppose her.

The same gentleman has said, why should not refined sugar pay duty, when salt, coffee, &c., pay? This kind of argument is seldom used by that gentleman; it is merely *ad captandum vulgus*, for he well knows that every pound of refined sugar that is consumed has already paid a duty of at least three cents per pound on the raw material.

The gentleman from Massachusetts [Mr. SENDWICK] has said, that we must either continue those taxes or lay a direct tax. This argument is meant merely to deceive, for he cannot believe the continuing those taxes necessary to the object in question. He must know that the revenues independent of those taxes are fully adequate. Nay, sir, so certain am I on this subject, that I would vote against any motion for a land tax; it being in my opinion wholly unnecessary.

The gentleman says, that the mistakes in all the statements made by the members of this House have been palpable, and that he will rest his confidence implicitly on the Report of the late Secretary. We are not accountable for the mistakes of others. They were indeed palpable. The Secretary has proved some of ours. I stated the revenue which would arise from additional duties at \$750,000. The Secretary says that they will be \$769,000, but he deducts therefrom ten per cent. for drawbacks and expenses. There he is wrong. The drawbacks, &c., in 1792, (the year he calculates on,) were but six per cent. And the additional duties being principally on dry goods, of which a trifle is exported, he ought not to have charged more than two per cent. for drawbacks and expenses, which would have confirmed my statement of \$750,000. Having observed this mistake, I was led to examine more minutely, and I thought I could discover other errors. For instance, in the result marked F, for 1793, the drawback is estimated at \$1,500,000, when already there had been charged thereon \$279,000. This is \$500,000 more than heretofore calculated on, and that much more than will probably arise on that year. The Civil List is charged with \$117,000 more than any year has actually cost; the Military at \$29,000 more than it cost in 1793, and no person can suppose that our Military expenses will increase. Nay, some contemplate a reduction.

My habits have been to examine, and I am certain that the late Secretary (for whose abilities as well as personal character I have the greatest respect) will pardon my having pointed out what I conceive to be errors. Those sums, together with \$65,000 over-charged for drawbacks on additional duties, will make \$781,000. Deduct therefrom \$380,000 supposed to be raised by the new duties, and there will remain \$401,000 for contingencies, and for purchase of the Debt. I have not taken into calculation the surplus made by the Secretary of \$142,000, in his result F, because I do believe that nearly the whole of that will be lost in the estimate of \$400,000 expected from the excise on domestic distilled spirits. My calculation

makes that item (which has always been estimated at \$400,000) to yield less than \$300,000 to the Treasury.

I shall not pretend to follow the gentleman from Connecticut through that vein of ridicule that he has thrown on the memorialists. They are citizens, had a right to petition, and deserve to be treated with decency—they ask a redress of grievances, nor that of the House—they ask a redress of grievances. He has said we want experience on those laws, but we may test them by the existing excise. It was by it I meant to test the new excise, but the report demanded thereon has not yet been made, and I must risk my calculation, which I firmly believe in myself.

In 1792, the net amount of duties of excise paid to the Treasury, all expenses of collection deducted was - - - \$383,209

Deduct drawbacks paid by the Collectors of Customs on exportation - - - \$136,428

With \$75 for molasses - - - 27,253

----- 109,143

----- \$274,066

Leaving an actual net revenue of \$274,066 for the year 1792.

The returns for 1793 are not complete, but add to those made, a like sum for each of the States that have returned their accounts to those for 1792, and you will find that you lose between the years 1792 and 1793, nearly one hundred thousand dollars—a prodigious decrease for one year. Should that excise continue thus to decrease, you must find funds to pay the officers from some other revenue.

In the year 1792, the spirit from molasses produced \$174,152; from grain and fruit, \$72,170. To collect that from molasses requires not more than twenty persons. To collect the residue, about two hundred and thirty officers. Supposing other States have officers equal to the number in Maryland, where twenty-five are employed to collect a net revenue of \$15,591. Why, sir, if the whole was divided among the officers, it would not be too much for their services. Thus have you, at least, two hundred and thirty officers spread over the whole face of America, to pay the immense sum of seventy-two thousand dollars per annum to the Treasury. The State of Virginia paid of net revenue, in 1792, from the excise, \$15,186; the cost of collection is charged at \$5,258—so that twenty shillings collected from the people pays but fifteen shillings to the Treasury, and yet the officers are not half paid. Those of Maryland must resign, unless their pay is increased, for, on an average, they receive but about seventy-five dollars per annum. I agree with the gentleman that the people pay taxes by excise more pleasantly than by direct taxation. But, sir, I believe the temper of our people is not prepared for a general excise system; that excises cannot be collected without an host of officers, who, being paid as they ought to be, would swallow up the revenue. Whence arises this decrease? From the gradual

increase on domestic distilled spirits. My calculation

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corruption of the morals of the people, occasioned by the excise system.

One other observation: I do not think with those who would throw three millions of dollars into market annually for the purchase of the Debt. If you do, you will raise the price so that your three millions would not purchase more than two millions four hundred thousand dollars.

A sum of from five hundred thousand to one million annually, will not affect the market so materially, and will, perhaps, be purchased nearly at par; and that sum will be paid from your existing revenues without the aid of the taxes in question.

Mr. FINDLEY observed, that the real ground of controversy was within such narrow limits, that, if foreign matter had not been introduced, he had not designed to detain the Committee with his observations. The question was only, whether those revenue laws which were, by their own limitation, to continue for two years longer, should now be extended to six years.

After the wide field of argument that had been taken, he wished to call the attention of the Committee back to the single ground of controversy; he thought the best way to do this, was to state a concise narrative of the progress of excises under this Government.

In the year 1790, a law was enacted for levying an excise on distilled spirits and stills. At that time we had very little practical knowledge of excises; in most States they were only known by the odium of the name; in some others they were only known by being defeated. In the Spring of 1791, the Secretary of the Treasury was directed to report early to the next session the progress of the excise law; the next session passed without this information being given: the direction was renewed, and a day named on which the report should be made. This produced the report of the first day of January in the last session, which proved that the excise law was very partially executed, notwithstanding the amendments which had been made to that law, and the suggestions that it was in full operation. From this report it was evident that the revenue fell much below the estimated amount, notwithstanding that the expense of collection was increased almost every session, and that, in some districts, the revenue did not pay that expense.

While such a view of this excise was before the House, the present revenue Loans were introduced, and supported by arguments drawn from theory or the experience of countries otherwise circumstanced than we were. Being opposed by a pretence of large minority, and the estimates of their produce not being supported by any sufficient data, a limitation of their duration was agreed to unanimously.

One gentleman, indeed, [Mr. TRACY.] says that he, at that time, disapproved of the limitation, though he voted for it; and, from this circumstance, he justifies his right of voting against it now. This manner of arguing affords a much stronger proof of that gentleman's ingenuity than of his candor. He complains that voting for the

limitation procured no votes in favor of these laws. This, at least, proves that the limitation was the only thing in which the House was unanimous, and, consequently, that this being the most respectable part of those laws, ought to be held most sacred.

The same gentleman, in his last discourse, thought proper to select Pennsylvania as the peculiar object of his censure, and to make severe animadversions on the conduct of her merchants and manufacturers. Had he confined his censure to the part of this State, where a criminal opposition to the excise law actually happened, and had this been a Court of Censors, authorized to make a scrutiny into the character of particular States, and hold them up to public contempt, perhaps I might have acknowledged the justice of his strictures with respect to some of my immediate constituents; but would still have gloried in being a citizen of Pennsylvania. Nor do I think myself dishonored by the unfortunate misconduct of some nearer where I reside. When a comparative scrutiny is made of the character of the merchants and manufacturers of other commercial and manufacturing States, I am confident, with the exceptions I mentioned, that Pennsylvania will not shrink from the trial, nor blush at the result; but as this House is no Council of Censors nor Court of Judicature, every thing of this kind is disorderly and impolitic.

Mr. F. observed, that a gentleman, yesterday, [Mr. SARGENT.] had done him the honor to make some remarks on what he had formerly said on this subject, respecting the faith of the Government. He supposed he had not then expressed himself with sufficient accuracy, but would now explain his meaning. He did not mean that the faith of Government was so pledged as that it should be suffered to expire at the time to which it stands limited, or, that it could not be extended with propriety, as soon as experience of the revenue it would produce, and its effects on the manufacturers, would justify the measure. He only contended, that a limitation thus unanimously agreed to, should not be extended until we were possessed of the practical information intended to be obtained. He said, this was reasonably expected by those who doubted of the propriety of the law, and by the manufacturers who were affected by it; and no man had pretended to say that this information was yet obtained.

He said that the manufacturers were so confident in this expectation, that though, through the impropriety of the law, some of the manufacturers had their business totally stopped; they had made no complaint, until we obliged them to come forward by attempting to extend the limitation, and by construing their silence into approbation. He said he had the honor to be one of a committee of seven, to examine and report on the memorials of the manufacturers. It appeared to that committee, on the most exact scrutiny, that the manufacturers could not hitherto add the tax to the price, and that the revenues fell much below the estimate; but the laws having been but a few months in operation, they thought it possible, that

these circumstances might be owing to temporary and incidental causes, and therefore, though they voted against the repeal of these laws, yet they reported, with only one dissenting voice, against extending the limitation.

The importance of rendering the revenue permanent on which the discharge of the Public Debt is to depend, affords the only good argument that has been offered for extending the limitation, and this circumstance has considerable weight; but, as it is not proposed to lessen the revenue, it will still be in the power of Congress to extend those revenues, and add others of the same kind, if experience justifies the measure, and if those taxes are judged improper, there are other resources. However, it is not necessary to appropriate this revenue to the discharge of the Debt; much more revenue than these sources will produce are necessary for the support of the Army and other temporary purposes.

The gentlemen in support of the measure, with great confidence, assert the decision of this measure to be a criterion of a disposition to discharge the Public Debt; but this assertion is neither candid nor well founded. The amount of revenue is too small, and the principle too exceptionable, to be made such a test. If it is a test of anything, it is of the jealousy we entertain of the future Legislature. Such a jealousy, though pretty evident, he thought, was unfounded. He believed that those who came after us, would possess as much virtue and discernment as we did, and would be as much interested in providing for an honest discharge of the Debt.

We have been frequently called on to bring forward direct taxes or other substitutes, and were charged with voting against direct taxes last session. There is no need for other taxes until the limitation is nearer its expiration; nor ought this to be called for unless we were proposing a repeal of some of the existing taxes, as they are fully sufficient for the object proposed.

Mr. F. said that, as direct taxes had been often mentioned in such a manner as to suggest a suspicion that he did not seriously wish them to be brought forward at any time, he begged leave to explain himself on that subject more fully. He said that, last session, he had the honor of making the motion for the Committee of Ways and Means, and it was his wish that that committee would have proposed a direct tax of two millions of dollars, to be apportioned among the different States, agreeably to the Constitution, and appropriated for a limited time to the redemption of the Public Debt. He expected that each State would levy it in its own way.

He said that, however much he was against an excise system of taxation, because of its partial operation and corrupting effects; yet, on reflecting that even a direct tax could not be apportioned with perfect equality on all the States, and that it would generally happen, that where the indirect taxes pressed lightest, the direct taxes would press most heavily, he thought it would be best now, when the country was able to bear it, to put both kinds into operation, and this might be aided

with further duties on such manufactures as could bear it, and equally enjoyed the benefit of protecting duties with those already taxed. He hoped that, when the next Congress met, such a plan of taxation would be adopted; doing this, would be an unequivocal test of a disposition to promote a speedy and honest discharge of the Public Debt.

The tax negated last session, was not such a direct one as he contemplated, nor of sufficient amount to be worth the expense of levying; nor was it needed for the object proposed. It was but five hundred thousand dollars, and to be levied exclusively on land. The direct tax, he contemplated, was a tax on all visible property that could be conveniently rated, and he conceived that two millions of dollars, would be but a moderate tax on the United States.

He did not think it necessary to take much notice of the arguments offered respecting the quality of the taxes, as we were neither about to originate nor repeal them, but thought many of these arguments more plausible than solid. He instanced a gentleman's [Mr. SMITH, of South Carolina] comparison of the impost on coffee, with the excise on loaf sugar. If the gentleman had reflected, that coarse sugar paid an impost before it was refined, as well as coffee, he would have been convinced that the comparison was fallacious. To make them correspond, there ought to be an excise on coffee when it is boiled, or, rather, on the grinding of it, as in England.

The same gentleman expressed himself surprised at the objections to the swearing required in the excise laws, and said an honest man who was willing to do his duty, could have no objection to swearing. Mr. F. said, that this case was strongly misstated. The honest man was not afraid of his own swearing falsely, but he was afraid that his honesty would ruin his business, because the man that did not fear an oath would undersell him. This was an evil which the most judicious advocates of excises acknowledged to be inseparable from them. The experience of every country, where an excise system prevails, has produced lamentable instances of the depravity of those that were immediately connected with the excises. He regretted that, already, instances of such depravity could be found in our own country. But the gentleman who had just sat down [Mr. S. SMITH.] had spoken so well on this subject, and on the sentiments of the people respecting excises, that it was not necessary for him to add much on that subject. One particular, however, he would mention. It was in proof before a committee of which he was a member, that, notwithstanding the protecting duties, all the rum distilleries in this city and Baltimore, had given up the business, but one in each of these towns, though, before the excise law, these distilleries had been worth from a thousand to twelve hundred pounds annually to the owners. They now either lie idle, or are turned into breweries. He did not know how it was in other towns, nor whether the two distillers that continued at the business in this city and Baltimore, were honest men or not; but

he thought the circumstance was alarming, and ought to be inquired into.

The same gentleman spoke much about the propriety of taxing luxuries, as they were only used by the wealthy. He said he never had heard an exact definition of luxuries. In general, they were such things as contributed to the happiness of individuals, at least in their own esteem, and which they could exist without the use of; but to take them by this rule, they would be exceedingly numerous, and as various as the different tastes, passions, and circumstances of mankind. With respect to loaf sugar, it was in pretty general use; and as to snuff, he never knew the consumption of it to be confined to the wealthy. He thought a view of this House gave a proof that it was not, but few of the members used it; it was more commonly used by the poor, the disconsolate and unhappy, who had recourse to it as a stimulant to assist in supporting them under melancholy. He said, there was another kind of property, which, if not luxury, yet could well bear a tax—the neat great landed estates. Many might be found with extensive manors of land, numerous stocks of cattle, and abundance of all the most permanent kinds of wealth, who did not pay as much of impost or excise as the day laborer, or the man who had to rent a farm to raise his family on.

Mr. GILES hoped that some of the taxes would be continued. His opinion had uniformly been, that the taxes, altogether, were insufficient for any formidable operation on the National Debt. The surplus of revenue, by the most favorable statement, was not supposed to be more than three hundred thousand dollars per annum. He did not think the excise system the best for making an impression on the Debt. He wished for an apportionment among the States. As to the resolution before the House, he approved of some of the taxes, and others he disapproved. He therefore wished the resolution could be divided, that he might not be obliged to vote for or against five taxes all at once. He hoped that a plan for apportioning taxes to discharge the Debt would, before the rise of the session, be laid on the table. If it was not done by somebody else, he would do it himself. He had strong objections to several of these taxes, to which he would give his consent, rather than that nothing should be done. He wished that some better proposition could be brought forward than a few petty excises. Such a thing might be laid on the table, and, between this and the next session, they could sound their constituents upon it. He wished for some modification in the notion of Mr. S. SMITH.

Mr. KITTEBA was for a division immediately. Mr. DAYTON, Mr. PAGE, Mr. FITZSIMONS, Mr. MADISON, and Mr. HARTLEY, also spoke.

The last gentleman feared that he would never see an end of such a discussion. The question for striking out the resolution was put—Ayes only 21.

The motion being thus lost: Mr. GILES said that, at the risk of popular odium, he would move to strike out the tax upon carriages. He knew this to be the most popular of

the taxes, but he believed it to be against the Constitution. It was not a voluntary, but a compulsory tax. To lay a tax on a thing already in a man's possession, was a direct tax; and, though a popular one, the fear of giving offence would not deter him from doing what he believed to be his duty. A gentleman from South Carolina [Mr. W. SMITH] had treated objections of this kind lightly; and had said, that the Constitution could be corrected. He thought this a very unguarded mode of expression. We have all sworn to support the Constitution; and, if it must be altered, we know very well that this House has not authority for that purpose. There must be an authority of a different kind. As to the tax now before the House, so firmly were several gentlemen persuaded of its illegality, that they had determined to make an opposition to it—not as in Pennsylvania, by an insurrection—but by a trial before a Court of Law.

Mr. BOUNDINOT considered the objections of Mr. GILES as totally groundless. You might as well say that the tonnage of a ship is a direct tax, for the ship and the carriage have both, perhaps, been in possession of their respective owners, before the existence of the tax. If he had imagined the tax to be unconstitutional, he would certainly have opposed it with all his might. He considered it as a popular tax.

Mr. HILLHOUSE recommended brevity and despatch.

Mr. BEATTY wondered at hearing his colleague say, that the carriage tax was popular, since it was quite otherwise among their constituents in New Jersey.

Mr. BOUNDINOT explained.—That part of the tax which regarded carriages of pleasure was popular; but the collector of the tax in New Jersey, by a construction which never came into the head of anybody except himself, applied the law to the wagons of farmers going to market. This part of the tax was very unpopular, and justly so, but the other part was agreeable.

On dividing, the motion of Mr. GILES was negatived—Ayes 29, noes 55.

A motion was made, by Mr. SEDGWICK, for striking out another part of the resolution. The meaning was not to limit the appropriation of the produce of these taxes to the discharge of the Debt exclusively. He had been appointed on a committee, when the galleries were shut; and it was the business of the House to provide money for the humane and national purposes referred to. That money must be had. He did not think himself at liberty to speak more plainly, but the House knew that this was an indispensable object.

Mr. FITZSIMONS said that, if the gentleman meant any other purpose than what had been all along professed, for the application of the money, he wished him to speak out.

The Committee agreed to all the resolutions as reported, and then rose, and the House agreed to the resolutions, which are as follows:

1. *Resolved*, That there be appropriated, out of the revenues of the year one thousand seven hundred and ninety-five, a sum not exceeding six hundred thousand dollars, to be applied to the payment of two dollars on

every hundred dollars of the amount of that part of the Public Debt, which bears an actual interest of six per cent.; the said payment to be made on the — day of — next.

2. *Resolved*, That the several clauses of limitation in the acts for laying duties and taxes on manufactured sugar and snuff; on licenses for retailing wines and spirituous liquors; on sales at auction; and on carriages, be repealed; that the said several acts be continued in force until the year one thousand eight hundred and one; and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt which is redeemable by law, subject, however, to a substitution of other duties or taxes of equal value, to all or any of the said duties and taxes.

3. *Resolved*, That the eighth section of the act of last session, laying and continuing certain duties on goods, wares, and merchandise, be repealed; and that the duration of the said act be made commensurate with the act for laying such duties, passed the tenth day of August, one thousand seven hundred and ninety, entitled "An act making further provision for the Debt of the United States."

4. *Resolved*, That the surplus of revenue, which may hereafter exist, after satisfying all legal appropriations, be annually appropriated to the purchase of the Public Debt.

5. *Resolved*, That provision be made for the sale of the public lands in the Western Territory.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. WILLIAM SMITH, Mr. AMES, Mr. FITZSIMONS, Mr. DUNN, and Mr. NICHOLAS, do prepare and bring in the same.

MONDAY, February 9.

ROBERT GOODLOE HARPER, returned to serve in this House as a member for the State of South Carolina, in the room of ALEXANDER GILLOX, deceased, appeared, produced his credentials, was qualified, and took his seat in the House.

Mr. GOODHUE, from the committee to whom was referred the memorial of sundry manufacturers of hemp, in the towns of Boston, Newport, and Providence, made a report; which was read, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States;' and, after some time spent therein, the Committee rose and reported several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be read a third time to-morrow.

Mr. SEDGWICK, from the Committee to whom was referred the Message from the President of the United States of the 4th instant, enclosing a Letter from the Secretary of State relative to a Loan for the maintenance of the intercourse of the United States with foreign nations, made a report, which was read: Whereupon,

Resolved, That adequate provision be made by

law for reimbursing, before the year —, any loan which may hereafter be made under the authority of the President of the United States, in virtue of an act of the last session of Congress, entitled "An act making further provisions for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

Resolved, That, for the purpose mentioned in the foregoing resolutions, the proceeds of the duties upon carriages for the conveyance of persons, on licenses for selling wines and foreign distilled spirituous liquors by retail, on snuff and refined sugar, and on property sold at auction, imposed by acts passed at the last session of Congress, and which may be further continued the present session, which are not already appropriated, be appropriated for the reimbursement, before the year —, of any loan which may hereafter be made in virtue of the act aforesaid; and that the faith of Government be pledged to make good any deficiency.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. SEDGWICK, Mr. MADISON, Mr. BALDWIN, Mr. WILLIAM SMITH, and Mr. GILES, do prepare and bring in the same.

Ordered, That a committee be appointed to prepare and bring in a bill to amend the act passed the 8th day of May, 1792, entitled "An act making alterations in the Treasury and War Departments," in such manner as to give the President of the United States the same power of temporary appointments to the offices mentioned in the eighth section of the act aforesaid, in case of vacancy, as by the same section is given to him in the cases of death, absence from the Seat of Government, and sickness: *Provided*, That no appointment, made as aforesaid, shall be for a longer term than six months.

And a committee was appointed of Mr. SEDGWICK, Mr. WATTS, and Mr. McDOWELL.

The House proceeded to consider the resolutions, reported on the 4th instant, from the Committee of the Whole to whom was referred the report of the committee respecting the settlement of the accounts of the former Government, and the unpaid balances due thereon; and the said resolutions being amended, were agreed to by the House as follows:

1. *Resolved*, That further and more adequate provision should be made, by law, for the recovery of debts due from individuals to the United States.

2. *Resolved*, That the Comptroller of the Treasury be authorized to issue a notification to any person who has received moneys for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, in a reasonable time, not less than —, nor more than — months, all his accounts and vouchers for the expenditure of the said moneys, comprehending a schedule of all claims of

credit, or, in default thereof, to remain charged with the moneys so advanced; and suits shall be commenced for the same without further notice, and the party subjected to the costs and charges of such suits, whether the ultimate decision shall be in their favor or against them.

3. *Resolved*, That the Marshals of the respective Districts be authorized to serve the said notifications on the parties therein named, by leaving copies thereof at their respective dwellings or usual places of abode; and that the return of the notifications to the Comptroller's Office, with the Marshal's certificate thereon, that service has been made, be deemed legal evidence in the District Courts of the proceedings, and for the recovery of costs and charges.

4. *Resolved*, That, in cases where accounts shall be rendered to the Auditor of the Treasury, within the time limited in the notifications to the Auditor, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the Comptroller, with a particular list of any claims for credit which shall have been disallowed by him.

5. *Resolved*, That the Comptroller of the Treasury immediately proceed to the examination of the credits allowed by the Auditor, and, if the same be approved by him, that he cause credit therefor to be passed on the public books.

6. *Resolved*, That a list of such credits as shall have been claimed and not admitted by the Comptroller, be made out and transmitted to the Marshal of the District where the claimant resides, and that a copy thereof be left at the dwelling or last usual place of abode of such claimant, with notice of the time assigned by the Comptroller for the final hearing of the account; of which proceedings the Marshal to transmit an official return to the Comptroller.

7. *Resolved*, In case of an omission or neglect on the part of the claimant to assign reasons, in writing, to the Comptroller, within the time limited, why the suspended credits should be admitted, all future claims therefor to be barred.

8. *Resolved*, In case the claimant assign, in writing, his reason why the suspended credits should be admitted, the Comptroller to be directed to consider the same, and decide thereon, according to principles of equity and the usages of the Treasury Department.

9. *Resolved*, In cases where the final decision of the Comptroller shall have been against the claimant, and where he shall have voluntarily, within — months, submitted his claim to the equitable decision of the Secretary of State, the Secretary of the Treasury, and the Attorney General, the said officers to be vested with authority to hear the claimant and pronounce an award, which shall be final and conclusive to all concerned.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. HEATH, Mr. LYMAN, Mr. FINDLEY, Mr. BALDWIN, and Mr. HARRISON, do prepare and bring in the same.

Mr. SEDGWICK, from the committee appointed, presented a bill to amend the act, entitled "An

act making alterations in the Treasury and War Departments;" which was read twice, and committed.

Mr. BOGDANOT, from the committee appointed to examine and report on the state of the Mint, and what further measures are necessary to render the institution more beneficial, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" with several amendments; to which they desire the concurrence of this House.

An engrossed bill to amend the act, entitled "An act making alterations in the Treasury and War Departments," was read the third time, and passed.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose and reported progress.

TUESDAY, February 10.

The bill sent from the Senate, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" together with the amendments agreed to yesterday, was read the third time, and passed.

Mr. W. SMITH, from the committee appointed, presented a bill to amend an act "laying certain duties upon snuff and refined sugar," which was read twice, and committed.

A message from the Senate informed the House, that the Senate have passed the bill, entitled "An act relative to the compensations to certain officers employed in the collection of the duties of impost and tonnage," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" Whereupon, *Ordered*, That the said amendments be committed to Mr. GOODRICH, Mr. GILES, and Mr. W. SMITH.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose, and reported progress.

WEDNESDAY, February 11.

Mr. HEATH, from the committee appointed, presented a bill for the more effectual recovery of debts due from individuals to the United States; which was read twice, and committed.

The House proceeded to consider the amendment proposed by the Senate to the bill entitled "An act relative to the compensations of certain officers employed in the collection of the duties of impost and tonnage;" and, the same being read, was agreed to.

Mr. SEDGWICK, from the committee appointed, presented a bill for the reimbursement of a Loan authorized by an act of the last session of Congress; which was read twice and committed.

Mr. GOODRICH, from the committee to whom were committed the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act, entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" made a report; which was read: Whereupon,

Resolved, That this House doth disagree to all the said amendments.

Resolved, That a conference be desired with the Senate on the subject-matter of the said amendments; and that Mr. GOODRICH, Mr. GILES, and Mr. W. SMITH, be appointed managers at the said conference on the part of this House.

Mr. JEREMIAH SMITH, from the committee to whom was referred the petition of sundry owners of fishing vessels in the towns of Portland and Falmouth, in the State of Massachusetts, made a report; which was read, and ordered to be committed to a Committee of the Whole House tomorrow.

The House again resolved itself into a Committee of the Whole House on the report of a plan for the reduction of the Public Debt; and, after some time spent therein, the Committee rose and reported several resolutions to the House: where the same were twice read, amended, and agreed to, as follows:

1. *Resolved*, That provision be made by law for the payment of interest on the principal of the unsubscribed Debt of the United States, (except Loan Office certificates, bearing interest on their nominal value,) at the rate of six per cent. per annum, for one year, ending the thirty-first day of December, one thousand seven hundred and ninety-five.

2. *Resolved*, That the arrears of interest on the unsubscribed Debt aforesaid, be calculated to the end of the year one thousand seven hundred and ninety-five, and that the possessors thereof be entitled to subscribe the same, on loan, to the United States, at an interest of three per cent. per annum. That those who shall not so subscribe, shall receive, on the first day of January, one thousand seven hundred and ninety-six, one-tenth part of the said arrears to them respectively due.

3. *Resolved*, That the holders of Loan Office certificates, which bear interest on their nominal value, be entitled to receive the specie value, together with the interest thereon, at the Treasury of the United States, on demand; but that no interest shall accrue on such certificates after the — day of —.

4. *Resolved*, That a Loan be opened at the Treasury of the United States to the amount of the

whole of the Foreign Debt; and, that for every one hundred dollars of the said Debt subscribed thereto, the subscriber shall be entitled to an addition of one-half of a per centum to the rate of interest to which such stock is now entitled, or to a sum equivalent in capital, bearing an interest of five per cent. per annum. And that the permanent revenues of the United States be pledged for the payment of the interest quarter yearly, at the Treasury of the United States, till the reimbursement of the principal.

5. *Resolved*, That the Commissioners of the Sinking Fund be empowered, with the approbation of the PRESIDENT OF THE UNITED STATES, to provide, by new loans, or by the sale of certificates of stock, bearing an interest of six per centum, for the reimbursement of any installment or part of the present foreign Debt of the United States: *Provided*, That the principal and interest of such loan and certificates shall be payable at the Treasury of the United States, and the principal thereof redeemable at the Treasury of the United States; and that such conversion of foreign into domestic Debt, shall not charge the United States with an interest of more than half a per cent. in addition to that payable on the Debt so converted. That the interest of the sum redeemed and paid thereof, and the permanent revenue of the United States, be pledged for the payment of the interest on the loans to be made on the stock to be created in virtue of the said powers.

6. *Resolved*, That in addition to the provisions heretofore made for reimbursing and redeeming the Debt of the United States, so much of the fourth section of the act, entitled "An act making provision for the reduction of the Public Debt," as makes a reservation out of the interest on the Debt purchased, be repealed; and, that in lieu thereof a sufficient sum of the duties on impost and tonnage be appropriated for that purpose.

7. *Resolved*, That so much of the revenue arising from the duties on imports and tonnage, as, together with the other moneys now constituting the Sinking Fund, that shall accrue to it by virtue of the foregoing provisions, and the interest re-deemed, as shall be sufficient, be appropriated towards the payment of the sum which may of right be annually paid on account of the principal of such funded stock as, on the first day of January, one thousand seven hundred and ninety-six, shall bear an interest of six per cent. per annum, excluding that to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States. And that the same shall continue so appropriated until the whole of the said stock shall be redeemed; and, thenceforth, until the whole of the Debt of the United States, funded and unfunded, shall be discharged.

8. *Resolved*, That the dividends in the stock (the property of the United States) in the Bank of the United States be appropriated to the same fund, reserving thereout, from time to time, so much as shall be necessary to discharge the interest on what shall remain unpaid of the Loan made of the said Bank, pursuant to the eleventh

section of the act of incorporation, with so much of the duties on imports and tonnage as, together with those dividends, (after deducting what may be necessary to pay the interest,) shall be sufficient to pay off the instalments of the said Loan, as they shall hereafter, from year to year, become due; and as, (the said instalments being first paid,) together with any other moneys which, on the first day of January, one thousand eight hundred and two, may belong to the said fund, and not otherwise appropriated, shall be sufficient, from year to year, with the interest redeemed, to pay the sums which may of right be annually paid, on account of the principal of such funded stock as, at the end of the year one thousand eight hundred, shall begin to bear an interest of six per cent., excluding that which may stand to the credit of the Commissioners of the Sinking Fund, and that to the credit of individual States; and continue so appropriated until the said last-mentioned stock, and the instalments of the Loan aforesaid, shall be redeemed and discharged, and the interest of the stock which shall be redeemed by virtue of the foregoing provisions continue to be appropriated to the said fund after the full redemption in such case is completed, until the whole of the present Debt of the United States be redeemed by reimbursement, purchase, or otherwise.

9. *Resolved*, That the moneys arising from the sales of the lands of the United States, and such as shall be received for debts due to the United States antecedent to the present Government, together with the surplus of all current revenues which shall remain unappropriated at the end of any year, be carried to the credit of the same fund.

10. *Resolved*, That, after the last day of December next, all reimbursements of the capital of the Debt of the United States (foreign or domestic,) and of the reimbursement of the Loan had of the Bank of the United States, be made under the superintendence of the Commissioners of the Sinking Fund; and that they be empowered, with the approbation of the President of the United States, as the instalments of principal become due, to borrow the sums necessary to pay such instalment: *Provided*, That every such loan shall be redeemable at the pleasure of the United States, and the rate of interest shall not exceed six per centum per annum, and be chargeable—

First. Upon the interest of the instalment which shall be reimbursed;

Secondly. Upon the revenue of impost and tonnage, for making good any deficiency.

But the interest on the six per cent stock redeemed shall not be included.

11. *Resolved*, That the Commissioners of the Sinking Fund be authorized, with the approbation of the President, to borrow, from time to time, such sums, in anticipation of the revenue appropriated, as may be necessary for the payment of the interest on the Public Debt, not exceeding one million in any year, and reimbursable within a year from the time of each Loan; and that the interest on such Loan be defrayed out of the permanent revenue, and shall not exceed six per centum per annum.

12. *Resolved*, That all sums remaining unexpended, after the year one thousand seven hundred and ninety-five, upon any appropriation for more than two years, after the end of the year for which such appropriation may be made, shall be carried to a separate account to be kept at the Treasury; and that a statement of all appropriations shall be reported to the Legislature within thirty days after their first meeting in every year.

13. *Resolved*, That all priorities established by appropriations for the Funded Debt, shall, after the last day of December, one thousand seven hundred and ninety-six, cease with respect to all the creditors of the United States, who shall not, before the said last day of December, one thousand seven hundred and ninety-six, signify their dissent thereto to the Comptroller of the Treasury; and that, after that period, the revenue charged with such appropriations shall constitute a common fund, chargeable with the same debts indiscriminately, excepting only as it may respect such of the creditors as may signify their dissent thereto, in manner aforesaid.

14. *Resolved*, That all Loan Office certificates, final settlements, or indents of interest, now in the hands of any person or persons, shall, on or before the — day of —, be exhibited at the Treasury, where the holders or possessors shall be entitled to receive other certificates of equivalent tenor, in lieu thereof; and if any person shall neglect to exhibit such Loan Office certificates, final settlements, or indents of interest, and to get the same exchanged, he or they shall be forever barred from any payment or acknowledgment for such Loan Office certificate, final settlement, or indent of interest.

Ordered, That a bill or bills be brought in pursuant to the said resolutions; and that Mr. WILLIAM SMITH, Mr. AMES, Mr. FRIZZMONS, Mr. DUVAL, and Mr. NICHOLAS, do prepare and bring in the same.

Mr. DAYTON, from the committee appointed, presented a bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject; which was read twice, and committed.

The House resolved itself into a Committee of the Whole House on the bill for the reimbursement of a Loan authorized by the act of the last session of Congress; and after some time spent therein, the Committee rose and reported the bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

TAX ON CARRIAGES.

It was moved by Mr. BEATTY, that a committee should be appointed to report whether any, and what alterations are necessary in the act for laying a tax on carriages for pleasure, and to report a bill, with such alterations as may be necessary in the same. Agreed to.

On this occasion, Mr. BEATTY observed, that he had, some few days ago, when the resolution for extending the time of limitation to certain excise acts passed last session, was under consideration,

contradicted what fell from his colleague, [Mr. BORDINOT], that the law "laying duties upon carriages" was popular in the State of New Jersey. It was (said Mr. B.) the very reverse of that, and, of consequence, he could, by no means, assent to the prolongation of that act to the year 1801. The House having, however, agreed to the extension of this act to a distant period, he now thought it was a duty he owed to his constituents to bring forward a proposition for the revision of that law. This he was now desirous of submitting, and he repeated that the act in question was generally disliked by the citizens of the State from whence he came; and, in some parts, it was so obnoxious, that, were it not for the patriotism and love of order which his constituents had at all times manifested in their conduct, he would not have been answerable that the duties arising under that law could have been collected. He was ready, however, to admit, that great part of the dissatisfaction had arisen from the injudicious mode of execution adopted by the Supervisor, who had, perhaps, discovered more zeal than understanding in the construction of this law.

Mr. B. had no great objection to the principle of the law, but he thought it was defective in two points, and was susceptible of amendment, so as to render it more agreeable to his constituents. The enacting clause is not sufficiently minute in the description of the carriages subject to taxation, and, in some instances, the terms used were of an equivocal nature. To prove the first, he need only mention that, notwithstanding the protection afforded by the proviso, in the first section, to carriages for "domestic purposes," yet the market wagons of New Jersey had pretty generally been subjected to the duty; and, as an instance of the second, he said that the term "coach," used in the law, appears to have no appropriate meaning. Before the passing of this law, he had reason to believe that three-fourths of the carriages in use in this city were of this description; and now, it seems, by some new definition of the law, that not one in four are of that species of carriage, but are returned to the Collector and pay a tax only of two dollars, on the same scale with the market wagons of New Jersey. But the law (Mr. B. observed) was materially defective in another point. In cases of doubt, what carriages are within the exempting description, there is no summary mode of determining—what carriages are "usually" and "chiefly" employed in husbandry," but every disputed case must be the subject of a suit in all the legal forms. This was highly objectionable, both on the grounds of delay and expense, and had no doubt occasioned the payment of the tax, in a variety of instances, where the parties were conscious they were within the exempting clause, but had preferred to pay the two dollars rather than to contend with the Collector in a suit at law. He hoped, therefore, the House would readily agree to remedy these defects, and would appoint a committee for that purpose.

And a committee was appointed of Mr. BEATTY, Mr. NEW, and Mr. HILLHOUSE. And the House adjourned.

THURSDAY, February 12.

An engrossed bill for the reimbursement of a Loan authorized by an act of the last session of Congress was read the third time, and passed. The House resolved itself into a Committee of the Whole House on the report of the Committee to whom were referred the laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, 1792; and, after some time spent therein, the Committee rose and reported a resolution thereupon; which was twice read, amended, and agreed to by the House, as follows:

Resolved, That all the laws passed by the Secretary and Judges of the Territory of the United States Northwest of the river Ohio, on the first day of August, one thousand seven hundred and ninety-two, be disapproved, excepting a law, entitled "An act to repeal certain parts of an act, entitled 'An act creating the office of Clerk of the Legislature.'"

Ordered, That a bill or bills be brought in pursuant to the said resolution; and that Mr. FINDLAY, Mr. GREENUP, Mr. HUNTER, Mr. McDOWELL, and Mr. COIT, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act concerning invalids," with several amendments; to which they desire the concurrence of this House.

ORGANIZATION OF THE MILITIA.

The House then went into a Committee of the Whole on the bill to provide for organizing, arming, and disciplining the Militia of the United States.

The first clause of the bill was in these words: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act, the Militia of the United States shall be composed of all able-bodied white male citizens, of the respective States, resident therein, who shall, respectively, be of the age of twenty years, and under the age of forty years; that the said Militia shall be divided into two classes—the first class to be denominated the select corps of the Militia of the United States. The select corps of the Militia of the United States shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty years, and under the age of twenty-five years. The reserved corps shall be composed of all able-bodied white male citizens, respectively, who shall be of the age of twenty-five years, and under the age of forty years: *Provided*, That, in the choice of officers, either in the select corps, or reserved corps, no respect shall be had to the limitations of age aforesaid; the foregoing regulations to be subject, however, to the exemptions hereafter specified."

It was moved to strike out this clause.

Mr. S. SMITH did not know the state of the Eastern militia, but that of the Southern States was totally useless for the professed purposes of the institution. The officers durst not, for a considerable time, have marched them against an enemy, during the late insurrection, if it had not been for a general idea that there would be no re-

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sistance. But this extreme deficiency had made several gentlemen turn their thoughts to that point, and to reflect on the absolute necessity for a proper militia. By the present law, you will have an hundred thousand young men, with arms in their hands, and knowing how to make use of them. They will, by rules laid down in this act, learn not only their exercise, but the essential duty of taking care of themselves, of cooking, and of lodging themselves. From the want of this knowledge, the militia, in the Revolutionary war, suffered much, and carried home from the camp contagious diseases that swept off whole families. What would be the behaviour of Britain, if she knew that you had an hundred thousand young men, well armed? She would not stop your ships on the seas, when there was not some real occasion, if she knew that the States to the east of the Hudson could instantly march thirty thousand men into Canada. Spain, on the Southwestern frontier, would be equally cautious, for fear of the militia of Kentucky and the Southern States. There would be no need of ever pulling a trigger. The Ministers of foreign Powers would inform their Governments of your internal strength, and they would be sufficiently careful. Everybody will tell you that the present time for keeping the militia embodied is too short. Instead of four days, Mr. S. supposed they would recommend eight. But this also was only trifling. At present, the day of exercise concluded with horse-racing, cock-fighting, and wrestling. Since the end of the late war, he always had in his head a plan of a militia, on something of that kind that is now before the Committee. In the war, he had seen much of them, and they were always very defective. He had formerly seen the Eastern militia. They were not good soldiers, though they were excellent materials for making them out of. He was particularly interested that this resolution should pass. The Government must either have a good militia or a standing army; for, the present militia, at least in the Southern States, do not deserve that name; and a militia was more agreeable to Republican principles. He endeavored to prove that the resolution was economical.

Mr. SEDGWICK observed, that two systems presented themselves to the consideration of the Committee. The first, that of compelling every citizen, capable of performing the duties of a soldier, to arm himself, or to receive arms, to be in readiness to be called forth in defence of his country. The other, that of selecting a part of those capable of performing military duties, and to have them educated and disciplined in such manner that they should be first called forth, and, in some degree, prepared to act as soldiers. He had the honor to be one of the committee which had reported the bill. He did not intend to pledge himself, at present, to vote either for or against the principle of forming a select corps. But he would take the liberty of stating to the Committee a few ideas, which ought to be taken into consideration to form an estimate of the merits of the proposed system. There were (he said) no accurate data from which the expense of the proposed system

could with accuracy be computed. He was, however, induced to believe the proposed select corps would amount to 120,000. Gentlemen who know better than himself had informed him that their arms and accoutrements would amount to ten dollars per man, making - \$1,200,000
Their clothes to twelve dollars per man 1,440,000
The rations, excluding all except the time while in service in the field, would amount to 2,400,000, which at ten cents per ration, would be - 240,000
Add for extra expenses of cavalry, tents, &c. - 30,000
The value of the time was not, indeed, to be paid out of the Treasury, but it was a loss to the productiveness of the public, and not less than four dollars for each man - 480,000
Total - - - \$3,390,000

He would admit that the public facilities were equal to such an exertion; but whether the utility of the system would compensate for the burden to be endured, was for the Committee to determine. That the estimate did not exceed the truth, experience, if it should ever be had, he believed, would verify. To put this system in operation would then, the first year, be equal to a contribution of \$3,390,000. This, it ought, however, to be observed, would not be the annual expense, for the value of the arms and clothing which might be returned, after deducting the wear and tear, ought to pass to the creditor side of the expenditure. There were some other circumstances which would result from this system, which had occurred to his mind as necessary to be considered: the loss which the community would sustain, by interrupting, annually, for so considerable a portion of time, in the most profitable and productive period of life, all the necessary and useful occupations of labor, would produce effects worthy the mature reflection of the Committee. In Sparta, the only country where an attempt had been effectually made to create a whole community of soldiers, the existence of slavery rendered labor disgraceful to citizens. They were, of course, very unlike the yeomanry of America, whose labor is equally required to continue their virtuous habits and to promote the happiness of our country. He would not declare that the alteration might not be beneficial, but he had no hesitation in pronouncing that it would produce a new state of society. Another consideration he would suggest to the deliberation of the Committee. It was, he believed, impossible to calculate what effect on the simplicity and sobriety of the morals of the rising generation might be produced, by congregating, in large numbers, youth without experience, unrestrained by that control to which it had been habituated.

Mr. LYMAN vindicated the military character of the militia of Massachusetts.

Mr. HULLHOUSE feared the worst consequences from calling out an hundred thousand young men. Some of them would be journeymen; others newly married. They would be forced to leave their

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employment, and lose their customers, who, in their absence, would employ others. The militia had been very useful in the last war. They took Burgoyne. Mr. H. was satisfied that if any other Power attacked America with regular forces, it would be found requisite to defend her with the same. No militia could supply the place of regulars, when attacked by troops of that kind. The present law would have a very bad effect on the morals of youth. It would be wrong to have an army all of young men, from the age of twenty to twenty-five. It would be better to have some old men among them.

Mr. PAGE feared that the expense would be enormous, and that it would be difficult to teach a militia the military discipline very exactly; but, if once they came in sight of an enemy, and in actual service, they would soon learn.

Mr. IRVINE said, that in his part of the country, besides the four days of mustering, there were usually two or three days of preparing, as the sweethearts of the young men usually attended. He knew that the gentleman who spoke last had been in the service, but he could not guess where he had picked up the information that eight or ten hours in the neighborhood of an enemy's camp would make a man a soldier. If something is not speedily done, we shall be in the same situation as in 1794, when the country depended entirely for discipline on the British officers who had retired from service, and on the sergeants among British deserters. He was in favor of the resolution.

Mr. WADSWORTH had been one of the select committee on this bill, and it might therefore be expected that he should have something to say about it. He hoped that the section would not be stricken out because it is not perfect. Though one of the committee, he did not like the whole of the system reported. But, sir, said Mr. W., which was so perfect as not to require modification. If the question before the Committee were, whether this report shall all go into a law, I would vote against it; but I believe the principle contained in the section to be absolutely necessary for the having such a militia as may be useful to correct any sudden insurrection or any foreign enemy. Much has been said of the late expedition against the Western insurgents; but was this the militia of the law? No, sir. In every State but one, from which they were drawn, it was not the militia of the law, drawn out by the militia law. It was a volunteer militia, influenced by their feelings, or by private bounties, in favor of Government. Mr. W. here asked, what a Government has to boast of with such a militia? Is it safe for any Government to rely on private, individual influence, to protect it against its enemies, whether foreign or domestic? No; it is dangerous. The same influence may be turned against the Government. If the present loose militia law has (and Mr. W. said that he knew it had) produced in Massachusetts a good militia, it has not done so here; nor, indeed, in any but a very small part of the United States. If the clause be struck out, we give over every hope of mending our militia law;

and we must remain as we are, in a loose, deranged, uncertain situation. Mr. W. did not, by any means, approve the modifications of this bill. He did not wish for half, nor even a third part of the numbers which this bill would place in the select corps. The active militia in the late expedition might be boasted of, and have great merit, but they were not brought into the field by the law, but were the militia mostly of volunteers, or obligations to them, but the militia law, as it now is, would not produce an Army; and, if it remains so, the Government can hope but little from it, but, in any extremity, must depend on a militia of private influence. Mr. W. wished that the clause might stand, and, as in all other bills reported to this Committee, that such amendments might be made as to put the Government in possession of a force which can be relied on, and not to remain dependent on a force of individual influence.

Mr. TRACY was against striking out the clause. He imagined that it would be giving up all pretence to a reformation, which was much wanted.

Mr. HEATH was satisfied, that we had as much need of a new militia as we formerly had of a new Constitution, instead of the old rope of sand, a Confederation. He had seen militia going out to exercise, both officers and men, in a most careless and indifferent manner, with sticks, canes, and whips, and not one firelock among four of them. Was this the way to get a militia? Was this the sort of thing that the Continent, in an hour of foreign or domestic danger, was to look up to? The clause may require to be modified, but it ought most certainly to be kept in. The greatest losses in the last war came from want of training the militia properly.

Mr. GILES also was against the striking out. He hoped that gentlemen would let it go, and the bill have an experiment. He had not experience in the militia, but he had experience in committees, on the subject, for he had been on them for three or four years past.

Mr. SWIRT urged several objections to a select corps. He was entirely opposed to the report.

Mr. S. SMITH had formerly spoken of the militia of Maryland, whom he commanded in the late expedition, and he believed that those of Virginia were nothing better, if not rather worse. He mentioned an advice given by somebody, of not going near the water till you have learned to swim. The Virginia officers treated their soldiers pretty severely, for they very soon began to tie them up and give them an hundred lashes. He then attacked Mr. SEDGWICK, upon his calculations: as to the expense of an hundred thousand militia. The arms would cost nothing, for you have them already, in the repositories of the United States. Here were a million of dollars struck from the account. The tents that we have, will do, without new ones. As to camp equipage, such as kettles, tins, and so forth, one half of these expenses of the late expedition might have been saved, if these things had been in proper readiness; and if the law now proposed had then existed, this sum would

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Military Establishment.

[FEBRUARY, 1796.]

have been saved. He noticed that many people, since returning from the Westward, had died of diseases contracted in the expedition, and which arose from ignorance how to take care of themselves. As to the coat, said Mr. S., sir, I voted against the coat, in the select committee, and the gentleman from Massachusetts voted for it; and now again he objects to it. The ration came next. They were guessed, and he believed with some accuracy, at two hundred thousand dollars per annum. And is a good, effective militia, of an hundred thousand young men, worth less than two hundred thousand dollars a year? Mr. S. said, that he would be greatly hurt at going out again, if it so happened, at the head of such a militia as the present. As to the scruples about bringing so many young men together, Mr. S. regarded this as the best time of life to do so. The whole was only twenty days in the year, for five years, and surely a man will not grudge an hundred days of a whole life-time, that are spent in learning to defend so admirable a Government. He thought that it would be well to employ the old officers of the Revolutionary war, as long as you have them, in training this select corps. They are dropping fast off, and then you must import drill-sergeants from other countries. Alluding to the remarks on expense, by Mr. Sedgwick, he said, that it was becoming the practice for gentlemen in that House to bring in a set of desultory observations, and then deduce unfair conclusions. He well remembered when, in last session, a gentleman from Virginia proposed a set of resolutions, that have since been called Madison's resolutions. Mr. S. was opposed to them. But it was said, that they would involve America in a war with Britain. This story answered its purpose both without and within doors, but Mr. S., who was against the resolutions, had always considered this part of the objections to them as the most ridiculous thing imaginable. Mr. Hillhouse had regretted that old men were not to be admitted into the select corps, for the sake of preserving the morality of the younger classes. I would ask that gentleman, said Mr. S., whether he is more moral than he was twenty-five years ago? It is the old that corrupt the young. [This observation produced a general smile.] Mr. S. would have no scruple of trusting his own son in such a corps. He noticed that the English militia, whom he had seen before the war, were as well disciplined, in his opinion, as the regulars; but then they were just as much at the beck of the Crown as the regulars.

Mr. Hillhouse vindicated his objections to the select corps being composed of men from twenty to twenty-five years of age. He did not like to cut down the old tree, till he knew whether the young one would grow. What if the young tree should not grow, and we had cut down the old one? We should then be much worse off than we are now, because we should have nothing at all, and the present militia were at least much better than nothing.

Mr. Sedgwick rose to explain, relative to his voting in the select committee for coats to the select corps, and then arguing in the present Com-

mittee against the whole scheme. He complained that Mr. S. Smith had spoken as if in anger. He, for his own part, never wished to point out the inconsistencies of gentlemen. Since he was now so hardly pressed, he would ask the member [Mr. Smith] how it happened, that when stating the expenses and resources of the Union, a few days ago, he had omitted eight hundred thousand dollars a year, that must be paid on different loans? Mr. S. read the particulars from a memorandum before him, and insisted that the gentleman ought not to bring forward, at this time, what had passed in a select committee.

Mr. Giles and Mr. S. Smith both rose together. The former declared that the gentleman was certainly out of order. The latter asked him, whether this affair of the eight hundred thousand dollars had any reference to the resolution before the Committee?

It was now generally requested that the Committee might rise. It was granted, and the Chairman asked leave to sit again.

FRIDAY, February 13.

A memorial of Amelie, Adelaide, Melanie, and Silvie de Grasse, four daughters of the late Count de Grasse, now residing at Salem, in the State of Massachusetts, was presented to the House and read, praying a loan of money for their present subsistence; the effects which they brought from France being exhausted, and having no other means of support, but in property in the Island of St. Domingo, from which, under present circumstances, no supplies can be drawn.

Ordered, That the said memorial be referred to Mr. Ames, Mr. Madison, and Mr. Gilman, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Ordered, That the petition of Isaiah Thomas, returned on the 5th ultimo, by the Secretary of the Treasury, be referred to Mr. Murray, Mr. Watts, and Mr. Kirtland; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House proceeded to consider the amendment proposed by the Senate to the bill, entitled "An act supplementary to the act concerning invalids," and, the same being read, was agreed to.

MILITARY ESTABLISHMENT.

The House went into a Committee of the Whole on the bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.

In reading the several clauses of the bill, various objections were made.

The following is a copy of the third section:

"And be it further enacted, That the Legion of the United States be also completed to the number of four thousand eight hundred non-commissioned officers, privates and musicians, by voluntary enlistments for the term of three years, and that the sub-Legions composing the same be organized in such a manner as the President of the United States shall direct."

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Military Establishment.

[H. or R.]

An amendment was moved by Mr. Madison, which was, that the troops should only be employed for the protection of the frontier.

Mr. Giles was against intrusting the President with any discretionary power as to where the troops were to be employed.

Mr. Fitzsimons said, that he had enjoyed the honor of a seat in that House ever since the beginning of the Government. He had noticed with attention the progress of the standing army, and he had seen that many members, who from the first had been against it, were, from experience of its necessity, now for it.

Mr. Wadsworth did not know a county in New England which could not destroy the little standing army of America in an hour. He had at first been the only man for regular troops, and now gentlemen who had been against this army were for it. There is a good militia in Massachusetts, but some time ago there passed a milk-and-water law in Congress, with hardly a New England vote to it, and since that time there have been no hopes of a good militia. As to the present amendment, it had been inserted in former laws, and never had hindered the regulars from marching any where that was thought proper. The amendment had done no good before, and he had no hopes of its doing any now. He was sorry for this little standing army, for it never comes before the House without meeting a rub. It has more to fear from its friends than from its enemies. Some people pretend to be jealous of the New England members, as attached to a standing army. The reason why they are so is, that they despair of ever seeing a militia, that will be worth one farthing. It had been said by Mr. Giles, that a party in the House wanted to employ the army as an instrument for executing the laws. If by this was meant preventing the whites from encroaching upon the Indians, and for suppressing insurrections, he hoped it would always be so; but, if this meant that the standing army should assist in the ordinary execution of the law, he hoped that it would not be needful, and that they would not do it. He would not say again, what he had said yesterday, as to the militia, but only this, that a militia raised by individual influence was more formidable to the United States than a standing army ever could be. He thanked God that the Government of the country was not left entirely to the House of Representatives, for he believed that they would make most wretched work of it. There were other branches likewise. As to weakening the army for fear that it should enslave us, he thought it like a man blunting the edge of his axe, for fear that he should cut his foot with it.

On dividing on this amendment, there were only twenty-six yeas.

Mr. Giles then moved, as an amendment, at the end of the third section, that "no enlistment shall be made after three years from the time of passing this bill."

Mr. Hillhouse could see no harm in this motion of Mr. Giles. It was agreed to.

The Committee rose. The bill, with the amendments, was reported to the House.

A motion was then made and seconded, further to amend the said bill, by striking out of the 15th section, the words "and inserting, in lieu thereof, the words "that the legion shall be reduced to the number of two thousand five hundred men, and the proportioned number of officers, whenever there shall be a peace with the Indian tribes; and that it shall be lawful for the PRESIDENT OF THE UNITED STATES:" And it passed in the negative—yeas 25, nays 58, as follows:

YEAS.—Theodoros Bailey, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, William J. Dawson, Henry Dearborn, William B. Giles, William B. Grove, George Hancock, Carter B. Harrison, Aaron Kitchell, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Anthony New, John Nicholas, John Page, John Smilie, Israel Smith, Thomas Tredwell, Abraham Venable, and Paine Wingate.

NAYS.—Fisher Ames, John Beatty, Lemuel Benton, Elias Boudinot, Benjamin Bourne, David Cobb, Peleg Coffin, Joshua Coit, Jonathan Dayton, George Dent, Gabriel Duvall, Benjamin Edwards, William Findley, Thomas Fitzsimons, Dwight Foster, Henry Glenn, Benjamin Goodhue, James Gordon, Andrew Gregg, Robert Goodloe Harper, Thomas Hartley, John Heath, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Richard Bland Lee, Francis Malbone, Alexander Mebane, William Montgomery, Andrew Moore, William Van Murray, Joseph Neville, Nathaniel Niles, Alexander D. Orr, Andrew Pickens, Francis Preston, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Philip Van Cortlandt, Peter Van Gasebeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, Benjamin Williams, Richard Winn, and Joseph Winston.

Another motion was then made further to amend the said bill, by adding to the end of the first section the following words: "for the protection and security of the United States against foreign invasion, and against the Indian tribes;" And it passed in the negative—yeas 36, nays 44, as follows:

YEAS.—Theodoros Bailey, Lemuel Benton, Thomas Blount, Thomas P. Carnes, Thomas Claiborne, Isaac Coles, Henry Dearborn, Gabriel Duvall, Benjamin Edwards, William Findley, Nicholas Gilman, Christopher Greenup, William Barry Grove, Carter B. Harrison, John Heath, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Andrew Moore, Anthony New, John Nicholas, Nathaniel Niles, John Page, Francis Preston, John S. Sherburne, John Smilie, Israel Smith, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Benjamin Williams, and Joseph Winston.

NAYS.—Fisher Ames, Elias Boudinot, Shearjashub Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, William J. Dawson, Jonathan Dayton, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Henry Glenn, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kittera, Amasa Learned, Francis Malbone,

[H. or R.]

Debt due the Government.

[FEBRUARY, 1796.]

William Montgomery, William Van Murray, Joseph Neville, Alexander D. Orr, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Samuel Smith, William Smith, Thomas Sprigg, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Tumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, Paine Wingate, and Richard Winn.

Ordered, That the said bill, with the amendments agreed to, be engrossed, and read the third time to-morrow.

SATURDAY, February 14.

An engrossed bill for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject, was read the third time and passed.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill making further provision for the support of Public Credit, and for the reduction of the Public Debt; which was read twice and committed.

Mr. TRACY, from the Committee of Claims, to whom was referred the petition of William Seymour, made a report; which was read. Whereupon,

Resolved, That William Seymour be placed on the list of invalid pensioners, as being entitled to the half-pay of a Captain, in lieu of his present pension, to commence on the 5th day of March next, to be paid in the same manner, and at the same times, that invalid pensioners are now paid.

Ordered, That a bill or bills be brought in pursuant to the said resolution, and that the Committee of Claims do prepare and bring in the same.

Mr. BORDINOR, from the committee to whom was referred the report of the Attorney General of such tables of fees and regulations as are proper to be established for the Courts of the United States, made a report; which was read. Whereupon,

Resolved, That the table of fees reported by the Attorney General be printed for the use of the members; and the consideration thereof be referred to the next Congress.

Resolved, That a committee be appointed to bring in a bill to continue the act, entitled "An act to ascertain the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

Ordered, That Mr. BORDINOR, Mr. KITTEBA, and Mr. SHERBURNE, be a committee pursuant to the last session.

Mr. COIT, from the committee appointed, presented a joint resolution, respecting certain laws of the Territory of the United States Northwest of the River Ohio, passed the first day of August, 1793; which was read twice, and committed.

Mr. DAYTON, from the Committee of Elections, to whom were referred the credentials of Aaron Kitchell, and of Robert Goodloe Harper, returned to serve as members of this House in the room of Abraham Clark and Alexander Gillon, made a report, as follows:

"That it appears, from a certificate signed by the

Governor of the State of New Jersey, and under the seal of the said State, that Aaron Kitchell was duly elected to serve in the House of Representatives of the United States, in the room of Abraham Clark, deceased. That it also appears, from a certificate signed by the Governor of the State of South Carolina, with the seal of the said State annexed, that Robert Goodloe Harper was duly elected to serve in the House of Representatives of the United States, in the room of Alexander Gillon, deceased.

"Resolved, as the opinion of the committee, That Aaron Kitchell is entitled to a seat in this House, as one of the Representatives for the State of New Jersey, in room of Abraham Clark, deceased. "Resolved, as the opinion of the committee, That Robert Goodloe Harper is entitled to a seat in the House, as one of the Representatives for the State of South Carolina, in the room of Alexander Gillon, deceased."

The report was twice read, and agreed to.

DEBTS DUE THE GOVERNMENT.

The House, on motion of Mr. HEATH, went into a Committee, on the bill for the more effectual recovery of debts due from individuals to the United States.

The first section, which produced a debate of some length, was in these words:

"Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller of the Treasury be, and is hereby authorized to issue a notification to any person, who has received moneys, for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, within ——— months, all his accounts and vouchers for the expenditure of the said moneys, comprehending a schedule of all claims of credit, or in default thereof, to remain charged with the moneys so advanced; and suits shall be commenced for the same, without further notice: And the party sued as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in their favor or against them."

It was moved to strike out the last sentence, and to insert in lieu thereof an amendment, signifying that the defendant shall not recover costs.

Mr. BORDINOR stated the very great difficulty of getting a settlement at the Treasury of the United States, on which account he himself had been put to the utmost difficulties, as well as many other persons with whom he was acquainted. This clause required that all vouchers should be lodged at the Treasury. Mr. B. had known vouchers lodged at the Treasury. The persons again called for them, with the official receipts, but in the course of years could not get them back again. It was on this account entirely tyrannical to attempt to make people lodge vouchers in such a place, where, by the loss of the papers, or their being mislaid, the parties concerned might be reduced to utter ruin. He was equally averse to the making of a new law for debtors of the State. This objection referred to the concluding clause of the section.

Mr. HILLHOUSE vindicated the character of the officers of the Treasury.

FEBRUARY, 1795.]

Debts due the Government.

[H. or R.]

Mr. BORDINOR explained that his complaints went only to blame the management under the old Constitution, but things had been left then in a state of inextricable confusion.

Mr. WADSWORTH would not oppose the bill altogether, because he was very willing that public money should be, if possible, recovered, but he could see no occasion for new and arbitrary laws, to recover it. He believed that out of every twenty debtors found in the books of the Treasury, not five would be found to owe a farthing. He knew many persons who had received discharges in full at the Treasury, and who, as he had no doubt, were still standing charged with large sums in the books. He considered the clause to be a clause of tyranny and violence. He entered into a detail of the frauds committed on the creditors of the public during the war, from the villany of agents and speculators, who crowded over Congress itself. At the Treasury, clerks were changing every day, and such a scene of book-keeping was exhibited there, as never had been seen any where else. Officers had come to this city with claims consisting of but a single line, and had to wait a long time, and borrow money to support themselves, and could not get the plainest account settled. Many honest men had been forced to settle in such a way, that they were reduced to beggary and sent to jail; and, from particular circumstances, the most honest men fared worst. He had seen all these things. He had felt them. He had paid, very fully, for this part of his knowledge. He mentioned a person who was sent from this city to New Hampshire to get fifty thousand dollars that were due to him. When he went there, he was told that there was nothing in the Treasury. He came back to Philadelphia, and, at the end of two years, he was forced to accept of depreciated paper, and the payment was stated to the public as made in specie. Mr. W. could not help protesting against this clause, when he knew of so many people who had been ruined by their connexions with the Treasury. He had escaped ruin, but others were not so lucky.

Mr. HILLHOUSE did not approve the manner in which the gentleman last up spoke of the Treasury, nor of the hardships said to be imposed by this law.

Mr. HEATH had the highest respect for the gentleman from Connecticut, and wondered how he could think it possible that an act of tyranny could pass under the present mild Government, which was the admiration of the world. His facts were specious, but fallacious, being drawn from the disastrous period of the war.

Mr. WADSWORTH replied, that he did not, indeed, expect to have heard of an act of tyranny under this Government, but an act of tyranny this clause most certainly was, and unfit for such a Government, and till it had passed into a law, he should continue to call it tyrannical. When passed, he would no doubt submit to it, but his inward opinion would still be the same, and his heart would continue to feel it as oppression. If I thought (said Mr. W.) that, by standing here,

and speaking on till the fourth day of March, I could prevent this clause from passing, and that I should not fall down with fatigue, I declare that I would rather speak on, than consent to the passing of the bill, as it now stands. The gentleman from Virginia says, that my facts are specious and fallacious. Facts, however, they are, and if they must go out to the world, rather than they should go out as specious and fallacious, I will, myself, take the trouble to verify them from the public records.

Mr. BORDINOR knew that there had been men laboring for fourteen or fifteen years to get a settlement with the Treasury, and could not accomplish it. Their accounts were in such a condition that it would require the most expert accountant that ever was in the service of the Union, a year or two to clear them up. He himself had been laboring for ten years to get an account settled, and could not. Other accounts he had wearied himself in attempting to get ended, till he went to the office, and declared he would not quit it till the matter was finished.

Mr. LYMAN wondered that any body would venture to call a bill before the Committee tyranny. The present Secretary of the Treasury had said that these old accounts were in such a confused situation, that the law, as it now stands, would not do to get them cleared up. It would be better, Mr. L. thought, to make a conflagration at once.

Mr. WADSWORTH rose a third time. He would not thus trifle with the patience of the Committee, if something of this kind had not really been becoming fashionable. A gentleman had wondered how any body would call a bill before the House tyrannical. It was yet only before the Committee, and, therefore, he conceived himself at liberty to call it what he thought it. Much had been said to day about the opinions of gentlemen in the Treasury. But the other day, the tone was quite different. We were legislators, and not to receive opinions or information from any body. As to burning the books, Mr. W. did not approve of that either. It would be much better to let matters go on as they are. Mr. W. said, that, for his part, there was nobody who stood more independent than he did, either as to public or private money. He was all open, and ready to meet and answer every demand of every sort, that the world could bring against him. He had brought more public money to be accounted for than any man in that House; so that nobody could suppose him averse to getting justice done to the public from their debtors. He should feel, if the act passed as it now stands, that it was tyranny against many worthy men who had been injured by the public. The amendment was on a division negatived, and the clause went through, in substance as above. Some verbal amendments were made. The bill was then reported to the House, and agreed to, and ordered to be engrossed for a third reading on Monday.

MONDAY, February 16.

An engrossed bill for the more effectual recovery.

ery of debts due from individuals to the United States, was read the third time, and passed.

An engrossed resolution, in the form of a concurrent resolution of the two Houses, respecting certain laws of the Territory of the United States Northwest of the river Ohio, passed the first day of August, one thousand seven hundred and ninety-two, was read the third time, and, on the question put thereupon, agreed to by the House, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That all the laws made by the Secretary and Judges of the Territory Northwest of the river Ohio, on the first day of August, one thousand seven hundred and ninety-two, excepting a law, entitled "An act to repeal certain parts of an act creating the office of Clerk of the Legislature," be, and the same are hereby disapproved.

A memorial of sundry manufacturers of snuff, in the town of Baltimore, was presented to the House and read, praying that so much of the act passed at the last session of Congress, laying duties upon snuff and refined sugar, as imposes a duty on snuff manufactured within the United States, may be repealed. Also,

A petition of the manufacturers of snuff in the town of Boston, to the same effect.

Ordered, That the said memorial and petition be referred to the Committee of the Whole House to whom is committed the bill to amend an act, entitled "An act laying certain duties upon snuff and refined sugar."

A petition of sundry merchants and mariners of the town of Wiscasset, in the State of Massachusetts, was presented to the House and read, praying that a light-house may be erected on Damariscove Island, instead of the one intended to be placed on Seguin Island, in the said State.

Ordered, That the said petition be referred to Mr. DEARBORN, Mr. WINGATE, and Mr. SHERBURN; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. GOODRUE, from the managers appointed on the part of this House to attend the conference with the Senate, on the subject-matter of the amendments depending between the two Houses to the bill entitled "An act supplementary to the act entitled 'An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same,'" made a report: Whereupon,

Ordered, That the said bill, with the amendments, do lie on the table.

Mr. BARNES, from the committee appointed, presented a bill to continue in force the "Act for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," which was read twice, and committed.

Mr. MURRAY, from the committee to whom was referred the petition of Isaiah Thomas, made a report, which was read, and ordered to lie on the table.

surrection. He considered it his duty to support the motion. It had been the practice in Pennsylvania to publish the laws in English and German. Good consequences had resulted from it.

Mr. KITTERA, and several other gentlemen, spoke on the same side of the question.

Mr. MURRAY said, that it had never been the custom in England to translate the laws into Welsh or Gaelic, and yet the great bulk of the Welsh, and some hundred thousands of people in Scotland, did not understand a word of English.

Mr. BOURNOR was on the same side of the question.

The Committee went through the report. The Chairman reported the resolutions to the House, which were agreed to as follows:

Resolved, That there be printed, under the direction of the Secretary of State, a complete edition of — copies of the laws, to the close of the present session of Congress, to include the Constitution of the United States, the public acts which are now in force, and the treaties; and that they be divided among the respective States, and the Territories Northwest and South of the river Ohio, according to the rule for apportioning Representatives: that the number allotted to each State or Territory be transmitted to the Governor or Supreme Executive Magistrate thereof, in order to be deposited in fixed and convenient places in each county or subordinate civil division, as the Executive or Legislature of such State or Territory may judge most conducive to the general information of the people.

Resolved, That a like number of the laws passed at each succeeding session, and of all future treaties, be printed and distributed as above directed.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. BALDWIN, Mr. MOORE, Mr. HEISTER, Mr. HUNTER, Mr. MACON, Mr. MURRAY, Mr. LATIMER, Mr. BEATTY, Mr. GILBERT, Mr. ORR, Mr. SWIFT, Mr. MALBONE, Mr. ISRAEL SMITH, Mr. DEXTER, Mr. WINGATE, and Mr. WHITE, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions; and, after some time spent therein, the Committee rose and reported several amendments thereto.

Ordered, That the said bill, with the amendments, do lie on the table.

TUESDAY, February 17.

An engrossed bill to continue in force the act "for ascertaining the fees in Admiralty proceedings in the District Courts of the United States, and for other purposes," was read the third time, and passed.

An engrossed bill to repeal part of the act, entitled "An act prohibiting, for a limited time, the exportation of arms and ammunition, and encouraging the importation of the same," was read the third time, and passed.

Mr. DEXTER, from the committee appointed, presented a bill to amend the act, entitled "An act respecting the Government of the Territories of the United States Northwest and South of the river Ohio," which was read twice, and committed.

Mr. BALDWIN, from the committee appointed, presented a bill for the more general promulgation of the laws of the United States; which was read twice, and committed.

Mr. TRACY, from the Committee of Claims, presented a bill for the relief of William Seymour; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House proceeded to consider the amendments reported yesterday from the Committee of the Whole House, to the bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes; and the same being read, were agreed to.

The said bill was further amended, and, together with the amendments, ordered to be engrossed, and read the third time to-morrow.

Mr. TRACY, from the Committee of Claims, presented a bill, enabling George Gibbs to obtain a drawback of duties on certain exported wines; which was read twice, and ordered to be engrossed, and read a third time to-morrow.

Ordered, That a committee be appointed to bring in a bill for the relief of Spencer Man and Frantz Jacob Foltz, of Charleston, merchants, in certain losses relative to drawbacks on sundry goods exported previously to the first day of July, one thousand seven hundred and ninety-two.

And a committee was appointed of Mr. GOODRUE, Mr. HARPER, and Mr. HUNTER.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I transmit to Congress copies of a Letter from the Governor of the State of New Hampshire, and of an Act of the Legislature thereof, ratifying the article proposed in amendment to the Constitution of the United States, respecting the Judicial power.

I also lay before Congress copies of a Letter from the Governor of the State of North Carolina, and of an act of the Legislature thereof, ceding "to the United States certain lands, upon the conditions therein mentioned."

G. WASHINGTON.

UNITED STATES, February 17, 1795.

The said Message and papers were read, and ordered to lie on the table.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting two statements, exhibiting the gross and nett amount of duties arising on distilled spirits, and on country stills, (drawbacks deducted,) during the years one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three, pursuant to the resolution of this House of the second instant; which were read, and ordered to lie on the table.

The following Message was received from the President of the United States:

Gentlemen of the Senate, and of the House of Representatives:

I have received copies of two Acts of the Legislature of Georgia—one passed on the 28th day of December, and the other on the 7th day of January last—for appropriating and selling the Indian lands within the territorial limits claimed by that State. These copies, though not officially certified, have been transmitted to me in such a manner as to leave no room to doubt their authenticity. These Acts embrace an object of such magnitude, and in their consequences may so deeply affect the peace and welfare of the United States, that I have thought it necessary now to lay them before Congress.

In confidence, I also forward copies of several documents and papers received from the Governor of the Southwestern Territory. By these, it seems that hostilities with the Cherokees have ceased, and that there is a pleasing prospect of a permanent peace with that nation. But, from all the communications of the Governor, it appears that the Creeks, in small parties, continue their depredations, and it is uncertain to what they may finally lead.

The several papers now communicated deserve the immediate attention of Congress, who will consider how far the subjects of them may require their co-operation.

G. WASHINGTON.

UNITED STATES, February 17, 1795.

The said Message and papers were read: Whereupon,

Ordered, That so much thereof as relates to the Acts of the Legislature of Georgia, for appropriating and selling the Indian lands within the territorial limits claimed by that State, be referred to Mr. NICHOLAS, Mr. MACOX, Mr. MURRAY, Mr. FINDLEY, Mr. BODINOT, Mr. AMES, and Mr. SHERBURNES, with instruction to examine the matter thereof, and report to the House.

Ordered, That such other parts of the said Message as relate to the communications from the Governor of the Territory of the United States South of the river Ohio, be committed to the Committee of the Whole House on the state of the Union.

EXPORTATION OF LEAD.

Mr. FITZSIMMONS moved that a bill should be read a third time for permitting the exportation of lead. A former bill, which had been passed for repealing part of the act that prohibits the exportation of military stores from the United States, was rejected by the Senate; the present bill, which had lain over for some time, was, on that account, brought forward. Mr. F. said that he hoped it would pass.

Mr. VERMABLE hoped that it would not pass. The gentleman for whose sake this bill was in reality introduced, might wait, as well as other people, till the expiration of the existing law, which was to be in May next. He reprobated the idea of legislating for the sake of an individual, as a most irregular and dangerous precedent. The person had imported this lead with a knowledge of the law that prohibited its being sent out of the country again. This law might

give an individual an advantage over other people.

Mr. FITZSIMMONS thought that this was the most disorderly reasoning which he had ever heard in the House. When this lead was imported, in the law that prohibited its being exported again, did not exist. Mr. F. asked, why the House might not legislate for an individual? As for waiting till the month of May, the ship was bound for India, and must sail, if she sailed at all, in March next. When the prohibitory law passed the arsenals were in want of lead. At present there is as much lead in the country as would supply all its demand for seven years. Why then adhere to this restriction?

Mr. DAYTON was in favor of the bill. He wished that the other had gone through the Senate.

Mr. KITTEKA considered the reasoning of the gentleman from Virginia [Mr. VERMABLE] as the strangest which he had ever heard of. We legislate every other day for individuals, and insert their names, and the reasons for doing so, in the very body of the act. He could not then imagine why it should be opposed at this time.

A member said that he would oppose it, as having crept into the House in an extraordinary manner, so as to exclude all debate. He should therefore vote against it.

Mr. GOODHUE saw no reason why the bill should not pass, merely because it related to an individual. He saw no reason why the Legislature should not oblige an individual, when it could be done without injuring the public interest. If the United States were in want of the lead, that would be quite another thing.

Mr. HARTLEY thought that this bill was opposed upon extraordinary grounds. He was in its favor for reasons similar to those assigned by Mr. GOODHUE.

Mr. DAYTON explained, that the bill had gone through all the different and regular shapes, and had been fully canvassed some time ago. He read a part of the journals to illustrate his assertions.

Mr. GILES said, that if there ever had been any use for the prohibitory act in question, it was now superfluous. He moved to recommit the bill to a select committee, or a Committee of the Whole House. He wished for a repeal of the whole bill, not a partial repeal in favor of a particular person.

Mr. KITTEKA contended that Mr. GILES and Mr. S. SMITH opposed the bill on opposite principles. Both these gentlemen said that they thought Mr. K. had mistaken their meaning. He insisted that there was an opposition which opposed itself.

Mr. SEDGWICK could not see the use of hindering this bill passing. The lead is now lying in ballast, and if it does not go, specie must be sent instead of it. Why not unshackle this property, which is now useless, and bring it into action? What good was to be got by continuing the prohibition, Mr. S. said he was totally incapable of comprehending. As to the commitment, that

also was, in every point of view, entirely beyond his conjecture as to any rational end proposed by it.

Mr. B. BOURNE was not much interested whether the bill passed or not. But he had another serious consequence to observe on, and that was the great waste of time on such a thing, when so great a mass of business was before the House. This bill had at different times taken up three days, and had been fully discussed. The session was drawing to a close, and he entreated that the question might be taken.

The bill was then passed—ayes 50, noes not counted.

ORGANIZATION OF THE MILITIA.

The House again resolved itself into a Committee of the Whole House on the bill to provide for organizing, arming, and disciplining the Militia of the United States.

On the first clause, Mr. SWIFT proposed as an amendment to strike out the words twenty, and insert eighteen, that the age at which persons were to be enrolled in the select corps, might be from eighteen to twenty-five years.

Mr. S. SMITH and Mr. JAVINE were both against this amendment, and stated the numerous inconveniences which attended the attempt of converting boys into soldiers. The former gentleman quoted the Memoirs of the once celebrated and still memorable Dumourier, who remonstrated to the Convention at Paris on this mode of recruiting.

Mr. DAYTON differed from these two gentlemen. He preferred eighteen as an amendment. Persons at that age could be more easily spared than when they were older, and engaged in business, and very likely married. Boys at eighteen would also learn the exercise faster than when twenty-five years old.

Mr. FITZSIMMONS said, that the gentleman had only looked at one side of the question. What would be the situation of a man with eight or ten apprentices called away for twenty days at a time? They would not be fit for the duties of a soldier. He should even have preferred twenty-one to twenty. He imagined that this would be a real discouragement to manufacturers. The young men returning to their employments might be less disposed for attending to them.

On a division the amendment was rejected—ayes 39, noes 40.

There was part of a clause in the first section in these words: "All able-bodied *white* male citizens." It was moved to strike out the word *white*.

Mr. KITCHELL said, that if the word *white* was struck out, he hoped that *black* would be inserted, as it was necessary that the militia should all be of one color. White men would not stand in the same rank with a negro.

Another member said, that he was not for a *speckled* militia.

Mr. BLOUNT replied that in the Southern States, there was a numerous class of men, who were neither whites nor blacks, but mulattoes.

It was not understood to be disgraceful to serve in the ranks with them.

A member from one of the Southern States declared that he was sure it was so considered in Maryland and Virginia. He remarked, however, that the subject was obviously and extremely improper for public discussion. He had before observed this to the House, when Mr. DEXTER made a motion referring to the same subject. [This was in the debate about the naturalization bill, when Mr. DEXTER proposed that foreign nobility should not be admitted as citizens of America till they first renounced the possession of slaves.] As the gentleman did not think his observations proper for the public ear, it would be an ungrateful trespass on the indulgence of the House to attempt a recital.

The amendment was negatived. The Committee now rose. The Chairman reported progress, and asked leave to sit again.

WEDNESDAY, February 18.

An engrossed bill for the more general promulgation of the laws of the United States was read the third time, and passed.

An engrossed bill to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes, was read the third time, and passed.

An engrossed bill enabling George Gibbs to obtain a drawback of duties on certain exported wines was read a third time, and passed.

An engrossed bill for the relief of William Seymour was read the third time, and passed.

A memorial of John Rutledge, administrator of Thomas Rutledge, deceased, was presented to the House, and read, praying the liquidation and settlement of a claim for the services of the deceased, as a Deputy Commissary General of Purchases for the Southern Department during the late war.

Ordered, That the said memorial be referred to the Secretary of the Treasury, with instruction to examine the same, and report his opinion thereupon to the House.

A memorial of Samuel Weir, Representative of the People South of French Broad River, in behalf of himself and his constituents, was presented to the House, and read, praying that the right of pre-emption to certain lands which they purchased of the Indians, and have since been ceded to the United States by the treaties of Seneca and of Holston, may be secured to the memorialists, and they be permitted to settle thereon.

Ordered, That the said memorial be referred to Mr. HILLHOUSE, Mr. JAVINE, and Mr. WALKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A memorial of Gunning Bedford, Judge of the District Court of the United States for the State of Delaware, was presented to the House, and read, stating the insufficiency of the salary allowed him by law, and praying that the same may be in-

ceased, and rendered more adequate to his services.

Ordered, That the said memorial be referred to Mr. DEXTER, Mr. KIRKPATRICK, and Mr. HARRISON; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

A petition of James Strange, of the town of Manchester, in the State of Virginia, was presented to the House, and read, praying a remission of the duties accruing on a quantity of salt the property of the petitioner, which was lost in consequence of the vessel in which it was laden having been driven on shore in a gale of wind, and bilged at Rockett's Landing, in the said State.

Ordered, That the said petition be referred to Mr. GILLES, Mr. PAXTER, and Mr. WINGATE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Resolved, That the Secretary of the Treasury be directed to report the compensations given to the officers employed in the management of the revenue arising from stills and distilled spirits, not included in his report of the seventeenth instant, together with the number of officers employed in each State.

Mr. JEREMIAH SMITH, from the committee appointed, presented a bill for the relief of Robert Barton, and others; which was read twice, and ordered to be engrossed, and read the third time on Friday next.

Mr. ALEXA, from the committee to whom was referred the memorial of Amelie, Adelaide, Melanie, and Silvie de Grasse, four daughters of the late Count de Grasse, made a report; which was read, and ordered to be committed to a Committee of the Whole House immediately.

COUNT DE GRASSE'S HEIRS.

The House then went into a Committee on a memorial from the four daughters of the late Admiral Count de Grasse. It was read, with the report from a select committee, which proposed to give each of these ladies, who are now residing in Boston, and in indigent circumstances, a thousand dollars, in consideration of the important services rendered by their father to the United States. To this proposal the Committee agreed, and the Chairman reported the resolution.

The House then took up the report.

Mr. MACON objected that, though the claims of the petitioners were strong, yet they were not more so than those of multitudes of others. On the very day when we have come to a resolution to receive no more petitions from our fellow-citizens, we are going to give so large a sum at once to foreigners. He was aware that the Count de Grasse had done eminent services to America, and he felt them as much as any person, but still he saw no reason for preferring these petitioners, when there were likely an hundred of the officers of de Grasse, or of Rochambeau's army, that were in this country, and in want.

Mr. DEXTER said, that if there ever was a case where it would be proper to act first, and there-

after try to find reasons for what had been done, this was such a case.

The report was, on a division, agreed to by a great majority—sixty-one gentlemen rising in the affirmative. The resolution is in the following words:

Resolved, That, in consideration of the extraordinary services rendered the United States by the late Count de Grasse, in the year one thousand seven hundred and eighty-one, on the urgent request of the Commander-in-Chief of the American forces, beyond the term limited for his cooperation with the troops of the United States, there be allowed and paid to Amelie, Adelaide, Melanie, and Silvie de Grasse, daughters of the late Count de Grasse, respectively, the sum of one thousand dollars.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. ALEXA, Mr. MADISON, and Mr. GILMAN, do prepare and bring in the same.

ORGANIZATION OF THE MILITIA.

Mr. BOURNOR moved that the House should, agreeably to the order of the day, resolve itself into a Committee of the Whole, on the bill for organizing, arming, and disciplining the Militia.

Mr. DARTON declared himself opposed to this motion, as it would lead to a needless waste of time upon a subject or system which they should be unable to mature in the little time which remained of the present session. He said, that no one was more perfectly convinced of the inefficiency of the present system, or more zealously disposed to amend it than he himself was; but the discussion which this bill had already undergone was sufficient to satisfy his mind that they ought to postpone the decision upon a plan so new and important until their next meeting. He acknowledged that, in proposing this postponement, he was very much influenced by a belief that there was wanting not only time, but a proper temper and disposition to do justice to the subject, and to inquire into and remedy all the defects which had occurred or could be pointed out, under the existing Militia Law. It was easy to foresee that nothing effectual would be done by the present House, and to proceed further would therefore be useless, especially as there was other business in progress, which could not be delayed without very great injury. He therefore moved that the Committee of the Whole be discharged from the further consideration of the bill. This would supersede the motion made by his colleague, and if successful, he should afterwards move that a sufficient number of copies be printed and circulated for public information. The members would, by this means, have it in their power to learn, in the recess, the sentiments of their constituents, and be better prepared the next winter as to this important branch of legislation than they seemed now to be.

The question for discharging the Committee of the Whole was put and carried without a division; and, on motion, it was ordered that a thousand

copies should be printed and dispersed through the States.

PUBLIC DEBT.

The House went into a Committee on the bill making further provision for the support of Public Credit and for the redemption of the Public Debt.

Mr. HILLHOUSE moved to strike out the first clause of the bill, and said, that if the provision contemplated in this bill for non-subscribing creditors had any intimate connexion with a permanent and systematic plan for the reduction of the Public Debt, his solicitude for the adoption of the latter would make him unwilling to object to the former; but, from a critical attention to the subject, and the Report of the late Secretary of the Treasury, he cannot find that a rejection of this provision will at all derange the system. He begged leave to premise his observation with one remark, which was, that no member of the Committee had a higher opinion of or greater respect for the talents and integrity of the late Secretary of the Treasury, or more lamented the loss of them to the public than himself; that his opinion had always been in favor of referring to the Secretary of the Treasury, whose official duty it was to be informed, for information and plans on the subject of finance, and that the fund of useful information contained in this report was a striking proof of the correctness of that opinion; but he never supposed himself bound to an implicit adoption of such plans as might be reported. It was his duty to examine and judge for himself.

Consistency of conduct, and impartial justice to all, was, in his opinion, as important for the preservation of our national character, as the punctual payment of our debts. Will not the adoption of this provision, which gives better terms to the non-subscribing creditors than to those who have placed confidence in your Government and cheerfully complied, be partial? Will there be consistency in our conduct, when, but a few sessions since, we almost unanimously rejected a petition from one class of those creditors, and, as far as was possible, made a Legislative declaration that no better provision ought or should be made? And would it be honorable now, since a great portion of these creditors, in consequence of the rejection of their petitions and despairing of better terms, have subscribed to your Loans, to turn immediately around, as soon as we have got them bound, and make a better provision for those who still refuse a compliance? The reasoning of the late Secretary of the Treasury, in favor of this principle, is too nice, and proves too much, and cannot be carried into execution. Will not these observations extend even to the old twenty dollar notes of 1775, many of which are now in possession of persons who received them, and were compelled by law to receive them, as gold and silver, in payment of their old debts. The fact is, that at the close of the late war, and even at the time of establishing the present Government, a literal compliance with all the then existing contracts and engagements, was well known and generally understood to be wholly impracticable. This Government, therefore, offered such terms as they

thought just and equitable, and within the compass of their ability to fulfil; and, in the same act, held up the idea that no better provision would be made for non-subscribing creditors, for they were to have only four per cent, though their contract said six. Was not this more than a tacit, was it not an explicit declaration, that no creditor ought to hesitate about subscribing, for these were the best terms that would be given? And whatever we may say about the creditor having voluntarily given up his claim, if we did not give an opinion to receive the money at the Treasury, or to subscribe the Loan, it was in a degree a forced Loan. This, however, throws no imputation on the Government, for they did all that they were bound in honor or justice (all circumstances considered) to do; and every creditor ought, and every reasonable creditor will be satisfied. And to depart from the terms then held out, or to give better terms now, would be unjust, and, in his opinion, lessen instead of strengthening the confidence of the people in the Government. In times of peace and prosperity, and when our resources are ample, there is no doubt of our having sufficient credit. But if reverse of fortune should throw our affairs into some derangement, and we should be obliged to come forward with new terms or propositions for obtaining further loans or credit, would not every one be disinclined to accept them, under an apprehension that those who hung back might fare better? What would have been the situation of the United States if all had rejected the terms? Would it have been in their power to make a like provision for the whole Debt? And is it just that this class of creditors should derive an advantage from the ready compliance of others? How would it be in the case of an individual?—and I believe the same rules are to be observed to preserve the honor and credit of public bodies as that of individuals. Would it be considered honorable for a merchant whose affairs by misfortune should become embarrassed, and be unable to make prompt payment of all his debts, to offer to his creditors to pay them without interest, or at a certain rate upon the pound; and after a great proportion of his creditors had subscribed to his terms, to pay the remainder the full amount of their debts in money, and that, too, when there could be no compulsory process against him? If such an individual meant to preserve his credit and character, he must do equal justice to all; and so must the United States. There is no difficulty in doing this, by making provision to pay the principal of the unsubscribed Debt in the year 1801, when deferred stock begins to bear an interest of six per cent, and then to pay the arrears of interest by instalments, so arranged that the non-subscribing creditors, though they receive the nominal amount of their interest, yet, that at the time of receiving the same, the value of three per cent stock and the interest which may have been paid thereon, shall be equal thereto. We have passed a law this very session to open the Loan still further to non-subscribing creditors, and to pay a like interest to such as shall not subscribe, as is paid in the funded Debt. It is therefore unnecessary and improper

to do anything further on that subject at this session.

Mr. SEDGWICK said, that the gentleman who made the motion, [Mr. HULLHOUSE], and his friend [Mr. GOONHURZ], who had seconded it, had submitted such reasons as neither his feelings nor his principles would permit him to pass in silence. With the latter gentleman he had the happiness during the arduous struggle which accompanied the Funding System, perfectly to concur in conduct, and till now, as he had always believed, in the principles assumed and in the objects proposed.

In an untired system of Government, and ignorant of the national resources, a provision for the Public Debt, the price of our Freedom and Independence, presented difficulties almost insurmountable; as all who participated in the labors of that day would remember. It might then have been believed, that a provision on the precise terms of the contract, was beyond the ability of the country, and therefore that the Government was under no obligation to make the attempt. This was not the foundation on which the Funding System was established. It might also, at that time, have been assumed as a principle that the public securities purported an obligation greater than justice required should be performed; and that, therefore, a system of depreciation ought in this instance to be applied, as in the case of the currency. Neither was the principle assumed.

The Government undertook, as in honor and conscience bound, to perform the public engagements; or to pay for a new modification, a valuable, an honest equivalent. Unacquainted with the competency of the resources which were contemplated, it was thought of great importance to procure the consent of the creditors to lessen the quantum of the immediate provision. To procure it, it was declared that the equivalent must not be nominal only, but real. That the consent must not be compulsory, but voluntary. And it was further declared, in the very act for funding the Debt, that act which was intended to secure the public faith and the public confidence, that nothing which it contained should be construed to impair the obligation of the Government to make complete provision for the non-subscribing creditors. Hence, the provision which the bill contemplated, so far from being, as was now suggested, an infringement of the Funding System, was pursuing not only the spirit, but was in exact conformity to the stipulations and a fulfilment of the solemn engagements it expressed. While we were ignorant of the productiveness of the revenue, the Government was justified in paying to the new subscribing creditors no greater amount than was paid to those who had accepted the terms which had been offered. At this time, while calculating on reducing the principal should the Committee reject the proposition before them, they would be without excuse; for, if the ability of the Government was adequate to a gradual discharge of the principal, it was certainly equal to fulfil its promises respecting the payment of the interest.

Mr. S. said, there was no alternative but to

make the proposed provision, or to violate, not by implication, but expressly, the solemn and pledged faith of the Government. Whether, independent of moral considerations, the saving of a few thousand dollars should be a prevailing consideration for embracing the disgraceful part, gentlemen would determine. The whole of the unsubscribed Debt was somewhat more than a million, the difference, therefore, which could be made by assuming the unfounded principle that the Loan was originally compulsory, would be a mere trifle, infinitely too inconsiderable for the immense sacrifice which must be made to obtain it.

It was said that the subscribers would consider the proposed provision as an injury to them. This was to suppose, that they understood the promises of the Government to be a solemn mockery. That they were intended as a disguise which had proved too thin to hide the real intention that was. For himself, however, he would declare, that was he the proprietor of every dollar of the unsubscribed Debt, he would not hesitate for a moment to subscribe the whole, because he should prefer the stable provision and the funds which were pledged to satisfy it, as in the case of the Funded Debt, to the annual provision which was contemplated for that which remained unsubscribed. But whether such an election would be a discreet one was of little importance. It was enough that the claim of the non-subscribers was founded on the express engagements of the Legislature.

A conversation ensued, during which Mr. GOONHURZ avowed the principles and enforced the arguments of Mr. HULLHOUSE. At length an end was put to the debate by Mr. FITZPATRICK, who said, that he had always held that the terms offered by the Funding System were intended as an honest equivalent—that he believed that a provision would ultimately be made for the non-subscribers, in conformity to the stipulations of that act; and that he had the fullest confidence, that no gentleman who had concurred in that measure, would, on mature reflection, withhold his assent. But, as an act had passed the present session to continue the subscriptions through the current year, of which probably the Secretary was ignorant when he made his report, he was willing the measure should be postponed, until it was known what effects might be produced by it. He would therefore consent that the three first sections of the bill be struck out, which was done accordingly.

Mr. GILES moved to strike out the fourth clause, which empowers the Commissioners of the Sinking Fund, with the approbation of the President, to borrow, or cause to be borrowed from time to time, such sums in anticipation of the revenues appropriated, as they may see proper, not exceeding one million of dollars in a year. Mr. G. thought, that the present plan for discharging the National Debt was in reality a plan for augmenting it.

Mr. W. SMITH replied that there was nothing new in authorizing a loan under the direction of the President.

The Committee now rose, the Chairman reported progress, and the House adjourned.

Friday, February 30.

An engrossed bill for the relief of Robert Barton and others was read the third time and passed.

Mr. GOONHURZ, from the committee appointed, presented a bill for the relief of Spencer Mann and Frantz Jacob Foltz; which was read twice and ordered to be engrossed, and read the third time to-morrow.

Mr. ALEX. from the committee appointed, presented a bill authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse; which was read and ordered to be engrossed, and read the third time to-morrow.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,'" with several amendments; to which they desire the concurrence of this House. The Senate have also agreed to the amendments proposed by this House to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the amendments of this House to the last mentioned bill: Whereupon,

Resolved, That this House doth agree to all the said amendments, with an amendment to the last amendment of the Senate to the first section of the said bill.

A message from the Senate informed the House that the Vice President being absent, the Senate proceeded to the choice of a President *pro tempore*, and HENRY TAZEWELL has been duly elected.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act supplementary to the act entitled 'An act to provide more effectually for the collection of the duties imposed by law, on goods, wares and merchandise, imported into the United States, and on the tonnage of ships or vessels.'" Whereupon,

Ordered, That the said bill, with the amendments, be committed to Mr. SAMUEL SMITH, Mr. GOODHUE, and Mr. BOWDINOT.

The House again resolved itself into a Committee of the Whole House on the bill making further provision for the support of Public Credit, and for the redemption of the Public Debt; and, after some time spent therein, the Committee rose and reported progress.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Agnus M'Lean;" to which they desire the concurrence of this House. The Senate have disagreed to the amendment proposed by this House to the last amendment of the Senate to the first section of the amendment of this House, to the bill, entitled "An act to amend

the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" and desire a conference with this House on the subject-matter of the said amendment to the amendment; to which conference the Senate have appointed managers on their part.

The House proceeded to consider the message: Whereupon, Resolved, That this House doth agree to the conference desired by the Senate, and that Mr. HARTLEY, Mr. SEDGWICK, and Mr. GREENUP, be appointed managers at the same, on the part of this House.

Saturday, February 21.

An engrossed bill authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse, was read the third time and passed.

An engrossed bill for the relief of Spencer Mann and Frantz Jacob Foltz, was read the third time and passed.

A petition of Edmund Hogan, of the City of Philadelphia, was presented to the House and read, praying that he may be permitted to take and publish an accurate and impartial statement of Legislative subjects which may be submitted to the consideration of the House, and the debates thereon of the members, respectively, on the plan contemplated in a motion made to this House on the twentieth day of April, one thousand seven hundred and ninety-two.

Ordered, That the said petition be referred to Mr. WILLIAM SMITH, Mr. SEDGWICK, and Mr. PAGE; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The bill sent from the Senate, entitled "An act for the relief of Agnus M'Lean," was read twice and ordered to be committed to Mr. WATTS, Mr. SMITH, and Mr. CLAIRBORNE.

Mr. HARTLEY, from the managers appointed on the part of this House, to attend the conference with the Senate on the subject-matter of the amendments depending between the two Houses to the bill, entitled "An act to amend the act, entitled 'An act to establish the Post Office and Post Roads within the United States,'" made a report; which was read, and ordered to lie on the table.

Mr. GILES, from the committee to whom was referred the petition of James Strange, made a report; which was read, and ordered to be committed to a Committee of the Whole House on Monday next.

Mr. SAMUEL SMITH, from the committee to whom were committed the amendments of the Senate to the bill, entitled "An act to provide more effectually for the collection of the duties imposed by law, on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," made a report: Whereupon, Resolved, That this House doth agree to all the said amendments.

The House again resolved itself into a Committee of the Whole House on the bill making further

provision for the support of Public Credit, and for the redemption of the Public Debt; and, after some time spent therein, the Committee rose and reported several amendments thereto; which were, severally, twice read, and agreed to by the House.

A motion was then made, and the question being put, further to amend the said bill, at the Clerk's table, by striking out, after the word "re-deemed," in the thirteenth line of the eleventh section, the words following, to wit: "and shall be, and are hereby declared to be, vested in the said Commissioners, as property in trust, to be applied according to the provisions of the aforesaid act of the eighth day of May, in the year one thousand seven hundred and ninety-two, and of this act, to the reimbursement and redemption of the said Debt, including the Loans aforesaid, until the same shall be fully reimbursed and redeemed."

It passed in the negative—yeas 39, nays 49, as follows:

YEAS.—Theodoras Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Caines, Gabriel Christie, Thomas Claiborne, Isaac Coles, George Dent, Gabriel Duval, Benjamin Edwards, William Barry Dudley, William B. Giles, James Gillespie, William Barry Grove, George Hancock, Carter B. Harrison, Daniel Heister, John Hunter, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Alexander Mebane, Andrew Moore, Peter Muhlenberg, Anthony New, John Nicholas, Nathaniel Niles, Alexander D. Orr, John Page, Francis Preston, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Paine Wingate, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, John Beatty, Lemuel Benton, Elias Boudinot, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Cook, William J. Dawson, Jonathan Dayton, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Henry Griffin, Benjamin Goodhue, James Gordon, Samuel Heath, James Hillhouse, William Kindman, Samuel Holton, Aaron Kitchell, John Wilkes Kitters, Henry Latimer, Amasa Learned, Richard Bland Lee, Francis Malbone, William Montgomery, William Van Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, Jeremiah Smith, Samuel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaasbeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watts, and Richard Winn.

The said bill being further amended at the Clerk's table, was, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

A message from the Senate informed the House that the Senate recede from their last amendment, disagreed to by this House, to the first amendatory section of the bill, entitled "An act to establish the Post Office and Post Roads within the United States."

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth recede from their amendment to the last amendment of the Senate to the first amendatory section of the last mentioned bill.

The SPEAKER laid before the House a report

from the Secretary at War, accompanying statements in the cases of claimants to be placed on the list of pensioners, which have been returned to the War Office by the Judges of the District Courts of the United States, since the thirtieth day of December last; and of the additional evidence received further to support certain claims formerly stated; which were read, and ordered to be referred to the Committee on Claims.

MONDAY, February 23.

An engrossed bill making further provision for the support of Public Credit, and for the redemption of the Public Debt, was read the third time, and a blank therein filled up.

A memorial of sundry sugar refiners of the city of Philadelphia, whose names are thereunto subscribed, was presented to the House and read, praying that, in lieu of the two cents per pound, imposed by an act of the last session of Congress, on sugar refined within the United States, a tax or duty may be laid on the pan or boiler used in refining sugars.

Ordered, That the said memorial do lie on the table.

Mr. WILLIAM SMITH, from the committee appointed, presented a bill for establishing offices for the purpose of granting lands within the Territory of the United States; which was read twice and committed.

Mr. WATTS, from the committee to whom was committed the bill sent from the Senate, entitled "An act for the relief of Agnus McLean," reported that the committee had had the said bill under consideration, and made no amendment thereto: Whereupon, the said bill was amended at the Clerk's table, and, together with the amendments, read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to continue in force, for a limited time, the acts therein mentioned;" to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be read the third time to-morrow.

Mr. NICHOLAS, from the committee to whom was referred so much of the Message from the PRESIDENT OF THE UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom were referred the memorial of Mary S. Jones, and the petitions of Francis Nash, and of Francis Peyrinnaut, administrator of Pierre de Camps; and, after some time spent therein, the Committee rose and reported a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That provision be made by law, for the relief of the petitioners, respectively, according to the prayer of their several petitions.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. DENT, Mr. LEE, and Mr. HARTLEY, do prepare and bring in the same.

The House resolved itself into a Committee of the Whole House on the report of the committee to whom was recommended the report of a committee on the report of the Secretary of War, respecting the fortifications of the United States; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to a resolution thereupon; which was twice read, and agreed to by the House, as follows:

Resolved, That a sum not exceeding fifty thousand dollars, be appropriated for the purpose of completing the fortifications of certain ports and harbors in the United States.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. SAMUEL SMITH, Mr. DEARBORN, Mr. DAYTON, Mr. PARKER, Mr. PICKENS, and Mr. MURRAY, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island, and Delaware;" to which they desire the concurrence of this House. The Senate have also passed the bill, entitled "An act to provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the last mentioned bill, and the same being read, were agreed to.

The House resolved itself into a Committee of the Whole House on the report of the committee appointed to examine and report on the state of the Mint, and what further measures may be necessary to render the institution more beneficial; and, after some time spent therein, the Chairman reported that the Committee had had the said report under consideration, and come to several resolutions thereupon; which were severally twice read, and agreed to by the House, as follows:

1. Resolved, That provision be made by law for the appointment of a Refiner and Melter in the Mint of the United States, whose duty it shall be, to take charge of all copper, and silver, and gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, and to reduce it into bars or ingots for the rolling mills; and then to deliver them to the Coiner or Treasurer, as the Director shall judge expedient; and to do and perform all other duties belonging to the office of Refiner and Melter, or which shall be ordered by the Director of the Mint.

2. Resolved, That provision be made by law, authorizing the Treasurer of the Mint to retain two cents per ounce, from every deposit of silver bullion below the standard; and four cents per ounce, from every deposit of gold bullion below the standard, unless the same shall require the opera-

tion of the test; then six cents, as a compensation for refining and melting the same.

8. Resolved, That gross bullion brought for deposit and coinage to the Mint, shall not be received in smaller quantities than two hundred ounces of silver, and twenty ounces of gold.

4. Resolved, That the standard for silver coin, as now established by law be altered, and made to consist of nine equal ten parts of pure silver, and one tenth part of pure copper, being equal to ten ounces sixteen pennyweights of pure silver in one pound troy.

5. Resolved, That the PRESIDENT OF THE UNITED STATES, be authorized to reduce the weight of the copper coin at his discretion: Provided, Such reduction shall not exceed two pennyweights in each cent, and in proportion in each half cent; of which he shall give notice by proclamation, and report the same to the next session of Congress.

6. Resolved, That the Treasurer of the United States be authorized by law to distribute, at the public expense, all cents received from the Treasurer of the Mint; by sending them to some one bank in each State, where any are established, and where not, to the principal collector of such State, (in proportion to the number of inhabitants of the State,) to be by them paid out for cash, to any person requesting the same, in sums not less than ten dollars value.

7. Resolved, That provision be made by law, enabling the Director and Treasurer of the Mint to give a preference to bullion brought to the Mint, already of, or above the standard of the United States, so as not to be prevented coining and issuing the same, although bullion below the standard, and not yet refined, may have been deposited for coinage before it; any thing in any law heretofore passed to the contrary notwithstanding.

Ordered, That a bill or bills be brought in, pursuant to the said resolutions, and that Mr. BOURNOR, Mr. TRUMBULL, and Mr. HUNTER, do prepare and bring in the same.

The bill sent from the Senate, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware," was read twice and committed.

The House resolved itself into a Committee of the Whole House on the bill relative to cessions of jurisdiction in places where have been, or may hereafter be, erected and fixed light-houses, beacons, buoys, and public piers; and, after some time spent therein, the Chairman reported that the Committee had had the said bill under consideration, and made several amendments thereto; which were severally twice read, and agreed to by the House.

Ordered, That the said bill, with the amendments, be engrossed and read the third time to-morrow.

Ordered, That the Committee of the Whole House to whom is committed the bill to amend an act, entitled "An act laying certain duties upon snuff and refined sugar," be discharged from the consideration of the same; and that it be re-committed to Mr. WILLIAM SMITH, Mr. NICHOLAS,

LAS, MR. SAMUEL SMITH, MR. LYMAN, MR. FINDLEY, MR. FITZSIMONS, and MR. MADISON.

The House resolved itself into a Committee of the Whole House on the bill for the relief of Jose Roiz Silva; and, after some time spent therein, the Committee rose, and reported the said bill without amendment.

Ordered, That the said bill be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole House on the Report of the Secretary of the Treasury, to whom was referred the petition of the Corporation of Rhode Island College; and, after some time spent therein, the Committee rose, and reported progress.

TUESDAY, February 24.

An engrossed bill, relative to sessions of jurisdiction in places where have been, or may hereafter be, erected and fixed light-houses, beacons, buoys, and public piers, was read the third time, and passed.

An engrossed bill for the relief of Jose Roiz Silva was read the third time, and passed.

The bill sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned," was read the third time, and ordered to be committed to Mr. FITZSIMONS, MR. BALDWIN, and MR. BOWDITCH.

MR. WILLIAM SMITH, from the committee to whom was referred the petition of Edmund Hogan, made a report, which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware;" and, after some time spent therein, the Committee rose and reported the bill without amendment. The bill was then read the third time, and passed.

MR. WILLIAM SMITH, from the committee to whom was recommended the bill to amend an act entitled "An act laying certain duties upon snuff and refined sugar," reported an amendatory bill to alter and amend the act entitled "An act laying certain duties upon snuff and refined sugar," which was read twice, and committed.

MR. HILLHOUSE, from the committee to whom was referred the memorial of Samuel Weir, Representative of the People South of French Broad River, in behalf of himself and his constituents, made a report; which was read, and ordered to lie on the table.

MR. DEXT, from the committee appointed, presented a bill for the relief of Mary S. Jones and others; which was read twice, and committed.

CASE OF THOMAS PERSON AND OTHERS.

It was moved that the House should go into consideration of the report of the select committee to whom had been referred a resolution of the House in relation to the back lands of North Carolina. The following is the resolution of the select committee:

MR. KITTERA also defended the expediency of the bill. The amendment of the Senate was rejected.

SURVEY OF SOUTHERN COAST.

The House next resolved into a Committee on the report of the select committee on the petition of Parker, Hopkins, and Miers, of Savannah, in Georgia. These gentlemen had been employed since the 12th of July, 1791, in surveying the coasts, &c., of Georgia. They implored the aid of the House in this arduous and expensive undertaking. The report of the select committee recommended that, as the affair was of a public nature, and as good charts were much wanted, the sum of ——— dollars should be loaned to them for the term of ——— years, out of the Treasury of the United States.

MR. GILES thought there would be no end of such claims if the practice were once fairly begun.

MR. HARPER (the new member from South Carolina) could give some information to the House on this subject. He had a personal opportunity of examining part of the execution of this work, and he conceived it to be very accurate. Georgia supplies the best timber for ship-building in the United States, and in a short time the commerce of that State will be a very great object. He hoped, therefore, that the House would not lightly reject this application. If the Constitution of the United States forbade the granting of money in this way, there was an end of it. But if ever a deviation was to be made from such a rule, perhaps this would be one of the most proper cases. The scheme had hitherto been carried on at the expense of a few individuals. He only requested that the House would not lightly refuse the prayer of the petition, since the thing itself was of so much consequence.

MR. MADISON would not hastily undertake to say that the grant of money was improper to be made to this affair as a public good. He did not at present wish to enter into that. He considered a loan, however, as the worst of all possible shapes in which the request could come before the House, for it was impossible to say where the practice of lending might stop. If assistance was to be granted in this case, he did not see why the survey should not be extended to other parts of the Union where it was equally necessary. Every private undertaker might in this way solicit a loan, when the object of his scheme was not public advantage but private emolument.

MR. MURRAY rejected all idea that the proposal was against the Constitution. Congress had surveyed the Western lands, and nobody supposed that beyond their authority. Why was there to be such a difference between land and water?

MR. BALDWIN stated, that the individuals had spent all they were worth upon this undertaking, and all which their friends could raise, and it would be a great pity if it should fail in the end for the want of so trifling a sum as three thousand dollars, which was all that was wanted. He explained the very great necessity for such a chart. At present there was none to be had that was fit for any—

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thing. Ships often lay for weeks, and even months together on the coast in the most dangerous situation, and unable to extricate themselves for want of charts. He adverted to the growing value of the commerce of Georgia, and to the remark of MR. MURRAY as to the right of Congress to survey both land and water. If a loan was disagreeable, the President might be desired to subscribe for a certain number of copies of the charts.

MR. S. SMITH approved much of getting good charts. If the Ambassador sent to Spain shall succeed in getting the navigation of the Mississippi opened, this coast of Georgia will very soon be of the highest importance.

MR. MADISON doubted whether the State of Georgia was not at present more able than the United States to subscribe.

MR. FITZSIMONS considered this as a very wrong time to bring in such a business, when the House are going to rise. His chief objection was to the mode, not the substance. He wished the matter withdrawn for the present, as the House had to proceed upon the Military Establishment.

MR. DAYTON had no doubt of the Constitution empowering the House to lend the three thousand dollars, but did not like the mode of lending it. He wished that the whole coast could be surveyed.

MR. PARKER and MR. HARPER each read a separate resolution in place of that recommended by the committee. It was then agreed to take the question upon it, and it was negatived. The resolution suggested by MR. HARPER was then read. But this also being found liable to many objections, the Committee rose, and the Chairman reported that they had disagreed to the report of the select committee, to whom the whole was again referred.

MILITARY ESTABLISHMENT.

The House next took up, in Committee of the Whole, the estimates of military appropriations for the year 1795, and came to certain resolutions, which were reported to the House. The House took them up.

MR. W. SMITH moved that there should be voted for defraying the expense of the naval armament, for three months, ——— dollars. If this motion was rejected, MR. S. said, that he should take the yeas and nays upon it, that it might be fairly known that gentlemen in the House were for abandoning the naval armament altogether.

MR. GILES said, that he had opposed it at every stage as an useless expense, and an improper way of attempting to attain the proposed object. He should vote against the appropriation.

MR. DAYTON thought that MR. W. SMITH had assumed an odd style. MR. SMITH had never heard him backward in fitting out a naval armament, and yet he should vote against the present motion, for this plain reason, that the money had been voted already.

MR. FITZSIMONS did not know whether the last year's provision extended to this. If it does, then this is a useless proposition.

MR. BOWDITCH thought that the provision did not extend, but that the money unappropriated

was carried forward as surplus revenue, and that a new act was requisite to appropriate over again the money for the Navy.

Mr. W. SMITH did not suppose that the former appropriation continued in force, or he certainly would not have made this motion. He did not refer, at any rate, to Mr. DAVENPORT, when he spoke of gentlemen being against the armament altogether.

Mr. DAVENPORT read the act, which, as he thought, made it clearly out that the money yet stands in reserve. He wished the point decided before the House went further.

Mr. SEDGWICK recommended that this resolution should pass in the mean time. If the money was already voted, this could do no harm.

Mr. HILLHOUSE wished it to be withdrawn. No question was taken on it, but a committee were appointed to bring in a bill on the resolutions reported, which were as follows:

Resolved, That including the appropriation of five hundred thousand dollars made for the Military Establishment by an act of the present session, there be appropriated for the said Military Establishment, a sum not exceeding one million four hundred and thirty-nine thousand four hundred and thirty-nine dollars and twenty-nine cents.

Resolved, That, for defraying the expense of six months' pay and subsistence of a detachment of militia employed under the command of Major General Morgan, pursuant to an act of the present session, there be appropriated the sum of one hundred thousand six hundred and eighty-two dollars.

Resolved, That there be appropriated a sum not exceeding ten thousand dollars for the contingent purposes of Government, and subject to the disposition of the President of the United States.

Ordered, That a bill or bills be brought in pursuant to the above resolutions, and that Mr. FITZSIMMONS, Mr. MONTGOMERY, and Mr. FOSTER, do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act authorizing the payment of four thousand dollars for the use of the daughters of the late Count de Grasse, with an amendment; to which they desire the concurrence of this House."

The House proceeded to consider the said amendment, and the same being read, was agreed to.

INDIAN LANDS IN GEORGIA.

The House next went into Committee on the report of the select committee to whom was referred the Message of the President of the 17th current, respecting the disposition of Indian lands by the State of Georgia.

The first resolution was read, and passed, without a division. It was in these words:

Resolved, That it be recommended to the President of the United States to use all Constitutional and legal means to prevent the infraction of the treaties made with the Indian tribes by the citizens of the United States, with an assurance that Congress will co-operate in such other acts as will be proper for the same end.

The second resolution was then read.

Mr. FITZSIMMONS said, he was much surprised

how this first resolution had got through the House without opposition, for it was drawn in the most singular terms that he had ever seen. It was no less than a recommendation from that House to the President that he would take care to do his duty. He hoped that there was no necessity for admonitions of that sort. Mr. F. was told that he was not in order, as the resolution had already passed.

The second resolution was as follows:

Resolved, That it be further recommended to the President of the United States not to permit treaties for the extinguishment of the Indian title to any lands to be holden at the instance of individuals or of States, where it shall appear that the property of such lands, when the Indian title shall be extinguished, will be in particular persons; and that, whenever treaties are held for the benefit of the United States, individuals claiming rights of pre-emption shall be prevented from treating with the Indians concerning the same; and that, generally, such private claims be postponed to those of the several States, wherever the same may be consistent with the welfare and defence of the United States.

The Committee rose, the Chairman reported progress, and the House adjourned.

WEDNESDAY, February 25.

A memorial and remonstrance of the Legislature of the State of New Hampshire was presented to the House and read, praying the interference and support of Congress, in favor of the judicial power of the State Court, against an encroachment of the Judiciary of the United States, in reversing a decree of the Supreme Judicial Court of the State of New Hampshire, which was rendered in a case decided before the adoption of the present Constitution of Government of the United States.

Ordered, That the said memorial and remonstrance be referred to Mr. MADISON, Mr. MURRAY, Mr. BORDEN, Mr. CARNES, Mr. GILBERT, Mr. CORN, and Mr. HARPER, that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

Mr. FITZSIMMONS, from the committee to whom was committed the bill, sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned," made a report; which was read, and, together with the said bill, ordered to be committed to a Committee of the Whole House to-morrow.

Mr. FITZSIMMONS, from the committee appointed, presented a bill making further appropriations for the Military Establishment, and for the support of Government; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, transmitting a statement exhibiting the number of officers employed in each State in the management of the revenue from stills and spirits distilled in the United States; as, also, a Letter from the Commissioner of the Revenue, relative to compensation to the

said officers: which were read, and together with the resolution of this House of the 18th instant, on the subject-matter thereof, ordered to be referred to Mr. GILES, Mr. LYMAN, and Mr. SHELBURN.

Mr. W. SMITH, from the committee appointed, presented a bill making a conditional provision for the expenses of a treaty with certain Indian tribes; which was read twice, and committed.

A Message was received from the President of the UNITED STATES, communicating to Congress copies of a Letter from the Governor of the State of Georgia, and an Act of the Legislature thereof, "to ratify the resolution of Congress explanatory of the Judicial power of the United States."

The said Message and papers were read, and ordered to lie on the table.

Resolved, That the Collector of the District of New York be authorized to allow the drawback on the exportation of two thousand yellow handled cutlasses or sugar knives, imported in the month of February, one thousand seven hundred and ninety-four, by Brothers, Coster, and Company, merchants, of New York, in the ship Peggy, Zacheus Henshaw, master: *Provided*, The same shall be exported, according to law, within two years from the time of the importation.

Ordered, That a bill or bills be brought in, pursuant to the said resolution, and that Mr. WATTS, Mr. GOODHUE, and Mr. WINGATE, do prepare and bring in the same.

A message from the Senate informed the House that they have passed the bill, entitled "An act for the relief of Spencer Mann and Frantz Jacob Foltz, with an amendment;" to which they desire the concurrence of this House.

The House proceeded to consider the said amendment, and the same being read, was agreed to.

INDIAN LANDS IN GEORGIA.

The House again resolved itself into a Committee of the Whole House on the report of the committee to whom was referred so much of the Message from the President of the UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia.

Mr. AWES said, that during the time when the National Debt bill was under discussion, he had attempted to get something introduced in favor of the new emission money creditors, but gentlemen always rose *en masse* against any proposal that would tend to obstruct the progress of the bill. He now again urged that this affair might be taken into consideration. He knew he should be told of a standing rule of the House, that the unfinished business must first be taken up. These creditors had waited for four years without redress, and the rules of the House ought to give way to common feeling and common sense. He therefore moved that the rule in question should be suspended.

The motion was negatived, and the House then went into a Committee upon the second and remaining resolutions in the report of the select committee on the Message of the President.

The following is a copy of the third and fourth resolutions in this report:

Resolved, That the President of the United States be authorized, whenever claims under prior contracts may cease to exist, to obtain a cession of the State of Georgia, of their claim to the whole or any part of the land within the present Indian boundaries; and that — dollars ought to be appropriated to enable him to effect the same.

Resolved, That all persons who shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the river Ohio, for the purpose of warring against the Indians, or committing depredations upon any Indian town, or persons, or property, shall thereby become liable and subject to the rules and articles of war, which are, or shall be established for the government of the troops of the United States.

After some discussion, the Committee rose; the Chairman reported progress, and asked leave to sit again. This was negatived—yeas 33, nays 35.

The House then took up the resolutions. Various amendments were proposed; and the last resolution, in particular, was objected to, as subjecting people to martial law.

Mr. WADSWORTH said, that from a trial by jury he had no hopes. There never had been one instance of a white man condemned and hanged by white men, on the frontier, for the murder of an Indian, since the first landing in America. There might be such a thing for the murder of an Indian, when they lived among the whites. That there ever had been such a thing, he did not know. He had been told by Judges, upon the frontier, that it was no matter what evidence of a murder of an Indian was brought. No jury would bring the criminal in guilty. It was but very lately that a cool and unprovoked murder had been committed on the borders of this State upon an Indian. The evidence was clear. Nobody pretended to doubt it. The Judge gave an earnest charge to the jury; but all to no purpose; they found "not guilty."

Mr. SEDGWICK proposed an amendment to the last resolution, as follows:

Resolved, That all persons who shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory South of the river Ohio, for the purpose of warring against the Indians, or of committing depredations against any Indian town, or persons, or property, shall thereby become liable and subject to be taken and confined by the military force of the United States, in such manner as to be made amenable to, and triable by law.

Ordered, That the said motion be committed to Mr. SEDGWICK, Mr. MADISON, and Mr. HILLHOUSE.

THURSDAY, February 26.

An engrossed bill making further appropriations for the Military Establishment, and for the support of Government, was read the third time and passed.

Mr. BEATTY, from the committee appointed, pre-

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Indian Lands in Georgia.

[FEBRUARY, 1795.]

sent a bill laying a duty on carriages for the conveyance of persons, and repealing the former act for that purpose; which was read twice and committed.

Mr. BOURNIX, from the committee appointed, presented a bill supplementary to the act, entitled "An act establishing a Mint, and regulating the coins of the United States," which was read twice, and ordered to be engrossed, and read the third time to-morrow.

Ordered, That a committee be appointed to bring in a bill to repeal the second section of the act, entitled "An act for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both Houses."

And a committee was appointed, of Mr. HEATH, Mr. SMILE, and Mr. MACON.

The House resolved itself into a Committee of the Whole on the bill, sent from the Senate, entitled "An act to continue in force, for a limited time, the acts therein mentioned;" and, after some time spent therein, the Committee rose, and reported an amendment thereto; which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time and passed.

Mr. WATTS, from the committee appointed, presented a bill for extending the time relative to drawbacks on the exportation of certain military stores; which was read twice, and ordered to be engrossed, and read the third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill for the relief of Mary S. Jones, and others; and, after some time spent therein, the Committee rose and reported progress.

On the question, that this House will, to-morrow, again resolve itself into a Committee of the Whole House on the said bill? it passed in the negative.

The House proceeded to consider the resolutions reported yesterday, from the Committee of the Whole House, on the report of the committee to whom was referred so much of the Message of the PRESIDENT OF THE UNITED STATES, of the seventeenth instant, as relates to the disposition of Indian lands by the Legislature of the State of Georgia; and the said resolutions being amended at the Clerk's table, were agreed to by the House, as follows:

1st. Resolved, That Congress will co-operate with the PRESIDENT OF THE UNITED STATES in giving due effect to all such Constitutional and legal means as he shall adopt and pursue to prevent the infraction of the treaties made with the Indian tribes.

2d. Resolved, That it be recommended to the PRESIDENT OF THE UNITED STATES, not to permit treaties for the extinguishment of the Indian title to any lands, to be holden at the instance of individuals or States, where it shall appear that the property of such lands, when the Indian title shall be extinguished, will be vested in, or claimed by, particular persons: And that, whenever treaties are held for the benefit of the United States, individuals claiming rights of pre-emption shall be

prevented from treating with the Indians concerning the same; and that, generally, such private claims be postponed to those of the several States, wherever the same may be consistent with the welfare and defence of the United States.

3d. Resolved, That the PRESIDENT OF THE UNITED STATES be authorized to obtain a cession of the State of Georgia of their claim to the whole, or any part, of the land within the present Indian boundaries.

Ordered, That the first and second resolutions do lie on the table.

Ordered, That a bill or bills be brought in pursuant to the last resolution, and that Mr. NICHOLAS, Mr. MACON, Mr. MURRAY, Mr. FINDLEY, Mr. BOURNIX, Mr. AMES, and Mr. SHERRBURNE, do prepare and bring in the same.

Mr. SEDGWICK, from the committee to whom was referred a motion of the twenty-fifth instant, respecting such persons as shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory of the United States South of the river Ohio, made a report; which was read, and ordered to be committed to a Committee of the Whole House to-morrow.

FRIDAY, February 27.

An engrossed bill supplementary to the act, entitled "An act establishing a Mint, and regulating the coins of the United States," was read the third time, and passed.

An engrossed bill for extending the time relative to drawbacks on the exportation of certain military stores, was read the third time, and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to prevent depredations on the Indians South of the river Ohio;" to which they desire the concurrence of this House.

The said bill was read the first time, and opposition being made to the same, the question was taken, to wit: "Shall the said bill be rejected?" and resolved in the affirmative—yeas 43, nays 37, as follows:

YEAS.—Theodoras Bailey, Abraham Baldwin, John Beatty, Thomas Blount, Elias Boudinot, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, Gabriel Duval, Benjamin Edwards, William B. Giles, Nicholas Gilman, Christopher Greenup, Samuel Griffin, William Barry Grove, Robert Goodloe Harper, Carter B. Harrison, John Heath, Daniel Heister, William Irvine, Aaron Kitchell, Matthew Locke, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Melbane, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, Robert Rutherford, John Smilie, Thomas Sprigg, Zephaniah Swift, Thomas Tredwell, Philip Van Cortlandt, Francis Walker, and Joseph Winston.

NAYS.—Fisher Ames, James Armstrong, Shearshub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coint, Samuel Dexter, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Benjamin Goodhue, James Gordon, Andrew Gregg, Thomas Hartley, James Hillhouse, William Hindman,

Snuff and Sugar Duties.

[H. or R.]

FEBRUARY, 1795.]

Samuel Holten, John Wilkes Kittera, Henry Latimer, Amasa Learned, Francis Malbone, William Vans Murray, Andrew Pickens, Thomas Scott, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, George Thatcher, John E. Van Allen, Peter Van Gasebeck, Jeremiah Wadsworth, Artemas Ward, John Watts, Paine Wingate, and Richard Winn.

Mr. MADISON, from the committee to whom was referred the memorial and representation of the Legislature of New Hampshire, made a report; which was read, and ordered to lie on the table.

Mr. NICHOLAS, from the committee appointed, presented a bill to authorize the PRESIDENT OF THE UNITED STATES to obtain a cession of claim to certain territory; which was read twice and committed.

The SPEAKER laid before the House a Letter from the Secretary of the Treasury, accompanying a return of the exports of the United States, for one year, ending the thirtieth of September, one thousand seven hundred and ninety-four; as, also, an explanatory Letter to him, from the Commissioner of the Revenue; which were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act relative to sessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed," with several amendments; to which they desire the concurrence of this House: the Senate have also passed a bill, entitled "An act relative to the passing of coasting vessels between Long Island and Rhode Island;" to which they desire the concurrence of this House.

The bill sent from the Senate, entitled "An act relative to the passing of coasting vessels between Long Island and Rhode Island," was read three times and passed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of William Seymour;" the Senate have also passed the bill, entitled "An act to regulate the compensation of Clerks;" to which they desire the concurrence of the House. The Senate have also agreed to a resolution "authorizing the exportation of arms, cannon, and military stores, in certain cases;" to which they desire the concurrence of this House.

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act relative to sessions of jurisdiction in places where light-houses, beacons, buoys, and public piers, have been, or may hereafter be, erected and fixed;" and the same being read, were agreed to.

The bill, sent from the Senate, entitled "An act to regulate the compensation of Clerks," was read twice and committed.

SNUFF AND SUGAR DUTIES.

The House then went into a Committee, Mr. SHERRBURNE in the Chair, on the bill to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar."

The first section of the bill was read, and is in these words:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duty of eight cents per pound, laid by the act of the last session, entitled 'An act laying certain duties upon snuff and refined sugar,' shall cease on the last day of March, in the present year, and shall not thenceforth be collected; but, in lieu thereof, there shall be levied and collected upon all snuff employed in the manufacture of snuff in the United States, the following yearly rates and duties, to wit: For and upon each and every mortar contained in any mill worked by water, and for every pair of mill-stones employed in the manufacture of snuff, — dollars; upon every pestle in any mill, other than mills worked by hand, — dollars; upon every pestle in any mill worked by hand, — dollars; and upon every mill in which snuff is manufactured by stampers and grinders, — dollars per annum."

Mr. CORR moved to strike out the section.

Mr. B. BOURNIX seconded the motion.

Mr. W. SMITH said, that the committee had taken a great deal of care in learning how matters stood, and found, both from the manufacturers and officers of excise, that alterations were equally necessary for the existence of the manufacturers and the revenue. If this bill was destroyed, there would be the utmost inconvenience to the manufacturer, and very little chance of revenue.

Mr. FITZSIMONS vindicated the clause. It would be seen at once, that the present bill simplified the operation exceedingly. It prevented the necessity for the attendance of excise men, and the swearing of the manufacturer. He did not expect to improve the revenue, but it would be more easily raised. He did not see what Mr. BOURNIX had feared, that the law would bear hard upon persons of small capital. He understood it to be rather in their favor than otherwise.

Mr. SEDGWICK said, that all taxes ought to be levied with as little trouble as possible to the persons who pay them. He feared that the section before the Committee might produce inequalities. The Committee may have been wrongly informed by tobaccoists, and he could suppose that these individuals might themselves be unacquainted with the way in which the manufacture is carried on in other and distant parts of the Union.

Mr. MADISON was clearly in favor of the clause, as much better than the original idea.

The motion of Mr. CORR, for striking out the first clause, was negatived by a great majority.

The Committee went through the other clauses of this bill, with very little debate. It was then reported by the Chairman to the House. A motion was made that it should be taken up immediately.

Mr. HEISTREE hoped that it would not, as there was an amendment intended to be also made in favor of the snuff-makers.

The House, however, took up the bill, which was ordered to be engrossed for a third reading.

A resolution from the Senate, for a partial repeal of the law against the exportation of arms and ammunition, was read and referred to a Committee of the Whole.

Mr. W. SMITH said, that he did not see the use of resolutions for repealing bills. It would be

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much better to strike out the word "resolved," and insert "be it enacted."

INDIAN LANDS IN GEORGIA.

The House then went into a Committee of the Whole, Mr. SHERMAN in the Chair, on the report of the select committee to whom had been referred the motion of the 25th instant, respecting such persons as shall be assembled, or embodied in arms, on any lands belonging to Indians, out of the ordinary jurisdiction of any State, or of the Territory of the United States South of the river Ohio. The resolutions are as follows:

"Resolved, That all persons who, unauthorized by law, may be found in arms on any lands westward of the lines established by treaties with the Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding ——— dollars, and be imprisoned not exceeding ——— months.

"Resolved, That it shall be lawful for the military force of the United States to apprehend every person or persons found in arms, as aforesaid, and him or them to convey to the civil authority of the United States, within some of the States, who shall, by such authority, be secured, to be tried in manner hereafter expressed.

"Resolved, That, every person apprehended, as aforesaid, shall be tried in manner and form as is expressed in and by the act, entitled 'An act to regulate trade and intercourse with the Indian tribes.'"

Several amendments were proposed and agreed to. At last, Mr. VENABLE proposed one, which was, in substance, that persons should not be liable to the operation of the law who were in pursuit of Indians that had committed actual hostilities on the frontier.

Mr. SEDGWICK paid many compliments to Mr. VENABLE, as a sound lawyer, who certainly knew that, by the inherent rights of nature, every man was to pursue and punish those who had robbed him. This was implied in the bill, and was a part of the law of nature, so that there could be no use for its insertion.

Mr. VENABLE, in reply, declared that he was not so sound a lawyer as the gentleman supposed him to be. He was not so sound a lawyer as to discover that there was any such implication in the bill as the gentleman stated. Neither was he a sound enough lawyer to see, that, if his amendment was really implied in the bill, there could be any harm in having it expressed. At present he could discover no such implication. On the contrary, he saw very plainly, that, by the resolution as it now stood, a man whose family had been murdered or carried off by the savages, might, while pursuing them, be stopped and sent to jail. Mr. V., from the admission of Mr. SEDGWICK himself, insisted on the propriety of adopting his amendment.

Mr. HILLHOUSE objected to the permission of armed individuals crossing the line, upon any pretence whatever. What use was there for expending millions every year in defence of the frontier people, if they were to be at liberty to cross the Indian line as often as they pleased, and to do what was to all intents and purposes carrying on

war? If they will fight, let us recal our forces and leave them to fight for themselves. Are they, for the stealing of a horse, or some such thing, to cross the line in armed bodies, and act just as they please? Mr. H. utterly denied the doctrine admitted by Mr. SEDGWICK, that a man was authorized to chastise by his own hand those who had injured him. Was he to be both judge and executioner in his own case? No such thing.

Mr. GREENUP said, that, in coming to Congress every year, he was obliged to pass over territories belonging to Indians, and he always thought it necessary to carry a gun. He did not see, by the resolution as it stood, why the military officers of the United States might not stop him, as well as other people.

Mr. MOORE objected to the clause, altogether. It is usual for people on the frontier to send out parties over the line to watch the Indians, and when they are coming to give notice, that the country may be prepared for their reception. Now, these people may be seized by your officers.

Mr. FINLEY imagined it would be the best way to declare that there shall be no frontier. It had been said by Mr. HILLHOUSE, that the United States might withdraw their forces, and leave the frontier settlers to defend themselves. Did he imagine, that as it is, they are not kept in a perpetual state of alarm, of exertion, and of danger? There has not been a harvest for many years past where the people have not been called off from their labors, and, to their very great loss, to protect the frontier. This resolution not to allow a pursuit, would be inviting the Indians with a witness.

Mr. SEDGWICK said, that this amendment, in reality, destroyed all that had been done or intended. No military officer, after such an amendment, will run the risk of taking a man up. The prisoner has only to say, "I am in pursuit of Indians," and then he must be set at liberty; for, in the wilderness, no evidence can be had to contradict him. The amendment, therefore, was a *coup de grace* to the whole affair. Mr. S. said he was personally extremely hurt at the constant complaints of the inefficiency of the defence afforded on the frontier, which cost annually so much to Government.

Mr. BLOUNT thought that the best way would be, to let it be known that the whites were authorized to pursue the Indians into their own country, and then they would stand more in awe. He mentioned a circumstance that happened within memory, to prove how much the Indians feared a serious attack, and how well they remembered a serious chastisement. Mr. B. stated that some Indians had made an incursion, and were stealing cattle belonging to the Army, at a block-house. One of them was most deservedly shot, and the soldier had his pay stopped.

Mr. HILLHOUSE said, the more that he thought of this amendment, the more he saw its mischievous consequences. It went to invert all the laws that had been made for the protection of the Indians; and, instead of being a bill to protect them from the whites, the resolutions would produce a bill to protect the whites from them.

Mr. SMITH objected to Mr. SEDGWICK's hav-

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Indian Trading Houses.

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ing threatened that the Army of the United States should be withdrawn from the frontiers. [He had made some other advances against that gentleman, to which Mr. SEDGWICK answered not loud enough to be heard; but at this last, he arose, and said that he would not sit still to hear himself thus quoted for affirmations of which he had never uttered a single word.]

Mr. FITZSIMONS really hoped that the House would not agree to this amendment. It would totally defeat all the effects proposed by the bill. It had been said that if a man had his family murdered, and he was in pursuit of the murderers, he might be stopped, by a military officer, and sent to jail. The answer was, that if the officer refused to join him in the pursuit, he would lose his commission. He should be sorry if those resolutions, which had cost so much time and labor to the House, were thus to be thrown away.

The amendment was, on a division, carried—years 36, nays 28. The Committee then rose.

SATURDAY, February 28.

An engrossed bill to alter and amend the act, entitled "An act laying certain duties upon snuff and refined sugar," was read the third time and passed.

Mr. HEATH, from the committee appointed on the 12th of December last, respecting the settlement of the accounts of the former Government, and the unpaid balances due thereon, reported a statement of accounts which originated under the late Government, and which have been settled since the establishment of the Treasury Department, to the 31st day of December, 1794; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to amend the second section of an act to erect a light-house on the head-land of Cape Hatteras, and a lighted beacon on Shell Castle Island, in the harbor of Ocracoke, in the State of North Carolina," to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be committed to Mr. B. BOWEN, Mr. BLOUNT, and Mr. WATTS.

The SPEAKER laid before the House a Report from the Secretary of War, accompanying further statements in the cases of claimants to be placed on the list of pensioners, returned to the War Office by the Judges of the District Courts of the United States, since his report of the 21st instant, and of the additional evidence received further to support certain claims, formerly stated; which were read, and ordered to be referred to the Committee of Claims, with instructions to the Committee, by bill or otherwise.

Mr. BEATTY at several times had moved that the bill amendatory of the "act laying duties upon carriages for the conveyance of persons," reported by him a few days since, should be taken up. The pressure of other more important business before the House prevented his motion from succeeding, so that this bill may be expected to stand over in its present shape till next session.

Mr. TRACY, from the Committee of Claims, to whom were referred the reports of the Secretary of War, accompanying sundry statements in the cases of claimants to be placed on the list of pensioners returned to the War Office by the Judges of the District Courts of the United States, made a report; which was read. Whereupon,

Ordered, That a bill or bills be brought in making provision for the cases of the said claimants, respectively; and that the Committee of Claims do prepare and bring in the same.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned," to which they desire the concurrence of this House.

The said bill was read twice, and ordered to be committed to Mr. SWIFT, Mr. SCOTT, and Mr. VENABLE.

Mr. SEDGWICK, from the committee appointed, presented a bill supplementary to the act, entitled "An act to regulate trade and intercourse with the Indian tribes," which was read twice, amended at the Clerk's table, and, together with the amendments, ordered to be engrossed, and read the third time on Monday next.

INDIAN TRADING HOUSES.

It was moved that the House should resolve itself into a Committee on the bill for establishing trading houses for the purpose of supplying the Indian nations within the territory of the United States. This was done accordingly, Mr. SHERMAN in the Chair.

Mr. GILLES then moved to strike out the first section.

Mr. GOODRICH wished to move that the Committee rise; to which Mr. GILLES agreed. Mr. GOODRICH then said, that his reason for this motion was the inattention of members to the business before them. To attempt going through the bill at present was a perfect farce. He was satisfied that the bill would never go through this session. He did not, for his own part, yet know whether it was proper or not.

Mr. PARKER said, that the bill had been long enough before the House for the gentleman from Massachusetts to have made himself acquainted with its contents and its merits. He vindicated the principle of the bill, as tending to conciliate the affections of a distressed and unhappy people, and as it might likewise prevent the expenses of a war with them. France, Britain, and Spain, had adopted this policy, and found the good effects of it. He considered the bill as of the utmost consequence, and, thinking so, he should use his utmost influence to get it passed. The expense proposed was not great, as the affair was only experimental.

Mr. MONTGOMERY was of the same opinion with the gentleman who spoke last. He thought that the Indians had common sense enough not to quit allies who supplied them with articles which they wanted, till we also made some effectual establishment of that kind. The member

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went on the same ground with the gentleman who spoke last.

Mr. Boudinot thought that the reason given by Mr. Goodhue for moving that the Committee should rise, viz: that gentlemen would not attend to their duty, was the worst imaginable. What did the House meet for at all? It was the duty of the Chair to compel them to mind their business. Mr. B. then referred to something which had been said by Mr. Swift, who had been up just before Mr. Boudinot. Mr. B., in reply to this gentleman, said, that he would not wish to press the bill this session if members did not think it proper. He was willing, if agreeable, to refer the matter for one year to the President. But there never would nor could be a complete peace till something of this kind was done. The President himself had told us as much.

Mr. Giles said, that the bill could not be got through this session. He was willing to take the question either in the first way that he had moved it, or in any other. This was a most improper time of the session to bring it in.

Mr. Murray hoped that the Committee would seriously attend to the first clause in the bill, and would not rise. He felt the shortness of the time, but he was willing to devote to-morrow (Sunday) to this subject, and he trusted that the importance of it would give the employment a solemnity not inconsistent with the day. Without a bill to establish a well-guarded intercourse with the Indians, the frontier policy will be unsystematic and despicable. To complete the system, it appeared to him that three great objects are to be embraced: 1st. Force to protect the frontier from Indian invasion—for this the military establishment is made. 2d. A regulation, by law, that shall restrain the frontier people from predatory invasion into the Indian country, carrying law and settlement hand in hand. 3d. The establishment of trading houses under the influence of the two first parts of the system, for the purpose of conciliating the Indians by supplying their wants, and detaching their habits of trade and their affections from a foreign nation. With these three points embraced in one system, he had no doubt but their co-operation would produce the great object, peace on the frontier. Without the last, the other parts of the system would be totally inefficient.

Mr. Hillhouse said, that the House ought to begin at the right end of the subject, by reversing the vote which the Committee passed yesterday, authorizing the frontier people to pass the line in pursuit of the Indians as often as they pleased. If this was allowed, it would be impossible ever to keep the peace.

On a division, shall the Committee now rise? it was determined in the affirmative—Yeas 35, nays 31.

The question was then put by the SPEAKER, Shall the Committee have leave to sit again? It passed in the affirmative—Yeas 34, nays 33.

But it was presently remarked, that some gentlemen had risen both in the yeas and nays; others had been without the bar. The question was, therefore, taken over again, and determined

in the negative—Yeas 36, nays 41. The bill is, therefore, thrown out.

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The House proceeded to consider the resolutions and amendments thereto, reported yesterday from the Committee of the Whole House on the report of the committee to whom was referred a motion of the 25th instant, respecting such persons as shall be assembled or embodied in arms, on any lands belonging to Indians out of the ordinary jurisdiction of any State, or of the territory of the United States South of the river Ohio: Whereupon,

The first resolution being read, in the words following, to wit:

"Resolved, That all persons who, unauthorized by law, and with hostile intent, may be found in arms on any lands allotted or secured to the Indians by treaties between the United States and any Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding dollars, and be imprisoned not exceeding months."

And the amendment thereto, reported by the Committee of the Whole House, to add to the end thereof the words, "unless it shall be in immediate pursuit of Indians who shall have recently committed hostilities."

When the question was about to be taken on it, Mr. VENABLE rose, and pointed out the difference of opinion between two gentlemen who were both opposed to his amendment. One of them [Mr. Sedgewick] had maintained that, when individual Indians, unauthorized by the rest of their tribe, crossed the line and committed depredations, a settler was, by the law of nations, authorized to pursue them across the line and to retaliate, and that this was implied in the bill. Mr. Hillhouse had materially differed from him, and agreed with Mr. VENABLE, in supposing that the person so pursuing across the line was punishable by the resolution as it stood, without the amendment. He then reminded the House that this frontier line was perhaps fifteen hundred miles long. The Indians may come over any part of it, while the citizens of the United States are not to be allowed to cross it one mile in pursuit. Even a man in pursuit of savages who may have carried off his wife and children, may be stopped. The amendment he regarded as essential. Military officers may judge on the spot whether such persons whom they meet beyond the line, in pursuit of Indians, are within the sense of the act or not.

Mr. Ames denied that the resolution as it first stood took away the right of a man to pursue the Indians in order to recover his wife and children. But the amendment of Mr. VENABLE went to legalize all those acts of violence and revenge, that, for a century past, have deluged the frontier with blood.

Mr. LYMAN vindicated the inhabitants of the frontier. If the Indians are so unfortunate as to be the dupes of other nations, (viz: the Spaniards and British,) that is not our fault. The frontier people, from time to time, have done every thing in their power to keep them in peace.

Mr. Hillhouse opposed the amendment.

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Mr. McDowell said, that weekly and daily murders were committed by the Creeks in the district of Mero and in the Southwestern Territory. Do the United States avenge these murders? No. Do they demand back the property carried off? No. Instead of any satisfaction to the people, their characters are abused on this floor. The frontier people know that their happiness consists in peace, and, therefore, cultivate it as much as they can. He took a general view of the subject, and explained the insignificance of the posts as at present held by the troops of the United States for any purpose of protection. He noticed the inveterate hatred of the Indians against the whites, and their innate thirst of blood.

Mr. Moore went on the same grounds.

Mr. Giles did not like the harsh style assumed by some gentlemen in speaking of the frontier settlers. An hundred years hence these people would preponderate over this part of the Continent. He represented an Atlantic part of the Union, but, at the same time, he would carefully avoid any thing that might offend the Western people. The first settlers in this country were, when they first landed, frontier settlers. For his own part, he believed that the war between the whites and the Indians would be eternal. He said, that, from some intelligence received this day, there was reason to believe that a war with the Creeks might soon be expected.

Mr. Wadsworth.—Gentlemen have a great disposition to husband our little time, and I need not mention their manner of doing it. He said that he was willing to grant protection to the frontiers, but not to give leave, as by the amendment proposed, for an eternal war. He thought it calculated to drive the gentlemen on each side of this question into such opposite extremes, that they would never meet again upon the subject. He was willing to grant any degree of protection, but nothing for conquest. He said that the ancestors of the people now in the Atlantic part of the country were once frontier people, and he believed them to have been neither worse nor better than the present settlers, who are in the same situation. We are told of murders and robberies committed by the Indians; but the accounts of some of the officers employed by Government vary a little from this, and give room to suspect that there may be some error on both sides. He did not believe that this amendment would pass; but, if it should do so, it would widen the difference of opinion in the House.

Mr. PAGES was for the amendment.

Mr. CARSES could not conceive the reason why all regulations made in this House were for Indians only, as if the whites were constantly the aggressors. He asked if the Creeks performed a single title of the treaty of New York, about which there had been so much parade? No. The only design of Indians in making a peace is to get presents, for these they always get. As soon as these are spent they commit a new set of murders, in the hopes of another treaty. Thus they always have gone on, and always will go on, from murders to treaties, and from treaties to mur-

ders. Mr. C. complained that a gentleman from Maryland [Mr. Murray] had some days ago called the frontier people semi-savages. He hoped that such an expression would never again be used in that House. As to the treaty of New York, he might be told that the Creeks restored a number of women and children. He knew that; but he also knew that, before they did so, the relations of those people were obliged to put their hands in their pockets and pay large sums for their redemption, as the prisoners would not have been delivered up in consequence of the treaty of New York. This bill, without the amendment of Mr. VENABLE, would be an encouragement to the savages to come over the line and murder with impunity.

Mr. Scott was entirely in favor of the amendment. If the resolution passes without the amendment houses will soon be smoking and blood running. He believed that the subject in question was beyond the reach of human wisdom to regulate. He thought that striking out the amendment would only encourage the Indians to come in a body across the line. This they were never afraid of doing. The only thing which they feared was a pursuit, and this was to be effectually prevented by striking out the amendment. Was there ever such a thing heard of before as that, when the savages have carried off a man's wife and children, he must not be at liberty to pursue them? It would be the most frightful thing imaginable for the House to pass a law declaring such a pursuit criminal. Mr. S. could figure a case where the farm of a settler might come close to the Indian line, and the Indians might stand on the other side of the line and shoot him, and his neighbors would not be at liberty to pursue the murderer. Mr. S. said, that in that part of the country where he resided (Washington county) nothing of this kind was to be feared, as the line was at a sufficient distance from the cultivated lands, but there were other places on the frontier of the United States where this might happen. He said that no Christian nation had a right to ask better terms than this amendment offered to the savages. Stay upon your own side of the line and you are safe, but, if you cross over to us, we shall cross over in pursuit of you. This was fair play. If the resolution passed without the amendment, Mr. S. said that the Indians would immediately encamp close on their side of the line, and lie in watch there for whole months together, till they found a safe opportunity of crossing.

Mr. MURRAY said, he would make a remark or two on the criticism of the gentleman from Georgia, who had felt affected by an expression of his a few days since, when he called some of the people of the frontier "semi-savages." He did so, and he felt the expression not inapplicable. He confined the import of this expression exclusively to those upon the frontier who lead an unsavory life—who press forward into the deeper wilderness, by the new waves of advancing population, and live the life of savages without their virtues. He begged leave to call the gentleman's

attention to a declaration of his own last session, to justify this expression, which he used more to designate a peculiar than a general character of the people in the region to which he applied it. The gentleman said, he did not value the lives of one hundred Indians as much as the life of one white man, or words to that extent. [This was in a debate just before the close of the last session. The words of Mr. CARNES were, "I would not give the life of one white man for that of fifty Indians."] Mr. MURRAY said, he had two points always in his view when the frontier was a subject in that House—protection to the frontier against the hostility of the Indians, and restraint upon the whites to prevent the occasions of war against the savages. He had given every testimony to the first by supporting every measure for their defence; that he represented a district perfectly beyond the danger of the Indians, was proof that he was actuated in his votes for appropriation and force by no other motive than that which belonged to every man there who supported the great principle of Government, that the whole must protect the parts. He wished to see such a system established, combining these two points, as would give complete protection against the Indians, and yet restrain the whites from violating peace. He wished to see the day when the arms of the Government might, without a crime, strike a whole tribe, if that tribe or its members waged war on the frontiers. But, to do this, it was necessary to place our relative situation so as that justice might be secured. He wished to adopt a regulation like the present, to prevent our fellow-citizens from the gratification of private revenge, the source from whence so much blood is shed. In order to justify exemplary punishment on Indian tribes, you must first be in a situation to restrain the whites from doing injustice to them. You must do what all nations have done, when, from the general or local state of civilization, private war disturbs public tranquility—you must restrain the right of private war, by placing the power of vengeance out of the reach of individuals, and in the hands of Government. Nor did this idea go at all to restrain that unalienable right of resistance against imminent danger, which was sanctioned by the law of nature. The picture drawn by the gentleman from Pennsylvania, [Mr. SCOTT.] with his accustomed ability and force, was certainly an interesting one—were an encampment of Indians to be heard in the woods near a settlement, after any evidence of hostility, he did not doubt but the neighbors would be perfectly justifiable in changing the scene of blood from the cottage to the camp—if the amendment which actually arms all the passions of revenge with the rights of law, be rejected, you will attain one of the great objects of frontier policy—the ability to restrain the right of private war, from which public war arises as a consequence. The Government will, when this ability to restrain is complete, become responsible for the protection of the whites against the savages. Until that is accomplished, he did not believe Government could, either in justice or policy, expend treasure

or use force, when uncertain of the justice of the cause. He therefore hoped that the amendment would be rejected. Mr. FINDLEY was for the amendment, and mentioned several examples to prove the cruelty and perfidy of the Indians. The amendment itself was in these words: "Unless it shall be in immediate pursuit of the Indians who have recently committed hostilities." Mr. MADISON did not think the question explicit; he, therefore, proposed another, which was to prevent the pursuers from coming within a certain number of miles of an Indian town. He was extremely doubtful whether his amendment or any other would effectually answer the end proposed. He was convinced that no law of any kind would be able to hinder people from crossing the line in pursuit of Indians, who might have carried off their families. Mr. HARPER said, that however little time the House had to spare, and however long the discussion might have been, he could not help trespassing on their patience for a short time to deliver his sentiments, as he thought himself tolerably acquainted with the subject. He expressly denied that the Indians ever committed any murder without previous provocation. The process is shortly this: An Indian crosses the line and steals a horse. And as long as Indians exist they will always steal horses. The man to whom the horse belonged collects as many of his neighbors as he thinks sufficient, pursues the Indian, and not contented with recovering his horse, he kills the thief. The Indians, who have no such sacred ideas of property, immediately come over the line, and in revenge murder a number of innocent people. Indian murders are not unprovoked. They are not of that stamp. Mr. H. considered the amendment of Mr. VENABLE as a source of endless confusion. Any man, if it passed, might cross the Indian line as often as he thought proper, and say that he was in pursuit of Indians with prisoners. I undertake, (said he,) if you will give me an hundred dollars, to go to the frontier and get a witness who will come into a Court of Justice and swear that on such a day ten Indians came over the line in arms. Mr. H. said he was personally acquainted with the frontiers. He had a high respect for the inhabitants, there were many very worthy people among them, but likewise many others of a very different kind. This amendment will set open a door to all sorts of fraud and mischief. Mr. H. honored the sentiments of patriotism that gave rise to it, but he could not possibly agree to the propriety of its insertion.

Mr. WHITE, the member from the Southwestern Territory, said, that he had to complain of the slaughter of near four hundred citizens under the auspices of your Government. He felt himself much affected, and as to the doctrine of Indian killing, only in retaliation, he denied it altogether. The love of blood was hereditary in them. When the gentleman says that with an hundred dollars in his pocket, he can find ten men on the frontiers—[Mr. HARPER explained, that he only said he could

find a witness.] Well, (said Mr. W.) if the gentleman did not mean a reflection on the frontiers, he meant nothing at all. I know not how well the gentleman may be practised in the arts of subornation, but I myself know of no such man. [Mr. HARPER—I expected the gentleman would confine himself to a decent answer.] Mr. W. proceeded to observe that no man acquainted with the frontiers would have made any such assertion as the gentleman had done. He was likewise extremely surprised at the gentleman from Maryland, for having persisted in affirming that many of the frontier people were semi-savages.

The yeas and nays were now taken on the amendment, which was lost by a majority of 7—yeas 39, nays 46, as follows:

YEAS.—James Armstrong, Theodoras Bailey, Abraham Baldwin, Thomas Blount, Thomas P. Carnes, Gabriel Christie, Thomas Claiborne, William J. Dawson, George Dent, Samuel Dexter, Gabriel Duval, Benjamin Edwards, William Findley, Christopher Greenup, William B. Grove, George Hancock, Carter B. Harrison, John Heath, William Irvine, Matthew Locke, William Lyman, Nathaniel Macon, Joseph McDowell, Alexander Melane, William Montgomery, Andrew Moore, Peter Muhlenberg, Joseph Neville, Anthony New, Alexander D. Orr, John Page, Thomas Scott, John Smilie, Thomas Sprigg, Thomas Tredwell, Philip Van Cortlandt, Abraham Venable, Francis Walker, Richard Winn, and Joseph Winston.

NAYS.—Fisher Ames, John Beatty, Elias Boudinot, Shearshub Bourne, Benjamin Bourne, Lambert Cadwalader, David Cobb, Peleg Coffin, Joshua Coit, Henry Dearborn, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, Nicholas Gilman, Henry Glenn, Benjamin Goodhue, James Gordon, Robert Goodloe Harper, James Hillhouse, William Hindman, Samuel Holten, John Hunter, Aaron Kitchell, John Wilkes Kittern, Amasa Learned, James Madison, Francis Malbone, William Vans Murray, Nathaniel Niles, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, Jeremiah Smith, Israel Smith, William Smith, Zephaniah Swift, George Thatcher, Uriah Tracy, Jonathan Trumbull, John E. Van Allen, Peter Van Gaabeck, Peleg Wadsworth, Jeremiah Wadsworth, John Watta, Benjamin Williams, and Paine Wingate.

Mr. GILES, who had been in the House during the whole debate, had gone out just before the question was put, and returning immediately after the names had been called, asked leave to vote. The rule of the House was read by the SPEAKER, which is, that no member shall vote who was not present at putting of the question. Mr. G. on this account was not allowed to vote.

Mr. CARNES then moved to amend the said resolution by adding to the end thereof the following words:

"Unless it shall be in continuation of a pursuit to a distance not exceeding ——— miles beyond the line of the particular Indians who shall have recently committed murder, or may be carrying off captives or plunder."

It was resolved in the affirmative.

The said resolution, as amended, was then again read, and agreed to by the House, as follows:

Resolved, That all persons who, unauthorized by law, and with hostile intent, may be found in

arms on any lands allotted or secured to the Indians by treaties between the United States and any Indian tribes, shall, on conviction thereof, forfeit a sum not exceeding ——— dollars, and be imprisoned not exceeding ——— months, unless it shall be in continuation of a pursuit to a distance not exceeding ——— miles beyond the line of the particular Indians who shall have recently committed murder, or may be carrying off captives or plunder.

The second resolution being again read, and amended, was, on the question put thereupon, agreed to by the House, as follows:

Resolved, That it shall be lawful for the military force of the United States to apprehend every person or persons found in arms as aforesaid, and him or them to convey to the civil authority of the United States within some one of the States, who shall, by such authority, be secured to be tried in manner and form as is provided in and by the act, entitled "An act to regulate trade and intercourse with the Indian tribes." Provided, That no person shall be confined, after his arrest, and before his removal, more than ——— days.

Ordered, That a bill or bills be brought in pursuant to the said resolutions, and that Mr. SEDGWICK, Mr. MADISON, and Mr. HILLHOUSE, do prepare and bring in the same.

PUBLIC DEBT.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making further provision for the support of Public Credit, and for the redemption of the Public Debt," with amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments; and the same being read,

A motion was made to strike out the section proposing an additional half per centum to the holders of the Foreign Debt, if they should subscribe the same to the Domestic Debt, so as to make the principal and interest payable at the Treasury of the United States.

Mr. HEISTER observed, that he should vote for striking out that section; that doing so would not derange the other parts of the bill, as every other provision in it would be complete without this section. He was anxious to have it stricken out, because he conceived it was making a most important change in the system of our Debt, a change which, if by experience we should find injurious, it would be out of our power to remedy. He confessed there was an inconvenience and expense in remitting such large sums as the interest of our Foreign Debt and instalments to Europe; but asked, if that inconvenience would be remedied by paying at the Treasury of the United States, and whether subscribing it here really made it Domestic Debt? If it did, he should think it well worth half a per centum in addition to the present rate of interest; but that, he said, would not be the case; the money was still owned in Europe, and must go there, remit it who will, and therefore he conceived that the effect of the proposed alteration in the Debt would be no other than this: that

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instead of the United States remitting upon the best possible terms they can, a private concern in Europe would be enabled to remit as they pleased, and for which they would be well paid; for one-half per cent. added to the present interest, is according to the different loans, from ten to twelve-and-a-half per cent. on the gross sums to be remitted; and that in times of peace they might remit specie at an expense of two-and-a-half per cent. and make a profit of from seven to ten per cent. Why, said he, cannot our own Treasury Department make this remittance, and save the difference, when it may be convenient to ship money, and that of this we ought always to be able to judge ourselves?

He did not, however, dread this as the greatest evil; he found a greater to both the agricultural and mercantile interests of the country.

It was, he said, well known that a single concern (he meant the Wilinks, Van Staphorst, &c., merchants of Amsterdam) were the directors of the chief of our loans in Europe, and that the interest they had to receive upon the Foreign Debt alone amounted to between five and six hundred thousand dollars annually; and that besides this they were the directors of very large purchases made, and perhaps still making, of our Domestic Debt, which they had organized, and now conducted in the nature of a bank, so that we could not in either case, expect the subscriptions of individual holders of our Debt, and that consequently this would be no inducement for them to remove here. If, therefore, that Debt was subscribed at all, it would be by these directors. He believed that the command of such enormous sums of money to be received by a single house annually from this country, would be dangerous to our trade; for, by the bare dread of our banks and moneyed institutions where the public money is kept, that these sums might be drawn out for exportation, they would be obliged to narrow their discounts, so as very much to restrain our exporters in their purchases and prices. He confessed he did not believe it would injure the Middle States, whose produce would find a market in the West Indies, as well as in Europe, as much as it would those States whose rice and tobacco solely depended on the European market, and was more an object for remittance. For if the agents of those gentlemen should make a point of keeping down the price of the articles they wanted to purchase, that might be effected by drawing largely on the Treasury, so as to produce a scarcity of cash at the time of their coming to market. This, he believed himself, might be expected from people who do everything by calculation. For, as the interest is to be paid to the individual money-lender in Holland but once a year, and by this plan it is to be paid here quarterly, the remittance may be made to the directors in good time, either in specie, produce, or bills, at the pleasure of the receivers; that, although it might cost the Treasury, as had been stated, near ten per cent. to remit bills, it ought to be considered that when the merchant sells his bills high, it enters into the price of the articles he purchases, so that what is lost to the Treasury is got by the

seller of the produce: that these reasons induced him to hope the motion to strike out the section would prevail.

The motion was withdrawn. After some discussion, the amendments were agreed to, with an additional amendment upon those of the Senate.

INTERCOURSE WITH FOREIGN NATIONS.

The following confidential Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and

of the House of Representatives:

In my first communication to Congress, during their present session, I gave them reason to expect that "certain circumstances of our intercourse with foreign nations" would be transmitted to them. There was, at that time, every assurance for believing that some of the most important of our foreign affairs would have been concluded, and others considerably matured, before they should rise. But, notwithstanding I have waited until this moment, it has so happened that, either from causes unknown to me, or from events which could not be controlled, I am yet unable to execute my original intention. That I may, however, fulfill the expectation given, as far as the actual situation of things will in my judgment permit, I now, in confidence, lay before Congress the following general statement.

Our Minister near the French Republic has urged compensation for the injuries which our commerce has sustained from captures by French cruisers, from the non-fulfilment of the contracts of the agents of the Republic with our citizens, and from the embargo at Bordeaux. He had also pressed an allowance for the money voted by Congress, for relieving the inhabitants of St. Domingo. It affords me the highest pleasure to inform Congress that perfect harmony reigns between the two Republics, and that those claims are in a train of being discussed with candor, and of being amicably adjusted. So much of our relation to Great Britain may depend upon the result of our late negotiations in London, that, until that result shall arrive, I cannot undertake to make any communication upon this subject.

After the negotiation with Spain had been long depending, unusual and unexpected embarrassments were raised to interrupt its progress. But the Commissioner of His Catholic Majesty, near the United States, having declared to the Secretary of State, that if a particular accommodation should be made in the conducting of the business, no further delay would ensue, I thought proper, under all circumstances, to send to His Catholic Majesty, an Envoy Extraordinary, especially charged to bring to a conclusion the discussions which have been formerly announced to Congress.

The friendship of Her Most Faithful Majesty has been often manifested in checking the passage of the Algerine corsairs into the Atlantic Ocean. She has also furnished occasional convoys to the vessels of the United States, even when bound to other ports than her own. We may therefore promise ourselves, that as, in the ordinary course of things, few causes can exist for dissatisfaction between the United States and Portugal, so the temper with which accidental difficulties will be met on each side, will speedily remove them.

Between the Executive of the United States and the Government of the United Netherlands, but little intercourse has taken place during the last year. It may be

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acceptable to Congress to learn that our credit in Holland is represented as standing upon the most respectable footing.

Upon the death of the late Emperor of Morocco an agent was despatched to renew, with his successor, the treaty which the United States had made with him. The agent unfortunately died, after he had reached Europe, in the prosecution of his mission. But, until lately, it was impossible to determine, with any degree of probability, who of the competitors for that empire would be ultimately fixed in the supreme power. Although the measures which have been since adopted for the renewal of the treaty, have been obstructed by the disturbed situation of Amsterdam, there are good grounds for presuming, as yet, upon the pacific disposition of the Emperor in fact, towards the United States, and that the past miscarriage will be shortly remedied. Congress are already acquainted with the failure of the Loan attempted in Holland, for the relief of our unhappy fellow-citizens in Algiers. This subject, than which none deserves a more affectionate zeal, has constantly commanded my best exertions. I am happy, therefore, in being able to say, that, from the last authentic accounts, the Day was disposed to treat for a peace and ransom, and that both would, in all probability, have been accomplished, had we not been disappointed in the means. Nothing which depends upon the Executive shall be left undone, for carrying into immediate effect the supplementary act of Congress.

G. WASHINGTON.

UNITED STATES, February 28, 1795.

The Message was read, and ordered to lie for consideration.

MONDAY, March 2.

An engrossed bill supplementary to the act, entitled "An act to regulate trade and intercourse with the Indian tribes," was read the third time, amended, and passed.

A message was received from the Senate, disagreeing to the amendment of the House of Representatives, on the bill for the support of Public Credit and the redemption of the Public Debt. The Senate receded from their own amendments at the same time, so that the bill stands as it was originally agreed to.

Mr. TRACY, from the Committee of Claims, presented, according to order, a bill authorizing and directing the Secretary of War to place certain persons, therein named on the pension list; which was read twice, and ordered to be engrossed and read the third time to-day.

Mr. BENJAMIN BOURNE, from the Committee to whom was committed the bill sent from the Senate, entitled "An act to amend the second section of the act for erecting a lighted beacon on Shellencastle Island, in the harbor of Ocracoke, in the State of North Carolina," made a report, which was read. Whereupon,

Resolved, That the said bill be rejected.

The House then went into a Committee on the bill authorizing the President to obtain the cession of certain lands in the State of Georgia.

After the bill had been partly read, it was observed by Mr. BLOUNT, that this was not the one which had been moved for. The bill which had

been wanted was then taken up, and it was that, "making conditional provision for the expenses of a treaty with certain Indian tribes." This was the bill respecting the back lands of South Carolina. It was ordered to be engrossed for a third reading. The SPEAKER laid before the House a Letter from the Secretary of War, enclosing extracts of letters and documents from Major General Wayne, and from James Seagrove, agent of Indian affairs for the Creek nation; which were read, and ordered to lie on the table.

Mr. TRACY from the Committee of Claims, to whom were referred sundry reports of the Secretary of War, accompanying statements in the cases of claimants to be placed on the list of pensioners, returned to the War Office by the Judges of the District Courts of the United States, made a report; which was read, and ordered to lie on the table.

Mr. GILES, from the committee to whom were referred the Letter from the Secretary of the Treasury of the twenty-fifth ultimo, enclosing a statement exhibiting the number of officers employed in the management of the revenue from stills and spirits distilled within the United States; as also a Letter from the Commissioner of the Revenue on the subject of compensation to the said officers, made a report; which was read. Whereupon,

Resolved, That the Secretary of the Treasury be directed to lay before the next Congress such a statement of the internal revenues as will ascertain, with precision, the nett product thereof, and the expense of collection; and that he also report a list of all the officers employed in that service, and the compensations allowed to each of them.

The House resolved itself into a Committee of the Whole House on the resolution sent from the Senate, authorizing the exportation of arms, cannon, and military stores, in certain cases; and, after some time spent therein, the Committee rose, and reported the said resolution, with an amendment; which was twice read, and agreed to by the House. The said resolution, with the amendment, was then read the third time and passed.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

Gentlemen of the Senate, and of the House of Representatives:

It appears, from information which I have lately received, that it may be probably necessary to the more successful conduct of our affairs on the coast of Barbary, that one Consul should reside in Morocco, another in Algiers, and a third in Tunis or Tripoli. As no appointment for these offices will be accepted without some emolument annexed, I submit to the consideration of Congress whether it may not be advisable to authorize a stipend to be allowed to two Consuls for that coast in addition to the one already existing.

G. WASHINGTON.

UNITED STATES, March 2, 1795.

The said Message was read, and ordered to be referred to Mr. SEDGWICK, Mr. BOURNOR, and Mr. PARKER; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

The House resolved itself into a Committee of the Whole House on the bill sent from the Senate, entitled "An act to regulate the compensation of clerks;" and, after some time spent therein, the Committee rose and reported the bill with an amendment; which was twice read, and agreed to by the House. The said bill, with the amendment, was then read the third time and passed.

A Message was received from the President of the United States, with copies of a Letter from the Governor of the State of Delaware, and of an Act, enclosed, "declaring the assent of that State to an amendment therein mentioned to the Constitution of the United States." The said Message and papers were read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject," with sundry amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read were agreed to.

The SPEAKER laid before the House a Letter from the Treasurer of the United States, accompanying his account of receipts and expenditures for the War Department, from the first day of September to the thirty-first day of December, one thousand seven hundred and ninety-four, inclusive; which were read, and ordered to lie on the table.

Mr. SEDGWICK, from the Committee to whom was referred the Message from the President of the United States of this day respecting the appointment of Consuls, made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States," with several amendments; to which they desire the concurrence of this House. The Senate have disagreed to the amendment proposed by this House to the resolution "authorizing the exportation of arms, cannon, and military stores in certain cases."

The House proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act for the more effectual recovery of debts due from individuals to the United States," and the same being read, were agreed to.

An engrossed bill laying duties on carriages for the conveyance of persons, and repealing the former act for that purpose, was read the third time, and passed.

Ordered, That the Letter and report from the Secretary of War of the twenty-eighth ultimo accompanying a further statement in the cases of claimants to be placed on the list of pensioners, which lay on the table, be referred to the Committee of Claims.

Mr. SWIRT, from the committee to whom was committed the bill sent from the Senate, entitled "An act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes

therein mentioned," reported that the Committee had had the said bill under consideration, and made no amendment thereto. The bill was read the third time, and passed.

DUTY ON CARRIAGES.

The House next went into a Committee on the bill for repealing the act laying duties on carriages for persons.

Mr. BOURNE proposed, as an amendment, that no carriage should be taxed that is not worth twenty-five dollars.

Mr. FITZSIMONS was against introducing amendments in the present situation of the House, when, if a gentleman really had objections to a bill, he cannot be heard. He did not like to leave it to the discretion of collectors, who, perhaps, never saw a carriage before, to put a value upon one. He wished the matter to stand as it is for the present, till there can be further experience. This amendment was rejected.

The Committee then rose and reported; and the House went through the bill, which was ordered to be engrossed, for a third reading.

INTERCOURSE WITH THE INDIANS.

Mr. FITZSIMONS brought in and read a resolution, that the President be authorized to buy goods, this season, for supporting an intercourse with the Indians.

Letters were then called for and read, from General Wayne, and from Mr. Seagrave, agent, among the Creek Indians. The latter, in strong terms, recommended that something of this kind should be done. It was observed in one of his letters that Spaniards do everything in their power to stir up the Indians to mischief.

Mr. MORTIMER hoped that so much would be done as might serve to put the matter on a footing of experiment. He wished that the President might be trusted in the meantime with it, and then the next Congress will be better able to judge. If the Indians go to the British to buy goods, they will still be under British influence. It is as clear as a sunbeam that the establishment of a trade must be the foundation of amity. A bill was ordered to be brought in.

EXPORTATION OF ARMS.

The House proceeded to consider their amendment disagreed to by the Senate to the resolution authorizing the exportation of arms, cannon, and military stores in certain cases connected with the commercial interests of the United States, and for public purposes only. There was added a proviso, that there should be none sent to the Dominions or Territories of any of the European powers now at war.

Mr. DAYTON moved to strike out this proviso. Mr. SEDGWICK thought that it was a proper one, but he was not at liberty to speak fully on this subject. He feared that if this proviso was not inserted, the House might be involved in a quarrel with some of the belligerent Powers.

Mr. GILES thought that the proviso would put the House into a situation laughable enough. The

law that prohibits the exportation of arms expires in June next. Now, if it is necessary to put this proviso into the present bill, for fear of offending foreign nations, it will also be necessary to prolong that act, or otherwise it may be still said that we violate the neutrality. There is no design of prolonging the act, and for that reason it is needless to insert the proviso.

Mr. MADISON was of opinion, with his colleague, [Mr. GILES,] that the proviso would "narrow our national rights." Besides, even the passing of the proviso is worth nothing, for we may send military stores to Hamburg, and from thence they may be transported to any of the nations at war.

Mr. GOODRICH saw this matter in a particular light. This exportation was Governmental, and, if a man-of-war meets this vessel, the proviso will prevent any jealousy.

A motion for striking it out was carried—Ayes 35, noes 30.

The Committee then rose, and reported. The question on the amendment was put.

Mr. B. BOURNE hoped that this amendment would not be agreed to. It might have serious consequences.

Mr. SEDGWICK.—If the amendment itself has any meaning, it is authorizing the President to send military stores to nations at war.

Mr. GILES did not see the use of so much delicacy. The military stores are for a nation that is actually at war, and that, as Mr. G. believed, always will be at war.

The amendment was carried. It was then moved to strike out the word "resolved," and to put into its place, "be it enacted." This was agreed to. The resolution was thus turned into a bill.

Mr. HARPER again moved to get into a Committee of the Whole, on the report of the select committee as to surveying the coasts.

The motion was negatived.

INVALID PENSION BILL.

The bill empowering the Secretary of War to place certain persons therein named on the invalid pension list, was read a third time, and passed.

Mr. CHAMBERS was against the immediate passing of this bill, as he could not be certain, from want of time to examine it, whether all the persons named in it, were entitled to a pension.

Mr. TRACY noticed that he had sat up late for several nights in order to bring it to a completion; and was anxious that it should pass. He mentioned this attention not to claim any merit from having done his duty, but to show that the bill had really been considered. It was mentioned by another member, that some invalids, who were highly meritorious, had been omitted, and that, therefore, it would be better to defer the bill till next session, when these might be included.

Mr. FITZSIMONS said, that not to pass this bill would be the greatest disgrace that ever befell the House. The poor people had waited year after year, and at last, when it was ready to pass, their claims were postponed for another nine months certain, and nobody could tell how much longer.

And then, upon a motion made and seconded, the House adjourned until seven o'clock P. M.

SEVEN O'CLOCK, P. M., MONDAY, MARCH 2.

Mr. DEARBORN, from the committee to whom was referred the petition of the merchants and mariners of Wiscasset, in the State of Massachusetts, made a report; which was read, and ordered to lie on the table.

A message was received from the Senate, notifying that they had receded from their amendment, as to the bill for the exportation of arms.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act to alter and amend the act entitled 'An act laying certain duties upon snuff and refined sugar,' with several amendments; to which they desire the concurrence of this House."

The House proceeded to consider the said amendments, and the same being read, were agreed to.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act for the more general promulgation of the laws of the United States," with several amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and the same being read, were agreed to.

CESSION OF GEORGIA LANDS.

It was then moved that the House should go into a Committee, on the bill to authorize the President to obtain the cession of certain Territories in Georgia, which was agreed to.

Mr. SEDGWICK moved that the House rise and report the bill.

Mr. FITZSIMONS wanted to know the meaning of the words in the bill, "by purchase, or otherwise." If the President is to buy the right from the State of Georgia to the lands which they claim, we ought to make provision for it. What is the meaning of the words?

Mr. SWIRT said, that this bill for the Georgia lands was an unlimited thing. No man had a higher opinion than himself of the President, but it was improper to grant such extensive powers. The House think the State of Georgia wrong in having claimed this land. It will be still more extraordinary in us to propose to buy what they have not a right to sell. We ought to declare at once, that the lands belong to the United States, and not to give any such indefinite power which might offend our constituents. He was ready to allow the Georgians payment of any expense which they might have been at in defending it from the Indians, and nothing else.

Mr. AMES imagined that it would require a wheelbarrow load of documents and papers to determine whether these lands were the property of the State of Georgia, or not. In the last night but one of a session, there was not time for entering into the discussion of the right. He thought it would be good policy to agree to the resolution

There was, however, an interim danger of persons who claim the lands going and taking them by force, and thus bringing the United States into another war ten times more bloody than the present. He should deplore the disappointment, if the bill did not pass.

Mr. SPOONWICK had an amendment which was for empowering the President to give — dollars for the session.

Mr. HARRIS imagined that to fill up the blank, would be attended with insuperable difficulties. It would be much better to let it stand as it was. To fix the price before you attempt to make the bargain, is quite wrong. We have not information sufficient to know what sum it will be prudent to give. We cannot at this time, appoint a committee to inquire. He advised to refer it to the Secretary of the Treasury to report to next Congress. The fixing a price would be destroying the responsibility of the Executive. He might shelter himself under a vote of the House as having fixed the sum. He was satisfied that the Executive has abundance of reasons for trying to make the bargain as cheaply as he can, but this resolution would destroy the principle of responsibility. We had been told that the Georgians have not a right to these lands, and therefore that it was improper to attempt a purchase from them. In the second place, that, if we had acquired such a right, it would be useless, because we have too much land already. With regard to the former, Mr. H. went into a long historical detail to prove that Georgia actually has a right to the lands in question. He wished that the land did belong to the United States, and wished that it might be bought. We are not to suppose this a mere visionary claim. It is a legal claim, and extends over thirty millions of acres of the finest lands in the world, and most admirably situated both for commerce and emigration. It might, every foot of it, be made worth half a dollar, or a dollar, per acre. Its settlement would tend to open the navigation of the Mississippi. These thirty millions of acres have been sold to certain adventuring companies, at five hundred thousand dollars. If the purchasers themselves had completed their rights, he would advise the repurchase from them.

Mr. DARRON liked the amendment better than the original resolution. He proposed an amendment which was not distinctly heard. He was sensible of the value of time. The Senate are waiting for the resolution of this House. He said that, in this bill, there had been omitted a tract of land, forty miles square, formerly purchased from the Natchez. He feared that this affair might involve the States in a war with the Creeks, the most formidable tribe of the Indians.

Mr. SPOONWICK said, that his amendment had been amended. We understood that it now included the tract of forty miles square, purchased from the Natchez.

Mr. McDOWELL hoped that the bill would not pass at all. It was a subject of so much intricacy that it could not be discussed at present. He did not think that it would be very honorable in the Government, if the sale was actually completed,

to embarrass the purchasers of the lands, till they should be forced to give up their right.

Mr. FINLEY liked the resolution better without the amendment.

A member recommended not fixing any sum, but striking it out of the amendment. If the sum is too low, we shall not get the land. If too high, we may be sure that the State of Georgia will not part with it for one farthing less than the whole sum mentioned in the bill. No gentleman can, at present, guess what the land is worth.

Mr. BONDURON was for limiting the question might be taken.

Mr. McDOWELL moved that the Committee rise, as they had not sufficient information for proceeding. The motion was negatived.

The amendment of — dollars was finally rejected. The bill was reported to the House with amendments—agreed to, and ordered to be engrossed for a third reading.

The yeas and nays were then taken, and stood—yeas 41, nays 24, as follows:

YEAS.—Fisher Ames, Theodorius Bailey, Abraham Baldwin, Lemuel Benton, Thomas P. Carnes, David Cobb, Peleg Coffin, William J. Dawson, George Dent, Samuel Dexter, Gabriel Duvall, William Findley, Thomas Fitzsimons, Dwight Foster, Ezekiel Gilbert, James Gordon, Daniel Heister, William Hindman, Samuel Holten, John Hunter, William Irvine, John Wilkes Kitters, Amasa Learned, Matthew Locke, Francis Malone, Andrew Moore, William Vans Murray, John Page, Andrew Pickens, Theodore Sedgwick, John S. Sherburne, John Smilie, Jeremiah Smith, William Smith, Thomas Sprigg, George Thatcher, Uriah Tracy, Jonathan Trumbull, Philip Van Cortlandt, Peleg Wadsworth, and John Watts.

NAYS.—Thomas Blount, Elias Boudinot, Lambert Cadwalader, Gabriel Christie, Thomas Claiborne, Joshua Coit, Jonathan Dayton, Christopher Greenup, William B. Grove, Carter B. Harrison, Robert Goodloe Harper, James Hillhouse, Aaron Kitchell, William Lyman, Nathaniel Macon, James Madison, Joseph McDowell, Alexander Mebane, Nathaniel Niles, Israel Smith, Ze-phaniah Swift, Thomas Tredwell, Paine Wingate, and Joseph Winston.

PROMULGATION OF THE LAWS.

The House then went into a Committee on the petition of Edmund Hogan, and the report of the select committee was read.

Mr. W. SMITH said, that the mere promulgation of the laws was not sufficient. It was proper that the speeches also should be printed. Something in this way had been attempted by the printers of newspapers in this city. Mr. S. had neither inclination nor occasion to cast reflections on any of the persons appointed to take the debates. But there had been considerable discontents in various parts of the Union on this account, from misrepresentations contained in the newspapers. There was a strong necessity for more accuracy. The statements had been extremely incorrect.

Mr. DARRON followed on the same ground. He said that the newspapers contained a torrent of abuse and misrepresentation, as to what passed in the House.

Mr. HILLHOUSE observed, that it would be trifling to direct any person skilled in stenography to apply to the Secretary of State, for the Secretary was not empowered to make any agreement with him; and after persons had put themselves to, perhaps, a great deal of trouble in applying, the House would, very likely, next session, refuse the scheme. It was wrong, therefore, to publish any invitation, till an establishment was actually made.

Mr. CLAIRBORNE said, that this would be an *encyclopædia* of printing—a thing, of which the House never would see an end. To this it was answered, that, as to the expense, the House might make themselves easy, for the printers of newspapers would be glad to get them to print by way of news.

Mr. GILBERT proposed, as an amendment, that the reporter should finish his debates every evening, and lay them before the House next morning; and that after the Clerk had read the minutes, the House should go into a Committee to correct the manuscript of the reporter.

The report as it stood was agreed to, as follows:

Resolved, That the Secretary of State be requested to receive proposals from any person or persons skilled in the art of stenography, or capable of reporting debates with accuracy, and to report the same to this House, at the commencement of the next session, with his observations and opinion respecting the qualification of the said person or persons for the said duty, to the end that this House may be enabled to appoint one or more persons as officers of the House, for the valuable purpose above mentioned.

The Committee rose, and on a division of the House, there were—Yeas 28, nays 26.

The House then, at half past ten in the evening, adjourned till Tuesday.

TUESDAY, March 3.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act supplementary to the act, entitled 'An act establishing a Mint, and regulating the coins of the United States,' with several amendments; to which they desire the concurrence of this House."

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Mr. TRACY, from the Committee of Claims, to whom were yesterday referred a Letter and Report from the Secretary of War, of the twentieth ultimo, accompanying a further statement in the cases of claimants to be placed on the list of pensioners, made a report; which was read, and ordered to lie on the table.

The House proceeded to consider the report made yesterday by the Committee of Claims, to whom were referred sundry reports from the Secretary of War, accompanying statements in the cases of claimants to be placed on the list of pensioners; and the said report being amended, was agreed to by the House, as follows:

Resolved, That the return of invalid pensioners from the District of New Hampshire, by Samuel Tenney, William Parker, junior, and Ephraim

Robinson, under a commission from John Sullivan, late Judge of the said District, which contains only an abstract of the testimony, be returned by the Secretary of War to the District Judge of New Hampshire, for the purpose of giving an opportunity to return the testimony respecting the invalids contained in the said report, according to the requisitions of law.

On motion,
Resolved, That the Secretary of the Treasury be directed to report to the House of Representatives, at the next session, a tariff of duties on goods, wares, and merchandise, imported into the United States, proportioned to the rates of duties now imposed by law, with his opinion on such other matters as may be necessary for the improvement of the revenue arising from impost and from distilled spirits and stills.

A message from the Senate informed the House that the Senate have passed the bill, entitled "An act making provision for the purposes of treaty and act of trade with the Indians," with sundry amendments; to which they desire the concurrence of this House.

The House proceeded to consider the said amendments, and, the same being read, were agreed to.

Ordered, That the Committee of the Whole House on the State of the Union, to whom was referred so much of the Message from the President of the UNITED STATES, of the seventeenth ultimo, as relates to the communications from the Governor of the Territory of the United States South of the river Ohio, be discharged from the consideration of the same, and that it be recommended to Mr. FITZSIMONS, Mr. MADISON, and Mr. BLOUNT.

A message from the Senate informed the House that the Senate have postponed to the next session of Congress, the consideration of the bill, entitled "An act authorizing and directing the Secretary of War to place certain persons therein named on the pension list." The Senate have agreed to a resolution "relative to the title to certain lands situate in the Southwestern parts of the United States;" to which they desire the concurrence of this House.

The House proceeded to consider the said resolution, and, the same being read, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and hereby is, requested to give directions to the Attorney General to collect, digest, and report to the Senate, the charters, treaties, and other documents, relative to, and explanatory of, the title to the land situate in the Southwestern parts of the United States, and claimed by certain companies, under a law of the State of Georgia, passed the seventh day of January last, namely: a tract of land claimed by James Gunn, Matthew McAllister, and George Walker, and their associates; also, a tract of land claimed by Nicholas Long, Thomas Glascock, Ambrose Gordon, and Thomas Cumming, and their associates; also, a tract of land claimed by John B. Scott, John C. Nightingale, and Wade Hampton, and their associates; and also, a tract of land claimed by Zachariah Cox and Matthias Maher, and their associates.

MARCH, 1795.]

Revision of the Laws—Thanks to the Speaker.

[H. or R.]

A motion was made and seconded, to amend the said resolution, by striking out, in the fifth line, the word "Senate," and inserting, in lieu thereof, the words "next Congress." And on the question thereupon, it was resolved in the affirmative.

The said resolution, as amended, was again read, and agreed to by the House.

REVISION OF THE LAWS.

Mr. DEXTER laid a resolution on the table nearly in the following words:

"Resolved, That a committee be appointed to consider and report on the propriety of revising the laws of the United States, inflicting capital and other infamous punishments, and of repealing the same in certain cases."

Mr. D. said, that he laid the resolution on the table, hoping that gentlemen would consider the subject as important enough to command some share of their attention during the recess. That the existing laws were so severe as to give impunity to some crimes in the Eastern States, that grand jurors would reluctantly present offenders, and even jurors on trial often acquit them improperly; that he had known a single instance in which an offender despised a trial from a confidence that no evidence could induce the jury to convict him. Mr. D. further observed, that he had long been convinced, that the present punishments were introduced when the rights of men were little understood, and less regarded; that they were unjust and barbarous in principle, and mischievous in practice, as it is not difficult to show that they have a direct tendency to produce the very crimes they are intended to prevent; and that justice, humanity, and even policy, call loudly for a reform. If reasoning should be distrusted, at least facts and actual experiment ought to convince: That such facts had long existed both in Europe and America, as to plate it beyond doubt, that savage laws will always make a savage people; that the change of things in Portugal, and particularly in Lisbon, which had lately taken place, was another proof in addition to many others; that the danger of assassination and robbery there had been well known, that the abolition of sanguinary punishments there lately had abolished the crimes; and that he had been informed by a most respectable gentleman just arrived from there that the midnight traveller is now as safe in Lisbon as in Philadelphia.

Mr. D. was not unacquainted with the fears of some very good men, that mitigating punishments would produce an inundation of crimes, especially in large cities; but he said experience had shown that no such danger existed; the best citizens of Portugal had objected from similar fears, but they had happily discovered that such fears were groundless. A Legislature ought to dare to do right, and trust events to Heaven. Moral good cannot produce natural evil as its ordinary fruit.

Mr. D. concluded by observing, that if he should not be a member of the next Congress, he hoped

some gentleman would think the subject important enough to be attended to—at least he should have done his duty—and the resolution would show the opinion of one of the sovereign people, that the criminal code ought to be amended, and he doubted not that the future servants of the public would pay due respect to it.

Ordered, That the Transylvania Company, commonly called Richard Henderson and Company, who presented a memorial to this House on the sixth day of January last, have leave to withdraw the same.

Ordered, That a message be sent to the Senate to inform them that this House, having completed the business before them, are now about to adjourn without day; and that the Clerk of this House do go with the said message.

A message from the Senate informed the House that the Senate have appointed a committee, on their part, jointly, with such committee as may be appointed on the part of this House, to wait on the President of the United States, and inform him that Congress is ready to adjourn without day, unless he may have any further communications to make to them.

The House proceeded to consider the said message: Whereupon,

Resolved, That this House doth agree to the resolution of the Senate for the appointment of a Joint Committee of the two Houses, to wait on the President of the United States, and inform him of the intended recess of Congress; and that Mr. BOURNOR, Mr. SEDGWICK, and Mr. TRUMBULL, be of the committee appointed on the part of this House.

On a motion made and seconded,

"That the thanks of this House be presented to Frederick Augustus Muhlenberg, in testimony of their approbation of his conduct in discharging the arduous and important duties assigned him while in the Chair."

It was resolved unanimously: Whereupon, Mr. SPEAKER made his acknowledgments to the House in manner following:

"GENTLEMEN: I feel myself highly honored by this distinguished mark of your approbation of my conduct in the station you were pleased to assign unto me; and although I am conscious that my feeble efforts do not merit so precious a reward, yet permit me to assure you that it has made a lasting impression on my mind, and I shall ever esteem it with the most unfeigned satisfaction.

"Gentlemen, I sincerely thank you; may every happiness attend you; may you long continue to enjoy the confidence of your fellow-citizens; and may you meet with their just applause of having deserved well of your country."

Mr. BOURNOR, from the Joint Committee appointed to wait on the President of the United States and inform him of the intended recess of Congress, reported that the Committee had performed that service, and that the President signified to them that he had no further communication to make during the present session: Whereupon, Mr. SPEAKER adjourned the House sine die.

APPENDIX

TO THE HISTORY OF THE THIRD CONGRESS,

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

PROCLAMATION OF NEUTRALITY.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas it appears, that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, on the one part; and France, on the other; and the duty and interest of the United States require, that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial towards the belligerent Powers:

I have, therefore, thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid, towards those Powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known, that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the Law of Nations by committing, aiding, or abetting, hostilities against any of the said Powers; or by carrying to any of them those articles which are deemed contraband by the modern usage of Nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs, to cause prosecutions to be instituted against all persons who shall, within the cognizance of the Courts of the United States, violate the Law of Nations, with respect to the Powers at war, or any of them.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the City of Philadelphia, 22d day of April, 1793, and of the Independence of the United States of America the seventeenth.

G. WASHINGTON.

By the President:

T. JEFFERSON.

INSTRUCTIONS TO THE COLLECTORS OF THE CUSTOMS.

PHILADELPHIA, August 4, 1793.

SIR:—It appearing that repeated contraventions of our neutrality have taken place in the ports of the United States, without having been discovered in time for prevention or remedy, I have it in command from the President to address to the Collectors of the respective districts a particular instruction on the subject.

It is expected that the Officers of the Customs in each district will, in the course of their official functions, have a vigilant eye upon whatever may be passing within the ports, harbors, creeks, inlets, and waters, of such districts, of a nature to contravene the laws of neutrality, and, upon discovery of any thing of the kind, will give immediate notice to the Governor of the State, and to the attorney of the judicial district comprehending the district of the customs within which any such contravention may happen.

To assist the judgment of the officers on this head, I transmit herewith a schedule of rules concerning sundry particulars which have been adopted by the President, as deductions from the laws of neutrality, established and received among nations. Whatever shall be contrary to these rules will, of course, be to be notified as above mentioned.

There are some other points which, pursuant to our treaties, and the determination of the Executive, I ought to notice to you.

If any vessel of either of the Powers at war with France should bring or send within your district a prize made of the subjects, people, or property of France, it is immediately to be notified to the Governor of the State, in order that measures may be taken, pursuant to the 17th article of our treaty with France, to oblige such vessel and her prize, or such prize, when sent in without the capturing vessel, to depart.

No privateer of any of the Powers at war with France, coming within a district of the United States, can, by the 22d article of our treaty with

Instructions to the Collectors of the Customs.

France, enjoy any other privilege than that of purchasing such victuals as shall be necessary for her going to the next port of the Prince or State from which she has her commission. If she should do any thing beside this, it is immediately to be reported to the Governor, and the attorney of the district. You will observe, by the rules transmitted, that the term privateer is understood not to extend to vessels armed for merchandise and war, commonly called with us *letters of marque*, nor, of course, to vessels of war in the immediate service of the Government of either of the Powers at war.

No armed vessel which has been or shall be originally fitted out in any port of the United States, by either of the parties at war, is henceforth to have an asylum in any district of the United States. If any such armed vessel shall appear within your district, she is immediately to be notified to the Governor, and attorney of the district, which is also to be done in respect to any prize that such armed vessel shall bring or send in. At foot is a list of such armed vessels of the above description as have hitherto come to the knowledge of the Executive.

The purchasing within, and exporting from the United States, by way of merchandise, articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our own citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize.

You will be particularly careful to observe, and to notify as directed in other instances, the case of any citizen of the United States who shall be found in the service of either of the parties at war.

In case any vessel shall be found in the act of contravening any of the rules or principles which are the ground of this instruction, she is to be refused a clearance until she shall have complied with what the Governor shall have decided in reference to her. Care, however, is to be taken in this, not unnecessarily or unreasonably to embarrass trade, or to vex any of the parties concerned.

In order that contraband articles may be the better ascertained, it is desired that the officer who shall first go on board any vessel arriving within your district, shall make an accurate survey of her then condition as to military equipment, to be forthwith reported to you; and that, prior to her clearance, a like survey be made that any transgression of the rules laid down may be ascertained.

But, as the propriety of any such inspection of a vessel of war in the immediate service of the Government of a foreign nation is not without question in reference to the usage of nations, no attempt is to be made to inspect any such vessel, till further order on the point.

The President desires me to signify to you his most particular expectation, that the instruction contained in this letter will be executed with the greatest vigilance, care, activity, and impartiality. Omissions will tend to expose the Government to

injurious imputations and suspicions, and proportionably to commit the good faith and peace of the country—objects of too much importance not to engage every proper exertion of your zeal.

With consideration, I am, sir, &c.

ALEXANDER HAMILTON.

1. The original arming and equipping of vessels in the ports of the United States, by any of the belligerent parties, for military service, offensive or defensive, is deemed unlawful.
2. Equipments of merchant vessels, by either of the belligerent parties, in the ports of the United States, purely for the accommodation of them as such, is deemed lawful.
3. Equipments in the ports of the United States, of vessels of war in the immediate service of the Government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the 17th article of our treaty of amity and commerce with France.
4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize, &c.
5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful.
6. Equipments of every kind, in the ports of the United States, of privateers of the Powers at war with France, are deemed unlawful.
7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful; except those stranded or wrecked, as mentioned in the 18th article of our treaty with France, the 16th of our treaty with the United Netherlands, the 9th of our treaty with Prussia; and, except those mentioned in the 19th article of our treaty with France, the 17th of our treaty with the United Netherlands, the 18th of our treaty with Prussia.
8. Vessels of either of the parties, not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist therein their own subjects or citizens, not being inhabitants of the United States; except privateers of the Powers at war with France, and except those vessels which shall have made prize, &c.

Report of the Secretary of State, on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries.

PHILADELPHIA, Dec. 16, 1793.

Sir: According to the pleasure of the House of Representatives, expressed in their resolution of

Commercial Privileges and Restrictions.

February 23, 1791, I now lay before them a Report on the Privileges and Restrictions on the Commerce of the United States in Foreign Countries. In order to keep the subject within those bounds, which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only, with which we carry on a commerce of some importance, and to those articles also of our produce, which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms, without detailing the exact duty levied on each article.

To have gone fully into these minutiae, would have been to copy the tariffs and books of rates of the different countries, and to have hidden under a mass of detail these general and important truths, the extraction of which in a simple form, I conceived, would best answer the inquiries of the House, by condensing material information within those limits of time and attention which this portion of their duties may justly claim. The plan, indeed, of minute details, would have been impracticable with some countries for want of information.

Since preparing this Report, which was put into its present form, in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place, some of them independent of the war, some arising out of it. France has proposed to enter into a new treaty of commerce with us on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine, into free ports, for the vessels of friendly nations having treaties of commerce with her, provided they touch for a permit at Corubion in Galicia, or at Alicant; and our rice is by the same ordinance excluded from that country. The circumstances of the war have necessarily given us freer access to the West India islands, whilst they have also drawn on our navigation vexations and depredations of the most serious nature.

To have endeavored to describe all these would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time, when things were in their settled order, that is to say, to the Summer of 1792.

I have the honor to be, with the most profound respect, sir, your most obedient and most humble servant,

TH. JEFFERSON.

To the Hon. the SPEAKER of the House of Representatives of the United States of America.

The SECRETARY OF STATE, to whom was referred by the House of Representatives the Report of a Committee on the written Message of the President of the United

States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the Privileges and Restrictions of the Commercial Intercourse of the United States with Foreign Nations, and the measures which he should think proper to be adopted, for the improvement of the Commerce and Navigation of the same, has had the same under consideration, and thereupon makes the following Report:

The countries with which the United States have their chief commercial intercourse are, Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export which constitute the basis of that commerce, with their respective amounts, are—

Breadstuff, that is to say, bread-grains, meals, and bread, to the annual amount of	- \$7,649,887
Tobacco	- 4,349,567
Rice	- 1,758,796
Wood	- 1,263,534
Salted fish	- 941,696
Pot and pearl ash	- 839,093
Salted meats	- 599,130
Indigo	- 537,379
Horses and mules	- 339,753
Whale oil	- 252,591
Flaxseed	- 236,072
Tar, pitch, and turpentine	- 217,177
Live provisions	- 137,743
Ships	- 620,274
Foreign goods	- 620,274

To descend to articles of smaller value than these, would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports, which go to the nations before mentioned, and to their dominions, respectively, are as follows:

To Spain and its dominions	- \$2,005,907
To Portugal and its dominions	- 1,383,463
To France and its dominions	- 4,698,735
To Great Britain and its dominions	- 9,363,416
To the United Netherlands and their dominions	- 1,963,880
To Denmark and its dominions	- 224,415
To Sweden and its dominions	- 47,240
Our imports from the same countries are—	
To Spain and its dominions	- \$335,110
To Portugal and its dominions	- 595,768
To France and its dominions	- 2,068,848
To Great Britain and its dominions	- 15,285,428
To the United Netherlands and their dominions	- 1,172,693
To Denmark and its dominions	- 851,394
To Sweden and its dominions	- 14,825

These imports consist mostly of articles on which industry has been exhausted.

Our navigation depending on the same commerce will appear by the following statement of the tonnage of our own vessels entering in our ports, from those several nations, and their posses-

Commercial Privileges and Restrictions.

sions, in one year, that is to say, from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,676
France	119,410
Great Britain	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, SPAIN receives favorably our bread-stuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when re-exported to their colonies, they have lately imposed duties of from half a dollar to two dollars the barrel, the duties being so proportioned to the current price of their own flour, as that both together are to make the constant sum of nine dollars per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary Islands under the same conditions.

Themselves and their colonies are the actual consumers of what they receive from us.

Our navigation is free with the kingdom of Spain—foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

PORTUGAL receives favorably our grain and bread, salted fish and other salted provisions.

For flaxseed, pot, and pearl ash, though not discouraged, there is little demand.

Our ships pay twenty per cent. on being sold to their subjects, and are then free bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own, or any others; that is to say, on general duties of from twenty to twenty-eight per cent., and, consequently, our navigation is unobstructed by them. Tobacco, rice and meals, are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd Islands, except that in these, meals and rice are received freely.

FRANCE receives favorably our breadstuffs, rice, wood, pot, and pearl ashes.

A duty of five sous the quintal, or nearly four and a half cents, is paid on our tar, pitch, and turpentine. Our whale oils pay six livres the quintal, and are the only foreign whale oils admitted. Our indigo pays five livres the quintal; their own two and a half; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for re-exportation; but if for home consumption, it pays five livres

the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of twenty livres the quintal.

Our ships are free to carry thither all foreign goods, which may be carried in their own or any other vessels, except tobacco not of our own growth; and they participate with theirs the exclusive carriage of our whale oils and tobaccos.

During their former Government our tobacco was under a monopoly, but paid no duties; and our ships were freely sold in their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of eighteen livres and fifteen sous the quintal, carried in their own vessels, and twenty-five livres, carried in ours—a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

GREAT BRITAIN receives our pot and pearl ashes free, while those of other nations pay a duty of two shillings and three pence the quintal. There is an equal distinction in favor of our bar iron—of which article, however, we do not produce enough for our own use. Woods are free from us, whilst they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay 11d. sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco, for their own consumption, pays 1s. 8d. sterling the pound, custom and excise, besides heavy expenses of collection. And rice, in the same case, pays 7s. 4d. sterling the hundred weight; which, rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish, and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; so are our grains, meals, and bread, as to internal consumption, unless in times of such scarcity as may raise the price of wheat to 50s. sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used even in their trade with us.

While the vessels of other nations are secured by standing laws, which cannot be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, 18, § 3) from carrying thither all and any of our domestic productions and manufactures. A subsequent act, indeed, has authorized their Executive to permit the carriage of our own productions in our own bottoms at its sole discretion; and the permission has been given from year to year by proclamation, but subject every movement to be withdrawn on that single will; in which event, our vessels having any thing on board, stand interdicted from the entry of all

Commercial Privileges and Restrictions.

British ports. The disadvantage of a tenure which may be so suddenly discontinued, was experienced by our merchants on a late occasion, when an official notification that this law would be strictly enforced, gave them just apprehensions for the fate of their vessels and cargoes despatched or destined to the ports of Great Britain. The Minister of that Court, indeed, frankly expressed his personal conviction that the words of the Order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed, that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports 1s. 9d. sterling per ton, light and Trinity dues, more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us is re-exported to other countries, under the useless charges of an intermediate deposit, and double voyage. From tables published in England, and composed as is said from the books of their custom-houses, it appears that of the indigo imported there in the years 1773-74-75, one-third was re-exported; and from a document of authority, we learn that, of the rice and tobacco imported there, before the war, four-fifths were re-exported. We are assured, indeed, that the quantities sent thither for re-exportation since the war, are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is re-exported when wheat is below 50s. the quarter, and other grains in proportion.

The UNITED NETHERLANDS prohibit our pickled beef and pork, meals and bread, of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned on a medium at about three per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly reshipped to other maritime countries. On the latter portion they intercept between us and the consumer so much of the value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges, which somewhat lessen their value.

DENMARK lays considerable duties on our tobacco and rice carried in their own vessels, and half as much more if carried in ours; but the exact amount of these duties is not perfectly known

• April 12, 1792.

here. They lay such as amount to prohibitions on our indigo and corn.

SWEDEN receives favorably our grains and meals, salted provisions, indigo and whale oil.

They subject our rice to duties of sixteen mills the pound weight, carried in their own vessels, and of forty per cent. additional on that, or 23 4-10 mills, carried in ours, or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccos, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise, being \$4 34 the hundred weight, if carried in their own vessels, and of forty per cent. on that additional, if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flaxseed, tar, pitch, and turpentine, wood, (except oak timber and masts,) and all foreign manufactures.

Under so many restrictions and prohibitions, our navigation with them is reduced almost to nothing.

With our neighbors, an order of things much harder presents itself:

SPAIN and PORTUGAL refuse to those parts of America which they govern all direct intercourse with any people but themselves. The commodities in mutual demand, between them and their neighbors, must be carried to be exchanged in some port of the dominant country; and the transportation between that and the subject State must be in a domestic bottom.

FRANCE, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and maize, and prohibits our other breadstuffs; but a suspension of this prohibition having been left to the Colonial Legislatures, in times of scarcity, it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of three Colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

GREAT BRITAIN admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and breadstuffs, by a proclamation of her Executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish, and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us, and bring us in exchange rum, molasses, sugar, coffee, cocoa nuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but, under such circumstances, as to be little used by us. In the British Continental Colonies, and in Newfoundland, all our productions are prohibited, and our vessels forbidden to enter their ports. Their Governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens cannot reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the Navigation Act.

In the DANISH AMERICAN possessions a duty of five per cent is levied on our corn, cornmeal, rice, tobacco, wood, salted fish, indigo, borses, mules, and live stock; and of ten per cent on our flour, salted pork, and beef, tar, pitch, and turpentine.

In the American islands of the UNITED NETHERLANDS and SWEDEN our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the Continent.

To sum up these Restrictions so far as they are important:

1. In EUROPE.—Our breadstuff is at most times under prohibitory duties in England, and considerably dutied on re-exportation from Spain to her colonies.

Our tobaccos are heavily dutied in England, Sweden and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England, and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England, and of late in France.

2. In THE WEST INDIES.—All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and breadstuff (except maize) are received under temporary laws only in the dominions of France, and our salted fish pays there a weighty duty.

3. In THE ARTICLES OF NAVIGATION.—Our own carriage of our own tobacco is heavily dutied in Sweden, and lately in France.

We carry no article not of our own production to the British ports in Europe.

Nor even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States, the question is, in what way they may best be removed, modified, or counteracted?

As to commerce two methods occur: 1. By friendly arrangements with the several nations with whom these restrictions exist; or, 2. By the separate act of our own Legislature for countervailing their effects.

There can be no doubt but that of these two friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world—could every country be employed in producing that which nature has best fitted it to pro-

duce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness—the numbers of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation, since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce, in all its extent, might still be willing to mollify its restrictions and regulations for us in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessities of life, or materials for manufacture, or convenient subjects for revenue; and we take in exchange either manufactures, when they have received the last finish of art and industry, or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market—customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever, in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behoves us to protect our citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations; nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry it is valuable; but, as a resource of defence, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war, that is to say, when those nations who may be our principal carriers, shall be at war with each other, if we have not within ourselves the means of transportation, our produce must be exported in belligerent vessels at the increased expense of war-freight and insurance, and the articles which will not bear that must perish on our hands.

But it is as a resource for defence that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land,

board, and nothing to desire beyond their present rights. But, on their seaboard, they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen seamen, and of artists and establishments in readiness for ship-building.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves exclusively any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and more especially, if they seize on the means of the United States to convert them into aliment for their own strength, and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded, or it will be disarmed of its defence; its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, cannot be resumed in the moment we may desire. If we lose the seamen and artists, whom it now occupies, we lose the present means of marine defence, and time will be requisite to raise up others, when disgrace or losses shall bring home to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance; and, as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs, first burdening or excluding those productions which they bring here in competition with our own of the same kind—selecting next such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves, or obtain from other countries—imposing on them duties lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind may induce the manufacturer to come himself into these States where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry. And here it would be in the power of the State Governments to co-operate essentially by opening the resources of

encouragement which are under their control, extending them liberally to artists in those particular branches of manufacture, for which their soil, climate, population, and other circumstances, have matured them, and fostering the precious efforts and progress of household manufacture by some patronage suited to the nature of its objects, guided by the local informations which they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture in foreign ports would thus be made the occasion of relieving it from a dependence on the councils and conduct of others, and of promoting arts, manufactures, and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refuses to receive in our vessels any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the Committee are well formed to effect this object.

4. Where a nation refuses to consider any vessel as ours, which has not been built within our Territories, we should refuse to consider as theirs any vessel not built within their Territories.

5. Where a nation refuses to our vessels the carriage even of our own productions to certain countries under their domination, we might refuse to the same productions to the same countries. But, as justice and good neighborhood would dictate, that those who have no part in imposing the restriction on us, should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant Power, other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconvenience to the said inhabitants, and to our own, by too sudden a check on the means of transportation, we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain alone has already lost us in our commerce with that country and its possessions between eight and nine hundred vessels of near 40,000 tons burden, according to statements from official materials in which they have confidence. This involves a proportional loss of seamen, shipwrights, and ship-building, and is too serious a loss to admit forbearance of some effectual remedy.

It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth, and loss of force, which will follow our perseverance in the

Decrees Relating to Commerce.

plan of indiscriminate. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who distinguish our commerce and navigation, by duties and prohibitions, as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them, but to our own means of independence, and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before-mentioned—perhaps not a commercial nation on earth—is without them. In our case one distinction alone will suffice, that is to say, between nations who favor our productions and navigation, and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these, as to some articles, and prohibitions as to others, for the last.

Still it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty, on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the Message states; but, being already on as good a footing in law, and a better in fact than the most favored nations, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease *ex parte* regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

TH. JEFFERSON.

DECREE RELATING TO COMMERCE.

THE SECRETARY OF STATE, to whom the President of the United States referred the resolution of the House of Representatives of December 24, 1793, desiring the substance of all such laws, decrees, or ordinances, respecting commerce in any of the countries with which the United States have commercial intercourse, as have been received by the Secretary of State, and not already stated to the House in his report of the 16th instant, reports:

That he has had an official communication of a Decree rendered by the National Assembly of France on the 26th day of March last, of which the following is a translation:

DECREE,

Exempting from all duties the substances and other objects of supply in the Colonies, relating to the United States, pronounced in the sitting of the 26th of March, 1793, 2d year of the French Republic.

The National Convention, willing to prevent, by precise dispositions, the difficulties that might arise relatively to the execution of its decree of the 19th February last, concerning the United States of America—to grant favors to this ally-nation, and to treat it, in its commercial relations with the Colonies of France, in the same manner as the vessels of the Republic—decree as follows:

ART. 1. From the day of the publication of the present decree in the French American Colonies, the vessels of the United States, of the burden of sixty tons at the least, laden only with meals and subsistences, as well as the objects of supply announced in article 2, of the *arrêt* of 30th August, 1784, as also lard, butter, salted salmon, and candles, shall be admitted in the ports of said Colonies exempt from all duties. The same exemption shall extend to the French vessels laden with the same articles, and coming from a foreign port.

ART. 2. The captains of vessels of the United States, who, having brought into the French American Colonies the objects comprised in the above article, wish to return to the territory of the said States, may lade in the said Colonies, independent of sirups, rum, taffias, and French merchandises, a quantity of coffee equivalent to the one-fifth of the tonnage of every vessel, as also a quantity of sugar equal to the one-tenth, on conforming to the following articles:

ART. 3. Every captain of an American vessel, who wishes to make returns to the United States of coffee and sugar of the French Colonies, shall make it appear that his vessel entered therein with at least two-thirds of her cargo, according to article 1. For this purpose, he shall be obliged to transmit, within twenty-four hours after his arrival, to the custom-house of the place he may land at, a certificate of the marine agents, establishing the gauge of his vessel and the effective tonnage of her cargo. The heads of the said custom-houses shall assure themselves that the exportation of the sugars and coffee does not exceed the proportion fixed by the second article of the present decree.

ART. 4. The captains of vessels of the United States of America shall not pay, on going from the islands, as well as those of the Republic, but a duty of 5 livres per quintal of indigo, 10 livres per thousand weight of cotton, 5 livres per thousand weight of coffee, 5 livres per thousand weight of brown and clayed sugars, and 50 sols per thousand weight of raw sugar. Every other merchan-

Decrees Relating to Commerce.

dise shall be exempt from duty on going out of the Colonies.

ART. 5. The sugars and coffee which shall be laden shall pay at the custom-houses which are established in the colonies, or that shall be established, in addition to the duties above fixed, those imposed by the law of 19th March, 1791, on the sugars and coffee imported from the said Colonies to France, and conformably to the same law.

ART. 6. The captains of vessels of the United States, who wish to lade merchandises of the said Colonies, for the ports of France, shall furnish the custom-house at the place of departure with the bonds required of the masters of French vessels, by the second article of the law of 10th July, 1791, to secure the unloading of these merchandises in the ports of the Republic.

ART. 7. The vessels of the nations with whom the French Republic is not at war may carry to the French American Colonies all the objects designated by the present decree. They may also bring, into the ports of the Republic only, all the productions of the said Colonies, on the conditions announced in the said decree, as well as that of 19th of February.

Copy conformable to the original.

GENET.

That he has not received officially any copy of the decree said to have been rendered by the same Assembly on the 27th day of July last, subjecting the vessels of the United States laden with provisions to be carried, against their will, into the ports of France, and those having enemy goods on board to have such goods taken out as legal prize.

That an ordinance has been passed by the Government of Spain, on the 9th day of June last, the substance of which has been officially communicated to him in the following words, to wit:

Extract of an Ordinance for regulating provisionally the commerce of Louisiana and the Floridas, dated the 9th of June, 1793.

The preamble states that the inhabitants of Louisiana, being deprived of their commerce with France, (on account of the war,) as allowed by the ordinance of January, 1782, &c., His Majesty considering that they and the inhabitants of the Floridas cannot subsist without the means of disposing of their productions and of acquiring those necessary for their own consumption; for that purpose, and to increase the national commerce—the commerce of those provinces and their agriculture—has directed the following articles to be provisionally observed:

The inhabitants of the above-mentioned provinces to be allowed to commerce freely both in Europe and America with all friendly nations who have treaties of commerce with Spain; New Orleans, Pensacola, and St. Augustine, to be ports for that purpose. No exception as to the articles to be sent or to be received. Every vessel, however, to be subjected to touch at Coreubion, in Galicia, or Alicant, and to take a permit there, without which, the entry not to be allowed in the ports above mentioned.

The articles of this commerce, carried on thus directly between those provinces and foreign nations to pay a duty of fifteen per cent. importations and six per cent. exportation, except negroes, who may be imported free of duty. The productions and silver exported to purchase those negroes to pay the six per cent. exportation duty. The exportation of silver to be allowed for this purpose only.

The commerce between Spain and those provinces to remain free. Spaniards to be allowed to observe the same rules and to fit out from the same ports (in vessels wholly belonging to them, without connexion with foreigners) for those provinces as for the other Spanish Colonies.

To remove all obstacles to this commerce, all sorts of merchandise destined for Louisiana and the Floridas (even those whose admission is prohibited for other places) may be entered in the ports of Spain, and, in like manner, tobacco and all other prohibited articles may be imported into Spain from these provinces, to be re-exported to foreign countries.

To improve this commerce and encourage the agriculture of those provinces, the importation of foreign rice into the ports of Spain is prohibited, and a like preference shall be given to the other productions of these provinces, when they shall suffice for the consumption of Spain.

All articles exported from Spain to these provinces shall be free of duty on exportation, and such as being foreign, shall have paid duty on importation into Spain, shall have it restored to exporters.

These foreign articles, thus exported, to pay a duty of three per cent. on entry in those provinces. Those which are not foreign to be free of duty.

The articles exported from those provinces to Spain or re-exported to foreign countries.

Those Spanish vessels which, having gone from Spain to those provinces, should desire to bring back productions from thence directly to the foreign ports of Europe, may do it on paying a duty of exportation of three per cent.

All vessels, both Spanish and foreign, sailing to those provinces, to be prohibited from touching at any other port in His Majesty's American Dominions.

No vessel to be fitted out from New Orleans, Pensacola, or St. Augustine, for any of the Spanish islands or other Dominions in America, except for some urgent cause, in which case only the respective Governors to give a permission, but without allowing any other articles to be embarked than the productions of those provinces.

All foreign vessels purchased by His Majesty's subjects, and destined for this commerce, to be exempted from those duties to which they are at present subjected, they proving that they are absolute and sole proprietors thereof.

He takes this occasion to note an act of the British Parliament, of the 28 George III., chap. 6, which, though passed before the epoch to which his report aforesaid related, had escaped his researches. The effect of it was to convert the pro-

clamations regulating our direct intercourse with their West Indian islands into a standing law, and so far to remove the unfavorable distinction between us and foreign nations, stated in the report, leaving it, however, in full force as to our circuitous intercourse with the same islands, and as to our general intercourse, direct and circuitous, with Great Britain and all her other Dominions.

TH. JEFFERSON.

DECEMBER 30, 1793.

SPOILIATIONS ON COMMERCE.

Genilemen of the Senate, and of the House of Representatives:

The Secretary of State having reported to me upon the several complaints which have been lodged in this office against the vexations and spoliations on our commerce since the commencement of the European war, I transmit to you a copy of his statement, together with the documents upon which it is founded.

GEORGE WASHINGTON.

UNITED STATES, March 5, 1794.

PHILADELPHIA, March 2, 1794.

SIR: In your Message to both Houses of Congress, on the 5th of December, 1793, you inform them, that "The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent Powers, appeared to require attention: That the proofs of these, however, not having been brought forward, the description of citizens, supposed to have suffered, were notified, that on furnishing them to the Executive, due measures would be taken to obtain redress of the past, and more effectual provisions against the future," and that "should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case."

On my succession to the Department of State, I found a large volume of complaints—which the notification had collected—against severities on our trade, various in their kind and degree. Having reason to presume, as the fact has proved, that every day would increase the catalogue, I have waited to digest the mass, until time should have been allowed for exhibiting the diversified forms in which our commerce has hourly suffered. Every information is at length obtained which may be expected.

The sensations excited by the embarrassments, danger, and even ruin, which threaten our trade, cannot be better expressed than in the words of the committee of Philadelphia. After enumerating particular instances of injury, their representation to Government proceeds thus: "On these cases, which are accompanied by the legal proofs, the committee think it unnecessary to enlarge, as the inferences will, of course, occur to the Secretary; but they beg leave to be permitted

"The committee conclude this representation with an assurance, that they have in no degree exaggerated in the statement they have made, and that they will continue to communicate all such information as they may further receive; of which nature, before the closing of this report, they are sorry to add, is that of the irruptions of the Algerines from the Mediterranean, in consequence of a truce concluded with that Regency, it is said, by the British Minister, on behalf of Portugal and Holland. This alarming event, to which some American ships, we hear, have already become victims, is of so distressing a nature, as must soon deprive us of some of the most lucrative branches of our commerce, if not speedily checked or prevented. The immediate rise it has produced in insurance, and the fears it may instil into our seamen and commanders, are of a nature highly deserving the serious consideration of Government, on whose protection and zeal for the interests, commercial and agricultural, of the country, the committee implicitly rely."

In a supplementary letter, the committee of Philadelphia make this conclusion: "That the cases which they recite, and others less formally announced, serve to show, that there are frequent instances of suppression of papers, registers, &c., very prejudicial to our shipping on their trials, and of injuries by the destruction of letters to the general correspondence of the country with foreign nations."

When we examine the documents which have been transmitted from different parts of the Union, we find the British, the French, the Spaniards, and the Dutch, charged with attacks upon our commerce.

It is urged against the British,

1. That their privateers plunder the American vessels, throw them out of their course, by forcing them, upon groundless suspicion, into ports other than those to which they were destined; detain them, even after the hope of a regular confiscation is abandoned; by their negligence, while they hold the possession, expose the cargoes to damage and the vessels to destruction, and maltreat their crews.

2. That British ships-of-war have forcibly seized mariners belonging to American vessels and in one instance, under the protection of a Portuguese fort.

3. That by British regulations and practice our corn and provisions are driven from the ports of France, and restricted to the ports of the British, or those of their friends.

4. That our vessels are not permitted to go from the British ports in the Islands, without giving security (which is not attainable but with difficulty and expense) for the discharge of the cargo, in some other British or neutral port.

5. That without the imputation of a contraband trade as defined by the Law of Nations, our vessels are captured for carrying on a commercial intercourse with the French West Indies, although it is tolerated by the laws of the French Republic, and that for this extraordinary conduct, no other excuse is alleged than that by some

edict of a King of France, this intercourse was prohibited; and

6. That the conduct of the Admiralty in the British Islands is impeachable for an excess of rigor, and a departure from strict Judicial purity; and the expenses of an appeal to England too heavy to be encountered under all the circumstances of discouragement.

Against the French it is urged,

1. That their privateers harass our trade no less than those of the British.

2. That two of their ships-of-war have committed enormities on our vessels.

3. That their Courts of Admiralty are guilty of equal oppression.

4. That besides these points of accusation, which are common to the French and British, the former have infringed the treaty between the United States and them, by subjecting to seizure and condemnation our vessels trading with their enemies in merchandise, which that treaty declares not to be contraband, and under circumstances not forbidden by the Law of Nations.

5. That a very detrimental embargo has been laid upon large numbers of American vessels in the French ports; and

6. That a contract with the French Government for coin has been discharged in depreciated assignats.

Against the Spaniards the outrages of privateers are urged;

And against the Dutch, one condemnation in the Admiralty is insisted to be unwarrantable.

Under this complication of mischief, which persecutes our commerce, I beg leave, sir, to submit to your consideration, whether representations as far as facts may justify, ought not to be immediately pressed upon the foreign Governments, in those of the preceding cases, for which they are responsible.

Among these, I class, 1. The violence perpetrated by public ships-of-war. 2. Prohibitions, or regulations inconsistent with the Laws of Nations. 3. The improper conduct of Courts. 4. Infractions of Treaty. 5. The imposition of embargoes; and, 6. The breach of public contracts. How far a Government is liable to redress the rapine of privateers, depends upon the peculiarities of the case. It is incumbent upon it, however, to keep its Courts freely open, and to secure an impartial hearing to the injured applicant. If the rules prescribed to privateers be too loose, and opportunities of plunder or ill treatment be provoked from that cause, or from the prospect of impunity, it is impossible to be too strenuous in remonstrating against this formidable evil.

Thus, sir, have I reduced to general heads the particular complaints, without making any inquiry into the facts beyond the allegations of the parties interested.

I will only add, that your Message seems to promise to Congress some statement upon these subjects.

• There is reason to believe that the embargo was removed in December last, and the objection compensated by an order of the Committee of Public Safety in France.

Increase of Duties.

I have the honor, sir, to be, with the highest respect, your most obedient servant,
EDMUND RANDOLPH.
THE PRESIDENT OF THE UNITED STATES.

INCREASE OF DUTIES.

[Communicated to the House of Representatives, April 17, 1794.]

Mr. WILLIAM SMITH, from the committee appointed to inquire whether any or what further revenues are necessary for the support of the public credit, and if further revenues are necessary, to report the ways and means, made the following Report:

That, on referring to the estimate laid before the Legislature by the Secretary of the Treasury, they find that the revenues to the end of the year 1794, are estimated to produce

And that, for the support of Government, Military Establishment, and other services designated by law, previous to, and during the present session, there would be wanting the sum of

And that further sums will probably be requisite for which provision ought to be made, viz: for the addition to the Military Establishment, provisional force, and expenses of militia

That the estimated product of the impost being made at a time when our commerce was unembarrassed, and no interruption of it contemplated, the committee are of opinion that a deduction should be made on that account, of \$1,400,000; from which it results, that there is a deficiency of funds to answer the demands of the present year, of \$2,375,79; but, as the sum of one million provided for foreign intercourse, is directed to be borrowed, if wanting, the committee have deducted that sum, except \$160,000 for the interest arising thereon, which leaves the sum to be provided

To raise which sum, the committee propose that there be raised, by additional impost and tonnage

On carriages, wagons, carts, and drays
On stamps
On sales at auction
On manufactured tobacco and snuff
On loaf and lump sugars

On licenses for retailing wines and distilled spirits
By direct taxes on lands

Which sums exceed the current demands, \$306,866 21; but as the estimates on most of the articles are conjectural, and without sufficient data for obtaining a correct opinion as to the probable amount, the committee have thought it more expedient to provide for a surplus than suffer the revenue to prove deficient; and, in conformity with the foregoing estimates, they submit the following resolutions:

Resolved, That, from and after the — day of — next, there be levied, collected, and paid, upon the following articles, imported into the United States in ships or vessels of the United States, with an addition of one-tenth per cent. on like articles imported in any other ships or vessels, the several duties hereinafter mentioned, over and above duties now paid, to be levied, collected, and paid in the same manner, by the same officers, subject to the same penalties, and entitled to drawbacks, as the same articles are now subject and entitled to, viz:

On boots, per pair, twenty-five cents.
On shoes and slippers, for men and women, and on clogs, and golo shoes, per pair, five cents.
On shoes and slippers for children, per pair, three cents.

On millinery, ready made, artificial flowers, feathers, and other ornaments for women's head-dresses, and on dolls, dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and generally on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.
On leather, tanned or tawed, and generally all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dyeing; on mats and floor cloths; on hats, caps, and bonnets, of every sort, for women; on gloves, mittens, stockings, fans, buttons, of every kind, buckles, (shoe and knee,) 5 per cent. ad valorem.

On sheathing and cartridge paper; on all powders, pastes, balls, balsams, quintments, oils, waters, washes, tinctures, essences, or other preparations, or compositions, commonly called sweet scents or odors, perfumes, or cosmetics; and on all dentifrices, powders, or preparations for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated ware, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

Increase of Duties.

On groceries, to wit: cinnamon, cloves, mace, nutmeg, ginger, aniseed, currants, dates, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent. ad valorem.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally all stone and earthen ware, 5 per cent. ad valorem.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

On carriages, and parts of carriages, 4½ per cent.

On all manufactures of cotton or linen, or of muslin of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, 2½ per cent.

On coffee, per pound, 1 cent.

On cocoa, per pound, 2 cents.

On cheese, per pound, 3 cents.

On salt, per bushel, 3 cents.

On the tonnage of ships or vessels of the United States employed in foreign trade, six cents per ton.

On all other ships or vessels, 25 cents per ton.
Resolved, That, after the — day of —, every person keeping a carriage, for the conveying of persons, for their own use, shall notify the same at some office which may be designated for the purpose, and shall pay, annually,
For a coach, 10 dollars.
For a chariot, 8 dollars.

For any other four-wheeled carriage, 6 dollars.
For a chaise, or other two wheeled carriage, 2 dollars.
With an addition of one-fourth, where two carriages shall be kept by one person; of one-third, where three carriages shall be kept by one person; and of one half, where more than three carriages are kept by the same person.

Resolved, That after the — day of —, there be paid the following stamp duties:
Letters patent, 2 dollars.
Exemplification thereof, 1 dollar.

Licenses or certificates of admission of solicitors, attorneys, clerks, advocates, proctors, and other officers of Courts, 6 dollars.
Exemplification under the seals of Courts, 50 cents.

Affidavits and affirmations, except those before the officers of the public revenue, those relative to suits pending in Courts, to be used therein, and those relative to criminal proceedings, 10 cents.
Deeds, except those otherwise particularly rated, 25 cents.
Charter parties, 1 dollar.
Bottomry and respondentia bonds, 1 dollar.
Apprentices' indentures, 15 cents.
Certificates of debentures for drawbacks, 20 cents.
Bills of lading coastwise, except for vessels going from one district to another within the same State, 10 cents.
Do. foreign, 20 cents.

Inventories of the effects of deceased persons, or for any other purpose prescribed by law, except in cases of goods distrained, or in compliance of any agreement between two or more persons, 10 cents.
Bonds for the security of money, when the sum is above fifty, and not exceeding one hundred dollars, 20 cents.

Above one hundred, and not exceeding five hundred dollars, 25 cents.

Above five hundred, and not exceeding one thousand dollars, 30 cents.

Above one thousand dollars, 40 cents.

Receipts for legacies, or shares of personal estate, in cases of intestates, where the sum is above fifty, and not exceeding one hundred dollars, 25 cents.

More than one hundred, and not exceeding five hundred dollars, 50 cents.

For every further sum above five hundred dollars, 1 dollar.

[Not to extend to wives, children, or grand-children.]

Notarial acts, 25 cents.

Letters of attorney, 25 cents.

Policies of insurance, from one district to another in the United States, 20 cents.

To and from the United States to any foreign country, for any sum not exceeding five hundred dollars, 25 cents.

For every further sum more than five hundred dollars, 25 cents.

For every sum of two thousand dollars, or upwards, 1 dollar.

Probates of wills, and letters of administration, 50 cents.

Resolved, That, after the — day of —, there shall be paid on all sales at auction, except in cases of property sold upon execution, or by virtue of distresses for rent or tax, or in consequence of bankruptcies, and legal insolvencies, or where there have been general assignments for the benefit of creditors, or in cases where ships and goods have been stranded or wrecked, or in cases of sale by executors or administrators, or of produce sold upon the land where it is produced, at the rate of 1 per cent.

Resolved, That, after the — day of —, there shall be paid upon all tobacco manufactured in the United States, 4 cents per pound.

On all snuff, 8 cents per pound.

That every manufacturer of tobacco or snuff, shall, on or before the — day of —, make entry with the officer of inspection of the district in which he resides, of the house or building in which the manufactory is carried on, and shall enter into bond, with sufficient surety, to render a faithful account every three months, of the quantity of tobacco or snuff sold or sent out, within that period.

That, previous to taking in any tobacco for the purpose of being manufactured, he shall notify the same to the office of inspection, and shall keep a book in which shall be entered daily the quantity of tobacco or snuff sold or sent out in each day.

Resolved, That there be laid an additional duty of four cents per pound upon all tobacco, eight

Balances due to and from the several States—Public Debt.

cents per pound on all snuff, and two cents per pound on all refined sugar imported into the United States, after the — day of —, there be paid on all sugars refined within the United States, 2 cents per pound.

Resolved. That after the — day of —, every person selling distilled spirits, or wines, for consumption out of their own dwellings, distilled spirits in less quantity than twenty gallons, wines in less quantity than thirty gallons, except in the original cask or package in which they were imported, shall take out licenses to authorize the sale of such distilled spirits and wines, and shall pay, annually, for a license to sell all foreign distilled spirits, \$5 dollars.

For a license to sell all wines, \$5 dollars.

Resolved. That the sum of seven hundred and fifty thousand dollars be raised by direct tax, for the year 1794, to be apportioned among the States, agreeably to the rule prescribed by the Constitution.

APPROPRIATIONS.

1. Appropriations for the support of Government - \$521,447 24
2. Do. for War Department, including fortifications - 1,629,936 01
3. Interest on Public Debt - 2,849,194 73
4. Frigates - 700,000 00
5. Appropriations for foreign intercourse - 1,000,000 00
6. Arsenals, &c. - 343,640 00
7. Addition to the Military Establishment, &c. - 650,000 00

WAYS AND MEANS.

1. Surplus of revenue for 1793 - \$1,118,584 19
2. Probable product of impost for 1794 - 3,300,000 00
2. Do. excise - 400,000 00
4. Probable surpluses of appropriations out of the revenues of 1793 - 500,000 00

BALANCES DUE TO AND FROM THE SEVERAL STATES

[Communicated to Congress, December 4, 1793.]

OFFICE OF THE COMMISSIONERS OF ACCOUNTS,

PHILADELPHIA, June 29, 1793.

The Commissioners appointed to execute the several acts of Congress, to provide more effectually for the settlement of the accounts between the United States and the individual States, report:

That they have maturely considered the claims of the several States against the United States,

and the charges of the United States against the individual States.

That they have gone through the process prescribed in the 5th section of the act of Congress, passed the 5th day of August, 1790, (the particulars whereof will be found in Book A, lodged with the papers of this office in the Treasury Department,) and find that there is due, including interest, to the 31st day of December, 1789, to the State of—

New Hampshire	-	\$75,055
Massachusetts	-	1,248,801
Rhode Island	-	299,611
Connecticut	-	619,121
New Jersey	-	49,630
South Carolina	-	1,205,978
Georgia	-	19,988

And that there is due, including interest, to the 31st day of December, 1789, from the State of—

New York	-	\$2,074,846
Pennsylvania	-	76,009
Delaware	-	612,428
Maryland	-	151,640
Virginia	-	100,879
North Carolina	-	501,082

Which several sums they, by virtue of the authority to them delegated, declare to be the final and conclusive balances due to and from the several States.

WM. IRVINE,
JOHN KEAN,
WOODBURY LANGDON.

I certify the above to be a true copy of the original.

B. W. DANBRIDGE,

Secretary to the President of the U. States.

PUBLIC DEBT.

[Communicated to the House of Representatives, December 15, 1794.]

Mr. WILLIAM SMITH, from the Committee appointed to prepare and report a plan for the redemption of the Public Debt, made the following report:

That, from the documents accompanying this report, marked A and B, it appears that the surplus of the existing revenues beyond the probable expenditures for the year 1795 and to the succeeding years, will enable the Legislature to commence, during the year 1795, and to continue thereafter, the payment of that portion of the Public Debt which the Government has by law reserved the right to redeem.

The committee, therefore, submit the following resolution:

Resolved. That there be appropriated, out of the revenues of the year 1795, a sum not exceeding six hundred thousand dollars, to be applied to the payment of two dollars on every hundred dollars of the amount of that part of the Public Debt which bears an actual interest of six per cent, the said payment to be made on the — day of — next.

The committee further report, that it would, in

Public Debt.

their opinion, be expedient to appropriate, until the year 1801, all the revenues arising from the duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, on sales at auction, and on carriages, to the payment of so much of the Public Debt as the Government shall annually have a right to redeem, and for that purpose to prolong the duration of the said duties and taxes to the year 1801. They therefore recommend the following resolution:

Resolved. That the several clauses of limitation in the acts for laying duties and taxes on manufactured sugar and snuff, on licenses for retailing wines and spirituous liquors, on sales at auction, and on carriages, be repealed; that the said several acts be continued in force until the year 1801, and that the moneys arising therefrom be appropriated to the discharge of that portion of the Public Debt which is redeemable by law—subject, however, to a substitution of other duties or taxes of equal value, to all or any of the said duties and taxes.

Unsatisfied charges upon the Revenue at the close of 1793

To balance of unsatisfied appropriations at the end of the year 1793, exclusive of the balance of the Foreign Fund at that time - \$2,378,882 80

From which is deducted balance of the Interest Fund, then remaining unexpended, in purchases of the Domestic Debt - 31,649 38

To balance remaining unexpended of the proceeds of Foreign Loans, transferred to the United States - 1,257,503 58

Balance, being surplus of revenues beyond the appropriations stated at the Treasury, to the end of the year 1793 - 2,487,181 07

6,091,917. 63

Unexpended Funds at the close of 1793.

Balance in the Treasury on December 31, 1793 - 753,661 89

Amount to be accounted for on December 31, 1793 by the collectors - 5,250,151 66

To which is added amount of warrants, passed to their credit in the year 1793, which are not stated in the Treasurer's account, till the year 1794 - 45,886 94

5,296,038 60

From which is deducted amount of warrants included in the Treasurer's accounts for the year 1793, and not passed to the credit of collectors, till the year 1794 - 170,082 48

Amount for which Supervisors were accountable on December 31, 1793. To which is added amount of warrants credited to them in the year 1793, not stated in the Treasurer's accounts, till the year 1794 - 281,456 37

1,804 04

283,260 41

From which is deducted amount of warrants included in the Treasurer's accounts for the year 1793, paid Supervisors whose accounts have not been adjusted - 71,010 60

212,249 81

6,091,917 63

ESTIMATED CHARGES UPON THE REVENUE FOR THE YEAR 1794.

A.

Appropriations for the service of the year 1794, viz.:

By the act of March 14, 1794, for the support of Government - \$521,447 24

For expenses of intercourse with foreign nations, under the first section of this act, payable out of any unappropriated moneys. The whole

sum appropriated is 1,000,000 dollars, of which the domestic revenue

3d Con.—42

The following resolutions, as connected with this subject, are also submitted by the committee:

Resolved. That the eighth section of the act of last session, laying additional duties on goods, wares, and merchandise, be repealed; and that the duration of the said act be made commensurate with the act for laying such duties, passed 10th of August, 1790, entitled "An act making further provision for the Debt of the United States."

Resolved. That the surplus of revenue which may hereafter exist, after satisfying all legal appropriations, ought to be annually appropriated to the purchase of the Public Debt.

The prospect of an approaching peace with the Indian tribes having suggested to the committee the propriety of resorting to the Western lands, as an auxiliary resource for the discharge of the Public Debt, they recommend the following resolution:

Resolved. That provision be made for the sale of the public lands in the Western Territory.

Public Debt.

will probably be adequate to the reimbursement of 200,000 borrowed in the United States under this act, and which sum is, therefore, stated as an appropriation - 200,000 00

For expenses of intercourse with foreign nations, in virtue of the act of July 1, 1790, further continued by this act - 40,000 00

March 21, for Military Establishment - 1,629,936 01

March 27, for the pay and emoluments of Major General Lafayette - 24,424 00

April 2, for erecting and repairing Arsenals - 421,865 00

April 5, for placing buoys off the harbor of New London - 2,500 00

May 19, for erecting a light-house on the island of Seguin - 5,800 00

June 5, for certain expenses of Commissioners of Loans - 15,000 00

June 9, for various purposes - 1,292,137 38

\$4,152,609 63

August 4, 1790, interest on the Domestic and Assumed Debts for the year 1794, including an estimate for outstanding balances not entitled to a dividend - 2,480,328 78

3,164,062 28

Interest on Foreign Debt, for 1794, as estimated - 688,738 50

Interest on temporary Domestic Loans for the year 1794, payable out of the revenue, viz.: on sums remaining due at different periods—of 400,000 dollars received on account of the Loan of 523,500 dollars, authorized by the act of May 2, 1792—

On 400,000 dollars to June 30, 1794 - \$20,000 00

On 300,000 dollars from July 1 to December 31 - 7,500 00

On sums remaining due at different periods:

Of 800,000 dollars received on the Loan of that amount,

authorized by the act of February 28, 1793, on 800,000

dollars to December 31, 1793 - 18,333 33

On 400,000 dollars from January 1 to January 31, 1794;

on 200,000 dollars from February 1 to June 13, 1794,

when the Loan was discharged - 5,361 11

On sums due at different periods of the Loan of 1,000,000

dollars, authorized by the act of March 27, 1794:

On 800,000 dollars to June 30, 1794 - 7,500 00

On 1,000,000 dollars from July 1 to October 1 - 12,500 00

On 600,000 dollars from October 1 to December 31 - 7,500 00

On the Loan of 2,000,000 dollars for stock of the Bank of the United States, which, by the act of June 4, 1794, is payable out of the dividends credited as revenue, and contra, computed to June 30, 1794, the time of the last dividend - 247,972 00

On 1,000,000 dollars received on a Loan of that amount,

authorized by the act of June 9, 1794, on 200,000 dol-

lars from September 1 to September 30, 1794 - \$883 33

On 100,000 dollars from October 1 to December 31 - 12,500 00

Estimate to cover the interest which may accrue in the year 1794, in case the sum of 1,000,000 dollars should be borrowed for the expenses of intercourse with foreign nations, under the authority given by the act of March 30, 1794, for that purpose, which interest is charged upon the domestic revenue by the act of June 9, 1794, say - 13,333 33

20,000 00

359,999 77

7,676,672 68

842,425 38

\$8,519,098 06

Balance, being estimated surplus of revenue to the close of the year 1794, above the appropriations charged thereon -

ESTIMATED REVENUE OF THE YEAR 1794.

Balance stated on December 31, 1793, as surplus of revenue beyond the appropriations charged at the Treasury, to said period - \$2,487,181 07

Public Debt.

Proceeds of duties on imports and tonnage during the year 1794, exclusive of drawbacks paid, and payable, therefrom - 5,250,000 00

Proceeds of duties on distilled spirits, on snuff, sugar, carriages, goods sold at auction, licenses, estimated at - 450,000 00

Receipts to September 30, 1794, viz:

On account of balances arising on accounts under the late Government - \$698 50

Postage - 18,978 49

Cents and half cents - 8,888 00

Patents - 390 00

Dividends on Bank stock of the United States to June 30, 1794 - 303,473 00

331,916 99

\$8,519,098 06

B.

ESTIMATED CHARGES UPON THE REVENUE FOR THE YEAR 1795.

Appropriations for the service of the year 1795, made and to be made, viz:

By the act of March 20, 1794, for expenses of intercourse with foreign nations, in virtue of the act of July 1, 1790, further continued by this act - \$40,000 00

For the Civil Lists, as stated by the Register of the Treasury - 435,249 53

For miscellaneous purposes, ditto - 32,604 13

For expenses of Commissioners of Loans, for clerk hire and stationery, in case the same shall be authorized by law - 15,000 00

For interest on the Domestic and Assumed Debts, and on credits to several States - 2,395,741 74

For interest on the Foreign Debt during the year 1795 - 703,861 00

For interest on temporary Domestic Loans during the year 1795, estimated at 2,000,000, at five per cent. per annum - 100,000 00

For the Military Establishment during the year 1795, including six months' pay and subsistence of the Navy, and expenses of the militia expedition in 1794 - 2,940,655 74

6,661,512 14

510,913 24

\$7,172,425 38

Balance, being estimated surplus of revenue to the close of the year 1795 -

NOTE.—The surplusses of certain appropriations, after satisfying the objects for which they were made, may be considered as an additional fund. The amount cannot be ascertained at present, but may be safely calculated at two hundred thousand dollars.

ESTIMATED REVENUE OF THE YEAR 1795.

Estimated surplus of revenue at the close of the year 1794, above the appropriations charged thereon - \$842,425 38

Estimated product of the duties on imports and tonnage for the year 1795, on a suppo-

sition that the additional duties imposed during the last session of Congress will pro-

duce 500,000 dollars - 5,500,000 00

Estimated product of inland duties for the year 1795, on distilled spirits, and on stills,

which, considering the impediments attending the importation of molasses and coarse

sugars, and the high price of grain at present, are calculated at - \$100,000 00

On carriages - 150,000 00

On sales at auction - 40,000 00

On refined sugars and snuff - 90,000 00

On licenses for retailing foreign spirits and wines - 100,000 00

Estimated surplus of the Bank dividend, on stock held by the United States, above the

sum which will be due for interest on the Loan for said stock - 790,000 00

50,000 00

\$7,172,425 38

PUBLIC CREDIT.

TREASURY DEPARTMENT, January 16, 1795.
SIR: I beg leave, through you, to inform the Senate, that, pursuant to the 2d section of the act establishing the Treasury Department, which expressly makes it the duty of the Secretary of the Treasury "to digest and prepare plans for the improvement and management of the revenue and for the support of Public Credit," I have digested and prepared a plan, on the basis of the actual revenue, for the further support of Public Credit, which is ready for communication to the Senate.

This plan embraces a further provision for the Subscribed Debt; a provision for converting, with the consent of the creditors, the Foreign into the Domestic Debt; a provision for augmenting the Sinking Fund; so as to render it commensurate with the entire Debt of the United States; suggestions for giving effect to the act of the last session, granting a million of dollars for the purposes of foreign intercourse; with some auxiliary propositions.

With perfect respect, I have the honor to be, sir, your obedient servant,

ALEXANDER HAMILTON,
*Secretary of the Treasury,
 and President of the Senate.*

TREASURY DEPARTMENT, January 20, 1795.

SIR: Agreeably to the order of the Senate, I have the honor to transmit the plan for the support of Public Credit, announced in my Letter of the 16th instant, together with sundry statements connected with it; and to be your most obedient servant,

A. HAMILTON.
*To the Vice President of the United States
 and President of the Senate.*

The Secretary of the Treasury respectfully makes the following Report to the Senate:

The President of the United States, with that provident concern for the public welfare which characterizes all his conduct, was pleased, in his Speech to the two Houses of Congress, at the opening of the present session, to invite their attention to the adoption of a definitive plan for the redemption of the Public Debt, and to the consummation of whatsoever may remain unfinished of our system of Public Credit, in order to place that Credit, as far as may be practicable, on grounds which cannot be disturbed, and to prevent that progressive accumulation of Debt, which must ultimately endanger all Government.

It was, at the same time, very justly intimated, that the period which has elapsed since the commencement of our fiscal measures, (now more than four years,) has so far developed our resources, as to open the way to the important work. And it is matter of solid consolation that the result, presenting a state of our finances, prosperous beyond expectation, solicits the public councils to enter, with zeal and decision, upon mea-

sures commensurate with the greatness of the interests to be promoted.

Under the influence of this conviction, in conformity with the suggestions of the President, and pursuant to the duty which the constitution of the Department, as by law established, enjoins upon the Secretary of the Treasury, he has employed himself in digesting and preparing the materials of a plan for the attainment of the invaluable ends which are recommended. And he now respectfully submits them to the consideration of Congress.

Towards a clear and distinct conception of the means necessary to the accomplishment of these ends, it will be useful, in the first place, to review what has been heretofore done. This will be presented under three heads:

I. The revenues which have been established;
 II. The provisions for funding the Debt, and for the payment of interest upon it;
 III. The provisions for reimbursing and extinguishing the Debt.

I. The revenues which have been established appear in the following acts:

1st. "An act for laying a duty on goods, wares, and merchandises, imported into the United States," passed June the 1st, 1789. This act, as its title imports, lays various specific and ad valorem rates on all articles (with exception of a few useful to agriculture and manufactures) imported from foreign countries. The lowest ad valorem rate is 5 per cent., with a discount of 10 per cent. in favor of our own bottoms. The duration assigned these duties was the end of the session of Congress next succeeding the 1st day of June, 1796.

2d. "An act imposing duties on tonnage," passed July 20, 1789.

This act lays various rates of duty on the tonnage of ships and vessels entered in the United States from foreign countries, and, in certain cases, in one part of the United States to another.

Its duration was indefinite, no limit having been assigned.

3d. "An act imposing duties on the tonnage of ships and vessels," passed July 20, 1790.

This act is a substitute for the one last mentioned, preserving the same rates of duty, but applying them, in some instances differently. It is, like the former, of indefinite duration.

4th. "An act making further provision for the payment of the Debts of the United States," passed August 10, 1790.

This act repeals, after the last of December, 1790, the duties on imported articles, laid by the act above cited, and substitutes new and generally increased rates, specific and ad valorem.

The lowest ad valorem rate in this, as in the former act, is five per cent.; but the number of articles to which it applies is much narrowed; and, instead of a discount in favor of our own bottoms, an addition of 10 per cent. is made to the disadvantage of foreign bottoms.

The number of free articles is somewhat extended, in further encouragement of agriculture and manufactures.

It is declared that the duties laid by this act shall continue till the Debts and purposes for which they are appropriated shall be satisfied; reserving, however, a right to Congress to substitute other duties or taxes of equal value.

5th. "An act to incorporate the subscribers to the Bank of the United States," passed the 25th of February, 1791.

The second section of this act authorizes the President to cause a subscription to be made to the stock of the Bank, on account of the United States, to the amount of \$2,000,000; and, with a view to the accomplishment of that object, to borrow of the Bank \$2,000,000, to be reimbursed in ten equal yearly instalments.

The difference between the interest payable on the Loan and the dividend on the stock, constitutes an item of annual income to the United States. It is unappropriated.

6th. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same," passed the 3d of March, 1791.

This act, in conformity with its title, repeals, after June, 1791, the duties on imported spirits, laid by the act of the 10th of August, 1790, and establishes, in lieu of them, higher rates, namely, from 20 to 40 cents per gallon, according to proof. It also lays duties, to commence at the same time, upon spirits distilled within the United States; namely, on those from foreign materials from 11 to 30 cents, according to proof; on those from domestic materials, if distilled in cities, towns, or villages, from 9 to 25 cents per gallon, according to proof; if distilled in other places, it imposes a yearly rate of 60 cents per gallon of the capacity of each still, with an option to the distiller to keep and render an account of the produce of his still, and to pay 9 cents per gallon of the quantity of spirits distilled therein.

These duties are appropriated, primarily, in the same manner and to the same purposes as those laid on imported articles by the act of the 10th of August, 1790, and are to continue for the same time, with the like reservation of a right to substitute other duties or taxes of equal value. There is a further appropriation, which will be noticed hereafter.

7th. "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," passed May 3, 1792.

This act repeals, after June, 1792, the former duties on a number of imported articles, and establishes higher duties in their stead.

It extends, among other things, the duties on foreign distilled spirits, laying on those made from grain 28 to 50 cents per gallon; on others 25 to 46 cents per gallon. The appropriation and duration of these new duties are conformable and co-extensive with those repealed. There is, likewise, an addition of 24 per cent. to that class of duties ad valorem, which before was rated at 5 per cent., but this additional duty is limited to the term of two years.

Out of the surplus of these duties, after satisfying the permanent appropriations, certain gross sums are appropriated for the service of the War Department.

8th. "An act concerning the duties on spirits distilled within the United States," passed May 8, 1792.

This act repeals, after the last day of June, 1792, the former duties on spirits distilled within the United States and on stills, and, instead of them, establishes lower duties, namely, on those made of foreign materials, from 10 to 25 cents per gallon, according to proof; on those made of domestic materials, if in cities, towns, or villages, or at distilleries, where the stills, singly or together, are of the capacity of 400 gallons or upwards, from 7 to 18 cents per gallon of the spirits distilled, according to the proof; if made in other places, or at distilleries where the stills are of inferior capacity, the yearly rate of 54 cents per gallon of the capacity of each still. A new option is given to the distiller, which is, instead of paying the yearly rate, to take out licenses for the monthly employment of his stills, paying each time 10 cents per gallon of the capacity of each still.

These new duties are appropriated in the same manner, and for the same purposes, and are to continue for the same time, as those for which they are substitutes; and, to make good any deficiency which may accrue from lowering the rates, the surplus of the duties imposed by the act of the 2d of the same month is appropriated.

"An act to promote the progress of Useful Arts, and to repeal the act heretofore made for that purpose," passed February 21, 1793.

This act ordains certain fees to be paid by persons to whom patents are granted for inventions, discoveries, or improvements, and appropriates them to the purpose of defraying clerk-hire in the Department of State. Its duration is indefinite.

9th. "An act to establish the Post Office and Post Roads within the United States," passed May 8, 1794.

This act establishes, to commence on the 1st of June following, various rates of postage on letters, and directs that the Postmaster shall render to the Treasury Department a quarterly account of receipts and expenditures, and shall pay, quarterly, into the Treasury, the balance in his hands.

The duration of this act is also indefinite. It contains no appropriation of the sums paid into the Treasury.

10th. "An act laying duties upon carriages for the conveyance of persons," passed June 5, 1794.

This act lays different rates of duty, from \$10 down to \$1, upon carriages for the conveyance of persons, kept by or for any person, for his or her own use, or to be let to hire, or for the conveying of passengers; and, to guard against misapprehension, declares, that the duties shall not be construed to extend to any carriage usually and chiefly employed in husbandry, or for the transporting or carrying of goods, wares, merchandise, produce, or commodities.

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The duration of the duties is limited to the end of the session of Congress which shall be next after the term of two years from the time of passing the act. It contains no appropriation.

11th. "An act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail," passed June 5, 1794.

This act requires that every retail dealer in wines shall take out a yearly license, and shall pay for it a duty of \$5; and that every retail dealer in foreign distilled spirituous liquors shall also take out a yearly license, and pay for it a duty of \$5. It defines a retail dealer in wines to be a person who deals in the selling of wines, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities at one time than thirty gallons, except in the original cask, case, box, or package, in which it is imported. A retail dealer of spirituous liquors to be a person who shall deal in the selling of foreign distilled spirituous liquors, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities than twenty gallons at one time. No difference is made between the dealer in several kinds of wine, or several kinds of foreign distilled liquors, and the dealer in one kind.

The same duration is assigned to this act as to the one last cited. It is equally without an appropriation.

12th. "An act laying certain duties upon snuff and refined sugar," passed June 5, 1794.

This act lays a duty of 8 cents per pound on all snuff, which, after the 30th of September, 1794, should be manufactured within the United States, and of 2 cents per pound on all sugar which, after that day, should be refined within the United States. The remark made upon the two last recited acts is applicable to this, as to the duration of the duties, and the appropriation of their proceeds.

13th. "An act laying additional duties on goods, wares, and merchandises, imported into the United States," passed June 7, 1794.

This act lays upon sundry enumerated articles, on their importation from foreign countries, certain specific and ad valorem rates of duty, in addition to those before charged upon them, and adds generally a duty of two and a half per centum on all that class of articles which were before chargeable with seven and a half per centum ad valorem. It also prolongs the temporary two and a half per centum, laid by the act of May 2, 1792, till the 1st of January, 1797, to which period the other duties laid by it are to continue. It contains no appropriation.

14. "An act laying duties on property sold at auction," passed June 9, 1794.

This act lays a duty on sales at auction, by persons licensed according to the laws of a State or of one prohibiting others from selling at auction, of one quarter per cent. of the purchase money arising from the sale of any right, interest, or estate, in lands, tenements, or hereditaments, utensils in husbandry, farming stock, or ships and vessels, of one half per cent. of the purchase money

arising from the sales of any other goods, chattels, rights, or credits.

The term of these duties is limited to the end of the session next after the expiration of two years from the time of passing the act, which also is without an appropriation.

But by an act, entitled "An act making appropriations for certain purposes therein expressed," passed the same 9th of June, 1794, certain specific sums, amounting together to \$1,292,137 88, are charged upon the proceeds of the revenues which are created by the five last mentioned acts, and there is a reservation made out of them of a sum sufficient to pay the interest of whatever moneys may be borrowed pursuant to the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations," &c., passed the 20th of March, 1794, which sum is pledged for the payment of that interest.

These acts comprehend all the current revenues of the United States. Their product will appear hereafter.

In addition to them a fund will be derived from the sale of the public lands in the Western Territory. And there likewise occur, from time to time, payments into the Treasury on account of old debts; but these are too casual and of too little magnitude to be more than cursorily mentioned.

The lands in the Western Territory, of which the Government of the United States has acquired the right of soil, are estimated, in a report of the late Secretary of State, to amount to 21,000,000 of acres. This quantity, at 20 cents per acre, the price upon former occasions contemplated, would yield a sum of \$4,200,000. But it is believed that it would be unsafe to count upon so large a sum. Besides, the uncertainty as to the proportion which may be of a saleable quality, and as to the price which may be obtained for it, the boundary line between the United States and the Indians is understood to be unsettled with regard to a large part of the tract on which the computation is made. If it ultimately yields \$3,000,000, it will probably equal every reasonable expectation.

II. The provisions for funding the Debt, and for payment of interest upon it, are comprised in the following acts:

1st. "An act making provision for the Debt of the United States," passed August 4, 1790.

This act, commonly called the Funding Act, contains these several provisions, viz:

1. It reserves out of the proceeds of the duties on imports and tonnage, for the support of the Government of the United States, and their common defence, the yearly sum of \$600,000.

2. It appropriates so much of the same proceeds as should be necessary to the payment of interest on Foreign Loans, before that time contracted, or which should afterwards be contracted, for discharging the arrears of interest, and the principal of antecedent Foreign Loans, to continue so appropriated till the Debt created by those Loans should be fully discharged.

3. It authorizes the President to borrow any

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sum or sums, not exceeding \$12,000,000, to discharge the arrears of interest upon and the instalments of the principal of the Foreign Debt, due and to grow due; and if to be effected on advantageous terms, to pay off the whole of that Debt; and further authorizes him to make such other contracts respecting it as should be found for the interest of the United States, so that no engagement or contract should preclude from reimbursing the sum borrowed within fifteen years after they should be borrowed.

4. In order to adapt the form of the Domestic Debt to the then circumstances of the United States, as far as should be found practicable, "consistently with good faith and the rights of creditors," which it truly declares, "could only be done by a voluntary Loan on their part," it proposes a Loan to the United States, (directing, for that purpose, books for subscriptions to be opened at the Treasury, and by Commissioners of Loans in the several States, on the 1st of October, 1790, and to continue for a year,) the sums subscribed to the Loan to be paid in certain enumerated evidences of the Debt of the United States, upon these terms, viz:

First. That the interest unpaid on the principal of those evidences should be computed up to the last of December, 1790.

Second. That, for any sum subscribed and paid in the principal of the Debt, the subscriber should be entitled to one certificate for a sum equal to two-thirds of the sum subscribed, bearing an interest of 6 per cent. per annum, commencing the 1st day of January, 1791, payable quarter-yearly, and subject to redemption by payments not exceeding, in one year, on account of both principal and interest, \$8 upon a hundred of both principal sum so subscribed and paid; and to another certificate for a sum equal to the remaining third of that sum, which, after the year 1800, should bear a like interest, payable in like manner, and subject to a like rate of redemption; but that the United States, though having a right to redeem in the above mentioned proportion, should not be obliged to do it.

Third. That for any sum subscribed and paid in the interest of the Debt, the subscriber should be entitled to a certificate for a sum equal to the sum subscribed, bearing an interest of 3 per cent. per annum, from the said last day of December, 1790, payable quarter-yearly, and redeemable at pleasure, by payment of the principal.

Fourth. That the new stock created by the said Loan should be transferable on the books upon which the credit for it should stand by the proprietor or his attorney; these books to be either those kept for the purpose at the Treasury, or by the Commissioners of Loans in the respective States; a mode being provided for the transfer from the books at one place to those at another.

Fifth. That the interest should be payable whosoever the credit for the stock should exist, when the payment of the interest should become due; except that the dividend of interest for any quarter of a year which should not be demanded before the expiration of a third quarter, should

afterwards be demandable only at the Treasury.

Sixth. That, for the regular payment of the interest on the several kinds of stock to arise from the Loan, as it should accrue, including that which is deferred, the proceeds of the public revenues, which, before that time, had been, or, during the then session, should be provided, after reserving yearly, \$800,000, for the support of the Government of the United States, and their common defence, and such sum as should be necessary for payment of interest on the Foreign Loans before mentioned should be, and thereby were, pledged and appropriated till the final redemption of the capital stock.

5. Premising that some of the creditors of the United States might not think fit to become subscribers to the Loan, this act declares that "nothing contained in it should be construed in anywise to alter, abridge, or impair the rights of those creditors of the United States who should not subscribe to the Loan or the contracts upon which their respective claims are founded, but that the said contracts and rights should remain in full force and virtue." And to obviate all idea of compulsion on the creditors to subscribe, it allows to non-subscribers, during the pendency of the Loan, and until the end of the year 1791, a rate per centum, on their respective demands, equal to that which is paid to subscribing creditors; on the sole condition, that the evidences of Debt held by them, except those which had been issued by the Register of the Treasury, for the registered Debt, should be exchanged for other certificates, specifying the specie amount of those in exchange, for which they were given, and otherwise of the like tenor with those which had therefore been issued by the Register of the Treasury, for the registered Debt; stating, as the grounds of this condition, that some of the certificates then in circulation, had not been liquidated to specie value; that most of them were greatly subject to counterfeits; that counterfeiters had actually taken place in numerous instances; and that embarrassment and imposition might attend the payment of interest on these certificates in their then form.

6. This act likewise proposes another Loan, to the amount of \$31,500,000, payable in the principal and interest, indiscriminately, of the evidences of Debt of the respective States, according to certain quotas, to be conducted in the same manner, and to be open for the same time, as that in the Domestic Debt of the United States. The terms of this Loan to be:

First.—That, for any sum subscribed, the subscriber should be entitled to one certificate, for a sum equal to four-ninths of the subscribed sum, bearing an interest of six per centum per annum, commencing the 1st day of January, 1791. To another certificate, for a sum equal to two-ninths of the said subscribed sum, bearing an interest, after the year 1800, of six per centum per annum; and, to a third certificate, for a sum equal to three-ninths of the said subscribed sum, bearing an interest of three per centum per annum, commencing on the same first day of January, 1791: the inter-

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rest, in each case, to be payable in like manner, and to be subject to the like redemption as that on the correspondent kinds of stock to be created by this, the said first-mentioned Loan. And the stock to be created by this second Loan, to be transferable on the same principles, and in the same modes, as that produced by the former.

Second.—That, for the regular payment of interest on the several kinds of stock to arise from this Loan, as it should accrue, including that which is deferred, the proceeds of the public revenues, which, before that time, had been, or during the then session should be, provided, after reserving the aforesaid yearly sum of \$600,000 the sum necessary for payment of interest on the Foreign Loans made, and to be made, and the sum necessary for payment of interest on the Loan in the Domestic Debt, should be, and thereby were, pledged and appropriated; to continue so pledged and appropriated until the final redemption of the capital stock.

7. To secure the due application of these revenues, according to the appropriations, an account of them is directed to be kept, distinct from that of the proceeds of any other revenues, except such as should be raised to make good a deficiency in those; and the faith of the United States is pledged to appropriate additional and permanent funds, for satisfying such deficiency.

8. The proceeds of the sales of lands in the Western Territory, then belonging, or which there-after should belong, to the United States, are pledged and appropriated for the discharge of the Debts which the United States then owed, or by virtue of that act should owe.

There are several collateral and supplementary provisions, which are omitted, as immaterial to the intended view of the subject.

2d. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, &c.," passed the 3d of March, 1791.

The proceeds of the duties, laid by this act, are made subject to the same appropriations, and in the same order of priority, as those contained in the Funding Act; and, to secure their due application, an account is directed to be kept of them, distinct from that of any other revenues, except those appropriated by the Funding Act.

3d. "An act for raising a further sum of money for the protection of the frontiers, &c.," passed May 2, 1792.

This act, which, as has been before noticed, increased permanently the duties on certain imported articles, and laid a temporary additional duty on some others, appropriates, primarily, the proceeds of the permanent augmentations, in the same manner, and to the same purposes, as the antecedent duties were appropriated; that is, in conformity with the Funding Act.

4th. "An act concerning the duties on spirits distilled within the United States," passed May 8, 1792.

This act, which lowers the duties on spirits distilled within the United States, and on stills, appropriates the proceeds of the reduced duties in the same manner as were the former duties; and,

to make good whatever deficiency might be occasioned by the reduction of the rates, pledges, as a substitute, the surplus of the augmented duties laid by the last cited act.

5th. "An act providing for the payment of the second instalment due on a Loan made of the Bank of the United States," passed June 4, 1794.

This act, in addition to a provision for paying that second instalment, appropriates so much of the dividends on the stock which the United States hold in the Bank, as should be necessary to the payment of interest on the capital of a Loan of \$2,000,000, had of the Bank, pursuant to the 11th section of the act by which it is incorporated. It also fixes the last day of December, in each year, as the annual period for the payment of the successive instalments of that Loan.

6th. "An act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of accounts between the United States and the individual States," passed May 30, 1794.

This act directs that interest shall be allowed and computed on the balances to creditor States, from the last of December, 1789, to the last of December, 1794; which, being placed to their credit respectively, shall bear an interest of three per centum per annum, from the period last mentioned.

It further directs that the interests on the principal balances, to be funded agreeably to the terms of the act for the settlement of accounts, together with the interest upon the arrears of interest, computed on those balances, and forming a new capital, shall be payable at the offices of the Commissioners of Loans, within the States to which the balances are respectively due, and shall be paid quarterly yearly after the last day of December, 1794, at the same epochs in each year, at which interest is payable, on the other parts of the Funded Debt: to which end, so much of the proceeds of the duties on imports and tonnage, as may be necessary, and as were not otherwise previously appropriated, are appropriated; and the faith of the United States is pledged to provide for any deficiency which may happen by additional and permanent funds.

There are several acts which prolong, from time to time, the subscriptions in the Domestic and State Debts, on the same terms as by the Funding Act, those in the Domestic Debt being continued down to the last day of December, 1794; which acts, together with the acts particularly cited, comprise all those that relate to the funding of the Public Debt, and the payment of interest thereupon. The result of these acts is exhibited in the tables A, B, C, and D, which show the amount of the Foreign Debt; that of the Funded Debt, the probable amount of that which remains unfunded, of what composed, and the annual amount of interest upon the different portions of Debt, according to contract, and according to the plan of this report.

III. The provisions for reimbursing and redeeming the Public Debt, are contained in the following acts, and are as follows, viz:

1st. "An act making provision for the Debt of

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the United States," passed the 4th of August, 1790.

This act, which is the one that regulates the funding of the Debt, by the last section appropriates the proceeds of the sales of the lands in the Western Territory, then belonging, or thereafter to belong, to the United States, to the sinking or discharging of the Debts for which the United States then were, or by virtue of that act should be, holden, to be applied solely to that use, until they should be fully satisfied.

2d. "An act making provision for the reduction of the Public Debt," passed August 12, 1790.

This act, premising that it is desirable, by all just and proper means, to effect a reduction of the Public Debt, and that the application of the surplus revenue to that object, will not only contribute to this desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States, enacts—

1. That the surplus of the duties on imports and tonnage, to the end of the year 1790, shall be applied to the purchase of the Debt of the United States, at its market price, if not exceeding the par or true value thereof.

2. That the purchases to be made shall be conducted under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, who, or any three of whom, with the approbation of the President, are authorized to cause them to be made, in such manner, and under such regulations, as shall appear to them best calculated to fulfil the intent of this act: *Provided*, That the same should be made openly, and with due regard to the equal benefit of the several States.

3. That the accounts of the application of the Fund should be settled as other public accounts, accompanied with returns of the amount of Debt, purchased at the end of each quarter of a year; and that a full and exact report of the proceedings of the Commissioners should be laid before Congress, within the first fourteen days of each session, including a statement of the disbursements and purchases, specifying the times when, prices at which, and persons of whom, the purchases were made.

4. That, in addition to this fund, the President should be authorized to borrow any sum or sums, not exceeding \$2,000,000, at an interest not exceeding five per centum, to be applied to purchases of Public Debt, in like manner, and under the same direction and regulations as the first mentioned fund: *Provided*, That, out of the interest of the Debt to be purchased, there should be appropriated, annually, a sum not exceeding eight per centum of the sums borrowed, towards paying the interest and reimbursing the principal of these sums.

But, to guard against the possibility of a deficiency of means to pay the interest on the Debt which was to accrue in the year 1791, authority is given to reserve and apply to that purpose, out of the first mentioned fund, as much as might be

necessary to supply the defect of receipts, during that year, on account of the duties which should accrue after the year 1790.

3d. "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, &c.," passed the 3d of March, 1791.

This act appropriates whatever surplus may remain, from year to year, of the proceeds of the duties which it imposes, after satisfying prior appropriations, to the reduction of the Public Debt, unless such surplus shall be required for the current public exigencies, and, by special acts of Congress, shall be appropriated thereto.

4th. "An act supplementary to the act making provision for the reduction of the Public Debt," passed the 3d day of March, 1791.

This act declares that the terms of a Loan of three millions of florins, obtained in Holland, bearing five per cent. interest, and four and a half per cent. for charges, and future Loans on the same terms, should be deemed to be within the meaning of the act of the 12th of August, 1790.

5th. "An act supplementary to the act making provision for the Debt of the United States," passed May 8, 1792.

This act makes provision for the payment of a debt due to certain foreign officers who had served the United States, (the interest of which was, by stipulation, payable at Paris,) out of the moneys authorized to be borrowed by the Funding Act. It also establishes a permanent Sinking Fund, to be composed—

1. Of the interest of the Public Debt purchased, redeemed, or paid into the Treasury, in satisfaction of any debt or demand.

2. Of the surplus, if any, which should remain of the moneys appropriated for paying the interest of the Public Debt, after paying that interest.

This Fund is to be applied, under the direction of the Commissioners nominated in the act of the 12th of August, with the like approbation of the President—

First.—To the purchase of the several species of stock constituting the Debt of the United States, at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the fund shall be equal to two per centum of the whole amount of the outstanding Funded Stock, bearing a present interest of six per centum: Thenceforth—

Second.—To the redemption of that stock, according to the right reserved to the United States, until the whole should be redeemed: and, lastly, after such redemption, to the purchase, at its market price, of any unredeemed Debt of the United States; which purchases are directed to be made at the lowest prices at which they can be effected by open purchases, or by receiving sealed proposals, to be opened in the presence of the Commissioners, or persons authorized by them to make purchases, and of the persons making the proposals; and are to be accounted for at the Treasury, and reported to Congress, in the same manner as the purchases before authorized to be made.

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6th. "An act making appropriations for the support of Government, for the year 1793." This act provides that the President of the United States shall cause so much of the Loan made of the Bank of the United States, pursuant to the 11th section of the act of incorporation, to be paid off, in sums not less than \$50,000, as, in his opinion, the state of the Treasury may, from time to time, admit, out of any moneys which may be in the Treasury, having due regard to the exigencies of the Government, and the appropriations made, and to be made, by law.

7th. "An act making provision for the payment of the first instalment due on a Loan made of the Bank of the United States," passed March 23, 1793.

This act authorizes the payment of the first instalment of a Loan of two millions of dollars, had of the Bank of the United States, pursuant to the 11th section of the act by which it is incorporated, out of the moneys borrowed upon the authority of the act making provision for the reduction of the Public Debt.

8th. "An act providing for the payment of the second instalment, due on a Loan made of the Bank of the United States," passed June 4, 1794.

This act authorizes the payment of that second instalment, out of the proceeds of any Foreign Loans before that time transferred to the United States. It makes other provisions, which have been noticed under a preceding head.

These acts comprise all the provisions which have been made for reimbursing and redeeming the Debt of the United States. The result, to the last of December, 1794, is presented in the statement E.

There are two other acts, which, though not falling properly under either of the foregoing heads, require, from their relation to the subject, to be brought into view.

1. An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted, passed February 12, 1793.

This act directs that all claims of the description given in the title shall be presented at the Treasury for adjustment, by the 1st of May, 1794, or shall be for ever after barred; except those for Loan Office certificates, final settlements, indentures of interest, Register's certificates, balances on the books of the Treasury, Loans of money in foreign countries, certificates issued under the act, entitled "An act making provision for the Debt of the United States."

Such of the claims presented as cannot be admitted in the course of the Treasury, are to be reported to Congress, by the accounting officers.

Among the claims inadmissible in the ordinary course of the Treasury, is a sum of \$90,574, of the bills of credit, commonly called new emission money.

2. An act making further provision for the expenses attending the intercourse of the United States with foreign nations, &c., passed March 20, 1794.

This act appropriates, in addition to former pro-

visions, one million of dollars for the purposes mentioned in the title, to be paid out of any moneys which may be in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who is also authorized, if necessary, to borrow the whole, or any part of the sum; but there is no special appropriation either for paying the interest or reimbursing the principal of the Loan.

The act already quoted, of the 9th of June, 1794, entitled "An act making appropriations for certain purposes therein expressed," with a view to remedy this defect, appropriates, out of the proceeds of the taxes laid during the last session, such sum as shall be sufficient to pay the interest on whatever moneys may be borrowed, pursuant to the act of March 20, 1794.

The foregoing review of the laws which constitute the fiscal system of the United States displays these prominent points as the leading features of that system:

1st. That all the current revenues of the United States are derived from these sources, to wit: imported articles; the tonnage of ships and vessels; spirits distilled within the United States, and stills; the postage of letters; fees on patents; dividends of Bank stock; snuff manufactured within the United States; sugar refined within the United States; sales at auction; licenses to retail wines and distilled spirits; carriages for the conveyance of persons.

2d. That, of these revenues, the principal part of the duties on imported articles, those on the tonnage of ships and vessels, those on distilled spirits and stills, those on the postage of letters, patent fees, the dividends on Bank stock, are permanent, (the three first being commensurate with the existence of the Debt for the payment of the interest of which they are pledged, the fourth and fifth having no limit assigned in the laws, and the last being commensurate with the duration of the proceeding in the stock,) all the others temporary; being limited to continue no longer than till the end of the session of Congress next after the expiration of two years from the respective times of passing the laws which established them, except the temporary duties on imports and tonnage, which are to continue till the 1st of January, 1797.

3d. That the permanent duties on imported articles, the tonnage duties, the duties on spirits distilled within the United States, and on stills, are subject to these permanent dispositions:

1. To an annual reservation of \$600,000, for the support of the Government of the United States and their common defence.

2. To an appropriation of so much as may be necessary to pay the interest on the Foreign Loans provided for by the Funding Act.

3. To an appropriation of so much as may be necessary to pay the interest on the stock created by the Loan in Domestic Debt, or, more properly, in the original Debt of the United States.

4. To an appropriation of so much as may be necessary to discharge the interest on the stock created by the Loan in the debts of the respective States.

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5. To an appropriation of so much as may be necessary to pay the interest on the balances due to creditor States, which dispositions establish priorities, according to the order in which they are here enumerated.

4th. That the surplus, if any, of the duties on spirits distilled within the United States, and on stills, has an ultimate appropriation, that is, to the reduction of the Public Debt; but that the surpluses of the other duties have no such ultimate appropriation.

5th. That the duties on the postage of letters and the net dividend on Bank stock have no permanent or particular appropriation.

6th. That the temporary duties are charged with a specific sum of \$1,292,137 38, and with the payment of interest on a sum of \$1,000,000, authorized to be borrowed for the expenses of foreign intercourse.

7th. That the whole of the Foreign Debt, and all that part of the Domestic Debt, being now nearly the whole, which consists of the stock created by the Loans in the original Debt of the United States, and in the particular debts of the several States, and by the balances due to creditor States, are bottomed on certain specified revenues, pledged or hypothecated for the payment of the interest upon them, and thus constitute the Funded Debt of the United States.

8th. That the Funded Domestic Debt of the United States consists of three species of stock—one bearing a present interest of six per cent. per annum; another bearing a like interest after the year 1800; a third bearing a present interest of three per cent. per annum—the interest in each case payable quarterly yearly.

9th. That the six per cent. stock, present and deferred, can be redeemed in no greater proportion than at the rate of eight per centum per annum of the original sum, on account both of principal and interest; but the three per cent. stock is redeemable at pleasure.

10. That the provision for subscribing to the Loan in Domestic Debt expired on the last of December, 1794, and that no further provision has been made for the unsubscribed residue.

11th. That the Funding Act expressly confirms the contracts and rights of the creditors of the United States, who shall not think fit to subscribe to the Loan, and gives an expectation to them of further and other arrangements, upon the event of the propositions made to them.

12th. That the proceeds of all the lands of the United States in the Western Territory are appropriated to the redemption of all that part of the Public Debt for which, prior to the Funding Act, or by virtue thereof, the United States were or are liable.

13th. That, in addition to this, a regular Sinking Fund has been successively constituted, to be applied under the direction of five principal officers of the United States, with the approbation of the President, hitherto composed of three parts—1st, the surplus of the duties on imports and tonnage to the end of 1790; 2dly, the proceeds of Loans not exceeding \$2,000,000, authorized to be

borrowed for the purpose, (these two funds to be invested in purchases;) and, 3dly, (in which the two former resolve themselves,) the interest on the Public Debt, purchased, redeemed, or paid into the Treasury, together with the surpluses, if any, of moneys appropriated for interest, to be applied first to purchases of the Debt, till the fund is equal to two per centum of the outstanding stock, bearing a present interest of six per cent.; second, to the redemption of that stock; and, lastly, to purchases of any unredeemed residue of the Public Debt. But there is reserved out of this fund a sum not exceeding eight per centum per annum towards the payment of interest and reimbursing of the principal of the Loans made for purchases of the Debt.

To this recapitulation of the leading features of our Fiscal System, it may be useful to add a summary exhibition of certain results, which appear more in detail, or are deducible from the tables or statements annexed to this report.

The particulars and amount of the Debt of the United States are as follows:

Foreign Debt, as per statements B and C - \$14,599,129 35

Deduct instalment of Foreign Debt in the year 1795, to be paid out of proceeds of Foreign Loans - 859,750 00

\$13,745,379 35

Funded Domestic Debt, viz:

1. Arising from original Domestic Debt, subscribed to Loan proposed by Funding Act—	
Stock bearing a present interest of six per cent.	17,012,138 01
Stock bearing a future interest of six per cent.	8,538,228 97
Stock bearing an interest of three per cent.	12,275,347 55
2. Arising from State Debts assumed—	
Stock bearing a present interest of six per cent.	7,908,374 19
Stock bearing a future interest of six per cent.	3,940,608 96
Stock bearing an interest of three per cent.	5,994,115 70
3. Arising from balances to creditor States—	
Stock bearing a present interest of six per cent.	2,345,056 00

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Stock bearing a future interest of six per cent.	1,172,528 00	The particulars and amount of the annual stated expenditure of the United States, computing the Army and Navy Establishments on the scale of an Indian and Algerine war, are as follows:
Stock bearing an interest of three per cent.	708,516 80	Interest on the Foreign Debt - \$638,480 58
Unsubscribed Debt, viz:		Interest on Domestic Funded Debt - 2,339,241 50
Principal, exclusive of Loan Office certificates, bearing interest on nominal value	1,072,583 40	Interest on Unfunded Debt - 66,081 10
Interest thereupon, including interest on, including interest on, including interest on		Interest on temporary Loans - 100,000 00
Principal of Loan Office certificates, bearing interest on nominal value	1,072,583 40	Expenses of the Civil Government, including Foreign Intercourse - 475,249 53
Interest thereupon, including interest on, including interest on, including interest on		Expenses of Military Land Service - 1,511,975 29
Principal of Loan Office certificates, bearing interest on nominal value	1,072,583 40	Expenses of Military Naval Service - 441,508 80
Interest thereupon, including interest on, including interest on, including interest on		Miscellaneous - 109,357 04
Principal of Loan Office certificates, bearing interest on nominal value	1,072,583 40	Total annual expenditure - \$5,681,843 84
Interest thereupon, including interest on, including interest on, including interest on		

This sum is liable to be increased by the interest which will begin to accrue on the deferred stock the first of January, 1801; being, on the present amount of that stock, \$871,401 92.

The annual force of the Sinking Fund, as depending on ascertained funds, may be stated as follows:

Total unredeemed Debt	\$78,096,468 67	Interest for a year, on sums already carried to its credit	\$68,225 55
This is exclusive of a sum of \$1,400,000 due to the Bank of the United States, on account of the Loan of \$2,000,000 had of that institution, pursuant to the eleventh section of the act by which it is incorporated, and which is not included in the mass of the Debt, because it is more than counterbalanced by a greater value in stock. It is also exclusive of those Loans which are temporary anticipations of the revenue.		Interest for a year, on debts of foreign officers, in a course of payment, including arrears of interest to be carried to the credit of this fund	13,439 49
The particulars and amount of the annual current revenues of the United States are as follows:		Interest for a year, on the unexpended surplus of the revenues at the end of the year 1790, being \$4,111,659 49, supposing this to be invested, by purchase, in an equal sum of present six per cent. stock,	24,699 56
APPROPRIATED.		Total	\$106,364 60
Duties on imports and tonnage, domestic	\$4,199,791 67		
Duties on distilled spirits and stills	400,000 00		
Fees on patents	600 00		
UNAPPROPRIATED.			
Postage of letters	29,723 16		
Surplus dividends on Bank stock	63,500 00		
TEMPORARY.			
Temporary duties on imports	1,473,626 91		
INTERNAL.			
Duties on snuff, refined sugar, sales at auction, licenses to retail spirits and wines, carriages for conveyance of persons	380,000 00		
Total annual current revenue	\$6,552,300 74		

Of transferable stock - \$516,410 24

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Of untransferable stock, arising from balances to creditor States	46,901 12
Total	\$563,311 36
The sum applicable, in the first instance, (that is, on the first day of January, 1802,) to the redemption of that portion of the Funded Debt now called deferred stock, excluding that standing to the credit of the Commissioners of the Sinking Fund, will be as follows:	
Of transferable stock	\$249,576 75
Of untransferable stock, arising from balances to creditor States	23,450 56
Total	\$273,027 31

These sums would complete the redemption of the whole amount of the stock to which they are applicable, within twenty-three years after the redemption in each case was begun; within which terms they would discharge the whole of the Public Debt, except the Foreign Debt, the unsubscribed Debt, and the three per cent. stock.

If the redemption of the present six per cent. stock commence the first of January, 1796, and the redeeming fund be commensurate with the whole of the unredeemed stock bearing a present interest of six per cent., and transferable, the revenue set free in the year 1818, for operations upon the residue of the Debt, will be \$2,039,394 36.

If the redemption of the Deferred Debt commence the first of January, 1802, when it may rightfully commence, and the redeeming fund be commensurate with the whole of that stock, unredeemed and transferable, the revenue set free in the year 1824, for operations upon the residue of the Public Debt, if any remain, will be \$998,307 02.

The revenue set free by these successive redemptions, would be sufficient to redeem the whole of the present Foreign Debt in six years; that is, within a term of twenty-eight years from the proposed time for commencing the redemption, or the first of January, 1796; and, after extinguishing the Foreign Debt, would more than discharge the whole of the balances to creditor States, and the whole of the unfunded Debt, in two years more.

If the proceeds of the lands in the Western territory should be equal to three millions of dollars, and the three per cent. stock can be purchased at an average of twelve shillings in the pound, that fund would suffice to pay off the principal of the three per cent. stock, in something more than twenty-five years.

It follows, that, if the force of the Sinking Fund be rendered equal, exclusive of the proceeds of the sales of Western lands, to the redemption of the present unredeemed transferable stock, commencing the 1st of January, 1796, as to that bearing a present interest of 6 per centum, and the 1st of January, 1802, as to that bearing a future interest of 6 per centum; and if the proceeds of the sales of Western lands should prove equal to 3,000,000 of dollars, and can be brought into action for purchasers of the 3 per cent. stock, at the

rate above mentioned, at any time before the year 1801, the whole of the present Debt of the United States, Foreign and Domestic, (the funds appropriated being, during the whole period, adequate, in productiveness, and inviolably applied) would be extinguished in thirty years. And there would then revert to the United States, an annual income of 4,435,320 dollars and 89 cents. Some auxiliary provisions, which will be proposed, may greatly accelerate that result.*

On the basis of the foregoing data, the Secretary of the Treasury proceeds to submit to the consideration of Congress, certain propositions, which appear to him necessary to be adopted to complete our system of public credit. These will be followed by some explanatory remarks.

I. PROPOSITION.

That further provision be made, with regard to the yet unsubscribed Debt of the United States, as follows:

1st. Further time to be given, until the end of the year 1795, to subscribe the same to the Loan proposed by the Funding Act; with liberty to the holders to subscribe the arrears of interest up to that period, separately from the principal, reserving that principal on its original footing.

2d. An appropriation to be made for payment of interest on so much of the principal (excepting Loan Office certificates bearing interest on the nominal value) as, at the end of the year 1795, shall remain unsubscribed, for the term of one year, according to the rate or rates stipulated by the original contracts, and for the payment of ten per centum of the arrears of interest thereupon, to the same end of the year 1795. This payment to be made on the 1st of January, 1796, at the Treasury, where no particular place of payment is stipulated, and at such place, where there is one.

3d. The specie principal of the Loan Office certificates, which bear interest on the nominal value, together with the arrears of interest, to be immediately paid off.

II. PROPOSITION.

That provision be made for taking, upon Loan to the United States, by subscription at the Treasury, the outstanding and unbarred new emission bills of credit, the sums subscribed to be paid in the principal only of those bills, and stock of the new Loan to bear an interest of 5 per cent. per annum, payable, quarter yearly, at the Treasury, and redeemable at the pleasure of the United States, by payment of the principal, with a stipulation to pay the same at the expiration of thirty years. The Loan to be deemed to commence on the first of January, 1796, and to rest on funds permanently pledged, namely, the permanent revenue.

III. PROPOSITION.

That provision be made for converting, by a new Loan, the whole of our present Foreign, into

* These results are not stated with fractional correctness, because it is not necessary to a satisfactory conclusion, and the minuteness of the calculation would have demanded more than that can conveniently be spared.

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Domestic Debt, upon these terms, to wit: that, for any sum subscribed to the new Loan, and paid in the principal of the present Foreign Debt of the United States, there be allowed, in addition to the interest now payable upon such principal, the further yearly interest of $\frac{1}{2}$ per centum, or, in lieu thereof, at the option of each subscriber, an equivalent sum in capital stock, bearing an interest of 5 per centum per annum. That the whole interest upon the new Loan, including that upon the capital stock, to be given as an equivalent for the additional $\frac{1}{2}$ per cent, shall remain fixed until the first day of January, 1818, at which time, and not sooner, the principal of the said new Loan, including the said capital stock given as an equivalent, may and shall be reimbursed, except as to such subscribers as may prefer a shorter term of reimbursement, who may elect any term not less than fifteen years. That the permanent revenues shall be and remain firmly pledged for the payment of the said interest, until the reimbursement of the said principal, to be paid quarterly yearly, as that of the present funded Domestic Debt. And, lastly, that the Commissioners of the Sinking Fund be empowered, with the approbation of the President, to provide by new loans, for the reimbursement of any instalment, or part of principal, of the present Foreign Debt, or of the Loan to be made thereupon, as aforesaid, either by direct borrowing or by sale, in the market, of certificates of stock, so as the said Loan, or the said certificates of stock, shall bear an interest not exceeding 6 per centum per annum, and shall be liable to reimbursement within a term not exceeding twenty-four years. The interest upon the capital reimbursed, and, in aid thereof, the permanent revenues, to be pledged for the interest upon the loans or stock to be made or created by virtue of the said power.

IV. PROPOSITIONS.

That the temporary duties on imports be made co-extensive, in duration, with those now permanent, and be appropriated in like manner; and that the reservation of 600,000 dollars, annually, out of the duties on imports and tonnage, for the support of the Government of the United States, and their common defence, be postponed till after the appropriations for the interest of the Funded Debt, foreign and domestic, and for the Sinking Fund.

V. PROPOSITIONS.

That the following provisions be added to those heretofore made for reimbursing and redeeming the Debt of the United States:

1st. To direct, by law, that so much of the surplus of the duties on imports and tonnage, to the end of the year 1790, as shall remain uninvested in purchases, on the 1st day of January, 1798, shall so be invested, one-fourth part within the month of April, another fourth part within the month of July, another fourth part within the month of October, in that year, and the remainder within the month of January, 1797.

2d. To authorize the fund established by the act, entitled "An act supplementary to the act making provision for the Debt of the United States,"

redeemed by virtue of the foregoing provisions, (when the full redemption in each case is completed) until the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, shall be redeemed, by reimbursement, purchase or otherwise.

6th. To provide for carrying to the same fund, agreeably to the appropriation in the Funding Act, the proceeds of the sales of the lands of the United States in the Western Territory, to be applied according to the said appropriation.

7th. To appropriate to the same fund, to be employed for the purposes thereof, all moneys which shall be received for debts due to the United States antecedent to the present Constitution.

8th. To provide that the surpluses of all the current revenues of the United States, which shall remain at the end of any calendar year, beyond the amount of the appropriations charged upon them, and which, during the session of Congress, commencing next thereafter, shall not be otherwise specially appropriated or reserved, shall be carried to the fund aforesaid, to be applied to the purposes thereof.

9th. To provide for paying, annually, out of the said fund, the sum which may be rightfully paid in each year, towards the redemption of the funded stock, which does or shall bear an interest of six per centum per annum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of particular States, on account of the balances reported in their favor by the Commissioners for settling accounts between the United States and individual States, commencing the redemption of that bearing a present interest, on the first of January, 1796, and of that to bear interest after the year 1800, on the first of January, 1802, and pledging, in the firmest manner, the faith of the United States to the creditors thereof, that the said fund shall be inviolably applied to the purpose of redeeming the stock aforesaid, and afterwards, to the redemption of the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, until the whole shall be fully redeemed and discharged, and to be vested in the Commissioners of the Sinking Fund, as property in trust for the creditors, until the redemption of the whole of the present Debt of the United States shall be completed.

Provided always, that, whenever the fund shall be more than sufficient for paying off, as they accrue, the remaining instalments of the said Loan had of the Bank of the United States, and for the complete and final redemption of the whole of the aforesaid stock, bearing and to bear an interest of six per cent according to the right reserved for that purpose, and also for the payment of the instalments of the present Foreign Debt, or of such new Loans as may be made thereupon, pursuant to the third proposition, and for the reimbursement, purchase, or redemption of the residue of the present Debt of the United States, within the term of thirty years, it shall be lawful for Congress, if at war with any foreign European Power,

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to apply so much of the excess as they may think fit, the said excess being certified by the Commissioners of the Sinking Fund, towards the expenses of such war; excepting always so much of the said excess as may be requisite to fulfil any contracts which shall have been entered into by the Commissioners of the Sinking Fund, pursuant to the powers vested in them; and provided, that no second appropriation of any such excess shall derogate from or purchase of the said residue of the Debt, within the said term of thirty years.

10th. To provide that all reimbursements of the capital of the Public Debt, foreign and domestic, and of the remaining instalments of the aforesaid Loan of the Bank of the United States, be made under the superintendence of the Commissioners of the Sinking Fund, empowering them, with the approbation of the President of the United States, as the instalments of principal become due, to borrow, if necessary, the sums requisite to pay those instalments. Provided, that the ultimate term for the reimbursement of any Loan they may make, shall not exceed twenty-four years; the interest thereof to be charged—first, upon the interest of the instalments which shall be reimbursed by means thereof, except the instalments of funded six per cent stock; secondly, upon the revenue from imports and tonnage, to make good any deficiency.

VI. PROPOSITIONS.

That power be given to the Commissioners of the Sinking Fund, with the approbation of the President, to borrow, from time to time, such sums as may be necessary in anticipation of the revenues appropriated for the purpose, not exceeding, in one year, one million of dollars, to be reimbursed within a year from the time of each Loan, for the payment of the interest which shall annually accrue on the Public Debt.

The interest upon each Loan to be defrayed out of the permanent revenues.

VII. PROPOSITIONS.

That the internal revenues from snuff and refined sugar, sales at auction, licenses to sell by retail foreign distilled spirits and wines, carriages for the conveyance of persons, be continued to the first day of January, 1800, and that the reimbursement of the principal of the Loan of \$1,000,000, authorized to be borrowed for defraying the expenses of foreign intercourse, be charged upon this fund.

VIII. PROPOSITIONS.

That, in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of the interest of the Funded Debt and for the purposes of the Sinking Fund, for more than two years after the end of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to cease and determine—and the sum expended upon it shall be carried to an account to be denominated "the Surplus Fund." But no appropriation shall be so deemed to have ceased or determined, till after the year 1796

unless it shall appear to the Secretary of the Treasury that the object of such appropriation has been fully satisfied; in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the account aforesaid.

IX. PROPOSITION.

That provision be made that all priorities, heretofore established in the appropriations for the Funded Debt, as between the different parts of the said Debt, shall, after the year 1796, cease, with respect to all creditors of the United States who do not before the expiration of the period, signify their dissent therefrom; and that, thenceforth, with the exception only of the debts of those creditors, who shall so signify their dissent, the revenues charged with these appropriations shall constitute a common or consolidated fund, chargeable indiscriminately and without priority.

X. PROPOSITION.

That provision be made for calling in all outstanding Loan Office certificates; certificates called final settlements, and indentures of interest, and for issuing, in lieu of them, other certificates of equivalent tenor, establishing that all which shall not be presented for exchange within the term of two years shall be barred.

Remarks upon the First Proposition.

The experiment has now been fully tried, and with nearly complete success, of the disposition of the public creditors to accept the terms offered by the Funding Act. Those who still decline have probably made a final election to abide by their original contracts.

It remains to fulfil them. This, the moral obligation of the contracts; the new and peremptory sanction given to them by the present Government, and the essential maxims of public credit, unite to demand; and, while these cogent motives, affecting intimately the permanent character and general interest of the United States, recommend the measure, there is now no longer any momentary inducement, from situation, to procrastinate.

The present advanced state of the national finances, and the inconsiderable magnitude of the still unsubscribed Debt, render it of little, if any, consequence to obtain upon it the temporary accommodation of deferring the payment of a part of the interest accruing according to contract. This motive apart, and considering the approximation of the period when the payment of interest on the Deferred Debt is to commence, the chance of benefiting by a fall of the market rate of interest, incident to a provision for the Debt on the terms of the contract, which make it redeemable at pleasure, may be found more advantageous to the Government than the partial postponement of interest encumbered with an abridgement of the right of redemption.

To those who should not rightly appreciate this circumstance, it might seem an objection that the provision proposed would place those creditors, who had not consented to accommodate the Go-

vernment, upon a better footing than those who had so consented.

But a scruple of this kind is overruled by several considerations. 1st. It is not improbable that a considerable proportion of those who may not have accepted the terms offered by the Funding Act, are executors and other trustees, who may have doubted their power to accept.

2d. Giving the fullest force to the fact which is the ground of the objection, it is one of those cases in which the general principles that constitute the permanent happiness of society, give the less meritorious advantages over the more meritorious. All the creditors had a right to conform, or not. Those who have not done it, have only used their right, and it cannot be matter of objection or prejudice to them. To delay indefinitely a provision for their claims, according to contract, is to annihilate the contract.

The complying creditors cannot with propriety complain. They were informed unequivocally that the proposal of a new Loan was referred to their free choice; that the rights of those who did not assent would remain unimpaired; and compensations were offered in the new contracts for the surrender of the old. A plea that an ultimate provision was not relied upon, could not be admitted, because it would be to convert a distrust of the faith of the Government, into an argument against its being observed towards those who had depended upon it.

But the complying creditors actually received valuable considerations for the modification of their claims, instead of annual provision for their interest, which alone their contracts as they stood had it secured by adequate funds permanently mortgaged for its payment.

Instead of the stipulated annuity being redeemable at pleasure, whenever a fall in the market rate of interest should render it advantageous to pay off the principal, it has acquired a more fixed character by the relinquishment of the right of the Government to redeem, except in certain proportions, and a capacity to increase in capital value, by a declension of the market rate of interest.

Instead of receiving their interest in one payment, at the end of a year, they receive it in quarter yearly portions, which makes it, in fact, 6.15 per cent., in lieu of the stipulated rate of six per centum.

On the first point it has been argued, that, supposing a steady preservation of its faith by the Government, it is indifferent to the creditor whether his demand stands upon the basis of an annual provision, or upon that of mortgaged funds.

This is to substitute theory to fact. As well with regard to a Government as to an individual, there is, in the nature of things, an intrinsic difference between the value of a debt bottomed on mortgaged funds, and that of a debt resting on what is called, in the one case, and may be called in the other, personal security. The degree of this difference, and some of the circumstances on

which it depends, may be different in the two cases, but the reality of its existence can be denied in neither.

Government being administered by men, is naturally, like individuals, subject to particular impulses, passions, prejudices, vices; of course to inconstancy of views and mutability of conduct.

A kind of property of which the essence is contract, must necessarily, therefore, be more or less valuable, because more or less secure, in proportion as it is little or much exposed to the influence of that inconstancy, or that mutability.

If a provision is to be made by a new resolution every year, that resolution being always liable to be affected by momentary circumstances, is always casual.

If made once for all, it continues, of course, unless revoked by some positive act, and has for that reason a moral certainty of stability.

But why, it might be asked, if a disposition unfavourable to the public engagements, or unfriendly to the public credit should exist, would it not operate to produce a violation of a provision made, as well as to prevent the making of one?

The two things are widely different. To undo, which is to act, and, in such a case, to act with violence, requires more enterprise and vigor, and presupposes greater energy, or a stronger impulse, than not to do, or to forbear to act. This is particularly true where a number of wills is to concur. Many men who will not rouse to the effort, or encounter the responsibility of doing mischief by positive acts, will readily enough slide into it by a negative conduct; that is, by omitting to act. Many men, merely from easiness of temper, or want of active fortitude, will suffer evil to take place, which they neither desire nor would themselves commit. In collective bodies, votes are necessary to action: absences may produce inaction. It often happens, that a majority of voices could not be had to a resolution to undo or reverse a thing once done, which there would not be a majority of voices to do.

This reasoning acquires tenfold force when applied to a complex Government like ours; that is, to a Government distributed into departments, acting through different organs which must concur to give it motion; as, in our Constitution, the House of Representatives, the Senate, and the President.

In delicate and difficult cases, whether to issue in good or ill, a suspension of action is far more natural to such a Government than action.

It can hardly happen that all the branches or parts of it can be infected at one time with a common passion, or disposition, manifestly inimical to justice and the public good, as to prostrate the public credit by revoking a pledge given to the creditors. It is far more probable that such a disposition should, at one time, possess one part, at another time, another part. Possessing either part, it might be sufficient to obstruct a provision which was to be made. Without possessing all the parts, it could not subvert one which had been made. The last can scarcely be supposed, except in one of

those extraordinary crises of nations which confound all ordinary calculations.

Hence the value of property in Public Debt, which rests on specified and competent funds, firmly pledged for the satisfaction of the creditor, is intrinsically greater, and to a considerable extent, than that of property in Public Debt, which depends on annual provision. Hence, too, a creditor to whom such a pledge was not stipulated, may be justly said to have received a compensation for the relinquishment of a portion of his interest.

On the second point, it has been observed, with less plausibility, that, in this country, where it would be to the advantage of the creditor to receive his principal rather than a rate of six per cent. interest, the abridgment of the right of redemption is of no value.

1st. The proposition is not universally true. It depends on the particular situation of a creditor whether it be his interest to be reimbursed his principal or not. It is believed, owing to the impunctuality of collections, that in no part of the United States does fair lending at private interest, upon real security, net six per cent.

2d. As far as it is true, it does not authorize the inference which is drawn, because the creditor cannot demand his principal when it suits him, but must wait till it is convenient for the Government to pay. This convenience might not exist till there was a fall in the market rate of interest, and then it would not be the interest of the creditor to receive.

Unable to exact the principal when he pleases, it is a material point gained to be able to arrest the hand of the Government from paying him, when it is his interest not to receive. It is evident, that whenever the rate of interest to which he is entitled, shall exceed the market rate, if he cannot be obliged to receive back his principal, or take the market rate, his stock must rise in value in proportion to the difference and degree of its duration.

Nor, is an idea which has been entertained, just, that this advantage is remote and contingent, to accrue only to those who may be holders at the time of the fall of interest, at the expense of those who were holders when the Funding Act passed, many of whom, as it is alleged, being obliged to alienate then or shortly after, suffered loss in the sale, from the postponement of a part of their interest, without benefiting by the supposed equivalent.

The fairness of an equivalent ought never to be tested by the necessities of particular individuals. It ought to be estimated by the general principles of value; by the natural and real operation of things. Admitting, therefore, the suggestion as to such individuals to be true, it would decide nothing.

But it is not true. The permanency of a high rate of interest, and the possibility of a future rise of the capital above par, by the fall of the market rate below the stipulated rate, were, to the first holders of stock, circumstances of present value.

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Foreigners, especially, whose purchases would necessarily influence the market would give higher prices for it on these accounts.

And when to this are added the funding of the new stock and the payment of the interest quarter yearly, there is solid ground for entertaining an opinion that the stock has, from the earliest period, borne a better price in the market than upon the principle of an annual payment of six per cent. on the whole capital depending upon an annual provision.

This opinion would be confirmed, if we should take as a guide what actually happened in one or more of the States which made annual provision for the payment of interest upon their debts, at the stipulated rate of six per cent. With this provision the market price of their stock rarely exceeded 83 per centum.

It is probable that greater confidence in the ability and constancy of views of the Government of the United States, might have given a greater value to their stock in a like situation. But it is not to be doubted that it would have felt, in a great degree, a similar effect of that situation.

This may not appear with respect to the small amount of unsubscribed Debt now to be provided for, and with the advantage of a confirmation of confidence by experience; but it could not have failed to have been very apparent, if the whole Debt had been provided for on this plan.

These observations serve to render it probable that the creditors who have accepted the terms offered by the Government, have not been injured by the acceptance; that, if they had now an option to change their ground for that which is now proposed for non-subscribers, it would be an ill-judged choice in them to do it; and that, upon these, as well as other accounts, they will have no cause to be dissatisfied with the proposal under consideration.

Let it be added, that, whether the non-subscribers shall fare better or not by that proposal than the subscribers, it is the interest of all the public creditors, upon principle and precedent, that the public faith should be preserved towards those non-subscribers.

But, at the same time, every consideration connected with the question urges that nothing more should be done for non-subscribers than is positively due to good faith. Accordingly, the proposition contemplates that their debt shall not be funded, but that provision shall be annually made.

With regard to arrears of interest, a tenth part only is proposed to be paid on the first of January, 1796. At this rate they would be paid off in ten years.

In strictness, they ought to be immediately discharged. But, to have done this on the whole Debt, would have been impracticable; to do it on what now remains unsubscribed, would not only be unequal, but would, at the present moment, obstruct arrangements which are conducive to the general interests of the creditors. The state of the Treasury in succeeding years will enable Congress to decide how far the payment can be

accelerated. In the mean time, the creditors have an option to separate these arrears from the principal, and to fund them at three per cent., as has been done generally with regard to interest. The case of a large arrear of interest, arising from the inability of a former Government, which is the present case, is liable to some peculiar considerations.

A difference is made in the special case of the Loan Office certificates, which, by contract, are entitled to interest of six per cent. on the nominal principal, redeemable only by payment of the specie principal.

This is too disadvantageous a footing for the Government.

The alternative most convenient at this time, is to pay off the Debt, which is proposed. To elude this contract would be to sacrifice a very great principle to a very little interest.

The amount will be seen in the statement A.

Remarks on the Second Proposition.

The certificates, or bills of credit, called new emission money, were emitted pursuant to a resolution of Congress, of the 18th of March, 1780, which directs them to be emitted upon the funds of individual States, to bear an interest of five per centum per annum, payable in specie, at the redemption of the bills; or, at the election of the holder, annually, at the Continental Loan Office, in sterling bills, drawn by the United States upon their Commissioners in Europe, and pledges the faith of the United States for the payment of the said bills, in case any State on whose funds they should be emitted, should, by the events of war, be rendered incapable to redeem them; directing, also, an endorsement to be made upon each bill, in these words: "The United States insure the payment of the within bill, and will draw bills of exchange for the interest annually, if demanded, according to a resolution of Congress of the 18th of March, 1780."

These resolutions and the endorsement upon the bills, engage the absolute promise of the United States for the payment of the interest indefinitely, and their eventual guarantee of the principal, in case any State on whose funds the bills should be emitted, should, by the events of war, be rendered incapable to redeem them; which is, in effect, though not in form, an absolute guarantee of the principal, for the United States are bound to pay the interest perpetually till that is discharged.

Good faith demands that the United States should supply the omissions of the States which issued the bills, by providing themselves, at least for the interest upon them.

But it is not as easy to pronounce on what terms they ought to be provided for.

On their face, and according to the unrevoked resolutions of Congress, they are of specie value, equal to their nominal amount, and bearing five per cent. interest.

But it is known that they were issued by different States, at different values, fixed by previous laws. The true nature of the contract, therefore,

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in fact, and the true equity of the case, are, from these circumstances, involved in some question.

A compromise, by a new agreement, seems the best road out of the difficulty.

This is the aim of the proposition, which, it is hoped, will, in the main, reasonably consult all interests.

There have been special references of this subject to the Secretary, but he purposely declined a report till the expiration of the term limited by the act, entitled, "An act relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted," passed the 13th of February, 1793, had obviated a danger to which the business was exposed. It is now ascertained that the amount for which the United States shall be in future liable, is ninety thousand five hundred and seventy-four dollars. The sums subscribed to the Loan, will, of course, be a charge against the States which respectively issued the bills.

Remarks on the Third Proposition.

The payment of interest and instalments of principal of our Foreign Debt, in the countries where it was contracted, is found by experience to be attended with difficulty, embarrassment, some loss, and a degree of casualty which occasionally puts in jeopardy the national credit. Loans for reimbursement must be made before-hand, as the market suits, and necessarily involve double interest for a greater or less time. The procuring of bills to be remitted for payment of interest, cannot be depended upon in coincidence with the periods of payment, which, co-operating with distance, renders inconvenient anticipations necessary.

The remitting in commodities would be liable to other casualties, and to some peculiar objections; and whatever mode be adopted, it may be frequently not practicable to deposit in season the necessary funds on the spot, without great sacrifices. If, therefore, the place of these payments could, with consent of the creditors, upon an equitable indemnification to them for the transfer, be changed to the United States, the operation would be, in various lights, beneficial. It has occurred that the present posture of the affairs of Europe might favor a plan of this kind, and perhaps produce some collateral advantages. Under this idea, an experiment is proposed. The promised augmentation of interest is intended as an indemnification for the expense and hazard of agencies in this country, delays in remittance, inconvenience of distant negotiation, renunciation of the facilities which attend the receipt of interest at home, risks of loss by exchange, &c., and is calculated on a liberal scale, in order to induce an acceptance of the proposition.

If, instead of an increase of interest, the option of an equivalent be given, by way of premium, in stock bearing an interest of five per cent., it would have attractions for certain creditors, and would facilitate the success of the measure. On strict calculation, the equivalent would be six dollars and fifty-eight cents per 100 dollars of the principal subscribed. It is not perceived that the inter-

ests of the United States could suffer by allowing the alternative. The fixing of the rate of interest, by postponing the reimbursement to the year 1818, would also be a powerful inducement. And till the period of reimbursement arrives, any surplus of the Sinking Fund which may exist, can be invested in purchases, so as to prevent the progress of the fund being arrested.

It could not be necessary to observe, except for the sake of dispelling jealousy or apprehension on the part of the creditors, that, while the plan is in experiment, and afterwards, with regard to all who do not embrace it, everything is to proceed as heretofore, and as the contracts respecting the debt require.

The auxiliary proposition of giving power to the Commissioners of the Sinking Fund to remit certificates for sale, is founded upon a belief that this operation will sometimes be practicable, where direct loans cannot be effected, and will be occasionally a more beneficial mode of remittance than by bills of exchange.

Remark on the Fourth Proposition.

The object of this proposition is to give moral certainty to the adequateness of the fund for paying the interest upon the Debt, and for its ultimate redemption, making a reasonable allowance for the casualties to which it is exposed.

Remarks on the Fifth Proposition.

There is no sentiment which can better deserve the serious attention of the legislators of a country, than the one expressed in the Speech of the President, which indicates the danger to every Government from the progressive accumulation of debt.

A tendency to it is, perhaps, the natural disease of all Governments; and it is not easy to conceive anything more likely than this to lead to great and convulsive revolutions of empire.

On the one hand, the exigencies of a nation, creating new causes of expenditure, as well from its own, as from the ambition, rapacity, injustice, intemperance, and folly, of other nations, proceed in increasing and rapid succession. On the other, there is a general propensity in those who administer the affairs of a Government, founded in the constitution of man, to shift off the burden from the present to a future day—a propensity which may be expected to be strong in proportion as the form of a State is popular.

To extinguish a debt which exists, and to avoid the contracting more, are ideas always favored by public feeling and opinion; but to pay taxes for the one or the other purpose, which are the only means of avoiding the evil, is always more or less unpopular. These contradictions are in human nature; and happy, indeed, would be the lot of a country that should ever want men ready to turn them to the account of their own popularity, or to some other sinister account.

Hence, it is no uncommon spectacle to see the same men clamoring for occasions of expense, when they happen to be in union with the present humor of the community, whether well or ill directed, declaiming against a Public Debt, and for

the reduction of it as an abstract thesis; yet vehement against every plan of taxation which is proposed to discharge old debts, or to avoid new, by defraying expenses of exigencies as they emerge.

These unbandsome arts throw artificial embarrassment in the way of the administration of a Government, and, co-operating with the desire which they themselves are too apt to feel to conciliate public favor, by declining to lay even necessary burdens, or with the fear of losing it, by imposing them with firmness, serve to promote the accumulation of Debt, by leaving that which exists without adequate provision for its reimbursement, and by preventing the levying, with energy, new taxes, when new occasions of expense occur. The consequence is, that the Public Debt swells till its magnitude becomes enormous, and the burdens of the people gradually increase, till their weight becomes intolerable. Of such a state of things, great disorders in the whole political economy, convulsions and revolutions of Government, are a natural offspring.

There can be no more sacred obligation, then, on the public agents of a nation, than to guard, with provident foresight and inflexible perseverance against so mischievous a result. True patriotism and genuine policy cannot, it is respectfully presumed, be better demonstrated by those of the United States, at the present juncture, than by improving, efficaciously, the very favorable situation in which they stand, for extinguishing with reasonable celerity, the actual Debt of the country, and for laying the foundation of a system which may shield posterity from the consequences of the usual improvidence and selfishness of its ancestors, and which, if possible, may give immortality to public credit.

Fortunately for the first object, the circumstances in our foreign affairs, which during the last session, impelled to an extension of the national revenues, have left little more to do than to apply the existing means with decision and efficacy.

The second object will depend on the establishment of wise principles in the application, fitted to become a permanent precedent in the fiscal system of the country.

The first report of the Secretary on the subject of the Public Debt, of the 9th of January, 1790, suggests the idea of "incorporating, as a fundamental maxim in the system of public credit of the United States, that the creation of Debt should always be accompanied with the means of extinguishment; that this is the true secret for rendering public credit immortal, and that it is difficult to conceive a situation in which there may not be an adherence to the maxim;" and it expresses "an unfeigned solicitude, that this may be attempted by the United States, and that they may commence their measures for the establishment of credit with the observance of it."

It is understood that the Parliament of Great Britain has with-
in the last four years, formally adopted as a standing rule, the principle of incorporating, with the creation of Debt, the means of extinguishment. How much earlier in the creation of this important principle be to the United States, than the creation of a nation which, before it began, had so deeply mortgaged its resources. Let the United States never have to regret, hereafter, that they postponed too long so provident a precaution.

No opportunity has been lost by the Secretary as far as he could contribute to the event, to reduce this principle to practice; and important steps towards it have been, from time to time, taken by the Legislature.

But much remains to be done to give it full effect. The present state of things encourages and invites to the consummation of the plan. And the Secretary, about to leave the office he holds, feels it a peculiar duty to make a final effort to promote that invaluable end.

This is the object of the fifth proposition, aided by the preliminary provisions of the 4th. This proposition aims at two principal points: 1. To constitute a fund sufficient, in every supposable event, for extinguishing the whole of the present Debt of the United States, foreign and domestic, in a period not exceeding thirty years. 2. To fix its destination unchangeably, by not only appropriating it permanently, under the direction of Commissioners, and vesting it in them as property in trust, but by making its faithful application a part of the contract with the creditors.

As to the first point: If the temporary duties on imports be rendered permanent, the annual reservation of six millions of dollars postponed; and if the additional appropriations which are proposed, be made to the Sinking Fund; its intended force will not only be equal to the effect meant to be produced, but it may be hoped that there is scarcely a casualty which can reasonably be taken into calculation, foreign war not excepted, which will occasion a deficiency in the fund.

The whole amount of the duties on imports and tonnage, and upon domestic distilled spirits and stills, estimated now to amount to \$6,079,418 58, besides the dividends on Bank stock, and the items which now compose the Sinking Fund, will then be appropriated, primarily, to the interest upon the Public Debt, and to the Sinking Fund; which, together, including the deferred stock, will demand, permanently, from that revenue, \$4,373,836 03—little more than two-thirds of the funds from which they arise. An expectation may be indulged, that even foreign war, making due allowance for what will always be practicable, through neutral Powers, would not occasion a defalcation in the revenues greater than the difference. This competency of the fund is an essential idea. The fulfilment of the object, as far as the uncertainty of human affairs will permit, ought to be superior to casualty.

The necessity of a reliance on auxiliary provisions, always precarious in those situations which affect the productiveness of the public revenues, ought to be, as far as practicable, superseded by the ample nature of the provision.

As to the second point: The intent is to secure, by all the sanctions of which the subject is susceptible, an inviolate application of the fund, according to its destination. No expedients more powerful can be devised for this purpose, than to clothe it with the character of private property, and to engage absolutely the faith of the Government, by making the application of it to the object, a part of the contract with the creditors.

But is this necessary?

Its necessity rests on these cogent reasons: The inviolable application of an adequate Sinking Fund is the only practicable security against an excessive accumulation of Debt, and the essential basis of a permanent national credit.

Experience has shown, in countries the most attentive to the principles of credit, that a simple appropriation of the Sinking Fund is not a complete barrier against its being diverted, when immediate exigencies press. The causes which have been stated with another view, tempt the administrators of Government to lay hold of this resource rather than resort to new taxes. This indicates the utility of endeavoring to give, by additional sanctions, inviolability to the fund.

But, will those proposed answer the end?

They are the most efficacious that can be imagined, and they are likely to be entirely efficacious. They cannot be disregarded, without, by breach of faith and contract, destroying credit; and, at a juncture, too, when it is most indispensable. The emergencies, which induce a diversion of the fund, are those in which loans, and, consequently, credit, are most needed.

But will it be safe to put the fund so entirely out of the command of the Government? May there not be situations in which the command of it may be requisite to the safety of the State?

This is not conceivable. The amount of the Sinking Fund will, in the situations which create extraordinary demands for money, be always considerable, compared even with a single year's expenditure. The current revenues of a nation do not, in such cases, suffice. Plunder or credit must supply the deficiency. The first presupposes a subversion of all social order. The second will find its best support and greatest efficacy in adhering steadily to the principles of such a fund. An annuity of seven dollars will pay the interest upon, and discharge a capital of one hundred dollars, bearing six per cent. interest, in thirty-three and a third years, nearly. The situation of a country must be not a little exhausted, if it cannot create yearly, by new revenues, during the continuance of a foreign war, an annuity on the above scale, sufficient to fund the loans, of which it may stand in need. Ten millions of dollars will, with order and economy, maintain, in this country, an army of fifty thousand men, for a year. Viewing our geographical position, is there a prospect of any war expensive beyond this ratio? If not, an annuity of seven hundred thousand dollars, created each year of the war, would suffice. But it would be wise, in such an event, to carry taxation, in the first instance, to the full extent of the ability of the State, which would proportionably contract the necessity for borrowing, and consequently, the extent of the annuities necessary for loans.

If a nation can find embarrassment in creating the revenues requisite on this scale, it must arise from her having reached a stage when, from the neglect of the principle now inculcated, the mass of her Debt has become so enormous as to strain her faculties in order to make a provision for it.

The United States are in a situation altogether

different. An inspection of the list of their revenues discovers that they have a large field of resource unexplored. Their youth, and large tracts of unsettled lands, and lands in the infancy of improvement, assure them a great and rapid increase of means. Even their actual revenues, without additions, must, with the progress of the country, considerably increase. And, though war may interrupt, the temporary interruption being removed by the restoration of peace, their increasing productiveness, suspended for a time, must resume its vigor and growth. In a given number of years, a considerable augmentation is certain.

The Government of this country may, therefore, adopt, fearless of future embarrassment, a principle which, being adopted, will ultimately furnish resources for future exigencies, without an increase of burden to the community.

To explain this last idea: It will readily be perceived, that the funds pledged for paying the interest, and sinking the principal of a portion of the Debt existing or created at a particular time, will, within a certain period, extinguish that portion of Debt.

They will then be liberated, and will be ready for any future use, either to defray current expenditures, or be the basis of new loans, as circumstances may dictate. And, after a course of time, it is a reasonable presumption, that the funds, so successively liberated, will be adequate to new exigencies, as they occur.

Moreover, the last clause of the proposition authorizes the deriving aid from the Sinking Fund for new loans, whenever the state of the fund admits of it, consistently with the accomplishment of its purposes; that is, when it is sufficient—1st, to make good the payments on account of the principal of the Debt, as they accrue; 2d, to purchase in the market all that part of the Public Debts of which there is no stipulation of payment by installment, (as the three per cent. stock) within a period of thirty years.

This, while it secures the extinction of the existing Debt, within a reasonable time, by preventing too great a proportion of the public revenue from being tied up by the Sinking Fund, gives due weight to the consideration of providing for future emergencies.

The same consideration has governed in proposing, (instead of the appropriation of a definite sum out of the revenue from imports and tonnage which, in certain years, will be greater than will be permanently necessary) that the sum to be applied out of that revenue shall be so much, from year to year, as, with the other items of the Sinking Fund, will suffice for the object. It has likewise influenced in postponing the redemption of that stock which stands to the credit of certain States, in consequence of the report of the Commissioners for settlement of accounts.

Every system of public credit must assume it as a fundamental principle, that the resources of the country are equal to its probable exigencies, and that it will possess ability to pay the debts which it contracts. If this be so, there is no cause to hesitate about the inviolable appropriation of funds to

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the extinction of an existing Debt, within no less a term than thirty years.

Indeed, as before intimated, it cannot be doubted that the resources of a credit, built upon a foundation so solid as that which is recommended, will more than replace, even in the earliest stages of our affairs, the use of the additional funds withdrawn from the command of the Government, to effect it, and, in the eventual operation will give a more abundant command of funds, than it can otherwise have. The successive liberation of the revenues, successively pledged, after accomplishing their object, will afford resources that may almost be said to be inexhaustible.

It should be recollected, too, that the public arrangements may, under a great pressure, anticipate the approaching period of such a liberation, by intermediate temporary loans, to be replaced by those funds when they are free.

This proposition exemplifies, as to the past, the nature of the maxim which has been supposed capable of giving immortality to credit, namely, that, with the creation of debt, should be incorporated the means of extinguishment; which means are two-fold: 1. The establishing, at the time of contracting a debt, funds for the reimbursement of the principal, as well as for the payment of interest within a determinate period. 2. The making it a part of the contract, that the fund, so established, shall be invariably applied to the object.

It is believed that it would be happy for the United States, if Congress would adopt this principle as a rule in all future loans, never to be departed from; and a good evidence of this determination would be, to apply it to the past.

This would be, at the same time, an antidote against what may be pronounced the most plausible objections to the system of funding public debts; which are, that, by facilitating the means of supporting expense, they encourage to enterprising which produce it; and, by furnishing in credit a substitute for revenue, likely to be too freely used, to avoid the odium of laying new taxes, they occasion a tendency to run in debt. Though these objections to Funding Systems, which, giving the greatest possible energy to public credit, are a great source of national security, strength, and prosperity, are very similar to those which speculative men urge against national and individual opulence, drawn from its abuses; and though, perhaps, upon a careful analysis of facts, they would be found to have much less support in them than is imagined, attributing to those systems effects which are to be ascribed, more truly, to the passions of men, and perhaps to the genius of particular Governments; yet, as they are not wholly unfounded, it is desirable to guard, as far as possible, against the dangers which they suppose, without renouncing the advantages which these systems undoubtedly afford.

It will readily be seen, that the maxim of making concurrent provision for the principal as well as interest, in the act of contracting debt, if by precedent and habit, it can be rendered a rule

of administration, by implicating a greater portion of the revenue in every such operation than would be requisite for a mere provision for interest, will control proportionably the disposition to defer the burden to futurity, and create a greater necessity for circumspection in incurring expense.

It is, probably, the true expedient for uniting a due regard to the present accommodation of the community, with a due care not to overburden posterity—the full energy of public credit, with a salutary restraint upon the abuses of it.

To this explanation of the general principles of the fifth proposition, it may be proper to add some brief notes on particular parts of it.

It is proposed that the redemption of the present six per cent. stock shall commence on the 1st of January, 1796. This time of commencement is recommended by several reasons: 1. It ought to be such as to admit of sufficient notice to distant creditors. 2. It will favor order, to date the commencement of every new pecuniary operation, where there is an option, and no particular reason to the contrary, with the commencement of the natural year. 3. The moment of payment presupposes that the annuity to be paid has actually accrued, which will not be the case till the end of the present year. 4. The small delay, by not forcing the means, will facilitate the future execution.

It is a part of the plan to make provision for reimbursing the remaining instalments of the two million Loan, had of the Bank of the United States, pursuant to the act of incorporation. The preceding instalments have been reimbursed out of the proceeds of Foreign Loans. This resource cannot, in future, be relied upon; and, for such a purpose, it is not as eligible as a domestic one, though circumstances have hitherto dictated a recurrence to it. By making the dividends on the stock auxiliary for this purpose to the revenue from taxes, the object is effected with little more than half the sum from that revenue; and, in the end, a fund is formed from the dividends, which, with a small addition, suffices for the redemption of the deferred stock. As these instalments are yearly falling due, and must be, as they accrue, it is essential that a provision for them be contemplated in the general arrangement requisite to the completion of our system of credit. There is, perhaps, no easy alternative to what is proposed, except the sale of the stock. But, waiving other weighty considerations against such a measure, it is, in the view of a true economy, liable to the most solid objections.

It is morally certain, that the dividends on the stock will increase, and the value of the capital, from this and collateral causes, more than proportionably. There is no momentary urgency to induce the relinquishment of this future advantage. To sell at present, would be to abandon the difference without necessity. It cannot be expedient in a Government to part with a capital, which, at the time, produces as great or a greater revenue, than can be realized from the proceeds of a sale, however invested; and which

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has an inherent tendency to future augmentation. The measure, too, would be to renounce, or lessen, a most convenient resource for forming the redeeming fund of the deferred stock.

It is proposed to carry the proceeds of the sales of the Western lands to the Sinking Fund. This is to execute the intention of the Funding Act, which has not organized the mode of application; and it has the advantage of combining, in one system, all the provisions for extinguishing the Debt.

It is proposed that all surpluses of revenue shall, at a certain time, be carried to the use of the Sinking Fund. This is to extend and give effect to a principle which has already received the Legislative sanction. It was necessary to fix a time when the appropriation of the surplus should become absolute, and that this should be consistent with a due opportunity to provide for the exigencies of the public service. Both these considerations have been consulted. This measure has, besides, reference to a more speedy redemption of the Debt than it appears prudent to attempt by an absolute appropriation of more extensive funds. And the legislators of to-day would be entitled to the lasting gratitude of their country, if they would extend this auxiliary resource, by all the means which are consistent with a due regard to the present accommodation of their constituents.

It is proposed to authorize the Commissioners of the Sinking Fund to provide, by new loans, for the reimbursement of the instalments which, from time to time, accrue. This is on the ground, that it is essential to the perfection of the system of redemption, that all the means of ultimate execution should be organized in it, and that there should be no need of future provisions.

The last clause of the proposition excepts, from the operation of that clause, the interest on the six per cent. stock. This is because that interest is destined to form the accumulations for paying the successive instalments of the principal of that stock, which increase each year in a ratio to the interest liberated by each payment.

The statement E exhibits the course of the Sinking Fund, as proposed to be established.

Remarks on the Sixth Proposition.

This will be a useful and important provision. It has reference to a circumstance repeatedly adverted to—the long credits given upon the principal branches of revenue; from which it happens, that, though the fund itself, or the product of the revenue, is more than adequate to an appropriation, yet the receipts upon it come too slowly into the Treasury to answer the end, without anticipation by temporary loans. Its propriety depends on the principle suggested under the last head, of having all the means of complete execution organized in the system of Public Credit.

Remarks on the Seventh Proposition.

It is a good rule of caution, that no more of the public revenues should be rendered permanent, than is necessary to give moral certainty to the

provisions which may be regarded as the pillars of Public Credit. This idea will, it is believed, be satisfied, by giving permanency to the now temporary duties on imports. Accordingly, it is only proposed to extend the duties, mentioned in this proposition, to the year 1800, and thence, to the end of the next ensuing session of Congress; which is on the ground, that they ought to be commensurate in duration with the objects which they are to accomplish, and no more.

It has been already noticed, that they are at present chargeable, together with the temporary duties on imports, laid in the last session, with an appropriation of 1,292,137 dollars and thirty-eight cents, and with the interest of one million of dollars, authorized to be borrowed with a view to foreign intercourse; having a special eye to an object very interesting to the commerce and feelings of the United States.

This business wants a further arrangement; standing at present, upon a vague and inefficient footing. The reimbursement of the Loan is not adequately provided for, neither is the interest, this being predicated on funds which, in their present form, would probably expire after a product of two years.

According to the fifth proposition, the temporary duties on imports, after the above mentioned appropriation of 1,292,137 dollars and thirty-eight cents shall have been satisfied, will become permanently charged with the interest on the Public Debt, the Sinking Fund, and the annual reservation of six hundred thousand dollars for the support of Government.

If the duties mentioned in the sixth proposition are continued till the first of January, 1800, and the reimbursement of the principal of the Loan, as well as the interest, is referred to them, two good purposes will be answered: the obtaining the Loan will be facilitated, and its complete reimbursement will be effected within the term allotted, without an augmentation of the permanent Debt of the country. This makes allowance for fulfilling the appropriation for the current service, already charged upon this fund.

It is presumed to be a conclusive reason in favor of the proposition, that it aims at preventing an increase of permanent Debt. If services of this kind, when the United States are at peace, (at least with civilized Powers) are made causes of permanent loans, the progress of new debt will easily exceed the extinction of old.

It appears desirable that there should be a steady effort, as a rule of administration, not to increase the permanent Debt of the country by permanent loans, except when it is inevitable, by the existence of a war with some European Power.

The comparative view of revenue and expenditure (statement F) establishes, satisfactorily, that these duties cannot be dispensed with, unless there be a substitute, if the redemption of the Public Debt is to be seriously entered upon; and it is believed that there cannot be devised objects of revenue more proper in themselves, nor more generally acceptable to the people. Whatever

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interested parties may allege, it seems self-evident that there can hardly be a reasonable question, except as to the best mode of collection. The objection, that part of them falls on manufactures, has no weight. The manufactures on which they fall are complete luxuries, and completely established; consequently, fit objects of revenue. The increased duties on the rival foreign articles, are a full protection to the manufacture. Whatever may be the appearances in the infancy of the tax, it is certain, in principle, that it will finally fall on the consumer, as generally as duties on imported commodities.

Remarks on the Eighth Proposition.

This is to terminate an embarrassment which has been experienced. Appropriations are frequently made for objects, the extent of which is not precisely known, or in a degree casual. To leave them indefinite, as to time, is sometimes to tie up, unnecessarily, a portion of the public funds, which may, ultimately, not be wanted at all for the purpose of the original appropriation.

It will do away this inconvenience, and promote perspicuity in the Treasury accounts of appropriations, if an ultimate period is fixed when each appropriation shall be deemed to have ceased. Should further appropriations appear necessary for the same objects, new estimates can be presented, and new appropriations made.

The designating an account with a denomination known in the laws, to which the surplusses are to be carried, will facilitate future Legislative dispositions of the resulting fund. It is, however, essential to the system of Public Credit, that this should be with the exceptions contained in the proposition.

Remarks on the Ninth Proposition.

This proposition is calculated to give simplicity to the public accounts of stock and revenue, which will conduce to correctness, despatch, and economy. As the revenues are manifestly more than adequate to the claims of all the creditors, they, none of them, have any interest in the distinctions which now exist, and which grew out of the course of the business, and the rights of none of them will be affected, because all who choose may continue on their former ground, by signifying their dissent to the present plan. It is, however, presumed, there will be no such dissent.

Remarks on the Tenth Proposition.

It is important to the fiscal calculations, to ascertain, positively, the extent of every portion of the Public Debt. At present, the amount of these several items of it is deducted from accounts of the late war, of various officers and offices; in some instances, conducted with little order. There is not, therefore, sufficient certainty; indeed, it is probable, from the length of time that has elapsed without their appearing, that the computed amount exceeds the real.

Besides, they are, from their nature, subject to forgeries and counterfeitings; which implies a danger of loss to the public, till their circulation is finally terminated. The proposition, accordingly,

besides the obtaining of better information, aims at obviating this danger.

Allowing for sufficient time for bringing them in to be exchanged for certificates of equivalent tenor, while it is a measure tending to public information and security, it can be liable to no reasonable objection on the part of the creditors.

The Secretary of the Treasury has reserved for the conclusion of this report, a proposition which appears to him of great importance to the Public Credit, and which, after some preliminary observations, will be offered to consideration. It relates to the right of taxing the Public Funds, and to that of sequestering them in time of war.

A proposition on either of those points, would have been deemed superfluous, had there never been discussions asserting a right to do the one and the other, and even the expediency of exercising that right. The negative of both the pretensions, from the habit of regarding it as incapable of being disputed, had acquired, in the mind of the Secretary, so much the force of an axiom, as to have precluded even the mention of the subject in the plan which he originally submitted for funding the Public Debt. He should, otherwise, have thought it an indispensable duty to suggest, as a matter of primary consequence to the system of credit contemplated in the plan, the express renunciation of those pretensions; for they are (as he believes) not only unwarranted by principle or usage, but subversive of the sound maxims of Public Credit. A persuasion that this would always be a truth granted in the councils of the United States, is his apology for the omission.

Even now he should think it useless to depart from his silence on the point, had not the discussions alluded to, created some alarm in places where all the circumstances are not well understood, which it is the interest of the country to dispel. The confidence justly to be reposed in the collective wisdom of this Government, forbids the supposition, by one acquainted with its Constitution, that the security of the creditor can need, in this particular, a further sanction. It is presumed to be impossible, that any final act can ever give so deep a wound to the national interest and character, as to derogate from a principle which may be placed among the most sacred in the administration of a Government.

Is there a right in the Government to tax its own funds?

The pretence of this right is deducted from the general right of the Legislative power to make all the property of the State contributory to its exigencies.

But this right is obviously liable to be restricted by the engagements of the Government; it cannot be justly exercised in contravention of them; they must form an exception. It will not be denied, that the general right in question, could, and would, be abridged, by an express promise not to tax the funds. This promise, indeed, has not been given in terms, but it has been given in substance. When an individual lends money to the State, the State stipulates to repay

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him the principal lent, with a certain interest, or to pay a certain interest, indefinitely, till the principal is reimbursed; or, it stipulates something equivalent, in another form. In our case, the stipulation is in the second form.

To tax the funds, is manifestly either to take, or to keep back, a portion of the principal or interest stipulated to be paid.

To do this, on whatever pretext, is not to do what is expressly promised; it is not to pay that precise principal, or that precise interest, which has been engaged to be paid; it is, therefore, to violate the promise given to the lender.

But, is not the stipulation to the lender, with a tacit reservation of the general right of the Legislature to raise contributions on the property of the State?

This cannot be supposed—because it involves two contradictory things: an obligation to do, and a right not to do. An obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and reason, to admit, by implication, in the construction of a contract, a principle which goes in destruction of it.

The Government, by such a construction, would be made to say to the lender: "I want a sum of money, for a national purpose, which all the citizens ought to contribute proportionably, but it will be more convenient to them, and to me, to borrow the money of you. If you will lend it, I promise you faithfully, to allow you a certain rate of interest, while I keep the money, and to reimburse the principal within a determinate period, except so much of the one and the other, as I may think fit to withhold, in the shape of a tax."

Is such a construction either natural or rational? Does it not, in fact, nullify the promise by the reservation of a right not to perform it?

Is it to be presumed, without being expressed, that such can be the understanding of a lender, when he parts with his money to a Government?

The contrary is so much the more presumable, that nothing short of an express reservation can support the pretension to tax the fund.

It may be replied, that the creditor might be willing to rely upon the equity of the Government, not to abuse its right, by exacting from him excessive contributions.

This, if true, does not obviate the difficulty of supposing the co-existence of an obligation and a right, destructive the one of the other, in interpreting the sense of a contract, when nothing of the kind is said.

It is possible that a creditor might be willing so to contract; yet it is still necessary, in order to determine that he has done it, to find some provisions or expressions in the contract, indicating the intention, to render what is stipulated compatible with what is reserved. But it is not probable that an individual would be willing to lend upon such terms. He would justly apprehend, that, in great emergencies, a right, having no limit but the opinion of the party possessed of the power, would be abused, and that the convenience of laying hold of a fund already prepared and at hand, supported by a claim of right, would be a tempta-

tion to abuse, not easy to be resisted. However well disposed to contribute, in common with his fellow-citizens, on all the ordinary objects of property or income, he would be unwilling to subject himself to a special burden, in the peculiar character of creditor of the State. He would prefer to employ his money in other ways: even to lend it to private persons, where it might be more likely to escape the hand of the fiscal power.

Let the question be tried by another analysis.

Public Debt can scarcely, in legal phrase, be defined either property in possession or in action. It is evidently not the first, till it is reduced to possession by payment. To be the second, would suppose a legal power to compel payment by suit. Does such a power exist? The true definition of Public Debt is a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise will be definitely fulfilled. Can the Government rightfully tax its promises? Can it put its faith under contribution? Where or what is the value of the Debt if such a right exist?

Suppose the Government to contract with an individual to convey to him a hundred acres of land, upon the condition of paying a hundred dollars. When he came to pay the hundred dollars and demand his title, could the Government require of him to pay fifty more as a tax upon the land, before it would consent to give him the title? Who would not pronounce this to be a breach of contract—a fraud—which nothing could disguise?

This case is parallel with that under examination, with circumstances that fortify the right of the lending creditor.

The Government agrees with him, that, for one hundred dollars, which he delivers to the Government, it will deliver to him, at the end of each year, six dollars. Here the six dollars to be delivered answer to the land to be conveyed, with this stronger ground of right, that the consideration for them has actually been given and received. Yet, when the creditor comes to demand his six dollars, he is told that he cannot have them, except with the reservation of one dollar as a tax upon the six, or that he cannot have them, except upon the condition of returning one dollar as that tax. What is this but to say, that his title to the money in this case, as to the land in the other, must depend upon his paying, or allowing a further consideration for it, not contemplated in the contract? Can there be a doubt that this, also, would be a breach of contract—a fraud?

The true rule of every case of property, founded on contract with the Government, is this: It must first be reduced into possession, and then it will become subject, in common with other similar property, to the right of the Government to raise contributions upon it. It may be said, that the Government may fulfil this principle, by paying the interest with one hand, and taking back the amount of the tax with the other. But to this, the answer is, that, to comply truly with the rule, the tax must be upon all the money of the community, not upon the particular portion of it which is paid to the public creditors; and it ought, besides, to be so reg-

ulated, as not to include a lien of the tax upon the fund. The creditor should be no otherwise acted upon, than as every other possessor of money; and consequently, the money he receives from the public, can then only be a fit subject of taxation when it is entirely separated, and thrown, undistinguished, into the common mass. A different practice would amount to an evasion of the principle contemplated for, and to oppression. A rent, or annuity, liable before it passes, or in the act of passing, or at the moment of passing from one proprietor to another, to a deduction, or drawback, at the pleasure of the party from whom it is to pass, is an imaginary thing, destitute both of shape and substance. When a Government enters into contract with an individual, it deposes as to the matter of the contract, its Constitutional authority, and exchanges the character of legislator for that of a moral agent, with the same rights and obligations as an individual. Its promises may be justly considered as excepted out of its power to legislate, unless in aid of them. It is, in theory, impossible to reconcile the two ideas of a promise which obliges with a power to make a law which can vary the effect of it. This is the great principle that governs the question, and abridges the general right of the Government to lay taxes, excepting out of it a species of property which subsists only in its promise.

There are persons who, admitting the general rule, conceive a distinction to exist between a tax upon the funds, which must be paid at all events, and a tax upon alienations of them, which will only be paid when they are transferred from one to another. The latter they think justifiable, because it is in the option of the creditor to avoid the tax, by avoiding the alienation. But the difference between the two cases is only a difference in the degree of violation.

The stock, in its creation, is made transferable. This quality constitutes a material part of its value, and the existence of it is a part of the contract itself, to the Government, which has undertaken, itself, to conduct the operation of transferring by its own officers, and consequently at its own expense. It is as completely a breach of contract to derogate from this quality, in diminution of the value of stock, by encumbering the transfer with a charge or tax, as it is to take back, in the same shape, a portion of the principal or interest. It is obvious, too, that this may be carried so far as essentially to destroy the transferable capacity. But what is a tax upon transfers, other than the faculty of taking away from the actual proprietor of stock a portion of his principal, whenever his interests or his necessities demand a transfer, in derogation from the full enjoyment of the right to transfer, and from the express promise of the Government to pay to him or his alienee? For it is upon the seller, not upon the buyer, that such a tax will fall. And where is the substantial difference, on the ground of contract, between this and a direct tax upon the fund itself? The value of it is as certainly impaired by the one as by the other.

But shall the proprietor of money in the funds, then, be exempt from his proportion of the burdens which other citizens bear?

This will not be the consequence of the principle. As a consumer, of which his income is the instrument, he will pay his proportion of the taxes on consumption. As a holder of any other species of property procured by that income, or otherwise, which is liable to a tax, he must also contribute his proportion.

But, without undue refinement, the lender of money to the public may be affirmed to have paid his tax when he lends his money. Relying upon the engagement of the Government, express or implied, that he will receive what is promised him, without defalcation, he is content with a less interest than he would take if subject to any such defalcation, and especially if it was to be arbitrary as to its extent. In this lower rate of interest he may be truly said to pay his tax or to purchase an exemption from it.

Here, also, we find what is decisive on the point of expediency.

If the Government had a right to tax its funds, the exercise of that right would cost much more than it was worth. The money-lender would exact exorbitant premiums, not only as an indemnification for the use which the Government might probably make of its right, and which, in practice, would be likely to be qualified by some regard to equality of contribution, but as an equivalent for insurance against the risk or possibility of a more extensive use. Hence the Government would be likely to pay much more in premiums upon its Loans, than it would draw back in taxes; and the former being supposed but equal to the latter, there would be no advantage in exercising the right.

But it will be, perhaps, more safe to affirm, that there would be no borrowing at all upon such terms. The first precedent of a tax upon the funds might be expected to compel the Government to an express renunciation of the right in every future Loan. Solid capitalists would not be much inclined to adventure their money upon so precarious a footing as is implied in a power of taxing their credits.

These reflections lead readily to an estimate of the impressions which would be produced by the example of an imposition on the funds. Regarded either as a positive breach of contract, or as a deviation from the sound maxims of credit, the effect upon it would be nearly equally fatal. What ever might be excused to a time of revolution, to a defect of means, or to some extraordinary peculiarity of situation, no excuse would be admitted for a deliberate departure from principles, at a time, too, of national prosperity, in a flourishing state of the finances, after the foundations of a regular system had been laid. The departure would argue an incorrectness, an instability, or a depravity of views, calculated to give a lasting shock to Public Credit.

The United States must, henceforth, tread with the most cautious steps.

A renunciation of the right, in future, might not speedily heal the wound which an example of its exercise had given. Durable suspicion might fasten on the wisdom or the integrity of the

Government, which might occasion to it no inconsiderable loss and embarrassment, before a course of contrary experience would obliterate them.

The right of a Government to sequester or confiscate property, in its funds, in time of war, involves considerations analogous to those which regard the right of taxing them. Whether the foreigner be, himself, the original lender, or the proprietor of stock, in its constitution transferable without discrimination, he stands upon equal ground with the citizen. He has an equal claim upon the faith of the Government.

In the second case, as the substitute of the original lender, the promise made attaches immediately upon him. Indeed, the certificates which issue upon every transfer, and which may be called the public bonds, designate him as the creditor, and expressly invest him with the correspondent rights.

To sequester or confiscate the stock, is as effectually a breach of the contract to pay, as to absorb it by a tax. It is to annihilate the promise, under the sanction of which the foreigner became a proprietor.

But, does not the general right of war, to seize and confiscate enemy property, extend to the property of the citizens of one nation in the funds of another—the two nations being at war with each other?

Resorting to principle as the guide, this question may, on solid grounds, be answered in the negative. The right to seize and confiscate individual property, in national wars, excludes all those cases where the individual derives his title from the enemy sovereign or nation: for the right to property always implies the right to be protected and secured in the enjoyment of that property; and a nation, by the very act of permitting the citizen of a foreign country to acquire property within its territory, whether to lands, funds, or to any other thing, tacitly engages to give protection and security to that property, and to allow him as full enjoyment of it as any other proprietor—an engagement which no state of things between the two nations can justly or reasonably affect. Though politically right, that, in wars between nations, the property of private persons, which depend on the laws of their own country, or on circumstances foreign to the nation with which their own is at war, should be subject to seizure and confiscation by the enemy nation; yet it is both politically and morally wrong, that this should extend to property acquired under the faith of the Government, and the laws of that enemy nation.

When the Government enters into a contract with the citizen of a foreign country, it considers him as an individual in a state of nature, and contracts with him as such. It does not contract with him as the member of another society.

The contracts, therefore, with him, cannot be affected by his political relations to that society. War, whatever right it may give over his other property, can give none over that which he derives from those contracts. The character in which they are made with him, the faith pledged to him personally, virtually exempt it.

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The former, no less than the latter, would be inconsistent with the declaration that a State at war does not so much as touch the sums which it owes to the enemy, and that funds credited to the public are exempt from seizure. And, on full inquiry, it is believed that the suggestion, thus understood, is founded in fact.

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The United States are every way interested in the mitigation of the rigor of the ancient maxims of war. They cannot better demonstrate their wisdom, than by their moderation in this respect. Particularly interested in maintaining, in their greatest purity and energy, the principles of credit, they cannot too strictly adhere to all the relaxations of those maxims which favor the rights of creditors. No temporary advantage can compensate for the evils of a different course of conduct.

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The United States are every way interested in the mitigation of the rigor of the ancient maxims of war. They cannot better demonstrate their wisdom, than by their moderation in this respect. Particularly interested in maintaining, in their greatest purity and energy, the principles of credit, they cannot too strictly adhere to all the rights of those maxims which favor the rights of creditors. No temporary advantage can compensate for the evils of a different course of conduct.

Credit, public and private, is of the greatest consequence to every country. Of this, it might be emphatically called the invigorating principle. No well informed man can cast a retrospective eye over the progress of the United States, from their infancy to the present period, without being convinced that they owe, in a great degree, to the fostering influence of credit, their present mature growth. This credit has been of a mixed nature, mercantile and public, foreign and domestic. Credit abroad was the trunk of our mercantile credit, from which issued ramifications that nourished all the parts of domestic labor and industry. The bills of credit emitted, from time to time, by the different local Governments, which passed current as money, co-operated with that resource. Their united force, quickening the energies and bringing into action the capacities for improvement of a new country, was highly instrumental in accelerating its growth.

Credit, too, animated and supported by the general zeal, had a great share in accomplishing, without such violent expedients, as, generating universal distress, would have endangered the issue, that Revolution, of which we are so justly proud, and to which we are so greatly indebted.

Credit, likewise, may, no doubt, claim a principal agency in that increase of national and individual welfare since the establishment of the present Government, which is so generally felt and acknowledged, though the true causes of it are not as generally understood. It is the constant auxiliary of almost every public operation; has been an indispensable one in those measures by which our frontiers have been defended; and it would not be difficult to demonstrate, that, in a recent and delicate instance, has materially contributed to the safety of the State.

There can be no time, no state of things, in which credit is not essential to a nation, especially as long as nations in general continue to use it as a resource in war. It is impossible for a country to contend, on equal terms, or to be secure, against the enterprises of other nations, without being able equally with them to avail itself of this important resource; and to a young country, with moderate pecuniary capital, and not a very various industry, it is still more necessary than to countries more advanced in both. A truth not less weighty for being obvious and frequently noticed.

Public credit has been well defined to be, "a faculty to borrow, at pleasure, considerable sums on moderate terms; the art of distributing, over a succession of years, the extraordinary efforts, found indispensable in one; a mean of accelerating the prompt employment of all the abilities of a nation, and even of disposing of a part of the overplus of others."

This just and ingenious definition condenses to a point the principal arguments in favor of public credit, and displays its immense importance.

Let any man consult the actual course of our pecuniary operations, and let him then say whether credit be not eminently useful. Let him imagine the expense of a single campaign in a war with a great European Power; and let him then

pronounce whether credit would not be indispensable. Let him decide whether it would be practicable, at all, to raise the necessary sum by taxes within the year, and let him judge what would be the degree of distress and oppression, which the attempt would occasion to the community. He cannot but conclude, that war, without credit, would be more than a great calamity—would be ruin.

But credit is not only one of the main pillars of the public safety; it is among the principal engines of useful enterprise and internal improvement. As a substitute for capital, it is little less useful than gold or silver, in agriculture, in commerce, in the manufacturing and mechanic arts.

The proof of this needs no labored deduction. It is matter of daily experience in the most familiar pursuits. One man wishes to take up and cultivate a piece of land; he purchases upon credit, and, in time, pays the purchase money out of the produce of the soil improved by his labor. Another sets up in trade; in the credit founded upon a fair character, he seeks, and often finds, the means of becoming, at length, a wealthy merchant. A third commences business as manufacturer or mechanic, with skill, but without money. It is by credit, that he is enabled to procure the tools, the materials, and even the subsistence of which he stands in need, until his industry has supplied him with capital; and, even then, he derives, from an established credit, and increased credit, the means of extending his undertakings.

Among the circumstances which recommend credit, and indicate its importance in the whole system of internal exertion and amelioration, it is impossible to pass, unnoticed, its unquestionable tendency to moderate the rate of interest—a circumstance of infinite value in all the operations of labor and industry.

If the individual capital of this country has become more adequate to its exigencies than formerly, it is because individuals have found new resources in the Public Credit—in the funds to which that has given value and activity. Let Public Credit be prostrated, and the deficiency will be greater than before. Public and Private Credit are closely allied, if not inseparable. There is, perhaps, no example of the one being in a flourishing, where the other was in a bad, state. A shock to Public Credit, would, therefore, not only take away the additional means which it has furnished, but, by the derangements, disorders, distrusts, and false principles, which it would engender and disseminate, would diminish the antecedent resources of Private Credit.

The United States possess an immense mass of improvable matter; the development of it, continually making, may be said to enlarge the field of improvement as it progresses; and, though the active capital of the country has, no doubt, considerably increased, it is probable that it does not bear, at present, a much greater proportion to the objects of employment than it has done at any former period. Credit, upon this hypothesis, of every kind, is nearly as necessary to us now, as it ever was. But, at least, it may be affirmed, with

absolute certainty, that, to a country so situated, credit is peculiarly useful and important.

If the United States observe, with delicate caution, the maxims of credit, as well towards foreigners as their own citizens, in connexion with the general principles of an upright, stable, and systematic administration, the strong attractions which they present to foreign capital will be likely to insure them the command of as much as they may want, in addition to their own, for every species of internal amelioration.

Can it be doubted, that they would derive from this, in a course of time, advantages incomparably greater than any, however tempting, that could partially result from a disregard of those maxims, or from the exercise of a questionable right, which should even appear to derogate from them?

Credit is an entire thing. Every part of it has the nicest sympathy with every other part; wound one limb, and the whole tree shrinks and decays.

The security of each creditor is inseparable from the security of all creditors. The boundary between foreigner and citizen would not be deemed a sufficient barrier against extending the precedent of an invasion of the rights of the former to the latter. The most judicious and cautious would be most apt to reason thus, and would only look for stronger shades of apparent necessity or expediency to govern the extension. And, in affairs of credit, the opinions of the judicious and cautious may be expected to prevail. Hence the Government, by sequestering the property of foreign citizens in the public funds, at the commencement of a war, would impair, at least, if not destroy, that credit which is the best resource in war.

It is in vain to attempt to disparage credit, by objecting to its abuses. What is there not liable to abuse or misuse? The precious metals, those great springs of labor and industry, are also the ministers of extravagance, luxury, and corruption. Commerce, the nurse of agriculture and manufactures, if overdriven, leads to bankruptcy and distress. A fertile soil, the principal source of human comfort, not unfrequently begets indolence and effeminacy. Even liberty itself, degenerating

into licentiousness, produces a frightful complication of ills, and works its own destruction.

It is wisdom, in every case, to cherish whatever is useful, and guard against its abuse. It will be the true policy of the United States, to give all possible energy to Public Credit, by a firm adherence to its strictest maxims; and yet, to avoid the ills of an excessive employment of it, by true economy and system in the public expenditures; by steadily cultivating peace; and by using sincere, efficient, and persevering endeavors to diminish present debts, prevent the accumulation of new, and secure the discharge, within a reasonable period, of such as it may be, at any time, matter of necessity to contract. It will be wise to cultivate and foster Private Credit, by an exemplary observance of the principles of Public Credit, and to guard against the misuse of the former, by a speedy and vigorous administration of justice, and by taking away every temptation to run in debt, founded in the hope of evading the just claims of creditors.

As an honorable evidence of this disposition, and with a view to quiet the alarms which have been excited, and to silence, forever, a question which can never be agitated without serious inconvenience, the Secretary of the Treasury, in the last place, respectfully submits:

That there be an express renunciation, by law, of all pretension of right to tax the public funds, or to sequester, at any time, or on any pretext, the property which foreign citizens may hold therein. This will be particularly essential to the success of the plan for converting the foreign into domestic debt; as the present contracts for the Amsterdam and Antwerp debt contain an equivalent stipulation, and there is no prospect that the creditors would consent to a change, but upon the condition of a like stipulation.

In the commencement of this report, it was the intention to submit some propositions for the improvement of the several branches of the public revenue; but it is deemed advisable to reserve this part of the subject for a future communication. All which is respectfully submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

Public Credit.

Description of Debt.	Amount of principal of unfunded Debt.	Six per cent. stock.	Deferred stock.	Three per cent. stock.	Total amount.
Funded Domestic Debt, exclusive of balances due to creditor States, and the amount of said stock which had been purchased or redeemed on the last day of December, 1794	-	\$17,912,188 01	\$6,838,228 97	\$12,276,847 85	\$36,728,714 83
Funded Domestic Debt, to the credit of States, in pursuance of the act of Congress of May 31, 1794	-	2,846,056 00	1,172,528 00	708,816 80	4,221,100 80
Funded Domestic Debt, purchased and redeemed to the last of December, 1794	-	668,700 38	752,190 64	416,416 66	1,836,306 68
Total of Funded Domestic Debt	-	20,995,894 39	10,463,941 61	10,394,280 01	-
Funded Assumed Debt, exclusive of what had been purchased or redeemed on the last day of December, 1794	-	7,908,374 19	3,940,608 96	5,994,115 70	17,443,098 85
Funded Assumed Debt, which had been purchased or redeemed on the last day of December, 1794	-	212,462 04	119,808 88	96,444 97	428,715 89
Total of Funded Assumed Debt	-	8,120,836 23	4,060,417 84	6,090,560 67	-
Total of Funded Domestic Debt on the last day of December, 1794	-	29,046,730 62	14,523,362 45	19,484,840 68	63,054,936 75
Debt due to foreign officers, for the payment of which provision has been made, and which will pass to the credit of the Sinking Fund:	-	-	-	-	-
Principal, being	-	-	-	-	-
Interest from January 1, 1788, to December 31, 1790	-	-	-	-	-
Registered Debt, on the books of the Treasury, on which dividends have been made	\$167,816 40	186,988 28	-	22,488 58	209,426 81
Do on which no dividends have been made	42,381 69	111,877 60	55,988 80	80,806 95	198,028 85
Do on the books of Loan officers	4,894 85	2,929 90	1,464 95	2,089 35	6,484 20
Credit on the books of the Treasury	44,920 95	29,947 80	14,978 65	11,925 64	66,846 59
Loan Office certificates, bearing interest on a capital of \$43,500, the specie value being no more than	27,938 00	18,628 84	9,311 66	7,880 00	85,765 00
Loan Office certificates, bearing interest on the specie value	305,859 51	208,906 84	101,953 17	55,064 71	360,814 22
Final settlement certificates, payable to bearer, of all kinds	126,091 00	84,060 67	42,080 88	22,696 88	146,787 88
Indents of interest of all kinds	83,806 00	-	-	83,806 00	83,806 00
Unliquidated claims, as estimated	381,669 00	254,179 34	127,089 66	228,761 40	610,030 40
Estimated amount of the Domestic Debt, at the close of 1794, and of the stock which will be produced when the whole Debt has been funded	1,184,323 40	29,967,397 80	14,890,204 90	19,967,986 00	64,825,588 70

COMPTROLLER'S OFFICE, January 9, 1795.

OLIVER WOLCOTT, Jr., Comptroller.

Public Credit.

B.—The Government of France, in account current of principal with the United States.		
D₂	<i>Epoch of September 3, 1794.</i>	Livres. S. D.
To balance due the United States at the close of the year 1793, exceeding the interest and instalments then due		- 2,109,974 18 2
To payments made at the Treasury to May 15, viz:		
April 3	\$350	
May 15	20,000	
To payments at the Treasury on May 20 and June 4, viz:		
May 20	622 81	112,121 4 3
June 4	50,270 00	
To payments at the Treasury, from September 3 to October 30, 1794, at interest from September 3, when the whole sum was subject to the order of the French Minister, \$272,250, at 1815		- 1,500,000 0 0
		<u>4,002,497 5 5</u>
C₂	<i>Epoch of September 3, 1794.</i>	
By the eighth instalment, due on September 3, 1794, of the Loan of eighteen millions		- 1,500,000 0 0
By account of interest: for a balance of interest due on the 3d of September, on the remaining part of the Loan of eighteen millions		- 303,406 4 11
Balance due to the United States on September 3, 1794, arising from payments exceeding the interest and instalments demandable by France to that period		- 2,199,091 0 6
		<u>4,002,497 5 5</u>
D₂	<i>Epoch of November 4, 1794.</i>	
To balance due to the United States on September 3, 1794, brought down		- 2,199,091 0 6
To payments at the Treasury, from November 4 to 13th, 1794, to be at interest from November 4, when the whole sum was subject to the order of the French Minister, \$181,500, at 1815		- 1,000,000 0 0
		<u>3,199,091 0 6</u>
C₂	<i>Epoch of November 4, 1794.</i>	
By the eighth instalment, due on November 4, 1794, of the Loan of ten millions		- 1,000,000 0 0
By account of interest, for a balance of interest due on the 4th of November, on the remaining part of the Loan of ten millions		- 102,751 16 0
Balance due to the United States on November 4, 1794, arising from payments exceeding the interest and instalments then demandable by France		- 2,096,339 4 6
		<u>3,199,091 0 6</u>
D₂	<i>Epoch of December 31, 1794.</i>	
To balance due to the United States on November 4, 1794, brought down		- 2,096,339 4 6
C₂	<i>Epoch of December 31, 1794.</i>	
By account of interest, for a balance of interest due on the 31st of December, on the remaining part of the Loan of six millions		- 284,379 16 8
Balance due to the United States on December 31, 1794, arising from payments exceeding the interest and instalments demandable by France to that period		- 1,811,959 7 10
		<u>2,096,339 4 6</u>
To balance due to the United States on December 31, 1794, brought down		- 1,811,959 7 10
D₂	<i>Epoch of September 3, 1794.</i>	
To interest on the balance due to the United States at the close of the year 1793, being 2,109,974 livres, 18 sous, and 2 deniers, from January 1, 1794, to September 3 following, is eight months and two days, at 4.708 per cent. per annum, being an average of the interest payable on the French Loans, when obtained		- 66,748 11 6
To interest on 112,121 livres, 4 sous, 2 deniers, being payments at the Treasury to May		

Public Credit.

C and D—Continued—Statement of Loans effected at Amsterdam and Antwerp for account of the United States remaining unpaid on Dec. 31, 1794.

Amount of Loans at the same interest.	Guillens.	Description of Loans.	Guillens.
8,000,000	8,000,000	Of the Loan of 5,000,000, per contracts of June 11, 1782, at interest from June 1, 1794	8,000,000
1,000,000	1,000,000	Per contract of June 1, 1787, at interest from June 1, 1794	1,000,000
1,000,000	1,000,000	Per contract of March 18, 1788, at interest from June 1, 1794	1,000,000
8,000,000	8,000,000	Effectuated under the late Government	8,000,000
Per contract of February 1, 1790, at interest from February 1, 1794			
Per contract of March 2, 1791, at interest from March 1, 1794			
Per contract of December 14, 1791, at interest from September 1, 1794			
Being a reload of the first installment, due on June 1, 1798, on the Loan of 5,000,000, per contracts			
of June 11, 1782, at interest from June 1, 1794			
Per contract of April 10, 1794, at interest from January 1, 1794			
Effectuated under the present Government			
Amount of five per cent. Loans			
Four per cent. Loans effected at Amsterdam.			
To which add premiums and gratifications which will be payable on said Loan	2,000,000		
Per contract of March 9, 1784, at interest from February 1, 1794			
Effectuated under the late Government			
Per contract of December 24, 1791, at interest from January 1, 1794			
Of a loan of 3,000,000, per contract of August 9, 1792, at interest from June 1, 1794			
Effectuated under the present Government			
Amount of four per cent. Loans, including premiums and gratifications to amount of 467,500, upon which no interest will be payable, if the premiums shall be discharged within six months after having been drawn			
Four-and-a-half per cent. Loans effected at Antwerp.			
Of a Loan of 2,000,000, per contract dated November 80, 1791, at interest from December 1, 1794			
(Of this Loan, 950,000 have been suppressed)			
Effectuated under the present Government			
Amount of four-and-a-half per cent. Loan			
Amount at interest			
80,500,000			

COMPTROLLER'S OFFICE, January 6, 1795.

OLIVER WOLCOTT, Jr., Comptroller.

Public Credit.

O & D—Continued.			
Statement of one year's interest on the Foreign Loans effected on a contract of the United States, as due on the 31st of December, 1794.			
20,500,000	Guillens.	Dolla.	Cts.
Guillens.			
20,500,000	Guillens.		
amount of five per cent. Loans effected at Amsterdam			
2,050,000			
Guillens.			
amount of four and a half per cent. Loan effected at Antwerp			
92,850			
Guillens.			
7,950,000	Guillens.		
amount of four per cent. Loans effected at Amsterdam			
818,000			
Guillens.			
30,500,000	Guillens.		
amount at interest.			
467,500			
Guillens.			
amount of premiums and gratifications to be paid on a Loan of 2,000,000			
Guillens.			
30,947,500	Guillens.		
Guillens.			
amount to be paid for Loans effected at Amsterdam and Antwerp.			
Amount of one year's interest on the Dutch and Antwerp Loans			
1,485,250			
Guillens.			
Which, at 40 cents per guilder, is			
574,100 00			
Lierra. s. d.			
12,188,040 12 2			
balance due to the French Government, at 4.706 per cent. per annum, being an average of interest payable on the French Loan when obtained			
Lierra, 573,569 3 9			
Which, at 18.15 cents per livre, is			
104,103 80			
Amount of one year's interest on the foreign Loans, as due on the 31st of Dec., 1794			
\$673,103 80			

Statement of Interest payable on the Domestic Debt.

1st. Interest payable by the existing contracts on the Debt, as it stood on the last day of December, 1794:	
On six per cent stock	\$29,046,730 63
On the original capital of the debt to foreign officers	186,988 23
On three per cent stock	19,484,840 68
On the interest of the capital due to foreign officers to December 31, 1790	22,438 58
On the unfunded Debt, per statement	1,184,338 40
From which deduct indents of interest, which bear no interest	83,805 00
Unfunded Debt bearing interest	1,100,518 40, at 6 per ct.
	66,031 10
Total of interest payable annually, by the contract existing at the close of the year 1794	\$3,405,273 60
2d. Interest payable after the year 1800, on the principles of the contract existing at the end of 1794:	
On the deferred stock existing at the end of 1794, being	\$14,528,365 45, at 6 per ct.
	\$871,401 92
On the six per cent stock, as stated above	29,238,718 85, at 6 per ct.
	1,754,023 18
On the three per cent stock, as stated above	19,507,279 26, at 3 per ct.
	585,218 87
On the unfunded Debt, as stated above	1,100,518 40, at 6 per ct.
	66,031 10
Total of interest which would be payable after the year 1800, on the whole Domestic Debt, on the principles of the existing contract, at the end of 1794	\$3,274,674 53
3d. Interest which would be payable if the whole Domestic Debt was subscribed to the Loan:	
On six per cent stock	\$39,967,397 80, at 6 per ct.
	\$1,798,048 86
On three per cent stock	19,967,336 00, at 3 per ct.
	599,038 08

Public Credit.

Annual interest till the close of the year 1800	- 2,397,081 94
Interest on Deferred Debt, which becomes six per cent stock after the year 1800	- 893,413 29
Total interest which would be payable annually, after the year 1800, if the whole Debt was subscribed	- \$3,990,494 23

E.

View of Sinking Fund, according to plan proposed in the Report.

Present annual amount of Sinking Fund, supposing the investment of the residue of the surplus of revenue to the end of 1790, and of the arrears of interest on the debt to foreign officers, in the purchase of six per cent stock, at par, and exonerating the fund from the charge to which it is subject by the last section of the act making provision for the reduction of the Public Debt, viz:

Interest for a year on stock actually purchased and redeemed, to the last of December, 1794, and carried to the credit of the fund	- \$68,225 55
Interest for a year on the principal and arrears of interest, to the end of 1790, on the debt to foreign officers	- 11,892 44
Interest for a year on subsequent arrears of interest, not included in the above	- 1,547 05
Interest for a year on \$411,659 49, being the unexpended balance of surplus to the end of 1790	- 24,699 56
	- \$106,364 60

Interest for a year on the Loan Office certificates, bearing interest on the nominal principal which (these certificates being paid off as proposed) would accrue to this fund. Add this sum, to be appropriated out of the revenue from imports and tonnage, for the redemption of stock, bearing a present interest of six per cent, according to the fifth proposition in the report

The amount of two per cent on \$25,820,512 20, being the amount of stock unredeemed, bearing a present interest of six per cent, exclusive of State balances	- \$516,410 24
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Dividends on Bank stock, deducting interest on such instalments of the Loan of the Bank as had not accrued in the year 1794

Sum to be paid in addition thereto, on the 1st of January, 1796, out of the revenues from imports and tonnage, for reimbursement of the 4th instalment of the above Loan	- \$62,500 00
	- 137,500 00

Amount of annual instalments of \$2,000,000 had of the Bank of the United States, pursuant to the 11th section of the act of incorporation

	- \$200,000 00
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The surplus of the dividends on Bank stock will increase each year \$12,000; the interest, liberated by payment of each annual instalment of principal, and the sum to be paid out of the revenue, will annually decrease in the same ratio.

It will be, after the first year—	
On the 1st of January, 1797	- \$125,500
On the 1st of January, 1798	- 113,500
On the 1st of January, 1799	- 101,500
On the 1st of January, 1800	- 89,500
On the 1st of January, 1801	- 77,500
On the 1st of January, 1802	- 65,500

The yearly average of the sum successively payable out of the revenue from imports and tonnage, towards reimbursing the two million Loan, will be \$101,500 00. And the whole Loan being discharged on the 1st of January, 1803, the annual dividend on Bank stock will be liberated from the future payment of interest on the Loan, and will thenceforth yield to the Sinking Fund an annuity liable to the redemption of the deferred stock

Two per centum of \$12,478,827 96, the amount of unredeemed stock, which on the 1st of January, 1801, will bear interest at six per centum per annum, exclusive of State balances, and which will be payable on the 1st of January, 1802, is	- 152,500 00
	- 249,576 75

Public Credit.

Yearly interest, which, on the 1st of January, 1801, will begin to accrue to the Sinking Fund, in the deferred stock standing to its credit, is \$52,319 97. Further sum necessary for payment of the above two per centum

	- 197,256 78
	- \$249,576 75

This sum of \$197,256 78 will, in the years 1802, 1803, be payable out of the revenues from imports and tonnage. But the yearly dividends on Bank stock, free from charge after the 1st of January, 1803, being

	- \$152,500 00
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The sum thenceforth payable out of the revenues from imports and tonnage, for payment of said two per centum, will be

	- 44,756 78
Which, together with the yearly interest on deferred stock, being	- 52,319 97
	- \$249,576 75

Is equal to the amount of redeeming annuity of deferred stock, being

	- \$249,576 75
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Hence the permanent appropriations out of the revenue from imports and tonnage, for the redemption of the whole of the unredeemed funded stock, which now bears, and hereafter will bear, an interest of six per centum per annum, exclusive of the stock standing to the credit of certain States, pursuant to the report of the Commissioners, is

For that bearing a present interest	- \$408,134 64
For that bearing a future interest	- 44,756 78
	- \$452,891 42

Total annual extra appropriation to Sinking Fund, out of the revenues, exclusive of Bank dividends

	- \$452,891 42
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The whole of the stock bearing a present rate of interest, will, by this fund, be redeemed in something less than twenty-three years, and the interest then set free, to wit, in the year 1818, will be

	- \$1,631,259 72
To which add the further appropriation towards principal, as above	- 408,134 64
	- \$2,039,394 36

This annuity, applied to payments or purchases of the Foreign Debt, on a calculation of five per cent interest, would, by the 1st of January, 1824, extinguish that Debt, and yield a surplus of

	- \$122,502 29
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The whole of the stock bearing a future interest of six per cent., will, by the fund to be applied to it as above, be also redeemed in something less than twenty-three years from the time of commencing the redemption, that is, by the year 1824, and the interest then set free on that stock, will be

	- \$801,050 24
The sum appropriated towards the redemption, then also set free, is	- 197,256 78
To which, add the sum liberated by the redemption of the present six per cent. stock	- 2,039,394 36
And the interest on \$13,745,379 35, being the amount of the Foreign Debt extinguished as above	- 638,480 58
	- \$3,676,181 96

There will, therefore, be an annuity of

	- \$3,676,181 96
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Thus will the whole of the Foreign Debt be extinguished by the year 1824, and the Sinking Fund will then possess an annuity of

	- \$3,676,181 96
And a sum, in gross, of	- 122,502 29
	- \$3,798,684 25

Together

	- \$3,798,684 25
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Which, in two years, would more than pay off the whole of the balances to creditor States, and the whole of the unfunded Debt, if not sooner discharged.

So that, supposing the proceeds of the Western lands to be sufficient, by the same time, to redeem the three per cent. stock, the whole of the present Debt of the United States, foreign and domestic, funded and unfunded, may be redeemed by the operation of the provision proposed by the fifth proposition, by the year 1826; and there would revert to the United States a yearly revenue of \$4,435,320 89.

TEASURY DEPARTMENT, January 17, 1795.

ALEXANDER HAMILTON.

NOTE.—The calculations in this statement would require, to assure their perfect accuracy, a revision; but it is certain, that any errors it may contain, will be too inconsiderable to affect any important result.

Public Credit.

F.—Comparative view of annual current Revenue and Expenditure.

CURRENT REVENUE		Permanent revenue.
Nett duties on imports and tonnage, as ascertained 1793 per account of receipts and expenditures for that year		
Add product of additional duties on imports laid by the acts of the 5th and 7th of June, 1794, computed on the importations of 1793		1,091,873 32
Deduct for extra drawbacks, which would become payable after the year 1793, in consequence of extra importations of certain articles in that year, which were re-exported		1,500,000 00
Deduct amount of temporary duties on imports		1,479,626 91
		2,978,626 91
Permanent duties on imports and tonnage		
Duties on spirits distilled within the United States, and upon stills		4,198,791 67
Nett duties on postage of letters, as ascertained in 1793,		400,000 00
Patent fees, as they accrued in the same year		29,722 16
Dividends of Bank stock beyond the interest payable to Bank in 1793		660 00
Add interest of two instalments, which, being paid off, will increase the dividend		38,500 00
		24,000 00
Total permanent revenue		62,500 00
Duties on imports, as stated above		4,692,673 83
Estimated product of duties on snuff manufactured, and sugar refined within the United States, carriages for the conveyance of persons, licenses for selling wines and spirits at retail, sales at auction		1,479,626 91
		380,000 00
Total temporary revenue		1,859,626 91
Total annual current revenue		6,552,300 74

CURRENT EXPENDITURE.

Interest on Foreign Debt as stated	678,102 80
Deduct interest on instalments of Foreign Debt for 1795, to be paid out of the proceeds of Foreign Loans	39,622 22
Interest on funded Domestic Debt	638,480 58
Interest on unsubscribed Debt, computed according to contract	2,339,241 50
	66,031 10
Interest on temporary Loans, for anticipating the revenue	3,042,753 18
Expenses of the Civil Department, including foreign intercourse	100,000 00
Expenses of the Military Department	475,249 53
Including pensions to invalids	1,311,975 29
Expenses of the Naval Department for a year	85,357 04
Expenses of light-houses and other establishments for the benefit of navigation	1,397,332 33
	411,508 80
Excess of revenue beyond the expenditure	24,000 00
	5,481,843 84
	1,070,456 90
	6,552,300 74

TREASURY DEPARTMENT, January 17, 1796.
ALEXANDER HAMILTON, Secretary of the Treasury.

Public Credit.

SUPPLEMENT TO STATEMENT F.

View of the probable produce of the additional duties on imports laid by the act of June 7, 1794.

Articles on which duties are laid by the act of June 7, 1794.	Amount imported in 1793.	Amount imported in 1794.	Rate.	Amount of duties calculated on importation of the two years.
Coffee, pounds	3,566,441	34,458,178	At 1 cent	1792. 885,664 41
Cocoa, pounds	530,169	1,455,408	At 2 cents	1793. 334,456 16
Refined sugar	235,680	400,000	At 5 cents	20,000 00
Clayed sugar	91,287	3,739,775	At 1 cent	37,397 75
Miscellany, being smaller enumerated articles			Various	31,424 18
Articles to which 5 per cent. is added, value	4,882,118 51	4,882,118 51	5 per cent.	241,605 92
Articles to which 2½ per cent. is added, value	15,510,183 81	15,510,183 81	2½ per cent.	387,754 59
				769,048 85
				1,091,873 32

Difference between 1792 and 1793, is \$322,833 47, which may be justly considered as an extra importation, depending on peculiar and known circumstances of the war in Europe, and which, in all probability, will be wholly drawn back on exportation.

The proceeds of these duties may therefore be thus stated:

Amount computed on the importation of 1793
Deduct for usual drawbacks on exportation and expenses of collection, 10 per cent. - \$769,048 85
Probable nett annual product of additional duties - \$692,143 97

It is to be observed, however, that the considerable additions made upon the miscellaneous articles, and upon refined sugar, will probably have prohibitory effect, and that the items relative to them cannot be much counted upon.

Result, in the year 1796, according to 5th proposition.

Surplus of revenue brought forward	\$1,070,456 90
Increased interest on Foreign Debt	\$67,291 89
Interest on new emission	4,528 70
Ten per cent. of arrears of unfunded interest, including indents	48,309 53
Yearly instalment on account of \$1,000,000 Loan for foreign interest	200,000 00
Appropriations for Sinking Fund, viz:	
Dividends of Bank stock	\$62,500 00
Sum payable out of imports and tonnage for redemption of six per cent. stock	408,134 64
Sum payable on the 1st of January, 1796, towards reimbursing of Bank Loan	137,500 00
	608,134 64
Balance, being excess of revenue beyond expenditure	928,364 76
	\$143,193 14

It appears by statement F, that these extra appropriations will, in the progress of the operation, be reduced; and that, including a provision for the redemption of the deferred Debt, the permanent charge on the revenue (exclusive of Bank dividends) for the Sinking Fund, will be no more than \$452,891 42.

IMPROVEMENT OF THE REVENUE.

[Communicated to the House of Representatives, February 2, 1796.]

THE SECRETARY OF THE TREASURY respectfully makes the following report to the House of Representatives:

According to the present laws, imposing duties on articles imported into the United States, not much short of one-third of the whole amount of the duties is derived from articles rated *ad valorem*.

In other nations, where this branch of revenue, as with us, is of principal or very considerable consequence, and where no peculiarity of situation has tended to keep the rates of duty low, experience has led to contract more and more the number of articles rated *ad valorem*, and of course to extend the number of those rated specifically, that is, according to weight, measure, or other rule of quantity.

The reason of this is obvious. It is to guard against evasions which infallibly happen, in a greater or less degree, where duties are high. It is impossible for the merchants of any country to have manifested more probity than those of the United States, on this subject; and it is firmly believed, that there never was one in which illicit practices, to the disadvantage of the revenue, have obtained so little as hitherto in this; yet, it would be a delusive expectation, that, with duties so considerable as those which now exist, a disposition will not be experienced, in some individuals who carry on our import trade, to evade the payment of them, and this to an extent sufficient to make it prudent to guard with circumspection, and by every reasonable precaution against the success of such attempts. It is needless to repeat, that this will contribute as much to the interest of the fair trader as to that of the revenue.

It is believed that, in our system, the method of rating *ad valorem* could, with convenience, be brought within a much narrower compass; and it is evident that, to do so, will contribute materially to the security of the revenue.

The Secretary has not hitherto had leisure to digest the details of a plan for this purpose; but, if the idea is approved, it can be carried with due accuracy into effect, at a future session, by an order upon the Head of this Department to prepare, in the mean time, a tariff proportioned to the actual rates of duty.

It may also be found expedient, with a similar view, to adjust anew the proportional rates of duty, of different kinds or qualities, of certain articles. This observation is believed to apply, with particular force, to teas. It would be, in the opinion of the Secretary, advisable to throw them into three classes; to raise somewhat the lowest rate, and to diminish considerably the higher rates. A persuasion is entertained, founded partly upon observation of the course of importations, that a revaluation of this kind would benefit the revenue. The same thing might be conveniently extended to some other articles.

Advantages will also accrue from a readjustment of the rates, in certain cases, by combining several rates on the same articles, established by different acts into one rate, and by dismissing inconvenient fractions, which serve to perplex the calculation of the duties. Some alteration in the terms of credit for duties may, it is conceived, be made with advantage. Where four months are allowed, three and six months may be substituted; and three, six, nine, and twelve, or even three, six, nine, twelve, and fifteen, to the cases of six, nine, and twelve months. This will apportion the course of receipts more according to the course of payments, and prevent inconvenient pressures at particular junctures.

The compensations to inspectors, especially in the ports, where the expense of living is great, and to collectors and surveyors in the less productive ports, urgently demand revision, in order to an increase of them.

The security of the revenue, in every branch, turns (it will not be too strong to say) principally upon the officers of the lowest grade. Hence, it is a policy no less mistaken than common, to leave those officers without such compensations as will admit of a proper selection of character, and to prevent the temptation, from indigence, to abuse the trust. It is certain that, in many places, the present allowance to inspectors, on the most liberal application of it, is inadequate to those important ends.

A similar reasoning will apply to those officers of the principal grades, who, being in districts which produce little, are ill compensated by the emoluments to which they are at present entitled. It cannot escape, that the safety of the revenue must depend on equal fidelity and due vigilance in all the districts; else it may become in many cases, worth the while to resort to particular districts, because there is a deficiency of the one or the other. Besides, that it is in itself just and proper, that all who are in the public service should receive adequate rewards for their time, attention, and trouble.

The aggregate expense of collecting the duties on impost and tonnage, is at present truly moderate—a circumstance which facilitates the extension of allowances where they are necessary. The system of the revenue cutters needs revision. The utility of every institution depends on the competency of the agents who are to execute it. The present compensations to officers and men, compared with what may be obtained in other similar employment, unaided by collateral motives, creates a degree of embarrassment which very much impairs the usefulness of the thing. It would have been, in the judgment of the Secretary, a great mean of rendering it competent to its object, if, as was early suggested by him, the officers of the customs had had rank in the Navy of the United States.

With regard to that branch of revenue which is constituted by the duties upon spirits distilled within the United States, and upon stills, it is believed that it would be an improvement, and one which could be now made without inconvenience.

ence, to abolish the option to pay by the gallon, of the spirits distilled, in the cases where the duties are charged on the stills. This will leave the alternative of paying by the year, or for less periods, upon licenses, at the choice of the party; an alternative which affords sufficient accommodation to the difference of circumstances. The option to pay by the gallon, of the spirits distilled, according to an account to be rendered on the oath of the party, though expedient in the first experiment of the law, is objectionable, as a permanent regulation, in a double view.

The additional discretionary latitude given to compensations to the officers concerned in the collection of those duties, is restricted to a term which will expire at the end of the next session of Congress. It will be essential to extend it, or to fix the compensations which shall have been allowed. It is believed that further experience will still be useful towards a definite Legislative adjustment.

Embarrassments are experienced from the want of a concurrent authority in these officers, similar to that of the officers of the customs, to make seizures within each other's surveys and divisions. On the borders of such as are adjacent, the officers are exposed to hazard in making seizures, and better opportunities are afforded of escaping detection.

The revenue to result from the act of the last session, laying duties upon licenses to retailers of wines and distilled spirits, may be improved, favorably to proportional equality, by changing the form.

One license, for selling one or more kinds of wines, puts the greatest and the smallest dealer upon the same footing, and is so far inequitable. To class wines into a few obvious and strongly marked discriminations, and to render a license necessary for each class, with a duty upon each license, would favor a just distribution of the tax among great and small dealers, and would, at the same time, benefit the revenue. The classes may be as follows: 1st. Madeira wine. 2d. Sherry wine. 3d. Port wine. 4th. Other wines.

To secure the effect of the discrimination in favor of small dealers, who may be in the practice of selling and sending out different kinds of wines in small quantities, it may be provided that not more than one license shall be necessary to any dealer, who never sells or sends out at any one time more than three gallons. And suitable penalties may be annexed to guard the condition of the exemption.

Similar observations are applicable to licenses to retailers of spirituous liquors. These may be thrown into three classes: 1st. Spirits distilled from the grape, commonly called brandy. 2d. Spirits distilled from the produce of the sugar cane, commonly called rum. 3d. Other distilled spirits; and there may be a like provision in favor of dealers who never sell or send out more than three gallons at one time.

Distillers may be put, in this respect, as to the spirits they distill, upon the same footing with importers; that is, they may be exempt from

the license duty; but it would seem proper to annex these conditions to the exemption, that they shall not sell and send out a less quantity, in one cask, vessel, or package, than ten gallons; and that they shall not deal in the selling at retail of any other spirits than those they themselves distill.

Or, another rule may be adopted, for proportioning the tax to the extent of the dealing; which is, to add to the present rate of the license certain supplemental rates, according to the yearly rent of yearly value, by appraisement, of the house or building in which the retailers of wines or spirituous liquors shall carry on the business.

This has been found, in practice, a convenient and, upon the whole, an equitable rule of proportion; evidently more so than one license with the same duty to all dealers indiscriminately.

It is a general and a wise national policy, to make these articles of wine and spirits as contributory to the revenue as they can be made; which can only be effected by subdividing the duties upon them in the different stages of their passage to the consumer. The branch under consideration might be an important one. As it is now regulated, it is feared that it may prove of considerable consequence. The confining of the licenses for selling spirituous liquors to foreign spirits, must give great facility to evasions. And it has an unequal operation upon different portions of the community.

It would promote the object of the act, which imposes duties on sales at auction, to allow two-and-a-half per centum to each auctioneer, in lieu of the one per centum allowed by the ninth section of that act. It is believed that the present allowance is insufficient to defray the expense of clerkship incident to a compliance with the requisitions of the law, which cannot be rendered less particular or exact without prejudice to the revenue.

The tax upon snuff, according to a rate per pound, will be liable to very great evasions, without regulations for a close inspection of the course of the business. Dispensing with these, it seems advisable to modify the tax upon a different plan. The proposition to lay it upon the mortar is as good a substitute as has occurred. It appears, upon evidence which is credited, that a snuff mill usually works about one half the year; that is, one hundred and fifty-six working days in a year; and yields, per mortar, of the whole number of mortars contained in a mill, an average of forty-five pounds of snuff per day. It follows, that five hundred and sixty-one dollars and sixty-six cents per mortar, per annum, is the equivalent of the present duty of eight cents per pound. There are objections to this form of the tax; but, as it appears to be generally desired by the manufacturers, it seems advisable to forego them; especially as the present plan demands far more rigorous precautions for the effectual collection of the duty than now exist, or than would be deemed expedient.

A similar difficulty attends the tax upon refined sugar; but a proper substitute for the present plan is not perceived. It will fortify the revenue,

and produce no undue inconvenience to the manufacturer, if he be required to annex a ticket or tickets to each loaf of sugar, specifying the weight in pounds; and to each cask, barrel, keg, box, or other package of refined sugar, specifying the contents and weight in pounds, corresponding certified or tickets to accompany imported refined sugar. The kinds of tickets to be furnished by the respective supervisors, and accounted to for them. The observance of this regulation to be secured by proper penalties.

The act which lays a duty on carriages for the conveyance of persons, exempts from the duty carriages usually and chiefly employed in husbandry, and in carrying commodities. It is a material defect in this act, as has been already experienced, that it provides no summary mode for determining what carriages are within the exempting description. Now, every disputed case must be the subject of a suit in all the legal forms, which is equally objectionable on the score of delay and expense. It is not perceived that any insurmountable difficulty lies in the way of providing a remedy consistently with a due deference, in the last resort, to the Judiciary authority.

In revenue laws, too much is as great a fault as too little simplicity. It leaves them unprovisional—incapable of execution in a manner convenient either to the public or to individuals. The acts imposing duties on licenses for selling wines and spirituous liquors at retail, and upon sales at auction, authorize allowances not exceeding two-and-a-half per cent. for compensation to officers, and for incidental expenses. The acts laying duties upon carriages for the conveyance of persons, and upon snuff and refined sugar, make no provision for such compensations, or other expenses of collection. It is the opinion of the Secretary that the rate of two-and-a-half per cent. in the two first mentioned acts is inadequate—that it ought to be extended to five per cent., and that an equal provision should be made for the expense of collection under the two last-mentioned acts.

The restrictions upon officers of the customs, and upon the supervisors and other officers of inspection, with regard to the Public Funds, appear to the Secretary unnecessary and inconvenient—unnecessary, because those officers, having no concern whatever with any branch of public business that respects the management of the funds, can have no official influence upon the policy or execution of the measures which regard them, further than by a punctual collection of the revenues—inconvenient, because it deprives them of a mean of investing any little sums they may save or acquire, in a mode very convenient to men who, from situation, are less liable to avail themselves of other opportunities. If the being stockholders can have any influence upon them as officers, it must be of a kind favorable to the public service, by increasing their personal interest in the exact collection of the revenue. If the idea which dictated the restrictions was, that they might use the public money in speculations in stock, the answer is, that this is not in their power; from the rapidity with which it is transferred to the Treasury: and if it

were practicable for them to divert the public money, and a disposition to do it should in any case exist, it might operate through other channels. In lieu of the restrictions concerning the funds, the employment of public money for private purposes may, if thought necessary, be still further guarded against by penalties. Those restrictions in reference to the immediate officers of the Treasury Department and the Commissioners of Loans are entirely proper, and ought to be maintained; but it is believed that it is not only useless, but injurious, to give them greater extension. The multiplication of restrictions on the public officers will render greater compensations necessary, and be a source of expense to the public.

All which is respectfully submitted.

ALEXANDER HAMILTON,
Secretary of the Treasury.

TREASURY DEPARTMENT, January 31, 1795.

NOTE.—Since the conclusion of this Report, the Secretary has learnt that a bill (the progress of which his peculiar situation had prevented his observing) has actually passed the two Houses, for changing the terms of six, nine, and twelve months, into eight, ten, and twelve. This bill, besides interfering disadvantageously with arrangements of the Treasury, founded upon the existing provisions of the laws, will, it is apprehended, tend to increase an inconvenience which the above suggestions are meant to lessen—the too great concentration of mercantile payments. Any accidental derangement of the mercantile body from overtrading or other cause would, in this situation, endanger consequences to the Treasury which it might be difficult to meet by other expedients; whereas, a subdivision into shorter and more numerous periods, by diminishing the effect, would admit, in such cases, of an easy substitute. The merchants themselves are particularly interested in this question; for the reaction upon them of any embarrassment of the Treasury might render that a general and lasting mischief which might otherwise have been only a partial and transient disorder.

THE NATIONAL DEFENCE.

DEPARTMENT OF WAR, December 10, 1794.

SIR: In obedience to the orders of the President of the United States, I have the honor to submit to the House of Representatives a statement of such difficulties and inconveniences as have occurred in the execution of the act, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

I have the honor to be, with great respect, your obedient servant,

H. KNOX, Secretary of War.

The SPEAKER of the House of Representatives of the U. S.

The SECRETARY OF WAR, in obedience to the orders of the President of the United States, respectfully submits the following statement of such difficulties and

inconveniences as have occurred in the execution of the act, entitled "An act more effectually to provide for the national defence by establishing a uniform militia throughout the United States."

That a difficulty of primary importance appears to oppose the execution of the first section of the before-recited act. The militia are requested to arm and equip themselves at their own expense, but there is no penalty to enforce the injunction of the law.

The subscriber is informed that several States have passed auxiliary laws to the act of Congress. The laws of the following States upon this subject are in his possession, to wit: Massachusetts, New Jersey, Pennsylvania, Maryland, and North Carolina.

The penalties by these for non-equipment and armament appear to be according to the following extracts:

Massachusetts—passed June 23, 1793.

"And be it further enacted by the authority

aforesaid, That every non-commissioned officer or private of the infantry who shall neglect to keep himself armed and equipped as aforesaid, or who shall on a muster-day, or at any other time of examination, be destitute of, or appear unprovided with the arms and equipments herein directed, (except as before excepted,) shall pay a fine not exceeding twenty shillings, in proportion to the articles of which he shall be deficient, at the discretion of the Justice of the Peace before whom trial shall be had. And all parents, masters, and guardians, shall furnish those of the said militia who shall be under their care and command, with the arms and equipments before-mentioned, under the like penalties for any neglect. And whenever the Selectmen of any town shall judge any inhabitant thereof belonging to the militia unable to arm and equip himself in manner as aforesaid, they shall, at the expense of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expense of which they shall be provided. And if any soldier shall embezzle or destroy the arms and equipments with which he shall be furnished, he shall, upon conviction before some Justice of the Peace, be adjudged to replace the article or articles which shall by him be so embezzled or destroyed, and to pay the cost from the process arising against him. And if he shall not perform the same within fourteen days after such adjudication, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labor for such term or time as shall, in the discretion of the said Justice, be sufficient to procure a sum of money equal to the value of the article or articles so embezzled or destroyed, and pay cost arising as aforesaid."

New Jersey—passed June 5, 1793.

"And if any such militiaman shall appear, when called out to exercise or into service, without a musket or rifle, he shall forfeit and pay the

sum of three shillings and ninepence, and for want of every other of the aforesaid articles, six pence. Each and every man so enrolled as aforesaid, and providing himself with the arms, ammunition, and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or the payment of taxes: *Provided always*, That whenever the majors of any battalion shall judge any person enrolled therein unable to arm and equip himself as aforesaid, such person shall not be subject to any fine for not arming; anything herein contained to the contrary notwithstanding."

Pennsylvania—passed April 11, 1793.

"*Provided always*, That whenever the field-officers of any regiment shall judge any person enrolled therein unable to arm and equip himself as aforesaid, such person shall not be subject to any fine for not arming; anything herein contained to the contrary notwithstanding."

It does not appear that any specified penalty is imposed by this act on persons neglecting to arm and equip themselves.

Maryland—passed at November Session, 1793.

"And any non-commissioned officer or matron, in the artillery, and any non-commissioned officer or dragoon, who shall so refuse or neglect to attend on any of the said days, armed and accoutred as aforesaid, (except as before excepted,) shall forfeit a sum not exceeding two-thirds of a dollar per day: and all other non-commissioned officers and privates who shall refuse or neglect to attend, armed and accoutred as herein before directed, (except as before excepted,) shall forfeit and pay one cent per day, unless excused, for appearing without arms and accoutrements, by the commanding officers of their respective companies for the day."

North Carolina—passed July 18, 1794.

"And every non-commissioned officer and private who shall fail to appear on the said occasions, shall forfeit for every such failure or neglect, ten shillings; or if appearing, he be not armed and provided in a manner as directed in this act, shall, for such deficiency, forfeit and pay five shillings. And if the officers of a company, or any two of them, after an examination upon oath, shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with the arms, ammunition, and accoutrements required by this act, they shall make report thereof to the next battalion court-martial, as the case may be, who may, if it should appear necessary, exempt such person or persons from the fines and forfeitures by this act imposed, until such arms and accoutrements shall be provided and delivered him or them by the court martial, who shall take security for the safe-keeping of such arms and accoutrements, to be returned when required."

But it is certain that, were the penalties greatly enhanced, an insuperable difficulty would occur in obtaining the requisite number of arms in any

The Mint.

Preservation of Peace with the Indians.

3. That all persons who shall be assembled or embodied in arms on any lands belonging to Indians out of the ordinary jurisdiction of any State, or of the Territory South of the Ohio, for the purpose of warring against the Indians, or of committing depredations upon any Indian town, or persons, or property, shall thereby become liable and subject to the rules and articles of war, which are or shall be established for the government of the troops of the United States." This was a session of a bill which the Senate passed the last session, entitled "An act for the more effectual protection of the Southwestern frontiers," but it was disagreed to by the House.

It seems that our own experience would demonstrate the propriety of endeavoring to preserve a pacific conduct in preference to a hostile one with the Indian tribes. The United States can get nothing by an Indian war, but they risk men, money, and reputation. As we are more powerful and more enlightened than they are, there is a responsibility of national character, that we should treat them with kindness and even liberality. It is a melancholy reflection, that our modes of population have been more destructive to the Indian natives than the conduct of the conquerors of Mexico and Peru. The evidence of this is the utter extirpation of nearly all the Indians in most populous parts of the Union. A future historian may mark the causes of this destruction of the human race in sable colors. Although the present Government of the United States cannot, with propriety, be involved in the opprobrium, yet, it seems necessary, however, in order to render their attention upon this subject strongly characteristic of their justice, that some powerful attempts should be made to tranquilize the frontiers, particularly those South of the Ohio. The situation of the settlements on Cumberland loudly demands the interference and protection of Government. It is true some unauthorized offensive operations have proceeded from thence against the lower Cherokee towns, and victims were sacrificed. Whether these victims were all warriors, or whether women and children were not involved in the destruction, seems to merit inquiry.

Upon the most mature reflection, the subscriber has been able to bestow upon this subject, arising from the experience of several years' observation thereof, he humbly conceives all attempts to preserve the peace with the Indian tribes, will be found inadequate, short of an arrangement somewhat like the following, to wit:

1. That a line of military posts, at such distances as shall be directed, be established upon the frontiers within the Indian boundary, and out of the ordinary jurisdiction of any State, provided consent can be obtained for the purpose from the Indian tribes; that these posts be garrisoned with regular troops under the direction of the President of the United States.

2. That if any murder or theft be committed upon any of the white inhabitants, by an Indian known to belong to any Indian nation or tribe, such nation or tribe shall be bound to deliver him or them up to the nearest military post, in order to be tried and punished by a court-martial, or in failure thereof the United States will take satisfaction upon the nearest Indian town belonging to such nation or tribe.]

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reasonable period. The numbers comprehended in the act, from eighteen to forty-five years of age, inclusively, deducting the exempt and mariners, may be estimated probably at about four hundred and fifty thousand men. Of these, probably not one hundred thousand are armed as the act requires, although a greater number might be found of common and ordinary muskets without bayonets. The deficiency cannot be supplied from Europe, under the present circumstances. The only solid resource to obtain a supply, is the establishment of manufacturing in each State.

The deficiency of arms cannot be more forcibly exemplified than that, to arm the militia lately called into service, estimated at fifteen thousand, the number of ten thousand arms have been issued from the public Arsenal. Loss and injury must be expected to arise upon the articles issued. No adequate provision appears to be established by the act for securing the obedience of the militia to the call of the Executive of the United States. It would seem essential that any law which the Congress should pass upon the subject of the militia should contain within itself all the necessary provisions for its complete execution.

The late experiment proves, at least in some parts, that the laws were inefficient; and had it not been for voluntary zeal which came to its aid, the community might have experienced great evils. It would appear to be essential, that when the militia are in actual service, they ought to be bound by the military code of the United States. The enrolment of men of the ages specified in the act, notwithstanding the exemptions; holding them responsible for military service, and enforcing the same, appears to be a circumstance which may operate injuriously to the industry and convenience of the community.

Of the returns enjoined by the tenth section of the said act, the following only have been received:

STATE.	From act to forty.	Forty to sixty.	Total.
Massachusetts	54,428	22,319	77,247
Connecticut	-	-	16,851
New Jersey	-	-	25,887
Georgia	-	-	10,120

Whether the act in question is susceptible of such alterations and amendments, on its present principles, as will secure the advantages to be derived from a well-organized militia, or whether a limited, but a select and efficient corps of militia formed on a principle of rotation or otherwise, and taken from the classes least injurious to the industry of the community, would not better fulfil that object, and, at the same time, better comport with economy, are questions which the wisdom of Congress alone is competent to decide. All which is submitted.

H. KNOX, Secretary of War.
DEPARTMENT OF WAR, December 10, 1794.

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beg leave to make a statement of the effect of their inquiries, under the following heads:

1. The officers of the institution, and their actual duties.
2. The present state and progress of the works.
3. The expenses attending the institution to this time.
4. The improvements yet necessary to render the institution beneficial to the United States.
5. The stock now on hand.
6. The quantity of coin that may be produced when the works are complete.
7. The keeping of the accounts, with the checks necessary to prevent peculation.

1. As to the Officers of the Mint, and their actual duties.

The Director, whose duties, besides those contained in the act instituting the Mint, are the general superintendence of the whole business, in all its various departments, the making or approving of all contracts and purchases relative to the improvements, buildings, machines, and whatever may be thought necessary for promoting the utility of the Mint; and, lastly, to inspect all receipts and issues of the Mint, with the accounts of the expenditure, and to draw warrants for the same.

The Assayer.—He assays all metals brought to the Mint, and reports their respective qualities to the Treasurer for his direction. He attends and inspects the Melters and Refiners, and has charge of the bullion jointly with the Treasurer and Chief Coiner. He has, hitherto, also had the care of the melting and refining all the precious metals that have come to the Mint.

The Chief Coiner prepares all the necessary machines belonging to the different branches of coining the several metals directed by law; works all the ingots received from the Melters and Refiners into a proper state for coining, and, when completed, delivers them over to the Treasurer; and, lastly, oversees all the different workmen employed in the coining, and keeps them in their duty.

The Engraver, whose actual duties are the raising and furnishing all punches that are requisite for the completion of the dies, the engraving and sinking all original dies, and raising all hubs that are struck out of them. He has an assistant occasionally, as the business is urgent.

The Treasurer, whose duty it is to take charge of all bullion received or deposited in the Mint for coining. He delivers it out as wanted for working, and receives in return all the coins as they are completed from the Chief Coiner. He registers all the qualities of the metals as reported by the Assayer, and pays out all the coins, when completed, on the warrants of the Secretary of the Treasury and Director, makes all payments on account of the Mint, and renders his account every three months to the Treasury of the United States.

The Clerks.—At present there are three clerks; one of them performs all writings relative to the Mint, required of him by the Director and Assayer.

er, makes out all orders of the Director, and keeps regular entries of the same. He keeps an account of all bullion received and delivered by the Assayer, acting in the capacity of refiner, and does such out-of-door business, for the use of the Mint, as is required of him by the Director or Assayer. He also keeps an account of the workmen employed, pays them their wages, and procures the necessary materials.

One other is clerk to the Chief Coiner, whose duty it is to keep an account how much and what metal is received by the Chief Coiner from the Treasurer, and of the sum returned in coin. He weighs out daily, the several metals to the proper workmen, and receives it back at night, by weight of which he keeps the proper entries. He makes out the pay rolls for the Director's inspection, on which warrants on the Treasurer are based. He is present at the payment of the workmen, and takes their receipts. He also keeps the accounts of the contingent expenses attending the institution.

The remaining clerk belongs to the Treasurer, and keeps all accounts relative to his receipts, issues, and expenditures, whether of bullion, coin, or payments. He also weighs the bullion in the first instance, registers the quantity of alloy, and counts the coin issued from the Mint. Each clerk receives a salary of \$500 per annum, except the Treasurer's, who receives from the Director, out of his own salary, an addition of \$300 per annum.

2. The present state and progress of the works.

The houses are built on three lots of ground, in Seventh street, between Market and Arch streets, the fee simple of which is vested in the United States, and one in the Northern Liberties, taken by the Director, on a lease of five years, at the trifling rent of 5 shillings per annum.

The works consist of two rolling machines, one for hot and the other for cold metal, worked by four horses, and requiring five hands constantly to attend them while in operation. There is a third, nearly completed, to be appropriated to the purposes of equalizing the strips for cutting the planchottes, and are worked by the same hands as are last mentioned. Three cutting presses for the planchettes of larger and smaller coins, which are worked by one man each. A milling machine, which is intended to be worked by the horse mill, but at present requires one hand. Three coining presses, with the improvement for supplying and discharging themselves by machinery. Six hands will attend three if in one room. A fourth, for dollars and medals in particular, will be finished in about three months. Two turning lathes for dies, and a boring machine for making holes in the large frames, screws for presses, stakes, rollers, and an infinite variety of instruments and tools necessary to carry on the coining.

There are, besides, three annealing and one boiling furnace, with two forges, the assay, melting, and refining furnaces.

The net produce of these works, from the establishment of the Mint to this time, consists of

1,087,500 cents, paid into the Treasury of the United States, equal to \$10,875; in silver coins delivered, \$35,165. The future produce, it is said, will be about two hundred thousand cents per month.

The Treasurer has received, in gross silver bullion, from depositors, 116,788 ounces 18 pennyweights, containing alloy, below the standard of the United States, of 24,578 ounces, 7 pennyweights.

Your committee have made a strict inquiry into the causes why the product has not been greater in so long a time as two years and a half from its institution, and find that, in general, the difficulties attending all establishments that are, in their formation and operation, new and uncommon, and which, therefore, require experiments to be made in every step of their progress, have attended this institution. No works of this kind, requiring equal force and equal precision, ever having been made in this country, workmen, those expected to be obtained from Europe, by some means having failed in the different branches, were hard to be got, and many, when engaged, were not masters of their business; the materials were difficult to be obtained; and often proved insufficient for the force required; even bar iron, from the large size required, as well as the castings, caused great delay before they could be had. Oftentimes, when the machinery was finished and set to work, it gave way, and all was to be done over again. All the tools necessary to make the machines were first to be made themselves. Not only the whole machinery, in all its parts, but all the tools necessary for their formation, have been executed at the Mint. This could not be effected by an union of all the proper artisans, each a complete workman in his own department, but, from necessity, was confined to the principal officer of the coining department, who could only proceed from theoretic principles, with the assistance of such workmen as could be procured, to whom most of the machines, however common in Europe, were entirely new. Add to this, that mere theoretic knowledge has produced greater complexity in the system, and of course greater delay and expense, than full practical knowledge would have found necessary.

The Mints in Europe have been gradual in their improvements, and have been of many years' standing. This has had every difficulty to struggle with, and was to be brought to perfection at once, lest our coins should not bear a comparison with those of other nations. Those lately executed are superior to any made in Europe.

The buildings were all to be completed before the works could be begun. The lots on which the same are built, from a principle of economy, were so restricted in size that they are now found to be much too small, and so insufficient as greatly to hinder the several operations and delay the business. It was also a considerable time before an engraver could be engaged, during which the Chief Coiner was obliged to make the dies for himself, and yet the dies are subject to frequent failures by breaking. Great delays have also

taken place for want of a Refiner and Melter, provision for such an office having been wholly omitted in the law instituting the Mint, by which the present stock of copper remains useless and unproductive.

Your committee have been convinced by these facts, as well as from actual observation, that there are substantial reasons exculpatory of the officers of the Mint for the delay attending this undertaking; but they are happy in observing that most of these difficulties are now surmounted, and the future product of the coinage must be very considerable.

3. The expenses attending the institution has been very great, from the necessity and difficulties above alluded to.

It amounted, on the 30th day of September last, to the following sums, including the standing capital, and copper to be coined into money—

Lands purchased	\$4,266 66
Buildings, apparatus, machines, &c.	22,720 45
Purchase of copper	15,815 51
Salaries to officers	15,591 99
	<hr/>
	\$58,394 61

4. The improvements yet necessary.

It would be a very important saving to the public, as well as add great expedition to every part of the machinery, if they could be put in motion by water or steam, instead of manual labor or that of horses. At present water is out of the question, without removing the works out of the city, to which there are many solid objections; but in case the projected canal between the Schuylkill and Delaware should be accomplished, the heavy expense of this institution would be greatly reduced.

It has already been mentioned, as one cause of delay, the omission in the law of provision for a Refiner and Melter, whose duty it should be to take charge of all metals delivered out by the Treasurer, after they have been assayed and refined, and melt them into bars and ingots fit for the rolling machine, when they are to be delivered over to the Chief Coiner. This is a necessary and essential improvement. The law originally contemplated the Assayer as the only officer necessary in this part of the business.

In the European Mints, all metals deposited for coining, are first brought to the proper standard at the expense of the owner, and by private professional workmen established in that country, independent of the Mint, and therefore no such officer belongs to those institutions; but, in this country, for want of such a private establishment, it becomes a necessary department of the Mint. And although your committee are of opinion that the Assayer might, in point of labor, execute this office, his time not being wholly taken up in his proper department, yet the propriety of positive checks throughout the whole of the business of the Mint, absolutely forbids it. Such an officer must, therefore, be appointed, or the former delays will necessarily accrue. Those would have been greater than they have been had not the Director employed an

The Mint.

occasional workman to assist in that part of the operation.

As it is the practice, in all the Mints of Europe, for the owners of bullion to have it refined to the legal standard at their own expense, your committee are of opinion that a reasonable sum from every deposit should be retained by the Treasurer of the Mint as a compensation for refining and melting. This will appear the more reasonable when it is known that the bullion already lodged in the Mint has cost the United States at least \$500 for refining.

Your committee further find that the standard fineness of silver directed by law, in the opinion of the officers of the Mint, contains too great an alloy, and will expose the coin to wear black, and, therefore, that the alloy should be reduced.

The English standard of silver coin is 11 ounces, 2 pennyweights of pure silver in the pound Troy. Spanish coins ought to contain 10 ounces, 15 pennyweights.

French crowns, of the late Government, 10 ounces 174 pennyweights.

A mean of both is 10 ounces 161 pennyweights. One-tenth part alloy, which is the standard of the present Government of France, established as a mean between both, leaves 10 ounces 16 pennyweights.

But the standard of the United States is 10 ounces 14 pennyweights, and 19.104 parts. This extreme fractional part of our standard for silver produces great inconvenience, without any advantage, that your committee could discover; and they are, therefore, of the opinion that the mean of 10 ounces 16 pennyweights should be adopted. It has also appeared to your committee that the price of copper is very fluctuating, and may so increase, as, in some degree, it has done since the law for ascertaining the weight of cents, that, when coined and issued, coppercents may work them up to considerable advantage. To prevent this growing evil provision should be made, by law, in time to check it. Great complaints are made throughout the United States of the difficulty of obtaining cents when coined. The practice, hitherto, in pursuance of the requisition of the law, has been for the Treasurer of the Mint to pay them over to the Treasurer of the United States, who distributes them among the Banks in this city. This will produce a supply, in time, for the States in the neighborhood of the Mint, but will not give satisfaction to the distant parts of the Union, who pay their equal share of the expense.

Your committee, therefore, are of opinion that it would be a valuable improvement to make provision, by law, for a more general distribution of the cents as they are coined.

5. The Stock of Metals.

Now on hand, uncoined, amounts to upwards of fifteen tons of copper, most of which requires refining, and the whole melting into ingots, preparative to rolling. There also yet remains about 35,507 ounces of silver bullion deposited for coining, which must also go through the hands of the Refiner and

Melter before it can be coined; and large quantities are ready to be brought when the Mint is ready for the receipt of it.

6. The produce of the Works when complete.

The rolling machines, for large coins, will roll from twelve to fifteen thousand ounces per day; that for small coin about half that quantity.

The drawing machine, for strips, can execute, daily the produce of one rolling machine.

The three cutting presses will each cut from fifteen to eighteen thousand planchettes per day, and the milling machine will also pass them through at the same time, when worked by horses; but, in the present state, will mill about ten thousand.

The three coining presses, when complete, will strike from eight to twelve thousand of the smaller kinds of coin per day; so that, on an average, ten thousand cents, equal to one hundred dollars, may be coined in a day by each press, if all are worked.

7. The Accounts of the Mint.

These are kept by the Treasurer, according to the directions, and in the manner pointed out by the Secretary of the Treasury, and appear to your committee to be fully checked for the security of the public against every avenue of deception.

All moneys appropriated for the use of the Mint, and advanced by the Treasury of the United States, are granted in the name of the Treasurer of the Mint, on warrants from the President of the United States on the Secretary of the Treasury, and from him in favor of the Treasurer of the Mint, and are deposited in the Bank of the United States, to the credit of the Treasurer of the Mint, in a separate account.

He receives all claims upon the Mint, in the first instance, and gives them his approbation before they can pass. These are under the heads of Salaries to officers and clerks.

Wages of laborers.

Incidental and contingent expenses.

Copper purchased for coining.

The account is then presented to the Director, who examines the same, and issues his warrant on the Treasurer of the Mint for payment. These accounts are rendered quarterly by the Treasurer to the Treasury, where they are subject to their final decision, as well respecting the ordinary expenses of the Mint, as the accounts of bullion and coinage.

The bullion is received by the Treasurer of the Mint, in the first instance, who gives receipts therefor, dated and numbered, progressively, distinguishing, by a different series, those given for silver from those for gold.

These receipts are entered in a register containing two accounts, one for each of the precious metals.

All bullion is inspected by the Assayer, and a few grains of every parcel given him to be assayed, and his certificate of the pure gold or silver in each deposit is returned, to be entered in the register; the Treasurer then computes the

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value of the deposit in coin of the United States, which is entered in the register.

The bullion is then delivered to the Chief Coiner, on the warrant of the Director, to the Treasurer of the Mint, who takes his receipt thereon. When coined, the Chief Coiner pays them over, on a like warrant, to the Treasurer of the Mint, and he again to the Treasurer of the United States, on a warrant from the Secretary of the Treasury.

By this system, established by the Treasury Department, all bullion is to be lodged in the vaults of the Mint, and secured under two locks, the keys of which are kept by the Treasurer and Assayer.

When bullion is in the custody of the Chief Coiner, it is to be constantly subject to the inspection of the Assayer, he being responsible for the standard purity of the respective coins; and, when the bullion is not in use, it is to be kept under two locks, the keys of which are to be kept by the Assayer and Chief Coiner.

From every mass of coins, the Treasurer takes three pieces, in the presence of the Assayer, which are secured by him under cover, with seal of the Assayer thereon, for the purpose mentioned in the law.

All coins made on account of individuals are paid by the Treasurer, on the warrant of the Director.

In addition to these checks, all receipts of bullion and delivery of coins are entered into a regular set of books, kept for that purpose.

All the forms of the documents requisite for common use are printed, bound, and issued under indented checks, for the greater public security.

Your committee having thus given a concise state of the Mint, beg leave to recommend the following resolutions:

1. *Resolved*, That provision ought to be made, by law, for the appointment of a Refiner and Melter in the Mint of the United States, whose duty it shall be to take charge of all copper, and silver, and gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, and reduce it into bars or ingots for the rolling mills, and then to deliver them to the Chief Coiner or Treasurer, as the Director shall judge expedient, and to do and perform all other duties belonging to the office of Refiner and Melter, or which shall be ordered by the Director of the Mint.

2. *Resolved*, That provision ought to be made, by law, authorizing the Treasurer of the Mint to retain two cents per ounce from every deposit of silver bullion below standard, and four cents per ounce for every deposit of gold bullion below the standard, unless the same shall require the operation of the test, then six cents as a compensation for refining and making the same.

3. *Resolved*, That the gross bullion brought for deposit and coinage to the Mint, shall not be received in smaller quantities than two hundred ounces of silver, and twenty ounces of gold.

4. *Resolved*, That the standard for silver coin, as now established by law, be altered, and made to consist of nine equal ten parts of pure silver, and

one-tenth part of pure copper, being equal to ten pounds sixteen pennyweights of pure silver in one pound Troy.

5. *Resolved*, That the President of the United States be authorized to reduce the weight of the copper coin at his discretion: *Provided*, Such reduction shall not exceed two pennyweights in each cent, and in proportion in each half cent, of which he shall give notice, by proclamation, and report the same to the next session of Congress.

6. *Resolved*, That the Treasurer of the United States be authorized, by law, to distribute, at the public expense, all cents received from the Treasurer of the Mint, by sending them to some one Bank in each State, where any are established, and, where not, to the principal Collector of such State, in proportion to the number of inhabitants of the State, to be by them paid out, for cash, to any person requesting the same, in sums not less than ten dollars value.

7. *Resolved*, That provision ought to be made, by law, enabling the Director and Treasurer of the Mint to give a preference to bullion brought to the Mint, already of or above the standard of the United States, so as not to be prevented coining, and issuing the same, although bullion below the standard, and not yet refined, may have been deposited for coinage before it; any thing in any law heretofore passed to the contrary notwithstanding.

By THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas I have received information that certain persons in violation of the laws have presumed, under color of a foreign authority, to enlist citizens of the United States and others within the State of Kentucky, and have there assembled an armed force for the purpose of invading and plundering the Territories of a nation at peace with the said United States: And whereas such unwarrantable measures, being contrary to the laws of nations and to the duties incumbent on every citizen of the United States, tend to disturb the tranquility of the same, and to involve them in the calamities of war: And whereas it is the duty of the Executive to take care that such criminal proceedings should be suppressed, the offenders brought to justice, and all good citizens cautioned against measures likely to prove so pernicious to their country and themselves, should they be seduced into similar infractions of the laws;

I have, therefore, thought proper to issue this Proclamation hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States, or levying troops, or assembling any persons within the United States, for the purposes aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril; and I do also admonish and require all citizens to refrain from enlisting, enrolling, or assembling themselves for such unlawful purposes, and from being in any wise concerned, aiding, or abetting therein,

Proclamation by the President.

as they tender their own welfare, inasmuch as all lawful means will be strictly put in execution for securing obedience to the laws, and for punishing such dangerous and daring violations thereof;

And I do moreover charge and require all Courts, magistrates, and other officers, whom it may concern, according to their respective duties, to exert the powers in them severally vested to prevent and suppress all such unlawful assemblages and proceedings, and to bring to condign punishment those who may have been guilty thereof, as they regard the due authority of Government, and the peace and welfare of the United States.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fourth day of March, one thousand seven hundred and ninety-four, and of the Independence of the United States of America, the eighteenth.

G. WASHINGTON.
By the President: EDM. RANDOLPH.

By THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION

Whereas combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States, and upon stills, have from the time of the commencement of those laws existed in some of the Western parts of Pennsylvania; And whereas the said combinations, proceeding in a manner subversive equally of the just authority of Government and of the rights of individuals, have hitherto effected their dangerous and criminal purpose; by the influence of certain irregular meetings whose proceedings have tended to encourage and uphold the spirit of opposition; by misrepresentations of the law, calculated to render them odious; by endeavors to deter those who might be so disposed from accepting offices under them, through fear of public resentment and of injury to person and property, and to compel those who had accepted such offices, by actual violence to surrender or forbear the execution of them; by circulating vindictive menaces against all those who should otherwise directly or indirectly aid in the execution of the said laws, or who, yielding to the dictates of conscience, and to a sense of obligation, should themselves comply therewith, by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel and humiliating punishments upon private citizens, for no other cause than that of appearing to be the friends of the laws; by intercepting the public officers on the highways, abusing, assaulting, and otherwise ill treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing for these unwarrantable purposes the agency of armed banditti disguised in such manner as for the most part to escape discovery: And whereas the endeavors of the Legislature to obviate objections to the said laws, by lowering the

duties and by other alterations conducive to the convenience of those whom they immediately affect, (though they have given satisfaction in other quarters,) and the endeavors of the executive officers to conciliate a compliance with the laws, by explanations, by forbearance, and even by particular accommodations, founded on the suggestions of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with every appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws, inasmuch that many persons in the said Western parts of Pennsylvania have at length been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons having on the sixteenth and seventeenth of July last past proceeded in arms (on the second day, amounting to several hundreds) to the house of John Neville, inspector of the revenue for the fourth survey of the district of Pennsylvania, having repeatedly attacked the said house with the persons therein, wounding some of them; having seized David Lenox, marshal of the district of Pennsylvania, who, previous thereto, had been fired upon while in the execution of his duty, by a party of armed men, detaining him for some time prisoner, till, for the preservation of his life and the obtaining of his liberty, he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of a Court of the United States; and having finally obliged the said inspector of the revenue, and the said marshal, from considerations of personal safety, to fly from that part of the country, in order, by a circuitous route, to proceed to the seat of Government; avowing as the motives for these outrageous proceedings an intention to prevent by force of arms the execution of the said laws, to oblige the said inspector of the revenue to renounce his said office, to withstand by open violence the lawful authority of Government of the United States, and to compel thereby an alteration in the measures of the Legislature and a repeal of the laws aforesaid.

And whereas, by a law of the United States, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," it is enacted "that whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by that Act, the same being notified by an Associate Justice or District Judge, it shall be lawful for the President of the United States to call forth the militia of such State to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a State where such combinations may happen shall refuse, or be insufficient to suppress the same, it shall be lawful for the President, if the Legislature of the United States shall not be in session, to call forth and em-

Proclamation by the President.

ploy such numbers of the militia of any other State or States, most convenient thereto, as may be necessary; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session: *Provided, always,* That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time."

And whereas James Wilson, an Associate Justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that "in the counties of Washington and Alleghany, in Pennsylvania, laws of the United States are opposed, and the execution thereof obstructed by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district."

And whereas it is, in my judgment, necessary, under the circumstances of the case, to take measures for calling forth the militia, in order to suppress the combinations aforesaid, and to cause the laws to be duly executed, and I have accordingly determined to do so, feeling the deepest regret for the occasion, but without the most solemn conviction that the essential interests of the Union demand it—that the very existence of Government, and the fundamental principles of social order, are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon, as occasion may require, to aid in the effectual suppression of so fatal a spirit.

Wherefore, and in pursuance of the proviso above recited, I, GEORGE WASHINGTON, President of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and retire peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting the perpetrators of the aforesaid treasonable acts; and do require all officers and other citizens, according to their respective duties and the laws of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.
By the President: EDM. RANDOLPH.

By THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas, from a hope that the combinations against the Constitution and laws of the United

States, in certain of the Western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient, in the first instance, rather to take measures for calling forth the militia than immediately to embody them; but the moment is now come, when the overtures of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation not inconsistent with the being of Government has been adopted, without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy, endeavoring through emissaries to alienate the friends of order from its support, and inviting enemies to perpetrate similar acts of insurrection; when it is manifest that violence would continue to be exercised, upon every attempt to enforce the laws; when, therefore, Government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition:

Now, therefore, I, GEORGE WASHINGTON, President of the United States, in obedience to that high and irresistible duty, consigned to me by the Constitution, "to take care that the laws be faithfully executed"—deploring that the American name should be sullied by the outrages of citizens, as remain obstinate from delusion; but resolved, in perfect reliance on that gracious Providence which so signally displays its goodness towards this country, to reduce the refractory to a due subordination to the law—do hereby declare and make known, that, with a satisfaction which can be equalled only by the merits of the militia summoned into service from the States of New Jersey, Pennsylvania, Maryland, and Virginia, I have received intelligence of their patriotic alacrity, in obeying the call of the present, though painful, yet commanding necessity; that a force, which, according to every reasonable expectation, is adequate to the exigency, is already in motion to the scene of disaffection; that those who have confided, or shall confide in the protection of Government, shall meet full succor under the standard and from the arms of the United States; that those who having offended against the laws have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly.

And I do, moreover, exhort all individuals, officers, and bodies of men, to contemplate with abhorrence the measures leading directly or indirectly to those crimes, which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men,

Proclamation by the President.

to substitute their misrepresentation in the place of truth, and their discontents in the place of stable government; and to call to mind, that as the people of the United States have been permitted, under the Divine favor, in perfect freedom, after solemn deliberation, and in an enlightened age, to elect their own Government, so will their gratitude for this inestimable blessing be best distinguished by firm exertions to maintain the Constitution and the laws.

And, lastly, I again warn all persons, whomsoever and wheresoever, not to abet, aid, or comfort the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, according to their several duties, as far as may be in their power, to bring under the cognizance of the law all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the City of Philadelphia, the 25th day of September, 1794, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

When we review the calamities which afflict so many other nations, the present condition of the United States affords much matter of consolation and satisfaction. Our exemption hitherto from foreign war, an increasing prospect of the continuance of that exemption, the great degree of internal tranquility we have enjoyed, the recent confirmation of that tranquility by the suppression of an insurrection which so wantonly threatened it, the happy course of our public affairs in general, the unexampled prosperity of all classes of our citizens—are circumstances which peculiarly mark our situation with indications of the Divine beneficence towards us. In such a state of things it is, in an especial manner, our duty as a people, with devout reverence and affectionate gratitude, to

acknowledge our many and great obligations to Almighty God, and to implore him to continue and confirm the blessings we experience.

Deeply penetrated with this sentiment, I, Grose Washington, President of the United States, do recommend to all religious societies and denominations, and to all persons whomsoever, within the United States, to set apart and observe Thursday, the nineteenth day of February next, as a Day of Public Thanksgiving and Prayer; and on that day to meet together and render their sincere and hearty thanks to the Great Ruler of Nations for the manifold and signal mercies which distinguish our lot as a nation; particularly for the possession of Constitutions of Government which unite, and, by their union, establish liberty with order; for the preservation of our peace, foreign and domestic; for the seasonable control which has been given to a spirit of disorder, in the suppression of the late insurrection; and generally, for the prosperous course of our affairs, public and private; and, at the same time, humbly and fervently to beseech the kind Author of these blessings graciously to prolong them to us—to imprint on our hearts a deep and solemn sense of our obligations to him for them—to teach us rightly to estimate their immense value—to preserve us from the arrogance of prosperity, and from hazarding the advantages we enjoy by delusive pursuits—to dispose us to merit the continuance of his favors, by not abusing them, by our gratitude for them, and by a correspondent conduct as citizens and as men—to render this country more and more a safe and propitious asylum for the unfortunate of other countries—to extend among us true and useful knowledge—to diffuse and establish habits of sobriety, order, morality, and piety; and, finally to impart all the blessings we possess, or ask for ourselves, to the whole family of mankind.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the city of Philadelphia, the first day of January, 1795, and of the Independence of the United States of America the nineteenth.

G. WASHINGTON.

By the President:

EDM. RANDOLPH.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE THIRD CONGRESS, BEGUN AND HELD AT PHILADELPHIA, ON THE SECOND OF DECEMBER 1793.

An Act making an alteration in the Flag of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the first day of May, Anno Domini one thousand seven hundred and ninety-five, the Flag of the United States be fifteen stripes alternate red and white. That the Union be fifteen stars, white, in a blue field.

FREDERICK A. MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS,

Vice President of the United States, and President of the Senate.

Approved, January 13, 1794.

GEO. WASHINGTON,

President of the United States.

verment of the United States and the said Republic: *Provided, however,* That, unless the French Republic or its Minister, or other authorized agent, shall, within six months from the passing of this act, expressly authorize a charge to the debit of the said Republic of the said supplies which shall have been, or may be made under this act, all further supplies under the same shall, from and after the expiration of the said term of six months, be discontinued.

Approved, February 12, 1794.

An Act in alteration of the act establishing a Mint and regulating the Coins of the United States.

Be it enacted, &c., That, from and after the passing this act, it shall be the duty of the Treasurer of the Mint to receive and give receipts for all metals which may lawfully be brought to the Mint to be coined; and, for the purpose of ascertaining their respective qualities, shall deliver from every parcel so received, a sufficient number of grains to the Assayer, who shall assay all such of them as may require it. And the said Treasurer shall, from time to time, deliver the said metals to the Chief Coiner to be coined in such quantities as the Director of the Mint may prescribe.

SEC. 2. And be it further enacted, That the Assayer and Chief Coiner of the Mint, previous to entering upon the execution of their respective offices, shall each become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, the said Assayer in the sum of one thousand dollars, and the said Chief Coiner, in the sum of five thousand dollars, with condition for the faithful and diligent performance of the duties of his office.

SEC. 3. And be it further enacted, That so much of the act, entitled "An act establishing a Mint and regulating the coins of the United States," as comes within the purview of this act, be, and the same is hereby, repealed.

Approved, March 3, 1794.

An Act for the remission of the duties arising on the tonnage of sundry French vessels which have taken refuge in the ports of the United States.

Whereas, the disastrous situation of the town of Cape Francois, in the Island of Hispaniola, com-

Acts of Congress.

pelled sundry vessels belonging to citizens of the French Republic, in the month of June last, to take refuge within the ports of the United States: and whereas, they are liable by law to the payment of foreign tonnage, which, considering the necessity of their case, ought equitably to be remitted to them: Therefore,

Be it enacted, &c., That the duties on the tonnage, to which any of the vessels aforesaid are, or may have been liable, within any of the ports of the United States, be, and are hereby remitted: *Provided, nevertheless*, That the master, owner, or consignee of every such vessel, shall make proof to the proper officer of the port in which such vessel may be, that the said vessel was compelled to leave the said Island of Hispaniola, and to take refuge within the said port, by reason of the calamity aforesaid.

Approved, March 7, 1794.

An Act making appropriations for the support of Government, for the year one thousand seven hundred and ninety-four.

Be it enacted, &c., That, for defraying the expenditure of the Civil List of the United States, for the year one thousand seven hundred and ninety-four, together with the incidental and contingent expenses of the several departments and offices thereof; and for making good deficiencies for the support of the Civil List Establishment; for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses; for the support of light-houses, and for other purposes, there be appropriated a sum of money not exceeding five hundred and twenty-one thousand four hundred and forty-seven dollars and twenty-four cents; that is to say:

For the compensations granted by law to the President and Vice President of the United States, thirty thousand dollars:

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months continuance, one hundred and eighty-five thousand, eight hundred and ninety dollars:

For the expenses of firewood, stationery, printing, work, and all other contingent expenses of the two Houses of Congress, ten thousand dollars:

For the compensations granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand two hundred dollars:

For defraying the expense of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures and penalties, twelve thousand dollars:

For defraying the expenses of prosecutions for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars:

For compensation to the Secretary of State, clerks, and persons employed in his office, six thousand eight hundred dollars:

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of State, including the expense which will attend

the publication of the Laws of the first session of the Third Congress, and for printing an edition of the same, to be distributed, according to law, two thousand and sixty-one dollars, and sixty-seven cents:

For making good a deficiency in the appropriation for the year one thousand seven hundred and ninety-three, for extra-services of clerks, in the office of the Secretary of State, in preparing documents for Congress, and for an index to the Laws of the Second Congress, eight hundred dollars:

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, seven thousand eight hundred and fifty dollars:

For expense of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars:

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, ten thousand two hundred dollars:

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars:

For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars:

For the expense of firewood, stationery, printing, and other contingencies in the Treasurer's office, four hundred dollars:

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, ten thousand four hundred and fifty dollars:

For expense of stationery, printing, and other contingent expenses in the Auditor's office, five hundred dollars:

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, six thousand one hundred and fifty dollars:

For the expenses of stationery, printing, and other contingent expenses in the office of the Commissioner, three hundred dollars:

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fifteen thousand dollars:

For the expenses of stationery, printing, and other contingent expenses in the Register's office, (including books for the public stocks) two thousand dollars:

For the payment of rent for the several houses employed in the Treasury Department, one thousand five hundred and ninety-six dollars and six cents:

For wood and candles in the several offices of the Treasury Department (except the Treasurer's office) one thousand two hundred dollars:

For compensation to the several Loan Officers, thirteen thousand two hundred and fifty dollars:

For defraying the expenses of the several Loan Offices, for stationery and clerk hire, between the first day of March, and the thirty-first day of December, one thousand seven hundred and ninety-three inclusive, the sum of seventeen thousand three hundred and seventy-seven dollars and seventy-five cents:

For compensation to the Secretary of War,

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clerks, and persons employed in his office, seven thousand and fifty dollars:

For expenses of firewood, stationery, printing, and other contingent expenses in the office of the Secretary of War, eight hundred dollars:

For making good a deficiency in the appropriation of the year one thousand seven hundred and ninety-three, for contingent expenses in this office, two hundred and five dollars and seventy-six cents:

For compensation to the Accountant in the War Department, and clerks in his office, four thousand seven hundred dollars:

For contingent expenses in the office of the Accountant to the War Department, four hundred dollars:

For compensation to the following officers of the Mint: the Director, two thousand dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred; the Engraver, one thousand two hundred dollars; the Treasurer, one thousand two hundred dollars; three clerks, at five hundred dollars each, one thousand five hundred dollars:

For defraying the expenses of workmen, for the year one thousand seven hundred and ninety-four, three thousand three hundred and eighty-five dollars:

For the several expenses of the Mint, including the pay of a Refiner, when employed, for gold, silver, and copper, and for the completion of the melting furnaces, two thousand seven hundred dollars:

For replacing a sum of money advanced at the Bank of the United States, for the purpose of an importation of copper, to be coined at the Mint, ten thousand dollars:

For defraying the expenses of copper purchased in the year one thousand seven hundred and ninety-three, seven thousand three hundred and fifty dollars:

For the purchase of copper in the year one thousand seven hundred and ninety-four, seven thousand three hundred and fifty dollars:

For compensations to the Governors, Secretaries, and Judges of the Territory Northwest, and the Territory South of the River Ohio, ten thousand three hundred dollars:

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both of the said Territories, seven hundred dollars:

For the payment of sundry pensions granted by the late Government, two thousand three hundred and sixty-seven dollars and seventy-three cents:

For payment of the annual allowance granted by Congress to Baron Steuben, two thousand five hundred dollars:

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh of February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars:

For arrearages of pension due to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman,

to the thirty-first of December, one thousand seven hundred and ninety-three, six hundred and seventy-five dollars:

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, four hundred dollars:

For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, twenty thousand dollars:

To make good a deficiency in the appropriation of the year one thousand seven hundred and ninety-two, for the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, four thousand dollars:

For the purchase of hydrometers, for the use of the Officers of the Customs, and Inspectors of the Revenue, one thousand five hundred dollars:

For a balance stated by the Auditor of the Treasury, to be due to the estate of the late Major General Greene, pursuant to the act of Congress, of the twenty-seventh of February, one thousand seven hundred and ninety-two, to indemnify the said estate for a certain bond entered into by him, during the late war, in which is included interest due on the bonds from their dates, to the twelfth of April, one thousand seven hundred and ninety-three, thirty-three thousand one hundred and eighty-seven dollars and sixty-seven cents:

For defraying the expense incident to the stating and printing the public accounts, for the year one thousand seven hundred and ninety-three, eight hundred dollars:

For the payment of such demands, not otherwise provided for, as shall have been duly allowed by the officers of the Treasury, five thousand dollars:

Sec. 2. And be it further enacted, That the several appropriations herein before made, shall be paid and discharged out of the funds following, to wit:

First. The sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States.

Secondly. The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four.

Approved, March 14, 1794.

An Act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled "An act providing the means of intercourse between the United States and foreign nations."

Be it enacted &c., That a sum of one million of dollars, in addition to the provision heretofore made, be appropriated, to defray any expenses which may be incurred, in relation to the intercourse between the United States and foreign nations, to be paid out of any moneys which may be in the Treasury not otherwise appropriated and to be applied under the direction of the President of the United States, who, if necessary, is hereby authorized to borrow the whole, or any part of the said sum of one million of dollars; an account

of the expenditure whereof, as soon as may be, shall be laid before Congress.

Sec. 2. *And be it further enacted*, That the act, entitled "An act providing the means of intercourse between the United States and foreign nations," passed the first day of July, one thousand seven hundred and ninety, together with the second section of the act, entitled "An act to continue in force, for a limited time, and to amend the act, entitled 'An act providing the means of intercourse between the United States and foreign nations,'" passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force for the term of one year from the passing of this act, and from thence until the end of the next session of Congress thereafter holden, and no longer.

Approved, March 20, 1794.

An Act authorizing a Loan of one million of dollars.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to borrow, on the credit of the United States, if, in his opinion, the public service shall require it, a sum not exceeding one million of dollars, at an interest not exceeding five per centum per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes as are authorized by law, and to be repaid out of the duties on imports and tonnage to the end of the present year; and that it shall be lawful for the Bank of the United States, and the said Bank hereby is authorized and empowered, to make the Loan aforesaid.

Approved, March 20, 1794.

An Act to provide for the defence of certain ports and harbors in the United States.

Be it enacted, &c., That the following ports and harbors be fortified, under the direction of the President of the United States, and at such time or times as he may judge necessary, to wit: Portland, in the District of Maine; Portsmouth, in the State of New Hampshire; Gloucester, Salem, Marblehead, and Boston, in the State of Massachusetts; Newport, in the State of Rhode Island; New London, in the State of Connecticut; New York; Philadelphia; Wilmington, in the State of Delaware; Baltimore, in the State of Maryland; Norfolk and Alexandria, in the State of Virginia; Cape Fear River and Ocracoke Inlet, in the State of North Carolina; Charleston and Georgetown, in the State of South Carolina; and Savannah and St. Mary's in the State of Georgia.

Sec. 2. *And be it further enacted*, That it shall be lawful for the President of the United States to employ, as garrisons in the said fortifications, or any of them, such of the troops on the Military Establishment of the United States as he may judge necessary; and to cause to be provided one hundred cannon, of a calibre each to carry a ball of thirty-two pounds weight, and one hundred other cannon, of a calibre each to carry a ball of twenty-four pounds weight, together with the car-

riages and implements necessary for the same, and carriages with the necessary implements for one hundred and fifty other cannon, with two hundred and fifty tons of cannon shot.

Sec. 3. *And be it further enacted*, That it shall be lawful for the President of the United States to receive from any State (in behalf of the United States) a cession of the lands on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or, where such cessions shall not be made, to purchase such lands on behalf of the United States: *Provided*, That no purchase shall be made where such lands are the property of a State.

Approved, March 20, 1794.

An Act making appropriations for the support of the Military Establishment of the United States for the year one thousand seven hundred and ninety-four.

Be it enacted, &c., That, for the support of the Military Establishment of the United States, for the year one thousand seven hundred and ninety-four—for repairs, and articles directed to be made and purchased by the President of the United States; for invalid pensioners; for fortifying certain ports and harbors; and for the purchase of cannon, implements, and shot—there be appropriated a sum of money not exceeding one million six hundred and twenty-nine thousand nine hundred and thirty-six dollars and one cent, that is to say:

For the pay of the Legion of the United States, three hundred and three thousand six hundred and eighty-four dollars.

For subsistence, three hundred and twelve thousand five hundred and sixty-seven dollars and seventy-five cents.

For forage, thirty-one thousand six hundred and thirty-two dollars.

For clothing, one hundred and twelve thousand dollars.

For equipments for the cavalry, seven thousand three hundred and fourteen dollars and five cents.

For horses for the cavalry, sixteen thousand dollars.

For bounty to the soldiers, five thousand dollars.

For the Hospital Department, twenty thousand dollars.

For the Ordnance Department, six thousand seven hundred and fifteen dollars and thirty-two cents.

For defensive protection of the frontiers, one hundred and thirty thousand dollars.

For the Indian Department, fifty thousand dollars.

For the Quartermaster's Department, one hundred and fifty thousand dollars.

For contingencies of the War Department, thirty thousand dollars.

For repairs, and articles directed to be made and purchased by the President of the United States, two hundred and two thousand seven hundred and eighty-three dollars and thirty-four cents.

For invalid pensioners, eighty thousand two hundred and thirty-nine dollars and fifty-five cents.

For fortifying certain ports and harbors of the United States, and purchasing the lands necessary for the erection of the same, seventy-six thousand dollars.

For the purchase of cannon, implements, and shot, ninety-six thousand dollars.

Sec. 2. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the funds following, to wit: first, the surplus of the sum of six hundred thousand dollars, reserved by the act "making provision for the Debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-four; secondly, the surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-four; and, thirdly, the surplus which may remain unexpended of the moneys appropriated for the use of the War Department, in the year one thousand seven hundred and ninety-three.

Approved, March 21, 1794.

An Act to prohibit the carrying on the slave trade from the United States to any foreign place or country.

Be it enacted, &c., That no citizen or citizens of the United States, or foreigner, or any other person, coming into, or residing within, the same, shall, for himself, or any other person whatsoever, either as master, factor, or owner, build, fit, equip, load, or otherwise prepare, any ship or vessel, within any port or place of the said United States, nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves to any foreign country; or for the purpose of procuring inhabitants of such kingdom, place, or country, to be transported to any foreign country, port, or place whatever, to be sold or disposed of as slaves. And if any ship or vessel shall be so fitted out as aforesaid, for the said purposes, or shall be caused to sail, as aforesaid, every such ship or vessel, her tackle, furniture, apparel, and other appurtenances, shall be liable to be seized, prosecuted, and condemned, in any of the Circuit Courts or District Court for the District where the said ship or vessel may be found and seized.

Sec. 2. *And be it further enacted*, That all and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the true intent and meaning of this act, or any ways aiding or abetting therein, shall severally forfeit and pay the sum of two thousand dollars—one moiety thereof to the use of the United States, and the other moiety thereof to the use of him or her who shall sue for and prosecute the same.

Sec. 3. *And be it further enacted*, That the owner, master, or factor of each and every foreign

ship or vessel, clearing out for any of the coasts or Kingdoms of Africa, or suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter.

Sec. 4. *And be it further enacted*, That, if any citizen or citizens of the United States shall, contrary to the true intent and meaning of this act, take on board, receive, or transport, any such persons as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold, as aforesaid, the sum of two hundred dollars, to be recovered in any Court of the United States, proper to try the same—the one moiety thereof to the use of the United States, and the other moiety to the use of such person or persons who shall sue for and prosecute the same.

Approved, March 22, 1794.

An Act to provide a Naval Armament.

Whereas, the depredations committed by the Algerine corsairs on the commerce of the United States render it necessary that a Naval Force should be provided for its protection:

Sec. 1. *Be it therefore enacted, &c.*, That the President of the United States be authorized to provide by purchase, or otherwise equip and employ, four ships to carry forty-four guns each, and two ships to carry thirty-six guns each.

Sec. 2. *And be it further enacted*, That there shall be employed on board each of the said ships of forty-four guns, one captain, four lieutenants, one lieutenant of marines, one chaplain, one surgeon, and two surgeon's mates; and in each of the ships of thirty-six guns, one captain, three lieutenants, one lieutenant of marines, one surgeon, and one surgeon's mate, who shall be appointed and commissioned in like manner as other officers of the United States are.

Sec. 3. *And be it further enacted*, That there shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the United States, to wit: one sailing-master, one purser, one boatswain, one gunner, one sailmaker, one carpenter, and eight midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz: two master's mates, one captain's clerk, two boatswain's mates, one coxswain, one sail-maker's mate, two gunner's mates, one yeoman of the gun room, nine quarter gunners (and for the four larger ships) two additional quarter-gunners, two carpenter's mates, one armorer, one

steward, one cooper, one master-at-arms, and one cook.

Sec. 4. *And be it further enacted*, That the crews of each of the said ships of forty-four guns shall consist of one hundred and fifty-seamen, one hundred and three midshipmen and ordinary seamen, one sergeant, one corporal, one drum, one fife, and fifty marines: And that the crews of each of the said ships of thirty-six guns shall consist of one hundred and thirty able seamen and midshipmen, ninety ordinary seamen, one sergeant, two corporals, one drum, one fife, and forty marines, over and above the officers herein before mentioned.

Sec. 5. *And be it further enacted*, That the President of the United States be, and he is hereby empowered, to provide by purchase or otherwise, in lieu of the said six ships, a naval force, not exceeding in the whole, that by this act directed, so that no ship thus provided shall carry less than thirty-two guns; or he may so provide any proportion thereof, which, in his discretion, he may think proper.

Sec. 6. *And be it further enacted*, That the pay and subsistence of the respective commissioned and warrant officers, be, as follows: A captain, seventy-five dollars per month, and six rations per day; a lieutenant, forty dollars per month, and three rations per day; a lieutenant of marines, twenty-six dollars per month, and two rations per day; a chaplain, forty dollars per month, and two rations per day; a sailing-master, forty dollars per month, and two rations per day; a surgeon, fifty dollars per month, and two rations per day; a surgeon's mate, thirty dollars per month, and two rations per day; a purser, forty dollars per month, and two rations per day; a boatswain, fourteen dollars per month, and two rations per day; a gunner, fourteen dollars per month, and two rations per day; a sail-maker, fourteen dollars per month, and two rations per day; a carpenter, fourteen dollars per month, and two rations per day.

Sec. 7. *And be it further enacted*, That the pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen, and marines, shall be fixed by the President of the United States: *Provided*, That the whole sum to be given for the whole pay aforesaid, shall not exceed twenty-seven thousand dollars per month, and that each of the said persons shall be entitled to one ration per day.

Sec. 8. *And be it further enacted*, That the ration shall consist of, as follows: Sunday, one pound of bread, one pound and a half of beef, and half a pint of rice: Monday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese: Tuesday, one pound of bread, one pound and a half of beef, and one pound of potatoes or turnips, and pudding: Wednesday, one pound of bread, two ounces of butter, or, in lieu thereof, six ounces of molasses, four ounces of cheese, and half a pint of rice: Thursday, one pound of bread, one pound of pork, and half a pint of peas or beans: Friday, one pound of bread, one pound of salt fish,

two ounces of butter, or one gill of oil, and one pound of potatoes: Saturday, one pound of bread, one pound of pork, half a pint of peas or beans, and four ounces of cheese. And there shall also be allowed one half pint of distilled spirits per day, or, in lieu thereof, one quart of beer per day to each ration.

Sec. 9. *Provided always, and be it further enacted*, That if a peace shall take place between the United States and the Regency of Algiers, that no further proceedings be had under this act.

Approved, March 27, 1794.

An Act allowing to Major General Lafayette his Pay, and Emoluments, while in the service of the United States.

Be it enacted, &c., That there be allowed to Major General Lafayette the sum of twenty-four thousand four hundred and twenty-four dollars, being the amount of the pay and emoluments of a Major General during the time he was in the service of the United States, and that the same be paid out of any moneys which may be in the Treasury, and not otherwise appropriated.

Approved March 27, 1794.

An Act to provide for the Erecting and Repairing of Armories and Magazines, and for other purposes.

Sec. 1. *Be it enacted &c.*, That, for the safe keeping of the military stores there shall be established, under the direction of the President of the United States, three or four Armories with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the United States. Either or both of the Armories heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided*, That none of the said Armories be erected until purchases of the land necessary for their accommodation be made, with consent of the Legislature of the State in which the same is intended to be erected.

Sec. 2. *And be it further enacted*, That there shall be established at each of the aforesaid Armories a National Armory, in which shall be employed one superintendent, and one master-armorer (who shall be appointed by the President of the United States) and as many workmen as the Secretary for the Department of War shall, from time to time, deem necessary, so that the whole number at all the Armories shall not exceed one hundred. And the said superintendents shall each receive as a compensation, seventy dollars per month, and the said master-armorer each, fifty dollars per month.

Sec. 3. *And be it further enacted*, That there shall be employed an officer, whose duty it shall be (under the direction of the Department of War) to superintend the receiving, safe-keeping, and distribution of the military stores of the United States, and to call to account all persons to whom the same may be entrusted; he shall receive, for his compensation, at the rate of one hundred and twenty-five dollars per month, and

shall be appointed by the President of the United States.

Sec. 4. *And be it further enacted*, That a sum not exceeding fifty-nine thousand dollars be appropriated for the erecting and repairing of the Armories and Magazines aforesaid, and a sum not exceeding twenty-two thousand eight hundred and sixty-five dollars, for defraying the expense of the National Armories for one year; and the further sum of three hundred and forty thousand dollars to be applied under the direction of the President of the United States, in the purchase of arms, ammunition, and military stores; which said several sums shall be paid out of the duties on imports and tonnage, to the end of the present year.

Sec. 5. *And be it further enacted*, That an annual account of the expenses of the National Armories be laid before the Legislature of the United States, together with an account of the arms made and repaired therein.

Approved, April 2, 1794.

An Act transferring, for a limited time, the Jurisdiction of Suits and Offences from the District to the Circuit Court of New Hampshire, and assigning certain duties in respect to Invalid Pensioners, to the Attorney of said District.

Sec. 1. *Be it enacted, &c.*, That all actions commenced, or pending, in the District Court of New Hampshire, be removed to the next Circuit Court to be holden in that District, there to be tried and determined, in the same manner, as if the cognizance of such actions had been originally given to the said Circuit Court: And the said Circuit Court is hereby vested with the cognizance of all actions, crimes, and offences, by the laws now in force, cognizable in the said District Court, and with all the powers and authorities of the said District Court; and any Judge of the Supreme Court of the United States is authorized to do and perform all the duties, by any law of the United States enjoined upon the said District Judge, except as is hereinafter provided; the fees to be the same as in the District Court, in all such cases.

Sec. 2. *And be it further enacted*, That the duties enjoined the District Judges, by the act "to regulate the claims to invalid pensions," be, and the same are hereby transferred, as far as relates to the District of New Hampshire, to the Attorney of the said District, whose duty it shall be to perform the same.

Sec. 3. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, or until a new District Judge be appointed in that District, and no longer.

Approved, April 3, 1794.

An Act to authorize the President of the United States in certain cases, to alter the place for holding a session of Congress.

Be it enacted, &c., That, whenever the Congress shall be about to convene, and, from the prevalence of contagious sickness, or the exist-

ence of other circumstances, it would, in the opinion of the President of the United States, be hazardous to the lives or health of the members to meet at the place to which the Congress shall then stand adjourned, or at which it shall be next by law to meet, the President shall be, and he hereby is authorized, by proclamation, to convene the Congress at such other place as he may judge proper.

Approved, April 3, 1794.

An Act to provide for placing Buoys on certain rocks off the Harbor of New London, and in Providence River, and other places.

Sec. 1. *Be it enacted, &c.*, That the Secretary of the Treasury be authorized and directed to cause to be placed Buoys on the rocks called Black Ledge, or Southwest Ledge, Goeben Reef, Bartlett's Reef, and Race Rock, off the harbor of New London, in the State of Connecticut, at an expense not to exceed the sum of twelve hundred dollars; and to cause to be erected a Beacon, and to be placed two Buoys, in the harbor of Portsmouth, in the State of New Hampshire, at an expense not to exceed the sum of three hundred dollars: And, likewise, to cause to be placed in Providence river, in the State of Rhode Island, and in Savannah river, in the State of Georgia, and at the mouth of the same, Buoys, not exceeding ten in number, for each river, and at an expense not to exceed the sum of five hundred dollars for each; the same to be placed in such parts of the said rivers as he may judge most advantageous for the navigation thereof respectively.

Sec. 2. *And be it further enacted*, That there be appropriated and paid out of the moneys arising from the duties on imports and tonnage, the sum of two thousand five hundred dollars for the purpose aforesaid.

Approved, April 5, 1794.

An Act limiting the time for presenting Claims for destroyed Certificates, of certain descriptions.

Be it enacted, &c., That all claims for the renewal of certificates of the unsubscribed Debt of the United States, of the descriptions commonly called "Loan Office Certificates" or "Final Settlements," which may have been accidentally destroyed, shall be forever barred and precluded from settlement or allowance, unless the same shall be presented at the Treasury, on or before the first day of June, in the year one thousand seven hundred and ninety-five.

Sec. 2. *And be it further enacted*, That no claim shall be allowed for the renewal of Loan Office certificates destroyed before the fourth day of March, one thousand seven hundred and eighty-nine, unless the destruction of the same was advertised, according to the resolution of Congress, of the 10th day of May, one thousand seven hundred and eighty; or, before that time, was notified to the office from which the same was issued, nor shall claims be allowed for the renewal of Loan Office certificates, destroyed on or after the said fourth day of March, one thousand seven hundred

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and eighty-nine, nor of final settlement certificates, destroyed at any time, unless the destruction of the same was so far made public, as to be known to, at least, two credible witnesses, soon after it happened, and shall have been before the presentation of the claim, as hereinafter provided, advertised for, at least, six weeks successively, in some one of the newspapers of the State in which the destruction happened; and also in some one of the newspapers of the State in which the certificate issued, if that was another State; the advertisement or advertisements, in such case, expressing, with as much precision as possible, the number, date, and amount of the certificate alleged to have been destroyed, and the name of the person to whom the same was issued, together with the time when, the place where, and the means by which, the same was destroyed.

SEC. 3. And be it further enacted, That all claims for the renewal of destroyed certificates, of either of the descriptions aforesaid, not precluded by this act, shall be receivable, with the evidence in support of the same, by the Auditor of the Treasury, until the said first day of June, one thousand seven hundred and ninety-five, and shall, by the accounting officers of the Treasury, be duly examined; and, if satisfactorily supported, the claimants shall be entitled to receive certificates of registered Debt, equal to the specie value of the Loan Office or final settlement certificates so proved to have been destroyed.

Approved, April 21, 1794.

An Act to establish the Post Office and Post Roads within the United States.

Be it enacted, &c., That the following be established as post roads, namely: From Passamaquoddy, in the district of Maine, to St. Mary's, in Georgia, by the following route, to wit: From Passamaquoddy, through Machias, Gouldsborough, Sullivan, Trenton, Bluehill, Penobscot, Frankfort, Belfast, Deektrap, Camden, Thomaston, Warren, Waldoborough, Bristol, Nobleborough, Newcastle, Wiscasset, Bath, Brunswick, North Yarmouth, Portland, Biddeford, Wells, York, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Brookfield, Springfield, Hartford, Middletown, New Haven, Stratford, Fairfield, Norwalk, Stamford, New York, Newark, Elizabeth-Town, Bridge-town, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Christiansburg, Elkhart, Charlestown, Haver de Grace, Hartford, Baltimore, Bladensburg, Washington, Georgetown, Bowling Green, Hanover Court House, Richmond, Petersburg, Goldsboro, Warrenton, Lewisburg, Raleigh, Aversborough, Fayetteville, Lumberton, Cheraw Court House, Camden, Columbia, Edgely Court House, Augusta, and Waynesborough, to Savannah, and thence by Newport-bridge and Saint Saville, to the town of Saint Mary's. From Portland, by New Gloucester, Green, Monmouth, Wintthrop, and Hallowhill Court House, to Pittsboro, on the river Kennebec, through, to Portsmouth, by Exeter, Chester,

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Washington, in Pennsylvania, West Liberty, in Virginia, and Wheeling, on the Ohio, to Limestone and Fort Washington. From Limestone, by Bourbontown, Lexington, Frankfort, and Harrodsburg, to Danville, in Kentucky. From Danville, by Bardstown, to Louisville. From Yorktown, in Pennsylvania, by Hanover, Petersburg, and Tawny town, to Fredericksburg, in Maryland, and thence to Leesburg, in Virginia. From Wilmington, in the State of Delaware, New Castle, Cantwell's bridge, and Duck Creek, to Dover; and, from thence, by Frederica, Millford, Daggsborough, Snowhill, Hornstown, and Accomack Court House, to Northampton Courthouse, and thence to Norfolk, Hampton, or Yorktown. From Philadelphia, by Wilmington, Middletown, Warwick, George town, Cross Roads, Chester town, Chester Mills, Easton, Vienna, and Salisbury, to Snowhill; and from Snowhill to Princess Ann, and thence to Salisbury; and from Chester town to Baltimore, at all times, when a stage passes between those two places. From Elkton to Warwick. From Harford to Bel Air. From Baltimore to Annapolis, Upper Marlborough, Piscataway, Port Tobacco, Allen's Fresh, Newport, and Choptico, to Leonard town. From Baltimore to Yorktown, in Pennsylvania. From Baltimore, by Frederick town and Hager's town, to Chambersburg. From Hager's town, by Sharpsburg, to Shepherd's town. From Frederick town, by Peterstown, and Montgomery Court House, to Georgetown, on the Potomac. From Hager's town, by Hancock, Oldtown, Cumberland, Morgantown, in Virginia, and Uniontown, in Pennsylvania, to Brownsville, on the Monongahela. From Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock, and Rockingham Court House, to Staunton. From Frederick'sburg, by Port Royal, to Tappahannock; thence across the Rappahannock, to Richmond Court House, Westmoreland Court House, Kinsale, on Yeocomico, and Northumberland Court House, to Lancaster Court House, thence re-crossing the Rappahannock to Urbana, and from Urbana to Gloucester Court House. From Fredericksburg, by Culpepper and Orange Court Houses, to Charlottesville. From Richmond, by New Castle, Aylett's Warehouse, and Todd's bridge, to Rappahannock. From Richmond, by Williamsburg, York town and Hampton, to Norfolk. From Richmond, by Columbia and Charlottesville, to Staunton, thence to Lexington, Fincastle, Montgomery Court House, Wythe Court House, Abingdon, to Jonesborough, in the territory southwest of the Ohio, thence by Greensville, and Jefferson Court House, to Knoxville. From Staunton to Bath Court House, thence to the Sweet Springs, and thence to Greenbrier Court House. From Richmond, by Powhatan Court House, Cumberland Court House, Prince Edward Court House, Lynchburg, New London, and Liberty, to Fincastle. From Prince Edward Court House, by Charlotte Court House, Halifax Court House, and Pittsylvania Court House, to Martinsburg, and thence to Bethania. From Martinsburg to

Liberty. From Osborne's to Bermuda Hundred. From Petersburg, by Cabin Point, Smithfield and Suffolk, to Portsmouth and Norfolk. From Smithfield, by Southampton Court House to Greenville Court House. From Petersburg to Halifax, in North Carolina. From Goldsboro, by Saint Tammany's and Mecklenburg Court House, to Halifax Court House, in Virginia. From Suffolk, by Edenton, Plymouth, Washington, and Newbern, to Wilmington. From Plymouth to Windsor. From Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indian town, in Currituck county. From Halifax to Princeton and Murfreesborough, on Meherrin river, thence to Winton, on Chowan river, and thence by the bridge on Bennett's creek, to R. Mitchell's, which is on the post road from Suffolk to Edenton. From Halifax, by Blountsville, Williamston and Dailey's, to Plymouth. From Halifax, by Warrenton, Oxford, Hillsborough, Martinville, and Salem, to Salisbury. From Salisbury, by Cabarrus Court House, to Charlotte, to return by Iredell Court House to Salisbury. From Salisbury to Fayetteville, to go and return by the following route, alternately: by Montgomery, Anson, and Richmond Court Houses, to Fayetteville, thence by Moore and Randolph Court Houses, back to Salisbury. From Halifax, by Tarborough and Greenville, to Washington, and from Tarborough to Lewisburg. From Newbern, by Kinston, Wayneborough and Smithfield, to Raleigh. From Raleigh, by Chapel Hill, to Hillsborough, and from Hillsborough, by Person Court House, Caswell Court House, and Rockingham Court House, to Germantown. From Fayetteville to Wilmington; the mail to go alternately by Elizabeth town and return by South Washington, the cross-roads near Duplin Court House and Sampson Court House. From Salem, by Bethania, Huntsville, Rockford, and Wilkes, to Morgantown, in North Carolina, and from Morgantown, by Lincolnton, to Pinckney Court House, in South Carolina. From Cheraw Court House to Georgetown. From Camden, by Statesburg, to Charleston. From Charleston, by Coosawatchy, to Sister's Ferry, on Savannah river, and thence to the post road from Augusta to Savannah, and from Coosawatchy to Beaufort. From Columbia, by Orangeburg, to Charleston. From Columbia to Newbury Court House and Laurens Court House, to Greenville Court House. From Edgefield Court House to Cambridge, and thence, by Abbeville Court House, to Pendleton Court House. From Columbia, by Wainsborough, Pinckney Court House, Spartan Court House, and Greenville Court House, to Washington Court House. From Washington Court House, by Pendleton Court House, to Hatton's ford, on Tugelo river; and thence by Franklin Court House, Elberton, and Petersburg, to Washington, in Georgia. From Augusta to Washington, thence to Greenborough, and thence by the great falls of Ogeechee and George town, to Augusta. *Provided*, That, until the Postmaster General shall have made provision for the regular transportation of the mail from

Wheeling to Limestone, the present post-road from Abington to Danville, in Kentucky, shall be continued; and if such provision cannot be made within a reasonable time, then the post-road shall be extended from Danville to Frankfort, and Lexington, and thence to Washington.

Sec. 2. *And be it further enacted*, That it shall be lawful for the Postmaster General to provide, by contract, for the carriage of a mail on any road on which a stage-wagon, or other stage-carriage, shall be established, on condition that the expense thereof shall not exceed the revenue thence arising.

It shall also be lawful for the Postmaster General to enter into contracts, for a term not exceeding eight years, for extending the line of posts, and to authorize the persons, so contracting, as a compensation for their expenses, to receive, during the continuance of such contracts, at rates not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets, and packets, conveyed by any such post. And the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post-roads within the provisions of this act: And a duplicate of every such contract, shall, within sixty days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the United States.

Sec. 3. *And be it further enacted*, That there shall be established at the Seat of Government of the United States, a General Post Office; and there shall be one Postmaster General, who shall have authority to appoint an Assistant and Deputy Postmasters at all such places, as he shall find necessary; and he shall provide for carrying the mail of the United States, by stage carriages or horses, as he may judge most expedient; and as often as he, having regard to the productiveness thereof, as well as other circumstances, shall think proper, and defray the expense thereof, with all other expenses arising on the collection and management of the revenue of the Post Office. He shall also have power to prescribe such regulations to the deputy postmasters, and others employed under him, as may be found necessary, and to superintend the business of the Department, in all the duties that are or may be assigned to it, and also to direct the route or road, where there are more than one, between the places above established, which route or road shall be considered as the post-road.

Sec. 4. *And be it further enacted*, That the Postmaster General shall, once in three months, obtain from his deputies the accounts and vouchers of their receipts and expenditures, and the balance due thereon, and render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said Department, to be adjusted and settled, as other public accounts; and shall pay quarterly into the Treasury of the United States, the balance in his hands; and the Postmaster General, and his assistants, the Deputy Postmasters, and such as they may employ in their offices, before they enter upon their duties, or be

entitled to receive the emoluments of their offices, and the contractors for carrying the mail, and their agents or servants, and all others to whom the mail shall be intrusted, before they commence the execution of the said trust, shall, respectively, take and subscribe, before some Justice of the Peace, the following oath or affirmation, and cause a certificate thereof to be filed in the office of the Postmaster General:—"I do swear (or affirm, as the case may be,) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the law, in relation to the establishment of Post Offices and Post Roads within the United States."

Sec. 5. *And be it further enacted*, That if any person should obstruct or retard the passage of the mail, or of any horse or carriage carrying the same, he shall, upon conviction for every such offence, pay a fine of not exceeding one hundred dollars; and if any ferryman shall, by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay, for each half hour that the same shall be so delayed, a sum not exceeding ten dollars.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Postmaster General to give public notice, in one or more of the newspapers published at the Seat of Government of the United States, and in one or more of the newspapers published in the State or States, where the contract is to be performed, for at least six weeks before the entering into any contract for the conveyance of the mail, that such contract is intended to be made, and the day on which it shall be concluded, describing the places from, and to which such mail is to be conveyed; the time at which it is to be made up; the day and hour at which it is to be delivered; and the penalty or penalties for non-performance of the stipulations; he shall, moreover, within thirty days after the making of any contract, lodge the same, together with the proposals, which he shall have received respecting it, in the office of the Comptroller of the Treasury of the United States: *Provided*, That no contract shall be entered into for a longer term than four years.

Sec. 7. *And be it further enacted*, That every Deputy Postmaster shall keep an office, in which one or more persons shall attend, at such hours as the Postmaster General shall direct for the purpose of performing the duties thereof; and all letters, brought to any Post Office half an hour before the time of making up the mail at such office, shall be forwarded therein, except at such Post Offices, where, in the opinion of the Postmaster General, it requires more time for making up the mail, and which he shall accordingly prescribe; but this shall in no case exceed one hour.

Sec. 8. *And be it further enacted*, That, from and after the first day of June next, the Postmaster General shall be allowed, for his services, at the rate of two thousand four hundred dollars per annum, his assistant, at the rate of one thousand two hundred dollars per annum, and the Postmaster General shall be allowed four clerks, whose compensation shall be regulated in such manner

as not to exceed five hundred dollars per annum to each: All the above mentioned compensations to be paid quarterly out of the revenues of the Post Office; and no fees or perquisites shall be received by any person employed in the general Post Office, on account of the duties to be performed, in virtue of his appointment.

Sec. 9. *And be it further enacted*, That the Deputy Postmasters, and persons authorized by the Postmaster General, shall demand and receive for the conveyance of letters and packets, except such as are hereinafter excepted, the following rates of postage: For every single letter conveyed by land, not exceeding thirty miles, six cents; over thirty miles, and not exceeding sixty, eight cents; over sixty, and not exceeding one hundred, ten cents; over one hundred miles, and not exceeding one hundred and fifty, twelve cents and a half; over one hundred and fifty miles, and not exceeding two hundred, fifteen cents; over two hundred miles, and not exceeding two hundred and fifty, seventeen cents; over two hundred and fifty miles, and not exceeding three hundred and fifty, twenty cents; over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents; and more than four hundred and fifty miles, twenty-five cents; and for every double letter, double the said rates; for every triple letter, triple; and for every packet, weighing one ounce or less, at the rate of four single letters; and in that proportion for any greater weight.

Sec. 10. *And be it further enacted*, That, for all letters and packets passing by sea to and from the United States, or from one port to another therein, in packet boats or vessels, the property of, or provided by the United States, postage shall be charged as follows: For every single letter, eight cents; for every double letter, sixteen cents; for every triple letter, or packet, twenty-four cents; and for every letter or packet brought into the United States, or carried from one port therein to another, by sea, in any private ship or vessel, four cents, if delivered at the place where the same shall arrive; and if directed to be delivered at any other place, with the addition of like postage, as other letters are made subject to the payment of, by this act.

Sec. 11. *And be it further enacted*, That if any Deputy Postmaster, or other person authorized by the Postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or any gratuity or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit, for every such offence, one hundred dollars, and shall be rendered incapable of holding any office or appointment under the United States.

Sec. 12. *And be it further enacted*, That no ship or vessel, arriving at any port within the United States, where a Post Office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the Postmaster, all letters directed to any person or persons, within the United States, which, under his care, or within his power, shall be brought in such ship or vessel, except such as

are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the Collector, or other officer of the port, empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid.

Sec. 13. *And be it further enacted*, That the Postmasters, to whom such letters may be delivered, shall pay to the master, commander, or other person, delivering the same, except the commanders of foreign packets, two cents for each letter or packet, and shall obtain from the person delivering the same, a certificate, specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed, which certificate, together with a receipt for the money, shall be, with his quarterly accounts, transmitted to the Postmaster General, who shall credit him with the amount.

Sec. 14. *And be it further enacted*, That if any person, other than the Postmaster General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage wagon, or other stage carriage, on any established Post Road, or any packet boat or other vessel, to ply regularly from one place to another, between which a regular communication by water, shall be established by the United States, and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same, by such foot or horse post, stage wagon, or other stage carriage, packet boat or vessel, (excepting only such letter or letters, as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any package or bundle in such conveyance is intended to be delivered,) every person so offending shall forfeit, for every such offence, the sum of fifty dollars: *Provided*, That it shall be lawful for any person to send letters or packets by a special messenger.

Sec. 15. *And be it further enacted*, That the Deputy Postmasters and other agents of the Postmaster General, shall duly account and answer to him, for all way-letters, which shall come to their hands; and for this purpose the post-riders, and other carriers of the mail, receiving any way-letter or letters, (and it shall be their duty to receive them, if presented more than two miles from a Post Office,) shall deliver the same, together with the postage, if paid, at the first Post Office, to which they shall afterwards arrive, where the Postmaster shall duly enter the same, and specify the number and rate or rates in the post-bill, adding to the rate of each way-letter one cent, which shall be paid by the Deputy Postmaster, to the mail carrier from whom such way-letter shall be received; and that letters, directed to persons living between Post Offices, may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver, all such letters as shall, for that pur-

pose, be committed to them, by any Deputy Postmaster, and collect the postage thereof, which shall be paid over by such Deputy Postmaster, on demand, and for every letter so delivered, the mail carrier delivering the same shall be allowed to demand and receive two cents, to his own use, besides the ordinary postage; and if any Deputy Postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they, so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding fifty dollars: *Provided*, That no mail carriers shall make such deliveries at any place not on the Post Road: *Provided also*, That the receipts and delivery of letters on the way, between Post Offices, shall not be required of the mail carriers, in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance, is incompatible with such receipts and deliveries.

SEC. 16. *And be it further enacted*, That if any person employed in any of the departments of the General Post Office, shall unlawfully detain, delay, or open, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and which are intended to be conveyed by post; or if any such person shall secrete, embezzle, or destroy, any letter or packet, intrusted to him, as aforesaid, and which shall not contain any security for, or assurance relating to, money, as hereinafter described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence. And if any person, employed as aforesaid, shall secrete, embezzle, or destroy, any letter, packet, bag, or mail of letters, with which he shall be intrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the United States, note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for or relating to the payment of money, or any bond or warrant, draft, bill, or promissory note, whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same, out of any letter, packet, bag, or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, suffer death. And if any person, who shall have taken charge of the mail of the United States, shall quit or desert the same, before his arrival at the next Post Office, every such person, so offending, shall forfeit and pay a sum not exceeding five hundred dollars, for every such offence. And if any person concerned in carrying the mail of the United States, shall collect, receive, or carry, any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding fifty dollars.

SEC. 17. *And be it further enacted*, That if any person or persons shall rob any carrier of the mail of the United States of such mail, or any part thereof, such offender or offenders shall, on conviction thereof, suffer death. And if any person shall steal the mail, or shall steal and take from any letter or packet, such person shall, upon conviction, for every such offence, be fined, not exceeding three hundred dollars, or imprisoned, not exceeding six months, or both, according to the circumstances and aggravations of the offence.

SEC. 18. *And be it further enacted*, That the Deputy Postmasters shall, respectively, publish, at the expiration of every three months, or oftener, when the Postmaster General shall so direct, in one of the newspapers published at or nearest the place of his residence, for three successive weeks, a list of all the letters remaining in their respective offices, or, instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and, at the expiration of the next three months, shall send such of the said letters as then remain on hand as dead letters, to the General Post Office, where the same shall be opened and inspected; and if any valuable papers or matter of consequence, shall be found therein, it shall be the duty of the Postmaster General to cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the United States; and such letter, and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage, and the expense of publication. And if such letter, with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within two years after the advertisement thereof, as aforesaid, the said contents shall be applied to the use of the United States, until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster General to the Secretary of the Treasury.

SEC. 19. *And be it further enacted*, That the following letters and packets, and no other, shall be received and conveyed by post, free of postage, under such restrictions as are hereinafter provided; that is to say, all letters and packets to or from the President or Vice President of the United States, and all letters and packets, not exceeding two ounces in weight, to or from any member of the Senate or House of Representatives, the Secretary of the Senate or Clerk of the House of Representatives, during their actual attendance in any session of Congress, and twenty days after such session; all letters to and from the Secretary of the Treasury, Comptroller, Register, and Auditor of the Treasury, the Treasurer, the Secretary of State, the Secretary at War, the Commissioner of the Revenue, the Postmaster General, his Assistant, and Deputies: And the Deputy Postmasters shall receive, besides their

other allowance as, two cents for each free letter or packet, (their own excepted,) which shall be delivered to the person addressed out of their respective offices. *Provided*, That no person shall frank or enclose any letter or packet other than his own; but any public letter or packet from the Department of the Treasury, may be franked by the Secretary of the Treasury, or by the Commissioner of the Revenue, Comptroller, Register, Auditor, or Treasurer: And that each person before named shall deliver into the Post Office every letter or packet enclosed to him, which may be directed to any other person, noting the place from whence it came by post, and the usual postage shall be charged thereon: *And provided also*, That no letter to or from a Deputy Postmaster shall be free of postage, if it exceeds half an ounce in weight.

SEC. 20. *And be it further enacted*, That, if any person shall counterfeit the handwriting of any other person, in order to evade the payment of postage, such person or persons so offending, and being thereof duly convicted, shall forfeit and pay, for every such offence, the sum of one hundred dollars.

SEC. 21. *And be it further enacted*, That every printer of newspapers may send one paper to each and every other printer of newspapers within the United States, free of postage, under such regulations as the Postmaster General shall provide.

SEC. 22. *And be it further enacted*, That all newspapers conveyed in the mail shall be under cover, open at one end, carried in separate bags from the letters, and charged with the payment of one cent each, for any distance not more than one hundred miles, and one cent and a half for any greater distance: *Provided*, That the postage of a single newspaper, from any one place to another, in the same State, shall not exceed one cent: And that, where the mode of conveyance and the size of the mail will admit of it, magazines and pamphlets may be transported in the mail, at one cent per sheet for conveyance, any distance not exceeding fifty miles; one and a half cent for any distance over fifty miles, and not exceeding one hundred; and two cents per sheet, for any greater distance. And it shall be the duty of the Postmaster General and his deputies, to keep a separate account for the newspapers, magazines, and pamphlets; and the Deputy Postmasters shall receive fifty per cent, on the postage thereof, exclusively of their other allowances: And if any letter, memorandum in writing, or other thing, be enclosed in, or placed among such newspapers, or if any note or memorandum, other than the name of the person to whom it is addressed, be written upon any such newspaper, the letter, memorandum, or other thing, as enclosed or placed, and the newspaper shall be detained by the Deputy Postmaster, until a sum shall be paid him equal to the postage of the whole packet in which they shall be found, calculating such postage at the rates established by this act for letters and packets: And that any printer, or other person, who shall conceal a letter, or any memorandum in writing, in a newspaper

or among any package of newspapers, shall be liable, on conviction, to a fine for each offence, not exceeding five dollars. And if any of the persons employed in any department of the Post Office, shall unlawfully detain, delay, embezzle, or destroy any newspaper, magazine, or pamphlet, with which he shall be intrusted, such offenders, for every such offence, shall forfeit a sum not exceeding fifty dollars: *Provided*, That the Postmaster General, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made, to carry newspapers, magazines, and pamphlets, other than those carried in the mail.

SEC. 23. *And be it further enacted*, That the Postmaster General be, and he is hereby, authorized to allow to the Deputy Postmasters, respectively, such commissions on the moneys arising from the postage of letters and packets, as he shall think adequate to their respective services and expenses: *Provided*, The said commission shall not exceed twenty per cent. to any one deputy, except the Postmaster at the port where the European packets do or shall arrive, to whom such further allowance, in addition to the emoluments of his office, shall be made, as the Postmaster General shall deem a reasonable compensation for his extra services, in the receipt and despatch of letters originally received into his office, from on board such packets, and by him forwarded to other offices: And except the Deputy Postmaster at Burlington, on Lake Champlain, whose compensation the Postmaster General is hereby authorized to augment, on account of his extra trouble in receiving mails passing to and from Canada, to a sum not exceeding one hundred dollars per annum: And except certain Deputy Postmasters, who are obliged to rise in the night to receive mails, whose compensations the Postmaster General is hereby authorized to increase, not exceeding forty per cent. on the amount of moneys arising on the postage of letters and packets: *And provided also*, That the compensations aforesaid shall not exceed one thousand eight hundred dollars per annum to any one Postmaster, excepting the Deputy Postmaster of Philadelphia, who shall be allowed a compensation not exceeding the sum of three thousand five hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered to the Deputy Postmaster General: And excepting the Deputy Postmaster at New York, who shall be allowed a compensation, not exceeding two thousand seven hundred dollars a year, including all perquisites and emoluments, of which a regular account shall be rendered, as aforesaid: *Provided also*, That the reasonable charges of the Deputy Postmasters for stationery, for cases necessary for the safe-keeping and convenient distribution of letters, and for advertising the lists of letters, from time to time remaining in their offices, accompanied with proper vouchers, shall be admitted by the Postmaster General, and placed to their credit: And there shall also be allowed to the Deputy Postmaster of Philadelphia, for his extraordinary expenses, incurred in the execution of his office, un-

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der the existing law, an additional compensation, at the rate of eight hundred and fifty dollars a year, to be computed from the first day of July, one thousand seven hundred and ninety-two, to the first day of June next.

SEC. 24. *And be it further enacted*, That, if any Deputy Postmaster, or other person authorized to receive the postage of letters and packets, shall neglect or refuse to render his accounts and pay over to the Postmaster General the balance by him due at the end of every three months, it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing; and if the Postmaster General shall not cause such suit to be commenced within six months from the end of every such delinquent shall be charged to and recoverable from the Postmaster General.

SEC. 25. *And be it further enacted*, That all pecuniary penalties and forfeitures incurred under this act, shall be one-half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the United States.

SEC. 26. *And be it further enacted*, That it shall be lawful for the Postmaster General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port of the United States, to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the Postmaster of the port to which each ship or vessel shall be bound. And for every letter or packet so received there shall be paid, at the time of its reception, a postage of one cent, which shall be for the use of the Postmaster respectively receiving the same. And the Postmaster General may make arrangements in the Postmasters in any foreign country for the reciprocal receipt and delivery of letters and packets through the post office.

SEC. 27. *And be it further enacted*, That the Deputy Postmasters and the persons employed in the transportation of the mail shall be exempt from militia duties, or any fine or penalty for neglect thereof.

SEC. 28. *And be it further enacted*, That letter-carriers shall be employed at such post offices as the Postmaster General shall direct for the delivery of letters in the places respectively where such post offices are established; and, for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made two cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution addressed to any person who shall have lodged at the post office a written request that his letters shall be detained in the office. And, for every letter lodged at any post office, not to be carried by post, but to be delivered to the place where it is so lodged, the Deputy Postmaster shall receive one cent of the person to whom it shall be delivered.

SEC. 29. *And be it further enacted*, That this act shall be in force from the first day of June next.

Approved, May 8, 1794.

An Act providing for raising and organizing a Corps of Artillerists and Engineers.

Be it enacted, &c., That the number of seven hundred and sixty-four non-commissioned officers, privates, and artificers, to serve as privates and musicians, shall be engaged for the term of three years, by voluntary enlistments; and that the proper proportion of commissioned officers shall be appointed to command the same.

SEC. 2. *And be it further enacted*, That the aforesaid commissioned and non-commissioned officers, privates, artificers, and musicians, shall be incorporated with the corps of artillery now in the service of the United States, and denominated the corps of artillerists and engineers, and that the entire number of the said corps, exclusively of the commissioned officers, shall be nine hundred and ninety-two.

SEC. 3. *And be it further enacted*, That the organization of the said corps be as herein mentioned, to wit: One Lieutenant Colonel commanding, one Adjutant, one Surgeon—four battalions, each to consist of one Major, one Adjutant and Paymaster, and one Surgeon's Mate; and four companies, each to consist of one Captain, two Lieutenants, two Cadets, with the pay, clothing, and rations of a sergeant, four sergeants, four corporals, forty-two privates, sappers, and miners, and ten artificers, to serve as privates, and two musicians.

SEC. 4. *And be it further enacted*, That the additional commissioned officers, non-commissioned officers, privates, artificers, and musicians, by this act directed to be raised, shall receive the same pay and allowances, in all respects, as the troops already in the service of the United States; and they shall also be governed by the same rules and articles of war, which have been, or may be by law, established.

SEC. 5. *And be it further enacted*, That it shall be the duty of the Secretary of War to provide, at the public expense, under such regulations as shall be directed by the President of the United States, the necessary books, instruments, and apparatus, for the use and benefit of the said corps.

SEC. 6. *And be it further enacted*, That the President of the United States shall cause such portions of the said corps to serve in the field, on the frontiers, or in the fortifications of the sea-coast, as he shall deem consistent with the public service.

Approved, May 9, 1794.

An Act supplementary to "An act to provide for the Defence of certain Ports and Harbors in the United States."

Be it enacted, &c., That the port and harbor of the city of Annapolis be fortified in such manner, and at such time or times, as the President of the United States may direct; and that it shall be lawful for the President of the United States to employ a garrison in the said fortification, provide cannon and equipments, and receive from the State of Maryland a cession of the lands on which the said fortification, and its necessary buildings, may be erected, agreeably to the second

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and third sections of the act to which this is a supplement.

Approved, May 9, 1794.

An Act for the Remission of the Duties on eleven hogsheads of Coffee which have been destroyed by fire.

Whereas, eleven hogsheads of coffee were imported in the brig Jason, from Cape Francois, by two French citizens to the port of Norfolk and Portsmouth in November last, and the duties thereon secured to be paid by Messrs. Elliott and Purviance of the same port: And whereas, the said eleven hogsheads of coffee were afterwards on account of the same importers shipped to the port of Baltimore, and there, in the night of the seventh day of January last, destroyed by fire.

Be it enacted, &c., That the duties paid or payable to the United States on the same eleven hogsheads of coffee be, and the same are hereby remitted; and it shall be the duty of the Collector of the port of Norfolk and Portsmouth to refund the same duties, if they have been received.

Approved, May 9, 1794.

An Act directing a Detachment from the Militia of the United States.

Be it enacted, &c., That the President of the United States be, and he is hereby authorized to require of the Executives of the several States, to take effectual measures, as soon as may be, to organize, arm, and equip, according to law, and hold in readiness to march at a moment's warning, the following proportions, respectively, of eighty thousand effective militia, officers included, to wit: From the State of Georgia, one thousand three hundred and thirty-three; from the State of South Carolina, three thousand five hundred and fifty; from the State of North Carolina, seven thousand three hundred and thirty-one; from the State of Kentucky, one thousand five hundred and thirty-two; from the State of Virginia, eleven thousand three hundred and seventy-seven; from the State of Maryland, five thousand four hundred and eighteen; from the State of Delaware, one thousand two hundred and fifty-six; from the State of Pennsylvania, ten thousand seven hundred and sixty-eight; from the State of New Jersey, four thousand three hundred and eighteen; from the State of New York, seven thousand nine hundred and seventy-one; from the State of Vermont, two thousand one hundred and thirty-nine; from the State of Connecticut, five thousand eight hundred and eighty-one; from the State of Rhode Island, one thousand six hundred and ninety-seven; from the State of Massachusetts, eleven thousand eight hundred and eighty-five; and from the State of New Hampshire, three thousand five hundred and forty-four.

And be it further enacted, That the detachments of militia aforesaid shall be officered out of the present militia officers, or others, at the option and discretion of the Constitutional authority in each State respectively.

SEC. 3. *And be it further enacted*, That the

President may, if he judges expedient, authorize the Executives of the several States to accept any independent corps of cavalry, artillery or infantry, as part of the detachments aforesaid, provided they shall voluntarily engage as corps in the service.

SEC. 4. *And be it further enacted*, That the said militia shall not be compelled to serve a longer time, in any one tour, than three months after their arrival at the place of rendezvous; and that, during the time of their service, besides their pay and other allowances, which shall be the same as the troops on the Military Establishment of the United States, they shall receive at the rate of one dollar and sixty-six cents, for clothing, per month.

SEC. 5. *And be it further enacted*, That the President of the United States be requested to call on the Executives of the several States, to take the most effectual means, that the whole of the militia, not comprised within the foregoing requisition, be armed and equipped according to law.

SEC. 6. *And be it further enacted*, That this act shall continue and be in force, for the space of one year from the passing thereof, and from thence to the end of the next session of Congress, and no longer.

Approved, May 9, 1794.

An Act to erect a Light-house on the Headland of Cape Hatteras; and a Lighted Beacon on Shell-Castle Island, in the Harbor of Ocracoke, in the State of North Carolina.

Be it enacted, &c., That, as soon as the jurisdiction of so much of the headland of Cape Hatteras, in the State of North Carolina, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light-house shall have been ceded to the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a light-house thereon, of the first rate, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building said light-house; and the President is hereby authorized to make said appointments. That the number and disposition of the lights in the said light-house shall be such, as may tend to distinguish it from others, and, as far as practicable, to prevent mistakes in navigators.

SEC. 2. *And be it further enacted*, That the Secretary of the Treasury be authorized to provide, by contract, which shall be approved by the President of the United States, for building on an Island in the harbor of Ocracoke, called Shell Castle, a lighted beacon, of a wooden frame, fifty-five feet high, to be twenty-two feet at the base, and to be reduced gradually to twelve feet at the top, exclusively of the lantern, which shall be made to contain one large lamp with four wicks, and for furnishing the same with all necessary supplies: *Provided*, That no such lighted beacon shall be erected, until a cession of a sufficient quantity of

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land on the said Island shall be made to the United States by the consent of the Legislature of the State of North Carolina.

SEC. 3. *And be it further enacted*, That sufficient moneys be appropriated for the erecting and completing the buildings aforesaid, out of any moneys heretofore appropriated which may remain unexpended after satisfying the purposes for which they were appropriated, or out of any moneys which may be in the Treasury not subject to any prior appropriation.

Approved, May 13, 1794.

An Act for erecting a Light-house on the Island of Seguin, in the District of Maine, and for erecting a Beacon, and placing three Buoys at the entrance of Saint Mary's river, in the State of Georgia.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the United States, for building a light-house on the Island of Seguin, near the entrance of the river Kennebeck, in the District of Maine, (the Commonwealth of Massachusetts having ceded to the United States ten acres of the said Island for that purpose,) and to furnish the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons, who may be appointed by the President, for the superintendence and care of the same; and the President is hereby authorized to make the said appointments; that the number or disposition of the light or lights in the said light-house, be such as may tend to distinguish it from others, as far as is practicable.

SEC. 2. *And be it further enacted*, That a sum, not exceeding five thousand dollars, be appropriated for the same, out of any moneys heretofore appropriated, which may remain unexpended, after satisfying the purpose for which they were appropriated, or out of any other moneys which may be in the Treasury, not subject to any prior appropriations.

SEC. 3. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to cause a beacon to be erected, and three buoys to be placed, at the entrance of Saint Mary's river, in the State of Georgia, and that a sum, not exceeding three hundred dollars, be appropriated in like manner as the sum for defraying the expenses for erecting a light-house on the island of Seguin, is appropriated by this act, for the purpose of defraying the charges of erecting and placing the same.

Approved, May 19, 1794.

An Act further to authorize the adjournment of Circuit Courts.

Be it enacted, &c., That a Circuit Court in any district, when it shall happen that no Justice of the Supreme Court attends within four days after the time appointed by law for the commencement of the session, may be adjourned to the next stated term by the Judge of the district, or, in case of his absence also, by the Marshal of the district.

Approved, May 19, 1794.

An Act prohibiting for a limited time the exportation of Arms and Ammunition, and encouraging the importation of the same.

Be it enacted, &c., That it shall not be lawful to export from the United States any cannon, muskets, pistols, bayonets, swords, cutlasses, musket balls, lead, bombs, grenades, gunpowder, sulphur, or saltpetre; but the exportation of all the aforesaid articles are hereby prohibited for and during the term of one year.

SEC. 2. *And be it further enacted*, That any of the aforesaid articles, excepting such of them as may constitute a part of the equipment of any vessel, which, during the continuance of this prohibition, shall be found on board of any vessel, in any river, port, bay, or harbor, within the territory of the United States, with an intent to be exported from the United States to any foreign country, shall be forfeited; and in case the value thereof shall amount to four hundred dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel, and furniture, shall also be forfeited: *Provided, nevertheless*, That nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another port within the United States, in any vessel having a license as a coasting vessel, the master, agent, or owner of which shall have given bond, with one or more sufficient sureties, to the Collector of the District from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board her, that the said articles shall be reloaded and delivered in some port of the United States.

SEC. 3. *And be it further enacted*, That if any of the articles aforesaid shall, contrary to the prohibitions of this act, be exported to any foreign country, the vessel in which the same shall have been exported, together with her tackle, apparel, and furniture, shall be liable to forfeiture, and the captain or master of such vessel shall forfeit and pay a sum not exceeding one thousand dollars.

SEC. 4. *And be it further enacted*, That it shall be the duty of the custom-house officers, and of all persons employed in the collection of the revenue, to attend to the execution of this law; and all forfeitures and penalties incurred under it shall be sued for, prosecuted, adjudged, and distributed, in like manner as is provided in the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise imported into the United States, and on the tonnage of ships and vessels."

SEC. 5. *And be it further enacted*, That all brass cannon, muskets, and firelocks, with bayonets suited to the same, pistols, swords, cutlasses, musket balls, lead, and gunpowder, which shall be imported into the United States from any foreign country, within the term of one year, and all sulphur and saltpetre which shall be so imported to the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum; and that the amount of such interest be placed to the credit of the State to which the same shall be found due, upon the books

Approved, May 23, 1794.

Acts of Congress.

An Act to alter the time for the next annual meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the annual meeting of Congress shall be on the first Monday in November next.

Approved, May 30, 1794.

An Act to continue in force the act for the relief of persons imprisoned for debt.

Be it enacted, &c., That the act entitled "An act for the relief of persons imprisoned for debt," be continued, and that the same be in force for the term of two years from the passing of this act, and from thence to the end of the next session of Congress, and no longer.

Approved, May 30, 1794.

An Act further extending the time for receiving on Loan the Domestic Debt of the United States.

Be it enacted, &c., That the term for receiving on Loan that part of the Domestic Debt of the United States which shall not have been subscribed in pursuance of the act entitled "An act for extending the time for receiving on Loan that part of the Domestic Debt of the United States which may not be subscribed prior to the first day of March, one thousand seven hundred and ninety-three," be, and the same is hereby further extended from and after the last day of June ensuing, until the last day of December next, inclusively, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States." *Provided*, That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

SEC. 2. *And be it further enacted*, That such of the creditors of the United States as have not subscribed and shall not subscribe to the said Loan, shall nevertheless receive, during the year one thousand seven hundred and ninety-four, a rate per centum on the amount of such of their demands, as have been registered or as shall be registered at the Treasury, conformably to the directions in the act, entitled "An act making provision for the Debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Approved, May 30, 1794.

An Act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States.

Be it enacted, &c., That interest upon the balances reported to be due to certain States, by the Commissioners for settling accounts between the United States and individual States, be allowed, from the last day of December, one thousand seven hundred and eighty-nine, and to be computed to the last day of December, one thousand seven hundred and ninety-four, at the rate of four per centum per annum; and that the amount of such interest be placed to the credit of the State to which the same shall be found due, upon the books

of the Treasury of the United States, and shall bear an interest of three per centum per annum, from and after the said last day of December, one thousand seven hundred and ninety-four.

SEC. 2. *And be it further enacted*, That the interest on the said balances, reported by the said Commissioners as aforesaid, which shall be funded, agreeably to the terms of the act, entitled "An act to provide more effectually for the settlement of the accounts between the United States and the individual States," together with the interest on the amount placed to the credit of any such State, for arrearages of interest on such balances, agreeably to the terms of this act, be paid quarter-yearly, after the said last day of December, one thousand seven hundred and ninety-four; that is to say: one-fourth part thereof on the last days of March, June, September, and December, respectively, in each year, at the offices of the Commissioners of Loans, within such States as shall be entitled to receive the same; the first payment to be made on the last day of March, one thousand seven hundred and ninety-five: And for the payment of the said interest, so much of the duties arising yearly, on imports and tonnage, from and after the last day of December, one thousand seven hundred and ninety-four, as may be necessary, and not heretofore otherwise appropriated, be, and the same is hereby, pledged and appropriated; and that the faith of the United States be, and the same is hereby, pledged to provide for any deficiency that may happen by such additional and permanent funds as may be necessary therefor.

Approved, May 31, 1794.

An Act to authorize the President of the United States to lay, regulate, and revoke Embargoes.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered, whenever in his opinion the public safety shall so require, to lay an embargo on all ships and vessels in the ports of the United States, or upon the ships and vessels of the United States, or the ships and vessels of any foreign nation, under such regulations as the circumstances of the case may require, and to continue or revoke the same, whenever he shall think proper; and the President is hereby fully authorized to give all such orders to the officers of the United States as may be necessary to carry the same into full effect: *Provided*, That the authority aforesaid shall not be exercised while the Congress of the United States shall be in session. And any embargo which may be laid by the President, as aforesaid, shall cease and determine in fifteen days from the actual meeting of Congress next after laying the same.

SEC. 2. *And be it further enacted*, That this act shall continue and be in force until fifteen days after the commencement of the next session of Congress, and no longer.

Approved, June 4, 1794.

An Act providing for the payment of the second installment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That the President of the

United States be, and he hereby is, authorized and empowered to apply two hundred thousand dollars of the proceeds of foreign Loans heretofore transferred to the United States, in payment of the second instalment due to the Bank of the United States, upon a Loan of the said Bank, made pursuant to the eleventh section of the act for incorporating the subscribers to the said Bank; and that the annual period for the payment of each instalment of the said Loan shall be deemed to be the last day of December in each year.

Sec. 2. *And be it further enacted*, That a sufficient sum of the dividends which have accrued, or which shall hereafter accrue, on the stock owned by the United States, in the Bank of the United States, be, and the same is hereby, appropriated to the payment of the interest which has or shall become due on the Loans obtained as aforesaid.

Approved, June 4, 1794.

An Act for extending the benefit of a Drawback and terms of Credit, in certain cases, and for other purposes.

Be it enacted, &c., That in all cases where the term allowed by law for the exportation of goods, wares, or merchandise, with the benefit of a drawback of the duties thereupon, shall have expired after the last day of January last past, and previous to the last day of July next, there shall be allowed further time for the exportation, with the benefit aforesaid, until the said last day of July next.

Sec. 2. *And be it further enacted*, That on all bonds which may have been given for duties on coffee, sugar, and indigo, imported into the United States, and which shall be unpaid at the passing of this act, all that time from the last day of January last past to the last day of May instant, shall be considered as no part of the time allowed by law for the payment of the said duties, but the importer shall enjoy the same term of credit as if the said period had not intervened: *Provided*, That in every case where the extension of credit is claimed and granted under this act, new act bonds shall be extended, with one or more sureties, to the satisfaction of the collector of the district.

Sec. 3. *And be it further enacted*, That in cases where the certificates and evidence now required by law for authorizing the payment of any drawback or allowance on any goods, wares, or merchandise, exported since the first day of July, one thousand seven hundred and ninety-two, or which may be hereafter exported, are not and cannot be obtained, the exporter or exporters of such goods, wares, or merchandise, shall nevertheless be permitted to offer such other proof as to the delivery thereof, without the limits of the United States, as he or they may have, to the Comptroller of the Treasury, who shall, if the same proof shall be satisfactory to him, direct the payment of the drawback or allowance: *Provided, always*, That in no case shall a drawback be hereafter paid on any goods, wares, or merchandise, until the duties on the importation thereof shall have been first received.

Approved, June 4, 1794.

his or her option to make payment in manner last mentioned, upon the condition following, that is to say: that he or she, if having or keeping a carriage or carriages, shall be liable to duty, on the first day of September next, shall, within the said month of September, or, if beginning to have or keep such carriage or carriages, at any time after the said first day of September, shall, within thirty days after he or she shall so begin to have or keep such carriage or carriages, give notice thereof in writing, at the office of inspection, nearest to his or her said place of habitation, by transmitting a list thereof, of the like kind and description with that directed and described in the third section of this act, and expressing thereupon, that he or she doth elect to pay the yearly duty or duties payable upon the carriage or carriages therein mentioned, upon demand of him or her, at his or her said place of habitation, and upon this further condition, that he or she shall pay, upon such demand, in addition to the said duty or duties, a commission of one per centum upon the amount thereof, for the benefit of the officer or person by whom the said demand shall have been made.

Sec. 5. *And be it further enacted*, That every person who shall make such election, as aforesaid, shall pay, or cause to be paid yearly, and every year after the month of September, upon the calling for that purpose, at his or her said place of habitation, of any officer of inspection, or person thereunto authorized, the amount of duty or duties by him or her payable, upon the carriage or carriages, as aforesaid, so long as he or she shall continue to have or keep the same, and until he or she shall give notice in writing, at the office of inspection, to which the said list shall have been transmitted, that he or she hath sold, or otherwise assigned, or alienated, any carriage or carriages therein mentioned: in default of which payment, the duty or duties, and commission thereupon, in respect to which any such default shall be made, shall and may be sued for and recovered in any Court of the United States, or of either of them, or shall and may be levied, together with reasonable charges, by distress and sale of the goods and chattles of the person making such default.

Sec. 6. *And be it further enacted*, That if any person, by whom such election as aforesaid shall have been made, shall omit to notify, in manner herein before directed, any carriage or carriages liable to duty, by this act, which he or she shall, at any time, have or keep, he or she shall, in respect to such carriage or carriages, stand and be in the same predicament as persons by whom no such election shall have been made, and shall incur the like penalties and forfeitures; as such persons are by this act made liable to, for neglecting or omitting to bring, or send and deliver, true and exact lists of the carriages by them respectively had or kept, and paying the duties thereupon in manner herein directed.

Sec. 7. *Provided, always, and be it further enacted*, That it shall be, at any time, lawful for any such person, who shall have made any such election, as aforesaid, by notice in writing under

his or her hand, sent to and delivered at the same office of inspection, where the notice of such election shall have been given, to revoke the said election; after which revocation, he or she shall stand, and be, as to all matters and things directed and prescribed by this act, in the same situation as if no such election had been made.

Sec. 8. *And be it further enacted*, That the supervisors of the revenue shall have power, from time to time, to examine upon oath or affirmation any officers or persons employed under them in the collection and receipts of the duties aforesaid.

Sec. 9. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he or she shall suffer the pains and penalties which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Sec. 10. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall be incurred pursuant to this act, shall be divided and distributed, one-half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties or forfeitures shall have been incurred, and as well the duties hereby laid, as the said fines, penalties, and forfeitures, all or any of them, shall and may be sued for, and recovered, in any Court of the United States, or before any magistrate, or State Court, having competent jurisdiction.

Sec. 11. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress and no longer.

Approved, June 5, 1794.

An Act to authorize the President of the United States, during the recess of the present Congress, to cause to be purchased or built a number of vessels, to be equipped as galleys, or otherwise, in the service of the United States.

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized, during the recess of the present Congress, if the same shall appear to him necessary for the protection of the United States, to cause a number of vessels not exceeding ten, to be built or purchased, and to be fitted out, manned, armed, and equipped, as galleys, or otherwise, in the service of the United States, the officers and men to be on the same pay and to receive the same subsistence as officers of the same rank and men are entitled to in the Navy of the United States.

Sec. 2. *And be it further enacted*, That the said officers shall be appointed and commissioned by the President of the United States, and the said galleys or vessels be stationed in such parts of the United States as he may direct.

Sec. 3. *And be it further enacted*, That there

be appropriated for the purpose of eighty thousand dollars, to be paid out of the proceeds of any revenues of the United States which now are, or hereafter, during the present session, shall be provided, not being otherwise appropriated. And that the President of the United States be authorized to take on loan of the Bank of the United States, or of any other body politic or corporate, person or persons, the said sum of eighty thousand dollars, to be reimbursed, principal and interest, out of the said proceeds, appropriated, as aforesaid, according to such contract or contracts which shall be made concerning the same.

Approved, June 5, 1794.

An Act authorizing a settlement of certain expenses of the Commissioners of Loans.

Be it enacted, &c., That the Commissioners of Loans in the several States shall be allowed, in the settlement of their accounts, such sums as shall appear to have been necessarily expended by them in the purchase of stationery for the use of their several offices, and also for the hire of clerks to assist in executing the duties of their respective offices, from and after the first day of March, one thousand seven hundred and ninety-three, until the last day of the year one thousand seven hundred and ninety-four, inclusively.

Sec. 2. And be it further enacted, That a sufficient sum of the proceeds of the duties on imports and tonnage, not exceeding the sum of fifteen thousand dollars, be, and the same is hereby, appropriated, to the payment of such of the expenses before mentioned as shall accrue during the present year and be allowed on settlement at the Treasury.

Approved, June 5, 1794.

An Act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail.

Be it enacted, &c., That every person who shall deal in the selling of wines, to be carried or sent out of the house, building, or place of his or her dwelling, in a less quantity, or in less quantities, at one time, than thirty gallons, except in the original cask, case, box, or package, wherein the same shall have been imported, shall be deemed to be, and hereby is declared to be, a retail dealer in wines, within the meaning of this act; and that every person, who shall deal in the selling of any foreign distilled spirituous liquors, to be carried or sent out of the house, building, or place of his or her dwelling, in less quantities than twenty gallons, at one time, shall be deemed to be, and hereby is declared to be a retail dealer in foreign distilled spirituous liquors: *Provided always,* That nothing herein contained shall be construed to extend to persons, who, as keepers of taverns, inns, or houses of entertainment, duly licensed or authorized under any law of a State, shall vend or sell really and truly for consumption, within the houses, buildings, or premises, only, by them respectively occupied or kept, as taverns, inns, or other houses of entertain-

ment, wines or distilled spirituous liquors, in whatsoever quantity, nor to physicians, apothecaries, surgeons, or chemists, as to any wines or spirituous liquors, which they may use in the preparation or making up of medicines, for sick, lame, or diseased persons only.

Sec. 2. And be it further enacted, That every person, who, on the thirtieth day of September next, shall be a retail dealer in wines, or foreign distilled spirituous liquors, as above described and defined, both, or either of them, shall, before the said day, and every person, who, after the said day, shall become or intend to become such retail dealer in wines or foreign distilled spirituous liquors, both or either of them shall, before he or she shall begin to vend or sell by retail, any wine or wines, or foreign distilled spirituous liquors, apply for and obtain, in manner hereinafter directed, a license for carrying on the business of retailing wines or foreign distilled spirituous liquors, as the case may be, that is to say: one license for carrying on the business of retailing wines, and another license for carrying on the business of retailing foreign distilled spirituous liquors; which licenses respectively, shall be granted for the term of one year upon the payment of five dollars for each license; and shall be renewed, yearly, upon the payment of the like sum of five dollars for each license. And if any person shall, after the said day, deal in selling of wines or foreign distilled spirituous liquors, by retail, as above described and defined, without having a license so forfeit and pay the sum of fifty dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines or foreign distilled spirituous liquors, by retail at more than one place; but any person, who by color of such license shall sell any wines or foreign distilled spirituous liquors, at more than one place, shall be deemed to be, in respect to such of the said articles, as he or she shall so sell, at more than one place, a retail dealer therein without license, and shall forfeit and pay the like sum of fifty dollars, to be recovered with costs of suit.

Sec. 3. And be it further enacted, That it shall be the duty of the Supervisors of the Revenue, within their respective districts, to grant licenses for carrying on the said businesses, respectively, of retailing wines and foreign distilled spirituous liquors, which licenses shall be marked or stamped with a mark or stamp, denoting the sum of the duty thereupon; and shall be signed by the Supervisor of the Revenue, who shall issue the same, or cause the same to be issued, and shall be granted to any person, who shall desire the same upon application made at any office of inspection, for that purpose, in writing, specifying the name of the person for whom a license is requested, and the place or premises where the business, for which the same is requested to be carried on, and also upon payment or tender to the officer thereof, of the sum or duty payable by this act, upon each license requested. And to the end that all persons carrying on or intending to carry on, both or either of the said businesses, may obtain with

ease and despatch the licenses, whereof they shall respectively stand in need, it is hereby made the duty of the respective Supervisors to prepare and furnish to the several Officers of Inspection acting under them, licenses signed by them with the proper marks and stamps in competent number, and with blanks for the names of the persons for whom they shall be requested, and the places or premises respectively where the business or businesses for which they are requested, is or are to be carried on. And the Officer of Inspection to whom such application and payment, or tender as aforesaid, shall be made, shall forthwith issue the licenses or licenses requested, having first filled the blanks therein, and countersigned the same: *Provided always,* That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors, who is prohibited to sell the same by the laws of any State.

Sec. 4. And be it further enacted, That the duties aforesaid, shall be received, collected, accounted for, and paid under and subject to the superintendence, control, and direction of the Department of the Treasury, according to the authorities and duties of the respective officers thereof.

Sec. 5. And be it further enacted, That all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the Supervisor of the Revenue, within whose district any such fine, penalty, or forfeiture shall have been incurred, by bill, plaint, or information, one moiety thereof to the use of the United States, and the other moiety thereof, to the use of the person, who, if an Officer of Inspection, shall first discover, if other than an Officer of Inspection, whereby any such fine, penalty, or forfeiture shall have been incurred, and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a District Court within the district in which the same shall arise or accrue, such suit and recovery may be had before any Court of the State holden within the said district having jurisdiction in like cases.

Sec. 6. And be it further enacted, That it shall be lawful for the President of the United States, and he is hereby empowered, to make such allowances for compensation to the Officers of Inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and a half per centum of the total amount of the said duties collected.

Sec. 7. And be it further enacted, That this act shall continue and be in force for the term of two years, and from thence to the end of the then next session of Congress and no longer.

Approved, June 5, 1794.

An Act making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas.

Be it enacted, &c., That, in order to facilitate

and secure the collection of the revenue on distilled spirits, and stills, in such States as have been, or hereafter may be, erected, and in the Territories Northwest and South of the river Ohio, the President of the United States shall be and he is hereby authorized and empowered to form and erect such new districts and surveys, and to make such alterations in and additions to, the several districts, and in and to the several surveys thereof, as, from time to time, shall appear in his judgment expedient and necessary; and that it shall also be lawful for the President, by and with the advice and consent of the Senate, to appoint such and so many supervisors, inspectors of surveys, and inspectors of ports, therein and therefor, as may be found necessary; and to assign to them compensations proportionate to those heretofore, or which may hereafter be, allowed to the officers of the revenue: *Provided,* That if the appointment of such supervisors and inspectors cannot be made during the present session of Congress, the President may, and he is hereby empowered to, make such appointments, during the recess of the Senate, by granting commissions, which will expire at the end of their next session.

Sec. 2. And be it further enacted, That all spirits which shall be distilled in the United States, in stills which shall not have been previously entered at some office of inspection, shall be liable, together with the stills or other vessels used in the distillation thereof, to seizure and forfeiture.

Sec. 3. And be it further enacted, That no drawback of the duty on distilled spirits, which shall be exported after the first day of July next, shall be allowed upon any quantity less than one hundred and fifty gallons.

Sec. 4. And be it further enacted, That it shall be lawful to import into the United States, in the same ship or vessel in which they were exported, any spirits distilled therein, which shall have been previously exported therefrom, on payment of the duties on spirits, of equal proof, distilled in the United States, and of a sum equivalent to the duties established by law upon the raw materials, from whence they shall have been distilled; and all such importations shall be made under the same regulations, and in such manner as is directed by law, in regard to the importation of foreign distilled spirits.

Sec. 5. And be it further enacted, That, from and after the first day of July next, on the sale of any emptied cask, vessel, or package, which has been, or shall be, lawfully marked, as containing foreign or domestic distilled spirits, wines, or teas, and prior to the removal thereof, and to the delivery of the same to the purchaser, the marks or numbers which shall or may have been made thereon, by any officer of inspection, or by any person employed or authorized by any such officer, shall be defaced, cut off, or obliterated; and if any such cask, vessel, or package shall be sold, removed, delivered, or received, prior to such defacing, cutting off, or obliterating being made, every person concerned in the purchase, sale, or delivery, shall forfeit and pay the sum of fifty dollars.

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Sec. 6. *And be it further enacted*, That all stills without heads, or other vessels that shall be used as stills in the distillation of ardent spirits, shall be duly entered by the owner or owners thereof, in the manner prescribed in and by the second section of the act entitled "An act concerning the duties on spirits distilled within the United States," passed on the eighth day of May, one thousand seven hundred and ninety-two, under the penalty of two hundred and fifty dollars, to be recovered and distributed as other forfeitures under this act, and the act entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," to which this is an amendment.

Sec. 7. *And be it further enacted*, That any person or persons, who shall counterfeit the certificates for, or the marks or numbers to be set upon, any cask, vessel, or package, containing wines, teas, or foreign or domestic distilled spirits, or upon stills, which the officers of inspection are or shall be authorized to make thereon, by and in pursuance of the laws concerning the same, or who shall fraudulently rub out or deface, prior to drawing off or emptying the contents, any marks or numbers set upon any cask or package of wine or tea, in pursuance of law, shall, for every such offence, forfeit and pay the sum of one hundred dollars.

Sec. 8. *And be it further enacted*, That every owner or worker of a licensed still, shall be required to make oath or affirmation previous to any renewal of his license, that he has not distilled therein since the commencement of the term specified in such license, excepting only during the term for which it shall have been granted.

Sec. 9. *And be it further enacted*, That it shall and may be lawful for the Judicial Courts of the several States, and of the Territory of the United States Northwest of the river Ohio, and of the Territory of the United States South of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the United States, and upon stills, which may arise or accrue at a greater distance than fifty miles from the nearest place established by law for holding a District Court.

Sec. 10. *And be it further enacted*, That, in case of the non-existence of an office of inspection in any county of the United States, every owner or possessor of a still shall make entry thereof in the manner required by the "Act (of the eighth of May, one thousand seven hundred and ninety-two) concerning the duties on spirits distilled within the United States," at some other office of inspection comprehended in the division or survey, in which the said still shall be, and that it shall and may be lawful for the President of the United States, to provide offices of inspection in special cases, provided the expense thereof shall not exceed ten thousand dollars.

Sec. 11. *And be it further enacted*, That every

rectifier of low wines, or other distilled spirits, and every distiller of cordials and strong waters therefrom, shall enter at some office of inspection, all or any such low wines, or other distilled spirits, prior to the removal of them to his distillery or rectifying house, and prior to his beginning the rectifying, improving, or altering the quality, flavor, or proof thereof, under the penalty of one hundred dollars for every cask of one hundred gallons, and in the same proportion for every greater or less quantity.

Sec. 12. *And be it further enacted*, That it shall and may be lawful for the supervisors and inspectors of the revenue, at their own expense, to appoint deputies to aid them in the execution of their duties, in cases of occasional and necessary absence, or of sickness, and not otherwise.

Sec. 13. *And be it further enacted*, That the President of the United States be authorized to make such additional allowances for the space of one year, and from thence until the end of the next session of Congress, to the inspectors and collectors of revenue from distilled spirits, for their respective services subsequent to the thirtieth day of June next, as he shall deem reasonable and proper, so as that the additions to be made to the said allowances shall not exceed, in the whole, the sums heretofore allowed, by more than one-third.

Sec. 14. *And be it further enacted*, That, from and after the first day of October next, no supervisor or inspector of the revenue of the United States, shall be concerned or interested in any foreign trade or commerce, in the goods or merchandise to which the duties of his office relate, or in the sale of any wines, distilled spirits, or teas; and if any such supervisor or inspector shall be so concerned or interested, every such person shall be disqualified from holding such appointment for the term of seven years, and shall, moreover, forfeit and pay a sum not exceeding one hundred dollars, for every month which he or they shall be so interested in such foreign trade, or in the sale of wines, distilled spirits, or teas.

Sec. 15. *And be it further enacted*, That any proprietor of a still, the capacity of which does not exceed one hundred gallons, may be permitted to enter such still, for any term of time less than one year, and not less than one month, paying at the same rate as per month, any thing in any former law to the contrary notwithstanding.

Sec. 16. *And be it further enacted*, That a personal demand of the proprietor or proprietors of any still, of the duties due, or a notice in writing of the amount thereof left at his dwelling by the collector, shall have all the effect of a demand made, as required by the twenty-third section of the act entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same."

Sec. 17. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall have been incurred by force of any present or future

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law of the United States for the laying, levying, and collecting of any duties or taxes, other than duties on goods, wares and merchandise imported, and on the tonnage of ships and vessels, shall and may be mitigated or remitted by the like ways and means, and upon and under the like conditions, regulations, and restrictions, as are contained, prescribed, authorized, and directed, in and by the act, entitled "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases therein mentioned," touching fines, penalties, and forfeitures incurred or accruing in relation to the cases therein mentioned; which act, and every clause, matter, and thing therein contained, shall be of like force and effect, for the mitigating or remitting of fines, penalties, and forfeitures, which shall have been incurred in reference to said other duties and taxes, as if the same were repeated and re-enacted, in the several and respective laws, for laying, levying, and collecting the said other duties and taxes.

Sec. 18. *And be it further enacted*, That the Judicial Courts of the several States, to whom, by this act, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty, or forfeiture which may be exercised by the Judges of the District Courts in cases depending before them. The said State Courts first causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the attorney, who may, under warrant from the attorney of the district, prosecute for the United States, in such Court, that each may have an opportunity of showing cause against the mitigation or remission thereof.

Sec. 19. *And be it further enacted*, That the act, entitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," and the act, entitled "An act concerning duties on spirits distilled in the United States," shall extend to and be in full force for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter, and thing, therein contained, were inserted in and re-enacted by this present act, subject only to the alterations hereby made.

Approved, June 5, 1794.

An Act in addition to the act for the punishment of certain crimes against the United States.

Be it enacted, &c., That if any citizen of the United States shall, within the territory or jurisdiction of the same, accept and exercise a commission to serve a foreign Prince or State, in war, by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined, not more

than two thousand dollars, and shall be imprisoned not exceeding three years.

Sec. 2. *And be it further enacted and declared*, That, if any person shall, within the territory or jurisdiction of the United States, enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign Prince or State, as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque, or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three years: *Provided*, That this shall not be construed to extend to any subject or citizen of a foreign Prince or State who shall transiently be within the United States, and shall, on board of any vessel of war, letter of marque, or privateer, which, at the time of its arrival within the United States, was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign Prince or State, who is transiently within the United States, to enlist or enter himself to serve such Prince or State, on board such vessel of war, letter of marque, or privateer, if the Prince or State shall then be at peace with such Prince or State: *And provided further*, That if any person so enlisted shall within thirty days after such enlistment, voluntarily discover upon oath, to some justice of the peace or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence, such person, so discovering the offender or offenders, shall be indemnified from the penalty prescribed by this act.

Sec. 3. *And be it further enacted and declared*, That, if any person shall, within any of the ports, harbors, bays, rivers, or other waters of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens, or property of another foreign Prince or State, with whom the United States are at peace, or shall issue or deliver a commission, within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the Court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than five thousand dollars, and the term of imprisonment shall not exceed three years; and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building or equipment thereof, shall be forfeited, one-half to the use of any person who shall give

information of the offence, and the other half to the use of the United States.

Sec. 4. *And be it further enacted and declared,* That, if any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, cruiser, or armed vessel, in the service of a foreign Prince or State, or belonging to the subjects or citizens of such Prince or State, the same being at war with another foreign Prince or State, with whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned, at the discretion of the Court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

Sec. 5. *And be it further enacted and declared,* That, if any person shall, within the territory or jurisdiction of the United States, begin or set on foot or provide or prepare the means for any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign Prince or State with whom the United States are at peace, every such person so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment, at the discretion of the Court in which the conviction shall be had, so as that such fine shall not exceed three thousand dollars, nor the term of imprisonment be more than three years.

Sec. 6. *And be it further enacted and declared,* That the District Courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

Sec. 7. *And be it further enacted and declared,* That, in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out, or armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprise shall be begun or set on foot, contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as above defined, and in every case in which any process issuing out of any Court of the United States shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State, in every such case it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged

necessary, for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoration such prize or prizes, in the cases in which redemption shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories of the United States against the territories or dominions of a foreign Prince or State, with whom the United States are at peace.

Sec. 8. *And be it further enacted and declared,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary, to compel any foreign ship or vessel to depart the United States, in all cases in which, by the laws of nations or the treaties of the United States, they ought not to remain within the United States.

Sec. 9. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the United States.

Sec. 10. *And be it further enacted,* That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 5, 1794.

An Act laying certain duties upon Snuff and Refined Sugar.

Be it enacted *de,* That, from and after the thirtieth day of September next, there be levied, collected, and paid, upon all snuff, which, after that day, shall be manufactured for sale within the United States, at any manufactory, for every pound of snuff, eight cents.

Sec. 2. *And be it further enacted,* That, from and after the said thirtieth day of September next, there be levied, collected, and paid, upon all sugar which shall be refined within the United States, a duty of two cents per pound.

Sec. 3. *And be it further enacted,* That the duties aforesaid shall be levied, collected, and accounted for by the same officers as are provided by the act, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," subject to the superintendence and control of the Department of the Treasury, according to the respective authorities and duties of the officers thereof.

Sec. 4. *And be it further enacted,* That every manufacturer of snuff, who shall be such, previous to, and on the thirtieth day of September next, shall, on the same day, and every manufacturer of snuff, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building, where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he or she shall have, and employ, for the purpose of refining sugar, and shall also give bond in the sum of five thousand dol-

act entry and report in writing, at the office of inspection, which shall be nearest to the house or building where he or she shall carry on, or intend to carry on the business or trade aforesaid, of every house or building where such business or trade shall be by him or her carried on, or intended so to be, and of every mill, specifying the number of mortars to each, which he or she shall have or keep therein, for the performing of any process, operation, matter, or thing, in, or about the manufacturing of snuff, and shall also give bond in the sum of five thousand dollars, with condition, that he or she shall, and will, from day to day, enter in a book, or on a paper to be kept for that purpose, all snuff, which he or she shall manufacture, or cause to be manufactured, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been manufactured; and shall and will, on the first day of January, April, July, and October, in each year, render a just and true account of all the snuff, which he or she shall have manufactured or made, and sent out, or caused or procured to be manufactured, or made and sent out, first from the time of his or her entry and report aforesaid, until the day which shall first ensue, of the days above mentioned for the rendering of such account, and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been, rendered, until the day next thereafter of the days above mentioned for the rendering of such account; and shall and will, on the first day of January, April, July, and October, in each year, render a just and true account of all the snuff, which he or she shall have manufactured or made, and sent out, or caused or procured to be manufactured, or made and sent out, first from the time of his or her entry and report aforesaid, until the day which shall first ensue, of the days above mentioned for the rendering of such account, and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been, rendered, until the day next thereafter, of the days above mentioned for the rendering of such account; producing therewith the original book or paper, whereon the entries, from the time of rendering each account, pay or secure the duties, which, by this act, ought to be paid upon the snuff, in the said account mentioned and stated: And if any such manufacturer shall omit to make any such entry or report, or to give any such bond as is hereinbefore directed, he or she shall forfeit and lose every mill, together with the mortars and other utensils thereto belonging, which he or she shall have or keep, for the performing of any process, matter, or thing, in, or about the manufacturing of snuff, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

Sec. 5. *And be it further enacted,* That every refiner of sugar, who shall be such, immediately before, and on the thirtieth day of September next, shall, on the said day, and every refiner of sugar, who shall be, and become such, after the said day, shall, twenty days, at the least, previous to commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building, where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he or she shall have, and employ, for the purpose of refining sugar, and shall also give bond in the sum of five thousand dol-

lars, with condition, that he or she shall and will enter or cause to be entered, in a book or paper, to be kept for that purpose, all sugar, which he or she shall refine, or cause to be refined, and of the quantities, from day to day, by him or her sent out, or caused to be sent out of the house or building, where the same shall have been refined, and shall, on the first day of January, April, July, and October, in each year, render a just and true account of all the refined sugar, which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry, and report aforesaid, until the day, which shall first ensue, of the days above mentioned, for the rendering of such account; and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been, rendered, until the day next thereafter of the days above mentioned for the rendering of such account, producing and showing therewith, the original book or paper, whereon the entries, from day to day, to be made as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties, which by this act ought to be paid upon the refined sugar in the said account mentioned. And if any such refiner shall omit to make any such entry or report, he or she shall forfeit, and lose every pan or boiler which he or she shall have, and use, for the purpose of refining sugar, and shall also forfeit the sum of five hundred dollars, to be recovered with costs of suit.

Sec. 6. *And be it further enacted,* That every such manufacturer of snuff shall, yearly, being thereto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts which have been by him or her rendered, of the quantities of snuff by him or her manufactured or made, and sent out, or caused or procured to be manufactured or made, and sent out, have been, and are, just and true.

Sec. 7. *And be it further enacted,* That every refiner of sugar shall, yearly, being thereto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts which have been by him or her rendered, of the quantities of refined sugar by him or her sent out of the house or building, where the same shall have been manufactured, or procured, or caused so to be sent out, have been just and true.

Sec. 8. *And be it further enacted,* That if any person shall knowingly, and with design, falsely swear or affirm, touching any of the matters herein before required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury.

Sec. 9. *And be it further enacted,* That every manufacturer of snuff and every refiner of sugar, shall, at each time of rendering an account, as herein before required, make a true and particular report of the engines, implements, and utensils, of the several descriptions herein before mentioned, which he or she, at any time since that of rendering his or her last account, hath used or kept, and

shall then have, use, or keep, for carrying on his or her trade or business, on pain of forfeiting, for each and every neglect or omission, all such engines, implements, and utensils, together with the sum of five hundred dollars, to be recovered with costs of suit.

Sec. 10. *And be it further enacted*, That all snuff and refined sugar, which shall have been manufactured or made within the United States, in manner aforesaid, after the said thirtieth day of September next, whereof the duties aforesaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized, as forfeited, by any officer of the inspection or of the customs.

Sec. 11. *And be it further enacted*, That it shall be lawful for every such manufacturer of snuff, or refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account, as aforesaid, the duties which shall thereby appear to be due and payable, with a deduction or abatement of six per cent for prompt payment, or to give bond, with one or more sureties, to the satisfaction of the officer of inspection, to whom such account shall be rendered, for the payment of the said duties at the expiration of nine months thereafter: *Provided*, That no person, whose bond for any of the said duties shall remain unpaid, beyond the term allowed for the payment thereof, shall be entitled to future credit for any of the said duties, so long as such bond shall remain unpaid.

Sec. 12. *And be it further enacted*, That, from and after the said thirtieth day of September next, there shall be levied, collected, and paid (in addition to the duties now payable thereupon) upon all manufactured tobacco or snuff, and upon all refined sugar, which, after the said day, shall be imported into the United States, from any foreign port or place, the following rates and duties, to wit: Upon tobacco, four cents per pound. Upon snuff, twelve cents per pound.

Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties, and forfeitures, as now are collected the duties heretofore laid upon the said articles respectively: the act and acts concerning which are hereby declared to be, and shall be, in as full force, for the collection of the additional duties hereby paid, as if the said act and acts were herein particularly recited and repeated.

Sec. 13. *And be it further enacted*, That, from and after the thirty-first day of December next, no refined loaf or lump sugar shall be imported into the United States, from any foreign port or place, except in ships or vessels of the burden of one hundred and twenty tons and upwards, and in casks or packages containing, each, not less than six hundred pounds, on pain of forfeiting the said ships or vessels, and the loaf and lump sugar imported therein, except in such casks or packages as aforesaid.

Sec. 14. *And be it further enacted*, That, from and after the thirtieth day of September next, no drawback of the duties from any manufactured tobacco, or snuff, or refined sugar, shall have been imported into the United States from any foreign port or place, shall be allowed, but the duties hereby laid upon snuff manufactured within the United States, and sugar refined within the same, shall and may be drawn back upon all such of the said snuff manufactured within the United States and upon all such of the said sugar refined within the United States, after the said thirtieth day of September next, which, after the said day, shall be exported from the United States to any foreign port or place; and adding to the drawback upon sugar so exported, three cents per pound, on account of duties paid upon the importation of raw sugar. *Provided*, That no drawback shall be allowed on the exportation of either of the said articles in any instance where the same shall amount to less than twelve dollars.

Sec. 15. *And be it further enacted*, That, in order to entitle the exporter or exporters to the benefit of the said allowances, he, she, or they shall, previous to the putting or lading any of the said snuff or refined sugar on board of any ship or vessel for exportation, give six hours' notice at the least, to the proper officer of inspection of the port from which the said snuff or sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which they or either of them shall be so intended to be exported. Whereupon, it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same, after such inspection, shall be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer or his deputy, who shall have inspected the same; which officer, after the same shall have been so laden on board, shall certify to the Collector of the District, the quantity and particulars of the article or articles so laden for exportation.

Sec. 16. *Provided nevertheless, and be it further enacted*, That the said allowance shall not be made, unless the said exporter or exporters shall make oath or affirmation, that the said snuff or sugar so notified for exportation and laden on board such ship or vessel, are truly intended to be exported to the place, whereof notice shall have been given, and are not intended to be reloaded within the United States, and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid or secured to be paid; and shall also give bond to the Collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel in which the said snuff or sugar shall be intended to be exported; the other, such sufficient person as shall be approved by the said Collector, in the full value, in the judgment of the said Collector, of

the said snuff or sugar so intended to be exported, with condition that the said snuff or sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in, some port or place without the limits of the United States, and that the said snuff or sugar shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the United States, or reloaded in any other part of the same, (shipwreck or other unavoidable accident excepted.)

Sec. 17. *Provided also, and be it further enacted*, That the said allowance shall not be paid until nine months after the said snuff or sugar shall have been so exported: *And provided also*, That whenever the owner of any ship or vessel, on board of which, any such snuff or sugar are laden for exportation, shall make known to the Collector, previous to the departure of such ship or vessel from the port where such snuff or sugar are laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the Collector to grant a permit for re-lading the same.

Sec. 18. *And be it further enacted*, That if any of the said snuff or sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the United States, or within four leagues of the coast thereof, or shall be reloaded within the United States, from on board the ship or vessel, wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress, to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be, at the time such necessity or distress shall arise, then not only the snuff or sugar so unshipped, together with the casks, vessels, and cases containing the same, but also the ship or vessel, in, or on board which, the same shall have been so shipped or laden, together with the guns, furniture, ammunition, tackle and apparel, and also the ship, vessel, or boat, into which the said snuff or sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection.

Sec. 19. *And be it further enacted*, That the bonds to be given, as aforesaid, shall, and may be discharged, by producing, within one year from the respective dates thereof (if the same shall be shipped to any part of Europe or America, and within two years, if shipped to any part of Asia or Africa; and if the delivery of the snuff or sugar, in respect to which the same shall have been given, be at any place, where a consul or other agent of the United States resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants resid-

ing at the said place; and if there be not two such merchants residing at the said place, then a certificate of any two reputable merchants testifying the delivery of the said snuff or sugar, at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel in which the said snuff or sugar shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the United States, it shall be a part of the said oath or affirmation, that there were not, upon diligent inquiry, to be found two merchants of the United States at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the United States; or such bonds shall and may be discharged, upon proof that the snuff or sugar so exported, were taken by enemies, or perished in the sea, or destroyed by fire: The examination and proof of the same being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any two of them, of the place from which such snuff or sugar shall have been exported. And in cases wherein the certificates herein directed cannot be obtained, the exporter or exporters of such snuff or sugar shall nevertheless be permitted to offer such other proof as to the delivery of the said snuff or sugar, without the limits of the United States, as he or they may have; and if the same shall be deemed sufficient by the said Collector, he shall allow the same, except when the drawback to be allowed shall amount to one hundred dollars or upwards: In all which cases, the proofs aforesaid shall be referred to the Comptroller of the Treasury, whose decision thereon shall be final.

Sec. 20. *And be it further enacted*, That it shall be lawful to export, directly, from any manufactory of snuff, or of refined sugar, to any foreign port or place, any snuff or refined sugar which shall have been manufactured at such manufactory, after the said thirtieth day of September next, free from duty: *Provided*, That the same proceedings be had, in all respects, in order thereto, which are herein before prescribed, in order to the obtaining the benefit of the drawbacks of the duties which have been paid, or secured, upon any snuff or sugar exported to a foreign port or place.

Sec. 21. *And be it further enacted*, That all penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one-half thereof to the use of the United States, and the other half thereof to the use of the person who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties or forfeitures shall have been incurred.

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Sec. 22. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.
Approved, June 5, 1794.

An Act in addition to the "Act for making further and more effectual provision for the protection of the frontiers of the United States."

Be it enacted, &c., That if any commissioned officer in the troops of the United States shall, while in the service of the United States, die, by reason of wounds received in actual service of the United States, and shall leave a widow, or, if no widow, shall leave a child or children, under age, such widow, or, if no widow, such child or children, shall be entitled to, and receive the half of the monthly pay, to which the deceased was entitled, at the time of his death, for and during the term of five years: And in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half-pay, for the remainder of the term, shall go to the child or children of such deceased officer, while under the age of sixteen years; and, in like manner, the allowance to the child or children of such deceased officer, where there is no widow, shall be paid no longer than while there is a child or children under the age aforesaid: *Provided*, That no greater sum shall be allowed, in any case, to the widow, or to the child or children of any officer, than the half pay of a lieutenant-colonel.

Sec. 2. *And be it further enacted*, That the Army be in future paid in such manner that the arrears shall at no time exceed two months.

Sec. 3. *And be it further enacted*, That to such of the troops as are or may be employed on the frontiers, and under such special circumstances as, in the opinion of the President of the United States, may require an augmentation of some parts of their rations, the President be authorized to direct such augmentation as he may judge necessary, not exceeding four ounces of bread, two ounces of flour, and half a gill of rum or whiskey, in addition to each ration, and half a pint of salt to one hundred rations.
Approved, June 7, 1794.

An act to continue in force, for a limited time, the act supplementary to the act for the establishment and support of Light-houses, Beacons, Buoys, and Public Piers.

Be it enacted, &c., That the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," be, and the same is hereby, continued in force, until the first day of July, one thousand seven hundred and ninety-five, so far as the same provides for defraying the necessary expense of supporting light-houses, beacons, buoys, and public piers, and the stakeage of channels on the sea-coast.

Approved, June 7, 1794.

An Act laying additional Duties on Goods, Wares, and Merchandise, imported into the United States.

Be it enacted, &c., That, from and after the last day of June, instant, there shall be levied, collected, and paid, upon the following articles, imported into the United States, in ships or vessels of the United States, the several duties hereinafter mentioned, over and above the duties now payable by law, viz:

On coffee, clayed or lump sugar, per pound, one cent.
On cocoa, per pound, two cents.
On cheese, per pound, three cents.
On boots, per pair, twenty-five cents.
On shoes and slippers for men and women, and on clogs and goloshes, per pair, five cents.
On shoes and slippers for children, per pair, three cents.

On coal, per bushel, one half a cent.
On millinery, ready made, artificial flowers, feathers, and other ornaments for women's head-dresses, and on dolls, dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and generally on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, anvils, and vices, excepted,) 5 per cent. ad valorem.

On carpets and carpeting, 5 per cent. ad valorem.
On leather, tanned or tawed, and generally all articles of chief value, or of which leather is the manufacture of chief value, not otherwise particularly enumerated, 5 per cent. ad valorem.

On medicinal drugs, except those commonly used in dyeing, 5 per cent. ad valorem.

On mats and floor cloths, 5 per cent. ad valorem.
On hats, caps, and bonnets, of every sort, 5 per cent. ad valorem.

On gloves, mittens, stockings, fans, buttons, and buckles, of every kind, 5 per cent. ad valorem.

On sheathing and cartridge paper, 5 per cent. ad valorem.

On all powders, pastes, ball, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations or compositions, commonly called sweet scents, or odors, perfumes, or cosmetics, and on all dentifrice, powders, or preparations, for the teeth or gums, 5 per cent. ad valorem.

On gold, silver, or plated wares, gold and silver lace, jewelry, and paste work, clocks and watches, and the parts of either, 5 per cent. ad valorem.

On groceries, to wit: cinnamon, cloves, mace, nutmegs, ginger, aniseed, currants, dates, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally all fruits and comfits, olives, capers, pickles of every sort, oil, and mustard in flour, 5 per cent. ad valorem.

On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally on all glass, except window glass, and on all stone and earthen ware, 5 per cent. ad valorem.

On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value, 5 per cent. ad valorem.

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On all manufactures of cotton or linen, or of muslins of cotton and linen, or of which cotton or linen is the material of chief value, being printed, stained, or colored, 5 per cent. ad valorem.
On carriages, and parts of carriages, 4 1/2 per cent. ad valorem.

Sec. 2. *And be it further enacted*, That after the said last day of June, instant, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and a half per cent. ad valorem upon all goods, wares, and merchandise, which, if imported in ships or vessels of the United States, are now chargeable, by law, with a duty of seven and a half per cent. ad valorem.

Sec. 3. *And be it further enacted*, That the fourth section of the act, entitled "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned," whereby an additional duty of two and a half per cent. ad valorem, was laid upon certain goods, wares, and merchandise, be, and the same is hereby, continued in force, until the first day of January, one thousand seven hundred and ninety-seven.

Sec. 4. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties, above specified and imposed, in respect to all goods, wares, and merchandise, which, after the said last day of June, instant, shall be imported in ships or vessels not of the United States.

Sec. 5. *And be it further enacted*, That all duties which shall be paid, or secured to be paid, by virtue of this act, shall be returned or discharged, in respect to all such goods, wares, or merchandise, whereupon they shall have been so paid, or secured to be paid, as within twelve calendar months after payment made or security given, shall be exported to any foreign port or place, except one per centum on the amount of the said duties, which shall be retained, as an indemnification for whatever expense may have accrued concerning the same.

Sec. 6. *And be it further enacted*, That the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, of, as fully and effectually as if every regulation, restriction, penalty, provision, clause, matter, and thing, therein contained, had been herein reinserted and re-enacted.

Sec. 7. *And be it further enacted*, That nothing in this act shall be construed to extend to, or affect the act, entitled "An act prohibiting for a limited time the exportation of arms and ammunition, and encouraging the importation of the same."

Sec. 8. *And be it further enacted*, That this act shall continue in force until the first day of January, one thousand seven hundred and ninety-seven, and no longer.

Approved, June 7, 1794.

3d Cor.—47

An Act concerning Invalids.

Be it enacted, &c., That the Secretary of the War Department be, and he is hereby directed, to place upon the list of invalid pensioners of the United States all persons who have been returned as such by the Judges of the several Districts, under the act of Congress of the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate the claims to invalid pensions, and who, by legal proofs, are by him found to come clearly within the provisions of the said act, and are reported as having complete evidence of their claims in the report of the said Secretary upon that subject, made to Congress the twenty-fifth day of April, one thousand seven hundred and ninety-four; and all persons placed, by virtue of this act, on the list of invalid pensioners, shall receive such sums as the returns of the District Judges have respectively specified, and be paid in the same manner as invalid pensioners are paid, who have been heretofore placed on the list: *Provided*, That every commissioned officer who shall, by virtue of this act, be placed on the pension list as entitled to a sum less than a full pension, shall receive such pension only upon compliance with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by an act of Congress, passed December the sixteenth, one thousand seven hundred and ninety-one.

Approved, June 7, 1794.

An Act supplementary to the act, entitled "An act to promote the progress of Useful Arts."

Be it enacted, &c., That all suits, actions, processes, and proceedings, heretofore had in any District Court of the United States, under an act passed the tenth day of April, in the year one thousand seven hundred and ninety, entitled "An act to promote the progress of Useful Arts," which may have been set aside, suspended, or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within one year from and after the passing of this act, in the said Courts, to the same situation in which they may have been when they were so set aside, suspended, or abated; and that the parties to the said suits, actions, processes, or proceedings, be, and are hereby entitled to proceed in such cases as if no such repeal of the act aforesaid had taken place: *Provided always*, That, before any order or proceeding, other than that for continuing the same suits, after the reinstating thereof, shall be entered or had, the defendant or plaintiff, as the case may be, against whom the same may have been reinstated, shall be brought into Court by summons, attachments, or such other proceeding, as is used in other cases for compelling the appearance of a party.

Approved June 7, 1794.

An Act to amend the act, entitled "An act to enable the Officers and Soldiers of the Virginia Line on Continental Establishment to obtain titles to certain

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lands lying Northwest of the river Ohio, between the Little Miami and Scioto.

Be it enacted, &c., That all said every officer and soldier of the Virginia line on Continental Establishment, his or their heirs or assigns, entitled to bounty lands on the Northwest side of the river Ohio, between the Scioto and Little Miami rivers, by the laws of the State of Virginia, and included in the terms of cession of the said State to the United States, shall, on producing the warrant, or a certified copy thereof, and a certificate, under the seal of the office where the said warrants are legally kept, that the same or a part thereof remains unsatisfied, and, on producing the survey, agreeably to the laws of Virginia, for the tract or tracts to which he or they may be entitled, as aforesaid, to the Secretary of the Department of War, such officer and soldier, his or their heirs or assigns, shall be entitled to and receive a patent for the same from the President of the United States; any thing in any former law to the contrary notwithstanding: *Provided*, That no letters patent shall be issued for a greater quantity of land than shall appear to remain due on such warrant; and that before the seal of the United States shall be affixed to such letters patent, the Secretary of the Department of War shall have endorsed thereon that the grantee therein named, or the person under whom he claims, was originally entitled to such bounty lands; and every such letters patent shall be countersigned by the Secretary of State, and a minute of the date thereof, and the name of the grantee shall be entered of record in his office, in a book to be specially provided for that purpose.

Approved, June 9, 1794.

An Act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer.

Be it enacted, &c., That the consent of Congress be, and is hereby granted and declared to the operation of an act of the General Assembly of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, entitled "An act to appoint a Health Officer for the port of Baltimore, in Baltimore county," so far as to enable the State aforesaid to collect a duty of one cent per ton on all vessels coming into the district of Baltimore from a foreign voyage, for the purposes in the said act intended.

SEC. 2. And be it further enacted, That this act shall continue in force to the end of the next session of Congress, and no longer.

Approved, June 9, 1794.

An Act making appropriations for certain purposes therein expressed.

Be it enacted, &c., That there be appropriated for the several purposes hereinafter specified, the respective sums following, to wit: To defray the expenses which shall be incurred pursuant to the act, entitled, "An act to provide a naval armament," six hundred and eighty-eight thousand eight hundred and eighty-eight dollars and eighty-two

cents; in addition to the sum heretofore granted for the erection of fortifications for the protection of ports and harbors, thirty thousand dollars; for the payment of a sum granted to Lieutenant Colonel Toward, in lieu of his pension for life, three thousand six hundred dollars; for the payment of the salary allowed to the officer who shall be appointed to superintend the receiving, safe-keeping, and distribution of the military stores of the United States, pursuant to the act of the second of April last, eight hundred and seventy-five dollars; for the salary of an additional clerk and office rent, in the Department of State, four hundred and eighty-four dollars and seventy-eight cents; for the payment and subsistence of Captain John Inglis, of the North Carolina line, one hundred and eighty dollars and ninety-one cents; to defray the further contingent expenses of the House of Representatives, authorized during the present session, one thousand dollars; for the service of the War Department, in addition to the sums heretofore appropriated, the sums following to wit: To defray the expense of a corps of Artillerists and Engineers, established during the present session, sixty-six thousand four hundred and twenty-nine dollars and eighty-seven cents; for the further protection and defence of the Southwestern frontier, two hundred thousand dollars; for the purposes of the act directing a detachment from the Militia of the United States, two hundred thousand dollars; for the equipment of galleys or other vessels, pursuant to an act of the present session, eighty thousand dollars; for the expense of additional clerk hire in the Department of War, seven hundred and fifty dollars; for defraying the contingent expenses of Government, to be applied under the direction of the President of the United States, according to the regulations and provisions provided in respect of a sum of ten thousand dollars heretofore appropriated for the like purpose, twenty thousand dollars; amounting, in the whole, to one million two hundred and ninety-two thousand one hundred and thirty-seven dollars and thirty-eight cents; which several sums shall be paid out of the proceeds of such revenues as shall have been provided during the present session of Congress.

SEC. 2. And be it further enacted, That the President of the United States be empowered to borrow, on behalf of the United States, of the Bank of the United States, (which is hereby authorized to lend the same,) or of any other body or bodies politic, person or persons, any sum not exceeding in the whole, one million of dollars, to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the proceeds of the said revenues.

SEC. 3. Provided always, and be it further enacted, That there shall be reserved out of the proceeds of the said revenues a sum sufficient to pay the interest of whatever moneys may be borrowed pursuant to the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations;" and further to continue in force the act, entitled "An act providing the means of inter-

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course between the United States and foreign nations;" and such sum is hereby pledged and appropriated for that purpose, according to the terms of the contract or contracts which shall or may be made concerning the said moneys. And the faith of the United States is hereby pledged to make such further provision therefor as may be necessary.

Approved, June 9, 1794.

An Act making certain alterations in the act for establishing the Judicial Courts, and altering the time and place of holding certain Courts.

Be it enacted, &c., That the District Judges of the United States be authorized to appoint a commissioner or commissioners, before whom appraisers of ships or vessels, or goods, wares, and merchandise, seized for breaches of any law of the United States, may be sworn or affirmed; and that such qualifications made before such commissioner or commissioners shall be, to all intents and purposes, as effectual as if the same were taken before the said Judges in open Court.

SEC. 2. And be it further enacted, That the stated terms of the District Courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that in future the said Courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December. In Pennsylvania, on the third Mondays in February, May, August, and November. And in Georgia, at the times and places following: In the City of Savannah on the second Tuesdays in February, May, and August; and in Augusta on the second Tuesday in November. And that the Circuit Court of the District of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April—any law to the contrary notwithstanding.

SEC. 3. And be it further enacted, That the State of North Carolina shall be divided into three districts, in which the District Court of the said State shall be held at such times and places as are already ascertained by law, that is to say: the District of Wilmington to include all the counties of the State districts of Morgan, Salisbury, Fayetteville, and Wilmington; the district of Newbern to include all the counties of the State districts of Hatteras, Beaufort, and Newbern; and Edenton to include all the counties of the district of Edenton; and that all process, pleas, actions, suits, and other proceedings, originating in the districts, respectively, shall be returnable to the session of said Court to be held at the place directed by law, within the same district where the cause commenced, and there to be kept, with the record thereof, until the final end and determination of the same. And, to the end that suitors, witnesses, and all others concerned, may have notice of this alteration in the said Courts, the Marshal of the said district of North Carolina is hereby required to make the same known, by proclamation, on or before the first day of August next.

SEC. 4. And be it further enacted, That any

person living within either of the districts aforesaid, who hereafter shall be arrested by virtue of process issuing out of the Court of either of the said districts other than that in which he shall reside, shall be discharged therefrom, on his entering his appearance and giving bail to the action in the Court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the Court within the said last-mentioned district.

SEC. 5. And be it further enacted, That all process, actions, pleas, suits, and other proceedings, which have been commenced and returned to the separate several sessions of the District Court, at such places appointed by law for holding thereof, shall be tried at the place in each district where the same were first made returnable.

SEC. 6. And be it further enacted, That the Clerk of the said District Court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return the said business shall be finally heard and determined as aforesaid.

SEC. 7. And be it further enacted, That so much of the act to establish the Judicial Courts of the United States as is or may be construed to require the attendance of the Marshals of all the districts at the Supreme Court, shall be, and the same is hereby, repealed; and that the said Court shall be attended during its session by the Marshal of the district only in which the Court shall sit, unless the attendance of the Marshals of other districts shall be required by special order of the said Court.

SEC. 8. And be it further enacted, That, from and after the last day of September next, the District Court for the State of Kentucky shall be held in the town of Frankfort—anything in any former act to the contrary notwithstanding.

Approved, June 9, 1794.

An Act laying Duties on property sold at auction.

Be it enacted, &c., That, from and after the thirtieth day of September next, there shall be levied, collected, and paid, for the use of the United States, upon all sales by way of auction, as herein after described, which shall be made within the United States, the respective rates and duties following, to wit: The sum of one-fourth part of a dollar for every hundred dollars of the purchase money arising by sale at auction, of any interest, right, or estate, in any lands, tenements, or hereditaments, and of any utensils in husbandry and farming stock, ships and vessels, and the sum of one-half of a dollar, for every hundred dollars of the purchase money, arising by sale at auction, of all other goods, chattels, rights, and credits whatsoever, and at the same rate for any greater or lesser sum, except as hereinafter excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the moneys arising from each and every such sale: *Provided, always*, That nothing in this act contained shall extend to any sale or sales by

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auction, of estates, goods, or effects, made pursuant to, or in execution of, any rule, order, decree, sentence, or judgment, of any Court of the United States, or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy, or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators; or made of the proceeds of the land, upon the land where such produce was raised; or made of any farming utensils, stock, or household furniture, by persons removing from the place of such sale of such farming utensils, stock, or household furniture, shall not exceed two hundred dollars; or made pursuant to the directions of any law of the United States, or of either of them, touching the collection of any tax or duty; or disposal by auction of public property of the United States, or of any State; nor to any such sale or sales by auction of ships, their tackle, apparel, and furniture, or the cargoes thereof, which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

Sec. 2. *And be it further enacted*, That no person, after the said thirtieth day of September next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license, or other special authority, continuing in force pursuant to some law of a State, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of four hundred dollars, together with the sums or duties payable by this act upon the estates, goods, or effects so sold: *Provided, however*, That nothing herein contained shall be construed to require a license for the sale at auction of any estate, goods, chatties, or other thing, which by this act are exempted from duty.

Sec. 3. *And be it further enacted*, That every person, who, before the said thirtieth day of September next, shall have a license or special authority, pursuant to any law of any State, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person, who, after the said day, shall have such special license or authority, shall, within thirty days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspector nearest to the place where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a State, the same was granted or given; and shall also give bond to the United States, in the sum of one thousand five hundred dollars, to be taken by the officer, at whose office

of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money as shall be due and payable upon any estates, goods, or effects, by him sold at auction, as aforesaid, according to the true intent and meaning of this act.

Sec. 6. *And be it further enacted*, That the accounts to be rendered, and the duties to be from time to time paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue, within whose survey such auctioneer shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account which he shall render before the officer or person to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation; in default of which such account shall not be deemed to be duly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as of ten as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall, at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of five hundred dollars.

Sec. 7. *And be it further enacted*, That if it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time to which his said bond shall relate, the same having expired, then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered, as hereinbefore mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall, afterwards, upon every sale by him of any estates, goods, or effects, at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license.

Sec. 8. *And be it further enacted*, That if any sale at auction of any lands, tenements, or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable according to this act.

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Sec. 9. *And be it further enacted*, That every auctioneer, out of the proceeds of the duties which he shall retain and pay as aforesaid, shall be allowed a commission of one per centum, upon the amount thereof, for his trouble in and about the same.

Sec. 10. *And be it further enacted*, That it shall be lawful for the President of the United States, and he is hereby empowered, to make such allowances for compensations to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole two and a half per centum of the total amount of the said duties collected.

Sec. 11. *And be it further enacted*, That if any person shall wilfully swear or affirm falsely, touching any matter hereinbefore required to be verified by oath or affirmation, he shall suffer the pains and penalties which, by law, are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the United States.

Sec. 12. *And be it further enacted*, That all fines, penalties, and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the United States, or of the supervisor of the revenue, within whose district any such fine, penalty, or forfeiture, shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty, or forfeiture, shall have been incurred. And where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a District Court, within the district in which the same shall arise or accrue, such suit and recovery may be had before any Court of the State, holden within the said district, having jurisdiction in like cases.

Sec. 13. *And be it further enacted*, That this act shall continue and be in force for the term of two years, and from thence to the end of the next session of Congress, and no longer.

Approved, June 9, 1794.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be authorized to employ, as despatch-boats, such of the revenue cutters of the United States, as the public exigencies may require.

Approved, March 20, 1794.

Resolved, &c., That an embargo be laid on all ships and vessels in the ports of the United States, whether already cleared out, or not, bound to any

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foreign port or place, for the term of thirty days; and that no clearances be furnished, during that time, to any ship or vessel bound to such foreign port or place, except ships or vessels under the immediate direction of the President of the United States: And that the President of the United States be authorized to give such instructions to the revenue officers of the United States, as shall appear best adapted for carrying the said resolution into full effect.

Approved, March 26, 1794.

Resolved, &c., That, during the continuance of the present embargo, no registered vessel, having on board goods, wares, or merchandise, shall be allowed to depart from one port of the United States to any other port within the same, unless the master, owner, consignee, or factor, shall first give bond with one or more sureties to the Collector of the district from which she is about to depart, in a sum of double the value of the vessel and cargo, that the said goods, wares, or merchandise, shall be relanded in some port of the United States; which bond, and also a certificate from the Collector of the district, where the same may be relanded, shall, by the Collectors respectively, be transmitted to the Secretary of the Treasury. That the several Collectors be prohibited from granting a clearance to any foreign ship or vessel, in any case whatever, during the continuance of the present embargo; and all armed vessels, possessing public commissions from any foreign Power, (letters of marque excepted,) are to be considered as not liable to the embargo.

Approved, April 2, 1794.

Resolved, &c., That the present embargo be continued, and every regulation concerning the same, shall be in full force until the twenty-fifth day of May next.

Approved, April 18, 1794.

Resolved, &c., That the President of the United States be authorized to direct clearances to be granted to any ships or vessels belonging to citizens of the United States, which are now loaded, bound from any port in the United States, for any port beyond the Cape of Good Hope; any thing in the resolution for laying the embargo, to the contrary notwithstanding: *Provided*, That, before the Collector of either of the districts of the United States, shall grant clearances, or any such vessel shall sail, the owners thereof shall give sufficient security, to the satisfaction of such Collector, that she shall not unlade her cargo, or any part thereof, at any port or place, previous to her arrival at the Cape of Good Hope.

Approved, May 7, 1794.

Resolved, &c., That the Secretary of the Department of War be, and he is hereby directed to make out an exact list of the names of each person returned to him, as invalid pensioners, by the Judges of the Circuit Courts of the United States (signing themselves as Commissioners,) under the act of Congress, passed the twenty-third of March, one thousand seven hundred and ninety-two, entitled "An act to provide for the settlement of claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions," and return to the Judge of each district one copy of such list, stating particularly the district from which each person was returned, and that all are by Congress directed not to be entered on the pension list. And the said Secretary is further directed to return to each District Judge a list of the names of all such persons as have been returned as invalid pensioners by the District Judges, under the act of Congress, passed the twenty-eighth of February, one thousand seven hundred and ninety-three, entitled "An act to regulate claims to invalid pensions," distinguishing those who have been placed on the pension list, and those who have not been placed on the same, by reason of their testimony being incomplete, stating, particularly, the legal requisites wanting in the evidence of each; and naming such of them whose evidence of leaving service is not lodged in his office. And the Judges of the several District Courts, upon receipt of the above described lists and statements, from the Secretary for the Department of War, are hereby directed forthwith to publish the same, in one or more of the newspapers published in their respective districts, adding to such publication the time when the act regulating the claims to invalid pensions expires.

Approved, June 9, 1794.

Resolved, &c., That it shall be the duty of the respective Clerks of the several District Courts of the United States, to return true copies of the tables of fees payable in the Supreme or Superior Courts of the States in which such Clerk resides, to the Attorney General of the United States, on or before the fifth day of December next.

Approved, June 9, 1794.

Resolved, &c., That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States; which when ratified by three-fourths of the said Legislatures shall be valid as a part of the said Constitution, viz:

The judicial power of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

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ACTS PASSED AT THE SECOND SESSION.

An Act to authorize the President to call out and station a corps of Militia in the four Western counties of Pennsylvania for a limited time.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a force not exceeding two thousand five hundred non-commissioned officers, musicians, and privates, to be composed of the militia of the United States, be called forth and stationed in the four Western counties of Pennsylvania, if, in the judgment of the President, the same shall be deemed necessary to suppress unlawful combinations, and to cause the laws to be duly executed: *Provided*, That the term of service of any one quota of the militia to be called into actual service, pursuant to this act, shall not exceed three months after they shall have arrived at the place of rendezvous.

Sec. 2. And be it further enacted, That the President of the United States be, and he is hereby authorized, if, in his judgment, it should be deemed expedient, to direct voluntary enlistments of any of the militia of the United States, in lieu of all or any part of the force herein authorized to be called forth, for the purposes aforesaid, for a term of service not exceeding thirty days after the commencement of the next session of Congress.

FREDERICK A. MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS,

Vice President of the United States,
and President of the Senate.

Approved, November 9, 1794.

G. WASHINGTON,

President of the United States.

An Act extending the privilege of franking to James White, the Delegate from the Territory of the United States South of the river Ohio, and making provision for his compensation.

Be it enacted, &c., That James White, the Delegate to Congress from the Territory of the United States South of the river Ohio, be entitled to the privilege of sending and receiving letters free of postage, on the same terms and under the same restrictions as are provided for the members of the Senate and of the House of Representatives of the United States by the act, entitled "An act to establish the Post Office and Post Roads within the United States."

Sec. 2. And be it further enacted, That the said James White shall receive for his traveling expenses and attendance in Congress the same compensation as is or may be allowed by law to the members of the House of Representatives of the United States, to be certified and paid in like manner.

Approved, December 3, 1794.

An Act to amend and explain the twenty-second section of "the Act establishing the Judicial Courts of the United States."

Whereas, by the twenty-second section of the act, entitled "An Act to establish the Judicial Courts of the United States," it is provided that "Every Justice or Judge signing a citation on any writ of error, shall take good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs, if he fail to make his plea good." And whereas doubts have arisen as to the extent of the security to be required in certain cases:

Be it enacted, &c., That the security to be required and taken on the signing of a citation on any writ of error, which shall not be a supersedeas and stay execution, shall be only to such an amount, as, in the opinion of the Justice or Judge taking the same, shall be sufficient to answer all such costs, as, upon an affirmance of the judgment or decree, may be adjudged or decreed to the respondent in error.

Approved, December 12, 1794.

An act authorizing a Loan of two millions of dollars.

Be it enacted, &c., That the President of the United States be empowered to borrow, on behalf of the United States, any sum not exceeding five million of dollars, at an interest not exceeding five per cent, per annum, reimbursable at the pleasure of the United States, to be applied to such public purposes as are authorized by law, and to be repaid out of the duties on impost and tonnage, to the end of the year one thousand seven hundred and ninety-five.

Sec. 2. And be it further enacted, That it shall be lawful for the Bank of the United States, and the said Bank hereby is authorized and empowered to loan the said sum, or any part thereof.

Approved, December 18, 1794.

An Act making appropriations for the support of the Military Establishment for the year one thousand seven hundred and ninety five, and for the expenses of the Militia lately called into the service of the United States.

Be it enacted, &c., That there be appropriated for the pay, subsistence, forage, and other expenses attending the militia in their late expedition to the Western counties of Pennsylvania, a sum not exceeding one million one hundred and twenty-two thousand five hundred and sixty-nine dollars and one cent; that is to say—For the pay, subsistence, and forage of the general staff, eighteen thousand six hundred and eighty-one dollars and thirty-four cents: For the pay, subsistence, and forage of the militia of New Jersey, eighty-eight thousand seven hundred and eighteen dollars and twenty-five cents: For the pay, subsistence, and forage of the militia of Pennsylvania, two hundred

and ten thousand eight hundred and seventy-five dollars and thirty cents: For the pay, subsistence, and forage of the militia of Maryland, fifty-eight thousand six hundred and sixty dollars and ninety-one cents: For the pay, subsistence, and forage of the militia of Virginia, one hundred and seventy-five thousand and seven dollars and five cents: For the pay and subsistence of artificers and drivers of ordnance, two thousand seven hundred and thirty-four dollars: For the pay and subsistence of the cavalry of Virginia, twenty-two thousand three hundred and ninety-seven dollars and six cents: For clothing, eighty-three thousand one hundred and forty dollars: For camp equipage, twenty-eight thousand seven hundred and seven dollars: For hospital stores, two thousand seven hundred and seventy dollars: For military stores, thirty-four thousand one hundred dollars: For the quartermaster's and paymaster's departments, three hundred and sixty-three thousand six hundred dollars: For forage for the cavalry, thirty-three thousand one hundred and sixty-eight dollars.

Sec. 2. *And be it further enacted*, That a sum not exceeding five hundred thousand dollars be appropriated towards defraying the expense of the Military Establishment, for the year one thousand seven hundred and ninety-five.

Sec. 3. *And be it further enacted*, That the several sums of money aforesaid shall be paid and discharged out of the funds following, to wit: First, The balance which may remain unexpended of the sum of six hundred thousand dollars, reserved by the act making provision for the Debt of the United States, after satisfying the appropriations made in the present session for the support of Government. Secondly, The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five.

Approved, December 31, 1794.

An Act making appropriations for the support of Government for the year one thousand seven hundred and ninety-five.

Be it enacted, &c., That, for defraying the expenditure of the Civil List of the United States for the year one thousand seven hundred and ninety-five, together with the incidental and contingent expenses of the several Departments and offices thereof, there be appropriated a sum of money not exceeding four hundred and thirty-two thousand seven hundred and forty-nine dollars and fifty-three cents; that is to say:

For the compensation granted by law to the President and Vice President of the United States, thirty thousand dollars.

For the like compensations to the members of the Senate and House of Representatives, their officers and attendants, estimated for a session of six months' continuance, one hundred and eighty-five thousand eight hundred and ninety dollars.

For the expenses of firewood, stationery, printing work, and all other contingent expenses of the two Houses of Congress, nine thousand five hundred dollars.

For the compensation granted by law to the Chief Justice, Associate Judges, District Judges, and Attorney General, forty-three thousand two hundred dollars.

For defraying the expense of clerks of courts, jurors, and witnesses, in aid of the fund arising from fines, forfeitures, and penalties, twelve thousand dollars.

For defraying the expenses of prosecution for offences against the United States, and for the safe-keeping of prisoners, four thousand dollars.

For compensation to the Secretary of State, clerks, and persons employed in that Department, seven thousand seven hundred and fifty dollars.

For incidental and contingent expenses in the said Department, three thousand nine hundred and seventy-one dollars, and seventy-nine cents.

For compensation to the Secretary of the Treasury, clerks, and persons employed in his office, seven thousand eight hundred and fifty dollars.

For expenses of stationery, printing, and all other contingent expenses in the office of the Secretary of the Treasury, five hundred dollars.

For compensation to the Comptroller of the Treasury, clerks, and persons employed in his office, ten thousand two hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Comptroller's office, eight hundred dollars.

For compensation to the Treasurer, clerks, and persons employed in his office, four thousand one hundred dollars.

For expense of firewood, stationery, printing, rent, and other contingencies in the Treasurer's office, six hundred dollars.

For compensation to the Auditor of the Treasury, clerks, and persons employed in his office, eleven thousand four hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the Auditor's office, five hundred dollars.

For compensation to the Commissioner of the Revenue, clerks, and persons employed in his office, six thousand one hundred and fifty dollars.

For expense of stationery, printing, and other contingent expenses in the office of the Commissioner, four hundred dollars.

For compensation to the Register of the Treasury, clerks, and persons employed in his office, fifteen thousand five hundred dollars.

For expense of stationery, printing, and all other contingent expenses in the Register's office, (including books for the public stocks,) two thousand four hundred dollars.

For the payment of rent for the several houses employed in the Treasury Department, (except the Treasurer's office,) one thousand nine hundred and forty-six dollars and sixty-eight cents.

For expense of firewood and candles in the several offices of the Treasury Department, (except the Treasurer's office,) one thousand five hundred dollars.

For defraying the expense incident to the stating and printing the public accounts for the year one thousand seven hundred and ninety-five, eight hundred dollars.

For compensations to the several Loan Officers, thirteen thousand two hundred and fifty dollars.

For compensation to the Secretary of War, clerks, and persons employed in his office, eight thousand five hundred and fifty dollars.

For expense of firewood, stationery, printing, rent, and other contingent expenses in the office of the Secretary of War, one thousand one hundred and thirty-three dollars and thirty-three cents.

For compensation to the Accountant of the War Department, clerks, and persons employed in his office, six thousand four hundred and fifty dollars.

For contingent expenses in the office of the Accountant of the War Department, six hundred dollars.

For compensation to the following officers of the Mint: The Director, two thousand dollars; the Treasurer, one thousand two hundred dollars; the Assayer, one thousand five hundred dollars; the Chief Coiner, one thousand five hundred dollars; the Engraver, one thousand two hundred dollars; four clerks, at five hundred dollars each, two thousand dollars.

For defraying the expenses of laborers in the different branches of the refinery, melting, and coining, at the Mint, five thousand two hundred dollars.

For the pay of mechanics employed in making and repairing machinery for the Mint, two thousand six hundred dollars.

For the purchase of a new coining press, ironmongery, lead, wood, coals, stationery, office furniture, and for other contingencies of the establishment of the Mint, five thousand five hundred dollars.

For the purchase of a house and lot for the Mint, and of lumber, bricks, and other materials for buildings to be erected, and other necessary improvements to be made, including mason's and carpenter's work, cartage and laborers, one thousand nine hundred dollars.

For compensation to the Governors, Secretaries, and Judges of the Territory Northwest and the Territory South of the river Ohio, ten thousand three hundred dollars.

For expenses of stationery, office rent, printing patents for lands, and other contingent expenses in both the said Territories, seven hundred dollars.

For the payment of sundry pensions granted by the late Government, two thousand and seven dollars and seventy-three cents.

For the annual allowance to the widow and orphan children of Colonel John Harding, and to the orphan children of Major Alexander Trueman, by the act of Congress of the twenty-seventh February, one thousand seven hundred and ninety-three, seven hundred and fifty dollars.

For the annual allowance for the education of Hugh Mercer, son of the late Major General Mercer, by the act of Congress of the second of March, one thousand seven hundred and ninety-three, four hundred dollars.

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, as shall have been as-

certained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, three thousand dollars.

Sec. 2. *And be it further enacted*, That for the maintenance and support of light-houses, beacons, buoys, public piers, and stakes of channels, bars, and shoals, there shall be appropriated a sum of money not exceeding twenty thousand dollars; and for making good a deficiency of appropriation for building a light-house at Baldhead, there shall be appropriated a sum not exceeding four thousand dollars.

Sec. 3. *And be it further enacted*, That for discharging certain miscellaneous claims upon the United States, there shall be appropriated a sum of money not exceeding eight thousand and four dollars and thirteen cents, that is to say: For making good to the Bank of the United States loss and insurance on shipments of money for, and on account of the United States, and for loss on silver and gold received from the collectors at Wilmington and Edenton, one thousand four hundred and twelve dollars and ninety-three cents; for paying Joseph Stretch, sole administrator of Joseph Wright, deceased, for modelling a likeness and cutting two dies, in conformity to a resolution of Congress of the twenty-fourth of September, one thousand seven hundred and seventy-nine, two hundred and thirty-three dollars and thirty-three cents; for the payment of a balance due to Arthur St. Clair, pursuant to an act of Congress of the thirty-first of May, one thousand seven hundred and ninety-four, one thousand and fifty-seven dollars and eighty-seven cents; for an allowance to the widow and orphan children of Robert Forsyth, late marshal of the district of Georgia, pursuant to an act of June the seventh, one thousand seven hundred and ninety-four, two thousand dollars; for defraying the expense of publishing lists of invalid pensioners, in compliance with the resolution of Congress of the ninth of June, one thousand seven hundred and ninety-four, eight hundred dollars; for defraying the expense of sundry expresses to and from the collectors of the revenue, in relation to the embargo, five hundred dollars; for the discharge of such miscellaneous demands against the United States, other than those on account of the civil department, not otherwise provided for, and which shall have been ascertained and admitted in due course of settlement at the Treasury, and which are of a nature, according to the usage thereof, to require payment in specie, two thousand dollars.

Sec. 4. *And be it further enacted*, That the several appropriations hereinbefore made shall be paid and discharged out of the fund of six hundred thousand dollars referred by the act making provision for the Debt of the United States.

Approved, January 2, 1795.

An Act to regulate the pay of the non-commissioned officers, musicians, and privates of the Militia of the United States, when called into actual service, and for other purposes.

Be it enacted, &c., That, from and after the pass-

ing of this act, the allowance of bounty, clothing, and pay, to the non-commissioned officers, musicians, and privates of the infantry, artillery, and cavalry of the militia of the United States, when called into actual service, shall be at the rate per month as follows: Each sergeant-major and quartermaster-sergeant, nine dollars; each drum and fifer, eight dollars and thirty-three cents; each sergeant, eight dollars; each corporal, drummer, fifer, and trumpeter, seven dollars and thirty-three cents; each farrier, saddler, and artificer, (included as a private,) eight dollars; each gunner, bombardier, and private, six dollars and sixty-six cents.

Sec. 2. *And be it further enacted*, That, in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician, and private of the cavalry, for the use of his horse, arms, and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician, and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

Sec. 3. *And be it further enacted*, That, whenever the militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental, or brigade rendezvous—allowing to each non-commissioned officer, musician, and private soldier, a day's pay and rations for every fifteen miles from his home to such place of rendezvous, and the same allowance for traveling home from the place of discharge.

Sec. 4. *And be it further enacted*, That, in addition to the pay heretofore authorized by law, there shall be allowed and paid to the non-commissioned officers, musicians, and privates of the militia lately called forth into the actual service of the United States, on an expedition to Fort Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowance respectively provided in the first and second sections of this act: *Provided, nevertheless*, That the compensations made by any State to the militia called forth from such State, shall be deemed to be included in the additional allowance authorized by this act; and such State shall be entitled to receive from the Treasury of the United States, such sums as they shall have paid or allowed to the non-commissioned officers, musicians, and privates over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act.

Sec. 5. *And be it further enacted*, That, for the completing and better supporting the Military Establishment of the United States, as provided by the act, entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," there shall be allowed and paid, from and after the first day of January, one thousand seven hundred and ninety-five, to each non-commissioned officer, musician, and private now in service, or hereafter to be enlisted, the additional pay of one dollar per month, during the terms of their respective enlistments; and to

each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist after the first day of January next, an additional bounty of eight dollars—making the entire bounty sixteen dollars; and to each person not now in the Army of the United States, or discharged, as above, who shall enlist after the said first day of January next, an additional bounty of six dollars—making the entire bounty fourteen dollars: but the payment of four dollars of each additional bounty hereby granted, shall be deferred until the soldier enlisting shall join the regiment or corps in which he is to serve.

Sec. 6. *And be it further enacted*, That, to those in the military service of the United States, who are or shall be employed on the Western frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt in addition to every hundred of their rations.

Approved, January 2, 1795.

An Act authorizing the transfer of the stock standing to the credit of certain States.

Be it enacted, &c., That at any time within two years from the passing of this act, transfers shall and may be authorized, of so much of the stock standing to the credit of any State, pursuant to the report of the Commissioners for settling accounts between the United States and individual States; and the act passed thereto, entitled "An act making provision for the payment of the interest on the balances due to certain States, upon a final settlement of the accounts between the United States and the individual States," to creditors of such State who were such prior to the first day of July, one thousand seven hundred and ninety-three, as may be necessary to satisfy their respective demands: *Provided*, That no such transfer shall be made but with the consent of the said State and its creditors.

Approved, January 2, 1795.

An Act providing for the payment of certain instalments of Foreign Debts, and of the third instalment due on a Loan made of the Bank of the United States.

Be it enacted, &c., That the President of the United States be, and he hereby is, authorized and empowered to cause any instalments of the Foreign Debts which may fall due in the year one thousand seven hundred and ninety-five, and also the third instalment due on a Loan made of the Bank of the United States, in pursuance of the eleventh section of the act for incorporating the subscribers to the said Bank, to be paid out of the proceeds of any Foreign Loans heretofore made.

Approved, January 8, 1795.

An Act for reviving certain suits and process which have been discontinued in the District Court of Pennsylvania.

Be it enacted, &c., That all suits and process which were pending in the District Court of Pennsylvania, which, by law, ought to have been holden on the third Monday in November last, and which

were discontinued by the failure to hold the same; and all suits and process which were commenced for the said Court, or returnable thereto; and, also, all suits and process which were pending in any special Court of the said district, and discontinued by failure to hold the adjournment thereof, on the day appointed, at any time since the last day of July last, be, and they are hereby, revived; and hereby day is given to all the suits and process aforesaid, in the District Court next by law to be holden in the same district; and the same proceedings may be had at the same last mentioned Court, in all the suits and process aforesaid, as by law might have been had at the Courts, respectively, in which the same were pending, or to which the same were returnable.

Approved, January 28, 1795.

An Act further extending the time for receiving on Loan the Domestic Debt of the United States.

Be it enacted, &c., That the term for receiving on loan that part of the Domestic Debt of the United States which has not been subscribed in pursuance of the provisions heretofore made by law for that purpose, be and the same is hereby further extended until the thirty-first day of December next, on the same terms and conditions as are contained in the act, entitled "An act making provision for the Debt of the United States;" *Provided*, That the books for receiving the said subscriptions shall be opened only at the Treasury of the United States.

Sec. 2. *And be it further enacted*, That such of the creditors of the United States as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive during the year one thousand seven hundred and ninety-five, a rate per centum on the amount of such of their demands as have been registered or as shall be registered at the Treasury conformable to the directions in the act, entitled "An act making provision for the Debt of the United States," equal to the interest which would be payable to them as subscribing creditors.

Approved, January 28, 1795.

An Act supplementary to the several acts imposing duties on goods, wares, and merchandise imported into the United States.

Whereas difficulties have arisen in ascertaining the duties on certain articles imported into the United States, and further provisions for securing the collection of the impost duties are found necessary:

Be it enacted, &c., That in lieu of the present duties, there shall be levied, collected and paid upon all printing types, which after the last day of March next, shall be imported into the United States, in ships or vessels of the United States, at the rate of ten per centum, and upon all grandoleas, at the rate of twenty per centum ad valorem; that, after the said last day of March next, the present duties payable upon clayed sugars shall cease, and there shall be paid upon all white clayed or white powdered sugars, three cents per pound, and upon all other clayed or powdered sugars, one and a half

cent per pound; upon Malaga wine, twenty cents; upon Burgundy and Champagne, forty cents per gallon.

Sec. 2. *And be it further enacted*, That, after the said last day of March, tea, commonly called imperial, gunpowder, or gomee, shall pay the same duties as hyson teas; and where any entire article is, by any law of the United States, made subject to the payment of duties, the parts thereof, when imported separately, shall be subject to the payment of the same rate of duties.

Sec. 3. *And be it further enacted*, That, after the said last day of March, the valuation of all goods, wares, and merchandise, subject to the payment of duties ad valorem, shall be made upon the actual cost at the place of exportation, including all charges, (commissions, outside packages and insurance only excepted,) that the duty on any wines imported into the United States shall not be less than ten cents per gallon, and that bottles in which any liquor is imported, shall be subject to the payment of the like duty as empty bottles.

Sec. 4. *And be it further enacted*, That the duties upon all goods, wares, and merchandise, imported into the United States, after the said last day of March, (where the sum payable by one person or copartnership shall amount to more than fifty dollars,) shall be payable upon all articles, the produce of the West Indies, (salt excepted,) the one-half in three, and the other half in six calendar months; and on all goods, wares, and merchandise, imported from Europe, (wines, salt and teas excepted,) one-third in eight months, and one-third in ten months, and the remaining third in twelve months from the time of each respective importation.

Sec. 5. *And be it further enacted*, That, in respect to the aforesaid duties, and the duties heretofore imposed on goods, wares, and merchandise, imported into the United States, there shall be an addition of ten per centum to the several rates of duties when imported in ships or vessels not of the United States, except in cases where such additional duty has been before specially laid on any goods, wares, or merchandise, imported in such ships or vessels.

Sec. 6. *And be it further enacted*, That the duties aforesaid shall be collected in like manner, and under the same regulations, restrictions, and provisions, and subject to the like appropriations as goods, wares, and merchandise, imported into the United States, are now subject to.

Approved, January 29, 1795.

An Act making further provision in cases of drawbacks.

Whereas the allowance of drawbacks on goods, wares, and merchandise, imported into the United States, is now limited to such as are exported from districts into which the same are imported, and great loss and inconvenience are experienced from such limitation and further provision, in respect to goods, wares, or merchandise, entitled to drawback, is deemed necessary:

Be it enacted, &c., That after the last day of

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March next, any goods, wares, and merchandise, imported into the United States, may be exported from any of the ports at which ships and vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry, and entitled to the same drawback of the duties as goods, wares, and merchandise, exported from the districts in which they are imported, are now entitled to: *Provided, nevertheless*, That such goods, wares, and merchandise, shall not be entitled to such drawback, unless they shall be accompanied by a certificate from the collector of the district into which they were imported, specifying the marks, numbers, and descriptions, of the casks or packages, with the names of the master and vessel in which, the time when, and the place from whence, they were imported; and where the articles pay duties by weight or measure, the quantity in each; and in all cases the amount of the duties paid or secured thereon.

Sec. 3. *And be it further enacted*, That in order to entitle any person to such certificate, he or they shall make out an entry of all such goods, wares, and merchandise, specifying the marks, numbers, and descriptions, of the casks, or packages, and their contents, the names of the master and vessel in which, the time when, and the place from which they were imported; the names of the master and vessel in which they are intended to be laden, and the district in the United States to which they are destined; and shall moreover make oath or affirmation to the truth of such entry; which requisites being complied with, and the collector satisfied with the truth thereof, he shall grant such certificate, and such goods, wares, and merchandise, shall be entered with the collector of the district into which they shall be brought from the place of their importation, previous to the landing or unloading thereof.

Sec. 3. *And be it further enacted*, That, after the last day of March next, it shall be lawful for the importer, or exporter, of any liquors in casks, coffee in casks, or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the original importation, into new casks or packages, in case the original cask or package shall be so injured as to be rendered unfit for exportation, and under the inspection of the inspector of the port from which such liquors, coffee, or unrefined sugars, are intended to be exported.

Sec. 4. *And be it further enacted*, That when any goods, wares, or merchandise, entitled to drawback, shall be entered for exportation from any other district than the one into which they were imported, the person intending to export the same, besides producing the certificate hereinbefore directed, shall make an entry in like manner, and the goods, wares, and merchandise, therein expressed, shall undergo the same examination as is by law required relative to goods, wares, and merchandise, entitled to drawback, and intended to be exported from the place of original importation.

Sec. 5. *And be it further enacted*, That for all goods, wares, and merchandise, entitled to drawback, which, after the last day of March next,

back, which, after the last day of March next, shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district a debenture or debentures, for the amount of the drawback to which such goods, wares, or merchandise, are entitled, payable at the same time or times respectively on which the duties on the said goods, wares, or merchandise, shall become due, except the same or any part thereof has been paid, or shall become payable in less than three months; in which case such debenture shall be payable in three months: And it shall be the duty of the said collectors to discharge such debentures, at the time they become due, out of any public money in their hands. And where goods, wares, and merchandise, are exported from any other district than the one into which they were imported, it shall be the duty of the collector of such district to grant to the exporter a certificate expressing that such goods, wares, and merchandise, were exported from his district, with the marks, numbers, and description, of the packages and their contents, the name of the vessel on which they were laden, the name of the commander, and the port for which they were cleared out, and the amount of the drawback to which they are entitled. And such certificate shall entitle the possessor thereof to receive from the collector of the said district, with whom the duties on the said goods, wares, and merchandise, were paid, or secured, a debenture or debentures for the drawback expressed in the said certificates, payable at the same time, and in like manner, as is hereinafter directed for debentures on goods, wares, and merchandise, exported from the place of their first importation: *Provided, nevertheless*, That the collector aforesaid may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed one hundred dollars, it shall be his duty to represent the case to the Comptroller of the Treasury, who shall determine whether such debenture or debentures shall be granted or not: *And provided always*, That in no case of an exportation by the original importer shall a drawback be paid until the duties on the importation thereof shall have been first received.

Sec. 6. *And be it further enacted*, That before the receipt of any such debenture, in case of exportation from the district of original importation, and in case of exportation from any other district, before the receipt of any such certificate, the person applying for the same shall give bond with one or more sureties, to the satisfaction of the collector who is to grant the debenture, or the certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned to produce to such collector, like proof and certificates of the delivery of such goods, wares, or merchandise, at some place without the United States, as are now required by law for obtaining the drawback on exportation, within one year, in case such

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goods have been shipped to any part of Europe or America, and within two years, if to any part of Asia or Africa: *Provided, nevertheless*, That when it shall be made to appear to the satisfaction of the collector, to whom such certificates are directed to be returned, that such certificates could not be obtained, the exporter or exporters shall be permitted to offer such other testimony, as to the landing or loss of the goods, wares, and merchandise, as he may have; which proof shall be referred to the Comptroller of the Treasury, who shall have power and authority to admit the same if he shall deem it satisfactory, and to direct the collector to cancel the bond accordingly.

Sec. 7. *And be it further enacted*, That so much of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels," as extends the credits on bonds given for duties on account of the drawback on goods exported, shall, after the said last day of March next, be repealed: *Provided*, That nothing herein contained shall be construed to extend to any allowance made upon goods, wares, and merchandise, imported before the said last day of March next.

Approved, January 29, 1793.

An Act in addition to the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes."

Be it enacted, &c., That the augmentation of bounty authorized by the fifth section of the act, entitled "An act to regulate the pay of the non-commissioned officers, musicians, and privates, of the Militia of the United States, when called into actual service, and for other purposes," shall be allowed and paid to such recruits as shall have enlisted after the passing of the said act, or as shall hereafter enlist, in like manner as is by the said act provided in cases of enlistment after the first day of January next.

Approved, January 29, 1793.

An act to establish a uniform rule of Naturalization, and to repeal the act heretofore passed.

For carrying into complete effect the power given by the Constitution to establish a uniform rule of naturalization throughout the United States:

Be it enacted, &c., That any alien, being a free white person, may be admitted to become a citizen of the United States, or any of them, on the following conditions, and not otherwise:

First. He shall have declared, on oath or affirmation, before the Supreme, Superior, District, or Circuit Court of some one of the States, or of the Territories Northwest or South of the river Ohio, or a Circuit or District Court of the United States, three years, at least, before his admission, that it was, *bona fide*, his intention to become a citizen of the United States, and to renounce forever all

allegiance and fidelity to any foreign prince, potentate, State, or sovereignty whatever, and particularly by name, the prince, potentate, State, or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly. He shall, at the time of his application to be admitted, declare, on oath or affirmation, before some one of the Courts aforesaid, that he has resided within the United States five years at least, and within the State or Territory where such Court is at the time held, one year at least, that he will support the Constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, State, or sovereignty whatever, and particularly, by name, the prince, potentate, State, or sovereignty, whereof he was before a citizen or subject; which proceedings shall be recorded by the clerk of the Court.

Thirdly. The Court admitting such alien shall be satisfied that he has resided within the limits and under the jurisdiction of the United States, five years; and it shall further appear to their satisfaction that, during that time, he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Fourthly. In case the alien applying to be admitted to citizenship shall have borne any hereditary title, or been of any of the orders of nobility, in the Kingdom or State from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the Court to which his application shall be made; which renunciation shall be recorded in the said Court.

Sec. 2. *Provided always, and be it further enacted*, That any alien, now residing within the limits and under the jurisdiction of the United States, may be admitted to become a citizen, on his declaring, on oath or affirmation, in some one of the Courts aforesaid, that he has resided two years, at least, within and under the jurisdiction of the same, and one year, at least, within the State or Territory where such Court is at the time held; that he will support the Constitution of the United States; and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty, whatever, and particularly, by name, the prince, potentate, State, or sovereignty, whereof he was before a citizen or subject; and moreover, on its appearing to the satisfaction of the Court, that during the said term of two years, he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and, when the alien applying for admission to citizenship shall have borne any hereditary title, or been of any of the orders of nobility in the Kingdom or State from which he came, on his, moreover, making in the Court an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceedings, required in this proviso to be per-

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formed in the Court, shall be recorded by the clerk thereof.

SEC. 3. *And be it further enacted*, That the children of persons duly naturalized, dwelling within the United States, and being under the age of twenty-one years, at the time of such naturalization, and the children of citizens of the United States, born out of the limits and jurisdiction of the United States, shall be considered as citizens of the United States: *Provided*, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided also*, That no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen as aforesaid, without the consent of the Legislature of the State in which such person was proscribed.

SEC. 4. *And be it further enacted*, That the act entitled "An act to establish a uniform rule of naturalization," passed the twenty-sixth day of March, one thousand seven hundred and ninety, be, and the same is hereby repealed.

Approved, January 29, 1795.

An Act to amend the Act, entitled "An Act making alterations in the Treasury and War Departments."

Be it enacted, &c., That in case of vacancy in the office of Secretary of State, Secretary of the Treasury, or of the Secretary of the Department of War, or of any officer of either of the said Departments, whose appointment is not in the Head thereof, whereby they cannot perform the duties of their said respective offices, it shall be lawful for the President of the United States, in case he shall think it necessary, to authorize any person or persons, at his discretion, to perform the duties of the said respective offices, until a successor be appointed, or such vacancy be filled: *Provided*, That no one vacancy shall be supplied, in manner aforesaid, for a longer term than six months.

Approved, February 13, 1795.

An Act relative to the compensation of certain officers employed in the collection of the duties of impost and tonnage.

Be it enacted, &c., That, in lieu of the commissions heretofore by law established, there shall be allowed to the collectors of the duties of impost and tonnage, on all moneys by them respectively received on account of the duties aforesaid arising on tonnage, and on goods, wares, and merchandise, imported after the last day of March next, as follows, to wit:

To the collectors of the districts of Pennsylvania and New York, three-tenths of one per cent;
To the collector of the district of Boston and Charlestown, and to the collector of the district of Baltimore, five-eighths of one per cent;
To the collectors of the districts of Salem and Norfolk, seven-eighths of one per cent;
To the collectors of the districts of Alexandria, Charleston, and Savannah, one per cent;
To the collector of the district of Newburyport, one and a quarter per cent;

To the collectors of the districts of Portsmouth, Portland, Newport, Providence, New Haven, and Tappanhook, one and a half per cent;

And to the collectors of the districts of Vermont, Champlain, Gloucester, Marblehead, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Dighton, York, Biddeford, Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquoddy, New London, Fairfield, Sag Harbor, Perth-Amboy, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Cedar Point, Georgetown in Maryland, Bermuda Hundred, Hampton, Yorktown, Yeocomick, Dumfries, Foley Landing, Cherry-stone, South Quay, Kentucky, Wilmington in North Carolina, Newbern, Washington, Edenton, Camden, Georgetown in South Carolina, Beaufort, Sunbury, Brunswick, St. Mary's, and Hardwich, two per cent.

SEC. 2. *And be it further enacted*, That, from and after the last day of March next, in lieu of the annual allowances heretofore established by law, there shall be yearly allowed to the following officers, the sums following, to wit:

To the collectors of the districts of Annapolis, Chester, South Quay, Yeocomick, Wilmington in North Carolina, Cedar Point, and Washington, the sum of two hundred dollars each;

To the collectors of the districts of York, Passamaquoddy, Oxford, Vienna, Nottingham, Hampton, Yorktown, Dumfries, Foley Landing, Cherry-stone, Beaufort, St. Mary's, Brunswick, and Hardwich, the sum of one hundred and fifty dollars each;

To the collector of the district of Perth-Amboy, one hundred and twenty dollars;

To the collectors of the districts of Portsmouth, Vermont, Champlain, Gloucester, Plymouth, Barnstable, Nantucket, Edgartown, New Bedford, Biddeford, Penobscot, Frenchman's Bay, Machias, Newport, Fairfield, Burlington, Bridgetown, Great Egg Harbor, Wilmington in Delaware, Snowhill, Kentucky, Bermuda Hundred, Camden, Georgetown in South Carolina, and Sunbury, the sum of one hundred dollars each;

To the collectors of the districts of Marblehead, Bath, Wiscasset, New Haven, and Georgetown in Maryland, the sum of fifty dollars each;

To the naval officer of the district of Portsmouth, the sum of one hundred and fifty dollars;

To the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington in North Carolina, and Savannah, the sum of one hundred dollars each;

To the surveyor of the port of Salem, two hundred dollars;

To the surveyors of Portsmouth, Newburyport, Bristol, Warren, East Greenwich, St. Mary's, Suffolk, Smithfield, Richmond, Petersburg, Frederickburg, Wilmington, Beaufort, and Swansborough, the sum of one hundred and fifty dollars each;

To the surveyors of Newport and Providence, one hundred and thirty dollars each;

To the surveyors of Gloucester, Beverly, New

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Haven, Middletown, Albany, Hudson, Little Egg Harbor, and Lewellensburg, one hundred and twenty dollars each;

And to the surveyors of Ipswich, Portland, North Kingston, Pawtucket, Patuxet, New London, Stonington, Town Creek, Bermuda Hundred, West Point, Urbanna, Port Royal, Alexandria, Windsor, Herford, Plymouth, Skewark, Murrenborough, Bennet's Creek, Winton, Nixonton, Newbiggen Creek, Pasquotank River, Indian Town, Carrituck Inlet, Savannah, and New Brunswick, in New Jersey, the sum of one hundred dollars each.

SEC. 3. *And be it further enacted*, That, from and after the last day of March next, in lieu of the sum heretofore established by law, there shall be paid to each inspector, for every day he shall be actually employed in aid of the customs, a sum not exceeding one dollar and sixty-six cents; and that, instead of the sum heretofore established by law, to be paid for the weighing of every one hundred and twelve pounds, in the districts of Pennsylvania, New York, Boston, Baltimore, and Norfolk, there shall be paid one cent and a half.

SEC. 4. *And be it further enacted*, That, from and after the last day of March next, it shall be the duty of the several collectors, naval officers, and surveyors, to keep accurate accounts of their official emoluments and expenditures, and the same to transmit, annually, on the last day of December, to the Comptroller of the Treasury, who shall annually lay an abstract of the same before Congress.

Approved, February 14, 1795.

An Act for the reimbursement of a Loan authorized by an Act of the last session of Congress.

Be it enacted, &c., That the Bank of the United States be, and the same is hereby, authorized to lend to the United States, the whole or any part of the sum of eight hundred thousand dollars, (remaining unapplied,) in pursuance of the authority granted to borrow one million of dollars, by the act, entitled "An act making further provision for the expenses attending the intercourse of the United States with foreign nations; and further to continue in force the act, entitled 'An act providing the means of intercourse between the United States and foreign nations.'"

SEC. 2. *And be it further enacted*, That, after reserving such sums as may be sufficient to satisfy prior appropriations, there be further appropriated, in aid of the provision heretofore made, out of the proceeds of the duties which have arisen, or may arise, upon cargoes for the conveyance of persons, upon licenses for selling wines and foreign distilled spirituous liquors by retail, upon snuff and refined sugar, and upon property sold at auction; which were imposed by acts passed during the last session, and which may be further continued the present session of Congress; or from the proceeds of such duties or revenues as may be established in lieu thereof, a sum sufficient to the reimbursement, before the year one thousand eight hundred and one, of any Loan or Loans, which have been,

or which may hereafter be made, in virtue of the act aforesaid; and that the faith of the United States be, and the same is hereby, pledged to make good any deficiency of the said duties.

Approved, February 21, 1795.

An Act authorizing the erection of a light-house near the entrance of Georgetown Harbor, in the State of South Carolina.

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, required to cause to be erected, as soon as may be, a light-house, near the entrance of the harbor of Georgetown, in the State of South Carolina, at such place, when ceded to the United States, as shall be most convenient for the navigation thereof; and that a sum, not exceeding five thousand dollars, be appropriated for the same, out of any moneys not otherwise appropriated: And that a sum, not exceeding one thousand dollars, be appropriated, for placing buoys on certain shoals in Cape Fear river, below the town of Wilmington, in the State of North Carolina.

Approved, February 21, 1795.

An Act supplementary to the Act concerning Invalids.

Be it enacted, &c., That the right any person now has, or may hereafter acquire, to receive a pension, by virtue of the act passed on the 28th day of February, one thousand seven hundred and ninety-three, entitled "An act to regulate the claims to invalid pensions," be considered to commence at the time of completing his testimony before the District Judge or Commissioners, pursuant to the said act: And nothing shall be allowed to any invalid, of the description aforesaid, by way of arrears of pension, antecedent to the date of his completing his testimony as aforesaid: And the pensions allowed under the said act shall be continued to the respective pensioners, during the continuance of their disability.

SEC. 2. *And be it further enacted*, That no commissioned officer, who has received commutation of half-pay, shall be paid a pension as an invalid, until he shall return his commutation into the Treasury of the United States; except where special provision has been made, in particular cases, for allowing pensions on the return only of certain portions of the commutation.

Approved, February 21, 1795.

An Act to establish the office of Purveyor of Public Supplies.

Be it enacted, &c., That there shall be in the Department of the Treasury, an officer to be designated, "Purveyor of Public Supplies," whose duty shall be, under the direction and supervision of the Secretary of the Treasury, to conduct the procuring and providing of all arms, military and naval stores, provisions, clothing, Indian goods, and generally all articles of supply, requisite for the service of the United States, and whose compensation shall be, a salary of two thousand dollars per annum. And all letters to and from the

said officer shall be received and free of postage.

Sec. 2. *And be it further enacted*, That the said officer shall not directly or indirectly be concerned, or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel, or purchase by himself, or another, in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take, or apply to his own use, any emolument, or gain for negotiating or transacting any business in the said Department other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall, upon conviction, forfeit to the United States the penalty of three thousand dollars, and may be imprisoned for a term not exceeding five years, and shall be removed from office, and be forever thereafter incapable of holding any office under the United States.

Sec. 3. *And be it further enacted*, That the said officer shall, before he enters on the duties of his office, give bond with sufficient sureties, to be approved by the Secretary of the Treasury, and Comptroller, in the sum of twenty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the Comptroller.

Approved, February 23, 1795.

An Act to continue in force the act "for ascertaining the Fees in Admiralty proceedings in the District Courts of the United States, and for other purposes."

Be it enacted, &c., That the act, entitled "An act to ascertain the Fees in Admiralty proceedings in the District Courts of the United States and for other purposes," be, and is hereby continued in force, for the term of one year from the passing of this act, and from thence to the end of the next session of Congress, and no longer.

Approved, February 26, 1795.

An Act to amend the act, entitled "An act to establish the Post Office and Post Roads within the United States."

Be it enacted, &c., That the following be, and are hereby established, as Post Roads, namely: From Pittstown in the District of Maine, to Wiscasset; and from Hallowell in the said district, to Norridgeworth: From Dover in New Hampshire, through Herwick, to Waterborough Courthouse, and from thence to Kennebec; From Portsmouth, through Dover, Rochester, and Moultonborough, to Plymouth; and from Plymouth to Portsmouth, by New Hampton, Meredith, Gilmanstown, Nottingham and Durham; the post to go and return on the said route alternately: from Fishkill, by Newburg and New Windsor, to Goshen: from Coopers Town, by Butternut Creek and Oxford Academy to Union Town: From Pipers on the post-road from Philadelphia to Bethlehem, by Alexandria, to Pittston

of the revenue laws of the United States, the burden of proof shall lie on the claimant only, where probable cause is shown for such prosecution, to be judged of by the Court, before whom the prosecution is had.

Sec. 3. *And be it further enacted*, That, in all cases in which suits or prosecutions shall be commenced for the recovery of pecuniary penalties prescribed by the laws of the United States, the person or persons, against whom process may be issued, shall be held to special bail, subject to the rules and regulations which prevail in civil suits, in which special bail is required.

Sec. 4. *And be it further enacted*, That, from and after the last day of May next, there shall be established the following new districts and ports of delivery, to wit: In the State of New York, a district to be called the District of Hudson, which shall include the city of Hudson, and all the waters and shores northward of the said city on Hudson river, and the town of Catskill below the said city; and the said city of Hudson shall be the sole port of entry for the said district: to which shall be annexed the towns or landing places of Catskill, Kinderhook, and Albany, as ports of delivery only; and the collector for the said district shall reside at Hudson; and a surveyor, to reside at Hudson, and another, at Albany, as is now by law established: In the State of Connecticut, a district, to be called the district of Middletown; which shall include the several towns and landing places of Lyme, Saybrook, Killingworth, Hadam, East Hadam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor; of which Middletown shall be the sole port of entry, and the other towns and landing places before named shall be ports of delivery only; and the collector shall reside at Middletown, and there shall be two other surveyors appointed within the said district, one to reside at Hartford, and the other at Saybrook: In the State of Massachusetts, a district to be called the District of Waldoborough; and a collector for the district shall reside at Waldoborough, which shall be the sole port of entry; and to which district shall be annexed the towns of Bristol, Norbleborough, Warren, Thomaston, Cushing, and Camden; also, a place called Ducktrap, as ports of delivery only; and there shall be a surveyor to reside at Thomaston; and all the shores and waters, from the middle of Damascot river to Ducktrap, shall be comprehended within the said district of Waldoborough. And in the district of Portland and Falmouth, Freeport and Harpwell; and also, in the District of Bath, the towns of Georgetown and Brunswick shall be ports of delivery only: And the collectors, to be appointed in conformity with this act, shall each become bound in the sum of four thousand dollars, and each surveyor, in the sum of one thousand dollars, in manner, as is by law provided in like cases. And the same duties, authorities and fees of office, with a similar distribution thereof, shall appertain to those appointments, as are now, in like cases, authorized by law. And the collectors

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aforesaid shall each receive the same per centage on the amount of all moneys by them respectively received for duties, together with the same yearly allowance, as is allowed by law to the Collector of the District of Fairfield; and each of the surveyors in the district aforesaid shall receive the same yearly allowance as is, or may be allowed by law to the Surveyor of the District of New Haven.

Sec. 5. *And be it further enacted*, That the master or commander of any ship or vessel, bound from a foreign port or place, to the District of Hudson, or to the District of Bermuda, Hundred and City Point, shall, if bound to the former, first come to, with his ship or vessel, at the city of New York; and if to the latter, after the last day of September next, at Hampton Road or Sewall's Point, and there make report to the Collector of New York, or of Norfolk and Portsmouth, or to the Collector of the port of Hampton, as the case may be, and take on board an inspector of the customs, before he shall proceed to the District of Hudson, or to the District of Bermuda Hundred and City Point: And if bound to any port on Connecticut river, shall take an inspector on board at Saybrook, before proceeding to such port. And if any master or commander shall neglect or refuse to comply with the duty hereby enjoined, or which is enjoined in the third section of the act, entitled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the United States, and on the tonnage of ships or vessels," he shall forfeit a sum not more than five hundred, and not less than fifty dollars: *Provided however*, That from and after the last day of May next, the restrictions contained in the said third section shall not extend to, and be considered as affecting the several ports or places included within the District of Middle-town; also, the ports of North Yarmouth, Freeport, and Harpwell, in the District of Portland and Falmouth, or the ports of George Town and Brunswick, in the District of Bath.

Sec. 6. *And be it further enacted*, That the District of Hampton for James River shall only extend up to the east side of Chickahomony river, and from thence upwards to Richmond on the north side, shall be annexed to the District of Bermuda Hundred and City Point; which district shall extend down James River on the south side to Hood's.

Sec. 7. *And be it further enacted*, That whenever a seizure, condemnation, and sale of goods, wares, and merchandise, shall hereafter take place, in the United States, and the value thereof shall be less than one hundred dollars, that part of the forfeiture which accrues to the United States, or so much thereof as shall be necessary, shall be applied to the payment of the costs of prosecution.

Sec. 8. *And be it further enacted*, That from and after the last day of May next, whenever an entry shall be made with the collector of any district of any merchandise imported into the United States, subject to duties, by any agent, factor or

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person, other than the bona fide owner or consignee of such merchandise, it shall be the duty of the collector to increase the penalty of the bond to be given for the duties, the sum of one thousand dollars, and to make it a part of the condition of the said bond, that the bona fide owner or consignee of such merchandise shall, on or before the first day of payment stipulated in said bond, deliver to said collector a full and correct account of the said merchandise imported for him, or on his account, or consigned to his care, in manner and form, as is now required by law in respect to an entry, previous to the landing of any merchandise; which account shall be verified, as in the case of an entry, and by a like oath or affirmation, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before a collector of the customs of some other district. And in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods entered by him, the collector shall take his bond with security, in the penalty of one thousand dollars, with condition, that the account, verified by the oath or affirmation of the bona fide owner or consignee, in manner as before directed, shall be delivered to the said collector within ninety days.

Sec. 9. *And be it further enacted*, That all bonds which may be given for any goods, wares, or merchandise exported from the United States after the last day of May next, and on which any drawback of duties, or allowance, shall be payable in virtue of such exportation, shall and may be discharged, and not otherwise, by producing, within one year from the date thereof, if the exportation be made to any part of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port or place, to whom the said goods, wares, or merchandise, shall have been addressed, therein particularly setting forth and describing the articles so exported, with their quantities or amount, and declaring that the same have been delivered from on board the vessel, in which they were exported, at the said place; as also, a certificate under the hand and seal of the consul or agent of the United States residing at the said place, declaring, either that the facts stated in such consignee's certificate are, to his knowledge, true, or that the certificate of such consignee is, in his opinion, deserving of full credit; which certificate of the consignee and consul, or agent, shall, in all cases, as respects the landing or delivery of the said goods, wares, or merchandise, be confirmed by the oath of the master and mate, if living, or in case of their death, by the oath or affirmation of the two principal surviving officers of the vessel, in which the exportation shall be made. And in cases where there shall be no consul or agent of the United States residing at the said place of delivery, the certificate of the consignee before required shall be confirmed by the certificate of two reputable American merchants residing at the said place; or if there be no such American merchants, then by the certificate of two reputable foreign mer-

chants, testifying that the facts stated in such consignee's certificate, are, to their knowledge, true, or that such consignee's certificate is, in their opinion, worthy of full credit; which certificate shall be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel, in the manner before prescribed. And in cases of loss at sea, or by capture, or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before mentioned are not, and cannot be produced, the exporter or exporters shall be allowed to adduce, to the collector of the port of exportation, such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a stating of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the Comptroller of the Treasury, who shall, if he be satisfied with the truth and validity thereof, have power to direct the bonds of such exporter or exporters to be cancelled.

Approved, February 26, 1795.

An Act for allowing an additional compensation to the Judges of the Districts of Rhode Island and Delaware.

Be it enacted, &c. That there shall be allowed to the Judges of the Districts of Rhode Island and Delaware, each, two hundred dollars yearly, in addition to the compensation heretofore allowed, to commence on the first day of the present year, and to be paid at the Treasury of the United States, in quarterly payments.

Approved, February 27, 1795.

An Act to provide for calling forth the Militia to execute the Laws of the Union, suppress insurrections, and repel invasions, and to repeal the act now in force for those purposes.

Be it enacted, &c. That whenever the United States shall be invaded, or be in imminent danger of invasion, from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And, in case of an insurrection in any State against the Government thereof, it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the Executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.

Sec. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals and their clerks, or by the President of the United States to call forth the militia of such

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State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth, may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

Sec. 3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time.

Sec. 4. *And be it further enacted*, That the militia employed in the service of the United States shall be subject to the same rules and articles of war as the troops of the United States; and that no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than three months after his arrival at the place of rendezvous, in any one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

Sec. 5. *And be it further enacted*, That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officers shall moreover be liable to be cashiered, by sentence of a court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months, at the discretion of the said court; and such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every five dollars of such fine.

Sec. 6. *And be it further enacted*, That courts-martial for the trial of militia shall be composed of militia officers only.

Sec. 7. *And be it further enacted*, That all fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial, before whom the same shall be assessed, to the Marshal of the District in which the delinquent shall reside, or to one of his deputies, and also to the Supervisor of the Revenue of the same District, who shall record the said certificate in a book, to be kept for that purpose. The said Marshal or his deputy shall forthwith proceed to levy the said fines, with costs, by distress and sale of the goods and chattels of the delinquent; which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same shall be in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the Marshal of the District or his deputy may commit such delinquent to jail during the

term for which he shall be so adjudged to imprison, or until the fine shall be paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

Sec. 8. *And be it further enacted*, That the Marshals and their deputies shall pay all such fines by them levied to the Supervisor of the Revenue in the District in which they are collected within two months after they shall have received the same, deducting therefrom five per centum as a compensation for their trouble; and, in case of failure, the same shall be recoverable by action of debt or information in any Court of the United States of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, and recovered, in the name of the Supervisor of the District, with interest and costs.

Sec. 9. *And be it further enacted*, That the Marshals of the several Districts and their deputies shall have the same powers, in executing the laws of the United States, as Sheriffs and their deputies in the several States have, by law, in executing the laws of the respective States.

Sec. 10. *And be it further enacted*, That the act, entitled "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," passed the second day of May, one thousand seven hundred and ninety-two, shall be and the same is hereby repealed.

Approved, February 28, 1795.

An Act to continue in force, for a limited time, the acts therein mentioned.

Be it enacted, &c. That the act, entitled "An act declaring the consent of Congress to an act of the State of Maryland, passed the twenty-eighth of December, one thousand seven hundred and ninety-three, for the appointment of a Health Officer;" and also the act, entitled "An act supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers," so far as the same provides for defraying the necessary expense of supporting light-houses, beacons, buoys, and public piers, and the stakeage of channels on the sea-coast; and also so much of the act, entitled "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, and to make further provision for the payment of pensions to invalids," as relates to the mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, be, and the same hereby are continued in force until the end of the next session of Congress, and no longer.

Approved, March 2, 1795.

An Act relative to cessions of jurisdiction in places where light-houses, beacons, buoys, and public piers have been or may hereafter be erected and fixed.

Be it enacted, &c. That where cessions have been, or hereafter may be made, by any State of the jurisdiction of places where light-houses, beacons, buoys, or public piers, have been erected and

fixed, or may, by law, be provided to be erected or fixed, with reservation, that process, civil and criminal, issuing under the authority of such State, may be executed and served therein, such cessations shall be deemed sufficient, under the laws of the United States providing for the supporting or erecting of light-houses, beacons, buoys, and public piers.

Sec. 2. *And be it further enacted*, That where any State hath made or shall make a cession of jurisdiction, for the purposes aforesaid, without reservation, all process, civil and criminal, issuing under the authority of such State or the United States, may be served and executed within the places, the jurisdiction of which has been so ceded, in the same manner as if no such cession had been made.

Approved, March 2, 1795.

An Act relative to the passing of coasting vessels between Long Island and Rhode Island.

Be it enacted, &c., That coasting vessels going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to the said Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

Approved, March 2, 1795.

An Act to alter and amend an act, entitled "An act laying certain duties upon snuff and refined sugar."

Be it enacted, &c., That the duty of eight cents per pound on snuff, laid by the act of last session, entitled "An act laying certain duties upon snuff and refined sugar," shall cease on the last day of March, in the present year, and shall not thenceforth be collected; but, in lieu thereof, there shall be levied and collected upon all mills, employed in the manufacture of snuff within the United States, the following yearly rates and duties, to wit: For and upon each and every mortar, contained in any mill worked by water, and for every pair of millstones, employed in the manufacture of snuff, five hundred and sixty dollars; upon every pestle in any mill, other than mills worked by hand, one hundred and forty dollars; upon every pestle, in any mill worked by hand, one hundred and twelve dollars; and upon every mill in which snuff is manufactured, by stampers and grinders, two thousand two hundred and forty dollars per annum.

Sec. 2. *And be it further enacted*, That the duties aforesaid shall be levied, collected, and accounted for, by the same officers as are provided by the act, entitled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits, imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same," subject to the superintendence and control of the Department of the Treasury, according to the respective authorities and duties of the officers thereof.

Sec. 3. *And be it further enacted*, That every person, who shall be a manufacturer of snuff, on the first day of April, in the present year, shall, within thirty days thereafter, and in each succeeding year, at least thirty days before the first day of April, make a true and exact entry or entries, in writing, at the office of inspection, which shall be nearest to the house or building, where he shall carry on the business or trade of manufacturing snuff, therein specifying, truly and particularly, every house or building in which the said manufacture shall be carried on, with the number of mortars in every mill by him owned, occupied, or used, and worked by water, and every pair of millstones, used or employed in the manufacture of snuff, and every pestle, in every mill, as aforesaid, distinctly specifying such pestles as are worked by other means than by hand, and, also, every pestle worked by hand, as also every mill in which snuff is manufactured by stampers and grinders: And every person, who shall commence the business or trade of manufacturing snuff, after the said first day of April, shall, at least thirty days before commencing such manufacture, make like entry or entries yearly, in manner as is before directed, and in failure thereof, every such manufacturer shall forfeit and lose every mill, in respect to which such entry shall not be made, with the utensils thereto belonging, and shall also forfeit and pay the sum of five hundred dollars, to be recovered with costs of suit.

Sec. 4. *And be it further enacted*, That every person, who shall be, on the first day of April, in the present year, or at any time thereafter, a manufacturer of snuff, within the United States, and who shall have made the entry or entries hereinbefore directed, shall be entitled on application therefor, in writing, by himself, or his agent, or attorney, to the officer of inspection with whom entry shall have been made, to receive a license for each and every mill by him owned, occupied, or used, in carrying on the said manufacture of snuff, for the term of one year, which license shall be granted without fee or charge, upon the condition of giving a bond or bonds, with one or more sufficient sureties, for the amount of the duty or duties, for one year, which, according to this act, ought to be paid for and upon the mill, in respect to which the said license is requested, with condition to pay the same in three equal parts: one-third part at the expiration of nine months, another third part at the expiration of twelve months, and the remaining third part at the expiration of fifteen months, from the date of such license: *Provided*, That in lieu of the said bond or bonds, it shall be at the option of the manufacturer to pay the said amount of the said duty immediately, with a deduction or abatement of six per cent.

Sec. 5. *And be it further enacted*, That the licenses, herein directed to be granted, shall be prepared by the supervisors of the revenue, respectively, pursuant to such forms as shall be prescribed by the Treasury Department; and, when issued, such licenses shall, in respect to all persons who shall be manufacturers of snuff, on the first day of April, in the present year, bear date on the

said day; and in respect to all persons who shall thereafter commence the said manufacture, such license shall bear date on the first day of the quarter of the year in which the said licenses shall be issued, and the said quarters of the year shall be deemed and are hereby declared to commence on the first days of January, April, July, and October, in each year.

Sec. 6. *And be it further enacted*, That every manufacturer of snuff, to whom a license shall have been granted, so long as he, or she, shall intend to carry on the business of manufacturing snuff, shall yearly, and every year within the thirty days immediately preceding the expiration of each license, apply for a new license for the next succeeding year, in manner heretofore directed, and, in like manner, shall pay or secure the payment of the duties for such year.

Sec. 7. *And be it further enacted*, That if, after the first day of April next, any person shall carry on the business of manufacturing snuff, without a license for that purpose, according to this act, or shall carry on the same at or with any mill, other than that mentioned in such license, such manufacturer, so offending, shall forfeit and pay, upon every conviction of such offence, treble the yearly amount of the duty hereby charged upon the mill or mills, wherein or whereby the said business shall be so carried on. And all duties and penalties imposed by this act, shall attach to, and remain as a lien upon, each and every mill, in respect to which such duty or penalty shall have accrued, until the same be fully satisfied and paid.

Sec. 8. *And be it further enacted*, That upon all snuff, which, after the last day of March, in the year one thousand seven hundred and ninety-five, shall be manufactured in the United States, and shall be exported therefrom, under the limitations and provisions hereinafter prescribed, the exporter or exporters thereof shall be entitled to a drawback of six cents per pound: *Provided*, That the person, shall amount to three hundred pounds.

Sec. 9. *And be it further enacted*, That in order to entitle the exporter or exporters of any snuff, to a drawback thereon, every such person shall, previous to the removal thereof from the mill or warehouse, where the same may be, make out, in writing, an exact entry, in which shall be specified the outward packages, in which the same is intended to be exported, the name of the manufacturer, and the marks and numbers of each, the quantity of snuff in each package, and the number of bottles, canisters, bladders, or other packages, containing the same, the name of the vessel and commander, in which such snuff is intended to be exported; and shall make oath or affirmation to be the truth of such entry, that the snuff therein specified was manufactured in the United States, after the last day of March, one thousand seven hundred and ninety-five, and the name or names of the person by whom, and the mill where, it was manufactured, and that the same is truly and bona fide intended to be exported out of the United States, and that no part thereof is intended to be

relanded therein. And upon such entry being so made and certified, it shall be the duty of the collector to whom such entry is tendered to cause the said packages to be examined, and to permit the same to be exported, under the inspection of an officer of the customs, in like manner as is provided for the exportation of other goods, wares, and merchandise entitled to drawback: *Provided*, That no drawback shall be allowed on any snuff, except the same shall be exported from any of the ports, at which ships or vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry.

Sec. 10. *And be it further enacted*, That every exporter of snuff entitled to drawback, shall enter into bonds, with one or more sureties, in an amount equal to double the amount of the drawback, conditioned that the same shall not be re-landed within the United States; and the master or commander of the ship or vessel, in which such snuff is reported to be shipped, shall make oath or affirmation, that the packages specified in the outward entry, are actually laden on board his ship or vessel, and that the same, or any part thereof, shall not be relanded in the United States; and upon such oath or affirmation being made, and the other provisions of the act being complied with, the collector, with whom such entry is made, shall grant a debenture or debentures, for the amount of the drawback to which such snuff is entitled, payable in twelve months from the time of granting the same; and such debenture or debentures shall be discharged by the collector granting the same, at the expiration of the term, out of any public money in his hands.

Sec. 11. *Provided always, and be it further enacted*, That before the payment of any debenture, the person demanding such payment shall produce to the collector the oath or affirmation of the master and mate of the vessel, (in which the snuff, for which such debenture was granted, is declared that the same was actually landed in some foreign port or place, and was not, or any part thereof, to the best of their knowledge and belief, relanded or brought back to the United States; and the person demanding such payment shall likewise make oath or affirmation, in like manner, that the snuff for which such debenture was granted, was not, according to his best knowledge and belief, relanded in, or brought back to, the United States: *Provided, also*, That in cases of loss at sea, or other unavoidable accident, where by the oath or affirmation of the captain or mate of the ship or vessel cannot be obtained, it shall be lawful for the Comptroller of the Treasury, to admit such other proof as to him shall appear satisfactory, under the special circumstances of the case.

Sec. 12. *And be it further enacted*, That if any snuff entered for exportation, with intention to obtain a drawback thereon, shall be relanded or attempted to be relanded within the United States, it shall be subject to seizure and forfeiture, together with the ship or vessel from which it shall be unladen, and the vessel or boat in which it shall be put; and the master or commander of the ship

or vessel from which the same is unladen, shall, moreover, forfeit and pay five hundred dollars: *Provided*, That every prosecution for any such offence shall be commenced within twelve months from the time when the same was committed, and that the ship, vessel, or boat, from which any such snuff shall be unladen or landed, shall continue subject to such seizure and forfeiture for twelve months from the time the offence was committed, and no longer.

Sec. 13. *And be it further enacted*, That it shall be the duty of the collectors granting debentures for snuff exported, to keep a separate account thereof, and to specify the mill or mills in which each parcel exported, was manufactured. And the Secretary of the Treasury shall cause an account to be laid before the Legislature, annually, of the produce of the revenue, arising from snuff, and of the amount of the drawbacks for which debentures have been granted in each year.

Sec. 14. *And be it further enacted*, That all penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one half thereof to the use of the United States, and the other half thereof to the use of the person, who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter, or thing, whereby any of the said penalties and forfeitures shall have been incurred.

Sec. 15. *And be it further enacted*, That it shall be lawful for the President of the United States, who is hereby empowered to make such compensation to the officers of inspection, employed in the collection of the duties aforesaid, and on refined sugar, and on the duties upon bariages for the conveyance of persons, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole five per centum of the total amount of the said duties collected.

Sec. 16. *And be it further enacted*, That, from and after the last day of March, in the present year, the several clauses and provisions of the act, entitled "An act, laying certain duties upon snuff and refined sugar," so far as the same shall relate to the laying and collecting of duties on snuff manufactured in the United States, shall be, and the same are hereby, repealed: except as to the recovery and receipt of such duties on snuff as shall then have accrued, and the payment of drawbacks on snuff exported, and as to the recovery of any penalties and forfeitures, which shall have been incurred before and on the said day, but the revenue to arise from the duty on snuff manufactured within the United States shall remain charged with the same appropriations as if this act had not passed; and that this act shall continue in force until the first day of March, one thousand eight hundred and one.

Approved, March 3, 1795.

An Act for continuing and regulating the Military Establishment of the United States, and for repealing sundry acts heretofore passed on that subject.

Be it enacted, &c., That the present Military Establishment of the United States, composed of a

corps of artilleryists and engineers, to consist of nine hundred and ninety-two non-commissioned officers, privates, and musicians; and of a legion, to consist of four thousand eight hundred non-commissioned officers, privates, and musicians, be, and the same is hereby continued.

Sec. 2. *And be it further enacted*, That the said corps of artilleryists and engineers be completed, conformably to the act of the eighth of May last, establishing the same, and prescribing the number and term of enlistments, and the method of organization.

Sec. 3. *And be it further enacted*, That the legion of the United States be also completed, to the number of four thousand eight hundred non-commissioned officers, privates, and musicians, by voluntary enlistments for the term of three years; and that the sub-legions composing the same, be organized in such manner as the President of the United States shall direct: *Provided, nevertheless*, That no such enlistment shall be made after three years from the passing of this act.

Sec. 4. *And be it further enacted*, That it shall be stipulated as a condition in the enlistments for cavalry, that they shall serve as dismounted dragoons, when ordered so to do; and that, in all cases of enlistments of the troops of every description, there be expressly reserved to the Government a right to discharge the whole or any part thereof, at such times, and in such proportions, as may be deemed expedient.

Sec. 5. *And be it further enacted*, That the commissioned officers who shall be employed in the recruiting service, shall be entitled to receive, for every able bodied recruit duly enlisted and mustered, of at least five feet six inches in height, and not under the age of eighteen, nor above the age of forty-six years, the sum of two dollars.

Sec. 6. *And be it further enacted*, That there shall be allowed and paid to each soldier now in the service of the United States, or discharged therefrom subsequent to the third day of March last, who shall re-enlist, a bounty of sixteen dollars; and to each person not now in the Army of the United States, or discharged as above, who shall hereafter enlist, a bounty of fourteen dollars; but the payment of four dollars of the bounty of each and every man so enlisting, shall be deferred until he shall have joined the corps in which he is to serve.

Sec. 7. *And be it further enacted*, That every non-commissioned officer, private, and musician, of the artillery and infantry, shall receive, annually, the following articles of uniform clothing, to wit: one hat, or helmet, one coat, one vest, two pair of woollen and two pair of linen overalls, four pair of shoes, four shirts, two pair of socks, one blanket, one stock and clasp, and one pair of buckles; and that there be furnished to the cavalry and riflemen, such clothing as shall be the most suitable and best adapted to the nature of the service, having regard therein, as nearly as may be to the value of the clothing allowed as above, to the infantry and artillery.

Sec. 8. *And be it further enacted*, That every non-commissioned officer, private, and musician,

shall receive, daily, the following rations of provision, to wit: one pound of beef, or three-quarters of a pound of pork, one pound of bread or flour, half a gill of rum, brandy, or whiskey, and at the rate of one quart of salt, two quarts of vinegar, two pounds of soap, and one pound of candles, to every hundred rations, or the value thereof, at the contract price, where the same shall become due: and if, at such post, supplies are not furnished by contract, then such allowance as shall be deemed equitable, having reference to former contracts, and the position of the place in question.

Sec. 9. *Provided always, and be it further enacted*, That to those in the military service of the United States who are, or shall be employed on the Western Frontiers, there shall be allowed, during the time of their being so employed, two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

Sec. 10. *And be it further enacted*, That the monthly pay of the officers, non-commissioned officers, musicians, and privates on the Military Establishment of the United States, be as follows, to wit:—General Staff—A Major General, one hundred and sixty-six dollars; a Brigadier General, one hundred and four dollars; a Quartermaster General, one hundred dollars; Adjutant General, to do also the duty of Inspector, seventy-five dollars; Chaplain, fifty dollars; Surgeon, twenty dollars; Deputy Quartermaster, fifty dollars; Aid-de-Camp, in addition to his pay in the line, twenty-four dollars; Brigade Major, to act also as Deputy Inspector, in addition to his pay in the line, twenty-four dollars; Principal Artificer, forty dollars; Second Artificer, twenty-six dollars. — Regimental. — Lieutenant Colonel commandant, seventy-five dollars; Major of artillery and Major of dragoons, fifty-five dollars; Major of infantry, fifty dollars; Paymaster Adjutant, and Quartermaster, in addition to their pay in the line, ten dollars; Captains, forty dollars; Lieutenants, twenty-six dollars; Ensigns and Cornets, twenty dollars; Surgeons, forty-five dollars; Surgeon's mates, thirty dollars; Sergeant-majors and Quartermaster-sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; musicians, five dollars; privates, four dollars; artificers allowed to the infantry, light dragoons, and artillery, nine dollars; matrons and nurses in the hospital, eight dollars.

Sec. 11. *And be it further enacted*, That the commissioned officers aforesaid shall be entitled to receive for their daily subsistence, the following number of rations of provisions, to wit: a Major General fifteen rations; a Brigadier General, twelve rations; a Lieutenant Colonel commandant, and Quartermaster-General, each six rations; a Major of artillery and Aid-de-Camp, four rations; a Captain three rations; a Lieutenant, or cornet, two rations; a Surgeon, as well as hospital as regimental, three rations; a Surgeon's Mate, two rations; a Deputy Quartermaster, two rations; a principal and second artificer, each, two

rations; a Chaplain, two rations, or money in lieu thereof, at the option of the said officers, at the contract price, at the posts, respectively, where the rations shall become due.

Sec. 12. *And be it further enacted*, That the officers hereinafter described shall, whenever forage shall not be furnished by the public, receive at the rate of the following enumerated sums, per month, instead thereof, to wit: the Major General, twenty dollars; the Brigadier General, sixteen dollars; Lieutenant Colonel, twelve dollars; Quartermaster General, Adjutant General, and Surgeon General, each, twelve dollars; Major, ten dollars; Aid-de-Camp, Brigade Major, and Surgeon, each, ten dollars; Captain of cavalry, eight dollars; Chaplain and Surgeon's Mate, each, six dollars; Deputy Quartermaster and subalterns of cavalry, each, six dollars; Principal Artificer, Paymaster, Adjutant, and regimental Quartermaster, each, six dollars.

Sec. 13. *And be it further enacted*, That, if any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the United States, at such rate of pay, and under such regulations, as shall be directed by the President of the United States for the time being: *Provided, always*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned officer shall never exceed, for the highest disability, half the monthly pay of such officer, at the time of his being so disabled or wounded; and that the rate of compensation to non-commissioned officers, privates, and musicians, shall never exceed five dollars per month: *And provided, also*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability.

Sec. 14. *And be it further enacted*, That the officers, non-commissioned officers, privates, and musicians, aforesaid, shall be governed by the rules and articles of war which have been established by the United States in Congress assembled, as far as the same may be applicable to the Constitution of the United States, or by such rules and articles as may hereafter by law be established.

Sec. 15. *And be it further enacted*, That every officer, non-commissioned officer, private, and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B., do solemnly swear (or affirm, as the case may be,) to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against all their enemies or opposers, whomsoever, and to obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war."

Sec. 16. *And be it further enacted*, That it shall be lawful for the President of the United States to arm the troops aforesaid, whether riflemen, artilleryists, dragoons, or infantry, as he shall think proper; and that it be also lawful for him to forbid to raise, or to discharge, after they shall be raised, any part thereof, in case events shall, in his

judgment, tender his so doing consistent with public safety, and general convenience and economy.

Sec. 17. *And be it further enacted*, That every person who shall procure or entice a soldier in the service of the United States, to desert, or who shall conceal such soldier, knowing him to have deserted, or who shall purchase from such soldier his arms, or his uniform clothing, or any part thereof; and every Captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the Court, in any sum not exceeding three hundred dollars, or be imprisoned for any term not exceeding one year.

Sec. 18. *And be it further enacted*, That the several acts, entitled "An act for regulating the Military Establishment of the United States;" "An act for raising and adding another regiment to the Military Establishment of the United States, and for making further provision for the protection of the frontiers;" "An act for making further and more effectual provision for the protection of the frontiers of the United States," be, and the same are hereby repealed; and, also, so much of any act or acts of the present session, as comes within the purview of this act: *Provided, always*, That nothing in this section contained shall be so construed, as to vacate the commissions which have been issued, or any appointments or enlistments which have been made in pursuance of the acts herein repealed.

Approved, March 3, 1795.

An Act making further provision for the support of Public Credit, and for the redemption of the Public Debt.

Be it enacted, &c., That it shall be lawful for the Commissioners of the Sinking Fund, and they are hereby empowered, with the approbation of the President of the United States, to borrow, or cause to be borrowed from time to time, such sums, in anticipation of the revenue appropriated, not exceeding, in one year, one million of dollars, to be reimbursed within a year from the time of each loan, as may be necessary for the payment of the interest which shall annually accrue on the public debt; and for the payment of the interest on any such temporary loan, which shall not exceed six per centum per annum, so much of the proceeds of the duties on goods, wares and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary, shall be, and are hereby, appropriated.

Sec. 2. *And be it further enacted*, That a loan be opened at the Treasury, to the full amount of the present foreign debt, to continue open until the last day of December, in the year one thousand seven hundred and ninety-six, and that the sums which may be subscribed to the said loan shall be payable and receivable, by way of exchange, in

equal sums of the principal of the said foreign debt; and that any sum so subscribed and paid shall bear an interest equal to the rate of interest which is now payable on the principal of such part of the foreign debt as shall be paid or exchanged therefor, together with an addition of one-half per centum per annum; the said interest to commence on the first day of January next succeeding the time of each subscription, and to be paid quarterly, at the same periods at which interest is now payable and paid upon the domestic funded debt: *Provided*, That the principal of the said loan may be reimbursed at any time, at the pleasure of the United States.

Sec. 8. *And be it further enacted*, That credits to the respective subscribers for the sums by them respectively subscribed to the said loan, shall be entered and given on the books of the Treasury in like manner as for the present domestic funded debt; and that certificates thereof, of a tenor conformable with the provisions of this act, signed by the Register of the Treasury, shall issue to the several subscribers, and that the said credits, or stock standing in the names of the said subscribers, respectively, shall be transferable, in like manner, and by the like ways and means, as are provided by the seventh section of the act aforesaid, entitled "An act making provision for the debt of the United States," touching the credits or stock therein mentioned; and that the interest to be paid upon the stock loan shall be paid at the offices or places where the credits for the same shall from time to time stand or be, subject to the like conditions and restrictions as are prescribed in and by the eighth section of the act last aforesaid.

Sec. 4. *And be it further enacted*, That the interest and principal of all loans authorized by this act shall be made payable at the Treasury of the United States only, so far as relates to the payment of the principal and interest of the domestic debt.

Sec. 5. *And be it further enacted*, That so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, heretofore appropriated for the interest of the foreign debt, as may be liberated or set free, by subscriptions to the said loan, together with such further sums of the proceeds of the said duties as may be necessary, shall be, and they are hereby, pledged and appropriated, for the payment of the interest which shall be payable upon the sums subscribed to the said loan, and shall continue so pledged and appropriated until the principal of the said loan shall be fully reimbursed and redeemed: *Provided, always*, That nothing herein contained shall be construed to alter, change, or in any manner affect the provisions heretofore made concerning the said foreign debt, according to contract, either during the pendency of the said loan or after the closing thereof; but every thing shall proceed, touching the said debt, and every part thereof, in the same manner as if this act had never been passed, except as to such holders there-

of as may subscribe to the said loan, and from the time of the commencement thereof in each case, that is, when interest on any sum subscribed shall begin to accrue.

Sec. 6. *And be it further enacted*, That the several and respective duties laid and contained in and by the act, entitled "An act laying additional duties on goods, wares, and merchandise imported into the United States," passed the seventh day of June, one thousand seven hundred and ninety-four, shall, together with the other duties heretofore charged with the payment of interest on the public debt, continue to be levied, collected, and paid, until the whole of the capital or principal of the present debt of the United States, and future loans which may be made pursuant to law, for the exchange, reimbursement, or redemption thereof, or of any part thereof, shall be reimbursed or deemed, and shall be, and hereby are, pledged and appropriated for the payment of interest upon the said debt and loans, until the same shall be so reimbursed or redeemed.

Sec. 7. *And be it further enacted*, That the reservation made by the fourth section of the aforesaid act, entitled "An act making provision for the reduction of the public debt," be annulled, and, in lieu thereof, that so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and stills, as may be necessary, be, and the same hereby are, substituted, pledged, and appropriated for satisfying the purpose of the said reservation.

Sec. 8. *And be it further enacted*, That the following appropriations, in addition to those heretofore made be made, to the fund constituted by the seventh section of the act, entitled "An act supplementary to the act making provision for the debt of the United States," passed the eighth day of May, one thousand seven hundred and ninety-two, to be hereafter denominated "The Sinking Fund," to wit: First, So much of the proceeds of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and on spirits distilled within the United States, and stills, as, together with the moneys which now constitute the said fund, and shall accrue to it, by virtue of the provisions hereinbefore made, and by the interest upon each instalment, or part of principal which shall be reimbursed, will be sufficient, yearly and every year, commencing the first day of January next to reimburse and pay so much as may rightfully be reimbursed and paid, of the principal of that part of the debt or stock which, on the said first day of January next, shall bear an interest of six per centum per annum, redeemable by payments on account both of principal and interest, not exceeding, in one year, eight per centum, excluding that which shall stand to the credit of the Commissioners of the Sinking Fund, and that which shall stand to the credit of certain States, in consequence of the balances reported in their favor by the Commissioners for settling accounts between the United States and individual States: Secondly, The dividends which shall be from time to time declared on

so much of the stock of the Bank of the United States as belongs to the United States, (deducting thereout such sums as will be requisite to pay interest on any part remaining unpaid of the loan of two million of dollars had of the Bank of the United States, pursuant to the eleventh section of the act by which the said Bank is incorporated.) Thirdly, So much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and on spirits distilled within the United States, and stills, as, with the said dividends, after such deduction, will be sufficient, yearly and every year, to pay the remaining instalments of the principal of the said loan as they shall become due, and as, together with any moneys which, by virtue of provisions in former acts, and hereinbefore made, shall, on the first day of January, in the year one thousand eight hundred and two, belong to the said Sinking Fund, not otherwise specially appropriated; and with the interest on each instalment, or part of principal, which shall from time to time be reimbursed or paid of that part of the debt or stock, which, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, will be sufficient, yearly and every year, commencing on the first day of January, in the year one thousand eight hundred and two, to reimburse and pay so much as may rightfully be reimbursed and paid of the said principal of the said debt or stock which shall so begin to bear an interest of six per centum per annum, on the said first day of January, in the year one thousand eight hundred and one, to the credit of the Commissioners of the Sinking Fund and that which shall stand to the credit of certain States, as aforesaid: Fourthly, The net proceeds of the sales of lands belonging, or which shall hereafter belong to the United States, in the Western Territory thereof: Fifthly, All moneys which shall be received into the Treasury by reason of count of debts due to the United States by reason of any matter prior to their present Constitution: And, lastly, All surpluses of the revenues of the United States which shall remain, at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law.

Sec. 9. *And be it further enacted*, That as well the moneys which shall accrue to the said Sinking Fund, by virtue of the provisions of this act, as those which shall have accrued to the same by virtue of the provisions of any former act or acts, shall be under the direction and management of the Commissioners of the Sinking Fund, or the officers designated in and by the second section of the act, entitled "An act making provision for the reduction of the Public Debt," passed the twelfth day of August, one thousand seven hundred and ninety, and their successors in office; and shall be and continue appropriated to the said fund until the whole of the present debt of the United States, foreign and domestic, funded and unfunded, including future loans, which

may be made for reimbursing or redeeming any instalments or parts of principal of the said debt, shall be reimbursed and redeemed; and shall be, and are hereby declared to be, vested in the said Commissioners, in trust, to be applied according to the provisions of the aforesaid act of the eighth day of May, in the year one thousand seven hundred and ninety-two, and of this act, to the reimbursement and redemption of the said debt, including the loans aforesaid, until the same shall be fully reimbursed and redeemed. And the faith of the United States is hereby pledged that the moneys or funds aforesaid shall inviolably remain and be appropriated and vested, as aforesaid, to be applied to the said reimbursement and redemption, in manner aforesaid, until the same shall be fully and completely effected.

Sec. 10. *And be it further enacted*, That all reimbursements of the capital or principal of the Public Debt, foreign and domestic, shall be made under the superintendence of the Commissioners of the Sinking Fund, who are hereby empowered and required, if necessary, with the approbation of the President of the United States, as any instalments or parts of the said capital or principal become due, to borrow, on the credit of the United States, the sums requisite for the payment of the said instalments or parts of principal: *Provided*, That any loan which may be made to the said Commissioners shall be liable to reimbursement at the pleasure of the United States; and that the rate of interest thereupon shall not exceed six per centum per annum; and, for greater caution, it is hereby declared that it shall be deemed a good execution of the said power to borrow, for the said Commissioners, with the approbation of the President, to cause to be constituted certificates of stock, signed by the Register of the Treasury, for the sums to be respectively borrowed, bearing an interest of six per centum per annum, and redeemable at the pleasure of the United States; and to cause the said certificates of stock to be sold in the market of the United States, or elsewhere: *Provided*, That no such stock be sold under par. And for the payment of interest on any sum or sums which may be so borrowed, either by direct loans or by the sale of certificates of stock, the interest on the sum or sums which shall be reimbursed by the proceeds thereof, (except that upon the funded stock, bearing and to bear an interest of six per centum, redeemable by payments, not exceeding in one year eight per centum on account both of principal and interest,) and so much of the duties on goods, wares, and merchandise imported, on the tonnage of ships or vessels, and upon spirits distilled within the United States, and upon stills, as may be necessary, shall be, and hereby are, pledged and appropriated.

Sec. 11. *And be it further enacted*, That it shall be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly and every year, at the Treasury of the United States, the several and respective sums following, to wit: First—Such sum and sums as, according to the right for that purpose

reserved, may rightfully be paid for, and towards the reimbursement or redemption of such Debt or stock of the United States, as, on the first day of January next, shall bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year eight per centum, on account both of principal and interest, excluding that standing to the credit of the Commissioners of the Sinking Fund, and that standing to the credit of certain States, as aforesaid, commencing the said reimbursement or redemption on the said first day of January next. Secondly—Such sum and sums as, according to the conditions of the aforesaid Loan, had of the Bank of the United States, shall be henceforth payable towards the reimbursement thereof, as the same shall respectively accrue. Thirdly—Such sum and sums, as according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of such Debt or stock of the United States as, on the first day of January, in the year one thousand eight hundred and one, shall begin to bear an interest of six per centum per annum, redeemable by payments, not exceeding in one year eight per centum, on account both of principal and interest, excluding that standing to the credit of the Commissioners of the Sinking Fund, and that standing to the credit of certain States, as aforesaid, commencing the said reimbursement or redemption, on the first day of January, in the year one thousand eight hundred and two; and also to cause to be applied all such surplus of the said fund as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption of the present Debt of the United States, foreign and domestic, funded and unfunded, including loans for the reimbursement thereof, by payment or purchase, until the said Debt shall be completely reimbursed or redeemed.

Sec. 12. *Provided always, and be it further enacted*, That nothing in this act shall be construed to vest in the Commissioners of the Sinking Fund a right to pay, in the purchase or discharge of the unfunded Domestic Debt of the United States, a higher rate than the market price or value of the Funded Debt of the United States: *And, provided also*, That if, after all the debts and loans aforesaid, now due, and that shall arise under this act, excepting the said Debt or stock bearing an interest of three per cent., shall be fully paid and discharged, any part of the principal of the said Debt or stock bearing an interest of three per cent., as aforesaid, shall be unredeemed, the Government shall have liberty, if they think proper, to make other and different appropriations of the said funds.

Sec. 13. *And be it further enacted*, That all priorities heretofore established in the appropriations by law, for the interest on the Debt of the United States, as between the different parts of the said Debt, shall, after the year one thousand seven hundred and ninety-six, cease, with regard to all creditors of the United States who do not, before the expiration of the said period, signify, in writing, to the Comptroller of the Treasury, their dissent therefrom; and that thenceforth, with the

exception only of the debts of such creditors who shall so signify their dissent, the funds or revenues charged with the said appropriations shall, together, constitute a common or consolidated fund, chargeable indiscriminately, and without priority, with the payment of the said interest.

Sec. 14. *And be it further enacted*, That all certificates, commonly called Loan Office certificates, final settlements, and indents of interest, which, at the time of passing this act, shall be outstanding, shall, on or before the first day of January, in the year one thousand seven hundred and ninety-seven, be presented at the office of the Auditor of the Treasury of the United States, for the purpose of being exchanged for other certificates of equivalent value and tenor, or, at the option of the holders thereof, respectively, to be registered at the said office, and returned; in which case it shall be the duty of the said Auditor to cause some durable mark or marks to be set on each certificate, which shall ascertain and fix its identity, and whether genuine, or counterfeit, or forged; and every of the said certificates which shall not be presented at the said office within the said time, shall be forever after barred or precluded from settlement of allowance.

Sec. 15. *And be it further enacted*, That if any transfer of stock standing to the credit of a State shall be made pursuant to the act, entitled "An act authorizing the transfer of the stock standing to the credit of certain States," passed the second day of January, in this present year, after the last day of December next, the same shall be upon condition, that it shall be lawful to reimburse, at a subsequent period of reimbursement, so much of the principal of the stock so transferred as will make the reimbursement thereof equal in proportion and degree to that of the same stock transferred previous to the said day.

Sec. 16. *And be it further enacted*, That, in regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of interest on the Funded Debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the United States, for the purposes of the Sinking Fund, or for a purpose in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated "The Surplus Fund." But no appropriation shall be deemed to have so ceased and been determined until after the year one thousand seven hundred and ninety-five, unless it shall appear to the Secretary of the Treasury, that the object thereof hath been fully satisfied; in which case it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of "the Surplus Fund."

Sec. 17. *And be it further enacted*, That the Department of the Treasury, according to the respective duties of the several officers thereof, shall

establish such forms and rules of proceeding for and touching the execution of this act as shall be conformable with the provisions thereof.

Sec. 18. *And be it further enacted*, That all the restrictions and regulations heretofore established by law for regulating the execution of the duties enjoined upon the Commissioners of the Sinking Fund shall apply to and be in as full force for the execution of the analogous duties enjoined by this act as if they were herein particularly repeated and re-enacted; and a particular account of all sales of stock, or of loans by them made, shall be laid before Congress within fourteen days after their meeting next after the making of any such loan or sale of stock.

Sec. 19. *And be it further enacted*, That in every case in which power is given by this act to make a loan, it shall be lawful for such loan to be made of the Bank of the United States, although the same may exceed the sum of fifty thousand dollars.

Sec. 20. *And be it further enacted*, That so much of the act laying duties upon carriages for the conveyance of persons, and of the act laying duties on licenses for selling wines and foreign distilled spirituous liquors by retail, and of the act laying certain duties upon snuff and refined sugar, and of the act laying duties on property sold at auction, as limits the duration of the said several acts, be, and the same is hereby repealed; and that all the said several acts be, and the same are hereby, continued in force until the first day of March, one thousand eight hundred and one.

Approved, March 3, 1795.

An Act making further appropriations for the Military and Naval Establishments, and for the support of Government.

Be it enacted, &c., That, including the appropriation of five hundred thousand dollars, made for the Military Establishment for the year one thousand seven hundred and ninety-five, by an act of the present session, there be appropriated for the said Military Establishment a sum not exceeding one million four hundred and sixty-nine thousand four hundred and thirty-nine dollars and twenty-nine cents—that is to say: For the pay of the legion of the United States, three hundred and four thousand five hundred and forty-eight dollars. For the pay of the corps of artillery, fifty-six thousand eight hundred and sixty-eight dollars. For subsistence of the legion and artillery, three hundred and sixty-one thousand seven hundred and nineteen dollars and thirty cents. For forage and cavalry, thirty-three thousand seven hundred and twenty dollars. For clothing, one hundred and twenty thousand four hundred and forty dollars. For equipments for the cavalry, seven thousand three hundred and fourteen dollars. For horses for the cavalry, twenty-four thousand dollars. For bounty, five thousand dollars. For the hospital department, twenty thousand dollars. For the ordnance department, eleven thousand three hundred and sixty-five dollars and ninety-nine cents. For the Indian depart-

Acts of Congress.

ment, eighty thousand dollars. For the quartermaster's department, one hundred and fifty thousand dollars. For contingencies of the War Department, thirty thousand dollars. For the defensive protection of the frontiers, one hundred and thirty thousand dollars. For the completion of the fortifications, fifty thousand dollars. For additional pay and bounty to the legion and artillery, pursuant to an act of the present session, seventy-seven thousand four hundred and sixty-four dollars.

SEC. 2. *And be it further enacted*, That, for defraying the expense of six months' pay and subsistence of a detachment of militia under the command of Major General Morgan, pursuant to an act of the present session, there be appropriated the sum of one hundred thousand six hundred and eighty-two dollars—that is to say: For the general staff, four thousand one hundred and thirty-four dollars. For Major Brooke's battalion, nineteen thousand eight hundred and forty-eight dollars. For Major Linn's battalion, twenty-one thousand three hundred dollars. For cavalry, twenty-three thousand four hundred dollars. For subsistence, twenty-four thousand dollars. For forage for officers and cavalry, eight thousand dollars.

SEC. 3. *And be it further enacted*, That the surplus which may remain unexpended of the sum of six hundred and eighty-eight thousand eight hundred and eighty-eight dollars and eighty-two cents, which was appropriated for the use of the Naval Department, in the year one thousand seven hundred and ninety-four, by an act passed the ninth day of June last, shall be, and the same is hereby, appropriated to the use of the said Naval Department, for the year one thousand seven hundred and ninety-five.

SEC. 4. *And be it further enacted*, That there be appropriated the several sums following, to wit: For the payment of military pensions, for the year one thousand seven hundred and ninety-five, eighty-five thousand three hundred and fifty-seven dollars and four cents; and a sum not exceeding ten thousand dollars for the contingent purposes of Government, subject to the disposition of the President of the United States.

SEC. 5. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid and discharged out of the funds following, to wit: First—The surplus of the sum of six hundred thousand dollars, reserved by the "Act making provision for the Debt of the United States," and which will accrue during the year one thousand seven hundred and ninety-five. Secondly—The surplus of revenue and income beyond the appropriations heretofore charged thereupon, to the end of the year one thousand seven hundred and ninety-five; and, Thirdly—The surplus which shall remain unexpended of the moneys appropriated to the use of the War Department for the year one thousand seven hundred and ninety-four.

SEC. 6. *And be it further enacted*, That the President of the United States be empowered to borrow, on behalf of the United States, of the

Bank of the United States, which is hereby authorized to lend the same, or of any other body or bodies politic, person or persons, any sum or sums not exceeding in the whole the sums herein appropriated, and to be applied to the purposes aforesaid, and to be reimbursed, as well interest as principal, out of the funds aforesaid.

Approved, March 3, 1795.

An Act supplementary to the act entitled "An act establishing a Mint, and regulating the coins of the United States."

BE IT ENACTED, &c., That, for the better conducting of the business of the Mint of the United States, there shall be an additional officer appointed therein, by the name of the Melter and Refiner, whose duty shall be to take charge of all copper, and silver or gold bullion, delivered out by the Treasurer of the Mint, after it has been assayed, agreeably to the rules and customs of the Mint already directed and established, or which may hereafter be directed and established, by the accounting officers of the Treasury, and to reduce the same into bars or ingots, fit for the rolling mills, and then to deliver them to the Coiner or Treasurer, as the Director shall judge expedient; and to do and perform all other duties belonging to the office of a Melter and Refiner, or which shall be ordered by the Director of the Mint.

SEC. 2. *And be it further enacted*, That the Melter and Refiner of the said Mint shall, before he enters upon the execution of his said office, take an oath or affirmation before some Judge of the United States, faithfully and diligently to perform the duties thereof. And, also, shall become bound to the United States of America, with one or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of six thousand dollars, with condition for the faithful and diligent performance of the several duties of his office.

SEC. 3. *And be it further enacted*, That there shall be allowed and paid to the said Melter and Refiner of the Mint, as a compensation for his services, the yearly salary of fifteen hundred dollars.

SEC. 4. *And be it further enacted*, That the Director of the Mint be, and hereby is, authorized, with the approbation of the President of the United States, to employ such person as he may judge suitable to discharge the duties of the Melter and Refiner, until a Melter and Refiner shall be appointed by the President, by and with the advice of the Senate.

SEC. 5. *And be it further enacted*, That the Treasurer of the Mint shall be, and he is hereby, directed to retain two cents per ounce from every deposit of silver bullion, below the standard of the United States, which hereafter shall be made for the purpose of refining and coining; and four cents per ounce from every deposit of gold bullion made as aforesaid, below the standard of the United States, unless the same shall be so far below the standard as to require the operation of

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the test, in which case the Treasurer shall retain six cents per ounce, which sum so retained shall be accounted for by the said Treasurer with the Treasury of the United States, as a compensation for melting and refining the same.

SEC. 6. *And be it further enacted*, That the Treasurer of the Mint shall not be obliged to receive from any person, for the purpose of refining and coining, any deposit of silver bullion, below the standard of the United States, in a smaller quantity than two hundred ounces; nor a like deposit of gold bullion below the said standard, in a smaller quantity than twenty ounces.

SEC. 7. *And be it further enacted*, That, from and after the passing of this act, it shall and may be lawful for the officers of the Mint to give a preference to silver or gold bullion, deposited for coinage, which shall be of the standard of the United States, so far as respects the coining of the same, although bullion below the standard, and not yet refined, may have been deposited for coinage, previous thereto, any law to the contrary notwithstanding: *Provided*, That nothing herein shall justify the officers of the Mint, or any one of them, in unnecessarily delaying the refining any silver or gold bullion below standard, that may be deposited as aforesaid.

SEC. 8. *And be it further enacted*, That the President of the United States be, and he is hereby, authorized, whenever he shall think it for the benefit of the United States, to reduce the weight of the copper coin of the United States: *Provided*, Such reduction shall not, in the whole, exceed two pennyweights in each cent, and in the like proportion in a half cent; of which he shall give notice by Proclamation, and communicate the same to the then next session of Congress.

SEC. 9. *And be it further enacted*, That it shall be the duty of the Treasurer of the United States, from time to time, as often as he shall receive copper cents and half cents from the Treasurer of the Mint, to send them to the Bank or Branch Banks of the United States, in each of the States where such Bank is established; and where there is no Bank established, then to the Collector of the principal town in such State, (in the proportion of the number of inhabitants of such State,) to be by such Bank or Collector paid out to the citizens of the State for cash, in sums not less than ten dollars value: and that the same be done at the risk and expense of the United States, under such regulations as shall be prescribed by the Department of the Treasury.

Approved, March 3, 1795.

An Act for the more effectual recovery of debts due from individuals to the United States.

BE IT ENACTED, &c., That the Comptroller of the Treasury be, and is hereby, authorized to issue a notification to any person who has received moneys for which he is accountable to the United States, or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, at such time as he shall think reasonable, according to the circum-

stances of the case, within twelve months from the date of such notification, all his accounts and vouchers, for the expenditure of the said moneys, and in default thereof, suits shall, at the discretion of the Comptroller of the Treasury be commenced for the same, without further notice. And the party sued as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in his favor or against him.

SEC. 2. *And be it further enacted*, That the Marshals of the respective districts be, and are hereby, authorized and directed to serve the said notifications on the parties therein named, by leaving in copies thereof at their respective dwellings, or usual places of abode, at least four months before the time fixed in such notification for rendering their accounts, as aforesaid, and that the return of the said notifications to the Comptroller's office, with the Marshal's certificate thereon, that such service has been made, be deemed legal evidence in the District or Circuit Courts, of the proceeding, and for the recovery of costs and charges. And that in cases where accounts shall be rendered to the Auditor of the Treasury, within the time limited in the notifications aforesaid, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the Comptroller, with a particular list of any claims which shall have been disallowed by him. And that the Comptroller of the Treasury immediately proceed to the examination of the credits allowed by the Auditor, and if the same be approved by him, that he cause credit therefor to be passed on the public books. And the Comptroller shall also appoint a day for hearing the claimant on the claims so disallowed by the Auditor, as aforesaid.

SEC. 3. *And be it further enacted*, That a list of all such credits aforesaid, as shall have been claimed, and not admitted by the Comptroller, be made out and transmitted to the Marshal of the district, where the claimant resides; and that a copy thereof be served on the claimant, or left at his dwelling or last usual place of abode, with notice of the time assigned by the Comptroller, for the final hearing, as aforesaid, at least four months before such hearing: of which proceedings, the Marshal is hereby directed to transmit an official return to the Comptroller. And in case of omission or neglect on the part of the claimant to assign in writing, or otherwise, his reasons to the Comptroller, within the time limited, as aforesaid, why the suspended credits should be admitted, all future claims therefor shall be, and are hereby forever barred. But in case the claimant shall, within the time aforesaid, assign in writing, or otherwise, his reasons why the suspended credits should be admitted, the Comptroller shall immediately consider the same, and decide thereon according to the principles of equity, and the usages of the Treasury Department.

SEC. 4. *And be it further enacted*, That in all cases where the final decision of the Comptroller shall be against the claimant, such determination shall be final and conclusive to all concerned.

Approved, March 3, 1795.

Acts of Congress.

An Act to authorize a grant of lands to the French inhabitants of Gallipolis, and for other purposes therein mentioned.

Be it enacted, &c., That the President of the United States shall be, and he is hereby authorized and empowered to cause to be surveyed in the Territory Northwest of the Ohio, a tract of land situated on the northerly bank of the river Ohio, beginning one mile and a half on a straight line above the mouth of Little Sandy, thence down the said river Ohio, along the courses thereof eight miles when reduced to a straight line, thence at right angles from each extremity of the said line, so as to include the quantity of twenty-four thousand acres of land to be disposed as hereinafter directed.

SEC. 2. *And be it further enacted,* That the President be authorized to cause to be ascertained the number of French inhabitants and actual settlers of the town or settlement of Gallipolis, being males above eighteen years of age, or widows who are or shall be within the said town or settlement of Gallipolis on the first day of November next.

SEC. 3. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized and empowered, to issue letters patent in the name and under the seal of the United States, thereby granting to John Gabriel Gervais and his heirs, four thousand acres of land, part of the said twenty-four thousand acres to be located on the Northwest bank of the river Ohio opposite to the mouth of the Little Sandy with conditions in the said letters patent that if the said John Gabriel Gervais or his heirs, shall not personally settle on the same tract of land, and continue settled for three years next thereafter, the same letters patent shall be void and determine, and the title thereof revert in the United States, as if this law had not passed.

SEC. 4. *And be it further enacted,* That the President of the United States shall be, and he is hereby authorized and empowered to cause to be surveyed, laid off, and divided, the remaining twenty thousand acres of land, residue of the twenty-four thousand acres, into as many lots or parts as the actual settlers of Gallipolis shall, on the ascertainment aforesaid, amount to, and the same to be designated, marked, and numbered, on a plat thereof, to be returned to the Secretary of the said Territory, together with a certificate of the courses of the said lots, the said lots, or parts of the aforesaid tract, to be assigned to the settlers aforesaid by lot. And the President of the United States is hereby authorized and empowered, to issue letters patent as aforesaid, to the said actual settlers and their heirs, for the said twenty thousand acres to be held by them in severalty in lots to be designated and described by their numbers on the plat aforesaid, with condition in the same letters patent, that if one or more of the said grantees, his or her heirs or assigns, shall not, within five years from the date of the same letters, make or cause and procure to be made an actual settlement on the lot or lots assigned to him, her or them, and the same continue for five years there-

after, that then the said letters patent, so far as concerns the said lot or lots not settled and continued to be settled as aforesaid, shall cease and determine, and the title thereof shall revert in the United States in the same manner as if this law had not passed.

SEC. 5. *And be it further enacted,* That nothing in this act shall be taken or considered in any manner to impair or affect the claims of the said settlers against any person or persons, for or by reason of any contracts heretofore made by them, but that the same contracts shall be and remain in the same state as if this law had not passed.

Approved, March 3, 1795.

An Act for the more general promulgation of the Laws of the United States.

Be it enacted, &c., That for the more general promulgation of the Laws of the United States, the Secretary for the Department of State shall, after the end of the next session of Congress, cause to be printed and collated, at the public expense, a complete edition of the Laws of the United States, comprising the Constitution of the United States, the Public Acts then in force, and the Treaties, together with an index to the same.

SEC. 2. *And be it further enacted,* That, four thousand five hundred copies of the said edition, shall be divided by the said Secretary, among the respective States and the Territories Northwest and South of the river Ohio, according to the rule for apportioning representatives; and that the proportion of each State or Territory, shall be transmitted by the said Secretary to the Governor or Supreme Executive Magistrate thereof, to be deposited in such fixed and convenient place in each county, or other subordinate civil division of such State or Territory, as the Executive or Legislature thereof shall deem most conducive to the general information of the people; and that five hundred copies of the said edition be reserved for the future disposition of Congress.

SEC. 3. *And be it further enacted,* That the acts passed at each succeeding session of Congress, including future Treaties, shall be printed and distributed in like manner and proportion.

Approved, March 3, 1795.

An Act making provision for the purposes of trade with the Indians.

Be it enacted, &c., That a sum not exceeding fifty thousand dollars be appropriated to the purchase of goods for supplying the Indians within the limits of the United States, for the year one thousand seven hundred and ninety-five; and the sale of such goods be made under the direction of the President of the United States.

Approved, March 3, 1795.

An Act to regulate the compensation of Clerks.

Be it enacted, &c., That the Secretary of the Treasury, the Secretary of the Department of State, and the Secretary of the Department of

Acts of Congress.

War, be authorized to vary, for the present year, the compensation heretofore established for clerks in their respective Departments, in such manner as the services to be performed shall in their judgment require; so, however, that no principal clerk shall receive more than at the rate of one thousand dollars per annum, and that the aggregate of the compensations for clerks in either of the said Departments shall not for the said year exceed the aggregate of the compensations allowed for clerks in the same Department for the year one thousand seven hundred and ninety-four; and that an additional compensation not exceeding the rate of two hundred dollars per annum be allowed for one clerk employed by the Director of the Mint during the present year.

SEC. 2. *And be it further enacted,* That there be allowed for the year one thousand seven hundred and ninety-five, to the Commissioners of Loans in the States of Massachusetts and New York, respectively, not exceeding five clerks at the rate of five hundred dollars each; to the Commissioner of Loans in the State of Connecticut, not exceeding two clerks at the rate of four hundred dollars each; and to the Commissioner of Loans in the States of Pennsylvania, Virginia, and South Carolina respectively, not exceeding two clerks at

the rate of five hundred dollars each. The aggregate of the compensations for clerks employed by either of the said Commissioners to be apportioned among them at his discretion. That there be allowed for the year aforesaid, in lieu of clerk hire, to the Commissioner of Loans in the State of New Hampshire, three hundred and fifty dollars; to the Commissioner of Loans in the State of Rhode Island, four hundred dollars; to the Commissioner of Loans in the State of New Jersey, three hundred dollars; and to the Commissioner of Loans in the State of Maryland, two hundred and fifty dollars.

Approved, March 3, 1795.

An Act authorizing the exportation of arms, cannon, and military stores, in certain cases.

Be it enacted, &c., That in cases connected with the security of the commercial interest of the United States, and for public purposes only, the President of the United States be, and hereby is authorized to permit the exportation of arms, cannon, and military stores, the law prohibiting the exportation of the same to the contrary notwithstanding.

Approved, March 3, 1795.

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